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UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
ONE HUNDRED SIXTEENTH CONGRESS
OF THE UNITED STATES OF AMERICA

2020

AND

PROCLAMATIONS

VOLUME 134

PUBLIC LAWS 116–109 THROUGH 116–344

UNITED STATES
GOVERNMENT PUBLISHING OFFICE
WASHINGTON : 2024

PUBLISHED BY AUTHORITY OF LAW UNDER THE DIRECTION OF THE ARCHIVIST OF THE UNITED STATES BY THE OFFICE OF THE FEDERAL REGISTER, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

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ENACTED DURING

SECOND SESSION OF THE ONE HUNDRED SIXTEENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Friday, January 3, 2020, adjourned sine die on Sunday, January 3, 2021. DONALD J. TRUMP, *President;* MICHAEL R. PENCE, *Vice President;* NANCY PELOSI, *Speaker of the House of Representatives.*

Public Law 116–109
116th Congress

An Act

To amend the Communications Act of 1934 to provide for enhanced penalties for pirate radio, and for other purposes.

Jan. 24, 2020
[H.R. 583]

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

SECTION 1. SHORT TITLE.

Preventing Illegal Radio Abuse Through Enforcement Act.
47 USC 609 note.

This Act may be cited as the "Preventing Illegal Radio Abuse Through Enforcement Act" or the "PIRATE Act".

SEC. 2. PIRATE RADIO ENFORCEMENT ENHANCEMENTS.

Title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by adding at the end the following new section:

"SEC. 511. ENHANCED PENALTIES FOR PIRATE RADIO BROADCASTING; ENFORCEMENT SWEEPS; REPORTING.

47 USC 511.

"(a) INCREASED GENERAL PENALTY.—Any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $2,000,000.

"(b) VIOLATION OF THIS ACT, RULES, OR REGULATIONS.—Any person who willfully and knowingly violates this Act or any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is party, relating to pirate radio broadcasting shall, in addition to any other penalties provided by law, be subject to a fine of not more than $100,000 for each day during which such offense occurs, in accordance with the limit described in subsection (a).

"(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the PIRATE Act, and annually thereafter, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the implementation of this section and associated enforcement activities for the previous fiscal year, which may include the efforts by the Commission to enlist the cooperation of Federal, State, and local law enforcement personnel (including United States attorneys and the United States Marshals Service) for service of process, collection of fines or forfeitures, seizures of equipment, and enforcement of orders.

"(d) ENFORCEMENT SWEEPS.—

Deadlines.

"(1) ANNUAL SWEEPS.—Not less than once each year, the Commission shall assign appropriate enforcement personnel to focus specific and sustained attention on the elimination of pirate radio broadcasting within the top 5 radio markets identified as prevalent for such broadcasts. Such effort shall include identifying, locating, and taking enforcement actions designed to terminate such operations.

"(2) ADDITIONAL MONITORING.—Within 6 months after conducting the enforcement sweeps required by paragraph (1), the Commission shall conduct monitoring sweeps to ascertain whether the pirate radio broadcasting identified by enforcement sweeps is continuing to broadcast and whether additional pirate radio broadcasting is occurring.

"(3) NO EFFECT ON REMAINING ENFORCEMENT.—Notwithstanding paragraph (1), the Commission shall not decrease or diminish the regular enforcement efforts targeted to pirate radio broadcast stations for other times of the year.

"(e) STATE AND LOCAL GOVERNMENT AUTHORITY.—The Commission may not preempt any State or local law prohibiting pirate radio broadcasting.

Notification.

"(f) REVISION OF COMMISSION RULES REQUIRED.—The Commission shall revise its rules to require that, absent good cause, in any case alleging a violation of subsection (a) or (b), the Commission shall proceed directly to issue a notice of apparent liability without first issuing a notice of unlicensed operation.

"(g) PIRATE RADIO BROADCASTING DATABASE.—

Deadline.

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, and semi-annually thereafter, the Commission shall publish a database in a clear and legible format of all licensed radio stations operating in the AM and FM bands. The database shall be easily accessible from the Commission home page through a direct link. The database shall include the following information:

Website.

"(A) Each licensed station, listed by the assigned frequency, channel number, or Commission call letters.

"(B) All entities that have received a notice of unlicensed operation, notice of apparent liability, or forfeiture order issued by the Commission.

"(2) CLEAR IDENTIFICATION.—The Commission shall clearly identify in the database—

"(A) each licensed station as a station licensed by the Commission; and

"(B) each entity described in paragraph (1)(B) as operating without a Commission license or authorization.

"(h) DEFINITION OF PIRATE RADIO BROADCASTING.—In this section, the term 'pirate radio broadcasting' means the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed

operations in compliance with part 15 of title 47, Code of Federal Regulations.".

Approved January 24, 2020.

LEGISLATIVE HISTORY—H.R. 583 (S. 1228):

SENATE REPORTS: No. 116–178 (Comm. on Commerce, Science, and Transportation) accompanying S. 1228.

CONGRESSIONAL RECORD:
Vol. 165 (2019): Feb. 25, considered and passed House.
Vol. 166 (2020): Jan. 8, considered and passed Senate.

Public Law 116–110
116th Congress

An Act

Jan. 27, 2020
[H.R. 263]

To rename the Oyster Bay National Wildlife Refuge as the Congressman Lester Wolff Oyster Bay National Wildlife Refuge.

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

New York.
16 USC 668dd note.

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Oyster Bay National Wildlife Refuge was created in 1968. It is located on the north shore of Long Island in eastern Nassau County, is the largest refuge in the Long Island National Wildlife Refuge Complex, and receives the most public use of all the refuges in the Complex.

(2) The State of New York designated Oyster Bay a significant coastal fish and wildlife habitat. It is especially important for wintering waterfowl such as black duck, greater scaup, bufflehead, canvasback and long-tailed ducks. Management activities include wetland restoration and protection of the natural shoreline and vegetation.

(3) The refuge is unique in consisting solely of bay bottom and adjacent shoreline up to the mean high-tide mark. Ninety percent of New York's commercial oyster harvest comes from the refuge. Visitors enjoy fishing, wildlife observation, photography and environmental education. The refuge is truly a national treasure.

(4) Many visitors are unaware that were it not for the tireless work and advocacy of then-freshman Congressman Lester Wolff, this area would today be an 8.5-mile causeway and bridge across Long Island Sound between Oyster Bay and Rye, New York, connecting Nassau and Westchester Counties.

(5) The bridge was first proposed by Robert Moses, the well-known New York City Planner, to divert traffic from New York City. Former Governor Nelson Rockefeller signed into law legislation creating the bridge authorized by the New York State Legislature in 1967.

(6) Congressman Wolff, elected in 1964, quickly decided the bridge would be an intrusion in a pristine area, and that Long Island Sound was a very precious resource that was despoiled. The conservation threats in the mid-1960s were suburban development, wetland filling, and industrial pollution. The fight to preserve this land became an enormous political fight and is considered to be a turning point in New York State's environmental legacy.

(7) With State and local political and community leaders, and especially the North Shore leaders and the Committee

to Save the Long Island Sound, Congressman Wolff arranged a meeting with Department of the Interior representatives and local leaders where the idea of creating a wildlife refuge from municipal and privately owned wetlands was created.

(8) The Town of Oyster Bay, in which one end of the bridge was to be located, deeded 5,000 acres of wetlands to the United States to be maintained as a Federal wildlife preserve. It was stipulated that if the Department of the Interior agreed to an intrusion of the property, it would revert to the town. Creating a Federal wildlife preserve provided the land with Federal protection.

(9) Because of the vision, dedication, and perseverance of Congressman Lester Wolff, all of us and future generations can enjoy the beauty and magnificence of this refuge.

SEC. 2. RENAMING THE OYSTER BAY NATIONAL WILDLIFE REFUGE AS THE CONGRESSMAN LESTER WOLFF OYSTER BAY NATIONAL WILDLIFE REFUGE.

(a) RENAMING.—The unit of the National Wildlife Refuge System known as the Oyster Bay National Wildlife Refuge and located near Oyster Bay, New York, shall be known as the "Congressman Lester Wolff Oyster Bay National Wildlife Refuge".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the unit of the National Wildlife Refuge System known as the Oyster Bay National Wildlife Refuge is deemed to be a reference to the "Congressman Lester Wolff Oyster Bay National Wildlife Refuge".

Approved January 27, 2020.

LEGISLATIVE HISTORY—H.R. 263:

HOUSE REPORTS: No. 116–228 (Comm. on Natural Resources).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Nov. 20, considered and passed House.
Vol. 166 (2020): Jan. 9, considered and passed Senate.

Public Law 116–111
116th Congress

An Act

Jan. 27, 2020
[H.R. 434]

To amend the National Trails System Act to provide for the study of the Emancipation National Historic Trail, and for other purposes.

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

Emancipation National Historic Trail Study Act.
Texas.
16 USC 1241 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emancipation National Historic Trail Study Act".

SEC. 2. EMANCIPATION NATIONAL HISTORIC TRAIL STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"(47) EMANCIPATION NATIONAL HISTORIC TRAIL.—The Emancipation National Historic Trail, extending approximately 51 miles from the Osterman Building and Reedy Chapel in Galveston, Texas, along Texas State Highway 3 and Interstate Highway 45 North, to Freedmen's Town, then to Independence Heights and Emancipation Park in Houston, Texas, following the migration route taken by newly freed slaves and other persons of African descent from the major 19th century seaport town of Galveston to the burgeoning community of Freedmen's Town, located in the 4th Ward of Houston, Texas.".

Approved January 27, 2020.

LEGISLATIVE HISTORY—H.R. 434:

HOUSE REPORTS: No. 116–135 (Comm. on Natural Resources).
CONGRESSIONAL RECORD:
Vol. 165 (2019): July 24, considered and passed House.
Vol. 166 (2020): Jan. 13, considered and passed Senate.

Public Law 116–112
116th Congress

An Act

To require that $1 coins issued during 2019 honor President George H.W. Bush and to direct the Secretary of the Treasury to issue bullion coins during 2019 in honor of Barbara Bush.

Jan. 27, 2020
[S. 457]

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

President George H.W. Bush and First Spouse Barbara Bush Coin Act.
31 USC 5112 note.
Effective date.

SECTION 1. SHORT TITLE.

This Act may be cited as the "President George H.W. Bush and First Spouse Barbara Bush Coin Act".

SEC. 2. COINS HONORING PRESIDENT GEORGE H.W. BUSH AND FIRST SPOUSE BARBARA BUSH.

(a) CIRCULATING $1 COINS HONORING PRESIDENT GEORGE H.W. BUSH.—Notwithstanding subsections (d), (n)(2)(E), (n)(3), (n)(4), and (n)(8) of section 5112 of title 31, United States Code, in addition to the coins to be issued under subsections (r) and (w) of such section 5112, and in accordance with the other provisions of subsection (n) of such section 5112, the Secretary of the Treasury, beginning on January 1, 2020, shall mint and issue $1 coins that bear—

(1) the image of President George H.W. Bush; and
(2) an inscription of the year "2020".

(b) BULLION COINS HONORING FIRST SPOUSE BARBARA BUSH.—Notwithstanding paragraphs (1) and (5)(C) of section 5112(o) of title 31, United States Code, and in accordance with the other provisions of such section 5112(o), the Secretary of the Treasury, beginning on January 1, 2020, shall mint and issue bullion coins that bear—

(1) the image of First Spouse Barbara Bush; and
(2) an inscription of the year "2020".

SEC. 3. FINANCIAL ASSURANCES.

The Secretary of the Treasury shall take such actions as may be necessary to ensure that the minting and issuing of coins under

this Act will not result in any net cost to the United States Government.

Approved January 27, 2020.

LEGISLATIVE HISTORY—S. 457:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 16, considered and passed Senate.
Vol. 166 (2020): Jan. 13, considered and passed House.

Public Law 116–113
116th Congress

An Act

To implement the Agreement between the United States of America, the United Mexican States, and Canada attached as an Annex to the Protocol Replacing the North American Free Trade Agreement.

Jan. 29, 2020
[H.R. 5430]

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

United States-Mexico-Canada Agreement Implementation Act.
Exports and imports.
19 USC 4501 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Mexico-Canada Agreement Implementation Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE USMCA

Sec. 101. Approval and entry into force of the USMCA.
Sec. 102. Relationship of the USMCA to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force; initial regulations; tariff proclamation authority.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Trade Representative authority.
Sec. 107. Effective date.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Exclusion of originating goods of USMCA countries from special agriculture safeguard authority.
Sec. 202. Rules of origin.
Sec. 202A. Special rules for automotive goods.
Sec. 203. Merchandise processing fee.
Sec. 204. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 205. Reliquidation of entries.
Sec. 206. Recordkeeping requirements.
Sec. 207. Actions regarding verification of claims under the USMCA.
Sec. 208. Drawback [reserved].
Sec. 209. Other amendments to the Tariff Act of 1930.
Sec. 210. Regulations.

TITLE III—APPLICATION OF USMCA TO SECTORS AND SERVICES

Subtitle A—Relief From Injury Caused by Import Competition [reserved]

Subtitle B—Temporary Entry of Business Persons [reserved]

Subtitle C—United States-Mexico Cross-Border Long-Haul Trucking Services

Sec. 321. Definitions.
Sec. 322. Investigations and determinations by Commission.

Sec. 323. Commission recommendations and report.
Sec. 324. Action by President with respect to affirmative determination.
Sec. 325. Confidential business information.
Sec. 326. Conforming amendments.
Sec. 327. Survey of operating authorities.

TITLE IV—ANTIDUMPING AND COUNTERVAILING DUTIES

Subtitle A—Preventing Duty Evasion

Sec. 401. Cooperation on duty evasion.

Subtitle B—Dispute Settlement [reserved]

Subtitle C—Conforming Amendments

Sec. 421. Judicial review in antidumping duty and countervailing duty cases.
Sec. 422. Conforming amendments to other provisions of the Tariff Act of 1930.
Sec. 423. Conforming amendments to title 28, United States Code.

Subtitle D—General Provisions

Sec. 431. Effect of termination of USMCA country status.
Sec. 432. Effective date.

TITLE V—TRANSFER PROVISIONS AND OTHER AMENDMENTS

Sec. 501. Drawback.
Sec. 502. Relief from injury caused by import competition.
Sec. 503. Temporary entry.
Sec. 504. Dispute settlement in antidumping and countervailing duty cases.
Sec. 505. Government procurement.
Sec. 506. Actions affecting United States cultural industries.
Sec. 507. Regulatory treatment of uranium purchases.
Sec. 508. Report on amendments to existing law.

TITLE VI—TRANSITION TO AND EXTENSION OF USMCA

Subtitle A—Transitional Provisions

Sec. 601. Repeal of North American Free Trade Agreement Implementation Act.
Sec. 602. Continued suspension of the United States-Canada Free-Trade Agreement.

Subtitle B—Joint Reviews Regarding Extension of USMCA

Sec. 611. Participation in joint reviews with Canada and Mexico regarding extension of the term of the USMCA and other action regarding the USMCA.

Subtitle C—Termination of USMCA

Sec. 621. Termination of USMCA.

TITLE VII—LABOR MONITORING AND ENFORCEMENT

Sec. 701. Definitions.

Subtitle A—Interagency Labor Committee for Monitoring and Enforcement

Sec. 711. Interagency labor committee for monitoring and enforcement.
Sec. 712. Duties.
Sec. 713. Enforcement priorities.
Sec. 714. Assessments.
Sec. 715. Recommendation for enforcement action.
Sec. 716. Petition process.
Sec. 717. Hotline.
Sec. 718. Reports.
Sec. 719. Consultations on appointment and funding of rapid response labor panelists.

Subtitle B—Mexico Labor Attachés

Sec. 721. Establishment.
Sec. 722. Duties.
Sec. 723. Status.

Subtitle C—Independent Mexico Labor Expert Board

Sec. 731. Establishment.
Sec. 732. Membership; term.
Sec. 733. Funding.

Sec. 734. Reports.

Subtitle D—Forced Labor

Sec. 741. Forced labor enforcement task force.
Sec. 742. Timeline required.
Sec. 743. Reports required.
Sec. 744. Duties related to Mexico.

Subtitle E—Enforcement Under Rapid Response Labor Mechanism

Sec. 751. Transmission of reports.
Sec. 752. Suspension of liquidation.
Sec. 753. Final remedies.

TITLE VIII—ENVIRONMENT MONITORING AND ENFORCEMENT

Sec. 801. Definitions.

Subtitle A—Interagency Environment Committee for Monitoring and Enforcement

Sec. 811. Establishment.
Sec. 812. Assessment.
Sec. 813. Monitoring actions.
Sec. 814. Enforcement actions.
Sec. 815. Other monitoring and enforcement actions.
Sec. 816. Report to Congress.
Sec. 817. Regulations.

Subtitle B—Other Matters

Sec. 821. Border water infrastructure improvement authority.
Sec. 822. Detail of personnel to Office of the United States Trade Representative.

Subtitle C—North American Development Bank

Sec. 831. General capital increase.
Sec. 832. Policy goals.
Sec. 833. Efficiencies and streamlining.
Sec. 834. Performance measures.

TITLE IX—USMCA SUPPLEMENTAL APPROPRIATIONS ACT, 2019

SEC. 2. PURPOSE. 19 USC 4501.

The purpose of this Act is to approve and implement the Agreement between the United States of America, the United Mexican States, and Canada entered into under the authority of section 103(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4202(b)).

SEC. 3. DEFINITIONS. 19 USC 4502.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) IDENTICAL GOODS.—The term "identical goods" means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(4) INTERNATIONAL TRADE COMMISSION.—The term "International Trade Commission" means the United States International Trade Commission.

(5) MEXICO.—The term "Mexico" means the United Mexican States.

(6) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement approved by Congress under section 101(a)(1) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3311(a)(1)).

(7) PREFERENTIAL TARIFF TREATMENT.—The term "preferential tariff treatment" means the customs duty rate that is applicable to an originating good (as defined in section 202(a)) under the USMCA.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) USMCA.—The term "USMCA" means the Agreement between the United States of America, the United Mexican States, and Canada, which is—

(A) attached as an Annex to the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018, as amended by the Protocol of Amendment to the Agreement Between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019; and

(B) approved by Congress under section 101(a)(1).

(10) USMCA COUNTRY.—Except as otherwise provided, the term "USMCA country" means—

(A) Canada for such time as the USMCA is in force with respect to, and the United States applies the USMCA to, Canada; and

(B) Mexico for such time as the USMCA is in force with respect to, and the United States applies the USMCA to, Mexico.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE USMCA

19 USC 4511.

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE USMCA.

(a) APPROVAL OF USMCA AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 106 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4205) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018, as submitted to Congress on December 13, 2019;

(2) the Agreement between the United States of America, the United Mexican States, and Canada, attached as an Annex to the Protocol, as amended by the Protocol of Amendment to the Agreement between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019, as submitted to Congress on December 13, 2019; and

(3) the statement of administrative action proposed to implement that Agreement, as submitted to Congress on December 13, 2019.

President. Time period. Notification.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—The President is authorized to provide for the USMCA to enter into force with respect to Canada and Mexico not earlier than 30 days after the date on which the President submits to Congress the written notice required by section 106(a)(1)(G) of the Bipartisan

Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4205(a)(1)(G)), which shall include the date on which the USMCA will enter into force.

SEC. 102. RELATIONSHIP OF THE USMCA TO UNITED STATES AND STATE LAW. 19 USC 4512.

(a) RELATIONSHIP OF USMCA TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the USMCA, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States, shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF USMCA TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the USMCA, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF USMCA WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the USMCA or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the USMCA.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE; INITIAL REGULATIONS; TARIFF PROCLAMATION AUTHORITY. President. 19 USC 4513.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may prescribe such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the USMCA enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the USMCA enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover Federal Register, publication.

provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the USMCA enters into force of any action proclaimed under this section.

Deadlines.

(b) INITIAL REGULATIONS.—

(1) IN GENERAL.—Except as provided by paragraph (2) or (3), initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action approved under section 101(a)(2) to implement the USMCA shall, to the maximum extent feasible, be prescribed within 1 year after the date on which the USMCA enters into force.

(2) UNIFORM REGULATIONS.—Interim or initial regulations to implement the Uniform Regulations regarding rules of origin provided for under article 5.16 of the USMCA shall be prescribed not later than the date on which the USMCA enters into force.

(3) IMPLEMENTING ACTIONS WITH EFFECTIVE DATES AFTER ENTRY INTO FORCE.—In the case of any implementing action that takes effect on a date after the date on which the USMCA enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be prescribed within 1 year after such effective date.

Determinations.

(c) TARIFF MODIFICATIONS.—

(1) TARIFF MODIFICATIONS PROVIDED FOR IN THE USMCA.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.4, 2.5, 2.7, 2.8, 2.9, 2.10, 6.2, and 6.3, the Schedule of the United States to Annex 2–B, including the appendices to that Annex, Annex 2–C, and Annex 6–A, of the USMCA.

(2) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(A) such modifications or continuation of any duty,

(B) such modifications as the United States may agree to with a USMCA country regarding the staging of any duty treatment set forth in the Schedule of the United States to Annex 2–B of the USMCA, including the appendices to that Annex,

(C) such continuation of duty-free or excise treatment, or

(D) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to a USMCA country provided for by the USMCA.

(3) CONVERSION TO AD VALOREM RATES.—For purposes of paragraphs (1) and (2), with respect to any good for which the base rate in the Schedule of the United States to Annex 2–B of the USMCA is a specific or compound rate of duty, the President shall substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(4) TARIFF-RATE QUOTAS.—In implementing the tariff-rate quotas set forth in the Schedule of the United States to Annex 2–B of the USMCA, the President shall take such actions as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of agricultural goods in the United States.

(5) PRESIDENTIAL PROCLAMATION AUTHORITY RELATING TO RULES OF ORIGIN.—

(A) IN GENERAL.—The President may proclaim, as part of the HTS—

(i) the provisions set forth in Annex 4–B of the USMCA;

(ii) the provisions set forth in paragraph 2 of article 3.A.6 of Annex 3–A of the USMCA;

(iii) the provisions set forth in paragraph 5 of Annex 3–B of the USMCA;

(iv) the provisions set forth in paragraphs 14(b), 14(c), and 15(e) of Section B of Appendix 2 to Annex 2–B of the USMCA; and

(v) any additional subordinate category that is necessary to carry out section 202 and section 202A consistent with the USMCA.

(B) MODIFICATIONS.—

(i) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of subparagraph (A), other than the provisions of chapters 50 through 63 of the USMCA.

(ii) SPECIAL RULE FOR TEXTILES.—Notwithstanding clause (i), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(I) such modifications to the provisions proclaimed under the authority of subparagraph (A) as are necessary to implement an agreement with one or more USMCA countries pursuant to article 6.4 of the USMCA; and

(II) before the end of the 1-year period beginning on the date on which the USMCA enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the USMCA. Time period.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS. 19 USC 4514.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, that action may be proclaimed only if— President.

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

Hearings.

(B) the International Trade Commission, which shall hold a public hearing on the proposed action before providing advice regarding the proposed action;

Reports.

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the proposed action and the reasons therefor; and

(B) the advice obtained under paragraph (1);

Time period.

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

19 USC 4515.

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) UNITED STATES SECTION OF SECRETARIAT.—

President.

(1) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office to serve as the United States Section of the Secretariat established under article 30.6 of the USMCA.

(2) FUNCTIONS AND ADMINISTRATIVE ASSISTANCE.—The office established or designated under paragraph (1), subject to the oversight of the interagency group established under section 411(c)(2), shall—

(A) carry out its functions within the Secretariat to facilitate the operation of the USMCA, including the operation of section D of chapter 10 and chapter 31 of the USMCA; and

(B) provide administrative assistance to—

(i) panels established under chapter 31 of the USMCA, including under Annex 31–A (relating to the Facility-Specific Rapid Response Labor Mechanism);

(ii) technical advisers and experts provided for under chapter 31 of the USMCA;

(iii) binational panels and extraordinary challenge committees established under section D of chapter 10 of the USMCA; and

(iv) binational panels and extraordinary challenge committees established under NAFTA for matters covered by article 34.1 of the USMCA (relating to transition from NAFTA).

(3) TREATMENT OF OFFICE UNDER FREEDOM OF INFORMATION ACT.—The office established or designated under paragraph (1) shall not be considered an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2020 to the Department of Commerce $2,000,000 for—

(1) the operations of the office established or designated under subsection (a)(1); and

(2) the payment of the United States share of the expenses of—

(A) panels established under chapter 31 of the USMCA, including under Annex 31–A (relating to the Facility-Specific Rapid Response Labor Mechanism);

(B) binational panels and extraordinary challenge committees established under section D of chapter 10 of the USMCA; and

(C) binational panels and extraordinary challenge committees established under NAFTA for matters covered by article 34.1 of the USMCA (relating to transition from NAFTA).

(c) REIMBURSEMENT OF CERTAIN EXPENSES.—If the Canadian Section or the Mexican Section of the Secretariat provides funds to the United States Section during any fiscal year as reimbursement for expenses in connection with dispute settlement proceedings under section D of chapter 10 or chapter 31 of the USMCA, or under chapter 19 of NAFTA, the United States Section may, notwithstanding section 3302 of title 31, United States Code, retain and use such funds to carry out the functions described in subsection (a)(2).

SEC. 106. TRADE REPRESENTATIVE AUTHORITY. 19 USC 4516.

If a country (other than the United States) that has signed the USMCA does not enact implementing legislation, the Trade Representative is authorized to enter into negotiations with the other country that has signed the USMCA to consider how the applicable provisions of the USMCA can come into force with respect to the United States and that other country as promptly as possible.

SEC. 107. EFFECTIVE DATE. 19 USC 4501 note.

(a) IN GENERAL.—Sections 1 through 3 and this title (other than section 103(c)) shall take effect on the date of the enactment of this Act.

(b) PROCLAMATION AUTHORITY.—Section 103(c) shall take effect on the date on which the USMCA enters into force.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. EXCLUSION OF ORIGINATING GOODS OF USMCA COUNTRIES FROM SPECIAL AGRICULTURE SAFEGUARD AUTHORITY.

(a) IN GENERAL.—Section 405(e) of the Uruguay Round Agreements Act (19 U.S.C. 3602(e)) is amended to read as follows:

"(e) EXCLUSION OF ORIGINATING GOODS OF USMCA COUNTRIES.—

"(1) IN GENERAL.—The President shall exempt from any duty imposed under this section any good that qualifies as an originating good under section 202 of the United States-Mexico-Canada Agreement Implementation Act of a USMCA country with respect to which preferential tariff treatment is provided under the USMCA. President.

"(2) DEFINITIONS.—In this subsection, the terms 'preferential tariff treatment', 'USMCA', and 'USMCA country' have the meanings given those terms in section 3 of the United States-Mexico-Canada Agreement Implementation Act.".

(b) EFFECTIVE DATE.— 19 USC 3602 note.

(1) IN GENERAL.—The amendment made by subsection (a) shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a good entered for consumption, or withdrawn from warehouse for consumption, on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—In the case of a good entered for consumption, or withdrawn from warehouse for consumption, before the date on which the USMCA enters into force—

(A) the amendment made by subsection (a) to section 405(e) of the Uruguay Round Agreements Act (19 U.S.C. 3602(e)) shall not apply with respect to the good; and

(B) section 405(e) of such Act, as in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

19 USC 4531.

SEC. 202. RULES OF ORIGIN.

(a) DEFINITIONS.—In this section:

(1) AQUACULTURE.—The term "aquaculture" means the farming of aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates, and aquatic plants from seed stock such as eggs, fry, fingerlings, or larvae, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding, or protection from predators.

(2) CUSTOMS VALUATION AGREEMENT.—The term "Customs Valuation Agreement" means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)).

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term "fungible good" or "fungible material" means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF ONE OR MORE USMCA COUNTRIES.—The term "good wholly obtained or produced entirely in the territory of one or more USMCA countries" means any of the following:

(A) A mineral good or other naturally occurring substance extracted or taken from the territory of one or more USMCA countries.

(B) A plant, plant good, vegetable, or fungus grown, cultivated, harvested, picked, or gathered in the territory of one or more USMCA countries.

(C) A live animal born and raised in the territory of one or more USMCA countries.

(D) A good obtained in the territory of one or more USMCA countries from a live animal.

(E) An animal obtained by hunting, trapping, fishing, gathering, or capturing in the territory of one or more USMCA countries.

(F) A good obtained in the territory of one or more USMCA countries from aquaculture.

(G) A fish, shellfish, or other marine life taken from the sea, seabed, or subsoil outside the territory of one

or more USMCA countries and outside the territorial sea of any country that is not a USMCA country by—

(i) a vessel that is registered or recorded with a USMCA country and flying the flag of that country; or

(ii) a vessel that is documented under the laws of the United States.

(H) A good produced on board a factory ship from goods referred to in subparagraph (G), if such factory ship—

(i) is registered or recorded with a USMCA country and flies the flag of that country; or

(ii) is a vessel that is documented under the laws of the United States.

(I) A good, other than a good referred to in subparagraph (G), that is taken by a USMCA country, or a person of a USMCA country, from the seabed or subsoil outside the territory of a USMCA country, if that USMCA country has the right to exploit such seabed or subsoil.

(J) Waste and scrap derived from—

(i) production in the territory of one or more USMCA countries; or

(ii) used goods collected in the territory of one or more USMCA countries, if such goods are fit only for the recovery of raw materials.

(K) A good produced in the territory of one or more USMCA countries exclusively from goods referred to in any of subparagraphs (A) through (J), or from their derivatives, at any stage of production.

(5) INDIRECT MATERIAL.—The term "indirect material" means a material used or consumed in the production, testing, or inspection of a good but not physically incorporated into the good, or a material used or consumed in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used or consumed in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used or consumed in production or to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other material that is not incorporated into the good, if the use of the material in the production of the good can reasonably be demonstrated to be a part of that production.

(6) INTERMEDIATE MATERIAL.—The term "intermediate material" means a material that is self-produced, used or consumed in the production of a good, and designated as an intermediate material pursuant to subsection (d)(9).

(7) MATERIAL.—The term "material" means a good that is used or consumed in the production of another good and includes a part or an ingredient.

(8) NET COST.—The term "net cost" means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(9) NET COST OF A GOOD.—The term "net cost of a good" means the net cost that can be reasonably allocated to a good using one of the methods set forth in subsection (d)(7).

(10) NONALLOWABLE INTEREST COSTS.—The term "nonallowable interest costs" means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(11) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The term "nonoriginating good" or "nonoriginating material" means a good or material, as the case may be, that does not qualify as originating under this section.

(12) ORIGINATING GOOD; ORIGINATING MATERIAL.—The term "originating good" or "originating material" means a good or material, as the case may be, that qualifies as originating under this section.

(13) PACKAGING MATERIALS AND CONTAINERS.—The term "packaging materials and containers" means materials and containers in which a good is packaged for retail sale.

(14) PACKING MATERIALS AND CONTAINERS.—The term "packing materials and containers" means materials and containers that are used to protect a good during transportation.

(15) PRODUCER.—The term "producer" means a person who engages in the production of a good.

(16) PRODUCTION.—The term "production" means—

(A) growing, cultivating, raising, mining, harvesting, fishing, trapping, hunting, capturing, breeding, extracting, manufacturing, processing, or assembling a good; or

(B) the farming of aquatic organisms through aquaculture.

(17) REASONABLY ALLOCATE.—The term "reasonably allocate" means to apportion in a manner appropriate to the circumstances.

(18) RECOVERED MATERIAL.—The term "recovered material" means a material in the form of individual parts that are the result of—

(A) the disassembly of a used good into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(19) REMANUFACTURED GOOD.—The term "remanufactured good" means a good classified in the HTS under any of chapters 84 through 90 or under heading 9402, other than a good classified under heading 8418, 8509, 8510, 8516, or 8703 or subheading 8414.51, 8450.11, 8450.12, 8508.11, or 8517.11, that—

(A) is entirely or partially composed of recovered materials;

(B) has a life expectancy similar to, and performs in a manner that is the same as or similar to, such a good when new; and

(C) has a factory warranty similar to that applicable to such a good when new.

(20) ROYALTIES.—The term "royalties" means payments of any kind, including payments under technical assistance or similar agreements, made as consideration for the use of, or right to use, a copyright, literary, artistic, or scientific work, patent, trademark, design, model, plan, or secret formula or secret process, excluding payments under technical assistance or similar agreements that can be related to a specific service such as—

(A) personnel training, without regard to where the training is performed; or

(B) if performed in the territory of one or more USMCA countries, engineering, tooling, die-setting, software design and similar computer services, or other services.

(21) SALES PROMOTION, MARKETING, AND AFTER-SALES SERVICE COSTS.—The term "sales promotion, marketing, and after-sales service costs" means the costs related to sales promotion, marketing, and after-sales service for the following:

(A) Sales and marketing promotion, media advertising, advertising and market research, promotional and demonstration materials, exhibits, sales conferences, trade shows, conventions, banners, marketing displays, free samples, sales, marketing, and after-sales service literature (product brochures, catalogs, technical literature, price lists, service manuals, and sales aid information), establishment and protection of logos and trademarks, sponsorships, wholesale and retail charges, and entertainment.

(B) Sales and marketing incentives, consumer, retailer, or wholesaler rebates, and merchandise incentives.

(C) Salaries and wages, sales commissions, bonuses, benefits (such as medical, insurance, and pension benefits), traveling and living expenses, and membership and professional fees for sales promotion, marketing, and after-sales service personnel.

(D) Product liability insurance.

(E) Rent and depreciation of sales promotion, marketing, and after-sales service offices and distribution centers.

(F) Payments by the producer to other persons for warranty repairs.

(G) If the costs are identified separately for sales promotion, marketing, or after-sales service of goods on the financial statements or cost accounts of the producer, the following:

(i) Property insurance premiums, taxes, utilities, and repair and maintenance of sales promotion, marketing, and after-sales service offices and distribution centers.

(ii) Recruiting and training of sales promotion, marketing, and after-sales service personnel, and after-sales training of customers' employees.

(iii) Office supplies for sales promotion, marketing, and after-sales service of goods.

(iv) Telephone, mail, and other communications.

(22) SELF-PRODUCED MATERIAL.—The term "self-produced material" means a material that is produced by the producer of a good and used in the production of that good.

(23) SHIPPING AND PACKING COSTS.—The term "shipping and packing costs" means the costs incurred in packing a good for shipment and shipping the good from the point of direct shipment to the buyer, excluding the costs of preparing and packaging the good for retail sale.

(24) TERRITORY.—The term "territory", with respect to a USMCA country, has the meaning given that term in section C of chapter 1 of the USMCA.

(25) TOTAL COST.—

(A) IN GENERAL.—The term "total cost"—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of one or more USMCA countries; and

(ii) does not include—

(I) profits that are earned by the producer of the good, regardless of whether the costs are retained by the producer or paid out to other persons as dividends; or

(II) taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) OTHER COSTS.—The term "other costs" means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(ii) PERIOD COSTS.—The term "period costs" means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) PRODUCT COSTS.—The term "product costs" means costs that are associated with the production of a good, including the value of materials, direct labor costs, and direct overhead.

(26) TRANSACTION VALUE.—The term "transaction value" means the price—

(A) actually paid or payable for a good or material with respect to a transaction of a producer; and

(B) adjusted in accordance with the principles set forth in paragraphs 1, 3, and 4 of article 8 of the Customs Valuation Agreement.

(27) USMCA COUNTRY.—The term "USMCA country" means the United States, Canada, or Mexico for such time as the USMCA is in force with respect to Canada or Mexico, and the United States applies the USMCA to Canada or Mexico.

(28) VALUE.—The term "value" means the value of a good or material for purposes of calculating customs duties or applying this section.

(b) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, that reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section with respect to a good shall be recorded and maintained in accordance with the generally accepted accounting principles

applicable in the territory of the USMCA country in which the good is produced.

(c) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the USMCA, except as otherwise provided in this section, a good is an originating good if—

(A) the good is a good wholly obtained or produced entirely in the territory of one or more USMCA countries;

(B) the good is produced entirely in the territory of one or more USMCA countries using nonoriginating materials, if the good satisfies all applicable requirements set forth in Annex 4–B of the USMCA; or

(C) the good is produced entirely in the territory of one or more USMCA countries, exclusively from originating materials;

(D) except for a good provided for under any of chapters 61 through 63—

(i) the good is produced entirely in the territory of one or more USMCA countries;

(ii) one or more of the nonoriginating materials provided for as parts under the HTS and used in the production of the good do not satisfy the requirements set forth in Annex 4–B of the USMCA because—

(I) both the good and its materials are classified under the same subheading or under the same heading that is not further subdivided into subheadings; or

(II) the good was imported into the territory of a USMCA country in an unassembled form or a disassembled form but was classified as an assembled good pursuant to rule 2(a) of the General Rules of Interpretation of the HTS; and

(iii) the regional value content of the good is not less than 60 percent if the transaction value method is used, or not less than 50 percent if the net cost method is used and the good satisfies all other applicable requirements of this section; or

(E) the good itself, as imported, is listed in table 2.10.1 of the USMCA and is imported into the territory of the United States from the territory of a USMCA country.

(2) REMANUFACTURED GOODS.—For purposes of determining whether a remanufactured good is an originating good, a recovered material derived in the territory of one or more USMCA countries shall be treated as originating if the recovered material is used or consumed in the production of, and incorporated into, the remanufactured good.

(d) REGIONAL VALUE CONTENT.—

(1) IN GENERAL.—Except as provided in paragraph (5), for purposes of subparagraphs (B) and (D) of subsection (c)(1), the regional value content of a good shall be calculated, at the choice of the importer, exporter, or producer of the good, on the basis of—

(A) the transaction value method described in paragraph (2); or

(B) the net cost method described in paragraph (3).

(2) TRANSACTION VALUE METHOD.—

(A) IN GENERAL.—An importer, exporter, or producer of a good may calculate the regional value content of the good on the basis of the following transaction value method:

$$RVC = \frac{TV - VNM}{TV} \times 100$$

(B) DEFINITIONS.—In this paragraph:

(i) RVC.—The term "RVC" means the regional value content of the good, expressed as a percentage.

(ii) TV.—The term "TV" means the transaction value of the good, adjusted to exclude any costs incurred in the international shipment of the good.

(iii) VNM.—The term "VNM" means the value of nonoriginating materials used by the producer in the production of the good.

(3) NET COST METHOD.—

(A) IN GENERAL.—An importer, exporter, or producer of a good may calculate the regional value content of the good on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In this paragraph:

(i) NC.—The term "NC" means the net cost of the good.

(ii) RVC.—The term "RVC" means the regional value content of the good, expressed as a percentage.

(iii) VNM.—The term "VNM" means the value of nonoriginating materials used by the producer in the production of the good.

(4) VALUE OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—The value of nonoriginating materials used by the producer in the production of a good shall not, for purposes of calculating the regional value content of the good under paragraph (2) or (3), include the value of nonoriginating materials used or consumed to produce originating materials that are subsequently used or consumed in the production of the good.

(B) SPECIAL RULE FOR CERTAIN COMPONENTS.—The following components of the value of nonoriginating materials used by the producer in the production of a good may be counted as originating content for purposes of determining whether the good meets the regional value content requirement set forth in Annex 4–B of the USMCA:

(i) The value of processing the nonoriginating materials undertaken in the territory of one or more USMCA countries.

(ii) The value of any originating materials used or consumed in the production of the nonoriginating materials undertaken in the territory of one or more USMCA countries.

(5) NET COST METHOD REQUIRED IN CERTAIN CASES.—An importer, exporter, or producer of a good shall calculate the regional value content of the good solely on the basis of the net cost method described in paragraph (3) if the rule for the good set forth in Annex 4–B of the USMCA includes a

regional value content requirement not based on the transaction value method described in paragraph (2).

(6) NET COST METHOD ALLOWED FOR ADJUSTMENTS.—

(A) IN GENERAL.—If an importer, exporter, or producer of a good calculates the regional value content of the good on the basis of the transaction value method described in paragraph (2) and a USMCA country subsequently notifies the importer, exporter, or producer, during the course of a verification conducted in accordance with chapter 5 or 6 of the USMCA, that the transaction value of the good or the value of any material used in the production of the good must be adjusted or is unacceptable under article 1 of the Customs Valuation Agreement, the importer, exporter, or producer may calculate the regional value content of the good on the basis of the net cost method.

(B) REVIEW OF ADJUSTMENT.—Nothing in subparagraph (A) shall be construed to prevent any review or appeal available in accordance with article 5.15 of the USMCA with respect to an adjustment to or a rejection of—

(i) the transaction value of a good; or

(ii) the value of any material used in the production of a good.

(7) CALCULATING NET COST.—The producer of a good may, consistent with regulations implementing this section, calculate the net cost of the good under paragraph (3) by—

(A) calculating the total cost incurred with respect to all goods produced by that producer, subtracting any sales promotion, marketing, and after-sales services costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of those goods, and then reasonably allocating the resulting net cost of those goods to the good;

(B) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the good, and subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs, that are included in the portion of the total cost allocated to the good; or

(C) reasonably allocating each cost that is part of the total cost incurred with respect to the good so that the aggregate of those costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs.

(8) VALUE OF MATERIALS USED IN PRODUCTION.—For purposes of calculating the regional value content of a good under this subsection, applying the de minimis rules under subsection (f), and calculating the value of nonoriginating components in a set under subsection (m), the value of a material used in the production of a good is—

(A) in the case of a material that is imported by the producer of the good, the transaction value of the material at the time of importation, including the costs incurred in the international shipment of the material;

(B) in the case of a material acquired in the territory in which the good is produced—

(i) the price paid or payable by the producer in the USMCA country where the producer is located;

(ii) the value as determined under subparagraph (A), as set forth in regulations prescribed by the Secretary of the Treasury providing for the application of transaction value in the absence of an importation by the producer; or

(iii) the earliest ascertainable price paid or payable in the territory of the country; or

(C) in the case of a self-produced material, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade or equal to the profit that is usually reflected in the sale of goods of the same class or kind as the material.

(9) INTERMEDIATE MATERIALS.—

(A) IN GENERAL.—Any self-produced material that is used in the production of a good may be designated by the producer of the good as an intermediate material for purposes of calculating the regional value content of the good under paragraph (2) or (3).

(B) MATERIALS USED IN PRODUCTION OF INTERMEDIATE MATERIALS.—If a self-produced material is designated as an intermediate material under subparagraph (A) for purposes of calculating a regional value content requirement, no other self-produced material subject to a regional value content requirement used or consumed in the production of that intermediate material may be designated by the producer as an intermediate material.

(10) FURTHER ADJUSTMENTS TO VALUE OF MATERIALS.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (8), may be deducted from the value of the nonoriginating material:

(A) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(B) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or more USMCA countries, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(C) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(e) ACCUMULATION.—

(1) PRODUCERS.—A good that is produced in the territory of one or more USMCA countries, by one or more producers, is an originating good if the good satisfies the requirements of subsection (c) and all other applicable requirements of this section.

(2) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF A USMCA COUNTRY.—Originating materials from the territory

of one or more USMCA countries that are used in the production of a good in the territory of another USMCA country shall be considered to originate in the territory of such other USMCA country.

(3) PRODUCTION UNDERTAKEN ON NONORIGINATING MATERIALS USED IN THE PRODUCTION OF GOODS.—In determining whether a good is an originating good under this section, production undertaken on nonoriginating material in the territory of one or more USMCA countries by one or more producers shall contribute to the originating status of the good, regardless of whether that production is sufficient to confer originating status to the nonoriginating material.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), a good that does not undergo a change in tariff classification or satisfy a regional value content requirement set forth in Annex 4–B of the USMCA is an originating good if—

(A) the value of all nonoriginating materials that are used in the production of the good, and do not undergo the applicable change in tariff classification set forth in Annex 4–B of the USMCA—

(i) does not exceed 10 percent of the transaction value of the good, adjusted to exclude any costs incurred in the international shipment of the good; or

(ii) does not exceed 10 percent of the total cost of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value content requirement for the good.

(2) EXCEPTIONS FOR DAIRY AND OTHER PRODUCTS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material of headings 0401 through 0406, or a nonoriginating dairy preparation containing over 10 percent by dry weight of milk solids of subheading 1901.90 or 2106.90, used or consumed in the production of a good of headings 0401 through 0406.

(B) A nonoriginating material of headings 0401 through 0406, or nonoriginating dairy preparation containing over 10 percent by dry weight of milk solids of subheading 1901.90 or 2106.90, used or consumed in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by dry weight of milk solids, of subheading 1901.10.

(ii) Mixes and doughs containing over 25 percent by dry weight of butterfat, not put up for retail sale, of subheading 1901.20.

(iii) A dairy preparation containing over 10 percent by dry weight of milk solids, of subheading 1901.90 or 2106.90.

(iv) A good of heading 2105.

(v) Beverages containing milk of subheading 2202.90.

(vi) Animal feeds containing over 10 percent by dry weight of milk solids of subheading 2309.90.

(C) A nonoriginating material of heading 0805, or any of subheadings 2009.11 through 2009.39, used or consumed in the production of a good of subheadings 2009.11 through 2009.39, or a fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, of subheading 2106.90 or 2202.90.

(D) A nonoriginating material of chapter 9 used or consumed in the production of instant coffee, not flavored, of subheading 2101.11.

(E) A nonoriginating material of chapter 15 used or consumed in the production of a good of heading 1507, 1508, 1512, 1514, or 1515.

(F) A nonoriginating material of heading 1701 used or consumed in the production of a good of any of headings 1701 through 1703.

(G) A nonoriginating material of chapter 17 or heading 1805 used in the production of a good of subheading 1806.10.

(H) Nonoriginating peaches, pears, or apricots of chapter 8 or 20, used in the production of a good of heading 2008.

(I) A nonoriginating single juice ingredient of heading 2009 used or consumed in the production of a good of—

(i) subheading 2009.90, or tariff item 2106.90.54 (concentrated mixtures of fruit or vegetable juice, fortified with minerals or vitamins); or

(ii) tariff item 2202.99.37 (mixtures of fruit or vegetable juices, fortified with minerals or vitamins).

(J) A nonoriginating material of any of headings 2203 through 2208 used or consumed in the production of a good provided for under heading 2207 or 2208.

(3) GOODS PROVIDED FOR UNDER CHAPTERS 1 THROUGH 27.—Paragraph (1) does not apply to a nonoriginating material used or consumed in the production of a good provided for in chapters 1 through 27 unless the nonoriginating material is provided for in a different subheading than the subheading of the good for which origin is being determined.

(4) TEXTILE OR APPAREL GOODS.—

(A) GOODS CLASSIFIED UNDER CHAPTERS 50 THROUGH 60.—Except as provided in subparagraph (C), a textile or apparel good provided for in any of chapters 50 through 60 or heading 9619 that is not an originating good because certain nonoriginating materials used in the production of the good do not undergo an applicable change in tariff classification set forth in Annex 4–B of the USMCA, shall be considered to be an originating good if the total weight of all such materials, including elastomeric yarns, is not more than 10 percent of the total weight of the good and the good meets all other applicable requirements of this section.

(B) GOODS CLASSIFIED UNDER CHAPTERS 61 THROUGH 63.—Except as provided in subparagraph (C), a textile or apparel good provided for in chapter 61, 62, or 63 that is not an originating good because certain fibers or yarns

used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set forth in Annex 4–B of the USMCA shall be considered to be an originating good if the total weight of all such fibers or yarns in the component, including elastomeric yarns, is not more than 10 percent of the total weight of the component and the good meets all other applicable requirements of this section.

(C) GOODS CONTAINING NONORIGINATING ELASTOMERIC YARNS.—

(i) GOODS CLASSIFIED UNDER CHAPTERS 50 THROUGH 60 OR HEADING 9619 .—A textile or apparel good described in subparagraph (A) containing nonoriginating elastomeric yarns shall be considered to be an originating good only if the nonoriginating elastomeric yarns contained in the good do not exceed 7 percent of the total weight of the good.

(ii) GOODS CLASSIFIED UNDER CHAPTERS 61 THROUGH 63.—A textile or apparel good described in subparagraph (B) containing nonoriginating elastomeric yarns shall be considered to be an originating good only if the nonoriginating elastomeric yarns contained in the component of the good that determines the tariff classification of the good do not exceed 7 percent of the total weight of the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) FUNGIBLE MATERIALS USED IN PRODUCTION.—Subject to paragraph (3), if originating and nonoriginating fungible materials are used or consumed in the production of a good, the determination of whether the materials are originating may be made on the basis of any of the inventory management methods set forth in regulations implementing this section.

(2) FUNGIBLE GOODS COMMINGLED AND EXPORTED.—Subject to paragraph (3), if originating and nonoriginating fungible goods are commingled and exported in the same form, the determination of whether the goods are originating may be made on the basis of any of the inventory management methods set forth in regulations implementing this section.

(3) USE OF INVENTORY MANAGEMENT METHOD.—A person that selects an inventory management method for purposes of paragraph (1) or (2) shall use that inventory management method throughout the fiscal year of the person.

(h) ACCESSORIES, SPARE PARTS, TOOLS, AND INSTRUCTIONAL OR OTHER INFORMATION MATERIALS.—

(1) IN GENERAL.—Subject to paragraph (2), accessories, spare parts, tools, or instructional or other information materials delivered with a good shall—

(A) be treated as originating if the good is an originating good;

(B) be disregarded in determining whether a good is a good wholly obtained or produced entirely in the territory of one or more USMCA countries or satisfies a process or change in tariff classification set forth in Annex 4–B of the USMCA; and

(C) be taken into account as originating or nonoriginating materials, as the case may be, in calculating any

applicable regional value content of the good set forth in Annex 4–B of the USMCA.

Applicability.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, tools, or instructional or other information materials are classified with and delivered with, but not invoiced separately from, the good; and

(B) the types, quantities, and value of the accessories, spare parts, tools, or instructional or other information materials are customary for the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all of the nonoriginating materials used in the production of the good undergo the applicable process or change in tariff classification requirement set forth in Annex 4–B of the USMCA, or whether the good is a good wholly obtained or produced entirely in the territory of one or more USMCA countries. If the good is subject to a regional value content requirement set forth in that Annex, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (c) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of a USMCA country, other than—

(A) unloading, reloading, separation from a bulk shipment, storing, labeling, or marking, as required by a USMCA country; or

(B) any other operation necessary to preserve the good in good condition or to transport the good to the territory of the importing USMCA country; or

(2) does not remain under the control of customs authorities in a country other than a USMCA country.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—

(1) GOODS OTHER THAN TEXTILE OR APPAREL GOODS.—Notwithstanding the rules set forth in Annex 4–B of the USMCA, goods classifiable as goods put up in sets for retail sale as provided for in rule 3 of the General Rule of Interpretation of the HTS shall not be considered to be originating goods unless—

(A) each of the goods in the set is an originating good; or

(B) the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set.

(2) TEXTILE OR APPAREL GOODS.—Notwithstanding the rules set forth in Annex 4–B of the USMCA, goods classifiable as goods put up in sets for retail sale as provided for in rule 3 of the General Rule of Interpretation of the HTS shall not be considered to be originating goods unless—

(A) each of the goods in the set is an originating good; or

(B) the total value of the nonooriginating goods in the set does not exceed 10 percent of the value of the set.

(n) NONQUALIFYING OPERATIONS.—A good shall not be considered to be an originating good merely by reason of—

(1) mere dilution with water or another substance that does not materially alter the characteristics of the good; or

(2) any production or pricing practice with respect to which it may be demonstrated, by a preponderance of the evidence, that the object of the practice was to circumvent this section.

(o) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a good entered for consumption, or withdrawn from warehouse for consumption, on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—Section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332), as in effect on the day before the date on which the USMCA enters into force, shall continue to apply on and after that date with respect to a good entered for consumption, or withdrawn from warehouse for consumption, before that date.

SEC. 202A. SPECIAL RULES FOR AUTOMOTIVE GOODS. 19 USC 4532.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE STAGING REGIME.—The term "alternative staging regime" means the application, pursuant to subsection (d), of the requirements of article 8 of the automotive appendix to the production of covered vehicles to allow producers of such vehicles to bring such production into compliance with the requirements of articles 2 through 7 of that appendix.

(2) ALTERNATIVE STAGING REGIME PERIOD.—The term "alternative staging regime period" means the period during which the alternative staging regime is in effect.

(3) AUTOMOTIVE APPENDIX.—The term "automotive appendix" means the Appendix to Annex 4–B of the USMCA (relating to the product-specific rules of origin for automotive goods).

(4) AUTOMOTIVE GOOD.—The term "automotive good" means—

(A) a covered vehicle; or

(B) a part, component, or material listed in table A.1, A.2, B, C, D, or E of the automotive appendix.

(5) AUTOMOTIVE RULES OF ORIGIN.—The term "automotive rules of origin" means the rules of origin for automotive goods set forth in the automotive appendix.

(6) COMMISSIONER.—The term "Commissioner" means the Commissioner of U.S. Customs and Border Protection.

(7) COVERED VEHICLE.—The term "covered vehicle" means a passenger vehicle, light truck, or heavy truck.

(8) INTERAGENCY COMMITTEE.—The term "interagency committee" means the interagency committee established under subsection (b)(1).

(9) PASSENGER VEHICLE; LIGHT TRUCK; HEAVY TRUCK.—The terms "passenger vehicle", "light truck", and "heavy truck" have the meanings given those terms in article 1 of the automotive appendix.

(10) USMCA COUNTRY.—The term "USMCA country" means the United States, Canada, or Mexico for such time as the USMCA is in force with respect to Canada or Mexico, and the United States applies the USMCA to Canada or Mexico.

(b) ESTABLISHMENT OF INTERAGENCY COMMITTEE.—

Deadline. President.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall establish an interagency committee—

(A) to provide advice, as appropriate, on the implementation, enforcement, and modification of provisions of the USMCA that relate to automotive goods, including the alternative staging regime; and

Review.

(B) to review the operation of the USMCA with respect to trade in automotive goods, including—

(i) the economic effects of the automotive rules of origin on the United States economy, workers, and consumers; and

(ii) the impact of new technology on such rules of origin.

(2) MEMBERS.—The members of the interagency committee shall be the following:

(A) The Trade Representative.

(B) The Secretary of Commerce.

(C) The Commissioner.

(D) The Secretary of Labor.

(E) The Chair of the International Trade Commission.

(F) Any other members determined to be necessary by the Trade Representative.

(3) CHAIR.—The chair of the interagency committee shall be the Trade Representative.

(4) USE OF INFORMATION.—

(A) INFORMATION SHARING.—Notwithstanding any other provision of law, the members of the interagency committee may exchange information for purposes of carrying out this section.

(B) CONFIDENTIALITY OF INFORMATION.—The interagency committee and any Federal agency represented on the interagency committee may not disclose to the public any confidential documents or information received in the course of carrying out this section, except information aggregated to preserve confidentiality and used in the reports described in subsection (g).

(c) CERTIFICATION REQUIREMENTS.—

(1) CERTIFICATION RELATING TO LABOR VALUE CONTENT REQUIREMENTS.—

(A) IN GENERAL.—A covered vehicle shall be eligible for preferential tariff treatment only if the producer of the covered vehicle—

(i) provides a certification to the Commissioner that the production of covered vehicles by the producer meets the labor value content requirements, including the high-wage material and manufacturing expenditures, high-wage technology expenditures, and high-

wage assembly expenditures, as set forth in article 7 of the automotive appendix or, if the producer is subject to the alternative staging regime, articles 7 and 8 of that appendix, and includes the calculations of the producer related to the labor value content requirements; and

(ii) has information on record to support those calculations.

(B) IMPLEMENTATION.—For purposes of meeting the requirements under subparagraph (A)—

(i) the Secretary of Labor, in consultation with the Commissioner, shall ensure that the certification of a producer under subparagraph (A)(i) does not contain omissions or errors before the certification is considered properly filed; and Consultation.

(ii) a calculation described in subparagraph (A)(i) based on a producer's preceding fiscal or calendar year is valid for the producer's subsequent fiscal or calendar year, as the case may be, as set forth in articles 7 and 8 of the automotive appendix.

(C) REGULATIONS REQUIRED.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall prescribe regulations to carry out this paragraph, including regulations setting forth the procedures and requirements for a producer of covered vehicles to establish that the producer meets the labor value content requirements for preferential tariff treatment. Consultation. Procedures.

(2) CERTIFICATION RELATING TO STEEL AND ALUMINUM PURCHASE REQUIREMENTS.—

(A) IN GENERAL.—A covered vehicle shall be eligible for preferential tariff treatment only if the producer of the covered vehicle—

(i) provides a certification to the Commissioner that the production of covered vehicles by the producer meets the steel and aluminum purchase requirements set forth in article 6 of the automotive appendix or, if the producer is subject to the alternative staging regime, articles 6 and 8 of that appendix; and

(ii) has information on record to support the calculations relied on for the certification.

(B) IMPLEMENTATION.—For purposes of meeting the requirements under subparagraph (A)—

(i) the Commissioner shall ensure that the certification of a producer under subparagraph (A)(i) does not contain omissions or errors before the certification is considered properly filed; and

(ii) a calculation described in subparagraph (A)(ii) based on a producer's preceding fiscal or calendar year is valid for the producer's subsequent fiscal or calendar year, as the case may be, as set forth in articles 6 and 8 of the automotive appendix.

(C) REGULATIONS REQUIRED.—The Secretary of the Treasury shall prescribe regulations to carry out this paragraph, including regulations setting forth the procedures and requirements for a producer of covered vehicles to establish that the producer meets the steel and aluminum purchase requirements for preferential tariff treatment. Procedures.

(d) ALTERNATIVE STAGING REGIME.—

Deadline. Consultation. Federal Register, publication. Requirements. Procedures. Guidance.

(1) PUBLICATION OF REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Trade Representative, in consultation with the interagency committee, shall publish in the Federal Register requirements, procedures, and guidance required to implement the alternative staging regime, including with respect to the following:

Methodologies.

(A) The procedures, calculation methodology, timeframe, specific regional value content thresholds, and other minimum requirements, consistent with article 8 of the automotive appendix, with which a producer of covered vehicles subject to the alternative staging regime is required to comply during the alternative staging regime period for such vehicles to be eligible for preferential tariff treatment pursuant to the alternative staging regime.

(B) The date by which requests for the alternative staging regime are required to be submitted.

(C) The information a producer of passenger vehicles or light trucks is required to provide, in the producer's request to use the alternative staging regime, to demonstrate the actions that the producer will take to be prepared to meet all the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period has expired, including the following:

(i) A statement identifying which of the requirements set forth in articles 2 through 7 of the automotive appendix that the producer expects it will be unable to meet upon entry into force of the USMCA based on current business plans.

Time periods.

(ii) A statement indicating whether the passenger vehicles or light trucks for which the producer seeks to use the alternative staging regime account for 10 percent or less, or more than 10 percent, of the total production of passenger vehicles or light trucks, as the case may be, in USMCA countries by the producer during the 12-month period preceding the date on which the USMCA enters into force, or the average of such production during the 36-month period preceding that date, whichever is greater.

(iii) In the case of a producer that seeks to use the alternative staging regime for more than 10 percent of the producer's total production of passenger vehicles or light trucks, as the case may be, in USMCA countries—

Plan.

(I) a detailed and credible plan describing with specificity the actions the producer intends to take to bring production of the passenger vehicles or light trucks, as the case may be, into compliance with the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period expires; and

Time period.

(II) a statement indicating the time period for which the producer is requesting to use the alternative staging regime, if that time period is greater than 5 years after the USMCA enters into force.

(D) The procedures for accepting and reviewing requests for the alternative staging regime, including that the Trade Representative will— Procedures.

(i) notify a producer of any deficiencies in the request of the producer that would result in a denial of the request not later than 30 days after the request is submitted; and Notification. Deadline.

(ii) provide producers the opportunity to submit supplemental information.

(E) The criteria the Trade Representative, in consultation with the interagency committee, will consider when determining whether to approve a request for the alternative staging regime. Such criteria shall only include elements necessary for the producer to demonstrate the producer's ability to meet the requirements specified in subparagraphs (A) and (B). The criteria shall also describe the information to meet those requirements in sufficient detail to allow the producer to identify the information necessary to complete a request for the alternative staging regime. Criteria. Consultation.

(F) The opportunity for a producer described in subparagraph (C)(iii) to modify the producer's request for the alternative staging regime.

(2) REVIEW OF REQUESTS FOR ALTERNATIVE STAGING REGIME.— Consultations. Determinations.

(A) IN GENERAL.—In reviewing the request of a producer of passenger vehicles or light trucks for the alternative staging regime, the Trade Representative, in consultation with the interagency committee, shall determine—

(i) whether the request covers 10 percent or less, or more than 10 percent, of the production of passenger vehicles or light trucks in USMCA countries by the producer; and

(ii) whether the producer has identified with specificity which of the requirements set forth in articles 2 through 7 of the automotive appendix the producer is unable to meet based on current business plans.

(B) APPROVAL OF ALTERNATIVE STAGING REGIME FOR PASSENGER VEHICLE OR LIGHT TRUCK PRODUCTION NOT EXCEEDING 10 PERCENT OF NORTH AMERICAN PRODUCTION.—The Trade Representative shall authorize the use of the alternative staging regime if the Trade Representative, in consultation with the interagency committee, determines that—

(i) the request for the alternative staging regime covers passenger vehicles or light trucks that do not exceed 10 percent of the production of passenger vehicles or lights trucks, as the case may be, in USMCA countries by the producer; and

(ii) the producer has identified with specificity which of the requirements set forth in articles 2 through 7 of the automotive appendix the producer is unable to meet based on current business plans.

(C) APPROVAL OF ALTERNATIVE STAGING REGIME FOR PASSENGER VEHICLE OR LIGHT TRUCK PRODUCTION EXCEEDING 10 PERCENT OF NORTH AMERICAN PRODUCTION.—

The Trade Representative shall authorize the use of the alternative staging regime if the Trade Representative, in consultation with the interagency committee, determines that—

(i) the request for the alternative staging regime covers more than 10 percent of the production of passenger vehicles or lights trucks, as the case may be, in USMCA countries by the producer;

(ii) the producer has identified with specificity which of the requirements set forth in articles 2 through 7 of the automotive appendix the producer is unable to meet based on current business plans; and

(iii) the detailed and credible plan of the producer submitted under paragraph (1)(C)(iii) is based on substantial evidence and reasonably calculated to bring the production of the passenger vehicles or light trucks, as the case may be, into compliance with the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period has expired.

(3) PROCEDURES RELATED TO REVIEWING AND APPROVING REQUESTS.—

Consultation.

(A) DEADLINE FOR REVIEW.—Not later than 120 days after receiving a request of a producer for the alternative staging regime, the Trade Representative, in consultation with the interagency committee, shall—

(i) review the request;

Determination.

(ii) make a determination with respect to whether to authorize the use of the alternative staging regime; and

(iii) provide to each producer a response in writing stating whether the producer may use the alternative staging regime.

(B) ESTABLISHMENT OF A PUBLIC LIST.—The Trade Representative shall maintain, and update as necessary, a public list of the producers of covered vehicles that have been authorized to use the alternative staging regime.

Summary.

(C) REPORTING.—Before a determination is made with respect to whether to authorize the use of the alternative staging regime, the Trade Representative shall provide to the appropriate congressional committees a summary of requests for the alternative staging regime.

(4) ALTERNATIVE STAGING REGIME REVIEW AND MODIFICATION.—

(A) MATERIAL CHANGES TO CIRCUMSTANCES.—

(i) NOTIFICATION.—If the request of a producer to use the alternative staging regime for more than 10 percent of the total production of passenger vehicles or light trucks, as the case may be, in USMCA countries by the producer has been granted, the producer shall notify the Trade Representative and the interagency committee of any material changes to the information contained in the request, including any supplemental information relating to that request, and of any material changes to circumstances, that will

affect the producer's ability to meet any of the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period has expired.

(ii) REQUESTS FOR MODIFICATION OF PLANS.—

(I) IN GENERAL.—A producer that submits a notification under clause (i) with respect to a change described in that clause may submit to the Trade Representative and the interagency committee a request for modification of its plan.

(II) DETERMINATION REGARDING MODIFICATION.—Not later than 90 days after receiving a request submitted under subclause (I), the Trade Representative, in consultation with the interagency committee, shall— Deadline. Consultation.

(aa) review the request;

(bb) make a determination with respect to whether the modified plan is based on substantial evidence and reasonably calculated to ensure that the producer will still be able to meet the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period has expired;

(cc) if the Trade Representative makes an affirmative determination under item (bb), approve the modified plan; and

(dd) notify the producer in writing of the determination. Notification.

(iii) INABILITY TO MEET REQUIREMENTS.—If the Trade Representative, in consultation with the interagency committee, determines that the information provided by a producer under clause (i) demonstrates that the producer will no longer be able to meet the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period has expired, the Trade Representative shall notify the producer in writing, and no claim for preferential tariff treatment may be made, on or after the date of the determination, with respect to a covered vehicle of the producer pursuant to the alternative staging regime. Consultation. Determination. Notification.

(5) FAILURE TO MEET REQUIREMENTS FOR ALTERNATIVE STAGING REGIME.—

(A) IN GENERAL.—If, at any time, the Trade Representative, in consultation with the interagency committee, makes a determination described in subparagraph (B) with respect to a producer of covered vehicles subject to the alternative staging regime— Consultation. Determination.

(i) any claim for preferential tariff treatment under the alternative staging regime for any covered vehicle of that producer shall be considered invalid; and

(ii) notwithstanding the finality of a liquidation of an entry, the importer of any covered vehicle of that producer shall be liable for the duties, taxes, and fees that would have been applicable to that vehicle if preferential tariff treatment pursuant to the

alternative staging regime had not applied when the vehicle was entered for consumption, or withdrawn from warehouse for consumption, plus interest assessed on or after the date of entry and before the date of the determination.

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination that a producer of covered vehicles subject to the alternative staging regime—

(i) has failed to take the steps set forth in the producer's request for the alternative staging regime and, as a result of that failure, the producer will no longer be able to meet the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period has expired;

(ii) has provided false or misleading information in the producer's request; or

(iii) in the case of a producer authorized to use the alternative staging regime for more than 10 percent of the total production of passenger vehicles or light trucks in USMCA countries by the producer, has failed to notify the Trade Representative under paragraph (4)(A) of material changes to circumstances that will prevent the producer from meeting any of the requirements set forth in articles 2 through 7 of the automotive appendix after the alternative staging regime period has expired.

(e) VERIFICATION OF LABOR VALUE CONTENT REQUIREMENTS.—

Compliance.

(1) IN GENERAL.—As part of a verification conducted under section 207, the Secretary of the Treasury, in conjunction with the Secretary of Labor, may conduct a verification of whether a covered vehicle complies with the labor value content requirements set forth in article 7 of the automotive appendix or, if the producer is subject to the alternative staging regime under subsection (d), articles 7 and 8 of that appendix.

(2) ROLE OF SECRETARY OF LABOR.—In cooperation with the Secretary of the Treasury, the Secretary of Labor shall participate in any verification conducted under paragraph (1) by verifying whether the production of covered vehicles by a producer meets the high-wage components of the labor value content requirements, including the wage component of the high-wage material and manufacturing expenditures, the high-wage technology expenditures, and the high-wage assembly expenditures, within the meaning given those terms in article 7 of that appendix.

(3) ROLE OF SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall participate in any verification conducted under paragraph (1) by verifying—

(A) the components of the labor value content requirements not covered by paragraph (2), including the annual purchase value and cost components of the high-wage material and manufacturing expenditures, within the meaning given those terms in article 7 of that appendix; and

(B) whether the producer has met the labor value content requirements.

(4) ACTIONS BY SECRETARY OF LABOR.—

(A) IN GENERAL.—In participating in a verification conducted under paragraph (1), the Secretary of Labor shall assist the Secretary of the Treasury to do the following:

Examination.
Notification.
Records.

(i) Examine, or cause to be examined, upon reasonable notice, any record (including any statement, declaration, document, or electronically generated or machine readable data) described in the notice with reasonable specificity.

(ii) Request information from any officer, employee, or agent of a producer of automotive goods, as necessary, that may be relevant with respect to whether the production of covered vehicles meets the high-wage components of the labor value content requirements set forth in article 7 of the automotive appendix or, if the producer is subject to the alternative staging regime under subsection (d), articles 7 and 8 of that appendix.

(B) NATURE OF INFORMATION REQUESTED.—Records and information that may be examined or requested under subparagraph (A) may relate to wages, hours, job responsibilities, and other information in any plant or facility relied on by a producer of covered vehicles to demonstrate that the production of such vehicles by the producer meets the labor value content requirements set forth in article 7 of the automotive appendix or, if the producer is subject to the alternative staging regime under subsection (d), articles 7 and 8 of that appendix.

(5) WHISTLEBLOWER PROTECTIONS.—

(A) UNLAWFUL ACTS.—It is unlawful to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against any person for—

(i) disclosing information to a Federal agency or to any person relating to a verification under this subsection; or

(ii) cooperating or seeking to cooperate in a verification under this subsection.

(B) ENFORCEMENT.—The Secretary of the Treasury and the Secretary of Labor are authorized to take such actions under existing law, including imposing appropriate penalties and seeking appropriate injunctive relief, as may be necessary to ensure compliance with this subsection and as provided for in existing regulations.

(6) PROTESTS OF DECISIONS OF U.S. CUSTOMS AND BORDER PROTECTION.—

(A) IN GENERAL.—If a protest under section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) of a decision of U.S. Customs and Border Protection with respect to the eligibility for preferential tariff treatment of a covered vehicle relates to the analysis of the Department of Labor relating to the high-wage components of the labor value content requirements described in paragraph (1), the Secretary of Labor shall—

Review.

(i) conduct an administrative review of the portion of the decision relating to such requirements; and

(ii) provide the results of that review to the Commissioner.

(B) NO ACCELERATED DISPOSITION.—An importer may not request the accelerated disposition under section 515(b) of the Tariff Act of 1930 (19 U.S.C. 1515(b)) of a protest against a decision of the Commissioner described in subparagraph (A).

(f) ADMINISTRATION BY DEPARTMENT OF LABOR.—The Secretary of Labor is authorized to establish or designate an office within the Department of Labor to carry out the provisions of this section for which the Department is responsible.

(g) REVIEW AND REPORTS.—

(1) PERIODIC REVIEW ON AUTOMOTIVE RULES OF ORIGIN.—

Consultation.

(A) IN GENERAL.—The Trade Representative, in consultation with the interagency committee, shall conduct a biennial review of the operation of the USMCA with respect to trade in automotive goods, including—

Summary.

(i) to the extent practicable, a summary of actions taken by producers to demonstrate compliance with the automotive rules of origin, use of the alternative staging regime, enforcement of such rules of origin, and other relevant matters; and

(ii) whether the automotive rules of origin are effective and relevant in light of new technology and changes in the content, production processes, and character of automotive goods.

(B) REPORT.—

(i) IN GENERAL.—The Trade Representative shall submit to the appropriate congressional committees a report on each review conducted under subparagraph (A).

(ii) INITIAL REPORT.—The first report required under clause (i) shall be submitted not later than 2 years after the date on which the USMCA enters into force.

(iii) TERMINATION OF REPORTING REQUIREMENT.—The requirement to submit reports under clause (i) shall terminate on the date that is 10 years after the date on which the USMCA enters into force.

Termination date.

(2) REPORT BY INTERNATIONAL TRADE COMMISSION.—Not later than 1 year after the submission of the first report required by paragraph (1)(B), and every 2 years thereafter until the date that is 12 years after the date on which the USMCA enters into force, the International Trade Commission shall submit to the appropriate congressional committees and the President a report on—

(A) the economic impact of the automotive rules of origin on—

(i) the gross domestic product of the United States;

(ii) exports from and imports into the United States;

(iii) aggregate employment and employment opportunities in the United States;

(iv) production, investment, use of productive facilities, and profit levels in the automotive industries and other pertinent industries in the United States affected by the automotive rules of origin;

(v) wages and employment of workers in the automotive sector in the United States; and

(vi) the interests of consumers in the United States;

(B) the operation of the automotive rules of origin and their effects on the competitiveness of the United States with respect to production and trade in automotive goods, taking into account developments in technology, production processes, or other related matters;

(C) whether the automotive rules of origin are relevant in light of technological changes in the United States; and

(D) such other matters as the International Trade Commission considers relevant to the economic impact of the automotive rules of origin, including prices, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production in the United States.

(3) REPORT BY COMPTROLLER GENERAL.—Not later than 4 years after the date on which the USMCA enters into force, the Comptroller General of the United States shall submit to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives and the Committee on Appropriations and the Committee on Finance of the Senate a report assessing the effectiveness of United States Government interagency coordination on implementation, enforcement, and verification of the automotive rules of origin and the customs procedures of the USMCA with respect to automotive goods.

(4) PUBLIC PARTICIPATION.—Before submitting a report under paragraph (1)(B) or (2), the agency responsible for the report shall—

(A) solicit information relating to matters that will be addressed in the report from producers of automotive goods, labor organizations, and other interested parties;

(B) provide for an opportunity for the submission of comments, orally or in writing, from members of the public relating to such matters; and

(C) after submitting the report, post a version of the report appropriate for public viewing on a publicly available internet website for the agency.

Public information. Web posting.

(h) EFFECTIVE DATE.—This section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date on which the USMCA enters into force.

SEC. 203. MERCHANDISE PROCESSING FEE.

(a) IN GENERAL.—Section 13031(b)(10) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)) is amended by striking subparagraph (B) and inserting the following:

"(B) No fee may be charged under paragraph (9) or (10) of subsection (a) with respect to goods that qualify as originating goods under section 202 of the United States-Mexico-Canada Agreement Implementation Act or qualify for duty-free treatment under Annex 6–A of the USMCA (as defined in section 3 of that Act). Any service for which an exemption from such fee is provided

by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

19 USC 58c note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a good entered or released on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—In the case of a good entered or released before the date on which the USMCA enters into force—

(A) the amendments made by subsection (a) to section 13031(b)(10)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)(B)) shall not apply with respect to the good; and

(B) section 13031(b)(10)(B) of such Act, as in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

(3) ENTERED OR RELEASED DEFINED.—In this subsection, the term "entered or released" has the meaning given that term in section 13031(b)(8)(E) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(E)).

SEC. 204. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c), by striking paragraph (5) and inserting the following:

"(5) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE USMCA.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 202 of the United States-Mexico-Canada Agreement Implementation Act if the importer, in accordance with regulations prescribed by the Secretary of the Treasury, promptly makes a corrected declaration and pays any duties owing with respect to that good."; and

(2) by striking subsection (f) and inserting the following:

"(f) FALSE CERTIFICATIONS OF ORIGIN UNDER THE USMCA.—

"(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a USMCA certification of origin (as such term is defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 202 of the United States-Mexico-Canada Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

Notification.

"(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a USMCA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice

of such incorrect information to every person to whom the certification was issued.

"(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

"(A) the information was correct at the time it was provided in a USMCA certification of origin but was later rendered incorrect due to a change in circumstances; and

"(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.".

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended—

(1) in subsection (b), by striking "and article 1904" and all that follows through "Free-Trade Agreement";

(2) in subsection (c)—

(A) in paragraph (1), in the matter following subparagraph (D), by striking "section 202 of the North American Free Trade Agreement Implementation Act" and inserting "section 202 of the United States-Mexico-Canada Agreement Implementation Act"; and

(B) in paragraph (2)(E)—

(i) by striking "section 202 of the North American Free Trade Agreement Implementation Act" and inserting "section 202 of the United States-Mexico-Canada Agreement Implementation Act"; and

(ii) by striking "NAFTA Certificate of Origin" and inserting "USMCA certification of origin (as such term is defined in section 508 of this Act)";

(3) in subsection (e), by striking "section 202 of the North American Free Trade Agreement Implementation Act" and inserting "section 202 of the United States-Mexico-Canada Agreement Implementation Act"; and

(4) by striking subsection (f) and inserting the following:

"(f) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE USMCA.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 202 of the United States-Mexico-Canada Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations prescribed by the Secretary of the Treasury, may suspend preferential tariff treatment under the USMCA (as defined in section 3 of that Act) to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 202.". Determination.

(c) EFFECTIVE DATE.— 19 USC 1514 note.

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a good entered, or exported from the United States, as the case may be, on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—In the case of a good entered, or exported from the United States, as the

case may be, before the date on which the USMCA enters into force—

(A) the amendments made by subsection (a) to section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) and the amendments made by subsection (b) to section 514 of such Act (19 U.S.C. 1514) shall not apply with respect to the good; and

(B) sections 592 and 514 of such Act, as in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

(3) ENTERED DEFINED.—In this subsection, the term "entered" includes a withdrawal from warehouse for consumption.

SEC. 205. RELIQUIDATION OF ENTRIES.

(a) IN GENERAL.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "section 202 of the North American Free Trade Agreement Implementation Act,";

(B) by striking ", or section 203" and inserting ", section 203"; and

(C) by striking "for which" and inserting ", or section 202 of the United States-Mexico-Canada Agreement Implementation Act (except with respect to any merchandise processing fees), for which"; and

(2) by striking paragraph (2) and inserting the following:

"(2) copies of all applicable certificates or certifications of origin; and".

Applicability. 19 USC 1520 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a good entered for consumption, or withdrawn from warehouse for consumption, on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—In the case of a good entered for consumption, or withdrawn from warehouse for consumption, before the date on which the USMCA enters into force—

(A) the amendments made by subsection (a) to section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) shall not apply with respect to the good; and

(B) section 520(d) of such Act, as in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

SEC. 206. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) EXPORTS AND IMPORTS RELATING TO USMCA COUNTRIES.—

"(1) DEFINITIONS.—In this subsection:

"(A) USMCA; USMCA COUNTRY.—The terms 'USMCA' and 'USMCA country' have the meanings given those terms in section 3 of the United States-Mexico-Canada Agreement Implementation Act.

"(B) USMCA CERTIFICATION OF ORIGIN.—The term 'USMCA certification of origin' means the certification established under article 5.2.1 of the USMCA that a good qualifies as an originating good under the USMCA.

"(2) EXPORTS TO USMCA COUNTRIES.—Any person who completes a USMCA certification of origin or provides a written representation for a good exported from the United States to a USMCA country shall make, keep, and, pursuant to rules and regulations prescribed by the Secretary of the Treasury, render for examination and inspection, all records and supporting documents related to the origin of the good (including the certification or copies thereof), including records related to—

"(A) the purchase, cost, value, and shipping of, and payment for, the good;

"(B) the purchase, cost, value, and shipping of, and payment for, all materials, including indirect materials, used in the production of the good; and

"(C) the production of the good in the form in which it was exported or the production of the material in the form in which it was sold.

"(3) EXPORTS UNDER THE CANADIAN AGREEMENT.—Any person who exports, or who knowingly causes to be exported, any merchandise to Canada during such time as the United States-Canada Free-Trade Agreement is in force with respect to, and the United States applies that Agreement to, Canada shall make, keep, and render for examination and inspection such records (including certifications of origin or copies thereof) which pertain to the exportations.

"(4) IMPORTS INTO THE UNITED STATES.—

"(A) IN GENERAL.—Any importer who claims preferential tariff treatment under the USMCA for a good imported into the United States from a USMCA country shall make, keep, and, pursuant to rules and regulations prescribed by the Secretary of the Treasury of the Secretary of Labor, render for examination and inspection—

"(i) records and supporting documentation related to the importation;

"(ii) all records and supporting documents related to the origin of the good (including the certification or copies thereof), if the importer completed the certification; and

"(iii) records and supporting documents necessary to demonstrate that the good did not, while in transit to the United States, undergo further production or any other operation other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the United States.

"(B) VEHICLE PRODUCER.—Any vehicle producer whose good is the subject of a claim for preferential tariff treatment under the USMCA shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury and Secretary of Labor, render for examination and inspection records and supporting documents related to the labor value content and steel and aluminum

purchasing requirements for the qualification of its vehicles for preferential treatment.

"(5) RETENTION PERIOD.—

"(A) EXPORTS TO USMCA COUNTRIES.—A person covered by paragraph (2) who completes a USMCA certification of origin or provides a written representation for a good exported from the United States to a USMCA country shall keep the records required by such paragraph relating to that certification of origin for a period of at least 5 years after the date on which the certification is completed.

"(B) EXPORTS UNDER CANADIAN AGREEMENT.—The records required by paragraph (3) shall be kept for such periods of time as the Secretary shall prescribe, except that—

"(i) no period of time for the retention of the records may exceed 5 years from the date of entry, filing of a reconciliation, or exportation, as appropriate; and

"(ii) records for any drawback claim shall be kept until the third anniversary of the date of liquidation of the claim.

"(C) IMPORTS INTO THE UNITED STATES.—

"(i) IN GENERAL.—An importer covered by paragraph (4)(A) shall keep the records and supporting documents required by such paragraph for a period of at least 5 years after the date of importation of the good.

"(ii) VEHICLE PRODUCER.—A vehicle producer covered by paragraph (4)(B) shall keep the records and supporting documents required by paragraph (4)(B) for a period of at least 5 years after the date of filing the certifications required under paragraphs (1) and (2) of section 202A(c) of the United States-Mexico-Canada Agreement Implementation Act.";

(2) by striking subsection (c); and

(3) in the paragraph heading for subsection (e)(1), by striking "NAFTA" and inserting "USMCA".

19 USC 1508 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date on which the USMCA enters into force.

(2) APPLICABILITY.—

(A) EXPORTS.—Paragraphs (2) and (5)(A) of section 508(b) of the Tariff Act of 1930, as amended by subsection (a), shall apply with respect to a good exported from the United States on or after the date on which the USMCA enters into force.

(B) IMPORTS.—Paragraphs (4) and (5)(C) of section 508(b) of the Tariff Act of 1930, as amended by subsection (a), shall apply with respect to a good that is entered for consumption, or withdrawn from warehouse for consumption, on or after the date on which the USMCA enters into force.

(3) TRANSITION FROM NAFTA TREATMENT.—

(A) EXPORTS.—In the case of a good exported from the United States before the date on which the USMCA enters into force—

(i) the amendments made by subsection (a) to paragraphs (2) and (5)(A) of section 508(b) of the Tariff Act of 1930 (19 U.S.C. 1508) shall not apply with respect to the good; and

(ii) section 508 of such Act, as in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

(B) IMPORTS.—In the case of a good that is entered for consumption, or withdrawn from warehouse for consumption, before the date on which the USMCA enters into force, the amendments made by subsection (a) to paragraphs (4) and (5)(C) of section 508(b) of the Tariff Act of 1930 (19 U.S.C. 1508) shall not apply with respect to the good.

SEC. 207. ACTIONS REGARDING VERIFICATION OF CLAIMS UNDER THE USMCA. 19 USC 4533.

(a) VERIFICATION.—

(1) ORIGIN VERIFICATION.—

(A) IN GENERAL.—The Secretary of the Treasury may, pursuant to article 5.9 of the USMCA, conduct a verification of whether a good is an originating good under section 202 or 202A.

(B) ADDITIONAL REQUIREMENTS.—If the Secretary conducts a verification under subparagraph (A), the President may direct the Secretary— President.

(i) during the verification process, to release the good only upon payment of duties or provision of security; and

(ii) if the Secretary makes a negative determination under subsection (b), to take action under subsection (c).

(2) TEXTILE AND APPAREL GOODS.—

(A) IN GENERAL.—The Secretary of the Treasury may, pursuant to article 6.6 of the USMCA, conduct a verification described in subparagraph (C) with respect to a textile or apparel good.

(B) ADDITIONAL REQUIREMENTS.—If the Secretary conducts a verification under subparagraph (A) with respect to a textile or apparel good, the President may direct the Secretary— President.

(i) during the verification process, to take appropriate action described in subparagraph (D); and

(ii) if the Secretary makes a negative determination described in subsection (b), to take action under subsection (c).

(C) VERIFICATION DESCRIBED.—A verification described in this subparagraph with respect to a textile or apparel good is—

(i) a verification of whether the good qualifies for preferential tariff treatment under the USMCA; or

(ii) a verification of whether customs offenses are occurring or have occurred with respect to the good.

(D) ACTION DURING VERIFICATION.—Appropriate action described in this subparagraph may consist of— Determinations.

(i) release of the textile or apparel good that is the subject of a verification described in subparagraph (C) upon payment of duties or provision of security;

(ii) suspension of preferential tariff treatment under the USMCA with respect to—

(I) the textile or apparel good that is the subject of a verification described in subparagraph (C)(i), if the Secretary determines that there is insufficient information to support the claim for preferential tariff treatment; or

(II) any textile or apparel good exported or produced by a person that is the subject of a verification described in subparagraph (C)(ii) if the Secretary of the Treasury determines that there is insufficient information to support the claim for preferential tariff treatment made with respect to that good;

(iii) denial of preferential tariff treatment under the USMCA with respect to—

(I) the textile or apparel good that is the subject of a verification described in subparagraph (C)(i) if the Secretary determines that incorrect information has been provided to support the claim for preferential tariff treatment; or

(II) any textile or apparel good exported or produced by a person that is the subject of a verification described in subparagraph (C)(ii) if the Secretary determines that the person has provided incorrect information to support the claim for preferential tariff treatment that has been made with respect to that good;

(iv) detention of any textile or apparel good exported or produced by a person that is the subject of a verification described in subparagraph (C) if the Secretary determines that there is insufficient information to determine the country of origin of that good; and

(v) denial of entry into the United States of any textile or apparel good exported or produced by a person that is the subject of a verification described in subparagraph (C) if the Secretary determines that the person has provided incorrect information regarding the country of origin of that good.

(b) NEGATIVE DETERMINATION.—

(1) IN GENERAL.—A negative determination described in this subsection with respect to a good imported, exported, or produced by an importer, exporter, or producer is a determination by the Secretary, based on a verification conducted under subsection (a), that—

(A) a claim by the importer, exporter, or producer that the good qualifies as an originating good under section 202 is inaccurate; or

(B) the good does not qualify for preferential tariff treatment under the USMCA because—

(i) the importer, exporter, or producer failed to respond to a written request for information or failed

to provide sufficient information to determine that the good qualifies as an originating good;

(ii) after receipt of a written notification for a visit to conduct verification under subsection (a), the exporter or producer did not provide written consent for that visit;

(iii) the importer, exporter, or producer does not maintain, or denies access to, records or documentation required under section 508(l) of the Tariff Act of 1930 (19 U.S.C. 1508(l));

(iv) in the case of verification conducted under subsection (a)(2)—

(I) access or permission for a site visit is denied;

(II) officials of the United States are prevented from completing a site visit on the proposed date and the exporter or producer does not provide an acceptable alternative date for the site visit; or

(III) the exporter or producer does not provide access to relevant documents or facilities during a site visit; or

(v) the importer, exporter, or producer—

(I) otherwise fails to comply with the requirements of this section; or

(II) based on the preponderance of the evidence, circumvents the requirements of this section.

(2) REQUESTS FOR INFORMATION.—The Secretary shall not make a negative determination described in paragraph (1)(B) unless—

(A) in a case in which the Secretary conducts a verification with respect to a good by written request or questionnaire submitted to the importer under article 5.9.1(a) of the USMCA and the claim for preferential tariff treatment under the USMCA is based on a certification of origin completed by the exporter or producer of the good, the Secretary requests information from the exporter or producer that completed the certification; or

(B) in a case in which the Secretary conducts a verification with respect to a textile or apparel good by requesting a site visit under article 6.6.2 of the USMCA, the Secretary requests information from the importer and from any exporter or producer that provided information to the Secretary to support the claim for preferential tariff treatment.

(c) ACTION BASED ON DETERMINATION.—

(1) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Upon making a negative determination described in subsection (b)(1) with respect to a good, the Secretary may deny preferential tariff treatment under the USMCA with respect to the good.

(2) WITHHOLDING OF PREFERENTIAL TARIFF TREATMENT BASED ON PATTERN OF CONDUCT.—If verifications of origin relating to identical goods indicate a pattern of conduct by an importer, exporter, or producer of false or unsupported representations relevant to a claim that a good imported into the United States qualifies for preferential tariff treatment under the USMCA, U.S. Customs and Border Protection, in

accordance with regulations prescribed by the Secretary, may withhold preferential tariff treatment under the USMCA for entries of those goods imported, exported, or produced by that person until U.S. Customs and Border Protection determines that person has established compliance with requirements for claims for preferential tariff treatment under the USMCA.

(d) PREVENTION OF CIRCUMVENTION.—In making a determination under this section, including whether to accept or reject a claim for preferential tariff treatment under the USMCA, the Secretary shall interpret the requirements of this section in a manner to avoid and prevent circumvention of those requirements.

19 USC 4534.

SEC. 208. DRAWBACK [RESERVED].

SEC. 209. OTHER AMENDMENTS TO THE TARIFF ACT OF 1930.

(a) COUNTRY OF ORIGIN MARKING.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended by striking subsection (k) and inserting the following:

"(k) TREATMENT OF GOODS OF A USMCA COUNTRY.—In applying this section to an article that qualifies as a good of a USMCA country (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)—

"(1) the exemption under subsection (a)(3)(H) shall be applied by substituting 'reasonably know' for 'necessarily know';

"(2) the Secretary shall exempt the good from the requirements for marking under subsection (a) if the good—

"(A) is an original work of art; or

"(B) is provided for under subheading 6904.10, heading 8541, or heading 8542 of the Harmonized Tariff Schedule of the United States; and

"(3) subsection (b) does not apply to the usual container of any good described in subsection (a)(3)(E) or (I) or paragraph (2)(A) or (B) of this subsection.".

(b) EXAMINATION OF BOOKS AND WITNESSES.—Section 509(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)(A)) is amended—

(1) in clause (i), by inserting at the end "or a vehicle producer whose good is subject to a claim of preferential tariff treatment under the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act),"; and

(2) in clause (ii), by striking "a NAFTA country" and all that follows through "Implementation Act)" and inserting "a USMCA country (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)".

(c) EXCHANGE OF INFORMATION.—Section 628 of the Tariff Act of 1930 (19 U.S.C. 1628) is amended by striking subsection (c) and inserting the following:

"(c) GOVERNMENT AGENCY OF USMCA COUNTRY.—

"(1) IN GENERAL.—The Secretary may authorize U.S. Customs and Border Protection to exchange information with any government agency of a USMCA country, if the Secretary—

"(A) reasonably believes the exchange of information is necessary to implement chapter 2, 4, 5, 6, or 7 of the USMCA; and

"(B) obtains assurances from such agency that the information will be held in confidence and used only for governmental purposes.

"(2) DEFINITIONS.—In this subsection, the terms 'USMCA' and 'USMCA country' have the meanings given those terms in section 3 of the United States-Mexico-Canada Agreement Implementation Act.".

(d) EFFECTIVE DATE.— 19 USC 1304 note.

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a good entered for consumption, or withdrawn from warehouse for consumption, on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—In the case of a good entered for consumption, or withdrawn from warehouse for consumption, before the date on which the USMCA enters into force—

(A) the amendments made by this section shall not apply with respect to the good; and

(B) the provisions of law amended by this section, as such provisions were in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

(e) EFFECTIVE DATE RELATING TO EXCHANGE OF INFORMATION.—Notwithstanding the amendment made by subsection (c), the Secretary of the Treasury shall retain the authority provided in section 628(c) of the Tariff Act of 1930 (as in effect on the day before the date on which the USMCA enters into force) to exchange information with any government agency of a NAFTA country (as defined in section 2 of the North American Free Trade Agreement Implementation Act (as in effect on the day before the date on which the USMCA enters into force)). 19 USC 1628 note.

SEC. 210. REGULATIONS. 19 USC 4535.

(a) SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this title and the amendments made by this title (except as provided by subsection (b)).

(b) SECRETARY OF LABOR.—The Secretary of Labor shall prescribe such regulations as may be necessary to carry out the labor value content determination under section 202A.

TITLE III—APPLICATION OF USMCA TO SECTORS AND SERVICES

Subtitle A—Relief From Injury Caused by Import Competition [reserved]

Subtitle B—Temporary Entry of Business Persons [reserved]

Subtitle C—United States-Mexico Cross-Border Long-Haul Trucking Services

19 USC 4571.

SEC. 321. DEFINITIONS.

In this subtitle:

(1) BORDER COMMERCIAL ZONE.—The term "border commercial zone" means—

(A) the area of United States territory of the municipalities along the United States-Mexico international border and the commercial zones of such municipalities as described in subpart B of part 372 of title 49, Code of Federal Regulations; and

(B) any additional border crossing and associated commercial zones listed in the Federal Motor Carrier Safety Administration OP–2 application instructions or successor documents.

(2) CARGO ORIGINATING IN MEXICO.—The term "cargo originating in Mexico" means any cargo that enters the United States by commercial motor vehicle from Mexico, including cargo that may have originated in a country other than Mexico.

(3) CHANGE IN CIRCUMSTANCES.—The term "change in circumstance" may include a substantial increase in services supplied by the grantee of a grant of authority.

(4) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" means a commercial motor vehicle, as such term is defined in paragraph (1) of section 31132 of title 49, United States Code, that meets the requirements of subparagraph (A) of such paragraph.

(5) CROSS-BORDER LONG-HAUL TRUCKING SERVICES.—The term "cross-border long-haul trucking services" means—

(A) the transportation by commercial motor vehicle of cargo originating in Mexico to a point in the United States outside of a border commercial zone; or

(B) the transportation by commercial motor vehicle of cargo originating in the United States from a point in the United States outside of a border commercial zone to a point in a border commercial zone or a point in Mexico.

(6) DRIVER.—The term "driver" means a person that drives a commercial motor vehicle in cross-border long-haul trucking services.

(7) GRANT OF AUTHORITY.—The term "grant of authority" means registration granted pursuant to section 13902 of title 49, United States Code, or a successor provision, to persons

of Mexico to conduct cross-border long-haul trucking services in the United States.

(8) INTERESTED PARTY.—The term "interested party" means—

(A) persons of the United States engaged in the provision of cross-border long-haul trucking services;

(B) a trade or business association, a majority of whose members are part of the relevant United States long-haul trucking services industry;

(C) a certified or recognized union, or representative group of suppliers, operators, or drivers who are part of the United States long-haul trucking services industry;

(D) the Government of Mexico; or

(E) persons of Mexico.

(9) MATERIAL HARM.—The term "material harm" means a significant loss in the share of the United States market or relevant sub-market for cross-border long-haul trucking services held by persons of the United States.

(10) OPERATOR OR SUPPLIER.—The term "operator" or "supplier" means an entity that has been granted registration under section 13902 of title 49, United States Code, to provide cross-border long-haul trucking services.

(11) PERSONS OF MEXICO.—The term "persons of Mexico" includes—

(A) entities domiciled in Mexico organized, or otherwise constituted under Mexican law, including subsidiaries of United States companies domiciled in Mexico, or entities owned or controlled by a Mexican national, which conduct cross-border long-haul trucking services, or employ drivers who are non-United States nationals; and

(B) drivers who are Mexican nationals.

(12) PERSONS OF THE UNITED STATES.—The term "persons of the United States" includes entities domiciled in the United States, organized or otherwise constituted under United States law, and not owned or controlled by persons of Mexico, which provide cross-border long-haul trucking services and long-haul commercial motor vehicle drivers who are United States nationals.

(13) THREAT OF MATERIAL HARM.—The term "threat of material harm" means material harm that is likely to occur.

(14) UNITED STATES LONG-HAUL TRUCKING SERVICES INDUSTRY.—The term "United States long-haul trucking services industry" means—

(A) United States suppliers, operators, or drivers as a whole providing cross-border long-haul trucking services; or

(B) United States suppliers, operators, or drivers providing cross-border long-haul trucking services in a specific sub-market of the whole United States market.

SEC. 322. INVESTIGATIONS AND DETERMINATIONS BY COMMISSION. 19 USC 4572.

(a) INVESTIGATION.—Upon the filing of a petition by an interested party described in subparagraph (A), (B), or (C) of section 321(8) which is representative of a United States long-haul trucking services industry, or at the request of the President or the Trade Representative, or upon the resolution of the Committee on Ways and Means of the House of Representatives or the Committee

on Finance of the Senate, the International Trade Commission (in this subtitle referred to as the "Commission") shall promptly initiate an investigation to determine—

(1) whether a request by a person of Mexico to receive a grant of authority that is pending as of the date of the filing of the petition threatens to cause material harm to a United States long-haul trucking services industry;

(2) whether a person of Mexico who has received a grant of authority on or after the date of entry into force of the USMCA and retains such grant of authority is causing or threatens to cause material harm to a United States long-haul trucking services industry; or

(3) whether, with respect to a person of Mexico who has received a grant of authority before the date of entry into force of the USMCA and retains such grant of authority, there has been a change in circumstances such that such person of Mexico is causing or threatens to cause material harm to a United States long-haul trucking services industry.

(b) TRANSMISSION OF PETITION, REQUEST, OR RESOLUTION.—The Commission shall transmit a copy of any petition, request, or resolution filed under subsection (a) to the Trade Representative and the Secretary of Transportation.

(c) PUBLICATION AND HEARINGS.—The Commission shall—

Notice.
Federal Register, publication.

(1) promptly publish notice of the commencement of any investigation under subsection (a) in the Federal Register; and

(2) within a reasonable time period thereafter, hold public hearings at which the Commission shall afford interested parties an opportunity to be present, to present evidence, to respond to presentations of other parties, and otherwise to be heard.

(d) FACTORS APPLIED IN MAKING DETERMINATIONS.—In making a determination under subsection (a) of whether a request by a person of Mexico to receive a grant of authority, or a person of Mexico who has received a grant of authority and retains such grant of authority, as the case may be, threatens to cause material harm to a United States long-haul trucking services industry, the Commission shall—

(1) consider, among other things, and as relevant—

(A) the volume and tonnage of merchandise transported; and

(B) the employment, wages, hours of service, and working conditions; and

(2) with respect to a change in circumstances described in subsection (a)(3), take into account those operations by persons of Mexico under grants of authority in effect as of the date of entry into force of the USMCA are not causing material harm.

(e) ASSISTANCE TO COMMISSION.—

Consultation.
Data.

(1) IN GENERAL.—At the request of the Commission, the Secretary of Homeland Security shall consult with the Commission and shall collect and maintain such additional data and other information on commercial motor vehicles entering or exiting the United States at a port of entry or exit at the United States border with Mexico as the Commission may request for the purpose of conducting investigations under subsection (a) and shall make such information available to the Commission in a timely manner.

(2) REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—At the request of the Commission, the Secretary of Homeland Security, the Secretary of Transportation, the Secretary of Commerce, the Secretary of Labor, and the head of any other Federal agency shall make available to the Commission any information in their possession, including proprietary information, as the Commission may require in order to assist the Commission in making determinations under subsection (a).

(B) CONFIDENTIAL BUSINESS INFORMATION.—The Commission shall treat any proprietary information obtained under subparagraph (A) as confidential business information in accordance with regulations adopted by the Commission to carry out this subtitle.

(f) LIMITED DISCLOSURE OF CONFIDENTIAL BUSINESS INFORMATION UNDER PROTECTIVE ORDER.—The Commission shall promulgate regulations to provide access to confidential business information under protective order to authorized representatives of interested parties who are parties to an investigation under subsection (a). Regulations.

(g) DEADLINE FOR DETERMINATION.—

(1) IN GENERAL.—Not later than 120 days after the date on which an investigation is initiated under subsection (a) with respect to a petition, request, or resolution, the Commission shall make a determination with respect to the petition, request, or resolution.

(2) EXCEPTION.—If, before the 100th day after an investigation is initiated under subsection (a), the Commission determines that the investigation is extraordinarily complicated, the Commission shall make its determination with respect to the investigation not later than 150 days after the date referred to in paragraph (1).

(h) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

SEC. 323. COMMISSION RECOMMENDATIONS AND REPORT. 19 USC 4573.

(a) IN GENERAL.—If the Commission makes an affirmative determination under section 322, the Commission shall recommend the action that is necessary to address the material harm or threat of material harm found.

(b) LIMITATION.—Only those members of the Commission who agreed to the affirmative determination under section 322 are eligible to vote on the recommendation required to be made under subsection (a).

(c) REPORT.—Not later than the date that is 60 days after the date on which the determination is made under section 322, the Commission shall submit to the President a report that includes—

(1) the determination and an explanation of the basis for the determination;

(2) if the determination is affirmative, recommendations for action and an explanation of the basis for the recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination.

(d) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (c), the Commission shall—

(1) promptly make public the report (with the exception of information which the Commission determines to be confidential business information); and

Federal Register, publication. Summary. 19 USC 4574.

(2) publish a summary of the report in the Federal Register.

SEC. 324. ACTION BY PRESIDENT WITH RESPECT TO AFFIRMATIVE DETERMINATION.

Deadline.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 322 is affirmative or which contains a determination that the President may treat as affirmative in accordance with section 330(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1))—

(1) the President shall, subject to subsection (b), issue an order to the Secretary of Transportation specifying the relief to be provided, consistent with subsection (c), and directing the relief to be carried out; and

(2) the Secretary of Transportation shall carry out such relief.

(b) EXCEPTION.—The President is not required to provide relief under this section if the President determines that provision of such relief—

(1) is not in the national economic interest of the United States; or

(2) would cause serious harm to the national security of the United States.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The relief the President is authorized to provide under this subsection is as follows:

(A)(i) With respect to a determination relating to an investigation under section 322(a)(1), the denial or imposition of limitations on a request for a new grant of authority by the persons of Mexico that are the subject of the investigation.

(ii) With respect to a determination relating to an investigation under section 322(a)(1), the revocation of, or restrictions on, grants of authority issued to the persons of Mexico that are the subject of the investigation since the date of the petition, request, or resolution.

(B) With respect to a determination relating to an investigation under section 322(a)(2) or (3), the revocation or imposition of limitations on an existing grant of authority by the persons of Mexico that are the subject of the investigation.

(C) With respect to a determination relating to an investigation under section 322(a)(1), (2), or (3), a cap on the number of grants of authority issued to persons of Mexico annually.

(2) DEADLINE FOR RELIEF.—Not later than 15 days after the date on which the President determines the relief to be provided under this subsection, the President shall direct the Secretary of Transportation to carry out the relief.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which contains a determination that the President may treat as affirmative in accordance with section 330(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)(1)), may extend the effective period of relief provided under this section by up to an additional 4 years, if the President determines that the provision of the relief continues to be necessary to remedy or prevent material harm.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon request of the President, or upon the filing by an interested party described in subparagraph (A), (B), or (C) of section 321(8) which is representative of a United States long-haul trucking services industry that is filed with the Commission not earlier than the date that is 270 days, and not later than the date that is 240 days, before the date on which any action taken under this section is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent material harm. Time period.

(ii) NOTICE AND HEARING.—The Commission shall—

(I) publish notice of the commencement of an investigation under clause (i) in the Federal Register; and Federal Register, publication.

(II) within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise be heard.

(iii) REPORT.—Not later than the date that is 60 days before relief provided under subsection (a) is to terminate, or such other date as determined by the President, the Commission shall submit to the President a report on its investigation and determination under this subparagraph.

(C) PERIOD OF RELIEF.—Any relief provided under this section, including any extension thereof, may not, in the aggregate, be in effect for more than 6 years.

(D) LIMITATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may not conduct an investigation under subparagraph (B)(i) if—

(I) the subject matter of the investigation is the same as the subject matter of a previous investigation conducted under subparagraph (B)(i); and

(II) less than 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation. Time period.

(ii) EXCEPTION.—Clause (i) shall not apply with respect to an investigation if the Commission determines good cause exists to conduct the investigation.

(e) REGULATIONS.—The Commission and the Secretary of Transportation are authorized to promulgate such rules and regulations as may be necessary to carry out this subtitle.

SEC. 325. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence by striking "and title III of the United States-Panama Trade Promotion Agreement Implementation Act" and inserting ", title III of the United States-Panama Trade Promotion Agreement Implementation Act, and subtitle C of title III of the United States-Mexico-Canada Agreement Implementation Act".

SEC. 326. CONFORMING AMENDMENTS.

(a) REGISTRATION OF MOTOR CARRIERS.—Section 13902 of title 49, United States Code, is amended by inserting at the end the following:

"(j) MEXICO-DOMICILED MOTOR CARRIERS.—Notwithstanding any other provision of this section, upon an order in accordance with section 324(a) of the United States-Mexico-Canada Agreement Implementation Act, the Secretary shall carry out the relief specified by denying or imposing limitations on a request for registration or capping the number of requests for registration by Mexico-domiciled motor carriers of cargo to operate beyond the municipalities along the United States-Mexico international border and the commercial zones of those municipalities as directed.".

(b) EFFECTIVE PERIODS OF REGISTRATION.—Section 13905 of title 49, United States Code, is amended by inserting at the end the following:

"(g) MEXICO-DOMICILED MOTOR CARRIERS.—Notwithstanding any other provision of this section, upon an order in accordance with section 324(a) of the United States-Mexico-Canada Agreement Implementation Act, the Secretary shall carry out the relief specified by revoking or imposing limitations on existing registrations of Mexico-domiciled motor carriers of cargo to operate beyond the municipalities along the United States-Mexico international border and the commercial zones of those municipalities as directed.".

SEC. 327. SURVEY OF OPERATING AUTHORITIES.

The Department of Transportation shall undertake a survey of all existing grants of operating authority to, and pending applications for operating authority from, all Mexico-domiciled motor property carriers for operating beyond the Border Commercial Zones, including OP–1 (MX) operating authority (Mexico-domiciled Carriers for Motor Carrier Authority to Operate Beyond U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border) and OP–1 operating authority (United States-based Enterprise Carrier of International Cargo Application for Motor Property Carrier and Broker Authority). The Department of Transportation shall prepare a report summarizing the results of such survey not less than 180 days after the date on which the USMCA enters into force, which it shall deliver to the Office of the United States Trade Representative, the Commission, and the Chairs and Ranking Members of the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science,

Reports.

and Transportation of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate.

TITLE IV—ANTIDUMPING AND COUNTERVAILING DUTIES

Subtitle A—Preventing Duty Evasion

SEC. 401. COOPERATION ON DUTY EVASION.

Section 414(b) of the Enforce and Protect Act of 2015 (19 U.S.C. 4374(b)) is amended—

(1) by inserting "or a party to the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)" after "subsection (a)"; and

(2) by inserting "or the USMCA, as the case may be," after "the bilateral agreement".

Subtitle B—Dispute Settlement [reserved]

Subtitle C—Conforming Amendments

SEC. 421. JUDICIAL REVIEW IN ANTIDUMPING DUTY AND COUNTERVAILING DUTY CASES.

Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)(vii), by striking "the Tariff Act of 1930" and inserting "this Act"; and

(B) in paragraph (5)(D)(i), by striking "article 1904 of the NAFTA" and inserting "article 10.12 of the USMCA";

(2) in subsection (b)(3)—

(A) in the paragraph heading, by striking "NAFTA OR UNITED STATES-CANADA" and inserting "UNITED STATES-CANADA OR USMCA"; and

(B) in the text, by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA";

(3) in subsection (f)—

(A) in paragraph (6)(A), by striking "article 1908 of the NAFTA" and inserting "article 10.16 of the USMCA";

(B) in paragraph (7)(A), by striking "article 1908 of the NAFTA" and inserting "article 10.16 of the USMCA";

(C) by striking paragraph (8);

(D) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively;

(E) in paragraph (9), as redesignated by subparagraph (D), by striking subparagraphs (A) and (B) and inserting the following:

"(A) Canada for such time as the USMCA is in force with respect to, and the United States applies the USMCA to, Canada.

"(B) Mexico for such time as the USMCA is in force with respect to, and the United States applies the USMCA to, Mexico."; and

(F) by adding at the end the following:

Definition.

"(10) USMCA.—The term 'USMCA' has the meaning given that term in section 3 of the United States-Mexico-Canada Agreement Implementation Act.";

(4) in subsection (g)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "of the NAFTA or of the Agreement." and inserting "of the Agreement or article 10.12 of the USMCA;";

(ii) in clause (iii), by striking "the NAFTA or of the Agreement" and inserting "the Agreement or the USMCA";

(iii) in clause (v), by striking "paragraph 12 of article 1905 of the NAFTA" and inserting "article 10.13 of the USMCA"; and

(iv) in clause (vi), by striking "paragraph 12 of article 1905 of the NAFTA" and inserting "article 10.13 of the USMCA";

(C) in paragraph (4)(A), by striking "the North American Free Trade Agreement" and all that follows through "chapter 19 of the Agreement" and inserting "the United States-Canada Free-Trade Agreement Implementation Act of 1988 implementing the binational panel dispute settlement system under chapter 19 of the Agreement, or the United States-Mexico-Canada Agreement Implementation Act implementing the binational panel dispute settlement system under chapter 10 of the USMCA";

(D) in paragraph (5)—

(i) in subparagraph (A), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA";

(ii) in subparagraph (B), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA"; and

(iii) in subparagraph (C)—

(I) in clause (i), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA"; and

(II) in clause (iii), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or chapter 10 of the USMCA";

(E) in paragraph (6), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA";

(F) in paragraph (7)—

(i) in the paragraph heading, by striking "OF THE NAFTA OR THE AGREEMENT" and inserting "OF THE AGREEMENT OR ARTICLE 10.12 OF THE USMCA"; and

(ii) in subparagraph (A), by striking "the NAFTA or the Agreement" and inserting "article 1904 of the Agreement or article 10.12 of the USMCA";

(G) in paragraph (8)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA"; and

(II) in clause (ii)—

(aa) in the clause heading, by striking "NAFTA" and inserting "USMCA"; and

(bb) in the text, by striking "paragraph 11(a) of article 1905 of the NAFTA" and inserting "article 10.13 of the USMCA"; and

(ii) in subparagraph (C), by striking "of the NAFTA or the Agreement" and inserting "of the Agreement or article 10.12 of the USMCA";

(H) in paragraph (9), by striking "of the NAFTA or of the Agreement" and inserting "of the Agreement or chapter 10 of the USMCA";

(I) in paragraph (10), by striking "the NAFTA or the Agreement" and inserting "the Agreement or under article 10.12 of the USMCA";

(J) by striking paragraph (11) and inserting the following:

"(11) SUSPENSION AND TERMINATION OF SUSPENSION OF ARTICLE 10.12 OF THE USMCA.—

"(A) SUSPENSION.—If a special committee established under article 10.13 of the USMCA issues an affirmative finding, the Trade Representative may, in accordance with article 10.13 of the USMCA, suspend the operation of article 10.12 of the USMCA.

"(B) TERMINATION OF SUSPENSION.—If a special committee is reconvened and makes an affirmative determination described in article 10.13 of the USMCA, any suspension of the operation of article 10.12 of the USMCA shall terminate."; and

(K) in paragraph (12)—

(i) in the paragraph heading, by striking "NAFTA" and inserting "USMCA";

(ii) by striking subparagraph (A) and inserting the following:

"(A) NOTICE OF SUSPENSION OR TERMINATION OF SUSPENSION OF ARTICLE 10.12 OF THE USMCA.—

Federal Register, publications.

"(i) NOTICE OF SUSPENSION.—Upon notification by the Trade Representative or the government of a country described in subparagraph (A) or (B) of subsection (f)(9) that the operation of article 10.12 of the USMCA has been suspended in accordance with article 10.13 of the USMCA, the United States Secretary shall publish in the Federal Register a notice of suspension of article 10.12 of the USMCA.

"(ii) NOTICE OF TERMINATION OF SUSPENSION.—Upon notification by the Trade Representative or the government of a country described in subparagraph (A) or (B) of subsection (f)(9) that the suspension of

the operation of article 10.12 of the USMCA is terminated in accordance with article 10.13 of the USMCA, the United States Secretary shall publish in the Federal Register a notice of termination of suspension of article 10.12 of the USMCA.";

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking "ARTICLE 1904" and inserting "ARTICLE 10.12 OF THE USMCA"; and

(II) in the matter preceding clause (i), by striking "If" and all that follows through "NAFTA—" and inserting the following: "If the operation of article 10.12 of the USMCA is suspended in accordance with article 10.13 of the USMCA—";

(iv) in subparagraph (C)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking "if the United States" and all that follows through "NAFTA—" and inserting the following: "if the United States made an allegation under article 10.13 of the USMCA and the operation of article 10.12 of the USMCA was suspended pursuant to article 10.13 of the USMCA—"; and

(bb) in subclause (I), by striking "subsection (f)(10)(A) or (B)" and inserting "subparagraph (A) or (B) of subsection (f)(9)"; and

(II) in clause (ii), in the matter preceding subclause (I), by striking "if a country" and all that follows through "NAFTA—" and inserting the following: "if a country described in subparagraph (A) or (B) of subsection (f)(9) made an allegation under article 10.13 of the USMCA and the operation of article 10.12 of the USMCA was suspended pursuant to article 10.13 of the USMCA—"; and

(v) in subparagraph (D)(i), by striking "a country described" and all that follows through "NAFTA" and inserting "a country described in subparagraph (A) or (B) of subsection (f)(9) pursuant to article 10.13 of the USMCA".

SEC. 422. CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE TARIFF ACT OF 1930.

(a) DISCLOSURE OF PROPRIETARY INFORMATION UNDER PROTECTIVE ORDERS.—Section 777(f) of the Tariff Act of 1930 (19 U.S.C. 1677f(f)) is amended—

(1) in the subsection heading, by striking "NORTH AMERICAN FREE TRADE AGREEMENT OR THE UNITED STATES-CANADA AGREEMENT" and inserting "THE UNITED STATES-CANADA AGREEMENT OR THE USMCA";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "article 1904 of the NAFTA" and all that follows through ", the administering authority" and inserting "article 1904 of the United States-Canada Agreement or article 10.12 of the USMCA,

or an extraordinary challenge committee is convened under Annex 1904.13 of the United States-Canada Agreement or chapter 10 of the USMCA, the administering authority"; and

(B) in subparagraph (B), by striking "chapter 19 of the NAFTA or the Agreement" each place it appears and inserting "chapter 19 of the Agreement or chapter 10 of the USMCA";

(3) in paragraph (3), by striking "the NAFTA or the United States-Canada Agreement" and inserting "article 1904 of the United States-Canada Agreement or article 10.12 of the USMCA";

(4) in paragraph (4), by striking "section 402(b) of the North American Free Trade Agreement Implementation Act" and inserting "section 412(b) of the United States-Mexico-Canada Agreement Implementation Act"; and

(5) by striking "section 516A(f)(10)" each place it appears and inserting "section 516A(f)(9)".

(b) DEFINITION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by striking paragraph (22) and inserting the following:

"(22) USMCA.—The term 'USMCA' has the meaning given that term in section 3 of the United States-Mexico-Canada Agreement Implementation Act.".

SEC. 423. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) COURT OF INTERNATIONAL TRADE.—Chapter 95 of title 28, United States Code, is amended—

(1) in section 1581(i)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting "(1)" after "(i)";

(C) in subparagraph (D), as redesignated by subparagraph (A), by striking "paragraphs (1)–(3) of this subsection" and inserting "subparagraphs (A) through (C) of this paragraph"; and

(D) by striking the flush text and inserting the following:

"(2) This subsection shall not confer jurisdiction over an antidumping or countervailing duty determination which is reviewable by—

"(A) the Court of International Trade under section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)); or

"(B) a binational panel under section 516A(g) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)).";

(2) in section 1584, by striking the section heading and inserting the following:

"§ 1584. Civil actions under the United States-Canada Free-Trade Agreement or the USMCA";

and

28 USC prec. 1581.

(3) in the table of sections at the beginning of the chapter, by striking the item relating to section 1584 and inserting the following:

"1584. Civil actions under the United States-Canada Free-Trade Agreement or the USMCA.".

(b) PARTICULAR PROCEEDINGS.—Sections 2201(a) and 2643(c)(5) of title 28, United States Code, are each amended by striking "section 516A(f)(10)" and inserting "section 516A(f)(9)".

Subtitle D—General Provisions

19 USC 4601.

SEC. 431. EFFECT OF TERMINATION OF USMCA COUNTRY STATUS.

(a) IN GENERAL.—Except as provided in subsection (b), on the date on which a country ceases to be a USMCA country, the provisions of this title (other than this section) and the amendments made by this title shall cease to have effect with respect to that country.

(b) TRANSITION PROVISIONS.—

(1) PROCEEDINGS REGARDING PROTECTIVE ORDERS AND UNDERTAKINGS.—If on the date on which a country ceases to be a USMCA country an investigation or enforcement proceeding concerning the violation of a protective order issued under section 777(f) of the Tariff Act of 1930 (as amended by this title) or an undertaking of the government of that country is pending, the investigation or proceeding shall continue, and sanctions may continue to be imposed, in accordance with the provisions of such section 777(f) (as so amended).

(2) BINATIONAL PANEL AND EXTRAORDINARY CHALLENGE COMMITTEE REVIEWS.—If on the date on which a country ceases to be a USMCA country—

(A) a binational panel review under article 10.12 of the USMCA is pending, or has been requested, or

(B) an extraordinary challenge committee review under that article is pending, or has been requested,

with respect to a determination which involves a class or kind of merchandise and to which subsection (g)(2) of section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) applies, such determination shall be reviewable under subsection (a) of that section. In the case of a determination to which the provisions of this paragraph apply, the time limits for commencing an action under 516A(a) of the Tariff Act of 1930 shall not begin to run until the date on which the USMCA ceases to be in force with respect to that country.

19 USC 1516a note.

SEC. 432. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on the date on which the USMCA enters into force, but shall not apply—

(1) to any final determination described in paragraph (1)(B) or clause (i), (ii), or (iii) of paragraph (2)(B) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice of which is published in the Federal Register before such date, or to a determination described in paragraph (2)(B)(vi) of that section notice of which is received by the Government of Canada or Mexico before such date; or

(2) to any binational panel review under NAFTA, or any extraordinary challenge arising out of any such review, that was commenced before such date.

TITLE V—TRANSFER PROVISIONS AND OTHER AMENDMENTS

SEC. 501. DRAWBACK.

(a) CLERICAL AMENDMENT.—Section 208 of this Act is amended in the section heading by striking "**[RESERVED]**". 19 USC 4534.

(b) USMCA DRAWBACK.—Subsection (a) of section 203 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3333) is—

(1) transferred to section 208 of this Act; 19 USC 4534.

(2) inserted after the section heading for that section (as amended by subsection (a)); and

(3) amended—

(A) by striking "NAFTA country" each place it appears and inserting "USMCA country";

(B) in the subsection heading, by striking "NAFTA" and inserting "USMCA";

(C) in the matter preceding paragraph (1)—

(i) by striking "and the amendments made by subsection (b)"; and

(ii) by striking "NAFTA drawback" and inserting "USMCA drawback";

(D) in paragraph (2)—

(i) in subparagraph (A), by inserting "sorting, marking," after "repacking,"; and

(ii) in subparagraph (B), by striking "paragraph 12 of section A of Annex 703.2 of the Agreement" and inserting "paragraph 11 of Annex 3–B of the USMCA"; and

(E) by amending paragraph (6) to read as follows:

"(6) A good provided for in subheading 1701.13.20 or 1701.14.20 of the HTS that is imported under any re-export program or any like program and that is—

"(A) used as a material, or

"(B) substituted for by a good of the same kind and quality that is used as a material,

in the production of a good provided for in existing Canadian tariff item 1701.99.00 or existing Mexican tariff item 1701.99.01, 1701.99.02, or 1701.99.99 (relating to refined sugar).".

(c) SAME KIND AND QUALITY.—Section 208 of this Act, as amended by subsection (b), is further amended by adding at the end the following:

"(b) SAME KIND AND QUALITY.—For purposes of paragraphs (3)(A)(iii), (5)(C), (6)(B), and (8) of subsection (a), and for purposes of obtaining refunds, waivers, or reductions of customs duties with respect to a good subject to USMCA drawback under section 313(n)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(n)(2)), a good is a good of the same kind and quality as another good—

"(1) for a good described in such paragraph (6)(B), if the good would have been considered of the same kind and quality

as the other good on the day before the date on which the USMCA enters into force; or

"(2) for other goods if—

"(A) the good is classified under the same 8-digit HTS subheading number as the other good; or

"(B) drawback would be allowed with respect to the goods under subsection (b)(4), (j)(1), or (p) of section 313 of the Tariff Act of 1930 (19 U.S.C. 1313).".

(d) CERTAIN FEES; INAPPLICABILITY TO COUNTERVAILING AND ANTIDUMPING DUTIES.—Subsections (d) and (e) of section 203 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3333) are—

19 USC 4534.

(1) transferred to section 208 of this Act;

(2) inserted after subsection (b) of section 208 (as added by subsection (c));

(3) redesignated as subsections (c) and (d), respectively; and

(4) amended, in subsection (c) (as redesignated by paragraph (3)), by striking "exported to" and all that follows through the period at the end and inserting "exported to a USMCA country.".

(e) CONFORMING AMENDMENTS.—

(1) BONDED MANUFACTURING WAREHOUSES.—Section 311 of the Tariff Act of 1930 (19 U.S.C. 1311) is amended, in the eleventh paragraph—

(A) by striking "NAFTA" each place it appears;

(B) by striking "section 203(a) of the North American Free Trade Agreement Implementation Act" and inserting "section 208(a) of the United States-Mexico-Canada Agreement Implementation Act"; and

(C) by striking "section 2(4) of that Act" and inserting "section 3 of that Act".

(2) BONDED SMELTING AND REFINING WAREHOUSES.—Section 312 of the Tariff Act of 1930 (19 U.S.C. 1312) is amended, in subsections (b) and (d)—

(A) by striking "NAFTA" each place it appears and inserting "USMCA";

(B) by striking "section 2(4) of the North American Free Trade Agreement Implementation Act" each place it appears and inserting "section 3 of the United States-Mexico-Canada Agreement Implementation Act"; and

(C) by striking "section 203(a) of that Act" each place it appears and inserting "section 208(a) of that Act".

(3) DRAWBACK AND REFUNDS.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(A) in subsection (j)(4), by striking subparagraph (A) and inserting the following:

"(A)(i) Effective upon the entry into force of the USMCA, the exportation to a USMCA country of merchandise that is fungible with and substituted for imported merchandise, other than merchandise described in paragraphs (1) through (8) of section 208(a) of the United States-Mexico-Canada Agreement Implementation Act, shall not constitute an exportation for purposes of paragraph (2).

"(ii) In this subparagraph, the terms 'USMCA' and 'USMCA country' have the meanings given those terms in section 3

of the United States-Mexico-Canada Agreement Implementation Act.";

(B) in subsection (n)—

(i) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) the term 'USMCA country' has the meaning given that term in section 3 of the United States-Mexico-Canada Agreement Implementation Act;

"(B) the term 'good subject to USMCA drawback' has the meaning given that term in section 208(a) of the United States-Mexico-Canada Agreement Implementation Act;"; and

(ii) in paragraphs (2) and (3), by striking "NAFTA" each place it appears and inserting "USMCA"; and

(C) in subsection (o), by striking "NAFTA" each place it appears and inserting "USMCA".

(4) MANIPULATION IN WAREHOUSE.—Section 562 of the Tariff Act of 1930 (19 U.S.C. 1562) is amended—

(A) by striking paragraph (1) and inserting the following:

"(1) without payment of duties for exportation to a USMCA country, as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act, if the merchandise is of a kind described in any of paragraphs (1) through (8) of section 208(a) of that Act;";

(B) in paragraph (2)—

(i) by striking "section 203(a) of that Act" and inserting "section 208(a) of that Act"; and

(ii) by striking "NAFTA" each place it appears and inserting "USMCA"; and

(C) in paragraphs (3) and (4), by striking "NAFTA" each place it appears and inserting "USMCA".

(5) FOREIGN TRADE ZONES.—Section 3(a)(2) of the Act of June 18, 1934 (commonly known as the "Foreign Trade Zones Act") (19 U.S.C. 81c(a)(2)) is amended, in the flush text—

(A) by striking "goods subject to NAFTA drawback, as defined in section 203(a) of the North American Free Trade Agreement Implementation Act" and inserting "goods subject to USMCA drawback, as defined in section 208(a) of the United States-Mexico-Canada Agreement Implementation Act";

(B) by striking "a NAFTA country, as defined in section 2(4) of that Act" and inserting "a USMCA country, as defined in section 3 of that Act"; and

(C) by striking "NAFTA" each place it appears and inserting "USMCA".

(f) ADDITIONAL CLERICAL AMENDMENT.—The table of contents for this Act is amended by striking the item relating to section 208 and inserting the following:

"Sec. 208. Drawback.".

(g) EFFECTIVE DATE.— 19 USC 81c note.

(1) IN GENERAL.—Each transfer, redesignation, and amendment made by subsections (b) through (e) shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a good entered, or withdrawn from warehouse for consumption, on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—In the case of a good entered, or withdrawn from warehouse for consumption, before the date on which the USMCA enters into force—

(A) the amendments made by subsections (b) through (e) shall not apply with respect to the good; and

(B) the provisions of law amended by such subsections, as such provisions were in effect on the day before that date, shall continue to apply on and after that date with respect to the good.

SEC. 502. RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION.

(a) CLERICAL AMENDMENT.—Subtitle A of title III of this Act is amended in the subtitle heading by striking "**[reserved]**".

(b) ARTICLE IMPACT IN IMPORT RELIEF CASES.—Section 311 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3371) is—

(1) transferred to subtitle A of title III of this Act;

(2) inserted after the heading (as amended by subsection (a)) of such subtitle;

19 USC 4551.

(3) redesignated as section 301; and

(4) amended—

(A) in the section heading, by striking "**NAFTA**" and inserting "**USMCA**";

(B) in subsection (c), by striking "section 312(a)" and inserting "section 302(a)"; and

(C) by striking "NAFTA" each place it appears and inserting "USMCA".

(c) PRESIDENTIAL ACTION REGARDING IMPORTS.—Section 312 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3372) is—

(1) transferred to subtitle A of title III of this Act;

(2) inserted after section 301 (as inserted and redesignated by subsection (b));

19 USC 4552.

(3) redesignated as section 302; and

(4) amended—

(A) in the section heading, by striking "**NAFTA**" and inserting "**USMCA**";

(B) in subsection (b), in the subsection heading, by striking "NAFTA" and inserting "USMCA";

(C) in subsection (c), in the subsection heading, by striking "NAFTA" and inserting "USMCA"; and

(D) by striking "NAFTA" each place it appears and inserting "USMCA".

(d) ADDITIONAL CLERICAL AMENDMENTS.—The table of contents for this Act is amended by striking the item relating to subtitle A of title III and inserting the following:

"Subtitle A—Relief From Injury Caused by Import Competition

"Sec. 301. USMCA article impact in import relief cases under the Trade Act of 1974.

"Sec. 302. Presidential action regarding USMCA imports.".

19 USC 4551 note.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Each transfer, redesignation, and amendment made by this section shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to an investigation under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) initiated on or after that date.

(2) TRANSITION FROM NAFTA.—In the case of an investigation under chapter 1 of title II of the Trade Act of 1974 initiated before the date on which the USMCA enters into force—

(A) the transfers, redesignations, and amendments made by this section shall not apply with respect to the investigation; and

(B) sections 311 and 312 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3371 and 3372), as in effect on the day before that date, shall continue to apply on and after that date with respect to the investigation.

SEC. 503. TEMPORARY ENTRY.

(a) CLERICAL AMENDMENT.—Subtitle B of title III of this Act is amended in the subtitle heading by striking "**[reserved]**".

(b) NONIMMIGRANT TRADERS AND INVESTORS.—Section 341 of the North American Free Trade Agreement Implementation Act (Public Law 103–182; 107 Stat. 2116) is— 19 USC 3401.

(1) transferred to subtitle B of title III of this Act; 8 USC 1184.

(2) inserted after the heading (as amended by subsection (a)) of such subtitle; 8 USC 1184.

(3) redesignated as section 311; and 8 USC 1194; 19 USC 4561.

(4) amended—

(A) by striking subsections (b) and (c);

(B) by striking "(a)" and all that follows through "Upon" and inserting "Upon";

(C) by striking "the Agreement" each place it appears and inserting "the USMCA";

(D) by striking "Annex 1603" and inserting "Annex 16–A"; and

(E) by striking "Annex 1608" and inserting "article 16.1".

(c) NONIMMIGRANT PROFESSIONALS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (e)—

(A) by striking paragraphs (1), (3), (4), and (5);

(B) by redesignating paragraphs (2) and (6) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1), as redesignated by subparagraph (B)—

(i) by striking "Annex 1603 of the North American Free Trade Agreement (in this subsection referred to as 'NAFTA')" and inserting "Annex 16–A of the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)"; and

(ii) by striking the third and fourth sentences and inserting the following: "For purposes of this paragraph, the term 'citizen of Mexico' means 'citizen' as defined in article 16.1 of the USMCA."; and

(2) in subsection (j)(1)—

(A) in the first sentence, by striking "Annex 1603 of the North American Free Trade Agreement" and inserting "Annex 16–A of the USMCA (as defined in section 3 of

the United States-Mexico-Canada Agreement Implementation Act)";

(B) in the second sentence, by striking "article 1603 of such Agreement" and inserting "article 16.4 of the USMCA"; and

(C) in the third sentence, by striking "Annex 1608 of such Agreement" and inserting "article 16.1 of the USMCA".

(d) CONFORMING AMENDMENTS.—

(1) INTEGRATED ENTRY AND EXIT DATA SYSTEM.—Section 110(c)(1)(B) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(c)(1)(B)) is amended by striking "North American Free Trade Agreement" and inserting "USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)".

(2) ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002.—Section 604 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1773) is amended by striking "North American Free Trade Agreement" and inserting "USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)".

(e) ADDITIONAL CLERICAL AMENDMENTS.—The table of contents for this Act is amended by striking the item relating to subtitle A of title III and inserting the following:

"Subtitle B—Temporary Entry of Business Persons

"Sec. 311. Temporary entry.".

8 USC 1184 note.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Each transfer, redesignation, and amendment made by this section shall—

(A) take effect on the date on which the USMCA enters into force; and

Applicability.

(B) apply with respect to a visa issued on or after that date.

(2) TRANSITION FROM NAFTA.—In the case of a visa issued before the date on which the USMCA enters into force—

(A) the transfers, redesignations, and amendments made by this section shall not apply with respect to the visa; and

(B) the provisions of law amended by subsections (b) through (d), as such provisions were in effect on the day before that date, shall continue to apply on and after that date with respect to the visa.

SEC. 504. DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES.

(a) CLERICAL AMENDMENT.—Subtitle B of title IV of this Act is amended in the subtitle heading by striking "**[reserved]**".

(b) REFERENCES IN SUBTITLE.—Section 401 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3431) is—

(1) transferred to subtitle B of title IV of this Act and inserted after the heading (as amended by subsection (a)) of such subtitle;

19 USC 4581.

(2) redesignated as section 411; and

(3) amended by striking "the Agreement" and inserting "the USMCA".

(c) ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS.—Section 402 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3432) is—

(1) transferred to subtitle B of title IV of this Act and inserted after section 411 (as inserted and redesignated by subsection (b));

(2) redesignated as section 412; and 19 USC 4582.

(3) amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (D), by striking "in paragraph 1" and all that follows and inserting "in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3; and";

(II) in subparagraph (E), by striking "chapter 19" and inserting "chapter 10"; and

(III) in the matter following subparagraph (E), by striking "in paragraph 1" and all that follows through "Annex 1904.13" and inserting "in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3"; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking "UNDER" and all that follows before the period; and

(II) in the text—

(aa) by striking "paragraph 1 of Annex 1901.2" and inserting "paragraph 1 of Annex 10–B.1";

(bb) by striking "chapter 19" each place it appears and inserting "chapter 10"; and

(cc) by striking "article 1905" and inserting "article 10.13";

(B) in subsection (b)(1)—

(i) by striking "chapter 19" each place it appears and inserting "chapter 10"; and

(ii) by striking "article 1905" and inserting "article 10.13";

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by striking "chapter 19" each place it appears and inserting "chapter 10"; and

(II) by striking "article 1905" and inserting "article 10.13";

(ii) in paragraph (2)(B)—

(I) by striking "chapter 19" each place it appears and inserting "chapter 10"; and

(II) in clause (i)(II), by striking "article 1905" and inserting "article 10.13";

(iii) in paragraph (3)—

(I) in subparagraph (A)(i), by striking "Annex 1901.2" and inserting "Annex 10–B.1";

(II) in subparagraph (A)(ii), by striking "under Annex 1904.13" and all that follows and inserting "under Annex 10–B.3 and special committees under article 10.13."; and

(III) in subparagraph (B)(i), by striking "chapter 19" and inserting "chapter 10"; and

(iv) in paragraph (4)—

(I) in subparagraph (A), by striking "chapter 19" and inserting "chapter 10"; and

(II) in subparagraph (C)(iv)(III), by striking "chapter 19" and inserting "chapter 10";

(D) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "in paragraph 1" and all that follows and inserting "in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3; or"; and

(II) in subparagraph (B), by striking "chapter 19" and inserting "chapter 10";

(ii) in paragraph (2)—

(I) in subparagraph (A)(i), by striking "in paragraph 1" and all that follows through "during" and inserting "in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3 during";

(II) in subparagraph (A)(ii)—

(aa) by striking "chapter 19" and inserting "chapter 10"; and

(bb) by striking "the Agreement" and inserting "the USMCA";

(III) in subparagraph (A)(iii), by striking "NAFTA" and inserting "USMCA";

(IV) in subparagraph (B)(i), by striking "in paragraph 1" and all that follows and inserting "in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3; or"; and

(V) in subparagraph (B)(ii), by striking "chapter 19" and inserting "chapter 10"; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking "in paragraph 1" and all that follows through "during" and inserting "in paragraph 1 of Annex 10–B.1 and paragraph 1 of Annex 10–B.3 during"; and

(II) in subparagraph (B), by striking "chapter 19" and inserting "chapter 10";

(E) in subsection (e), in the matter preceding paragraph (1)—

(i) by striking "the Agreement" and inserting "the USMCA";

(ii) by striking "between the United States" and all that follows through "NAFTA country"; and

(iii) by striking "January 3, 1994" and inserting "January 3, 2020";

(F) in subsection (f), by striking "chapter 19" and inserting "chapter 10";

(G) in subsection (g), by striking "chapter 19" and inserting "chapter 10"; and

(H) in subsection (h), by striking "chapter 19" and inserting "chapter 10".

(d) TESTIMONY AND PRODUCTION OF PAPERS.—Section 403 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3433) is—

(1) transferred to subtitle B of title IV of this Act and inserted after section 412 (as inserted and redesignated by subsection (c));

(2) redesignated as section 413; and 19 USC 4583.

(3) amended in subsection (a), in the matter preceding paragraph (1), by striking "under paragraph 13" and all that follows through "the committee—" and inserting "under paragraph 13 of article 10.12, and the allegations before the committee include a matter referred to in paragraph 13(a)(i) of article 10.12, for the purposes of carrying out its functions and duties under Annex 10–B.3, the committee—".

(e) REQUESTS FOR REVIEW OF DETERMINATIONS.—Section 404 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3434) is—

(1) transferred to subtitle B of title IV of this Act and inserted after section 413 (as inserted and redesignated by subsection (d));

(2) redesignated as section 414; and 19 USC 4584.

(3) amended—

(A) in the section heading, by striking "**OF NAFTA COUNTRIES**";

(B) in subsection (a)—

(i) in paragraph (1), by striking "article 1911" and all that follows and inserting "article 10.8, of a USMCA country."; and

(ii) in paragraph (2), by striking "article 1908" and inserting "article 10.16";

(C) in subsection (b), by striking "article 1904" and inserting "article 10.12"; and

(D) in subsection (c), by striking "article 1904" each place it appears and inserting "article 10.12".

(f) RULES OF PROCEDURE FOR PANELS AND COMMITTEES.—Section 405 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3435) is—

(1) transferred to subtitle B of title IV of this Act and inserted after section 414 (as inserted and redesignated by subsection (e));

(2) redesignated as section 415; and 19 USC 4585.

(3) amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "article 1904" and inserting "article 10.12";

(B) in subsection (b), by striking "Annex 1904.13" and inserting "Annex 10–B.3"; and

(C) in subsection (c), by striking "Annex 1905.6" and inserting "Annex 10–B.4".

(g) SUBSIDY NEGOTIATIONS.—Section 406 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3436) is—

(1) transferred to subtitle B of title IV of this Act and inserted after section 415 (as inserted and redesignated by subsection (f));

(2) redesignated as section 416; and 19 USC 4586.

(3) amended, in the matter preceding paragraph (1), by striking "NAFTA country" and inserting "USMCA country".

(h) IDENTIFICATION OF INDUSTRIES FACING SUBSIDIZED IMPORTS.—Section 407 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3437) is—

(1) transferred to subtitle B of title IV of this Act and inserted after section 416 (as inserted and redesignated by subsection (g));

19 USC 4587.

(2) redesignated as section 417; and

(3) amended—

(A) in subsection (a)(1)(A)—

(i) by striking "the Agreement" and inserting "the USMCA"; and

(ii) by striking "NAFTA country" and inserting "USMCA country";

(B) in subsection (c), in the matter following paragraph (3), by striking "NAFTA countries" and inserting "USMCA countries"; and

(C) in subsection (d)(3), by striking "the Agreement" and inserting "the USMCA".

(i) TREATMENT OF AMENDMENTS TO LAW.—Section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438) is—

(1) transferred to subtitle B of title IV of this Act and inserted after section 417 (as inserted and redesignated by subsection (h));

19 USC 4588.

(2) redesignated as section 418; and

(3) amended—

(A) in the matter preceding paragraph (1), by striking "the Agreement" and all that follows through "United States" and inserting "the USMCA"; and

(B) in the flush text, by striking "NAFTA country" and inserting "USMCA country".

(j) ADDITIONAL CLERICAL AMENDMENTS.—The table of contents for this Act is amended by striking the item relating to subtitle B of title IV and inserting the following:

"Subtitle B—Dispute Settlement

"Sec. 411. References in subtitle.
"Sec. 412. Organizational and administrative provisions.
"Sec. 413. Testimony and production of papers in extraordinary challenges.
"Sec. 414. Requests for review of determination by competent investigating authorities.
"Sec. 415. Rules of procedure for panels and committees.
"Sec. 416. Subsidy negotiations.
"Sec. 417. Identification of industries facing subsidized imports.
"Sec. 418. Treatment of amendments to antidumping and countervailing duty law.".

19 USC 4581 note.

(k) EFFECTIVE DATE.—

(1) IN GENERAL.—Each transfer, redesignation, and amendment made by this section shall take effect on the date on which the USMCA enters into force, but shall not apply—

(A) to any final determination described in paragraph (1)(B) or clause (i), (ii), or (iii) of paragraph (2)(B) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice of which is published in the Federal Register before such date, or to a determination described in paragraph (2)(B)(vi) of that section notice of which is received by the Government of Canada or Mexico before such date; and

(B) to any binational panel review under NAFTA, or any extraordinary challenge arising out of any such review, that was commenced before such date.

(2) TRANSITION FROM NAFTA.—The transfers, redesignations, and amendments made by this section shall not apply,

and the provisions of title IV of the North American Free Trade Agreement Implementation Act, as in effect on the day before the date on which the USMCA enters into force, shall continue to apply on and after that date with respect—

(A) to any final determination described in paragraph (1)(B) or clause (i), (ii), or (iii) of paragraph (2)(B) of section 516A(a) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)) notice of which is published in the Federal Register before such date, or to a determination described in paragraph (2)(B)(vi) of that section notice of which is received by the Government of Canada or Mexico before the date on which the USMCA enters into force; and

(B) to any binational panel review under NAFTA, or any extraordinary challenge arising out of any such review, that was commenced before the date on which the USMCA enters into force.

SEC. 505. GOVERNMENT PROCUREMENT.

(a) GENERAL AUTHORITY TO MODIFY DISCRIMINATORY PURCHASING REQUIREMENTS.—Section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511) is amended—

(1) in subsection (b)(1), by striking "the North American Free Trade Agreement" and inserting "the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)"; and

(2) in subsection (e)—

(A) by striking "Annex 1001.1a–2 of the North American Free Trade Agreement" and inserting "Annex 13–A of the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)"; and

(B) by striking "chapter 10 of such Agreement" and inserting "chapter 13 of the USMCA".

(b) DEFINITIONS.—Section 308(4)(A)(ii) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)(ii)) is amended—

(1) by striking "a party to the North American Free Trade Agreement," and inserting "Mexico, as a party to the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act),"; and

(2) by striking "the North American Free Trade Agreement for" and inserting "the USMCA for".

(c) EFFECTIVE DATE.—

19 USC 2511 note.

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall—

(A) take effect on the date on which the USMCA enters into force; and

(B) apply with respect to a procurement on or after that date.

(2) TRANSITION FROM NAFTA TREATMENT.—In the case of a procurement before the date on which the USMCA enters into force—

(A) the amendments made by subsections (a) and (b) to sections 301 and 308 of the Trade Agreements Act of 1979 (19 U.S.C. 2511 and 2518) shall not apply with respect to the contract; and

(B) sections 301 and 308 of such Act, as in effect on the day before that date, shall continue to apply on and after that date with respect to the contract.

SEC. 506. ACTIONS AFFECTING UNITED STATES CULTURAL INDUSTRIES.

(a) IN GENERAL.—Section 182(f) of the Trade Act of 1974 (19 U.S.C. 2242(f)) is amended—

(1) in paragraph (1)(C), by striking "article 2106 of the North American Free Trade Agreement" and inserting "article 32.6 of the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)"; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "article 2106 of the North American Free Trade Agreement" and inserting "article 32.6 of the USMCA".

19 USC 2242 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which the USMCA enters into force.

SEC. 507. REGULATORY TREATMENT OF URANIUM PURCHASES.

(a) IN GENERAL.—Section 1017(c) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–6(c)) is amended by striking "North American Free Trade Agreement" and inserting "USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)".

42 USC 2296b–6 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which the USMCA enters into force.

SEC. 508. REPORT ON AMENDMENTS TO EXISTING LAW.

Not later than 180 days after the date of the enactment of this Act, the Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report setting forth a proposal for technical and conforming amendments to the laws under the jurisdiction of such committees, and other laws, necessary to fully carry out the provisions of, and amendments made by, this Act.

TITLE VI—TRANSITION TO AND EXTENSION OF USMCA

Subtitle A—Transitional Provisions

***SEC. 601. REPEAL OF NORTH AMERICAN FREE TRADE AGREEMENT IMPLEMENTATION ACT.**

The North American Free Trade Agreement Implementation Act (Public Law 103–182; 19 U.S.C. 3301 et seq.) is repealed, effective on the date on which the USMCA enters into force.

SEC. 602. CONTINUED SUSPENSION OF THE UNITED STATES-CANADA FREE-TRADE AGREEMENT.

Section 501(c)(3) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100–449; 19 U.S.C. 2112 note) is amended—

(1) in the paragraph heading, by striking "NAFTA" and inserting "USMCA"; and

*Note: Classifications for Section 601: 15 USC 1052 note; 19 USC 58c notes, 1304 note, 1313 note, 1499 note, 1593a note, 1677*l*, 2101 note, 2112 note, 2271 note, 2511 note, 2707 note, 3301 and note, 3311 and note, 3312–3317, 3331 and note, 3332–3335, 3351 and note, 3352–3358, 3381, 3382, 3391, 3401 note, 3411, 3421, 3431 note, 3451, 3461 and note, 3462, 3463, 3471–3473; 22 USC 290m—290m–5, 290m–7; 26 USC 3306 notes, 6103 notes, 6302 notes, 9505 note; 28 USC 1581 note.

(2) in the matter preceding subparagraph (A), by striking "between them of the North American Free Trade Agreement" and inserting "of the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act)".

Subtitle B—Joint Reviews Regarding Extension of USMCA

SEC. 611. PARTICIPATION IN JOINT REVIEWS WITH CANADA AND MEXICO REGARDING EXTENSION OF THE TERM OF THE USMCA AND OTHER ACTION REGARDING THE USMCA. 19 USC 4611.

(a) IN GENERAL.—Pursuant to the requirements of this section, the President shall consult with the appropriate congressional committees and stakeholders before each joint review, including consultation with respect to— President. Consultation.

(1) any recommendation for action to be proposed at the review; and

(2) the decision whether or not to confirm that the United States wishes to extend the USMCA.

(b) CONSULTATIONS WITH CONGRESS AND STAKEHOLDERS.—

(1) PUBLICATION AND PUBLIC HEARING.—At least 270 days before a joint review commences, the Trade Representative shall publish in the Federal Register a notice regarding the joint review and shall, as soon as possible following such publication, provide opportunity for the presentation of views relating to the operation of the USMCA, including a public hearing.

(2) REPORT TO CONGRESS.—At least 180 days before a 6-year joint review under article 34.7 of the USMCA commences, the Trade Representative shall report to the appropriate congressional committees regarding—

(A) the assessment of the Trade Representative with respect to the operation of the USMCA; Assessment.

(B) the precise recommendation for action to be proposed at the review and the position of the United States with respect to whether to extend the term of the USMCA; Recommendations.

(C) what, if any, prior efforts have been made to resolve any concern that underlies that recommendation or position; and

(D) the views of the advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) regarding that recommendation or position.

(c) SUBSEQUENT ACTION TO ADDRESS LACK OF AGREEMENT ON TERM EXTENSION.—

(1) IN GENERAL.—If, as part of a joint review, any USMCA country does not confirm that the country wishes to extend the term of the USMCA under article 34.7.3 of the USMCA, at least 70 days before any subsequent annual joint review meeting conducted as required under article 34.7 of the USMCA, the Trade Representative shall report to the appropriate congressional committees regarding— Time period. Reports.

(A) any reason offered by a USMCA country regarding why the country is unable to agree to extend the term of the USMCA;

(B) the progress that has been made in efforts to achieve resolution of the concerns of that country;

(C) any proposed action that the Trade Representative intends to raise during the meeting; and

(D) the views of the advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) regarding the reasons described in subparagraph (A) and any proposed action under subparagraph (C).

(2) ADDITIONAL INFORMATION.—The Trade Representative shall also provide detailed and timely information in response to any questions posed by the appropriate congressional committees with respect to any meeting described in paragraph (1), including by submitting to those committees copies of any proposed text that the Trade Representative plans to submit to the other parties to the meeting.

(d) CONGRESSIONAL ENGAGEMENT AFTER JOINT REVIEW.—

Deadline. Briefing.

(1) IN GENERAL.—Not later than 20 days after the USMCA countries have met for a joint review, the Trade Representative shall brief the appropriate congressional committees regarding the positions expressed by the countries during the joint review and what, if any, actions were agreed to by the countries.

(2) CONTINUED ENGAGEMENT.—After a joint review, the Trade Representative shall keep the appropriate congressional committees timely apprised of any developments arising out of or related to the review.

(e) DEFINITIONS.—In this section:

(1) JOINT REVIEW.—The term "joint review" means a review conducted under the process provided for in article 34.7 of the USMCA relating to extension of the term of the USMCA.

(2) USMCA COUNTRY.—The term "USMCA country" has the meaning given that term in section 202(a).

Subtitle C—Termination of USMCA

19 USC 4621.

SEC. 621. TERMINATION OF USMCA.

(a) TERMINATION OF USMCA COUNTRY STATUS.—During any period in which a country ceases to be a USMCA country, this Act (other than this subsection and title IX) and the amendments made by this Act shall cease to have effect with respect to that country.

(b) TERMINATION OF USMCA.—On the date on which the USMCA ceases to be in force with respect to the United States, this Act and the amendments made by this Act (other than this subsection and title IX) shall cease to have effect.

TITLE VII—LABOR MONITORING AND ENFORCEMENT

19 USC 4631.

SEC. 701. DEFINITIONS.

In this title:

(1) LABOR ATTACHÉ.—The term "labor attaché" means an individual hired under subtitle B.

(2) LABOR OBLIGATIONS.—The term "labor obligations" means the obligations under chapter 23 of the USMCA (relating to labor).

(3) MEXICO'S LABOR REFORM.—The term "Mexico's labor reform" means the legislation on labor reform enacted by Mexico on May 1, 2019.

Subtitle A—Interagency Labor Committee for Monitoring and Enforcement

SEC. 711. INTERAGENCY LABOR COMMITTEE FOR MONITORING AND ENFORCEMENT. 19 USC 4641.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish an Interagency Labor Committee for Monitoring and Enforcement (in this title referred to as the "Interagency Labor Committee"), to coordinate United States efforts with respect to each USMCA country— Deadline. President. Coordination.

(1) to monitor the implementation and maintenance of the labor obligations;

(2) to monitor the implementation and maintenance of Mexico's labor reform; and

(3) to request enforcement actions with respect to a USMCA country that is not in compliance with such labor obligations.

(b) MEMBERSHIP.—The Interagency Labor Committee shall—

(1) be co-chaired by the Trade Representative and the Secretary of Labor; and

(2) include representatives of such other Federal departments or agencies with relevant expertise as the President determines appropriate.

(c) MEETINGS.—The Interagency Labor Committee shall meet at least once every 90 days during the 5-year period beginning on the date of the enactment of this Act, and at least once every 180 days thereafter for 5 years. Time periods.

(d) INFORMATION SHARING.—Notwithstanding any other provision of law, the members of the Interagency Labor Committee may exchange information for purposes of carrying out this title.

SEC. 712. DUTIES. 19 USC 4642.

The duties of the Interagency Labor Committee shall include the following:

(1) Coordinating the activities of departments and agencies of the Committee in monitoring implementation of and compliance with labor obligations, including by— Coordination.

(A) requesting and reviewing relevant information from the governments of USMCA countries and from the public;

(B) coordinating visits to Mexico as necessary to assess implementation of Mexico's labor reform and compliance with the labor obligations of Mexico;

(C) receiving and reviewing quarterly assessments from the labor attachés with respect to the implementation of and compliance with Mexico's labor reform; and

(D) coordinating with the Secretary of Treasury with respect to support relating to labor issues provided to Mexico by the Inter-American Development Bank.

(2) Establishing an ongoing dialogue with appropriate officials of the Government of Mexico regarding the implementation of Mexico's labor reform and compliance with its labor obligations.

Coordination.

(3) Coordinating with other institutions and governments with respect to support relating to labor issues, such as the International Labour Organization and the Government of Canada.

(4) Identifying priority issues for capacity-building activities in Mexico to be funded by the United States, drawing primarily on the expertise of the Department of Labor.

Time period. Consultation.

(5) Meeting, at least biannually during the 5-year period beginning on the date of the enactment of this Act and at least annually for 5 years thereafter, with the Labor Advisory Committee for Trade Negotiations and Trade Policy established under section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) (or any successor advisory committee) to consult and provide opportunities for input with respect to—

(A) the implementation of Mexico's labor reform;

(B) labor capacity-building activities in Mexico funded by the United States;

(C) labor monitoring efforts;

(D) labor enforcement priorities; and

(E) other relevant issues.

Recommendations.

(6) Based on the assessments required by section 714, making recommendations relating to dispute settlement actions to the Trade Representative, in accordance with section 715.

Recommendations.

(7) Based on reports provided by the Forced Labor Enforcement Task Force under section 743, developing recommendations for appropriate enforcement actions by the Trade Representative.

Reviews.

(8) Reviewing reports submitted by the labor experts appointed in accordance with Annex 31–A of the USMCA, with respect to the functioning of that Annex.

Reviews.

(9) Reviewing reports submitted by the Independent Mexico Labor Expert Board under section 734.

19 USC 4643.

SEC. 713. ENFORCEMENT PRIORITIES.

Reviews.

The Interagency Labor Committee shall—

(1) review the list of priority sectors under Annex 31–A of the USMCA and suggest to USTR additional sectors for review by the USMCA countries as appropriate;

List.

(2) establish and annually update a list of priority subsectors within such priority sectors to be the focus of the enforcement efforts of the Committee, the first of which shall consist of—

(A) auto assembly;

(B) auto parts;

(C) aerospace;

(D) industrial bakeries;

(E) electronics;

(F) call centers;

(G) mining; and

(H) steel and aluminum; and

(3) review priority facilities within such priority subsectors for monitoring and enforcement.

19 USC 4644.

SEC. 714. ASSESSMENTS.

Time period.

(a) ONGOING ASSESSMENTS.—For the 10-year period beginning on the date of the enactment of this Act, except as provided in subsection (b), the Interagency Labor Committee shall assess on

a biannual basis the extent to which Mexico is in compliance with its obligations under Annex 23–A of the USMCA.

(b) CONSULTATION RELATING TO ANNUAL ASSESSMENT.—On or after the date that is 5 years after the date of the enactment of this Act, the Interagency Labor Committee may consult with the appropriate congressional committees with respect to the frequency of the assessment required under subsection (a) and, with the approval of both such committees, may conduct such assessment on an annual basis for the following 5 years. Time periods.

(c) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall also include each of the following:

(1) Whether Mexico is providing adequate funding to implement and enforce Mexico's labor reform, including specifically whether Mexico has provided funding consistent with commitments made to contribute the following amounts for the labor reform implementation budget:

(A) $176,000,000 for 2021.

(B) $325,000,000 for 2022.

(C) $328,000,000 for 2023.

(2) The extent to which any legal challenges to Mexico's labor reform have succeeded in that court system.

(3) The extent to which Mexico has implemented the federal and state labor courts, registration entity, and federal and state conciliation centers consistent with the timeline set forth for Mexico's labor reform, in the September 2019 policy statements by the Government of Mexico on a national strategy for implementation of the labor justice system, and in subsequent policy statements in accordance with Mexico's labor reform.

SEC. 715. RECOMMENDATION FOR ENFORCEMENT ACTION. 19 USC 4645.

(a) RECOMMENDATION TO INITIATE.—If the Interagency Labor Committee determines, pursuant to an assessment under section 714, as a result of monitoring activities described in section 712(1), or pursuant to a report of the Independent Mexico Labor Expert Board that a USMCA country has failed to meets its labor obligations, including with respect to obligations under Annex 23–A of the USMCA, the Committee shall recommend that the Trade Representative initiate enforcement actions under— Determination.

(1) article 23.13 or 23.17 of the USMCA (relating to cooperative labor dialogue and labor consultations);

(2) articles 31.4 and 31.6 of the USMCA (relating to dispute settlement consultations); or

(3) Annex 31–A of the USMCA (relating to the rapid response labor mechanism).

(b) TRADE REPRESENTATIVE DETERMINATIONS.—Not later than 60 days after the date on which the Trade Representative receives a recommendation pursuant to subsection (a), the Trade Representative shall— Deadline.

(1) determine whether to initiate an enforcement action; and

(2) if such determination is negative, submit to the appropriate congressional committees a report on the reasons for such negative determination. Reports.

SEC. 716. PETITION PROCESS. 19 USC 4646.

(a) IN GENERAL.—The Interagency Labor Committee shall establish procedures for submissions by the public of information

with respect to potential failures to implement the labor obligations of a USMCA country.

Determinations.

(b) FACILITY-SPECIFIC PETITIONS.—With respect to information submitted in accordance with the procedures established under subsection (a) accompanying a petition relating to a denial of rights at a covered facility, as such terms are defined for purposes of Annex 31–A of the USMCA:

Review.
Deadline.

(1) The Interagency Labor Committee shall review such information within 30 days of submission and shall determine whether there is sufficient, credible evidence of a denial of rights (as so defined) enabling the good-faith invocation of enforcement mechanisms.

Certification.

(2) If the Committee reaches a negative determination under paragraph (1), the Committee shall certify such determination to the appropriate congressional committees and the petitioner.

(3) If the Committee reaches an affirmative determination under paragraph (1), the Trade Representative shall submit a request for review, in accordance with article 31–A.4 of such Annex, with respect to the covered facility and shall inform the petitioner and the appropriate congressional committees of the submission of such request.

Deadline.

(4) Not later than 60 days after the date of an affirmative determination under paragraph (1), the Trade Representative shall—

(A) determine whether to request the establishment of a rapid response labor panel in accordance with such Annex; and

Certification.

(B) if such determination is negative, certify such determination to the appropriate congressional committees in conjunction with the reasons for such determination and the details of any agreed-upon remediation plan.

Reviews.
Deadlines.

(c) OTHER PETITIONS.—With respect to information submitted in accordance with the procedures established under subsection (a) accompanying a petition relating to any other violation of the labor obligations of a USMCA country:

Determination.

(1) The Interagency Labor Committee shall review such information not later than 20 days after the date of the submission and shall determine whether the information warrants further review.

(2) If the Committee reaches an affirmative determination under paragraph (1), such further review shall focus exclusively on determining, not later than 60 days after the date of such submission, whether there is sufficient, credible evidence that the USMCA country is in violation of its labor obligations, for purposes of initiating enforcement action under chapter 23 or chapter 31 of the USMCA.

(3) If the Committee reaches an affirmative determination under paragraph (2), the Trade Representative shall—

(A) not later than 60 days after the date of the determination of the Committee, initiate appropriate enforcement action under such chapter 23 or chapter 31; or

Notification.
Time period.

(B) submit to the appropriate congressional committees a notification including the reasons for which action was not initiated within such 60-day period.

SEC. 717. HOTLINE. 19 USC 4647.

The Interagency Labor Committee shall establish a web-based hotline, monitored by the Department of Labor, to receive confidential information regarding labor issues among USMCA countries directly from interested parties, including Mexican workers.

SEC. 718. REPORTS. 19 USC 4648.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 10 years except as provided in subsection (b), the Interagency Labor Committee shall submit to the appropriate congressional committees a report that includes—

(1) a description of Committee staffing and capacity building activities with Mexico;

(2) information regarding the budget resources for Mexico's labor reform and the deadlines in the September 2019 policy statements by the Government of Mexico on a national strategy for implementation of the labor justice system and in subsequent policy statements in accordance with Mexico's labor reform;

(3) a summary of petitions filed in accordance with section 716 and the use of the rapid response labor mechanism under Annex 31–A of the USMCA; Summary.

(4) the results of the most recent assessment conducted under section 714; and

(5) if, with respect to any report of the Independent Mexico Labor Expert Board submitted under section 734 that includes a determination described in paragraph (2) of such section, the Interagency Labor Committee does not concur with such determination, an explanation of the reasons for not concurring in such determination and a commitment to provide an oral briefing with respect to such explanation upon request.

(b) CONSULTATION RELATING TO ANNUAL ASSESSMENT.—On or after the date that is 5 years after the date of the enactment of this Act, the Trade Representative and the Secretary of Labor may consult with the appropriate congressional committees with respect to the frequency of the reports required under subsection (a) and, with the approval of both such committees, may submit such report on an annual basis for the following 5 years. Effective date.

(c) FIVE-YEAR ASSESSMENT.—Not later than the date that is 5 years after the date of the establishment of the Interagency Labor Committee pursuant to section 711(a), the Committee shall jointly submit to the appropriate congressional committees— Deadline.

(1) a comprehensive assessment of the implementation of Mexico's labor reform, including with respect to—

(A) whether Mexico has reviewed and legitimized all existing collective bargaining agreements in Mexico;

(B) whether Mexico has addressed the pre-existing legal or administrative labor disputes;

(C) whether Mexico has established the Federal Center for Conciliation and Labor Registration, and an assessment of that Center's operation;

(D) whether Mexico has established the federal labor courts, and an assessment of their operation; and

(E) whether Mexico has established the state conciliation centers and labor courts in all states and an assessment of their operation; and

Strategic plan. Recommendations.

(2) a strategic plan and recommendations for actions to address areas of concern relating to the implementation of Mexico's labor reform, for purposes of the joint review conducted pursuant to article 34.7 of the USMCA on the sixth anniversary of the entry into force of the USMCA.

19 USC 4649.

SEC. 719. CONSULTATIONS ON APPOINTMENT AND FUNDING OF RAPID RESPONSE LABOR PANELISTS.

(a) IN GENERAL.—The Interagency Labor Committee shall consult with the Labor Advisory Committee established under section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) and the Advisory Committee for Trade Policy and Negotiations established under section 135(b) of such Act (or successor advisory committees) and the appropriate congressional committees with respect to the selection and appointment of candidates for the rapid response labor panelists described in Annex 31–A of the USMCA.

(b) FUNDING.—The United States, in consultation with Mexico, shall provide adequate funding for rapid response labor panelists to carry out the responsibilities under the USMCA promptly and fully.

Subtitle B—Mexico Labor Attachés

19 USC 4661.

SEC. 721. ESTABLISHMENT.

The Secretary of Labor shall—

(1) hire and fix the compensation of up to 5 additional full-time officers or employees of the Department of Labor; and

(2) detail or assign such officers or employees to the United States Embassy or a United States Consulate in Mexico to carry out the duties described in section 722.

19 USC 4662.

SEC. 722. DUTIES.

The duties described in this section are the following:

(1) Assisting the Interagency Labor Committee to monitor and enforce the labor obligations of Mexico.

Reports.

(2) Submitting to the Interagency Labor Committee on a quarterly basis reports on the efforts undertaken by Mexico to comply with its labor obligations.

19 USC 4663.

SEC. 723. STATUS.

Any officer or employee, while detailed or assigned under this subtitle, shall be considered, for the purpose of preserving their allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and shall continue to receive compensation, allowances, and benefits from program funds appropriated to that agency or made available to that agency for purposes related to the activities of the detail or assignment, in accordance with authorities related to their employment status and agency policies.

Subtitle C—Independent Mexico Labor Expert Board

SEC. 731. ESTABLISHMENT. 19 USC 4671.

There is hereby established a board, to be known as the "Independent Mexico Labor Expert Board", to be responsible for monitoring and evaluating the implementation of Mexico's labor reform and compliance with its labor obligations. The Board shall also advise the Interagency Labor Committee with respect to capacity-building activities needed to support such implementation and compliance.

SEC. 732. MEMBERSHIP; TERM. 19 USC 4672.

(a) MEMBERSHIP.—The Board shall be composed of 12 members who shall be appointed as follows: Appointments. Consultations.

(1) Four members to be appointed by the Labor Advisory Committee established under section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) (or successor advisory committee).

(2) Two members appointed by the Speaker of the House of Representatives, in consultation with the Chair of the Committee on Ways and Means of the House of Representatives.

(3) Two members appointed by the president pro tempore of the Senate from among individuals recommended by the majority leader of the Senate and in consultation with the Chair of the Committee on Finance of the Senate.

(4) Two members appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Ways and Means of the House of Representatives.

(5) Two members appointed by the President pro tempore of the Senate from among individuals recommended by the minority leader of the Senate and in consultation with the Ranking Member of the Committee on Finance of the Senate.

(b) TERM.—Except as provided in subsection (c), members of the Board shall serve for a term of 6 years.

(c) EXTENSION OF TERM.—If the Board determines, at the end of the 6-year period beginning on the date of the appointment of the last member appointed in accordance with subsection (a), that Mexico is not fully in compliance with its labor obligations, a majority of the members of the Board may determine to extend its term for 4 additional years. A new Board shall be appointed in accordance with subsection (a) and shall serve for a single term of 4 years.

SEC. 733. FUNDING. 19 USC 4673.

The United States shall provide necessary funding to support the work of the Board, including with respect to translation services and personnel support.

SEC. 734. REPORTS. 19 USC 4674.

For the 6-year period beginning on the date of the enactment of this Act, and for an additional 4 years if the term of the Board is extended in accordance with section 732(c), the Board shall submit to appropriate congressional committees and to the Interagency Labor Committee an annual report that—

Assessment.

(1) contains an assessment of—

(A) the efforts of Mexico to implement Mexico's labor reform; and

(B) the manner and extent to which labor laws are generally enforced in Mexico; and

Determination.

(2) may include a determination that Mexico is not in compliance with its labor obligations.

Subtitle D—Forced Labor

19 USC 4681.

SEC. 741. FORCED LABOR ENFORCEMENT TASK FORCE.

Deadline. President.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Forced Labor Enforcement Task Force to monitor United States enforcement of the prohibition under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(b) MEMBERS; MEETINGS.—

(1) MEMBERS.—The Task Force shall be chaired by the Secretary of Homeland Security and shall be comprised of representatives from such other agencies with relevant expertise, including the Office of the United States Trade Representative and the Department of Labor, as the President determines appropriate.

Time period.

(2) MEETINGS.—The Task Force shall meet on a quarterly basis regarding active Withhold and Release Orders, ongoing investigations, petitions received, and enforcement priorities, and other relevant issues with respect to enforcing the prohibition under section 307 of the Tariff Act.

19 USC 4682.

SEC. 742. TIMELINE REQUIRED.

Deadline.

(a) IN GENERAL.—Not later than 90 days after the establishment of the Forced Labor Enforcement Task Force pursuant to section 741(a), the Task Force shall establish timelines for responding to petitions submitted to the Commissioner of U.S. Customs and Border Protection alleging that goods are being imported by or with child or forced labor.

(b) CONSULTATION REQUIRED.—In establishing the timelines during such 90-day period, the Task Force shall consult with the appropriate congressional committees.

(c) REPORT.—The Task Force shall timely submit to the appropriate congressional committees a report that contains the timelines established pursuant to subsection (a) and shall make such report publicly available.

19 USC 4683.

SEC. 743. REPORTS REQUIRED.

The Forced Labor Enforcement Task Force shall submit to appropriate congressional committees a biannual report that includes the following:

(1) The enforcement activities and priorities of the Department of Homeland Security with respect to enforcing the prohibition under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(2) The number of instances in which merchandise was denied entry pursuant to such prohibition during the preceding 180-day period.

(3) A description of the merchandise so denied entry.

(4) An enforcement plan regarding goods included in the most recent "Findings on the Worst Forms of Child Labor" report submitted in accordance with section 504 of the Trade Act of 1974 (19 U.S.C. 2464) and "List of Goods Produced by Child Labor or Forced Labor" submitted in accordance with section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)). Enforcement plan.

(5) Such other information as the Forced Labor Enforcement Task Force considers appropriate with respect to monitoring and enforcing compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 744. DUTIES RELATED TO MEXICO. 19 USC 4684.

The Task Force shall—

(1) develop, in consultation with the appropriate congressional committees, an enforcement plan regarding goods produced by or with forced labor in Mexico; and Consultation. Enforcement plan.

(2) report to the Interagency Labor Committee with respect to any concerns relating to the enforcement of the prohibition under section 307 of the Tariff Act with respect to Mexico, including any allegations that may be filed with respect to forced labor in Mexico. Reports.

Subtitle E—Enforcement Under Rapid Response Labor Mechanism

SEC. 751. TRANSMISSION OF REPORTS. 19 USC 4691.

Each report issued by a rapid response labor panel constituted in accordance with Annex 31–A of the USMCA shall be immediately submitted to the appropriate congressional committees, the Labor Advisory Committee established under section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) (or successor advisory committee), and, as appropriate, the petitioner submitting information pursuant to section 716. The Trade Representative shall also make each such report publicly available in a timely manner. Public information.

SEC. 752. SUSPENSION OF LIQUIDATION. 19 USC 4692.

(a) IN GENERAL.—If the United States files a request pursuant to article 31–A.4.2 of Annex 31–A of the USMCA, the Trade Representative may direct the Secretary of the Treasury to suspend liquidation for unliquidated entries of goods from such covered facility until such time as the Trade Representative notifies the Secretary that a condition described in subsection (b) has been met. Notification.

(b) RESUMPTION OF LIQUIDATION.—The conditions described in this subsection are the following:

(1) The rapid response labor panel has determined that there is no denial of rights at the covered facility within the meaning of such terms under Annex 31–A of the USMCA. Determination.

(2) A course of remediation for denial of rights has been agreed to and has been completed in accordance with the agreed-upon time.

(3) The denial of rights has been otherwise remedied.

19 USC 4693.

SEC. 753. FINAL REMEDIES.

Determination. Consultation.

(a) IN GENERAL.—If a rapid response labor panel constituted in accordance with Annex 31–A of the USMCA determines with respect to a case that there has been a denial of rights within the meaning of such Annex, the Trade Representative may, in consultation with the appropriate congressional committees—

(1) direct the Secretary of the Treasury, until the date of the notification described in subsection (b) and in accordance with Annex 31–A of the USMCA—

(A) to—

(i) deny entry to goods, produced wholly or in part, from any covered facility involved in such case; or

(ii) allow for the release of goods, produced wholly or in part, from such covered facilities only upon payment of duties and any penalty; and

(B) to apply any duties or penalties to customs entries for which liquidation was suspended pursuant to section 752; and

(2) apply other remedies that are appropriate and available under Annex 31–A of the USMCA, until the denial of rights with respect to the case has been remedied.

(b) REMEDIATION NOTIFICATION.—The Trade Representative shall promptly notify the Secretary when the denial of rights with respect to a case described in subsection (a) has been remedied.

TITLE VIII—ENVIRONMENT MONITORING AND ENFORCEMENT

19 USC 4701.

SEC. 801. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL LAW.—The term "environmental law" has the meaning given the term in article 24.1 of the USMCA.

(2) ENVIRONMENTAL OBLIGATIONS.—The term "environmental obligations" means obligations relating to the environment under—

(A) chapter 1 of the USMCA (relating to initial provisions and general definitions); and

(B) chapter 24 of the USMCA (relating to environment).

Subtitle A—Interagency Environment Committee for Monitoring and Enforcement

19 USC 4711.

SEC. 811. ESTABLISHMENT.

Deadline. President.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall establish an Interagency Environment Committee for Monitoring and Enforcement (in this title referred to as the "Interagency Environment Committee")—

Coordination.

(1) to coordinate United States efforts to monitor and enforce environmental obligations generally; and

(2) with respect to the USMCA countries—

(A) to carry out an assessment of their environmental laws and policies; Assessment.

(B) to carry out monitoring actions with respect to the implementation and maintenance of their environmental obligations; and

(C) to request enforcement actions with respect to USMCA countries that are not in compliance with their environmental obligations.

(b) MEMBERSHIP.—The members of the Interagency Environment Committee shall be the following:

(1) The Trade Representative, who shall serve as chairperson.

(2) Representatives from each of the following:

(A) The National Oceanic Atmospheric Administration.

(B) The U.S. Fish and Wildlife Service.

(C) The U.S. Forest Service.

(D) The Environmental Protection Agency.

(E) The Animal and Plant Health Inspection Service.

(F) U.S. Customs and Border Protection.

(G) The Department of State.

(H) The Department of Justice.

(I) The Department of the Treasury.

(J) The United States Agency for International Development.

(3) Representatives from other Federal agencies, as the President determines to be appropriate. President.

(c) INFORMATION SHARING.—Notwithstanding any other provision of law, the members of the Interagency Environment Committee may exchange information for purposes of carrying out this subtitle.

SEC. 812. ASSESSMENT. 19 USC 4712.

(a) IN GENERAL.—The Interagency Environment Committee shall carry out an assessment of the environmental laws and policies of the USMCA countries—

(1) to determine if such laws and policies are sufficient to implement their environmental obligations; and

(2) to identify any gaps between such laws and policies and their environmental obligations.

(b) MATTERS TO BE INCLUDED.—The assessment required by subsection (a) shall identify the environmental laws and policies of the USMCA countries with respect to which enhanced cooperation, including the provision of technical assistance and capacity building assistance, monitoring actions, and enforcement actions, if appropriate, should be carried out on an enhanced and continuing basis.

(c) REPORT.—Not later than 90 days after the date on which the Interagency Environment Committee is established, or the date on which the USMCA enters into force, whichever occurs earlier, the Interagency Environment Committee shall submit a report that contains the assessment required by subsection (a) to—

(1) the appropriate congressional committees; and

(2) the Trade and Environment Policy Advisory Committee (or successor advisory committee) established under section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)).

(d) UPDATE.—The Interagency Environment Committee shall—

(1) update the assessment required by subsection (a) at the appropriate time prior to submission of the report required by section 816(a) that is to be submitted in the fifth year after the USMCA enters into force; and

(2) submit the updated assessment to the Trade Representative for inclusion in such fifth annual report.

(e) CONSULTATION.—The Interagency Environment Committee shall consult on a regular basis with the USMCA countries—

(1) in carrying out the assessment required by subsection (a) and the update to the assessment required by subsection (d); and

(2) in preparing the report required by subsection (c).

19 USC 4713.

SEC. 813. MONITORING ACTIONS.

(a) IN GENERAL.—The Interagency Environment Committee shall carry out monitoring actions, which shall include the monitoring actions described in subsections (b), (c), and (d), with respect to the implementation and maintenance of the environmental obligations of the USMCA countries.

Deadlines.

(b) REVIEW OF CEC SECRETARIAT SUBMISSIONS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Secretariat of the Commission for Environmental Cooperation prepares a factual record under article 24.28 of the USMCA relating to a submission filed under article 24.27 of the USMCA with respect to a USMCA country, the Interagency Environment Committee—

(A) shall review the factual record; and

(B) may, based on findings of the review under subparagraph (A) that the USMCA country is not in compliance with its environmental obligations, request enforcement actions under section 814 with respect to the USMCA country.

(2) WRITTEN JUSTIFICATION.—If the Interagency Environment Committee finds that a USMCA country is not in compliance with its environmental obligations under paragraph (1)(B) and determines not to request enforcement actions under section 814 with respect to the USMCA country, the Committee shall, not later than 30 days after the date on which it makes the determination, provide to the appropriate congressional committees a written explanation and justification of the determination.

(c) REVIEW OF REPORTS OF UNITED STATES ENVIRONMENT ATTACHÉS TO MEXICO.—The Interagency Environment Committee shall—

(1) review each report submitted to the Committee under section 822(b)(2); and

Assessment.

(2) based on the findings of each such report, assess the efforts of Mexico to comply with its environmental obligations.

(d) UNITED STATES IMPLEMENTATION OF ENVIRONMENT COOPERATION AND CUSTOMS VERIFICATION AGREEMENT.—

(1) VERIFICATION OF SHIPMENTS.—The Interagency Environment Committee—

(A) may request verification of particular shipments of Mexico under the Environment Cooperation and Customs Verification Agreement between the United States and Mexico, done at Mexico City on December 10, 2019, in response to—

(i) comments submitted by the public to request verification of particular shipments of Mexico under such Agreement; or

(ii) on its own motion; and

(B) upon receipt of comments described in subparagraph (A)(i)—

(i) shall review the comments not later than 30 days after the date on which the comments are submitted to the Trade Representative; and Deadline.

(ii) may request the Trade Representative to, within a reasonable period of time, request Mexico to provide relevant information for purposes of verification of particular shipments of Mexico described in subparagraph (A).

(2) REVIEW OF RELEVANT INFORMATION AND REQUEST FOR ADDITIONAL STEPS.—The Interagency Environment Committee—

(A) shall review relevant information provided by Mexico as described in paragraph (1)(B)(ii) to determine if the Trade Representative should request additional steps to verify information provided or related to a particular shipment of Mexico; and

(B) may request the Trade Representative to, within a reasonable period of time, request Mexico to take such additional steps with respect to the particular shipment.

(3) CONSULTATION.—The Trade Representative, on behalf of the Interagency Environment Committee, shall, on a quarterly basis, consult with the appropriate congressional committees and the Trade and Environment Policy Advisory Committee (or successor advisory committee) established under section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) regarding the public comments and relevant information described in paragraph (1) and the actions taken under paragraph (2). Time period.

(e) APPLICATION.—Subsections (c) and (d) shall apply with respect to Mexico for such time as the USMCA is in force with respect to, and the United States applies the USMCA to, Mexico.

SEC. 814. ENFORCEMENT ACTIONS. 19 USC 4714.

The Interagency Environment Committee—

(1) may request the Trade Representative to, within a reasonable period of time, request consultations under—

(A) article 24.29 of the USMCA (relating to environment consultations) with respect to the USMCA country; or

(B) articles 31.4 and 31.6 of the USMCA (relating to dispute settlement consultations) with respect to the USMCA country; or

(2) may request the heads of other Federal agencies described in section 815 to initiate monitoring or enforcement actions with respect to the USMCA country under the provisions of law described in section 815.

SEC. 815. OTHER MONITORING AND ENFORCEMENT ACTIONS. 19 USC 4715.

(a) MARINE MAMMAL PROTECTION ACT.—The Secretary of Commerce has authority to take appropriate monitoring or enforcement actions under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

(b) MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—The Secretary of Commerce has authority to take appropriate monitoring or enforcement actions under the following provisions of law:

(1) The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891 et seq.).

(3) The High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.).

(4) The Shark Conservation Act of 2010 (16 U.S.C. 1826k note; 1857 note).

(5) The Shark Finning Prohibition Act (16 U.S.C. 1822 note).

(c) FISHERMEN'S PROTECTIVE ACT OF 1967.—The Secretary of Commerce and Secretary of the Interior have authority to take appropriate monitoring or enforcement actions under section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978).

(d) AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING.—The Secretary of Commerce has authority to take appropriate monitoring or enforcement actions under the Port State Measures Agreement Act of 2015 (16 U.S.C. 7401 et seq.).

(e) ENDANGERED SPECIES ACT.—The Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of the Treasury have authority to take appropriate monitoring or enforcement actions under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) LACEY ACT.—The Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Homeland Security, and the Secretary of the Treasury have authority to take appropriate monitoring or enforcement actions under the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

(g) MIGRATORY BIRD TREATY ACT.—The Secretary of the Interior has authority to take appropriate monitoring or enforcement actions under the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.).

(h) ELIMINATE, NEUTRALIZE, AND DISRUPT WILDLIFE TRAFFICKING ACT.—The Secretary of State, the Secretary of the Interior, the Attorney General, and Administrator of the United States Agency for International Development have authority to take appropriate monitoring or enforcement actions under the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601 et seq.).

(i) WILD BIRD CONSERVATION ACT.—The Secretary of the Interior has authority to take appropriate monitoring or enforcement actions under the Wild Bird Conservation Act of 1992 (16 U.S.C. 4901 et seq.).

(j) CUSTOMS SEIZURE AND OTHER AUTHORITIES.—The Secretary of Homeland Security has authority to take appropriate monitoring or enforcement actions under section 499 of the Tariff Act of 1930 (19 U.S.C. 1499) or section 596 of such Act (19 U.S.C. 1595a).

(k) OTHER RELEVANT PROVISIONS OF LAW.—The Interagency Environment Committee may request the heads of other Federal

agencies to take appropriate monitoring or enforcement actions under other relevant provisions of law.

(l) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supersede or otherwise limit in any manner the functions or authority of the head of any Federal agency described in this section under any other provision of law.

SEC. 816. REPORT TO CONGRESS. 19 USC 4716.

(a) IN GENERAL.—The Trade Representative, in consultation with the head of any Federal agency described in this subtitle, shall submit to the appropriate congressional committees a report on the implementation of this subtitle, including— Consultation.

(1) a description of efforts of the USMCA countries to implement their environmental obligations; and

(2) a description of additional efforts to be taken with respect to USMCA countries that are failing to implement their environmental obligations.

(b) TIMING OF REPORT.—The report required by subsection (a) shall be submitted—

(1) not later than 1 year after the date on which the USMCA enters into force;

(2) annually for each of the next 4 years; and

(3) biennially thereafter.

(c) ADDITIONAL MATTERS TO BE INCLUDED IN THE FIFTH ANNUAL REPORT.—The report required by subsection (a) that is submitted in the fifth year after the USMCA enters into force shall also include the following:

(1) The updated assessment required by section 812(d). Assessment.

(2) A comprehensive determination regarding USMCA countries' implementation of their environmental obligations. Determination.

(3) An explanation of how compliance with environmental obligations will be taken into consideration during the "joint review" conducted pursuant to article 34.7.2 of the USMCA on the sixth anniversary of the entry into force of the USMCA.

SEC. 817. REGULATIONS. 19 USC 4717.

The head of any Federal agency described in this subtitle, in consultation with the Interagency Environment Committee, may prescribe such regulations as are necessary to carry out the authorities of the Federal agency as provided for under this subtitle. Consultation.

Subtitle B—Other Matters

SEC. 821. BORDER WATER INFRASTRUCTURE IMPROVEMENT AUTHORITY. 19 USC 4731.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, in coordination with eligible public entities, carry out the planning, design, construction, and operation and maintenance of high priority treatment works in the covered area to treat wastewater (including stormwater), nonpoint sources of pollution, and related matters resulting from international transboundary water flows originating in Mexico. Coordination.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to Congress a report on activities carried out pursuant to this section.

(c) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term "covered area" means the portion of the Tijuana River watershed that is in the United States.

(2) ELIGIBLE PUBLIC ENTITIES.—The term "eligible public entities" means—

(A) the United States Section of the International Boundary and Water Commission;

(B) the Corps of Engineers;

(C) the North American Development Bank;

(D) the Department of State;

(E) any other appropriate Federal agency;

(F) the State of California; and

(G) any of the following entities with jurisdiction over any part of the covered area:

(i) A local government.

(ii) An Indian Tribe.

(iii) A regional water board.

(iv) A public wastewater utility.

(3) TREATMENT WORKS.—The term "treatment works" has the meaning given that term in section 212 of the Federal Water Pollution Control Act.

19 USC 4732.

SEC. 822. DETAIL OF PERSONNEL TO OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Upon the request of the Trade Representative, the Administrator of the Environmental Protection Agency, the Director of the U.S. Fish and Wildlife Service, and the Administrator of the National Oceanic Atmospheric Administration may detail, on a reimbursable basis, one employee of each such respective agency to the Office of the United States Trade Representative to be assigned to the United States Embassy in Mexico to carry out the duties described in subsection (b).

(b) DUTIES.—The duties described in this subsection are the following:

(1) Assist the Interagency Environment Committee to carry out monitoring and enforcement actions with respect to the environmental obligations of Mexico.

Reports.

(2) Prepare and submit to the Interagency Environment Committee on a quarterly basis a report on efforts of Mexico to comply with its environmental obligations.

Subtitle C—North American Development Bank

SEC. 831. GENERAL CAPITAL INCREASE.

Part 2 of subtitle D of title V of Public Law 103–182 (22 U.S.C. 290m et seq.) is amended by adding at the end the following:

22 USC 290m–7.

"SEC. 547. FIRST CAPITAL INCREASE.

"(a) SUBSCRIPTION AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of the Treasury is authorized to subscribe on behalf of the United States to, and make payment for, 150,000 additional shares of the capital stock of the Bank.

"(2) LIMITATION.—Any subscription by the United States to the capital stock of the Bank shall be effective only to

such extent and in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $1,500,000,000 for payment by the Secretary of the Treasury.

"(2) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under paragraph (1)—

"(A) $225,000,000 shall be for paid in shares of the Bank; and

"(B) $1,275,000,000 shall be for callable shares of the Bank.".

SEC. 832. POLICY GOALS.

22 USC 290m–8 note.

(a) IN GENERAL.—To the extent consistent with the mission and scope of the North American Development Bank on the day before the date of the enactment of this Act and pursuant to section 2 of article II of the Charter, the Secretary of the Treasury should direct the representatives of the United States to the Board of Directors of the Bank to use the voice and vote of the United States to give preference to the financing of projects related to environmental infrastructure relating to water pollution, wastewater treatment, water conservation, municipal solid waste, stormwater drainage, non-point pollution, and related matters.

(b) CHARTER DEFINED.—In this section, the term "Charter" means the Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank, signed at Washington and Mexico November 16 and 18, 1993, and entered into force January 1, 1994 (TIAS 12516), between the United States and Mexico.

SEC. 833. EFFICIENCIES AND STREAMLINING.

22 USC 290m–8 note.

The Secretary of the Treasury should direct the representatives of the United States to the Board of Directors of the North American Development Bank to use the voice and vote of the United States to seek to require the Bank to develop and implement efficiency improvements to streamline and accelerate the project certification and financing process, including through initiatives such as single certifications for revolving facilities, programmatic certification of similar groups of small projects, expansion of internal authority to approve qualified projects below certain monetary thresholds, and expedited certification for public sector projects subject to lender bidding processes.

SEC. 834. PERFORMANCE MEASURES.

(a) IN GENERAL.—The Secretary of the Treasury should direct the representatives of the United States to the Board of Directors of the North American Development Bank to use the voice and vote of the United States to seek to require the Bank to develop performance measures that—

(1) demonstrate how projects and financing approved by the Bank are meeting the Bank's mission and providing added value to the region near the international land border between the United States and Mexico; and

(2) are reviewed and updated not less frequently than annually.

Time period.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit to Congress, with the submission to Congress of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code, a report on progress in imposing the performance measures described in subsection (a) of this section.

USMCA Supplemental Appropriations Act, 2019.

TITLE IX—USMCA SUPPLEMENTAL APPROPRIATIONS ACT, 2019

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2020 and for other purposes, namely:

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for enforcement of the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) during fiscal years 2020 through 2023 related to trade activities between the United States and Mexico, $4,000,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $16,000,000, to remain available until September 30, 2023: *Provided*, That $8,000,000 shall be available to engage in cooperation with the Government of Mexico to combat illegal, unreported, and unregulated fishing and enhance the implementation of the Seafood Import Monitoring Program pursuant to 16 U.S.C. 1826 and 1829, during fiscal years 2020 through 2023: *Provided further*, That $8,000,000 shall be available to carry out section 3 of the Marine Debris Act (33 U.S.C. 1952) during fiscal years 2020 through 2023 in the North American region: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000, to remain available until September 30, 2023: *Provided*, That $30,000,000 shall be available solely to provide for additional capacity of the Office during fiscal years 2020 through

2023 to monitor compliance with labor obligations (as such term is defined in section 701 of this Act), including the necessary expenses of additional full-time employees to participate in the Interagency Labor Committee for Monitoring and Enforcement established pursuant to section 711 of this Act: *Provided further*, That $20,000,000 shall be available to reimburse the necessary expenses of personnel participating in the Interagency Environment Committee for Monitoring and Enforcement established pursuant to section 811 of this Act during fiscal years 2020 through 2023 to monitor compliance with environmental obligations (as such term is defined in section 801 of this Act), including up to one additional full-time employee detailed to the United States Embassy in Mexico from each of the United States Fish and Wildlife Service, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration: *Provided further*, That, if the United States Trade Representative determines that the additional amount appropriated under this heading in this Act exceeds the amount sufficient to provide for the reimbursement of personnel specified in the previous proviso, such excess amounts may be used to reimburse the necessary expenses of additional personnel participating in the Interagency Environment Committee for Monitoring and Enforcement during fiscal years 2020 through 2023 to monitor compliance with environmental obligations (as such term is defined in section 801 of this Act): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Determination.
Reimbursement.
Time period.

TRADE ENFORCEMENT TRUST FUND

For an additional amount for the "Trade Enforcement Trust Fund", $40,000,000, to remain available until September 30, 2023, to carry out the enforcement of environmental obligations under the USMCA, including for state-to-state dispute settlement actions, during fiscal years 2020 through 2023: *Provided*, That, amounts appropriated in this paragraph shall not count toward the limitation specified in section 611(b)(2) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", to enforce the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and sections 42 and 43 of title 18, United States Code, with respect to goods imported or exported between the United States and Mexico, during fiscal years 2020 through 2023, $4,000,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses for carrying out the Environmental Protection Agency's efforts through the Commission for Environmental Cooperation during fiscal years 2020 through 2023, to reduce pollution, strengthen environmental governance, conserve biological diversity, and sustainably manage natural resources, $4,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants" for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission, $300,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $210,000,000, for the Bureau of International Labor Affairs to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements; of which $180,000,000, to remain available until December 31, 2023, shall be used to support reforms of the labor justice system in Mexico, including grants to support worker-focused capacity building, efforts to reduce workplace discrimination in Mexico, efforts to reduce child labor and forced labor in Mexico, efforts to reduce human trafficking, efforts to reduce child exploitation, and other efforts related to implementation of the USMCA; and of which $30,000,000, to remain available until September 30, 2027, shall be available to provide for additional capacity of the Bureau of International Labor Affairs during fiscal years 2020 through 2027 to monitor compliance with labor obligations (as such term is defined in section 701 of this Act), including the necessary expenses of additional full-time employees of the Bureau to participate in the Interagency Labor Committee for Monitoring and Enforcement established pursuant to section 711 of this Act: *Provided*, That the Secretary of Labor may detail or assign up to 5 additional full-time employees of the Bureau to the United States Embassy or consulates in Mexico to (1) assist in monitoring and enforcement actions with respect to the labor obligations of Mexico, and (2) prepare a report, to be submitted on a quarterly basis

Detailed employees. Reports.

to the Interagency Labor Committee for Monitoring and Enforcement through September 30, 2027, on the efforts of Mexico to comply with labor obligations (as such term is defined in section 701 of this Act): *Provided further*, That such employees, while detailed or assigned, shall continue to receive compensation, allowances, and benefits from funds made available to the Bureau for purposes related to the activities of the detail or assignment, in accordance with authorities related to their employment status and agency policies: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MULTILATERAL ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $215,000,000, to remain available until expended: *Provided*, That the authorities and conditions applicable to accounts in title V of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) shall apply to the amounts provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. Applicability.

GENERAL PROVISIONS—THIS TITLE

SEC. 901. Each amount appropriated or made available by this title is in addition to any amounts otherwise appropriated for any of the fiscal years involved.

SEC. 902. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 903. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 904. Each amount designated in this title by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress. President.

BUDGETARY EFFECTS

SEC. 905. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this title shall be estimated for purposes of section 251 of such Act.

This title may be cited as the "USMCA Supplemental Appropriations Act, 2019".

Approved January 29, 2020.

LEGISLATIVE HISTORY—H.R. 5430:

HOUSE REPORTS: No. 116–358, Pt. 1 (Comm. on Ways and Means).
SENATE REPORTS: No. 116–283 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 19, considered and passed House.
Vol. 166 (2020): Jan. 15, 16, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Jan. 29, Presidential remarks.

Public Law 116–114
116th Congress

An Act

To extend the temporary scheduling order for fentanyl-related substances, and for other purposes.

Feb. 6, 2020
[S. 3201]

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

Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act. Drugs and drug abuse.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act".

SEC. 2. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Notwithstanding any other provision of law, section 1308.11(h)(30) of title 21, Code of Federal Regulations, shall remain in effect until May 6, 2021.

SEC. 3. STUDY AND REPORT ON IMPACTS OF CLASSWIDE SCHEDULING.

(a) DEFINITION.—In this section, the term "fentanyl-related substance" has the meaning given the term in section 1308.11(h)(30)(i) of title 21, Code of Federal Regulations.

(b) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study of the classification of fentanyl-related substances as schedule I controlled substances under the Controlled Substances Act (21 U.S.C. 801 et seq.), research on fentanyl-related substances, and the importation of fentanyl-related substances into the United States; and

(2) not later than 1 year after the date of enactment of this Act, submit a report on the results of the study conducted under paragraph (1) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Caucus on International Narcotics Control of the Senate;

(D) the Committee on the Judiciary of the House of Representatives; and

(E) the Committee on Energy and Commerce of the House of Representatives.

(c) REQUIREMENTS.—The Comptroller General, in conducting the study and developing the report required under subsection (b), shall— Review.

(1) evaluate class control of fentanyl-related substances, including— Evaluation.

(A) the definition of the class of fentanyl-related substances in section 1308.11(h)(30)(i) of title 21, Code of Federal Regulations, including the process by which the definition was formulated;

(B) the potential for classifying fentanyl-related substances with no, or low, abuse potential, or potential accepted medical use, as schedule I controlled substances when scheduled as a class; and

(C) any known classification of fentanyl-related substances with no, or low, abuse potential, or potential accepted medical use, as schedule I controlled substances that has resulted from the scheduling action of the Drug Enforcement Administration that added paragraph (h)(30) to section 1308.11 of title 21, Code of Federal Regulations;

(2) review the impact or potential impact of controls on fentanyl-related substances on public health and safety, including on—

(A) diversion risks, overdose deaths, and law enforcement encounters with fentanyl-related substances; and

(B) Federal law enforcement investigations and prosecutions of offenses relating to fentanyl-related substances;

(3) review the impact of international regulatory controls on fentanyl-related substances on the supply of such substances to the United States, including by the Government of the People's Republic of China;

(4) review the impact or potential impact of screening and other interdiction efforts at points of entry into the United States on the importation of fentanyl-related substances into the United States;

Recommendations.

(5) recommend best practices for accurate, swift, and permanent control of fentanyl-related substances, including—

(A) how to quickly remove from the schedules under the Controlled Substances Act substances that are determined, upon discovery, to have no abuse potential; and

(B) how to reschedule substances that are determined, upon discovery, to have a low abuse potential or potential accepted medical use;

(6) review the impact or potential impact of fentanyl-related controls by class on scientific and biomedical research; and

Evaluation.

(7) evaluate the processes used to obtain or modify Federal authorization to conduct research with fentanyl-related substances, including by—

(A) identifying opportunities to reduce unnecessary burdens on persons seeking to research fentanyl-related substances;

(B) identifying opportunities to reduce any redundancies in the responsibilities of Federal agencies;

(C) identifying opportunities to reduce any inefficiencies related to the processes used to obtain or modify Federal authorization to conduct research with fentanyl-related substances;

(D) identifying opportunities to improve the protocol review and approval process conducted by Federal agencies; and

(E) evaluating the degree, if any, to which establishing processes to obtain or modify a Federal authorization to

conduct research with a fentanyl-related substance that are separate from the applicable processes for other schedule I controlled substances could exacerbate burdens or lead to confusion among persons seeking to research fentanyl-related substances or other schedule I controlled substances.

(d) INPUT FROM CERTAIN FEDERAL AGENCIES.—In conducting the study and developing the report under subsection (b), the Comptroller General shall consider the views of the Department of Health and Human Services and the Department of Justice.

(e) INFORMATION FROM FEDERAL AGENCIES.—Each Federal department or agency shall, in accordance with applicable procedures for the appropriate handling of classified information, promptly provide reasonable access to documents, statistical data, and any other information that the Comptroller General determines is necessary to conduct the study and develop the report required under subsection (b). Determination.

(f) INPUT FROM CERTAIN NON-FEDERAL ENTITIES.—In conducting the study and developing the report under subsection (b), the Comptroller General shall consider the views of experts from certain non-Federal entities, including experts from—

(1) the scientific and medical research community;

(2) the State and local law enforcement community; and

(3) the civil rights and criminal justice reform communities.

Approved February 6, 2020.

LEGISLATIVE HISTORY—S. 3201:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 16, considered and passed Senate.
Jan. 29, considered and passed House.

Public Law 116–115
116th Congress

An Act

Feb. 11, 2020
[S. 153]

To promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes.

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

Supporting Veterans in STEM Careers Act.
42 USC 1861 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Veterans in STEM Careers Act".

42 USC 1862t note.

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(2) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(3) STEM.—The term "STEM" has the meaning given the term in section 2 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

(4) VETERAN.—The term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

SEC. 3. SUPPORTING VETERANS IN STEM EDUCATION AND COMPUTER SCIENCE.

42 USC 1862t.

(a) SUPPORTING VETERAN INVOLVEMENT IN SCIENTIFIC RESEARCH AND STEM EDUCATION.—The Director shall, through the research and education activities of the Foundation, encourage veterans to study and pursue careers in STEM and computer science, in coordination with other Federal agencies that serve veterans.

Deadline.
42 USC 1862t.

(b) VETERAN OUTREACH PLAN.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for how the Foundation can enhance its outreach efforts to veterans. Such plan shall—

(1) report on the Foundation's existing outreach activities;

(2) identify the best method for the Foundation to leverage existing authorities and programs to facilitate and support veterans in STEM careers and studies, including teaching programs; and

(3) include options for how the Foundation could track veteran participation in research and education programs of the Foundation, and describe any barriers to collecting such information.

(c) NATIONAL SCIENCE BOARD INDICATORS REPORT.—The National Science Board shall provide in its annual report on indicators of the state of science and engineering in the United States any available and relevant data on veterans in science and engineering careers or education programs. 42 USC 1862t.

(d) ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM UPDATE.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) higher education programs that serve or support veterans.";

(2) in subsection (b)(2)(F)—

(A) by striking "and students" and inserting ", students"; and

(B) by inserting ", and veterans" before the period at the end;

(3) in subsection (c)(2), by inserting "and veterans" before the period at the end; and

(4) in subsection (d)(2), by inserting "and veterans" before the period at the end.

(e) NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS AND MASTER TEACHING FELLOWSHIPS UPDATE.—Section 10A(d) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(d)) is amended—

(1) in paragraph (3)(F)—

(A) by striking "and individuals" and inserting ", individuals"; and

(B) by inserting ", and veterans" before the period at the end; and

(2) in paragraph (4)(B), by inserting "and veterans" before the period at the end.

(f) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS UPDATE.—Section 5(a) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (1), by inserting "and students who are veterans" after "these fields"; and

(2) in paragraph (3)—

(A) in subparagraph (I), by striking "and" at the end;

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (I) the following:

"(J) creating opportunities for veterans to transition to careers in computer and network security; and".

(g) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH UPDATE.—Section 5(c)(6)(C) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(6)(C)) is amended by inserting "or veterans" after "disciplines".

(h) VETERANS AND MILITARY FAMILIES STEM EDUCATION INTERAGENCY WORKING GROUP.— 42 USC 1862t.

Establishment.

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish, or designate, an interagency working group to improve veteran and military spouse equity and representation in STEM fields.

Strategic plan.

(2) DUTIES OF INTERAGENCY WORKING GROUP.—An interagency working group established under paragraph (1) shall develop and facilitate the implementation by participating agencies of a strategic plan, which shall—

(A) specify and prioritize short- and long-term objectives;

(B) specify the common metrics that will be used by Federal agencies to assess progress toward achieving such objectives;

(C) identify barriers veterans face in reentering the workforce, including a lack of formal STEM education, career guidance, and the process of transferring military credits and skills to college credits;

(D) identify barriers military spouses face in establishing careers in STEM fields;

(E) describe the approaches that each participating agency will take to address administratively the barriers described in subparagraphs (C) and (D); and

(F) identify any barriers that require Federal or State legislative or regulatory changes in order to be addressed.

(3) REPORT.—The Director of the Office of Science and Technology Policy shall—

Deadline.

(A) not later than 1 year after the date of enactment of this Act, submit to Congress the strategic plan required under paragraph (2); and

(B) include in the annual report required by section 101(d) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(d)) a description of any progress made in carrying out the activities described in paragraph (2) of this subsection.

(4) SUNSET.—An interagency working group established under paragraph (1) shall terminate on the date that is 3 years after the date that it is established.

SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON BARRIERS FACED BY STUDENT VETERANS PURSUING DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH.

Deadline.

(a) STUDY.—Not later than August 1, 2022, the Comptroller General of the United States shall complete a study on academic success rates of student veterans pursuing covered degrees and barriers faced by such students in pursuing such degrees.

Assessments.

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

(1) Assessment of available information on the percentage or number of student veterans pursuing a covered degree with educational assistance furnished under chapter 33 of title 38, United States Code.

(2) Assessment of available information on the percentage or number of such students who pursue a covered degree and do not obtain such degree in four or fewer academic years.

(3) Identification of the reasons that such students do not obtain such degree in four or fewer academic years and whether such reasons are barriers to obtaining such degrees.

(4) Development of recommendations for legislative or administrative action to better align the educational assistance furnished under chapter 33 of title 38, United States Code, with the needs of such students and address the reasons identified under paragraph (3). Recommendations.

(c) REPORT.—Not later than August 1, 2022, the Comptroller General shall submit to Congress a report on the findings of the Comptroller General with respect to the study completed under subsection (a), along with recommendations for such legislative or administrative action as the Comptroller General considers appropriate.

(d) DEFINITION OF COVERED DEGREE.—In this section, the term "covered degree" means a standard, undergraduate college degree in a field listed under section 3320(b)(4)(A)(i) of title 38, United States Code.

Approved February 11, 2020.

LEGISLATIVE HISTORY—S. 153 (H.R. 425):

SENATE REPORTS: No. 116–164 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 165 (2019): Dec. 18, considered and passed Senate.

Vol. 166 (2020): Jan. 27, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):

Feb. 11, Presidential remarks.

Public Law 116–116
116th Congress

An Act

Mar. 2, 2020
[H.R. 504]

To amend the Homeland Security Act of 2002 to require the Department of Homeland Security to develop an engagement strategy with fusion centers, and for other purposes.

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

DHS Field Engagement Accountability Act.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Field Engagement Accountability Act".

SEC. 2. ENGAGEMENT STRATEGY WITH FUSION CENTERS.

Section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended by—

(1) redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) inserting after subsection (i) the following:

Deadlines.

"(j) FUSION CENTER INFORMATION SHARING STRATEGY.—Not later than 1 year after the date of the enactment of the DHS Field Engagement Accountability Act, and not less frequently than once every 5 years thereafter, the Secretary shall develop or update a strategy for Department engagement with fusion centers. Such strategy shall be developed and updated in consultation with the heads of intelligence components of the Department, the Chief Privacy Officer, the Officer for Civil Rights and Civil Liberties, officials of fusion centers, officers designated as Homeland Security Advisors, and the heads of other relevant agencies, as appropriate. Such strategy shall include the following:

Consultation.

"(1) Specific goals and objectives for sharing information and engaging with fusion centers—

"(A) through the direct deployment of personnel from intelligence components of the Department;

"(B) through the use of Department unclassified and classified information sharing systems, including the Homeland Security Information Network and the Homeland Secure Data Network, or any successor systems; and

"(C) through any additional means.

"(2) The performance metrics to be used to measure success in achieving the goals and objectives referred to in paragraph (1).

Plan.

"(3) A 5-year plan for continued engagement with fusion centers.".

SEC. 3. OFFICE OF INTELLIGENCE AND ANALYSIS FIELD PERSONNEL SUPPORT TO FUSION CENTERS. 6 USC 124h note.

(a) PERFORMANCE METRICS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Intelligence and Analysis shall— Deadline.

(1) consider the effectiveness of existing processes to identify and prepare field personnel for deployment to support fusion centers and internal mechanisms to ensure oversight and accountability of such field personnel, including field personnel assigned to one center and field personnel assigned to multiple centers; and

(2) publish and disseminate performance metrics, taking into account, as appropriate, regional and threat diversity, for— Publication.

(A) field personnel from the Office of Intelligence and Analysis assigned to an individual fusion center;

(B) field personnel from the Office of Intelligence and Analysis assigned to multiple fusion centers; and

(C) Regional Directors of the Office of Intelligence and Analysis to ensure accountability for monitoring all field personnel under the supervision of such Regional Directors.

(b) TRAINING.—In consultation with the Chief Information Officer, the Under Secretary for Intelligence and Analysis shall develop and implement a formalized training module for fusion center personnel regarding the classified Homeland Secure Data Network, or any successor system. Consultation.

(c) FUSION CENTER DEFINED.—In this section, the term "fusion center" has the meaning given such term in section 210A(k) of the Homeland Security Act of 2002, as so redesignated by section 2.

SEC. 4. DHS COMPONENT USAGE OF THE HOMELAND SECURITY INFORMATION NETWORK. Consultations. 6 USC 121 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer, in consultation with the Under Secretary for Intelligence and Analysis, and in accordance with the functions and responsibilities assigned to the Under Secretary under title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), shall— Deadline.

(1) develop policies and metrics to ensure effective use by components of the Department of the unclassified Homeland Security Information Network (referred to in this section as "HSIN"), or any successor system; and

(2) develop policies for posting unclassified products on HSIN, or any successor system.

(b) TECHNICAL ENHANCEMENTS.—The Chief Information Officer, in consultation with the Chief Intelligence Officer, shall assess and implement, as appropriate, technical enhancements to HSIN to improve usability, including search functionality, data analysis, and collaboration capabilities.

SEC. 5. REPORT.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of

Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that describes the implementation of—

(1) the fusion center information sharing strategy required under section 210A(j) of the Homeland Security Act of 2002, as added by section 2, based on performance metrics developed pursuant to such strategy;

(2) the deployment of field personnel to fusion centers (as such term is defined in section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h)), in accordance with section 3, based on performance metrics developed pursuant to such section; and

(3) policies that seek to ensure the effective use of the Homeland Security Information Network, in accordance with section 4, based on the metrics developed pursuant to such section.

Approved March 2, 2020.

LEGISLATIVE HISTORY—H.R. 504:

SENATE REPORTS: No. 116–16 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 165 (2019): Jan. 29, considered and passed House.
July 25, considered and passed Senate, amended.

Vol. 166 (2020): Feb. 10, House concurred in Senate amendment.

Public Law 116–117
116th Congress

An Act

To improve efforts to identify and reduce Governmentwide improper payments, and for other purposes.

Mar. 2, 2020
[S. 375]

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

SECTION 1. SHORT TITLE.

Payment Integrity Information Act of 2019.
31 USC 3301 note.

This Act may be cited as the "Payment Integrity Information Act of 2019".

SEC. 2. IMPROPER PAYMENTS.

(a) IN GENERAL.—Chapter 33 of title 31, United States Code, is amended by adding at the end the following:

"Subchapter IV—Improper Payments

31 USC prec. 3351.

"§ 3351. Definitions

31 USC 3351.

"In this subchapter:

"(1) ANNUAL FINANCIAL STATEMENT.—The term 'annual financial statement' means the annual financial statement required under section 3515 of this title or similar provision of law.

"(2) COMPLIANCE.—The term 'compliance' means that an executive agency—

"(A) has—

"(i) published improper payments information with the annual financial statement of the executive agency for the most recent fiscal year; and

"(ii) posted on the website of the executive agency that statement and any accompanying materials required under guidance of the Office of Management and Budget;

"(B) if required, has conducted a program specific risk assessment for each program or activity that conforms with the requirements under section 3352(a);

"(C) if required, publishes improper payments estimates for all programs and activities identified under section 3352(a) in the accompanying materials to the annual financial statement;

"(D) publishes programmatic corrective action plans prepared under section 3352(d) that the executive agency may have in the accompanying materials to the annual financial statement;

"(E) publishes improper payments reduction targets established under section 3352(d) that the executive agency

may have in the accompanying materials to the annual financial statement for each program or activity assessed to be at risk, and has demonstrated improvements and developed a plan to meet the reduction targets; and

"(F) has reported an improper payment rate of less than 10 percent for each program and activity for which an estimate was published under section 3352(c).

"(3) DO NOT PAY INITIATIVE.—The term 'Do Not Pay Initiative' means the initiative described in section 3354(b).

"(4) IMPROPER PAYMENT.—The term 'improper payment'—

"(A) means any payment that should not have been made or that was made in an incorrect amount, including an overpayment or underpayment, under a statutory, contractual, administrative, or other legally applicable requirement; and

"(B) includes—

"(i) any payment to an ineligible recipient;

"(ii) any payment for an ineligible good or service;

"(iii) any duplicate payment;

"(iv) any payment for a good or service not received, except for those payments where authorized by law; and

"(v) any payment that does not account for credit for applicable discounts.

"(5) PAYMENT.—The term 'payment' means any transfer or commitment for future transfer of Federal funds such as cash, securities, loans, loan guarantees, and insurance subsidies to any non-Federal person or entity or a Federal employee, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity.

"(6) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term 'payment for an ineligible good or service' includes a payment for any good or service that is rejected under any provision of any contract, grant, lease, cooperative agreement, or other funding mechanism.

"(7) RECOVERY AUDIT.—The term 'recovery audit' means a recovery audit described in section 3352(i).

"(8) STATE.—The term 'State' means each State of the United States, the District of Columbia, each territory or possession of the United States, and each Federally recognized Indian tribe.

31 USC 3352.

"§ 3352. Estimates of improper payments and reports on actions to reduce improper payments

"(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

Guidance.

"(1) IN GENERAL.—The head of each executive agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget—

Review.

"(A) periodically review all programs and activities that the head of the executive agency administers; and

"(B) identify all programs and activities with outlays exceeding the statutory threshold dollar amount described in paragraph (3)(A)(i) that may be susceptible to significant improper payments.

"(2) FREQUENCY.—A review under paragraph (1) shall be performed for each program and activity that the head of an executive agency administers not less frequently than once every 3 fiscal years. Time period.

"(3) RISK ASSESSMENTS.—

"(A) DEFINITION OF SIGNIFICANT.—In this paragraph, the term 'significant' means that, in the preceding fiscal year, the sum of a program or activity's improper payments and payments whose propriety cannot be determined by the executive agency due to lacking or insufficient documentation may have exceeded—

"(i) $10,000,000 of all reported program or activity payments of the executive agency made during that fiscal year and 1.5 percent of program outlays; or

"(ii) $100,000,000.

"(B) SCOPE.—In conducting a review under paragraph (1), the head of each executive agency shall take into account those risk factors that are likely to contribute to a susceptibility to significant improper payments, such as—

"(i) whether the program or activity reviewed is new to the executive agency;

"(ii) the complexity of the program or activity reviewed;

"(iii) the volume of payments made through the program or activity reviewed;

"(iv) whether payments or payment eligibility decisions are made outside of the executive agency, such as by a State or local government;

"(v) recent major changes in program funding, authorities, practices, or procedures;

"(vi) the level, experience, and quality of training for personnel responsible for making program eligibility determinations or certifying that payments are accurate;

"(vii) significant deficiencies in the audit report of the executive agency or other relevant management findings that might hinder accurate payment certification;

"(viii) similarities to other programs or activities that have reported improper payment estimates or been deemed susceptible to significant improper payments;

"(ix) the accuracy and reliability of improper payment estimates previously reported for the program or activity, or other indicator of potential susceptibility to improper payments identified by the Inspector General of the executive agency, the Government Accountability Office, other audits performed by or on behalf of the Federal, State, or local government, disclosures by the executive agency, or any other means;

"(x) whether the program or activity lacks information or data systems to confirm eligibility or provide for other payment integrity needs; and

"(xi) the risk of fraud as assessed by the executive agency under the Standards for Internal Control in the Federal Government published by the Government

Accountability Office (commonly known as the 'Green Book').

Lists. "(C) ANNUAL REPORT.—Each executive agency shall publish an annual report that includes—

"(i) a listing of each program or activity identified under paragraph (1), including the date on which the program or activity was most recently assessed for risk under paragraph (1); and

"(ii) a listing of any program or activity for which the executive agency makes any substantial changes to the methodologies of the reviews conducted under paragraph (1).

"(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

Time period. "(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

Lists. "(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

"(i) in which the highest dollar value or highest rate of improper payments occur; or

"(ii) for which there is a higher risk of improper payments; and

Coordination. "(B) in coordination with the executive agency responsible for administering a high-priority program identified under subparagraph (A), establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with the high-priority program.

"(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

Time period. Public information. Web posting. "(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each executive agency with a program identified under paragraph (1)(A) shall on an annual basis submit to the Inspector General of the executive agency and the Office of Management and Budget, and make available to the public, including through a website, a report on that program.

"(B) CONTENTS.—Each report submitted under subparagraph (A)—

"(i) shall describe any action the executive agency—

"(I) has taken or plans to take to recover improper payments; and

"(II) intends to take to prevent future improper payments; and

"(ii) shall not include—

"(I) any referrals the executive agency made or anticipates making to the Department of Justice; or

"(II) any information provided in connection with a referral described in subclause (I).

"(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under subparagraph (A) available on a central website.

"(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

"(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each executive agency that submits a report under subparagraph (A) shall, for each program of the executive agency that is identified under paragraph (1)(A)—

"(i) review— Review.

"(I) the assessment of the level of risk associated with the program and the quality of the improper payment estimates and methodology of the executive agency relating to the program; and

"(II) the oversight or financial controls to identify and prevent improper payments under the program; and

"(ii) submit to the appropriate authorizing and appropriations committees of Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the executive agency relating to the program, including improvements for improper payments determination and estimation methodology.

"(F) ANNUAL MEETING.—Not less frequently than once every year, the head of each executive agency with a program identified under paragraph (1)(A), or a designee of the head of the executive agency, shall meet with the Director of the Office of Management and Budget, or a designee of the Director, to report on actions taken during the preceding year and planned actions to prevent improper payments.

"(c) ESTIMATION OF IMPROPER PAYMENTS.—

"(1) ESTIMATION.—With respect to each program and activity identified under subsection (a)(1), the head of the relevant executive agency shall—

"(A) produce a statistically valid estimate, or an estimate that is otherwise appropriate using a methodology approved by the Director of the Office of Management and Budget, of the improper payments made under the program or activity; and

"(B) include the estimates described in subparagraph (A) in the accompanying materials to the annual financial statement of the executive agency and as required in applicable guidance of the Office of Management and Budget.

"(2) LACKING OR INSUFFICIENT DOCUMENTATION.—

"(A) IN GENERAL.—For the purpose of producing an estimate under paragraph (1), when the executive agency cannot determine, due to lacking or insufficient documentation, whether a payment is proper or not, the payment shall be treated as an improper payment.

"(B) SEPARATE REPORT.—The head of an executive agency may report separately on what portion of the improper payments estimate for a program or activity of the executive agency under paragraph (1) is attributable to lacking or insufficient documentation.

"(d) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an executive agency with estimated improper payments under subsection (c), the head of the executive agency shall provide with the estimate required

under subsection (c) a report on what actions the executive agency is taking to reduce improper payments, including—

"(1) a description of the causes of the improper payments, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

"(2) in order to reduce improper payments to a level below which further expenditures to reduce improper payments would cost more than the amount those expenditures would save in prevented or recovered improper payments, a statement of whether the executive agency has what is needed with respect to—

"(A) internal controls;

"(B) human capital; and

"(C) information systems and other infrastructure;

"(3) if the executive agency does not have sufficient resources to establish and maintain effective internal controls as described in paragraph (2)(A), a description of the resources the executive agency has requested in the budget submission of the executive agency to establish and maintain those internal controls;

"(4) program-specific and activity-specific improper payments reduction targets that have been approved by the Director of the Office of Management and Budget;

"(5) a description of the steps the executive agency has taken to ensure that executive agency managers, programs, and, where appropriate, States and local governments are held accountable through annual performance appraisal criteria for—

"(A) meeting applicable improper payments reduction targets; and

"(B) establishing and maintaining sufficient internal controls, including an appropriate control environment, that effectively—

"(i) prevent improper payments from being made; and

"(ii) promptly detect and recover improper payments that are made; and

"(6) a description of how the level of planned or completed actions by the executive agency to address the causes of the improper payments matches the level of improper payments, including a breakdown by category of improper payment and specific timelines for completion of those actions.

"(e) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to improper payments identified in a recovery audit, the head of the executive agency shall provide with the estimate required under subsection (c) a report on all actions the executive agency is taking to recover the improper payments, including—

"(1) a discussion of the methods used by the executive agency to recover improper payments;

"(2) the amounts recovered, outstanding, and determined to not be collectable, including the percent those amounts represent of the total improper payments of the executive agency;

Determination.

"(3) if a determination has been made that certain improper payments are not collectable, a justification of that determination;

"(4) an aging schedule of the amounts outstanding;

"(5) a summary of how recovered amounts have been disposed of; Summary.

"(6) a discussion of any conditions giving rise to improper payments and how those conditions are being resolved; and

"(7) if the executive agency has determined under subsection (i) that performing recovery audits for any applicable program or activity is not cost-effective, a justification for that determination. Determination.

"(f) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAYMENTS.—

"(1) REPORT.—Each fiscal year, the Director of the Office of Management and Budget shall submit a report with respect to the preceding fiscal year on actions that executive agencies have taken to report information regarding improper payments and actions to recover improper payments to—

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

"(B) the Committee on Oversight and Reform of the House of Representatives; and

"(C) the Comptroller General of the United States.

"(2) CONTENTS.—Each report required under paragraph (1) shall include—

"(A) a summary of the reports of each executive agency on improper payments and recovery actions submitted under this section; Summary.

"(B) an identification of the compliance status of each executive agency, as determined by the Inspector General of the executive agency under section 3353, to which this section applies;

"(C) Governmentwide improper payment reduction targets;

"(D) a Governmentwide estimate of improper payments; and Estimate.

"(E) a discussion of progress made towards meeting Governmentwide improper payment reduction targets.

"(g) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Management and Budget shall prescribe guidance for executive agencies to implement the requirements of this section, which shall not include any exemptions to those requirements that are not specifically authorized by this section. Deadline.

"(2) CONTENTS.—The guidance under paragraph (1) shall prescribe—

"(A) the form of the reports on actions to reduce improper payments, recovery actions, and Governmentwide reporting; and

"(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.

"(h) DETERMINATIONS OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—The criteria required to be developed under section 2(g) of the Improper Payments Elimination and Recovery Act of 2010, as in effect on the day before the date of enactment of this section—

"(1) shall continue to be in effect on and after the date of enactment of this section; and Extension.

"(2) may be modified as determined appropriate by the Director of the Office of Management and Budget.

"(i) RECOVERY AUDITS.—

"(1) IN GENERAL.—

"(A) CONDUCT OF AUDITS.—Except as provided under paragraph (3) and if not prohibited under any other provision of law, the head of each executive agency shall conduct recovery audits with respect to each program and activity of the executive agency that expends $1,000,000 or more annually if conducting the audits would be cost effective.

"(B) PROCEDURES.—In conducting a recovery audit under this subsection, the head of an executive agency—

"(i) shall give priority to the most recent payments and to payments made in any program identified as susceptible to significant improper payments under subsection (a);

"(ii) shall implement this subsection in a manner designed to ensure the greatest financial benefit to the Federal Government; and

"(iii) may conduct the recovery audit directly, by using other departments and agencies of the United States, or by procuring performance of recovery audits by private sector sources by contract, subject to the availability of appropriations, or by any combination thereof.

"(C) RECOVERY AUDIT CONTRACTS.—With respect to a recovery audit procured by an executive agency by contract—

"(i) subject to subparagraph (B)(iii), and except to the extent such actions are outside the authority of the executive agency under section 7103 of title 41, the head of the executive agency may authorize the contractor to—

"(I) notify entities, including individuals, of potential overpayments made to those entities;

"(II) respond to questions concerning potential overpayments; and

"(III) take other administrative actions with respect to an overpayment claim made or to be made by the executive agency; and

"(ii) the contractor shall not have the authority to make a final determination relating to whether any overpayment occurred or whether to compromise, settle, or terminate an overpayment claim.

"(D) CONTRACT TERMS AND CONDITIONS.—

Reports.

"(i) IN GENERAL.—The executive agency shall include in each contract for procurement of performance of a recovery audit a requirement that the contractor shall—

Recommendations.

"(I) provide to the executive agency periodic reports on conditions giving rise to overpayments identified by the contractor and any recommendations on how to mitigate those conditions;

Notification.

"(II) notify the executive agency of any overpayments identified by the contractor pertaining to the executive agency or to any other executive

agency that are beyond the scope of the contract; and

"(III) report to the executive agency credible evidence of fraud or vulnerabilities to fraud and conduct appropriate training of personnel of the contractor on identification of fraud.

"(ii) REPORTS ON ACTIONS TAKEN.—Each executive agency shall, on an annual basis, include in annual financial statement of the executive agency a report on actions taken by the executive agency during the preceding fiscal year to address the recommendations described in clause (i)(I).

"(E) AGENCY ACTION FOLLOWING NOTIFICATION.—Each executive agency shall—

"(i) take prompt and appropriate action in response to a report or notification by a contractor under subclause (I) or (II) of subparagraph (D)(i) to collect an overpayment; and

"(ii) forward to other executive agencies any information that applies to that executive agency.

"(2) DISPOSITION OF AMOUNTS RECOVERED.—

"(A) IN GENERAL.—Amounts collected by executive agencies each fiscal year through recovery audits shall be treated in accordance with this paragraph.

"(B) DISTRIBUTION.—The head of an executive agency shall determine the distribution of collected amounts described in subparagraph (A), less amounts needed to fulfill the purposes of section 3562(a) of this title, in accordance with subparagraphs (C), (D), and (E). Determination.

"(C) USE FOR FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—Not more than 25 percent of the amounts collected by an executive agency through recovery audits—

"(i) shall be available to the head of the executive agency to carry out the financial management improvement program of the executive agency under paragraph (3);

"(ii) may be credited, if applicable, for the purpose described in clause (i) by the head of an executive agency to any executive agency appropriations and funds that are available for obligation at the time of collection; and

"(iii) shall be used to supplement and not supplant any other amounts available for the purpose described in clause (i) and shall remain available until expended.

"(D) USE FOR ORIGINAL PURPOSE.—Not more than 25 percent of the amounts collected by an executive agency through recovery audits—

"(i) shall be credited to the appropriation or fund, if any, available for obligation at the time of collection for the same general purposes as the appropriation or fund from which the overpayment was made;

"(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited; and

"(iii) if the appropriation from which an overpayment was made has expired—

"(I) in the case of recoveries of overpayments that are made from a trust or special fund account, shall revert to that account; and

"(II) in the case of other recoveries of overpayments—

"(aa) for amounts that are recovered more than 5 fiscal years from the last fiscal year in which the funds were available for obligation, shall be deposited in the Treasury as miscellaneous receipts; and

"(bb) for other amounts, shall be newly available for the same time period as the funds were originally available for obligation.

"(E) USE FOR INSPECTOR GENERAL ACTIVITIES.—Not more than 5 percent of the amounts collected by an executive agency through recovery audits—

"(i) shall be available to the Inspector General of that executive agency for—

"(I) the Inspector General to carry out this Act; or

"(II) any other activities of the Inspector General relating to investigating improper payments or auditing internal controls associated with payments; and

"(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited.

"(F) REMAINDER.—Amounts collected that are not applied in accordance with subparagraph (B), (C), (D), or (E) shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, those amounts shall revert to those accounts.

Applicability.

"(G) DISCRETIONARY AMOUNTS.—This paragraph shall apply only to recoveries of overpayments that are made from discretionary appropriations, as defined in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(7)), and shall not apply to recoveries of overpayments that are made from discretionary amounts that were appropriated before the date of enactment of the Improper Payments Elimination and Recovery Act of 2010, as in effect on the day before the date of enactment of this section.

"(H) APPLICATION.—This paragraph shall not apply to the recovery of an overpayment if the appropriation from which the overpayment was made has not expired.

"(3) FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—

Regulations.

"(A) REQUIREMENT.—The head of each executive agency shall conduct a financial management improvement program consistent with rules prescribed by the Director of the Office of Management and Budget.

"(B) PROGRAM FEATURES.—In conducting a program described in subparagraph (A), the head of an executive agency—

"(i) shall, as the first priority of the program, address problems that contribute directly to executive agency improper payments; and

"(ii) may seek to reduce errors and waste in other executive agency programs and operations.

"(4) PRIVACY PROTECTIONS.—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subsection, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than the recovery auditing or recovery activity and governmental oversight of the activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

"(5) RULE OF CONSTRUCTION.—Except as provided under paragraph (4), nothing in this subsection shall be construed as terminating or in any way limiting authorities that are otherwise available to executive agencies under existing provisions of law to recover improper payments and use recovered amounts.

"§ 3353. Compliance

31 USC 3353.

"(a) ANNUAL COMPLIANCE REPORT BY INSPECTORS GENERAL OF EXECUTIVE AGENCIES.—

"(1) IN GENERAL.—Each fiscal year, the Inspector General of each executive agency shall—

"(A) determine whether the executive agency is in compliance; and

Determination.

"(B) submit a report on the determination made under subparagraph (A) to—

"(i) the head of the executive agency;

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

"(iii) the Committee on Oversight and Reform of the House of Representatives; and

"(iv) the Comptroller General of the United States.

"(2) DEVELOPMENT OR USE OF A CENTRAL WEBSITE.—The Council of the Inspectors General on Integrity and Efficiency (in this subsection referred to as the 'Council') shall develop a public central website, or make use of a public central website in existence on the date of enactment of this section, to contain individual compliance determination reports issued by Inspectors General under paragraph (1)(B) and such additional information as determined by the Council.

Public information.

"(3) OMB GUIDANCE.—Not later than 180 days after the date of enactment of this section, the Director of the Office of Management and Budget, in consultation with the Council and with consideration given to the available resources and independence of individual Offices of Inspectors General, shall develop and promulgate guidance for the compliance determination reports issued by the Inspectors General under paragraph (1)(B), which shall require that—

Deadline. Consultation. Evaluations.

"(A) the reporting format used by the Inspectors General is consistent;

"(B) Inspectors General evaluate and take into account the adequacy of executive agency risk assessments, improper payment estimates methodology, and executive

agency action plans to address the causes of improper payments;

"(C) Inspectors General take into account whether the executive agency has correctly identified the causes of improper payments and whether the actions of the executive agency to address those causes are adequate and effective;

"(D) Inspectors General evaluate the adequacy of executive agency action plans on how the executive agency addresses the causes of improper payments; and

"(E) as part of the report, Inspectors General include an evaluation of executive agency efforts to prevent and reduce improper payments and any recommendations for actions to further improve that prevention and reduction.

Deadline. Procedures.

"(4) CIGIE GUIDANCE.—Not later than 180 days after the date of enactment of this section, the Council shall, with consideration given to the available resources and independence of individual Offices of Inspectors General, develop and promulgate guidance that specifies procedures for compliance determinations made by the Inspectors General under paragraph (1)(A), which shall describe procedures for Inspectors General—

Determination.

"(A) to make the determinations consistent regarding compliance; and

Evaluation. Compliance.

"(B) to evaluate—

"(i) for compliance with the requirement described in section 3351(2)(B), the risk assessment methodology of the executive agency, including whether the audits, examinations, and legal actions of the Inspector General indicate a higher risk of improper payments or actual improper payments that were not included in the risk assessments of the executive agency conducted under section 3352(a);

"(ii) for compliance with the requirement described in section 3351(2)(C), the accuracy of the rate estimates and whether the sampling and estimation plan used is appropriate given program characteristics;

"(iii) for compliance with the requirement described in section 3351(2)(D), the corrective action plans and whether the plans are adequate and focused on the true causes of improper payments, including whether the corrective action plans are—

"(I) reducing improper payments;

"(II) effectively implemented; and

"(III) prioritized within the executive agency;

"(iv) the adequacy of executive agency action plans to address the causes of improper payments;

"(v) executive agency efforts to prevent and reduce improper payments, and any recommendations for actions to further improve; and

"(vi) whether an executive agency has published an annual financial statement in accordance with the requirement described in section 3351(2)(A).

"(b) REMEDIATION.—

"(1) NONCOMPLIANCE.—

Determination. Plan.

"(A) IN GENERAL.—If an executive agency is determined by the Inspector General of that executive agency not to be in compliance under subsection (a) in a fiscal year

with respect to a program or activity, the head of the executive agency shall submit to the appropriate authorizing and appropriations committees of Congress a plan describing the actions that the executive agency will take to come into compliance.

"(B) PLAN.—The plan described in subparagraph (A) shall include—

"(i) measurable milestones to be accomplished in order to achieve compliance for each program or activity;

"(ii) the designation of a senior executive agency official who shall be accountable for the progress of the executive agency in coming into compliance for each program or activity; and

"(iii) the establishment of an accountability mechanism, such as a performance agreement, with appropriate incentives and consequences tied to the success of the official designated under clause (ii) in leading the efforts of the executive agency to come into compliance for each program or activity.

"(2) NONCOMPLIANCE FOR 2 FISCAL YEARS.—

"(A) IN GENERAL.—If an executive agency is determined by the Inspector General of that executive agency not to be in compliance under subsection (a) for 2 consecutive fiscal years for the same program or activity, the executive agency shall propose to the Director of the Office of Management and Budget additional program integrity proposals that would help the executive agency come into compliance. Determination. Proposal.

"(B) ADDITIONAL FUNDING.—

"(i) IN GENERAL.—If the Director of the Office of Management and Budget determines that additional funding would help an executive agency described in subparagraph (A) come into compliance, the head of the executive agency shall obligate additional funding, in an amount determined by the Director, to intensified compliance efforts. Determination.

"(ii) REPROGRAMMING OR TRANSFER AUTHORITY.—In providing additional funding under clause (i)—

"(I) the head of an executive agency shall use any reprogramming or transfer authority available to the executive agency; and

"(II) if after exercising the reprogramming or transfer authority described in subclause (I), additional funding is necessary to obligate the full level of funding determined by the Director of the Office of Management and Budget under clause (i), the executive agency shall submit a request to Congress for additional reprogramming or transfer authority.

"(3) REAUTHORIZATION AND STATUTORY PROPOSALS.—If an executive agency is determined by the Inspector General of that executive agency not to be in compliance under subsection (a) for 3 consecutive fiscal years for the same program or activity, the head of the executive agency shall, not later than 30 days after the date of that determination, submit to the Determination. Deadline.

appropriate authorizing and appropriations committees of Congress and the Comptroller General of the United States—

"(A)(i) reauthorization proposals for each program or activity that has not been in compliance for 3 or more consecutive fiscal years; and

"(ii) proposed statutory changes necessary to bring the program or activity into compliance; or

"(B) if the head of the executive agency determines that clauses (i) and (ii) of subparagraph (A) will not bring the program or activity into compliance, a description of the actions that the executive agency is undertaking to bring the program or activity into compliance and a timeline of when the compliance will be achieved.

Deadline. Report.

"(4) PLAN AND TIMELINE FOR COMPLIANCE.—If an executive agency is determined by the Inspector General of that executive agency not to be in compliance under subsection (a) for 4 or more consecutive fiscal years for the same program or activity, the head of the executive agency shall, not later than 30 days after such determination, submit to the appropriate authorizing and appropriations committees of Congress a report that includes—

"(A) the activities taken to comply with the requirements for 1, 2, 3, 4, or more years of noncompliance;

"(B) a description of any requirements that were fulfilled for 1, 2, or 3 consecutive years of noncompliance that are still relevant and being pursued as a means to bring the program or activity into compliance and prevent and reduce improper payments;

"(C) a description of any new corrective actions; and

"(D) a timeline for when the program or activity will achieve compliance based on the actions described within the report.

"(5) ANNUAL REPORT.—Each executive agency shall submit to the appropriate authorizing and appropriations committees of Congress and the Comptroller General of the United States—

Lists.

"(A) a list of each program or activity that was determined to not be in compliance under paragraph (1), (2), (3), or (4); and

"(B) actions that are planned to bring the program or activity into compliance.

"(c) COMPLIANCE ENFORCEMENT PILOT PROGRAMS.—The Director of the Office of Management and Budget may establish 1 or more pilot programs that shall test potential accountability mechanisms with appropriate incentives and consequences tied to success in ensuring compliance with this section and eliminating improper payments.

"(d) IMPROVED ESTIMATES GUIDANCE.—The guidance required to be provided under section 3(b) of the Improper Payments Elimination and Recovery Improvement Act of 2012, as in effect on the day before the date of enactment of this section—

Extension.

"(1) shall continue to be in effect on and after the date of enactment of this section; and

"(2) may be modified as determined appropriate by the Director of the Office of Management and Budget.

31 USC 3354.

"§ 3354. Do Not Pay Initiative

"(a) PREPAYMENT AND PREAWARD PROCEDURES.—

"(1) IN GENERAL.—Each executive agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds. Review.

"(2) DATABASES.—At a minimum and before issuing any payment or award, each executive agency shall review as appropriate the following databases to verify eligibility of the payment and award: Review.

"(A) The death records maintained by the Commissioner of Social Security.

"(B) The System for Award Management Exclusion Records, formerly known as the Excluded Parties List System, of the General Services Administration.

"(C) The Debt Check Database of the Department of the Treasury.

"(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

"(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

"(F) Information regarding incarcerated individuals maintained by the Commissioner of Social Security under sections 202(x) and 1611(e) of the Social Security Act (42 U.S.C. 402(x), 1382(e)).

"(b) DO NOT PAY INITIATIVE.—

"(1) IN GENERAL.—There is the Do Not Pay Initiative, which shall include—

"(A) use of the databases described in subsection (a)(2); and

"(B) use of other databases designated by the Director of the Office of Management and Budget, or the designee of the Director, in consultation with executive agencies and in accordance with paragraph (2). Consultation.

"(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget, or the head of any executive agency designated by the Director, shall—

"(A) consider any database that substantially assists in preventing improper payments; and

"(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B). Public information.

"(3) ACCESS AND REVIEW.—

"(A) IN GENERAL.—For purposes of identifying and preventing improper payments, each executive agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a).

"(B) MATCHING PROGRAMS.—

"(i) IN GENERAL.—The head of the agency operating the Working System may, in consultation with the Office of Management and Budget, waive the requirements of section 552a(o) of title 5 in any case or class of cases for computer matching activities conducted under this section. Consultation. Waiver authority.

"(ii) GUIDANCE.—The Director of the Office of Management and Budget may issue guidance that establishes requirements governing waivers under clause (i).

"(C) OTHER ENTITIES.—Each State and any contractor, subcontractor, or agent of a State, including a State auditor or State program responsible for reducing improper payments of a federally funded State-administered program, and the judicial and legislative branches of the United States, as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18, shall have access to, and use of, the Do Not Pay Initiative for the purpose of verifying payment or award eligibility for payments.

Guidance.

"(D) CONSISTENCY WITH PRIVACY ACT OF 1974.—To ensure consistency with the principles of section 552a of title 5 (commonly known as the 'Privacy Act of 1974'), the Director of the Office of Management and Budget may issue guidance that establishes privacy and other requirements that shall be incorporated into Do Not Pay Initiative access agreements with States, including any contractor, subcontractor, or agent of a State, and the judicial and legislative branches of the United States, as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18.

"(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an executive agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

"(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

Evaluation.

"(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

"(B) provide the frequency of corrections or identification of incorrect information.

"(c) INITIAL WORKING SYSTEM.—The working system required to be established under section 5(d) of the Improper Payments Elimination and Recovery Improvement Act of 2012, as in effect on the day before the date of enactment of this section—

Extension.

"(1) shall continue to be in effect on and after the date of enactment of this section; and

Requirements.
Review.

"(2) shall require each executive agency to review all payments and awards for all programs and activities of that executive agency through the working system.

"(d) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

"(1) COMPUTER MATCHING BY EXECUTIVE AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

"(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5 (commonly

known as the 'Privacy Act of 1974'), the head of each executive agency may enter into computer matching agreements with other heads of executive agencies that allow ongoing data matching, which shall include automated data matching, in order to assist in the detection and prevention of improper payments.

"(B) REVIEW.—Not later than 60 days after the date on which a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5 for consideration, the Data Integrity Board shall respond to the proposal. Deadline.

"(C) TERMINATION DATE.—An agreement described in subparagraph (A)—

"(i) shall have a termination date of less than 3 years; and

"(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the executive agencies entering the agreement for not more than 3 years.

"(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5 shall be applied by substituting 'between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies' for 'between the source agency and the recipient agency or non-Federal agency' in the matter preceding subparagraph (A). Applicability.

"(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5 relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

"(2) GUIDANCE AND PROCEDURES BY THE OFFICE OF MANAGEMENT AND BUDGET.—The guidance, rules, and procedures required to be issued, clarified, and established under paragraphs (3) and (4) of section 5(e) of the Improper Payments Elimination and Recovery Improvement Act of 2012, as in effect on the day before the date of enactment of this section—

"(A) shall continue to be in effect on and after the date of enactment of this section; and Extension.

"(B) may be modified as determined appropriate by the Director of the Office of Management and Budget.

"(3) COMPLIANCE.—The head of each executive agency, in consultation with the Inspector General of the executive agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection. Consultation.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to affect the rights of an individual under section 552a(p) of title 5; or

"(B) to impede the exercise of an exemption provided to Inspectors General or by an executive agency in coordination with an Inspector General under section 6(j) of the Inspector General Act of 1978 (5 U.S.C. App.).

"(e) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL

AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE AND OTHER DEATH DATA.—

Consultation. Study.

"(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and each State, the Director of the Office of Management and Budget shall conduct a study and update the plan required to be established under section 5(g) of the Improper Payments Elimination and Recovery Improvement Act of 2012, as in effect on the day before the date of enactment of this section, for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

Recommendations.

"(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan described in this subsection shall include recommended actions by executive agencies to—

"(A) increase the quality and frequency of access to the Death Master File and other death data;

"(B) achieve a goal of at least daily access as appropriate;

"(C) provide for all States and other data providers to use improved and electronic means for providing data;

"(D) identify improved methods by executive agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

"(E) address improper payments made by executive agencies to deceased individuals as part of Federal retirement programs.

"(3) REPORT.—Not later than 120 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to Congress on the plan described in this subsection, including recommended legislation.

31 USC 3355.

"§ 3355. Improving recovery of improper payments

Determinations.

"The Director of the Office of Management and Budget shall determine—

"(1) current and historical rates and amounts of recovery of improper payments, or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample, including a list of executive agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

"(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

31 USC 3356.

"§ 3356. Improving the use of data by executive agencies for curbing improper payments

"(a) PROMPT REPORTING OF DEATH INFORMATION BY THE DEPARTMENT OF STATE AND THE DEPARTMENT OF DEFENSE.—The procedure required to be established under section 7(a) of the Improper Payments Elimination and Recovery Improvement Act

of 2012, as in effect on the day before the date of enactment of this section—

"(1) shall continue to be in effect on and after the date of enactment of this section; and Extension.

"(2) may be modified as determined appropriate by the Director of the Office of Management and Budget.

"(b) PROMPT REPORTING OF DEATH INFORMATION BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE OFFICE OF PERSONNEL MANAGEMENT.—Not later than 1 year after the date of enactment of this section, the Secretary of Veterans Affairs and the Director of the Office of Personnel Management shall establish a procedure under which the Secretary and the Director—

"(1) shall promptly and on a regular basis submit information relating to the deaths of individuals, including stopped payments data as applicable, to each executive agency for which the Director of the Office of Management and Budget determines receiving and using such information would be relevant and necessary; and

"(2) to facilitate the centralized access of death data for the use of reducing improper payments, may identify additional Federal sources of death data and direct the data owner to provide that data to 1 or more executive agencies for that purpose.

"(c) GUIDANCE TO EXECUTIVE AGENCIES REGARDING DATA ACCESS AND USE FOR IMPROPER PAYMENTS PURPOSES.—The guidance required to be issued under section 7(b) of the Improper Payments Elimination and Recovery Improvement Act of 2012, as in effect on the day before the date of enactment of this section—

"(1) shall continue to be in effect on and after the date of enactment of this section; and Extension.

"(2) may be modified as determined appropriate by the Director of the Office of Management and Budget.

"§ 3357. Financial and administrative controls relating to fraud and improper payments 31 USC 3357.

"(a) DEFINITION.—In this section, the term 'agency' has the meaning given the term in section 551 of title 5.

"(b) GUIDELINES.—The guidelines required to be established under section 3(a) of the Fraud Reduction and Data Analytics Act of 2015, as in effect on the day before the date of enactment of this section—

"(1) shall continue to be in effect on and after the date of enactment of this section; and Extension.

"(2) may be periodically modified by the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, as the Director and Comptroller General may determine necessary. Consultation.

"(c) REQUIREMENTS FOR CONTROLS.—The guidelines described in subsection (b) shall include—

"(1) conducting an evaluation of fraud risks and using a risk-based approach to design and implement financial and administrative control activities to mitigate identified fraud risks; Evaluation.

"(2) collecting and analyzing data from reporting mechanisms on detected fraud to monitor fraud trends and using that data and information to continuously improve fraud prevention controls; and Data.

"(3) using the results of monitoring, evaluation, audits, and investigations to improve fraud prevention, detection, and response.

"(d) REPORT.—For each of fiscal years 2019 and 2020, each agency shall submit to Congress, as part of the annual financial report of the agency, a report of the agency on—

"(1) implementing—

"(A) the financial and administrative controls described in subsection (b);

"(B) the fraud risk principle in the Standards for Internal Control in the Federal Government published by the Government Accountability Office (commonly known as the 'Green Book'); and

"(C) Office of Management and Budget Circular A–123, or any successor thereto, with respect to the leading practices for managing fraud risk;

"(2) identifying risks and vulnerabilities to fraud, including with respect to payroll, beneficiary payments, grants, large contracts, and purchase and travel cards; and

"(3) establishing strategies, procedures, and other steps to curb fraud.

31 USC 3358.

"§ 3358. Interagency working group for Governmentwide payment integrity improvement

"(a) WORKING GROUP.—

Deadline.

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, there is established an interagency working group on payment integrity—

"(A) to improve—

"(i) State-administered Federal programs to determine eligibility processes and data sharing practices;

"(ii) the guidelines described in section 3357(b) and other best practices and techniques for detecting, preventing, and responding to improper payments, including improper payments that are the result of fraud; and

Data.

"(iii) the sharing and development of data analytics techniques to help prevent and identify potential improper payments, including those that are the result of fraud; and

"(B) to identify any additional activities that will improve payment integrity of Federal programs.

"(2) COMPOSITION.—The interagency working group established under paragraph (1) shall be composed of—

"(A) the Director of the Office of Management and Budget;

"(B) 1 representative from each of the agencies described in paragraphs (1) and (2) of section 901(b) of this title; and

"(C) any other representatives of other executive agencies determined appropriate by the Director of the Office of Management and Budget, which may include the Chief Information Officer, the Chief Procurement Officer, the Chief Risk Officer, or the Chief Operating Officer of an executive agency.

Assessment.

"(b) CONSULTATION.—The working group established under subsection (a)(1) may consult with Offices of Inspectors General and

Federal and non-Federal experts on fraud risk assessments, administrative controls over payment integrity, financial controls, and other relevant matters.

"(c) MEETINGS.—The working group established under subsection (a)(1) shall hold not fewer than 4 meetings per year.

"(d) REPORT.—Not later than 240 days after the date of enactment of this section, the working group established under subsection (a)(1) shall submit to Congress a report that includes— Plans.

"(1) a plan containing tangible solutions to prevent and reduce improper payments; and

"(2) a plan for State agencies to work with Federal agencies to regularly review lists of beneficiaries of State-managed Federal programs for duplicate enrollment between States, including how the Do Not Pay Business Center and the data analytics initiative of the Department of the Treasury could aid in the detection of duplicate enrollment.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 31, United States Code, is amended by adding at the end the following: 31 USC prec. 3301.

"SUBCHAPTER IV—IMPROPER PAYMENTS

"3351. Definitions.
"3352. Estimates of improper payments and reports on actions to reduce improper payments.
"3353. Compliance.
"3354. Do Not Pay Initiative.
"3355. Improving recovery of improper payments.
"3356. Improving the use of data by executive agencies for curbing improper payments.
"3357. Financial and administrative controls relating to fraud and improper payments.
"3358. Interagency working group for Governmentwide payment integrity improvement.".

SEC. 3. REPEALS.

(a) IN GENERAL.—

(1) IMPROPER PAYMENTS INFORMATION ACT OF 2002.—The Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is repealed.

(2) IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 114–204; 124 Stat. 2224) is repealed. 31 USC 3301 note, 3321 notes.

(3) IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012.—The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is repealed.

(4) FRAUD REDUCTION AND DATA ANALYTICS ACT OF 2015.—The Fraud Reduction and Data Analytics Act of 2015 (31 U.S.C. 3321 note) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012.—Section 6(a) of the Government Charge Card Abuse Prevention Act of 2012 (5 U.S.C. 5701 note) is amended by striking "section 3512 of title 31, United States Code, or in the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)" and inserting "section 3512 or subchapter IV of chapter 33 of title 31, United States Code".

(2) HOMELAND SECURITY ACT OF 2002.—Section 2022(a) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)) is amended—

(A) in paragraph (1)(C), by striking "Consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)" and inserting "Consistent with subchapter IV of chapter 33 of title 31, United States Code"; and

(B) in paragraph (5), by striking "section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note)" and inserting "section 3352(i) of title 31, United States Code,".

(3) SOCIAL SECURITY ACT.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by striking "Improper Payments Information Act of 2002" each place that term appears and inserting "subchapter IV of chapter 33 of title 31, United States Code".

(4) TITLE 31.—Section 3562(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "section 3561" and inserting "section 3352(i)"; and

(ii) by striking "agency for the following purposes:" and all that follows through "To reimburse" and inserting "agency to reimburse"; and

(B) by striking paragraph (2).

Approved March 2, 2020.

LEGISLATIVE HISTORY—S. 375:

SENATE REPORTS: No. 116–35 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 165 (2019): July 16, considered and passed Senate.

Vol. 166 (2020): Feb. 5, considered and passed House.

Public Law 116–118
116th Congress

Joint Resolution

Providing for the reappointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mar. 2, 2020
[S.J. Res. 65]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of John Fahey of Massachusetts on February 20, 2020, is filled by the reappointment of the incumbent. The reappointment is for a term of six years, beginning on the later of February 20, 2020, or the date of the enactment of this joint resolution.

Time period.
Effective date.

Approved March 2, 2020.

LEGISLATIVE HISTORY—S.J. Res. 65:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 9, considered and passed Senate.
Feb. 5, considered and passed House.

Public Law 116–119
116th Congress

Joint Resolution

Mar. 2, 2020
[S.J. Res. 67]

Providing for the reappointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Risa Lavizzo-Mourey of Pennsylvania on February 21, 2020, is filled by the reappointment of the incumbent. The reappointment is for a term of six years, beginning on the later of February 21, 2020, or the date of enactment of this joint resolution.

Time period.
Effective date.

Approved March 2, 2020.

LEGISLATIVE HISTORY—S.J. Res. 67:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 9, considered and passed Senate.
Feb. 5, considered and passed House.

Public Law 116–120
116th Congress

Joint Resolution

Approving the request of the Secretary of Veterans Affairs for a waiver under section 1703E(f) of title 38, United States Code.

Mar. 3, 2020
[H.J. Res. 80]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the request for a waiver under section 1703E(f) of title 38, United States Code, as submitted by the Secretary on December 6, 2019.

Approved March 3, 2020.

LEGISLATIVE HISTORY—H.J. Res. 80:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 13, considered and passed House.
Feb. 11, considered and passed Senate.

Public Law 116–121
116th Congress

An Act

Mar. 3, 2020
[S. 394]

To amend the Presidential Transition Act of 1963 to improve the orderly transfer of the executive power during Presidential transitions.

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

Presidential Transition Enhancement Act of 2019.
3 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Transition Enhancement Act of 2019".

SEC. 2. PRESIDENTIAL TRANSITION ENHANCEMENTS.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)—

Deadline.

(A) in the matter preceding paragraph (1), by striking "upon request," and all that follows through "including" and inserting "upon request, to each President-elect, each Vice-President-elect, and, for up to 60 days after the date of the inauguration of the President-elect and Vice-President-elect, each President and Vice President, for use in connection with the preparations for the assumption of official duties as President or Vice President necessary services and facilities, including"; and

(B) in paragraph (2)—

(i) by inserting ", or an employee of a committee of either House of Congress, a joint committee of the Congress, or an individual Member of Congress," after "any branch of the Government"; and

(ii) by inserting ", or in the case of an employee in a position in the legislative branch, with the consent of the supervising Member of Congress" after "with the consent of the head of the agency";

(2) by striking subsection (b) and inserting the following:

"(b) The Administrator shall expend funds for the provision of services and facilities under this section—

Time period.

"(1) in connection with any obligation incurred by the President-elect or Vice-President-elect, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President incurred by the President or Vice President, during the period—

"(A) beginning on the day after the date of the general elections held to determine the electors of the President and Vice President under section 1 or 2 of title 3, United States Code; and

"(B) ending on the date that is 60 days after the date of such inauguration; and

"(2) without regard to whether the President-elect, Vice-President-elect, President, or Vice President submits to the Administrator a request for payment regarding services or facilities before the end of such period.";

(3) in subsection (h)(2)(B)(ii), by striking "computers" and inserting "information technology"; and

(4) By adding at the end the following:

"(i) MEMORANDUMS OF UNDERSTANDING.—

"(1) IN GENERAL.—Not later than September 1 of a year during which a Presidential election occurs, the Administrator shall, to the maximum extent practicable, enter into a memorandum of understanding with each eligible candidate, which shall include, at a minimum, the conditions for the administrative support services and facilities described in subsection (a). Deadline.

"(2) EXISTING RESOURCES.—To the maximum extent practicable, a memorandum of understanding entered into under paragraph (1) shall be based on memorandums of understanding relating to previous Presidential transitions.

"(3) TRANSITION REPRESENTATIVE.—

"(A) DESIGNATION OF REPRESENTATIVE FOR INQUIRIES.—Each memorandum of understanding entered into under this subsection shall designate a representative of the eligible candidate to whom the Administrator shall direct any inquiries or legal instruments regarding the records of the eligible candidate that are in the custody of the Administrator.

"(B) CHANGE IN TRANSITION REPRESENTATIVE.—The designation of a new individual as the transition representative of an eligible candidate shall not require the execution of a new memorandum of understanding under this subsection.

"(C) TERMINATION OF DESIGNATION.—The designation of a transition representative under a memorandum of understanding shall terminate—

"(i) not later than September 30 of the year during which the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President occurs; or

"(ii) before the date described in clause (i), upon request of the President-elect or the Vice-President-elect or, after such inauguration, upon request of the President or the Vice President.

"(4) AMENDMENTS.—Any amendment to a memorandum of understanding entered into under this subsection shall be agreed to in writing.

"(5) PRIOR NOTIFICATION OF DEVIATION.—Each party to a memorandum of understanding entered into under this subsection shall provide written notice, except to the extent prohibited under another provision of law, not later than 3 days before taking any action that deviates from the terms and conditions agreed to in the memorandum of understanding. Deadline.

"(6) DEFINITION.—In this subsection, the term 'eligible candidate' has the meaning given that term in subsection (h)(4).".

(b) AGENCY TRANSITIONS.—Section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) the term 'nonpublic information'—

"(A) means information from the Federal Government that a member of a transition team obtains as part of the employment of the member that such member knows or reasonably should know has not been made available to the general public; and

"(B) includes information that a member of the transition team knows or reasonably should know—

"(i) is exempt from disclosure under section 552 of title 5, United States Code, or otherwise protected from disclosure by law; and

"(ii) is not authorized by the appropriate government agency or officials to be released to the public; and";

(2) in subparagraphs (C) and (D) of subsection (e)(3), by inserting "serving in a career position" after "senior representative";

(3) by striking subsection (f)(2) and inserting the following:

Deadline.
Succession plan.

"(2) ACTING OFFICERS.—Not later than September 15 of a year during which a Presidential election occurs, and in accordance with subchapter III of chapter 33 of title 5, United States Code, the head of each agency shall ensure that a succession plan is in place for each senior noncareer position in the agency."; and

(4) in subsection (g)—

(A) in paragraph (1), by striking "November 1" and inserting "October 1"; and

(B) by adding at the end the following:

"(3) ETHICS PLAN.—

Effective date.

"(A) IN GENERAL.—Each memorandum of understanding under paragraph (1) shall include an agreement that the eligible candidate will implement and enforce an ethics plan to guide the conduct of the transition beginning on the date on which the eligible candidate becomes the President-elect.

"(B) CONTENTS.—The ethics plan shall include, at a minimum—

Applicability.

"(i) a description of the ethics requirements that will apply to all members of the transition team, including any specific requirement for transition team members who will have access to nonpublic or classified information;

"(ii) a description of how the transition team will—

"(I) address the role on the transition team of—

"(aa) lobbyists registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) and individuals who were former lobbyists registered under that Act; and

"(bb) persons registered under the Foreign Agents Registration Act of 1938 (22 U.S.C.

611 et seq.), foreign nationals, and other foreign agents;

"(II) prohibit a transition team member with conflicts of interest similar to those applicable to Federal employees under section 2635.402(a) and section 2635.502(a) of title 5, Code of Federal Regulations, related to current or former employment, affiliations, clients, or investments, from working on particular matters involving specific parties that affect the interests of such member; and

"(III) address how the covered eligible candidate will address his or her own conflicts of interest during a Presidential term if the covered eligible candidate becomes the President-elect;

"(iii) a Code of Ethical Conduct, which each member of the transition team will sign and be subject to, that reflects the content of the ethics plans under this paragraph and at a minimum requires transition team members to—

"(I) seek authorization from transition team leaders or their designees before seeking, on behalf of the transition, access to any nonpublic information;

"(II) keep confidential any nonpublic information provided in the course of the duties of the member with the transition and exclusively use such information for the purposes of the transition; and

"(III) not use any nonpublic information provided in the course of transition duties, in any manner, for personal or private gain for the member or any other party at any time during or after the transition; and

"(iv) a description of how the transition team will enforce the Code of Ethical Conduct, including the names of the members of the transition team responsible for enforcement, oversight, and compliance.

"(C) PUBLICLY AVAILABLE.—The transition team shall make the ethics plan described in this paragraph publicly available on the internet website of the General Services- Web posting.

Administration the earlier of—

"(i) the day on which the memorandum of understanding is completed; or

"(ii) October 1.".

Approved March 3, 2020.

LEGISLATIVE HISTORY—S. 394:

SENATE REPORTS: No. 116–13 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 165 (2019): Aug. 1, considered and passed Senate.

Vol. 166 (2020): Feb. 5, considered and passed House.

Public Law 116–122
116th Congress

An Act

To increase the number of CBP Agriculture Specialists and support staff in the Office of Field Operations of U.S. Customs and Border Protection, and for other purposes.

Mar. 3, 2020
[S. 2107]

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

Protecting America's Food and Agriculture Act of 2019.
6 USC 211 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting America's Food and Agriculture Act of 2019".

SEC. 2. FINDING.

Congress finds that—

(1) it is in the national security interest of the United States to ensure that the Nation's food supply is sufficiently protected; and

(2) a vital part of such protection is the availability of adequate resources at the border to conduct inspections of incoming food and agricultural goods.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on Agriculture of the House of Representatives.

(2) CBP.—The term "CBP" means U.S. Customs and Border Protection.

SEC. 4. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

Time periods.

(a) CBP AGRICULTURE SPECIALISTS.—The Commissioner of U.S. Customs and Border Protection may hire, train, and assign 240 new CBP Agriculture Specialists above the current attrition level during every fiscal year until the total number of CBP Agriculture Specialists equals and sustains the requirements identified each year in the Agriculture Resource Allocation Model.

(b) MISSION AND OPERATIONAL SUPPORT STAFF.—

(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection may hire, train, and assign support staff to support CBP Agriculture Specialists.

(2) CBP AGRICULTURE TECHNICIANS.—The Commissioner of U.S. Customs and Border Protection may hire, train, and assign 200 new CBP Agriculture Technicians during each fiscal year until the total number of CBP Agriculture Technicians equals and sustains the requirements identified each year in the Mission and Operational Support Resource Allocation Model.

Effective date.

(c) CBP AGRICULTURE CANINE TEAMS.—The Commissioner of U.S. Customs and Border Protection may hire, train, and assign 20 new CBP agriculture canine teams during each of the first 3 fiscal years beginning after the date of the enactment of this Act.

(d) TRAFFIC FORECASTS.—In calculating the number of CBP Agriculture Specialists needed at each port of entry through the Agriculture Resource Allocation Model, the Office of Field Operations shall—

(1) rely on data collected regarding the inspections and other activities conducted at each such port of entry; and

(2) consider volume from seasonal surges, other projected changes in commercial and passenger volumes, the most current commercial forecasts, and other relevant information.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) CBP AGRICULTURE SPECIALISTS.—There is authorized to be appropriated to carry out subsection (a)—

(A) $29,900,000 for fiscal year 2020;

(B) $36,100,000 for fiscal year 2021; and

(C) $40,500,000 for fiscal year 2022.

(2) CBP AGRICULTURE TECHNICIANS.—There is authorized to be appropriated to carry out subsection (b)—

(A) $11,000,000 for fiscal year 2020;

(B) $25,000,000 for fiscal year 2021; and

(C) $38,000,000 for fiscal year 2022.

(3) CBP AGRICULTURE CANINE TEAMS.—There is authorized to be appropriated to carry out subsection (c)—

(A) $3,500,000 for fiscal year 2020;

(B) $7,400,000 for fiscal year 2021; and

(C) $12,200,000 for fiscal year 2022.

(4) TRAINING.—There is authorized to be appropriated for training costs associated with the new CBP personnel and canine teams hired pursuant to subsections (a), (b), and (c) $6,000,000 for each of the fiscal years 2020, 2021, and 2022.

SEC. 5. GAO STUDY, BRIEFING, AND REPORT.

Consultation.
Review.

(a) STUDY.—The Comptroller General of the United States, after consultation with the appropriate congressional committees, shall conduct a review of the efforts of the Department of Homeland Security, the Department of Agriculture, and other Federal agencies to address risks to the agricultural supply that analyzes—

(1) interagency coordination and the distribution of responsibilities among Federal agencies with respect to the inspection of agricultural commodities entering the United States;

(2) the effectiveness of such inspection responsibilities among Federal agencies; and

(3) the training provided to, and working conditions of, CBP Agriculture Specialists.

(b) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall brief the appropriate congressional committees regarding the results of the study conducted pursuant to subsection (a). Deadline.

(c) REPORT.—Not later than 90 days after the briefing required under subsection (b), the Comptroller General shall complete the study required under subsection (a) and make the results of the study available to the public. Public information.

Approved March 3, 2020.

LEGISLATIVE HISTORY—S. 2107:

SENATE REPORTS: No. 116–94 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 24, considered and passed Senate.
Vol. 166 (2020): Feb. 10, considered and passed House.

Public Law 116–123
116th Congress

An Act

Mar. 6, 2020
[H.R. 6074]

Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.

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

Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020".

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.

DIVISION A—CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT, 2020

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $61,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary medical countermeasures and vaccines, advanced manufacturing for medical products, the monitoring of medical product supply chains, and related administrative activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the "Disaster Loans Program Account" for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act, $20,000,000, to remain available until expended: *Provided*, That such amounts may be transferred to and merged with "Small Business Administration—Salaries and Expenses": *Provided further*, That for purposes of section 7(b)(2)(D) of the Small Business Act, coronavirus shall be deemed to be a disaster and amounts available under "Disaster Loans Program Account" for the cost of direct loans in any fiscal year may be used to make economic injury disaster loans under such section in response to the coronavirus: *Provided further*, That none of the funds provided under this heading in this Act may be used for indirect administrative expenses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That amounts repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "CDC–Wide Activities and Program Support", $2,200,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $950,000,000 of the amount provided shall be for grants to or cooperative agreements with States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities: *Provided further*, That $475,000,000 of the funds made available in the preceding proviso shall be allocated within 30 days of the date of enactment of this Act: *Provided further*, That every grantee that received a Public Health Emergency Preparedness grant for fiscal year 2019 shall receive not less than 90 percent of that grant level from funds provided in the first proviso under this heading in this Act, and not less

Grants.
Contracts.

Deadline.

than $40,000,000 of such funds shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Director of the Centers for Disease Control and Prevention ("CDC") may satisfy the funding thresholds outlined in the preceding two provisos by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That each grantee described in the third proviso under this heading in this Act shall submit a spend plan to the CDC not later than 45 days after the date of enactment of this Act: *Provided further*, That of the amount provided under this heading in this Act, not less than $300,000,000 shall be for global disease detection and emergency response: *Provided further*, That of the amount provided under this heading in this Act, $300,000,000 shall be transferred to and merged with amounts in the Infectious Diseases Rapid Response Reserve Fund ("Reserve Fund"), established by section 231 of division B of Public Law 115–245: *Provided further*, That the Secretary of Health and Human Services, in consultation with the Director of the CDC, shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate every 14 days, for one year from the date from any such declaration or determination described in the third proviso of section 231 of division B of Public Law 115–245, that details commitment and obligation information for the Reserve Fund during the prior two weeks, as long as such report would detail obligations in excess of $5,000,000, and upon the request by such Committees: *Provided further*, That funds appropriated under this heading in this Act may be used for grants for the construction, alteration, or renovation of non-Federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Spend plan.
Deadline.

Consultation.
Reports.
Time period.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Institute of Allergy and Infectious Diseases", $836,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, not less than $10,000,000 shall be transferred to "National Institute of Environmental Health Sciences" for worker-based training to prevent and reduce exposure of hospital employees, emergency first responders, and other workers who are at risk of exposure to coronavirus through their work duties: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund", $3,100,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, and the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, medical surge capacity, and related administrative activities: *Provided*, That such funds may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this heading in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this heading, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this Act will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That products purchased with funds appropriated in this paragraph may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That funds appropriated under this heading in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Countermeasure Process Fund, of the Public Health Service Act: *Provided further*, That funds appropriated under this heading in this Act may be used for grants for the construction, alteration, or renovation of non-Federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That funds appropriated under this heading in this Act may be used for the construction, alteration, or renovation of non-Federally owned facilities for the production of vaccines, therapeutics, and diagnostics where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That of the amount provided under this heading in this Act, $100,000,000 shall be transferred to "Health Resources and Services Administration—Primary Health Care" for grants under the Health Centers Program, as defined by section 330 of the Public Health Service Act, to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Vaccines.
Determination.

Determination.
Contracts.

Grants.

For an additional amount for "Public Health and Social Services Emergency Fund", $300,000,000, to remain available until September 30, 2024, for products purchased as described in the first paragraph under this heading, including the purchase of vaccines, therapeutics, and diagnostics, and under the same terms and conditions as the amounts made available in the first paragraph under this heading in this Act: *Provided*, That the amount made available in this paragraph shall only be made available if the Secretary of Health and Human Services certifies to the Committees on Appropriations of the House of Representatives and the Senate that the funds made available in the first paragraph under this heading in this Act allotted for such purchase of such products will be obligated imminently and that additional funds are necessary to purchase vaccines, therapeutics, or diagnostics in quantities determined by the Secretary to be adequate help to address the public health need: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate of such certification: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Certification. Determination.

Notification.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) Funds appropriated in this title may be made available to restore amounts, either directly or through reimbursement, for obligations incurred by agencies of the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act. This subsection shall not apply to obligations incurred by the Infectious Diseases Rapid Response Reserve Fund.

(b) Grants or cooperative agreements with States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, under this title, to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities to prevent, prepare for, and respond to coronavirus shall include amounts to reimburse costs for these purposes incurred between January 20, 2020, and the date of enactment of this Act.

Grants. Contracts. Reimbursements. Time period.

(c) If any funds have been reprogrammed or transferred from an appropriation, as described in the notification submitted by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate on February 2, 2020, prior to the date of enactment of this Act, such amounts shall be reprogrammed or transferred back to that appropriation within 45 days of the date of enactment of this Act.

Deadline.

SEC. 302. Funds appropriated by this title may be used by the Secretary of the Health and Human Services to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to coronavirus for which—

(1) public notice has been given; and

(2) the Secretary has determined that such a public health threat exists.

SEC. 303. Funds made available by this title may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the prevention of, preparation for, or response to coronavirus, domestically and internationally, subject to prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2024.

Notification.

Expiration date.

SEC. 304. Funds appropriated by this title may be transferred to, and merged with, other appropriation accounts under the headings "Centers for Disease Control and Prevention", "Public Health and Social Services Emergency Fund", and "National Institutes of Health" to prevent, prepare for, and respond to coronavirus, domestically or internationally, following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That upon a determination that all or part of the funds transferred from an appropriation by this title are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division A of Public Law 116–94 or section 241(a) of the Public Health Service Act.

Consultation.

Notification.

Determination.

SEC. 305. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available to the Department of Health and Human Services in this Act, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plan shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation.

Deadline.
Spend plan.

Updates.
Time period.

Lists.
Contracts.

SEC. 306. Of the funds appropriated by this title under the heading "Public Health and Social Services Emergency Fund", up to $2,000,000 shall be transferred to, and merged with, funds made available under the heading "Office of the Secretary, Office of Inspector General", and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services in titles I and III: *Provided*, That the Inspector General of the Department of Health and Human Services shall consult with the Committees on Appropriations of the House of Representatives and the Senate prior to obligating such funds: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

Consultation.

TITLE IV

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For an additional amount for "Diplomatic Programs", $264,000,000, to remain available until September 30, 2022, for necessary expenses to prevent, prepare for, and respond to coronavirus, including for maintaining consular operations, reimbursement of evacuation expenses, and emergency preparedness: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $1,000,000, to remain available until September 30, 2022, for oversight of activities funded by this title and administered by the United States Agency for International Development: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

For an additional amount for "Global Health Programs", $435,000,000, to remain available until September 30, 2022, for necessary expenses to prevent, prepare for, and respond to coronavirus: *Provided*, That such funds shall be administered by the Administrator of the United States Agency for International Development: *Provided further*, That of the funds appropriated under this heading in this Act, not less than $200,000,000 shall be transferred to, and merged with, funds made available for the Emergency Reserve Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided further*, That funds made available pursuant to the previous proviso shall be made available under the terms and conditions of such section, as amended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $300,000,000, to remain available until expended, for necessary expenses to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $250,000,000, to remain available until September 30, 2022, for necessary expenses to prevent, prepare for, and respond to coronavirus, including to address related economic, security, and stabilization requirements: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 401. Funds appropriated by this title shall only be made available for obligation subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the requirement of this section shall not apply to funds appropriated by this title under the heading "International Disaster Assistance". Notification.

SEC. 402. (a) Funds appropriated by this title under the heading "Diplomatic Programs" may be transferred to, and merged with, funds available under the "Consular and Border Security Programs" account to maintain consular operations impacted by coronavirus.

(b) Of the funds appropriated by this title under the heading "Economic Support Fund", up to $7,000,000 may be transferred to, and merged with, funds appropriated under the heading "Operating Expenses" in Acts making appropriations for the Department of State, foreign operations, and related programs to prevent, prepare for, and respond to coronavirus.

(c) Funds appropriated by this title under the headings "Global Health Programs", "International Disaster Assistance", and "Economic Support Fund" may be transferred to, and merged with, funds appropriated by this title under such headings to prevent, prepare for, and respond to coronavirus.

(d) The transfer authorities of this section are in addition to any other transfer authority provided by law.

(e) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

(f) No funds shall be transferred pursuant to this section unless at least 5 days prior to making such transfer the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the details of any such transfer. Time period. Notification.

133 Stat. 2817.

SEC. 403. Paragraph (6)(B) under the heading "Administration of Foreign Affairs, Diplomatic Programs" of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) is amended by striking ", not to exceed $10,000,000" and inserting in lieu thereof "for Worldwide Security Protection, not to exceed $100,000,000" and by adding the following before the period at the end: ": *Provided*, That no amounts may be transferred from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985": *Provided*, That the exercise of the authority provided by such paragraph shall be subject to prior consultation with the Committees on Appropriations of the House of Representatives and the Senate.

Consultation.

Consultation.

SEC. 404. Funds appropriated by this title under the headings "Global Health Programs" and "Economic Support Fund" may be made available as contributions to international organizations to prevent, prepare for, and respond to coronavirus, following consultation with the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 405. Funds appropriated by this title under the headings "Diplomatic Programs", "Global Health Programs", "International Disaster Assistance", and "Economic Support Fund" may be used to reimburse accounts administered by the Department of State and the United States Agency for International Development for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act: *Provided*, That this section shall not apply to obligations incurred by the Emergency Reserve Fund, established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31).

Deadline.
Consultation.

SEC. 406. (a) STRATEGY.—Not later than 15 days after the date of enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development, following consultation with the heads of other relevant Federal agencies, shall jointly submit to the Committees on Appropriations of the House of Representatives and the Senate a strategy to prevent, prepare for, and respond to coronavirus abroad.

(b) REPORTING REQUIREMENT.—Not later than 30 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the proposed uses of funds appropriated by this title on a country and project basis: *Provided*, That such report shall be updated and submitted to such Committees every 60 days thereafter until September 30, 2022, and every 180 days thereafter until all funds have been expended, and shall include information detailing how estimates and assumptions contained in previous reports have changed, including obligations and expenditures on a country and project basis.

Updates.
Time periods.

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 501. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 504. (a) Subject to subsection (b), and notwithstanding any other provision of law, funds made available in this Act, or transferred pursuant to authorization granted in this Act, may only be used to prevent, prepare for, and respond to coronavirus.

(b) Subsection (a) shall not apply to section 301(c) of this Act, or to reimbursements made pursuant to authority in this Act, or to funds made available in this Act for the Emergency Reserve Fund, established pursuant to section 7058(c)(1) of division J of Public Law 115–31, or to funds made available in this Act for the Infectious Diseases Rapid Response Reserve Fund, established pursuant to section 231 of division B of Public Law 115–245.

SEC. 505. Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall consult with the Committees on Appropriations of the House of Representatives and the Senate on oversight of activities supported with funds appropriated by this Act. Reports. Consultation.

SEC. 506. In this Act, the term "coronavirus" means SARS–CoV–2 or another coronavirus with pandemic potential. Definition.

SEC. 507. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress. President.

SEC. 508. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation. President.

This division may be cited as the "Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020".

DIVISION B—TELEHEALTH SERVICES DURING CERTAIN EMERGENCY PERIODS

Telehealth Services During Certain Emergency Periods Act of 2020.

SEC. 101. SHORT TITLE.

42 USC 1305 note.

This division may be cited as the "Telehealth Services During Certain Emergency Periods Act of 2020".

SEC. 102. SECRETARIAL AUTHORITY TO TEMPORARILY WAIVE OR MODIFY APPLICATION OF CERTAIN MEDICARE REQUIREMENTS WITH RESPECT TO TELEHEALTH SERVICES FURNISHED DURING CERTAIN EMERGENCY PERIODS.

(a) IN GENERAL.—

(1) WAIVER AUTHORITY.—The first sentence of section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) in the case of a telehealth service (as defined in paragraph (4)(F) of section 1834(m)) furnished in any emergency area (or portion of such an area) during any portion of any emergency period to an individual by a qualified provider (as defined in subsection (g)(3))—

"(A) the requirements of paragraph (4)(C) of such section, except that a facility fee under paragraph (2)(B)(i) of such section may only be paid to an originating site that is a site described in any of subclauses (I) through (IX) of paragraph (4)(C)(ii) of such section; and

"(B) the restriction on use of a telephone described in the second sentence of section 410.78(a)(3) of title 42, Code of Federal Regulations (or a successor regulation), but only if such telephone has audio and video capabilities that are used for two-way, real-time interactive communication.".

(2) DEFINITION OF QUALIFIED PROVIDER.—Section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) is amended by adding at the end the following new paragraph:

"(3) QUALIFIED PROVIDER.—The term 'qualified provider' means, with respect a telehealth service (as defined in paragraph (4)(F) of section 1834(m)) furnished to an individual, a physician or practitioner (as defined in paragraph (4)(D) or (4)(E), respectively, of such section) who—

"(A) furnished to such individual an item or service for which payment was made under title XVIII during the 3-year period ending on the date such telehealth service was furnished; or

"(B) is in the same practice (as determined by tax identification number) of a physician or practitioner (as so defined) who furnished such an item or service to such individual during such period.".

(3) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the amendments made by this subsection by program instruction or otherwise.

42 USC 1320b–5 note.

(b) CLARIFICATION OF DEFINITIONS OF EMERGENCY AREA AND EMERGENCY PERIOD.—Paragraph (1) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) is amended to read as follows:

"(1) EMERGENCY AREA; EMERGENCY PERIOD.—

"(A) IN GENERAL.—Subject to subparagraph (B), an 'emergency area' is a geographical area in which, and an 'emergency period' is the period during which, there exists—

"(i) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

"(ii) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act.

"(B) EXCEPTION.—For purposes of subsection (b)(8), an 'emergency area' is a geographical area in which, and an 'emergency period' is the period during which, there exists—

"(i) the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled 'Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus'; and

"(ii) any renewal of such declaration pursuant to such section 319.".

SEC. 103. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved March 6, 2020.

LEGISLATIVE HISTORY—H.R. 6074:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 4, considered and passed House.
Mar. 5, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Mar. 6, Presidential remarks.

Public Law 116–124
116th Congress

An Act

To prohibit certain Federal subsidies from being used to purchase communications equipment or services posing national security risks, to provide for the establishment of a reimbursement program for the replacement of communications equipment or services posing such risks, and for other purposes.

Mar. 12, 2020
[H.R. 4998]

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

Secure and Trusted Communications Networks Act of 2019.
47 USC 1601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure and Trusted Communications Networks Act of 2019".

47 USC 1601.

SEC. 2. DETERMINATION OF COMMUNICATIONS EQUIPMENT OR SERVICES POSING NATIONAL SECURITY RISKS.

Deadline.
Web posting.

(a) PUBLICATION OF COVERED COMMUNICATIONS EQUIPMENT OR SERVICES LIST.—Not later than 1 year after the date of the enactment of this Act, the Commission shall publish on its website a list of covered communications equipment or services.

(b) PUBLICATION BY COMMISSION.—The Commission shall place on the list published under subsection (a) any communications equipment or service, if and only if such equipment or service—

(1) is produced or provided by any entity, if, based exclusively on the determinations described in paragraphs (1) through (4) of subsection (c), such equipment or service produced or provided by such entity poses an unacceptable risk to the national security of the United States or the security and safety of United States persons; and

(2) is capable of—

(A) routing or redirecting user data traffic or permitting visibility into any user data or packets that such equipment or service transmits or otherwise handles;

(B) causing the network of a provider of advanced communications service to be disrupted remotely; or

(C) otherwise posing an unacceptable risk to the national security of the United States or the security and safety of United States persons.

(c) RELIANCE ON CERTAIN DETERMINATIONS.—In taking action under subsection (b)(1), the Commission shall place on the list any communications equipment or service that poses an unacceptable risk to the national security of the United States or the security and safety of United States persons based solely on one or more of the following determinations:

(1) A specific determination made by any executive branch interagency body with appropriate national security expertise,

including the Federal Acquisition Security Council established under section 1322(a) of title 41, United States Code.

(2) A specific determination made by the Department of Commerce pursuant to Executive Order No. 13873 (84 Fed. Reg. 22689; relating to securing the information and communications technology and services supply chain).

(3) The communications equipment or service being covered telecommunications equipment or services, as defined in section 889(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1918).

(4) A specific determination made by an appropriate national security agency.

(d) UPDATING OF LIST.—

(1) IN GENERAL.—The Commission shall periodically update the list published under subsection (a) to address changes in the determinations described in paragraphs (1) through (4) of subsection (c).

(2) MONITORING OF DETERMINATIONS.—The Commission shall monitor the making or reversing of the determinations described in paragraphs (1) through (4) of subsection (c) in order to place additional communications equipment or services on the list published under subsection (a) or to remove communications equipment or services from such list. If a determination described in any such paragraph that provided the basis for a determination by the Commission under subsection (b)(1) with respect to any communications equipment or service is reversed, the Commission shall remove such equipment or service from such list, except that the Commission may not remove such equipment or service from such list if any other determination described in any such paragraph provides a basis for inclusion on such list by the Commission under subsection (b)(1) with respect to such equipment or service.

(3) PUBLIC NOTIFICATION.—For each 12-month period during which the list published under subsection (a) is not updated, the Commission shall notify the public that no updates were necessary during such period to protect national security or to address changes in the determinations described in paragraphs (1) through (4) of subsection (c). Time period.

SEC. 3. PROHIBITION ON USE OF CERTAIN FEDERAL SUBSIDIES. 47 USC 1602.

(a) IN GENERAL.—

(1) PROHIBITION.—A Federal subsidy that is made available through a program administered by the Commission and that provides funds to be used for the capital expenditures necessary for the provision of advanced communications service may not be used to—

(A) purchase, rent, lease, or otherwise obtain any covered communications equipment or service; or

(B) maintain any covered communications equipment or service previously purchased, rented, leased, or otherwise obtained.

(2) TIMING.—Paragraph (1) shall apply with respect to any covered communications equipment or service beginning on the date that is 60 days after the date on which the Commission places such equipment or service on the list required by section 2(a). In the case of any covered communications equipment or service that is on the initial list published under such section, Applicability. Effective date. Time period.

such equipment or service shall be treated as being placed on the list on the date on which such list is published.

Deadline.

(b) COMPLETION OF PROCEEDING.—Not later than 180 days after the date of the enactment of this Act, the Commission shall adopt a Report and Order to implement subsection (a). If the Commission has, before the date of the enactment of this Act, taken action that in whole or in part implements subsection (a), the Commission is not required to revisit such action, but only to the extent such action is consistent with this section.

47 USC 1603.

SEC. 4. SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM.

(a) IN GENERAL.—The Commission shall establish a reimbursement program, to be known as the "Secure and Trusted Communications Networks Reimbursement Program", to make reimbursements to providers of advanced communications service to replace covered communications equipment or services.

(b) ELIGIBILITY.—The Commission may not make a reimbursement under the Program to a provider of advanced communications service unless the provider—

(1) has 2,000,000 or fewer customers; and

(2) makes all of the certifications required by subsection (d)(4).

(c) USE OF FUNDS.—

(1) IN GENERAL.—A recipient of a reimbursement under the Program shall use reimbursement funds solely for the purposes of—

Time periods.

(A) permanently removing covered communications equipment or services purchased, rented, leased, or otherwise obtained before—

(i) in the case of any covered communications equipment or services that are on the initial list published under section 2(a), August 14, 2018; or

(ii) in the case of any covered communications equipment or services that are not on the initial list published under section 2(a), the date that is 60 days after the date on which the Commission places such equipment or services on the list required by such section;

(B) replacing the covered communications equipment or services removed as described in subparagraph (A) with communications equipment or services that are not covered communications equipment or services; and

(C) disposing of the covered communications equipment or services removed as described in subparagraph (A) in accordance with the requirements under subsection (d)(7).

(2) LIMITATIONS.—A recipient of a reimbursement under the Program may not—

Time periods.

(A) use reimbursement funds to remove, replace, or dispose of any covered communications equipment or service purchased, rented, leased, or otherwise obtained on or after—

(i) in the case of any covered communications equipment or service that is on the initial list published under section 2(a), August 14, 2018; or

(ii) in the case of any covered communications equipment or service that is not on the initial list

published under section 2(a), the date that is 60 days after the date on which the Commission places such equipment or service on the list required by such section; or

(B) purchase, rent, lease, or otherwise obtain any covered communications equipment or service, using reimbursement funds or any other funds (including funds derived from private sources).

(d) IMPLEMENTATION.—

(1) SUGGESTED REPLACEMENTS.—

(A) DEVELOPMENT OF LIST.—The Commission shall develop a list of suggested replacements of both physical and virtual communications equipment, application and management software, and services or categories of replacements of both physical and virtual communications equipment, application and management software and services.

(B) NEUTRALITY.—The list developed under subparagraph (A) shall be technology neutral and may not advantage the use of reimbursement funds for capital expenditures over operational expenditures, to the extent that the Commission determines that communications services can serve as an adequate substitute for the installation of communications equipment.

(2) APPLICATION PROCESS.—

(A) IN GENERAL.—The Commission shall develop an application process and related forms and materials for the Program.

(B) COST ESTIMATE.—

(i) INITIAL ESTIMATE.—The Commission shall require an applicant to provide an initial reimbursement cost estimate at the time of application, with supporting materials substantiating the costs. Requirements.

(ii) UPDATES.—During and after the application review process, the Commission may require an applicant to—

(I) update the initial reimbursement cost estimate submitted under clause (i); and

(II) submit additional supporting materials substantiating an updated cost estimate submitted under subclause (I).

(C) MITIGATION OF BURDEN.—In developing the application process under this paragraph, the Commission shall take reasonable steps to mitigate the administrative burdens and costs associated with the application process, while taking into account the need to avoid waste, fraud, and abuse in the Program.

(3) APPLICATION REVIEW PROCESS.—

(A) DEADLINE.—

(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (B), the Commission shall approve or deny an application for a reimbursement under the Program not later than 90 days after the date of the submission of the application.

(ii) ADDITIONAL TIME NEEDED BY COMMISSION.—If the Commission determines that, because an excessive number of applications have been filed at one time, the Commission needs additional time for Determination.

employees of the Commission to process the applications, the Commission may extend the deadline described in clause (i) for not more than 45 days.

Determination. Time period. Deadline.

(B) OPPORTUNITY FOR APPLICANT TO CURE DEFICIENCY.—If the Commission determines that an application is materially deficient (including by lacking an adequate cost estimate or adequate supporting materials), the Commission shall provide the applicant a 15-day period to cure the defect before denying the application. If such period would extend beyond the deadline under subparagraph (A) for approving or denying the application, such deadline shall be extended through the end of such period.

(C) EFFECT OF DENIAL.—Denial of an application for a reimbursement under the Program shall not preclude the applicant from resubmitting the application or submitting a new application for a reimbursement under the Program at a later date.

(4) CERTIFICATIONS.—An applicant for a reimbursement under the Program shall, in the application of the applicant, certify to the Commission that—

(A) as of the date of the submission of the application, the applicant—

Plan.

(i) has developed a plan for—

(I) the permanent removal and replacement of any covered communications equipment or services that are in the communications network of the applicant as of such date; and

(II) the disposal of the equipment or services removed as described in subclause (I) in accordance with the requirements under paragraph (7); and

Timeline.

(ii) has developed a specific timeline (subject to paragraph (6)) for the permanent removal, replacement, and disposal of the covered communications equipment or services identified under clause (i), which timeline shall be submitted to the Commission as part of the application; and

Effective date.

(B) beginning on the date of the approval of the application, the applicant—

(i) will not purchase, rent, lease, or otherwise obtain covered communications equipment or services, using reimbursement funds or any other funds (including funds derived from private sources); and

(ii) in developing and tailoring the risk management practices of the applicant, will consult and consider the standards, guidelines, and best practices set forth in the cybersecurity framework developed by the National Institute of Standards and Technology.

(5) DISTRIBUTION OF REIMBURSEMENT FUNDS.—

(A) IN GENERAL.—The Commission shall make reasonable efforts to ensure that reimbursement funds are distributed equitably among all applicants for reimbursements under the Program according to the needs of the applicants, as identified by the applications of the applicants.

Determination.

(B) NOTIFICATION.—If, at any time during the implementation of the Program, the Commission determines that $1,000,000,000 will not be sufficient to fully

fund all approved applications for reimbursements under the Program, the Commission shall immediately notify—

(i) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives; and

(ii) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(6) REMOVAL, REPLACEMENT, AND DISPOSAL TERM.—

(A) DEADLINE.—Except as provided in subparagraphs (B) and (C), the permanent removal, replacement, and disposal of any covered communications equipment or services identified under paragraph (4)(A)(i) shall be completed not later than 1 year after the date on which the Commission distributes reimbursement funds to the recipient.

(B) GENERAL EXTENSION.—The Commission may grant an extension of the deadline described in subparagraph (A) for 6 months to all recipients of reimbursements under the Program if the Commission— Time period.

(i) finds that the supply of replacement communications equipment or services needed by the recipients to achieve the purposes of the Program is inadequate to meet the needs of the recipients; and

(ii) provides notice and a detailed justification for granting the extension to— Notification.

(I) the Committee on Energy and Commerce of the House of Representatives; and

(II) the Committee on Commerce, Science, and Transportation of the Senate.

(C) INDIVIDUAL EXTENSION.—

(i) PETITION.—A recipient of a reimbursement under the Program may petition the Commission for an extension for such recipient of the deadline described in subparagraph (A) or, if the Commission has granted an extension of such deadline under subparagraph (B), such deadline as so extended.

(ii) GRANT.—The Commission may grant a petition filed under clause (i) by extending, for the recipient that filed the petition, the deadline described in subparagraph (A) or, if the Commission has granted an extension of such deadline under subparagraph (B), such deadline as so extended, for a period of not more than 6 months if the Commission finds that, due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal described in subparagraph (A). Time period.

(7) DISPOSAL OF COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.—The Commission shall include in the regulations promulgated under subsection (g) requirements for the disposal by a recipient of a reimbursement under the Program of covered communications equipment or services identified under paragraph (4)(A)(i) and removed from the network of the recipient in order to prevent such equipment or services from being used in the networks of providers of advanced communications service. Requirements.

(8) STATUS UPDATES.—

Deadline.
Time period.

(A) IN GENERAL.—Not less frequently than once every 90 days beginning on the date on which the Commission approves an application for a reimbursement under the Program, the recipient of the reimbursement shall submit to the Commission a status update on the work of the recipient to permanently remove, replace, and dispose of the covered communications equipment or services identified under paragraph (4)(A)(i).

Deadline.

(B) PUBLIC POSTING.—Not earlier than 30 days after the date on which the Commission receives a status update under subparagraph (A), the Commission shall make such status update public on the website of the Commission.

(C) REPORTS TO CONGRESS.—Not less frequently than once every 180 days beginning on the date on which the Commission first makes funds available to a recipient of a reimbursement under the Program, the Commission shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(i) the implementation of the Program by the Commission; and

(ii) the work by recipients of reimbursements under the Program to permanently remove, replace, and dispose of covered communications equipment or services identified under paragraph (4)(A)(i).

Requirements.

(e) MEASURES TO AVOID WASTE, FRAUD, AND ABUSE.—

(1) IN GENERAL.—The Commission shall take all necessary steps to avoid waste, fraud, and abuse with respect to the Program.

(2) SPENDING REPORTS.—The Commission shall require recipients of reimbursements under the Program to submit to the Commission on a regular basis reports regarding how reimbursement funds have been spent, including detailed accounting of the covered communications equipment or services permanently removed and disposed of, and the replacement equipment or services purchased, rented, leased, or otherwise obtained, using reimbursement funds.

(3) AUDITS, REVIEWS, AND FIELD INVESTIGATIONS.—The Commission shall conduct—

(A) regular audits and reviews of reimbursements under the Program to confirm that recipients of such reimbursements are complying with this Act; and

(B) random field investigations to ensure that recipients of reimbursements under the Program are performing the work such recipients are required to perform under the commitments made in the applications of such recipients for reimbursements under the Program, including the permanent removal, replacement, and disposal of the covered communications equipment or services identified under subsection (d)(4)(A)(i).

(4) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Commission shall require a recipient of a reimbursement under the Program to submit to the Commission, in a form and at an appropriate time to be determined by the Commission, a certification stating that the recipient—

(i) has fully complied with (or is in the process of complying with) all terms and conditions of the Program;

(ii) has fully complied with (or is in the process of complying with) the commitments made in the application of the recipient for the reimbursement;

(iii) has permanently removed from the communications network of the recipient, replaced, and disposed of (or is in the process of permanently removing, replacing, and disposing of) all covered communications equipment or services that were in the network of the recipient as of the date of the submission of the application of the recipient for the reimbursement; and

(iv) has fully complied with (or is in the process of complying with) the timeline submitted by the recipient under subparagraph (A)(ii) of paragraph (4) of subsection (d) and the other requirements of such paragraph.

(B) UPDATED CERTIFICATION.—If, at the time when a recipient of a reimbursement under the Program submits a certification under subparagraph (A), the recipient has not fully complied as described in clause (i), (ii), or (iv) of such subparagraph or has not completed the permanent removal, replacement, and disposal described in clause (iii) of such subparagraph, the Commission shall require the recipient to file an updated certification when the recipient has fully complied as described in such clause (i), (ii), or (iv) or completed such permanent removal, replacement, and disposal.

(f) EFFECT OF REMOVAL OF EQUIPMENT OR SERVICE FROM LIST.—

(1) IN GENERAL.—If, after the date on which a recipient of a reimbursement under the Program submits the application for the reimbursement, any covered communications equipment or service that is in the network of the recipient as of such date is removed from the list published under section 2(a), the recipient may—

(A) return to the Commission any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and be released from any requirement under this section to remove, replace, or dispose of such equipment or service; or

(B) retain any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and remain subject to the requirements of this section to remove, replace, and dispose of such equipment or service as if such equipment or service continued to be on the list published under section 2(a).

(2) ASSURANCES.—In the case of an assurance relating to the removal, replacement, or disposal of any equipment or service with respect to which the recipient returns to the Commission reimbursement funds under paragraph (1)(A), such assurance may be satisfied by making an assurance that such funds have been returned.

(g) RULEMAKING.— Deadline.

(1) COMMENCEMENT.—Not later than 90 days after the date of the enactment of this Act, the Commission shall commence a rulemaking to implement this section.

(2) COMPLETION.—The Commission shall complete the rulemaking under paragraph (1) not later than 1 year after the date of the enactment of this Act.

(h) RULE OF CONSTRUCTION REGARDING TIMING OF REIMBURSEMENT.—Nothing in this section shall be construed to prohibit the Commission from making a reimbursement under the Program to a provider of advanced communications service before the provider incurs the cost of the permanent removal, replacement, and disposal of the covered communications equipment or service for which the application of the provider has been approved under this section.

(i) EDUCATION EFFORTS.—The Commission shall engage in education efforts with providers of advanced communications service to—

(1) encourage such providers to participate in the Program; and

(2) assist such providers in submitting applications for the Program.

(j) SEPARATE FROM FEDERAL UNIVERSAL SERVICE PROGRAMS.—The Program shall be separate from any Federal universal service program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

47 USC 1604.

SEC. 5. REPORTS ON COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.

Time periods.

(a) IN GENERAL.—Each provider of advanced communications service shall submit an annual report to the Commission, in a form to be determined by the Commission, regarding whether such provider has purchased, rented, leased, or otherwise obtained any covered communications equipment or service on or after—

(1) in the case of any covered communications equipment or service that is on the initial list published under section 2(a), August 14, 2018; or

(2) in the case of any covered communications equipment or service that is not on the initial list published under section 2(a), the date that is 60 days after the date on which the Commission places such equipment or service on the list required by such section.

(b) RULE OF CONSTRUCTION.—If a provider of advanced communications service certifies to the Commission that such provider does not have any covered communications equipment or service in the network of such provider, such provider is not required to submit a report under subsection (a) after making such certification, unless such provider later purchases, rents, leases, or otherwise obtains any covered communications equipment or service.

(c) JUSTIFICATION.—If a provider of advanced communications service indicates in a report under subsection (a) that such provider has purchased, rented, leased, or otherwise obtained any covered communications equipment or service as described in such subsection, such provider shall include in such report—

(1) a detailed justification for such action;

(2) information about whether such covered communications equipment or service has subsequently been removed and replaced pursuant to section 4; and

(3) information about whether such provider plans to continue to purchase, rent, lease, or otherwise obtain, or install or use, such covered communications equipment or service and, if so, why.

(d) PROCEEDING.—The Commission shall implement this section as part of the rulemaking required by section 4(g).

SEC. 6. HOLD HARMLESS. 47 USC 1605.

In the case of a person who is a winner of the Connect America Fund Phase II auction, has not yet been authorized to receive Connect America Fund Phase II support, and demonstrates an inability to reasonably meet the build-out and service obligations of such person under Connect America Fund Phase II without using equipment or services prohibited under this Act, such person may withdraw the application of such person for Connect America Fund Phase II support without being found in default or subject to forfeiture. The Commission may set a deadline to make such a withdrawal that is not earlier than the date that is 60 days after the date of the enactment of this Act. Deadline. Time period.

SEC. 7. ENFORCEMENT. 47 USC 1606.

(a) VIOLATIONS.—A violation of this Act or a regulation promulgated under this Act shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act, respectively. The Commission shall enforce this Act and the regulations promulgated under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this Act.

(b) ADDITIONAL PENALTIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), in addition to penalties under the Communications Act of 1934, a recipient of a reimbursement under the Program found to have violated section 4, the regulations promulgated under such section, or the commitments made by the recipient in the application for the reimbursement—

(A) shall repay to the Commission all reimbursement funds provided to the recipient under the Program;

(B) shall be barred from further participation in the Program;

(C) shall be referred to all appropriate law enforcement agencies or officials for further action under applicable criminal and civil laws; and

(D) may be barred by the Commission from participation in other programs of the Commission, including the Federal universal service support programs established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(2) NOTICE AND OPPORTUNITY TO CURE.—The penalties described in paragraph (1) shall not apply to a recipient of a reimbursement under the Program unless—

(A) the Commission provides the recipient with notice of the violation; and

(B) the recipient fails to cure the violation within 180 days after the Commission provides such notice. Deadline.

(c) RECOVERY OF FUNDS.—The Commission shall immediately take action to recover all reimbursement funds awarded to a

recipient of a reimbursement under the Program in any case in which such recipient is required to repay reimbursement funds under subsection (b)(1)(A).

47 USC 1607.

SEC. 8. NTIA PROGRAM FOR PREVENTING FUTURE VULNERABILITIES.

Deadlines.

(a) FUTURE VULNERABILITY PROGRAM.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, including an opportunity for notice and comment, the Assistant Secretary, in cooperation with the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Commission, shall establish a program to share information regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services.

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

Briefings.

(A) conduct regular briefings and other events to share information with trusted providers of advanced communications service and trusted suppliers of communications equipment or services;

(B) engage with trusted providers of advanced communications service and trusted suppliers of communications equipment or services, in particular such providers and suppliers that—

(i) are small businesses; or

(ii) primarily serve rural areas;

Plan.

(C) not later than 180 days after the date of the enactment of this Act, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for—

(i) declassifying material, when feasible, to help share information regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services; and

(ii) expediting and expanding the provision of security clearances to facilitate information sharing regarding supply chain security risks with trusted providers of advanced communications service and trusted suppliers of communications equipment or services; and

(D) ensure that the activities carried out through the program are consistent with and, to the extent practicable, integrated with, ongoing activities of the Department of Homeland Security and the Department of Commerce.

(3) SCOPE OF PROGRAM.—The program established under paragraph (1) shall involve only the sharing of information regarding supply chain security risks by the Federal Government to trusted providers of advanced communications service and trusted suppliers of communications equipment or services, and not the sharing of such information by such providers and suppliers to the Federal Government.

(b) REPRESENTATION ON CSRIC OF INTERESTS OF PUBLIC AND CONSUMERS.—

(1) IN GENERAL.—The Commission shall appoint to the Communications Security, Reliability, and Interoperability Council (or any successor thereof), and to each subcommittee, workgroup, or other subdivision of the Council (or any such successor), at least one member to represent the interests of the public and consumers. Appointment.

(2) INITIAL APPOINTMENTS.—The Commission shall make the initial appointments required by paragraph (1) not later than 180 days after the date of the enactment of this Act. Any member so appointed shall be in addition to the members of the Council, or the members of the subdivision of the Council to which the appointment is being made, as the case may be, as of the date of the enactment of this Act. Deadline.

(c) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(2) FOREIGN ADVERSARY.—The term "foreign adversary" means any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons.

(3) SUPPLY CHAIN SECURITY RISK.—The term "supply chain security risk" includes specific risk and vulnerability information related to equipment and software.

(4) TRUSTED.—The term "trusted" means, with respect to a provider of advanced communications service or a supplier of communications equipment or service, that the Assistant Secretary has determined that such provider or supplier is not owned by, controlled by, or subject to the influence of a foreign adversary.

SEC. 9. DEFINITIONS. 47 USC 1608.

In this Act:

(1) ADVANCED COMMUNICATIONS SERVICE.—The term "advanced communications service" has the meaning given the term "advanced telecommunications capability" in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(2) APPROPRIATE NATIONAL SECURITY AGENCY.—The term "appropriate national security agency" means—

(A) the Department of Homeland Security;

(B) the Department of Defense;

(C) the Office of the Director of National Intelligence;

(D) the National Security Agency; and

(E) the Federal Bureau of Investigation.

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) COMMUNICATIONS EQUIPMENT OR SERVICE.—The term "communications equipment or service" means any equipment or service that is essential to the provision of advanced communications service.

(5) COVERED COMMUNICATIONS EQUIPMENT OR SERVICE.—The term "covered communications equipment or service" means any communications equipment or service that is on the list published by the Commission under section 2(a).

(6) CUSTOMERS.—The term "customers" means, with respect to a provider of advanced communications service—

(A) the customers of such provider; and

(B) the customers of any affiliate (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) of such provider.

(7) EXECUTIVE BRANCH INTERAGENCY BODY.—The term "executive branch interagency body" means an interagency body established in the executive branch.

(8) PERSON.—The term "person" means an individual or entity.

(9) PROGRAM.—The term "Program" means the Secure and Trusted Communications Networks Reimbursement Program established under section 4(a).

(10) PROVIDER OF ADVANCED COMMUNICATIONS SERVICE.—The term "provider of advanced communications service" means a person who provides advanced communications service to United States customers.

(11) RECIPIENT.—The term "recipient" means any provider of advanced communications service the application of which for a reimbursement under the Program has been approved by the Commission, regardless of whether the provider has received reimbursement funds.

(12) REIMBURSEMENT FUNDS.—The term "reimbursement funds" means any reimbursement received under the Program.

47 USC 1609.

SEC. 10. SEVERABILITY.

If any provision of this Act, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remaining provisions of this Act, and the application of such provisions to any person or circumstance, shall not be affected thereby.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved March 12, 2020.

LEGISLATIVE HISTORY—H.R. 4998:

HOUSE REPORTS: No. 116–352 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 16, considered and passed House.
Vol. 166 (2020): Feb. 27, considered and passed Senate.

Public Law 116–125
116th Congress

An Act

To award a Congressional Gold Medal, collectively, to the United States Merchant Mariners of World War II, in recognition of their dedicated and vital service during World War II.

Mar. 13, 2020
[H.R. 5671]

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

Merchant Mariners of World War II Congressional Gold Medal Act of 2020.
31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Merchant Mariners of World War II Congressional Gold Medal Act of 2020".

SEC. 2. FINDINGS.

Congress finds the following:

(1) 2020 marked the 75th anniversary of Allied victory in World War II.

(2) The United States Merchant Marine (in this section referred to as the "Merchant Marine") was integral in providing the link between domestic production and the fighting forces overseas, providing combat equipment, fuel, food, commodities, and raw materials to troops stationed abroad.

(3) Fleet Admiral Ernest J. King acknowledged the indispensability of the Merchant Marine to the victory in a 1945 letter stating that, without the support of the Merchant Marine, "the Navy could not have accomplished its mission".

(4) President, and former Supreme Commander of the Allied Expeditionary Forces, Dwight D. Eisenhower acknowledged that "through the prompt delivery of supplies and equipment to our armed forces overseas, and of cargoes representing economic and military aid to friendly nations, the American Merchant Marine has effectively helped to strengthen the forces of freedom throughout the world".

(5) Military missions and war planning were contingent upon the availability of resources and the Merchant Marine played a vital role in this regard, ensuring the efficient and reliable transoceanic transport of military equipment and both military and civilian personnel.

(6) The Merchant Marine provided for the successful transport of resources and personnel despite consistent and ongoing exposure to enemy combatants from both the air and the sea, including from enemy bomber squadrons, submarines, and naval mines.

(7) The efforts of the Merchant Marine were not without sacrifices as the Merchant Marine likely bore a higher per-capita casualty rate than any of the military branches during the war.

(8) The Merchant Marine proved to be an instrumental asset on an untold number of occasions, participating in every landing operation by the United States Marine Corps, from Guadalcanal to Okinawa.

(9) The Merchant Marine provided the bulk tonnage of material necessary for the invasion of Normandy, an invasion which, according to a 1944 New York Times article, "would not have been possible without the Merchant Marine".

(10) In assessing the performance of the Merchant Marine, General Eisenhower stated, "every man in this Allied command is quick to express his admiration for the loyalty, courage, and fortitude of the officers and men of the Merchant Marine. We count upon their efficiency and their utter devotion to duty as we do our own; they have never failed us".

(11) During a September 1944 speech, President Franklin D. Roosevelt stated that the Merchant Marine had "delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult, and dangerous transportation job ever undertaken. As time goes on, there will be greater public understanding of our merchant fleet's record during this war".

(12) The feats and accomplishments of the Merchant Marine are deserving of broader public recognition.

(13) The United States will be forever grateful and indebted to these merchant mariners for their effective, reliable, and courageous transport of goods and resources in enemy territory throughout theaters of every variety in World War II.

(14) The goods and resources transported by the Merchant Marine saved thousands of lives and enabled the Allied Powers to claim victory in World War II.

(15) The Congressional Gold Medal would be an appropriate way to shed further light on the service of the merchant mariners in World War II and the instrumental role they played in winning that war.

(16) Many students of the Merchant Marine Academy lost their lives as they sailed through enemy-controlled waters or unloaded cargo in overseas combat areas, and, as a result, the United States Merchant Marine Academy is the only institution among the five Federal academies to be authorized to carry a battle standard as part of its color guard.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

Determination.

(b) DESIGN AND STRIKING.—For the purposes of the award described in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) AMERICAN MERCHANT MARINE MUSEUM.—

(1) IN GENERAL.—Following the award of the gold medal under subsection (a), the gold medal shall be given to the

American Merchant Marine Museum, where it will be available for display as appropriate and available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the American Merchant Marine Museum should make the gold medal given to the Museum under paragraph (1) available for display elsewhere, particularly at appropriate locations associated with the United States Merchant Marine and that preference should be given to locations affiliated with the United States Merchant Marine.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—Medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved March 13, 2020.

LEGISLATIVE HISTORY—H.R. 5671:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 27, considered and passed House.
Mar. 2, considered and passed Senate.

Public Law 116–126
116th Congress

An Act

Mar. 18, 2020
[H.R. 5214]

To amend title 5, United States Code, to prevent fraud by representative payees.

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

Representative Payee Fraud Prevention Act of 2019.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Representative Payee Fraud Prevention Act of 2019".

SEC. 2. REPRESENTATIVE PAYEE FRAUD.

(a) DEFINITIONS.—

(1) CSRS.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (31), by striking "and" at the end;

(B) in paragraph (32), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(33) 'representative payee' means a person (including an organization) designated under section 8345(e)(1) to receive payments on behalf of a minor or an individual mentally incompetent or under other legal disability.".

(2) FERS.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (37), by striking "and" at the end;

(B) in paragraph (38), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(39) 'representative payee' means a person (including an organization) designated under section 8466(c)(1) to receive payments on behalf of a minor or an individual mentally incompetent or under other legal disability.".

(b) EMBEZZLEMENT OR CONVERSION.—

(1) CSRS.—Subchapter III of chapter 83 of title 5, United States Code, is amended by inserting after section 8345 the following:

5 USC 8345a.

"§ 8345a. Embezzlement or conversion of payments

"(a) EMBEZZLING AND CONVERSION GENERALLY.—

"(1) IN GENERAL.—It shall be unlawful for a representative payee to embezzle or in any manner convert all or any part of the amounts received from payments received as a representative payee to a use other than for the use and benefit of the minor or individual on whose behalf such payments were received.

"(2) REVOCATION.—If the Office determines that a representative payee has embezzled or converted payments as described in paragraph (1), the Office shall promptly— Determination.

"(A) revoke the certification for payment of benefits to the representative payee; and

"(B) certify payment— Certification.

"(i) to another representative payee; or

"(ii) if the interest of the individual under this title would be served thereby, to the individual.

"(b) PENALTY.—Any person who violates subsection (a)(1) shall be fined under title 18, imprisoned for not more than 5 years, or both.".

(2) FERS.—Subchapter VI of chapter 84 of title 5, United States Code, is amended by inserting after section 8466 the following:

"§ 8466a. Embezzlement or conversion of payments 5 USC 8466a.

"(a) EMBEZZLING AND CONVERSION GENERALLY.—

"(1) IN GENERAL.—It shall be unlawful for a representative payee to embezzle or in any manner convert all or any part of the amounts received from payments received as a representative payee to a use other than for the use and benefit of the minor or individual on whose behalf such payments were received.

"(2) REVOCATION.—If the Office determines that a representative payee has embezzled or converted payments as described in paragraph (1), the Office shall promptly— Determination.

"(A) revoke the certification for payment of benefits to the representative payee; and

"(B) certify payment— Certification.

"(i) to another representative payee; or

"(ii) if the interest of the individual under this title would be served thereby, to the individual.

"(b) PENALTY.—Any person who violates subsection (a)(1) shall be fined under title 18, imprisoned for not more than 5 years, or both.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8345 the following: 5 USC prec. 8301.

"8345a. Embezzlement or conversion of payments.".

(B) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8466 the following: 5 USC prec. 8401.

"8466a. Embezzlement or conversion of payments.".

(c) DEFERRAL OF PAYMENT PENDING APPOINTMENT OF REPRESENTATIVE PAYEE.—

(1) CSRS.—Section 8345(e) of title 5, United States Code, is amended—

(A) by inserting "(1)" after "(e)";

(B) in the first sentence, by inserting "(including an organization)" after "person";

(C) in the second sentence—

(i) by inserting "(including an organization)" after "any person"; and

(ii) by inserting "and may appropriately receive such payments on behalf of the claimant" after "claimant" the second place it appears; and

(D) by adding at the end the following:

Determination.

"(2) If the Office determines that direct payment of a benefit to an individual mentally incompetent or under other legal disability would cause substantial harm to the individual, the Office may defer or suspend direct payment of the benefit until such time as the appointment of a representative payee is made. The Office shall resume payment as soon as practicable, including all amounts due.".

(2) FERS.—Section 8466(c) of title 5, United States Code, is amended—

(A) by inserting "(1)" after "(c)";

(B) in the first sentence, by inserting "(including an organization)" after "person";

(C) in the second sentence—

(i) by inserting "(including an organization)" after "any person"; and

(ii) by inserting "and may appropriately receive such payments on behalf of the claimant" after "claimant" the second place it appears; and

(D) by adding at the end the following:

Determination.

"(2) If the Office determines that direct payment of a benefit to an individual mentally incompetent or under other legal disability would cause substantial harm to the individual, the Office may defer or suspend direct payment of the benefit until such time as the appointment of a representative payee is made. The Office shall resume payment as soon as practicable, including all amounts due.".

(d) LIMITATIONS ON APPOINTMENTS OF REPRESENTATIVE PAYEES.—

(1) CSRS.—Section 8345 of title 5, United States Code, is amended by inserting after subsection (e) the following:

"(f) The Office may not authorize a person to receive payments on behalf of a minor or individual of legal disability under subsection (e) if that person has been convicted of a violation of—

"(1) section 8345a or 8466a;

"(2) section 208 or 1632 of the Social Security Act (42 U.S.C. 408, 1383a); or

"(3) section 6101 of title 38.".

(2) FERS.—Section 8466 of title 5, United States Code, is amended by adding at the end the following:

"(d) The Office may not authorize a person to receive payments on behalf of a minor or individual of legal disability under subsection (c) if that person has been convicted of a violation of—

"(1) section 8345a or 8466a;

"(2) section 208 or 1632 of the Social Security Act (42 U.S.C. 408, 1383a); or

"(3) section 6101 of title 38.".

SEC. 3. IMPLEMENTATION.

(a) AUTHORIZATION OF PAYMENTS.—Section 8348(a)(1)(B) of title 5, United States Code, is amended by inserting "in administering fraud prevention under sections 8345, 8345a, 8466, and 8466a of this title," after "8465(b) of this title,".

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management— Deadline. 5 USC 8331 note.

(1) shall promulgate regulations to carry out the amendments made by section 2; and

(2) may promulgate additional regulations relating to the administration of the representative payee program.

SEC. 4. EFFECTIVE DATE. 5 USC 8331 note.

The amendments made by section 2—

(1) shall take effect on the date of the enactment of this Act; and

(2) apply on and after the effective date of the regulations promulgated under section 3(b)(1).

Approved March 18, 2020.

LEGISLATIVE HISTORY—H.R. 5214:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Mar. 3, considered and passed Senate.

Public Law 116–127
116th Congress

An Act

Mar. 18, 2020
[H.R. 6201]

Making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes.

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

Families First Coronavirus Response Act. 29 USC 2601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Families First Coronavirus Response Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

DIVISION A—SECOND CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT, 2020

DIVISION B—NUTRITION WAIVERS

DIVISION C—EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

DIVISION D—EMERGENCY UNEMPLOYMENT INSURANCE STABILIZATION AND ACCESS ACT OF 2020

DIVISION E—EMERGENCY PAID SICK LEAVE ACT

DIVISION F—HEALTH PROVISIONS

DIVISION G—TAX CREDITS FOR PAID SICK AND PAID FAMILY AND MEDICAL LEAVE

DIVISION H—BUDGETARY EFFECTS

1 USC 1 note.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

Second Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.

DIVISION A—SECOND CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT, 2020

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children", $500,000,000, to remain available through September 30, 2021: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the "Commodity Assistance Program" for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $400,000,000, to remain available through September 30, 2021: *Provided*, That of the funds made available, the Secretary may use up to $100,000,000 for costs associated with the distribution of commodities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 1101. (a) PUBLIC HEALTH EMERGENCY.—During fiscal year 2020, in any case in which a school is closed for at least 5 consecutive days during a public health emergency designation during which the school would otherwise be in session, each household containing at least 1 member who is an eligible child attending the school shall be eligible to receive assistance pursuant to a state agency plan approved under subsection (b). Time periods. 7 USC 2011 note.

(b) ASSISTANCE.—To carry out this section, the Secretary of Agriculture may approve State agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for households with eligible children. Plans approved by the Secretary shall provide for supplemental allotments to households receiving benefits under such Act, and issuances to households not already receiving benefits. Such level of benefits shall be determined by the Secretary in an amount not less than the value of meals at the free rate over the course of 5 school days for each eligible child in the household. Plans. Determination.

(c) MINIMUM CLOSURE REQUIREMENT.—The Secretary of Agriculture shall not provide assistance under this section in the case of a school that is closed for less than 5 consecutive days. Time period.

(d) USE OF EBT SYSTEM.—A State agency may provide assistance under this section through the EBT card system established under section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016).

(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State

educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.

(f) WAIVERS.—To facilitate implementation of this section, the Secretary of Agriculture may approve waivers of the limits on certification periods otherwise applicable under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)), reporting requirements otherwise applicable under section 6(c) of such Act (7 U.S.C. 2015(c)), and other administrative requirements otherwise applicable to State agencies under such Act.

(g) AVAILABILITY OF COMMODITIES.—During fiscal year 2020, the Secretary of Agriculture may purchase commodities for emergency distribution in any area of the United States during a public health emergency designation.

(h) DEFINITIONS.—In this section:

(1) The term "eligible child" means a child (as defined in section 12(d) or served under section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d), 1759(a)(1)) who, if not for the closure of the school attended by the child during a public health emergency designation and due to concerns about a COVID–19 outbreak, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 175l et seq.) at the school.

(2) The term "public health emergency designation" means the declaration of a public health emergency, based on an outbreak of SARS–CoV–2 or another coronavirus with pandemic potential, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(3) The term "school" has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

(i) FUNDING.—There are hereby appropriated to the Secretary of Agriculture such amounts as are necessary to carry out this section: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Grants.
Territories.

SEC. 1102. In addition to amounts otherwise made available, $100,000,000, to remain available through September 30, 2021, shall be available for the Secretary of Agriculture to provide grants to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance in response to a COVID–19 public health emergency: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF DEFENSE

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $82,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6006(a) of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For an additional amount for "Taxpayer Services", $15,000,000, to remain available until September 30, 2022, for the purposes of carrying out the Families First Coronavirus Response Act: *Provided*, That amounts provided under this heading in this Act may be transferred to and merged with "Operations Support": *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services", $64,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6007 of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amounts shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for "Aging and Disability Services Programs", $250,000,000, to remain available until September 30, 2021, for activities authorized under subparts 1 and 2 of part C, of title III, and under title VI, of the Older Americans Act of 1965 ("OAA"), of which $160,000,000 shall be for Home-Delivered Nutrition Services, $80,000,000 shall be for Congregate Nutrition Services, and $10,000,000 shall be for Nutrition Services for Native Americans: *Provided*, That State matching requirements under sections 304(d)(1)(D) and 309(b)(2) of the OAA shall not apply to funds made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

Coordination.

For an additional amount for "Public Health and Social Services Emergency Fund", $1,000,000,000, to remain available until expended, for activities authorized under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11), in coordination with the Assistant Secretary for Preparedness and Response and the Administrator of the Centers for Medicare & Medicaid Services, to pay the claims of providers for reimbursement, as described in subsection (a)(3)(D) of such section 2812, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (or the administration of such products) or visits described in paragraph (2) of such section for uninsured individuals: *Provided*, That the term "uninsured individual" in this paragraph means an individual who is not enrolled in—

Definition.

(1) a Federal health care program (as defined under section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)), including an individual who is eligible for medical assistance only because of subsection (a)(10)(A)(ii)(XXIII) of Section 1902 of the Social Security Act; or

(2) a group health plan or health insurance coverage offered by a health insurance issuer in the group or individual market (as such terms are defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91)), or a health plan offered under chapter 89 of title 5, United States Code:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $30,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6006(b) of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL COMMUNITY CARE

For an additional amount for "Medical Community Care", $30,000,000, to remain available until September 30, 2022, for health services consisting of SARS–CoV–2 or COVID–19 related items and services as described in section 6006(b) of division F of the Families First Coronavirus Response Act (or the administration of such products): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VII

GENERAL PROVISIONS—THIS ACT

SEC. 1701. Not later than 30 days after the date of enactment of this Act, the head of each executive agency that receives funding in this Act shall provide a report detailing the anticipated uses of all such funding to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That each report shall include estimated personnel and administrative costs, as well as the total amount of funding apportioned, allotted, obligated, and expended, to date: *Provided further*, That each such plan shall be updated and submitted to such Committees every 60 days until all funds are expended or expire.

Reports.

Cost estimates.

Plan.
Time period.

SEC. 1702. States and local governments receiving funds or assistance pursuant to this division shall ensure the respective State Emergency Operations Center receives regular and real-time reporting on aggregated data on testing and results from State and local public health departments, as determined by the Director of the Centers for Disease Control and Prevention, and that such data is transmitted to the Centers for Disease Control and Prevention.

State and local government.
Data.
Determination.

SEC. 1703. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1705. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

President.

SEC. 1706. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1707. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

This division may be cited as the "Second Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020".

DIVISION B—NUTRITION WAIVERS

Maintaining Essential Access to Lunch for Students Act.

TITLE I—MAINTAINING ESSENTIAL ACCESS TO LUNCH FOR STUDENTS ACT

42 USC 1751 note.

SEC. 2101. SHORT TITLE.

This title may be cited as the "Maintaining Essential Access to Lunch for Students Act" or the "MEALS Act".

42 USC 1760 note.

SEC. 2102. WAIVER EXCEPTION FOR SCHOOL CLOSURES DUE TO COVID–19.

(a) IN GENERAL.—The requirements under section 12(l)(1)(A)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)(1)(A)(iii)) shall not apply to a qualified COVID–19 waiver.

(b) ALLOWABLE INCREASE IN FEDERAL COSTS.—Notwithstanding paragraph (4) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)), the Secretary of Agriculture may grant a qualified COVID–19 waiver that increases Federal costs.

(c) TERMINATION AFTER PERIODIC REVIEW.—The requirements under section 12(l)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)(5)) shall not apply to a qualified COVID–19 waiver.

(d) QUALIFIED COVID–19 WAIVER.—In this section, the term "qualified COVID–19 waiver" means a waiver—

(1) requested by a State (as defined in section 12(d)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(8))) or eligible service provider under section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)); and

(2) to waive any requirement under such Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or any regulation issued under either such Act, for purposes of providing meals and meal supplements under such Acts during a school closure due to COVID–19.

TITLE II—COVID—19 CHILD NUTRITION RESPONSE ACT

COVID–19 Child Nutrition Response Act.

SEC. 2201. SHORT TITLE.

42 USC 1751 note.

This title may be cited as the "COVID–19 Child Nutrition Response Act".

SEC. 2202. NATIONAL SCHOOL LUNCH PROGRAM REQUIREMENT WAIVERS ADDRESSING COVID–19.

42 USC 1760 note.

(a) NATIONWIDE WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may establish a waiver for all States under section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)), for purposes of—

(A) providing meals and meal supplements under a qualified program; and

(B) carrying out subparagraph (A) with appropriate safety measures with respect to COVID–19, as determined by the Secretary.

(2) STATE ELECTION.—A waiver established under paragraph (1) shall—

(A) notwithstanding paragraph (2) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)), apply automatically to any State that elects to be subject to the waiver without further application; and

(B) not be subject to the requirements under paragraph (3) of such section.

(b) CHILD AND ADULT CARE FOOD PROGRAM WAIVER.—Notwithstanding any other provision of law, the Secretary may grant a waiver under section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)) to allow non-congregate feeding under a child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) if such waiver is for the purposes of—

(1) providing meals and meal supplements under such child and adult care food program; and

(2) carrying out paragraph (1) with appropriate safety measures with respect to COVID–19, as determined by the Secretary.

(c) MEAL PATTERN WAIVER.—Notwithstanding paragraph (4)(A) of section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l)) the Secretary may grant a waiver under such section that relates to the nutritional content of meals served if the Secretary determines that—

(1) such waiver is necessary to provide meals and meal supplements under a qualified program; and

(2) there is a supply chain disruption with respect to foods served under such a qualified program and such disruption is due to COVID–19.

(d) REPORTS.—Each State that receives a waiver under subsection (a), (b), or (c), shall, not later than 1 year after the date such State received such waiver, submit a report to the Secretary that includes the following:

(1) A summary of the use of such waiver by the State and eligible service providers. Summary.

(2) A description of whether such waiver resulted in improved services to children.

(e) SUNSET.—The authority of the Secretary to establish or grant a waiver under this section shall expire on September 30, 2020.

(f) DEFINITIONS.—In this section:

(1) QUALIFIED PROGRAM.—The term "qualified program" means the following:

(A) The school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(B) The school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(C) The child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(D) The summer food service program for children under section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE.—The term "State" has the meaning given such term in section 12(d)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(8)).

42 USC 1786 note.

SEC. 2203. PHYSICAL PRESENCE WAIVER UNDER WIC DURING CERTAIN PUBLIC HEALTH EMERGENCIES.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may grant a request described in paragraph (2) to—

(A) waive the requirement under section 17(d)(3)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(C)(i)); and

(B) defer anthropometric and bloodwork requirements necessary to determine nutritional risk.

Effective date.

(2) REQUEST.—A request described in this paragraph is a request made to the Secretary by a State agency to waive, on behalf of the local agencies served by such State agency, the requirements described in paragraph (1) during any portion of the emergency period (as defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) (beginning on or after the date of the enactment of this section).

(b) REPORTS.—

(1) LOCAL AGENCY REPORTS.—Each local agency that uses a waiver pursuant to subsection (a) shall, not later than 1 year after the date such local agency uses such waiver, submit a report to the State agency serving such local agency that includes the following:

Summary.

(A) A summary of the use of such waiver by the local agency.

(B) A description of whether such waiver resulted in improved services to women, infants, and children.

(2) STATE AGENCY REPORTS.—Each State agency that receives a waiver under subsection (a) shall, not later than 18 months after the date such State agency received such

waiver, submit a report to the Secretary that includes the following:

(A) A summary of the reports received by the State agency under paragraph (1). Summary.

(B) A description of whether such waiver resulted in improved services to women, infants, and children.

(c) SUNSET.—The authority under this section shall expire on September 30, 2020.

(d) DEFINITIONS.—In this section:

(1) LOCAL AGENCY.—The term "local agency" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(2) NUTRITIONAL RISK.—The term "nutritional risk" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) STATE AGENCY.— The term "State agency" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

SEC. 2204. ADMINISTRATIVE REQUIREMENTS WAIVER UNDER WIC.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may, if requested by a State agency (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), modify or waive any qualified administrative requirement with respect to such State agency.

(2) QUALIFIED ADMINISTRATIVE REQUIREMENT.—In this section, the term "qualified administrative requirement" means a regulatory requirement issued under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) that the Secretary of Agriculture determines— Definition. Determination.

(A) cannot be met by a State agency due to COVID–19; and

(B) the modification or waiver of which is necessary to provide assistance under such section.

(b) STATE AGENCY REPORTS.—Each State agency that receives a waiver under subsection (a)(1) shall, not later than 1 year after the date such State agency received such waiver, submit a report to the Secretary of Agriculture that includes the following:

(1) A summary of the use of such waiver by the State agency. Summary.

(2) A description of whether such waiver resulted in improved services to women, infants, and children.

(c) SUNSET.—The authority under this section shall expire on September 30, 2020.

TITLE III—SNAP WAIVERS

SEC. 2301. SNAP FLEXIBILITY FOR LOW-INCOME JOBLESS WORKERS. Effective date. Time period. 7 USC 2011 note.

(a) Beginning with the first month that begins after the enactment of this Act and for each subsequent month through the end of the month subsequent to the month a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak

of coronavirus disease 2019 (COVID–19) is lifted, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(o)(2) of the Food and Nutrition Act of 2008 unless an individual does not comply with the requirements of a program offered by the State agency (as defined in section 3 of the Food and Nutrition Act of 2008) that meets the standards of subparagraphs (B) or (C) of such section 6(o)(2).

Effective date.

(b) Beginning on the month subsequent to the month the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of COVID–19 is lifted for purposes of section 6(o) of the Food and Nutrition Act of 2008, such State agency shall disregard any period during which an individual received benefits under the supplemental nutrition assistance program prior to such month.

7 USC 2011 note.

SEC. 2302. ADDITIONAL SNAP FLEXIBILITIES IN A PUBLIC HEALTH EMERGENCY.

(a) In the event of a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID–19) and the issuance of an emergency or disaster declaration by a State based on an outbreak of COVID–19, the Secretary of Agriculture—

Determination.

(1) shall provide, at the request of a State agency (as defined in section 3 of the Food and Nutrition Act of 2008) that provides sufficient data (as determined by the Secretary through guidance) supporting such request, for emergency allotments to households participating in the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 to address temporary food needs not greater than the applicable maximum monthly allotment for the household size; and

Consultation.

(2) may adjust, at the request of State agencies or by guidance in consultation with one or more State agencies, issuance methods and application and reporting requirements under the Food and Nutrition Act of 2008 to be consistent with what is practicable under actual conditions in affected areas. (In making this adjustment, the Secretary shall consider the availability of offices and personnel in State agencies, any conditions that make reliance on electronic benefit transfer systems described in section 7(h) of the Food and Nutrition Act of 2008 impracticable, any disruptions of transportation and communication facilities, and any health considerations that warrant alternative approaches.)

Deadline.
Web posting.

(b) Not later than 10 days after the date of the receipt or issuance of each document listed in paragraphs (1), (2), or (3) of this subsection, the Secretary of Agriculture shall make publicly available on the website of the Department the following documents:

(1) Any request submitted by State agencies under subsection (a).

(2) The Secretary's approval or denial of each such request.

(3) Any guidance issued under subsection (a)(2).

Reports.
Recommendations.

(c) The Secretary of Agriculture shall, within 18 months after the public health emergency declaration described in subsection (a) is lifted, submit a report to the House and Senate Agriculture Committees with a description of the measures taken to address

the food security needs of affected populations during the emergency, any information or data supporting State agency requests, any additional measures that States requested that were not approved, and recommendations for changes to the Secretary's authority under the Food and Nutrition Act of 2008 to assist the Secretary and States and localities in preparations for any future health emergencies.

DIVISION C—EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

Emergency Family and Medical Leave Expansion Act.

SEC. 3101. SHORT TITLE.

29 USC 2601 note.

This Act may be cited as "Emergency Family and Medical Leave Expansion Act".

SEC. 3102. AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) PUBLIC HEALTH EMERGENCY LEAVE.—

(1) IN GENERAL.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

"(F) During the period beginning on the date the Emergency Family and Medical Leave Expansion Act takes effect, and ending on December 31, 2020, because of a qualifying need related to a public health emergency in accordance with section 110.". Time period.

(2) PAID LEAVE REQUIREMENT.—Section 102(c) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(c)) is amended by striking "under subsection (a)" and inserting "under subsection (a) (other than certain periods of leave under subsection (a)(1)(F))".

(b) REQUIREMENTS.—Title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) is amended by adding at the end the following:

"SEC. 110. PUBLIC HEALTH EMERGENCY LEAVE.

29 USC 2620.

"(a) DEFINITIONS.—The following shall apply with respect to leave under section 102(a)(1)(F): Applicability.

"(1) APPLICATION OF CERTAIN TERMS.—The definitions in section 101 shall apply, except as follows:

"(A) ELIGIBLE EMPLOYEE.—In lieu of the definition in sections 101(2)(A) and 101(2)(B)(ii), the term 'eligible employee' means an employee who has been employed for at least 30 calendar days by the employer with respect to whom leave is requested under section 102(a)(1)(F).

"(B) EMPLOYER THRESHOLD.—Section 101(4)(A)(i) shall be applied by substituting 'fewer than 500 employees' for '50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year'.

"(2) ADDITIONAL DEFINITIONS.—In addition to the definitions described in paragraph (1), the following definitions shall apply with respect to leave under section 102(a)(1)(F):

"(A) QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY.—The term 'qualifying need related to a public health emergency', with respect to leave, means the

employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

"(B) PUBLIC HEALTH EMERGENCY.—The term 'public health emergency' means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

"(C) CHILD CARE PROVIDER.—The term 'child care provider' means a provider who receives compensation for providing child care services on a regular basis, including an 'eligible child care provider' (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).

"(D) SCHOOL.—The term 'school' means an 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(3) REGULATORY AUTHORITIES.—The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of title 5, United States Code—

"(A) to exclude certain health care providers and emergency responders from the definition of eligible employee under section 110(a)(1)(A); and

"(B) to exempt small businesses with fewer than 50 employees from the requirements of section 102(a)(1)(F) when the imposition of such requirements would jeopardize the viability of the business as a going concern.

"(b) RELATIONSHIP TO PAID LEAVE.—

"(1) UNPAID LEAVE FOR INITIAL 10 DAYS.—

"(A) IN GENERAL.—The first 10 days for which an employee takes leave under section 102(a)(1)(F) may consist of unpaid leave.

"(B) EMPLOYEE ELECTION.—An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for unpaid leave under section 102(a)(1)(F) in accordance with section 102(d)(2)(B).

"(2) PAID LEAVE FOR SUBSEQUENT DAYS.—

"(A) IN GENERAL.—An employer shall provide paid leave for each day of leave under section 102(a)(1)(F) that an employee takes after taking leave under such section for 10 days.

"(B) CALCULATION.—

"(i) IN GENERAL.—Subject to clause (ii), paid leave under subparagraph (A) for an employee shall be calculated based on—

"(I) an amount that is not less than two-thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and

"(II) the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under subparagraph (C)).

"(ii) CLARIFICATION.—In no event shall such paid leave exceed $200 per day and $10,000 in the aggregate.

"(C) VARYING SCHEDULE HOURS CALCULATION.—In the case of an employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave under section 102(a)(1)(F), the employer shall use the following in place of such number:

Time period.

"(i) Subject to clause (ii), a number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.

"(ii) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

"(c) NOTICE.—In any case where the necessity for leave under section 102(a)(1)(F) for the purpose described in subsection (a)(2)(A)(iii) is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.

"(d) RESTORATION TO POSITION.—

"(1) IN GENERAL.—Section 104(a)(1) shall not apply with respect to an employee of an employer who employs fewer than 25 employees if the conditions described in paragraph (2) are met.

"(2) CONDITIONS.—The conditions described in this paragraph are the following:

"(A) The employee takes leave under section 102(a)(1)(F).

"(B) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer—

"(i) that affect employment; and

"(ii) are caused by a public health emergency during the period of leave.

"(C) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced, with equivalent employment benefits, pay, and other terms and conditions of employment.

"(D) If the reasonable efforts of the employer under subparagraph (C) fail, the employer makes reasonable efforts during the period described in paragraph (3) to contact the employee if an equivalent position described in subparagraph (C) becomes available.

"(3) CONTACT PERIOD.—The period described under this paragraph is the 1-year period beginning on the earlier of—

"(A) the date on which the qualifying need related to a public health emergency concludes; or

"(B) the date that is 12 weeks after the date on which the employee's leave under section 102(a)(1)(F) commences.".

29 USC 2620 note.

SEC. 3103. EMPLOYMENT UNDER MULTI-EMPLOYER BARGAINING AGREEMENTS.

(a) EMPLOYERS.—An employer signatory to a multiemployer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under section 110(b)(2) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act, by making contributions to a multiemployer fund, plan, or program based on the paid leave each of its employees is entitled to under such section while working under the multiemployer collective bargaining agreement, provided that the fund, plan, or program enables employees to secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act.

(b) EMPLOYEES.—Employees who work under a multiemployer collective bargaining agreement into which their employers make contributions as provided in subsection (a) may secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement for paid leave taken under section 102(a)(1)(F) of title I of the Family and Medical Leave Act of 1993, as added by the Families First Coronavirus Response Act.

29 USC 2620 note.

SEC. 3104. SPECIAL RULE FOR CERTAIN EMPLOYERS.

An employer under 110(a)(B) shall not be subject to section 107(a) for a violation of section 102(a)(1)(F) if the employer does not meet the definition of employer set forth in Section 101(4)(A)(i).

29 USC 2620 note.

SEC. 3105. SPECIAL RULE FOR HEALTH CARE PROVIDERS AND EMERGENCY RESPONDERS.

An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of the provisions in the amendments made under of section 3102 of this Act.

29 USC 2620 note.

SEC. 3106. EFFECTIVE DATE.

This Act shall take effect not later than 15 days after the date of enactment of this Act.

DIVISION D—EMERGENCY UNEMPLOYMENT INSURANCE STABILIZATION AND ACCESS ACT OF 2020

Emergency Unemployment Insurance Stabilization and Access Act of 2020.

42 USC 1305 note.

SEC. 4101. SHORT TITLE.

This division may be cited as the "Emergency Unemployment Insurance Stabilization and Access Act of 2020".

SEC. 4102. EMERGENCY TRANSFERS FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION.

(a) IN GENERAL.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

"Emergency Transfers in Fiscal Year 2020 for Administration

"(h)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the making of emergency administration grants in fiscal year 2020 to the accounts of the States in the Unemployment Trust Fund, in accordance with succeeding provisions of this subsection. Grants.

"(B) The amount of an emergency administration grant with respect to a State shall, as determined by the Secretary of Labor, be equal to the amount obtained by multiplying $1,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2019, under the provisions of subsection (a). Determination.

"(C) Of the emergency administration grant determined under subparagraph (B) with respect to a State— Certifications.

"(i) not later than 60 days after the date of enactment of this subsection, 50 percent shall be transferred to the account of such State upon a certification by the Secretary of Labor to the Secretary of the Treasury that the State meets the requirements of paragraph (2); and Deadline.

"(ii) only with respect to a State in which the number of unemployment compensation claims has increased by at least 10 percent over the same quarter in the previous calendar year, the remainder shall be transferred to the account of such State upon a certification by the Secretary of Labor to the Secretary of the Treasury that the State meets the requirements of paragraph (3).

"(2) The requirements of this paragraph with respect to a State are the following:

"(A) The State requires employers to provide notification of the availability of unemployment compensation to employees at the time of separation from employment. Such notification may be based on model notification language issued by the Secretary of Labor. Requirements. Notification.

"(B) The State ensures that applications for unemployment compensation, and assistance with the application process, are accessible in at least two of the following: in-person, by phone, or online.

"(C) The State notifies applicants when an application is received and is being processed, and in any case in which an application is unable to be processed, provides information about steps the applicant can take to ensure the successful processing of the application.

"(3) The requirements of this paragraph with respect to a State are the following: Requirements.

"(A) The State has expressed its commitment to maintain and strengthen access to the unemployment compensation system, including through initial and continued claims.

"(B) The State has demonstrated steps it has taken or will take to ease eligibility requirements and access to unemployment compensation for claimants, including waiving work search requirements and the waiting week, and non-charging employers directly impacted by COVID–19 due to an illness in the workplace or direction from a public health official to isolate or quarantine workers.

"(4) Any amount transferred to the account of a State under this subsection may be used by such State only for the administration of its unemployment compensation law, including by taking such steps as may be necessary to ensure adequate resources in periods of high demand.

Reports. "(5) Not later than 1 year after the date of enactment of the Emergency Unemployment Insurance Stabilization and Access Act of 2020, each State receiving emergency administration grant funding under paragraph (1)(C)(i) shall submit to the Secretary of Labor, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a report that includes—

Analysis. "(A) an analysis of the recipiency rate for unemployment compensation in the State as such rate has changed over time;

"(B) a description of steps the State intends to take to increase such recipiency rate.

"(6)(A) Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of making the transfers described in paragraph (1)(C).

"(B) There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.".

26 USC 3304 note. (b) EMERGENCY FLEXIBILITY.—Notwithstanding any other law, if a State modifies its unemployment compensation law and policies with respect to work search, waiting week, good cause, or employer experience rating on an emergency temporary basis as needed to respond to the spread of COVID–19, such modifications shall be disregarded for the purposes of applying section 303 of the Social Security Act and section 3304 of the Internal Revenue Code of 1986 to such State law.

42 USC 1103 note. (c) REGULATIONS.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a).

Time period. **SEC. 4103. TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.**

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking "beginning on the date of enactment of this paragraph and ending on December 31, 2010" and inserting "beginning on the date of enactment of the Emergency Unemployment Insurance Stabilization and Access Act of 2020 and ending on December 31, 2020".

26 USC 3306 note. **SEC. 4104. TECHNICAL ASSISTANCE AND GUIDANCE FOR SHORT-TIME COMPENSATION PROGRAMS.**

The Secretary of Labor shall assist States in establishing, implementing, and improving the employer awareness of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986) to help avert layoffs, including by providing technical assistance and guidance.

SEC. 4105. FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

26 USC 3304 note.

(a) IN GENERAL.—In the case of sharable extended compensation and sharable regular compensation paid for weeks of unemployment beginning after the date of the enactment of this section and before December 31, 2020 (and only with respect to States that receive emergency administration grant funding under clauses (i) and (ii) of section 903(h)(1)(C) of the Social Security Act (42 U.S.C. 1102(h)(1)(C))), section 204(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall be applied by substituting "100 percent of" for "one-half of".

Applicability.

(b) TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—With respect to weeks of unemployment beginning after the date of the enactment of this Act and ending on or before December 31, 2020, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "sharable extended compensation" and "sharable regular compensation" have the respective meanings given such terms under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970; and

(2) the term "week" has the meaning given such term under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(d) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section.

DIVISION E—EMERGENCY PAID SICK LEAVE ACT

Emergency Paid Sick Leave Act.

SEC. 5101. SHORT TITLE.

29 USC 2601 note.

This Act may be cited as the "Emergency Paid Sick Leave Act".

SEC. 5102. PAID SICK TIME REQUIREMENT.

29 USC 2601 note.

(a) IN GENERAL.—An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:

(1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID–19.

(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.

(3) The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.

(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter

has been closed, or the child care provider of such son or daughter is unavailable, due to COVID–19 precautions.

Consultation.

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Except that an employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this subsection.

(b) DURATION OF PAID SICK TIME.—

(1) IN GENERAL.—An employee shall be entitled to paid sick time for an amount of hours determined under paragraph (2).

(2) AMOUNT OF HOURS.—The amount of hours of paid sick time to which an employee is entitled shall be as follows:

(A) For full-time employees, 80 hours.

(B) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a 2-week period.

(3) CARRYOVER.—Paid sick time under this section shall not carry over from 1 year to the next.

(c) EMPLOYER'S TERMINATION OF PAID SICK TIME.—Paid sick time provided to an employee under this Act shall cease beginning with the employee's next scheduled workshift immediately following the termination of the need for paid sick time under subsection (a).

(d) PROHIBITION.—An employer may not require, as a condition of providing paid sick time under this Act, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.

(e) USE OF PAID SICK TIME.—

(1) IN GENERAL.—The paid sick time under subsection (a) shall be available for immediate use by the employee for the purposes described in such subsection, regardless of how long the employee has been employed by an employer.

(2) SEQUENCING.—

(A) IN GENERAL.—An employee may first use the paid sick time under subsection (a) for the purposes described in such subsection.

(B) PROHIBITION.—An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under subsection (a).

29 USC 2601 note.

SEC. 5103. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in this Act.

Public information.

(b) MODEL NOTICE.—Not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of subsection (a).

29 USC 2601 note.

SEC. 5104. PROHIBITED ACTS.

It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who—

(1) takes leave in accordance with this Act; and

(2) has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act (including a proceeding that seeks enforcement of this Act), or has testified or is about to testify in any such proceeding.

SEC. 5105. ENFORCEMENT.

29 USC 2601 note.

(a) UNPAID SICK LEAVE.—An employer who violates section 5102 shall—

(1) be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and

(2) be subject to the penalties described in sections 16 and 17 of such Act (29 U.S.C. 216; 217) with respect to such violation.

(b) UNLAWFUL TERMINATION.—An employer who willfully violates section 5104 shall—

(1) be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and

(2) be subject to the penalties described in sections 16 and 17 of such Act (29 U.S.C. 216; 217) with respect to such violation.

SEC. 5106. EMPLOYMENT UNDER MULTI-EMPLOYER BARGAINING AGREEMENTS.

29 USC 2601 note.

(a) EMPLOYERS.—An employer signatory to a multiemployer collective bargaining agreement may, consistent with its bargaining obligations and its collective bargaining agreement, fulfill its obligations under this Act by making contributions to a multiemployer fund, plan, or program based on the hours of paid sick time each of its employees is entitled to under this Act while working under the multiemployer collective bargaining agreement, provided that the fund, plan, or program enables employees to secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement and for the uses specified under section 5102(a).

(b) EMPLOYEES.—Employees who work under a multiemployer collective bargaining agreement into which their employers make contributions as provided in subsection (a) may secure pay from such fund, plan, or program based on hours they have worked under the multiemployer collective bargaining agreement for the uses specified in section 5102(a).

SEC. 5107. RULES OF CONSTRUCTION.

29 USC 2601 note.

Nothing in this Act shall be construed—

(1) to in any way diminish the rights or benefits that an employee is entitled to under any—

(A) other Federal, State, or local law;

(B) collective bargaining agreement; or

(C) existing employer policy; or

(2) to require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under this Act that has not been used by such employee.

29 USC 2601 note.

SEC. 5108. EFFECTIVE DATE.

This Act, and the requirements under this Act, shall take effect not later than 15 days after the date of enactment of this Act.

29 USC 2601 note.

SEC. 5109. SUNSET.

This Act, and the requirements under this Act, shall expire on December 31, 2020.

29 USC 2601 note.

SEC. 5110. DEFINITIONS.

For purposes of the Act:

(1) EMPLOYEE.—The terms "employee" means an individual who is—

(A)(i) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under subparagraph (E) or (F), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (5)(A); or

(ii) an employee of the Government Accountability Office;

(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code;

(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code; or

(F) any other individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code).

(2) EMPLOYER.—

(A) IN GENERAL.—The term "employer" means a person who is—

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an Executive Agency as defined in section 105 of title 5, United States Code, and including the U.S. Postal Service and the Postal Regulatory Commission; and

(ii) engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

(B) COVERED EMPLOYER.—

(i) IN GENERAL.—In subparagraph (A)(i)(I), the term "covered employer"—

(I) means any person engaged in commerce or in any industry or activity affecting commerce that—

(aa) in the case of a private entity or individual, employs fewer than 500 employees; and

(bb) in the case of a public agency or any other entity that is not a private entity or individual, employs 1 or more employees;

(II) includes—

(aa) includes any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and

(bb) any successor in interest of an employer;

(III) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office and the Library of Congress.

(ii) PUBLIC AGENCY.—For purposes of clause (i)(IV), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) DEFINITIONS.—For purposes of this subparagraph:

(I) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act of 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term "employee" has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(3) FLSA TERMS.—The terms "employ" and "State" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(4) FMLA TERMS.—The terms "health care provider" and "son or daughter" have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PAID SICK TIME.—

(A) IN GENERAL.—The term "paid sick time" means an increment of compensated leave that—

(i) is provided by an employer for use during an absence from employment for a reason described in any paragraph of section 2(a); and

(ii) is calculated based on the employee's required compensation under subparagraph (B) and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under subparagraph (C)), except that in no event shall such paid sick time exceed—

(I) $511 per day and $5,110 in the aggregate for a use described in paragraph (1), (2), or (3) of section 5102(a); and

(II) $200 per day and $2,000 in the aggregate for a use described in paragraph (4), (5), or (6) of section 5102(a).

(B) REQUIRED COMPENSATION.—

(i) IN GENERAL.—Subject to subparagraph (A)(ii), the employee's required compensation under this subparagraph shall be not less than the greater of the following:

(I) The employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).

(II) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

(III) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

(ii) SPECIAL RULE FOR CARE OF FAMILY MEMBERS.—Subject to subparagraph (A)(ii), with respect to any paid sick time provided for any use described in paragraph (4), (5), or (6) of section 5102(a), the employee's required compensation under this subparagraph shall be two-thirds of the amount described in clause (B)(i).

(C) VARYING SCHEDULE HOURS CALCULATION.—In the case of a part-time employee described in section 5102(b)(2)(B) whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time under section 2(a), the employer shall use the following in place of such number:

Time period.

(i) Subject to clause (ii), a number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.

(ii) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

(D) GUIDELINES.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Labor

shall issue guidelines to assist employers in calculating the amount of paid sick time under subparagraph (A).

(E) REASONABLE NOTICE.—After the first workday (or portion thereof) an employee receives paid sick time under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.

SEC. 5111. REGULATORY AUTHORITIES.

29 USC 2601 note.

The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of title 5, United States Code—

(1) to exclude certain health care providers and emergency responders from the definition of employee under section 5110(1) including by allowing the employer of such health care providers and emergency responders to opt out;

(2) to exempt small businesses with fewer than 50 employees from the requirements of section 5102(a)(5) when the imposition of such requirements would jeopardize the viability of the business as a going concern; and

(3) as necessary, to carry out the purposes of this Act, including to ensure consistency between this Act and Division C and Division G of the Families First Coronavirus Response Act.

DIVISION F—HEALTH PROVISIONS

SEC. 6001. COVERAGE OF TESTING FOR COVID–19.

42 USC 1320b–5 note.
Effective date.

(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage (including a grandfathered health plan (as defined in section 1251(e) of the Patient Protection and Affordable Care Act)) shall provide coverage, and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements, for the following items and services furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act:

(1) In vitro diagnostic products (as defined in section 809.3(a) of title 21, Code of Federal Regulations) for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 that are approved, cleared, or authorized under section 510(k), 513, 515 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such in vitro diagnostic products.

(2) Items and services furnished to an individual during health care provider office visits (which term in this paragraph includes in-person visits and telehealth visits), urgent care center visits, and emergency room visits that result in an order for or administration of an in vitro diagnostic product described in paragraph (1), but only to the extent such items and services relate to the furnishing or administration of such product or to the evaluation of such individual for purposes of determining the need of such individual for such product.

Application.

(b) ENFORCEMENT.—The provisions of subsection (a) shall be applied by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury to group health plans and health insurance issuers offering group or individual health insurance coverage as if included in the provisions of part A of title XXVII of the Public Health Service Act, part 7 of the Employee Retirement Income Security Act of 1974, and subchapter B of chapter 100 of the Internal Revenue Code of 1986, as applicable.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury may implement the provisions of this section through sub-regulatory guidance, program instruction or otherwise.

(d) TERMS.—The terms "group health plan"; "health insurance issuer"; "group health insurance coverage", and "individual health insurance coverage" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), and section 9832 of the Internal Revenue Code of 1986, as applicable.

SEC. 6002. WAIVING COST SHARING UNDER THE MEDICARE PROGRAM FOR CERTAIN VISITS RELATING TO TESTING FOR COVID–19.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" before "(CC)"; and

(B) by inserting before the period at the end the following: ", and (DD) with respect to a specified COVID–19 testing-related service described in paragraph (1) of subsection (cc) for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection, the amounts paid shall be 100 percent of the payment amount otherwise recognized under such respective specified outpatient payment provision for such service,";

(2) in subsection (b), in the first sentence—

(A) by striking "and" before "(10)"; and

(B) by inserting before the period at the end the following: ", and (11) such deductible shall not apply with respect to any specified COVID–19 testing-related service described in paragraph (1) of subsection (cc) for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection"; and

(3) by adding at the end the following new subsection:

"(cc) SPECIFIED COVID–19 TESTING-RELATED SERVICES.—For purposes of subsection (a)(1)(DD):

"(1) DESCRIPTION.—

"(A) IN GENERAL.—A specified COVID–19 testing-related service described in this paragraph is a medical visit that—

"(i) is in any of the categories of HCPCS evaluation and management service codes described in subparagraph (B);

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"(ii) is furnished during any portion of the emergency period (as defined in section 1135(g)(1)(B))

(beginning on or after the date of enactment of this subsection);

"(iii) results in an order for or administration of a clinical diagnostic laboratory test described in section 1852(a)(1)(B)(iv)(IV); and

"(iv) relates to the furnishing or administration of such test or to the evaluation of such individual for purposes of determining the need of such individual for such test.

"(B) CATEGORIES OF HCPCS CODES.—For purposes of subparagraph (A), the categories of HCPCS evaluation and management services codes are the following:

"(i) Office and other outpatient services.

"(ii) Hospital observation services.

"(iii) Emergency department services.

"(iv) Nursing facility services.

"(v) Domiciliary, rest home, or custodial care services.

"(vi) Home services.

"(vii) Online digital evaluation and management services.

"(2) SPECIFIED OUTPATIENT PAYMENT PROVISION.—A specified outpatient payment provision described in this paragraph is any of the following:

"(A) The hospital outpatient prospective payment system under subsection (t).

"(B) The physician fee schedule under section 1848.

"(C) The prospective payment system developed under section 1834(o).

"(D) Section 1834(g), with respect to an outpatient critical access hospital service.

"(E) The payment basis determined in regulations pursuant to section 1833(a)(3) for rural health clinic services.".

(b) CLAIMS MODIFIER.—The Secretary of Health and Human Services shall provide for an appropriate modifier (or other identifier) to include on claims to identify, for purposes of subparagraph (DD) of section 1833(a)(1), as added by subsection (a), specified COVID–19 testing-related services described in paragraph (1) of section 1833(cc) of the Social Security Act, as added by subsection (a), for which payment may be made under a specified outpatient payment provision described in paragraph (2) of such subsection. 42 USC 1395*l* note.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including amendments made by, this section through program instruction or otherwise. 42 USC 1395*l* note.

SEC. 6003. COVERAGE OF TESTING FOR COVID–19 AT NO COST SHARING UNDER THE MEDICARE ADVANTAGE PROGRAM.

(a) IN GENERAL.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(1) in clause (iv)—

(A) by redesignating subclause (IV) as subclause (VI); and

(B) by inserting after subclause (III) the following new subclauses:

Effective date.

"(IV) Clinical diagnostic laboratory test administered during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of the Families First Coronavirus Response Act for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 and the administration of such test.

"(V) Specified COVID–19 testing-related services (as described in section 1833(cc)(1)) for which payment would be payable under a specified outpatient payment provision described in section 1833(cc)(2).";

(2) in clause (v), by inserting ", other than subclauses (IV) and (V) of such clause," after "clause (iv)"; and

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

Effective date.

"(vi) PROHIBITION OF APPLICATION OF CERTAIN REQUIREMENTS FOR COVID–19 TESTING.—In the case of a product or service described in subclause (IV) or (V), respectively, of clause (iv) that is administered or furnished during any portion of the emergency period described in such subclause beginning on or after the date of the enactment of this clause, an MA plan may not impose any prior authorization or other utilization management requirements with respect to the coverage of such a product or service under such plan.".

42 USC 1395w–22 note.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

SEC. 6004. COVERAGE AT NO COST SHARING OF COVID–19 TESTING UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1905(a)(3) of the Social Security Act (42 U.S.C. 1396d(a)(3)) is amended—

(A) by striking "other laboratory" and inserting "(A) other laboratory";

(B) by inserting "and" after the semicolon; and

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

Effective date.

"(B) in vitro diagnostic products (as defined in section 809.3(a) of title 21, Code of Federal Regulations) administered during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of this subparagraph for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19 that are approved, cleared, or authorized under section 510(k), 513, 515 or 564 of the Federal Food, Drug, and Cosmetic Act, and the administration of such in vitro diagnostic products;".

(2) NO COST SHARING.—

(A) IN GENERAL.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(i) in subparagraph (D), by striking "or" at the end;

(ii) in subparagraph (E), by striking "; and" and inserting a comma; and

(iii) by adding at the end the following new subparagraphs:

"(F) any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such product), or

Effective date.

"(G) COVID–19 testing-related services for which payment may be made under the State plan; and".

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

"(xi) Any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this clause (and the administration of such product) and any visit described in section 1916(a)(2)(G) that is furnished during any such portion.".

Effective date.

(C) CLARIFICATION.—The amendments made this paragraph shall apply with respect to a State plan of a territory in the same manner as a State plan of one of the 50 States.

Applicability. 42 USC 1396o note.

(3) STATE OPTION TO PROVIDE COVERAGE FOR UNINSURED INDIVIDUALS.—

(A) IN GENERAL.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(i) in subparagraph (A)(ii)—

(I) in subclause (XXI), by striking "or" at the end;

(II) in subclause (XXII), by adding "or" at the end; and

(III) by adding at the end the following new subclause:

"(XXIII) during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) beginning on or after the date of the enactment of this subclause, who are uninsured individuals (as defined in subsection (ss));"; and

Effective date.

(ii) in the matter following subparagraph (G)—

(I) by striking "and (XVII)" and inserting ", (XVII)"; and

(II) by inserting after "instead of through subclause (VIII)" the following: ", and (XVIII) the medical assistance made available to an uninsured individual (as defined in subsection (ss)) who is eligible for medical assistance only because of subparagraph (A)(ii)(XXIII) shall be limited to medical assistance for any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or

Effective date.

after the date of the enactment of this subclause (and the administration of such product) and any visit described in section 1916(a)(2)(G) that is furnished during any such portion".

(B) RECEIPT AND INITIAL PROCESSING OF APPLICATIONS AT CERTAIN LOCATIONS.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended, in the matter preceding subparagraph (A), by striking "or (a)(10)(A)(ii)(IX)" and inserting "(a)(10)(A)(ii)(IX), or (a)(10)(A)(ii)(XXIII)".

(C) UNINSURED INDIVIDUAL DEFINED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(ss) UNINSURED INDIVIDUAL DEFINED.—For purposes of this section, the term 'uninsured individual' means, notwithstanding any other provision of this title, any individual who is—

"(1) not described in subsection (a)(10)(A)(i); and

"(2) not enrolled in a Federal health care program (as defined in section 1128B(f)), a group health plan, group or individual health insurance coverage offered by a health insurance issuer (as such terms are defined in section 2791 of the Public Health Service Act), or a health plan offered under chapter 89 of title 5, United States Code.".

(D) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence of this subsection, the Federal medical assistance percentage shall be 100 per centum with respect to (and, notwithstanding any other provision of this title, available for) medical assistance provided to uninsured individuals (as defined in section 1902(ss)) who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XXIII) and with respect to expenditures described in section 1903(a)(7) that a State demonstrates to the satisfaction of the Secretary are attributable to administrative costs related to providing for such medical assistance to such individuals under the State plan.".

(b) CHIP.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

"(10) CERTAIN IN VITRO DIAGNOSTIC PRODUCTS FOR COVID–19 TESTING.—The child health assistance provided to a targeted low-income child shall include coverage of any in vitro diagnostic product described in section 1905(a)(3)(B) that is administered during any portion of the emergency period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such product).".

Effective date.

(2) COVERAGE FOR TARGETED LOW-INCOME PREGNANT WOMEN.—Section 2112(b)(4) of the Social Security Act (42 U.S.C. 1397ll(b)(4)) is amended by inserting "under section 2103(c)" after "same requirements".

(3) PROHIBITION OF COST SHARING.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the paragraph header, by inserting ", COVID–19 TESTING," before "OR PREGNANCY-RELATED ASSISTANCE"; and

(B) by striking "category of services described in subsection (c)(1)(D) or" and inserting "categories of services described in subsection (c)(1)(D), in vitro diagnostic products described in subsection (c)(10) (and administration of such products), visits described in section 1916(a)(2)(G), or".

SEC. 6005. TREATMENT OF PERSONAL RESPIRATORY PROTECTIVE DEVICES AS COVERED COUNTERMEASURES.

Section 319F–3(i)(1) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

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

"(D) a personal respiratory protective device that is—

"(i) approved by the National Institute for Occupational Safety and Health under part 84 of title 42, Code of Federal Regulations (or successor regulations);

"(ii) subject to the emergency use authorization issued by the Secretary on March 2, 2020, or subsequent emergency use authorizations, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (authorizing emergency use of personal respiratory protective devices during the COVID–19 outbreak); and

"(iii) used during the period beginning on January 27, 2020, and ending on October 1, 2024, in response to the public health emergency declared on January 31, 2020, pursuant to section 319 as a result of confirmed cases of 2019 Novel Coronavirus (2019-nCoV).". Time period.

SEC. 6006. APPLICATION WITH RESPECT TO TRICARE, COVERAGE FOR VETERANS, AND COVERAGE FOR FEDERAL CIVILIANS. Effective date.

(a) TRICARE.—The Secretary of Defense may not require any copayment or other cost sharing under chapter 55 of title 10, United States Code, for in vitro diagnostic products described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act. 10 USC 1074 note.

(b) VETERANS.—The Secretary of Veterans Affairs may not require any copayment or other cost sharing under chapter 17 of title 38, United States Code, for in vitro diagnostic products described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act. 38 USC 1701 note.

(c) FEDERAL CIVILIANS.—No copayment or other cost sharing may be required for any individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code) enrolled in a health benefits plan, including 5 USC 8904 note.

any plan under chapter 89 of title 5, United States Code, or for any other individual currently enrolled in any plan under chapter 89 of title 5 for in vitro diagnostic products described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) beginning on or after the date of the enactment of this Act.

Effective date. 25 USC 1621q note.

SEC. 6007. COVERAGE OF TESTING FOR COVID–19 AT NO COST SHARING FOR INDIANS RECEIVING PURCHASED/REFERRED CARE.

The Secretary of Health and Human Services shall cover, without the imposition of any cost sharing requirements, the cost of providing any COVID–19 related items and services as described in paragraph (1) of section 6001(a) (or the administration of such products) or visits described in paragraph (2) of such section furnished during any portion of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 320b–5(g)) beginning on or after the date of the enactment of this Act to Indians (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) receiving health services through the Indian Health Service, including through an Urban Indian Organization, regardless of whether such items or services have been authorized under the purchased/referred care system funded by the Indian Health Service or is covered as a health service of the Indian Health Service.

Time periods. 42 USC 1396d note.

SEC. 6008. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) IN GENERAL.—Subject to subsection (b), for each calendar quarter occurring during the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) and ending on the last day of the calendar quarter in which the last day of such emergency period occurs, the Federal medical assistance percentage determined for each State, including the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands, under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be increased by 6.2 percentage points.

(b) REQUIREMENT FOR ALL STATES.—A State described in subsection (a) may not receive the increase described in such subsection in the Federal medical assistance percentage for such State, with respect to a quarter, if—

(1) eligibility standards, methodologies, or procedures under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) are more restrictive during such quarter than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on January 1, 2020;

(2) the amount of any premium imposed by the State pursuant to section 1916 or 1916A of such Act (42 U.S.C. 1396o, 1396o–1) during such quarter, with respect to an individual enrolled under such plan (or waiver), exceeds the amount of such premium as of January 1, 2020;

(3) the State fails to provide that an individual who is enrolled for benefits under such plan (or waiver) as of the date of enactment of this section or enrolls for benefits under

such plan (or waiver) during the period beginning on such date of enactment and ending the last day of the month in which the emergency period described in subsection (a) ends shall be treated as eligible for such benefits through the end of the month in which such emergency period ends unless the individual requests a voluntary termination of eligibility or the individual ceases to be a resident of the State; or

(4) the State does not provide coverage under such plan (or waiver), without the imposition of cost sharing, during such quarter for any testing services and treatments for COVID–19, including vaccines, specialized equipment, and therapies.

(c) REQUIREMENT FOR CERTAIN STATES.—Section 1905(cc) of the Social Security Act (42 U.S.C. 1396d(cc)) is amended by striking the period at the end of the subsection and inserting "and section 6008 of the Families First Coronavirus Response Act, except that in applying such treatments to the increases in the Federal medical assistance percentage under section 6008 of the Families First Coronavirus Response Act, the reference to 'December 31, 2009' shall be deemed to be a reference to 'March 11, 2020'.".

SEC. 6009. INCREASE IN MEDICAID ALLOTMENTS FOR TERRITORIES.

Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $126,000,000;" and inserting "for fiscal year 2020, $128,712,500; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $127,937,500;";

(B) in subparagraph (C)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $127,000,000;" and inserting "for fiscal year 2020, $130,875,000; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $129,712,500;";

(C) in subparagraph (D)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $60,000,000; and" and inserting "for fiscal year 2020, $63,100,000; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $62,325,000; and"; and

(D) in subparagraph (E)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking "for each of fiscal years 2020 through 2021, $84,000,000." and inserting "for fiscal year 2020, $86,325,000; and"; and

(iii) by adding at the end the following new clause: "(iii) for fiscal year 2021, $85,550,000."; and

(2) in paragraph (6)(A)—

(A) in clause (i), by striking "$2,623,188,000" and inserting "$2,716,188,000"; and

(B) in clause (ii), by striking "$2,719,072,000" and inserting "$2,809,063,000".

SEC. 6010. CLARIFICATION RELATING TO SECRETARIAL AUTHORITY REGARDING MEDICARE TELEHEALTH SERVICES FURNISHED DURING COVID–19 EMERGENCY PERIOD.

Paragraph (3)(A) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b–5(g)) is amended to read as follows:

Time period.

"(A) furnished to such individual, during the 3-year period ending on the date such telehealth service was furnished, an item or service that would be considered covered under title XVIII if furnished to an individual entitled to benefits or enrolled under such title; or".

DIVISION G—TAX CREDITS FOR PAID SICK AND PAID FAMILY AND MEDICAL LEAVE

26 USC 3111 note.

SEC. 7001. PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.

(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against the tax imposed by section 3111(a) or 3221(a) of the Internal Revenue Code of 1986 for each calendar quarter an amount equal to 100 percent of the qualified sick leave wages paid by such employer with respect to such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified sick leave wages taken into account under subsection (a) with respect to any individual shall not exceed $200 ($511 in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act) for any day (or portion thereof) for which the individual is paid qualified sick leave wages.

(2) OVERALL LIMITATION ON NUMBER OF DAYS TAKEN INTO ACCOUNT.—The aggregate number of days taken into account under paragraph (1) for any calendar quarter shall not exceed the excess (if any) of—

(A) 10, over

(B) the aggregate number of days so taken into account for all preceding calendar quarters.

(3) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(a) or 3221(a) of such Code for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111 of such Code for such quarter) on the wages paid with respect to the employment of all employees of the employer.

(4) REFUNDABILITY OF EXCESS CREDIT.—

(A) IN GENERAL.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (3) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b) of such Code.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to an employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(c) QUALIFIED SICK LEAVE WAGES.—For purposes of this section, the term "qualified sick leave wages" means wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) and compensation (as defined in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Paid Sick Leave Act. Definition.

(d) ALLOWANCE OF CREDIT FOR CERTAIN HEALTH PLAN EXPENSES.—

(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by so much of the employer's qualified health plan expenses as are properly allocable to the qualified sick leave wages for which such credit is so allowed.

(2) QUALIFIED HEALTH PLAN EXPENSES.—For purposes of this subsection, the term "qualified health plan expenses" means amounts paid or incurred by the employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code.

(3) ALLOCATION RULES.—For purposes of this section, qualified health plan expenses shall be allocated to qualified sick leave wages in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among covered employees and pro rata on the basis of periods of coverage (relative to the time periods of leave to which such wages relate).

(e) SPECIAL RULES.—

(1) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1 of such Code, the gross income of the employer, for the taxable year which includes the last day of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit. Any wages taken into account in determining the credit allowed under this section shall not be taken into account for purposes of determining the credit allowed under section 45S of such Code.

(2) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any employer for any calendar quarter if such employer elects (at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe) not to have this section apply.

(3) CERTAIN TERMS.—Any term used in this section which is also used in chapter 21 of such Code shall have the same meaning as when used in such chapter.

(4) CERTAIN GOVERNMENTAL EMPLOYERS.—This credit shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(f) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to prevent the avoidance of the purposes of the limitations under this section,

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section,

(3) regulations or other guidance providing for waiver of penalties for failure to deposit amounts in anticipation of the allowance of the credit allowed under this section,

(4) regulations or other guidance for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a), and

(5) regulations or other guidance to ensure that the wages taken into account under this section conform with the paid sick time required to be provided under the Emergency Paid Sick Leave Act.

Time periods.

(g) APPLICATION OF SECTION.—This section shall apply only to wages paid with respect to the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020.

(h) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

26 USC 1401 note.

SEC. 7002. CREDIT FOR SICK LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.

(a) CREDIT AGAINST SELF-EMPLOYMENT TAX.—In the case of an eligible self-employed individual, there shall be allowed as a credit against the tax imposed by subtitle A of the Internal Revenue Code of 1986 for any taxable year an amount equal to the qualified sick leave equivalent amount with respect to the individual.

Definition.

(b) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For purposes of this section, the term "eligible self-employed individual" means an individual who—

(1) regularly carries on any trade or business within the meaning of section 1402 of such Code, and

(2) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Paid Sick Leave Act if the individual were an employee of an employer (other than himself or herself).

Definitions.

(c) QUALIFIED SICK LEAVE EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "qualified sick leave equivalent amount" means, with respect to any eligible self-employed individual, an amount equal to—

(A) the number of days during the taxable year (but not more than the applicable number of days) that the individual is unable to perform services in any trade or business referred to in section 1402 of such Code for a

reason with respect to which such individual would be entitled to receive sick leave as described in subsection (b), multiplied by

(B) the lesser of—

(i) $200 ($511 in the case of any day of paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act), or

(ii) 67 percent (100 percent in the case of any day of paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act) of the average daily self-employment income of the individual for the taxable year.

(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME.—For purposes of this subsection, the term "average daily self-employment income" means an amount equal to—

(A) the net earnings from self-employment of the individual for the taxable year, divided by

(B) 260.

(3) APPLICABLE NUMBER OF DAYS.—For purposes of this subsection, the term "applicable number of days" means, with respect to any taxable year, the excess (if any) of 10 days over the number of days taken into account under paragraph (1)(A) in all preceding taxable years.

(d) SPECIAL RULES.—

(1) CREDIT REFUNDABLE.—

(A) IN GENERAL.—The credit determined under this section shall be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any refund due from the credit determined under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(2) DOCUMENTATION.—No credit shall be allowed under this section unless the individual maintains such documentation as the Secretary of the Treasury (or the Secretary's delegate) may prescribe to establish such individual as an eligible self-employed individual.

(3) DENIAL OF DOUBLE BENEFIT.—In the case of an individual who receives wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) or compensation (as defined in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Paid Sick Leave Act, the qualified sick leave equivalent amount otherwise determined under subsection (c) shall be reduced (but not below zero) to the extent that the sum of the amount described in such subsection and in section 7001(b)(1) exceeds $2,000 ($5,110 in the case of any day any portion of which is paid sick time described in paragraph (1), (2), or (3) of section 5102(a) of the Emergency Paid Sick Leave Act).

(4) CERTAIN TERMS.—Any term used in this section which is also used in chapter 2 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

Time periods.

(e) APPLICATION OF SECTION.—Only days occurring during the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020, may be taken into account under subsection (c)(1)(A).

(f) APPLICATION OF CREDIT IN CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary of the Treasury (or the Secretary's delegate) based on information provided by the government of the respective possession.

Determination.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury (or the Secretary's delegate) as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury (or the Secretary's delegate), under which such possession will promptly distribute such payments to its residents.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(g) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to effectuate the purposes of this Act, and

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section.

26 USC 3111 note.

SEC. 7003. PAYROLL CREDIT FOR REQUIRED PAID FAMILY LEAVE.

(a) IN GENERAL.—In the case of an employer, there shall be allowed as a credit against the tax imposed by section 3111(a) or 3221(a) of the Internal Revenue Code of 1986 for each calendar quarter an amount equal to 100 percent of the qualified family leave wages paid by such employer with respect to such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified family leave wages taken into account under subsection (a) with respect to any individual shall not exceed—

(A) for any day (or portion thereof) for which the individual is paid qualified family leave wages, $200, and

(B) in the aggregate with respect to all calendar quarters, $10,000.

(2) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(a) or 3221(a) of such Code for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111 of such Code, and section 7001 of this Act, for such quarter) on the wages paid with respect to the employment of all employees of the employer.

(3) REFUNDABILITY OF EXCESS CREDIT.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b) of such Code.

(c) QUALIFIED FAMILY LEAVE WAGES.—For purposes of this section, the term "qualified family leave wages" means wages (as defined in section 3121(a) of such Code) and compensation (as defined in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Family and Medical Leave Expansion Act (including the amendments made by such Act). Definition.

(d) ALLOWANCE OF CREDIT FOR CERTAIN HEALTH PLAN EXPENSES.—

(1) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be increased by so much of the employer's qualified health plan expenses as are properly allocable to the qualified family leave wages for which such credit is so allowed.

(2) QUALIFIED HEALTH PLAN EXPENSES.—For purposes of this subsection, the term "qualified health plan expenses" means amounts paid or incurred by the employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code. Definition.

(3) ALLOCATION RULES.—For purposes of this section, qualified health plan expenses shall be allocated to qualified family leave wages in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among covered employees and pro rata on the basis of periods of coverage (relative to the time periods of leave to which such wages relate).

(e) SPECIAL RULES.—

(1) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1 of such Code, the gross income of the employer, for the taxable year which includes the last day of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit. Any wages taken into account in determining the credit allowed under

this section shall not be taken into account for purposes of determining the credit allowed under section 45S of such Code.

(2) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any employer for any calendar quarter if such employer elects (at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) may prescribe) not to have this section apply.

(3) CERTAIN TERMS.—Any term used in this section which is also used in chapter 21 of such Code shall have the same meaning as when used in such chapter.

(4) CERTAIN GOVERNMENTAL EMPLOYERS.—This credit shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(f) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to prevent the avoidance of the purposes of the limitations under this section,

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section,

(3) regulations or other guidance providing for waiver of penalties for failure to deposit amounts in anticipation of the allowance of the credit allowed under this section,

(4) regulations or other guidance for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a), and

(5) regulations or other guidance to ensure that the wages taken into account under this section conform with the paid leave required to be provided under the Emergency Family and Medical Leave Expansion Act (including the amendments made by such Act).

Time periods.

(g) APPLICATION OF SECTION.—This section shall apply only to wages paid with respect to the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020.

(h) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

SEC. 7004. CREDIT FOR FAMILY LEAVE FOR CERTAIN SELF-EMPLOYED INDIVIDUALS.

26 USC 1401 note.

(a) CREDIT AGAINST SELF-EMPLOYMENT TAX.—In the case of an eligible self-employed individual, there shall be allowed as a credit against the tax imposed by subtitle A of the Internal Revenue Code of 1986 for any taxable year an amount equal to 100 percent of the qualified family leave equivalent amount with respect to the individual.

(b) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—For purposes of this section, the term "eligible self-employed individual" means an individual who— Definition.

(1) regularly carries on any trade or business within the meaning of section 1402 of such Code, and

(2) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Family and Medical Leave Expansion Act if the individual were an employee of an employer (other than himself or herself).

(c) QUALIFIED FAMILY LEAVE EQUIVALENT AMOUNT.—For purposes of this section— Definition.

(1) IN GENERAL.—The term "qualified family leave equivalent amount" means, with respect to any eligible self-employed individual, an amount equal to the product of—

(A) the number of days (not to exceed 50) during the taxable year that the individual is unable to perform services in any trade or business referred to in section 1402 of such Code for a reason with respect to which such individual would be entitled to receive paid leave as described in subsection (b), multiplied by

(B) the lesser of—

(i) 67 percent of the average daily self-employment income of the individual for the taxable year, or

(ii) $200.

(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME.—For purposes of this subsection, the term "average daily self-employment income" means an amount equal to—

(A) the net earnings from self-employment income of the individual for the taxable year, divided by

(B) 260.

(d) SPECIAL RULES.—

(1) CREDIT REFUNDABLE.—

(A) IN GENERAL.—The credit determined under this section shall be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A of chapter 1 of such Code.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any refund due from the credit determined under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(2) DOCUMENTATION.—No credit shall be allowed under this section unless the individual maintains such documentation as the Secretary of the Treasury (or the Secretary's delegate) may prescribe to establish such individual as an eligible self-employed individual.

(3) DENIAL OF DOUBLE BENEFIT.—In the case of an individual who receives wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) or compensation (as defined

in section 3231(e) of the Internal Revenue Code) paid by an employer which are required to be paid by reason of the Emergency Family and Medical Leave Expansion Act, the qualified family leave equivalent amount otherwise described in subsection (c) shall be reduced (but not below zero) to the extent that the sum of the amount described in such subsection and in section 7003(b)(1) exceeds $10,000.

(4) CERTAIN TERMS.—Any term used in this section which is also used in chapter 2 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

(5) REFERENCES TO EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT.—Any reference in this section to the Emergency Family and Medical Leave Expansion Act shall be treated as including a reference to the amendments made by such Act.

Time periods.

(e) APPLICATION OF SECTION.—Only days occurring during the period beginning on a date selected by the Secretary of the Treasury (or the Secretary's delegate) which is during the 15-day period beginning on the date of the enactment of this Act, and ending on December 31, 2020, may be taken into account under subsection (c)(1)(A).

(f) APPLICATION OF CREDIT IN CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary of the Treasury (or the Secretary's delegate) based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury (or the Secretary's delegate) as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury (or the Secretary's delegate), under which such possession will promptly distribute such payments to its residents.

Definition.

(3) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(e) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

(1) regulations or other guidance to prevent the avoidance of the purposes of this Act, and

(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section.

SEC. 7005. SPECIAL RULE RELATED TO TAX ON EMPLOYERS.

26 USC 3111 note.

(a) IN GENERAL.—Any wages required to be paid by reason of the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act shall not be considered wages for purposes of section 3111(a) of the Internal Revenue Code of 1986 or compensation for purposes of section 3221(a) of such Code.

(b) ALLOWANCE OF CREDIT FOR HOSPITAL INSURANCE TAXES.—

(1) IN GENERAL.—The credit allowed by section 7001 and the credit allowed by section 7003 shall each be increased by the amount of the tax imposed by section 3111(b) of the Internal Revenue Code of 1986 on qualified sick leave wages, or qualified family leave wages, for which credit is allowed under such section 7001 or 7003 (respectively).

(2) DENIAL OF DOUBLE BENEFIT.—For denial of double benefit with respect to the credit increase under paragraph (1), see sections 7001(e)(1) and 7003(e)(1).

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

DIVISION H—BUDGETARY EFFECTS

SEC. 8001. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of division B and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division B and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the

budgetary effects of division B and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved March 18, 2020.

LEGISLATIVE HISTORY—H.R. 6201:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 13, considered and passed House.
Mar. 18, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Mar. 18, Presidential statement.

Public Law 116–128
116th Congress

An Act

To authorize the Secretary of Veterans Affairs to treat certain programs of education converted to distance learning by reason of emergencies and health-related situations in the same manner as programs of education pursued at educational institutions, and for other purposes.

Mar. 21, 2020
[S. 3503]

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

SECTION 1. CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDUCATION CONVERTED TO DISTANCE LEARNING BY REASON OF EMERGENCIES AND HEALTH-RELATED SITUATIONS.

38 USC note prec. 3001.

(a) IN GENERAL.—In the case of a program of education approved by a State approving agency, or the Secretary of Veterans Affairs when acting in the role of a State approving agency, that is converted from being offered on-site at an educational institution to being offered by distance learning by reason of an emergency or health-related situation, as determined by the Secretary, the Secretary may continue to provide educational assistance under the laws administered by the Secretary without regard to such conversion, including with respect to paying any— Determination.

(1) monthly housing stipends under chapter 33 of title 38, United States Code; or

(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapters 1606 and 1607 of title 10, United States Code.

(b) APPLICABILITY PERIOD.—Subsection (a) shall apply during the period beginning on March 1, 2020, and ending on December 21, 2020.

(c) DEFINITIONS.—In this section:

(1) EDUCATIONAL INSTITUTION.—The term "educational institution" has the meaning given that term in section 3452 of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

(2) PROGRAM OF EDUCATION.—The term "program of education" has the meaning given that term in section 3002 of title 38, United States Code.

(3) STATE APPROVING AGENCY.—The term "State approving agency" has the meaning given that term in section 3671 of title 38, United States Code.

SEC. 2. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

Approved March 21, 2020.

LEGISLATIVE HISTORY—S. 3503:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 16, considered and passed Senate.
Mar. 19, considered and passed House.

Public Law 116–129
116th Congress

An Act

To require the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, and for other purposes.

Mar. 23, 2020
[S. 893]

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

SECTION 1. SHORT TITLE.

Secure 5G and Beyond Act of 2020.
47 USC 901 note.

This Act may be cited as the "Secure 5G and Beyond Act of 2020".

SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

In this Act, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

SEC. 3. STRATEGY TO ENSURE SECURITY OF NEXT GENERATION WIRELESS COMMUNICATIONS SYSTEMS AND INFRASTRUCTURE.

(a) STRATEGY REQUIRED.—Not later than 180 days after the date of enactment of this Act, the President, in consultation with the Chairman of the Federal Communications Commission, the Secretary of Commerce, the Assistant Secretary of Commerce for Communications and Information, the Secretary of Homeland Security, the Director of National Intelligence, the Attorney General, the Secretary of State, the Secretary of Energy, and the Secretary of Defense, and consistent with the protection of national security information, shall develop and submit to the appropriate committees of Congress a strategy—

Deadline.
Consultation.

(1) to ensure the security of 5th and future generations wireless communications systems and infrastructure within the United States;

(2) to provide technical assistance to mutual defense treaty allies of the United States, strategic partners of the United States, and other countries, when in the security and strategic interests of the United States, to maximize the security of

5th and future generations wireless communications systems and infrastructure inside their countries; and

(3) to protect the competitiveness of United States companies, privacy of United States consumers, and integrity and impartiality of standards-setting bodies and processes related to 5th and future generations wireless communications systems and infrastructure.

(b) DESIGNATION.—The strategy developed under subsection (a) shall be known as the "National Strategy to Secure 5G and Next Generation Wireless Communications" (referred to in this Act as the "Strategy").

(c) ELEMENTS.—The Strategy shall represent a whole-of-government approach and shall include the following:

(1) A description of efforts to facilitate domestic 5th and future generations wireless communications rollout.

(2) A description of efforts to assess the risks to and identify core security principles of 5th and future generations wireless communications infrastructure.

(3) A description of efforts to address risks to the national security of the United States during development and deployment of 5th and future generations wireless communications infrastructure worldwide.

(4) A description of efforts to promote responsible global development and deployment of 5th and future generations wireless communications, including through robust international engagement, leadership in the development of international standards, and incentivizing market competitiveness of secure 5th and future generation wireless communications infrastructure options.

(d) PUBLIC CONSULTATION.—In developing the Strategy, the President shall consult with relevant groups that represent consumers or the public interest, private sector communications providers, and communications infrastructure and systems equipment developers.

SEC. 4. STRATEGY IMPLEMENTATION PLAN.

Deadline.

Not later than 180 days after the date of enactment of this Act, the President shall develop and submit to the appropriate committees of Congress an implementation plan for the Strategy (referred to in this Act as the "Implementation Plan"), which shall include, at a minimum, the following:

(1) A description of United States national and economic security interests pertaining to the deployment of 5th and future generations wireless communications systems and infrastructure.

Assessment.
Evaluation.

(2) An identification and assessment of potential security threats and vulnerabilities to the infrastructure, equipment, systems, software, and virtualized networks that support 5th and future generations wireless communications systems, infrastructure, and enabling technologies, which shall, as practicable, include a comprehensive evaluation of the full range of threats to, and unique security challenges posed by, 5th and future generations wireless communications systems and infrastructure, as well as steps that public and private sector entities can take to mitigate those threats.

Assessment.

(3) An identification and assessment of the global competitiveness and vulnerabilities of United States manufacturers

and suppliers of 5th and future generations wireless communications equipment.

Evaluation. Assessment.

(4) An evaluation of available domestic suppliers of 5th and future generations wireless communications equipment and other suppliers in countries that are mutual defense allies or strategic partners of the United States and a strategy to assess their ability to produce and supply 5th generation and future generations wireless communications systems and infrastructure.

(5) Identification of where security gaps exist in the United States domestic or mutual defense treaty allies and strategic partners communications equipment supply chain for 5th and future generations wireless communications systems and infrastructure.

(6) Identification of incentives and policy options to help close or narrow any security gaps identified under paragraph (5) in, and ensure the economic viability of, the United States domestic industrial base, including research and development in critical technologies and workforce development in 5th and future generations wireless communications systems and infrastructure.

(7) Identification of incentives and policy options for leveraging the communications equipment suppliers from mutual defense treaty allies, strategic partners, and other countries to ensure that private industry in the United States has adequate sources for secure, effective, and reliable 5th and future generations wireless communications systems and infrastructure equipment.

(8) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share security risk information and findings pertaining to 5th and future generations wireless communications systems and infrastructure equipment and cooperation on mitigating those risks.

(9) A plan for engagement with private sector communications infrastructure and systems equipment developers and critical infrastructure owners and operators who have a critical dependency on communications infrastructure to share information and findings on 5th and future generations wireless communications systems and infrastructure equipment standards to secure platforms.

(10) A plan for engagement with private sector communications infrastructure and systems equipment developers to encourage the maximum participation possible on standards-setting bodies related to such systems and infrastructure equipment standards by public and private sector entities from the United States.

(11) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share information and findings on 5th and future generations wireless communications systems and infrastructure equipment standards to promote maximum interoperability, competitiveness, openness, and secure platforms.

(12) A plan for diplomatic engagement with mutual defense treaty allies, strategic partners, and other countries to share information and findings on 5th and future generations wireless communications infrastructure and systems equipment concerning the standards-setting bodies related to such systems

and infrastructure equipment to promote maximum transparency, openness, impartiality, integrity, and neutrality.

(13) A plan for joint testing environments with mutual defense treaty allies, strategic partners, and other countries to ensure a trusted marketplace for 5th and future generations wireless communications systems and infrastructure equipment.

(14) A plan for research and development by the Federal Government, in close partnership with trusted supplier entities, mutual defense treaty allies, strategic partners, and other countries to reach and maintain United States leadership in 5th and future generations wireless communications systems and infrastructure security, including the development of an ongoing capability to identify security vulnerabilities in 5th and future generations wireless communications systems.

(15) Options for identifying and helping to mitigate the security risks of 5th and future generations wireless communications systems and infrastructure that have security flaws or vulnerabilities, or are utilizing equipment sourced from countries of concern, and that have already been put in place within the systems and infrastructure of mutual defense treaty allies, strategic partners, and other countries, when in the security interests of the United States.

(16) A description of the roles and responsibilities of the appropriate executive branch agencies and interagency mechanisms to coordinate implementation of the Strategy, as provided in section 5(d).

(17) An identification of the key diplomatic, development, intelligence, military, and economic resources necessary to implement the Strategy, including specific budgetary requests.

(18) As necessary, a description of such legislative or administrative action needed to carry out the Strategy.

SEC. 5. LIMITATIONS AND BRIEFINGS.

(a) LIMITATIONS.—

(1) IN GENERAL.—The Strategy and the Implementation Plan shall not include a recommendation or a proposal to nationalize 5th or future generations wireless communications systems or infrastructure.

(2) FEDERAL AGENCY AUTHORITY.—Nothing in this Act shall be construed to limit any authority or ability of any Federal agency.

Deadline.

(b) PUBLIC COMMENT.—Not later than 60 days after the date of enactment of this Act, the President shall seek public comment regarding the development and implementation of the Implementation Plan.

(c) BRIEFING.—

Deadline.

(1) IN GENERAL.—Not later than 21 days after the date on which the Implementation Plan is completed, the President shall direct appropriate representatives from the departments and agencies involved in the formulation of the Strategy to provide the appropriate committees of Congress a briefing on the implementation of the Strategy.

(2) UNCLASSIFIED SETTING.—The briefing under paragraph (1) shall be held in an unclassified setting to the maximum extent possible.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The President and the National Telecommunications and Information Administration, in conjunction, shall—

(A) implement the Strategy;

(B) keep congressional committees apprised of progress on implementation; and

(C) not implement any proposal or recommendation involving non-Federal spectrum administered by the Federal Communications Commission unless the implementation of such proposal or recommendation is first approved by the Commission.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the authority or jurisdiction of the Federal Communications Commission or confer upon the President or any other executive branch agency the power to direct the actions of the Commission, whether directly or indirectly.

(e) FORM.—The Strategy and Implementation Plan shall be submitted to the appropriate committees of Congress in unclassified form, but may include a classified annex.

Approved March 23, 2020.

LEGISLATIVE HISTORY—S. 893:

SENATE REPORTS: No. 116–184 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):

Mar. 4, considered and passed Senate.

Mar. 11, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):

Mar. 23, Presidential statement.

Public Law 116–130
116th Congress

An Act

Mar. 23, 2020
[S. 1822]

To require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, and for other purposes.

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

Broadband Deployment Accuracy and Technological Availability Act.
47 USC 609 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadband Deployment Accuracy and Technological Availability Act" or the "Broadband DATA Act".

SEC. 2. BROADBAND DATA.

The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

"TITLE VIII—BROADBAND DATA

47 USC 641.

"SEC. 801. DEFINITIONS.

"In this title:

"(1) BROADBAND INTERNET ACCESS SERVICE.—The term 'broadband internet access service' has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

"(2) BROADBAND MAP.—The term 'Broadband Map' means the map created by the Commission under section 802(c)(1)(A).

"(3) CELL EDGE PROBABILITY.—The term 'cell edge probability' means the likelihood that the minimum threshold download and upload speeds with respect to broadband internet access service will be met or exceeded at a distance from a base station that is intended to indicate the ultimate edge of the coverage area of a cell.

"(4) CELL LOADING.—The term 'cell loading' means the percentage of the available air interface resources of a base station that are used by consumers with respect to broadband internet access service.

"(5) CLUTTER.—The term 'clutter' means a natural or man-made surface feature that affects the propagation of a signal from a base station.

"(6) FABRIC.—The term 'Fabric' means the Broadband Serviceable Location Fabric established under section 802(b)(1)(B).

"(7) FORM 477.—The term 'Form 477' means Form 477 of the Commission relating to local telephone competition and broadband reporting.

"(8) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(9) MOBILITY FUND PHASE II.—The term 'Mobility Fund Phase II' means the second phase of the proceeding to provide universal service support from the Mobility Fund (WC Docket No. 10–90; WT Docket No. 10–208).

"(10) PROPAGATION MODEL.—The term 'propagation model' means a mathematical formulation for the characterization of radio wave propagation as a function of frequency, distance, and other conditions.

"(11) PROVIDER.—The term 'provider' means a provider of fixed or mobile broadband internet access service.

"(12) QUALITY OF SERVICE.—The term 'quality of service' means, with respect to broadband internet access service, the download and upload speeds (and, for relevant services, latency) with respect to that service, as determined by, and to the extent otherwise collected by, the Commission.

"(13) SHAPEFILE.—The term 'shapefile' means a digital storage format containing geospatial or location-based data and attribute information—

"(A) regarding the availability of broadband internet access service; and

"(B) that can be viewed, edited, and mapped in geographic information system software.

"(14) STANDARD BROADBAND INSTALLATION.—The term 'standard broadband installation'—

"(A) means the initiation by a provider of fixed broadband internet access service in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider; and

"(B) includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted.

"SEC. 802. BROADBAND MAPS. 47 USC 642.

"(a) RULES.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Commission shall issue final rules that shall— Deadline.

"(A) require the biannual collection and dissemination of granular data, as determined by the Commission— Requirements. Determination.

"(i) relating to the availability and quality of service with respect to terrestrial fixed, fixed wireless, satellite, and mobile broadband internet access service; and

"(ii) that the Commission shall use to compile the maps created under subsection (c)(1) (referred to in this section as 'coverage maps'), which the Commission shall make publicly available; and Public information.

"(B) establish—

"(i) processes through which the Commission can verify the accuracy of data submitted under subsection (b)(2);

Procedures.

"(ii) processes and procedures through which the Commission, and, as necessary, other entities or individuals submitting non-public or competitively sensitive information under this title, can protect the security, privacy, and confidentiality of that non-public or competitively sensitive information, including—

"(I) information contained in the Fabric;

"(II) the dataset created under subsection (b)(1)(A) supporting the Fabric; and

"(III) the data submitted under subsection (b)(2);

"(iii) the challenge process described in subsection (b)(5); and

"(iv) the process described in section 804(b).

"(2) OTHER DATA.—In issuing the rules under paragraph (1), the Commission shall develop a process through which the Commission can collect verified data for use in the coverage maps from—

"(A) State, local, and Tribal governmental entities that are primarily responsible for mapping or tracking broadband internet access service coverage for a State, unit of local government, or Indian Tribe, as applicable;

Determination.

"(B) third parties, if the Commission determines that it is in the public interest to use such data in—

"(i) the development of the coverage maps; or

"(ii) the verification of data submitted under subsection (b); and

"(C) other Federal agencies.

"(3) UPDATES.—The Commission shall revise the rules issued under paragraph (1) to—

"(A) reflect changes in technology;

"(B) ensure the accuracy of propagation models, as further provided in subsection (b)(3); and

"(C) improve the usefulness of the coverage maps.

"(b) CONTENT OF RULES.—

"(1) ESTABLISHMENT OF A SERVICEABLE LOCATION FABRIC REGARDING FIXED BROADBAND.—

"(A) DATASET.—

Determination.

"(i) IN GENERAL.—The Commission shall create a common dataset of all locations in the United States where fixed broadband internet access service can be installed, as determined by the Commission.

"(ii) CONTRACTING.—

"(I) IN GENERAL.—Subject to subclauses (II) and (III), the Commission may contract with an entity with expertise with respect to geographic information systems (referred to in this subsection as 'GIS') to create and maintain the dataset under clause (i).

Compliance.

"(II) APPLICATION OF THE FEDERAL ACQUISITION REGULATION.—A contract into which the Commission enters under subclause (I) shall in all respects comply with applicable provisions of the Federal Acquisition Regulation.

"(III) LIMITATIONS.—With respect to a contract into which the Commission enters under subclause (I)—

"(aa) the entity with which the Commission enters into the contract shall be selected through a competitive bid process that is transparent and open; and

"(bb) the contract shall be for a term of not longer than 5 years, after which the Commission may enter into a new contract— Time period.

"(AA) with an entity, and for the purposes, described in clause (i); and

"(BB) that complies with the requirements under subclause (II) and this subclause; and

"(cc) the contract shall—

"(AA) prohibit the entity described in item (aa) from selling, leasing, or otherwise disclosing for monetary consideration any personally identifiable information to any other entity other than for purposes authorized under this title; and

"(BB) require the entity described in item (aa) to include in any contract with any other entity a provision that prohibits that other entity from engaging in an action that is prohibited under subitem (AA).

"(B) FABRIC.—The rules issued by the Commission under subsection (a)(1) shall establish the Broadband Serviceable Location Fabric, which shall—

"(i) contain geocoded information for each location identified under subparagraph (A)(i);

"(ii) serve as the foundation upon which all data relating to the availability of fixed broadband internet access service collected under paragraph (2)(A) shall be reported and overlaid; Reports.

"(iii) be compatible with commonly used GIS software; and

"(iv) at a minimum, be updated every 6 months by the Commission. Updates. Deadline.

"(C) IMPLEMENTATION PRIORITY.—The Commission shall prioritize implementing the Fabric for rural and insular areas of the United States.

"(2) COLLECTION OF INFORMATION.—The rules issued by the Commission under subsection (a)(1) shall include uniform standards for the reporting of broadband internet access service data that the Commission shall collect— Standards.

"(A) from each provider of terrestrial fixed, fixed wireless, or satellite broadband internet access service, which shall include data that—

"(i) documents the areas where the provider—

"(I) has actually built out the broadband network infrastructure of the provider such that the provider is able to provide that service; and

"(II) could provide that service, as determined by identifying where the provider is capable of performing a standard broadband installation, if applicable;

"(ii) includes information regarding download and upload speeds, at various thresholds established by the Commission, and, if applicable, latency with respect to broadband internet access service that the provider makes available;

"(iii) can be georeferenced to the GIS data in the Fabric;

Reports.

"(iv) the provider shall report as—

"(I) with respect to providers of fixed wireless broadband internet access service—

"(aa) propagation maps and propagation model details that—

"(AA) satisfy standards that are similar to those applicable to providers of mobile broadband internet access service under subparagraph (B) with respect to propagation maps and propagation model details, taking into account material differences between fixed wireless and mobile broadband internet access service; and

"(BB) reflect the speeds and latency of the service provided by the provider; or

Lists.

"(bb) a list of addresses or locations that constitute the service area of the provider, except that the Commission—

"(AA) may only permit, and not require, a provider to report the data using that means of reporting; and

Methodologies.

"(BB) in the rules issued under subsection (a)(1), shall provide a method for using that means of reporting with respect to Tribal areas; and

"(II) with respect to providers of terrestrial fixed and satellite broadband internet access service—

"(aa) polygon shapefiles; or

Lists.

"(bb) a list of addresses or locations that constitute the service area of the provider, except that the Commission—

"(AA) may only permit, and not require, a provider to report the data using that means of reporting; and

Methodologies.

"(BB) in the rules issued under subsection (a)(1), shall provide a method for using that means of reporting with respect to Tribal areas; and

Determination.

"(v) the Commission determines is appropriate with respect to certain technologies in order to ensure that the Broadband Map is granular and accurate; and

"(B) from each provider of mobile broadband internet access service, which shall include propagation maps and propagation model details that indicate the current (as of the date on which the information is collected) fourth generation Long-Term Evolution (commonly referred to as

'4G LTE') mobile broadband internet access service coverage of the provider, which shall—

"(i) take into consideration the effect of clutter; and

"(ii) satisfy—

"(I) the requirements of having—

"(aa) a download speed of not less than 5 megabits per second and an upload speed of not less than 1 megabit per second with a cell edge probability of not less than 90 percent; and

"(bb) cell loading of not less than 50 percent; and

"(II) any other parameter that the Commission determines to be necessary to create a map under subsection (c)(1)(C) that is more precise than the map produced as a result of the submissions under the Mobility Fund Phase II information collection.

"(3) UPDATE OF REPORTING STANDARDS FOR MOBILE BROADBAND INTERNET ACCESS SERVICE.—For the purposes of paragraph (2)(B), if the Commission determines that the reporting standards under that paragraph are insufficient to collect accurate propagation maps and propagation model details with respect to future generations of mobile broadband internet access service technologies, the Commission shall immediately commence a rule making to adopt new reporting standards with respect to those technologies that— Determination.

"(A) shall be the functional equivalent of the standards required under paragraph (2)(B); and

"(B) allow for the collection of propagation maps and propagation model details that are as accurate and granular as, or more accurate and granular than, the maps and model details collected by the Commission under paragraph (2)(B).

"(4) CERTIFICATION AND VERIFICATION.—With respect to a provider that submits information to the Commission under paragraph (2)—

"(A) the provider shall include in each submission a certification from a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct; and

"(B) the Commission shall verify the accuracy and reliability of the information in accordance with measures established by the Commission.

"(5) CHALLENGE PROCESS.—

"(A) IN GENERAL.—In the rules issued under subsection (a), and subject to subparagraph (B), the Commission shall establish a user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities or individuals may submit coverage data to the Commission to challenge the accuracy of—

"(i) the coverage maps;

"(ii) any information submitted by a provider regarding the availability of broadband internet access service; or

"(iii) the information included in the Fabric.

"(B) CONSIDERATIONS; VERIFICATION; RESPONSE TO CHALLENGES.—In establishing the challenge process required under subparagraph (A), the Commission shall—

"(i) consider—

"(I) the types of information that an entity or individual submitting a challenge should provide to the Commission in support of the challenge;

"(II) the appropriate level of granularity for the information described in subclause (I);

"(III) the need to mitigate the time and expense incurred by, and the administrative burdens placed on, entities or individuals in—

"(aa) challenging the accuracy of a coverage map; and

"(bb) responding to challenges described in item (aa);

"(IV) the costs to consumers and providers resulting from a misallocation of funds because of a reliance on outdated or otherwise inaccurate information in the coverage maps;

"(V) any lessons learned from the challenge process established under Mobility Fund Phase II, as determined from comments solicited by the Commission; and

"(VI) the need for user-friendly challenge submission formats that will promote participation in the challenge process;

"(ii) include a process for verifying the data submitted through the challenge process in order to ensure the reliability of that data;

"(iii) allow providers to respond to challenges submitted through the challenge process; and

"(iv) develop an online mechanism, which—

"(I) shall be integrated into the coverage maps;

"(II) allows for an entity described in subparagraph (A) to submit a challenge under the challenge process;

"(III) makes challenge data available in both geographic information system and non-geographic information system formats; and

"(IV) clearly identifies the areas in which broadband internet access service is available, and the upload and download speeds at which that service is available, as reported to the Commission under this section.

"(C) USE OF CHALLENGES.—The rules issued to establish the challenge process under subparagraph (A) shall include—

"(i) a process for the speedy resolution of challenges; and

"(ii) a process for the regular and expeditious updating of the coverage maps and granular data disseminated by the Commission as challenges are resolved.

Notice. Public information.

"(D) REPORT TO CONGRESS.—Not earlier than 1 year, and not later than 18 months, after the date on which

the rules issued under subsection (a)(1) take effect, the Commission shall, after an opportunity for notice and comment, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

"(i) evaluates the challenge process described in subparagraph (A); and Evaluation.

"(ii) considers whether the Commission should commence an inquiry on the need for other tools to help—

"(I) identify potential inaccuracies in the data relating to broadband internet access service that providers report; and

"(II) improve the accuracy of the data described in subclause (I).

"(6) REFORM OF FORM 477 PROCESS.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the rules issued under subsection (a) take effect, the Commission shall— Deadline.

"(i) reform the Form 477 broadband deployment service availability collection process of the Commission—

"(I) to achieve the purposes of this title; and

"(II) in a manner that—

"(aa) enables the comparison of data and maps produced before the implementation of this title with data and coverage maps produced after the implementation of this title; and

"(bb) maintains the public availability of data relating to the deployment of broadband internet access service; and

"(ii) harmonize reporting requirements and procedures regarding the deployment of broadband internet access service that are in effect on the day before the date on which the rules issued under subsection (a)(1) take effect with those requirements and procedures in those rules. Procedures.

"(B) CONTINUED COLLECTION AND REPORTING.—On and after the date on which the Commission carries out subparagraph (A), the Commission shall continue to collect and publicly report subscription data that the Commission collected through the Form 477 broadband deployment service availability process, as in effect on July 1, 2019. Public information.

"(7) SHARING DATA WITH NTIA.—The Commission shall establish a process to make the data collected under paragraph (2) available to the National Telecommunications and Information Administration.

"(c) MAPS.—The Commission shall—

"(1) after consultation with the Federal Geographic Data Committee established under section 753(a) of the Geospatial Data Act of 2018, create— Consultation.

"(A) the Broadband Map, which shall depict—

"(i) the extent of the availability of broadband internet access service in the United States, without

regard to whether that service is fixed broadband internet access service or mobile broadband internet access service, which shall be based on data collected by the Commission from all providers; and

"(ii) the areas of the United States that remain unserved by providers;

"(B) a map that depicts the availability of fixed broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(A); and

"(C) a map that depicts the availability of mobile broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(B);

"(2) after creating the maps under paragraph (1), use such maps—

Determination.

"(A) to determine the areas in which terrestrial fixed, fixed wireless, mobile, and satellite broadband internet access service is and is not available; and

"(B) when making any new award of funding with respect to the deployment of broadband internet access service intended for use by residential and mobile customers;

"(3) update the maps created under paragraph (1) not less frequently than biannually using the most recent data collected from providers under subsection (b)(2);

Consultation.

"(4) consult with—

"(A) the Secretary of Agriculture to enable the Secretary of Agriculture to consult the maps created under paragraph (1) when considering the awarding of funds for the deployment of broadband internet access service under any program administered by the Administrator of the Rural Utilities Service; and

"(B) the National Telecommunications and Information Administration to enable the Administration to consult the maps created under paragraph (1) when considering the awarding of funds for the deployment of broadband internet access service under any future program administered by the Administration;

"(5) make available to any Federal agency, upon request, the maps created under paragraph (1); and

"(6) make public at an appropriate level of granularity—

"(A) the maps created under paragraph (1); and

"(B) the data collected by the Commission with respect to the availability of broadband internet access service and the quality of service with respect to broadband internet access service.

"(d) DELAYED EFFECTIVE DATE FOR QUALITY OF SERVICE RULES.—Any requirement of a rule issued under subsection (a)(1) that relates to quality of service shall take effect not earlier than the date that is 180 days after the date on which the Commission issues that rule.

47 USC 643.

"SEC. 803. ENFORCEMENT.

"It shall be unlawful for an entity or individual to willfully and knowingly, or recklessly, submit information or data under this title that is materially inaccurate or incomplete with respect

to the availability of broadband internet access service or the quality of service with respect to broadband internet access service.

"SEC. 804. IMPROVING DATA ACCURACY. 47 USC 644.

"(a) AUDITS.—The Commission shall conduct regular audits of information submitted to the Commission by providers under section 802(b)(2) to ensure that the providers are complying with this title.

"(b) CROWDSOURCING.—

"(1) IN GENERAL.—The Commission shall develop a process through which entities or individuals in the United States may submit specific information about the deployment and availability of broadband internet access service in the United States on an ongoing basis so that the information may be used to verify and supplement information provided by providers of broadband internet access service for inclusion in the maps created under section 802(c)(1).

"(2) COLLABORATION.—As part of the efforts of the Commission to facilitate the ability of entities and individuals to submit information under paragraph (1), the Commission shall— Determinations. Deadlines.

"(A) prioritize the consideration of data provided by data collection applications used by consumers that the Commission has determined—

"(i) are highly reliable; and

"(ii) have proven methodologies for determining network coverage and network performance;

"(B) not later than 1 year after the date of enactment of this title, conclude a process that tests the feasibility of partnering with Federal agencies that operate delivery fleet vehicles, including the United States Postal Service, to facilitate the collection and submission of information described in that paragraph; and

"(C) not later than 14 months after the date of enactment of this title, publish on the website of the Commission, and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding the testing described in subparagraph (B), which shall include— Web posting. Reports.

"(i) a determination regarding whether the partnerships with Federal agencies described in that subparagraph are able to facilitate the collection and submission of information described in paragraph (1); and

"(ii) any steps that the Commission plans to take to facilitate the partnerships described in that subparagraph.

"(c) TECHNICAL ASSISTANCE TO INDIAN TRIBES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Commission shall hold workshops for Tribal Governments in each of the 12 Bureau of Indian Affairs regions to provide technical assistance with the collection and submission of data under section 802(a)(2). Workshops.

"(2) ANNUAL REVIEW.—Each year, the Commission, in consultation with Indian Tribes, shall review the need for continued workshops required under paragraph (1). Consultation.

"(d) TECHNICAL ASSISTANCE TO SMALL SERVICE PROVIDERS.—The Commission shall establish a process through which a provider that has fewer than 100,000 active broadband internet access service connections may request and receive assistance from the Commission with respect to geographic information system data processing to ensure that the provider is able to comply with the requirements under section 802(b) in a timely and accurate manner.

"(e) TECHNICAL ASSISTANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTS AND CONSUMERS.—The Commission shall provide technical assistance to consumers and State, local, and Tribal governmental entities with respect to the challenge process established under section 802(b)(5), which shall include—

"(1) detailed tutorials and webinars; and

"(2) the provision of staff of the Commission to provide assistance, as needed, throughout the entirety of the challenge process.

"(f) GAO ASSESSMENT OF FABRIC SOURCE DATA.—

Recommendations.

"(1) IN GENERAL.—The Comptroller General of the United States shall conduct an assessment of key data sources that are used for purposes of the Fabric to identify and geocode locations where fixed broadband internet access service can be installed in order for the Comptroller General to develop recommendations for how the quality and completeness of those data sources can be improved as data sources for the Fabric.

"(2) SOURCES INCLUDED.—For the purposes of the assessment conducted under paragraph (1), the key data sources described in that paragraph shall include—

"(A) any relevant sources of Federal data, including the National Address Database administered by the Department of Transportation;

"(B) State- and county-level digitized parcel data; and

"(C) property tax attribute recording.

"(3) REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that contains the recommendations developed under paragraph (1).

47 USC 645.

"SEC. 805. COST.

"(a) USF.—The Commission may not use funds from the universal service programs of the Commission established under section 254, and the regulations issued under that section, to pay for any costs associated with this title.

"(b) OTHER FUNDS.—The Commission may recover costs associated with this title under section 9 to the extent provided for in an appropriation Act, as required under subsection (a) of that section.

47 USC 646.

"SEC. 806. OTHER PROVISIONS.

"(a) OMB.—Notwithstanding any other provision of law, the initial rule making required under section 802(a)(1) shall be exempt from review by the Office of Management and Budget.

"(b) PRA.—Subchapter I of chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') shall not apply to the initial rule making required under section 802(a)(1).

"(c) EXECUTION OF RESPONSIBILITIES.—Except, with respect to an entity that is not the Universal Service Administrative Company,

as provided in section 802(a)(2)(B), section 802(b)(1)(A)(ii), and subsections (c), (d), and (e) of section 804, the Commission—

"(1) including the offices of the Commission, shall carry out the responsibilities assigned to the Commission under this title; and

"(2) may not delegate any of the responsibilities assigned to the Commission under this title to any third party, including the Universal Service Administrative Company.

"(d) REPORTING.—Each fiscal year, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that summarizes the implementation of this title and associated enforcement activities conducted during the previous fiscal year.

"(e) RULE OF CONSTRUCTION.—If the Commission, before the date of enactment of this title, has taken an action that, in whole or in part, implements this title, the Commission shall not be required to revisit such action to the extent that such action is consistent with this title.".

Approved March 23, 2020.

LEGISLATIVE HISTORY—S. 1822 (H.R. 4229):

HOUSE REPORTS: No. 116–350 (Comm. on Energy and Commerce) accompanying H.R. 4229.

SENATE REPORTS: No. 116–174 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 165 (2019): Dec. 19, considered and passed Senate.

Vol. 166 (2020): Mar. 3, considered and passed House, amended.
Mar. 10, Senate concurred in House amendment.

Public Law 116–131
116th Congress

An Act

Mar. 25, 2020
[H.R. 4334]

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2020 through 2024, and for other purposes.

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

Supporting Older Americans Act of 2020.
42 USC 3001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Older Americans Act of 2020".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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Sec. 601. Reauthorization; vulnerable elder rights protection activities.
Sec. 602. Volunteer State long-term care ombudsman representatives.
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Sec. 604. Principles for person-directed services and supports during serious illness.
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Sec. 607. Senior home modification assistance initiative.

TITLE VII—MISCELLANEOUS

Sec. 701. Technical corrections.

SEC. 3. REFERENCES.

Except as otherwise expressly provided in this Act, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

SEC. 4. DEFINITIONS.

42 USC 3001 note.

In this Act, the terms "area agency on aging", "Assistant Secretary", "greatest social need", "older individual", and "Secretary"

have the meanings given such terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

TITLE I—MODERNIZING DEFINITIONS AND PROGRAMS UNDER THE ADMINISTRATION ON AGING

SEC. 101. REAUTHORIZATION.

Section 216 (42 U.S.C. 3020f) is amended to read as follows:

"SEC. 216. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For purposes of carrying out this Act, there are authorized to be appropriated for administration, salaries, and expenses of the Administration $43,937,410 for fiscal year 2020, $46,573,655 for fiscal year 2021, $49,368,074 for fiscal year 2022, $52,330,158 for fiscal year 2023, and $55,469,968 for fiscal year 2024.

"(b) ADDITIONAL AUTHORIZATIONS.—There are authorized to be appropriated—

"(1) to carry out section 202(a)(21) (relating to the National Eldercare Locator Service), $2,180,660 for fiscal year 2020, $2,311,500 for fiscal year 2021, $2,450,190 for fiscal year 2022, $2,597,201 for fiscal year 2023, and $2,753,033 for fiscal year 2024;

"(2) to carry out section 215, $1,988,060 for fiscal year 2020, $2,107,344 for fiscal year 2021, $2,233,784 for fiscal year 2022, $2,367,811 for fiscal year 2023, and $2,509,880 for fiscal year 2024;

"(3) to carry out section 202 (relating to Elder Rights Support Activities under this title), $1,371,740 for fiscal year 2020, $1,454,044 for fiscal year 2021, $1,541,287 for fiscal year 2022, $1,633,764 for fiscal year 2023, and $1,731,790 for fiscal year 2024; and

"(4) to carry out section 202(b) (relating to the Aging and Disability Resource Centers), $8,687,330 for fiscal year 2020, $9,208,570 for fiscal year 2021, $9,761,084 for fiscal year 2022, $10,346,749 for fiscal year 2023, and $10,967,554 for fiscal year 2024.".

SEC. 102. PERSON-CENTERED, TRAUMA-INFORMED SERVICES.

Section 101(2) (42 U.S.C. 3001(2)) is amended by inserting "(including access to person-centered, trauma-informed services as appropriate)" after "health".

SEC. 103. AGING AND DISABILITY RESOURCE CENTERS.

Section 102(4) (42 U.S.C. 3002(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ", in collaboration with (as appropriate) area agencies on aging, centers for independent living (as described in part C of chapter 1 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.)), and other aging or disability entities" after "provides";

(2) in subparagraph (B)—

(A) by inserting "services, supports, and" after "plan for long-term"; and

(B) by inserting "and choices" after "desires"; and

(3) in subparagraph (D), by striking "part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), and other community-based entities," and inserting "part C of chapter 1 of title VII of the Rehabilitation Act of 1973, and other community-based entities, including other aging or disability entities,".

SEC. 104. ASSISTIVE TECHNOLOGY.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 102(8) (42 U.S.C. 3002(8)), by adding at the end the following:

"(C) The term 'State assistive technology entity' means the agency, office, or other entity designated under subsection (c)(1) of section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003) to carry out State activities under such section.";

(2) in section 306 (42 U.S.C. 3026)—

(A) in subsection (a)(6)—

(i) in subparagraph (G), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (H), by striking "appropriate;" and inserting "appropriate; and"; and

(iii) by adding at the end the following:

"(I) to the extent feasible, coordinate with the State agency to disseminate information about the State assistive technology entity and access to assistive technology options for serving older individuals;"; and

(B) in subsection (b)(3)—

(i) in subparagraph (K)—

(I) by aligning the margins of the subparagraph with the margins of subparagraph (J); and

(II) by striking "; and" and inserting a semicolon;

(ii) by redesignating subparagraph (L) as subparagraph (M); and

(iii) by inserting after subparagraph (K) the following:

"(L) assistive technology devices and services; and"; and

(3) in section 411(a) (42 U.S.C. 3032(a))—

(A) in paragraph (2), by inserting ", aligned with evidence-based practice," after "applied social research"; and

(B) in paragraph (10), by inserting "consistent with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d)" after "other technologies".

SEC. 105. VACCINATION.

Section 102(14) (42 U.S.C. 3002(14)) is amended—

(1) in subparagraph (B), by inserting "immunization status," after "oral health,"; and

(2) in subparagraph (D), by inserting "infectious disease, and vaccine-preventable disease, as well as" after "cardiovascular disease),".

SEC. 106. MALNUTRITION.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 102(14)(B), as amended by section 105(1), by inserting "(including screening for malnutrition)" after "nutrition screening"; and

(2) in section 330(1), by striking "and food insecurity" and inserting ", food insecurity, and malnutrition".

SEC. 107. SEXUALLY TRANSMITTED DISEASES.

Section 102(14)(D) (42 U.S.C. 3002(14)(D)), as amended by section 105(2), is further amended by inserting "prevention of sexually transmitted diseases," after "vaccine-preventable disease,".

SEC. 108. ADDRESSING CHRONIC PAIN MANAGEMENT.

Section 102(14)(D) (42 U.S.C. 3002(14)(D)), as amended by section 107, is further amended by inserting "chronic pain management," after "substance abuse reduction,".

SEC. 109. SCREENING FOR SUICIDE RISK.

Section 102(14)(G) (42 U.S.C. 3002(14)(G)) is amended by inserting "and screening for suicide risk" after "depression".

SEC. 110. SCREENING FOR FALL-RELATED TRAUMATIC BRAIN INJURY; ADDRESSING PUBLIC HEALTH EMERGENCIES AND EMERGING HEALTH THREATS; NEGATIVE HEALTH EFFECTS ASSOCIATED WITH SOCIAL ISOLATION.

Section 102(14) (42 U.S.C. 3002(14)) is amended—

(1) by redesignating subparagraphs (H) through (J), and subparagraphs (K) and (L), as subparagraphs (I) through (K), and subparagraphs (M) and (O), respectively;

(2) by inserting after subparagraph (G) the following:

"(H) screening for fall-related traumatic brain injury and other fall-related injuries, coordination of treatment, rehabilitation and related services, and referral services related to such injury or injuries;";

(3) by inserting after subparagraph (K), as redesignated by paragraph (1), the following:

"(L) services that are a part of responses to a public health emergency or emerging health threat;"; and

(4) in subparagraph (M), as redesignated by paragraph (1), by striking "; and" and inserting a semicolon;

(5) by inserting after subparagraph (M), as redesignated by paragraph (1), the following:

"(N) screening for the prevention of negative health effects associated with social isolation and coordination of supportive services and health care to address negative health effects associated with social isolation; and"; and

(6) in subparagraph (O), as redesignated, by striking "(A) through (K)" and inserting "(A) through (N)".

SEC. 111. CLARIFICATION REGARDING BOARD AND CARE FACILITIES.

Section 102(35)(C) (42 U.S.C. 3002(35)(C)) is amended by striking "for purposes of sections 307(a)(12) and 712,".

SEC. 112. PERSON-CENTERED, TRAUMA-INFORMED SERVICES DEFINITION.

Section 102 (42 U.S.C. 3002) is amended—

(1) by redesignating paragraphs (41) through (54) as paragraphs (42) through (55), respectively; and

(2) by inserting after paragraph (40) the following:

"(41) The term 'person-centered, trauma-informed', with respect to services, means services provided through an aging program that—

"(A) use a holistic approach to providing services or care;

"(B) promote the dignity, strength, and empowerment of victims of trauma; and

"(C) incorporate evidence-based practices based on knowledge about the role of trauma in trauma victims' lives.".

SEC. 113. TRAUMATIC BRAIN INJURY.

Section 102 (42 U.S.C. 3002), as amended by section 112, is further amended—

(1) by redesignating paragraph (55) as paragraph (56); and

(2) by inserting after paragraph (54) the following:

"(55) The term 'traumatic brain injury' has the meaning given such term in section 393B(d) of the Public Health Service Act (42 U.S.C. 280b–1c(d)).".

SEC. 114. MODERNIZING THE REVIEW OF APPLICATIONS AND PROVIDING TECHNICAL ASSISTANCE FOR DISASTERS.

(a) REVIEW OF APPLICATIONS.—Section 202 (42 U.S.C. 3012) is amended—

(1) by amending subsection (a)(4) to read as follows:

"(4) administer the grants provided by this Act, but not approve an application submitted by an applicant for a grant for an activity under a provision of this Act for which such applicant previously received a grant under such provision unless the Assistant Secretary determines—

"(A) the activity for which such application was submitted is being operated, or was operated, effectively to achieve its stated purpose; and

"(B) such applicant has complied with the assurances provided to the Assistant Secretary with the application for such previous grant."; and

(2) by adding at the end the following:

"(h) The Assistant Secretary shall publish, on an annual basis, a list of centers and demonstration projects funded under each title of this Act. The Assistant Secretary shall ensure that this information is also directly provided to State agencies and area agencies on aging.". Lists.

(b) ADDRESSING THE NEEDS OF OLDER INDIVIDUALS IN DISASTERS.—Section 202(a) (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (30), by striking "; and" and inserting a semicolon;

(2) in paragraph (31), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(32) provide technical assistance to, and share best practices with, State agencies and area agencies on aging on how to collaborate and coordinate activities and develop long-range emergency preparedness plans with local and State emergency response agencies, relief organizations, local and State governments, Federal agencies as appropriate, and any other institutions that have responsibility for disaster relief service delivery;".

SEC. 115. INCREASED FOCUS OF ASSISTANT SECRETARY ON NEGATIVE HEALTH EFFECTS ASSOCIATED WITH SOCIAL ISOLATION.

Section 202(a) (42 U.S.C. 3012(a)), as amended by section 114(b), is further amended by adding at the end the following:

Reports.

"(33) with input from aging network stakeholders, including caregivers, develop objectives, priorities, and a long-term plan for supporting State and local efforts involving education about prevention of, detection of, and response to negative health effects associated with social isolation among older individuals, and submit a report to Congress on this effort by January 2021; and".

SEC. 116. NOTIFICATION OF AVAILABILITY OF OR UPDATES TO POLICIES, PRACTICES, AND PROCEDURES THROUGH A UNIFORM E-FORMAT.

Section 202(a) (42 U.S.C. 3012(a)), as amended by sections 114(b) and 115, is further amended by adding at the end the following:

"(34) provide (to the extent practicable) a standardized notification to State agencies, area agencies on aging, providers of services under this Act, and grantees or contract awardees under this Act, through an electronic format (e-mail or other electronic notification), of the availability of, or updates to, policies, practices, and procedures under this Act.".

SEC. 117. EVIDENCE-BASED PROGRAM ADAPTATION.

(a) FUNCTIONS OF THE ASSISTANT SECRETARY.—Section 202 (42 U.S.C. 3012) is amended—

(1) in subsection (a)(28), by inserting before the semicolon ", including information and technical assistance on delivery of such services in different settings"; and

(2) in subsection (b)(9)(B), by inserting before the semicolon ", including delivery of such services in different settings".

(b) EVIDENCE-BASED DISEASE PREVENTION AND HEALTH PROMOTION SERVICES.—Section 361(a) (42 U.S.C. 3030m(a)) is amended in the second sentence by inserting "provide technical assistance on the delivery of evidence-based disease prevention and health promotion services in different settings and for different populations, and" before "consult".

SEC. 118. BUSINESS ACUMEN PROVISIONS AND CLARIFICATION REGARDING OUTSIDE FUNDING FOR AREA AGENCIES ON AGING.

(a) ASSISTANCE RELATING TO GROWING AND SUSTAINING CAPACITY.—Section 202(b)(9) (42 U.S.C. 3012(b)(9)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), as amended by section 117(a)(2), by inserting "and" after the semicolon at the end; and

(3) by adding at the end the following:

"(C) activities for increasing business acumen, capacity building, organizational development, innovation, and other methods of growing and sustaining the capacity of the aging network to serve older individuals and caregivers most effectively;".

(b) CLARIFYING PARTNERSHIPS FOR AREA AGENCIES ON AGING.—Section 306 (42 U.S.C. 3026) is amended by adding at the end the following:

"(g) Nothing in this Act shall restrict an area agency on aging from providing services not provided or authorized by this Act, including through—

"(1) contracts with health care payers;

"(2) consumer private pay programs; or

"(3) other arrangements with entities or individuals that increase the availability of home- and community-based services and supports.".

(c) CONFORMING AMENDMENT.—Section 307(a) (42 U.S.C. 3027(a)) is amended—

(1) by striking paragraph (26); and

(2) by redesignating paragraphs (27) through (30) as paragraphs (26) through (29).

SEC. 119. DEMONSTRATION ON DIRECT CARE WORKERS.

Section 411(a) (42 U.S.C. 3032(a)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(2) by inserting after paragraph (12) the following:

"(13) in coordination with the Secretary of Labor, the demonstration of new strategies for the recruitment, retention, or advancement of direct care workers, and the soliciting, development, and implementation of strategies— Coordination.

"(A) to reduce barriers to entry for a diverse and high-quality direct care workforce, including providing wages, benefits, and advancement opportunities needed to attract or retain direct care workers; and

"(B) to provide education and workforce development programs for direct care workers that include supportive services and career planning;".

SEC. 120. NATIONAL RESOURCE CENTER FOR OLDER INDIVIDUALS EXPERIENCING THE LONG-TERM AND ADVERSE CONSEQUENCES OF TRAUMA.

Section 411(a) (42 U.S.C. 3032(a)), as amended by section 119, is further amended—

(1) by redesignating paragraphs (14) and (15) as paragraphs (15) and (16), respectively; and

(2) by inserting after paragraph (13) the following:

"(14) the establishment and operation of a national resource center that shall—

"(A) provide training and technical assistance to agencies in the aging network delivering services to older individuals experiencing the long-term and adverse consequences of trauma;

"(B) share best practices with the aging network; and

"(C) make subgrants to the agencies best positioned to advance and improve the delivery of person-centered, trauma-informed services for older individuals experiencing the long-term and adverse consequences of trauma;".

SEC. 121. NATIONAL RESOURCE CENTER FOR WOMEN AND RETIREMENT.

Section 215 (42 U.S.C. 3020e–1) is amended by adding at the end the following:

"(k)(1) The Assistant Secretary shall, directly or by grant or contract, operate the National Resource Center for Women and Retirement (in this subsection referred to as the 'Center').

"(2) The Center shall—

"(A) provide tools, such as basic financial management, retirement planning, and other tools that promote financial literacy and help to identify and prevent exploitation (including fraud), and integrate these with information on health and long-term care;

Summary.

"(B) annually disseminate a summary of outreach activities provided, including work to provide user-friendly consumer information and public education materials;

"(C) develop targeted outreach strategies;

"(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations; and

"(E) develop partnerships and collaborations to address program objectives.".

SEC. 122. FAMILY CAREGIVERS.

(a) ADMINISTRATION.—Section 202 (42 U.S.C. 3012), as amended by section 114, is further amended by adding at the end the following:

"(i) The Assistant Secretary shall carry out the RAISE Family Caregivers Act (42 U.S.C. 3030s note).".

(b) SUNSET.—Section 6 of the RAISE Family Caregivers Act (42 U.S.C. 3030s note) is amended by striking "3 years" and inserting "4 years".

(c) CONFORMING AMENDMENT.—Section 2(3) of the RAISE Family Caregivers Act (42 U.S.C. 3030s note) is amended by inserting ", acting through the Assistant Secretary for Aging" before the period at the end.

42 USC 3012 note.

SEC. 123. INTERAGENCY COORDINATION.

(a) IN GENERAL.—The Assistant Secretary shall, in performing the functions of the Administration on Aging under section 202(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(5)) related to health (including mental and behavioral health) services, coordinate with the Assistant Secretary for Mental Health and Substance Use and the Director of the Centers for Disease Control and Prevention—

(1) in the planning, development, implementation, and evaluation of evidence-based policies, programs, practices, and other activities pertaining to the prevention of suicide among older individuals, including the implementation of evidence-based suicide prevention programs and strategies identified by the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention and other entities, as applicable; and

(2) in providing and incorporating technical assistance for the prevention of suicide among older individuals, including technical assistance related to the Suicide Prevention Technical Assistance Center established under section 520C of the Public Health Service Act (42 U.S.C. 290bb–34).

(b) PROGRAM DESIGN.—Section 202(a)(5) (42 U.S.C. 3012(a)(5)) is amended by inserting "cultural experiences, activities, and services, including in the arts," after "education),".

SEC. 124. MODERNIZING THE INTERAGENCY COORDINATING COMMITTEE ON HEALTHY AGING AND AGE-FRIENDLY COMMUNITIES.

(a) FEDERAL AGENCY CONSULTATION.—Section 203(b) (42 U.S.C. 3013(b)) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(20) section 393D of the Public Health Service Act (42 U.S.C. 280b–1f), relating to safety of seniors.".

(b) MODERNIZATION.—Section 203(c) (42 U.S.C. 3013(c)) is amended—

(1) in paragraph (1)—

(A) by striking "the Federal officials" and inserting "other Federal officials";

(B) by striking "Committee on Aging" and inserting "Committee on Healthy Aging and Age-Friendly Communities"; and

(C) by inserting "and the development of a national set of recommendations, in accordance with paragraph (6), to support the ability of older individuals to age in place and access homelessness prevention services, preventive health care, promote age-friendly communities, and address the ability of older individuals to access long-term care supports, including access to caregivers and home- and community-based health services" before the period;

(2) in paragraph (4), by adding at the end the following: "The first term, after the date of enactment of the Supporting Older Americans Act of 2020, shall start not later than 1 year after such date of enactment."; Deadline.

(3) in paragraph (6)—

(A) in the matter preceding subparagraph (A), by striking "The Committee shall" and inserting "The recommendations described in paragraph (1) may include recommendations for";

(B) in subparagraph (A)—

(i) by striking "share information with and establish an ongoing system to" and inserting "ways to"; and

(ii) by striking "for older individuals and recommend improvements" and all that follows through "accessibility of such programs and services" and inserting "that impact older individuals";

(C) in subparagraph (B)—

(i) by striking "identify, promote, and implement (as appropriate),";

(ii) in clause (i), by striking "and" after the semicolon;

(iii) in clause (ii), by inserting "and" after the semicolon; and

(iv) by adding at the end the following:

"(iii) best practices identified in coordination with the Centers for Disease Control and Prevention, the National Institute on Aging, the Centers for Medicare & Medicaid Services, the Office of Lead Hazard Control and Healthy Coordination.

Homes of the Department of Housing and Urban Development, and other Federal agencies, as appropriate, to reduce and prevent falls among older individuals, that incorporate evidence-based falls prevention programs and home modifications, which recommendations shall supplement and not unnecessarily duplicate activities authorized under section 393D of the Public Health Service Act (42 U.S.C. 280b–1f), relating to safety of seniors;";

(D) in subparagraph (C)—

(i) by inserting "ways to" before "collect";

(ii) by striking "older individuals and"; and

(iii) by striking "the individuals to ensure" and all that follows through "information" and inserting "older individuals to ensure that such information is accessible";

(E) in subparagraph (D), by striking "work with" and all that follows through "member agencies to ensure" and inserting "ways to ensure";

(F) in subparagraph (E), by striking "seek input" and all that follows through "foundations" and inserting "seeking input from and consulting with nonprofit organizations, academic or research institutions, community-based organizations, philanthropic organizations, or other entities supporting age-friendly communities";

(G) in subparagraph (F), by striking "identify" and inserting "identifying"; and

(H) by amending subparagraph (G) to read as follows:

"(G) ways to improve coordination to provide housing, health care, and other supportive services to older individuals.";

(4) in paragraph (7)(A)(i), by striking "services for older individuals" and inserting "services that impact older individuals"; and

(5) by adding at the end the following:

"(9) In this subsection, the term 'age-friendly community' means a community that—

"(A) is taking measurable steps to—

"(i) include adequate and accessible housing, public spaces and buildings, safe and secure paths, variable route transportation services, and programs and services designed to support health and well-being;

"(ii) respect and include older individuals in social opportunities, civic participation, volunteerism, and employment; and

"(iii) facilitate access to supportive services for older individuals;

"(B) is not an assisted living facility or long-term care facility; and

"(C) has a plan in place to meet local needs for housing, transportation, civic participation, social connectedness, and accessible public spaces.".

(c) ADMINISTRATION OF THE ACT.—Section 205(a)(2) (42 U.S.C. 3016(a)(2)) is amended—

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

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

"(C) The Assistant Secretary may provide technical assistance, including through the regional offices of the Administration, to

State agencies, area agencies on aging, local government agencies, or leaders in age-friendly communities (as defined, for purposes of this subparagraph, in section 203(c)(9)) regarding—

"(i) dissemination of, or consideration of ways to implement, best practices and recommendations from the Interagency Coordinating Committee on Healthy Aging and Age-Friendly Communities established under section 203(c); and

"(ii) methods for managing and coordinating existing programs to meet the needs of growing age-friendly communities.". Methodologies.

SEC. 125. PROFESSIONAL STANDARDS FOR A NUTRITION OFFICIAL UNDER THE ASSISTANT SECRETARY.

Section 205(a)(2)(D)(ii) (42 U.S.C. 3016(a)(2)(D)(ii)), as redesignated by section 124(c)(1), is amended to read as follows:

"(ii) be a registered dietitian or registered dietitian nutritionist.".

SEC. 126. REPORT ON SOCIAL ISOLATION.

(a) PREPARATION OF REPORT.—

(1) IN GENERAL.—The Secretary shall, in carrying out activities under section 206(a) of the Older Americans Act of 1965 (42 U.S.C. 3017(a)), prepare a report on programs authorized by such Act (42 U.S.C. 3001 et seq.), and supported or funded by the Administration on Aging, that include a focus on addressing the negative health effects associated with social isolation through targeting older individuals identified as being in greatest social need, as appropriate.

(2) IMPACT.—Such report shall identify—

(A) whether social isolation is being adequately addressed under such programs, including, to the extent practicable—

(i) the prevalence of social isolation in rural areas and in urban areas;

(ii) the negative public health effects associated with social isolation; and

(iii) the role of preventive measures or of services, including nutrition services, in addressing the negative health effects associated with social isolation among older individuals; and

(B) public awareness of and efforts to address the negative health effects associated with social isolation.

(3) TYPES OF PROGRAMS.—Such report shall identify whether programs described in paragraph (1)—

(A) support projects in local communities and involve diverse sectors associated with such communities to decrease the negative health effects associated with social isolation among older individuals and caregivers;

(B) support outreach activities to screen older individuals for negative health effects associated with social isolation; and

(C) include a focus on decreasing the negative health effects associated with social isolation.

(4) RECOMMENDATIONS.—Such report shall, as appropriate, include recommendations for reducing the negative health effects associated with social isolation and to address any negative health effects identified under clauses (ii) and (iii) of subparagraph (A), and subparagraph (B), of paragraph (2).

(b) SUBMISSION OF REPORT.—

(1) INTERIM STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit an interim report, to the committees of the Senate and of the House of Representatives with jurisdiction over the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the Special Committee on Aging of the Senate, on the status of the evaluation underway to develop the final report required under this section.

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a final report that meets the requirements of this section to the committees of the Senate and of the House of Representatives with jurisdiction over the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the Special Committee on Aging of the Senate.

SEC. 127. RESEARCH AND EVALUATION.

(a) CENTER.—Section 201 (42 U.S.C. 3011) is amended by adding at the end the following:

"(g)(1) The Assistant Secretary shall, as appropriate, coordinate the research and evaluation functions of this Act under a Research, Demonstration, and Evaluation Center for the Aging Network (in this subsection referred to as the 'Center'), which shall be headed by a director designated by the Assistant Secretary from individuals described in paragraph (4).

"(2) The purpose of the Center shall be—

Coordination.

"(A) to coordinate, as appropriate, research, research dissemination, evaluation, demonstration projects, and related activities carried out under this Act;

Assessment.

"(B) to provide assessment of the programs and interventions authorized under this Act; and

"(C) to increase the repository of information on evidence-based programs and interventions available to the aging network, which information shall be applicable to existing programs and interventions and help in the development of new evidence-based programs and interventions.

"(3) Activities of the Center shall include, as appropriate, conducting, promoting, coordinating, and providing support for—

"(A) research and evaluation activities that support the objectives of this Act, including—

"(i) evaluation of new and existing programs and interventions authorized by this Act; and

"(ii) research on and assessment of the relationship between programs and interventions under this Act and the health outcomes, social determinants of health, quality of life, and independence of individuals served under this Act;

"(B) demonstration projects that support the objectives of this Act, including activities to bring effective demonstration projects to scale with a prioritization of projects that address the needs of underserved populations, and promote partnerships among aging services, community-based organizations, and Medicare and Medicaid providers, plans, and health (including public health) systems;

"(C) outreach and dissemination of research findings; and

"(D) technical assistance related to the activities described in this paragraph.

"(4) The director shall be an individual with substantial knowledge of and experience in aging and health policy, and research administration.

"(5) Not later than October 1, 2020, and at 5-year intervals thereafter, the director shall prepare and publish in the Federal Register for public comment a draft of a 5-year plan that— Deadline. Time period. Federal Register, publication. Public information. Plan.

"(A) outlines priorities for research, research dissemination, evaluation, demonstration projects, and related activities;

"(B) explains the basis for such priorities; and

"(C) describes how the plan will meet the needs of underserved populations.

"(6) The director shall coordinate, as appropriate, research, research dissemination, evaluation, and demonstration projects, and related activities with appropriate agency program staff, and, as appropriate, with other Federal departments and agencies involved in research in the field of aging. Coordination.

"(7) Not later than December 31, 2020, and annually thereafter, the director shall prepare, and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, the Special Committee on Aging of the Senate, and the Committee on Education and Labor of the House of Representatives, a report on the activities funded under this section and title IV. Reports.

"(8) The director shall, as appropriate, consult with experts on aging research and evaluation and aging network stakeholders on the implementation of the activities described under paragraph (3) of this subsection. Consultation.

"(9) The director shall coordinate, as appropriate, all research and evaluation authorities under this Act.". Coordination.

(b) EVALUATION.—Section 206 (42 U.S.C. 3017) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

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

"(b) Not later than July 1, 2020, the Secretary shall provide, directly or through grant or contract, for an evaluation of programs under this Act, which shall include, to the extent practicable, an analysis of the relationship of such programs, including demonstration projects under title IV of this Act, to health care expenditures under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The Secretary shall oversee analyses of data obtained in connection with program evaluation to evaluate, where feasible, the relationship of programs under this Act to health care expenditures, including under the Medicare and Medicaid programs.". Deadline. Analyses.

(c) REPORT ON HEALTH CARE EXPENDITURES.—Section 207 (42 U.S.C. 3018) is amended by adding at the end the following:

"(d) The Assistant Secretary shall provide the evaluation required under section 206(b) to—

"(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(2) the Committee on Appropriations of the Senate;

"(3) the Special Committee on Aging of the Senate;

"(4) the Committee on Education and Labor of the House of Representatives; and

"(5) the Committee on Appropriations of the House of Representatives.".

TITLE II—IMPROVING GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

SEC. 201. SOCIAL DETERMINANTS OF HEALTH.

Section 301(a)(1) (42 U.S.C. 3021(a)(1)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) measure impacts related to social determinants of health of older individuals.".

SEC. 202. YOUNGER ONSET ALZHEIMER'S DISEASE.

The Act (42 U.S.C. 3001 et seq.) is amended—

(1) in section 302(3) (42 U.S.C. 3022(3)), by inserting "of any age" after "an individual"; and

(2) in section 711(6) (42 U.S.C. 3058f(6)), by inserting "of any age" after "individual".

SEC. 203. REAUTHORIZATION.

(a) GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.—Subsections (a) through (e) of section 303 (42 U.S.C. 3023) are amended to read as follows:

"(a)(1) There are authorized to be appropriated to carry out part B (relating to supportive services) $412,029,180 for fiscal year 2020, $436,750,931 for fiscal year 2021, $462,955,987 for fiscal year 2022, $490,733,346 for fiscal year 2023, and $520,177,347 for fiscal year 2024.

"(2) Funds appropriated under paragraph (1) shall be available to carry out section 712.

"(b)(1) There are authorized to be appropriated to carry out subpart 1 of part C (relating to congregate nutrition services) $530,015,940 for fiscal year 2020, $561,816,896 for fiscal year 2021, $595,525,910 for fiscal year 2022, $631,257,465 for fiscal year 2023, and $669,132,913 for fiscal year 2024.

"(2) There are authorized to be appropriated to carry out subpart 2 of part C (relating to home delivered nutrition services) $268,935,940 for fiscal year 2020, $285,072,096 for fiscal year 2021, $302,176,422 for fiscal year 2022, $320,307,008 for fiscal year 2023, and $339,525,428 for fiscal year 2024.

"(c) Grants made under part B, and subparts 1 and 2 of part C, of this title may be used for paying part of the cost of—

Evaluation.

"(1) the administration of area plans by area agencies on aging designated under section 305(a)(2)(A), including the preparation of area plans on aging consistent with section 306 and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for supportive services, and congregate and home delivered nutrition services under subparts 1 and 2 of part C, the development and operation of multipurpose senior centers, and the delivery of legal assistance.

"(d) There are authorized to be appropriated to carry out part D (relating to disease prevention and health promotion services)

$26,587,360 for fiscal year 2020, $28,182,602 for fiscal year 2021, $29,873,558 for fiscal year 2022, $31,665,971 for fiscal year 2023, and $33,565,929 for fiscal year 2024.

"(e) There are authorized to be appropriated to carry out part E (relating to family caregiver support) $193,869,020 for fiscal year 2020, $205,501,161 for fiscal year 2021, $217,831,231 for fiscal year 2022, $230,901,105 for fiscal year 2023, and $244,755,171 for fiscal year 2024.".

(b) NUTRITION SERVICES INCENTIVE PROGRAM.—Section 311(e) (42 U.S.C. 3030a(e)) is amended to read as follows:

"(e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) $171,273,830 for fiscal year 2020, $181,550,260 for fiscal year 2021, $192,443,275 for fiscal year 2022, $203,989,872 for fiscal year 2023, and $216,229,264 for fiscal year 2024.".

SEC. 204. HOLD HARMLESS FORMULA.

(a) IN GENERAL.—Section 304(a)(3)(D) (42 U.S.C. 3024(a)(3)(D)) is amended to read as follows:

"(D)(i) In this subparagraph and paragraph (5)— Definitions.

"(I) the term 'allot' means allot under this subsection from a sum appropriated under section 303(a) or 303(b)(1), as the case may be; and

"(II) the term 'covered fiscal year' means any of fiscal years 2020 through 2029.

"(ii) If the sum appropriated under section 303(a) or 303(b)(1) for a particular covered fiscal year is less than or equal to the sum appropriated under section 303(a) or 303(b)(1), respectively, for fiscal year 2019, amounts shall be allotted to States from the sum appropriated for the particular year in accordance with paragraphs (1) and (2), and subparagraphs (A) through (C) as applicable, but no State shall be allotted an amount that is less than—

"(I) for fiscal year 2020, 99.75 percent of the State's allotment from the corresponding sum appropriated for fiscal year 2019;

"(II) for fiscal year 2021, 99.50 percent of that allotment;

"(III) for fiscal year 2022, 99.25 percent of that allotment;

"(IV) for fiscal year 2023, 99.00 percent of that allotment;

"(V) for fiscal year 2024, 98.75 percent of that allotment;

"(VI) for fiscal year 2025, 98.50 percent of that allotment;

"(VII) for fiscal year 2026, 98.25 percent of that allotment;

"(VIII) for fiscal year 2027, 98.00 percent of that allotment;

"(IX) for fiscal year 2028, 97.75 percent of that allotment; and

"(X) for fiscal year 2029, 97.50 percent of that allotment.

"(iii) If the sum appropriated under section 303(a) or 303(b)(1) for a particular covered fiscal year is greater than the sum appropriated under section 303(a) or

303(b)(1), respectively, for fiscal year 2019, the allotments to States from the sum appropriated for the particular year shall be calculated as follows:

"(I) From the portion equal to the corresponding sum appropriated for fiscal year 2019, amounts shall be allotted in accordance with paragraphs (1) and (2), and subparagraphs (A) through (C) as applicable, but no State shall be allotted an amount that is less than the percentage specified in clause (ii), for that particular year, of the State's allotment from the corresponding sum appropriated for fiscal year 2019.

"(II) From the remainder, amounts shall be allotted in accordance with paragraph (1), subparagraphs (A) through (C) as applicable, and paragraph (2) to the extent needed to meet the requirements of those subparagraphs.".

Effective date. 42 USC 3024 note.

(b) REPEAL.—Section 304(a)(3)(D) (42 U.S.C. 3024(a)(3)(D)) is repealed, effective October 1, 2029.

(c) CONFORMING AMENDMENT.—Section 304(a)(5) (42 U.S.C. 3024(a)(5)) is amended by striking "of the prior year" and inserting "as required by paragraph (3)".

SEC. 205. OUTREACH EFFORTS.

Section 306(a)(4)(B) (42 U.S.C. 3026(a)(4)(B)) is amended—

(1) in clause (i)(VII), by inserting ", specifically including survivors of the Holocaust" after "placement"; and

(2) in clause (ii), by striking "(VI)" and inserting "(VII)".

SEC. 206. STATE LONG-TERM CARE OMBUDSMAN PROGRAM MINIMUM FUNDING AND MAINTENANCE OF EFFORT.

The Act (42 U.S.C. 3001 et seq.) is amended—

(1) by amending section 306(a)(9) (42 U.S.C. 3026(a)(9)) to read as follows:

"(9) provide assurances that—

"(A) the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2019 in carrying out such a program under this title; and

"(B) funds made available to the area agency on aging pursuant to section 712 shall be used to supplement and not supplant other Federal, State, and local funds expended to support activities described in section 712;"; and

(2) by amending section 307(a)(9) (42 U.S.C. 3027(a)(9)) to read as follows:

"(9) The plan shall provide assurances that—

"(A) the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than the amount expended by the State agency with funds received under this title for fiscal year 2019, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2019; and

"(B) funds made available to the State agency pursuant to section 712 shall be used to supplement and not supplant

other Federal, State, and local funds expended to support activities described in section 712.".

SEC. 207. COORDINATION WITH RESOURCE CENTERS.

(a) AREA PLANS.—Section 306(a) (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (16), by striking "and" at the end;

(2) in paragraph (17), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(18) provide assurances that the area agency on aging will collect data to determine—

"(A) the services that are needed by older individuals whose needs were the focus of all centers funded under title IV in fiscal year 2019; and

"(B) the effectiveness of the programs, policies, and services provided by such area agency on aging in assisting such individuals; and

"(19) provide assurances that the area agency on aging will use outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on those individuals whose needs were the focus of all centers funded under title IV in fiscal year 2019.".

(b) STATE PLANS.—Section 307(a) (42 U.S.C. 3027(a)), as amended by section 118(c), is further amended by adding at the end the following:

"(30) The plan shall contain an assurance that the State shall prepare and submit to the Assistant Secretary annual reports that describe— Reports.

"(A) data collected to determine the services that are needed by older individuals whose needs were the focus of all centers funded under title IV in fiscal year 2019;

"(B) data collected to determine the effectiveness of the programs, policies, and services provided by area agencies on aging in assisting such individuals; and

"(C) outreach efforts and other activities carried out to satisfy the assurances described in paragraphs (18) and (19) of section 306(a).".

SEC. 208. SENIOR LEGAL HOTLINES. Reports.

Not later than 4 years after the date of enactment of this Act, the Assistant Secretary shall prepare and submit to Congress a report containing—

(1) information on which States or localities operate senior legal hotlines;

(2) information on how such hotlines operated by States or localities are funded;

(3) information on the usefulness of senior legal hotlines in the coordination and provision of legal assistance; and

(4) recommendations on additional actions that should be taken related to senior legal hotlines. Recommendations.

SEC. 209. INCREASE IN LIMIT ON USE OF ALLOTTED FUNDS FOR STATE ADMINISTRATIVE COSTS.

Section 308 (42 U.S.C. 3028) is amended—

(1) in subsection (a), in paragraphs (1) and (2), by striking "subsection (b)(1)" and inserting "subsection (b)"; and

(2) in subsection (b)—

(A) in each of paragraphs (1) and (2)—

(i) in subparagraph (A)—

(I) by striking "clause (ii)" and inserting "subparagraph (B)"; and

(II) by striking "greater of" and all that follows through "or" and inserting the following: "greater of—

"(i) 5 percent of the total amount of the allotments made to a State under sections 304(a)(1) and 373(f); or

"(ii)"; and

(ii) in subparagraph (B), by striking "such allotment" and inserting "such total amount"; and

(B) in paragraph (2)(A), by striking "$500,000" and inserting "$750,000".

SEC. 210. IMPROVEMENTS TO NUTRITION PROGRAMS.

Section 308(b)(4) (42 U.S.C. 3028(b)(4)) is amended by adding at the end the following:

"(D) The State, in consultation with area agencies on aging, shall ensure the process used by the State in transferring funds under this paragraph (including requirements relating to the authority and timing of such transfers) is simplified and clarified to reduce administrative barriers and direct limited resources to the greatest nutrition service needs at the community level. Such process shall be modified to attempt to lessen the administrative barriers of such transfers, and help direct limited resources to where they are needed the most as the unmet need for nutrition services grows.".

SEC. 211. REVIEW OF REPORTS.

Section 308(b) (42 U.S.C. 3028(b)) is amended by adding at the end the following:

"(8) The Assistant Secretary shall review the reports submitted under section 307(a)(30) and include aggregate data in the report required by section 207(a), including data on—

"(A) the effectiveness of the programs, policies, and services provided by area agencies on aging in assisting older individuals whose needs were the focus of all centers funded under title IV in fiscal year 2019; and

"(B) outreach efforts and other activities carried out to satisfy the assurances described in paragraphs (18) and (19) of section 306(a), to identify such older individuals and their service needs.".

SEC. 212. OTHER PRACTICES.

Section 315 (42 U.S.C. 3030c–2) is amended by adding at the end the following:

"(e) RESPONSE TO AREA AGENCIES ON AGING.—

"(1) IN GENERAL.—Upon request from an area agency on aging, the State shall make available any policies or guidance pertaining to policies established under this section.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall require a State to develop policies or guidance pertaining to policies established under this section.".

SEC. 213. SCREENING FOR NEGATIVE HEALTH EFFECTS ASSOCIATED WITH SOCIAL ISOLATION AND TRAUMATIC BRAIN INJURY.

Section 321(a)(8) (42 U.S.C. 3030d(a)(8)) is amended—

(1) by striking "screening and" and inserting "screening, screening for negative health effects associated with social isolation,"; and

(2) by inserting ", and traumatic brain injury screening" after "falls prevention services screening".

SEC. 214. SUPPORTIVE SERVICES AND SENIOR CENTERS.

(a) IN GENERAL.—Section 321(a) (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) by redesignating paragraph (25) as paragraph (26); and

(3) by inserting after paragraph (24) the following:

"(25) services that promote or support social connectedness and reduce negative health effects associated with social isolation; and".

(b) SUPPORTIVE SERVICES.—Section 321(a)(7) (42 U.S.C. 3030d(a)(7)) is amended by inserting "cultural experiences (including the arts)," after "art therapy,".

SEC. 215. CULTURALLY APPROPRIATE, MEDICALLY TAILORED MEALS.

Section 339(2)(A)(iii) (42 U.S.C. 3030g–21(2)(A)(iii)) is amended by inserting ", including meals adjusted for cultural considerations and preferences and medically tailored meals" before the comma at the end.

SEC. 216. NUTRITION SERVICES STUDY.

Subpart 3 of part C of title III (42 U.S.C. 3030g–21 et seq.) is amended by adding at the end the following:

"SEC. 339B. NUTRITION SERVICES IMPACT STUDY.

42 USC 3030g–23.

"(a) STUDY.—

"(1) IN GENERAL.—The Assistant Secretary shall perform a study to assess how to measure and evaluate the discrepancy between available services and the demand for such services in the home delivered nutrition services program and the congregate nutrition services program under this part, which shall include assessing various methods (such as those that States use) to measure and evaluate the discrepancy (such as measurement through the length of waitlists). Assessment.

"(2) CONTENTS.—In performing the study, the Assistant Secretary shall—

"(A) consider means of obtaining information in rural and underserved communities; and

"(B) consider using existing tools (existing as of the date the Assistant Secretary begins the study) such as the tools developed through the Performance Outcome Measurement Project.

"(3) ANALYSIS.—The Assistant Secretary shall analyze and determine which methods are the least burdensome and most effective for measuring and evaluating the discrepancy described in paragraph (1). Determination.

"(b) RECOMMENDATIONS.—

Deadline.

"(1) PREPARATION.—Not later than 3 years after the date of enactment of the Supporting Older Americans Act of 2020, the Assistant Secretary shall prepare recommendations—

"(A) on how to measure and evaluate, with the least burden and the most effectiveness, the discrepancy described in subsection (a)(1) (such as measurement through the length of waitlists); and

"(B) about whether studies similar to the study described in subsection (a) should be carried out for programs carried out under this Act, other than this part.

Notification.

"(2) ISSUANCE.—The Assistant Secretary shall issue the recommendations, and make the recommendations available as a notification pursuant to section 202(a)(34) and to the committees of the Senate and of the House of Representatives with jurisdiction over this Act, and the Special Committee on Aging of the Senate.".

SEC. 217. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.

(a) DEFINITIONS FOR NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.—Section 372(a) (42 U.S.C. 3030s(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following:

"(1) CAREGIVER ASSESSMENT.—The term 'caregiver assessment' means a defined process of gathering information to identify the specific needs, barriers to carrying out caregiving responsibilities, and existing supports of a family caregiver or older relative caregiver, as identified by the caregiver involved, to appropriately target recommendations for support services described in section 373(b). Such assessment shall be administered through direct contact with the caregiver, which may include contact through a home visit, the Internet, telephone or teleconference, or in-person interaction.".

(b) GENERAL AUTHORITY.—Section 373 (42 U.S.C. 3030s–1) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "which may be informed through the use of caregiver assessments," after "provided,";

(2) in subsection (e)(3), in the first sentence, by inserting ", including caregiver assessments used in the State," after "mechanisms";

(3) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

(4) by inserting after subsection (d) the following:

Deadline.
Time period.

"(e) BEST PRACTICES.—Not later than 1 year after the date of enactment of the Supporting Older Americans Act of 2020 and every 5 years thereafter, the Assistant Secretary shall—

"(1) identify best practices relating to the programs carried out under this section and section 631, regarding—

"(A) the use of procedures and tools to monitor and evaluate the performance of the programs carried out under such sections;

"(B) the use of evidence-based caregiver support services; and

"(C) any other issue determined relevant by the Assistant Secretary; and

"(2) make available, including on the website of the Administration and pursuant to section 202(a)(34), best practices described in paragraph (1), to carry out the programs under this section and section 631."; and

(5) by adding at the end the following:

"(i) ACTIVITIES OF NATIONAL SIGNIFICANCE.—The Assistant Secretary may award funds authorized under this section to States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for conducting activities of national significance that—

"(1) promote quality and continuous improvement in the support provided to family caregivers and older relative caregivers through programs carried out under this section and section 631; and

"(2) include, with respect to such programs, program evaluation, training, technical assistance, and research.

"(j) TECHNICAL ASSISTANCE FOR CAREGIVER ASSESSMENTS.—Not later than 1 year after the date of enactment of the Supporting Older Americans Act of 2020, the Assistant Secretary, in consultation with stakeholders with appropriate expertise and, as appropriate, informed by the strategy developed under the RAISE Family Caregivers Act (42 U.S.C. 3030s note), shall provide technical assistance to promote and implement the use of caregiver assessments. Such technical assistance may include sharing available tools or templates, comprehensive assessment protocols, and best practices concerning— Deadline. Consultation.

"(1) conducting caregiver assessments (including reassessments) as needed;

"(2) implementing such assessments that are consistent across a planning and service area, as appropriate; and

"(3) implementing caregiver support service plans, including conducting referrals to and coordination of activities with relevant State services.".

(c) REPORT ON CAREGIVER ASSESSMENTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Assistant Secretary shall issue a report on the use of caregiver assessments by area agencies on aging, entities contracting with such agencies, and tribal organizations. Such report shall include— Analyses.

(A) an analysis of the current use of caregiver assessments, as of the date of the report;

(B) an analysis of the potential impact of caregiver assessments on—

(i) family caregivers and older relative caregivers; and

(ii) the older individuals to whom the caregivers described in clause (i) provide care;

(C) an analysis of the potential impact of using caregiver assessments on the aging network;

(D) an analysis of how caregiver assessments are being used to identify the specific needs, barriers to carrying out caregiving responsibilities, and existing supports of family caregivers and older relative caregivers, with particular consideration to supporting—

(i) a caregiver specified in this subparagraph who is caring for individuals with disabilities, or, if appropriate, with a serious illness; and

(ii) caregivers with disabilities;

Recommendations.

(E) recommendations for furthering the use of caregiver assessments, as appropriate, including in rural or underserved areas; and

Recommendations.

(F) recommendations for assisting State agencies and area agencies on aging, particularly in rural or underserved areas, in implementing the use of caregiver assessments.

(2) SUBMISSION.—Not later than 6 months after the issuance of the report specified in paragraph (1), the Assistant Secretary shall submit the report to the committees of the Senate and the House of Representatives with jurisdiction over this Act, and the Special Committee on Aging of the Senate.

(3) DEFINITIONS.—In this subsection—

(A) the terms "caregiver assessment" and "older relative caregiver" have the meanings given such terms in section 372(a) of the Older Americans Act of 1965 (42 U.S.C. 3030s(a));

(B) the term "family caregiver" has the meaning given the term in section 302 of such Act (42 U.S.C. 3022); and

(C) the terms "State agency" and "tribal organization" have the meanings given the terms in section 102 of such Act (42 U.S.C. 3002).

(d) CONFORMING AMENDMENT.—Section 631(b) of such Act (42 U.S.C. 3057k–11(b)) is amended by striking "(c), (d), and (e)" and inserting "(c), (d), and (f)".

SEC. 218. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM CAP.

(a) FEDERAL SHARE.—Subsection (h)(2), as redesignated by section 217(b)(3) of this Act, of section 373 (42 U.S.C. 3030s–1) is amended by striking subparagraph (C).

42 USC 3030s–1 note.

(b) MONITORING THE IMPACT OF THE ELIMINATION OF THE CAP ON FUNDS FOR OLDER RELATIVE CAREGIVERS.—

(1) REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Assistant Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the impact of the amendment made by subsection (a) to eliminate the limitation on funds that States may allocate to provide support services to older relative caregivers in the National Family Caregiver Support Program established under part E of title III of the Older Americans Act of 1965 (42 U.S.C. 3030s et seq.). Each such report shall also be made available to the public.

Public information.

(2) CONTENTS.—For purposes of reports required by paragraph (1), each State that receives an allotment under such National Family Caregiver Support Program for fiscal year 2020 or a subsequent fiscal year shall report to the Assistant Secretary for the fiscal year involved the amount of funds of the total Federal and non-Federal shares described in section 373(h)(2) of the Older Americans Act of 1965 (42 U.S.C. 3030s–1(h)(2)) used by the State to provide support services for older relative caregivers and the amount of such funds so used for family caregivers.

TITLE III—MODERNIZING ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY

SEC. 301. REAUTHORIZATION.

Section 411(b) (42 U.S.C. 3032(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

"(1) aging network support activities under this section, $14,514,550 for fiscal year 2020, $15,385,423 for fiscal year 2021, $16,308,548 for fiscal year 2022, $17,287,061 for fiscal year 2023, and $18,324,285 for fiscal year 2024; and

"(2) elder rights support activities under this section, $15,613,440 for fiscal year 2020, $16,550,246 for fiscal year 2021, $17,543,261 for fiscal year 2022, $18,595,857 for fiscal year 2023, and $19,711,608 for fiscal year 2024.".

SEC. 302. PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY.

Section 411(a)(12) (42 U.S.C. 3032(a)(12)) is amended—

(1) by striking "impairments" and inserting "impairments,"; and

(2) by striking ", and mental disorders" and inserting ", mental disorders, and traumatic brain injury".

SEC. 303. FALLS PREVENTION AND CHRONIC DISEASE SELF-MANAGEMENT EDUCATION.

Section 411(a) (42 U.S.C. 3032(a)), as amended by sections 119 and 120, is further amended—

(1) by redesignating paragraphs (15) and (16) as paragraphs (17) and (18), respectively; and

(2) by inserting after paragraph (14) the following:

"(15) bringing to scale and sustaining evidence-based falls prevention programs that will reduce the number of falls, fear of falling, and fall-related injuries in older individuals, including older individuals with disabilities;

"(16) bringing to scale and sustaining evidence-based chronic disease self-management programs that empower older individuals, including older individuals with disabilities, to better manage their chronic conditions;".

SEC. 304. DEMONSTRATION TO ADDRESS NEGATIVE HEALTH IMPACTS ASSOCIATED WITH SOCIAL ISOLATION.

Section 411(a) (42 U.S.C. 3032(a)), as amended by sections 119, 120, and 303, is further amended—

(1) in paragraph (17), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17), the following:

"(18) projects that address negative health effects associated with social isolation among older individuals; and".

SEC. 305. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.

Section 416(b)(2) (42 U.S.C. 3032e(b)(2)) is amended—

(1) in subparagraph (B), by inserting before the semicolon ", call center, website or Internet-based portal, mobile application, or other technological tools";

(2) in subparagraph (C), by striking "; and" and inserting a semicolon;

(3) by redesignating subparagraph (D) as subparagraph (G); and

(4) by inserting after subparagraph (C) the following:

"(D)(i) improving the aggregation, availability, and accessibility of information on options for transportation services for older individuals, including information on public transit, on-demand transportation services, volunteer-based transportation services, and other private transportation providers; and

"(ii) providing older individuals with the ability to schedule trips both in advance and on demand, as appropriate;

"(E) identifying opportunities to share resources and reduce costs of transportation services for older individuals;

"(F) coordinating individualized trip planning responses to requests from older individuals for transportation services; and".

SEC. 306. GRANT PROGRAM FOR MULTIGENERATIONAL COLLABORATION.

Section 417 (42 U.S.C. 3032f) is amended—

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

"(a) GRANTS AND CONTRACTS.—The Assistant Secretary shall award grants to and enter into contracts with eligible organizations to carry out projects, serving individuals in younger generations and older individuals, to—

"(1) provide opportunities for older individuals to participate in multigenerational activities and civic engagement activities that contribute to the health and wellness of older individuals and individuals in younger generations by promoting—

"(A) meaningful roles for participants;

"(B) reciprocity in relationship building;

"(C) reduced social isolation and improved participant social connectedness;

"(D) improved economic well-being for older individuals;

"(E) increased lifelong learning; or

"(F) support for caregivers of families by—

"(i) providing support for older relative caregivers (as defined in section 372(a)) raising children (such as support for kinship navigator programs); or

"(ii) involving volunteers who are older individuals who provide support and information to families who have a child with a disability or chronic illness, or other families in need of such family support;

"(2) coordinate multigenerational activities and civic engagement activities, including multigenerational nutrition and meal service programs;

"(3) promote volunteerism, including by providing opportunities for older individuals to become a mentor to individuals in younger generations; and

"(4) facilitate development of, and participation in, multigenerational activities and civic engagement activities.";

(2) by striking subsection (g);

(3) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(4) by inserting after subsection (a) the following:

"(b) GRANT AND CONTRACT PERIODS.—Each grant awarded and contract entered into under subsection (a) shall be for a period of not less than 36 months.";

(5) by amending subsection (c), as so redesignated, to read as follows:

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under this section to carry out a project described in subsection (a).

"(2) PROVISION OF PROJECTS THROUGH GRANTEES.—In awarding grants and entering into contracts under this section, the Assistant Secretary shall ensure that such grants and contracts are for the projects that satisfy each requirement under paragraphs (1) through (4) of subsection (a).";

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

(A) in paragraph (1), by inserting ", intent to carry out, or intent to partner with local organizations or multiservice organizations to carry out," after "record of carrying out";

(B) in paragraph (3), by striking "; and" and inserting a semicolon;

(C) in paragraph (4), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(5) eligible organizations proposing multigenerational activity projects that utilize shared site programs, such as collocated child care and long-term care facilities.";

(7) by amending subsections (f) and (g), as so redesignated, to read as follows:

"(f) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall—

"(1) be a State, an area agency on aging, or an organization that provides opportunities for older individuals to participate in activities described in such subsection; and

"(2) have the capacity to conduct the coordination, promotion, and facilitation described in such subsection through the use of multigenerational coordinators.

"(g) EVALUATION.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Supporting Older Americans Act of 2020, the Assistant Secretary shall, through data submitted by organizations carrying out projects through grants or contracts under this section, evaluate the activities supported through such grants and contracts to determine— Deadline. Data.

"(A) the effectiveness of such activities;

"(B) the impact of such activities on the community being served and the organization providing the activities; and

"(C) the impact of such activities on older individuals participating in such projects.

Assessment.

"(2) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary completes the evaluation under paragraph (1), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses such evaluation and contains, at a minimum—

"(A) the names or descriptive titles of the projects funded under subsection (a);

"(B) a description of the nature and operation of such projects;

"(C) the names and addresses of organizations that conducted such projects;

"(D) a description of the methods and success of such projects in recruiting older individuals as employees and as volunteers to participate in the projects;

"(E) a description of the success of the projects in retaining older individuals participating in such projects as employees and as volunteers;

"(F) the rate of turnover of older individuals who are employees or volunteers in such projects;

Strategy.

"(G) a strategy for disseminating the findings resulting from such projects; and

Recommendations.

"(H) any policy change recommendations relating to such projects."; and

(8) in subsection (h)(2)(B)(i), by striking "individuals from the generations with older individuals" and inserting "older individuals".

TITLE IV—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 401. PRIORITY FOR THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

(a) PRIORITY.—The Act (42 U.S.C. 3001 et seq.) is amended—

(1) in section 503(a)(4)(C) (42 U.S.C. 3056a(a)(4)(C))—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by adding "and" at the end; and

(C) by adding at the end the following:

"(v) eligible individuals who have been incarcerated within the last 5 years or are under supervision following release from prison or jail within the last 5 years;";

(2) in section 514(e)(1) (42 U.S.C. 3056l(e)(1)), by inserting "eligible individuals who have been incarcerated or are under supervision following release from prison or jail," after "need,"; and

(3) in section 518 (42 U.S.C. 3056p)—

(A) in subsection (a)(3)(B)(ii)—

(i) in subclause (IV), by striking "or" at the end;

(ii) in subclause (V), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(VI) have been incarcerated within the last 5 years or are under supervision following release from prison or jail within the last 5 years."; and

(B) in subsection (b)(2)—

(i) in subparagraph (F), by striking "or" at the end;

(ii) in subparagraph (G), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(H) has been incarcerated within the last 5 years or is under supervision following release from prison or jail within the last 5 years.". Time period.

(b) TRANSITION PERIOD.—This section shall take effect 1 year after the date of enactment of this Act. Effective date. 42 USC 3056a note.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

Section 517(a) (42 U.S.C. 3056o(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $428,000,000 for fiscal year 2020, $453,680,000 for fiscal year 2021, $480,900,800 for fiscal year 2022, $509,754,848 for fiscal year 2023, and $540,340,139 for fiscal year 2024.".

TITLE V—ENHANCING GRANTS FOR NATIVE AMERICANS

SEC. 501. REAUTHORIZATION.

Title VI (42 U.S.C. 3057 et seq.) is amended—

(1) in part D (42 U.S.C. 3057l et seq.)—

(A) by amending section 643 (42 U.S.C. 3057n) to read as follows:

"SEC. 643. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) for parts A and B, $37,102,560 for fiscal year 2020, $39,298,714 for fiscal year 2021, $41,626,636 for fiscal year 2022, $44,094,235 for fiscal year 2023, and $46,709,889 for fiscal year 2024; and

"(2) for part C, $10,759,920 for fiscal year 2020, $11,405,515 for fiscal year 2021, $12,089,846 for fiscal year 2022, $12,815,237 for fiscal year 2023, and $13,584,151 for fiscal year 2024."; and

(B) by adding at the end the following:

"SEC. 644. FUNDING SET ASIDE. 42 USC 3057o.

"Of the funds appropriated under section 643(1) for a fiscal year, not more than 5 percent shall be made available to carry out part D for such fiscal year, provided that for such fiscal year—

"(1) the funds appropriated for parts A and B are greater than the funds appropriated for fiscal year 2019; and

"(2) the Assistant Secretary makes available for parts A and B no less than the amount of resources made available for fiscal year 2019.";

(2) by redesignating part D, as so amended, as part E; and

(3) by inserting after part C the following:

"PART D—SUPPORTIVE SERVICES FOR HEALTHY AGING AND INDEPENDENCE

42 USC 3057k–21.

"SEC. 636. PROGRAM.

"(a) IN GENERAL.—The Assistant Secretary may carry out a competitive demonstration program for making grants to tribal organizations or organizations serving Native Hawaiians with applications approved under parts A and B, to pay for the Federal share of carrying out programs, to enable the organizations described in this subsection to build their capacity to provide a wider range of in-home and community supportive services to enable older individuals to maintain their health and independence and to avoid long-term care facility placement.

"(b) SUPPORTIVE SERVICES.—

"(1) IN GENERAL.—Subject to paragraph (2), supportive services described in subsection (a) may include any of the activities described in section 321(a).

"(2) PRIORITY.—The Assistant Secretary, in making grants under this section, shall give priority to organizations that will use the grant funds for supportive services described in subsection (a) that are for in-home assistance, transportation, information and referral, case management, health and wellness programs, legal services, family caregiver support services, and other services that directly support the independence of the older individuals served.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to prohibit the provision of supportive services under part A or B.".

TITLE VI—MODERNIZING ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES AND OTHER PROGRAMS

SEC. 601. REAUTHORIZATION; VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

Section 702 (42 U.S.C. 3058a) is amended by striking subsections (a) and (b) and inserting the following:

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, $18,066,950 for fiscal year 2020, $19,150,967 for fiscal year 2021, $20,300,025 for fiscal year 2022, $21,518,027 for fiscal year 2023, and $22,809,108 for fiscal year 2024.

"(b) OTHER PROGRAMS.—There are authorized to be appropriated to carry out chapters 3 and 4, $5,107,110 for fiscal year 2020, $5,413,537 for fiscal year 2021, $5,738,349 for fiscal year 2022, $6,082,650 for fiscal year 2023, and $6,447,609 for fiscal year 2024.".

SEC. 602. VOLUNTEER STATE LONG-TERM CARE OMBUDSMAN REPRESENTATIVES.

Section 712(a)(5) (42 U.S.C. 3058g(a)(5)) is amended by adding at the end the following:

"(E) RULE OF CONSTRUCTION FOR VOLUNTEER OMBUDSMAN REPRESENTATIVES.—Nothing in this paragraph shall be construed as prohibiting the program from providing and financially supporting recognition for an individual designated under subparagraph (A) as a volunteer to represent the Ombudsman program, or from reimbursing or otherwise providing financial support to such an individual for any costs, such as transportation costs, incurred by the individual in serving as such volunteer.".

SEC. 603. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721(b)(12) (42 U.S.C. 3058i(b)(12)) is amended—

(1) in subparagraph (C), by inserting "community outreach and education," after "technical assistance,"; and

(2) in subparagraph (F)—

(A) by striking "studying" and inserting "implementing"; and

(B) by inserting ", programs, and materials" after "practices".

SEC. 604. PRINCIPLES FOR PERSON-DIRECTED SERVICES AND SUPPORTS DURING SERIOUS ILLNESS.

42 USC 3001 note.

(a) DEFINITIONS.—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Administration for Community Living.

(2) COVERED AGENCY.—The term "covered agency" means—

(A) a State agency or area agency on aging; and

(B) a Federal agency other than the Department of Health and Human Services, and a unit of that Department other than the Administration on Aging, that the Assistant Secretary determines performs functions for which the principles are relevant, and the Centers for Medicare & Medicaid Services.

(3) PRINCIPLES.—The term "principles" means the Principles for Person-directed Services and Supports during Serious Illness, issued by the Administration for Community Living on September 1, 2017, or an updated set of such Principles.

(4) STATE AGENCY.—The term "State agency" has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) DISSEMINATION.—The Administrator shall disseminate the principles to appropriate stakeholders within the aging network, as determined by the Assistant Secretary, and to covered agencies. The covered agencies may use the principles in setting priorities for service delivery and care plans in programs carried out by the agencies.

(c) FEEDBACK.—The Administrator shall solicit, on an ongoing basis, feedback on the principles from covered agencies, experts in the fields of aging and dementia, and stakeholders who provide or receive disability services.

(d) REPORT.—Not less often than once, but not more often than annually, during the 3 years after the date of enactment of this Act, the Administrator shall prepare and submit to Congress a report describing the feedback received under subsection (c) and indicating if any changes or updates are needed to the principles.

SEC. 605. EXTENSION OF THE SUPPORTING GRANDPARENTS RAISING GRANDCHILDREN ACT.

132 Stat. 1513.

Section 3(f) of the Supporting Grandparents Raising Grandchildren Act (Public Law 115–196) is amended by striking "3" and inserting "4".

Reports.

SEC. 606. BEST PRACTICES FOR HOME AND COMMUNITY-BASED OMBUDSMEN.

Not later than 3 years after the date of enactment of this Act, the Assistant Secretary shall issue a report updating the best practices for home and community-based ombudsmen that were included in the report entitled "Best Practices for Home and Community-Based Ombudsmen", issued by the National Direct Service Workforce Resource Center of the Centers for Medicare & Medicaid Services and prepared by the Research and Training Center at the University of Minnesota and The Lewin Group (January 2013).

SEC. 607. SENIOR HOME MODIFICATION ASSISTANCE INITIATIVE.

Reports.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and issue a report that includes—

(1) an inventory of Federal programs, administered by the Department of Health and Human Services, the Department of Housing and Urban Development, or any other Federal agency or department determined appropriate by the Comptroller General, that support evidence-based falls prevention, home assessments, and home modifications for older individuals and individuals with disabilities;

Data.

(2) statistical data, for recent fiscal years, on the number of older individuals and individuals with disabilities served by each Federal program described in paragraph (1) and the approximate amount of Federal funding invested in each such program;

(3) a demographic analysis of individuals served by each such program for recent fiscal years;

Analysis.

(4) an analysis of duplication and gaps in populations supported by the Federal programs described in paragraph (1);

(5) what is known about the impact of the Federal programs described in paragraph (1) on health status and health outcomes in populations supported by such programs;

Review.

(6) a review of Federal efforts to coordinate Federal programs existing prior to the date of enactment of this Act that support evidence-based falls prevention, home assessments, and home modifications for older individuals and individuals with disabilities and any considerations for improving coordination, which may include an indication of the Federal agency or department that is best suited to coordinate such Federal programs; and

(7) information on the extent to which consumer-friendly resources, such as a brochure, are available through the National Eldercare Locator Service established under section 202(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(21)), are accessible to all area agencies on aging, and contain information on evidence-based falls prevention, home assessments, and home modifications for older individuals

attempting to live independently and safely in their homes and for the caregivers of such individuals.

TITLE VII—MISCELLANEOUS

SEC. 701. TECHNICAL CORRECTIONS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 102(37)(A) (42 U.S.C. 3002(37)(A)), by striking "paragraph (5)" and inserting "paragraph (26)";

(2) in section 202(a)(23) (42 U.S.C. 3012(a)(23)), by striking "sections 307(a)(18) and 731(b)(2)" and inserting "sections 307(a)(13) and 731";

(3) in section 202(e)(1)(A) (42 U.S.C. 3012(e)(1)(A)), by moving the left margin of clause (i) 2 ems to the left;

(4) in sections 203(c)(7) (42 U.S.C. 3013(c)(7)), 207(b)(2)(B) (42 U.S.C. 3018(b)(2)(B)), and 215(i) (42 U.S.C. 3020e–1(i)), by striking "Committee on Education and the Workforce" each place it appears and inserting "Committee on Education and Labor";

(5) in section 207(b)(3)(A) (42 U.S.C. 3018(b)(3)(A)), by striking "Administrator of the Health Care Finance Administration" and inserting "Administrator of the Centers for Medicare & Medicaid Services";

(6) in section 304(a)(3)(C) (42 U.S.C. 3024(a)(3)(C)), by striking "term" and all that follows through "does" and inserting "term 'State' does";

(7) in section 304(d)(1)(B), by striking "(excluding" and all that follows through "303(a)(3))";

(8) in section 306(a) (42 U.S.C. 3026(a))—

(A) in paragraph (1), by inserting "the number of older individuals at risk for institutional placement residing in such area," before "and the number of older individuals who are Indians"; and

(B) in paragraph (2)(B), by striking "who are victims of" and inserting "with";

(9) in section 339(2)(A)(ii)(I) (42 U.S.C. 3030g–21(2)(A)(ii)(I)), by striking "Institute of Medicine of the National Academy of Sciences" and inserting "National Academies of Sciences, Engineering, and Medicine";

(10) in section 611 (42 U.S.C. 3057b), by striking "(a)";

(11) in section 614(c)(4) (42 U.S.C. 3057e(c)(4)), by striking "(a)(12)" and inserting "(a)(11)"; and

(12) in section 721(i) (42 U.S.C. 3058i(i), by striking "section 206(g)" and inserting "section 206(h)".

Approved March 25, 2020.

LEGISLATIVE HISTORY—H.R. 4334:

HOUSE REPORTS: No. 116–258 (Comm. on Education and Labor).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 28, considered and passed House.
Vol. 166 (2020): Mar. 3, considered and passed Senate, amended.
Mar. 11, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Mar. 25, Presidential statement.

Public Law 116–132
116th Congress

An Act

To make technical corrections to the Guam World War II Loyalty Recognition Act.

Mar. 26, 2020
[H.R. 1365]

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

SECTION 1. TECHNICAL CORRECTIONS TO GUAM WORLD WAR II LOYALTY RECOGNITION ACT.

Title XVII of division A of Public Law 114–328 is amended—

(1) in section 1703(e)— 22 USC 1621 note.

(A) by striking "equal to" and inserting "not to exceed"; and

(B) by striking "covered into the Treasury as miscellaneous receipts" and inserting "used to reimburse the applicable appropriations";

(2) in section 1704(a) by striking ", subject to the availability of appropriations," and inserting "from the Claims Fund"; and 22 USC 1621 note.

(3) by striking section 1707(a).

Approved March 26, 2020.

LEGISLATIVE HISTORY—H.R. 1365:

HOUSE REPORTS: No. 116–149 (Comm. on Natural Resources).
CONGRESSIONAL RECORD:
Vol. 165 (2019): July 24, considered and passed House.
Vol. 166 (2020): Feb. 12, considered and passed Senate, amended.
Mar. 9, House concurred in Senate amendment.

Public Law 116–133
116th Congress

An Act

Mar. 26, 2020
[H.R. 4803]

To facilitate the automatic acquisition of citizenship for lawful permanent resident children of military and Federal Government personnel residing abroad, and for other purposes.

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

Citizenship for Children of Military Members and Civil Servants Act.
8 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizenship for Children of Military Members and Civil Servants Act".

SEC. 2. FACILITATING THE AUTOMATIC ACQUISITION OF CITIZENSHIP FOR LAWFUL PERMANENT RESIDENT CHILDREN OF MILITARY AND FEDERAL GOVERNMENT PERSONNEL RESIDING ABROAD.

(a) IN GENERAL.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended—

(1) by striking the section header and inserting "CHILDREN BORN OUTSIDE THE UNITED STATES AND LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED";

(2) by redesignating subsection (c) as subsection (d); and

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

"(c) Subsection (a)(3) is deemed satisfied in the case of a child who is lawfully admitted for permanent residence in the United States if—

"(1) the child is residing in the legal and physical custody of a citizen parent who is—

"(A) stationed and residing abroad as an employee of the Government of the United States; or

"(B) residing abroad in marital union with an employee of the Government of the United States who is stationed abroad; or

"(2) the child is—

"(A) residing in the legal and physical custody of a citizen parent who is—

"(i) stationed and residing abroad as a member of the Armed Forces of the United States; or

"(ii) authorized to accompany and reside abroad with a member of the Armed Forces of the United States pursuant to the member's official orders, and is so accompanying and residing abroad with the member in marital union; and

"(B) authorized to accompany such member and reside abroad with the member pursuant to the member's official

orders, and is so accompanying and residing with the member.".

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 320 and inserting the following:

"Sec. 320. Children born outside the United States and lawfully admitted for permanent residence; conditions under which citizenship automatically acquired.".

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved March 26, 2020.

LEGISLATIVE HISTORY—H.R. 4803:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 3, considered and passed House.
Vol. 166 (2020): Mar. 5, considered and passed Senate.

Public Law 116–134
116th Congress

An Act

Mar. 26, 2020
[S. 760]

To enable registered apprenticeship programs to better serve veterans, and for other purposes.

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

Support for Veterans in Effective Apprenticeships Act of 2019.
29 USC 50 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support for Veterans in Effective Apprenticeships Act of 2019".

29 USC 50c.

SEC. 2. IMPROVED APPRENTICESHIP PROGRAM COORDINATION BETWEEN THE DEPARTMENT OF LABOR AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DEFINITIONS.—In this Act:

(1) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means an apprenticeship program registered under the Act of August 16, 1937 (50 Stat. 664; commonly referred to as the "National Apprenticeship Act").

(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(b) ADDITIONAL REGISTERED APPRENTICESHIP PROGRAM REQUIREMENTS.—Notwithstanding any other provision of law, for any program applying to become a registered apprenticeship program on or after the date that is 180 days after the date of enactment of this Act, the Secretary shall— Time period.

(1) acquire from the program sponsor a written assurance that the sponsor—

(A) is aware of the availability of educational assistance for a veteran or other individual eligible under chapters 30 through 36 of title 38, United States Code, for use in connection with a registered apprenticeship program;

(B) will make a good faith effort to obtain approval for educational assistance described in subparagraph (A) for, at a minimum, each program location that employs or recruits a veteran or other individual eligible for educational assistance under chapters 30 through 36 of title 38, United States Code; and

(C) will not deny the application of a qualified candidate who is a veteran or other individual eligible for educational assistance described in subparagraph (A) for the purpose of avoiding making a good faith effort to obtain approval as described in subparagraph (B);

(2) in accordance with paragraphs (5) and (12) of section 29.5(b) of title 29, Code of Federal Regulations (as in effect

on the day before the date of enactment of this Act), require the program sponsor, to the extent practicable, to provide standards that contain provisions to grant advanced standing or credit, and provide increased wages commensurate to such standing or credit, for any veteran or other individual eligible for educational assistance under chapters 30 through 36 of title 38, United States Code, who—

(A) is enrolled in the registered apprenticeship program; and

(B)(i) has a demonstrated competence applicable to the apprenticeship occupation; or

(ii) has acquired experience, training, or skills through military service that is applicable to the apprenticeship occupation; and

(3) when the Secretary approves the registered apprenticeship program, provide a copy of the program's certificate of registration to the State approving agency designated under chapter 36 of title 38, United States Code, in the State where the program is located. Records.

Approved March 26, 2020.

LEGISLATIVE HISTORY—S. 760:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 4, considered and passed Senate.
Vol. 166 (2020): Mar. 10, 11, considered and passed House.

Public Law 116–135
116th Congress

An Act

Mar. 26, 2020
[S. 1678]

To express United States support for Taiwan's diplomatic alliances around the world.

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

Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019".

SEC. 2. DIPLOMATIC RELATIONS WITH TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Taiwan Relations Act of 1979 (Public Law 96–8) states that it is the policy of the United States "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan".

(2) The Taiwan Relations Act of 1979 states that it is the policy of the United States "to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan".

(3) Taiwan is a free, democratic, and prosperous nation of 23,000,000 people and an important contributor to peace and stability around the world.

(4) Since the election of President Tsai Ing-wen as President of Taiwan in 2016, the Government of the People's Republic of China has intensified its efforts to pressure Taiwan.

(5) Since 2016, the Gambia, Sao Tome and Principe, Panama, the Dominican Republic, Burkina Faso, El Salvador, the Solomon Islands, and Kiribati have severed diplomatic relations with Taiwan in favor of diplomatic relations with China.

(6) Taiwan currently maintains full diplomatic relations with 15 nations around the world.

(7) Taiwan's unique relationship with the United States, Australia, India, Japan, and other countries are of significant benefit in strengthening Taiwan's economy and preserving its international space.

(8) According to President Tsai Ing-wen, the severance of diplomatic ties with Taiwan in favor of diplomatic relations with China is "part of a series of diplomatic and military acts of coercion" by China.

(9) The Asia Reassurance Initiative Act of 2018 (Public Law 115–409) states that—

(A) it is United States policy "to support the close economic, political, and security relationship between Taiwan and the United States"; and

(B) the President should—

(i) "conduct regular transfers of defense articles to Taiwan that are tailored to meet the existing and likely future threats from the People's Republic of China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces"; and

(ii) "encourage the travel of high-level United States officials to Taiwan, in accordance with the Taiwan Travel Act".

SEC. 3. SENSE OF CONGRESS ON TRADE AND ECONOMIC RELATIONS WITH TAIWAN.

It is the sense of Congress that—

(1) the United States and Taiwan have built a strong economic partnership, with the United States now Taiwan's second largest trading partner and with Taiwan the 11th largest trading partner of the United States and a key destination for United States agricultural exports;

(2) strong United States-Taiwan economic relations have been a positive factor in stimulating economic growth and job creation for the people of both the United States and Taiwan; and

(3) the United States Trade Representative should consult with Congress on opportunities for further strengthening bilateral trade and economic relations between the United States and Taiwan.

SEC. 4. POLICY OF THE UNITED STATES WITH REGARD TO TAIWAN'S PARTICIPATION IN INTERNATIONAL ORGANIZATIONS.

It should be the policy of the United States—

(1) to advocate, as appropriate—

(A) for Taiwan's membership in all international organizations in which statehood is not a requirement and in which the United States is also a participant; and

(B) for Taiwan to be granted observer status in other appropriate international organizations;

(2) to instruct, as appropriate, representatives of the United States Government in all organizations described in paragraph (1) to use the voice, vote, and influence of the United States to advocate for Taiwan's membership or observer status in such organizations; and

(3) for the President or the President's designees to advocate, as appropriate, for Taiwan's membership or observer status in all organizations described in paragraph (1) as part of any relevant bilateral engagements between the United States and the People's Republic of China, including leader summits and the U.S.-China Comprehensive Economic Dialogue.

SEC. 5. STRENGTHENING OF TIES WITH TAIWAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) support Taiwan in strengthening its official diplomatic relationships as well as other partnerships with countries in the Indo-Pacific region and around the world;

(2) consider, in certain cases as appropriate and in alignment with United States interests, increasing its economic, security, and diplomatic engagement with nations that have demonstrably strengthened, enhanced, or upgraded relations with Taiwan; and

(3) consider, in certain cases as appropriate, in alignment with United States foreign policy interests and in consultation with Congress, altering its economic, security, and diplomatic engagement with nations that take serious or significant actions to undermine the security or prosperity of Taiwan.

Time period.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of State shall report to the appropriate congressional committees on the steps taken in accordance with subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives.

Approved March 26, 2020.

LEGISLATIVE HISTORY—S. 1678:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 29, considered and passed Senate.
Vol. 166 (2020): Mar. 3, 4, considered and passed House, amended.
Mar. 11, Senate concurred in House amendment.

Public Law 116–136
116th Congress

An Act

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Mar. 27, 2020
[H.R. 748]

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

Coronavirus Aid, Relief, and Economic Security Act. 15 USC 9001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coronavirus Aid, Relief, and Economic Security Act" or the "CARES Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

Sec. 1101. Definitions.
Sec. 1102. Paycheck protection program.
Sec. 1103. Entrepreneurial development.
Sec. 1104. State trade expansion program.
Sec. 1105. Waiver of matching funds requirement under the women's business center program.
Sec. 1106. Loan forgiveness.
Sec. 1107. Direct appropriations.
Sec. 1108. Minority business development agency.
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Sec. 1110. Emergency EIDL grants.
Sec. 1111. Resources and services in languages other than English.
Sec. 1112. Subsidy for certain loan payments.
Sec. 1113. Bankruptcy.
Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.
Sec. 2102. Pandemic Unemployment Assistance.
Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 2104. Emergency increase in unemployment compensation benefits.
Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
Sec. 2106. Emergency State staffing flexibility.
Sec. 2107. Pandemic emergency unemployment compensation.
Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 2109. Temporary financing of short-time compensation agreements.

Sec. 2110. Grants for short-time compensation programs.
Sec. 2111. Assistance and guidance in implementing programs.
Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.
Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.
Sec. 2202. Special rules for use of retirement funds.
Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
Sec. 2204. Allowance of partial above the line deduction for charitable contributions.
Sec. 2205. Modification of limitations on charitable contributions during 2020.
Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

Sec. 2301. Employee retention credit for employers subject to closure due to COVID–19.
Sec. 2302. Delay of payment of employer payroll taxes.
Sec. 2303. Modifications for net operating losses.
Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.
Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.
Sec. 2306. Modifications of limitation on business interest.
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DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

SEC. 3. REFERENCES. 1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

15 USC 9001.

SEC. 1101. DEFINITIONS.

In this title—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 636).

SEC. 1102. PAYCHECK PROTECTION PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "and (E)" and inserting "(E), and (F)"; and

(B) by adding at the end the following:

"(F) PARTICIPATION IN THE PAYCHECK PROTECTION PROGRAM.—In an agreement to participate in a loan on a deferred basis under paragraph (36), the participation by the Administration shall be 100 percent."; and

(2) by adding at the end the following:

"(36) PAYCHECK PROTECTION PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the terms 'appropriate Federal banking agency' and 'insured depository institution' have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

"(ii) the term 'covered loan' means a loan made under this paragraph during the covered period;

"(iii) the term 'covered period' means the period beginning on February 15, 2020 and ending on June 30, 2020;

"(iv) the term 'eligible recipient' means an individual or entity that is eligible to receive a covered loan;

"(v) the term 'eligible self-employed individual' has the meaning given the term in section 7002(b) of the Families First Coronavirus Response Act (Public Law 116–127);

"(vi) the term 'insured credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

"(vii) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code;

"(viii) the term 'payroll costs'—

"(I) means—

"(aa) the sum of payments of any compensation with respect to employees that is a—

"(AA) salary, wage, commission, or similar compensation;

"(BB) payment of cash tip or equivalent;

"(CC) payment for vacation, parental, family, medical, or sick leave;

"(DD) allowance for dismissal or separation;

"(EE) payment required for the provisions of group health care benefits, including insurance premiums;

"(FF) payment of any retirement benefit; or

"(GG) payment of State or local tax assessed on the compensation of employees; and

"(bb) the sum of payments of any compensation to or income of a sole proprietor or independent contractor that is a wage, commission, income, net earnings from self-employment, or similar compensation and that is in an amount that is not more than $100,000 in 1 year, as prorated for the covered period; and

"(II) shall not include—

"(aa) the compensation of an individual employee in excess of an annual salary of $100,000, as prorated for the covered period;

"(bb) taxes imposed or withheld under chapters 21, 22, or 24 of the Internal Revenue Code of 1986 during the covered period;

"(cc) any compensation of an employee whose principal place of residence is outside of the United States;

"(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–127); or

"(ee) qualified family leave wages for which a credit is allowed under section 7003 of the Families First Coronavirus Response Act (Public Law 116–127); and

"(ix) the term 'veterans organization' means an organization that is described in section 501(c)(19) of the Internal Revenue Code that is exempt from taxation under section 501(a) of such Code.

"(B) PAYCHECK PROTECTION LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans under the same terms, conditions, and processes as a loan made under this subsection.

Deadline.

"(C) REGISTRATION OF LOANS.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administration shall register the loan using the TIN (as defined in section 7701 of the Internal Revenue Code of 1986) assigned to the borrower.

"(D) INCREASED ELIGIBILITY FOR CERTAIN SMALL BUSINESSES AND ORGANIZATIONS.—

"(i) IN GENERAL.—During the covered period, in addition to small business concerns, any business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) shall be eligible to receive a covered loan if the business concern, nonprofit organization, veterans organization, or Tribal business concern employs not more than the greater of—

"(I) 500 employees; or

"(II) if applicable, the size standard in number of employees established by the Administration for the industry in which the business concern, nonprofit organization, veterans organization, or Tribal business concern operates.

"(ii) INCLUSION OF SOLE PROPRIETORS, INDEPENDENT CONTRACTORS, AND ELIGIBLE SELF-EMPLOYED INDIVIDUALS.—

"(I) IN GENERAL.—During the covered period, individuals who operate under a sole proprietorship or as an independent contractor and eligible self-employed individuals shall be eligible to receive a covered loan.

Determination.

"(II) DOCUMENTATION.—An eligible self-employed individual, independent contractor, or sole proprietorship seeking a covered loan shall submit such documentation as is necessary to establish such individual as eligible, including payroll tax filings reported to the Internal Revenue Service, Forms 1099–MISC, and income and expenses from the sole proprietorship, as determined by the Administrator and the Secretary.

"(iii) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—During the covered period, any business concern that employs not more than 500 employees per physical location of the business concern and that is assigned a North American Industry Classification System code beginning with 72 at the time of disbursal shall be eligible to receive a covered loan.

"(iv) WAIVER OF AFFILIATION RULES.—During the covered period, the provisions applicable to affiliations under section 121.103 of title 13, Code of Federal Regulations, or any successor regulation, are waived with respect to eligibility for a covered loan for—

"(I) any business concern with not more than 500 employees that, as of the date on which the covered loan is disbursed, is assigned a North American Industry Classification System code beginning with 72;

"(II) any business concern operating as a franchise that is assigned a franchise identifier code by the Administration; and

"(III) any business concern that receives financial assistance from a company licensed under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).

"(v) EMPLOYEE.—For purposes of determining whether a business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) employs not more than 500 employees under clause (i)(I), the term 'employee' includes individuals employed on a full-time, part-time, or other basis. Definition.

"(vi) AFFILIATION.—The provisions applicable to affiliations under section 121.103 of title 13, Code of Federal Regulations, or any successor thereto, shall apply with respect to a nonprofit organization and a veterans organization in the same manner as with respect to a small business concern. Applicability.

"(E) MAXIMUM LOAN AMOUNT.—During the covered period, with respect to a covered loan, the maximum loan amount shall be the lesser of—

"(i)(I) the sum of—

"(aa) the product obtained by multiplying—

"(AA) the average total monthly payments by the applicant for payroll costs incurred during the 1-year period before the date on which the loan is made, except that, in the case of an applicant that is seasonal employer, as determined by the Administrator, the average total monthly payments for payroll shall be for the 12-week period beginning February 15, 2019, or at the election of the eligible recipient, March 1, 2019, and ending June 30, 2019; by Time periods. Determination.

"(BB) 2.5; and

"(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on the date on which covered loans are made available to be refinanced under the covered loan; or

"(II) if requested by an otherwise eligible recipient that was not in business during the period beginning on February 15, 2019 and ending on June 30, 2019, the sum of—

"(aa) the product obtained by multiplying—

"(AA) the average total monthly payments by the applicant for payroll costs incurred during the period beginning on January 1, 2020 and ending on February 29, 2020; by

"(BB) 2.5; and

"(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on the date on which covered loans are made available to be refinanced under the covered loan; or

"(ii) $10,000,000.

"(F) ALLOWABLE USES OF COVERED LOANS.—

"(i) IN GENERAL.—During the covered period, an eligible recipient may, in addition to the allowable uses of a loan made under this subsection, use the proceeds of the covered loan for—

"(I) payroll costs;

"(II) costs related to the continuation of group health care benefits during periods of paid sick, medical, or family leave, and insurance premiums;

"(III) employee salaries, commissions, or similar compensations;

"(IV) payments of interest on any mortgage obligation (which shall not include any prepayment of or payment of principal on a mortgage obligation);

"(V) rent (including rent under a lease agreement);

"(VI) utilities; and

"(VII) interest on any other debt obligations that were incurred before the covered period.

"(ii) DELEGATED AUTHORITY.—

"(I) IN GENERAL.—For purposes of making covered loans for the purposes described in clause (i), a lender approved to make loans under this subsection shall be deemed to have been delegated authority by the Administrator to make and approve covered loans, subject to the provisions of this paragraph.

Evaluation.

"(II) CONSIDERATIONS.—In evaluating the eligibility of a borrower for a covered loan with the terms described in this paragraph, a lender shall consider whether the borrower—

"(aa) was in operation on February 15, 2020; and

"(bb)(AA) had employees for whom the borrower paid salaries and payroll taxes; or

"(BB) paid independent contractors, as reported on a Form 1099–MISC.

Determination.

"(iii) ADDITIONAL LENDERS.—The authority to make loans under this paragraph shall be extended to additional lenders determined by the Administrator and the Secretary of the Treasury to have the necessary qualifications to process, close, disburse and service loans made with the guarantee of the Administration.

Time period.

"(iv) REFINANCE.—A loan made under subsection (b)(2) during the period beginning on January 31, 2020 and ending on the date on which covered loans are made available may be refinanced as part of a covered loan.

"(v) NONRECOURSE.—Notwithstanding the waiver of the personal guarantee requirement or collateral under subparagraph (J), the Administrator shall have no recourse against any individual shareholder, member, or partner of an eligible recipient of a covered loan for nonpayment of any covered loan, except to

the extent that such shareholder, member, or partner uses the covered loan proceeds for a purpose not authorized under clause (i).

"(G) BORROWER REQUIREMENTS.—

"(i) CERTIFICATION.—An eligible recipient applying for a covered loan shall make a good faith certification—

"(I) that the uncertainty of current economic conditions makes necessary the loan request to support the ongoing operations of the eligible recipient;

"(II) acknowledging that funds will be used to retain workers and maintain payroll or make mortgage payments, lease payments, and utility payments;

"(III) that the eligible recipient does not have an application pending for a loan under this subsection for the same purpose and duplicative of amounts applied for or received under a covered loan; and

"(IV) during the period beginning on February 15, 2020 and ending on December 31, 2020, that the eligible recipient has not received amounts under this subsection for the same purpose and duplicative of amounts applied for or received under a covered loan. Time period.

"(H) FEE WAIVER.—During the covered period, with respect to a covered loan—

"(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

"(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

"(I) CREDIT ELSEWHERE.—During the covered period, the requirement that a small business concern is unable to obtain credit elsewhere, as defined in section 3(h), shall not apply to a covered loan.

"(J) WAIVER OF PERSONAL GUARANTEE REQUIREMENT.—During the covered period, with respect to a covered loan—

"(i) no personal guarantee shall be required for the covered loan; and

"(ii) no collateral shall be required for the covered loan.

"(K) MATURITY FOR LOANS WITH REMAINING BALANCE AFTER APPLICATION OF FORGIVENESS.—With respect to a covered loan that has a remaining balance after reduction based on the loan forgiveness amount under section 1106 of the CARES Act—

"(i) the remaining balance shall continue to be guaranteed by the Administration under this subsection; and

"(ii) the covered loan shall have a maximum maturity of 10 years from the date on which the borrower applies for loan forgiveness under that section.

"(L) INTEREST RATE REQUIREMENTS.—A covered loan shall bear an interest rate not to exceed 4 percent.

Time period.

"(M) LOAN DEFERMENT.—

"(i) DEFINITION OF IMPACTED BORROWER.—

"(I) IN GENERAL.—In this subparagraph, the term 'impacted borrower' means an eligible recipient that—

"(aa) is in operation on February 15, 2020; and

"(bb) has an application for a covered loan that is approved or pending approval on or after the date of enactment of this paragraph.

"(II) PRESUMPTION.—For purposes of this subparagraph, an impacted borrower is presumed to have been adversely impacted by COVID–19.

"(ii) DEFERRAL.—During the covered period, the Administrator shall—

"(I) consider each eligible recipient that applies for a covered loan to be an impacted borrower; and

"(II) require lenders under this subsection to provide complete payment deferment relief for impacted borrowers with covered loans for a period of not less than 6 months, including payment of principal, interest, and fees, and not more than 1 year.

"(iii) SECONDARY MARKET.—During the covered period, with respect to a covered loan that is sold on the secondary market, if an investor declines to approve a deferral requested by a lender under clause (ii), the Administrator shall exercise the authority to purchase the loan so that the impacted borrower may receive a deferral for a period of not less than 6 months, including payment of principal, interest, and fees, and not more than 1 year.

Deadline.

"(iv) GUIDANCE.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall provide guidance to lenders under this paragraph on the deferment process described in this subparagraph.

"(N) SECONDARY MARKET SALES.—A covered loan shall be eligible to be sold in the secondary market consistent with this subsection. The Administrator may not collect any fee for any guarantee sold into the secondary market under this subparagraph.

"(O) REGULATORY CAPITAL REQUIREMENTS.—

"(i) RISK WEIGHT.—With respect to the appropriate Federal banking agencies or the National Credit Union Administration Board applying capital requirements under their respective risk-based capital requirements, a covered loan shall receive a risk weight of zero percent.

"(ii) TEMPORARY RELIEF FROM TDR DISCLOSURES.—Notwithstanding any other provision of law, an insured depository institution or an insured credit union that modifies a covered loan in relation to COVID–19-related difficulties in a troubled debt restructuring on or after March 13, 2020, shall not be required to comply with the Financial Accounting Standards Board

Accounting Standards Codification Subtopic 310–40 ('Receivables – Troubled Debt Restructurings by Creditors') for purposes of compliance with the requirements of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), until such time and under such circumstances as the appropriate Federal banking agency or the National Credit Union Administration Board, as applicable, determines appropriate.

"(P) REIMBURSEMENT FOR PROCESSING.—

"(i) IN GENERAL.—The Administrator shall reimburse a lender authorized to make a covered loan at a rate, based on the balance of the financing outstanding at the time of disbursement of the covered loan, of—

"(I) 5 percent for loans of not more than $350,000;

"(II) 3 percent for loans of more than $350,000 and less than $2,000,000; and

"(III) 1 percent for loans of not less than $2,000,000.

"(ii) FEE LIMITS.—An agent that assists an eligible recipient to prepare an application for a covered loan may not collect a fee in excess of the limits established by the Administrator.

"(iii) TIMING.—A reimbursement described in clause (i) shall be made not later than 5 days after the disbursement of the covered loan. Deadline.

"(iv) SENSE OF THE SENATE.—It is the sense of the Senate that the Administrator should issue guidance to lenders and agents to ensure that the processing and disbursement of covered loans prioritizes small business concerns and entities in underserved and rural markets, including veterans and members of the military community, small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined in section 8(d)(3)(C)), women, and businesses in operation for less than 2 years.

"(Q) DUPLICATION.—Nothing in this paragraph shall prohibit a recipient of an economic injury disaster loan made under subsection (b)(2) during the period beginning on January 31, 2020 and ending on the date on which covered loans are made available that is for a purpose other than paying payroll costs and other obligations described in subparagraph (F) from receiving assistance under this paragraph. Time period.

"(R) WAIVER OF PREPAYMENT PENALTY.—Notwithstanding any other provision of law, there shall be no prepayment penalty for any payment made on a covered loan.".

(b) COMMITMENTS FOR 7(A) LOANS.—During the period beginning on February 15, 2020 and ending on June 30, 2020— Time period.

(1) the amount authorized for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including loans made under paragraph (36) of such section, as added by subsection (a), shall be $349,000,000,000; and

(2) the amount authorized for commitments for such loans under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under title V of the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall not apply.

(c) EXPRESS LOANS.—

(1) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$350,000" and inserting "$1,000,000".

Effective date.
15 USC 636 note.

(2) PROSPECTIVE REPEAL.—Effective on January 1, 2021, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$1,000,000" and inserting "$350,000".

(d) EXCEPTION TO GUARANTEE FEE WAIVER FOR VETERANS.—Section 7(a)(31)(G) of the Small Business Act (15 U.S.C. 636(a)(31)(G)) is amended—

(1) by striking clause (ii); and

(2) by redesignating clause (iii) as clause (ii).

15 USC 636 note.

(e) INTERIM RULE.—On and after the date of enactment of this Act, the interim final rule published by the Administrator entitled "Express Loan Programs: Affiliation Standards" (85 Fed. Reg. 7622 (February 10, 2020)) is permanently rescinded and shall have no force or effect.

15 USC 9002.

SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.

(a) DEFINITIONS.—In this section—

(1) the term "covered small business concern" means a small business concern that has experienced, as a result of COVID–19—

(A) supply chain disruptions, including changes in—

(i) quantity and lead time, including the number of shipments of components and delays in shipments;

(ii) quality, including shortages in supply for quality control reasons; and

(iii) technology, including a compromised payment network;

(B) staffing challenges;

(C) a decrease in gross receipts or customers; or

(D) a closure;

(2) the term "resource partner" means—

(A) a small business development center; and

(B) a women's business center;

(3) the term "small business development center" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) EDUCATION, TRAINING, AND ADVISING GRANTS.—

(1) IN GENERAL.—The Administration may provide financial assistance in the form of grants to resource partners to provide education, training, and advising to covered small business concerns.

(2) USE OF FUNDS.—Grants under this subsection shall be used for the education, training, and advising of covered small business concerns and their employees on—

(A) accessing and applying for resources provided by the Administration and other Federal resources relating to access to capital and business resiliency;

(B) the hazards and prevention of the transmission and communication of COVID–19 and other communicable diseases;

(C) the potential effects of COVID–19 on the supply chains, distribution, and sale of products of covered small business concerns and the mitigation of those effects;

(D) the management and practice of telework to reduce possible transmission of COVID–19;

(E) the management and practice of remote customer service by electronic or other means;

(F) the risks of and mitigation of cyber threats in remote customer service or telework practices;

(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID–19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID–19 or similar occurrences.

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN'S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women's business centers, which shall be awarded pursuant to a process established by the Administration in consultation with recipients of assistance.

(C) NO MATCHING FUNDS REQUIRED.—Matching funds shall not be required for any grant under this subsection.

(4) GOALS AND METRICS.—

(A) IN GENERAL.—Goals and metrics for the funds made available under this subsection shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the resource partners and the Administrator, which shall—

(i) take into consideration the extent of the circumstances relating to the spread of COVID–19, or similar occurrences, that affect covered small business concerns located in the areas covered by the resource partner, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of resource partners in responding to unique situations; and

(iii) encourage resource partners to develop and provide services to covered small business concerns.

Methodologies.

(B) PUBLIC AVAILABILITY.—The Administrator shall make publicly available the methodology by which the Administrator and resource partners jointly develop the metrics and goals described in subparagraph (A).

(c) RESOURCE PARTNER ASSOCIATION GRANTS.—

(1) IN GENERAL.—The Administrator may provide grants to an association or associations representing resource partners under which the association or associations shall establish a single centralized hub for COVID–19 information, which shall include—

(A) 1 online platform that consolidates resources and information available across multiple Federal agencies for small business concerns related to COVID–19; and

(B) a training program to educate resource partner counselors, members of the Service Corps of Retired Executives established under section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), and counselors at veterans business outreach centers described in section 32 of the Small Business Act (15 U.S.C. 657b) on the resources and information described in subparagraph (A).

(2) GOALS AND METRICS.—Goals and metrics for the funds made available under this subsection shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association or associations receiving a grant under this subsection and the Administrator.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that describes—

(1) with respect to the initial year covered by the report—

(A) the programs and services developed and provided by the Administration and resource partners under subsection (b);

(B) the initial efforts to provide those services under subsection (b); and

(C) the online platform and training developed and provided by the Administration and the association or associations under subsection (c); and

(2) with respect to the subsequent years covered by the report—

(A) with respect to the grant program under subsection (b)—

(i) the efforts of the Administrator and resource partners to develop services to assist covered small business concerns;

(ii) the challenges faced by owners of covered small business concerns in accessing services provided by the Administration and resource partners;

(iii) the number of unique covered small business concerns that were served by the Administration and resource partners; and

(iv) other relevant outcome performance data with respect to covered small business concerns, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made

by the Administration and resource partners to mitigate these effects; and

(B) with respect to the grant program under subsection (c)—

(i) the efforts of the Administrator and the association or associations to develop and evolve an online resource for small business concerns; and

(ii) the efforts of the Administrator and the association or associations to develop a training program for resource partner counselors, including the number of counselors trained.

SEC. 1104. STATE TRADE EXPANSION PROGRAM.

Extension.

(a) IN GENERAL.—Notwithstanding paragraph (3)(C)(iii) of section 22(l) of the Small Business Act (15 U.S.C. 649(l)), for grants under the State Trade Expansion Program under such section 22(l) using amounts made available for fiscal year 2018 or fiscal year 2019, the period of the grant shall continue through the end of fiscal year 2021.

(b) REIMBURSEMENT.—The Administrator shall reimburse any recipient of assistance under section 22(l) of the Small Business Act (15 U.S.C. 649(l)) for financial losses relating to a foreign trade mission or a trade show exhibition that was cancelled solely due to a public health emergency declared due to COVID–19 if the reimbursement does not exceed a recipient's grant funding.

SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.

Time period.
15 USC 9004.

During the 3-month period beginning on the date of enactment of this Act, the requirement relating to obtaining cash contributions from non-Federal sources under section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is waived for any recipient of assistance under such section 29.

SEC. 1106. LOAN FORGIVENESS.

15 USC 9005.

(a) DEFINITIONS.—In this section—

(1) the term "covered loan" means a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102;

(2) the term "covered mortgage obligation" means any indebtedness or debt instrument incurred in the ordinary course of business that—

(A) is a liability of the borrower;

(B) is a mortgage on real or personal property; and

(C) was incurred before February 15, 2020;

(3) the term "covered period" means the 8-week period beginning on the date of the origination of a covered loan;

(4) the term "covered rent obligation" means rent obligated under a leasing agreement in force before February 15, 2020;

(5) the term "covered utility payment" means payment for a service for the distribution of electricity, gas, water, transportation, telephone, or internet access for which service began before February 15, 2020;

(6) the term "eligible recipient" means the recipient of a covered loan;

(7) the term "expected forgiveness amount" means the amount of principal that a lender reasonably expects a borrower to expend during the covered period on the sum of any—

(A) payroll costs;

(B) payments of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation);

(C) payments on any covered rent obligation; and

(D) covered utility payments; and

(8) the term "payroll costs" has the meaning given that term in paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act.

(b) FORGIVENESS.—An eligible recipient shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred and payments made during the covered period:

(1) Payroll costs.

(2) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

(3) Any payment on any covered rent obligation.

(4) Any covered utility payment.

(c) TREATMENT OF AMOUNTS FORGIVEN.—

(1) IN GENERAL.—Amounts which have been forgiven under this section shall be considered canceled indebtedness by a lender authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(2) PURCHASE OF GUARANTEES.—For purposes of the purchase of the guarantee for a covered loan by the Administrator, amounts which are forgiven under this section shall be treated in accordance with the procedures that are otherwise applicable to a loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

Deadline.

(3) REMITTANCE.—Not later than 90 days after the date on which the amount of forgiveness under this section is determined, the Administrator shall remit to the lender an amount equal to the amount of forgiveness, plus any interest accrued through the date of payment.

(4) ADVANCE PURCHASE OF COVERED LOAN.—

(A) REPORT.—A lender authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), or, at the discretion of the Administrator, a third party participant in the secondary market, may, report to the Administrator an expected forgiveness amount on a covered loan or on a pool of covered loans of up to 100 percent of the principal on the covered loan or pool of covered loans, respectively.

(B) PURCHASE.—The Administrator shall purchase the expected forgiveness amount described in subparagraph (A) as if the amount were the principal amount of a loan guaranteed under section 7(a) of the Small Business Act 636(a)).

Deadline.

(C) TIMING.—Not later than 15 days after the date on which the Administrator receives a report under subparagraph (A), the Administrator shall purchase the expected forgiveness amount under subparagraph (B) with respect to each covered loan to which the report relates.

(d) LIMITS ON AMOUNT OF FORGIVENESS.—

(1) AMOUNT MAY NOT EXCEED PRINCIPAL.—The amount of loan forgiveness under this section shall not exceed the principal amount of the financing made available under the applicable covered loan.

(2) REDUCTION BASED ON REDUCTION IN NUMBER OF EMPLOYEES.—

(A) IN GENERAL.—The amount of loan forgiveness under this section shall be reduced, but not increased, by multiplying the amount described in subsection (b) by the quotient obtained by dividing—

(i) the average number of full-time equivalent employees per month employed by the eligible recipient during the covered period; by

(ii)(I) at the election of the borrower— Time periods.

(aa) the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on February 15, 2019 and ending on June 30, 2019; or

(bb) the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on January 1, 2020 and ending on February 29, 2020; or

(II) in the case of an eligible recipient that is seasonal employer, as determined by the Administrator, the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on February 15, 2019 and ending on June 30, 2019. Determination.

(B) CALCULATION OF AVERAGE NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the average number of full-time equivalent employees shall be determined by calculating the average number of full-time equivalent employees for each pay period falling within a month. Determination.

(3) REDUCTION RELATING TO SALARY AND WAGES.—

(A) IN GENERAL.—The amount of loan forgiveness under this section shall be reduced by the amount of any reduction in total salary or wages of any employee described in subparagraph (B) during the covered period that is in excess of 25 percent of the total salary or wages of the employee during the most recent full quarter during which the employee was employed before the covered period.

(B) EMPLOYEES DESCRIBED.—An employee described in this subparagraph is any employee who did not receive, during any single pay period during 2019, wages or salary at an annualized rate of pay in an amount more than $100,000.

(4) TIPPED WORKERS.—An eligible recipient with tipped employees described in section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgiveness for additional wages paid to those employees.

(5) EXEMPTION FOR RE-HIRES.—

(A) IN GENERAL.—In a circumstance described in subparagraph (B), the amount of loan forgiveness under this section shall be determined without regard to a reduction in the number of full-time equivalent employees of an eligible recipient or a reduction in the salary of 1 or Determination. Time period.

more employees of the eligible recipient, as applicable, during the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act.

Time period.
Deadline.

(B) CIRCUMSTANCES.—A circumstance described in this subparagraph is a circumstance—

(i) in which—

(I) during the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act, there is a reduction, as compared to February 15, 2020, in the number of full-time equivalent employees of an eligible recipient; and

(II) not later than June 30, 2020, the eligible employer has eliminated the reduction in the number of full-time equivalent employees;

(ii) in which—

(I) during the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act, there is a reduction, as compared to February 15, 2020, in the salary or wages of 1 or more employees of the eligible recipient; and

(II) not later than June 30, 2020, the eligible employer has eliminated the reduction in the salary or wages of such employees; or

(iii) in which the events described in clause (i) and (ii) occur.

(6) EXEMPTIONS.—The Administrator and the Secretary of the Treasury may prescribe regulations granting de minimis exemptions from the requirements under this subsection.

(e) APPLICATION.—An eligible recipient seeking loan forgiveness under this section shall submit to the lender that is servicing the covered loan an application, which shall include—

(1) documentation verifying the number of full-time equivalent employees on payroll and pay rates for the periods described in subsection (d), including—

(A) payroll tax filings reported to the Internal Revenue Service; and

(B) State income, payroll, and unemployment insurance filings;

(2) documentation, including cancelled checks, payment receipts, transcripts of accounts, or other documents verifying payments on covered mortgage obligations, payments on covered lease obligations, and covered utility payments;

Certification.

(3) a certification from a representative of the eligible recipient authorized to make such certifications that—

(A) the documentation presented is true and correct; and

(B) the amount for which forgiveness is requested was used to retain employees, make interest payments on a covered mortgage obligation, make payments on a covered rent obligation, or make covered utility payments; and

(4) any other documentation the Administrator determines necessary.

(f) PROHIBITION ON FORGIVENESS WITHOUT DOCUMENTATION.—

Requirement.

No eligible recipient shall receive forgiveness under this section

without submitting to the lender that is servicing the covered loan the documentation required under subsection (e).

(g) DECISION.—Not later than 60 days after the date on which a lender receives an application for loan forgiveness under this section from an eligible recipient, the lender shall issue a decision on the an application. Deadline.

(h) HOLD HARMLESS.—If a lender has received the documentation required under this section from an eligible recipient attesting that the eligible recipient has accurately verified the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments during covered period—

(1) an enforcement action may not be taken against the lender under section 47(e) of the Small Business Act (15 U.S.C. 657t(e)) relating to loan forgiveness for the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments, as the case may be; and

(2) the lender shall not be subject to any penalties by the Administrator relating to loan forgiveness for the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments, as the case may be.

(i) TAXABILITY.—For purposes of the Internal Revenue Code of 1986, any amount which (but for this subsection) would be includible in gross income of the eligible recipient by reason of forgiveness described in subsection (b) shall be excluded from gross income.

(j) RULE OF CONSTRUCTION.—The cancellation of indebtedness on a covered loan under this section shall not otherwise modify the terms and conditions of the covered loan.

(k) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue guidance and regulations implementing this section. Deadline. Guidance.

SEC. 1107. DIRECT APPROPRIATIONS. 15 USC 9006.

(a) IN GENERAL.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(1) $349,000,000,000 under the heading "Small Business Administration—Business Loans Program Account, CARES Act" for the cost of guaranteed loans as authorized under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102(a) of this Act;

(2) $675,000,000 under the heading "Small Business Administration—Salaries and Expenses" for salaries and expenses of the Administration;

(3) $25,000,000 under the heading "Small Business Administration—Office of Inspector General", to remain available until September 30, 2024, for necessary expenses of the Office of Inspector General of the Administration in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.);

(4) $265,000,000 under the heading "Small Business Administration—Entrepreneurial Development Programs", of which—

(A) $240,000,000 shall be for carrying out section 1103(b) of this Act; and

(B) $25,000,000 shall be for carrying out section 1103(c) of this Act;

(5) $10,000,000 under the heading "Department of Commerce—Minority Business Development Agency" for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns;

(6) $10,000,000,000 under the heading "Small Business Administration—Emergency EIDL Grants" shall be for carrying out section 1110 of this Act;

(7) $17,000,000,000 under the heading "Small Business Administration—Business Loans Program Account, CARES Act" shall be for carrying out section 1112 of this Act; and

(8) $25,000,000 under the heading "Department of the Treasury—Departmental Offices—Salaries and Expenses" shall be for carrying out section 1109 of this Act.

Time period.

(b) SECONDARY MARKET.—During the period beginning on the date of enactment of this Act and ending on September 30, 2021, guarantees of trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 635(g)) shall not exceed a principal amount of $100,000,000,000.

Expenditure plan.

(c) REPORTS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the amounts appropriated to the Administration under subsection (a).

15 USC 9007.

SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) DEFINITIONS.—In this section—

(1) the term "Agency" means the Minority Business Development Agency of the Department of Commerce;

(2) the term "minority business center" means a Business Center of the Agency;

(3) the term "minority business enterprise" means a for-profit business enterprise—

(A) not less than 51 percent of which is owned by 1 or more socially disadvantaged individuals, as determined by the Agency; and

(B) the management and daily business operations of which are controlled by 1 or more socially disadvantaged individuals, as determined by the Agency; and

(4) the term "minority chamber of commerce" means a chamber of commerce developed specifically to support minority business enterprises.

(b) EDUCATION, TRAINING, AND ADVISING GRANTS.—

(1) IN GENERAL.—The Agency may provide financial assistance in the form of grants to minority business centers and minority chambers of commerce to provide education, training, and advising to minority business enterprises.

(2) USE OF FUNDS.—Grants under this section shall be used for the education, training, and advising of minority business enterprises and their employees on—

(A) accessing and applying for resources provided by the Agency and other Federal resources relating to access to capital and business resiliency;

(B) the hazards and prevention of the transmission and communication of COVID–19 and other communicable diseases;

(C) the potential effects of COVID–19 on the supply chains, distribution, and sale of products of minority business enterprises and the mitigation of those effects;

(D) the management and practice of telework to reduce possible transmission of COVID–19;

(E) the management and practice of remote customer service by electronic or other means;

(F) the risks of and mitigation of cyber threats in remote customer service or telework practices;

(G) the mitigation of the effects of reduced travel or outside activities on minority business enterprises during COVID–19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID–19 or similar occurrences.

(3) NO MATCHING FUNDS REQUIRED.—Matching funds shall not be required for any grant under this section.

(4) GOALS AND METRICS.—

(A) IN GENERAL.—Goals and metrics for the funds made available under this section shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, between the minority business centers, minority chambers of commerce, and the Agency, which shall—

(i) take into consideration the extent of the circumstances relating to the spread of COVID–19, or similar occurrences, that affect minority business enterprises located in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

Methodologies.

(B) PUBLIC AVAILABILITY.—The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly develop the metrics and goals described in subparagraph (A).

Time periods.

(c) WAIVERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Agency may, during the 3-month period that begins on the date of enactment of this Act, waive any matching requirement imposed on a minority business center or a specialty center of the Agency under a cooperative agreement between such a center and the Agency if the applicable center is unable to raise funds, or has suffered a loss of revenue, because of the effects of COVID–19.

(2) REMAINING COMPLIANT.—Notwithstanding any provision of a cooperative agreement between the Agency and a minority business center, if, during the period beginning on the date

of enactment of this Act and ending on September 30, 2021, such a center decides not to collect fees because of the economic consequences of COVID–19, the center shall be considered to be in compliance with that agreement if—

Notification.

(A) the center notifies the Agency with respect to that decision, which the center may provide through electronic mail; and

Deadline.

(B) the Agency, not later than 15 days after the date on which the center provides notice to the Agency under subparagraph (A)—

(i) confirms receipt of the notification under subparagraph (A); and

(ii) accepts the decision of the center.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Small Business and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(1) with respect to the period covered by the initial report—

(A) the programs and services developed and provided by the Agency, minority business centers, and minority chambers of commerce under subsection (b); and

(B) the initial efforts to provide those services under subsection (b); and

(2) with respect to subsequent years covered by the report—

(A) with respect to the grant program under subsection (b)—

(i) the efforts of the Agency, minority business centers, and minority chambers of commerce to develop services to assist minority business enterprises;

(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;

(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects .

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until expended.

15 USC 9008.

SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.

(a) DEFINITIONS.—In this section—

(1) the terms "appropriate Federal banking agency" and "insured depository institution" have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(2) the term "insured credit union" has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); and

(3) the term "Secretary" means the Secretary of the Treasury.

(b) AUTHORITY TO INCLUDE ADDITIONAL FINANCIAL INSTITUTIONS.—The Department of the Treasury, in consultation with the Administrator, and the Chairman of the Farm Credit Administration shall establish criteria for insured depository institutions, insured credit unions, institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and other lenders that do not already participate in lending under programs of the Administration, to participate in the paycheck protection program to provide loans under this section until the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires. Consultation. Criteria.

(c) SAFETY AND SOUNDNESS.—An insured depository institution, insured credit union, institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), or other lender may only participate in the program established under this section if participation does not affect the safety and soundness of the institution or lender, as determined by the Secretary in consultation with the appropriate Federal banking agencies or the National Credit Union Administration Board, as applicable. Determination. Consultation.

(d) REGULATIONS FOR LENDERS AND LOANS.—

(1) IN GENERAL.—The Secretary may issue regulations and guidance as necessary to carry out the purposes of this section, including to—

(A) allow additional lenders to originate loans under this section; and

(B) establish terms and conditions for loans under this section, including terms and conditions concerning compensation, underwriting standards, interest rates, and maturity.

(2) REQUIREMENTS.—The terms and conditions established under paragraph (1) shall provide for the following:

(A) A rate of interest that does not exceed the maximum permissible rate of interest available on a loan of comparable maturity under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act.

(B) Terms and conditions that, to the maximum extent practicable, are consistent with the terms and conditions required under the following provisions of paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act:

(i) Subparagraph (D), pertaining to borrower eligibility.

(ii) Subparagraph (E), pertaining to the maximum loan amount.

(iii) Subparagraph (F)(i), pertaining to allowable uses of program loans.

(iv) Subparagraph (H), pertaining to fee waivers.

(v) Subparagraph (M), pertaining to loan deferment.

(C) A guarantee percentage that, to the maximum extent practicable, is consistent with the guarantee percentage required under subparagraph (F) of section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)), as added by section 1102 of this Act.

(D) Loan forgiveness under terms and conditions that, to the maximum extent practicable, is consistent with the terms and conditions for loan forgiveness under section 1106 of this Act.

(e) ADDITIONAL REGULATIONS GENERALLY.—The Secretary may issue regulations and guidance as necessary to carry out the purposes of this section, including to allow additional lenders to originate loans under this title and to establish terms and conditions such as compensation, underwriting standards, interest rates, and maturity for under this section.

(f) CERTIFICATION.—As a condition of receiving a loan under this section, a borrower shall certify under terms acceptable to the Secretary that the borrower—

(1) does not have an application pending for a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) for the same purpose; and

Time period.

(2) has not received such a loan during the period beginning on February 15, 2020 and ending on December 31, 2020.

(g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lenders qualified to participate as a lender under 7(a) of the Small Business Act (15 U.S.C. 636(a)) may elect to participate in the paycheck protection program under the criteria, terms, and conditions established under this section. Such participation shall not preclude the lenders from continuing participation as a lender under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(h) PROGRAM ADMINISTRATION.—With guidance from the Secretary, the Administrator shall administer the program established under this section, including the making and purchasing of guarantees on loans under the program, until the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires.

(i) CRIMINAL PENALTIES.—A loan under this section shall be deemed to be a loan under the Small Business Act (15 U.S.C. 631 et seq.) for purposes of section 16 of such Act (15 U.S.C. 645).

15 USC 9009.

SEC. 1110. EMERGENCY EIDL GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "covered period" means the period beginning on January 31, 2020 and ending on December 31, 2020; and

(2) the term "eligible entity" means—

(A) a business with not more than 500 employees;

(B) any individual who operates under a sole proprietorship, with or without employees, or as an independent contractor;

(C) a cooperative with not more than 500 employees;

(D) an ESOP (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) with not more than 500 employees; or

(E) a tribal small business concern, as described in section 31(b)(2)(C) of the Small Business Act (15 U.S.C. 657a(b)(2)(C)), with not more than 500 employees.

(b) ELIGIBLE ENTITIES.—During the covered period, in addition to small business concerns, private nonprofit organizations, and small agricultural cooperatives, an eligible entity shall be eligible for a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).

(c) TERMS; CREDIT ELSEWHERE.—With respect to a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID–19 during the covered period, the Administrator shall waive— Waiver authority.

(1) any rules related the personal guarantee on advances and loans of not more than $200,000 during the covered period for all applicants;

(2) the requirement that an applicant needs to be in business for the 1-year period before the disaster, except that no waiver may be made for a business that was not in operation on January 31, 2020; and Time period.

(3) the requirement in the flush matter following subparagraph (E) of section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)), as so redesignated by subsection (f) of this section, that an applicant be unable to obtain credit elsewhere.

(d) APPROVAL AND ABILITY TO REPAY FOR SMALL DOLLAR LOANS.—With respect to a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID–19 during the covered period, the Administrator may—

(1) approve an applicant based solely on the credit score of the applicant and shall not require an applicant to submit a tax return or a tax return transcript for such approval; or

(2) use alternative appropriate methods to determine an applicant's ability to repay.

(e) EMERGENCY GRANT.—

(1) IN GENERAL.—During the covered period, an entity included for eligibility in subsection (b), including small business concerns, private nonprofit organizations, and small agricultural cooperatives, that applies for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID–19 may request that the Administrator provide an advance that is, subject to paragraph (3), in the amount requested by such applicant to such applicant within 3 days after the Administrator receives an application from such applicant. Deadline.

(2) VERIFICATION.—Before disbursing amounts under this subsection, the Administrator shall verify that the applicant is an eligible entity by accepting a self-certification from the applicant under penalty of perjury pursuant to section 1746 of title 28 United States Code.

(3) AMOUNT.—The amount of an advance provided under this subsection shall be not more than $10,000.

(4) USE OF FUNDS.—An advance provided under this subsection may be used to address any allowable purpose for a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)), including—

(A) providing paid sick leave to employees unable to work due to the direct effect of the COVID–19;

(B) maintaining payroll to retain employees during business disruptions or substantial slowdowns;

(C) meeting increased costs to obtain materials unavailable from the applicant's original source due to interrupted supply chains;

(D) making rent or mortgage payments; and

(E) repaying obligations that cannot be met due to revenue losses.

(5) REPAYMENT.—An applicant shall not be required to repay any amounts of an advance provided under this subsection, even if subsequently denied a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).

(6) UNEMPLOYMENT GRANT.—If an applicant that receives an advance under this subsection transfers into, or is approved for, the loan program under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), the advance amount shall be reduced from the loan forgiveness amount for a loan for payroll costs made under such section 7(a).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $10,000,000,000 to carry out this subsection.

(8) TERMINATION.—The authority to carry out grants under this subsection shall terminate on December 31, 2020.

(f) EMERGENCIES INVOLVING FEDERAL PRIMARY RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking "or" at the end;

(3) in subparagraph (C), by striking "or" at the end;

(4) by redesignating subparagraph (D) as subparagraph (E);

(5) by inserting after subparagraph (C) the following:

"(D) an emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)); or"; and

(6) in subparagraph (E), as so redesignated—

(A) by striking "or (C)" and inserting "(C), or (D)";

(B) by striking "disaster declaration" each place it appears and inserting "disaster or emergency declaration";

(C) by striking "disaster has occurred" and inserting "disaster or emergency has occurred";

(D) by striking "such disaster" and inserting "such disaster or emergency"; and

(E) by striking "disaster stricken" and inserting "disaster- or emergency-stricken"; and

(7) in the flush matter following subparagraph (E), as so redesignated, by striking the period at the end and inserting the following: ": *Provided further*, That for purposes of subparagraph (D), the Administrator shall deem that such an emergency affects each State or subdivision thereof (including counties), and that each State or subdivision has sufficient economic damage to small business concerns to qualify for assistance under this paragraph and the Administrator shall accept applications for such assistance immediately.".

SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES OTHER THAN ENGLISH. 15 USC 9010.

(a) IN GENERAL.—The Administrator shall provide the resources and services made available by the Administration to small business concerns in the 10 most commonly spoken languages, other than English, in the United States, which shall include Mandarin, Cantonese, Japanese, and Korean.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $25,000,000 to carry out this section.

SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS. 15 USC 9011.

(a) DEFINITION OF COVERED LOAN.—In this section, the term "covered loan" means a loan that is—

(1) guaranteed by the Administration under—

(A) section 7(a) of the Small Business Act (15 U.S.C. 636(a))—

(i) including a loan made under the Community Advantage Pilot Program of the Administration; and

(ii) excluding a loan made under paragraph (36) of such section 7(a), as added by section 1102; or

(B) title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); or

(2) made by an intermediary to a small business concern using loans or grants received under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all borrowers are adversely affected by COVID–19;

(2) relief payments by the Administration are appropriate for all borrowers; and

(3) in addition to the relief provided under this Act, the Administration should encourage lenders to provide payment deferments, when appropriate, and to extend the maturity of covered loans, so as to avoid balloon payments or any requirement for increases in debt payments resulting from deferments provided by lenders during the period of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19).

(c) PRINCIPAL AND INTEREST PAYMENTS.—

(1) IN GENERAL.—The Administrator shall pay the principal, interest, and any associated fees that are owed on a covered loan in a regular servicing status— Time periods.

(A) with respect to a covered loan made before the date of enactment of this Act and not on deferment, for the 6-month period beginning with the next payment due on the covered loan;

(B) with respect to a covered loan made before the date of enactment of this Act and on deferment, for the 6-month period beginning with the next payment due on the covered loan after the deferment period; and

(C) with respect to a covered loan made during the period beginning on the date of enactment of this Act and ending on the date that is 6 months after such date of enactment, for the 6-month period beginning with the first payment due on the covered loan.

Deadline.

(2) TIMING OF PAYMENT.—The Administrator shall begin making payments under paragraph (1) on a covered loan not later than 30 days after the date on which the first such payment is due.

(3) APPLICATION OF PAYMENT.—Any payment made by the Administrator under paragraph (1) shall be applied to the covered loan such that the borrower is relieved of the obligation to pay that amount.

Coordination.

(d) OTHER REQUIREMENTS.—The Administrator shall—

(1) communicate and coordinate with the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and State bank regulators to encourage those entities to not require lenders to increase their reserves on account of receiving payments made by the Administrator under subsection (c);

Waiver authority.
Time period.

(2) waive statutory limits on maximum loan maturities for any covered loan durations where the lender provides a deferral and extends the maturity of covered loans during the 1-year period following the date of enactment of this Act; and

Deadline.

(3) when necessary to provide more time because of the potential of higher volumes, travel restrictions, and the inability to access some properties during the COVID–19 pandemic, extend lender site visit requirements to—

(A) not more than 60 days (which may be extended at the discretion of the Administration) after the occurrence of an adverse event, other than a payment default, causing a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $17,000,000,000 to carry out this section.

SEC. 1113. BANKRUPTCY.

(a) SMALL BUSINESS DEBTOR REORGANIZATION.—

(1) IN GENERAL.—Section 1182(1) of title 11, United States Code, is amended to read as follows:

Definition.

"(1) DEBTOR.—The term 'debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of the petition or the date of the order for relief in an amount not more than $7,500,000 (excluding debts owed to 1 or more affiliates or insiders) not less than 50 percent of which arose from the commercial or business activities of the debtor; and

"(B) does not include—

"(i) any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured

and unsecured debts in an amount greater than $7,500,000 (excluding debt owed to 1 or more affiliates or insiders);

"(ii) any debtor that is a corporation subject to the reporting requirements under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)); or

"(iii) any debtor that is an affiliate of an issuer, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).".

(2) APPLICABILITY OF CHAPTERS.—Section 103(i) of title 11, United States Code, is amended by striking "small business debtor" and inserting "debtor (as defined in section 1182)".

(3) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act. 11 USC 1182 note.

(4) TECHNICAL CORRECTIONS.—

(A) DEFINITION OF SMALL BUSINESS DEBTOR.—Section 101(51D)(B)(iii) of title 11, United States Code, is amended to read as follows:

"(iii) any debtor that is an affiliate of an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)).".

(B) UNCLAIMED PROPERTY.—Section 347(b) of title 11, United States Code, is amended by striking "1194" and inserting "1191".

(5) SUNSET.—On the date that is 1 year after the date of enactment of this Act, section 1182(1) of title 11, United States Code, is amended to read as follows: 11 USC 1182 note.

"(1) DEBTOR.—The term 'debtor' means a small business debtor.". Definition.

(b) BANKRUPTCY RELIEF.—

(1) IN GENERAL.—

(A) EXCLUSION FROM CURRENT MONTHLY INCOME.—Section 101(10A)(B)(ii) of title 11, United States Code, is amended—

(i) in subclause (III), by striking "; and" and inserting a semicolon;

(ii) in subclause (IV), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(V) Payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19).".

(B) CONFIRMATION OF PLAN.—Section 1325(b)(2) of title 11, United States Code, is amended by inserting "payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19)," after "other than".

(C) MODIFICATION OF PLAN AFTER CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by adding at end the following:

"(d)(1) Subject to paragraph (3), for a plan confirmed prior to the date of enactment of this subsection, the plan may be modified upon the request of the debtor if—

"(A) the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic; and

"(B) the modification is approved after notice and a hearing.

Time period.

"(2) A plan modified under paragraph (1) may not provide for payments over a period that expires more than 7 years after the time that the first payment under the original confirmed plan was due.

"(3) Sections 1322(a), 1322(b), 1323(c), and the requirements of section 1325(a) shall apply to any modification under paragraph (1).".

(D) APPLICABILITY.—

11 USC 101 note.

(i) The amendments made by subparagraphs (A) and (B) shall apply to any case commenced before, on, or after the date of enactment of this Act.

11 USC 1329 note.

(ii) The amendment made by subparagraph (C) shall apply to any case for which a plan has been confirmed under section 1325 of title 11, United States Code, before the date of enactment of this Act.

(2) SUNSET.—

(A) IN GENERAL.—

(i) EXCLUSION FROM CURRENT MONTHLY INCOME.—Section 101(10A)(B)(ii) of title 11, United States Code, is amended—

(I) in subclause (III), by striking the semicolon at the end and inserting "; and";

(II) in subclause (IV), by striking "; and" and inserting a period; and

(III) by striking subclause (V).

(ii) CONFIRMATION OF PLAN.—Section 1325(b)(2) of title 11, United States Code, is amended by striking "payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19),".

(iii) MODIFICATION OF PLAN AFTER CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by striking subsection (d).

11 USC 101 note.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the date that is 1 year after the date of enactment of this Act.

Deadline.
15 USC 9012.

SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.

Not later than 15 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this title and the amendments made by this title without regard to the notice requirements under section 553(b) of title 5, United States Code.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Relief for Workers Affected by Coronavirus Act.

SEC. 2101. SHORT TITLE.

15 USC 9001 note.

This subtitle may be cited as the "Relief for Workers Affected by Coronavirus Act".

SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

15 USC 9021.

(a) DEFINITIONS.—In this section:

(1) COVID–19.—The term "COVID–19" means the 2019 Novel Coronavirus or 2019-nCoV.

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term "COVID–19 public health emergency" means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) COVERED INDIVIDUAL.—The term "covered individual"—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107; and

(ii) provides self-certification that the individual—

(I) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because—

(aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(bb) a member of the individual's household has been diagnosed with COVID–19;

(cc) the individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID–19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;

(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID–19 public health emergency;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID–19;

(ii) the individual has to quit his or her job as a direct result of COVID–19;

(jj) the individual's place of employment is closed as a direct result of the COVID–19 public health emergency; or

(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or

(II) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107 and meets the requirements of subclause (I); and

(B) does not include—

(i) an individual who has the ability to telework with pay; or

(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(I).

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(5) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID–19.—Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the assistance authorized under subsection (b) shall be available to a covered individual—

Time period.

(A) for weeks of unemployment, partial unemployment, or inability to work caused by COVID–19—

(i) beginning on or after January 27, 2020; and

(ii) ending on or before December 31, 2020; and

(B) subject to subparagraph (A)(ii), as long as the covered individual's unemployment, partial unemployment, or inability to work caused by COVID–19 continues.

(2) LIMITATION ON DURATION OF ASSISTANCE.—The total number of weeks for which a covered individual may receive assistance under this section shall not exceed 39 weeks and such total shall include any week for which the covered individual received regular compensation or extended benefits under any Federal or State law, except that if after the date of enactment of this Act, the duration of extended benefits is extended, the 39-week period described in this paragraph shall be extended by the number of weeks that is equal to the number of weeks by which the extended benefits were extended.

(3) ASSISTANCE FOR UNEMPLOYMENT BEFORE DATE OF ENACTMENT.—The Secretary shall establish a process for making assistance under this section available for weeks beginning on or after January 27, 2020, and before the date of enactment of this Act. Time period.

(d) AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—The assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work shall be—

(A)(i) the weekly benefit amount authorized under the unemployment compensation law of the State where the covered individual was employed, except that the amount may not be less than the minimum weekly benefit amount described in section 625.6 of title 20, Code of Federal Regulations, or any successor thereto; and

(ii) the amount of Federal Pandemic Unemployment Compensation under section 2104; and

(B) in the case of an increase of the weekly benefit amount after the date of enactment of this Act, increased in an amount equal to such increase.

(2) CALCULATIONS OF AMOUNTS FOR CERTAIN COVERED INDIVIDUALS.—In the case of a covered individual who is self-employed, who lives in a territory described in subsection (c) or (d) of section 625.6 of title 20, Code of Federal Regulations, or who would not otherwise qualify for unemployment compensation under State law, the assistance authorized under subsection (b) for a week of unemployment shall be calculated in accordance with section 625.6 of title 20, Code of Federal Regulations, or any successor thereto, and shall be increased by the amount of Federal Pandemic Unemployment Compensation under section 2104.

(3) ALLOWABLE METHODS OF PAYMENT.—Any assistance provided for in accordance with paragraph (1)(A)(ii) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as the assistance provided for in paragraph (1)(A)(i) is payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any assistance provided for in paragraph (1)(A)(i).

(e) WAIVER OF STATE REQUIREMENT.—Notwithstanding State law, for purposes of assistance authorized under this section, compensation under this Act shall be made to an individual otherwise eligible for such compensation without any waiting period.

(f) AGREEMENTS WITH STATES.—

(1) IN GENERAL.—The Secretary shall provide the assistance authorized under subsection (b) through agreements with States which, in the judgment of the Secretary, have an adequate system for administering such assistance through existing State agencies.

(2) PAYMENTS TO STATES.—There shall be paid to each State which has entered into an agreement under this subsection an amount equal to 100 percent of—

(A) the total amount of assistance provided by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary), including any administrative expenses necessary to facilitate processing of applications for assistance under this section online or by telephone rather than in-person.

Reimbursement. Determination. Estimate.

(3) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this subsection shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this subsection for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(g) FUNDING.—

(1) ASSISTANCE.—

(A) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used to make payments to States pursuant to subsection (f)(2)(A).

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the extended unemployment compensation account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Funds in the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section

904(a) of such Act (42 U.S.C. 1104(a)) shall be used to make payments to States pursuant to subsection (f)(2)(B).

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(3) CERTIFICATIONS.—The Secretary of Labor shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under paragraphs (1) and (2).

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if— Applicability. Definitions.

(1) the term "COVID–19 public health emergency" were substituted for the term "major disaster" each place it appears in such section 625; and

(2) the term "pandemic" were substituted for the term "disaster" each place it appears in such section 625.

SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS. 15 USC 9022.

(a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The Secretary of Labor may issue clarifying guidance to allow States to interpret their State unemployment compensation laws in a manner that would provide maximum flexibility to reimbursing employers as it relates to timely payment and assessment of penalties and interest pursuant to such State laws.

(b) FEDERAL FUNDING.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

"Transfers for Federal Reimbursement of State Unemployment Funds

"(i)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the transfer of funds during the applicable period to the accounts of the States in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with the succeeding provisions of this subsection.

"(B) The amount of funds transferred to the account of a State under subparagraph (A) during the applicable period shall, as determined by the Secretary of Labor, be equal to one-half of the amounts of compensation (as defined in section 3306(h) of the Internal Revenue Code of 1986) attributable under the State law to service to which section 3309(a)(1) of such Code applies that were paid by the State for weeks of unemployment beginning and ending during such period. Such transfers shall be made at such times as the Secretary of Labor considers appropriate.

"(C) Notwithstanding any other law, funds transferred to the account of a State under subparagraph (A) shall be used exclusively

to reimburse governmental entities and other organizations described in section 3309(a)(2) of such Code for amounts paid (in lieu of contributions) into the State unemployment fund pursuant to such section.

Definition. Time period.

"(D) For purposes of this paragraph, the term 'applicable period' means the period beginning on March 13, 2020, and ending on December 31, 2020.

"(2)(A) Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the Federal unemployment account such sums as the Secretary of Labor estimates to be necessary for purposes of making the transfers described in paragraph (1).

"(B) There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in subparagraph (A) and such sums shall not be required to be repaid.".

15 USC 9023.

SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

Time period. Notification.

(b) PROVISIONS OF AGREEMENT.—

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to—

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of $600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

(2) ALLOWABLE METHODS OF PAYMENT.—Any Federal Pandemic Unemployment Compensation provided for in accordance with paragraph (1) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(c) NONREDUCTION RULE.—

Determination.

(1) IN GENERAL.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State

law of that State has been modified in a manner such that the number of weeks (the maximum benefit entitlement), or the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement (determined disregarding any Federal Pandemic Unemployment Compensation) will be less than the number of weeks, or the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year. Definition.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary). Determination.

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved. Reimbursement. Determination. Estimate.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment— Time period.

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before July 31, 2020.

(f) FRAUD AND OVERPAYMENTS.—

(1) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result

of such false statement or representation or of such nondisclosure such individual has received an amount of Federal Pandemic Unemployment Compensation to which such individual was not entitled, such individual—

(A) shall be ineligible for further Federal Pandemic Unemployment Compensation in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2) REPAYMENT.—In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) RECOVERY BY STATE AGENCY.—

Time period.

(A) IN GENERAL.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

Determination.
Notification.

(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

Determination.

(4) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(g) APPLICATION TO OTHER UNEMPLOYMENT BENEFITS.—Each agreement under this section shall include provisions to provide that the purposes of the preceding provisions of this section shall be applied with respect to unemployment benefits described in subsection (i)(2) to the same extent and in the same manner as if those benefits were regular compensation.

(h) DISREGARD OF ADDITIONAL COMPENSATION FOR PURPOSES OF MEDICAID AND CHIP.—The monthly equivalent of any Federal

pandemic unemployment compensation paid to an individual under this section shall be disregarded when determining income for any purpose under the programs established under titles XIX and title XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) .

(i) DEFINITIONS.—For purposes of this section—

(1) the terms "compensation", "regular compensation", "benefit year", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(2) any reference to unemployment benefits described in this paragraph shall be considered to refer to—

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970);

(B) regular compensation (as defined by section 85(b) of the Internal Revenue Code of 1986) provided under any program administered by a State under an agreement with the Secretary;

(C) pandemic unemployment assistance under section 2102; and

(D) pandemic emergency unemployment compensation under section 2107.

SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

15 USC 9024.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

Time period.
Notice.

(b) REQUIREMENT THAT STATE LAW DOES NOT APPLY A WAITING WEEK.—A State is eligible to enter into an agreement under this section if the State law (including a waiver of State law) provides that compensation is paid to individuals for their first week of regular unemployment without a waiting week. An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the State law no longer meets the requirement under the preceding sentence.

Determination.

(c) PAYMENTS TO STATES.—

Determinations.

(1) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(A) the total amount of regular compensation paid to individuals by the State for their first week of regular unemployment; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the

Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) FUNDING.—

(1) COMPENSATION.—

(A) IN GENERAL.—Funds in the Federal unemployment account (as established by section 905(g)) of the Unemployment Trust Fund (as established by section 904(a)) shall be used to make payments under subsection (c)(1)(A).

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the Federal unemployment account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Funds in the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used to make payments to States pursuant to subsection (c)(1)(B).

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(3) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

Time period.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before December 31, 2020.

Applicability.

(f) FRAUD AND OVERPAYMENTS.—The provisions of section 2107(e) shall apply with respect to compensation paid under an agreement under this section to the same extent and in the same manner as in the case of pandemic emergency unemployment compensation under such section.

(g) DEFINITIONS.—For purposes of this section, the terms "regular compensation", "State", "State agency", "State law", and "week"

have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.

Section 4102(b) of the Emergency Unemployment Stabilization and Access Act of 2020 (contained in division D of the Families First Coronavirus Response Act) is amended— *Ante*, p. 194.

(1) by striking "or employer experience rating" and inserting "employer experience rating, or, subject to the succeeding sentence, personnel standards on a merit basis"; and

(2) by adding at the end the following new sentence: "The emergency flexibility for personnel standards on a merit basis shall only apply through December 31, 2020, and is limited to engaging of temporary staff, rehiring of retirees or former employees on a non-competitive basis, and other temporary actions to quickly process applications and claims.". Termination date.

SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION. 15 USC 9025.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement. Time period. Notification.

(2) PROVISIONS OF AGREEMENT.—Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

(3) EXHAUSTION OF BENEFITS.—For purposes of paragraph (2)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(B) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(4) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this section—

(A) the amount of pandemic emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to—

(i) the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment; and

(ii) the amount of Federal Pandemic Unemployment Compensation under section 2104;

(B) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) the maximum amount of pandemic emergency unemployment compensation payable to any individual for whom an pandemic emergency unemployment compensation account is established under subsection (b) shall not exceed the amount established in such account for such individual; and

(D) the allowable methods of payment under section 2104(b)(2) shall apply to payments of amounts described in subparagraph (A)(ii).

Applicability. Determination.

(5) COORDINATION RULE.—An agreement under this section shall apply with respect to a State only upon a determination by the Secretary that, under the State law or other applicable rules of such State, the payment of extended compensation for which an individual is otherwise eligible must be deferred until after the payment of any pandemic emergency unemployment compensation under subsection (b) for which the individual is concurrently eligible.

(6) NONREDUCTION RULE.—

Determination.

(A) IN GENERAL.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that the number of weeks (the maximum benefit entitlement), or the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement will be less than the number of weeks, or the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

Definition.

(B) MAXIMUM BENEFIT ENTITLEMENT.—In subparagraph (A), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(7) ACTIVELY SEEKING WORK.—

(A) IN GENERAL.—Subject to subparagraph (C), for purposes of paragraph (2)(D), the term "actively seeking work" means, with respect to any individual, that such individual— Definition.

(i) is registered for employment services in such a manner and to such extent as prescribed by the State agency;

(ii) has engaged in an active search for employment that is appropriate in light of the employment available in the labor market, the individual's skills and capabilities, and includes a number of employer contacts that is consistent with the standards communicated to the individual by the State;

(iii) has maintained a record of such work search, including employers contacted, method of contact, and date contacted; and

(iv) when requested, has provided such work search record to the State agency.

(B) FLEXIBILITY.—Notwithstanding the requirements under subparagraph (A) and paragraph (2)(D), a State shall provide flexibility in meeting such requirements in case of individuals unable to search for work because of COVID–19, including because of illness, quarantine, or movement restriction.

(b) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State will establish, for each eligible individual who files an application for pandemic emergency unemployment compensation, an pandemic emergency unemployment compensation account with respect to such individual's benefit year.

(2) AMOUNT IN ACCOUNT.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's average weekly benefit amount, which includes the amount of Federal Pandemic Unemployment Compensation under section 2104, for the benefit year.

(3) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment plus the amount of Federal Pandemic Unemployment Compensation under section 2104.

(c) PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—There shall be paid to each State that has entered into an agreement under this section an amount equal to 100 percent of the pandemic emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(2) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this section or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of

any compensation to the extent the State is entitled to reimbursement under this section in respect of such compensation.

Reimbursement.
Estimate.

(3) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this section shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) FINANCING PROVISIONS.—

(1) COMPENSATION.—

(A) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this section.

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the extended unemployment compensation account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(2) ADMINISTRATION.—

(A) IN GENERAL.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this section.

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the employment security administration account such sums as the Secretary of Labor estimates to be necessary to make payments described in subparagraph (A). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(3) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each

State the sums payable to such State under this subsection. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(e) FRAUD AND OVERPAYMENTS.—

(1) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of pandemic emergency unemployment compensation under this section to which such individual was not entitled, such individual—

(A) shall be ineligible for further pandemic emergency unemployment compensation under this section in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

Waiver authority. Determination.

(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) RECOVERY BY STATE AGENCY.—

Time period.

(A) IN GENERAL.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any pandemic emergency unemployment compensation payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the pandemic emergency unemployment compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

Determination. Notification.

(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(f) DEFINITIONS.—In this section, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

Time period.

(g) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before December 31, 2020.

15 USC 9026.

SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

(a) PAYMENTS TO STATES.—

(1) IN GENERAL.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986) under the provisions of the State law.

Reimbursement. Estimate.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

Time period.

(b) APPLICABILITY.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(1) beginning on or after the date of the enactment of this Act; and

(2) ending on or before December 31, 2020.

(c) NEW PROGRAMS.—Subject to subsection (b)(2), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation

under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms "State", "State agency", and "State law" have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(f) TECHNICAL CORRECTION TO DEFINITION.—Section 3306(v)(6) of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by striking "Workforce Investment Act of 1998" and inserting "Workforce Innovation and Opportunity Act".

SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

15 USC 9027.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986).

(2) ABILITY TO TERMINATE.—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

Deadline.
Notification.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986.

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that

the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

Reimbursement. Estimate.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

Time period.

(d) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning on or after the date on which such agreement is entered into; and

(2) ending on or before December 31, 2020.

(e) SPECIAL RULE.—If a State has entered into an agreement under this section and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to section 2108(b)(2), shall be eligible to receive payments under section 2108 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms "State", "State agency", and "State law" have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS. 15 USC 9028.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2). Determination.

(B) CLARIFICATION.—A State administering a short-time compensation program that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986, and a State with an agreement under section 2109, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying $100,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2019, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2023.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

Deadline.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

Deadline.

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

Assessment.

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

Determination.
Time period.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, $100,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term "short-time compensation program" has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986.

(3) STATE; STATE AGENCY; STATE LAW.—The terms "State", "State agency", and "State law" have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS. 15 USC 9029.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986), the Secretary of Labor (in this section referred to as the "Secretary") shall—

(1) develop model legislative language, or disseminate existing model legislative language, which may be used by States in developing and enacting such programs, and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs; and

(3) establish reporting requirements for States, including reporting on— Requirements.

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts. Existing model legislative language that has been developed through such a consultative process shall be deemed to meet the consultation requirement of this subsection.

(d) REPEAL.—Section 4104 of the Emergency Unemployment Stabilization and Access Act of 2020 (contained in division D of the Families First Coronavirus Response Act) is repealed. *Ante*, p. 194.

SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT. 15 USC 9030.

(a) NO WAITING WEEK.—With respect to any registration period beginning after the date of enactment of this Act and ending on or before December 31, 2020, subparagraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(1)) shall not apply.

(b) OPERATING INSTRUCTIONS AND REGULATIONS.—The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section.

(c) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $50,000,000 to cover the costs of additional benefits payable due to the application of subsection

(a). Upon the exhaustion of the funds appropriated under this subsection, subsection (a) shall no longer apply with respect to any registration period beginning after the date of exhaustion of funds.

(d) DEFINITION OF REGISTRATION PERIOD.—For purposes of this section, the term "registration period" has the meaning given such term under section 1 of the Railroad Unemployment Insurance Act (45 U.S.C. 351).

SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

Section 2(a) of the Railroad Unemployment Insurance Act (45 U.S.C. § 352(a)) is amended by adding at the end the following:

Time periods.

"(5)(A) Notwithstanding paragraph (3), subsection (c)(1)(B), and any other limitation on total benefits in this Act, for registration periods beginning on or after April 1, 2020, but on or before July 31, 2020, a recovery benefit in the amount of $1,200 shall be payable to a qualified employee with respect to any registration period in which the employee received unemployment benefits under paragraph (1)(A), and in any registration period in which the employee did not receive unemployment benefits due to the limitation in subsection (c)(1)(B) or due to reaching the maximum number of days of benefits in the benefit year beginning July 1, 2019, under subsection (c)(1)(A). No recovery benefits shall be payable under this section upon the exhaustion of the funds appropriated under subparagraph (B) for payment of benefits under this subparagraph.

"(B) Out of any funds in the Treasury not otherwise appropriated, there are appropriated $425,000,000 to cover the cost of recovery benefits provided under subparagraph (A), to remain available until expended.".

SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii) is amended—

(1) by striking "July 1, 2008" and inserting "July 1, 2019";

(2) by striking "June 30, 2013" and inserting "June 30, 2020"; and

(3) by striking "December 31, 2013" and inserting "December 31, 2020".

45 USC 352 note.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D) as in effect on the day before the date of enactment of this Act.

15 USC 9031.

SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR GENERAL FOR OVERSIGHT OF UNEMPLOYMENT PROVISIONS.

There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Office of the Inspector General of the Department of Labor, $25,000,000 to carry out audits, investigations, and other oversight activities authorized under the Inspector

General Act of 1978 (5 U.S.C. App.) that are related to the provisions of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

SEC. 2116. IMPLEMENTATION. 15 USC 9032.

(a) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the provisions of, or the amendments made by, this subtitle.

Subtitle B—Rebates and Other Individual Provisions

SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6427 the following new section:

"SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS. 26 USC 6428.

"(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2020 an amount equal to the sum of—

"(1) $1,200 ($2,400 in the case of eligible individuals filing a joint return), plus

"(2) an amount equal to the product of $500 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

"(b) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

"(c) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (e)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds—

"(1) $150,000 in the case of a joint return,

"(2) $112,500 in the case of a head of household, and

"(3) $75,000 in the case of a taxpayer not described in paragraph (1) or (2).

"(d) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual other than—

"(1) any nonresident alien individual,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

"(3) an estate or trust.

"(e) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be

reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (f). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (f) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(f) ADVANCE REFUNDS AND CREDITS.—

"(1) IN GENERAL.—Subject to paragraph (5), each individual who was an eligible individual for such individual's first taxable year beginning in 2019 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (e) and this subsection) had applied to such taxable year.

"(3) TIMING AND MANNER OF PAYMENTS.—

"(A) TIMING.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2020.

"(B) DELIVERY OF PAYMENTS.—Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under this subsection electronically to any account to which the payee authorized, on or after January 1, 2018, the delivery of a refund of taxes under this title or of a Federal payment (as defined in section 3332 of title 31, United States Code).

"(C) WAIVER OF CERTAIN RULES.—Notwithstanding section 3325 of title 31, United States Code, or any other provision of law, with respect to any payment of a refund under this subsection, a disbursing official in the executive branch of the United States Government may modify payment information received from an officer or employee described in section 3325(a)(1)(B) of such title for the purpose of facilitating the accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability under sections 3325, 3527, 3528, or 3529 of title 31, United States Code, shall be imposed with respect to payments made under this subparagraph.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

"(5) ALTERNATE TAXABLE YEAR.—In the case of an individual who, at the time of any determination made pursuant to paragraph (3), has not filed a tax return for the year described in paragraph (1), the Secretary may—

"(A) apply such paragraph by substituting '2018' for '2019', and

"(B) if the individual has not filed a tax return for such individual's first taxable year beginning in 2018, use

information with respect to such individual for calendar year 2019 provided in—

"(i) Form SSA–1099, Social Security Benefit Statement, or

"(ii) Form RRB–1099, Social Security Equivalent Benefit Statement.

"(6) NOTICE TO TAXPAYER.—Not later than 15 days after the date on which the Secretary distributed any payment to an eligible taxpayer pursuant to this subsection, notice shall be sent by mail to such taxpayer's last known address. Such notice shall indicate the method by which such payment was made, the amount of such payment, and a phone number for the appropriate point of contact at the Internal Revenue Service to report any failure to receive such payment. Deadline.

"(g) IDENTIFICATION NUMBER REQUIREMENT.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

"(A) such individual's valid identification number,

"(B) in the case of a joint return, the valid identification number of such individual's spouse, and

"(C) in the case of any qualifying child taken into account under subsection (a)(2), the valid identification number of such qualifying child.

"(2) VALID IDENTIFICATION NUMBER.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'valid identification number' means a social security number (as such term is defined in section 24(h)(7)).

"(B) ADOPTION TAXPAYER IDENTIFICATION NUMBER.—For purposes of paragraph (1)(C), in the case of a qualifying child who is adopted or placed for adoption, the term 'valid identification number' shall include the adoption taxpayer identification number of such child.

"(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1)(B) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and at least 1 spouse satisfies paragraph (1)(A).

"(4) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including any such measures as are deemed appropriate to avoid allowing multiple credits or rebates to a taxpayer.".

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 36B, 168(k)(4)" and inserting "36B, and 6428". 26 USC 6211.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.— 26 USC 6428 note.

(1) PAYMENTS TO POSSESSIONS.—

Determination.

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B).

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

26 USC 6428 note.

(d) EXCEPTION FROM REDUCTION OR OFFSET.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (c) of this section shall not be—

(1) subject to reduction or offset pursuant to section 3716 or 3720A of title 31, United States Code,

(2) subject to reduction or offset pursuant to subsection (d), (e), or (f) of section 6402 of the Internal Revenue Code of 1986, or

(3) reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.

(e) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury (or the Secretary's delegate) shall conduct a public awareness campaign, in coordination with the Commissioner of Social Security and the heads of other relevant Federal agencies, to provide information regarding the availability of the credit and rebate allowed under section 6428 of the Internal Revenue Code of 1986 (as added by this section), including information with respect to individuals who may not have filed a tax return for taxable year 2018 or 2019. Coordination. 26 USC 6428 note.

(f) APPROPRIATIONS TO CARRY OUT REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020:

(A) DEPARTMENT OF THE TREASURY.—

(i) For an additional amount for "Department of the Treasury—Bureau of the Fiscal Service—Salaries and Expenses", $78,650,000, to remain available until September 30, 2021.

(ii) For an additional amount for "Department of the Treasury—Internal Revenue Service—Taxpayer Services", $293,500,000, to remain available until September 30, 2021.

(iii) For an additional amount for "Department of the Treasury—Internal Revenue Service—Operations Support", $170,000,000, to remain available until September 30, 2021.

(iv) For an additional amount for "Department of Treasury—Internal Revenue Service—Enforcement", $37,200,000, to remain available until September 30, 2021.

Amounts made available in appropriations under clauses (ii), (iii), and (iv) of this subparagraph may be transferred between such appropriations upon the advance notification of the Committees on Appropriations of the House of Representatives and the Senate. Such transfer authority is in addition to any other transfer authority provided by law.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for "Social Security Administration—Limitation on Administrative Expenses", $38,000,000, to remain available until September 30, 2021.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter. Plan. Time period.

(g) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "6428," after "54B(h),".

(2) The table of sections for subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6427 the following:

26 USC prec. 6411.

"Sec. 6428. 2020 Recovery Rebates for individuals.".

26 USC 72 note.

SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any coronavirus-related distribution.

(2) AGGREGATE DOLLAR LIMITATION.—

(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as coronavirus-related distributions for any taxable year shall not exceed $100,000.

(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a coronavirus-related distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a coronavirus-related distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

Definition.

(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

Time period.

(A) IN GENERAL.—Any individual who receives a coronavirus-related distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make 1 or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

Deadline.

(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a coronavirus-related distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the coronavirus-related distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a coronavirus-related distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the coronavirus-related distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution. Deadline.

(4) DEFINITIONS.—For purposes of this subsection—

(A) CORONAVIRUS-RELATED DISTRIBUTION.—Except as provided in paragraph (2), the term "coronavirus-related distribution" means any distribution from an eligible retirement plan made—

(i) on or after January 1, 2020, and before December 31, 2020, Time period.

(ii) to an individual—

(I) who is diagnosed with the virus SARS–CoV–2 or with coronavirus disease 2019 (COVID–19) by a test approved by the Centers for Disease Control and Prevention,

(II) whose spouse or dependent (as defined in section 152 of the Internal Revenue Code of 1986) is diagnosed with such virus or disease by such a test, or

(III) who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, being unable to work due to lack of child care due to such virus or disease, closing or reducing hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Secretary of the Treasury (or the Secretary's delegate).

(B) EMPLOYEE CERTIFICATION.—The administrator of an eligible retirement plan may rely on an employee's certification that the employee satisfies the conditions of subparagraph (A)(ii) in determining whether any distribution is a coronavirus-related distribution.

(C) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" has the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

(A) IN GENERAL.—In the case of any coronavirus-related distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year. Time period.

(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) SPECIAL RULES.—

(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, coronavirus-related distributions shall not be treated as eligible rollover distributions.

(B) CORONAVIRUS-RELATED DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of the Internal Revenue Code of 1986, a coronavirus-related distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A) of such Code and section 8433(h)(1) of title 5, United States Code.

(b) LOANS FROM QUALIFIED PLANS.—

Time period.

(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the 180-day period beginning on the date of the enactment of this Act—

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(B) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan (on or after the date of the enactment of this Act) from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

Time period.

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on the date of the enactment of this Act and ending on December 31, 2020, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under subparagraph (A) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) of this paragraph shall be disregarded.

Definition.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term "qualified individual" means any individual who is described in subsection (a)(4)(A)(ii).

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

Applicability.

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), such plan or contract shall not fail to meet the requirements of section 411(d)(6) of

the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor (or the delegate of either such Secretary) under any provision of this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2022, or such later date as the Secretary of the Treasury (or the Secretary's delegate) may prescribe. Time period.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period— Time period.

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM DISTRIBUTION RULES FOR CERTAIN RETIREMENT PLANS AND ACCOUNTS.

(a) IN GENERAL.—Section 401(a)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph: 26 USC 401.

"(I) TEMPORARY WAIVER OF MINIMUM REQUIRED DISTRIBUTION.—

"(i) IN GENERAL.—The requirements of this paragraph shall not apply for calendar year 2020 to—

"(I) a defined contribution plan which is described in this subsection or in section 403(a) or 403(b),

"(II) a defined contribution plan which is an eligible deferred compensation plan described in section 457(b) but only if such plan is maintained by an employer described in section 457(e)(1)(A), or

"(III) an individual retirement plan.

Applicability.

"(ii) SPECIAL RULE FOR REQUIRED BEGINNING DATES IN 2020.—Clause (i) shall apply to any distribution which is required to be made in calendar year 2020 by reason of—

"(I) a required beginning date occurring in such calendar year, and

"(II) such distribution not having been made before January 1, 2020.

"(iii) SPECIAL RULES REGARDING WAIVER PERIOD.—For purposes of this paragraph—

"(I) the required beginning date with respect to any individual shall be determined without regard to this subparagraph for purposes of applying this paragraph for calendar years after 2020, and

"(II) if clause (ii) of subparagraph (B) applies, the 5-year period described in such clause shall be determined without regard to calendar year 2020.".

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section 402(c)(4) of the Internal Revenue Code of 1986 is amended by striking "2009" each place it appears in the last sentence and inserting "2020".

26 USC 402.

26 USC 401 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply for calendar years beginning after December 31, 2019.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

Applicability.

(A) IN GENERAL.—If this paragraph applies to any plan or contract amendment—

(i) such plan or contract shall not fail to be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii) solely because the plan operates in accordance with this section, and

(ii) except as provided by the Secretary of the Treasury (or the Secretary's delegate), such plan or contract shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any plan or annuity contract which—

(I) is made pursuant to the amendments made by this section, and

(II) is made on or before the last day of the first plan year beginning on or after January 1, 2022.

In the case of a governmental plan, subclause (II) shall be applied by substituting "2024" for "2022".

Time period.

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless during the period beginning on the effective date of the amendment and ending on December 31, 2020, the plan or contract is operated as if such plan or contract amendment were in effect.

SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (21) the following new paragraph: 26 USC 62.

"(22) CHARITABLE CONTRIBUTIONS.—In the case of taxable years beginning in 2020, the amount (not to exceed $300) of qualified charitable contributions made by an eligible individual during the taxable year.".

(b) DEFINITIONS.—Section 62 of such Code is amended by adding at the end the following new subsection:

"(f) DEFINITIONS RELATING TO QUALIFIED CHARITABLE CONTRIBUTIONS.—For purposes of subsection (a)(22)—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual who does not elect to itemize deductions.

"(2) QUALIFIED CHARITABLE CONTRIBUTIONS.—The term 'qualified charitable contribution' means a charitable contribution (as defined in section 170(c))—

"(A) which is made in cash,

"(B) for which a deduction is allowable under section 170 (determined without regard to subsection (b) thereof), and

"(C) which is—

"(i) made to an organization described in section 170(b)(1)(A), and

"(ii) not—

"(I) to an organization described in section 509(a)(3), or

"(II) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

Such term shall not include any amount which is treated as a charitable contribution made in such taxable year by reason of subsection (b)(1)(G)(ii) or (d)(1) of section 170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019. 26 USC 62 note.

SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS DURING 2020. 26 USC 170 note.

(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CERTAIN CASH CONTRIBUTIONS.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), qualified contributions shall be disregarded in applying subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) INDIVIDUALS.—In the case of an individual—

(i) LIMITATION.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (H) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in section 170(b)(1)(G)(ii).

(B) CORPORATIONS.—In the case of a corporation—

(i) LIMITATION.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed the excess of 25 percent of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(2) of such Code) exceeds the limitation of clause (i), such excess shall be appropriately taken into account under section 170(d)(2) subject to the limitations thereof.

(3) QUALIFIED CONTRIBUTIONS.—

Definition.

(A) IN GENERAL.—For purposes of this subsection, the term "qualified contribution" means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

(i) such contribution is paid in cash during calendar year 2020 to an organization described in section 170(b)(1)(A) of such Code, and

(ii) the taxpayer has elected the application of this section with respect to such contribution.

(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(ii) shall be made separately by each partner or shareholder.

Applicability.

(b) INCREASE IN LIMITS ON CONTRIBUTIONS OF FOOD INVENTORY.—In the case of any charitable contribution of food during 2020 to which section 170(e)(3)(C) of the Internal Revenue Code of 1986 applies, subclauses (I) and (II) of clause (ii) thereof shall each be applied by substituting "25 percent" for "15 percent."

(c) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 2019.

SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.

(a) IN GENERAL.—Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) in the case of payments made before January 1, 2021, the payment by an employer, whether paid to the employee or to a lender, of principal or interest on any qualified education loan (as defined in section 221(d)(1)) incurred by the employee for education of the employee, and".

(b) CONFORMING AMENDMENT; DENIAL OF DOUBLE BENEFIT.—The first sentence of paragraph (1) of section 221(e) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: ", or for which an exclusion is allowable under section 127 to the taxpayer by reason of the payment by the taxpayer's employer of any indebtedness on a qualified education loan of the taxpayer". 26 USC 221.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act. 26 USC 127 note.

Subtitle C—Business Provisions

SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19. 26 USC 3111 note.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to 50 percent of the qualified wages with respect to each employee of such employer for such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified wages with respect to any employee which may be taken into account under subsection (a) by the eligible employer for all calendar quarters shall not exceed $10,000.

(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under subsections (e) and (f) of section 3111 of the Internal Revenue Code of 1986 and sections 7001 and 7003 of the Families First Coronavirus Response Act) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

(3) REFUNDABILITY OF EXCESS CREDIT.—

(A) IN GENERAL.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b) of the Internal Revenue Code of 1986.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to the employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(c) DEFINITIONS.—For purposes of this section—

(1) APPLICABLE EMPLOYMENT TAXES.—The term "applicable employment taxes" means the following:

(A) The taxes imposed under section 3111(a) of the Internal Revenue Code of 1986.

(B) So much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.

(2) ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—The term "eligible employer" means any employer—

(i) which was carrying on a trade or business during calendar year 2020, and

(ii) with respect to any calendar quarter, for which—

(I) the operation of the trade or business described in clause (i) is fully or partially suspended during the calendar quarter due to orders from an appropriate governmental authority limiting commerce, travel, or group meetings (for commercial, social, religious, or other purposes) due to the coronavirus disease 2019 (COVID–19), or

(II) such calendar quarter is within the period described in subparagraph (B).

Time period.

(B) SIGNIFICANT DECLINE IN GROSS RECEIPTS.—The period described in this subparagraph is the period—

(i) beginning with the first calendar quarter beginning after December 31, 2019, for which gross receipts (within the meaning of section 448(c) of the Internal Revenue Code of 1986) for the calendar quarter are less than 50 percent of gross receipts for the same calendar quarter in the prior year, and

(ii) ending with the calendar quarter following the first calendar quarter beginning after a calendar quarter described in clause (i) for which gross receipts of such employer are greater than 80 percent of gross receipts for the same calendar quarter in the prior year.

Applicability.

(C) TAX-EXEMPT ORGANIZATIONS.—In the case of an organization which is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, clauses (i) and (ii)(I) of subparagraph (A) shall apply to all operations of such organization.

(3) QUALIFIED WAGES.—

(A) IN GENERAL.—The term "qualified wages" means—

(i) in the case of an eligible employer for which the average number of full-time employees (within the meaning of section 4980H of the Internal Revenue Code of 1986) employed by such eligible employer during 2019 was greater than 100, wages paid by such eligible employer with respect to which an employee is not providing services due to circumstances described in subclause (I) or (II) of paragraph (2)(A)(ii), or

(ii) in the case of an eligible employer for which the average number of full-time employees (within the meaning of section 4980H of the Internal Revenue Code of 1986) employed by such eligible employer during 2019 was not greater than 100—

(I) with respect to an eligible employer described in subclause (I) of paragraph (2)(A)(ii),

wages paid by such eligible employer with respect to an employee during any period described in such clause, or

(II) with respect to an eligible employer described in subclause (II) of such paragraph, wages paid by such eligible employer with respect to an employee during such quarter.

Such term shall not include any wages taken into account under section 7001 or section 7003 of the Families First Coronavirus Response Act.

(B) LIMITATION.—Qualified wages paid or incurred by an eligible employer described in subparagraph (A)(i) with respect to an employee for any period described in such subparagraph may not exceed the amount such employee would have been paid for working an equivalent duration during the 30 days immediately preceding such period.

(C) ALLOWANCE FOR CERTAIN HEALTH PLAN EXPENSES.—

(i) IN GENERAL.—The term "qualified wages" shall include so much of the eligible employer's qualified health plan expenses as are properly allocable to such wages.

(ii) QUALIFIED HEALTH PLAN EXPENSES.—For purposes of this paragraph, the term "qualified health plan expenses" means amounts paid or incurred by the eligible employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code.

(iii) ALLOCATION RULES.—For purposes of this paragraph, qualified health plan expenses shall be allocated to qualified wages in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among employees and pro rata on the basis of periods of coverage (relative to the periods to which such wages relate).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(5) WAGES.—The term "wages" means wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) and compensation (as defined in section 3231(e) of such Code).

(6) OTHER TERMS.—Any term used in this section which is also used in chapter 21 or 22 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

(d) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or subsection (m) or (o) of section 414 of such Code, shall be treated as one employer for purposes of this section.

(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1) and 280C(a) of the Internal Revenue Code of 1986 shall apply.

(f) CERTAIN GOVERNMENTAL EMPLOYERS.—This credit shall not apply to the Government of the United States, the government

of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(g) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any eligible employer for any calendar quarter if such employer elects (at such time and in such manner as the Secretary may prescribe) not to have this section apply.

(h) SPECIAL RULES.—

(1) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be included for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

(2) DENIAL OF DOUBLE BENEFIT.—Any wages taken into account in determining the credit allowed under this section shall not be taken into account for purposes of determining the credit allowed under section 45S of such Code.

(3) THIRD PARTY PAYORS.—Any credit allowed under this section shall be treated as a credit described in section 3511(d)(2) of such Code.

(i) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 14 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this section (without regard to this subsection). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

(j) RULE FOR EMPLOYERS TAKING SMALL BUSINESS INTERRUPTION LOAN.—If an eligible employer receives a covered loan under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act, such employer shall not be eligible for the credit under this section.

Waiver authority. Determination.

(k) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of any applicable employment taxes if the Secretary determines that such failure was due to the reasonable anticipation of the credit allowed under this section.

(l) REGULATIONS AND GUIDANCE.—The Secretary shall issue such forms, instructions, regulations, and guidance as are necessary—

(1) to allow the advance payment of the credit under subsection (a), subject to the limitations provided in this section, based on such information as the Secretary shall require,

(2) to provide for the reconciliation of such advance payment with the amount advanced at the time of filing the return of tax for the applicable calendar quarter or taxable year,

(3) to provide for the recapture of the credit under this section if such credit is allowed to a taxpayer which receives a loan described in subsection (j) during a subsequent quarter,

(4) with respect to the application of the credit under subsection (a) to third party payors (including professional

employer organizations, certified professional employer organizations, or agents under section 3504 of the Internal Revenue Code of 1986), including regulations or guidance allowing such payors to submit documentation necessary to substantiate the eligible employer status of employers that use such payors, and

(5) for application of subparagraphs (A)(ii)(II) and (B) of subsection (c)(2) in the case of any employer which was not carrying on a trade or business for all or part of the same calendar quarter in the prior year.

(m) APPLICATION.—This section shall only apply to wages paid after March 12, 2020, and before January 1, 2021.

SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL TAXES.

26 USC 3111 note.

(a) IN GENERAL.—

(1) TAXES.—Notwithstanding any other provision of law, the payment for applicable employment taxes for the payroll tax deferral period shall not be due before the applicable date.

(2) DEPOSITS.—Notwithstanding section 6302 of the Internal Revenue Code of 1986, an employer shall be treated as having timely made all deposits of applicable employment taxes that are required to be made (without regard to this section) for such taxes during the payroll tax deferral period if all such deposits are made not later than the applicable date.

(3) EXCEPTION.—This subsection shall not apply to any taxpayer if such taxpayer has had indebtedness forgiven under section 1106 of this Act with respect to a loan under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act, or indebtedness forgiven under section 1109 of this Act.

(b) SECA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the payment for 50 percent of the taxes imposed under section 1401(a) of the Internal Revenue Code of 1986 for the payroll tax deferral period shall not be due before the applicable date.

(2) ESTIMATED TAXES.—For purposes of applying section 6654 of the Internal Revenue Code of 1986 to any taxable year which includes any part of the payroll tax deferral period, 50 percent of the taxes imposed under section 1401(a) of such Code for the payroll tax deferral period shall not be treated as taxes to which such section 6654 applies.

(c) LIABILITY OF THIRD PARTIES.—

(1) ACTS TO BE PERFORMED BY AGENTS.—For purposes of section 3504 of the Internal Revenue Code of 1986, in the case of any person designated pursuant to such section (and any regulations or other guidance issued by the Secretary with respect to such section) to perform acts otherwise required to be performed by an employer under such Code, if such employer directs such person to defer payment of any applicable employment taxes during the payroll tax deferral period under this section, such employer shall be solely liable for the payment of such applicable employment taxes before the applicable date for any wages paid by such person on behalf of such employer during such period.

(2) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of section 3511, in the case of a certified professional employer organization (as defined in subsection (a) of section 7705 of the Internal Revenue Code of 1986) that has entered into a service contract described in subsection (e)(2) of such section with a customer, if such customer directs such organization to defer payment of any applicable employment taxes during the payroll tax deferral period under this section, such customer shall, notwithstanding subsections (a) and (c) of section 3511, be solely liable for the payment of such applicable employment taxes before the applicable date for any wages paid by such organization to any work site employee performing services for such customer during such period.

(d) DEFINITIONS.—For purposes of this section—

(1) APPLICABLE EMPLOYMENT TAXES.—The term "applicable employment taxes" means the following:

(A) The taxes imposed under section 3111(a) of the Internal Revenue Code of 1986.

(B) So much of the taxes imposed under section 3211(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.

(C) So much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(a) of such Code.

(2) PAYROLL TAX DEFERRAL PERIOD.—The term "payroll tax deferral period" means the period beginning on the date of the enactment of this Act and ending before January 1, 2021.

(3) APPLICABLE DATE.—The term "applicable date" means—

(A) December 31, 2021, with respect to 50 percent of the amounts to which subsection (a) or (b), as the case may be, apply, and

(B) December 31, 2022, with respect to the remaining such amounts.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury (or the Secretary's delegate).

(e) TRUST FUNDS HELD HARMLESS.—There are hereby appropriated (out of any money in the Treasury not otherwise appropriated) for each fiscal year to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal to the reduction in the transfers to such fund for such fiscal year by reason of this section. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) REGULATORY AUTHORITY.—The Secretary shall issue such regulations or other guidance as necessary to carry out the purposes of this section, including rules for the administration and enforcement of subsection (c).

SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.

(a) TEMPORARY REPEAL OF TAXABLE INCOME LIMITATION.—

(1) IN GENERAL.—The first sentence of section 172(a) of the Internal Revenue Code of 1986 is amended by striking "an amount equal to" and all that follows and inserting "an amount equal to— 26 USC 172.

"(1) in the case of a taxable year beginning before January 1, 2021, the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, and

"(2) in the case of a taxable year beginning after December 31, 2020, the sum of—

"(A) the aggregate amount of net operating losses arising in taxable years beginning before January 1, 2018, carried to such taxable year, plus

"(B) the lesser of—

"(i) the aggregate amount of net operating losses arising in taxable years beginning after December 31, 2017, carried to such taxable year, or

"(ii) 80 percent of the excess (if any) of—

"(I) taxable income computed without regard to the deductions under this section and sections 199A and 250, over

"(II) the amount determined under subparagraph (A).".

(2) CONFORMING AMENDMENTS.—

(A) Section 172(b)(2)(C) of such Code is amended to read as follows:

"(C) for taxable years beginning after December 31, 2020, be reduced by 20 percent of the excess (if any) described in subsection (a)(2)(B)(ii) for such taxable year.".

(B) Section 172(d)(6)(C) of such Code is amended by striking "subsection (a)(2)" and inserting "subsection (a)(2)(B)(ii)(I)".

(C) Section 860E(a)(3)(B) of such Code is amended by striking all that follows "for purposes of" and inserting "subsection (a)(2)(B)(ii)(I) and the second sentence of subsection (b)(2) of section 172.".

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—

"(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2021—

"(I) such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss, and

"(II) subparagraphs (B) and (C)(i) shall not apply.

"(ii) SPECIAL RULES FOR REITS.—For purposes of this subparagraph—

"(I) IN GENERAL.—A net operating loss for a REIT year shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss.

"(II) SPECIAL RULE.—In the case of any net operating loss for a taxable year which is not a REIT year, such loss shall not be carried to any preceding taxable year which is a REIT year.

"(III) REIT YEAR.—For purposes of this subparagraph, the term 'REIT year' means any taxable year for which the provisions of part II of subchapter M (relating to real estate investment trusts) apply to the taxpayer.

"(iii) SPECIAL RULE FOR LIFE INSURANCE COMPANIES.— In the case of a life insurance company, if a net operating loss is carried pursuant to clause (i)(I) to a life insurance company taxable year beginning before January 1, 2018, such net operating loss carryback shall be treated in the same manner as an operations loss carryback (within the meaning of section 810 as in effect before its repeal) of such company to such taxable year.

"(iv) RULE RELATING TO CARRYBACKS TO YEARS TO WHICH SECTION 965 APPLIES.—If a net operating loss of a taxpayer is carried pursuant to clause (i)(I) to any taxable year in which an amount is includible in gross income by reason of section 965(a), the taxpayer shall be treated as having made the election under section 965(n) with respect to each such taxable year.

"(v) SPECIAL RULES FOR ELECTIONS UNDER PARAGRAPH (3).—

Time period.

"(I) SPECIAL ELECTION TO EXCLUDE SECTION 965 YEARS.— If the 5-year carryback period under clause (i)(I) with respect to any net operating loss of a taxpayer includes 1 or more taxable years in which an amount is includible in gross income by reason of section 965(a), the taxpayer may, in lieu of the election otherwise available under paragraph (3), elect under such paragraph to exclude all such taxable years from such carryback period.

"(II) TIME OF ELECTIONS.—An election under paragraph (3) (including an election described in subclause (I)) with respect to a net operating loss arising in a taxable year beginning in 2018 or 2019 shall be made by the due date (including extensions of time) for filing the taxpayer's return for the first taxable year ending after the date of the enactment of this subparagraph.".

(2) CONFORMING AMENDMENT.—Section 172(b)(1)(A) of such Code, as amended by subsection (c)(2), is amended by striking "and (C)(i)" and inserting ", (C)(i), and (D)".

(c) TECHNICAL AMENDMENT RELATING TO SECTION 13302 OF PUBLIC LAW 115–97.—

26 USC 172 note.

(1) Section 13302(e) of Public Law 115–97 is amended to read as follows:

Applicability.

"(e) EFFECTIVE DATES.—

"(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsections (a) and (d)(2) shall apply to—

"(A) taxable years beginning after December 31, 2017, and

"(B) taxable years beginning on or before such date to which net operating losses arising in taxable years beginning after such date are carried.

"(2) CARRYOVERS AND CARRYBACKS.—The amendments made by subsections (b), (c), and (d)(1) shall apply to net operating losses arising in taxable years beginning after December 31, 2017.".

(2) Section 172(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows: 26 USC 172.

"(A) GENERAL RULE.—A net operating loss for any taxable year—

"(i) shall be a net operating loss carryback to the extent provided in subparagraphs (B) and (C)(i), and

"(ii) except as provided in subparagraph (C)(ii), shall be a net operating loss carryover—

"(I) in the case of a net operating loss arising in a taxable year beginning before January 1, 2018, to each of the 20 taxable years following the taxable year of the loss, and

"(II) in the case of a net operating loss arising in a taxable year beginning after December 31, 2017, to each taxable year following the taxable year of the loss.".

(d) EFFECTIVE DATES.— Applicability. 26 USC 172 note.

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(2) CARRYOVERS AND CARRYBACKS.—The amendment made by subsection (b) shall apply to—

(A) net operating losses arising in taxable years beginning after December 31, 2017, and

(B) taxable years beginning before, on, or after such date to which such net operating losses are carried.

(3) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.

(4) SPECIAL RULE.—In the case of a net operating loss arising in a taxable year beginning before January 1, 2018, and ending after December 31, 2017— Time period. Deadline.

(A) an application under section 6411(a) of the Internal Revenue Code of 1986 with respect to the carryback of such net operating loss shall not fail to be treated as timely filed if filed not later than the date which is 120 days after the date of the enactment of this Act, and

(B) an election to—

(i) forgo any carryback of such net operating loss,

(ii) reduce any period to which such net operating loss may be carried back, or

(iii) revoke any election made under section 172(b) to forgo any carryback of such net operating loss,

shall not fail to be treated as timely made if made not later than the date which is 120 days after the date of the enactment of this Act.

SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.

26 USC 461. Time periods.

(a) IN GENERAL.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) LIMITATION.—In the case of a taxpayer other than a corporation—

"(A) for any taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

"(B) for any taxable year beginning after December 31, 2020, and before January 1, 2026, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(b) TECHNICAL AMENDMENTS RELATING TO SECTION 11012 OF PUBLIC LAW 115–97.—

(1) Section 461(l)(2) of the Internal Revenue Code of 1986 is amended by striking "a net operating loss carryover to the following taxable year under section 172" and inserting "a net operating loss for the taxable year for purposes of determining any net operating loss carryover under section 172(b) for subsequent taxable years".

(2) Section 461(l)(3)(A) of such Code is amended—

(A) in clause (i), by inserting "and without regard to any deduction allowable under section 172 or 199A" after "under paragraph (1)", and

(B) by adding at the end the following flush sentence: "Such excess shall be determined without regard to any deductions, gross income, or gains attributable to any trade or business of performing services as an employee.".

(3) Section 461(l)(3) of such Code is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) TREATMENT OF CAPITAL GAINS AND LOSSES.—

"(i) LOSSES.—Deductions for losses from sales or exchanges of capital assets shall not be taken into account under subparagraph (A)(i).

"(ii) GAINS.—The amount of gains from sales or exchanges of capital assets taken into account under subparagraph (A)(ii) shall not exceed the lesser of—

"(I) the capital gain net income determined by taking into account only gains and losses attributable to a trade or business, or

"(II) the capital gain net income.".

26 USC 461 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.

SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY OF CORPORATIONS.

(a) IN GENERAL.—Section 53(e) of the Internal Revenue Code of 1986 is amended— 26 USC 53.

(1) by striking "2018, 2019, 2020, or 2021" in paragraph (1) and inserting "2018 or 2019", and

(2) by striking "2021" in paragraph (2) and inserting "2019".

(b) ELECTION TO TAKE ENTIRE REFUNDABLE CREDIT AMOUNT IN 2018.—

(1) IN GENERAL.—Section 53(e) of such Code is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—In the case of a corporation making an election under this paragraph—

"(A) paragraph (1) shall not apply, and

"(B) subsection (c) shall not apply to the first taxable year of such corporation beginning in 2018.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 53 note.

(d) SPECIAL RULE.— 26 USC 53 note.

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, a credit or refund for which an application described in paragraph (2)(A) is filed shall be treated as made under section 6411 of such Code.

(2) TENTATIVE REFUND.—

(A) APPLICATION.—A taxpayer may file an application for a tentative refund of any amount for which a refund is due by reason of an election under section 53(e)(5) of the Internal Revenue Code of 1986. Such application shall be in such manner and form as the Secretary of the Treasury (or the Secretary's delegate) may prescribe and shall—

(i) be verified in the same manner as an application under section 6411(a) of such Code,

(ii) be filed prior to December 31, 2020, and Deadline.

(iii) set forth—

(I) the amount of the refundable credit claimed under section 53(e) of such Code for such taxable year,

(II) the amount of the refundable credit claimed under such section for any previously filed return for such taxable year, and

(III) the amount of the refund claimed.

(B) ALLOWANCE OF ADJUSTMENTS.—Within a period of 90 days from the date on which an application is filed under subparagraph (A), the Secretary of the Treasury (or the Secretary's delegate) shall— Time period.

(i) review the application, Review.

(ii) determine the amount of the overpayment, and Determination.

(iii) apply, credit, or refund such overpayment, in a manner similar to the manner provided in section 6411(b) of the Internal Revenue Code of 1986.

(C) CONSOLIDATED RETURNS.—The provisions of section 6411(c) of the Internal Revenue Code of 1986 Code shall apply to an adjustment under this paragraph to the same extent and manner as the Secretary of the Treasury (or the Secretary's delegate) may provide. Applicability.

SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS INTEREST.

26 USC 163.

(a) IN GENERAL.—Section 163(j) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2019 AND 2020.—

"(A) IN GENERAL.—

Applicability.

"(i) IN GENERAL.—Except as provided in clause (ii) or (iii), in the case of any taxable year beginning in 2019 or 2020, paragraph (1)(B) shall be applied by substituting '50 percent' for '30 percent'.

"(ii) SPECIAL RULE FOR PARTNERSHIPS.—In the case of a partnership—

"(I) clause (i) shall not apply to any taxable year beginning in 2019, but

"(II) unless a partner elects not to have this subclause apply, in the case of any excess business interest of the partnership for any taxable year beginning in 2019 which is allocated to the partner under paragraph (4)(B)(i)(II)—

"(aa) 50 percent of such excess business interest shall be treated as business interest which, notwithstanding paragraph (4)(B)(ii), is paid or accrued by the partner in the partner's first taxable year beginning in 2020 and which is not subject to the limits of paragraph (1), and

"(bb) 50 percent of such excess business interest shall be subject to the limitations of paragraph (4)(B)(ii) in the same manner as any other excess business interest so allocated.

"(iii) ELECTION OUT.—A taxpayer may elect, at such time and in such manner as the Secretary may prescribe, not to have clause (i) apply to any taxable year. Such an election, once made, may be revoked only with the consent of the Secretary. In the case of a partnership, any such election shall be made by the partnership and may be made only for taxable years beginning in 2020.

"(B) ELECTION TO USE 2019 ADJUSTED TAXABLE INCOME FOR TAXABLE YEARS BEGINNING IN 2020.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of any taxable year beginning in 2020, the taxpayer may elect to apply this subsection by substituting the adjusted taxable income of the taxpayer for the last taxable year beginning in 2019 for the adjusted taxable income for such taxable year. In the case of a partnership, any such election shall be made by the partnership.

"(ii) SPECIAL RULE FOR SHORT TAXABLE YEARS.—If an election is made under clause (i) for a taxable year which is a short taxable year, the adjusted taxable income for the taxpayer's last taxable year beginning in 2019 which is substituted under clause (i) shall be equal to the amount which bears the same ratio to such adjusted taxable income determined without

regard to this clause as the number of months in the short taxable year bears to 12".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2018. 26 USC 163.

SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALIFIED IMPROVEMENT PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended— 26 USC 168.

(1) in subsection (e)—

(A) in paragraph (3)(E), by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and inserting ", and", and by adding at the end the following new clause:

"(vii) any qualified improvement property.", and

(B) in paragraph (6)(A), by inserting "made by the taxpayer" after "any improvement", and

(2) in the table contained in subsection (g)(3)(B)—

(A) by striking the item relating to subparagraph (D)(v), and

(B) by inserting after the item relating to subparagraph (E)(vi) the following new item:

"(E)(vii) ..... 20".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13204 of Public Law 115–97. 26 USC 168 note.

SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR ALCOHOL USED TO PRODUCE HAND SANITIZER.

(a) IN GENERAL.—Section 5214(a) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (13), by striking the period at the end and inserting "; or", and

(2) by adding at the end the following new paragraph: Time period.

"(14) with respect to distilled spirits removed after December 31, 2019, and before January 1, 2021, free of tax for use in or contained in hand sanitizer produced and distributed in a manner consistent with any guidance issued by the Food and Drug Administration that is related to the outbreak of virus SARS–CoV–2 or coronavirus disease 2019 (COVID–19).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distilled spirits removed after December 31, 2019. 26 USC 5214 note.

(c) APPLICATION OF OTHER LAWS.—Any distilled spirits or product described in paragraph (14) of section 5214(a) of the Internal Revenue Code of 1986 (as added by this section) shall not be subject to any requirements related to labeling or bulk sales under— 26 USC 5214 note.

(1) section 105 or 106 of the Federal Alcohol Administration Act (27 U.S.C. 205, 206); or

(2) section 204 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215).

TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

Coronavirus Aid, Relief, and Economic Security Act. 42 USC 201 note.

SEC. 3001. SHORT TITLE.

This subtitle may be cited as the "Coronavirus Aid, Relief, and Economic Security Act".

PART I—ADDRESSING SUPPLY SHORTAGES

Subpart A—Medical Product Supplies

SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA'S MEDICAL PRODUCT SUPPLY CHAIN SECURITY.

Contracts.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Academies") to examine, and, in a manner that does not compromise national security, report on, the security of the United States medical product supply chain.

(b) PURPOSES.—The report developed under this section shall—

Assessment. Evaluation.

(1) assess and evaluate the dependence of the United States, including the private commercial sector, States, and the Federal Government, on critical drugs and devices that are sourced or manufactured outside of the United States, which may include an analysis of—

(A) the supply chain of critical drugs and devices of greatest priority to providing health care;

(B) any potential public health security or national security risks associated with reliance on critical drugs and devices sourced or manufactured outside of the United States, which may include responses to previous or existing shortages or public health emergencies, such as infectious disease outbreaks, bioterror attacks, and other public health threats;

(C) any existing supply chain information gaps, as applicable; and

(D) potential economic impact of increased domestic manufacturing; and

Recommendations.

(2) provide recommendations, which may include a plan to improve the resiliency of the supply chain for critical drugs and devices as described in paragraph (1), and to address any supply vulnerabilities or potential disruptions of such products that would significantly affect or pose a threat to public health security or national security, as appropriate, which may include strategies to—

(A) promote supply chain redundancy and contingency planning;

(B) encourage domestic manufacturing, including consideration of economic impacts, if any;

(C) improve supply chain information gaps;

(D) improve planning considerations for medical product supply chain capacity during public health emergencies; and

(E) promote the accessibility of such drugs and devices.

(c) INPUT.—In conducting the study and developing the report under subsection (b), the National Academies shall—

(1) consider input from the Department of Health and Human Services, the Department of Homeland Security, the Department of Defense, the Department of Commerce, the Department of State, the Department of Veterans Affairs, the Department of Justice, and any other Federal agencies as appropriate; and

(2) consult with relevant stakeholders, which may include conducting public meetings and other forms of engagement, as appropriate, with health care providers, medical professional societies, State-based societies, public health experts, State and local public health departments, State medical boards, patient groups, medical product manufacturers, health care distributors, wholesalers and group purchasing organizations, pharmacists, and other entities with experience in health care and public health, as appropriate. Consultation.

(d) DEFINITIONS.—In this section, the terms "device" and "drug" have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCKPILE TO INCLUDE CERTAIN TYPES OF MEDICAL SUPPLIES.

Section 319F–2(a)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting "(including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests in the stockpile)" after "other supplies".

SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DEVICES AS COVERED COUNTERMEASURES.

Section 319F–3(i)(1)(D) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as follows:

"(D) a respiratory protective device that is approved by the National Institute for Occupational Safety and Health under part 84 of title 42, Code of Federal Regulations (or any successor regulations), and that the Secretary determines to be a priority for use during a public health emergency declared under section 319.". Determination.

Subpart B—Mitigating Emergency Drug Shortages

SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS; INCENTIVES.

Section 506C(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c(g)) is amended—

(1) in paragraph (1), by striking "the Secretary may" and inserting "the Secretary shall, as appropriate";

(2) in paragraph (1), by inserting "prioritize and" before "expedite the review"; and

(3) in paragraph (2), by inserting "prioritize and" before "expedite an inspection".

SEC. 3112. ADDITIONAL MANUFACTURER REPORTING REQUIREMENTS IN RESPONSE TO DRUG SHORTAGES.

(a) EXPANSION TO INCLUDE ACTIVE PHARMACEUTICAL INGREDIENTS.—Subsection (a) of section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is amended—

(1) in paragraph (1)(C), by inserting "or any such drug that is critical to the public health during a public health emergency declared by the Secretary under section 319 of the Public Health Service Act" after "during surgery"; and

(2) in the flush text at the end—

(A) by inserting ", or a permanent discontinuance in the manufacture of an active pharmaceutical ingredient or an interruption in the manufacture of the active pharmaceutical ingredient of such drug that is likely to lead to a meaningful disruption in the supply of the active pharmaceutical ingredient of such drug," before "and the reasons"; and

(B) by adding at the end the following: "Notification under this subsection shall include disclosure of reasons for the discontinuation or interruption, and if applicable, an active pharmaceutical ingredient is a reason for, or risk factor in, such discontinuation or interruption, the source of the active pharmaceutical ingredient and any alternative sources for the active pharmaceutical ingredient known by the manufacturer; whether any associated device used for preparation or administration included in the drug is a reason for, or a risk factor in, such discontinuation or interruption; the expected duration of the interruption; and such other information as the Secretary may require.".

(b) RISK MANAGEMENT.—Section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is amended by adding at the end the following:

"(j) RISK MANAGEMENT PLANS.—Each manufacturer of a drug described in subsection (a) or of any active pharmaceutical ingredient or any associated medical device used for preparation or administration included in the drug, shall develop, maintain, and implement, as appropriate, a redundancy risk management plan that identifies and evaluates risks to the supply of the drug, as applicable, for each establishment in which such drug or active pharmaceutical ingredient of such drug is manufactured. A risk management plan under this section shall be subject to inspection and copying by the Secretary pursuant to an inspection or a request under section 704(a)(4).".

Inspection.

(c) ANNUAL NOTIFICATION.—Section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e) is amended by adding at the end the following:

"(d) INTERAGENCY NOTIFICATION.—Not later than 180 days after the date of enactment of this subsection, and every 90 days thereafter, the Secretary shall transmit a report regarding the drugs of the current drug shortage list under this section to the Administrator of the Centers for Medicare & Medicaid Services.".

(d) REPORTING AFTER INSPECTIONS.—Section 704(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(b)) is amended—

(1) by redesignating paragraphs (1) and (2) and subparagraphs (A) and (B);

(2) by striking "(b) Upon completion" and inserting "(b)(1) Upon completion"; and

(3) by adding at the end the following:

"(2) In carrying out this subsection with respect to any establishment manufacturing a drug approved under subsection (c) or (j) of section 505 for which a notification has been submitted in accordance with section 506C is, or has been in the last 5 years, listed on the drug shortage list under section 506E, or that is described in section 505(j)(11)(A), a copy of the report shall be sent promptly to the appropriate offices of the Food and Drug Administration with expertise regarding drug shortages.". Records.

(e) REPORTING REQUIREMENT.—Section 510(j) of the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

"(3)(A) Each person who registers with the Secretary under this section with regard to a drug shall report annually to the Secretary on the amount of each drug listed under paragraph (1) that was manufactured, prepared, propagated, compounded, or processed by such person for commercial distribution. Such information may be required to be submitted in an electronic format as determined by the Secretary. The Secretary may require that information required to be reported under this paragraph be submitted at the time a public health emergency is declared by the Secretary under section 319 of the Public Health Service Act.

"(B) By order of the Secretary, certain biological products or categories of biological products regulated under section 351 of the Public Health Service Act may be exempt from some or all of the reporting requirements under subparagraph (A), if the Secretary determines that applying such reporting requirements to such biological products or categories of biological products is not necessary to protect the public health.". Determination.

(f) CONFIDENTIALITY.—Nothing in the amendments made by this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code. 21 USC 356c note.

(g) EFFECTIVE DATE.—The amendments made by this section and section 3111 shall take effect on the date that is 180 days after the date of enactment of this Act. 21 USC 356c note.

Subpart C—Preventing Medical Device Shortages

SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF MEDICAL DEVICES.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506I the following:

"SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF MEDICAL DEVICES. 21 USC 356j.

"(a) IN GENERAL.—A manufacturer of a device that—

"(1) is critical to public health during a public health emergency, including devices that are life-supporting, life-sustaining, or intended for use in emergency medical care or during surgery; or

Determination.
Notification.

"(2) for which the Secretary determines that information on potential meaningful supply disruptions of such device is needed during, or in advance of, a public health emergency;

shall, during, or in advance of, a public health emergency declared by the Secretary under section 319 of the Public Health Service Act, notify the Secretary, in accordance with subsection (b), of a permanent discontinuance in the manufacture of the device (except for discontinuances as a result of an approved modification of the device) or an interruption of the manufacture of the device that is likely to lead to a meaningful disruption in the supply of that device in the United States, and the reasons for such discontinuance or interruption.

"(b) TIMING.—A notice required under subsection (a) shall be submitted to the Secretary—

"(1) at least 6 months prior to the date of the discontinuance or interruption; or

"(2) if compliance with paragraph (1) is not possible, as soon as practicable.

Determination.

"(c) DISTRIBUTION.—

"(1) PUBLIC AVAILABILITY.—To the maximum extent practicable, subject to paragraph (2), the Secretary shall distribute, through such means as the Secretary determines appropriate, information on the discontinuance or interruption of the manufacture of devices reported under subsection (a) to appropriate organizations, including physician, health provider, patient organizations, and supply chain partners, as appropriate and applicable, as described in subsection (g).

"(2) PUBLIC HEALTH EXCEPTION.—The Secretary may choose not to make information collected under this section publicly available pursuant to this section if the Secretary determines that disclosure of such information would adversely affect the public health, such as by increasing the possibility of unnecessary over purchase of product, component parts, or other disruption of the availability of medical products to patients.

"(d) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

Deadlines.

"(e) FAILURE TO MEET REQUIREMENTS.—If a person fails to submit information required under subsection (a) in accordance with subsection (b)—

Notification.

"(1) the Secretary shall issue a letter to such person informing such person of such failure;

"(2) not later than 30 calendar days after the issuance of a letter under paragraph (1), the person who receives such letter shall submit to the Secretary a written response to such letter setting forth the basis for noncompliance and providing information required under subsection (a); and

Public information.
Web posting.
Determination.

"(3) not later than 45 calendar days after the issuance of a letter under paragraph (1), the Secretary shall make such letter and any response to such letter under paragraph (2) available to the public on the internet website of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (d), except that, if the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such response, the

person had a reasonable basis for not notifying as required under subsection (a), the requirements of this paragraph shall not apply.

"(f) EXPEDITED INSPECTIONS AND REVIEWS.—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a shortage of an device, the Secretary shall, as appropriate—

"(1) prioritize and expedite the review of a submission under section 513(f)(2), 515, review of a notification under section 510(k), or 520(m) for a device that could help mitigate or prevent such shortage; or

"(2) prioritize and expedite an inspection or reinspection of an establishment that could help mitigate or prevent such shortage.

"(g) DEVICE SHORTAGE LIST.—

"(1) ESTABLISHMENT.—The Secretary shall establish and maintain an up-to-date list of devices that are determined by the Secretary to be in shortage in the United States. Determination.

"(2) CONTENTS.—For each device included on the list under paragraph (1), the Secretary shall include the following information:

"(A) The category or name of the device in shortage.

"(B) The name of each manufacturer of such device.

"(C) The reason for the shortage, as determined by the Secretary, selecting from the following categories:

"(i) Requirements related to complying with good manufacturing practices.

"(ii) Regulatory delay.

"(iii) Shortage or discontinuance of a component or part.

"(iv) Discontinuance of the manufacture of the device.

"(v) Delay in shipping of the device.

"(vi) Delay in sterilization of the device.

"(vii) Demand increase for the device.

"(viii) Facility closure.

"(D) The estimated duration of the shortage as determined by the Secretary. Estimate. Determination.

"(3) PUBLIC AVAILABILITY.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary shall make the information in the list under paragraph (1) publicly available.

"(B) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing in this subsection shall be construed to alter or amend section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

"(C) PUBLIC HEALTH EXCEPTION.—The Secretary may elect not to make information collected under this subsection publicly available if the Secretary determines that disclosure of such information would adversely affect the public health (such as by increasing the possibility of hoarding or other disruption of the availability of the device to patients). Determination.

"(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Secretary on the date of enactment of this section to expedite the review of devices under section 515 of the Federal Food, Drug, and Cosmetic Act, section

515B of such Act relating to the priority review program for devices, and section 564 of such Act relating to the emergency use authorization authorities.

"(i) DEFINITIONS.—In this section:

"(1) MEANINGFUL DISRUPTION.—The term 'meaningful disruption'—

"(A) means a change in production that is reasonably likely to lead to a reduction in the supply of a device by a manufacturer that is more than negligible and affects the ability of the manufacturer to fill orders or meet expected demand for its product;

"(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time, not to exceed 6 months;

"(C) does not include interruptions in manufacturing of components or raw materials so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

"(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

"(2) SHORTAGE.—The term 'shortage', with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.".

PART II—ACCESS TO HEALTH CARE FOR COVID–19 PATIENTS

Subpart A—Coverage of Testing and Preventive Services

SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID–19.

Ante, p. 201.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

"(1) An in vitro diagnostic test defined in section 809.3 of title 21, Code of Federal Regulations (or successor regulations) for the detection of SARS–CoV–2 or the diagnosis of the virus that causes COVID–19, and the administration of such a test, that—

"(A) is approved, cleared, or authorized under section 510(k), 513, 515, or 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k), 360c, 360e, 360bbb–3);

"(B) the developer has requested, or intends to request, emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3), unless and until the emergency use authorization request under such section 564 has been denied or the developer of such test does not submit a request under such section within a reasonable timeframe;

"(C) is developed in and authorized by a State that has notified the Secretary of Health and Human Services of its intention to review tests intended to diagnose COVID–19; or

"(D) other test that the Secretary determines appropriate in guidance.".

SEC. 3202. PRICING OF DIAGNOSTIC TESTING.

42 USC 256b note.

(a) REIMBURSEMENT RATES.—A group health plan or a health insurance issuer providing coverage of items and services described in section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) with respect to an enrollee shall reimburse the provider of the diagnostic testing as follows:

Applicability.

(1) If the health plan or issuer has a negotiated rate with such provider in effect before the public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), such negotiated rate shall apply throughout the period of such declaration.

Reimbursement. Public information. Web posting.

(2) If the health plan or issuer does not have a negotiated rate with such provider, such plan or issuer shall reimburse the provider in an amount that equals the cash price for such service as listed by the provider on a public internet website, or such plan or issuer may negotiate a rate with such provider for less than such cash price.

(b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR DIAGNOSTIC TESTING FOR COVID–19.—

Web posting.

(1) IN GENERAL.—During the emergency period declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), each provider of a diagnostic test for COVID–19 shall make public the cash price for such test on a public internet website of such provider.

Compliance.

(2) CIVIL MONETARY PENALTIES.—The Secretary of Health and Human Services may impose a civil monetary penalty on any provider of a diagnostic test for COVID–19 that is not in compliance with paragraph (1) and has not completed a corrective action plan to comply with the requirements of such paragraph, in an amount not to exceed $300 per day that the violation is ongoing.

SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES AND VACCINES FOR CORONAVIRUS.

42 USC 300gg–13 note.

Regulations.

(a) IN GENERAL.—Notwithstanding 2713(b) of the Public Health Service Act (42 U.S.C. 300gg–13), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall require group health plans and health insurance issuers offering group or individual health insurance to cover (without cost-sharing) any qualifying coronavirus preventive service, pursuant to section 2713(a) of the Public Health Service Act (42 U.S.C. 300gg–13(a)) (including the regulations under sections 2590.715–2713 of title 29, Code of Federal Regulations, section 54.9815–2713 of title 26, Code of Federal Regulations, and section 147.130 of title 45, Code of Federal Regulations (or any successor regulations)). The requirement described in this subsection shall take effect with respect to a qualifying coronavirus preventive service on the specified date described in subsection (b)(2).

Effective date.

(b) DEFINITIONS.—For purposes of this section:

(1) QUALIFYING CORONAVIRUS PREVENTIVE SERVICE.—The term "qualifying coronavirus preventive service" means an item,

service, or immunization that is intended to prevent or mitigate coronavirus disease 2019 and that is—

(A) an evidence-based item or service that has in effect a rating of "A" or "B" in the current recommendations of the United States Preventive Services Task Force; or

(B) an immunization that has in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individual involved.

Time period. Recommendation.

(2) SPECIFIED DATE.—The term "specified date" means the date that is 15 business days after the date on which a recommendation is made relating to the qualifying coronavirus preventive service as described in such paragraph.

(3) ADDITIONAL TERMS.—In this section, the terms "group health plan", "health insurance issuer", "group health insurance coverage", and "individual health insurance coverage" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), and section 9832 of the Internal Revenue Code, as applicable.

Subpart B—Support for Health Care Providers

SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CENTERS.

(a) SUPPLEMENTAL AWARDS.—Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by adding at the end the following:

"(6) ADDITIONAL AMOUNTS FOR SUPPLEMENTAL AWARDS.—In addition to any amounts made available pursuant to this subsection, section 402A of this Act, or section 10503 of the Patient Protection and Affordable Care Act, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $1,320,000,000 for fiscal year 2020 for supplemental awards under subsection (d) for the detection of SARS–CoV–2 or the prevention, diagnosis, and treatment of COVID–19.".

(b) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendment made by subsection (a) for fiscal year 2020 shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "projects to demonstrate how telehealth technologies can be used through telehealth networks" and inserting "evidence-based projects that utilize telehealth technologies through telehealth networks";

(ii) in subparagraph (A)—

(I) by striking "the quality of" and inserting "access to, and the quality of,"; and

(II) by inserting "and" after the semicolon;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraph (C) as subparagraph (B); and

(v) in subparagraph (B), as so redesignated, by striking "and patients and their families, for decision-making" and inserting ", patients, and their families"; and

(B) in paragraph (2)—

(i) by striking "demonstrate how telehealth technologies can be used" and inserting "support initiatives that utilize telehealth technologies"; and

(ii) by striking ", to establish telehealth resource centers";

(2) in subsection (e), by striking "4 years" and inserting "5 years";

(3) in subsection (f)—

(A) by striking paragraph (2);

(B) in paragraph (1)(B)—

(i) by redesignating clauses (i) through (iii) as paragraphs (1) through (3), respectively, and adjusting the margins accordingly;

(ii) in paragraph (3), as so redesignated by clause (i), by redesignating subclauses (I) through (XII) as subparagraphs (A) through (L), respectively, and adjusting the margins accordingly; and

(iii) by striking "(1) TELEHEALTH NETWORK GRANTS—" and all that follows through "(B) TELEHEALTH NETWORKS—"; and

(C) in paragraph (3)(I), as so redesignated, by inserting "and substance use disorder" after "mental health" each place such term appears;

(4) in subsection (g)(2), by striking "or improve" and inserting "and improve";

(5) by striking subsection (h);

(6) by redesignating subsections (i) through (p) as subsection (h) through (o), respectively;

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

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "mental health, public health, long-term care, home care, preventive" and inserting "mental health care, public health services, long-term care, home care, preventive care";

(ii) in subparagraph (E), by inserting "and regional" after "local"; and

(iii) by striking subparagraph (F); and

(B) in paragraph (2)(A), by striking "medically underserved areas or" and inserting "rural areas, medically underserved areas, or";

(8) in paragraph (2) of subsection (i), as so redesignated, by striking "ensure that—" and all that follows through the end of subparagraph (B) and inserting "ensure that not less than 50 percent of the funds awarded shall be awarded for projects in rural areas.";

(9) in subsection (j), as so redesignated—

(A) in paragraph (1)(B), by striking "computer hardware and software, audio and video equipment, computer

network equipment, interactive equipment, data terminal equipment, and other"; and

(B) in paragraph (2)(F), by striking "health care providers and";

(10) in subsection (k), as so redesignated—

(A) in paragraph (2), by striking "40 percent" and inserting "20 percent"; and

(B) in paragraph (3), by striking "(such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment)";

(11) by striking subsections (q) and (r) and inserting the following:

"(p) REPORT.—Not later than 4 years after the date of enactment of the Coronavirus Aid, Relief, and Economic Security Act, and every 5 years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the activities and outcomes of the grant programs under subsection (b).";

(12) by redesignating subsection (s) as subsection (q); and

(13) in subsection (q), as so redesignated, by striking "this section—" and all that follows through the end of paragraph (2) and inserting "this section $29,000,000 for each of fiscal years 2021 through 2025.".

SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "essential" and inserting "basic"; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting "to" after "grants"; and

(ii) in clauses (i), (ii), and (iii), by striking "to" each place such term appears;

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting "improving and" after "outreach by";

(ii) by inserting ", through community engagement and evidence-based or innovative, evidence-informed models" before the period of the first sentence; and

(iii) by striking "3 years" and inserting "5 years";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraph (A), by striking "shall be a rural public or rural nonprofit private entity" and inserting "be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations";

(iii) in subparagraphs (B) and (C), by striking "shall" each place such term appears; and

(iv) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "that" after "members"; and

(II) in clauses (i) and (ii), by striking "that" each place such term appears; and

(C) in paragraph (3)(C), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(3) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks" and inserting "plan, develop, and implement integrated health care networks that collaborate"; and

(II) in clause (ii), by striking "essential health care services" and inserting "basic health care services and associated health outcomes"; and

(ii) by amending subparagraph (B) to read as follows:

"(B) GRANT PERIODS.—The Director may award grants under this subsection for periods of not more than 5 years.";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraph (A), by striking "shall be a rural public or rural nonprofit private entity" and inserting "be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations";

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking "shall"; and

(bb) by inserting "that" after "participants"; and

(II) in clauses (i) and (ii), by striking "that" each place such term appears; and

(iv) in subparagraph (C), by striking "shall"; and

(C) in paragraph (3)—

(i) by amending clause (iii) of subparagraph (C) to read as follows:

"(iii) how the rural underserved populations in the local community or region to be served will benefit from and be involved in the development and ongoing operations of the network;"; and

(ii) in subparagraph (D), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(4) in subsection (g)—

(A) in paragraph (1)—

(i) by inserting ", including activities related to increasing care coordination, enhancing chronic disease management, and improving patient health outcomes" before the period of the first sentence; and

(ii) by striking "3 years" and inserting "5 years";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraphs (A) and (B), by striking "shall" each place such term appears; and

(iii) in subparagraph (A)(ii), by inserting "or regional" after "local"; and

(C) in paragraph (3)(D), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(5) in subsection (h)(3), in the matter preceding subparagraph (A), by inserting ", as appropriate," after "the Secretary";

(6) by amending subsection (i) to read as follows:

"(i) REPORT.—Not later than 4 years after the date of enactment of the Coronavirus Aid, Relief, and Economic Security Act, and every 5 years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the activities and outcomes of the grant programs under subsections (e), (f), and (g), including the impact of projects funded under such programs on the health status of rural residents with chronic conditions."; and

(7) in subsection (j), by striking "$45,000,000 for each of fiscal years 2008 through 2012" and inserting "$79,500,000 for each of fiscal years 2021 through 2025".

SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MODERNIZATION.

(a) COMMISSIONED CORPS AND READY RESERVE CORPS.—Section 203 of the Public Health Service Act (42 U.S.C. 204) is amended—

(1) in subsection (a)(1), by striking "a Ready Reserve Corps for service in time of national emergency" and inserting ", for service in time of a public health or national emergency, a Ready Reserve Corps"; and

(2) in subsection (c)—

(A) in the heading, by striking "RESEARCH" and inserting "RESERVE CORPS";

(B) in paragraph (1), by inserting "during public health or national emergencies" before the period;

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ", consistent with paragraph (1)" after "shall";

(ii) in subparagraph (C), by inserting "during such emergencies" after "members"; and

(iii) in subparagraph (D), by inserting ", consistent with subparagraph (C)" before the period; and

(D) by adding at the end the following:

"(3) STATUTORY REFERENCES TO RESERVE.—A reference in any Federal statute, except in the case of subsection (b), to the 'Reserve Corps' of the Public Health Service or to the 'reserve' of the Public Health Service shall be deemed to be a reference to the Ready Reserve Corps.".

(b) DEPLOYMENT READINESS.—Section 203A(a)(1)(B) of the Public Health Service Act (42 U.S.C. 204a(a)(1)(B)) is amended by striking "Active Reserves" and inserting "Ready Reserve Corps".

(c) RETIREMENT OF COMMISSIONED OFFICERS.—Section 211 of the Public Health Service Act (42 U.S.C. 212) is amended—

(1) by striking "the Service" each place it appears and inserting "the Regular Corps";

(2) in subsection (a)(4), by striking "(in the case of an officer in the Reserve Corps)";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "or an officer of the Reserve Corps"; and

(ii) by inserting "or under section 221(a)(19)" after "subsection (a)"; and

(B) in paragraph (2), by striking "Regular or Reserve Corps" and inserting "Regular Corps or Ready Reserve Corps"; and

(4) in subsection (f), by striking "the Regular or Reserve Corps of".

(d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND SURVIVING BENEFICIARIES.—Section 221 of the Public Health Service Act (42 U.S.C. 213a) is amended—

(1) in subsection (a), by adding at the end the following:

"(19) Chapter 1223, Retired Pay for Non-Regular Service.

"(20) Section 12601, Compensation: Reserve on active duty accepting from any person.

"(21) Section 12684, Reserves: separation for absence without authority or sentence to imprisonment."; and

(2) in subsection (b)—

(A) by striking "Secretary of Health, Education, and Welfare or his designee" and inserting "Secretary of Health and Human Services or the designee of such secretary";

(B) by striking "(b) The authority vested" and inserting the following:

"(b)(1) The authority vested";

(C) by striking "For purposes of" and inserting the following:

"(2) For purposes of"; and

(D) by adding at the end the following:

"(3) For purposes of paragraph (19) of subsection (a), the terms 'Military department', 'Secretary concerned', and 'Armed forces' in such title 10 shall be deemed to include, respectively, the Department of Health and Human Services, the Secretary of Health and Human Services, and the Commissioned Corps.". Definitions.

(e) TECHNICAL AMENDMENTS.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended—

(1) in sections 204 and 207(c), by striking "Regular or Reserve Corps" each place it appears and inserting "Regular Corps or Ready Reserve Corps"; 42 USC 205, 209.

(2) in section 208(a), by striking "Regular and Reserve Corps" each place it appears and inserting "Regular Corps and Ready Reserve Corps"; and 42 USC 210.

(3) in section 205(c), 206(c), 210, and 219, and in subsections (a), (b), and (d) of section 207, by striking "Reserve Corps" each place it appears and inserting "Ready Reserve Corps". 42 USC 206, 207, 211, 210–1, 209.

42 USC 234 note.

SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER HEALTH CARE PROFESSIONALS DURING COVID–19 EMERGENCY RESPONSE.

(a) LIMITATION ON LIABILITY.—Except as provided in subsection (b), a health care professional shall not be liable under Federal or State law for any harm caused by an act or omission of the professional in the provision of health care services during the public health emergency with respect to COVID–19 declared by the Secretary of Health and Human Services (referred to in this section as the "Secretary") under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, if—

(1) the professional is providing health care services in response to such public health emergency, as a volunteer; and

(2) the act or omission occurs—

(A) in the course of providing health care services;

(B) in the health care professional's capacity as a volunteer;

(C) in the course of providing health care services that—

(i) are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and

(ii) do not exceed the scope of license, registration, or certification of a substantially similar health professional in the State in which such act or omission occurs; and

(D) in a good faith belief that the individual being treated is in need of health care services.

(b) EXCEPTIONS.—Subsection (a) does not apply if—

(1) the harm was caused by an act or omission constituting willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the health care professional; or

(2) the health care professional rendered the health care services under the influence (as determined pursuant to applicable State law) of alcohol or an intoxicating drug.

(c) PREEMPTION.—

(1) IN GENERAL.—This section preempts the laws of a State or any political subdivision of a State to the extent that such laws are inconsistent with this section, unless such laws provide greater protection from liability.

(2) VOLUNTEER PROTECTION ACT.—Protections afforded by this section are in addition to those provided by the Volunteer Protection Act of 1997 (Public Law 105–19).

(d) DEFINITIONS.—In this section—

(1) the term "harm" includes physical, nonphysical, economic, and noneconomic losses;

(2) the term "health care professional" means an individual who is licensed, registered, or certified under Federal or State law to provide health care services;

(3) the term "health care services" means any services provided by a health care professional, or by any individual working under the supervision of a health care professional that relate to—

(A) the diagnosis, prevention, or treatment of COVID–19; or

(B) the assessment or care of the health of a human being related to an actual or suspected case of COVID–19; and

(4) the term "volunteer" means a health care professional who, with respect to the health care services rendered, does not receive compensation or any other thing of value in lieu of compensation, which compensation—

(A) includes a payment under any insurance policy or health plan, or under any Federal or State health benefits program; and

(B) excludes—

(i) receipt of items to be used exclusively for rendering health care services in the health care professional's capacity as a volunteer described in subsection (a)(1); and

(ii) any reimbursement for travel to the site where the volunteer services are rendered and any payments in cash or kind to cover room and board, if services are being rendered more than 75 miles from the volunteer's principal place of residence.

(e) EFFECTIVE DATE.—This section shall take effect upon the date of enactment of this Act, and applies to a claim for harm only if the act or omission that caused such harm occurred on or after the date of enactment. Applicability.

(f) SUNSET.—This section shall be in effect only for the length of the public health emergency declared by the Secretary of Health and Human Services (referred to in this section as the "Secretary") under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020 with respect to COVID–19.

SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL HEALTH SERVICE CORPS DURING EMERGENCY PERIOD. 42 USC 254f note.

During the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19, the Secretary may, notwithstanding section 333 of the Public Health Service Act (42 U.S.C. 254f), assign members of the National Health Service Corps, with the voluntary agreement of such corps members, to provide such health services at such places, and for such number of hours, as the Secretary determines necessary to respond to such emergency, provided that such places are within a reasonable distance of the site to which such members were originally assigned, and the total number of hours required are the same as were required of such members prior to the date of enactment of this Act.

Subpart C—Miscellaneous Provisions

SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF RECORDS RELATING TO SUBSTANCE USE DISORDER. 42 USC 290dd–2 note.

(a) CONFORMING CHANGES RELATING TO SUBSTANCE USE DISORDER.—Subsections (a) and (h) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) are each amended by striking "substance abuse" and inserting "substance use disorder".

(b) DISCLOSURES TO COVERED ENTITIES CONSISTENT WITH HIPAA.—Paragraph (1) of section 543(b) of the Public Health Service Act (42 U.S.C. 290dd–2(b)) is amended to read as follows:

Applicability.

"(1) CONSENT.—The following shall apply with respect to the contents of any record referred to in subsection (a):

"(A) Such contents may be used or disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained.

"(B) Once prior written consent of the patient has been obtained, such contents may be used or disclosed by a covered entity, business associate, or a program subject to this section for purposes of treatment, payment, and health care operations as permitted by the HIPAA regulations. Any information so disclosed may then be redisclosed in accordance with the HIPAA regulations. Section 13405(c) of the Health Information Technology and Clinical Health Act (42 U.S.C. 17935(c)) shall apply to all disclosures pursuant to subsection (b)(1) of this section.

"(C) It shall be permissible for a patient's prior written consent to be given once for all such future uses or disclosures for purposes of treatment, payment, and health care operations, until such time as the patient revokes such consent in writing.

"(D) Section 13405(a) of the Health Information Technology and Clinical Health Act (42 U.S.C. 17935(a)) shall apply to all disclosures pursuant to subsection (b)(1) of this section.".

(c) DISCLOSURES OF DE-IDENTIFIED HEALTH INFORMATION TO PUBLIC HEALTH AUTHORITIES.—Paragraph (2) of section 543(b) of the Public Health Service Act (42 U.S.C. 290dd–2(b)), is amended by adding at the end the following:

"(D) To a public health authority, so long as such content meets the standards established in section 164.514(b) of title 45, Code of Federal Regulations (or successor regulations) for creating de-identified information.".

(d) DEFINITIONS.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by adding at the end the following:

"(k) DEFINITIONS.—For purposes of this section:

"(1) BREACH.—The term 'breach' has the meaning given such term for purposes of the HIPAA regulations.

"(2) BUSINESS ASSOCIATE.—The term 'business associate' has the meaning given such term for purposes of the HIPAA regulations.

"(3) COVERED ENTITY.—The term 'covered entity' has the meaning given such term for purposes of the HIPAA regulations.

"(4) HEALTH CARE OPERATIONS.—The term 'health care operations' has the meaning given such term for purposes of the HIPAA regulations.

"(5) HIPAA REGULATIONS.—The term 'HIPAA regulations' has the meaning given such term for purposes of parts 160 and 164 of title 45, Code of Federal Regulations.

"(6) PAYMENT.—The term 'payment' has the meaning given such term for purposes of the HIPAA regulations.

"(7) PUBLIC HEALTH AUTHORITY.—The term 'public health authority' has the meaning given such term for purposes of the HIPAA regulations.

"(8) TREATMENT.—The term 'treatment' has the meaning given such term for purposes of the HIPAA regulations.

"(9) UNSECURED PROTECTED HEALTH INFORMATION.—The term 'unprotected health information' has the meaning given such term for purposes of the HIPAA regulations.".

(e) USE OF RECORDS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE INVESTIGATIONS, ACTIONS, OR PROCEEDINGS.—Subsection (c) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2(c)) is amended to read as follows:

"(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE CONTEXTS.—Except as otherwise authorized by a court order under subsection (b)(2)(C) or by the consent of the patient, a record referred to in subsection (a), or testimony relaying the information contained therein, may not be disclosed or used in any civil, criminal, administrative, or legislative proceedings conducted by any Federal, State, or local authority, against a patient, including with respect to the following activities:

"(1) Such record or testimony shall not be entered into evidence in any criminal prosecution or civil action before a Federal or State court.

"(2) Such record or testimony shall not form part of the record for decision or otherwise be taken into account in any proceeding before a Federal, State, or local agency.

"(3) Such record or testimony shall not be used by any Federal, State, or local agency for a law enforcement purpose or to conduct any law enforcement investigation.

"(4) Such record or testimony shall not be used in any application for a warrant.".

(f) PENALTIES.—Subsection (f) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended to read as follows:

"(f) PENALTIES.—The provisions of sections 1176 and 1177 of the Social Security Act shall apply to a violation of this section to the extent and in the same manner as such provisions apply to a violation of part C of title XI of such Act. In applying the previous sentence— Applicability.

"(1) the reference to 'this subsection' in subsection (a)(2) of such section 1176 shall be treated as a reference to 'this subsection (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(2) in subsection (b) of such section 1176—

"(A) each reference to 'a penalty imposed under subsection (a)' shall be treated as a reference to 'a penalty imposed under subsection (a) (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(B) each reference to 'no damages obtained under subsection (d)' shall be treated as a reference to 'no damages obtained under subsection (d) (including as applied pursuant to section 543(f) of the Public Health Service Act)'.".

(g) ANTIDISCRIMINATION.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by inserting after subsection (h) the following:

"(i) ANTIDISCRIMINATION.—

"(1) IN GENERAL.—No entity shall discriminate against an individual on the basis of information received by such entity pursuant to an inadvertent or intentional disclosure of records,

or information contained in records, described in subsection (a) in—

"(A) admission, access to, or treatment for health care;

"(B) hiring, firing, or terms of employment, or receipt of worker's compensation;

"(C) the sale, rental, or continued rental of housing;

"(D) access to Federal, State, or local courts; or

"(E) access to, approval of, or maintenance of social services and benefits provided or funded by Federal, State, or local governments.

"(2) RECIPIENTS OF FEDERAL FUNDS.—No recipient of Federal funds shall discriminate against an individual on the basis of information received by such recipient pursuant to an intentional or inadvertent disclosure of such records or information contained in records described in subsection (a) in affording access to the services provided with such funds.".

(h) NOTIFICATION IN CASE OF BREACH.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2), as amended by subsection (g), is further amended by inserting after subsection (i) the following:

Applicability.

"(j) NOTIFICATION IN CASE OF BREACH.—The provisions of section 13402 of the HITECH Act (42 U.S.C. 17932) shall apply to a program or activity described in subsection (a), in case of a breach of records described in subsection (a), to the same extent and in the same manner as such provisions apply to a covered entity in the case of a breach of unsecured protected health information.".

Consultation.
42 USC 290dd–2 note.
Applicability.
Time period.

(i) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with appropriate Federal agencies, shall make such revisions to regulations as may be necessary for implementing and enforcing the amendments made by this section, such that such amendments shall apply with respect to uses and disclosures of information occurring on or after the date that is 12 months after the date of enactment of this Act.

Deadline.
Update.

(2) EASILY UNDERSTANDABLE NOTICE OF PRIVACY PRACTICES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate legal, clinical, privacy, and civil rights experts, shall update section 164.520 of title 45, Code of Federal Regulations, so that covered entities and entities creating or maintaining the records described in subsection (a) provide notice, written in plain language, of privacy practices regarding patient records referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd–2(a)), including—

(A) a statement of the patient's rights, including self-pay patients, with respect to protected health information and a brief description of how the individual may exercise these rights (as required by subsection (b)(1)(iv) of such section 164.520); and

(B) a description of each purpose for which the covered entity is permitted or required to use or disclose protected health information without the patient's written authorization (as required by subsection (b)(2) of such section 164.520).

(j) RULES OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to limit— 42 USC 290dd–2 note.

(1) a patient's right, as described in section 164.522 of title 45, Code of Federal Regulations, or any successor regulation, to request a restriction on the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd–2(a)) for purposes of treatment, payment, or health care operations; or

(2) a covered entity's choice, as described in section 164.506 of title 45, Code of Federal Regulations, or any successor regulation, to obtain the consent of the individual to use or disclose a record referred to in such section 543(a) to carry out treatment, payment, or health care operation.

(k) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) any person treating a patient through a program or activity with respect to which the confidentiality requirements of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) apply is encouraged to access the applicable State-based prescription drug monitoring program when clinically appropriate;

(2) patients have the right to request a restriction on the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd–2(a)) for treatment, payment, or health care operations;

(3) covered entities should make every reasonable effort to the extent feasible to comply with a patient's request for a restriction regarding such use or disclosure;

(4) for purposes of applying section 164.501 of title 45, Code of Federal Regulations, the definition of health care operations shall have the meaning given such term in such section, except that clause (v) of paragraph (6) shall not apply; and

(5) programs creating records referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd–2(a)) should receive positive incentives for discussing with their patients the benefits to consenting to share such records.

SEC. 3222. NUTRITION SERVICES. 42 USC 3030e note.

(a) DEFINITIONS.—In this section, the terms "Assistant Secretary", "Secretary", "State agency", and "area agency on aging" have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) NUTRITION SERVICES TRANSFER CRITERIA.—During any portion of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall allow a State agency or an area agency on aging, without prior approval, to transfer not more than 100 percent of the funds received by the State agency or area agency on aging, respectively, and attributable to funds appropriated under paragraph (1) or (2) of section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)), between subpart 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et seq.) for such use as the State agency or area agency on aging, respectively, considers appropriate to meet the needs of the State or area served.

(c) HOME-DELIVERED NUTRITION SERVICES WAIVER.—For purposes of State agencies' determining the delivery of nutrition services under section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g), during the period of the COVID–19 public health

emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the same meaning shall be given to an individual who is unable to obtain nutrition because the individual is practicing social distancing due to the emergency as is given to an individual who is homebound by reason of illness.

(d) DIETARY GUIDELINES WAIVER.—To facilitate implementation of subparts 1 and 2 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d–2 et seq.) during any portion of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Assistant Secretary may waive the requirements for meals provided under those subparts to comply with the requirements of clauses (i) and (ii) of section 339(2)(A) of such Act (42 U.S.C. 3030g–21(2)(A)).

Determinations.
42 USC 3056 note.

SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES FOR PARTICIPANTS IN COMMUNITY SERVICE ACTIVITIES UNDER TITLE V OF THE OLDER AMERICANS ACT OF 1965.

To ensure continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Secretary of Labor—

(1)(A) may allow individuals participating in projects under such title as of March 1, 2020, to extend their participation for a period that exceeds the period described in section 518(a)(3)(B)(i) of such Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary determines such extension is appropriate due to the effects of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

(B) may increase the average participation cap for eligible individuals applicable to grantees as described in section 502(b)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a cap the Secretary determines is appropriate due to the effects of the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

(2) may increase the amount available to pay the authorized administrative costs for a project, described in section 502(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount not to exceed 20 percent of the grant amount if the Secretary determines that such increase is necessary to adequately respond to the additional administrative needs to respond to the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

42 USC 1320d–2 note.
Deadline.

SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMATION.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the sharing of patients' protected health information pursuant to section 160.103 of title 45, Code of Federal Regulations (or any successor regulations) during the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, during the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to COVID–

19, and during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID–19. Such guidance shall include information on compliance with the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) and applicable policies, including such policies that may come into effect during such emergencies.

SEC. 3225. REAUTHORIZATION OF HEALTHY START PROGRAM.

Section 330H of the Public Health Service Act (42 U.S.C. 254c–8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ", during fiscal year 2001 and subsequent years,"; and

(B) in paragraph (2), by inserting "or increasing above the national average" after "areas with high";

(2) in subsection (b)—

(A) in paragraph (1), by striking "consumers of project services, public health departments, hospitals, health centers under section 330" and inserting "participants and former participants of project services, public health departments, hospitals, health centers under section 330, State substance abuse agencies"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "such as low birthweight" and inserting "including poor birth outcomes (such as low birthweight and preterm birth) and social determinants of health";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A), the following:

"(B) Communities with—

"(i) high rates of infant mortality or poor perinatal outcomes; or

"(ii) high rates of infant mortality or poor perinatal outcomes in specific subpopulations within the community."; and

(iv) in subparagraph (C) (as so redesignated)—

(I) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(II) by inserting before clause (ii) (as so redesignated) the following:

"(i) collaboration with the local community in the development of the project;";

(III) in clause (ii) (as so redesignated), by striking "and" at the end;

(IV) in clause (iii) (as so redesignated), by striking the period and inserting "; and"; and

(V) by adding at the end the following:

"(iv) the use and collection of data demonstrating the effectiveness of such program in decreasing infant mortality rates and improving perinatal outcomes, as applicable, or the process by which new applicants plan to collect this data.";

Data.

(3) in subsection (c)—

(A) by striking "Recipients of grants" and inserting the following:

"(1) IN GENERAL.—Recipients of grants"; and

(B) by adding at the end the following:

Coordination.

"(2) OTHER PROGRAMS.—The Secretary shall ensure coordination of the program carried out pursuant to this section with other programs and activities related to the reduction of the rate of infant mortality and improved perinatal and infant health outcomes supported by the Department.";

(4) in subsection (e)—

(A) in paragraph (1), by striking "appropriated—" and all that follows through the end and inserting "appropriated $125,500,000 for each of fiscal years 2021 through 2025."; and

Evaluations.

(B) in paragraph (2)(B), by adding at the end the following: "Evaluations may also include, to the extent practicable, information related to—

"(i) progress toward achieving any grant metrics or outcomes related to reducing infant mortality rates, improving perinatal outcomes, or reducing the disparity in health status;

Recommendations.

"(ii) recommendations on potential improvements that may assist with addressing gaps, as applicable and appropriate; and

"(iii) the extent to which the grantee coordinated with the community in which the grantee is located in the development of the project and delivery of services, including with respect to technical assistance and mentorship programs."; and

(5) by adding at the end the following:

"(f) GAO REPORT.—

Evaluation.

"(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this subsection, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate Committees of Congress a report, concerning the Healthy Start program under this section.

"(2) EVALUATION.—In conducting the evaluation under paragraph (1), the Comptroller General shall consider, as applicable and appropriate, information from the evaluations under subsection (e)(2)(B).

Review.
Assessments.
Recommendations.

"(3) REPORT.—The report described in paragraph (1) shall review, assess, and provide recommendations, as appropriate, on the following:

"(A) The allocation of Healthy Start program grants by the Health Resources and Services Administration, including considerations made by such Administration regarding disparities in infant mortality or perinatal outcomes among urban and rural areas in making such awards.

"(B) Trends in the progress made toward meeting the evaluation criteria pursuant to subsection (e)(2)(B), including programs which decrease infant mortality rates and improve perinatal outcomes, programs that have not decreased infant mortality rates or improved perinatal outcomes, and programs that have made an impact on disparities in infant mortality or perinatal outcomes.

"(C) The ability of grantees to improve health outcomes for project participants, promote the awareness of the Healthy Start program services, incorporate and promote family participation, facilitate coordination with the community in which the grantee is located, and increase grantee accountability through quality improvement, performance monitoring, evaluation, and the effect such metrics may have toward decreasing the rate of infant mortality and improving perinatal outcomes.

"(D) The extent to which such Federal programs are coordinated across agencies and the identification of opportunities for improved coordination in such Federal programs and activities.".

SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.

42 USC 247d note.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall carry out a national campaign to improve awareness of, and support outreach to the public and health care providers about the importance and safety of blood donation and the need for donations for the blood supply during the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19.

Contracts.

(b) AWARENESS CAMPAIGN.—In carrying out subsection (a), the Secretary may enter into contracts with one or more public or private nonprofit entities, to establish a national blood donation awareness campaign that may include television, radio, internet, and newspaper public service announcements, and other activities to provide for public and professional awareness and education.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with the Commissioner of Food and Drugs, the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and the heads of other relevant Federal agencies, and relevant accrediting bodies and representative organizations.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that shall include—

(1) a description of the activities carried out under subsection (a);

(2) a description of trends in blood supply donations; and

Evaluation.

(3) an evaluation of the impact of the public awareness campaign, including any geographic or population variations.

PART III—INNOVATION

SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC HEALTH EMERGENCIES.

Section 319L(c)(5)(A) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following:

"(iii) AUTHORITY DURING A PUBLIC HEALTH EMERGENCY.—

Procedures.

"(I) IN GENERAL.—Notwithstanding clause (ii), the Secretary, shall, to the maximum extent practicable, use competitive procedures when entering into transactions to carry out projects under this subsection for purposes of a public health emergency declared by the Secretary under section 319. Any such transactions entered into during such public health emergency shall not be terminated solely due to the expiration of such public health emergency, if such public health emergency ends before the completion of the terms of such agreement.

"(II) REPORT.—After the expiration of the public health emergency declared by the Secretary under section 319, the Secretary shall provide a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the use of any funds pursuant to the authority under subclause (I), including any outcomes, benefits, and risks associated with the use of such funds, and a description of the reasons for the use of such authority for the project or projects.".

SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 512 the following:

21 USC 360b–1.

"SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.

"(a) IN GENERAL.—The Secretary shall, at the request of the sponsor intending to submit an application for approval of a new animal drug under section 512(b)(1) or an application for conditional approval of a new animal drug under section 571, expedite the development and review of such new animal drug if preliminary clinical evidence indicates that the new animal drug, alone or in combination with 1 or more other animal drugs, has the potential to prevent or treat a zoonotic disease in animals, including a vector borne-disease, that has the potential to cause serious adverse health consequences for, or serious or life-threatening diseases in, humans.

"(b) REQUEST FOR DESIGNATION.—The sponsor of a new animal drug may request the Secretary to designate a new animal drug described in subsection (a) as a priority zoonotic animal drug. A request for the designation may be made concurrently with, or at any time after, the opening of an investigational new animal drug file under section 512(j) or the filing of an application under section 512(b)(1) or 571.

"(c) DESIGNATION.—

Deadline.
Determination.

"(1) IN GENERAL.—Not later than 60 calendar days after the receipt of a request under subsection (b), the Secretary shall determine whether the new animal drug that is the subject of the request meets the criteria described in subsection (a). If the Secretary determines that the new animal drug meets the criteria, the Secretary shall designate the new animal drug as a priority zoonotic animal drug and shall take such actions as are appropriate to expedite the development and

review of the application for approval or conditional approval of such new animal drug.

"(2) ACTIONS.—The actions to expedite the development and review of an application under paragraph (1) may include, as appropriate—

"(A) taking steps to ensure that the design of clinical trials is as efficient as practicable, when scientifically appropriate, such as by utilizing novel trial designs or drug development tools (including biomarkers) that may reduce the number of animals needed for studies;

"(B) providing timely advice to, and interactive communication with, the sponsor (which may include meetings with the sponsor and review team) regarding the development of the new animal drug to ensure that the development program to gather the nonclinical and clinical data necessary for approval is as efficient as practicable;

"(C) involving senior managers and review staff with experience in zoonotic or vector-borne disease to facilitate collaborative, cross-disciplinary review, including, as appropriate, across agency centers; and

"(D) implementing additional administrative or process enhancements, as necessary, to facilitate an efficient review and development program.".

PART IV—HEALTH CARE WORKFORCE

SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS WORKFORCE PROGRAMS.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended—

(1) in section 736 (42 U.S.C. 293), by striking subsection (i) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $23,711,000 for each of fiscal years 2021 through 2025.";

(2) in section 740 (42 U.S.C. 293d)—

(A) in subsection (a), by striking "$51,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014" and inserting "$51,470,000 for each of fiscal years 2021 through 2025";

(B) in subsection (b), by striking "$5,000,000 for each of the fiscal years 2010 through 2014" and inserting "$1,190,000 for each of fiscal years 2021 through 2025";

(C) in subsection (c), by striking "$60,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014" and inserting "$15,000,000 for each of fiscal years 2021 through 2025"; and

(D) in subsection (d), by striking "Not Later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress" and inserting: "Not later than September 30, 2025, and every five years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives,";

(3) in section 747 (42 U.S.C. 293k)—

(A) in subsection (a)—

(i) in paragraph (1)(G), by striking "to plan, develop, and operate a demonstration program that provides training" and inserting: "to plan, develop, and operate a program that identifies or develops innovative models of providing care, and trains primary care physicians on such models and"; and

(ii) by adding at the end the following:

"(3) PRIORITIES IN MAKING AWARDS.—In awarding grants or contracts under paragraph (1), the Secretary may give priority to qualified applicants that train residents in rural areas, including for Tribes or Tribal Organizations in such areas.";

(B) in subsection (b)(3)(E), by striking "substance-related disorders" and inserting "substance use disorders"; and

(C) in subsection (c)(1), by striking "$125,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014" and inserting "$48,924,000 for each of fiscal years 2021 through 2025";

(4) in section 748 (42 U.S.C. 293k–2)—

(A) in subsection (c)(5), by striking "substance-related disorders" and inserting "substance use disorders"; and

(B) in subsection (f), by striking "$30,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015" and inserting "$28,531,000 for each of fiscal years 2021 through 2025";

(5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)), by striking "Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives";

(6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)), by striking "$125,000,000 for each of the fiscal years 2010 through 2014" and inserting "$41,250,000 for each of fiscal years 2021 through 2025";

(7) in section 754(b)(1)(A) (42 U.S.C. 294d(b)(1)(A)), by striking "new and innovative" and inserting "innovative or evidence-based";

(8) in section 755(b)(1)(A) (42 U.S.C. 294e(b)(1)(A)), by striking "the elderly" and inserting "geriatric populations or for maternal and child health";

(9) in section 761(e) (42 U.S.C. 294n(e))—

(A) in paragraph (1)(A), by striking "$7,500,000 for each of fiscal years 2010 through 2014" and inserting "$5,663,000 for each of fiscal years 2021 through 2025"; and

(B) in paragraph (2), by striking "subsection (a)" and inserting "paragraph (1)";

(10) in section 762 (42 U.S.C. 294o)—

(A) in subsection (a)(1), by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";

(B) in subsection (b)—

(i) in paragraph (2), by striking "Health Care Financing Administration" and inserting "Centers for Medicare & Medicaid Services";

(ii) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(iii) by inserting after paragraph (3), the following:

"(4) the Administrator of the Health Resources and Services Administration;";

(C) by striking subsections (i), (j), and (k) and inserting the following:

"(i) REPORTS.—Not later than September 30, 2023, and not less than every 5 years thereafter, the Council shall submit to the Secretary, and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the recommendations described in subsection (a)."; and

(D) by redesignating subsection (l) as subsection (j);

(11) in section 766(b)(1) (42 U.S.C. 295a(b)(1)), by striking "that plans" and all that follows through the period and inserting "that plans, develops, operates, and evaluates projects to improve preventive medicine, health promotion and disease prevention, or access to and quality of health care services in rural or medically underserved communities.";

(12) in section 770(a) (42 U.S.C. 295e(a)), by striking "$43,000,000 for fiscal year 2011, and such sums as may be necessary for each of the fiscal years 2012 through 2015" and inserting "$17,000,000 for each of fiscal years 2021 through 2025"; and

(13) in section 775(e) (42 U.S.C. 295f(e)), by striking "$30,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of fiscal years 2021 through 2025.".

SEC. 3402. HEALTH WORKFORCE COORDINATION.

42 USC note prec. 292.

(a) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the "Secretary"), in consultation with the Advisory Committee on Training in Primary Care Medicine and Dentistry and the Advisory Council on Graduate Medical Education, shall develop a comprehensive and coordinated plan with respect to the health care workforce development programs of the Department of Health and Human Services, including education and training programs.

Deadline. Consultation.

(2) REQUIREMENTS.—The plan under paragraph (1) shall—

(A) include performance measures to determine the extent to which the programs described in paragraph (1) are strengthening the Nation's health care system;

(B) identify any gaps that exist between the outcomes of programs described in paragraph (1) and projected health care workforce needs identified in workforce projection reports conducted by the Health Resources and Services Administration;

(C) identify actions to address the gaps described in subparagraph (B); and

(D) identify barriers, if any, to implementing the actions identified under subparagraph (C).

(b) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate with the heads of other Federal agencies and departments that fund or administer health care workforce development programs, including education and training programs, to—

Evaluation.

(1) evaluate the performance of such programs, including the extent to which such programs are efficient and effective and are meeting the nation's health workforce needs; and

(2) identify opportunities to improve the quality and consistency of the information collected to evaluate within and across such programs, and to implement such improvements.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report describing the plan developed under subsection (a) and actions taken to implement such plan.

SEC. 3403. EDUCATION AND TRAINING RELATING TO GERIATRICS.

Section 753 of the Public Health Service Act (42 U.S.C. 294c) is amended to read as follows:

"SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

"(a) GERIATRICS WORKFORCE ENHANCEMENT PROGRAM.—

Grants.
Contracts.

"(1) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements under this subsection to entities described in paragraph (1), (3), or (4) of section 799B, section 801(2), or section 865(d), or other health professions schools or programs approved by the Secretary, for the establishment or operation of Geriatrics Workforce Enhancement Programs that meet the requirements of paragraph (2).

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—A Geriatrics Workforce Enhancement Program receiving an award under this section shall support the training of health professionals in geriatrics, including traineeships or fellowships. Such programs shall emphasize, as appropriate, patient and family engagement, integration of geriatrics with primary care and other appropriate specialties, and collaboration with community partners to address gaps in health care for older adults.

"(B) ACTIVITIES.—Activities conducted by a program under this section may include the following:

"(i) Clinical training on providing integrated geriatrics and primary care delivery services.

"(ii) Interprofessional training to practitioners from multiple disciplines and specialties, including training on the provision of care to older adults.

"(iii) Establishing or maintaining training-related community-based programs for older adults and caregivers to improve health outcomes for older adults.

"(iv) Providing education on Alzheimer's disease and related dementias to families and caregivers of older adults, direct care workers, and health professions students, faculty, and providers.

"(3) DURATION.—Each grant, contract, or cooperative agreement or contract awarded under paragraph (1) shall be for a period not to exceed 5 years.

"(4) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity

described in such paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(5) PROGRAM REQUIREMENTS.—

"(A) IN GENERAL.—In awarding grants, contracts, and cooperative agreements under paragraph (1), the Secretary—

"(i) shall give priority to programs that demonstrate coordination with another Federal or State program or another public or private entity;

"(ii) shall give priority to applicants with programs or activities that are expected to substantially benefit rural or medically underserved populations of older adults, or serve older adults in Indian Tribes or Tribal organizations; and

"(iii) may give priority to any program that—

"(I) integrates geriatrics into primary care practice;

"(II) provides training to integrate geriatric care into other specialties across care settings, including practicing clinical specialists, health care administrators, faculty without backgrounds in geriatrics, and students from all health professions;

"(III) emphasizes integration of geriatric care into existing service delivery locations and care across settings, including primary care clinics, medical homes, Federally qualified health centers, ambulatory care clinics, critical access hospitals, emergency care, assisted living and nursing facilities, and home- and community-based services, which may include adult daycare;

"(IV) supports the training and retraining of faculty, primary care providers, other direct care providers, and other appropriate professionals on geriatrics;

"(V) emphasizes education and engagement of family caregivers on disease management and strategies to meet the needs of caregivers of older adults; or

"(VI) proposes to conduct outreach to communities that have a shortage of geriatric workforce professionals.

"(B) SPECIAL CONSIDERATION.—In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give special consideration to entities that provide services in areas with a shortage of geriatric workforce professionals.

"(6) PRIORITY.—The Secretary may provide awardees with additional support for activities in areas of demonstrated need, which may include education and training for home health workers, family caregivers, and direct care workers on care for older adults.

"(7) REPORTING.—

"(A) REPORTS FROM ENTITIES.—Each entity awarded a grant, contract, or cooperative agreement under this section shall submit an annual report to the Secretary on

the activities conducted under such grant, contract, or cooperative agreement, which may include information on the number of trainees, the number of professions and disciplines, the number of partnerships with health care delivery sites, the number of faculty and practicing professionals who participated in such programs, and other information, as the Secretary may require.

Summary.

"(B) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Title VII Health Care Workforce Reauthorization Act of 2019 and every 5 years thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that provides a summary of the activities and outcomes associated with grants, contracts, and cooperative agreements made under this section. Such reports shall include—

"(i) information on the number of trainees, faculty, and professionals who participated in programs under this section;

"(ii) information on the impact of the program conducted under this section on the health status of older adults, including in areas with a shortage of health professionals; and

"(iii) information on outreach and education provided under this section to families and caregivers of older adults.

Web posting.

"(C) PUBLIC AVAILABILITY.—The Secretary shall make reports submitted under paragraph (B) publically available on the internet website of the Department of Health and Human Services.

"(b) GERIATRIC ACADEMIC CAREER AWARDS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall, as appropriate, establish or maintain a program to provide geriatric academic career awards to eligible entities applying on behalf of eligible individuals to promote the career development of such individuals as academic geriatricians or other academic geriatrics health professionals.

Definitions.

"(2) ELIGIBILITY.—

"(A) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means—

"(i) an entity described in paragraph (1), (3), or (4) of section 799B or section 801(2); or

"(ii) another accredited health professions school or graduate program approved by the Secretary.

"(B) ELIGIBLE INDIVIDUAL.—For purposes of this subsection, the term 'eligible individual' means an individual who—

"(i)(I) is board certified or board eligible in internal medicine, family practice, psychiatry, or licensed dentistry, or has completed required training in a discipline and is employed in an accredited health professions school or graduate program that is approved by the Secretary; or

"(II) has completed an approved fellowship program in geriatrics, or has completed specialty training in geriatrics as required by the discipline and any

additional geriatrics training as required by the Secretary; and

"(ii) has a junior, nontenured, faculty appointment at an accredited health professions school or graduate program in geriatrics or a geriatrics health profession.

"(C) CLARIFICATION.—If an eligible individual is promoted during the period of an award under this subsection and thereby no longer meets the criteria of subparagraph (B)(ii), the individual shall continue to be treated as an eligible individual through the term of the award.

"(3) APPLICATION REQUIREMENTS.—In order to receive an award under paragraph (1), an eligible entity, on behalf of an eligible individual, shall—

"(A) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require;

"(B) provide, in such form and manner as the Secretary may require, assurances that the eligible individual will meet the service requirement described in paragraph (6); and

"(C) provide, in such form and manner as the Secretary may require, assurances that the individual has a full-time faculty appointment in a health professions institution and documented commitment from such eligible entity that the individual will spend 75 percent of the individual's time that is supported by the award on teaching and developing skills in interdisciplinary education in geriatrics.

"(4) EQUITABLE DISTRIBUTION.—In making awards under this subsection, the Secretary shall seek to ensure geographical distribution among award recipients, including among rural or medically underserved areas of the United States.

"(5) AMOUNT AND DURATION.—

"(A) AMOUNT.—The amount of an award under this subsection shall be at least $75,000 for fiscal year 2021, adjusted for subsequent years in accordance with the consumer price index. The Secretary shall determine the amount of an award under this subsection for individuals who are not physicians. Determination.

"(B) DURATION.—The Secretary shall make awards under paragraph (1) for a period not to exceed 5 years.

"(6) SERVICE REQUIREMENT.—An individual who receives an award under this subsection shall provide training in clinical geriatrics, including the training of interprofessional teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the award.

"(c) NONAPPLICABILITY OF PROVISION.—Notwithstanding any other provision of this title, section 791(a) shall not apply to awards made under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $40,737,000 for each of fiscal years 2021 through 2025 for purposes of carrying out this section.".

SEC. 3404. NURSING WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) in section 801 (42 U.S.C. 296), by adding at the end the following:

Definition.

"(18) NURSE MANAGED HEALTH CLINIC.—The term 'nurse managed health clinic' means a nurse-practice arrangement, managed by advanced practice nurses, that provides primary care or wellness services to underserved or vulnerable populations and that is associated with a school, college, university or department of nursing, federally qualified health center, or independent nonprofit health or social services agency.";

(2) in section 802(c) (42 U.S.C. 296a(c)), by inserting ", and how such project aligns with the goals in section 806(a)" before the period in the second sentence;

(3) in section 803(b) (42 U.S.C. 296b(b)), by adding at the end the following: "Such Federal funds are intended to supplement, not supplant, existing non-Federal expenditures for such activities.";

(4) in section 806 (42 U.S.C. 296e)—

(A) in subsection (a), by striking "as needed to" and all that follows and inserting the following: "as needed to address national nursing needs, including—

"(1) addressing challenges, including through supporting training and education of nursing students, related to the distribution of the nursing workforce and existing or projected nursing workforce shortages in geographic areas that have been identified as having, or that are projected to have, a nursing shortage;

"(2) increasing access to and the quality of health care services, including by supporting the training of professional registered nurses, advanced practice registered nurses, and advanced education nurses within community based settings and in a variety of health delivery system settings; or

"(3) addressing the strategic goals and priorities identified by the Secretary and that are in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.";

Contracts.
Determination.

(B) in subsection (b)(2), by striking "a demonstration" and all that follows and inserting the following: "the reporting of data and information demonstrating that satisfactory progress has been made by the program or project in meeting the performance outcome standards (as described in section 802) of such program or project.";

(C) in subsection (e)(2), by inserting ", and have relevant expertise and experience" before the period at the end of the first sentence; and

(D) by adding at the end the following:

"(i) BIENNIAL REPORT ON NURSING WORKFORCE PROGRAM IMPROVEMENTS.—Not later than September 30, 2020, and biennially thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that contains an assessment of the programs and activities of the Department of Health and Human Services related to enhancing the nursing workforce, including the extent to which programs and activities under this title meet the identified goals and performance measures developed for the respective programs and activities, and the extent to which the Department coordinates with other

Assessment.

Federal departments regarding programs designed to improve the nursing workforce.";

(5) in section 811 (42 U.S.C. 296j)—

(A) in subsection (b)—

(i) by striking "Master's" and inserting "graduate"; and

(ii) by inserting "clinical nurse leaders," after "nurse administrators,";

(B) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(C) by inserting after subsection (e), the following:

"(f) AUTHORIZED CLINICAL NURSE SPECIALIST PROGRAMS.—Clinical nurse specialist programs eligible for support under this section are education programs that—

"(1) provide registered nurses with full-time clinical nurse specialist education; and

"(2) have as their objective the education of clinical nurse specialists who will, upon completion of such a program, be qualified to effectively provide care through the wellness and illness continuum to inpatients and outpatients experiencing acute and chronic illness."; and

(6) in section 831 (42 U.S.C. 296p)—

(A) in the section heading, by striking "**AND QUALITY GRANTS**" and inserting "**QUALITY, AND RETENTION GRANTS**";

(B) in subsection (b)(2), by striking "other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims" and inserting "high risk groups, such as the elderly, individuals with HIV/AIDS, individuals with mental health or substance use disorders, individuals who are homeless, and survivors";

(C) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking "advancement for nursing personnel" and inserting the following: "advancement for—

"(i) nursing";

(II) by striking "professional nurses, advanced education nurses, licensed practical nurses, certified nurse assistants, and home health aides" and inserting "professional registered nurses, advanced practice registered nurses, and nurses with graduate nursing education"; and

(III) by adding at the end the following:

"(ii) individuals including licensed practical nurses, licensed vocational nurses, certified nurse assistants, home health aides, diploma degree or associate degree nurses, and other health professionals, such as health aides or community health practitioners certified under the Community Health Aide Program of the Indian Health Service, to become registered nurses with baccalaureate degrees or nurses with graduate nursing education;";

(ii) in subparagraph (B), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) developing and implementing internships, accredited fellowships, and accredited residency programs in collaboration with one or more accredited schools of nursing, to encourage the mentoring and development of specialties.";

(D) by striking subsections (e) and (h);

(E) by redesignating subsections (f) and (g), as subsections (e) and (f), respectively;

(F) in subsection (e) (as so redesignated), by striking "The Secretary shall submit to the Congress before the end of each fiscal year" and inserting "As part of the report on nursing workforce programs described in section 806(i), the Secretary shall include"; and

(G) in subsection (f) (as so redesignated), by striking "a school of nursing, as defined in section 801(2),," and inserting "an accredited school of nursing, as defined in section 801(2), a health care facility, including federally qualified health centers or nurse-managed health clinics, or a partnership of such a school and facility";

(7) by striking section 831A (42 U.S.C. 296p–1);

(8) in section 846 (42 U.S.C. 297n)—

(A) by striking the last sentence of subsection (a);

(B) in subsection (b)(1), by striking "he began such practice" and inserting "the individual began such practice"; and

(C) in subsection (i), by striking "FUNDING" in the subsection heading and all that follows through "paragraph (1)" in paragraph (2), and inserting the following: "ALLOCATIONS.—Of the amounts appropriated under section 871(b),";

(9) in section 846A (42 U.S.C. 247n–1), by striking subsection (f);

(10) in section 847 (42 U.S.C. 297o), by striking subsection (g);

(11) in section 851 (42 U.S.C. 297t)—

(A) in subsection (b)(1)(A)(iv), by striking "and nurse anesthetists" and inserting "nurse anesthetists, and clinical nurse specialists";

(B) in subsection (d)(3)—

(i) by striking "3 years after the date of enactment of this section" and inserting "2 years after the date of enactment of the Title VIII Nursing Reauthorization Act";

(ii) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(iii) by inserting "Energy and" before "Commerce"; and

(C) in subsection (g), by striking "under this title" and inserting "for carrying out parts B, C, and D";

(12) by striking sections 861 and 862 (42 U.S.C. 297w and 297x); and

(13) in section 871 (42 U.S.C. 298d)—

(A) by striking "For the purpose of" and inserting the following:

"(a) IN GENERAL.—For the purpose of";

(B) by striking "$338,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2016" and inserting "$137,837,000 for each of fiscal years 2021 through 2025"; and

(C) by adding at the end the following:

"(b) PART E.—For the purpose of carrying out part E, there are authorized to be appropriated $117,135,000 for each of the fiscal years 2021 through 2025.".

(b) EVALUATION AND REPORT ON NURSE LOAN REPAYMENT PROGRAMS.—

(1) EVALUATION.—The Comptroller General shall conduct an evaluation of the nurse loan repayment programs administered by the Health Resources and Services Administration. Such evaluation shall include—

(A) the manner in which payments are made under such programs;

(B) the existing oversight functions necessary to ensure the proper use of such programs, including payments made as part of such programs;

(C) the identification of gaps, if any, in oversight functions; and

(D) information on the number of nurses assigned to facilities pursuant to such programs, including the type of facility to which nurses are assigned and the impact of modifying the eligibility requirements for programs under section 846 of the Public Health Service Act (42 U.S.C. 297n), such as the impact on entities to which nurses had previously been assigned prior to fiscal year 2019 (such as federally qualified health centers and facilities affiliated with the Indian Health Service).

Recommendations.

(2) REPORT.—Not later than 18 months after the enactment of this Act, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the evaluation under paragraph (1), which may include recommendations to improve relevant nursing workforce loan repayment programs.

Subtitle B—Education Provisions

COVID–19 Pandemic Education Relief Act of 2020. 20 USC 1001 note.

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "COVID–19 Pandemic Education Relief Act of 2020".

20 USC 1001 note.

SEC. 3502. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle:

(1) CORONAVIRUS.—The term "coronavirus" has the meaning given the term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(2) FOREIGN INSTITUTION.—The term "foreign institution" means an institution of higher education located outside the United States that is described in paragraphs (1)(C) and (2) of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning of the term under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) QUALIFYING EMERGENCY.—The term "qualifying emergency" means—

(A) a public health emergency related to the coronavirus declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

(B) an event related to the coronavirus for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

(C) a national emergency related to the coronavirus declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.).

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

20 USC 1001 note.

SEC. 3503. CAMPUS-BASED AID WAIVERS.

(a) WAIVER OF NON-FEDERAL SHARE REQUIREMENT.—Notwithstanding sections 413C(a)(2) and 443(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect to funds made available for award years 2019–2020 and 2020–2021, the Secretary shall waive the requirement that a participating institution of higher education provide a non-Federal share to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.) for all awards made under such programs during such award years, except nothing in this subsection shall affect the non-Federal share requirement under section 443(c)(3) that applies to private for-profit organizations.

(b) AUTHORITY TO REALLOCATE.—Notwithstanding sections 413D, 442, and 488 of the Higher Education Act of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during a period of a qualifying emergency, an institution may transfer up to 100 percent of the institution's unexpended allotment under section 442 of such Act to the institution's allotment under section 413D of such Act, but may not transfer any funds from the institution's unexpended allotment under section 413D of such Act to the institution's allotment under section 442 of such Act.

20 USC 1001 note.

SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS FOR EMERGENCY AID.

(a) IN GENERAL.—Notwithstanding section 413B of the Higher Education Act of 1965 (20 U.S.C. 1070b–1), an institution of higher education may reserve any amount of an institution's allocation under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) for a fiscal year to award, in such fiscal year, emergency financial aid grants to assist undergraduate or graduate students for unexpected expenses and unmet financial need as the result of a qualifying emergency.

(b) DETERMINATIONS.—In determining eligibility for and awarding emergency financial aid grants under this section, an institution of higher education may—

(1) waive the amount of need calculation under section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk);

(2) allow for a student affected by a qualifying emergency to receive funds in an amount that is not more than the maximum Federal Pell Grant for the applicable award year; and

(3) utilize a contract with a scholarship-granting organization designated for the sole purpose of accepting applications from or disbursing funds to students enrolled in the institution of higher education, if such scholarship-granting organization disburses the full allocated amount provided to the institution of higher education to the recipients.

(c) SPECIAL RULE.—Any emergency financial aid grants to students under this section shall not be treated as other financial assistance for the purposes of section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING EMERGENCY.

20 USC 1001 note.

(a) IN GENERAL.—In the event of a qualifying emergency, an institution of higher education participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) may make payments under such part to affected work-study students, for the period of time (not to exceed one academic year) in which affected students were unable to fulfill the students' work-study obligation for all or part of such academic year due to such qualifying emergency, as follows:

Time period.

(1) Payments may be made under such part to affected work-study students in an amount equal to or less than the amount of wages such students would have been paid under such part had the students been able to complete the work obligation necessary to receive work study funds, as a one time grant or as multiple payments.

(2) Payments shall not be made to any student who was not eligible for work study or was not completing the work obligation necessary to receive work study funds under such part prior to the occurrence of the qualifying emergency.

(3) Any payments made to affected work-study students under this subsection shall meet the matching requirements of section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53), unless such matching requirements are waived by the Secretary.

(b) DEFINITION OF AFFECTED WORK-STUDY STUDENT.—In this section, the term "affected work-study student" means a student enrolled at an eligible institution participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) who—

(1) received a work-study award under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) for the academic year during which a qualifying emergency occurred;

(2) earned Federal work-study wages from such eligible institution for such academic year; and

(3) was prevented from fulfilling the student's work-study obligation for all or part of such academic year due to such qualifying emergency.

20 USC 1001 note.

SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIMITS.

Notwithstanding section 455(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Secretary shall exclude from a student's period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

20 USC 1001 note.

SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURATION LIMIT.

The Secretary shall exclude from a student's Federal Pell Grant duration limit under section 401(c)(5) of the Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any semester (or the equivalent) that the student does not complete due to a qualifying emergency if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

20 USC 1001 note.

SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STUDENT LOAN FLEXIBILITY.

(a) INSTITUTIONAL WAIVER.—

(1) IN GENERAL.—The Secretary shall waive the institutional requirement under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) to be returned under such section if a recipient of assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) withdraws from the institution of higher education during the payment period or period of enrollment as a result of a qualifying emergency.

Requirements.

(2) WAIVERS.—The Secretary shall require each institution using a waiver relating to the withdrawal of recipients under this subsection to report the number of such recipients, the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) for which each institution has not returned assistance under title IV to the Secretary.

(b) STUDENT WAIVER.—The Secretary shall waive the amounts that students are required to return under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) with respect to Federal Pell Grants or other grant assistance if the withdrawals on which the returns are based, are withdrawals by students who withdrew from the institution of higher education as a result of a qualifying emergency.

(c) CANCELING LOAN OBLIGATION.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall cancel the borrower's obligation to repay the entire portion of a loan made under part D of title IV of such Act (20 U.S.C. 1087a et seq.) associated with a payment period for a recipient of such loan who withdraws from the institution of higher education during the payment period as a result of a qualifying emergency.

(d) APPROVED LEAVE OF ABSENCE.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001

et seq.), for purposes of receiving assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an institution of higher education may, as a result of a qualifying emergency, provide a student with an approved leave of absence that does not require the student to return at the same point in the academic program that the student began the leave of absence if the student returns within the same semester (or the equivalent).

SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.

20 USC 1001 note.

Notwithstanding section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), in determining whether a student is maintaining satisfactory academic progress for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an institution of higher education may, as a result of a qualifying emergency, exclude from the quantitative component of the calculation any attempted credits that were not completed by such student without requiring an appeal by such student.

SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS.

20 USC 1001 note.

(a) IN GENERAL.—Notwithstanding section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)), with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(b) ELIGIBILITY.—An otherwise eligible program that is offered in whole or in part through distance education by a foreign institution between March 1, 2020, and the date of enactment of this Act shall be deemed eligible for the purposes of part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) for the duration of the qualifying emergency and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.). An institution of higher education that uses the authority provided in the previous sentence shall report such use to the Secretary—

Time periods.

Reports. Deadlines.

(1) for the 2019–2020 award year, not later than June 30, 2020; and

(2) for an award year subsequent to the 2019–2020 award year, not later than 30 days after such use.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the qualifying emergency and the following payment period, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each foreign institution that carried out a distance education program authorized under this section.

(d) WRITTEN ARRANGEMENTS.—

(1) IN GENERAL.—Notwithstanding section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), for the duration of a qualifying emergency and the following payment period, the Secretary may allow a foreign institution to enter into a written arrangement with an institution of higher education located in the United States that participates in the Federal

Direct Loan Program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) for the purpose of allowing a student of the foreign institution who is a borrower of a loan made under such part to take courses from the institution of higher education located in the United States.

(2) FORM OF ARRANGEMENTS.—

(A) PUBLIC OR OTHER NONPROFIT INSTITUTIONS.—A foreign institution that is a public or other nonprofit institution may enter into a written arrangement under subsection (a) only with an institution of higher education described in section 101 of such Act (20 U.S.C. 1001).

(B) OTHER INSTITUTIONS.—A foreign institution that is a graduate medical school, nursing school, or a veterinary school and that is not a public or other nonprofit institution may enter into a written arrangement under subsection (a) with an institution of higher education described in section 101 or section 102 of such Act (20 U.S.C. 1001 and 1002).

Deadlines.

(3) REPORT ON USE.—An institution of higher education that uses the authority described in paragraph (2) shall report such use to the Secretary—

(A) for the 2019–2020 award year, not later than June 30, 2020; and

(B) for an award year subsequent to the 2019–2020 award year, not later than 30 days after such use.

(4) REPORT FROM THE SECRETARY.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the qualifying emergency and the following payment period, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each foreign institution that entered into a written arrangement authorized under subsection (a).

Determinations.
20 USC 7861 note.

SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, upon the request of a State educational agency or Indian tribe, waive any statutory or regulatory provision described under paragraphs (1) and (2) of subsection (b), and upon the request of a local educational agency, waive any statutory or regulatory provision described under paragraph (2) of subsection (b), if the Secretary determines that such a waiver is necessary and appropriate due to the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID–19).

(b) APPLICABLE PROVISIONS OF LAW.—

(1) STREAMLINED WAIVERS.—The Secretary shall create an expedited application process to request a waiver and the Secretary may waive any statutory or regulatory requirements for a State educational agency (related to assessments, accountability, and reporting requirements related to assessments and accountability), if the Secretary determines that such a waiver is necessary and appropriate as described in subsection (a), under the following provisions of law:

(A) The following provisions under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311):

(i) Paragraphs (2) and (3) of subsection (b).

(ii) Subsection (c)(4).

(iii) Subparagraphs (C) and (D) of subsection (d)(2).

(iv) The following provisions under subsection (h) of such section 1111:

(I) Clauses (i), (ii), (iii)(I), (iv), (v), (vi), (vii), and (xi) of paragraph (1)(C).

(II) Paragraph (2)(C) with respect to the waived requirements under subclause (I).

(III) Clauses (i) and (ii) of paragraph (2)(C).

(B) Section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)).

(2) STATE AND LOCALLY-REQUESTED WAIVERS.—For a State educational agency, local educational agency, or Indian tribe that receives funds under a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) that requests a waiver under subsection (c), the Secretary may waive statutory and regulatory requirements under any of the following provisions of such Act:

(A) Section 1114(a)(1).

(B) Section 1118(a) and section 8521.

(C) Section 1127.

(D) Section 4106(d).

(E) Subparagraphs (C), (D), and (E) of section 4106(e)(2).

(F) Section 4109(b).

(G) The definition under section 8101(42) for purposes of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) APPLICABILITY TO CHARTER SCHOOLS.—Any waivers issued by the Secretary under this section shall be implemented, as applicable—

(A) for all public schools, including public charter schools within the boundaries of the recipient of the waiver;

(B) in accordance with State charter school law; and

(C) pursuant to section 1111(c)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(5)).

(4) LIMITATION.—Nothing in this section shall be construed to allow the Secretary to waive any statutory or regulatory requirements under applicable civil rights laws.

(5) ACCOUNTABILITY AND IMPROVEMENT.—Any school located in a State that receives a waiver under paragraph (1) and that is identified for comprehensive support and improvement, targeted support and improvement, or additional targeted support in the 2019–2020 school year under section 1111(c)(4)(D) or section 1111(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that identification status in the 2020–2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020–2021 school year.

(c) STATE AND LOCAL REQUESTS FOR WAIVERS.—

(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver from

any statutory or regulatory provision described under subsection (b)(2), may submit a waiver request to the Secretary in accordance with this subsection.

(2) REQUESTS SUBMITTED.—A request for a waiver under this subsection shall—

(A) identify the Federal programs affected by the requested waiver;

(B) describe which Federal statutory or regulatory requirements are to be waived;

(C) describe how the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID–19) prevents or otherwise restricts the ability of the State, State educational agency, local educational agency, Indian tribe, or school to comply with such statutory or regulatory requirements; and

(D) provide an assurance that the State educational agency, local educational agency, or Indian tribe will work to mitigate any negative effects, if any, that may occur as a result of the requested waiver.

(3) SECRETARY APPROVAL.—

Deadline.

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary shall approve or disapprove a waiver request submitted under paragraph (1) not more than 30 days after the date on which such request is submitted.

(B) EXCEPTIONS.—The Secretary may disapprove a waiver request submitted under paragraph (1), only if the Secretary determines that—

(i) the waiver request does not meet the requirements of this section;

(ii) the waiver is not permitted pursuant to subsection (b)(2); or

(iii) the description required under paragraph (2)(C) provides insufficient information to demonstrate that the waiving of such requirements is necessary or appropriate consistent with subsection (a).

(4) DURATION.—A waiver approved by the Secretary under this section may be for a period not to exceed the 2019–2020 academic year, except to carry out full implementation of any maintenance of effort waivers granted during the 2019–2020 academic year.

(d) REPORTING AND PUBLICATION.—

State and local government. Web posting.

(1) PUBLIC NOTICE.—A State educational agency, Indian Tribe, or local educational agency requesting a waiver under subsection (b)(2) shall provide the public and all local educational agencies in the State with notice of, and the opportunity to comment on, the request by posting information regarding the waiver request and the process for commenting on the State website.

Deadline.

(2) NOTIFYING CONGRESS.—Not later than 7 days after granting a waiver under this section, the Secretary shall notify the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate,

the Committee on Education and Labor of the House of Representatives, and the Committee on Appropriations of the House of Representatives of such waiver.

(3) PUBLICATION.—Not later than 30 days after granting a waiver under this section, the Secretary shall publish a notice of the Secretary's decision (including which waiver was granted and the reason for granting the waiver) in the Federal Register and on the website of the Department of Education.

Deadline. Federal Register, publication. Notice. Web posting.

(4) REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, with recommendations on any additional waivers under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) the Secretary believes are necessary to be enacted into law to provide limited flexibility to States and local educational agencies to meet the needs of students during the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID–19).

Recommendations.

(e) TERMS.—In this section, the term "State educational agency" includes the Bureau of Indian Education, and the term "local educational agency" includes Bureau of Indian Education funded schools operated pursuant to a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), or a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

Definition.

SEC. 3512. HBCU CAPITAL FINANCING.

20 USC 1001 note.

(a) DEFERMENT PERIOD.—

(1) IN GENERAL.—Notwithstanding any provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or any regulation promulgated under such title, the Secretary may grant a deferment, for the duration of a qualifying emergency, to an institution that has received a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.).

(2) TERMS.—During the deferment period granted under this subsection—

(A) the institution shall not be required to pay any periodic installment of principal or interest required under the loan agreement for such loan; and

(B) the Secretary shall make principal and interest payments otherwise due under the loan agreement.

(3) CLOSING.—At the closing of a loan deferred under this subsection, terms shall be set under which the institution shall be required to repay the Secretary for the payments of principal and interest made by the Secretary during the deferment, on a schedule that begins upon repayment to the lender in full on the loan agreement, except in no case shall repayment

be required to begin before the date that is 1 full fiscal year after the date that is the end of the qualifying emergency.

(b) TERMINATION DATE.—

(1) IN GENERAL.—The authority provided under this section to grant a loan deferment under subsection (a) shall terminate on the date on which the qualifying emergency is no longer in effect.

(2) DURATION.—Any provision of a loan agreement or insurance agreement modified by the authority under this section shall remain so modified for the duration of the period covered by the loan agreement or insurance agreement.

Time period.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter during the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution that received assistance under this section.

(d) FUNDING.—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $62,000,000 to carry out this section.

20 USC 1001 note.

SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT LOAN BORROWERS.

(a) IN GENERAL.—The Secretary shall suspend all payments due for loans made under part D and part B (that are held by the Department of Education) of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) through September 30, 2020.

(b) NO ACCRUAL OF INTEREST.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), interest shall not accrue on a loan described under subsection (a) for which payment was suspended for the period of the suspension.

(c) CONSIDERATION OF PAYMENTS.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem each month for which a loan payment was suspended under this section as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program authorized under part D or B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the borrower would have otherwise qualified.

(d) REPORTING TO CONSUMER REPORTING AGENCIES.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall ensure that, for the purpose of reporting information about the loan to a consumer reporting agency, any payment that has been suspended is treated as if it were a regularly scheduled payment made by a borrower.

(e) SUSPENDING INVOLUNTARY COLLECTION.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall suspend all involuntary collection related to the loan, including—

(1) a wage garnishment authorized under section 488A of the Higher Education Act of 1965 (20 U.S.C. 1095a) or section 3720D of title 31, United States Code;

(2) a reduction of tax refund by amount of debt authorized under section 3720A of title 31, United States Code, or section 6402(d) of the Internal Revenue Code of 1986;

(3) a reduction of any other Federal benefit payment by administrative offset authorized under section 3716 of title 31, United States Code (including a benefit payment due to an individual under the Social Security Act or any other provision described in subsection (c)(3)(A)(i) of such section); and

(4) any other involuntary collection activity by the Secretary.

(f) WAIVERS.—In carrying out this section, the Secretary may waive the application of—

(1) subchapter I of chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act");

(2) the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089);

(3) negotiated rulemaking under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a); and

(4) the requirement to publish the notices related to the system of records of the agency before implementation required under paragraphs (4) and (11) of section 552a(e) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), except that the notices shall be published not later than 180 days after the date of enactment of this Act. Notices. Deadline.

(g) NOTICE TO BORROWERS AND TRANSITION PERIOD.—To inform borrowers of the actions taken in accordance with this section and ensure an effective transition, the Secretary shall—

(1) not later than 15 days after the date of enactment of this Act, notify borrowers— Deadline.

(A) of the actions taken in accordance with subsections (a) and (b) for whom payments have been suspended and interest waived;

(B) of the actions taken in accordance with subsection (e) for whom collections have been suspended;

(C) of the option to continue making payments toward principal; and

(D) that the program under this section is a temporary program.

(2) beginning on August 1, 2020, carry out a program to provide not less than 6 notices by postal mail, telephone, or electronic communication to borrowers indicating— Effective date.

(A) when the borrower's normal payment obligations will resume; and

(B) that the borrower has the option to enroll in income-driven repayment, including a brief description of such options.

SEC. 3514. PROVISIONS RELATED TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE. 42 USC 12501 note.

(a) ACCRUAL OF SERVICE HOURS.—

(1) ACCRUAL THROUGH OTHER SERVICE HOURS.—

(A) IN GENERAL.—Notwithstanding any other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) or the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), the Corporation for National and Community Service shall allow an individual described in subparagraph (B) to accrue other service hours

that will count toward the number of hours needed for the individual's education award.

Applicability.

(B) AFFECTED INDIVIDUALS.—Subparagraph (A) shall apply to any individual serving in a position eligible for an educational award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.)—

(i) who is performing limited service due to COVID–19; or

(ii) whose position has been suspended or placed on hold due to COVID–19.

(2) PROVISIONS IN CASE OF EARLY EXIT.—In any case where an individual serving in a position eligible for an educational award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) was required to exit the position early at the direction of the Corporation for National and Community Service, the Chief Executive Officer of the Corporation for National and Community Service may—

(A) deem such individual as having met the requirements of the position; and

(B) award the individual the full value of the educational award under such subtitle for which the individual would otherwise have been eligible.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, all funds made available to the Corporation for National and Community Service under any Act, including the amounts appropriated to the Corporation under the headings "OPERATING EXPENSES", "SALARIES AND EXPENSES", and "OFFICE OF THE INSPECTOR GENERAL" under the heading "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE" under title IV of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), shall remain available for the fiscal year ending September 30, 2021.

(c) NO REQUIRED RETURN OF GRANT FUNDS.—Notwithstanding section 129(l)(3)(A)(i) of the National and Community Service Act of 1990 (42 U.S.C. 12581(l)(3)(A)(i)), the Chief Executive Officer of the Corporation for National and Community Service may permit fixed-amount grant recipients under such section 129(l) to maintain a pro rata amount of grant funds, at the discretion of the Corporation for National and Community Service, for participants who exited, were suspended, or are serving in a limited capacity due to COVID–19, to enable the grant recipients to maintain operations and to accept participants.

Time period.

(d) EXTENSION OF TERMS AND AGE LIMITS.—Notwithstanding any other provision of law, the Corporation for National and Community Service may extend the term of service (for a period not to exceed the 1-year period immediately following the end of the national emergency) or waive any upper age limit (except in no case shall the maximum age exceed 26 years of age) for national service programs carried out by the National Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), and the participants in such programs, for the purposes of—

(1) addressing disruptions due to COVID–19; and

(2) minimizing the difficulty in returning to full operation due to COVID–19 on such programs and participants.

SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.

29 USC 3163 note.

(a) ADMINISTRATIVE COSTS.—Notwithstanding section 128(b)(4) of the Workforce Innovation Opportunity Act (29 U.S.C. 3163(b)(4)), of the total amount allocated to a local area (including the total amount allotted to a single State local area) under subtitle B of title I of such Act (29 U.S.C. 3151 et seq.) for program year 2019, not more than 20 percent of the total amount may be used for the administrative costs of carrying out local workforce investment activities under chapter 2 or chapter 3 of subtitle B of title I of such Act, if the portion of the total amount that exceeds 10 percent of the total amount is used to respond to a qualifying emergency.

(b) RAPID RESPONSE ACTIVITIES.—

(1) STATEWIDE RAPID RESPONSE.—Of the funds reserved by a Governor for program year 2019 for statewide activities under section 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)) that remain unobligated, such funds may be used for statewide rapid response activities as described in section 134(a)(2)(A) of such Act (29 U.S.C. 3174(a)(2)(A)) for responding to a qualifying emergency.

Deadline.

(2) LOCAL BOARDS.—Of the funds reserved by a Governor for program year 2019 under section 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that remain unobligated, such funds may be released within 30 days after the date of enactment of this Act to the local boards most impacted by the coronavirus at the determination of the Governor for rapid response activities related to responding to a qualifying emergency.

(c) DEFINITIONS.—Except as otherwise provided, the terms in this section have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SEC. 3516. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—

(1) Section 6103(a)(3) of the Internal Revenue Code of 1986, as amended by the FUTURE Act (Public Law 116–91), is further amended by striking "(13), (16)" and inserting "(13)(A), (13)(B), (13)(C), (13)(D)(i), (16)".

26 USC 6103.

(2) Section 6103(p)(3)(A) of such Code, as so amended, is further amended by striking "(12)," and inserting "(12), (13)(A), (13)(B), (13)(C), (13)(D)(i)".

(3) Section 6103(p)(4) of such Code, as so amended, is further amended by striking "(13) or (16)" each place it appears and inserting "(13), or (16)".

(4) Section 6103(p)(4) of such Code, as so amended and as amended by paragraph (3), is further amended by striking "(13)" each place it appears and inserting "(13)(A), (13)(B), (13)(C), (13)(D)(i)".

(5) Section 6103(l)(13)(C)(ii) of such Code, as added by the FUTURE Act (Public Law 116–91), is amended by striking "section 236A(e)(4)" and inserting "section 263A(e)(4)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the FUTURE Act (Public Law 116–91).

26 USC 6103 note.

20 USC 1001 note.

SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIREMENT FOR INSTITUTIONAL AID.

Time period.

(a) WAIVER AUTHORITY.—Notwithstanding any other provision of the Higher Education Act of 1965 (U.S.C. 1001 et seq.), unless enacted with specific reference to this section, for any institution of higher education that was receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the time of a qualifying emergency, the Secretary may, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency—

(1) waive—

(A) the eligibility data requirements set forth in section 391(d) and 521(e) of the Higher Education Act of 1965 (20 U.S.C. 1068(d); 1103(e));

(B) the wait-out period set forth in section 313(d) of the Higher Education Act of 1965 (20 U.S.C. 1059(d));

(C) the allotment requirements under paragraphs (2) and (3) of subsection 318(e) of the Higher Education Act of 1965 (20 U.S.C. 1059e(e)), and the reference to "the academic year preceding the beginning of that fiscal year" under such section 318(e)(1);

(D) the allotment requirements under subsections (b), (c), and (g) of section 324 of the Higher Education Act of 1965 (20 U.S.C. 1063), the reference to "the end of the school year preceding the beginning of that fiscal year" under such section 324(a), and the reference to "the academic year preceding such fiscal year" under such section 324(h);

(E) subparagraphs (A), (C), (D), and (E) of section 326(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1063b(f)(3)), and references to "previous year" under such section 326(f)(3)(B);

(F) subparagraphs (A), (C), (D), and (E) of section 723(f)(3) and subparagraphs (A), (C), (D), and (E) of section 724(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1136a(f)(3); 1136b(f)(3)), and references to "previous academic year" under subparagraph (B) of such sections 723(f)(3) and 724(f)(3); and

(G) the allotment restriction set forth in section 318(d)(4) and section 323(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059e(d)(4); 1062(c)(2)); and

Time period.

(2) waive or modify any statutory or regulatory provision to ensure that institutions that were receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the time of a qualifying emergency are not adversely affected by any formula calculation for fiscal year 2020 and for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, as necessary.

Time periods.

(b) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution under title III, title V, or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and not expended or used for the purposes for which the funds were paid to the institution during the 5-year period following the date on which the funds were first paid

to the institution, may be carried over and expended during the succeeding 5-year period.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution that received a waiver or modification under this section. Time period.

SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS FOR GRANTS. Time period. 20 USC 1001 note.

(a) IN GENERAL.—The Secretary is authorized to modify the required and allowable uses of funds for grants awarded under part A or B of title III, chapter I or II of subpart 2 of part A of title IV, title V, or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.; 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an institution of higher education or other grant recipient (not including individual recipients of Federal student financial assistance), at the request of an institution of higher education or other recipient of a grant (not including individual recipients of Federal student financial assistance) as a result of a qualifying emergency, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency.

(b) MATCHING REQUIREMENT MODIFICATIONS.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary is authorized to modify any Federal share or other financial matching requirement for a grant awarded on a competitive basis or a grant awarded under part A or B of title III or subpart 4 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1136a et seq.) at the request of an institution of higher education or other grant recipient as a result of a qualifying emergency, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency.

(c) REPORTS.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution of higher education or other grant recipient that received a modification under this section.

SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS. 20 USC 1001 note.

(a) TEACH GRANTS.—For the purpose of section 420N of the Higher Education Act of 1965 (20 U.S.C. 1070g–2), during a qualifying emergency, the Secretary—

(1) may modify the categories of extenuating circumstances under which a recipient of a grant under subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.) who is unable to fulfill all or part of the recipient's

service obligation may be excused from fulfilling that portion of the service obligation; and

(2) shall consider teaching service that, as a result of a qualifying emergency, is part-time or temporarily interrupted, to be full-time service and to fulfill the service obligations under such section 420N.

Waiver authority.

(b) TEACHER LOAN FORGIVENESS.—Notwithstanding section 428J or 460 of the Higher Education Act of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall waive the requirements under such sections that years of teaching service shall be consecutive if—

(1) the teaching service of a borrower is temporarily interrupted due to a qualifying emergency; and

(2) after the temporary interruption due to a qualifying emergency, the borrower resumes teaching service and completes a total of 5 years of qualifying teaching service under such sections, including qualifying teaching service performed before, during, and after such qualifying emergency.

Subtitle C—Labor Provisions

SEC. 3601. LIMITATION ON PAID LEAVE.

Section 110(b)(2)(B) of the Family and Medical Leave Act of 1993 (as added by the Emergency Family and Medical Leave Expansion Act) is amended by striking clause (ii) and inserting the following:

Ante, p. 191.

"(ii) LIMITATION.—An employer shall not be required to pay more than $200 per day and $10,000 in the aggregate for each employee for paid leave under this section.".

SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.

Section 5102 of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by adding at the end the following:

Ante, p. 195.

"(f) LIMITATIONS.—An employer shall not be required to pay more than either—

"(1) $511 per day and $5,110 in the aggregate for each employee, when the employee is taking leave for a reason described in paragraph (1), (2), or (3) of section 5102(a); or

"(2) $200 per day and $2,000 in the aggregate for each employee, when the employee is taking leave for a reason described in paragraph (4), (5), or (6) of section 5102(a).".

SEC. 3603. UNEMPLOYMENT INSURANCE.

Section 903(h)(2)(B) of the Social Security Act (42 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the Emergency Unemployment Insurance Stabilization and Access Act of 2020, is amended to read as follows:

Ante, p. 193.

"(B) The State ensures that applications for unemployment compensation, and assistance with the application process, are accessible, to the extent practicable in at least two of the following: in person, by phone, or online.".

SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK LEAVE.

(a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 110(a) of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division C of the Families First

Coronavirus Response Act) is amended by adding at the end the following new paragraph: *Ante*, p. 189.

"(4) The Director of the Office of Management and Budget shall have the authority to exclude for good cause from the requirements under subsection (b) certain employers of the United States Government with respect to certain categories of Executive Branch employees.".

(b) EMERGENCY PAID SICK LEAVE ACT.—The Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by adding at the end the following new section:

"SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES. 29 USC 2601 note.

"The Director of the Office of Management and Budget shall have the authority to exclude for good cause from the definition of employee under section 5110(1) certain employees described in subparagraphs (E) and (F) of such section, including by exempting certain United States Government employers covered by section 5110(2)(A)(i)(V) from the requirements of this title with respect to certain categories of Executive Branch employees.".

SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.

Section 110(a)(1)(A) of the Family and Medical Leave Act of 1993, as added by section 3102 of the Emergency Family and Medical Leave Expansion Act, is amended to read as follows: *Ante*, p. 189.

"(A) ELIGIBLE EMPLOYEE.— Definitions. Time periods.

"(i) IN GENERAL.—In lieu of the definition in sections 101(2)(A) and 101(2)(B)(ii), the term 'eligible employee' means an employee who has been employed for at least 30 calendar days by the employer with respect to whom leave is requested under section 102(a)(1)(F).

"(ii) RULE REGARDING REHIRED EMPLOYEES.—For purposes of clause (i), the term 'employed for at least 30 calendar days', used with respect to an employee and an employer described in clause (i), includes an employee who was laid off by that employer not earlier than March 1, 2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee's layoff, and was rehired by the employer.".

SEC. 3606. ADVANCE REFUNDING OF CREDITS.

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended— *Ante*, p. 210.

(1) in subsection (b)(4)(A)—

(A) by striking "(A) In general.—If the amount" and inserting "(A)(i) Credit is refundable.—If the amount"; and

(B) by adding at the end the following:

"(ii) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

(B) in paragraph (5), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a)."; and

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

Waiver authority.

"(i) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary's delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 3111(a) or 3221(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.".

(b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY LEAVE.—Section 7003 of division G of the Families First Coronavirus Response Act is amended—

Ante, p. 214.

(1) in subsection (b)(3)—

(A) by striking "If the amount" and inserting "(A) Credit is refundable.—If the amount"; and

(B) by adding at the end the following:

"(B) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

(B) in paragraph (5), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a)."; and

(c) by inserting after subsection (h) the following new subsection:

Waiver authority.
Determination.

"(i) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary's delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 3111(a) or 3221(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.".

SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE CERTAIN DEADLINES.

Section 518 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1148) is amended by striking "or a terroristic or military action (as defined in section 692(c)(2) of such Code), the Secretary may" and inserting "a terroristic or military action (as defined in section 692(c)(2) of such Code), or a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act, the Secretary may".

SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES. 26 USC 430 note.

(a) DELAY IN PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—In the case of any minimum required contribution (as determined under section 430(a) of the Internal Revenue Code of 1986 and section 303(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(a))) which (but for this section) would otherwise be due under section 430(j) of such Code (including quarterly contributions under paragraph (3) thereof) and section 303(j) of such Act (29 U.S.C. 1083(j)) (including quarterly contributions under paragraph (3) thereof) during calendar year 2020—

(1) the due date for such contributions shall be January 1, 2021, and

(2) the amount of each such minimum required contribution shall be increased by interest accruing for the period between the original due date (without regard to this section) for the contribution and the payment date, at the effective rate of interest for the plan for the plan year which includes such payment date.

(b) BENEFIT RESTRICTION STATUS.—For purposes of section 436 of the Internal Revenue Code of 1986 and section 206(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may elect to treat the plan's adjusted funding target attainment percentage for the last plan year ending before January 1, 2020, as the adjusted funding target attainment percentage for plan years which include calendar year 2020.

SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EMPLOYER CHARITY PENSION PLAN RULES TO CERTAIN CHARITABLE EMPLOYERS WHOSE PRIMARY EXEMPT PURPOSE IS PROVIDING SERVICES WITH RESPECT TO MOTHERS AND CHILDREN.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 210(f)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C)(iv) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) that, as of January 1, 2000, was maintained by an employer—

"(i) described in section 501(c)(3) of the Internal Revenue Code of 1986,

"(ii) who has been in existence since at least 1938,

"(iii) who conducts medical research directly or indirectly through grant making, and

"(iv) whose primary exempt purpose is to provide services with respect to mothers and children.".

(b) INTERNAL REVENUE CODE OF 1986.—Section 414(y)(1) of the Internal Revenue Code of 1986 is amended— 26 USC 414.

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C)(iv) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) that, as of January 1, 2000, was maintained by an employer—

"(i) described in section 501(c)(3),

"(ii) who has been in existence since at least 1938,

"(iii) who conducts medical research directly or indirectly through grant making, and

"(iv) whose primary exempt purpose is to provide services with respect to mothers and children.".

26 USC 414 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2018.

41 USC note prec. 6301.

SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.

Notwithstanding any other provision of law, and subject to the availability of appropriations, funds made available to an agency by this Act or any other Act may be used by such agency to modify the terms and conditions of a contract, or other agreement, without consideration, to reimburse at the minimum applicable contract billing rates not to exceed an average of 40 hours per week any paid leave, including sick leave, a contractor provides to keep its employees or subcontractors in a ready state, including to protect the life and safety of Government and contractor personnel, but in no event beyond September 30, 2020. Such authority shall apply only to a contractor whose employees or subcontractors cannot perform work on a site that has been approved by the Federal Government, including a federally-owned or leased facility or site, due to facility closures or other restrictions, and who cannot telework because their job duties cannot be performed remotely during the public health emergency declared on January 31, 2020 for COVID–19: *Provided*, That the maximum reimbursement authorized by this section shall be reduced by the amount of credit a contractor is allowed pursuant to division G of Public Law 116–127 and any applicable credits a contractor is allowed under this Act.

Applicability.

Reimbursement.

SEC. 3611. TECHNICAL CORRECTIONS.

(1) Section 110(a)(3) of the Family and Medical Leave Act of 1993 (as added by the Emergency and Medical Leave Expansion Act) is amended by striking "553(d)(A)" and inserting "553(d)(3)".

Ante, p. 190.

(2) Section 5111 of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by striking "553(d)(A)" and inserting "553(d)(3)".

Ante, p. 201.

(3) Section 110(c) of the Family and Medical Leave Act of 1993 (as added by the Emergency and Medical Leave Expansion Act) is amended by striking "subsection (a)(2)(A)(iii)" and inserting "subsection (a)(2)(A)".

(4) Section 3104 of the Emergency Family and Medical Leave Expansion Act (division C of the Families First Coronavirus Response Act) is amended—

Ante, p. 192.

(A) by striking "110(a)(B)" and inserting "section 110(a)(1)(B) of the Family and Medical Leave Act of 1993"; and

(B) by striking "section 107(a) for a violation of section 102(a)(1)(F) if the employer does not meet the definition of employer set forth in Section 101(4)(A)(i)" and inserting "section 107(a) of such Act for a violation of section 102(a)(1)(F) of such Act if the employer does not meet the definition of employer set forth in section 101(4)(A)(i) of such Act".

(5) Section 5110(1) of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended— *Ante*, p. 198.

(A) in the matter preceding subparagraph (A), by striking "terms" and inserting "term"; and

(B) in subparagraph (A)(i), by striking "paragraph (5)(A)" and inserting "paragraph (2)(A)".

(6) Section 5110(2)(B)(ii) of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by striking "clause (i)(IV)" and inserting "clause (i)(III)".

(7) Section 110(a)(3) of the Family and Medical Leave Act of 1993 (as added by the Emergency and Medical Leave Expansion Act) is amended— *Ante*, p. 190.

(A) by striking "and" after the semicolon at the end of subparagraph (A);

(B) by striking the period at end of subparagraph (B) and inserting "; and"; and

(C) by adding at the end the following:

"(C) as necessary to carry out the purposes of this Act, including to ensure consistency between this Act and Division E and Division G of the Families First Coronavirus Response Act.".

(8) Section 5104(1) of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by striking "and" after the semicolon and inserting "or". *Ante*, p. 197.

(9) Section 5105 of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by adding at the end the following: *Ante*, p. 197.

"(c) INVESTIGATIONS AND COLLECTION OF DATA.—The Secretary of Labor or his designee may investigate and gather data to ensure compliance with this Act in the same manner as authorized by sections 9 and 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209; 211).".

Subtitle D—Finance Committee

SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph: 26 USC 223.

"(E) SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR TELEHEALTH.—In the case of plan years beginning on or before December 31, 2021, a plan shall not fail to be treated as a high deductible health plan by reason of failing to have a deductible for telehealth and other remote care services.".

(b) CERTAIN COVERAGE DISREGARDED.—Clause (ii) of section 223(c)(1)(B) of the Internal Revenue Code of 1986 is amended by striking "or long-term care" and inserting "long-term care, or (in the case of plan years beginning on or before December 31, 2021) telehealth and other remote care".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 223 note.

SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER MEDICAL PRODUCTS AS QUALIFIED MEDICAL EXPENSES.

(a) HSAs.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended— 26 USC 223.

(1) by striking the last sentence of subparagraph (A) and inserting the following: "For purposes of this subparagraph, amounts paid for menstrual care products shall be treated as paid for medical care."; and

(2) by adding at the end the following new subparagraph: Definition.

"(D) MENSTRUAL CARE PRODUCT.—For purposes of this paragraph, the term 'menstrual care product' means a tampon, pad, liner, cup, sponge, or similar product used by individuals with respect to menstruation or other genital-tract secretions.".

(b) ARCHER MSAs.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence and inserting the following: "For purposes of this subparagraph, amounts paid for menstrual care products (as defined in section 223(d)(2)(D)) shall be treated as paid for medical care.".

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f) and inserting the following new subsection:

"(f) REIMBURSEMENTS FOR MENSTRUAL CARE PRODUCTS.—For purposes of this section and section 105, expenses incurred for menstrual care products (as defined in section 223(d)(2)(D)) shall be treated as incurred for medical care.".

(d) EFFECTIVE DATES.— Applicability.

(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendment made by subsections (a) and (b) shall apply to amounts paid after December 31, 2019. 26 USC 220 note.

(2) REIMBURSEMENTS.—The amendment made by subsection (c) shall apply to expenses incurred after December 31, 2019. 26 USC 106 note.

SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXIBILITIES DURING EMERGENCY PERIOD.

Section 1135 of the Social Security Act (42 U.S.C. 1320b–5) is amended—

(1) in subsection (b)(8), by striking "to an individual by a qualified provider (as defined in subsection (g)(3))" and all that follows through the period and inserting ", the requirements of section 1834(m).''; and

(2) in subsection (g), by striking paragraph (3).

SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS DURING EMERGENCY PERIOD.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in the first sentence of paragraph (1), by striking "The Secretary" and inserting "Subject to paragraph (8), the Secretary";

(2) in paragraph (2)(A), by striking "The Secretary" and inserting "Subject to paragraph (8), the Secretary";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "The term" and inserting "Subject to paragraph (8), the term"; and

(B) in subparagraph (F)(i), by striking "The term" and inserting "Subject to paragraph (8), the term"; and

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

"(8) ENHANCING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS DURING EMERGENCY PERIOD.—

"(A) IN GENERAL.—During the emergency period described in section 1135(g)(1)(B)—

"(i) the Secretary shall pay for telehealth services that are furnished via a telecommunications system by a Federally qualified health center or a rural health clinic to an eligible telehealth individual enrolled under this part notwithstanding that the Federally qualified health center or rural clinic providing the telehealth service is not at the same location as the beneficiary;

"(ii) the amount of payment to a Federally qualified health center or rural health clinic that serves as a distant site for such a telehealth service shall be determined under subparagraph (B); and

"(iii) for purposes of this subsection— Definitions.

"(I) the term 'distant site' includes a Federally qualified health center or rural health clinic that furnishes a telehealth service to an eligible telehealth individual; and

"(II) the term 'telehealth services' includes a rural health clinic service or Federally qualified health center service that is furnished using telehealth to the extent that payment codes corresponding to services identified by the Secretary under clause (i) or (ii) of paragraph (4)(F) are listed on the corresponding claim for such rural health clinic service or Federally qualified health center service.

"(B) SPECIAL PAYMENT RULE.—

"(i) IN GENERAL.—The Secretary shall develop and implement payment methods that apply under this subsection to a Federally qualified health center or rural health clinic that serves as a distant site that furnishes a telehealth service to an eligible telehealth individual during such emergency period. Such payment methods shall be based on payment rates that are similar to the national average payment rates for comparable telehealth services under the physician fee schedule under section 1848. Notwithstanding any other provision of law, the Secretary may implement such payment methods through program instruction or otherwise.

"(ii) EXCLUSION FROM FQHC PPS CALCULATION AND RHC AIR CALCULATION.—Costs associated with telehealth services shall not be used to determine the amount of payment for Federally qualified health center services under the prospective payment system under section 1834(o) or for rural health clinic services under the methodology for all-inclusive rates (established by the Secretary) under section 1833(a)(3).".

SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR FACE-TO-FACE VISITS BETWEEN HOME DIALYSIS PATIENTS AND PHYSICIANS.

Section 1881(b)(3)(B) of the Social Security Act (42 U.S.C. 1395rr(b)(3)(B)) is amended—

(1) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)";

(2) in clause (ii), in the matter preceding subclause (I), by striking "Clause (i)" and inserting "Except as provided in clause (iii), clause (i)"; and

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

"(iii) The Secretary may waive the provisions of clause (ii) during the emergency period described in section 1135(g)(1)(B).".

SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.

Section 1814(a)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395f(a)(7(D)(i)) is amended—

(1) by striking "a hospice" and inserting "(I) subject to subclause (II), a hospice"; and

(2) by inserting after subclause (I), as added by paragraph (1), the following new subclause:

Determination.

"(II) during the emergency period described in section 1135(g)(1)(B), a hospice physician or nurse practitioner may conduct a face-to-face encounter required under this clause via telehealth, as determined appropriate by the Secretary; and".

42 USC 1395m note.

SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS SYSTEMS FOR HOME HEALTH SERVICES FURNISHED DURING EMERGENCY PERIOD.

With respect to home health services (as defined in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) that are furnished during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall consider ways to encourage the use of telecommunications systems, including for remote patient monitoring as described in section 409.46(e) of title 42, Code of Federal Regulations (or any successor regulations) and other communications or monitoring services, consistent with the plan of care for the individual, including by clarifying guidance and conducting outreach, as appropriate.

SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE HOME HEALTH SERVICES.

(a) PART A PROVISIONS.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ", a nurse practitioner or clinical nurse specialist (as such terms are defined in section 1861(aa)(5)) who is working in accordance with State law, or a physician assistant (as defined in section 1861(aa)(5)) who is working in accordance with State law, who is" after "in the case of services described in subparagraph (C), a physician"; and

(B) in subparagraph (C)—

(i) by inserting ", a nurse practitioner, a clinical nurse specialist, or a physician assistant (as the case may be)" after "physician" the first 2 times it appears; and

(ii) by striking ", and, in the case of a certification made by a physician" and all that follows through "face-to-face encounter" and inserting ", and, in the case of a certification made by a physician after January 1, 2010, or by a nurse practitioner, clinical nurse specialist, or physician assistant (as the case may be) after a date specified by the Secretary (but in no case later than the date that is 6 months after the date of the enactment of the CARES Act), prior to making such certification a physician, nurse practitioner, clinical nurse specialist, or physician assistant must document that a physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or physician assistant has had a face-to-face encounter"; Deadline.

(2) in the third sentence—

(A) by striking "physician certification" and inserting "certification";

(B) by inserting "(or in the case of regulations to implement the amendments made by section 3708 of the CARES Act, the Secretary shall prescribe regulations, which shall become effective no later than 6 months after the date of the enactment of such Act)" after "1981"; and Regulations. Effective date.

(C) by striking "a physician who" and inserting "a physician, nurse practitioner, clinical nurse specialist, or physician assistant who";

(3) in the fourth sentence, by inserting ", nurse practitioner, clinical nurse specialist, or physician assistant" after "physician"; and

(4) in the fifth sentence—

(A) by inserting "or no later than 6 months after the date of the enactment of the CARES Act for purposes of documentation for certification and recertification made under paragraph (2) by a nurse practitioner, clinical nurse specialist, or physician assistant," after "January 1, 2019"; and

(B) by inserting ", nurse practitioner, clinical nurse specialist, or physician assistant" after "of the physician".

(b) PART B PROVISIONS.—Section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ", a nurse practitioner or clinical nurse specialist (as those terms are defined in section 1861(aa)(5)) who is working in accordance with State law, or a physician assistant (as defined in section 1861(aa)(5)) who is working in accordance with State law, who is" after "in the case of services described in subparagraph (A), a physician"; and

(B) in subparagraph (A)—

(i) in each of clauses (ii) and (iii) of subparagraph (A) by inserting ", a nurse practitioner, a clinical nurse specialist, or a physician assistant (as the case may be)" after "physician"; and

Deadline.

(ii) in clause (iv), by striking "after January 1, 2010" and all that follows through "face-to-face encounter" and inserting "made by a physician after January 1, 2010, or by a nurse practitioner, clinical nurse specialist, or physician assistant (as the case may be) after a date specified by the Secretary (but in no case later than the date that is 6 months after the date of the enactment of the CARES Act), prior to making such certification a physician, nurse practitioner, clinical nurse specialist, or physician assistant must document that a physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or physician assistant has had a face-to-face encounter";

(2) in the third sentence, by inserting ", nurse practitioner, clinical nurse specialist, or physician assistant (as the case may be)" after physician;

(3) in the fourth sentence—

(A) by striking "physician certification" and inserting "certification";

Regulations.
Effective date.

(B) by inserting "(or in the case of regulations to implement the amendments made by section 3708 of the CARES Act the Secretary shall prescribe regulations which shall become effective no later than 6 months after the enactment of such Act)" after "1981"; and

(C) by striking "a physician who" and inserting "a physician, nurse practitioner, clinical nurse specialist, or physician assistant who";

(4) in the fifth sentence, by inserting ", nurse practitioner, clinical nurse specialist, or physician assistant" after "physician"; and

(5) in the sixth sentence—

(A) by inserting "or no later than 6 months after the date of the enactment of the CARES Act for purposes of documentation for certification and recertification made under paragraph (2) by a nurse practitioner, clinical nurse specialist, or physician assistant," after "January 1, 2019"; and

(B) by inserting ", nurse practitioner, clinical nurse specialist, or physician assistant" after "of the physician".

(c) DEFINITION PROVISIONS.—

(1) HOME HEALTH SERVICES.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by inserting ", a nurse practitioner or a clinical nurse specialist (as those terms are defined in subsection (aa)(5)), or a physician assistant (as defined in subsection (aa)(5))" after "physician" the first place it appears; and

(ii) by inserting ", a nurse practitioner, a clinical nurse specialist, or a physician assistant" after "physician" the second place it appears; and

(B) in paragraph (3), by inserting ", a nurse practitioner, a clinical nurse specialist, or a physician assistant" after "physician".

(2) HOME HEALTH AGENCY.—Section 1861(o)(2) of the Social Security Act (42 U.S.C. 1395x(o)(2)) is amended—

(A) by inserting ", nurse practitioners or clinical nurse specialists (as those terms are defined in subsection (aa)(5)), certified nurse-midwives (as defined in subsection (gg)), or physician assistants (as defined in subsection (aa)(5))" after "physicians"; and

(B) by inserting ", nurse practitioner, clinical nurse specialist, certified nurse-midwife, physician assistant," after "physician".

(3) COVERED OSTEOPOROSIS DRUG.—Section 1861(kk)(1) of the Social Security Act (42 U.S.C. 1395x(kk)(1)) is amended by inserting ", nurse practitioner or clinical nurse specialist (as those terms are defined in subsection (aa)(5)), certified nurse-midwife (as defined in subsection (gg)), or physician assistant (as defined in subsection (aa)(5))" after "attending physician".

(d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM PROVISIONS.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended—

(1) in subsection (c)(1)—

(A) by striking "(provided under section 1842(r))"; and

(B) by inserting "the nurse practitioner or clinical nurse specialist (as those terms are defined in section 1861(aa)(5)), or the physician assistant (as defined in section 1861(aa)(5))" after "physician"; and

(2) in subsection (e)—

(A) in paragraph (1)(A), by inserting "a nurse practitioner or clinical nurse specialist, or a physician assistant" after "physician"; and

(B) in paragraph (2)—

(i) in the heading, by striking "PHYSICIAN CERTIFICATION" and inserting "RULE OF CONSTRUCTION REGARDING REQUIREMENT FOR CERTIFICATION"; and

(ii) by striking "physician".

(e) APPLICATION TO MEDICAID.—The amendments made under this section shall apply under title XIX of the Social Security Act in the same manner and to the same extent as such requirements apply under title XVIII of such Act or regulations promulgated thereunder. 42 USC 1395f note.

(f) EFFECTIVE DATE.—The Secretary of Health and Human Services shall prescribe regulations to apply the amendments made by this section to items and services furnished, which shall become effective no later than 6 months after the date of the enactment of this legislation. The Secretary shall promulgate an interim final rule if necessary, to comply with the required effective date. Regulations. 42 USC 1395f note.

SEC. 3709. ADJUSTMENT OF SEQUESTRATION. 2 USC 901a note.

(a) TEMPORARY SUSPENSION OF MEDICARE SEQUESTRATION.—During the period beginning on May 1, 2020 and ending on December 31, 2020, the Medicare programs under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall be exempt from reduction under any sequestration order issued before, on, or after the date of enactment of this Act. Time period.

(b) EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2030.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking "through 2029" and inserting "through 2030"; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking "fiscal year 2029" and inserting "fiscal year 2030".

SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE PAYMENT SYSTEM ADD-ON PAYMENT FOR COVID–19 PATIENTS DURING EMERGENCY PERIOD.

(a) IN GENERAL.—Section 1886(d)(4)(C) of the Social Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amended by adding at the end the following new clause:

"(iv)(I) For discharges occurring during the emergency period described in section 1135(g)(1)(B), in the case of a discharge of an individual diagnosed with COVID–19, the Secretary shall increase the weighting factor that would otherwise apply to the diagnosis-related group to which the discharge is assigned by 20 percent. The Secretary shall identify a discharge of such an individual through the use of diagnosis codes, condition codes, or other such means as may be necessary.

"(II) Any adjustment under subclause (I) shall not be taken into account in applying budget neutrality under clause (iii)

"(III) In the case of a State for which the Secretary has waived all or part of this section under the authority of section 1115A, nothing in this section shall preclude such State from implementing an adjustment similar to the adjustment under subclause (I).".

42 USC 1395ww note.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendment made by subsection (a) by program instruction or otherwise.

42 USC 1395ww note.

SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DURING EMERGENCY PERIOD.

(a) WAIVER OF IRF 3-HOUR RULE.—With respect to inpatient rehabilitation services furnished by a rehabilitation facility described in section 1886(j)(1) of the Social Security Act (42 U.S.C. 1395ww(j)(1)) during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall waive section 412.622(a)(3)(ii) of title 42, Code of Federal Regulations (or any successor regulations), relating to the requirement that patients of an inpatient rehabilitation facility receive at least 15 hours of therapy per week.

(b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PROVISIONS FOR LONG-TERM CARE HOSPITALS.—With respect to inpatient hospital services furnished by a long-term care hospital described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall waive the following provisions of section 1886(m)(6) of such Act (42 U.S.C. 1395ww(m)(6)):

(1) LTCH 50-PERCENT RULE.—Subparagraph (C)(ii) of such section, relating to the payment adjustment for long-term care

hospitals that do not have a discharge payment percentage for the period that is at least 50 percent.

(2) SITE-NEUTRAL IPPS PAYMENT RATE.—Subparagraph (A)(i) of such section, relating to the application of the site-neutral payment rate (and payment shall be made to a long-term care hospital without regard to such section) for a discharge if the admission occurs during such emergency period and is in response to the public health emergency described in such section 1135(g)(1)(B).

SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM THROUGH DURATION OF EMERGENCY PERIOD.

42 USC 1395m note.

(a) RURAL AND NONCONTIGUOUS AREAS.—The Secretary of Health and Human Services shall implement section 414.210(g)(9)(iii) of title 42, Code of Federal Regulations (or any successor regulation), to apply the transition rule described in such section to all applicable items and services furnished in rural areas and noncontiguous areas (as such terms are defined for purposes of such section) as planned through December 31, 2020, and through the duration of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), if longer.

(b) AREAS OTHER THAN RURAL AND NONCONTIGUOUS AREAS.—With respect to items and services furnished on or after the date that is 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall apply section 414.210(g)(9)(iv) of title 42, Code of Federal Regulations (or any successor regulation), as if the reference to "dates of service from June 1, 2018 through December 31, 2020, based on the fee schedule amount for the area is equal to 100 percent of the adjusted payment amount established under this section" were instead a reference to "dates of service from March 6, 2020, through the remainder of the duration of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), based on the fee schedule amount for the area is equal to 75 percent of the adjusted payment amount established under this section and 25 percent of the unadjusted fee schedule amount".

Effective date. Applicability.

SEC. 3713. COVERAGE OF THE COVID–19 VACCINE UNDER PART B OF THE MEDICARE PROGRAM WITHOUT ANY COST-SHARING.

(a) MEDICAL AND OTHER HEALTH SERVICES.—Section 1861(s)(10)(A) of the Social Security Act (42 U.S.C. 1395x(s)(10)(A)) is amended by inserting ", and COVID–19 vaccine and its administration" after "influenza vaccine and its administration".

(b) PART B DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(1) in paragraph (10), by striking "and" at the end; and

(2) in paragraph (11), by striking the period at the end and inserting ", and (12) such deductible shall not apply with respect a COVID–19 vaccine and its administration described in section 1861(s)(10)(A).".

(c) MEDICARE ADVANTAGE.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(1) in clause (iv)—

(A) by redesignating subclause (VI) as subclause (VII); and

(B) by inserting after subclause (V) the following new subclause:

"(VI) A COVID–19 vaccine and its administration described in section 1861(s)(10)(A)."; and

(2) in clause (v), by striking "subclauses (IV) and (V)" inserting "subclauses (IV), (V), and (VI)".

Applicability. 42 USC 1395*l* note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect to a COVID–19 vaccine beginning on the date that such vaccine is licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).

42 USC 1395*l* note.

(e) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO ALLOW DURING THE COVID–19 EMERGENCY PERIOD FOR FILLS AND REFILLS OF COVERED PART D DRUGS FOR UP TO A 3-MONTH SUPPLY.

(a) IN GENERAL.—Section 1860D–4(b) of the Social Security Act (42 U.S.C. 1395w–104(b)) is amended by adding at the end the following new paragraph:

"(4) ENSURING ACCESS DURING COVID–19 PUBLIC HEALTH EMERGENCY PERIOD.—

"(A) IN GENERAL.—During the emergency period described in section 1135(g)(1)(B), subject to subparagraph (B), a prescription drug plan or MA–PD plan shall, notwithstanding any cost and utilization management, medication therapy management, or other such programs under this part, permit a part D eligible individual enrolled in such plan to obtain in a single fill or refill, at the option of such individual, the total day supply (not to exceed a 90-day supply) prescribed for such individual for a covered part D drug.

"(B) SAFETY EDIT EXCEPTION.—A prescription drug plan or MA–PD plan may not permit a part D eligible individual to obtain a single fill or refill inconsistent with an applicable safety edit.".

42 USC 1395w–104 note.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendment made by this section by program instruction or otherwise.

SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED SERVICES IN ACUTE CARE HOSPITALS.

Section 1902(h) of the Social Security Act (42 U.S.C. 1396a(h)) is amended—

(1) by inserting "(1)" after "(h)";

(2) by inserting ", home and community-based services provided under subsection (c), (d), or (i) of section 1915 or under a waiver or demonstration project under section 1115, self-directed personal assistance services provided pursuant to a written plan of care under section 1915(j), and home and community-based attendant services and supports under section 1915(k)" before the period; and

(3) by adding at the end the following:

"(2) Nothing in this title, title XVIII, or title XI shall be construed as prohibiting receipt of any care or services specified in paragraph (1) in an acute care hospital that are—

"(A) identified in an individual's person-centered service plan (or comparable plan of care);

"(B) provided to meet needs of the individual that are not met through the provision of hospital services;

"(C) not a substitute for services that the hospital is obligated to provide through its conditions of participation or under Federal or State law, or under another applicable requirement; and

"(D) designed to ensure smooth transitions between acute care settings and home and community-based settings, and to preserve the individual's functional abilities.".

SEC. 3716. CLARIFICATION REGARDING UNINSURED INDIVIDUALS.

Subsection (ss) of section 1902 of the Social Security Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C) of the Families First Coronavirus Response Act, is amended—

(1) in paragraph (1), by inserting "(excluding subclause (VIII) of such subsection if the individual is a resident of a State which does not furnish medical assistance to individuals described in such subclause)" before the semicolon; and

(2) in paragraph (2), by inserting ", except that individuals who are eligible for medical assistance under subsection (a)(10)(A)(ii)(XII), subsection (a)(10)(A)(ii)(XVIII), subsection (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but only to the extent such an individual is considered to not have minimum essential coverage under section 5000A(f)(1) of the Internal Revenue Code of 1986), or who are described in subsection (l)(1)(A) and are eligible for medical assistance only because of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX) and whose eligibility for such assistance is limited by the State under clause (VII) in the matter following subsection (a)(10)(G), shall not be treated as enrolled in a Federal health care program for purposes of this paragraph" before the period at the end.

SEC. 3717. CLARIFICATION REGARDING COVERAGE OF COVID–19 TESTING PRODUCTS.

Subparagraph (B) of section 1905(a)(3) of the Social Security Act (42 U.S.C. 1396d(a)(3)), as added by section 6004(a)(1)(C) of the Families First Coronavirus Response Act (Public Law 116–127), is amended by striking "that are approved, cleared, or authorized under section 510(k), 513, 515 or 564 of the Federal Food, Drug, and Cosmetic Act".

Ante, p. 204.

SEC. 3718. AMENDMENTS RELATING TO REPORTING REQUIREMENTS WITH RESPECT TO CLINICAL DIAGNOSTIC LABORATORY TESTS.

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

(1) in clause (i), by striking "December 31, 2020" and inserting "December 31, 2021"; and

(2) in clause (ii)—

(A) by striking "January 1, 2021" and inserting "January 1, 2022"; and

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

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

(1) in subparagraph (A), by striking "through 2023" and inserting "through 2024"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "and" at the end;

(B) by redesignating clause (ii) as clause (iii);

(C) by inserting after clause (i) the following new clause:

"(ii) for 2021, 0 percent; and"; and

(D) in clause (iii), as redesignated by subparagraph (B), by striking "2021 through 2023" and inserting "2022 through 2024".

SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL ACCELERATED PAYMENT PROGRAM DURING THE COVID–19 PUBLIC HEALTH EMERGENCY.

Section 1815 of the Social Security Act (42 U.S.C. 1395g) is amended—

(1) in subsection (e)(3), by striking "In the case" and inserting "Subject to subsection (f), in the case"; and

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

"(f)(1) During the emergency period described in section 1135(g)(1)(B), the Secretary shall expand the program under subsection (e)(3) pursuant to paragraph (2).

Applicability.

"(2) In expanding the program under subsection (e)(3), the following shall apply:

"(A)(i) In addition to the hospitals described in subsection (e)(3), the following hospitals shall be eligible to participate in the program:

"(I) Hospitals described in clause (iii) of section 1886(d)(1)(B).

"(II) Hospitals described in clause (v) of such section.

"(III) Critical access hospitals (as defined in section 1861(mm)(1)).

"(ii) Subject to appropriate safeguards against fraud, waste, and abuse, upon a request of a hospital described in clause (i), the Secretary shall provide accelerated payments under the program to such hospital.

"(B) Upon the request of the hospital, the Secretary may do any of the following:

"(i) Make accelerated payments on a periodic or lump sum basis.

"(ii) Increase the amount of payment that would otherwise be made to hospitals under the program up to 100 percent (or, in the case of critical access hospitals, up to 125 percent).

Time period.

"(iii) Extend the period that accelerated payments cover so that it covers up to a 6-month period.

Time periods.

"(C) Upon the request of the hospital, the Secretary shall do the following:

"(i) Provide up to 120 days before claims are offset to recoup the accelerated payment.

"(ii) Allow not less than 12 months from the date of the first accelerated payment before requiring that the outstanding balance be paid in full.

"(3) Nothing in this subsection shall preclude the Secretary from carrying out the provisions described in clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses (i) and (ii) of paragraph (2)(C) under the program under subsection (e)(3) after the period for which this subsection applies.

"(4) Notwithstanding any other provision of law, the Secretary may implement the provisions of this subsection by program instruction or otherwise.".

SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED FMAP TO ENABLE STATE LEGISLATION NECESSARY FOR COMPLIANCE.

Section 6008 of the Families First Coronavirus Response Act is amended by adding at the end the following new subsection: *Ante*, p. 208.

"(d) DELAY IN APPLICATION OF PREMIUM REQUIREMENT.—During the 30 day period beginning on the date of enactment of this Act, a State shall not be ineligible for the increase to the Federal medical assistance percentage of the State described in subsection (a) on the basis that the State imposes a premium that violates the requirement of subsection (b)(2) if such premium was in effect on the date of enactment of this Act.". Time period. Effective date.

Subtitle E—Health and Human Services Extenders

PART I—MEDICARE PROVISIONS

SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking "May 23, 2020" and inserting "December 1, 2020".

SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION. Time period.

(a) IN GENERAL.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence, by striking "and $4,830,000 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "$20,000,000 for fiscal year 2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020"; and

(2) in the third sentence, by striking "and 2019 and for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting ", 2019, and 2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94). 42 USC 1395aaa note.

Time period.

SEC. 3803. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) FUNDING EXTENSIONS.—

(1) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), section 1402 of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), section 1402 of division B of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), and section 103 of division N of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended by striking clauses (x) through (xii) and inserting the following new clauses:

"(x) for fiscal year 2020, of $13,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(2) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

"(x) for fiscal year 2020, of $7,500,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(3) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

"(x) for fiscal year 2020, of $5,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(4) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

"(x) for fiscal year 2020, of $12,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94). 42 USC 1395b–3 note.

PART II—MEDICAID PROVISIONS

SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION PROGRAM. Time period.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph (G) and inserting the following:

"(G) subject to paragraph (3), $337,500,000 for the period beginning on January 1, 2020, and ending on September 30, 2020; and

"(H) subject to paragraph (3), for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020."; and

(2) in paragraph (3), by striking "and (G)" and inserting ", (G), and (H)".

SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking "May 22, 2020" and inserting "November 30, 2020".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from— 42 USC 1396a note.

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

(B) on the basis of an individual's need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315); or

(2) disregarding an individual's spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual's spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

SEC. 3813. DELAY OF DSH REDUCTIONS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking "May 23, 2020, and ending September 30, 2020, and for each of fiscal years 2021" and inserting "December 1, 2020, and ending September 30, 2021, and for each of fiscal years 2022"; and

(2) in clause (ii)—

(A) in subclause (I), by striking "May 23, 2020, and ending September 30, 2020" and inserting "December 1, 2020, and ending September 30, 2021"; and

(B) in subclause (II), by striking "2021" and inserting "2022".

SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Section 223(d) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (3)—

(A) by striking "Not more than" and inserting "Subject to paragraph (8), not more than"; and

(B) by striking "May 22, 2020" and inserting "November 30, 2020"; and

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

"(8) ADDITIONAL PROGRAMS.—

Deadline.

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, in addition to the 8 States selected under paragraph (1), the Secretary shall select 2 States to participate in 2-year demonstration programs that meet the requirements of this subsection.

"(B) SELECTION OF STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in selecting States under this paragraph, the Secretary—

"(I) shall select States that—

"(aa) were awarded planning grants under subsection (c); and

"(bb) applied to participate in the demonstration programs under this subsection under paragraph (1) but, as of the date of enactment of this paragraph, were not selected to participate under paragraph (1); and

"(II) shall use the results of the Secretary's evaluation of each State's application under paragraph (1) to determine which States to select, and shall not require the submission of any additional application.

"(C) REQUIREMENTS FOR SELECTED STATES.—Prior to services being delivered under the demonstration authority in a State selected under this paragraph, the State shall—

Plan.

"(i) submit a plan to monitor certified community behavioral health clinics under the demonstration program to ensure compliance with certified community behavioral health criteria during the demonstration period; and

Data.
Notification.

"(ii) commit to collecting data, notifying the Secretary of any planned changes that would deviate from the prospective payment system methodology outlined in the State's demonstration application, and obtaining

approval from the Secretary for any such change before implementing the change.".

(b) LIMITATION.—Section 223(d)(5) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking "The Federal matching" and inserting "Subject to subparagraph (C)(iii), the Federal matching"; and

(2) in subparagraph (C), by adding at the end the following new clause:

"(iii) PAYMENTS FOR AMOUNTS EXPENDED AFTER 2019.—The Federal matching percentage applicable under subparagraph (B) to amounts expended by a State participating in the demonstration program under this subsection shall—

Effective date. Time period.

"(I) in the case of a State participating in the demonstration program as of January 1, 2020, apply to amounts expended by the State during the 8 fiscal quarter period (or any portion of such period) that begins on January 1, 2020; and

"(II) in the case of a State selected to participate in the demonstration program under paragraph (8), during first 8 fiscal quarter period (or any portion of such period) that the State participates in a demonstration program.".

(c) GAO STUDY AND REPORT ON THE COMMUNITY AND MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the community and mental health services demonstration program conducted under section 223 of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) (referred to in this subsection as the "demonstration program").

(2) CONTENT OF REPORT.—The report required under paragraph (1) shall include the following information:

(A) Information on States' experiences participating in the demonstration program, including the extent to which States—

(i) measure the effects of access to certified community behavioral health clinics on patient health and cost of care, including—

(I) engagement in treatment for behavioral health conditions;

(II) relevant clinical outcomes, to the extent collected;

(III) screening and treatment for comorbid medical conditions; and

(IV) use of crisis stabilization, emergency department, and inpatient care.

(B) Information on Federal efforts to evaluate the demonstration program, including—

(i) quality measures used to evaluate the program;

(ii) assistance provided to States on data collection and reporting;

Assessments.

(iii) assessments of the reliability and usefulness of State-submitted data; and

(iv) the extent to which such efforts provide information on the relative quality, scope, and cost of services as compared with services not provided under the demonstration program, and in comparison to Medicaid beneficiaries with mental illness and substance use disorders not served under the demonstration program.

Recommendations.

(C) Recommendations for improvements to the following:

(i) The reporting, accuracy, and validation of encounter data.

(ii) Accuracy in payments to certified community behavioral health clinics under State plans or waivers under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

Time period.

SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDUCATION PROGRAM.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking "and 2019 and for the period beginning October 1, 2019, and ending May 22, 2020" and inserting "through 2020 and for the period beginning October 1, 2020, and ending November 30, 2020"; and

(ii) by striking "fiscal year 2020" and inserting "fiscal year 2021"

(B) in paragraph (2)(A)—

(i) by striking "and 2019 and for the period beginning October 1, 2019, and ending May 22, 2020" and inserting "through 2020 and for the period beginning October 1, 2020, and ending November 30, 2020"; and

(ii) by striking "fiscal year 2020" and inserting "fiscal year 2021"; and

(2) in subsection (f)(1), by striking "and 2019 and $48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020" and inserting "through 2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020".

Time periods.

SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking "2019 and for the period beginning October 1, 2019, and ending May 22, 2020" and inserting "2020 and for the period beginning October 1, 2020, and ending November 30, 2020"; and

(ii) in subparagraph (B)(i), by striking by striking "October 1, 2019, and ending May 22, 2020" and inserting "October 1, 2020, and ending November 30, 2020";

(2) in paragraph (4)(A), by striking "2019" each place it appears and inserting "2020"; and

(3) in subsection (f), by striking "2019 and $48,287,671 for the period beginning October 1, 2019, and ending May 22, 2020" and inserting "2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020".

SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS.

42 USC 1397g note.

Activities authorized by section 2008 of the Social Security Act shall continue through November 30, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the date so specified at the pro rata portion of the total amount authorized for such activities in fiscal year 2019.

SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS.

42 USC 601 note.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through November 30, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

PART IV—PUBLIC HEALTH PROVISIONS

SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

Time periods.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking "and $2,575,342,466 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "$4,000,000,000 for fiscal year 2020, and $668,493,151 for the period beginning on October 1, 2020, and ending on November 30, 2020".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (F), by striking "and" at the end; and

(2) by striking subparagraph (G) and inserting the following:

"(G) $310,000,000 for fiscal year 2020; and

"(H) $51,808,219 for the period beginning on October 1, 2020, and ending on November 30, 2020.".

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended by striking "and 2019, and $81,445,205 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "through fiscal year 2020, and $21,141,096 for the period beginning on October 1, 2020, and ending on November 30, 2020".

(d) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendments made by this section for fiscal year 2020 and for the period beginning on October 1, 2020, and ending on November 30, 2020, shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

(e) CONFORMING AMENDMENT.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 401(e) of division N of Public Law 116–94, is amended by striking "section 401(d) of division N of the Further Consolidated Appropriations Act, 2020" and inserting "section 3831 of the CARES Act".

Time period.

SEC. 3832. DIABETES PROGRAMS.

(a) TYPE I.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended by striking "and 2019, and $96,575,342 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "through 2020, and $25,068,493 for the period beginning on October 1, 2020, and ending on November 30, 2020".

(b) INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended by striking "and 2019, and $96,575,342 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "through 2020, and $25,068,493 for the period beginning on October 1, 2020, and ending on November 30, 2020".

PART V—MISCELLANEOUS PROVISIONS

SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2020.

Expenditures made under any provision of law amended in this title pursuant to the amendments made by the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), and the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) for fiscal year 2020 shall be charged to the applicable appropriation or authorization provided by the amendments made by this title to such provision of law for such fiscal year.

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED DRUG APPLICATION.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 505F of such Act (21 U.S.C. 355g) the following:

"SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED DRUG APPLICATION. 21 USC 355h.

"(a) NONPRESCRIPTION DRUGS MARKETED WITHOUT AN APPROVED APPLICATION.—Nonprescription drugs marketed without an approved drug application under section 505, as of the date of the enactment of this section, shall be treated in accordance with this subsection.

"(1) DRUGS SUBJECT TO A FINAL MONOGRAPH; CATEGORY I DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH.—A drug is deemed to be generally recognized as safe and effective under section 201(p)(1), not a new drug under section 201(p), and not subject to section 503(b)(1), if—

"(A) the drug is—

"(i) in conformity with the requirements for nonprescription use of a final monograph issued under part 330 of title 21, Code of Federal Regulations (except as provided in paragraph (2)), the general requirements for nonprescription drugs, and conditions or requirements under subsections (b), (c), and (k); and

"(ii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2); or

"(B) the drug is—

"(i) classified in category I for safety and effectiveness under a tentative final monograph that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations;

"(ii) in conformity with the proposed requirements for nonprescription use of such tentative final monograph, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and conditions or requirements under subsections (b), (c), and (k); and

"(iii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

"(2) TREATMENT OF SUNSCREEN DRUGS.—With respect to sunscreen drugs subject to this section, the applicable requirements in terms of conformity with a final monograph, for purposes of paragraph (1)(A)(i), shall be the requirements specified in part 352 of title 21, Code of Federal Regulations, as published on May 21, 1999, beginning on page 27687 of volume 64 of the Federal Register, except that the applicable requirements governing effectiveness and labeling shall be those specified in section 201.327 of title 21, Code of Federal Regulations.

"(3) CATEGORY III DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH; CATEGORY I DRUGS SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE NOTICE OF PROPOSED RULEMAKING.—A drug that is not described in paragraph (1), (2), or (4) is not required to be the subject of an application approved under section 505, and is not subject to section 503(b)(1), if—

"(A) the drug is—

"(i) classified in category III for safety or effectiveness in the preamble of a proposed rule establishing a tentative final monograph that is the most recently applicable proposal or determination for such drug issued under part 330 of title 21, Code of Federal Regulations;

"(ii) in conformity with—

"(I) the conditions of use, including indication and dosage strength, if any, described for such category III drug in such preamble or in an applicable subsequent proposed rule;

"(II) the proposed requirements for drugs classified in such tentative final monograph in category I in the most recently proposed rule establishing requirements related to such tentative final monograph and in any final rule establishing requirements that are applicable to the drug; and

"(III) the general requirements for nonprescription drugs and conditions or requirements under subsection (b) or (k); and

"(iii) in a dosage form that, immediately prior to the date of the enactment of this section, had been used to a material extent and for a material time under section 201(p)(2); or

"(B) the drug is—

"(i) classified in category I for safety and effectiveness under a proposed monograph or advance notice of proposed rulemaking that is the most recently applicable proposal or determination for such drug issued under part 330 of title 21, Code of Federal Regulations;

"(ii) in conformity with the requirements for nonprescription use of such proposed monograph or advance notice of proposed rulemaking, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and conditions or requirements under subsection (b) or (k); and

"(iii) in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

"(4) CATEGORY II DRUGS DEEMED NEW DRUGS.—A drug that is classified in category II for safety or effectiveness under a tentative final monograph or that is subject to a determination to be not generally recognized as safe and effective in a proposed rule that is the most recently applicable proposal issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an approved new drug application under section 505 beginning on the day that is 180 calendar days after the date of the enactment of this section, unless, before such day, the Secretary determines that it is in the interest of public health to extend the period during which the drug may be marketed without such an approved new drug application. Effective date. Determination.

"(5) DRUGS NOT GRASE DEEMED NEW DRUGS.—A drug that the Secretary has determined not to be generally recognized as safe and effective under section 201(p)(1) under a final determination issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an approved new drug application under section 505.

"(6) OTHER DRUGS DEEMED NEW DRUGS.—Except as provided in subsection (m), a drug is deemed to be a new drug under section 201(p) and misbranded under section 502(ee) if the drug—

"(A) is not subject to section 503(b)(1); and

"(B) is not described in paragraph (1), (2), (3), (4), or (5), or subsection (b)(1)(B).

"(b) ADMINISTRATIVE ORDERS.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—The Secretary may, on the initiative of the Secretary or at the request of one or more requestors, issue an administrative order determining whether there are conditions under which a specific drug, a class of drugs, or a combination of drugs, is determined to be—

"(i) not subject to section 503(b)(1); and

"(ii) generally recognized as safe and effective under section 201(p)(1).

"(B) EFFECT.—A drug or combination of drugs shall be deemed to not require approval under section 505 if such drug or combination of drugs—

"(i) is determined by the Secretary to meet the conditions specified in clauses (i) and (ii) of subparagraph (A);

"(ii) is marketed in conformity with an administrative order under this subsection;

"(iii) meets the general requirements for nonprescription drugs; and

"(iv) meets the requirements under subsections (c) and (k).

"(C) STANDARD.—The Secretary shall find that a drug is not generally recognized as safe and effective under section 201(p)(1) if—

"(i) the evidence shows that the drug is not generally recognized as safe and effective under section 201(p)(1); or

"(ii) the evidence is inadequate to show that the drug is generally recognized as safe and effective under section 201(p)(1).

"(2) ADMINISTRATIVE ORDERS INITIATED BY THE SECRETARY.—

"(A) IN GENERAL.—In issuing an administrative order under paragraph (1) upon the Secretary's initiative, the Secretary shall—

Notification.
Deadline.

"(i) make reasonable efforts to notify informally, not later than 2 business days before the issuance of the proposed order, the sponsors of drugs who have a listing in effect under section 510(j) for the drugs or combination of drugs that will be subject to the administrative order;

"(ii) after any such reasonable efforts of notification—

Web posting.

"(I) issue a proposed administrative order by publishing it on the website of the Food and Drug Administration and include in such order the reasons for the issuance of such order; and

Notice.
Federal Register, publication.

"(II) publish a notice of availability of such proposed order in the Federal Register;

Public comment.
Time period.

"(iii) except as provided in subparagraph (B), provide for a public comment period with respect to such proposed order of not less than 45 calendar days; and

Determination.

"(iv) if, after completion of the proceedings specified in clauses (i) through (iii), the Secretary determines that it is appropriate to issue a final administrative order—

"(I) issue the final administrative order, together with a detailed statement of reasons, which order shall not take effect until the time for requesting judicial review under paragraph (3)(D)(ii) has expired;

Notice.
Federal Register, publication.

"(II) publish a notice of such final administrative order in the Federal Register;

Deadlines.

"(III) afford requestors of drugs that will be subject to such order the opportunity for formal dispute resolution up to the level of the Director of the Center for Drug Evaluation and Research, which initially must be requested within 45 calendar days of the issuance of the order, and, for subsequent levels of appeal, within 30 calendar days of the prior decision; and

"(IV) except with respect to drugs described in paragraph (3)(B), upon completion of the formal dispute resolution procedure, inform the persons which sought such dispute resolution of their right to request a hearing.

"(B) EXCEPTIONS.—When issuing an administrative order under paragraph (1) on the Secretary's initiative proposing to determine that a drug described in subsection (a)(3) is not generally recognized as safe and effective under

section 201(p)(1), the Secretary shall follow the procedures in subparagraph (A), except that—

"(i) the proposed order shall include notice of— Notice.

"(I) the general categories of data the Secretary has determined necessary to establish that the drug is generally recognized as safe and effective under section 201(p)(1); and

"(II) the format for submissions by interested persons;

"(ii) the Secretary shall provide for a public comment period of no less than 180 calendar days with respect to such proposed order, except when the Secretary determines, for good cause, that a shorter period is in the interest of public health; and Public comment. Time period.

"(iii) any person who submits data in such comment period shall include a certification that the person has submitted all evidence created, obtained, or received by that person that is both within the categories of data identified in the proposed order and relevant to a determination as to whether the drug is generally recognized as safe and effective under section 201(p)(1). Certification.

"(3) HEARINGS; JUDICIAL REVIEW.—

"(A) IN GENERAL.—Only a person who participated in each stage of formal dispute resolution under subclause (III) of paragraph (2)(A)(iv) of an administrative order with respect to a drug may request a hearing concerning a final administrative order issued under such paragraph with respect to such drug. If a hearing is sought, such person must submit a request for a hearing, which shall be based solely on information in the administrative record, to the Secretary not later than 30 calendar days after receiving notice of the final decision of the formal dispute resolution procedure. Deadline.

"(B) NO HEARING REQUIRED WITH RESPECT TO ORDERS RELATING TO CERTAIN DRUGS.—

"(i) IN GENERAL.—The Secretary shall not be required to provide notice and an opportunity for a hearing pursuant to paragraph (2)(A)(iv) if the final administrative order involved relates to a drug—

"(I) that is described in subsection (a)(3)(A); and

"(II) with respect to which no human or non-human data studies relevant to the safety or effectiveness of such drug have been submitted to the administrative record since the issuance of the most recent tentative final monograph relating to such drug.

"(ii) HUMAN DATA STUDIES AND NON-HUMAN DATA DEFINED.—In this subparagraph:

"(I) The term 'human data studies' means clinical trials of safety or effectiveness (including actual use studies), pharmacokinetics studies, or bioavailability studies.

"(II) The term 'non-human data' means data from testing other than with human subjects which

provides information concerning safety or effectiveness.

"(C) HEARING PROCEDURES.—

Determination.

"(i) DENIAL OF REQUEST FOR HEARING.—If the Secretary determines that information submitted in a request for a hearing under subparagraph (A) with respect to a final administrative order issued under paragraph (2)(A)(iv) does not identify the existence of a genuine and substantial question of material fact, the Secretary may deny such request. In making such a determination, the Secretary may consider only information and data that are based on relevant and reliable scientific principles and methodologies.

"(ii) SINGLE HEARING FOR MULTIPLE RELATED REQUESTS.—If more than one request for a hearing is submitted with respect to the same administrative order under subparagraph (A), the Secretary may direct that a single hearing be conducted in which all persons whose hearing requests were granted may participate.

"(iii) PRESIDING OFFICER.—The presiding officer of a hearing requested under subparagraph (A) shall—

Designation.

"(I) be designated by the Secretary;

"(II) not be an employee of the Center for Drug Evaluation and Research; and

"(III) not have been previously involved in the development of the administrative order involved or proceedings relating to that administrative order.

"(iv) RIGHTS OF PARTIES TO HEARING.—The parties to a hearing requested under subparagraph (A) shall have the right to present testimony, including testimony of expert witnesses, and to cross-examine witnesses presented by other parties. Where appropriate, the presiding officer may require that cross-examination by parties representing substantially the same interests be consolidated to promote efficiency and avoid duplication.

"(v) FINAL DECISION.—

"(I) At the conclusion of a hearing requested under subparagraph (A), the presiding officer of the hearing shall issue a decision containing findings of fact and conclusions of law. The decision of the presiding officer shall be final.

"(II) The final decision may not take effect until the period under subparagraph (D)(ii) for submitting a request for judicial review of such decision expires.

"(D) JUDICIAL REVIEW OF FINAL ADMINISTRATIVE ORDER.—

Applicability.

"(i) IN GENERAL.—The procedures described in section 505(h) shall apply with respect to judicial review of final administrative orders issued under this subsection in the same manner and to the same extent as such section applies to an order described in such section except that the judicial review shall be taken by filing in an appropriate district court of the United

States in lieu of the appellate courts specified in such section.

"(ii) PERIOD TO SUBMIT A REQUEST FOR JUDICIAL REVIEW.—A person eligible to request a hearing under this paragraph and seeking judicial review of a final administrative order issued under this subsection shall file such request for judicial review not later than 60 calendar days after the latest of— Deadline.

"(I) the date on which notice of such order is published;

"(II) the date on which a hearing with respect to such order is denied under subparagraph (B) or (C)(i);

"(III) the date on which a final decision is made following a hearing under subparagraph (C)(v); or

"(IV) if no hearing is requested, the date on which the time for requesting a hearing expires.

"(4) EXPEDITED PROCEDURE WITH RESPECT TO ADMINISTRATIVE ORDERS INITIATED BY THE SECRETARY.—

"(A) IMMINENT HAZARD TO THE PUBLIC HEALTH.—

"(i) IN GENERAL.—In the case of a determination by the Secretary that a drug, class of drugs, or combination of drugs subject to this section poses an imminent hazard to the public health, the Secretary, after first making reasonable efforts to notify, not later than 48 hours before issuance of such order under this subparagraph, sponsors who have a listing in effect under section 510(j) for such drug or combination of drugs— Determination. Notification. Deadline.

"(I) may issue an interim final administrative order for such drug, class of drugs, or combination of drugs under paragraph (1), together with a detailed statement of the reasons for such order;

"(II) shall publish in the Federal Register a notice of availability of any such order; and Federal Register, publication. Notice.

"(III) shall provide for a public comment period of at least 45 calendar days with respect to such interim final order. Public comment. Time period.

"(ii) NONDELEGATION.—The Secretary may not delegate the authority to issue an interim final administrative order under this subparagraph.

"(B) SAFETY LABELING CHANGES.—

"(i) IN GENERAL.—In the case of a determination by the Secretary that a change in the labeling of a drug, class of drugs, or combination of drugs subject to this section is reasonably expected to mitigate a significant or unreasonable risk of a serious adverse event associated with use of the drug, the Secretary may— Determination.

"(I) make reasonable efforts to notify informally, not later than 48 hours before the issuance of the interim final order, the sponsors of drugs who have a listing in effect under section 510(j) for such drug or combination of drugs; Notification. Deadline.

"(II) after reasonable efforts of notification, issue an interim final administrative order in

accordance with paragraph (1) to require such change, together with a detailed statement of the reasons for such order;

"(III) publish in the Federal Register a notice of availability of such order; and

"(IV) provide for a public comment period of at least 45 calendar days with respect to such interim final order.

Federal Register, publication. Notice. Public comment. Time period.

"(ii) CONTENT OF ORDER.—An interim final order issued under this subparagraph with respect to the labeling of a drug may provide for new warnings and other information required for safe use of the drug.

"(C) EFFECTIVE DATE.—An order under subparagraph (A) or (B) shall take effect on a date specified by the Secretary.

"(D) FINAL ORDER.—After the completion of the proceedings in subparagraph (A) or (B), the Secretary shall—

"(i) issue a final order in accordance with paragraph (1);

"(ii) publish a notice of availability of such final administrative order in the Federal Register; and

Notice. Federal Register, publication.

"(iii) afford sponsors of such drugs that will be subject to such an order the opportunity for formal dispute resolution up to the level of the Director of the Center for Drug Evaluation and Research, which must initially be within 45 calendar days of the issuance of the order, and for subsequent levels of appeal, within 30 calendar days of the prior decision.

Deadlines. Appeals.

"(E) HEARINGS.—A sponsor of a drug subject to a final order issued under subparagraph (D) and that participated in each stage of formal dispute resolution under clause (iii) of such subparagraph may request a hearing on such order. The provisions of subparagraphs (A), (B), and (C) of paragraph (3), other than paragraph (3)(C)(v)(II), shall apply with respect to a hearing on such order in the same manner and to the same extent as such provisions apply with respect to a hearing on an administrative order issued under paragraph (2)(A)(iv).

Applicability.

"(F) TIMING.—

"(i) FINAL ORDER AND HEARING.—The Secretary shall—

Deadlines.

"(I) not later than 6 months after the date on which the comment period closes under subparagraph (A) or (B), issue a final order in accordance with paragraph (1); and

"(II) not later than 12 months after the date on which such final order is issued, complete any hearing under subparagraph (E).

"(ii) DISPUTE RESOLUTION REQUEST.—The Secretary shall specify in an interim final order issued under subparagraph (A) or (B) such shorter periods for requesting dispute resolution under subparagraph (D)(iii) as are necessary to meet the requirements of this subparagraph.

"(G) JUDICIAL REVIEW.—A final order issued pursuant to subparagraph (F) shall be subject to judicial review in accordance with paragraph (3)(D).

"(5) ADMINISTRATIVE ORDER INITIATED AT THE REQUEST OF A REQUESTOR.—

"(A) IN GENERAL.—In issuing an administrative order under paragraph (1) at the request of a requestor with respect to certain drugs, classes of drugs, or combinations of drugs— Determinations.

"(i) the Secretary shall, after receiving a request under this subparagraph, determine whether the request is sufficiently complete and formatted to permit a substantive review;

"(ii) if the Secretary determines that the request is sufficiently complete and formatted to permit a substantive review, the Secretary shall—

"(I) file the request; and

"(II) initiate proceedings with respect to issuing an administrative order in accordance with paragraphs (2) and (3); and

"(iii) except as provided in paragraph (6), if the Secretary determines that a request does not meet the requirements for filing or is not sufficiently complete and formatted to permit a substantive review, the requestor may demand that the request be filed over protest, and the Secretary shall initiate proceedings to review the request in accordance with paragraph (2)(A).

"(B) REQUEST TO INITIATE PROCEEDINGS.— Determinations.

"(i) IN GENERAL.—A requestor seeking an administrative order under paragraph (1) with respect to certain drugs, classes of drugs, or combinations of drugs, shall submit to the Secretary a request to initiate proceedings for such order in the form and manner as specified by the Secretary. Such requestor may submit a request under this subparagraph for the issuance of an administrative order—

"(I) determining whether a drug is generally recognized as safe and effective under section 201(p)(1), exempt from section 503(b)(1), and not required to be the subject of an approved application under section 505; or

"(II) determining whether a change to a condition of use of a drug is generally recognized as safe and effective under section 201(p)(1), exempt from section 503(b)(1), and not required to be the subject of an approved application under section 505, if, absent such a changed condition of use, such drug is—

"(aa) generally recognized as safe and effective under section 201(p)(1) in accordance with subsection (a)(1), (a)(2), or an order under this subsection; or

"(bb) subject to subsection (a)(3), but only if such requestor initiates such request in conjunction with a request for the Secretary to determine whether such drug is generally recognized as safe and effective under section 201(p)(1), which is filed by the Secretary under subparagraph (A)(ii).

"(ii) EXCEPTION.—The Secretary is not required to complete review of a request for a change described in clause (i)(II) if the Secretary determines that there is an inadequate basis to find the drug is generally recognized as safe and effective under section 201(p)(1) under paragraph (1) and issues a final order announcing that determination.

"(iii) WITHDRAWAL.—The requestor may withdraw a request under this paragraph, according to the procedures set forth pursuant to subsection (d)(2)(B). Notwithstanding any other provision of this section, if such request is withdrawn, the Secretary may cease proceedings under this subparagraph.

"(C) EXCLUSIVITY.—

Time period.

"(i) IN GENERAL.—A final administrative order issued in response to a request under this section shall have the effect of authorizing solely the order requestor (or the licensees, assignees, or successors in interest of such requestor with respect to the subject of such order), for a period of 18 months following the effective date of such final order and beginning on the date the requestor may lawfully market such drugs pursuant to the order, to market drugs—

"(I) incorporating changes described in clause (ii); and

"(II) subject to the limitations under clause (iv).

"(ii) CHANGES DESCRIBED.—A change described in this clause is a change subject to an order specified in clause (i), which—

"(I) provides for a drug to contain an active ingredient (including any ester or salt of the active ingredient) not previously incorporated in a drug described in clause (iii); or

"(II) provides for a change in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor (or for which the requestor has an exclusive right of reference) were essential to the issuance of such order.

"(iii) DRUGS DESCRIBED.—The drugs described in this clause are drugs—

"(I) specified in subsection (a)(1), (a)(2), or (a)(3);

"(II) subject to a final order issued under this section;

"(III) subject to a final sunscreen order (as defined in section 586(2)(A)); or

"(IV) described in subsection (m)(1), other than drugs subject to an active enforcement action under chapter III of this Act.

"(iv) LIMITATIONS ON EXCLUSIVITY.—

Time period.

"(I) IN GENERAL.—Only one 18-month period under this subparagraph shall be granted, under each order described in clause (i), with respect to changes (to the drug subject to such order) which are either—

"(aa) changes described in clause (ii)(I), relating to active ingredients; or

"(bb) changes described in clause (ii)(II), relating to conditions of use.

"(II) NO EXCLUSIVITY ALLOWED.—No exclusivity shall apply to changes to a drug which are—

"(aa) the subject of a Tier 2 OTC monograph order request (as defined in section 744L);

"(bb) safety-related changes, as defined by the Secretary, or any other changes the Secretary considers necessary to assure safe use; or

"(cc) changes related to methods of testing safety or efficacy.

"(v) NEW HUMAN DATA STUDIES DEFINED.—In this subparagraph, the term 'new human data studies' means clinical trials of safety or effectiveness (including actual use studies), pharmacokinetics studies, or bioavailability studies, the results of which—

"(I) have not been relied on by the Secretary to support—

"(aa) a proposed or final determination that a drug described in subclause (I), (II), or (III) of clause (iii) is generally recognized as safe and effective under section 201(p)(1); or

"(bb) approval of a drug that was approved under section 505; and

"(II) do not duplicate the results of another study that was relied on by the Secretary to support—

"(aa) a proposed or final determination that a drug described in subclause (I), (II), or (III) of clause (iii) is generally recognized as safe and effective under section 201(p)(1); or

"(bb) approval of a drug that was approved under section 505.

"(vi) NOTIFICATION OF DRUG NOT AVAILABLE FOR SALE.—A requestor that is granted exclusivity with respect to a drug under this subparagraph shall notify the Secretary in writing within 1 year of the issuance of the final administrative order if the drug that is the subject of such order will not be available for sale within 1 year of the date of issuance of such order. The requestor shall include with such notice the— Deadline. Time period.

"(I) identity of the drug by established name and by proprietary name, if any;

"(II) strength of the drug;

"(III) date on which the drug will be available for sale, if known; and

"(IV) reason for not marketing the drug after issuance of the order.

"(6) INFORMATION REGARDING SAFE NONPRESCRIPTION MARKETING AND USE AS CONDITION FOR FILING A GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE REQUEST.—

"(A) IN GENERAL.—In response to a request under this section that a drug described in subparagraph (B) be generally recognized as safe and effective, the Secretary—

"(i) may file such request, if the request includes information specified under subparagraph (C) with respect to safe nonprescription marketing and use of such drug; or

"(ii) if the request fails to include information specified under subparagraph (C), shall refuse to file such request and require that nonprescription marketing of the drug be pursuant to a new drug application as described in subparagraph (D).

"(B) DRUG DESCRIBED.—A drug described in this subparagraph is a nonprescription drug which contains an active ingredient not previously incorporated in a drug—

"(i) specified in subsection (a)(1), (a)(2), or (a)(3);

"(ii) subject to a final order under this section; or

"(iii) subject to a final sunscreen order (as defined in section 586(2)(A)).

"(C) INFORMATION DEMONSTRATING PRIMA FACIE SAFE NONPRESCRIPTION MARKETING AND USE.—Information specified in this subparagraph, with respect to a request described in subparagraph (A)(i), is—

"(i) information sufficient for a prima facie demonstration that the drug subject to such request has a verifiable history of being marketed and safely used by consumers in the United States as a nonprescription drug under comparable conditions of use;

"(ii) if the drug has not been previously marketed in the United States as a nonprescription drug, information sufficient for a prima facie demonstration that the drug was marketed and safely used under comparable conditions of marketing and use in a country listed in section 802(b)(1)(A) or designated by the Secretary in accordance with section 802(b)(1)(B)—

"(I) for such period as needed to provide reasonable assurances concerning the safe nonprescription use of the drug; and

"(II) during such time was subject to sufficient monitoring by a regulatory body considered acceptable by the Secretary for such monitoring purposes, including for adverse events associated with nonprescription use of the drug; or

Determination.

"(iii) if the Secretary determines that information described in clause (i) or (ii) is not needed to provide a prima facie demonstration that the drug can be safely marketed and used as a nonprescription drug, such other information the Secretary determines is sufficient for such purposes.

Determinations.

"(D) MARKETING PURSUANT TO NEW DRUG APPLICATION.—In the case of a request described in subparagraph (A)(ii), the drug subject to such request may be resubmitted for filing only if—

"(i) the drug is marketed as a nonprescription drug, under conditions of use comparable to the conditions specified in the request, for such period as the Secretary determines appropriate (not to exceed 5 consecutive years) pursuant to an application approved under section 505; and

"(ii) during such period, 1,000,000 retail packages of the drug, or an equivalent quantity as determined by the Secretary, were distributed for retail sale, as determined in such manner as the Secretary finds appropriate.

"(E) RULE OF APPLICATION.—Except in the case of a request involving a drug described in section 586(9), as in effect on January 1, 2017, if the Secretary refuses to file a request under this paragraph, the requestor may not file such request over protest under paragraph (5)(A)(iii).

"(7) PACKAGING.—An administrative order issued under paragraph (2), (4)(A), or (5) may include requirements for the packaging of a drug to encourage use in accordance with labeling. Such requirements may include unit dose packaging, requirements for products intended for use by pediatric populations, requirements to reduce risk of harm from unsupervised ingestion, and other appropriate requirements. This paragraph does not authorize the Food and Drug Administration to require standards or testing procedures as described in part 1700 of title 16, Code of Federal Regulations.

"(8) FINAL AND TENTATIVE FINAL MONOGRAPHS FOR CATEGORY I DRUGS DEEMED FINAL ADMINISTRATIVE ORDERS.—

"(A) IN GENERAL.—A final monograph or tentative final monograph described in subparagraph (B) shall be deemed to be a final administrative order under this subsection and may be amended, revoked, or otherwise modified in accordance with the procedures of this subsection.

"(B) MONOGRAPHS DESCRIBED.—For purposes of subparagraph (A), a final monograph or tentative final monograph is described in this subparagraph if it—

"(i) establishes conditions of use for a drug described in paragraph (1) or (2) of subsection (a); and

"(ii) represents the most recently promulgated version of such conditions, including as modified, in whole or in part, by any proposed or final rule.

"(C) DEEMED ORDERS INCLUDE HARMONIZING TECHNICAL AMENDMENTS.—The deemed establishment of a final administrative order under subparagraph (A) shall be construed to include any technical amendments to such order as the Secretary determines necessary to ensure that such order is appropriately harmonized, in terms of terminology or cross-references, with the applicable provisions of this Act (and regulations thereunder) and any other orders issued under this section. Determination.

"(c) PROCEDURE FOR MINOR CHANGES.—

"(1) IN GENERAL.—Minor changes in the dosage form of a drug that is described in paragraph (1) or (2) of subsection (a) or the subject of an order issued under subsection (b) may

be made by a requestor without the issuance of an order under subsection (b) if—

"(A) the requestor maintains such information as is necessary to demonstrate that the change—

"(i) will not affect the safety or effectiveness of the drug; and

"(ii) will not materially affect the extent of absorption or other exposure to the active ingredient in comparison to a suitable reference product; and

"(B) the change is in conformity with the requirements of an applicable administrative order issued by the Secretary under paragraph (3).

"(2) ADDITIONAL INFORMATION.—

Deadline.

"(A) ACCESS TO RECORDS.—A sponsor shall submit records requested by the Secretary relating to such a minor change under section 704(a)(4), within 15 business days of receiving such a request, or such longer period as the Secretary may provide.

Determination.

"(B) INSUFFICIENT INFORMATION.—If the Secretary determines that the information contained in such records is not sufficient to demonstrate that the change does not affect the safety or effectiveness of the drug or materially affect the extent of absorption or other exposure to the active ingredient, the Secretary—

"(i) may so inform the sponsor of the drug in writing; and

"(ii) if the Secretary so informs the sponsor, shall provide the sponsor of the drug with a reasonable opportunity to provide additional information.

Determination.

"(C) FAILURE TO SUBMIT SUFFICIENT INFORMATION.—If the sponsor fails to provide such additional information within a time prescribed by the Secretary, or if the Secretary determines that such additional information does not demonstrate that the change does not—

"(i) affect the safety or effectiveness of the drug; or

"(ii) materially affect the extent of absorption or other exposure to the active ingredient in comparison to a suitable reference product,

the drug as modified is a new drug under section 201(p) and shall be deemed to be misbranded under section 502(ee).

"(3) DETERMINING WHETHER A CHANGE WILL AFFECT SAFETY OR EFFECTIVENESS.—

Requirements.
Guidance.

"(A) IN GENERAL.—The Secretary shall issue one or more administrative orders specifying requirements for determining whether a minor change made by a sponsor pursuant to this subsection will affect the safety or effectiveness of a drug or materially affect the extent of absorption or other exposure to an active ingredient in the drug in comparison to a suitable reference product, together with guidance for applying those orders to specific dosage forms.

"(B) STANDARD PRACTICES.—The orders and guidance issued by the Secretary under subparagraph (A) shall take into account relevant public standards and standard practices for evaluating the quality of drugs, and may take

into account the special needs of populations, including children.

"(d) CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE SECRETARY.—

"(1) IN GENERAL.—Subject to paragraph (2), any information, including reports of testing conducted on the drug or drugs involved, that is submitted by a requestor in connection with proceedings on an order under this section (including any minor change under subsection (c)) and is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code, shall not be disclosed to the public unless the requestor consents to that disclosure.

"(2) PUBLIC AVAILABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall— Deadlines.

"(i) make any information submitted by a requestor in support of a request under subsection (b)(5)(A) available to the public not later than the date on which the proposed order is issued; and

"(ii) make any information submitted by any other person with respect to an order requested (or initiated by the Secretary) under subsection (b), available to the public upon such submission.

"(B) LIMITATIONS ON PUBLIC AVAILABILITY.—Information described in subparagraph (A) shall not be made public if—

"(i) the information pertains to pharmaceutical quality information, unless such information is necessary to establish standards under which a drug is generally recognized as safe and effective under section 201(p)(1);

"(ii) the information is submitted in a requestor-initiated request, but the requestor withdraws such request, in accordance with withdrawal procedures established by the Secretary, before the Secretary issues the proposed order; Procedures.

"(iii) the Secretary requests and obtains the information under subsection (c) and such information is not submitted in relation to an order under subsection (b); or

"(iv) the information is of the type contained in raw datasets.

"(e) UPDATES TO DRUG LISTING INFORMATION.—A sponsor who makes a change to a drug subject to this section shall submit updated drug listing information for the drug in accordance with section 510(j) within 30 calendar days of the date when the drug is first commercially marketed, except that a sponsor who was the order requestor with respect to an order subject to subsection (b)(5)(C) (or a licensee, assignee, or successor in interest of such requestor) shall submit updated drug listing information on or before the date when the drug is first commercially marketed. Deadlines.

"(f) APPROVALS UNDER SECTION 505.—The provisions of this section shall not be construed to preclude a person from seeking or maintaining the approval of an application for a drug under sections 505(b)(1), 505(b)(2), and 505(j). A determination under this section that a drug is not subject to section 503(b)(1), is generally Determination.

recognized as safe and effective under section 201(p)(1), and is not a new drug under section 201(p) shall constitute a finding that the drug is safe and effective that may be relied upon for purposes of an application under section 505(b)(2), so that the applicant shall be required to submit for purposes of such application only information needed to support any modification of the drug that is not covered by such determination under this section.

Time period. Determination.

"(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE ORDERS.—The Secretary shall establish, maintain, update (as determined necessary by the Secretary but no less frequently than annually), and make publicly available, with respect to orders issued under this section—

"(1) a repository of each final order and interim final order in effect, including the complete text of the order; and

Lists.

"(2) a listing of all orders proposed and under development under subsection (b)(2), including—

"(A) a brief description of each such order; and

Time period.

"(B) the Secretary's expectations, if resources permit, for issuance of proposed orders over a 3-year period.

Procedures.

"(h) DEVELOPMENT ADVICE TO SPONSORS OR REQUESTORS.—The Secretary shall establish procedures under which sponsors or requestors may meet with appropriate officials of the Food and Drug Administration to obtain advice on the studies and other information necessary to support submissions under this section and other matters relevant to the regulation of nonprescription drugs and the development of new nonprescription drugs under this section.

Procedures.

"(i) PARTICIPATION OF MULTIPLE SPONSORS OR REQUESTORS.—The Secretary shall establish procedures to facilitate efficient participation by multiple sponsors or requestors in proceedings under this section, including provision for joint meetings with multiple sponsors or requestors or with organizations nominated by sponsors or requestors to represent their interests in a proceeding.

"(j) ELECTRONIC FORMAT.—All submissions under this section shall be in electronic format.

"(k) EFFECT ON EXISTING REGULATIONS GOVERNING NONPRESCRIPTION DRUGS.—

"(1) REGULATIONS OF GENERAL APPLICABILITY TO NONPRESCRIPTION DRUGS.—Except as provided in this subsection, nothing in this section supersedes regulations establishing general requirements for nonprescription drugs, including regulations of general applicability contained in parts 201, 250, and 330 of title 21, Code of Federal Regulations, or any successor regulations. The Secretary shall establish or modify such regulations by means of rulemaking in accordance with section 553 of title 5, United States Code.

"(2) REGULATIONS ESTABLISHING REQUIREMENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—

"(A) The provisions of section 310.545 of title 21, Code of Federal Regulations, as in effect on the day before the date of the enactment of this section, shall be deemed to be a final order under subsection (b).

"(B) Regulations in effect on the day before the date of the enactment of this section, establishing requirements for specific nonprescription drugs marketed pursuant to this section (including such requirements in parts 201 and 250 of title 21, Code of Federal Regulations), shall be

deemed to be final orders under subsection (b), only as they apply to drugs—

"(i) subject to paragraph (1), (2), (3), or (4) of subsection (a); or

"(ii) otherwise subject to an order under this section.

"(3) WITHDRAWAL OF REGULATIONS.—The Secretary shall withdraw regulations establishing final monographs and the procedures governing the over-the-counter drug review under part 330 and other relevant parts of title 21, Code of Federal Regulations (as in effect on the day before the date of the enactment of this section), or make technical changes to such regulations to ensure conformity with appropriate terminology and cross references. Notwithstanding subchapter II of chapter 5 of title 5, United States Code, any such withdrawal or technical changes shall be made without public notice and comment and shall be effective upon publication through notice in the Federal Register (or upon such date as specified in such notice).

Notice.
Effective date.
Federal Register, publication.

"(l) GUIDANCE.—The Secretary shall issue guidance that specifies—

"(1) the procedures and principles for formal meetings between the Secretary and sponsors or requestors for drugs subject to this section;

Procedures.

"(2) the format and content of data submissions to the Secretary under this section;

"(3) the format of electronic submissions to the Secretary under this section;

"(4) consolidated proceedings for appeal and the procedures for such proceedings where appropriate; and

Appeals.
Procedures.

"(5) for minor changes in drugs, recommendations on how to comply with the requirements in orders issued under subsection (c)(3).

Recommendations.

"(m) RULE OF CONSTRUCTION.—

"(1) IN GENERAL.—This section shall not affect the treatment or status of a nonprescription drug—

"(A) that is marketed without an application approved under section 505 as of the date of the enactment of this section;

"(B) that is not subject to an order issued under this section; and

"(C) to which paragraph (1), (2), (3), (4), or (5) of subsection (a) do not apply.

"(2) TREATMENT OF PRODUCTS PREVIOUSLY FOUND TO BE SUBJECT TO TIME AND EXTENT REQUIREMENTS.—

"(A) Notwithstanding subsection (a), a drug described in subparagraph (B) may only be lawfully marketed, without an application approved under section 505, pursuant to an order issued under this section.

"(B) A drug described in this subparagraph is a drug which, prior to the date of the enactment of this section, the Secretary determined in a proposed or final rule to be ineligible for review under the OTC drug review (as such phrase 'OTC drug review' was used in section 330.14 of title 21, Code of Federal Regulations, as in effect on the day before the date of the enactment of this section).

"(3) PRESERVATION OF AUTHORITY.—

"(A) Nothing in paragraph (1) shall be construed to preclude or limit the applicability of any provision of this Act other than this section.

"(B) Nothing in subsection (a) shall be construed to prohibit the Secretary from issuing an order under this section finding a drug to be not generally recognized as safe and effective under section 201(p)(1), as the Secretary determines appropriate.

"(n) INVESTIGATIONAL NEW DRUGS.—A drug is not subject to this section if an exemption for investigational use under section 505(i) is in effect for such drug.

"(o) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to collections of information made under this section.

"(p) INAPPLICABILITY OF NOTICE AND COMMENT RULEMAKING AND OTHER REQUIREMENTS.—The requirements of subsection (b) shall apply with respect to orders issued under this section instead of the requirements of subchapter II of chapter 5 of title 5, United States Code.

Applicability.

"(q) DEFINITIONS.—In this section:

"(1) The term 'nonprescription drug' refers to a drug not subject to the requirements of section 503(b)(1).

"(2) The term 'sponsor' refers to any person marketing, manufacturing, or processing a drug that—

"(A) is listed pursuant to section 510(j); and

"(B) is or will be subject to an administrative order under this section of the Food and Drug Administration.

"(3) The term 'requestor' refers to any person or group of persons marketing, manufacturing, processing, or developing a drug.".

Deadline.

(b) GAO STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate addressing the effectiveness and overall impact of exclusivity under section 505G of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and section 586C of such Act (21 U.S.C. 360fff–3), including the impact of such exclusivity on consumer access. Such study shall include—

Analyses.

(1) an analysis of the impact of exclusivity under such section 505G for nonprescription drug products, including—

(A) the number of nonprescription drug products that were granted exclusivity and the indication for which the nonprescription drug products were determined to be generally recognized as safe and effective;

(B) whether the exclusivity for such drug products was granted for—

(i) a new active ingredient (including any ester or salt of the active ingredient); or

(ii) changes in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor were essential;

(C) whether, and to what extent, the exclusivity impacted the requestor's or sponsor's decision to develop the drug product;

(D) an analysis of the implementation of the exclusivity provision in such section 505G, including—

(i) the resources used by the Food and Drug Administration;

(ii) the impact of such provision on innovation, as well as research and development in the nonprescription drug market;

(iii) the impact of such provision on competition in the nonprescription drug market;

(iv) the impact of such provision on consumer access to nonprescription drug products;

(v) the impact of such provision on the prices of nonprescription drug products; and

(vi) whether the administrative orders initiated by requestors under such section 505G have been sufficient to encourage the development of nonprescription drug products that would likely not be otherwise developed, or developed in as timely a manner; and

(E) whether the administrative orders initiated by requestors under such section 505G have been sufficient incentive to encourage innovation in the nonprescription drug market; and

(2) an analysis of the impact of exclusivity under such section 586C for sunscreen ingredients, including—

(A) the number of sunscreen ingredients that were granted exclusivity and the specific ingredient that was determined to be generally recognized as safe and effective;

(B) whether, and to what extent, the exclusivity impacted the requestor's or sponsor's decision to develop the sunscreen ingredient;

(C) whether, and to what extent, the sunscreen ingredient granted exclusivity had previously been available outside of the United States;

(D) an analysis of the implementation of the exclusivity provision in such section 586C, including—

(i) the resources used by the Food and Drug Administration;

(ii) the impact of such provision on innovation, as well as research and development in the sunscreen market;

(iii) the impact of such provision on competition in the sunscreen market;

(iv) the impact of such provision on consumer access to sunscreen products;

(v) the impact of such provision on the prices of sunscreen products; and

(vi) whether the administrative orders initiated by requestors under such section 505G have been utilized by sunscreen ingredient sponsors and whether such process has been sufficient to encourage the development of sunscreen ingredients that would likely not be otherwise developed, or developed in as timely a manner; and

(E) whether the administrative orders initiated by requestors under such section 586C have been sufficient incentive to encourage innovation in the sunscreen market.

(c) CONFORMING AMENDMENT.—Section 751(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r(d)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "final regulation promulgated" and inserting "final order under section 505G"; and

(B) by striking "and not misbranded"; and

(2) in subparagraph (A), by striking "regulation in effect" and inserting "regulation or order in effect".

SEC. 3852. MISBRANDING.

Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(ee) If it is a nonprescription drug that is subject to section 505G, is not the subject of an application approved under section 505, and does not comply with the requirements under section 505G.

"(ff) If it is a drug and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744M.".

21 USC 355h note.

SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-COUNTER DRUG REVIEW.

(a) IN GENERAL.—Nothing in this Act (or the amendments made by this Act) shall apply to any nonprescription drug (as defined in section 505G(q) of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle) which was excluded by the Food and Drug Administration from the Over-the-Counter Drug Review in accordance with the paragraph numbered 25 on page 9466 of volume 37 of the Federal Register, published on May 11, 1972.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude or limit the applicability of any other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

21 USC 360fff–3 note.

SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.

(a) REVIEW OF NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS.—

(1) APPLICABILITY OF SECTION 505G FOR PENDING SUBMISSIONS.—

Notification. Deadline.

(A) IN GENERAL.—A sponsor of a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that, as of the date of enactment of this Act, is subject to a proposed sunscreen order under section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) may elect, by means of giving written notification to the Secretary of Health and Human Services within 180 calendar days of the enactment of this Act, to transition into the review of such ingredient or combination of ingredients pursuant to the process set out in section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and

Cosmetic Act, as added by section 3851 of this subtitle; and

(ii) such order is deemed to have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 180 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)— Deadline.

(i) shall continue under section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3); and

(ii) shall not be eligible for review under section 505G, added by section 3851 of this subtitle.

(2) DEFINITIONS.—In this subsection, the terms "sponsor", "nonprescription", "sunscreen active ingredient", and "proposed sunscreen order" have the meanings given to those terms in section 586 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff).

(b) AMENDMENTS TO SUNSCREEN PROVISIONS.—

(1) FINAL SUNSCREEN ORDERS.—Paragraph (3) of section 586C(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amended to read as follows:

"(3) RELATIONSHIP TO ORDERS UNDER SECTION 505G.—A final sunscreen order shall be deemed to be a final order under section 505G.".

(2) MEETINGS.—Paragraph (7) of section 586C(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3(b)) is amended—

(A) by striking "A sponsor may request" and inserting the following:

"(A) IN GENERAL.—A sponsor may request"; and

(B) by adding at the end the following:

"(B) CONFIDENTIAL MEETINGS.—A sponsor may request one or more confidential meetings with respect to a proposed sunscreen order, including a letter deemed to be a proposed sunscreen order under paragraph (3), to discuss matters relating to data requirements to support a general recognition of safety and effectiveness involving confidential information and public information related to such proposed sunscreen order, as appropriate. The Secretary shall convene a confidential meeting with such sponsor in a reasonable time period. If a sponsor requests more than one confidential meeting for the same proposed sunscreen order, the Secretary may refuse to grant an additional confidential meeting request if the Secretary determines that such additional confidential meeting is not reasonably necessary for the sponsor to advance its proposed sunscreen order, or if the request for a confidential meeting fails to include sufficient information upon which to base a substantive discussion. The Secretary shall publish a post-meeting summary of each confidential meeting under this subparagraph that does not disclose confidential commercial information or trade secrets. This subparagraph does not authorize the disclosure of confidential commercial information or trade secrets subject to 552(b)(4) of title

Determination.

Publication. Summary.

5, United States Code, or section 1905 of title 18, United States Code.".

(3) EXCLUSIVITY.—Section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) is amended by adding at the end the following:

"(f) EXCLUSIVITY.—

Time period.

"(1) IN GENERAL.—A final sunscreen order shall have the effect of authorizing solely the order requestor (or the licensees, assignees, or successors in interest of such requestor with respect to the subject of such request and listed under paragraph (5)) for a period of 18 months, to market a sunscreen ingredient under this section incorporating changes described in paragraph (2) subject to the limitations under paragraph (4), beginning on the date the requestor (or any licensees, assignees, or successors in interest of such requestor with respect to the subject of such request and listed under paragraph (5)) may lawfully market such sunscreen ingredient pursuant to the order.

"(2) CHANGES DESCRIBED.—A change described in this paragraph is a change subject to an order specified in paragraph (1) that permits a sunscreen to contain an active sunscreen ingredient not previously incorporated in a marketed sunscreen listed in paragraph (3).

"(3) MARKETED SUNSCREEN.—The marketed sunscreen ingredients described in this paragraph are sunscreen ingredients—

"(A) marketed in accordance with a final monograph for sunscreen drug products set forth at part 352 of title 21, Code of Federal Regulations (as published at 64 Fed. Reg. 27687); or

"(B) marketed in accordance with a final order issued under this section.

Time period.

"(4) LIMITATIONS ON EXCLUSIVITY.—Only one 18-month period may be granted per ingredient under paragraph (1).

"(5) LISTING OF LICENSEES, ASSIGNEES, OR SUCCESSORS IN INTEREST.—Requestors shall submit to the Secretary at the time when a drug subject to such request is introduced or delivered for introduction into interstate commerce, a list of licensees, assignees, or successors in interest under paragraph (1).".

(4) SUNSET PROVISION.—Subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff et seq.) is amended by adding at the end the following:

21 USC 360fff–8.

"SEC. 586H. SUNSET.

"This subchapter shall cease to be effective at the end of fiscal year 2022.".

(5) TREATMENT OF FINAL SUNSCREEN ORDER.—The Federal Food, Drug, and Cosmetic Act is amended by striking section 586E of such Act (21 U.S.C. 360fff–5).

21 USC 355h note.

(c) TREATMENT OF AUTHORITY REGARDING FINALIZATION OF SUNSCREEN MONOGRAPH.—

(1) IN GENERAL.—

(A) REVISION OF FINAL SUNSCREEN ORDER.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall amend and revise the

final administrative order concerning nonprescription sunscreen (referred to in this subsection as the "sunscreen order") for which the content, prior to the date of enactment of this Act, was represented by the final monograph for sunscreen drug products set forth in part 352 of title 21, Code of Federal Regulations (as in effect on May 21, 1999).

(B) ISSUANCE OF REVISED SUNSCREEN ORDER; EFFECTIVE DATE.—A revised sunscreen order described in subparagraph (A) shall be— Deadlines.

(i) issued in accordance with the procedures described in section 505G(b)(2) of the Federal Food, Drug, and Cosmetic Act;

(ii) issued in proposed form not later than 18 months after the date of enactment of this Act; and

(iii) issued by the Secretary at least 1 year prior to the effective date of the revised order.

(2) REPORTS.—If a revised sunscreen order issued under paragraph (1) does not include provisions related to the effectiveness of various sun protection factor levels, and does not address all dosage forms known to the Secretary to be used in sunscreens marketed in the United States without a new drug application approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the rationale for omission of such provisions from such order, and a plan and timeline to compile any information necessary to address such provisions through such order. Plan. Timeline.

(d) TREATMENT OF NON-SUNSCREEN TIME AND EXTENT APPLICATIONS.— 21 USC 360fff–6 note.

(1) IN GENERAL.—Any application described in section 586F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–6) that was submitted to the Secretary pursuant to section 330.14 of title 21, Code of Federal Regulations, as such provisions were in effect immediately prior to the date of enactment date of this Act, shall be extinguished as of such date of enactment, subject to paragraph (2).

(2) ORDER REQUEST.—Nothing in paragraph (1) precludes the submission of an order request under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle, with respect to a drug that was the subject of an application extinguished under paragraph (1).

SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPROPRIATE PEDIATRIC INDICATION FOR CERTAIN OTC COUGH AND COLD DRUGS. 21 USC 355h note.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Health and Human Services shall, beginning not later than 1 year after the date of enactment of this Act, annually submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a letter describing the progress of the Food and Drug Administration— Deadline.

(1) in evaluating the cough and cold monograph described in subsection (b) with respect to children under age 6; and

(2) as appropriate, revising such cough and cold monograph to address such children through the order process under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(b) COUGH AND COLD MONOGRAPH DESCRIBED.—The cough and cold monograph described in this subsection consists of the conditions under which nonprescription drugs containing antitussive, expectorant, nasal decongestant, or antihistamine active ingredients (or combinations thereof) are generally recognized as safe and effective, as specified in part 341 of title 21, Code of Federal Regulations (as in effect immediately prior to the date of enactment of this Act), and included in an order deemed to be established under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(c) DURATION OF AUTHORITY.—The requirement under subsection (a) shall terminate as of the date of a letter submitted by the Secretary of Health and Human Services pursuant to such subsection in which the Secretary indicates that the Food and Drug Administration has completed its evaluation and revised, in a final order, as applicable, the cough and cold monograph as described in subsection (a)(2).

SEC. 3856. TECHNICAL CORRECTIONS.

(a) IMPORTS AND EXPORTS.—Section 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking "subparagraph" each place such term appears and inserting "paragraph".

(b) FDA REAUTHORIZATION ACT OF 2017.—

21 USC 379j–52.

(1) IN GENERAL.—Section 905(b)(4) of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended by striking "Section 744H(e)(2)(B)" and inserting "Section 744H(f)(2)(B)".

21 USC 379j–52 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of the enactment of the FDA Reauthorization Act of 2017 (Public Law 115–52).

PART II—USER FEES

21 USC 379j–71 note.

SEC. 3861. FINDING.

The Congress finds that the fees authorized by the amendments made in this part will be dedicated to OTC monograph drug activities, as set forth in the goals identified for purposes of part 10 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by inserting after part 9 the following:

"PART 10—FEES RELATING TO OVER-THE-COUNTER DRUGS

"SEC. 744L. DEFINITIONS. 21 USC 379j–71.

"In this part:

"(1) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) one business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control, both of the business entities.

"(2) The term 'contract manufacturing organization facility' means an OTC monograph drug facility where neither the owner of such manufacturing facility nor any affiliate of such owner or facility sells the OTC monograph drug produced at such facility directly to wholesalers, retailers, or consumers in the United States.

"(3) The term 'costs of resources allocated for OTC monograph drug activities' means the expenses in connection with OTC monograph drug activities for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and costs related to contracts with such contractors;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

"(D) collecting fees under section 744M and accounting for resources allocated for OTC monograph drug activities.

"(4) The term 'FDA establishment identifier' is the unique number automatically generated by Food and Drug Administration's Field Accomplishments and Compliance Tracking System (FACTS) (or any successor system).

"(5) The term 'OTC monograph drug' means a nonprescription drug without an approved new drug application which is governed by the provisions of section 505G.

"(6) The term 'OTC monograph drug activities' means activities of the Secretary associated with OTC monograph drugs and inspection of facilities associated with such products, including the following activities:

"(A) The activities necessary for review and evaluation of OTC monographs and OTC monograph order requests, including—

"(i) orders proposing or finalizing applicable conditions of use for OTC monograph drugs;

"(ii) orders affecting status regarding general recognition of safety and effectiveness of an OTC monograph ingredient or combination of ingredients under specified conditions of use;

"(iii) all OTC monograph drug development and review activities, including intra-agency collaboration;

"(iv) regulation and policy development activities related to OTC monograph drugs;

"(v) development of product standards for products subject to review and evaluation;

"(vi) meetings referred to in section 505G(i);

"(vii) review of labeling prior to issuance of orders related to OTC monograph drugs or conditions of use; and

"(viii) regulatory science activities related to OTC monograph drugs.

"(B) Inspections related to OTC monograph drugs.

"(C) Monitoring of clinical and other research conducted in connection with OTC monograph drugs.

"(D) Safety activities with respect to OTC monograph drugs, including—

"(i) collecting, developing, and reviewing safety information on OTC monograph drugs, including adverse event reports;

"(ii) developing and using improved adverse event data-collection systems, including information technology systems; and

"(iii) developing and using improved analytical tools to assess potential safety risks, including access to external databases.

"(E) Other activities necessary for implementation of section 505G.

"(7) The term 'OTC monograph order request' means a request for an order submitted under section 505G(b)(5).

"(8) The term 'Tier 1 OTC monograph order request' means any OTC monograph order request not determined to be a Tier 2 OTC monograph order request.

"(9)(A) The term 'Tier 2 OTC monograph order request' means, subject to subparagraph (B), an OTC monograph order request for—

"(i) the reordering of existing information in the drug facts label of an OTC monograph drug;

"(ii) the addition of information to the other information section of the drug facts label of an OTC monograph drug, as limited by section 201.66(c)(7) of title 21, Code of Federal Regulations (or any successor regulations);

"(iii) modification to the directions for use section of the drug facts label of an OTC monograph drug, if such changes conform to changes made pursuant to section 505G(c)(3)(A);

"(iv) the standardization of the concentration or dose of a specific finalized ingredient within a particular finalized monograph;

"(v) a change to ingredient nomenclature to align with nomenclature of a standards-setting organization; or

"(vi) addition of an interchangeable term in accordance with section 330.1 of title 21, Code of Federal Regulations (or any successor regulations).

"(B) The Secretary may, based on program implementation experience or other factors found appropriate by the Secretary, characterize any OTC monograph order request as a Tier 2 OTC monograph order request (including recharacterizing a

request from Tier 1 to Tier 2) and publish such determination in a proposed order issued pursuant to section 505G.

"(10)(A) The term 'OTC monograph drug facility' means a foreign or domestic business or other entity that—

"(i) is—

"(I) under one management, either direct or indirect; and

"(II) at one geographic location or address engaged in manufacturing or processing the finished dosage form of an OTC monograph drug;

"(ii) includes a finished dosage form manufacturer facility in a contractual relationship with the sponsor of one or more OTC monograph drugs to manufacture or process such drugs; and

"(iii) does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: production of clinical research supplies, testing, or placement of outer packaging on packages containing multiple products, for such purposes as creating multipacks, when each monograph drug product contained within the overpackaging is already in a final packaged form prior to placement in the outer overpackaging.

"(B) For purposes of subparagraph (A)(i)(II), separate buildings or locations within close proximity are considered to be at one geographic location or address if the activities conducted in such buildings or locations are—

"(i) closely related to the same business enterprise;

"(ii) under the supervision of the same local management; and

"(iii) under a single FDA establishment identifier and capable of being inspected by the Food and Drug Administration during a single inspection.

"(C) If a business or other entity would meet criteria specified in subparagraph (A), but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

"(11) The term 'OTC monograph drug meeting' means any meeting regarding the content of a proposed OTC monograph order request.

"(12) The term 'person' includes an affiliate of a person.

"(13) The terms 'requestor' and 'sponsor' have the meanings given such terms in section 505G.

"SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONOGRAPH FEES. 21 USC 379j–72.

"(a) TYPES OF FEES.—Beginning with fiscal year 2021, the Secretary shall assess and collect fees in accordance with this section as follows: Effective date.

"(1) FACILITY FEE.—

"(A) IN GENERAL.—Each person that owns a facility identified as an OTC monograph drug facility on December 31 of the fiscal year or at any time during the preceding 12-month period shall be assessed an annual fee for each such facility as determined under subsection (c). Time period.

"(B) EXCEPTIONS.—

"(i) FACILITIES THAT CEASE ACTIVITIES.—A fee shall not be assessed under subparagraph (A) if the identified OTC monograph drug facility—

"(I) has ceased all activities related to OTC monograph drugs prior to December 31 of the year immediately preceding the applicable fiscal year; and

"(II) has updated its registration to reflect such change under the requirements for drug establishment registration set forth in section 510.

"(ii) CONTRACT MANUFACTURING ORGANIZATIONS.—The amount of the fee for a contract manufacturing organization facility shall be equal to two-thirds of the amount of the fee for an OTC monograph drug facility that is not a contract manufacturing organization facility.

"(C) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (c).

"(D) DUE DATE.—

"(i) FOR FIRST PROGRAM YEAR.—For fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—

"(I) the first business day of July of 2020; or

"(II) 45 calendar days after publication of the Federal Register notice provided for under subsection (c)(4)(A).

"(ii) SUBSEQUENT FISCAL YEARS.—For each fiscal year after fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—

"(I) the first business day of June of such year; or

"(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

"(2) OTC MONOGRAPH ORDER REQUEST FEE.—

"(A) IN GENERAL.—Each person that submits an OTC monograph order request shall be subject to a fee for an OTC monograph order request. The amount of such fee shall be—

"(i) for a Tier 1 OTC monograph order request, $500,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)); and

"(ii) for a Tier 2 OTC monograph order request, $100,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)).

"(B) DUE DATE.—The OTC monograph order request fees required under subparagraph (A) shall be due on the date of submission of the OTC monograph order request.

"(C) EXCEPTION FOR CERTAIN SAFETY CHANGES.—A person who is named as the requestor in an OTC monograph order shall not be subject to a fee under subparagraph (A) if the Secretary finds that the OTC monograph order request seeks to change the drug facts labeling of an OTC monograph drug in a way that would add to or strengthen—

"(i) a contraindication, warning, or precaution;

"(ii) a statement about risk associated with misuse or abuse; or

"(iii) an instruction about dosage and administration that is intended to increase the safe use of the OTC monograph drug.

"(D) REFUND OF FEE IF ORDER REQUEST IS RECATEGORIZED AS A TIER 2 OTC MONOGRAPH ORDER REQUEST.—If the Secretary determines that an OTC monograph request initially characterized as Tier 1 shall be recharacterized as a Tier 2 OTC monograph order request, and the requestor has paid a Tier 1 fee in accordance with subparagraph (A)(i), the Secretary shall refund the requestor the difference between the Tier 1 and Tier 2 fees determined under subparagraphs (A)(i) and (A)(ii), respectively. Determination.

"(E) REFUND OF FEE IF ORDER REQUEST REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any order request which is refused for filing or was withdrawn before being accepted or refused for filing.

"(F) FEES FOR ORDER REQUESTS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—An OTC monograph order request that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest.

"(G) REFUND OF FEE IF ORDER REQUEST WITHDRAWN.—If an order request is withdrawn after the order request was filed, the Secretary may refund the fee or a portion of the fee if no substantial work was performed on the order request after the application was filed. The Secretary shall have the sole discretion to refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this subparagraph shall not be reviewable.

"(3) REFUNDS.—

"(A) IN GENERAL.—Other than refunds provided pursuant to any of subparagraphs (D) through (G) of paragraph (2), the Secretary shall not refund any fee paid under paragraph (1) except as provided in subparagraph (B).

"(B) DISPUTES CONCERNING FEES.—To qualify for the return of a fee claimed to have been paid in error under paragraph (1) or (2), a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid. Deadline.

"(4) NOTICE.—Within the timeframe specified in subsection (c), the Secretary shall publish in the Federal Register the amount of the fees under paragraph (1) for such fiscal year. Federal Register, publication.

"(b) FEE REVENUE AMOUNTS.—

"(1) FISCAL YEAR 2021.—For fiscal year 2021, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

"(A) the annual base revenue for fiscal year 2021 (as determined under paragraph (3));

"(B) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2)); and

"(C) additional direct cost adjustments (as determined under subsection (c)(3)).

"(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

"(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2));

"(D) additional direct cost adjustments (as determined under subsection (c)(3)); and

"(E) additional dollar amounts for each fiscal year as follows:

"(i) $7,000,000 for fiscal year 2022.

"(ii) $6,000,000 for fiscal year 2023.

"(iii) $7,000,000 for fiscal year 2024.

"(iv) $3,000,000 for fiscal year 2025.

"(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1)(A) and (2)(A), the dollar amount of the annual base revenue for a fiscal year shall be—

"(A) for fiscal year 2021, $8,000,000; and

"(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b)(2); and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

"(i) the applicable fee under subsection (a)(2) for the preceding fiscal year; and

"(ii) the inflation adjustment percentage under subparagraph (C).

Time periods.

"(C) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to—

"(i) for each of fiscal years 2022 and 2023, the average annual percent change that occurred in the

Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data; and

"(ii) for each of fiscal years 2024 and 2025, the sum of—

"(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of OTC monograph drug activities for the first 3 years of the preceding 4 fiscal years; and

"(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of OTC monograph drug activities for the first 3 years of the preceding 4 fiscal years.

"(2) OPERATING RESERVE ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2021 and subsequent fiscal years, for purposes of subsections (b)(1)(B) and (b)(2)(C), the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenue and fees if such an adjustment is necessary to provide operating reserves of carryover user fees for OTC monograph drug activities for not more than the number of weeks specified in subparagraph (B).

"(B) NUMBER OF WEEKS.—The number of weeks specified in this subparagraph is—

"(i) 3 weeks for fiscal year 2021;

"(ii) 7 weeks for fiscal year 2022;

"(iii) 10 weeks for fiscal year 2023;

"(iv) 10 weeks for fiscal year 2024; and

"(v) 10 weeks for fiscal year 2025.

"(C) DECREASE.—If the Secretary has carryover balances for such process in excess of 10 weeks of the operating reserves referred to in subparagraph (A), the Secretary shall decrease the fee revenue and fees referred to in such subparagraph to provide for not more than 10 weeks of such operating reserves. Time period.

"(D) RATIONALE FOR ADJUSTMENT.—If an adjustment under this paragraph is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under paragraph (4) establishing fee revenue and fees for the fiscal year involved.

"(3) ADDITIONAL DIRECT COST ADJUSTMENT.—The Secretary shall, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees for purposes of subsection (b)(2)(D) by an amount equal to—

"(A) $14,000,000 for fiscal year 2021;
"(B) $7,000,000 for fiscal year 2022;
"(C) $4,000,000 for fiscal year 2023;
"(D) $3,000,000 for fiscal year 2024; and
"(E) $3,000,000 for fiscal year 2025.

Deadline. Federal Register, publication.

"(4) ANNUAL FEE SETTING.—
"(A) FISCAL YEAR 2021.—The Secretary shall, not later than the second Monday in May of 2020—
"(i) establish OTC monograph drug facility fees for fiscal year 2021 under subsection (a), based on the revenue amount for such year under subsection (b) and the adjustments provided under this subsection; and
"(ii) publish fee revenue, facility fees, and OTC monograph order requests in the Federal Register.
"(B) SUBSEQUENT FISCAL YEARS.—The Secretary shall, for each fiscal year that begins after September 30, 2021, not later than the second Monday in March that precedes such fiscal year—
"(i) establish for such fiscal year, based on the revenue amounts under subsection (b) and the adjustments provided under this subsection—
"(I) OTC monograph drug facility fees under subsection (a)(1); and
"(II) OTC monograph order request fees under subsection (a)(2); and
"(ii) publish such fee revenue amounts, facility fees, and OTC monograph order request fees in the Federal Register.

"(d) IDENTIFICATION OF FACILITIES.—Each person that owns an OTC monograph drug facility shall submit to the Secretary the information required under this subsection each year. Such information shall, for each fiscal year—
"(1) be submitted as part of the requirements for drug establishment registration set forth in section 510; and
"(2) include for each such facility, at a minimum, identification of the facility's business operation as that of an OTC monograph drug facility.

"(e) EFFECT OF FAILURE TO PAY FEES.—
"(1) OTC MONOGRAPH DRUG FACILITY FEE.—

Time period.

"(A) IN GENERAL.—Failure to pay the fee under subsection (a)(1) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

Public information. List.

"(i) The Secretary shall place the facility on a publicly available arrears list.
"(ii) All OTC monograph drugs manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(ff).
"(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(1) is paid.
"(2) ORDER REQUESTS.—An OTC monograph order request submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for

filing by the Secretary until all fees owed by such person under this section have been paid.

"(3) MEETINGS.—A person subject to fees under this section shall be considered ineligible for OTC monograph drug meetings until all such fees owed by such person have been paid.

"(f) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for OTC monograph drug activities.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—

"(A) IN GENERAL.—Subject to subparagraph (C), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year.

"(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available to defray increases in the costs of the resources allocated for OTC monograph drug activities (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $12,000,000, multiplied by the adjustment factor applicable to the fiscal year involved under subsection (c)(1).

"(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs funded by appropriations and allocated for OTC monograph drug activities are not more than 15 percent below the level specified in such subparagraph.

"(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2021), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2021 through 2025, there is authorized to be appropriated for fees under this section an amount equal to the total amount of fees assessed for such fiscal year under this section.

"(g) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code. Deadline.

"(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the

Department of Health and Human Services, for officers, employers, and advisory committees not engaged in OTC monograph drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

21 USC 379j–73.

"SEC. 744N. REAUTHORIZATION; REPORTING REQUIREMENTS.

Effective date.

"(a) PERFORMANCE REPORT.—Beginning with fiscal year 2021, and not later than 120 calendar days after the end of each fiscal year thereafter for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 3861(b) of the CARES Act during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals.

"(b) FISCAL REPORT.—Not later than 120 calendar days after the end of fiscal year 2021 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

Web posting.

"(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the internet website of the Food and Drug Administration.

"(d) REAUTHORIZATION.—

Recommendations.
Plans.
Time period.

"(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for OTC monograph drug activities for the first 5 fiscal years after fiscal year 2025, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

Federal Register, publication.

"(B) publish such recommendations in the Federal Register;

Time period.

"(C) provide for a period of 30 calendar days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2025, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.". Deadline. Summary.

TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

Subtitle A—Coronavirus Economic Stabilization Act of 2020

Coronavirus Economic Stabilization Act of 2020.

SEC. 4001. SHORT TITLE. 15 USC 9001 note.

This subtitle may be cited as the "Coronavirus Economic Stabilization Act of 2020".

SEC. 4002. DEFINITIONS. 15 USC 9041.

In this subtitle:

(1) AIR CARRIER.—The term "air carrier" has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term "coronavirus" means SARS–CoV–2 or another coronavirus with pandemic potential.

(3) COVERED LOSS.—The term "covered loss" includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term "eligible business" means—

(A) an air carrier; or

(B) a United States business that has not otherwise received adequate economic relief in the form of loans or loan guarantees provided under this Act.

(5) EMPLOYEE.—Except where the context otherwise requires, the term "employee"—

(A) has the meaning given the term in section 2 of the National Labor Relations Act (29 U.S.C. 152); and

(B) includes any individual employed by an employer subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(6) EQUITY SECURITY; EXCHANGE.—The terms "equity security" and "exchange" have the meanings given the terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(7) MUNICIPALITY.—The term "municipality" includes—

(A) a political subdivision of a State, and

(B) an instrumentality of a municipality, a State, or a political subdivision of a State.

(8) NATIONAL SECURITIES EXCHANGE.—The term "national securities exchange" means an exchange registered as a

national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(9) SECRETARY.—The term "Secretary" means the Secretary of the Treasury, or the designee of the Secretary of the Treasury.

(10) STATE.—The term "State" means—

(A) any of the several States;

(B) the District of Columbia;

(C) any of the territories and possessions of the United States;

(D) any bi-State or multi-State entity; and

(E) any Indian Tribe.

15 USC 9042.

SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTECTIONS.

Loans.

(a) IN GENERAL.—Notwithstanding any other provision of law, to provide liquidity to eligible businesses, States, and municipalities related to losses incurred as a result of coronavirus, the Secretary is authorized to make loans, loan guarantees, and other investments in support of eligible businesses, States, and municipalities that do not, in the aggregate, exceed $500,000,000,000 and provide the subsidy amounts necessary for such loans, loan guarantees, and other investments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) LOANS, LOAN GUARANTEES, AND OTHER INVESTMENTS.—Loans, loan guarantees, and other investments made pursuant to subsection (a) shall be made available as follows:

(1) Not more than $25,000,000,000 shall be available to make loans and loan guarantees for passenger air carriers, eligible businesses that are certified under part 145 of title 14, Code of Federal Regulations, and approved to perform inspection, repair, replace, or overhaul services, and ticket agents (as defined in section 40102 of title 49, United States Code).

(2) Not more than $4,000,000,000 shall be available to make loans and loan guarantees for cargo air carriers.

(3) Not more than $17,000,000,000 shall be available to make loans and loan guarantees for businesses critical to maintaining national security.

(4) Not more than the sum of $454,000,000,000 and any amounts available under paragraphs (1), (2), and (3) that are not used as provided under those paragraphs shall be available to make loans and loan guarantees to, and other investments in, programs or facilities established by the Board of Governors of the Federal Reserve System for the purpose of providing liquidity to the financial system that supports lending to eligible businesses, States, or municipalities by—

(A) purchasing obligations or other interests directly from issuers of such obligations or other interests;

(B) purchasing obligations or other interests in secondary markets or otherwise; or

(C) making loans, including loans or other advances secured by collateral.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—

(A) FORMS; TERMS AND CONDITIONS.—A loan, loan guarantee, or other investment by the Secretary shall be made under this section in such form and on such terms and

conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate. Any loans made by the Secretary under this section shall be at a rate determined by the Secretary based on the risk and the current average yield on outstanding marketable obligations of the United States of comparable maturity.

(B) PROCEDURES.—As soon as practicable, but in no case later than 10 days after the date of enactment of this Act, the Secretary shall publish procedures for application and minimum requirements, which may be supplemented by the Secretary in the Secretary's discretion, for making loans, loan guarantees, or other investments under paragraphs (1), (2) and (3) of subsection (b) . Deadline. Publication.

(2) LOANS AND LOAN GUARANTEES .—The Secretary may enter into agreements to make loans or loan guarantees to 1 or more eligible businesses under paragraphs (1), (2) and (3) of subsection (b) if the Secretary determines that, in the Secretary's discretion— Time periods. Determinations.

(A) the applicant is an eligible business for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the applicant is prudently incurred;

(C) the loan or loan guarantee is sufficiently secured or is made at a rate that—

(i) reflects the risk of the loan or loan guarantee; and

(ii) is to the extent practicable, not less than an interest rate based on market conditions for comparable obligations prevalent prior to the outbreak of the coronavirus disease 2019 (COVID–19);

(D) the duration of the loan or loan guarantee is as short as practicable and in any case not longer than 5 years;

(E) the agreement provides that, until the date 12 months after the date the loan or loan guarantee is no longer outstanding, neither the eligible business nor any affiliate of the eligible business may purchase an equity security that is listed on a national securities exchange of the eligible business or any parent company of the eligible business, except to the extent required under a contractual obligation in effect as of the date of enactment of this Act;

(F) the agreement provides that, until the date 12 months after the date the loan or loan guarantee is no longer outstanding, the eligible business shall not pay dividends or make other capital distributions with respect to the common stock of the eligible business;

(G) the agreement provides that, until September 30, 2020, the eligible business shall maintain its employment levels as of March 24, 2020, to the extent practicable, and in any case shall not reduce its employment levels by more than 10 percent from the levels on such date;

(H) the agreement includes a certification by the eligible business that it is created or organized in the United States or under the laws of the United States Certification.

and has significant operations in and a majority of its employees based in the United States; and

Determination.

(I) for purposes of a loan or loan guarantee under paragraphs (1), (2), and (3) of subsection (b), the eligible business must have incurred or is expected to incur covered losses such that the continued operations of the business are jeopardized, as determined by the Secretary.

(3) FEDERAL RESERVE PROGRAMS OR FACILITIES.—

(A) TERMS AND CONDITIONS.—

(i) DEFINITION.—In this paragraph, the term "direct loan" means a loan under a bilateral loan agreement that is —

(I) entered into directly with an eligible business as borrower; and

(II) not part of a syndicated loan, a loan originated by a financial institution in the ordinary course of business, or a securities or capital markets transaction.

Time periods.

(ii) RESTRICTIONS.—The Secretary may make a loan, loan guarantee, or other investment under subsection (b)(4) as part of a program or facility that provides direct loans only if the applicable eligible businesses agree—

(I) until the date 12 months after the date on which the direct loan is no longer outstanding, not to repurchase an equity security that is listed on a national securities exchange of the eligible business or any parent company of the eligible business while the direct loan is outstanding, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this Act;

(II) until the date 12 months after the date on which the direct loan is no longer outstanding, not to pay dividends or make other capital distributions with respect to the common stock of the eligible business; and

(III) to comply with the limitations on compensation set forth in section 4004.

Determination.

(iii) WAIVER.—The Secretary may waive the requirement under clause (ii) with respect to any program or facility upon a determination that such waiver is necessary to protect the interests of the Federal Government. If the Secretary exercises a waiver under this clause, the Secretary shall make himself available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the reasons for the waiver.

Testimony.

(B) FEDERAL RESERVE ACT TAXPAYER PROTECTIONS AND OTHER REQUIREMENTS APPLY.—For the avoidance of doubt, any applicable requirements under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)), including requirements relating to loan collateralization, taxpayer protection, and borrower solvency, shall apply with respect to any program or facility described in subsection (b)(4).

(C) UNITED STATES BUSINESSES.—A program or facility in which the Secretary makes a loan, loan guarantee, or other investment under subsection (b)(4) shall only purchase obligations or other interests (other than securities that are based on an index or that are based on a diversified pool of securities) from, or make loans or other advances to, businesses that are created or organized in the United States or under the laws of the United States and that have significant operations in and a majority of its employees based in the United States.

(D) ASSISTANCE FOR MID-SIZED BUSINESSES.—

(i) IN GENERAL.—Without limiting the terms and conditions of the programs and facilities that the Secretary may otherwise provide financial assistance to under subsection (b)(4), the Secretary shall endeavor to seek the implementation of a program or facility described in subsection (b)(4) that provides financing to banks and other lenders that make direct loans to eligible businesses including, to the extent practicable, nonprofit organizations, with between 500 and 10,000 employees, with such direct loans being subject to an annualized interest rate that is not higher than 2 percent per annum. For the first 6 months after any such direct loan is made, or for such longer period as the Secretary may determine in his discretion, no principal or interest shall be due and payable. Any eligible borrower applying for a direct loan under this program shall make a good-faith certification that—

Time period.

Certification.

(I) the uncertainty of economic conditions as of the date of the application makes necessary the loan request to support the ongoing operations of the recipient;

(II) the funds it receives will be used to retain at least 90 percent of the recipient's workforce, at full compensation and benefits, until September 30, 2020;

Termination date.

(III) the recipient intends to restore not less than 90 percent of the workforce of the recipient that existed as of February 1, 2020, and to restore all compensation and benefits to the workers of the recipient no later than 4 months after the termination date of the public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, under section 319 of the Public Health Services Act (42 U.S.C. 247d) in response to COVID–19;

Deadline.

(IV) the recipient is an entity or business that is domiciled in the United States with significant operations and employees located in the United States;

(V) the recipient is not a debtor in a bankruptcy proceeding;

(VI) the recipient is created or organized in the United States or under the laws of the United States and has significant operations in and a majority of its employees based in the United States;

(VII) the recipient will not pay dividends with respect to the common stock of the eligible business, or repurchase an equity security that is listed on a national securities exchange of the recipient or any parent company of the recipient while the direct loan is outstanding, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this Act;

Time period.

(VIII) the recipient will not outsource or offshore jobs for the term of the loan and 2 years after completing repayment of the loan;

Time period.

(IX) the recipient will not abrogate existing collective bargaining agreements for the term of the loan and 2 years after completing repayment of the loan; and

(X) that the recipient will remain neutral in any union organizing effort for the term of the loan.

(ii) MAIN STREET LENDING PROGRAM.—Nothing in this subparagraph shall limit the discretion of the Board of Governors of the Federal Reserve System to establish a Main Street Lending Program or other similar program or facility that supports lending to small and mid-sized businesses on such terms and conditions as the Board may set consistent with section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)), including any such program in which the Secretary makes a loan, loan guarantee, or other investment under subsection (b)(4).

(E) GOVERNMENT PARTICIPANTS.—The Secretary shall endeavor to seek the implementation of a program or facility in accordance with subsection (b)(4) that provides liquidity to the financial system that supports lending to States and municipalities.

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) WARRANT OR SENIOR DEBT INSTRUMENT.—The Secretary may not issue a loan to, or a loan guarantee for, an eligible business under paragraph (1), (2), or (3) of subsection (b) unless—

(A)(i) the eligible business has issued securities that are traded on a national securities exchange; and

(ii) the Secretary receives a warrant or equity interest in the eligible business; or

(B) in the case of any eligible business other than an eligible business described in subparagraph (A), the Secretary receives, in the discretion of the Secretary—

(i) a warrant or equity interest in the eligible business; or

(ii) a senior debt instrument issued by the eligible business.

(2) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under paragraph (1) shall be set by the Secretary and shall meet the following requirements:

(A) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the

Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this section.

(C) SUFFICIENCY.—If the Secretary determines that the eligible business cannot feasibly issue warrants or other equity interests as required by this subsection, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary deems appropriate. Determination.

(3) PROHIBITION ON LOAN FORGIVENESS.—The principal amount of any obligation issued by an eligible business, State, or municipality under a program described in subsection (b) shall not be reduced through loan forgiveness.

(e) DEPOSIT OF PROCEEDS.—Amounts collected under subsection (b) shall be deposited in the following order of priority:

(1) Into the financing accounts established under section 505 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661d) to implement this subtitle, up to an amount equal to the sum of—

(A) the amount transferred from the appropriation made under section 4027 to the financing accounts; and

(B) the amount necessary to repay any amount lent from the Treasury to such financing accounts.

(2) After the deposits specified in paragraph (1) of this subsection have been made, into the Federal Old-Age and Survivors Insurance Trust Fund established under section 201(a) of the Social Security Act (42 U.S.C. 401).

(f) ADMINISTRATIVE PROVISIONS.—Notwithstanding any other provision of law, the Secretary may use not greater than $100,000,000 of the funds made available under section 4027 to pay costs and administrative expenses associated with the loans, loan guarantees, and other investments authorized under this section. The Secretary is authorized to take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation—

(1) using direct hiring authority to hire employees to administer this subtitle;

(2) entering into contracts, including contracts for services authorized by this subtitle; Contracts.

(3) establishing vehicles that are authorized, subject to supervision by the Secretary, to purchase, hold, and sell assets and issue obligations; and

(4) issuing such regulations and other guidance as may be necessary or appropriate to carry out the authorities or purposes of this subtitle. Regulations. Guidance.

(g) FINANCIAL AGENTS.—The Secretary is authorized to designate financial institutions, including but not limited to, depositories, brokers, dealers, and other institutions, as financial agents of the United States. Such institutions shall—

(1) perform all reasonable duties the Secretary determines necessary to respond to the coronavirus; and

Reimbursement.

(2) be paid for such duties using appropriations available to the Secretary to reimburse financial institutions in their capacity as financial agents of the United States.

(h) LOANS MADE BY OR GUARANTEED BY THE DEPARTMENT OF THE TREASURY TREATED AS INDEBTEDNESS FOR TAX PURPOSES.—

(1) IN GENERAL.—Any loan made by or guaranteed by the Department of the Treasury under this section shall be treated as indebtedness for purposes of the Internal Revenue Code of 1986, shall be treated as issued for its stated principal amount, and stated interest on such loans shall be treated as qualified stated interest.

(2) REGULATIONS OR GUIDANCE.—The Secretary of the Treasury (or the Secretary's delegate) shall prescribe such regulations or guidance as may be necessary or appropriate to carry out the purposes of this section, including guidance providing that the acquisition of warrants, stock options, common or preferred stock or other equity under this section does not result in an ownership change for purposes of section 382 of the Internal Revenue Code of 1986.

Time periods.
15 USC 9043.

SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The Secretary may only enter into an agreement with an eligible business to make a loan or loan guarantee under paragraph (1), (2) or (3) of section 4003(b) if such agreement provides that, during the period beginning on the date on which the agreement is executed and ending on the date that is 1 year after the date on which the loan or loan guarantee is no longer outstanding—

(1) no officer or employee of the eligible business whose total compensation exceeded $425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to March 1, 2020)—

(A) will receive from the eligible business total compensation which exceeds, during any 12 consecutive months of such period, the total compensation received by the officer or employee from the eligible business in calendar year 2019; or

(B) will receive from the eligible business severance pay or other benefits upon termination of employment with the eligible business which exceeds twice the maximum total compensation received by the officer or employee from the eligible business in calendar year 2019; and

(2) no officer or employee of the eligible business whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.

Requirement. 15 USC 9044.

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier receiving loans and loan guarantees under section 4003 to maintain scheduled air transportation service as the Secretary of Transportation deems necessary to ensure services to any point served by that carrier before March 1, 2020. When considering whether to exercise the authority granted by this section, the Secretary of Transportation shall take into consideration the air transportation needs of small and remote communities and the need to maintain well-functioning health care and pharmaceutical supply chains, including for medical devices and supplies. The authority under this section, including any requirement issued by the Secretary under this section, shall terminate on March 1, 2022.

Termination date.

SEC. 4006. COORDINATION WITH SECRETARY OF TRANSPORTATION.

15 USC 9045.

In implementing this subtitle with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE TAXES.

Time period. 15 USC 9046.

(a) TRANSPORTATION BY AIR.—In the case of any amount paid for transportation by air (including any amount treated as paid for transportation by air by reason of section 4261(e)(3) of the Internal Revenue Code of 1986) during the excise tax holiday period, no tax shall be imposed under section 4261 or 4271 of such Code. The preceding sentence shall not apply to amounts paid on or before the date of the enactment of this Act.

(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083 of the Internal Revenue Code of 1986) during the excise tax holiday period—

(1) no tax shall be imposed on such kerosene under—

(A) section 4041(c) of the Internal Revenue Code of 1986, or

(B) section 4081 of such Code (other than at the rate provided in subsection (a)(2)(B) thereof), and

(2) section 6427(l) of such Code shall be applied—

Applicability.

(A) by treating such use as a nontaxable use, and

(B) without regard to paragraph (4)(A)(ii) thereof.

(c) EXCISE TAX HOLIDAY PERIOD.—For purposes of this section, the term "excise tax holiday period" means the period beginning after the date of the enactment of this section and ending before January 1, 2021.

Definition.

SEC. 4008. DEBT GUARANTEE AUTHORITY.

(a) Section 1105 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5612) is amended—

(1) in subsection (f)—

(A) by inserting "in noninterest-bearing transaction accounts" after "institutions"; and

(B) by striking "shall not" and inserting "may"; and

(2) by adding at the end the following:

"(h) APPROVAL OF GUARANTEE PROGRAM DURING THE COVID–19 CRISIS.—

"(1) IN GENERAL.—For purposes of the congressional joint resolution of approval provided for in subsections (c)(1) and (2) and (d), notwithstanding any other provision of this section, the Federal Deposit Insurance Corporation is approved upon

Deadline.

enactment of this Act to establish a program provided for in subsection (a), provided that any such program and any such guarantee shall terminate not later than December 31, 2020.

"(2) MAXIMUM AMOUNT.—Any debt guarantee program authorized by this subsection shall include a maximum amount of outstanding debt that is guaranteed.".

15 USC 9047.
Coordination.
Deadline.

(b) FEDERAL CREDIT UNION TRANSACTION ACCOUNT GUARANTEES.—Notwithstanding any other provision of law and in coordination with the Federal Deposit Insurance Corporation, the National Credit Union Administration Board may by a vote of the Board increase to unlimited, or such lower amount as the Board approves, the share insurance coverage provided by the National Credit Union Share Insurance Fund on any noninterest-bearing transaction account in any federally insured credit union without exception, provided that any such increase shall terminate not later than December 31, 2020.

Determination.
Time period.
15 USC 9048.

SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE ACT RELIEF.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, if the Chairman of the Board of Governors of the Federal Reserve System determines, in writing, that unusual and exigent circumstances exist, the Board may conduct meetings without regard to the requirements of section 552b of title 5, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of—

(1) the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates; or

(2) December 31, 2020.

(b) RECORDS.—The Board of Governors of the Federal Reserve System shall keep a record of all Board votes and the reasons for such votes during the period described in subsection (a).

Time period.
15 USC 9049.

SEC. 4010. TEMPORARY HIRING FLEXIBILITY.

(a) DEFINITION.—In this section, the term "covered period" means the period beginning on the date of enactment of this Act and ending on the sooner of—

(1) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(2) December 31, 2020.

Determination.

(b) AUTHORITY.— During the covered period, the Secretary of Housing and Urban Development, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may, without regard to sections 3309 through 3318 of title 5, United States Code, recruit and appoint candidates to fill temporary and term appointments within their respective agencies upon a determination that those expedited procedures are necessary and appropriate to enable the respective agencies to prevent, prepare for, or respond to COVID–19.

SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.

(a) IN GENERAL.—Section 5200 of the Revised Statutes of the United States (12 U.S.C. 84) is amended—

(1) in subsection (c)(7)—

(A) by inserting "any nonbank financial company (as that term is defined in section 102 of the Financial Stability Act of 2010 (12 U.S.C. 5311))," after "Loans or extensions of credit to"; and

(B) by striking "financial institution or to" and inserting "financial institution, or to"; and

(2) in subsection (d), by adding at the end of paragraph (1) the following: "The Comptroller of the Currency may, by order, exempt any transaction or series of transactions from the requirements of this section upon a finding by the Comptroller that such exemption is in the public interest and consistent with the purposes of this section.".

(b) EFFECTIVE PERIOD.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the sooner of— 12 USC 84 note.

(1) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(2) December 31, 2020.

SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS. 15 USC 9050.

(a) DEFINITIONS.—In this section—

(1) the term "appropriate Federal banking agency" has the meaning given the term in section 2 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5365 note); and

(2) the terms "Community Bank Leverage Ratio" and "qualifying community bank" have the meanings given the terms in section 201(a) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note).

(b) INTERIM RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the appropriate Federal banking agencies shall issue an interim final rule that provides that, for the purposes of section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note)—

(A) the Community Bank Leverage Ratio shall be 8 percent; and

(B) a qualifying community bank that falls below the Community Bank Leverage Ratio established under subparagraph (A) shall have a reasonable grace period to satisfy the Community Bank Leverage Ratio.

(2) EFFECTIVE PERIOD.—The interim rule issued under paragraph (1) shall be effective during the period beginning on the date on which the appropriate Federal banking agencies issue the rule and ending on the sooner of—

(A) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(B) December 31, 2020.

(c) GRACE PERIOD.—During a grace period described in subsection (b)(1)(B), a qualifying community bank to which the grace period applies may continue to be treated as a qualifying community

bank and shall be presumed to satisfy the capital and leverage requirements described in section 201(c) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note).

Time period.
15 USC 9051.

SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT RESTRUCTURINGS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term "applicable period" means the period beginning on March 1, 2020 and ending on the earlier of December 31, 2020, or the date that is 60 days after the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency"—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes the National Credit Union Administration.

(b) SUSPENSION.—

(1) IN GENERAL.—During the applicable period, a financial institution may elect to—

(A) suspend the requirements under United States generally accepted accounting principles for loan modifications related to the coronavirus disease 2019 (COVID–19) pandemic that would otherwise be categorized as a troubled debt restructuring; and

(B) suspend any determination of a loan modified as a result of the effects of the coronavirus disease 2019 (COVID–19) pandemic as being a troubled debt restructuring, including impairment for accounting purposes.

(2) APPLICABILITY.—Any suspension under paragraph (1)—

Effective date.

(A) shall be applicable for the term of the loan modification, but solely with respect to any modification, including a forbearance arrangement, an interest rate modification, a repayment plan, and any other similar arrangement that defers or delays the payment of principal or interest, that occurs during the applicable period for a loan that was not more than 30 days past due as of December 31, 2019; and

(B) shall not apply to any adverse impact on the credit of a borrower that is not related to the coronavirus disease 2019 (COVID–19) pandemic.

(c) DEFERENCE.—The appropriate Federal banking agency of the financial institution shall defer to the determination of the financial institution to make a suspension under this section.

Applicability.

(d) RECORDS.—For modified loans for which suspensions under subsection (a) apply—

(1) financial institutions should continue to maintain records of the volume of loans involved; and

(2) the appropriate Federal banking agencies may collect data about such loans for supervisory purposes.

15 USC 9052.

SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT EXPECTED CREDIT LOSSES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency"—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes the National Credit Union Administration.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution"—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes a credit union.

(b) TEMPORARY RELIEF FROM CECL STANDARDS.—Notwithstanding any other provision of law, no insured depository institution, bank holding company, or any affiliate thereof shall be required to comply with the Financial Accounting Standards Board Accounting Standards Update No. 2016–13 ("Measurement of Credit Losses on Financial Instruments"), including the current expected credit losses methodology for estimating allowances for credit losses, during the period beginning on the date of enactment of this Act and ending on the earlier of— Time period.

(1) the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates; or

(2) December 31, 2020.

SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF DURING NATIONAL EMERGENCY. 12 USC 5236 note.

(a) IN GENERAL.—Section 131 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5236) shall not apply during the period beginning on the date of enactment of this Act and ending on December 31, 2020. Any guarantee established as a result of the application of subsection (a) shall— Time period.

(1) be limited to a guarantee of the total value of a shareholder's account in a participating fund as of the close of business on the day before the announcement of the guarantee; and

(2) terminate not later than December 31, 2020. Termination date.

(b) DIRECT APPROPRIATION.—Upon the expiration of the period described in subsection (a), there is appropriated, out of amounts in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse the fund established under section 5302(a)(1) of title 31, United States Code, for any funds that are used for the Treasury Money Market Funds Guaranty Program for the United States money market mutual fund industry to the extent a claim payment made exceeds the balance of fees collected by the fund. Reimbursement.

SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.

(a) IN GENERAL.—

(1) DEFINITIONS.—Section 302(1) of the Federal Credit Union Act (12 U.S.C. 1795a(1)) is amended, in the matter preceding subparagraph (A), by striking "primarily serving natural persons".

(2) MEMBERSHIP.—Section 304(b)(2) of the Federal Credit Union Act (12 U.S.C. 1795c(b)(2)) is amended by striking "all those credit unions" and inserting "such credit unions as the Board may in its discretion determine".

(3) EXTENSIONS OF CREDIT.—Section 306(a)(1) of the Federal Credit Union Act (12 U.S.C. 1795e(a)(1)) is amended, in the second sentence, by striking "the intent of which is to expand credit union portfolios" and inserting "without first having obtained evidence from the applicant that the applicant has made reasonable efforts to first use primary sources of liquidity of the applicant, including balance sheet and market funding sources, to address the liquidity needs of the applicant".

Time period.

(4) POWERS OF THE BOARD.—Section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)) is amended by inserting ", provided that, the total face value of such obligations shall not exceed 16 times the subscribed capital stock and surplus of the Facility for the period beginning on the date of enactment of the Coronavirus Economic Stabilization Act of 2020 and ending on December 31, 2020" after "Facility".

(b) SUNSET.—

(1) IN GENERAL.—

(A) DEFINITIONS.—Section 302(1) of the Federal Credit Union Act (12 U.S.C. 1795a(1)) is amended, in the matter preceding subparagraph (A), by inserting "primarily serving natural persons" after "credit unions".

(B) MEMBERSHIP.—Section 304(b)(2) of the Federal Credit Union Act (12 U.S.C. 1795c(b)(2)) is amended by striking "such credit unions as the Board may in its discretion determine" and inserting "all those credit unions".

(C) EXTENSIONS OF CREDIT.—Section 306(a)(1) of the Federal Credit Union Act (12 U.S.C. 1795e(a)(1)) is amended, in the second sentence, by striking "without first having obtained evidence from the applicant that the applicant has made reasonable efforts to first use primary sources of liquidity of the applicant, including balance sheet and market funding sources, to address the liquidity needs of the applicant" and inserting "the intent of which is to expand credit union portfolios".

12 USC 1795a note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on December 31, 2020.

Time periods. 50 USC 4532 note.

SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY FOR NATIONAL SECURITY AND PANDEMIC RECOVERY.

Notwithstanding any other provision of law—

(1) during the 2-year period beginning on the date of enactment of this Act, the requirements described in sections 303(a)(6)(C) and 304(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)(6)(C), 4534(e)) shall not apply; and

(2) during the 1-year period beginning on the date of enactment of this Act, the requirements described in sections 302(d)(1) and 303 (a)(6)(B) of the Defense Production Act of 1950 (50 U.S.C. 4532(d)(1), 4533(a)(6)(B)) shall not apply.

15 USC 9053.

SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY.

Establishment.

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established within the Department of the Treasury the Office of the Special Inspector General for Pandemic Recovery.

(b) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

President.

(1) IN GENERAL.—The head of the Office of the Special Inspector General for Pandemic Recovery shall be the Special Inspector General for Pandemic Recovery (referred to in this section as the "Special Inspector General"), who shall be

appointed by the President, by and with the advice and consent of the Senate.

(2) NOMINATION.—The nomination of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The nomination of an individual as Special Inspector General shall be made as soon as practicable after any loan, loan guarantee, or other investment is made under section 4003.

(3) REMOVAL.—The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(4) POLITICAL ACTIVITY.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(5) BASIC PAY.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(c) DUTIES.—

(1) IN GENERAL.—It shall be the duty of the Special Inspector General to, in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), conduct, supervise, and coordinate audits and investigations of the making, purchase, management, and sale of loans, loan guarantees, and other investments made by the Secretary of the Treasury under any program established by the Secretary under this Act, and the management by the Secretary of any program established under this Act, including by collecting and summarizing the following information: Audits. Summary.

(A) A description of the categories of the loans, loan guarantees, and other investments made by the Secretary.

(B) A listing of the eligible businesses receiving loan, loan guarantees, and other investments made under each category described in subparagraph (A). List.

(C) An explanation of the reasons the Secretary determined it to be appropriate to make each loan or loan guarantee under this Act, including a justification of the price paid for, and other financial terms associated with, the applicable transaction.

(D) A listing of, and detailed biographical information with respect to, each person hired to manage or service each loan, loan guarantee, or other investment made under section 4003. List.

(E) A current, as of the date on which the information is collected, estimate of the total amount of each loan, loan guarantee, and other investment made under this Act that is outstanding, the amount of interest and fees accrued and received with respect to each loan or loan guarantee, the total amount of matured loans, the type and amount of collateral, if any, and any losses or gains, if any, recorded or accrued for each loan, loan guarantee, or other investment. Estimate.

Procedures.

(2) MAINTENANCE OF SYSTEMS.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duties of the Special Inspector General under paragraph (1).

(3) ADDITIONAL DUTIES AND RESPONSIBILITIES.—In addition to the duties described in paragraphs (1) and (2), the Special Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) POWERS AND AUTHORITIES.—

(1) IN GENERAL.—In carrying out the duties of the Special Inspector General under subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) TREATMENT OF OFFICE.—The Office of the Special Inspector General for Pandemic Recovery shall be considered to be an office described in section 6(f)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) and shall be exempt from an initial determination by the Attorney General under section 6(f)(2) of that Act.

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

(2) EXPERTS AND CONSULTANTS.—The Special Inspector General may obtain services as authorized under section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of that title.

(3) CONTRACTS.—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of that department, agency, or entity shall, to the extent practicable and not in contravention of any existing law, furnish that information or assistance to the Special Inspector General, or an authorized designee.

Reports.

(B) REFUSAL TO PROVIDE REQUESTED INFORMATION.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the appropriate committees of Congress without delay.

(f) REPORTS.—

(1) QUARTERLY REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Special Inspector General is confirmed, and once every calendar quarter thereafter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 3-month period ending on the date on which the Special Inspector General submits the report. Summary. Time period.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include, for the period covered by the report, a detailed statement of all loans, loan guarantees, other transactions, obligations, expenditures, and revenues associated with any program established by the Secretary under section 4003, as well as the information collected under subsection (c)(1).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(g) FUNDING.—

(1) IN GENERAL.—Of the amounts made available to the Secretary under section 4027, $25,000,000 shall be made available to the Special Inspector General to carry out this section.

(2) AVAILABILITY.—The amounts made available to the Special Inspector General under paragraph (1) shall remain available until expended.

(h) TERMINATION.—The Office of the Special Inspector General shall terminate on the date 5 years after the enactment of this Act.

(i) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—The Special Inspector General shall be a member of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General.

(j) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Secretary shall—

(1) take action to address deficiencies identified by a report or investigation of the Special Inspector General; or

(2) with respect to a deficiency identified under paragraph (1), certify to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Finance of the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that no action is necessary or appropriate. Certification.

SEC. 4019. CONFLICTS OF INTEREST. 15 USC 9054.

(a) DEFINITIONS.—In this section:

(1) CONTROLLING INTEREST.—The term "controlling interest" means owning, controlling, or holding not less than

20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

(2) COVERED ENTITY.—The term "covered entity" means an entity in which a covered individual directly or indirectly holds a controlling interest. For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in paragraph (3)(B) shall be aggregated.

(3) COVERED INDIVIDUAL.—The term "covered individual" means—

(A) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

(B) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in subparagraph (A).

(4) EXECUTIVE DEPARTMENT.—The term "Executive department" has the meaning given the term in section 101 of title 5, United States Code.

(5) MEMBER OF CONGRESS.—The term "member of Congress" means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(6) EQUITY INTEREST.—The term "equity interest" means—

(A) a share in an entity, without regard to whether the share is—

(i) transferable; or

(ii) classified as stock or anything similar;

(B) a capital or profit interest in a limited liability company or partnership; or

(C) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in subparagraph (A) or (B), respectively.

(b) PROHIBITION.—Notwithstanding any other provision of this subtitle, no covered entity may be eligible for any transaction described in section 4003.

Certification.

(c) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction under section 4003 shall, before that transaction is approved, certify to the Secretary and the Board of Governors of the Federal Reserve System that the entity is eligible to engage in that transaction, including that the entity is not a covered entity.

15 USC 9055.

SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Congressional Oversight Commission (hereafter in this section referred to as the "Oversight Commission") as an establishment in the legislative branch.

(b) DUTIES.—

(1) IN GENERAL.—The Oversight Commission shall—

(A) conduct oversight of the implementation of this subtitle by the Department of the Treasury and the Board of Governors of the Federal Reserve System, including efforts of the Department and the Board to provide economic stability as a result of the coronavirus disease 2019 (COVID–19) pandemic of 2020;

(B) submit to Congress reports under paragraph (2); and

(C) review the implementation of this subtitle by the Federal Government.

(2) REGULAR REPORTS.—

(A) IN GENERAL.—Reports of the Oversight Commission shall include the following:

(i) The use by the Secretary and the Board of Governors of the Federal Reserve System of authority under this subtitle, including with respect to the use of contracting authority and administration of the provisions of this subtitle.

(ii) The impact of loans, loan guarantees, and investments made under this subtitle on the financial well-being of the people of the United States and the United States economy, financial markets, and financial institutions.

(iii) The extent to which the information made available on transactions under this subtitle has contributed to market transparency.

(iv) The effectiveness of loans, loan guarantees, and investments made under this subtitle of minimizing long-term costs to the taxpayers and maximizing the benefits for taxpayers.

(B) TIMING.—The reports required under this paragraph shall be submitted not later than 30 days after the first exercise by the Secretary and the Board of Governors of the Federal Reserve System of the authority under this subtitle and every 30 days thereafter.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Oversight Commission shall consist of 5 members as follows: Appointments.

(A) 1 member appointed by the Speaker of the House of Representatives.

(B) 1 member appointed by the minority leader of the House of Representatives.

(C) 1 member appointed by the majority leader of the Senate.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed as Chairperson by the Speaker of the House of Representatives and the majority leader of the Senate, after consultation with the minority leader of the Senate and the minority leader of the House of Representatives Consultation.

(2) PAY.—Each member of the Oversight Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay for level I of the Executive Schedule for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Oversight Commission.

(3) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Oversight Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Oversight Commission.

(4) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(5) QUORUM.—Four members of the Oversight Commission shall constitute a quorum but a lesser number may hold hearings.

(6) VACANCIES.—A vacancy on the Oversight Commission shall be filled in the manner in which the original appointment was made.

(7) MEETINGS.—The Oversight Commission shall meet at the call of the Chairperson or a majority of its members.

(d) STAFF.—

(1) IN GENERAL.—The Oversight Commission may appoint and fix the pay of any personnel as the Oversight Commission considers appropriate.

(2) EXPERTS AND CONSULTANTS.—The Oversight Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) STAFF OF AGENCIES.—Upon request of the Oversight Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Oversight Commission to assist it in carrying out its duties under the this subtitle.

(e) POWERS.—

(1) HEARINGS AND EVIDENCE.—The Oversight Commission, or any subcommittee or member thereof, may, for the purpose of carrying out this section hold hearings, sit and act at times and places, take testimony, and receive evidence as the Oversight Commission considers appropriate and may administer oaths or affirmations to witnesses appearing before it.

(2) CONTRACTING.—The Oversight Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Oversight Commission to discharge its duties under this section.

(3) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Commission may, if authorized by the Oversight Commission, take any action which the Oversight Commission is authorized to take by this section.

(4) OBTAINING OFFICIAL DATA.—The Oversight Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Oversight Commission, the head of that department or agency shall furnish that information to the Oversight Commission.

(5) REPORTS.—The Oversight Commission shall receive and consider all reports required to be submitted to the Oversight Commission under this subtitle.

(f) TERMINATION.—The Oversight Commission shall terminate on September 30, 2025.

(g) FUNDING FOR EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Oversight Commission such sums as may be necessary for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Commission shall be promptly transferred by the Secretary and the Board of Governors of the Federal Reserve System, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Commission, from funds made available to the Secretary under this subtitle to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

SEC. 4021. CREDIT PROTECTION DURING COVID–19.

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the end the following:

"(F) REPORTING INFORMATION DURING COVID–19 PANDEMIC.—

"(i) DEFINITIONS.—In this subsection:

"(I) ACCOMMODATION.—The term 'accommodation' includes an agreement to defer 1 or more payments, make a partial payment, forbear any delinquent amounts, modify a loan or contract, or any other assistance or relief granted to a consumer who is affected by the coronavirus disease 2019 (COVID–19) pandemic during the covered period.

"(II) COVERED PERIOD.—The term 'covered period' means the period beginning on January 31, 2020 and ending on the later of—

"(aa) 120 days after the date of enactment of this subparagraph; or

"(bb) 120 days after the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

"(ii) REPORTING.—Except as provided in clause (iii), if a furnisher makes an accommodation with respect to 1 or more payments on a credit obligation or account of a consumer, and the consumer makes the payments or is not required to make 1 or more payments pursuant to the accommodation, the furnisher shall—

"(I) report the credit obligation or account as current; or

"(II) if the credit obligation or account was delinquent before the accommodation—

"(aa) maintain the delinquent status during the period in which the accommodation is in effect; and

"(bb) if the consumer brings the credit obligation or account current during the period described in item (aa), report the credit obligation or account as current.

"(iii) EXCEPTION.—Clause (ii) shall not apply with respect to a credit obligation or account of a consumer that has been charged-off.".

Time periods.
15 USC 9056.

SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER RIGHT TO REQUEST FORBEARANCE.

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4- families that is—

(A) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(B) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);

(C) guaranteed under section 184 or 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a, 1715z–13b);

(D) guaranteed or insured by the Department of Veterans Affairs;

(E) guaranteed or insured by the Department of Agriculture;

(F) made by the Department of Agriculture; or

(G) purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(b) FORBEARANCE.—

(1) IN GENERAL.—During the covered period, a borrower with a Federally backed mortgage loan experiencing a financial hardship due, directly or indirectly, to the COVID–19 emergency may request forbearance on the Federally backed mortgage loan, regardless of delinquency status, by—

(A) submitting a request to the borrower's servicer; and

(B) affirming that the borrower is experiencing a financial hardship during the COVID–19 emergency.

(2) DURATION OF FORBEARANCE.—Upon a request by a borrower for forbearance under paragraph (1), such forbearance shall be granted for up to 180 days, and shall be extended for an additional period of up to 180 days at the request of the borrower, provided that, at the borrower's request, either the initial or extended period of forbearance may be shortened.

(3) ACCRUAL OF INTEREST OR FEES.—During a period of forbearance described in this subsection, no fees, penalties, or interest beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract, shall accrue on the borrower's account.

(c) REQUIREMENTS FOR SERVICERS.—

(1) IN GENERAL.—Upon receiving a request for forbearance from a borrower under subsection (b), the servicer shall with no additional documentation required other than the borrower's attestation to a financial hardship caused by the COVID–19

emergency and with no fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract) charged to the borrower in connection with the forbearance, provide the forbearance for up to 180 days, which may be extended for an additional period of up to 180 days at the request of the borrower, provided that, the borrower's request for an extension is made during the covered period, and, at the borrower's request, either the initial or extended period of forbearance may be shortened.

(2) FORECLOSURE MORATORIUM.—Except with respect to a vacant or abandoned property, a servicer of a Federally backed mortgage loan may not initiate any judicial or non-judicial foreclosure process, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020.

SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE LOAN PAYMENTS FOR MULTIFAMILY PROPERTIES WITH FEDERALLY BACKED LOANS.

15 USC 9057.

(a) IN GENERAL.—During the covered period, a multifamily borrower with a Federally backed multifamily mortgage loan experiencing a financial hardship due, directly or indirectly, to the COVID–19 emergency may request a forbearance under the terms set forth in this section.

(b) REQUEST FOR RELIEF.—A multifamily borrower with a Federally backed multifamily mortgage loan that was current on its payments as of February 1, 2020, may submit an oral or written request for forbearance under subsection (a) to the borrower's servicer affirming that the multifamily borrower is experiencing a financial hardship during the COVID–19 emergency.

Effective date.

(c) FORBEARANCE PERIOD.—

(1) IN GENERAL.—Upon receipt of an oral or written request for forbearance from a multifamily borrower, a servicer shall—

(A) document the financial hardship;

(B) provide the forbearance for up to 30 days; and

(C) extend the forbearance for up to 2 additional 30 day periods upon the request of the borrower provided that, the borrower's request for an extension is made during the covered period, and, at least 15 days prior to the end of the forbearance period described under subparagraph (B).

(2) RIGHT TO DISCONTINUE.—A multifamily borrower shall have the option to discontinue the forbearance at any time.

(d) RENTER PROTECTIONS DURING FORBEARANCE PERIOD.—A multifamily borrower that receives a forbearance under this section may not, for the duration of the forbearance—

(1) evict or initiate the eviction of a tenant from a dwelling unit located in or on the applicable property solely for non-payment of rent or other fees or charges; or

(2) charge any late fees, penalties, or other charges to a tenant described in paragraph (1) for late payment of rent.

(e) NOTICE.—A multifamily borrower that receives a forbearance under this section—

(1) may not require a tenant to vacate a dwelling unit located in or on the applicable property before the date that

Time period.

is 30 days after the date on which the borrower provides the tenant with a notice to vacate; and

(2) may not issue a notice to vacate under paragraph (1) until after the expiration of the forbearance.

(f) DEFINITIONS.—In this section:

(1) APPLICABLE PROPERTY.—The term "applicable property", with respect to a Federally backed multifamily mortgage loan, means the residential multifamily property against which the mortgage loan is secured by a lien.

(2) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term "Federally backed multifamily mortgage loan" includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(3) MULTIFAMILY BORROWER.—the term "multifamily borrower" means a borrower of a residential mortgage loan that is secured by a lien against a property comprising 5 or more dwelling units.

(4) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(5) COVERED PERIOD.—The term "covered period" means the period beginning on the date of enactment of this Act and ending on the sooner of—

(A) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(B) December 31, 2020.

15 USC 9058.

SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FILINGS.

(a) DEFINITIONS.—In this section:

(1) COVERED DWELLING.—The term "covered dwelling" means a dwelling that—

(A) is occupied by a tenant—

(i) pursuant to a residential lease; or

(ii) without a lease or with a lease terminable under State law; and

(B) is on or in a covered property.

(2) COVERED PROPERTY.—The term "covered property" means any property that—

(A) participates in—

(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a))); or

(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or

(B) has a—

(i) Federally backed mortgage loan; or

(ii) Federally backed multifamily mortgage loan.

(3) DWELLING.—The term "dwelling"—

(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and

(B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

(4) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term "Federally backed multifamily mortgage loan" includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(b) MORATORIUM.—During the 120-day period beginning on the date of enactment of this Act, the lessor of a covered dwelling may not— Time period.

(1) make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession

of the covered dwelling from the tenant for nonpayment of rent or other fees or charges; or

(2) charge fees, penalties, or other charges to the tenant related to such nonpayment of rent.

(c) NOTICE.—The lessor of a covered dwelling unit—

Time period.

(1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and

(2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in subsection (b).

15 USC 9059.

SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING AGREEMENT.

(a) IN GENERAL.—Neither the Secretary, nor any other actor, department, or agency of the Federal Government, shall condition the issuance of a loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b) of this subtitle on an air carrier's or eligible business's implementation of measures to enter into negotiations with the certified bargaining representative of a craft or class of employees of the air carrier or eligible business under the Railway Labor Act (45 U.S.C. 151 et seq.) or the National Labor Relations Act (29 U.S.C. 151 et seq.), regarding pay or other terms and conditions of employment.

(b) PERIOD OF EFFECT.—With respect to an air carrier or eligible business to which the loan or loan guarantee is provided under this subtitle, this section shall be in effect with respect to the air carrier or eligible business beginning on the date on which the air carrier or eligible business is first issued such loan or loan guarantee and ending on the date that is 1 year after the loan or loan guarantee is no longer outstanding.

15 USC 9060.

SEC. 4026. REPORTS.

Web posting.

(a) DISCLOSURE OF TRANSACTIONS.—Not later than 72 hours after any transaction by the Secretary under paragraph (1), (2), or (3) of section 4003(b), the Secretary shall publish on the website of the Department of the Treasury—

(1) a plain-language description of the transaction, including the date of application, date of application approval, and identity of the counterparty;

(2) the amount of the loan or loan guarantee;

(3) the interest rate, conditions, and any other material or financial terms associated with the transaction, if applicable; and

Records.

(4) a copy of the relevant and final term sheet, if applicable, and contract or other relevant documentation regarding the transaction.

(b) REPORTS.—

(1) TO CONGRESS.—

(A) IN GENERAL.—In addition to such reports as are required under section 5302(c) of title 31, United States Code, not later than 7 days after the Secretary makes any loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b), the Secretary shall submit to the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Chairmen and Ranking Members of the Committee on Financial Services and the

Committee on Ways and Means of the House of Representatives a report summarizing—

(i) an overview of actions taken by the Secretary under paragraph (1), (2) or (3) of section 4003(b) during such period;

(ii) the actual obligation, expenditure, and disbursements of the funds during such period; and

(iii) a detailed financial statement with respect to the exercise of authority under paragraph (1), (2) or (3) of section 4003(b) showing—

(I) all loans and loan guarantees made, renewed, or restructured;

(II) all transactions during such period, including the types of parties involved;

(III) the nature of the assets purchased;

(IV) a description of the vehicles established to exercise such authority; and

(V) any or all repayment activity, delinquencies or defaults on loans and loan guarantees issued under paragraph (1), (2) or (3) of section 4003(b).

(B) PUBLICATION.—Not later than 7 days after the date on which the Secretary submits a report under subparagraph (A) to the committees of Congress described in such subparagraph, the Secretary shall publish such report on the website of the Department of the Treasury. Web posting.

(C) 30-DAY REPORTS.—Every 30 days during such time as a loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b) is outstanding, the Secretary shall publish on the website of the Department of the Treasury a report summarizing the information set forth in subparagraph (A). Web posting.

(2) BOARD OF GOVERNORS.—

(A) IN GENERAL.—With respect to any program or facility described in paragraph (4) of section 4003(b), the Board of Governors of the Federal Reserve System shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives such reports as are required to be provided under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))—

(i) not later than 7 days after the Board authorizes a new facility or other financial assistance in accordance with section 13(3)(C)(i) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(i)); and

(ii) once every 30 days with respect to outstanding loans or financial assistance in accordance with section 13(3)(C)(ii) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(ii)).

(B) PUBLICATION.—Not later than 7 days after the Board of Governors of the Federal Reserve System submits a report under subparagraph (A) to the committees of Congress described in subparagraph (A), the Board shall publish on its website such report. Deadline. Web posting.

(c) TESTIMONY.—The Secretary and the Chairman of the Board of Governors of the Federal Reserve System shall testify, on a quarterly basis, before the Committee on Banking, Housing, and Time period.

Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury and the Federal Reserve System, and transactions entered into, under this Act.

Web posting. Criteria. Guidelines. Requirements.

(d) PROGRAM DESCRIPTIONS.—The Secretary shall post on the website of the Department of the Treasury all criteria, guidelines, eligibility requirements, and application materials for the making of any loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b).

Deadline. Web posting. Records.

(e) ADMINISTRATIVE CONTRACTS.—Not later than 24 hours after the Secretary enters into a contract in connection with the administration of any loan or loan guarantee authorized to be made under paragraph (1), (2), or (3) of section 4003(b), the Secretary shall post on the website of the Department of the Treasury a copy of the contract.

(f) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the loans, loan guarantees, and other investments provided under section 4003.

Time period.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter through the year succeeding the last year for which loans, loan guarantees, or other investments made under section 4003 are outstanding, the Comptroller General shall submit to the Committee on Financial Services, the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the loans, loan guarantees, and other investments made under section 4003.

15 USC 9061.

SEC. 4027. DIRECT APPROPRIATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, there is appropriated, out of amounts in the Treasury not otherwise appropriated, to the fund established under section 5302(a)(1) of title 31, United States Code, $500,000,000,000 to carry out this subtitle.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5302(a) of title 31, United States Code, is amended—

(1) by striking "and" before "section 3"; and

(2) by inserting "and the Coronavirus Economic Stabilization Act of 2020," before "and for investing".

Effective dates.

(c) CLARIFICATION.—

(1) IN GENERAL.—On or after January 1, 2021, any remaining funds made available under section 4003(b) may be used only for—

(A) modifications, restructurings, or other amendments of loans, loan guarantees, or other investments in accordance with section 4029(b)(1); and

(B) exercising any options, warrants, or other investments made prior to January 1, 2021; and

(C) paying costs and administrative expenses as provided in section 4003(f).

(2) DEFICIT REDUCTION.—On January 1, 2026, any funds described in paragraph (1) that are remaining shall be transferred to the general fund of the Treasury to be used for deficit reduction.

SEC. 4028. RULE OF CONSTRUCTION. 15 USC 9062.

Nothing in this subtitle shall be construed to allow the Secretary to provide relief to eligible businesses, States, and municipalities except in the form of loans, loan guarantees, and other investments as provided in this subtitle and under terms and conditions that are in the interest of the Federal Government.

SEC. 4029. TERMINATION OF AUTHORITY. 15 USC 9063.

(a) IN GENERAL.—Except as provided in subsection (b), on December 31, 2020, the authority provided under this subtitle to make new loans, loan guarantees, or other investments shall terminate.

(b) OUTSTANDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), any loan, loan guarantee, or other investment outstanding on the date described in subsection (a)—

(A) may be modified, restructured, or otherwise amended; and

(B) may not be forgiven.

(2) DURATION.—The duration of any loan or loan guarantee made under section 4003(b)(1) that is modified, restructured, or otherwise amended under paragraph (1) shall not be extended beyond 5 years from the initial origination date of the loan or loan guarantee.

Subtitle B—Air Carrier Worker Support

SEC. 4111. DEFINITIONS. 15 USC 9071.

Unless otherwise specified, the terms in section 40102(a) of title 49, United States Code, shall apply to this subtitle, except that— Applicability.

(1) the term "airline catering employee" means an employee who performs airline catering services;

(2) the term "airline catering services" means preparation, assembly, or both, of food, beverages, provisions and related supplies for delivery, and the delivery of such items, directly to aircraft or to a location on or near airport property for subsequent delivery to aircraft;

(3) the term "contractor" means—

(A) a person that performs, under contract with a passenger air carrier conducting operations under part 121 of title 14, Code of Federal Regulations—

(i) catering functions; or

(ii) functions on the property of an airport that are directly related to the air transportation of persons, property, or mail, including but not limited to the loading and unloading of property on aircraft; assistance to passengers under part 382 of title 14, Code of Federal Regulations; security; airport ticketing and check-in functions; ground-handling of aircraft; or aircraft cleaning and sanitization functions and waste removal; or

(B) a subcontractor that performs such functions;

(4) the term "employee" means an individual, other than a corporate officer, who is employed by an air carrier or a contractor; and

(5) the term "Secretary" means the Secretary of the Treasury.

15 USC 9072.

SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.

(a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES, SALARIES, AND BENEFITS.—Notwithstanding any other provision of law, to preserve aviation jobs and compensate air carrier industry workers, the Secretary shall provide financial assistance that shall exclusively be used for the continuation of payment of employee wages, salaries, and benefits to—

(1) passenger air carriers, in an aggregate amount up to $25,000,000,000;

(2) cargo air carriers, in the aggregate amount up to $4,000,000,000; and

(3) contractors, in an aggregate amount up to $3,000,000,000.

(b) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the Secretary, may use $100,000,000 of the funds made available under section 4120(a) for costs and administrative expenses associated with providing financial assistance under this subtitle.

15 USC 9073.

SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUPPORT.

Time period. Certifications.

(a) AWARDABLE AMOUNTS.—The Secretary shall provide financial assistance under this subtitle—

(1) to an air carrier in an amount equal to the salaries and benefits reported by the air carrier to the Department of Transportation pursuant to part 241 of title 14, Code of Federal Regulations, for the period from April 1, 2019, through September 30, 2019; and

(2) to an air carrier that does not transmit reports under such part 241, in an amount that such air carrier certifies, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that such air carrier paid the employees of such air carrier during the period from April 1, 2019, through September 30, 2019; and

(3) to a contractor, in an amount that the contractor certifies, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that such contractor paid the employees of such contractor during the period from April 1, 2019, through September 30, 2019.

(b) DEADLINES AND PROCEDURES.—

(1) IN GENERAL.—

(A) FORMS; TERMS AND CONDITIONS.—Financial assistance provided to an air carrier or contractor under this subtitle shall be in such form, on such terms and conditions (including requirements for audits and the clawback of any financial assistance provided upon failure by a passenger air carrier, cargo air carrier, or contractor to honor the assurances specified in section 4114), as the Secretary determines appropriate.

(B) PROCEDURES.—The Secretary shall publish streamlined and expedited procedures not later than 5 days after the date of enactment of this Act for air carriers and contractors to submit requests for financial assistance under this subtitle. Publication.

(2) DEADLINE FOR IMMEDIATE PAYROLL ASSISTANCE.—Not later than 10 days after the date of enactment of this Act, the Secretary shall make initial payments to air carriers and contractors that submit requests for financial assistance approved by to the Secretary.

(3) SUBSEQUENT PAYMENTS.—The Secretary shall determine an appropriate method for timely distribution of payments to air carriers and contractors with approved requests for financial assistance from any funds remaining available after providing initial financial assistance payments under paragraph (2). Determination.

(c) PRO RATA AUTHORITY.—The Secretary shall have the authority to reduce, on a pro rata basis, the amounts due to air carriers and contractors under the applicable paragraph of section 4112 in order to address any shortfall in assistance that would otherwise be provided under such section.

(d) AUDITS.—The Inspector General of the Department of the Treasury shall audit certifications made under subsection (a).

SEC. 4114. REQUIRED ASSURANCES. 15 USC 9074.

(a) IN GENERAL.—To be eligible for financial assistance under this subtitle, an air carrier or contractor shall enter into an agreement with the Secretary, or otherwise certify in such form and manner as the Secretary shall prescribe, that the air carrier or contractor shall— Contracts. Certification. Time periods.

(1) refrain from conducting involuntary furloughs or reducing pay rates and benefits until September 30, 2020; Involuntary furloughs. Pay reductions.

(2) through September 30, 2021, ensure that neither the air carrier or contractor nor any affiliate of the air carrier or contractor may, in any transaction, purchase an equity security of the air carrier or contractor or the parent company of the air carrier or contractor that is listed on a national securities exchange;

(3) through September 30, 2021, ensure that the air carrier or contractor shall not pay dividends, or make other capital distributions, with respect to the common stock (or equivalent interest) of the air carrier or contractor; and

(4) meet the requirements of sections 4115 and 4116.

(b) DEPARTMENT OF TRANSPORTATION AUTHORITY TO CONDITION ASSISTANCE ON CONTINUATION OF SERVICE.—

(1) IN GENERAL.—The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier provided financial assistance under this subtitle to maintain scheduled air transportation service, as the Secretary of Transportation deems necessary, to ensure services to any point served by that carrier before March 1, 2020. Requirement.

(2) REQUIRED CONSIDERATIONS.—When considering whether to exercise the authority provided by this section, the Secretary of Transportation shall take into consideration the air transportation needs of small and remote communities and the need to maintain well-functioning health care supply chains, including medical devices and supplies, and pharmaceutical supply chains.

(3) SUNSET.—The authority provided under this subsection shall terminate on March 1, 2022, and any requirements issued by the Secretary of Transportation under this subsection shall cease to apply after that date.

15 USC 9075.

SEC. 4115. PROTECTION OF COLLECTIVE BARGAINING AGREEMENT.

(a) IN GENERAL.—Neither the Secretary, nor any other actor, department, or agency of the Federal Government, shall condition the issuance of financial assistance under this subtitle on an air carrier's or contractor's implementation of measures to enter into negotiations with the certified bargaining representative of a craft or class of employees of the air carrier or contractor under the Railway Labor Act (45 U.S.C. 151 et seq.) or the National Labor Relations Act (29 U.S.C. 151 et seq.), regarding pay or other terms and conditions of employment.

(b) PERIOD OF EFFECT.—With respect to an air carrier or contractor to which financial assistance is provided under this subtitle, this section shall be in effect with respect to the air carrier or contractor beginning on the date on which the air carrier or contractor is first issued such financial assistance and ending on September 30, 2020.

Time periods.
15 USC 9076.

SEC. 4116. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The Secretary may only provide financial assistance under this subtitle to an air carrier or contractor after such carrier or contractor enters into an agreement with the Secretary which provides that, during the 2-year period beginning March 24, 2020, and ending March 24, 2022, no officer or employee of the air carrier or contractor whose total compensation exceeded $425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to enactment of this Act)—

(1) will receive from the air carrier or contractor total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier or contractor in calendar year 2019;

(2) will receive from the air carrier or contractor severance pay or other benefits upon termination of employment with the air carrier or contractor which exceeds twice the maximum total compensation received by the officer or employee from the air carrier or contractor in calendar year 2019; and

(3) no officer or employee of the eligible business whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier or contractor to an officer or employee of the air carrier or contractor.

Determination.
15 USC 9077.

SEC. 4117. TAX PAYER PROTECTION.

The Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by

recipients of financial assistance under this subtitle which, in the sole determination of the Secretary, provide appropriate compensation to the Federal Government for the provision of the financial assistance.

SEC. 4118. REPORTS. 15 USC 9078.

(a) REPORT.—Not later than November 1, 2020, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the financial assistance provided to air carriers and contractors under this subtitle, including a description of any financial assistance provided.

(b) UPDATE.—Not later than the last day of the 1-year period following the date of enactment of this Act, the Secretary shall update and submit to the Committee on Transportation and the Committee on Financial Services and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate the report described in subsection (a). Time period.

SEC. 4119. COORDINATION. 15 USC 9079.

In implementing this subtitle the Secretary shall coordinate with the Secretary of Transportation.

SEC. 4120. DIRECT APPROPRIATION. 15 USC 9080.

Notwithstanding any other provision of law, there is appropriated, out of amounts in the Treasury not otherwise appropriated, $32,000,000,000 to carry out this subtitle.

TITLE V—CORONAVIRUS RELIEF FUNDS

State and local governments. Native Americans. Territories.

SEC. 5001. CORONAVIRUS RELIEF FUND.

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

"TITLE VI—CORONAVIRUS RELIEF FUND

"SEC. 601. CORONAVIRUS RELIEF FUND. 42 USC 801.

"(a) APPROPRIATION.—

"(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, $150,000,000,000 for fiscal year 2020.

"(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

"(A) $3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

"(B) $8,000,000,000 of such amount for making payments to Tribal governments.

"(b) AUTHORITY TO MAKE PAYMENTS.—

Deadline.

"(1) IN GENERAL.—Subject to paragraph (2), not later than 30 days after the date of enactment of this section, the Secretary shall pay each State and Tribal government, and each unit of local government that meets the condition described in paragraph (2), the amount determined for the State, Tribal government, or unit of local government, for fiscal year 2020 under subsection (c).

"(2) DIRECT PAYMENTS TO UNITS OF LOCAL GOVERNMENT.—If a unit of local government of a State submits the certification required by subsection (e) for purposes of receiving a direct payment from the Secretary under the authority of this paragraph, the Secretary shall reduce the amount determined for that State by the relative unit of local government population proportion amount described in subsection (c)(5) and pay such amount directly to such unit of local government.

"(c) PAYMENT AMOUNTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the amount paid under this section for fiscal year 2020 to a State that is 1 of the 50 States shall be the amount equal to the relative population proportion amount determined for the State under paragraph (3) for such fiscal year.

"(2) MINIMUM PAYMENT.—

"(A) IN GENERAL.—No State that is 1 of the 50 States shall receive a payment under this section for fiscal year 2020 that is less than $1,250,000,000.

"(B) PRO RATA ADJUSTMENTS.—The Secretary shall adjust on a pro rata basis the amount of the payments for each of the 50 States determined under this subsection without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

"(3) RELATIVE POPULATION PROPORTION AMOUNT.—For purposes of paragraph (1), the relative population proportion amount determined under this paragraph for a State for fiscal year 2020 is the product of—

"(A) the amount appropriated under paragraph (1) of subsection (a) for fiscal year 2020 that remains after the application of paragraph (2) of that subsection; and

"(B) the relative State population proportion (as defined in paragraph (4)).

"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the quotient of—

"(A) the population of the State; and

"(B) the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

Definition.

"(5) RELATIVE UNIT OF LOCAL GOVERNMENT POPULATION PROPORTION AMOUNT.—For purposes of subsection (b)(2), the term 'relative unit of local government population proportion amount' means, with respect to a unit of local government and a State, the amount equal to the product of—

"(A) 45 percent of the amount of the payment determined for the State under this subsection (without regard to this paragraph); and

"(B) the amount equal to the quotient of—

"(i) the population of the unit of local government; and

"(ii) the total population of the State in which the unit of local government is located.

"(6) DISTRICT OF COLUMBIA AND TERRITORIES.—The amount paid under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

"(A) the amount set aside under subsection (a)(2)(A) for such fiscal year; and

"(B) each such District's and territory's share of the combined total population of the District of Columbia and all such territories, as determined by the Secretary. Determination.

"(7) TRIBAL GOVERNMENTS.—From the amount set aside under subsection (a)(2)(B) for fiscal year 2020, the amount paid under this section for fiscal year 2020 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal government (or tribally-owned entity) and determined in such manner as the Secretary determines appropriate to ensure that all amounts available under subsection (a)(2)(B) for fiscal year 2020 are distributed to Tribal governments. Determination. Consultation.

"(8) DATA.—For purposes of this subsection, the population of States and units of local governments shall be determined based on the most recent year for which data are available from the Bureau of the Census.

"(d) USE OF FUNDS.—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that—

"(1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);

"(2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and

"(3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. Time period.

"(e) CERTIFICATION.—In order to receive a payment under this section, a unit of local government shall provide the Secretary with a certification signed by the Chief Executive for the unit of local government that the local government's proposed uses of the funds are consistent with subsection (d).

"(f) INSPECTOR GENERAL OVERSIGHT; RECOUPMENT.—

"(1) OVERSIGHT AUTHORITY.—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section.

Determination.

"(2) RECOUPMENT.—If the Inspector General of the Department of the Treasury determines that a State, Tribal government, or unit of local government has failed to comply with subsection (d), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government. Amounts recovered under this subsection shall be deposited into the general fund of the Treasury.

"(3) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Office of the Inspector General of the Department of the Treasury, $35,000,000 to carry out oversight and recoupment activities under this subsection. Amounts appropriated under the preceding sentence shall remain available until expended.

"(4) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this subsection shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

"(g) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

"(2) LOCAL GOVERNMENT.—The term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level with a population that exceeds 500,000.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(4) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"(5) TRIBAL GOVERNMENT.—The term 'Tribal government' means the recognized governing body of an Indian Tribe.".

(b) APPLICATION OF PROVISIONS.—Amounts appropriated for fiscal year 2020 under section 601(a)(1) of the Social Security Act (as added by subsection (a)) shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

TITLE VI—MISCELLANEOUS PROVISIONS

39 USC 101 note.

SEC. 6001. COVID–19 BORROWING AUTHORITY FOR THE UNITED STATES POSTAL SERVICE.

(a) DEFINITIONS.—In this section—

(1) the term "COVID–19 emergency" means the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID–19); and

(2) the term "Postal Service" means the United States Postal Service.

(b) ADDITIONAL BORROWING AUTHORITY.—Notwithstanding section 2005 of title 39, United States Code, or any other provision of law, if the Postal Service determines that, due to the COVID–19 emergency, the Postal Service will not be able to fund operating expenses without borrowing money—

(1) the Postal Service may borrow money from the Treasury in an amount not to exceed $10,000,000,000—

(A) to be used for such operating expenses; and

(B) which may not be used to pay any outstanding debt of the Postal Service; and

(2) the Secretary of the Treasury may lend up to the amount described in paragraph (1) at the request of the Postal Service, upon terms and conditions mutually agreed upon by the Secretary and the Postal Service.

(c) PRIORITIZATION OF DELIVERY FOR MEDICAL PURPOSES DURING COVID–19 EMERGENCY.—Notwithstanding any other provision of law, during the COVID–19 emergency, the Postal Service—

(1) shall prioritize delivery of postal products for medical purposes; and

(2) may establish temporary delivery points, in such form and manner as the Postal Service determines necessary, to protect employees of the Postal Service and individuals receiving deliveries from the Postal Service.

SEC. 6002. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this division is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

Emergency Appropriations for Coronavirus Health Response and Agency Operations.

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

OFFICE OF THE SECRETARY

For an additional amount for the "Office of the Secretary", $9,500,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers impacted by coronavirus, including producers of specialty crops, producers that supply local food systems, including farmers markets, restaurants, and schools, and livestock producers, including dairy producers: *Provided*, That such amount

is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $750,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Agriculture to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Audits. Investigations.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $55,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses for salary costs associated with the Agriculture Quarantine and Inspection Program: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For an additional amount for "Marketing Services", $45,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses for salary costs associated with commodity grading, inspection, and audit activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", $33,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for support of temporary and intermittent workers, relocation of inspectors, and, notwithstanding 21 U.S.C. 468, 695 and 1053 and 7 U.S.C. 2219a, costs of overtime inspectors under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act: *Provided*, That such amount is designated by the Congress as being for

an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM PRODUCTION AND CONSERVATION PROGRAMS

FARM SERVICE AGENCY

For an additional amount for "Salaries and Expenses", $3,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses to hire temporary staff and overtime expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For an additional amount for "Rural Business Program Account", $20,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, for the cost of loans for rural business development programs authorized by section 310B and described in subsection (g) of section 310B of the Consolidated Farm and Rural Development Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for "Distance Learning, Telemedicine, and Broadband Program", $25,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", $8,800,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For an additional amount for "Supplemental Nutrition Assistance Program", $15,810,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, $15,510,000,000 shall be placed in a contingency reserve to be allocated as the Secretary deems necessary to support participation should cost or participation exceed budget estimates to prevent, prepare for, and respond to coronavirus: *Provided further*, That of the amount provided under this heading in this Act, $100,000,000 shall be for the food distribution program on Indian reservations program as authorized by Section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) and Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 1431) to prevent, prepare for, and respond to coronavirus, of which $50,000,000 shall be for facility improvements and equipment upgrades and of which $50,000,000 shall be for the costs relating to additional food purchases: *Provided further*, That of the amount provided under this heading in this Act, $200,000,000 to remain available through September 30, 2021, shall be available for the Secretary of Agriculture to provide grants to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Grants.
Territories.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for "Commodity Assistance Program", $450,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Provided*, That of the funds made available, the Secretary may use up to $150,000,000 for costs associated with the distribution of commodities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses to relocate employees and

their dependents back from overseas posts: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $80,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including funds for the development of necessary medical countermeasures and vaccines, advanced manufacturing for medical products, the monitoring of medical product supply chains, and related administrative activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 11001. Of the funds made available to the Rural Development mission area in this title, and in addition to funds otherwise made available for such purpose, not more than 3 percent may be used for administrative costs to carry out loan, loan guarantee and grant activities funded in this title to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such funds shall be transferred to, and merged with, the appropriation for "Rural Development, Salaries and Expenses" and, once transferred, shall be used only to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, that this transfer authority is in addition to any other transfer authority provided by law.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

SEC. 11002. Of the amounts provided in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) under the heading "Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses", $14,000,000,000, may be used, prior to the completion of the report described in 15 U.S.C. 713a–11, to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as reflected in the June 2020 report of its financial condition: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Extension.

SEC. 11003. The Secretary may extend the term of a marketing assistance loan authorized by section 1201 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any loan commodity to 12 months: *Provided*, That the authority made available pursuant to this section shall expire on September 30, 2020: *Provided further*, That the amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Expiration date.

Grants.
Urban and rural areas.

SEC. 11004. For an additional amount for grants under the pilot program established under section 779 of Public Law 115–141, to prevent, prepare for, and respond to coronavirus, $100,000,000, to remain available until September 30, 2021: *Provided*, That at least 90 percent of the households to be served by a project receiving a grant shall be in a rural area without sufficient access to broadband: *Provided further*, That for purposes of such pilot program, a rural area without sufficient access to broadband shall be defined as 10 Mbps downstream and 1 Mbps upstream, and such definition shall be reevaluated and redefined, as necessary, on an annual basis by the Secretary of Agriculture: *Provided further*, That an entity to which a grant is made under the pilot program shall not use a grant to overbuild or duplicate broadband expansion efforts made by any entity that has received a broadband loan from the Rural Utilities Service: *Provided further*, That priority consideration for grants shall be given to previous applicants now eligible as a result of adjusted eligibility requirements: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Definition.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs", $1,500,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses for responding to economic injury as a result of coronavirus: *Provided*, That such amount shall be for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149): *Provided further*, That within the amount appropriated under this heading in this Act, up to 2 percent of funds may be transferred to the "Salaries and Expenses" account for administration and oversight activities related to preventing, preparing for, and responding to coronavirus: *Provided further*, That the Secretary of Commerce is authorized to appoint and fix the compensation of such temporary personnel as may be necessary to implement the requirements under this heading in this Act

42 USC 3211 note.

to prevent, prepare for, and respond to coronavirus, without regard to the provisions of title 5, United States Code, governing appointments in competitive service: *Provided further*, That the Secretary of Commerce is authorized to appoint such temporary personnel, after serving continuously for 2 years, to positions in the Economic Development Administration in the same manner that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions and an individual appointed under this provision shall become a career-conditional employee, unless the employee has already completed the service requirements for career tenure: *Provided further*, That within the amount appropriated under this heading in this Act, $3,000,000 shall be transferred to the "Office of Inspector General" account for carrying out investigations and audits related to the funding provided to prevent, prepare for, and respond to coronavirus under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Appointments.
Time period.
42 USC 3211 note.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and Technical Research and Services", $6,000,000, to remain available until September, 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, by supporting continuity of operations, including measurement science to support viral testing and biomanufacturing: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial Technology Services", $60,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, $50,000,000 shall be for the Hollings Manufacturing Extension Partnership to assist manufacturers to prevent, prepare for, and respond to coronavirus and $10,000,000 shall be for the National Network for Manufacturing Innovation (also known as "Manufacturing USA") to prevent, prepare for, and respond to coronavirus, including to support development and manufacturing of medical countermeasures and biomedical equipment and supplies: *Provided further*, That none of the funds provided under this heading in this Act shall be subject to cost share requirements under 15 U.S.C. 278k(e)(2) or 15 U.S.C. 278s(e)(7)(A): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $20,000,000, to remain available until September, 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, by supporting continuity of operations, including National Weather Service life and property related operations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

JUSTICE INFORMATION SHARING TECHNOLOGY

For an additional amount for "Justice Information Sharing Technology", $2,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,000,000, to remain available until expended to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice and to carry out investigations and audits related to the funding made available for the Department of Justice in this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $3,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "United States Marshals Service, Salaries and Expenses", $15,000,000, to prevent, prepare for, and

respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Federal Bureau of Investigation, Salaries and Expenses", $20,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Drug Enforcement Administration, Salaries and Expenses", $15,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Federal Prison System, Salaries and Expenses", $100,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", $850,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to be awarded pursuant to the formula allocation (adjusted in proportion to the relative amounts statutorily designated therefor) that was used in fiscal year 2019 for the Edward Byrne Memorial Justice Assistance Grant program as authorized

by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Acts of 1968 ("1968 Act"): *Provided*, That the allocation provisions under sections 505(a) through (e) and the special rules for Puerto Rico under section 505(g), and section 1001(c), of the 1968 Act, shall not apply to the amount provided under this heading in this Act: *Provided further*, That awards hereunder, shall not be subject to restrictions or special conditions that are the same as (or substantially similar to) those, imposed on awards under such subpart in fiscal year 2018, that forbid interference with Federal law enforcement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SAFETY, SECURITY AND MISSION SERVICES

For an additional amount for "Safety, Security and Mission Services", $60,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and Related Activities", $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to fund research grants and other necessary expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For an additional amount for "Agency Operations and Award Management", $1,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to administer research grants and other necessary expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation", $50,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That none of the funds appropriated under this heading in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2019 and 2020, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: *Provided further*, That for the purposes of this Act, the Legal Services Corporation shall be considered an agency of the United States Government: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 12001. Amounts provided by the Consolidated Appropriations Act, 2020, (Public Law 116–93) for the Hollings Manufacturing Extension Partnership under the heading "National Institute of Standards and Technology—Industrial Technology Services" shall not be subject to cost share requirements under 15 U.S.C. 278k(e)(2): *Provided*, That the authority made available pursuant to this section shall be elective for any Manufacturing Extension Partnership Center that also receives funding from a State that is conditioned upon the application of a Federal cost sharing requirement.

Reimbursements. Grants.

SEC. 12002. (a) Funds appropriated in this title for the National Science Foundation may be made available to restore amounts, either directly or through reimbursement, for obligations incurred by the National Science Foundation for research grants and other necessary expenses to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act.

Time period.

(b) Grants or cooperative agreements made by the National Science Foundation under this title, to carry out research grants and other necessary expenses to prevent, prepare for, and respond to coronavirus, domestically or internationally, shall include amounts to reimburse costs for these purposes incurred between January 20, 2020, and the date of issuance of such grants or agreements.

BUREAU OF PRISONS

18 USC 3621 note.

SEC. 12003. (a) DEFINITIONS.—In this section—

(1) the term "Bureau" means the Bureau of Prisons;

Time period.

(2) the term "covered emergency period" means the period beginning on the date on which the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) and ending on the date that is 30 days after the date on which the national emergency declaration terminates; and

(3) the term "Secretary" means the Secretary of Health and Human Services.

(b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT AND TEST KITS TO BUREAU OF PRISONS; HOME CONFINEMENT AUTHORITY.—

(1) PERSONAL PROTECTIVE EQUIPMENT AND TEST KITS.—

(A) FINDINGS.—Congress finds the following:

(i) There is an urgent need for personal protective equipment and test kits to the Bureau based on the density of the inmate population, the high traffic, the high volume of inmates, the high rate of turnover of inmates and personnel, and the number of high-security areas, within the facilities of the Bureau.

(ii) The inability of the Bureau to secure the purchase of infectious disease personal protective equipment and related supplies now and in the future is a vulnerability.

(iii) The Bureau is currently competing in and engaging the same landscape of vendors as all other Federal agencies and private entities.

(iv) The ability of the Bureau to purchase needed equipment and supplies is currently subject to an individual manufacturer's specific recognition of the Bureau as a priority and subsequent allocation of the inventory of the manufacturer to the Bureau.

(B) CONSIDERATION.—The Secretary shall appropriately consider, relative to other priorities of the Department of Health and Human Services for high-risk and high-need populations, the distribution of infectious disease personal protective equipment and COVID–19 test kits to the Bureau for use by inmates and personnel of the Bureau.

Time period.

(2) HOME CONFINEMENT AUTHORITY.—During the covered emergency period, if the Attorney General finds that emergency conditions will materially affect the functioning of the Bureau, the Director of the Bureau may lengthen the maximum amount of time for which the Director is authorized to place a prisoner in home confinement under the first sentence of section 3624(c)(2) of title 18, United States Code, as the Director determines appropriate.

(c) VIDEO VISITATION.—

Regulations.
Time period.

(1) IN GENERAL.—During the covered emergency period, if the Attorney General finds that emergency conditions will materially affect the functioning of the Bureau, the Director of the Bureau shall promulgate rules regarding the ability of inmates to conduct visitation through video teleconferencing and telephonically, free of charge to inmates, during the covered emergency period.

(2) EXEMPTION FROM NOTICE-AND-COMMENT RULEMAKING REQUIREMENTS.—Section 553 of title 5, United States Code, shall not apply to the promulgation of rules under paragraph (1) of this subsection.

(d) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO DURING THE COVID–19 EMERGENCY.

SEC. 12004. (a) IN GENERAL.—During the emergency period described in subsection (e), the Director may toll, waive, adjust, or modify, any timing deadline established by title 35, United States Code, the Trademark Act, section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note), or regulations promulgated thereunder, in effect during such period, if the Director determines that the emergency related to such period— Determination. 35 USC 2 note.

(1) materially affects the functioning of the Patent and Trademark Office;

(2) prejudices the rights of applicants, registrants, patent owners, or others appearing before the Office; or

(3) prevents applicants, registrants, patent owners, or others appearing before the Office from filing a document or fee with the Office.

(b) PUBLIC NOTICE.—If the Director determines that tolling, waiving, adjusting, or modifying a timing deadline under subsection (a) is appropriate, the Director shall publish publicly a notice to such effect. Determination.

(c) STATEMENT REQUIRED.—Not later than 20 days after the Director tolls, waives, adjusts, or modifies a timing deadline under subsection (a) and such toll, waiver, adjustment, or modification is in effect for a consecutive or cumulative period exceeding 120 days, the Director shall submit to Congress a statement describing the action taken, relevant background, and rationale for the period of tolling, waiver, adjustment, or modification. Deadline. Time period.

(d) OTHER LAWS.—Notwithstanding section 301 of the National Emergencies Act (50 U.S.C. 1631), the authority of the Director under subsection (a) is not contingent on a specification made by the President under such section or any other requirement under that Act (other than the emergency declaration under section 201(a) of such Act (50 U.S.C. 1621(a))). The authority described in this section supersedes the authority of title II of the National Emergencies Act (50 U.S.C. 1621 et seq.).

(e) EMERGENCY PERIOD.—The emergency period described in this subsection includes the duration of the portion of the emergency declared by the President pursuant to the National Emergencies Act on March 13, 2020, as a result of the COVID–19 outbreak (and any renewal thereof) beginning on or after the date of the enactment of this section and the 60 day period following such duration.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting other statutory authorities the Director may have to grant relief regarding filings or deadlines.

(g) SUNSET.—Notwithstanding subsection (a), the authorities provided under this section shall expire upon the expiration of the 2-year period after the date of the enactment of this section.

(h) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT.—The term "Trademark Act" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

(i) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ASSISTANCE TO FISHERY PARTICIPANTS

15 USC 1512 note.

SEC. 12005. (a) IN GENERAL.—The Secretary of Commerce is authorized to provide assistance to Tribal, subsistence, commercial, and charter fishery participants affected by the novel coronavirus (COVID–19), which may include direct relief payments.

(b) FISHERY PARTICIPANTS.—For the purposes of this section, "fishery participants" include Tribes, persons, fishing communities, aquaculture businesses not otherwise eligible for assistance under part 1416 of title 7 of the Code of Federal Regulations for losses related to COVID–19, processors, or other fishery-related businesses, who have incurred, as a direct or indirect result of the coronavirus pandemic—

(1) economic revenue losses greater than 35 percent as compared to the prior 5-year average revenue; or

(2) any negative impacts to subsistence, cultural, or ceremonial fisheries.

(c) ROLLING BASIS.—Funds may be awarded under this section on a rolling basis, and within a fishing season, to ensure rapid delivery of funds during the COVID–19 pandemic.

(d) APPROPRIATIONS.—In addition to funds that are otherwise made available to assist fishery participants under this Act, there are authorized to be appropriated, and there are appropriated, $300,000,000, to remain available until September 30, 2021, to carry out this section, of which up to 2 percent may be used for administration and oversight activities.

(e) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $746,591,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $482,125,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $160,300,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $360,308,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $90,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $155,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $48,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $186,696,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $75,754,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $827,800,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

DEFENSE PRODUCTION ACT PURCHASES

For an additional amount for "Defense Production Act Purchases", $1,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That for the two-year period beginning with the date of enactment of this Act, the requirements described in Section 301(a)(3)(A) and 302(c)(1) of Public Law 81–774, shall be waived: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Time period. Waiver. 50 USC 4531 note.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,450,000,000, to prevent, position, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, $475,000,000 shall be for the Navy Working Capital Fund, $475,000,000 shall be for the Air Force Working Capital Fund, and $500,000,000 shall be for the Defense-Wide Working Capital Fund: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $3,805,600,000, of which $3,390,600,000 shall be for operation and maintenance, and $415,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That, notwithstanding that one percent of funding for operation and maintenance under this heading in Public Law 116–93 shall remain available for obligation until September 30, 2021, funding for operation and maintenance made available under this heading in this Act shall only be available through September 30, 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $20,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Defense to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

Transfer authority.

SEC. 13001. Funds appropriated by this title may be transferred to, and merged with, other applicable appropriations of the Department of Defense, except for "Drug Interdiction and Counter-Drug Activities, Defense", for expenses incurred in preventing, preparing for, or responding to coronavirus, including expenses of the Department of Defense incurred in support of other Federal Departments and agencies, and State, local, and Indian tribal governments, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That upon a determination that all or part of the funds transferred pursuant to this section that are not necessary for the purposes provided herein, such funds shall be transferred back to the original appropriation: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

Determination.

SEC. 13002. For an additional amount for "Defense Health Program", $1,095,500,000, which shall be for operation and maintenance, and of which $1,095,500,000 may be available for contracts entered into under the TRICARE program: *Provided*, That, notwithstanding that one percent of funding for operation and maintenance under this heading in Public Law 116–93 shall remain available for obligation until September 30, 2021, funding for operation and maintenance made available under this heading in this section

shall only be available through September 30, 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

10 USC 2208 note.

SEC. 13003. (a) Notwithstanding section 2208(l)(3) of title 10, United States Code, during fiscal year 2020, the total amount of the advance billings rendered or imposed for all working-capital funds of the Department of Defense may exceed the amount otherwise specified in such section.

Definition.

(b) In this section, the term "advance billing" has the meaning given that term in section 2208(l)(4) of title 10, United States Code.

10 USC 2326 note.

SEC. 13004. (a) Section 2326(b)(3) of title 10, United States Code, shall not apply to any undefinitized contract action of the Department of Defense related to the national emergency for the Coronavirus Disease 2019 (COVID–19).

Definition.

(b) In this section, the term "undefinitized contract action" has the meaning given that term in section 2326(j)(6) of title 10, United States Code.

Waiver authority. 10 USC 2326 note.

SEC. 13005. (a) The head of an agency may waive the provisions of section 2326(b) of title 10, United States Code, with respect to a contract of such agency if the head of the agency determines that the waiver is necessary due to the national emergency for the Coronavirus Disease 2019 (COVID–19).

Definition.

(b) In this section, the term "head of an agency" has the meaning given that term in section 2302(2) of title 10, United States Code.

10 USC 2371b note.

SEC. 13006. (a) Notwithstanding paragraph (3) of section 2371b(a) of title 10, United States Code, the authority of a senior procurement executive or director of the Defense Advanced Research Projects Agency or Missile Defense Agency under paragraph (2)(A) of such section, and the authority of the Under Secretaries of Defense under paragraph (2)(B) of such section, for any transaction related to the national emergency for the Coronavirus Disease 2019 (COVID–19) may be delegated to such officials in the Department of Defense as the Secretary of Defense shall specify for purposes of this section.

(b)(1) Notwithstanding clause (ii) of section 2371b(a)(2)(B) of title 10, United States Code, no advance notice to Congress is required under that clause for transitions described in that section that are related to the national emergency for the Coronavirus Disease 2019 (COVID–19).

Notification.

(2) In the event a transaction covered by paragraph (1) is carried out, the Under Secretary of Defense for Research and Engineering or the Under Secretary of Defense for Acquisition and Sustainment, as applicable, shall submit to the congressional defense committees a notice on the carrying out of such transaction as soon as is practicable after the commencement of the carrying out of such transaction.

Definition.

(3) In this subsection, the term "congressional defense committees" has the meaning given such term in section 101(a)(16) of title 10, United States Code.

President. Appointments. Termination dates. 10 USC 111 note.

SEC. 13007. (a) The President may extend the appointment of the Chief of Army Reserve as prescribed in section 7038(c) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of

the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 7038(c).

(b) The President may extend the appointment of the Chief of Navy Reserve as prescribed in section 8083(c) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 8083(c).

(c) The President may extend the appointment of the Chief of Staff of the Air Force prescribed in section 9033(a)(1) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 9033(a)(1).

(d) The President may extend the appointment of the Chief of Space Operations, as prescribed in section 9082(a)(2) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 9082(a)(2).

(e) The President may extend the appointment of the Chief of the National Guard Bureau as prescribed in section 10502(b) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 10502(b).

(f) The President may extend the appointment of Director, Army National Guard and Director, Air National Guard as prescribed in section 10506(a)(3)(D) of title 10, United States Code, for the incumbent in such position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by such section 10506(a)(3)(D).

Waiver authority. Time period.

(g) Notwithstanding paragraph (4) of section 10505(a) of title 10, United States Code, the Secretary of Defense may waive the limitations in paragraphs (2) and (3) of that section for a period of not more than 270 days.

(h)(1) The President may delegate the exercise of the authorities in subsections (a) through (f) to the Secretary of Defense.

(2) The Secretary of Defense may not redelegate the exercise of any authority delegated to the Secretary pursuant to paragraph (1), and may not delegate the exercise of the authority in subsection (g).

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $50,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXPENSES

For an additional amount for "Expenses", $20,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Water and Related Resources", $12,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $500,000 of the funds provided under this heading in this Act shall be transferred to the "Central Utah Project Completion Account" to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

POLICY AND ADMINISTRATION

For an additional amount for "Policy and Administration", $8,100,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science", $99,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses related to providing support and access to scientific user facilities in the Office of Science and National Nuclear Security Administration, including equipment, enabling technologies, and personnel associated with the operations of those scientific user facilities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Departmental Administration", $28,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses related to supporting remote access for personnel: *Provided*, That funds appropriated under this heading in this Act may be transferred to, and merged with, other appropriation accounts of the Department of Energy to prevent, prepare for, and respond to coronavirus, including for necessary expenses related to supporting remote access for personnel: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDEPENDENT AGENCIES

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $3,300,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That, notwithstanding 42 U.S.C. 2214, such amount shall not be derived from fee revenue: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

Reimbursements.

SEC. 14001. Funds appropriated in this title may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act.

SEC. 14002. (a) Section 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6239 note) is amended—

(1) in subsection (e), by striking "2020" and inserting "2022"; and

(2) in subsection (g), by striking "2020" and inserting "2022".

42 USC 6241 note.

(b) Title III of division C of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended in the matter under the heading "Department of Energy—Energy Programs—Strategic Petroleum Reserve" by striking the three provisos before the final period and inserting the following:

" *Provided*, That, as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed a total of $450,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2020, fiscal year 2021, or fiscal year 2022: *Provided further*, That the proceeds from such drawdown and sale shall be deposited into the 'Energy Security and Infrastructure Modernization Fund' during the fiscal year in which the sale occurs and shall be made available in such fiscal year, to remain available until expended, for necessary expenses to carry out the Life Extension II project for the Strategic Petroleum Reserve".

(c) The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 14003. Any discretionary appropriation for the Corps of Engineers derived from the Harbor Maintenance Trust Fund (not to exceed the total amount deposited in the Harbor Maintenance Trust Fund in the prior fiscal year) shall be subtracted from the estimate of discretionary budget authority and outlays for any estimate of an appropriations Act under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That the modifications described in this section shall not take effect until the earlier of January 1, 2021 or the date of enactment of legislation authorizing the development of water resources and shall remain in effect thereafter.

Effective date.

SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40, United States Code, is amended by inserting ", except that a discretionary grant to respond to economic distress directly related to the impacts of the Coronavirus Disease 2019 (COVID–19) shall not be included in such aggregate amount" before the period at the end.

TITLE V

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 15001. In addition to the amounts otherwise available to the Internal Revenue Service in fiscal year 2020, $250,000,000, to remain available until September 30, 2021, shall be available to prevent, prepare for, and respond to coronavirus, domestically

or internationally, including costs associated with the extended filing season and implementation of the Families First Coronavirus Response Act: *Provided*, That such funds may be transferred by the Commissioner to the "Taxpayer Services," "Enforcement," or "Operations Support" accounts of the Internal Revenue Service for an additional amount to be used solely to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified in advance of any such transfer: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Commissioner shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification.

Deadline.
Spending plan.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $500,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $6,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENDER SERVICES

For an additional amount for "Defender Services", $1,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—THE JUDICIARY

VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

SEC. 15002. (a) DEFINITION.—In this section, the term "covered emergency period" means the period beginning on the date on

18 USC note prec. 3001.

which the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) and ending on the date that is 30 days after the date on which the national emergency declaration terminates.

(b) VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS.—

(1) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court), upon application of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, may authorize the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the following events:

(A) Detention hearings under section 3142 of title 18, United States Code.

(B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.

(C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.

(D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.

(E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.

(F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.

(G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code.

(H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.

(I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.

(J) Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

(2) FELONY PLEAS AND SENTENCING.—

(A) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit

that includes the district court) specifically finds, upon application of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety, and the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the plea or sentencing in that case may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available.

(B) APPLICABILITY TO JUVENILES.—The video teleconferencing and telephone conferencing authority described in subparagraph (A) shall apply with respect to equivalent plea and sentencing, or disposition, proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act").

(3) REVIEW.— Time periods.

(A) IN GENERAL.—On the date that is 90 days after the date on which an authorization for the use of video teleconferencing or telephone conferencing under paragraph (1) or (2) is issued, if the emergency authority has not been terminated under paragraph (5), the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) to which the authorization applies shall review the authorization and determine whether to extend the authorization.

(B) ADDITIONAL REVIEW.—If an authorization is extended under subparagraph (A), the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) to which the authorization applies shall review the extension of authority not less frequently than once every 90 days until the earlier of—

(i) the date on which the chief judge (or other judge or justice) determines the authorization is no longer warranted; or Determination.

(ii) the date on which the emergency authority is terminated under paragraph (5).

(4) CONSENT.—Video teleconferencing or telephone conferencing authorized under paragraph (1) or (2) may only take place with the consent of the defendant, or the juvenile, after consultation with counsel.

(5) TERMINATION OF EMERGENCY AUTHORITY.—The authority provided under paragraphs (1), (2), and (3), and any specific authorizations issued under those paragraphs, shall terminate on the earlier of—

(A) the last day of the covered emergency period; or

(B) the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the

National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) no longer materially affect the functioning of either the Federal courts generally or the district court in question.

(6) NATIONAL EMERGENCIES GENERALLY.—The Judicial Conference of the United States and the Supreme Court of the United States shall consider rule amendments under chapter 131 of title 28, United States Code (commonly known as the "Rules Enabling Act"), that address emergency measures that may be taken by the Federal courts when the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall obviate a defendant's right to counsel under the Sixth Amendment to the Constitution of the United States, any Federal statute, or the Federal Rules of Criminal Procedure.

(c) The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For an additional amount for "Federal Payment for Emergency Planning and Security Costs in the District of Columbia", $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION SECURITY GRANTS

For an additional amount for "Election Security Grants", $400,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle: *Provided*, That a State receiving a payment with funds provided under this heading in this Act shall provide to the Election Assistance Commission, within 20 days of each election in the 2020 Federal election cycle in that State, a report that includes a full accounting of the State's uses of the payment and an explanation of how such uses allowed the State to prevent, prepare for, and respond to coronavirus: *Provided further*, That, within 3 days of its receipt of a report required in the preceding proviso, the Election Assistance Commission will transmit the report to the Committee on Appropriations and the Committee on House Administration of the House of Representatives and the Committee on Appropriations and the Committee on Rules and Administration of the Senate:

State and local governments. Reports.

Reports.

Provided further, That not later than 30 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to States under this heading: *Provided further*, That any portion of a payment made to a State with funds provided under this heading in this Act which is unobligated on December 31, 2020 shall be returned to the Treasury: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Payments.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $200,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to support efforts of health care providers to address coronavirus by providing telecommunications services, information services, and devices necessary to enable the provision of telehealth services during an emergency period, as defined in section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)): *Provided*, That the Federal Communications Commission may rely on the rules of the Commission under part 54 of title 47, Code of Federal Regulations, in administering the amount provided under the heading in this Act if the Commission determines that such administration is in the public interest: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to be deposited in the "Federal Buildings Fund", $275,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the amount provided under this heading in this Act may be used to reimburse the Fund for obligations incurred for this purpose prior to the date of the enactment of this Act: *Provided further*, That such amount may be transferred to, and merged with, accounts within the Federal Buildings Fund in amounts necessary to cover costs incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That the Administrator of General Services shall notify the Committees on Appropriations of the House of Representatives and the Senate quarterly on the obligations and expenditures of the funds provided by this Act by account of the Federal Buildings Fund: *Provided further*, That funds made available to the Administrator in this or any previous Act shall not be subject to section 3307 of title 40, United States Code, for the acquisition of space necessary to prevent, prepare for, or respond to coronavirus, domestically or internationally: *Provided further*, That no action taken

Reimbursements.

Notification.
Time period.

by the Administrator to acquire real property and interests in real property or to improve real property in response to coronavirus shall be deemed a Federal action or undertaking and subject to review under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), or the National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq.), respectively: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL ACTIVITIES

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in the "Federal Citizen Services Fund", $18,650,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund", $1,500,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—GENERAL SERVICES ADMINISTRATION

Determination. Notification. Deadline. Contract. 41 USC 3304 note.

SEC. 15003. Notwithstanding 41 U.S.C. 3304(a)(7)(B), the Administrator, when making a determination that use of noncompetitive procedures is necessary for public interest in accordance with 41 U.S.C. 3304(a)(7)(A) in response to a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247(d)), is required to notify Congress in writing of that determination not less than 3 days prior to the award of the contract.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $8,100,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the amount provided under this heading in this Act may be used to provide expenses of the Federal Records Center Program for preventing, preparing for, and responding to coronavirus, domestically or internationally: *Provided further*, That

such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $12,100,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including technologies for digital case management, short-term methods to allow electronic submissions of retirement application packages in support of paper-based business operations, and increased telecommunications: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

For an additional amount for "Pandemic Response Accountability Committee", $80,000,000, to remain available until expended, to promote transparency and support oversight of funds provided in this Act to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the "Disaster Loans Program Account", $562,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the cost of direct loans authorized by section 7(b) of the Small Business Act and for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act: *Provided*, That the amounts provided under this heading in this Act may be transferred to, and merged with, "Small Business Administration—Salaries and Expenses" to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

SEC. 15010. (a) In this section—

Definitions.
5 USC app. 11 note.

(1) the term "agency" has the meaning given the term in section 551 of title 5, United States Code;

(2) the term "appropriate congressional committees" means—

(A) the Committees on Appropriations of the Senate and the House of Representatives;

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

(C) the Committee on Oversight and Reform of the House of Representatives; and

(D) any other relevant congressional committee of jurisdiction;

(3) the term "Chairperson" means the Chairperson of the Committee;

(4) the term "Council" means the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App);

(5) the term "Committee" means the Pandemic Response Accountability Committee established under subsection (b);

(6) the term "covered funds" means any funds, including loans, that are made available in any form to any non-Federal entity, not including an individual, under—

(A) this Act;

(B) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123);

(C) the Families First Coronavirus Response Act (Public Law 116–127); or

(D) any other Act primarily making appropriations for the Coronavirus response and related activities; and

(7) the term "Coronavirus response" means the Federal Government's response to the nationwide public health emergency declared by the Secretary of Health and Human Services, retroactive to January 27, 2020, pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d), as a result of confirmed cases of the novel coronavirus (COVID–19) in the United States.

Establishment.

(b) There is established within the Council the Pandemic Response Accountability Committee to promote transparency and conduct and support oversight of covered funds and the Coronavirus response to—

(1) prevent and detect fraud, waste, abuse, and mismanagement; and

(2) mitigate major risks that cut across program and agency boundaries.

(c)(1) The Chairperson of the Committee shall be selected by the Chairperson of the Council from among Inspectors General described in subparagraphs (B), (C), and (D) of paragraph (2) with experience managing oversight of large organizations and expenditures.

(2) The members of the Committee shall include—

(A) the Chairperson;

(B) the Inspectors General of the Departments of Defense, Education, Health and Human Services, Homeland Security, Justice, Labor, and the Treasury;

(C) the Inspector General of the Small Business Administration;

(D) the Treasury Inspector General for Tax Administration; and

(E) any other Inspector General, as designated by the Chairperson from any agency that expends or obligates covered funds or is involved in the Coronavirus response.

(3)(A) There shall be an Executive Director and a Deputy Executive Director of the Committee.

Deadlines. Appointments. Consultations.

(B)(i)(I) Not later than 30 days after the date of enactment of this Act, the Executive Director of the Committee shall be appointed by the Chairperson of the Council, in consultation with the majority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives.

(II) Not later than 90 days after the date of enactment of this Act, the Deputy Executive Director of the Committee shall be appointed by the Chairperson of the Council, in consultation with the majority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Executive Director of the Committee.

(ii) The Executive Director and the Deputy Executive Director of the Committee shall—

(I) have demonstrated ability in accounting, auditing, and financial analysis;

(II) have experience managing oversight of large organizations and expenditures; and

(III) be full-time employees of the Committee.

(C) The Executive Director of the Committee shall—

(i) report directly to the Chairperson;

(ii) appoint staff of the Committee, subject to the approval of the Chairperson, consistent with subsection (f);

(iii) supervise and coordinate Committee functions and staff; and

(iv) perform any other duties assigned to the Executive Director by the Committee.

(4)(A) Members of the Committee may not receive additional compensation for services performed.

(B) The Executive Director and Deputy Executive Director of the Committee shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Coordination.

(d)(1)(A) The Committee shall conduct and coordinate oversight of covered funds and the Coronavirus response and support Inspectors General in the oversight of covered funds and the Coronavirus response in order to—

(i) detect and prevent fraud, waste, abuse, and mismanagement; and

(ii) identify major risks that cut across programs and agency boundaries.

Reviews. Strategic plan.

(B) The functions of the Committee shall include—

(i) developing a strategic plan to ensure coordinated, efficient, and effective comprehensive oversight by the Committee and Inspectors General over all aspects of covered funds and the Coronavirus response;

Audits.

(ii) auditing or reviewing covered funds, including a comprehensive audit and review of charges made to Federal contracts pursuant to authorities provided in the Coronavirus Aid, Relief, and Economic Security Act, to determine whether wasteful spending, poor contract or grant management, or other

abuses are occurring and referring matters the Committee considers appropriate for investigation to the Inspector General for the agency that disbursed the covered funds, including conducting randomized audits to identify fraud;

(iii) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(iv) reviewing the economy, efficiency, and effectiveness in the administration of, and the detection of fraud, waste, abuse, and mismanagement in, Coronavirus response programs and operations;

(v) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(vi) serving as a liaison to the Director of the Office of Management and Budget, the Secretary of the Treasury, and other officials responsible for implementing the Coronavirus response;

(vii) reviewing whether there are sufficient qualified acquisition, grant, and other applicable personnel overseeing covered funds and the Coronavirus response;

(viii) reviewing whether personnel whose duties involve the Coronavirus response or acquisitions or grants made with covered funds or are otherwise related to the Coronavirus response receive adequate training, technology support, and other resources;

(ix) reviewing whether there are appropriate mechanisms for interagency collaboration relating to the oversight of covered funds and the Coronavirus response, including coordinating and collaborating to the extent practicable with State and local government entities;

Reports. (x) expeditiously reporting to the Attorney General any instance in which the Committee has reasonable grounds to believe there has been a violation of Federal criminal law; and

Coordination. (xi) coordinating and supporting Inspectors General on matters related to oversight of covered funds and the Coronavirus response.

Reports. (2)(A)(i) The Committee shall submit to the President and Congress, including the appropriate congressional committees, management alerts on potential management, risk, and funding problems that require immediate attention.

(ii) The Committee shall submit to Congress such other reports or provide such periodic updates on the work of the Committee as the Committee considers appropriate on the use of covered funds and the Coronavirus response.

(B) The Committee shall submit biannual reports to the President and Congress, including the appropriate congressional committees, and may submit additional reports as appropriate—

(i) summarizing the findings of the Committee; and

(ii) identifying and quantifying the impact of any tax expenditures or credits authorized under this Act to the extent practicable.

Public information. Web posting. (C)(i) All reports submitted under this paragraph shall be made publicly available and posted on the website established under subsection (g).

(ii) Any portion of a report submitted under this paragraph may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code, or is otherwise prohibited from disclosure by law.

Recommendations.

(3)(A) The Committee shall make recommendations to agencies on measures to prevent or address fraud, waste, abuse and mismanagement, and to mitigate risks that cut across programs and agency boundaries, relating to covered funds and the Coronavirus response.

Reports.

(B) Not later than 30 days after receipt of a recommendation under subparagraph (A), an agency shall submit a report to the President and the appropriate congressional committees on—

(i) whether the agency agrees or disagrees with the recommendations; and

(ii) any actions the agency will take to implement the recommendations, which shall also be included in the report required under section 2(b) of the GAO–IG Act (31 U.S.C. 1105 note).

Audits.
Reviews.
Coordination.

(e)(1) The Committee shall conduct audits and reviews of programs, operations, and expenditures relating to covered funds and the Coronavirus response and coordinate on such activities with the Inspector General of the relevant agency to avoid unnecessary duplication and overlap of work.

(2) The Committee may—

(A) conduct its own independent investigations, audits, and reviews relating to covered funds or the Coronavirus response;

(B) collaborate on audits and reviews relating to covered funds with any Inspector General of an agency; and

(C) provide support to relevant agency Inspectors General in conducting investigations, audits, and reviews relating to the covered funds and Coronavirus response.

(3)(A) In conducting and supporting investigations, audits, and reviews under this subsection, the Committee—

(i) shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.);

(ii) may issue subpoenas to compel the testimony of persons who are not Federal officers or employees; and

(iii) may enforce such subpoenas in the event of a refusal to obey by order of any appropriate United States district court as provided for under section 6 of the Inspector General Act of 1978 (5 U.S.C. App).

(B) The Committee shall carry out the powers under paragraphs (1) and (2) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

Reports.

(C) Whenever information or assistance requested by the Committee or an Inspector General is unreasonably refused or not provided, the Committee shall immediately report the circumstances to the appropriate congressional committees.

(D) The Committee shall leverage existing information technology resources within the Council, such as oversight.gov, to carry out the duties of the Committee.

(4)(A) The Committee may hold public hearings and Committee personnel may conduct necessary inquiries.

(B) The head of each agency shall make all officers and employees of that agency available to provide testimony to the Committee and Committee personnel.

(C) The Committee may issue subpoenas to compel the testimony of persons who are not Federal officers or employees at such public hearings, which may be enforced in the same manner as provided for subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

Contracts.

(5) The Committee may enter into contracts to enable the Committee to discharge its duties, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Committee.

(6) The Committee may establish subcommittees to facilitate the ability of the Committee to discharge its duties.

(7) The Committee may transfer funds appropriated to the Committee for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Committee of covered funds or the Coronavirus response to any Office of the Inspector General or the General Services Administration.

(f)(1)(A)(i) Subject to subparagraph (B), the Committee may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section) to carry out the functions of the Committee under this section.

(ii) For purposes of exercising the authorities described under clause (i), the term "Chairperson" shall be substituted for the term "head of a temporary organization".

Consultation.

(iii) In exercising the authorities described in clause (i), the Chairperson shall consult with members of the Committee.

(iv) In addition to the authority provided by section 3161(c) of title 5, United States Code, upon the request of an Inspector General, the Committee may detail, on a nonreimbursable basis, any personnel of the Council to that Inspector General to assist in carrying out any audit, review, or investigation pertaining to the oversight of covered funds or the Coronavirus response.

(B) In exercising the employment authorities under section 3161(b) of title 5, United States Code, as provided under subparagraph (A) of this paragraph—

(i) section 3161(b)(2) of that title (relating to periods of appointments) shall not apply; and

(ii) no period of appointment may exceed the date on which the Committee terminates.

(C)(i) A person employed by the Committee shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications upon the completion of 2 years of continuous service as an employee under this subsection.

(ii) No person who is first employed as described in clause (i) more than 2 years after the date of enactment of this Act may acquire competitive status under clause (i).

(2)(A) The Committee may employ annuitants covered by section 9902(g) of title 5, United States Code, for purposes of the oversight of covered funds or the Coronavirus response.

(B) The employment of annuitants under this paragraph shall be subject to the provisions of section 9902(g) of title 5, United States Code, as if the Committee was the Department of Defense.

(3) Upon request of the Committee for information or assistance from any agency or other entity of the Federal Government, the

head of such entity shall, insofar as is practicable and not in contravention of any existing law, and consistent with section 6 of the Inspector General Act of 1978 (5 U.S.C. App.), furnish such information or assistance to the Committee, or an authorized designee, including an Inspector General designated by the Chairperson.

(4) Any Inspector General responsible for conducting oversight related to covered funds or the Coronavirus response may, consistent with the duties, responsibilities, policies, and procedures of the Inspector General, provide information requested by the Committee or an Inspector General on the Committee relating to the responsibilities of the Committee.

(g)(1)(A) Not later than 30 days after the date of enactment of this Act, the Committee shall establish and maintain a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds and the Coronavirus response, which shall have a uniform resource locator that is descriptive and memorable. Deadline. Website.

(B) The Committee shall leverage existing information technology and resources, such as oversight.gov, to the greatest extent practicable to meet the requirements under this section.

(2) The website established and maintained under paragraph (1) shall be a portal or gateway to key information relating to the oversight of covered funds and the Coronavirus response and provide connections to other Government websites with related information.

(3) In establishing and maintaining the website under paragraph (1), the Committee shall ensure the following:

(A) The website shall provide materials and information explaining the Coronavirus response and how covered funds are being used. The materials shall be easy to understand and regularly updated.

(i) The website shall provide accountability information, including findings from Inspectors General, including any progress reports, audits, inspections, or other reports, including reports from or links to reports on the website of the Government Accountability Office.

(ii) The website shall provide data on relevant operational, economic, financial, grant, subgrant, contract, and subcontract information in user-friendly visual presentations to enhance public awareness of the use of covered funds and the Coronavirus response. Data.

(iii) The website shall provide detailed data on any Federal Government awards that expend covered funds, including a unique trackable identification number for each project, information about the process that was used to award the covered funds, and for any covered funds over $150,000, a detailed explanation of any associated agreement, where applicable. Data.

(iv) The website shall include downloadable, machine-readable, open format reports on covered funds obligated by month to each State and congressional district, where applicable.

(v) The website shall provide a means for the public to give feedback on the performance of any covered funds and of the Coronavirus response, including confidential feedback.

(vi) The website shall include detailed information on Federal Government awards that expend covered funds, including

data elements required under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note), allowing aggregate reporting on awards below $50,000, as prescribed by the Director of the Office of Management and Budget.

(vii) The website shall provide a link to estimates of the jobs sustained or created by this Act to the extent practicable.

(viii) The website shall include appropriate links to other government websites with information concerning covered funds and the Coronavirus response, including Federal agency and State websites.

Plan.

(ix) The website shall include a plan from each Federal agency for using covered funds.

(x) The website shall provide information on Federal allocations of mandatory and other entitlement programs by State, county, or other geographical unit related to covered funds or the Coronavirus response.

(xi) The website shall present the data such that funds subawarded by recipients are not double counted in search results, data visualizations, or other reports.

Recommendations.

(xii) The website shall include all recommendations made to agencies relating to covered funds and the Coronavirus response, as well as the status of each recommendation.

(xiii) The website shall be enhanced and updated as necessary to carry out the purposes of this section.

(4) The Committee may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

(h)(1) Nothing in this section shall affect the independent authority of an Inspector General to determine whether to conduct an audit or investigation of covered funds or the Coronavirus response.

Reports.

(2) If the Committee requests that an Inspector General of an agency conduct or refrain from conducting an audit or investigation and the Inspector General rejects the request in whole or in part, the Inspector General shall, not later than 30 days after rejecting the request, submit a report to the Committee, the head of the applicable agency, and the appropriate congressional committees, that states the reasons that the Inspector General has rejected the request in whole or in part.

Coordination.

(i) The Committee shall coordinate its oversight activities with the Comptroller General of the United States and State auditors.

(j) For the purposes of carrying out the mission of the Committee under this section, there are authorized to be appropriated such sums as may be necessary to carry out the duties and functions of the Committee.

Termination date.

(k) The Committee shall terminate on September 30, 2025.

REPORTING ON USE OF FUNDS

31 USC 6101 note. Definitions.

SEC. 15011. (a) In this section—

(1) the terms "agency", "appropriate congressional committees", "Committee", "covered funds", and "Coronavirus response" have the meanings given those terms in section 15010;

(2) the term "covered recipient"—

(A) means any entity that receives large covered funds; and

(B) includes any State, the District of Columbia, and any territory or possession of the United States; and

(3) the term "large covered funds" means covered funds that amount to more than $150,000.

(b)(1)(A) On a monthly basis until September 30, 2021, each agency shall report to the Director of the Office of Management and Budget, the Bureau of Fiscal Service in the Department of the Treasury, the Committee, and the appropriate congressional committees on any obligation or expenditure of large covered funds, including loans and awards.

(B) Not later than 90 days after the date of enactment of this Act, each agency shall submit to the Committee a plan describing how the agency will use covered funds. Deadline. Plan.

(2) Not later than 10 days after the end of each calendar quarter, each covered recipient shall submit to the agency and the Committee a report that contains—

(A) the total amount of large covered funds received from the agency;

(B) the amount of large covered funds received that were expended or obligated for each project or activity;

(C) a detailed list of all projects or activities for which large covered funds were expended or obligated, including— List.

(i) the name of the project or activity;

(ii) a description of the project or activity; and

(iii) the estimated number of jobs created or retained by the project or activity, where applicable; and

(D) detailed information on any level of subcontracts or subgrants awarded by the covered recipient or its subcontractors or subgrantees, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) allowing aggregate reporting on awards below $50,000 or to individuals, as prescribed by the Director of the Office of Management and Budget. Contracts. Grants.

(3) Not later than 30 days after the end of each calendar quarter, the Committee, in consultation with the agency that made large covered funds available to any covered recipient shall make the information in reports submitted under paragraph (2) publicly available by posting the information on the website established under section 15010(g). Consultation. Public information. Web posting.

(4)(A) Each agency, in coordination with the Committee and the Director of the Office of Management and Budget shall provide user-friendly means for covered recipients to meet requirements of this subsection. Coordination.

(B) Federal agencies may use existing mechanisms to ensure that information under this subsection is reported accurately.

(c)(1) The Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, the Administrator of the Small Business Administration, and the Chairperson of the Council of Economic Advisors, shall submit to the appropriate congressional committees and publicly release on the website established under section 15010(g) quarterly reports that detail the impact of programs funded through large covered funds on employment, estimated economic growth, and other key economic indicators, including information about impacted industries. Consultation. Web posting.

(2)(A) The first report submitted under paragraph (1) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

(B) The last report required to be submitted under paragraph (1) shall apply to the quarter in which the Committee terminates.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $178,300,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for the purchase of personal protective equipment and sanitization materials: *Provided*, That funds provided under this heading in this Act may be transferred by the Secretary of Homeland Security between appropriations in the Department only for the purchase of personal protective equipment and sanitization materials to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That none of the funds made available under this heading may be transferred pursuant to the authority in section 503 of the Department of Homeland Security Appropriations Act, 2020: *Provided further*, That the Department shall provide notice of any transfer to the Committees on Appropriations of the Senate and the House of Representatives not later than 5 days after executing such transfer: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification.
Deadline.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for cleaning and sanitization at checkpoints and other airport common areas; overtime and travel costs; and explosive detection materials: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES COAST GUARD

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $140,800,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for mobilization of reservists and increasing the capability and capacity of Coast Guard information

technology systems and infrastructure: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $9,100,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for support of interagency critical infrastructure coordination and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $44,987,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for enhancements to information technology and for facilities support: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

For an additional amount for "Disaster Relief Fund", $45,000,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, $25,000,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That of the amount provided under this heading in this Act, $15,000,000,000 may be used for all purposes authorized under such Act and may be used in addition to amounts designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That every 30 days the Administrator shall provide the Committees on Appropriations of the Senate and the House of Representatives both projected and actual costs for funds provided under this heading for major disasters and any other expenses: *Provided further*, That of the amounts provided under this heading, $3,000,000 shall be transferred to "Office of Inspector General" and shall remain available until expended for oversight of activities supported by funds provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Time periods.
Costs.

FEDERAL ASSISTANCE

For an additional amount for "Federal Assistance", $400,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, $100,000,000 shall be for Assistance to Firefighter Grants for the purchase of personal protective equipment and related supplies, including reimbursements; $100,000,000 shall be for Emergency Management Performance Grants; and $200,000,000 shall be for the Emergency Food and Shelter Program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 16001. Notwithstanding any other provision of law, funds made available under each heading in this title, except for "Federal Emergency Management Agency—Disaster Relief Fund", shall only be used for the purposes specifically described under that heading.

SEC. 16002. Notwithstanding any other provision of law, any amounts appropriated for "Federal Emergency Management Agency—Disaster Relief Fund" in this Act are available only for the purposes for which they were appropriated.

5 USC 5547 note.

SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If services performed during fiscal year 2020 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay that is funded, either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

(b) OVERTIME AUTHORITY.—Any overtime that is funded for such services described in subsection (a), either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from any annual limit on the amount of overtime payable in a calendar or fiscal year.

(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an employee's pay exceeds the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 2020.

SEC. 16004. (a) Amounts provided for "Coast Guard—Operations and Support" in the Consolidated Appropriations Act, 2020 (Public Law 116–93) may be available for pay and benefits of

Coast Guard Yard and Vessel Documentation personnel, Non-Appropriated Funds personnel, and for Morale, Welfare and Recreation Programs.

(b) No amounts may be used under this section from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

6 USC 320 note.

SEC. 16005. (a) Notwithstanding any other provision of law regarding the licensure of health-care providers, a health-care professional described in subsection (b) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or Commonwealth, territory, or possession of the United States, or any location designated by the Secretary, regardless of where such health-care professional or the patient is located, so long as the practice is within the scope of the authorized Federal duties of such health-care professional.

(b) DEFINITION.—As used in this section, the term "health-care professional" means an individual (other than a member of the Coast Guard, a civilian employee of the Coast Guard, member of the Public Health Service who is assigned to the Coast Guard, or an individual with whom the Secretary, pursuant to 10 U.S.C. 1091, has entered into a personal services contract to carry out health care responsibilities of the Secretary at a medical treatment facility of the Coast Guard) who—

(1) is—

(A) an employee of the Department of Homeland Security,

(B) a detailee to the Department from another Federal agency,

(C) a personal services contractor of the Department, or

(D) hired under a Contract for Services;

(2) performs health care services as part of duties of the individual in that capacity;

(3) has a current, valid, and unrestricted equivalent license certification that is—

(A) issued by a State, the District of Columbia, or a Commonwealth, territory, or possession of the United States; and

(B) for the practice of medicine, osteopathic medicine, dentistry, nursing, emergency medical services, or another health profession; and

(4) is not affirmatively excluded from practice in the licensing or certifying jurisdiction or in any other jurisdiction.

(c) Subsection (a) shall apply during the incident period of the emergency declared by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(b)), and to any subsequent major declaration under section 401 of such Act that supersedes such emergency declaration.

Extension date.
49 USC 30301 note.

SEC. 16006. The Secretary of Homeland Security, under the authority granted under section 205(b) of the REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C. 30301 note) shall extend the deadline by which States are required to meet the driver license

and identification card issuance requirements under section 202(a)(1) of such Act until not earlier than September 30, 2021.

SEC. 16007. Section 5 of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Public Law 113–254; 6 U.S.C. 621 note) is amended by striking "the date that is 5 years and 3 months after the effective date of this Act" and inserting "July 23, 2020": *Provided*, That the amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VII

DEPARTMENT OF THE INTERIOR

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation of Indian Programs", $453,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including, but not limited to, funds for public safety and justice programs, executive direction to carry out deep cleaning of facilities, purchase of personal protective equipment, purchase of information technology to improve teleworking capability, welfare assistance and social services programs (including assistance to individuals), and assistance to tribal governments, including tribal governments who participate in the "Small and Needy" program: *Provided*, That amounts received from funds provided under this heading in this Act for welfare assistance programs shall not be included in the statutory maximum for welfare assistance funds included in Public Law 116–94, the Further Consolidated Appropriations Act, 2020: *Provided further*, That assistance received from funds provided under this heading in this Act shall not be included in the calculation of funds received by those tribal governments who participate in the "Small and Needy" program: *Provided further*, That of the amounts provided under this heading in this Act, not less than $400,000,000 shall be made available to meet the direct needs of tribes: *Provided further*, That amounts provided under this heading in this Act may be made available for distribution through tribal priority allocations for tribal response and capacity building activities: *Provided further*, That funds provided under this heading in this Act, if transferred to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act, will be transferred on a one-time basis and that these non-recurring funds are not part of the amount required by 25 U.S.C. § 5325: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN EDUCATION PROGRAMS

For an additional amount for "Operation of Indian Education Programs", $69,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including, but not limited to, funding for tribal colleges and universities, salaries, transportation, and information technology: *Provided*, That of the amounts provided in this paragraph, not less than $20,000,000 shall be for tribal colleges and universities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Departmental Operations", $158,400,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including, but not limited to, funds for purchasing equipment and supplies to disinfect and clean buildings and public areas, supporting law enforcement and emergency management operations, biosurveillance of wildlife and environmental persistence studies, employee overtime and special pay expenses, and other response, mitigation, or recovery activities: *Provided*, That funds appropriated under this heading in this Act shall be used to absorb increased operational costs necessary to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That the Secretary of the Interior may transfer the funds provided under this heading in this Act to any other account in the Department to prevent, prepare for, and respond to coronavirus, domestically or internationally, and may expend such funds directly or through cooperative agreements: *Provided further*, That the Secretary shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds by account, beginning not later than 90 days after enactment of this Act: *Provided further*, That as soon as practicable after the date of enactment of this Act, the Secretary shall transfer $1,000,000 to the Office of the Inspector General, "Salaries and Expenses" account for oversight activities related to the implementation of programs, activities or projects funded herein: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for "Assistance to Territories", $55,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for general technical assistance: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for "Science and Technology", $2,250,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, $750,000 shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency, and $1,500,000 shall be for research on methods to reduce the risks from environmental transmission of coronavirus via contaminated surfaces or materials: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management", $3,910,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, $2,410,000 shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency, and operational continuity of Environmental Protection Agency programs and related activities, and $1,500,000 shall be for expediting registration and other actions related to pesticides to address coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $300,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funds provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant

to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for "Hazardous Substance Superfund", $770,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funds provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for "Forest and Rangeland Research", $3,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for the reestablishment of abandoned or failed experiments associated with employee restrictions due to the coronavirus outbreak: *Provided*, That amounts provided under this heading in this Act shall be allocated at the discretion of the Chief of the Forest Service: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", $34,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for cleaning and disinfecting of public recreation amenities and for personal protective equipment and baseline health testing for first responders: *Provided*, That amounts provided under this heading in this Act shall be allocated at the discretion of the Chief of the Forest Service: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", $26,800,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for janitorial services: *Provided*, That amounts provided under this heading in this Act shall be

allocated at the discretion of the Chief of the Forest Service: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $7,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for personal protective equipment and baseline health testing for first responders: *Provided*, That amounts provided under this heading in this Act shall be allocated at the discretion of the Chief of the Forest Service: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Indian Health Services", $1,032,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for public health support, electronic health record modernization, telehealth and other information technology upgrades, Purchased/Referred Care, Catastrophic Health Emergency Fund, Urban Indian Organizations, Tribal Epidemiology Centers, Community Health Representatives, and other activities to protect the safety of patients and staff: *Provided*, That of the amount provided under this heading in this Act, up to $65,000,000 is for electronic health record stabilization and support, including for planning and tribal consultation: *Provided further*, That of amounts provided under this heading in this Act, not less than $450,000,000 shall be distributed through IHS directly operated programs and to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act and through contracts or grants with urban Indian organizations under title V of the Indian Health Care Improvement Act: *Provided further*, That any amounts provided in this paragraph not allocated pursuant to the preceding proviso shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That of the funds provided herein, up to $125,000,000 may be transferred to and merged with the "Indian Health Service, Indian Health Facilities" appropriation at the discretion of the Director for the purposes specified in this Act: *Provided further*, That amounts provided under this heading in this Act, if transferred to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act, will be transferred on a one-time basis and that these non-recurring funds are not part of the amount required by 25 U.S.C. § 5325, and that such amounts may only be used for the purposes identified under this heading

notwithstanding any other provision of law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For an additional amount for "Toxic Substances and Environmental Public Health", $12,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $7,500,000 of the funds provided under this heading in this Act shall be for necessary expenses of the Geospatial Research, Analysis and Services Program to support spatial analysis and Geographic Information System mapping of infectious disease hot spots, including cruise ships: *Provided further*, That $5,000,000 of the funds provided under this heading in this Act shall be for necessary expenses for awards to Pediatric Environmental Health Specialty Units and state health departments to provide guidance and outreach on safe practices for disinfection for home, school, and daycare facilities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER RELATED AGENCIES

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For an additional amount for "Payment to the Institute", $78,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $7,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including funding for deep cleaning, security, information technology, and staff overtime: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance", $25,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including funding for deep cleaning and information technology to improve telework capability and for operations and maintenance requirements related to the consequences of coronavirus: *Provided*, That notwithstanding the provisions of 20 U.S.C. 76h et seq., funds provided under this heading in this Act shall be made available to cover operating expenses required to ensure the continuity of the John F. Kennedy Center for the Performing Arts and its affiliates, including for employee compensation and benefits, grants, contracts, payments for rent or utilities, fees for artists or performers, information technology, and other administrative expenses: *Provided further*, That no later than October 31, 2020, the Board of Trustees of the Center shall submit a report to the Committees on Appropriations of the House of Representatives and Senate that includes a detailed explanation of the distribution of the funds provided herein: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For an additional amount for "Grants and Administration", $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to be distributed in grants: *Provided*, That such funds are available under the same terms and conditions as grant funding appropriated to this heading in Public Law 116–94: *Provided further*, That 40 percent of such funds shall be distributed to State arts agencies and regional arts organizations and 60 percent of such funds shall be for direct grants: *Provided further*, That notwithstanding any other provision of law, such funds may also be used by the recipients of such grants for purposes of the general operations of such recipients: *Provided further*, That the matching requirements under subsections (e), (g)(4)(A), and (p)(3) of section 5 of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 954) may be waived with respect to such grants: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Waiver authority.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For an additional amount for "Grants and Administration", $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to be distributed in grants: *Provided*, That such funds are available under the same terms and conditions as grant funding appropriated to this heading in Public Law 116–94: *Provided further*, That 40 percent of such funds shall be distributed to state humanities councils and 60 percent of such funds shall be for direct grants: *Provided further*, That notwithstanding any other provision of law, such funds may also be used by the recipients of such grants for purposes of the general operations of such recipients: *Provided further*, That the matching requirements under subsection (h)(2)(A) of section 7 of the National Foundation on the Arts and Humanities Act of 1965 may be waived with respect to such grants: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Waiver authority.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $345,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses for the dislocated workers assistance national reserve: *Provided*, That the funds provided under this heading in this Act may be used to replace grant funds previously obligated to the impacted areas: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Departmental Management", $15,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, including to enforce worker protection laws and regulations, and to oversee and coordinate activities related to division C, division D, division E, and division F of Public Law 116–127: *Provided*, That the Secretary of Labor may transfer the amounts provided under this heading in this Act as necessary to "Employee Benefits Security Administration", "Wage and Hour Division", "Occupational Safety and Health Administration", and "Employment and Training

Administration—Program Administration" to prevent, prepare for, and respond to coronavirus, including for enforcement, oversight, and coordination activities in those accounts: *Provided further*, That of the amount provided under this heading in this Act, $1,000,000, to remain available until expended, shall be transferred to "Office of Inspector General" for oversight of activities related to Public Law 116–127 and for oversight activities supported with funds appropriated to the Department of Labor to prevent, prepare for, and respond to coronavirus: *Provided further*, That 15 days prior to transferring any funds pursuant to the previous provisos under the heading in this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Time period.
Operating plan.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "CDC-Wide Activities and Program Support", $4,300,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $1,500,000,000 of the amount provided under this heading in this Act shall be for grants to or cooperative agreements with States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, including to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities: *Provided further*, That every grantee that received a Public Health Emergency Preparedness grant for fiscal year 2019 shall receive not less than 100 percent of that grant level from funds provided in the first proviso under this heading in this Act: *Provided further*, That of the amount in the first proviso, not less than $125,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Director of the Centers for Disease Control and Prevention ("CDC") may satisfy the funding thresholds outlined in the preceding two provisos by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That of the amount provided under this heading in this Act, not less than $500,000,000 shall be for global disease detection and emergency response: *Provided further*, That of the amount provided under this heading in this Act, not less than $500,000,000 shall be for public health data surveillance and analytics infrastructure modernization: *Provided further*, That CDC shall report to the Committees on Appropriations of the House of Representatives and the Senate on the development of a public health surveillance and data collection system for coronavirus within 30 days of enactment of this Act: *Provided further*, That of the amount provided under this heading in this Act, $300,000,000

Reports.

shall be transferred to and merged with amounts in the Infectious Diseases Rapid Response Reserve Fund ("Reserve Fund"), established by section 231 of division B of Public Law 115–245: *Provided further*, That the Secretary of Health and Human Services, in consultation with the Director of the CDC, shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate every 14 days, for one year from the date from any such declaration or determination described in the third proviso of section 231 of division B of Public Law 115–245, that details commitment and obligation information for the Reserve Fund during the prior two weeks, as long as such report would detail obligations in excess of $5,000,000, and upon the request by such Committees: *Provided further*, That funds appropriated under this heading in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That funds provided under this heading in this Act may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Consultation. Reports. Time period. 42 USC 247d–4a note.

Grants.

NATIONAL INSTITUTES OF HEALTH

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for "National Heart, Lung, and Blood Institute", $103,400,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $706,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $156,000,000 of the amounts provided under this heading in this Act shall be provided for the study of, construction of, demolition of, renovation of, and acquisition of equipment for, vaccine and infectious diseases research facilities of or used by NIH, including the acquisition of real property: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For an additional amount for "National Institute of Biomedical Imaging and Bioengineering", $60,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency

requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL LIBRARY OF MEDICINE

For an additional amount for "National Library of Medicine", $10,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for "National Center for Advancing Translational Sciences", $36,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE DIRECTOR

For an additional amount for "Office of the Director", $30,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That these funds shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for "Heath Surveillance and Program Support", $425,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, not less than $250,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $100,000,000 is available for activities authorized under section 501(o) of the Public Health Service Act: *Provided further*, That of the funding made available under this heading in this Act, not less than $15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR MEDICARE & MEDICAID SERVICES

PROGRAM MANAGEMENT

For an additional amount for "Program Management", $200,000,000, to remain available through September 30, 2023, to prevent, prepare for, and respond to coronavirus, domestically and internationally: *Provided*, That of the amount appropriated under this heading in this Act, not less than $100,000,000 shall be available for necessary expenses of the survey and certification program, prioritizing nursing home facilities in localities with community transmission of coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance", $900,000,000, to remain available through September 30, 2021, to prevent, prepare for, or respond to coronavirus, domestically or internationally, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That of the amount provided under this heading in this Act, $225,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2020 was less than $1,975,000,000: *Provided further*, That section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds made available under this heading in this Act in fiscal year 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for "Payments to States for the Child Care and Development Block Grant", $3,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)–(E) or 658G of the Child Care and Development Block Grant Act: *Provided*, That funds provided under this heading in this Act may be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure they are able to remain open or reopen as appropriate and applicable: *Provided further*, That States, Territories, and Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff: *Provided further*, That the Secretary shall remind States

that CCDBG State plans do not need to be amended prior to utilizing existing authorities in the CCDBG Act for the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That funds appropriated under this heading in this Act shall be available to eligible child care providers under section 658P(6) of the CCDBG Act, even if such providers were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: *Provided further*, That payments made under this heading in this Act may be obligated in this fiscal year or the succeeding two fiscal years: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Time periods.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", $1,874,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be used as follows: (1) $1,000,000,000 for carrying out activities under sections 674 through 679 of the Community Services Block Grant Act, including for federal administrative expenses, and of which no part shall be subject to section 674(b)(3) of such Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next two fiscal years for expenditure by such entity consistent with program purpose: *Provided further*, That for services furnished under such Act during fiscal years 2020 and 2021, States may apply the last sentence of section 673(2) of such Act by substituting "200 percent" for "125 percent"; (2) $750,000,000 for making payments under the Head Start Act, including for Federal administrative expenses, and allocated in an amount that bears the same ratio to such portion as the number of enrolled children served by the agency involved bears to the number of enrolled children by all Head Start agencies: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the "base grant" in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That up to

$500,000,000 shall be available for the purpose of operating supplemental summer programs through non-competitive grant supplements to existing grantees determined to be most ready to operate those programs by the Office of Head Start; (3) $2,000,000 for the National Domestic Violence Hotline as authorized by section 303(b) of the Family Violence Prevention and Services Act: *Provided further*, That the Secretary may make such funds available for providing hotline services remotely; (4) $45,000,000 for Family Violence Prevention and Services formula grants as authorized by section 303(a) of the Family Violence and Prevention and Services Act with such funds available to grantees without regard to matching requirements under section 306(c)(4) of such Act: *Provided further*, That the Secretary may make such funds available for providing temporary housing and assistance to victims of family, domestic, and dating violence; (5) $25,000,000 for carrying out activities under the Runaway and Homeless Youth Act: *Provided further*, That such amounts shall be used to supplement, not supplant, existing funds and shall be available without regard to matching requirements; (6) $45,000,000 shall be used for child welfare services as authorized by subpart 1 of part B of title IV of the Social Security Act (other than sections 426, 427, and 429 of such subpart), with such funds available to grantees without regard to matching requirements under section 424(a) of that Act or any applicable reductions in federal financial participation under section 424(f) of that Act; and (7) $7,000,000 for Federal administrative expenses: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for "Aging and Disability Services Programs", $955,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, $820,000,000 shall be for activities authorized under the Older Americans Act of 1965 ("OAA"), including $200,000,000 for supportive services under part B of title III; $480,000,000 for nutrition services under subparts 1 and 2 of part C of title III; $20,000,000 for nutrition services under title VI; $100,000,000 for support services for family caregivers under part E of title III; and $20,000,000 for elder rights protection activities, including the long-term ombudsman program under title VII of such Act: *Provided further*, That of the amount made available under this heading in this Act, $50,000,000 shall be for aging and disability resource centers authorized in sections 202(b) and 411 of the OAA to prevent, prepare for, and respond to coronavirus: *Provided further*, That of the amount made available under this

heading in this Act to prevent, prepare for, and respond to coronavirus, $85,000,000 shall be available for centers for independent living that have received grants funded under part C of chapter I of title VII of the Rehabilitation Act of 1973: *Provided further*, That to facilitate State use of funds provided under this heading in this Act, matching requirements under sections 304(d)(1)(D) and 373(g)(2) of the OAA shall not apply to funds made available under this heading in this Act: *Provided further*, That the transfer authority under section 308(b)(4)(A) of the OAA shall apply to funds made available under this heading in this Act by substituting "100 percent" for "40 percent": *Provided further*, That the State Long-Term Care Ombudsman shall have continuing direct access (or other access through the use of technology) to residents of long-term care facilities during any portion of the public health emergency relating to coronavirus beginning on the date of enactment of this Act and ending on September 30, 2020, to provide services described in section 712(a)(3)(B) of the OAA: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Applicability.

Time period.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund", $27,014,500,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this Act will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that

Vaccines.
Determination.

delay the development of such products: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more than $16,000,000,000 shall be for the Strategic National Stockpile under section 319F–2(a) of such Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Countermeasure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not less than $250,000,000 shall be available for grants to or cooperative agreements with entities that are either grantees or sub-grantees of the Hospital Preparedness Program authorized in section 319C–2 of the Public Health Service Act or that meet such other criteria as the Secretary may prescribe, with such awards issued under such section or section 311 of such Act: *Provided further*, That of the amount provided under this paragraph in this Act, not less than $3,500,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount appropriated under this paragraph in this Act, funds may be used to reimburse the Department of Veterans Affairs for expenses incurred by the Veterans Health Administration to prevent, prepare for, and respond to coronavirus, and to provide medical care for such purposes to individuals not otherwise eligible for care: *Provided further*, That funds used for the preceding proviso shall be made available to reimburse the Department of Veterans Affairs only if the Secretary of Health and Human Services certifies to the Committees on Appropriations of the House of Representatives and the Senate that funds available for assignments under Public Law 93–288, as amended, are insufficient and such funds are necessary to reimburse the Department of Veterans Affairs for expenses incurred to provide health care to civilians: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate not less than 3 days prior to such certification: *Provided further*, That of the amounts appropriated under this paragraph in this Act, not more than $289,000,000 may be transferred as necessary to other federal agencies for necessary expenses related to medical care that are incurred to prevent, prepare for, and respond to coronavirus for persons eligible for treatment pursuant to section 322 of the Public Health Service Act, as amended, as determined by the Secretary of the recipient agency: *Provided further*, That of the amount appropriated under this paragraph in this Act, $1,500,000 shall be available for the Secretary to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine not later than 60 days after the date of enactment of this Act

Reimbursements.

Reimbursements.
Certification.

Notification.
Deadline.

Determination.

Deadline.
Contracts.

to examine, and, in a manner that does not compromise national security, report on, the security of the United States medical product supply chain: *Provided further*, That funds appropriated under this paragraph in this Act may be used for grants for the construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, and diagnostics where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Vaccines.
Determination.
Contracts.

For an additional amount for the "Public Health and Social Services Emergency Fund", $275,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $90,000,000 of the funds appropriated under this paragraph shall be transferred to "Health Resources and Services Administration—Ryan White HIV/AIDS Program" to remain available until September 30, 2022 for modifications to existing contracts, and supplements to existing grants and cooperative agreements under parts A, B, C, D, and section 2692(a) of title XXVI of the Public Health Service Act (referred to as "PHS" Act) to respond to coronavirus, domestically or internationally: *Provided further*, That supplements made in the preceding proviso shall be awarded using a data-driven methodology determined by the Secretary: *Provided further*, That sections 2604(c), 2612(b), and 2651(c) of the PHS Act shall not apply to funds under this paragraph: *Provided further*, That $5,000,000 of the funds appropriated under this paragraph shall be transferred to "Health Resources and Services Administration—Health Care Systems" to remain available until September 30, 2022, for activities under sections 1271 and 1273 of the PHS Act to improve the capacity of poison control centers to respond to increased calls: *Provided further*, That $180,000,000 of the funds appropriated under this paragraph shall be transferred to "Health Resources and Services Administration—Rural Health" to remain available until September 30, 2022, to carry out telehealth and rural health activities under sections 330A and 330I of the PHS Act and sections 711 and 1820 of the Social Security Act to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That of the funding in the previous proviso, no less than $15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That section 1820(g)(3)(A), section 1820(g)(3)(D) and section 1820(g)(3)(E) of such Act shall not apply to funds in the preceding two provisos: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining or increasing health center capacity and staffing levels

Data.
Determination.

during a public health emergency related to coronavirus shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Public Health and Social Services Emergency Fund", $100,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That "eligible health care providers" means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID–19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term "payment" means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report

Reports.
Records.
Determination.

Definition.

Review.
Payments.

Definition.
Determination.

Payments.

Reports.

Reports.

to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for "Education Stabilization Fund", $30,750,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EDUCATION STABILIZATION FUND

20 USC 3401 note.
Consultation.
Determination.
Notice.
Deadlines.

SEC. 18001. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than 1/2 of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior;

(2) one-half of 1 percent for the Secretary of Interior, in consultation with the Secretary of Education, for programs operated or funded by the Bureau of Indian Education; and

(3) 1 percent for grants to States with the highest coronavirus burden to support activities under this heading in this Act, for which the Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and approve or deny applications not later than 30 days after receipt.

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 9.8 percent to carry out section 18002 of this title.

(2) 43.9 percent to carry out section 18003 of this title.

(3) 46.3 percent to carry out section 18004 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

20 USC 3401 note.
Notice.
Deadlines.

SEC. 18002. (a) GRANTS.—From funds reserved under section 18001(b)(1) of this title, the Secretary shall make Emergency Education Relief grants to the Governor of each State with an approved application. The Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and shall approve or deny applications not later than 30 days after receipt.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as "ESEA").

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and Determination.

(3) provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section 18003(d)(1) of this title or the Higher Education Act, the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within one year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b). Deadline.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 18003. (a) GRANTS.—From funds reserved under section 18001(b)(2) of this title, the Secretary shall make elementary and secondary school emergency relief grants to each State educational agency with an approved application. The Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and approve or deny applications not later than 30 days after receipt. 20 USC 3401 note. Notice. Deadlines.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State shall allocate not less than 90 percent of the grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(d) USES OF FUNDS.—A local educational agency that receives funds under this title may use the funds for any of the following:

(1) Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ("IDEA"), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins Act"), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

Coordination.

(2) Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(3) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(4) Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

Procedures.

(5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

(6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

Procurement.

(7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

(8) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

Procurement.

(9) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(10) Providing mental health services and supports.

(11) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(12) Other activities that are necessary to maintain the operation of and continuity of services in local educational

agencies and continuing to employ existing staff of the local educational agency.

(e) STATE FUNDING.—With funds not otherwise allocated under subsection (c), a State may reserve not more than 1/2 of 1 percent for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(f) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 1 year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b). Deadline.

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 18004. (a) IN GENERAL.—The Secretary shall allocate funding under this section as follows: 20 USC 3401 note.

(1) 90 percent to each institution of higher education to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 75 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 25 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 7.5 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section 18004(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and which may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's cost of attendance (as defined under section 472 of the Higher Education Act), including food, housing, course materials, technology, health care, and child care.

(3) 2.5 percent for part B of title VII of the Higher Education Act for institutions of higher education that the Secretary determines have the greatest unmet needs related to coronavirus, which may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student's cost of attendance (as defined under section 472 of the Higher Education Act), including food,

housing, course materials, technology, health care, and child care.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—Except as otherwise specified in subsection (a), an institution of higher education receiving funds under this section may use the funds received to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus, so long as such costs do not include payment to contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship. Institutions of higher education shall use no less than 50 percent of such funds to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student's cost of attendance, such as food, housing, course materials, technology, health care, and child care).

(d) SPECIAL PROVISIONS.—(1) In awarding grants under section 18004(a)(3) of this title, the Secretary shall give priority to any institution of higher education that is not otherwise eligible for funding under paragraphs (1) and (2) of section 18004(a) of this title of at least $500,000 and demonstrates significant unmet needs related to expenses associated with coronavirus.

(2) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes the use of funds provided under this section.

ASSISTANCE TO NON-PUBLIC SCHOOLS

20 USC 3401 note.

SEC. 18005. (a) IN GENERAL.—A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

(b) PUBLIC CONTROL OF FUNDS.—The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).

CONTINUED PAYMENT TO EMPLOYEES

20 USC 3401 note.

SEC. 18006. A local educational agency, State, institution of higher education, or other entity that receives funds under "Education Stabilization Fund", shall to the greatest extent practicable,

continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS

SEC. 18007. Except as otherwise provided in sections 18001–18006 of this title, as used in such sections— 20 USC 3401 note.

(1) the terms "elementary education" and "secondary education" have the meaning given such terms under State law;

(2) the term "institution of higher education" has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term "Secretary" means the Secretary of Education;

(4) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term "cost of attendance" has the meaning given such term in section 472 of the Higher Education Act of 1965.

(6) the term "Non-public school" means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term "public school" means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

MAINTENANCE OF EFFORT

SEC. 18008. (a) A State's application for funds to carry out sections 18002 or 18003 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the levels of such support that is the average of such State's support for elementary and secondary education and for higher education provided in the 3 fiscal years preceding the date of enactment of this Act. 20 USC 3401 note. Time periods.

(b) The secretary may waive the requirement in subsection (a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources. Waiver authority.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For an additional amount for "Safe Schools and Citizenship Education", $100,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to supplement funds otherwise available for "Project SERV", including to help elementary, secondary and postsecondary schools clean and disinfect affected schools, and assist in counseling and distance learning and associated costs: *Provided*, That such amount is designated by the Congress as being for

an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GALLAUDET UNIVERSITY

For an additional amount for "Gallaudet University", $7,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STUDENT AID ADMINISTRATION

For an additional amount for "Student Aid Administration", $40,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOWARD UNIVERSITY

For an additional amount for "Howard University", $13,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For an additional amount for "Program Administration", $8,000,000, to remain available through September 30, 2021 to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $7,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or

internationally, including for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act to respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for "Corporation for Public Broadcasting", $75,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, including for fiscal stabilization grants to public telecommunications entities, as defined by 47 U.S.C. 397(12), with no deduction for administrative or other costs of the Corporation, to maintain programming and services and preserve small and rural stations threatened by declines in non-Federal revenues: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for "Institute of Museum and Library Services", $50,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including grants to States, territories and tribes to expand digital network access, purchase internet accessible devices, and provide technical support services: *Provided*, That any matching funds requirements for States, tribes, libraries, and museums are waived for grants provided with funds made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

For an additional amount for the "Railroad Retirement Board", $5,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including the purchase of information technology equipment to improve the mobility of the workforce and provide for additional hiring or overtime hours as needed to administer the Railroad Unemployment Insurance Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", $300,000,000, to remain available through September 30, 2021 to prevent, prepare for, and respond to coronavirus, domestically or internationally, including paying the salaries and benefits of all employees affected as a result of office closures, telework, phone and communication services for employees, overtime costs, and supplies, and for resources necessary for processing disability and retirement workloads and backlogs: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 18108. Funds appropriated by this title may be used by the Secretary of the Department of Health and Human Services to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to coronavirus for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

Contracts.
Notification.

SEC. 18109. Funds made available by this title may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the prevention of, preparation for, or response to coronavirus, domestically and internationally, subject to prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2024.

Expiration date.

Determination.
5 USC 5547 note.

SEC. 18110. (a) If services performed by an employee during fiscal year 2020 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee's pay is paid on a biweekly or calendar year basis.

(b) Any overtime pay for such services shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

(c) With regard to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of the limitation in section 5307 of such title 5.

Applicability.

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium

pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

Definition.

(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, "premium pay" means the premium pay paid under the provisions of law cited in section 5547(a).

Determination.

(3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

Effective date.

(e) This section shall take effect as if enacted on February 2, 2020.

(f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

Transfer authority. Consultation.

SEC. 18111. Funds appropriated by this title to the heading "Department of Health and Human Services" may be transferred to, and merged with, other appropriation accounts under the headings "Centers for Disease Control and Prevention", "Public Health and Social Services Emergency Fund", "Administration for Children and Families", "Administration for Community Living", and "National Institutes of Health" to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this title are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division A of Public Law 116–94 or section 241(a) of the PHS Act.

Notification. Deadline.

Determination.

Deadline. Spend plans.

SEC. 18112. Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available to the Department of Health and Human Services in this Act, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation.

Time period. Termination date. List.

Transfer authority.

SEC. 18113. Of the funds appropriated by this title under the heading "Public Health and Social Services Emergency Fund", up to $4,000,000 shall be transferred to, and merged with, funds made available under the heading "Office of the Secretary, Office of Inspector General", and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Inspector General of the Department of Health and Human Services shall consult with the Committees on Appropriations of the House of Representatives and the Senate prior to obligating such funds: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

Consultation.

Payments. Reimbursements.

SEC. 18114. (a) Funds appropriated in title III of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123) shall be paid to the "Department of Homeland Security—Countering Weapons of Mass Destruction Office—Federal Assistance"account for costs incurred, including to reimburse costs incurred prior to the enactment of this Act, under other transaction authority and related to screening for coronavirus, domestically or internationally.

Definition.

(b) The term coronavirus has the meaning given the term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.

(c) The amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports. 42 USC 247d note.

SEC. 18115. (a) IN GENERAL.—Every laboratory that performs or analyzes a test that is intended to detect SARS–CoV–2 or to diagnose a possible case of COVID–19 shall report the results from each such test, to the Secretary of Health and Human Services in such form and manner, and at such timing and frequency, as the Secretary may prescribe until the end of the Secretary's Public Health Emergency declaration with respect to COVID–19 or any extension of such declaration.

42 USC 247d note.

(b) LABORATORIES COVERED.—The Secretary may prescribe which laboratories must submit reports pursuant to this section.

Regulations. 42 USC 247d note.

(c) IMPLEMENTATION.—The Secretary may make prescriptions under this section by regulation, including by interim final rule, or by guidance, and may issue such regulations or guidance without regard to the procedures otherwise required by section 553 of title 5, United States Code.

Ante, p. 183.

(d) REPEALER.—Section 1702 of division A of the Families First Coronavirus Response Act is repealed.

TITLE IX

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for "Sergeant at Arms and Doorkeeper of the Senate", $1,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $9,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, subject to approval by the Committee on Appropriations of the Senate and the Senate Committee on Rules and Administration: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $25,000,000, to remain available until September 30, 2021, except that $5,000,000 shall remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to be allocated in accordance with a spend plan submitted to the Committee on Appropriations of the House of Representatives by the Chief Administrative Officer and approved by such Committee: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. Spend plan.

JOINT ITEMS

OFFICE OF THE ATTENDING PHYSICIAN

For an additional amount for "Office of the Attending Physician", $400,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITOL POLICE

SALARIES

For an additional amount for "Salaries", $12,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Capitol Police may transfer amounts appropriated under this heading in this Act to "General Expenses" without the approval requirement of 2 U.S.C. 1907(a): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For an additional amount for "Capital Construction and Operations", $25,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to purchase and distribute cleaning and sanitation products throughout all facilities and grounds under the care of the Architect of the Capitol, wherever located, and any related services and operational costs: *Provided*, That the Architect of the Capitol shall provide a report within 30 days enactment of this Act, and every 30 days thereafter, to the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Rules and Administration, and the Committee on House Administration on expenditure of funds from amounts appropriated under this heading in this Act: *Provided further*, That this amount shall be in addition to any other funds available for such purposes in appropriations Acts for the legislative branch: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.
Time period.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $700,000, to remain available until September 30, 2020, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to be made available to the Little Scholars Child Development Center, subject to approval by the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Rules and Administration, and the Committee on House Administration: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for audits and investigations and for reimbursement of the Tiny Findings Child Development Center for salaries for employees, as authorized by this Act: *Provided*, That not later than 90 days after the date of enactment of this Act, the Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spend plan specifying funding estimates and a timeline for such audits and investigations: *Provided further*, That $600,000 shall be made available to the Tiny Findings Child Development Center, subject to approval by the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Rules and Administration, and the Committee on House Administration: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Audits.
Investigations.
Reimbursements.

Deadline.
Spend plan.
Estimates.
Timeline.

GENERAL PROVISIONS—THIS TITLE

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF SENATE EMPLOYEE CHILD CARE CENTER

SEC. 19001. The Secretary of the Senate shall reimburse the Senate Employee Child Care Center for personnel costs incurred starting on April 1, 2020, for employees of such Center who have been ordered to cease working due to measures taken in the Capitol complex to combat coronavirus, not to exceed $84,000 per month, from amounts in the appropriations account "Miscellaneous Items" within the contingent fund of the Senate.

Reimbursements.
Effective date.
2 USC 2063 note.

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF HOUSE OF REPRESENTATIVES CHILD CARE CENTER

SEC. 19002. (a) AUTHORIZING USE OF REVOLVING FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(d)(3)(A)) is amended—

(1) in subparagraph (A), by striking the period at the end and inserting the following: ", and, at the option of the Chief Administrative Officer during an emergency situation, the payment of the salary of other employees of the Center."; and

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

"(C) During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

2 USC 2062 note.

PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF GOODS AND SERVICES DURING THE CORONAVIRUS EMERGENCY

2 USC 5548 note.

SEC. 19003. (a) AUTHORIZATION TO MAKE PAYMENTS.—Notwithstanding any other provision of law and subject to subsection (b), during an emergency situation, the Chief Administrative Officer of the House of Representatives may make payments under contracts with vendors providing goods and services to the House in amounts and under terms and conditions other than those provided under the contract in order to ensure that those goods and services remain available to the House throughout the duration of the emergency.

(b) CONDITIONS.—

(1) APPROVAL REQUIRED.—The Chief Administrative Officer may not make payments under the authority of subsection (a) without the approval of the Committee on House Administration of the House of Representatives.

(2) AVAILABILITY OF APPROPRIATIONS.—The authority of the Chief Administrative Officer to make payments under the authority of subsection (a) is subject to the availability of appropriations to make such payments.

(c) APPLICABILITY.—This section shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF LITTLE SCHOLARS CHILD DEVELOPMENT CENTER

Reimbursements.
2 USC 162b note.

SEC. 19004. The Library of Congress shall reimburse Little Scholars Child Development Center for salaries for employees incurred from April 1, 2020, to September 30, 2020, for employees of such Center who have been ordered to cease working due to measures taken in the Capitol complex to combat coronavirus, not to exceed $113,000 per month, from amounts in the appropriations account "Library of Congress—Salaries and Expenses".

AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS DURING THE CORONAVIRUS EMERGENCY

Time period.
2 USC 1816b note.

SEC. 19005. (a) AUTHORIZING PAYMENTS.—Notwithstanding section 3324(a) of title 31, United States Code, or any other provision of law and subject to subsection (b), if the employees of a contractor with a service contract with the Architect of the Capitol are furloughed or otherwise unable to work during closures, stop work orders, or reductions in service arising from or related to the impacts of coronavirus, the Architect of the Capitol may continue to make the payments provided for under the contract for the weekly salaries and benefits of such employees for not more than 16 weeks.

(b) AVAILABILITY OF APPROPRIATIONS.—The authority of the Architect of the Capitol to make payments under the authority of subsection (a) is subject to the availability of appropriations to make such payments.

(c) REGULATIONS.—The Architect of the Capitol shall promulgate such regulations as may be necessary to carry out this section.

MASS MAILINGS AS FRANKED MAIL

SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(D) of title 39, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: ", and in

the case of the Commission, to waive this paragraph in the case of mailings sent in response to or to address threats to life safety.".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to mailings sent on or after the date of the enactment of this Act. 39 USC 3210 note.

TECHNICAL CORRECTION

SEC. 19007. In the matter preceding the first proviso under the heading "Library of Congress—Salaries and Expenses" in division E of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), strike " $504,164,000" and insert " $510,164,000". 133 Stat. 2766.

CONFORMING AMENDMENT

SEC. 19008. Section 110(a)(1)(A) of the Family and Medical Leave Act of 1993 (as added by section 3102 of the Families First Coronavirus Response Act (Public Law 116–127)) is amended— *Ante*, p. 189.

(1) by inserting before "In lieu of" the following:

"(i) IN GENERAL.—"; and

(2) by adding at the end the following:

"(ii) SPECIAL RULE.—For purposes of applying section 102(a)(1)(F) and this section under the Congressional Accountability Act of 1995, in lieu of the definition in section 202(a)(2)(B) of that Act (2 U.S.C. 1312(a)(2)(B)), the term 'eligible employee' means a covered employee (as defined in section 101 of that Act (2 U.S.C. 1301)) who has been employed for at least 30 calendar days by the employing office (as so defined) with respect to whom leave is requested under section 102(a)(1)(F).". Definition.

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF TINY FINDINGS CHILD DEVELOPMENT CENTER

SEC. 19009. The Government Accountability Office may reimburse the Tiny Findings Child Development Center for salaries for employees incurred from April 1, 2020, to September 30, 2020, for employees of such Center who have been ordered to cease working due to measures taken in the Capitol complex to combat coronavirus, not to exceed $100,000 per month, from amounts in the appropriations account "Government Accountability Office—Salaries and Expenses". Reimbursements. Time period.

OVERSIGHT AND AUDIT AUTHORITY

SEC. 19010. (a) DEFINITIONS.—In this section— 31 USC 712 note.

(1) the term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the Senate;

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

(C) the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on Oversight and Reform of the House of Representatives; and

(G) the Committee on Energy and Commerce of the House of Representatives; and

(2) the term "Comptroller General" means the Comptroller General of the United States.

Audit. Review.

(b) AUTHORITY.—The Comptroller General shall conduct monitoring and oversight of the exercise of authorities, or the receipt, disbursement, and use of funds made available, under this Act or any other Act to prepare for, respond to, and recover from the Coronavirus 2019 pandemic and the effect of the pandemic on the health, economy, and public and private institutions of the United States, including public health and homeland security efforts by the Federal Government and the use of selected funds under this or any other Act related to the Coronavirus 2019 pandemic and a comprehensive audit and review of charges made to Federal contracts pursuant to authorities provided in the Coronavirus Aid, Relief, and Economic Security Act.

Time period.

(c) BRIEFINGS AND REPORTS.—In conducting monitoring and oversight under subsection (b), the Comptroller General shall—

(1) during the period beginning on the date of enactment of this Act and ending on the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires, offer regular briefings on not less frequently than a monthly basis to the appropriate congressional committees regarding Federal public health and homeland security efforts;

(2) publish reports regarding the ongoing monitoring and oversight efforts, which, along with any audits and investigations conducted by the Comptroller General, shall be submitted to the appropriate congressional committees and posted on the website of the Government Accountability Office—

Termination date.

(A) not later than 90 days after the date of enactment of this Act, and every other month thereafter until the date that is 1 year after the date of enactment of this Act; and

(B) after the period described in subparagraph (A), on a periodic basis; and

(3) submit to the appropriate congressional committees additional reports as warranted by the findings of the monitoring and oversight activities of the Comptroller General.

(d) ACCESS TO INFORMATION.—

Records.

(1) RIGHT OF ACCESS.—In conducting monitoring and oversight activities under this section, the Comptroller General shall have access to records, upon request, of any Federal, State, or local agency, contractor, grantee, recipient, or subrecipient pertaining to any Federal effort or assistance of any type related to the Coronavirus 2019 pandemic under this Act or any other Act, including private entities receiving such assistance.

Records.

(2) COPIES.—The Comptroller General may make and retain copies of any records accessed under paragraph (1) as the Comptroller General determines appropriate.

(3) INTERVIEWS.—In addition to such other authorities as are available, the Comptroller General or a designee of the Comptroller General may interview Federal, State, or local

officials, contractor staff, grantee staff, recipients, or subrecipients pertaining to any Federal effort or assistance of any type related to the Coronavirus 2019 pandemic under this or any other Act, including private entities receiving such assistance.

(4) INSPECTION OF FACILITIES.—As determined necessary by the Comptroller General, the Government Accountability Office may inspect facilities at which Federal, State, or local officials, contractor staff, grantee staff, or recipients or subrecipients carry out their responsibilities related to the Coronavirus 2019 pandemic.

(5) ENFORCEMENT.—Access rights under this subsection shall be subject to enforcement consistent with section 716 of title 31, United States Code.

(e) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be construed to limit, amend, supersede, or restrict in any manner any existing authority of the Comptroller General.

NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE REGISTER OF COPYRIGHTS

SEC. 19011. (a) AMENDMENT.—Chapter 7 of title 17, United States Code, is amended by adding at the end the following:

"§ 710. Emergency relief authority

17 USC 710.

"(a) EMERGENCY ACTION.—If, on or before December 31, 2021, the Register of Copyrights determines that a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) generally disrupts or suspends the ordinary functioning of the copyright system under this title, or any component thereof, including on a regional basis, the Register may, on a temporary basis, toll, waive, adjust, or modify any timing provision (including any deadline or effective period, except as provided in subsection (c)) or procedural provision contained in this title or chapters II or III of title 37, Code of Federal Regulations, for no longer than the Register reasonably determines to be appropriate to mitigate the impact of the disruption caused by the national emergency. In taking such action, the Register shall consider the scope and severity of the particular national emergency, and its specific effect with respect to the particular provision, and shall tailor any remedy accordingly.

Determination.

"(b) NOTICE AND EFFECT.—Any action taken by the Register in response to a national emergency pursuant to subsection (a) shall not be subject to section 701(e) or subchapter II of chapter 5 of title 5, United States Code, and chapter 7 of title 5, United States Code. The provision of general public notice detailing the action being taken by the Register in response to the national emergency under subsection (a) is sufficient to effectuate such action. The Register may make such action effective both prospectively and retroactively in relation to a particular provision as the Register determines to be appropriate based on the timing, scope, and nature of the public emergency, but any action by the Register may only be retroactive with respect to a deadline that has not already passed before the declaration described in subsection (a).

Determination.

"(c) STATEMENT REQUIRED.—Except as provided in subsection (d), not later than 20 days after taking any action that results in a provision being modified for a cumulative total of longer than 120 days, the Register shall submit to Congress a statement

Deadline.
Time period.

detailing the action taken, the relevant background, and rationale for the action.

"(d) EXCEPTIONS.—The authority of the Register to act under subsection (a) does not extend provisions under this title requiring the commencement of an action or proceeding in Federal court within a specified period of time, except that if the Register adjusts the license availability date defined in section 115(e)(15), such adjustment shall not affect the ability to commence actions for any claim of infringement of exclusive rights provided by paragraphs (1) and (3) of section 106 against a digital music provider arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities that accrued after January 1, 2018, provided that such action is commenced within the time periods prescribed under section 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from the adjusted license availability date. If the Register adjusts the license availability date, the Register must provide the statement to Congress under subsection (c) at the same time as the public notice of such adjustment with a detailed explanation of why such adjustment is needed.

"(e) COPYRIGHT TERM EXCEPTION.—The authority of the Register to act under subsection (a) does not extend to provisions under chapter 3, except section 304(c), or section 1401(a)(2).

"(f) OTHER LAWS.—Notwithstanding section 301 of the National Emergencies Act (50 U.S.C. 1631), the authority of the Register under subsection (a) is not contingent on a specification made by the President under such section or any other requirement under that Act (other than the emergency declaration under section 201(a) of such Act (50 U.S.C. 1621(a))). The authority described in this section supersedes the authority of title II of the National Emergencies Act (50 U.S.C. 1621 et seq.).".

17 USC prec. 701.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 17, United States Code, is amended by adding at the end the following:

"710. Emergency relief authority.".

(c) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For an additional amount for "General Operating Expenses, Veterans Benefits Administration", $13,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $14,432,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery, and for support to veterans who are homeless or at risk of becoming homeless: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL COMMUNITY CARE

For an additional amount for "Medical Community Care", $2,100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL SUPPORT AND COMPLIANCE

For an additional amount for "Medical Support and Compliance", $100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $606,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

For an additional amount for "General Administration", $6,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $2,150,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: *Provided*, That the Secretary shall transmit to the Committees on Appropriations of both Houses of Congress a spend plan detailing the allocation of such funds between pay and associated costs, operations and maintenance, and information technology systems development: *Provided further*, That after such transmittal is provided, funds may only be reprogrammed among the three subaccounts referenced in the previous proviso after the Secretary of Veterans Affairs submits notice to the Committees on Appropriations of both Houses of Congress: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Spend plan.

Notification.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $12,500,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for oversight and audit of programs, activities, grants and projects funded under this title: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For an additional amount for "Grants for Construction of State Extended Care Facilities", $150,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to modify or alter existing hospital, nursing home, and domiciliary facilities in State homes: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

ARMED FORCES RETIREMENT HOME TRUST FUND

For an additional amount for the "Armed Forces Retirement Home Trust Fund", $2,800,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, to be paid from funds available in the Armed Forces Retirement Home Trust Fund: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $2,800,000 shall be paid from the general fund of the Treasury to the Trust Fund: *Provided further*, That the Chief Executive Officer of the Armed Forces Retirement Home shall submit to the Committees on Appropriations of both Houses of Congress monthly reports detailing obligations, expenditures,

Reports.

and planned activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 20001. Amounts made available for the Department of Veterans Affairs in this title, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts to prevent, prepare for, and respond to coronavirus, domestically and internationally: *Provided*, That any transfers among the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts of 2 percent or less of the total amount appropriated to an account in this title may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts in excess of 2 percent of the total amount appropriated to an account in this title, or exceeding a cumulative 2 percent for all of the funds provided in this title, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Notification.

Transfer request and approval.

SEC. 20002. For all of the funds appropriated in this title the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress monthly reports detailing obligations, expenditures, and planned activities.

Reports.

PUBLIC HEALTH EMERGENCY

SEC. 20003. In this title, the term "public health emergency" means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

Definition.
38 USC 303 note.

SHORT-TERM AGREEMENTS OR CONTRACTS WITH TELECOMMUNICATIONS PROVIDERS TO EXPAND TELEMENTAL HEALTH SERVICES FOR ISOLATED VETERANS DURING A PUBLIC HEALTH EMERGENCY

SEC. 20004. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs may enter into short-term agreements or contracts with telecommunications companies to provide temporary, complimentary or subsidized, fixed and mobile broadband services for the purposes of providing expanded mental health services to isolated veterans through telehealth or VA Video Connect during a public health emergency.

38 USC 1712A note.

(b) ELIGIBILITY.—

(1) IN GENERAL.—The Secretary may expand eligibility for services described in subsection (a) from the Department of Veterans Affairs to include veterans already receiving care from the Department who may not be eligible for mental health services or other health care services delivered through telehealth or VA Video Connect.

(2) PRIORITY.—For purposes of expanding eligibility under paragraph (1), the Secretary shall prioritize—

(A) veterans who are in unserved and underserved areas;

(B) veterans who reside in rural and highly rural areas, as defined in the Rural-Urban Commuting Areas coding system of the Department of Agriculture;

(C) low-income veterans; and

(D) any other veterans that the Secretary considers to be at a higher risk for suicide and mental health concerns during isolation periods due to a public health emergency.

(c) DEFINITIONS.—In this section:

(1) TELEHEALTH.—

(A) IN GENERAL.—The term "telehealth" means the use of electronic information and telecommunications technologies to support and promote long-distance clinical health care, patient and professional health-related education, public health, and health administration.

(B) TECHNOLOGIES.—For purposes of subparagraph (A), telecommunications technologies include videoconferencing, the internet, streaming media, and terrestrial and wireless communications.

(2) VA VIDEO CONNECT.—The term "VA Video Connect" means the program of the Department of Veterans Affairs to connect veterans with their health care team from anywhere, using encryption to ensure a secure and private session.

TREATMENT OF STATE HOMES DURING PUBLIC HEALTH EMERGENCY

38 USC 1741 note.

SEC. 20005. (a) WAIVER OF OCCUPANCY RATE REQUIREMENTS.—During a public health emergency, occupancy rate requirements for State homes for purposes of receiving per diem payments set forth in section 51.40(c) of title 38, Code of Federal Regulations, or successor regulations, shall not apply.

(b) WAIVER OF VETERAN PERCENTAGE REQUIREMENTS.—During a public health emergency, the veteran percentage requirements for State homes set forth in section 51.210(d) of title 38, Code of Regulations, or successor regulations, and in agreements for grants to construct State homes, shall not apply.

(c) PROVISION OF MEDICINE, EQUIPMENT, AND SUPPLIES.—

(1) IN GENERAL.—During a public health emergency, the Secretary of Veterans Affairs may provide to State homes medicines, personal protective equipment, medical supplies, and any other equipment, supplies, and assistance available to the Department of Veterans Affairs.

(2) PROVISION OF EQUIPMENT.—Personal protective equipment may be provided under paragraph (1) through the All Hazards Emergency Cache of the Department of Veterans Affairs or any other source available to the Department.

(d) DEFINITIONS.—In this section:

(1) PERSONAL PROTECTIVE EQUIPMENT.—The term "personal protective equipment" means any protective equipment required to prevent the wearer from contracting COVID–19, including gloves, N–95 respirator masks, gowns, goggles, face shields, or other equipment required for safety.

(2) PUBLIC HEALTH EMERGENCY.—The term "public health emergency" means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

(3) STATE HOME.—The term "State home" has the meaning given that term in section 101(19) of title 38, United States Code.

MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS

38 USC 1701B note.

SEC. 20006. (a) TELEPHONE OR TELEHEALTH RENEWALS.—For the Veteran Directed Care program of the Department of Veterans Affairs (in this section referred to as the "Program"), during a public health emergency, the Secretary of Veterans Affairs shall—

Waiver authority.

(1) waive the requirement that an area agency on aging process new enrollments and six-month renewals for the Program via an in-person or home visit; and

(2) allow new enrollments and sixth-month renewals for the Program to be conducted via telephone or telehealth modality.

(b) NO SUSPENSION OR DISENROLLMENT.—During a public health emergency, the Secretary shall not suspend or dis-enroll a veteran or caregiver of a veteran from the Program unless—

(1) requested to do so by the veteran or a representative of the veteran; or

(2) a mutual decision is made between the veteran and a health care provider of the veteran to suspend or dis-enroll the veteran or caregiver from the Program.

(c) WAIVER OF PAPERWORK REQUIREMENT.—During a public health emergency, the Secretary may waive the requirement for signed, mailed paperwork to confirm the enrollment or renewal of a veteran in the Program and may allow verbal consent of the veteran via telephone or telehealth modality to suffice for purposes of such enrollment or renewal.

(d) WAIVER OF OTHER REQUIREMENTS.—During a public health emergency, the Secretary shall waive—

(1) any penalty for late paperwork relating to the Program; and

Time period.

(2) any requirement to stop payments for veterans or caregivers of veterans under the Program if they are out of State for more than 14 days.

(e) AREA AGENCY ON AGING DEFINED.—In this section, the term "area agency on aging" has the meaning given that term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF PROSTHETIC APPLIANCES THROUGH NON-DEPARTMENT PROVIDERS DURING PUBLIC HEALTH EMERGENCY

Determination. 38 USC 1714 note.

SEC. 20007. The Secretary of Veterans Affairs shall ensure that, to the extent practicable, veterans who are receiving or are eligible to receive a prosthetic appliance under section 1714 or 1719 of title 38, United States Code, are able to receive such an appliance that the Secretary determines is needed from a non-Department of Veterans Affairs provider under a contract with the Department during a public health emergency.

WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS DURING PUBLIC HEALTH EMERGENCIES

38 USC 303 note.

SEC. 20008. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs may waive any limitation on pay for an employee of the Department of Veterans Affairs during a public health emergency for work done in support of response to the emergency.

(b) REPORTING.—

(1) IN GENERAL.—For each month that the Secretary waives a limitation under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the waiver.

(2) CONTENTS.—Each report submitted under paragraph (1) for a waiver or waivers in a month shall include the following:

(A) Where the waiver or waivers were used, including in which component of the Department and, as the case may be, which medical center of the Department.

(B) For how many employees the waiver or waivers were used, disaggregated by component of the Department and, if applicable, medical center of the Department.

(C) The average amount by which each payment exceeded the waived pay limitation that was waived, disaggregated by component of the Department and, if applicable, medical center of the Department.

(c) EMPLOYEE OF THE DEPARTMENT OF VETERANS AFFAIRS DEFINED.—In this section, the term "employee of the Department of Veterans Affairs" includes any employee of the Department of Veterans Affairs, regardless of the authority under which the employee was hired.

PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF PERSONAL PROTECTIVE EQUIPMENT FOR HOME HEALTH WORKERS

38 USC 303 note.

SEC. 20009. (a) PROVISION OF EQUIPMENT.—

(1) IN GENERAL.—During a public health emergency, the Secretary of Veterans Affairs shall provide to employees and contractors of the Department of Veterans Affairs personal protective equipment necessary to provide home care to veterans under the laws administered by the Secretary.

(2) SOURCE OF EQUIPMENT.—Personal protective equipment may be provided under paragraph (1) through the All Hazards Emergency Cache of the Department or any other source available to the Department.

(b) DEFINITIONS.—In this section:

(1) HOME CARE.—The term "home care" has the meaning given that term in section 1803(c) of title 38, United States Code.

(2) PERSONAL PROTECTIVE EQUIPMENT.—The term "personal protective equipment" means any protective equipment required to prevent the wearer from contracting COVID–19, including gloves, N–95 respirator masks, gowns, goggles, face shields, or other equipment required for safety.

CLARIFICATION OF TREATMENT OF PAYMENTS FOR PURPOSES OF ELIGIBILITY FOR VETERANS PENSION AND OTHER VETERANS BENEFITS

SEC. 20010. Amounts paid to a person under the 2020 Recovery Rebate in the Coronavirus Aid, Relief, and Economic Security Act shall not be treated as income or resources for purposes of determining eligibility for pension under chapter 15 of title 38, United States Code, or any other benefit under a law administered by the Secretary of Veterans Affairs. 38 USC 1503 note.

AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS AND HOMELESS VETERANS

SEC. 20011. The Secretary of Veterans Affairs shall ensure that telehealth capabilities are available during a public health emergency for case managers of, and homeless veterans participating in, the Department of Housing and Urban Development–Department of Veterans Affairs Supportive Housing program (commonly referred to as "HUD–VASH"). 38 USC 2041 note.

FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING DURING A PUBLIC HEALTH EMERGENCY

SEC. 20012. In the case of a public health emergency, nothing in subsection (e)(1) of section 2044 of title 38, United States Code, may be construed as limiting amounts that may be made available for carrying out subsections (a), (b), and (c) of such section. 38 USC 2044 note.

MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS DURING A PUBLIC HEALTH EMERGENCY

SEC. 20013. (a) RULE OF CONSTRUCTION.—In the case of a public health emergency, no authorization of appropriations in section 2014 of title 38, United States Code, may be construed as limiting amounts that may be appropriated for carrying out subchapter II of chapter 20 of such title. 38 USC 2011 note.

(b) GRANTS AND PER DIEM PAYMENTS.—In the case of a public health emergency, the Secretary of Veterans Affairs may waive any limits on— Waiver authority.

(1) grant amounts under sections 2011 and 2061 of title 38, United States Code; and

(2) rates for per diem payments under sections 2012 and 2061 of such title.

(c) PARTICIPANT ABSENCE.—Notwithstanding Veterans Health Administration Handbook 1162.01(1), dated July 12, 2013, and amended June 30, 2014, and titled "Grant and Per Diem (GPD) Program", or any other provision of law, for the duration of a public health emergency, the Secretary— Time periods.

(1) shall waive any requirement to discharge a veteran from the grant and per diem program of the Veterans Health Administration after the veteran is absent for 14 days; and Waiver authority.

(2) may continue to pay per diem to grant recipients and eligible entities under the program for any additional days of absence when a veteran has already been absent for more than 72 hours.

SEC. 20014. The amounts provided by sections 20003 through 20013 of this title in this Act are designated by the Congress as being for an emergency requirement pursuant to section

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XI

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For an additional amount for "Diplomatic Programs", $324,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, including for necessary expenses to maintain consular operations and to provide for evacuation expenses and emergency preparedness: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $95,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $258,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDEPENDENT AGENCIES

PEACE CORPS

For an additional amount for "Peace Corps", $88,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 21001. The authorities and limitations of section 402 of the Coronavirus Preparedness and Response Supplemental Appropriations Act (division A of Public Law 116–123) shall apply to funds appropriated by this title as follows: Applicability.

(1) Subsections (a), (d), (e), and (f) shall apply to funds under the heading "Diplomatic Programs"; and

(2) Subsections (c), (d), (e), and (f) shall apply to funds under the heading "International Disaster Assistance".

SEC. 21002. Funds appropriated by this title under the headings "Diplomatic Programs", "Operating Expenses", and "Peace Corps" may be used to reimburse such accounts administered by the Department of State, the United States Agency for International Development, and the Peace Corps, as appropriate, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act. Reimbursements.

SEC. 21003. The reporting requirement of section 406(b) of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116–123) shall apply to funds appropriated by this title: *Provided*, That the requirement to jointly submit such report shall not apply to the Director of the Peace Corps: *Provided further*, That reports required by such section may be consolidated and shall include information on all funds made available to such Federal agencies to prevent, prepare for, and respond to coronavirus. Applicability.

SEC. 21004. Section 7064(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) is amended by striking " $100,000,000" and inserting in lieu thereof " $110,000,000", and by adding the following before the period at the end: ": *Provided*, That no amounts may be used that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985". 22 USC 3948 note.

SEC. 21005. The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) is amended under the heading "Emergencies in the Diplomatic and Consular Service" in title I by striking " $1,000,000" and inserting in lieu thereof " $5,000,000". 133 Stat. 2818.

SEC. 21006. The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) is amended under the heading "Millennium Challenge Corporation" in title III by striking " $105,000,000" in the first proviso and inserting in lieu thereof " $107,000,000". 133 Stat. 2832.

Paid leave.
22 USC 2651a note.

SEC. 21007. Notwithstanding any other provision of law, and in addition to leave authorized under any other provision of law, the Secretary of State and the Administrator of the United States Agency for International Development may, in order to prevent, prepare for, and respond to coronavirus, provide additional paid leave to address employee hardships resulting from coronavirus: *Provided*, That this authority shall apply to leave taken since January 29, 2020, and may be provided abroad and domestically: *Provided further*, That the Secretary and the Administrator shall consult with the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives prior to implementation of such authority: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2022.

Applicability.
Time period.
Consultation.
Expiration date.

22 USC 2670 note.

SEC. 21008. The Secretary of State, to prevent, prepare for, and respond to coronavirus, may exercise the authorities of section 3(j) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670(j)) to provide medical services or related support for private United States citizens, nationals, and permanent resident aliens abroad, or third country nationals connected to such persons or to the diplomatic or development missions of the United States abroad, who are unable to obtain such services or support otherwise: *Provided*, That such assistance shall be provided on a reimbursable basis to the extent feasible: *Provided further*, That such reimbursements may be credited to the applicable Department of State appropriation and shall remain available until expended: *Provided further*, That the Secretary shall prioritize providing medical services or related support to individuals eligible for the health program under section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084): *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2022.

Reimbursements.
Expiration date.

SEC. 21009. Notwithstanding section 6(b) of the Department of State Authorities Act of 2006 (Public Law 109–472; 120 Stat. 3556), during fiscal year 2020, passport and immigrant visa surcharges collected in any fiscal year pursuant to the fourth paragraph under the heading "Diplomatic and Consular Programs" in the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447; 8 U.S.C. 1714) may be obligated and expended for the costs of providing consular services: *Provided*, That such funds should be prioritized for United States citizen services: *Provided further*, That not later than 90 days after the expiration of this authority, the Secretary of State shall provide a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives detailing the specific expenditures made pursuant to this authority: *Provided further*, That the amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.

Contracts.
Consultation.
Notification.
22 USC 4084 note.

SEC. 21010. The Department of State and the United States Agency for International Development are authorized to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations and including pursuant to section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for, and

respond to coronavirus, within the United States and abroad, subject to prior consultation with, and the notification procedures of, the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That not later than 15 days after utilizing this authority, the Secretary of State shall provide a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives on the overall staffing needs for the Office of Medical Services: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2022.

Reports.

Expiration date.

SEC. 21011. Notwithstanding any other provision of law, the Secretary of State and the Administrator of the United States Agency for International Development may authorize any oath of office required by law to, in particular circumstances that could otherwise pose health risks, be administered remotely, subject to appropriate verification: *Provided*, That prior to initially exercising the authority of this section, the Secretary and the Administrator shall each submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives describing the process and procedures for administering such oaths, including appropriate verification: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2021.

Oaths.
22 USC 2651a note.

Reports.

Expiration date.

SEC. 21012. (a) PURPOSES.—For purposes of strengthening the ability of foreign countries to prevent, prepare for, and respond to coronavirus and to the adverse economic impacts of coronavirus, in a manner that would protect the United States from the spread of coronavirus and mitigate an international economic crisis resulting from coronavirus that may pose a significant risk to the economy of the United States, each paragraph of subsection (b) shall take effect upon enactment of this Act.

Effective date.
22 USC 282p note.

(b) CORONAVIRUS RESPONSES.—

(1) INTERNATIONAL DEVELOPMENT ASSOCIATION REPLENISHMENT.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 31. NINETEENTH REPLENISHMENT.

22 USC 284cc.

"(a) IN GENERAL.—The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $3,004,200,000 to the nineteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $3,004,200,000 for payment by the Secretary of the Treasury.".

(2) INTERNATIONAL FINANCE CORPORATION AUTHORIZATION.—The International Finance Corporation Act (22 U.S.C.

282 et seq.) is amended by adding at the end the following new section:

22 USC 282p.

"SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE ARTICLES OF AGREEMENT.

"(a) VOTES AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of—

"(1) a resolution to increase the authorized capital stock of the Corporation by 16,999,998 shares, to implement the conversion of a portion of the retained earnings of the Corporation into paid-in capital, which will result in the United States being issued an additional 3,771,899 shares of capital stock, without any cash contribution;

"(2) a resolution to increase the authorized capital stock of the Corporation on a general basis by 4,579,995 shares; and

"(3) a resolution to increase the authorized capital stock of the Corporation on a selective basis by 919,998 shares.

"(b) AMENDMENT OF THE ARTICLES OF AGREEMENT.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to article II, section 2(c)(ii) of the Articles of Agreement of the Corporation that would increase the vote by which the Board of Governors of the Corporation may increase the capital stock of the Corporation from a four-fifths majority to an eighty-five percent majority.".

(3) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act (22 U.S.C. 290i et seq.) is amended by adding at the end the following new section:

22 USC 290i–12.

"SEC. 1345. SEVENTH CAPITAL INCREASE.

"(a) SUBSCRIPTION AUTHORIZED.—

"(1) IN GENERAL.—The United States Governor of the Bank may subscribe on behalf of the United States to 532,023 additional shares of the capital stock of the Bank.

"(2) LIMITATION.—Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $7,286,587,008 for payment by the Secretary of the Treasury.

"(2) SHARE TYPES.—Of the amount authorized to be appropriated under paragraph (1)—

"(A) $437,190,016 shall be for paid in shares of the Bank; and

"(B) $6,849,396,992 shall be for callable shares of the Bank.".

(4) AFRICAN DEVELOPMENT FUND.—The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

22 USC 290g–25.

"SEC. 226. FIFTEENTH REPLENISHMENT.

"(a) IN GENERAL.—The United States Governor of the Fund is authorized to contribute on behalf of the United States

$513,900,000 to the fifteenth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $513,900,000 for payment by the Secretary of the Treasury.".

(5) INTERNATIONAL MONETARY FUND AUTHORIZATION FOR NEW ARRANGEMENTS TO BORROW.—

(A) IN GENERAL.—Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2) is amended—

(i) in subsection (a)—

(I) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

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

"(3) In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997, referred to in paragraph (1), the Secretary of the Treasury is authorized to make loans, in an amount not to exceed the dollar equivalent of 28,202,470,000 of Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation of the New Arrangements to Borrow, the Secretary of the Treasury shall report to Congress whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding to the Fund.";

Loans.
Reports.

(III) in paragraph (5), as so redesignated, by striking "paragraph (3)" and inserting "paragraph (4)"; and

(IV) in paragraph (6), as so redesignated, by striking "December 16, 2022" and inserting "December 31, 2025"; and

(ii) in subsection (e)(1) by striking "(a)(2)," each place such term appears and inserting "(a)(2), (a)(3),".

(B) EMERGENCY DESIGNATION.—The amount provided by this paragraph is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,753,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including necessary expenses for operating costs and capital outlays: *Provided*, That such amounts are in addition to any other amounts made available for this purpose: *Provided further*, That obligations of amounts under this

heading in this Act shall not be subject to the limitation on obligations under the heading "Office of the Secretary—Working Capital Fund" in division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ESSENTIAL AIR SERVICE

In addition to funds provided to the "Payments to Air Carriers" program in Public Law 116–94 to carry out the essential air service program under section 41731 through 41742 of title 49, United States Code, $56,000,000, to be derived from the general fund of the Treasury, and to be made available to the Essential Air Service and Rural Improvement Fund, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-In-Aid for Airports", $10,000,000,000, to prevent, prepare for, and respond to coronavirus, to remain available until expended: *Provided*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That funds provided under this heading in this Act shall only be available to sponsors of airports defined in section 47102 of title 49, United States Code: *Provided further*, That funds provided under this heading in this Act shall not otherwise be subject to the requirements of chapter 471 of such title: *Provided further*, That notwithstanding the previous proviso, section 47112(b) of such title shall apply to funds provided for any contract awarded (after the date of enactment) for airport development and funded under this heading: *Provided further*, That funds provided under this heading in this Act may not be used for any purpose not directly related to the airport: *Provided further*, That of the amounts appropriated under this heading in this Act—

Applicability.
Contracts.

(1) Not less than $500,000,000 shall be available to pay a Federal share of 100 percent of the costs for which a grant is made under Public Law 116–94: *Provided*, That any remaining funds after the apportionment under this paragraph (1) shall be distributed as described in paragraph (2) under this heading in this Act;

(2) Not less than $7,400,000,000 shall be available for any purpose for which airport revenues may lawfully be used: *Provided*, That 50 percent of such funds shall be allocated among all commercial service airports based on each sponsor's calendar year 2018 enplanements as a percentage of total 2018 enplanements for all commercial service airports: *Provided further*, That the remaining 50 percent of such funds shall be allocated among all commercial service airports based on an equal combination of each sponsor's fiscal year 2018 debt service as a percentage of the combined debt service for all commercial

service airports and each sponsor's ratio of unrestricted reserves to their respective debt service: *Provided further*, That the Federal share payable of the costs for which a grant is made under this paragraph shall be 100 percent:

(3) Up to $2,000,000,000 shall be available for any purpose for which airport revenues may lawfully be used, and: (A) be apportioned as set forth in section 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or 47114(c)(1)(H) of title 49, United States Code; (B) not be subject to the reduced apportionments of 49 U.S.C. 47114(f); and (C) have no maximum apportionment limit, notwithstanding 47114(c)(1)(C)(iii) of title 49, United States Code: *Provided*, That any remaining funds after the apportionment under this paragraph (3) shall be distributed as described in paragraph (2) under this heading in this Act: *Provided further*, That the Federal share payable of the costs for which a grant is made under this paragraph shall be 100 percent; and

Apportionment.

(4) Not less than $100,000,000 shall be for general aviation airports for any purpose for which airport revenues may lawfully be used, and, which the Secretary shall apportion directly to each eligible airport, as defined in section 47102(8) of title 49, United States Code, based on the categories published in the most current National Plan of Integrated Airport Systems, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars: *Provided*, That the Federal share payable of the costs for which a grant is made under this paragraph shall be 100 percent:

Provided further, That the Administrator of the Federal Aviation Administration may retain up to 0.1 percent of the funds provided under this heading in this Act to fund the award and oversight by the Administrator of grants made under this heading in this Act: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in Public Law 116–94: *Provided further*, That all airports receiving funds under this heading in this Act shall continue to employ, through December 31, 2020, at least 90 percent of the number of individuals employed (after making adjustments for retirements or voluntary employee separations) by the airport as of the date of enactment of this Act: *Provided further*, That the Secretary may waive the workforce retention requirement in the previous proviso, if the Secretary determines the airport is experiencing economic hardship as a direct result of the requirement, or the requirement reduces aviation safety or security: *Provided further*, That the workforce retention requirement shall not apply to nonhub airports or nonprimary airports receiving funds under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Workforce retention. Extension date.

Waiver authority. Determination.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

Of prior year unobligated contract authority and liquidating cash provided for Motor Carrier Safety in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriations or authorization acts, in addition to amounts already appropriated in fiscal year 2020 for "Motor Carrier Safety Operations and Programs", $150,000 in additional obligation limitation is provided and repurposed for obligations incurred to support activities to prevent, prepare for, and respond to coronavirus.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For an additional amount for "Safety and Operations", $250,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Northeast Corridor Grants to the National Railroad Passenger Corporation", $492,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to enable the Secretary of Transportation to make or amend existing grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor, as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94): *Provided*, That amounts made available under this heading in this Act may be transferred to and merged with "National Network Grants to the National Railroad Passenger Corporation" to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Network Grants to the National Railroad Passenger Corporation", $526,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to enable the Secretary of Transportation to make or amend existing grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing

America's Surface Transportation Act (division A of Public Law 114–94): *Provided*, That a State shall not be required to pay the National Railroad Passenger Corporation more than 80 percent of the amount paid in fiscal year 2019 under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432) and that not less than $239,000,000 of the amounts made available under this heading in this Act shall be made available for use in lieu of any increase in a State's payment: *Provided further*, That amounts made available under this heading in this Act may be transferred to and merged with "Northeast Corridor Grants to the National Railroad Passenger Corporation" to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for "Transit Infrastructure Grants", $25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That the Secretary of Transportation shall provide funds appropriated under this heading in this Act as if such funds were provided under section 5307 of title 49, United States Code, and section 5311 of title 49, United States Code and apportion such funds in accordance with section 5336 of such title (other than subsections (h)(1) and (h)(4)), section 5311 (other than subsection (b)(3) and (c)(1)(A)), section 5337 and section 5340 of title 49, United States Code, and apportion such funds in accordance with such sections except that funds apportioned under section 5337 shall be added to funds apportioned under 5307 for administration under 5307: *Provided further*, That the Secretary shall allocate the amounts provided in the preceding proviso under sections 5307, 5311, 5337, and 5340 of title 49, United States Code, among such sections in the same ratio as funds were provided in the fiscal year 2020 appropriations: *Provided further*, That funds apportioned under this heading in this Act shall be apportioned not later than 7 days after the date of enactment of this Act: *Provided further*, That funds shall be apportioned using the fiscal year 2020 apportionment formulas: *Provided further*, That not more than three-quarters of 1 percent, but not to exceed $75,000,000, of the funds for transit infrastructure grants provided under this heading in this Act shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That notwithstanding subsection (a)(1) or (b) of section 5307 of title 49, United States Code, funds provided under this heading are available for the operating expenses of transit agencies related to the response to a coronavirus public health emergency as described in section 319 of the Public Health Service Act, including, beginning on January 20, 2020, reimbursement for operating costs to maintain service and lost revenue due to the coronavirus public health emergency, including the purchase of personal protective equipment, and paying the administrative leave of operations personnel due

Apportionment. Deadline.

Effective date. Reimbursements.

to reductions in service: *Provided further*, That such operating expenses are not required to be included in a transportation improvement program, long-range transportation, statewide transportation plan, or a statewide transportation improvement program: *Provided further*, That the Secretary shall not waive the requirements of section 5333 of title 49, United States Code, for funds appropriated under this heading in this Act or for funds previously made available under section 5307 of title 49, United States Code, or sections 5311, 5337, or 5340 of such title as a result of the coronavirus: *Provided further*, That unless otherwise specified, applicable requirements under chapter 53 of title 49, United States Code, shall apply to funding made available under this heading in this Act, except that the Federal share of the costs for which any grant is made under this heading in this Act shall be, at the option of the recipient, up to 100 percent: *Provided further*, That the amount made available under this heading in this Act shall be derived from the general fund and shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Applicability.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for "Operations and Training", $3,134,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: *Provided*, That of the amounts made available under this heading in this Act, $1,000,000 shall be for the operations of the United States Merchant Marine Academy: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE MARITIME ACADEMY OPERATIONS

For an additional amount for "State Maritime Academy Operations", $1,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: *Provided*, That amounts made available under this heading in this Act shall be for direct payments for State Maritime Academies: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Payments.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for "Office of Inspector General", $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with

Audits.
Investigations.

funds made available in this Act to the Department of Transportation to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATIVE SUPPORT OFFICES

For an additional amount for "Administrative Support Offices", $35,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, for the Office of the Chief Financial Officer, including for Department-wide salaries and expenses, Information Technology purposes, and to support the Department's workforce in a telework environment: *Provided*, That the amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes, including amounts made available under the heading "Program Offices" in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROGRAM OFFICES

For an additional amount for "Program Offices", $15,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: *Provided*, That of the sums appropriated under this heading in this Act—

(1) $5,000,000 shall be available for the Office of Public and Indian Housing; and

(2) $10,000,000 shall be available for the Office of Community Planning and Development:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For an additional amount for "Tenant-Based Rental Assistance", $1,250,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to provide additional funds for public housing agencies to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus: *Provided*, That of the amounts made available under this heading in this Act, $850,000,000 shall be available for both administrative expenses and other expenses of public housing agencies for their section 8 programs, including Mainstream vouchers: *Provided further*, That such other expenses shall be new eligible activities to be defined by the Secretary and shall include activities to support or maintain the health and safety of assisted individuals and families, and

costs related to retention and support of participating owners: *Provided further*, That amounts made available under paragraph (3) under this heading in Public Law 116–94 may be used for such other expenses, as described in the previous proviso, in addition to their other available uses: *Provided further*, That of the amounts made available under this heading in this Act, $400,000,000 shall be available for adjustments in the calendar year 2020 section 8 renewal funding allocations, in addition to any other appropriations available for such purpose, including Mainstream vouchers, for public housing agencies that experience a significant increase in voucher per-unit costs due to extraordinary circumstances or that, despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding: *Provided further*, That the Secretary shall allocate amounts provided in the previous proviso based on need, as determined by the Secretary: *Provided further*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of the amounts made available under this heading and the same heading of Public Law 116–94 (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the safe and effective administration of these funds, consistent with the purposes described under this heading in this Act, to prevent, prepare for, and respond to coronavirus: *Provided further*, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement to ensure the most expeditious allocation of this funding, and in order for such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: *Provided further*, That any such waivers or alternative requirements shall remain in effect for the time and duration specified by the Secretary in such public notice and may be extended if necessary upon additional notice by the Secretary: *Provided further*, That to prevent, prepare for, and respond to coronavirus, the notification required by section 223 of Public Law 116–6 and section 221 of Public Law 116–94 shall not apply to the award of amounts provided under paragraph (2) of this heading in Public Law 116–6 or under paragraph (7)(B) of this heading in Public Law 116–94 in support of the family unification program under section 8(x) of such Act: *Provided further*, That the Secretary may award any remaining unobligated balances appropriated under this heading in prior Acts for incremental tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), to prevent, prepare for, and respond to coronavirus, without competition, including for extraordinary administrative fees: *Provided further*, That no less than 25 percent of such amounts shall be allocated proportionally to public housing agencies who received awards in the 2017 and 2019 competitions for such purposes within 60 days of enactment of this Act: *Provided further*, That the waiver and alternative requirements authority provided under this heading

Determination.

Determination.

Waiver authority.

Notification.
Public information.
Federal Register, publication.
Web posting.
Determination.

Time periods.
Deadline.

Applicability.

in this Act shall also apply to such incremental tenant-based assistance contract amounts: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PUBLIC HOUSING OPERATING FUND

For an additional amount for "Public Housing Operating Fund", as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $685,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including to provide additional funds for public housing agencies to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus: *Provided*, That the amount provided under this heading in this Act shall be combined with the amount appropriated for the same purpose under the same heading of Public Law 116–94, and distributed to all public housing agencies pursuant to the Operating Fund formula at part 990 of title 24, Code of Federal Regulations: *Provided further*, That for the period from the enactment of this Act through December 31, 2020, such combined total amount may be used for eligible activities under subsections (d)(1) and (e)(1) of such section 9 and for other expenses related to preventing, preparing for, and responding to coronavirus, including activities to support or maintain the health and safety of assisted individuals and families, and activities to support education and child care for impacted families: *Provided further*, That amounts made available under the headings "Public Housing Operating Fund" and "Public Housing Capital Fund" in prior Acts, except for any set-asides listed under such headings, may be used for all of the purposes described in the previous proviso: *Provided further*, That the expanded uses and funding flexibilities described in the previous two provisos shall be available to all public housing agencies through December 31, 2020, except that the Secretary may extend the period under which such flexibilities shall be available in additional 12 month increments upon a finding that individuals and families assisted by the public housing program continue to require expanded services due to coronavirus: *Provided further*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of such combined total amount or funds made available under the headings "Public Housing Operating Fund" and "Public Housing Capital Fund" in prior Acts (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the safe and effective administration of these funds to prevent, prepare for, and respond to coronavirus: *Provided further*, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement, to ensure the most expeditious allocation of this funding, in order for such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: *Provided further*, That any such waivers or alternative

Time period.

Time periods.

Waiver authority.

Notification.
Public information.
Federal Register, publication.
Web posting.
Determination.

requirements shall remain in effect for the time and duration specified by the Secretary in such public notice and may be extended if necessary upon additional notice by the Secretary: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIVE AMERICAN PROGRAMS

For an additional amount for "Native American Programs", $300,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, for activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), and under title I of the Housing and Community Development Act of 1974 with respect to Indian tribes (42 U.S.C. 5306(a)(1)): *Provided*, That the amounts made available under this heading in this Act are as follows:

(1) No less than $200,000,000 shall be available for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided*, That amounts made available under this paragraph shall be distributed according to the same funding formula used in fiscal year 2020: *Provided further*, That such amounts shall be used by recipients to prevent, prepare for, and respond to coronavirus, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by coronavirus: *Provided further*, That amounts provided under this heading in this Act may be used to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a recipient, including for costs incurred prior to the date of enactment of this Act: *Provided further*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this paragraph or under the same paragraph in Public Law 116–94 (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus: *Provided further*, That any such waivers shall be deemed to be effective as of the date an Indian tribe or tribally designated housing entity began preparing for coronavirus and shall apply to the amounts made available under this paragraph and to the previously appropriated amounts described in the previous proviso; and

Reimbursements.

Waiver authority.

Effective date.
Applicability.

(2) Up to $100,000,000 shall be available for grants to Indian tribes under the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, to prevent, prepare for, and respond to coronavirus, for emergencies that constitute imminent threats to health and safety: *Provided*, That the Secretary shall prioritize, without competition, allocations of these amounts for activities and projects designed to prevent, prepare for, and respond to

Grants.

coronavirus: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated under this paragraph shall be expended for planning and management development and administration: *Provided further*, That amounts provided under this heading in this Act may be used to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus incurred by a recipient, including for costs incurred prior to the date of enactment of this Act: *Provided further*, That, notwithstanding section 105(a)(8) of such Act (42 U.S.C. 5305(a)(8)), there shall be no per centum limitation for the use of funds for public services activities to prevent, prepare for, and respond to coronavirus: *Provided further*, That the previous proviso shall apply to all such activities for grants of funds made available under this paragraph or under paragraph (4) of this heading in Public Law 116–94: *Provided further*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this paragraph or under paragraph (4) in Public Law 116–94 (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus: *Provided further*, That any such waivers shall be deemed to be effective as of the date an Indian tribe began preparing for coronavirus and shall apply to the amounts made available under this paragraph and to the previously appropriated amounts described in the previous proviso:

Applicability.
Grants.

Effective date.
Applicability.

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For an additional amount for carrying out the "Housing Opportunities for Persons with AIDS" program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $65,000,000, to remain available until September 30, 2021, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2022, to provide additional funds to maintain operations and for rental assistance, supportive services, and other necessary actions, in order to prevent, prepare for, and respond to coronavirus: *Provided*, That not less than $50,000,000 of the amount provided under this heading in this Act shall be allocated pursuant to the formula in section 854 of such Act using the same data elements as utilized pursuant to that same formula in fiscal year 2020: *Provided further*, That up to $10,000,000 of the amount provided under this heading in this Act shall be to provide an additional one-time, non-renewable award to grantees currently administering existing contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under

Grants.

this heading in fiscal year 2010 and prior years: *Provided further*, That such awards shall be made proportionally to their existing grants: *Provided further*, That such awards are not required to be spent on permanent supportive housing: *Provided further*, That, notwithstanding section 859(b)(3)(B) of such Act, housing payment assistance for rent, mortgage, or utilities payments may be provided for a period of up to 24 months: *Provided further*, That, to protect persons who are living with HIV/AIDS, such amounts provided under this heading in this Act may be used to self-isolate, quarantine, or to provide other coronavirus infection control services as recommended by the Centers for Disease Control and Prevention for household members not living with HIV/AIDS: *Provided further*, That such amounts may be used to provide relocation services, including to provide lodging at hotels, motels, or other locations, for persons living with HIV/AIDS and household members not living with HIV/AIDS: *Provided further*, That, notwithstanding section 856(g) of such Act (42 U.S.C. 12905(g)), a grantee may use up to 6 percent of its award under this Act for administrative purposes, and a project sponsor may use up to 10 percent of its sub-award under this Act for administrative purposes: *Provided further*, That such amounts provided under this heading in this Act may be used to cover or reimburse allowable costs consistent with the purposes of this heading incurred by a grantee or project sponsor regardless of the date on which such costs were incurred: *Provided further*, That any regulatory waivers the Secretary may issue may be deemed to be effective as of the date a grantee began preparing for coronavirus: *Provided further*, That any additional activities or authorities authorized pursuant to this Act may also apply at the discretion and upon notice of the Secretary to all amounts made available under this same heading in Public Law 116–94 if such amounts are used by grantees for the purposes described under this heading: *Provided further*, That up to 2 percent of amounts made available under this heading in this Act may be used, without competition, to increase prior awards made to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance available to grantees under this heading and under the same heading in prior Acts: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Time period.

Reimbursements.

Waiver authority.
Effective date.

Applicability.
Notification.

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community Development Fund", $5,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus: *Provided*, That up to $2,000,000,000 of the amount made available under this heading in this Act shall be distributed pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) to grantees that received allocations pursuant to that same formula in fiscal year 2020, and that such allocations shall be made within 30 days of enactment of this Act: *Provided further*, That, in addition to amounts allocated pursuant to the preceding proviso, an additional $1,000,000,000 shall be allocated directly to States and insular areas, as defined by 42 U.S.C. 5302(a), to prevent, prepare for, and respond to coronavirus within the State

Deadline.

Deadline.
Determination.

or insular area, including activities within entitlement and non-entitlement communities, based on public health needs, risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions, and other factors, as determined by the Secretary, using best available data and that such allocations shall be made within 45 days of enactment of this Act: *Provided further*, That remaining amounts shall be distributed directly to the State or unit of general local government, at the discretion of the Secretary, according to a formula based on factors to be determined by the Secretary, prioritizing risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions resulting from coronavirus: *Provided further*, That such allocations may be made on a rolling basis based on the best available data at the time of allocation: *Provided further*, That amounts made available in the preceding provisos may be used to cover or reimburse allowable costs consistent with the purposes of this heading in this Act incurred by a State or locality regardless of the date on which such costs were incurred: *Provided further*, That section 116(b) of such Act (42 U.S.C. 5316(b)) and any implementing regulations, which requires grantees to submit their final statements of activities no later than August 16 of a given fiscal year, shall not apply to final statements submitted in accordance with sections 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2) and (a)(3)) and comprehensive housing affordability strategies submitted in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided further*, That such final statements and comprehensive housing affordability strategies shall instead be submitted no later than August 16, 2021: *Provided further*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6 (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus: *Provided further*, That up to $10,000,000 of amounts made available under this heading in this Act may be used to make new awards or increase prior awards to existing technical assistance providers, without competition, to provide an immediate increase in capacity building and technical assistance to support the use of amounts made available under this heading in this Act and under the same heading in prior Acts to prevent, prepare for, and respond to coronavirus: *Provided further*, That, notwithstanding sections 104(a)(2), (a)(3), and (c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3), and (c)) and section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), a grantee may adopt and utilize expedited procedures to prepare, propose, modify, or amend its statement of activities for grants from amounts made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6: *Provided further*, That under such expedited procedures, the grantee need not hold in-person public hearings,

Determination.

Reimbursements.

Deadline.

Deadline.

Waiver authority.

Notice.
Deadline.

but shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days: *Provided further*, That, for as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, a grantee may create virtual public hearings to fulfill applicable public hearing requirements for all grants from funds made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6: *Provided further*, That any such virtual hearings shall provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses: *Provided further*, That, notwithstanding section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per centum limitation for the use of funds for public services activities to prevent, prepare for, and respond to coronavirus: *Provided further*, That the previous proviso shall apply to all such activities for grants of funds made available under this heading in this Act and under the same heading in Public Law 116–94 and Public Law 116–6: *Provided further*, That the Secretary shall ensure there are adequate procedures in place to prevent any duplication of benefits as required by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) and in accordance with section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254; 132 Stat. 3442), which amended section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Virtual hearings.

Notification.
Public information.
Certifications.

Applicability.
Grants.

Procedures.

HOMELESS ASSISTANCE GRANTS

For an additional amount for "Homeless Assistance Grants", $4,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus under the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), as amended: *Provided*, That up to $2,000,000,000 of the amount appropriated under this heading in this Act shall be distributed pursuant to 24 CFR 576.3 to grantees that received allocations pursuant to that same formula in fiscal year 2020, and that such allocations shall be made within 30 days of enactment of this Act: *Provided further*, That, remaining amounts shall be allocated directly to a State or unit of general local government by a formula to be developed by the Secretary and that such allocations shall be made within 90 days of enactment of this Act: *Provided further*, That such formula shall allocate such amounts for the benefit of unsheltered homeless, sheltered homeless, and those at risk of homelessness, to geographical areas with the greatest need based on factors to be determined by the Secretary, such as risk of transmission of coronavirus, high numbers or rates of sheltered and unsheltered homeless, and economic and

Deadline.

Deadline.

Determinations.

housing market conditions as determined by the Secretary: *Provided further*, That individuals and families whose income does not exceed the Very Low-Income Limit of the area, as determined by the Secretary, shall be considered "at risk of homelessness" and shall be eligible for homelessness prevention if they meet the criteria in section 401(1)(B) and (C) of such Act (42 U.S.C. 11360(1)(B) and (C)): *Provided further*, That amounts provided under this heading in this Act may be used to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a State or locality, including for costs incurred prior to the date of enactment of this Act: *Provided further*, That recipients may deviate from applicable procurement standards when procuring goods and services to prevent, prepare for, and respond to coronavirus: *Provided further*, That a recipient may use up to 10 percent of its allocation for administrative purposes: *Provided further*, That the use of amounts provided under this heading in this Act shall not be subject to the consultation, citizen participation, or match requirements that otherwise apply to the Emergency Solutions Grants program, except that a recipient must publish how it has and will utilize its allocation, at a minimum, on the Internet at the appropriate Government web site or through other electronic media: *Provided further*, That the spending cap established pursuant to section 415(b) of such Act (42 U.S.C. 11374) shall not apply to amounts provided under this heading in this Act: *Provided further*, That amounts provided under this heading in this Act may be used to provide temporary emergency shelters (through leasing of existing property, temporary structures, or other means) to prevent, prepare for, and respond to coronavirus, and that such temporary emergency shelters shall not be subject to the minimum periods of use required by section 416(c)(1) of such Act (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal habitability and environmental review standards and requirements shall not apply to the use of such amounts for those temporary emergency shelters that have been determined by State or local health officials to be necessary to prevent, prepare for, and respond to coronavirus: *Provided further*, That amounts provided under this heading in this Act may be used for training on infectious disease prevention and mitigation and to provide hazard pay, including for time worked prior to the date of enactment of this Act, for staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness, and that such activities shall not be considered administrative costs for purposes of the 10 percent cap: *Provided further*, That in administering the amounts made available under this heading in this Act, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these amounts (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment unless otherwise provided under this paragraph), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement is necessary to prevent, prepare for, and respond to coronavirus: *Provided further*, That any such waivers shall be deemed to be effective as of the date a State or unit of local government began preparing for coronavirus and shall apply to the use of amounts provided under this heading in this Act and amounts provided under the same heading for

Determination.

Reimbursements.

Publication.
Web posting.

Shelters.

Hazard pay.

Waiver authority.

Effective date.
Applicability.

the Emergency Solutions Grant program in prior Acts used by recipients to prevent, prepare for, and respond to coronavirus: *Provided further*, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: *Provided further*, That any additional activities or authorities authorized pursuant to this Act, including any waivers and alternative requirements established by the Secretary pursuant to this Act, may also apply at the discretion and upon notice of the Secretary with respect to all amounts made available for the Emergency Solutions Grants program under the heading "Homeless Assistance Grants" in any prior Act and used by recipients to prevent, prepare for, and respond to coronavirus: *Provided further*, That up to 1 percent of amounts made available under this heading in this Act may be used to make new awards or increase prior awards made to existing technical assistance providers with experience in providing health care services to homeless populations, without competition, to provide an immediate increase in capacity building and technical assistance available to recipients of amounts for the Emergency Solutions Grants program under this heading in this Act and under the same heading in prior Acts: *Provided further*, That none of the funds provided under this heading in this Act may be used to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification. Public information. Federal Register, publication. Web posting. Determination. Waivers. Applicability. Notification.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount for "Project-Based Rental Assistance", $1,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to provide additional funds to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus, for assistance to owners or sponsors of properties receiving project-based assistance pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f et seq.): *Provided*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus, and such waiver or alternative requirement is consistent with the purposes described under this heading in this Act: *Provided further*, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement in order for such

Waiver authority.

Notification. Public information. Federal Register, publication. Web posting. Determination.

waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSING FOR THE ELDERLY

For an additional amount for "Housing for the Elderly", $50,000,000, to remain available until September 30, 2023, to prevent, prepare for, and respond to coronavirus, including to provide additional funds to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus, for assistance to owners or sponsors of properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended: *Provided*, That of the amount provided under this heading in this Act, up to $10,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus, and such waiver or alternative requirement is consistent with the purposes described under this heading in this Act: *Provided further*, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement in order for such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Waiver authority.

Notification.
Public information.
Federal Register, publication.
Web posting.
Determination.

HOUSING FOR PERSONS WITH DISABILITIES

For an additional amount for "Housing for Persons with Disabilities", $15,000,000, to remain available until September 30, 2023, to prevent, prepare for, and respond to coronavirus, including to provide additional funds to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus, for assistance to owners or sponsors of properties receiving project-based assistance pursuant to section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended: *Provided*, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by

Waiver authority.

the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus, and such waiver or alternative requirement is consistent with the purposes described under this heading in this Act: *Provided further*, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement in order for such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification.
Public information.
Federal Register, publication.
Web posting.
Determination.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For an additional amount for "Fair Housing Activities", $2,500,000, to remain available until September 30, 2021, for contracts, grants, and other assistance, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, to prevent, prepare for, and respond to coronavirus, of which $1,500,000 shall be for the Fair Housing Assistance Program Partnership for Special Enforcement grants to address fair housing issues relating to coronavirus, and $1,000,000 shall be for the Fair Housing Initiatives Program for education and outreach activities under such section 561 to educate the public about fair housing issues related to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Housing and Urban Development to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Audits.
Investigations.

GENERAL PROVISIONS—THIS TITLE

SEC. 22001. Of the amounts made available from the Airport and Airway Trust Fund for "Federal Aviation Administration—Operations" in title XI of division B of the Bipartisan Budget Act of 2018 (Public Law 115–123), up to $25,000,000 may be used to prevent, prepare for, and respond to coronavirus: *Provided*, That amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the

Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadlines.

SEC. 22002. For amounts made available by this Act under the headings "Northeast Corridor Grants to the National Railroad Passenger Corporation" and "National Network Grants to the National Railroad Passenger Corporation", the Secretary of Transportation may not waive the requirements under section 24312 of title 49, United States Code, and section 24305(f) of title 49, United States Code: *Provided*, That for amounts made available by this Act under such headings the Secretary shall require the National Railroad Passenger Corporation to comply with the Railway Retirement Act of 1974 (45 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C. 151 et seq.), and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.): *Provided further*, That not later than 7 days after the date of enactment of this Act and each subsequent 7 days thereafter, the Secretary shall notify the House and Senate Committees on Appropriations, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate of any National Railroad Passenger Corporation employee furloughs as a result of efforts to prevent, prepare for, and respond to coronavirus: *Provided further*, That in the event of any National Railroad Passenger Corporation employee furloughs as a result of efforts to prevent, prepare for, and respond to coronavirus, the Secretary shall require the National Railroad Passenger Corporation to provide such employees the opportunity to be recalled to their previously held positions as intercity passenger rail service is restored to March 1, 2020 levels and not later than the date on which intercity passenger rail service has been fully restored to March 1, 2020 levels.

Requirements.
Compliance.

Time period.
Notification.

Furloughs.
Requirements.

Applicability.

SEC. 22003. For the duration of fiscal year 2020, section 127(i)(1)(A) of title 23, United States Code, shall read as if and apply to situations in which: the President has declared an emergency or a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

Deadline.
Rescission.

SEC. 22004. No later than September 30, 2020, the remaining unobligated balances of funds made available for the youth homelessness demonstration under the heading "Department of Housing and Urban Development—Community Planning and Development—Homeless Assistance Grants" in the Consolidated Appropriations Act, 2018 (Public Law 115–141) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated, to remain available until September 30, 2021, in addition to other funds as may be available for such purposes, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2018 youth homelessness demonstration.

HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY

Waiver authority.
Postponement.
Determination.
23 USC 401 note.

SEC. 22005. (a) IN GENERAL.—The Secretary of Transportation (referred to in this section as the "Secretary") may waive or postpone any requirement under section 402, 404, 405, or 412 of title 23, United States Code, section 4001 of the FAST Act (Public Law 114–94; 129 Stat. 1497), or part 1300 of title 23, Code of Federal

Regulations (or successor regulations), if the Secretary determines that—

(1) the Coronavirus Disease 2019 (COVID–19) is having a substantial impact on—

(A) the ability of States to implement or carry out any grant, campaign, or program under those provisions; or

(B) the ability of the Secretary to carry out any responsibility of the Secretary with respect to a grant, campaign, or program under those provisions; or

(2) the requirements of those provisions are having a substantial impact on the ability of States or the Secretary to address the Coronavirus Disease 2019 (COVID–19).

(b) REPORT.—The Secretary shall periodically submit to the relevant committees of Congress a report describing—

(1) each determination made by the Secretary under subsection (a); and

(2) each waiver or postponement of a requirement under that subsection.

(c) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XIII

GENERAL PROVISIONS—THIS ACT

SEC. 23001. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 23002. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 23003. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 23004. (a) Subject to subsection (b), and notwithstanding any other provision of law, funds made available in this Act, or transferred pursuant to authorization granted in this Act, may only be used to prevent, prepare for, and respond to coronavirus.

(b) Subsection (a) shall not apply to sections 11002, 13002, and 18114 of this Act, reimbursements made pursuant to authority in this Act, or to funds made available in this Act for the Emergency Reserve Fund, established pursuant to section 7058(c)(1) of division J of Public Law 115–31, or to funds made available in this Act for the Infectious Diseases Rapid Response Reserve Fund, established pursuant to section 231 of division B of Public Law 115–245.

(c) This section shall not apply to title VI of this Act.

Definition.

SEC. 23005. In this Act, the term "coronavirus" means SARS–CoV–2 or another coronavirus with pandemic potential.

President.
2 USC 162b note.

SEC. 23006. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred,

if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 23007. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation. President.

BUDGETARY EFFECTS

SEC. 23008. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

(d) ENSURING NO WITHIN-SESSION SEQUESTRATION.—Solely for the purpose of calculating a breach within a category for fiscal year 2020 pursuant to section 251(a)(6) or section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985, and notwithstanding any other provision of this division, the budgetary effects from this division shall be counted as amounts designated as being for an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This division may be cited as the "Emergency Appropriations for Coronavirus Health Response and Agency Operations".

Approved March 27, 2020.

LEGISLATIVE HISTORY—H.R. 748:

CONGRESSIONAL RECORD:
Vol. 165 (2019): July 17, considered and passed House.
Vol. 166 (2020): Mar. 25, considered and passed Senate, amended.
Mar. 27, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Mar. 27, Presidential remarks and statement.

Public Law 116–137
116th Congress

An Act

To amend title 38, United States Code, to permit appellants to appear in cases before the Board of Veterans' Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs, and for other purposes.

Apr. 10, 2020
[H.R. 4771]

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

VA Tele-Hearing Modernization Act.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "VA Tele-Hearing Modernization Act".

SEC. 2. HEARINGS BEFORE THE BOARD OF VETERANS' APPEALS BY MEANS OF TELECONFERENCE FROM LOCATIONS OTHER THAN FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 7107(c)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by inserting "or subparagraph (C) of this paragraph" after "subparagraph (B) of such paragraph";

(2) in subparagraph (B), by inserting "or subparagraph (C) of this paragraph" after "subparagraph (A) of such paragraph"; and

(3) by adding at the end the following new subparagraph (C):

"(C)(i) Upon notification of a Board hearing under subparagraph (A) or (B) of paragraph (1), the appellant may alternatively request a hearing by picture and voice transmission—

"(I) at a location selected by the appellant; and

"(II) via a secure internet platform established and maintained by the Secretary that protects sensitive personal information from a data breach.

"(ii) If an appellant makes a request under clause (i), the Board shall grant such request.".

38 USC 7107 note.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary shall implement the amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

(c) REPORTING.—

(1) ANNUAL REPORTING REQUIREMENTS.—Section 7101(d)(2) of such title is amended—

(A) in subparagraph (E), by striking "; and" and inserting a semicolon;

(B) in subparagraph (F), by striking the period at the ending and inserting "; and"; and

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

"(G) with respect to hearings scheduled under section 7107(c)(2)(C) of this title—

"(i) the number of hearings scheduled under such section;

"(ii) the number of hearings under such section that were cancelled; and

"(iii) any statistical difference in outcomes between cases heard under such section and those held at the principal location of the Board or by picture and voice transmission at a facility of the Department.".

(2) ONE-TIME REPORTING REQUIREMENTS.—The first report required to be submitted under section 7101(d) of title 38, United States Code, shall include the following information with respect to hearings scheduled under subparagraph (C) of paragraph (2) of subsection (c) of section 7101 of such title, as added by subsection (a): 38 USC 7101 note.

(A) An outline of the outreach the Secretary of Veterans Affairs plans to conduct to inform veterans, families of veterans, survivors of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about hearings scheduled under such subparagraph, including—

(i) a description of the resources required to conduct such outreach;

(ii) a timeline for conducting such outreach; and Timeline.

(iii) information related to the advantages and potential technological challenges of conducting hearings under such subparagraph.

(B) A description of any modifications to the information technology systems of the Veterans Benefits Administration and the Board of Veterans' Appeals required to carry out hearings under such subparagraph, including cost estimates and a timeline for making such modifications. Cost estimates. Timeline.

(C) A detailed description of the intra-agency partnership between the Board of Veterans' Appeals and the telehealth program of the Veterans Health Administration as the Board conducts hearings under such subparagraph, including best practices, a risk assessment overview, risk mitigation efforts, and a plan for ongoing collaboration and information sharing. Assessment. Plan.

(d) COLLABORATION.—In developing the capacity and procedures to conduct hearings under subparagraph (C) of paragraph (2) of subsection (c) of section 7101 of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs shall collaborate with, partner with, and give weight to the advice of Procedures. 38 USC 7101 note.

veterans service organizations and such other stakeholders as the Secretary considers appropriate.

Approved April 10, 2020.

LEGISLATIVE HISTORY—H.R. 4771:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Nov. 12, considered and passed House.
Vol. 166 (2020): Mar. 25, considered and passed Senate.

Public Law 116–138
116th Congress

Joint Resolution

Providing for the appointment of Denise O'Leary as a citizen regent of the Board of Regents of the Smithsonian Institution.

Apr. 10, 2020
[S.J. Res. 66]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Barbara M. Barrett of Arizona on October 17, 2019, is filled by the appointment of Denise O'Leary of Colorado. The appointment is for a term of six years, beginning on the date of the enactment of this joint resolution

Time period.
Effective date.

Approved April 10, 2020.

LEGISLATIVE HISTORY—S.J. Res. 66:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 9, considered and passed Senate.
Mar. 31, considered and passed House.

Public Law 116–139
116th Congress

An Act

Apr. 24, 2020
[H.R. 266]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

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

Paycheck Protection Program and Health Care Enhancement Act.
15 USC 9001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Protection Program and Health Care Enhancement Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—SMALL BUSINESS PROGRAMS

Sec. 101. Amendments to the Paycheck Protection Program, economic injury disaster loans, and emergency grants.
Sec. 102. Emergency designation.

DIVISION B—ADDITIONAL EMERGENCY APPROPRIATIONS FOR CORONAVIRUS RESPONSE

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—SMALL BUSINESS PROGRAMS

SEC. 101. AMENDMENTS TO THE PAYCHECK PROTECTION PROGRAM, ECONOMIC INJURY DISASTER LOANS, AND EMERGENCY GRANTS.

(a) INCREASED AUTHORITY FOR COMMITMENTS AND APPROPRIATIONS FOR PAYCHECK PROTECTION PROGRAM.—Title I of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

Ante, p. 293.

(1) in section 1102(b)(1), by striking "$349,000,000,000" and inserting "$659,000,000,000"; and

Ante, p. 301.

(2) in section 1107(a)(1), by striking "$349,000,000,000" and inserting "$670,335,000,000".

(b) INCREASED AUTHORIZATION FOR EMERGENCY EIDL GRANTS.—Section 1110(e)(7) of division A of the Coronavirus Aid,

Relief, and Economic Security Act (Public Law 116–136) is amended by striking "$10,000,000,000" and inserting "$20,000,000,000". *Ante*, p. 308.

(c) ELIGIBILITY OF AGRICULTURAL ENTERPRISES FOR ECONOMIC INJURY DISASTER LOANS AND EMERGENCY GRANTS.—Section 1110(a)(2) of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended— *Ante*, p. 306.

(1) in subparagraph (D), by striking "or" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) an agricultural enterprise (as defined in section 18(b) of the Small Business Act (15 U.S.C. 647(b)) with not more than 500 employees.".

(d) SET ASIDE FOR INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND COMMUNITY FINANCIAL INSTITUTIONS.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (A)—

(A) in clause (viii), by striking "and" at the end;

(B) in clause (ix), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following: Definitions.

"(x) the term 'community development financial institution' has the meaning given the term in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702));

"(xi) the term 'community financial institutions' means—

"(I) a community development financial institution;

"(II) a minority depository institution, as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note);

"(III) a development company that is certified under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); and

"(IV) an intermediary, as defined in section 7(m)(11); and

"(xii) the term 'credit union' means a State credit union or a Federal credit union, as those terms are defined, respectively, in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).''; and

(2) by adding at the end the following:

"(S) SET-ASIDE FOR INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND COMMUNITY FINANCIAL INSTITUTIONS.—

"(i) INSURED DEPOSITORY INSTITUTIONS AND CREDIT UNIONS.—In making loan guarantees under this paragraph after the date of enactment of this clause, the Administrator shall guarantee not less than $30,000,000,000 in loans made by—

"(I) insured depository institutions with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000; and

"(II) credit unions with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000.

"(ii) COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, AND CREDIT UNIONS.—In making loan guarantees under this paragraph after the date of enactment of this clause, the Administrator shall guarantee not less than $30,000,000,000 in loans made by—

"(I) community financial institutions;

"(II) insured depository institutions with consolidated assets of less than $10,000,000,000; and

"(III) credit unions with consolidated assets of less than $10,000,000,000.".

SEC. 102. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this division is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

Additional Emergency Appropriations for Coronavirus Response.

DIVISION B—ADDITIONAL EMERGENCY APPROPRIATIONS FOR CORONAVIRUS RESPONSE

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund", $75,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph in this Act shall submit reports and maintain documentation as the Secretary of Health and Human Services (referred to in this paragraph as the "Secretary") determines are needed to ensure compliance with conditions that are imposed by this paragraph in this Act for such payments, and such reports and documentation shall be in such form, with such content, and in such time as

Reports. Records. Determination.

the Secretary may prescribe for such purpose: *Provided further*, That "eligible health care providers" means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID–19: *Provided further*, That the Secretary shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term "payment" means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph in this Act shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph in this Act, an eligible health care provider shall submit to the Secretary an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph in this Act, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this paragraph limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Definition.

Review.

Definition.

Reports.

Audits.

Reports.

Updates.
Time period.

For an additional amount for "Public Health and Social Services Emergency Fund", $25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses to research, develop, validate, manufacture, purchase, administer, and expand capacity for COVID–19 tests to effectively monitor and suppress COVID–19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial,

public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID–19 testing plans, and other related activities related to COVID–19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than $11,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses to develop, purchase, administer, process, and analyze COVID–19 tests, including support for workforce, epidemiology, use by employers or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID–19 testing, conduct surveillance, trace contacts, and other related activities related to COVID–19 testing: *Provided further*, That of the amount identified in the preceding proviso, not less than $2,000,000,000 shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019, not less than $4,250,000,000 shall be allocated to States, localities, and territories according to a formula methodology that is based on relative number of cases of COVID–19, and not less than $750,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the "Secretary") may satisfy the funding thresholds outlined in the first and second provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this Act shall submit to the Secretary its plan for COVID–19 testing, including goals for the remainder of calendar year 2020, to include: (1) the number of tests needed, month-by-month, to include diagnostic, serological, and other tests, as appropriate; (2) month-by-month estimates of laboratory and testing capacity, including related to workforce, equipment and supplies, and available tests; and (3) a description of how the State, locality, territory, tribe, or tribal organization will use its resources for testing, including as it relates to easing any COVID–19 community mitigation policies: *Provided further*, That the Secretary shall submit such formula methodology identified in the first proviso under this paragraph in this Act to the Committees on Appropriations of the House of Representatives and the Senate one day prior to awarding such funds: *Provided further*, That such funds identified in the first and second provisos under this paragraph in this Act shall be allocated within 30 days of the date of enactment of this Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not less than $1,000,000,000 shall be transferred to the "Centers for Disease Control and Prevention—CDC-Wide Activities and Program Support" for surveillance, epidemiology, laboratory capacity expansion, contact tracing, public health data surveillance and analytics infrastructure modernization, disseminating information about testing, and workforce support necessary to expand and improve COVID–19 testing: *Provided further*, That of the amount appropriated under this paragraph in

Deadline.
Testing plan.
Estimates.
Methodologies.
Deadline.

this Act, not less than $306,000,000 shall be transferred to the "National Institutes of Health—National Cancer Institute" to develop, validate, improve, and implement serological testing and associated technologies for the purposes specified under this paragraph in this Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not less than $500,000,000 shall be transferred to the "National Institutes of Health—National Institute of Biomedical Imaging and Bioengineering" to accelerate research, development, and implementation of point of care and other rapid testing related to coronavirus: *Provided further*, That of the amount appropriated under this paragraph in this Act, not less than $1,000,000,000 shall be transferred to the "National Institutes of Health—Office of the Director" to develop, validate, improve, and implement testing and associated technologies; to accelerate research, development, and implementation of point of care and other rapid testing; and for partnerships with governmental and non-governmental entities to research, develop, and implement the activities outlined in this proviso: *Provided further*, That funds in the preceding proviso may be transferred to the accounts of the Institutes and Centers of the National Institutes of Health (referred to in this paragraph as the "NIH") for the purposes specified in the preceding proviso: *Provided further*, That the transfer authority provided in the preceding proviso is in addition to all other transfer authority available to the NIH: *Provided further*, That of the amount appropriated under this paragraph in this Act, not less than $1,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of advanced research, development, manufacturing, production, and purchase of diagnostic, serologic, or other COVID–19 tests or related supplies, and other activities related to COVID–19 testing at the discretion of the Secretary: *Provided further*, That of the amount appropriated under this paragraph in this Act, $22,000,000, shall be transferred to the "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses" to support activities associated with diagnostic, serological, antigen, and other tests, and related administrative activities: *Provided further*, That the amount appropriated under this paragraph in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve preparedness and response capability at the State and local level for diagnostic, serologic, or other COVID–19 tests, or related supplies: *Provided further*, That the amount appropriated under this paragraph in this Act may be used for construction, alteration, renovation, or equipping of non-federally owned facilities for the production of diagnostic, serologic, or other COVID–19 tests, or related supplies, where the Secretary determines that such a contract is necessary to secure, or for the production of, sufficient amounts of such tests or related supplies: *Provided further*, That funds appropriated under this paragraph in this Act may be used for purchase of medical supplies and equipment, including personal protective equipment and testing supplies to be used for administering tests, increased workforce and trainings, emergency operation centers, and surge capacity for diagnostic, serologic, or other COVID–19 tests, or related supplies: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary, be deposited in

Determination.
Contracts.

the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, $600,000,000 shall be transferred to "Health Resources and Services Administration—Primary Health Care" for grants under the Health Centers program, as defined by section 330 of the Public Health Service Act, and for grants to federally qualified health centers, as defined in section 1861(aa)(4)(B) of the Social Security Act: *Provided further*, That sections 330(e)(6)(A)(iii), 330(e)(6)(B)(iii), and 330(r)(2)(B) of the Public Health Service Act shall not apply to funds provided under the previous proviso: *Provided further*, That of the amount appropriated under this paragraph in this Act, $225,000,000 shall be used to provide additional funding for COVID–19 testing and related expenses, through grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act, with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID–19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); may be distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *Provided further*, That up to $1,000,000,000 of funds provided under this paragraph in this Act may be used to cover the cost of testing for the uninsured, using the definitions applicable to funds provided under this heading in Public Law 116–127: *Provided further*, That not later than 21 days after the date of enactment of this Act, the Secretary, in coordination with other appropriate departments and agencies, shall issue a report on COVID–19 testing: *Provided further*, That such report shall include data on demographic characteristics, including, in a de-identified and disaggregated manner, race, ethnicity, age, sex, geographic region and other relevant factors of individuals tested for or diagnosed with COVID–19, to the extent such information is available: *Provided further*, That such report shall include information on the number and rates of cases, hospitalizations, and deaths as a result of COVID–19: *Provided further*, That such report shall be submitted to the Committees on Appropriations of the House and Senate, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and updated and resubmitted to such Committees, as necessary, every 30 days until the end of the COVID–19 public health emergency first declared by the Secretary on January 31, 2020: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Secretary shall issue a report on the number of positive diagnoses, hospitalizations, and deaths as a result of COVID–19, disaggregated nationally by race, ethnicity, age, sex, geographic region, and other relevant factors: *Provided further*, That such report shall include epidemiological analysis of such data: *Provided further*, That not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with other departments and agencies, as appropriate,

Contracts.
Requirements.

Coordination.
Reports.

Data.

Data.

Updates.
Time period.

Reports.
Data.

Analysis.
Coordination.
Reports.
Testing plan.

shall report to the Committees on Appropriations of the House and Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate on a COVID–19 strategic testing plan: *Provided further*, That such plan shall assist States, localities, territories, tribes, tribal organizations, and urban Indian health organizations, in understanding COVID–19 testing for both active infection and prior exposure, including hospital-based testing, high-complexity laboratory testing, point-of-care testing, mobile-testing units, testing for employers and other settings, and other tests as necessary: *Provided further*, That such plan shall include estimates of testing production that account for new and emerging technologies, as well as guidelines for testing: *Provided further*, That such plan shall address how the Secretary will increase domestic testing capacity, including testing supplies; and address disparities in all communities: *Provided further*, That such plan shall outline Federal resources that are available to support the testing plans of each State, locality, territory, tribe, tribal organization, and urban Indian health organization: *Provided further*, That such plan shall be updated every 90 days until funds are expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Testing estimates and guidelines.

Updates.
Time period.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. The requirements, authorities, and conditions described in sections 18108, 18109, and 18112 of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall apply to funds appropriated in this Act to the Department of Health and Human Services.

Applicability.

SEC. 102. Funds appropriated by this Act under the heading "Department of Health and Human Services", except for the amounts specified in the first paragraph and the first and second provisos in the second paragraph under the heading "Public Health and Social Services Emergency Fund", may be transferred to, and merged with, other appropriation accounts under the headings "Centers for Disease Control and Prevention", "Public Health and Social Services Emergency Fund", "Food and Drug Administration", and "National Institutes of Health" to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this Act are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this Act may be transferred pursuant to the authority in section 205 of division A of Public Law 116–94 or section 241(a) of the Public Health Service Act.

Consultation.

Notification.
Time period.

Determination.

SEC. 103. Of the funds appropriated by this Act under the heading "Public Health and Social Services Emergency Fund", up to $6,000,000 shall be transferred to, and merged with, funds made

available under the heading "Office of the Secretary, Office of Inspector General", and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Inspector General of the Department of Health and Human Services shall consult with the Committees on Appropriations of the House of Representatives and the Senate prior to obligating such funds: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

Consultation.

TITLE II

INDEPENDENT AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $50,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY EIDL GRANTS

For an additional amount for "Emergency EIDL Grants" for the cost of emergency EIDL grants authorized by section 1110 of division A of the CARES Act (Public Law 116–136), $10,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 301. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2020.

SEC. 304. Notwithstanding any other provision of law, funds made available in this Act, or transferred pursuant to authorization granted in this Act, may only be used to prevent, prepare for, and respond to coronavirus.

SEC. 305. In this Act, the term "coronavirus" means SARS–CoV–2 or another coronavirus with pandemic potential. Definition.

SEC. 306. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress. President.

SEC. 307. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

BUDGETARY EFFECTS

SEC. 308. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

This division may be cited as the "Additional Emergency Appropriations for Coronavirus Response".

Approved April 24, 2020.

LEGISLATIVE HISTORY—H.R. 266:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Jan. 11, considered and passed House.
Vol. 166 (2020): Apr. 21, considered and passed Senate, amended.
Apr. 23, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Apr. 24, Presidential remarks.

Public Law 116–140
116th Congress

An Act

To make certain improvements in the educational assistance benefits under the laws administered by the Secretary of Veterans Affairs in the case of changes to courses of education by reason of emergency situations, and for other purposes.

Apr. 28, 2020
[H.R. 6322]

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

SECTION 1. SHORT TITLE.

Student Veteran Coronavirus Response Act of 2020.
38 USC 101 note.

This Act may be cited as the "Student Veteran Coronavirus Response Act of 2020".

SEC. 2. COVERED PERIOD DEFINED.

38 USC 3031 note.

For purposes of this Act, the term "covered period" means the period beginning on March 1, 2020, and ending on December 21, 2020.

SEC. 3. PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATIONS.

38 USC 3485 note.

Applicability.

During the covered period, the Secretary of Veterans Affairs shall apply section 3485 of title 38, United States Code, as if it were amended by adding at the end the following new subsection:

"(f)(1) In case of an individual who is in receipt of work-study allowance pursuant to an agreement described in subsection (a)(3) as of the date on which an emergency situation occurs and who is unable to continue to perform qualifying work-study activities described in subsection (a)(4) by reason of the emergency situation—

"(A) the Secretary may continue to pay work-study allowance under this section or make deductions described in subsection (e)(1) during the period of such emergency situation, notwithstanding the inability of the individual to perform such work-study activities by reason of such emergency situation; and

"(B) at the option of the individual, the Secretary shall extend the agreement described in subsection (a)(3) with the individual for any subsequent period of enrollment initiated during the emergency situation, notwithstanding the inability of the individual to perform work-study activities described in subsection (a)(4) by reason of such emergency situation.

Determination.

"(2) The amount of work-study allowance payable to an individual under paragraph (1)(A) during the period of an emergency situation shall be an amount determined by the Secretary but may not exceed the amount that would be payable under subsection (a)(2) if the individual worked 25 hours per week paid during such period.".

38 USC 3680 note.

SEC. 4. PAYMENT OF ALLOWANCES TO VETERANS ENROLLED IN EDUCATIONAL INSTITUTIONS CLOSED FOR EMERGENCY SITUATIONS.

(a) IN GENERAL.—During the covered period, the Secretary may pay allowances to an eligible veteran or eligible person under section 3680(a)(2)(A) of title 38, United States Code, if the veteran or person is enrolled in a program or course of education that—

(1) is provided by an educational institution that is closed by reason of an emergency situation; or

(2) is suspended by reason of an emergency situation.

Time period.

(b) AMOUNT OF ALLOWANCE.—The total number of weeks for which allowances may be paid under this section may not exceed four weeks.

(c) NOT COUNTED FOR PURPOSES OF LIMITATION.—Any amount paid under this section shall not be counted for purposes of the limitation on allowanced under section 3680(a)(2)(A) of title 38, United States Code.

38 USC 3699 note.

SEC. 5. PROHIBITION OF CHARGE TO ENTITLEMENT OF STUDENTS UNABLE TO PURSUE A PROGRAM OF EDUCATION DUE TO AN EMERGENCY SITUATION.

Applicability.

During the covered period, the Secretary of Veterans Affairs shall apply section 3699(b)(1) of title 38, United States Code, as if it were amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B)(ii), by striking "and" at the end and inserting "or" ; and

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

"(C) the temporary closure of an educational institution or the temporary closure or termination of a course or program of education by reason of an emergency situation; and".

Applicability.

SEC. 6. EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT.

38 USC 3031 note.

(a) MONTGOMERY GI BILL.—During the covered period, the Secretary of Veterans Affairs shall apply section 3031 of title 38, United States Code, as if it were amended by adding at the end the following new subsection:

"(i) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because the educational institution closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, such 10-year period—

"(1) shall not run during the period the individual is so prevented from pursuing such program; and

"(2) shall again begin running on the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter.".

38 USC 3321 note.

(b) POST-9/11 EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—During the covered period, the Secretary of Veterans Affairs shall apply section 3321(b)(1) of such title as if it were amended—

(A) by inserting "(A)" before "Subsections";

(B) by striking "and (d)" and inserting "(d), and (i)"; and by adding at the end the following new subparagraph:

"(B) Subsection (i) of section 3031 (as described in section 6 of the Student Veteran Coronavirus Response Act of 2020) shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection applies under section 3031 with respect to the running of the 10-year period described in section 3031(a).".

(2) TRANSFER PERIOD.—During the covered period, the Secretary of Veterans Affairs shall apply section 3319(h)(5) of such title as if it were amended— 38 USC 3319 note.

(A) in subparagraph (A) by inserting "or (C)" after "subparagraph (B)"; and

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

"(C) EMERGENCY SITUATIONS.—In any case in which the Secretary determines that an individual to whom entitlement is transferred under this section has been prevented from pursuing the individual's chosen program of education before the individual attains the age of 26 years because the educational institution closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, the Secretary shall extend the period during which the individual may use such entitlement for a period equal to the number of months that the individual was so prevented from pursuing the program of education, as determined by the Secretary.". Determinations.

(c) VOCATIONAL REHABILITATION AND TRAINING.— Determinations.

(1) PERIOD FOR USE.—During the covered period, the Secretary of Veterans affairs shall apply section 3103 of such title as if it were amended— 38 USC 3103 note.

(A) in subsection (a), by striking "or (e)" and inserting "(e), or (g)"; and

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

"(g) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the twelve-year period of eligibility prescribed in subsection (a) by reason of an Executive order of the President or due to an emergency situation, such twelve-year period—

"(1) shall not run during the period the individual is so prevented from participating such program; and

"(2) shall again begin running on the first day after the individual is able to resume participation in such program.".

(2) DURATION OF PROGRAM.—During the covered period, the Secretary of Veterans Affairs shall apply section 3105(b) of such title as if it were amended— 38 USC 3105 note.

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

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

"(3)(A) In any case in which the Secretary determines that a veteran has been prevented from participating in counseling and placement and postplacement services described in section 3104(a)(2) and (5) of this title by reason of an Executive order of the President or due to an emergency situation, the Secretary

shall extend the period during which the Secretary may provide such counseling and placement and postplacement services for the veteran for a period equal to the number of months that the veteran was so prevented from participating in such counseling and services, as determined by the Secretary.

"(B) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter by reason of an Executive order of the President or due to an emergency situation, the Secretary shall extend the period of the veteran's vocational rehabilitation program for a period equal to the number of months that the veteran was so prevented from participating in the vocational rehabilitation program, as determined by the Secretary.".

10 USC 16133 note.

(d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—During the covered period, the Secretary concerned shall apply section 16133(b) of title 10, United States Code, as if it were amended by adding at the end the following new paragraph:

"(5) In any case in which the Secretary concerned determines that a person entitled to educational assistance under this chapter has been prevented from using such person's entitlement by reason of an Executive order of the President or due to an emergency situation, the Secretary concerned shall extend the period of entitlement prescribed in subsection (a) for a period equal to the number of months that the person was so prevented from using such entitlement, as determined by the Secretary.".

Applicability.

SEC. 7. RESTORATION OF ENTITLEMENT TO REHABILITATION PROGRAMS FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL.

38 USC 3699 note.

(a) ENTITLEMENT.—During the covered period, the Secretary of Veterans Affairs shall apply section 3699 of title 38, United States Code, as if it were amended by striking "chapter 30," each time it appears and inserting "chapter 30, 31,".

38 USC 3680 note.

(b) PAYMENT OF SUBSISTENCE ALLOWANCES.—During the covered period, the Secretary of Veterans Affairs shall apply section 3680(a)(2)(B) of title 38, United States Code, as if it were amended—

(1) by inserting "or a subsistence allowance described in section 3108" before ", during"; and

(2) by inserting "or allowance" after "such a stipend".

38 USC 3108 note.

SEC. 8. EXTENSION OF PAYMENT OF VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES.

Determination. Time period.

In the case of any veteran whom the Secretary of Veterans Affairs determines is satisfactorily following a program of employment services provided under section 3104(a)(5) of title 38, United States Code, during the covered period, the Secretary may pay the veteran a subsistence allowance, as prescribed in section 3108 of such title for full-time training for the type of program that the veteran was pursuing, for two additional months.

SEC. 9. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 4112(a)

of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

Approved April 28, 2020.

LEGISLATIVE HISTORY—H.R. 6322:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 31, considered and passed House.
Apr. 21, considered and passed Senate.

Public Law 116–141
116th Congress

An Act

May 29, 2020
[H.R. 943]

To authorize the Director of the United States Holocaust Memorial Museum to support Holocaust education programs, and for other purposes.

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

Never Again Education Act.
36 USC 2301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Never Again Education Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has demonstrated a commitment to remembrance and education about the Holocaust through bilateral relationships and engagement in international organizations such as the United Nations and the International Holocaust Remembrance Alliance; the United States works to promote Holocaust education as a means to understand the importance of democratic principles, use and abuse of power, and to raise awareness about the importance of genocide prevention today.

(2) The Congress has played a critical role in preserving the memory of the Holocaust and promoting awareness, including by authorizing the United States Holocaust Memorial Museum as an independent establishment of the Federal Government to ensure that "the study of the Holocaust become part of the curriculum in every school system in the country", as well as by establishing a national Holocaust Remembrance Day in 1978.

(3) 75 years after the conclusion of World War II, with the decreasing number of eyewitnesses and growing distance of students and their families from this history, it is important to institutionalize education about the events of the Holocaust such as the German Nazis' racist ideology, propaganda, and plan to lead a state to war and, with their collaborators, kill millions—including the systematic murder of 6,000,000 Jewish people; as well as the persecution and murder of millions of others in the name of racial purity, political, ideological, and behavioral grounds, among them Roma, the disabled, the Slavs, Communists, Socialists, Jehovah's Witnesses, and homosexuals.

(4) As intolerance, antisemitism, and bigotry are promoted by hate groups, Holocaust education provides a context in which to learn about the danger of what can happen when hate goes unchallenged and there is indifference in the face of the

oppression of others; learning how and why the Holocaust happened is an important component of the education of citizens of the United States.

(5) Today, those who deny that the Holocaust occurred or distort the true nature of the Holocaust continue to find forums, especially online; this denial and distortion dishonors those who were persecuted, and murdered, making it even more of a national imperative to educate students in the United States so that they may explore the lessons that the Holocaust provides for all people, sensitize communities to the circumstances that gave rise to the Holocaust, and help youth be less susceptible to the falsehood of Holocaust denial and distortion and to the destructive messages of hate that arise from Holocaust denial and distortion.

(6) Currently, 12 States (California, Connecticut, Florida, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Oregon, Pennsylvania, and Rhode Island) require by law that schools teach students about the Holocaust; more schools and teachers, including those in underserved communities, can and should deliver quality Holocaust education.

(7) For more than 30 years, the United States Holocaust Memorial Museum has worked to build and support the field of Holocaust education, and advance the quality and sustainability of Holocaust education at the local, State, and national levels, by engaging teachers and students across disciplines and grade levels.

(8) The Federal Government, through support for educational activities of national museums established under Federal law, can assist teachers in efforts to incorporate historically accurate instruction on human rights atrocities, including the Holocaust, in curricula.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTISEMITISM.—The term "antisemitism" means a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals or their property, toward Jewish community institutions and religious facilities.

(2) DIRECTOR.—The term "Director" means the Director of the United States Holocaust Memorial Museum.

(3) ELIGIBLE PROGRAM PARTICIPANT.—The term "eligible program participant" means—

(A) a high school teacher, a teacher of one of the middle grades, or a school leader of a high school or a school that includes one of the middle grades (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an educational leader or expert who is not employed by a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an elementary school or secondary school (as such terms are so defined) that is independent of any local educational agency; or

(C) a prospective teacher enrolled in a program of postsecondary education coursework or preservice clinical education.

(4) HOLOCAUST.—The term "the Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of 6,000,000 Jews by the Nazi regime and its allies and collaborators. During the era of the Holocaust, German authorities also targeted other groups because of their perceived "racial inferiority", such as Roma, the disabled, and Slavs. Other groups were persecuted on political, ideological, and behavioral grounds, among them Communists, Socialists, Jehovah's Witnesses, and homosexuals.

(5) HOLOCAUST DENIAL AND DISTORTION.—The term "Holocaust denial and distortion" means discourse and propaganda that deny the historical reality and the extent of the extermination of the Jews by the Nazis and their accomplices during World War II, known as the Holocaust. Holocaust denial refers specifically to any attempt to claim that the Holocaust did not take place. Holocaust distortion refers to efforts to excuse or minimize the events of the Holocaust or its principal elements, including collaborators and allies of Nazi Germany, to blame the Jews for causing their own genocide, or to portray the Holocaust as a positive historical event.

(6) HOLOCAUST EDUCATION CENTER.—The term "Holocaust education center" means an institution that furthers the teaching and learning about the Holocaust by offering programs for students and training for teachers and other types of professional leadership audiences.

(7) HOLOCAUST EDUCATION PROGRAM.—The term "Holocaust education program" means a program that has as its specific and primary purpose to improve awareness and understanding of the Holocaust and educate individuals on the lessons of the Holocaust as a means to raise awareness about the importance of preventing genocide, hate, and bigotry against any group of people.

SEC. 4. PROGRAM AUTHORIZED.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $2,000,000 for fiscal year 2021 and each of the 4 succeeding fiscal years.

(b) DONATIONS, GIFTS, BEQUESTS, AND DEVISES OF PROPERTY.—In accordance with chapter 23 of title 36, United States Code, and in furtherance of the purposes of this Act, the Director is authorized to solicit, accept, hold, administer, invest, and use donated funds and gifts, bequests, and devises of property, both real and personal.

(c) USE OF FUNDS.—The Director, using funds appropriated under subsection (a) and resources received under subsection (b), and including through the engagement of eligible program participants as appropriate—

(1) shall develop and nationally disseminate accurate, relevant, and accessible resources to promote understanding about how and why the Holocaust happened, which shall include digital resources and may include other types of resources, such as print resources and traveling exhibitions; and

(2) may carry out one or more of the following Holocaust education program activities:

(A) Development, dissemination, and implementation of principles of sound pedagogy for teaching about the Holocaust.

(B) Provision of professional development for eligible program participants, such as through—

(i) local, regional, and national workshops;

(ii) teacher trainings in conjunction with Holocaust education centers and other appropriate partners;

(iii) engagement with—

(I) local educational agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 21 7801)); and

(II) high schools and schools that include one of the middle grades (as so defined) that are independent of any local educational agency; and

(iv) operation and expansion of a teacher fellowship program to cultivate and support leaders in Holocaust education.

(C) Engagement with State and local education leaders to encourage the adoption of resources supported under this Act into curricula across diverse disciplines.

(D) Evaluation and research to assess the effectiveness and impact of Holocaust education programs, which may include completion of the report required under section 8.

(d) APPLICATIONS.—The Director may seek the engagement of an eligible program participant under subsection (c) by requiring submission of an application to the Director at such time, in such manner, and based on such competitive criteria as the Director may require.

SEC. 5. ONLINE HOLOCAUST EDUCATION RESOURCES.

(a) WEBSITE.—The Director shall maintain on the website of the United States Holocaust Memorial Museum a special section designated for Holocaust education resources to improve awareness and understanding of the Holocaust and educate individuals on the lessons of the Holocaust as a means to raise awareness about the importance of preventing genocide, hate, and bigotry against any group of people. The website and resources shall be made publically available.

(b) INFORMATION DISTRIBUTION.—The Director shall distribute information about the activities funded under this Act through the website of the United States Holocaust Memorial Museum, and shall respond to inquiries for supplementary information concerning such activities.

(c) BEST PRACTICES.—The information distributed by the Director shall include best practices for educators.

SEC. 6. UNITED STATES HOLOCAUST MEMORIAL COUNCIL.

The United States Holocaust Memorial Council established under section 2302 of title 36, United States Code, shall have governance responsibility for the programs and activities carried out under this Act in accordance with chapter 23 of title 36, United States Code.

SEC. 7. ENGAGEMENT OF ELIGIBLE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—An eligible program participant shall be engaged at the discretion of the Director to participate in Holocaust

education program activities authorized under this Act and approved by the Director pursuant to an application described in section 4(d).

(b) ENGAGEMENT PERIOD.—Engagement of eligible program participants under this Act shall be for a period determined by the Director.

(c) PRIORITY.—In engaging eligible program participants under section 4, the Director shall give priority to applications from such participants who work for or with a local educational agency, or a school that is independent of any local educational agency, that does not, at the time application is made, offer any Holocaust education programming.

SEC. 8. ANNUAL REPORT.

Not later than February 1 of each year, the Director shall submit to the Congress a report describing the activities carried out under this Act.

Approved May 29, 2020.

LEGISLATIVE HISTORY—H.R. 943:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 27, considered and passed House.
May 13, considered and passed Senate.

Public Law 116–142
116th Congress

An Act

To amend the Small Business Act and the CARES Act to modify certain provisions related to the forgiveness of loans under the paycheck protection program, to allow recipients of loan forgiveness under the paycheck protection program to defer payroll taxes, and for other purposes.

June 5, 2020
[H.R. 7010]

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

Paycheck Protection Program Flexibility Act of 2020.
15 USC 631 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Protection Program Flexibility Act of 2020".

SEC. 2. MATURITY FOR LOANS WITH REMAINING BALANCE AFTER APPLICATION OF FORGIVENESS.

(a) IN GENERAL.—Section 7(a)(36)(K)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended by inserting "minimum maturity of 5 years and a" before "maximum maturity".

15 USC 636 note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) on or after such date. Nothing in this Act, the CARES Act (Public Law 116–136), or the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) shall be construed to prohibit lenders and borrowers from mutually agreeing to modify the maturity terms of a covered loan described in subparagraph (K) of such section to conform with requirements of this section.

SEC. 3. AMENDMENTS TO PAYCHECK PROTECTION PROGRAM LOAN FORGIVENESS.

Time periods.

(a) EXTENSION OF COVERED PERIOD.—Section 7(a)(36)(A)(iii) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)) is amended by striking "June 30, 2020" and inserting "December 31, 2020".

(b) FORGIVENESS.—Section 1106 of the CARES Act (Public Law 116–136) is amended—

Ante, p. 297.

(1) in subsection (a), by striking paragraph (3) and inserting the following:

Definition.

"(3) the term 'covered period' means, subject to subsection (l), the period beginning on the date of the origination of a covered loan and ending the earlier of—

"(A) the date that is 24 weeks after such date of origination; or

"(B) December 31, 2020;";

(2) in subsection (d)—

(A) in paragraph (5)(B), by striking "June 30, 2020" each place it appears and inserting "December 31, 2020"; and

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

Determination.

"(7) EXEMPTION BASED ON EMPLOYEE AVAILABILITY.—During the period beginning on February 15, 2020, and ending on December 31, 2020, the amount of loan forgiveness under this section shall be determined without regard to a proportional reduction in the number of full-time equivalent employees if an eligible recipient, in good faith—

"(A) is able to document—

"(i) an inability to rehire individuals who were employees of the eligible recipient on February 15, 2020; and

"(ii) an inability to hire similarly qualified employees for unfilled positions on or before December 31, 2020; or

"(B) is able to document an inability to return to the same level of business activity as such business was operating at before February 15, 2020, due to compliance with requirements established or guidance issued by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020, and ending December 31, 2020, related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID–19.

"(8) LIMITATION ON FORGIVENESS.—To receive loan forgiveness under this section, an eligible recipient shall use at least 60 percent of the covered loan amount for payroll costs, and may use up to 40 percent of such amount for any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation), any payment on any covered rent obligation, or any covered utility payment."; and

(3) by adding at the end the following new subsection:

"(l) APPLICATION TO CERTAIN ELIGIBLE RECIPIENTS.—An eligible recipient that received a covered loan before the date of enactment of this subsection may elect for the covered period applicable to such covered loan to end on the date that is 8 weeks after the date of the origination of such covered loan.".

(c) EXTENSION OF DEFERRAL PERIOD.—Section 7(a)(36)(M) of the Small Business Act (15 U.S.C. 636(a)(36)(M)) is amended—

(1) in clause (ii)(II), by striking "for a period of not less than 6 months, including payment of principal, interest, and fees, and not more than 1 year." and inserting the following: ", including payment of principal, interest, and fees, until the date on which the amount of forgiveness determined under section 1106 of the CARES Act is remitted to the lender.";

(2) in clause (iii), by striking "for a period of not less than 6 months, including payment of principal, interest, and fees, and not more than 1 year." and inserting the following: ", including payment of principal, interest, and fees, until the date on which the amount of forgiveness determined under section 1106 of the CARES Act is remitted to the lender."; and

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

"(v) RULE OF CONSTRUCTION.—If an eligible recipient fails to apply for forgiveness of a covered loan within 10 months after the last day of the covered period defined in section 1106(a) of the CARES Act, such eligible recipient shall make payments of principal, interest, and fees on such covered loan beginning on the day that is not earlier than the date that is 10 months after the last day of such covered period.". Deadline. Effective date.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall be effective as if included in the CARES Act (Public Law 116–136) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) or section 1109 of the CARES Act. 15 USC 636 note.

SEC. 4. DELAY OF PAYMENT OF EMPLOYER PAYROLL TAXES.

(a) IN GENERAL.—Section 2302(a) of the CARES Act (Public Law 116–136) is amended by striking paragraph (3). *Ante*, p. 351.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall be effective as if included in the CARES Act (Public Law 116–136) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) or section 1109 of the CARES Act. 26 USC 3111 note.

SEC. 5. EMERGENCY DESIGNATION.

(a) IN GENERAL.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

Approved June 5, 2020.

LEGISLATIVE HISTORY—H.R. 7010:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 28, considered and passed House.
June 3, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
June 5, Presidential statement.

Public Law 116–143
116th Congress

An Act

June 16, 2020
[S. 2746]

To require the Director of the Federal Bureau of Investigation to provide information on suicide rates in law enforcement, and for other purposes.

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

Law Enforcement Suicide Data Collection Act.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Suicide Data Collection Act".

34 USC 50701.

SEC. 2. INFORMATION ON SUICIDE IN LAW ENFORCEMENT.

Deadline.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Director of the Federal Bureau of Investigation, shall establish, for the purpose of preventing future law enforcement suicides and promoting understanding of suicide in law enforcement, the Law Enforcement Officers Suicide Data Collection Program, under which law enforcement agencies may submit to the Director information on suicides and attempted suicides within such law enforcement agencies, including information on—

(1) the circumstances and events that occurred before each suicide or attempted suicide;

(2) the general location of each suicide or attempted suicide;

(3) the demographic information of each law enforcement officer who commits or attempts suicide;

(4) the occupational category, including criminal investigator, corrections officer, line of duty officer, 911 dispatch operator, of each law enforcement officer who commits or attempts suicide; and

(5) the method used in each suicide or attempted suicide.

(b) POLICIES.—The Federal Bureau of Investigation shall work with the Confidentiality and Data Access Committee of the Federal Committee on Statistical Methodology to develop publication policies to manage the risk of identity disclosure based upon the best practices identified by other Federal statistical programs.

Web posting.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Attorney General, acting through the Director of the Federal Bureau of Investigation, shall submit to Congress and publish on the website of the Federal Bureau of Investigation a report containing the information submitted to the Director pursuant to subsection (a).

(d) CONFIDENTIALITY.—The report described under subsection (c) may not include any personally identifiable information of a law enforcement officer who commits or attempts suicide.

(e) DEFINITIONS.—In this section—

(1) the term "law enforcement agency" means a Federal, State, Tribal, or local agency engaged in the prevention, detection, or investigation, prosecution, or adjudication of any violation of the criminal laws of the United States, a State, Tribal, or a political subdivision of a State;

(2) the term "law enforcement officer" means any current or former officer (including a correctional officer), agent, or employee of the United States, a State, Indian Tribe, or a political subdivision of a State authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of the criminal laws of the United States, a State, Indian Tribe, or a political subdivision of a State; and

(3) the term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

Approved June 16, 2020.

LEGISLATIVE HISTORY—S. 2746:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 14, considered and passed Senate.
May 27, considered and passed House.

Public Law 116–144
116th Congress

An Act

June 16, 2020
[S. 3414]

To authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2020, and for other purposes.

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

Major Medical Facility Authorization Act of 2020.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Major Medical Facility Authorization Act of 2020".

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2020.

California.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2020 at the locations specified and in an amount for each project not to exceed the amount specified for such location:

(1) Construction of an outpatient clinic and national cemetery in Alameda, California, in an amount not to exceed $113,332,000.

(2) Realignment and closure of the Livermore Campus in Livermore, California, in an amount not to exceed $311,730,000.

Kentucky.

(3) Construction of a new medical facility in Louisville, Kentucky, in an amount not to exceed $860,000,000.

New York.

(4) Construction relating to flood recovery of the medical center in Manhattan, New York, in an amount not to exceed $372,600,000.

(5) Construction of a spinal cord injury building with a community living center, including a parking garage, in San Diego, California, in an amount not to exceed $230,840,000.

Puerto Rico.

(6) Completion of construction of a medical facility project, including a parking garage, in San Juan, Puerto Rico, in an amount not to exceed $307,000,000.

(7) Construction of a new critical care center in West Los Angeles, California, in an amount not to exceed $75,790,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2020 or the year in which funds are appropriated for the

Construction, Major Projects account, $2,271,292,000 for the projects authorized in subsection (a).

Approved June 16, 2020.

LEGISLATIVE HISTORY—S. 3414:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 5, considered and passed Senate.
May 28, considered and passed House.

Public Law 116–145
116th Congress

An Act

June 17, 2020
[S. 3744]

To condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

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

Uyghur Human Rights Policy Act of 2020.

22 USC 6901 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uyghur Human Rights Policy Act of 2020".

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

Sec. 1. Short title; table of contents.
Sec. 2. Statement of purpose.
Sec. 3. Findings.
Sec. 4. Sense of Congress.
Sec. 5. Updating statement of United States policy toward the People's Republic of China.
Sec. 6. Imposition of sanctions.
Sec. 7. Report on human rights abuses in Xinjiang Uyghur Autonomous Region.
Sec. 8. Report on protecting citizens and residents of the United States from intimidation and coercion.
Sec. 9. Report on security and economic implications of repression in Xinjiang Uyghur Autonomous Region by the Government of the People's Republic of China.
Sec. 10. Classified report.

SEC. 2. STATEMENT OF PURPOSE.

The purpose of this Act is to direct United States resources to address human rights violations and abuses, including gross violations of human rights, by the Government of the People's Republic of China through the mass surveillance and internment of over 1,000,000 Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in Xinjiang Uyghur Autonomous Region.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The Government of the People's Republic of China has a long history of repressing Turkic Muslims and other Muslim minority groups, particularly Uyghurs, in Xinjiang Uyghur Autonomous Region. In recent decades, central and regional Chinese government policies have systematically discriminated against these minority groups by denying them a range of civil and political rights, including the freedom of expression, religion, and movement, and the right to a fair trial.

(2) In May 2014, the Government of the People's Republic of China launched its latest "Strike Hard Against Violent Extremism" campaign, using wide-scale, internationally-linked threats of terrorism as a pretext to justify pervasive restrictions on and serious human rights violations of members of ethnic minority communities in Xinjiang Uyghur Autonomous Region. The August 2016 appointment of former Tibet Autonomous Region Party Secretary Chen Quanguo to be Party Secretary of Xinjiang Uyghur Autonomous Region accelerated the crackdown across the region. Scholars, human rights organizations, journalists, and think tanks have provided ample evidence substantiating the establishment by the Government of the People's Republic of China of internment camps. Since 2014, the Government of the People's Republic of China has detained more than 1,000,000 Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in these camps. The total ethnic minority population of Xinjiang Uyghur Autonomous Region was approximately 13,000,000 at the time of the last census conducted by the People's Republic of China in 2010.

(3) The Government of the People's Republic of China's actions against Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in Xinjiang Uyghur Autonomous Region violate international human rights laws and norms, including—

(A) the International Convention on the Elimination of All Forms of Racial Discrimination, to which the People's Republic of China has acceded;

(B) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the People's Republic of China has signed and ratified;

(C) the International Covenant on Civil and Political Rights, which the People's Republic of China has signed; and

(D) the Universal Declaration of Human Rights.

(4) Senior Chinese Communist Party officials, including current Xinjiang Uyghur Autonomous Region Party Secretary Chen Quanguo, who executes Chinese government policy in the region, and former Xinjiang Uyghur Autonomous Region Deputy Party Secretary Zhu Hailun, who crafted many of the policies implemented in the region, bear direct responsibility for gross human rights violations committed against Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups. These abuses include the arbitrary detention of more than 1,000,000 Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups, separation of working age adults from children and the elderly, and the integration of forced labor into supply chains.

(5) Those detained in internment camps in Xinjiang Uyghur Autonomous Region have described forced political indoctrination, torture, beatings, food deprivation, and denial of religious, cultural, and linguistic freedoms. These victims have confirmed that they were told by guards that the only way to secure their release was to demonstrate sufficient political loyalty. Poor conditions and lack of medical treatment at such facilities appear to have contributed to the deaths of some detainees, including the elderly and infirm.

(6) Uyghurs and ethnic Kazakhs who have obtained permanent residence or citizenship in other countries report being subjected to threats and harassment from Chinese officials. At least 5 journalists for Radio Free Asia's Uyghur service have publicly detailed abuses their family members in Xinjiang Uyghur Autonomous Region have endured in response to their work exposing the Government of the People's Republic of China's abusive policies.

(7) In September 2018, United Nations High Commissioner for Human Rights Michelle Bachelet noted in her first speech as High Commissioner the "deeply disturbing allegations of large-scale arbitrary detentions of Uighurs and other Muslim communities, in so-called reeducation camps across Xinjiang".

(8) In 2019, the Congressional-Executive Commission on China concluded that, based on available evidence, the establishment and actions committed in the internment camps in Xinjiang Uyghur Autonomous Region may constitute "crimes against humanity".

(9) On December 31, 2018, President Donald J. Trump signed into law the Asia Reassurance Initiative Act of 2018 (Public Law 115–409), which—

(A) condemns the People's Republic of China's "forced disappearances, extralegal detentions, invasive and omnipresent surveillance, and lack of due process in judicial proceedings";

(B) authorizes funding to promote democracy, human rights, and the rule of law in the People's Republic of China; and

(C) supports sanctions designations against any entity or individual that—

(i) violates human rights or religious freedoms; or

(ii) engages in censorship activities.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should—

(A) condemn abuses against Uyghurs, ethnic Kazakhs, Kyrgyz, members of other Muslim minority groups, and other persons by authorities of the People's Republic of China; and

(B) call on such authorities to immediately—

(i) close the internment camps;

(ii) lift all restrictions on, and ensure respect for, human rights; and

(iii) allow people inside the People's Republic of China to reestablish contact with their loved ones, friends, and associates outside the People's Republic of China;

(2) the Secretary of State should consider strategically employing sanctions and other tools under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), including measures resulting from the designation of the People's Republic of China as a country of particular concern for religious freedom under section 402(b)(1)(A)(ii) of such Act (22 U.S.C. 6442(b)(1)(A)(ii)), that directly address particularly severe violations of religious freedom;

(3) the Secretary of State should—

(A) work with United States allies and partners and through multilateral institutions to condemn the mass arbitrary detention of Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in Xinjiang Uyghur Autonomous Region; and

(B) coordinate closely with the international community on targeted sanctions and visa restrictions;

(4) the journalists of the Uyghur language service of Radio Free Asia should be commended for their reporting on the human rights and political situation in Xinjiang Uyghur Autonomous Region despite efforts by the Government of the People's Republic of China to silence or intimidate their reporting through the detention of family members and relatives in China;

(5) the United States should expand the availability of and capacity for Uyghur language programming on Radio Free Asia in Xinjiang Uyghur Autonomous Region;

(6) the Federal Bureau of Investigation and appropriate United States law enforcement agencies should take steps to hold accountable officials from the People's Republic of China or individuals acting on their behalf who harass, threaten, or intimidate persons within the United States; and

(7) United States companies and individuals selling goods or services or otherwise operating in Xinjiang Uyghur Autonomous Region should take steps, including in any public or financial filings, to ensure that—

(A) their commercial activities are not contributing to human rights violations in Xinjiang Uyghur Autonomous Region or elsewhere in China; and

(B) their supply chains are not compromised by forced labor.

SEC. 5. UPDATING STATEMENT OF UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

Section 901(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 104 Stat. 84) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) United States policy toward the People's Republic of China should be explicitly linked to the situation in Xinjiang Uyghur Autonomous Region, specifically as to whether—

"(A) the internment of Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in internment camps has ended;

"(B) all political prisoners are released;

"(C) the use of mass surveillance and predictive policing to discriminate against and violate the human rights of members of specific ethnic groups has ceased and is not evident in other parts of China; and

"(D) the Government of the People's Republic of China has ended particularly severe restrictions of religious and cultural practice in Xinjiang Uyghur Autonomous Region;".

SEC. 6. IMPOSITION OF SANCTIONS.

President.
22 USC 6901 note.

(a) REPORT REQUIRED.—

Determination.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that identifies each foreign person, including any official of the Government of the People's Republic of China, that the President determines is responsible for any of the following with respect to Uyghurs, ethnic Kazakhs, Kyrgyz, members of other Muslim minority groups, or other persons in Xinjiang Uyghur Autonomous Region:

(A) Torture.

(B) Cruel, inhuman, or degrading treatment or punishment.

(C) Prolonged detention without charges and trial.

(D) Causing the disappearance of persons by the abduction and clandestine detention of those persons.

(E) Other flagrant denial of the right to life, liberty, or the security of persons.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to each foreign person identified in the report required under subsection (a)(1).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in the report required under subsection (a)(1) if such property and interests in property—

(A) are in the United States;

(B) come within the United States; or

(C) come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a foreign person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(e) WAIVER.—The President may waive the application of sanctions under this section with respect to a person identified in the report required under subsection (a)(1) if the President determines and certifies to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that such a waiver is in the national interest of the United States. Determination. Certification.

(f) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (c)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term "good" means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee Determination. Reports.

on Financial Services of the House of Representatives not later than 15 days before the termination takes effect that—

(1) information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a)(1) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(h) SUNSET.—This section, and any sanctions imposed under this section, shall terminate on the date that is 5 years after the date of the enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms "admission", "admitted", and "alien" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 7. REPORT ON HUMAN RIGHTS ABUSES IN XINJIANG UYGHUR AUTONOMOUS REGION.

Consultation.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies and civil society organizations, shall—

(1) submit a report on human rights abuses in Xinjiang Uyghur Autonomous Region to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

Web posting.

(2) make the report described in paragraph (1) available on the website of the Department of State.

Assessments.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) an assessment of the number of individuals detained in internment camps in Xinjiang Uyghur Autonomous Region;

(2) a description of the conditions in such camps for detainees, including, to the extent practicable, an assessment of—

(A) methods of torture;

(B) efforts to force individuals to renounce their faith; and

(C) other serious human rights abuses;

(3) to the extent practicable, an assessment of the number of individuals in the region in forced labor camps;

(4) a description of the methods used by People's Republic of China authorities to "reeducate" detainees in internment camps, including a list of government agencies of the People's Republic of China in charge of such reeducation;

(5) an assessment of the use and nature of forced labor in and related to the detention of Turkic Muslims in Xinjiang Uyghur Autonomous Region, including a description of foreign companies and industries directly benefitting from such labor;

(6) an assessment of the level of access to Xinjiang Uyghur Autonomous Region granted by the Government of the People's Republic of China to foreign diplomats and consular agents, independent journalists, and representatives of nongovernmental organizations;

(7) an assessment of the mass surveillance, predictive policing, and other methods used by the Government of the People's Republic of China to violate the human rights of persons in Xinjiang Uyghur Autonomous Region;

(8) a description of the frequency with which foreign governments are forcibly returning Uyghurs, ethnic Kazakhs, Kyrgyz, and other refugees and asylum seekers to the People's Republic of China;

(9) a description, as appropriate, of United States diplomatic efforts with allies and other nations—

(A) to address the gross violations of human rights in Xinjiang Uyghur Autonomous Region; and

(B) to protect asylum seekers from the region; and

(10) the identification of the offices within the Department of State that are responsible for leading and coordinating the diplomatic efforts referred to in paragraph (9).

SEC. 8. REPORT ON PROTECTING CITIZENS AND RESIDENTS OF THE UNITED STATES FROM INTIMIDATION AND COERCION.

Consultation.

Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Secretary of State, shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that outlines all of the efforts to protect United States citizens and residents, including ethnic Uyghurs and Chinese nationals legally studying or working temporarily in the United States, who have experienced harassment or intimidation within the United States by officials or agents of the Government of the People's Republic of China.

SEC. 9. REPORT ON SECURITY AND ECONOMIC IMPLICATIONS OF REPRESSION IN XINJIANG UYGHUR AUTONOMOUS REGION BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

Coordination.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of State, shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select

Committee on Intelligence of the House of Representatives on the matters described in subsection (b).

(b) MATTERS TO BE INCLUDED.— The report required under subsection (a) shall include—

Assessment.

(1) an assessment of the national and regional security threats posed to the United States by the policies of the Government of the People's Republic of China in Xinjiang Uyghur Autonomous Region;

(2) a description of—

(A) the acquisition or development of technology by the Government of the People's Republic of China to facilitate internment and mass surveillance in Xinjiang Uyghur Autonomous Region, including technology related to predictive policing and large-scale data collection and analysis; and

(B) the threats that the acquisition, development, and use of such technologies pose to the United States;

List.

(3) a list of Chinese companies that are involved in—

(A) constructing or operating the internment camps in Xinjiang Uyghur Autonomous Region; or

(B) providing or operating mass surveillance technology in Xinjiang Uyghur Autonomous Region; and

(4) a description of the role of the Xinjiang Production and Construction Corps in internment and forced labor in Xinjiang Uyghur Autonomous Region.

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

SEC. 10. CLASSIFIED REPORT.

Consultation.
Assessments.

The Director of National Intelligence, in consultation with such elements of the Intelligence Community as the Director deems appropriate, shall submit a classified report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that assesses the ability of the United States Government to collect and analyze intelligence regarding—

(1) the scope and scale of the detention and forced labor of Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim minority groups in the People's Republic of China;

(2) the gross violations of human rights perpetrated inside the internment camps in Xinjiang Uyghur Autonomous Region; and

(3) other policies of the Government of the People's Republic of China in Xinjiang Uyghur Autonomous Region that constitute gross violations of human rights.

Approved June 17, 2020.

LEGISLATIVE HISTORY—S. 3744:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 14, considered and passed Senate.
May 27, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
June 17, Presidential statement.

Public Law 116–146
116th Congress

An Act

July 2, 2020
[S. 3084]

To amend title 38, United States Code, to modify the limitation on pay for certain high-level employees and officers of the Department of Veterans Affairs.

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

SECTION 1. MODIFICATION OF PAY LIMITATION FOR CERTAIN HIGH-LEVEL EMPLOYEES AND OFFICERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MODIFICATION.—Section 7404(d) of title 38, United States Code, is amended by inserting "and except for individuals appointed under sections 7401(4) and 7306 of this title," after "section 7457 of this title,".

38 USC 7404 note.
Time period.

(b) WAIVERS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may waive the limitation described in section 7404(d) of such title, as in effect on the day before the date of the enactment of this Act, on the amount of basic pay payable to individuals appointed under section 7401(4) or 7306 of such title for basic pay payable during the period—

(A) beginning on November 1, 2010; and

(B) ending on the day before the date of the enactment of this Act.

(2) FORM.—The Secretary shall prescribe the form for requesting a waiver under paragraph (1).

(3) TREATMENT OF WAIVER.—A decision not to grant a waiver under paragraph (1) shall not be treated as an adverse

action and is not subject to further appeal, third-party review, or judicial review.

Approved July 2, 2020.

LEGISLATIVE HISTORY—S. 3084:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 16, considered and passed Senate.
May 28, considered and passed House, amended.
June 4, Senate concurred in House amendment; concurrence vitiated.
June 8, Senate concurred in House amendment.

Public Law 116–147
116th Congress

An Act

July 4, 2020
[S. 4116]

To extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes.

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

SECTION 1. EXTENDING AUTHORITY FOR COMMITMENTS FOR THE PAYCHECK PROTECTION PROGRAM AND SEPARATING AMOUNTS AUTHORIZED FOR OTHER 7(A) LOANS.

Ante, p. 293.

Section 1102(b) of title I of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended to read as follows:

Time periods.

"(b) COMMITMENTS FOR PPP AND OTHER 7(A) LOANS.—

"(1) PPP LOANS.—During the period beginning on February 15, 2020 and ending on August 8, 2020, the amount authorized for commitments under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) shall be $659,000,000,000.

Applicability.

"(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading 'BUSINESS LOANS PROGRAM ACCOUNT' under the heading 'SMALL BUSINESS ADMINISTRATION' under title V of the Consolidated Appro priations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall apply with respect to any commitments under such section 7(a) other than under paragraph (36) of such section 7(a).".

Approved July 4, 2020.

LEGISLATIVE HISTORY—S. 4116:

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 30, considered and passed Senate.
July 1, considered and passed House.

Public Law 116–148
116th Congress

An Act

To amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes.

July 13, 2020
[S. 4091]

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

Emergency Aid for Returning Americans Affected by Coronavirus Act. 42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Aid for Returning Americans Affected by Coronavirus Act".

SEC. 2. INCREASE IN AGGREGATE PAYMENTS FOR FISCAL YEAR 2020.

(a) IN GENERAL.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking "fiscal years 2017 and 2018" and all that follows through the period and inserting "fiscal year 2020, the total amount of such assistance provided during such fiscal year shall not exceed $10,000,000.".

(b) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided by the amendment made by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section and the amendment made by this section are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

Determination. 42 USC 1313 note.

SEC. 3. LIMIT ON DIRECT CONTACT WITH REPATRIATED INDIVIDUALS DURING COVID–19 EMERGENCY PERIOD.

During the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), in providing temporary assistance under section 1113 of such Act (42 U.S.C. 1313), no employee of the Administration for Children and Families of the Department of Health and Human Services shall have direct, in-person contact with an individual specified in section 1113(a)(1) of such Act (42 U.S.C. 1313(a)(1)), except in the case of a uniformed member of the Regular Corps or the Ready Reserve Corps of the Commissioned Corps of the Public Health Service (as described in section 203 of the Public Health Service Act (42 U.S.C. 204)) in an active duty status who, as determined by the Secretary of Health and Human Services, has—

(1) received appropriate training on infection prevention and control; and

(2) access to appropriate personal protective equipment.

Approved July 13, 2020.

LEGISLATIVE HISTORY—S. 4091:

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 29, considered and passed Senate and House.

Public Law 116–149
116th Congress

An Act

To impose sanctions with respect to foreign persons involved in the erosion of certain obligations of China with respect to Hong Kong, and for other purposes.

July 14, 2020
[H.R. 7440]

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

Hong Kong Autonomy Act. 22 USC 5701 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hong Kong Autonomy Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress regarding Hong Kong.
Sec. 5. Identification of foreign persons involved in the erosion of the obligations of China under the Joint Declaration or the Basic Law and foreign financial institutions that conduct significant transactions with those persons.
Sec. 6. Sanctions with respect to foreign persons that contravene the obligations of China under the Joint Declaration or the Basic Law.
Sec. 7. Sanctions with respect to foreign financial institutions that conduct significant transactions with foreign persons that contravene the obligations of China under the Joint Declaration or the Basic Law.
Sec. 8. Waiver, termination, exceptions, and congressional review process.
Sec. 9. Implementation; penalties.
Sec. 10. Rule of construction.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALIEN; NATIONAL; NATIONAL OF THE UNITED STATES.—The terms "alien", "national", and "national of the United States" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term "appropriate congressional committees and leadership" means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on

the Judiciary, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) BASIC LAW.—The term "Basic Law" means the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

(4) CHINA.—The term "China" means the People's Republic of China.

(5) ENTITY.—The term "entity" means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any other form of business collaboration.

(6) FINANCIAL INSTITUTION.—The term "financial institution" means a financial institution specified in section 5312(a)(2) of title 31, United States Code.

(7) HONG KONG.—The term "Hong Kong" means the Hong Kong Special Administrative Region of the People's Republic of China.

(8) JOINT DECLARATION.—The term "Joint Declaration" means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

(9) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge of the conduct, the circumstance, or the result.

(10) PERSON.—The term "person" means an individual or entity.

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent residence in the United States;

(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The Joint Declaration and the Basic Law clarify certain obligations and promises that the Government of China has made with respect to the future of Hong Kong.

(2) The obligations of the Government of China under the Joint Declaration were codified in a legally-binding treaty, signed by the Government of the United Kingdom of Great Britain and Northern Ireland and registered with the United Nations.

(3) The obligations of the Government of China under the Basic Law originate from the Joint Declaration, were passed into the domestic law of China by the National People's Congress, and are widely considered by citizens of Hong Kong as part of the de facto legal constitution of Hong Kong.

(4) Foremost among the obligations of the Government of China to Hong Kong is the promise that, pursuant to Paragraph 3b of the Joint Declaration, "the Hong Kong Special Administrative Region will enjoy a high degree of autonomy,

except in foreign and defence affairs which are the responsibilities of the Central People's Government".

(5) The obligation specified in Paragraph 3b of the Joint Declaration is referenced, reinforced, and extrapolated on in several portions of the Basic Law, including Articles 2, 12, 13, 14, and 22.

(6) Article 22 of the Basic Law establishes that "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law.".

(7) The Joint Declaration and the Basic Law make clear that additional obligations shall be undertaken by China to ensure the "high degree of autonomy" of Hong Kong.

(8) Paragraph 3c of the Joint Declaration states, as reinforced by Articles 2, 16, 17, 18, 19, and 22 of the Basic Law, that Hong Kong "will be vested with executive, legislative and independent judicial power, including that of final adjudication".

(9) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (8) of this section, including the following:

(A) In 1999, the Standing Committee of the National People's Congress overruled a decision by the Hong Kong Court of Final Appeal on the right of abode.

(B) On multiple occasions, the Government of Hong Kong, at the advice of the Government of China, is suspected to have not allowed persons entry into Hong Kong allegedly because of their support for democracy and human rights in Hong Kong and China.

(C) The Liaison Office of China in Hong Kong has, despite restrictions on interference in the affairs of Hong Kong as detailed in Article 22 of the Basic Law—

(i) openly expressed support for candidates in Hong Kong for Chief Executive and Legislative Council;

(ii) expressed views on various policies for the Government of Hong Kong and other internal matters relating to Hong Kong; and

(iii) on April 17, 2020, asserted that both the Liaison Office of China in Hong Kong and the Hong Kong and Macau Affairs Office of the State Council "have the right to exercise supervision * * * on affairs regarding Hong Kong and the mainland, in order to ensure correct implementation of the Basic Law".

(D) The National People's Congress has passed laws requiring Hong Kong to pass laws banning disrespectful treatment of the national flag and national anthem of China.

(E) The State Council of China released a white paper on June 10, 2014, that stressed the "comprehensive jurisdiction" of the Government of China over Hong Kong and indicated that Hong Kong must be governed by "patriots".

(F) The Government of China has directed operatives to kidnap and bring to the mainland, or is otherwise responsible for the kidnapping of, residents of Hong Kong,

including businessman Xiao Jianhua and bookseller Gui Minhai.

(G) The Government of Hong Kong, acting with the support of the Government of China, introduced an extradition bill that would have permitted the Government of China to request and enforce extradition requests for any individual present in Hong Kong, regardless of the legality of the request or the degree to which it compromised the judicial independence of Hong Kong.

(H) The spokesman for the Standing Committee of the National People's Congress said, "Whether Hong Kong's laws are consistent with the Basic Law can only be judged and decided by the National People's Congress Standing Committee. No other authority has the right to make judgments and decisions.".

(10) Paragraph 3e of the Joint Declaration states, as reinforced by Article 5 of the Basic Law, that the "current social and economic systems in Hong Kong will remain unchanged, as so will the life-style.".

(11) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (10) of this section, including the following:

(A) In 2002, the Government of China pressured the Government of Hong Kong to introduce "patriotic" curriculum in primary and secondary schools.

(B) The governments of China and Hong Kong proposed the prohibition of discussion of Hong Kong independence and self-determination in primary and secondary schools, which infringes on freedom of speech.

(C) The Government of Hong Kong mandated that Mandarin, and not the native language of Cantonese, be the language of instruction in Hong Kong schools.

(D) The governments of China and Hong Kong agreed to a daily quota of mainland immigrants to Hong Kong, which is widely believed by citizens of Hong Kong to be part of an effort to "mainlandize" Hong Kong.

(12) Paragraph 3e of the Joint Declaration states, as reinforced by Articles 4, 26, 27, 28, 29, 30, 31, 32 33, 34, and 39 of the Basic Law, that the "rights and freedoms, including those of person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law" in Hong Kong.

(13) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (12) of this section, including the following:

(A) On February 26, 2003, the Government of Hong Kong introduced a national security bill that would have placed restrictions on freedom of speech and other protected rights.

(B) The Liaison Office of China in Hong Kong has pressured businesses in Hong Kong not to advertise in newspapers and magazines critical of the governments of China and Hong Kong.

(C) The Hong Kong Police Force selectively blocked demonstrations and protests expressing opposition to the governments of China and Hong Kong or the policies of those governments.

(D) The Government of Hong Kong refused to renew work visa for a foreign journalist, allegedly for hosting a speaker from the banned Hong Kong National Party.

(E) The Justice Department of Hong Kong selectively prosecuted cases against leaders of the Umbrella Movement, while failing to prosecute police officers accused of using excessive force during the protests in 2014.

(F) On April 18, 2020, the Hong Kong Police Force arrested 14 high-profile democracy activists and campaigners for their role in organizing a protest march that took place on August 18, 2019, in which almost 2,000,000 people rallied against a proposed extradition bill.

(14) Articles 45 and 68 of the Basic Law assert that the selection of Chief Executive and all members of the Legislative Council of Hong Kong should be by "universal suffrage.".

(15) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (14) of this section, including the following:

(A) In 2004, the National People's Congress created new, antidemocratic procedures restricting the adoption of universal suffrage for the election of the Chief Executive of Hong Kong.

(B) The decision by the National People's Congress on December 29, 2007, which ruled out universal suffrage in 2012 elections and set restrictions on when and if universal suffrage will be implemented.

(C) The decision by the National People's Congress on August 31, 2014, which placed limits on the nomination process for the Chief Executive of Hong Kong as a condition for adoption of universal suffrage.

(D) On November 7, 2016, the National People's Congress interpreted Article 104 of the Basic Law in such a way to disqualify 6 elected members of the Legislative Council.

(E) In 2018, the Government of Hong Kong banned the Hong Kong National Party and blocked the candidacy of pro-democracy candidates.

(16) The ways in which the Government of China, at times with the support of a subservient Government of Hong Kong, has acted in contravention of its obligations under the Joint Declaration and the Basic Law, as set forth in this section, are deeply concerning to the people of Hong Kong, the United States, and members of the international community who support the autonomy of Hong Kong.

SEC. 4. SENSE OF CONGRESS REGARDING HONG KONG.

It is the sense of Congress that—

(1) the United States continues to uphold the principles and policy established in the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.) and the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–76; 22

U.S.C. 5701 note), which remain consistent with China's obligations under the Joint Declaration and certain promulgated objectives under the Basic Law, including that—

(A) as set forth in section 101(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)), "The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong's confidence and prosperity, Hong Kong's role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong."; and

(B) as set forth in section 2(5) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701(5)), "Support for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.";

(2) although the United States recognizes that, under the Joint Declaration, the Government of China "resumed the exercise of sovereignty over Hong Kong with effect on 1 July 1997", the United States supports the autonomy of Hong Kong in furtherance of the United States-Hong Kong Policy Act of 1992 and the Hong Kong Human Rights and Democracy Act of 2019 and advances the desire of the people of Hong Kong to continue the "one country, two systems" regime, in addition to other obligations promulgated by China under the Joint Declaration and the Basic Law;

(3) in order to support the benefits and protections that Hong Kong has been afforded by the Government of China under the Joint Declaration and the Basic Law, the United States should establish a clear and unambiguous set of penalties with respect to foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, to be involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law and the financial institutions transacting with those foreign persons;

(4) the Secretary of State should provide an unclassified assessment of the reason for imposition of certain economic penalties on entities, so as to permit a clear path for the removal of economic penalties if the sanctioned behavior is reversed and verified by the Secretary of State;

(5) relevant Federal agencies should establish a multilateral sanctions regime with respect to foreign persons involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law; and

(6) in addition to the penalties on foreign persons, and financial institutions transacting with those foreign persons, for the contravention of the obligations of China under the Joint Declaration and the Basic Law, the United States should take steps, in a time of crisis, to assist permanent residents of Hong Kong who are persecuted or fear persecution as a result of the contravention by China of its obligations under the Joint Declaration and the Basic Law to become eligible to obtain lawful entry into the United States.

SEC. 5. IDENTIFICATION OF FOREIGN PERSONS INVOLVED IN THE EROSION OF THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW AND FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH THOSE PERSONS.

Consultation. Determination. Reports.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that a foreign person is materially contributing to, has materially contributed to, or attempts to materially contribute to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law, the Secretary of State shall submit to the appropriate congressional committees and leadership a report that includes—

(1) an identification of the foreign person; and

(2) a clear explanation for why the foreign person was identified and a description of the activity that resulted in the identification.

Time period. Consultation. Reports.

(b) IDENTIFYING FOREIGN FINANCIAL INSTITUTIONS.—Not earlier than 30 days and not later than 60 days after the Secretary of State submits to the appropriate congressional committees and leadership the report under subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees and leadership a report that identifies any foreign financial institution that knowingly conducts a significant transaction with a foreign person identified in the report under subsection (a).

Determinations.

(c) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

Coordination.

(2) LAW ENFORCEMENT.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the head of any other appropriate Federal law enforcement agency, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person; or

(D) to cause substantial harm to physical property.

(3) NOTIFICATION REQUIRED.—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General, as the case may be, shall notify the appropriate congressional committees and

leadership of the determination and the reasons for the determination.

President. (d) EXCLUSION OR REMOVAL OF FOREIGN PERSONS AND FOREIGN FINANCIAL INSTITUTIONS.—

(1) FOREIGN PERSONS.—The President may exclude a foreign person from the report under subsection (a), or an update under subsection (e), or remove a foreign person from the report or update prior to the imposition of sanctions under section 6(a) if the material contribution (as described in subsection (g)) that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign person.

(2) FOREIGN FINANCIAL INSTITUTIONS.—The President may exclude a foreign financial institution from the report under subsection (b), or an update under subsection (e), or remove a foreign financial institution from the report or update prior to the imposition of sanctions under section 7(a) if the significant transaction or significant transactions of the foreign financial institution that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign financial institution.

Determination. (3) NOTIFICATION REQUIRED.—If the President makes a determination under paragraph (1) or (2) to exclude or remove a foreign person or foreign financial institution from a report under subsection (a) or (b), as the case may be, the President shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(e) UPDATE OF REPORTS.—

(1) IN GENERAL.—Each report submitted under subsections (a) and (b) shall be updated in an ongoing manner and, to the extent practicable, updated reports shall be resubmitted with the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to terminate the requirement to update the reports under subsections (a) and (b) upon the termination of the requirement to submit the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(f) FORM OF REPORTS.—

Public information. (1) IN GENERAL.—Each report under subsection (a) or (b) (including updates under subsection (e)) shall be submitted in unclassified form and made available to the public.

(2) CLASSIFIED ANNEX.—The explanations and descriptions included in the report under subsection (a)(2) (including updates under subsection (e)) may be expanded on in a classified annex.

(g) MATERIAL CONTRIBUTIONS RELATED TO OBLIGATIONS OF CHINA DESCRIBED.—For purposes of this section, a foreign person materially contributes to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law if the person—

(1) took action that resulted in the inability of the people of Hong Kong—

(A) to enjoy freedom of assembly, speech, press, or independent rule of law; or

(B) to participate in democratic outcomes; or

(2) otherwise took action that reduces the high degree of autonomy of Hong Kong.

SEC. 6. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

President.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—On and after the date on which a foreign person is included in the report under section 5(a) or an update to that report under section 5(e), the President may impose sanctions described in subsection (b) with respect to that foreign person.

Effective date.

(2) MANDATORY SANCTIONS.—Not later than one year after the date on which a foreign person is included in the report under section 5(a) or an update to that report under section 5(e), the President shall impose sanctions described in subsection (b) with respect to that foreign person.

Deadline.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign person are the following:

(1) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(2) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of a foreign person who is an individual, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the foreign person, subject to regulatory exceptions to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

SEC. 7. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

President.

(a) IMPOSITION OF SANCTIONS.—

Deadlines.

(1) INITIAL SANCTIONS.—Not later than one year after the date on which a foreign financial institution is included in the report under section 5(b) or an update to that report under section 5(e), the President shall impose not fewer than 5 of the sanctions described in subsection (b) with respect to that foreign financial institution.

(2) EXPANDED SANCTIONS.—Not later than two years after the date on which a foreign financial institution is included in the report under section 5(b) or an update to that report under section 5(e), the President shall impose each of the sanctions described in subsection (b).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign financial institution are the following:

(1) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to the foreign financial institution.

(2) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the foreign financial institution as a primary dealer in United States Government debt instruments.

(3) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The foreign financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(4) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and involve the foreign financial institution.

(5) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve the foreign financial institution.

(6) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign financial institution has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) RESTRICTION ON EXPORTS, REEXPORTS, AND TRANSFERS.—The President, in consultation with the Secretary of Commerce, may restrict or prohibit exports, reexports, and transfers (in-country) of commodities, software, and technology subject to the jurisdiction of the United States directly or indirectly to the foreign financial institution.

Consultation.

(8) BAN ON INVESTMENT IN EQUITY OR DEBT.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign financial institution.

(9) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State, in consultation with the Secretary of the Treasury and the Secretary of Homeland Security, to exclude from the United States any alien that is determined to be a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign financial institution, subject to regulatory exceptions to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(10) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the foreign financial institution, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(c) TIMING OF SANCTIONS.—The President may impose sanctions required under subsection (a) with respect to a financial institution included in the report under section 5(b) or an update to that report under section 5(e) beginning on the day on which the financial institution is included in that report or update.

SEC. 8. WAIVER, TERMINATION, EXCEPTIONS, AND CONGRESSIONAL REVIEW PROCESS.

President.

(a) NATIONAL SECURITY WAIVER.—Unless a disapproval resolution is enacted under subsection (e), the President may waive the application of sanctions under section 6 or 7 with respect to a foreign person or foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

Determination.

(2) submits to the appropriate congressional committees and leadership a report on the determination and the reasons for the determination.

Reports.

(b) TERMINATION OF SANCTIONS AND REMOVAL FROM REPORT.—Unless a disapproval resolution is enacted under subsection (e), the President may terminate the application of sanctions under section 6 or 7 with respect to a foreign person or foreign financial institution and remove the foreign person from the report required under section 5(a) or the foreign financial institution from the report required under section 5(b), as the case may be, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that the actions taken by the foreign person or foreign financial institution that led to the imposition of sanctions—

Consultation.
Determination.

(1) do not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(2) are not likely to be repeated in the future; and

(3) have been reversed or otherwise mitigated through positive countermeasures taken by that foreign person or foreign financial institution.

(c) TERMINATION OF ACT.—

(1) REPORT.—

Consultation.
Evaluation.

(A) IN GENERAL.—Not later than July 1, 2046, the President, in consultation with the Secretary of State, the Secretary of the Treasury, and the heads of such other Federal agencies as the President considers appropriate, shall submit to Congress a report evaluating the implementation of this Act and sanctions imposed pursuant to this Act.

Assessment.

(B) ELEMENTS.—The President shall include in the report submitted under subparagraph (A) an assessment of whether this Act and the sanctions imposed pursuant to this Act should be terminated.

(2) TERMINATION.—This Act and the sanctions imposed pursuant to this Act shall remain in effect unless a termination resolution is enacted under subsection (e) after July 1, 2047.

(d) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under sections 6 and 7 shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term "good" means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(e) CONGRESSIONAL REVIEW.—

Definitions.

(1) RESOLUTIONS.—

(A) DISAPPROVAL RESOLUTION.—In this section, the term "disapproval resolution" means only a joint resolution of either House of Congress—

(i) the title of which is as follows: "A joint resolution disapproving the waiver or termination of sanctions with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong or a foreign financial institution that conducts a significant transaction with that person."; and

(ii) the sole matter after the resolving clause of which is the following: "Congress disapproves of the action under section 8 of the Hong Kong Autonomy Act relating to the application of sanctions imposed with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong, or a foreign financial institution that conducts a significant transaction with that person, on _____ relating to _____.", with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(B) TERMINATION RESOLUTION.—In this section, the term "termination resolution" means only a joint resolution of either House of Congress—

(i) the title of which is as follows: "A joint resolution terminating sanctions with respect to foreign persons that contravene the obligations of China with

respect to Hong Kong and foreign financial institutions that conduct significant transactions with those persons."; and

(ii) the sole matter after the resolving clause of which is the following: "The Hong Kong Autonomy Act and any sanctions imposed pursuant to that Act shall terminate on _____.", with the blank space being filled with the termination date.

(C) COVERED RESOLUTION.—In this subsection, the term "covered resolution" means a disapproval resolution or a termination resolution.

(2) INTRODUCTION.—A covered resolution may be introduced—

(A) in the House of Representatives, by the majority leader or the minority leader; and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a covered resolution has been referred has not reported the resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration of the resolution. Deadline.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—

(i) DISAPPROVAL RESOLUTION.—A disapproval resolution introduced in the Senate shall be—

(I) referred to the Committee on Banking, Housing, and Urban Affairs if the resolution relates to an action that is not intended to significantly alter United States foreign policy with regard to China; and

(II) referred to the Committee on Foreign Relations if the resolution relates to an action that is intended to significantly alter United States foreign policy with regard to China.

(ii) TERMINATION RESOLUTION.—A termination resolution introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If a committee to which a covered resolution was referred has not reported the resolution within 10 legislative days after the date of referral of the resolution, that committee shall be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar. Deadline.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a covered resolution to the Senate or has been discharged from consideration of such a resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of

the resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a covered resolution shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a covered resolution, including all debatable motions and appeals in connection with the resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

Procedures. Applicability.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a covered resolution received from the Senate (unless the House has already passed a resolution relating to the same proposed action):

(i) The resolution shall be referred to the appropriate committees.

Deadline.

(ii) If a committee to which a resolution has been referred has not reported the resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration of the resolution.

Effective date.

(iii) Beginning on the third legislative day after each committee to which a resolution has been referred reports the resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The resolution shall be considered as read. All points of order against the resolution and against its consideration are waived. The previous question shall be considered as ordered on the resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the offeror of the motion to proceed (or a designee) and an opponent. A motion to reconsider the vote on passage of the resolution shall not be in order.

(B) TREATMENT OF HOUSE RESOLUTION IN SENATE.—

(i) RECEIVED BEFORE PASSAGE OF SENATE RESOLUTION.—If, before the passage by the Senate of a covered resolution, the Senate receives an identical resolution

from the House of Representatives, the following procedures shall apply:

(I) That resolution shall not be referred to a committee.

(II) With respect to that resolution—

(aa) the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the resolution from the House of Representatives.

(ii) RECEIVED AFTER PASSAGE OF SENATE RESOLUTION.—If, following passage of a covered resolution in the Senate, the Senate receives an identical resolution from the House of Representatives, that resolution shall be placed on the appropriate Senate calendar.

(iii) NO SENATE COMPANION.—If a covered resolution is received from the House of Representatives, and no companion resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the resolution from the House of Representatives.

(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a covered resolution that is a revenue measure.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

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

SEC. 9. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this Act. President.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 6 or 7 or any regulation, license, or order issued to carry out that section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as an authorization of military force against China.

Approved July 14, 2020.

LEGISLATIVE HISTORY—H.R. 7440:

CONGRESSIONAL RECORD, Vol. 166 (2020):
July 1, considered and passed House.
July 2, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
July 14, Presidential statement.

Public Law 116–150
116th Congress

An Act

To extend the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.

July 22, 2020
[S. 4148]

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

SECTION 1. EXTENSION OF CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 5 of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Public Law 113–254; 6 U.S.C. 621 note) is amended by striking "July 23, 2020" and inserting "July 27, 2023".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 day after the date of enactment of this Act. 6 USC 621 note.

Approved July 22, 2020.

LEGISLATIVE HISTORY—S. 4148:

CONGRESSIONAL RECORD, Vol. 166 (2020):
July 1, considered and passed Senate.
July 20, considered and passed House.

Public Law 116–151
116th Congress

An Act

Aug. 3, 2020
[S. 4209]

To amend title IX of the Social Security Act to improve emergency unemployment relief for governmental entities and nonprofit organizations.

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

Protecting Nonprofits from Catastrophic Cash Flow Strain Act of 2020.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Nonprofits from Catastrophic Cash Flow Strain Act of 2020".

SEC. 2. IMPROVING EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) IN GENERAL.—Section 903(i)(1) of the Social Security Act (42 U.S.C. 1103(i)(1)) is amended—

(1) in subparagraph (A), by striking "during" and inserting "with respect to";

(2) in subparagraph (B), by striking "3309(a)(1)" and inserting "3309(a)"; and

(3) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) Notwithstanding any other provision of law, funds transferred to the account of a State under subparagraph (A) shall be used exclusively to reduce the amounts required to be paid in lieu of contributions into the State unemployment fund pursuant to such section by governmental entities and other organizations described in section 3309(a) of such Code.".

42 USC 1103 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of section 2103 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

(2) APPLICATION TO WEEKS PRIOR TO ENACTMENT.—For weeks of unemployment that occurred after March 12, 2020, and prior to the date of enactment of this section, States may—

(A) issue reimbursements in accordance with section 903(i)(1)(C) of the Social Security Act, as in effect prior to the date of enactment of this section; or

(B) reduce the amounts required to be paid in accordance with such section 903(i)(1)(C), as amended by subsection (a).

Approved August 3, 2020.

LEGISLATIVE HISTORY—S. 4209:

CONGRESSIONAL RECORD, Vol. 166 (2020):
July 2, considered and passed Senate.
July 9, considered and passed House.

Public Law 116–152
116th Congress

An Act

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

Aug. 4, 2020
[H.R. 1957]

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

Great American Outdoors Act.
54 USC 100101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great American Outdoors Act".

SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND.

(a) IN GENERAL.—Subtitle II of title 54, United States Code, is amended by inserting after chapter 2003 the following:

54 USC prec. 200401.

"CHAPTER 2004—NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND

"Sec.
"200401. Definitions.
"200402. National Parks and Public Land Legacy Restoration Fund.

54 USC 200401.

"§ 200401. Definitions

"In this chapter:

"(1) ASSET.—The term 'asset' means any real property, including any physical structure or grouping of structures, landscape, trail, or other tangible property, that—

"(A) has a specific service or function; and

"(B) is tracked and managed as a distinct, identifiable entity by the applicable covered agency.

"(2) COVERED AGENCY.—The term 'covered agency' means—

"(A) the Service;

"(B) the United States Fish and Wildlife Service;

"(C) the Forest Service;

"(D) the Bureau of Land Management; and

"(E) the Bureau of Indian Education.

"(3) FUND.—The term 'Fund' means the National Parks and Public Land Legacy Restoration Fund established by section 200402(a).

"(4) PROJECT.—The term 'project' means any activity to reduce or eliminate deferred maintenance of an asset, which

may include resolving directly related infrastructure deficiencies of the asset that would not by itself be classified as deferred maintenance.

"§ 200402. National Parks and Public Land Legacy Restoration Fund

54 USC 200402.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'National Parks and Public Land Legacy Restoration Fund'.

"(b) DEPOSITS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each of fiscal years 2021 through 2025, there shall be deposited in the Fund an amount equal to 50 percent of all energy development revenues due and payable to the United States from oil, gas, coal, or alternative or renewable energy development on Federal land and water credited, covered, or deposited as miscellaneous receipts under Federal law in the preceding fiscal year.

"(2) MAXIMUM AMOUNT.—The amount deposited in the Fund under paragraph (1) shall not exceed $1,900,000,000 for any fiscal year.

"(3) EFFECT ON OTHER REVENUES.—Nothing in this section affects the disposition of revenues that—

"(A) are due to the United States, special funds, trust funds, or States from mineral and energy development on Federal land and water; or

"(B) have been otherwise appropriated—

"(i) under Federal law, including—

"(I) the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432); and

"(II) the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

"(ii) from—

"(I) the Land and Water Conservation Fund established under chapter 2003; or

"(II) the Historic Preservation Fund established under chapter 3031.

"(c) AVAILABILITY OF FUNDS.—Amounts deposited in the Fund shall be available to the Secretary and the Secretary of Agriculture, as provided in subsection (e), without further appropriation or fiscal year limitation.

"(d) INVESTMENT OF AMOUNTS.—

Determination.
Consultation.

"(1) IN GENERAL.—The Secretary may request the Secretary of the Treasury to invest any portion of the Fund that is not, as determined by the Secretary, in consultation with the Secretary of Agriculture, required to meet the current needs of the Fund.

"(2) REQUIREMENT.—An investment requested under paragraph (1) shall be made by the Secretary of the Treasury in a public debt security—

"(A) with a maturity suitable to the needs of the Fund, as determined by the Secretary; and

"(B) bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(3) CREDITS TO FUND.—The income on investments of the Fund under this subsection shall be credited to, and form a part of, the Fund.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts deposited in the Fund for each fiscal year shall be used for priority deferred maintenance projects in the System, in the National Wildlife Refuge System, on public land administered by the Bureau of Land Management, for the Bureau of Indian Education schools, and in the National Forest System, as follows:

"(A) 70 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Service.

"(B) 15 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Forest Service.

"(C) 5 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the United States Fish and Wildlife Service.

"(D) 5 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Bureau of Land Management.

"(E) 5 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Bureau of Indian Education.

"(2) LIMITATIONS.—

"(A) NON-TRANSPORTATION PROJECTS.—Over the term of the Fund, within each covered agency, not less than 65 percent of amounts from the Fund shall be allocated for non-transportation projects.

"(B) TRANSPORTATION PROJECTS.—The amounts remaining in the Fund after the allocations required under subparagraph (A) may be allocated for transportation projects of the covered agencies, including paved and unpaved roads, bridges, tunnels, and paved parking areas.

"(C) PLAN.—Any priority deferred maintenance project funded under this section shall be consistent with an applicable transportation, deferred maintenance, or capital improvement plan developed by the applicable covered agency.

"(f) PROHIBITED USE OF FUNDS.—No amounts in the Fund shall be used—

"(1) for land acquisition;

"(2) to supplant discretionary funding made available for annually recurring facility operations, maintenance, and construction needs; or

"(3) for bonuses for employees of the Federal Government that are carrying out this section.

"(g) SUBMISSION OF PRIORITY LIST OF PROJECTS TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Secretary and the Secretary of Agriculture shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a list of projects to be funded for fiscal year 2021 that— Deadline.

"(1) are identified by the Secretary and the Secretary of Agriculture as priority deferred maintenance projects; and

"(2) as of the date of the submission of the list, are ready to be implemented.

"(h) SUBMISSION OF ANNUAL LIST OF PROJECTS TO CONGRESS.—Until the date on which all of the amounts in the Fund are expended, the President shall annually submit to Congress, together with the annual budget of the United States, a list of projects to be funded from the Fund that includes a detailed description of each project, including the estimated expenditures from the Fund for the project for the applicable fiscal year. President.

"(i) ALTERNATE ALLOCATION.—

"(1) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under this section, consistent with the allocations to covered agencies under subsection (e)(1).

"(2) ALLOCATION BY PRESIDENT.—

"(A) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (c) shall be allocated by the President.

"(B) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (c) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

"(j) PUBLIC DONATIONS.—

"(1) IN GENERAL.—The Secretary and the Secretary of Agriculture may accept public cash or in-kind donations that advance efforts—

"(A) to reduce the deferred maintenance backlog; and

"(B) to encourage relevant public-private partnerships.

"(2) CREDITS TO FUND.—Any cash donations accepted under paragraph (1) shall be—

"(A) credited to, and form a part of, the Fund; and

"(B) allocated to the covered agency for which the donation was made.

"(3) OTHER ALLOCATIONS.—Any donations allocated to a covered agency under paragraph (2)(B) shall be allocated to the applicable covered agency independently of the allocations under subsection (e)(1).

"(k) REQUIRED CONSIDERATION FOR ACCESSIBILITY.—In expending amounts from the Fund, the Secretary and the Secretary of Agriculture shall incorporate measures to improve the accessibility of assets and accommodate visitors and employees with disabilities in accordance with applicable law.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle II of title 54, United States Code, is amended by inserting after the item relating to chapter 2003 the following: 54 USC prec. 100101.

"2004. National Parks and Public Land Legacy Restoration Fund .....200401".

(c) GAO STUDY.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall— Deadline.

(1) conduct a study on the implementation of this section and the amendments made by this section, including whether

this section and the amendments made by this section have effectively reduced the priority deferred maintenance backlog of the covered agencies (as that term is defined in section 200401 of title 54, United States Code); and

Reports.

(2) submit to Congress a report that describes the results of the study under paragraph (1).

SEC. 3. PERMANENT FULL FUNDING OF THE LAND AND WATER CONSERVATION FUND.

(a) IN GENERAL.—Section 200303 of title 54, United States Code, is amended to read as follows:

"§ 200303. Availability of funds

"(a) IN GENERAL.—Any amounts deposited in the Fund under section 200302 for fiscal year 2020 and each fiscal year thereafter shall be made available for expenditure for fiscal year 2021 and each fiscal year thereafter, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund pursuant to the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2534)).

"(b) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a) shall be in addition to amounts made available to the Fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) or otherwise appropriated from the Fund.

"(c) ALLOCATION AUTHORITY.—

President.

"(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations of the full amount made available under subsection (a)—

Deadline.

"(A) for fiscal year 2021, not later than 90 days after the date of enactment of the Great American Outdoors Act; and

"(B) for each fiscal year thereafter, as part of the annual budget submission of the President.

"(2) ALTERNATE ALLOCATION.—

"(A) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (a), including allocations by account, program, and project.

"(B) ALLOCATION BY PRESIDENT.—

"(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (a) shall be allocated by the President.

"(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (a) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

"(3) RECREATIONAL PUBLIC ACCESS.—Amounts expended from the Fund under this section shall be consistent with the requirements for recreational public access for hunting, fishing, recreational shooting, or other outdoor recreational purposes under section 200306(c).

"(4) ANNUAL REPORT.—The President shall submit to Congress an annual report that describes the final allocation by account, program, and project of amounts made available under subsection (a), including a description of the status of obligations and expenditures.". President.

(b) CONFORMING AMENDMENTS.—

(1) Section 200302(c) of title 54, United States Code, is amended by striking paragraph (3).

(2) Section 200306(a)(2)(B) of title 54, United States Code, is amended by striking clause (iii).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2003 of title 54, United States Code, is amended by striking the item relating to section 200303 and inserting the following: 54 USC prec. 200301.

"200303. Availability of funds.".

Approved August 4, 2020.

LEGISLATIVE HISTORY—H.R. 1957:

HOUSE REPORTS: No. 116–39, Pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Apr. 9, considered and passed House.
Vol. 166 (2020): June 10–12, 15–17, considered and passed Senate, amended.
July 22, House concurred in Senate amendments.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Aug. 4, Presidential remarks.

Public Law 116–153
116th Congress

An Act

Aug. 8, 2020
[H.R. 886]

To direct the Attorney General to establish and carry out a Veteran Treatment Court Program.

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

Veteran Treatment Court Coordination Act of 2019.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veteran Treatment Court Coordination Act of 2019".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that veterans treatment courts are a successful program aimed at helping veterans charged with nonviolent crimes receive the help and the benefits for which the veterans are entitled.

34 USC 10651a.

SEC. 3. VETERAN TREATMENT COURT PROGRAM.

Grants.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, in coordination with the Secretary of Veterans Affairs, the Attorney General shall establish and carry out a Veteran Treatment Court Program to provide grants and technical assistance to court systems that—

(1) have adopted a Veterans Treatment Court Program; or

Notice.

(2) have filed a notice of intent to establish a Veterans Treatment Court Program with the Secretary.

(b) PURPOSE.—The purpose of the Veterans Treatment Court Program established under subsection (a) is to ensure the Department of Justice has a single office to coordinate the provision of grants, training, and technical assistance to help State, local, and Tribal governments to develop and maintain veteran treatment courts.

(c) PROGRAMS INCLUDED.—The Veterans Treatment Court Program established under subsection (a) shall include the grant programs relating to veterans treatment courts carried out by the Attorney General pursuant to sections 2991 and 3021 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651, 10701) or any other provision of law.

(d) REGULATIONS.—The Attorney General shall promulgate regulations to carry out this section.

Approved August 8, 2020.

LEGISLATIVE HISTORY—H.R. 886:

HOUSE REPORTS: No. 116–259 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 28, considered and passed House.
Vol. 166 (2020): Jan. 16, considered and passed Senate, amended.
July 20, House concurred in Senate amendment.

Public Law 116–154
116th Congress

An Act

Aug. 8, 2020
[H.R. 3504]

To amend title 38, United States Code, to provide for improvements to the specially adapted housing program and educational assistance programs of the Department of Veterans Affairs, and for other purposes.

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

Ryan Kules and Paul Benne Specially Adaptive Housing Improvement Act of 2019.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan Kules and Paul Benne Specially Adaptive Housing Improvement Act of 2019".

SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ASSIST BLIND VETERANS WHO HAVE NOT LOST USE OF A LEG IN ACQUIRING SPECIALLY ADAPTED HOUSING.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i), by striking "permanent and total"; and

(B) in subparagraph (B),

(i) in clauses (i), (iii), (iv), and (v), by inserting "permanent and total" before "disability"; and

(ii) in clause (ii)—

(I) by inserting "permanent" before "disability";

(II) by striking "due to—" and inserting "due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this clause, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less."; and

(III) by striking subclauses (I) and (II); and

(2) in subsection (b)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 3. INCREASE IN AMOUNTS OF SPECIALLY ADAPTED HOUSING ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) INCREASE OF NUMBER OF GRANTS PER VETERAN.—Section 2102(d)(3) of such title is amended—

(1) by striking "No veteran" and inserting "Subject to subsection (f), no veteran"; and

(2) by striking "three" and inserting "six".

(b) INCREASE IN NUMBER OF APPLICATIONS AUTHORIZED TO BE APPROVED.—Section 2101(a)(4) of such title is amended by striking "30 applications" and inserting "120 applications".

(c) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE FOR ADAPTATION TO VETERAN'S RESIDENCE.—Section 2102(b)(2) of such title is amended by striking "$12,000" and inserting "$19,733".

(d) INCREASE IN AGGREGATE AMOUNT OF ASSISTANCE FOR ACQUISITION OF HOUSING WITH SPECIAL FEATURES.—Section 2102(d)(1) of such title is amended by striking "$63,780" and inserting "$98,492".

(e) INCREASE IN AGGREGATE AMOUNT OF ASSISTANCE FOR ADAPTATIONS TO VETERANS' RESIDENCES.—Section 2102(d)(2) of such title is amended by striking "$12,756" and inserting "$19,733".

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on October 1, 2020. 38 USC 2101 note.

SEC. 4. PROVISION OF ADDITIONAL AMOUNTS OF SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS.

Section 2102 of such title, as amended by section 3, is further amended by adding at the end the following new subsection:

"(f)(1) Beginning October 1, 2030, notwithstanding the aggregate amounts specified in subsection (d), a covered veteran may apply for and receive an additional amount of assistance under subsection (a) or (b) of section 2101 of this title in an amount that does not exceed half of the amount specified in subsection (d). Effective date.

"(2) In this subsection, a covered veteran is a veteran who— Definition.

"(A) is described in subsection (a)(2) or (b)(2) of section 2101 of this title;

"(B) as of the date of the veteran's application for assistance under paragraph (1), most recently received assistance under this chapter more than 10 years before such date; and

"(C) lives in a home that the Secretary determines does not have adaptations that are reasonably necessary because of the veteran's disability.".

SEC. 5. TREATMENT OF CERTAIN PREPARATORY COURSES AS PROGRAMS OF EDUCATION FOR PURPOSES OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Chapter 33 of title 38, United States Code, is amended by inserting after section 3315A the following new section:

"§ 3315B. Preparatory courses for licensure, certification, or national tests 38 USC 3315B.

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for a covered preparatory course.

"(b) AMOUNT.—The amount of educational assistance payable under this chapter for a covered preparatory course is the lesser of—

"(1) the fee charged for the covered preparatory course; or

"(2) the amount of entitlement available to the individual under this chapter at the time of payment for the covered preparatory course under this section.

Time periods.

"(c) CHARGE AGAINST ENTITLEMENT.—The number of months of entitlement charged an individual under this chapter for a covered preparatory course shall be pro-rated based on the actual amount of the fee charged for the covered preparatory course relative to the rate for 1 month payable—

"(1) for the academic year beginning on August 1, 2020, $2,042; or

"(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

"(d) COVERED PREPARATORY COURSE DEFINED.—In this section, the term 'covered preparatory course' means a course—

"(1) for a licensing or certification test that is required or used to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; and

"(2) that has been approved by the State approving agency concerned.".

38 USC prec. 3301.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3315A the following new item:

"3315B. Preparatory courses for licensure, certification, or national tests.".

(c) CONFORMING AMENDMENTS.—Section 3532(g) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "or a covered preparatory course (as that term is defined in section 3315B(a) of this title)" after "or national test providing an opportunity for course credit at institutions of higher learning described in section 3501(a)(5) of this title"; and

(2) in paragraphs (2) and (3), by inserting "or covered preparatory course" after "test" each place it appears.

38 USC 3315B note.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

SEC. 6. IMPROVEMENT TO WORK-STUDY ALLOWANCE PROGRAM.

(a) PAYMENT OF ALLOWANCE.—Subsection (a) of section 3485 of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "Individuals" and inserting "In accordance with paragraph (4), individuals";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4)(A) With respect to covered work-study activities, the Secretary shall carry out this section by providing to participating educational institutions an annual amount for the institution to use in paying work-study allowance under paragraph (1) to individuals enrolled at the institution.

Time periods. Determination.

"(B) With respect to a participating educational institution that participated in the work-study program under this section during the academic year beginning August 1, 2018, the Secretary shall

determine the annual amount to provide to the educational institution under subparagraph (A) as follows:

Consultation.

"(i) For the academic year beginning August 1, 2020, the amount shall be the total amount, determined in consultation with the educational institution, that the Secretary paid under this section for covered work-study activities to individuals enrolled at such educational institution during the academic year beginning August 1, 2018.

"(ii) Except as provided by clauses (ii) or (iii) of subparagraph (D), for each academic year beginning on or after August 1, 2021, the amount shall be the total amount the educational institution paid under this section for work-study allowance for covered work-study activities to individuals enrolled at such educational institution during the previous academic year in which individuals participated in the work-study program.

Time periods. Determination.

"(C) With respect to a participating educational institution that did not participate in the work-study program under this section during the academic year beginning August 1, 2018, the Secretary shall determine the annual amount to provide to the educational institution under subparagraph (A) as follows:

Consultation.

"(i) For the first academic year in which the educational institution participates in the work-study program beginning on or after August 1, 2020, the amount shall be an amount, determined in consultation with the educational institution, that the Secretary determines appropriate based on amounts provided to similar educational institutions pursuant to subparagraph (B).

"(ii) Except as provided by clauses (ii) or (iii) of subparagraph (D), for each academic year occurring after the academic year specified in clause (i), the amount shall be the total amount the educational institution paid under this section for work-study allowance for covered work-study activities to individuals enrolled at such educational institution during the previous academic year in which individuals enrolled at such educational institution participated in the work-study program.

Transfer authority.

"(D)(i) Except as provided in clause (ii), if the Secretary provides an annual amount to a participating educational institution under subparagraph (B) or (C) that is more than the total amount the educational institution pays to individuals under paragraph (1) for covered work-study activities, the educational institution shall return to the Secretary the unpaid amount and the Secretary shall transfer such amount into the general fund of the Treasury.

Notification.

"(ii) If the annual amount provided to a participating educational institution under subparagraph (B) or (C) is more, but less than 25 percent more, than the total amount the educational institution pays to individuals under paragraph (1) for covered work-study activities, and the educational institution plans to participate in the work-study program under this section during the subsequent academic year, the educational institution may retain the amount of the overpayment if the educational institution notifies the Secretary of the amount of the overpayment and the intention of the educational institution to retain such amount. Any amount retained by an educational institution under this clause may only be used by the educational institution to provide work-study allowance to individuals enrolled at the educational institution.

"(iii) At any time a participating educational institution may request the Secretary to increase the annual amount that the Secretary provides the educational institution under subparagraph (B) or (C). The Secretary shall approve or disapprove such request by not later than 30 days after the date of the request.

Deadline.

Liability.

"(iv) Whenever the Secretary finds that a participating educational institution paid an amount of work-study allowance under this paragraph to an individual for a purpose other than covered work-study activities, such payment shall constitute a liability of the educational institution to the United States.

"(E)(i) Pursuant to section 3690(c), section 3693, and other provisions of chapter 36 of this title, the Secretary shall ensure that participating educational institutions carry out the work-study allowance program in compliance with this section.

Determination.

"(ii) The Secretary may prohibit an educational institution from being a participating educational institution under this paragraph if the Secretary determines that the educational institution is not in compliance with this section.

Definitions.

"(F) In this paragraph:

"(i) The term 'covered work-study activities' means qualifying work-study activities described in subparagraphs (A), (B), (H), (I), or (J) of paragraph (5) for which an individual is paid a work-study allowance.

"(ii) The term 'participating educational institution' means an educational institution that—

"(I)(aa) during the five-academic-year period occurring before an academic year during which the Secretary carries out this paragraph, the educational institution had on average more than 10 individuals per academic year participating in a covered work-study activity under this section; or

"(bb) the educational institution is not described by item (aa) but informs the Secretary that the institution expects to have more than 10 individuals in the following academic year participating in a covered work-study activity under this section; and

"(II) voluntarily chooses to be a participating educational institution under this paragraph.".

(b) CONFORMING AMENDMENT.—Subsection (e)(1) of such section is amended by striking "subsection (a)(4)" and inserting "subsection (a)(5)".

38 USC 3485 note.

(c) APPLICATION.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021.

SEC. 7. ADJUSTMENT OF LOAN FEES.

Section 3729(b)(2) of title 38, United States Code, is amended by striking the loan fee table and inserting the following:

"Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2004, and before January 1, 2020)	2.15	2.40	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2020, and before April 7, 2023)	2.30	2.30	NA
(A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after April 7, 2023, and before October 1, 2029)	2.15	2.15	NA
(A)(iv) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2029)	1.40	1.40	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2004, and before January 1, 2020)	3.30	3.30	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2020, and before April 7, 2023)	3.60	3.60	NA
(B)(iii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after April 7, 2023, and before October 1, 2029)	3.30	3.30	NA
(B)(iv) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2029)	1.25	1.25	NA

"Type of loan	Active duty veteran	Reservist	Other obligor
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before January 1, 2020)	1.50	1.75	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after January 1, 2020, and before April 7, 2023)	1.65	1.65	NA
(C)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after April 7, 2023, and before October 1, 2029)	1.50	1.50	NA
(C)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2029)	0.75	0.75	NA
(D)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before January 1, 2020)	1.25	1.50	NA
(D)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after January 1, 2020, and before April 7, 2023)	1.40	1.40	NA
(D)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after April 7, 2023, and before October 1, 2029)	1.25	1.25	NA
(D)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2029)	0.50	0.50	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25	2.25".

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved August 8, 2020.

LEGISLATIVE HISTORY—H.R. 3504:

HOUSE REPORTS: No. 116–164 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): July 23, considered and passed House.
Vol. 166 (2020): Mar. 25, considered and passed Senate, amended.
July 20, House concurred in Senate amendment.

Public Law 116–155
116th Congress

An Act

To amend title 38, United States Code, to provide for an exception to certain small business contracting requirements applicable to the Department of Veterans Affairs procurement of certain goods and services covered under the Ability One program, and for other purposes.

Aug. 8, 2020
[H.R. 4920]

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

Department of Veterans Affairs Contracting Preference Consistency Act of 2020.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Contracting Preference Consistency Act of 2020".

SEC. 2. EXCEPTION TO DEPARTMENT OF VETERANS AFFAIRS SMALL BUSINESS CONTRACTING REQUIREMENT FOR CERTAIN GOODS AND SERVICES COVERED UNDER ABILITY ONE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 8127 of title 38, United States Code, is amended—

(1) by striking "Except" and inserting "(1) Except";

(2) by inserting "in paragraph (2) and" before "in subsections (b) and (c)"; and

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

"(2)(A) Notwithstanding paragraph (1) and except as provided by subparagraph (B) of this paragraph, with respect to the procurement of a covered product or service, a contracting officer of the Department shall procure such product or service from a source designated under chapter 85 of title 41, and in accordance with the regulations prescribed under such chapter.

"(B)(i) Subject to clause (ii), subparagraph (A) shall not apply in the case of a covered product or service for which a contract was—

"(I) awarded under paragraph (1) after December 22, 2006; and

"(II) in effect on the day before the date of the enactment of the Department of Veterans Affairs Contracting Preference Consistency Act of 2020.

Determination.

"(ii) Clause (i) shall cease to apply to a covered product or service described in such clause upon a determination of the Secretary that when the current contract for the covered product or service is terminated or expires there is no reasonable expectation that—

"(I) two or more small business concerns owned and controlled by veterans will submit offers as described in paragraph (1); and

"(II) the award can be made at a fair and reasonable price that offers best value to the United States.

"(C) In this paragraph, the term 'covered product or service' means— Definition.

"(i) a product or service that—

"(I) is included on the procurement list under section 8503(a) of title 41; and

"(II) was included on such procurement list on or before December 22, 2006; or

"(ii) a product or service that—

"(I) is a replacement for a product or service described under clause (i);

"(II) is essentially the same and meeting the same requirement as the product or service being replaced; and

"(III) a contracting officer determines meets the quality standards and delivery schedule of the Department.".

(b) CONFORMING AMENDMENTS.—Such section is further amended in each of subsections (b) and (c), by striking "For" and inserting "Except as provided in subsection (d)(2), for".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a contract entered into on or after the date of the enactment of this Act. 38 USC 8127 note.

Approved August 8, 2020.

LEGISLATIVE HISTORY—H.R. 4920:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 16, considered and passed House.
Vol. 166 (2020): Mar. 12, considered and passed Senate, amended.
July 20, House concurred in Senate amendment.

Public Law 116–156
116th Congress

An Act

Aug. 14, 2020
[S. 2163]

To establish the Commission on the Social Status of Black Men and Boys, to study and make recommendations to address social problems affecting Black men and boys, and for other purposes.

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

Commission on the Social Status of Black Men and Boys Act.
42 USC 1975 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on the Social Status of Black Men and Boys Act".

SEC. 2. COMMISSION ESTABLISHMENT AND MEMBERSHIP.

(a) ESTABLISHMENT.—The Commission on the Social Status of Black Men and Boys (hereinafter in this Act referred to as "the Commission") is established within the United States Commission on Civil Rights Office of the Staff Director.

Appointments.

(b) MEMBERSHIP.—The Commission shall consist of 19 members appointed as follows:

(1) The Senate majority leader shall appoint one member who is not employed by the Federal Government and is an expert on issues affecting Black men and boys in America.

(2) The Senate minority leader shall appoint one member who is not employed by the Federal Government and is an expert on issues affecting Black men and boys in America.

(3) The House of Representatives majority leader shall appoint one member who is not employed by the Federal Government and is an expert on issues affecting Black men and boys in America.

(4) The House of Representatives minority leader shall appoint one member who is not employed by the Federal Government and is an expert on issues affecting Black men and boys in America.

(5) The Chair of the Congressional Black Caucus shall be a member of the Commission, as well as 5 additional Members of the Congressional Black Caucus who shall be individuals that either sit on the following committees of relevant jurisdiction or are experts on issues affecting Black men and boys in the United States, including—

(A) education;
(B) justice and Civil Rights;
(C) healthcare;
(D) labor and employment; and
(E) housing.

(6) The Staff Director of the United States Commission on Civil Rights shall appoint one member from within the

staff of the United States Commission on Civil Rights who is an expert in issues relating to Black men and boys.

(7) The Chair of the United States Equal Employment Opportunity Commission shall appoint one member from within the staff of the United States Equal Employment Opportunity Commission who is an expert in equal employment issues impacting Black men.

(8) The Secretary of Education shall appoint one member from within the Department of Education who is an expert in urban education.

(9) The Attorney General shall appoint one member from within the Department of Justice who is an expert in racial disparities within the criminal justice system.

(10) The Secretary of Health and Human Services shall appoint one member from within the Department of Health and Human Services who is an expert in health issues facing Black men.

(11) The Secretary of Housing and Urban Development shall appoint one member from within the Department of Housing and Urban Development who is an expert in housing and development in urban communities.

(12) The Secretary of Labor shall appoint one member from within the Department of Labor who is an expert in labor issues impacting Black men.

(13) The President of the United States shall appoint 2 members who are not employed by the Federal Government and are experts on issues affecting Black men and boys in America. President.

(c) MEMBERSHIP BY POLITICAL PARTY.—If after the Commission is appointed there is a partisan imbalance of Commission members, the congressional leaders of the political party with fewer members on the Commission shall jointly name additional members to create partisan parity on the Commission.

SEC. 3. OTHER MATTERS RELATING TO APPOINTMENT; REMOVAL.

(a) TIMING OF INITIAL APPOINTMENTS.—Each initial appointment to the Commission shall be made no later than 90 days after the Commission is established. If any appointing authorities fail to appoint a member to the Commission, their appointment shall be made by the Staff Director of the Commission on Civil Rights. Deadline.

(b) TERMS.—Except as otherwise provided in this section, the term of a member of the Commission shall be 4 years. For the purpose of providing staggered terms, the first term of those members initially appointed under paragraphs (1) through (5) of section 2 shall be appointed to 2-year terms with all other terms lasting 4 years. Members are eligible for consecutive reappointment.

(c) REMOVAL.—A member of the Commission may be removed from the Commission at any time by the appointing authority should the member fail to meet Commission responsibilities. Once the seat becomes vacant, the appointing authority is responsible for filling the vacancy in the Commission before the next meeting.

(d) VACANCIES.—The appointing authority of a member of the Commission shall either reappoint that member at the end of that member's term or appoint another person meeting the qualifications for that appointment. In the event of a vacancy arising during

a term, the appointing authority shall, before the next meeting of the Commission, appoint a replacement to finish that term.

SEC. 4. LEADERSHIP ELECTION.

At the first meeting of the Commission each year, the members shall elect a Chair and a Secretary. A vacancy in the Chair or Secretary shall be filled by vote of the remaining members. The Chair and Secretary are eligible for consecutive reappointment.

SEC. 5. COMMISSION DUTIES AND POWERS.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a systematic study of the conditions affecting Black men and boys, including homicide rates, arrest and incarceration rates, poverty, violence, fatherhood, mentorship, drug abuse, death rates, disparate income and wealth levels, school performance in all grade levels including postsecondary education and college, and health issues.

Reports.

(2) TRENDS.—The Commission shall document trends regarding the topics described in paragraph (1) and report on the community impacts of relevant government programs within the scope of such topics.

(b) PROPOSAL OF MEASURES.—The Commission shall propose measures to alleviate and remedy the underlying causes of the conditions described in subsection (a), which may include recommendations of changes to the law, recommendations for how to implement related policies, and recommendations for how to create, develop, or improve upon government programs.

(c) SUGGESTIONS AND COMMENTS.—The Commission shall accept suggestions or comments pertinent to the applicable issues from members of Congress, governmental agencies, public and private organizations, and private citizens.

(d) STAFF AND ADMINISTRATIVE SUPPORT.—The Office of the Staff Director of the United States Commission on Civil Rights shall provide staff and administrative support to the Commission. All entities of the United States Government shall provide information that is otherwise a public record at the request of the Commission.

SEC. 6. COMMISSION MEETING REQUIREMENTS.

Deadline.

(a) FIRST MEETING.—The first meeting of the Commission shall take place no later than 30 days after the initial members are all appointed. Meetings shall be focused on significant issues impacting Black men and boys, for the purpose of initiating research ideas and delegating research tasks to Commission members to initiate the first annual report described in section 7.

(b) QUARTERLY MEETINGS.—The Commission shall meet quarterly. In addition to all quarterly meetings, the Commission shall meet at other times at the call of the Chair or as determined by a majority of Commission members.

(c) QUORUM; RULE FOR VOTING ON FINAL ACTIONS.—A majority of the members of the Commission constitute a quorum, and an affirmative vote of a majority of the members present is required for final action.

(d) EXPECTATIONS FOR ATTENDANCE BY MEMBERS.—Members are expected to attend all Commission meetings. In the case of an absence, members are expected to report to the Chair prior to the meeting and allowance may be made for an absent member

to participate remotely. Members will still be responsible for fulfilling prior commitments, regardless of attendance status. If a member is absent twice in a given year, he or she will be reviewed by the Chair and appointing authority and further action will be considered, including removal and replacement on the Commission.

(e) MINUTES.—Minutes shall be taken at each meeting by the Secretary, or in that individual's absence, the Chair shall select another Commission member to take minutes during that absence. The Commission shall make its minutes publicly available and accessible not later than one week after each meeting.

Public information. Deadline.

SEC. 7. ANNUAL REPORT GUIDELINES.

The Commission shall make an annual report, beginning the year of the first Commission meeting. The report shall address the current conditions affecting Black men and boys and make recommendations to address these issues. The report shall be submitted to the President, the Congress, members of the President's Cabinet, and the chairs of the appropriate committees of jurisdiction. The Commission shall make the report publicly available online on a centralized Federal website.

Public information. Web posting.

SEC. 8. COMMISSION COMPENSATION.

Members of the Commission shall serve on the Commission without compensation.

Approved August 14, 2020.

LEGISLATIVE HISTORY—S. 2163:

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 25, considered and passed Senate.
July 27, considered and passed House.

Public Law 116–157
116th Congress

An Act

Aug. 14, 2020
[S. 3607]

To extend public safety officer death benefits to public safety officers whose death is caused by COVID–19, and for other purposes.

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

Safeguarding America's First Responders Act of 2020.
34 USC 10281 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safeguarding America's First Responders Act of 2020".

SEC. 2. SENSE OF CONGRESS; PURPOSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an infectious disease pandemic known as COVID–19 exists;

(2) to date, there is much still unknown about COVID–19, but it is known that COVID–19 and related complications may be fatal;

(3) services provided by public safety officers are nonetheless essential during this pandemic;

(4) due to the COVID–19 pandemic and what is currently known about how the disease is spread, public safety officers are uncharacteristically at risk of contracting the disease; and

(5) although the Public Safety Officers' Benefits program currently covers deaths and permanent and total disabilities resulting from infectious disease sustained by public safety officers in carrying out their duties, the determination of claims involving personal injuries believed to have resulted from COVID–19 or its complications may be uniquely challenging or delayed given the lack of—

(A) definitive testing and medical records at this time; and

(B) a definitive uniform body of medical information about how the disease is spread or its effects.

(b) PURPOSE.—The purpose of this Act is to establish a carefully drawn framework wherein claims under the Public Safety Officers' Benefits program, arising under the unique circumstances described in subsection (a), can be processed expeditiously and under fair and clear standards.

Time period.

SEC. 3. PUBLIC SAFETY OFFICER BENEFITS.

Determination.

(a) DEATH BENEFITS.—As determined by the Bureau of Justice Assistance, unless competent medical evidence establishes that the death of a public safety officer (as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968

(34 U.S.C. 10284)) was directly and proximately caused by something other than COVID–19, COVID–19 (or complications therefrom) suffered by the public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(a)), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

(1) the officer engaged in a line of duty action or activity between January 1, 2020, and December 31, 2021;

(2) the officer was diagnosed with COVID–19 (or evidence indicates that the officer had COVID–19) during the 45-day period beginning on the last day of duty of the officer; and

(3) evidence indicates that the officer had COVID–19 (or complications therefrom) at the time of the officer's death.

(b) DISABILITY BENEFITS.—As determined by the Bureau of Justice Assistance, COVID–19 (or complications therefrom) suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)), sustained in the line of duty by the officer, if—

(1) the officer engaged in a line of duty action or activity between January 1, 2020, and December 31, 2021; and

(2) the officer was diagnosed with COVID–19 (or evidence indicates that the officer had COVID–19) during the 45-day period beginning on the last day of duty of the officer.

Approved August 14, 2020.

LEGISLATIVE HISTORY—S. 3607:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 14, considered and passed Senate.
July 20, considered and passed House.

Public Law 116–158
116th Congress

An Act

Aug. 14, 2020
[S. 3637]

To amend the Servicemembers Civil Relief Act to extend lease protections for servicemembers under stop movement orders in response to a local, national, or global emergency, and for other purposes.

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

SECTION 1. EXTENSION OF LEASE PROTECTIONS FOR SERVICEMEMBERS UNDER STOP MOVEMENT ORDERS IN RESPONSE TO LOCAL, NATIONAL, OR GLOBAL EMERGENCY.

(a) TERMINATION.—Subsection (a)(1) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(1) in subparagraph (A), by striking "; or" and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

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

"(C) the date of the lessee's stop movement order described in paragraph (1)(C) or (2)(C) of subsection (b), as the case may be.".

(b) COVERED LEASES.—

(1) LEASES OF PREMISES.—Paragraph (1) of subsection (b) of such section is amended—

(A) in subparagraph (A), by striking "; or" and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

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

Time periods.

"(C) the servicemember, while in military service—

"(i) executes a lease upon receipt of military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 90 days; and

"(ii) thereafter receives a stop movement order issued by the Secretary of Defense in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, which prevents the servicemember or servicemember's dependents from occupying the lease for a residential, professional, business, agricultural, or similar purpose.".

(2) LEASES OF MOTOR VEHICLES.—Paragraph (2) of such subsection is amended—

(A) in subparagraph (A), by striking "; or" and inserting a semicolon;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting "; or"; and

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

"(C) the servicemember, while in military service—

"(i) executes a lease upon receipt of military orders described in subparagraph (B); and

"(ii) thereafter receives a stop movement order issued by the Secretary of Defense in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, which prevents the servicemember, or the servicemember's dependents, from using the vehicle for personal or business transportation.". Time period.

(c) EFFECTIVE DATE OF TERMINATION.—Paragraph (1) of subsection (d) of such section is amended to read as follows:

"(1) LEASE OF PREMISES.—

"(A) ENTRANCE TO MILITARY SERVICE, PERMANENT CHANGE OF STATION, OR DEPLOYMENT.—In the case of a lease described in subparagraph (A) or (B) of subsection (b)(1) that provides for monthly payment of rent, termination of the lease under subsection (a) is effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice under subsection (c) is delivered. In the case of any other lease described in subparagraphs (A) and (B) of subsection (b)(1) termination of the lease under subsection (a) is effective on the last day of the month following the month in which the notice is delivered.

"(B) STOP MOVEMENT ORDERS.—In the case of a lease described in subsection (b)(1)(C), termination of the lease under subsection (a) is effective on the date on which the requirements of subsection (c) are met for such termination.".

(d) TECHNICAL CORRECTION.—Subsection (i) is amended, in the matter before paragraph (1), by inserting "In this section:" after "DEFINITIONS.—".

Effective date.
50 USC 3955 note.

(e) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020.

Approved August 14, 2020.

LEGISLATIVE HISTORY—S. 3637:

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 10, considered and passed Senate.
July 20, considered and passed House.

Public Law 116–159
116th Congress

An Act

Making continuing appropriations for fiscal year 2021, and for other purposes.

Oct. 1, 2020
[H.R. 8337]

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

Continuing Appropriations Act, 2021 and Other Extensions Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Appropriations Act, 2021 and Other Extensions Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short Title.
Sec. 2. Table of Contents.
Sec. 3. References.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2021

DIVISION B—SURFACE TRANSPORTATION PROGRAM EXTENSION

Title I—Surface Transportation Programs
Title II—Trust Funds

DIVISION C—HEALTH EXTENDERS

Title I—Public Health Extenders
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Title IV—Medicare Part B Premium Adjustment
Title V—Accelerated and Advance Payment Programs
Title VI—Offsets

DIVISION D—OTHER MATTERS

Title I—Emergency Stopgap USCIS Stabilization Act
Title II—United States Parole Commission Extension
Title III—Antitrust Criminal Penalty Enhancement and Reform Permanent Extension Act
Title IV—Community Services and Supports
Title V—Budgetary Effects
Title VI—Nutrition and Commodities Programs

DIVISION E—DEPARTMENT OF VETERANS AFFAIRS EXTENSIONS

Title I—Extensions of Authorities Relating to Health Care
Title II—Extensions of Authorities Relating to Benefits
Title III—Extensions of Authorities Relating to Homeless Veterans
Title IV—Extensions of Other Authorities and Other Matters

SEC. 3. REFERENCES.

1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

Continuing Appropriations Act, 2021.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2021

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2021, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2020 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2020, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2020 (division B of Public Law 116–94), except sections 791 and 792.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020 (division B of Public Law 116–93), except the last proviso under the heading "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs".

(3) The Department of Defense Appropriations Act, 2020 (division A of Public Law 116–93), except title X.

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2020 (division C of Public Law 116–94).

(5) The Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–93).

(6) The Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) (except for amounts in title II of division D of Public Law 116–93 that were designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985), and title I of division I of Public Law 116–94.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020 (division D of Public Law 116–94).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2020 (division A of Public Law 116–94).

(9) The Legislative Branch Appropriations Act, 2020 (division E of Public Law 116–94), and section 7 of Public Law 116–94.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2020 (division F of Public Law 116–94), except title V.

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020 (division H of Public Law 116–94).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2020 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2020 funds; or

(3) The initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2020.

Contracts.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2020.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2021, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2021 without any provision for such project or activity.

(3) December 11, 2020.

Expiration date.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2021 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

Continuation.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2020, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2020, to be continued through the date specified in section 106(3).

Time period.

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2020 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2020, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

Applicability.

(b) Section 6 of Public Law 116–94 shall apply to amounts designated in subsection (a) and sections 126 and 163 of this Act for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement.

Effective date.

(c) This section shall become effective immediately upon enactment of this Act, and shall remain in effect through the date in section 106(3).

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)— Rescissions. Continuations.

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2020, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 20, 2020, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2020, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request. Deadline. Lists.

SEC. 116. Notwithstanding section 101, amounts are available in the "Rural Utilities Service—Rural Water and Waste Disposal Program Account" of the Department of Agriculture for gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act, as follows: $1,400,000,000 for direct loans; and $50,000,000 for guaranteed loans.

SEC. 117. Amounts made available by section 101 for "Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs" to carry out section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May 2021. Deadline.

SEC. 118. Amounts made available by section 101 for "Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program" may be apportioned up to the rate for operations necessary to maintain current program caseload in the Commodity Supplemental Food Program.

SEC. 119. Amounts made available by section 101 for "Farm Service Agency—Agricultural Credit Insurance Fund Program Account" may be apportioned up to the rate for operations necessary

to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 120. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2020".

SEC. 121. (a) Sections 7(j)(5), 7A(l)(4), and 21(e) of the United States Grain Standards Act (7 U.S.C. 79(j)(5), 79a(l)(4), 87j(e)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2020" each place it appears.

(b) Sections 7D and 19 of the United States Grain Standards Act (7 U.S.C. 79d, 87h) shall be applied by substituting "2021" for "2020".

SEC. 122. Section 7605(b) of the Agriculture Improvement Act of 2018 (7 U.S.C. 5940 note; Public Law 115–334) is amended by striking "the date that is 1 year after the date on which the Secretary establishes a plan under section 297C of the Agricultural Marketing Act of 1946" and inserting "September 30, 2021".

SEC. 123. Notwithstanding section 101, the second paragraph under the heading "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses" in title VI of division B of Public Law 116–94 shall be applied by striking ", contingent upon the enactment of the Over-the-Counter Monograph User Fee Act of 2019,". 133 Stat. 2640.

SEC. 124. Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs" at a rate for operations of $1,514,709,000: *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to conduct the 2020 Decennial Census Program.

Contracts. Effective date.

SEC. 125. (a)(1) Notwithstanding any other provision of this Act, the Secretary of the Navy may enter into a contract, beginning with fiscal year 2021, for the procurement of up to two Columbia class submarines.

(2) With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract.

(3) Any contract entered into under subsection (a) shall provide that—

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

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

(b) Notwithstanding sections 102 and 104, amounts made available by section 101 to the Department of Defense for "Shipbuilding and Conversion, Navy" may be apportioned up to the rate for operations necessary for "Ohio Replacement Submarine (Full Funding)" in an amount not to exceed $1,620,270,000.

Rescissions.

SEC. 126. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts made available to "Department of Defense—Other Department of Defense Programs—Office of the Inspector General" in title III of division B of the CARES Act (Public Law 116–136), are hereby rescinded, and, in addition

to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2020, for an additional amount for fiscal year 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–136: *Provided*, That the amounts rescinded pursuant to this subsection that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of that Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b)(1) This section shall become effective immediately upon enactment of this Act. Effective date.

(2) If this Act is enacted after September 30, 2020, or if the designation in section 114(b) occurs after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020. Applicability.

SEC. 127. (a) No funds shall be transferred directly from "Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund, Western Area Power Administration" to the general fund of the Treasury in fiscal year 2020.

(b)(1) This section shall become effective immediately upon enactment of this Act. Effective date.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020. Applicability.

SEC. 128. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2020". Applicability.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) shall be applied by substituting "2006 through 2021" for "2006 through 2020". Applicability.

SEC. 129. Section 3007(a)(5)(A)(i)(II)(bb) of the Scholarships for Opportunity and Results Act (sec. 38–1853.07(a)(5)(A)(i)(II)(bb), D.C. Official Code) is amended by striking "5 years" and inserting "6 years".

SEC. 130. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading "District of Columbia—District of Columbia Funds" for such programs and activities under the District of Columbia Appropriations Act, 2020 (title IV of division C of Public Law 116–93) at the rate set forth in the Fiscal Year 2021 Local Budget Act of 2020 (D.C. Act 23–408), as modified as of the date of enactment of this Act.

SEC. 131. In addition to the amounts otherwise provided by section 101, for "District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia", there is appropriated $13,000,000, for an additional amount for

fiscal year 2021, to remain available until expended, for costs associated with the Presidential Inauguration held in January 2021.

Applicability.

SEC. 132. Notwithstanding section 101, the matter preceding the first proviso under the heading "Small Business Administration—Business Loans Program Account" in title V of division C of Public Law 116–93 shall be applied by substituting "$15,000,000" for "$99,000,000" and the third proviso shall be applied as if the language read as follows: "*Provided further*, That commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act shall not exceed $30,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans:": *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C 683(b)).

133 Stat. 2475.

SEC. 133. Amounts made available by section 101 for "Small Business Administration—Disaster Loans Program Account" may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for disaster administrative expenses.

SEC. 134. (a) Notwithstanding section 101, amounts are provided for "General Services Administration—Expenses, Presidential Transition" for necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note), at a rate for operations of $9,900,000, of which not to exceed $1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of such Act: *Provided*, That such amounts may be transferred and credited to the "Acquisition Services Fund" or "Federal Buildings Fund" to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2020: *Provided further*, That amounts available under this section shall be in addition to any other amounts available for such purposes.

Reimbursement.

(b) Notwithstanding section 101, no funds are provided by this Act for "General Services Administration—Pre-Election Presidential Transition".

SEC. 135. Amounts made available by section 101 for "General Services Administration—Real Property Activities—Federal Buildings Fund—Limitations on Availability of Revenue" may be apportioned up to the rate for operations necessary for monthly rental of space operations.

SEC. 136. Notwithstanding section 101, for expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, amounts are provided to "Presidential Transition Administrative Support" at a rate for operations of $8,000,000: *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes: *Provided further*, That such amounts may be apportioned up to the rate for operations necessary to carry out such responsibilities.

SEC. 137. In addition to amounts provided in section 101, an additional amount is provided for "National Archives and Records Administration—Operating Expenses" to carry out transition responsibilities of the Archivist of the United States under sections 2201 through 2207 of title 44, United States Code (commonly known as the "Presidential Records Act of 1978") in the event of a Presidential Transition at a rate for operations of $18,000,000: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to carry out such responsibilities.

SEC. 138. Amounts made available by section 101 for "Office of Personnel Management—Salaries and Expenses", including amounts to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, may be apportioned up to the rate for operations necessary to cover any expected shortfall in administrative expenses resulting from the transfer of the National Background Investigations Bureau function to the Department of Defense.

SEC. 139. Section 2(b)(2)(C)(i) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note; Public Law 112–121) is amended (with regard to the 1st vacancy in the eastern district of Tennessee) by striking "5 years" and inserting "9 years".

SEC. 140. Section 3610 of division A of the CARES Act (Public Law 116–136) shall be applied by substituting the date in section 106(3) of this Act for "September 30, 2020". Applicability. *Ante*, p. 414.

SEC. 141. Amounts made available by section 101 to the Department of Homeland Security for "Office of the Secretary and Executive Management—Operations and Support", "Management Directorate—Operations and Support", and "Intelligence, Analysis, and Operations Coordination—Operations and Support" may be apportioned up to the rate for operations necessary to carry out activities previously funded by the Working Capital Fund of the Department of Homeland Security, consistent with the fiscal year 2021 President's Budget proposal, submitted pursuant to section 1105(a) of title 31, United States Code, and accompanying justification materials.

SEC. 142. Amounts made available by section 101 to the Department of Homeland Security under the heading "Coast Guard—Operations and Support" may be available for the pay and benefits of Coast Guard Yard and Vessel Documentation personnel, Non-Appropriated Funds personnel, and for Morale, Welfare and Recreation Programs.

SEC. 143. Section 9307(f)(1) of title 46, United States Code shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2020". Applicability.

SEC. 144. Amounts made available by section 101 to the Department of Homeland Security under the heading "Cybersecurity and Infrastructure Security Agency" may be obligated in the account and budget structure set forth in H.R. 7669 and the accompanying House Report 116–458, as reported by the House Committee on Appropriations on July 15, 2020.

SEC. 145. Amounts made available by section 101 to the Department of Homeland Security under the heading "Federal Emergency Management Agency—Disaster Relief Fund" may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 146. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "September 30, 2019" and inserting "September 30, 2021".

(b) Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 2019" and inserting "September 30, 2021".

Effective date. 42 USC 4016 note. Applicability.

(c)(1) This section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020.

Applicability.

SEC. 147. (a) Notwithstanding section 101, the following shall be applied by substituting "$0" for—

(1) "$32,300,000" in the first paragraph under the heading "Bureau of Land Management—Land Acquisition";

(2) "$10,000,000", and "$320,000" in the first paragraph under the heading "United States Fish and Wildlife Service—Land Acquisition";

(3) "$3,628,000" in the second paragraph under the heading "United States Fish and Wildlife Service—Land Acquisition";

(4) "$30,800,000" and "$23,702,000" for "$54,502,000" in the first paragraph under the heading "United States Fish and Wildlife Service—Cooperative Endangered Species Conservation Fund";

(5) "$208,400,000", "$140,000,000", and "$13,000,000" in the first paragraph under the heading "National Park Service—Land Acquisition and State Assistance";

(6) "$63,990,000" and "$283,000,000" for "$346,990,000" under the heading "Forest Service—State and Private Forestry"; and

(7) "$78,898,000" in the first paragraph under the heading "Forest Service—Land Acquisition".

Applicability.

(b) Notwithstanding section 101, the first paragraph under the heading "United States Fish and Wildlife Service—Land Acquisition" shall be applied by substituting "$7,550,000" for "$70,715,000".

(c) Amounts made available by section 101 to the Department of the Interior for "Departmental Offices—Office of the Secretary—Departmental Operations" may be apportioned up to the rate for operations necessary to fund the Appraisal and Valuation Services Office and such amounts shall be derived from the Land and Water Conservation Fund.

SEC. 148. Amounts made available by section 101 to the Forest Service may be obligated in the account and budget structure set forth in the table provided by the Secretary of Agriculture to the Committees on Appropriations of the Senate and the House of Representatives prior to the end of fiscal year 2020 pursuant to section 435(d) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020 (division D of Public Law 116–94): *Provided*, That amounts made available by section 101 under the heading "Forest Service—National Forest System" shall be available for the base salary and expenses of employees that carry out the functions funded by the "Capital Improvement and Maintenance" account, the "Range Betterment Fund" account, and the "Management of National Forests for Subsistence Uses" account and may be apportioned up to the rate for operations necessary to fund such base salary and expenses of such employees.

SEC. 149. Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3) of this Act, in the manner authorized for fiscal year 2020, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose: *Provided*, That grants under section 418 of the Social Security Act shall be issued on the same basis as grants under section 403(a)(1) of such Act. Continuation date. Grants.

SEC. 150. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts credited and merged pursuant to the second proviso under the heading "Department of Health and Human Services—Centers for Disease Control and Prevention—Buildings and Facilities" in title II of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2016 (division H of Public Law 114–113) are hereby rescinded, and, in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2020, for an additional amount for fiscal year 2020, to remain available until September 30, 2025, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally transferred and merged pursuant to Public Law 114–113. Rescissions.

(b)(1) This section shall become effective immediately upon enactment of this Act. Effective date.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020. Applicability.

SEC. 151. (a) Notwithstanding section 101, section 529 of division A of Public Law 116–94 shall be applied by substituting "$1,150,000,000" for "$3,169,819,000" and by substituting "section 2104(a)(24)" for "section 2104(a)(23)". Applicability. 133 Stat. 2611.

(b) Notwithstanding section 101, section 530 of division A of Public Law 116–94 shall be applied by substituting "$11,005,661,000" for "$6,093,181,000". Applicability. 133 Stat. 2611.

SEC. 152. (a) Funds made available in Public Law 113–235 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2015 and were obligated for multi-year research grants shall be available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal year 2015 if the Director of the National Institutes of Health determines the project suffered an interruption of activities attributable to SARS–CoV–2.

(b)(1) This section shall become effective immediately upon enactment of this Act. Effective date.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020. Applicability.

SEC. 153. (a) Funds made available in Public Law 113–76 under the heading "Rehabilitation Services and Disability Research" that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015. Time periods.

Effective date.

(b)(1) This section shall become effective immediately upon enactment of this Act.

Applicability.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020.

Applicability.

SEC. 154. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2020".

Applicability.

SEC. 155. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied through the date specified in section 106(3) of this Act by substituting "2021" for "2020".

Rescissions.

SEC. 156. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts made available to "Corporation for National and Community Service—Salaries and Expenses" in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2020, for an additional amount for fiscal year 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–94.

(b) The remaining unobligated balances of funds as of September 30, 2020, from amounts made available to "Corporation for National and Community Service—Operating Expenses" in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2020, for an additional amount for fiscal year 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–94: *Provided*, That any amounts appropriated by the preceding proviso shall not be subject to the allotment requirements otherwise applicable under sections 129(a), (b), (d), and (e) of the National and Community Service Act of 1993.

(c) The remaining unobligated balances of funds as of September 30, 2020, from amounts made available to "Corporation for National and Community Service—Office of Inspector General" in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2020, for an additional amount for fiscal year 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–94.

(d)(1) Section 3514(b) of title III of division A of Public Law 116–136 is hereby repealed, and such section shall be applied hereafter as if such subsection had never been enacted. Repeal. Applicability. 42 USC 12501 note.

(2)(A) IN GENERAL.—The amounts provided under this subsection are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(B) DESIGNATION IN THE SENATE.—In the Senate, this subsection is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(C) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this subsection—

(i) shall not be estimated for purposes of section 251 of such Act;

(ii) shall not be estimated for purposes of paragraph (4)(C) of section 3 of the Statutory Pay As-You-Go Act of 2010 as being included in an appropriation Act; and

(iii) shall be treated as if they were contained in a PAYGO Act, as defined by section 3(7) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 932(7)).

(e)(1) This section shall become effective immediately upon enactment of this Act. Effective date. 42 USC 12501 note.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020. Applicability.

SEC. 157. Notwithstanding any other provision of this Act, there is hereby appropriated for fiscal year 2021 for payment to the John R. Lewis Revocable Trust, beneficiary of John R. Lewis, late a Representative from the State of Georgia, $174,000. John. R. Lewis.

SEC. 158. Notwithstanding section 101, amounts are provided for "House of Representatives—Salaries and Expenses" at a rate for operations of $1,383,725,000.

SEC. 159. Notwithstanding any other provision of this Act— Reimbursements. 2 USC 162b note.

(1) the authority of the Library of Congress to reimburse the Little Scholars Child Development Center at the Library of Congress under section 19004 of the CARES Act (2 U.S.C. 162b note; 134 Stat. 578) shall remain in effect with respect to salaries incurred until the termination of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic; and

(2) the authority of the Government Accountability Office to reimburse the Tiny Findings Child Development Center under section 19009 of the CARES Act (134 Stat. 579) shall remain in effect with respect to salaries incurred until the termination of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic.

(3) Section 19005(a) of the CARES Act (2 U.S.C. 1816b note; 134 Stat. 578) shall be amended by striking "for not more than 16 weeks" and inserting in its place "until the termination of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic".

Contracts.

SEC. 160. (a) EXTENSION.—Notwithstanding sections 3902(a) and 3904(b) of title 41, United States Code, if the performance or delivery of services procured under a severable service contract of the Library of Congress is delayed or otherwise affected by the COVID–19 Pandemic, the period for the performance or delivery of services under the contract may be extended for a period equivalent to the delay or suspension of services, but not exceeding an additional 12 months.

Applicability.
Time period.

(b) CONTRACTS COVERED.—This section applies with respect to contracts for severable services procured for a period beginning in fiscal year 2019 or fiscal year 2020.

Effective date.

SEC. 161. Effective upon enactment of this Act, the matter preceding the first proviso under the heading "Department of Veterans Affairs—Veterans Benefits Administration—Compensation and Pensions" in division F of Public Law 116–94 is amended by replacing "shall become available on October 1, 2020:" with ", to remain available until expended and to become available on October 1, 2020:".

133 Stat. 2788.

SEC. 162. Amounts made available by section 101 for "Department of Veterans Affairs—Departmental Administration—Veterans Electronic Health Record" may be apportioned up to the rate for operations necessary to maintain support activities related to implementation and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code.

SEC. 163. Notwithstanding section 106 of this Act, at any time during fiscal year 2021, the Secretary of Veterans Affairs may transfer up to $140,000,000 of the unobligated balances available under the heading "Department of Veterans Affairs—Veterans Health Administration—Medical Services" in title X of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) to the "Canteen Service Revolving Fund" of the Department to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That amounts so transferred shall be for offsetting the losses resulting from the coronavirus pandemic of Veterans Canteen Service collections pursuant to chapter 78 of title 38, United States Code: *Provided further*, That the transferred amounts shall be in addition to any other funds made available for this purpose: *Provided further*, That amounts transferred under this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 164. Amounts made available by section 101 to the Department of State for "Administration of Foreign Affairs—Repatriation Loans Program Account" may be apportioned up to the rate for

operations necessary to accommodate increased demand for commitments for repatriation loans authorized by section 4(b)(2)(B) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(b)(2)(B)).

Continuation date.

SEC. 165. Section 21009 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall continue in effect through the date specified in section 106 of this Act.

Applicability.

SEC. 166. (a) During the period covered by this Act, section 1(b)(1) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied by substituting "the costs of providing consular services" for "such costs".

Determination. Reports. Consultation.

(b) During the period covered by this Act, discretionary amounts made available by section 101 to the Department of State in title I under the heading "Administration of Foreign Affairs" and discretionary unobligated balances under such heading from prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be transferred to the Consular and Border Security Programs account if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to sustain consular operations, following consultation with such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law: *Provided further*, That no amounts may be transferred from amounts designated for Overseas Contingency Operations/Global War on Terrorism or as emergency requirements pursuant to a concurrent resolution on the budget or section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification.

(c) Amounts made available by section 101 to the Department of State for "Diplomatic Programs" may be apportioned up to the rate for operations necessary to sustain consular operations, and the obligation of such apportioned funds shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

SEC. 167. Notwithstanding any other provision of this Act, and subject to the regular notification procedures of the Committees on Appropriations, the limitations in section 7044(e)(2) of division G of Public Law 116–94 shall not apply to funds made available in this Act or in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020, for disaster relief; to protect human rights, locate and identify missing persons, and assist victims of torture; to promote justice, accountability, and reconciliation; to enhance maritime security and domain awareness; and for International Military Education and Training.

SEC. 168. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2020" and inserting "October 1, 2021".

Rescissions.

SEC. 169. (a) The remaining unobligated balances of funds, as of September 30, 2020, from amounts made available to "Department of Transportation—Office of the Secretary—National Infrastructure Investments" in title I of division K of the Consolidated Appropriations Act, 2017 (Public Law 115–31), other than such funds administratively allocated to carry out the administration and oversight of awards under the national infrastructure investments program, are hereby rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to

this subsection is hereby appropriated on September 30, 2020, for an additional amount for fiscal year 2020, to remain available until September 30, 2021, in addition to other funds as may be available for such purposes, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2017 National Infrastructure Investments grants (also known as the Better Utilizing Investments to Leverage Development, or BUILD grants).

Rescissions.

(b) The remaining unobligated balances of funds, as of September 30, 2020, from amounts made available to "Department of Transportation—Office of the Secretary—National Infrastructure Investments" in title I of division L of the Consolidated Appropriations Act, 2018 (Public Law 115–141), other than such funds administratively allocated to carry out the administration and oversight of awards under the national infrastructure investments program, are hereby rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2020, for an additional amount for fiscal year 2020, to remain available until September 30, 2021, in addition to other funds as may be available for such purposes, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2018 National Infrastructure Investments grants (also known as the Better Utilizing Investments to Leverage Development, or BUILD grants).

Effective date.

(c)(1) This section shall become effective immediately upon enactment of this Act.

Applicability.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020.

Applicability.

SEC. 170. Notwithstanding section 101, the matter preceding the first proviso under the heading "Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account" in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) shall be applied by substituting "$1,278,000,000,000" for "$550,000,000,000": *Provided*, That amounts made available under such heading by this Act may be apportioned up to the rate for operations necessary to accommodate increased demand for new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act as amended (12 U.S.C. 1721(g)).

133 Stat. 2996.

Time periods.

SEC. 171. (a) Funds previously made available in the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6) for the "Choice Neighborhoods Initiative" that were available for obligation through fiscal year 2015 are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2013 through 2015.

Effective date.

(b)(1) This section shall become effective immediately upon enactment of this Act.

Applicability.

(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020.

SEC. 172. Amounts made available by section 101 to the Department of Housing and Urban Development for "Housing Programs—Housing for the Elderly" may be apportioned up to the rate for operations necessary to—

(1) maintain project rental assistance for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(2)), including making amendments to contracts for such assistance and renewing expiring contracts for such assistance for up to a 1-year term; and

(2) be available to make awards to existing grantees to continue, without competition, demonstration programs to test housing with services models for the elderly that demonstrate the potential to delay or avoid the need for nursing home care.

Reimbursement.

SEC. 173. Amounts provided by section 111 to the Department of Agriculture for "Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as of September 17, 2020.

This Act may be cited as the "Continuing Appropriations Act, 2021".

DIVISION B—SURFACE TRANSPORTATION PROGRAM EXTENSION

TITLE I—SURFACE TRANSPORTATION PROGRAMS

SEC. 1101. EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.

23 USC 101 note.

(a) IN GENERAL.—Except as otherwise provided in this division, the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under the covered laws, which would otherwise expire on or cease to apply after September 30, 2020, are incorporated by reference and shall continue in effect through September 30, 2021.

Incorporation by reference.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) HIGHWAY TRUST FUND.—

(A) HIGHWAY ACCOUNT.—There is authorized to be appropriated from the Highway Account for fiscal year 2021, for each program with respect to which amounts are authorized to be appropriated from such account for fiscal year 2020, an amount equal to the amount authorized for appropriation with respect to the program from such account under the covered laws for fiscal year 2020.

(B) MASS TRANSIT ACCOUNT.—There is authorized to be appropriated from the Mass Transit Account for fiscal year 2021, for each program with respect to which amounts are authorized to be appropriated from such account for fiscal year 2020, an amount equal to the amount authorized for appropriation with respect to the program from such account under the covered laws for fiscal year 2020.

(2) GENERAL FUND.—There is authorized to be appropriated for fiscal year 2021, for each program under the covered laws with respect to which amounts are authorized to be appropriated for fiscal year 2020 from an account other than the Highway Account or the Mass Transit Account, an amount

that is not less than the amount authorized for appropriation with respect to the program under the covered laws for fiscal year 2020.

(c) USE OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2021 with respect to a program under subsection (b) shall be distributed, administered, limited, and made available for obligation in the same manner as amounts authorized to be appropriated with respect to the program for fiscal year 2020 under the covered laws.

(d) OBLIGATION LIMITATION.—A program for which amounts are authorized to be appropriated under subsection (b)(1) shall be subject to a limitation on obligations for fiscal year 2021 in the same amount and in the same manner as the limitation applicable with respect to the program for fiscal year 2020.

(e) DEFINITIONS.—In this section:

(1) COVERED LAWS.—The term "covered laws" means the following:

(A) Titles I, II, III, IV, V, VI, VII, VIII, XI, and XXIV of the FAST Act (Public Law 114–94).

(B) Division A, division B, subtitle A of title I and title II of division C, and division E of MAP–21 (Public Law 112–141).

(C) Titles I, II, and III of the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244).

(D) Titles I, II, III, IV, V, and VI of SAFETEA–LU (Public Law 109–59).

(E) Titles I, II, III, IV, and V of the Transportation Equity Act for the 21st Century (Public Law 105–178).

(F) Titles II, III, and IV of the National Highway System Designation Act of 1995 (Public Law 104–59).

(G) Titles I, II, III, IV, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(H) Title 23, United States Code.

(I) Sections 116, 117, 330, 5128, 5505, and 24905 and chapters 53, 139, 303, 311, 313, 701, and 702 of title 49, United States Code.

(2) HIGHWAY ACCOUNT.—The term "Highway Account" means the portion of the Highway Trust Fund that is not the Mass Transit Account.

(3) MASS TRANSIT ACCOUNT.—The term "Mass Transit Account" means the portion of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.

SEC. 1102. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

Section 117(d)(2)(A) of title 23, United States Code, is amended in the matter preceding clause (i)—

(1) by striking "$500,000,000" and inserting "$600,000,000"; and

(2) by striking "2020" and inserting "2021".

SEC. 1103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403(h)(2) of title 23, United States Code, is amended—

(1) by striking "2020" and inserting "2021"; and

(2) by striking "$21,248,000" and inserting "$26,560,000".

SEC. 1104. RAIL-RELATED PROVISIONS.

(a) FEDERAL FUNDING FOR OPERATING LOSSES.—Section 24321 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(b) DIRECT LOANS AND LOAN GUARANTEES.—Section 502(b)(3) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(b)(3)) is amended by striking "September 30, 2020" and inserting "September 30, 2021".

SEC. 1105. SUSPENSION FOR EXTENSION PERIOD OF ADJUSTMENTS FOR ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

Section 105 of title 23, United States Code, shall not apply to monies deposited into the Highway Trust Fund by this division.

SEC. 1106. PROHIBITION ON USE OF FUNDS.

None of the funds authorized in this division or any other Act may be used to adjust apportionments for the Mass Transit Account of the Highway Trust Fund or withhold funds from apportionments for the Mass Transit Account of the Highway Trust Fund pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 in fiscal year 2021.

SEC. 1107. APPALACHIAN REGIONAL COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)(5) by striking "2020" and inserting "2021"; and

(2) in subsection (c) by striking "2020" and inserting "2021".

(b) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking "2020" and inserting "2021".

TITLE II—TRUST FUNDS

SEC. 1201. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

Section 9503 of the Internal Revenue Code of 1986 is amended— 26 USC 9503.

(1) by striking "October 1, 2020" in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting "October 1, 2021"; and

(2) by striking "FAST Act" in subsections (c)(1) and (e)(3) and inserting "Continuing Appropriations Act, 2021 and Other Extensions Act".

SEC. 1202. SPORT FISH RESTORATION AND BOATING TRUST FUND.

Section 9504 of the Internal Revenue Code of 1986 is amended— 26 USC 9504.

(1) by striking "FAST Act" each place it appears in subsection (b)(2) and inserting "Continuing Appropriations Act, 2021 and Other Extensions Act"; and

(2) by striking "October 1, 2020" in subsection (d)(2) and inserting "October 1, 2021".

SEC. 1203. LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

Section 9508(e)(2) of the Internal Revenue Code of 1986 is amended by striking "October 1, 2020" and inserting "October 1, 2021". 26 USC 9508.

SEC. 1204. FURTHER ADDITIONAL TRANSFERS TO HIGHWAY TRUST FUND.

26 USC 9503.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

"(A) $10,400,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

"(B) $3,200,000,000 to the Mass Transit Account in the Highway Trust Fund.".

SEC. 1205. ADDITIONAL TRANSFER TO TRUST FUND.

26 USC 9502.

Section 9502 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(f) ADDITIONAL TRANSFER TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated $14,000,000,000 to the Airport and Airway Trust Fund.".

DIVISION C—HEALTH EXTENDERS

TITLE I—PUBLIC HEALTH EXTENDERS

SEC. 2101. COMMUNITY HEALTH CENTERS, NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended—

(1) by striking "$668,493,151" and inserting "$789,041,096"; and

(2) by striking "November 30, 2020" and inserting "December 11, 2020".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2)(H) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(H)) is amended—

(1) by striking "$51,808,219" and inserting "$61,150,685"; and

(2) by striking "November 30, 2020" and inserting "December 11, 2020".

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended—

(1) by striking "$21,141,096" and inserting "$24,953,425"; and

(2) by striking "November 30, 2020" and inserting "December 11, 2020".

Time period.

(d) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendments made by this section for the period beginning on October 1, 2020, through December 11, 2020, shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

(e) CONFORMING AMENDMENT.—Paragraph (4) of section 3014(h) of title 18, United States Code, is amended—

(1) by striking "Social Services Act,,," and inserting "Social Services Act,"; and

(2) by striking "and section 3831 of the CARES Act" and inserting ", section 3831 of the CARES Act, and section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act".

SEC. 2102. DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended—

(1) by striking "$25,068,493" and inserting "$29,589,042"; and

(2) by striking "November 30, 2020" and inserting "December 11, 2020".

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended—

(1) by striking "$25,068,493" and inserting "$29,589,042"; and

(2) by striking "November 30, 2020" and inserting "December 11, 2020".

SEC. 2103. PERSONAL RESPONSIBILITY EDUCATION.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended by striking "November 30, 2020" each place it appears and inserting "December 11, 2020".

SEC. 2104. SEXUAL RISK AVOIDANCE EDUCATION.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) by striking "November 30, 2020" each place it appears and inserting "December 11, 2020";

(2) in subsection (a)(2)(B)(i), by striking "such period, for fiscal year 2020" and inserting "the period described in subparagraph (A), for fiscal year 2021"; and

(3) in subsection (f)(2), by striking "and 2019" and inserting "through 2020,".

SEC. 2105. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER EXTENSION.

Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) is amended—

(1) by striking "September 30, 2020" each place it appears and inserting "December 11, 2020"; and

(2) in subparagraph (B), by striking "September 30, 2022" and inserting "December 11, 2022".

SEC. 2106. AUTHORIZATION TO ACCUMULATE EXCESS ANNUAL LEAVE.

42 USC 210–1 note.

(a) IN GENERAL.—Notwithstanding section 219 of the Public Health Service Act (42 U.S.C. 210–1), a commissioned officer of the Public Health Service who, except for this section, would lose at the end of the fiscal year 2020 accumulated annual leave in excess of 60 days, may retain such amounts of accumulated annual leave in excess of 60 days.

Deadline.

(b) USE OF EXCESS LEAVE.—Annual leave retained pursuant to subsection (a) shall be lost unless it is used by the officer no later than September 30, 2023.

(c) APPLICABILITY.—This section shall not apply to an officer on terminal leave preceding separation, retirement, or release from active duty, as of the effective date specified in subsection (d).

(d) EFFECTIVE DATE.—This section shall become effective on the earlier of—

(1) the date of the enactment of this Act; or

(2) September 30, 2020.

Effective date. Applicability. 42 USC 231 note.

SEC. 2107. HHS SERVICES AND SUPPLY FUND.

Effective as if included in the enactment of the paragraph beginning with "Service and supply fund:" under the heading "Public Health Service" in the Federal Security Agency Appropriation Act, 1946 (42 U.S.C. 231), such paragraph shall be applied with respect to any fiscal year as though the phrase "central services" referred to central services for any Federal agency.

TITLE II—MEDICARE EXTENDERS

SEC. 2201. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 3801 of the CARES Act (Public Law 116–136), is amended by striking "December 1, 2020" and inserting "December 12, 2020".

SEC. 2202. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)), as amended by section 3802 of the CARES Act (Public Law 116–136), is amended—

(1) in the first sentence, by striking "November 30, 2020" and inserting "December 11, 2020"; and

(2) in the third sentence, by striking "November 30, 2020" and inserting "December 11, 2020".

SEC. 2203. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), section 1402 of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), section 1402 of division B of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), section 103 of division N of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), and section 3803 of the CARES

Act (Public Law 116–136) is amended in clause (xi) by striking "November 30, 2020" and inserting "December 11, 2020".

(b) AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended in clause (xi) by striking "November 30, 2020" and inserting "December 11, 2020".

(c) AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended in clause (xi) by striking "November 30, 2020" and inserting "December 11, 2020".

(d) CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended in clause (xi) by striking "November 30, 2020" and inserting "December 11, 2020".

TITLE III—MEDICAID EXTENDERS

SEC. 2301. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

Section 6071(h)(1)(H) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note), as inserted by section 3811 of the CARES Act (Public Law 116–136), is amended by striking "November 30, 2020" and inserting "December 11, 2020".

SEC. 2302. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.

(a) IN GENERAL.—Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note), as amended by section 3812 of the CARES Act (Public Law 116–136), is amended by striking "November 30, 2020" and inserting "December 11, 2020".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from— 42 USC 1396a note.

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

(B) on the basis of an individual's need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315); or

(2) disregarding an individual's spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual's spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

SEC. 2303. DELAY OF DSH REDUCTIONS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)), as amended by section 3813 of the CARES Act (Public Law 116–136), is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking "December 1, 2020" and inserting "December 12, 2020"; and

(2) in clause (ii)(I), by striking "December 1, 2020" and inserting "December 12, 2020".

SEC. 2304. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note), as amended by section 3814 of the CARES Act (Public Law 116–136), is amended by striking "November 30, 2020" and inserting "December 11, 2020".

TITLE IV—MEDICARE PART B PREMIUM ADJUSTMENT

SEC. 2401. 2021 MEDICARE PART B PREMIUM AND DEDUCTIBLE.

(a) 2021 PREMIUM AND DEDUCTIBLE AND REPAYMENT THROUGH FUTURE PREMIUMS.—Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "(5) and (6)" and inserting "(5), (6), and (7)";

(2) in paragraph (6)(C)—

(A) in clause (i), by striking "section 1844(d)(1)" and inserting "subsections (d)(1) and (e)(1) of section 1844"; and

(B) in clause (ii), by striking "paragraph (5)" and inserting "paragraphs (5) and (7)"; and

(3) by adding at the end the following:

Applicability. Determination.

"(7)(A) In applying this part (including subsection (i) and section 1833(b)), the monthly actuarial rate for enrollees age 65 and over for 2021 shall be determined to be equal to the sum of—

"(i) the monthly actuarial rate for enrollees age 65 and over for 2020; plus

"(ii) 25 percent of the difference between such rate for 2020 and the preliminary monthly actuarial rate for enrollees age 65 and over for 2021 (as estimated under subparagraph (B)).

Estimate.

"(B) For purposes of subparagraph (A)(ii), the Secretary shall estimate a preliminary monthly actuarial rate for enrollees age 65 and over for 2021 using the methodology described in paragraph (1) and as if subparagraph (A) of this paragraph did not apply. The Secretary shall make the estimate under the previous sentence as if the transfers described in section 1844(f)(1) have been made.".

(b) TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended—

Applicability.

(1) in subsection (a), by adding at the end the following new sentence: "In applying paragraph (1), the amounts transferred under subsection (e)(1) with respect to enrollees described in subparagraphs (A) and (B) of such subsection shall be treated as premiums payable and deposited in the Trust Fund under

subparagraphs (A) and (B), respectively, of paragraph (1).''; and

(2) by adding at the end the following:

''(e)(1) For 2021, there shall be transferred from the General Fund to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to the reduction in aggregate premiums payable under this part for a month in such year (excluding any changes in amounts collected under section 1839(i)) that are attributable to the application of section 1839(a)(7) with respect to—

''(A) enrollees age 65 and over; and

''(B) enrollees under age 65.

Such amounts shall be transferred from time to time as appropriate.

''(2) Premium increases affected under section 1839(a)(6) shall not be taken into account in applying subsection (a).

''(3) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the additional premiums payable as a result of the application of section 1839(a)(6), excluding the aggregate payments attributable to the application of section 1839(i)(3)(A)(ii)(II).''.

(c) ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w), as amended by subsection (b)(2), is amended by adding at the end the following:

''(f)(1) There shall be transferred from the General Fund of the Treasury to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid in advance for items and services under this part during the period beginning on the first day of the emergency period described in section 1135(g)(1)(B) and ending on the date of the enactment of this paragraph. Time period.

''(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

''(A) the amounts by which claims have offset (in whole or in part) the amount of such payments described in paragraph (1); and

''(B) the amount of such payments that have been repaid (in whole or in part).

''(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.''.

(d) INDENTATION CORRECTION.—Section 1839(i)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(ii)) is amended by moving the indentation of subclause (I) two ems to the right.

TITLE V—ACCELERATED AND ADVANCE PAYMENT PROGRAMS

SEC. 2501. MODIFYING ACCELERATED AND ADVANCE PAYMENT PROGRAMS UNDER PARTS A AND B OF THE MEDICARE PROGRAM DURING THE COVID–19 EMERGENCY.

(a) SPECIAL REPAYMENT RULES AND OTHER MODIFICATIONS.—

(1) PART A.—

(A) IN GENERAL.—Section 1815(f)(2)(C) of the Social Security Act (42 U.S.C. 1395g(f)(2)(C)) is amended to read as follows:

"(C) In the case of a payment made under the terms of the program under subsection (e)(3), including such program as expanded pursuant to this subsection, on or after the date of the enactment of the CARES Act and so made during the emergency period described in section 1135(g)(1)(B), upon request of a hospital, the Secretary shall—

"(i) provide 1 year before payments for items and services furnished by the hospital are offset to recoup payments under such program;

"(ii) provide that any such offset be an amount equal to—

"(I) during the first 11 months in which any such offsets are made with respect to payment for items and services furnished by the hospital, 25 percent of the amount of such payment for such items and services; and

"(II) during the succeeding 6 months, 50 percent of the amount of such payment for such items and services; and

"(iii) allow 29 months from the date of the first payment under such program to such provider before requiring that the outstanding balance be paid in full.".

(B) AUTHORITY FOR DISCRETION.—Section 1815(f)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(f)(2)(A)(ii)) is amended by inserting "(or, with respect to requests submitted to the Secretary after April 26, 2020, may)" after "shall.".

42 USC 1395g note.

(C) APPLICATION TO OTHER PART A PROVIDERS.—

(i) IN GENERAL.—In the case of a payment made under the terms of an applicable program (as defined in clause (ii)), on or after the date of the enactment of the CARES Act (Public Law 116–136) and so made during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), upon request of an applicable provider (as defined in clause (iii)), the provisions of section 1815(f)(2)(C) of such Act (42 U.S.C. 1395g(f)(2)(C)), as amended by subparagraph (A), shall apply with respect to such payment in the same manner as such provisions apply with respect to a payment made under the terms of the program under subsection (e)(3) of section 1815 of such Act (42 U.S.C. 1395g), including such program as expanded pursuant to subsection (f) of such section, on or after the date of the enactment of the CARES Act (Public Law 116–136) and so made during such emergency period.

(ii) APPLICABLE PROGRAM DEFINED.—In this clause, the term "applicable program" means—

(I) the programs under sections 413.64(g), 412.541(f), 412.632(e), 412.116(f), 413.350(d), or 418.307 of title 42, Code of Federal Regulations (or any successor regulations); and

(II) any other comparable program under part A of title XVIII of the Social Security Act, as determined by the Secretary.

(iii) APPLICABLE PROVIDER.—In this clause, the term "applicable provider" means a provider of services

that is eligible for payment under an applicable program.

(2) PART B.—

Time periods. 42 USC 1395u note.

(A) IN GENERAL.—In the case of a payment made under the terms of the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) on or after the date of the enactment of the CARES Act (Public Law 116–136) and so made during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall, upon request of the provider of services or supplier receiving such payment—

(i) provide 1 year before payments for items and services furnished by such provider or supplier are offset to recoup payments under such program;

(ii) provide that any such offset be an amount equal to—

(I) during the first 11 months in which any such offsets are made with respect to payment for items and services furnished by such provider or supplier, 25 percent of the amount of such payment for such items and services; and

(II) during the succeeding 6 months, 50 percent of the amount of such payment for such items and services; and

(iii) allow 29 months from the date of the first payment under such program to such provider or supplier before requiring that the outstanding balance be paid in full.

Effective date.

(B) LIMITATION ON FURTHER PART B ADVANCE PAYMENTS.—With respect to the period of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) beginning on the date of the enactment of this Act, the total amount of payments made under the terms of the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation)—

(i) for the portion of 2020 occurring during such period of the emergency period and for each year, shall not exceed $10,000,000;

(ii) for each year beginning and ending during such period of the emergency period, shall not exceed $10,000,000; and

(iii) for the last year beginning during such period of the emergency period, the portion of such last year occurring during such period of the emergency period, shall not exceed $10,000,000.

(b) INTEREST RATES.—

(1) PART A.—

(A) IN GENERAL.—Section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) is amended by inserting before the period at the end the following: "(or, in the case of such a determination made with respect to a payment made on or after the date of the enactment of the CARES Act and during the emergency period described in section 1135(g)(1)(B) under the program under subsection (e)(3),

including such program as expanded pursuant to subsection (f), at a rate of 4 percent)".

42 USC 1395g note.

(B) APPLICATION TO OTHER PART A PROVIDERS.—In the case of a determination under section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) with respect to a payment made on or after the date of the enactment of the CARES Act (Public Law 116–136) and during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) under an applicable program (as defined in subsection (a)(1)(C)(ii)), the amendment made by subparagraph (A) shall apply with respect to such determination in the same manner as such amendment applies with respect to a payment made on or after the date of the enactment of the CARES Act (Public Law 116–136) and during such emergency period under the program under subsection (e)(3) of section 1815 of such Act (42 U.S.C. 1395g), including such program as expanded pursuant to subsection (f) of such section.

(2) PART B.—Section 1833(j) of the Social Security Act (42 U.S.C. 1395l(j)) is amended by inserting before the period at the end the following: "(or, in the case of such a determination made with respect to a payment made on or after the date of the enactment of the CARES Act and during the emergency period described in section 1135(g)(1)(B) under the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation), at a rate of 4 percent)".

42 USC 1395g note.

(c) PUBLICATION OF DATA.—

(1) DATA DURING COVID–19 EMERGENCY.—

Deadline. Public information. Web posting.

(A) INITIAL PUBLICATION.—Not later than 2 weeks after the date of the enactment of this section, the Secretary shall post on the public website of the Centers for Medicare & Medicaid Services data that includes the following information with respect to specified payments (as defined in paragraph (3)(E)) made as of such date and for which data is available:

(i) The total amount of such payments made under each applicable payment program (as defined in paragraph (3)(A)), including a specification of the percentage of such payments so made from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the percentage of such payments so made from the Federal Supplementary Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t) under each such program.

(ii) The amount of specified payments made under each such program by type of provider of services or supplier receiving such payments.

(iii) The Centers for Medicare & Medicaid Services certification number or other appropriate number of, and the amount of such payments received by, each provider of services and supplier receiving such payments.

Time period. Public information. Web posting.

(B) INTERIM PUBLICATION.—Every 2 weeks thereafter during the emergency period, if any specified payments are made that were not included in a preceding publication

of data under this paragraph, the Secretary shall post on the website described in subparagraph (A) data containing the information described in clauses (i), (ii), and (iii) of such subparagraph with respect to such specified payments.

(2) ADDITIONAL PUBLICATIONS.—Not later than 15 months after the date of the enactment of the CARES Act (Public Law 116–136), and every 6 months thereafter until all specified payments have been recouped or repaid, the Secretary shall post on the website described in paragraph (1)(A) data that includes the following:

Deadlines. Public information. Web posting.

(A) The total amount of all specified payments not recouped or repaid under each applicable payment program.

(B) The amount of payments made under each such program and not recouped or repaid by type of provider of services or supplier.

(C) The total amount of specified payments that have been recouped or repaid under each such program, including a specification of the percentage of such payments so recouped or repaid that have been deposited into the Federal Hospital Insurance Trust Fund and the percentage of such payments so recouped or repaid that have been deposited into the Federal Supplementary Insurance Trust Fund under each such program.

(D) The dollar amount of interest that has been collected with respect to all specified payments under each such program.

(3) DEFINITIONS.—In this subsection:

(A) APPLICABLE PAYMENT PROGRAM.—The term "applicable payment program" means—

(i) the program under subsection (e)(3) of section 1815 of the Social Security Act (42 U.S.C. 1395g), including such program as expanded under subsection (f) of such section;

(ii) an applicable program (as defined in subsection (a)(1)(C)(ii) of this section); and

(iii) the program described in section 421.214 of title 42, Code of Federal Regulations (or any successor regulation).

(B) EMERGENCY PERIOD.—The term "emergency period" means the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).

(C) PROVIDER OF SERVICES AND SUPPLIER.—The terms "provider of services" and "supplier" have the meaning given such terms in subsections (u) and (d), respectively, of section 1861 of such Act (42 U.S.C. 1395x).

(D) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(E) SPECIFIED PAYMENTS.—The term "specified payments" means payments made under an applicable payment program on or after the date of the enactment of the CARES Act (Public Law 116–136) during the emergency period.

TITLE VI—OFFSETS

SEC. 2601. INCLUSION IN THE MEDICAID DRUG REBATE PROGRAM OF COVERED OUTPATIENT DRUGS USED FOR MEDICATION-ASSISTED TREATMENT.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in paragraph (29) of subsection (a)—

(A) by moving the margin of such paragraph 2 ems to the right; and

(B) by striking "subject to paragraph (2)" and inserting "subject to paragraphs (2) and (3)"; and

(2) in subsection (ee), by adding at the end the following:

"(3) APPLICATION OF REBATE REQUIREMENTS.—The requirements of section 1927 shall apply to any drug or biological product described in paragraph (1)(A) that is—

"(A) furnished as medical assistance in accordance with subsection (a)(29) and section 1902(a)(10)(A); and

"(B) a covered outpatient drug (as defined in section 1927(k), except that, in applying paragraph (2)(A) of such section to a drug described in paragraph (1)(A), such drug shall be deemed a prescribed drug for purposes of subsection (a)(12)).".

(b) CONFORMING AMENDMENT.—Section 1927(d)(7) of the Social Security Act (42 U.S.C. 1396r–8(d)(7)) is amended by adding at the end the following new subparagraph:

"(D) Drugs and biological products described in subsection (ee)(1)(A) of section 1905 that are furnished as medical assistance in accordance with subsection (a)(29) of such section and section 1902(a)(10)(A).".

42 USC 1396d note.

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1006(b) of the SUPPORT for Patients and Communities Act (Public Law 115–271; 132 Stat. 3914).

SEC. 2602. MEDICAID IMPROVEMENT FUND.

Section 1941(b) of the Social Security Act (42 U.S.C. 1396w–1(b)) is amended—

(1) in paragraph (1), by striking "2021" and inserting "2023"; and

(2) in paragraph (3)(A), by striking "$1,960,000,000" and inserting "$3,446,000,000".

DIVISION D—OTHER MATTERS

TITLE I—EMERGENCY STOPGAP USCIS STABILIZATION ACT

Emergency Stopgap USCIS Stabilization Act.

8 USC 1101 note.

SEC. 4101. SHORT TITLE.

This title may be cited as the "Emergency Stopgap USCIS Stabilization Act".

SECTION 4102. EXPANSION OF PREMIUM PROCESSING.

(a) IN GENERAL.—Section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)) is amended to read as follows:

"(u) PREMIUM FEE FOR CERTAIN IMMIGRATION BENEFIT TYPES.—

"(1) IN GENERAL.—The Secretary of Homeland Security is authorized to establish and collect a premium fee for the immigration benefit types described in paragraph (2). Such fee shall be paid in addition to any other fees authorized by law, deposited as offsetting receipts in the Immigration Examinations Fee Account established under subsection (m), and used for the purposes described in paragraph (4).

"(2) IMMIGRATION BENEFIT TYPES.—Subject to reasonable conditions or limitations, the Secretary shall establish a premium fee under paragraph (1) in connection with—

"(A) employment-based nonimmigrant petitions and associated applications for dependents of the beneficiaries of such petitions;

"(B) employment-based immigrant petitions filed by or on behalf of aliens described in paragraph (1), (2), or (3) of section 203(b);

"(C) applications to change or extend nonimmigrant status;

"(D) applications for employment authorization; and

"(E) any other immigration benefit type that the Secretary deems appropriate for premium processing.

"(3) AMOUNT OF FEE.—

"(A) IN GENERAL.—Subject to subparagraph (C), with respect to an immigration benefit type designated for premium processing by the Secretary on or before August 1, 2020, the premium fee shall be $2,500, except that the premium fee for a petition for classification of a nonimmigrant described in subparagraph (H)(ii)(b) or (R) of section 101(a)(15) shall be $1,500.

"(B) OTHER IMMIGRATION BENEFIT TYPES.—With respect to an immigration benefit type designated for premium processing but not described in subparagraph (A), the initial premium fee shall be established by regulation, which shall include a detailed methodology supporting the proposed premium fee amount. Regulations.

"(C) BIENNIAL ADJUSTMENT.—The Secretary may adjust a premium fee under subparagraph (A) or (B) on a biennial basis by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of June preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the second preceding calendar year. The provisions of section 553 of title 5, United States Code, shall not apply to an adjustment authorized under this subparagraph.

"(4) USE OF FEE.—Fees collected under this subsection may only be used by U.S. Citizenship and Immigration Services to—

"(A) provide the services described in paragraph (5) to premium processing requestors;

"(B) make infrastructure improvements in adjudications processes and the provision of information and services to immigration and naturalization benefit requestors;

"(C) respond to adjudication demands, including by reducing the number of pending immigration and naturalization benefit requests; and

"(D) otherwise offset the cost of providing adjudication and naturalization services.

"(5) PREMIUM PROCESSING SERVICES.—The Secretary—

"(A) may suspend the availability of premium processing for designated immigration benefit requests only if circumstances prevent the completion of processing of a significant number of such requests within the required period; and

"(B) shall ensure that premium processing requestors have direct and reliable access to current case status information as well as the ability to communicate with the premium processing units at each service center or office that provides premium processing services.".

8 USC 1356 note.

(b) EXPANSION TO NEW BENEFIT REQUESTS.—

Time period.

(1) IN GENERAL.—Notwithstanding the requirement to set a fee by regulation under section 286(u)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1356(u)(3)(B)), as amended by subsection (a), the Secretary of Homeland Security may set a fee under that section without regard to the provisions of section 553 of title 5, United States Code, if such fee is consistent with the following:

(A) For a petition for classification under section 203(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)(C)), or a petition for classification under section 203(b)(2) involving a waiver under section 203(b)(2)(B) of such Act, the fee is set at an amount not greater than $2,500 and the required processing timeframe is not greater than 45 days.

(B) For an application under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to change status to a classification described in subparagraph (F), (J), or (M) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)), the fee is set at an amount not greater than $1,750 and the required processing timeframe is not greater than 30 days.

(C) For an application under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to change status to be classified as a dependent of a nonimmigrant described in subparagraph (E), (H), (L), (O), (P), or (R) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)), or to extend such classification, the fee is set at an amount not greater than $1,750 and the required processing timeframe is not greater than 30 days.

(D) For an application for employment authorization, the fee is set at an amount not greater than $1,500 and the required processing timeframe is not greater than 30 days.

Effective date.

(2) CLARIFICATION.—The required processing timeframe for each of the applications and petitions described in paragraph (1) shall not commence until the date that all prerequisites for adjudication are received by the Secretary of Homeland Security.

8 USC 1356 note.

(c) OTHER BENEFIT REQUESTS.—In implementing the amendments made by subsection (a), the Secretary of Homeland Security shall develop and implement processes to ensure that the availability of premium processing, or its expansion to additional immigration benefit requests, does not result in an increase in

processing times for immigration benefit requests not designated for premium processing or an increase in regular processing of immigration benefit requests so designated.

SEC. 4103. REPORTING REQUIREMENTS. 8 USC 1103 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the appropriate Committees a 5-year plan, including projected cost estimates, procurement strategies, and a project schedule with milestones, to accomplish each of the following: Deadline. Plan. Cost estimates. Contracts. Schedule.

(1) Establish electronic filing procedures for all applications and petitions for immigration benefits. Procedures.

(2) Accept electronic payment of fees at all filing locations.

(3) Issue correspondence, including decisions, requests for evidence, and notices of intent to deny, to immigration benefit requestors electronically. Notices.

(4) Improve processing times for all immigration and naturalization benefit requests.

(b) SEMI-ANNUAL BRIEFINGS.—Not later than 180 days after submission of the plan described in subsection (a), and on a semi-annual basis thereafter, the Secretary shall advise the appropriate Committees on the implementation status of such plan. Deadline.

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term "appropriate Committees" means—

(1) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Homeland Security and Governmental Affairs of the Senate.

TITLE II—UNITED STATES PAROLE COMMISSION EXTENSION

United States Parole Commission Extension Act of 2020. 18 USC 1 note.

SEC. 4201. SHORT TITLE.

This title may be cited as the "United States Parole Commission Extension Act of 2020".

SEC. 4202. AMENDMENT OF SENTENCING REFORM ACT OF 1984. 18 USC 3551 note.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "33 years" or "33-year period" shall be deemed a reference to "35 years" or "35-year period", respectively.

SEC. 4203. PAROLE COMMISSION REPORT.

Section 3 of the United States Parole Commission Extension Act of 2018 (Public Law 115–274) is amended— 132 Stat. 4160.

(1) in subsection (b), by striking "2021" and inserting "2022"; and

(2) by adding at the end the following:

"(d) DISTRICT OF COLUMBIA REPORT FOR SUCCEEDING FISCAL YEARS.—For each of fiscal years 2021 through 2022, not later than 90 days after the end of the fiscal year, the United States Parole Commission shall report to the Committees on the Judiciary of

the Senate and House of Representatives the items in paragraphs (1) through (3) of subsection (c), for the fiscal year.".

Antitrust Criminal Penalty Enhancement and Reform Permanent Extension Act.
15 USC 1 note.

TITLE III—ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM PERMANENT EXTENSION ACT

SEC. 4301. SHORT TITLE.

This title may be cited as the "Antitrust Criminal Penalty Enhancement and Reform Permanent Extension Act".

15 USC 7a note.

SEC. 4302. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Conspiracies among competitors to fix prices, rig bids, and allocate markets are categorically and irredeemably anti-competitive and contravene the competition policy of the United States.

(2) Cooperation incentives are important to the efforts of the Antitrust Division of the Department of Justice to prosecute and deter the offenses described in paragraph (1).

(b) PURPOSE.—The purpose of this Act, and the amendments made by this Act, is to strengthen public and private antitrust enforcement by providing incentives for antitrust violators to cooperate fully with government prosecutors and private litigants through the repeal of the sunset provision of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note).

SEC. 4303. REPEAL OF SUNSET PROVISION.

(a) REPEAL.—Section 211 of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 USC 7a note.

(1) REVIVAL AND RESTORATION.—

(A) IN GENERAL.—Sections 212, 213, and 214 of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) as in effect on June 21, 2020, and as amended by the laws described in subparagraph (B), are revived and restored.

(B) LAWS.—The laws described in this subparagraph are:

(i) Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act (Public Law 111–30; 123 Stat. 1775).

(ii) The Act entitled "An Act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes", approved June 9, 2010 (Public Law 111–90; 124 Stat. 1275).

(2) DEFINITIONS.—Section 212 of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6).

15 USC 7a note.

(c) APPLICABILITY.—

(1) MARKERS AND AGREEMENTS BEFORE SUNSET.—Notwithstanding the repeal under subsection (a), section 211(b) of the

Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note), as in effect on the day before the date of enactment of this Act, shall continue to apply to any person who received a marker or entered into an antitrust leniency agreement on or before June 22, 2020.

(2) MARKERS AND AGREEMENTS AFTER SUNSET.—The repeal under subsection (a) shall apply to any person who received a marker or entered into an antitrust leniency agreement on or after June 23, 2020.

TITLE IV—COMMUNITY SERVICES AND SUPPORTS

SEC. 4401. HEAD START DESIGNATION RENEWAL SYSTEM.

Deadline. 42 USC 9836 note.

Notwithstanding section 638 of the Head Start Act (42 U.S.C. 9833), if the Secretary of Health and Human Services—

(1) is required to make a determination under paragraph (6) of section 641(c) of such Act (42 U.S.C. 9836a(c)) whether to renew the designation of a Head Start agency for which such determination under the schedule developed pursuant to paragraph (9)(C) of such section 641(c) is required to be made before December 31, 2020; and

Determination.

(2) cannot make such determination in accordance with such schedule because the Secretary lacks any information described in any of subparagraphs (A) through (E) of section 641(c)(1) of such Act required for the purpose of making such determination;

Time period.

then before December 31, 2020, the Secretary shall extend for not more than 2 years the 5-year period otherwise applicable to the designation of such Head Start agency under such Act.

TITLE V—BUDGETARY EFFECTS

SEC. 4501. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of division B and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division B and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division B and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

TITLE VI—NUTRITION AND COMMODITIES PROGRAMS

SEC. 4601. P–EBT PROGRAM EXTENSION.

Section 1101 of the Families First Coronavirus Response Act (Public Law 116–127; 7 U.S.C. 2011 note) is amended—

(1) in subsection (a)—

(A) by striking "fiscal year 2020" and inserting "fiscal years 2020 and 2021"; and

(B) by inserting "or has reduced the number of days or hours that students attend the school" after "school is closed";

(2) in subsection (b), in the first sentence, by inserting "and, as applicable, households with children eligible for assistance under subsection (h)" after "children";

(3) in subsection (c), by inserting "or has reduced the number of days or hours that students attend the school" after "school that is closed";

(4) in subsection (f)—

(A) by striking "To facilitate" and inserting the following:

"(1) IN GENERAL.—To facilitate"; and

(B) by adding at the end the following:

"(2) SIMPLIFYING ASSUMPTIONS FOR SCHOOL YEAR 2020-2021.—A State agency may use simplifying assumptions and the best feasibly available data to provide benefits to and establish benefit levels and eligibility periods for eligible children and children eligible for assistance under subsection (h) for purposes of this section.";

(5) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(6) by inserting after subsection (g) the following:

"(h) ASSISTANCE FOR CHILDREN IN CHILD CARE.—

Effective date. Time period. Determination.

"(1) IN GENERAL.—Beginning on October 1, 2020, subject to an approved State agency plan under subsection (b) or an approved amendment to such a plan, in any case in which, during a public health emergency designation, a covered child care facility is closed or has reduced attendance or hours for at least 5 consecutive days, or 1 or more schools in the area of a covered child care facility are closed or have reduced attendance or hours for at least 5 consecutive days, each household containing at least 1 child enrolled in such a covered child care facility and the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be eligible to receive assistance, in accordance with paragraph (2), until covered child care facilities or schools in the area reopen or operate at full attendance and hours, as applicable, as determined by the State agency.

"(2) ASSISTANCE.—A household shall receive benefits under paragraph (1) in an amount that is equal to at least 1 breakfast and 1 lunch at the free rate for each child enrolled in a covered child care facility for each day that the child does not attend the facility because the facility is closed or operating with reduced attendance or hours.

"(3) STATE OPTION.—A State shall not be required to provide assistance under this subsection in order to provide assistance

to eligible children under a State agency plan under subsection (b).";

(7) in subsection (i) (as so redesignated)—

(A) in each of paragraphs (1) through (3), by inserting a paragraph heading, the text of which comprises the term defined in that paragraph;

(B) by redesignating paragraphs (1) through (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as so redesignated) the following:

"(1) COVERED CHILD CARE FACILITY.—The term 'covered child care facility' means— Definitions.

"(A) an organization described in subparagraph (A) or (B) of section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)); and

"(B) a family or group day care home.";

(D) in paragraph (2) (as so redesignated), by inserting "or reduced attendance or hours" after "closure";

(E) by inserting after paragraph (2) (as so redesignated) the following:

"(3) FREE RATE.—The term 'free rate' means—

"(A) with respect to a breakfast, the rate of a free breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(B) with respect to a lunch, the rate of a free lunch under the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).";

and

(F) by adding at the end the following:

"(6) STATE.—The term 'State' has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).''; and

(8) in subsection (j) (as so redesignated), by inserting "(including all administrative expenses)" after "this section".

SEC. 4602. EXTENDING CERTAIN WAIVER AUTHORITIES.

(a) NATIONAL SCHOOL LUNCH PROGRAM REQUIREMENT WAIVERS ADDRESSING COVID–19.—Section 2202(e) of the Families First Coronavirus Response Act (Public Law 116–127; 42 U.S.C. 1760 note) is amended by striking "September 30, 2020" and inserting "September 30, 2021".

(b) PHYSICAL PRESENCE WAIVER UNDER WIC DURING CERTAIN PUBLIC HEALTH EMERGENCIES.—Section 2203(c) of the Families First Coronavirus Response Act (Public Law 116–127; 42 U.S.C. 1786 note) is amended by striking "September 30, 2020" and inserting "September 30, 2021".

(c) ADMINISTRATIVE REQUIREMENTS WAIVER UNDER WIC.—Section 2204(c) of the Families First Coronavirus Response Act (Public Law 116–127) is amended by striking "September 30, 2020" and inserting "September 30, 2021". 42 USC 1786 note.

(d) FUNDING.—There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

SEC. 4603. SNAP FLEXIBILITIES.

(a) EXTENSION OF EXISTING SNAP FLEXIBILITIES FOR COVID–19.—

7 USC 2012 note.
Certifications.
Time periods.

(1) STATE OPTIONS.—

(A) A State agency (as defined in section 3(s) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(s))) shall have the option, without prior approval from the Secretary of Agriculture—

(i) to extend certification periods under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)) for not more than 6 months and adjust periodic report requirements under section 6(c)(1)(D)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(D)(i)) for some or all participating households with certification periods set to expire or periodic reports due on or before June 30, 2021, consistent with the extensions and adjustments provided in the Food and Nutrition Service's April 22, 2020, blanket approval for extending certification and adjusting periodic reports, unless otherwise provided in this subparagraph;

(ii) to allow household reporting requirements under section 273.12(a)(5)(iii) of title 7 of the Code of Federal Regulations to satisfy the recertification requirements under section 273.14 of title 7 of the Code of Federal Regulations for some or all participating households with recertification periods set to expire on or before December 31, 2021; and

(iii) to adjust the interview requirements under sections 273.2 and 273.14(b) of title 7 of the Code of Federal Regulations for some or all household applications or recertifications through June 30, 2021, consistent with the adjustments provided in the Food and Nutrition Service's March 26, 2020, blanket approval for adjusting interview requirements, unless otherwise provided in this subparagraph.

Deadline.
Notification.

(B) Not later than 5 days after exercising an option under subparagraph (A), a State agency shall notify the Secretary of Agriculture in writing of the option exercised, the categories of households affected by the option, and the duration of such option.

Time period.

(2) ADJUSTMENT.—The Secretary of Agriculture shall allow a State agency to suspend the requirements under sections 275.11(b)(1) and (2), 275.12, and 275.13 of title 7 of the Code of Federal Regulations from June 1, 2020, through September 30, 2021, consistent with the waivers provided in the Food and Nutrition Service's April 30, 2020, blanket approval for waiver of quality control reviews, unless otherwise provided in this paragraph.

(3) REPORT.—Section 2302 of the Families First Coronavirus Response Act (Public Law 116–127; 7 U.S.C. 2011 note) is amended by striking subsection (c) and inserting the following:

"(c) REPORT.—Not later than June 30, 2022, the Secretary of Agriculture shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the following information:

"(1) A description of any information or data supporting State agency requests under this section and any additional

measures that State agencies requested that were not approved by the Secretary of Agriculture;

"(2) An evaluation of the use of all waivers, adjustments, and other flexibilities in the operation of the supplemental nutrition assistance program (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)), in effect under this Act, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or any other Act, to respond to the COVID–19 public health emergency; and Evaluation.

"(3) A recommendation of any additional waivers or flexibilities needed in the operation of the supplemental nutrition assistance program to respond to public health emergencies with pandemic potential.". Recommendation.

(b) FUNDING.—There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

SEC. 4604. PROHIBITION ON PAYMENTS TO FOSSIL FUEL REFINERS AND IMPORTERS. 7 USC 2209k.

(a) IN GENERAL.—The Secretary of Agriculture may not use any funds, facilities, or authorities of the Commodity Credit Corporation or the Department of Agriculture—

(1) to provide a payment to a refiner or importer (as those terms are defined in section 80.2 of title 40, Code of Federal Regulations (or successor regulations)); or

(2) to otherwise support, directly or indirectly, a refiner or importer (as so defined) in meeting any requirements under—

(A) the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)); or

(B) any other provision of law that requires the blending of fossil fuel with renewable fuel.

(b) The exclusion in (a) shall not apply to any payments or support to producers, refiners, or importers of biofuel (as defined in 7 U.S.C. 8101).

(c) MORATORIUM ON AUTHORITIES RELATING TO EXCHANGES OF AGRICULTURAL PRODUCTS FOR PETROLEUM PRODUCTS.—The authorities under the ninth and tenth sentences of section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) (relating to the availability of agricultural products for the Secretary of Energy to exchange for petroleum products and the terms and conditions of those exchanges, respectively) shall not be used during the 180-day period beginning on the date of enactment of this Act. Time period.

DIVISION E—DEPARTMENT OF VETERANS AFFAIRS EXTENSIONS

Department of Veterans Affairs Expiring Authorities Act of 2020.

SEC. 5001. SHORT TITLE. 38 USC 101 note.

This division may be cited as the "Department of Veterans Affairs Expiring Authorities Act of 2020".

TITLE I—EXTENSIONS OF AUTHORITIES RELATING TO HEALTH CARE

SEC. 5101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE CONNECTED DISABILITIES.

Section 1710A(d) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5103. EXTENSION OF AUTHORITY FOR TRANSFER OF REAL PROPERTY.

Section 8118(a)(5) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5104. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking "September 30, 2020" and inserting "September 30, 2022".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking "and 2020" and inserting "2020, 2021, and 2022".

SEC. 5105. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking "2020" and inserting "2022".

SEC. 5106. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION OF AUTHORITY.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A note) is amended by striking "September 30, 2020" and inserting "September 30, 2022".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking "and 2020" and inserting "2020, 2021, and 2022".

SEC. 5107. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON GRADUATE MEDICAL EDUCATION AND RESIDENCY.

(a) IN GENERAL.—Subsection (d) of section 403 of the VA MISSION Act of 2018 (Public Law 115–182; 132 Stat. 1474; 38 U.S.C. 7302 note) is amended by striking "August 7, 2024" and inserting "August 7, 2031".

(b) TECHNICAL CORRECTION.—Subsection (a)(1) of such section is amended by striking "authorized under" and all that follows through the period at the end and inserting "authorized under section 7302 of title 38, United States Code, at covered facilities.".

SEC. 5108. INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS REPORT ON ADMINISTRATION OF INTERNET WEBSITE ON STAFFING AND VACANCIES.

38 USC 301 note.

Not later than October 31, 2022, and October 31, 2024, and as frequently thereafter as the Inspector General of the Department of Veterans Affairs considers appropriate, the Inspector General shall— Deadlines.

(1) review the administration of the internet website required by section 505(a)(1) of the VA MISSION Act of 2018 (Public Law 115–182; 132 Stat. 1477; 38 U.S.C. 301 note); Review.

(2) develop recommendations for such legislative or administrative action as the Inspector General considers appropriate for such administration; and Recommendations.

(3) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on—

(A) the findings of the Inspector General with respect to the most recent review conducted under paragraph (1); and

(B) the recommendations most recently developed under paragraph (2).

SEC. 5109. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as most recently amended by section 5 of the Department of Veterans Affairs Expiring Authorities Act of 2019 (Public Law 116–61; 133 Stat. 1116), is further amended by striking "September 30, 2020" and inserting "September 30, 2021".

TITLE II—EXTENSIONS OF AUTHORITIES RELATING TO BENEFITS

SEC. 5201. EXTENSION OF SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5202. EXTENSIONS OF CERTAIN PROVISIONS OF LAW.

(a) EXTENSION OF STUDENT VETERAN CORONAVIRUS RESPONSE ACT OF 2020.—Section 2 of the Student Veteran Coronavirus

38 USC 3031 note.

Response Act of 2020 (Public Law 116–140) is amended by striking "December 21, 2020" and inserting "December 21, 2021".

(b) EXTENSION OF PERIOD FOR CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDUCATION CONVERTED TO DISTANCE LEARNING BY REASON OF EMERGENCIES AND HEALTH-RELATED SITUATIONS.—Section 1(b) of Public Law 116–128 is amended by striking "December 21, 2020" and inserting "December 21, 2021".

38 USC note prec. 3001.

SEC. 5203. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5204. EXTENSION OF AUTHORITY TO TRANSPORT INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

Section 111A(a)(2) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5205. EXTENSION OF TEMPORARY INCREASE IN NUMBER OF JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253(i)(2) of title 38, United States Code, is amended by striking "January 1, 2021" and inserting "January 1, 2026".

TITLE III—EXTENSIONS OF AUTHORITIES RELATING TO HOMELESS VETERANS

SEC. 5301. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) of title 38, United States Code, is amended by striking "2020" and inserting "2022".

SEC. 5302. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

Section 2021A(f)(1) of title 38, United States Code, is amended by striking "2020" and inserting "2022".

SEC. 5303. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5304. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) of title 38, United States Code, is amended by striking "September 30, 2020" and inserting "September 30, 2022".

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) of such title is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5305. EXTENSION OF FUNDING FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1) of title 38, United States Code, is amended—

(1) in subparagraph (G), by striking "through 2021" and inserting "and 2020"; and

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

"(H) $420,000,000 for each of fiscal years 2021 and 2022.".

SEC. 5306. EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) of title 38, United States Code, is amended by striking "2020" and inserting "2022".

TITLE IV—EXTENSIONS OF OTHER AUTHORITIES AND OTHER MATTERS

SEC. 5401. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR MONTHLY ASSISTANCE ALLOWANCE UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) of title 38, United States Code, is amended by striking "2020" and inserting "2022".

SEC. 5402. EXTENSION OF REQUIREMENTS TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) of title 38, United States Code, is amended by striking "December 31, 2020" and inserting "December 31, 2022".

SEC. 5403. EXTENSION AND AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (g)(1) of section 521A of title 38, United States Code, is amended—

(1) by striking "appropriated $8,000,000" and inserting the following: "appropriated amounts as follows:

"(A) $8,000,000 for each of fiscal years 2010 through 2020."; and

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

"(B) $16,000,000 for each of fiscal years 2021 and 2022.".

(b) EXTENSION.—Subsection (l) of such section is amended by striking "2020" and inserting "2022".

SEC. 5404. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3 of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking "September 30, 2020" and inserting "September 30, 2022".

SEC. 5405. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO VENDEE LOAN PROGRAM.

Section 3733(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

Time period.

"(8) During the period that begins on October 1, 2020, and ends on September 30, 2025, the Secretary shall carry out the provisions of this subsection as if—

"(A) the references in the first sentence of paragraph (1) to '65 percent' and 'may be financed by a loan' were references to '85 percent' and 'shall be of property marketed with financing to be', respectively;

Repeal.

"(B) the second sentence of paragraph (1) were repealed; and

"(C) the reference in paragraph (2) to 'September 30, 1990,' were a reference to 'September 30, 2025,'.".

Approved October 1, 2020.

LEGISLATIVE HISTORY—H.R. 8337:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 22, considered and passed House.
Sept. 24, 29, 30, considered and passed Senate.

Public Law 116–160
116th Congress

An Act

To require the Administrator of General Services to issue guidance to clarify that Federal agencies may pay by charge card for the charging of Federal electric motor vehicles, and for other purposes.

Oct. 1, 2020
[S. 2193]

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

Charging Helps Agencies Realize General Efficiencies Act. 31 USC 1344 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charging Helps Agencies Realize General Efficiencies Act" or the "CHARGE Act".

Deadlines.

SEC. 2. PAYMENT BY CHARGE CARD FOR CHARGING FEDERAL ELECTRIC MOTOR VEHICLES.

(a) DEFINITIONS.—In this Act—

(1) the term "Administrator" means the Administrator of General Services;

(2) the term "charge card"—

(A) means a card, plate, coupon book, or other means existing for the purpose of obtaining money, property, labor, or services; and

(B) includes—

(i) a card issued under the GSA SmartPay program; and

(ii) a Fleet Services card;

(3) the term "covered electric motor vehicle" means a passenger carrier that is—

(A) a passenger motor vehicle; and

(B) an electric motor vehicle;

(4) the term "electric motor vehicle" has the meaning given the term in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271);

(5) the term "electric motor vehicle charging station" means a battery-charging station that permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric motor vehicle; and

(6) the terms "Federal agency" and "passenger carrier" have the meanings given those terms in section 1344(h) of title 31, United States Code.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidance to clarify that each Federal agency may, in accordance with section 1344 of title 31, United States Code—

(1) charge a covered electric motor vehicle at a commercial electric motor vehicle charging station; and

(2) pay for a transaction described in paragraph (1) with a charge card.

(c) ISSUANCE OF CHARGE CARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue to each Federal agency a charge card for each covered electric motor vehicle of the Federal agency that may be used by an officer or employee of the Federal agency to pay for charging the covered motor vehicle in accordance with the guidance issued under subsection (b).

Approved October 1, 2020.

LEGISLATIVE HISTORY—S. 2193:

SENATE REPORTS: No. 116–95 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:
Vol. 165 (2019): Nov. 21, considered and passed Senate.
Vol. 166 (2020): Sept. 14, considered and passed House.

Public Law 116–161
116th Congress

An Act

To designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the "Richard G. Lugar Post Office".

Oct. 1, 2020
[S. 3105]

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

SECTION 1. RICHARD G. LUGAR POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, shall be known and designated as the "Richard G. Lugar Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Richard G. Lugar Post Office".

Approved October 1, 2020.

LEGISLATIVE HISTORY—S. 3105:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 18, considered and passed Senate.
Vol. 166 (2020): Sept. 14, considered and passed House.

Public Law 116–162
116th Congress

Joint Resolution

Oct. 2, 2020
[H.J. Res. 87]

Providing for the reappointment of Michael M. Lynton as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Michael M. Lynton of California is filled by the reappointment of the incumbent. The reappointment is for a term of 6 years, beginning on the later of September 29, 2020, or the date of the enactment of this joint resolution.

Time period.
Effective date.

Approved October 2, 2020.

LEGISLATIVE HISTORY—H.J. Res. 87:

CONGRESSIONAL RECORD, Vol. 166 (2020):
July 30, considered and passed House.
Sept. 10, considered and passed Senate.

Public Law 116–163
116th Congress

Joint Resolution

Providing for the appointment of Franklin D. Raines as a citizen regent of the Board of Regents of the Smithsonian Institution.

Oct. 2, 2020
[H.J. Res. 88]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of John W. McCarter Jr. of Illinois on March 21, 2020, is filled by the appointment of Franklin D. Raines of Washington, DC. The appointment is for a term of six years, beginning the date of the enactment of this joint resolution.

Time period.
Effective date.

Approved October 2, 2020.

LEGISLATIVE HISTORY—H.J. Res. 88:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Aug. 22, considered and passed House.
Sept. 10, considered and passed Senate.

Public Law 116–164
116th Congress

An Act

Oct. 10, 2020
[H.R. 991]

To extend certain provisions of the Caribbean Basin Economic Recovery Act until September 30, 2030, and for other purposes.

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

Extension of the Caribbean Basin Economic Recovery Act.
19 USC 2701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Extension of the Caribbean Basin Economic Recovery Act".

SEC. 2. EXTENSION OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) is amended as follows:

(1) EXTENSION FOR CERTAIN KNIT APPAREL ARTICLES.—In clause (iii) of subsection (b)(2)(A)—

(A) in subclause (II)(cc), by striking "September 30, 2020" and inserting "September 30, 2030"; and

(B) in subclause (IV)(dd), by striking "September 30, 2020" and inserting "September 30, 2030".

(2) EXTENSION OF LIMITATION WITH RESPECT TO CERTAIN OTHER APPAREL ARTICLES.—In clause (iv)(II) of such subsection, by striking "18" and inserting "28".

(3) EXTENSION OF TRANSITION PERIOD.—In subsection (b)(5)(D)(i), by striking "September 30, 2020" and inserting "September 30, 2030".

SEC. 3. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking "September 30, 2029" and inserting "October 21, 2029"; and

(2) in subparagraph (B)(i), by striking "September 30, 2029" and inserting "October 21, 2029".

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking "September 30, 2029" and inserting "October 21, 2029".

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved October 10, 2020.

LEGISLATIVE HISTORY—H.R. 991:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 22, considered and passed House.
Sept. 30, considered and passed Senate.

Public Law 116–165
116th Congress

An Act

Oct. 10, 2020
[S. 227]

To direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

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

Savanna's Act.

25 USC 5701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as "Savanna's Act".

25 USC 5701.

SEC. 2. PURPOSES.

The purposes of this Act are—

Intergovernmental relations.

(1) to clarify the responsibilities of Federal, State, Tribal, and local law enforcement agencies with respect to responding to cases of missing or murdered Indians;

Coordination.

(2) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies, including medical examiner and coroner offices;

(3) to empower Tribal governments with the resources and information necessary to effectively respond to cases of missing or murdered Indians; and

Data.

(4) to increase the collection of data related to missing or murdered Indian men, women, and children, regardless of where they reside, and the sharing of information among Federal, State, and Tribal officials responsible for responding to and investigating cases of missing or murdered Indians.

25 USC 5702.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONFER.—The term "confer" has the meaning given the term in section 514 of the Indian Health Care Improvement Act (25 U.S.C. 1660d).

(2) DATABASES.—The term "databases" means—

(A) the National Crime Information Center database;

(B) the Combined DNA Index System;

(C) the Next Generation Identification System; and

(D) any other database relevant to responding to cases of missing or murdered Indians, including that under the Violent Criminal Apprehension Program and the National Missing and Unidentified Persons System.

(3) INDIAN.—The term "Indian" means a member of an Indian Tribe.

(4) INDIAN COUNTRY.—The term "Indian country" has the meaning given the term in section 1151 of title 18, United States Code.

(5) INDIAN LAND.—The term "Indian land" means Indian lands, as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(6) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(7) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means a Tribal, Federal, State, or local law enforcement agency.

SEC. 4. IMPROVING TRIBAL ACCESS TO DATABASES.

Deadlines.
25 USC 5703.

(a) TRIBAL ENROLLMENT INFORMATION.—The Attorney General shall provide training to law enforcement agencies regarding how to record the Tribal enrollment information or affiliation, as appropriate, of a victim in Federal databases.

(b) CONSULTATION.—

(1) CONSULTATION.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in cooperation with the Secretary of the Interior, shall complete a formal consultation with Indian Tribes on how to further improve Tribal data relevance and access to databases.

Coordination.

(2) INITIAL CONFER.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall confer with Tribal organizations and urban Indian organizations on how to further improve American Indian and Alaska Native data relevance and access to databases.

(3) ANNUAL CONSULTATION.—Section 903(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20126) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;";

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) improving access to local, regional, State, and Federal crime information databases and criminal justice information systems.".

(c) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

Strategy.

(1) develop and implement a dissemination strategy to educate the public of the National Missing and Unidentified Persons System; and

(2) conduct specific outreach to Indian Tribes, Tribal organizations, and urban Indian organizations regarding the ability to publicly enter information, through the National Missing and Unidentified Persons System or other non-law enforcement sensitive portal, regarding missing persons, which may include family members and other known acquaintances.

25 USC 5704.

SEC. 5. GUIDELINES FOR RESPONDING TO CASES OF MISSING OR MURDERED INDIANS.

Deadline.

(a) IN GENERAL.—Not later than 60 days after the date on which the consultation described in section 4(b)(1) is completed, the Attorney General shall direct United States attorneys to develop regionally appropriate guidelines to respond to cases of missing or murdered Indians that shall include—

(1) guidelines on inter-jurisdictional cooperation among law enforcement agencies at the Tribal, Federal, State, and local levels, including inter-jurisdictional enforcement of protection orders and detailing specific responsibilities of each law enforcement agency;

(2) best practices in conducting searches for missing persons on and off Indian land;

Standards.

(3) standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains, and information on culturally appropriate identification and handling of human remains identified as Indian, including guidance stating that all appropriate information related to missing or murdered Indians be entered in a timely manner into applicable databases;

(4) guidance on which law enforcement agency is responsible for inputting information into appropriate databases under paragraph (3) if the Tribal law enforcement agency does not have access to those appropriate databases;

(5) guidelines on improving law enforcement agency response rates and follow-up responses to cases of missing or murdered Indians; and

(6) guidelines on ensuring access to culturally appropriate victim services for victims and their families.

(b) CONSULTATION.—United States attorneys shall develop the guidelines required under subsection (a) in consultation with Indian Tribes and other relevant partners, including—

(1) the Department of Justice;

(2) the Federal Bureau of Investigation;

(3) the Department of the Interior;

(4) the Bureau of Indian Affairs;

(5) Tribal, State, and local law enforcement agencies;

(6) medical examiners;

(7) coroners;

(8) Tribal, State, and local organizations that provide victim services; and

(9) national, regional, or urban Indian organizations with relevant expertise.

Deadlines.

(c) COMPLIANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the United States attorneys shall implement, by incorporating into office policies and procedures, the guidelines developed under subsection (a).

(2) MODIFICATION.—Each Federal law enforcement agency shall modify the guidelines, policies, and protocols of the agency to incorporate the guidelines developed under subsection (a).

(3) DETERMINATION.—Not later than the end of each fiscal year beginning after the date the guidelines are established under this section and incorporated under this subsection, upon the request of a Tribal, State, or local law enforcement agency, the Attorney General shall determine whether the Tribal, State,

or local law enforcement agency seeking recognition of compliance has incorporated guidelines into their respective guidelines, policies, and protocols.

(d) ACCOUNTABILITY.—Not later than 30 days after compliance determinations are made each fiscal year in accordance with subsection (c)(3), the Attorney General shall— Deadline. Disclosures. Publications. Web postings. Determination.

(1) disclose and publish, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that the Attorney General has determined has incorporated guidelines in accordance with subsection (c)(3);

(2) disclose and publish, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that has requested a determination in accordance with subsection (c)(3) that is pending;

(3) collect the guidelines into a resource of examples and best practices that can be used by other law enforcement agencies seeking to create and implement such guidelines.

(e) TRAINING AND TECHNICAL ASSISTANCE.—The Attorney General shall use the National Indian Country Training Initiative to provide training and technical assistance to Indian Tribes and law enforcement agencies on—

(1) implementing the guidelines developed under subsection (a) or developing and implementing locally specific guidelines or protocols for responding to cases of missing or murdered Indians; and

(2) using the National Missing and Unidentified Persons System and accessing program services that will assist Indian Tribes with responding to cases of missing or murdered Indians.

(f) GUIDELINES FROM INDIAN TRIBES.—

(1) IN GENERAL.—Indian Tribes may submit their own guidelines to respond to cases of missing or murdered Indians to the Attorney General.

(2) PUBLICATION.—Upon receipt of any guidelines from an Indian Tribe, the Attorney General shall publish the guidelines on the website of the Department of Justice in 1 centralized location to make the guidelines available as a resource to any Federal agency, State, or Tribal government. Web posting.

SEC. 6. ANNUAL REPORTING REQUIREMENTS. 25 USC 5705.

(a) ANNUAL REPORTING.—Beginning in the first fiscal year after the date of enactment of this Act, the Attorney General shall include in its annual Indian Country Investigations and Prosecutions report to Congress information that— Effective date.

(1) includes known statistics on missing Indians in the United States, available to the Department of Justice, including—

(A) age;

(B) gender;

(C) Tribal enrollment information or affiliation, if available;

(D) the current number of open cases per State;

(E) the total number of closed cases per State each calendar year, from the most recent 10 calendar years; and

(F) other relevant information the Attorney General determines is appropriate;

(2) includes known statistics on murdered Indians in the United States, available to the Department of Justice, including—

(A) age;

(B) gender;

(C) Tribal enrollment information or affiliation, if available;

(D) the current number of open cases per State;

(E) the total number of closed cases per State each calendar year, from the most recent 10 calendar years; and

(F) other relevant information the Attorney General determines is appropriate;

Privacy.

(3) maintains victim privacy to the greatest extent possible by excluding information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context; and

(4) includes—

(A) an explanation of why the statistics described in paragraph (1) may not be comprehensive; and

Recommendations.

(B) recommendations on how data collection on missing or murdered Indians may be improved.

(b) COMPLIANCE.—

Effective date.

(1) IN GENERAL.—Beginning in the first fiscal year after the date of enactment of this Act, and annually thereafter, for the purpose of compiling accurate data for the annual report required under subsection (a), the Attorney General shall request all Tribal, State, and local law enforcement agencies to submit to the Department of Justice, to the fullest extent possible, all relevant information pertaining to missing or murdered Indians collected by the Tribal, State, and local law enforcement agency, and in a format provided by the Department of Justice that ensures the streamlining of data reporting.

Publication.
Web posting.

(2) DISCLOSURE.—The Attorney General shall disclose and publish annually, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that the Attorney General has determined has submitted the information requested under paragraph (1) for the fiscal year in which the report was published.

Effective date.

(c) INCLUSION OF GENDER IN MISSING AND UNIDENTIFIED PERSONS STATISTICS.—Beginning in the first calendar year after the date of enactment of this Act, and annually thereafter, the Federal Bureau of Investigation shall include gender in its annual statistics on missing and unidentified persons published on its public website.

SEC. 7. IMPLEMENTATION AND INCENTIVE.

(a) GRANT AUTHORITY.—Section 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461(b)) is amended by adding at the end the following:

"(23) To develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna's Act.

"(24) To compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna's Act.".

(b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10452(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna's Act; and

"(12) compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna's Act.".

Approved October 10, 2020.

LEGISLATIVE HISTORY—S. 227 (H.R. 2733):

HOUSE REPORTS: No. 116–508, Pt. 1 (Comm. on the Judiciary) accompanying H.R. 2733.
SENATE REPORTS: No. 116–206 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 11, considered and passed Senate.
Sept. 21, considered and passed House.

Public Law 116–166
116th Congress

An Act

Oct. 10, 2020
[S. 982]

To increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians.

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

Not Invisible Act of 2019.
25 USC 2801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Not Invisible Act of 2019".

25 USC 2802 note.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Commission" means the Department of the Interior and the Department of Justice Joint Commission on Reducing Violent Crime Against Indians under section 4;

(2) the term "human trafficking" means act or practice described in paragraph (9) or paragraph (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

(3) the term "Indian" means a member of an Indian tribe;

(4) the terms "Indian lands" and "Indian tribe" have the meanings given the terms in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302); and

(5) the terms "urban centers" and "urban Indian organization" have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SEC. 3. COORDINATOR OF FEDERAL EFFORTS TO COMBAT VIOLENCE AGAINST NATIVE PEOPLE.

(a) COORDINATOR DESIGNATION.—The Secretary of the Interior shall designate an official within the Office of Justice Services in the Bureau of Indian Affairs who shall—

(1) coordinate prevention efforts, grants, and programs related to the murder of, trafficking of, and missing Indians across Federal agencies, including—

(A) the Bureau of Indian Affairs; and

(B) the Department of Justice, including—

(i) the Office of Justice Programs;

(ii) the Office on Violence Against Women;

(iii) the Office of Community Oriented Policing Services;

(iv) the Federal Bureau of Investigation; and

(v) the Office of Tribal Justice;

(2) ensure prevention efforts, grants, and programs of Federal agencies related to the murder of, trafficking of, and

missing Indians consider the unique challenges of combating crime, violence, and human trafficking of Indians and on Indian lands faced by Tribal communities, urban centers, the Bureau of Indian Affairs, Tribal law enforcement, Federal law enforcement, and State and local law enforcement;

(3) work in cooperation with outside organizations with expertise in working with Indian tribes and Indian Tribes to provide victim centered and culturally relevant training to tribal law enforcement, Indian Health Service health care providers, urban Indian organizations, Tribal community members and businesses, on how to effectively identify, respond to and report instances of missing persons, murder, and trafficking within Indian lands and of Indians; and

(4) report directly to the Secretary of the Interior.

(b) REPORT.—The official designated in subsection (a) shall submit to the Committee on Indian Affairs and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report to provide information on Federal coordination efforts accomplished over the previous year that includes— Summaries.

(1) a summary of all coordination activities undertaken in compliance with this section;

(2) a summary of all trainings completed under subsection (a)(3); and

(3) recommendations for improving coordination across Federal agencies and of relevant Federal programs. Recommendations.

SEC. 4. ESTABLISHMENT OF THE DEPARTMENT OF INTERIOR AND THE DEPARTMENT OF JUSTICE JOINT COMMISSION ON REDUCING VIOLENT CRIME AGAINST INDIANS.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Attorney General, shall establish and appoint all members of a joint commission on violent crime on Indian lands and against Indians. Deadline. Coordination. Appointment.

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of members who represent diverse experiences and backgrounds that provide balanced points of view with regard to the duties of the Commission.

(B) DIVERSITY.—To the greatest extent practicable, the Secretary of the Interior shall ensure the Commission includes Tribal representatives from diverse geographic areas and of diverse sizes.

(2) APPOINTMENT.—The Secretary of the Interior, in coordination with the Attorney General, shall appoint the members to the Commission, including representatives from— Coordination.

(A) tribal law enforcement;

(B) the Office of Justice Services of the Bureau of Indian Affairs;

(C) State and local law enforcement in close proximity to Indian lands, with a letter of recommendation from a local Indian Tribe;

(D) the Victim Services Division of the Federal Bureau of Investigation;

(E) the Department of Justice's Human Trafficking Prosecution Unit;

(F) the Office of Violence Against Women of the Department of Justice;

(G) the Office of Victims of Crime of the Department of Justice;

(H) a United States attorney's office with experience in cases related to missing persons, murder, or trafficking of Indians or on Indian land;

(I) the Administration for Native Americans of the Office of the Administration for Children & Families of the Department of Health and Human Services;

(J) the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services;

(K) a Tribal judge with experience in cases related to missing persons, murder, or trafficking;

(L) not fewer than 3 Indian Tribes from diverse geographic areas, including 1 Indian tribe located in Alaska, selected from nominations submitted by the Indian Tribe;

(M) not fewer than 2 health care and mental health practitioners and counselors and providers with experience in working with Indian survivors of trafficking and sexual assault, with a letter of recommendation from a local tribal chair or tribal law enforcement officer;

(N) not fewer than 3 national, regional, or urban Indian organizations focused on violence against women and children on Indian lands or against Indians;

(O) at least 2 Indian survivors of human trafficking;

(P) at least 2 family members of missing Indian people;

(Q) at least 2 family members of murdered Indian people;

(R) the National Institute of Justice; and

(S) the Indian Health Service.

(3) PERIODS OF APPOINTMENT.—Members shall be appointed for the duration of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Commission.

(5) COMPENSATION.—Commission members shall serve without compensation.

Coordination.

(6) TRAVEL EXPENSES.—The Secretary of the Interior, in coordination with the Attorney General, shall consider the provision of travel expenses, including per diem, to Commission members when appropriate.

(c) DUTIES.—

(1) IN GENERAL.—The Commission may hold such hearings, meet and act at times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(2) RECOMMENDATIONS FOR THE DEPARTMENT OF INTERIOR AND DEPARTMENT OF JUSTICE.—

(A) IN GENERAL.—The Commission shall develop recommendations to the Secretary of the Interior and Attorney

General on actions the Federal Government can take to help combat violent crime against Indians and within Indian lands, including the development and implementation of recommendations for—

(i) identifying, reporting, and responding to instances of missing persons, murder, and human trafficking on Indian lands and of Indians;

(ii) legislative and administrative changes necessary to use programs, properties, or other resources funded or operated by the Department of the Interior and Department of Justice to combat the crisis of missing or murdered Indians and human trafficking on Indian lands and of Indians;

(iii) tracking and reporting data on instances of missing persons, murder, and human trafficking on Indian lands and of Indians;

(iv) addressing staff shortages and open positions within relevant law enforcement agencies, including issues related to the hiring and retention of law enforcement officers;

(v) coordinating tribal, State, and Federal resources to increase prosecution of murder and human trafficking offenses on Indian lands and of Indians; and

(vi) increasing information sharing with tribal governments on violent crime investigations and prosecutions in Indian lands that were terminated or declined.

(B) SUBMISSION.—Not later than 18 months after the enactment of this Act, the Commission shall make publicly available and submit all recommendations developed under this paragraph to— Deadline. Public information.

(i) the Secretary of the Interior;

(ii) the Attorney General;

(iii) the Committee on the Judiciary of the Senate;

(iv) the Committee on Indian Affairs of the Senate;

(v) the Committee on Natural Resources of the House of Representatives; and

(vi) the Committee on the Judiciary of the House of Representatives.

(C) SECRETARIAL RESPONSE.—Not later than 90 days after the date on which the Secretary of the Interior and the Attorney General receive the recommendations under paragraph (2), the Secretary and the Attorney General shall each make publicly available and submit a written response to the recommendations to— Deadline. Public information.

(i) the Commission;

(ii) the Committee on the Judiciary of the Senate;

(iii) the Committee on Indian Affairs of the Senate;

(iv) the Committee on Natural Resources of the House of Representatives; and

(v) the Committee on the Judiciary of the House of Representatives.

(d) FACA EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(e) SUNSET.—The Commission shall terminate on the date that is 2 years after the date of enactment of this Act.

Approved October 10, 2020.

LEGISLATIVE HISTORY—S. 982 (H.R. 2438):

HOUSE REPORTS: No. 116–509, Pt. 1 (Comm. on the Judiciary) accompanying H.R. 2438.
SENATE REPORTS: No. 116–214 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 11, considered and passed Senate.
Sept. 21, considered and passed House.

Public Law 116–167
116th Congress

An Act

To designate a mountain ridge in the State of Montana as "B–47 Ridge".

Oct. 13, 2020
[S. 490]

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

B–47 Ridge Designation Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "B–47 Ridge Designation Act".

SEC. 2. DESIGNATION OF B–47 RIDGE, MONTANA.

(a) DESIGNATION.—

(1) IN GENERAL.—The unnamed mountain ridge located at 45°14′40.89″ N., 110°43′38.75″ W. that runs south and west of Emigrant Peak in the Absaroka Range in the State of Montana, which is the approximate site of a crash of a B–47, shall be known and designated as "B–47 Ridge".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ridge described in paragraph (1) shall be deemed to be a reference to "B–47 Ridge".

(b) AUTHORIZATION FOR PLAQUE.—

(1) IN GENERAL.—The Secretary of Agriculture may authorize the installation and maintenance of a plaque on B–47 Ridge that—

(A) memorializes the 1962 crash of the B–47 aircraft at the site; and

(B) may include the names of the victims of the crash.

(2) AUTHORIZED TERMS AND CONDITIONS.—The Secretary of Agriculture may include any terms and conditions in the authorization for a plaque under paragraph (1) that the Secretary of Agriculture determines to be necessary.

(3) FUNDING.—No Federal funds may be used to design, procure, install, or maintain the plaque authorized under paragraph (1).

Approved October 13, 2020.

LEGISLATIVE HISTORY—S. 490 (H.R. 1267):

HOUSE REPORTS: No. 116–503 (Comm. on Natural Resources) accompanying H.R. 1267.

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 12, considered and passed Senate.
Sept. 21, considered and passed House.

Public Law 116–168
116th Congress

An Act

To designate the community-based outpatient clinic of the Department of Veterans Affairs in St. Augustine, Florida, as the "Leo C. Chase Jr. Department of Veterans Affairs Clinic".

Oct. 13, 2020
[S. 1646]

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

SECTION 1. DESIGNATION OF LEO C. CHASE JR. DEPARTMENT OF VETERANS AFFAIRS CLINIC.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Veterans Affairs located at 207 Stratton Road, St. Augustine, Florida, shall after the date of the enactment of this Act be known and designated as the "Leo C. Chase Jr. Department of Veterans Affairs Clinic" or the "Leo C. Chase Jr. VA Clinic".

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be considered to be a reference to the Leo C. Chase Jr. Department of Veterans Affairs Clinic.

Approved October 13, 2020.

LEGISLATIVE HISTORY—S. 1646:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 17, considered and passed Senate.
Sept. 23, considered and passed House.

Public Law 116–169
116th Congress

An Act

Oct. 13, 2020
[S. 4072]

To designate the clinic of the Department of Veterans Affairs in Bend, Oregon, as the "Robert D. Maxwell Department of Veterans Affairs Clinic".

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

SECTION 1. DESIGNATION OF ROBERT D. MAXWELL DEPARTMENT OF VETERANS AFFAIRS CLINIC.

(a) DESIGNATION.—The clinic of the Department of Veterans Affairs located at 2650 NE Courtney Drive, Bend, Oregon, shall after the date of the enactment of this Act be known and designated as the "Robert D. Maxwell Department of Veterans Affairs Clinic" or the "Robert D. Maxwell VA Clinic".

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the clinic referred to in paragraph (1) shall be considered to be a reference to the Robert D. Maxwell Department of Veterans Affairs Clinic.

Approved October 13, 2020.

LEGISLATIVE HISTORY—S. 4072:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 17, considered and passed Senate.
Sept. 23, considered and passed House.

Public Law 116–170
116th Congress

An Act

To award a Congressional Gold Medal to the soldiers of the 5307th Composite Unit (Provisional), commonly known as "Merrill's Marauders", in recognition of their bravery and outstanding service in the jungles of Burma during World War II.

Oct. 17, 2020
[S. 743]

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

Merrill's Marauders Congressional Gold Medal Act. 31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Merrill's Marauders Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) in August 1943, President Franklin D. Roosevelt and other Allied leaders proposed the creation of a ground unit of the Armed Forces that would engage in a "long-range penetration mission" in Japanese-occupied Burma to—

(A) cut off Japanese communications and supply lines; and

(B) capture the town of Myitkyina and the Myitkyina airstrip, both of which were held by the Japanese;

(2) President Roosevelt issued a call for volunteers for "a dangerous and hazardous mission" and the call was answered by approximately 3,000 soldiers from the United States;

(3) the Army unit composed of the soldiers described in paragraph (2)—

(A) was officially designated as the "5307th Composite Unit (Provisional)" with the code name "Galahad"; and

(B) later became known as "Merrill's Marauders" (referred to in this section as the "Marauders") in reference to its leader, Brigadier General Frank Merrill;

(4) in February 1944, the Marauders began their approximately 1,000-mile trek through the dense Burmese jungle with no artillery support, carrying their supplies on their backs or the pack saddles of mules;

(5) over the course of their 5-month trek to Myitkyina, the Marauders fought victoriously against larger Japanese forces through 5 major and 30 minor engagements;

(6) during their march to Myitkyina, the Marauders faced hunger and disease that were exacerbated by inadequate aerial resupply drops;

(7) malaria, typhus, and dysentery inflicted more casualties on the Marauders than the Japanese;

(8) by August 1944, the Marauders had accomplished their mission, successfully disrupting Japanese supply and communication lines and taking the town of Myitkyina and the Myitkyina airstrip, the only all-weather airstrip in Northern Burma;

(9) after taking Myitkyina, only 130 Marauders out of the original 2,750 were fit for duty and all remaining Marauders still in action were evacuated to hospitals due to tropical diseases, exhaustion, and malnutrition;

(10) for their bravery and accomplishments, the Marauders were awarded the "Distinguished Unit Citation", later redesignated as the "Presidential Unit Citation", and a Bronze Star; and

(11) though the Marauders were operational for only a few months, the legacy of their bravery is honored by the Army through the modern day 75th Ranger Regiment, which traces its lineage directly to the 5307th Composite Unit.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the soldiers of the 5307th Composite Unit (Provisional) (referred to in this section as "Merrill's Marauders"), in recognition of their bravery and outstanding service in the jungles of Burma during World War II.

Determination.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal referred to in subsection (a) in honor of Merrill's Marauders, the gold medal shall be given to the Smithsonian Institution, where it shall be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other locations and events associated with Merrill's Marauders.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

Approved October 17, 2020.

LEGISLATIVE HISTORY—S. 743:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 5, considered and passed Senate.
Vol. 166 (2020): Sept. 22, considered and passed House.

Public Law 116–171
116th Congress

An Act

Oct. 17, 2020
[S. 785]

To improve mental health care provided by the Department of Veterans Affairs, and for other purposes.

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

Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019".

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENT OF TRANSITION OF INDIVIDUALS TO SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Strategic plan on expansion of health care coverage for veterans transitioning from service in the Armed Forces.
Sec. 102. Review of records of former members of the Armed Forces who die by suicide within one year of separation from the Armed Forces.
Sec. 103. Report on REACH VET program of Department of Veterans Affairs.
Sec. 104. Report on care for former members of the Armed Forces with other than honorable discharge.

TITLE II—SUICIDE PREVENTION

Sec. 201. Financial assistance to certain entities to provide or coordinate the provision of suicide prevention services for eligible individuals and their families.
Sec. 202. Analysis on feasibility and advisability of the Department of Veterans Affairs providing certain complementary and integrative health services.
Sec. 203. Pilot program to provide veterans access to complementary and integrative health programs through animal therapy, agritherapy, sports and recreation therapy, art therapy, and posttraumatic growth programs.
Sec. 204. Department of Veterans Affairs study of all-cause mortality of veterans, including by suicide, and review of staffing levels of mental health professionals.
Sec. 205. Comptroller General report on management by Department of Veterans Affairs of veterans at high risk for suicide.

TITLE III—PROGRAMS, STUDIES, AND GUIDELINES ON MENTAL HEALTH

Sec. 301. Study on connection between living at high altitude and suicide risk factors among veterans.
Sec. 302. Establishment by Department of Veterans Affairs and Department of Defense of a clinical provider treatment toolkit and accompanying training materials for comorbidities.
Sec. 303. Update of clinical practice guidelines for assessment and management of patients at risk for suicide.
Sec. 304. Establishment by Department of Veterans Affairs and Department of Defense of clinical practice guidelines for the treatment of serious mental illness.
Sec. 305. Precision medicine initiative of Department of Veterans Affairs to identify and validate brain and mental health biomarkers.

Sec. 306. Statistical analyses and data evaluation by Department of Veterans Affairs.

TITLE IV—OVERSIGHT OF MENTAL HEALTH CARE AND RELATED SERVICES

Sec. 401. Study on effectiveness of suicide prevention and mental health outreach programs of Department of Veterans Affairs.
Sec. 402. Oversight of mental health and suicide prevention media outreach conducted by Department of Veterans Affairs.
Sec. 403. Comptroller General management review of mental health and suicide prevention services of Department of Veterans Affairs.
Sec. 404. Comptroller General report on efforts of Department of Veterans Affairs to integrate mental health care into primary care clinics.
Sec. 405. Joint mental health programs by Department of Veterans Affairs and Department of Defense.

TITLE V—IMPROVEMENT OF MENTAL HEALTH MEDICAL WORKFORCE

Sec. 501. Staffing improvement plan for mental health providers of Department of Veterans Affairs.
Sec. 502. Establishment of Department of Veterans Affairs Readjustment Counseling Service Scholarship Program.
Sec. 503. Comptroller General report on Readjustment Counseling Service of Department of Veterans Affairs.
Sec. 504. Expansion of reporting requirements on Readjustment Counseling Service of Department of Veterans Affairs.
Sec. 505. Briefing on alternative work schedules for employees of Veterans Health Administration.
Sec. 506. Suicide prevention coordinators.
Sec. 507. Report on efforts by Department of Veterans Affairs to implement safety planning in emergency departments.

TITLE VI—IMPROVEMENT OF CARE AND SERVICES FOR WOMEN VETERANS

Sec. 601. Expansion of capabilities of Women Veterans Call Center to include text messaging.
Sec. 602. Requirement for Department of Veterans Affairs internet website to provide information on services available to women veterans.

TITLE VII—OTHER MATTERS

Sec. 701. Expanded telehealth from Department of Veterans Affairs.
Sec. 702. Partnerships with non-Federal Government entities to provide hyperbaric oxygen therapy to veterans and studies on the use of such therapy for treatment of post-traumatic stress disorder and traumatic brain injury.
Sec. 703. Prescription of technical qualifications for licensed hearing aid specialists and requirement for appointment of such specialists.
Sec. 704. Use by Department of Veterans Affairs of commercial institutional review boards in sponsored research trials.
Sec. 705. Creation of Office of Research Reviews within the Office of Information and Technology of the Department of Veterans Affairs.

TITLE I—IMPROVEMENT OF TRANSITION OF INDIVIDUALS TO SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. STRATEGIC PLAN ON EXPANSION OF HEALTH CARE COVERAGE FOR VETERANS TRANSITIONING FROM SERVICE IN THE ARMED FORCES.

(a) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress and publish on a

Deadline.
Consultation.
Web posting.
Time period.

website of the Department of Veterans Affairs a strategic plan for the provision by the Department of health care to any veteran during the one-year period following the discharge or release of the veteran from active military, naval, or air service.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall include the following:

(A) An identification of general goals and objectives for the provision of health care to veterans described in such paragraph.

(B) A description of how such goals and objectives are to be achieved, including—

(i) a description of the use of existing personnel, information, technology, facilities, public and private partnerships, and other resources of the Department of Veterans Affairs;

(ii) a description of the anticipated need for additional resources for the Department; and

(iii) an assessment of cost.

Analysis.

(C) An analysis of the anticipated health care needs, including mental health care, for such veterans, disaggregated by geographic area.

Analysis.

(D) An analysis of whether such veterans are eligible for enrollment in the system of annual patient enrollment of the Department under section 1705(a) of title 38, United States Code.

(E) A description of activities designed to promote the availability of health care from the Department for such veterans, including outreach to members of the Armed Forces though the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code.

(F) A description of legislative or administrative action required to carry out the plan.

(G) A description of how the plan would further the ongoing initiatives under Executive Order 13822 (83 Fed. Reg. 1513; relating to supporting our veterans during their transition from uniformed service to civilian life) to provide seamless access to high-quality mental health care and suicide prevention resources to veterans as they transition, with an emphasis on the one-year period following separation.

(b) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term "active military, naval, or air service" has the meaning given that term in section 101(24) of title 38, United States Code.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 102. REVIEW OF RECORDS OF FORMER MEMBERS OF THE ARMED FORCES WHO DIE BY SUICIDE WITHIN ONE YEAR OF SEPARATION FROM THE ARMED FORCES.

(a) REVIEW.—

Determination.
Time periods.

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly review the records of

each former member of the Armed Forces who died by suicide, as determined by the Secretary of Defense or the Secretary of Veterans Affairs, within one year following the discharge or release of the former member from active military, naval, or air service during the five-year period preceding the date of the enactment of this Act.

(2) RECORDS TO BE REVIEWED.—In completing the review required under paragraph (1), the Secretary of Defense and the Secretary of Veterans Affairs shall review the following records maintained by the Department of Defense:

(A) Health treatment records.

(B) Fitness, medical, and dental records.

(C) Ancillary training records.

(D) Safety forms and additional duties sections of the personnel information files.

(b) ELEMENTS.—The review required by subsection (a) with respect to a former member of the Armed Forces shall include consideration of the following:

(1) Whether the Department of Defense had identified the former member as being at elevated risk during the 365-day period before separation of the member from the Armed Forces. Time period.

(2) In the case that the member was identified as being at elevated risk as described in paragraph (1), whether that identification had been communicated to the Department of Veterans Affairs via the Solid Start initiative of the Department pursuant to Executive Order 13822 (83 Fed. Reg. 1513; relating to supporting our veterans during their transition from uniformed service to civilian life), or any other means.

(3) The presence of evidence-based and empirically-supported contextual and individual risk factors specified in subsection (c) with respect to the former member and how those risk factors correlated to the circumstances of the death of the former member.

(4) Demographic variables, including the following:

(A) Sex.

(B) Age.

(C) Rank at separation from the Armed Forces.

(D) Career field after separation from the Armed Forces.

(E) State and county of residence one month prior to death.

(F) Branch of service in the Armed Forces.

(G) Marital status.

(H) Reason for separation from the Armed Forces.

(5) Support or medical services furnished to the former member through the Department of Defense, specified by the type of service or care provided.

(6) Support or medical services furnished to the former member through the Department of Veterans Affairs, specified by the type of service or care provided.

(c) EVIDENCE-BASED AND EMPIRICALLY-SUPPORTED CONTEXTUAL AND INDIVIDUAL RISK FACTORS.—Evidence-based and empirically-supported contextual and individual risk factors specified in this subsection include the following:

(1) Exposure to violence.

(2) Exposure to suicide.

(3) Housing instability.

(4) Financial instability.
(5) Vocational problems or insecurity.
(6) Legal problems.
(7) Highly acute or significantly chronic relational problems.
(8) Limited access to health care.

(d) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress an aggregated report on the results of the review conducted under subsection (a) with respect to the year-one cohort of former members of the Armed Forces covered by the review.

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term "active military, naval, or air service" has the meaning given that term in section 101(24) of title 38, United States Code.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 103. REPORT ON REACH VET PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the REACH VET program.

Assessments.

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

(1) An assessment of the impact of the REACH VET program on rates of suicide among veterans.

(2) An assessment of how limits within the REACH VET program, such as caps on the number of veterans who may be flagged as high risk, are adjusted for differing rates of suicide across the country.

(3) A detailed explanation, with evidence, for why the conditions included in the model used by the REACH VET program were chosen, including an explanation as to why certain conditions, such as bipolar disorder II, were not included even though they show a similar rate of risk for suicide as other conditions that were included.

(4) An assessment of the feasibility of incorporating certain economic data held by the Veterans Benefits Administration into the model used by the REACH VET program, including financial data and employment status, which research indicates may have an impact on risk for suicide.

(c) REACH VET PROGRAM DEFINED.—In this section, the term "REACH VET program" means the Recovery Engagement and Coordination for Health—Veterans Enhanced Treatment program of the Department of Veterans Affairs.

SEC. 104. REPORT ON CARE FOR FORMER MEMBERS OF THE ARMED FORCES WITH OTHER THAN HONORABLE DISCHARGE.

Section 1720I(f) of title 38, United States Code, is amended—

(1) in paragraph (1) by striking "Not less frequently than once" and inserting "Not later than February 15"; and

(2) in paragraph (2)—

(A) by redesignating subparagraph (C) as subparagraph (F); and

(B) by inserting after subsection (B) the following new subparagraphs:

"(C) The types of mental or behavioral health care needs treated under this section.

"(D) The demographics of individuals being treated under this section, including—

"(i) age;

"(ii) era of service in the Armed Forces;

"(iii) branch of service in the Armed Forces; and

"(iv) geographic location.

"(E) The average number of visits for an individual for mental or behavioral health care under this section.".

TITLE II—SUICIDE PREVENTION

SEC. 201. FINANCIAL ASSISTANCE TO CERTAIN ENTITIES TO PROVIDE OR COORDINATE THE PROVISION OF SUICIDE PREVENTION SERVICES FOR ELIGIBLE INDIVIDUALS AND THEIR FAMILIES.

38 USC 1720F note.

(a) PURPOSE; DESIGNATION.—

(1) PURPOSE.—The purpose of this section is to reduce veteran suicide through a community-based grant program to award grants to eligible entities to provide or coordinate suicide prevention services to eligible individuals and their families.

(2) DESIGNATION.—The grant program under this section shall be known as the "Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program".

(b) FINANCIAL ASSISTANCE AND COORDINATION.—The Secretary shall provide financial assistance to eligible entities approved under this section through the award of grants to such entities to provide or coordinate the provision of services to eligible individuals and their families to reduce the risk of suicide. The Secretary shall carry out this section in coordination with the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide Task Force and in consultation with the Office of Mental Health and Suicide Prevention of the Department, to the extent practicable.

Grants.

Consultation.

(c) AWARD OF GRANTS.—

(1) IN GENERAL.—The Secretary shall award a grant to each eligible entity for which the Secretary has approved an application under subsection (f) to provide or coordinate the provision of suicide prevention services under this section.

(2) GRANT AMOUNTS, INTERVALS OF PAYMENT, AND MATCHING FUNDS.—In accordance with the services being provided under a grant under this section and the duration of those services, the Secretary shall establish—

(A) a maximum amount to be awarded under the grant of not more than $750,000 per grantee per fiscal year; and

(B) intervals of payment for the administration of the grant.

(d) DISTRIBUTION OF GRANTS AND PREFERENCE.—

(1) DISTRIBUTION.—

(A) PRIORITY.—In compliance with subparagraphs (B) and (C), in determining how to distribute grants under this section, the Secretary may prioritize—

(i) rural communities;

(ii) Tribal lands;

(iii) territories of the United States;

(iv) medically underserved areas;

(v) areas with a high number or percentage of minority veterans or women veterans; and

(vi) areas with a high number or percentage of calls to the Veterans Crisis Line.

(B) AREAS WITH NEED.—The Secretary shall ensure that, to the extent practicable, grants under this section are distributed—

(i) to provide services in areas of the United States that have experienced high rates of suicide by eligible individuals, including suicide attempts; and

(ii) to eligible entities that can assist eligible individuals at risk of suicide who are not currently receiving health care furnished by the Department.

(C) GEOGRAPHY.—In distributing grants under this paragraph, the Secretary may provide grants to eligible entities that furnish services to eligible individuals and their families in geographically dispersed areas.

(2) PREFERENCE.—The Secretary shall give preference to eligible entities that have demonstrated the ability to provide or coordinate suicide prevention services.

(e) REQUIREMENTS FOR RECEIPT OF GRANTS.—

(1) NOTIFICATION THAT SERVICES ARE FROM DEPARTMENT.—Each entity receiving a grant under this section to provide or coordinate suicide prevention services to eligible individuals and their families shall notify the recipients of such services that such services are being paid for, in whole or in part, by the Department.

Consultation.

(2) DEVELOPMENT OF PLAN WITH ELIGIBLE INDIVIDUALS AND THEIR FAMILY.—Any plan developed with respect to the provision of suicide prevention services for an eligible individual or their family shall be developed in consultation with the eligible individual and their family.

Notification.

(3) COORDINATION.—An entity receiving a grant under this section shall—

(A) coordinate with the Secretary with respect to the provision of clinical services to eligible individuals in accordance with subsection (n) or any other provisions of the law regarding the delivery of health care by the Secretary;

(B) inform every veteran who receives assistance under this section from the entity of the ability of the veteran to apply for enrollment in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code; and

(C) if such a veteran wishes to so enroll, inform the veteran of a point of contact at the Department who can assist the veteran in such enrollment.

(4) MEASUREMENT AND MONITORING.—An entity receiving a grant under this section shall submit to the Secretary a

description of such tools and assessments the entity uses or will use to determine the effectiveness of the services furnished by the entity, which shall include the measures developed under subsection (h)(2) and may include—

(A) the effect of the services furnished by the entity on the financial stability of the eligible individual;

(B) the effect of the services furnished by the entity on the mental health status, wellbeing, and suicide risk of the eligible individual; and

(C) the effect of the services furnished by the entity on the social support of the eligible individuals receiving those services.

(5) REPORTS.—The Secretary—

(A) shall require each entity receiving a grant under this section to submit to the Secretary an annual report that describes the projects carried out with such grant during the year covered by the report;

(B) shall specify to each such entity the evaluation criteria and data and information to be submitted in such report; and

Criteria.
Data.

(C) may require each such entity to submit to the Secretary such additional reports as the Secretary considers appropriate.

(f) APPLICATION FOR GRANTS.—

(1) IN GENERAL.—An eligible entity seeking a grant under this section shall submit to the Secretary an application therefor in such form, in such manner, and containing such commitments and information as the Secretary considers necessary to carry out this section.

(2) MATTERS TO BE INCLUDED.—Each application submitted by an eligible entity under paragraph (1) shall contain the following:

(A) A description of the suicide prevention services proposed to be provided by the eligible entity and the identified need for those services.

(B) A detailed plan describing how the eligible entity proposes to coordinate or deliver suicide prevention services to eligible individuals, including—

Plan.

(i) an identification of the community partners, if any, with which the eligible entity proposes to work in delivering such services;

(ii) a description of the arrangements currently in place between the eligible entity and such partners with regard to the provision or coordination of suicide prevention services;

(iii) an identification of how long such arrangements have been in place;

(iv) a description of the suicide prevention services provided by such partners that the eligible entity shall coordinate, if any; and

(v) an identification of local suicide prevention coordinators of the Department and a description of how the eligible entity will communicate with local suicide prevention coordinators.

(C) A description of the population of eligible individuals and their families proposed to be provided suicide prevention services.

Estimate.

(D) Based on information and methods developed by the Secretary for purposes of this subsection, an estimate of the number of eligible individuals at risk of suicide and their families proposed to be provided suicide prevention services, including the percentage of those eligible individuals who are not currently receiving care furnished by the Department.

(E) Evidence of measurable outcomes related to reductions in suicide risk and mood-related symptoms utilizing validated instruments by the eligible entity (and the proposed partners of the entity, if any) in providing suicide prevention services to individuals at risk of suicide, particularly to eligible individuals and their families.

(F) A description of the managerial and technological capacity of the eligible entity—

Coordination.

(i) to coordinate the provision of suicide prevention services with the provision of other services;

Assessment.

(ii) to assess on an ongoing basis the needs of eligible individuals and their families for suicide prevention services;

Coordination.

(iii) to coordinate the provision of suicide prevention services with the services of the Department for which eligible individuals are also eligible;

(iv) to tailor suicide prevention services to the needs of eligible individuals and their families;

(v) to seek continuously new sources of assistance to ensure the continuity of suicide prevention services for eligible individuals and their families as long as they are determined to be at risk of suicide; and

(vi) to measure the effects of suicide prevention services provided by the eligible entity or partner organization, in accordance with subsection (h)(2), on the lives of eligible individuals and their families who receive such services provided by the organization using pre- and post-evaluations on validated measures of suicide risk and mood-related symptoms.

(G) Clearly defined objectives for the provision of suicide prevention services.

(H) A description and physical address of the primary location of the eligible entity.

(I) A description of the geographic area the eligible entity plans to serve during the grant award period for which the application applies.

(J) If the eligible entity is a State or local government or an Indian tribe, the amount of grant funds proposed to be made available to community partners, if any, through agreements.

(K) A description of how the eligible entity will assess the effectiveness of the provision of grants under this section.

Contracts.

(L) An agreement to use the measures and metrics provided by the Department for the purposes of measuring the effectiveness of the programming as described in subsection (h)(2).

(M) Such additional application criteria as the Secretary considers appropriate.

(g) TRAINING AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide training and technical assistance, in coordination with the Centers for Disease Control and Prevention, to eligible entities in receipt of grants under this section regarding— Coordination.

(A) suicide risk identification and management;

(B) the data required to be collected and shared with the Department; Data.

(C) the means of data collection and sharing; Data.

(D) familiarization with and appropriate use of any tool to be used to measure the effectiveness of the use of the grants provided; and

(E) the requirements for reporting under subsection (e)(5) on services provided via such grants.

(2) PROVISION OF TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may provide the training and technical assistance described in paragraph (1) directly or through grants or contracts with appropriate public or nonprofit entities. Grants. Contracts.

(h) ADMINISTRATION OF GRANT PROGRAM.—

(1) SELECTION CRITERIA.—The Secretary, in consultation with entities specified in paragraph (3), shall establish criteria for the selection of eligible entities that have submitted applications under subsection (f). Consultation.

(2) DEVELOPMENT OF MEASURES AND METRICS.—The Secretary shall develop, in consultation with entities specified in paragraph (3), the following: Consultation.

(A) A framework for collecting and sharing information about entities in receipt of grants under this section for purposes of improving the services available for eligible individuals and their families, set forth by service type, locality, and eligibility criteria.

(B) The measures and metrics to be used by each entity in receipt of grants under this section to determine the effectiveness of the programming being provided by such entity in improving mental health status, wellbeing, and reducing suicide risk and completed suicides of eligible individuals and their families, which shall include an existing measurement tool or protocol for the grant recipient to utilize when determining programmatic effectiveness.

(3) COORDINATION.—In developing a plan for the design and implementation of the provision of grants under this section, including criteria for the award of grants, the Secretary shall consult with the following: Consultation.

(A) Veterans service organizations.

(B) National organizations representing potential community partners of eligible entities in providing supportive services to address the needs of eligible individuals and their families, including national organizations that—

(i) advocate for the needs of individuals with or at risk of behavioral health conditions;

(ii) represent mayors;

(iii) represent unions;

(iv) represent first responders;

(v) represent chiefs of police and sheriffs;

(vi) represent governors;

(vii) represent a territory of the United States; or

(viii) represent a Tribal alliance.

(C) National organizations representing members of the Armed Forces.

(D) National organizations that represent counties.

(E) Organizations with which the Department has a current memorandum of agreement or understanding related to mental health or suicide prevention.

(F) State departments of veterans affairs.

(G) National organizations representing members of the reserve components of the Armed Forces.

(H) National organizations representing members of the Coast Guard.

(I) Organizations, including institutions of higher education, with experience in creating measurement tools for purposes of advising the Secretary on the most appropriate existing measurement tool or protocol for the Department to utilize.

(J) The National Alliance on Mental Illness.

(K) A labor organization (as such term is defined in section 7103(a)(4) of title 5, United States Code).

(L) The Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide Task Force, and such other organizations as the Secretary considers appropriate.

(4) REPORT ON GRANT CRITERIA.—Not later than 30 days before notifying eligible entities of the availability of funding under this section, the Secretary shall submit to the appropriate committees of Congress a report containing—

(A) criteria for the award of a grant under this section;

(B) the already developed measures and metrics to be used by the Department to measure the effectiveness of the use of grants provided under this section as described in subsection (h)(2); and

(C) a framework for the sharing of information about entities in receipt of grants under this section.

(i) INFORMATION ON POTENTIAL ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—The Secretary may make available to recipients of grants under this section certain information regarding potential eligible individuals who may receive services for which such grant is provided.

(2) INFORMATION INCLUDED.—The information made available under paragraph (1) with respect to potential eligible individuals may include the following:

(A) Confirmation of the status of a potential eligible individual as a veteran.

(B) Confirmation of whether the potential eligible individual is enrolled in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code.

(C) Confirmation of whether a potential eligible individual is currently receiving care furnished by the Department or has recently received such care.

(3) OPT-OUT.—The Secretary shall allow an eligible individual to opt out of having their information shared under this subsection with recipients of grants under this section.

(j) DURATION.—The authority of the Secretary to provide grants under this section shall terminate on the date that is three years after the date on which the first grant is awarded under this section.

(k) REPORTING.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date on which the first grant is awarded under this section, the Secretary shall submit to the appropriate committees of Congress a report on the provision of grants to eligible entities under this section.

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

Assessment.

(i) An assessment of the effectiveness of the grant program under this section, including—

(I) the effectiveness of grant recipients and their community partners, if any, in conducting outreach to eligible individuals;

(II) the effectiveness of increasing eligible individuals engagement in suicide prevention services; and

(III) such other validated instruments and additional measures as determined by the Secretary and as described in subsection (h)(2).

List.

(ii) A list of grant recipients and their partner organizations, if any, that delivered services funded by the grant and the amount of such grant received by each recipient and partner organization.

(iii) The number of eligible individuals supported by each grant recipient, including through services provided to family members, disaggregated by—

Determination.
Coordination.

(I) all demographic characteristics as determined necessary and appropriate by the Secretary in coordination with the Centers for Disease Control and Prevention;

(II) whether each such eligible individual is enrolled in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code;

(III) branch of service in the Armed Forces;

(IV) era of service in the Armed Forces;

(V) type of service received by the eligible individual; and

(VI) whether each such eligible individual was referred to the Department for care.

(iv) The number of eligible individuals supported by grants under this section, including through services provided to family members.

(v) The number of eligible individuals described in clause (iv) who were not previously receiving care furnished by the Department, with specific numbers for the population of eligible individuals described in subsection (q)(4)(B).

(vi) The number of eligible individuals whose mental health status, wellbeing, and suicide risk received a baseline measurement assessment under this section and the number of such eligible individuals

whose mental health status, wellbeing, and suicide risk will be measured by the Department or a community partner over a period of time for any improvements.

Data.

(vii) The types of data the Department was able to collect and share with partners, including a characterization of the benefits of that data.

(viii) The number and percentage of eligible individuals referred to the point of contact at the Department under subsection (e)(3)(C).

(ix) The number of eligible individuals newly enrolled in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code based on a referral to the Department from a grant recipient under subsection (e)(3)(C), disaggregated by grant recipient.

(x) A detailed account of how the grant funds were used, including executive compensation, overhead costs, and other indirect costs.

(xi) A description of any outreach activities conducted by the eligible entity in receipt of a grant with respect to services provided using the grant.

(xii) The number of individuals who seek services from the grant recipient who are not eligible individuals.

Determination.

(C) SUBMITTAL OF INFORMATION BY GRANT RECIPIENTS.—The Secretary may require eligible entities receiving grants under this section to provide to Congress such information as the Secretary determines necessary regarding the elements described in subparagraph (B).

(2) FINAL REPORT.—Not later than three years after the date on which the first grant is awarded under this section, and annually thereafter for each year in which the program is in effect, the Secretary shall submit to the appropriate committees of Congress—

(A) a follow-up on the interim report submitted under paragraph (1) containing the elements set forth in subparagraph (B) of such paragraph; and

(B) a report on—

(i) the effectiveness of the provision of grants under this section, including the effectiveness of community partners in conducting outreach to eligible individuals and their families and reducing the rate of suicide among eligible individuals;

Assessment.

(ii) an assessment of the increased capacity of the Department to provide services to eligible individuals and their families, set forth by State, as a result of the provision of grants under this section;

(iii) the feasibility and advisability of extending or expanding the provision of grants consistent with this section; and

(iv) such other elements as considered appropriate by the Secretary.

(l) THIRD-PARTY ASSESSMENT.—

(1) STUDY OF GRANT PROGRAM.—

Deadline.
Contracts.

(A) IN GENERAL.—Not later than 180 days after the commencement of the grant program under this section,

the Secretary shall seek to enter into a contract with an appropriate entity described in paragraph (3) to conduct a study of the grant program.

(B) ELEMENTS OF STUDY.—In conducting the study under subparagraph (A), the appropriate entity shall—

Evaluation.

(i) evaluate the effectiveness of the grant program under this section in—

(I) addressing the factors that contribute to suicides;

(II) increasing the use of suicide prevention services;

(III) reducing mood-related symptoms that increase suicide and suicide risk; and

(IV) where such information is available due to the time frame of the grant program, reducing suicidal ideation, suicide attempts, self-harm, and deaths by suicide; and

(V) reducing suicidal ideation, suicide attempts, self-harm, and deaths by suicide among eligible individuals through eligible entities located in communities; and

(ii) compare the results of the grant program with other national programs in delivering resources to eligible individuals in the communities where they live that address the factors that contribute to suicide.

(2) ASSESSMENT.—

Deadline.

(A) IN GENERAL.—The contract under paragraph (1) shall provide that not later than 24 months after the commencement of the grant program under this section, the appropriate entity shall submit to the Secretary an assessment based on the study conducted pursuant to such contract.

Records.

(B) SUBMITTAL TO CONGRESS.—Upon receipt of the assessment under subparagraph (A), the Secretary shall transmit to the appropriate committees of Congress a copy of the assessment.

(3) APPROPRIATE ENTITY.—An appropriate entity described in this paragraph is a nongovernment entity with experience optimizing and assessing organizations that deliver services and assessing the effectiveness of suicide prevention programs.

(m) REFERRAL FOR CARE.—

Determinations.

(1) MENTAL HEALTH ASSESSMENT.—If an eligible entity in receipt of a grant under this section determines that an eligible individual is at-risk of suicide or other mental or behavioral health condition pursuant to a baseline mental health screening conducted under subsection (q)(11)(A)(ii) with respect to the individual, the entity shall refer the eligible individual to the Department for additional care under subsection (n) or any other provision of law.

(2) EMERGENCY TREATMENT.—If an eligible entity in receipt of a grant under this section determines that an eligible individual furnished clinical services for emergency treatment under subsection (q)(11)(A)(iv) requires ongoing services, the entity shall refer the eligible individual to the Department for additional care under subsection (n) or any other provision of law.

(3) REFUSAL.—If an eligible individual refuses a referral by an entity under paragraph (1) or (2), any ongoing clinical services provided to the eligible individual by the entity shall be at the expense of the entity.

Determination. Assessment.

(n) PROVISION OF CARE TO ELIGIBLE INDIVIDUALS.—When the Secretary determines it is clinically appropriate, the Secretary shall furnish to eligible individuals who are receiving or have received suicide prevention services through grants provided under this section an initial mental health assessment and mental health or behavioral health care services authorized under chapter 17 of title 38, United States Code, that are required to treat the mental or behavioral health care needs of the eligible individual, including risk of suicide.

Contracts.

(o) AGREEMENTS WITH COMMUNITY PARTNERS.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible entity may use grant funds to enter into an agreement with a community partner under which the eligible entity may provide funds to the community partner for the provision of suicide prevention services to eligible individuals and their families.

(2) LIMITATION.—The ability of a recipient of a grant under this section to provide grant funds to a community partner shall be limited to grant recipients that are a State or local government or an Indian tribe.

Time period.

(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section a total of $174,000,000 for fiscal years 2021 through 2025.

(q) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(2) DEPARTMENT.—The term "Department" means the Department of Veterans Affairs.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an incorporated private institution or foundation—

(i) no part of the net earnings of which incurs to the benefit of any member, founder, contributor, or individual; and

(ii) that has a governing board that would be responsible for the operation of the suicide prevention services provided under this section;

(B) a corporation wholly owned and controlled by an organization meeting the requirements of clauses (i) and (ii) of subparagraph (A);

(C) an Indian tribe;

(D) a community-based organization that can effectively network with local civic organizations, regional health systems, and other settings where eligible individuals and their families are likely to have contact; or

(E) A State or local government.

(4) ELIGIBLE INDIVIDUAL.—The term "eligible individual" includes a person at risk of suicide who is—

(A) a veteran as defined in section 101 of title 38, United States Code;

(B) an individual described in section 1720I(b) of such title; or

(C) an individual described in any of clauses (i) through (iv) of section 1712A(a)(1)(C) of such title.

(5) EMERGENCY TREATMENT.—Medical services, professional services, ambulance services, ancillary care and medication (including a short course of medication related to and necessary for the treatment of the emergency condition that is provided directly to or prescribed for the patient for use after the emergency condition is stabilized and the patient is discharged) was rendered in a medical emergency of such nature that a prudent layperson would have reasonably expected that delay in seeking immediate medical attention would have been hazardous to life or health. This standard is met by an emergency medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(6) FAMILY.—The term "family" means, with respect to an eligible individual, any of the following:

(A) A parent.

(B) A spouse.

(C) A child.

(D) A sibling.

(E) A step-family member.

(F) An extended family member.

(G) Any other individual who lives with the eligible individual.

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(8) RISK OF SUICIDE.—

(A) IN GENERAL.—The term "risk of suicide" means exposure to, or the existence of, any of the following (to a degree determined by the Secretary pursuant to regulations):

(i) Health risk factors, including the following:

(I) Mental health challenges.

(II) Substance abuse.

(III) Serious or chronic health conditions or pain.

(IV) Traumatic brain injury.

(ii) Environmental risk factors, including the following:

(I) Prolonged stress.

(II) Stressful life events.

(III) Unemployment.

(IV) Homelessness.

(V) Recent loss.

(VI) Legal or financial challenges.

(iii) Historical risk factors, including the following:
(I) Previous suicide attempts.
(II) Family history of suicide.
(III) History of abuse, neglect, or trauma.

Regulations. Determination.

(B) DEGREE OF RISK.—The Secretary may, by regulation, establish a process for determining degrees of risk of suicide for use by grant recipients to focus the delivery of services using grant funds.

(9) RURAL.—The term "rural", with respect to a community, has the meaning given that term in the Rural-Urban Commuting Areas coding system of the Department of Agriculture.

(10) SECRETARY.—The term "Secretary" means the Secretary of Veterans Affairs.

(11) SUICIDE PREVENTION SERVICES.—

(A) IN GENERAL.—The term "suicide prevention services" means services to address the needs of eligible individuals and their families and includes the following:

(i) Outreach to identify those at risk of suicide with an emphasis on eligible individuals who are at highest risk or who are not receiving health care or other services furnished by the Department.

(ii) A baseline mental health screening for risk.

(iii) Education on suicide risk and prevention to families and communities.

(iv) Provision of clinical services for emergency treatment.

(v) Case management services.

(vi) Peer support services.

(vii) Assistance in obtaining any benefits from the Department that the eligible individual and their family may be eligible to receive, including—
(I) vocational and rehabilitation counseling;
(II) supportive services for homeless veterans;
(III) employment and training services;
(IV) educational assistance; and
(V) health care services.

Coordination.

(viii) Assistance in obtaining and coordinating the provision of other benefits provided by the Federal Government, a State or local government, or an eligible entity.

(ix) Assistance with emergent needs relating to—
(I) health care services;
(II) daily living services;
(III) personal financial planning and counseling;
(IV) transportation services;
(V) temporary income support services;
(VI) fiduciary and representative payee services;
(VII) legal services to assist the eligible individual with issues that may contribute to the risk of suicide; and
(VIII) child care (not to exceed $5,000 per family of an eligible individual per fiscal year).

Determination. Consultation.

(x) Nontraditional and innovative approaches and treatment practices, as determined appropriate by the Secretary, in consultation with appropriate entities.

(xi) Such other services necessary for improving the mental health status and wellbeing and reducing the suicide risk of eligible individuals and their families as the Secretary considers appropriate, which may include—

(I) adaptive sports, equine assisted therapy, or in-place or outdoor recreational therapy;

(II) substance use reduction programming;

(III) individual, group, or family counseling; and

(IV) relationship coaching.

(B) EXCLUSION.—The term "suicide prevention services" does not include direct cash assistance to eligible individuals or their families.

(12) VETERANS CRISIS LINE.—The term "Veterans Crisis Line" means the toll-free hotline for veterans established under section 1720F(h) of title 38, United States Code.

(13) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 202. ANALYSIS ON FEASIBILITY AND ADVISABILITY OF THE DEPARTMENT OF VETERANS AFFAIRS PROVIDING CERTAIN COMPLEMENTARY AND INTEGRATIVE HEALTH SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete an analysis on the feasibility and advisability of providing complementary and integrative health treatments described in subsection (c) at all medical facilities of the Department of Veterans Affairs. Deadline.

(b) INCLUSION OF ASSESSMENT OF REPORT.—The analysis conducted under subsection (a) shall include an assessment of the final report of the Creating Options for Veterans' Expedited Recovery Commission (commonly referred to as the "COVER Commission") established under section 931 of the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114–198; 38 U.S.C. 1701 note) submitted under subsection (e)(2) of such section.

(c) TREATMENTS DESCRIBED.—Complementary and integrative health treatments described in this subsection shall consist of the following:

(1) Yoga.

(2) Meditation.

(3) Acupuncture.

(4) Chiropractic care.

(5) Other treatments that show sufficient evidence of efficacy at treating mental or physical health conditions, as determined by the Secretary. Determination.

(d) REPORT.—The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the analysis completed under subsection (a), including—

(1) the results of such analysis; and

(2) such recommendations regarding the furnishing of complementary and integrative health treatments described in subsection (c) as the Secretary considers appropriate. Recommendations.

38 USC 1712A note.

SEC. 203. PILOT PROGRAM TO PROVIDE VETERANS ACCESS TO COMPLEMENTARY AND INTEGRATIVE HEALTH PROGRAMS THROUGH ANIMAL THERAPY, AGRITHERAPY, SPORTS AND RECREATION THERAPY, ART THERAPY, AND POSTTRAUMATIC GROWTH PROGRAMS.

Deadline. Determination.

(a) IN GENERAL.—Not later than 180 days after the date on which the Creating Options for Veterans' Expedited Recovery Commission (commonly referred to as the "COVER Commission") established under section 931 of the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114–198; 38 U.S.C. 1701 note) submits its final report under subsection (e)(2) of such section, the Secretary of Veterans Affairs shall commence the conduct of a pilot program to provide complementary and integrative health programs described in subsection (b) to eligible veterans from the Department of Veterans Affairs or through the use of non-Department entities for the treatment of post-traumatic stress disorder, depression, anxiety, or other conditions as determined by the Secretary.

(b) PROGRAMS DESCRIBED.—Complementary and integrative health programs described in this subsection may, taking into consideration the report described in subsection (a), consist of the following:

(1) Equine therapy.
(2) Other animal therapy.
(3) Agritherapy.
(4) Sports and recreation therapy.
(5) Art therapy.
(6) Posttraumatic growth programs.

(c) ELIGIBLE VETERANS.—A veteran is eligible to participate in the pilot program under this section if the veteran—

(1) is enrolled in the system of patient enrollment of the Department under section 1705(a) of title 38, United States Code; and

Time period.

(2) has received health care under the laws administered by the Secretary during the two-year period preceding the initial participation of the veteran in the pilot program.

(d) DURATION.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program under this section for a three-year period beginning on the commencement of the pilot program.

(2) EXTENSION.—The Secretary may extend the duration of the pilot program under this section if the Secretary, based on the results of the interim report submitted under subsection (f)(1), determines that it is appropriate to do so.

(e) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall select not fewer than five facilities of the Department at which to carry out the pilot program under this section.

(2) SELECTION CRITERIA.—In selecting facilities under paragraph (1), the Secretary shall ensure that—

(A) the locations are in geographically diverse areas; and

(B) not fewer than three facilities serve veterans in rural or highly rural areas (as determined through the use of the Rural-Urban Commuting Areas coding system of the Department of Agriculture).

(f) REPORTS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than one year after the commencement of the pilot program under this section, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The number of participants in the pilot program.

(ii) The type or types of therapy offered at each facility at which the pilot program is being carried out.

(iii) An assessment of whether participation by a veteran in the pilot program resulted in any changes in clinically relevant endpoints for the veteran with respect to the conditions specified in subsection (a). Assessment.

(iv) An assessment of the quality of life of veterans participating in the pilot program, including the results of a satisfaction survey of the participants in the pilot program, disaggregated by program under subsection (b). Assessment.

(v) The determination of the Secretary with respect to extending the pilot program under subsection (d)(2). Determination.

(vi) Any recommendations of the Secretary with respect to expanding the pilot program. Recommendations.

(2) FINAL REPORT.—Not later than 90 days after the termination of the pilot program under this section, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a final report on the pilot program.

SEC. 204. DEPARTMENT OF VETERANS AFFAIRS STUDY OF ALL-CAUSE MORTALITY OF VETERANS, INCLUDING BY SUICIDE, AND REVIEW OF STAFFING LEVELS OF MENTAL HEALTH PROFESSIONALS.

(a) STUDY OF DEATHS OF VETERANS BY SUICIDE.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the Secretary shall collaborate and coordinate with the National Academies on a revised study design to fulfill the goals of the 2019 study design of the National Academies described in the explanatory statement accompanying the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), as part of current and additional research priorities of the Department of Veterans Affairs, to evaluate the effects of opioids and benzodiazepine on all-cause mortality of veterans, including suicide, regardless of whether information relating to such deaths has been reported by the Centers for Disease Control and Prevention. Contracts. Coordination. Evaluation.

(2) GOALS.—In carrying out the collaboration and coordination under paragraph (1), the Secretary shall seek as much as possible to achieve the same advancement of useful knowledge as the 2019 study design described in such paragraph.

(b) REVIEW OF STAFFING LEVELS FOR MENTAL HEALTH PROFESSIONALS.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the staffing levels for mental health professionals of the Department.

(2) ELEMENTS.—The review required by paragraph (1) shall include a description of the efforts of the Department to maintain appropriate staffing levels for mental health professionals, such as mental health counselors, marriage and family therapists, and other appropriate counselors, including the following:

(A) A description of any impediments to carry out the education, training, and hiring of mental health counselors and marriage and family therapists under section 7302(a) of title 38, United States Code, and strategies for addressing those impediments.

(B) A description of the objectives, goals, and timing of the Department with respect to increasing the representation of such counselors and therapists in the behavioral health workforce of the Department, including—

(i) a review of qualification criteria for such counselors and therapists and a comparison of such criteria to that of other behavioral health professions in the Department; and

Assessment.

(ii) an assessment of the participation of such counselors and therapists in the mental health professionals trainee program of the Department and any impediments to such participation.

Assessment.

(C) An assessment of the development by the Department of hiring guidelines for mental health counselors, marriage and family therapists, and other appropriate counselors.

(D) A description of how the Department—

(i) identifies gaps in the supply of mental health professionals; and

(ii) determines successful staffing ratios for mental health professionals of the Department.

Consultation.
Timeline.

(E) A description of actions taken by the Secretary, in consultation with the Director of the Office of Personnel Management, to create an occupational series for mental health counselors and marriage and family therapists of the Department and a timeline for the creation of such an occupational series.

(F) A description of actions taken by the Secretary to ensure that the national, regional, and local professional standards boards for mental health counselors and marriage and family therapists are comprised of only mental health counselors and marriage and family therapists and that the liaison from the Department to such boards is a mental health counselor or marriage and family therapist.

(c) COMPILATION OF DATA.—The Secretary of Veterans Affairs shall ensure that data under subsections (a) and (b) is compiled separately and disaggregated by year and compiled in a manner that allows it to be analyzed across all data fields for purposes of informing and updating clinical practice guidelines of the Department of Veterans Affairs.

(d) BRIEFINGS.—The Secretary of Veterans Affairs shall brief the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives containing the interim results— Deadlines.

(1) with respect to the study under subsection (a)(1), not later than 24 months after entering into the agreement under such subsection; and

(2) with respect to the review under subsection (b)(1), not later than 18 months after the date of the enactment of this Act.

(e) REPORTS.—

(1) REPORT ON STUDY.—Not later than 90 days after the completion by the Secretary of Veterans Affairs in coordination with the National Academies of Sciences, Engineering, and Medicine of the study required under subsection (a)(1), the Secretary shall— Public information. Coordination.

(A) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study; and

(B) make such report publicly available.

(2) REPORT ON REVIEW.—Not later than 90 days after the completion by the Comptroller General of the United States of the review required under subsection (b)(1), the Comptroller General shall—

(A) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the review; and

(B) make such report publicly available.

SEC. 205. COMPTROLLER GENERAL REPORT ON MANAGEMENT BY DEPARTMENT OF VETERANS AFFAIRS OF VETERANS AT HIGH RISK FOR SUICIDE.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the efforts of the Department of Veterans Affairs to manage veterans at high risk for suicide.

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

(1) A description of how the Department identifies patients as high risk for suicide, with particular consideration to the efficacy of inputs into the Recovery Engagement and Coordination for Health – Veterans Enhanced Treatment program (commonly referred to as the "REACH VET" program) of the Department, including an assessment of the efficacy of such identifications disaggregated by—

(A) all demographic characteristics as determined necessary and appropriate by the Secretary of Veterans Affairs in coordination with the Centers for Disease Control and Prevention;

(B) Veterans Integrated Service Network; and

(C) to the extent practicable, medical center of the Department.

(2) A description of how the Department intervenes when a patient is identified as high risk, including an assessment of the efficacy of such interventions disaggregated by—

(A) all demographic characteristics as determined necessary and appropriate by the Secretary in coordination with the Centers for Disease Control and Prevention;

(B) Veterans Integrated Service Network; and

(C) to the extent practicable, medical center of the Department.

(3) A description of how the Department monitors patients who have been identified as high risk, including an assessment of the efficacy of such monitoring and any follow-ups disaggregated by—

(A) all demographic characteristics as determined necessary and appropriate by the Secretary in coordination with the Centers for Disease Control and Prevention;

(B) Veterans Integrated Service Network; and

(C) to the extent practicable, medical center of the Department.

Review. (4) A review of staffing levels of suicide prevention coordinators across the Veterans Health Administration.

Review. (5) A review of the resources and programming offered to family members and friends of veterans who have a mental health condition in order to assist that veteran in treatment and recovery.

(6) An assessment of such other areas as the Comptroller General considers appropriate to study.

TITLE III—PROGRAMS, STUDIES, AND GUIDELINES ON MENTAL HEALTH

Deadlines.

SEC. 301. STUDY ON CONNECTION BETWEEN LIVING AT HIGH ALTITUDE AND SUICIDE RISK FACTORS AMONG VETERANS.

Consultation. (a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with Rural Health Resource Centers of the Office of Rural Health of the Department of Veterans Affairs, shall commence the conduct of a study on the connection between living at high altitude and the risk of developing depression or dying by suicide among veterans.

(b) COMPLETION OF STUDY.—The study conducted under subsection (a) shall be completed not later than three years after the date of the commencement of the study.

(c) INDIVIDUAL IMPACT.—The study conducted under subsection (a) shall be conducted so as to determine the effect of high altitude on suicide risk at the individual level, not at the State or county level.

(d) REPORT.—Not later than 150 days after the completion of the study conducted under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study.

(e) FOLLOW-UP STUDY.—

Determination. (1) IN GENERAL.—If the Secretary determines through the study conducted under subsection (a) that living at high altitude is a risk factor for developing depression or dying by suicide,

the Secretary shall conduct an additional study to identify the following:

(A) The most likely biological mechanism that makes living at high altitude a risk factor for developing depression or dying by suicide.

(B) The most effective treatment or intervention for reducing the risk of developing depression or dying by suicide associated with living at high altitude.

(2) REPORT.—Not later than 150 days after completing the study conducted under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study.

SEC. 302. ESTABLISHMENT BY DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE OF A CLINICAL PROVIDER TREATMENT TOOLKIT AND ACCOMPANYING TRAINING MATERIALS FOR COMORBIDITIES.

38 USC 1712A note.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop a clinical provider treatment toolkit and accompanying training materials for the evidence-based management of comorbid mental health conditions, comorbid mental health and substance use disorders, and a comorbid mental health condition and chronic pain.

Deadline. Consultation.

(b) MATTERS INCLUDED.—In developing the clinical provider treatment toolkit and accompanying training materials under subsection (a), the Secretary of Veterans Affairs and the Secretary of Defense shall ensure that the toolkit and training materials include guidance with respect to the following:

(1) The treatment of patients with post-traumatic stress disorder who are also experiencing an additional mental health condition, a substance use disorder, or chronic pain.

(2) The treatment of patients experiencing a mental health condition, including anxiety, depression, or bipolar disorder, who are also experiencing a substance use disorder or chronic pain.

(3) The treatment of patients with traumatic brain injury who are also experiencing—

(A) a mental health condition, including post-traumatic stress disorder, anxiety, depression, or bipolar disorder;

(B) a substance use disorder; or

(C) chronic pain.

SEC. 303. UPDATE OF CLINICAL PRACTICE GUIDELINES FOR ASSESSMENT AND MANAGEMENT OF PATIENTS AT RISK FOR SUICIDE.

38 USC 1720F note.

(a) IN GENERAL.—In the first publication of the Department of Veterans Affairs and Department of Defense Clinical Practice Guideline for Assessment and Management of Patients at Risk for Suicide published after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense, through the Assessment and Management of Patients at Risk for Suicide Work Group (in this section referred to as the "Work Group"), shall ensure the publication includes the following:

Publication.

(1) Enhanced guidance with respect to gender-specific—

(A) risk factors for suicide and suicidal ideation;

(B) treatment efficacy for depression and suicide prevention;

(C) pharmacotherapy efficacy; and

(D) psychotherapy efficacy.

(2) Guidance with respect to the efficacy of alternative therapies, other than psychotherapy and pharmacotherapy, including the following:

(A) Yoga therapy.

(B) Meditation therapy.

(C) Equine therapy.

(D) Other animal therapy.

(E) Training and caring for service dogs.

(F) Agritherapy.

(G) Art therapy.

(H) Outdoor sports therapy.

(I) Music therapy.

(J) Any other alternative therapy that the Work Group considers appropriate.

(3) Guidance with respect to the findings of the Creating Options for Veterans' Expedited Recovery Commission (commonly referred to as the "COVER Commission") established under section 931 of the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114–198; 38 U.S.C. 1701 note).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary of Veterans Affairs and the Secretary of Defense from considering all relevant evidence, as appropriate, in updating the Department of Veterans Affairs and Department of Defense Clinical Practice Guideline for Assessment and Management of Patients at Risk for Suicide, as required under subsection (a), or from ensuring that the final clinical practice guidelines updated under such subsection remain applicable to the patient populations of the Department of Veterans Affairs and the Department of Defense.

38 USC 1712A note.

SEC. 304. ESTABLISHMENT BY DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE OF CLINICAL PRACTICE GUIDELINES FOR THE TREATMENT OF SERIOUS MENTAL ILLNESS.

Deadline. Consultations.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, shall complete the development of a clinical practice guideline or guidelines for the treatment of serious mental illness, to include the following conditions:

(1) Schizophrenia.

(2) Schizoaffective disorder.

(3) Persistent mood disorder, including bipolar disorder I and II.

(4) Any other mental, behavioral, or emotional disorder resulting in serious functional impairment that substantially interferes with major life activities as the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, considers appropriate.

(b) MATTERS INCLUDED IN GUIDELINES.—The clinical practice guideline or guidelines developed under subsection (a) shall include the following:

(1) Guidance contained in the 2016 Clinical Practice Guidelines for the Management of Major Depressive Disorders of the Department of Veterans Affairs and the Department of Defense.

(2) Guidance with respect to the treatment of patients with a condition described in subsection (a).

(3) A list of evidence-based therapies for the treatment of conditions described in subsection (a). List.

(4) An appropriate guideline for the administration of pharmacological therapy, psychological or behavioral therapy, or other therapy for the management of conditions described in subsection (a).

(c) ASSESSMENT OF EXISTING GUIDELINES.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, shall complete an assessment of the 2016 Clinical Practice Guidelines for the Management of Major Depressive Disorders to determine whether an update to such guidelines is necessary. Deadline. Consultation.

(d) WORK GROUP.—

(1) ESTABLISHMENT.—The Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Health and Human Services shall create a work group to develop the clinical practice guideline or guidelines under subsection (a) to be known as the "Serious Mental Illness Work Group" (in this subsection referred to as the "Work Group").

(2) MEMBERSHIP.—The Work Group created under paragraph (1) shall be comprised of individuals that represent Federal Government entities and non-Federal Government entities with expertise in the areas covered by the Work Group, including the following entities:

(A) Academic institutions that specialize in research for the treatment of conditions described in subsection (a).

(B) The Health Services Research and Development Service of the Department of Veterans Affairs.

(C) The Office of the Assistant Secretary for Mental Health and Substance Use of the Department of Health and Human Services.

(D) The National Institute of Mental Health.

(E) The Indian Health Service.

(F) Relevant organizations with expertise in researching, diagnosing, or treating conditions described in subsection (a).

(3) RELATION TO OTHER WORK GROUPS.—The Work Group shall be created and conducted in the same manner as other work groups for the development of clinical practice guidelines for the Department of Veterans Affairs and the Department of Defense.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary of Veterans Affairs and the Secretary of Defense from considering all relevant evidence, as appropriate, in creating the clinical practice guideline or guidelines required under subsection (a) or from ensuring that the final clinical practice guideline or guidelines developed under such subsection and subsequently updated, as appropriate, remain applicable to the patient populations of the Department of Veterans Affairs and the Department of Defense.

38 USC 1712A note.

SEC. 305. PRECISION MEDICINE INITIATIVE OF DEPARTMENT OF VETERANS AFFAIRS TO IDENTIFY AND VALIDATE BRAIN AND MENTAL HEALTH BIOMARKERS.

Deadline.

(a) IN GENERAL.—Beginning not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement an initiative of the Department of Veterans Affairs to identify and validate brain and mental health biomarkers among veterans, with specific consideration for depression, anxiety, post-traumatic stress disorder, bipolar disorder, traumatic brain injury, and such other mental health conditions as the Secretary considers appropriate. Such initiative may be referred to as the "Precision Medicine for Veterans Initiative".

(b) MODEL OF INITIATIVE.—The initiative under subsection (a) shall be modeled on the All of Us Precision Medicine Initiative administered by the National Institutes of Health with respect to large-scale collection of standardized data and open data sharing.

(c) METHODS.—The initiative under subsection (a) shall include brain structure and function measurements, such as functional magnetic resonance imaging and electroencephalogram, and shall coordinate with additional biological methods of analysis utilized in the Million Veterans Program of the Department of Veterans Affairs.

(d) USE OF DATA.—

(1) PRIVACY AND SECURITY.—In carrying out the initiative under subsection (a), the Secretary shall develop robust data privacy and security measures, consistent with section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974"), and regulations promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (parts 160, 162, and 164 of title 45, Code of Federal Regulations, or successor regulations) to ensure that information of veterans participating in the initiative is kept private and secure.

(2) CONSULTATION WITH THE NATIONAL INSTITUTES OF SCIENCE AND TECHNOLOGY.—The Secretary may consult with the National Institute of Science and Technology in developing the data privacy and security measures described in paragraph (1).

(3) ACCESS STANDARDS.—The Secretary shall provide access to information under the initiative consistent with the standards described in section 552a(d)(1) of title 5, United States Code, and section 164.524 of title 45, Code of Federal Regulations, or successor regulations.

(4) OPEN PLATFORM.—

(A) AVAILABILITY OF DATA.—The Secretary shall make de-identified data collected under the initiative available for research purposes to Federal agencies.

(B) CONTRACT.—The Secretary shall contract with non-government entities that comply with requisite data security measures to make available for research purposes de-identified data collected under the initiative.

(C) ASSISTANCE.—The Secretary shall provide assistance to a Federal agency conducting research using data collected under the initiative at the request of that agency.

(D) PROHIBITION ON TRANSFER OF DATA.—Federal agencies may not disclose, transmit, share, sell, license, or otherwise transfer data collected under the initiative to any

nongovernment entity other than as allowed under subparagraph (B).

(5) STANDARDIZATION.—

(A) IN GENERAL.—The Secretary shall ensure that data collected under the initiative is standardized.

(B) CONSULTATION.—The Secretary shall consult with the National Institutes of Health and the Food and Drug Administration to determine the most effective, efficient, and cost-effective way of standardizing data collected under the initiative.

(C) MANNER OF STANDARDIZATION.—In consultation with the National Institute for Science and Technology, data collected under the initiative shall be standardized in the manner in which it is collected, entered into the database, extracted, and recorded. Consultation.

(6) MEASURES OF BRAIN FUNCTION OR STRUCTURE.—Any measures of brain function or structure collected under the initiative shall be collected with a device that is approved by the Food and Drug Administration.

(7) DE-IDENTIFIED DATA DEFINED.—In this subsection, the term "de-identified data" means, with respect to data held by the Department of Veterans Affairs, that the Department—

(A) alters, anonymizes, or aggregates the data so that there is a reasonable basis for expecting that the data could not be linked as a practical matter to a specific individual;

(B) publicly commits to refrain from attempting to re-identify the data with a specific individual, and adopts controls to prevent such identification; and

(C) causes the data to be covered by a contractual or other legally enforceable prohibition on each entity to which the Department discloses the data from attempting to use the data to identify a specific individual and requires the same of all onward disclosures.

(e) INCLUSION OF INITIATIVE IN PROGRAM.—The Secretary shall coordinate efforts of the initiative under subsection (a) with the Million Veterans Program of the Department.

SEC. 306. STATISTICAL ANALYSES AND DATA EVALUATION BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 119. Contracting for statistical analyses and data evaluation 38 USC 119.

"(a) IN GENERAL.—The Secretary may enter into a contract or other agreement with an academic institution or other qualified entity, as determined by the Secretary, to carry out statistical analyses and data evaluation as required of the Secretary by law.". Determination.

"(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary to enter into contracts or other agreements for statistical analyses and data evaluation under any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item: 38 USC prec. 101.

"119. Contracting for statistical analyses and data evaluation.".

TITLE IV—OVERSIGHT OF MENTAL HEALTH CARE AND RELATED SERVICES

SEC. 401. STUDY ON EFFECTIVENESS OF SUICIDE PREVENTION AND MENTAL HEALTH OUTREACH PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

Deadline.
Contracts.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with a non-Federal Government entity with expertise in conducting and evaluating research-based studies to conduct a study on the effectiveness of the suicide prevention and mental health outreach materials prepared by the Department of Veterans Affairs and the suicide prevention and mental health outreach campaigns conducted by the Department.

(b) USE OF FOCUS GROUPS.—

(1) IN GENERAL.—The Secretary shall convene not fewer than eight different focus groups to evaluate the effectiveness of the suicide prevention and mental health materials and campaigns as required under subsection (a).

(2) LOCATION OF FOCUS GROUPS.—Focus groups convened under paragraph (1) shall be held in geographically diverse areas as follows:

(A) Not fewer than two in rural or highly rural areas.

(B) Not fewer than one in each of the four districts of the Veterans Benefits Administration.

(3) TIMING OF FOCUS GROUPS.—Focus groups convened under paragraph (1) shall be held at a variety of dates and times to ensure an adequate representation of veterans with different work schedules.

(4) NUMBER OF PARTICIPANTS.—Each focus group convened under paragraph (1) shall include not fewer than five and not more than 12 participants.

(5) REPRESENTATION.—Each focus group convened under paragraph (1) shall, to the extent practicable, include veterans of diverse backgrounds, including—

(A) veterans of all eras, as determined by the Secretary;

(B) women veterans;

(C) minority veterans;

(D) Native American veterans, as defined in section 3765 of title 38, United States Code;

(E) veterans who identify as lesbian, gay, bisexual, transgender, or queer (commonly referred to as "LGBTQ");

(F) veterans who live in rural or highly rural areas;

(G) individuals transitioning from active duty in the Armed Forces to civilian life; and

(H) other high-risk groups of veterans, as determined by the Secretary.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the last focus group meeting under subsection (b), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the focus groups.

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

(A) Based on the findings of the focus groups, an assessment of the effectiveness of current suicide prevention and mental health materials and campaigns of the Department in reaching veterans as a whole as well as specific groups of veterans (for example, women veterans). Assessment.

(B) Based on the findings of the focus groups, recommendations for future suicide prevention and mental health materials and campaigns of the Department to target specific groups of veterans. Recommendations.

(C) A plan to change the current suicide prevention and mental health materials and campaigns of the Department or, if the Secretary decides not to change the current materials and campaigns, an explanation of the reason for maintaining the current materials and campaigns. Plan.

(D) A description of any dissenting or opposing viewpoints raised by participants in the focus group.

(E) Such other issues as the Secretary considers necessary.

(d) REPRESENTATIVE SURVEY.—

(1) IN GENERAL.—Not later than one year after the last focus group meeting under subsection (b), the Secretary shall complete a representative survey of the veteran population that is informed by the focus group data in order to collect information about the effectiveness of the mental health and suicide prevention materials and campaigns conducted by the Department. Deadline.

(2) VETERANS SURVEYED.—

(A) IN GENERAL.—Veterans surveyed under paragraph (1) shall include veterans described in subsection (b)(5).

(B) DISAGGREGATION OF DATA.—Data of veterans surveyed under paragraph (1) shall be disaggregated by— Time period.

(i) veterans who have received care from the Department during the two-year period preceding the survey; and

(ii) veterans who have not received care from the Department during the two-year period preceding the survey.

(e) TREATMENT OF CONTRACTS FOR SUICIDE PREVENTION AND MENTAL HEALTH OUTREACH MEDIA.— 38 USC 1720F note.

(1) FOCUS GROUPS.—

(A) IN GENERAL.—The Secretary shall include in each contract to develop media relating to suicide prevention and mental health materials and campaigns a requirement that the contractor convene focus groups of veterans to assess the effectiveness of suicide prevention and mental health outreach. Assessment.

(B) REPRESENTATION.—Each focus group required under subparagraph (A) shall, to the extent practicable, include veterans of diverse backgrounds, including—

(i) veterans of all eras, as determined by the Secretary;

(ii) women veterans;

(iii) minority veterans;

(iv) Native American veterans, as defined in section 3765 of title 38, United States Code;

(v) veterans who identify as lesbian, gay, bisexual, transgender, or queer (commonly referred to as "LGBTQ");

(vi) veterans who live in rural or highly rural areas;

(vii) individuals transitioning from active duty in the Armed Forces to civilian life; and

(viii) other high-risk groups of veterans, as determined by the Secretary.

(2) SUBCONTRACTING.—

Requirement.

(A) IN GENERAL.—The Secretary shall include in each contract described in paragraph (1)(A) a requirement that, if the contractor subcontracts for the development of media, the contractor shall subcontract with a subcontractor that has experience creating impactful media campaigns that target individuals age 18 to 34.

(B) BUDGET LIMITATION.—Not more than two percent of the budget of the Office of Mental Health and Suicide Prevention of the Department for contractors for suicide prevention and mental health media outreach shall go to subcontractors described in subparagraph (A).

(f) PAPERWORK REDUCTION ACT EXEMPTION.—Chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act") shall not apply to any rulemaking or information collection required under this section.

(g) RURAL AND HIGHLY RURAL DEFINED.—In this section, with respect to an area, the terms "rural" and "highly rural" have the meanings given those terms in the Rural-Urban Commuting Areas coding system of the Department of Agriculture.

38 USC 1720F note.

SEC. 402. OVERSIGHT OF MENTAL HEALTH AND SUICIDE PREVENTION MEDIA OUTREACH CONDUCTED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) ESTABLISHMENT OF GOALS.—

Action plans.

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish goals for the mental health and suicide prevention media outreach campaigns of the Department of Veterans Affairs, which shall include the establishment of targets, metrics, and action plans to describe and assess those campaigns.

(2) USE OF METRICS.—

(A) IN GENERAL.—The goals established under paragraph (1) shall be measured by metrics specific to different media types.

Determination.

(B) FACTORS TO CONSIDER.—In using metrics under subparagraph (A), the Secretary shall determine the best methodological approach for each media type and shall consider the following:

(i) Metrics relating to social media, which may include the following:

(I) Impressions.

(II) Reach.

(III) Engagement rate.

(IV) Such other metrics as the Secretary considers necessary.

(ii) Metrics relating to television, which may include the following:

(I) Nielsen ratings.

(II) Such other metrics as the Secretary considers necessary.

(iii) Metrics relating to email, which may include the following:

(I) Open rate.

(II) Response rate.

(III) Click rate.

(IV) Such other metrics as the Secretary considers necessary.

(C) UPDATE.—The Secretary shall periodically update the metrics under subparagraph (B) as more accurate metrics become available.

(3) TARGETS.—The Secretary shall establish targets to track the metrics used under paragraph (2).

(4) CONSULTATION.—In establishing goals under paragraph (1), the Secretary shall consult with the following:

Determination.

(A) Relevant stakeholders, such as organizations that represent veterans, as determined by the Secretary.

(B) Mental health and suicide prevention experts.

(C) Such other persons as the Secretary considers appropriate.

(5) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing the goals established under paragraph (1) for the mental health and suicide prevention media outreach campaigns of the Department, including the metrics and targets for such metrics by which those goals are to be measured under paragraphs (2) and (3).

(6) ANNUAL REPORT.—Not later than one year after the submittal of the report under paragraph (5), and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing—

(A) the progress of the Department in meeting the goals established under paragraph (1) and the targets established under paragraph (3); and

(B) a description of action to be taken by the Department to modify mental health and suicide prevention media outreach campaigns if those goals and targets are not being met.

(b) REPORT ON USE OF FUNDS BY OFFICE OF MENTAL HEALTH AND SUICIDE PREVENTION.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter, the Secretary shall submit to the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate and the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives a report containing the expenditures and obligations of the Office of Mental Health and Suicide Prevention of the Veterans Health Administration during the period covered by the report.

SEC. 403. COMPTROLLER GENERAL MANAGEMENT REVIEW OF MENTAL HEALTH AND SUICIDE PREVENTION SERVICES OF DEPARTMENT OF VETERANS AFFAIRS.

Deadline.

(a) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a management review of the mental health and suicide prevention services provided by the Department of Veterans Affairs.

Assessments.

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

(1) An assessment of the infrastructure under the control of or available to the Office of Mental Health and Suicide Prevention of the Department of Veterans Affairs or available to the Department of Veterans Affairs for suicide prevention efforts not operated by the Office of Mental Health and Suicide Prevention.

(2) A description of the management and organizational structure of the Office of Mental Health and Suicide Prevention, including roles and responsibilities for each position.

(3) A description of the operational policies and processes of the Office of Mental Health and Suicide Prevention.

(4) An assessment of suicide prevention practices and initiatives available from the Department and through community partnerships.

(5) An assessment of the staffing levels at the Office of Mental Health and Suicide Prevention, disaggregated by type of position, and including the location of any staffing deficiencies.

(6) An assessment of the Nurse Advice Line pilot program conducted by the Department.

(7) An assessment of recruitment initiatives in rural areas for mental health professionals of the Department.

(8) An assessment of strategic planning conducted by the Office of Mental Health and Suicide Prevention.

(9) An assessment of the communication, and the effectiveness of such communication—

(A) within the central office of the Office of Mental Health and Suicide Prevention;

(B) between that central office and any staff member or office in the field, including chaplains, attorneys, law enforcement personnel, and volunteers; and

(C) between that central office, local facilities of the Department, and community partners of the Department, including first responders, community support groups, and health care industry partners.

(10) An assessment of how effectively the Office of Mental Health and Suicide Prevention implements operational policies and procedures.

Recommendations.

(11) An assessment of how the Department of Veterans Affairs and the Department of Defense coordinate suicide prevention efforts, and recommendations on how the Department of Veterans Affairs and Department of Defense can more effectively coordinate those efforts.

(12) An assessment of such other areas as the Comptroller General considers appropriate to study.

SEC. 404. COMPTROLLER GENERAL REPORT ON EFFORTS OF DEPARTMENT OF VETERANS AFFAIRS TO INTEGRATE MENTAL HEALTH CARE INTO PRIMARY CARE CLINICS.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the efforts of the Department of Veterans Affairs to integrate mental health care into primary care clinics of the Department.

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

(A) An assessment of the efforts of the Department to integrate mental health care into primary care clinics of the Department.

(B) An assessment of the effectiveness of such efforts.

(C) An assessment of how the health care of veterans is impacted by such integration.

(D) A description of how care is coordinated by the Department between specialty mental health care and primary care, including a description of the following:

(i) How documents and patient information are transferred and the effectiveness of those transfers.

(ii) How care is coordinated when veterans must travel to different facilities of the Department.

(iii) How a veteran is reintegrated into primary care after receiving in-patient mental health care.

(E) An assessment of how the integration of mental health care into primary care clinics is implemented at different types of facilities of the Department.

(F) Such recommendations on how the Department can better integrate mental health care into primary care clinics as the Comptroller General considers appropriate. Recommendations.

(G) An assessment of such other areas as the Comptroller General considers appropriate to study.

(b) COMMUNITY CARE INTEGRATION REPORT.—

(1) IN GENERAL.—Not later than two years after the date on which the Comptroller General submits the report required under subsection (a)(1), the Comptroller General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the efforts of the Department to integrate community-based mental health care into the Veterans Health Administration.

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

(A) An assessment of the efforts of the Department to integrate community-based mental health care into the Veterans Health Administration.

(B) An assessment of the effectiveness of such efforts.

(C) An assessment of how the health care of veterans is impacted by such integration.

(D) A description of how care is coordinated between providers of community-based mental health care and the Veterans Health Administration, including a description

of how documents and patient information are transferred and the effectiveness of those transfers between—

(i) the Veterans Health Administration and providers of community-based mental health care; and

(ii) providers of community-based mental health care and the Veterans Health Administration.

(E) An assessment of any disparities in the coordination of community-based mental health care into the Veterans Health Administration by location and type of facility.

(F) An assessment of the military cultural competency of health care providers providing community-based mental health care to veterans.

Recommendations.

(G) Such recommendations on how the Department can better integrate community-based mental health care into the Veterans Health Administration as the Comptroller General considers appropriate.

(H) An assessment of such other areas as the Comptroller General considers appropriate to study.

(3) COMMUNITY-BASED MENTAL HEALTH CARE DEFINED.—In this subsection, the term "community-based mental health care" means mental health care paid for by the Department but provided by a non-Department health care provider at a non-Department facility, including care furnished under section 1703 of title 38, United States Code (as in effect on the date specified in section 101(b) of the Caring for Our Veterans Act of 2018 (title I of Public Law 115–182)).

SEC. 405. JOINT MENTAL HEALTH PROGRAMS BY DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE.

38 USC 8111 note.

(a) REPORT ON MENTAL HEALTH PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives a report on mental health programs of the Department of Veterans Affairs and the Department of Defense and joint programs of the Departments.

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

(A) A description of mental health programs operated by the Department of Veterans Affairs, including the following:

(i) Transition assistance programs.

(ii) Clinical and non-clinical mental health initiatives, including centers of excellence of the Department of Veterans Affairs for traumatic brain injury and post-traumatic stress disorder.

(iii) Programs that may secondarily improve mental health, including employment, housing assistance, and financial literacy programs.

(iv) Research into mental health issues and conditions, to include post-traumatic stress disorder, depression, anxiety, bipolar disorder, traumatic brain injury, suicidal ideation, and any other issues or conditions

as the Secretary of Veterans Affairs considers necessary.

(B) A description of mental health programs operated by the Department of Defense, including the following:

(i) Transition assistance programs.

(ii) Clinical and non-clinical mental health initiatives, including the National Intrepid Center of Excellence and the Intrepid Spirit Centers.

(iii) Programs that may secondarily improve mental health, including employment, housing assistance, and financial literacy programs.

(iv) Research into mental health issues and conditions, to include post-traumatic stress disorder, depression, anxiety, bipolar disorder, traumatic brain injury, suicidal ideation, and any other issues or conditions as the Secretary of Defense considers necessary.

(C) A description of mental health programs jointly operated by the Department of Veterans Affairs and the Department of Defense, including the following:

(i) Transition assistance programs.

(ii) Clinical and non-clinical mental health initiatives.

(iii) Programs that may secondarily improve mental health, including employment, housing assistance, and financial literacy programs.

(iv) Research into mental health issues and conditions, to include post-traumatic stress disorder, depression, anxiety, bipolar disorder, traumatic brain injury, suicidal ideation, and completed suicides, including through the use of the joint suicide data repository of the Department of Veterans Affairs and the Department of Defense, and any other issues or conditions as the Secretary of Veterans Affairs and the Secretary of Defense consider necessary.

(D) Recommendations for coordinating mental health programs of the Department of Veterans Affairs and the Department of Defense to improve the effectiveness of those programs. Recommendations.

(E) Recommendations for novel joint programming of the Department of Veterans Affairs and the Department of Defense to improve the mental health of members of the Armed Forces and veterans. Recommendations.

(b) EVALUATION OF COLLABORATIVE EFFORTS OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE AND ALTERNATIVES OF ANALYSIS TO ESTABLISH A JOINT VA/DOD INTREPID SPIRIT CENTER.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall evaluate the current ongoing collaborative efforts of the Department of Veterans Affairs and the Department of Defense related to post-traumatic stress disorder and traumatic brain injury care, research, and education to improve the quality of and access to such care and seek potential new collaborative efforts to improve and expand such care for veterans and members of the Armed Forces in a joint Department of Veterans Affairs/Department of Defense Intrepid Spirit Center that serves active duty members of the Armed Forces, members of the reserve Coordination.

components of the Armed Forces, and veterans for mutual benefit and growth in treatment and care.

(2) ALTERNATIVES OF ANALYSIS.—

(A) IN GENERAL.—The evaluation required under paragraph (1) shall include an alternatives of analysis to establish the joint Department of Veterans Affairs/Department of Defense Intrepid Spirit Center described in paragraph (1).

Recommendations.

(B) ELEMENTS.—The alternatives of analysis required under subparagraph (A) with respect to the establishment of the joint Department of Veterans Affairs/Department of Defense Intrepid Spirit Center described in paragraph (1) shall provide alternatives and recommendations that consider information including—

(i) colocation of the center on an installation of the Department of Defense or property of a medical center of the Department of Veterans Affairs;

(ii) consideration of a rural or highly rural area to establish the center that may include colocation described in clause (i);

(iii) geographic distance from existing or planned Intrepid Spirit Centers of the Department of Defense or other such facilities of the Department of Veterans Affairs or the Department of Defense that furnish care for post-traumatic stress disorder or traumatic brain injury; and

(iv) the potential role for private entities and philanthropic organizations in carrying out the activities of the center.

(3) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes—

Summary.

(A) a summary of the evaluation required under paragraph (1); and

(B) the alternatives of analysis required under paragraph (2).

(4) RURAL AND HIGHLY RURAL DEFINED.—In this subsection, with respect to an area, the terms "rural" and "highly rural" have the meanings given those terms in the Rural-Urban Commuting Areas coding system of the Department of Agriculture.

TITLE V—IMPROVEMENT OF MENTAL HEALTH MEDICAL WORKFORCE

SEC. 501. STAFFING IMPROVEMENT PLAN FOR MENTAL HEALTH PROVIDERS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) STAFFING PLAN.—

Deadline. Consultation.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Inspector General of the Department of Veterans Affairs, shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to address staffing

of mental health providers of the Department of Veterans Affairs, including filling any open positions.

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

(A) An estimate of the number of positions for mental health providers of the Department that need to be filled to meet demand. Estimate.

(B) An identification of the steps that the Secretary will take to address mental health staffing for the Department.

(C) A description of any region-specific hiring incentives to be used by the Secretary in consultation with the directors of Veterans Integrated Service Networks and medical centers of the Department.

(D) A description of any local retention or engagement incentives to be used by directors of Veterans Integrated Service Networks.

(E) Such recommendations for legislative or administrative action as the Secretary considers necessary to aid in addressing mental health staffing for the Department. Recommendations.

(3) REPORT.—Not later than one year after the submittal of the plan required by paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the number of mental health providers hired by the Department during the one-year period preceding the submittal of the report. Time period.

(b) OCCUPATIONAL SERIES FOR CERTAIN MENTAL HEALTH PROVIDERS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Office of Personnel Management, shall develop an occupational series for licensed professional mental health counselors and marriage and family therapists of the Department of Veterans Affairs. Deadline. Consultation. 38 USC 7401 note.

SEC. 502. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS READJUSTMENT COUNSELING SERVICE SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Chapter 76 of title 38, United States Code, is amended by inserting after subchapter VIII the following new subchapter:

"SUBCHAPTER IX—READJUSTMENT COUNSELING SERVICE SCHOLARSHIP PROGRAM 38 USC prec. 7698.

"§ 7698. Requirement for program 38 USC 7698.

"As part of the Educational Assistance Program, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Readjustment Counseling Service Scholarship Program (in this subchapter referred to as the 'Program').

"§ 7699. Eligibility; agreement Contracts. 38 USC 7699.

"(a) IN GENERAL.—An individual is eligible to participate in the Program, as determined by the Readjustment Counseling Service of the Department, if the individual— Determination.

"(1) is accepted for enrollment or enrolled (as described in section 7602 of this title) in a program of study at an

accredited educational institution, school, or training program leading to a terminal degree in psychology, social work, marriage and family therapy, or mental health counseling that would meet the education requirements for appointment to a position under section 7402(b) of this title; and

"(2) enters into an agreement with the Secretary under subsection (c).

"(b) PRIORITY.—In selecting individuals to participate in the Program, the Secretary shall give priority to the following individuals:

"(1) An individual who agrees to be employed by a Vet Center located in a community that is—

"(A) designated as a medically underserved population under section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)); and

"(B) in a State with a per capita population of veterans of more than five percent according to the National Center for Veterans Analysis and Statistics and the Bureau of the Census.

"(2) An individual who is a veteran.

"(c) AGREEMENT.—An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

"(1) An agreement by the Secretary to provide the participant with a scholarship under the Program for a specified number of school years during which the participant pursues a program of study described in subsection (a)(1) that meets the requirements set forth in section 7602(a) of this title.

Time period.

"(2) An agreement by the participant to serve as a full-time employee of the Department at a Vet Center for a six-year period following the completion by the participant of such program of study (in this subchapter referred to as the 'period of obligated service').

"(d) VET CENTER DEFINED.—In this section, the term 'Vet Center' has the meaning given that term in section 1712A(h) of this title.

38 USC 7699A.

"§ 7699A. Obligated service

"(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department at a Vet Center (as defined in section 7699(d) of this title) for the period of obligated service set forth in the agreement of the participant entered into under section 7604 of this title.

Deadline.
Notification.

"(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before the service commencement date of a participant, the Secretary shall notify the participant of that service commencement date.

"(2) The date specified in paragraph (1) with respect to a participant is the date for the beginning of the period of obligated service of the participant.

Contracts.
38 USC 7699B.

"§ 7699B. Breach of agreement: liability

"(a) LIQUIDATED DAMAGES.—(1) A participant in the Program (other than a participant described in subsection (b)) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the agreement entered into under

section 7604 of this title shall be liable to the United States for liquidated damages in the amount of $1,500.

"(2) Liability under paragraph (1) is in addition to any period of obligated service or other obligation or liability under such agreement.

"(b) LIABILITY DURING PROGRAM OF STUDY.—(1) Except as provided in subsection (d), a participant in the Program shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the agreement if any of the following occurs:

Determination. Regulations.

"(A) The participant fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (as determined by the educational institution under regulations prescribed by the Secretary).

"(B) The participant is dismissed from such educational institution for disciplinary reasons.

"(C) The participant voluntarily terminates the program of study in such educational institution before the completion of such program of study.

"(2) Liability under this subsection is in lieu of any service obligation arising under the agreement.

Determinations.

"(c) LIABILITY DURING PERIOD OF OBLIGATED SERVICE.—(1) Except as provided in subsection (d), if a participant in the Program does not complete the period of obligated service of the participant, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula: $A = 3\Phi(t - s/t)$.

"(2) In the formula in paragraph (1):

"(A) 'A' is the amount the United States is entitled to recover.

"(B) 'Φ' is the sum of—

"(i) the amounts paid under this subchapter to or on behalf of the participant; and

"(ii) the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

"(C) 't' is the total number of months in the period of obligated service of the participant.

"(D) 's' is the number of months of such period served by the participant.

"(d) LIMITATION ON LIABILITY FOR REDUCTIONS-IN-FORCE.—Liability shall not arise under subsection (c) if the participant fails to maintain employment as a Department employee due to a staffing adjustment.

"(e) PERIOD FOR PAYMENT OF DAMAGES.—Any amount of damages that the United States is entitled to recover under this section shall be paid to the United States within the one-year period beginning on the date of the breach of the agreement.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) ESTABLISHMENT OF PROGRAM.—Section 7601(a) of such title is amended— 38 USC 7601.

(i) in paragraph (5), by striking "and";

(ii) in paragraph (6), by striking the period and inserting "; and"; and

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

"(7) the readjustment counseling service scholarship program provided for in subchapter IX of this chapter.".

38 USC 7602.

(B) ELIGIBILITY.—Section 7602 of such title is amended—

(i) in subsection (a)(1)—

(I) by striking "or VI" and inserting "VI, or IX"; and

(II) by striking "subchapter VI" and inserting "subchapter VI or IX"; and

(ii) in subsection (b), by striking "or VI" and inserting "VI, or IX".

(C) APPLICATION.—Section 7603(a)(1) of such title is amended by striking "or VIII" and inserting "VIII, or IX".

(D) TERMS OF AGREEMENT.—Section 7604 of such title is amended by striking "or VIII" each place it appears and inserting "VIII, or IX".

(E) ANNUAL REPORT.—Section 7632 of such title is amended—

(i) in paragraph (1), by striking "and the Specialty Education Loan Repayment Program" and inserting "the Specialty Education Loan Repayment Program, and the Readjustment Counseling Service Scholarship Program"; and

(ii) in paragraph (4), by striking "and per participant in the Specialty Education Loan Repayment Program" and inserting "per participant in the Specialty Education Loan Repayment Program, and per participant in the Readjustment Counseling Service Scholarship Program".

38 USC prec. 7601.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 76 of such title is amended by inserting after the items relating to subchapter VIII the following:

"SUBCHAPTER IX—READJUSTMENT COUNSELING SERVICE SCHOLARSHIP PROGRAM

"Sec.
"7698. Requirement for program.
"7699. Eligibility; agreement.
"7699A. Obligated service.
"7699B. Breach of agreement: liability.".

38 USC 7698 note.

(c) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall begin awarding scholarships under subchapter IX of chapter 76 of title 38, United States Code, as added by subsection (a), for programs of study beginning not later than one year after the date of the enactment of this Act.

SEC. 503. COMPTROLLER GENERAL REPORT ON READJUSTMENT COUNSELING SERVICE OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Readjustment Counseling Service of the Department of Veterans Affairs.

Assessments. Recommendations.

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

(1) An assessment of the adequacy and types of treatment, counseling, and other services provided at Vet Centers, including recommendations on whether and how such treatment, counseling, and other services can be expanded.

(2) An assessment of the efficacy of outreach efforts by the Readjustment Counseling Service, including recommendations for how outreach efforts can be improved.

(3) An assessment of barriers to care at Vet Centers, including recommendations for overcoming those barriers.

(4) An assessment of the efficacy and frequency of the use of telehealth by counselors of the Readjustment Counseling Service to provide mental health services, including recommendations for how the use of telehealth can be improved.

(5) An assessment of the feasibility and advisability of expanding eligibility for services from the Readjustment Counseling Service, including—

(A) recommendations on what eligibility criteria could be expanded; and

(B) an assessment of potential costs and increased infrastructure requirements if eligibility is expanded.

(6) An assessment of the use of Vet Centers by members of the reserve components of the Armed Forces who were never activated and recommendations on how to better reach those members.

(7) An assessment of the use of Vet Centers by eligible family members of former members of the Armed Forces and recommendations on how to better reach those family members.

(8) An assessment of the efficacy of group therapy and the level of training of providers at Vet Centers in administering group therapy.

(9) An assessment of the efficiency and effectiveness of the task organization structure of Vet Centers.

(10) An assessment of the use of Vet Centers by Native American veterans, as defined in section 3765 of title 38, United States Code, and recommendations on how to better reach those veterans.

(c) VET CENTER DEFINED.—In this section, the term "Vet Center" has the meaning given that term in section 1712A(h) of title 38, United States Code.

SEC. 504. EXPANSION OF REPORTING REQUIREMENTS ON READJUSTMENT COUNSELING SERVICE OF DEPARTMENT OF VETERANS AFFAIRS.

(a) EXPANSION OF ANNUAL REPORT.—Paragraph (2)(C) of section 7309(e) of title 38, United States Code, is amended by inserting before the period at the end the following: ", including the resources required to meet such unmet need, such as additional staff, additional locations, additional infrastructure, infrastructure improvements, and additional mobile Vet Centers". 38 USC 7309.

(b) BIENNIAL REPORT.—Such section is amended by adding at the end the following new paragraph:

"(3) For each even numbered year in which the report required by paragraph (1) is submitted, the Secretary shall include in such report a prediction of—

"(A) trends in demand for care;

"(B) long-term investments required with respect to the provision of care;

"(C) requirements relating to maintenance of infrastructure; and

"(D) other capital investment requirements with respect to the Readjustment Counseling Service, including Vet Centers, mobile Vet Centers, and community access points.".

SEC. 505. BRIEFING ON ALTERNATIVE WORK SCHEDULES FOR EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.

(a) SURVEY OF VETERANS.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a survey on the attitudes of eligible veterans toward the Department of Veterans Affairs offering appointments outside the usual operating hours of facilities of the Department, including through the use of telehealth appointments.

(2) ELIGIBLE VETERAN DEFINED.—In this subsection, the term "eligible veteran" means a veteran who—

(A) is enrolled in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code; and

Time period.

(B) received health care from the Department at least once during the two-year period ending on the date of the commencement of the survey under paragraph (1).

(b) CONGRESSIONAL BRIEFING.—

Deadline.

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall brief the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives on the—

(A) feasibility and advisability of offering appointments outside the usual operating hours of facilities of the Department that do not offer such appointments; and

(B) effectiveness of offering appointments outside the usual operating hours of facilities of the Department for those facilities that offer such appointments.

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

(A) The findings of the survey conducted under subsection (a);

(B) Feedback from employees of the Veterans Health Administration, including clinical, nonclinical, and support staff, with respect to offering appointments outside the usual operating hours of facilities of the Department, including through the use of telehealth appointments; and

(C) Any other matters the Secretary considers relevant to a full understanding of the feasibility and advisability of offering appointments outside the usual operating hours of facilities of the Department.

(c) PAPERWORK REDUCTION ACT EXEMPTION.—Chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act") shall not apply to any rulemaking or information collection required under this section.

SEC. 506. SUICIDE PREVENTION COORDINATORS.

Deadline.
38 USC 1720F note.

(a) STAFFING REQUIREMENT.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that each medical center of the Department

of Veterans Affairs has not less than one suicide prevention coordinator.

(b) STUDY ON REORGANIZATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the Office of Mental Health and Suicide Prevention of the Department, shall commence the conduct of a study to determine the feasibility and advisability of— Deadline. Consultation. Determination.

(A) the realignment and reorganization of suicide prevention coordinators within the Office of Mental Health and Suicide Prevention; and

(B) the creation of a suicide prevention coordinator program office.

(2) PROGRAM OFFICE REALIGNMENT.—In conducting the study under paragraph (1), the Secretary shall assess the feasibility of advisability of, within the suicide prevention coordinator program office described in paragraph (1)(B), aligning suicide prevention coordinators and suicide prevention case managers within the organizational structure and chart of the Suicide Prevention Program of the Department, with the Director of the Suicide Prevention program having ultimate supervisory oversight and responsibility over the suicide prevention coordinator program office. Assessment.

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

(1) An assessment of the feasibility and advisability of creating a suicide prevention coordinator program office to oversee and monitor suicide prevention coordinators and suicide prevention case managers across all medical centers of the Department. Assessment.

(2) A review of current staffing ratios for suicide prevention coordinators and suicide prevention case managers in comparison with current staffing ratios for mental health providers within each medical center of the Department. Review.

(3) A description of the duties and responsibilities for suicide prevention coordinators across the Department to better define, delineate, and standardize qualifications, performance goals, performance duties, and performance outcomes for suicide prevention coordinators and suicide prevention case managers.

SEC. 507. REPORT ON EFFORTS BY DEPARTMENT OF VETERANS AFFAIRS TO IMPLEMENT SAFETY PLANNING IN EMERGENCY DEPARTMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Veterans Affairs must be more effective in its approach to reducing the burden of veteran suicide connected to mental health diagnoses, to include expansion of treatment delivered via telehealth methods and in rural areas.

(2) An innovative project, known as Suicide Assessment and Follow-up Engagement: Veteran Emergency Treatment (in this subsection referred to as "SAFE VET"), was designed to help suicidal veterans seen at emergency departments within

the Veterans Health Administration and was successfully implemented in five intervention sites beginning in 2010.

(3) A 2018 study found that safety planning intervention under SAFE VET was associated with 45 percent fewer suicidal behaviors in the six-month period following emergency department care and more than double the odds of a veteran engaging in outpatient behavioral health care.

(4) SAFE VET is a promising alternative and acceptable delivery of care system that augments the treatment of suicidal veterans in emergency departments of the Veterans Health Administration and helps ensure that those veterans have appropriate follow-up care.

(5) Beginning in September 2018, the Veterans Health Administration implemented a suicide prevention program, known as the SPED program, for veterans presenting to the emergency department who are assessed to be at risk for suicide and are safe to be discharged home.

(6) The SPED program includes issuance and update of a safety plan and post-discharge follow-up outreach for veterans to facilitate engagement in outpatient mental health care.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the efforts of the Secretary to implement a suicide prevention program for veterans presenting to an emergency department or urgent care center of the Veterans Health Administration who are assessed to be at risk for suicide and are safe to be discharged home, including a safety plan and post-discharge outreach for veterans to facilitate engagement in outpatient mental health care.

Assessments.

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

(A) An assessment of the implementation of the current operational policies and procedures of the SPED program at each medical center of the Department of Veterans Affairs, including an assessment of the following:

(i) Training provided to clinicians or other personnel administering protocols under the SPED program.

(ii) Any disparities in implementation of such protocols between medical centers.

Criteria.

(iii) Current criteria used to measure the quality of such protocols including—

(I) methodology used to assess the quality of a safety plan and post-discharge outreach for veterans; or

Timeline. Guidelines.

(II) in the absence of such methodology, a proposed timeline and guidelines for creating a methodology to ensure compliance with the evidence-based model used under the Suicide Assessment and Follow-up Engagement: Veteran Emergency Treatment (SAFE VET) program of the Department.

(B) An assessment of the implementation of the policies and procedures described in subparagraph (A), including the following:

(i) An assessment of the quality and quantity of safety plans issued to veterans.

(ii) An assessment of the quality and quantity of post-discharge outreach provided to veterans.

(iii) The post-discharge rate of veteran engagement in outpatient mental health care, including attendance at not fewer than one individual mental health clinic appointment or admission to an inpatient or residential unit.

(iv) The number of veterans who decline safety planning efforts during protocols under the SPED program.

(v) The number of veterans who decline to participate in follow-up efforts within the SPED program.

(C) A description of how SPED primary coordinators are deployed to support such efforts, including the following:

(i) A description of the duties and responsibilities of such coordinators.

(ii) The number and location of such coordinators.

(iii) A description of training provided to such coordinators.

(iv) An assessment of the other responsibilities for such coordinators and, if applicable, differences in patient outcomes when such responsibilities are full-time duties as opposed to secondary duties.

(D) An assessment of the feasibility and advisability of expanding the total number and geographic distribution of SPED primary coordinators.

(E) An assessment of the feasibility and advisability of providing services under the SPED program via telehealth channels, including an analysis of opportunities to leverage telehealth to better serve veterans in rural areas. Analysis.

(F) A description of the status of current capabilities and utilization of tracking mechanisms to monitor compliance, quality, and patient outcomes under the SPED program.

(G) Such recommendations, including specific action items, as the Secretary considers appropriate with respect to how the Department can better implement the SPED program, including recommendations with respect to the following: Recommendations.

(i) A process to standardize training under such program.

(ii) Any resourcing requirements necessary to implement the SPED program throughout Veterans Health Administration, including by having a dedicated clinician responsible for administration of such program at each medical center.

(iii) An analysis of current statutory authority and any changes necessary to fully implement the SPED program throughout the Veterans Health Administration. Analysis.

(iv) A timeline for the implementation of the SPED program through the Veterans Health Administration once full resourcing and an approved training plan are in place. Timeline.

(H) Such other matters as the Secretary considers appropriate.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(2) SPED PRIMARY COORDINATOR.—The term "SPED primary coordinator" means the main point of contact responsible for administering the SPED program at a medical center of the Department.

(3) SPED PROGRAM.—The term "SPED program" means the Safety Planning in Emergency Departments program of the Department of Veterans Affairs established in September 2018 for veterans presenting to the emergency department who are assessed to be at risk for suicide and are safe to be discharged home, which extends the evidence-based intervention for suicide prevention to all emergency departments of the Veterans Health Administration.

TITLE VI—IMPROVEMENT OF CARE AND SERVICES FOR WOMEN VETERANS

38 USC 6303 note.

SEC. 601. EXPANSION OF CAPABILITIES OF WOMEN VETERANS CALL CENTER TO INCLUDE TEXT MESSAGING.

The Secretary of Veterans Affairs shall expand the capabilities of the Women Veterans Call Center of the Department of Veterans Affairs to include a text messaging capability.

38 USC 6303 note.

SEC. 602. REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS INTERNET WEBSITE TO PROVIDE INFORMATION ON SERVICES AVAILABLE TO WOMEN VETERANS.

Survey.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall survey the internet websites and information resources of the Department of Veterans Affairs in effect on the day before the date of the enactment of this Act and publish an internet website that serves as a centralized source for the provision to women veterans of information about the benefits and services available to them under laws administered by the Secretary.

(b) ELEMENTS.—The internet website published under subsection (a) shall provide to women veterans information regarding all services available in the district in which the veteran is seeking such services, including, with respect to each medical center and community-based outpatient clinic in the applicable Veterans Integrated Service Network—

(1) the name and contact information of each women's health coordinator;

(2) a list of appropriate staff for other benefits available from the Veterans Benefits Administration, the National Cemetery Administration, and such other entities as the Secretary considers appropriate; and List.

(3) such other information as the Secretary considers appropriate.

(c) UPDATED INFORMATION.—The Secretary shall ensure that the information described in subsection (b) that is published on the internet website required by subsection (a) is updated not less frequently than once every 90 days. Time period.

(d) OUTREACH.—In carrying out this section, the Secretary shall ensure that the outreach conducted under section 1720F(i) of title 38, United States Code, includes information regarding the internet website required by subsection (a).

(e) DERIVATION OF FUNDS.—Amounts used by the Secretary to carry out this section shall be derived from amounts made available to the Secretary to publish internet websites of the Department.

TITLE VII—OTHER MATTERS

SEC. 701. EXPANDED TELEHEALTH FROM DEPARTMENT OF VETERANS AFFAIRS. 38 USC 1701 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into agreements, and expand existing agreements, with organizations that represent or serve veterans, nonprofit organizations, private businesses, and other interested parties for the expansion of telehealth capabilities and the provision of telehealth services to veterans through the award of grants under subsection (b). Contracts.

(b) AWARD OF GRANTS.—

(1) IN GENERAL.—In carrying out agreements entered into or expanded under this section with entities described in subsection (a), the Secretary shall award grants to those entities.

(2) LOCATIONS.—To the extent practicable, the Secretary shall ensure that grants are awarded to entities that serve veterans in rural and highly rural areas (as determined through the use of the Rural-Urban Commuting Areas coding system of the Department of Agriculture) or areas determined to be medically underserved.

(3) USE OF GRANTS.—

(A) IN GENERAL.—Grants awarded to an entity under this subsection may be used for one or more of the following:

(i) Purchasing, replacing or upgrading hardware or software necessary for the provision of secure and private telehealth services.

(ii) Upgrading security protocols for consistency with the security requirements of the Department of Veterans Affairs.

(iii) Training of site attendants, including payment of those attendants for completing that training, with respect to—

(I) military and veteran cultural competence, if the entity is not an organization that represents veterans;

(II) equipment required to provide telehealth services;

(III) privacy, including the Health Insurance Portability and Accountability Act of 1996 privacy rule under part 160 and subparts A and E of part 164 of title 45, Code of Federal Regulations, or successor regulations, as it relates to health care for veterans;

(IV) scheduling for telehealth services for veterans; or

(V) any other unique training needs for the provision of telehealth services to veterans.

(iv) Upgrading existing infrastructure owned or leased by the entity to make rooms more conducive to telehealth care, including—

(I) additions or modifications to windows or walls in an existing room, or other alterations as needed to create a new, private room, including permits or inspections required in association with space modifications;

(II) soundproofing of an existing room;

(III) new electrical, telephone, or internet outlets in an existing room; or

(IV) aesthetic enhancements to establish a more suitable therapeutic environment.

(v) Upgrading existing infrastructure to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(vi) Upgrading internet infrastructure and sustainment of internet services.

(vii) Sustainment of telephone services.

Determination.

(B) EXCLUSION.—Grants may not be used for the purchase of new property or for major construction projects, as determined by the Secretary.

Contracts.

(c) AGREEMENT ON TELEHEALTH ACCESS POINTS.—

(1) IN GENERAL.—An entity described in subsection (a) that seeks to establish a telehealth access point for veterans but does not require grant funding under this section to do so may enter into an agreement with the Department for the establishment of such an access point.

(2) ADEQUACY OF FACILITIES.—An entity described in paragraph (1) shall be responsible for ensuring that any access point is adequately private, secure, clean, and accessible for veterans before the access point is established.

(d) ASSESSMENT OF BARRIERS TO ACCESS.—

Deadline.

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall complete an assessment of barriers faced by veterans in accessing telehealth services.

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

(A) A description of the barriers veterans face in using telehealth while not on property of the Department.

(B) A description of how the Department plans to address the barriers described in subparagraph (A).

(C) Such other matters related to access by veterans to telehealth while not on property of the Department as the Secretary considers relevant.

(3) REPORT.—Not later than 120 days after the completion of the assessment required by paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the assessment, including any recommendations for legislative or administrative action based on the results of the assessment. Recommendations.

SEC. 702. PARTNERSHIPS WITH NON-FEDERAL GOVERNMENT ENTITIES TO PROVIDE HYPERBARIC OXYGEN THERAPY TO VETERANS AND STUDIES ON THE USE OF SUCH THERAPY FOR TREATMENT OF POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY. Deadlines.

(a) PARTNERSHIPS TO PROVIDE HYPERBARIC OXYGEN THERAPY TO VETERANS.— 38 USC 1701 note.

(1) USE OF PARTNERSHIPS.—The Secretary of Veterans Affairs, in consultation with the Center for Compassionate Innovation within the Office of Community Engagement of the Department of Veterans Affairs, may enter into partnerships with non-Federal Government entities to provide hyperbaric oxygen treatment to veterans to research the effectiveness of such therapy. Consultation.

(2) TYPES OF PARTNERSHIPS.—Partnerships entered into under paragraph (1) may include the following:

(A) Partnerships to conduct research on hyperbaric oxygen therapy.

(B) Partnerships to review research on hyperbaric oxygen therapy provided to nonveterans.

(C) Partnerships to create industry working groups to determine standards for research on hyperbaric oxygen therapy.

(D) Partnerships to provide to veterans hyperbaric oxygen therapy for the purposes of conducting research on the effectiveness of such therapy.

(3) LIMITATION ON FEDERAL FUNDING.—Federal Government funding may be used to coordinate and administer the partnerships under this subsection but may not be used to carry out activities conducted under such partnerships.

(b) REVIEW OF EFFECTIVENESS OF HYPERBARIC OXYGEN THERAPY.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Center for Compassionate Innovation, shall begin using an objective and quantifiable method to review the effectiveness and applicability of hyperbaric oxygen therapy, such as through the use of a device approved or cleared by the Food and Drug Administration that assesses traumatic brain injury by tracking eye movement. Consultation. 38 USC 1701 note.

(c) SYSTEMATIC REVIEW OF USE OF HYPERBARIC OXYGEN THERAPY TO TREAT CERTAIN CONDITIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Center for Compassionate Innovation, shall commence the conduct of a systematic review of published research literature on off-label use of hyperbaric oxygen therapy to treat Consultation.

post-traumatic stress disorder and traumatic brain injury among veterans and nonveterans.

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

Assessment.

(A) An assessment of the current parameters for research on the use by the Department of Veterans Affairs of hyperbaric oxygen therapy, including—

(i) tests and questionnaires used to determine the efficacy of such therapy; and

(ii) metrics for determining the success of such therapy.

Analysis.

(B) A comparative analysis of tests and questionnaires used to study post-traumatic stress disorder and traumatic brain injury in other research conducted by the Department of Veterans Affairs, other Federal agencies, and entities outside the Federal Government.

(3) COMPLETION OF REVIEW.—The review conducted under paragraph (1) shall be completed not later than 180 days after the date of the commencement of the review.

(4) REPORT.—Not later than 90 days after the completion of the review conducted under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the review.

(d) FOLLOW-UP STUDY.—

Consultation.

(1) IN GENERAL.—Not later than 120 days after the completion of the review conducted under subsection (c), the Secretary, in consultation with the Center for Compassionate Innovation, shall commence the conduct of a study on all individuals receiving hyperbaric oxygen therapy through the current pilot program of the Department for the provision of hyperbaric oxygen therapy to veterans to determine the efficacy and effectiveness of hyperbaric oxygen therapy for the treatment of post-traumatic stress disorder and traumatic brain injury.

Review.
Publication.

(2) ELEMENTS.—The study conducted under paragraph (1) shall include the review and publication of any data and conclusions resulting from research conducted by an authorized provider of hyperbaric oxygen therapy for veterans through the pilot program described in such paragraph.

(3) COMPLETION OF STUDY.—The study conducted under paragraph (1) shall be completed not later than three years after the date of the commencement of the study.

(4) REPORT.—

(A) IN GENERAL.—Not later than 90 days after completing the study conducted under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study.

Recommendations.

(B) ELEMENTS.—The report required under subparagraph (A) shall include the recommendation of the Secretary with respect to whether or not hyperbaric oxygen therapy should be made available to all veterans with traumatic brain injury or post-traumatic stress disorder.

SEC. 703. PRESCRIPTION OF TECHNICAL QUALIFICATIONS FOR LICENSED HEARING AID SPECIALISTS AND REQUIREMENT FOR APPOINTMENT OF SUCH SPECIALISTS.

38 USC 7402 note.

(a) TECHNICAL QUALIFICATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe the technical qualifications required under section 7402(b)(14) of title 38, United States Code, to be appointed as a licensed hearing aid specialist under section 7401(3) of such title.

Deadline.

(2) ELEMENTS FOR QUALIFICATIONS.—In prescribing the qualifications for licensed hearing aid specialists under paragraph (1), the Secretary shall, at a minimum, ensure that such qualifications are consistent with—

(A) the standards for licensure of hearing aid specialists that are required by a majority of States;

(B) any competencies needed to perform tasks and services commonly performed by hearing aid specialists pursuant to such standards; and

(C) any competencies needed to perform tasks specific to providing care to individuals under the laws administered by the Secretary.

(b) AUTHORITY TO SET AND MAINTAIN DUTIES.—The Secretary shall retain the authority to set and maintain the duties for licensed hearing aid specialists appointed under section 7401(3) of title 38, United States Code, for the purposes of the employment of such specialists with the Department of Veterans Affairs.

(c) APPOINTMENT.—Not later than September 30, 2022, the Secretary shall appoint not fewer than one licensed hearing aid specialist at each medical center of the Department.

Deadline.

(d) REPORT.—Not later than September 30, 2022, and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report—

Assessments.

(1) assessing the progress of the Secretary in appointing licensed hearing aid specialists under subsection (c);

(2) assessing potential conflicts or obstacles that prevent the appointment of licensed hearing aid specialists;

(3) assessing the factors that led to such conflicts or obstacles;

(4) assessing access of patients to comprehensive hearing health care services from the Department consistent with the requirements under section 4(b) of the Veterans Mobility Safety Act of 2016 (Public Law 114–256; 38 U.S.C. 7401 note), including an assessment of the impact of infrastructure and equipment limitations on wait times for audiologic care; and

(5) indicating the medical centers of the Department with vacancies for audiologists or licensed hearing aid specialists.

SEC. 704. USE BY DEPARTMENT OF VETERANS AFFAIRS OF COMMERCIAL INSTITUTIONAL REVIEW BOARDS IN SPONSORED RESEARCH TRIALS.

Deadlines. 38 USC 7303 note.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete all necessary policy revisions within the directive of the Veterans Health Administration numbered 1200.05 and titled "Requirements for the Protection of Human Subjects in Research",

to allow sponsored clinical research of the Department of Veterans Affairs to use accredited commercial institutional review boards to review research proposal protocols of the Department.

(b) IDENTIFICATION OF REVIEW BOARDS.—Not later than 90 days after the completion of the policy revisions under subsection (a), the Secretary shall—

(1) identify accredited commercial institutional review boards for use in connection with sponsored clinical research of the Department; and

(2) establish a process to modify existing approvals in the event that a commercial institutional review board loses its accreditation during an ongoing clinical trial.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the completion of the policy revisions under subsection (a), and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on all approvals of institutional review boards used by the Department, including central institutional review boards and commercial institutional review boards.

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

(A) The name of each clinical trial with respect to which the use of an institutional review board has been approved.

(B) The institutional review board or institutional review boards used in the approval process for each clinical trial.

(C) The amount of time between submission and approval.

38 USC 310 note.

SEC. 705. CREATION OF OFFICE OF RESEARCH REVIEWS WITHIN THE OFFICE OF INFORMATION AND TECHNOLOGY OF THE DEPARTMENT OF VETERANS AFFAIRS.

Deadline.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish within the Office of Information and Technology of the Department of Veterans Affairs an Office of Research Reviews (in this section referred to as the "Office").

(b) ELEMENTS.—The Office shall do the following:

(1) Perform centralized security reviews and complete security processes for approved research sponsored outside the Department, with a focus on multi-site clinical trials.

List.

(2) Develop and maintain a list of commercially available software preferred for use in sponsored clinical trials of the Department and ensure such list is maintained as part of the official approved software products list of the Department.

(3) Develop benchmarks for appropriate timelines for security reviews conducted by the Office.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the establishment of the Office, the Office shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activity of the Office.

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

(A) The number of security reviews completed.

(B) The number of personnel assigned for performing the functions described in subsection (b).

Approved October 17, 2020.

LEGISLATIVE HISTORY—S. 785:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Aug. 5, considered and passed Senate.
Sept. 23, considered and passed House.

Public Law 116–172
116th Congress

An Act

To amend the Communications Act of 1934 to designate 9–8–8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

Oct. 17, 2020
[S. 2661]

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

National Suicide Hotline Designation Act of 2020.
47 USC 609 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Suicide Hotline Designation Act of 2020".

47 USC 251 note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the American Foundation for Suicide Prevention, on average, there are 129 suicides per day in the United States.

(2) To prevent future suicides, it is critical to transition the cumbersome, existing 10-digit National Suicide Hotline to a universal, easy-to-remember, 3-digit phone number and connect people in crisis with life-saving resources.

(3) It is essential that people in the United States have access to a 3-digit national suicide hotline across all geographic locations.

(4) The designated suicide hotline number will need to be both familiar and recognizable to all people in the United States.

SEC. 3. UNIVERSAL TELEPHONE NUMBER FOR NATIONAL SUICIDE PREVENTION AND MENTAL HEALTH CRISIS HOTLINE SYSTEM.

(a) IN GENERAL.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following:

"(4) UNIVERSAL TELEPHONE NUMBER FOR NATIONAL SUICIDE PREVENTION AND MENTAL HEALTH CRISIS HOTLINE SYSTEM.—9–8–8 is designated as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Use under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) and through the Veterans Crisis Line maintained by the Secretary of Veterans Affairs under section 1720F(h) of title 38, United States Code.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act. 47 USC 251 note.

(c) REQUIRED REPORT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs shall jointly submit a report that details the resources necessary to make the use of 9–8–8, as designated under paragraph (4) of section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)), as added by subsection (a) of this section, operational and effective across the United States to—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4. STATE AUTHORITY OVER FEES. 47 USC 251a.

(a) AUTHORITY.—

(1) IN GENERAL.—Nothing in this Act, any amendment made by this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), or any Commission regulation or order may prevent the imposition and collection of a fee or charge applicable to a commercial mobile service or an IP-enabled voice service specifically designated by a State, a political subdivision of a State, an Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for 9–8–8 related services, if the fee or charge is held in a sequestered account to be obligated or expended only in support of 9–8–8 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.

(2) USE OF 9–8–8 FUNDS.—A fee or charge collected under this subsection shall only be imposed, collected, and used to pay expenses that a State, a political subdivision of a State, an Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is expected to incur that are reasonably attributed to—

(A) ensuring the efficient and effective routing of calls made to the 9–8–8 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and

(B) personnel and the provision of acute mental health, crisis outreach and stabilization services by directly responding to the 9–8–8 national suicide prevention and mental health crisis hotline.

(b) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9–8–8 services, not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Commission shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report that—

(1) details the status in each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of the collection and distribution of such fees or charges; and

(2) includes findings on the amount of revenues obligated or expended by each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for any purpose other than the purpose for which any such fees or charges are specified.

(c) DEFINITIONS.—In this section:

(1) COMMERCIAL MOBILE SERVICE.—The term "commercial mobile service" has the meaning given that term under section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) IP-ENABLED VOICE SERVICE.—The term "IP-enabled voice service" shall include—

(A) an interconnected VoIP service, as defined in section 9.3 of the title 47 of the Code of Federal Regulations, or any successor thereto; and

(B) a one-way interconnected VoIP service.

(4) STATE.—The term "State" has the meaning given that term in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b).

SEC. 5. LOCATION IDENTIFICATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate committees a report that examines the feasibility and cost of including an automatic dispatchable location that would be conveyed with a 9–8–8 call, regardless of the technological platform used and including with calls from multi-line telephone systems (as defined in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471)).

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the following:

(A) The Committee on Commerce, Science, and Transportation of the Senate.

(B) The Committee on Health, Education, Labor, and Pensions of the Senate.

(C) The Committee on Energy and Commerce of the House of Representatives.

(2) DISPATCHABLE LOCATION.—The term "dispatchable location" means the street address of the calling party and additional information such as room number, floor number, or similar information necessary to adequately identify the location of the calling party.

SEC. 6. REPORT ON CERTAIN TRAINING PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) youth who are lesbian, gay, bisexual, transgender, or queer (referred to in this section as "LGBTQ") are more than 4 times more likely to contemplate suicide than their peers, with 1 in 5 LGBTQ youth and more than 1 in 3 transgender youth reporting attempting suicide;

(2) American Indian and Alaska Natives have the highest rate of suicide of any racial or ethnic group in the United States with a suicide rate over 3.5 times higher than the racial or ethnic group with the lowest rate, with the suicide rate increasing, since 1999, by 139 percent for American Indian women and 71 percent for men;

(3) between 2001 and 2015, the suicide death rate in rural counties in the United States was 17.32 per 100,000 individuals, which is significantly greater than the national average, and the data shows that between that same time period, suicide rates increased for all age groups across all counties in the United States, with the highest rates and the greatest increases being in more rural counties; and

(4) the Substance Abuse and Mental Health Services Administration must be equipped to provide specialized resources to these and other high-risk populations.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary for Mental Health and Substance Use shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) details a strategy, to be developed in consultation with the Centers for Disease Control and Prevention, the National Institute of Mental Health, and organizations capable of providing nationwide suicide prevention and crisis services for LGBTQ youth, minorities, rural individuals, or other high-risk populations, for the Substance Abuse and Mental Health Services Administration to offer, support, or provide technical assistance to training programs for National Suicide Prevention Lifeline counselors to increase competency in serving high-risk populations; and

Strategy.
Consultation.

(2) includes recommendations regarding—

Recommendations.

(A) the facilitation of access to services that are provided to specially trained staff and partner organizations for LGBTQ youth, minorities, rural individuals, and other high-risk populations; and

(B) a strategy for optimally implementing an Integrated Voice Response, or other equally effective mechanism, to allow National Suicide Prevention Lifeline callers who are LGBTQ youth, minorities, rural individuals,

or members of other high-risk populations to access specialized services.

Approved October 17, 2020.

LEGISLATIVE HISTORY—S. 2661:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 13, considered and passed Senate.
Sept. 21, considered and passed House.

Public Law 116–173
116th Congress

An Act

To extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

Oct. 20, 2020
[H.R. 4779]

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

SECTION 1. EXTENSION OF THE U.S. SAFE WEB ACT OF 2006.

Section 13 of the U.S. SAFE WEB Act of 2006 (Public Law 109–455; 15 U.S.C. 44 note) is amended by striking "September 30, 2020" and inserting "September 30, 2027".

SEC. 2. REPORT.

Not later than 3 years after the date of the enactment of this Act, the Federal Trade Commission shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing its use of and experience with the authority granted by the U.S. SAFE WEB Act of 2006 (Public Law 109–455) and the amendments made by such Act. The report shall include—

(1) the number of cross-border complaints received and acted upon by the Commission;

(2) identification of the foreign agencies with which the Commission has cooperated and the results of such cooperation, including any foreign agency enforcement action or lack thereof;

(3) a description of Commission litigation brought in foreign courts and the results of such litigation; and

(4) any recommendations for legislation that may advance the mission of the Commission in carrying out the U.S. SAFE WEB Act of 2006 and the amendments made by such Act.

Recommendations.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved October 20, 2020.

LEGISLATIVE HISTORY—H.R. 4779 (S. 3132):

HOUSE REPORTS: No. 116–351 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 116–256 (Comm. on Commerce, Science, and Transportation) accompanying S. 3132.
CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 16, considered and passed House.
Vol. 166 (2020): Sept. 24, considered and passed Senate.

Public Law 116–174
116th Congress

An Act

To establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities.

Oct. 20, 2020
[S. 294]

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

SECTION 1. SHORT TITLE.

Native American Business Incubators Program Act. 25 USC 5801 note.

This Act may be cited as the "Native American Business Incubators Program Act".

SEC. 2. FINDINGS.

25 USC 5801.

Congress finds that—

(1) entrepreneurs face specific challenges when transforming ideas into profitable business enterprises;

(2) entrepreneurs that want to provide products and services in reservation communities face an additional set of challenges that requires special knowledge;

(3) a business incubator is an organization that assists entrepreneurs in navigating obstacles that prevent innovative ideas from becoming viable businesses by providing services that include—

(A) workspace and facilities resources;

(B) access to capital, business education, and counseling;

(C) networking opportunities;

(D) mentorship opportunities; and

(E) an environment intended to help establish and expand business operations;

(4) the business incubator model is suited to accelerating entrepreneurship in reservation communities because the business incubator model promotes collaboration to address shared challenges and provides individually tailored services for the purpose of overcoming obstacles unique to each participating business; and

(5) business incubators will stimulate economic development by providing Native entrepreneurs with the tools necessary to grow businesses that offer products and services to reservation communities.

SEC. 3. DEFINITIONS.

25 USC 5802.

In this Act:

(1) BUSINESS INCUBATOR.—The term "business incubator" means an organization that—

(A) provides physical workspace and facilities resources to startups and established businesses; and

(B) is designed to accelerate the growth and success of businesses through a variety of business support resources and services, including—

(i) access to capital, business education, and counseling;

(ii) networking opportunities;

(iii) mentorship opportunities; and

(iv) other services intended to aid in developing a business.

(2) ELIGIBLE APPLICANT.—The term "eligible applicant" means an applicant eligible to apply for a grant under section 4(b).

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) NATIVE AMERICAN; NATIVE.—The terms "Native American" and "Native" have the meaning given the term "Indian" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) NATIVE BUSINESS.—The term "Native business" means a business concern that is at least 51-percent owned and controlled by 1 or more Native Americans.

(7) NATIVE ENTREPRENEUR.—The term "Native entrepreneur" means an entrepreneur who is a Native American.

(8) PROGRAM.—The term "program" means the program established under section 4(a).

(9) RESERVATION.—The term "reservation" has the meaning given the term in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(11) TRIBAL COLLEGE OR UNIVERSITY.—The term "tribal college or university" has the meaning given the term "Tribal College or University" in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

Grants.
25 USC 5803.

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program in the Office of Indian Energy and Economic Development under which the Secretary shall provide financial assistance in the form of competitive grants to eligible applicants for the establishment and operation of business incubators that serve reservation communities by providing business incubation and other business services to Native businesses and Native entrepreneurs.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, an applicant shall—

(A) be—

(i) an Indian tribe;

(ii) a tribal college or university;

(iii) an institution of higher education; or

(iv) a private nonprofit organization or tribal nonprofit organization that—

(I) provides business and financial technical assistance; and

(II) will commit to serving 1 or more reservation communities;

(B) be able to provide the physical workspace, equipment, and connectivity necessary for Native businesses and Native entrepreneurs to collaborate and conduct business on a local, regional, national, and international level; and

(C) in the case of an entity described in clauses (ii) through (iv) of subparagraph (A), have been operational for not less than 1 year before receiving a grant under the program. Time period.

(2) JOINT PROJECT.—

(A) IN GENERAL.—Two or more entities may submit a joint application for a project that combines the resources and expertise of those entities at a physical location dedicated to assisting Native businesses and Native entrepreneurs under the program.

(B) CONTENTS.—A joint application submitted under subparagraph (A) shall—

(i) contain a certification that each participant of the joint project is one of the eligible entities described in paragraph (1)(A); and Certification.

(ii) demonstrate that together the participants meet the requirements of subparagraphs (B) and (C) of paragraph (1).

(c) APPLICATION AND SELECTION PROCESS.—

(1) APPLICATION REQUIREMENTS.—Each eligible applicant desiring a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a certification that the applicant— Certification.

(i) is an eligible applicant;

(ii) will designate an executive director or program manager, if such director or manager has not been designated, to manage the business incubator; and

(iii) agrees—

(I) to a site evaluation by the Secretary as part of the final selection process; Evaluation.

(II) to an annual programmatic and financial examination for the duration of the grant; and

(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site evaluation under subclause (I) or an examination under subclause (II);

(B) a description of the 1 or more reservation communities to be served by the business incubator;

(C) a 3-year plan that describes— Time period. Plan.

(i) the number of Native businesses and Native entrepreneurs to be participating in the business incubator;

(ii) whether the business incubator will focus on a particular type of business or industry;

(iii) a detailed breakdown of the services to be offered to Native businesses and Native entrepreneurs participating in the business incubator; and

(iv) a detailed breakdown of the services, if any, to be offered to Native businesses and Native entrepreneurs not participating in the business incubator;

(D) information demonstrating the effectiveness and experience of the eligible applicant in—

(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of current or prospective businesses;

(ii) working in and providing services to Native American communities;

(iii) providing assistance to entities conducting business in reservation communities;

(iv) providing technical assistance under Federal business and entrepreneurial development programs for which Native businesses and Native entrepreneurs are eligible; and

(v) managing finances and staff effectively; and

(E) a site description of the location at which the eligible applicant will provide physical workspace, including a description of the technologies, equipment, and other resources that will be available to Native businesses and Native entrepreneurs participating in the business incubator.

(2) EVALUATION CONSIDERATIONS.—

(A) IN GENERAL.—In evaluating each application, the Secretary shall consider—

(i) the ability of the eligible applicant—

(I) to operate a business incubator that effectively imparts entrepreneurship and business skills to Native businesses and Native entrepreneurs, as demonstrated by the experience and qualifications of the eligible applicant;

(II) to commence providing services within a minimum period of time, to be determined by the Secretary; and

(III) to provide quality incubation services to a significant number of Native businesses and Native entrepreneurs;

(ii) the experience of the eligible applicant in providing services in Native American communities, including in the 1 or more reservation communities described in the application; and

(iii) the proposed location of the business incubator.

(B) PRIORITY.—

(i) IN GENERAL.—In evaluating the proposed location of the business incubator under subparagraph (A)(iii), the Secretary shall—

(I) consider the program goal of achieving broad geographic distribution of business incubators; and

(II) except as provided in clause (ii), give priority to eligible applicants that will provide business incubation services on or near the reservation of the 1 or more communities that were described in the application.

(ii) EXCEPTION.—The Secretary may give priority to an eligible applicant that is not located on or near the reservation of the 1 or more communities that were described in the application if the Secretary determines that— Determination.

(I) the location of the business incubator will not prevent the eligible applicant from providing quality business incubation services to Native businesses and Native entrepreneurs from the 1 or more reservation communities to be served; and

(II) siting the business incubator in the identified location will serve the interests of the 1 or more reservation communities to be served.

(3) SITE EVALUATION.—

(A) IN GENERAL.—Before making a grant to an eligible applicant, the Secretary shall conduct a site visit, evaluate a video submission, or evaluate a written site proposal (if the applicant is not yet in possession of the site) of the proposed site to ensure the proposed site will permit the eligible applicant to meet the requirements of the program.

(B) WRITTEN SITE PROPOSAL.—A written site proposal shall meet the requirements described in paragraph (1)(E) and contain—

(i) sufficient detail for the Secretary to ensure in the absence of a site visit or video submission that the proposed site will permit the eligible applicant to meet the requirements of the program; and

(ii) a timeline describing when the eligible applicant will be— Timeline.

(I) in possession of the proposed site; and

(II) operating the business incubator at the proposed site.

(C) FOLLOWUP.—Not later than 1 year after awarding a grant to an eligible applicant that submits an application with a written site proposal, the Secretary shall conduct a site visit or evaluate a video submission of the site to ensure the site is consistent with the written site proposal. Deadline.

(d) ADMINISTRATION.—

(1) DURATION.—Each grant awarded under the program shall be for a term of 3 years.

(2) PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall disburse grant funds awarded to an eligible applicant in annual installments.

(B) MORE FREQUENT DISBURSEMENTS.—On request by the applicant, the Secretary may make disbursements of grant funds more frequently than annually, on the condition that disbursements shall be made not more frequently than quarterly.

(3) NON-FEDERAL CONTRIBUTIONS FOR INITIAL ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible applicant that receives a grant under the program shall provide non-Federal contributions in an amount equal to not less than 25 percent of the grant amount disbursed each year.

Determination.

(B) WAIVER.—The Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to an eligible applicant if, after considering the ability of the eligible applicant to provide non-Federal contributions, the Secretary determines that—

(i) the proposed business incubator will provide quality business incubation services; and

(ii) the 1 or more reservation communities to be served are unlikely to receive similar services because of remoteness or other reasons that inhibit the provision of business and entrepreneurial development services.

(4) RENEWALS.—

Time period.

(A) IN GENERAL.—The Secretary may renew a grant award under the program for a term not to exceed 3 years.

Determination.

(B) CONSIDERATIONS.—In determining whether to renew a grant award, the Secretary shall consider with respect to the eligible applicant—

(i) the results of the annual evaluations of the eligible applicant under subsection (f)(1);

(ii) the performance of the business incubator of the eligible applicant, as compared to the performance of other business incubators receiving assistance under the program;

(iii) whether the eligible applicant continues to be eligible for the program; and

(iv) the evaluation considerations for initial awards under subsection (c)(2).

(C) NON-FEDERAL CONTRIBUTIONS FOR RENEWALS.—An eligible applicant that receives a grant renewal under subparagraph (A) shall provide non-Federal contributions in an amount equal to not less than 33 percent of the total amount of the grant.

(5) NO DUPLICATIVE GRANTS.—An eligible applicant shall not be awarded a grant under the program that is duplicative of existing Federal funding from another source.

(e) PROGRAM REQUIREMENTS.—

(1) USE OF FUNDS.—An eligible applicant receiving a grant under the program may use grant amounts—

(A) to provide physical workspace and facilities for Native businesses and Native entrepreneurs participating in the business incubator;

(B) to establish partnerships with other institutions and entities to provide comprehensive business incubation services to Native businesses and Native entrepreneurs participating in the business incubator; and

(C) for any other uses typically associated with business incubators that the Secretary determines to be appropriate and consistent with the purposes of the program.

(2) MINIMUM REQUIREMENTS.—Each eligible applicant receiving a grant under the program shall—

(A) offer culturally tailored incubation services to Native businesses and Native entrepreneurs;

(B) use a competitive process for selecting Native businesses and Native entrepreneurs to participate in the business incubator;

(C) provide physical workspace that permits Native businesses and Native entrepreneurs to conduct business and collaborate with other Native businesses and Native entrepreneurs;

(D) provide entrepreneurship and business skills training and education to Native businesses and Native entrepreneurs including—

(i) financial education, including training and counseling in—

(I) applying for and securing business credit and investment capital;

(II) preparing and presenting financial statements; and

(III) managing cash flow and other financial operations of a business;

(ii) management education, including training and counseling in planning, organization, staffing, directing, and controlling each major activity or function of a business or startup; and

(iii) marketing education, including training and counseling in—

(I) identifying and segmenting domestic and international market opportunities;

(II) preparing and executing marketing plans;

(III) locating contract opportunities;

(IV) negotiating contracts; and

(V) using varying public relations and advertising techniques;

(E) provide direct mentorship or assistance finding mentors in the industry in which the Native business or Native entrepreneur operates or intends to operate; and

(F) provide access to networks of potential investors, professionals in the same or similar fields, and other business owners with similar businesses.

(3) TECHNOLOGY.—Each eligible applicant shall leverage technology to the maximum extent practicable to provide Native businesses and Native entrepreneurs with access to the connectivity tools needed to compete and thrive in 21st-century markets.

(f) OVERSIGHT.—

(1) ANNUAL EVALUATIONS.—Not later than 1 year after the date on which the Secretary awards a grant to an eligible applicant under the program, and annually thereafter for the duration of the grant, the Secretary shall conduct an evaluation of, and prepare a report on, the eligible applicant, which shall— Deadline. Reports.

(A) describe the performance of the eligible applicant; and

(B) be used in determining the ongoing eligibility of the eligible applicant.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary awards a grant to an eligible

applicant under the program, and annually thereafter for the duration of the grant, each eligible applicant receiving an award under the program shall submit to the Secretary a report describing the services the eligible applicant provided under the program during the preceding year.

(B) REPORT CONTENT.—The report described in subparagraph (A) shall include—

(i) a detailed breakdown of the Native businesses and Native entrepreneurs receiving services from the business incubator, including, for the year covered by the report—

(I) the number of Native businesses and Native entrepreneurs participating in or receiving services from the business incubator and the types of services provided to those Native businesses and Native entrepreneurs;

(II) the number of Native businesses and Native entrepreneurs established and jobs created or maintained; and

(III) the performance of Native businesses and Native entrepreneurs while participating in the business incubator and after graduation or departure from the business incubator; and

(ii) any other information the Secretary may require to evaluate the performance of a business incubator to ensure appropriate implementation of the program.

(C) LIMITATIONS.—To the maximum extent practicable, the Secretary shall not require an eligible applicant to report under subparagraph (A) information provided to the Secretary by the eligible applicant under other programs.

(D) COORDINATION.—The Secretary shall coordinate with the heads of other Federal agencies to ensure that, to the maximum extent practicable, the report content and form under subparagraphs (A) and (B) are consistent with other reporting requirements for Federal programs that provide business and entrepreneurial assistance.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards funding under the program, and biennially thereafter, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report on the performance and effectiveness of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

(i) account for each program year; and

(ii) include with respect to each business incubator receiving grant funds under the program—

(I) the number of Native businesses and Native entrepreneurs that received business incubation or other services;

(II) the number of businesses established with the assistance of the business incubator;

(III) the number of jobs established or maintained by Native businesses and Native entrepreneurs receiving business incubation services, including a description of where the jobs are located with respect to reservation communities;

(IV) to the maximum extent practicable, the amount of capital investment and loan financing accessed by Native businesses and Native entrepreneurs receiving business incubation services; and

(V) an evaluation of the overall performance of the business incubator.

SEC. 5. REGULATIONS.

Deadline.
25 USC 5804.

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement the program.

SEC. 6. SCHOOLS TO BUSINESS INCUBATOR PIPELINE.

25 USC 5805.

The Secretary shall facilitate the establishment of relationships between eligible applicants receiving funds through the program and educational institutions serving Native American communities, including tribal colleges and universities.

SEC. 7. AGENCY PARTNERSHIPS.

Coordination.
25 USC 5806.

The Secretary shall coordinate with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, and the Administrator of the Small Business Administration to ensure, to the maximum extent practicable, that business incubators receiving grant funds under the program have the information and materials needed to provide Native businesses and Native entrepreneurs with the information and assistance necessary to apply for business and entrepreneurial development programs administered by the Department of Agriculture, the Department of Commerce, the Department of the Treasury, and the Small Business Administration.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

25 USC 5807.

There are authorized to be appropriated to carry out the program $5,000,000 for each of fiscal years 2020 through 2024.

Approved October 20, 2020.

LEGISLATIVE HISTORY—S. 294:

SENATE REPORTS: No. 116–29 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): June 27, considered and passed Senate.
Vol. 166 (2020): Sept. 21, considered and passed House.

Public Law 116–175
116th Congress

An Act

Oct. 20, 2020
[S. 832]

To nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865.

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

SECTION 1. NULLIFICATION OF TREATY.

The Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865, and entered into pursuant to the Senate resolution of ratification dated March 2, 1867 (14 Stat. 751), shall have no force or effect.

Approved October 20, 2020.

LEGISLATIVE HISTORY—S. 832:

HOUSE REPORTS: No. 116–441 (Comm. on Natural Resources).
SENATE REPORTS: No. 116–45 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): June 27, considered and passed Senate.
Vol. 166 (2020): Sept. 21, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Oct. 20, Presidential statement.

Public Law 116–176
116th Congress

An Act

To amend title 38, United States Code, to furnish Vet Center readjustment counseling and related mental health services to certain individuals.

Oct. 20, 2020
[H.R. 1812]

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

Vet Center Eligibility Expansion Act. 38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vet Center Eligibility Expansion Act".

SEC. 2. EXPANSION OF VET CENTER SERVICES.

Section 1712A of title 38, United States Code, is amended—

(1) by striking "clauses (i) through (iv)" both places it appears and inserting "clauses (i) through (vi)";

(2) by striking "in clause (v)" both places it appears and inserting "in clause (vii)";

(3) in subsection (a)(1)(C)—

(A) by redesignating clauses (iv) and (v) as clauses (vi) and (vii), respectively; and

(B) by inserting after clause (iii) the following new clauses:

"(iv) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served—

"(I) on active service in response to a national emergency or major disaster declared by the President; or

"(II) in the National Guard of a State under orders of the chief executive of that State in response to a disaster or civil disorder in such State.

"(v) Any individual who participated in a drug interdiction operation as a member of the Coast Guard, regardless of the location of that operation."; and

(4) in subsection (h), by adding at the end the following new paragraphs:

"(4) The term 'active service' has the meaning given that term in section 101 of title 10.

"(5) The term 'civil disorder' has the meaning given that term in section 232 of title 18.".

SEC. 3. PLAN TO PROVIDE VET CENTER SERVICES TO VETERANS LIVING IN AREAS WHERE NO VET CENTER IS LOCATED.

The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan to provide Vet Center services to veterans living in

geographic areas where no Vet Center is located, including in the United States insular areas.

Approved October 20, 2020.

LEGISLATIVE HISTORY—H.R. 1812:

HOUSE REPORTS: No. 116–75 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): May 21, considered and passed House.
Vol. 166 (2020): Sept. 24, considered and passed Senate.

Public Law 116–177
116th Congress

An Act

To direct the Comptroller General of the United States to conduct an assessment of all memoranda of understanding and memoranda of agreement between Under Secretary of Health and non-Department of Veterans Affairs entities relating to suicide prevention and mental health services.

Oct. 20, 2020
[H.R. 2372]

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

SECTION 1. SHORT TITLE.

Veterans' Care Quality Transparency Act.

This Act may be cited as the "Veterans' Care Quality Transparency Act".

SEC. 2. COMPTROLLER GENERAL ASSESSMENT OF MEMORANDA OF UNDERSTANDING AND MEMORANDA OF AGREEMENT BETWEEN UNDER SECRETARY OF HEALTH AND NON-DEPARTMENT OF VETERANS AFFAIRS ENTITIES RELATING TO SUICIDE PREVENTION AND MENTAL HEALTH SERVICES.

(a) ASSESSMENT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an assessment of the effectiveness of all memoranda of understanding and memoranda of agreement entered into by the Under Secretary of Veterans Affairs for Health and a non-Department of Veterans Affairs entity relating to— Deadline.

(1) suicide prevention activities and outreach; and

(2) the provision or coordination of mental health services during the 5-year period preceding the date of the enactment of this Act. Time period.

(b) CONTENTS OF ASSESSMENT.—The assessment required by subsection (a) shall include an assessment of—

(1) the size of the catchment area of each such entity;

(2) the staffing structures of such entities;

(3) any accreditation or licensure any such entity has obtained in relation to the services the entity provides;

(4) any variances in the subpopulations of veterans served by such entities;

(5) any limitations any such entity may face in carrying out its obligations under the memorandum of understanding or memorandum of agreement;

(6) the extent to which the Under Secretary provides oversight and tracks outcomes of such entities;

(7) any variations in the structure or requirements of the memoranda of understanding and memoranda of agreement;

(8) a breakdown of the percentage of such entities that serve—

(A) women veterans;

(B) minority veterans;
(C) veterans who are over the age of 55;
(D) veterans between the ages of 18 and 34;
(E) veterans who reside in United States insular areas; and
(F) veterans' families; and

Data security.

(9) any measures taken to ensure the secure exchange of data and information between such entities and the Department of Veterans Affairs.

(c) REPORT TO CONGRESS.—Not later than 270 days after the completion of the assessment under subsection (a), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the assessment.

Approved October 20, 2020.

LEGISLATIVE HISTORY—H.R. 2372:

HOUSE REPORTS: No. 116–72 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): May 21, considered and passed House.
Vol. 166 (2020): Sept. 24, considered and passed Senate.

Public Law 116–178
116th Congress

An Act

To increase, effective as of December 1, 2020, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

Oct. 20, 2020
[H.R. 6168]

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

SECTION 1. SHORT TITLE.

Veterans' Compensation Cost-of-Living Adjustment Act of 2020.
38 USC 101 note.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2020".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

Effective date.
38 USC 1114 note.

(a) RATE ADJUSTMENT.—Effective on December 1, 2020, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2020, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2020, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

38 USC 1114 note.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

Federal Register, publication. 38 USC 1114 note.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2021.

Approved October 20, 2020.

LEGISLATIVE HISTORY—H.R. 6168:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 28, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 116–179
116th Congress

An Act

To amend title 18, United States Code, to prohibit interference with voting systems under the Computer Fraud and Abuse Act.

Oct. 20, 2020
[S. 1321]

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

Defending the Integrity of Voting Systems Act.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defending the Integrity of Voting Systems Act".

SEC. 2. PROHIBITION ON INTERFERENCE WITH VOTING SYSTEMS.

Section 1030(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by adding "or" at the end; and

(C) by adding at the end the following:

"(C) that—

"(i) is part of a voting system; and

"(ii)(I) is used for the management, support, or administration of a Federal election; or

"(II) has moved in or otherwise affects interstate or foreign commerce;";

(2) in paragraph (11), by striking "and" at the end;

(3) in paragraph (12), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

Definitions.

"(13) the term 'Federal election' means any election (as defined in section 301(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(1))) for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(3))); and

"(14) the term 'voting system' has the meaning given the term in section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)).".

Approved October 20, 2020.

LEGISLATIVE HISTORY—S. 1321:

CONGRESSIONAL RECORD:
Vol. 165 (2019): July 17, considered and passed Senate.
Vol. 166 (2020): Sept. 21, considered and passed House.

Public Law 116–180
116th Congress

An Act

To amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian Tribes, and for other purposes.

Oct. 21, 2020
[S. 209]

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

Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019.
25 USC 5301 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019" or the "PROGRESS for Indian Tribes Act".

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

Sec. 1. Short title; table of contents.

TITLE I—TRIBAL SELF-GOVERNANCE

Sec. 101. Tribal self-governance.

TITLE II—INDIAN SELF-DETERMINATION

Sec. 201. Definitions; reporting and audit requirements; application of provisions.
Sec. 202. Contracts by Secretary of the Interior.
Sec. 203. Administrative provisions.
Sec. 204. Contract funding and indirect costs.
Sec. 205. Contract or grant specifications.

TITLE I—TRIBAL SELF-GOVERNANCE

SEC. 101. TRIBAL SELF-GOVERNANCE.

25 USC 5361 note.

(a) EFFECT OF PROVISIONS.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(1) to modify, limit, expand, or otherwise affect—

(A) the authority of the Secretary of the Interior, as provided for under the Indian Self-Determination and Education Assistance Act (as in effect on the day before the date of enactment of this Act), regarding—

(i) the inclusion of any non-BIA program (as defined in section 401 of the Indian Self-Determination and Education Assistance Act) in a self-determination contract or funding agreement under section 403(c) of such Act (as so in effect); or

(ii) the implementation of any contract or agreement described in clause (i) that is in effect on the day described in subparagraph (A);

(B) the meaning, application, or effect of any Tribal water rights settlement, including the performance

required of a party thereto or any payment or funding obligation thereunder;

(C) the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land;

(D) except for the authority provided to the Secretary as described in subparagraph (A), the applicability or effect of any Federal law related to the protection or management of fish or wildlife; or

(E) any treaty-reserved right or other right of any Indian Tribe as recognized by any other means, including treaties or agreements with the United States, Executive orders, statutes, regulations, or case law; or

(2) to authorize any provision of a contract or agreement that is not consistent with the terms of a Tribal water rights settlement.

(b) DEFINITIONS.—Section 401 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361) is amended to read as follows:

"SEC. 401. DEFINITIONS.

"In this title:

"(1) COMPACT.—The term 'compact' means a self-governance compact entered into under section 404.

"(2) CONSTRUCTION PROGRAM; CONSTRUCTION PROJECT.—The term 'construction program' or 'construction project' means a Tribal undertaking relating to the administration, planning, environmental determination, design, construction, repair, improvement, or expansion of roads, bridges, buildings, structures, systems, or other facilities for purposes of housing, law enforcement, detention, sanitation, water supply, education, administration, community, health, irrigation, agriculture, conservation, flood control, transportation, or port facilities, or for other Tribal purposes.

"(3) DEPARTMENT.—The term 'Department' means the Department of the Interior.

"(4) FUNDING AGREEMENT.—The term 'funding agreement' means a funding agreement entered into under section 403.

"(5) GROSS MISMANAGEMENT.—The term 'gross mismanagement' means a significant violation, shown by a preponderance of the evidence, of a compact, funding agreement, or statutory or regulatory requirement applicable to Federal funds for a program administered by an Indian Tribe under a compact or funding agreement.

"(6) INHERENT FEDERAL FUNCTION.—The term 'inherent Federal function' means a Federal function that may not legally be delegated to an Indian Tribe.

"(7) NON-BIA PROGRAM.—The term 'non-BIA program' means all or a portion of a program, function, service, or activity that is administered by any bureau, service, office, or agency of the Department of the Interior other than—

"(A) the Bureau of Indian Affairs;

"(B) the Office of the Assistant Secretary for Indian Affairs; or

"(C) the Office of the Special Trustee for American Indians.

"(8) PROGRAM.—The term 'program' means any program, function, service, or activity (or portion thereof) within the Department that is included in a funding agreement.

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

"(10) SELF-DETERMINATION CONTRACT.—The term 'self-determination contract' means a self-determination contract entered into under section 102.

"(11) SELF-GOVERNANCE.—The term 'self-governance' means the Tribal Self-Governance Program established under section 402.

"(12) TRIBAL SHARE.—The term 'Tribal share' means the portion of all funds and resources of an Indian Tribe that—

"(A) support any program within the Bureau of Indian Affairs, the Office of the Special Trustee for American Indians, or the Office of the Assistant Secretary for Indian Affairs; and

"(B) are not required by the Secretary for the performance of an inherent Federal function.

"(13) TRIBAL WATER RIGHTS SETTLEMENT.—The term 'Tribal water rights settlement' means any settlement, compact, or other agreement expressly ratified or approved by an Act of Congress that—

"(A) includes an Indian Tribe and the United States as parties; and

"(B) quantifies or otherwise defines any water right of the Indian Tribe.".

(c) ESTABLISHMENT.—Section 402 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5362) is amended to read as follows:

"SEC. 402. TRIBAL SELF-GOVERNANCE PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program within the Department to be known as the 'Tribal Self-Governance Program'.

"(b) SELECTION OF PARTICIPATING INDIAN TRIBES.—

"(1) IN GENERAL.—

"(A) ELIGIBILITY.—The Secretary, acting through the Director of the Office of Self-Governance, may select not more than 50 new Indian Tribes per year from those tribes eligible under subsection (c) to participate in self-governance.

"(B) JOINT PARTICIPATION.—On the request of each participating Indian Tribe, 2 or more otherwise eligible Indian Tribes may be treated as a single Indian Tribe for the purpose of participating in self-governance.

"(2) OTHER AUTHORIZED INDIAN TRIBE OR TRIBAL ORGANIZATION.—If an Indian Tribe authorizes another Indian Tribe or a Tribal organization to plan for or carry out a program on its behalf under this title, the authorized Indian Tribe or Tribal organization shall have the rights and responsibilities of the authorizing Indian Tribe (except as otherwise provided in the authorizing resolution).

"(3) JOINT PARTICIPATION AS ORGANIZATION.—Two or more Indian Tribes that are not otherwise eligible under subsection (c) may be treated as a single Indian Tribe for the purpose

of participating in self-governance as a Tribal organization if—

"(A) each Indian Tribe so requests; and

"(B) the Tribal organization itself, or at least one of the Indian Tribes participating in the Tribal organization, is eligible under subsection (c).

"(4) TRIBAL WITHDRAWAL FROM A TRIBAL ORGANIZATION.—

"(A) IN GENERAL.—An Indian Tribe that withdraws from participation in a Tribal organization, in whole or in part, shall be entitled to participate in self-governance if the Indian Tribe is eligible under subsection (c).

"(B) EFFECT OF WITHDRAWAL.—If an Indian Tribe withdraws from participation in a Tribal organization, the Indian Tribe shall be entitled to its Tribal share of funds and resources supporting the programs that the Indian Tribe is entitled to carry out under the compact and funding agreement of the Indian Tribe.

"(C) PARTICIPATION IN SELF-GOVERNANCE.—The withdrawal of an Indian Tribe from a Tribal organization shall not affect the eligibility of the Tribal organization to participate in self-governance on behalf of one or more other Indian Tribes, if the Tribal organization still qualifies under subsection (c).

"(D) WITHDRAWAL PROCESS.—

"(i) IN GENERAL.—An Indian Tribe may, by Tribal resolution, fully or partially withdraw its Tribal share of any program in a funding agreement from a participating Tribal organization.

Records.

"(ii) NOTIFICATION.—The Indian Tribe shall provide a copy of the Tribal resolution described in clause (i) to the Secretary.

"(iii) EFFECTIVE DATE.—

"(I) IN GENERAL.—A withdrawal under clause (i) shall become effective on the date that is specified in the Tribal resolution and mutually agreed upon by the Secretary, the withdrawing Indian Tribe, and the Tribal organization that signed the compact and funding agreement on behalf of the withdrawing Indian Tribe or Tribal organization.

"(II) NO SPECIFIED DATE.—In the absence of a date specified in the resolution, the withdrawal shall become effective on—

"(aa) the earlier of—

"(AA) 1 year after the date of submission of the request; and

"(BB) the date on which the funding agreement expires; or

"(bb) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian Tribe, and the Tribal organization that signed the compact and funding agreement on behalf of the withdrawing Indian Tribe or Tribal organization.

Contracts.

"(E) DISTRIBUTION OF FUNDS.—If an Indian Tribe or Tribal organization eligible to enter into a self-determination contract or a compact or funding agreement fully or

partially withdraws from a participating Tribal organization, the withdrawing Indian Tribe—

"(i) may elect to enter into a self-determination contract or compact, in which case—

"(I) the withdrawing Indian Tribe or Tribal organization shall be entitled to its Tribal share of unexpended funds and resources supporting the programs that the Indian Tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated to the funding agreement of the Tribal organization); and

"(II) the funds referred to in subclause (I) shall be withdrawn by the Secretary from the funding agreement of the Tribal organization and transferred to the withdrawing Indian Tribe, on the condition that sections 102 and 105(i), as appropriate, shall apply to the withdrawing Indian Tribe; or Applicability.

"(ii) may elect not to enter into a self-determination contract or compact, in which case all unexpended funds and resources associated with the withdrawing Indian Tribe's returned programs (calculated on the same basis as the funds were initially allocated to the funding agreement of the Tribal organization) shall be returned by the Tribal organization to the Secretary for operation of the programs included in the withdrawal.

"(F) RETURN TO MATURE CONTRACT STATUS.—If an Indian Tribe elects to operate all or some programs carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian Tribe, the resulting self-determination contract shall be a mature self-determination contract as long as the Indian Tribe meets the requirements set forth in section 4(h).

"(c) ELIGIBILITY.—To be eligible to participate in self-governance, an Indian Tribe shall—

"(1) successfully complete the planning phase described in subsection (d);

"(2) request participation in self-governance by resolution or other official action by the Tribal governing body; and

"(3) demonstrate, for the 3 fiscal years preceding the date on which the Indian Tribe requests participation, financial stability and financial management capability as evidenced by the Indian Tribe having no uncorrected significant and material audit exceptions in the required annual audit of its self-determination or self-governance agreements with any Federal agency. Time period.

"(d) PLANNING PHASE.—

"(1) IN GENERAL.—An Indian Tribe seeking to begin participation in self-governance shall complete a planning phase as provided in this subsection.

"(2) ACTIVITIES.—The planning phase shall—

"(A) be conducted to the satisfaction of the Indian Tribe; and

"(B) include—

"(i) legal and budgetary research; and

"(ii) internal Tribal government planning, training, and organizational preparation.

"(e) GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, an Indian Tribe or Tribal organization that meets the requirements of paragraphs (2) and (3) of subsection (c) shall be eligible for grants—

"(A) to plan for participation in self-governance; and

"(B) to negotiate the terms of participation by the Indian Tribe or Tribal organization in self-governance, as set forth in a compact and a funding agreement.

"(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) shall not be a requirement of participation in self-governance.".

(d) FUNDING AGREEMENTS.—Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION.—The Secretary shall, on the request of any Indian Tribe or Tribal organization, negotiate and enter into a written funding agreement with the governing body of the Indian Tribe or the Tribal organization in a manner consistent with—

"(1) the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian Tribes and the United States; and

"(2) subsection (b).";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "without regard to the agency or office of the Bureau of Indian Affairs" and inserting "the Office of the Assistant Secretary for Indian Affairs, and the Office of the Special Trustee for American Indians, without regard to the agency or office of that Bureau or those Offices";

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the margins of such clauses accordingly;

(iii) by striking "including any program" and inserting the following: "including—

"(A) any program";

(iv) in subparagraph (A)—

(I) in clause (i), as redesignated by clause (ii), by striking the semicolon at the end and inserting "; and"; and

(II) in clause (ii), as so redesignated, by striking "and" after the semicolon;

(v) by redesignating subparagraph (C) as subparagraph (B);

(vi) in subparagraph (B), as redesignated by clause (v), by striking the semicolon and inserting "; and"; and

(vii) by adding at the end the following:

"(C) any other program, service, function, or activity (or portion thereof) that is provided through the Bureau

of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of the Special Trustee for American Indians with respect to which Indian Tribes or Indians are primary or significant beneficiaries;";

(B) in paragraph (2)—

(i) by striking "section 405(c)" and inserting "section 412(c)"; and

(ii) by inserting "and" after the semicolon at the end;

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) through (9);

(3) in subsection (f)—

(A) in the subsection heading, by striking "FOR REVIEW";

(B) by striking "such agreement to—" and all that follows through "Indian tribe" and inserting "such agreement to each Indian Tribe";

(C) by striking "agreement;" and inserting "agreement."; and

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

(4) in subsection (k), by striking "section 405(c)(1)" and inserting "section 412(c)"; and

(5) by adding at the end the following:

"(m) OTHER PROVISIONS.— Contracts.

"(1) EXCLUDED FUNDING.—A funding agreement shall not authorize an Indian Tribe to plan, conduct, administer, or receive Tribal share funding under any program that—

"(A) is provided under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); or

"(B) is provided for elementary and secondary schools under the formula developed under section 1127 of the Education Amendments of 1978 (25 U.S.C. 2007).

"(2) SERVICES, FUNCTIONS, AND RESPONSIBILITIES.—A funding agreement shall specify—

"(A) the services to be provided under the funding agreement;

"(B) the functions to be performed under the funding agreement; and

"(C) the responsibilities of the Indian Tribe and the Secretary under the funding agreement.

"(3) BASE BUDGET.—

"(A) IN GENERAL.—A funding agreement shall, at the option of the Indian Tribe, provide for a stable base budget specifying the recurring funds (which may include funds available under section 106(a)) to be transferred to the Indian Tribe, for such period as the Indian Tribe specifies in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations.

"(B) LIMITATIONS.—Notwithstanding subparagraph (A), a funding agreement shall not specify funding associated with a program described in subsection (b)(2) or (c) unless the Secretary agrees.

"(4) NO WAIVER OF TRUST RESPONSIBILITY.—A funding agreement shall prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United

States with respect to Indian Tribes and individual Indians that exists under treaties, Executive orders, court decisions, and other laws.

"(n) AMENDMENT.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian Tribe, unless such terms are required by Federal law.

"(o) EFFECTIVE DATE.—A funding agreement shall become effective on the date specified in the funding agreement.

"(p) EXISTING AND SUBSEQUENT FUNDING AGREEMENTS.—

"(1) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian Tribe that the Indian Tribe is withdrawing or retroceding the operation of one or more programs identified in a funding agreement, or unless otherwise agreed to by the parties to the funding agreement or by the nature of any noncontinuing program, service, function, or activity contained in a funding agreement—

"(A) a funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, with funding paid annually for each fiscal year the agreement is in effect; and

"(B) the term of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement for the purposes of calculating the amount of funding to which the Indian Tribe is entitled.

"(2) DISPUTES.—Disputes over the implementation of paragraph (1)(A) shall be subject to section 406(c).

"(3) EXISTING FUNDING AGREEMENTS.—An Indian Tribe that was participating in self-governance under this title on the date of enactment of the PROGRESS for Indian Tribes Act shall have the option at any time after that date—

"(A) to retain its existing funding agreement (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

"(B) to negotiate a new funding agreement in a manner consistent with this title.

"(4) MULTIYEAR FUNDING AGREEMENTS.—An Indian Tribe may, at the discretion of the Indian Tribe, negotiate with the Secretary for a funding agreement with a term that exceeds 1 year.".

(e) GENERAL REVISIONS.—Title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.) is amended by striking sections 404 through 408 and inserting the following:

25 USC 5364–5368.

25 USC 5364.

"SEC. 404. COMPACTS.

"(a) IN GENERAL.—The Secretary shall negotiate and enter into a written compact with each Indian Tribe participating in self-governance in a manner consistent with the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian Tribes and the United States.

"(b) CONTENTS.—A compact under subsection (a) shall—

"(1) specify and affirm the general terms of the government-to-government relationship between the Indian Tribe and the Secretary; and

"(2) include such terms as the parties intend shall control during the term of the compact.

"(c) AMENDMENT.—A compact under subsection (a) may be amended only by agreement of the parties.

"(d) EFFECTIVE DATE.—The effective date of a compact under subsection (a) shall be—

"(1) the date of the execution of the compact by the parties; or

"(2) such date as is mutually agreed upon by the parties.

"(e) DURATION.—A compact under subsection (a) shall remain in effect—

"(1) for so long as permitted by Federal law; or

"(2) until termination by written agreement, retrocession, or reassumption.

"(f) EXISTING COMPACTS.—An Indian Tribe participating in self-governance under this title, as in effect on the date of enactment of the PROGRESS for Indian Tribes Act, shall have the option at any time after that date—

"(1) to retain its negotiated compact (in whole or in part) to the extent that the provisions of the compact are not directly contrary to any express provision of this title; or

"(2) to negotiate a new compact in a manner consistent with this title.

"SEC. 405. GENERAL PROVISIONS.

25 USC 5365.

"(a) APPLICABILITY.—An Indian Tribe and the Secretary shall include in any compact or funding agreement provisions that reflect the requirements of this title.

"(b) CONFLICTS OF INTEREST.—An Indian Tribe participating in self-governance shall ensure that internal measures are in place to address, pursuant to Tribal law and procedures, conflicts of interest in the administration of programs.

"(c) AUDITS.—

Applicability.

"(1) SINGLE AGENCY AUDIT ACT.—Chapter 75 of title 31, United States Code, shall apply to a funding agreement under this title.

"(2) COST PRINCIPLES.—An Indian Tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by—

"(A) any provision of law, including section 106; or

"(B) any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget.

"(3) FEDERAL CLAIMS.—Any claim by the Federal Government against an Indian Tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to section 106(f).

"(d) REDESIGN AND CONSOLIDATION.—Except as provided in section 407, an Indian Tribe may redesign or consolidate programs, or reallocate funds for programs, in a compact or funding agreement in any manner that the Indian Tribe determines to be in the best interest of the Indian community being served—

"(1) so long as the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law; and

"(2) except that, with respect to the reallocation, consolidation, and redesign of programs described in subsection (b)(2) or (c) of section 403, a joint agreement between the Secretary and the Indian Tribe shall be required.

"(e) RETROCESSION.—

"(1) IN GENERAL.—An Indian Tribe may fully or partially retrocede to the Secretary any program under a compact or funding agreement.

"(2) EFFECTIVE DATE.—

"(A) AGREEMENT.—Unless an Indian Tribe rescinds a request for retrocession under paragraph (1), the retrocession shall become effective on the date specified by the parties in the compact or funding agreement.

"(B) NO AGREEMENT.—In the absence of a specification of an effective date in the compact or funding agreement, the retrocession shall become effective on—

"(i) the earlier of—

"(I) 1 year after the date on which the request is submitted; and

"(II) the date on which the funding agreement expires; or

"(ii) such date as may be mutually agreed upon by the Secretary and the Indian Tribe.

Contracts.

"(f) NONDUPLICATION.—A funding agreement shall provide that, for the period for which, and to the extent to which, funding is provided to an Indian Tribe under this title, the Indian Tribe—

"(1) shall not be entitled to contract with the Secretary for funds under section 102, except that the Indian Tribe shall be eligible for new programs on the same basis as other Indian Tribes; and

"(2) shall be responsible for the administration of programs in accordance with the compact or funding agreement.

"(g) RECORDS.—

"(1) IN GENERAL.—Unless an Indian Tribe specifies otherwise in the compact or funding agreement, records of an Indian Tribe shall not be considered to be Federal records for purposes of chapter 5 of title 5, United States Code.

"(2) RECORDKEEPING SYSTEM.—An Indian Tribe shall—

"(A) maintain a recordkeeping system; and

Notice.
Time period.

"(B) on a notice period of not less than 30 days, provide the Secretary with reasonable access to the records to enable the Department to meet the requirements of sections 3101 through 3106 of title 44, United States Code.

25 USC 5366.

"SEC. 406. PROVISIONS RELATING TO THE SECRETARY.

Contracts.

"(a) TRUST EVALUATIONS.—A funding agreement shall include a provision to monitor the performance of trust functions by the Indian Tribe through the annual trust evaluation.

"(b) REASSUMPTION.—

Compact.
Contracts.

"(1) IN GENERAL.—A compact or funding agreement shall include provisions for the Secretary to reassume a program and associated funding if there is a specific finding relating to that program of—

"(A) imminent jeopardy to a trust asset, a natural resource, or public health and safety that—

"(i) is caused by an act or omission of the Indian Tribe; and

"(ii) arises out of a failure to carry out the compact or funding agreement; or

"(B) gross mismanagement with respect to funds transferred to an Indian Tribe under a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate. Determination. Consultation.

"(2) PROHIBITION.—The Secretary shall not reassume operation of a program, in whole or part, unless—

"(A) the Secretary first provides written notice and a hearing on the record to the Indian Tribe; and Notice. Hearing.

"(B) the Indian Tribe does not take corrective action to remedy the mismanagement of the funds or programs, or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

"(3) EXCEPTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), the Secretary may, on written notice to the Indian Tribe, immediately reassume operation of a program if— Notice.

"(i) the Secretary makes a finding of imminent and substantial jeopardy and irreparable harm to a trust asset, a natural resource, or the public health and safety caused by an act or omission of the Indian Tribe; and

"(ii) the imminent and substantial jeopardy and irreparable harm to the trust asset, natural resource, or public health and safety arises out of a failure by the Indian Tribe to carry out the terms of an applicable compact or funding agreement.

"(B) REASSUMPTION.—If the Secretary reassumes operation of a program under subparagraph (A), the Secretary shall provide the Indian Tribe with a hearing on the record not later than 10 days after the date of reassumption. Hearing. Deadline.

"(c) INABILITY TO AGREE ON COMPACT OR FUNDING AGREEMENT.—

"(1) FINAL OFFER.—If the Secretary and a participating Indian Tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian Tribe may submit a final offer to the Secretary.

"(2) DETERMINATION.—Not more than 60 days after the date of receipt of a final offer by one or more of the officials designated pursuant to paragraph (4), the Secretary shall review and make a determination with respect to the final offer, except that the 60-day period may be extended for up to 30 days for circumstances beyond the control of the Secretary, upon written request by the Secretary to the Indian tribe. Deadline. Review. Time period. Extension.

"(3) EXTENSIONS.—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian Tribe and the Secretary.

"(4) DESIGNATED OFFICIALS.—

"(A) IN GENERAL.—The Secretary shall designate one or more appropriate officials in the Department to receive a copy of the final offer described in paragraph (1).

"(B) NO DESIGNATION.—If no official is designated, the Director of the Office of the Executive Secretariat and Regulatory Affairs shall be the designated official.

Applicability.

"(5) NO TIMELY DETERMINATION.—If the Secretary fails to make a determination with respect to a final offer within the period specified in paragraph (2), including any extension agreed to under paragraph (3), the Secretary shall be deemed to have agreed to the offer, except that with respect to any compact or funding agreement provision concerning a program described under section 403(c), the Secretary shall be deemed to have rejected the offer with respect to such provision and the terms of clauses (ii) through (iv) of paragraphs (6)(A) shall apply.

"(6) REJECTION OF FINAL OFFER.—

"(A) IN GENERAL.—If the Secretary rejects a final offer (or one or more provisions or funding levels in a final offer), the Secretary shall—

Notification.

"(i) provide timely written notification to the Indian Tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

"(I) the amount of funds proposed in the final offer exceeds the applicable funding level as determined under section 106(a)(1);

"(II) the program that is the subject of the final offer is an inherent Federal function or is subject to the discretion of the Secretary under section 403(c);

"(III) the Indian Tribe cannot carry out the program in a manner that would not result in significant danger or risk to the public health or safety, to natural resources, or to trust resources;

"(IV) the Indian Tribe is not eligible to participate in self-governance under section 402(c);

"(V) the funding agreement would violate a Federal statute or regulation; or

"(VI) with respect to a program or portion of a program included in a final offer pursuant to section 403(b)(2), the program or the portion of the program is not otherwise available to Indian Tribes or Indians under section 102(a)(1)(E);

"(ii) provide technical assistance to overcome the objections stated in the notification required by clause (i);

Hearing.

"(iii) provide the Indian Tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter, and the opportunity for appeal on the objections raised, except that the Indian Tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a United States district court under section 110(a); and

"(iv) provide the Indian Tribe the option of entering into the severable portions of a final proposed compact or funding agreement (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

"(B) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian Tribe exercises the option specified in subparagraph (A)(iv)—

"(i) the Indian Tribe shall retain the right to appeal the rejection by the Secretary under this section; and

"(ii) clauses (i), (ii), and (iii) of subparagraph (A) shall apply only to the portion of the proposed final compact or funding agreement that was rejected by the Secretary. Applicability.

"(d) BURDEN OF PROOF.—In any administrative action, hearing, appeal, or civil action brought under this section, the Secretary shall have the burden of proof—

"(1) of demonstrating, by a preponderance of the evidence, the validity of the grounds for a reassumption under subsection (b); and

"(2) of clearly demonstrating the validity of the grounds for rejecting a final offer made under subsection (c).

"(e) GOOD FAITH.—

"(1) IN GENERAL.—In the negotiation of compacts and funding agreements, the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy.

"(2) POLICY.—The Secretary shall carry out this title in a manner that maximizes the policy of Tribal self-governance.

"(f) SAVINGS.—

"(1) IN GENERAL.—To the extent that programs carried out for the benefit of Indian Tribes and Tribal organizations under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of Tribal shares and other funds determined under section 408(c), except for funding agreements entered into for programs under section 403(c), the Secretary shall make such savings available to the Indian Tribes or Tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

"(2) DISCRETIONARY PROGRAMS OF SPECIAL SIGNIFICANCE.—For any savings generated as a result of the assumption of a program by an Indian Tribe under section 403(c), such savings shall be made available to that Indian Tribe.

"(g) TRUST RESPONSIBILITY.—The Secretary may not waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian Tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

"(h) DECISION MAKER.—A decision that constitutes final agency action and relates to an appeal within the Department conducted under subsection (c)(6)(A)(iii) may be made by—

"(1) an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

"(2) an administrative law judge.

"(i) RULES OF CONSTRUCTION.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act, each provision of this title and each provision of a compact or funding agreement shall be liberally

construed for the benefit of the Indian Tribe participating in self-governance, and any ambiguity shall be resolved in favor of the Indian Tribe.

25 USC 5367.

"SEC. 407. CONSTRUCTION PROGRAMS AND PROJECTS.

"(a) IN GENERAL.—Indian Tribes participating in Tribal self-governance may carry out any construction project included in a compact or funding agreement under this title.

"(b) TRIBAL OPTION TO CARRY OUT CERTAIN FEDERAL ENVIRONMENTAL ACTIVITIES.—In carrying out a construction project under this title, an Indian Tribe may, subject to the agreement of the Secretary, elect to assume some Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), division A of subtitle III of title 54, United States Code, and related provisions of other law and regulations that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

"(1) designating a certifying Tribal officer to represent the Indian Tribe and to assume the status of a responsible Federal official under those Acts, laws, or regulations; and

"(2) accepting the jurisdiction of the United States courts for the purpose of enforcing the responsibilities of the certifying Tribal officer assuming the status of a responsible Federal official under those Acts, laws, or regulations.

"(c) SAVINGS CLAUSE.—Notwithstanding subsection (b), nothing in this section authorizes the Secretary to include in any compact or funding agreement duties of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), division A of subtitle III of title 54, United States Code, and other related provisions of law that are inherent Federal functions.

"(d) CODES AND STANDARDS.—In carrying out a construction project under this title, an Indian Tribe shall—

"(1) adhere to applicable Federal, State, local, and Tribal building codes, architectural and engineering standards, and applicable Federal guidelines regarding design, space, and operational standards, appropriate for the particular project; and

"(2) use only architects and engineers who—

"(A) are licensed to practice in the State in which the facility will be built; and

Certification.

"(B) certify that—

"(i) they are qualified to perform the work required by the specific construction involved; and

"(ii) upon completion of design, the plans and specifications meet or exceed the applicable construction and safety codes.

"(e) TRIBAL ACCOUNTABILITY.—

"(1) IN GENERAL.—In carrying out a construction project under this title, an Indian Tribe shall assume responsibility for the successful completion of the construction project and of a facility that is usable for the purpose for which the Indian Tribe received funding.

"(2) REQUIREMENTS.—For each construction project carried out by an Indian Tribe under this title, the Indian Tribe and the Secretary shall negotiate a provision to be included in the funding agreement that identifies—

"(A) the approximate start and completion dates for the project, which may extend over a period of one or more years;

"(B) a general description of the project, including the scope of work, references to design criteria, and other terms and conditions;

"(C) the responsibilities of the Indian Tribe and the Secretary for the project;

"(D) how project-related environmental considerations will be addressed;

"(E) the amount of funds provided for the project;

"(F) the obligations of the Indian Tribe to comply with the codes referenced in subsection (d)(1) and applicable Federal laws and regulations;

"(G) the agreement of the parties over who will bear any additional costs necessary to meet changes in scope, or errors or omissions in design and construction; and

"(H) the agreement of the Secretary to issue a certificate of occupancy, if requested by the Indian Tribe, based upon the review and verification by the Secretary, to the satisfaction of the Secretary, that the Indian Tribe has secured upon completion the review and approval of the plans and specifications, sufficiency of design, life safety, and code compliance by qualified, licensed, and independent architects and engineers.

"(f) FUNDING.—

"(1) IN GENERAL.—Funding appropriated for construction projects carried out under this title shall be included in funding agreements as annual or semiannual advance payments at the option of the Indian Tribe. Contracts.

"(2) ADVANCE PAYMENTS.—The Secretary shall include all associated project contingency funds with each advance payment, and the Indian Tribe shall be responsible for the management of such contingency funds.

"(g) NEGOTIATIONS.—At the option of the Indian Tribe, construction project funding proposals shall be negotiated pursuant to the statutory process in section 105, and any resulting construction project agreement shall be incorporated into the funding agreement as addenda. Contracts.

"(h) FEDERAL REVIEW AND VERIFICATION.—

"(1) IN GENERAL.—On a schedule negotiated by the Secretary and the Indian Tribe—

"(A) the Secretary shall review and verify, to the satisfaction of the Secretary, that project planning and design documents prepared by the Indian Tribe in advance of initial construction are in conformity with the obligations of the Indian Tribe under subsection (d); and

"(B) before the project planning and design documents are implemented, the Secretary shall review and verify to the satisfaction of the Secretary that subsequent document amendments which result in a significant change in construction are in conformity with the obligations of the Indian Tribe under subsection (d).

"(2) REPORTS.—The Indian Tribe shall provide the Secretary with project progress and financial reports not less than semiannually.

"(3) OVERSIGHT VISITS.—The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian Tribe.

"(i) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian Tribe and except as otherwise provided in this Act, no provision of title 41, United States Code, the Federal Acquisition Regulation, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction program or project carried out under this title.

"(j) FUTURE FUNDING.—Upon completion of a facility constructed under this title, the Secretary shall include the facility among those eligible for annual operation and maintenance funding support comparable to that provided for similar facilities funded by the Department as annual appropriations are available and to the extent that the facility size and complexity and other factors do not exceed the funding formula criteria for comparable buildings.

25 USC 5368.

"SEC. 408. PAYMENT.

"(a) IN GENERAL.—At the request of the governing body of an Indian Tribe and under the terms of an applicable funding agreement, the Secretary shall provide funding to the Indian Tribe to carry out the funding agreement.

Contracts.

"(b) ADVANCE ANNUAL PAYMENT.—At the option of the Indian Tribe, a funding agreement shall provide for an advance annual payment to an Indian Tribe.

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (e) and sections 403 and 405, the Secretary shall provide funds to the Indian Tribe under a funding agreement for programs in an amount that is equal to the amount that the Indian Tribe would have been entitled to receive under contracts and grants under this Act (including amounts for direct program and contract support costs and, in addition, any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian Tribe or its members) without regard to the organization level within the Department at which the programs are carried out.

"(2) SAVINGS CLAUSE.—Nothing in this section reduces programs, services, or funds of, or provided to, another Indian Tribe.

"(d) TIMING.—

Transfer authority.

"(1) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian Tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolution.

Deadlines.

"(2) TRANSFERS.—Not later than 1 year after the date of enactment of the PROGRESS for Indian Tribes Act, in any instance in which a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office

of Management and Budget to the Department, unless the funding agreement provides otherwise.

"(e) AVAILABILITY.—Funds for trust services to individual Indians shall be available under a funding agreement only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the Indian Tribe.

"(f) MULTIYEAR FUNDING.—A funding agreement may provide for multiyear funding.

"(g) LIMITATIONS ON AUTHORITY OF THE SECRETARY.—The Secretary shall not—

"(1) fail to transfer to an Indian Tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this title for programs eligible under paragraph (1) or (2) of section 403(b), except as required by Federal law;

"(2) withhold any portion of such funds for transfer over a period of years; or

"(3) reduce the amount of funds required under this title—

"(A) to make funding available for self-governance monitoring or administration by the Secretary;

"(B) in subsequent years, except as necessary as a result of—

"(i) a reduction in appropriations from the previous fiscal year for the program to be included in a compact or funding agreement;

"(ii) a congressional directive in legislation or an accompanying report;

"(iii) a Tribal authorization;

"(iv) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

"(v) completion of an activity under a program for which the funds were provided;

"(C) to pay for Federal functions, including—

"(i) Federal pay costs;

"(ii) Federal employee retirement benefits;

"(iii) automated data processing;

"(iv) technical assistance; and

"(v) monitoring of activities under this title; or

"(D) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance under this title.

Acquisitions. Transfer authority.

"(h) FEDERAL RESOURCES.—If an Indian Tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation, including the use of interagency motor pool vehicles), or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall, as soon as practicable, acquire and transfer such personnel, supplies, or resources to the Indian Tribe under this title.

Applicability.

"(i) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

"(j) INTEREST OR OTHER INCOME.—

"(1) IN GENERAL.—An Indian Tribe may retain interest or income earned on any funds paid under a compact or funding agreement to carry out governmental purposes.

"(2) NO EFFECT ON OTHER AMOUNTS.—The retention of interest or income under paragraph (1) shall not diminish the amount of funds an Indian Tribe is entitled to receive under a funding agreement in the year the interest or income is earned or in any subsequent fiscal year.

"(3) INVESTMENT STANDARD.—Funds transferred under this title shall be managed by the Indian Tribe using the prudent investment standard, provided that the Secretary shall not be liable for any investment losses of funds managed by the Indian Tribe that are not otherwise guaranteed or insured by the Federal Government.

"(k) CARRYOVER OF FUNDS.—

"(1) IN GENERAL.—Notwithstanding any provision of an appropriations Act, all funds paid to an Indian Tribe in accordance with a compact or funding agreement shall remain available until expended.

"(2) EFFECT OF CARRYOVER.—If an Indian Tribe elects to carry over funding from one year to the next, the carryover shall not diminish the amount of funds the Indian Tribe is entitled to receive under a funding agreement in that fiscal year or any subsequent fiscal year.

"(l) LIMITATION OF COSTS.—

"(1) IN GENERAL.—An Indian Tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement.

"(2) NOTICE OF INSUFFICIENCY.—If at any time the Indian Tribe has reason to believe that the total amount provided for a specific activity under a compact or funding agreement is insufficient, the Indian Tribe shall provide reasonable notice of such insufficiency to the Secretary.

"(3) SUSPENSION OF PERFORMANCE.—If, after notice under paragraph (2), the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian Tribe may suspend performance of the activity until such time as additional funds are transferred.

"(4) SAVINGS CLAUSE.—Nothing in this section reduces any programs, services, or funds of, or provided to, another Indian Tribe.

"(m) DISTRIBUTION OF FUNDS.—The Office of Self-Governance shall be responsible for distribution of all Bureau of Indian Affairs funds provided under this title unless otherwise agreed by the parties to an applicable funding agreement.

"(n) APPLICABILITY.—Notwithstanding any other provision of this section, section 101(a) of the PROGRESS for Indian Tribes Act applies to subsections (a) through (m).

25 USC 5369.

"SEC. 409. FACILITATION.

"(a) IN GENERAL.—Except as otherwise provided by law (including section 101(a) of the PROGRESS for Indian Tribes Act), the Secretary shall interpret each Federal law and regulation in a manner that facilitates—

"(1) the inclusion of programs in funding agreements; and

"(2) the implementation of funding agreements.

"(b) REGULATION WAIVER.—

"(1) REQUEST.—An Indian Tribe may submit to the Secretary a written request for a waiver of applicability of a Federal regulation, including—

"(A) an identification of the specific text in the regulation sought to be waived; and

"(B) the basis for the request.

"(2) DETERMINATION BY THE SECRETARY.—Not later than 120 days after receipt by the Secretary and the designated officials under paragraph (4) of a request under paragraph (1), the Secretary shall approve or deny the requested waiver in writing to the Indian Tribe. Deadline.

"(3) EXTENSIONS.—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian Tribe and the Secretary.

"(4) DESIGNATED OFFICIALS.—The Secretary shall designate one or more appropriate officials in the Department to receive a copy of the waiver request described in paragraph (1).

"(5) GROUNDS FOR DENIAL.—The Secretary may deny a request under paragraph (1) upon a specific finding by the Secretary that the identified text in the regulation may not be waived because such a waiver is prohibited by Federal law.

"(6) FAILURE TO MAKE DETERMINATION.—If the Secretary fails to make a determination with respect to a waiver request within the period specified in paragraph (2) (including any extension agreed to under paragraph (3)), the Secretary shall be deemed to have agreed to the request, except that for a waiver request relating to programs eligible under section 403(b)(2) or section 403(c), the Secretary shall be deemed to have denied the request.

"(7) FINALITY.—A decision of the Secretary under this section shall be final for the Department.

"SEC. 410. DISCRETIONARY APPLICATION OF OTHER SECTIONS. 25 USC 5370.

"(a) IN GENERAL.—Except as otherwise provided in section 201(d) of the PROGRESS for Indian Tribes Act, at the option of a participating Indian Tribe or Indian Tribes, any of the provisions of title I may be incorporated in any compact or funding agreement under this title. The inclusion of any such provision shall be subject to, and shall not conflict with, section 101(a) of such Act.

"(b) EFFECT.—Each incorporated provision under subsection (a) shall—

"(1) have the same force and effect as if set out in full in this title;

"(2) supplement or replace any related provision in this title; and

"(3) apply to any agency otherwise governed by this title. Applicability.

"(c) EFFECTIVE DATE.—If an Indian Tribe requests incorporation at the negotiation stage of a compact or funding agreement, the incorporation shall—

"(1) be effective immediately; and

"(2) control the negotiation and resulting compact and funding agreement.

25 USC 5371.

"SEC. 411. ANNUAL BUDGET LIST.

"The Secretary shall list, in the annual budget request submitted to Congress under section 1105 of title 31, United States Code, any funds proposed to be included in funding agreements authorized under this title.

25 USC 5372.

"SEC. 412. REPORTS.

"(a) IN GENERAL.—

"(1) REQUIREMENT.—On January 1 of each year, the Secretary shall submit to Congress a report regarding the administration of this title.

"(2) ANALYSIS.—Any Indian Tribe may submit to the Office of Self-Governance and to the appropriate committees of Congress a detailed annual analysis of unmet Tribal needs for funding agreements under this title.

"(b) CONTENTS.—The report under subsection (a)(1) shall—

"(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds;

"(2) identify—

"(A) the relative costs and benefits of self-governance;

"(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian Tribes and members of Indian Tribes;

"(C) the funds transferred to each Indian Tribe and the corresponding reduction in the Federal employees and workload; and

"(D) the funding formula for individual Tribal shares of all Central Office funds, together with the comments of affected Indian Tribes, developed under subsection (d);

Comment period.

"(3) before being submitted to Congress, be distributed to the Indian Tribes for comment (with a comment period of not less than 30 days);

"(4) include the separate views and comments of each Indian Tribe or Tribal organization; and

Lists.
Determination.
Consultation.

"(5) include a list of—

"(A) all such programs that the Secretary determines, in consultation with Indian Tribes participating in self-governance, are eligible for negotiation to be included in a funding agreement at the request of a participating Indian Tribe; and

"(B) all such programs which Indian Tribes have formally requested to include in a funding agreement under section 403(c) due to the special geographic, historical, or cultural significance of the program to the Indian Tribe, indicating whether each request was granted or denied, and stating the grounds for any denial.

"(c) REPORT ON NON-BIA PROGRAMS.—

"(1) IN GENERAL.—In order to optimize opportunities for including non-BIA programs in agreements with Indian Tribes participating in self-governance under this title, the Secretary shall review all programs administered by the Department, other than through the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of the Special Trustee for American Indians, without regard to the agency or office concerned.

"(2) PROGRAMMATIC TARGETS.—The Secretary shall establish programmatic targets, after consultation with Indian Tribes participating in self-governance, to encourage bureaus of the Department to ensure that an appropriate portion of those programs are available to be included in funding agreements. Consultation.

"(3) PUBLICATION.—The lists under subsection (b)(5) and targets under paragraph (2) shall be published in the Federal Register and made available to any Indian Tribe participating in self-governance. Federal Register, publication.

"(4) ANNUAL REVIEW.—

"(A) IN GENERAL.—The Secretary shall annually review and publish in the Federal Register, after consultation with Indian Tribes participating in self-governance, revised lists and programmatic targets. Federal Register, publication. Consultation.

"(B) CONTENTS.—In preparing the revised lists and programmatic targets, the Secretary shall consider all programs that were eligible for contracting in the original list published in the Federal Register in 1995, except for programs specifically determined not to be contractible as a matter of law.

"(d) REPORT ON CENTRAL OFFICE FUNDS.—Not later than January 1, 2020, the Secretary shall, in consultation with Indian Tribes, develop a funding formula to determine the individual Tribal share of funds controlled by the Central Office of the Bureau of Indian Affairs and the Office of the Special Trustee for inclusion in the compacts. Consultation.

"SEC. 413. REGULATIONS. 25 USC 5373.

"(a) IN GENERAL.—

"(1) PROMULGATION.—Not later than 90 days after the date of enactment of the PROGRESS for Indian Tribes Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title. Deadline.

"(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register not later than 21 months after the date of enactment of the PROGRESS for Indian Tribes Act. Federal Register, publication. Deadline.

"(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire on the date that is 30 months after the date of enactment of the PROGRESS for Indian Tribes Act.

"(b) COMMITTEE.—

"(1) MEMBERSHIP.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and Tribal government.

"(2) LEAD AGENCY.—Among the Federal representatives described in paragraph (1), the Office of Self-Governance shall be the lead agency for the Department.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

"(d) EFFECT.—

"(1) REPEAL.—The Secretary may repeal any regulation that is inconsistent with this Act.

"(2) CONFLICTING PROVISIONS.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act and except with respect to programs described under section 403(c), this title shall supersede any conflicting provision of law (including any conflicting regulations).

"(3) EFFECTIVENESS WITHOUT REGARD TO REGULATIONS.—The lack of promulgated regulations on an issue shall not limit the effect or implementation of this title.

25 USC 5374.

"SEC. 414. EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.

"Unless expressly agreed to by a participating Indian Tribe in a compact or funding agreement, the participating Indian Tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except for—

"(1) the eligibility provisions of section 105(g); and

"(2) regulations promulgated pursuant to section 413.

25 USC 5375.

"SEC. 415. APPEALS.

"Except as provided in section 406(d), in any administrative action, appeal, or civil action for judicial review of any decision made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by a preponderance of the evidence—

"(1) the validity of the grounds for the decision; and

"(2) the consistency of the decision with the requirements and policies of this title.

25 USC 5376.

"SEC. 416. APPLICATION OF OTHER PROVISIONS.

"Section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1959), shall apply to compacts and funding agreements entered into under this title.

25 USC 5377.

"SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this title.".

TITLE II—INDIAN SELF-DETERMINATION

SEC. 201. DEFINITIONS; REPORTING AND AUDIT REQUIREMENTS; APPLICATION OF PROVISIONS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) is amended by striking subsection (j) and inserting the following:

"(j) 'self-determination contract' means a contract entered into under title I (or a grant or cooperative agreement used under section 9) between a Tribal organization and the appropriate Secretary for the planning, conduct, and administration of programs or services that are otherwise provided to Indian Tribes and members of Indian Tribes pursuant to Federal law, subject to the condition that, except as provided in section 105(a)(3), no contract entered

into under title I (or grant or cooperative agreement used under section 9) shall be—

"(1) considered to be a procurement contract; or

"(2) except as provided in section 107(a)(1), subject to any Federal procurement law (including regulations);".

(2) TECHNICAL AMENDMENTS.—Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), as amended by paragraph (1), is further amended—

(A) in subsection (e), by striking "'Indian tribe' means" and inserting "'Indian tribe' or 'Indian Tribe' means"; and

(B) in subsection (l), by striking "'tribal organization' means" and inserting "'Tribal organization' or 'tribal organization' means".

(b) REPORTING AND AUDIT REQUIREMENTS.—Section 5 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5305) is amended—

(1) in subsection (b)—

(A) by striking "after completion of the project or undertaking referred to in the preceding subsection of this section" and inserting "after the retention period for the report that is submitted to the Secretary under subsection (a)"; and

(B) by adding at the end the following: "The retention period shall be defined in regulations promulgated by the Secretary pursuant to section 413."; and

(2) in subsection (f)(1), by inserting "if the Indian Tribal organization expends $500,000 or more in Federal awards during such fiscal year" after "under this Act,".

(c) EFFECTIVE DATE.—The amendment made by subsection (b)(2) shall not take effect until 14 months after the date of enactment of this Act. 25 USC 5305 note.

(d) APPLICATION OF OTHER PROVISIONS.—Sections 4, 5, 6, 7, 102(c), 104, 105(a)(1), 105(f), 110, and 111 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304, 5305, 5306, 5307, 5321(c), 5323, 5324(a)(1), 5324(f), 5331, and 5332) and section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1959), apply to compacts and funding agreements entered into under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.). 25 USC 5361 note.

SEC. 202. CONTRACTS BY SECRETARY OF THE INTERIOR.

Section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321) is amended—

(1) in subsection (c)(2), by striking "economic enterprises" and all that follows through "except that" and inserting "economic enterprises (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)), except that"; and

(2) by adding at the end the following:

"(f) GOOD FAITH REQUIREMENT.—In the negotiation of contracts and funding agreements, the Secretary shall—

"(1) at all times negotiate in good faith to maximize implementation of the self-determination policy; and

"(2) carry out this Act in a manner that maximizes the policy of Tribal self-determination, in a manner consistent with—

"(A) the purposes specified in section 3; and

"(B) the PROGRESS for Indian Tribes Act.

"(g) RULE OF CONSTRUCTION.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act, each provision of this Act and each provision of a contract or funding agreement shall be liberally construed for the benefit of the Indian Tribe participating in self-determination, and any ambiguity shall be resolved in favor of the Indian Tribe.".

SEC. 203. ADMINISTRATIVE PROVISIONS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324) is amended—

(1) in subsection (b), in the first sentence, by striking "pursuant to" and all that follows through "of this Act" and inserting "pursuant to sections 102 and 103"; and

(2) by adding at the end the following:

"(p) INTERPRETATION BY SECRETARY.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws (including regulations) and Executive orders in a manner that facilitates, to the maximum extent practicable—

"(1) the inclusion in self-determination contracts and funding agreements of—

"(A) applicable programs, services, functions, and activities (or portions thereof); and

"(B) funds associated with those programs, services, functions, and activities;

"(2) the implementation of self-determination contracts and funding agreements; and

"(3) the achievement of Tribal health objectives.

Determination.

"(q)(1) TECHNICAL ASSISTANCE FOR INTERNAL CONTROLS.—In considering proposals for, amendments to, or in the course of, a contract under this title and compacts under titles IV and V of this Act, if the Secretary determines that the Indian Tribe lacks adequate internal controls necessary to manage the contracted program or programs, the Secretary shall, as soon as practicable, provide the necessary technical assistance to assist the Indian Tribe in developing adequate internal controls. As part of that technical assistance, the Secretary and the Tribe shall develop a plan for assessing the subsequent effectiveness of such technical assistance. The inability of the Secretary to provide technical assistance or lack of a plan under this subsection shall not result in the reassumption of an existing agreement, contract, or compact, or declination or rejection of a new agreement, contract, or compact.

Plan.

Reports.

"(2) The Secretary shall prepare a report to be included in the information required for the reports under sections 412(b)(2)(A) and 514(b)(2)(A). The Secretary shall include in this report, in the aggregate, a description of the internal controls that were inadequate, the technical assistance provided, and a description of Secretarial actions taken to address any remaining inadequate internal controls after the provision of technical assistance and implementation of the plan required by paragraph (1).".

SEC. 204. CONTRACT FUNDING AND INDIRECT COSTS.

Section 106(a)(3) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ", and" and inserting "; and"; and

(B) in clause (ii), by striking "expense related to the overhead incurred" and inserting "expense incurred by the governing body of the Indian Tribe or Tribal organization and any overhead expense incurred";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) In calculating the reimbursement rate for expenses described in subparagraph (A)(ii), not less than 50 percent of the expenses described in subparagraph (A)(ii) that are incurred by the governing body of an Indian Tribe or Tribal organization relating to a Federal program, function, service, or activity carried out pursuant to the contract shall be considered to be reasonable and allowable.".

SEC. 205. CONTRACT OR GRANT SPECIFICATIONS.

Section 108 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5329) is amended—

(1) in subsection (a)(2), by inserting "subject to subsections (a) and (b) of section 102," before "contain";

(2) in subsection (f)(2)(A)(ii) of the model agreement contained in subsection (c), by inserting "subject to subsections (a) and (b) of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321)," before "such other provisions"; and

(3) in subsection (b)(7)(C) of the model agreement contained in subsection (c), in the second sentence of the matter preceding clause (i), by striking "one performance monitoring visit" and inserting "two performance monitoring visits".

Approved October 21, 2020.

LEGISLATIVE HISTORY—S. 209:

HOUSE REPORTS: No. 116–422 (Comm. on Natural Resources).
SENATE REPORTS: No. 116–34 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): June 27, considered and passed Senate.
Vol. 166 (2020): Sept. 21, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Oct. 21, Presidential statement.

Public Law 116–181
116th Congress

An Act

Oct. 21, 2020
[S. 881]

To improve understanding and forecasting of space weather events, and for other purposes.

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

Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow Act.
51 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow Act" or the "PROSWIFT Act".

51 USC 60601 note.

SEC. 2. SPACE WEATHER.

(a) POLICY.—It shall be the policy of the United States to prepare and protect against the social and economic impacts of space weather phenomena by supporting actions to improve space weather forecasts and predictions including: sustaining and enhancing critical observations, identifying research needs and promoting opportunities for research-to-operations and operations-to-research collaborations both within and outside of the Federal Government, advancing space weather models, engaging with all sectors of the space weather community, including academia, the commercial sector, and international partners, and understanding the needs of space weather end users.

(b) AMENDMENT TO TITLE 51, UNITED STATES CODE.—Subtitle VI of title 51, United States Code, is amended by adding after chapter 605 the following:

51 USC prec. 60601.

"CHAPTER 606—SPACE WEATHER

"Sec.
"60601. Space weather.
"60602. Integrated strategy.
"60603. Sustaining and advancing critical space weather observations.
"60604. Research activities.
"60605. Space weather data.
"60606. Space weather knowledge transfer and information exchange.
"60607. Pilot program for obtaining commercial sector space weather data.
"60608. Space weather benchmarks.

51 USC 60601.

"§ 60601. Space weather

"(a) FINDINGS.—

"(1) SPACE WEATHER.—Congress makes the following findings with respect to space weather:

"(A) Space weather phenomena pose a significant threat to ground-based and space-based critical infrastructure, modern technological systems, and humans working in space.

"(B) The effects of severe space weather on the electric power grid, satellites and satellite communications and information, aviation operations, astronauts living and working in space, and space-based position, navigation, and timing systems could have significant societal, economic, national security, and health impacts.

"(C) Space-based and ground-based observations provide crucial data necessary to understand, forecast, and prepare for space weather phenomena.

"(D) Clear roles and accountability of Federal departments and agencies are critical for efficient and effective response to threats posed by space weather.

"(E) Space weather observation and forecasting are essential for the success of human and robotic space exploration.

"(F) In October 2015, the National Science and Technology Council published a National Space Weather Strategy and a National Space Weather Action Plan seeking to integrate national space weather efforts and add new capabilities to meet increasing demand for space weather information.

"(G) In March 2019, the National Science and Technology Council published an updated National Space Weather Strategy and Action Plan to enhance the preparedness and resilience of the United States to space weather.

"(2) ROLE OF FEDERAL AGENCIES.—Congress makes the following findings with respect to the role of Federal agencies on space weather:

"(A) The National Oceanic and Atmospheric Administration provides operational space weather monitoring, forecasting, and long-term data archiving and access for civil applications, maintains ground-based and space-based assets to provide observations needed for space weather forecasting, prediction, and warnings, provides research to support operational responsibilities, and develops requirements for space weather forecasting technologies and science.

"(B) The Department of Defense provides operational space weather research, monitoring, and forecasting for the Department's unique missions and applications.

"(C) The National Aeronautics and Space Administration provides increased understanding of the fundamental physics of the Sun-Earth system through basic research, space-based observations and modeling, developing new space-based technologies and missions, and monitoring of space weather for the National Aeronautics and Space Administration's space missions.

"(D) The National Science Foundation provides increased understanding of the Sun-Earth system through ground-based measurements, technologies, and modeling.

"(E) The Department of the Interior collects, distributes, and archives operational ground-based magnetometer data in the United States and its territories, works with the international community to improve global geophysical monitoring, and develops crustal conductivity models to assess and mitigate risks from space weather-induced electric ground currents.

"(F) The Federal Aviation Administration provides operational requirements for space weather services in support of aviation and for coordination of these requirements with the International Civil Aviation Organization, and integrates space weather data and products into the Next Generation Air Transportation System.

"(b) COORDINATION BY OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—The Director of the Office of Science and Technology Policy shall—

"(1) coordinate the development and implementation of Federal Government activities conducted with respect to space weather to improve the ability of the United States to prepare for, avoid, mitigate, respond to, and recover from potentially devastating impacts of space weather; and

"(2) coordinate the activities of the interagency working group on space weather established under subsection (c).

Deadline. Establishment. Coordination.

"(c) SPACE WEATHER INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of the PROSWIFT Act, the National Science and Technology Council shall establish an interagency working group on space weather (in this chapter referred to as the 'interagency working group') to coordinate executive branch actions that improve the understanding and prediction of and preparation for space weather phenomena, and coordinate Federal space weather activities.

"(1) MEMBERSHIP.—The following entities shall be members of the interagency working group:

"(A) The National Oceanic and Atmospheric Administration.

"(B) The National Aeronautics and Space Administration.

"(C) The National Science Foundation.

"(D) The Department of Defense.

"(E) The Department of the Interior.

"(F) Such other Federal agencies as the Director of the Office of Science and Technology Policy deems appropriate.

"(2) INTERAGENCY AGREEMENTS.—

"(A) The members of the interagency working group may enter into one or more interagency agreements providing for cooperation and collaboration in the development of space weather spacecraft, instruments, technologies, and research to operations and operations to research in accordance with this chapter.

"(B) The Administrator of the National Aeronautics and Space Administration and the Administrator of the National Oceanic and Atmospheric Administration shall enter into one or more interagency agreements providing for cooperation and collaboration in the development of space weather spacecraft, instruments, and technologies in accordance with this chapter.

"(3) INTERNATIONAL, ACADEMIC COMMUNITY, AND COMMERCIAL SECTOR COLLABORATION.—Each Federal agency participating in the space weather interagency working group established under this subsection shall, to the extent practicable, increase engagement and cooperation with the international community, academic community, and commercial space weather sector on the observational infrastructure, data, and

scientific research necessary to advance the monitoring, forecasting, and prediction of, preparation for, and protection from, space weather phenomena.

"(d) SPACE WEATHER ADVISORY GROUP.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of the PROSWIFT Act, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with other relevant Federal agencies, shall establish a space weather advisory group (in this chapter referred to as the 'advisory group') for the purposes of receiving advice from the academic community, the commercial space weather sector, and space weather end users that informs the interests and work of the interagency working group. Deadline. Consultation.

"(B) COMPOSITION.—The advisory group shall be composed of not more than 15 members appointed by the interagency working group, of whom— Appointments.

"(i) 5 members shall be representatives of the academic community;

"(ii) 5 members shall be representatives of the commercial space weather sector; and

"(iii) 5 members shall be nongovernmental representatives of the space weather end user community.

"(C) CHAIR.—Not later than 30 days after the date on which the last member of the advisory group is appointed under subparagraph (B), the Administrator of the National Oceanic and Atmospheric Administration shall appoint 1 member as the Chair of the advisory group. Deadline. Appointment.

"(D) TERMS.—The length of the term of each member of the advisory group shall be 3 years beginning on the date on which the member is appointed.

"(E) TERM LIMITS.—

"(i) IN GENERAL.—A member of the advisory group may not serve on the advisory group for more than 2 consecutive terms.

"(ii) CHAIR.—A member of the advisory group may not serve as the Chair of the advisory group for more than 2 terms, regardless of whether the terms are consecutive.

"(2) DUTIES.—The advisory group shall advise the interagency working group on the following:

"(A) Facilitating advances in the space weather enterprise of the United States.

"(B) Improving the ability of the United States to prepare for, mitigate, respond to, and recover from space weather phenomena.

"(C) Enabling the coordination and facilitation of research to operations and operations to research, as described in section 60604(d).

"(D) Developing and implementing the integrated strategy under section 60602 including subsequent updates and reevaluations.

"(3) USER SURVEY.—

"(A) IN GENERAL.—Not later than 180 days after the establishment of the advisory group, the advisory group shall conduct a comprehensive survey of the needs of users Deadline.

of space weather products to identify the space weather research, observations, forecasting, prediction, and modeling advances required to improve space weather products.

"(B) SURVEY CONSIDERATIONS.—The survey conducted under subparagraph (A) shall—

Assessment.

"(i) assess the adequacy of current Federal Government goals for lead time, accuracy, coverage, timeliness, data rate, and data quality for space weather observations and forecasting;

Consultation.

"(ii) identify options and methods to, in consultation with the academic community and the commercial space weather sector, improve upon the advancement of the goals described in clause (i);

"(iii) identify opportunities for collection of new data to address the needs of the space weather user community;

"(iv) identify methods to increase coordination of space weather research to operations and operations to research;

"(v) identify opportunities for new technologies, research, and instrumentation to aid in research, understanding, monitoring, modeling, prediction, forecasting, and warning of space weather; and

"(vi) identify methods and technologies to improve preparedness for potential space weather phenomena.

"(C) COORDINATION WITH AGENCIES.—In carrying out the requirements of this subsection, the advisory group shall communicate and coordinate with the interagency working group to ensure the needs of the governmental space weather user community are adequately and appropriately identified by the survey under subparagraph (A).

Deadline.

"(D) BRIEFING TO CONGRESS.—Not later than 30 days after the completion of the survey under subparagraph (A), the advisory group shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the results of the survey under subparagraph (A).

Deadline. Public information.

"(E) PUBLICATION.—Within 30 days of the briefing to Congress, the advisory group shall make the results of the survey under subparagraph (A) publicly available.

Review. Assessment. Time period. Update.

"(F) REEVALUATION.—The advisory group shall review and assess the survey under subparagraph (A) not less than every 3 years and update, resubmit, and republish the survey in accordance with the requirements of subparagraphs (D) and (E).

"(4) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

Deadlines. 51 USC 60602.

"§ 60602. Integrated strategy

"(a) IN GENERAL.—The Director of the Office of Science and Technology Policy, in collaboration with the interagency working group and upon the advice of the advisory group, shall develop a strategy for coordinated observation of space weather among members of the interagency working group (in this chapter, referred

to as the 'integrated strategy'). The integrated strategy shall identify—

"(1) observations and measurements that must be sustained beyond the lifetime of current ground-based and space-based assets, as described under section 60603, that are essential for space weather research, models, forecasting, and prediction;

"(2) new observations and measurements that may significantly improve space weather forecasting and prediction; and

"(3) plans for follow-on space-based observations under section 60603.

"(b) CONSIDERATIONS.—In developing the integrated strategy in subsection (a), the Director of the Office of Science and Technology Policy shall consider, as appropriate, the following:

"(1) Potential contributions of commercial solutions, prize authority, academic and international partnerships, microsatellites, small satellite options, ground-based instruments, and hosted payloads for observations identified in section 60602(a)(2).

"(2) Work conducted before the date of enactment of the PROSWIFT Act by the National Science and Technology Council with respect to space weather.

"(3) The survey under section 60601(d).

"(4) Any relevant recommendations from the most recent National Academies of Sciences, Engineering, and Medicine Decadal Survey for Solar and Space Physics (Heliophysics).

"(c) REVIEW OF INTEGRATED STRATEGY.—

Consultation. Contracts.

"(1) REVIEW.—The Administrator of the National Aeronautics and Space Administration and the Administrator of the National Oceanic and Atmospheric Administration, in consultation with Federal agencies participating in the interagency working group, shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to review the integrated strategy developed in this section.

"(2) CONSIDERATIONS.—The review from paragraph (1) shall also consider the current state, capability, and feasibility of the commercial space weather sector to provide new and supplemental observations and measurements that may significantly improve space weather forecasting and prediction.

"(3) TRANSMITTAL.—The Director of the Office of Science and Technology Policy, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the National Oceanic and Atmospheric Administration shall transmit the integrated strategy and the results of the review required under paragraph (1) to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of the completion of the survey under section 60601(d)(3). The integrated strategy and its review shall be made publicly available within 30 days of submittal to Congress.

Public information.

Cost estimates.

"(d) IMPLEMENTATION PLAN.—Not later than 180 days after delivery of the review of the integrated strategy in subsection (c)(3), the interagency working group shall develop a plan to implement the integrated strategy, including an estimate of the cost and schedule required for implementation. Upon completion, the interagency working group shall submit the implementation plan to the Committees on Science, Space, and Technology and Armed

Services of the House of Representatives and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate. The implementation plan shall be made publicly available within 30 days of submittal to Congress.

Public information.

Update.

"(e) REEVALUATION.—The Director, in collaboration with the interagency working group, shall update the integrated strategy not later than 1 year after the reevaluation of the user survey from section 60601(d)(3)(F) in accordance with the requirements of subsections (a) through (d).

51 USC 60603.

"§ 60603. Sustaining and advancing critical space weather observations

"(a) POLICY.—It is the policy of the United States to—

Data. Public information.

"(1) establish and sustain a baseline capability for space weather observations and to make such observations and data publicly available; and

"(2) obtain enhanced space weather observations, as practicable, to advance forecasting and prediction capability, as informed by the integrated strategy in section 60602.

"(b) SUSTAINING BASELINE SPACE-BASED OBSERVATIONAL CAPABILITIES.—

"(1) The Administrator of the National Aeronautics and Space Administration shall, in cooperation with the European Space Agency and other international and interagency partners, maintain operations of the Solar and Heliospheric Observatory/Large Angle and Spectrometric Coronagraph (referred to in this section as 'SOHO/LASCO') for as long as the satellite continues to deliver quality observations.

"(2) The Administrator of the National Aeronautics and Space Administration shall prioritize the reception of SOHO/LASCO data.

"(3) The Administrator of the National Oceanic and Atmospheric Administration shall maintain, for as long as is practicable, operations of current space-based observational assets, including but not limited to the Geostationary Operational Environmental Satellites system, and the Deep Space Climate Observatory.

Coordination.

"(c) BACKUP SPACE-BASED OBSERVATIONAL CAPABILITY.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, shall work with Federal and international partners in order to secure reliable backup baseline capability for near real-time coronal mass ejection imagery, solar wind, solar imaging, coronal imagery, and other relevant observations required to provide space weather forecasts.

"(d) SOHO/LASCO OPERATIONAL CONTINGENCY PLAN.—The Administrator of the National Oceanic and Atmospheric Administration shall develop an operational contingency plan to provide continuous space weather forecasting in the event of an unexpected SOHO/LASCO failure, and prior to the implementation of the backup space-based baseline observational capability in section 60603(c).

Deadline.

"(e) BRIEFING.—Not later than 120 days after the date of enactment of the PROSWIFT Act, the Administrator of the National Oceanic and Atmospheric Administration shall provide a briefing to the Committee on Science, Space, and Technology of the House

of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plan to secure reliable backup baseline capability described in subsection (c) and the SOHO/LASCO operational contingency plan developed under subsection (d).

"(f) SUSTAINING GROUND-BASED OBSERVATIONAL CAPABILITY.—The Director of the National Science Foundation, the Director of the United States Geological Survey, the Secretary of the Air Force, and, as practicable in support of the Air Force, the Secretary of the Navy, shall each—

"(1) maintain and improve ground-based observations of the Sun, as necessary and advisable, to help meet the needs identified in the survey under section 60601(d)(3); and

"(2) continue to provide space weather data through ground-based facilities, including radars, lidars, magnetometers, neutron monitors, radio receivers, aurora and airglow imagers, spectrometers, interferometers, and solar observatories.

"(g) CONSIDERATIONS.—In implementing subsections (b), (c), and (d), the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, the Directors of the National Science Foundation and United States Geological Survey, and the Secretaries of the Air Force and the Navy shall prioritize cost-effective and reliable solutions.

"(h) GROUND-BASED OBSERVATIONAL DATA.—The Director of the National Science Foundation shall—

"(1) make available to the public key data streams from the platforms and facilities described in subsection (d) for research and to support space weather model development; Public information.

"(2) develop experimental models for scientific purposes; and

"(3) support the transition of the experimental models to operations where appropriate.

"(i) ENHANCED SPACE-BASED OBSERVATIONS.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Secretary of Defense, should develop options to build and deploy space-based observational capabilities, beyond the baseline capabilities referenced in subsection (b), that may improve space weather measurements and observations. These supplemental observational capabilities could include commercial solutions, prize authority, academic partnerships, microsatellites, ground-based instruments, and opportunities to deploy the instrument or instruments as a secondary payload on an upcoming planned launch. Coordination.

"§ 60604. Research activities 51 USC 60604.

"(a) BASIC RESEARCH.—The Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, and the Secretary of Defense, shall—

"(1) continue to carry out basic research on heliophysics, geospace science, and space weather; and

"(2) support competitive, peer-reviewed proposals for conducting research, advancing modeling, and monitoring of space weather and its impacts, including the science goals outlined in decadal surveys in solar and space physics conducted by the National Academies of Sciences, Engineering, and Medicine.

"(b) MULTIDISCIPLINARY RESEARCH.—

"(1) FINDINGS.—Congress finds that the multidisciplinary nature of solar and space physics creates funding challenges that require coordination across scientific disciplines and Federal agencies.

"(2) SENSE OF CONGRESS.—It is the sense of Congress that science centers could coordinate multidisciplinary solar and space physics research. The Administrator of the National Aeronautics and Space Administration and Director of the National Science Foundation should support competitively awarded grants for multidisciplinary science centers that advance solar and space physics research, including research-to-operations and operations-to-research processes.

"(3) MULTIDISCIPLINARY RESEARCH.—The Director of the National Science Foundation, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the National Aeronautics and Space Administration, shall each pursue multidisciplinary research in subjects that further the understanding of solar physics, space physics, and space weather.

"(c) SCIENCE MISSIONS.—The Administrator of the National Aeronautics and Space Administration should implement missions that meet the science objectives identified in solar and space physics decadal surveys conducted by the National Academies of Sciences, Engineering, and Medicine.

"(d) RESEARCH TO OPERATIONS; OPERATIONS TO RESEARCH.—The interagency working group shall, upon consideration of the advice of the advisory group, develop formal mechanisms to—

"(1) transition the space weather research findings, models, and capabilities of the National Aeronautics and Space Administration, the National Science Foundation, the United States Geological Survey, and other relevant Federal agencies, as appropriate, to the National Oceanic and Atmospheric Administration and the Department of Defense;

Coordination.

"(2) enhance coordination between research modeling centers and forecasting centers; and

"(3) communicate the operational needs of space weather forecasters of the National Oceanic and Atmospheric Administration and Department of Defense, as appropriate, to the National Aeronautics and Space Administration, the National Science Foundation, and the United States Geological Survey.

51 USC 60605.

"§ 60605. Space weather data

"(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation shall continue to—

"(1) make space weather-related data obtained for scientific research purposes available to space weather forecasters and operations centers; and

"(2) support model development and model applications to space weather forecasting.

"(b) RESEARCH.—The Administrator of the National Oceanic and Atmospheric Administration shall make space weather-related data obtained from operational forecasting available for research.

"§ 60606. Space weather knowledge transfer and information exchange 51 USC 60606.

"Not later than 180 days after the date of enactment of the PROSWIFT Act, the Administrator of the National Oceanic and Atmospheric Administration, in collaboration with the Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation, shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to establish a Space Weather Government-Academic-Commercial Roundtable to facilitate communication and knowledge transfer among Government participants in the space weather interagency working group established under section 60601(c), the academic community, and the commercial space weather sector to— Deadline. Contract.

"(1) facilitate advances in space weather prediction and forecasting;

"(2) increase coordination of space weather research to operations and operations to research; and Coordination.

"(3) improve preparedness for potential space weather phenomena.

"§ 60607. Pilot program for obtaining commercial sector space weather data Deadlines. 51 USC 60607.

"(a) ESTABLISHMENT.—Not later than 12 months after the date of enactment of the PROSWIFT Act, the Administrator of the National Oceanic and Atmospheric Administration may establish a pilot program under which the Administrator will offer to enter into contracts with one or more entities in the commercial space weather sector for the provision to the Administrator of space weather data generated by such an entity that meets the standards and specifications published under subsection (b). Contracts.

"(b) DATA STANDARD AND SPECIFICATIONS.—Not later than 18 months after the date of enactment of the PROSWIFT Act, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of Defense, may publish standards and specifications for ground-based, ocean-based, air-based, and space-based commercial space weather data and metadata. Consultation.

"(c) CONTRACTS.—

"(1) IN GENERAL.—Within 12 months after the date of transmission of the review of the integrated strategy to Congress under section 60602(c)(3) and taking into account the results of the review, the Administrator of the National Oceanic and Atmospheric Administration may offer to enter, through an open competition, into at least one contract with one or more commercial space weather sector entities capable of providing space weather data that—

"(A) meets the standards and specifications established for providing such data under subsection (b); and

"(B) is provided in a manner that allows the Administrator of the National Oceanic and Atmospheric Administration to calibrate and evaluate the data for use in space weather research and forecasting models of the National Oceanic and Atmospheric Administration, the Department of Defense, or both.

"(2) ASSESSMENT.—If one or more contract is entered into under paragraph (1), not later than 4 years after the date- Reports.

of enactment of the PROSWIFT Act, the Administrator of the National Oceanic and Atmospheric Administration shall assess, and submit to the Committees on Science, Space, and Technology and Armed Services of the House of Representatives and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate, a report on the extent to which the pilot program has demonstrated data provided under contracts described in paragraph (1) meet the standards and specifications established under subsection (b) and the extent to which the pilot program has demonstrated—

"(A) the viability of assimilating the commercially provided data into National Oceanic and Atmospheric Administration space weather research and forecasting models;

"(B) whether, and by how much, the data so provided add value to space weather forecasts of the National Oceanic and Atmospheric Administration and the Department of Defense; and

"(C) the accuracy, quality, timeliness, validity, reliability, usability, information technology security, and cost-effectiveness of obtaining commercial space weather data from commercial sector providers.

51 USC 60608.

"§ 60608. Space weather benchmarks

Review. Update.

"The interagency working group established under section 60601(c) shall periodically review and update the benchmarks described in the report of the National Science and Technology Council entitled 'Space Weather Phase 1 Benchmarks' and dated June 2018, as necessary, based on—

"(1) any significant new data or advances in scientific understanding that become available; or

"(2) the evolving needs of entities impacted by space weather phenomena.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

51 USC prec. 10101.

(1) The table of chapters of title 51, United States Code, is amended by adding after the item relating to chapter 605 the following:

"606. Space Weather ..... 60601".

Repeals.

(2) Section 809 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18388) and the item relating to that section in the table of contents

under section 1(b) of that Act (Public Law 111–267; 124 Stat. 2806) are repealed.

Approved October 21, 2020.

LEGISLATIVE HISTORY—S. 881:

SENATE REPORTS: No. 116–171 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 166 (2020):
July 27, considered and passed Senate.
Sept. 16, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Oct. 21, Presidential statement.

Public Law 116–182
116th Congress

An Act

Oct. 21, 2020
[S. 1380]

To amend the Federal Rules of Criminal Procedure to remind prosecutors of their obligations under Supreme Court case law.

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

Due Process Protections Act.
18 USC app. 61 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Due Process Protections Act".

SEC. 2. REMINDER OF PROSECUTORIAL OBLIGATIONS.

18 USC app. 5.

Rule 5 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) REMINDER OF PROSECUTORIAL OBLIGATION.—

"(1) IN GENERAL.—In all criminal proceedings, on the first scheduled court date when both prosecutor and defense counsel are present, the judge shall issue an oral and written order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutor under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and the possible consequences of violating such order under applicable law.

"(2) FORMATION OF ORDER.—Each judicial council in which a district court is located shall promulgate a model order for the purpose of paragraph (1) that the court may use as it determines is appropriate.".

Approved October 21, 2020.

LEGISLATIVE HISTORY—S. 1380:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 20, considered and passed Senate.
Sept. 21, considered and passed House.

Public Law 116–183
116th Congress

An Act

To amend title 38, United States Code, to improve the oversight of contracts awarded by the Secretary of Veterans Affairs to small business concerns owned and controlled by veterans, and for other purposes.

Oct. 30, 2020
[H.R. 561]

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

SECTION 1. SHORT TITLE.

Protecting Business Opportunities for Veterans Act of 2019.
38 USC 101 note.

This Act may be cited as the "Protecting Business Opportunities for Veterans Act of 2019".

SEC. 2. LIMITATIONS ON SUBCONTRACTS UNDER CONTRACTS WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

(a) IN GENERAL.—Section 8127 of title 38, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) LIMITATIONS ON SUBCONTRACTING.—(1)(A) The requirements applicable to a covered small business concern under section 46 of the Small Business Act (15 U.S.C. 657s) shall apply with respect to a small business concern owned and controlled by veterans that is awarded a contract under this section. Applicability.

"(B) For purposes of applying the requirements of section 46 of the Small Business Act (15 U.S.C. 657s) pursuant to subparagraph (A), the term 'similarly situated entity' used in such section 46 includes a subcontractor for a small business concern owned and controlled by veterans described in such subparagraph (A). Applicability. Definition.

"(2) The Secretary may award a contract under this section only after the Secretary obtains from the offeror a certification that the offeror will comply with the requirements described in paragraph (1)(A) if awarded the contract. Such certification shall— Certification. Compliance.

"(A) specify the exact performance requirements applicable under such paragraph; and Applicability.

"(B) explicitly acknowledge that the certification is subject to section 1001 of title 18.

"(3)(A) The Director of Small and Disadvantaged Business Utilization for the Department, established pursuant to section 15(k) of the Small Business Act (15 U.S.C. 644(k)), and the Chief Acquisition Officer of the Department, established pursuant to section 1702 of title 41, shall jointly implement a process using the systems described in section 16(g)(2) of the Small Business Act (15 U.S.C. 645(g)(2)), and any other relevant systems available, to monitor compliance with this subsection.

"(B) The Director of Small and Disadvantaged Business Utilization and the Chief Acquisition Officer shall jointly refer any violations or suspected violations of this subsection to the Inspector General of the Department.

Determination. Consultation.

"(C) If the Secretary determines, in consultation with the Inspector General of the Department, that a small business concern that is awarded a contract under this section did not act in good faith with respect to the requirements described in paragraph (1)(A), the small business concern shall be subject to any or all of the following consequences—

"(i) referral to the Debarment and Suspension Committee of the Department;

"(ii) a fine under section 16(g)(1) of the Small Business Act (15 U.S.C. 645(g)(1)); and

"(iii) prosecution for violating section 1001 of title 18.

Deadline. Time periods. Reports.

"(D) Not later than November 30 for each of fiscal years 2021 through 2025, the Inspector General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report for the fiscal year preceding the fiscal year during which the report is submitted that includes, for the fiscal year covered by the report—

"(i) the number of referred violations and suspected violations received under subparagraph (B); and

"(ii) the disposition of such referred violations, including the number of small business concerns suspended or debarred from Federal contracting or referred to the Attorney General for prosecution.".

38 USC 8127 note.

(b) APPLICATION.—Subsection (k) of section 8127 of title 38, United States Code, as added by subsection (a), shall apply with respect to a contract entered into after the date of the enactment of this Act.

Approved October 30, 2020.

LEGISLATIVE HISTORY—H.R. 561 (S. 3282):

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 25, considered and passed House.
Sept. 30, considered and passed Senate.

Public Law 116–184
116th Congress

An Act

To amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and for other purposes.

Oct. 30, 2020
[H.R. 1952]

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

SECTION 1. SHORT TITLE.

Intercountry Adoption Information Act of 2019.
42 USC 14901 note.

This Act may be cited as the "Intercountry Adoption Information Act of 2019".

SEC. 2. ADDITIONAL INFORMATION TO BE INCLUDED IN ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

(a) REPORT ELEMENTS.—Section 104(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914(b)) is amended by adding at the end the following new paragraphs:

List.

"(9) A list of countries that established or maintained a significant law or regulation that prevented or prohibited adoptions involving immigration to the United States, regardless of whether such adoptions occurred under the Convention.

"(10) For each country listed under paragraph (9), the date on which the law or regulation was initially implemented.

"(11) Information on efforts taken with respect to a country listed under paragraph (9) to encourage the resumption of halted or stalled adoption proceedings involving immigration to the United States, regardless of whether the adoptions would have occurred under the Convention.

"(12) Information on any action the Secretary carried out that prevented, prohibited, or halted any adoptions involving immigration to the United States, regardless of whether the adoptions occurred under the Convention.

"(13) For each country listed pursuant to paragraph (12), a description of—

"(A) what policies, procedures, resources, and safeguards the country lacks, or other shortcomings or circumstances, that caused the action to be carried out;

"(B) what progress the country has made to alleviate those shortcomings; and

"(C) what steps the Department of State has taken in order to assist the country to reopen intercountry adoptions.

Assessment.

"(14) An assessment of the impact of the fee schedule of the Intercountry Adoption Accreditation and Maintenance Entity on families seeking to adopt internationally, especially

low-income families, families seeking to adopt sibling groups, or families seeking to adopt children with disabilities.".

(b) PUBLIC AVAILABILITY OF REPORT.—Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is amended by adding at the end the following new subsection:

Web posting.

"(c) PUBLIC AVAILABILITY OF REPORT.—The Secretary shall make the information contained in the report required under subsection (a) available to the public on the website of the Department of State.".

Compliance.
42 USC 14914 note.

(c) PRIVACY CONCERNS.—In complying with the amendments made by subsections (a) and (b), the Secretary shall avoid, to the maximum extent practicable, disclosing any personally identifiable information relating to United States citizens or the adoptees of such citizens.

(d) CONFORMING AMENDMENT.—Section 104(a) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914(a)) is amended by striking "International Relations" and inserting "Foreign Affairs".

42 USC 14914 note.

(e) APPLICATION DATE.—The amendments made by this section shall apply with respect to reports required to be submitted under section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) beginning on the date that is 180 days after the date of enactment of this Act.

Approved October 30, 2020.

LEGISLATIVE HISTORY—H.R. 1952:

CONGRESSIONAL RECORD:
Vol. 165 (2019): May 20, considered and passed House.
Vol. 166 (2020): Sept. 30, considered and passed Senate.

Public Law 116–185
116th Congress

An Act

To direct the Secretary of Veterans Affairs to submit to Congress a report on the Department of Veterans Affairs advancing of whole health transformation.

Oct. 30, 2020
[H.R. 2359]

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

Whole Veteran Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Whole Veteran Act".

SEC. 2. REPORT ON DEPARTMENT OF VETERANS AFFAIRS ADVANCING OF WHOLE HEALTH TRANSFORMATION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the implementation of the Department of Veterans Affairs memorandum dated February 12, 2019, on the subject of Advancing Whole Health Transformation Across Veterans Health Administration.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An analysis of the accessibility and availability of each of the following services at medical facilities of the Department of Veterans Affairs (including community based outpatient clinics, vet centers, and community living centers): Analysis.

(A) Massage.
(B) Chiropractic services.
(C) Whole health clinician services.
(D) Whole health coaching.
(E) Acupuncture.
(F) Healing touch.
(G) Whole health group services.
(H) Guided imagery.
(I) Meditation.
(J) Hypnosis.
(K) Yoga.
(L) Tai chi or Qi gong.
(M) Equine assisted therapy.
(N) Any other service the Secretary determines appropriate.

(2) An assessment of the health outcomes derived from the services specified in paragraph (1). Assessment.

(3) An assessment of the resources required to expand such services to the entire Veterans Health Administration. Assessment.

(4) A plan to provide the services referred to in paragraph (1) to veterans who reside in a geographic area where no Plan.

community-based outpatient clinic, medical center, Vet Center, or community living center is located.

Approved October 30, 2020.

LEGISLATIVE HISTORY—H.R. 2359:

HOUSE REPORTS: No. 116–71 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): May 21, considered and passed House.
Vol. 166 (2020): Oct. 1, considered and passed Senate.

Public Law 116–186
116th Congress

An Act

To amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.

Oct. 30, 2020
[H.R. 3399]

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

SECTION 1. NUTRIA ERADICATION.

The Nutria Eradication and Control Act of 2003 (Public Law 108–16) is amended—

(1) in section 2— 16 USC 8101.

(A) in subsection (a)—

(i) in paragraph (1), by striking "Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana" and inserting "Wetlands, tidal marshes, and agricultural lands";

(ii) in paragraph (2), by striking "in Maryland and Louisiana"; and

(iii) by amending paragraph (3) to read as follows:

"(3) Traditional harvest methods to control or eradicate nutria have failed. Consequently, marsh loss, loss of public and private wetlands, and loss of agricultural lands are accelerating."; and

(B) in subsection (b), by striking "the State of Maryland and the State of Louisiana" and inserting "any State that has demonstrated the need"; and

(2) in section 3— 16 USC 8102.

(A) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORITY.—The Secretary of the Interior (referred to in this Act as the 'Secretary'), may provide financial assistance to a State, in an amount that is in proportion to the total impacted area of such State affected by nutria, that has demonstrated to the Secretary sufficient need for a program to implement measures to eradicate or control nutria and restore marshland, public and private wetlands, and agricultural lands damaged by nutria.";

(B) by striking subsection (b);

(C) in subsection (d)—

(i) in paragraph (1), by striking "the program may" and inserting "a State program referred to in subsection (a) may"; and

(ii) in paragraph (2), by striking "the program may" and inserting "a State program referred to in subsection (a) may";

(D) in subsection (e), by inserting "to a State" after "provided";

Time periods.

(E) in subsection (f), by striking "$4,000,000" and all that follows and inserting "$12,000,000 for each of fiscal years 2021 through 2025."; and

(F) by redesignating subsections (c) through (f) as subsections (b) through (e).

Approved October 30, 2020.

LEGISLATIVE HISTORY—H.R. 3399 (S. 4403):

HOUSE REPORTS: No. 116–405 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 26, considered and passed House.
Sept. 30, considered and passed Senate.

Public Law 116–187
116th Congress

An Act

To direct the Comptroller General of the United States to conduct a study on disability and pension benefits provided to members of the National Guard and members of reserve components of the Armed Forces by the Department of Veterans Affairs, and for other purposes.

Oct. 30, 2020
[H.R. 4183]

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

Identifying Barriers and Best Practices Study Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identifying Barriers and Best Practices Study Act".

SEC. 2. COMPTROLLER GENERAL STUDY ON DISABILITY AND PENSION BENEFITS PROVIDED TO MEMBERS OF THE NATIONAL GUARD AND MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES BY THE DEPARTMENT OF VETERANS AFFAIRS.

Deadline.

(a) IN GENERAL.—Not later than 36 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on disability and pension benefits provided to members of the National Guard and members of reserve components of the Armed Forces by the Department of Veterans Affairs. In conducting such study, the Comptroller General shall review, for the period beginning on January 1, 2008, and ending on December 31, 2018, each of the following:

Review.
Time period.

(1) The number of members of the National Guard and the number of members of reserve components of the Armed Forces who received disability compensation or pension provided by the Department of Veterans Affairs.

(2) A comparison of each of the following between veterans who served only in the National Guard or reserve components and veterans who served in the regular components of the Armed Forces:

(A) The percentage of each group of such veterans with service-connected disabilities.

(B) The number of veterans in each group with each disability rating.

(C) The number of veterans in each group with a service-connected disability, including the number of each of the following types of such veterans in each group:

(i) Pilots.

(ii) Veterans who served in the special forces.

(iii) Veterans who participated in the Personnel Reliability Program.

(iv) Veterans who underwent diving or flight physicals as a regular component of their service in the Armed Forces and who have a muscular-skeletal or mental health condition.

(D) The number of total claims for disability compensation and pension submitted, approved, and disapproved for each group of veterans.

(3) An identification of common barriers for members of the National Guard and members of reserve components in obtaining disability benefits under the laws administered by the Secretary of Veterans Affairs, including barriers relating to documentation of injuries incurred while serving, such as line of duty letters.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a preliminary report on the findings of the study required by subsection (a).

(2) FINAL REPORT.—Upon completion of the study, the Comptroller General shall submit to such Committees a final report on such study.

Approved October 30, 2020.

LEGISLATIVE HISTORY—H.R. 4183:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 16, 17, considered and passed House.
Vol. 166 (2020): Oct. 1, considered and passed Senate.

Public Law 116–188
116th Congress

An Act

To improve protections for wildlife, and for other purposes.

Oct. 30, 2020
[S. 3051]

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

America's Conservation Enhancement Act.
16 USC 8201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "America's Conservation Enhancement Act".

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

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

Sec. 101. Theodore Roosevelt Genius Prize for reducing human-predator conflict.
Sec. 102. Losses of livestock due to depredation by federally protected species.
Sec. 103. Depredation permits for black vultures and common ravens.
Sec. 104. Chronic Wasting Disease Task Force.
Sec. 105. Invasive species.
Sec. 106. North American Wetlands Conservation Act.
Sec. 107. National Fish and Wildlife Foundation Establishment Act.
Sec. 108. Modification of definition of sport fishing equipment under Toxic Substances Control Act.
Sec. 109. Reauthorization of Chesapeake Bay Program.
Sec. 110. Reauthorization of Chesapeake Bay Initiative Act of 1998.
Sec. 111. Chesapeake watershed investments for landscape defense.

TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. National Fish Habitat Board.
Sec. 204. Fish Habitat Partnerships.
Sec. 205. Fish Habitat Conservation Projects.
Sec. 206. Technical and scientific assistance.
Sec. 207. Coordination with States and Indian Tribes.
Sec. 208. Interagency Operational Plan.
Sec. 209. Accountability and reporting.
Sec. 210. Effect of this title.
Sec. 211. Nonapplicability of Federal Advisory Committee Act.
Sec. 212. Funding.
Sec. 213. Prohibition against implementation of regulatory authority by Federal agencies through Partnerships.

TITLE III—MISCELLANEOUS

Sec. 301. Study to review conservation factors.
Sec. 302. Study and report on expenditures.
Sec. 303. Use of value of land for cost sharing.

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

SEC. 101. THEODORE ROOSEVELT GENIUS PRIZE FOR REDUCING HUMAN-PREDATOR CONFLICT.

(a) IN GENERAL.—Section 7001(d) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (16 U.S.C. 742b note; Public Law 116–9) is amended—

(1) by striking "paragraph (7)(A)" each place such term appears and inserting "paragraph (8)(A)";

(2) by striking "paragraph (7)(B)" each place such term appears and inserting "paragraph (8)(B)";

(3) in paragraph (6)(C)(iv), by striking "subparagraph (C)" and inserting "clause (iii)";

(4) by redesignating paragraph (7) as paragraph (8);

(5) by inserting after paragraph (6) the following:

"(7) THEODORE ROOSEVELT GENIUS PRIZE FOR REDUCING HUMAN-PREDATOR CONFLICT.—

"(A) DEFINITIONS.—In this paragraph:

"(i) BOARD.—The term 'Board' means the Reducing Human-Predator Conflict Technology Advisory Board established by subparagraph (C)(i).

"(ii) PRIZE COMPETITION.—The term 'prize competition' means the Theodore Roosevelt Genius Prize for reducing human-predator conflict established under subparagraph (B).

Deadline.

"(B) AUTHORITY.—Not later than 180 days after the date of enactment of the America's Conservation Enhancement Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition, to be known as the 'Theodore Roosevelt Genius Prize for reducing human-predator conflict'—

"(i) to encourage technological innovation with the potential to advance the mission of the United States Fish and Wildlife Service with respect to reducing the frequency of human-predator conflict using nonlethal means; and

"(ii) to award 1 or more prizes annually for a technological advancement that promotes reducing human-predator conflict using nonlethal means, which may include the application and monitoring of tagging technologies.

"(C) ADVISORY BOARD.—

"(i) ESTABLISHMENT.—There is established an advisory board, to be known as the 'Reducing Human-Predator Conflict Technology Advisory Board'.

Appointments.

"(ii) COMPOSITION.—The Board shall be composed of not fewer than 9 members appointed by the Secretary, who shall provide expertise in—

"(I) predator-human interactions;

"(II) the habitats of large predators;

"(III) biology;

"(IV) technology development;

"(V) engineering;

"(VI) economics;

"(VII) business development and management; and

"(VIII) any other discipline, as the Secretary determines to be necessary to achieve the purposes of this paragraph.

"(iii) DUTIES.—Subject to clause (iv), with respect to the prize competition, the Board shall—

"(I) select a topic;

"(II) issue a problem statement;

"(III) advise the Secretary regarding any opportunity for technological innovation to reduce human-predator conflict using nonlethal means; and

"(IV) advise winners of the prize competition regarding opportunities to pilot and implement winning technologies in relevant fields, including in partnership with conservation organizations, Federal or State agencies, federally recognized Indian Tribes, private entities, and research institutions with expertise or interest relating to reducing human-predator conflict using nonlethal means.

"(iv) CONSULTATION.—In selecting a topic and issuing a problem statement for the prize competition under subclauses (I) and (II) of clause (iii), respectively, the Board shall consult widely with Federal and non-Federal stakeholders, including—

"(I) 1 or more Federal agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

"(II) 1 or more State agencies with jurisdiction over the management of native wildlife species at risk due to conflict with human activities;

"(III) 1 or more State, regional, or local wildlife organizations, the mission of which relates to the management of native wildlife species at risk due to conflict with human activities; and

"(IV) 1 or more wildlife conservation groups, technology companies, research institutions, institutions of higher education, industry associations, or individual stakeholders with an interest in the management of native wildlife species at risk due to conflict with human activities.

"(v) REQUIREMENTS.—The Board shall comply with all requirements under paragraph (8)(A). Compliance.

"(D) AGREEMENT WITH NATIONAL FISH AND WILDLIFE FOUNDATION.—

"(i) IN GENERAL.—The Secretary shall offer to enter into an agreement under which the National Fish and Wildlife Foundation shall administer the prize competition.

"(ii) REQUIREMENTS.—An agreement entered into under clause (i) shall comply with all requirements under paragraph (8)(B). Compliance.

"(E) JUDGES.—

"(i) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided

in clause (ii), select the 1 or more annual winners of the prize competition.

"(ii) DETERMINATION BY SECRETARY.—The judges appointed under clause (i) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

"(F) CONSULTATION WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Secretary shall consult with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in the case of a cash prize awarded under the prize competition for a technology that addresses conflict between humans and marine predators under the jurisdiction of the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

"(G) REPORT TO CONGRESS.—Not later than 60 days after the date on which a cash prize is awarded under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report on the prize competition that includes—

"(i) a statement by the Board that describes the activities carried out by the Board relating to the duties described in subparagraph (C)(iii);

"(ii) if the Secretary has entered into an agreement under subparagraph (D)(i), a statement by the National Fish and Wildlife Foundation that describes the activities carried out by the National Fish and Wildlife Foundation relating to the duties described in paragraph (8)(B); and

"(iii) a statement by 1 or more of the judges appointed under subparagraph (E) that explains the basis on which the winner of the cash prize was selected.

"(H) TERMINATION OF AUTHORITY.—The Board and all authority provided under this paragraph shall terminate on December 31, 2023."; and

(6) in paragraph (8) (as redesignated)—

(A) in subparagraph (A), by striking "or (6)(C)(i)" and inserting "(6)(C)(i), or (7)(C)(i)"; and

(B) in subparagraph (B)—

(i) by striking "or (6)(D)(i)" and inserting "(6)(D)(i), or (7)(D)(i)"; and

(ii) in clause (i)(VII), by striking "and (6)(E)" and inserting "(6)(E), and (7)(E)".

(b) SENSE OF CONGRESS.—It is the sense of Congress that data collected from the tagging of predators can inform innovative management of those predators and innovative education activities to minimize human-predator conflict.

7 USC 8355.

SEC. 102. LOSSES OF LIVESTOCK DUE TO DEPREDATION BY FEDERALLY PROTECTED SPECIES.

(a) DEFINITIONS.—In this section:

(1) DEPREDATION.—

(A) IN GENERAL.—The term "depredation" means actual death, injury, or destruction of livestock that is caused by a federally protected species.

(B) EXCLUSIONS.—The term "depredation" does not include damage to real or personal property other than livestock, including—

(i) damage to—

(I) other animals;

(II) vegetation;

(III) motor vehicles; or

(IV) structures;

(ii) diseases;

(iii) lost profits; or

(iv) consequential damages.

(2) FEDERALLY PROTECTED SPECIES.—The term "federally protected species" means a species that is or previously was protected under—

(A) the Act of June 8, 1940 (commonly known as the "Bald and Golden Eagle Protection Act") (54 Stat. 250, chapter 278; 16 U.S.C. 668 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(C) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given to the term "Indian tribe" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) LIVESTOCK.—

(A) IN GENERAL.—The term "livestock" means horses, mules and asses, rabbits, llamas, cattle, bison, swine, sheep, goats, poultry, bees, honey and beehives, or any other animal generally used for food or in the production of food or fiber.

(B) INCLUSION.—The term "livestock" includes guard animals actively engaged in the protection of livestock described in subparagraph (A).

(5) PROGRAM.—The term "program" means the grant program established under subsection (b)(1).

(6) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(B) the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) GRANT PROGRAM FOR LOSSES OF LIVESTOCK DUE TO DEPREDATION BY FEDERALLY PROTECTED SPECIES.—

State and local governments. Native Americans.

(1) IN GENERAL.—The Secretaries shall establish a program to provide grants to States and Indian Tribes to supplement amounts provided by States, Indian Tribes, or State agencies under 1 or more programs established by the States and Indian Tribes (including programs established after the date of enactment of this Act)—

(A) to assist livestock producers in carrying out—

(i) proactive and nonlethal activities to reduce the risk of livestock loss due to depredation by federally protected species occurring on—

(I) Federal, State, or private land within the applicable State; or

(II) land owned by, or held in trust for the benefit of, the applicable Indian Tribe; and

(ii) research relating to the activities described in clause (i); and

(B) to compensate livestock producers for livestock losses due to depredation by federally protected species occurring on—

(i) Federal, State, or private land within the applicable State; or

(ii) land owned by, or held in trust for the benefit of, the applicable Indian Tribe.

Time period.

(2) ALLOCATION OF FUNDING.—

(A) REPORTS TO THE SECRETARIES.—Not later than September 30 of each year, a State or Indian Tribe desiring to receive a grant under the program shall submit to the Secretaries a report describing, for the 1-year period ending on that September 30, the losses of livestock due to depredation by federally protected species occurring on—

(i) Federal, State, or private land within the applicable State; or

(ii) land owned by, or held in trust for the benefit of, the applicable Indian Tribe.

(B) ALLOCATION.—The Secretaries shall allocate available funding to carry out this Act among States and Indian Tribes for a 1-year period ending on September 30 based on the losses described in the reports submitted for the previous 1-year period ending on September 30 under subparagraph (A).

(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a State or Indian Tribe shall—

(A) designate an appropriate agency of the State or Indian Tribe to administer the 1 or more programs supplemented by the grant funds;

(B) establish 1 or more accounts to receive grant funds;

(C) maintain files of all claims received and paid under grant-funded programs, including supporting documentation; and

Reports.

(D) submit to the Secretaries—

(i) annual reports that include—

Summary.

(I) a summary of claims and expenditures under the program during the year; and

(II) a description of any action taken on the claims; and

(ii) such other reports as the Secretaries may require to assist the Secretaries in determining the effectiveness of assisted activities under this section.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) no State or Indian Tribe is required to participate in the program; and

(2) the program supplements, and does not replace or supplant, any State compensation programs for depredation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2021 through 2025, of which—

(1) $5,000,000 shall be used to provide grants for the purposes described in subsection (b)(1)(A); and

(2) $10,000,000 shall be used to provide grants for the purpose described in subsection (b)(1)(B).

SEC. 103. DEPREDATION PERMITS FOR BLACK VULTURES AND COMMON RAVENS. 7 USC 8356.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the "Secretary"), may issue depredation permits to livestock producers authorizing takings of black vultures or common ravens otherwise prohibited by Federal law to prevent those vultures or common ravens from taking livestock during the calving season or lambing season.

(b) LIMITED TO AFFECTED STATES OR REGIONS.—The Secretary may issue permits under subsection (a) only to livestock producers in States and regions in which livestock producers are affected or have been affected in the previous year by black vultures or common ravens, as determined by Secretary.

(c) REPORTING.—The Secretary shall require, as a condition of a permit under subsection (a), that the permit holder shall report to the appropriate enforcement agencies the takings of black vultures or common ravens pursuant to the permit.

SEC. 104. CHRONIC WASTING DISEASE TASK FORCE. 16 USC 667h.

(a) DEFINITIONS.—In this section:

(1) CERVID.—The term "cervid" means any species within the family Cervidae.

(2) CHRONIC WASTING DISEASE.—The term "chronic wasting disease" means the animal disease afflicting deer, elk, and moose populations that—

(A) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(B) belongs to the group of diseases known as transmissible spongiform encephalopathies, which group includes scrapie, bovine spongiform encephalopathy, and Creutzfeldt-Jakob disease.

(3) SECRETARIES.—The term "Secretaries" means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, and the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the United States Fish and Wildlife Service, acting jointly.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretaries shall establish within the United States Fish and Wildlife Service a task force, to be known as the "Chronic Wasting Disease Task Force" (referred to in this subsection as the "Task Force") after the completion of the study required by subsection (c).

(2) DUTIES.—The Task Force shall— Coordination. Recommendations.

(A) collaborate with foreign governments to share research, coordinate efforts, and discuss best management practices to reduce, minimize, prevent, or eliminate chronic wasting disease in the United States;

(B) develop recommendations, including recommendations based on findings of the study conducted under subsection (c), and a set of best practices regarding—

(i) the interstate coordination of practices to prevent the new introduction of chronic wasting disease;

(ii) the prioritization and coordination of the future study of chronic wasting disease, based on evolving research needs;

(iii) ways to leverage the collective resources of Federal, State, and local agencies, Indian Tribes, and foreign governments, and resources from private, nongovernmental entities, to address chronic wasting disease in the United States and along the borders of the United States; and

(iv) any other area where containment or management efforts relating to chronic wasting disease may differ across jurisdictions; and

Action plan.

(C) develop, from the recommendations developed under subparagraph (B), an action plan that gives States, the Federal Government, Indian Tribes, and the farmed cervid industry specific recommendations to ensure consistent and coordinated management and focused, prioritized research to stop the spread of and mitigate the impacts of chronic wasting disease.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall be composed of—

Appointment.

(i) 1 representative of the United States Fish and Wildlife Service with experience in chronic wasting disease, to be appointed by the Secretary of the Interior (referred to in this subsection as the "Secretary");

(ii) 1 representative of the United States Geological Survey;

Appointments.

(iii) 2 representatives of the Department of Agriculture with experience in chronic wasting disease, to be appointed by the Secretary of Agriculture—

(I) 1 of whom shall have expertise in cervid health research; and

(II) 1 of whom shall have expertise in wildlife management;

Nominations.

(iv) in the case of each State in which chronic wasting disease among elk, mule deer, white-tailed deer, or moose has been reported to the appropriate State agency, not more than 2 representatives, to be nominated by the Governor of the State—

(I) not more than 1 of whom shall be a representative of the State agency with jurisdiction over wildlife management or wildlife disease in the State; and

(II) in the case of a State with a farmed cervid program or economy, not more than 1 of whom shall be a representative of the State agency with jurisdiction over farmed cervid regulation in the State;

Nominations.

(v) in the case of each State in which chronic wasting disease among elk, mule deer, white-tailed deer, or moose has not been documented, but that

has carried out measures to prevent the introduction of chronic wasting disease among those species, not more than 2 representatives, to be nominated by the Governor of the State;

(vi) not more than 2 representatives from an Indian Tribe or Tribal organization chosen in a process determined, in consultation with Indian Tribes, by the Secretary; and

Determination. Consultation.

(vii) not more than 5 nongovernmental members with relevant expertise appointed, after the date on which the members are first appointed under clauses (i) through (vi), by a majority vote of the State representatives appointed under clause (iv).

Appointments.

(B) EFFECT.—Nothing in this paragraph requires a State to participate in the Task Force.

(4) CO-CHAIRS.—The Co-Chairs of the Task Force shall be—

(A) the Federal representative described in paragraph (3)(A)(i);

(B) 1 of the Federal representatives described in paragraph (3)(A)(iii); and

(C) 1 State representative appointed under paragraph (3)(A)(iv), to be selected by a majority vote of those State representatives.

(5) DATE OF INITIAL APPOINTMENT.—

(A) IN GENERAL.—The members of the Task Force shall be appointed not later than 180 days after the date on which the study is completed under subsection (c).

(B) NOTIFICATION.—On appointment of the members of the Task Force, the Co-Chairs of the Task Force shall notify the Chairs and Ranking Members of the Committees on Environment and Public Works and Agriculture, Nutrition, and Forestry of the Senate and Natural Resources and Agriculture of the House of Representatives.

(6) VACANCIES.—Any vacancy in the members appointed to the Task Force—

(A) shall not affect the power or duty of the Task Force; and

(B) shall be filled not later than 30 days after the date of the vacancy.

Deadline.

(7) MEETINGS.—The Task Force shall convene—

(A) not less frequently than twice each year; and

Time period.

(B) at such time and place, and by such means, as the Co-Chairs of the Task Force determine to be appropriate, which may include the use of remote conference technology.

(8) INTERSTATE ACTION PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date on which the members of the Task Force are appointed, the Task Force shall submit to the Secretaries, and the heads of the State agencies with jurisdiction over wildlife disease and farmed cervid regulation of each State with a representative on the Task Force, the interstate action plan developed by the Task Force under paragraph (2)(C).

Deadline.

(B) COOPERATIVE AGREEMENTS.—

(i) IN GENERAL.—To the maximum extent practicable, the Secretaries, any other applicable Federal

agency, and each applicable State may enter into a cooperative agreement to fund necessary actions under the interstate action plan submitted under subparagraph (A).

(ii) TARGET DATE.—The Secretaries shall make the best effort of the Secretaries to enter into any cooperative agreement under clause (i) not later than 180 days after the date of submission of the interstate action plan under subparagraph (A).

(C) MATCHING FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), for each fiscal year, the Secretaries may provide funds to carry out an interstate action plan through a cooperative agreement under subparagraph (B) in the amount of funds provided by the applicable States.

(ii) LIMITATION.—The amount provided by the United States Fish and Wildlife Service under clause (i) for a fiscal year shall be not greater than $5,000,000.

(9) REPORTS.—Not later than September 30 of the first full fiscal year after the date on which the first members of the Task Force are appointed, and each September 30 thereafter, the Task Force shall submit to the Secretaries, and the heads of the State agencies with jurisdiction over wildlife disease and farmed cervid regulation of each State with a representatives on the Task Force, a report describing—

(A) progress on the implementation of actions identified in the interstate action plan submitted under paragraph (8)(A), including the efficacy of funding under the cooperative agreement entered into under paragraph (8)(B);

Updates.
Requirements.

(B) updated resource requirements that are needed to reduce and eliminate chronic wasting disease in the United States;

Updates.

(C) any relevant updates to the recommended best management practices included in the interstate action plan submitted under paragraph (8)(B) to reduce or eliminate chronic wasting disease;

(D) new research findings and emerging research needs relating to chronic wasting disease; and

(E) any other relevant information.

(c) CHRONIC WASTING DISEASE TRANSMISSION IN CERVIDAE RESOURCE STUDY.—

(1) DEFINITION OF ACADEMY.—In this subsection, the term "Academy" means the National Academy of Sciences.

(2) STUDY.—

Reports.

(A) IN GENERAL.—The Secretaries shall enter into an arrangement with the Academy under which the Academy shall conduct, and submit to the Secretaries a report describing the findings of, a special resource study to identify the predominant pathways and mechanisms of the transmission of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States.

Payments.

(B) REQUIREMENTS.—The arrangement under subparagraph (A) shall provide that the actual expenses incurred by the Academy in conducting the study under subparagraph (A) shall be paid by the Secretaries, subject to the availability of appropriations.

(3) CONTENTS OF THE STUDY.—The study under paragraph (2) shall—

(A) with respect to wild, captive, and farmed populations of cervids in the United States, identify—

(i)(I) to the extent possible, the pathways and mechanisms for the transmission of chronic wasting disease within live cervid populations and cervid products, which may include pathways and mechanisms for transmission from Canada;

(II) the infection rates for each pathway and mechanism identified under subclause (I); and

(III) the relative frequency of transmission of each pathway and mechanism identified under subclause (I);

(ii)(I) anthropogenic and environmental factors contributing to new chronic wasting disease emergence events;

(II) the development of geographical areas with increased chronic wasting disease prevalence; and

(III) the overall geographical patterns of chronic wasting disease distribution;

(iii) significant gaps in current scientific knowledge regarding the transmission pathways and mechanisms identified under clause (i)(I) and potential prevention, detection, and control methods identified under clause (v);

(iv) for prioritization the scientific research projects that will address the knowledge gaps identified under clause (iii), based on the likelihood that a project will contribute significantly to the prevention or control of chronic wasting disease; and

(v) potential prevention, detection, or control measures, practices, or technologies to be used to mitigate the transmission and spread of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States;

(B) assess the effectiveness of the potential prevention, detection, or control measures, practices, or technologies identified under subparagraph (A)(v); and Assessment.

(C) review and compare science-based best practices, standards, and guidance regarding the prevention, detection, and management of chronic wasting disease in wild, captive, and farmed populations of cervids in the United States that have been developed by— Review.

(i) the National Chronic Wasting Disease Herd Certification Program of the Animal and Plant Health Inspection Service;

(ii) the National Wildlife Research Center of the Animal and Plant Health Inspection Service;

(iii) the United States Geological Survey;

(iv) State wildlife and agricultural agencies, in the case of practices, standards, and guidance that provide practical, science-based recommendations to State and Federal agencies for minimizing or eliminating the risk of transmission of chronic wasting disease in the United States; and

(v) industry or academia, in the case of any published guidance on practices that provide practical, science-based recommendations to cervid producers for minimizing or eliminating the risk of transmission of chronic wasting disease within or between herds.

(4) DEADLINE.—The study under paragraph (2) shall be completed not later than 180 days after the date on which funds are first made available for the study.

(5) DATA SHARING.—The Secretaries shall share with the Academy, as necessary to conduct the study under paragraph (2), subject to the avoidance of a violation of a privacy or confidentiality requirement and the protection of confidential or privileged commercial, financial, or proprietary information, data and access to databases and research information on chronic wasting disease under the jurisdiction of—

(A) the Animal and Plant Health Inspection Service; and

(B) the United States Geological Survey.

(6) REPORT.—Not later than 60 days after the date of completion of the study, the Secretaries shall submit to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the findings of the study; and

Recommendations.

(B) any conclusions and recommendations that the Secretaries determine to be appropriate.

Time periods.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) for the period of fiscal years 2021 through 2025, $5,000,000 to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, to carry out administrative activities under subsection (b);

(2) for fiscal year 2021, $1,200,000 to the Secretary of the Interior, acting through the Director of the United States Geological Survey, to carry out activities to fund research under subsection (c); and

(3) for fiscal year 2021, $1,200,000 to the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, to carry out activities to fund research under subsection (c).

SEC. 105. INVASIVE SPECIES.

Section 10 of the Fish and Wildlife Coordination Act (16 U.S.C. 666c–1) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively; and

(ii) by inserting before clause (ii) (as so redesignated) the following:

"(i) relevant Federal agencies;";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(C) by inserting after subparagraph (A) the following:

"(B) in consultation with stakeholders, including non-governmental organizations and industry;"; and

(2) by adding at the end the following:

"(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for each of fiscal years 2021 through 2025— Time periods.

"(1) $2,500,000 to the Secretary of the Army, acting through the Chief of Engineers; and

"(2) $2,500,000 to the Secretary of the Interior.".

SEC. 106. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed—" in the matter preceding paragraph (1) and all that follows through paragraph (5) and inserting "not to exceed $60,000,000 for each of fiscal years 2021 through 2025.".

SEC. 107. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.

(a) BOARD OF DIRECTORS OF FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

"(2) APPOINTMENT OF DIRECTORS.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall— Consultation.

"(A) be knowledgeable and experienced in matters relating to the conservation of fish, wildlife, or other natural resources; and

"(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation."; and

(ii) by striking paragraph (3) and inserting the following:

"(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years."; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking "(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers" and inserting the following:

"(A) IN GENERAL.—Officers"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

"(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and Appointment.

"(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.".

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C.

4403(a)(1)(B)) is amended by striking "Secretary of the Board" and inserting "Executive Director of the Board".

(b) RIGHTS AND OBLIGATIONS OF FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking "(c) POWERS.—To carry out its purposes under" and inserting the following:

"(c) POWERS.—

"(1) IN GENERAL.—To carry out the purposes described in";

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking "that are insured by an agency or instrumentality of the United States" and inserting "at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation";

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking "paragraph (3) or (4)" and inserting "subparagraph (C) or (D)";

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking "and" at the end;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

"(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

"(L) to do acts necessary to carry out the purposes of the Foundation."; and

(G) by striking the undesignated matter at the end and inserting the following:

"(2) TREATMENT OF REAL PROPERTY.—

"(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

"(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

"(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.";

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2021 through 2025— Time period.

"(A) $15,000,000 to the Secretary of the Interior;

"(B) $5,000,000 to the Secretary of Agriculture; and

"(C) $5,000,000 to the Secretary of Commerce.";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) AMOUNTS FROM FEDERAL AGENCIES.—

"(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities are authorized to provide funds to the Foundation through Federal financial assistance grants and cooperative agreements, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

"(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

"(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.";

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "FUNDS" and inserting "AMOUNTS";

(ii) by striking "shall be used" and inserting "may be used"; and

(iii) by striking "and State and local government agencies" and inserting ", State and local government agencies, and other entities"; and

(C) by adding at the end the following:

"(3) ADMINISTRATION OF AMOUNTS.—

"(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process applicable to the department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is— Waiver authority.

"(i) to address an environmental emergency resulting from a natural or other disaster; or

"(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources. Determination.

"(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year."; and

(3) by adding at the end the following:

"(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.".

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting "exclusive" before "authority".

15 USC 2601 note.

SEC. 108. MODIFICATION OF DEFINITION OF SPORT FISHING EQUIPMENT UNDER TOXIC SUBSTANCES CONTROL ACT.

Time period. Effective date.

(a) PROHIBITION.—During the 5-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall not take any action to regulate the lead content of sport fishing equipment or sport fishing equipment components under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

(b) DEFINITION OF SPORT FISHING EQUIPMENT.—In this section, the term "sport fishing equipment" means any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax provided by section 4162 or 4221 or any other provision of such Code).

SEC. 109. REAUTHORIZATION OF CHESAPEAKE BAY PROGRAM.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended by striking subsection (j) and inserting the following:

Time periods.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) for fiscal year 2021, $90,000,000;

"(2) for fiscal year 2022, $90,500,000;

"(3) for fiscal year 2023, $91,000,000;

"(4) for fiscal year 2024, $91,500,000; and

"(5) for fiscal year 2025, $92,000,000.".

SEC. 110. REAUTHORIZATION OF CHESAPEAKE BAY INITIATIVE ACT OF 1998.

54 USC 320101 note.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312) is amended by striking "2019" and inserting "2025".

SEC. 111. CHESAPEAKE WATERSHED INVESTMENTS FOR LANDSCAPE DEFENSE.

State listing. District of Columbia. 33 USC 1267 note.

(a) DEFINITIONS.—In this section:

(1) CHESAPEAKE BAY AGREEMENTS.—The term "Chesapeake Bay agreements" means the formal, voluntary agreements—

(A) executed to achieve the goal of restoring and protecting the Chesapeake Bay watershed ecosystem and the living resources of the Chesapeake Bay watershed ecosystem; and

(B) signed by the Chesapeake Executive Council.

(2) CHESAPEAKE BAY PROGRAM.—The term "Chesapeake Bay program" means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay agreements.

(3) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay watershed" means the region that covers—

(A) the Chesapeake Bay;

(B) the portions of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia that drain into the Chesapeake Bay; and

(C) the District of Columbia.

(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term "Chesapeake Executive Council" means the council comprised of—

(A) the Governors of each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia;

(B) the Mayor of the District of Columbia;

(C) the Chair of the Chesapeake Bay Commission; and

(D) the Administrator of the Environmental Protection Agency.

(5) CHESAPEAKE WILD PROGRAM.—The term "Chesapeake WILD program" means the nonregulatory program established by the Secretary under subsection (b)(1).

(6) GRANT PROGRAM.—The term "grant program" means the Chesapeake Watershed Investments for Landscape Defense grant program established by the Secretary under subsection (c)(1).

(7) RESTORATION AND PROTECTION ACTIVITY.—The term "restoration and protection activity" means an activity carried out for the conservation, stewardship, and enhancement of habitat for fish and wildlife—

(A) to preserve and improve ecosystems and ecological processes on which the fish and wildlife depend; and

(B) for use and enjoyment by the public.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(b) PROGRAM ESTABLISHMENT.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program, to be known as the "Chesapeake Watershed Investments for Landscape Defense program".

Deadline.

(2) PURPOSES.—The purposes of the Chesapeake WILD program are—

Coordination.

(A) coordinating restoration and protection activities among Federal, State, local, and regional entities and conservation partners throughout the Chesapeake Bay watershed;

(B) engaging other agencies and organizations to build a broader range of partner support, capacity, and potential funding for projects in the Chesapeake Bay watershed;

(C) carrying out coordinated restoration and protection activities, and providing for technical assistance, throughout the Chesapeake Bay watershed—

(i) to sustain and enhance restoration and protection activities;

(ii) to improve and maintain water quality to support fish and wildlife, habitats of fish and wildlife, and drinking water for people;

(iii) to sustain and enhance water management for volume and flood damage mitigation improvements to benefit fish and wildlife habitat;

(iv) to improve opportunities for public access and recreation in the Chesapeake Bay watershed consistent with the ecological needs of fish and wildlife habitat;

(v) to facilitate strategic planning to maximize the resilience of natural ecosystems and habitats under changing watershed conditions;

(vi) to engage the public through outreach, education, and citizen involvement to increase capacity and support for coordinated restoration and protection activities in the Chesapeake Bay watershed;

(vii) to sustain and enhance vulnerable communities and fish and wildlife habitat;

(viii) to conserve and restore fish, wildlife, and plant corridors; and

(ix) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities.

(3) DUTIES.—In carrying out the Chesapeake WILD program, the Secretary shall—

Consultation.

(A) draw on existing plans for the Chesapeake Bay watershed, or portions of the Chesapeake Bay watershed, including the Chesapeake Bay agreements, and work in consultation with applicable management entities, including Chesapeake Bay program partners, such as the Federal Government, State and local governments, the Chesapeake Bay Commission, and other regional organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Chesapeake Bay watershed;

Strategy.

(B) adopt a Chesapeake Bay watershed-wide strategy that—

(i) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with subparagraph (A); and

(ii) targets cost-effective projects with measurable results; and

(C) establish the grant program in accordance with subsection (c).

(4) COORDINATION.—In establishing the Chesapeake WILD program, the Secretary shall consult, as appropriate, with— Consultation.

(A) the heads of Federal agencies, including—

(i) the Administrator of the Environmental Protection Agency;

(ii) the Administrator of the National Oceanic and Atmospheric Administration;

(iii) the Chief of the Natural Resources Conservation Service;

(iv) the Chief of Engineers;

(v) the Director of the United States Geological Survey;

(vi) the Secretary of Transportation;

(vii) the Chief of the Forest Service; and

(viii) the head of any other applicable agency;

(B) the Governors of each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia and the Mayor of the District of Columbia;

(C) fish and wildlife joint venture partnerships; and

(D) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Chesapeake Bay watershed.

(c) GRANTS AND TECHNICAL ASSISTANCE.—

(1) CHESAPEAKE WILD GRANT PROGRAM.—To the extent that funds are made available to carry out this subsection, the Secretary shall establish and carry out, as part of the Chesapeake WILD program, a voluntary grant and technical assistance program, to be known as the "Chesapeake Watershed Investments for Landscape Defense grant program", to provide competitive matching grants of varying amounts and technical assistance to eligible entities described in paragraph (2) to carry out activities described in subsection (b)(2).

(2) ELIGIBLE ENTITIES.—The following entities are eligible to receive a grant and technical assistance under the grant program:

(A) A State.

(B) The District of Columbia.

(C) A unit of local government.

(D) A nonprofit organization.

(E) An institution of higher education as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(F) Any other entity that the Secretary determines to be appropriate in accordance with the criteria established under paragraph (3). Determination.

(3) CRITERIA.—The Secretary, in consultation with officials and entities described in subsection (b)(4), shall establish criteria for the grant program to help ensure that activities funded under this subsection— Consultation.

(A) accomplish 1 or more of the purposes described in subsection (b)(2); and

(B) advance the implementation of priority actions or needs identified in the Chesapeake Bay watershed-wide strategy adopted under subsection (b)(3)(B).

(4) COST SHARING.—

(A) DEPARTMENT OF THE INTERIOR SHARE.—The Department of the Interior share of the cost of a project funded

under the grant program shall not exceed 50 percent of the total cost of the project, as determined by the Secretary.

(B) NON-DEPARTMENT OF THE INTERIOR SHARE.—

(i) IN GENERAL.—The non-Department of the Interior share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

(ii) OTHER FEDERAL FUNDING.—Non-Department of the Interior Federal funds may be used for not more than 25 percent of the total cost of a project funded under the grant program.

(5) ADMINISTRATION.—The Secretary may enter into an agreement to manage the grant program with an organization that offers grant management services.

(d) REPORTING.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report describing the implementation of this section, including a description of each project that has received funding under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2021 through 2025.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under paragraph (1) shall supplement, and not supplant, funding for other activities conducted by the Secretary in the Chesapeake Bay watershed.

TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

16 USC 8201.

SEC. 201. PURPOSE.

The purpose of this title is to encourage partnerships among public agencies and other interested persons to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

SEC. 202. DEFINITIONS. 16 USC 8202.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term "Board" means the National Fish Habitat Board established by section 203.

(3) DIRECTOR.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(4) ENVIRONMENTAL PROTECTION AGENCY ASSISTANT ADMINISTRATOR.—The term "Environmental Protection Agency Assistant Administrator" means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given to the term "Indian tribe" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ASSISTANT ADMINISTRATOR.—The term "National Oceanic and Atmospheric Administration Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term "Partnership" means an entity designated by Congress as a Fish Habitat Partnership under section 204.

(8) REAL PROPERTY INTEREST.—The term "real property interest" means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) MARINE FISHERIES COMMISSIONS.—The term "Marine Fisheries Commissions" means—

(A) the Atlantic States Marine Fisheries Commission;

(B) the Gulf States Marine Fisheries Commission; and

(C) the Pacific States Marine Commission.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(11) STATE.—The term "State" means each of the several States, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the United States Virgin Islands, and the District of Columbia.

(12) STATE AGENCY.—The term "State agency" means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources of the State or sustains the habitat for those fishery resources pursuant to State law or the constitution of the State.

16 USC 8203.

SEC. 203. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

Recommendations.

(1) FISH HABITAT BOARD.—There is established a board, to be known as the "National Fish Habitat Board", whose duties are—

(A) to promote, oversee, and coordinate the implementation of this title;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to recommend to Congress entities for designation as Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 26 members, of whom—

(A) 1 shall be a representative of the Department of the Interior;

(B) 1 shall be a representative of the United States Geological Survey;

(C) 1 shall be a representative of the Department of Commerce;

(D) 1 shall be a representative of the Department of Agriculture;

(E) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

Nomination.

(F) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

Native Americans. Alaska.

(G) 2 shall be representatives of either—

(i) Indian Tribes in the State of Alaska; or

(ii) Indian Tribes in States other than the State of Alaska;

(H) 1 shall be a representative of either—

(i) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(ii) a representative of the Marine Fisheries Commissions;

(I) 1 shall be a representative of the Sport Fishing and Boating Partnership Council;

(J) 7 shall be representatives selected from at least one from each of the following:

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) 1 shall be a representative of a national private landowner organization;

(L) 1 shall be a representative of an agricultural production organization;

(M) 1 shall be a representative of local government interests involved in fish habitat restoration;

(N) 2 shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

(iii) industries with an interest in fish and fish habitat conservation; and

(O) 1 shall be an individual in a leadership position in the private sector or landowner representative of an active partnership.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this section, a member of the Board described in any of subparagraphs (F) through (O) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.— Deadlines.

(A) IN GENERAL.—The initial Board shall consist of representatives as described in subparagraphs (A) through (F) of subsection (a)(2).

(B) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board under subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (O) of subsection (a)(2).

(C) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than three Tribal representatives, from which the Board shall appoint one representative pursuant to subparagraph (G) of subsection (a)(2). Recommendations.

(3) STAGGERED TERMS.—Of the members described in subsection (a)(2)(J) initially appointed to the Board—

(A) two shall be appointed for a term of 1 year;

(B) two shall be appointed for a term of 2 years; and

(C) three shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in subparagraph (H), (I), (J), (K), (L), (M), (N), or (O) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

Recommendations. Appointment.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than three Tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (O) of subparagraph (a)(2) misses three consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed under subsection (a)(2)(E) shall serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

Time period.

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of two-thirds of all members;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this title;

(D) procedures for designating Partnerships under section 204; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

16 USC 8204.

SEC. 204. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO RECOMMEND.—The Board may recommend to Congress the designation of Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish populations and fish habitats; Coordination.

(2) to engage local and regional communities to build support for fish habitat conservation;

(3) to involve diverse groups of public and private partners;

(4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(5) to leverage funding from sources that support local and regional partnerships;

(6) to use adaptive management principles, including evaluation of project success and functionality; Evaluation.

(7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and Evaluation. Assessment. Criteria.

(8) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(c) CRITERIA FOR DESIGNATION.—An entity seeking to be designated by Congress as a Partnership shall—

(1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(2) demonstrate to the Board that the entity has—

(A) a focus on promoting the health of important fish and fish habitats;

(B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(E) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board; Strategic plan.

(F) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) REQUIREMENTS FOR RECOMMENDATION TO CONGRESS.—The Board may recommend to Congress for designation an application for a Partnership submitted under subsection (c) if the Board determines that the applicant— Determination.

(1) meets the criteria described in subsection (c)(2);

(2) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian Tribes, and private individuals, that are focused on conservation of fish habitats

to achieve results across jurisdictional boundaries on public and private land;

(3) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, coral reefs, and estuaries;

(4) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decision making;

(5) is able to address issues and priorities on a nationally significant scale;

(6) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decision making by the applicant;

Strategic plan.

(7) demonstrates completion of, or significant progress toward the development of, a strategic plan to address declines in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(8) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act and each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled "Report to Congress on Future Fish Habitat Partnerships and Modifications", that—

(A) identifies each entity that—

(i) meets the requirements described in subsection (d); and

(ii) the Board recommends to Congress for designation as a Partnership;

(B) describes any proposed modifications to a Partnership previously designated by Congress under subsection (f);

(C) with respect to each entity recommended for designation as a Partnership, describes, to the maximum extent practicable—

(i) the purpose of the recommended Partnership; and

(ii) how the recommended Partnership fulfills the requirements described in subsection (d).

(2) PUBLIC AVAILABILITY; NOTIFICATION.—The Board shall—

(A) make the report publicly available, including on the internet; and

(B) provide to the appropriate congressional committees and the State agency of any State included in a recommended Partnership area written notification of the public availability of the report.

(f) DESIGNATION OR MODIFICATION OF PARTNERSHIP.—Congress shall have the exclusive authority to designate or modify a Partnership.

(g) EXISTING PARTNERSHIPS.—

(1) DESIGNATION REVIEW.—Not later than 5 years after the date of enactment of this Act, any partnership receiving Federal funds as of the date of enactment of this Act shall be subject to a designation review by Congress in which Congress shall have the opportunity to designate the partnership under subsection (f). Deadline.

(2) INELIGIBILITY FOR FEDERAL FUNDS.—A partnership referred to in paragraph (1) that Congress does not designate as described in that paragraph shall be ineligible to receive Federal funds under this title.

SEC. 205. FISH HABITAT CONSERVATION PROJECTS. 16 USC 8205.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this title. Deadlines. List.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes a description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this title for the following fiscal year. Deadlines. List. Cost estimates.

(c) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

(1) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project. Recommendations.

(2) The capabilities and experience of project proponents to implement successfully the proposed project.

(3) The extent to which the fish habitat conservation project—

(A) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this title;

(B) addresses the national priorities established by the Board;

(C) is supported by the findings of the habitat assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(E) provides a well-defined budget linked to deliverables and outcomes;

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

(H) includes an outreach or education component that includes the local or regional community.

(4) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e).

(5) The extent to which the fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(D) advances the conservation of fish and wildlife species that have been identified by a State agency as species of greatest conservation need;

(E) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION AUTHORITIES.—

(A) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this title if the acquisition ensures—

(i) public access for fish and wildlife-dependent recreation; or

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(B) STATE AGENCY APPROVAL.—

(i) IN GENERAL.—All real property interest acquisition projects funded under this title must be approved by the State agency in the State in which the project is occurring.

(ii) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for,

any real property interest acquisition that has not been approved by the State agency.

(C) ASSESSMENT OF OTHER AUTHORITIES.—The Board may not recommend, and the Secretary may not provide any funding under this title for, any real property interest acquisition unless the Partnership that recommended the project has conducted a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(D) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity conducted with funds provided under this title, unless—

(i) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(ii) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a Partnership. Determination.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) NON-FEDERAL SHARE.—Such non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from another Federal grant program; and

(B) may include in-kind contributions and cash.

(3) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian Tribe pursuant to this title may be considered to be non-Federal funds for the purpose of paragraph (1).

(4) WAIVER AUTHORITY.—The Secretary, in consultation with the Secretary of Commerce with respect to marine or estuarine projects, may waive the application of paragraph (2)(A) with respect to a State or an Indian Tribe, or otherwise reduce the portion of the non-Federal share of the cost of an activity required to be paid by a State or an Indian Tribe under paragraph (1), if the Secretary determines that the State or Indian Tribe does not have sufficient funds not derived from another Federal grant program to pay such non-Federal share, or portion of the non-Federal share, without the use of loans. Consultation. Determination.

(f) APPROVAL.— Deadlines.

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under subsection (b), and subject to subsection (d) and based, to the maximum extent practicable, on the criteria described in subsection (c), the Secretary, after Consultation.

consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(2) FUNDING.—If the Secretary approves a fish habitat conservation project under paragraph (1), the Secretary shall use amounts made available to carry out this title to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary rejects under paragraph (1) any fish habitat conservation project recommended by the Board, not later than 90 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

16 USC 8206.

SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.

Coordination.

(a) IN GENERAL.—The Director, the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided under subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian Tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

Recommendations.

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

Recommendations.

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

16 USC 8207.

SEC. 207. COORDINATION WITH STATES AND INDIAN TRIBES.

Notice.
Deadline.

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or Tribal agency, as applicable, of each State and Indian Tribe within the boundaries of which an activity is planned to be carried out pursuant to this title, including notification, by not later than 30 days before the date on which the activity is implemented.

SEC. 208. INTERAGENCY OPERATIONAL PLAN. 16 USC 8208.

Deadlines.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including, at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this title; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

SEC. 209. ACCOUNTABILITY AND REPORTING. 16 USC 8209.

(a) REPORTING.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this title.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

Estimates.
Time period.

(A) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by Partnerships under this title during the 5-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved under this title during that 5-year period;

(C) a description of the improved opportunities for public recreational fishing achieved under this title; and

Assessment.

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this title during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 205(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 205(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 205(b) that was based on a factor other than the criteria described in section 205(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects under this title.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2021, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(1) a status of all Partnerships designated under this title;

(2) a description of the status of fish habitats in the United States as identified by designated Partnerships; and

(3) enhancements or reductions in public access as a result of—

(A) the activities of the Partnerships; or

(B) any other activities carried out pursuant to this title.

16 USC 8210.

SEC. 210. EFFECT OF THIS TITLE.

(a) WATER RIGHTS.—Nothing in this title—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—Only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property with funds made available through section 212.

(c) STATE AUTHORITY.—Nothing in this title—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) EFFECT ON INDIAN TRIBES.—Nothing in this title abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian Tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian Tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) ADJUDICATION OF WATER RIGHTS.—Nothing in this title diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Departments of State, Justice, Commerce, and The Judiciary Appropriation Act, 1953 (43 U.S.C. 666).

(f) DEPARTMENT OF COMMERCE AUTHORITY.—Nothing in this title affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) EFFECT ON OTHER AUTHORITIES.—

(1) PRIVATE PROPERTY PROTECTION.—Nothing in this title permits the use of funds made available to carry out this title to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest, respectively.

(2) MITIGATION.—Nothing in this title authorizes the use of funds made available to carry out this title for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) CLEAN WATER ACT.—Nothing in this title affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT. 16 USC 8211.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 212. FUNDING. 16 USC 8212.

(a) AUTHORIZATION OF APPROPRIATIONS.— Time period.

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2021 through 2025 to provide funds for fish habitat conservation projects approved under section 205(f), of which 5 percent is authorized only for projects carried out by Indian Tribes.

(2) ADMINISTRATIVE AND PLANNING EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2021 through 2025 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses under this title; and

(B) to carry out section 209.

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There is authorized to be appropriated for each of fiscal years 2021 through 2025 to carry out, and provide technical and scientific assistance under, section 206—

(A) $400,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $400,000 to the National Oceanic and Atmospheric Administration Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(C) $400,000 to the Environmental Protection Agency Assistant Administrator for use by the Environmental Protection Agency;

(D) $400,000 to the Secretary for use by the United States Geological Survey; and

(E) $400,000 to the Secretary of Agriculture, acting through the Chief of the Forest Service, for use by the Forest Service.

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management

Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity to provide funds authorized by this title for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and, subject to the availability of appropriations, use a grant from any individual or entity to carry out the purposes of this title; and

Determination.

(3) subject to the availability of appropriations, make funds authorized by this Act available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this title.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

Contracts.

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this title; and

(B) accept donations of funds, property, and services to carry out the purposes of this title.

(2) TREATMENT.—A donation accepted under this title—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

16 USC 8213.

SEC. 213. PROHIBITION AGAINST IMPLEMENTATION OF REGULATORY AUTHORITY BY FEDERAL AGENCIES THROUGH PARTNERSHIPS.

Any Partnership designated under this title—

(1) shall be for the sole purpose of promoting fish conservation; and

(2) shall not be used to implement any regulatory authority of any Federal agency.

TITLE III—MISCELLANEOUS

SEC. 301. STUDY TO REVIEW CONSERVATION FACTORS.

(a) DEFINITION OF SECRETARIES.—In this section, the term "Secretaries" means—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service; and

(3) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(b) STUDY.—To assess factors affecting successful conservation activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretaries shall carry out a study—

(1)(A) to review any factors that threaten or endanger a species, such as wildlife disease, for which a listing under

the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) would not contribute to the conservation of the species; and

(B) to identify additional conservation measures that can be taken to protect and conserve a species described in subparagraph (A);

(2) to review any barriers to—

(A) the delivery of Federal, State, local, or private funds for such conservation activities, including statutory or regulatory impediments, staffing needs, and other relevant considerations; or

(B) the implementation of conservation agreements, plans, or other cooperative agreements, including agreements focused on voluntary activities, multispecies efforts, and other relevant considerations;

(3) to review factors that impact the ability of the Federal Government to successfully implement the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(4) to develop recommendations regarding methods to address barriers identified under paragraph (2), if any; Recommendations.

(5) to review determinations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in which a species is determined to be recovered by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, or the Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, but remains listed under that Act, including—

(A) an explanation of the factors preventing a delisting or downlisting of the species; and

(B) recommendations regarding methods to address the factors described in subparagraph (A); and Recommendations.

(6) to review any determinations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in which a species has been identified as needing listing or uplisting under that Act but remains unlisted or listed as a threatened species, respectively, including—

(A) an explanation of the factors preventing a listing or uplisting of the species; and

(B) recommendations regarding methods to address the factors described in subparagraph (A). Recommendations.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives and make publicly available a report describing the results of the study under subsection (b). Public information.

SEC. 302. STUDY AND REPORT ON EXPENDITURES.

(a) REPORTS ON EXPENDITURES.—

(1) FEDERAL DEPARTMENTS AND AGENCIES.—

(A) IN GENERAL.—At the determination of the Comptroller General of the United States (referred to in this section as the "Comptroller General"), to facilitate the preparation of the reports from the Comptroller General under paragraph (2), the head of each Federal department and agency shall submit to the Comptroller General data and other relevant information that describes the amounts expended or disbursed (including through loans, loan Determination. Data. Time periods.

guarantees, grants, or any other financing mechanism) by the department or agency as a direct result of any provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including any regulation promulgated pursuant to that Act) during—

(i) with respect to the first report under paragraph (2), the 3 fiscal years preceding the date of submission of the report; and

(ii) with respect to the second report under paragraph (2), the 2 fiscal years preceding the date of submission of the report.

(B) REQUIREMENTS.—Data and other relevant information submitted under subparagraph (A) shall describe, with respect to the applicable amounts—

(i) the programmatic office of the department or agency on behalf of which each amount was expended or disbursed;

(ii) the provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or regulation promulgated pursuant to that Act) pursuant to which each amount was expended or disbursed; and

(iii) the project or activity carried out using each amount, in detail sufficient to reflect the breadth, scope, and purpose of the project or activity.

(2) COMPTROLLER GENERAL.—Not later than 2 years and 4 years after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations, Commerce, Science, and Transportation, and Environment and Public Works of the Senate and the Committee on Appropriations and Natural Resources of the House of Representatives a report that describes—

Time periods.

(A) the aggregate amount expended or disbursed by all Federal departments and agencies as a direct result of any provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including any regulation promulgated pursuant to that Act) during—

(i) with respect to the first report, the 3 fiscal years preceding the date of submission of the report; and

(ii) with respect to the second report, the 2 fiscal years preceding the date of submission of the report;

(B) the provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or regulation promulgated pursuant to that Act) pursuant to which each such amount was expended or disbursed; and

(C) with respect to each relevant department or agency—

(i) the total amount expended or disbursed by the department or agency as described in subparagraph (A); and

(ii) the information described in clauses (i) through (iii) of paragraph (1)(B).

(b) REPORT ON CONSERVATION ACTIVITIES.—

Determination.
Data.
Time periods.

(1) FEDERAL DEPARTMENTS AND AGENCIES.—At the determination of the Comptroller General, to facilitate the preparation of the report under paragraph (2), the head of each Federal department and agency shall submit to the Comptroller General

data and other relevant information that describes the conservation activities by the Federal department or agency as a direct result of any provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including any regulation promulgated pursuant to that Act) during—

(A) with respect to the first report under paragraph (2), the 3 fiscal years preceding the date of submission of the report; and

(B) with respect to the second report under paragraph (2), the 2 fiscal years preceding the date of submission of the report.

(2) COMPTROLLER GENERAL.—Not later than 2 years and 4 years after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

Time periods.

(A) describes the conservation activities by all Federal departments and agencies for species listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as reported under paragraph (1), during—

(i) with respect to the first report, the 3 fiscal years preceding the date of submission of the report; and

(ii) with respect to the second report, the 2 fiscal years preceding the date of submission of the report;

(B) is organized into categories with respect to whether a recovery plan for a species has been established;

(C) includes conservation outcomes associated with the conservation activities; and

(D) as applicable, describes the conservation activities that required interaction between Federal agencies and between Federal agencies and State and Tribal agencies and units of local government pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 303. USE OF VALUE OF LAND FOR COST SHARING.

The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended—

16 USC 669 note.

(1) by redesignating section 13 as section 14; and

(2) by inserting after section 12 the following:

16 USC 6691.

"SEC. 13. VALUE OF LAND.

"Notwithstanding any other provision of law, any institution eligible to receive Federal funds under the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.) shall be allowed to use the value of any land owned by

the institution as an in-kind match to satisfy any cost sharing requirement under this Act.".

Approved October 30, 2020.

LEGISLATIVE HISTORY—S. 3051:

SENATE REPORTS: No. 116–239 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 16, considered and passed Senate.
Oct. 1, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Oct. 30, Presidential statement.

Public Law 116–189
116th Congress

An Act

To amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes.

Oct. 30, 2020
[S. 2330]

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

Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020.
36 USC 101 note.
36 USC 220501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The courageous voice of survivors is a call to action to end emotional, physical, and sexual abuse in the Olympic and Paralympic movement.

(2) Larry Nassar, the former national team doctor for USA Gymnastics, sexually abused over 300 athletes for over two decades because of ineffective oversight by USA Gymnastics and the United States Olympic Committee.

(3) While the case of Larry Nassar is unprecedented in scale, the case is hardly the only recent incident of sexual abuse in amateur sports.

(4) Survivors of Larry Nassar's abuse and all survivors of abuse in the Olympic and Paralympic movement deserve justice and redress for the wrongs the survivors have suffered.

(5) After a comprehensive congressional investigation, including interviews and statements from survivors, former and current organization officials, law enforcement, and advocates, Congress found that the United States Olympic Committee and USA Gymnastics fundamentally failed to uphold their existing statutory purposes and duty to protect amateur athletes from sexual, emotional, or physical abuse.

(6) USA Gymnastics and the United States Olympic Committee knowingly concealed abuse by Larry Nassar, leading to the abuse of dozens of additional amateur athletes during the period beginning in the summer of 2015 and ending in September 2016.

(7) Ending abuse in the Olympic and Paralympic movement requires enhanced oversight to ensure that the Olympic and Paralympic movement does more to serve athletes and protect their voice and safety.

SEC. 3. DEFINITIONS.

Section 220501(b) of title 36, United States Code, is amended—

(1) in paragraph (4), by striking "United States Center for Safe Sport" and inserting "United States Center for SafeSport";

(2) in paragraph (6), by striking "United States Olympic Committee" and inserting "United States Olympic and Paralympic Committee";

(3) by amending paragraph (8) to read as follows:

"(8) 'national governing body' means an amateur sports organization, a high-performance management organization, or a paralympic sports organization that is certified by the corporation under section 220521.";

(4) by striking paragraph (9);

(5) by redesignating paragraphs (4), (5), (6), (7), (8), and (10) as paragraphs (5), (6), (7), (8), (9), and (12), respectively;

(6) by inserting after paragraph (3) the following:

"(4) 'Athletes' Advisory Council' means the entity established and maintained under section 220504(b)(2)(A) that—

"(A) is composed of, and elected by, amateur athletes to ensure communication between the corporation and currently active amateur athletes; and

"(B) serves as a source of amateur-athlete opinion and advice with respect to policies and proposed policies of the corporation."; and

(7) by inserting after paragraph (9), as so redesignated, the following:

"(10) 'protected individual' means any amateur athlete, coach, trainer, manager, administrator, or official associated with the corporation or a national governing body.

"(11) 'retaliation' means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with—

"(A) the Center;

"(B) a coach, trainer, manager, administrator, or official associated with the corporation;

"(C) the Attorney General;

"(D) a Federal or State law enforcement authority;

"(E) the Equal Employment Opportunity Commission; or

"(F) Congress.".

SEC. 4. MODERNIZATION OF THE TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

36 USC prec. 220501.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended—

(1) in the chapter heading, by striking "**UNITED STATES OLYMPIC COMMITTEE**" and inserting "**UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE**";

(2) in section 220502, by amending subsection (c) to read as follows:

"(c) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION AND UNITED STATES OLYMPIC COMMITTEE.—Any reference to the United States Olympic Association or the United States Olympic Committee is deemed to refer to the United States Olympic and Paralympic Committee.";

(3) in section 220503—

(A) in paragraph (3), by striking "and the Pan-American Games" each place it appears and inserting "the Pan-American Games, and the Parapan American Games"; and

(B) in paragraph (4), by striking "and Pan-American Games" and inserting "the Pan-American Games, and the Parapan American Games";

(4) in section 220504(b)(3), by striking "or the Pan-American Games" and inserting "the Pan-American Games, or the Parapan American Games";

(5) in section 220505(c)—

(A) in paragraph (3), by striking "and the Pan-American Games" and inserting "the Pan-American Games, and the Parapan American Games";

(B) by amending paragraph (4) to read as follows: "(4) certify national governing bodies for any sport that is included on the program of the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan American Games;"; and

(C) in paragraph (5), by inserting "the Parapan American Games," after "the Pan-American Games,";

(6) in section 220506—

(A) in subsection (a)—

(i) in paragraph (1), by striking "United States Olympic Committee" and inserting "United States Olympic and Paralympic Committee";

(ii) in paragraph (2), by striking "3 TaiGeuks" and inserting "3 Agitos"; and

(iii) in paragraph (4), by inserting "'Parapan American'," after "'Pan-American',";

(B) in subsection (b), by inserting "the Parapan American team," after "the Pan-American team,"; and

(C) in subsection (c)(3), by striking "or Pan-American Games activity" and inserting "Pan-American, or Parapan American Games activity";

(7) in section 220509(a)—

(A) in the first sentence, by inserting "the Parapan American Games," after "the Pan-American Games,"; and

(B) in the second sentence, by striking "or the Pan-American Games" and inserting "the Pan-American Games, or the Parapan American Games";

(8) in section 220512, by striking "and Pan-American Games" and inserting "Pan-American Games, and Parapan American Games";

(9) in section 220523(a), by striking "and the Pan-American Games" each place it appears and inserting "the Pan-American Games, and the Parapan American Games";

(10) in section 220528(c)—

(A) in subparagraph (A), by striking "or in both the Olympic and Pan-American Games" and inserting "or in each of the Olympic Games, the Paralympic Games, the

Pan-American Games, and the Parapan American Games"; and

(B) by amending subparagraph (B) to read as follows:

"(B) any Pan-American Games or Parapan American Games, for a sport in which competition is held in the Pan-American Games or the Parapan American Games, as applicable, but not in the Olympic Games or the Paralympic Games."; and

(11) in section 220531, by striking "United States Olympic Committee" each place it appears and inserting "United States Olympic and Paralympic Committee".

(b) CONFORMING AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 2205 and inserting the following:

36 USC prec. 101.

"2205. United States Olympic and Paralympic Committee ..... 220501".

SEC. 5. CONGRESSIONAL OVERSIGHT OF UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE AND NATIONAL GOVERNING BODIES.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended—

(1) by redesignating the second subchapter designated as subchapter III (relating to the United States Center for SafeSport), as added by section 202 of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115–126; 132 Stat. 320) as subchapter IV; and

36 USC prec. 220541.

(2) by adding at the end the following:

36 USC prec. 220551.

"SUBCHAPTER V—DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION AND TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODIES

36 USC 220551.

"§ 220551. Definitions

"In this subchapter, the term 'joint resolution' means a joint resolution—

"(1) which does not have a preamble; and

"(2) for which—

"(A)(i) the title is only as follows: 'A joint resolution to dissolve the board of directors of the United States Olympic and Paralympic Committee'; and

"(ii) the matter after the resolving clause—

"(I) is as follows: 'That Congress finds that dissolving the board of directors of the United States Olympic and Paralympic Committee would not unduly interfere with the operations of chapter 2205 of title 36, United States Code'; and

"(II) prescribes adequate procedures for forming a board of directors of the corporation as expeditiously as possible and in a manner that safeguards the membership and voting power of the representatives of amateur athletes at all times, consistent with the membership and voting power of amateur athletes under section 220504(b)(2); or

"(B)(i) the title is only as follows: 'A joint resolution relating to terminating the recognition of a national governing body'; and

"(ii) the matter after the resolving clause is only as follows: 'That Congress determines that _____, which is recognized as a national governing body under section 220521 of title 36, United States Code, has failed to fulfill its duties, as described in section 220524 of title 36, United States Code', the blank space being filled in with the name of the applicable national governing body.

"§ 220552. Dissolution of board of directors of corporation and termination of recognition of national governing bodies

Effective dates. 36 USC 220552.

"(a) DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION.—Effective on the date of enactment of a joint resolution described in section 220551(2)(A) with respect to the board of directors of the corporation, such board of directors shall be dissolved.

"(b) TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODY.—Effective on the date of enactment of a joint resolution described in section 220551(2)(B) with respect to a national governing body, the recognition of the applicable amateur sports organization as a national governing body shall cease to have force or effect.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 2205 of title 36, United States Code, is amended— 36 USC prec. 220501.

(1) by striking the second item relating to subchapter III (relating to the United States Center for SafeSport), as added by section 202 of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115–126; 132 Stat. 320) and inserting the following:

"SUBCHAPTER IV—UNITED STATES CENTER FOR SAFESPORT"; AND

(2) by adding at the end the following:

"SUBCHAPTER V—DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION AND TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODIES

"220551. Definitions.
"220552. Dissolution of board of directors of corporation and termination of recognition of national governing bodies.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act. 36 USC 220551 note.

SEC. 6. MODIFICATIONS TO UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE.

(a) PURPOSES OF THE CORPORATION.—Section 220503 of title 36, United States Code, is amended—

(1) in paragraph (9), by inserting "and access to" after "development of";

(2) in paragraph (14), by striking "; and" and inserting a semicolon;

(3) in paragraph (15), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(16) to effectively oversee the national governing bodies with respect to compliance with and implementation of the policies and procedures of the corporation, including policies and procedures on the establishment of a safe environment in sports as described in paragraph (15).".

(b) MEMBERSHIP AND REPRESENTATION.—Section 220504 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ", and membership shall be available only to national governing bodies" before the period at the end;

(2) in subsection (b), by amending paragraph (2) to read as follows:

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition, including through provisions that—

"(A) establish and maintain an Athletes' Advisory Council;

"(B) ensure that the chair of the Athletes' Advisory Council, or the designee of the chair, holds voting power on the board of directors of the corporation and in the committees and entities of the corporation;

"(C) require that—

"(i) not less than ⅓ of the membership of the board of directors of the corporation shall be composed of, and elected by, such amateur athletes; and

"(ii) not less than 20 percent of the membership of the board of directors of the corporation shall be composed of amateur athletes who—

"(I) are actively engaged in representing the United States in international amateur athletic competition; or

"(II) have represented the United States in international amateur athletic competition during the preceding 10-year period; and

"(D) ensure that the membership and voting power held by such amateur athletes is not less than ⅓ of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation, including any panel empowered to resolve grievances;"; and

(3) by adding at the end the following:

Time period.

"(c) CONFLICT OF INTEREST.—An athlete who represents athletes under subsection (b)(2) shall not be employed by the Center, or serve in a capacity that exercises decision-making authority on behalf of the Center, during the 2-year period beginning on the date on which the athlete ceases such representation.

"(d) CERTIFICATION REQUIREMENTS.—The bylaws of the corporation shall include a description of all generally applicable certification requirements for membership in the corporation.".

(c) DUTIES.—

(1) IN GENERAL.—Section 220505 of title 36, United States Code, is amended—

(A) in the section heading, by striking "**Powers**" and inserting "**Powers and duties**"; and

(B) by adding at the end the following:

"(d) DUTIES.—

"(1) IN GENERAL.—The duty of the corporation to amateur athletes includes the adoption, effective implementation, and enforcement of policies and procedures designed—

"(A) to immediately report to law enforcement and the Center any allegation of child abuse of an amateur athlete who is a minor;

"(B) to ensure that each national governing body has in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—

"(i) the policies and procedures developed under subparagraph (C) of section 220541(a)(1); and

"(ii) the requirement described in paragraph (2)(A) of section 220542(a); and

"(C) to ensure that each national governing body and the corporation enforces temporary measures and sanctions issued pursuant to the authority of the Center.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preempt or otherwise abrogate the duty of care of the corporation under State law or the common law.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220505 and inserting the following:

36 USC prec. 220501.

"220505. Powers and duties.".

(d) RESTRICTIONS.—

(1) POLICY WITH RESPECT TO ASSISTING MEMBERS OR FORMER MEMBERS IN OBTAINING JOBS.—Section 220507 of title 36, United States Code, is amended by adding at the end the following:

"(c) POLICY WITH RESPECT TO ASSISTING MEMBERS OR FORMER MEMBERS IN OBTAINING JOBS.—The corporation shall develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the corporation from assisting a member or former member in obtaining a new job (except the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law.".

(2) POLICY WITH RESPECT TO TERMS AND CONDITIONS OF EMPLOYMENT.—

(A) IN GENERAL.—Section 220507 of title 36, United States Code, as amended by paragraph (1), is further amended by adding at the end the following:

"(d) POLICY REGARDING TERMS AND CONDITIONS OF EMPLOYMENT.—The corporation shall establish a policy—

"(1) not to disperse bonus or severance pay to any individual named as a subject of an ethics investigation by the ethics committee of the corporation, until such individual is cleared of wrongdoing by such investigation; and

"(2) that provides that—

"(A) if the ethics committee determines that an individual has violated the policies of the corporation— Determination.

"(i) the individual is no longer entitled to bonus or severance pay previously withheld; and

"(ii) the compensation committee of the corporation may reduce or cancel the withheld bonus or severance pay; and

Investigation.

"(B) in the case of an individual who is the subject of a criminal investigation, the ethics committee shall investigate the individual.".

36 USC 220507 note.

(B) APPLICABILITY.—The amendment made by subparagraph (A) shall not apply to any term of employment for the disbursement of bonus or severance pay that is in effect as of the day before the date of the enactment of this Act.

(e) RESOLUTION OF DISPUTES AND PROTECTING ABUSE VICTIMS FROM RETALIATION.—Section 220509 of title 36, United States Code, is amended—

(1) in subsection (a), in the first sentence, by inserting "complaints of retaliation or" after "relating to";

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

"(b) OFFICE OF THE ATHLETE OMBUDS.—

"(1) IN GENERAL.—The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman and support staff for athletes.

"(2) DUTIES.—The Office of the Athlete Ombuds shall—

"(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, the Parapan American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

"(B) assist in the resolution of athlete concerns;

"(C) provide independent advice to athletes with respect to—

"(i) the role, responsibility, authority, and jurisdiction of the Center; and

"(ii) the relative value of engaging legal counsel; and

"(D) report to the Athletes' Advisory Council on a regular basis.

"(3) HIRING PROCEDURES; VACANCY; TERMINATION.—

"(A) HIRING PROCEDURES.—The procedure for hiring the ombudsman for athletes shall be as follows:

"(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of 1 qualified person to serve as ombudsman for athletes.

"(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

"(iii) The corporation's executive committee shall hire or not hire such person after fully considering

the advice and counsel of the Athletes' Advisory Council.

"(B) VACANCY.—If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.

"(C) TERMINATION.—The corporation may terminate the employment of an individual serving as ombudsman for athletes only if—

"(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

"(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

"(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.

"(4) CONFIDENTIALITY.—

"(A) IN GENERAL.—The Office of the Athlete Ombuds shall maintain as confidential any information communicated or provided to the Office of the Athlete Ombuds in confidence in any matter involving the exercise of the official duties of the Office of the Athlete Ombuds.

"(B) EXCEPTION.—The Office of the Athlete Ombuds may disclose information described in subparagraph (A) as necessary to resolve or mediate a dispute, with the permission of the parties involved.

"(C) JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.—

"(i) IN GENERAL.—The ombudsman and the staff of the Office of the Athlete Ombuds shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the duties of the Office of the Athlete Ombuds.

"(ii) WORK PRODUCT.—Any memorandum, work product, notes, or case file of the Office of the Athlete Ombuds—

"(I) shall be confidential; and

"(II) shall not be—

"(aa) subject to discovery, subpoena, or any other means of legal compulsion; or

"(bb) admissible as evidence in a judicial or administrative proceeding.

"(D) APPLICABILITY.—The confidentiality requirements under this paragraph shall not apply to information relating to—

"(i) applicable federally mandated reporting requirements;

"(ii) a felony personally witnessed by a member of the Office of the Athlete Ombuds;

"(iii) a situation, communicated to the Office of the Athlete Ombuds, in which an individual is at imminent risk of serious harm; or

"(iv) a congressional subpoena.

"(E) DEVELOPMENT OF POLICY.—

Deadline. Federal Register, publication.

"(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, the Office of the Athlete Ombuds shall develop and publish in the Federal Register a confidentiality and privacy policy consistent with this paragraph.

Records.

"(ii) DISTRIBUTION.—The Office of the Athlete Ombuds shall distribute a copy of the policy developed under clause (i) to—

"(I) employees of the national governing bodies; and

"(II) employees of the corporation.

"(iii) PUBLICATION BY NATIONAL GOVERNING BODIES.—Each national governing body shall—

Web posting.

"(I) publish the policy developed under clause (i) on the internet website of the national governing body; and

"(II) communicate to amateur athletes the availability of the policy.

"(5) PROHIBITION ON RETALIATION.—No employee, contractor, agent, volunteer, or member of the corporation shall take or threaten to take any action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombuds.

"(6) INDEPENDENCE IN CARRYING OUT DUTIES.—The board of directors of the corporation or any other member or employee of the corporation shall not prevent or prohibit the Office of the Athlete Ombuds from carrying out any duty or responsibility under this section."; and

(3) by adding at the end the following:

"(c) RETALIATION.—

"(1) IN GENERAL.—The corporation, the national governing bodies, or any officer, employee, contractor, subcontractor, or agent of the corporation or a national governing body may not retaliate against any protected individual as a result of any communication, including the filing of a formal complaint, by a protected individual or a parent or legal guardian of the protected individual relating to an allegation of physical abuse, sexual harassment, or emotional abuse.

"(2) DISCIPLINARY ACTION.—If the corporation finds that an employee of the corporation or a national governing body has retaliated against a protected individual, the corporation or national governing body, as applicable, shall immediately terminate the employment of, or suspend without pay, such employee.

"(3) DAMAGES.—

"(A) IN GENERAL.—With respect to a protected individual the corporation finds to have been subject to retaliation, the corporation may award damages, including damages for pain and suffering and reasonable attorney fees.

"(B) REIMBURSEMENT FROM NATIONAL GOVERNING BODY.—In the case of a national governing body found to have retaliated against a protected individual, the corporation may demand reimbursement from the national governing body for damages paid by the corporation under subparagraph (A).".

(f) REPORTS AND AUDITS.—

(1) IN GENERAL.—Section 220511 of title 36, United States Code, is amended to read as follows:

"§ 220511. Reports and audits

"(a) REPORT.—

"(1) SUBMISSION TO PRESIDENT AND CONGRESS.—Not less frequently than annually, the corporation shall submit simultaneously to the President and to each House of Congress a detailed report on the operations of the corporation for the preceding calendar year.

"(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following:

"(A) A comprehensive description of the activities and accomplishments of the corporation during such calendar year.

"(B) Data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies. Data.

"(C) A description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.

"(D) A description of any lawsuit or grievance filed against the corporation, including any dispute initiated under this chapter.

"(E) The agenda and minutes of any meeting of the board of directors of the corporation that occurred during such calendar year.

"(F) A report by the compliance committee of the corporation that, with respect to such calendar year—

"(i) identifies—

"(I) the areas in which the corporation has met compliance standards; and

"(II) the areas in which the corporation has not met compliance standards; and

"(ii) assesses the compliance of each member of the corporation and provides a plan for improvement, as necessary. Assessments. Compliance. Plan.

"(G) A detailed description of any complaint of retaliation made during such calendar year, including the entity involved, the number of allegations of retaliation, and the outcome of such allegations.

"(3) PUBLIC AVAILABILITY.—The corporation shall make each report under this subsection available to the public on an easily accessible internet website of the corporation. Web posting.

"(b) AUDIT.—

"(1) IN GENERAL.—Not less frequently than annually, the financial statements of the corporation for the preceding fiscal year shall be audited in accordance with generally accepted auditing standards by— Deadline.

"(A) an independent certified public accountant; or

"(B) an independent licensed public accountant who is certified or licensed by the regulatory authority of a State or a political subdivision of a State.

"(2) LOCATION.—An audit under paragraph (1) shall be conducted at the location at which the financial statements of the corporation normally are kept.

"(3) ACCESS.—An individual conducting an audit under paragraph (1) shall be given full access to—

"(A) all records and property owned or used by the corporation, as necessary to facilitate the audit; and

"(B) any facility under audit for the purpose of verifying transactions, including any balance or security held by a depository, fiscal agent, or custodian.

"(4) REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the end of the fiscal year for which an audit is carried out, the auditor shall submit a report on the audit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on the Judiciary of the House of Representatives, and the chair of the Athletes' Advisory Council.

"(B) MATTERS TO BE INCLUDED.—Each report under subparagraph (A) shall include the following for the applicable fiscal year:

"(i) Any statement necessary to present fairly the assets, liabilities, and surplus or deficit of the corporation.

Analysis.

"(ii) An analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit.

"(iii) A detailed statement of the income and expenses of the corporation, including the results of any trading, manufacturing, publishing, or other commercial endeavor.

"(iv) A detailed statement of the amounts spent on stipends and services for athletes.

"(v) A detailed statement of the amounts spent on compensation and services for executives and administration officials of the corporation, including the 20 employees of the corporation who receive the highest amounts of compensation.

"(vi) A detailed statement of the amounts allocated to the national governing bodies.

"(vii) Such comments and information as the auditor considers necessary to inform Congress of the financial operations and condition of the corporation.

Recommendations.

"(viii) Recommendations relating to the financial operations and condition of the corporation.

"(ix) A description of any financial conflict of interest (including a description of any recusal or other mitigating action taken), evaluated in a manner consistent with the policies of the corporation, of—

"(I) a member of the board of directors of the corporation; or

"(II) any senior management personnel of the corporation.

"(C) PUBLIC AVAILABILITY.—

Web posting.

"(i) IN GENERAL.—The corporation shall make each report under this paragraph available to the public on an easily accessible internet website of the corporation.

"(ii) PERSONALLY IDENTIFIABLE INFORMATION.—A report made available under clause (i) shall not include the personally identifiable information of any individual.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220511 and inserting the following: 36 USC prec. 220501.

"220511. Reports and audits.".

(g) ANNUAL AMATEUR ATHLETE SURVEY.—

(1) IN GENERAL.—Subchapter I of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

"§ 220513. Annual amateur athlete survey 36 USC 220513.

"(a) IN GENERAL.—Not less frequently than annually, the corporation shall cause an independent third-party organization, under contract, to conduct an anonymous survey of amateur athletes who are actively engaged in amateur athletic competition with respect to—

"(1) their satisfaction with the corporation and the applicable national governing body; and

"(2) the behaviors, attitudes, and feelings within the corporation and the applicable national governing body relating to sexual harassment and abuse.

"(b) CONSULTATION.—A contract under subsection (a) shall require the independent third-party organization to develop the survey in consultation with the Center.

"(c) PROHIBITION ON INTERFERENCE.—If the corporation or a national governing body makes any effort to undermine the independence of, introduce bias into, or otherwise influence a survey under subsection (a), such activity shall be reported immediately to Congress. Reports.

"(d) PUBLIC AVAILABILITY.— The corporation shall make the results of each such survey available to the public on an internet website of the corporation.". Web posting.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2205 of title 36, United States Code, is amended by inserting after the item relating to 220512 the following: 36 USC prec. 220501.

"220513. Annual amateur athlete survey.".

SEC. 7. MODIFICATIONS TO NATIONAL GOVERNING BODIES.

(a) CERTIFICATION OF NATIONAL GOVERNING BODIES.—

(1) IN GENERAL.—Section 220521 of title 36, United States Code, is amended—

(A) in the section heading, by striking "**Recognition of amateur sports organizations as national governing bodies**" and inserting "**Certification of national governing bodies**";

(B) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—With respect to each sport included on the program of the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan American Games, the corporation—

"(1) may certify as a national governing body an amateur sports organization, a high-performance management organization, or a paralympic sports organization that files an application and is eligible for such certification under section 220522; and

"(2) may not certify more than 1 national governing body.";

(C) in subsection (b), by striking "recognizing" and inserting "certifying";

(D) in subsection (c), by striking "recognizing" and inserting "certifying"; and

(E) by amending subsection (d) to read as follows:

Deadlines.

"(d) REVIEW OF CERTIFICATION.—Not later than 8 years after the date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, and not less frequently than once every 4 years thereafter, the corporation—

"(1) shall review all matters related to the continued certification of an organization as a national governing body;

"(2) may take action the corporation considers appropriate, including placing conditions on the continued certification of an organization as a national governing body;

Reports.

"(3) shall submit to Congress a summary report of each review under paragraph (1); and

Public information.

"(4) shall make each such summary report available to the public.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Chapter 2205 of title 36, United States Code, is amended—

(i) in section 220504(b), by amending paragraph (1) to read as follows:

"(1) national governing bodies, including through provisions that establish and maintain a National Governing Bodies' Council that is composed of representatives of the national governing bodies who are selected by their boards of directors or other governing boards to ensure effective communication between the corporation and the national governing bodies;";

(ii) in section 220512, by striking "or paralympic sports organization";

(iii) in section 220522—

(I) by striking subsection (b); and

(II) in subsection (a)—

(aa) by striking "recognized" each place it appears and inserting "certified";

(bb) by striking "recognition" each place it appears and inserting "certification";

(cc) in paragraph (6), by striking "the Olympic Games or the Pan-American Games" and inserting "the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan American Games";

(dd) in paragraph (11)—

(AA) in the matter preceding subparagraph (A), by inserting ", high-performance management organization, or paralympic sports organization" after "amateur sports organization"; and

(BB) in subparagraph (B), by striking "amateur sports" and inserting "applicable";

(ee) in paragraph (14), by striking "or the Pan-American Games" and inserting "the Pan-American Games, or the Parapan American Games"; and

(ff) by striking the subsection designation and heading and all that follows through "An amateur sports organization" and inserting "An amateur sports organization, a high-performance management organization, or a paralympic sports organization";

(iv) in section 220524, by striking "amateur sports" each place it appears;

(v) in section 220528—

(I) by striking "recognition" each place it appears and inserting "certification";

(II) by striking "recognize" each place it appears and inserting "certify"; and

(III) in subsection (g), in the subsection heading, by striking "RECOGNITION" and inserting "CERTIFICATION";

(vi) in section 220531—

(I) by striking ", each national governing body, and each paralympic sports organization" each place it appears and inserting "and each national governing body"; and

(II) in subsection (c)(2), by striking "each paralympic sports organization,";

(vii) in section 220541(d)(3), by striking subparagraph (C);

(viii) in section 220542—

(I) by striking "or paralympic sports organization" each place it appears; and

(II) in subsection (a)(2)—

(aa) in subparagraph (A), in the matter preceding clause (i), by striking ", a paralympic sports organization,";

(bb) in subparagraph (E), by striking "or a paralympic sports organization of each national governing body and paralympic sports organization"; and

(cc) in subparagraph (F)(i)—

(AA) by striking ", or an adult" and inserting "or an adult";

(BB) by striking ", paralympic sports organization,"; and

(CC) by striking ", paralympic sports organizations,".

(B) The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220521 and inserting the following: 36 USC prec. 220501.

"220521. Certification of national governing bodies.".

(b) ELIGIBILITY REQUIREMENTS WITH RESPECT TO GOVERNING BOARDS.—Section 220522 of title 36, United States Code, as amended by subsection (a)(2), is further amended—

(1) in paragraph (2), by inserting ", including the ability to provide and enforce required athlete protection policies and procedures" before the semicolon;

(2) in paragraph (4)(B)—

(A) by striking "conducted in accordance with the Commercial Rules of the American Arbitration Association" and inserting "which arbitration under this paragraph shall be conducted in accordance with the standard commercial arbitration rules of an established major national provider of arbitration and mediation services based in the United States and designated by the corporation with the concurrence of the Athletes' Advisory Council and the National Governing Bodies' Council"; and

(B) by striking "Commercial Rules of Arbitration" and inserting "standard commercial rules of arbitration of such designated provider";

(3) in paragraph (5), in the matter preceding subparagraph (A), by inserting "except with respect to the oversight of the organization," after "sport,";

(4) by redesignating paragraphs (10) through (15) as paragraphs (11) through (16), respectively;

(5) by inserting after paragraph (9) the following:

Criteria.

"(10) ensures that the selection criteria for individuals and teams that represent the United States are—

Determination.
Consultation.

"(A) fair, as determined by the corporation in consultation with the national governing bodies, the Athletes' Advisory Council, and the United States Olympians and Paralympians Association;

"(B) clearly articulated in writing and properly communicated to athletes in a timely manner; and

"(C) consistently applied, using objective and subjective criteria appropriate to the applicable sport;";

(6) by striking paragraph (13), as so redesignated, and inserting the following:

Guidelines.

"(13) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that—

Criteria.
Procedures.

"(A) its board of directors and other such governing boards have established criteria and election procedures for, and maintain among their voting members, individuals who—

"(i) are elected by amateur athletes; and

"(ii) are actively engaged in amateur athletic competition, or have represented the United States in international amateur athletic competition, in the sport for which certification is sought;

"(B) any exception to such guidelines by such organization has been approved by—

"(i) the corporation; and

"(ii) the Athletes' Advisory Council; and

"(C) the voting power held by such individuals is not less than ⅓ of the voting power held by its board of directors and other such governing boards;";

(7) in paragraph (15), as so redesignated, by striking "; and" and inserting a semicolon;

(8) in paragraph (16), as so redesignated, by striking the period at the end and inserting a semicolon; and

(9) by adding at the end the following:

"(17) commits to submitting annual reports to the corporation that include, for each calendar year—

"(A) a description of the manner in which the organization—

"(i) carries out the mission to promote a safe environment in sports that is free from abuse of amateur athletes (including emotional, physical, and sexual abuse); and

"(ii) addresses any sanctions or temporary measures required by the Center;

"(B) a description of any cause of action or complaint filed against the organization that was pending or settled during the preceding calendar year; and

"(C) a detailed statement of—

"(i) the income and expenses of the organization; and

"(ii) the amounts expended on stipends, bonuses, and services for amateur athletes, organized by the level and gender of the amateur athletes;

"(18) commits to meeting any minimum standard or requirement set forth by the corporation; and

"(19) provides protection from retaliation to protected individuals.".

(c) GENERAL DUTIES OF NATIONAL GOVERNING BODIES.—Section 220524 of title 36, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "For the sport" and inserting the following:

"(a) IN GENERAL.—For the sport";

(2) in subsection (a), as so designated—

(A) in paragraph (8), by striking "; and" and inserting a semicolon;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(10) develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the national governing body from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law or the policies or procedures of the Center;

"(11) promote a safe environment in sports that is free from abuse of any amateur athlete, including emotional, physical, and sexual abuse;

"(12) take care to promote a safe environment in sports using information relating to any temporary measure or sanction issued pursuant to the authority of the Center;

"(13) immediately report to law enforcement any allegation of child abuse of an amateur athlete who is a minor; and

"(14) have in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—

"(A) the policies and procedures developed under subparagraph (C) of section 220541(a)(1); and

"(B) the requirement described in paragraph (2)(A) of section 220542(a)."; and

(3) by adding at the end the following:

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or otherwise abrogate the duty of care of a national governing body under State law or the common law.".

(d) ELIMINATION OF EXHAUSTION OF REMEDIES REQUIREMENT.—Section 220527 of title 36, United States Code, is amended—

(1) by striking subsection (b);

(2) in subsection (c), by striking "If the corporation" and all that follows through "subsection (b)(1) of this section, it" and inserting "The corporation"; and

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

(e) ARBITRATION OF CORPORATION DETERMINATIONS.—Section 220529(a) of title 36, United States Code, is amended by striking "any regional office of the American Arbitration Association" and inserting "the arbitration and mediation provider designated by the corporation under section 220522(a)(4)".

(f) ENSURE LIMITATIONS ON COMMUNICATIONS ARE INCLUDED IN LIMITATIONS ON INTERACTIONS.—Section 220530(a) of title 36, United States Code, is amended—

(1) in paragraph (2), by inserting ", including communications," after "interactions"; and

(2) in paragraph (4), by striking "makes" and all that follows through the period at the end and inserting the following: "makes—

"(A) a report under paragraph (1); or

"(B) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse.".

SEC. 8. MODIFICATIONS TO UNITED STATES CENTER FOR SAFESPORT.

(a) DESIGNATION OF UNITED STATES CENTER FOR SAFESPORT.—

(1) IN GENERAL.—Section 220541 of title 36, United States Code, is amended—

(A) in the section heading by striking "**SAFE SPORT**" and inserting "**SAFESPORT**";

(B) by amending subsection (a) to read as follows:

"(a) DUTIES OF CENTER.—

"(1) IN GENERAL.—The United States Center for SafeSport shall—

"(A) serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;

"(B) exercise jurisdiction over the corporation and each national governing body with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports;

"(C) maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional,

physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies;

"(D) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution, pursuant to subsection (c), of alleged sexual abuse in violation of the Center's policies and procedures;

"(E) ensure that the mechanisms under subparagraph (D) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants;

"(F) maintain an office for compliance and audit that shall—

"(i) ensure that the national governing bodies and the corporation implement and follow the policies and procedures developed by the Center to prevent and promptly report instances of abuse of amateur athletes, including emotional, physical, and sexual abuse; and

"(ii) establish mechanisms that allow for the reporting and investigation of alleged violations of such policies and procedures;

"(G) publish and maintain a publicly accessible internet website that contains a comprehensive list of adults who are barred by the Center; and

Public information. Website. List.

"(H) ensure that any action taken by the Center against an individual under the jurisdiction of the Center, including an investigation, the imposition of sanctions, and any other disciplinary action, is carried out in a manner that provides procedural due process to the individual, including, at a minimum—

"(i) the provision of written notice of the allegations against the individual;

Notice.

"(ii) a right to be represented by counsel or other advisor;

"(iii) an opportunity to be heard during the investigation;

"(iv) in a case in which a violation is found, a reasoned written decision by the Center; and

"(v) the ability to challenge, in a hearing or through arbitration, interim measures or sanctions imposed by the Center.

"(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to preclude the Center from imposing interim measures or sanctions on an individual before an opportunity for a hearing or arbitration;

"(B) to require the Center to meet a burden of proof higher than the preponderance of the evidence;

"(C) to give rise to a claim under State law or to create a private right of action; or

"(D) to render the Center a state actor.";

(C) in subsection (b), by striking "subsection (a)(3)" and inserting "subsection (a)(1)(C)";

(D) in subsection (d), as amended by section 7(a)(2)—

(i) in paragraph (3), by inserting after subparagraph (B) the following:

"(C) the corporation;";

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

(iii) by inserting after paragraph (2) the following:

"(3) REMOVAL TO FEDERAL COURT.—

"(A) IN GENERAL.—Any civil action brought in a State court against the Center relating to the responsibilities of the Center under this section, section 220542, or section 220543, shall be removed, on request by the Center, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or the citizenship of the parties involved.

"(B) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to create a private right of action."; and

(E) by adding at the end the following:

"(e) TRAINING MATERIALS.—The office for education and outreach referred to in subsection (a)(1)(C) shall—

"(1) develop training materials for specific audiences, including coaches, trainers, doctors, young children, adolescents, adults, and individuals with disabilities; and

Deadlines. Updates.

"(2) not less frequently than every 3 years, update such training materials.

"(f) INDEPENDENCE.—

Time period.

"(1) PROHIBITION WITH RESPECT TO FORMER EMPLOYEES AND BOARD MEMBERS.—A former employee or board member of the corporation or a national governing body shall not work or volunteer at the Center during the 2-year period beginning on the date on which the former employee or board member ceases employment with the corporation or national governing body.

"(2) ATHLETES SERVING ON BOARD OF DIRECTORS OF NATIONAL GOVERNING BODY.—

"(A) IN GENERAL.—An athlete serving on the board of directors of a national governing body who is not otherwise employed by the national governing body, may volunteer at, or serve in an advisory capacity to, the Center.

Time period.

"(B) INELIGIBILITY FOR EMPLOYMENT.—An athlete who has served on the board of directors of a national governing body shall not be eligible for employment at the Center during the 2-year period beginning on the date on which the athlete ceases to serve on such board of directors.

"(3) CONFLICTS OF INTEREST.—An executive or attorney for the Center shall be considered to have an inappropriate conflict of interest if the executive or attorney also represents the corporation or a national governing body.

"(4) INVESTIGATIONS.—

"(A) IN GENERAL.—The corporation and the national governing bodies shall not interfere in, or attempt to influence the outcome of, an investigation.

"(B) REPORT.—In the case of an attempt to interfere in, or influence the outcome of, an investigation, not later than 72 hours after such attempt, the Center shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and

Commerce and the Committee on the Judiciary of the House of Representatives a report describing the attempt.

"(C) WORK PRODUCT.—

"(i) IN GENERAL.—Any decision, report, memorandum, work product, notes, or case file of the Center—

"(I) shall be confidential; and Confidentiality.

"(II) shall not be subject to discovery, subpoena, or any other means of legal compulsion in any civil action in which the Center is not a party to the action.

"(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit the Center from providing work product described in clause (i) to a law enforcement agency for the purpose of assisting in a criminal investigation.

"(g) FUNDING.—

"(1) MANDATORY PAYMENTS.— Time periods.

"(A)FISCAL YEAR 2021.—On January 4, 2021, the corporation shall make a mandatory payment of $20,000,000 to the Center for operating costs of the Center for fiscal year 2021. Effective date.

"(B) SUBSEQUENT FISCAL YEARS.—For fiscal year 2022 and each fiscal year thereafter, the corporation shall make a mandatory payment of $20,000,000 to the Center not later than the close of business on the first regular business day in January. Deadline.

"(2) FUNDS FROM NATIONAL GOVERNING BODIES.—The corporation may use funds received from 1 or more national governing bodies to make a mandatory payment required by paragraph (1).

"(3) FAILURE TO COMPLY.—

"(A) IN GENERAL.—The Center may file a lawsuit to compel payment under paragraph (1).

"(B) PENALTY.—For each day of late or incomplete payment of a mandatory payment under paragraph (1) after January 1 of the applicable year, the Center shall be allowed to recover from the corporation an additional $20,000.

"(4) ACCOUNTABILITY.—

"(A) IN GENERAL.—Amounts transferred to the Center by the corporation or a national governing body shall be used, in accordance with section 220503(15), primarily for the purpose of carrying out the duties and requirements under sections 220541 through 220543 with respect to the investigation and resolution of allegations of sexual misconduct, or other misconduct, made by amateur athletes.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—Of the amounts made available to the Center by the corporation or a national governing body in a fiscal year for the purpose described in section 220503(15)—

"(I) not less than 50 percent shall be used for processing the investigation and resolution of allegations described in subparagraph (A); and

"(II) not more than 10 percent may be used for executive compensation of officers and directors of the Center.

"(ii) RESERVE FUNDS.—

"(I) IN GENERAL.—If, after the Center uses the amounts as allocated under clause (i), the Center does not use the entirety of the remaining amounts for the purpose described in subparagraph (A), the Center may retain not more than 25 percent of such amounts as reserve funds.

"(II) RETURN OF FUNDS.—The Center shall return to the corporation and national governing bodies any amounts, proportional to the contributions of the corporation and national governing bodies, that remain after the retention described in subclause (I).

"(iii) LOBBYING AND FUNDRAISING.—Amounts made available to the Center under this paragraph may not be used for lobbying or fundraising expenses.

"(h) COMPLIANCE AUDITS.—

Deadlines.

"(1) IN GENERAL.—Not less frequently than annually, the Center shall carry out an audit of the corporation and each national governing body—

Assessment.

"(A) to assess compliance with policies and procedures developed under this subchapter; and

"(B) to ensure that consistent training relating to the prevention of child abuse is provided to all staff of the corporation and national governing bodies who are in regular contact with amateur athletes and members who are minors subject to parental consent.

"(2) CORRECTIVE MEASURES.—

"(A) IN GENERAL.—The Center may impose on the corporation or a national governing body a corrective measure to achieve compliance with the policies and procedures developed under this subchapter or the training requirement described in paragraph (1)(B).

"(B) INCLUSIONS.—A corrective measure imposed under subparagraph (A) may include the implementation of an athlete safety program or specific policies, additional compliance audits or training, and the imposition of a probationary period.

"(C) ENFORCEMENT.—

"(i) IN GENERAL.—On request by the Center, the corporation shall—

"(I) enforce any corrective measure required under subparagraph (A); and

Reports.

"(II) report the status of enforcement with respect to a national governing body within a reasonable timeframe.

"(ii) METHODS.—The corporation may enforce a corrective measure through any means available to the corporation, including by withholding funds from a national governing body, limiting the participation of the national governing body in corporation events, and decertifying a national governing body.

Time period.
Reports.

"(iii) EFFECT OF NONCOMPLIANCE.—If the corporation fails to enforce a corrective measure within 72

hours of a request under clause (i), the Center may submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce and the Committee on the Judiciary of the House of Representatives a report describing the noncompliance.

"(3) ANNUAL REPORT.—

"(A) IN GENERAL.—Not less frequently than annually, the Center shall submit to Congress a report on the findings of the audit under paragraph (1) for the preceding year and the status of any corrective measures imposed as a result of the audit.

"(B) PUBLIC AVAILABILITY.—

"(i) IN GENERAL.—Each report under subparagraph (A) shall be made available to the public.

"(ii) PERSONALLY IDENTIFIABLE INFORMATION.—A report made available to the public shall not include the personally identifiable information of any individual.

"(i) REPORTS TO CORPORATION.—Not later than 30 days after the end of each calendar quarter that begins after the date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, the Center shall submit to the corporation a statement of the following:

"(1) The number and nature of misconduct complaints referred to the Center, by sport.

"(2) The number and type of pending misconduct complaints under investigation by the Center.

"(3) The number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center.

"(4) The number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation.

"(5) The number of discretionary cases accepted or declined by the Center, by sport.

"(6) The average time required for resolution of such cases and misconduct complaints.

"(7) Information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding quarter, including the number of educational activities and trainings developed and provided.

"(j) CERTIFICATIONS OF INDEPENDENCE.—

"(1) IN GENERAL.—Not later than 180 days after the end of a fiscal year, the Comptroller General of the United States shall make available to the public a certification relating to the Center's independence from the corporation.

Deadline. Public information.

"(2) ELEMENTS.—A certification required by paragraph (1) shall include the following:

"(A) A finding of whether a violation of a prohibition on employment of former employees or board members of the corporation under subsection (f) has occurred during the year preceding the certification.

"(B) A finding of whether an executive or attorney for the Center has had an inappropriate conflict of interest during that year.

"(C) A finding of whether the corporation has interfered in, or attempted to influence the outcome of, an investigation by the Center.

Recommendations.

"(D) Any recommendations of the Comptroller General for resolving any potential risks to the Center's independence from the corporation.

"(3) AUTHORITY OF COMPTROLLER GENERAL.—

"(A) IN GENERAL.—The Comptroller General may take such reasonable steps as, in the view of the Comptroller General, are necessary to be fully informed about the operations of the corporation and the Center.

"(B) SPECIFIC AUTHORITIES.—The Comptroller General shall have—

"(i) access to, and the right to make copies of, any and all nonprivileged books, records, accounts, correspondence, files, or other documents or electronic records, including emails, of officers, agents, and employees of the Center or the corporation; and

"(ii) the right to interview any officer, employee, agent, or consultant of the Center or the corporation.

"(C) TREATMENT OF PRIVILEGED INFORMATION.—If, under this subsection, the Comptroller General seeks access to information contained within privileged documents or materials in the possession of the Center or the corporation, the Center or the corporation, as the case may be, shall, to the maximum extent practicable, provide the Comptroller General with the information without compromising the applicable privilege.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Subchapter IV of chapter 2205 of title 36, United States Code, as redesignated by section 5(a)(1), is amended in the subchapter heading by striking "SAFE SPORT" and inserting "SAFESPORT".

36 USC prec. 220541.

(B) The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220541 and inserting the following:

36 USC prec. 220501.

"220541. Designation of United States Center for SafeSport.".

(b) ADDITIONAL DUTIES OF CENTER.—Section 220542 of title 36, United States Code, is amended—

(1) in the section heading, by striking the period at the end; and

(2) in subsection (a)—

(A) in paragraph (1), by striking "; and" and inserting a semicolon; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

"(i) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341); and

"(ii) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse;";

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (E) through (I), respectively;

(iii) by inserting after subparagraph (A) the following:

"(B) a requirement that the Center shall immediately report to law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) any allegation of child abuse of an amateur athlete who is a minor, including any report of such abuse submitted to the Center by a minor or by any person who is not otherwise required to report such abuse; Requirement.

"(C) 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the Center from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law;

"(D) a requirement that the Center, including any officer, agent, attorney, or staff member of the Center, shall not take any action to notify an alleged perpetrator of abuse of an amateur athlete of any ongoing investigation or accusation unless— Requirement.

"(i) the Center has reason to believe an imminent hazard will result from failing to so notify the alleged perpetrator; or

"(ii) law enforcement—

"(I) authorizes the Center to take such action; or

"(II) declines or fails to act on, or fails to respond to the Center with respect to, the allegation within 72 hours after the time at which the Center reports to law enforcement under subparagraph (B);"; Time period.

(iv) in subparagraph (F), as so redesignated, by inserting ", including communications," after "interactions";

(v) by amending subparagraph (G), as so redesignated, to read as follows:

"(G) procedures to prohibit retaliation by the corporation or any national governing body against any individual who makes—

"(i) a report under subparagraph (A) or (E); or

"(ii) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse;";

(vi) in subparagraph (H), as so redesignated, by striking "; and" and inserting a semicolon;

(vii) in subparagraph (I), as so redesignated, by striking the period at the end of clause (ii) and inserting a semicolon; and

(viii) by adding at the end the following:

"(J) a prohibition on the use in a decision of the Center under section 220541(a)(1)(D) of any evidence relating to other sexual behavior or the sexual predisposition of the alleged victim, or the admission of any such evidence in Determination.

arbitration, unless the probative value of the use or admission of such evidence, as determined by the Center or the arbitrator, as applicable, substantially outweighs the danger of—

"(i) any harm to the alleged victim; and

"(ii) unfair prejudice to any party; and

"(K) training for investigators on appropriate methods and techniques for ensuring sensitivity toward alleged victims during interviews and other investigative activities.".

(c) RECORDS, AUDITS, AND REPORTS.—Section 220543 of title 36, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) AUDITS AND TRANSPARENCY.—

"(1) ANNUAL AUDIT.—

"(A) IN GENERAL.—Not less frequently than annually, the financial statements of the Center for the preceding fiscal year shall be audited by an independent auditor in accordance with generally accepted accounting principles—

"(i) to ensure the adequacy of the internal controls of the Center; and

"(ii) to prevent waste, fraud, or misuse of funds transferred to the Center by the corporation or the national governing bodies.

"(B) LOCATION.—An audit under subparagraph (A) shall be conducted at the location at which the financial statements of the Center normally are kept.

"(C) REPORT.—Not later than 180 days after the date on which an audit under subparagraph (A) is completed, the independent auditor shall issue an audit report.

"(D) CORRECTIVE ACTION PLAN.—

"(i) IN GENERAL.—On completion of the audit report under subparagraph (C) for a fiscal year, the Center shall prepare, in a separate document, a corrective action plan that responds to any corrective action recommended by the independent auditor.

"(ii) MATTERS TO BE INCLUDED.—A corrective action plan under clause (i) shall include the following for each such corrective action:

"(I) The name of the person responsible for the corrective action.

"(II) A description of the planned corrective action.

"(III) The anticipated completion date of the corrective action.

"(IV) In the case of a recommended corrective action based on a finding in the audit report with which the Center disagrees, or for which the Center determines that corrective action is not required, an explanation and a specific reason for noncompliance with the recommendation.

"(2) ACCESS TO RECORDS AND PERSONNEL.—With respect to an audit under paragraph (1), the Center shall provide the independent auditor access to all records, documents, and personnel and financial statements of the Center necessary to carry out the audit.

"(3) PUBLIC AVAILABILITY.—

"(A) IN GENERAL.—The Center shall make available to the public on an easily accessible internet website of the Center— Web posting.

"(i) each audit report under paragraph (1)(C);

"(ii) the Internal Revenue Service Form 990 of the Center for each year, filed under section 501(c) of the Internal Revenue Code of 1986; and

"(iii) the minutes of the quarterly meetings of the board of directors of the Center.

"(B) PERSONALLY IDENTIFIABLE INFORMATION.—An audit report or the minutes made available under subparagraph (A) shall not include the personally identifiable information of any individual.

"(4) RULE OF CONSTRUCTION.—For purposes of this subsection, the Center shall be considered a private entity.

"(c) REPORT.—The Center shall submit an annual report to Congress, including—

"(1) a strategic plan with respect to the manner in which the Center shall fulfill its duties under sections 220541 and 220542; Strategic plan.

"(2) a detailed description of the efforts made by the Center to comply with such strategic plan during the preceding year; Compliance.

"(3) any financial statement necessary to present fairly the assets, liabilities, and surplus or deficit of the Center for the preceding year;

"(4) an analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit during the preceding year; Analysis.

"(5) a detailed description of Center activities, including—

"(A) the number and nature of misconduct complaints referred to the Center;

"(B) the total number and type of pending misconduct complaints under investigation by the Center;

"(C) the number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center; and

"(D) the number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation;

"(6) a detailed description of any complaint of retaliation made during the preceding year by an officer or employee of the Center or a contractor or subcontractor of the Center that includes—

"(A) the number of such complaints; and

"(B) the outcome of each such complaint;

"(7) information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding year, including the number of educational activities and trainings developed and provided; and

"(8) a description of the activities of the Center.

"(d) DEFINITIONS.—In this section—

"(1) 'audit report' means a report by an independent auditor that includes— Assessments.

"(A) an opinion or a disclaimer of opinion that presents the assessment of the independent auditor with respect to the financial records of the Center, including whether

such records are accurate and have been maintained in accordance with generally accepted accounting principles;

"(B) an assessment of the internal controls used by the Center that describes the scope of testing of the internal controls and the results of such testing; and

"(C) a compliance assessment that includes an opinion or a disclaimer of opinion as to whether the Center has complied with the terms and conditions of subsection (b); and

"(2) 'independent auditor' means an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or a political subdivision of a State, who meets the standards specified in generally accepted accounting principles.".

SEC. 9. EXEMPTION FROM AUTOMATIC STAY IN BANKRUPTCY CASES.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (28) the following:

"(29) under subsection (a)(1) of this section, of any action by—

"(A) an amateur sports organization, as defined in section 220501(b) of title 36, to replace a national governing body, as defined in that section, under section 220528 of that title; or

"(B) the corporation, as defined in section 220501(b) of title 36, to revoke the certification of a national governing body, as defined in that section, under section 220521 of that title.".

SEC. 10. ENHANCED CHILD ABUSE REPORTING.

Section 226(c)(9) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(c)(9)) is amended—

(1) by striking "adult who is authorized" and inserting the following: "adult who—

"(A) is authorized";

(2) in subparagraph (A), as so designated, by inserting "or" after the semicolon at the end; and

(3) by adding at the end the following:

"(B) is an employee or representative of the United States Center for SafeSport;".

SEC. 11. COMMISSION ON THE STATE OF U.S. OLYMPICS AND PARALYMPICS.

(a) ESTABLISHMENT.—There is established within the legislative branch a commission, to be known as the "Commission on the State of U.S. Olympics and Paralympics" (referred to in this section as the "Commission").

(b) COMPOSITION.—

Appointments.

(1) IN GENERAL.—The Commission shall be composed of 16 members, of whom—

(A) 4 members shall be appointed by the chairman of the Committee on Commerce, Science, and Transportation of the Senate;

(B) 4 members shall be appointed by the ranking member of the Committee on Commerce, Science, and Transportation of the Senate;

(C) 4 members shall be appointed by the chairman of the Committee on Energy and Commerce of the House of Representatives; and

(D) 4 members shall be appointed by the ranking member of the Committee on Energy and Commerce of the House of Representatives.

(2) CO-CHAIRS.—Of the members of the Commission— Designations.

(A) 1 co-chair shall be designated by the chairman of the Committee on Commerce, Science, and Transportation of the Senate; and

(B) 1 co-chair shall be designated by the chairman of the Committee on Energy and Commerce of the House of Representatives.

(3) QUALIFICATIONS.—

(A) IN GENERAL.—Each member appointed to the Commission shall have the following qualifications:

(i) Experience in 1 or more of the following:

(I) Amateur, Olympic and Paralympic, or professional athletics.

(II) Elite athletic coaching.

(III) Public service relating to sports.

(IV) Professional advocacy for increased minority participation in sports.

(V) Olympic and Paralympic sports administration or professional sports administration.

(ii) Expertise in bullying prevention and the promotion of a healthy organizational culture.

(B) OLYMPIC OR PARALYMPIC ATHLETES.—Not fewer than 8 members appointed under paragraph (1) shall be current or former Olympic or Paralympic athletes.

(c) INITIAL MEETING.—Not later than 30 days after the date on which the last member is appointed under paragraph (1), the Commission shall hold an initial meeting. Deadline.

(d) QUORUM.—11 members of the Commission shall constitute a quorum.

(e) NO PROXY VOTING.—Proxy voting by members of the Commission shall be prohibited.

(f) STAFF.—The co-chairs of the Commission shall appoint an executive director of the Commission, and such staff as appropriate, with compensation. Appointments.

(g) PUBLIC HEARINGS.—The Commission shall hold 1 or more public hearings.

(h) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) DUTIES OF COMMISSION.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study on matters relating to the state of United States participation in the Olympic and Paralympic Games.

(B) MATTERS STUDIED.—The study under subparagraph (A) shall include—

Review.

(i) a review of the most recent reforms undertaken by the United States Olympic and Paralympic Committee;

(ii) a description of proposed reforms to the structure of the United States Olympic and Paralympic Committee;

Assessment.

(iii) an assessment as to whether the board of directors of the United States Olympic and Paralympic Committee includes diverse members, including athletes;

Assessment.

(iv) an assessment of United States athlete participation levels in the Olympic and Paralympic Games;

(v) a description of the status of any United States Olympic and Paralympic Committee licensing arrangement;

Assessment.

(vi) an assessment as to whether the United States is achieving the goals for the Olympic and Paralympic Games set by the United States Olympic and Paralympic Committee;

Analysis.

(vii) an analysis of the participation in amateur athletics of—

(I) women;

(II) disabled individuals; and

(III) minorities;

(viii) a description of ongoing efforts by the United States Olympic and Paralympic Committee to recruit the Olympic and Paralympic Games to the United States;

Evaluation. Analysis.

(ix) an evaluation of the functions of the national governing bodies (as defined in section 220501 of title 36, United States Code) and an analysis of the responsiveness of the national governing bodies to athletes with respect to the duties of the national governing bodies under section 220524(a)(3) of title 36, United States Code; and

Assessment.

(x) an assessment of the finances and the financial organization of the United States Olympic and Paralympic Committee.

(2) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Commission shall submit to Congress a report on the results of the study conducted under paragraph (1), including a detailed statement of findings, conclusions, recommendations, and suggested policy changes.

Web posting.

(B) PUBLIC AVAILABILITY.—The report required by subparagraph (A) shall be made available to the public on an internet website of the United States Government that is available to the public.

(j) POWERS OF COMMISSION.—

(1) SUBPOENA AUTHORITY.—The Commission may subpoena an individual the testimony of whom may be relevant to the purpose of the Commission.

(2) FURNISHING INFORMATION.—On request by the executive director of the Commission, the head of a Federal agency shall furnish information to the Commission.

(k) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report under subsection (i)(2).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 12. SEVERABILITY.

36 USC 220501 note.

If any provision of this Act, or an amendment made by this Act, is determined to be unenforceable or invalid, the remaining provisions of this Act and the amendments made by this Act shall not be affected.

Approved October 30, 2020.

LEGISLATIVE HISTORY—S. 2330:

SENATE REPORTS: No. 116–245 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
Aug. 4, considered and passed Senate.
Oct. 1, considered and passed House.

Public Law 116–190
116th Congress

An Act

Oct. 30, 2020
[S. 2638]

To amend title 49, United State Code, to require small hub airports to construct areas for nursing mothers, and for other purposes.

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

Friendly Airports for Mothers Improvement Act.
49 USC 40101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Friendly Airports for Mothers Improvement Act".

SEC. 2. MOTHERS' ROOMS.

Section 47107(w) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "In fiscal year 2021" and all that follows through "the Secretary of Transportation" and inserting "The Secretary of Transportation";

(2) in paragraph (1)(B) by striking "one men's and one women's" and inserting "at least one men's and at least one women's";

(3) by striking paragraph (2)(A) and inserting the following:

"(A) AIRPORT SIZE.—

Applicability.

"(i) IN GENERAL.—The requirements in paragraph (1) shall only apply to applications submitted by the airport sponsor of—

"(I) a medium or large hub airport in fiscal year 2021 and each fiscal year thereafter; and

"(II) an applicable small hub airport in fiscal year 2023 and each fiscal year thereafter.

"(ii) APPLICABLE SMALL HUB AIRPORT DEFINED.—

Time period.

In clause (i)(II), the term 'applicable small hub airport' means an airport designated as a small hub airport during—

"(I) the 3-year period consisting of 2020, 2021, and 2022; or

"(II) any consecutive 3-year period beginning after 2020.";

(4) in paragraph (2)(B) by striking "the date of enactment of this Act complies with the requirement in paragraph (1)" and inserting "October 5, 2018, complies with the requirement in paragraph (1)(A)"; and

(5) in paragraph (2)(C) by striking "paragraph (1)" and inserting "paragraph (1)(A)".

Approved October 30, 2020.

LEGISLATIVE HISTORY—S. 2638:

SENATE REPORTS: No. 116–232 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
July 29, considered and passed Senate.
Oct. 1, considered and passed House.

Public Law 116–191
116th Congress

An Act

Oct. 30, 2020
[S. 3758]

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections.

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

SECTION 1. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.

Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "Pursuant to the reclamation laws and subject" and inserting "Subject"; and

(ii) by striking "may" and inserting "is authorized to"; and

(B) in subparagraph (A), by inserting ", including conservation and efficiency measures, land idling, and use of groundwater," after "administer programs";

(2) in paragraph (3)(A), by inserting "and" after the semicolon at the end;

(3) by redesignating the second paragraph (4) (relating to the effect of the subsection) as paragraph (5); and

(4) in paragraph (5) (as so redesignated)—

(A) by striking subparagraph (B);

(B) in subparagraph (A), by striking "; or" and inserting a period; and

(C) by striking "the Secretary—" and all that follows through "to develop" in subparagraph (A) and inserting "the Secretary to develop".

Montana.
Energy.

SEC. 2. CONTINUED USE OF PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER BY THE KINSEY IRRIGATION COMPANY AND THE SIDNEY WATER USERS IRRIGATION DISTRICT.

(a) AUTHORIZATION.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the "Kinsey Irrigation Company" in Custer County, Montana and the "Sidney Water Users Irrigation District" in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability

to pay under section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665).

(b) LIMITATION.—The quantity of power to be provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

Approved October 30, 2020.

LEGISLATIVE HISTORY—S. 3758:

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 30, considered and passed Senate.
Oct. 1, considered and passed House.

Public Law 116–192
116th Congress

An Act

Oct. 30, 2020
[S. 4075]

To amend the Public Works and Economic Development Act of 1965 to provide for the release of certain Federal interests in connection with certain grants under that Act, and for other purposes.

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

Reinvigorating Lending for the Future Act.
42 USC 3121 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reinvigorating Lending for the Future Act" or the "RLF Act".

SEC. 2. RELEASE OF CERTAIN INTERESTS.

Section 601(d)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211(d)(2)) is amended—

(1) by striking the paragraph designation and heading and all that follows through "The Secretary may" and inserting the following:

"(2) RELEASE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may"; and

(2) by adding at the end the following:

"(B) CERTAIN RELEASES.—

"(i) IN GENERAL.—On written request from a recipient of a grant under section 209(d), the Secretary shall release, in accordance with this subparagraph, any Federal interest in connection with the grant, if—

Time period.

"(I) the request is made not less than 7 years after the final disbursement of the original grant;

"(II) the recipient has complied with the terms and conditions of the grant to the satisfaction of the Secretary;

"(III) any proceeds realized from the grant will be used for 1 or more activities that continue to carry out the economic development purposes of this Act; and

"(IV) the recipient includes in the written request a description of how the recipient will use the proceeds of the grant in accordance with subclause (III).

"(ii) DEADLINE.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall complete all closeout actions for the grant by not later than 180 days after receipt and acceptance of the written request under clause (i).

"(II) EXTENSION.—The Secretary may extend a deadline under subclause (I) by an additional 180 days if the Secretary determines the extension to be necessary. Determination.

"(iii) SAVINGS PROVISION.—Section 602 shall continue to apply to a project assisted with a grant under section 209(d) regardless of whether the Secretary releases a Federal interest under clause (i).". Applicability.

Approved October 30, 2020.

LEGISLATIVE HISTORY—S. 4075:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Aug. 6, considered and passed Senate.
Oct. 1, considered and passed House.

Public Law 116–193
116th Congress

An Act

Oct. 30, 2020
[S. 4762]

To designate the airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, as the "Senator Kay Hagan Airport Traffic Control Tower".

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

SECTION 1. DESIGNATION.

The airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, and any successor airport traffic control tower at that location, shall be known and designated as the "Senator Kay Hagan Airport Traffic Control Tower".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the "Senator Kay Hagan Airport Traffic Control Tower".

Approved October 30, 2020.

LEGISLATIVE HISTORY—S. 4762:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed Senate.
Oct. 1, considered and passed House.

Public Law 116–194
116th Congress

An Act

To establish a program to facilitate the adoption of modern technology by executive agencies, and for other purposes.

Dec. 3, 2020
[H.R. 5901]

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

Information Technology Modernization Centers of Excellence Program Act. 40 USC 101 note. 40 USC 11301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Information Technology Modernization Centers of Excellence Program Act".

SEC. 2. GSA MODERNIZATION CENTERS OF EXCELLENCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLOUD COMPUTING.—The term "cloud computing" has the meaning given the term in section 1076 of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note).

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code.

(3) PROGRAM.—The term "Program" means the Information Technology Modernization Centers of Excellence Program established under subsection (b).

(b) ESTABLISHMENT.—The Administrator of General Services shall establish a program to be known as the Information Technology Modernization Centers of Excellence Program to facilitate the adoption of modern technology by executive agencies on a reimbursable basis.

(c) RESPONSIBILITIES.—The Program shall have the following responsibilities:

(1) To encourage the modernization of information technology used by an executive agency and how a customer interacts with an executive agency.

(2) To improve cooperation between commercial and executive agency information technology sectors.

(3) To the extent practicable, encourage the adoption of commercial items in accordance with section 3307 of title 41, United States Code.

(4) Upon request by the executive agency, to assist executive agencies with planning and adoption of technology in focus areas designated by the Administrator, which may include the following:

(A) A commercial cloud computing system that includes—

(i) end-to-end migration planning and an assessment of progress towards modernization; and

(ii) a cybersecurity and governance framework that promotes industry and government risk management best practice approaches, prioritizing efforts based on risk, impact, and consequences.

(B) Tools to help an individual receive support from and communicate with an executive agency.

(C) Contact centers and other related customer supports.

(D) Efficient use of data management, analysis, and reporting.

(E) The optimization of infrastructure, including for data centers, and the reduction of operating costs.

(F) Artificial intelligence.

(5) To share best practices and expertise with executive agencies.

(6) Other responsibilities the Administrator may identify.

(d) COORDINATION.—The Administrator shall coordinate with the Secretary of Homeland Security in establishing the Program to ensure that the technology, tools, and frameworks facilitated for executive agencies by the Program provide sufficient cybersecurity and maintain the integrity, confidentiality, and availability of Federal information.

(e) PROGRAM REPORTING.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the Program, which shall include the following:

(1) A description of the reimbursable agreements, statements of work, and associated project schedules and deliverables for the Program.

(2) Details on the total amount of the reimbursable agreements.

(3) Any additional information the Administrator determines necessary.

(f) SUNSET.—This Act shall cease to have effect on the date that is 7 years after the date of enactment of this Act.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to impair or otherwise affect the authority delegated by law to an executive agency or the head of an executive agency.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 5901 (S. 4200):

SENATE REPORTS: No. 116–277 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 4200.

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Nov. 17, considered and passed Senate.

Public Law 116–195
116th Congress

An Act

To award a Congressional Gold Medal, collectively, to the women in the United States who joined the workforce during World War II, providing the aircraft, vehicles, weaponry, ammunition and other material to win the war, that were referred to as "Rosie the Riveter", in recognition of their contributions to the United States and the inspiration they have provided to ensuing generations.

Dec. 3, 2020
[H.R. 1773]

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

Rosie the Riveter Congressional Gold Medal Act of 2019.
31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rosie the Riveter Congressional Gold Medal Act of 2019".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Over 70 years ago there was a call to action, a demand for workers to fill the vacancies left by the men who went to fight in the war.

(2) More than 6 million women answered the call then, entering the workforce during World War II and providing the equipment, weaponry and ammunition to achieve final victory and end the war.

(3) These women left their homes to work or volunteer full-time in factories, farms, shipyards, airplane factories, banks, and other institutions in support of the military overseas.

(4) They worked with the United Service Organizations and the American Red Cross, drove trucks, riveted airplane parts, collected critical materials, rolled bandages, and served on rationing boards.

(5) Our "Rosie the Riveter", the women who worked and sacrificed to strengthen this country during World War II, are among the greatest living heroines in the United States.

(6) These women persevered, despite often facing harassment from their male colleagues and disapproval from their male family members, and all the while continued to maintain their "other jobs" as caretakers of children and their households.

(7) Minority women also overcame long-held policies of discrimination and made significant contributions to the war effort.

(8) Because of the "Rosies", Federal, State, and local agencies coordinated with business owners to develop childcare programs and other supports for working mothers.

(9) The example that these women set during World War II continues to inspire us and blaze a path for the working women and young girls of today.

(10) Specifically, the images of "Rosie the Riveter" and the phrase "We Can Do It" continue to symbolize the empowerment of women today, representing patriotic women who want to serve and strengthen their country, and to inspire young girls to become "21st Century Rosies" by aspiring to, and attaining positions of leadership in all walks of life in America.

SEC. 3. DEFINITIONS.

(a) ROSIE THE RIVETER.—The term "Rosie the Riveter" includes any female individual who held employment or volunteered in support of the war efforts during World War II.

(b) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

SEC. 4. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design in commemoration to Rosie the Riveter, collectively, in recognition of their contributions to the Nation and the inspiration they have provided to ensuing generations.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary. Determination.

(c) NATIONAL MUSEUM OF AMERICAN HISTORY.—

(1) IN GENERAL.—Following the award of the gold medal under subsection (a), the gold medal shall be given to the National Museum of American History of the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of American History shall make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with Rosie the Riveter.

SEC. 5. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 4 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 6. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 1773:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Nov. 13, considered and passed House.
Vol. 166 (2020): Nov. 12, considered and passed Senate.

Public Law 116–196
116th Congress

An Act

To designate the facility of the United States Postal Service located at 35 Tulip Avenue in Floral Park, New York, as the "Lieutenant Michael R. Davidson Post Office Building".

Dec. 3, 2020
[H.R. 1833]

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

SECTION 1. LIEUTENANT MICHAEL R. DAVIDSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 35 Tulip Avenue in Floral Park, New York, shall be known and designated as the "Lieutenant Michael R. Davidson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Michael R. Davidson Post Office Building".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 1833:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 16, considered and passed House.
Vol. 166 (2020): Nov. 18, considered and passed Senate.

Public Law 116–197
116th Congress

An Act

Dec. 3, 2020
[H.R. 3207]

To designate the facility of the United States Postal Service located at 114 Mill Street in Hookstown, Pennsylvania, as the "Staff Sergeant Dylan Elchin Post Office Building".

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

SECTION 1. STAFF SERGEANT DYLAN ELCHIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 114 Mill Street in Hookstown, Pennsylvania, shall be known and designated as the "Staff Sergeant Dylan Elchin Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Dylan Elchin Post Office Building".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 3207:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 16, considered and passed House.
Vol. 166 (2020): Nov. 18, considered and passed Senate.

Public Law 116–198
116th Congress

An Act

To permit the Scipio A. Jones Post Office in Little Rock, Arkansas, to accept and display a portrait of Scipio A. Jones, and for other purposes.

Dec. 3, 2020
[H.R. 3317]

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

SECTION 1. SCIPIO A. JONES POST OFFICE PORTRAIT.

Wade Hampton.

(a) IN GENERAL.—The postmaster of the Scipio A. Jones Post Office, located at 1700 Main Street in Little Rock, Arkansas, may accept and display, in the lobby of such Post Office, a painting, by artist Wade Hampton, of a portrait of Scipio A. Jones.

(b) COSTS; GIFTS.—The United States Postal Service shall not be responsible for any costs of carrying out subsection (a), including the costs of displaying the painting. The postmaster referred to in such subsection is authorized to accept on behalf of the Government the painting and any services necessary to display the painting.

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 3317:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 116–199
116th Congress

An Act

Dec. 3, 2020
[H.R. 3329]

To designate the facility of the United States Postal Service located at 5186 Benito Street in Montclair, California, as the "Paul Eaton Post Office Building".

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

SECTION 1. PAUL EATON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5186 Benito Street in Montclair, California, shall be known and designated as the "Paul Eaton Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Paul Eaton Post Office Building".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 3329:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 16, considered and passed House.
Vol. 166 (2020): Nov. 18, considered and passed Senate.

Public Law 116–200
116th Congress

An Act

To designate the facility of the United States Postal Service located at 171 South Maple Street in Dana, Indiana, as the "Ernest 'Ernie' T. Pyle Post Office".

Dec. 3, 2020
[H.R. 4734]

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

SECTION 1. ERNEST "ERNIE" T. PYLE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 171 South Maple Street in Dana, Indiana, shall be known and designated as the "Ernest 'Ernie' T. Pyle Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ernest 'Ernie' T. Pyle Post Office".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 4734 (S. 2945):

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 116–201
116th Congress

An Act

Dec. 3, 2020
[H.R. 4794]

To designate the facility of the United States Postal Service located at 8320 13th Avenue in Brooklyn, New York, as the "Mother Frances Xavier Cabrini Post Office Building".

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

SECTION 1. MOTHER FRANCES XAVIER CABRINI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8320 13th Avenue in Brooklyn, New York, shall be known and designated as the "Mother Frances Xavier Cabrini Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mother Frances Xavier Cabrini Post Office Building".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 4794:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 116–202
116th Congress

An Act

To designate the facility of the United States Postal Service located at 2505 Derita Avenue in Charlotte, North Carolina, as the "Julius L. Chambers Civil Rights Memorial Post Office".

Dec. 3, 2020
[H.R. 4981]

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

SECTION 1. JULIUS L. CHAMBERS CIVIL RIGHTS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2505 Derita Avenue in Charlotte, North Carolina, shall be known and designated as the "Julius L. Chambers Civil Rights Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Julius L. Chambers Civil Rights Memorial Post Office".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 4981:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 116–203
116th Congress

An Act

Dec. 3, 2020
[H.R. 5037]

To designate the facility of the United States Postal Service located at 3703 North Main Street in Farmville, North Carolina, as the "Walter B. Jones, Jr. Post Office".

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

SECTION 1. WALTER B. JONES, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3703 North Main Street in Farmville, North Carolina, shall be known and designated as the "Walter B. Jones, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Walter B. Jones, Jr. Post Office".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 5037:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 116–204
116th Congress

An Act

To designate the facility of the United States Postal Service located at 100 Crosby Street in Mansfield, Louisiana, as the "Dr. C.O. Simpkins, Sr., Post Office".

Dec. 3, 2020
[H.R. 5384]

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

SECTION 1. DR. C.O. SIMPKINS, SR., POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Crosby Street in Mansfield, Louisiana, shall be known and designated as the "Dr. C.O. Simpkins, Sr., Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. C.O. Simpkins, Sr., Post Office".

Approved December 3, 2020.

LEGISLATIVE HISTORY—H.R. 5384 (S. 3365):

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 116–205
116th Congress

An Act

Dec. 3, 2020
[S. 327]

To amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability.

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

Wounded Veterans Recreation Act. 16 USC 6801 note.

SECTION 1. SHORT TITLE.

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

SEC. 2. NATIONAL RECREATIONAL PASSES FOR DISABLED VETERANS.

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

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

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

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

Approved December 3, 2020.

LEGISLATIVE HISTORY—S. 327:

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 22, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 116–206
116th Congress

An Act

Dec. 4, 2020
[H.R. 835]

To impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping, and for other purposes.

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

Rodchenkov Anti-Doping Act of 2019.
21 USC 2401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rodchenkov Anti-Doping Act of 2019".

21 USC 2401.

SEC. 2. DEFINITIONS.

(1) ANTI-DOPING ORGANIZATION.—The term "anti-doping organization" has the meaning given the term in Article 2 of the Convention.

(2) ATHLETE.—The term "athlete" has the meaning given the term in Article 2 of the Convention.

(3) CODE.—The term "Code" means the World Anti-Doping Code most recently adopted by WADA on March 5, 2003.

(4) CONVENTION.—The term "Convention" means the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport done at Paris October 19, 2005, and ratified by the United States in 2008.

(5) MAJOR INTERNATIONAL SPORT COMPETITION.—The term "Major International Sport Competition"—

(A) means a competition—

(i) in which one or more United States athletes and three or more athletes from other countries participate;

(ii) that is governed by the anti-doping rules and principles of the Code; and

(iii) in which—

(I) the competition organizer or sanctioning body receives sponsorship or other financial support from an organization doing business in the United States; or

(II) the competition organizer or sanctioning body receives compensation for the right to broadcast the competition in the United States; and

(B) includes a competition that is a single event or a competition that consists of a series of events held at different times which, when combined, qualify an athlete or team for an award or other recognition.

(6) PERSON.—The term "person" means any individual, partnership, corporation, association, or other entity.

(7) PROHIBITED METHOD.—The term "prohibited method" has the meaning given the term in Article 2 of the Convention.

(8) PROHIBITED SUBSTANCE.—The term "prohibited substance" has the meaning given the term in Article 2 of the Convention.

(9) SCHEME IN COMMERCE.—The term "scheme in commerce" means any scheme effectuated in whole or in part through the use in interstate or foreign commerce of any facility for transportation or communication.

(10) USADA.—The term "USADA" means the United States Anti-Doping Agency.

(11) WADA.—The term "WADA" means the World Anti-Doping Agency.

SEC. 3. MAJOR INTERNATIONAL DOPING FRAUD CONSPIRACIES. 21 USC 2402.

(a) IN GENERAL.—It shall be unlawful for any person, other than an athlete, to knowingly carry into effect, attempt to carry into effect, or conspire with any other person to carry into effect a scheme in commerce to influence by use of a prohibited substance or prohibited method any major international sports competition.

(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

SEC. 4. CRIMINAL PENALTIES AND STATUTE OF LIMITATIONS. 21 USC 2403.

(a) IN GENERAL.—

(1) CRIMINAL PENALTY.—Whoever violates section 3 shall be sentenced to a term of imprisonment for not more than 10 years, fined $250,000 if the person is an individual or $1,000,000 if the defendant is other than an individual, or both. Time period.

(2) FORFEITURE.—Any property real or personal, tangible or intangible, may be seized and criminally forfeited to the United States if that property—

(A) is used or intended to be used, in any manner, to commit or facilitate a violation of section 3; or

(B) constitutes or is traceable to the proceeds taken, obtained, or retained in connection with or as a result of a violation of section 3.

(b) LIMITATION ON PROSECUTION.—

(1) IN GENERAL.—No person shall be prosecuted, tried, or punished for violation of section 3 unless the indictment is returned or the information is filed within 10 years after the date on which the offense was completed. Deadline.

(2) TOLLING.—Upon application in the United States, filed before a return of an indictment, indicating that evidence of an offense under this chapter is in a foreign country, the district court before which a grand jury is impaneled to investigate the offense shall suspend the running of this statute of limitation for the offense if the court finds by a preponderance of the evidence that an official request has been made for such evidence and that it reasonably appears, or reasonably appeared at the time the request was made, that such evidence is, or was, in such foreign country. Courts.

SEC. 5. RESTITUTION.

Section 3663A of title 18, United States Code, is amended in subsection (c)—

(1) in paragraph (1)(A)—

(A) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(B) by inserting after clause (ii) the following:

"(iii) an offense described in section 3 of the Rodchenkov Anti-Doping Act of 2019;"; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting "or (iii)" after "paragraph (1)(A)(ii)".

21 USC 2404.

SEC. 6. COORDINATION AND SHARING OF INFORMATION WITH USADA.

Except as otherwise prohibited by law and except in cases in which the integrity of a criminal investigation would be affected, in furtherance of the obligation of the United States under Article 7 of the Convention, the Department of Justice, the Department of Homeland Security, and the Food and Drug Administration shall coordinate with USADA with regard to any investigation related to a potential violation of section 3 of this Act, to include sharing with USADA all information in the possession of the Department of Justice, the Department of Homeland Security, or the Food and Drug Administration which may be relevant to any such potential violation.

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, and the amendments made by this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 4, 2020.

LEGISLATIVE HISTORY—H.R. 835:

HOUSE REPORTS: No. 116–251, Pt. 1 (Comm. on the Judiciary).
SENATE REPORTS: No. 116–247 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 22, considered and passed House.
Vol. 166 (2020): Nov. 16, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 4, Presidential statement.

Public Law 116–207
116th Congress

An Act

To establish minimum security standards for Internet of Things devices owned or controlled by the Federal Government, and for other purposes.

Dec. 4, 2020
[H.R. 1668]

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

Internet of Things Cybersecurity Improvement Act of 2020.
15 USC 271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet of Things Cybersecurity Improvement Act of 2020" or the "IoT Cybersecurity Improvement Act of 2020".

15 USC 278g–3a note.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) ensuring the highest level of cybersecurity at agencies in the executive branch is the responsibility of the President, followed by the Director of the Office of Management and Budget, the Secretary of Homeland Security, and the head of each such agency;

(2) this responsibility is to be carried out by working collaboratively within and among agencies in the executive branch, industry, and academia;

(3) the strength of the cybersecurity of the Federal Government and the positive benefits of digital technology transformation depend on proactively addressing cybersecurity throughout the acquisition and operation of Internet of Things devices by the Federal Government; and

(4) consistent with the second draft National Institute for Standards and Technology Interagency or Internal Report 8259 titled "Recommendations for IoT Device Manufacturers: Foundational Activities and Core Device Cybersecurity Capability Baseline", published in January 2020, Internet of Things devices are devices that—

(A) have at least one transducer (sensor or actuator) for interacting directly with the physical world, have at least one network interface, and are not conventional Information Technology devices, such as smartphones and laptops, for which the identification and implementation of cybersecurity features is already well understood; and

(B) can function on their own and are not only able to function when acting as a component of another device, such as a processor.

15 USC 278g–3a.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 3502 of title 44, United States Code.

(2) DIRECTOR OF OMB.—The term "Director of OMB" means the Director of the Office of Management and Budget.

(3) DIRECTOR OF THE INSTITUTE.—The term "Director of the Institute" means the Director of the National Institute of Standards and Technology.

(4) INFORMATION SYSTEM.—The term "information system" has the meaning given that term in section 3502 of title 44, United States Code.

(5) NATIONAL SECURITY SYSTEM.—The term "national security system" has the meaning given that term in section 3552(b)(6) of title 44, United States Code.

(6) OPERATIONAL TECHNOLOGY.—The term "operational technology" means hardware and software that detects or causes a change through the direct monitoring or control of physical devices, processes, and events in the enterprise.

(7) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(8) SECURITY VULNERABILITY.—The term "security vulnerability" has the meaning given that term in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)).

15 USC 278g–3b.

SEC. 4. SECURITY STANDARDS AND GUIDELINES FOR AGENCIES ON USE AND MANAGEMENT OF INTERNET OF THINGS DEVICES.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY DEVELOPMENT OF STANDARDS AND GUIDELINES FOR USE OF INTERNET OF THINGS DEVICES BY AGENCIES.—

Deadline. Publication.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Institute shall develop and publish under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) standards and guidelines for the Federal Government on the appropriate use and management by agencies of Internet of Things devices owned or controlled by an agency and connected to information systems owned or controlled by an agency, including minimum information security requirements for managing cybersecurity risks associated with such devices.

(2) CONSISTENCY WITH ONGOING EFFORTS.—The Director of the Institute shall ensure that the standards and guidelines developed under paragraph (1) are consistent with the efforts of the National Institute of Standards and Technology in effect on the date of the enactment of this Act—

(A) regarding—

(i) examples of possible security vulnerabilities of Internet of Things devices; and

(ii) considerations for managing the security vulnerabilities of Internet of Things devices; and

(B) with respect to the following considerations for Internet of Things devices:

(i) Secure Development.

(ii) Identity management.

(iii) Patching.

(iv) Configuration management.

(3) CONSIDERING RELEVANT STANDARDS.—In developing the standards and guidelines under paragraph (1), the Director

of the Institute shall consider relevant standards, guidelines, and best practices developed by the private sector, agencies, and public-private partnerships.

(b) REVIEW OF AGENCY INFORMATION SECURITY POLICIES AND PRINCIPLES.—

(1) REQUIREMENT.—Not later than 180 days after the date on which the Director of the Institute completes the development of the standards and guidelines required under subsection (a), the Director of OMB shall review agency information security policies and principles on the basis of the standards and guidelines published under subsection (a) pertaining to Internet of Things devices owned or controlled by agencies (excluding agency information security policies and principles pertaining to Internet of Things of devices owned or controlled by agencies that are or comprise a national security system) for consistency with the standards and guidelines submitted under subsection (a) and issue such policies and principles as may be necessary to ensure those policies and principles are consistent with such standards and guidelines. Deadline.

(2) REVIEW.—In reviewing agency information security policies and principles under paragraph (1) and issuing policies and principles under such paragraph, as may be necessary, the Director of OMB shall—

(A) consult with the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security; and Consultation.

(B) ensure such policies and principles are consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code.

(3) NATIONAL SECURITY SYSTEMS.—Any policy or principle issued by the Director of OMB under paragraph (1) shall not apply to national security systems.

(c) QUINQUENNIAL REVIEW AND REVISION.— Deadlines.

(1) REVIEW AND REVISION OF NIST STANDARDS AND GUIDELINES.—Not later than 5 years after the date on which the Director of the Institute publishes the standards and guidelines under subsection (a), and not less frequently than once every 5 years thereafter, the Director of the Institute, shall—

(A) review such standards and guidelines; and

(B) revise such standards and guidelines as appropriate.

(2) UPDATED OMB POLICIES AND PRINCIPLES FOR AGENCIES.—Not later than 180 days after the Director of the Institute makes a revision pursuant to paragraph (1), the Director of OMB, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, shall update any policy or principle issued under subsection (b)(1) as necessary to ensure those policies and principles are consistent with the review and any revision under paragraph (1) under this subsection and paragraphs (2) and (3) of subsection (b). Consultation.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised as necessary to implement any standards and guidelines promulgated in this section.

15 USC 278g–3c.

SEC. 5. GUIDELINES ON THE DISCLOSURE PROCESS FOR SECURITY VULNERABILITIES RELATING TO INFORMATION SYSTEMS, INCLUDING INTERNET OF THINGS DEVICES.

Deadline. Consultation. Publication.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Institute, in consultation with such cybersecurity researchers and private sector industry experts as the Director considers appropriate, and in consultation with the Secretary, shall develop and publish under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) guidelines—

(1) for the reporting, coordinating, publishing, and receiving of information about—

(A) a security vulnerability relating to information systems owned or controlled by an agency (including Internet of Things devices owned or controlled by an agency); and

(B) the resolution of such security vulnerability; and

(2) for a contractor providing to an agency an information system (including an Internet of Things device) and any subcontractor thereof at any tier providing such information system to such contractor, on—

(A) receiving information about a potential security vulnerability relating to the information system; and

(B) disseminating information about the resolution of a security vulnerability relating to the information system.

(b) ELEMENTS.—The guidelines published under subsection (a) shall—

(1) to the maximum extent practicable, be aligned with industry best practices and Standards 29147 and 30111 of the International Standards Organization (or any successor standard) or any other appropriate, relevant, and widely-used standard;

(2) incorporate guidelines on—

(A) receiving information about a potential security vulnerability relating to an information system owned or controlled by an agency (including an Internet of Things device); and

(B) disseminating information about the resolution of a security vulnerability relating to an information system owned or controlled by an agency (including an Internet of Things device); and

(3) be consistent with the policies and procedures produced under section 2009(m) of the Homeland Security Act of 2002 (6 U.S.C. 659(m)).

(c) INFORMATION ITEMS.—The guidelines published under subsection (a) shall include example content, on the information items that should be reported, coordinated, published, or received pursuant to this section by a contractor, or any subcontractor thereof at any tier, providing an information system (including Internet of Things device) to the Federal Government.

(d) OVERSIGHT.—The Director of OMB shall oversee the implementation of the guidelines published under subsection (a).

Consultation.

(e) OPERATIONAL AND TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Director of OMB, shall administer the implementation of the guidelines published under subsection (a) and provide operational and technical assistance in implementing such guidelines.

SEC. 6. IMPLEMENTATION OF COORDINATED DISCLOSURE OF SECURITY VULNERABILITIES RELATING TO AGENCY INFORMATION SYSTEMS, INCLUDING INTERNET OF THINGS DEVICES.

Consultation.
15 USC 278g–3d.

(a) AGENCY GUIDELINES REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Director of OMB, in consultation with the Secretary, shall develop and oversee the implementation of policies, principles, standards, or guidelines as may be necessary to address security vulnerabilities of information systems (including Internet of Things devices).

Deadline.

(b) OPERATIONAL AND TECHNICAL ASSISTANCE.—Consistent with section 3553(b) of title 44, United States Code, the Secretary, in consultation with the Director of OMB, shall provide operational and technical assistance to agencies on reporting, coordinating, publishing, and receiving information about security vulnerabilities of information systems (including Internet of Things devices).

(c) CONSISTENCY WITH GUIDELINES FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Secretary shall ensure that the assistance provided under subsection (b) is consistent with applicable standards and publications developed by the Director of the Institute.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised as necessary to implement the provisions under this section.

SEC. 7. CONTRACTOR COMPLIANCE WITH COORDINATED DISCLOSURE OF SECURITY VULNERABILITIES RELATING TO AGENCY INTERNET OF THINGS DEVICES.

15 USC 278g–3e.

(a) PROHIBITION ON PROCUREMENT AND USE.—

(1) IN GENERAL.—The head of an agency is prohibited from procuring or obtaining, renewing a contract to procure or obtain, or using an Internet of Things device, if the Chief Information Officer of that agency determines during a review required by section 11319(b)(1)(C) of title 40, United States Code, of a contract for such device that the use of such device prevents compliance with the standards and guidelines developed under section 4 or the guidelines published under section 5 with respect to such device.

Determination.

(2) SIMPLIFIED ACQUISITION THRESHOLD.—Notwithstanding section 1905 of title 41, United States Code, the requirements under paragraph (1) shall apply to a contract or subcontract in amounts not greater than the simplified acquisition threshold.

Applicability.

(b) WAIVER.—

(1) AUTHORITY.—The head of an agency may waive the prohibition under subsection (a)(1) with respect to an Internet of Things device if the Chief Information Officer of that agency determines that—

Determination.

(A) the waiver is necessary in the interest of national security;

(B) procuring, obtaining, or using such device is necessary for research purposes; or

(C) such device is secured using alternative and effective methods appropriate to the function of such device.

(2) AGENCY PROCESS.—The Director of OMB shall establish a standardized process for the Chief Information Officer of each agency to follow in determining whether the waiver under paragraph (1) may be granted.

(c) REPORTS TO CONGRESS.—

Time period.

(1) REPORT.—Every 2 years during the 6-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report—

(A) on the effectiveness of the process established under subsection (b)(2);

Recommendations.

(B) that contains recommended best practices for the procurement of Internet of Things devices; and

Lists.

Time period.

(C) that lists—

(i) the number and type of each Internet of Things device for which a waiver under subsection (b)(1) was granted during the 2-year period prior to the submission of the report; and

(ii) the legal authority under which each such waiver was granted, such as whether the waiver was granted pursuant to subparagraph (A), (B), or (C) of such subsection.

(2) CLASSIFICATION OF REPORT.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex that contains the information described under paragraph (1)(C).

(d) EFFECTIVE DATE.—The prohibition under subsection (a)(1) shall take effect 2 years after the date of the enactment of this Act.

SEC. 8. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CYBERSECURITY CONSIDERATIONS STEMMING FROM THE CONVERGENCE OF INFORMATION TECHNOLOGY, INTERNET OF THINGS, AND OPERATIONAL TECHNOLOGY DEVICES, NETWORKS, AND SYSTEMS.

Deadline.

(a) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall provide a briefing to the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on broader Internet of Things efforts, including projects designed to assist in managing potential security vulnerabilities associated with the use of traditional information technology devices, networks, and systems with—

(1) Internet of Things devices, networks, and systems; and

(2) operational technology devices, networks, and systems.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the

Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on broader Internet of Things efforts addressed in subsection (a).

Approved December 4, 2020.

LEGISLATIVE HISTORY—H.R. 1668 (S. 734):

HOUSE REPORTS: No. 116–501, Pt. 1 (Comm. on Oversight and Reform).
SENATE REPORTS: No. 116–112 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 734.
CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Nov. 17, considered and passed Senate.

Public Law 116–208
116th Congress

An Act

Dec. 4, 2020
[H.R. 3589]

To award a Congressional Gold Medal to Greg LeMond, in recognition of his service to the Nation as an athlete, activist, role model, and community leader.

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

Greg LeMond Congressional Gold Medal Act. 31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Greg LeMond Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Gregory James "Greg" LeMond was born in Lakewood, California, on June 26, 1961.

(2) Greg began cycling at the age of 14, winning an astonishing 11 straight races to begin his career.

(3) Greg took home a full suite of medals at the 1979 Junior World Championships, including gold, silver, and bronze, emerging victorious in the road race and placing in both team and track pursuit events.

(4) At age 18, Greg became the youngest cyclist in the history of the sport to be selected for the United States Men's Olympic team.

(5) Greg emerged victorious in the 1980 Circuit de la Sarthe, becoming the first American in history and the youngest rider ever to win a major pro-am cycling event on the European continent.

(6) At age 19, Greg signed his first professional contract.

(7) In 1982, Greg made the first of several remarkable recoveries, returning from a broken collarbone to win the silver medal at the world championships in Great Britain.

(8) The Tour de France, the world's preeminent cycling competition, was first held over a century ago, in 1903.

(9) The Tour de France takes place over 23 days, covering an extraordinary 2,200 miles, winding through multiple mountain ranges, spanning multiple nations, and is viewed as comparable to running a marathon every day for three consecutive weeks.

(10) Greg first competed in the Tour de France in 1984, finishing third, and finishing second the following year, in both years deputizing himself to his teammates, sacrificing a chance to win himself to boost his teammates toward victory.

(11) Greg emerged victorious in the 1986 Tour de France, ascending the fabled Alpe D'Huez, defeating the field by more

than 3 full minutes, becoming the first American and the first non-European to win cycling's most prestigious race.

(12) In 1987, while recovering from a broken wrist and collarbone, Greg was tragically shot during a turkey hunting accident, leaving him in intensive care, requiring the removal of over 40 shotgun pellets from his abdomen, was deemed unlikely to ever ride a bicycle again, and likely survived only due to the abnormal strength of his cardiovascular system.

(13) Greg mounted the greatest comeback in the history of American sports, taking home an astonishing victory at the 1989 Tour de France, following multiple surgeries, life-threatening gunshot wounds, tendon repair, and an appendectomy, winning by 8 seconds in the closest finish in the history of the Tour de France.

(14) Greg would win a third Tour de France victory in 1990.

(15) Greg is the only American to win the Tour de France.

(16) Greg has vocally spoken out to champion healthy sport amongst athletes of all ages and competition levels.

(17) Greg and his wife, Kathy, are active in numerous nonprofit causes, including healthy sport, assisting victims of sexual abuse and various childhood illnesses.

(18) Cycling offers young people a healthy, active, outdoor hobby.

(19) Greg completed his professional career having won 2 World Championships, 3 Tour de France championships, and 22 titles overall.

(20) More than any other cyclist, Greg personified the "breakaway" culture of American cycling in the 1970s and 80s, viewed universally as the epitome of a young person on a bicycle, attempting to accomplish feats no other American had achieved.

(21) Greg has not only reached the pinnacle of international sport, but has devoted his time and resources to assisting his fellow athletes.

(22) Greg has demonstrated the commitment to excellence, generosity, community, and tenacity that makes him an example for all to follow.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Greg LeMond, in recognition of his contributions to the Nation as an athlete, activist, role model, and community leader.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 4, 2020.

LEGISLATIVE HISTORY—H.R. 3589:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Sept. 19, considered and passed House.
Vol. 166 (2020): Nov. 16, considered and passed Senate.

Public Law 116–209
116th Congress

An Act

To require the Secretary of the Treasury to mint a coin in commemoration of the 100th anniversary of the establishment of the Negro Leagues baseball.

Dec. 4, 2020
[H.R. 4104]

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

Negro Leagues Baseball Centennial Commemorative Coin Act.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Negro Leagues Baseball Centennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The year 2020 marks the 100th anniversary of the establishment of the Negro National League, a professional baseball league formed in response to African-American players being banned from the major leagues.

(2) On February 13, 1920, Andrew "Rube" Foster convened a meeting of 8 independent African-American baseball team owners at the Paseo YMCA in Kansas City, Missouri, to form a "league of their own," establishing the Negro National League, the first successful, organized professional African-American baseball league in the United States.

(3) Soon, additional leagues formed in eastern and southern States.

(4) The Negro Leagues would operate for 40 years until 1960.

(5) The story of the Negro Leagues is a story of strong-willed athletes who forged a glorious history in the midst of an inglorious era of segregation in the United States.

(6) The passion of the Negro Leagues players for the "National Pastime" would not only change the game, but also the United States.

(7) The creation of the Negro Leagues provided a playing field for more than 2,600 African-American and Hispanic baseball players to showcase their world-class baseball abilities.

(8) The Negro Leagues introduced an exciting brand of baseball that was in stark contrast to Major League Baseball.

(9) A fast, aggressive style of play attracted black and white fans who sat together to watch those games at a time when it was virtually unheard of to interact socially in such a way.

(10) Negro Leagues baseball would become a catalyst for economic development across the United States in major urban centers such as Kansas City, St. Louis, New York, Memphis, Baltimore, Washington, DC, Chicago, and Atlanta.

(11) The Negro Leagues pioneered "Night Baseball" in 1930, 5 years before Major League Baseball, and would introduce game-changing innovations such as shin guards and the batting helmet.

(12) The Negro Leagues helped make the National Pastime a global game as players from the Negro Leagues—

(A) were the first people from the United States to play in many Spanish-speaking countries; and

(B) introduced professional baseball to the Japanese in 1927.

(13) Jackie Robinson, a military veteran and former member of the Negro Leagues' Kansas City Monarchs, would break Major League Baseball's color barrier on April 15, 1947, with the Brooklyn Dodgers, paving the way for other African-American and Hispanic baseball players.

(14) The Negro Leagues were born out of segregation yet would become a driving force for social change in the United States.

(15) The Negro Leagues produced future Major League Baseball stars, including Leroy "Satchel" Paige, Larry Doby, Willie Mays, Henry Aaron, Ernie Banks, and Roy Campanella.

(16) The Negro Leagues Baseball Museum was established in Kansas City, Missouri, in 1990—

(A) to save from extinction a precious piece of Americana and baseball history; and

(B) to use the many life lessons of the powerful story of triumph over adversity of Negro Leagues players to promote tolerance, diversity, and inclusion.

(17) In 2006, Congress granted National Designation to the Negro Leagues Baseball Museum, recognizing it as "America's Home" for Negro Leagues baseball history.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain not less than 90 percent gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 400,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGNS OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The designs of the coins minted under this Act shall be emblematic of the Negro Leagues Baseball Museum and its mission to promote tolerance, diversity, and inclusion.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2022"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The designs for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Negro Leagues Baseball Museum and the Commission of Fine Arts; and

Consultation.

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITIES.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2022.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin;

(2) $10 per coin for the $1 coin; and

(3) $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Negro Leagues Baseball Museum for educational and outreach programs and exhibits.

(c) AUDITS.—The Negro Leagues Baseball Museum shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

SEC. 9. MARKETING AND EDUCATIONAL CAMPAIGN.

The Secretary shall develop and execute a marketing, advertising, promotional, and educational program to promote the collecting of the coins authorized under this subsection.

SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 4, 2020.

LEGISLATIVE HISTORY—H.R. 4104 (S. 2321):

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 22, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 116–210
116th Congress

An Act

Dec. 4, 2020
[H.R. 8276]

To authorize the President to posthumously award the Medal of Honor to Alwyn C. Cashe for acts of valor during Operation Iraqi Freedom.

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

SECTION 1. AUTHORIZATION TO AWARD MEDAL OF HONOR TO SERGEANT FIRST CLASS ALWYN C. CASHE FOR ACTS OF VALOR DURING OPERATION IRAQI FREEDOM.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Sergeant First Class Alwyn C. Cashe for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class Alwyn C. Cashe on October 17, 2005, as a member of the Army serving in Iraq in support of Operation Iraqi Freedom, for which he was posthumously awarded the Silver Star.

Approved December 4, 2020.

LEGISLATIVE HISTORY—H.R. 8276:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 22, considered and passed House.
Nov. 10, considered and passed Senate.

Public Law 116–211
116th Congress

An Act

To provide that, due to the disruptions caused by COVID–19, applications for impact aid funding for fiscal year 2022 may use certain data submitted in the fiscal year 2021 application.

Dec. 4, 2020
[H.R. 8472]

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

Impact Aid Coronavirus Relief Act.
20 USC 6301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Impact Aid Coronavirus Relief Act".

20 USC 7705 note.

SEC. 2. IMPACT AID PROGRAM.

Due to the public health emergency relating to COVID–19 and notwithstanding sections 7002(j) and 7003(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(j), 7703(c)), a local educational agency desiring to receive a payment under section 7002 or 7003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2022 that also submitted an application for such payment for fiscal year 2021 shall, in the application submitted under section 7005 of such Act (20 U.S.C. 7705) for fiscal year 2022—

(1) with respect to a requested payment under section 7002 of such Act—

(A) use the data described in section 7002(j) of such Act relating to calculating such payment that was submitted by the local educational agency in the application for fiscal year 2021; or

(B) use the data relating to calculating such payment for the fiscal year required under section 7002(j) of such Act; and

(2) with respect to a requested payment under section 7003 of such Act—

(A) use the student count data relating to calculating such payment that was submitted by the local educational agency in the application for fiscal year 2021, provided that payments for fiscal year 2022 shall be calculated by the Secretary using the expenditures and rates described in clauses (i), (ii), (iii), and (iv) of section 7003(b)(1)(C) of such Act that would otherwise apply for fiscal year 2022; or

(B) use the student count data relating to calculating such payment for the fiscal year required under section 7003(c) of such Act.

20 USC 6393 note.

SEC. 3. MIGRANT EDUCATION PROGRAM.

Due to the public health emergency relating to COVID–19 and notwithstanding subsections (a)(1) and (f)(1) of section 1303 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6393), for the purposes of making determinations under subsections (a)(1) and (f) of such section 1303 for fiscal year 2021 and all subsequent fiscal years for which school year 2019–2020 data would be used in the calculations under section 1303(a)(1) of such Act, the Secretary of Education shall use school year 2018–2019 data or school year 2019–2020 data, whichever data are greater, wherever school year 2019–2020 data would otherwise be required.

Approved December 4, 2020.

LEGISLATIVE HISTORY—H.R. 8472:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Oct. 2, considered and passed House.
Nov. 12, considered and passed Senate.

Public Law 116–212
116th Congress

An Act

To require the Secretary of Veterans Affairs to submit to Congress reports on patient safety and quality of care at medical centers of the Department of Veterans Affairs, and for other purposes.

Dec. 4, 2020
[S. 3147]

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

Improving Safety and Security for Veterans Act of 2019.

SECTION 1. SHORT TITLE.

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

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

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

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

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

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

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

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

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

(I) Access to such substances by staff.

(II) What medications are dispensed via automation.

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

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

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

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

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

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

Procedures.

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

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

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

Analyses.

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

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

(II) who conducts the root cause analysis; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) leadership of the Facility;

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

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

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

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

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

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

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

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

Analysis.

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

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

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

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

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

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

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

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

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

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

Approved December 4, 2020.

LEGISLATIVE HISTORY—S. 3147:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 19, considered and passed Senate.
Vol. 166 (2020): Nov. 16, considered and passed House.

Public Law 116–213
116th Congress

An Act

Dec. 4, 2020
[S. 3587]

To require the Secretary of Veterans Affairs to conduct a study on the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities, and for other purposes.

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

Department of Veterans Affairs Website Accessibility Act of 2019.

SECTION 1. SHORT TITLE.

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

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

Deadline.

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

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

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

List.

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

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

Plan.

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

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

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

(1) A file attached to a website.

(2) A web-based application.

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

Approved December 4, 2020.

LEGISLATIVE HISTORY—S. 3587:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 25, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 116–214
116th Congress

An Act

Dec. 5, 2020
[H.R. 8247]

To make certain improvements relating to the transition of individuals to services from the Department of Veterans Affairs, suicide prevention for veterans, and care and services for women veterans, and for other purposes.

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

Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020" or the "Veterans COMPACT Act of 2020".

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENT OF TRANSITION OF INDIVIDUALS TO SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Pilot program on information sharing between Department of Veterans Affairs and designated relatives and friends of veterans regarding assistance and benefits available to the veterans.
Sec. 102. Annual report on Solid Start program of Department of Veterans Affairs.

TITLE II—SUICIDE PREVENTION

Sec. 201. Department of Veterans Affairs provision of emergent suicide care.
Sec. 202. Education program for family members and caregivers of veterans with mental health disorders.
Sec. 203. Interagency Task Force on Outdoor Recreation for Veterans.
Sec. 204. Contact of certain veterans to encourage receipt of comprehensive medical examinations.
Sec. 205. Police crisis intervention training of Department of Veterans Affairs.

TITLE III—IMPROVEMENT OF CARE AND SERVICES FOR WOMEN VETERANS

Sec. 301. Gap analysis of Department of Veterans Affairs programs that provide assistance to women veterans who are homeless.
Sec. 302. Report on locations where women veterans are using health care from Department of Veterans Affairs.

TITLE I—IMPROVEMENT OF TRANSITION OF INDIVIDUALS TO SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. PILOT PROGRAM ON INFORMATION SHARING BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DESIGNATED RELATIVES AND FRIENDS OF VETERANS REGARDING ASSISTANCE AND BENEFITS AVAILABLE TO THE VETERANS.

38 USC 6303 note.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program— Deadline.

(A) to encourage members of the Armed Forces who are transitioning from service in the Armed Forces to civilian life, before separating from such service, to designate up to 10 persons to whom information regarding the assistance and benefits available to the veterans under laws administered by the Secretary shall be disseminated using the contact information obtained under paragraph (7); and

(B) provides such persons, within 30 days after the date on which such persons are designated under subparagraph (A), the option to elect to receive such information. Time period.

(2) DURATION.—The Secretary shall carry out the pilot program during a period beginning on the date of the commencement of the pilot program that is not less than two years.

(3) DISSEMINATION.—The Secretary shall disseminate information described in paragraph (1)(A) under the pilot program no less than quarterly.

(4) TYPES OF INFORMATION.—The types of information to be disseminated under the pilot program to persons who elect to receive such information shall include information regarding the following:

(A) Services and benefits offered to veterans and their family members by the Department of Veterans Affairs.

(B) Challenges and stresses that might accompany transitioning from service in the Armed Forces to civilian life.

(C) Services available to veterans and their family members to cope with the experiences and challenges of service in the Armed Forces and transition from such service to civilian life.

(D) Services available through community partner organizations to support veterans and their family members.

(E) Services available through Federal, State, and local government agencies to support veterans and their family members.

(F) The environmental health registry program, health and wellness programs, and resources for preventing and managing diseases and illnesses.

(G) A toll-free telephone number through which such persons who elect to receive information under the pilot program may request information regarding the program.

Consultation. Determination.

(H) Such other matters as the Secretary, in consultation with members of the Armed Forces and such persons who elect to receive information under the pilot program, determines to be appropriate.

(5) PRIVACY OF INFORMATION.—In carrying out the pilot program, the Secretary may not disseminate information under paragraph (4) in violation of laws and regulations pertaining to the privacy of members of the Armed Forces, including requirements pursuant to—

(A) section 552a of title 5, United States Code; and

(B) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(6) NOTICE AND MODIFICATIONS.—In carrying out the pilot program, the Secretary shall, with respect to a veteran—

(A) ensure that such veteran is notified of the ability to modify designations made by such veteran under paragraph (1)(A); and

(B) upon the request of a veteran, authorize such veteran to modify such designations at any time.

(7) CONTACT INFORMATION.—In making a designation under the pilot program, a veteran shall provide necessary contact information, specifically including an email address, to facilitate the dissemination of information regarding the assistance and benefits available to the veteran under laws administered by the Secretary.

(8) OPT-IN AND OPT-OUT OF PILOT PROGRAM.—

(A) OPT-IN BY MEMBERS.—A veteran may participate in the pilot program only if the veteran voluntarily elects to participate in the program. A veteran seeking to make such an election shall make such election in a manner, and by including such information, as the Secretary shall specify for purposes of the pilot program.

(B) OPT-IN BY DESIGNATED RECIPIENTS.—A person designated pursuant to paragraph (1)(A) may receive information under the pilot program only if the person makes the election described in paragraph (1)(B).

(C) OPT-OUT.—In carrying out the pilot program, the Secretary shall, with respect to a person who has elected to receive information under such pilot program, cease disseminating such information to that person upon request of such person.

(b) SURVEY AND REPORT ON PILOT PROGRAM.—

(1) SURVEY.—

Deadline.

(A) IN GENERAL.—Not later than one year after the date of the commencement of the pilot program and not less frequently than once each year thereafter for the duration of the pilot program, the Secretary shall administer a survey to persons who ever elected to receive information under the pilot program for the purpose of receiving feedback regarding the quality of information disseminated under this section.

(B) ELEMENTS.—Each survey conducted under subparagraph (A) shall include solicitation of the following:

(i) Feedback on the following:

(I) The nature of information disseminated under the pilot program.

(II) Satisfaction with the pilot program.

(III) The utility of the pilot program.

(IV) Overall pilot program successes and challenges.

(ii) Recommendations for improving the pilot program. Recommendations.

(iii) Reasons for opting in or out of the pilot program.

(iv) Such other feedback or matters as the Secretary considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than three years after the date on which the pilot program commences, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a final report on the pilot program.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) The results of the survey administered under paragraph (1).

(ii) The number of participants enrolled in the pilot program who are veterans.

(iii) The number of persons designated under subsection (a)(1)(A).

(iv) The number of such persons who opted in or out of the pilot program under subsection (a)(8).

(v) The average period such persons remained in the pilot program.

(vi) An assessment of the feasibility and advisability of making the pilot program permanent. Assessment.

(vii) Identification of legislative or administrative action that may be necessary if the pilot program is made permanent.

(viii) A plan to expand the pilot program if the pilot program is made permanent. Plan.

(ix) If the Secretary finds under clause (vi) that making the pilot program permanent is not feasible or advisable, a justification for such finding.

SEC. 102. ANNUAL REPORT ON SOLID START PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of five years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Solid Start program of the Department of Veterans Affairs. Time period.

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

(1) With respect to each veteran called or emailed under the Solid Start program:

(A) The Armed Force in which the veteran served.

(B) Age.

(C) Gender.

(D) Whether the veteran responded to the call or email.

(E) Whether the call or email resulted in a call to the Veterans Crisis Line established pursuant to section 1720F(h) of title 38, United States Code.

(F) Whether the call or email resulted in a referral to—

(i) compensation and pension determination;

(ii) enrollment in the patient enrollment system of the Department; or

(iii) any other program or benefit under the laws administered by the Secretary.

(2) Any change to the Solid Start program implemented by the Secretary since the date of the previous such report.

(c) PROHIBITION ON PERSONALLY IDENTIFIABLE INFORMATION.—No report under subsection (a) may contain any personally identifiable information regarding a veteran.

TITLE II—SUICIDE PREVENTION

SEC. 201. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF EMERGENT SUICIDE CARE.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 1720J.

"§ 1720J. Emergent suicide care

"(a) EMERGENT SUICIDE CARE.—Pursuant to this section, the Secretary shall—

"(1) furnish emergent suicide care to an eligible individual at a medical facility of the Department;

"(2) pay for emergent suicide care provided to an eligible individual at a non-Department facility; and

Reimbursement.

"(3) reimburse an eligible individual for emergent suicide care provided to the eligible individual at a non-Department facility.

"(b) ELIGIBILITY.—An individual is eligible for emergent suicide care under subsection (a) if the individual is in an acute suicidal crisis and is either of the following:

"(1) A veteran (as defined in section 101).

"(2) An individual described in section 1720I(b) of this title.

"(c) PERIOD OF CARE.—(1) Emergent suicide care provided under subsection (a) shall be furnished to an eligible individual—

"(A) through inpatient or crisis residential care, for a period not to exceed 30 days; or

"(B) if care under subparagraph (A) is unavailable, or if such care is not clinically appropriate, as outpatient care for a period not to exceed 90 days.

Determination.

"(2) If, upon the expiration of a period under paragraph (1), the Secretary determines that the eligible individual remains in an acute suicidal crisis, the Secretary may extend such period as the Secretary determines appropriate.

Deadline.

"(d) NOTIFICATION.—An eligible individual who receives emergent suicide care under subsection (a) at a non-Department facility (or a person acting on behalf of the individual) shall notify the Secretary of such care within seven days of admission to such facility.

"(e) OUTREACH.—During any period when an eligible individual is receiving emergent suicide care under subsection (a), the Secretary shall— Determinations.

"(1) ensure that— Notifications.

"(A) in the case of an eligible individual whom the Veterans Crisis Line recommends to seek emergent suicide care at a medical facility of the Department, the Veterans Crisis Line notifies the Suicide Prevention Coordinator of such medical facility;

"(B) in the case of an eligible individual who presents at a medical facility of the Department in an acute suicidal crisis without a recommendation by the Veterans Crisis Line, the Secretary notifies the Suicide Prevention Coordinator;

"(C) in the case of an eligible individual whom the Veterans Crisis Line recommends to seek treatment at a non-Department facility, the Veterans Crisis Line notifies the Suicide Prevention Coordinator and the Office of Community Care at the medical facility of the Department located nearest to the eligible individual; and

"(D) in the case of an eligible individual who presents at a non-Department facility in an acute suicidal crisis without a recommendation by the Veterans Crisis Line and for whom the Secretary receives a notification under subsection (d), the Secretary notifies the Suicide Prevention Coordinator and the Office of Community Care at the medical facility of the Department located nearest to the eligible individual;

"(2) determine the eligibility of the eligible individual for other programs and benefits under the laws administered by the Secretary (or shall make such determination as soon as practicable following the period of such emergent suicide care); and

"(3) make referrals for care following the period of such emergent suicide care, as the Secretary determines appropriate.

"(f) PROHIBITION ON CHARGE.—(1) If the Secretary provides emergent suicide care to an eligible individual under subsection (a), the Secretary—

"(A) may not charge the eligible individual for any cost of such emergent suicide care; and

"(B) shall pay for any costs of emergency transportation to a facility for such emergent suicide care (as such costs are determined pursuant to section 1725 of this title, to the extent practicable). Payment.

"(2)(A) In addition to the requirements of paragraph (1), if the Secretary pays for emergent suicide care provided under subsection (a) to an eligible individual at a non-Department facility, the Secretary shall reimburse the facility for the reasonable value of such emergent suicide care. Reimbursement.

"(B)(i) In carrying out subparagraph (A), the Secretary may determine the amount to reimburse a non-Department facility in a similar manner to the manner in which the Secretary determines reimbursement amounts for that non-Department facility for medical care and services provided under another provision of this chapter. Determination.

Applicability.

"(ii) The requirements of section 1725(c)(3) of this title shall apply with respect to payments made under subparagraph (A) of this paragraph.

"(3) In the case of an eligible individual who receives emergent suicide care under this section and who is entitled to emergent suicide care (or payment for emergent suicide care) under a health-plan contract, the Secretary may recover the costs of such emergent suicide care provided under this section, other than for such care for a service-connected disability.

"(4) In carrying out subsection (d), the Secretary may not charge an eligible individual for any cost of emergent suicide care provided under subsection (a) solely by reason of the Secretary not having been notified of such care pursuant to such subsection.

"(g) ANNUAL REPORT.—Not less than once each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on emergent suicide care provided under subsection (a). Each such report shall include, for the year covered by the report—

"(1) the number of eligible individuals who received emergent suicide care under subsection (a);

"(2) demographic information regarding eligible individuals described in paragraph (1);

"(3) the types of care furnished or paid for this section; and

"(4) the total cost of providing care under subsection (a).

"(h) DEFINITIONS.—In this section:

"(1) The term 'acute suicidal crisis' means that an individual was determined to be at imminent risk of self-harm by a trained crisis responder or health care provider.

"(2) The term 'crisis residential care' means crisis stabilization care provided—

"(A) in a residential setting; and

"(B) in a facility other than a hospital.

"(3) The term 'crisis stabilization care' includes, with respect to an individual in acute suicidal crisis, care that ensures, to the extent practicable, immediate safety and reduces—

"(A) the severity of distress;

"(B) the need for urgent care; or

"(C) the likelihood that the distress under subparagraph (A) or need under subparagraph (B) will increase during the transfer of that individual from a facility at which the individual has received care for that acute suicidal crisis.

"(4) The term 'emergent suicide care' means crisis stabilization care provided to an eligible individual—

"(A) pursuant to a recommendation of the eligible individual from the Veterans Crisis Line; or

"(B) who presents at a medical facility in an acute suicidal crisis.

"(5) The term 'health-plan contract' has the meaning given such term in section 1725 of this title.

"(6) The term 'Veterans Crisis Line' means the hotline under section 1720F(h) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relation to section 1720I the following new item: 38 USC prec. 1701.

"1720J. Emergent suicide care.".

(c) EFFECTIVE DATE.—The Secretary shall furnish or pay for emergent suicide care under section 1720J of title 38, United States Code, as added by subsection (a), beginning on the date that is 270 days after the date of the enactment of this Act. 38 USC 1720J note.

SEC. 202. EDUCATION PROGRAM FOR FAMILY MEMBERS AND CAREGIVERS OF VETERANS WITH MENTAL HEALTH DISORDERS. 38 USC 1720G note.

(a) ESTABLISHMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an education program (in this section referred to as the "education program") for the education and training of caregivers and family members of eligible veterans with mental health disorders. Deadline.

(b) EDUCATION PROGRAM.—

(1) IN GENERAL.—Under the education program, the Secretary shall provide a course of education to caregivers and family members of eligible veterans on matters relating to coping with mental health disorders in veterans.

(2) DURATION.—The Secretary shall carry out the education program during the four-year period beginning on the date of the commencement of the education program.

(3) SCOPE.—

(A) CAREGIVERS.—The Secretary, with respect to the component of the education program that relates to the education and training of caregivers, shall—

(i) include such component in the training provided pursuant to the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs established under section 1720G(a) of title 38, United States Code; and

(ii) make such component available on the Internet website of the Department that relates to caregiver training. Web posting.

(B) FAMILY MEMBERS.—The Secretary shall carry out the component of the education program that relates to the education and training of non-caregiver family members at facilities of the Department as follows:

(i) Not less than five medical centers of the Department.

(ii) Not less than five clinics of the Department.

(iii) Not less than five Vet Centers (as defined in section 1712A(h) of title 38, United States Code).

(C) SOLICITATION OF APPLICATIONS.—In selecting locations pursuant to subparagraph (B), the Secretary shall solicit applications from eligible facilities of the Department that are interested in carrying out the education program.

(D) CONSIDERATIONS.—In selecting locations pursuant to subparagraph (B), the Secretary shall consider the feasibility and advisability of selecting locations in the following areas:

(i) Rural areas.

(ii) Areas that are not in close proximity to an active duty installation.

(iii) Areas in different geographic locations.

(4) CONTRACTS.—

(A) IN GENERAL.—In carrying out the education program, the Secretary shall enter into contracts with qualified entities described in subparagraph (B) to offer the course of education described in paragraph (5) to family members and caregivers of eligible veterans and covered veterans.

(B) QUALIFIED ENTITY DESCRIBED.—A qualified entity described in this subparagraph is a non-profit entity with experience in mental health education and outreach, including work with children, teens, and young adults, that—

(i) uses high quality, relevant, and age-appropriate information in educational programming, materials, and coursework, including such programming, materials, and coursework for children, teens, and young adults; and

(ii) works with agencies, departments, nonprofit mental health organizations, early childhood educators, and mental health providers to develop educational programming, materials, and coursework.

(C) PRIORITY.—In entering into contracts under this paragraph, the Secretary shall give priority to qualified entities that have demonstrated cultural competence in serving military and veteran populations, and, to the extent practicable, use internet technology for the delivery of course content in an effort to expand the availability of support services, especially in rural areas.

(5) COURSE OF EDUCATION DESCRIBED.—The course of education described in this paragraph shall consist of curriculum that includes the following:

(A) General education on different mental health disorders, including information to improve understanding of the experiences of individuals suffering from such disorders.

(B) Techniques for handling crisis situations and administering mental health first aid to individuals suffering from a mental health disorder.

(C) Techniques for coping with the stress of living with an individual suffering from a mental health disorder.

(D) Information on additional services available for family members and caregivers through the Department or community organizations and providers related to mental health disorders.

(E) Such other matters as the Secretary considers appropriate.

(c) SURVEYS.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive survey of the satisfaction of individuals that have participated in the course of education described in subsection (b)(5). Such survey shall include a solicitation of feedback on the following:

(A) The general satisfaction of those individuals with the education and assistance provided under the education program.

(B) The perceived effectiveness of the education program in providing education and assistance that is useful for those individuals.

(C) The applicability of the education program to the issues faced by those individuals.

(D) Such other matters as the Secretary considers appropriate.

(2) COMPILATION OF INFORMATION.—The information compiled as a result of the surveys conducted under paragraph (1) shall be—

(A) disaggregated by facility type at which the education program was carried out; and

(B) included in the annual reports under subsection (d)(1).

(d) REPORTS.—

(1) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the commencement of the education program and not later than September 30 each year thereafter until 2024, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on—

(i) the education program; and

(ii) the feasibility and advisability of expanding the education program to include the establishment of a peer support program composed of individuals who complete the education program (in this section referred to as a "peer support program").

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) The number of individuals that participated in the course of education described in subsection (b)(5) during the year preceding the submission of the report.

(ii) A detailed analysis of the surveys conducted under subsection (c) with respect to the individuals described in clause (i). Analysis.

(iii) Any plans for expansion of the education program. Plans.

(iv) An analysis of the feasibility and advisability of establishing a peer support program. Analysis.

(v) The interim findings and conclusions of the Secretary with respect to the success of the education program and the feasibility and advisability of establishing a peer support program.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than one year after the completion of the education program, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a final report on the feasibility and advisability of continuing the education program.

(B) ELEMENTS.—The final report under subparagraph (A) shall include the following: Analyses.

(i) A detailed analysis of the surveys conducted under subsection (c).

(ii) An analysis of the feasibility and advisability of continuing the education program without entering

into contracts for the course of education described in subsection (b)(5).

(iii) An analysis of the feasibility and advisability of expanding the education program.

(iv) An analysis of the feasibility and advisability of establishing a peer support program.

(e) MONITORING OF PROGRAM.—The Secretary shall select mental health care providers of the Department to monitor the progress of the instruction provided under the education program.

(f) DEFINITIONS.—In this section:

(1) The term "eligible veteran" means a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code.

(2) The terms "caregiver" and "family member" have the meaning given those terms in section 1720G(d) of title 38, United States Code.

SEC. 203. INTERAGENCY TASK FORCE ON OUTDOOR RECREATION FOR VETERANS.

Deadline.

(a) ESTABLISHMENT.—Not later than 18 months after the date on which the national emergency declared by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires, the Secretary of Veterans Affairs shall establish a task force to be known as the "Task Force on Outdoor Recreation for Veterans" (in this section referred to as the "Task Force").

(b) COMPOSITION.—The Task Force shall be composed of the following members or their designees:

(1) The Secretary of Veterans Affairs.

(2) The Secretary of the Interior.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Agriculture.

(5) The Secretary of Defense.

(6) The Secretary of Homeland Security.

(7) The Chief of the Army Corps of Engineers.

(8) At least two representatives from veterans service organizations.

Determination.

(9) Any other member that the Secretary of Veterans Affairs determines to be appropriate.

(c) CHAIRPERSONS.—The Secretary of Veterans Affairs and the Secretary of the Interior shall serve as co-chairpersons of the Task Force (in this section referred to as the "Chairpersons").

(d) DUTIES.—

(1) TASK FORCE.—The duties of the Task Force shall be—

(A) to identify opportunities to formalize coordination between the Department of Veterans Affairs, public land agencies, and partner organizations regarding the use of public lands and other outdoor spaces for facilitating health and wellness for veterans;

(B) to identify barriers that exist to providing veterans with opportunities to augment the delivery of services for health and wellness through the use of outdoor recreation on public lands and other outdoor spaces; and

Recommendations.

(C) to develop recommendations to better facilitate the use of public lands and other outdoor spaces for promoting wellness and facilitating the delivery of health care and therapeutic interventions for veterans.

(2) CONSULTATION.—The Task Force shall carry out the duties under paragraph (1) in consultation with appropriate veterans outdoor recreation groups.

(e) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than one year after the date on which the Task Force is established, the Chairpersons shall submit to Congress a report on the preliminary findings of the Task Force.

(2) FINAL REPORT.—Not later than one year after the date of the submission of the preliminary report under paragraph (1), the Chairpersons shall submit to Congress a report on the findings of the Task Force, which shall include the recommendations developed under subsection (d)(1)(C).

(f) DURATION.—The Task Force shall terminate on the date that is one year after the date of the submission of the final report in subsection (e)(2).

(g) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(h) PUBLIC LANDS DEFINED.—In this section, the term "public lands" means any recreational lands under the jurisdiction of the Federal Government or a State or local government.

SEC. 204. CONTACT OF CERTAIN VETERANS TO ENCOURAGE RECEIPT OF COMPREHENSIVE MEDICAL EXAMINATIONS.

38 USC 1710 note.

(a) NOTICE.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Health of the Department of Veterans Affairs shall seek to contact each covered veteran by mail, telephone, or email to encourage each covered veteran to receive medical examinations including the following:

Deadline.

(1) A comprehensive physical examination.

(2) A comprehensive mental health examination.

(3) A comprehensive eye examination if the covered veteran has not received such an examination in the year immediately preceding the date of such examination.

(4) A comprehensive audiological examination if the covered veteran has not received such an examination in the year immediately preceding the date of such examination.

(b) EXAMINATIONS.—

(1) VA HEALTH CARE FACILITIES.—If a covered veteran elects to receive more than one examination described in subsection (a) at a health care facility of the Department of Veterans Affairs, the Under Secretary of Health shall seek to furnish all such scheduled examinations on the same day.

(2) COMMUNITY CARE.—Pursuant to subsection (d) or (e) of section 1703 of title 38, United States Code, a covered veteran may receive an examination described in subsection (a) from a health care provider described in subsection (c) of that section.

(c) TRANSPORTATION.—

(1) BENEFICIARY TRAVEL PROGRAM.—Pursuant to section 111 of title 38, United States Code, the Secretary of Veterans Affairs may pay for a rural covered veteran to travel to a health care facility to receive an examination described in subsection (a).

(2) SHUTTLE SERVICE.—The Under Secretary of Health shall seek to enter into agreements with non-profit organizations

Contracts.

to provide shuttle service to rural covered veterans for examinations described in subsection (a).

(d) REPORT REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report regarding how many covered veterans scheduled examinations described in subsection (a) after receiving a letter, telephone call, or email under that subsection.

(e) DEFINITIONS.—In this section:

(1) The term "covered veteran" means a veteran who—

(A) is enrolled in the patient enrollment system of the Department of Veterans Affairs under section 1705 of title 38, United States Code; and

(B) has not received health care furnished or paid for by the Secretary of Veterans Affairs during the two years immediately preceding the date in subsection (a)(1).

(2) The term "rural covered veteran" means a covered veteran—

(A) who lives in an area served by the Office of Rural Health of the Department of Veterans Affairs; and

(B) whom the Under Secretary of Health determines requires assistance to travel to a health care facility to receive an examination described in subsection (a).

(3) The term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

38 USC 902 note.

SEC. 205. POLICE CRISIS INTERVENTION TRAINING OF DEPARTMENT OF VETERANS AFFAIRS.

(a) TRAINING.—The Secretary of Veterans Affairs shall provide to Department police officers an annual training on the prevention of suicide among the population served by the Department police officers.

Updates.

(b) CURRICULUM.—In carrying out subsection (a), the Secretary shall update any similar training provided before the date of the enactment of this Act to ensure that the curriculum for the training addresses, at a minimum, the following:

(1) Effective behavioral science procedures for suicide prevention and risk mitigation.

(2) Crisis intervention and de-escalation skills, including through the use of interactive training.

(3) Information about mental health and substance abuse disorders.

(4) Information about local law enforcement crisis intervention teams and other resources for veterans experiencing mental health crises available by the Department of Veterans Affairs, other elements of the Federal Government, and the community in which the police officers serve.

(c) CONSULTATION.—The Secretary shall ensure that the annual training provided to Department police officers at a medical facility of the Department under subsection (a) is provided in consultation with law enforcement training accreditation organizations and the mental health experts at such facility.

(d) PLAN ON COMMUNITY PARTNERSHIPS.—The Secretary shall ensure that each police force of a facility of the Department develops a plan to enter into partnerships with—

(1) local community mental health organizations and experts, local community veterans organizations, and local community criminal justice organizations and experts; and

(2) local police departments, including by facilitating the sharing of training resources with crisis intervention teams of the local police departments.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the annual training under subsection (a), including—

(1) a description of the curriculum of such training;

(2) with respect to the year preceding the date of the report—

(A) the number of facilities of the Department that conducted such training;

(B) the number of Department police officers who received such training; and

(C) any barriers to ensuring that each Department police officer receives such training;

(3) any recommendations to address the barriers identified under paragraph (2)(C); and

Recommendations.

(4) the number of facilities of the Department that have entered into partnerships pursuant to subsection (d).

(f) DEPARTMENT POLICE OFFICER DEFINED.—In this section, the term "Department police officer" means an employee of the Department of Veterans Affairs specified in section 902(a) of title 38, United States Code.

TITLE III—IMPROVEMENT OF CARE AND SERVICES FOR WOMEN VETERANS

SEC. 301. GAP ANALYSIS OF DEPARTMENT OF VETERANS AFFAIRS PROGRAMS THAT PROVIDE ASSISTANCE TO WOMEN VETERANS WHO ARE HOMELESS.

(a) ANALYSIS.—The Secretary of Veterans Affairs shall complete an analysis of programs of the Department of Veterans Affairs that provide assistance to women veterans who are homeless or precariously housed to identify the areas in which such programs are failing to meet the needs of such women.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the analysis completed under subsection (a).

SEC. 302. REPORT ON LOCATIONS WHERE WOMEN VETERANS ARE USING HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS.

38 USC 1710 note.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the use by women veterans of health care from the Department of Veterans Affairs.

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

(1) The number of women veterans who reside in each State.

(2) The number of women veterans in each State who are enrolled in the patient enrollment system of the Department under section 1705(a) of title 38, United States Code.

(3) Of the women veterans who are so enrolled, the number who have received health care under the laws administered by the Secretary at least one time during the one-year period preceding the submission of the report.

(4) The number of women veterans who have been seen at each medical facility of the Department during such year, disaggregated by facility.

(5) The number of appointments that women veterans have had at a medical facility of the Department during such year, disaggregated by—

(A) facility; and

(B) appointments for—

(i) primary care;

(ii) specialty care; and

(iii) mental health care.

(6) For each appointment type specified in paragraph (5)(B), the number of appointments completed in-person and the number of appointments completed through the use of telehealth.

(7) If known, an identification of the medical facility of the Department in each Veterans Integrated Service Network with the largest rate of increase in patient population of women veterans as measured by the increase in unique women veteran patient use.

(8) If known, an identification of the medical facility of the Department in each Veterans Integrated Service Network with the largest rate of decrease in patient population of women veterans as measured by the decrease in unique women veterans patient use.

Approved December 5, 2020.

LEGISLATIVE HISTORY—H.R. 8247:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 23, considered and passed House.
Nov. 10, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 5, Presidential statement.

Public Law 116–215
116th Congress

An Act

Making further continuing appropriations for fiscal year 2021, and for other purposes.

Dec. 11, 2020
[H.R. 8900]

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

Further Continuing Appropriations Act, 2021, and Other Extensions Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Further Continuing Appropriations Act, 2021, and Other Extensions Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2021

DIVISION B—HEALTH EXTENDERS

Title I—Medicare and Medicaid Extenders
Title II—Public Health Extenders and Food and Drug Administration Provisions
Title III—Offsets
Title IV—Budgetary Effects

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2021

Further Continuing Appropriations Act, 2021.

SEC. 101. The Continuing Appropriations Act, 2021 (division A of Public Law 116–159) is amended by striking the date specified in section 106(3) and inserting "December 18, 2020".

Ante, p. 711.

This division may be cited as the "Further Continuing Appropriations Act, 2021".

DIVISION B—HEALTH EXTENDERS

TITLE I—MEDICARE AND MEDICAID EXTENDERS

SEC. 1101. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 3801 of the CARES Act (Public Law 116–136) and section 2201 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), is amended by striking "December 12, 2020" and inserting "December 19, 2020".

SEC. 1102. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B)(xi) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), section 1402 of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), section 1402 of division B of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), section 103 of division N of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), section 3803 of the CARES Act (Public Law 116–136), and section 2203 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), is amended by striking "December 11" and inserting "December 18".

(b) AREA AGENCIES ON AGING.—Subsection (b)(1)(B)(xi) of such section 119, as so amended, is amended by striking "December 11" and inserting "December 18".

(c) AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)(xi) of such section 119, as so amended, is amended by striking "December 11" and inserting "December 18".

(d) CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2)(xi) of such section 119, as so amended, is amended by striking "December 11" and inserting "December 18".

SEC. 1103. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended by striking "December 11" each place such phrase appears and inserting "December 18" in each such place.

SEC. 1104. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note), as amended by Public Law 116–159, is amended by striking "December 11" and inserting "December 18".

SEC. 1105. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.

(a) IN GENERAL.—Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note), as amended by Public Law 116–159, is amended by striking "December 11" and inserting "December 18".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from— 42 USC 1396a note.

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

(B) on the basis of an individual's need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315); or

(2) disregarding an individual's spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual's spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

SEC. 1106. EXTENSION OF DELAY OF DSH REDUCTIONS.

Section 1923(f)(7) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended by striking "December 12" each place such phrase appears and inserting "December 19" in each such place.

SEC. 1107. EXTENSION OF MONEY FOLLOWS THE PERSON.

Section 6071(h)(1)(H) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking "December 11" and inserting "December 18".

TITLE II—PUBLIC HEALTH EXTENDERS AND FOOD AND DRUG ADMINISTRATION PROVISIONS

Subtitle A—Public Health Extenders

SEC. 1201. EXTENDING FUNDING FOR COMMUNITY HEALTH CENTERS, NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTER GME.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended—

(1) by striking "$789,041,096" and inserting "$865,753,425"; and

(2) by striking "December 11, 2020" and inserting "December 18, 2020".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2)(H) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(H)) is amended—

(1) by striking "$61,150,685" and inserting "$67,095,890"; and

(2) by striking "December 11, 2020" and inserting "December 18, 2020".

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended—

(1) by striking "$24,953,425" and inserting "$27,379,452"; and

(2) by striking "December 11, 2020" and inserting "December 18, 2020".

Time period.

(d) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendments made by this section for the period beginning on December 11, 2020, and ending on December 18, 2020, shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act.

(e) CONFORMING AMENDMENTS.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 3831(e) of the CARES Act (Public Law 116–136), is amended—

(1) by striking "Social Services Act,," and inserting "Social Services Act,"; and

(2) by striking "and section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act" and inserting "section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act, and section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act".

SEC. 1202. DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended—

(1) by striking "$29,589,042" and inserting "$32,465,753"; and

(2) by striking "December 11, 2020" and inserting "December 18, 2020".

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended—

(1) by striking "$29,589,042" and inserting "$32,465,753"; and

(2) by striking "December 11, 2020" and inserting "December 18, 2020".

SEC. 1203. PERSONAL RESPONSIBILITY EDUCATION; SEXUAL RISK AVOIDANCE EDUCATION.

(a) SEXUAL RISK AVOIDANCE EDUCATION.—Section 510 of the Social Security Act (42 U.S.C. 710) is amended by striking "December 11, 2020" each place it appears and inserting "December 18, 2020".

(b) PERSONAL RESPONSIBILITY EDUCATION.—Section 513 of the Social Security Act (42 U.S.C. 713) is amended by striking "December 11, 2020" each place it appears and inserting "December 18, 2020".

Subtitle B—Food and Drug Administration Provisions

SEC. 1211. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER EXTENSION.

Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) is amended—

(1) by striking "December 11, 2020" each place it appears and inserting "December 18, 2020"; and

(2) in subparagraph (B), by striking "December 11, 2022" and inserting "December 18, 2022".

TITLE III—OFFSETS

SEC. 1301. TRANSPARENCY OF MEDICARE SECONDARY PAYER REPORTING INFORMATION.

Section 1862(b)(8)(G) of the Social Security Act (42 U.S.C. 395y(b)(8)(G)) is amended—

(1) by striking "INFORMATION.—The Secretary" and inserting "INFORMATION.—

"(i) IN GENERAL.—The Secretary"; and

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

"(ii) SPECIFIED INFORMATION.—In responding to any query made on or after the date that is 1 year after the date of the enactment of this clause from an applicable plan related to a determination described in subparagraph (A)(i), the Secretary, notwithstanding any other provision of law, shall provide to such applicable plan— Time period.

"(I) whether a claimant subject to the query is, or during the preceding 3-year period has been, entitled to benefits under the program under this title on any basis; and Time period.

"(II) to the extent applicable, the plan name and address of any Medicare Advantage plan under part C and any prescription drug plan under

part D in which the claimant is enrolled or has been enrolled during such period.".

21 USC 829 note.

SEC. 1302. DISPENSATION OF NARCOTIC DRUGS FOR THE PURPOSE OF RELIEVING ACUTE WITHDRAWAL SYMPTOMS FROM OPIOID USE DISORDER.

Deadline. Regulations.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall revise section 1306.07(b) of title 21, Code of Federal Regulations, so that practitioners, in accordance with applicable State, Federal, or local laws relating to controlled substances, are allowed to dispense not more than a three-day supply of narcotic drugs to one person or for one person's use at one time for the purpose of initiating maintenance treatment or detoxification treatment (or both).

SEC. 1303. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(3)(A) of the Social Security Act (42 U.S.C 1396w–1(b)(3)(A)) is amended by striking "$3,446,000,000" and inserting "$3,464,000,000".

TITLE IV—BUDGETARY EFFECTS

SEC. 1401. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved December 11, 2020.

LEGISLATIVE HISTORY—H.R. 8900:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 9, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 116–216
116th Congress

An Act

Dec. 11, 2020
[S. 4054]

To reauthorize the United States Grain Standards Act, and for other purposes.

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

United States Grain Standards Reauthorization Act of 2020.
7 USC 71 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Grain Standards Reauthorization Act of 2020".

SEC. 2. NOTIFICATION OF DISCONTINUANCE OF SERVICES BY STATE AGENCIES.

Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (e)(2)(C)(i), by inserting "and affected customers or applicants for service of official inspection or weighing services provided by the State agency" after "notify the Secretary"; and

(2) in subsection (j)(5), in the first sentence, by striking "2020" and inserting "2025".

SEC. 3. WEIGHING AUTHORITY.

Section 7A(l)(4) of the United States Grain Standards Act (7 U.S.C. 79a(l)(4)) is amended in the first sentence by striking "2020" and inserting "2025".

SEC. 4. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended by striking "2020" and inserting "2025".

SEC. 5. REPORTING REQUIREMENTS.

Section 17B of the United States Grain Standards Act (7 U.S.C. 87f–2) is amended by adding at the end the following:

"(d) ENHANCEMENT OF CURRENT REPORTING.—

"(1) INCREASED FREQUENCY OF INSPECTION PROGRAM DATA REPORTING.—

Publication.

"(A) IN GENERAL.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall publish quarterly reports describing data from the tests and inspections for intrinsic quality factors (including protein, oil, and starch) and food safety factors, as reported, in the aggregate, for fiscal years 2014 through 2018 in the tables in section V (relating to providing official grain inspection and weighing services) of the 2016 through 2018 annual reports to Congress by the Federal Grain Inspection Service.

"(B) DELINEATION.—The data from the tests and inspections under subparagraph (A) shall be delineated to reflect whether the tests and inspections were requested of or performed by—

"(i) the Secretary; or

"(ii) a State agency delegated authority under section 7 or 7A or an official agency.

"(2) EXCEPTIONS AND WAIVERS.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall publish quarterly reports describing— Publication.

"(A) the number of exceptions requested under section 7(f)(2)(B);

"(B) the number of exceptions granted under section 7(f)(2)(B);

"(C) the number of waivers requested under section 5(a)(1); and

"(D) the number of waivers granted under section 5(a)(1).

"(e) ADDITIONAL REPORTING; CONSULTATION.—The Secretary may, to the extent determined appropriate by the Secretary, in consultation with State agencies delegated authority under sections 7 and 7A, official agencies, and the grain industries described in the second sentence of section 21(a), publish— State and local governments.

"(1) data relating to testing for other intrinsic quality or food safety factors; and

"(2) other data collected from inspection and weighing activities conducted under this Act.

"(f) PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION.—Any trade secrets or information described in section 552(b)(4) of title 5, United States Code, that is provided to or collected by the Secretary in carrying out subsection (d) or (e) shall not be included in a report under subsection (d) or (e) or otherwise publicly disclosed.".

SEC. 6. APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended—

(1) by striking the section heading and designation and all that follows through "There are hereby" and inserting the following:

"SEC. 19. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are";

(2) in subsection (a) (as so designated)—

(A) by striking "such sums as are necessary" and inserting "$23,000,000"; and

(B) by striking "1988 through 2020" and inserting "2021 through 2025"; and

(3) by adding at the end the following:

"(b) LIMITATIONS ON USES OF USER FEES.—

"(1) DEFINITIONS.—In this subsection:

"(A) OFFICIAL INSPECTION OR WEIGHING SERVICE.—The term 'official inspection or weighing service' means official inspection, official weighing, supervision of weighing, supervision of agency personnel, supervision of the field office personnel of the Secretary, testing of equipment or instruments, other services, or registration, the cost to the Secretary of which is authorized to be covered by the

collection of a user fee pursuant to section 7, 7A, 7B, 16, or 17A, as applicable.

"(B) USER FEE.—The term 'user fee' means a fee collected by the Secretary under section 7, 7A, 7B, 16, or 17A.

"(2) REQUIREMENT.—A user fee—

"(A) shall be used solely to cover—

"(i) the cost to the Secretary for carrying out official inspection or weighing services; and

"(ii) administrative costs to the Secretary directly relating to official inspection or weighing services; and

"(B) shall not be used for—

"(i) activities relating to the development or maintenance of grain standards; or

"(ii) any other activity that is not directly related to the performance of official inspection or weighing services.".

SEC. 7. ADVISORY COMMITTEE.

Section 21 of the United States Grain Standards Act (7 U.S.C. 87j) is amended—

(1) in subsection (a), in the last sentence, by striking "successive terms" and inserting "successively for more than 2 terms"; and

(2) in subsection (e), by striking "2020" and inserting "2025".

SEC. 8. REVIEW OF GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) DEFINITIONS.—In this section:

(1) GRAIN HANDLING FACILITY.—The term "grain handling facility" means a grain elevator, warehouse, or other storage or handling facility.

(2) OFFICIAL AGENCY GEOGRAPHIC AREA.—The term "official agency geographic area" means a geographic area for an official agency, as defined by the Secretary under section 7(f)(2)(A) or 7A(i)(2)(A) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)(A), 79a(i)(2)(A)).

(3) UNITED STATES GRAIN STANDARDS ACT TERMS.—The terms "grain", "official agency", "official inspection", "officially inspected", "official weighing", "supervision of weighing", and "Secretary" have the meanings given the terms in section 3 of the United States Grain Standards Act (7 U.S.C. 75).

(b) REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive nationwide review of the official agency geographic areas.

(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Secretary shall take into consideration—

Time period.

(A) the number of grain handling facilities, both within the official agency geographic areas and in areas that are not official agency geographic areas, that currently use, or, during the 5-year period preceding the date of submission of the report under subsection (c), received service from, an official agency that provides official inspection, official weighing, supervision of weighing, or other services under the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(B) the volume of grain for which official agencies provide services at grain handling facilities within the official agency geographic areas;

(C) the number of official inspections of vessels and other carriers within the official agency geographic areas;

(D) other related services performed by official agencies at grain handling facilities within the official agency geographic areas;

(E) the timeliness, accuracy, and appropriateness of services performed by official agencies at grain handling facilities within the official agency geographic areas;

(F) fees charged by official agencies for services performed under the United States Grain Standards Act (7 U.S.C. 71 et seq.), including grading, weighing, sampling, stowage examination, and certification; and

(G) any implications of modifications to the official agency geographic areas on enhancing official inspection, official weighing, and supervision of weighing in the domestic market.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(1) the results of the review completed under subsection (b); and

(2) any recommendations with respect to those results that the Secretary determines appropriate.

Recommendations.

SEC. 9. TECHNICAL CORRECTION.

Section 4(a)(1) of the United States Grain Standards Act (7 U.S.C. 76(a)(1)) is amended by striking "soybeans mixed" and inserting "soybeans, mixed".

Approved December 11, 2020.

LEGISLATIVE HISTORY—S. 4054:

SENATE REPORTS: No. 116–334 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 16, considered and passed Senate.
Dec. 2, considered and passed House.

Public Law 116–217
116th Congress

An Act

Dec. 17, 2020
[H.R. 473]

To authorize the Every Word We Utter Monument to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

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

40 USC 8903 note.

SECTION 1. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) IN GENERAL.—The Every Word We Utter Monument may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the women's suffrage movement and the passage of the 19th Amendment to the Constitution, which gave women the right to vote.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE EVERY WORD WE UTTER MONUMENT.—The Every Word We Utter Monument shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If upon payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Every Word We Utter Monument shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) ON EXPIRATION OF AUTHORITY.—If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Every Word We Utter Monument shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator (as appropriate) following the process provided in section 8906(b)(4) of title

40, United States Code, for accounts established under 8906(b)(2) or (3) of title 40, United States Code.

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 17, 2020.

LEGISLATIVE HISTORY—H.R. 473:

HOUSE REPORTS: No. 116–229 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 26, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–218
116th Congress

An Act

Dec. 17, 2020
[H.R. 4975]

To designate the facility of the United States Postal Service located at 1201 Sycamore Square Drive in Midlothian, Virginia, as the "Dorothy Braden Bruce Post Office Building".

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

SECTION 1. DOROTHY BRADEN BRUCE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1201 Sycamore Square Drive in Midlothian, Virginia, shall be known and designated as the "Dorothy Braden Bruce Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dorothy Braden Bruce Post Office Building".

Approved December 17, 2020.

LEGISLATIVE HISTORY—H.R. 4975:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–219
116th Congress

An Act

To designate the facility of the United States Postal Service located at 9930 Conroy Windermere Road in Windermere, Florida, as the "Officer Robert German Post Office Building".

Dec. 17, 2020
[H.R. 5062]

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

SECTION 1. OFFICER ROBERT GERMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9930 Conroy Windermere Road in Windermere, Florida, shall be known and designated as the "Officer Robert German Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Officer Robert German Post Office Building".

Approved December 17, 2020.

LEGISLATIVE HISTORY—H.R. 5062:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–220
116th Congress

An Act

Dec. 17, 2020
[H.R. 5307]

To designate the facility of the United States Postal Service located at 115 Nicol Avenue in Thomasville, Alabama, as the "Postmaster Robert Ingram Post Office".

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

SECTION 1. POSTMASTER ROBERT INGRAM POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 115 Nicol Avenue in Thomasville, Alabama, shall be known and designated as the "Postmaster Robert Ingram Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Postmaster Robert Ingram Post Office".

Approved December 17, 2020.

LEGISLATIVE HISTORY—H.R. 5307:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–221
116th Congress

An Act

To reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Dec. 18, 2020
[S. 910]

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

National Sea Grant College Program Amendments Act of 2020.
33 USC 1121 note.

SECTION 1. SHORT TITLE.

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

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

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

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

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

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

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

"(1) IN GENERAL.—The Secretary"; and

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

"(2) PLACEMENT PRIORITIES.—

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

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

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

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

"(3) DURATION.—A fellowship".

33 USC 1127 note.

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

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

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

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

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

33 USC 1123 note.

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

Consultation.

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

Recommendations.

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

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

33 USC 1123 note.

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

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

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

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

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

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

Notification.

(2) by striking the first sentence and inserting the following: "The Board shall report to Congress at least once every

four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report."; and

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

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

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

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

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

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

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

"(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

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

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

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

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP. 33 USC 1127 note.

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

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

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

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

Deadline.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(1) ADMINISTRATION.—

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

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

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

"(B) CRITICAL STAFFING REQUIREMENTS.—

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

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

(c) ALLOCATION OF FUNDING.—

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

(A) in the matter preceding subparagraph (A), by striking "With respect to sea grant colleges and sea grant institutes" and inserting "With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects"; and

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

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

(A) by striking subsection (c); and

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

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

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

SEC. 11. TECHNICAL CORRECTIONS.

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

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

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

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

Approved December 18, 2020.

LEGISLATIVE HISTORY—S. 910 (H.R. 2405):

HOUSE REPORTS: No. 116–323 (Comm. on Natural Resources) accompanying H.R. 2405.

SENATE REPORTS: No. 116–216 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed Senate.
Nov. 16, considered and passed House, amended.
Dec. 2, Senate concurred in House amendment.

Public Law 116–222
116th Congress

An Act

To amend the Sarbanes-Oxley Act of 2002 to require certain issuers to disclose to the Securities and Exchange Commission information regarding foreign jurisdictions that prevent the Public Company Accounting Oversight Board from performing inspections under that Act, and for other purposes.

Dec. 18, 2020
[S. 945]

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

Holding Foreign Companies Accountable Act.
15 USC 7201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holding Foreign Companies Accountable Act".

SEC. 2. DISCLOSURE REQUIREMENT.

Section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) is amended by adding at the end the following:

"(i) DISCLOSURE REGARDING FOREIGN JURISDICTIONS THAT PREVENT INSPECTIONS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'covered issuer' means an issuer that is required to file reports under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)); and

"(B) the term 'non-inspection year' means, with respect to a covered issuer, a year—

"(i) during which the Commission identifies the covered issuer under paragraph (2)(A) with respect to every report described in subparagraph (A) filed by the covered issuer during that year; and

"(ii) that begins after the date of enactment of this subsection.

"(2) DISCLOSURE TO COMMISSION.—The Commission shall—

"(A) identify each covered issuer that, with respect to the preparation of the audit report on the financial statement of the covered issuer that is included in a report described in paragraph (1)(A) filed by the covered issuer, retains a registered public accounting firm that has a branch or office that—

"(i) is located in a foreign jurisdiction; and

"(ii) the Board is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction described in clause (i), as determined by the Board; and

"(B) require each covered issuer identified under subparagraph (A) to, in accordance with the rules issued by the Commission under paragraph (4), submit to the

Records.

Commission documentation that establishes that the covered issuer is not owned or controlled by a governmental entity in the foreign jurisdiction described in subparagraph (A)(i).

Determinations. Certifications.

"(3) TRADING PROHIBITION AFTER 3 YEARS OF NON-INSPECTIONS.—

"(A) IN GENERAL.—If the Commission determines that a covered issuer has 3 consecutive non-inspection years, the Commission shall prohibit the securities of the covered issuer from being traded—

"(i) on a national securities exchange; or

"(ii) through any other method that is within the jurisdiction of the Commission to regulate, including through the method of trading that is commonly referred to as the 'over-the-counter' trading of securities.

"(B) REMOVAL OF INITIAL PROHIBITION.—If, after the Commission imposes a prohibition on a covered issuer under subparagraph (A), the covered issuer certifies to the Commission that the covered issuer has retained a registered public accounting firm that the Board has inspected under this section to the satisfaction of the Commission, the Commission shall end that prohibition.

"(C) RECURRENCE OF NON-INSPECTION YEARS.—If, after the Commission ends a prohibition under subparagraph (B) or (D) with respect to a covered issuer, the Commission determines that the covered issuer has a non-inspection year, the Commission shall prohibit the securities of the covered issuer from being traded—

"(i) on a national securities exchange; or

"(ii) through any other method that is within the jurisdiction of the Commission to regulate, including through the method of trading that is commonly referred to as the 'over-the-counter' trading of securities.

Time period.

"(D) REMOVAL OF SUBSEQUENT PROHIBITION.—If, after the end of the 5-year period beginning on the date on which the Commission imposes a prohibition on a covered issuer under subparagraph (C), the covered issuer certifies to the Commission that the covered issuer will retain a registered public accounting firm that the Board is able to inspect under this section, the Commission shall end that prohibition.

Deadline.

"(4) RULES.—Not later than 90 days after the date of enactment of this subsection, the Commission shall issue rules that establish the manner and form in which a covered issuer shall make a submission required under paragraph (2)(B).".

15 USC 7214a.

SEC. 3. ADDITIONAL DISCLOSURE.

(a) DEFINITIONS.—In this section—

(1) the term "audit report" has the meaning given the term in section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a));

(2) the term "Commission" means the Securities and Exchange Commission;

(3) the term "covered form"—

(A) means—

(i) the form described in section 249.310 of title 17, Code of Federal Regulations, or any successor regulation; and

(ii) the form described in section 249.220f of title 17, Code of Federal Regulations, or any successor regulation; and

(B) includes a form that—

(i) is the equivalent of, or substantially similar to, the form described in clause (i) or (ii) of subparagraph (A); and

(ii) a foreign issuer files with the Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or rules issued under that Act;

(4) the terms "covered issuer" and "non-inspection year" have the meanings given the terms in subsection (i)(1) of section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214), as added by section 2 of this Act; and

(5) the term "foreign issuer" has the meaning given the term in section 240.3b–4 of title 17, Code of Federal Regulations, or any successor regulation.

(b) REQUIREMENT.—Each covered issuer that is a foreign issuer and for which, during a non-inspection year with respect to the covered issuer, a registered public accounting firm described in subsection (i)(2)(A) of section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214), as added by section 2 of this Act, has prepared an audit report shall disclose in each covered form filed by that issuer that covers such a non-inspection year—

(1) that, during the period covered by the covered form, such a registered public accounting firm has prepared an audit report for the issuer;

(2) the percentage of the shares of the issuer owned by governmental entities in the foreign jurisdiction in which the issuer is incorporated or otherwise organized;

(3) whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the issuer;

(4) the name of each official of the Chinese Communist Party who is a member of the board of directors of—

(A) the issuer; or

(B) the operating entity with respect to the issuer; and

(5) whether the articles of incorporation of the issuer (or equivalent organizing document) contains any charter of the

Chinese Communist Party, including the text of any such charter.

Approved December 18, 2020.

LEGISLATIVE HISTORY—S. 945:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 20, considered and passed Senate.
Dec. 2, considered and passed House.

Public Law 116–223
116th Congress

An Act

To require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes.

Dec. 18, 2020
[S. 1069]

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

Digital Coast Act.

SECTION 1. SHORT TITLE.

16 USC 1451 note.

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

SEC. 2. FINDINGS.

16 USC 1467 note.

Congress makes the following findings:

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

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

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

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

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

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

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

(A) flood and coastal storm surge prediction;

(B) hazard risk and vulnerability assessment;

(C) emergency response and recovery planning;

(D) community resilience to longer range coastal change;

(E) local planning and permitting;

(F) habitat and ecosystem health assessments; and
(G) landscape change detection.

16 USC 1467 note.

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

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

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

16 USC 1467.

SEC. 4. ESTABLISHMENT OF THE DIGITAL COAST.

(a) ESTABLISHMENT.—

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

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

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

Web posting.

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

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

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

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

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

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

(A) coastal States;

(B) local governments; and

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

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

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

(A) the National Oceanic and Atmospheric Administration;

(B) other Federal agencies;

(C) State and local government; and

(D) the private sector;

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

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

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

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

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

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

(A) coastal elevation data;
(B) land use and land cover data;
(C) socioeconomic and human use data;
(D) critical infrastructure data;
(E) structures data;
(F) living resources and habitat data;
(G) cadastral data; and
(H) aerial imagery; and

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

(e) FINANCIAL AGREEMENTS AND CONTRACTS.—

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

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

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

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

Determination.

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

(2) FEES.—

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

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

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

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

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

(3) SURVEY AND MAPPING.—Contracts entered into under paragraph (1)(B) shall be considered "surveying and mapping" services as such term is used in and as such contracts are

awarded by the Secretary in accordance with the selection procedures in chapter 11 of title 40, United States Code.

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

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

Approved December 18, 2020.

LEGISLATIVE HISTORY—S. 1069:

SENATE REPORTS: No. 116–234 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed Senate.
Nov. 16, considered and passed House, amended.
Dec. 2, Senate concurred in House amendment.

Public Law 116–224
116th Congress

An Act

Dec. 18, 2020
[S. 1982]

To improve efforts to combat marine debris, and for other purposes.

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

Save Our Seas 2.0 Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

33 USC 4201 note.

(a) SHORT TITLE.—This Act may be cited as the "Save Our Seas 2.0 Act".

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

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

TITLE I—COMBATING MARINE DEBRIS

Subtitle A—Amendments to the Marine Debris Act

Sec. 101. Amendments to the Marine Debris Act.

Subtitle B—Marine Debris Foundation

Sec. 111. Establishment and purposes of Foundation.
Sec. 112. Board of Directors of the Foundation.
Sec. 113. Rights and obligations of the Foundation.
Sec. 114. Administrative services and support.
Sec. 115. Volunteer status.
Sec. 116. Report requirements; petition of attorney general for equitable relief.
Sec. 117. United States release from liability.
Sec. 118. Authorization of appropriations.
Sec. 119. Termination of authority.

Subtitle C—Genius Prize for Save Our Seas Innovations

Sec. 121. Definitions.
Sec. 122. Genius Prize for Save Our Seas Innovations.
Sec. 123. Agreement with the Marine Debris Foundation.
Sec. 124. Judges.
Sec. 125. Report to Congress.
Sec. 126. Authorization of appropriations.
Sec. 127. Termination of authority.

Subtitle D—Studies, Pilot Projects, and Reports

Sec. 131. Report on opportunities for innovative uses of plastic waste.
Sec. 132. Report on microfiber pollution.
Sec. 133. Study on United States plastic pollution data.
Sec. 134. Study on mass balance methodologies to certify circular polymers.
Sec. 135. Report on sources and impacts of derelict fishing gear.
Sec. 136. Expansion of derelict vessel recycling.
Sec. 137. Incentive for fishermen to collect and dispose of plastic found at sea.

TITLE II—ENHANCED GLOBAL ENGAGEMENT TO COMBAT MARINE DEBRIS

Sec. 201. Statement of policy on international cooperation to combat marine debris.
Sec. 202. Prioritization of efforts and assistance to combat marine debris and improve plastic waste management.
Sec. 203. United States leadership in international fora.

Sec. 204. Enhancing international outreach and partnership of United States agencies involved in marine debris activities.
Sec. 205. Negotiation of new international agreements.
Sec. 206. Consideration of marine debris in negotiating international agreements.

TITLE III—IMPROVING DOMESTIC INFRASTRUCTURE TO PREVENT MARINE DEBRIS

Sec. 301. Strategy for improving post-consumer materials management and water management.
Sec. 302. Grant programs.
Sec. 303. Study on repurposing plastic waste in infrastructure.
Sec. 304. Study on effects of microplastics in food supplies and sources of drinking water.
Sec. 305. Report on eliminating barriers to increase the collection of recyclable materials.
Sec. 306. Report on economic incentives to spur development of new end-use markets for recycled plastics.
Sec. 307. Report on minimizing the creation of new plastic waste.

SEC. 2. DEFINITIONS.

33 USC 4201 note.

In this Act:

(1) CIRCULAR ECONOMY.—The term "circular economy" means an economy that uses a systems-focused approach and involves industrial processes and economic activities that—

(A) are restorative or regenerative by design;

(B) enable resources used in such processes and activities to maintain their highest values for as long as possible; and

(C) aim for the elimination of waste through the superior design of materials, products, and systems (including business models).

(2) EPA ADMINISTRATOR.—The term "EPA Administrator" means the Administrator of the Environmental Protection Agency.

(3) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), without regard to capitalization.

(4) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—The term "Interagency Marine Debris Coordinating Committee" means the Interagency Marine Debris Coordinating Committee established under section 5 of the Marine Debris Act (33 U.S.C. 1954).

(5) MARINE DEBRIS.—The term "marine debris" has the meaning given that term in section 7 of the Marine Debris Act (33 U.S.C. 1956).

(6) MARINE DEBRIS EVENT.—The term "marine debris event" means an event or related events that affects or may imminently affect the United States involving—

(A) marine debris caused by a natural event, including a tsunami, flood, landslide, hurricane, or other natural source;

(B) distinct, nonrecurring marine debris, including derelict vessel groundings and container spills, that have immediate or long-term impacts on habitats with high ecological, economic, or human-use values; or

(C) marine debris caused by an intentional or grossly negligent act or acts that causes substantial economic or environmental harm.

(7) NON-FEDERAL FUNDS.—The term "non-Federal funds" means funds provided by—

(A) a State;
(B) an Indian Tribe;
(C) a territory of the United States;
(D) one or more units of local governments or Tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));
(E) a foreign government;
(F) a private for-profit entity;
(G) a nonprofit organization; or
(H) a private individual.

(8) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(9) POST-CONSUMER MATERIALS MANAGEMENT.—The term "post-consumer materials management" means the systems, operation, supervision, and long-term management of processes and equipment used for post-use material (including packaging, goods, products, and other materials), including—
(A) collection;
(B) transport;
(C) safe disposal of waste that cannot be recovered, reused, recycled, repaired, or refurbished; and
(D) systems and processes related to post-use materials that can be recovered, reused, recycled, repaired, or refurbished.

(10) STATE.—The term "State" means—
(A) a State;
(B) an Indian Tribe;
(C) the District of Columbia;
(D) a territory or possession of the United States; or
(E) any political subdivision of an entity described in subparagraphs (A) through (D).

(11) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

TITLE I—COMBATING MARINE DEBRIS

Subtitle A—Amendments to the Marine Debris Act

SEC. 101. AMENDMENTS TO THE MARINE DEBRIS ACT.

The Marine Debris Act (33 U.S.C. 1951 et seq.) is amended—

33 USC 1951.
(1) in section 2 by striking "marine environment," and inserting "marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries),";

33 USC 1958.
(2) in section 9(a)—
(A) by striking "$10,000,000" and inserting "$15,000,000"; and
(B) by striking "5 percent" and inserting "7 percent"; and

(3) by adding at the end the following:

"SEC. 10. PRIORITIZATION OF MARINE DEBRIS IN EXISTING INNOVATION AND ENTREPRENEURSHIP PROGRAMS. 33 USC 1959.

"In carrying out any relevant innovation and entrepreneurship programs that improve the innovation, effectiveness, and efficiency of the Marine Debris Program established under section 3 without undermining the purpose for which such program was established, the Secretary of Commerce, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the heads of other relevant Federal agencies, shall prioritize efforts to combat marine debris, including by—

"(1) increasing innovation in methods and the effectiveness of efforts to identify, determine sources of, assess, prevent, reduce, and remove marine debris; and

"(2) addressing the impacts of marine debris on—

"(A) the economy of the United States;

"(B) the marine environment; and

"(C) navigation safety.".

Subtitle B—Marine Debris Foundation

SEC. 111. ESTABLISHMENT AND PURPOSES OF FOUNDATION. 33 USC 4211.

(a) ESTABLISHMENT.—There is established the Marine Debris Foundation (in this title referred to as the "Foundation"). The Foundation is a charitable and nonprofit organization and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the National Oceanic and Atmospheric Administration under the Marine Debris Program established under section 3 of the Marine Debris Act (33 U.S.C. 1952), and other relevant programs and agencies;

(2) to undertake and conduct such other activities as will augment efforts of the National Oceanic and Atmospheric Administration to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety;

(3) to participate with, and otherwise assist, State, local, and Tribal governments, foreign governments, entities, and individuals in undertaking and conducting activities to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris and its root causes on the economy of the United States, the marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries), and navigation safety;

(4) subject to an agreement with the Secretary of Commerce, administer the Genius Prize for Save Our Seas Innovation as described in title II; and

(5) to support other Federal actions to reduce marine debris.

SEC. 112. BOARD OF DIRECTORS OF THE FOUNDATION. 33 USC 4212.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (in this title referred to as the "Board"), which shall consist of the Under Secretary and 12 additional Directors appointed in accordance with subsection (b) from among individuals who are United States citizens.

(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to the assessment, prevention, reduction, and removal of marine debris.

(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Subject to paragraph (2), after consulting with the EPA Administrator, the Director of the United States Fish and Wildlife Service, the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, and the Administrator of the United States Agency for International Development, and considering the recommendations submitted by the Board, the Under Secretary shall appoint 12 Directors who meet the criteria established by subsection (a), of whom—

(A) at least 4 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris, which may include an individual with expertise in post-consumer materials management or a circular economy;

(B) at least 2 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris outside the United States;

(C) at least 2 shall be educated or experienced in ocean and coastal resource conservation science or policy; and

(D) at least 2 shall be educated or experienced in international trade or foreign policy.

(2) TERMS.—

(A) IN GENERAL.—Any Director appointed after the initial appointments are made under subparagraph (B) (other than the Under Secretary), shall be appointed for a term of 6 years.

Deadline.

(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Under Secretary under paragraph (1), the Under Secretary shall appoint, not later than 180 days after the date of the enactment of this Act—

(i) 4 Directors for a term of 6 years;

(ii) 4 Directors for a term of 4 years; and

(iii) 4 Directors for a term of 2 years.

(3) VACANCIES.—

(A) IN GENERAL.—The Under Secretary shall fill a vacancy on the Board.

(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

(4) REAPPOINTMENT.—An individual shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

(5) CONSULTATION BEFORE REMOVAL.—The Under Secretary may remove a Director from the Board only after consultation with the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, the Director of the United States Fish and Wildlife Service, and the EPA Administrator.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term.

(d) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) GENERAL POWERS.—

(1) IN GENERAL.—The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this title; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this title.

(2) LIMITATIONS ON APPOINTMENT.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to the assessment, prevention, reduction, and removal of marine debris.

SEC. 113. RIGHTS AND OBLIGATIONS OF THE FOUNDATION. 33 USC 4213.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States and abroad; and

(3) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

Notice.

(b) SERVICE OF PROCESS.—The serving of notice to, or service of process upon, the agent required under subsection (a)(3), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(c) POWERS.—

(1) IN GENERAL.—To carry out its purposes under section 111, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(A) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(B) to acquire by purchase or exchange any real or personal property or interest therein;

(C) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

(D) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

(E) to make use of any interest or investment income that accrues as a consequence of actions taken under subparagraph (C) or (D) to carry out the purposes of the Foundation;

(F) to use Federal funds to make payments under cooperative agreements to provide substantial long-term benefits for the assessment, prevention, reduction, and removal of marine debris;

(G) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(H) to borrow money and issue bonds, debentures, or other debt instruments;

(I) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Foundation shall not be personally liable, except for gross negligence;

(J) to enter into contracts or other arrangements with, or provide financial assistance to, public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(K) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

(2) NON-FEDERAL CONTRIBUTIONS TO THE FUND.—A gift, devise, or bequest may be accepted by the Foundation without regard to whether the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

Deadline.

(d) NOTICE TO MEMBERS OF CONGRESS.—The Foundation may not make a grant of Federal funds in an amount greater than $100,000 unless, by not later than 15 days before the grant is

made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.

(e) COORDINATION OF INTERNATIONAL EFFORTS.—Any efforts of the Foundation carried out in a foreign country, and any grants provided to an individual or entity in a foreign country, shall be made only with the concurrence of the Secretary of State, in consultation, as appropriate, with the Administrator of the United States Agency for International Development. Consultation.

(f) CONSULTATION WITH NOAA.—The Foundation shall consult with the Under Secretary during the planning of any restoration or remediation action using funds resulting from judgments or settlements relating to the damage to trust resources of the National Oceanic and Atmospheric Administration.

SEC. 114. ADMINISTRATIVE SERVICES AND SUPPORT. 33 USC 4214 note.

(a) PROVISION OF SERVICES.—The Under Secretary may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses, not to exceed the current Federal Government per diem rates, for a period of up to 5 years beginning on the date of the enactment of this Act. Time period. Effective date.

(b) REIMBURSEMENT.—The Under Secretary shall require reimbursement from the Foundation for any administrative service provided under subsection (a). The Under Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 115. VOLUNTEER STATUS. 33 USC 4215.

The Secretary of Commerce may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of Commerce, as volunteers in the performance of the functions authorized in this title.

SEC. 116. REPORT REQUIREMENTS; PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF. 33 USC 4216.

(a) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Energy and Commerce of the House of Representatives a report—

(1) describing the proceedings and activities of the Foundation during that fiscal year, including a full and complete statement of its receipts, expenditures, and investments; and

(2) including a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.

(b) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 111(b); or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so,

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

33 USC 4217.

SEC. 117. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

33 USC 4218.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Commerce to carry out this title $10,000,000 for each of fiscal years 2021 through 2024.

(2) USE OF APPROPRIATED FUNDS.—Subject to paragraph (3), amounts made available under paragraph (1) shall be provided to the Foundation to match contributions (whether in currency, services, or property) made to the Foundation, or to a recipient of a grant provided by the Foundation, by private persons and State and local government agencies.

(3) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no Federal funds made available under paragraph (1) may be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

Time period.
Effective date.

(B) EXCEPTION.—The Secretary may allow the use of Federal funds made available under paragraph (1) to pay for salaries during the 18-month period beginning on the date of the enactment of this Act.

(b) ADDITIONAL AUTHORIZATION.—

(1) IN GENERAL.—In addition to the amounts made available under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the assessment, prevention, reduction, and removal of marine debris in accordance with the requirements of this title.

(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

(1) any expense related to litigation consistent with Federal-wide cost principles; or

(2) any activity the purpose of which is to influence legislation pending before Congress consistent with Federal-wide cost principles.

33 USC 4219.

SEC. 119. TERMINATION OF AUTHORITY.

The authority of the Foundation under this subtitle shall terminate on the date that is 10 years after the establishment of the Foundation, unless the Foundation is reauthorized by an Act of Congress.

Subtitle C—Genius Prize for Save Our Seas Innovations

SEC. 121. DEFINITIONS. 33 USC 4231.

In this subtitle:

(1) PRIZE COMPETITION.—The term "prize competition" means the competition for the award of the Genius Prize for Save Our Seas Innovations established under section 122.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 122. GENIUS PRIZE FOR SAVE OUR SEAS INNOVATIONS. 33 USC 4232.

(a) IN GENERAL.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) a prize competition— Deadline.

(A) to encourage technological innovation with the potential to reduce plastic waste, and associated and potential pollution, and thereby prevent marine debris; and

(B) to award 1 or more prizes biennially for projects that advance human understanding and innovation in removing and preventing plastic waste, in one of the categories described in paragraph (2).

(2) CATEGORIES FOR PROJECTS.—The categories for projects are:

(A) Advancements in materials used in packaging and other products that, if such products enter the coastal or ocean environment, will fully degrade without harming the environment, wildlife, or human health.

(B) Innovations in production and packaging design that reduce the use of raw materials, increase recycled content, encourage reusability and recyclability, and promote a circular economy.

(C) Improvements in marine debris detection, monitoring, and cleanup technologies and processes.

(D) Improvements or improved strategies to increase solid waste collection, processing, sorting, recycling, or reuse.

(E) New designs or strategies to reduce overall packaging needs and promote reuse.

(b) DESIGNATION.—The prize competition established under subsection (a) shall be known as the "Genius Prize for Save Our Seas Innovations".

(c) PRIORITIZATION.—In selecting awards for the prize competition, priority shall be given to projects that—

(1) have a strategy, submitted with the application or proposal, to move the new technology, process, design, material, or other product supported by the prize to market-scale deployment;

(2) support the concept of a circular economy; and

(3) promote development of materials that—

(A) can fully degrade in the ocean without harming the environment, wildlife, or human health; and

(B) are to be used in fishing gear or other maritime products that have an increased likelihood of entering the coastal or ocean environment as unintentional waste.

33 USC 4233.

SEC. 123. AGREEMENT WITH THE MARINE DEBRIS FOUNDATION.

(a) IN GENERAL.—The Secretary may offer to enter into an agreement, which may include a grant or cooperative agreement, under which the Marine Debris Foundation established under title I may administer the prize competition.

(b) REQUIREMENTS.—An agreement entered into under subsection (a) shall comply with the following requirements:

(1) DUTIES.—The Marine Debris Foundation shall—

(A) advertise the prize competition;

(B) solicit prize competition participants;

(C) administer funds relating to the prize competition;

(D) receive Federal and non-Federal funds—

(i) to administer the prize competition; and

(ii) to award a cash prize;

(E) carry out activities to generate contributions of non-Federal funds to offset, in whole or in part—

(i) the administrative costs of the prize competition; and

(ii) the costs of a cash prize;

Consultation.

(F) in the design and award of the prize, consult, as appropriate with experts from—

(i) Federal agencies with jurisdiction over the prevention of marine debris or the promotion of innovative materials;

(ii) State agencies with jurisdiction over the prevention of marine debris or the promotion of innovative materials;

(iii) State, regional, or local conservation or post-consumer materials management organizations, the mission of which relates to the prevention of marine debris or the promotion of innovative materials;

(iv) conservation groups, technology companies, research institutions, scientists (including those with expertise in marine environments) institutions of higher education, industry, or individual stakeholders with an interest in the prevention of marine debris or the promotion of innovative materials;

(v) experts in the area of standards development regarding the degradation, breakdown, or recycling of polymers; and

(vi) other relevant experts of the Board's choosing;

Consultation. Criteria.

(G) in consultation with, and subject to final approval by, the Secretary, develop criteria for the selection of prize competition winners;

Consultation. Criteria.

(H) provide advice and consultation to the Secretary on the selection of judges under section 124 based on criteria developed in consultation with, and subject to the final approval of, the Secretary;

(I) announce 1 or more annual winners of the prize competition;

(J) subject to paragraph (2), award 1 or more cash prizes biennially of not less than $100,000; and

(K) protect against unauthorized use or disclosure by the Marine Debris Foundation of any trade secret or confidential business information of a prize competition participant.

(2) ADDITIONAL CASH PRIZES.—The Marine Debris Foundation may award more than 1 cash prize in a year—

(A) if the initial cash prize referred to in paragraph (1)(J) and any additional cash prizes are awarded using only non-Federal funds; and

(B) consisting of an amount determined by the Under Secretary after the Secretary is notified by the Marine Debris Foundation that non-Federal funds are available for an additional cash prize.

Determination.
Notification.

(3) SOLICITATION OF FUNDS.—The Marine Debris Foundation—

(A) may request and accept Federal funds and non-Federal funds for a cash prize or administration of the prize competition;

(B) may accept a contribution for a cash prize in exchange for the right to name the prize; and

(C) shall not give special consideration to any Federal agency or non-Federal entity in exchange for a donation for a cash prize awarded under this section.

SEC. 124. JUDGES.

33 USC 4234.

(a) APPOINTMENT.—The Secretary shall appoint not fewer than 3 judges who shall, except as provided in subsection (b), select the 1 or more annual winners of the prize competition.

(b) DETERMINATION BY THE SECRETARY.—The judges appointed under subsection (a) shall not select any annual winner of the prize competition if the Secretary makes a determination that, in any fiscal year, none of the technological advancements entered into the prize competition merits an award.

SEC. 125. REPORT TO CONGRESS.

33 USC 4235.

Not later than 60 days after the date on which a cash prize is awarded under this title, the Secretary shall post on a publicly available website a report on the prize competition that includes—

(1) if the Secretary has entered into an agreement under section 123, a statement by the Marine Debris Foundation that describes the activities carried out by the Marine Debris Foundation relating to the duties described in section 123; and

(2) a statement by 1 or more of the judges appointed under section 124 that explains the basis on which the winner of the cash prize was selected.

SEC. 126. AUTHORIZATION OF APPROPRIATIONS.

33 USC 4236.

Of the amounts authorized under section 118(a), the Secretary of Commerce shall use up to $1,000,000 to carry out this subtitle.

SEC. 127. TERMINATION OF AUTHORITY.

33 USC 4237.

The prize program will terminate after 5 prize competition cycles have been completed.

Subtitle D—Studies, Pilot Projects, and Reports

SEC. 131. REPORT ON OPPORTUNITIES FOR INNOVATIVE USES OF PLASTIC WASTE.

Not later than 2 years after the date of enactment of this Act, the Interagency Marine Debris Coordinating Committee shall submit to Congress a report on innovative uses for plastic waste in consumer products.

SEC. 132. REPORT ON MICROFIBER POLLUTION.

Not later than 2 years after the date of the enactment of this Act, the Interagency Marine Debris Coordinating Committee shall submit to Congress a report on microfiber pollution that includes—

(1) a definition of microfiber;

Assessment.

(2) an assessment of the sources, prevalence, and causes of microfiber pollution;

Recommendations.

(3) a recommendation for a standardized methodology to measure and estimate the prevalence of microfiber pollution;

Recommendations.

(4) recommendations for reducing microfiber pollution; and

Plan.
Time period.
Effective date.

(5) a plan for how Federal agencies, in partnership with other stakeholders, can lead on opportunities to reduce microfiber pollution during the 5-year period beginning on such date of enactment.

SEC. 133. STUDY ON UNITED STATES PLASTIC POLLUTION DATA.

Consultation.
Contracts.

(a) IN GENERAL.—The Under Secretary, in consultation with the EPA Administrator and the Secretary of the Interior, shall seek to enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies will undertake a multifaceted study that includes the following:

(1) An evaluation of United States contributions to global ocean plastic waste, including types, sources, and geographic variations.

(2) An assessment of the prevalence of marine debris and mismanaged plastic waste in saltwater and freshwater United States navigable waterways and tributaries.

(3) An examination of the import and export of plastic waste to and from the United States, including the destinations of the exported plastic waste and the waste management infrastructure and environmental conditions of these locations.

(4) Potential means to reduce United States contributions to global ocean plastic waste.

Recommendations.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report on the study conducted under subsection (a) that includes—

(1) the findings of the National Academies;

(2) recommendations on knowledge gaps that warrant further scientific inquiry; and

(3) recommendations on the potential value of a national marine debris tracking and monitoring system and how such a system might be designed and implemented.

SEC. 134. STUDY ON MASS BALANCE METHODOLOGIES TO CERTIFY CIRCULAR POLYMERS.

(a) IN GENERAL.—The National Institute of Standards and Technology shall conduct a study of available mass balance methodologies that are or could be readily standardized to certify circular polymers.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Institute shall submit to Congress a report on the study conducted under subsection (a) that includes— Assessments.

(1) an identification and assessment of existing mass balance methodologies, standards, and certification systems that are or may be applicable to supply chain sustainability of polymers, considering the full life cycle of the polymer, and including an examination of—

(A) the International Sustainability and Carbon Certification; and

(B) the Roundtable on Sustainable Biomaterials;

(2) an assessment of the environmental impacts of the full lifecycle of circular polymers, including impacts on climate change; and

(3) an assessment of any legal or regulatory barriers to developing a standard and certification system for circular polymers.

(c) DEFINITIONS.—In this section:

(1) CIRCULAR POLYMERS.—The term "circular polymers" means polymers that can be reused multiple times or converted into a new, higher-quality product.

(2) MASS BALANCE METHODOLOGY.—The term "mass balance methodology" means the method of chain of custody accounting designed to track the exact total amount of certain content in products or materials through the production system and to ensure an appropriate allocation of this content in the finished goods based on auditable bookkeeping.

SEC. 135. REPORT ON SOURCES AND IMPACTS OF DERELICT FISHING GEAR.

Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report that includes—

(1) an analysis of the scale of fishing gear losses by domestic and foreign fisheries, including— Analysis.

(A) how the amount of gear lost varies among—

(i) domestic and foreign fisheries;

(ii) types of fishing gear; and

(iii) methods of fishing;

(B) how lost fishing gear is transported by ocean currents; and

(C) common reasons fishing gear is lost;

(2) an evaluation of the ecological, human health, and maritime safety impacts of derelict fishing gear, and how those impacts vary across— Evaluation.

(A) types of fishing gear;

(B) materials used to construct fishing gear; and

(C) geographic location;

(3) recommendations on management measures— Recommendations.

(A) to prevent fishing gear losses; and

(B) to reduce the impacts of lost fishing gear;

Assessment.

(4) an assessment of the cost of implementing such management measures; and

Assessment.

(5) an assessment of the impact of fishing gear loss attributable to foreign countries.

Deadline. Study. Determination.

SEC. 136. EXPANSION OF DERELICT VESSEL RECYCLING.

Not later than 1 year after the date of the enactment of this Act, the Under Secretary and the EPA Administrator shall jointly conduct a study to determine the feasibility of developing a nationwide derelict vessel recycling program—

(1) using as a model the fiberglass boat recycling program from the pilot project in Rhode Island led by Rhode Island Sea Grant and its partners; and

(2) including, if possible, recycling of vessels made from materials other than fiberglass.

33 USC 4251.

SEC. 137. INCENTIVE FOR FISHERMEN TO COLLECT AND DISPOSE OF PLASTIC FOUND AT SEA.

Assessment. Grants.

(a) IN GENERAL.—The Under Secretary shall establish a pilot program to assess the feasibility and advisability of providing incentives, such as grants, to fishermen based in the United States who incidentally capture marine debris while at sea—

(1) to track or keep the debris on board; and

(2) to dispose of the debris properly on land.

(b) SUPPORT FOR COLLECTION AND REMOVAL OF DERELICT GEAR.—The Under Secretary shall encourage United States efforts, such as the Fishing for Energy net disposal program, that support—

(1) collection and removal of derelict fishing gear and other fishing waste;

(2) disposal or recycling of such gear and waste; and

(3) prevention of the loss of such gear.

TITLE II—ENHANCED GLOBAL ENGAGEMENT TO COMBAT MARINE DEBRIS

33 USC 4261.

SEC. 201. STATEMENT OF POLICY ON INTERNATIONAL COOPERATION TO COMBAT MARINE DEBRIS.

It is the policy of the United States to partner, consult, and coordinate with foreign governments (at the national and subnational levels), civil society, international organizations, international financial institutions, subnational coastal communities, commercial and recreational fishing industry leaders, and the private sector, in a concerted effort—

(1) to increase knowledge and raise awareness about—

(A) the linkages between the sources of plastic waste, mismanaged waste and post-consumer materials, and marine debris; and

(B) the upstream and downstream causes and effects of plastic waste, mismanaged waste and post-consumer materials, and marine debris on marine environments, marine wildlife, human health, and economic development;

(2) to support—

(A) strengthening systems for reducing the generation of plastic waste and recovering, managing, reusing, and

recycling plastic waste, marine debris, and microfiber pollution in the world's oceans, emphasizing upstream post-consumer materials management solutions—

(i) to decrease plastic waste at its source; and

(ii) to prevent leakage of plastic waste into the environment;

(B) advancing the utilization and availability of safe and affordable reusable alternatives to disposable plastic products in commerce, to the extent practicable, and with consideration for the potential impacts of such alternatives, and other efforts to prevent marine debris;

(C) deployment of and access to advanced technologies to capture value from post-consumer materials and municipal solid waste streams through mechanical and other recycling systems;

(D) access to information on best practices in post-consumer materials management, options for post-consumer materials management systems financing, and options for participating in public-private partnerships; and

(E) implementation of management measures to reduce derelict fishing gear, the loss of fishing gear, and other sources of pollution generated from marine activities and to increase proper disposal and recycling of fishing gear; and

(3) to work cooperatively with international partners—

(A) on establishing—

(i) measurable targets for reducing marine debris, lost fishing gear, and plastic waste from all sources; and

(ii) action plans to achieve those targets with a mechanism to provide regular reporting;

(B) to promote consumer education, awareness, and outreach to prevent marine debris;

(C) to reduce marine debris by improving advance planning for marine debris events and responses to such events; and

(D) to share best practices in post-consumer materials management systems to prevent the entry of plastic waste into the environment.

SEC. 202. PRIORITIZATION OF EFFORTS AND ASSISTANCE TO COMBAT MARINE DEBRIS AND IMPROVE PLASTIC WASTE MANAGEMENT.

33 USC 4262.

(a) IN GENERAL.—The Secretary of State shall, in coordination with the Administrator of the United States Agency for International Development, as appropriate, and the officials specified in subsection (b)—

Coordination.

(1) lead and coordinate efforts to implement the policy described in section 201; and

(2) develop strategies and implement programs that prioritize engagement and cooperation with foreign governments, subnational and local stakeholders, and the private sector to expedite efforts and assistance in foreign countries—

(A) to partner with, encourage, advise and facilitate national and subnational governments on the development and execution, where practicable, of national projects, programs and initiatives to—

(i) improve the capacity, security, and standards of operations of post-consumer materials management systems;

(ii) monitor and track how well post-consumer materials management systems are functioning nationwide, based on uniform and transparent standards developed in cooperation with municipal, industrial, and civil society stakeholders;

(iii) identify the operational challenges of post-consumer materials management systems and develop policy and programmatic solutions;

(iv) end intentional or unintentional incentives for municipalities, industries, and individuals to improperly dispose of plastic waste; and

(v) conduct outreach campaigns to raise public awareness of the importance of proper waste disposal and the reduction of plastic waste;

(B) to facilitate the involvement of municipalities and industries in improving solid waste reduction, collection, disposal, and reuse and recycling projects, programs, and initiatives;

(C) to partner with and provide technical assistance to investors, and national and local institutions, including private sector actors, to develop new business opportunities and solutions to specifically reduce plastic waste and expand solid waste and post-consumer materials management best practices in foreign countries by—

(i) maximizing the number of people and businesses, in both rural and urban communities, receiving reliable solid waste and post-consumer materials management services;

(ii) improving and expanding the capacity of foreign industries to responsibly employ post-consumer materials management practices;

(iii) improving and expanding the capacity and transparency of tracking mechanisms for marine debris to reduce the impacts on the marine environment;

(iv) eliminating incentives that undermine responsible post-consumer materials management practices and lead to improper waste disposal practices and leakage;

(v) building the capacity of countries—

(I) to reduce, monitor, regulate, and manage waste, post-consumer materials and plastic waste, and pollution appropriately and transparently, including imports of plastic waste from the United States and other countries;

(II) to encourage private investment in post-consumer materials management and reduction; and

(III) to encourage private investment, grow opportunities, and develop markets for recyclable, reusable, and repurposed plastic waste and post-consumer materials, and products with high levels of recycled plastic content, at both national and local levels; and

(vi) promoting safe and affordable reusable alternatives to disposable plastic products, to the extent practicable; and

(D) to research, identify, and facilitate opportunities to promote collection and proper disposal of damaged or derelict fishing gear.

(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are the following:

(1) The United States Trade Representative.

(2) The Under Secretary.

(3) The EPA Administrator.

(4) The Director of the Trade and Development Agency.

(5) The President and the Board of Directors of the Overseas Private Investment Corporation or the Chief Executive Officer and the Board of Directors of the United States International Development Finance Corporation, as appropriate.

(6) The Chief Executive Officer and the Board of Directors of the Millennium Challenge Corporation.

(7) The Commandant of the Coast Guard, with respect to pollution from ships.

(8) The heads of such other agencies as the Secretary of State considers appropriate.

(c) PRIORITIZATION.—In carrying out subsection (a), the officials specified in subsection (b) shall prioritize assistance to countries with, and regional organizations in regions with—

(1) rapidly developing economies; and

(2) rivers and coastal areas that are the most severe sources of marine debris, as identified by the best available science.

(d) EFFECTIVENESS MEASUREMENT.—In prioritizing and expediting efforts and assistance under this section, the officials specified in subsection (b) shall use clear, accountable, and metric-based targets to measure the effectiveness of guarantees and assistance in achieving the policy described in section 201.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the modification of or the imposition of limits on the portfolios of any agency or institution led by an official specified in subsection (b).

SEC. 203. UNITED STATES LEADERSHIP IN INTERNATIONAL FORA.

President.
33 USC 4263.

In implementing the policy described in section 201, the President shall direct the United States representatives to appropriate international bodies and conferences (including the United Nations Environment Programme, the Association of Southeast Asian Nations, the Asia Pacific Economic Cooperation, the Group of 7, the Group of 20, the Organization for Economic Co-Operation and Development (OECD), and the Our Ocean Conference) to use the voice, vote, and influence of the United States, consistent with the broad foreign policy goals of the United States, to advocate that each such body—

(1) commit to significantly increasing efforts to promote investment in well-designed post-consumer materials management and plastic waste elimination and mitigation projects and services that increase access to safe post-consumer materials management and mitigation services, in partnership with the private sector and consistent with the constraints of other countries;

(2) address the post-consumer materials management needs of individuals and communities where access to municipal post-consumer materials management services is historically impractical or cost-prohibitive;

Coordination.

(3) enhance coordination with the private sector—

(A) to increase access to solid waste and post-consumer materials management services;

(B) to utilize safe and affordable alternatives to disposable plastic products, to the extent practicable;

(C) to encourage and incentivize the use of recycled content; and

(D) to grow economic opportunities and develop markets for recyclable, compostable, reusable, and repurposed plastic waste materials and post-consumer materials and other efforts that support the circular economy;

(4) provide technical assistance to foreign regulatory authorities and governments to remove unnecessary barriers to investment in otherwise commercially-viable projects related to—

(A) post-consumer materials management;

(B) the use of safe and affordable alternatives to disposable plastic products; or

(C) beneficial reuse of solid waste, plastic waste, post-consumer materials, plastic products, and refuse;

(5) use clear, accountable, and metric-based targets to measure the effectiveness of such projects; and

(6) engage international partners in an existing multilateral forum (or, if necessary, establish through an international agreement a new multilateral forum) to improve global cooperation on—

(A) creating tangible metrics for evaluating efforts to reduce plastic waste and marine debris;

(B) developing and implementing best practices at the national and subnational levels of foreign countries, particularly countries with little to no solid waste or post-consumer materials management systems, facilities, or policies in place for—

(i) collecting, disposing, recycling, and reusing plastic waste and post-consumer materials, including building capacity for improving post-consumer materials management; and

(ii) integrating alternatives to disposable plastic products, to the extent practicable;

(C) encouraging the development of standards and practices, and increasing recycled content percentage requirements for disposable plastic products;

(D) integrating tracking and monitoring systems into post-consumer materials management systems;

(E) fostering research to improve scientific understanding of—

(i) how microfibers and microplastics may affect marine ecosystems, human health and safety, and maritime activities;

(ii) changes in the amount and regional concentrations of plastic waste in the ocean, based on scientific modeling and forecasting;

(iii) the role rivers, streams, and other inland waterways play in serving as conduits for mismanaged waste traveling from land to the ocean;

(iv) effective means to eliminate present and future leakages of plastic waste into the environment; and

(v) other related areas of research the United States representatives deem necessary;

(F) encouraging the World Bank and other international finance organizations to prioritize efforts to reduce plastic waste and combat marine debris;

(G) collaborating on technological advances in post-consumer materials management and recycled plastics;

(H) growing economic opportunities and developing markets for recyclable, compostable, reusable, and repurposed plastic waste and post-consumer materials and other efforts that support the circular economy; and

(I) advising foreign countries, at both the national and subnational levels, on the development and execution of regulatory policies, services, including recycling and reuse of plastic, and laws pertaining to reducing the creation and the collection and safe management of—

(i) solid waste;

(ii) post-consumer materials;

(iii) plastic waste; and

(iv) marine debris.

SEC. 204. ENHANCING INTERNATIONAL OUTREACH AND PARTNERSHIP OF UNITED STATES AGENCIES INVOLVED IN MARINE DEBRIS ACTIVITIES.

33 USC 4264.

(a) FINDINGS.—Congress recognizes the success of the marine debris program of the National Oceanic and Atmospheric Administration and the Trash-Free Waters program of the Environmental Protection Agency.

(b) AUTHORIZATION OF EFFORTS TO BUILD FOREIGN PARTNERSHIPS.—The Under Secretary and the EPA Administrator shall work with the Secretary of State and the Administrator of the United States Agency for International Development to build partnerships, as appropriate, with the governments of foreign countries and to support international efforts to combat marine debris.

SEC. 205. NEGOTIATION OF NEW INTERNATIONAL AGREEMENTS.

Reports.
Assessments.

Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report—

(1) assessing the potential for negotiating new international agreements or creating a new international forum to reduce land-based sources of marine debris and derelict fishing gear, consistent with section 203;

(2) describing the provisions that could be included in such agreements; and

(3) assessing potential parties to such agreements.

SEC. 206. CONSIDERATION OF MARINE DEBRIS IN NEGOTIATING INTERNATIONAL AGREEMENTS.

President.
33 USC 4265.

In negotiating any relevant international agreement with any country or countries after the date of the enactment of this Act, the President shall, as appropriate—

(1) consider the impact of land-based sources of plastic waste and other solid waste from that country on the marine and aquatic environment; and

(2) ensure that the agreement strengthens efforts to eliminate land-based sources of plastic waste and other solid waste from that country that impact the marine and aquatic environment.

TITLE III—IMPROVING DOMESTIC INFRASTRUCTURE TO PREVENT MARINE DEBRIS

33 USC 4281.

SEC. 301. STRATEGY FOR IMPROVING POST-CONSUMER MATERIALS MANAGEMENT AND WATER MANAGEMENT.

Deadline. Consultation.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the EPA Administrator shall, in consultation with stakeholders, develop a strategy to improve post-consumer materials management and infrastructure for the purpose of reducing plastic waste and other post-consumer materials in waterways and oceans.

(b) RELEASE.—On development of the strategy under subsection (a), the EPA Administrator shall—

(1) distribute the strategy to States; and

Public information.

(2) make the strategy publicly available, including for use by—

(A) for-profit private entities involved in post-consumer materials management; and

(B) other nongovernmental entities.

33 USC 4282.

SEC. 302. GRANT PROGRAMS.

(a) POST-CONSUMER MATERIALS MANAGEMENT INFRASTRUCTURE GRANT PROGRAM.—

(1) IN GENERAL.—The EPA Administrator may provide grants to States to implement the strategy developed under section 301(a) and—

(A) to support improvements to local post-consumer materials management, including municipal recycling programs; and

(B) to assist local waste management authorities in making improvements to local waste management systems.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), the applicant State shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(3) CONTENTS OF APPLICATIONS.—In developing application requirements, the EPA Administrator shall consider requesting that a State applicant provide—

(A) a description of—

(i) the project or projects to be carried out using grant funds; and

(ii) how the project or projects would result in the generation of less plastic waste;

(B) a description of how the funds will support disadvantaged communities; and

(C) an explanation of any limitations, such as flow control measures, that restrict access to reusable or recyclable materials.

(4) REPORT TO CONGRESS.—Not later than January 1, 2023, the EPA Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(A) a description of the activities carried out under this subsection;

(B) estimates as to how much plastic waste was prevented from entering the oceans and other waterways as a result of activities funded pursuant to this subsection; and

Estimates.

(C) a recommendation on the utility of evolving the grant program into a new waste management State revolving fund.

Recommendations.

(b) DRINKING WATER INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide competitive grants to units of local government, Indian Tribes, and public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) to support improvements in reducing and removing plastic waste and post-consumer materials, including microplastics and microfibers, from drinking water or sources of drinking water, including planning, design, construction, technical assistance, and planning support for operational adjustments.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(c) WASTEWATER INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide grants to municipalities (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) or Indian Tribes that own and operate treatment works (as such term is defined in section 212 of such Act (33 U.S.C. 1292)) for the construction of improvements to reduce and remove plastic waste and post-consumer materials, including microplastics and microfibers, from wastewater.

Definition.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(d) TRASH-FREE WATERS GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide grants to units of local government, Indian Tribes, and nonprofit organizations—

(A) to support projects to reduce the quantity of solid waste in bodies of water by reducing the quantity of waste at the source, including through anti-litter initiatives;

(B) to enforce local post-consumer materials management ordinances;

(C) to implement State or local policies relating to solid waste;

(D) to capture post-consumer materials at stormwater inlets, at stormwater outfalls, or in bodies of water;

(E) to provide education and outreach about post-consumer materials movement and reduction; and

(F) to monitor or model flows of post-consumer materials, including monitoring or modeling a reduction in trash as a result of the implementation of best management practices for the reduction of plastic waste and other post-consumer materials in sources of drinking water.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(e) APPLICABILITY OF FEDERAL LAW.—

Determination.

(1) IN GENERAL.—The EPA Administrator shall ensure that all laborers and mechanics employed on projects funded directly, or assisted in whole or in part, by a grant established by this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(2) AUTHORITY.—With respect to the labor standards specified in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) REQUIREMENTS.—The requirements of section 608 of the Federal Water Pollution Control Act (33 U.S.C. 1388) shall apply to the construction of a project carried out, in whole or in part, with assistance made available under this section in the same manner as the requirements of such section apply with respect to funds made available pursuant to title VI of such Act.

(f) LIMITATION ON USE OF FUNDS.—A grant under this section may not be used (directly or indirectly) as a source of payment (in whole or in part) of, or security for, an obligation the interest on which is excluded from gross income under section 103 of the Internal Revenue Code of 1986.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for the program described subsection (a), $55,000,000 for each of fiscal years 2021 through 2025; and

(2) for each of the programs described subsections (b), (c), and (d), $10,000,000 for each of fiscal years 2021 through 2025.

SEC. 303. STUDY ON REPURPOSING PLASTIC WASTE IN INFRASTRUCTURE.

Contracts.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this section as the "Secretary") and the EPA Administrator shall jointly enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies will—

(1) conduct a study on the uses of plastic waste in infrastructure; and

(2) as part of the study under paragraph (1)—

(A) identify domestic and international examples of—

(i) the use of plastic waste materials described in that paragraph;

(ii) infrastructure projects in which the use of plastic waste has been applied; and

(iii) projects in which the use of plastic waste has been incorporated into or with other infrastructure materials;

(B) assess— Assessment.

(i) the effectiveness and utility of the uses of plastic waste described in that paragraph;

(ii) the extent to which plastic waste materials are consistent with recognized specifications for infrastructure construction and other recognized standards;

(iii) relevant impacts of plastic waste materials compared to non-waste plastic materials;

(iv) the health, safety, and environmental impacts of—

(I) plastic waste on humans and animals; and

(II) the increased use of plastic waste for infrastructure;

(v) the ability of plastic waste infrastructure to withstand natural disasters, extreme weather events, and other hazards; and

(vi) plastic waste in infrastructure through an economic analysis; and

(C) make recommendations with respect to what standards or matters may need to be addressed with respect to ensuring human and animal health and safety from the use of plastic waste in infrastructure. Recommendations.

(b) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act and subject to the availability of appropriations, the Secretary and the EPA Administrator shall submit to Congress a report on the study conducted under subsection (a).

SEC. 304. STUDY ON EFFECTS OF MICROPLASTICS IN FOOD SUPPLIES AND SOURCES OF DRINKING WATER.

(a) IN GENERAL.—The EPA Administrator, in consultation with the Under Secretary, shall seek to enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies will conduct a human health and environmental risk assessment on microplastics, including microfibers, in food supplies and sources of drinking water. Consultation. Contracts.

(b) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report on the study conducted under subsection (a) that includes—

(1) a science-based definition of "microplastics" that can be adopted in federally supported monitoring and future assessments supported or conducted by a Federal agency;

(2) recommendations for standardized monitoring, testing, and other necessary protocols relating to microplastics; Recommendations.

(3) an assessment of— Assessment.

(A) the extent to which microplastics are present in the food supplies and sources of drinking water; and

(B) the type, source, prevalence, and risk of microplastics in the food supplies and sources of drinking water, including—

(i) an identification of the most significant sources of those microplastics; and

Review.

(ii) a review of the best available science to determine any potential hazards of microplastics in the food supplies and sources of drinking water; and

(4) a measurement of—

(A) the quantity of environmental chemicals that adsorb to microplastics; and

(B) the quantity described in subparagraph (A) that would be available for human exposure through food supplies or sources of drinking water.

SEC. 305. REPORT ON ELIMINATING BARRIERS TO INCREASE THE COLLECTION OF RECYCLABLE MATERIALS.

Not later than 1 year after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report describing—

(1) the economic, educational, technological, resource availability, legal, or other barriers to increasing the collection, processing, and use of recyclable materials; and

Recommendations.

(2) recommendations to overcome the barriers described under paragraph (1).

SEC. 306. REPORT ON ECONOMIC INCENTIVES TO SPUR DEVELOPMENT OF NEW END-USE MARKETS FOR RECYCLED PLASTICS.

Not later than 1 year after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report describing the most efficient and effective economic incentives to spur the development of additional new end-use markets for recycled plastics, including plastic film, including the use of increased recycled content by manufacturers in the production of plastic goods and packaging.

SEC. 307. REPORT ON MINIMIZING THE CREATION OF NEW PLASTIC WASTE.

Coordination. Study.

(a) IN GENERAL.—The EPA Administrator, in coordination with the Interagency Marine Debris Coordinating Committee and the National Institute of Standards and Technology, shall conduct a study on minimizing the creation of new plastic waste.

Estimates.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the EPA Administrator shall submit to Congress a report on the study conducted under subsection (a) that includes—

(1) an estimate of the current and projected United States production and consumption of plastics, by type of plastic, including consumer food products;

(2) an estimate of the environmental effects and impacts of plastic production and use in relation to other materials;

(3) an estimate of current and projected future recycling rates of plastics, by type of plastic;

Assessment.

(4) an assessment of opportunities to minimize the creation of new plastic waste, including consumer food products, by reducing, recycling, reusing, refilling, refurbishing, or capturing plastic that would otherwise be part of a waste stream; and

(5) an assessment of what post-consumer recycled content standards for plastic are technologically and economically feasible, and the impact of the standards on recycling rates. Assessment.

Approved December 18, 2020.

LEGISLATIVE HISTORY—S. 1982:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 9, considered and passed Senate.
Oct. 1, considered and passed House, amended.
Dec. 1, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 18, Presidential statement.

Public Law 116–225
116th Congress

Joint Resolution

Dec. 18, 2020
[H.J. Res. 107]

Making further continuing appropriations for fiscal year 2021, and for other purposes.

Further Additional Continuing Appropriations Act, 2021.
Ante, p. 711, 1041.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2021 (division A of Public Law 116–159) is further amended by striking the date specified in section 106(3) and inserting "December 20, 2020".

This joint resolution may be cited as the "Further Additional Continuing Appropriations Act, 2021".

Approved December 18, 2020.

LEGISLATIVE HISTORY—H.J. Res. 107:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 18, considered and passed House and Senate.

Public Law 116–226
116th Congress

Joint Resolution

Making further continuing appropriations for fiscal year 2021, and for other purposes.

Dec. 20, 2020
[H.J. Res. 110]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2021 (division A of Public Law 116–159) is further amended by striking the date specified in section 106(3) and inserting "December 21, 2020".

Extension of Continuing Appropriations Act, 2021.
Ante, p. 711, 1041, 1098.

This joint resolution may be cited as the "Extension of Continuing Appropriations Act, 2021".

Approved December 20, 2020.

LEGISLATIVE HISTORY—H.J. Res. 110:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 20, considered and passed House and Senate.

Public Law 116–227
116th Congress

An Act

Dec. 21, 2020
[H.R. 2246]

To designate the facility of the United States Postal Service located at 201 West Cherokee Street in Brookhaven, Mississippi, as the "Deputy Donald William Durr, Corporal Zach Moak, and Patrolman James White Memorial Post Office Building".

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

SECTION 1. DEPUTY DONALD WILLIAM DURR, CORPORAL ZACH MOAK, AND PATROLMAN JAMES WHITE MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 201 West Cherokee Street in Brookhaven, Mississippi, shall be known and designated as the "Deputy Donald William Durr, Corporal Zach Moak, and Patrolman James White Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Deputy Donald William Durr, Corporal Zach Moak, and Patrolman James White Memorial Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 2246:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–228
116th Congress

An Act

To designate the facility of the United States Postal Service located at 123 East Sharpfish Street in Rosebud, South Dakota, as the "Ben Reifel Post Office Building".

Dec. 21, 2020
[H.R. 2454]

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

SECTION 1. BEN REIFEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 East Sharpfish Street in Rosebud, South Dakota, shall be known and designated as the "Ben Reifel Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ben Reifel Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 2454:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–229
116th Congress

An Act

Dec. 21, 2020
[H.R. 2969]

To designate the facility of the United States Postal Service located at 1401 1st Street North in Winter Haven, Florida, as the "Althea Margaret Daily Mills Post Office Building".

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

SECTION 1. ALTHEA MARGARET DAILY MILLS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1401 1st Street North in Winter Haven, Florida, shall be known and designated as the "Althea Margaret Daily Mills Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Althea Margaret Daily Mills Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 2969:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–230
116th Congress

An Act

To designate the facility of the United States Postal Service located at 13308 Midland Road in Poway, California, as the "Ray Chavez Post Office Building".

Dec. 21, 2020
[H.R. 3005]

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

SECTION 1. RAY CHAVEZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 13308 Midland Road in Poway, California, shall be known and designated as the "Ray Chavez Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ray Chavez Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 3005:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–231
116th Congress

An Act

Dec. 21, 2020
[H.R. 3275]

To designate the facility of the United States Postal Service located at 340 Wetmore Avenue in Grand River, Ohio, as the "Lance Corporal Andy 'Ace' Nowacki Post Office".

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

SECTION 1. LANCE CORPORAL ANDY "ACE" NOWACKI POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 340 Wetmore Avenue in Grand River, Ohio, shall be known and designated as the "Lance Corporal Andy 'Ace' Nowacki Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Andy 'Ace' Nowacki Post Office".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 3275:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–232
116th Congress

An Act

To designate the facility of the United States Postal Service located at 415 North Main Street in Henning, Tennessee, as the "Paula Croom Robinson and Judy Spray Memorial Post Office Building".

Dec. 21, 2020
[H.R. 3680]

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

SECTION 1. PAULA CROOM ROBINSON AND JUDY SPRAY MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located 415 North Main Street in Henning, Tennessee, shall be known and designated as the "Paula Croom Robinson and Judy Spray Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Paula Croom Robinson and Judy Spray Memorial Post Office".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 3680:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–233
116th Congress

An Act

Dec. 21, 2020
[H.R. 3847]

To designate the facility of the United States Postal Service located at 117 West Poythress Street in Hopewell, Virginia, as the "Reverend Curtis West Harris Post Office Building".

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

SECTION 1. REVEREND CURTIS WEST HARRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located 117 West Poythress Street in Hopewell, Virginia, shall be known and designated as the "Reverend Curtis West Harris Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Reverend Curtis West Harris Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 3847:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–234
116th Congress

An Act

To designate the facility of the United States Postal Service located at 511 West 165th Street in New York, New York, as the "Normandia Maldonado Post Office Building".

Dec. 21, 2020
[H.R. 3870]

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

SECTION 1. NORMANDIA MALDONADO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 511 West 165th Street in New York, New York, shall be known and designated as the "Normandia Maldonado Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Normandia Maldonado Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 3870:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–235
116th Congress

An Act

Dec. 21, 2020
[H.R. 4034]

To designate the facility of the United States Postal Service located at 602 Pacific Avenue in Bremerton, Washington, as the "John Henry Turpin Post Office Building".

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

SECTION 1. JOHN HENRY TURPIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 602 Pacific Avenue in Bremerton, Washington, shall be known and designated as the "John Henry Turpin Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Henry Turpin Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4034:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–236
116th Congress

An Act

To designate the facility of the United States Postal Service located at 321 South 1st Street in Montrose, Colorado, as the "Sergeant David Kinterknecht Post Office".

Dec. 21, 2020
[H.R. 4200]

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

SECTION 1. SERGEANT DAVID KINTERKNECHT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 321 South 1st Street in Montrose, Colorado, shall be known and designated as the "Sergeant David Kinterknecht Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant David Kinterknecht Post Office".

(c) REPEAL OF PREVIOUS DESIGNATION.—Section 1 of Public Law 115–366 is hereby repealed, and the designation made and references deemed in subsections (a) and (b), respectively, of such section shall have no force or effect.

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4200:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–237
116th Congress

An Act

Dec. 21, 2020
[H.R. 4279]

To designate the facility of the United States Postal Service located at 445 Main Street in Laceyville, Pennsylvania, as the "Melinda Gene Piccotti Post Office".

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

SECTION 1. MELINDA GENE PICCOTTI POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 445 Main Street in Laceyville, Pennsylvania, shall be known and designated as the "Melinda Gene Piccotti Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Melinda Gene Piccotti Post Office".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4279:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–238
116th Congress

An Act

To designate the facility of the United States Postal Service located at 21701 Stevens Creek Boulevard in Cupertino, California, as the "Petty Officer 2nd Class (SEAL) Matthew G. Axelson Post Office Building".

Dec. 21, 2020
[H.R. 4672]

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

SECTION 1. PETTY OFFICER 2ND CLASS (SEAL) MATTHEW G. AXELSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 21701 Stevens Creek Boulevard in Cupertino, California, shall be known and designated as the "Petty Officer 2nd Class (SEAL) Matthew G. Axelson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Petty Officer 2nd Class (SEAL) Matthew G. Axelson Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4672:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–239
116th Congress

An Act

Dec. 21, 2020
[H.R. 4725]

To designate the facility of the United States Postal Service located at 8585 Criterion Drive in Colorado Springs, Colorado, as the "Chaplain (Capt.) Dale Goetz Memorial Post Office Building".

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

SECTION 1. CHAPLAIN (CAPT.) DALE GOETZ MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8585 Criterion Drive in Colorado Springs, Colorado, shall be known and designated as the "Chaplain (Capt.) Dale Goetz Memorial Post Office Building".

(b) REFERENCES.—Any references in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Chaplain (Capt.) Dale Goetz Memorial Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4725:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–240
116th Congress

An Act

To designate the facility of the United States Postal Service located at 1305 U.S. Highway 90 West in Castroville, Texas, as the "Lance Corporal Rhonald Dain Rairdan Post Office".

Dec. 21, 2020
[H.R. 4785]

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

SECTION 1. LANCE CORPORAL RHONALD DAIN RAIRDAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1305 U.S. Highway 90 West in Castroville, Texas, shall be known and designated as the "Lance Corporal Rhonald Dain Rairdan Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Rhonald Dain Rairdan Post Office".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4785:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–241
116th Congress

An Act

Dec. 21, 2020
[H.R. 4875]

To designate the facility of the United States Postal Service located at 2201 E. Maple Street in North Canton, Ohio, as the "Lance Cpl. Stacy 'Annie' Dryden Post Office".

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

SECTION 1. LANCE CPL. STACY "ANNIE" DRYDEN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2201 E. Maple Street in North Canton, Ohio, shall be known and designated as the "Lance Cpl. Stacy 'Annie' Dryden Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Cpl. Stacy 'Annie' Dryden Post Office".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4875:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–242
116th Congress

An Act

To designate the facility of the United States Postal Service located at 15 East Market Street in Leesburg, Virginia, as the "Norman Duncan Post Office Building".

Dec. 21, 2020
[H.R. 4971]

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

SECTION 1. NORMAN DUNCAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15 East Market Street in Leesburg, Virginia, shall be known and designated as the "Norman Duncan Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Norman Duncan Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 4971:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–243
116th Congress

An Act

Dec. 21, 2020
[H.R. 5317]

To designate the facility of the United States Postal Service located at 315 Addicks Howell Road in Houston, Texas, as the "Deputy Sandeep Singh Dhaliwal Post Office Building".

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

SECTION 1. DEPUTY SANDEEP SINGH DHALIWAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 315 Addicks Howell Road in Houston, Texas, shall be known and designated as the "Deputy Sandeep Singh Dhaliwal Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Deputy Sandeep Singh Dhaliwal Post Office Building".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 5317:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–244
116th Congress

An Act

To designate the facility of the United States Postal Service located at 108 West Maple Street in Holly, Michigan, as the "Holly Veterans Memorial Post Office".

Dec. 21, 2020
[H.R. 5954]

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

SECTION 1. HOLLY VETERANS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 108 West Maple Street in Holly, Michigan, shall be known and designated as the "Holly Veterans Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Holly Veterans Memorial Post Office".

Approved December 21, 2020.

LEGISLATIVE HISTORY—H.R. 5954:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 30, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 116–245
116th Congress

An Act

Dec. 21, 2020
[S. 4902]

To designate the United States courthouse located at 351 South West Temple in Salt Lake City, Utah, as the "Orrin G. Hatch United States Courthouse".

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

SECTION 1. ORRIN G. HATCH UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 351 South West Temple in Salt Lake City, Utah, shall be known and designated as the "Orrin G. Hatch United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Orrin G. Hatch United States Courthouse".

Approved December 21, 2020.

LEGISLATIVE HISTORY—S. 4902:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 17, considered and passed Senate.
Dec. 8, considered and passed House.

Public Law 116–246
116th Congress

An Act

Making further continuing appropriations for fiscal year 2021, and for other purposes.

Dec. 22, 2020
[H.R. 1520]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2021 (division A of Public Law 116–159) is further amended by striking the date specified in section 106(3) and inserting "December 28, 2020".

This Act may be cited as the "Further Extension of Continuing Appropriations Act, 2021".

Further Extension of Continuing Appropriations Act, 2021.
Ante, p. 711, 1041, 1098, 1099.

Approved December 22, 2020.

LEGISLATIVE HISTORY—H.R. 1520:

HOUSE REPORTS: No. 116–48 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 165 (2019): May 8, considered and passed House.
Vol. 166 (2020): Dec. 10, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendment with an amendment pursuant to H. Res. 1271. Senate concurred in House amendment.

Public Law 116–247
116th Congress

An Act

Dec. 22, 2020
[H.R. 1830]

To require the Secretary of the Treasury to mint coins in commemoration of the National Purple Heart Hall of Honor.

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

National Purple Heart Hall of Honor Commemorative Coin Act.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Purple Heart Hall of Honor Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The National Purple Heart Hall of Honor's mission is—

(A) to commemorate the extraordinary sacrifice of America's servicemen and servicewomen who were killed or wounded by enemy action; and

(B) to collect and preserve the stories of Purple Heart recipients from all branches of service and across generations to ensure that all recipients are represented.

(2) The National Purple Heart Hall of Honor first opened its doors on November 10, 2006, in New Windsor, NY.

(3) The National Purple Heart Hall of Honor is co-located with the New Windsor Cantonment State Historic Site.

(4) The National Purple Heart Hall of Honor is the first to recognize the estimated 1.8 million U.S. servicemembers wounded or killed in action representing recipients from the Civil War to the present day, serving as a living memorial to their sacrifice by sharing their stories through interviews, exhibits and the Roll of Honor, an interactive computer database of each recipient enrolled.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGNS OF COINS.

(a) DESIGNS REQUIREMENTS.—

(1) IN GENERAL.—The designs of the coins minted under this Act shall be emblematic of the National Purple Heart Hall of Honor.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2022"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the National Purple Heart Honor Mission, Inc.; and Consultation.

(2) reviewed by the Citizens Coinage Advisory Committee. Review.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2022.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin;

(2) $10 per coin for the $1 coin; and

(3) $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Purple Heart Honor Mission, Inc., to support the mission of the National Purple Heart Honor Mission, Inc., including capital improvements to the National Purple Heart Hall of Honor facilities.

(c) AUDITS.—The National Purple Heart Honor Mission, Inc., shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act result in no net cost to the Federal Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7(b) until the total cost of designing and issuing all of the coins authorized by this Act, including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping, is recovered by the United

States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

Approved December 22, 2020.

LEGISLATIVE HISTORY—H.R. 1830:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Sept. 19, considered and passed House.
Vol. 166 (2020): Nov. 16, considered and passed Senate, amended.
Dec. 2, House concurred in Senate amendment.

Public Law 116–248
116th Congress

An Act

Dec. 22, 2020
[H.R. 3349]

To authorize the Daughters of the Republic of Texas to establish the Republic of Texas Legation Memorial as a commemorative work in the District of Columbia, and for other purposes.

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

Republic of Texas Legation Memorial Act.
40 USC 8903 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Republic of Texas Legation Memorial Act".

SEC. 2. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) IN GENERAL.—The Daughters of the Republic of Texas may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate and honor those who, as representatives of the Republic of Texas, served in the District of Columbia as diplomats to the United States and made possible the annexation of Texas as the twenty-eighth State of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE DAUGHTERS OF THE REPUBLIC OF TEXAS.—The Daughters of the Republic of Texas shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If upon payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Daughters of the Republic of Texas shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) ON EXPIRATION OF AUTHORITY.—If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance

of funds received for the establishment of the commemorative work, the Daughters of the Republic of Texas shall transmit the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or the Administrator (as appropriate) following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 22, 2020.

LEGISLATIVE HISTORY—H.R. 3349:

HOUSE REPORTS: No. 116–425 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 21, considered and passed House.
Dec. 2, considered and passed Senate.

Public Law 116–249
116th Congress

An Act

Dec. 22, 2020
[S. 134]

To amend title 18, United States Code, with regard to stalking.

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

Combat Online Predators Act.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat Online Predators Act".

SEC. 2. ENHANCED PENALTY FOR STALKERS OF CHILDREN.

(a) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended by inserting after section 2261A the following:

18 USC 2261B.

"§ 2261B. Enhanced penalty for stalkers of children

"(a) IN GENERAL.—Except as provided in subsection (b), if the victim of an offense under section 2261A is under the age of 18 years, the maximum imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.

"(b) LIMITATION.—Subsection (a) shall not apply to a person who violates section 2261A if—

"(1) the person is subject to a sentence under section 2261(b)(5); and

"(2)(A) the person is under the age of 18 at the time the offense occurred; or

"(B) the victim of the offense is not less than 15 nor more than 17 years of age and not more than 3 years younger than the person who committed the offense at the time the offense occurred.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261A the following new item:

22 USC prec. 2261.

"2261B. Enhanced penalty for stalkers of children.".

(c) CONFORMING AMENDMENT.—Section 2261A of title 18, United States Code, is amended by striking "section 2261(b) of this title" and inserting "section 2261(b) or section 2261B, as the case may be".

SEC. 3. REPORT ON BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS.

Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit a report to Congress, which shall—

(1) include an evaluation of Federal, Tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

Evaluation.

Approved December 22, 2020.

LEGISLATIVE HISTORY—S. 134:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 28, considered and passed Senate.
Vol. 166 (2020): Dec. 8, considered and passed House.

Public Law 116–250
116th Congress

An Act

Dec. 22, 2020
[S. 578]

To amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

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

ALS Disability Insurance Access Act of 2019.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "ALS Disability Insurance Access Act of 2019".

SEC. 2. ELIMINATION OF WAITING PERIOD FOR SOCIAL SECURITY DISABILITY INSURANCE BENEFITS FOR DISABLED INDIVIDUALS WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1)) is amended in the matter following subparagraph (E) by striking "or (ii)" and inserting "(ii) in the case of an individual who has been medically determined to have amyotrophic lateral sclerosis, for each month beginning with the first month during all of which the individual is under a disability and in which the individual becomes entitled to such insurance benefits, or (iii)".

42 USC 423 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to applications for disability insurance benefits filed after the date of the enactment of this Act.

Approved December 22, 2020.

LEGISLATIVE HISTORY—S. 578:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 2, considered and passed Senate.
Dec. 8, considered and passed House.

Public Law 116–251
116th Congress

An Act

To explicitly make unauthorized access to Department of Education information technology systems and the misuse of identification devices issued by the Department of Education a criminal act.

Dec. 22, 2020
[S. 1153]

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

Stop Student Debt Relief Scams Act of 2019.
20 USC 1001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Student Debt Relief Scams Act of 2019".

SEC. 2. CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 490 of the Higher Education Act of 1965 (20 U.S.C. 1097) is amended by adding at the end the following:

"(e) ACCESS TO DEPARTMENT OF EDUCATION INFORMATION TECHNOLOGY SYSTEMS FOR FRAUD, COMMERCIAL ADVANTAGE, OR PRIVATE FINANCIAL GAIN.—Any person who knowingly uses an access device, as defined in section 1029(e)(1) of title 18, United States Code, issued to another person or obtained by fraud or false statement to access Department information technology systems for purposes of obtaining commercial advantage or private financial gain, or in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, shall be fined not more than $20,000, imprisoned for not more than 5 years, or both.".

(b) GUIDANCE.—The Secretary shall issue guidance regarding the use of access devices in a manner that complies with this Act, and the amendments made by this Act. 20 USC 1097 note.

(c) EFFECTIVE DATE OF PENALTIES.—Notwithstanding section 6, the penalties described in section 490(e) of the Higher Education Act of 1965 (20 U.S.C. 1097), as added by subsection (a), shall take effect the day after the date on which the Secretary issues guidance regarding the use of access devices, as described in subsection (b). 20 USC 1097 note.

SEC. 3. LOAN COUNSELING.

Section 485(b) of the Higher Education Act of 1965 (20 U.S.C. 1092(b)) is amended—

(1) in clause (viii), by striking "and" after the semicolon; and

(2) by adding at the end the following:

"(x) an explanation that—

"(I) the borrower may be contacted during the repayment period by third-party student debt relief companies;

"(II) the borrower should use caution when dealing with those companies; and

"(III) the services that those companies typically provide are already offered to borrowers free of charge through the Department or the borrower's servicer; and".

SEC. 4. PREVENTION OF IMPROPER ACCESS.

Section 485B of the Higher Education Act of 1965 (20 U.S.C. 1092b) is amended—

(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively;

(2) in subsection (d)—

(A) in paragraph (5)(C), by striking "and" after the semicolon;

(B) in paragraph (6)(C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) preventing access to the data system and any other system used to administer a program under this title by any person or entity for the purpose of assisting a student in managing loan repayment or applying for any repayment plan, consolidation loan, or other benefit authorized by this title, unless such access meets the requirements described in subsection (e).";

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

"(e) REQUIREMENTS FOR THIRD-PARTY DATA SYSTEM ACCESS.—

"(1) IN GENERAL.—As provided in paragraph (7) of subsection (d), an authorized person or entity described in paragraph (2) may access the data system and any other system used to administer a program under this title if that access—

Federal Register, publication.

"(A) is in compliance with terms of service, information security standards, and a code of conduct which shall be established by the Secretary and published in the Federal Register;

"(B) is obtained using an access device (as defined in section 1029(e)(1) of title 18, United States Code) issued by the Secretary to the authorized person or entity; and

"(C) is obtained without using any access device (as defined in section 1029(e)(1) of title 18, United States Code) issued by the Secretary to a student, borrower, or parent.

Definition.

"(2) AUTHORIZED PERSON OR ENTITY.—An authorized person or entity described in this paragraph means—

"(A) a guaranty agency, eligible lender, or eligible institution, or a third-party organization acting on behalf of a guaranty agency, eligible lender, or eligible institution, that is in compliance with applicable Federal law (including regulations and guidance); or

Determinations.

"(B) a licensed attorney representing a student, borrower, or parent, or another individual who works for a Federal, State, local, or Tribal government or agency, or for a nonprofit organization, providing financial or student loan repayment counseling to a student, borrower, or parent, if—

"(i) that attorney or other individual has never engaged in unfair, deceptive, or abusive practices, as determined by the Secretary;

"(ii) that attorney or other individual does not work for an entity that has engaged in unfair, deceptive, or abusive practices (including an entity that is owned or operated by a person or entity that engaged in such practices), as determined by the Secretary;

"(iii) system access is provided only through a separate point of entry; and

"(iv) the attorney or other individual has consent from the relevant student, borrower, or parent to access the system."; and

(4) in subsection (f)(1), as redesignated by paragraph (1)—

(A) in subparagraph (A), by striking "student and parent" and inserting "student, borrower, and parent";

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(C) by inserting after subparagraph (B) the following:

"(C) the reduction in improper data system access as described in subsection (d)(7);"; and

(D) by striking subparagraph (E), as redesignated by subparagraph (B), and inserting the following:

"(E) any protocols, codes of conduct, terms of service, or information security standards developed under paragraphs (6) or (7) of subsection (d) during the preceding fiscal year.".

SEC. 5. AGENCY PREVENTION AND DETECTION.

Section 141(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1018(b)(2)) is amended by adding at the end the following:

"(C) Taking action to prevent and address the improper use of access devices, as described in section 485B(d)(7), including by—

"(i) detecting common patterns of improper use of any system that processes payments on Federal Direct Loans or other Department information technology systems;

"(ii) maintaining a reporting system for contractors involved in the processing of payments on Federal Direct Loans in order to allow those contractors to alert the Secretary of potentially improper use of Department information technology systems;

"(iii) proactively contacting Federal student loan borrowers whose Federal student loan accounts demonstrate a likelihood of improper use in order to warn those borrowers of suspicious activity or potential fraud regarding their Federal student loan accounts; and

"(iv) providing clear and simple disclosures in communications with borrowers who are applying for or requesting assistance with Federal Direct Loan programs (including assistance or applications regarding income-driven repayment, forbearance, deferment, consolidation, rehabilitation, cancellation, and forgiveness) to ensure that borrowers are aware that the Department will never require borrowers to pay for such assistance or applications.".

20 USC 1018 note.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date that is 180 days after the date of enactment of this Act.

Approved December 22, 2020.

LEGISLATIVE HISTORY—S. 1153:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 1, considered and passed Senate.
Dec. 7, considered and passed House.

Public Law 116–252
116th Congress

An Act

To amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias.

Dec. 22, 2020
[S. 3703]

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

Promoting Alzheimer's Awareness to Prevent Elder Abuse Act. 34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Alzheimer's Awareness to Prevent Elder Abuse Act".

SEC. 2. ADDRESSING ALZHEIMER'S DISEASE IN BEST PRACTICES.

(a) IN GENERAL.—Section 101(b) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(b)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of paragraph (2) as clauses (i), (ii), and (iii), respectively, and adjusting the margin accordingly;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margin accordingly;

(3) by striking "Not later than" and inserting the following: "(1) IN GENERAL.—Not later than";

(4) in paragraph (1)(B), as so redesignated—

(A) in clause (ii), by inserting ", including witnesses who have Alzheimer's disease and related dementias" after "other legal issues"; and

(B) in clause (iii), by striking "elder abuse cases," and inserting "elder abuse cases (including victims and witnesses who have Alzheimer's disease and related dementias),"; and

(5) by adding at the end the following:

"(2) TRAINING MATERIALS.—

"(A) IN GENERAL.—In creating or compiling replication guides and training materials under paragraph (1)(B), the Elder Justice Coordinator shall consult with the Secretary of Health and Human Services, State, local, and Tribal adult protective services, aging, social, and human services agencies, Federal, State, local, and Tribal law enforcement agencies, and nationally recognized nonprofit associations with relevant expertise, as appropriate. Consultation.

"(B) UPDATING.—The Elder Justice Coordinator shall—

"(i) review the best practices identified and replication guides and training materials created or compiled under paragraph (1)(B) to determine if the replication guides or training materials require updating; and Review. Determination.

"(ii) perform any necessary updating of the replication guides or training materials.".

Effective dates. 34 USC 21711 note.

(b) APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply on and after the date that is 1 year after the date of enactment of this Act.

SEC. 3. REPORT ON OUTREACH.

(a) IN GENERAL.—Section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margin accordingly;

(2) by striking "a report detailing" and inserting the following: "a report—

"(A) detailing"; and

(3) by adding at the end the following:

Public information.

"(B) with respect to the report by the Attorney General, including a link to the publicly available best practices identified under subsection (b)(1)(B) and the replication guides and training materials created or compiled under such subsection.".

Time period. 34 USC 21711 note.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to the report under section 101(c)(2) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(c)(2)) submitted during the second year beginning after the date of enactment of this Act, and each year thereafter.

Approved December 22, 2020.

LEGISLATIVE HISTORY—S. 3703 (H.R. 6813):

HOUSE REPORTS: No. 116–535 (Comm. on the Judiciary) accompanying H.R. 6813.
CONGRESSIONAL RECORD, Vol. 166 (2020):
Aug. 6, considered and passed Senate.
Dec. 8, considered and passed House.

Public Law 116–253
116th Congress

An Act

To authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

Dec. 23, 2020
[H.R. 3465]

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

Fallen Journalists Memorial Act. 40 USC 8903 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Journalists Memorial Act".

SEC. 2. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) IN GENERAL.—The Fallen Journalists Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate America's commitment to a free press by honoring journalists who sacrificed their lives in service to that cause.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) PROHIBITION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE FALLEN JOURNALISTS MEMORIAL FOUNDATION.—The Fallen Journalists Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If upon payment of all expenses for the establishment of the commemorative work (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Fallen Journalists Memorial Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) ON EXPIRATION OF AUTHORITY.—If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Fallen Journalists Memorial Foundation shall transmit the amount of the balance to a separate account

with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator (as appropriate) following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 23, 2020.

LEGISLATIVE HISTORY—H.R. 3465:

HOUSE REPORTS: No. 116–466 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 21, considered and passed House.
Dec. 2, considered and passed Senate.

Public Law 116–254
116th Congress

An Act

To ensure U.S. Customs and Border Protection officers, agents, and other personnel have adequate synthetic opioid detection equipment, that the Department of Homeland Security has a process to update synthetic opioid detection capability, and for other purposes.

Dec. 23, 2020
[H.R. 4761]

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

SECTION 1. SHORT TITLE.

DHS Opioid Detection Resilience Act of 2019.
6 USC 211 note.

This Act may be cited as the "DHS Opioid Detection Resilience Act of 2019".

SEC. 2. STRATEGY TO ENSURE DETECTION OF ALL OPIOID PURITY LEVELS AT PORTS OF ENTRY.

Deadline.

Not later than 180 days after the date of the enactment of this section, the Commissioner of U.S. Customs and Border Protection (CBP) shall—

(1) implement a strategy to ensure deployed chemical screening devices are able to identify in an operational environment narcotics at purity levels less than or equal to 10 percent, or provide ports of entry with an alternate method for identifying narcotics at lower purity levels; and

(2) require testing of any new chemical screening devices to understand the abilities and limitations of such devices relating to identifying narcotics at various purity levels before CBP commits to the acquisition of such devices.

Testing.

SEC. 3. PLAN TO ENSURE OPIOID DETECTION EQUIPMENT RESILIENCY.

Deadline.
Data.

Not later than 180 days after the date of the enactment of this section, the Secretary of Homeland Security shall implement a plan for the long-term development of a centralized spectral database for chemical screening devices. Such plan shall address the following:

(1) How newly identified spectra will be collected, stored, and distributed to such devices in their operational environment, including at ports of entry.

(2) Identification of parties responsible for updates and maintenance of such database.

Approved December 23, 2020.

LEGISLATIVE HISTORY—H.R. 4761:

HOUSE REPORTS: No. 116–319, Pt. 1 (Comm. on Homeland Security).
SENATE REPORTS: No. 116–244 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Dec. 9, considered and passed House.
Vol. 166 (2020): Dec. 7, considered and passed Senate.

Public Law 116–255
116th Congress

An Act

To provide for the transfer of certain Federal land in the State of Minnesota for the benefit of the Leech Lake Band of Ojibwe.

Dec. 23, 2020
[S. 199]

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

Leech Lake Band of Ojibwe Reservation Restoration Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Leech Lake Band of Ojibwe Reservation Restoration Act".

SEC. 2. LEECH LAKE BAND OF OJIBWE RESERVATION RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Federal land described in subsection (b)(1) was taken from members of the Leech Lake Band of Ojibwe during a period—

(A) beginning in 1948;

(B) during which the Bureau of Indian Affairs incorrectly interpreted an order of the Secretary of the Interior to mean that the Department of the Interior had the authority to sell tribal allotments without the consent of a majority of the rightful landowners; and

(C) ending in 1959, when the Secretary of the Interior was—

(i) advised that sales described in subparagraph (B) were illegal; and

(ii) ordered to cease conducting those sales;

(2) as a result of the Federal land described in subsection (b)(1) being taken from members of the Leech Lake Band of Ojibwe, the Leech Lake Band of Ojibwe hold the smallest percentage of its original reservation lands of any Ojibwe bands in Minnesota;

(3)(A) the applicable statute of limitations prohibits individuals from pursuing through litigation the return of the land taken as described in paragraph (1); but

(B) a Federal judge ruled that the land could be restored to the affected individuals through the legislative process;

(4) a comprehensive review of the Federal land demonstrated that—

(A) a portion of the Federal land is encumbered by—

(i) utility easements;

(ii) rights-of-way for roads; and

(iii) flowage and reservoir rights; and

(B) there are no known cabins, campgrounds, lodges, or resorts located on any portion of the Federal land; and

(5) on reacquisition by the Tribe of the Federal land, the Tribe—

(A) has pledged to respect the easements, rights-of-way, and other rights described in paragraph (4)(A); and

(B)(i) does not intend immediately to modify the use of the Federal land; but

(ii) will keep the Federal land in tax-exempt fee status as part of the Chippewa National Forest until the Tribe develops a plan that allows for a gradual subdivision of some tracts for economic and residential development by the Tribe.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term "Federal land" means the approximately 11,760 acres of Federal land located in the Chippewa National Forest in Cass County, Minnesota, the boundaries of which shall be depicted on the map, and described in the legal description, submitted under subsection (d)(1)(B).

(B) INCLUSIONS.—The term "Federal land" includes—

(i) any improvement located on the Federal land described in subparagraph (A); and

(ii) any appurtenance to the Federal land.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) TRIBE.—The term "Tribe" means the Leech Lake Band of Ojibwe.

(c) TRANSFER TO RESERVATION.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Secretary shall transfer to the administrative jurisdiction of the Secretary of the Interior all right, title, and interest of the United States in and to the Federal land.

Effective date.

(2) TREATMENT.—Effective immediately on the transfer under paragraph (1), the Federal land shall be—

(A) held in trust by the United States for the benefit of the Tribe; and

(B) considered to be a part of the reservation of the Tribe.

(d) SURVEY, MAP, AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—The Secretary shall—

Deadline.

(A) not later than 180 days after the date of enactment of this Act, complete a plan of survey to establish the boundaries of the Federal land; and

(B) as soon as practicable after the date of enactment of this Act, submit a map and legal description of the Federal land to—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Indian Affairs of the Senate.

(2) FORCE AND EFFECT.—The map and legal description submitted under paragraph (1)(B) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description submitted under paragraph (1)(B) shall be on file and available for public inspection in the office of the Secretary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise expressly provided in this section, nothing in this section affects any right or claim of the Tribe, as in existence on the date of enactment of this Act, to any land or interest in land.

(2) PROHIBITIONS.—

(A) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Federal land. Applicability.

(B) NON-PERMISSIBLE USE OF LAND.—The Federal land shall not be eligible or used for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(3) FOREST MANAGEMENT.—Any commercial forestry activity carried out on the Federal land shall be managed in accordance with applicable Federal law.

Approved December 23, 2020.

LEGISLATIVE HISTORY—S. 199 (H.R. 733):

HOUSE REPORTS: No. 116–665 (Comm. on Natural Resources) accompanying H.R. 733.
SENATE REPORTS: No. 116–3 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): June 27, considered and passed Senate.
Vol. 166 (2020): Dec. 3, considered and passed House.

Public Law 116–256
116th Congress

An Act

Dec. 23, 2020
[S. 1014]

To establish the Route 66 Centennial Commission, and for other purposes.

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

Route 66 Centennial Commission Act. 36 USC note prec. 101.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Route 66 Centennial Commission Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Route 66 was the first all-weather highway in the United States connecting the Midwest to California, and has played a major role in the history of the United States;

(2) Route 66 has become a symbol of the heritage of travel and the legacy of seeking a better life shared by the people of the United States, and has been enshrined in the popular culture of the United States; and

(3) the year 2026 will be the centennial anniversary of Route 66, and a commission should be established to study and recommend in a report to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors the Mother Road of the United States.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Route 66 Centennial Commission" (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

The Commission shall—

Determination.

(1) study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Route 66 on the occasion of the centennial anniversary of Route 66, including activities such as—

(A) the issuance of commemorative coins, medals, certificates of recognition, and postage stamps;

(B) ceremonies and celebrations commemorating specific events; and

(C) the production, publication, and distribution of books, pamphlets, films, electronic publications, and other educational materials; and

Recommendations.

(2) recommend to Congress—

(A) the activities that the Commission considers most fitting and proper to honor Route 66 on the occasion described in paragraph (1); and

(B) 1 or more entities in the Federal Government that the Commission considers most appropriate to carry out those activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) 3 members, each of whom shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Secretary of Transportation.

(2) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of Illinois.

(3) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of Missouri.

(4) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of Kansas.

(5) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of Oklahoma.

(6) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of Texas.

(7) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of New Mexico.

(8) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of Arizona.

(9) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Governor of California.

(10) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Speaker of the House of Representatives.

(11) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Minority Leader of the House of Representatives.

(12) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Majority Leader of the Senate.

(13) 1 member, who shall be an eligible individual described in subsection (b), appointed by the President based on the recommendation of the Minority Leader of the Senate.

(b) ELIGIBLE INDIVIDUAL.—An eligible individual referred to in subsection (a) is an individual with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Route 66.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(d) TERMS.—Each member shall be appointed for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(f) BASIC PAY.—Members shall serve on the Commission without pay.

(g) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) QUORUM.—7 members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(i) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among the members of the Commission.

(j) MEETINGS.—The Commission shall meet at the call of the Chair.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission shall—

(A) be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, except that the rate of pay for the Director may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of that title.

(2) STAFF.—The staff of the Commission shall—

(A) be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

(c) SOURCE OF COMPENSATION.—In accordance with section 10—

(1) no Federal funds may be expended to compensate a Director or staff member of the Commission under this section; and

(2) any compensation paid to a Director or any staff of the Commission appointed under this section shall be derived solely from donated funds.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate to carry out this Act.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(d) ADMINISTRATIVE SUPPORT SERVICES.— Reimbursement.

(1) IN GENERAL.—On the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out this Act.

(2) DETAILEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency or department may detail to the Commission, on a reimbursable or nonreimbursable basis, any employee of the agency or department.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(iii) NO ADDITIONAL COMPENSATION.—A Federal employee who is detailed to the Commission under this subparagraph may not receive any additional pay, allowances, benefits, or other compensation by reason of the detail of the employee to the Commission or any services performed by the employee for the Commission.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from a State; and

(ii) reimburse the State for the services of the detailed personnel.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Commission in carrying out this Act.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.

(b) FINAL REPORT.—Not later than 2 years after the date on which all members of the Commission are appointed, the Commission shall submit to Congress a final report containing—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and Recommendations.

(3) any other information that the Commission considers to be appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate on December 31, 2026.

SEC. 10. EXPENDITURES OF COMMISSION.

(a) IN GENERAL.—All expenditures of the Commission, including any reimbursement required under this Act, shall be made solely from donated funds.

(b) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out this Act.

Approved December 23, 2020.

LEGISLATIVE HISTORY—S. 1014:

SENATE REPORTS: No. 116–62 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Aug. 10, considered and passed Senate.
Dec. 8, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 23, Presidential statement.

Public Law 116–257
116th Congress

An Act

To provide anti-retaliation protections for antitrust whistleblowers.

Dec. 23, 2020
[S. 2258]

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

Criminal Antitrust Anti-Retaliation Act of 2019.
15 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Antitrust Anti-Retaliation Act of 2019".

SEC. 2. AMENDMENT TO ACPERA.

The Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108–237; 15 U.S.C. 1 note) is amended by inserting after section 215 the following:

"SEC. 216. ANTI-RETALIATION PROTECTION FOR WHISTLEBLOWERS. 15 USC 7a–3.

"(a) WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND AGENTS.—

"(1) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against a covered individual in the terms and conditions of employment of the covered individual because of any lawful act done by the covered individual—

"(A) to provide or cause to be provided to the Federal Government or a person with supervisory authority over the covered individual (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct) information relating to—

"(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, the antitrust laws; or

"(ii) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws; or

"(B) to cause to be filed, testify in, participate in, or otherwise assist a Federal Government investigation or a Federal Government proceeding filed or about to be filed (with any knowledge of the employer) relating to—

"(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, the antitrust laws; or

"(ii) any violation of, or any act or omission the covered individual reasonably believes to be a violation

of, another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws.

"(2) LIMITATION ON PROTECTIONS.—Paragraph (1) shall not apply to any covered individual if—

"(A) the covered individual planned and initiated a violation or attempted violation of the antitrust laws;

"(B) the covered individual planned and initiated a violation or attempted violation of another criminal law in conjunction with a violation or attempted violation of the antitrust laws; or

"(C) the covered individual planned and initiated an obstruction or attempted obstruction of an investigation by the Department of Justice of a violation of the antitrust laws.

"(3) DEFINITIONS.—In this section:

"(A) ANTITRUST LAWS.—The term 'antitrust laws' means section 1 or 3 of the Sherman Act (15 U.S.C. 1 and 3).

"(B) COVERED INDIVIDUAL.—The term 'covered individual' means an employee, contractor, subcontractor, or agent of an employer.

"(C) EMPLOYER.—The term 'employer' means a person, or any officer, employee, contractor, subcontractor, or agent of such person.

"(D) FEDERAL GOVERNMENT.—The term 'Federal Government' means—

"(i) a Federal regulatory or law enforcement agency; or

"(ii) any Member of Congress or committee of Congress.

"(E) PERSON.—The term 'person' has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

"(4) RULE OF CONSTRUCTION.—The term 'violation', with respect to the antitrust laws, shall not be construed to include a civil violation of any law that is not also a criminal violation.

"(b) ENFORCEMENT ACTION.—

"(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any employer in violation of subsection (a) may seek relief under subsection (c) by—

"(A) filing a complaint with the Secretary of Labor; or

Deadline.

"(B) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

"(2) PROCEDURE.—

"(A) IN GENERAL.—A complaint filed with the Secretary of Labor under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

"(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to any individual named in the complaint and to the employer.

"(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

"(D) STATUTE OF LIMITATIONS.—A complaint under paragraph (1)(A) shall be filed with the Secretary of Labor not later than 180 days after the date on which the violation occurs. Deadline.

"(E) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order or preliminary order issued by the Secretary of Labor pursuant to the procedures set forth in section 42121(b) of title 49, United States Code, the Secretary of Labor or the person on whose behalf the order was issued may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

"(c) REMEDIES.—

"(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

"(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

"(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

"(B) the amount of back pay, with interest; and

"(C) compensation for any special damages sustained as a result of the discrimination including litigation costs, expert witness fees, and reasonable attorney's fees.

"(d) RIGHTS RETAINED BY WHISTLEBLOWERS.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement.".

Approved December 23, 2020.

LEGISLATIVE HISTORY—S. 2258:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 17, considered and passed Senate.
Vol. 166 (2020): Dec. 8, considered and passed House.

Public Law 116–258
116th Congress

An Act

Dec. 23, 2020
[S. 2904]

To direct the Director of the National Science Foundation to support research on the outputs that may be generated by generative adversarial networks, otherwise known as deepfakes, and other comparable techniques that may be developed in the future, and for other purposes.

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

Identifying Outputs of Generative Adversarial Networks Act.
15 USC 9101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identifying Outputs of Generative Adversarial Networks Act" or the "IOGAN Act".

15 USC 9101.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Gaps currently exist on the underlying research needed to develop tools that detect videos, audio files, or photos that have manipulated or synthesized content, including those generated by generative adversarial networks. Research on digital forensics is also needed to identify, preserve, recover, and analyze the provenance of digital artifacts.

(2) The National Science Foundation's focus to support research in artificial intelligence through computer and information science and engineering, cognitive science and psychology, economics and game theory, control theory, linguistics, mathematics, and philosophy, is building a better understanding of how new technologies are shaping the society and economy of the United States.

(3) The National Science Foundation has identified the "10 Big Ideas for NSF Future Investment" including "Harnessing the Data Revolution" and the "Future of Work at the Human-Technology Frontier", with artificial intelligence is a critical component.

(4) The outputs generated by generative adversarial networks should be included under the umbrella of research described in paragraph (3) given the grave national security and societal impact potential of such networks.

(5) Generative adversarial networks are not likely to be utilized as the sole technique of artificial intelligence or machine learning capable of creating credible deepfakes. Other techniques may be developed in the future to produce similar outputs.

SEC. 3. NSF SUPPORT OF RESEARCH ON MANIPULATED OR SYNTHESIZED CONTENT AND INFORMATION SECURITY. 15 USC 9102.

The Director of the National Science Foundation, in consultation with other relevant Federal agencies, shall support merit-reviewed and competitively awarded research on manipulated or synthesized content and information authenticity, which may include— Consultation.

(1) fundamental research on digital forensic tools or other technologies for verifying the authenticity of information and detection of manipulated or synthesized content, including content generated by generative adversarial networks;

(2) fundamental research on technical tools for identifying manipulated or synthesized content, such as watermarking systems for generated media;

(3) social and behavioral research related to manipulated or synthesized content, including human engagement with the content;

(4) research on public understanding and awareness of manipulated and synthesized content, including research on best practices for educating the public to discern authenticity of digital content; and

(5) research awards coordinated with other federal agencies and programs, including the Defense Advanced Research Projects Agency and the Intelligence Advanced Research Projects Agency, with coordination enabled by the Networking and Information Technology Research and Development Program. Coordination.

SEC. 4. NIST SUPPORT FOR RESEARCH AND STANDARDS ON GENERATIVE ADVERSARIAL NETWORKS. 15 USC 9103.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall support research for the development of measurements and standards necessary to accelerate the development of the technological tools to examine the function and outputs of generative adversarial networks or other technologies that synthesize or manipulate content.

(b) OUTREACH.—The Director of the National Institute of Standards and Technology shall conduct outreach—

(1) to receive input from private, public, and academic stakeholders on fundamental measurements and standards research necessary to examine the function and outputs of generative adversarial networks; and

(2) to consider the feasibility of an ongoing public and private sector engagement to develop voluntary standards for the function and outputs of generative adversarial networks or other technologies that synthesize or manipulate content.

SEC. 5. REPORT ON FEASIBILITY OF PUBLIC-PRIVATE PARTNERSHIP TO DETECT MANIPULATED OR SYNTHESIZED CONTENT.

Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation and the Director of the National Institute of Standards and Technology shall jointly submit to the Committee on Science, Space, and Technology of the House of Representatives, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the

Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate a report containing—

(1) the Directors' findings with respect to the feasibility for research opportunities with the private sector, including digital media companies to detect the function and outputs of generative adversarial networks or other technologies that synthesize or manipulate content; and

Recommendations.

(2) any policy recommendations of the Directors that could facilitate and improve communication and coordination between the private sector, the National Science Foundation, and relevant Federal agencies through the implementation of innovative approaches to detect digital content produced by generative adversarial networks or other technologies that synthesize or manipulate content.

15 USC 9104.

SEC. 6. GENERATIVE ADVERSARIAL NETWORK DEFINED.

In this Act, the term "generative adversarial network" means, with respect to artificial intelligence, the machine learning process of attempting to cause a generator artificial neural network (referred to in this paragraph as the "generator" and a discriminator artificial neural network (referred to in this paragraph as a "discriminator") to compete against each other to become more accurate in their function and outputs, through which the generator and discriminator create a feedback loop, causing the generator to produce increasingly higher-quality artificial outputs and the discriminator to increasingly improve in detecting such artificial outputs.

Approved December 23, 2020.

LEGISLATIVE HISTORY—S. 2904 (H.R. 4355):

HOUSE REPORTS: No. 116–268 (Comm. on Science, Space, and Technology) accompanying H.R. 4355.

SENATE REPORTS: No. 116–289 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 18, considered and passed Senate.
Dec. 8, considered and passed House.

Public Law 116–259
116th Congress

An Act

To reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

Dec. 23, 2020
[S. 2981]

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

National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020.
33 USC 3001 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020".

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

Sec. 1. Short title; table of contents.
Sec. 2. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

TITLE I—GENERAL PROVISIONS

Sec. 101. Strength and distribution in grade.
Sec. 102. Recalled officers.
Sec. 103. Obligated service requirement.
Sec. 104. Training and physical fitness.
Sec. 105. Aviation accession training programs.
Sec. 106. Recruiting materials.
Sec. 107. Technical correction.

TITLE II—PARITY AND RECRUITMENT

Sec. 201. Education loans.
Sec. 202. Interest payments.
Sec. 203. Student pre-commissioning program.
Sec. 204. Limitation on educational assistance.
Sec. 205. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
Sec. 206. Applicability of certain provisions of title 37, United States Code.
Sec. 207. Prohibition on retaliatory personnel actions.
Sec. 208. Employment and reemployment rights.
Sec. 209. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

Sec. 301. Appointments.
Sec. 302. Personnel boards.
Sec. 303. Positions of importance and responsibility.
Sec. 304. Temporary appointments.
Sec. 305. Officer candidates.
Sec. 306. Procurement of personnel.
Sec. 307. Career intermission program.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 401. Involuntary retirement or separation.
Sec. 402. Separation pay.

TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS

Sec. 501. Charting and survey services.
Sec. 502. Co-location agreements.
Sec. 503. Satellite and data management.
Sec. 504. Improvements relating to sexual harassment and assault prevention at the National Oceanic and Atmospheric Administration.

SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

"SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

"(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

"(1) Vice admiral.
"(2) Rear admiral.
"(3) Rear admiral (lower half).
"(4) Captain.
"(5) Commander.
"(6) Lieutenant commander.
"(7) Lieutenant.
"(8) Lieutenant (junior grade).
"(9) Ensign.

"(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

"(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

Determination.

"(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

"(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

"(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

"(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

"(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers

recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

"(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.".

SEC. 102. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

"SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

"(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

"(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

"(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

"(2) may not count against such number.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372) is amended by striking the item relating to section 215 and inserting the following: 116 Stat. 3078.

"Sec. 215. Number of authorized commissioned officers.".

SEC. 103. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"SEC. 216. OBLIGATED SERVICE REQUIREMENT. 33 USC 3006.

"(a) IN GENERAL.—

"(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

"(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

"(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

"(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

Time period.

"(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

"(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

"(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

"(2) is—

"(A) not physically qualified for appointment; and

"(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

116 Stat. 3078.

"Sec. 216. Obligated service requirement.".

SEC. 104. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 103(a), is further amended by adding at the end the following:

33 USC 3007.

"SEC. 217. TRAINING AND PHYSICAL FITNESS.

"(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

"(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

"(2) Providing officers and officer candidates with educational materials.

"(3) Acquiring such equipment as may be necessary for training and instructional purposes.

"(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public

Law 107–372), as amended by section 103(b), is further amended by inserting after the item relating to section 216 the following:

"Sec. 217. Training and physical fitness.".

SEC. 105. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 104(a), is further amended by adding at the end the following:

"SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS. 33 USC 3008.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

"(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

"(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

"(b) AVIATION ACCESSION TRAINING PROGRAMS.—

"(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2). Regulations.

"(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

"(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

"(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

"(C) that is located in a geographic area that—

"(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps of the Administration; and

"(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

"(D) at which the Administrator determines that— Determination.

"(i) there will be at least one student enrolled in the program; and

"(ii) the provisions of this section are otherwise satisfied.

"(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

"(A) the senior commissioned officer or employee of the commissioned officer corps of the Administration who

is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

"(B) the institution fulfills the terms of its agreement with the Administrator.

"(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

"(c) MEMBERSHIP.—

"(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

"(A) be a student at an institution at which the program is established;

"(B) be a citizen of the United States;

"(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

"(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

Time period.

"(ii) serve in the commissioned officer corps of the Administration for not fewer than four years;

"(D) enroll in—

"(i) a four-year baccalaureate program of professional flight and piloting instruction; and

"(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps of the Administration; and

"(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

"(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps of the Administration if the member meets all requirements for appointment as such an officer.

"(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

"(1) EXPENSES OF COURSE OF INSTRUCTION.—

"(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

"(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

"(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

"(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps of the Administration when offered, shall be subject to the repayment provisions of subsection (e).

"(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

Determination.

"(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

"(A) contrary to a personnel policy or management objective;

"(B) against equity and good conscience; or

"(C) contrary to the best interests of the United States.

Procedures.

"(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

"(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372), as amended by section 104(b), is further amended by inserting after the item relating to section 217 the following:

"Sec. 218. Aviation accession training programs.".

SEC. 106. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 105(a), is further amended by adding at the end the following:

33 USC 3009.

"SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

"The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372), as amended by section 105(b), is further amended by inserting after the item relating to section 218 the following:

"Sec. 219. Use of recruiting materials for public relations.".

SEC. 107. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting "in the commissioned officer corps" before "of the National".

TITLE II—PARITY AND RECRUITMENT

SEC. 201. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

33 USC 3077.

"SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

"(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

"(1) was used by the person to finance education; and

"(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

"(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

"(1) satisfy one of the requirements specified in subsection (c);

"(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

"(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

Determinations.

"(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

"(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps of the Administration.

"(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational

institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps of the Administration.

"(d) LOAN REPAYMENTS.—

"(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

"(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

"(e) ACTIVE DUTY SERVICE OBLIGATION.—

"(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

"(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

"(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

"(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

"(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

"(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

"(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

"(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

"(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

"(1) standards for qualified loans and authorized payees; and

"(2) other terms and conditions for the making of loan repayments.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public

116 Stat. 3078.

Law 107–372) is amended by inserting after the item relating to section 266 the following:

"Sec. 267. Education loan repayment program.".

SEC. 202. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 201(a), is further amended by adding at the end the following:

33 USC 3078.

"SEC. 268. INTEREST PAYMENT PROGRAM.

"(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

"(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

"(1) is serving on active duty;

Time period.

"(2) has not completed more than three years of service on active duty;

"(3) is the debtor on one or more unpaid loans described in subsection (c); and

"(4) is not in default on any such loan.

"(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

"(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

"(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

"(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

"(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

"(e) COORDINATION WITH SECRETARY OF EDUCATION.—

Consultation.

"(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

"(2) REIMBURSEMENT AUTHORIZED.—The Secretary is authorized to reimburse the Secretary of Education—

"(A) for the funds necessary to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

"(B) for any reasonable administrative costs incurred by the Secretary of Education in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

"(f) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).".

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting "ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS"; and

(B) in paragraph (1)—

(i) by inserting "or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002" after "Code,"; and

(ii) by inserting "or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively," after "Armed Forces".

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting "ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS"; and

(B) in paragraph (1)—

(i) by inserting "or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002" after "Code,"; and

(ii) by inserting "or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively" after "Armed Forces".

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372), as amended by section 201(b), is further amended by inserting after the item relating to section 267 the following:

"Sec. 268. Interest payment program.".

SEC. 203. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 202(a), is further amended by adding at the end the following:

"SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM. 33 USC 3079.

"(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to— Determination.

"(1) a baccalaureate degree in not more than five academic years; or

"(2) a postbaccalaureate degree.

"(b) ELIGIBLE PERSONS.—

"(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

"(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

"(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

"(C) enters into a written agreement with the Secretary described in paragraph (2).

"(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

"(A) agrees to accept an appointment as an officer, if tendered; and

Time periods.

"(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

"(i) up to three years if the person received less than three years of assistance; and

"(ii) up to five years if the person received at least three years of assistance.

"(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

"(1) Tuition and fees charged by the educational institution involved.

"(2) The cost of educational materials.

"(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

"(4) Such other expenses as the Secretary considers appropriate.

"(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

"(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

"(f) SUBSISTENCE ALLOWANCE.—

"(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

"(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

"(g) INITIAL CLOTHING ALLOWANCE.—

"(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

"(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

"(h) TERMINATION OF FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

"(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

"(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

"(C) the person fails to fulfill any term or condition of the agreement.

"(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

"(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

"(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

"(B) is—

"(i) not physically qualified for appointment; and

"(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct. Determination.

"(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

"(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

"(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

"(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372), as amended by section 202(c), is further amended by inserting after the item relating to section 268 the following:

"Sec. 269. Student pre-commissioning education assistance program.".

SEC. 204. LIMITATION ON EDUCATIONAL ASSISTANCE. 33 USC 3079–1.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this Act is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary Effective date.

under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 201(a)), section 268 of such Act (as added by section 202(a)), and section 269 of such Act (as added by section 203(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 305(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term "officer candidate" has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 305(c).

SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

"(4) Section 771, relating to unauthorized wearing of uniforms.

"(5) Section 774, relating to wearing religious apparel while in uniform.

"(6) Section 982, relating to service on State and local juries.

"(7) Section 1031, relating to administration of oaths.";

(5) by inserting after paragraph (10), as redesignated, the following:

"(11) Section 1074n, relating to annual mental health assessments.

"(12) Section 1090a, relating to referrals for mental health evaluations.

"(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated."; and

(6) by inserting after paragraph (19), as redesignated, the following:

"(20) Subchapter I of chapter 88, relating to Military Family Programs, applicable on an as-available and fully reimbursable basis.

"(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.".

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking "armed forces" and inserting "uniformed services"; and

(B) in subsection (b)(4), by striking "armed forces" both places it appears and inserting "uniformed services".

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking "armed forces" and inserting "uniformed services"; and

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

"(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.".

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting "or the commissioned officer corps of the National Oceanic and Atmospheric Administration" after "in the case of the Navy"; and

(ii) by striking "other armed forces" and inserting "other uniformed services"; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting "or the Secretary of Commerce, as applicable," after "the Secretary of Defense".

SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

"SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE. 33 USC 3071a.

"The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

"(1) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

"(2) Section 415, relating to initial uniform allowances.

"(3) Section 488, relating to allowances for recruiting expenses.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372) is amended by inserting after the item relating to section 261 the following: 116 Stat. 3078.

"Sec. 261A. Applicability of certain provisions of title 37, United States Code.".

SEC. 207. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 205(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section 261 is amended by adding at the end the following: "For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.".

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

"(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.".

SEC. 208. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting "the commissioned officer corps of the National Oceanic and Atmospheric Administration," after "Public Health Service,".

SEC. 209. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this Act, is further amended by adding at the end the following:

33 USC 3079a.

"SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

"(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps of the Administration for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

"(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

"(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public

Law 107–372) is amended by inserting after the item relating to section 269, as added by section 203(b), the following new item:

"Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.".

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 301. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

"SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

"(a) ORIGINAL APPOINTMENTS.—

"(1) GRADES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

"(i) the qualification, experience, and length of service of the appointee; and

"(ii) the commissioned officer corps of the Administration.

"(B) APPOINTMENT OF OFFICER CANDIDATES.—

"(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

"(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

"(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

"(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

"(B) Subject to the approval of the Secretary of Defense, graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

"(C) Graduates of the State maritime academies who—

"(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

"(ii) completed at least three years of regimented training while at a State maritime academy; and

"(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

"(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer,

who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

"(3) DEFINITIONS.—In this subsection:

"(A) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

"(i) The United States Military Academy, West Point, New York.

"(ii) The United States Naval Academy, Annapolis, Maryland.

"(iii) The United States Air Force Academy, Colorado Springs, Colorado.

"(iv) The United States Coast Guard Academy, New London, Connecticut.

"(v) The United States Merchant Marine Academy, Kings Point, New York.

"(B) STATE MARITIME ACADEMY.—The term 'State maritime academy' has the meaning given the term in section 51102 of title 46, United States Code.

"(b) REAPPOINTMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

President. "(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

Regulations. "(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

"(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

Determination.

"(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

Coordination. "(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

Determination. "(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

"(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps of the Administration.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

116 Stat. 3078.

"Sec. 221. Original appointments and reappointments.".

SEC. 302. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

"SEC. 222. PERSONNEL BOARDS.

"(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board. Time period. Determination.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

"(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

"(3) NO MEMBERSHIP ON TWO SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

"(c) DUTIES.—Each personnel board shall— Recommendations.

"(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

"(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

"(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate. Recommendations.

"(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

"(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

"(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if— Determinations.

"(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

"(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

"(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.".

SEC. 303. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

President.

(1) in subsection (c)—

(A) in the first sentence, by striking "The Secretary shall designate one position under this section" and inserting "The President shall designate one position"; and

(B) in the second sentence, by striking "That position shall be filled by" and inserting "The President shall fill that position by appointing, by and with the advice and consent of the Senate,";

(2) in subsection (d)(2), by inserting "or immediately beginning a period of terminal leave" after "for which a higher grade is designated";

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

"(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral."; and

(4) in subsection (f), by inserting "or in a period of annual leave used at the end of the appointment" after "serving in that grade".

SEC. 304. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

"SEC. 229. TEMPORARY APPOINTMENTS.

"(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

"(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

"(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

Determination.

"(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps of the Administration, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

116 Stat. 3078.

"Sec. 229. Temporary appointments.".

SEC. 305. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

33 USC 3034.

"SEC. 234. OFFICER CANDIDATES.

"(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

Regulations.

"(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe,

including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

"(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

"(d) AGREEMENT.—

"(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

"(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

"(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

"(B) That upon graduation from such program, the officer candidate—

"(i) will accept an appointment, if tendered, as an officer; and

"(ii) will serve on active duty for at least four years immediately after such appointment. Time period.

"(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

"(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and Standards.

"(2) procedures for determining whether such a breach has occurred. Procedures.

"(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372) is amended by inserting after the item relating to section 233 the following: 116 Stat. 3078.

"Sec. 234. Officer candidates.".

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).".

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

"(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E–5 with less than two years of service.

"(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.".

SEC. 306. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

33 USC 3035.

"SEC. 235. PROCUREMENT OF PERSONNEL.

Determination.

"The Secretary may take such measures as the Secretary determines necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372), as amended by section 305(b), is further amended by inserting after the item relating to section 234 the following:

"Sec. 235. Procurement of personnel.".

SEC. 307. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 306(a), is further amended by adding at the end the following:

33 USC 3036.

"SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

"(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

"(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

"(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

"(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

"(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

"(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty. Determination.

"(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program. Time period.

"(d) CONDITIONS OF RELEASE.—The Secretary shall—

"(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and Regulations. Guidelines.

"(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty. Procedures. Standards.

"(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty. Regulations.

"(f) PAY AND ALLOWANCES.—

"(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

"(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

"(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

"(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

"(3) RETURN TO ACTIVE DUTY.—

"(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active

duty after completion by the officer of participation in a program under this section—

"(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

"(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

"(B) LIMITATION.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

"(I) such pay or bonus is no longer authorized by law; or

"(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

"(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

"(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

"(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

"(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

"(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

"(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

"(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

"(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days. Time period.

"(g) PROMOTION.—

"(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

"(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

"(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and Regulations.

"(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

"(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of— Time period.

"(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10, United States Code; and

"(2) retirement or separation for physical disability under the provisions of subtitle C.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107–372), as amended by section 306(b), is further amended by inserting after the item relating to section 235 the following:

"Sec. 236. Career flexibility to enhance retention of officers.".

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 401. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

"(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

"(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise Determination.

be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

"(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

Time period.

"(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.".

SEC. 402. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

"(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

"(1) expresses a desire not to be selected for promotion; or

"(2) requests removal from the list of selectees.".

TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS

33 USC 892a note. Deadline. Contracts.

SEC. 501. CHARTING AND SURVEY SERVICES.

(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

33 USC note prec. 851. Time periods.

SEC. 502. CO-LOCATION AGREEMENTS.

(a) IN GENERAL.—During fiscal years 2021 through 2030, and subject to the availability of appropriations, the Administrator of the National Oceanic and Atmospheric Administration may execute noncompetitive co-location agreements for real property and incidental goods and services with entities described in subsection (b) for periods of not more than 20 years, if each such agreement is supported by a price reasonableness analysis.

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) the government of any State, territory, possession, or locality of the United States;

(2) any Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(3) any subdivision of—

(A) a government described in paragraph (1); or

(B) an organization described in paragraph (2); or

(4) any organization that is—

(A) organized under the laws of the United States or any jurisdiction within the United States; and

(B) described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) COLLABORATION AGREEMENTS.—Upon the execution of an agreement authorized by subsection (a) with an entity, the Administrator may enter into agreements with the entity to collaborate or engage in projects or programs on matters of mutual interest for periods not to exceed the term of the agreement. The cost of such agreements shall be apportioned equitably, as determined by the Administrator. Determination.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed—

(1) to affect the authority of the Administrator of General Services; or

(2) to grant the Administrator of the National Oceanic and Atmospheric Administration any additional authority to enter into a lease without approval of the General Services Administration.

SEC. 503. SATELLITE AND DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

"(D) improve—

"(i) weather and climate forecasting and predictions; and

"(ii) the understanding, management, and exploration of the ocean."; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "data and satellite systems" and inserting "data, satellite, and other observing systems"; and

(ii) by striking "to carry out" and all that follows and inserting the following: "to carry out—

"(A) basic, applied, and advanced research projects and ocean exploration missions to meet the objectives described in subparagraphs (A) through (D) of subsection (c)(1); or

"(B) any other type of project to meet other mission objectives, as determined by the Under Secretary."; Determination.

(B) in paragraph (2)(B)(i), by striking "satellites" and all that follows and inserting "systems, including satellites, instrumentation, ground stations, data, and data processing;"; and

(C) in paragraph (3), by striking "2023" and inserting "2030".

SEC. 504. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking "can be confidentially reported" and inserting "can be reported on a restricted or unrestricted basis"; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking "can be confidentially reported" and inserting "can be reported on a restricted or unrestricted basis".

33 USC 894e, 894f.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

33 USC 894d–1.

"SEC. 3546. INVESTIGATION REQUIREMENT.

"(a) REQUIREMENT TO INVESTIGATE.—

"(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

"(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

Time period.

Time period.

"(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

33 USC 894d–2.

"SEC. 3547. CRIMINAL REFERRAL.

"If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.".

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

"Sec. 3546. Investigation requirement.
"Sec. 3547. Criminal referral.
"Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
"Sec. 3549. Sexual assault defined.".

Approved December 23, 2020.

LEGISLATIVE HISTORY—S. 2981:

SENATE REPORTS: No. 116–273 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 16, considered and passed Senate.
Dec. 3, 4, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 23, Presidential statement.

Public Law 116–260
116th Congress

An Act

Dec. 27, 2020
[H.R. 133]

Making consolidated appropriations for the fiscal year ending September 30, 2021, providing coronavirus emergency response and relief, and for other purposes.

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

Consolidated Appropriations Act, 2021.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2021".

SEC. 2. TABLE OF CONTENTS.

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Sec. 5. Statement of appropriations.
Sec. 6. Availability of funds.
Sec. 7. Adjustments to compensation.
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DIVISION Y—AMERICAN MINER BENEFITS IMPROVEMENT

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DIVISION AA—WATER RESOURCES DEVELOPMENT ACT OF 2020

DIVISION BB—PRIVATE HEALTH INSURANCE AND PUBLIC HEALTH PROVISIONS

DIVISION CC—HEALTH EXTENDERS

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Title XVIII—Theodore Roosevelt Presidential Library Conveyance Act of 2020
Title XIX—United States-Mexico Economic Partnership Act
Title XX—Consumer Product Safety Commission Port Surveillance
Title XXI—COVID–19 Regulatory Relief and Work From Home Safety Act

SEC. 3. REFERENCES. 1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 21, 2020, and submitted by the Chairwoman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021.

SEC. 6. AVAILABILITY OF FUNDS. President.

(a) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(b) Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 7. ADJUSTMENTS TO COMPENSATION. 2 USC 4501 note.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2021.

SEC. 8. DEFINITION. 5 USC 5547 note.

In divisions A through M of this Act, the term "coronavirus" means SARS–CoV–2 or another coronavirus with pandemic potential.

Estimates.

SEC. 9. OFFICE OF MANAGEMENT AND BUDGET REPORTING REQUIREMENT.

Notwithstanding the "7 calendar days" requirement in section 251(a)(7)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)(B)), for any appropriations Act for fiscal year 2021 enacted before January 1, 2021, the Office of Management and Budget shall transmit to the Congress its report under that section estimating the discretionary budgetary effects of such Acts not later than January 15, 2021.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2021.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $46,998,000, of which not to exceed $5,101,000 shall be available for the immediate Office of the Secretary; not to exceed $1,324,000 shall be available for the Office of Homeland Security; not to exceed $7,002,000 shall be available for the Office of Partnerships and Public Engagement, of which $1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to exceed $22,321,000 shall be available for the Office of the Assistant Secretary for Administration, of which $21,440,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed $3,908,000 shall be available for the Office of Assistant Secretary for Congressional Relations and Intergovernmental Affairs to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed $7,342,000 shall be available for the Office of Communications: *Provided further*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed $22,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable

Reimbursements.

appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations and Intergovernmental Affairs may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That during any 30 day notification period referenced in section 716 of this Act, the Secretary of Agriculture shall take no action to begin implementation of the action that is subject to section 716 of this Act or make any public announcement of such action in any form.

Time period. Notification.

Notification. Time period.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $24,192,000, of which $8,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155.

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, $15,394,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,629,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $66,814,000, of which not less than $56,000,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,109,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $908,000: *Provided*, That funds made available by this Act to an agency in the Civil Rights mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $22,789,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $108,124,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), $6,514,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF SAFETY, SECURITY, AND PROTECTION

For necessary expenses of the Office of Safety, Security, and Protection, $23,218,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), $99,912,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97–98).

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $45,390,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, $4,184,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, $809,000: *Provided*, That funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $85,476,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $183,921,000, of which up to $46,300,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f). Surveys.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,491,784,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $500,000, except for headhouses or greenhouses which shall each be limited to $1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed $1,100,000 each, and except for two buildings to be constructed at a cost not to exceed $3,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $500,000, whichever is greater: *Provided further*, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*,

7 USC 2254.

Contracts.

Maryland.

That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Easements.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $35,700,000 to remain available until expended, of which $11,200,000 shall be allocated for ARS facilities co-located with university partners.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $992,642,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Research and Education Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, Hispanic serving institutions education grants, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: *Provided further*, That each institution eligible to receive funds under the Evans-Allen program receives no less than $1,000,000: *Provided further*, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further*, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 3157 may be retained

Grants.
Alaska.
Hawaii.

by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $538,447,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Extension Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for facility improvements at 1890 institutions shall remain available until expended: *Provided further*, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than $1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees' compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $39,000,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Integrated Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2022: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $809,000: *Provided*, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $1,064,179,000, of which $478,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which $13,597,000, to remain available until expended, shall be used for the cotton pests program, including for cost share purposes or for debt retirement for active eradication zones; of which $38,093,000, to remain available until expended, shall be for Animal Health Technical Services; of which $2,009,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $63,213,000, to remain available until expended, shall be used to support avian health; of which $4,251,000, to remain available until expended, shall be for information technology infrastructure; of which $196,553,000, to remain available until expended, shall be for specialty crop pests; of which, $10,942,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $19,620,000, to remain available until expended, shall be for zoonotic disease management; of which $41,268,000, to remain available until expended, shall be for emergency preparedness and response; of which $60,456,000, to remain available until expended, shall be for tree and wood pests; of which $5,736,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That of amounts available under this heading for wildlife services methods development, $1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, $4,990,000 shall remain available until expended; of which $20,252,000, to remain available until expended, shall be used to carry out the science program and transition activities for the National Bio and Agro-defense Facility located in Manhattan, Kansas: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the purchase, replacement, operation, and maintenance of aircraft: *Provided further*, That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections

Kansas.

Brucellosis eradication.

10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees. Reimbursement.

In fiscal year 2021, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 2268a, $3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $188,358,000, of which $6,000,000 shall be available for the purposes of section 12306 of Public Law 113–79: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701), except for the cost of activities relating to the development or maintenance of grain standards under the United States Grain Standards Act, 7 U.S.C. 71 et seq.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,227,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Notification.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY
(SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than $20,705,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87–128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,235,000.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Notification.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $809,000: *Provided*, That funds made available by this Act to an agency in the Food Safety mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $10,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,075,703,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2021 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): *Provided further*, That

Employment positions.

the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246 as further clarified by the amendments made in section 12106 of Public Law 113–79: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, $916,000: *Provided*, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Production and Conservation Business Center, $231,302,000: *Provided*, That $60,228,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,142,924,000, of which not less than $15,000,000 shall be for the hiring of new employees to fill vacancies and anticipated vacancies at Farm Service Agency county offices and farm loan officers and shall be available until September 30, 2022: *Provided*, That not more than 50 percent of the funding made available under this heading for information technology related to farm program delivery may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over $25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost for the entirety of the project/investment, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates

Notification.
Expenditure plan.
Cost estimates.

that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2021 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

Reports. Assessment.

Notification. Approval.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $6,914,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 5136), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), relending program (7 U.S.C. 1936c), and Indian highly fractionated land loans (25 U.S.C. 5136) to be available from funds in the Agricultural Credit Insurance Fund, as follows: $3,300,000,000 for guaranteed farm ownership loans and $2,500,000,000 for farm ownership direct loans; $2,118,482,000 for unsubsidized guaranteed operating loans and $1,633,333,000 for direct operating loans; emergency loans, $37,668,000; Indian tribe land acquisition loans, $20,000,000; guaranteed conservation loans, $150,000,000; relending program, $33,693,000; Indian highly fractionated land loans, $5,000,000; and for boll weevil eradication program loans, $60,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans. Pink bollworm.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: $38,710,000 for direct farm operating loans, $23,727,000 for unsubsidized guaranteed farm operating loans, $207,000 for emergency loans, $5,000,000 for the relending program, and $742,000 for Indian highly fractionated land loans, to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $307,344,000: *Provided*, That of this amount, $294,114,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer. Notification. Time period.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, $60,131,000: *Provided*, That $1,000,000 of the amount appropriated under this heading in this Act shall be available for compliance and integrity activities required under section 516(b)(2)(C) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1516(b)(2)(C)), and shall be in addition to amounts otherwise provided for such purpose: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 2268a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $832,727,000, to remain available until September 30, 2022: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the amounts made available under this heading, $3,000,000 shall remain available until expended for planning and implementation assistance associated with land treatment measures that address flood damage reduction, bank stabilization and erosion control in the watersheds identified under section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534).

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, $175,000,000, to remain available until expended: *Provided*, That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): *Provided further*, That of the amounts made available under this heading, $65,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport: *Provided*

Applicability.

further, That of the amounts made available under this heading, $10,000,000 shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $10,000,000 is provided.

CORPORATIONS

Contracts.

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $15,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $812,000: *Provided*, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $264,024,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support Rural Development programs: *Provided further*, That in addition to any other funds appropriated for purposes authorized by section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $1,000,000,000 shall be for direct loans and $24,000,000,000 shall be for unsubsidized guaranteed loans; $28,000,000 for section 504 housing repair loans; $40,000,000 for section 515 rental housing; $230,000,000 for section 538 guaranteed multi-family housing loans; $10,000,000 for credit sales of single family housing acquired property; $5,000,000 for section 523 self-help housing land development loans; and $5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $55,400,000 shall be for direct loans; section 504 housing repair loans, $2,215,000; section 523 self-help housing land development loans, $269,000; section 524 site development loans, $355,000; and repair, rehabilitation, and new construction of section 515 rental housing, $6,688,000: *Provided*, That to support the loan program level for section 538 guaranteed loans made available under this heading

Fees.

the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further*, That of the amounts available under this paragraph for section 502 direct loans, no less than $5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2021: *Provided further*, That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as "Asset Management Fee" of up to $7,500 per property.

Deadline.

Incentives.
Determination.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), $15,093,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $412,254,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

Time periods.

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $1,410,000,000, of which $40,000,000 shall be available until September 30, 2022; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That upon request by an owner of a project financed by an existing loan under section 514 or 515 of the Act, the Secretary may renew the rental assistance agreement for a period of 20 years or until the term of such

loan has expired, subject to annual appropriations: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction, maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2021 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further*, That except as provided in the fourth proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2021 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

Applicability.

Determination.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

Vouchers.
Loans.

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $68,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $40,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $28,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing

Determination.

for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multifamily rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

Contracts.

Determination.

Advance approval.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $31,000,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, $45,000,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $2,800,000,000 for direct loans and $500,000,000 for guaranteed loans.

For the cost of direct loans, loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $74,000,000, to remain available until expended: *Provided*, That $6,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American

Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $6,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That of the amount appropriated under this heading, $25,000,000 shall be available to cover the subsidy costs for loans or loan guarantees under this heading: *Provided further*, That if any such funds remain unobligated for the subsidy costs after June 30, 2021, the unobligated balance may be transferred to the grant programs funded under this heading: *Provided further*, That any unobligated balances from prior year appropriations under this heading for the cost of direct loans, loan guarantees and grants, including amounts deobligated or cancelled, may be made available to cover the subsidy costs for direct loans and or loan guarantees under this heading in this fiscal year: *Provided further*, That no amounts may be made available pursuant to the preceding proviso from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That $5,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

Loans.

Loans.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, $56,400,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $9,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.), the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of

the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated under this heading, not to exceed $2,000,000 shall be for Rural Business Development Grants in rural coastal communities, with priority given to National Scenic Areas that were devastated by wildfires that are in need of economic development assistance, to support innovation and job growth: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), $18,889,000.

For the cost of direct loans, $2,939,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which $557,000 shall be available through June 30, 2021, for Federally Recognized Native American Tribes; and of which $1,072,000 shall be available through June 30, 2021, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, $4,468,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $50,000,000.

The cost of grants authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed $10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $26,600,000, of which $2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $15,000,000, to

remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 210A of the Agricultural Marketing Act of 1946, of which $3,000,000, to remain available until expended, shall be for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107–171.

RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

For the cost of loans and grants, $6,000,000 under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s): *Provided*, That such costs of loans, including the cost of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $392,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act, as follows: $1,400,000,000 for direct loans; and $50,000,000 for guaranteed loans.

For the cost of loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $621,567,000, to remain available until expended, of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $5,000,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act: *Provided further*, That $68,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural

Loans.

Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further*, That not to exceed $35,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $8,000,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $20,157,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed $4,000,000 of the amounts made available under this heading shall be for solid waste management grants: *Provided further*, That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

Alaska.

Determination.

Contracts.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305, 306, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g) shall be made as follows: loans made pursuant to sections 305, 306, and 317, notwithstanding 317(c), of that Act, rural electric, $5,500,000,000; guaranteed underwriting loans pursuant to section 313A of that Act, $750,000,000; 5 percent rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $690,000,000: *Provided*, That up to $2,000,000,000 shall be used for the construction, acquisition, design and engineering or improvement of fossil-fueled

electric generating plants (whether new or existing) that utilize carbon subsurface utilization and storage systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, $2,277,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $33,270,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $11,869,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $60,000,000, to remain available until expended: *Provided*, That $3,000,000 shall be made available for grants authorized by section 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That funding provided under this heading for grants under section 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $2,000,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

Loans.

In addition, $35,000,000, to remain available until expended, for the Community Connect Grant Program authorized by 7 U.S.C. 950bb–3.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, $809,000: *Provided*, That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $25,118,440,000 to remain available through September 30, 2022, of which such sums as are made

available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That of the total amount available, $18,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, $15,299,000 shall be available to carry out studies and evaluations and shall remain available until expended: *Provided further*, That of the total amount available, $30,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than $1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, $42,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further*, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "2010 through 2021" and inserting "2010 through 2022": *Provided further*, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking "For fiscal year 2020" and inserting "For fiscal year 2021": *Provided further*, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking "For fiscal year 2020" and inserting "For fiscal year 2021".

Studies. Evaluations.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,000,000,000, to remain available through September 30, 2022: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than $90,000,000 shall be used for breastfeeding peer counselors and other related activities, and $14,000,000 shall be used for infrastructure: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

Breastfeeding.

Waiver authority.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $114,035,578,000, of which $3,000,000,000, to remain available through September 30, 2023, shall be placed in reserve for use only in such amounts and at

such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, $998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available through September 30, 2022: *Provided further*, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2022: *Provided further*, That with respect to funds made available under this heading for section 28(d)(1), the Secretary shall use 2 percent for administration, training and technical assistance, and pilot projects under section 28: *Provided further*, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

Workfare.

Contracts.
Studies.
Evaluations.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $426,700,000, to remain available through September 30, 2022: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2021 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2022: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 20 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $156,805,000: *Provided*, That of the funds provided herein, $2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, $887,000: *Provided*, That funds made available by this Act to any agency in the Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CODEX ALIMENTARIUS

For necessary expenses of the Office of Codex Alimentarius, $4,805,000, including not to exceed $40,000 for official reception and representation expenses.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $221,835,000, of which no more than 6 percent shall remain available until September 30, 2022, for overseas operations to include the payment of locally employed staff: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $112,000, shall be transferred to and merged with the appropriation for "Farm Production and Conservation Business Center, Salaries and Expenses".

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,740,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $230,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That of the amount made available under this heading, not more than 10 percent, but not less than $23,000,000, shall remain available until expended to purchase agricultural commodities as described in subsection 3107(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(a)(2)).

Reimbursement.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, $6,381,000, to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,063,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $318,000 shall be transferred to and merged with the appropriation for "Farm Production and Conservation Business Center, Salaries and Expenses".

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose

space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114–255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $5,876,025,000: *Provided*, That of the amount provided under this heading, $1,107,199,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; $236,059,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $520,208,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; $42,494,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; $33,340,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; $22,797,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; $712,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal year 2021 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2021, including any such fees collected prior to fiscal year 2021 but credited for fiscal year 2021, shall be subject to the fiscal year 2021 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2021 of user fees specified under this heading and authorized for fiscal year 2022, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2022 for which the Secretary accepts payment in fiscal year 2021 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $1,099,160,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than $15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) $1,996,126,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $437,071,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office

of Regulatory Affairs; (4) $244,350,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $609,121,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $66,712,000 shall be for the National Center for Toxicological Research; (7) $681,513,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) $188,707,000 shall be for Rent and Related activities, of which $52,944,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) $235,112,000 shall be for payments to the General Services Administration for rent; and (10) $318,153,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Food Policy and Response, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: *Provided further*, That of the amounts that are made available under this heading for "other activities", and that are not derived from user fees, $1,500,000 shall be transferred to and merged with the appropriation for "Department of Health and Human Services—Office of Inspector General" for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

Advance approval.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, and fees relating to over-the-counter monograph drugs authorized by 21 U.S.C. 379j–72 shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,788,000, to remain available until expended.

FDA INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading "Salaries and Expenses", $70,000,000, to remain available until expended: *Provided*, That amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for "Department of Health and Human Services Food and Drug Administration Salaries and Expenses" solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law. Determination.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $80,400,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the purposes of section 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)(2)(A)(i)), the Farm Credit Administration may exempt, an amount in its sole discretion, from the application of the limitation provided in that clause of export loans described in the clause guaranteed or insured in a manner other than described in subclause (II) of the clause. Notification.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. The Secretary may use any appropriations made available to the Department of Agriculture in this Act to purchase new passenger motor vehicles, in addition to specific appropriations for this purpose, so long as the total number of vehicles purchased in fiscal year 2021 does not exceed the number of vehicles owned or leased in fiscal year 2018: *Provided*, That, prior to purchasing additional motor vehicles, the Secretary must determine that such vehicles are necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public Determination.

Notification. Approval. Deadline.

safety: *Provided further*, That the Secretary may not increase the Department of Agriculture's fleet above the 2018 level unless the Secretary notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress within 30 days of the notification.

Notifications. Advance approvals.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 716 of this Act: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, personnel, or functions of the offices of the Chief Financial Officer and the Chief Information Officer, co-located with or from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 716 of this Act: *Provided further*, That the National Finance Center Information Technology Services Division personnel and data center management responsibilities, and control of any functions, missions, and systems for current and future human resources management and integrated personnel and payroll systems (PPS) and functions provided by the Chief Financial Officer and the Chief Information Officer shall remain in the National Finance Center and under the management responsibility and administrative control of the National Finance Center: *Provided further*, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform technology upgrades: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including

equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

Determination.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

Contracts.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over $25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to $250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

Determination.
Approvals.

Notification.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former Rural Utilities Service borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313B(a) of such Act in the same manner as a borrower under such Act.

SEC. 709. (a) Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2022, for information technology expenses.

(b) Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2022, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79) or by a successor to that Act, other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than $2,900,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

Pornography.

SEC. 713. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 714. Notwithstanding subsection (b) of section 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this section referred to as "section 14222"), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as "section 32") in excess of $1,359,864,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities— $485,000,000; State Option Contracts— $5,000,000; Removal of Defective Commodities— $2,500,000; Administration of Section 32 Commodity Purchases— $36,746,000: *Provided*, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2021, such unobligated balances shall carryover into fiscal year 2022 and shall remain available until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed $350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

Notification.
Time period.

SEC. 715. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2022 appropriations Act.

SEC. 716. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

Notifications.
Approvals.
Time periods.

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of $500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request;

unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture or the Secretary of Health and Human Services receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

Fees.

SEC. 717. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, or non-Farm Credit Administration employee.

News stories. Notification.

SEC. 719. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

Time period. Reimbursement.

SEC. 720. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

Deadline. Spending plan.

SEC. 721. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 722. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $1,250,000,000 are hereby rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Determination. Prisons and prisoners.

SEC. 723. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

Loans.

SEC. 724. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25

Notification.
Time period.

percent: *Provided*, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

Notification.
Advance approval.

SEC. 725. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: *Provided*, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture.

Regulations.

SEC. 726. None of the funds made available by this Act may be used to implement, administer, or enforce the "variety" requirements of the final rule entitled "Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)" published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term "variety" as de fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and "variety" as applied in the definition of the term "staple food" as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: *Provided*, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).

Applicability.
Effective date.

SEC. 727. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

Health and health care.
Electronic records.

SEC. 728. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

Regulations.
Alcohol and alcoholic beverages.

SEC. 729. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated by the Food and Drug Administration and put into effect November

16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.

SEC. 730. There is hereby appropriated $11,000,000, to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary may allow eligible entities, or comparable entities that provide energy efficiency services using their own billing mechanism to offer loans to customers in any part of their service territory and to offer loans to replace a manufactured housing unit with another manufactured housing unit, if replacement would be more cost effective in saving energy. Loans.

SEC. 731. (a) The Secretary of Agriculture shall—

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable— Audits.

(A) veterinary control and oversight;

(B) disease history and vaccination practices;

(C) livestock demographics and traceability;

(D) epidemiological separation from potential sources of infection;

(E) surveillance practices;

(F) diagnostic laboratory capabilities; and

(G) emergency preparedness and response; and

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1). Public information. Reports.

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements. Applicability.

SEC. 732. None of the funds made available by this Act may be used to implement section 3.7(f) of the Farm Credit Act of 1971 in a manner inconsistent with section 343(a)(13) of the Consolidated Farm and Rural Development Act.

SEC. 733. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

SEC. 734. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States. Iron and steel products.

(2) In this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. Definition.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section

referred to as the "Secretary") or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

Public information. Records. Time period.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

Web posting.

Applicability.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for "Rural Utilities Service—Rural Water and Waste Disposal Program Account" for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

Definitions.

(g) For purposes of this section, the terms "United States" and "State" shall include each of the several States, the District of Columbia, and each Federally recognized Indian tribe.

Lobbying.

SEC. 735. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 736. Of the total amounts made available by this Act for direct loans and grants in section 730 and in the following headings: "Rural Housing Service—Rural Housing Insurance Fund Program Account"; "Rural Housing Service—Mutual and Self-Help Housing Grants"; "Rural Housing Service—Rural Housing Assistance Grants"; "Rural Housing Service—Rural Community Facilities Program Account"; "Rural Business-Cooperative Service—Rural Business Program Account"; "Rural Business-Cooperative Service—Rural Economic Development Loans Program Account"; "Rural Business-Cooperative Service—Rural Cooperative Development Grants"; "Rural Utilities Service—Rural Water and Waste Disposal Program Account"; "Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account"; and "Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program", to the maximum extent feasible, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other

provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: *Provided*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States: *Provided further*, That with respect to specific activities for which program levels have been made available by this Act that are not supported by budget authority, the requirements of this section shall be applied to such program level.

Definition.

Applicability.

SEC. 737. In addition to any other funds made available in this Act or any other Act, there is appropriated $12,000,000 to carry out section 18(g)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)), to remain available until expended: *Provided*, That notwithstanding section 18(g)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769 (g)(3)(c)), the total grant amount provided to a farm to school grant recipient in fiscal year 2021 shall not exceed $500,000.

SEC. 738. There is hereby appropriated $5,000,000, to remain available until September 30, 2022, for the cost of loans and grants that is consistent with section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities.

SEC. 739. For an additional amount for "Animal and Plant Health Inspection Service—Salaries and Expenses", $8,500,000, to remain available until September 30, 2022, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 740. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

Human embryos.

SEC. 741. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption," and published on November 27, 2015, with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

Regulations.

SEC. 742. There is hereby appropriated $5,000,000, to remain available until September 30, 2022, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

SEC. 743. For school years 2020–2021 and 2021–2022, none of the funds made available by this Act may be used to implement or enforce the matter following the first comma in the second

School breakfast.

sentence of footnote (c) of section 220.8(c) of title 7, Code of Federal Regulations, with respect to the substitution of vegetables for fruits under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

SEC. 744. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940), subtitle G of the Agricultural Marketing Act of 1946, or section 10114 of the Agriculture Improvement Act of 2018; or

Hemp and hemp seeds.

(2) to prohibit the transportation, processing, sale, or use of hemp, or seeds of such plant, that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014 or Subtitle G of the Agricultural Marketing Act of 1946, within or outside the State in which the hemp is grown or cultivated.

Deadline.
Fish and fishing.

SEC. 745. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than September 30, 2021, and following the review required under Executive Order No. 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled "Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability" (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption.

SEC. 746. There is hereby appropriated $2,500,000, to remain available until expended, for grants under section 12502 of Public Law 115–334.

SEC. 747. There is hereby appropriated $2,000,000 to carry out section 1621 of Public Law 110–246.

SEC. 748. There is hereby appropriated $3,000,000, to remain available until September 30, 2022, to carry out section 4003(b) of Public Law 115–334 relating to demonstration projects for Tribal Organizations.

Contracts.
Determination.

SEC. 749. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated $4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301–1311).

SEC. 750. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2021, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 751. There is hereby appropriated $1,000,000 to carry out section 3307 of Public Law 115–334.

Waiver authority.

SEC. 752. The Secretary of Agriculture may waive the matching funds requirement under Section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(g)).

Determinations.

SEC. 753. There is hereby appropriated $2,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

SEC. 754. There is hereby appropriated $7,000,000 to carry out section 222 of Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923) as amended by section 12302 of Public Law 115–334.

SEC. 755. There is hereby appropriated $1,000,000, to remain available until September 30, 2022, to carry out section 4208 of Public Law 115–334.

SEC. 756. There is hereby appropriated $5,000,000 to carry out section 12301 of Public Law 115–334.

SEC. 757. There is hereby appropriated $5,000,000 to carry out section 1450 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222e) as amended by section 7120 of Public Law 115–334.

SEC. 758. There is hereby appropriated $1,000,000 to carry out section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) as amended by section 7208 of Public Law 115–334.

Water.
Determination.
Time period.

SEC. 759. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 760. There is hereby appropriated $5,000,000 to remain available until September 30, 2022, to carry out section 4206 of Public Law 115–334.

Determination.

SEC. 761. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

Compliance inspection.

SEC. 762. Notwithstanding any other provision of law, ARS facilities as described in the "Memorandum of Understanding Between the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) and the U.S. Department of Agriculture Agricultural Research Service (ARS) Concerning Laboratory Animal Welfare" (16–6100–0103–MU Revision 16–1) shall

be inspected by APHIS for compliance with the Animal Welfare Act and its regulations and standards.

SEC. 763. There is hereby appropriated $5,000,000, to remain available until expended, to carry out section 2103 of Public Law 115–334: *Provided*, That the Secretary shall prioritize the wetland compliance needs of areas with significant numbers of individual wetlands, wetland acres, and conservation compliance requests.

Priority.

Poultry products. China.

SEC. 764. None of the funds made available by this Act may be used to procure raw or processed poultry products imported into the United States from the People's Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 765. There is hereby appropriated $1,000,000, for an additional amount for "Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses" to remain available until expended and in addition to amounts otherwise made available for such purposes, for the development of research, education, and outreach partnerships with academic institutions to study and promote seafood safety.

SEC. 766. There is hereby appropriated $2,000,000, to remain available until September 30, 2022, for the National Institute of Food and Agriculture to issue a competitive grant to support the establishment of an Agriculture Business Innovation Center at a historically black college or university to serve as a technical assistance hub to enhance agriculture-based business development opportunities.

Requirement. School lunches.

SEC. 767. For school year 2021–2022, only a school food authority that had a negative balance in the nonprofit school food service account as of December 31, 2020, shall be required to establish a price for paid lunches in accordance with section 12(p) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(p)).

SEC. 768. There is hereby appropriated $5,000,000 to remain available until September 30, 2022, to carry out section 6424 of Public Law 115–334.

SEC. 769. In addition to any funds made available in this Act or any other Act, there is hereby appropriated $10,000,000, to remain available until September 30, 2022, for grants from the National Institute of Food and Agriculture to the 1890 Institutions to support the Centers of Excellence.

SEC. 770. There is hereby appropriated $2,000,000, to remain available until expended, for the Secretary of Agriculture to carry out a pilot program that assists rural hospitals to improve long-term operations and financial health by providing technical assistance through analysis of current hospital management practices.

SEC. 771. In addition to amounts otherwise made available by this or any other Act, there is hereby appropriated $5,000,000, to remain available until expended, to the Secretary for a pilot program to provide grants to a regional consortium to fund technical assistance and construction of regional wastewater systems for historically impoverished communities that have had difficulty in

installing traditional wastewater treatment systems due to soil conditions.

SEC. 772. The Secretary of Agriculture shall— Deadlines. Notice. Regulations. Federal Register, publications. Public comments.

(1) within 180 days of enactment of this Act publish a notice of proposed rulemaking in the Federal Register seeking public comments on the effects of lifting the stay issued on July 31, 2013 (78 Fed. Reg. 46255) with consideration given to changes in industry and the implementation of certain rulemakings since the publication of the stay;

(2) take public comments on the notice for not more than 60 days; and

(3) not later than 180 days after the end of the comment period, publish in the Federal Register the date upon which the stay is lifted if such action is justified based on the comments received.

SEC. 773. There is hereby appropriated $6,000,000, to remain available until September 30, 2022, to carry out section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1793), of which $2,000,000 shall be for grants under such section to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, and American Samoa.

SEC. 774. Any funds made available by this or any other Act that the Secretary withholds pursuant to section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall be available for grants for biotechnology risk assessment research: *Provided*, That the Secretary may transfer such funds among appropriations of the Department of Agriculture for purposes of making such grants. Grants.

SEC. 775. (a) There is hereby appropriated $531,000,000, to remain available until expended, for an additional amount for section 779 of Public Law 115–141.

(b) Section 313(b) of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c(b)), shall be applied for fiscal year 2021 and each fiscal year thereafter until the specified funding has been expended as if the following were inserted after the final period in subsection (b)(2): "In addition, the Secretary shall use $425,000,000 of funds available in this subaccount in fiscal year 2019 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141, shall use $255,000,000 of funds available in this subaccount in fiscal year 2020 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141, and shall use $104,000,000 of funds available in this subaccount in fiscal year 2021 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141.": *Provided*, That any use of such funds shall be treated as a reprogramming of funds under section 716 of this Act. Applicability.

(c) Section 787(b) of division B of Public Law 116–94 shall no longer apply.

SEC. 776. There is hereby appropriated $500,000 to carry out section 224 of Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6924) as amended by section 12504 of Public Law 115–334.

SEC. 777. There is hereby appropriated $400,000 to carry out section 1672(g)(4)(B) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(g)(4(B)) as amended by section 7209 of Public Law 115–334.

Genetic engineering.

SEC. 778. Notwithstanding any other provision of law, the acceptable market name of any engineered animal approved prior to the effective date of the National Bioengineered Food Disclosure Standard (February 19, 2019) shall include the words "genetically engineered" prior to the existing acceptable market name.

SEC. 779. For an additional amount for "National Institute of Food and Agriculture—Research and Education Activities", $500,000, to develop a public-private cooperative framework based on open data standards for neutral data repository solutions to preserve and share the big data generated by technological advancements in the agriculture industry and for the preservation and curation of data in collaboration with land-grant universities.

SEC. 780. Notwithstanding any other provision of law, no funds available to the Department of Agriculture may be used to move any staff office or any agency from the mission area in which it was located on August 1, 2018, to any other mission area or office within the Department in the absence of the enactment of specific legislation affirming such move.

SEC. 781. There is hereby appropriated $10,000,000, to remain available until expended, for the Secretary of Agriculture to carry out a pilot program to provide financial assistance for rural communities to further develop renewable energy.

SEC. 782. Section 7605(b) of the Agriculture Improvement Act of 2018 (7 U.S.C. 5940 note; Public Law 115–334) is amended by striking "September 30, 2021" and inserting "January 1, 2022".

SEC. 783. Section 9(i)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(i)(2)) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

132 Stat. 399.

SEC. 784. Section 779 of Public Law 115–141 is amended by striking "expansion efforts made" and inserting "service in a service area" in the fourth proviso, and by inserting ", unless such service area is not provided sufficient access to broadband at the minimum service threshold" after "Rural Utilities Service" in the fourth proviso.

SEC. 785. In addition to amounts otherwise provided, there is hereby appropriated $1,000,000, to remain available until expended, to carry out activities authorized under subsections (a)(2) and (e)(2) of Section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(a)(2) and (e)(2)).

SEC. 786. The Secretary, acting through the Chief of the Natural Resources Conservation Service, may use funds appropriated under this Act for the Watershed and Flood Prevention Operations Program and the Watershed Rehabilitation Program carried out pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), and for the Emergency Watershed Protection Program carried out pursuant to section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to provide technical services for such programs pursuant to section 1252(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3851(a)(1)), notwithstanding subsection (c) of such section.

Determinations. Regulations. Exports and imports. Shrimp. 21 USC 2105 note.

SEC. 787. (a) The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs (Commissioner), shall develop and, if it determines feasible, implement

a number of options for regulating the export of shrimp to the United States from other countries, including the three largest exporting countries by volume to the United States over the last three calendar years, such as sampling of products prior to export to the United States, increasing foreign inspections of export facilities, increased seafood importer inspections, foreign surveillance inspections at overseas manufacturing sites, enhanced import screening, higher rates of examination and sampling, use of third-party audits, and formal seafood arrangements with foreign competent authorities.

Priority.
Compliance.

(b) The Commissioner shall especially give priority consideration to the following with the funds appropriated—

(1) that appropriate controls are applied to shrimp feed and production ponds, processing plants, and facilities throughout the chain of distribution to determine compliance with seafood safety requirements;

(2) dedicate its inspectional effort to determine compliance with seafood arrangements, once established, from any dedicated funds;

Reports.

(3) provide an annual report to the Committee before the end of fiscal years 2021, 2022, and 2023 with the reporting requirement goal being to provide the Committee information related to FDA's oversight of the safety of shrimp products imported into the United States.

SEC. 788. There is hereby appropriated $1,000,000 to carry out the duties of the working group established under section 770 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2019 (Public Law 116–6; 133 Stat. 89).

Dairy and dairy products.

SEC. 789. None of the funds made available by this or any other act may be used to restrict the offering of low-fat (1% fat) flavored milk in the National School Lunch Program or School Breakfast Program, as long as such milk is not inconsistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990.

Plan.
Deadline.
Determination.
Compliance.

SEC. 790. The Commissioner of the Food and Drug Administration shall develop a plan within 180 days of enactment that would allow the Agency to identify, detain and refuse all FDA regulated products originating from foreign establishments that did not allow FDA investigators immediate physical access to the registered establishment and its records to determine a registered establishment's ongoing compliance with FDA laws and regulations. Any foreign establishment that meets these criteria may be placed on import alert. This import alert would be specific for this foreign establishment, focusing on detaining all products from this establishment.

Determinations.

SEC. 791. In administering the pilot program established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141), the Secretary of Agriculture may, for purposes of determining entities eligible to receive assistance, consider those communities which are "Areas Rural in Character": *Provided*, That not more than 10 percent of the funds made available by section 775 may be used for this purpose.

SEC. 792. There is hereby appropriated $45,861,000 for the Goodfellow Federal facility, to remain available until expended, of which $20,000,000 shall be transferred to and merged with

the appropriation for "Office of the Chief Information Officer", $16,046,000 shall be transferred to and merged with the appropriation for "Food Safety and Inspection Service", and of which $9,815,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

SEC. 793. Of the unobligated balances from prior year appropriations made available under the heading "Distance Learning, Telemedicine, and Broadband Program" for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $12,000,000 are hereby rescinded.

SEC. 794. Funds made available in the Consolidated Appropriations Act, 2016 (Public Law 114–113) for the "Rural Community Facilities Program Account" under section 306 of the Consolidated Farm and Rural Development Act, 7 U.S.C. 1926, for the principal amount of direct loans to eligible approved re-lenders are to remain available through fiscal year 2026 for the liquidation of valid obligations incurred in fiscal year 2016.

SEC. 795. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

Review.
Reports.
Analyses.

SEC. 796. Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences, Engineering, and Medicine shall complete a review and provide a report to the Secretary of Agriculture, the Secretary of Health and Human Services, and the Congress, on the most recent edition of the dietary guidelines for Americans that includes the following:

(1) A comparative analysis of the scientific methodologies, review protocols, and evaluation processes used to develop the most recently issued guidelines as compared to recommendations included in the National Academy of Sciences, Engineering, and Medicine September 2017 report entitled "Redesigning the Process for Establishing the Dietary Guidelines for Americans".

(2) A comparative analysis of the scientific studies used to develop such guidelines to determine the dietary needs of Americans with diet-related metabolic diseases as compared to the most current and rigorous scientific studies on diet and diet-related metabolic diseases available.

(3) An analysis of how full implementation of the recommendations described in paragraph (1) would have affected the most recently issued guidelines.

Cogongrass.

SEC. 797. (a) There is hereby appropriated $3,000,000, to remain available until expended, for a pilot program for the Animal and Plant Health Inspection Service to provide grants to State departments of agriculture and forestry commissions in states identified in the final environmental assessment published in the Federal Register on September 23, 2020 (85 Fed. Reg. 59735), to combat and treat cogongrass through established cogongrass control programs.

(b) Any remaining unobligated balances of funds made available for field crop and rangeland ecosystem pests under the heading

"Animal and Plant Health Inspection Service—Salaries and Expenses", in the Consolidated Appropriations Act, 2019 (Public Law 116–6) and the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), and specifically provided as funds for APHIS to partner with states in the control and eradication of the cogongrass weed in the conference report accompanying Public Law 116–6 and in the explanatory statement described in section 4 in the matter preceding division A of Public Law 116–94, are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated, to remain available until expended in addition to other funds as may be available for such purposes, for the same purposes and under the same conditions as the funds made available under subsection (a) of this section.

(c) Not to exceed 2 percent of the funds provided under this section shall be available for necessary costs of grant administration.

Panel. Evaluation.

SEC. 798. For an additional amount for "National Institute of Food and Agriculture—Research and Education Activities", $300,000, for the Under Secretary for Research, Education, and Economics to convene a blue-ribbon panel for the purpose of evaluating the overall structure of research and education through the public and land-grant universities, including 1890 Institutions, to define a new architecture that can better integrate, coordinate, and assess economic impact of the collective work of these institutions.

Grants.

SEC. 799. For an additional amount for "National Institute of Food and Agriculture—Research and Education Activities", $4,000,000, to remain available until September 30, 2022, for a competitive grant to an institution in the land-grant university system to establish a Farm of the Future testbed and demonstration site.

SEC. 799A. There is hereby appropriated $22,000,000, to remain available until expended, to carry out section 12513 of Public Law 115–334: *Provided*, That of the amounts made available, $20,000,000 shall be for established dairy business innovation initiatives and the Secretary shall take measures to ensure an equal distribution of funds between the three regional innovation initiatives.

SEC. 799B. None of the funds appropriated or otherwise made available by this Act shall be available for the United States Department of Agriculture to propose, finalize or implement any regulation that would promulgate new user fees pursuant to 31 U.S.C. 9701 after the date of the enactment of this Act.

Grants.

SEC. 799C. (a) Any remaining unobligated balances of funds made available under the heading "Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary" in subsections (b) and (d) of section 791 of division B of the Further Consolidated Appropriations Act, 2020 Public Law 116–94 for block grants to eligible states and territories pursuant to the first proviso under the heading "Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary" in the Additional Supplemental Appropriations for Disaster Relief Act of 2019 Public Law 116–20, as amended by subsection (c) of section 791 of division B Public Law 116–94, may be made available for any of the other purposes and under the same authorities and conditions for those

purposes as the funds made available under such heading in such Act, and for the purposes specified and under the same authorities and conditions as in the first, second, third, and fourth provisos of subsection (b) of section 791 of division B of Public Law 116–94: *Provided*, That this section shall not be effective before the award of the block grants that were announced prior to the date of enactment of this Act: *Provided further*, That any block grant amounts that were announced prior to the date of enactment of this Act and are subsequently awarded shall not be returned to the Farm Service Agency until the date specified in the grant agreement.

Effective date.

(b) Of the remaining unobligated balances of funds made available under the heading "Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary" in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), $1,000,000,000 shall be made available for the same purposes and under the same authorities and conditions as the funds made available under the heading "Department of Agriculture—Agricultural Programs—Processing, Research and Marketing—Office of the Secretary" in the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (Public Law 116–20), as of December 19, 2019, and for the purposes specified and under the same authorities and conditions as in the first, second, third, and fourth provisos of subsection (b) of section 791 of division B of Public Law 116–94.

(c) The amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to that section of that Act.

SEC. 799D. For necessary expenses for salary and related costs associated with Agriculture Quarantine and Inspection Services activities pursuant to 21 U.S.C. 136a(6), and in addition to any other funds made available for this purpose, there is appropriated, out of any money in the Treasury not otherwise appropriated, $635,000,000, to remain available until September 30, 2022, to offset the loss resulting from the coronavirus pandemic of quarantine and inspection fees collected pursuant to sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a): *Provided*, That amounts made available in this section shall be treated as funds collected by fees authorized under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a) for purposes of section 421(f) of the Homeland Security Act of 2002 (6 U.S.C. 231(f)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2021".

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021.

TITLE I

DEPARTMENT OF COMMERCE

Department of Commerce Appropriations Act, 2021.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, to carry out activities associated with facilitating, attracting, and retaining business investment in the United States, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $541,000,000, of which $70,000,000 shall remain available until September 30, 2022: *Provided*, That $11,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

Applicability. Assessments.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed

overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Control Reform Act of 2018 (subtitle B of title XVII of the John S. McCain National Defense Authorization Act for Fiscal Year 2019; Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et seq.), and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $133,000,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Applicability.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by sections 27 and 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722 and 3723), as amended, $305,500,000 to remain available until expended, of which $38,000,000 shall be for grants under such section 27 and $2,000,000 shall be for grants under such section 28: *Provided*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $40,500,000: *Provided*, That funds provided under this heading may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976; title II of the Trade Act of 1974; sections 27 and 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722 and 3723), as amended; and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprises, including expenses of grants, contracts, and other agreements with public or private organizations, $48,000,000, of which not more than $16,000,000 shall be available for overhead expenses, including salaries and expenses, rent, utilities, and information technology services.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $111,855,000, to remain available until September 30, 2022.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $288,403,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics for periodic censuses and programs provided for by law, $818,241,000, to remain available until September 30, 2022: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, $3,556,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $45,500,000, to remain available until September 30, 2022: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred,

Fees.

or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,695,295,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2021, so as to result in a fiscal year 2021 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2021, should the total amount of such offsetting collections be less than $3,695,295,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $3,695,295,000 in fiscal year 2021 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office "Salaries and Expenses" account: *Provided further*, That the budget of the President submitted for fiscal year 2022 under section 1105 of title 31, United States Code, shall include within amounts provided under this heading for necessary expenses of the USPTO any increases that are expected to result from an increase promulgated through rule or regulation in offsetting collections of fees and surcharges assessed and collected by the USPTO under any law in either fiscal year 2021 or fiscal year 2022: *Provided further*, That from amounts provided herein, not to exceed $13,500 shall be made available in fiscal year 2021 for official reception and representation expenses: *Provided further*, That in fiscal year 2021 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary

Spending plan.

to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the Employees FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, $2,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), $788,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $166,500,000, to remain available until expended, of which $150,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $16,500,000 shall be for the Manufacturing USA Program (formerly known as the National Network for Manufacturing Innovation).

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology

Budget estimates. 15 USC 1513b note.

Act (15 U.S.C. 278c–278e), $80,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials for fiscal year 2022 that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; pilot programs for State-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,840,300,000, to remain available until September 30, 2022: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, $246,171,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program; Fisheries Data Collections, Surveys, and Assessments; Fisheries Management Programs and Services; and Interjurisdictional Fisheries Grants: *Provided further*, That not to exceed $66,389,000 shall be for payment to the "Department of Commerce Working Capital Fund": *Provided further*, That of the $4,103,971,000 provided for in direct obligations under this heading, $3,840,300,000 is appropriated from the general fund, $246,171,000 is provided by transfer, and $17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,532,558,000, to remain available until September 30, 2023, except that funds provided for acquisition and construction of vessels and aircraft, and construction of facilities shall remain available until expended: *Provided*, That of the $1,545,558,000 provided for in direct obligations under this heading, $1,532,558,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials for fiscal year 2022 that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, $2,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

Budget estimates.
15 USC 1513a note.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2022: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the federally recognized Tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of Tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

Grants.
State listing.
Native Americans.
Guidelines.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $349,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2021, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $73,000,000: *Provided*, That no employee of the Department of Commerce may be detailed or assigned from a bureau or office funded by this Act or any other Act to offices within the Office of the Secretary of the Department of Commerce for more than 90 days in a fiscal year unless the individual's employing bureau or office is fully reimbursed for the salary and expenses of the employee for the entire period of assignment using funds provided under this heading. *Provided further*, That amounts made available to the Department of Commerce in this or any prior Act may not be transferred pursuant to section 508 of this or any prior Act to the account funded under this heading, except in the case of extraordinary circumstances that threaten life or property.

Time period.
Reimbursement.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of the Herbert C. Hoover Building, $1,123,000.

NONRECURRING EXPENSES FUND

For necessary expenses for a business application system modernization, $20,000,000, to remain available until September 30, 2023: *Provided*, That any unobligated balances of expired discretionary funds transferred to the Department of Commerce Nonrecurring Expenses Fund, as authorized by section 111 of title I of division B of Public Law 116–93, may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

Notification.
Deadline.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $34,000,000: *Provided*, That notwithstanding section 6413 of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112–96), an additional $2,000,000, to remain available until expended, shall be derived from the Public Safety

Trust Fund for activities associated with carrying out investigations and audits related to the First Responder Network Authority (FirstNet).

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest. Certification.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce. Notification. Deadline.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2021: *Provided*, That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000, the life cycle cost of the Polar Follow On Program is $6,837,900,000, the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $11,700,100,000, and the life cycle cost for the Space Weather Follow On Program is $692,800,000. Incorporation by reference. Applicability. 33 USC 878a note.

SEC. 105. Notwithstanding any other provision of law, the Secretary of Commerce may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal

Reimbursement.

Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

Child pornography.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

Reimbursement.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian Tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

Records.
Fee.

Grants.
Contracts.

SEC. 109. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, Tribal government, Territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" and shall remain available until September 30, 2022, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 110. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

SEC. 111. Amounts provided by this Act for the Hollings Manufacturing Extension Partnership under the heading "National

Institute of Standards and Technology—Industrial Technology Services" shall not be subject to cost share requirements under 15 U.S.C. 278k(e)(2): *Provided*, That the authority made available pursuant to this section shall be elective for any Manufacturing Extension Partnership Center that also receives funding from a State that is conditioned upon the application of a Federal cost sharing requirement.

Waiver authority.

SEC. 112. The Secretary of Commerce, or the designee of the Secretary, may waive the matching requirements under sections 306 and 306A, and the cost sharing requirements under section 315, of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455, 1455a, and 1461) as necessary for amounts made available under this Act under the heading "Operations, Research, and Facilities" under the heading "National Oceanic and Atmospheric Administration".

SEC. 113. Of unobligated balances of amounts provided to the Bureau of the Census under this or any prior appropriations Act, up to $208,000,000 may be transferred to the Bureau of the Census Working Capital Fund for information and business technology system modernization and facilities infrastructure improvements necessary for the operations of the Bureau: *Provided*, That the amounts previously provided by the Congress for the 2020 Census remain available only for the period of time as provided when initially enacted: *Provided further*, That this transfer authority is in addition to any other transfer authority in this Act: *Provided further*, That no amounts may be transferred that were previously designated by the Congress for the 2020 Census pursuant to section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amounts may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

Notification. Deadline.

This title may be cited as the "Department of Commerce Appropriations Act, 2021".

Department of Justice Appropriations Act, 2021.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $119,000,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $34,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to $40,000,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended,

for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, $734,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account, and of which not less than $22,500,000 shall be available for services and activities provided by the Legal Orientation Program: *Provided*, That not to exceed $35,000,000 of the total amount made available under this heading shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $110,565,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character: *Provided*, That not to exceed $4,000,000 shall remain available until September 30, 2022.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Term extension.

For necessary expenses of the United States Parole Commission as authorized, $13,539,000: *Provided*, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, $960,000,000, of which not to exceed $20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: *Provided further*, That of

the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That of the total amount appropriated, not to exceed $9,000 shall be available to the Criminal Division for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended: *Provided further*, That of the amount appropriated, not less than $195,754,000 shall be available for the Criminal Division, including related expenses for the Mutual Legal Assistance Treaty Program.

Determination.

Reimbursement.

In addition, for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $17,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund and to remain available until expended.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $184,524,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $150,000,000 in fiscal year 2021), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2021, so as to result in a final fiscal year 2021 appropriation from the general fund estimated at $34,524,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $2,342,177,000: *Provided*, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*,

Human trafficking.

That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $232,361,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees deposited into the Fund pursuant to section 589a(b) of title 28, United States Code (as limited by section 1004(b) of the Bankruptcy Judgeship Act of 2017 (division B of Public Law 115–72)), shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees deposited into the Fund in fiscal year 2021, net of amounts necessary to pay refunds due depositors, exceed $232,361,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2021, net of amounts necessary to pay refunds due depositors, (estimated at $318,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2021 appropriation from the general fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,366,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $25,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

Determination.

For necessary expenses of the Community Relations Service, $18,000,000: *Provided*, That notwithstanding section 205 of this

Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,496,000,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $25,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space that is controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, $15,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $2,046,609,000, to remain available until expended: *Provided*, That not to exceed $20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, $117,451,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities

Determination.

of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, $550,458,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $9,748,686,000, of which not to exceed $216,900,000 shall remain available until expended: *Provided*, That not to exceed $284,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities, and sites by purchase, or as otherwise authorized by law; conversion, modification, and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $566,100,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs,

$2,336,263,000, of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses: *Provided*, That, notwithstanding section 3672 of Public Law 106–310, up to $10,000,000 may be used to reimburse States, units of local government, Indian Tribal Governments, other public entities, and multi-jurisdictional or regional consortia thereof for expenses incurred to clean up and safely dispose of substances associated with clandestine methamphetamine laboratories, conversion and extraction operations, tableting operations, or laboratories and processing operations for fentanyl and fentanyl-related substances which may present a danger to public health or the environment. Reimbursement.

CONSTRUCTION

For necessary expenses, to include the cost of preliminary planning and design, equipment, furniture, and information technology requirements, related to the construction or acquisition of buildings, facilities, and sites by purchase, or as otherwise authorized by law, for the addition of a laboratory and warehouse to meet the demand of testing drugs, including fentanyl, $50,000,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,483,887,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $25,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and

correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $7,708,375,000, of which not less than $409,483,000 shall be for the programs and activities authorized by the First Step Act of 2018 (Public Law 115–391): *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available until expended for necessary operations: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

42 USC 250a.

Contracts. Determination.

Donations.

BUILDINGS AND FACILITIES

For planning, acquisition of sites, and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $127,000,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

Prison labor.

FEDERAL PRISON INDUSTRIES, INCORPORATED

Contracts.

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative

expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) ("the 2015 Act"); and the Abolish Human Trafficking Act (Public Law 115–392); and for related victims services, $513,500,000, to remain available until expended, of which $435,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That any balances remaining available from prior year appropriations under this heading for tracking violence against Indian women, as authorized by section 905 of the 2005 Act, shall also be available to enhance the ability of Tribal Government entities to access, enter information into, and obtain information from, Federal criminal information databases, as authorized by section 534 of title 28, United States Code: *Provided further*, That some or all of such balances may be transferred, at the discretion of the Attorney General, to "General Administration, Justice Information Sharing Technology" for the Tribal Access Program for national

crime information in furtherance of this purpose: *Provided further*, That the authority to transfer funds under the previous proviso shall be in addition to any other transfer authority contained in this Act: *Provided further*, That of the amount provided—

(1) $215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $40,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $2,500,000 is for the National Institute of Justice and the Bureau of Justice Statistics for research, evaluation, and statistics of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(4) $12,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

Applicability.

(5) $53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;

(6) $41,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $45,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $47,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $5,500,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40801 of the 1994 Act;

(11) $18,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $6,500,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(15) $500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) $4,000,000 is for grants to assist Tribal Governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) $1,500,000 is for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21) ("the PROTECT Act"); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the Prison Rape Elimination Act of 2003 (Public Law 108–79) ("PREA"); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198); the First Step Act of 2018 (Public Law 115–391); and other programs, $82,000,000, to remain available until expended, of which—

(1) $45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $3,000,000 is for a data collection on law enforcement suicide; and

(2) $37,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title

I of the 1968 Act and subtitle C of title II of the 2002 Act, and for activities authorized by or consistent with the First Step Act of 2018, of which $6,000,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention; $1,000,000 is for research to study the root causes of school violence to include the impact and effectiveness of grants made under the STOP School Violence Act; $1,500,000 is for a national study to identify improvements for law enforcement officials who respond to and investigate child pornography crimes; $4,000,000 is for the research, design, and testing of a scalable national model to reduce incarceration rates for minor probation and parole violations; and not less than $2,000,000 is for research, testing, and evaluation of the use of counter-unmanned aircraft systems in support of law enforcement operations.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the Prison Rape Elimination Act of 2003 (Public Law 108–79); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) ("CARA"); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); Kevin and Avonte's Law (division Q of Public Law 115–141) ("Kevin and Avonte's Law"); the Keep Young Athletes Safe Act of 2018 (title III of division S of Public Law 115–141) ("the Keep Young Athletes Safe Act"); the STOP School Violence Act of 2018 (title V of division S of Public Law 115–141) ("the STOP School Violence Act"); the Fix NICS Act of 2018 (title VI of division S of Public Law 115–141); the Project Safe Neighborhoods Grant Program Authorization Act of 2018 (Public Law 115–185); the SUPPORT for Patients and Communities Act (Public Law 115–271); the Second Chance Reauthorization Act of 2018 (Public Law 115–

391); the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (Public Law 111–84); the Ashanti Alert Act of 2018 (Public Law 115–401); and other programs, $1,914,000,000, to remain available until expended as follows—

(1) $484,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1—

(A) $13,000,000 is for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability (VALOR);

(B) $8,000,000 is for an initiative to support evidence-based policing;

(C) $8,000,000 is for an initiative to enhance prosecutorial decision-making;

(D) $2,400,000 is for the operation, maintenance, and expansion of the National Missing and Unidentified Persons System;

(E) $7,500,000 is for a grant program for State and local law enforcement to provide officer training on responding to individuals with mental illness or disabilities;

(F) $2,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(G) $15,500,000 is for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(H) $3,000,000 is for a grant program authorized by Kevin and Avonte's Law;

(I) $4,000,000 is for the establishment of a national center on forensics at an accredited university of higher education with affiliate medical and law schools, in partnership with a co-located full-service State department of forensic science with a medical examiner function; Establishment.

(J) $20,000,000 is for grants authorized under the Project Safe Neighborhoods Grant Authorization Act of 2018 (Public Law 115–185);

(K) $7,000,000 is for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(L) $14,000,000 is for community-based violence prevention initiatives;

(M) $3,000,000 is for a national center for restorative justice;

(N) $1,000,000 is for the purposes of the Ashanti Alert Network as authorized under the Ashanti Alert Act of 2018 (Public Law 115–401);

(O) $3,500,000 is for a grant program to replicate family-based alternative sentencing pilot programs;

(P) $1,000,000 is for a grant program to support child advocacy training in post-secondary education;

(Q) $7,000,000 is for a rural violent crime initiative, including assistance for law enforcement;

(R) $2,000,000 is for grants to States and units of local government to deploy managed access systems to combat contraband cell phone use in prison; and

(S) $2,000,000 is for grants for development of child-friendly family visitation spaces in correctional facilities;

(2) $244,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $85,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) $12,000,000 for economic, high technology, white collar, and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403, of which $2,500,000 is for competitive grants that help State and local law enforcement tackle intellectual property thefts, and $2,000,000 is for grants to develop databases on Internet of Things device capabilities and to build and execute training modules for law enforcement;

(5) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(6) $30,000,000 for the Patrick Leahy Bulletproof Vest Partnership Grant Program, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing, and evaluation programs;

(7) $1,000,000 for the National Sex Offender Public Website;

(8) $85,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than $25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180) and Fix NICS Act of 2018;

(9) $33,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(10) $141,000,000 for DNA-related and forensic programs and activities, of which—

(A) $110,000,000 is for the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) $19,000,000 for other local, State, and Federal forensic activities;

(C) $8,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108–405, section 412); and

(D) $4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(11) $48,000,000 for a grant program for community-based sexual assault response reform;

(12) $12,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(13) $46,000,000 for assistance to Indian Tribes;

(14) $100,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199) and by the Second Chance Reauthorization Act of 2018 (Public Law 115–391), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and Tribal probation or parole supervision efforts and strategies; $5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy; and $4,500,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, of which no less than $500,000 shall be used for a project that provides training, technical assistance, and best practices: *Provided*, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(15) $394,000,000 for comprehensive opioid abuse reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid, stimulant, and substance abuse reduction consistent with underlying program authorities—

(A) $83,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(B) $35,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(C) $34,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) $25,000,000 for a veterans treatment courts program;

(E) $32,000,000 for a program to monitor prescription drugs and scheduled listed chemical products; and

(F) $185,000,000 for a comprehensive opioid, stimulant, and substance abuse program;

(16) $2,500,000 for a competitive grant program authorized by the Keep Young Athletes Safe Act;

(17) $79,000,000 for grants to be administered by the Bureau of Justice Assistance for purposes authorized under the STOP School Violence Act;

(18) $2,000,000 for grants to State and local law enforcement agencies for the expenses associated with the investigation and prosecution of criminal offenses, involving civil rights, authorized by the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114–325);

(19) $5,000,000 for grants to State, local, and Tribal law enforcement agencies to conduct educational outreach and training on hate crimes and to investigate and prosecute hate crimes, as authorized by section 4704 of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (Public Law 111–84); and

(20) $90,000,000 for initiatives to improve police-community relations, of which $35,000,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local, and Tribal law enforcement; $33,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction; and $22,000,000 is for an Edward Byrne Memorial criminal justice innovation program: *Provided*, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Justice for All Reauthorization Act of 2016 (Public Law 114–324); the Missing Children's Assistance Act of 2018 (Public Law 115–267); the Juvenile Justice Reform Act of 2018 (Public Law 115–385); and other juvenile justice programs, $346,000,000, to remain available until expended as follows—

(1) $67,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local, and Tribal juvenile justice residential facilities;

(2) $100,000,000 for youth mentoring grants;

(3) $49,000,000 for delinquency prevention, of which, pursuant to sections 261 and 262 of the 1974 Act—

(A) $2,000,000 shall be for grants to prevent trafficking of girls;

(B) $10,000,000 shall be for the Tribal Youth Program;

(C) $500,000 shall be for an Internet site providing information and resources on children of incarcerated parents;

(D) $3,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(E) $10,000,000 shall be for an opioid-affected youth initiative; and

(F) $8,000,000 shall be for an initiative relating to children exposed to violence;

(4) $30,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) $94,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(6) $3,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(7) $2,500,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (3) and (6) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $24,800,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Determination.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the American Law Enforcement Heroes Act of 2017 (Public Law 115–37); the Law Enforcement Mental Health and Wellness Act (Public Law 115–113) ("the LEMHW Act"); the SUPPORT for Patients and Communities Act (Public Law 115–271); and the Supporting and Treating Officers In Crisis Act of 2019 (Public Law 116-32) ("the STOIC Act"), $386,000,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) $237,000,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph, $29,500,000 is for improving Tribal law enforcement, including hiring, equipment, training, anti-methamphetamine activities, and anti-opioid activities: *Provided further*, That of the amounts appropriated under this paragraph $40,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with "Research, Evaluation, and Statistics" for administration by the Office of Justice Programs: *Provided further*, That within the amounts appropriated under this paragraph, no less than $3,000,000 is to support the Tribal Access Program: *Provided further*, That within the amounts appropriated under this paragraph, $8,000,000 is for training, peer mentoring, mental health program activities, and other support services as authorized under the LEMHW Act and STOIC Act;

(2) $11,000,000 is for activities authorized by the POLICE Act of 2016 (Public Law 114–199);

(3) $15,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers;

(4) $35,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*,

That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration;

(5) $53,000,000 is for competitive grants to be administered by the Community Oriented Policing Services Office for purposes authorized under the STOP School Violence Act (title V of division S of Public Law 115–141); and

(6) $35,000,000 is for community policing development activities in furtherance of section 1701 of title I of the 1968 Act (34 U.S.C. 10381).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Abortion.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Abortion.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

Abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Prisons and prisoners.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

Prisons and prisoners.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services,

or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

Certification.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

Applicability.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) up to 2 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

Determination.
Waiver authority.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any

other Act making appropriations for fiscal years 2018 through 2021 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2976(g)(1) of such part (34 U.S.C. 10631(g)(1)).

(2) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (34 U.S.C. 30305(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.

Firearms.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2021, except up to $12,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed $30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2021, and any use, obligation, transfer, or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed $10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2021, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

SEC. 217. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under such authorities as have been enacted for Performance Partnership Pilots in appropriations acts in prior fiscal years and the current fiscal year.

Applicability.
28 USC 1930 note.

SEC. 218. Section 1930(a)(6)(B) of title 28, United States Code, shall be applied for this fiscal year and next fiscal year by substituting " $300,000,000" for " $200,000,000".

SEC. 219. Section 527 of title 28, United States Code, is amended in the third sentence by inserting ": (1)" before "the Department" and by inserting "; and (2) federally recognized tribes for supplies, materials, and services related to access to Federal law enforcement databases;" after "and services".

SEC. 220. Section 1825 of title 28, United States Code, is amended:

(a) in subsections (a) and (b) by striking "United States marshal for the district" each place it appears and inserting "Attorney General"; and

(b) in subsection (c) by striking "United States marshal" and inserting "Attorney General".

SEC. 221. Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 5 U.S.C. 5928 note), is amended—

(1) by striking "or" after "Drug Enforcement Administration" and inserting ", the"; and

(2) by inserting ", or the United States Marshals Service" after "Federal Bureau of Investigation".

SEC. 222. There is hereby appropriated $5,000,000, to remain available until expended, for an additional amount for "Department of Justice—General Administration", for expenses associated with the development and operation of a database concerning substantiated instances of excessive use of force related to law enforcement matters and officer misconduct, as described by, and subject to the requirements of, section 3 of Executive Order 13929 (June 16, 2020), as such Executive Order was in effect on the date of the enactment of this Act: *Provided*, That the Attorney General may transfer the funds provided in this section to other appropriations accounts in the Department of Justice to use for expenses associated with the development and operation of such database: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Justice Appropriations Act, 2021".

Science Appropriations Act, 2021.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,544,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, in carrying out the purposes of title V of Public Law 100–685 and Executive Order No. 13803, hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, $1,965,000: *Provided*, That notwithstanding any other provision

of law, the National Space Council may accept personnel support from Federal agencies, departments, and offices, and such Federal agencies, departments, and offices may detail staff without reimbursement to the National Space Council for purposes provided herein.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $7,301,000,000, to remain available until September 30, 2022: *Provided*, That, $2,000,000,000 shall be for Earth Science; $2,700,000,000 shall be for Planetary Science; $1,356,200,000 shall be for Astrophysics; $414,700,000 shall be for the James Webb Space Telescope; $751,000,000 shall be for Heliophysics, and $79,100,000 shall be for Biological and Physical Science: *Provided further*, That the National Aeronautics and Space Administration shall use the Space Launch System (SLS) for the Europa Clipper mission if the SLS is available and if torsional loading analysis has confirmed Clipper's appropriateness for SLS: *Provided further*, That, if the conditions in the preceding proviso cannot be met, the Administrator shall conduct a full and open competition, that is not limited to the launch vehicles listed in the NLS-II contract of the Launch Services Program as of the date of the enactment of this Act, to select a commercial launch vehicle for Europa Clipper.

Competition.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $828,700,000, to remain available until September 30, 2022.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms

or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $1,100,000,000, to remain available until September 30, 2022: *Provided*, That $227,000,000 shall be for RESTORE–L/SPace Infrastructure DExterous Robot: *Provided further*, That $110,000,000 shall be for the development, production, and demonstration of a nuclear thermal propulsion system, of which $80,000,000 shall be for the design of a flight demonstration system: *Provided further*, That, not later than 180 days after the enactment of this Act, the National Aeronautics and Space Administration shall provide a plan for the design of a flight demonstration.

Deadline.
Plan.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $6,555,400,000, to remain available until September 30, 2022: *Provided*, That not less than $1,406,700,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than $2,585,900,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously to be used to the maximum extent practicable, including for Earth to Moon missions and Moon landings: *Provided further*, That of the amounts provided for SLS, not less than $400,000,000 shall be for SLS Block 1B development including the Exploration Upper Stage and associated systems including related facilitization, to support an SLS Block 1B mission available to launch in 2025 in addition to the planned Block 1 missions for Artemis 1 through Artemis 3: *Provided further*, That $590,000,000 shall be for Exploration Ground Systems and associated Block 1B activities, including $74,000,000 for a second mobile launch platform: *Provided further*, That the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the SLS, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure a crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence that contemplates the use of an SLS Block 1B cargo variant and associated ground systems: *Provided further*, That $1,972,800,000 shall be for exploration research and development.

Budget profile.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development

activities, including research, development, operations, support and services; space flight, spacecraft control, and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,988,200,000, to remain available until September 30, 2022.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ENGAGEMENT

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $127,000,000, to remain available until September 30, 2022, of which $26,000,000 shall be for the Established Program to Stimulate Competitive Research and $51,000,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,936,500,000, to remain available until September 30, 2022: *Provided*, That if available balances in the "Science, Space, and Technology Education Trust Fund" are not sufficient to provide for the grant disbursements required under the third and fourth provisos under such heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100–404) as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327) up to $1,000,000 shall be available from amounts made available under this heading to make such grant disbursements.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities,

construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $390,278,000, to remain available until September 30, 2026: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2021 in an amount not to exceed $18,700,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

Contracts. Time period. 51 USC 20145 note.

Deadline. Estimate. Proposal. 51 USC 30103 note.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $44,200,000, of which $500,000 shall remain available until September 30, 2022.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

51 USC 20144 note.

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until a prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any funds transferred to "Construction and Environmental Compliance and Restoration" for construction activities shall not increase that account by more than 20 percent. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Not to exceed 5 percent of any appropriation provided for the National Aeronautics and Space Administration under previous appropriations Acts that remains available for obligation or expenditure in fiscal year 2021 may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall retain its original availability and shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Spending plan.

The spending plan required by this Act shall be provided by the National Aeronautics and Space Administration at the theme, program, project, and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section

505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Plan.

Not more than 40 percent of the amounts made available in this Act for the Gateway; Advanced Cislunar and Surface Capabilities; Commercial LEO Development; Human Landing System; and Lunar Discovery and Exploration, excluding the Lunar Reconnaissance Orbiter, may be obligated until the Administrator submits a multi-year plan to the Committees on Appropriations of the House of Representatives and the Senate that identifies estimated dates, by fiscal year, for Space Launch System flights to build the Gateway; the commencement of partnerships with commercial entities for additional LEO missions to land humans and rovers on the Moon; and conducting additional scientific activities on the Moon. The multi-year plan shall include key milestones to be met by fiscal year to achieve goals for each of the lunar programs described in the previous sentence and funding required by fiscal year to achieve such milestones, as well as funding provided in fiscal year 2021 and previous years.

Of the amounts provided for Exploration Systems Development, $25,000,000 shall be transferred to Construction and Environmental Compliance and Restoration (CECR) for Exploration Construction of Facilities consistent with direction provided in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act). The authority provided by this paragraph is in addition to the authority provided by the second paragraph under this heading.

Not more than 20 percent or $50,000,000, whichever is less, of the amounts made available in the current-year CECR appropriation may be applied to CECR projects funded under previous years' CECR appropriation Acts. Use of current-year funds under this provision shall be treated as a reprogramming of funds under section 505 of this act and shall not be available for obligation except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $6,909,769,000, to remain available until September 30, 2022, of which not to exceed $544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $241,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics, and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $968,000,000, to remain available until September 30, 2022.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $345,640,000: *Provided*, That not to exceed $8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2021 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,500,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $17,850,000, of which $400,000 shall remain available until September 30, 2022.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but

no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notification. Deadline.

The Director of the National Science Foundation (NSF) shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days in advance of any planned divestment through transfer, decommissioning, termination, or deconstruction of any NSF-owned facilities or any NSF capital assets (including land, structures, and equipment) valued greater than $2,500,000.

This title may be cited as the "Science Appropriations Act, 2021".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $12,500,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That the Chair may accept and use any gift or donation to carry out the work of the Commission: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a): *Provided further*, That notwithstanding the preceding proviso, $500,000 shall be used to separately fund the Commission on the Social Status of Black Men and Boys.

Donations.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $31,500,000 for payments to State and local enforcement agencies for authorized

services to the Commission, $404,490,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair may accept and use any gift or donation to carry out the work of the Commission.

Workforce proposals. Notification.

Donations.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $103,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $465,000,000, of which $425,500,000 is for basic field programs and required independent audits; $5,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $23,000,000 is for management and grants oversight; $4,250,000 is for client self-help and information technology; $4,750,000 is for a Pro Bono Innovation Fund; and $2,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996d(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

Applicability.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2020 and 2021, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,769,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $55,000,000, of which $1,000,000 shall remain available until expended: *Provided*, That of the total amount made available under this heading, not to exceed $124,000 shall be available for official reception and representation expenses.

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, $15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided*, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) $7,000,000, of which $500,000 shall remain available until September 30, 2022: *Provided*, That not to exceed $2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

Propaganda.

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Notifications.
Deadline.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project, or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs, or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects, or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

Definition.

(2) The term "promotional items" has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

Reports.

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from

which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

Transfer authority.

Applicability. Loans. Grants.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

Tobacco and tobacco products.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101) in any fiscal year in excess of $2,015,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) $10,000,000 shall be transferred to the Department of Justice Office of Inspector General and remain available until expended for oversight and auditing purposes associated with this section; and (2) 5 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian Tribes to improve services for victims of crime.

34 USC 20101 note.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

Discrimination.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and

Audits. Reports.

the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

Deadline. Public information. Web posting.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

Certification.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

Effective date. Consultation. Determination. Applicability.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

Reviews. Science and technology.

SEC. 514. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

Consultation. Assessment. Cyber threats. Country listing.

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber

threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has— Consultations.

(1) developed, in consultation with NIST, the FBI, and supply chain risk management experts, a mitigation strategy for any identified risks; Mitigation strategy.

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and Determination.

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General. Reports.

SEC. 515. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government. Torture.

SEC. 516. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States–Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States–Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States–Morocco Free Trade Agreement.

SEC. 517. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts. National security letter.

SEC. 518. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating Notifications. Deadline. Determination. Cost estimates.

that the project's management structure is adequate to control total project or procurement costs.

SEC. 519. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2021 until the enactment of the Intelligence Authorization Act for fiscal year 2021.

Contracts.
Grants.
Certification.
Taxes.
Time periods.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

Deadlines.

SEC. 521. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce, the following funds are hereby permanently rescinded, not later than September 30, 2021, from the following accounts in the specified amounts—

(1) "Economic Development Administration, Economic Development Assistance Programs", $10,000,000; and

(2) "National Oceanic and Atmospheric Administration, Fisheries Enforcement Asset Forfeiture Fund", $5,000,000.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby permanently rescinded, not later than September 30, 2021, from the following accounts in the specified amounts—

(1) "Working Capital Fund", $188,000,000;

(2) "Federal Bureau of Investigation, Salaries and Expenses", $80,000,000 including from, but not limited to, fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;

(3) "State and Local Law Enforcement Activities, Office of Justice Programs", $127,000,000; and

(4) "State and Local Law Enforcement Activities, Community Oriented Policing Services", $15,000,000.

Reports.

(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2021, specifying the amount of each rescission made pursuant to subsections (a) and (b).

(d) The amounts rescinded in subsections (a) and (b) shall not be from amounts that were designated by the Congress as

an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Airline travel.

SEC. 522. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

Conference attendees.

SEC. 523. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless—

(1) such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States; or

Determination. Notification. Deadline.

(2) such conference is a scientific conference and the department or agency head determines that such attendance is in the national interest and notifies the Committees on Appropriations of the House of Representatives and the Senate within at least 15 days of that determination and the basis for that determination.

Grants. Performance plan. Reports.

SEC. 524. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

Time period.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

Light bulbs.

SEC. 525. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

China.

SEC. 526. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA), the Office of Science and Technology Policy (OSTP), or the National Space Council (NSC) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

Consultation. Certification.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA, OSTP, or NSC, after consultation with the Federal Bureau of Investigation, have certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

Deadline.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

Pornography.

SEC. 527. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, Tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

Spending plans. Deadline.

SEC. 528. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, the National Space Council, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate not later than 45 days after the date of enactment of this Act.

Contracts.

SEC. 529. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 530. None of the funds made available by this Act may be used in contravention of section 7606 ("Legitimacy of Industrial Hemp Research") of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

State listing. Territories. Medical marijuana.

SEC. 531. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York,

North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Reports. China.

SEC. 532. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

Termination date. Determination.

SEC. 533. None of the funds provided in this Act shall be available for obligation for the James Webb Space Telescope (JWST) after December 31, 2021, if the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for JWST determines that the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) are likely to exceed $8,802,700,000, unless the program is modified so that the costs do not exceed $8,802,700,000.

SEC. 534. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively, for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: *Provided*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates, or any Territory or possession of the United States.

Definition.

Khalid Sheikh Mohammed. Detainees. Cuba.

SEC. 535. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

Detainees. Cuba.

SEC. 536. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

Exports and imports. Canada. Firearms.

SEC. 537. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

President. Determination. Federal Register, publication.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

Termination.

Firearms. Ammunition.

SEC. 538. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative

expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

Exports and imports. Firearms.

SEC. 539. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 540. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 541. For an additional amount for "United States Marshals Service, Federal Prisoner Detention", $125,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses related to United States prisoners in the custody of the United States Marshals Service, to be used only as authorized by section 4013 of title 18, United States Code: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 542. For an additional amount for "Federal Bureau of Investigation, Salaries and Expenses", $179,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice, to make necessary improvements to the National Instant Criminal Background Check System, and to offset the loss resulting from the coronavirus pandemic of fees collected pursuant to section 41104 of title 34, United States Code: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 543. For an additional amount for "Federal Prison System, Salaries and Expenses", $300,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2021".

Department of Defense Appropriations Act, 2021.

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2021

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $44,861,853,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $33,764,579,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $14,557,436,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $32,784,171,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 7038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,037,119,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,200,600,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $843,564,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,193,493,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard

while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $8,663,999,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,530,091,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $38,418,982,000: *Provided*, That not to exceed $12,478,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Army, and payments may be made upon his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $47,632,527,000: *Provided*, That not to exceed $15,055,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Navy, and payments may be made upon his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $7,286,184,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law,

$33,528,409,000: *Provided*, That not to exceed $7,699,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Air Force, and payments may be made upon his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, SPACE FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Space Force, as authorized by law, $2,492,114,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $39,048,990,000: *Provided*, That not more than $3,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of Defense, and payments may be made upon his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $48,000,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $4,500,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $18,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That of the funds provided under this heading, $656,140,000, of which $434,630,000, to remain available until September 30, 2022, shall be available for International Security Cooperation Programs and other programs to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or building partner capacity programs: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section for International Security Cooperation Programs, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall provide quarterly

Deadline. Notification.

Reports.

reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this paragraph: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,887,898,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,115,150,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $283,494,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,268,461,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,350,837,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,785,853,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $15,211,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $264,285,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act. Determinations.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $421,250,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available Determinations.

for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of the Air Force, $509,250,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of Defense, $19,952,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of the Army, $288,750,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for

environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $147,500,000, to remain available until September 30, 2022: *Provided*, That such amounts shall not be subject to the limitation in section 407(c)(3) of title 10, United States Code.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $360,190,000, to remain available until September 30, 2023.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT

For the Department of Defense Acquisition Workforce Development Account, $88,181,000, to remain available for obligation until September 30, 2021: *Provided*, That no other amounts may be otherwise credited or transferred to the Account, or deposited into the Account, in fiscal year 2021 pursuant to section 1705(d) of title 10, United States Code.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, $3,457,342,000, to remain available for obligation until September 30, 2023.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,220,541,000, to remain available for obligation until September 30, 2023.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,611,887,000, to remain available for obligation until September 30, 2023.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,790,140,000, to remain available for obligation until September 30, 2023.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing

purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,603,112,000, to remain available for obligation until September 30, 2023.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $19,480,280,000, to remain available for obligation until September 30, 2023.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,477,773,000, to remain available for obligation until September 30, 2023.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $792,023,000, to remain available for obligation until September 30, 2023.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway;

procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Columbia Class Submarine, $2,869,024,000;
Columbia Class Submarine (AP), $1,253,175,000;
Carrier Replacement Program (CVN–80), $958,933,000;
Carrier Replacement Program (CVN–81), $1,606,432,000;
Virginia Class Submarine, $4,603,213,000;
Virginia Class Submarine (AP), $2,173,187,000;
CVN Refueling Overhauls, $1,531,153,000;
CVN Refueling Overhauls (AP), $17,384,000;
DDG–1000 Program, $78,205,000;
DDG–51 Destroyer, $3,219,843,000;
DDG–51 Destroyer (AP), $159,297,000;
FFG–Frigate, $1,053,123,000;
LPD Flight II, $1,125,801,000;
LPD 32 (AP), $1,000,000;
LPD 33 (AP), $1,000,000;
Expeditionary Sea Base (AP), $73,000,000;
LHA Replacement, $500,000,000;
Expeditionary Fast Transport, $260,000,000;
TAO Fleet Oiler, $20,000,000;
Towing, Salvage, and Rescue Ship, $157,790,000;
LCU 1700, $87,395,000;
Service Craft, $244,147,000;
LCAC SLEP, $56,461,000;
Auxiliary Vessels, $60,000,000;

For outfitting, post delivery, conversions, and first destination transportation, $752,005,000; and

Completion of Prior Year Shipbuilding Programs, $407,312,000.

In all: $23,268,880,000, to remain available for obligation until September 30, 2025: *Provided*, That additional obligations may be incurred after September 30, 2025, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That funds appropriated or otherwise made available by this Act for Columbia Class Submarine (AP) may be available for the purposes authorized by subsections (f), (g), (h) or (i) of section 2218a of title 10, United States Code, only in accordance with the provisions of the applicable subsection.

Vessels.

Vessels.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including

the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $10,512,209,000, to remain available for obligation until September 30, 2023: *Provided*, That such funds are also available for the maintenance, repair, and modernization of Pacific Fleet ships under a pilot program established for such purposes.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,648,375,000, to remain available for obligation until September 30, 2023.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $19,212,753,000, to remain available for obligation until September 30, 2023.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,142,181,000, to remain available for obligation until September 30, 2023.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $550,844,000, to remain available for obligation until September 30, 2023.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $23,441,648,000, to remain available for obligation until September 30, 2023.

PROCUREMENT, SPACE FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,310,994,000, to remain available for obligation until September 30, 2023.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-

owned equipment layaway, $5,837,347,000, to remain available for obligation until September 30, 2023.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $174,639,000, to remain available until expended: *Provided*, That no less than $60,000,000 of the funds provided under this heading shall be obligated and expended by the Secretary of Defense in behalf of the Department of Defense as if delegated the necessary authorities conferred by the Defense Production Act of 1950.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,969,032,000, to remain available for obligation until September 30, 2022.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,078,829,000, to remain available for obligation until September 30, 2022: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $36,357,443,000, to remain available for obligation until September 30, 2022.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, SPACE FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,540,069,000, to remain available until September 30, 2022.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment,

$25,932,671,000, to remain available for obligation until September 30, 2022.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $257,120,000, to remain available for obligation until September 30, 2022.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,473,910,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $33,684,607,000; of which $30,747,659,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2022, and of which up to $16,008,365,000 may be available for contracts entered into under the TRICARE program; of which $544,369,000, to remain available for obligation until September 30, 2023, shall be for procurement; and of which $2,392,579,000, to remain available for obligation until September 30, 2022, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than $1,489,000,000 shall be made available to the United States Army Medical Research and Development Command to carry out the congressionally directed medical research programs: *Provided further*, That the Secretary of Defense shall submit to the congressional defense committees quarterly reports on the current status of the deployment of the electronic health record: *Provided further*, That the Secretary of Defense shall provide notice to the congressional defense committees not later than 10 business days after delaying the proposed timeline of such deployment if such delay is longer than 1 week: *Provided further*, That the Comptroller General of the United States shall perform quarterly performance reviews of such deployment.

Reports.

Notice.
Deadline.
Time period.

Reviews.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,049,800,000, of which $106,691,000 shall be for operation and maintenance, of which no less than $51,009,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $22,235,000 for activities on military installations and $28,774,000, to remain available until September 30, 2022, to assist State and local governments; $616,000 shall be for procurement, to remain available until September 30, 2023, of which not less than $616,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $942,493,000, to remain available until September 30, 2022, shall be for research, development, test and evaluation, of which $935,999,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $914,429,000, of which $567,003,000 shall be for counter-narcotics support; $127,704,000 shall be for the drug demand reduction program; $194,211,000 shall be for the National Guard counter-drug program; and $25,511,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Determination.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $375,439,000, of which $373,483,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended upon the approval or authority of the Inspector General, and payments may be made upon the Inspector General's certificate of necessity for confidential military purposes; of which $858,000, to remain available for obligation until September 30, 2023, shall be for procurement; and of which $1,098,000, to remain available

until September 30, 2022, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $633,719,000.

TITLE VIII

GENERAL PROVISIONS

Propaganda.

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

Time period.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations of the House of Representatives and the Senate for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2021: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

Determination.

Notification.

Reprogramming requests.

Reprogramming requests. Deadline.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act and the tables contained in the classified annex accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

Applicability.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2021: *Provided*, That the report shall include—

Reports.

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

Certification.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

(1) "Environmental Restoration, Army";

(2) "Environmental Restoration, Navy";

(3) "Environmental Restoration, Air Force";

(4) "Environmental Restoration, Defense-Wide";

(5) "Environmental Restoration, Formerly Used Defense Sites"; and

(6) "Drug Interdiction and Counter-drug Activities, Defense".

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Determination. Approval. Notification.

Notification.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

Notification. Deadline.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at

Contracts. Notifications. Deadlines. 10 USC 2306b note.

least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

Analysis.
Determination.

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

Budget request.

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Humanitarian assistance.
Territories.

Reports.

Determination.
Hawaii.

SEC. 8012. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed solely on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number

of employees, but are to be managed primarily on the basis of, and in a manner consistent with—

(1) the total force management policies and procedures established under section 129a of title 10, United States Code;

(2) the workload required to carry out the functions and activities of the Department; and

(3) the funds made available to the Department for such fiscal year.

Workforce reduction. Analysis.

(b) None of the funds appropriated by this Act may be used to reduce the civilian workforce programmed full time equivalent levels absent the appropriate analysis of the impacts of these reductions on workload, military force structure, lethality, readiness, operational effectiveness, stress on the military force, and fully burdened costs.

(c) A projection of the number of full-time equivalent positions shall not be considered a constraint or limitation for purposes of subsection (a) and reducing funding for under-execution of such a projection shall not be considered managing based on a constraint or limitation for purposes of such subsection.

Budget request. Effective date.

(d) The fiscal year 2022 budget request for the Department of Defense, and any justification material and other documentation supporting such request, shall be prepared and submitted to Congress as if subsections (a) and (b) were effective with respect to such fiscal year.

(e) Nothing in this section shall be construed to apply to military (civilian) technicians.

Lobbying.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

Applicability.

(TRANSFER OF FUNDS)

SEC. 8015. (a) Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

(b) The Secretary of Defense shall include with the budget justification documents in support of the budget for any fiscal year after fiscal year 2021 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a description of

each transfer under this section that occurred during the last fiscal year before the fiscal year in which such budget is submitted.

Anchor and mooring chain.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the Service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that such an acquisition must be made in order to acquire capability for national security purposes.

Definition.

Waiver authority. Certification.

SEC. 8017. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

Alcohol and alcoholic beverages.

SEC. 8018. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Applicability.

Arms and munitions. Certification.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms

ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

Waiver authority. Certification.

Contracts.

SEC. 8021. In addition to the funds provided else-where in this Act, $25,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

Applicability.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

Kuwait.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

Notifications. Deadlines.

SEC. 8024. The Secretary of Defense shall notify the congressional defense committees in writing not more than 30 days after the receipt of any contribution of funds received from the government of a foreign country for any purpose relating to the stationing or operations of the United States Armed Forces: *Provided*, That such notification shall include the amount of the contribution; the purpose for which such contribution was made; and the authority under which such contribution was accepted by the Secretary of Defense: *Provided further*, That not fewer than 15 days prior to obligating such funds, the Secretary of Defense shall submit to the congressional defense committees in writing a notification of

the planned use of such contributions, including whether such contributions would support existing or new stationing or operations of the United States Armed Forces.

SEC. 8025. (a) Of the funds made available in this Act, not less than $56,205,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $43,205,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $11,200,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $1,800,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2021, not more than 6,053 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, within such funds for 6,053 staff years, funds shall be available only for 1,148 staff years for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

Reports. Budget estimates.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2022 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

Contracts.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

Applicability.

Waiver authority.
Certification.

Definition.
10 USC 2241 note.

SEC. 8028. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

Certification.

Consultation.
Determination.
Contracts.
Rescission.
41 USC 8304 note.

SEC. 8030. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

Memorandum.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

Reports.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2021. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.),

or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code. Definition.

SEC. 8031. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account shall be available until expended for the payments specified by section 2687a(b)(2) of title 10, United States Code.

SEC. 8032. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force. Native Americans. State listing. Housing.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary. Determination.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131). Definition.

SEC. 8033. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8034. Subject to section 8005 of this Act, the Secretary of Defense may transfer funds appropriated in fiscal year 2021 for "Shipbuilding and Conversion, Navy: LPD Flight II–LPD 31" to "Shipbuilding and Conversion, Navy: LPD 32 (AP)", and "Shipbuilding and Conversion, Navy: LPD 33 (AP)" for fiscal year 2021 advance procurement authorized by section 124(c) of the National Defense Authorization Act for Fiscal Year 2021: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8035. Up to $14,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the United States Indo-Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs

of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

Regulations. Tobacco and tobacco products. 10 USC 2484 note.

SEC. 8036. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided*, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8037. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

Budget request.

(b) The fiscal year 2022 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2022 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2022 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

50 USC 3521 note.

SEC. 8038. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2022: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2022: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for the construction, improvement, or alteration of facilities, including leased facilities, to be used primarily by personnel of the intelligence community shall remain available until September 30, 2023.

SEC. 8039. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $12,000,000 shall be made available only

for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

Compliance.

SEC. 8040. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

Definition.

Determinations.
Labeling.
Fraud.
Debarment.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8041. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

Waiver authority.
Determination.
Certification.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

Determination.

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

Contracts.
Effective date.

SEC. 8042. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the

date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

Plan.

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

Determination.

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and

in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8043. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

"Shipbuilding and Conversion, Navy: DDG–51 Destroyer", 2014/2021, $66,567,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", 2019/2021, $23,840,000;

"Aircraft Procurement, Navy", 2019/2021, $23,094,000;

"Aircraft Procurement, Air Force", 2019/2021, $465,447,000;

"Other Procurement, Air Force", 2019/2021, $12,400,000;

"Aircraft Procurement, Army", 2020/2022, $26,900,000;

"Missile Procurement, Army", 2020/2022, $2,377,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", 2020/2022, $148,141,000;

"Procurement of Ammunition, Army", 2020/2022, $7,500,000;

"Other Procurement, Army", 2020/2022, $13,175,000;

"Aircraft Procurement, Navy", 2020/2022, $417,128,000;

"Weapons Procurement, Navy", 2020/2022, $7,500,000;

"Procurement of Ammunition, Navy and Marine Corps", 2020/2022, $8,973,000;

"Shipbuilding and Conversion, Navy: TAO Fleet Oiler (AP)", 2020/2024, $73,000,000;

"Shipbuilding and Conversion, Navy: CVN Refueling Overhauls", 2020/2024, $13,100,000;

"Other Procurement, Navy", 2020/2022, $87,052,000;

"Procurement, Marine Corps", 2020/2022, $55,139,000;

"Aircraft Procurement, Air Force", 2020/2022, $543,015,000;

"Missile Procurement, Air Force", 2020/2022, $24,500,000;

"Space Procurement, Air Force", 2020/2022, $64,400,000;

"Other Procurement, Air Force", 2020/2022, $66,726,000;

"Research, Development, Test and Evaluation, Army", 2020/2021, $284,228,000;

"Research, Development, Test and Evaluation, Navy", 2020/2021, $84,005,000;

"Research, Development, Test and Evaluation, Air Force", 2020/2021, $251,809,000;

"Research, Development, Test and Evaluation, Defense-Wide", 2020/2021, $378,031,000; and

"Defense Counterintelligence and Security Agency Working Capital Fund", 2020/XXXX, $100,000,000.

SEC. 8044. None of the funds available in this Act may be used to reduce the authorized positions for military technicians

(dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

North Korea.

SEC. 8045. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose: *Provided*, That this restriction shall not apply to any activities incidental to the Defense POW/MIA Accounting Agency mission to recover and identify the remains of United States Armed Forces personnel from the Democratic People's Republic of Korea.

Armed Forces remains.

Reimbursement. National Guard and Reserve.

SEC. 8046. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Drugs and drug abuse. 10 USC 274 note.

SEC. 8047. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

50 USC 3506 note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

Ball and roller bearings.

SEC. 8048. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

Waiver authority. Certification.

SEC. 8049. Of the amounts appropriated for "Working Capital Fund, Army", $125,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8050. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $49,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts

Determination. Grants.

specified as follows: $24,000,000 to the United Service Organizations and $25,000,000 to the Red Cross.

Supercomputers. Certification.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8052. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget. The Secretary of each military department, the Director of each Defense Agency, and the head of each other relevant component of the Department of Defense shall submit to the congressional defense committees, concurrent with submission of the budget justification documents to Congress pursuant to section 1105 of title 31, United States Code, a report with a detailed accounting of the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides taken from programs, projects, or activities within such department, agency, or component during the most recently completed fiscal year.

Reports.

Contracts.

SEC. 8053. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8054. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8055. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account:

Budget statement. Time period.

Provided, That the Under Secretary of Defense (Comptroller) shall include with the budget of the President for fiscal year 2022 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a statement describing each instance if any, during each of the fiscal years 2016 through 2021 in which the authority in this section was exercised.

Reimbursement.

SEC. 8056. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8057. Of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", $46,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8058. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2022 pursuant to section

Reports.

1105 of title 31, United States Code, submit to the congressional defense committees a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: *Provided further*, That the report shall set forth, for each end-item covered by the preceding proviso, a detailed list of the statutory authorities under which amounts in the accounts described in that proviso were used for such item: *Provided further*, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2022 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a certification that funds requested for fiscal year 2022 in research, development, test and evaluation are in compliance with this section: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

List.

Certification.
Compliance.

Waiver authority.
Certification.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

Waiver authority.
Determination.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

Applicability.
Contracts.

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced

Time period.
Reports.
Strategies.
Cost estimates.

concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

Waiver authority. Certification.

Classified information. Reports.

SEC. 8062. The Secretary of Defense shall continue to provide a classified quarterly report to the Committees on Appropriations of the House of Representatives and the Senate, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

Arms and munitions.

SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Waiver authority. Time period.

SEC. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

Contracts. Determinations.

SEC. 8066. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $133,724,000 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this

section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense. Compliance.

SEC. 8067. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in subsection (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)–(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence. Study. Proposals. Risk assessment.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and Certifications.

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees. Deadline.

SEC. 8068. In addition to amounts provided elsewhere in this Act, $10,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary. Determination. Grants. Fisher House Foundation, Inc.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated for "Operation and Maintenance, Navy", up to $1,000,000 shall be available for transfer

to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

Modification.

SEC. 8070. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further*, That any proposed modification shall not preclude the ability of the commander of United States Indo-Pacific Command to meet operational requirements.

Proposal.

Time period.
Notification.

Notice.
10 USC 2302 note.

SEC. 8071. Any notice that is required to be submitted to the Committees on Appropriations of the House of Representatives and the Senate under section 806(c)(4) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the House of Representatives and the Senate.

(INCLUDING TRANSFER OF FUNDS)

Israel.

SEC. 8072. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", $500,000,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $73,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $177,000,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $50,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; $77,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $77,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for Arrow 3 Upper Tier, as amended; and $173,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $407,312,000 shall be available until September 30, 2021, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading "Shipbuilding and Conversion, Navy", 2008/2021: Carrier Replacement Program $71,000,000;

(2) Under the heading "Shipbuilding and Conversion, Navy", 2015/2021: DDG–51 Destroyer $9,634,000;

(3) Under the heading "Shipbuilding and Conversion, Navy", 2016/2021: CVN Refueling Overhauls $186,200,000;

(4) Under the heading "Shipbuilding and Conversion, Navy", 2016/2021: LPD–17 $30,578,000;

(5) Under the heading "Shipbuilding and Conversion, Navy", 2016/2021: TAO Fleet Oiler $42,500,000;

(6) Under the heading "Shipbuilding and Conversion, Navy", 2018/2021: TAO Fleet Oiler $17,400,000; and

(7) Under the heading "Shipbuilding and Conversion, Navy", 2018/2021: Expeditionary Fast Transport $50,000,000.

SEC. 8074. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2021 until the enactment of the Intelligence Authorization Act for Fiscal Year 2021.

Notification.

SEC. 8075. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

Budget justification.
10 USC 221 note.

SEC. 8076. The budget of the President for fiscal year 2022 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall

Estimates.
Data.

include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

Nuclear armed interceptors.

SEC. 8077. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8078. The Secretary of Defense may use up to $650,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense for the rapid acquisition and deployment of supplies and associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note), but only for the purposes specified in clauses (i), (ii), (iii), and (iv) of subsection (c)(3)(B) of such section and subject to the applicable limits specified in clauses (i), (ii), and (iii) of such subsection and, in the case of clause (iv) of such subsection, subject to a limit of $50,000,000: *Provided*, That the Secretary of Defense shall notify the congressional defense committees promptly of all uses of this authority.

Notification.

53rd Weather Reconnaissance Squadron.

SEC. 8079. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

Foreign intelligence.

SEC. 8080. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

Tactical unmanned aerial vehicles.

SEC. 8081. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8082. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2022.

Applicability.

SEC. 8083. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

Reports.

SEC. 8084. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2021: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

Certification.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8085. Notwithstanding any other provision of law, any transfer of funds, appropriated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) of title 10, United States Code, shall be made in accordance with section 8005 or 9002 of this Act, as applicable.

SEC. 8086. Any transfer of amounts appropriated to the Department of Defense Acquisition Workforce Development Account in or for fiscal year 2021 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to section 8005 or 9002 of this Act, as applicable.

Child soldiers.

SEC. 8087. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

Notifications.
Time periods.

SEC. 8088. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification

period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

Satellite on-orbit incentives. 10 USC 2241 note.

SEC. 8089. In this fiscal year and each fiscal year thereafter, funds appropriated under the heading "Procurement, Space Force" may be obligated for payment of satellite on-orbit incentives in the fiscal year in which an incentive payment is earned: *Provided*, That any obligation made pursuant to this section may not be entered into until 30 calendar days in session after the congressional defense committees have been notified that an on-orbit incentive payment has been earned.

Time period. Notification.

Definition.

SEC. 8090. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8092. None of the funds appropriated by this Act may be available for the purpose of making remittances to the Department of Defense Acquisition Workforce Development Account in accordance with section 1705 of title 10, United States Code.

Public information. Web posting. Reports. Determinations.

SEC. 8093. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

Contracts.

SEC. 8094. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

Certification.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

Waiver authority. Determination.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

Transmittal. Public information. Deadline.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $137,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of

the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

Notification.

SEC. 8096. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8097. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

Determination.

SEC. 8098. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2021.

Reprogramming requests.
Deadline.

SEC. 8099. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

Khalid Sheikh Mohammed.
Detainees.
Cuba.

SEC. 8100. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

Detainees.
Cuba.

SEC. 8101. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1035 of the

John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

Rosoboronexport.

SEC. 8102. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

Waiver authority.
Consultation.
Determination.
Certification.
Russia.
Ukraine.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that—

Syria.

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) the armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

Review.
Reports.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8103. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

Detainees.
Cuba.

SEC. 8104. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8105. Of the amounts appropriated in this Act for "Shipbuilding and Conversion, Navy", $60,000,000, to remain available for obligation until September 30, 2025, may be used for the purchase of two used sealift vessels for the National Defense Reserve Fleet, established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet: *Provided further*, That notwithstanding 10 U.S.C. 2218 (National Defense Sealift Fund), none of these funds shall be transferred to the National Defense Sealift Fund for execution.

Reimbursement.

SEC. 8106. The Secretary of Defense shall post grant awards on a public website in a searchable format.

Grants.
Web posting.

SEC. 8107. If the Secretary of a military department reduces each research, development, test and evaluation, and procurement account of the military department pursuant to paragraph (1) of section 828(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note), the Secretary shall allocate the reduction determined under paragraph (2) of such section 828(d) proportionally from all programs, projects, or activities under such account: *Provided*, That the authority under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to transfer amounts available in the Rapid Prototyping Fund shall be subject to section 8005 or 9002 of this Act, as applicable.

Allocation.

SEC. 8108. None of the funds made available by this Act may be used by the National Security Agency to—

Surveillance.

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8109. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

Salaries.

SEC. 8110. Of the amounts appropriated in this Act for "Operation and Maintenance, Navy", $376,029,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): *Provided*, That such amounts are available for reimbursements to the Ready

Reimbursements.

Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

Notifications.
Time period.

SEC. 8111. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

Waiver authority.
Determination.
Deadline.
Notification.

Consultation.
Reports.
Records.
Time period.
Firearms.

SEC. 8112. The Secretary of Defense, in consultation with the Service Secretaries, shall submit a report to the congressional defense committees, not later than 180 days after the enactment of this Act, detailing the submission of records during the previous 12 months to databases accessible to the National Instant Criminal Background Check System (NICS), including the Interstate Identification Index (III), the National Crime Information Center (NCIC), and the NICS Index, as required by Public Law 110–180: *Provided*, That such report shall provide the number and category of records submitted by month to each such database, by Service or Component: *Provided further*, That such report shall identify the number and category of records submitted by month to those databases for which the Identification for Firearm Sales (IFFS) flag or other database flags were used to pre-validate the records and indicate that such persons are prohibited from receiving or possessing a firearm: *Provided further*, That such report shall describe the steps taken during the previous 12 months, by Service or Component, to ensure complete and accurate submission and appropriate flagging of records of individuals prohibited from gun possession or receipt pursuant to 18 U.S.C. 922(g) or (n) including applicable records involving proceedings under the Uniform Code of Military Justice.

Contracts.

SEC. 8113. (a) None of the funds provided in this Act for the TAO Fleet Oiler program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

(b) None of the funds provided in this Act for the FFG(X) Frigate program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Air circuit breakers; gyrocompasses; electronic navigation chart systems; steering controls; pumps; propulsion and machinery control systems; totally enclosed lifeboats; auxiliary equipment pumps; shipboard cranes; auxiliary chill water systems; and propulsion propellers: *Provided*,

Deadline.

That the Secretary of the Navy shall incorporate United States manufactured propulsion engines and propulsion reduction gears into the FFG(X) Frigate program beginning not later than with the eleventh ship of the program.

SEC. 8114. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Account may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

Gaming.
Adult entertainment.

SEC. 8115. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

Pornography.

SEC. 8116. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

Turkey.

SEC. 8117. None of the funds appropriated by this Act may be made available to deliver F–35 air vehicles or any other F–35 weapon system equipment to the Republic of Turkey, except in accordance with section 1245 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

SEC. 8118. In addition to amounts provided elsewhere in this Act, there is appropriated $284,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That as a condition of receiving funds under this section a local educational agency or State shall provide a matching share as described in the notice titled "Department of Defense Program for Construction, Renovation, Repair or Expansion of Public Schools Located on Military Installations" published by the Department of Defense in the Federal Register on September 9, 2011 (76 Fed.

Grants.
Contracts.

Determination.

Reg. 55883 et seq.): *Provided further*, That these provisions apply to funds provided under this section, and to funds previously provided by Congress to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools to the extent such funds remain unobligated on the date of enactment of this section. Applicability.

SEC. 8119. In carrying out the program described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such memorandum, the Secretary of Defense shall apply such policy and guidance, except that— Applicability.

(1) the limitation on periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and Embryos.

(2) the term "assisted reproductive technology" shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage. Definition.

SEC. 8120. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba. Cuba.

SEC. 8121. None of the funds provided for, or otherwise made available, in this or any other Act, may be obligated or expended by the Secretary of Defense to provide motorized vehicles, aviation platforms, munitions other than small arms and munitions appropriate for customary ceremonial honors, operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment. Determination.

SEC. 8122. The Secretary of Defense may obligate and expend funds made available under this Act for procurement or for research, development, test and evaluation for the F–35 Joint Strike Fighter to modify up to six F–35 aircraft, including up to two F–35 aircraft of each variant, to a test configuration: *Provided*, That the Secretary of Defense shall, with the concurrence of the Secretary of the Air Force and the Secretary of the Navy, notify the congressional defense committees not fewer than 30 days prior to obligating and expending funds under this section: *Provided further*, That any transfer of funds pursuant to the authority provided in this section shall be made in accordance with section 8005 or 9002 of this Act, as appropriate, if applicable: *Provided further*, That aircraft referred to previously in this section are not additional to aircraft referred to in section 8135 of the Department of Defense Appropriations Act, 2019 and section 8126 of the Department of Defense Appropriations Act, 2020. Notification. Deadline.

SEC. 8123. Amounts appropriated for "Defense Health Program" in this Act and hereafter may be obligated to make death gratuity payments, as authorized in subchapter II of chapter 75 of title 10, United States Code, if no appropriation for "Military Personnel" is available for obligation for such payments: *Provided*, That such obligations may subsequently be recorded against appropriations available for "Military Personnel". 10 USC 1475 note.

SEC. 8124. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant Corporations. Taxes.

to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liability.

(b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection and has made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government.

SEC. 8125. During fiscal year 2021, any advance billing for background investigation services and related services purchased from activities financed using Defense Working Capital Funds shall be excluded from the calculation of cumulative advance billings under section 2208(l)(3) of title 10, United States Code.

SEC. 8126. None of the funds appropriated or otherwise made available by this Act may be used to transfer the National Reconnaissance Office to the Space Force: *Provided*, That nothing in this Act shall be construed to limit or prohibit cooperation, collaboration, and coordination between the National Reconnaissance Office and the Space Force or any other elements of the Department of Defense.

Reports.
Plans.
Certification.

SEC. 8127. None of the funds appropriated or otherwise made available by this Act may be used to transfer any element of the Department of the Army, the Department of the Navy, or a Department of Defense agency to the Space Force unless, concurrent with the fiscal year 2022 budget submission (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary of Defense provides a report to the Committees on Appropriations of the House of Representatives and the Senate, detailing any plans to transfer appropriate space elements of the Department of the Army, the Department of the Navy, or a Department of Defense agency to the Space Force and certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that such transfer is consistent with the mission of the Space Force and will not have an adverse impact on the Department or agency from which such element is being transferred: *Provided*, That such report shall include fiscal year 2022 budget and future years defense program adjustments associated with such planned transfers.

SEC. 8128. Funds appropriated in titles I and IX of this Act under headings for "Military Personnel" may be used for expenses described therein for members of the Space Force on active duty: *Provided*, That amounts appropriated under such headings may be used for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund.

SEC. 8129. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by $375,000,000.

SEC. 8130. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in this Act is hereby reduced by $1,700,362,000.

SEC. 8131. (a) Amounts appropriated under title IV of this Act, as detailed in budget activity eight of the tables in the explanatory statement regarding this Act, may be used for expenses for the agile research, development, test and evaluation, procurement, production, modification, and operation and maintenance, only for the following Software and Digital Technology Pilot programs—

(1) Defensive Cyber Operations Army (PE 0608041A);

(2) Risk Management Information (PE 0608013N);

(3) Maritime Tactical Command Control (PE 0608231N);

(4) Space Command and Control (PE 1203614SF);

(5) National Background Investigation Services (PE 0608197V);

(6) Global Command and Control System-Joint (PE 0308150K);

(7) Algorithmic Warfare Cross Functional Team (PE 0308588D8Z); and

(8) Acquisition visibility (PE 0608648D8Z).

(b) None of the funds appropriated by this or prior Department of Defense Appropriations Acts may be obligated or expended to initiate additional Software and Digital Technology Pilot Programs in fiscal year 2021.

SEC. 8132. (a) In addition to amounts otherwise made available in this Act, there is appropriated $100,000,000 to the Under Secretary of Defense (Acquisition and Sustainment), to remain available until expended.

(b) The funds provided by subsection (a) shall be available to the Under Secretary of Defense (Acquisition and Sustainment), in coordination with the Assistant Secretary of the Army (Acquisition, Logistics and Technology) and the Assistant Secretary of the Navy (Research, Development and Acquisition) and the Assistant Secretary of the Air Force (Acquisition, Technology and Logistics), to assess and strengthen the manufacturing and defense industrial base and supply chain resiliency of the United States.

(c)(1) The Under Secretary of Defense (Comptroller) shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Under Secretary of Defense (Acquisition and Sustainment) shall, through the Under Secretary of Defense (Comptroller), not less than 30 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

Deadline.
Notification.

(d) Funds appropriated by this section may not be transferred to "Drug Interdiction and Counter-Drug Activities, Defense".

(INCLUDING TRANSFER OF FUNDS)

SEC. 8133. In addition to amounts appropriated in title II or otherwise made available elsewhere in this Act, $300,500,000 is hereby appropriated to the Department of Defense and made available for transfer to the operation and maintenance accounts

of the Army, Navy, Marine Corps, and Air Force (including National Guard and Reserve) for purposes of improving military readiness: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority provided elsewhere in this Act.

Contracts.

SEC. 8134. None of the funds provided in this Act for requirements development, performance specification development, concept design and development, ship configuration development, systems engineering, naval architecture, marine engineering, operations research analysis, industry studies, preliminary design, development of the Detailed Design and Construction Request for Proposals solicitation package, or related activities for the AS(X) Submarine Tender, T–ARC(X) Cable Laying and Repair Ship, or T–AGOS(X) Oceanographic Surveillance Ship may be used to award a new contract for such activities unless these contracts include specifications that all auxiliary equipment, including pumps and propulsion shafts are manufactured in the United States.

SEC. 8135. None of the funds made available by this Act may be obligated or expended for the purpose of decommissioning the USS *Fort Worth* or the USS *Coronado*.

Grants.

SEC. 8136. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", $50,000,000, to remain available until September 30, 2022: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, to make grants to communities impacted by military aviation noise for the purpose of installing noise mitigating insulation at covered facilities: *Provided further*,

Contracts.

That, to be eligible to receive a grant under the program, a community must enter into an agreement with the Secretary under which the community prioritizes the use of funds for the installation of noise mitigation at covered facilities in the community: *Provided further*, That as a condition of receiving funds under this section a State or local entity shall provide a matching share of ten percent: *Provided further*, That grants under the program may be used to meet the Federal match requirement under the airport improvement program established under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code: *Provided*

Coordination.

further, That, in carrying out the program, the Secretary of Defense shall coordinate with the Secretary of Transportation to minimize duplication of efforts with any other noise mitigation program compliant with part 150 of title 14, Code of Federal Regulations: *Provided further*, That, in this section, the term "covered facilities"

Definition. Determination.

means hospitals, daycare facilities, schools, facilities serving senior citizens, and private residences that are located within one mile or a day-night average sound level of 65 or greater of a military installation or another location at which military aircraft are stationed or are located in an area impacted by military aviation noise within one mile or a day-night average sound level of 65 or greater, as determined by the Department of Defense or Federal Aviation Administration noise modeling programs.

Contracts. Icebreaking vessels.

SEC. 8137. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the lease of an icebreaking vessel unless such obligation or expenditure is compliant with section 1301 of title 31, United States Code, and related statutes and is made pursuant to a contract awarded using

full and open competitive procedures or procedures authorized by section 2304(c)(6) of title 10, United States Code.

SEC. 8138. Amounts appropriated or otherwise made available to the Department of Defense in this Act, may not be obligated or expended for the retirement or divestiture of the RQ–4 Global Hawk Block 30 and Block 40 aircraft: *Provided*, That the Secretary of the Air Force is prohibited from deactivating the corresponding squadrons responsible for the operations of the aforementioned aircraft.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $2,748,033,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $382,286,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $129,943,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,077,168,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $33,414,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $11,771,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $2,048,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $16,816,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $195,314,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $5,800,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,497,254,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $11,568,363,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,108,667,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $18,432,020,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, SPACE FORCE

For an additional amount for "Operation and Maintenance, Space Force", $77,115,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $6,041,898,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $33,399,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $21,492,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $8,707,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $30,090,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $79,792,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $175,642,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $3,047,612,000, to remain available until September 30, 2022: *Provided*, That such funds shall be available to the Secretary of Defense for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading "Afghanistan Infrastructure Fund" in prior Acts: *Provided further*, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: *Provided further*, That the Secretary may not use more than $50,000,000 under the authority provided in this section: *Provided further*, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of

Contracts.

Notification.
Reports.

Notification.

the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or activities, or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not less than $20,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That funds appropriated under this heading and made available for the salaries and benefits of personnel of the Afghanistan Security Forces may only be used for personnel who are enrolled in the Afghanistan Personnel and Pay System: *Provided further*, That funds appropriated under this heading for the Afghanistan Security Forces may only be obligated if the Secretary of Defense, in consultation with the Secretary of State, certifies in writing to the congressional defense committees that such forces are controlled by a civilian, representative government that is committed to protecting human rights and women's rights and preventing terrorists and terrorist groups from using the territory of Afghanistan to threaten the security of the United States and United States allies: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Notification.

Notification.

Notification.

Consultation.
Certification.

COUNTER-ISIS TRAIN AND EQUIP FUND

Iraq.
Syria.

For the "Counter-Islamic State of Iraq and Syria Train and Equip Fund", $710,000,000, to remain available until September 30, 2022: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; construction for facility fortification and humane treatment; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense

Coordination.

Designation.
Coordination.
Notification.

Assessment.

committees of such designation: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall prioritize such contributions when providing any assistance for construction for facility fortification: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, and such equipment may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Notification.

Waiver authority.
Determination.
Notification.

Notification.

Determination.
Notification.

Reports.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $595,112,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $796,599,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $15,225,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $103,875,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $924,823,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $32,905,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $5,572,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $77,424,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $341,612,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $47,963,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $772,738,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $223,772,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $785,617,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress

for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $355,339,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $342,137,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $950,000,000, to remain available for obligation until September 30, 2023: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Assessments.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $175,824,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $59,562,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on

Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $5,304,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $80,818,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $20,090,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $365,098,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", $24,069,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2021.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $2,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

Determination.

Notification.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $2,000,000 of the amounts appropriated by this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $500,000: *Provided further*, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein.

Time period.
Reports.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to allied forces participating in a combined operation with the armed forces of the United States and coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided*, That the Secretary of Defense shall

Reports.

provide quarterly reports to the congressional defense committees regarding support provided under this section.

Iraq.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

Syria.

(2) To exercise United States control over any oil resource of Iraq or Syria.

Afghanistan.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

Plan.

SEC. 9009. None of the funds provided for the "Afghanistan Security Forces Fund" (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense:

Requirements.

Provided, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*,

Certification. Compliance process.

That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000:

Determination.

Provided, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9011. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in "Operation and Maintenance, Defense-Wide" may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9012. None of the funds made available by this Act under the headings "Afghanistan Security Forces Fund" and "Counter-ISIS Train and Equip Fund", and under the heading "Operation

and Maintenance, Defense-Wide" for Department of Defense security cooperation grant programs, may be used to procure or transfer man-portable air defense systems.

Ukraine.

SEC. 9013. Of the amounts appropriated in this title under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $275,000,000, of which $137,500,000 to remain available until September 30, 2022 shall be for the Ukraine Security Assistance Initiative: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall, not more than 60 days after such notification is made, inform such committees if such funds have not been obligated and the reasons therefor: *Provided further*, That the United States may accept equipment procured using funds made available in this section in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds made available in this section in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

Coordination.

Deadline.
Notification.

Deadline.

Notification.

Reports.

SEC. 9014. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9013 of this Act.

Ukraine.

SEC. 9015. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

Azov Battalion.

SEC. 9016. Equipment procured using funds provided in prior Acts under the heading "Counterterrorism Partnerships Fund" for the program authorized by section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), and not yet transferred to authorized recipients may be transferred to foreign security forces, irregular forces, groups, or individuals, authorized to receive assistance using amounts provided under the heading "Counter-ISIS Train and Equip Fund" in this Act: *Provided*, That such equipment may be transferred 15 days following written notification to the congressional defense committees.

Deadline.
Notification.

SEC. 9017. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly

Iraq.

indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

Syria.

SEC. 9018. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

Afghanistan.

SEC. 9019. None of the funds in this Act may be made available for the transfer of additional C–130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force.

Afghanistan.
Certification.
Deadlines.
Reports.

SEC. 9020. Funds made available by this Act under the heading "Afghanistan Security Forces Fund" may be used to provide limited training, equipment, and other assistance that would otherwise be prohibited by 10 U.S.C. 362 to a unit of the security forces of Afghanistan only if the Secretary of Defense certifies to the congressional defense committees, within 30 days of a decision to provide such assistance, that (1) a denial of such assistance would present significant risk to United States or coalition forces or significantly undermine United States national security objectives in Afghanistan; and (2) the Secretary has sought a commitment by the Government of Afghanistan to take all necessary corrective steps: *Provided*, That such certification shall be accompanied by a report describing: (1) the information relating to the gross violation of human rights; (2) the circumstances that necessitated the provision of such assistance; (3) the Afghan security force unit involved; (4) the assistance provided and the assistance withheld; and (5) the corrective steps to be taken by the Government of Afghanistan: *Provided further*, That every 120 days after the initial report an additional report shall be submitted detailing the status of any corrective steps taken by the Government of Afghanistan: *Provided further*, That if the Government of Afghanistan has not initiated necessary corrective steps within 1 year of the certification, the authority under this section to provide assistance to such unit shall no longer apply: *Provided further*, That the Secretary shall submit a report to such committees detailing the final disposition of the case by the Government of Afghanistan.

Time period.

Taliban.
Afghanistan.

SEC. 9021. None of the funds made available by this Act may be made available for any member of the Taliban except to support a reconciliation activity that includes the participation of members of the Government of Afghanistan, does not restrict the participation of women, and is authorized by section 1218 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116– 92).

Iran.

SEC. 9022. Nothing in this Act may be construed as authorizing the use of force against Iran.

(RESCISSIONS)

SEC. 9023. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for

Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

"Procurement of Weapons and Tracked Combat Vehicles, Army", 2019/2021, $90,000,000;

"Aircraft Procurement, Air Force", 2019/2021, $16,400,000;

"Operation and Maintenance, Defense-Wide: DSCA Security Cooperation", 2020/2021, $75,000,000;

"Operation and Maintenance, Defense-Wide: Coalition Support Funds", 2020/2021, $45,000,000;

"Afghanistan Security Forces Fund", 2020/2021, $1,100,000,000;

"Counter-ISIS Train and Equip Fund", 2020/2021, $400,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", 2020/2022, $100,000,000;

"Procurement of Ammunition, Air Force", 2020/2022, $49,679,000;

"Research, Development, Test and Evaluation, Army", 2020/2021, $2,878,000; and

"Research, Development, Test and Evaluation, Defense-Wide", 2020/2021, $7,165,000.

SEC. 9024. Of the amounts appropriated in this title under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $753,603,000, to remain available until September 30, 2022, shall be available for International Security Cooperation Programs and other programs to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or building partner capacity programs: *Provided*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

Deadline. Notification.

Reports.

SEC. 9025. Of the amounts appropriated in this title under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $100,000,000, to remain available until September 30, 2022, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following written notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-

Afghanistan. Reimbursements.

Consultation. Determinations. Deadline. Notification.

Deadline. Notification.

reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria, and 15 days following written notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

Reports.

Reimbursements.
Country listing.

SEC. 9026. Of the amounts appropriated in this title under the heading "Operation and Maintenance, Defense-Wide", for the Defense Security Cooperation Agency, $250,000,000, to remain available until September 30, 2022, shall be available to reimburse Jordan, Lebanon, Egypt, Tunisia, and Oman under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note), for enhanced border security, of which not less than $150,000,000 shall be for Jordan: *Provided*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation and the nature of the expenses incurred: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

Deadline.
Notification.

Reports.

President.

SEC. 9027. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 9028. None of the funds appropriated or otherwise made available by this Act may be used in contravention of the First Amendment of the Constitution.

This division may be cited as the "Department of Defense Appropriations Act, 2021".

Energy and Water Development and Related Agencies Appropriations Act, 2021.

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $153,000,000, to remain available until expended: *Provided*, That the Secretary shall initiate nine new study starts during fiscal year 2021: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Studies.
Work plan.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,692,645,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover 35 percent of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects, shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $380,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary shall initiate one new study start in fiscal year 2021: *Provided further*, That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Study.
Work plan.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction,

aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $3,849,655,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $210,000,000, to remain available until September 30, 2022.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $250,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $35,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers;

and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $206,000,000, to remain available until September 30, 2022, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

(INCLUDING RESCISSION OF FUNDS)

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2022: *Provided*, That not more than 75 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress the report required under section 101(d) of this Act and a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title, as designated under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), to specific programs, projects, or activities: *Provided further*, That of the unobligated balances available from amounts appropriated in prior Acts under this heading, $500,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.
Work plan.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, $12,000,000, to remain available until expended, for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams with a primary owner type of state, local government, public utility, or private: *Provided*, That, no project may be funded with amounts provided under this heading for a dam that is identified as jointly owned in the National Inventory of Dams and where one of those joint owners is the Federal Government: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest,

any part of which is to be guaranteed, not to exceed $950,000,000: *Provided further*, That, within 30 days of enactment of this Act, the Secretary, in consultation with the Office of Management and Budget, shall transmit a report to the Committees on Appropriations of the House of Representatives and the Senate that provides: (1) an analysis of how subsidy rates will be determined for loans financed by appropriations provided under this heading in this Act; (2) a comparison of the factors that will be considered in estimating subsidy rates for loans financed under this heading in this Act with factors that will be considered in estimates of subsidy rates for other projects authorized by the Water Infrastructure Finance and Innovation Act of 2014, including an analysis of how both sets of rates will be determined; and (3) an analysis of the process for developing draft regulations for the Water Infrastructure Finance and Innovation program, including a crosswalk from the statutory requirements for such program, and a timetable for publishing such regulations: *Provided further*, That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published in the Federal Register on June 30, 2020 (85 FR 39189) pursuant to the fourth proviso under the heading "Water Infrastructure Finance and Innovation Program Account" in division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided further*, That none of the direct loans or loan guarantee authority made available under this heading shall be available for any project unless the Secretary and the Director of the Office of Management and Budget have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria referenced in the previous proviso: *Provided further*, That any references to the Environmental Protection Agency (EPA) or the Administrator in the criteria referenced in the previous two provisos shall be deemed to be references to the Army Corps of Engineers or the Secretary of the Army, respectively, for purposes of the direct loans or loan guarantee authority made available under this heading: *Provided further*, That, for the purposes of carrying out the Congressional Budget Act of 1974, the Director of the Congressional Budget Office may request, and the Secretary shall promptly provide, documentation and information relating to a project identified in a Letter of Interest submitted to the Secretary pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

Consultation.
Reports.
Analyses.
Determination.
Estimates.
Regulations.

Criteria.

Certification.
Compliance.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $2,200,000, to remain available until September 30, 2022.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2021, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; Advance approval.

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; Advance approval.

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the Committees on Appropriations of both Houses of Congress; Advance approval.

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the Committees on Appropriations of both Houses of Congress of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation; Notification.

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply Guidelines. Applicability.

to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the Committees on Appropriations of both Houses of Congress.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

Reports.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations of both Houses of Congress to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

Determination.

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), including the determination and designation of new starts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Provided*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 106. None of the funds made available by this Act or any other Act may be used to reorganize or to transfer the Civil

Works functions or authority of the Corps of Engineers or the Secretary of the Army to another department or agency.

Determination.

SEC. 107. Additional funding provided in this Act shall be allocated only to projects determined to be eligible by the Chief of Engineers.

Kentucky.

SEC. 108. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 109. (a) When allocating the additional funding provided in this title under the headings "Construction" and "Mississippi River and Tributaries", the Secretary shall initiate a total of seven new construction starts during fiscal year 2021.

Contracts. Deadline.

(b) For new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than December 31, 2021.

Funding scenario.

(c) No allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects.

Work plan.

(d) The Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $21,000,000, to remain available until expended, of which $1,800,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, $1,500,000 shall be available until September 30, 2022, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2021, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other

facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian Tribes, and others, $1,521,125,000, to remain available until expended, of which $58,476,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,584,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That $25,882,000 shall be available for transfer into the Blackfeet Water Settlement Implementation Fund established by section 3717 of Public Law 114–322: *Provided further*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided further*, That within available funds, $250,000 shall be for grants and financial assistance for educational activities: *Provided further*, That in accordance with section 4007 of Public Law 114–322, funding provided for such purpose in fiscal years 2017, 2018, 2019, and 2020 shall be made available for the construction, pre-construction, or study of the Friant-Kern Canal Capacity Correction Resulting from Subsidence, the Boise River Basin—Anderson Ranch Dam Raise, the North-of-the-Delta Off Stream Storage (Sites Reservoir Project), the Los Vaqueros Reservoir Phase 2 Expansion Project, and the Cle Elum Pool Raise (Yakima), as recommended by the Secretary in the letters dated June 22, 2020, and December 3, 2020, inclusive; the Delta Mendota Canal Subsidence Correction, the Del Puerto Water District, the San Luis Low Point Improvement Project, and the Sacramento Regional Water Bank, as recommended by the Secretary in the letter dated June 22, 2020: *Provided further*, That in accordance with section 4009(c) of Public Law 114–322, and as recommended by the Secretary in a letter dated December 3, 2020, funding provided for such purpose in fiscal years 2019 and 2020 shall be made available to the El Paso Aquifer Storage and Recovery Using Reclaimed Water Project, the Pure Water Monterey: A Groundwater Replenishment Project, the Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project, the Magna Water District Water Reclamation and Reuse Project, the Pure Water Oceanside: Mission Basin Groundwater Purification Facility Project, the Groundwater Reliability Improvement Program Recycled Water Project, and the Palmdale Regional Groundwater Recharge and Recovery Project: *Provided further*, That in accordance with section 4009(a) of Public Law 114–322, and as recommended by the Secretary in a letter dated December 3, 2020, funding provided for such purpose in fiscal years 2019 and 2020 shall be made available to the Doheny Ocean Desalination Project, the North Pleasant

Valley Desalter Facility, and the Energy-Efficient Brackish Groundwater Desalination Project.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,875,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the six regions of the Bureau of Reclamation, to remain available until September 30, 2022, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Advance approvals.

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded

in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2021, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

Definition.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

Reports.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Determination.
California.
Plan.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

Reimbursement.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall

be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking " $530,000,000" and inserting " $610,000,000".

SEC. 204. Title I of Public Law 108–361 (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 4007(k) of Public Law 114–322, is amended by striking "2020" each place it appears and inserting "2021".

SEC. 205. Section 9106(g)(2) of Public Law 111–11 (Omnibus Public Land Management Act of 2009) is amended by striking "2020" and inserting "2021". 123 Stat. 1309.

SEC. 206. Section 6002(g)(4) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11) is amended by striking "2020" and inserting "2021". 16 USC 1015a.

SEC. 207. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking"2020" and inserting "2021".

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking "2020" and inserting "2021".

SEC. 208. None of the funds made available by this Act may be used for pre-construction or construction activities for any project recommended after enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2020 and prior to enactment of this Act by the Secretary of the Interior and transmitted to the appropriate committees of Congress pursuant to section 4007, section 4009(a), or section 4009(c) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) if such project is not named in this Act.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING RESCISSIONS OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,864,000,293, to remain available until expended: *Provided*, That of such amount,

$165,000,000 shall be available until September 30, 2022, for program direction: *Provided further*, That of the unobligated balances available from amounts appropriated in Public Law 111–8 under this heading, $806,831 is hereby rescinded: *Provided further*, That of the unobligated balances available from amounts appropriated in Public Law 111–85 under this heading, $1,433,462 is hereby rescinded: *Provided further*, That no amounts may be rescinded under the previous two provisos from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy sector cybersecurity, energy security, and emergency response activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $156,000,000, to remain available until expended: *Provided*, That of such amount, $12,000,000 shall be available until September 30, 2022, for program direction.

ELECTRICITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $211,720,000, to remain available until expended: *Provided*, That of such amount, $18,000,000 shall be available until September 30, 2022, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,507,600,000, to remain available until expended: *Provided*, That of such amount, $75,131,000 shall be available until September 30, 2022, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the

extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $750,000,000, to remain available until expended: *Provided*, That of such amount $61,500,000 shall be available until September 30, 2022, for program direction.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $13,006,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $188,000,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition, transportation, and injection of petroleum products, and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), sections 403 and 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note), and section 5010 of the 21st Century Cures Act (Public Law 114–255), $1,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $126,800,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $319,200,000, to remain available until expended: *Provided*, That, in addition, fees collected pursuant to subsection (b)(1) of section 6939f of title 42, United States Code, and deposited under this heading in fiscal year 2021 pursuant to section 309 of title III of division C of

Public Law 116–94 are appropriated, to remain available until expended, for mercury storage costs.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $841,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $5,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 35 passenger motor vehicles for replacement only, $7,026,000,000, to remain available until expended: *Provided*, That of such amount, $192,000,000 shall be available until September 30, 2022, for program direction: *Provided further*, That of the amount provided under this heading in this Act, $2,300,000,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NUCLEAR WASTE DISPOSAL

For Department of Energy expenses necessary for nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including interim storage activities, $27,500,000, to remain available until expended, of which $7,500,000 shall be derived from the Nuclear Waste Fund.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $427,000,000, to remain available until expended: *Provided*, That of such amount, $35,000,000 shall be available until September 30, 2022, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

(INCLUDING RESCISSION OF FUNDS)

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974:

Provided, That for necessary administrative expenses of the Title 17 Innovative Technology Loan Guarantee Program, as authorized, $32,000,000 is appropriated, to remain available until September 30, 2022: *Provided further*, That up to $32,000,000 of fees collected in fiscal year 2021 pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections under this heading and used for necessary administrative expenses in this appropriation and shall remain available until September 30, 2022: *Provided further*, That to the extent that fees collected in fiscal year 2021 exceed $32,000,000, those excess amounts shall be credited as offsetting collections under this heading and available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2021 (estimated at $3,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from fees collected in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2021 appropriation from the general fund estimated at $0: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations: *Provided further*, That, of the unobligated balances available under the heading "Department of Energy—Energy Programs—Title 17—Innovative Technology Loan Guarantee Program" in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005, $392,000,000 are hereby rescinded: *Provided further*, That the amounts rescinded pursuant to the preceding proviso that were previously designated by the Congress as an emergency requirement pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009, are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2022: *Provided*, That, of the unobligated balances available from amounts appropriated for the costs of direct loans in section 129 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), $1,908,000,000 are hereby rescinded: *Provided further*, That the amounts rescinded pursuant to the preceding proviso that were previously designated by the Congress as an emergency requirement pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and

2009, are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, $2,000,000, to remain available until September 30, 2022.

OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $22,000,000, to remain available until expended: *Provided*, That, of the amount appropriated under this heading, $5,000,000 shall be available until September 30, 2022, for program direction.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $259,378,000, to remain available until September 30, 2022, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $93,378,000 in fiscal year 2021 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2021 appropriation from the general fund estimated at not more than $166,000,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $57,739,000, to remain available until September 30, 2022.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including

the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one aircraft, one ambulance, and two passenger buses, for replacement only, $15,345,000,000, to remain available until expended: *Provided*, That of such amount, $75,000,000 shall be available for the Uranium Reserve Program: *Provided further*, That of such amount, $123,684,000 shall be available until September 30, 2022, for program direction.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,260,000,000, to remain available until expended.

NAVAL REACTORS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,684,000,000, to remain available until expended, of which, $91,000,000 shall be transferred to "Department of Energy—Energy Programs—Nuclear Energy", for the Advanced Test Reactor: *Provided*, That of such amount, $51,700,000 shall be available until September 30, 2022, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $443,200,000, to remain available until September 30, 2022, including official reception and representation expenses not to exceed $17,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 1 passenger minivan for replacement only, $6,426,000,000, to remain available until expended: *Provided*, That of such amount, $289,000,000 shall be available until September 30, 2022, for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $920,000,000, to remain available until expended: *Provided*, That of such amount, $334,948,000 shall be available until September 30, 2022, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: *Provided*, That during fiscal year 2021, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,246,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,246,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2021 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $52,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy,

for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $47,540,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $37,140,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2021 appropriation estimated at not more than $10,400,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $34,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $259,126,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $259,126,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $169,754,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2021 appropriation estimated at not more than $89,372,000, of which $89,372,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $192,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling

expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $5,776,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $5,548,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2021 appropriation estimated at not more than $228,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2021, the Administrator of the Western Area Power Administration may accept up to $1,526,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $404,350,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $404,350,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2021 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced

42 USC 7171 note.

as revenues are received during fiscal year 2021 so as to result in a final fiscal year 2021 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to— Notifications. Deadline.

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more; Grants.

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation; Contracts.

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter. Reports.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless— Contracts. Grants.

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance. Notification. Time period.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Final Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Notification. Advance approval. Time period.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify, and obtain the prior approval of, the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

Waiver authority.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

Notification. Deadline.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2021 until the enactment of the Intelligence Authorization Act for fiscal year 2021.

Oversight. Compliance.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

Cost estimate.

SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under

Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

Determination. President.

SEC. 305. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

SEC. 306. (a) Of the offsetting collections, including unobligated balances of such collections, in the "Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund, Western Area Power Administration", $21,400,000 shall be transferred to the "Department of the Interior—Bureau of Reclamation—Upper Colorado River Basin Fund" for the Bureau of Reclamation to carry out environmental stewardship and endangered species recovery efforts.

(b) No funds shall be transferred directly from "Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund, Western Area Power Administration" to the general fund of the Treasury in the current fiscal year.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $180,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $31,000,000, to remain available until September 30, 2022.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382F(d), 382M, and 382N of said Act, $30,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $15,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $30,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,000,000, to remain available until expended.

SOUTHWEST BORDER REGIONAL COMMISSION

For expenses necessary for the Southwest Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the

Atomic Energy Act of 1954, $830,900,000, including official representation expenses not to exceed $25,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than $9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2022: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $710,293,000 in fiscal year 2021 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2021 so as to result in a final fiscal year 2021 appropriation estimated at not more than $120,607,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,499,000, to remain available until September 30, 2022: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $11,106,000 in fiscal year 2021 shall be retained and be available until September 30, 2022, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2021 so as to result in a final fiscal year 2021 appropriation estimated at not more than $2,393,000: *Provided further*, That of the amounts appropriated under this heading, $1,206,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2022.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information, consistent with Department of Justice guidance for all Federal agencies. Compliance.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act. Notification. Time period.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such Waiver authority.

requirement would pose a substantial risk to human health, the environment, welfare, or national security.

Notification. Deadline.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

Reports.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for "Nuclear Regulatory Commission—Salaries and Expenses" shall be expended as directed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

Reports.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Lobbying.

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this

consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority. Reports. Time periods.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, Tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 505. (a) Requirements relating to non-Federal cost-share grants and cooperative agreements for the Delta Regional Authority under section 382D of the Agricultural Act of 1961 and Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–3) are waived for grants awarded in fiscal year 2020 and in subsequent years in response to economic distress directly related to the impacts of the Coronavirus Disease (COVID–19). Waivers. 7 USC 2009aa–3 note.

(b) Requirements relating to non-Federal cost-share grants and cooperative agreements for the Northern Border Regional Commission under section 15501(d) of title 40, United States Code, are waived for grants awarded in fiscal year 2020 and in subsequent years in response to economic distress directly related to the impacts of the Coronavirus Disease (COVID–19). 40 USC 15501 note.

(c) Requirements relating to non-Federal cost-share grants and cooperative agreements for the Denali Commission are waived for grants awarded in fiscal year 2020 and in subsequent years in response to economic distress directly related to the impacts of the Coronavirus Disease (COVID–19). 42 USC 3121 note.

SEC. 506. Of the unavailable collections currently in the United States Enrichment Corporation Fund, $291,000,000 shall be transferred to and merged with the Uranium Enrichment Decontamination and Decommissioning Fund and shall be available only to the extent provided in advance in appropriations Acts.

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2021".

Financial Services and General Government Appropriations Act, 2021.
Department of the Treasury Appropriations Act, 2021.

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2021

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman's Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to State, local, and territorial entities; and Treasury-wide management policies and programs activities, $233,000,000: *Provided*, That of the amount appropriated under this heading—

(1) not to exceed $350,000 is for official reception and representation expenses;

(2) not to exceed $258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary's certificate; and

(3) not to exceed $24,000,000 shall remain available until September 30, 2022, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Cybersecurity and Critical Infrastructure Protection, including entering into cooperative agreements;

(E) operations and maintenance of facilities; and

(F) international operations.

COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES FUND

(INCLUDING TRANSFER OF FUNDS)

Notification.

For necessary expenses of the Committee on Foreign Investment in the United States, $20,000,000, to remain available until expended: *Provided*, That the chairperson of the Committee may transfer such amounts to any department or agency represented on the Committee (including the Department of the Treasury) subject to advance notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts so transferred shall remain available until expended for expenses of implementing section 721 of the Defense Production Act of 1950, as amended (50 U.S.C. 4565), and shall be available

in addition to any other funds available to any department or agency: *Provided further*, That fees authorized by section 721(p) of such Act shall be credited to this appropriation as offsetting collections: *Provided further*, That the total amount appropriated under this heading from the general fund shall be reduced as such offsetting collections are received during fiscal year 2021, so as to result in a total appropriation from the general fund estimated at not more than $15,000,000.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, human rights abusers, money launderers, drug kingpins, and other national security threats, $175,000,000, of which not less than $3,000,000 shall be available for addressing human rights violations and corruption, including activities authorized by the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note): *Provided*, That of the amounts appropriated under this heading, up to $10,000,000 shall remain available until September 30, 2022.

CYBERSECURITY ENHANCEMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, $18,000,000, to remain available until September 30, 2023: *Provided*, That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further*, That of the total amount made available under this heading $1,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further*, That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, $6,118,000, to remain available until September 30, 2023: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $41,044,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to $2,800,000 to remain available until September 30, 2022, shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed $1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $170,250,000, of which $5,000,000 shall remain available until September 30, 2022; of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $19,000,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed $12,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $126,963,000, of which not to exceed $34,335,000 shall remain available until September 30, 2023.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, $345,569,000; of which not to exceed $8,000,000, to remain available until September 30, 2023, is for information systems modernization initiatives; and of which $5,000 shall be available for official reception and representation expenses.

In addition, $165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $124,337,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $50,000 shall be available for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, $5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further*, That of the amount appropriated under this heading, $5,000,000, to remain available until September 30, 2022, shall be for the costs associated with enforcement of and education regarding the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2021 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $50,000,000.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvement Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–III, $270,000,000. Of the amount appropriated under this heading—

(1) not less than $167,000,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2022, for financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to $1,600,000 may be available for training and outreach under section 109 of Public Law 103–325 (12 U.S.C. 4708), of which up to $2,374,500 may be used for the cost of direct loans, of which up to $6,000,000, notwithstanding subsection (d) of section 108 of Public Law 103–325 (12 U.S.C. 4707 (d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities, and of which not less than $2,000,000 shall be for the Economic Mobility Corps to be operated in conjunction with the Corporation for National and Community Service, pursuant to 42 U.S.C. 12571: *Provided*, That the cost of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: *Provided further*, That of the funds provided under this paragraph, excluding those made to community development financial institutions to expand investments that benefit individuals with disabilities and those made to community development financial institutions that serve populations living in persistent poverty counties, the CDFI Fund shall prioritize Financial Assistance awards to organizations that invest and lend in high-poverty areas: *Provided further*, That for purposes of this section, the term "high-poverty area" means any census tract with a poverty rate of at least 20 percent as measured by the 2011–2015 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico or with a poverty rate of at least 20 percent as measured by the 2010 Island areas Decennial Census data for any territory or possession of the United States;

Definition.
Time period.

(2) Not less than $16,500,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)), is available until September 30, 2022, for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, Tribes and Tribal organizations, and other suitable providers;

(3) not less than $26,000,000 is available until September 30, 2022, for the Bank Enterprise Award program;

(4) not less than $23,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2022, for a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering

affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) not less than $8,500,000 is available until September 30, 2022, to provide grants for loan loss reserve funds and to provide technical assistance for small dollar loan programs under section 122 of Public Law 103–325 (12 U.S.C. 4719): *Provided*, That sections 108(d) and 122(b)(2) of such Public Law shall not apply to the provision of such grants and technical assistance;

(6) up to $29,000,000 is available until September 30, 2021, for administrative expenses, including administration of CDFI Fund programs and the New Markets Tax Credit Program, of which not less than $1,000,000 is for development of tools to better assess and inform CDFI investment performance, and up to $300,000 is for administrative expenses to carry out the direct loan program; and

(7) during fiscal year 2021, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed $500,000,000: *Provided further*, That such section 114A shall remain in effect until December 31, 2021: *Provided further*, That of the funds awarded under this heading, except those provided for the Economic Mobility Corps, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for the purposes of this paragraph and paragraph (1), the term "persistent poverty counties" means any county, including county equivalent areas in Puerto Rico, that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the 2011–2015 5-year data series available from the American Community Survey of the Bureau of the Census or any other territory or possession of the United States that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000 and 2010 Island Areas Decennial Censuses, or equivalent data, of the Bureau of the Census.

Termination date.
12 USC 4713a note.

Definition.
Puerto Rico.
Time period.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,555,606,000, of which not less than $11,000,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $13,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $30,000,000, to remain available until September 30, 2022, shall be available for the Community Volunteer Income Tax Assistance Matching Grants Program for tax return preparation

assistance, and of which not less than $211,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than $5,500,000 shall be for identity theft and refund fraud casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,212,622,000, of which not to exceed $250,000,000 shall remain available until September 30, 2022; of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed $15,000,000 shall be for investigative technology for the Criminal Investigation Division: *Provided*, That the amount made available for investigative technology for the Criminal Investigation Division shall be in addition to amounts made available for the Criminal Investigation Division under the "Operations Support" heading.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,928,102,000, of which not to exceed $275,000,000 shall remain available until September 30, 2022; of which not to exceed $10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2023, for research; of which not less than $10,000,000, to remain available until expended, shall be available for establishment of an application through which entities registering and renewing registrations in the System for Award Management may request an authenticated electronic certification stating that the entity does or does not have a seriously delinquent tax debt; and of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing major information technology investments in the Internal Revenue Service Integrated Modernization Business Plan portfolio, including detailed, plain language summaries on the status of plans, costs, and results; prior results and actual expenditures of the prior quarter; upcoming deliverables and costs for the fiscal year; risks

Reports. Summaries. 26 USC 7801 note.

and mitigation strategies associated with ongoing work; reasons for any cost or schedule variances; and total expenditures by fiscal year: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2022, a summary of cost and schedule performance information for its major information technology systems.

Summaries.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $222,724,000, to remain available until September 30, 2023, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing major information technology investments in the Internal Revenue Service Integrated Modernization Business Plan portfolio, including detailed, plain language summaries on the status of plans, costs, and results; prior results and actual expenditures of the prior quarter; upcoming deliverables and costs for the fiscal year; risks and mitigation strategies associated with ongoing work; reasons for any cost or schedule variances; and total expenditures by fiscal year.

Reports.
Summaries.
Strategies.
26 USC 7801 note.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 4 percent of the appropriation made available in this Act to the Internal Revenue Service under the "Enforcement" heading, and not to exceed 5 percent of any other appropriation made available in this Act to the Internal Revenue Service, may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

Advance approval.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

Procedures.
Confidentiality.
Identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer

Notice.

making employment tax payments, and such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 106. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 107. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 108. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013–10–037).

SEC. 109. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee;

unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 110. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Advance approval.

SEC. 112. Not to exceed 2 percent of any appropriations in this title made available under the headings "Departmental Offices—Salaries and Expenses", "Office of Inspector General", "Special Inspector General for the Troubled Asset Relief Program", "Financial Crimes Enforcement Network", "Bureau of the Fiscal Service", and "Alcohol and Tobacco Tax and Trade Bureau" may be transferred between such appropriations upon the advance

approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

Advance approval.

SEC. 113. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 115. The Secretary of the Treasury may transfer funds from the "Bureau of the Fiscal Service—Salaries and Expenses" to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

Reimbursement.

SEC. 116. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 117. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2021 until the enactment of the Intelligence Authorization Act for Fiscal Year 2021.

SEC. 119. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

Plan. Deadline.

SEC. 120. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days following the submission of the annual budget submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account:

Provided further, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

Reports.

SEC. 121. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.

Non profit organizations.

SEC. 122. During fiscal year 2021—

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

Applicability. Determination.

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

Time period. Reports.

SEC. 123. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

Estimate.

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

Estimate.

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

Testimony.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 124. In addition to the amounts otherwise made available to the Department of the Treasury, $25,000,000, to remain available until expended, shall be for expenses associated with digitization and distribution of the Department's records of matured savings bonds that have not been redeemed.

This title may be cited as the "Department of the Treasury Appropriations Act, 2021".

TITLE II

Executive Office of the President Appropriations Act, 2021.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $55,000,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, $13,641,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt

Notice. Deadlines.

Penalties. Deadlines.

on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

Reports.

Records.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), $2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,000,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $12,150,000 of which not to exceed $5,000 shall be available for official reception and representation expenses.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $100,000,000, of which not to exceed $12,800,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President.

PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, $8,000,000: *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, $106,600,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the annual work plan developed by the Corps of Engineers for submission to the Committees on Appropriations: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

Deadline.
Policy reviews.

Notification.

Reports.

INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

For necessary expenses of the Office of the Intellectual Property Enforcement Coordinator, as authorized by title III of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403), including services authorized by 5 U.S.C. 3109, $1,800,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998, as amended; not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $18,400,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702 note.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $290,000,000, to remain available until September 30, 2022, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $2,700,000 may be used for auditing services and associated activities: *Provided further*, That any unexpended funds obligated prior to fiscal year 2019 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2020, shall be funded at not less than the fiscal year 2020 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2021 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all

Deadline.

Notifications. Deadlines. Determination. Consultation.

Determination.

or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Anti-Drug Abuse Act of 1988 and the Office of National Drug Control Policy Reauthorization Act of 1998, as amended, $128,182,000, to remain available until expended, which shall be available as follows: $102,000,000 for the Drug-Free Communities Program, of which $2,500,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by section 8204 of Public Law 115–271; $3,000,000 for drug court training and technical assistance; $14,000,000 for anti-doping activities; up to $2,932,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the Model Acts Program; and $5,000,000 for activities authorized by section 103 of Public Law 114–198: *Provided*, That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That the Director of the Office of National Drug Control Policy shall, not fewer than 30 days prior to obligating funds under this heading for United States membership dues to the World Anti-Doping Agency, submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan and explanation of the proposed uses of these funds.

Deadline.
Spending plan.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2022.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, $12,500,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C.

106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,698,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 pursuant to 3 U.S.C. 106(b)(2), $302,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

Advance approval.

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

President. Cost estimates.

SEC. 202. (a) During fiscal year 2021, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

(b) Any such statement shall include—

Summary.

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

Time period.

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal-year period beginning in fiscal year 2021; and

Time period.

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2021.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2021 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued. Deadline.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of $100,000,000. Applicability.

SEC. 203. Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue a memorandum to all Federal departments, agencies, and corporations directing compliance with the provisions in title VII of this Act. Deadline. Memorandum. Compliance.

This title may be cited as the "Executive Office of the President Appropriations Act, 2021".

TITLE III

Judiciary Appropriations Act, 2021.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $94,690,000, of which $1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $10,618,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, $33,500,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $20,000,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, $5,393,701,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $9,900,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,316,240,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $32,517,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $664,011,000, of which not to exceed $20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $95,675,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $29,015,000; of which $1,800,000 shall remain available through September 30, 2022, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $19,965,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Applicability.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

Consultation.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

Reimbursement.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph 12—

(1) in the second sentence (relating to the District of Kansas), by striking "29 years and 6 months" and inserting "30 years and 6 months"; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking "26 years and 6 months" and inserting "27 years and 6 months".

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking "27 years and 6 months" and inserting "28 years and 6 months".

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking "18 years" and inserting "19 years";

(2) in the second sentence (relating to the central District of California), by striking "17 years and 6 months" and inserting "18 years and 6 months"; and

(3) in the third sentence (relating to the western district of North Carolina), by striking "16 years" and inserting "17 years".

This title may be cited as the "Judiciary Appropriations Act, 2021".

TITLE IV

DISTRICT OF COLUMBIA

District of Columbia Appropriations Act, 2021.

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

Account.

Reports.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

Determination. Consultation.

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $38,400,000, to remain available until expended, for an additional amount for fiscal year 2021, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That, of the amount provided under this heading in this Act, $21,872,372 shall be used for costs associated with the Presidential Inauguration held in January 2021, and shall be in addition to the amount made available for this purpose in section 131 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159).

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $250,088,000 to be allocated as follows: for the District of Columbia Court of Appeals, $14,682,000, of which not to exceed $2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, $125,660,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $79,247,000, of which not to exceed $2,500 is for official reception and representation expenses; and $30,499,000, to remain available until September 30, 2022, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50): *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $9,000,000 of the funds provided under this heading among the items and entities funded under this heading: *Provided further*, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

Time period.

Deadline. Notification.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $46,005,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

Time period.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $245,923,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, and of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002: *Provided*, That, of the funds appropriated under this heading, $179,180,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons: *Provided further*, That, of the funds appropriated under this heading, $66,743,000 shall be available to the Pretrial Services Agency, of which $459,000 shall remain available until September 30, 2023, for costs associated with relocation under a replacement lease for headquarters offices, field offices, and related facilities: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

Time period.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $46,212,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies: *Provided further*, That the District of Columbia Public Defender Service may establish for employees of the District of Columbia Public Defender Service a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, except that the maximum amount of the payment made under the program to any individual may not exceed the amount referred to in section 3523(b)(3)(B) of title 5, United States Code: *Provided further*, That for the purposes of engaging with, and receiving services from, Federal Franchise Fund Programs established in accordance with section 403 of the Government Management Reform Act of 1994, as amended, the District of Columbia Public Defender Service shall be considered an agency of the United States Government.

Time period.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,150,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2022, to the Commission on Judicial Disabilities and Tenure, $325,000, and for the Judicial Nomination Commission, $275,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $52,500,000, to remain available until expended, for payments authorized under the Scholarships for Opportunity and Results Act (division C of Public Law 112–10): *Provided*, That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further*, That within funds provided for opportunity scholarships up to $1,750,000 shall be for the activities specified in sections 3007(b) through 3007(d) of the Act and up to $500,000 shall be for the activities specified in section 3009 of the Act.

Scholarships.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $600,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $4,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $8,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund") for programs and activities set forth in the Fiscal Year 2021 Local Budget Act of 2020 (D.C. Act 23–408) and at rates set forth under such Act, as amended as of the date of enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2021 under this heading shall not exceed the estimates included in the Fiscal Year 2021 Local Budget Act of 2020, as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2021, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Compliance.

This title may be cited as the "District of Columbia Appropriations Act, 2021".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $3,400,000, to remain available until September 30, 2022, of which not to exceed $1,000 is for official reception and representation expenses.

COMMODITY FUTURES TRADING COMMISSION

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, $304,000,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than $20,000,000 shall remain available until September 30, 2022, and of which not less than $3,568,000 shall be for expenses of the Office of the Inspector General: *Provided*, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a no-year account in the Treasury, which has been established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $135,000,000, of which $1,300,000 shall remain available until expended to carry out the program, including administrative costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110–140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. During fiscal year 2021, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after—

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine— Consultation. Study. Determination.

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as "ROV") rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to— Reports.

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $17,000,000, of which $1,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as

authorized by 5 U.S.C. 3109, $341,000,000, to remain available until expended: *Provided*, That in addition, $33,000,000, shall be made available until expended for implementing title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.), as added by the Broadband DATA Act (Public Law 116–130): *Provided further*, That $374,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2021 so as to result in a final fiscal year 2021 appropriation estimated at $0: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $134,495,000 for fiscal year 2021: *Provided further*, That, of the amount appropriated under this heading, not less than $11,326,800 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

118 Stat. 3998.

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2020" each place it appears and inserting "December 31, 2021".

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004, recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $42,982,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $71,497,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including

services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $26,600,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Environmental Review Improvement Fund established pursuant to 42 U.S.C. 4370m–8(d), $10,000,000, to remain available until expended: *Provided*, That funds appropriated in prior appropriations Acts under the heading "General Services Administration—General Activities—Environmental Review Improvement Fund" shall be transferred to and merged with this account.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $351,000,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $150,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $19,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2021, so as to result in a final fiscal year 2021 appropriation from the general fund estimated at not more than

$182,000,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Advance approvals.

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $9,065,489,000, of which—

(1) $230,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) as follows:

(A) $135,500,000 shall be for the United States Courthouse, Hartford, Connecticut; and

(B) $94,500,000 shall be for the United States Courthouse, Chattanooga, Tennessee:

Provided, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount;

(2) $576,581,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) $203,908,000 is for Major Repairs and Alterations; and

(B) $372,673,000 is for Basic Repairs and Alterations:

Provided, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to "Basic Repairs and Alterations" or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for "Basic Repairs and Alterations" may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects;

(3) $5,725,464,000 for rental of space to remain available until expended; and

(4) $2,533,444,000 for building operations to remain available until expended: *Provided*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2021, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $64,000,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; and services as authorized by 5 U.S.C. 3109; $49,440,000, of which $26,890,000 is for Real and Personal Property Management and Disposal; and of which $22,550,000 is for the Office of the Administrator, of which not to exceed $7,500 is for official reception and representation expenses.

CIVILIAN BOARD OF CONTRACT APPEALS

For expenses authorized by law, not otherwise provided for, for the activities associated with the Civilian Board of Contract Appeals, $9,301,000, of which $2,000,000 shall remain available until September 30, 2022.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $67,000,000: *Provided*, That not to exceed $50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $4,400,000.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Products and Programs, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; $55,000,000, to be deposited into the Federal Citizen Services Fund: *Provided*,

That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed $100,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2021 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That, of the total amount appropriated, up to $5,000,000 shall be available for support functions and full-time hires to support activities related to the Administration's requirements under title II of the Foundations for Evidence-Based Policymaking Act (Public Law 115–435): *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

EXPENSES, PRESIDENTIAL TRANSITION

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and 40 U.S.C. 581(e), $9,900,000, of which not to exceed $1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of the Act: *Provided*, That such amounts may be transferred and credited to the "Acquisition Services Fund" or "Federal Buildings Fund" to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2020: *Provided further*, That amounts available under this heading shall be in addition to any other amounts available for such purposes: *Provided further*, That in the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President, $8,900,000 is hereby permanently rescinded, pursuant to section 3(g) of the Presidential Transition Act of 1963.

Reimbursements.

Rescission.

TECHNOLOGY MODERNIZATION FUND

For the Technology Modernization Fund, $25,000,000, to remain available until expended, for technology-related modernization activities.

ASSET PROCEEDS AND SPACE MANAGEMENT FUND

For carrying out section 16(b) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note), $16,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

Advance approval.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2021 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

Courts. Study.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2022 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

Determination.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

Notification.

SEC. 524. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

Contracts. Determination. Statement.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

Spending plan. Deadline.

SEC. 526. With respect to each project funded under the heading "Major Repairs and Alterations", and with respect to E–Government projects funded under the heading "Federal Citizen Services Fund", the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $2,000,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $44,490,000, to remain available until September 30, 2022, and in addition not to exceed $2,345,000, to remain available until September 30, 2022, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $1,800,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act, up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): *Provided*, That all current and previous amounts transferred to the Office of Inspector General of the Department of the Interior will remain available until expended for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.), as amended, and for annual independent financial audits of the Morris K. Udall and Stewart L. Udall Foundation pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289): *Provided further*, That previous amounts transferred to the Office of Inspector General of the Department of the Interior may be transferred to the Morris K. Udall and Stewart L. Udall Foundation for annual independent financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,200,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, $377,000,000, of which $9,230,000 shall remain available until expended for improvements necessary to enhance the Federal Government's ability to electronically preserve, manage, and store Government records, and of which up to $2,000,000 shall remain available until expended to implement the Civil Rights Cold Case Records Collection Act of 2018 (Public Law 115–426).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,823,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $9,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $6,500,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,500,000 shall be available until September 30, 2022, for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Stop Trading on Congressional Knowledge Act of 2012, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $18,600,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $160,130,000: *Provided*, That of the total amount made available under this heading, at least $9,000,000 shall remain available until expended, for information technology infrastructure modernization and Trust Fund Federal Financial System migration or modernization, and shall be in addition to funds otherwise made available for such purposes: *Provided further*, That of the total amount made available under this heading, not less than $350,000 shall be used to hire additional congressional liaisons: *Provided further*, That of the total amount made available under this heading, $1,068,000 may be made available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition $169,625,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may,

Donations.

during fiscal year 2021, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $5,000,000, and in addition, not to exceed $27,265,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel, including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $29,500,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $17,000,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), $8,500,000, to remain available until September 30, 2022.

PUBLIC BUILDINGS REFORM BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Public Buildings Reform Board in carrying out the Federal Assets Sale and Transfer Act of 2016 (Public Law 114–287), $3,500,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,894,835,000, to remain available until expended; of which not less than $16,313,000 shall be for the Office of Inspector General; of which not to exceed $75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence.

In addition to the foregoing appropriation, for move, replication, and related costs associated with a replacement lease for the Commission's District of Columbia headquarters, not to exceed $18,650,000, to remain available until expended; and for move, replication, and related costs associated with a replacement lease for the Commission's San Francisco Regional Office facilities, not to exceed $12,677,000, to remain available until expended.

For purposes of calculating the fee rate under section 31(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(j)) for fiscal year 2021, all amounts appropriated under this heading shall be deemed to be the regular appropriation to the Commission for fiscal year 2021: *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,894,835,000 of such offsetting collections shall be available until expended for necessary expenses of this account; not to exceed $18,650,000 of such offsetting collections shall be available until expended for move, replication, and related costs under this heading associated with a replacement lease for the Commission's District of Columbia headquarters facilities; and not to exceed $12,677,000 of such offsetting collections shall be available until expended for move, replication, and related costs under this heading associated with a replacement lease for the Commission's San Francisco Regional Office facilities: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2021 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2021 appropriation from the general fund estimated at not

more than $0: *Provided further*, That if any amount of the appropriation for move, replication, and related costs associated with a replacement lease for the Commission's District of Columbia headquarters office facilities or if any amount of the appropriation for costs associated with a replacement lease for the Commission's San Francisco Regional Office is subsequently de-obligated by the Commission, such amount that was derived from the general fund shall be returned to the general fund, and such amounts that were derived from fees or assessments collected for such purpose shall be paid to each national securities exchange and national securities association, respectively, in proportion to any fees or assessments paid by such national securities exchange or national securities association under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) in fiscal year 2021.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $26,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

President.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed $3,500 for official reception and representation expenses, $270,157,000, of which not less than $12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2021: *Provided further*, That $6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2022.

Fees.

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, $272,000,000, to remain available until September 30, 2022: *Provided*, That $136,000,000 shall be available to fund grants for performance in fiscal year 2021 or fiscal year 2022 as authorized by section 21 of the Small Business Act: *Provided further*, That $35,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That $19,500,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $22,011,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,190,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $5,000,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act (Public Law 83–163), $15,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2021 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2021 commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act shall not exceed $30,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2021 commitments for loans authorized under subparagraph (C) of section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2021 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $4,000,000,000: *Provided further*, That during fiscal year 2021, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $13,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed

loan programs, $160,300,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $168,075,000, to be available until expended, of which $1,600,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $158,075,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $8,400,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That, of the funds provided under this heading, $142,864,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)): *Provided further*, That the amount for major disasters under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177).

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 540. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Advance approval.

SEC. 541. Not to exceed 3 percent of any appropriation made available in this Act for the Small Business Administration under the headings "Salaries and Expenses" and "Business Loans Program Account" may be transferred to the Administration's information technology system modernization and working capital fund (IT WCF), as authorized by section 1077(b)(1) of title X of division A of the National Defense Authorization Act for Fiscal Year 2018, for the purposes specified in section 1077(b)(3) of such Act, upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That amounts transferred to the IT WCF under this section shall remain available for obligation through September 30, 2024.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $55,333,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices: *Provided further*, That the Postal Service may not destroy, and shall continue to offer for sale, any copies of the Multinational Species Conservation Funds Semipostal Stamp, as authorized under the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241). Mail.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $250,000,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, and not to exceed $3,000 for official reception and representation expenses; $56,100,000, of which $1,000,000 shall remain available until expended: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge. Certificate.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION OF FUNDS)

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

Compliance.

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

Advance approval.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

Consultation.

Provided, That prior to any significant reorganization, restructuring, relocation, or closing of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate:

Reports.

Provided further, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline

for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation, detailing both full-time employee equivalents and budget authority, with separate columns to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, in the accompanying report, or in the budget appendix for the respective appropriation, whichever is more detailed, and which shall apply to all items for which a dollar amount is specified and to all programs for which new budget authority is provided, as well as to discretionary grants and discretionary grant allocations; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Applicability.

Penalties.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2021 from appropriations made available for salaries and expenses for fiscal year 2021 in this Act, shall remain available through September 30, 2022, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

Approval request.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

Background investigations.

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

Determination.
Tax exemption.

(b) Subsection (a) shall not apply—

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

Deadline.

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations

Act) funds made available to the Office of Personnel Management pursuant to court approval.

Abortion.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

Contracts.
Consultation.

SEC. 617. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

President.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

Definition.

(b) For purposes of this section, the term "Executive agency covered by this Act" means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 618. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

Reports. Compliance.

SEC. 619. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled "Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts" unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 620. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

Consultation.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 621. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

SEC. 622. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 623. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II.

Records.

SEC. 624. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

Reports.
Compliance.

Pornography.

SEC. 625. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

Contracts.
Determination.

SEC. 626. None of the funds appropriated or other-wise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program and unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulation.

Conference attendees.
Determinations.
Notifications.

SEC. 627. (a) None of the funds made available under this Act may be used to pay for travel and conference activities that result in a total cost to an Executive branch department, agency, board or commission funded by this Act of more than $500,000 at any single conference unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

(b) None of the funds made available under this Act may be used to pay for the travel to or attendance of more than 50 employees, who are stationed in the United States, at any single conference occurring outside the United States unless the agency or entity determines that such attendance is in the national interest and advance notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate that includes the basis of that determination.

SEC. 628. None of the funds made available by this Act may be used for first-class or business-class travel by the employees

of executive branch agencies funded by this Act in contravention of sections 301–10.122 through 301–10.125 of title 41, Code of Federal Regulations.

SEC. 629. In addition to any amounts appropriated or otherwise made available for expenses related to enhancements to www.oversight.gov, $850,000, to remain available until expended, shall be provided for an additional amount for such purpose to the Inspectors General Council Fund established pursuant to section 11(c)(3)(B) of the Inspector General Act of 1978 (5 U.S.C. App.): *Provided*, That these amounts shall be in addition to any amounts or any authority available to the Council of the Inspectors General on Integrity and Efficiency under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.).

Notification.

SEC. 630. None of the funds made available by this Act may be obligated on contracts in excess of $5,000 for public relations, as that term is defined in Office and Management and Budget Circular A–87 (revised May 10, 2004), unless advance notice of such an obligation is transmitted to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 631. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

Requirement.

SEC. 632. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 633. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this act, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 634. Of the unobligated balances available in the Department of the Treasury, Treasury Forfeiture Fund, established by section 9703 of title 31, United States Code, $75,000,000 shall be permanently rescinded not later than September 30, 2021.

Reports.

SEC. 635. Not later than 45 days after the last day of each quarter, each agency funded in this Act shall submit to the Committees on Appropriations of the Senate and the House of Representatives a quarterly budget report that includes total obligations of the Agency for that quarter for each appropriation, by the source year of the appropriation.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

Drug-free workplace.

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2021 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

31 USC 1343 note.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at $19,947 except station wagons for which the maximum shall be $19,997: *Provided*, That these limits may be exceeded by not to exceed $7,250 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

5 USC 3101 note.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person

who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

Affidavits.

Affidavits.

Penalties.

Time period.

Time period.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13834 (May 17, 2018), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable

to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

Notification.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

Definition.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

Certification.

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

Propaganda. Lobbying.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such

as mailing, telephone, or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

Propaganda.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

Definitions.

SEC. 719. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the United States Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

Reimbursement.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed $17,000,000 for Government-Wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of "General Services Administration, Government-wide Policy" during fiscal year 2021 shall remain available for obligation through September 30, 2022:

Consultation.

Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget. Time period. Notification.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location. Breastfeeding.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science, Space, and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act. Reports.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds. Compliance. Applicability.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

Contracts.
Drugs and drug abuse.
Contraceptives.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

Religion.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

Abortion.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

Anti-doping.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

Contracts.
Advance approval.

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

News stories.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story

intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

Contracts.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

Determination.

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2021, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

Contracts.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

Definitions.

(b) In this section, each of the terms "contribution", "expenditure", "independent expenditure", "electioneering communication", "candidate", "election", and "Federal office" has the meaning given

such term in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

5 USC 5343 note.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2021, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2021, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2021, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2021 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2021 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

Determination. Regulations.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2020, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2020, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

Applicability.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2020.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees. Determination.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2021 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as "Rest of United States" pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2020. Effective date.

SEC. 738. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2021 for which the cost to the United States Government was more than $100,000. Reports. Contracts.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including— Statement.

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

Deadline. Time period. Notification.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2021 for which the cost to the United States Government was more than $20,000.

Grants. Contracts.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 739. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

Contracts. Grants. Confidentiality agreements.

SEC. 742. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

Nondisclosure agreements.

SEC. 743. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

Contracts.
Memorandums.
Grants.
Loans.
Corporations.
Tax liability.
Determination.

SEC. 744. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Contracts.
Memorandums.
Grants.
Loans.
Corporations.
Criminal violations.
Time period.
Determination.

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered

suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Notification.

SEC. 746. (a) During fiscal year 2021, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.

Notification. Public information. Web posting.

(b) Any notification required by this section shall be made available on the Bureau's public website.

SEC. 747. If, for fiscal year 2021, new budget authority provided in appropriations Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2021 shall be made by the Director of the Office of Management and Budget in the amount of the excess but the total of all such adjustments shall not exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.

5 USC 5303 note.

SEC. 748. (a) Notwithstanding any official rate adjusted under section 104 of title 3, United States Code, the rate payable to the Vice President during calendar year 2021 shall be the rate payable to the Vice President on December 31, 2020, by operation of section 749 of division C of Public Law 116–93.

(b) Notwithstanding any official rate adjusted under section 5318 of title 5, United States Code, or any other provision of law, the payable rate during calendar year 2021 for an employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, shall be the rate payable for the applicable Executive Schedule level on December 31, 2020, by operation of section 749 of division C of Public Law 116–93. Such an employee may not receive a rate increase during calendar year 2021, except as provided in subsection (i).

(c) Notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, a chief of mission or ambassador at large is subject to subsection (b) in the same manner as other employees who are paid at an Executive Schedule rate.

Applicability.

(d)(1) This subsection applies to—

(A) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule; or

(B) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above the official rate for level IV of the Executive Schedule.

(2) Notwithstanding sections 5382 and 5383 of title 5, United States Code, an employee described in paragraph (1) may not receive a pay rate increase during calendar year 2021, except as provided in subsection (i).

(e) Notwithstanding any other provision of law, any employee paid a rate of basic pay (including any locality- based payments under section 5304 of title 5, United States Code, or similar authority) at or above the official rate for level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase during calendar year 2021, except as provided in subsection (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) This section does not apply to an individual who makes an election to retain Senior Executive Service basic pay under section 3392(c) of title 5, United States Code, for such time as that election is in effect.

(h) This section does not apply to an individual who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) for such time as that election is in effect.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position only if that new position has higher-level duties and a pre-established level or range of pay higher than the level or range for the position held immediately before the movement. Any such increase must be based on the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2020, by operation of section 749 of division C of Public Law 116–93. Effective date.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2020, by operation of section 749 of division C of Public Law 116–93. Effective date.

(k) If an employee affected by this section is subject to a biweekly pay period that begins in calendar year 2021 but ends in calendar year 2022, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period. Applicability.

(l) For the purpose of this section, the term "covered position" means a position occupied by an employee whose pay is restricted under this section. Definition.

(m) This section takes effect on the first day of the first applicable pay period beginning on or after January 1, 2021. Effective date.

SEC. 749. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Propaganda. Lobbying.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

Advance approval.

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

Time period.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2021.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

Definition.

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

Voting rights.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

Needle distribution.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

Contraceptives. Conscience exception.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

Penalties. Drugs and drug abuse.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

Abortion.

SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Deadline. Operating budget.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2021 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

Applicability. Certification.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

Deadline. Operating budget.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2021 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2021 in this Act, shall remain available through September 30, 2022, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*,

Advance approval.

That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act. Compliance.

SEC. 816. (a)(1) During fiscal year 2022, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act. Time period.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2022 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2022 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1–204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2022 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2022.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2022 for which this section applies to such project or activity. Applicability.

(e) This section shall not apply to a project or activity during any period of fiscal year 2022 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. (a) Section 244 of the Revised Statutes of the United States relating to the District of Columbia (sec. 9–1201.03, D.C. Official Code) does not apply with respect to any railroads installed pursuant to the Long Bridge Project.

(b) In this section, the term "Long Bridge Project" means the project carried out by the District of Columbia and the Commonwealth of Virginia to construct a new Long Bridge adjacent to the existing Long Bridge over the Potomac River, including related infrastructure and other related projects, to expand commuter and regional passenger rail service and to provide bike and pedestrian access crossings over the Potomac River. Definition. Virginia.

Time period. Reports.

SEC. 818. Not later than 45 days after the last day of each quarter, each Federal and District government agency appropriated Federal funds in this Act shall submit to the Committees on Appropriations of the House of Representatives and the Senate a quarterly budget report that includes total obligations of the Agency for that quarter for each Federal funds appropriation provided in this Act, by the source year of the appropriation.

SEC. 819. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

TITLE IX

GENERAL PROVISION—EMERGENCY FUNDING

SEC. 901. For an additional amount for "Records Center Revolving Fund" for the Federal Record Centers Program, $50,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for offsetting the loss resulting from the coronavirus pandemic of the user charges collected by such Fund pursuant to subsection (c) under the heading "Records Center Revolving Fund" in Public Law 106–58, as amended (44 U.S.C. 2901 note): *Provided*, That the amount provided under this section in this Act may be used to reimburse the Fund for obligations incurred for this purpose prior to the date of the enactment of this Act: *Provided further*, That such amount is provided without regard to the limitation in subsection (d) under the heading "Records Center Revolving Fund" in Public Law 106–58, as amended (44 U.S.C. 2901 note): *Provided further*, That the amount provided under this section in this Act may be used to accelerate processing of requests for military service records received during the pandemic: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reimbursement.

Armed Forces. Records.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2021".

Department of Homeland Security Appropriations Act, 2021.

DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2021

TITLE I

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Secretary and for executive management for operations and support, $180,819,000; of which $20,000,000 shall be for the Office of the Ombudsman for Immigration Detention, of which $5,000,000 shall remain available until September 30, 2022: *Provided*, That not to exceed $30,000 shall be for official reception and representation expenses.

FEDERAL ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary and for executive management for Federal assistance through grants, contracts, cooperative agreements, and other activities, $25,000,000, which shall be transferred to the Federal Emergency Management Agency, of which $20,000,000 shall be for targeted violence and terrorism prevention grants and of which $5,000,000 shall be for an Alternatives to Detention Case Management pilot program, to remain available until September 30, 2022: *Provided*, That the amounts made available for the pilot program shall be awarded to nonprofit organizations and local governments and administered by a National Board, which shall be chaired by the Officer for Civil Rights and Civil Liberties, for the purposes of providing case management services, including but not limited to: mental health services; human and sex trafficking screening; legal orientation programs; cultural orientation programs; connections to social services; and for individuals who will be removed, reintegration services: *Provided further*, That such services shall be provided to each individual enrolled into the U.S. Immigration and Customs Enforcement Alternatives to Detention program in the geographic areas served by the pilot program: *Provided further*, That any such individual may opt out of receiving such services after providing written informed consent: *Provided further*, That not to exceed $350,000 shall be for the administrative costs of the Department of Homeland Security for the pilot program.

Informed consent.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, $1,398,162,000: *Provided*, That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $214,795,000, of which $159,611,000 shall remain available until September 30, 2023; and of which $55,184,000 shall remain available until September 30, 2025.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, $298,500,000, of which $82,620,000 shall remain available until September 30, 2022: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF THE INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Inspector General for operations and support, $190,186,000: *Provided*, That not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

Reports. Grants. Contracts. Time period.

SEC. 101. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2021, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2020 or 2021.

Review. Assessment. Compliance.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2022.

Budget. Reports.

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation.

Contracts. Award fees.

SEC. 103. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance.

Consultation. Notifications.

SEC. 104. (a) The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9705(g)(4)(B) of title 31, United States Code, from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

(b) None of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfer.

SEC. 105. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

SEC. 106. Section 107 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to visa overstay data and border security metrics, shall apply in fiscal year 2021, except that the reference to "this Act" shall be treated as referring to this Act, and the reference to "2017" shall be treated as referring to "2020". Applicability.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, local, and international agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $12,908,923,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $500,000,000 shall be available until September 30, 2022; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed $34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed $5,000,000 may be transferred to the Bureau of Indian Affairs for the maintenance and repair of roads on Native American reservations used by the U.S. Border Patrol.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurement of marine vessels, aircraft, and unmanned aerial systems, $1,839,634,000, of which $322,235,000 shall remain available until September 30, 2023, and of which $1,517,399,000 shall remain available until September 30, 2025.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; $7,875,730,000; of which not less than $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which $46,696,000 shall remain available until September 30, 2022; of which not less than $1,500,000 is for paid apprenticeships for participants in the Human Exploitation Rescue Operative Child-Rescue Corps; of which not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; and of which not less than $4,118,902,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed $11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States.

Reimbursement.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, $97,799,000, of which $24,538,000 shall remain available until September 30, 2023, and of which $73,261,000 shall remain available until September 30, 2025.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $7,793,715,000, to remain available until September 30, 2022: *Provided*, That not to exceed $7,650 shall be for official reception and representation expenses: *Provided*

further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2021 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $4,853,715,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $134,492,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $29,524,000, to remain available until September 30, 2022.

COAST GUARD

OPERATIONS AND SUPPORT

For necessary expenses of the Coast Guard for operations and support including the Coast Guard Reserve; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase, lease, or improvements of boats necessary for overseas deployments and activities; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $8,485,146,000, of which $530,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $11,000,000 shall remain available until September 30, 2023; of which $21,186,000 shall remain available until September 30, 2025, for environmental compliance and restoration; and of which $70,000,000 shall remain available until September 30, 2022, for vessel depot level maintenance: *Provided*, That not to exceed $23,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for procurement, construction, and improvements, including aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), and vessels and aircraft, including equipment related thereto, $2,264,041,000, to remain available until September 30, 2025; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

RESEARCH AND DEVELOPMENT

For necessary expenses of the Coast Guard for research and development; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $10,276,000, to remain available until September 30, 2023, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, United States Code, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,869,704,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia; fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $2,373,109,000; of which $41,807,000 shall remain available until September 30, 2022, and of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which up to $15,000,000 may be for calendar year 2020 premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of title 5, United States Code, pursuant to section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note), as amended by Public Law 115–383: *Provided*, That not to exceed $19,125 shall be for official reception and representation expenses: *Provided further*, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in criminal

investigations within the jurisdiction of the United States Secret Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, $52,955,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $11,937,000, to remain available until September 30, 2022.

ADMINISTRATIVE PROVISIONS

SEC. 201. Section 201 of the Department of Homeland Security Appropriations Act, 2018 (division F of Public Law 115–141), related to overtime compensation limitations, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act, except that "fiscal year 2021" shall be substituted for "fiscal year 2018". Applicability.

SEC. 202. Funding made available under the headings "U.S. Customs and Border Protection—Operations and Support" and "U.S. Customs and Border Protection—Procurement, Construction, and Improvements" shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico and the U.S. Virgin Islands, in addition to funding provided by sections 740 and 1406i of title 48, United States Code.

SEC. 203. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 204. For an additional amount for "U.S. Customs and Border Protection—Operations and Support", $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation in fiscal year 2021 from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–25), or other such authorizing language: *Provided*, That to the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 205. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription Applicability. Time period.

drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Consultation.

SEC. 206. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to section 501(b) of title 46, United States Code, with respect to such transportation, and the disposition of such requests.

Notification.
Deadline.
Waivers.

Effective date.

SEC. 207. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

Definition.

(b) In this section, the term "border crossing fee" means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

Deadline.
Expenditure plan.

SEC. 208. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit an expenditure plan for any amounts made available for "U.S. Customs and Border Protection—Procurement, Construction, and Improvements" in this Act and prior Acts to the Committees on Appropriations of the Senate and the House of Representatives: *Provided*, That no such amounts may be obligated prior to the submission of such plan.

SEC. 209. Of the total amount made available under "U.S. Customs and Border Protection—Procurement, Construction, and Improvements", $464,634,000 shall be available only as follows:

(1) $160,530,000 for the acquisition and deployment of border security technologies and trade and travel assets and infrastructure;

(2) $142,399,000 for facility construction and improvements;

(3) $119,076,000 for integrated operations assets and infrastructure; and

(4) $42,629,000 for mission support and infrastructure.

SEC. 210. Of the total amount made available under "U.S. Customs and Border Protection—Procurement, Construction, and

Improvements", an amount equal to the amount made available in section 209(a)(1) of division D of the Consolidated Appropriations Act, 2020 (Public Law 116–93) shall be made available for the same purposes as the amount provided under such section in such Act.

SEC. 211. Federal funds may not be made available for the construction of fencing—

(1) within the Santa Ana Wildlife Refuge;

(2) within the Bentsen-Rio Grande Valley State Park;

(3) within La Lomita Historical park;

(4) within the National Butterfly Center;

(5) within or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge; or

(6) within historic cemeteries.

SEC. 212. Funds made available in this Act may be used to alter operations within the National Targeting Center of U.S. Customs and Border Protection: *Provided*, That none of the funds provided by this Act, provided by previous appropriations Acts that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, may be used to reduce anticipated or planned vetting operations at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

Aliens.

SEC. 213. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram within and transfer funds to "U.S. Immigration and Customs Enforcement—Operations and Support" as necessary to ensure the detention of aliens prioritized for removal.

Determination.

SEC. 214. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

Contracts.
6 USC 211 note.

SEC. 215. (a) None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system.

Effective date.

(b) Beginning not later than January 1, 2021, the performance evaluations referenced in subsection (a) shall be conducted by the U.S. Immigration and Customs Enforcement Office of Professional Responsibility.

Time periods.
Applicability.
8 USC 1378a note.

SEC. 216. The reports required to be submitted under section 218 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall continue to be submitted with respect to the period beginning 15 days after the date of the enactment of this Act and semimonthly thereafter, and each matter required to be included in such report by such section 218 shall apply in the same manner and to the same extent during the period described in this section, except that for purposes of reports submitted with respect to such period described, the following additional requirements shall be treated

as being included as subparagraphs (H) through (J) of paragraph (1) of such section 218—

(1) the average lengths of stay, including average post-determination length of stay in the case of detainees described in subparagraph (F), for individuals who remain in detention as of the last date of each such reporting period;

(2) the number who have been in detention, disaggregated by the number of detainees described in subparagraph (F), for each of the following—

(A) over 2 years;

(B) from over 1 year to 2 years;

(C) from over 6 months to 1 year; and

(D) for less than 6 months; and

(3) the number of individuals described in section 115.5 of title 28, Code of Federal Regulations, including the use and duration of solitary confinement for such person.

Applicability.

SEC. 217. The terms and conditions of sections 216 and 217 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall apply to this Act.

SEC. 218. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

Explosives detection systems.

SEC. 219. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

Contracts. Explosives detection systems.

SEC. 220. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2021, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

SEC. 221. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

Reports. Plans.

SEC. 222. Not later than 30 days after the submission of the President's budget proposal, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Homeland Security in the House of Representatives a single report that fulfills the following requirements:

(1) a Capital Investment Plan that includes a plan for continuous and sustained capital investment in new, and the replacement of aged, transportation security equipment;

(2) the 5-year technology investment plan as required by section 1611 of title XVI of the Homeland Security Act of 2002, as amended by section 3 of the Transportation Security Acquisition Reform Act (Public Law 113–245); and

(3) the Advanced Integrated Passenger Screening Technologies report as required by the Senate Report accompanying the Department of Homeland Security Appropriations Act, 2019 (Senate Report 115–283).

SEC. 223. Section 225 of division A of Public Law 116–6 (49 U.S.C. 44901 note; relating to a pilot program for screening outside of an existing primary passenger terminal screening area) is amended in subsection (e) by striking "2021" and inserting "2023".

Vessels.

SEC. 224. None of the funds made available by this Act under the heading "Coast Guard—Operations and Support" shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading "Coast Guard—Operations and Support": *Provided*, That to the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 225. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to $10,000,000 may be reprogrammed to or from the Military Pay and Allowances funding category within "Coast Guard—Operations and Support" in accordance with subsection (a) of section 503 of this Act.

Investment plan.

SEC. 226. Notwithstanding any other provision of law, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives a future-years capital investment plan as described in the second proviso under the heading "Coast Guard—Acquisition, Construction, and Improvements" in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4), which shall be subject to the requirements in the third and fourth provisos under such heading.

SEC. 227. Of the funds made available for defense-related activities under the heading "Coast Guard—Operations and Support", up to $190,000,000 that are used for enduring overseas missions in support of the global fight against terror may be reallocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 228. None of the funds in this Act shall be used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 229. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 230. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 231. Amounts deposited into the Coast Guard Housing Fund in fiscal year 2021 shall be available until expended to carry out the purposes of section 2946 of title 14, United States Code, and shall be in addition to funds otherwise available for such purposes.

SEC. 232. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from executive agencies, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading "United States Secret Service—Operations and Support" at the end of the fiscal year.

SEC. 233. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

Contracts.

SEC. 234. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within "United States Secret Service—Operations and Support".

Notification.
Time period.

SEC. 235. Funding made available in this Act for "United States Secret Service—Operations and Support" is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for operations and support, $1,662,066,000, of which $22,793,000, shall remain available until September 30, 2022: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for procurement, construction, and improvements, $353,479,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Cybersecurity and Infrastructure Security Agency for research and development, $9,431,000, to remain available until September 30, 2022.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,129,282,000: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $105,985,000, of which $58,387,000 shall remain available until September 30, 2023, and of which $47,598,000 shall remain available until September 30, 2025.

FEDERAL ASSISTANCE

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $3,294,892,000, which shall be allocated as follows:

(1) $610,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $90,000,000 shall be for Operation Stonegarden, $15,000,000 shall be for Tribal Homeland Security Grants under section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606), and $90,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2021, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

Determination. Terrorism.

Puerto Rico.

(2) $705,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which $90,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

Determination. Terrorism.

(3) $100,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) $100,000,000 for Port Security Grants in accordance with section 70107 of title 46, United States Code.

(5) $720,000,000, to remain available until September 30, 2022, of which $360,000,000 shall be for Assistance to Firefighter Grants and $360,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) $355,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), section 762 of title 6, United States Code, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) $263,000,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)), to remain available until expended.

(8) $12,000,000 for Regional Catastrophic Preparedness Grants.

(9) $12,000,000 for Rehabilitation of High Hazard Potential Dams under section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2).

(10) $130,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(11) $287,892,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $17,142,000,000, to remain available until expended, shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That of the

amount provided under this heading, up to $250,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), including loans issued pursuant to section 311 of this Act, of which $3,000,000 is for administrative expenses.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $204,412,000, to remain available until September 30, 2022, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $13,906,000 shall be available for mission support associated with flood management; and of which $190,506,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2021, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) $181,021,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) $1,164,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $175,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e) of the National Flood Insurance Act of 1968, and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds made available under the heading "Cybersecurity and Infrastructure Security Agency—Operations and Support" may be made available for the necessary expenses of carrying

out the competition specified in section 2(e) of Executive Order No. 13870 (May 2, 2019), including the provision of monetary and non-monetary awards for Federal civilian employees and members of the uniformed services, the necessary expenses for the honorary recognition of any award recipients, and activities to encourage participation in the competition, including promotional items: *Provided*, That any awards made pursuant to this section shall be of the same type and amount as those authorized under sections 4501 through 4505 of title 5, United States Code.

Grants.

SEC. 302. Notwithstanding section 2008(a)(12) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under "Federal Emergency Management Agency—Federal Assistance", may be used by the grantee for expenses directly related to administration of the grant.

Grants.
Deadlines.

SEC. 303. Applications for grants under the heading "Federal Emergency Management Agency—Federal Assistance", for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

Grants.
Briefing.
Time period.
Public information.

SEC. 304. Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) through (4), (8), and (9), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

SEC. 305. Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

Applicability.

SEC. 306. The reporting requirements in paragraphs (1) and (2) under the heading "Federal Emergency Management Agency—Disaster Relief Fund" in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2021 with respect to budget year 2022 and current fiscal year 2021, respectively—

(1) in paragraph (1) by substituting "fiscal year 2022" for "fiscal year 2016"; and

(2) in paragraph (2) by inserting "business" after "fifth".

Grants.
Waiver authority.

SEC. 307. In making grants under the heading "Federal Emergency Management Agency—Federal Assistance", for Staffing for Adequate Fire and Emergency Response grants, the Administrator of the Federal Emergency Management Agency may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 308. The aggregate charges assessed during fiscal year 2021, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year: *Provided*,

That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2021, and remain available until expended.

Fees.

Effective date.

SEC. 309. (a) Any balances of funds appropriated in any prior Act for activities funded by National Predisaster Mitigation Fund under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) (as in effect on the day before the date of enactment of section 1234 of division D of Public Law 115–254) may be transferred to and merged for all purposes with the funds set aside pursuant to subsection (i)(1) of section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), as in effect on the date of the enactment of this section.

(b) The transfer authorized in subsection (a) may not occur until the Administrator of the Federal Emergency Management Agency submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the obligation of funds pursuant to such subsection (i)(1), including the criteria to be used for awarding grants and a process for tracking the obligation of such transferred funds.

Plan.
Criteria.

SEC. 310. In making grants under the heading "Federal Emergency Management Agency—Federal Assistance", for Assistance to Firefighter Grants, the Administrator of the Federal Emergency Management Agency may waive subsection (k) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

Grants.
Waiver authority.

SEC. 311. (a) For major disasters declared in 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), a territory or possession of the United States shall be deemed to be a local government for purposes of section 417 of such Act (42 U.S.C. 5184) and section 206.361(a) of title 44, Code of Federal Regulations.

(b) Notwithstanding section 206.361(a) of title 44, Code of Federal Regulations, the President may provide a loan until the last day of the fiscal year that is 3 fiscal years after the fiscal year in which the natural disaster described in such subsection occurs.

President.
Loans.
Termination date.

(c) Notwithstanding section 417(b) of such Act and section 206.361(b) of title 44, Code of Federal Regulations, the amount of any loan issued to a territory or possession may—

(1) exceed $5,000,000; and

(2) may be based on the projected loss of tax and other revenues and on projected cash outlays not previously budgeted for a period not to exceed 1 year beginning on the date that the major disaster occurred.

Time period.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the E-Verify Program, $117,790,000.

FEDERAL ASSISTANCE

For necessary expenses of U.S. Citizenship and Immigration Services for Federal assistance for the Citizenship and Integration Grant Program, $10,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $314,348,000, of which $61,391,000 shall remain available until September 30, 2022: *Provided*, That not to exceed $7,180 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Law Enforcement Training Centers for procurement, construction, and improvements, $26,000,000, to remain available until September 30, 2025, for acquisition of necessary additional real property and facilities, construction and ongoing maintenance, facility improvements and related expenses of the Federal Law Enforcement Training Centers.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $302,703,000, of which $180,112,000 shall remain available until September 30, 2022: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Science and Technology Directorate for procurement, construction, and improvements, $18,927,000, to remain available until September 30, 2025.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $443,928,000, to remain available until September 30, 2023.

COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Countering Weapons of Mass Destruction Office for operations and support, $179,892,000, of which $20,697,000 shall remain available until September 30, 2022: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Countering Weapons of Mass Destruction Office for procurement, construction, and improvements, $87,413,000, to remain available until September 30, 2023.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Countering Weapons of Mass Destruction Office for research and development, $65,309,000, to remain available until September 30, 2023.

FEDERAL ASSISTANCE

For necessary expenses of the Countering Weapons of Mass Destruction Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $69,663,000, to remain available until September 30, 2023.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided*, That the Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 403. The terms and conditions of section 403 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall apply to this Act.

Applicability.
8 USC 1377a note.

SEC. 404. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law

enforcement agencies for expenses incurred participating in training accreditation.

SEC. 405. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 406. The Director of the Federal Law Enforcement Training Centers may accept transfers to its "Procurement, Construction, and Improvements" account from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of such facilities.

SEC. 407. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

Notifications.
Time periods.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

Contracts.

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2021 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more; or

(5) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress.

(b) Subsection (a) shall not apply if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(c) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property. Deadline.

(e) The notification thresholds and procedures set forth in subsections (a), (b), (c), and (d) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts that remain available for obligation in the current year. Applicability.

(f) Notwithstanding subsection (c), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 5 days in advance of such transfer.

SEC. 504. Section 504 of the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), related to the operations of a working capital fund, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act: *Provided*, That funds from such working capital fund may be obligated and expended in anticipation of reimbursements from components of the Department of Homeland Security. Applicability. 31 USC 501 note.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2021, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2022, from appropriations for "Operations and Support" for fiscal year 2021 in this Act shall remain available through September 30, 2022, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act. Time period. Deadline. Notification.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2021 until the enactment of an Act authorizing intelligence activities for fiscal year 2021.

Notifications.
Time period.
Grants.
Contracts.
Public information.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation or grant in excess of $1,000,000;

(2) making or awarding a contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $4,000,000;

(3) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

(4) making a sole-source grant award; or

(5) announcing publicly the intention to make or award items under paragraph (1), (2), (3), or (4), including a contract covered by the Federal Acquisition Regulation.

Determination.
Deadline.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

Notification.
Contracts.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Centers' facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

Applicability.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act: *Provided*, That for purposes of the preceding sentence, the term "Buy American Act" means chapter 83 of title 41, United States Code.

Definition.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452) unless explicitly authorized by the Congress.

National identification card.

SEC. 514. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

Delegation authority.

SEC. 515. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

Khalid Sheikh Mohammed. Detainees. Cuba.

SEC. 516. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 517. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 518. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

Contracts.

SEC. 519. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

Contracts.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

Pornography.

SEC. 521. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Firearms.

SEC. 522. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is

an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

Determination.
Notification.
Deadline.

SEC. 523. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations: *Provided further*, That the total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.

Definition.

SEC. 524. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

Pay reform.
Time period.
Effective date.
Notification.

SEC. 525. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

Analysis.

(4) an analysis of compensation alternatives to such change that were considered by the Department.

Web posting.
Public information.
Reports.
Determination.

SEC. 526. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 527. (a) Funding provided in this Act for "Operations and Support" may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), "minor" refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.

SEC. 528. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty. Approval.

SEC. 529. The authority provided by section 532 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141) regarding primary and secondary schooling of dependents shall continue in effect during fiscal year 2021. Extension.

SEC. 530. (a) For an additional amount for "Federal Emergency Management Agency—Federal Assistance", $12,700,000, to remain available until September 30, 2022, exclusively for providing reimbursement of extraordinary law enforcement or other emergency personnel costs for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

(b) Subsections (b) through (f) of section 534 of the Department of Homeland Security Appropriations Act, 2018 (Public Law 115–141), shall be applied with respect to amounts made available by subsection (a) of this section by substituting "October 1, 2021" for "October 1, 2018" and "October 1, 2020" for "October 1, 2017". Applicability.

SEC. 531. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied— Applicability. 6 USC 391 note.

(1) In subsection (a), by substituting "September 30, 2021," for "September 30, 2017,"; and

(2) In subsection (c)(1), by substituting "September 30, 2021," for "September 30, 2017".

(b) The Secretary of Homeland Security, under the authority of section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)), may carry out prototype projects under section 2371b of title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.

(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional government contractor as defined in section 2371b(e) of title 10, United States Code. Definition.

SEC. 532. (a) None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act may be used to prevent any of the following persons from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting member of Congress or such designated employee, compared to what would be observed in the absence of such modification: Aliens.

(1) A Member of Congress.

(2) An employee of the United States House of Representatives or the United States Senate designated by such a Member for the purposes of this section.

(b) Nothing in this section may be construed to require a Member of Congress to provide prior notice of the intent to enter a facility described in subsection (a) for the purpose of conducting oversight.

(c) With respect to individuals described in subsection (a)(2), the Department of Homeland Security may require that a request be made at least 24 hours in advance of an intent to enter a facility described in subsection (a). Time period.

Pregnant women.
Determinations.

SEC. 533. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to place restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

(b) Subsection (a) shall not apply with respect to a pregnant woman if—

(1) an appropriate official of the Department of Homeland Security makes an individualized determination that the woman—

(A) is a serious flight risk, and such risk cannot be prevented by other means; or

(B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or

(2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical professional treating the woman, may be used. In no case may restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. A pregnant woman who is immobilized by restraints shall be positioned, to the maximum extent feasible, on her left side.

Records.
Abuse.

SEC. 534. (a) None of the funds made available by this Act may be used to destroy any document, recording, or other record pertaining to any—

(1) death of,

Sexual assault.

(2) potential sexual assault or abuse perpetrated against, or

Law enforcement and crime.

(3) allegation of abuse, criminal activity, or disruption committed by

an individual held in the custody of the Department of Homeland Security.

(b) The records referred to in subsection (a) shall be made available, in accordance with applicable laws and regulations, and Federal rules governing disclosure in litigation, to an individual who has been charged with a crime, been placed into segregation, or otherwise punished as a result of an allegation described in paragraph (3), upon the request of such individual.

Applicability.

SEC. 535. Section 519 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to any Federal funds in the same manner as such section applied to funds made available in that Act.

Deadline.
Budget submission.
Proposals.

SEC. 536. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2022 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed

in such proposals in the event that they are not enacted prior to October 1, 2021.

Reports.

SEC. 537. (a) Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the unfunded priorities, for the Department of Homeland Security and separately for each departmental component, for which discretionary funding would be classified as budget function 050.

(b) Each report under this section shall specify, for each such unfunded priority—

Summary.

(1) a summary description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

(2) the description, including the objectives to be achieved if such priority is funded (whether in whole or in part);

(3) account information, including the following (as applicable):

(A) appropriation account; and

(B) program, project, or activity name; and

(4) the additional number of full-time or part-time positions to be funded as part of such priority.

Definition.

(c) In this section, the term "unfunded priority", in the case of a fiscal year, means a requirement that—

(1) is not funded in the budget referred to in subsection (a);

(2) is necessary to fulfill a requirement associated with an operational or contingency plan for the Department; and

(3) would have been recommended for funding through the budget referred to in subsection (a) if—

(A) additional resources had been available for the budget to fund the requirement;

(B) the requirement has emerged since the budget was formulated; or

(C) the requirement is necessary to sustain prior-year investments.

(TRANSFER OF FUNDS)

Deadline.
Records.

SEC. 538. Not later than 30 days after the date of enactment of this Act, $20,000,000 in unobligated balances from amounts made available in section 212(b) of division D of the Consolidated Appropriations Act, 2020 (Public Law 116–93) shall be transferred to "Countering Weapons of Mass Destruction Office—Procurement, Construction, and Improvements" for the development of a department-wide electronic health records system, and shall remain available until September 30, 2022, in addition to any amounts otherwise available for such purposes: *Provided*, That the amounts transferred pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to that section of that Act.

(RESCISSIONS OF FUNDS)

SEC. 539. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) $27,036,000 from Public Law 115–141 under the heading "U.S. Customs and Border Protection—Procurement, Construction, and Improvements".

(2) $15,000,000 from the unobligated balances available in the "U.S. Customs and Border Protection—Border Security, Fencing, Infrastructure, and Technology" account (70 × 0533).

(3) $6,000,000 from the unobligated balances available in the "U.S. Customs and Border Protection—Construction and Facility Improvements" account (70 × 0532).

(4) $3,098,000 from the unobligated balances available in the "U.S. Immigration and Customs Enforcement—Construction" account (70 × 0545).

(5) $658,000 from the unobligated balances available in the "U.S. Immigration and Customs Enforcement—Automation Modernization" account (70 × 0543).

(6) $1,718,108 from the unobligated balances available in the "Coast Guard—Alteration of Bridges" account (070 × 0614).

(7) $8,200,000 from Public Law 116–6 under the heading "U.S. Citizenship and Immigration Services—Procurement, Construction, and Improvements".

SEC. 540. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2020 (Public Law 116–93) are rescinded:

(1) $929,550 from "Office of the Secretary and Executive Management—Operations and Support".

(2) $1,426,980 from "Management Directorate—Operations and Support".

(3) $298,190 from "Intelligence, Analysis, and Operations Coordination—Operations and Support".

(4) $430,910 from "U.S. Customs and Border Protection—Operations and Support".

(5) $1,810,393 from "United States Secret Service—Operations and Support".

(6) $1,574,940 from "Cybersecurity and Infrastructure Security Agency—Operations and Support".

(7) $690,090 from "Federal Emergency Management Agency—Operations and Support".

(8) $8,984,690 from "U.S. Citizenship and Immigration Services—Operations and Support".

(9) $242,490 from "Federal Law Enforcement Training Centers—Operations and Support".

(10) $136,570 from "Science and Technology Directorate—Operations and Support".

(11) $1,103,590 from "Countering Weapons of Mass Destruction Office—Operations and Support".

SEC. 541. For necessary expenses related to providing customs and immigration inspection and pre-inspection services at, or in support of ports of entry, pursuant to section 1356 of title 8, United States Code, and section 58c(f) of title 19, United States Code, and in addition to any other funds made available for this purpose, there is appropriated, out of any money in the Treasury not otherwise appropriated, $840,000,000, to remain available until September 30, 2021, to offset the loss resulting from the coronavirus pandemic of Immigration User Fee receipts collected pursuant to section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)), and fees for certain customs services collected pursuant to paragraphs 1 through 8 and paragraph 10 of subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1)–(8) and (a)(10)): *Provided*, That notwithstanding any other provision of law, funds made available by this section shall only be used by U.S. Customs and Border Protection, Office of Field Operations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadlines.
Determination.
President.
Evaluation.
Notifications.

SEC. 542. Not later than 10 days after a determination is made by the President to evaluate and initiate protection under any authority for a former or retired Government official or employee, or for an individual who, during the duration of the directed protection, will become a former or retired Government official or employee (referred to in this section as a "covered individual"), the Secretary of Homeland Security shall submit a notification to congressional leadership and the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives (referred to in this section as the "appropriate congressional committees"): *Provided*, That the notification may be submitted in classified form, if necessary, and in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, as appropriate, and shall include the threat assessment, scope of the protection, and the anticipated cost and duration of such protection: *Provided further*, That not later than 15 days before extending, or 30 days before terminating, protection for a covered individual, the Secretary of Homeland Security shall submit a notification regarding the extension or termination and any change to the threat assessment to the congressional leadership and the appropriate congressional committees: *Provided further*, That not later than 45 days after the date of enactment of this Act, and quarterly thereafter, the Secretary shall submit a report to the congressional leadership and the appropriate congressional committees, which may be submitted in classified form, if necessary, detailing each covered individual, and the scope and associated cost of protection.

Consultation.

Threat assessment.

Reports.
Time period.

This division may be cited as the "Department of Homeland Security Appropriations Act, 2021".

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), $1,220,555,000, to remain available until September 30, 2022; of which $77,669,000 for annual and deferred maintenance and $115,745,000 for the wild horse and burro program, as authorized by Public Law 92–195 (16 U.S.C. 1331 et seq.), shall remain available until expended: *Provided*, That amounts in the fee account of the BLM Permit Processing Improvement Fund may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations.

Drilling permits.

In addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2021, so as to result in a final appropriation estimated at not more than $1,220,555,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

Of the unobligated balances from amounts made available under this heading in fiscal year 2018 or before, $13,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

LAND ACQUISITION

(RESCISSION OF FUNDS)

Of the unobligated balances from amounts made available for Land Acquisition and derived from the Land and Water Conservation Fund, $5,400,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects: *Provided*, That no amounts may be rescinded from amounts that

were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $114,783,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

(INCLUDING RESCISSION OF FUNDS)

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary of the Interior to improve, protect, or rehabilitate any public lands administered through the Bureau

43 USC 1735 note.

of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

43 USC 1735 note.

Of the unobligated balances from amounts collected in fiscal year 2015 or any prior fiscal year, $20,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements, and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

Contracts. Determination.

Reimbursements.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic

studies, general administration, and for the performance of other authorized functions related to such resources, $1,379,828,000, to remain available until September 30, 2022: *Provided*, That not to exceed $20,767,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)).

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; $18,193,000, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), $43,340,000, to remain available until expended, of which $23,702,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which $19,638,000 is to be derived from the Land and Water Conservation Fund.

Of the unobligated balances made available under this heading, $12,500,000 is permanently rescinded from projects or from other grant programs with an unobligated carry over balance: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), $46,500,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), $4,910,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great

Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), $18,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $72,362,000, to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $7,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $13,362,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary of the Interior shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2021 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2022, shall be reapportioned, together with funds appropriated in 2023, in the manner provided herein.

Apportionment. District of Columbia. Territories.

Apportionment.

Adjustment.

Reapportionment.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available

for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed one dollar for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading "United States Fish and Wildlife Service—Resource Management" and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended: *Provided further*, That obligated balances of funding originally made available under section 7060(c)(2)(B) of division K of the Consolidated Appropriations Act, 2018 (Public Law 115–141) and transferred to the Fish and Wildlife Service to combat the transnational threat of wildlife poaching and trafficking in the Central Africa Regional Program for the Environment shall be distributed to recipients that were awarded grants not later than 60 days after the date of enactment of this Act.

Contracts.
Determination.

Donations.

Fees.

Deadline.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,688,287,000, of which $10,282,000 for planning and interagency coordination in support of Everglades restoration and $135,980,000 for maintenance, repair, or rehabilitation projects for constructed assets and $188,184,000 for cyclic maintenance projects for constructed assets and cultural resources and $5,000,000 for uses authorized by section 101122 of title 54, United States Code shall remain available until September 30, 2022: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348: *Provided further*, That notwithstanding section 9(a) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 691), $8,000,000 of the funds made available under this heading shall be provided to the United States Semiquincentennial Commission for the purposes specified by that Act: *Provided further*, That notwithstanding section 9 of the 400 Years of African-American History Commission Act (36 U.S.C. note prec. 101; Public Law 115–102), $3,300,000 of the funds provided

36 USC note prec. 101.

under this heading shall be made available for the purposes specified by that Act: *Provided further*, That sections (7)(b) and (8) of that Act shall be amended by striking "July 1, 2021" and inserting "July 1, 2022".

In addition, for purposes described in section 2404 of Public Law 116–9, an amount equal to the amount deposited in this fiscal year into the National Park Medical Services Fund established pursuant to such section of such Act, to remain available until expended, shall be derived from such Fund.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $74,157,000, to remain available until September 30, 2022.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), $144,300,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2022, of which $25,000,000 shall be for Save America's Treasures grants for preservation of nationally significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided*, That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That of the funds provided for the Historic Preservation Fund, $1,000,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary, $21,125,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement; $10,000,000 is for grants to Historically Black Colleges and Universities; $7,500,000 is for competitive grants for the restoration of historic properties of national, State, and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act; and $10,000,000 is for a competitive grant program to honor the semiquincentennial anniversary of the United States by restoring and preserving state-owned sites and structures listed on the National Register of Historic Places that commemorate the founding of the nation: *Provided further*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

Grants.

Approval. Consultation.

Determination.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, $223,907,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2021 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further*, That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

Consultation.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSION OF FUNDS)

Of the unobligated balances from amounts made available for the National Park Service and derived from the Land and Water Conservation Fund in fiscal year 2017 or any prior fiscal year, $23,000,000 is hereby permanently rescinded from grant programs with an unobligated carry over balance: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, $15,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit

exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 203. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(a)(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,315,527,000, to remain available until September 30, 2022; of which $84,337,000 shall remain available until expended for satellite operations; and of which $74,664,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the

negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for granting and administering leases, easements, rights-of-way, and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $192,815,000, of which $129,760,000 is to remain available until September 30, 2022, and of which $63,055,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary of the Interior and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2021 appropriation estimated at not more than $129,760,000: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That of the unobligated balances from amounts made available under this heading, $2,000,000 is permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way, and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $150,812,000, of which $120,165,000 is to remain available until September 30, 2022, and of which $30,647,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary of the Interior and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2021 appropriation estimated at not more than $120,165,000: *Provided further*, That of the unobligated balances from amounts made available under this heading, $10,000,000 is permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount, $43,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2021, as provided in this Act: *Provided*, That to the extent that amounts realized from such inspection fees exceed $43,000,000, the amounts realized in excess of $43,000,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2021, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016; title IV, sections 4202 and 4303; title VII; and title VIII, section 8201 of the Oil Pollution Act of 1990, $14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $117,768,000, to remain available until September 30, 2022, of which $68,590,000 shall be available for state and tribal regulatory grants: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further*, That of the unobligated balances from amounts made available under this heading, $25,000,000 is permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

30 USC 1211 note.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), $40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2021 appropriation estimated at not more than $117,768,000.

30 USC 1257 note.

ABANDONED MINE RECLAMATION FUND

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $24,831,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

Debt collection. Contracts.

In addition, $115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the

explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, $75,000,000 shall be distributed in equal amounts to the three Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, $30,000,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and $10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: *Provided further*, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

Deadline.

Of the unobligated balances from amounts made available under this heading in fiscal year 2016 or before, $10,000,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13) and the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), $1,616,532,000, to remain available until September 30, 2022, except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $78,000,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary of the Interior may exceed such cap for welfare payments from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed $58,492,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-

Hopi Settlement Program: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2022, may be transferred during fiscal year 2023 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2023: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: *Provided further*, That the Bureau of Indian Affairs may accept transfers of funds from United States Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1): *Provided further*, That $1,000,000 made available for Assistant Secretary Support shall not be available for obligation until the Assistant Secretary-Indian Affairs provides the reports requested by the Committees on Appropriations of the House of Representatives and the Senate related to the Tiwahe Initiative.

Expiration date.

Reports.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs and the Bureau of Indian Education for fiscal year 2021, such sums as may be necessary, which shall be available for obligation through September 30, 2022: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

PAYMENTS FOR TRIBAL LEASES

For payments to tribes and tribal organizations for leases pursuant to section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) for fiscal year 2021, such sums as may be necessary, which shall be available for obligation through September 30, 2022: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483; $128,818,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further*,

Reimbursement.

That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation: *Provided further*, That of the funds made available under this heading, $10,000,000 shall be derived from the Indian Irrigation Fund established by section 3211 of the WIIN Act (Public Law 114–322; 130 Stat. 1749).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264 and 114–322, and for implementation of other land and water rights settlements, $45,644,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $11,797,000, of which $1,593,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $82,886,197.

BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN EDUCATION PROGRAMS

For expenses necessary for the operation of Indian education programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $973,092,000, to remain available until September 30, 2022, except as otherwise provided herein: *Provided*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed $728,820,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2021, and shall remain available until September 30, 2022: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self–Determination Act of 1975 (25 U.S.C. 5301 et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed $86,884,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2021: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

EDUCATION CONSTRUCTION

For construction, repair, improvement, and maintenance of buildings, utilities, and other facilities necessary for the operation of Indian education programs, including architectural and engineering services by contract; acquisition of lands, and interests in lands; $264,277,000 to remain available until expended: *Provided*, That in order to ensure timely completion of construction projects, the Secretary of the Interior may assume control of a project and all funds related to the project, if, not later than 18 months after the date of the enactment of this Act, any Public Law 100–297 (25 U.S.C. 2501, et seq.) grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction. Deadline.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs and the Bureau of Indian Education may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations. Contracts. Grants.

Notwithstanding Public Law 87–279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project. Contracts.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs or the Bureau of Indian Education for central office oversight and Executive Direction and Administrative Services (except Executive Direction and Administrative Services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs or the Bureau of Indian Education under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs or the Bureau of Indian Education, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska. Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K–2 grade structure on October 1, 1996. Appropriations made Waiver authority. Determination.

available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Charter schools. Reimbursement.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction, or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term "satellite school" means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

Waiver authority. Compliance.

Definition.

Funds made available for Tribal Priority Allocations within Operation of Indian Programs and Operation of Indian Education Programs may be used to execute requested adjustments in tribal priority allocations initiated by an Indian Tribe.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $108,399,000, to remain available until expended, of which not to exceed $17,911,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" and Bureau of Indian Education, "Operation of Indian Education Programs" accounts; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2021, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of $15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than $500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103–412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least 5 years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

Time period.

Statement.
Records.

Time period.

Records.
Determination.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, $120,608,000, to remain available until September 30, 2022; of which no less than $1,860,000 shall be to assist the Department with its compliance responsibilities under 5 U.S.C. 552; of which not to exceed $15,000 may be for official reception and representation expenses; of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $11,204,000 for Indian land, mineral, and resource valuation activities shall remain available until expended: *Provided*, That funds for Indian land, mineral, and resource valuation activities may, as needed, be transferred to and merged with the Bureau of Indian Affairs "Operation of Indian Programs" and Bureau of Indian Education "Operation of Indian Education Programs" accounts and the Office of the Special Trustee "Federal Trust Programs" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2021, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee.

Of the unobligated balances from amounts made available under this heading in fiscal year 2016 or before, $17,398,000 is permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

For fiscal year 2021, up to $400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of title 31, United States Code: *Provided further*, That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized by that chapter to all units of local government, then the payment to each local government shall be made proportionally: *Provided further*, That the Secretary may make adjustments to payment to individual units of local government to correct for prior overpayments or underpayments: *Provided further*, That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than $100.

31 USC 6903 note.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $106,693,000, of which: (1) $97,140,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative and natural resources activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,553,000 shall be available until September 30, 2022, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non–Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

48 USC 1469b note.

Determination.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $8,463,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188: *Provided*, That of the funds appropriated under this heading, $5,000,000 is for deposit into the Compact Trust Fund of the Republic of the Marshall Islands as compensation authorized by Public Law 108–188 for adverse financial and economic impacts.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $86,813,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $58,552,000, to remain available until September 30, 2022.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, $992,623,000, to remain available until expended, of which not to exceed $18,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided $219,964,000 is for fuels management activities: *Provided further*, That of the funds provided $20,470,000 is for burned area rehabilitation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may

be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or microbusinesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000 between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance,

Contracts.
Grants.

Guidance.

Reimbursement.

Contracts.
Real property.

education and training, and cooperation with United States and international organizations: *Provided further*, That of the funds provided under this heading $383,657,000 is provided to meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

In addition to the amounts provided under the heading "Department of the Interior—Department-Wide Programs—Wildland Fire Management" for wildfire suppression operations, $310,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 251(b)(2)(F) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That such amounts may be transferred to and merged with amounts made available under the headings "Department of Agriculture—Forest Service—Wildland Fire Management" and "Department of the Interior—Department-Wide Programs—Wildland Fire Management" for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further*, That amounts may be transferred to the "Wildland Fire Management" accounts in the Department of Agriculture or the Department of the Interior only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropriations Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law: *Provided further*, That, in determining whether all wildfire suppression operations funds appropriated under the heading "Wildland Fire Management" in this and prior appropriations Acts to either the Department of Agriculture or the Department of the Interior will be obligated within 30 days pursuant to the previous proviso, any funds transferred or permitted to be transferred pursuant to any other transfer authority provided by law shall be excluded.

Notification. Deadline.

Determination. Deadline.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), $10,010,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33

U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., $7,767,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, $60,735,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary of the Interior may assess reasonable charges to State, local, and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment, or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

Advance approval.

Contracts.

Grants. Contracts.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase, or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, $148,474,000, to remain available until September 30, 2022; of which $50,651,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, $15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary of the Interior concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary of the Interior, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary of the Interior may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire suppression" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Reimbursement.

Determination.
Deadline.

Reimbursement.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary of the Interior, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose. The Secretary shall notify the House and Senate Committees on Appropriations within 60 days of the expenditure or transfer of any funds under this section, including the amount expended or transferred and how the funds will be used.

Notification.
Deadline.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2021. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein, including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and

New York.
New Jersey.
Contracts.

enter into leases, subleases, concession contracts, or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2021, the Secretary of the Interior shall collect a nonrefundable inspection fee, which shall be deposited in the "Offshore Safety and Environmental Enforcement" account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2021 shall be—

(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2021. Fees for fiscal year 2021 shall be—

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) Fees for inspection of well operations conducted via non-rig units as outlined in title 30 CFR 250 subparts D, E, F, and Q shall be assessed for all inspections completed in fiscal year 2021. Fees for fiscal year 2021 shall be—

(1) $13,260 per inspection for non-rig units operating in water depths of 2,500 feet or more;

(2) $11,530 per inspection for non-rig units operating in water depths between 500 and 2,499 feet; and

(3) $4,470 per inspection for non-rig units operating in water depths of less than 500 feet.

Time period. Deadlines.

(e) The Secretary shall bill designated operators under subsection (b) quarterly, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (d) with payment required by the end of the following quarter.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

16 USC 1336 note.

SEC. 108. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

Time period.

MASS MARKING OF SALMONIDS

SEC. 109. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 110. Notwithstanding any other provision of law, during fiscal year 2021, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

Grants.
Contracts.

SEC. 111. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

OBLIGATION OF FUNDS

Deadline.

SEC. 112. Amounts appropriated by this Act to the Department of the Interior shall be available for obligation and expenditure not later than 60 days after the date of enactment of this Act.

EXTENSION OF AUTHORITIES

54 USC 320101 note.

SEC. 113. (a) Section 708(a) of division II of Public Law 104–333, as amended by Public Law 110–229 section 461, is further amended by striking " $15,000,000" and inserting " $17,000,000".

54 USC 320101 note.

(b) Section 109(a) of title I of Public Law 106–278 is amended by striking " $10,000,000" and inserting " $12,000,000".

SEPARATION OF ACCOUNTS

SEC. 114. The Secretary of the Interior, in order to implement an orderly transition to separate accounts of the Bureau of Indian Affairs and the Bureau of Indian Education, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in this Act.

PAYMENTS IN LIEU OF TAXES (PILT)

Applicability. 31 USC 6906 note.

SEC. 115. Section 6906 of title 31, United States Code, shall be applied by substituting "fiscal year 2021" for "fiscal year 2019".

SAGE-GROUSE

SEC. 116. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (Centrocercus urophasianus);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE APPROVAL

Deadlines. Public information. Web posting.

SEC. 117. (a) Subject to subsection (b), beginning no later than 180 days after the enactment of this Act, in any case in which the Bureau of Safety and Environmental Enforcement or the Bureau of Ocean Energy Management prescribes or approves any departure or use of alternate procedure or equipment, in regards to a plan or permit, under 30 CFR 585.103, 30 CFR 550.141; 30 CFR 550.142; 30 CFR 250.141, or 30 CFR 250.142, the head of such bureau shall post a description of such departure or alternate procedure or equipment use approval on such bureau's publicly available website not more than 15 business days after such issuance.

(b) The head of each bureau may exclude confidential business information.

MEDICAL SERVICES FUND

54 USC 102712 note.

SEC. 118. Beginning in fiscal year 2022 and for each fiscal year thereafter, fees collected pursuant to section 2404 of Public Law 116-9 shall be deposited into the National Park Medical Services Fund established pursuant to such section of such Act as discretionary offsetting receipts.

INTERAGENCY MOTOR POOL

SEC. 119. Notwithstanding any other provision of law or Federal regulation, federally recognized Indian tribes or authorized tribal organizations that receive Tribally-Controlled School Grants pursuant to Public Law 100–297 may obtain interagency motor vehicles and related services for performance of any activities carried out under such grants to the same extent as if they were contracting under the Indian Self-Determination and Education Assistance Act.

LONG BRIDGE PROJECT

Virginia. District of Columbia.

SEC. 120. (a) AUTHORIZATION OF CONVEYANCE.—On request by the State of Virginia or the District of Columbia for the purpose of the construction of rail and other infrastructure relating to the Long Bridge Project, the Secretary of the Interior may convey to the State or the District of Columbia, as applicable, all right, title, and interest of the United States in and to any portion of the approximately 4.4 acres of National Park Service land depicted as "Permanent Impact to NPS Land" on the Map dated May 15, 2020, that is identified by the State or the District of Columbia.

(b) TERMS AND CONDITIONS.—Such conveyance of the National Park Service land under subsection (a) shall be subject to any terms and conditions that the Secretary may require. If such conveyed land is no longer being used for the purposes specified in this section, the lands or interests therein shall revert to the National Park Service after they have been restored or remediated to the satisfaction of the Secretary.

(c) CORRECTIONS.—The Secretary and the State or the District of Columbia, as applicable, by mutual agreement, may—

(1) make minor boundary adjustments to the National Park Service land to be conveyed to the State or the District of Columbia under subsection (a); and

(2) correct any minor errors in the Map referred to in subsection (a).

(d) DEFINITIONS.—For purposes of this section:

(1) LONG BRIDGE PROJECT.—The term "Long Bridge Project" means the rail project, as identified by the Federal Railroad Administration, from Rosslyn (RO) Interlocking in Arlington, Virginia, to L'Enfant (LE) Interlocking in Washington, DC, which includes a bicycle and pedestrian bridge.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(3) STATE.—The term "State" means the State of Virginia.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; hire, maintenance, and operation of aircraft; and other operating expenses in support of research and development, $729,329,000, to remain available until September 30, 2022: *Provided*, That of the funds included under this heading, $7,500,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed $19,000 for official reception and representation expenses, $2,761,550,000, to remain available until September 30, 2022: *Provided*, That of the funds included under this heading, $21,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds included under this heading, $541,972,000 shall be for Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

In addition, $5,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to that section of that Act and deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2021 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2021 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2021, so as to result in a final fiscal year 2021 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent that amounts realized from such receipts exceed $5,000,000, those amount in excess of $5,000,000 shall be deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2021, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, $8,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections under such section 3024 are received during fiscal year 2021, which shall remain available until expended and be used for necessary expenses in this appropriation, so as to result in

a final fiscal year 2021 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent such offsetting collections received in fiscal year 2021 exceed $8,000,000, those excess amounts shall remain available until expended and be used for necessary expenses in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $43,500,000, to remain available until September 30, 2022.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $33,752,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance, and operation of aircraft, $1,205,811,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2020, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,205,811,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $11,586,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2022, and $30,755,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2022.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, $92,203,000, to remain available until expended, of which $66,834,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; $25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, including hire, maintenance, and operation of aircraft, $20,098,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,313,901,000, to remain available until expended, of which—

(1) $1,638,826,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which $1,126,088,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That for fiscal year 2021, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2021, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2021 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2021, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2021, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved

Territories. District of Columbia.

by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2021, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of $2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: *Provided further*, That for fiscal year 2021, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92–203: *Provided further*, That for fiscal year 2021, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or $30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or $20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2021, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2021, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 14 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment

Oklahoma. Determination.

Territories.

Determination.

of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 14 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

Consultation.

(2) $30,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) $36,186,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) $90,982,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates, or any territory or possession of the United States;

Definition.

(5) $90,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) $59,000,000 shall be for targeted airshed grants in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(7) $4,000,000 shall be to carry out the water quality program authorized in section 5004(d) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322);

(8) $26,408,000 shall be for grants under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a);

(9) $26,500,000 shall be for grants under section 1464(d) of the Safe Drinking Water Act (42 U.S.C. 300j–24(d));

(10) $21,511,000 shall be for grants under section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j–19b);

(11) $4,000,000 shall be for grants under section 1459A(l) of the Safe Drinking Water Act (42 U.S.C. 300j–19a(l));

(12) $18,000,000 shall be for grants under section 104(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)(8));

(13) $40,000,000 shall be for grants under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301);

(14) $3,000,000 shall be for grants under section 4304(b) of the America's Water Infrastructure Act of 2018 (Public Law 115–270); and

(15) $1,099,400,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement, and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, and under section 2301 of the Water and Waste Act of 2016 to assist States in developing and implementing programs for control of coal combustion residuals, of which: $46,195,000 shall be for carrying out section 128 of CERCLA; $9,336,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; $1,475,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; $17,924,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs; $10,000,000 shall be for multipurpose grants, including interagency agreements, in accordance with the terms and conditions described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

Loans.

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, $59,500,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $12,500,000,000: *Provided further*, That of the funds made available under this heading, $5,000,000 shall be used solely for the cost of direct loans and for the cost of guaranteed loans for projects described in section 5026(9) of the Water Infrastructure Finance and Innovation Act of 2014 to State infrastructure financing authorities, as authorized by section 5033(e) of such Act: *Provided further*, That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published in the Federal Register on June 30, 2020 (85 FR 39189) pursuant to the fourth proviso under the heading "Water Infrastructure Finance and Innovation Program Account" in division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided further*, That none of the direct loans or loan guarantee authority made available under this heading shall be available for any project unless the Administrator and the Director of the Office of Management and Budget have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria referenced in the previous proviso: *Provided further*, That, for the purposes of carrying out the Congressional Budget Act of 1974, the Director of the Congressional Budget Office may request, and the Administrator shall promptly provide, documentation and information relating to a project identified in a Letter of Interest submitted to the Administrator pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

Criteria.

Certification.
Compliance.

Records.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, $5,500,000, to remain available until September 30, 2022.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For fiscal year 2021, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal

environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Fees.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8).

Fees.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2021.

The Administrator is authorized to transfer up to $330,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed $150,000 per project.

Grants.

For fiscal year 2021, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

Grants.

The Administrator is authorized to use the amounts appropriated under the heading "Environmental Programs and Management" for fiscal year 2021 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than $1,500,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

Contracts.

For fiscal year 2021, the Office of Chemical Safety and Pollution Prevention and the Office of Water may, using funds appropriated under the headings "Environmental Programs and Management" and "Science and Technology", contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent personal services of students or recent graduates, who shall be considered

employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purpose: *Provided*, That amounts used for this purpose by the Office of Chemical Safety and Pollution Prevention and the Office of Water collectively may not exceed $2,000,000.

Of the unobligated balances available for the "State and Tribal Assistance Grants" account, $27,991,000 are hereby permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $875,000: *Provided*, That funds made available by this Act to any agency in the Natural Resources and Environment mission area for salaries and expenses are available to fund up to one administrative support staff for the office.

FOREST SERVICE

FOREST SERVICE OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $1,026,163,000, to remain available through September 30, 2024: *Provided*, That a portion of the funds made available under this heading shall be for the base salary and expenses of employees in the Chief's Office, the Work Environment and Performance Office, the Business Operations Deputy Area, and the Chief Financial Officer's Office to carry out administrative and general management support functions: *Provided further*, That funds provided under this heading shall be available for the costs of facility maintenance, repairs, and leases for buildings and sites where these support functions take place; the costs of all utility and telecommunication expenses of the Forest Service, as well as business services; and, for information technology, including cyber security requirements: *Provided further*, That funds provided under this heading may be used for necessary administrative support function expenses of the Forest Service not otherwise provided for and necessary for its operation.

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $258,760,000, to remain available through September 30, 2024: *Provided*, That of the funds provided, $17,621,000 is for the forest inventory and analysis program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

STATE AND PRIVATE FORESTRY

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, and conducting an international program and trade compliance activities as authorized, $267,180,000, to remain available through September 30, 2024, as authorized by law.

Of the unobligated balances from amounts made available for the Forest Legacy Program and derived from the Land and Water Conservation Fund, $5,809,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, $1,786,870,000, to remain available through September 30, 2024: *Provided*, That of the funds provided, $13,787,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That of the funds provided, $37,017,000 shall be for forest products: *Provided further*, That of the funds provided, $180,388,000 shall be for hazardous fuels management activities, of which not to exceed $12,454,000 may be used to make grants, using any authorities available to the Forest Service under the "State and Private Forestry" appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That $20,000,000 may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forestry Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest

Fees.
Advance approval.
43 USC 1751 note.

Service under the "State and Private Forestry" appropriations: *Provided further*, That notwithstanding section 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred, and that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary: *Provided further*, That funds appropriated to this account shall be available for the base salary and expenses of employees that carry out the functions funded by the "Capital Improvement and Maintenance" account, the "Range Betterment Fund" account, and the "Management of National Forests for Subsistence Uses" account.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $140,371,000, to remain available through September 30, 2024, for construction, capital improvement, maintenance, and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 2021 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

(RESCISSION OF FUNDS)

Of the unobligated balances from amounts made available for Land Acquisition and derived from the Land and Water Conservation Fund, $5,619,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St. Francis and Ouachita National Forests, Arkansas; as authorized by law, $664,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2024, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available through September 30, 2024, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $45,000, to remain available through September 30, 2024, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), $1,099,000, to remain available through September 30, 2024.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,927,241,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the "National Forest System" account: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*,

Reimbursement.

That funds provided shall be available for support to Federal emergency response: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That of the funds provided under this heading, $1,011,000,000 shall be available for wildfire suppression operations, and is provided to the meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

In addition to the amounts provided under the heading "Department of Agriculture—Forest Service—Wildland Fire Management" for wildfire suppression operations, $2,040,000,000, to remain available until transferred, is additional new budget authority as specified for purposes of section 251(b)(2)(F) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That such amounts may be transferred to and merged with amounts made available under the headings "Department of the Interior—Department-Wide Programs—Wildland Fire Management" and "Department of Agriculture—Forest Service—Wildland Fire Management" for wildfire suppression operations in the fiscal year in which such amounts are transferred: *Provided further*, That amounts may be transferred to the "Wildland Fire Management" accounts in the Department of the Interior or the Department of Agriculture only upon the notification of the House and Senate Committees on Appropriations that all wildfire suppression operations funds appropriated under that heading in this and prior appropriations Acts to the agency to which the funds will be transferred will be obligated within 30 days: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law: *Provided further*, That, in determining whether all wildfire suppression operations funds appropriated under the heading "Wildland Fire Management" in this and prior appropriations Acts to either the Department of Agriculture or the Department of the Interior will be obligated within 30 days pursuant to the previous proviso, any funds transferred or permitted to be transferred pursuant to any other transfer authority provided by law shall be excluded.

Notification. Deadline.

Determination. Deadline.

COMMUNICATIONS SITE ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Amounts collected in this fiscal year pursuant to section 8705(f)(2) of the Agriculture Improvement Act of 2018 (Public Law 115–334), shall be deposited in the special account established by section 8705(f)(1) of such Act, shall be available to cover the costs described in subsection (c)(3) of such section of such Act, and shall remain available until expended: *Provided*, That such amounts shall be transferred to the "National Forest System" account.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Funds made available to the Forest Service in this Act may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94): *Provided*, That any transfer of funds pursuant to this paragraph shall not increase or decrease the funds appropriated to any account in this fiscal year by more than ten percent: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary of Agriculture's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the heading "Wildland Fire Management" will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Notification. Deadline.

Not more than $50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the National Forest System Account, or reprogram funds to be used for the purposes of hazardous fuels management and urgent rehabilitation of burned-over National Forest System lands and water, such transferred funds shall remain available through September 30, 2024: *Provided*, That none of the funds transferred pursuant to this section shall be available for obligation without

Notification. Advance approval.

written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Wild horses and burros.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

16 USC 556i.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

Not more than $82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain information technology services, including telecommunications and system modifications or enhancements, from the Working Capital Fund of the Department of Agriculture.

Of the funds available to the Forest Service, up to $5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided*

further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made available by the Forest Service on at least a one-for-one basis: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

The Forest Service shall not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Reimbursement.

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations, and similar matters unrelated to civil litigation. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles

II and III of the Public Health Service Act with respect to the Indian Health Service, $4,301,391,000 to remain available until September 30, 2022, except as otherwise provided herein, together with payments received during the fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b) and 238b), for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $2,500,000 shall be available for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: Provided further, That $975,856,000 for Purchased/Referred Care, including $53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That of the funds provided, up to $41,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That of the funds provided, $58,000,000 shall be for costs related to or resulting from accreditation emergencies, including supplementing activities funded under the heading "Indian Health Facilities," of which up to $4,000,000 may be used to supplement amounts otherwise available for Purchased/Referred Care: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited in the Fund authorized by section 108A of that Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided further*, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for Opioid Prevention, Treatment and Recovery Services, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for Aftercare Pilot Programs at Youth Regional Treatment Centers, for transformation and modernization costs of the Indian Health Service Electronic Health Record system, for national quality and oversight activities, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, for an initiative to treat or reduce the transmission of HIV and HCV, for a maternal health initiative, for the Telebehaviorial Health Center of Excellence, for Alzheimer's grants, for Village Built Clinics and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care

Allocations.

Contracts.
Grants.
Time period.
Records.

Improvement Act (25 U.S.C. 1613) shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): *Provided further*, That of the funds provided, $72,280,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That none of the funds appropriated by this Act, or any other Act, to the Indian Health Service for the Electronic Health Record system shall be available for obligation or expenditure for the selection or implementation of a new Information Technology infrastructure system, unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 90 days in advance of such obligation: *Provided further*, That none of the amounts made available under this heading to the Indian Health Service for the Electronic Health Record system shall be available for obligation or expenditure for the selection or implementation of a new Information Technology Infrastructure system until the report and directive is received by the Committees on Appropriations of the House of Representatives and the Senate in accordance with the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Reports.

Consultation.
Time period.

Reports.
Directive.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2021, such sums as may be necessary: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account: *Provided further*, That amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs due for such agreements for subsequent fiscal years.

Applicability.

PAYMENTS FOR TRIBAL LEASES

For payments to tribes and tribal organizations for leases pursuant to section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) for fiscal year 2021,

such sums as may be necessary, which shall be available for obligation through September 30, 2022: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, demolition, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $917,888,000 to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation, or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed $500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation, and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms, or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further*, That funds

appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods, services, or technical assistance: *Provided further*, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

Assessments.

Regulations.
Budget request.

Reimbursements.

Reimbursements.

Notification.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section

126(g) of the Superfund Amendments and Reauthorization Act of 1986, $81,500,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, $78,000,000: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2021, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,500,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Appointment. President.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $12,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career

Career positions.

Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

5 USC app. 8G note.

5 USC app. 8G note.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $4,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716).

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), $10,772,000, which shall become available on July 1, 2021, and shall remain available until September 30, 2022.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation,

lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $818,192,000, to remain available until September 30, 2022, except as otherwise provided herein; of which not to exceed $6,957,000 for the instrumentation program, collections acquisition, exhibition reinstallation, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to be available as trust funds for expenses associated with the purchase of a portion of the building at 600 Maryland Avenue, SW, Washington, DC, to the extent that federally supported activities will be housed there: *Provided further*, That the use of such amounts in the general trust funds of the Institution for such purpose shall not be construed as Federal debt service for, a Federal guarantee of, a transfer of risk to, or an obligation of the Federal Government: *Provided further*, That no appropriated funds may be used directly to service debt which is incurred to finance the costs of acquiring a portion of the building at 600 Maryland Avenue, SW, Washington, DC, or of planning, designing, and constructing improvements to such building: *Provided further*, That any agreement entered into by the Smithsonian Institution for the sale of its ownership interest, or any portion thereof, in such building so acquired may not take effect until the expiration of a 30 day period which begins on the date on which the Secretary of the Smithsonian submits to the Committees on Appropriations of the House of Representatives and Senate, the Committees on House Administration and Transportation and Infrastructure of the House of Representatives, and the Committee on Rules and Administration of the Senate a report, as outlined in the explanatory statement described in section 4 of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2536) on the intended sale.

District of Columbia.

District of Columbia.

Effective date. Time period. Reports.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $214,530,000, to remain available until expended, of which not to exceed $10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, 76th Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $153,242,000, to remain available until September 30, 2022, of which not to exceed $3,700,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration, and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $23,203,000, to remain available until expended: *Provided*, That of this amount, $1,510,000 shall be available for design of an off-site art storage facility in partnership with the Smithsonian Institution: *Provided further*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance, and security of the John F. Kennedy Center for the Performing Arts, $26,400,000, to remain available until September, 30, 2022.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $14,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $14,000,000, to remain available until September 30, 2022.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $167,500,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $167,500,000 to remain available until expended, of which $152,500,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $15,000,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including $13,000,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small

grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, $3,240,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: *Provided further*, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses. Fees.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), $5,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), $7,400,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,124,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $61,388,000, of which $715,000 shall remain available until September 30, 2023, for the Museum's equipment replacement program; and of which $3,000,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

PRESIDIO TRUST

The Presidio Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), in an amount not to exceed $20,000,000.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Dwight D. Eisenhower Memorial Commission, $1,000,000, to remain available until expended.

WORLD WAR I CENTENNIAL COMMISSION

SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as authorized by the World War I Centennial Commission Act (Public Law 112–272) and the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), for necessary expenses of the World War I Centennial Commission, $7,000,000, to remain available until September 30, 2022: *Provided*, That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN

For necessary expenses of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children (referred to in this paragraph as the "Commission"), $500,000, to remain available until September 30, 2022: *Provided*, That in addition to the authority provided by section 3(g)(5) and 3(h) of Public Law 114–244, the Commission may hereafter accept in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

Lobbying.

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

Budget estimates.

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves, or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

Patents and trademarks.

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

Determination.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2022, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

Extension.

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2021.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2021 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2021 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2021 with the Bureau of Indian Affairs, Bureau of Indian Education, and the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

16 USC 1604 note.

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the

Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

PROHIBITION ON NO-BID CONTRACTS

SEC. 410. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes;

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 411. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 412. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 413. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

Definitions.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

Reports.

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

NATIONAL ENDOWMENT FOR THE ARTS WAIVERS

SEC. 414. Notwithstanding any other provision of law, funds made available under the heading "National Foundation on the Arts and the Humanities—National Endowment for the Arts—Grants and Administration" of this Act and under such heading for fiscal years 2019 and 2020 for grants for the purposes described in section 5(c) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 954(c)) may also be used by the recipients of such grants for purposes of the general operations of such recipients.

NATIONAL ENDOWMENT FOR THE HUMANITIES WAIVERS

SEC. 415. Notwithstanding any other provision of law, funds made available under the heading "National Foundation on the Arts and the Humanities—National Endowment for the Humanities—Grants and Administration" of this Act and under such heading for fiscal years 2019 and 2020 for grants for the purposes described in section 7(c) and 7(h)(1) of the National Foundation on the Arts and Humanities Act of 1965 may also be used by the recipients of such grants for purposes of the general operations of such recipients.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 416. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity within 60 days of enactment of this Act. Time period. Reports.

EXTENSION OF GRAZING PERMITS

SEC. 417. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2021.

FUNDING PROHIBITION

SEC. 418. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

HUMANE TRANSFER AND TREATMENT OF ANIMALS

SEC. 419. (a) Notwithstanding any other provision of law, the Secretary of the Interior, with respect to land administered by the Bureau of Land Management, or the Secretary of Agriculture, with respect to land administered by the Forest Service (referred to in this section as the "Secretary concerned"), may transfer excess wild horses and burros that have been removed from land administered by the Secretary concerned to other Federal, State, and local government agencies for use as work animals. Wild horses and burros.

(b) The Secretary concerned may make a transfer under subsection (a) immediately on the request of a Federal, State, or local government agency.

(c) An excess wild horse or burro transferred under subsection (a) shall lose status as a wild free-roaming horse or burro (as defined in section 2 of Public Law 92–195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1332)).

(d) A Federal, State, or local government agency receiving an excess wild horse or burro pursuant to subsection (a) shall not—

(1) destroy the horse or burro in a manner that results in the destruction of the horse or burro into a commercial product;

(2) sell or otherwise transfer the horse or burro in a manner that results in the destruction of the horse or burro for processing into a commercial product; or

(3) euthanize the horse or burro, except on the recommendation of a licensed veterinarian in a case of severe injury, illness, or advanced age.

(e) Amounts appropriated by this Act shall not be available for—

(1) the destruction of any healthy, unadopted, and wild horse or burro under the jurisdiction of the Secretary concerned (including a contractor); or

(2) the sale of a wild horse or burro that results in the destruction of the wild horse or burro for processing into a commercial product.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT AUTHORIZATION EXTENSION

Applicability. 16 USC 580d note.

SEC. 420. Section 503(f) of Public Law 109–54 (16 U.S.C. 580d note) shall be applied by substituting "September 30, 2021" for "September 30, 2019".

USE OF AMERICAN IRON AND STEEL

SEC. 421. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

Definition.

(2) In this section, the term "iron and steel" products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the "Administrator") finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

Public information. Records. Time period.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for

informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency. Web posting.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements. Applicability.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

SEC. 422. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding section 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department's wildland fire management program to such organizations. Grants.

RECREATION FEES

SEC. 423. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) shall be applied by substituting "October 1, 2022" for "September 30, 2019". Applicability. 16 USC 6809 note.

REPROGRAMMING GUIDELINES

SEC. 424. None of the funds made available in this Act, in this and prior fiscal years, may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2536). Advance approval.

LOCAL CONTRACTORS

SEC. 425. Section 412 of division E of Public Law 112–74 shall be applied by substituting "fiscal year 2021" for "fiscal year 2019". Applicability.

SHASTA-TRINITY MARINA FEE AUTHORITY AUTHORIZATION EXTENSION

SEC. 426. Section 422 of division F of Public Law 110–161 (121 Stat 1844), as amended, shall be applied by substituting "fiscal year 2021" for "fiscal year 2019". Applicability.

INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION

Applicability. 16 USC 565a–1 note.

SEC. 427. Section 426 of division G of Public Law 113–76 (16 U.S.C. 565a–1 note) shall be applied by substituting "September 30, 2021" for "September 30, 2019".

PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION

Applicability.

SEC. 428. The authority provided by the 19th unnumbered paragraph under heading "Administrative Provisions, Forest Service" in title III of Public Law 109–54, as amended, shall be applied by substituting "fiscal year 2021" for "fiscal year 2019".

FOREST BOTANICAL PRODUCTS FEE COLLECTION AUTHORIZATION EXTENSION

Applicability. 16 USC 528 note.

SEC. 429. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106–113; 16 U.S.C. 528 note), as amended by section 335(6) of Public Law 108–108 and section 432 of Public Law 113–76, shall be applied by substituting "fiscal year 2021" for "fiscal year 2019".

CHACO CANYON

SEC. 430. None of the funds made available by this Act may be used to accept a nomination for oil and gas leasing under 43 CFR 3120.3 et seq, or to offer for oil and gas leasing, any Federal lands within the withdrawal area identified on the map of the Chaco Culture National Historical Park prepared by the Bureau of Land Management and dated April 2, 2019, prior to the completion of the cultural resources investigation identified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

TRIBAL LEASES

Effective date.

SEC. 431. (a) Notwithstanding any other provision of law, in the case of any lease under section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)), the initial lease term shall commence no earlier than the date of receipt of the lease proposal.

Consultation.

(b) The Secretaries of the Interior and Health and Human Services shall, jointly or separately, during fiscal year 2021 consult with tribes and tribal organizations through public solicitation and other means regarding the requirements for leases under section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) on how to implement a consistent and transparent process for the payment of such leases.

RESOURCE STUDY OF SPRINGFIELD RACE RIOT

SEC. 432. (a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term "Study Area" means the archeological site near Madison Street and the 10th Street Rail Corridor, and other sites in Springfield, Illinois associated with the 1908 Springfield Race Riot.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area; Evaluation.

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System; Determination.

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and non-profit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and Consultation.

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives. Cost estimates.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary. Recommendations.

FOREST ECOSYSTEM RECOVERY AND HEALTH FUND

SEC. 433. The authority provided under the heading "Forest Ecosystem Health and Recovery Fund" in title I of Public Law 111–88, as amended by section 117 of division F of Public Law 113–235, shall be applied by substituting "fiscal year 2021" for "fiscal year 2020" each place it appears. Applicability.

ALLOCATION OF PROJECTS

SEC. 434. (a)(1) Within 45 days of enactment of this Act, the Secretary of the Interior shall allocate amounts available from the National Parks and Public Land Legacy Restoration Fund for fiscal year 2021 pursuant to subsection (c) of section 200402 of title 54, United States Code, and as provided in subsection (e) of such section of such title, to the agencies of the Department of the Interior and the Department of Agriculture specified, in the amounts specified, and for the projects and activities specified in the table titled "Allocation of Funds from the National Parks and Public Land Legacy Restoration Fund—Fiscal Year 2021" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act). Deadlines. Time periods.

(2) Within 30 days of enactment of this Act, the Secretary of the Interior shall submit to the Committees on Appropriations of the House of Representatives and the Senate project data sheets in the same format and containing the same level of detailed Data sheets.

information that is found on such sheets in the Budget Justifications annually submitted by the Department of the Interior with the President's Budget for the Department of the Interior projects specified pursuant to the allocation in subsection (a)(1) and, only 45 days after submission of such sheets, shall the Secretary of the Interior be permitted to obligate amounts that are allocated pursuant to subsection (a)(1).

Lists.

(3) Within 30 days of enactment of this Act, the Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate full detailed project lists that must include a project description, as well as information on region, forest or grassland name, project name, State, Congressional district, fiscal year 2021 non-transportation needed funds, fiscal year 2021 transportation needed funds, and asset type for the Department of Agriculture projects specified pursuant to the allocation in subsection (a)(1) and, only 45 days after submission of such lists, shall the Secretary of Agriculture be permitted to obligate amounts that are allocated pursuant to subsection (a)(1).

(b)(1) Within 45 days of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall allocate amounts made available for expenditure from the Land and Water Conservation Fund for fiscal year 2021 pursuant to subsection (a) of section 200303 of title 54, United States Code, to the agencies and accounts specified, in the amounts specified, and for the projects and activities specified in the table titled "Allocation of Funds from the Land and Water Conservation Fund—Fiscal Year 2021" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Data sheets.

(2) Within 30 days of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate project data sheets in the same format and containing the same level of detailed information that is found on such sheets as submitted to the Committees pursuant to section 427 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) for the projects specified pursuant to the allocation in subsection (b)(1) and, only 45 days after submission of such sheets, shall the Secretary of the Interior and the Secretary of Agriculture, as appropriate, be permitted to obligate amounts that are allocated pursuant to subsection (b)(1).

(c)(1) Neither the President nor his designee may allocate any amounts that are made available for any fiscal year under subsection (c) of section 200402 of title 54, United States Code, or subsection (a) of section 200303 of title 54, United States Code, other than amounts that are allocated by subsections (a) and (b) of this section of this Act.

Consultation.
Reports.

(2) If any funds made available by section 200402(c) or section 200303(a) of title 54, United States Code, were allocated or obligated in advance of the enactment of a fiscal year 2021 Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies, then within 30 days of enactment of this Act, the Office of Management and Budget, in consultation with the Department of the Interior and the Department of Agriculture, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report from the General Counsel analyzing how the authority in section 200402 and in section 200303 of title 54, United States Code, permitted the

Administration to allocate funding for projects for a fiscal year pursuant those sections, particularly the language in sections 200402(i) and 200303(c)(2), in advance of the date of enactment of such fiscal year 2021 Act.

Lists.

(d)(1) Concurrent with the annual budget submission of the President for fiscal year 2022, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate a list of supplementary allocations for Federal land acquisition and Forest Legacy projects at the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service that are in addition to the "Submission of Cost Estimates" required by section 200303(c)(1) of title 54, United States Code, that are prioritized and detailed by account, program, and project, and that total no less than half the full amount allocated to each account for that land management Agency under the allocations submitted under section 200303(c)(1) of title 54, United States Code.

(2) The Federal land acquisition and Forest Legacy projects in the "Submission of Cost Estimates" required by section 200303(c)(1) of title 54, United States Code, and on the list of supplementary allocations required by paragraph (1) shall be comprised only of projects for which a willing seller has been identified and for which an appraisal or market research has been initiated.

Data sheets.

(3) Concurrent with the annual budget submission of the President for fiscal year 2022, the Secretary of the Interior and the Secretary of Agriculture shall each submit to the Committees on Appropriations of the House of Representatives and the Senate project data sheets in the same format and containing the same level of detailed information that is found on such sheets in the Budget Justifications annually submitted by the Department of the Interior with the President's Budget for the projects in the "Submission of Cost Estimates" required by section 200303(c)(1) of title 54, United States Code, and in the same format and containing the same level of detailed information that is found on such sheets submitted to the Committees pursuant to section 427 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) for the list of supplementary allocations required by paragraph (1), and for the projects in the "Submission of Annual List of Projects to Congress" required by section 200402(h) of title 54, United States Code.

Time period.
Reports.

(e) The Department of the Interior and the Department of Agriculture shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances for amounts allocated pursuant to subsections (a)(1) and (b)(1) of this section, including all uncommitted, committed, and unobligated funds.

(f) Expenditures made or obligations incurred under the heading "United States Fish and Wildlife Service—Land Acquisition" and for the Appraisal and Valuation Services Office under the heading "Departmental Offices—Office of the Secretary—Departmental Operations" pursuant to the Continuing Appropriations Act, 2021 (Public Law 116–159) shall be charged to the applicable appropriation, account allocation, fund, or authorization pursuant to section 200303 of title 54, United States Code.

TIMBER SALE REQUIREMENTS

Alaska.

SEC. 435. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

PROHIBITION ON USE OF FUNDS

SEC. 436. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 437. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 438. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

POLICIES RELATING TO BIOMASS ENERGY

SEC. 439. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use;

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

SMALL REMOTE INCINERATORS

SEC. 440. None of the funds made available in this Act may be used to implement or enforce the regulation issued on March 21, 2011 at 40 CFR part 60 subparts CCCC and DDDD with respect to units in the State of Alaska that are defined as "small, remote incinerator" units in those regulations and, until a subsequent regulation is issued, the Administrator shall implement the law and regulations in effect prior to such date. Regulations. Alaska.

This division may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021".

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021.

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Department of Labor Appropriations Act, 2021.

TRAINING AND EMPLOYMENT SERVICES

Time period.

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as "WIOA") and the National Apprenticeship Act, $3,663,200,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,845,332,000 as follows:

(A) $862,649,000 for adult employment and training activities, of which $150,649,000 shall be available for the period July 1, 2021 through June 30, 2022, and of which $712,000,000 shall be available for the period October 1, 2021 through June 30, 2022;

(B) $921,130,000 for youth activities, which shall be available for the period April 1, 2021 through June 30, 2022; and

(C) $1,061,553,000 for dislocated worker employment and training activities, of which $201,553,000 shall be

available for the period July 1, 2021 through June 30, 2022, and of which $860,000,000 shall be available for the period October 1, 2021 through June 30, 2022:

Provided, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, $817,868,000 as follows:

(A) $280,859,000 for the dislocated workers assistance national reserve, of which $80,859,000 shall be available for the period July 1, 2021 through September 30, 2022, and of which $200,000,000 shall be available for the period October 1, 2021 through September 30, 2022: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as "Secretary") may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, $80,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA as follows:

Coordination.

(i) $35,000,000 shall be for workers in the Appalachian region, as defined by 40 U.S.C. 14102(a)(1) and workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100–460, 102 Stat. 2246; 7 U.S.C. 2009aa(2));

(ii) $45,000,000 shall be for the purpose of developing, offering, or improving educational or career training programs at community colleges, defined as public institutions of higher education, as described in section 101(a) of the Higher Education Act of 1965 and at which the associate's degree is primarily the highest degree awarded, with other eligible institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, eligible to participate through consortia, with community colleges as the lead grantee: *Provided*, That the Secretary shall follow the requirements for the program in House Report 116–62 and in the explanatory statement accompanying this Act: *Provided further*, That any grant funds used for apprenticeships shall be used to support only apprenticeship programs registered

Requirements.

under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA;

(B) $55,500,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2021 through June 30, 2022;

(C) $93,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including $87,083,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $6,256,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $557,000 for other discretionary purposes, which shall be available for the period April 1, 2021 through June 30, 2022: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services: *Provided further*, That notwithstanding the definition of "eligible seasonal farmworker" in section 167(i)(3)(A) of the WIOA relating to an individual being "low-income", an individual is eligible for migrant and seasonal farmworker programs under section 167 of the WIOA under that definition if, in addition to meeting the requirements of clauses (i) and (ii) of section 167(i)(3)(A), such individual is a member of a family with a total family income equal to or less than 150 percent of the poverty line;

(D) $96,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2021 through June 30, 2022;

(E) $100,079,000 for ex-offender activities, under the authority of section 169 of the WIOA, which shall be available for the period April 1, 2021 through June 30, 2022: *Provided*, That of this amount, $25,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare for employment young adults with criminal records, young adults who have been justice system-involved, or young adults who have dropped out of school or other educational programs, with a priority for projects serving high-crime, high-poverty areas; Grants.

(F) $6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2021 through June 30, 2022; and

(G) $185,000,000 to expand opportunities through apprenticeships only registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries, which shall be available for the period July 1, 2021 through June 30, 2022.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, $1,748,655,000, plus reimbursements, as follows:

(1) $1,603,325,000 for Job Corps Operations, which shall be available for the period July 1, 2021 through June 30, 2022;

(2) $113,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2021 through June 30, 2024, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2022: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

Termination date.

Notification.

(3) $32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2020 through September 30, 2021:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as "OAA"), $405,000,000, which shall be available for the period April 1, 2021 through June 30, 2022, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2021 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, $633,600,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2021: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation

beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $84,066,000, together with not to exceed $3,332,583,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which—

(1) $2,565,816,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $200,000,000 to carry out reemployment services and eligibility assessments under section 306 of such Act, any claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits, may be eligible for such services and assessments: *Provided*, That of such amount, $117,000,000 is specified for grants under section 306 of the Social Security Act and is provided to meet the terms of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $83,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(E)(i)(II) of such Act; and $9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2021, except that funds used for automation shall be available for Federal obligation through December 31, 2021, and for State obligation through September 30, 2023, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2027, and for expenditure through September 30, 2028, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2021, and for obligation by the States through September 30, 2023, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2022, and funds used for unemployment insurance workloads experienced through September 30, 2021 shall be available for Federal obligation through December 31, 2021;

(2) $18,000,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $648,639,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2021 through June 30, 2022;

(4) $22,318,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986 (including assisting States in adopting or modernizing information technology for use in the processing of certification requests), and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) $77,810,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $57,528,000 shall be available for the Federal administration of such activities, and $20,282,000 shall be available for grants to States for the administration of such activities; and

(6) $62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2021 through June 30, 2022:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2021 is projected by the Department of Labor to exceed 1,728,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund

integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium or to the entity operating the Unemployment Insurance Information Technology Support Center in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2022, for such purposes. Fees.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2022.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $108,674,000, together with not to exceed $49,982,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $181,000,000, of which up to $3,000,000 shall be made available through September 30, 2022, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

Contracts.

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2021, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2021 shall be available for obligations for administrative expenses in excess of $465,289,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2021, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2025, for obligations for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided for administrative expenses in this paragraph may be incurred and shall be available through September 30, 2025 for obligation for unforeseen and extraordinary pre-termination or termination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That an additional amount shall be available for obligation through September 30, 2025 to the extent the Corporation's costs exceed $250,000 for the provision of credit or identity monitoring to affected individuals upon suffering a security incident or privacy breach, not to exceed an additional $100 per affected individual.

Approval. Notification.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $246,000,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $44,437,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $105,976,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $115,424,000, together with $2,177,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $239,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2020, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2021: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $80,257,000 shall be made available to the Secretary as follows:

Reimbursement.

Determination.

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $27,220,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $25,647,000;

(3) For periodic roll disability management and medical review, $25,648,000;

(4) For program integrity, $1,742,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $40,970,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2022, $14,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $62,507,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

26 USC 9501 note.

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2021 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $40,643,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed $33,033,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $333,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $591,787,000, including not to exceed $110,075,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the

costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2021, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred ("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

Fees.

Farms and farming.

Small businesses.

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $11,787,000 shall be available for Susan Harwood training grants, of which not less than $4,500,000 is for Susan Harwood Training Capacity Building Developmental grants, as described in Funding Opportunity

Number SHTG–FY–16–02 (referenced in the notice of availability of funds published in the Federal Register on May 3, 2016 (81 Fed. Reg. 30568)) for program activities starting not later than September 30, 2021 and lasting for a period of 12 months: *Provided further*, That not less than $3,500,000 shall be for Voluntary Protection Programs.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $379,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: *Provided*, That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to $2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

30 USC 966 note.
30 USC 962.
30 USC 962.
30 USC 962.
30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $587,000,000, together with not to exceed $68,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Within this amount, $13,000,000 to remain available until September 30, 2024, for costs associated with the physical move of the Bureau of Labor Statistics' headquarters, including replication

of space, furniture, fixtures, equipment, and related costs, as well as relocation of the data center to a shared facility.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $38,500,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $349,056,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That $67,325,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2021: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than $53,825,000 shall be for programs to combat exploitative child labor internationally and not less than $13,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That $8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2022: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women's Bureau, not less than $1,794,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

Notification.

VETERANS' EMPLOYMENT AND TRAINING

Not to exceed $258,841,000 may be derived from the Employment Security Administration account in the Unemployment Trust

Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which—

(1) $180,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for expenditure by the States through September 30, 2023, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $31,379,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) $44,048,000 is for Federal administration of chapters 41, 42, and 43 of title 38, and sections 2021, 2021A and 2023 of title 38, United States Code: *Provided*, That, up to $500,000 may be used to carry out the Hire VETS Act (division O of Public Law 115–31); and

(4) $3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, $57,500,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2021, to provide services under such section: *Provided further*, That services provided under sections 2021 or under 2021A may include, in addition to services to homeless veterans described in section 2002(a)(1), services to veterans who were homeless at some point within the 60 days prior to program entry or veterans who are at risk of homelessness within the next 60 days, and that services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness: *Provided further*, That notwithstanding paragraph (3) under this heading, funds appropriated in this paragraph may be used for data systems and contract support to allow for the tracking of participant and performance information: *Provided further*, That notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title 38, United States Code, such funds shall be available for expenditure pursuant to 31 U.S.C. 1553.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: *Provided*, That such sums shall be in addition to any other funds available for such purposes, including funds available under paragraph (3) of this heading: *Provided further*, That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 38 U.S.C. 4100 note) shall not apply. Fees.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $27,269,000, which shall be available through September 30, 2022.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $85,187,000, together with not to exceed $5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer. Notification.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act. Child labor.

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be

used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to "Program Administration" when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to "Program Administration" in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the "Office of Job Corps" account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2022.

(TRANSFER OF FUNDS)

Evaluations.

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2022: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees

Plan.
Time period.

on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: "Training and Employment Services", "Job Corps", "Community Service Employment for Older Americans", "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", "Office of Disability Employment Policy", funding made available to the "Bureau of International Labor Affairs" and "Women's Bureau" within the "Departmental Management, Salaries and Expenses" account, and "Veterans' Employment and Training".

Applicability.

SEC. 108. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

Time period.

"(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

"(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

"(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

"(C) whose duties include any of the following:

"(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

"(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

"(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

"(iv) negotiating settlements; or

"(v) making recommendations regarding litigation.

"(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

Definitions.

"(3) For purposes of this subsection—

"(A) the term 'major disaster' means any disaster or catastrophe declared or designated by any State or Federal agency or department;

"(B) the term 'employee employed to adjust or evaluate claims resulting from or relating to such major disaster' means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required

by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

"(C) the term 'affiliate' means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.".

Effective date.

(b) This section shall be effective on the date of enactment of this Act.

Time periods.

SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

Effective date.

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

Assessment.

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term "H–2B nonimmigrants" means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

Determinations.
Wages.

SEC. 110. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B nonimmigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational

Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

Regulations.

SEC. 111. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H–2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

Grants.
Contracts.
Determination.

SEC. 112. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to $2,000,000 of excess personal property, at a value determined by the Secretary, to apprenticeship programs for the purpose of training apprentices in those programs.

Applicability.

SEC. 113. (a) The Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

"SEC. 12. SECURITY DETAIL.

Guidelines.

"(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

"(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

"(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

"(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

"(4) provide protection to the Deputy Secretary of Labor or another senior officer representing the Secretary of Labor at a public event if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary.

"(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection (a), for the purpose of performing the duties authorized under subsection (a), to—

"(1) carry firearms;

"(2) make arrests without a warrant for any offense against the United States committed in the presence of such officer or special agent;

"(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

"(4) coordinate with local law enforcement agencies; and

"(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

"(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

"(1) guidelines issued by the Attorney General; and

"(2) guidelines prescribed by the Secretary of Labor.".

Effective date.

(b) This section shall be effective on the date of enactment of this Act.

SEC. 114. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property, including but not limited to subchapter III of chapter 5 of title 40 of the United States Code and subchapter V of chapter 119 of title 42 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program on Treasure Island.

(RESCISSION)

SEC. 115. (a) Of the unobligated funds available under section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) in an amount that is equal to the amount that became available on October 1, 2020, pursuant to the temporary rescission in section 115 of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), $150,000,000 are hereby permanently rescinded, as follows: $75,000,000 from the unobligated funds available under section 286(s)(2) of such Act; $45,000,000 from the unobligated funds available under section 286(s)(3) of such Act; $15,000,000 from the unobligated funds available under section 286(s)(4) of such Act; $7,500,000 from the unobligated funds available under section 286(s)(5) of such Act; and $7,500,000 from the unobligated funds available under section 286(s)(6) of such Act.

Deadline.

(b) Of the unobligated funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), and in addition to the amounts rescinded in subsection (a), $285,000,000 are hereby permanently rescinded not later than September 30, 2021.

SEC. 116. None of the funds made available by this Act may be used to—

(1) alter or terminate the Interagency Agreement between the United States Department of Labor and the United States Department of Agriculture; or

(2) close any of the Civilian Conservation Centers, except if such closure is necessary to prevent the endangerment of the health and safety of the students, the capacity of the program is retained, and the requirements of section 159(j) of the WIOA are met.

SEC. 117. Paragraph (1) under the heading "Department of Labor—Veterans Employment and Training" of title I of division A of Public Law 116–94 is amended by striking "obligation by the States through December 31, 2020" and inserting "expenditure by the States through September 30, 2022".

133 Stat. 2549.

SEC. 118. The amounts provided by the first proviso following paragraph (6) under the heading "Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations" in title I of this Act are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This title may be cited as the "Department of Labor Appropriations Act, 2021".

TITLE II

Department of Health and Human Services Appropriations Act, 2021.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the "PHS Act") with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,683,772,000: *Provided*, That no more than $1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than $120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as "HHS") pertaining to administrative claims made under such law.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $1,224,006,000: *Provided*, That sections 751(j)(2) and 762(k) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the "Secretary") may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such section and subpart: *Provided further*, That $120,000,000 shall remain available until expended for the purposes of providing primary health services, assigning National Health Service Corps

Waiver authority. 42 USC 294a note.

("NHSC") members to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and making payments under the NHSC Loan Repayment Program under section 338B of such Act: *Provided further*, That, within the amount made available in the previous proviso, $15,000,000 shall remain available until expended for the purposes of making payments under the NHSC Loan Repayment Program under section 338B of the PHS Act to individuals participating in such program who provide primary health services in Indian Health Service facilities, Tribally-Operated 638 Health Programs, and Urban Indian Health Programs (as those terms are defined by the Secretary), notwithstanding the assignment priorities and limitations under section 333(b) of such Act: *Provided further*, That for purposes of the previous two provisos, section 331(a)(3)(D) of the PHS Act shall be applied as if the term "primary health services" includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors: *Provided further*, That of the funds made available under this heading, $5,000,000 shall be available to make grants to establish or expand optional community-based nurse practitioner fellowship programs that are accredited or in the accreditation process, with a preference for those in Federally Qualified Health Centers, for practicing postgraduate nurse practitioners in primary care or behavioral health.

Applicability.
Definition.

Grants.

Grants.

Of the funds made available under this heading, $50,000,000 shall remain available until expended for grants to public institutions of higher education to expand or support graduate education for physicians provided by such institutions: *Provided*, That, in awarding such grants, the Secretary shall give priority to public institutions of higher education located in States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That grants so awarded are limited to such public institutions of higher education in States in the top quintile of States with a projected primary care provider shortage in 2025, as determined by the Secretary: *Provided further*, That the minimum amount of a grant so awarded to such an institution shall be not less than $1,000,000 per year: *Provided further*, That such a grant may be awarded for a period not to exceed 5 years: *Provided further*, That amounts made available in this paragraph shall be awarded as supplemental grants to recipients of grants awarded for this purpose in fiscal years 2019 and 2020, pursuant to the terms and conditions of each institution's initial grant agreement, in an amount for each institution that will result in every institution being awarded the same total grant amount over fiscal years 2019 through 2021, provided the institution can justify the expenditure of such funds: *Provided further*, That such a grant awarded with respect to a year to such an institution shall be subject to a matching requirement of non-Federal funds in an amount that is not less than 10 percent of the total amount of Federal funds provided in the grant to such institution with respect to such year.

Priority.
Determination.

Determination.

Time period.

Matching funds.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health and title V of the Social

Security Act, $975,284,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $139,116,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,423,781,000, of which $1,970,881,000 shall remain available to the Secretary through September 30, 2023, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act; and of which $105,000,000, to remain available until expended, shall be available to the Secretary for carrying out a program of grants and contracts under title XXVI or section 311(c) of such Act focused on ending the nationwide HIV/AIDS epidemic, with any grants issued under such section 311(c) administered in conjunction with title XXVI of the PHS Act, including the limitation on administrative expenses.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $129,093,000, of which $122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, $329,519,000, of which $55,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $20,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $12,500,000 shall be available for State Offices of Rural Health: *Provided further*, That $10,500,000 shall remain available through September 30, 2023, to support the Rural Residency Development Program: *Provided further*, That $110,000,000 shall be for the Rural Communities Opioids Response Program.

Grants.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

Abortion.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $155,300,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Care Systems", and "Rural Health".

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the "Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $11,200,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $448,805,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,314,056,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $596,272,000: *Provided*, That of the amounts made available under this heading, up to $1,000,000 shall remain available until expended to pay for the transportation, medical care, treatment, and other related costs of persons quarantined or isolated under Federal or State quarantine law.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $1,021,714,000: *Provided*, That funds made available under this heading may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading. Grants.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $167,810,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $591,997,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $205,850,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $682,879,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $345,300,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $592,843,000, of which: (1) $128,421,000 shall remain available through September 30, 2022 for international HIV/AIDS; and (2) $193,400,000 shall remain available through September 30, 2023 for global disease detection and emergency response: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $842,200,000: *Provided*, That the Director of the Centers for Disease Control and Prevention (referred to in this title as "CDC") or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement to support an activation of the CDC Emergency Operations Center, so long as the Director or Administrator, as applicable, provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority, a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed, and an update of such report every 180 days until staff are no longer on detail without reimbursement to the CDC Emergency Operations Center.

Detailees.
Notice.
Deadline.
Reports.
Updates.
Time period.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, installation, demolition, and renovation of facilities, $30,000,000, which shall remain available until September 30, 2025: *Provided*, That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed $2,500,000, and that the primary benefit of such improvements accrues to CDC: *Provided further*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, $123,570,000: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That of the amounts made available under this heading, $10,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2022.

Contracts.

Detailees.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $6,364,852,000, of which up to $30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,664,811,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $484,867,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $2,131,975,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $2,463,393,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $6,069,619,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,991,417,000, of which $1,271,505,000 shall be from funds available under section 241 of the PHS Act: *Provided*, That not less than $396,573,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,590,337,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $835,714,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $814,675,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $3,899,227,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $634,292,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $498,076,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $174,957,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $554,923,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,479,660,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $2,053,708,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $615,780,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $410,728,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, $154,162,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $390,865,000: *Provided*, That funds may be used to implement a reorganization that is presented to an advisory council in a public meeting and for which the Committees on Appropriations of the House of Representatives and the Senate have been notified 30 days in advance.

Public information. Notification. Time period.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $84,044,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $463,787,000: *Provided*, That of the amounts available for improvement of information systems, $4,000,000 shall be available until September

Contracts.

30, 2022: *Provided further*, That in fiscal year 2021, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as "NIH").

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $855,421,000: *Provided*, That up to $60,000,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least $586,841,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, NIH, $2,411,110,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That $180,000,000 shall be for the Environmental Influences on Child Health Outcomes study: *Provided further*, That $635,939,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That $50,000,000 shall be used to carry out section 404I of the PHS Act (42 U.S.C. 283K), relating to biomedical and behavioral research facilities: *Provided further*, That $5,000,000 shall be transferred to and merged with the appropriation for the "Office of Inspector General" for oversight of grant programs and operations of the NIH, including agency efforts to ensure the integrity of its grant application evaluation and selection processes, and shall be in addition to funds otherwise made available for oversight of the NIH: *Provided further*, That the funds provided in the previous proviso may be transferred from one specified activity to another with 15 days prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Inspector General shall consult with the Committees on Appropriations of the House of Representatives and the Senate before submitting to the Committees an audit plan for fiscal years 2021 and 2022 no later than 30 days after the date of enactment of this Act.

Study.

Grants.

Grants.

Time period.
Advance approval.

Consultation.
Audit plan.
Deadline.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in section 9008 of title 26, United States Code, for the purpose of carrying out section

402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $200,000,000, to remain available through September 30, 2025.

NIH INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, $404,000,000, to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

Determination.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $1,759,236,000: *Provided*, That of the funds made available under this heading, $71,887,000 shall be for the National Child Traumatic Stress Initiative: *Provided further*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That of the funds made available under this heading for subpart I of part B of title XIX of the PHS Act, $35,000,000 shall be available to support evidence-based crisis systems: *Provided further*, That up to 10 percent of the amounts made available to carry out the Children's Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds

Grants.
Contracts.

appropriated in this Act for fiscal year 2021: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That $250,000,000 shall be available until September 30, 2023 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of Public Law 113–93: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, $21,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

Grants.

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, and the SUPPORT for Patients and Communities Act, $3,773,556,000: *Provided*, That $1,500,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids and stimulants undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided further*, That of such amount $50,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further*, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: *Provided further*, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further*, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: *Provided further*, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 15 days prior to publishing a Funding Opportunity Announcement: *Provided further*, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: *Provided further*, That each State, as well as the District of Columbia, shall receive not less than $4,000,000: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart

Grants.

Allocations.
Determination.

Time period.
Publication.

II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: *Provided further*, That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $208,219,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $128,830,000: *Provided*, That in addition to amounts provided herein, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(o) of the PHS Act shall remain available through September 30, 2022: *Provided further*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention". Fees.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $338,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2021: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2022.

CENTERS FOR MEDICARE & MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $313,904,098,000, to remain available until expended.

For making, after May 31, 2021, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2021 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2022, $148,732,315,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $439,514,000,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare & Medicaid Services, not to exceed $3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2021 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That of the amount made available under this heading, $397,334,000 shall remain available until September 30, 2022, and shall be available for the Survey and Certification Program: *Provided further*, That amounts available under this heading to support quality improvement organizations (as defined in section 1152 of the Social Security Act) shall not exceed the amount specifically provided for such purpose under

Fees.

this heading in division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $807,000,000, to remain available through September 30, 2022, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $616,000,000 shall be for the Centers for Medicare & Medicaid Services program integrity activities, of which $99,000,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which $92,000,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2021 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, $311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $496,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: *Provided further*, That the Secretary shall provide not less than $20,000,000 from amounts made available under this heading and amounts made available for fiscal year 2021 under section 1817(k)(3)(A) of the Social Security Act for the Senior Medicare Patrol program to combat health care fraud and abuse.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $3,039,000,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2022, $1,400,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), $3,750,304,000: *Provided*, That notwithstanding section 2609A(a) of such Act, not more than $3,500,000 may be reserved by the Secretary of Health and Human Services for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures

and the Secretary may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as nonprofit organizations: *Provided further*, That all but $760,000,000 of the amount appropriated under this heading shall be allocated as though the total appropriation for such payments for fiscal year 2021 was less than $1,975,000,000: *Provided further*, That, after applying all applicable provisions of section 2604 of such Act and the previous proviso, each State or territory that would otherwise receive an allocation that is less than 97 percent of the amount that it received under this heading for fiscal year 2020 from amounts appropriated in Public Law 116–94 shall have its allocation increased to that 97 percent level, with the portions of other States' and territories' allocations that would exceed 100 percent of the amounts they respectively received in such fashion for fiscal year 2020 being ratably reduced.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 ("TVPA"), and the Torture Victims Relief Act of 1998, $1,910,201,000, of which $1,864,446,000 shall remain available through September 30, 2023 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting "15 percent" for "3 percent": *Provided further*, That the contribution of funds requirement under section 235(c)(6)(C)(iii) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 shall not apply to funds made available under this heading.

Applicability.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), $5,911,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: *Provided further*, That in addition to the amounts required to be reserved by the Secretary under

Contracts.

section 658O(a)(2)(A) of such Act, $177,330,000 shall be for Indian tribes and tribal organizations.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Grants.

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act ("CSBG Act"); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, the Child Care and Development Block Grant Act of 1990, the Assets for Independence Act, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $13,040,511,000, of which $75,000,000, to remain available through September 30, 2022, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2021: *Provided*, That $10,748,095,000 shall be for making payments under the Head Start Act, including for Early Head Start-Child Care Partnerships, and, of which, notwithstanding section 640 of such Act:

(1) $123,000,000 shall be available for a cost of living adjustment, and with respect to any continuing appropriations act, funding available for a cost of living adjustment shall not be construed as an authority or condition under this Act;

Allocations.

(2) $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of the Head Start Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12), and 645A(d) of such Act, and such funds shall not be included in the calculation of "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act;

(3) $10,000,000 shall be available to migrant and seasonal Head Start programs, in addition to funds made available for migrant and seasonal Head Start programs under section 640(a) of the Head Start Act, for the purposes of quality improvement consistent with section 640(a)(5) of such Act except that any amount of the funds may be used on any of the activities in such section 640(a)(5): *Provided further*, That funds derived from a migrant and seasonal Head Start program held by

the Secretary as a result of recapturing, withholding, or reducing a base grant that were unable to be redistributed consistent with section 641A(h)(6)(A)(ii) of such Act shall be added to the amount in this paragraph;

(4) $4,000,000 shall be available for the purposes of maintaining the Tribal Colleges and Universities Head Start Partnership Program consistent with section 648(g) of such Act; and

(5) $21,000,000 shall be available to supplement funding otherwise available for research, evaluation, and Federal administrative costs:

Provided further, That the Secretary may reduce the reservation of funds under section 640(a)(2)(C) of such Act in lieu of reducing the reservation of funds under sections 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided further*, That $275,000,000 shall be available until December 31, 2021 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That up to 3 percent of the funds in the preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further*, That $775,383,000 shall be for making payments under the CSBG Act: *Provided further*, That $30,383,000 shall be for section 680 of the CSBG Act, of which not less than $20,383,000 shall be for section 680(a)(2) and not less than $10,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That, notwithstanding section 675C(a)(3) of the CSBG Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $182,500,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which $7,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further*, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further*, That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the

Procedures.
Time period.
42 USC 9921 note.

42 USC 9921 note.

Applicability.
42 USC 9921 note.

system: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, $82,515,000: *Provided*, That of the funds available to carry out section 437, $59,765,000 shall be allocated consistent with subsections (b) through (d) of such section: *Provided further*, That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4)(C), $20,000,000 shall be for grants to each State, territory, and Indian tribe operating title IV–E plans for developing, enhancing, or evaluating kinship navigator programs, as described in section 427(a)(1) of such Act and $2,750,000, in addition to funds otherwise appropriated in section 476 for such purposes, shall be for the Family First Clearinghouse: *Provided further*, That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting "5 percent" for "3.3 percent", and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating practices to meet the criteria specified in section 471(e)(4)(C): *Provided further*, That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further*, That the minimum grant award for kinship navigator programs in the case of States and territories shall be $200,000, and, in the case of tribes, shall be $25,000.

Allocations.

Applicability.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $7,012,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2022, $3,000,000,000.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), the RAISE Family Caregivers Act, the Supporting Grandparents Raising Grandchildren Act, titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote

Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $2,206,000,000, together with $52,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition, including medically-tailored meals: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship.

Notice.
Deadline.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $485,794,000, together with $64,828,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, $55,400,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, $101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, $35,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That of the funds made available under this heading, $5,000,000 shall be for carrying

Sexual risk avoidance.

Embryo adoption.

out prize competitions sponsored by the Office of the Secretary to accelerate innovation in the prevention, diagnosis, and treatment of kidney diseases (as authorized by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719)).

MEDICARE HEARINGS AND APPEALS

For expenses necessary for Medicare hearings and appeals in the Office of the Secretary, $191,881,000 shall remain available until September 30, 2022, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $62,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $80,000,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $1,085,458,000, of which $596,700,000 shall remain available through September 30, 2022, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to

any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further*, That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2023.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $770,000,000, to remain available until expended.

For expenses necessary to carry out section 319F–2(a) of the PHS Act, $705,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $287,000,000; of which $252,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II: *Provided*, That none of the funds appropriated in this title shall be used to prevent the NIH from paying up to 100 percent of the salary of an individual at this rate.

Reports.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

Determination.
Evaluation.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or

Notification.
Time period.

to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Time period.
Contracts.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the effective date of a contract awarded in fiscal year 2021 under section 338B of such Act, or at any time if the individual who has been awarded such contract has not received funds due under the contract.

Certification.
Family planning.
Children and youth.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

Child abuse.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Abortion.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

Gun control.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

Government employees.
Children and youth.
AIDS.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2021:

Consultation.

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

Compliance.

Consultation.
Grants.
Contracts.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Time period.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

Determination.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry

out research identified pursuant to or research and activities described in such section 402(b)(12).

Procedures. Consultation. Assessments.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

Applicability.

SEC. 216. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

Contracts.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority ("BARDA") may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

Determination.

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

Publication. Web posting.

SEC. 219. (a) The Secretary shall publish in the fiscal year 2022 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the

ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

Publication.

SEC. 220. The Secretary shall publish, as part of the fiscal year 2022 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare & Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2022. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading "Health Insurance Exchange Transparency" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 221. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the "Centers for Medicare & Medicaid Services—Program Management" account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

(TRANSFER OF FUNDS)

Deadline.

SEC. 222. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading "Prevention and Public Health Fund" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

Time period.

SEC. 223. Effective during the period beginning on November 1, 2015 and ending January 1, 2023, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

Applicability.

SEC. 224. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

(TRANSFER OF FUNDS)

Drugs and drug abuse.
Time period.
Notification.

SEC. 225. The NIH Director may transfer funds for opioid addiction, opioid alternatives, stimulant misuse and addiction, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

SEC. 226. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

Notification.

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

Notification.
Time period.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 227. In addition to the amounts otherwise available for "Centers for Medicare & Medicaid Services, Program Management", the Secretary of Health and Human Services may transfer up

to $305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

Reports.

SEC. 228. The Department of Health and Human Services shall provide the Committees on Appropriations of the House of Representatives and Senate a biannual report 30 days after enactment of this Act on staffing described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 229. Funds appropriated in this Act that are available for salaries and expenses of employees of the Department of Health and Human Services shall also be available to pay travel and related expenses of such an employee or of a member of his or her family, when such employee is assigned to duty, in the United States or in a U.S. territory, during a period and in a location that are the subject of a determination of a public health emergency under section 319 of the Public Health Service Act and such travel is necessary to obtain medical care for an illness, injury, or medical condition that cannot be adequately addressed in that location at that time. For purposes of this section, the term "U.S. territory" means Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

Definition.
Territories.

Donations.

SEC. 230. The Department of Health and Human Services may accept donations from the private sector, nongovernmental organizations, and other groups independent of the Federal Government for the care of unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in the care of the Office of Refugee Resettlement of the Administration for Children and Families, including medical goods and services, which may include early childhood developmental screenings, school supplies, toys, clothing, and any other items intended to promote the wellbeing of such children.

Aliens.
Children and youth.

SEC. 231. (a) None of the funds provided by this or any prior appropriations Act may be used to reverse changes in procedures made by operational directives issued to providers by the Office of Refugee Resettlement on December 18, 2018, March 23, 2019, and June 10, 2019 regarding the Memorandum of Agreement on Information Sharing executed April 13, 2018.

Determination.

(b) Notwithstanding subsection (a), the Secretary may make changes to such operational directives upon making a determination that such changes are necessary to prevent unaccompanied alien children from being placed in danger, and the Secretary shall provide a written justification to Congress and the Inspector General of the Department of Health and Human Services in advance of implementing such changes.

Deadline.
Assessment.

(c) Within 15 days of the Secretary's communication of the justification, the Inspector General of the Department of Health and Human Services shall provide an assessment, in writing, to the Secretary and to the Committees on Appropriations of the House of Representatives and the Senate of whether such changes

to operational directives are necessary to prevent unaccompanied children from being placed in danger.

Aliens.
Children and youth.
Determination.
Time periods.

SEC. 232. None of the funds made available in this Act under the heading "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance" may be obligated to a grantee or contractor to house unaccompanied alien children (as such term is defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility that is not State-licensed for the care of unaccompanied alien children, except in the case that the Secretary determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency, provided that—

Requirements.
Compliance.

(1) the terms of the grant or contract for the operations of any such facility that remains in operation for more than six consecutive months shall require compliance with—

Determination.

(A) the same requirements as licensed placements, as listed in Exhibit 1 of the Flores Settlement Agreement that the Secretary determines are applicable to non-State licensed facilities; and

(B) staffing ratios of one (1) on-duty Youth Care Worker for every eight (8) children or youth during waking hours, one (1) on-duty Youth Care Worker for every sixteen (16) children or youth during sleeping hours, and clinician ratios to children (including mental health providers) as required in grantee cooperative agreements;

Waiver authority.
Certification.
Reports.

(2) the Secretary may grant a 60-day waiver for a contractor's or grantee's non-compliance with paragraph (1) if the Secretary certifies and provides a report to Congress on the contractor's or grantee's good-faith efforts and progress towards compliance;

(3) not more than four consecutive waivers under paragraph (2) may be granted to a contractor or grantee with respect to a specific facility;

(4) ORR shall ensure full adherence to the monitoring requirements set forth in section 5.5 of its Policies and Procedures Guide as of May 15, 2019;

(5) for any such unlicensed facility in operation for more than three consecutive months, ORR shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and

Deadline.
Briefing.

(6) not later than 60 days after the date of enactment of this Act, ORR shall brief the Committees on Appropriations of the House of Representatives and the Senate outlining the requirements of ORR for influx facilities including any requirement listed in paragraph (1)(A) that the Secretary has determined are not applicable to non-State licensed facilities.

Notification.
Time periods.
Analysis.
Aliens.
Children and youth.
6 USC 279 note.

SEC. 233. In addition to the existing Congressional notification for formal site assessments of potential influx facilities, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days before operationalizing an unlicensed facility, and shall (1) specify whether the facility is hard-sided or soft-sided, and (2) provide analysis that indicates that, in the absence of the influx facility, the likely outcome is that unaccompanied alien children will remain in the custody of the Department of Homeland Security for longer than

72 hours or that unaccompanied alien children will be otherwise placed in danger. Within 60 days of bringing such a facility online, and monthly thereafter, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report detailing the total number of children in care at the facility, the average length of stay and average length of care of children at the facility, and, for any child that has been at the facility for more than 60 days, their length of stay and reason for delay in release.

Reports.

SEC. 234. None of the funds made available in this Act may be used to prevent a United States Senator or Member of the House of Representatives from entering, for the purpose of conducting oversight, any facility in the United States used for the purpose of maintaining custody of, or otherwise housing, unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator or Member has coordinated the oversight visit with the Office of Refugee Resettlement not less than two business days in advance to ensure that such visit would not interfere with the operations (including child welfare and child safety operations) of such facility.

Congress.
Aliens.
Children and youth.
Time period.

SEC. 235. Not later than 14 days after the date of enactment of this Act, and monthly thereafter, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and make publicly available online, a report with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security (DHS) (regardless of whether or not such separation was pursuant to an option selected by the children, parents, or guardians), subsequently classified as unaccompanied alien children, and transferred to the care and custody of ORR during the previous month. Each report shall contain the following information:

Public information.
Web posting.
Reports.
Aliens.
Children and youth.
6 USC 279 note.

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

SEC. 236. Funds appropriated in this Act that are available for salaries and expenses of employees of the Centers for Disease Control and Prevention shall also be available for the primary and secondary schooling of eligible dependents of personnel stationed in a U.S. territory as defined in section 229 of this Act at costs not in excess of those paid for or reimbursed by the Department of Defense.

SEC. 237. Of the unobligated balances available in fiscal year 2021 in the "Nonrecurring Expenses Fund" established in section 223 of division G of Public Law 110–161, $225,000,000, in addition to any funds otherwise made available for such purposes in this, prior, or subsequent fiscal years, shall be available during the period of availability of the Fund for the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property.

(RESCISSION)

Deadline.

SEC. 238. Of the unobligated balances in the "Nonrecurring Expenses Fund" established in section 223 of division G of Public Law 110–161, $375,000,000 are hereby rescinded not later than September 30, 2021.

Federal buildings and facilities.

SEC. 239. (a) The Chamblee Research Support Building (Building 108) at the Centers for Disease Control and Prevention is hereby renamed as the Johnny Isakson Public Health Research Building.

133 Stat. 2586.

(b) Section 238 of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended by inserting "during the period of availability of the Fund" after "shall be available" and by inserting "moving expenses," after "renovation of facilities,".

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2021".

Department of Education Appropriations Act, 2021.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as "ESEA") and section 418A of the Higher Education Act of 1965 (referred to in this Act as "HEA"), $17,226,790,000, of which $6,306,490,000 shall become available on July 1, 2021, and shall remain available through September 30, 2022, and of which $10,841,177,000 shall become available on October 1, 2021, and shall remain available through September 30, 2022, for academic year 2021–2022: *Provided*, That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as "Secretary") on October 1, 2020, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $4,357,550,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $4,357,550,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $220,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That $46,123,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,501,112,000, of which $1,354,242,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $17,406,000, to remain available through September 30, 2022, shall be for construction under section 7007(b), $76,313,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008:

Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2020–2021, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,444,217,000, of which $3,613,652,000 shall become available on July 1, 2021, and remain available through September 30, 2022, and of which $1,681,441,000 shall become available on October 1, 2021, and shall remain available through September 30, 2022, for academic year 2021–2022: *Provided*, That $378,000,000 shall be for part B of title I: *Provided further*, That $1,259,673,000 shall be for part B of title IV: *Provided further*, That $37,397,000 shall be for part B of title VI, which may be used for construction, renovation, and modernization of any public elementary school, secondary school, or structure related to a public elementary school or secondary school that serves a predominantly Native Hawaiian student body, and that the 5 percent limitation in section 6205(b) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That $36,453,000 shall be for part C of title VI, which shall be awarded on a competitive basis, and may be used for construction, and that the 5 percent limitation in section 6305 of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That $52,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That $16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That $187,840,000 shall be for part B of title V: *Provided further*, That $1,220,000,000 shall be available for grants under subpart 1 of part A of title IV.

Applicability.

Applicability.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, $181,239,000, of which $67,993,000 shall be for subpart 2 of part A of title VI and $7,865,000 shall be for subpart 3 of part A of title VI: *Provided*, That the 5 percent limitation in sections 6115(d), 6121(e), and 6133(g) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs.

Applicability.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, $1,114,250,000: *Provided*, That $285,250,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That $635,000,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*, That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further*, That of the funds available for part C of title IV, the Secretary shall use $60,000,000 to carry out section 4304, of which not more than $10,000,000 shall be available to carry out section 4304(k), $140,000,000, to remain available through March 31, 2022, to carry out section 4305(b), and not more than $15,000,000 to carry out the activities in section 4305(a)(3): *Provided further*, That notwithstanding section 4601(b), $194,000,000 shall be available through December 31, 2021 for subpart 1 of part F of title IV.

Extension.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, $217,000,000: *Provided*, That $106,000,000 shall be available for section 4631, of which up to $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (Project SERV) program: *Provided further*, That $30,000,000 shall be available for section 4625: *Provided further*, That $81,000,000 shall be available through December 31, 2021, for section 4624.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $797,400,000, which shall become available on July 1, 2021, and shall remain available through September 30, 2022, except that 6.5 percent of such amount shall be available on October 1, 2020, and shall remain available through September 30, 2022, to carry out activities under section 3111(c)(1)(C).

State and local governments.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $14,070,743,000, of which $4,533,544,000 shall become available on July 1, 2021, and shall remain available through

September 30, 2022, and of which $9,283,383,000 shall become available on October 1, 2021, and shall remain available through September 30, 2022, for academic year 2021–2022: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2020, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2020: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed 5, until the entire reduction is applied: *Provided further*, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided*

20 USC 1411 note.

Applicability. Time period.

20 USC 1411 note.

20 USC 1411 note.

Evaluation. *further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart: *Provided further*, That States may use funds reserved for other State-level activities under sections 611(e)(2) and 619(f) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to carry out activities authorized by those sections: *Provided further*, That, notwithstanding section 643(e)(2)(A) of the IDEA, if 5 or fewer States apply for grants pursuant to section 643(e) of such Act, the Secretary shall provide a grant to each State in an amount equal to the maximum amount described in section 643(e)(2)(B) of such Act: *Provided further*, That if more than 5 States apply for grants pursuant to section 643(e) of the IDEA, the Secretary shall award funds to those States on the basis of the States' relative populations of infants and toddlers except that no such State shall receive a grant in excess of the amount described in section 643(e)(2)(B) of such Act: *Provided further*, That States may use funds allotted under section 643(c) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to carry out activities authorized by section 638 of IDEA.

Grants.

Grants.

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $3,814,220,000, of which $3,675,021,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at increasing competitive integrated employment as defined in section 7 of such Act for youth and other individuals with disabilities: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further*, That any funds made available subsequent to reallotment for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2022.

Grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to Promote the Education of the Blind of March 3, 1879, $34,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $81,500,000: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $140,361,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 ("Perkins Act") and the Adult Education and Family Literacy Act ("AEFLA"), $2,030,936,000, of which $1,239,936,000 shall become available on July 1, 2021, and shall remain available through September 30, 2022, and of which $791,000,000 shall become available on October 1, 2021, and shall remain available through September 30, 2022: *Provided*, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,545,352,000 which shall remain available through September 30, 2022.

The maximum Pell Grant for which a student shall be eligible during award year 2021–2022 shall be $5,435. 20 USC 1070a note.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, $1,853,943,000, to remain available through September 30, 2022: *Provided*, That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their past performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further*, That for student loan contracts awarded prior to October 1, 2017, the Secretary shall allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan: *Provided further*, That in order to promote accountability and high-quality service to borrowers, the Secretary shall not award funding for any contract solicitation for a new Federal student loan servicing environment, including the solicitation for the Federal Student Aid (FSA) Next Generation Processing and Servicing Environment, unless such an environment provides for the participation of multiple student loan servicers that contract directly with the Department of Education to manage a unique portfolio of borrower accounts and the full life-cycle of loans from disbursement to pay-off with certain limited exceptions, and allocates student loan borrower accounts to eligible student loan servicers based on performance: *Provided further*, That the Department shall re-allocate accounts from servicers for recurring non-

Allocations.

20 USC 1087f note.

Allocations.

Allocations.

compliance with FSA guidelines, contractual requirements, and applicable laws, including for failure to sufficiently inform borrowers of available repayment options: *Provided further*, That such servicers shall be evaluated based on their ability to meet contract requirements (including an understanding of Federal and State law), future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further*, That to the extent FSA permits student loan servicing subcontracting, FSA shall hold prime contractors accountable for meeting the requirements of the contract, and the performance and expectations of subcontractors shall be accounted for in the prime contract and in the overall performance of the prime contractor: *Provided further*, That FSA shall ensure that the Next Generation Processing and Servicing Environment, or any new Federal loan servicing environment, incentivize more support to borrowers at risk of delinquency or default: *Provided further*, That FSA shall ensure that in such environment contractors have the capacity to meet and are held accountable for performance on service levels; are held accountable for and have a history of compliance with applicable consumer protection laws; and have relevant experience and demonstrated effectiveness: *Provided further*, That the Secretary shall provide quarterly briefings to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Health, Education, Labor, and Pensions of the Senate on general progress related to solicitations for Federal student loan servicing contracts: *Provided further*, That FSA shall strengthen transparency through expanded publication of aggregate data on student loan and servicer performance: *Provided further*, That not later than 60 days after enactment of this Act, FSA shall provide to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan of anticipated uses of funds made available in this account for fiscal year 2021 and provide quarterly updates on this plan (including contracts awarded, change orders, bonuses paid to staff, reorganization costs, and any other activity carried out using amounts provided under this heading for fiscal year 2021): *Provided further*, That the FSA Next Generation Processing and Servicing Environment, or any new Federal student loan servicing environment, shall include accountability measures that account for the performance of the portfolio and contractor compliance with FSA guidelines: *Provided further*, That, due to concerns with the transfer of borrower accounts and to allow appropriate time for review of the risks of current contracting plans, FSA shall suspend awarding of any contract for the Interim Servicing Solution (ISS) Solicitation (Solicitation No. 91003120R0018) for a period of not less than 90 days after enactment of this Act: *Provided further*, That FSA may not award funding for any contract under such ISS Solicitation unless Business Process Operations (BPO) Contractors are, as borrower accounts are migrated to ISS, immediately responsible for all contact center and back-office processing, as described in BPO Solicitation No. 91003119R0008, necessary to deliver all such servicing requirements for accounts that have been migrated to ISS: *Provided further*, That notwithstanding the requirements of the Federal Property and Administration Services Act of 1949, 41 U.S.C. 3101 et. seq, as amended; parts 6, 16, and 37 of title 48, Code of Federal Regulations; or any other procurement limitation on the period of performance, the Secretary may extend the period of performance

Evaluations.

Contracts.

Time period.
Briefings.

Deadline.
Spend plan.
Time period.
Updates.

Suspension.
Time period.

Extension.
Time period.

for any contract under section 456 of the HEA for servicing activities scheduled to expire on December 14, 2021, or March 30, 2022, as applicable, for up to two additional years from the date of expiration.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Perkins Act, $2,541,661,000, of which $96,000,000 shall remain available through December 31, 2021: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation: *Provided further*, That section 313(d) of the HEA shall not apply to an institution of higher education that is eligible to receive funding under section 318 of the HEA.

HOWARD UNIVERSITY

For partial support of Howard University, $251,018,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

Loans.

For the cost of guaranteed loans, $22,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2022: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $278,266,000: *Provided further*, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, $16,000,000, to remain available through September 30, 2022, shall be made available to provide for the deferment of loans made under part D of title III of the HEA to eligible institutions that are private Historically Black Colleges and Universities, which apply for the deferment of such a loan and demonstrate financial need for such deferment by having a score of 2.6 or less on the Department of Education's financial responsibility test: *Provided*, That the loan has not been paid in full and is not paid in full during the period of deferment: *Provided further*, That during the period of deferment of such a loan, interest on the loan will not accrue or be capitalized, and the period of deferment shall be for at least a period of 3-fiscal years and not more than 6-fiscal years: *Provided further*, That funds available under this paragraph shall be used to fund eligible deferment requests submitted for this purpose in fiscal year 2018: *Provided further*, That the Secretary shall create and execute an outreach plan to work with States and the Capital Financing Advisory Board to improve outreach to States and help additional public Historically Black Colleges and Universities participate in the program.

Time period.

Outreach plan.

In addition, $10,000,000, to remain available through September 30, 2022, shall be made available to provide for the deferment of loans made under part D of title III of the HEA to eligible institutions that are public Historically Black Colleges and Universities, which apply for the deferment of such a loan and demonstrate financial need for such deferment, which shall be determined by the Secretary of Education based on factors including, but not limited to, equal to or greater than 5 percent of the school's operating revenue relative to its annual debt service payment: *Provided*, That during the period of deferment of such a loan, interest on the loan will not accrue or be capitalized, and the period of deferment shall be for at least a period of 3-fiscal years and not more than 6-fiscal years.

Determination.

Time period.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $642,462,000, which shall remain available through September 30, 2022: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $430,000,000: *Provided*, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $131,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $63,000,000, of which $2,000,000 shall remain available until expended.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools. Voluntary prayer. Meditation.

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer. Notification. Time period.

SEC. 303. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2021, through September 30, 2022. Time period.

SEC. 304. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2021 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such

income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

Time period.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 305. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking "2020" and inserting "2021".

SEC. 306. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking "2020" and inserting "2021".

SEC. 307. Funds appropriated in this Act under the heading "Student Aid Administration" may be available for payments for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.).

(RESCISSION)

SEC. 308. Of the unobligated balances available under the heading "Student Financial Assistance" for carrying out subpart 1 of part A of title IV of the HEA, $500,000,000 are hereby rescinded.

(RESCISSION)

SEC. 309. Of the amounts appropriated under Section 401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year 2021, $28,000,000 are hereby rescinded.

SEC. 310. Of the amounts made available under this title under the heading "Student Aid Administration", $2,300,000 shall be used by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under section 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided*, That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under section 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further*, That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of section 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic communications, ensuring prominent access to program requirements and benefits on each servicer's website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website.

Website.

SEC. 311. For an additional amount for "Department of Education—Federal Direct Student Loan Program Account", $50,000,000, to remain available until expended, shall be for the cost, as defined under section 502 of the Congressional Budget Act of 1974, of the Secretary of Education providing loan cancellation in the same manner as under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made under part D of title IV of such Act who would qualify

for loan cancellation under section 455(m) except some, or all, of the 120 required payments under section 455(m)(1)(A) do not qualify for purposes of the program because they were monthly payments made in accordance with graduated or extended repayment plans as described under subparagraph (B) or (C) of section 455(d)(1) or the corresponding repayment plan for a consolidation loan made under section 455(g) and that were less than the amount calculated under section 455(d)(1)(A), based on a 10-year repayment period: *Provided*, That the monthly payment made 12 months before the borrower applied for loan cancellation as described in the matter preceding this proviso and the most recent monthly payment made by the borrower at the time of such application were each not less than the monthly amount that would be calculated under, and for which the borrower would otherwise qualify for, clause (i) or (iv) of section 455(m)(1)(A) regarding income-based or income-contingent repayment plans, with exception for a borrower who would have otherwise been eligible under this section but demonstrates an unusual fluctuation of income over the past 5 years: *Provided further*, That the total loan volume, including outstanding principal, fees, capitalized interest, or accrued interest, at application that is eligible for such loan cancellation by such borrowers shall not exceed $75,000,000: *Provided further*, That the Secretary shall develop and make available a simple method for borrowers to apply for loan cancellation under this section within 60 days of enactment of this Act: *Provided further*, That the Secretary shall provide loan cancellation under this section to eligible borrowers on a first-come, first-serve basis, based on the date of application and subject to both the limitation on total loan volume at application for such loan cancellation specified in the second proviso and the availability of appropriations under this section: *Provided further*, That no borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428J, 428K, 428L, or 460 of such Act.

Time periods.

Deadline.

SEC. 312. None of the funds made available by this Act may be used in contravention of section 203 of the Department of Education Organization Act (20 U.S.C. 3413).

(INCLUDING TRANSFER OF FUNDS)

SEC. 313. There is hereby established in the Treasury of the United States a fund to be known as the "Department of Education Nonrecurring Expenses Fund" (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Education by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information and business technology system modernization and facilities infrastructure improvements necessary for the operation of the Department, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 30 days in advance of the specific information and

20 USC 3483a.

Deadline.

Approval.

Notification.
Time period.

business technology system modernization project or facility infrastructure improvement obligations planned for such amounts.

20 USC 1228.

SEC. 314. (a) The General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended by striking section 426.

(b) Paragraph (9) of section 4407(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231f(a)) is amended by striking "notwithstanding section 426 of the General Education Provisions Act (20 U.S.C. 1228),".

SEC. 315. Section 2101(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6611(b)) is amended—(1) in paragraph (2)(A)(iv), by inserting "through fiscal year 2022" after "fiscal year 2020"; and (2) in paragraph (3), by striking "2021" both places it appears and inserting "2023" in its place.

RURAL AND LOW-INCOME SCHOOL PROGRAM ADJUSTMENTS

Grants.
20 USC 7351 note.

SEC. 316. (a) HOLD HARMLESS.—For the purpose of making awards under section 5221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) for a fiscal year during the period described in subsection (c), the Secretary of Education and each State educational agency shall treat as eligible to receive a grant under such section—

(1) any local educational agency that meets the eligibility requirements described in section 5221(b)(1) of such Act for such fiscal year, in accordance with subsection (d); and

(2) notwithstanding such section 5221(b)(1), any local educational agency that does not meet the eligibility requirements described in such section for such fiscal year if—

(A) the local educational agency received a grant under section 5221 of such Act for fiscal year 2019;

(B) for fiscal year 2019, less than 20 percent of the children ages 5 through 17 years served by the local educational agency were from families with incomes below the poverty line, as determined by data from the Small Area Income and Poverty Estimates of the Bureau of the Census;

(C) the award for fiscal year 2019 was based on alternative poverty data submitted by the State to the Secretary despite data being available from the Small Area Income and Poverty Estimates of the Bureau of the Census; and

(D) the local educational agency meets the eligibility criteria described in section 5221(b)(1)(A)(ii) of such Act, or has obtained a waiver under section 5221(b)(2) of such Act, for the fiscal year for which the eligibility determination is being made.

(b) LIMITATIONS.—

(1) LIMITS ON LOCAL EDUCATIONAL AGENCY AWARDS.—For the purposes of making an award under section 5221(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351(b)) to local educational agencies described in subsection (a)(2) for a fiscal year during the period described in subsection (c), a State educational agency shall provide an award to each such local educational agency for such fiscal year that is not larger than—

(A) for fiscal year 2021, 100 percent of the amount such local educational agency received for fiscal year 2019;

(B) for fiscal year 2022, 100 percent of the amount such local educational agency received for fiscal year 2019;

(C) for fiscal year 2023, 83.33 percent of the amount such local educational agency received for fiscal year 2019;

(D) for fiscal year 2024, 66.67 percent of the amount such local educational agency received for fiscal year 2019;

(E) for fiscal year 2025, 50 percent of the amount such local educational agency received for fiscal year 2019;

(F) for fiscal year 2026, 33.33 percent of the amount such local educational agency received for fiscal year 2019; and

(G) for fiscal year 2027, 16.67 percent of the amount such local educational agency received for fiscal year 2019.

(2) ADJUSTMENTS TO STATE ALLOCATIONS.—In determining grant amounts for each State educational agency under section 5221(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351(a)(2)) for each fiscal year during the period described in subsection (c), the Secretary of Education shall reduce the amount that the State educational agency would otherwise receive by the combined amount of any reductions in grant awards required under paragraph (1) for such year for the local educational agencies described in subsection (a)(2) that are served by the State educational agency.

(c) APPLICABILITY.—Subsections (a) and (b) shall be in effect during the period— Time period.

(1) beginning on the first day of the fiscal year in which this Act is enacted; and Effective date.

(2) ending on the earlier of— Termination date.

(A) September 30, 2027; or

(B) the last day of the fiscal year in which an Act that reauthorizes the rural and low-income school program under subpart 2 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351 et seq.) is enacted.

(d) USE OF DATA MEASURES.—Except as provided in subsection (a)(2), for the purpose of making awards under section 5221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) for any fiscal year— Determinations.

(1) if data are available from the Small Area Income and Poverty Estimates of the Bureau of the Census to determine a local educational agency's enrollment of children from families with incomes below the poverty line as described in section 5221(b)(1)(A)(i) of such Act, the Secretary of Education and each State educational agency shall not use alternative poverty data in determining such local educational agency's eligibility under such section; and

(2) if data are not available from the Small Area Income and Poverty Estimates of the Bureau of the Census to determine a local educational agency's enrollment of children from families with incomes below the poverty line as described in such section 5221(b)(1)(A)(i), the Secretary and the State educational agency shall determine such local educational agency's eligibility under such section using the same State-derived poverty data used to determine local educational agency allocations under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

Waiver authority.

SEC. 317. (a) IN GENERAL.—For the purpose of carrying out section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)), the Secretary of Education may waive the requirements under sections 435(a)(5)(A)(i) and 435(a)(5)(A)(ii) of such Act (20 U.S.C. 1085(a)(5)(A)(i) and 20 U.S.C. 1085(a)(5)(A)(ii)) for a private non-profit institution of higher education—(1) that is an Alaska Native-Serving Institution (as defined in section 317(A)(2) of such Act (20 U.S.C. 1059d)) and a Native American-Serving Non-Tribal Institution (as defined in section 319(b)(2) (20 U.S.C. 1059f)) whose fall enrollment for the most recently completed academic year was comprised of a majority of students who are Indian (as defined in such section) or Alaska Native (as defined in section 317(b) of such Act (20 U.S.C. 1059d(b)) and who are eligible to receive the maximum award under the Pell Grant program; or (2) whose fall enrollment for the most recently completed academic year was comprised of a majority of the students who are African American (as defined in section 322(2) of such act (20 U.S.C. 1061(2)) and at least 50% or more received Federal Pell Grant Funds.

(b) APPLICABILITY.—Subsection (a) shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part A of title IV of the Higher Education Act of 1965 on or after the date of enactment of this Act due to the application of section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)).

Time period.

(c) COVERAGE.—This section shall be in effect for the period covered by this Act and for the succeeding fiscal year.

Grants.

SEC. 318. Of the amounts made available under the heading "Department of Education—Rehabilitation Services" in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2020 (division A of Public Law 116–94) that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act of 1973 (Public Law 93–112), $20,000,000 shall be available to the Secretary for one-time financial relief and restoration grants consistent with the purposes of the Randolph-Sheppard Act as authorized under section 10 of such Act (20 U.S.C. 107f): *Provided*, That the Secretary shall use such funds to make grants to each State licensing agency in the same proportion as the number of blind vendors operating a vending facility in such State as compared to the number of blind vendors operating a vending facility in all the States on September 30, 2019: *Provided further*, That the State licensing agency shall use these grants to make financial relief and restoration payments to offset losses of blind vendors that occurred during calendar year 2020, but only to the extent that such losses are not otherwise compensated: *Provided further*, That any funds in excess of the amount needed for financial relief and restoration payments to blind vendors shall be used by the State licensing agency for other purposes authorized by section 395.9 of title 34, Code of Federal Regulations, as in effect on the date of enactment of this Act, and determined through active participation with the State committee of blind vendors as required: *Provided further*, That such funds shall remain available to the Secretary until September 30, 2021.

This title may be cited as the "Department of Education Appropriations Act, 2021".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled (referred to in this title as "the Committee") established under section 8502 of title 41, United States Code, $10,500,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under the heading "Committee For Purchase From People Who Are Blind or Severely Disabled—Written Agreement Elements" in the explanatory statement described in section 4 of Public Law 114–113 (in the matter preceding division A of that consolidated Act): *Provided further*, That any such central nonprofit agency may not charge a fee under section 51–3.5 of title 41, Code of Federal Regulations, prior to executing a written agreement with the Committee: *Provided further*, That no less than $2,500,000 shall be available for the Office of Inspector General.

Contracts.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as "CNCS") to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as "1973 Act") and the National and Community Service Act of 1990 (referred to in this title as "1990 Act"), $843,115,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $18,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) $33,500,000 shall be available to carry out subtitle E of the 1990 Act; and (4) $6,400,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

Determination.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $185,000,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

Determination.
Notice.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $86,487,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,500,000.

ADMINISTRATIVE PROVISIONS

Notice.
Public information.

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2021, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

Requirements.
Time period.
42 USC 12571 note.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

Donations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered "qualified entities" under section 3 of the National Child Protection Act of 1993 ("NCPA");

(2) individuals described in such section shall be considered "volunteers" under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act. Time period.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2023, $475,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB. Discrimination. Political test.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system and other technologies and services that create infrastructure and efficiencies within the public media system, $20,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

Fees.

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $48,600,000, including up to $900,000 to remain available through September 30, 2022, for activities authorized by the Labor-Management Cooperation Act of 1978:

Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,184,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $257,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $8,780,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $12,905,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,350,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management

Relations Act, 1947, and other laws, $274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 407. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $14,300,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $13,225,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $13,000,000, which shall include amounts becoming available in fiscal year 2021 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2022, which shall be the maximum

amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $123,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: *Provided further*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act, this limitation may be used to hire students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs using current excepted hiring authorities established by the Office of Personnel Management: *Provided further*, That $9,000,000 to remain available until expended, shall be used to supplement, not supplant, existing resources devoted to operations and improvements for the Board's Information Technology Investment Initiatives.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $11,500,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, $11,000,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $40,158,768,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not more than $86,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2023.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2022, $19,600,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $12,794,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than $2,500,000 shall be for the Social Security Advisory Board: *Provided further*, That $45,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization: *Provided further*, That $50,000,000 shall remain available through September 30, 2022, for activities to address the disability hearings backlog within the Office of Hearings Operations: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2021 not needed for fiscal year 2021 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Notification.

Reimbursements.

Of the total amount made available in the first paragraph under this heading, not more than $1,575,000,000, to remain available through March 31, 2022, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the

Reviews. Determination.

Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $1,302,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That, of the additional new budget authority described in the preceding proviso, up to $11,200,000 may be transferred to the "Office of Inspector General", Social Security Administration, for the cost of jointly operated co-operative disability investigation units: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

Transfer authority.

Reports.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended: *Provided*, That to the extent that the amounts collected pursuant to such sections in fiscal year 2021 exceed $135,000,000, the amounts shall be available in fiscal year 2022 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $30,000,000, together with not to exceed $75,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

Notice.
Time period.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Propaganda. Lobbying.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

Gun control.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Abortion.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Definition.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Abortion.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

Discrimination.

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

Definition.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

Human embryos.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

Definition.

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or

any other means from one or more human gametes or human diploid cells.

Drugs and drug abuse.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

Health and health care.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

Contracts. Reports.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Certifications.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

Consultations. Time periods. Notifications.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

Political disclosures.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

Deadline. Operating plan.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2021 that are different than those specified in this Act, the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or the fiscal year 2021 budget request.

Reports. Contracts. Grants.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000, individually or in total for a particular project, activity, or programmatic initiative, in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2021, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall

be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

Mexico.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

Pornography.

SEC. 520. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

ACORN.

SEC. 521. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 522. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 523. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 524. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting "Fiscal Year 2021" for "Fiscal Year 2014" in the title of subsection (b) and by substituting "September 30,

2025" for "September 30, 2018" each place it appears: *Provided*, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, section 525 of division H of Public Law 115–31, section 525 of division H of Public Law 115–141, and section 524 of division A of Public Law 116–94.

Time period.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

Reports.
31 USC 1502 note.

SEC. 525. Not later than 30 days after the end of each calendar quarter, beginning with the first month of fiscal year 2021 the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a report on the status of balances of appropriations: *Provided*, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the monthly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

Lists.
Grants.
Deadline.
Time period.

SEC. 526. The Departments of Labor, Health and Human Services, or Education shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of any new or competitive grant award notifications, including supplements, issued at the discretion of such Departments not less than 3 full business days before any entity selected to receive a grant award is announced by the Department or its offices (other than emergency response grants at any time of the year or for grant awards made during the last 10 business days of the fiscal year, or if applicable, of the program year).

Needles.
Drugs and drug abuse.
Consultation.
Determination.
HIV.

SEC. 527. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

Deadline.

SEC. 528. Each department and related agency funded through this Act shall provide answers to questions submitted for the record by members of the Committee within 45 business days after receipt.

(RESCISSION)

SEC. 529. Of the unobligated balances made available by section 301(b)(3) of Public Law 114–10, $2,000,000,000 are hereby rescinded.

(RESCISSION)

SEC. 530. Of any available amounts appropriated under section 2104(a)(24) of the Social Security Act (42 U.S.C. 1397dd) that are unobligated as of September 25, 2021, $1,000,000,000 are hereby rescinded as of such date.

SEC. 531. Of the unobligated balances made available for purposes of carrying out section 2105(a)(3) of the Social Security Act, $4,000,000,000 shall not be available for obligation in this fiscal year.

SEC. 532. Of amounts deposited in the Child Enrollment Contingency Fund under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, $14,000,000,000 shall not be available for obligation in this fiscal year.

SEC. 533. For an additional amount for "Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs", $638,000,000, to prevent, prepare for, and respond to coronavirus, for necessary expenses for grants to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program: *Provided*, That the Secretary of Health and Human Services shall make grants to States and Indian Tribes to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services, by providing funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services: *Provided further*, That in carrying out this appropriation, the Secretary, States, and Indian Tribes, as applicable, shall, as appropriate and to the extent practicable, use existing processes, procedures, policies, and systems in place to provide assistance to low-income households, including by using existing programs and program announcements, application and approval processes: *Provided further*, That the Secretary shall allot amounts appropriated in this section to a State or Indian Tribe based on the following (i) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, with income equal to or less than 150 percent of the Federal poverty line, and (ii) the percentage of such households in the State, or under the jurisdiction of the Indian Tribe, that spend more than 30 percent of monthly income on housing: *Provided further*, That up to 3 percent of the amount appropriated in this section shall be reserved for Indian Tribes and tribal organizations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Grants.
Water.

Allotments.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021".

Legislative Branch Appropriations Act, 2021.
2 USC 60a note.

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2021

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $18,760; the President Pro Tempore of the Senate, $37,520; Majority Leader of the Senate, $39,920; Minority Leader of the Senate, $39,920; Majority Whip of the Senate, $9,980; Minority Whip of the Senate, $9,980; President Pro Tempore Emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $4,690 for each Chairman; in all, $189,840.

For representation allowances of the Majority and Minority Leaders of the Senate, $14,070 for each such Leader; in all, $28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $222,727,000, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,533,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $759,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, $326,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,506,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,525,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $16,143,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,738,000 for each such committee; in all, $3,476,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $862,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,776,000 for each such committee; in all, $3,552,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $510,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $26,818,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $88,879,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,940,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $67,898,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,681,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,197,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,110; Sergeant at Arms and Doorkeeper of the Senate, $7,110; Secretary for the Majority of the Senate, $7,110; Secretary for the Minority of the Senate, $7,110; in all, $28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the

Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $133,265,000, of which $13,350,000 shall remain available until September 30, 2023.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $508,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $9,536,000 of which $6,436,000 shall remain available until September 30, 2025 and of which $3,100,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $139,221,200, which shall remain available until September 30, 2025: *Provided*, That of the amounts made available under this heading, $4,740,000, to remain available until expended, shall be for the Joint Audible Warning System.

MISCELLANEOUS ITEMS

For miscellaneous items, $24,877,100 which shall remain available until September 30, 2023.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $461,000,000 of which $20,128,950 shall remain available until September 30, 2023 and of which $6,000,000 shall be allocated solely for the purpose of providing financial compensation to Senate interns.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after

the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading "GENERAL PROVISION" under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

RESCISSION

SEC. 102. Of the unobligated balances made available under the heading "Senate—Contingent Expenses of the Senate—Settlements and Awards Reserve" in the Legislative Branch Appropriations Act, 1996 (Public Law 104–53), $1,000,000 are hereby permanently rescinded.

EXTENSION OF AUTHORITY

SEC. 103. Section 21(d) of Senate Resolution 64 of the One Hundred Thirteenth Congress, 1st session (agreed to on March 5, 2013), as most recently amended by section 103 of the Legislative Branch Appropriations Act, 2019 (division B of Public Law 115–244), is further amended by striking "December 31, 2020" and inserting "December 31, 2022".

SENATE DEMOCRATIC LEADERSHIP OFFICES FUNDING AND AUTHORITIES

2 USC 6154 note. Definitions.

SEC. 104. (a) In this section—

(1) the term "applicable conference" means the majority or minority conference of the Senate, as applicable, that represents the Democratic party;

(2) the term "covered Congress" means the 117th Congress; and

(3) the term "covered period" means the period beginning on the date on which the Secretary of the applicable conference submits the letter described in subsection (b) and ending on January 3, 2023.

Effective date.

(b) The Secretary of the applicable conference may, by submission of a letter to the Disbursing Office of the Senate on or after January 3, 2021, assign to the Assistant Leader of the applicable conference the following duties and authorities for the duration of the covered Congress:

(1) The authority over any amounts made available for the Office of the Secretary of the applicable conference.

(2) The duties and authorities of the Secretary of the applicable conference under section 3 of title I of division H of the Consolidated Appropriations Act, 2008 (2 U.S.C. 6154), section 102 of chapter VIII of title I of the Supplemental Appropriations Act, 1979 (2 U.S.C. 6156), or any other provision of law.

(c) For purposes of any individual employed by the Office of the Assistant Leader of the applicable conference during the covered period—

(1) any reference to the Office of the Secretary of the applicable conference in the last sentence of section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 6314(e))

shall be deemed to refer to the Office of the Assistant Leader of the applicable conference;

(2) any reference to the Office of the Secretary of the applicable conference under subsection (b) of the first section of S. Res. 458 (98th Congress) shall be deemed to refer to the Office of the Assistant Leader of the applicable conference; and

(3) any reference to the Secretary of the applicable conference under section 207(e)(9)(M) of title 18, United States Code, shall be deemed to refer to the Assistant Leader of the applicable conference.

(d) For purposes of any individual employed by the Office of the Assistant Leader of the applicable conference during the covered period and with respect to any practice that occurs during the covered period, any reference to the Office of the Secretary of the applicable conference under section 220(e)(2)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1351(e)(2)(C)) shall be deemed to be a reference to the Office of the Assistant Leader of the applicable conference.

(e) Nothing in this section shall be construed to have any effect on the continuation of any procedure or action initiated under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) or section 207 of title 18, United States Code.

STUDENT LOAN CAP ADJUSTMENT

SEC. 105. (a) Section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 4579) is amended—

(1) in subsection (c)(2)(A)—

(A) in clause (i), by striking " $500" and inserting " $833"; and

(B) in clause (ii), by striking " $40,000" and inserting " $80,000"; and

(2) in subsection (h)(1), by striking "2 percent" each place it appears and inserting "2.5 percent".

2 USC 4579 note.

(b) The amendments made by subsection (a) shall take effect on March 1, 2021.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,480,819,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $28,884,000, including: Office of the Speaker, $8,295,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,947,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $8,295,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,448,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $2,219,000, including $5,000 for official expenses

of the Minority Whip; Republican Conference, $2,340,000; Democratic Caucus, $2,340,000: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2021 until January 2, 2022.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $640,000,000.

ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER OFFICES

For the allowance established under section 120 of the Legislative Branch Appropriations Act, 2019 (2 U.S.C. 5322a) for the compensation of interns who serve in the offices of Members of the House of Representatives, $11,025,000, to remain available through January 2, 2022: *Provided*, That notwithstanding section 120(b) of such Act, an office of a Member of the House of Representatives may use not more than $25,000 of the allowance available under this heading during calendar year 2021.

ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE LEADERSHIP OFFICES

For the allowance established under section 113 of the Legislative Branch Appropriations Act, 2020 (2 U.S.C. 5106) for the compensation of interns who serve in House leadership offices, $365,000, to remain available through January 2, 2022: *Provided*, That of the amount provided under this heading, $200,000 shall be available for the compensation of interns who serve in House leadership offices of the majority, to be allocated among such offices by the Speaker of the House of Representatives, and $165,000 shall be available for the compensation of interns who serve in House leadership offices of the minority, to be allocated among such offices by the Minority Floor Leader.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $138,100,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2022, except that $3,100,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $24,725,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount

shall remain available for such salaries and expenses until December 31, 2022.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $260,781,000, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than $25,000 for official representation and reception expenses, of which not more than $20,000 is for the Family Room and not more than $2,000 is for the Office of the Chaplain, $31,975,000, of which $4,000,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $23,260,000, of which $11,000,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $177,200,000, of which $26,000,000 shall remain available until expended; for salaries and expenses of the Office of Diversity and Inclusion, $1,500,000; for salaries and expenses of the Office of the Whistleblower Ombudsman, $1,000,000; for salaries and expenses of the Office of the Inspector General, $5,019,000; for salaries and expenses of the Office of General Counsel, $1,815,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,088,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,469,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $11,937,000; for salaries and expenses of the Office of Interparliamentary Affairs, $934,000; for other authorized employees, $584,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $374,939,000, including: supplies, materials, administrative costs and Federal tort claims, $1,555,000; official mail for committees, leadership offices, and administrative offices of the House, $190,000; Government contributions for health, retirement, Social Security, contractor support for actuarial projections, and other applicable employee benefits, $335,000,000, to remain available until March 31, 2022; salaries and expenses for Business Continuity and Disaster Recovery, $18,508,000, of which $6,000,000 shall remain available until expended; transition activities for new members and staff, $13,000,000, to remain available until expended; Wounded Warrior Program and the Congressional Gold Star Family Fellowship Program, $3,975,000, to remain available until expended; Office of Congressional Ethics, $1,711,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $1,000,000.

HOUSE OF REPRESENTATIVES MODERNIZATION INITIATIVES ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the House of Representatives Modernization Initiatives Account established in section 115, $2,000,000, to remain available until expended: *Provided*, That disbursement from this account is subject to approval of the Committee on Appropriations of the House of Representatives: *Provided further*, That funds provided in this account shall only be used for initiatives recommended by the Select Committee on Modernization or approved by the Committee on House Administration. Approval.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 110. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2021. Any amount remaining after all payments are made under such allowances for fiscal year 2021 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section. Regulations.

(c) As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress. Definition.

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 111. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

CYBERSECURITY ASSISTANCE FOR HOUSE OF REPRESENTATIVES

SEC. 112. The head of any Federal entity that provides assistance to the House of Representatives in the House's efforts to deter, prevent, mitigate, or remediate cybersecurity risks to, and incidents involving, the information systems of the House shall take all necessary steps to ensure the constitutional integrity of the separate branches of the government at all stages of providing the assistance, including applying minimization procedures to limit the spread or sharing of privileged House and Member information.

RESCISSIONS OF FUNDS

SEC. 113. (a) Of the unobligated balances available from prior appropriations Acts from the revolving fund established under House Resolution 64, Ninety Eighth Congress, agreed to February 8, 1983, as enacted into permanent law by section 110 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 4917), $212,976 is hereby rescinded.

(b) Of the unobligated balances available from prior appropriations Acts from the revolving fund established in the item relating to "Stationery" under the heading "House of Representatives, Contingent Expenses of the House" in the first section of the Legislative Branch Appropriation Act, 1948 (2 U.S.C. 5534), $1,000,000 is hereby rescinded.

(c) Of the unobligated balances available from prior appropriations Acts from the Net Expenses of Telecommunications Revolving Fund under section 102 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 5538), $3,000,000 is hereby rescinded.

STUDENT LOAN CAP ADJUSTMENT

SEC. 114. (a) INCREASE IN LIFETIME LIMIT.—Section 105 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 4536) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

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

"(b) LIFETIME LIMIT ON AGGREGATE PAYMENTS MADE ON BEHALF OF ANY INDIVIDUAL.—The aggregate amount of payments made on behalf of any individual under the program under this section by all employing offices of the House of Representatives may not exceed $80,000.".

(b) EFFECTIVE DATE; TRANSITION.—

2 USC 4536 note.

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2021 and each succeeding fiscal year.

Regulations.
2 USC 4536 note.

(2) PERMITTING ADDITIONAL PAYMENTS ON BEHALF OF INDIVIDUALS WHOSE PAYMENTS REACHED PRIOR LIMIT.—In promulgating regulations to carry out the amendment made by subsection (a), the Committee on House Administration of the House of Representatives shall include regulations to permit payments to be made under the program under section 105 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 4536) on behalf of an individual who—

(A) is an employee of an employing office of the House during fiscal year 2021 or any succeeding fiscal year;

(B) prior to fiscal year 2021, had payments made on the individual's behalf under the program under such section; and

(C) prior to fiscal year 2021, became ineligible to have payments made on the individual's behalf under the program because the aggregate amount of the payments made on the individual's behalf under the program reached the limit on such aggregate amount which (under regulations promulgated by the Committee) was in effect prior to fiscal year 2021.

HOUSE OF REPRESENTATIVES MODERNIZATION INITIATIVES ACCOUNT

SEC. 115. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States an account for the House of Representatives to be known as the "House of Representatives Modernization Initiatives Account" (hereafter in this section referred to as the "Account"). 2 USC 5513.

(b) USE OF FUNDS.—Funds in the Account shall be used by the House of Representatives to carry out initiatives to modernize the operations of the House, including initiatives to promote administrative efficiencies and expand the use of innovative technologies in offices of the House.

(c) CONTINUING AVAILABILITY OF FUNDS.—Funds in the Account are available without fiscal year limitation.

(d) AUTHORIZING TRANSFERS OF FUNDS AMONG OTHER HOUSE ACCOUNTS.—Section 101(c)(2) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 5507(c)(2)) is amended by striking ", and 'Allowance for Compensation of Interns in House Leadership Offices'." and inserting "'Allowance for Compensation of Interns in House Leadership Offices', and 'House of Representatives Modernization Initiatives Account'.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2021 and each succeeding fiscal year.

CONGRESSIONAL MAILING STANDARDS

SEC. 116. (a) SHORT TITLE.—This section may be cited as the "Communications Outreach Media and Mail Standards Act" or the "COMMS Act". Communications Outreach Media and Mail Standards Act. 2 USC 501 note.

(b) RENAMING HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS.—

(1) IN GENERAL.—Section 5(a) of the Act entitled "An Act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes", approved December 18, 1973 (2 U.S.C. 501(a)), is amended by striking "House Commission on Congressional Mailing Standards" and inserting "House Communications Standards Commission".

(2) CONFORMING AMENDMENTS.—

(A) TITLE 39.—Title 39, United States Code, is amended by striking "House Commission on Congressional Mailing Standards" and inserting "House Communications Standards Commission" each place it appears in the following sections:

(i) Section 3210(a)(5), (a)(6)(D), (b)(3), (d)(5), and (d)(6)(A).

(ii) Section 3216(e)(1) and (e)(2).

(iii) Section 3220(b).

(B) OTHER PROVISIONS.—Section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 503) is amended by striking "House Commission on Congressional Mailing Standards" and inserting "House Communications Standards Commission" each place it appears in subsections (a)(3), (e)(1)(B), and (f).

(3) REFERENCES IN OTHER DOCUMENTS.—Any reference in any rule, regulation, or other document to the House Commission on Congressional Mailing Standards shall be deemed to 2 USC 501 note.

be a reference to the House Communications Standards Commission.

(c) AUTHORITY OF COMMISSION OVER OFFICIAL MASS COMMUNICATIONS.—

(1) AUTHORITY TO PROVIDE GUIDANCE REGARDING DISSEMINATION OF MASS COMMUNICATIONS.—

(A) IN GENERAL.—Section 5(d) of the Act entitled "An Act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes", approved December 18, 1973 (2 U.S.C. 501(d)), is amended—

(i) in the first sentence, by striking "The Commission" and inserting "(1) The Commission"; and

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

"(2) In addition to the guidance, assistance, advice, and counsel described in paragraph (1), the Commission shall provide—

"(A) guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with any law and with any rule or regulation of the House of Representatives governing the dissemination of mass communications other than franked mail; and

"(B) guidance, assistance, advice, and counsel in connection with any law and with any rule or regulation of the House of Representatives governing the official content of other official communications of any quantity, whether solicited or unsolicited.".

(B) AUTHORITY TO INVESTIGATE COMPLAINTS.—Section 5(e) of such Act (2 U.S.C. 501(e)) is amended—

(i) in the first sentence, by striking "Any complaint" and all that follows through "is about to occur" and inserting the following: "Any complaint that a violation of any provision of law or any rule or regulation of the House of Representatives to which subsection (d) applies is about to occur"; and

(ii) in the sentence beginning with "Notwithstanding any other provision of law", by striking "a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (d) of this section as entitled to send mail as franked mail," and inserting "a violation of any provision of law or any rule or regulation of the House of Representatives to which subsection (d) applies,".

(C) MASS COMMUNICATION DEFINED.—Section 5 of such Act (2 U.S.C. 501) is amended by adding at the end the following new subsection:

"(h) In this section, the term 'mass communication' means a mass mailing described in section 3210(a)(6)(E) of title 39, United States Code, or any other unsolicited communication of substantially identical content which is transmitted to 500 or more persons in a session of Congress, as provided under regulations of the Commission, except that such term does not include—

"(1) any communication from an individual described in subsection (d) to another individual described in subsection (d), a Senator, or any Federal, State, local, or Tribal government official;

"(2) any news release to the communications media;

"(3) any such mass mailing or unsolicited communication made in direct response to a communication from a person to whom the mass mailing or unsolicited communication was transmitted; or

"(4) in the case of any such unsolicited communication which is transmitted in a digital format, a communication for which the cost of the content is less than a threshold amount established under regulations of the House Communications Standards Commission.".

(2) AUTHORITY TO REVIEW ALL UNSOLICITED MASS COMMUNICATIONS.—

(A) REQUIRING REVIEW BEFORE DISSEMINATION.—Section 311(f) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 503(f)) is amended—

(i) by striking "any mass mailing" and inserting "any mass communication";

(ii) by striking "mail matter" and inserting "matter"; and

(iii) by striking "such proposed mailing" and inserting "such proposed communication".

(B) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Section 311(f) of such Act (2 U.S.C. 503(f)) is amended—

(i) by striking "A Member" and inserting "(1) Except as provided in paragraph (2), a Member"; and

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

"(2) Paragraph (1) does not apply in the case of any type of mass communication which is designated as exempt from the requirements of such paragraph as provided under regulations of the House Communications Standards Commission.".

(C) DEFINITION.—Section 311(g) of such Act (2 U.S.C. 503(g)) is amended—

(i) by striking "and" at the end of paragraph (1);

(ii) by striking the period at the end of paragraph (2) and inserting "; and"; and

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

"(3) the term 'mass communication' means a mass mailing described in section 3210(a)(6)(E) of title 39, United States Code, or any other unsolicited communication of substantially identical content which is transmitted to 500 or more persons in a session of Congress, as provided under regulations of the House Communications Standards Commission, except that such term does not include—

"(A) any communication from a Member of the House of Representatives to another Member of the House of Representatives, a Senator, or any Federal, State, or local government official;

"(B) any news release to the communications media;

"(C) any such mass mailing or unsolicited communication made in direct response to a communication from a person to whom the mass mailing or unsolicited communication was transmitted; or

"(D) in the case of any such unsolicited communication which is transmitted in a digital format, a communication for which the cost of the content is less than a threshold

amount established under regulations of the House Communications Standards Commission.".

(3) CONFORMING AMENDMENT TO RULES OF THE HOUSE OF REPRESENTATIVES.—Clause 9 of rule XXIV of the Rules of the House of Representatives is amended by inserting after "that session," the following: "or any other unsolicited communication of substantially identical content which is transmitted to 500 or more persons in that session or, in the case of a digital communication of substantially identical content, which is disseminated at a cost exceeding a designated amount, as provided under regulations of the House Communications Standards Commission,".

(d) REVISION TO MASS MAILING NOTICE ON TAXPAYER FUNDING.—Section 311(a) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 506(a)) is amended—

(1) by striking "(a) Each mass mailing" and inserting "(a)(1) Each mass mailing";

(2) by striking "the following notice:" and all that follows through "or a notice" and inserting "one of the notices described in paragraph (2) or a notice"; and

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

"(2) The notices described in this paragraph are as follows:

"(A) 'Paid for with official funds from the office of _____.', with the blank filled in with the name of the Member sending the mailing.

"(B) 'Paid for by the funds authorized by the House of Representatives for District ____ of _____.', with the first blank filled in with the name of the congressional district number, and the second blank filled in with the name of the State, of the Member sending the mailing.

"(C) 'Paid for by official funds authorized by the House of Representatives.'".

(e) REVISIONS TO RESTRICTIONS ON MAIL MATTER CONSIDERED FRANKABLE.—

(1) EXPRESSIONS OF CONGRATULATIONS.—Section 3210(a)(3)(F) of title 39, United States Code, is amended by striking "to a person who has achieved some public distinction".

(2) BIOGRAPHICAL INFORMATION RELATED TO OFFICIAL AND REPRESENTATIONAL DUTIES.—Section 3210(a)(3)(I) of such title is amended by striking "publication or in response to a specific request therefor" and inserting the following: "publication, in response to a specific request therefor, or which relates to the Member's or Member-elect's official and representational duties,".

(3) PHOTOS AND LIKENESSES INCLUDED IN NEWSLETTERS OR GENERAL MASS MAILINGS.—Section 3210(a)(3) of such title is amended—

(A) by adding "or" at the end of subparagraph (H);

(B) in subparagraph (I), by striking "; or" and inserting a period; and

(C) by striking subparagraph (J).

(4) CLARIFICATION OF ABILITY OF MEMBERS TO USE FRANKED MAIL TO SEND PERSONAL MESSAGES TO CONSTITUENTS.—Section 3210(a)(4) of such title is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit the use of the franking privilege for the transmission of matter which

is purely personal to a recipient who is a constituent of a Member of Congress and which is related to the official business, activities, and duties of the Member.".

(5) UNIFORM BLACKOUT PERIOD FOR ALL MEMBERS OF CONGRESS.—

(A) UNIFORM PERIOD.—Section 3210(a)(6)(A) of such title is amended—

(i) in clause (i), by striking "(or, in the case of a Member of the House, fewer than 90 days)"; and

(ii) in clause (ii)(II), by striking "90 days" and inserting "60 days".

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding election for public office. 39 USC 3210 note.

(6) INFORMATION ON CERTAIN MATTERS.—Section 3210(a)(6)(E) of such title is amended—

(A) by striking "or" at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting "; or"; and

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

"(iv) providing information exclusively on competitions which are officially sanctioned by the House of Representatives or Senate, nominations to military service academies, official employment listings for positions in the House of Representatives (including listings for positions in the Wounded Warrior Program or the Gold Star Family Fellowship Program), or natural disasters or other threats to public health and life safety.".

(f) EFFECTIVE DATE.—Except as provided in subsection (e)(5)(B), this section and the amendments made by this section shall apply with respect to communications disseminated on or after the date of the enactment of this Act. 2 USC 501 note.

AUTHORIZING USE OF MEMBERS' REPRESENTATIONAL ALLOWANCE FOR EXPENSES OF MEMBERS-ELECT

SEC. 117. (a) AUTHORIZATION.—Section 101(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5341(a)) is amended—

(1) by striking "a Member" and inserting "a Member or Member-elect"; and

(2) by striking "the Member" and inserting "the Member or Member-elect".

(b) REGULATIONS.—Section 101(d) of such Act (2 U.S.C. 5341(d)) is amended by striking the period at the end and inserting the following: ", including regulations establishing under subsection (a) the official and representational duties during a Congress of a Member-elect of the House of Representatives who is not an incumbent Member re-elected to the ensuing Congress.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Members-elect of the House of Representatives for the One Hundred Seventeenth Congress and each succeeding Congress. 2 USC 5341 note.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,203,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,905,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of $2,175 per month to the Attending Physician;

(2) an allowance of $1,300 per month to the Senior Medical Officer;

(3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

Reimbursement.

(5) $2,796,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,869,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,536,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

Notification.

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $424,397,000 of which overtime shall not exceed $50,246,000 unless the Committee on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment

and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $91,144,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2021 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security: *Provided further*, That of the amounts made available under this heading, $3,639,000, to remain available until expended, shall be for the Joint Audible Warning System.

ADMINISTRATIVE PROVISION

STUDENT LOAN CAP ADJUSTMENT

SEC. 120. Section 908(c) of the Emergency Supplemental Act, 2002 (2 U.S.C. 1926(c)), is amended by striking " $60,000" and inserting " $80,000".

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

SALARIES AND EXPENSES

For salaries and expenses necessary for the operation of the Office of Congressional Workplace Rights, $7,500,000, of which $1,000,000 shall remain available until September 30, 2022, and of which not more than $1,000 may be expended on the certification of the Executive Director in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $57,292,000: *Provided*, That the Director shall use not less than $500,000 of the amount made available under this heading for (1) improving technical systems, processes, and models for the purpose of improving the transparency of estimates of budgetary effects to Members of Congress, employees of Members of Congress, and the public, and (2) to increase the availability of models, economic assumptions, and data for Members of Congress, employees of Members of Congress, and the public.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $127,462,000, of which $1,500,000 shall remain available until September 30, 2025.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $34,719,000, of which $6,099,000 shall remain available until September 30, 2025.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $20,560,000, of which $7,800,000 shall remain available until September 30, 2025.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $89,615,280, of which $22,200,000 shall remain available until September 30, 2025.

HOUSE OFFICE BUILDINGS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care and operation of the House office buildings, $138,780,000, of which $14,540,000 shall remain available until September 30, 2025, and of which $62,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building: *Provided*, That of the amount made available under this heading, $9,000,000 shall be derived by transfer from the House Office Building Fund established under section 176(d) of the Continuing Appropriations Act, 2017, as added by section 101(3) of the Further Continuing Appropriation Act, 2017 (Public Law 114–254; 2 U.S.C. 2001 note).

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including

the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $97,761,000, of which $13,700,000 shall remain available until September 30, 2025: *Provided*, That not more than $10,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2021.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $83,446,000, of which $51,600,000 shall remain available until September 30, 2025.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, $45,993,000, of which $15,700,000 shall remain available until September 30, 2025: *Provided*, That of the amounts made available under this heading, $2,500,000, to remain available until expended, shall be for the Joint Audible Warning System.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $20,986,000, of which $8,300,000 shall remain available until September 30, 2025: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $24,751,000.

ADMINISTRATIVE PROVISION

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

Determination.

SEC. 130. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; information technology services provided centrally; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $523,654,000, and, in addition, amounts credited to this appropriation during fiscal year 2021 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150), shall remain available until expended: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That of the total amount appropriated, not more than $18,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses, including for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $9,424,000 shall remain available until expended for the Teaching with Primary Sources program: *Provided further*, That of the total amount appropriated, $1,384,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further*, That of the total amount appropriated, $250,000 shall remain available until expended for the Surplus Books Program to promote the program and facilitate a greater number of donations to eligible entities across the United States: *Provided further*, That of the total amount appropriated, $3,720,000 shall remain available until expended for the Veterans History Project to continue digitization efforts of already collected materials, reach a greater number of veterans to record their stories, and promote public access to the Project: *Provided further*, That of the total amount appropriated, $10,000,000 shall remain available until expended for the Library's Visitor Experience project, and may be obligated and expended only upon approval by the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives

Certification.

and by the Subcommittee on the Legislative Branch of the Committee on Appropriations of the Senate: *Provided further*, That of the total amount appropriated, $4,370,000 shall remain available until September 30, 2025, to complete the second of three phases of the shelving replacement in the Law Library's collection storage areas: *Provided further*, That of the total amount appropriated, $2,500,000 shall remain available until September 30, 2022, for the phase-out and retirement of the de-acidification preservation program.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $93,416,000, of which not more than $38,004,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2021 under sections 708(d) and 1316 of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,778,000 shall be derived from collections during fiscal year 2021 under sections 111(d)(2), 119(b)(3), 803(e), and 1005 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $44,782,000: *Provided further*, That of the funds provided under this heading, not less than $17,100,000 is for modernization initiatives, of which $10,000,000 shall remain available until September 30, 2022: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

Certification.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $125,495,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except

Advance approval.

the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That this prohibition does not apply to publication of non-confidential Congressional Research Service (CRS) products: *Provided further*, That a non-confidential CRS product includes any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research.

NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT DISABLED

SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $59,563,000: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and print disabled residents at no cost to the individual.

ADMINISTRATIVE PROVISION

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 140. (a) IN GENERAL.—For fiscal year 2021, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $252,552,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $78,000,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress

Time periods.

under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading "Government Publishing Office Business Operations Revolving Fund" no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

Deadline.
Time periods.
Approval.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications in any format, and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $32,300,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for the preceding two fiscal years to depository and other designated libraries: *Provided further*, That unobligated or unexpended balances of expired discretionary funds made available under this heading in this Act for this fiscal year may be transferred to, and merged with, funds under the heading "Government Publishing Office Business Operations Revolving Fund" no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, to be available for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

Deadline.
Time period.
Approval.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, $6,700,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may

be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further*, That the Business Operations Revolving Fund and the funds provided under the heading "Public Information Programs of the Superintendent of Documents" may not be used for contracted security services at Government Publishing Office's passport facility in the District of Columbia.

Certification.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $661,139,000: *Provided*, That, in addition, $31,342,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

Determination.

Reimbursements.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $6,000,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia. Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2021 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise Contracts. Public information.

provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LBFMC

Determination.

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate, unless through regulations as authorized by section 402(b)(8) of the Capitol Visitor Center Act of 2008 (2 U.S.C. 2242(b)(8)).

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

LIMITATION ON TELECOMMUNICATIONS EQUIPMENT PROCUREMENT

Huawei Technologies Company.
ZTE Corporation.
Reviews.

SEC. 208. (a) None of the funds appropriated or otherwise made available under this Act may be used to acquire telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation for a high or moderate impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency, office, or other entity acquiring the equipment or system has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high or moderate impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

(3) in consultation with the Federal Bureau of Investigation or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such telecommunications equipment for inclusion in a high or moderate impact system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

Consultation. Assessment. Cyber threats. China. Iran. North Korea. Russia.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high or moderate impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

Consultations.

(1) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks;

Mitigation strategy.

(2) determined, in consultation with NIST and the Federal Bureau of Investigation, that the acquisition of such telecommunications equipment for inclusion in a high or moderate impact system is in the vital national security interest of the United States; and

Determination.

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate in a manner that identifies the telecommunications equipment for inclusion in a high or moderate impact system intended for acquisition and a detailed description of the mitigation strategies identified in paragraph (1), provided that such report may include a classified annex as necessary.

Reports.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 209. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities or other official government activities.

PLASTIC WASTE REDUCTION

SEC. 210. All agencies and offices funded by this division that contract with a food service provider or providers shall confer and coordinate with such food service provider or providers, in consultation with disability advocacy groups, to eliminate or reduce plastic waste, including waste from plastic straws, explore the use of biodegradable items, and increase recycling and composting opportunities.

Coordination. Consultation.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2021

SEC. 211. There is hereby appropriated $2,000,000, for the same purposes and under the same authorities and conditions as amounts made available under the heading "Joint Items—Joint Congressional Committee on Inaugural Ceremonies of 2021" in division E of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

CAPITOL COMPLEX HEALTH AND SAFETY

SEC. 212. In addition to the amounts appropriated under this Act under the heading "Office of the Attending Physician", there is hereby appropriated to the Office of the Attending Physician $5,000,000, to remain available until expended, for response to COVID–19, including testing, subject to the same terms and conditions as the amounts appropriated under such heading.

GOVERNMENT ACCOUNTABILITY OFFICE SUPPLEMENTAL OVERSIGHT

SEC. 213. For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, which shall be for audits and investigations, as authorized by this title: *Provided*, That not later than 90 days after the date of enactment of this Act, the Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spend plan specifying funding estimates and a timeline for such audits and investigations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline. Spend plan. Estimates. Timeline.

This division may be cited as the "Legislative Branch Appropriations Act, 2021".

Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2021.

DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $628,900,000, to remain available until September 30, 2025: *Provided*, That, of this amount, not to exceed $147,000,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and

Determination. Notification.

notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,716,144,000, to remain available until September 30, 2025: *Provided*, That, of this amount, not to exceed $261,710,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $616,156,000, to remain available until September 30, 2025: *Provided*, That, of this amount, not to exceed $212,556,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,041,909,000, to remain available until September 30, 2025: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That, of the amount, not to exceed $162,076,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $349,437,000, to remain available until September 30, 2025: *Provided*, That, of the amount, not to exceed $44,593,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $64,214,000, to remain available until September 30, 2025: *Provided*, That, of the amount, not to exceed $3,414,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $88,337,000, to remain available until September 30, 2025: *Provided*, That, of the amount, not to exceed $1,218,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $70,995,000, to remain available until September 30, 2025: *Provided*, That, of the amount, not to exceed $3,485,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $23,117,000, to remain available until September 30, 2025: *Provided*, That, of the amount, not to exceed $3,270,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Determination.
Notification.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $173,030,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $480,447,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $119,400,000, to remain available until September 30, 2025.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $352,342,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $42,897,000, to remain available until September 30, 2025.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $346,493,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $97,214,000, to remain available until September 30, 2025.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $317,021,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $54,728,000.

DEPARTMENT OF DEFENSE

FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $5,897,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE

MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, $600,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

Contracts.

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense. Certification.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest. Determinations.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress. Notification.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement. Steel.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress. Notification.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms. Contracts. Japan.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and Kwajalein Atoll. Contracts.

responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Notification. Military exercise. Time period.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

Time periods. Notification. Determination.

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

10 USC 2821 note.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

Deadlines. Notification.

Reports.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

Time period. Determination.

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military

construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 123. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 124. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2025:

"Military Construction, Army", $233,000,000;

"Military Construction, Navy and Marine Corps", $73,100,000;

"Military Construction, Air Force", $60,000,000;

"Military Construction, Army National Guard", $49,835,000;

"Military Construction, Air National Guard", $29,500,000; and

"Military Construction, Air Force Reserve", $25,000,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2021 submitted to Congress: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Deadline. Expenditure plan.

SEC. 125. All amounts appropriated to the "Department of Defense—Military Construction, Army", "Department of Defense—Military Construction, Navy and Marine Corps", "Department of Defense—Military Construction, Air Force", and "Department of Defense—Military Construction, Defense-Wide" accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2021 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

(RESCISSIONS OF FUNDS)

SEC. 126. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"Military Construction, Navy and Marine Corps", $48,000,000;

"Military Construction, Air Force", $9,975,000;

"Military Construction, Defense-Wide", $29,838,000; and

"Department of Defense Base Closure Account", $50,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 127. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives. Definition.

SEC. 128. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2023:

"Military Construction, Army", $48,000,000;

"Military Construction, Navy and Marine Corps", $37,700,000;

"Military Construction, Air Force", $75,700,000; and

"Family Housing Construction, Army", $4,500,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's cost to complete projects list of previously appropriated projects submitted to Congress: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section. Deadline. Expenditure plan.

SEC. 129. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2023:

"Family Housing Operation and Maintenance, Army", $20,000,000;

"Family Housing Operation and Maintenance, Navy and Marine Corps", $20,000,000; and

"Family Housing Operation and Maintenance, Air Force", $20,000,000.

SEC. 130. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba. Cuba.

SEC. 131. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force: (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress ("the Committees") a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term "United States" in this section does not include any territory or possession of the United States. Analysis. Reports. Certification. Definition.

SEC. 132. For an additional amount for the accounts and in the amounts specified for planning and design, for improving military installation resilience, to remain available until September 30, 2025:

"Military Construction, Army", $4,000,000;

"Military Construction, Navy and Marine Corps", $7,000,000; and

"Military Construction, Air Force", $4,000,000:

Deadline. Expenditure plan.

Provided, That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: *Provided further*, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

Approval.

SEC. 133. For an additional amount for "Military Construction, Navy and Marine Corps", $32,200,000, to remain available until September 30, 2025, for child development center construction: *Provided*, That projects funded using amounts available under this section are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That amounts made available under this section may not be obligated or expended until the Secretary of the Navy submits to the Committees on Appropriations of both Houses of Congress a detailed expenditure plan not later than 30 days after enactment of this Act.

Expenditure plan. Deadline.

SEC. 134. Of the unobligated balances available from prior appropriations Acts under the heading "Department of Defense—Military Construction, Defense-Wide", $131,000,000 is hereby rescinded, and in addition to amounts otherwise provided for this fiscal year, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this section is hereby appropriated, to remain available until September 30, 2025, and shall be available for the same purposes and under the same authorities as provided under such heading: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That projects funded using amounts available under this section are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That amounts made available under this section may not be obligated or expended until the Secretary of Defense, or his or her designee, submits to the Committees on Appropriations of both Houses of Congress a detailed expenditure plan not later than 30 days after enactment of this Act.

Expenditure plan. Deadline.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $6,110,251,552, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2020, to remain available until expended; and, in addition, $130,227,650,000, which shall become available on October 1, 2021, to remain available until expended: *Provided*, That not to exceed $20,115,000 of the amount made available for fiscal year 2022 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized: *Provided further*, That funds recovered (including refunds and reimbursable activity) from fiscal year 2020 obligations and disbursements made with funds that became available on October 1, 2019, as provided under this heading in title II of division C of Public Law 115–244, shall be available until expended.

Reimbursement.

Reimbursement.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $14,946,618,000, which shall become available on October 1, 2021, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21 of title 38, United States Code, $2,148,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2020, to remain available until expended; and, in addition, $136,950,000, which shall become available on October 1, 2021, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2021, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $204,400,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $33,826, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,469,522.

In addition, for administrative expenses necessary to carry out the direct loan program, $424,272, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,186,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $3,180,000,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to

Determination.

obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2022.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code; $497,468,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2020; and, in addition, $58,897,219,000, plus reimbursements, shall become available on October 1, 2021, and shall remain available until September 30, 2022: *Provided*, That, of the amount made available on October 1, 2021, under this heading, $1,500,000,000 shall remain available until September 30, 2023: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans.

Priorities.

Priorities.

Drugs and drug abuse.
Requirements.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-

Department facilities, $1,380,800,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2020; and, in addition, $20,148,244,000, plus reimbursements, shall become available on October 1, 2021, and shall remain available until September 30, 2022: *Provided*, That, of the amount made available on October 1, 2021, under this heading, $2,000,000,000 shall remain available until September 30, 2023.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $300,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2020; and, in addition, $8,403,117,000, plus reimbursements, shall become available on October 1, 2021, and shall remain available until September 30, 2022: *Provided*, That, of the amount made available on October 1, 2021, under this heading, $200,000,000 shall remain available until September 30, 2023.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $150,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2020; and, in addition, $6,734,680,000, plus reimbursements, shall become available on October 1, 2021, and shall remain available until September 30, 2022: *Provided*, That, of the amount made available on October 1, 2021, under this heading, $350,000,000 shall remain available until September 30, 2023.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $815,000,000, plus reimbursements, shall remain available until September 30, 2022: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient

amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $352,000,000, of which not to exceed 10 percent shall remain available until September 30, 2022.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $365,911,000, of which not to exceed 10 percent shall remain available until September 30, 2022: *Provided*, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $196,000,000, of which not to exceed 10 percent shall remain available until September 30, 2022.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,912,000,000, plus reimbursements: *Provided*, That $1,211,238,000 shall be for pay and associated costs, of which not to exceed 3 percent shall remain available until September 30, 2022: *Provided further*, That $3,205,216,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2022: *Provided further*, That

$495,546,000 shall be for information technology systems development, and shall remain available until September 30, 2022: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development may be transferred among the three sub-accounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the "Information Technology Systems" account for development may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Time period.

VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management, rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, $2,627,000,000, to remain available until September 30, 2023: *Provided*, That the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility, including any changes from the deployment plan or schedule: *Provided further*, That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office: *Provided further*, That 25 percent of the funds made available under this heading shall not be available until July 1, 2021, and are contingent upon the Secretary of Veterans Affairs providing a certification within 7 days prior to that date to the Committees on Appropriations of any changes to the deployment schedules.

Reports.

Effective date.
Certification.
Deadline.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $228,000,000, of which not to exceed 10 percent shall remain available until September 30, 2022.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for,

including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,316,000,000, of which $980,638,000 shall remain available until September 30, 2025, and of which $335,362,000 shall remain available until expended, of which $180,198,000 shall be available for seismic improvement projects and seismic program management activities, including for projects that would otherwise be funded by the Construction, Minor Projects, Medical Facilities or National Cemetery Administration accounts: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That such sums as may be necessary shall be available to reimburse the "General Administration" account for payment of salaries and expenses of all Office of Construction and Facilities Management employees to support the full range of capital infrastructure services provided, including minor construction and leasing services: *Provided further*, That funds made available under this heading for fiscal year 2021, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2021; and (2) by the awarding of a construction contract by September 30, 2022: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing seismic projects of the Department.

Notification.

Reimbursement.

Contracts.
Deadlines.

Reports.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or

for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $390,000,000, to remain available until September 30, 2025, along with unobligated balances of previous "Construction, Minor Projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $90,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2021 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

Time period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2021, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be

transferred among the accounts: *Provided*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the "Medical Services", "Medical Community Care", and "Medical Support and Compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical Facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued. Notification.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, Major Projects", and "Construction, Minor Projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical Services" account at such rates as may be fixed by the Secretary of Veterans Affairs. Reimbursement.

SEC. 206. Appropriations available in this title for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2020.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and Pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2021, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund Reimbursement.

under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General Operating Expenses, Veterans Benefits Administration" and "Information Technology Systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2021 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2021 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Time period.

Determination.
Time period.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, the Office of Employment Discrimination Complaint Adjudication, and the Office of Diversity and Inclusion for all services provided at rates which will recover actual costs but not to exceed $60,096,000 for the Office of Resolution Management, $6,100,000 for the Office of Employment Discrimination Complaint Adjudication, and $5,294,000 for the Office of Diversity and Inclusion: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General Administration" and "Information Technology Systems" accounts for use by the office that provided the service.

Disclosure.
Reimbursement.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, Major Projects" and "Construction, Minor Projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, Major Projects" and "Construction, Minor Projects".

SEC. 213. Amounts made available under "Medical Services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical Services" and "Medical Community Care" accounts to remain available until expended for the purposes of these accounts.

Contracts.
Alaska.
Native Americans.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

Requirement.
Compliance.
Definition.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, Major Projects" and "Construction, Minor Projects" accounts, to remain available until expended for the purposes of these accounts.

Reports.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled "Quarterly reporting", under the heading "General Administration" in the joint explanatory statement accompanying Public Law 114–223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "General Operating Expenses, Veterans Benefits Administration", "Board of Veterans Appeals", "General Administration", and "National Cemetery Administration" accounts for fiscal year 2021 may be transferred to or from the "Information Technology Systems" account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the "Information Technology Systems" account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2021 for "Medical Services", "Medical Community Care", "Medical Support and Compliance", "Medical Facilities", "Construction, Minor Projects", and "Information Technology Systems", up to $322,932,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 220 of title II of division F of Public Law 116–94 is repealed.

Notification.

Repeal.
133 Stat. 2799.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2021, for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", up to $327,126,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

Notification.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities", a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 224. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

Notifications.
Deadlines.
Contracts.

SEC. 225. None of the funds made available for "Construction, Major Projects" may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

Approval.

SEC. 226. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained

Reports.
Data.

in the section entitled "Disability claims backlog", under the heading "General Operating Expenses, Veterans Benefits Administration" in the joint explanatory statement accompanying Public Law 114–223: *Provided further*, That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

Notification. Deadline.

SEC. 227. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

Time period. Notification.

SEC. 228. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $1,000,000.

(INCLUDING TRANSFER OF FUNDS)

Determinations.

SEC. 229. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the "Medical Services" account any discretionary appropriations made available for fiscal year 2021 in this title (except appropriations made to the "General Operating Expenses, Veterans Benefits Administration" account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2021, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 230. Amounts made available for the Department of Veterans Affairs for fiscal year 2021, under the "Board of Veterans Appeals" and the "General Operating Expenses, Veterans Benefits Administration" accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the

Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 231. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 232. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

(2) In this subsection— Definitions.

(A) the term "civil service" has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term "Executive action" includes—

(i) any Executive order, presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

(c)(1) The Secretary of Veterans Affairs shall conduct a study on the effectiveness of the hotline specified in subsection (a) during the 5-year period beginning on January 1, 2016, based on an analysis of national suicide data and data collected from such hotline. Study. Time period. Analysis. Data.

(2) At a minimum, the study required by paragraph (1) shall— Determinations.

(A) determine the number of veterans who contact the hotline specified in subsection (a) and who receive follow up services from the hotline or mental health services from the Department of Veterans Affairs thereafter;

(B) determine the number of veterans who contact the hotline who are not referred to, or do not continue receiving, mental health care who commit suicide; and

(C) determine the number of veterans described in subparagraph (A) who commit or attempt suicide.

SEC. 233. Effective during the period beginning on October 1, 2018 and ending on January 1, 2024, none of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the "Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration's Screening for Breast Cancer Guidance" published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention. Effective date. Time period.

SEC. 234. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the "Medical Services" account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

Definitions.

(b) In this section:

(1) The term "service-connected" has the meaning given such term in section 101 of title 38, United States Code.

(2) The term "covered veteran" means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term "assisted reproductive technology" means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members" issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member except that—

(A) the time periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(B) such term includes embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

(4) The term "adoption reimbursement" means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

SEC. 235. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 236. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

Consultation. Deadlines. 38 USC note prec. 5701.

SEC. 237. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than March 23, 2023.

(2) For all individuals not described in paragraph (1), not later than March 23, 2026.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs if and only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

(c) The matter in subsections (a) and (b) shall supersede section 238 of Public Law 116–94.

Applicability.

SEC. 238. For funds provided to the Department of Veterans Affairs for each of fiscal year 2021 and 2022 for "Medical Services", section 239 of division A of Public Law 114–223 shall apply.

SEC. 239. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 240. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2021 and fiscal year 2022 for "Medical Services", funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 241. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Applicability.

SEC. 242. For funds provided to the Department of Veterans Affairs for each of fiscal year 2021 and 2022, section 258 of division A of Public Law 114–223 shall apply.

Records.

SEC. 243. (a) None of the funds appropriated or otherwise made available by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access of such Inspector General.

(b) A department or agency covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

Compliance.

(c) Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

Reports.

(d) Each Inspector General covered by this section shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives within 5 calendar days of any failure by any department or agency covered by this section to comply with this section.

SEC. 244. None of the funds made available in this Act may be used in a manner that would increase wait times for veterans who seek care at medical facilities of the Department of Veterans Affairs.

Notification.
Proposals.
Time period.

SEC. 245. None of the funds appropriated or otherwise made available by this Act to the Veterans Health Administration may be used in fiscal year 2021 to convert any program which received specific purpose funds in fiscal year 2020 to a general purpose funded program unless the Secretary of Veterans Affairs submits written notification of any such proposal to the Committees on Appropriations of both Houses of Congress at least 30 days prior to any such action and an approval is issued by the Committees.

Applicability.

SEC. 246. For funds provided to the Department of Veterans Affairs for each of fiscal year 2021 and 2022, section 248 of division A of Public Law 114–223 shall apply.

Effective date.
38 USC 303 note.

SEC. 247. (a) None of the funds appropriated or otherwise made available by this Act may be used to conduct research commencing on or after October 1, 2019, that uses any canine, feline, or non-human primate unless the Secretary of Veterans Affairs approves such research specifically and in writing pursuant to subsection (b).

Effective date.
Determination.

(b)(1) The Secretary of Veterans Affairs may approve the conduct of research commencing on or after October 1, 2019, using canines, felines, or non-human primates if the Secretary determines that—

(A) the scientific objectives of the research can only be met by using such canines, felines, or non-human primates;

(B) such scientific objectives are directly related to an illness or injury that is combat-related; and

(C) the research is consistent with the revised Department of Veterans Affairs canine research policy document dated December 15, 2017, including any subsequent revisions to such document.

(2) The Secretary may not delegate the authority under this subsection.

Reports.

(c) If the Secretary approves any new research pursuant to subsection (b), not later than 30 days before the commencement of such research, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a report describing—

(1) the nature of the research to be conducted using canines, felines, or non-human primates;

(2) the date on which the Secretary approved the research;

(3) the justification for the determination of the Secretary that the scientific objectives of such research could only be met using canines, felines, or non-human primates;

(4) the frequency and duration of such research; and

(5) the protocols in place to ensure the necessity, safety, and efficacy of the research; and

(d) Not later than 180 days after the date of the enactment of this Act, and biannually thereafter, the Secretary shall submit to such Committees a report describing— Reports.

(1) any research being conducted by the Department of Veterans Affairs using canines, felines, or non-human primates as of the date of the submittal of the report;

(2) the circumstances under which such research was conducted using canines, felines, or non-human primates;

(3) the justification for using canines, felines, or non-human primates to conduct such research; and

(4) the protocols in place to ensure the necessity, safety, and efficacy of such research.

(e) Not later than December 31, 2021, the Secretary shall submit to such Committees an updated plan under which the Secretary will eliminate or reduce the research conducted using canines, felines, or non-human primates by not later than 5 years after the date of enactment of Public Law 116–94. Deadlines. Plan.

SEC. 248. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including— Reports.

(1) an assessment of the veteran-to-staff ratio for each such program; and Assessment.

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program. Recommendations.

SEC. 249. None of the funds made available by this Act may be used by the Secretary of Veterans Affairs to close the community based outpatient clinic located in Bainbridge, New York, until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a market area assessment. New York. Market assessment.

SEC. 250. Amounts made available for the "Veterans Health Administration, Medical Community Care" account in this or any other Act for fiscal years 2021 and 2022 may be used for expenses that would otherwise be payable from the Veterans Choice Fund established by section 802 of the Veterans Access, Choice, and Accountability Act, as amended (38 U.S.C. 1701 note).

SEC. 251. Obligations and expenditures applicable to the "Medical Services" account in fiscal years 2017 through 2019 for aid to state homes (as authorized by section 1741 of title 38, United States Code) shall remain in the "Medical Community Care" account for such fiscal years.

SEC. 252. Of the amounts made available for the Department of Veterans Affairs for fiscal year 2021, in this or any other Act, under the "Veterans Health Administration—Medical Services", "Veterans Health Administration—Medical Community Care", "Veterans Health Administration—Medical Support and Compliance", and "Veterans Health Administration—Medical Facilities" accounts,

$660,691,000 shall be made available for gender-specific care for women.

Deadline.

SEC. 253 (a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a plan to reduce the chances that clinical mistakes by employees of the Department of Veterans Affairs will result in adverse events that require institutional or clinical disclosures and to prevent any unnecessary hardship for patients and families impacted by such adverse events.

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

(1) A description of a process for the timely identification of individuals impacted by disclosures described in subsection (a) and the process for contacting those individuals or their next of kin.

(2) A description of procedures for expediting any remedial or follow-up care required for those individuals.

(3) A detailed outline of proposed changes to the process of the Department for clinical quality checks and oversight.

(4) A communication plan to ensure all facilities of the Department are made aware of any requirements updated pursuant to the plan.

Timeline.

(5) A timeline detailing the implementation of the plan.

(6) An identification of the senior executive of the Department responsible for ensuring compliance with the plan.

(7) An identification of potential impacts of the plan on timely diagnoses for patients.

(8) An identification of the processes and procedures for employees of the Department to make leadership at the facility and the Department aware of adverse events that are concerning and that result in disclosures and to ensure that the medical impact on veterans of such disclosures is minimized.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(RESCISSIONS OF FUNDS)

SEC. 254. Of the unobligated balances available to the Department of Veterans Affairs from prior appropriations Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"Veterans Benefits Administration, General Operating Expenses, Veterans Benefits Administration", $16,000,000;

"Veterans Health Administration, Medical Services", $100,000,000;

"Veterans Health Administration, Medical Support and Compliance", $15,000,000;

"Veterans Health Administration, Medical and Prosthetic Research", $20,000,000;

"Departmental Administration, General Administration", $12,000,000;

"Departmental Administration, Information Technology Systems", $37,500,000;

"Departmental Administration, Veterans Electronic Health Record", $20,000,000; and

"Departmental Administration, Construction, Minor Projects", $35,700,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $15,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $84,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $37,100,000: *Provided*, That $3,286,509 shall be available for the purpose of providing financial assistance as described and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $2,000 for official reception and representation expenses, $81,815,000, of which not to exceed $15,000,000 shall remain available until September 30, 2023. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $75,300,000, to remain available until September 30, 2022, of which $9,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISION

SEC. 301. Amounts deposited into the special account established under 10 U.S.C. 7727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $16,111,000, to remain available until September 30, 2025, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $70,020,000, to remain available until September 30, 2025, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" $263,869,000, to remain available until September 30, 2025, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

SEC. 401. None of the funds appropriated for military construction projects outside the United States under this title may be obligated or expended for planning and design of any project associated with the European Deterrence Initiative until the Secretary of Defense develops and submits to the congressional defense committees, in a classified and unclassified format, a list of all of the military construction projects associated with the European Deterrence Initiative which the Secretary anticipates will be carried out during each of the fiscal years 2022 through 2026.

Classified information. List. Time period.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

Reports. Notifications.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of

the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

Web posting. Public information. Reports. Determinations.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

Pornography.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

Contracts.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used in contravention of section 101(e)(8) of title 10, United States Code.

Detainees. Cuba.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

Grants.

SEC. 513. Title X of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended under the heading "Department of Veterans Affairs—Departmental Administration—Grants for Construction of State Extended Care Facilities" by striking "including to modify or alter existing hospital, nursing home, and domiciliary facilities in State homes: *Provided*," and inserting in lieu thereof the following: "which shall be for modifying or altering existing hospital, nursing home, and domiciliary facilities in State homes or for previously awarded projects, for covering construction cost increases due to the coronavirus: *Provided*, That the Secretary shall conduct a new competition or competitions to award grants to States using funds provided under this heading in this Act: *Provided further*, That such grants may be made to reimburse States for the costs of modifications or alterations that have been initiated or completed before an application for a grant under this section is approved by the Secretary: *Provided further*, That such grants may be made to assist States with covering increased construction and construction administration costs as a result of the coronavirus that will or have occurred on previously awarded projects: *Provided further*, That the use of funds provided under this heading in this Act shall not be subject to state matching fund requirements, application requirements, cost thresholds, priority lists, deadlines, award dates under sections 8134 and 8135 of title 38, United States Code, and part 59 of chapter I of title 38, Code of Federal Regulations, and shall not be subject to requirements of section 501(d) of title 38, United States Code: *Provided further*, That the Secretary may establish and adjust rolling deadlines for applications for such grants and may issue multiple rounds of application periods for the award of such grants under this section: *Provided further,*": *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Ante, p. 584.

Reimbursement.

Transfer authority.

SEC. 514. Of the unobligated balances available to the Department of Veterans Affairs from title X of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) for "Veterans Health Administration, Medical Services", funds may be transferred to the following accounts in the amounts specified:

"General Operating Expenses, Veterans Benefits Administration", up to $140,000,000;

"National Cemetery Administration", up to $26,000,000; and

"Departmental Administration, Board of Veterans Appeals", up to $1,000,000:

Provided, That the transferred funds shall be used for personnel costs and other expenses to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the elimination of backlogs that may have occurred: *Provided further*, That the transferred funds shall be in addition to any other funds made

available for this purpose: *Provided further*, That the transferred funds may not be used to increase the number of full-time equivalent positions: *Provided further*, That the amounts transferred in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Transfer authority.

SEC. 515. Of the unobligated balances available to the Department of Veterans Affairs from title X of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) for "Veterans Health Administration, Medical Services", funds may be transferred to the following accounts in the amounts specified:

"General Operating Expenses, Veterans Benefits Administration", up to $198,000,000; and

"Departmental Administration, Information Technology Systems", up to $45,000,000:

Provided, That the transferred funds shall be used to prevent, prepare for, and respond to coronavirus, domestically or internationally, to improve the Veterans Benefits Administration's education systems, including implementation of changes to chapters 30 through 36 of part III of title 38, United States Code in the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48), in a bill to authorize the Secretary of Veterans Affairs to treat certain programs of education converted to distance learning by reason of emergencies and health-related situations in the same manner as programs of education pursued at educational institutions, and for other purposes (Public Law 116–128), and in the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140): *Provided further*, That funds transferred to "Departmental Administration, Information Technology Systems" pursuant to this section shall be transferred to the information technology systems development subaccount: *Provided further*, That the transferred funds shall be in addition to any other funds made available for this purpose: *Provided further*, That the amounts transferred in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Ante, p. 589.

SEC. 516. Section 20013(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter preceding subparagraph (A), as so redesignated, by inserting "(1)" before "In the case"; and

(3) by adding at the end the following: "(2) If the Secretary waives any limit on grant amounts or rates for per diem payments under paragraph (1), notwithstanding section 2012(a)(2)(B) of such title, the maximum rate for per diem payments described in paragraph (1)(B) shall be three times the rate authorized for State homes for domiciliary care under section 1741 of such title.":

Provided, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Transfer authority.

SEC. 517. Of the unobligated balances available to the Department of Veterans Affairs from title X of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) for "Veterans Health Administration, Medical Services", up to $100,000,000 may be transferred to "Veterans Health Administration, Medical Community Care": *Provided*, That funds transferred pursuant to this section shall be used to provide a one-time emergency payment to existing State Extended Care Facilities for Veterans to prevent, prepare for, and respond to coronavirus: *Provided further*, That such payments shall be in proportion to each State's share of the total resident capacity in such facilities as of the date of enactment of this Act where such capacity includes only veterans on whose behalf the Department pays a per diem payment pursuant to 38 U.S.C. 1741 or 1745: *Provided further*, That the amounts transferred in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the "Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2021".

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2021

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021.

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $9,170,013,000, of which $757,367,000 may remain available until September 30, 2022, and of which up to $4,120,899,000 may remain available until expended for Worldwide Security Protection: *Provided*, That of the amount made available under this heading for Worldwide Security Protection, $2,226,122,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

Allocations.

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification

laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 11; Chapter 36), $2,990,820,000, of which up to $534,782,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,808,415,000.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation, and disarmament activities as authorized, $763,428,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $3,607,350,000, of which up to $3,586,117,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading for Worldwide Security Protection, not to exceed $50,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized: *Provided*, That the exercise of the authority provided by this subparagraph shall be subject to prior consultation with the Committees on Appropriations.

Consultation.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, $250,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $90,829,000, of which $13,624,000 may remain available until September 30, 2022: *Provided*, That funds appropriated under this heading are made available notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspections.

In addition, for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight, $54,900,000, to remain available until September 30, 2022, which is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That funds appropriated under this heading that are made available for the printing and reproduction costs of SIGAR shall not exceed amounts for such costs during the prior fiscal year.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For necessary expenses of educational and cultural exchange programs, as authorized, $740,300,000, to remain available until expended, of which not less than $274,000,000 shall be for the Fulbright Program and not less than $113,860,000 shall be for Citizen Exchange Program: *Provided*, That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further*, That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: *Provided further*, That funds appropriated under this heading that are made available for the Benjamin Gilman International Scholarships Program shall also be made available for the John S. McCain Scholars Program, pursuant to section 7075 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided further*, That funds appropriated under this heading shall be made available for the Community Engagement Exchange Program as described under the heading "Civil Society Exchange Program" in Senate Report 116–126: *Provided further*, That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Fellowships and scholarships. Consultation.

Consultation. Notification.

REPRESENTATION EXPENSES

For representation expenses as authorized, $7,415,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For necessary expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $30,890,000, to remain available until September 30, 2022.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for real property that are owned or leased by the Department of State, and renovating, in addition to funds otherwise available, the Harry S Truman Building, $769,055,000, to remain available until September 30, 2025, of which not to exceed $25,000 may be used for overseas representation expenses as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $1,181,394,000, to remain available until expended, of which $824,287,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, $7,885,000, to remain available until expended, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account".

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,500,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $6,311,992.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $31,963,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed $1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), and, in addition, as authorized by section 5 of such Act, $2,743,000, to be derived from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

22 USC 269a note.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions, or specific Acts of Congress, $1,505,928,000, of which $96,240,000, to remain available until September 30, 2022, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

United Nations. Notifications.

Budget.

Time period.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

United Nations.

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,456,314,000, of which $705,994,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That of the funds made available under this heading, up to $818,542,000 may remain available until September 30, 2022: *Provided further*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be

Time period. Notifications. Cost estimates.

served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the website of the United Nations: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations.

Certification.
Reports.
Human rights.
Public information.
Web posting.
Procedures.
Human rights.
Determination.
President.
Recommendations.
Notification.

22 USC 269a note.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Compliance.

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $49,770,000, of which $7,466,000 may remain available until September 30, 2022.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $49,000,000, to remain available until expended, as authorized: *Provided*, That of the funds appropriated under this heading in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for the United States Section, except for funds designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, up to $5,000,000 may be transferred to, and merged with, funds appropriated under the heading "Salaries and Expenses" to carry out the purposes of the United States Section, which shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act.

Transfer authority. Consultation. Notification.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for technical assistance grants and the Community Assistance Program of the North American Development Bank, $15,008,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, up to $1,250,000 may remain available until September 30, 2022, and up to $9,000 may be made available for representation expenses: *Provided further*, That of the amount provided under this heading for the International Boundary Commission, up to $1,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $62,846,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

UNITED STATES AGENCY FOR GLOBAL MEDIA

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the United States Agency for Global Media (USAGM), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, $793,257,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to $40,708,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than $20,000,000 shall be for Internet freedom programs:

Provided further, That of the total amount appropriated under this heading, not to exceed $35,000 may be used for representation expenses, of which $10,000 may be used for such expenses within the United States as authorized, and not to exceed $30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That funds appropriated under this heading shall be allocated in accordance with the table included under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That notwithstanding the previous proviso, funds may be reprogrammed within and between amounts designated in such table, subject to the regular notification procedures of the Committees on Appropriations, except that no such reprogramming may reduce a designated amount by more than 5 percent: *Provided further*, That funds appropriated under this heading shall be made available in accordance with the principles and standards set forth in section 303(a) and (b) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) and section 305(b) of such Act (22 U.S.C. 6204): *Provided further*, That the USAGM Chief Executive Officer shall notify the Committees on Appropriations within 15 days of any determination by the USAGM that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in section 303(a) and (b) of such Act or the entity's journalistic code of ethics: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $5,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes: *Provided further*, That significant modifications to USAGM broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all USAGM language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That up to $7,000,000 from the USAGM Buying Power Maintenance account may be transferred to, and merged with, funds appropriated by this Act under the heading "International Broadcasting Operations", which shall remain available until expended: *Provided further*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Notification.

Notification.
Deadline.
Determination.
Terrorism.

Notification.

Transfer authority.

Consultation.
Notification.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such

purposes, $9,700,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $20,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading shall be apportioned and obligated to the Foundation not later than 60 days after enactment of this Act.

Apportionment. Deadline.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), $45,000,000, to remain available until September 30, 2022, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2021, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2021, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2021, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for

Cultural and Technical Interchange Between East and West in the State of Hawaii, $19,700,000: *Provided*, That funds appropriated under this heading shall be apportioned and obligated to the Center not later than 60 days after enactment of this Act.

Apportionment. Deadline.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), $300,000,000, to remain available until expended, of which $195,840,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $104,160,000 shall be for democracy programs: *Provided*, That the requirements of section 7061(a) of this Act shall not apply to funds made available under this heading: *Provided further*, That funds appropriated under this heading shall be apportioned and obligated to the Endowment not later than 60 days after enactment of this Act.

Apportionment. Deadline.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $642,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2021: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

Termination date. Notification.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), $4,500,000, to remain available until September 30, 2022, including not more than $4,000 for representation expenses.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304 (22 U.S.C. 3001 et seq.), $2,908,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2022.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), $2,250,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2022.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $4,000,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2022: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2021 and shall apply to funds appropriated under this heading.

Extension. Applicability.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,377,747,000, of which up to $206,662,000 may remain available until September 30, 2022: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this

Contracts. Reports.

Contracts.

Transfer authority.

heading, not to exceed $250,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses, and not to exceed $100,500 shall be for official residence expenses, for USAID during the current fiscal year: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations not later than 60 days after enactment of this Act on changes to the account structure as described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Reports.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $258,200,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

Notification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $75,500,000, of which up to $11,325,000 may remain available until September 30, 2022, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

Apportionment.
Deadline.

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $3,265,950,000, to remain available until September 30, 2022, and which shall be apportioned directly to the United States Agency for International Development not later than 60 days after enactment of this Act: *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS;

(5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent, prepare for, and respond to, unanticipated and emerging global health threats, including zoonotic diseases; and (8) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for a United States contribution to The GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the

Determination.
Abortion.
Sterilization.

Deadline.

Abortion.

Lobbying.
Abortion.

Family planning.
Requirements.

Determination.
Reports.

USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

Grants.
Discrimination.
Compliance.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,930,000,000, to remain available until September 30, 2025, which shall be apportioned directly to the Department of State not later than 60 days after enactment of this Act: *Provided*, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund): *Provided further*, That the amount of such contribution shall be $1,560,000,000 and shall be for the second installment of the sixth replenishment: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2021 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to $17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

Apportionment.
Deadline.

Notification.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $3,500,000,000, to remain available until September 30, 2022: *Provided*, That funds made available under this heading shall be apportioned directly to the United States Agency for International Development not later than 60 days after enactment of this Act.

Apportionment.
Deadline.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $4,395,362,000, to remain available until expended, of which $1,914,041,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That funds made available under this heading shall be apportioned to the United States Agency for International Development not later than 60 days after enactment of this Act.

Apportionment. Deadline.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, and to support transition to democracy and long-term development of countries in crisis, $92,043,000, to remain available until expended: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new, or terminating a, program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

Reports.

Determination.

Consultation.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of section 509(b) of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94), $30,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading shall be apportioned to the United States Agency for International Development not later than 60 days after enactment of this Act.

Apportionment. Deadline.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $3,151,963,000, to remain available until September 30, 2022.

DEMOCRACY FUND

Apportionment. Deadline.

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C. 4411), $190,450,000, to remain available until September 30, 2022, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and shall be apportioned to such Bureau not later than 60 days after enactment of this Act: *Provided*, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise available by this Act for such purposes: *Provided further*, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the initial obligation of funds appropriated under this paragraph.

Consultation.

Apportionment. Deadline.

For an additional amount for such purposes, $100,250,000, to remain available until September 30, 2022, which shall be made available for the Bureau for Development, Democracy, and Innovation, United States Agency for International Development, and shall be apportioned to such Bureau not later than 60 days after enactment of this Act.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), $770,334,000, to remain available until September 30, 2022, which shall be available, notwithstanding any other provision of law, except section 7047 of this Act, for assistance and related programs for countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the SEED Act of 1989 (22 U.S.C. 5402), in addition to funds otherwise available for such purposes: *Provided*, That funds appropriated by this Act under the headings "Global Health Programs", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of the FREEDOM Support Act and section 601 of the SEED Act of 1989: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds appropriated under this heading may be made available for contributions to multilateral initiatives to counter hybrid threats: *Provided further*, That any notification of funds made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations should be informed at the earliest opportunity and to the

Notification.

Notification.

extent practicable: *Provided further*, That of the funds appropriated under this heading, not less than $2,000,000, to remain available until expended, shall be transferred to, and merged with, funds appropriated by this Act under the heading "Economic Support Fund" for joint dialogues in support of the Eastern Mediterranean Partnership in the manner specified under this heading in House Report 116–444: *Provided further*, That such funds shall be administered by, and under the policy direction of, the coordinator designated pursuant to section 102 of the FREEDOM Support Act and section 601 of the SEED Act of 1989.

Transfer authority.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.); allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $3,432,000,000, to remain available until expended, of which: $1,701,417,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements; and $5,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), $100,000, to remain available until expended: *Provided*, That amounts in excess of the limitation contained in paragraph (2) of such section shall be transferred to, and merged with, funds made available by this Act under the heading "Migration and Refugee Assistance".

Transfer authority.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $410,500,000, of which $6,330,000 is for the Office of Inspector General, to remain available until September 30, 2022: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C.

2515), an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $104,000 may be available for representation expenses, of which not to exceed $4,000 may be made available for entertainment expenses: *Provided further*, That in addition to the requirements under section 7015(a) of this Act, the Peace Corps shall consult with the Committees on Appropriations prior to any decision to open, close, or suspend a domestic or overseas office or a country program unless there is a substantial risk to volunteers or other Peace Corps personnel: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

Consultation.

Abortion.

Applicability.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), $912,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $112,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further*, That section 605(e) of the MCA (22 U.S.C. 7704(e)) shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA (22 U.S.C. 7708) only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses.

Applicability.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $38,000,000, to remain available until September 30, 2022: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the African Development Foundation Act (title V of Public Law 96–533; 22 U.S.C. 290h et seq.), $33,000,000, to remain available until September 30, 2022, of which not to exceed $2,000 may be available for representation expenses: *Provided*, That funds made available to grantees may

be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h–3(a)(2)), in exceptional circumstances the Board of Directors of the USADF may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the USADF shall submit a report to the appropriate congressional committees after each time such waiver authority is exercised: *Provided further*, That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further*, That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

Waiver authority.

Reports.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $33,000,000, to remain available until expended, of which not more than $6,600,000 may be used for administrative expenses: *Provided*, That amounts made available under this heading may be made available to contract for services as described in section 129(d)(3)(A) of the Foreign Assistance Act of 1961, without regard to the location in which such services are performed.

Contracts.

DEBT RESTRUCTURING

For the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, $15,000,000, to remain available until September 30, 2023.

President. Determination.

In addition, for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees for Somalia or credits extended to Somalia, as the President may determine, including the cost of selling, reducing, or cancelling amounts owed to the United States, in the event that Somalia has met the domestic and internationally-agreed conditions and such modification is consistent with United States law and foreign policy considerations, $78,000,000, to remain available until expended, which may be used notwithstanding any other provision of law: *Provided*, That funds made available by this paragraph shall be subject to prior consultation with the appropriate

President. Determination.

Consultation. Notification.

congressional committees and subject to the regular notification procedures of the Committees on Appropriations.

In addition, for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees for or credits extended to Sudan, $111,000,000, to remain available until expended, which may be used notwithstanding any other provision of law, in the event Sudan meets the domestic and internationally agreed conditions and the modifications are consistent with United States law and foreign policy considerations.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

Notifications.

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,385,573,000, to remain available until September 30, 2022: *Provided*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, judges, and other judicial authorities, utilizing regional partners: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading for Program Development and Support may be made available notwithstanding pre-obligation requirements contained in this Act, except for the notification requirements of section 7015.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $889,247,000, to remain available until September 30, 2022, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act (22 U.S.C. 5854), section 23 of the Arms Export Control Act

(22 U.S.C. 2763), or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

Consultation.
Notification.

Determination.
Israel.

Notification.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $440,759,000, of which $325,213,000, to remain available until September 30, 2022, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai and not less than $71,000,000 shall be made available for the Global Peace Operations Initiative: *Provided further*, That funds appropriated under this heading may be made available to pay assessed expenses of international peacekeeping activities in Somalia under the same terms and conditions, as applicable, as funds appropriated by this Act under the heading "Contributions for International Peacekeeping Activities": *Provided further*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

Somalia.

Notification.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $112,925,000, of which up to $56,463,000 may remain available until September 30, 2022: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That of the funds appropriated under this heading, up to $3,000,000 may remain available until expended to increase the participation of women in programs and activities funded under this heading, following consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, not to exceed $50,000 may be available for entertainment expenses.

Consultation.
Notification.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763), $6,175,524,000, of which $576,909,000, to remain available until September 30, 2022, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than $3,300,000,000 shall be available for grants only for Israel which shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $795,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

Consultation.
Notification.
Contracts.

Disbursement.
Deadline.

Contracts.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be

financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $70,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation expenses: *Provided further*, That not more than $1,137,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be obligated for expenses incurred by the Department of Defense during fiscal year 2021 pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)), except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

Notification.

Notification.

Notification.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, $387,500,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund: *Provided further*, That not later than 60 days after enactment of this Act, such funds shall be made available for core contributions for each entity listed in the table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) unless otherwise provided for in this Act, or if the Secretary of State has justified to the Committees on Appropriations the proposed uses of funds other than for core contributions following prior consultation with, and subject to the regular notification procedures of, such Committees.

Deadline.
Consultation.
Notification.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

Disbursements. Deadline.

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $139,575,000, to remain available until, and to be fully disbursed not later than, September 30, 2022: *Provided*, That of such amount, $136,563,000, which shall remain available until September 30, 2021, is only available for the third installment of the seventh replenishment of the Global Environment Facility, and shall be obligated and disbursed not later than 90 days after enactment of this Act: *Provided further*, That the Secretary shall report to the Committees on Appropriations on the status of funds provided under this heading not less than quarterly until fully disbursed: *Provided further*, That in such report the Secretary shall provide a timeline for the obligation and disbursement of any funds that have not yet been obligated or disbursed.

Deadline.

Reports. Time period. Timeline.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $206,500,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,421,275,728.70.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,001,400,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $47,395,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $54,648,752, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital

portion of the United States share of increases in capital stock in an amount not to exceed $856,174,624.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $171,300,000, to remain available until expended.

CONTRIBUTION TO THE NORTH AMERICAN DEVELOPMENT BANK

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The Secretary of the Treasury may subscribe without fiscal year limitation to the callable capital portion of the United States share of capital stock in an amount not to exceed $1,020,000,000: *Provided*, That such authority is in addition to any other authority otherwise available in this Act and under any other provision of law.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $32,500,000, to remain available until, and to be fully disbursed not later than, September 30, 2022, for the third installment of the eleventh replenishment of the International Fund for Agricultural Development: *Provided*, That the Secretary of the Treasury shall report to the Committees on Appropriations on the status of such payment not less than quarterly until fully disbursed: *Provided further*, That in such report the Secretary shall provide a timeline for the obligation and disbursement of any funds that have not yet been obligated or disbursed.

Disbursements. Deadline.

Reports. Time period.

Timeline.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $6,500,000, of which up to $975,000 may remain available until September 30, 2022.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments

Contracts.

for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $110,000,000, of which up to $16,500,000 may remain available until September 30, 2022: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) of such section shall remain in effect until September 30, 2021: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

12 USC 635a note.

Fees.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945 (Public Law 79–173) and the Federal Credit Reform Act of 1990, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0.

UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $2,000,000, to remain available until September 30, 2022.

CORPORATE CAPITAL ACCOUNT

The United States International Development Finance Corporation (the Corporation) is authorized to make such expenditures and commitments within the limits of funds and borrowing authority available to the Corporation, and in accordance with the law, and to make such expenditures and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs for the current fiscal year for the Corporation: *Provided*, That for necessary expenses of the activities described in subsections (b), (c), (e), (f), and (g) of section 1421 of the BUILD Act of 2018 (division F of Public Law 115–254) and for administrative expenses to carry out authorized activities and project-specific transaction costs described in section 1434(d) of such Act, $569,000,000: *Provided further*, That of the amount provided—

(1) $119,000,000 shall remain available until September 30, 2023, for administrative expenses to carry out authorized activities (including an amount for official reception and representation expenses which shall not exceed $25,000) and project-specific transaction costs as described in section 1434(k) of such Act, of which $1,000,000 shall remain available until September 30, 2025;

(2) $450,000,000 shall remain available until September 30, 2023, for the activities described in subsections (b), (c), (e), (f), and (g) of section 1421 of the BUILD Act of 2018, except such amounts obligated in a fiscal year for activities described in section 1421(c) of such Act shall remain available for disbursement for the term of the underlying project: *Provided further*, That if the term of the project extends longer than 10 fiscal years, the Chief Executive Officer of the Corporation shall inform the appropriate congressional committees prior to the obligation or disbursement of funds, as applicable: *Provided further*, That amounts made available under this paragraph may be paid to the "United States International Development Finance Corporation—Program Account" for programs authorized by subsections (b), (e), (f), and (g) of section 1421 of the BUILD Act of 2018:

Time period. Notification.

Provided further, That funds may only be obligated pursuant to section 1421(g) of the BUILD Act of 2018 subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations: *Provided further*, That in fiscal year 2021 collections of amounts described in section 1434(h) of the BUILD Act of 2018 shall be credited as offsetting collections to this appropriation: *Provided further*, That such collections collected in fiscal year 2021 in excess of $569,000,000 shall be credited to this account and shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That in fiscal year 2021, if such collections are less than $569,000,000, receipts collected pursuant to the BUILD Act of 2018 and the Federal Credit Reform Act of 1990, in an amount equal to such shortfall, shall be credited as offsetting collections to this appropriation: *Provided further*, That funds appropriated or otherwise made available under this heading may not be used to provide any type of assistance that is otherwise prohibited by any other provision of law or to provide assistance to any foreign country that is

Consultation. Notification.

Collections.

Reduction.

otherwise prohibited by any other provision of law: *Provided further*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by the offsetting collections described under this heading so as to result in a final fiscal year appropriation from the General Fund estimated at $191,000,000.

PROGRAM ACCOUNT

Amounts paid from "United States International Development Finance Corporation—Corporate Capital Account" (CCA) shall remain available until September 30, 2023: *Provided*, That up to $500,000,000 of amounts paid to this account from CCA or transferred to this account pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254) shall be available for the costs of direct and guaranteed loans provided by the Corporation pursuant to section 1421(b) of such Act: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such amounts obligated in a fiscal year shall remain available for disbursement for the following 8 fiscal years: *Provided further*, That funds transferred to carry out the Foreign Assistance Act of 1961 pursuant to section 1434(j) of the BUILD Act of 2018 may remain available for obligation for 1 additional fiscal year: *Provided further*, That the total loan principal or guaranteed principal amount shall not exceed $8,000,000,000.

Disbursement.
Time period.

Time period.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $79,500,000, to remain available until September 30, 2022, of which no more than $19,000,000 may be used for administrative expenses: *Provided*, That of the funds appropriated under this heading, not more than $5,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

Time period.
Records.

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received

by such department or agency in fiscal year 2021 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law. Contracts.

DIPLOMATIC FACILITIES

SEC. 7004. (a) CAPITAL SECURITY COST SHARING EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), a project to construct a facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(b) NEW DIPLOMATIC FACILITIES.—For the purposes of calculating the fiscal year 2021 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the contribution of the Department of State for this purpose. Consultation. Determination.

(c) CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2021, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading "Embassy Security, Construction, and Maintenance" in House Report 116–444.

(d) INTERIM AND TEMPORARY FACILITIES ABROAD.—

(1) SECURITY VULNERABILITIES.—Funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance" may be made available, following consultation with the appropriate congressional committees, to address security vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing, except that the amount of funds made available for such purposes from this Act and prior Acts making appropriations for the Department of State, Consultation.

foreign operations, and related programs shall be a minimum of $25,000,000.

Notification.
Waiver authority.

(2) CONSULTATION.—Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

(e) SOFT TARGETS.—Of the funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance", not less than $10,000,000 shall be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States diplomatic personnel and their dependents.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7006. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before enactment of this Act by Congress: *Provided*, That up to $25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 22 U.S.C. 2151a note).

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

Country listing.

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the

military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

Certification.
Reports.

Notification.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR GLOBAL MEDIA.—

(1) DEPARTMENT OF STATE.—

(A) IN GENERAL.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading "Representation Expenses".

(B) EMBASSY SECURITY.—Funds appropriated under the headings "Diplomatic Programs", including for Worldwide Security Protection, "Embassy Security, Construction, and Maintenance", and "Emergencies in the Diplomatic and Consular Service" in this Act may be transferred to, and merged with, funds appropriated under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, for emergency evacuations, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law.

Determination.
Reports.
Consultation.
Notification.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Agency for Global Media under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) TREATMENT AS REPROGRAMMING.—Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) IN GENERAL.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States

Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) ALLOCATION AND TRANSFERS.—Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961, and section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254).

(3) NOTIFICATION.—Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(c) LIMITATION ON UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—Amounts transferred pursuant to section 1434(j) of the BUILD Act of 2018 (division F of Public Law 115–254) may only be transferred from funds made available under title III of this Act, and such amounts shall not exceed $50,000,000: *Provided*, That any such transfers shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States International Development Finance Corporation (the Corporation), as appropriate, shall ensure that the programs funded by such transfers are coordinated with, and complement, foreign assistance programs implemented by the Department of State and USAID: *Provided further*, That no funds transferred pursuant to such authority may be used by the Corporation to post personnel abroad or for activities described in section 1421(c) of the BUILD Act of 2018.

Consultation.
Notification.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

President.
Deadline.
Consultation.
Policy justification.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of

State, foreign operations, and related programs entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961, or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

(f) TRANSFER OF OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM FUNDS.—Funds appropriated by this Act under the headings "Peacekeeping Operations" and "Foreign Military Financing Program" that are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 may be transferred to, and merged with, such funds appropriated under such headings: *Provided*, That such transfer authority may only be exercised to address contingencies: *Provided further*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act of 1961: *Provided further*, That such transfer authority shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

PROHIBITION AND LIMITATION ON CERTAIN EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit websites: *Provided*, That nothing in this subsection shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency, or any other entity carrying out the following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such websites undertaken as part of official business.

Sexually explicit websites.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act shall be available to promote the sale or export of tobacco or tobacco products (including electronic nicotine delivery systems), or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products (including electronic nicotine delivery systems), except for restrictions which are not applied equally to all tobacco

or tobacco products (including electronic nicotine delivery systems) of the same type.

(d) EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—None of the funds appropriated by this Act under the headings "Diplomatic Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II that are made available to the Department of State and the United States Agency for International Development may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(e) REPRESENTATION AND ENTERTAINMENT EXPENSES.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests, and—

(1) are primarily for fostering relations outside of the Executive Branch;

(2) are principally for meals and events of a protocol nature;

(3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events, theatrical and musical productions, and amusement parks.

AVAILABILITY OF FUNDS

Time periods.

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act (22 U.S.C. 2763), and funds made available for "United States International Development Finance Corporation" and under the heading "Assistance for Europe, Eurasia and Central Asia" shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of

part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That the Secretary of State and the Administrator of the United States Agency for International Development shall provide a report to the Committees on Appropriations not later than October 31, 2021, detailing by account and source year, the use of this authority during the previous fiscal year.

Reports.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultation with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

Time period.
Loans.
President.
Determination.
Consultation.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2021 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly or through grantees, contractors, and subcontractors, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2022 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program, as applicable, if, not later than September 30, 2022, such taxes have not been reimbursed: *Provided*, That the Secretary of State shall report to the Committees on Appropriations not later than 30 days after enactment of this Act and then quarterly thereafter until September 30, 2021, on the foreign governments and entities that have not reimbursed such taxes, including any amount of funds withheld pursuant to this subsection.

Deadline.

Reports.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

Reports.

(1) IN GENERAL.—The provisions of this section shall not apply to any foreign government or entity that assesses such taxes if the Secretary of State reports to the Committees on Appropriations that—

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

Time period.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

Regulations.
Guidance.

(f) IMPLEMENTATION.—The Secretary of State shall issue and update rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section:

(1) BILATERAL AGREEMENT.—The term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) TAXES AND TAXATION.—The term "taxes and taxation" shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

Notification.

Determination.
Reports.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of

funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I, II, and VI, and under the headings "Peace Corps" and "Millennium Challenge Corporation", of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to— Deadlines.

(1) create new programs;

(2) suspend or eliminate a program, project, or activity;

(3) close, suspend, open, or reopen a mission or post;

(4) create, close, reorganize, downsize, or rename bureaus, centers, or offices; or

(5) contract out or privatize any functions or activities presently performed by Federal employees;

unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I, II, and VI of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, to the departments and agencies funded under such titles that remain available for obligation in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that—

(1) augments or changes existing programs, projects, or activities;

(2) relocates an existing office or employees;

(3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(4) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings "Global Health Programs", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Peacekeeping Operations", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing Program", "International Military Education and Training", "United States International Development Finance Corporation", and "Peace Corps", shall be available for obligation for programs, projects, activities, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance of such obligation: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for a program, project, or activity for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such program, project, or activity for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority.

President.

(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUNDING NOTIFICATIONS.—

Consultation.

(1) PROGRAMS.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to support or continue any program initially funded under any authority of title 10, United States Code, or any Act making or authorizing appropriations for the Department of Defense, unless the Secretary of State, in consultation with the Secretary of Defense and in accordance with the regular notification procedures of the Committees on Appropriations, submits a justification to such Committees that includes a

description of, and the estimated costs associated with, the support or continuation of such program.

(2) FUNDING.—Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations shall be subject to the regular notification procedures of the Committees on Appropriations.

(3) NOTIFICATION ON EXCESS DEFENSE ARTICLES.—Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

(e) WAIVER.—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances. Deadline.

(f) COUNTRY NOTIFICATION REQUIREMENTS.—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Burma, Cambodia, Colombia, Cuba, Egypt, El Salvador, Ethiopia, Greenland, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Nicaragua, Pakistan, Philippines, the Russian Federation, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) TRUST FUNDS.—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds available for the Department of State, foreign operations, and related programs that are made available for a trust fund held by an international financial institution shall be subject to the regular notification procedures of the Committees on Appropriations and such notification shall include the information specified under this section in House Report 116–444.

(h) OTHER PROGRAM NOTIFICATION REQUIREMENT.—

Consultation.

(1) DIPLOMATIC PROGRAMS.—Funds appropriated under title I of this Act under the heading "Diplomatic Programs" that are made available for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) OTHER PROGRAMS.—Funds appropriated by this Act that are made available for the following programs and activities shall be subject to the regular notification procedures of the Committees on Appropriations:

Consultation.

(A) the Global Engagement Center, except that the Secretary of State shall consult with the Committees on Appropriations prior to submitting such notification;

(B) the Power Africa and Prosper Africa initiatives;

(C) community-based police assistance conducted pursuant to the authority of section 7035(a)(1) of this Act;

(D) the Prevention and Stabilization Fund and the Multi-Donor Global Fragility Fund;

(E) the Indo-Pacific Strategy;

(F) the Global Security Contingency Fund;

(G) the Countering Chinese Influence Fund and the Countering Russian Influence Fund;

(H) the Program to End Modern Slavery; and

(I) the Women's Global Development and Prosperity Fund.

Consultation.

(3) DEMOCRACY PROGRAM POLICY AND PROCEDURES.—Modifications to democracy program policy and procedures, including relating to the use of consortia, by the Department of State and USAID shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Reports.
Certifications.

(4) ARMS SALES.—The reports, notifications, and certifications, and any other documents, required to be submitted pursuant to section 36(a) of the Arms Export Control Act (22 U.S.C. 2776), and such documents submitted pursuant to section 36(b) through (d) of such Act with respect to countries that have received assistance provided with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall be concurrently submitted to the Committees on Appropriations and shall include information about the source of funds for any sale or transfer, as applicable, if known at the time of submission.

(i) WITHHOLDING OF FUNDS.—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

Consultation.

(j) FOREIGN ASSISTANCE AND GLOBAL HEALTH SECURITY REVIEWS.—Funds appropriated by this Act that are made available to make programmatic, funding, and organizational changes resulting from implementation of any foreign assistance review or realignment shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such notifications may be submitted in classified form, if necessary: *Provided further*, That the consultation

Classified information.
Applicability.

requirement of this subsection shall apply to global health security programs, to include the Global Health Security Agenda and emergency health responses.

(k) PRIOR CONSULTATION REQUIREMENT.—The Secretary of State, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the United States International Development Finance Corporation, and the Chief Executive Officer of the Millennium Challenge Corporation shall consult with the Committees on Appropriations at least 7 days prior to informing a government of, or publically announcing a decision on, the suspension or early termination of assistance to a country or a territory, including as a result of an interagency review of such assistance, from funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs: *Provided*, That such consultation shall include a detailed justification for such suspension, including a description of the assistance being suspended. Time period.

(l) REPORT ON FUNDS RECEIVED FROM FOREIGN GOVERNMENTS.—The Secretary of State and the USAID Administrator, as appropriate, shall report to the Committees on Appropriations on a quarterly basis until September 30, 2021, on funds received from foreign governments pursuant to sections 607 and 635(d) of the Foreign Assistance Act of 1961, other than from countries that are North Atlantic Treaty Organization (NATO) or major non-NATO allies designated pursuant to section 517(b) of such Act: *Provided*, That such report shall include the requirements described under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DOCUMENT REQUESTS, RECORDS MANAGEMENT, AND RELATED CYBERSECURITY PROTECTIONS

SEC. 7016. (a) DOCUMENT REQUESTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(b) RECORDS MANAGEMENT AND RELATED CYBERSECURITY PROTECTIONS.—The Secretary of State and USAID Administrator shall—

(1) regularly review and update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools; Review. Updates. Compliance.

(2) use funds appropriated by this Act under the headings "Diplomatic Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(3) direct departing employees, including senior officials, that all Federal records generated by such employees belong to the Federal Government;

(4) substantially reduce, compared to the previous fiscal year, the response time for identifying and retrieving Federal records, including requests made pursuant to section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"); and

Implementation. Recommendations.

(5) strengthen cybersecurity measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain, improve the process to identify and remove inactive user accounts, update and enforce guidance related to the control of national security information, and implement the recommendations of the applicable reports of the cognizant Office of Inspector General.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

President. Determination. Notification. Deadline.

SEC. 7017. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program or policy.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

President. Certification.

ALLOCATIONS AND REPORTS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available at not less than the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such designated amounts for foreign countries and international organizations shall serve

as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961, and shall be made available for such foreign countries and international organizations notwithstanding the date of the transmission of such report.

(b) AUTHORIZED DEVIATIONS BELOW MINIMUM LEVELS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may deviate by not more than 10 percent below the minimum amounts specifically designated in the respective tables in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That deviations pursuant to this subsection shall be subject to prior consultation with the Committees on Appropriations.

Consultation.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by section 653(a) of the Foreign Assistance Act of 1961, deviations authorized by subsection (b) may only take place after submission of such report.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for "International Military Education and Training" in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(B) funds for which the initial period of availability has expired; and

(C) amounts designated by this Act as minimum funding requirements.

(2) The authority in subsection (b) to deviate below amounts designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall not apply to the table included under the heading "Global Health Programs" in such statement.

(3) With respect to the amounts designated for "Global Programs" in the table under the heading "Economic Support Fund" included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), subsection (b) shall be applied by substituting "5 percent" for "10 percent".

Applicability.

(e) REPORTS.—The Secretary of State, USAID Administrator, and other designated officials, as appropriate, shall submit the reports required, in the manner described, in House Report 116–444 and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless directed otherwise in such explanatory statement.

(f) CLARIFICATION.—Funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" shall not be included for purposes of meeting amounts designated for countries in this Act or the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), unless such headings are specifically designated as the source of funds.

MULTI-YEAR PLEDGES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge meets one or more of the requirements enumerated under section 7066 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6).

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

President. Determinations.

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available under titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)): *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

Termination date.

Applicability.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interest of the United States.

Estimate.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interest.

(b) BILATERAL ASSISTANCE.—

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before

Federal Register, publication. Deadline. Notification.

the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "Foreign Military Financing Program" accounts, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account, and for the development assistance accounts of the United States Agency for International Development, "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

(2) allocated by the Executive Branch in accordance with the report required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION, AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

Consultation.
Reports.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the United States International Development Finance Corporation shall be obligated

or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

Notification.

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

President. Determination.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

President. Determination.

22 USC 262h note.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or otherwise made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.— 22 USC 2362 note.

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government; Requirement.

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds. Requirement.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this

assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

Time period. President.

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

Notification.

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

President. Notification.

Abortion. Sterilization.

(b) PUBLIC LAW 480.—During fiscal year 2021, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

Notification.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO COMPETITION FOR LOCAL ENTITIES.—Funds appropriated by this Act that are made available to the United States Agency for International Development may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

Assessment.

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect during fiscal year 2021.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) EVALUATIONS AND REPORT.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to adopt and implement a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 35 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution's goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2020 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year.

Public information.

(b) SAFEGUARDS.—

(1) STANDARD.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to oppose any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) ACCOUNTABILITY, STANDARDS, AND BEST PRACTICES.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification, and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation, cultural protection, and empowerment of local populations, including free, prior and informed consent of affected indigenous communities;

Human rights.

(C) do not provide incentives for, or facilitate, forced displacement or other violations of human rights; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to promote human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution in accordance with the requirements specified under this subsection in House Report 116–444: *Provided*, That prior to voting on any such loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violations of human rights.

Consultation.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to include in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage such institution to collect, verify, and publish,

to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken in fiscal year 2020 by the United States executive directors and the international financial institutions consistent with this subsection compared to the previous fiscal year. Reports.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice of the United States to encourage each such institution to effectively implement and enforce policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

(1) protection against retaliation for internal and lawful public disclosure;

(2) legal burdens of proof;

(3) statutes of limitation for reporting retaliation;

(4) access to binding independent adjudicative bodies, including shared cost and selection external arbitration; and

(5) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment.

INSECURE COMMUNICATIONS NETWORKS

SEC. 7030. Funds appropriated by this Act shall be made available for programs, including through the Digital Connectivity and Cybersecurity Partnership, to—

(1) advance the adoption of secure, next-generation communications networks and services, including 5G, and cybersecurity policies, in countries receiving assistance under this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs;

(2) counter the establishment of insecure communications networks and services, including 5G, promoted by the People's Republic of China and other state-backed enterprises that are subject to undue or extrajudicial control by their country of origin; and China.

(3) provide policy and technical training on deploying open, interoperable, reliable, and secure networks to information communication technology professionals in countries receiving assistance under this Act, as appropriate:

Provided, That such funds may be used to support the participation of foreign military officials in programs designed to strengthen civilian cybersecurity capacity, following consultation with the Committees on Appropriations. Consultation.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if the requirements included in section 7031(a)(1)(A) through (E) of the Department of State, Foreign Operations,

and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) are fully met.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), funds may only be made available for direct government-to-government assistance subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

Applicability.

Reports.

(3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2022 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

Updates.

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the "minimum requirements of fiscal transparency" for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

Public information.
Web posting.

(2) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any determination of "significant progress" or "no significant progress" in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual "Fiscal Transparency Report" to be posted on the Department of State website: *Provided*, That such report shall include the elements included under this section in the explanatory statement described in section 4 in the matter preceding division A of Public Law 116–94.

(3) ASSISTANCE.—Not less than $7,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to

improve budget transparency and to support civil society organizations in such countries that promote budget transparency.

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.— 8 USC 1182 note.

(1) INELIGIBILITY.—

(A) Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights, including the wrongful detention of locally employed staff of a United States diplomatic mission or a United States citizen or national, shall be ineligible for entry into the United States.

(B) The Secretary shall also publicly or privately designate or identify the officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible for entry into the United States pursuant to paragraph (1) if such entry would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) WAIVER.—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently. Determination.

(4) REPORT.—Not later than 30 days after enactment of this Act, and every 90 days thereafter until September 30, 2021, the Secretary of State shall submit a report, including a classified annex if necessary, to the appropriate congressional committees and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver. Time periods. Termination date. Classified information. List.

(5) POSTING OF REPORT.—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State website.

(6) CLARIFICATION.—For purposes of paragraphs (1), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) EXTRACTION OF NATURAL RESOURCES.—

(1) ASSISTANCE.—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the

extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and the amendments made by such section, and to prevent the sale of conflict diamonds, and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2) PUBLIC DISCLOSURE AND INDEPENDENT AUDITS.—(A) The Secretary of the Treasury shall instruct the executive director of each international financial institution that it is the policy of the United States to use the voice and vote of the United States to oppose any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered to meet the standards included under this section in the explanatory statement described in section 4 in the matter preceding division A of Public Law 116–94.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of such subparagraph.

(e) FOREIGN ASSISTANCE WEBSITE.—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the "ForeignAssistance.gov" website: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request and in a timely manner, to the Department of State and USAID.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING.—

(1) IN GENERAL.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $2,417,000,000 shall be made available for democracy programs.

(2) PROGRAMS.—Of the funds made available for democracy programs under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" pursuant to paragraph (1), not less than $102,040,000 shall be made available to the Bureau of Democracy, Human Rights, and Labor, Department of State, at not less than the amounts specified for certain countries and regional programs designated in the table under this section in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) AUTHORITIES.—

(1) AVAILABILITY.—Funds made available by this Act for democracy programs pursuant to subsection (a) and under the heading "National Endowment for Democracy" may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(2) BENEFICIARIES.—Funds made available by this Act for the NED are made available pursuant to the authority of the National Endowment for Democracy Act (title V of Public Law 98–164), including all decisions regarding the selection of beneficiaries.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term "democracy programs" means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law.

(e) RESTRICTION ON PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

Coordination. Reports. Compliance.

(f) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs.

(g) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the NED of democracy programs that are planned and supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(h) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND JOURNALISTS.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "Democracy Fund", not less than $25,000,000 shall be made available to support and protect civil society activists and journalists who have been threatened, harassed, or attacked, including journalists affiliated with the United States Agency for Global Media, consistent with the action plan required under this section in the explanatory statement described

in section 4 (in the matter preceding division A of this consolidated Act), and on the same terms and conditions of section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141).

(i) INTERNATIONAL FREEDOM OF EXPRESSION.—

(1) OPERATIONS.—Funds appropriated by this Act under the heading "Diplomatic Programs" shall be made available for the Bureau of Democracy, Human Rights, and Labor, Department of State, for the costs of administering programs designed to promote and defend freedom of expression and the independence of the media in countries where such freedom and independence are restricted or denied.

(2) ASSISTANCE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available for programs that promote and defend freedom of expression and the independence of the media abroad: *Provided*, That such funds are in addition to funds otherwise made available by this Act for such purposes, and are intended to complement emergency and safety programs for civil society, including journalists and media outlets at risk: *Provided further*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE.—Funds appropriated by this Act under the heading "Diplomatic Programs" shall be made available for the Office of International Religious Freedom, Department of State, including for support staff, at not less than the amounts specified for such office in the table under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) ASSISTANCE.—Funds appropriated by this Act under the headings "Economic Support Fund", "Democracy Fund", and "International Broadcasting Operations" shall be made available for international religious freedom programs and funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" shall be made available for humanitarian assistance for vulnerable and persecuted religious minorities: *Provided*, That funds made available by this Act under the headings "Economic Support Fund" and "Democracy Fund" pursuant to this section shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials, and shall be subject to prior consultation with the Committees on Appropriations.

Consultations.

(c) AUTHORITY.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Economic Support Fund" may be made available notwithstanding any other provision of law for assistance for ethnic and religious minorities in Iraq and Syria.

(d) DESIGNATION OF NON-STATE ACTORS.—Section 7033(e) of the Department of State, Foreign Operations, and Related Programs

Extension.

Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2021.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in title III of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) FORENSIC ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,500,000 shall be made available for forensic anthropology assistance related to the exhumation and identification of victims of war crimes, crimes against humanity, and genocide, including in Central America, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State: *Provided*, That such funds shall be in addition to funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for countries.

(2) Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement", not less than $10,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

(c) ATROCITIES PREVENTION.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", not less than $5,000,000 shall be made available for programs to prevent atrocities, including to implement recommendations of the Atrocities Prevention Board: *Provided*, That funds made available pursuant to this subsection are in addition to amounts otherwise made available for such purposes: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations. Recommendations. Notification.

(d) WORLD FOOD PROGRAMME.—Funds managed by the Bureau for Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(e) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

(2) GENOCIDE VICTIMS MEMORIAL SITES.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" may be made available as contributions to establish and maintain Notification.

memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations.

(3) PRIVATE SECTOR PARTNERSHIPS.—Of the funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund" that are made available for private sector partnerships, up to $50,000,000 may remain available until September 30, 2023: *Provided*, That funds made available pursuant to this paragraph may only be made available following prior consultation with the appropriate congressional committees, and the regular notification procedures of the Committees on Appropriations.

Consultation.
Notification.

(4) ADDITIONAL AUTHORITIES.—Of the amounts made available by title I of this Act under the heading "Diplomatic Programs", up to $500,000 may be made available for grants pursuant to section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d), including to facilitate collaboration with indigenous communities, and up to $1,000,000 may be made available for grants to carry out the activities of the Cultural Antiquities Task Force.

(5) INNOVATION.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards in accordance with the terms and conditions of section 7034(e)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided*, That each individual award may not exceed $100,000: *Provided further*, That no more than 15 such awards may be made during fiscal year 2021.

(6) EXCHANGE VISITOR PROGRAM.—None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.) and notwithstanding the exceptions to such rulemaking process in such Act: *Provided*, That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States: *Provided further*, That such consultation shall take place not later than 30 days prior to the publication in the Federal Register of any regulatory action modifying the Exchange Visitor Program.

Consultation.
Notification.

Deadline.
Federal Register, publication.

(f) PARTNER VETTING.—Prior to initiating a partner vetting program, or making a significant change to the scope of an existing partner vetting program, the Secretary of State and USAID Administrator, as appropriate, shall consult with the Committees on Appropriations: *Provided*, That the Secretary and the Administrator shall provide a direct vetting option for prime awardees in any partner vetting program initiated or significantly modified after the date of enactment of this Act, unless the Secretary of State or USAID Administrator, as applicable, informs the Committees on Appropriations on a case-by-case basis that a direct vetting option is not feasible for such program.

Consultation.

Notification.

(g) CONTINGENCIES.—During fiscal year 2021, the President may use up to $125,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(h) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection. Compliance. Reports.

(i) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading "Protection of Foreign Missions and Officials" unobligated balances of expired funds appropriated under the heading "Diplomatic Programs" for fiscal year 2021, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than $50,000,000 may be transferred. Deadline.

(j) AUTHORITY.—Funds made available by this Act under the heading "Economic Support Fund" to counter extremism may be made available notwithstanding any other provision of law restricting assistance to foreign countries, except sections 502B, 620A, and 620M of the Foreign Assistance Act of 1961: *Provided*, That the use of the authority of this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations. Consultation. Notification.

(k) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The terms and conditions of section 7034(k) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) shall continue in effect during fiscal year 2021. Extension.

(l) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting "September 30, 2021" for "September 30, 2010". Applicability. 22 USC 214 note.

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2021.

(3) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting "September 30, 2021" for "October 1, 2010" in subparagraph (B). Applicability. 22 USC 2385 note.

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2021.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(5) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking "and 2020" and inserting "2020, and 2021"; and

(ii) in subsection (e), by striking "2020" each place it appears and inserting "2021"; and

(B) in section 599E(b)(2) (8 U.S.C. 1255 note), by striking "2020" and inserting "2021".

(6) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2021, and may be used to facilitate the assignment of persons for oversight of programs in Syria, South Sudan, Yemen, Somalia, and Venezuela.

Afghanistan. Notification. Requirements. 22 USC 4831 note.

(7) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan through September 30, 2021, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.

Time period.

(8) SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Special Inspector General for Afghanistan Reconstruction (SIGAR) who completes at least 12 months of continuous service after enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

Extension. 8 USC 1715 note.

(9) TRANSFER OF BALANCES.—Section 7081(h) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) shall continue in effect during fiscal year 2021.

(10) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department of State may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) on a case-by-case basis for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

(11) AFGHAN ALLIES.—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(A) in the heading, by striking "2015 THROUGH 2020" and inserting "2015 THROUGH 2021";

(B) in the matter preceding clause (i), in the first sentence, by striking "shall" and all that follows through the period at the end, and inserting "shall not exceed 26,500."; and

(C) in clauses (i) and (ii), by striking "December 31, 2021" and inserting "December 31, 2022".

(m) MONITORING AND EVALUATION.—

(1) BENEFICIARY FEEDBACK.—Funds appropriated by this Act that are made available for monitoring and evaluation of assistance under the headings "Development Assistance", "International Disaster Assistance", and "Migration and Refugee Assistance" shall be made available for the regular and systematic collection of feedback obtained directly from beneficiaries to enhance the quality and relevance of such assistance: *Provided*, That the Department of State and USAID shall establish, and post on their respective websites, updated procedures for implementing partners that receive funds under such headings for regularly and systematically collecting and responding to such feedback, including guidelines for the reporting on actions taken in response to the feedback received: *Provided further*, That the Department of State and USAID shall regularly conduct oversight to ensure that such feedback is regularly collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance.

Web posting. Procedures. Guidelines.

Oversight.

(2) EX-POST EVALUATIONS.—Of the funds appropriated by this Act under titles III and IV, not less than $10,000,000 shall be made available for ex-post evaluations consistent with the requirements under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may be made available for pharmaceuticals and other products for child survival, malaria, tuberculosis, and emerging infectious diseases to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–447) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

Notification.

Records.

(o) LOANS, CONSULTATION, AND NOTIFICATION.—

Country listing.

(1) LOAN GUARANTEES.—Funds appropriated under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act

of 1974, of loan guarantees for Egypt, Jordan, Tunisia, and Ukraine, which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) FOREIGN MILITARY FINANCING DIRECT LOANS.—During fiscal year 2021, direct loans under section 23 of the Arms Export Control Act may be made available for Jordan, notwithstanding section 23(c)(1) of the Arms Export Control Act, gross obligations for the principal amounts of which shall not exceed $4,000,000,000: *Provided*, That funds appropriated under the heading "Foreign Military Financing Program" in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of such loans: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and may include the costs of selling, reducing, or cancelling any amounts owed to the United States or any agency of the United States: *Provided further*, That the Government of the United States may charge fees for such loans, which shall be collected from borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That no funds made available to the North Atlantic Treaty Organization (NATO) or major non-NATO allies by this or any other appropriations Act for this fiscal year or prior fiscal years may be used for payment of any fees associated with such loans: *Provided further*, That such loans shall be repaid in not more than 12 years, including a grace period of up to one year on repayment of principal: *Provided further*, That notwithstanding section 23(c)(1) of the Arms Export Control Act, interest for such loans may be charged at a rate determined by the Secretary of State, except that such rate may not be less than the prevailing interest rate on marketable Treasury securities of similar maturity: *Provided further*, That amounts made available under this paragraph for such costs shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

Fees.

North Atlantic Treaty Organization.

Deadline.
Time period.

Determination.

(3) FOREIGN MILITARY FINANCING LOAN GUARANTEES.—Funds appropriated under the heading "Foreign Military Financing Program" in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available, notwithstanding the third proviso under such heading, for the costs of loan guarantees under section 24 of the Arms Export Control Act for Jordan, which are authorized to be provided: *Provided*, That such funds are available to subsidize gross obligations for the principal amount of commercial loans, and total loan principal, any part of which is to be guaranteed, not to exceed $4,000,000,000: *Provided further*, That no loan guarantee with respect to any one borrower may exceed 80 percent of the loan principal: *Provided further*, That any loan guaranteed under this paragraph may not be subordinated to another debt contracted by the borrower or to any other claims against the borrower in the case of default: *Provided further*, That repayment in United States dollars of any loan guaranteed

Requirement.
Time period.

under this paragraph shall be required within a period not to exceed 12 years after the loan agreement is signed: *Provided further*, That the Government of the United States may charge fees for such loan guarantees, as may be determined, notwithstanding section 24 of the Arms Export Control Act, which shall be collected from borrowers or third parties on behalf of such borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

Fees.
Determination.

(4) DESIGNATION REQUIREMENT.—Funds made available pursuant to paragraphs (1) through (3) from prior Acts making appropriations for the Department of State, foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(5) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

(p) LOCAL WORKS.—

(1) FUNDING.—Of the funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund", not less than $55,000,000 shall be made available for Local Works pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), which may remain available until September 30, 2025.

(2) ELIGIBLE ENTITIES.—For the purposes of section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), "eligible entities" shall be defined as small local, international, and United States-based nongovernmental organizations, educational institutions, and other small entities that have received less than a total of $5,000,000 from USAID over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

Definition.
Time period.
22 USC 2152i note.

(q) DEFINITIONS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

8 USC 1182 note.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term "funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs" means funds that remain available for obligation, and have not expired.

22 USC 262h note.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act "international financial institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the International Fund for Agricultural Development, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) SPEND PLAN.—In this Act, the term "spend plan" means a plan for the uses of funds appropriated for a particular entity, country, program, purpose, or account and which shall include, at a minimum, a description of—

(A) realistic and sustainable goals, criteria for measuring progress, and a timeline for achieving such goals;

(B) amounts and sources of funds by account;

(C) how such funds will complement other ongoing or planned programs; and

(D) implementing partners, to the maximum extent practicable.

(5) SUCCESSOR OPERATING UNIT.—Any reference to a particular USAID operating unit or office in this or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include any successor operating unit or office performing the same or similar functions.

22 USC 2152i note.

(6) USAID.—In this Act, the term "USAID" means the United States Agency for International Development.

1 USC 1 note.

(7) THIS ACT.—Except as expressly provided otherwise, any reference to "this Act" contained in titles I through VII shall be treated as referring only to the provisions of such titles.

LAW ENFORCEMENT AND SECURITY

SEC. 7035. (a) ASSISTANCE.—

(1) COMMUNITY-BASED POLICE ASSISTANCE.—Funds made available under titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(2) COUNTERTERRORISM PARTNERSHIPS FUND.—Funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for the Counterterrorism Partnerships Fund for programs in areas liberated from, under the influence of, or adversely affected by, the Islamic State of Iraq and Syria or

other terrorist organizations: *Provided*, That such areas shall include the Kurdistan Region of Iraq: *Provided further*, That prior to the obligation of funds made available pursuant to this paragraph, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided further*, That funds made available pursuant to this paragraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Iraq.

Consultation.
Notification.

(3) COMBAT CASUALTY CARE.—

(A) Consistent with the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, funds appropriated by this Act under the headings "Peacekeeping Operations" and "Foreign Military Financing Program" shall be made available for combat casualty training and equipment consistent with prior fiscal years.

(B) The Secretary of State shall offer combat casualty care training and equipment as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings "Peacekeeping Operations" and "Foreign Military Financing Program": *Provided*, That the requirement of this subparagraph shall apply to a country in conflict, unless the Secretary determines that such country has in place, to the maximum extent practicable, functioning combat casualty care treatment and equipment that meets or exceeds the standards recommended by the Committee on Tactical Combat Casualty Care: *Provided further*, That any such training and equipment for combat casualty care shall be made available through an open and competitive process.

Applicability.
Determination.

(4) TRAINING RELATED TO INTERNATIONAL HUMANITARIAN LAW.—The Secretary of State shall offer training related to the requirements of international humanitarian law as a component of any package of lethal assistance funded by this Act with funds appropriated under the headings "Peacekeeping Operations" and "Foreign Military Financing Program": *Provided*, That the requirement of this paragraph shall not apply to a country that is a member of the North Atlantic Treaty Organization (NATO), is a major non-NATO ally designated by section 517(b) of the Foreign Assistance Act of 1961, or is complying with international humanitarian law: *Provided further*, That any such training shall be made available through an open and competitive process.

(5) SECURITY FORCE PROFESSIONALIZATION.—Funds appropriated by this Act under the headings "International Narcotics Control and Law Enforcement" and "Peacekeeping Operations" shall be made available to increase the capacity of foreign military and law enforcement personnel to operate in accordance with appropriate standards relating to human rights and the protection of civilians in the manner specified under this section in Senate Report 116–126, following consultation with the Committees on Appropriations: *Provided*, That funds made available pursuant to this paragraph shall be made available through an open and competitive process.

Consultation.

(6) GLOBAL SECURITY CONTINGENCY FUND.—Notwithstanding any other provision of this Act, up to $7,500,000

Transfer authority.
Notification.

from funds appropriated by this Act under the headings "Peacekeeping Operations" and "Foreign Military Financing Program" may be transferred to, and merged with, funds previously made available under the heading "Global Security Contingency Fund", subject to the regular notification procedures of the Committees on Appropriations.

(7) INTERNATIONAL PRISON CONDITIONS.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", and "International Narcotics Control and Law Enforcement", not less than $7,500,000 shall be made available for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities, notwithstanding section 660 of the Foreign Assistance Act of 1961: *Provided*, That the Secretary of State and the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of such funds prior to obligation and not later than 60 days after enactment of this Act: *Provided further*, That such funds shall be in addition to funds otherwise made available by this Act for such purpose.

Consultation.
Deadline.

(b) AUTHORITIES.—

(1) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(2) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2021.

Extension.

(3) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking "of this section" and all that follows through the period at the end and inserting "of this section after September 30, 2023.".

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking "and 2021" and inserting "2021, 2022, and 2023".

(4) COMMERCIAL LEASING OF DEFENSE ARTICLES.—Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing to Israel, Egypt, the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

Notification.
President.
Determination.

(5) SPECIAL DEFENSE ACQUISITION FUND.—Not to exceed $900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act (22 U.S.C. 2795(c)(2)) for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2023: *Provided*, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

(6) PUBLIC DISCLOSURE.—For the purposes of funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for units of foreign security forces, the term "to the maximum extent practicable" in section 620M(d)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) means that the identity of such units shall be made publicly available unless the Secretary of State, on a case-by-case basis, determines and reports to the appropriate congressional committees that non-disclosure is in the national security interest of the United States: *Provided*, That any such determination shall include a detailed justification, and may be submitted in classified form. Definition. Determination. Reports.

(7) DUTY TO INFORM.—

(A) COMPLIANCE.—If assistance to a foreign security force is provided in a manner in which the recipient unit or units cannot be identified prior to the transfer of assistance, the Secretary of State shall regularly provide a list of units prohibited from receiving such assistance pursuant to section 620M of the Foreign Assistance Act of 1961 to the recipient government, and such assistance shall be made available subject to a written agreement that the recipient government will comply with such prohibition: *Provided*, That such requirement regarding a written agreement shall take effect not later than December 31, 2021. List. Effective date.

(B) IMPLEMENTATION PLAN.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit an implementation plan to the Committees on Appropriations including a timeline and mechanisms for executing such agreements by December 31, 2021: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to submitting such plan. Deadline. Timeline. Consultation.

(c) LIMITATIONS.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) LANDMINES AND CLUSTER MUNITIONS.—

(A) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(B) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(i) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(ii) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

Classified information. Appendices.

(3) CONGRESSIONAL BUDGET JUSTIFICATIONS.—Of the funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act and made available for obligation for expenses incurred by the Department of Defense, Defense Security Cooperation Agency (DSCA) during fiscal year 2021 pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)), $25,000,000 shall be withheld from obligation until the DSCA, jointly with the Department of State, submits to the Committees on Appropriations the congressional budget justification for funds requested under the heading "Foreign Military Financing Program" for fiscal years 2021 and 2022, including the accompanying classified appendices.

Determination.

(4) CROWD CONTROL ITEMS.—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries that the Secretary of State determines are undemocratic or are undergoing democratic transitions.

(d) REPORTS.—

(1) SECURITY ASSISTANCE REPORT.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2020, by country and purpose of assistance, under the headings "Peacekeeping Operations", "International Military Education and Training", and "Foreign Military Financing Program".

Definition.

(2) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term "military training provided to foreign military personnel by the Department of Defense and the Department of State" shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act (22 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally: *Provided*, That such third-country training shall be clearly

identified in the report submitted pursuant to section 656 of such Act.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7036. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that— Determination. Certification.

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

President. Determination.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act ("Limitation on Assistance for the Palestinian Authority").

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

Deadline. Certification. Procedures. Records. Review.

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2021, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

Terrorism. Determinations.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

Termination.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for—

(A) the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism; and

(B) any educational institution located in the West Bank or Gaza that is named after an individual who the Secretary of State determines has committed an act of terrorism. Determination.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks. Compliance.

(d) OVERSIGHT BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.— Audits.

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section. Contracts. Grants. Deadline.

(2) Of the funds appropriated by this Act, up to $1,000,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, investigations, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes. Investigations.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2021 under the heading "Economic Support Fund", and such audit shall address— Investigation. Time period.

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and Compliance.

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures. Examination.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated President.

or expended with respect to providing funds to the Palestinian Authority.

Certification.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

Reports.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

Certification.
Reports.
Compliance.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

Reports.
Time period.
Compliance.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are

continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $125,000,000 shall be made available for assistance for Egypt, of which $40,000,000 should be made available for higher education programs, including not less than $15,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education in Egypt that are currently accredited by a regional accrediting agency recognized by the United States Department of Education, or meets standards equivalent to those required for United States institutional accreditation by a regional accrediting agency recognized by such Department: *Provided*, That such funds shall be made available for democracy programs, and for development programs in the Sinai: *Provided further*, That such funds may not be made available for cash transfer assistance or budget support unless the Secretary of State certifies and reports to the appropriate congressional committees that the Government of Egypt is taking consistent and effective steps to stabilize the economy and implement market-based economic reforms.

Certification.
Reports.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $1,300,000,000, to remain available until September 30, 2022, should be made available for assistance for Egypt: *Provided*, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations, and the uses of any interest earned on such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That $225,000,000 of such funds shall be withheld from obligation until the Secretary of State certifies and reports to

Consultation.
Notification.

Certification.
Reports.
Human rights.

the Committees on Appropriations that the Government of Egypt is taking sustained and effective steps to—

(i) strengthen the rule of law, democratic institutions, and human rights in Egypt, including to protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference;

(iii) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights;

(iv) investigate and prosecute cases of extrajudicial killings and forced disappearances; and

(v) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

Provided further, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

Determination. Reports.

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met: *Provided*, That the report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

Determination. Reports. Political prisoners.

(C) In addition to the funds withheld pursuant to subparagraph (A), $75,000,000 of the funds made available pursuant to this paragraph shall be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Egypt is making clear and consistent progress in releasing political prisoners and providing detainees with due process of law.

April Corley.

(4) SEPTEMBER 13, 2015, ATTACK.—The Secretary of State shall encourage good faith negotiations between the relevant parties regarding the September 13, 2015, attack against a tour group by the Egyptian military during which American April Corley was injured: *Provided*, That in lieu of the reporting requirement under section 7041(a)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94), the Secretary of State shall report to the Committees on Appropriations on the status of such negotiations not later than 60 days after enactment of this Act and every 90 days thereafter until September 30, 2021.

Reports. Time period. Termination date.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings "Diplomatic Programs", "Economic Support Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for the programs and activities described under this section in House Report 116–444.

(2) REPORTS.—

(A) SEMI-ANNUAL REPORT.—The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 135(d)(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2160e(d)(4)), as added by section 2 of the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17).

(B) SANCTIONS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on— Consultation.

(i) the status of United States bilateral sanctions on Iran;

(ii) the reimposition and renewed enforcement of secondary sanctions; and

(iii) the impact such sanctions have had on Iran's destabilizing activities throughout the Middle East.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Iraq for—

(A) bilateral economic assistance and international security assistance, including in the Kurdistan Region of Iraq;

(B) stabilization assistance, including in Anbar Province;

(C) justice sector strengthening;

(D) humanitarian assistance, including in the Kurdistan Region of Iraq; and

(E) programs to protect and assist religious and ethnic minority populations in Iraq, including as described under this section in House Report 116–444.

(2) UNITED STATES CONSULATE GENERAL BASRAH.—Any change in the status of operations at United States Consulate General Basrah, including the return of Consulate property located adjacent to the Basrah International Airport to the Government of Iraq, shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations. Consultation. Notification.

(3) BASING RIGHTS AGREEMENT.—None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) JORDAN.—Of the funds appropriated by this Act under titles III and IV, not less than $1,650,000,000 shall be made available for assistance for Jordan, of which: not less than $845,100,000 shall be made available for budget support for the Government of Jordan; not less than $10,000,000 shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission

in Jordan; and not less than $425,000,000 shall be made available under the heading "Foreign Military Financing Program".

(e) LEBANON.—

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Lebanon: *Provided*, That such funds made available under the heading "Economic Support Fund" may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(2) SECURITY ASSISTANCE.—

Consultation.

(A) Funds appropriated by this Act under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" that are made available for assistance for Lebanon may be made available for programs and equipment for the Lebanese Internal Security Forces (ISF) and the Lebanese Armed Forces (LAF) to address security and stability requirements in areas affected by conflict in Syria, following consultation with the appropriate congressional committees.

(B) Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are made available for assistance for Lebanon may only be made available for programs to—

(i) professionalize the LAF to mitigate internal and external threats from non-state actors, including Hizballah;

Terrorism.

(ii) strengthen border security and combat terrorism, including training and equipping the LAF to secure the borders of Lebanon and address security and stability requirements in areas affected by conflict in Syria, interdicting arms shipments, and preventing the use of Lebanon as a safe haven for terrorist groups; and

(iii) implement United Nations Security Council Resolution 1701:

Spend plan.
Deadline.

Provided, That prior to obligating funds made available by this subparagraph for assistance for the LAF, the Secretary of State shall submit to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is used only for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than June 1, 2021: *Provided further*, That any notification submitted pursuant to such section shall include any funds specifically intended for lethal military equipment.

Notification.

(3) LIMITATION.—None of the funds appropriated by this Act may be made available for the ISF or the LAF if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) LIBYA.—

(1) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available for stabilization assistance for Libya, including support for a United Nations-facilitated political process and border security: *Provided*, That the limitation on the uses of funds for certain infrastructure projects in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to such funds. Applicability.

(2) CERTIFICATION.—Prior to the initial obligation of funds made available by this Act for assistance for Libya, the Secretary of State shall certify and report to the Committees on Appropriations that all practicable steps have been taken to ensure that mechanisms are in place for monitoring, oversight, and control of such funds. Reports.

(g) MOROCCO.—

(1) AVAILABILITY AND CONSULTATION REQUIREMENT.—Funds appropriated under title III of this Act shall be made available for assistance for the Western Sahara: *Provided*, That not later than 90 days after enactment of this Act and prior to the obligation of such funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall consult with the Committees on Appropriations on the proposed uses of such funds. Deadline.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Morocco may only be used for the purposes requested in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2017.

(h) SAUDI ARABIA.—

(1) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—None of the funds appropriated by this Act under the heading "International Military Education and Training" may be made available for assistance for the Government of Saudi Arabia.

(2) EXPORT-IMPORT BANK.—None of the funds appropriated or otherwise made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs should be obligated or expended by the Export-Import Bank of the United States to guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of nuclear technology, equipment, fuel, materials, or other nuclear technology-related goods or services to Saudi Arabia unless the Government of Saudi Arabia—

(A) has in effect a nuclear cooperation agreement pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153);

(B) has committed to renounce uranium enrichment and reprocessing on its territory under that agreement; and

(C) has signed and implemented an Additional Protocol to its Comprehensive Safeguards Agreement with the International Atomic Energy Agency.

(i) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Of the funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Peacekeeping Operations", not less than $40,000,000 shall be

made available, notwithstanding any other provision of law, for non-lethal stabilization assistance for Syria, of which not less than $7,000,000 shall be made available for emergency medical and rescue response and chemical weapons use investigations.

(2) LIMITATIONS.—Funds made available pursuant to paragraph (1) of this subsection—

Iran.
Terrorism.

(A) may not be made available for a project or activity that supports or otherwise legitimizes the Government of Iran, foreign terrorist organizations (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a proxy of Iran in Syria;

Russia.
Determination.

(B) may not be made available for activities that further the strategic objectives of the Government of the Russian Federation that the Secretary of State determines may threaten or undermine United States national security interests; and

Bashar al-Assad.

(C) should not be used in areas of Syria controlled by a government led by Bashar al-Assad or associated forces.

(3) MONITORING AND OVERSIGHT.—Prior to the obligation of any funds appropriated by this Act and made available for assistance for Syria, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such assistance inside Syria.

(4) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) TUNISIA.—Of the funds appropriated under titles III and IV of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, not less than $241,400,000 shall be made available for assistance for Tunisia.

(k) WEST BANK AND GAZA.—

(1) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;

(B) improve security in the region;

(C) continue support for transparent and accountable government institutions;

(D) promote a private sector economy; or

(E) address urgent humanitarian needs.

(2) LIMITATIONS.—

Waiver authority.
Certifications.

(A)(i) None of the funds appropriated under the heading "Economic Support Fund" in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency

thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace. Reports.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act— President. Determinations.

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) initiated or actively supported an ICC investigation against Israeli nationals for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised. Deadline.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act. Time periods.

(3) APPLICATION OF TAYLOR FORCE ACT.—Funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza shall be made available consistent with section 1004(a) of the Taylor Force Act (title X of division S of Public Law 115–141).

Requirements.
Applicability.

(4) SECURITY REPORT.—The reporting requirements in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(5) INCITEMENT REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and coexistence with Israel.

(l) YEMEN.—Funds appropriated under title III and under the headings "International Narcotics Control and Law Enforcement" and "Nonproliferation, Anti-terrorism, Demining and Related Programs" of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be made available for health, humanitarian, and stabilization assistance for Yemen.

AFRICA

Determination.
Reports.

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act under the heading "International Military Education and Training" for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

Boko Haram.

(b) CAMEROON.—Funds appropriated under title IV of this Act that are made available for assistance for the armed forces of Cameroon, including the Rapid Intervention Battalion, may only be made available to counter regional terrorism, including Boko Haram and other Islamic State affiliates, participate in international peacekeeping operations, and for military education and maritime security programs.

(c) CENTRAL AFRICAN REPUBLIC.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $3,000,000 shall be made available for a contribution to the Special Criminal Court in Central African Republic.

Lord's Resistance Army.
Child soldiers.

(d) COUNTER ILLICIT ARMED GROUPS.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord's Resistance Army (LRA) or other illicit armed groups in Eastern Democratic Republic of the Congo and the Central African Republic, including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

Ebola.

(e) DEMOCRATIC REPUBLIC OF THE CONGO.—Of the funds appropriated under titles III and IV of this Act, not less than $325,000,000 shall be made available for assistance for the Democratic Republic of the Congo (DRC) for stabilization, global health, and bilateral economic assistance, including in areas affected by, and at risk from, the Ebola virus disease: *Provided*, That such funds shall also be made available to support security, stabilization,

development, and democracy in Eastern DRC: *Provided further*, That funds appropriated by this Act under the headings "Peacekeeping Operations" and "International Military Education and Training" that are made available for such purposes may be made available notwithstanding any other provision of law, except section 620M of the Foreign Assistance Act of 1961.

(f) LAKE CHAD BASIN COUNTRIES.—Funds appropriated under titles III and IV of this Act shall be made available for assistance for Cameroon, Chad, Niger, and Nigeria for—

(1) democracy, development, and health programs;

(2) assistance for individuals targeted by foreign terrorist and other extremist organizations, including Boko Haram, consistent with the provisions of section 7059 of this Act; Boko Haram.

(3) assistance for individuals displaced by violent conflict; and

(4) counterterrorism programs.

(g) MALAWI.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $60,000,000 shall be made available for assistance for Malawi, of which up to $10,000,000 shall be made available for higher education programs.

(h) SAHEL STABILIZATION AND SECURITY.—Funds appropriated under titles III and IV of this Act shall be made available for stabilization, health, development, and security programs in the countries of the Sahel region.

(i) SOUTH SUDAN.—

(1) ASSISTANCE.—Of the funds appropriated under title III of this Act that are made available for assistance for South Sudan, not less than $15,000,000 shall be made available for democracy programs and not less than $8,000,000 shall be made available for conflict mitigation and reconciliation programs.

(2) LIMITATION ON ASSISTANCE FOR THE CENTRAL GOVERNMENT.—Funds appropriated by this Act that are made available for assistance for the central Government of South Sudan may only be made available, following consultation with the Committees on Appropriations, for— Consultations.

(A) humanitarian assistance;

(B) health programs, including to prevent, detect, and respond to infectious diseases;

(C) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement and mutual arrangements related to such agreement:

Provided, That prior to the initial obligation of funds made available pursuant to subparagraphs (C) and (D), the Secretary of State shall consult with the Committees on Appropriations on the intended uses of such funds and steps taken by such government to advance or implement a peace agreement.

(j) SUDAN.—

(1) ASSISTANCE.—

(A) Of the funds appropriated under title III of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, except for funds designated by the Congress as an emergency requirement pursuant to a concurrent resolution on Consultation.

the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, not less than $60,000,000 shall be made available for assistance for Sudan, following consultation with the Committees on Appropriations: *Provided*, That amounts repurposed pursuant to this subparagraph that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act: *Provided further*, That notwithstanding any other provision of law, such funds may be made available for agriculture and economic growth programs, and economic assistance for marginalized areas in Sudan and Abyei.

(B) None of the funds appropriated under title IV of this Act may be made available for assistance for the Government of Sudan, except assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other viable peace agreement in Sudan.

(2) EXTENSION OF AUTHORIZATION.—Section 501(i) of title V of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1501, 1535–36), and set forth in Appendix E thereof (113 Stat. 1501A–289,–313), as most recently amended by section 904(b) of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94, 113 Stat. 2534, 3086), is further amended by striking "2000–2021" and inserting "2000–2025".

22 USC 2395a note.

(3) CONSULTATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for any new program, project, or activity in Sudan shall be subject to prior consultation with the appropriate congressional committees.

Certifications. Reports. 22 USC 2151 note.

(k) ZIMBABWE.—

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) LIMITATION.—None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1).

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) BURMA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—

(A) Of the funds appropriated under title III and under the heading "International Narcotics Control and Law Enforcement" of this Act, not less than $134,950,000 shall be made available for assistance for Burma: *Provided*, That such funds may be made available notwithstanding any other provision of law and following consultation with the appropriate congressional committees: *Provided further*, That such funds shall be made available for programs to promote ethnic and religious tolerance and to combat gender-based violence, including in Kachin, Karen, Rakhine, and Shan states: *Provided further*, That such funds shall be made available for programs to strengthen media and civil society organizations: *Provided further*, That such funds may be made available for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose.

Consultation.

(B) Funds appropriated under title III of this Act for assistance for Burma shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading "Migration and Refugee Assistance": *Provided*, That such funds may be available for programs to support the return of Kachin, Karen, Rohingya, Shan, and other refugees and internally displaced persons to their locations of origin or preference in Burma only if such returns are voluntary and consistent with international law.

Refugees.

(C) Funds appropriated under title III of this Act for assistance for Burma that are made available for assistance for the Government of Burma to support the implementation of Nationwide Ceasefire Agreement conferences, committees, and other procedures may only be made available if the Secretary of State reports to the Committees on Appropriations that such conferences, committees, and procedures are directed toward a sustainable peace and the Government of Burma is implementing its commitments under such Agreement.

Reports.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Burma: *Provided*, That the Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response in a manner consistent with the prior fiscal year, and following consultation with the appropriate congressional committees.

Consultations.

(3) LIMITATIONS.—None of the funds appropriated under title III of this Act for assistance for Burma may be made available to any organization or entity controlled by the armed forces of Burma, or to any individual or organization that has committed a gross violation of human rights or advocates violence against ethnic or religious groups or individuals in

Human rights.
Determination.

Burma, as determined by the Secretary of State for programs administered by the Department of State and USAID or the President of the National Endowment for Democracy (NED) for programs administered by NED.

(4) CONSULTATION.—Any new program or activity in Burma initiated in fiscal year 2021 shall be subject to prior consultation with the appropriate congressional committees.

(b) CAMBODIA.—

(1) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $85,505,000 shall be made available for assistance for Cambodia.

(2) CERTIFICATION AND EXCEPTIONS.—

Reports.

(A) CERTIFICATION.—None of the funds appropriated by this Act that are made available for assistance for the Government of Cambodia may be obligated or expended unless the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea;

(ii) assert its sovereignty against interference by the People's Republic of China, including by verifiably maintaining the neutrality of Ream Naval Base, other military installations in Cambodia, and dual use facilities such as the Dara Sakor development project;

(iii) cease violence and harassment against civil society and the political opposition in Cambodia, and dismiss any politically motivated criminal charges against those who criticize the government; and

(iv) respect the rights, freedoms, and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993.

(B) EXCEPTIONS.—The certification required by subparagraph (A) shall not apply to funds appropriated by this Act and made available for democracy, health, education, and environment programs, programs to strengthen the sovereignty of Cambodia, and programs to educate and inform the people of Cambodia of the influence activities of the People's Republic of China in Cambodia.

(3) USES OF FUNDS.—Funds appropriated under title III of this Act for assistance for Cambodia shall be made available for—

(A) research and education programs associated with the Khmer Rouge in Cambodia; and

(B) programs in the Khmer language to monitor, map, and publicize the efforts by the People's Republic of China to expand its influence in Cambodia.

(c) INDO-PACIFIC STRATEGY AND THE ASIA REASSURANCE INITIATIVE ACT OF 2018.—

(1) ASSISTANCE.—Of the funds appropriated under titles III and IV of this Act, not less than $1,482,000,000 shall be made available to support implementation of the Indo-Pacific Strategy and the Asia Reassurance Initiative Act of 2018 (Public Law 115–409).

(2) COUNTERING CHINESE INFLUENCE FUND.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Foreign Military Financing Program", not less than $300,000,000 shall be made available for a Countering Chinese Influence Fund to counter the malign influence of the Government of the People's Republic of China and the Chinese Communist Party and entities acting on their behalf globally, which shall be subject to prior consultation with the Committees on Appropriations: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes: *Provided further*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

Consultation.

Transfer authority.

Notification.

(3) RESTRICTION ON USES OF FUNDS.—None of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for any project or activity that directly supports or promotes—

China.

(A) the Belt and Road Initiative or any dual-use infrastructure projects of the People's Republic of China; and

(B) the use of technology, including biotechnology, digital, telecommunications, and cyber, developed by the People's Republic of China unless the Secretary of State, in consultation with the USAID Administrator and the heads of other Federal agencies, as appropriate, determines that such use does not adversely impact the national security of the United States.

Consultation. Determination.

(d) LAOS.—Of the funds appropriated under titles III and IV of this Act, not less than $80,930,000 shall be made available for assistance for Laos.

(e) NORTH KOREA.—

(1) CYBERSECURITY.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central government of a country the Secretary of State determines and reports to the appropriate congressional committees engages in significant transactions contributing materially to the malicious cyber-intrusion capabilities of the Government of North Korea: *Provided*, That the Secretary of State shall submit the report required by section 209 of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C. 9229) to the Committees on Appropriations: *Provided further*, That the Secretary of State may waive the application of the restriction in this paragraph with respect to assistance for the central government of a country if the Secretary determines and reports to the appropriate congressional committees that to do so is important to the national security interest of the United States, including a description of such interest served.

Determinations. Reports.

Waiver authority.

(2) BROADCASTS.—Funds appropriated by this Act under the heading "International Broadcasting Operations" shall be

made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(3) HUMAN RIGHTS.—Funds appropriated by this Act under the headings "Economic Support Fund" and "Democracy Fund" shall be made available for the promotion of human rights in North Korea: *Provided*, That the authority of section 7032(b)(1) of this Act shall apply to such funds.

Applicability.

(4) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act under the heading "Economic Support Fund" may be made available for assistance for the Government of North Korea.

(f) PEOPLE'S REPUBLIC OF CHINA.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading "Diplomatic Programs" in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

Time period.
Notification.

(2) PEOPLE'S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

Applicability.

(3) HONG KONG.—

(A) DEMOCRACY PROGRAMS.—Of the funds appropriated by this Act under the first paragraph under the heading "Democracy Fund", not less than $3,000,000 shall be made available for democracy and Internet freedom programs for Hong Kong, including legal and other support for democracy activists.

(B) RESTRICTIONS ON ASSISTANCE.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Hong Kong should be obligated for assistance for the Government of the People's Republic of China and the Chinese Communist Party or any entity acting on their behalf in Hong Kong.

(C) REPORT.—Funds appropriated under title I of this Act shall be made available to prepare and submit to Congress the report required by section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731), which shall include the information described in section 7043(f)(4)(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) and under this paragraph in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(4) UYGHURS AND OTHER MUSLIM MINORITIES.—The determination described under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) shall be submitted to the appropriate congressional committees not later than 90 days after enactment of this Act. Determination. Deadline.

(5) CLARIFICATION.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for programs in the People's Republic of China may be used to counter the impact of Chinese influence and investments in the Greater Mekong Subregion, following consultation with the Committees on Appropriations. Consultation.

(g) PHILIPPINES.—None of the funds appropriated by this Act may be made available for counternarcotics assistance for the Philippines, except for drug demand reduction, maritime law enforcement, or transnational interdiction.

(h) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—(A) Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $8,000,000 shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China.

(B) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $6,000,000 shall be made available for programs to promote and preserve Tibetan culture and language in the refugee and diaspora Tibetan communities, development, and the resilience of Tibetan communities and the Central Tibetan Administration in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(C) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $3,000,000 shall be made available for programs to strengthen the capacity of the Central Tibetan Administration: *Provided*, That such funds shall be administered by the United States Agency for International Development.

(i) VIETNAM.—Of the funds appropriated under titles III and IV of this Act, not less than $169,739,000 shall be made available for assistance for Vietnam, of which not less than—

(1) $14,500,000 shall be made available for health and disability programs in areas sprayed with Agent Orange and contaminated with dioxin, to assist individuals with severe upper or lower body mobility impairment or cognitive or developmental disabilities;

(2) $19,000,000 shall be made available, notwithstanding any other provision of law, for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes; and

(3) $2,500,000 shall be made available for a war legacy reconciliation program.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) FUNDING AND LIMITATIONS.—Funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" that are made available for assistance for Afghanistan—

(A) shall be made available to implement the South Asia Strategy, the Revised Strategy for United States Engagement in Afghanistan, and the United States Agency for International Development Country Development Cooperation Strategy for Afghanistan;

(B) shall be made available for programs that implement and support comprehensive strategies to combat corruption in Afghanistan, with an emphasis on public disclosure of government receipts and expenditures and prosecution and punishment of corrupt officials;

(C) shall be made available to continue support for not-for-profit institutions of higher education in Kabul, Afghanistan that are accessible to both women and men in a coeducational environment, including for the costs for operations and security for such institutions;

(D) shall be made available for programs that protect and strengthen the rights of Afghan women and girls and promote the political and economic empowerment of women including their meaningful inclusion in political processes: *Provided*, That such assistance to promote the economic empowerment of women shall be made available as grants to Afghan organizations, to the maximum extent practicable;

Grants.

Priority.
Determination.

(E) shall prioritize, unless the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, determines that security conditions do not permit or risk deterioration, assistance to support long-term development in areas previously under the control of the Taliban or other violent extremist groups: *Provided*, That such funds may be made available notwithstanding any other provision of law and following consultation with the Committees on Appropriation;

Consultation.

(F) may not be made available for any program, project, or activity pursuant to section 7044(a)(1)(C) of the Department of State, Foreign Operations, and Related Programs

Appropriations Act, 2019 (division F of Public Law 116–6); and

(G) may be made available, notwithstanding any other provision of law, for programs and activities to address the needs of the people of Afghanistan in support of peace and reconciliation, including reintegration of former Taliban and other extremists.

(2) AFGHAN WOMEN.—

(A) IN GENERAL.—The Secretary of State shall promote and ensure the meaningful participation of Afghan women in any discussions between the Government of Afghanistan and the Taliban related to the future of Afghanistan in a manner consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68) and the 2019 United States Strategy on Women, Peace, and Security, including through—

(i) advocacy by the United States Government for the inclusion of Afghan women representatives, particularly from civil society and rural provinces, in ongoing and future discussion;

(ii) the leveraging of assistance for the protection of women and girls and their rights; and

(iii) efforts to ensure that any agreement protects women's and girl's rights and ensures their freedom of movement, rights to education and work, and access to healthcare and legal representation.

Reports.

(B) ASSISTANCE.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Economic Support Fund" shall be made available for an endowment pursuant to paragraph (3)(A)(iv) of this subsection for a not-for-profit institution of higher education in Kabul, Afghanistan that is accessible to both women and men in a coeducational environment: *Provided*, That such endowment shall be established in partnership with a United States-based American higher education institution that will serve on its board of trustees: *Provided further*, That prior to the obligation of funds for such an endowment, the Administrator of the United States Agency for International Development shall submit a report to the Committees on Appropriations describing the governance structure, including a proposed board of trustees, and financial safeguards, including regular audit and reporting requirements, in any endowment agreement: *Provided further*, That the USAID Administrator shall provide a report on the expenditure of funds generated from such an endowment to the Committees on Appropriations on an annual basis.

Requirements.

(3) AUTHORITIES.—

(A) Funds appropriated by this Act under titles III through VI that are made available for assistance for Afghanistan may be made available—

(i) notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961;

(ii) for reconciliation programs and disarmament, demobilization, and reintegration activities for former

combatants who have renounced violence against the Government of Afghanistan, including in accordance with section 7046(a)(2)(B)(ii) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74);

(iii) for an endowment to empower women and girls; and

(iv) for an endowment for higher education.

Applicability.

(B) Section 7046(a)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall apply to funds appropriated by this Act for assistance for Afghanistan.

Transfer authority.

(C) Of the funds appropriated by this Act under the heading "Diplomatic Programs", up to $3,000,000 may be transferred to any other appropriation of any department or agency of the United States Government, upon the concurrence of the head of such department or agency, to support operations in, and assistance for, Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided*, That any such transfer shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

Deadlines.

(4) AGREEMENT, REPORT, AND CERTIFICATION.—Funds appropriated by this Act shall be made available for the following purposes—

President. Records.

(A) the submission to the appropriate congressional committees by the President of a copy of any agreement or arrangement between the Government of the United States and the Taliban relating to the United States presence in Afghanistan or Taliban commitments on the future of Afghanistan, which shall be submitted not later than 30 days after finalizing or amending such an agreement or arrangement: *Provided*, That not later than 30 days after enactment of this Act and every 60 days thereafter until September 30, 2021, the Secretary of State shall submit to such committees a report detailing and assessing the activities of the Taliban to abide by their commitments in such agreement or arrangement; and

(B) the submission to the appropriate congressional committees of a joint certification by the Secretary of State and Secretary of Defense that such agreement or arrangement, or any amendment to such agreement or arrangement, will further the objective of setting conditions for the long-term defeat of al Qaeda and Islamic State and will not make the United States more vulnerable to terrorist attacks originating from Afghanistan or supported by terrorist elements in Afghanistan: *Provided*, That the initial joint certification to such committees shall be submitted upon enactment of this Act, and additional joint certifications, as appropriate, shall be submitted to such committees not later than 30 days after any amendment to such agreement or arrangement.

Deadline. Consultations.

(5) UPDATED STRATEGY.—Not less than 90 days after enactment of this Act, the Secretary of State, in consultation with the heads of other relevant Federal agencies, shall submit

to the appropriate congressional committees a comprehensive, multi-year strategy for diplomatic and development engagement with the Government of Afghanistan that reflects the agreement between the United States and the Taliban, as well as intra-Afghan negotiations: *Provided*, That such strategy shall include a component to protect and strengthen women and girl's welfare and rights, including in any intra-Afghan negotiation and during the implementation of any peace agreement: *Provided further*, That such strategy shall describe the anticipated United States diplomatic and military presence in Afghanistan over a multi-year period and related strategy for mitigating and countering ongoing terrorist threats and violent extremism: *Provided further*, That the Secretary of State shall consult with such committees on the parameters of such strategy: *Provided further*, That the strategy required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

(6) BASING RIGHTS AGREEMENT.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(b) BANGLADESH.—Of the funds appropriated under titles III and IV of this Act, not less than $198,323,000 shall be made available for assistance for Bangladesh, of which—

(1) not less than $23,500,000 shall be made available to address the needs of communities impacted by refugees from Burma;

(2) not less than $10,000,000 shall be made available for programs to protect freedom of expression and due process of law; and

(3) not less than $23,300,000 shall be made available for democracy programs, of which not less than $2,000,000 shall be made available for such programs for the Rohingya community in Bangladesh.

(c) NEPAL.—

(1) ASSISTANCE.—Of the funds appropriated under titles III and IV of this Act, not less than $130,265,000 shall be made available for assistance for Nepal, including for development and democracy programs.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" shall only be made available for humanitarian and disaster relief and reconstruction activities in Nepal, and in support of international peacekeeping operations: *Provided*, That such funds may only be made available for any additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases.

Certification.
Reports.
Human rights.

(d) PAKISTAN.—

(1) TERMS AND CONDITIONS.—The terms and conditions of section 7044(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6) shall continue in effect during fiscal year 2021.

Extension.

(2) ASSISTANCE.—Of the funds appropriated under title III of this Act that are made available for assistance for Pakistan, not less than $15,000,000 shall be made available for democracy programs and not less than $10,000,000 shall be made available for gender programs.

(3) CLARIFICATION.—Notwithstanding paragraph (1), section 7044(d)(4)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) is amended by striking "shall" and inserting in lieu thereof "may".

(e) SRI LANKA.—

(1) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for assistance for Sri Lanka for democracy and economic development programs, particularly in areas recovering from ethnic and religious conflict: *Provided*, That such funds shall be made available for programs to assist in the identification and resolution of cases of missing persons.

Reports.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective and consistent steps to—

Human rights.

(A) respect and uphold the rights and freedoms of the people of Sri Lanka regardless of ethnicity and religious belief, including by investigating violations of human rights and holding perpetrators of such violations accountable;

(B) increase transparency and accountability in governance;

(C) assert its sovereignty against influence by the People's Republic of China; and

(D) promote reconciliation between ethnic and religious groups, particularly arising from past conflict in Sri Lanka, including by—

(i) addressing land confiscation and ownership issues;

(ii) resolving cases of missing persons, including by maintaining a functioning office of missing persons;

(iii) reducing the presence of the armed forces in former conflict zones and restructuring the armed forces for a peacetime role that contributes to post-conflict reconciliation and regional security;

(iv) repealing or amending laws on arrest and detention by security forces to comply with international standards; and

(v) investigating allegations of arbitrary arrest and torture, and supporting a credible justice mechanism:

Provided, That the limitations of this paragraph shall not apply to funds made available for humanitarian assistance and disaster relief; to protect human rights, locate and identify missing persons, and assist victims of torture and trauma; to promote justice, accountability, and reconciliation; to enhance maritime security and domain awareness; to promote fiscal transparency and sovereignty; and for International Military Education and Training.

(3) INTERNATIONAL SECURITY ASSISTANCE.—Of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related

programs under the heading "Foreign Military Financing Program", up to $15,000,000 may be made available for assistance for Sri Lanka for the refurbishing of a high endurance cutter: *Provided*, That in addition to such funds, up to $500,000 may be made available only for programs to support humanitarian assistance, disaster relief, instruction in human rights and related curricula development, and maritime security and domain awareness, including professionalization and training for the navy and coast guard: *Provided further*, That amounts repurposed pursuant to this paragraph that were previously designated by the Congress, respectively, as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of such Act or for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(f) REGIONAL PROGRAMS.—Funds appropriated by this Act shall be made available for assistance for Afghanistan, Pakistan, and other countries in South and Central Asia to significantly increase the recruitment, training, and retention of women in the judiciary, police, and other security forces, and to train judicial and security personnel in such countries to prevent and address gender-based violence, human trafficking, and other practices that disproportionately harm women and girls.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, $505,925,000 should be made available for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, including through the Central America Regional Security Initiative: *Provided*, That such assistance shall be prioritized for programs and activities that address the key factors that contribute to the migration of unaccompanied, undocumented minors to the United States and such funds shall be made available for global health, humanitarian, development, democracy, border security, and law enforcement programs for such countries, including for programs to reduce violence against women and girls and to combat corruption, and for support of commissions against corruption and impunity, as appropriate: *Provided further*, That not less than $45,000,000 shall be made available for support of offices of Attorneys General and of other entities and activities to combat corruption and impunity in such countries.

Priority.
Aliens.

(2) NORTHERN TRIANGLE.—

(A) LIMITATION ON ASSISTANCE TO CERTAIN CENTRAL GOVERNMENTS.—Of the funds made available pursuant to paragraph (1) under the heading "Economic Support Fund" and under title IV of this Act that are made available for assistance for each of the central governments of El Salvador, Guatemala, and Honduras, 50 percent may only be obligated after the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

Certification.
Reports.

(i) combating corruption and impunity, including prosecuting corrupt government officials;

(ii) implementing reforms, policies, and programs to increase transparency and strengthen public institutions;

(iii) protecting the rights of civil society, opposition political parties, and the independence of the media;

(iv) providing effective and accountable law enforcement and security for its citizens, and upholding due process of law;

(v) implementing policies to reduce poverty and promote equitable economic growth and opportunity;

(vi) upholding the independence of the judiciary and of electoral institutions;

(vii) improving border security;

(viii) combating human smuggling and trafficking and countering the activities of criminal gangs, drug traffickers, and transnational criminal organizations;

(ix) informing its citizens of the dangers of the journey to the southwest border of the United States; and

(x) resolving disputes involving the confiscation of real property of United States entities.

(B) REPROGRAMMING.—If the Secretary is unable to make the certification required by subparagraph (A) for one or more of the governments, such assistance for such central government shall be reprogrammed for assistance for other countries in Latin America and the Caribbean, notwithstanding the minimum funding requirements of this subsection and of section 7019 of this Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(C) EXCEPTIONS.—The limitation of subparagraph (A) shall not apply to funds appropriated by this Act that are made available for—

(i) offices of Attorneys General and other judicial entities and activities related to combating corruption and impunity;

(ii) programs to combat gender-based violence;

(iii) humanitarian assistance; and

(iv) food security programs.

(D) FOREIGN MILITARY FINANCING PROGRAM.—None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for El Salvador, Guatemala, or Honduras.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, not less than $461,375,000 shall be made available for assistance for Colombia: *Provided*, That such funds shall be made available for the programs and activities described under this section in House Report 116–444.

Certifications.
Reports.

(2) WITHHOLDING OF FUNDS.—

(A) COUNTERNARCOTICS.—Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" and made available for assistance for Colombia, 20 percent may be obligated only after the

Secretary of State certifies and reports to the Committees on Appropriations that the Government of Colombia is continuing to implement a national whole-of-government counternarcotics strategy designed to reduce by 50 percent cocaine production and coca cultivation levels in Colombia by 2023 and such strategy is not in violation of the 2016 peace accord between the Government of Colombia and the Revolutionary Armed Forces of Colombia.

(B) HUMAN RIGHTS.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program" and made available for assistance for Colombia, 20 percent may be obligated only after the Secretary of State certifies and reports to the Committees on Appropriations that—

(i) the Special Jurisdiction for Peace and other judicial authorities are taking effective steps to hold accountable perpetrators of gross violations of human rights in a manner consistent with international law, including for command responsibility, and sentence them to deprivation of liberty;

(ii) the Government of Colombia is taking effective steps to prevent attacks against human rights defenders and other civil society activists, trade unionists, and journalists, and judicial authorities are prosecuting those responsible for such attacks;

(iii) the Government of Colombia is taking effective steps to protect Afro-Colombian and indigenous communities and is respecting their rights and territory;

(iv) senior military officers responsible for ordering, committing, and covering up cases of false positives are being held accountable, including removal from active duty if found guilty through criminal or disciplinary proceedings; and

(v) the Government of Colombia has investigated and is taking steps to hold accountable Government officials credibly alleged to have directed, authorized, or conducted illegal surveillance of political opponents, government officials, journalists, and human rights defenders, including through the use of assets provided by the United States for combating counterterrorism and counternarcotics for such purposes.

(3) EXCEPTIONS.—The limitations of paragraph (2) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(4) AUTHORITY.—Aircraft supported by funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs and made available for assistance for Colombia may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of alternative development programs and investigations by civilian judicial authorities.

(5) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are

made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

(c) HAITI.—

Extension.
Applicability.

(1) CERTIFICATION.—The certification requirement contained in section 7045(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94) shall continue in effect during fiscal year 2021 and shall also apply to funds appropriated by this Act under the heading "Development Assistance" that are made available for assistance for Haiti.

(2) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(3) LIMITATION.—None of the funds made available by this Act may be used to provide assistance to the armed forces of Haiti.

(d) THE CARIBBEAN.—Of the funds appropriated by this Act under titles III and IV, not less than $74,800,000 shall be made available for the Caribbean Basin Security Initiative.

(e) VENEZUELA.—

(1) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $33,000,000 shall be made available for democracy programs for Venezuela.

(2) Funds appropriated under title III of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be made available for assistance for communities in countries supporting or otherwise impacted by refugees from Venezuela, including Colombia, Peru, Ecuador, Curacao, and Trinidad and Tobago: *Provided*, That such amounts are in addition to funds otherwise made available for assistance for such countries, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

EUROPE AND EURASIA

SEC. 7046. (a) ASSISTANCE.—

(1) GEORGIA.—Of the funds appropriated by this Act under titles III and IV, not less than $132,025,000 shall be made available for assistance for Georgia: *Provided*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the rule of law and accountable institutions in Georgia as described under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Reports.

(2) UKRAINE.—Of the funds appropriated by this Act under titles III and IV, not less than $453,000,000 shall be made available for assistance for Ukraine.

(b) TERRITORIAL INTEGRITY.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if such government directs any action in violation of the territorial integrity

or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7047(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in the previous proviso, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

President. Determination.

Consultation.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act (22 U.S.C. 5812 note) shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act (22 U.S.C. 5851 et seq.) and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961;

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the United States International Development Finance Corporation as authorized by the BUILD Act of 2018 (division F of Public Law 115–254);

(5) any financing provided under the Export-Import Bank Act of 1945 (Public Law 79–173); or

(6) humanitarian assistance.

(d) TURKEY.—None of the funds made available by this Act may be used to facilitate or support the sale of defense articles or defense services to the Turkish Presidential Protection Directorate (TPPD) under Chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) unless the Secretary of State determines and reports to the appropriate congressional committees that members of the TPPD who are named in the July 17, 2017, indictment by the Superior Court of the District of Columbia, and against whom there are pending charges, have returned to the United States to stand trial in connection with the offenses contained in such indictment or have otherwise been brought to justice: *Provided*, That the limitation in this paragraph shall not apply to the use of funds made available by this Act for border security purposes, for North Atlantic Treaty Organization or coalition operations, or to enhance the protection of United States officials and facilities in Turkey.

Determination. Reports.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7047. (a) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF CRIMEA.—

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and

Determinations. Reports.

reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea or other territory in Ukraine: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest.

Waiver authority.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea or other territory in Ukraine;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea or other territory in Ukraine under the control of Russian-backed separatists, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

Determination.
Reports.

(4) DURATION.—The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea and other territory in Ukraine under the control of Russian-backed separatists.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

Determinations.
Reports.

(1) PROHIBITION.—None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian Federation occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided*, That the Secretary shall publish on the Department of State website a list of any such central governments in a timely manner: *Provided further*, That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

Web posting.
List.

Waiver authority.

(2) LIMITATION.—None of the funds appropriated by this Act may be made available to support the Russian Federation

occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

(d) COUNTERING RUSSIAN INFLUENCE FUND.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under the headings "Assistance for Europe, Eurasia and Central Asia", "International Narcotics Control and Law Enforcement", "International Military Education and Training", and "Foreign Military Financing Program", not less than $290,000,000 shall be made available to carry out the purposes of the Countering Russian Influence Fund, as authorized by section 254 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 22 U.S.C. 9543) and notwithstanding the country limitation in subsection (b) of such section, and programs to enhance the capacity of law enforcement and security forces in countries in Europe, Eurasia, and Central Asia and strengthen security cooperation between such countries and the United States and the North Atlantic Treaty Organization, as appropriate.

(2) ECONOMICS AND TRADE.—Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation and other countries in Europe, Eurasia, and Central Asia, including to promote Internet freedom: *Provided*, That of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", not less than $20,000,000 shall be made available to strengthen democracy and civil society in Central Europe, including for transparency, independent media, rule of law, minority rights, and programs to combat anti-Semitism.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—Not later than 180 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether each organization, department, or agency receiving a contribution from funds appropriated by this Act under the headings "Contributions to International Organizations" and "International Organizations and Programs" is— Reports.

(1) posting on a publicly available website, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits; Public information. Web posting. Audits.

(2) effectively implementing and enforcing policies and procedures which meet or exceed best practices in the United States for the protection of whistleblowers from retaliation, including—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to binding independent adjudicative bodies, including shared cost and selection of external arbitration; and

(E) results that eliminate the effects of proven retaliation, including provision for the restoration of prior employment; and

(3) effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first-class and business-class travel.

Determinations. Terrorism.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) RESTRICTIONS ON UNITED STATES DELEGATIONS.—None of the funds made available by this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), supports international terrorism.

(2) RESTRICTIONS ON CONTRIBUTIONS.—None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 1754(c) of the Export Reform Control Act of 2018 (50 U.S.C. 4813(c)), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

Reports.

(3) WAIVER.—The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interest of the United States, including a description of the national interest served.

Determination. Reports. Israel.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that such Council is taking significant steps to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council: *Provided further*, That the Secretary of State shall report

Time period.

to the Committees on Appropriations not later than September 30, 2021, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item and ensure integrity in the election of members to such Council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United Nations Relief and Works Agency (UNRWA), the Secretary of State shall report to the Committees on Appropriations, in writing, on whether UNRWA is— Reports.

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes; Procedures.

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions; Compliance.

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations. Compliance.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2021 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary shall update such report each time additional funds are withheld by operation of any provision of law: *Provided* Updates.

Consultation.
Notification.

further, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Determinations.

(g) SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.—The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to hold the responsible members of such unit accountable and to prevent future incidents: *Provided*, That the Secretary shall promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made: *Provided further*, That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice.

Notifications.
Deadline.

Notification.

(h) ADDITIONAL AVAILABILITY.—Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated by this Act which are returned or not made available due to the third proviso under the heading "Contributions for International Peacekeeping Activities" in title I of this Act or section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)), shall remain available for obligation until September 30, 2022: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

WAR CRIMES TRIBUNALS

President.
Determination.

SEC. 7049. (a) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(b) None of the funds appropriated by this Act may be made available for a United States contribution to the International Criminal Court: *Provided*, That funds may be made available for technical assistance, training, assistance for victims, protection of witnesses, and law enforcement support related to international investigations, apprehensions, prosecutions, and adjudications of genocide, crimes against humanity, and war crimes: *Provided further*, That the previous proviso shall not apply to investigations, apprehensions, or prosecutions of American service members and

other United States citizens or nationals, or nationals of the North Atlantic Treaty Organization (NATO) or major non-NATO allies initially designated pursuant to section 517(b) of the Foreign Assistance Act of 1961.

GLOBAL INTERNET FREEDOM

SEC. 7050. (a) FUNDING.—Of the funds available for obligation during fiscal year 2021 under the headings "International Broadcasting Operations", "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia", not less than $70,000,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interest of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

Priority.

(b) REQUIREMENTS.—

(1) DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Funds appropriated by this Act under the headings "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia" that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) for programs to implement the May 2011, International Strategy for Cyberspace, the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114–113), and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided*, That the Secretary of State, in consultation with the United States Agency for Global Media Chief Executive Officer (USAGM CEO) and the President of the Open Technology Fund (OTF), shall coordinate any

Consultation.
Coordination.
Assessment.

such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) made available only after the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, concurs that such funds are allocated consistent with—

(i) the strategies referenced in subparagraph (B) of this paragraph;

(ii) best practices regarding security for, and oversight of, Internet freedom programs; and

(iii) sufficient resources and support for the development and maintenance of anti-censorship technology and tools.

Coordination. Consultations.

(2) UNITED STATES AGENCY FOR GLOBAL MEDIA.—Funds appropriated by this Act under the heading "International Broadcasting Operations" that are made available pursuant to subsection (a) shall be—

(A) made available only for open-source tools and techniques to securely develop and distribute USAGM digital content, facilitate audience access to such content on websites that are censored, coordinate the distribution of USAGM digital content to targeted regional audiences, and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated by the USAGM CEO, in consultation with the OTF President, with programs funded by this Act under the heading "International Broadcasting Operations", and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the USAGM CEO, in consultation with the OTF President, to solicit project proposals through an open, transparent, and competitive application process, seek input from technical and subject matter experts to select proposals, and support Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTF and in a manner consistent with the United States Government Internet freedom strategy; and

Evaluation.

(D) made available for the research and development of new tools or techniques authorized in subparagraph (A) only after the USAGM CEO, in consultation with the Secretary of State, the OTF President, and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools or techniques, and establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

Consultations. Deadline.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the USAGM CEO, in consultation with the OTF President, shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies

to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and the United States Agency for International Development offices and bureaus.

(d) SECURITY AUDITS.—Funds made available pursuant to this section to promote Internet freedom globally may only be made available to support open-source technologies that undergo comprehensive security audits consistent with the requirements of the Bureau of Democracy, Human Rights, and Labor, Department of State to ensure that such technology is secure and has not been compromised in a manner detrimental to the interest of the United States or to individuals and organizations benefiting from programs supported by such funds: *Provided*, That the security auditing procedures used by such Bureau shall be reviewed and updated periodically to reflect current industry security standards.

Review.
Updates.

(e) SURGE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", up to $2,500,000 may be made available to surge Internet freedom programs in closed societies if the Secretary of State determines and reports to the appropriate congressional committees that such use of funds is in the national interest: *Provided*, That such funds are in addition to amounts made available for such purposes: *Provided further*, That such funds may be transferred to, and merged with, funds appropriated by this Act under the heading "International Broadcasting Operations" following consultation with, and the regular notification procedures of, the Committees on Appropriations.

Determination.
Reports.

Transfer authority.
Consultation.
Notification.

TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

SEC. 7051. (a) LIMITATION.—None of the funds made available by this Act may be used to support or justify the use of torture and other cruel, inhuman, or degrading treatment or punishment by any official or contract employee of the United States Government.

(b) ASSISTANCE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture and other cruel, inhuman, or degrading treatment or punishment by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

Consultation.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", and "Andean Counterdrug Programs" may be used for any other program and in any region.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment

Applicability.
Determination.
Reports.

Consultation.
Notification.

is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) AUTHORITY.—The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That notwithstanding section 7063(b) of this Act, such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State in connection with the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

Applicability.

(2) SCOPE.—The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

Applicability.

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act: *Provided*, That the date "September 30, 2009" in subsection (f)(2)(B) of such section shall be deemed to be "September 30, 2020".

INTERNATIONAL MONETARY FUND

Applicability.

SEC. 7054. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private or multilateral creditors.

EXTRADITION

Notification.

SEC. 7055. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds

provided under the headings "Development Assistance", "International Disaster Assistance", "Complex Crises Fund", "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty. Applicability.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interest of the United States. Certification.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7056. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers' rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act (19 U.S.C. 2467(4)(D) and (E)) should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013, when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which is to—

(A) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and

(B) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

UNITED NATIONS POPULATION FUND

SEC. 7057. (a) CONTRIBUTION.—Of the funds made available under the heading "International Organizations and Programs" in this Act for fiscal year 2021, $32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

Transfer authority. Notification.

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "Global Health Programs" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

Abortion.

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading "Global Health Programs" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health,

including in areas where population growth threatens biodiversity or endangered species.

(b) INFECTIOUS DISEASE OUTBREAKS.—

(1) GLOBAL HEALTH SECURITY.—Funds appropriated by this Act under the heading "Global Health Programs" shall be made available for global health security programs, which shall prioritize and accelerate efforts to strengthen public health capacity in countries where there is a high risk of emerging zoonotic and other infectious diseases and to support the collection, analysis, and sharing of data on unknown viruses and other pathogens: *Provided*, That not later than 60 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the planned uses of such funds.

Deadline.
Consultation.

(2) EXTRAORDINARY MEASURES.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, not to exceed an aggregate total of $200,000,000 of the funds appropriated by this Act under the headings "Global Health Programs", "Development Assistance", "International Disaster Assistance", "Complex Crises Fund", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Migration and Refugee Assistance", and "Millennium Challenge Corporation" may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

Determination.
Reports.
Transfer authority.

(3) EMERGENCY RESERVE FUND.—Up to $50,000,000 of the funds made available under the heading "Global Health Programs" may be made available for the Emergency Reserve Fund established pursuant to section 7058(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31): *Provided*, That such funds shall be made available under the same terms and conditions of such section.

(4) CONSULTATION AND NOTIFICATION.—Funds made available by this subsection shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations.

(c) CHILDHOOD CANCER.—Funds appropriated under titles III and VI of this Act may be made available for public-private partnerships, including in coordination with relevant multilateral organizations and research entities, to address childhood cancer: *Provided*, That the Secretary of State, in consultation with the USAID Administrator and the Office of Global Partnerships, Department of State, shall submit a report to the Committees on Appropriations on the feasibility of such partnerships prior to any obligation of funds and not later than 90 days after enactment of this Act.

Coordination.

Consultation.
Reports.

GENDER EQUALITY

SEC. 7059. (a) WOMEN'S EMPOWERMENT.—

(1) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United

States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

(2) WOMEN'S ECONOMIC EMPOWERMENT.—Funds appropriated by this Act are available to implement the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428): *Provided*, That the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, shall consult with the Committees on Appropriations on the implementation of such Act.

Consultation.

(3) WOMEN'S GLOBAL DEVELOPMENT AND PROSPERITY FUND.—Of the funds appropriated under title III of this Act, up to $200,000,000 may be made available for the Women's Global Development and Prosperity Fund.

(b) WOMEN'S LEADERSHIP.—Of the funds appropriated by title III of this Act, not less than $50,000,000 shall be made available for programs specifically designed to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women's political status, expanding women's participation in political parties and elections, and increasing women's opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1) Of the funds appropriated under titles III and IV of this Act, not less than $165,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(2) Funds appropriated under titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(d) WOMEN, PEACE, AND SECURITY.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $130,000,000 should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

(e) WOMEN AND GIRLS AT RISK FROM EXTREMISM AND CONFLICT.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available to support women and girls who are at risk from extremism and conflict, and for the activities described in section 7059(e)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (division K of Public Law 115–141): *Provided*, That such funds are in addition to amounts otherwise made available by this Act for such purposes, and shall

Consultation.
Notification.

be made available following consultation with, and the regular notification procedures of, the Committees on Appropriations.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated under title III of this Act, not less than $950,000,000 shall be made available for assistance for basic education, and such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided*, That such funds shall also be used for secondary education activities: *Provided further*, That the Administrator of the United States Agency for International Development, following consultation with the Committees on Appropriations, may reprogram such funds between countries: *Provided further*, That of the funds made available by this paragraph, $150,000,000 should be available for the education of girls in areas of conflict: *Provided further*, That funds made available under the headings "Development Assistance" and "Economic Support Fund" for the support of non-state schools in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be subject to the regular notification procedures of the Committees on Appropriations.

Consultation.

Notification.

(B) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than $150,000,000 shall be made available for contributions to multilateral partnerships that support education.

(C) Funds appropriated under title III of this Act and made available for assistance for basic education as provided for in this paragraph shall be referred to as the "Nita M. Lowey Basic Education Fund".

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $235,000,000 shall be made available for assistance for higher education: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of such amount, not less than $35,000,000 shall be made available for new and ongoing partnerships between higher education institutions in the United States and developing countries focused on building the capacity of higher education institutions and systems in developing countries: *Provided further*, That not later than 45 days after enactment of this Act, the USAID Administrator shall consult with the Committees on Appropriations on the proposed uses of funds for such partnerships.

Notification.

Deadline.
Consultation.

(3) HIGHER EDUCATION IN COUNTRIES IMPACTED BY ECONOMIC CRISES.—In addition to amounts made available pursuant to paragraph (2), of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $50,000,000 shall be made available, notwithstanding any other provision of law that restricts assistance to foreign countries

Consultation.

and following consultation with the Committees on Appropriations, for the following institutions that are recipients of United States assistance and located in countries impacted by economic crises—

(A) United States-accredited institutions of higher education in the Middle East; and

(B) not-for-profit, coeducational American institutions of higher education in the Middle East and Asia.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $18,500,000 shall be made available for USAID cooperative development programs and not less than $30,000,000 shall be made available for the American Schools and Hospitals Abroad program.

(c) ENVIRONMENT PROGRAMS.—

(1)(A) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, except for the provisions of this subsection, to support environment programs.

Notification.

(B) Funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(2)(A) Of the funds appropriated under title III of this Act, not less than $320,000,000 shall be made available for biodiversity conservation programs.

(B) Not less than $100,664,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.

Determination.
Reports.

(C) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the appropriate congressional committees that to do so is in the national security interest of the United States.

(D) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institution (IFI) to use the voice and vote of the United States to oppose any financing of any such activity.

(3) The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to use the voice and vote of the United States, in relation to any loan, grant, strategy, or policy of such institution, regarding the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.

(4) Of the funds appropriated under title III of this Act, not less than $135,000,000 shall be made available for sustainable landscapes programs.

(5) Of the funds appropriated under title III of this Act, not less than $177,000,000 shall be made available for adaptation programs, including in support of the implementation of the Indo-Pacific Strategy.

(6) Of the funds appropriated under title III of this Act, not less than $179,000,000 shall be made available for renewable energy programs, including in support of carrying out the purposes of the Electrify Africa Act (Public Law 114–121) and implementation of the Power Africa initiative.

(7) Of the funds appropriated under title III of this Act, not less than $75,000,000 shall be made available for programs to address ocean plastic pollution and other marine debris, including technical assistance for waste management: *Provided*, That the Secretary of State, in consultation with the Secretary of the Treasury, the USAID Administrator, and the heads of other relevant Federal agencies, shall seek to enter into negotiations with key bilateral and multilateral donors, including the World Bank, to establish a new multilateral fund for ocean plastic pollution and other marine debris: *Provided further*, That such funds may be made available for a contribution to such new fund, and for a USAID-administered multi-donor fund for such purposes: *Provided further*, That such funds are in addition to amounts otherwise made available by this Act for such purposes: *Provided further*, That such funds may only be made available following consultation with the Committees on Appropriations.

Consultation.

Consultation.

(d) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than $1,010,600,000 shall be made available for food security and agricultural development programs to carry out the purposes of the Global Food Security Act of 2016 (Public Law 114–195): *Provided*, That funds may be made available for a contribution as authorized by section 3202 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by section 3310 of the Agriculture Improvement Act of 2018 (Public Law 115–334).

(e) MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES.—Of the funds appropriated by this Act, not less than $265,000,000 shall be made available to support the development of, and access to financing for, micro, small, and medium-sized enterprises that benefit the poor, especially women.

(f) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $99,000,000 shall be made available for activities to combat trafficking in persons internationally, including for the Program to End Modern Slavery, of which not less than $77,000,000 shall be from funds made available under the heading "International Narcotics Control and Law Enforcement": *Provided*, That funds made available by this Act under the headings "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" that are made available for activities to combat trafficking in persons should be obligated and programmed consistent with the country-specific recommendations included in the annual Trafficking in Persons Report, and shall be coordinated with the Office to Monitor and Combat Trafficking in Persons, Department of State.

Coordination.

(g) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $25,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil strife and war: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government: *Provided further*, That such funds shall be administered by the Office of Conflict Management and Mitigation, USAID.

Consultation.
Notification.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than $450,000,000 shall be made available for water supply and sanitation projects pursuant to section 136 of the Foreign Assistance Act of 1961, of which not less than $225,000,000 shall be for programs in sub-Saharan Africa, and of which not less than $15,000,000 shall be made available to support initiatives by local communities in developing countries to build and maintain safe latrines.

BUDGET DOCUMENTS

Deadlines.

SEC. 7061. (a) OPERATING PLANS.—Not later than 45 days after enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2021, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

Notification.

(b) SPEND PLANS.—

(1) Not later than 90 days after enactment of this Act, the Secretary of State or Administrator of the United States Agency for International Development, as appropriate, shall submit to the Committees on Appropriations a spend plan for funds made available by this Act, for—

(A) assistance for Afghanistan, Iraq, Lebanon, Pakistan, Syria, Colombia, and countries in Central America;

(B) assistance made available pursuant to section 7047(d) of this Act to counter Russian influence and aggression, except that such plan shall be on a country-by-country basis;

(C) assistance made available pursuant to section 7059 of this Act;

(D) the Indo-Pacific Strategy and the Countering Chinese Influence Fund;

(E) democracy programs, the Power Africa and Prosper Africa initiatives, and sectors enumerated in subsections (a), (c), (d), (e), (f), (g) and (h) of section 7060 of this Act;

(F) funds provided under the heading "International Narcotics Control and Law Enforcement" for International Organized Crime and for Cybercrime and Intellectual Property Rights: *Provided*, That the spend plans shall include bilateral and global programs funded under such heading along with a brief description of the activities planned for each country; and

(G) the regional security initiatives described under this heading in section 7050 in Senate Report 116–126.

(2) Not later than 90 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading "Department of the Treasury, International Affairs Technical Assistance" in title III.

(c) CLARIFICATION.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(d) CONGRESSIONAL BUDGET JUSTIFICATION.—

(1) SUBMISSION.—The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President's budget for fiscal year 2022: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter. Appendices.

(2) MULTI-YEAR AVAILABILITY OF CERTAIN FUNDS.—The Secretary of State and the USAID Administrator shall include in the congressional budget justification a detailed justification for multi-year availability for any funds requested under the headings "Diplomatic Programs" and "Operating Expenses".

REORGANIZATION

SEC. 7062. (a) OVERSIGHT.—

(1) PRIOR CONSULTATION AND NOTIFICATION.—Funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may not be used to implement a reorganization, redesign, or other plan described in paragraph (2) by the Department of State, the United States Agency for International Development, or any other Federal department,

agency, or organization funded by this Act without prior consultation by the head of such department, agency, or organization with the appropriate congressional committees: *Provided*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any such notification submitted to such Committees shall include a detailed justification for any proposed action, including the information specified under section 7073 of the joint explanatory statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6): *Provided further*, That congressional notifications submitted in prior fiscal years pursuant to similar provisions of law in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be deemed to meet the notification requirements of this section.

(2) DESCRIPTION OF ACTIVITIES.—Pursuant to paragraph (1), a reorganization, redesign, or other plan shall include any action to—

(A) expand, eliminate, consolidate, or downsize covered departments, agencies, or organizations, including bureaus and offices within or between such departments, agencies, or organizations, including the transfer to other agencies of the authorities and responsibilities of such bureaus and offices;

(B) expand, eliminate, consolidate, or downsize the United States official presence overseas, including at bilateral, regional, and multilateral diplomatic facilities and other platforms; or

(C) expand or reduce the size of the permanent Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the levels specified in sections 7063(d) and 7064(i) of this Act.

(b) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

(1) BUREAU OF POPULATION, REFUGEES, AND MIGRATION, DEPARTMENT OF STATE.—None of the funds appropriated by this Act, prior Acts making appropriations for the Department of State, foreign operations, and related programs, or any other Act may be used to downsize, downgrade, consolidate, close, move, or relocate the Bureau of Population, Refugees, and Migration, Department of State, or any activities of such Bureau, to another Federal agency.

(2) ADMINISTRATION OF FUNDS.—Funds made available by this Act—

(A) under the heading "Migration and Refugee Assistance" shall be administered by the Assistant Secretary for Population, Refugees, and Migration, Department of State, and this responsibility shall not be delegated; and

(B) that are made available for the Office of Global Women's Issues shall be administered by the United States Ambassador-at-Large for Global Women's Issues, Department of State, and this responsibility shall not be delegated.

DEPARTMENT OF STATE MANAGEMENT

SEC. 7063. (a) FINANCIAL SYSTEMS IMPROVEMENT.—Funds appropriated by this Act for the operations of the Department of State under the headings "Diplomatic Programs" and "Capital Investment Fund" shall be made available to implement the recommendations contained in the Foreign Assistance Data Review Findings Report (FADR) and the Office of Inspector General (OIG) report entitled "Department Financial Systems Are Insufficient to Track and Report on Foreign Assistance Funds": *Provided*, That such funds may not be obligated for enhancements to, or expansions of, the Budget System Modernization Financial System, Central Resource Management System, Joint Financial Management System, or Foreign Assistance Coordination and Tracking System until such updated plan is submitted to the Committees on Appropriations: *Provided further*, That such funds may not be obligated for new, or expansion of existing, ad hoc electronic systems to track commitments, obligations, or expenditures of funds unless the Secretary of State, following consultation with the Chief Information Officer of the Department of State, has reviewed and certified that such new system or expansion is consistent with the FADR and OIG recommendations: *Provided further*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an update to the plan required under section 7006 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) for implementing the FADR and OIG recommendations.

Plan update.

Consultation.
Review.
Certification.

Deadline.
Plan update.

(b) WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the service centers included in the Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2021: *Provided*, That the amounts for such service centers shall be the amounts included in such budget justification, except as provided in section 7015(b) of this Act: *Provided further*, That Federal agency components shall be charged only for their direct usage of each Working Capital Fund service: *Provided further*, That prior to increasing the percentage charged to Department of State bureaus and offices for procurement-related activities, the Secretary of State shall include the proposed increase in the Department of State budget justification or, at least 60 days prior to the increase, provide the Committees on Appropriations a justification for such increase, including a detailed assessment of the cost and benefit of the services provided by the procurement fee: *Provided further*, That Federal agency components may only pay for Working Capital Fund services that are consistent with the purpose and authorities of such components: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service.

Contracts.
Fees.
Time period.
Assessment.

Reimbursement.

(c) CERTIFICATION.—

(1) COMPLIANCE.—Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the management and oversight of such funds, the Secretary of State shall certify

Reports.

and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial and grants management policies, procedures, and regulations, as applicable.

(2) CONSIDERATIONS.—When making a certification required by paragraph (1), the Secretary of State shall consider the capacity of a bureau or office to—

(A) account for the obligated funds at the country and program level, as appropriate;

(B) identify risks and develop mitigation and monitoring plans;

(C) establish performance measures and indicators;

(D) review activities and performance; and

(E) assess final results and reconcile finances.

Timeline.

(3) PLAN.—If the Secretary of State is unable to make a certification required by paragraph (1), the Secretary shall submit a plan and timeline detailing the steps to be taken to bring such bureau or office into compliance.

(d) PERSONNEL LEVELS.—Funds made available by this Act are made available to support the permanent Foreign Service and Civil Service staff levels of the Department of State at not less than the hiring targets established in the fiscal year 2020 operating plan.

Project proposals.
Records.

(e) INFORMATION TECHNOLOGY PLATFORM.—

(1) None of the funds appropriated in title I of this Act under the heading "Administration of Foreign Affairs" may be made available for a new major information technology (IT) investment without the concurrence of the Chief Information Officer, Department of State.

Deadline.

(2) None of the funds appropriated in title I of this Act under the heading "Administration of Foreign Affairs" may be used by an agency to submit a project proposal to the Technology Modernization Board for funding from the Technology Modernization Fund unless, not later than 15 days in advance of submitting the project proposal to the Board, the head of the agency—

Notification.

(A) notifies the Committees on Appropriations of the proposed submission of the project proposal; and

(B) submits to the Committees on Appropriations a copy of the project proposal.

(3) None of the funds appropriated in title I of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Administration of Foreign Affairs" may be used by an agency to carry out a project that is approved by the Board unless the head of the agency—

(A) submits to the Committees on Appropriations a copy of the approved project proposal, including the terms of reimbursement of funding received for the project; and

Reports.

(B) agrees to submit to the Committees on Appropriations a copy of each report relating to the project that the head of the agency submits to the Board.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

22 USC 3948 note.

SEC. 7064. (a) AUTHORITY.—Up to $110,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used by the United States Agency for International Development to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).

Expiration date. 22 USC 3948 note.

(b) RESTRICTION.—The authority to hire individuals contained in subsection (a) shall expire on September 30, 2022.

22 USC 3948 note.

(c) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading "Operating Expenses".

Transfer authority.

22 USC 3948 note.

(d) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

Notification.

(e) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(f) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made available only for personal services contractors assigned to the Bureau for Humanitarian Assistance.

Contracts. Exception.

(g) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing

task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(h) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(i) PERSONNEL LEVELS.—Funds made available by this Act under the heading "Operating Expenses" are made available to support not less than 1,850 permanent Foreign Service Officers and 1,600 permanent Civil Service staff.

STABILIZATION AND DEVELOPMENT IN REGIONS IMPACTED BY EXTREMISM AND CONFLICT

SEC. 7065. (a) PREVENTION AND STABILIZATION FUND.—

(1) FUNDS AND TRANSFER AUTHORITY.—Of the funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Peacekeeping Operations", and "Foreign Military Financing Program", not less than $100,000,000 shall be made available for the purposes of the Prevention and Stabilization Fund, as authorized by, and for the purposes enumerated in, section 509(a) of the Global Fragility Act of 2019 (title V of division J of Public Law 116–94), of which $25,000,000 may be made available for the Multi-Donor Global Fragility Fund authorized by section 510(c) of such Act: *Provided*, That such funds appropriated under such headings may be transferred to, and merged with, funds appropriated under such headings: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by this Act or any other Act, and is subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(2) TRANSITIONAL JUSTICE.—Of the funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" that are made available for the Prevention and Stabilization Fund, not less than $10,000,000 shall be made available for programs to promote accountability for genocide, crimes against humanity, and war crimes, including in Iraq and Syria, which shall be in addition to any other funds made available by this Act for such purposes: *Provided*, That such programs shall include components to develop local investigative and judicial skills, and to collect and preserve evidence and maintain the chain of custody of evidence, including for use in prosecutions, and may include the establishment of, and assistance for, transitional justice mechanisms: *Provided further*, That such funds shall be administered by the Special Coordinator for the Office of Global Criminal Justice, Department of State: *Provided further*, That funds made available by this paragraph shall be made available on an open and competitive basis.

(b) GLOBAL FRAGILITY ACT IMPLEMENTATION.—Funds appropriated by this Act shall be made available to implement the Global

Fragility Act of 2019 (title V of division J of Public Law 116–94): *Provided*, That not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a spend plan to the Committees on Appropriations detailing the use of funds made available by this Act for such purposes.

Deadline. Consultation. Spend plan.

(c) GLOBAL COMMUNITY ENGAGEMENT AND RESILIENCE FUND.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Economic Support Fund" may be made available to the Global Community Engagement and Resilience Fund (GCERF), including as a contribution: *Provided*, That any such funds made available for the GCERF shall be made available on a cost-matching basis from sources other than the United States Government, to the maximum extent practicable, and shall be subject to the regular notification procedures of the Committees on Appropriations.

Cost matching. Notification.

(d) GLOBAL CONCESSIONAL FINANCING FACILITY.—Of the funds appropriated by this Act under the heading "Economic Support Fund", $25,000,000 shall be made available for the Global Concessional Financing Facility of the World Bank to provide financing to support refugees and host communities: *Provided*, That such funds shall be in addition to funds allocated for bilateral assistance in the report required by section 653(a) of the Foreign Assistance Act of 1961, and may only be made available subject to prior to consultation with the Committees on Appropriations: *Provided further*, That such funds may be transferred to the Department of the Treasury.

Consultation.

Transfer authority.

DISABILITY PROGRAMS

SEC. 7066. (a) ASSISTANCE.—Funds appropriated by this Act under the heading "Development Assistance" shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, political and electoral participation, and integration of individuals with disabilities, including for the cost of translation.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used by USAID for management, oversight, and technical support.

DEBT-FOR-DEVELOPMENT

SEC. 7067. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any

Notification.

interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

ENTERPRISE FUNDS

President. Time period.

SEC. 7068. (a) NOTIFICATION.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

EXTENSION OF CONSULAR FEES AND RELATED AUTHORITIES

Applicability. 22 USC 214 note.

SEC. 7069. (a) Section 1(b)(1) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied through fiscal year 2021 by substituting "the costs of providing consular services" for "such costs".

(b) Section 21009 of the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136; 134 Stat. 592) is amended by striking "fiscal year 2020" and inserting "fiscal years 2020 and 2021".

Ante, p. 592.

Transfer authority. Determination. Reports. Consultation.

(c) Discretionary amounts made available to the Department of State under the heading "Administration of Foreign Affairs" of this Act, and discretionary unobligated balances under such heading from prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be transferred to the Consular and Border Security Programs account if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to sustain consular operations, following consultation with such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law: *Provided further*, That no amounts may be transferred from amounts designated for Overseas Contingency Operations/Global War on Terrorism or as emergency requirements pursuant to a concurrent resolution on the budget or section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) In addition to the uses permitted pursuant to section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)), for fiscal year 2021, the Secretary of State may also use fees deposited into the Fraud Prevention and Detection Account for the costs of providing consular services.

(e) Amounts provided pursuant to subsections (a), (b), and (d) are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTIVE SERVICES

SEC. 7070. Of the funds appropriated under the heading "Diplomatic Programs" by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, except for funds designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, up to $15,000,000 may be made available to provide protective services to former or retired senior Department of State officials or employees that the Secretary of State, in consultation with the Director of National Intelligence, determines and reports to congressional leadership and the appropriate congressional committees, face a serious and credible threat from a foreign power or the agent of a foreign power arising from duties performed by such official or employee while employed by the Department: *Provided*, That such determination shall include a justification for the provision of protective services by the Department, including the identification of the specific nature of the threat and the anticipated duration of such services provided, which may be submitted in classified form, if necessary: *Provided further*, That such protective services shall be consistent with other such services performed by the Bureau of Diplomatic Security under 22 U.S.C. 2709 for Department officials, and shall be made available for an initial period of not more than 180 days, which may be extended for additional consecutive periods of 60 days upon a subsequent determination by the Secretary that the specific threat persists: *Provided further*, That not later than 45 days after enactment of this Act and quarterly thereafter, the Secretary shall submit a report to congressional leadership and the appropriate congressional committees detailing the number of individuals receiving protective services and the amount of funds expended for such services on a case-by-case basis, which may be submitted in classified form, if necessary: *Provided further*, That for purposes of this section a former or retired senior Department of State official or employee means a person that served in the Department at the Assistant Secretary, Special Representative, or Senior Advisor level, or in a comparable or more senior position, and has separated from service at the Department: *Provided further*, That funds made available pursuant to this section are in addition to amounts otherwise made available for such purposes: *Provided further*, That amounts repurposed pursuant to this section that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

Consultation.
Determination.
Reports.

Time periods.
Extension.
Determination.

Time period.
Reports.

Definition.

RESCISSIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 7071. (a) OVERSEAS CONTINGENCY OPERATIONS RESCISSIONS.—

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—Of the unobligated balances from amounts made available under the heading "Diplomatic and Consular Programs" in title II of the Security

Assistance Appropriations Act, 2017 (division B of Public Law 114–254), $360,123,000 are rescinded.

(2) PEACEKEEPING OPERATIONS.—Of the unobligated balances from amounts made available under the heading "Peacekeeping Operations" from prior Acts making appropriations for the Department of State, foreign operations, and related programs and designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, $40,000,000 are rescinded.

(3) FOREIGN MILITARY FINANCING PROGRAM.—Of the unobligated balances from amounts made available under the heading "Foreign Military Financing Program" from prior Acts making appropriations for the Department of State, foreign operations, and related programs and designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, $25,000,000 are rescinded.

(4) DESIGNATION.—For the purposes of this subsection, funds that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(b) ADDITIONAL RESCISSIONS.—

(1) ECONOMIC SUPPORT FUND.—Of the unobligated balances from amounts made available under the heading "Economic Support Fund" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $75,000,000 are rescinded.

(2) PEACE CORPS.—Of the unobligated balances from amounts made available under the heading "Peace Corps" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $30,000,000 are rescinded.

(3) INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.—Of the unobligated balances from amounts made available under the heading "International Narcotics Control and Law Enforcement" from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $50,411,000 are rescinded.

(4) LIMITATION.—For the purposes of this subsection, no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

Nita M. Lowey Middle East Partnership for Peace Act of 2020.

NITA M. LOWEY MIDDLE EAST PARTNERSHIP FOR PEACE ACT OF 2020

SHORT TITLE

SEC. 8001. This title may be cited as the "Nita M. Lowey Middle East Partnership for Peace Act of 2020". 22 USC 2346d note.

FINDINGS

SEC. 8002. Congress finds the following:

(1) Economic development in conflict settings has been shown to support stabilization by empowering entrepreneurs, growing the middle class, and mitigating unemployment.

(2) In 2018, unemployment in the Palestinian territories was 32.4 percent. Gross Domestic Product (GDP) growth in the Palestinian territories declined from 2017 to 2019, and it is projected to further decline in 2020.

(3) According to the World Bank Ad Hoc Liaison Committee's April 2019 Economic Monitoring Report, "to achieve sustainable economic growth, in the Palestinian territories, growth and job creation going forward will need to be private sector driven".

(4) According to the 2018 Joint Strategic Plan of the Department of State and the United States Agency for International Development, "assistance can help prevent new recruitment to terrorist organizations, reduce levels of violence, promote legitimate governance structures that strengthen inclusion, and reduce policies that marginalize communities".

(5) Although economic development is an important tool for stabilizing conflict-prone settings and establishing connections between communities, economic development by itself will not lead to lasting peace. People-to-people peace-building programs further advance reconciliation efforts by promoting greater understanding, mutual trust, and cooperation between communities.

(6) While the United States and its international partners continue to support diplomatic and political negotiations between the representatives of the parties to the Israeli-Palestinian conflict, such efforts require broad popular support among the people on the ground to succeed.

(7) Achieving sustainable, high-level agreements for lasting peace in the Middle East must come through, and with the support of, the people who live there, and the United States and its international partners can help the people of the region build popular support for sustainable agreements for lasting peace.

SENSE OF CONGRESS

SEC. 8003. It is the sense of Congress that—

(1) building a viable Palestinian economy is central to the effort to preserve the possibility of a negotiated settlement leading to a sustainable two-state solution with the democratic,

Jewish state of Israel and a demilitarized, democratic Palestinian state living side-by-side in peace, security, and mutual recognition;

(2) United States and international support for grassroots, people-to-people efforts aimed at fostering tolerance, and building support for such solution, can help counter extremist propaganda and the growing issue of incitement;

(3) strengthening engagement between Palestinians and Israelis, including through people-to-people peace-building programs can increase the bonds of friendship and understanding;

(4) investing in the development of the Palestinian economy and in joint economic ventures can advance multiple sectors to the benefit of local, regional, and global parties; and

(5) Congress encourages cooperation between Palestinian, American, and Israeli business sectors in order to benefit the Palestinian, American, and Israeli peoples and economies.

PEOPLE-TO-PEOPLE PARTNERSHIP FOR PEACE FUND

SEC. 8004. Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) is amended by adding at the end the following:

22 USC 2346d.

"SEC. 535 PEOPLE-TO-PEOPLE PARTNERSHIP FOR PEACE FUND.

Effective date.

"(a) ESTABLISHMENT.—Beginning on the date that is one year after the date of enactment of this section, the Administrator of the United States Agency for International Development is authorized to establish a program to provide funding for projects to help build the foundation for peaceful co-existence between Israelis and Palestinians and for a sustainable two-state solution. The program established under this subsection shall be known as the 'People-to-People Partnership for Peace Fund' (referred to in this section as the 'Fund').

"(b) ELIGIBILITY FOR SUPPORT.—In providing funding for projects through the Fund, the Administrator may provide support for qualified organizations, prioritizing those organizations that seek to build better cooperation between Israelis and Palestinians, including Palestinian organizations, Israeli organizations, and international organizations that bring Israelis and Palestinians together.

"(c) ADDITIONAL ELIGIBILITY FOR SUPPORT.—In providing funding for projects through the Fund, the Administrator may additionally provide support to qualified organizations that further shared community building, peaceful co-existence, dialogue, and reconciliation between Arab and Jewish citizens of Israel.

"(d) CONTRIBUTIONS.—The Administrator—

"(1) is encouraged to work with foreign governments and international organizations to leverage the impact of United States resources and achieve the objectives of this section; and

"(2) is authorized to accept contributions for the purposes of the Fund, consistent with subsection (d) of section 635.

"(e) ADVISORY BOARD.—

Recommendations.

"(1) ESTABLISHMENT.—The Administrator shall establish an advisory board to make recommendations to the Administrator regarding the types of projects that should be considered for funding through the Fund.

Appointments. Time period.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—Subject to subparagraph (B), the advisory board shall be composed of 13 members, none of whom may be Members of Congress, who shall be appointed for renewable periods of 3 years, as follows:

Consultation.

"(i) One member to serve as chair, appointed by the Administrator, in consultation with the Secretary of State.

"(ii) One member appointed by the chair, and one member appointed by the ranking member, of the Committee on Foreign Relations of the Senate.

"(iii) One member appointed by the chair, and one member appointed by the ranking member, of the Committee on Foreign Affairs of the House of Representatives.

"(iv) One member appointed by the chair, and one member appointed by the ranking member, of the Committee on Appropriations of the Senate.

"(v) One member appointed by the chair, and one member appointed by the ranking member, of the Committee on Appropriations of the House of Representatives.

"(vi) One member appointed by the majority leader, and one member appointed by the minority leader, of the Senate.

"(vii) One member appointed by the Speaker, and one member appointed by the minority leader, of the House of Representatives.

"(B) INTERNATIONAL PARTICIPATION.—The Administrator may appoint up to two additional members to the advisory board who are representatives of foreign governments or international organizations for renewable periods of 3 years.

"(C) QUALIFICATIONS.—Members of the advisory board shall have demonstrated regional expertise and experience and expertise in conflict mitigation and people-to-people programs, and shall not receive compensation on account of their service on the advisory board.

"(f) USAID MISSION RECOMMENDATIONS.—The Administrator shall consider the input and recommendations from missions of the United States Agency for International Development in the region and mission directors regarding projects that should be considered for funding through the Fund.

"(g) COORDINATION.—The Administrator shall coordinate with the Secretary of State in carrying out the provisions of this section.".

JOINT INVESTMENT FOR PEACE INITIATIVE

Effective date.

SEC. 8005. (a) ESTABLISHMENT.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Chief Executive Officer of the United States International Development Finance Corporation (referred to in this section as the "Chief Executive Officer" and the "Corporation", respectively) is authorized to establish a program to provide investments in, and support to, entities that carry out projects that contribute to the development of the Palestinian private sector economy in the West Bank and Gaza. The program established under this subsection shall be known as the "Joint Investment for Peace Initiative" (referred to

in this section as the "Initiative") and shall be subject to all existing terms, conditions, restrictions, oversight requirements, and applicable provisions of law, including the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9611 et seq), including through strict adherence to the less-developed country focus under section 1412(c) of such Act.

(b) PARTICIPATION REQUIREMENT.—In carrying out the Initiative, the Chief Executive Officer shall ensure participation by small and medium-sized enterprises owned by Palestinians, which may include the technology sector, the agriculture sector, and other high value-added or emerging industries.

(c) PRIORITY.—In carrying out the Initiative, the Chief Executive Officer shall prioritize support to projects that increase economic cooperation between Israelis and Palestinians.

(d) USE OF EXISTING AUTHORITIES.—In carrying out the Initiative, the Chief Executive Officer shall utilize the authorities under section 1421 of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9621), including to—

(1) select a manager of the Initiative;

(2) oversee and direct the operation of the Initiative consistent with such Act and other provisions of law;

(3) provide the Initiative with loans, guaranties, equity, and insurance, as appropriate, to enable the Initiative to attract private investment;

(4) support the private sector in entering into joint ventures between Palestinian and Israeli entities; and

(5) carry out the purposes of the Initiative consistent with the provisions of this section and other applicable provisions of law.

(e) ANNUAL REPORT.—

Termination date.

(1) IN GENERAL.—Not later than December 31, 2021, and each December 31 thereafter until December 31, 2031, the Chief Executive Officer shall submit to the appropriate congressional committees a report that describes the following:

(A) The extent to which the Initiative has contributed to promoting and supporting Palestinian economic development.

(B) The extent to which the Initiative has contributed to greater integration of the Palestinian economy into the international rules-based business system.

(C) The extent to which projects that increase economic cooperation between Palestinians and Israelis and between Palestinians and Americans have been prioritized, including through support to the private sector to enter into joint ventures.

(D) Information on the following:

(i) Investments received and provided through the Initiative.

(ii) The mechanisms established for transparency and accountability of investments provided through the Initiative.

(E) The extent to which entities supported by the Initiative have impacted the efficacy of people-to-people programs.

Assessment.

(F) To the extent practicable, an assessment of the sustainability of commercial endeavors that receive support from the Initiative.

(G) A description of the process for vetting and oversight of entities eligible for support from the Initiative to ensure compliance with the requirements of section 8006(b) of this Act.

(2) FORM.—The reports required under this subsection shall be submitted in unclassified form, without the designation "For Official Use Only" or any related or successor designation, but may be accompanied by a classified annex.

(f) TERMINATION.—

(1) IN GENERAL.—The Initiative shall terminate at the end of the fiscal year that is 10 years after the date on which the Chief Executive Officer makes the first investment under the Initiative.

(2) EXCEPTION.—The Chief Executive Officer is authorized to continue to manage investments made under the Initiative on and after the date specified in paragraph (1).

(g) COORDINATION.—The Chief Executive Officer shall coordinate with the Secretary of State and the Administrator of the United States Agency for International Development in carrying out the provisions of this section.

LIMITATIONS, VETTING, COORDINATION, AND OVERSIGHT

SEC. 8006. (a) LIMITATIONS.—None of the funds made available to carry out this title, or any amendment made by this title, may be used to provide—

(1) financial assistance to the national government of any foreign country;

(2) assistance for—

Terrorism.
Determination.

(A) any individual or group the Secretary of State determines to be involved in, or advocating, terrorist activity; or

(B) any individual who is a member of a foreign terrorist organization (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)); or

(3) assistance for the Palestinian Authority or the Palestine Liberation Organization.

(b) APPLICABLE REGULATIONS.—Assistance made available under this title, and any amendment made by this title, shall adhere to the mission directives and vetting practices for assistance for the West Bank and Gaza, as set forth by the United States Agency for International Development.

(c) COORDINATION.—

Compliance.

(1) The Chief Executive Officer of the United States International Development Finance Corporation, acting through the Chief Development Officer of such Corporation, shall coordinate with the Administrator of the United States Agency for International Development and the Secretary of State to ensure that all expenditures from the Joint Investment for Peace Initiative comply with this section.

(2) To the extent practicable, the Administrator of the United States Agency for International Development and the Chief Executive Officer of the United States International Development Finance Corporation should coordinate and share information in advance of providing resources through the

People-to-People Partnership for Peace Fund and the Joint Investment for Peace Initiative.

(d) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the end of the first fiscal year in which both the People-to-People Partnership for Peace Fund and the Joint Investment for Peace Initiative are in effect, and annually thereafter, the Administrator of the United States Agency for International Development and the Chief Executive Officer of the United States International Development Finance Corporation shall, in coordination with the Secretary of State, jointly submit to the appropriate congressional committees a report in writing that describes—

(A)(i) lessons learned and best practices developed from funding for projects under the People-to-People Partnership for Peace Fund during the prior fiscal year; and

(ii) the extent to which such projects have contributed to the purposes of the People-to-People Partnership for Peace Fund;

(B)(i) lessons learned and best practices developed from investments provided under the Joint Investment for Peace Initiative during the prior fiscal year; and

(ii) the extent to which such investments have contributed to the purposes of the Joint Investment for Peace Initiative; and

(C) how the United States International Development Finance Corporation and the United States Agency for International Development coordinate and share information with respect to the People-to-People Partnership for Peace Fund and the Joint Investment for Peace Initiative.

(2) CONSULTATION.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of State, shall consult with the advisory board established by subsection (e) of section 535 of the Foreign Assistance Act of 1961 (as added by section 8004 of this Act) to inform the reports required by paragraph (1).

APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED

SEC. 8007. In this title, the term "appropriate congressional committees" has the meaning given that term in section 1402 of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9601).

AUTHORIZATION OF APPROPRIATIONS

SEC. 8008. (a) IN GENERAL.—There is authorized to be appropriated to carry out this title, and the amendments made by this title, $50,000,000 for each of the first 5 fiscal years beginning after the date of the enactment of this Act.

Deadline. Coordination.

(b) CONSULTATION REQUIREMENT.—Not later than 90 days after enactment of this Act, and prior to the obligation of funds made available to implement this title, the Administrator of the United States Agency for International Development and the Chief Executive Officer of the United States International Development Finance Corporation, in coordination with the Secretary of State, shall consult with the Committees on Appropriations on the proposed uses of funds.

(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of amounts authorized to be appropriated by subsection (a) for a fiscal year should be made available for administrative expenses to carry out section 535 of the Foreign Assistance Act of 1961 (as added by section 8004 of this Act).

(d) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) for a fiscal year are authorized to remain available for such fiscal year and the subsequent 4 fiscal years. Time period.

TITLE IX

EMERGENCY FUNDING AND OTHER MATTERS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

CONSULAR AND BORDER SECURITY PROGRAMS

For an additional amount for "Consular and Border Security Programs", $300,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for offsetting losses resulting from the coronavirus pandemic of fees and surcharges collected and deposited into the account pursuant to section 7081 of division J of Public Law 115–31: *Provided*, That funds made available under this heading in this Act shall be in addition to any other funds made available for this purpose: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUDAN CLAIMS

For necessary expenses to carry out section 7 of the Sudan Claims Resolution Act, notwithstanding any other provision of law, $150,000,000, to remain available until expended: *Provided*, That any unexpended balances remaining following the distributions described in section 7(b)(1) of the Sudan Claims Resolution Act that are determined by the Secretary of State, not later than September 30, 2030, and at the close of each fiscal year thereafter, to be excess to the needs of such distributions, shall be returned to the general fund of the Treasury: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. Determination. Deadline. 28 USC 1605A note.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

For an additional amount for "Global Health Programs", $4,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, including for vaccine procurement and delivery: *Provided*, That such funds shall be administered by the Administrator of the United States Agency

for International Development and shall be made available as a contribution to The GAVI Alliance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $700,000,000, to remain available until September 30, 2022, which shall be for assistance for Sudan, and which may be made available as contributions: *Provided*, That up to $100,000,000 of such funds may be transferred to, and merged with, funds made available under the headings "Global Health Programs" and "Transition Initiatives" in Acts making appropriations for the Department of State, foreign operations, and related programs: *Provided further*, That upon a determination by the Secretary of State that funds transferred pursuant to the preceding proviso are not necessary for the purposes provided, such amounts may be transferred back to such accounts: *Provided further*, That funds appropriated under this heading in this title may be made available notwithstanding any other provision of law for contributions authorized under this heading, agriculture and economic growth programs, and economic assistance for marginalized areas in Sudan and Abyei: *Provided further*, That prior to the initial obligation of funds appropriated under this heading in this title, the Secretary of State shall consult with the Committees on Appropriations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Transfer authority.

Determination.

Consultation.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For an additional amount for "Debt Restructuring", $120,000,000, to remain available until expended, which may be used, notwithstanding any other provision of law, for payment by the Secretary of the Treasury to the International Monetary Fund for Heavily Indebted Poor Countries debt relief for Sudan: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Each amount appropriated or made available by this title is in addition to amounts otherwise appropriated for fiscal year 2021.

SEC. 9002. Notwithstanding section 7034(q)(7) of this division of this Act, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for funds appropriated in fiscal year 2021, unless otherwise directed by this title.

SEC. 9003. Notwithstanding the limitations in sections 609(i) and 609(j) of the Millennium Challenge Act of 2003 (2211 U.S.C.

Extension. Time period.

7708(j), 7715), the Millennium Challenge Corporation may, subject to the availability of funds, extend any compact in effect as of January 29, 2020, for up to one additional year, to account for delays related to coronavirus: *Provided*, That the Corporation shall notify the appropriate congressional committees prior to providing any such extension.

Notification.

This division may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021".

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2021

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021.

TITLE I

DEPARTMENT OF TRANSPORTATION

Department of Transportation Appropriations Act, 2021.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $126,174,000, of which not to exceed $3,360,000 shall be available for the immediate Office of the Secretary; not to exceed $1,200,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $22,210,000 shall be available for the Office of the General Counsel; not to exceed $11,797,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $16,394,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $3,010,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $32,239,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,610,000 shall be available for the Office of Public Affairs; not to exceed $2,018,000 shall be available for the Office of the Executive Secretariat; not to exceed $13,576,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed $17,760,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation (referred to in this title as the "Secretary") is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $70,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

Transfer authority.

Notice. Funding approval.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $22,800,000, of which $16,485,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

Continuation.
49 USC 112 note.

NATIONAL INFRASTRUCTURE INVESTMENTS

(INCLUDING TRANSFER OF FUNDS)

For capital investments in surface transportation infrastructure, $1,000,000,000 to remain available until September 30, 2024: *Provided*, That the Secretary shall distribute amounts made available under this heading as discretionary grants to be awarded to a State, local or tribal government, U.S. territory, transit agency, port authority, metropolitan planning organization, political subdivision of a State or local government, or a collaboration among such entities on a competitive basis for projects that will have a significant local or regional impact: *Provided further*, That projects eligible for amounts made available under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; port infrastructure investments (including inland port infrastructure and land ports of entry); and projects investing in surface transportation facilities that are located on tribal land and for which title or maintenance responsibility is vested in the Federal Government: *Provided further*, That of the amount made available under this heading, the Secretary shall use an amount not more than $30,000,000 for the planning, preparation or design of projects eligible for amounts made available under this heading, of which not less than $10,000,000 is for projects eligible for amounts made available under this heading located in or to directly benefit areas of persistent poverty: *Provided further*, That the term "areas of persistent poverty" means any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income and Poverty Estimates as estimated by the Bureau of the Census; any census tract with a poverty rate of at least 20 percent as measured by the 2014–2018 5-year data series available from the American Community Survey of the Bureau of the Census; or any territory or possession of the United States: *Provided further*, That grants awarded under the previous two provisos shall not be subject to a minimum grant size: *Provided further*, That the Secretary may use up to 20 percent of the amounts made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, or sections

Distribution.
Grants.

Definition.
Time period.

501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), if the Secretary finds that such use of the funds would advance the purposes of this heading: *Provided further*, That in distributing amounts made available under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, including tribal areas, and the investment in a variety of transportation modes: *Provided further*, That a grant award under this heading shall be not less than $5,000,000 and not greater than $25,000,000: *Provided further*, That not more than 10 percent of the amounts made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an amount is provided under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That an award under this heading is an urban award if it is to a project located within or on the boundary of an Urbanized Area (UA), as designated by the Bureau of the Census, that had a population greater than 200,000 in the 2010 decennial census: *Provided further*, That for the purpose of determining if an award for planning, preparation or design is an urban award, the project location is the location of the project being planned, prepared or designed: *Provided further*, That each award under this heading that is not an urban award is a rural award: *Provided further*, That of the amounts awarded under this heading, not more than 50 percent shall be awarded as urban awards and rural awards, respectively: *Provided further*, That for rural awards, the minimum grant size shall be $1,000,000: *Provided further*, That for rural awards and areas of persistent poverty awards the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That projects conducted using amounts made available under this heading shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to $20,000,000 of the amounts made available under this heading, and may transfer portions of such amounts to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: *Provided further*, That none of the amounts made available in the previous proviso may be used to hire additional personnel: *Provided further*, That the Secretary shall consider and award projects based solely on the selection criteria from the fiscal year 2017 Notice of Funding Opportunity: *Provided further*, That, notwithstanding the previous proviso, the Secretary shall not use the Federal share or an applicant's ability to generate non-Federal revenue as a selection criteria in awarding projects: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity no later than 120 days after enactment of this Act: *Provided further*, That such Notice of Funding Opportunity shall require application submissions 90 days after the publishing of such Notice: *Provided further*, That of the applications

Priority.

Urban and rural areas.

Urban and rural areas.

Compliance.

Notice.
Deadline.

Requirement.
Deadline.
Publication.
Grants.
Deadline.
Determination.

submitted under the previous two provisos, the Secretary shall make grants no later than 330 days after enactment of this Act in such amounts that the Secretary determines.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses of the National Surface Transportation and Innovative Finance Bureau as authorized by 49 U.S.C. 116, $5,000,000, to remain available until expended: *Provided*, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to other amounts made available for such purposes and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

Fees.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding.

Loans.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and reengineering business processes, $2,000,000, to remain available through September 30, 2022.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to network and information technology infrastructure, improvement of identity management and authentication capabilities, securing and protecting data, implementation of Federal cyber security initiatives, and implementation of enhanced security controls on agency computers and mobile devices, $22,000,000, to remain available until September 30, 2022.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,600,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, $9,350,000, to remain available until expended: *Provided*, That of such amount, $1,000,000 shall be for necessary expenses

of the Interagency Infrastructure Permitting Improvement Center (IIPIC): *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department in accordance with the preceding proviso.

Analysis.
Review.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $319,793,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation (DOT): *Provided further*, That the limitation in the preceding proviso on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds made available by this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Assessments.
Notification.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, $4,714,000, to remain available until September 30, 2022: *Provided*, That notwithstanding section 332 of title 49, United States Code, such amounts may be used for business opportunities related to any mode of transportation: *Provided further*, That appropriations made available under this heading shall be available for any purpose consistent with prior year appropriations that were made available under the heading "Office of the Secretary—Minority Business Resource Center Program".

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under sections 41731 through 41742 of title 49, United States Code, $141,724,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of

Determination.

the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under section 41732(b)(3) of title 49, United States Code: *Provided further*, That amounts authorized to be distributed for the essential air service program under section 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

Reimbursement.

TRANSPORTATION DEMONSTRATION PROGRAM

To expand intermodal and multimodal freight and cargo transportation infrastructure, including airport development under chapter 471 of title 49, United States Code, $100,000,000, to remain available until expended: *Provided*, That the Secretary shall distribute funds provided under this heading as discretionary grants to maritime port authorities or former military airports classified as general aviation airports in the National Plan on Integrated Airport System report for fiscal years 2019 to 2023: *Provided further*, That eligible applicants that are maritime port authorities shall use a terminal railway and be located not more than 10 miles from a former military airport classified as a general aviation airport in the National Plan on Integrated Airport System report for fiscal years 2019 to 2023: *Provided further*, That eligible applicants that are former military airports classified as general aviation airports in the National Plan on Integrated Airport System report for fiscal years 2019 to 2023 shall be located not more than 10 miles from a maritime port authority that uses a terminal railway: *Provided further*, That projects eligible under this heading shall be located not more than 10 miles from at least two highways on the Interstate System: *Provided further*, That the Secretary shall issue the Notice of Funding Opportunity no later than 60 days after enactment of this Act.

Distribution.
Grants.

Notice.
Deadline.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

(INCLUDING RESCISSIONS)

SEC. 101. None of the funds made available by this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the operating administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for congressional notification.

Assessments.
Contracts.

SEC. 102. The Secretary shall post on the web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

Web posting.
Records.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is authorized to provide partial or full payments in advance

Transit benefits.

and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of SAFETEA–LU (5 U.S.C. 7905 note): *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further*, That such reserve shall not exceed 1 month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further*, That the Working Capital Fund shall be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

Reimbursement.

SEC. 104. Receipts collected in the Department's Working Capital Fund, as authorized by section 327 of title 49, United States Code, for unused van pool benefits, in an amount not to exceed 10 percent of fiscal year 2021 collections, shall be available until expended in the Department's Working Capital Fund to provide contractual services in support of section 199A of this Act: *Provided*, That obligations in fiscal year 2021 of such collections shall not exceed $1,000,000.

SEC. 105. The remaining unobligated balances, as of September 30, 2021, from amounts made available for the "Department of Transportation—Office of the Secretary—National Infrastructure Investments" in division G of the Consolidated Appropriations Act, 2019 (Public Law 116–6) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2021, to remain available until September 30, 2022, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2019 national infrastructure investments program.

Advance approval.

SEC. 106. None of the funds in this Act may be obligated or expended for retention or senior executive bonuses for an employee of the Department of Transportation without the prior written approval of the Assistant Secretary for Administration.

SEC. 107. In addition to authority provided by section 327 of title 49, United States Code, the Department's Administrative Working Capital Fund is hereby authorized to transfer information technology equipment, software, and systems from Departmental sources or other entities and collect and maintain a reserve at rates which will return full cost of transferred assets.

Time period. Notification.

SEC. 108. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided*, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, $11,001,500,000, to remain available until September 30, 2022, of which $10,519,000,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That of the sums appropriated under this heading—

(1) not less than $1,479,039,000 shall be available for aviation safety activities;

(2) $8,205,821,000 shall be available for air traffic organization activities;

(3) $27,555,000 shall be available for commercial space transportation activities;

(4) $836,141,000 shall be available for finance and management activities;

(5) $62,862,000 shall be available for NextGen and operations planning activities;

(6) $124,928,000 shall be available for security and hazardous materials safety; and

(7) $265,154,000 shall be available for staff offices:

Transfer authority.

Provided further, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation under this heading by more than 5 percent: *Provided further*, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than 60 days after the submission of the budget request, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of the Vision 100-Century of Aviation Reauthorization Act (49 U.S.C. 40101 note): *Provided further*, That the amounts made available under this heading shall be reduced by $100,000 for each day after 60 days after the submission of the budget request that such report has not been transmitted to Congress: *Provided further*, That not later than 60 days after the submission of the budget request, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amounts made available under this heading shall be reduced by $100,000 for each day after the date that is 60 days after the submission of the budget request that such report

Deadline. Updates. 49 USC 44506 note.

Late penalties. Deadline.

Reports. 49 USC 44502 note.

Late penalties. Deadline.

has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds made available by this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the amounts made available under this heading, not less than $172,800,000 shall be used to fund direct operations of the current air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: *Provided further*, That none of the funds made available by this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.

Grants.
Contracts.
Nonprofit organizations.

Fees.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $3,015,000,000, of which $545,000,000 shall remain available until September 30, 2022, $2,330,400,000 shall remain available until September 30, 2023, and $139,600,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That not later than 60 days

Deadline.
Investment plan.
Time period.

after submission of the budget request, the Secretary shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2022 through 2026, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $198,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2023: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further*, That funds made available under this heading shall be used in accordance with the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That not to exceed 10 percent of any funding level specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be transferred to any other funding level specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That no transfer may increase or decrease any funding level by more than 10 percent: *Provided further*, That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Transfer authority.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs,

including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,350,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the amounts made available under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000, in fiscal year 2021, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the amounts made available under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) of such section for subgrants or paragraph (3) of such section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of amounts limited under this heading, not more than $119,402,000 shall be available for administration, not less than $15,000,000 shall be available for the Airport Cooperative Research Program, not less than $40,666,000 shall be available for Airport Technology Research, and $10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, United States Code, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

Request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-In-Aid for Airports", to enable the Secretary to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, $400,000,000, to remain available through September 30, 2023: *Provided*, That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: *Provided further*, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

Distribution.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds made available by this Act may be used to compensate in excess of 600 technical staff-years under

the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2021.

SEC. 111. None of the funds made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition on the use of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

Reimbursement.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy section 41742(a)(1) of title 49, United States Code, from fees credited under section 45303 of title 49, United States Code, and any amount remaining in such account at the close of any fiscal year may be made available to satisfy section 41742(a)(1) of title 49, United States Code, for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes as such appropriation.

SEC. 114. None of the funds made available by this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds made available by this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number, Mode S transponder code, flight identification, call sign, or similar identifying information from any ground based display to the public that would allow the real-time or near real-time flight tracking of that aircraft's movements, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 117. None of the funds made available by this Act shall be available for salaries and expenses of more than nine political and Presidential appointees in the Federal Aviation Administration.

Fees.
Reports.

SEC. 118. None of the funds made available by this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order No. 13642.

SEC. 119. None of the funds made available by this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance. Notification. Deadline.

SEC. 119A. None of the funds made available by or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey. New Jersey.

SEC. 119B. None of the funds made available by this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any new application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants so long as the Federal Aviation Administration has received an application from the airport, and so long as the Administrator determines such tower is eligible using the factors set forth in Federal Aviation Administration published establishment criteria. Determination.

SEC. 119C. None of the funds made available by this Act may be used to open, close, redesignate as a lesser office, or reorganize a regional office, the aeronautical center, or the technical center unless the Administrator submits a request for the reprogramming of funds under section 405 of this Act.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $475,649,049 together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration: *Provided*, That in addition, $3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation (FAST) Act (Public Law 114–94) shall not exceed total obligations of $46,365,092,000 for fiscal year 2021. 23 USC 104 note.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized

under title 23, United States Code, $47,104,092,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

There is hereby appropriated to the Secretary $2,000,000,000: *Provided*, That the funds made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2021 in this or any other Act for: (1) "Federal-aid Highways" under chapter 1 of title 23, United States Code; or (2) the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, and shall not affect the distribution or amount of funds provided in any other Act: *Provided further*, That section 1101(b) of Public Law 114–94 shall apply to funds made available under this heading: *Provided further*, That unless otherwise specified, amounts made available under this heading shall be available until September 30, 2024: *Provided further*, That of the funds made available under this heading—

Applicability.

(1) $640,650,000 shall be for activities eligible under section 133(b) of title 23, United States Code, and to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative fuel corridors designated pursuant to section 151 of title 23, United States Code;

(2) $2,700,000 shall be for activities eligible under the Puerto Rico Highway Program as described in section 165(b)(2)(C) of title 23, United States Code;

(3) $650,000 shall be for activities eligible under the Territorial Highway Program, as described in section 165(c)(6) of title 23, United States Code;

(4) $100,000,000 shall be for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act;

(5) $1,080,000,000 shall be for a bridge replacement and rehabilitation program;

(6) $100,000,000 shall be for necessary expenses for construction of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240;

(7) $16,000,000 shall be for the national scenic byways program under section 162 of title 23, United States Code;

(8) $50,000,000 shall be for competitive grants for activities described in section 130(a) of title 23, United States Code;

(9) $5,000,000 shall be for the Regional Infrastructure Accelerator Demonstration Program authorized under section 1441 of the FAST Act; and

(10) $5,000,000 shall be for a National Road Network Pilot Program for the Federal Highway Administration to create a national level, geo-spatial dataset that uses data already collected under the Highway Performance Monitoring System: *Provided further*, That for the purposes of funds made available under this heading, in paragraph (1) of the fourth proviso, the term "State" means any of the 50 States or the District of Columbia: *Provided further*, That the funds made available under this heading, in paragraph (1) of the fourth proviso, shall be suballocated in the manner described in section 133(d) of title 23, United States Code, except that the set-aside described in section 133(h) of such

Definition.

Suballocations.

title shall not apply to funds made available under this heading, in paragraph (1) of the fourth proviso: *Provided further*, That the funds made available under this heading, in paragraphs (1), (5), (7), and (8) of the fourth proviso, shall be administered as if apportioned under chapter 1 of such title: *Provided further*, That, the funds made available under this heading, in paragraph (1) of the fourth proviso, shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2021 is distributed among the States in section 120(a)(5) of this Act: *Provided further*, That, except as provided in the following proviso, the funds made available under this heading for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of title 23, United States Code: *Provided further*, That the funds made available under this heading for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of such title: *Provided further*, That not less than 25 percent of the funds made available under this heading for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act shall be for competitive grants to tribal governments: *Provided further*, That for the purposes of funds made available under this heading for a bridge replacement and rehabilitation program, (1) the term "State" means any of the 50 States or the District of Columbia, and (2) the term "qualifying State" means any State in which the percentage of total deck area of bridges classified as in poor condition in such State is at least 5 percent or in which the percentage of total bridges classified as in poor condition in such State is at least 5 percent: *Provided further*, That, of the funds made available under this heading for a bridge replacement and rehabilitation program, the Secretary shall reserve $6,000,000 for each State that does not meet the definition of a qualifying State: *Provided further*, That, after making the reservations under the preceding proviso, the Secretary shall distribute the remaining funds made available under this heading for a bridge replacement and rehabilitation program to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in such qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: *Provided further*, That for the bridge replacement and rehabilitation program:

Apportionment.

Grants.

Definition.

Distribution.

(1) no qualifying State shall receive more than $60,000,000;

(2) each State shall receive an amount not less than $6,000,000; and

(3) after calculating the distribution of funds pursuant to the preceding proviso, any amount in excess of $60,000,000 shall be redistributed equally among each State that does not meet the definition of a qualifying State:

Provided further, That funds provided to States that do not meet the definition of a qualifying State for the bridge replacement and rehabilitation program shall be: (1) merged with amounts made available to such State under this heading, in paragraph (1) of the fourth proviso; (2) available for activities eligible under paragraph (1) of the fourth proviso; and (3) administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That, except as provided in the preceding proviso, the

funds made available under this heading for a bridge replacement and rehabilitation program shall be used for highway bridge replacement or rehabilitation projects on public roads: *Provided further*, That for purposes of this heading for the bridge replacement and rehabilitation program, the Secretary shall calculate the percentages of total deck area of bridges (including the percentages of total deck area classified as in poor condition) and the percentages of total bridge counts (including the percentages of total bridges classified as in poor condition) based on the National Bridge Inventory as of December 31, 2018: *Provided further*, That for the purposes of funds made available under this heading for construction of the Appalachian Development Highway System, the term "Appalachian State" means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region as defined in section 14102(a) of title 40, United States Code: *Provided further*, That funds made available under this heading for construction of the Appalachian Development Highway System shall remain available until expended: *Provided further*, That a project carried out with funds made available under this heading for construction of the Appalachian Development Highway System shall be carried out in the same manner as a project under section 14501 of title 40, United States Code: *Provided further*, That subject to the following proviso, funds made available under this heading for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2012 Appalachian Development Highway System Cost-to-Complete Estimate, adopted in Appalachian Regional Commission Resolution Number 736, and confirmed as each Appalachian State's relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher priority for completion of an Appalachian Development Highway System corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook: *Provided further*, That the Secretary shall adjust apportionments made under the preceding proviso so that no Appalachian State shall be apportioned an amount in excess of 30 percent of the amount made available for construction of the Appalachian Development Highway System under this heading: *Provided further*, That the Secretary shall consult with the Appalachian Regional Commission in making adjustments under the preceding two provisos: *Provided further*, That the Federal share of the costs for which an expenditure is made for construction of the Appalachian Development Highway System under this heading shall be up to 100 percent: *Provided further*, That the funds made available under this heading, in paragraph (8) of the fourth proviso, shall be available for projects eligible under section 130(a) of title 23, United States Code, for commuter authorities, as defined in section 24102(2) of title 49, United States Code, that experienced at least one accident investigated by the National Transportation Safety Board between January 1, 2008 and December 31, 2018, and for which the National Transportation Safety Board issued an accident report: *Provided further*, That for amounts made available under this heading, in paragraphs

Definition.

Apportionment.

Apportionments.

Consultation.

Time period.

(8), (9), and (10) of the fourth proviso, the Federal share of the costs shall be, at the option of the recipient, up to 100 percent.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2021, the Secretary of Transportation shall— 23 USC 104 note.

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that— Determination.

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under

title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2021, only in an amount equal to $639,000,000).

Effective date.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

Revision.

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

Priority.

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed

during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of the Fixing America's Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and Time periods.

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that— Deadline.

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year. Determination.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs. Reimbursement.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements. Deadline. Waiver authority. Public information. Notice. 23 USC 313 note. Reports.

Deadlines.
Notification.
Evaluation.

SEC. 123. None of the funds made available in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: *Provided*, That the written notification required in the preceding proviso shall be made not later than 180 days after the date of enactment of this Act.

SEC. 124. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: *Provided*, That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of its intent to use its authority under this section and submits an annual report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

Notification.
Reports.

Time period.

Definition.

(b) In this section, the term "earmarked amount" means—

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives, identified in a prior law, report, or joint explanatory statement, and administered by the Federal Highway Administration.

Time period.
Applicability.
Certifications.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 25 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

Reports.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories annually to the House and Senate Committees on Appropriations.

Adjudication.
Waivers.

SEC. 125. Until final guidance is published, the Administrator of the Federal Highway Administration shall adjudicate requests for Buy America waivers under the criteria that were in effect prior to April 17, 2018.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFERS OF FUNDS)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act (Public Law 114–94), $328,143,124, to be derived from the Highway Trust Fund (other than the Mass Transit Account), of which $9,896,127 is to be transferred and made available from prior year unobligated contract authority provided for National Motor Carrier Safety Program or Motor Carrier Safety in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriations or authorization Acts, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution, or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of $328,143,124, for "Motor Carrier Safety Operations and Programs" for fiscal year 2021, of which $9,073,000, to remain available for obligation until September 30, 2023, is for the research and technology program, and of which not less than $75,447,124, to remain available for obligation until September 30, 2023, is for development, modernization, enhancement, continued operation, and maintenance of information technology and information management.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFERS OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act (Public Law 114–94), $389,800,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of $389,800,000 in fiscal year 2021 for "Motor Carrier Safety Grants": *Provided further*, That of the sums appropriated under this heading:

(1) $308,700,000 shall be available for the motor carrier safety assistance program;

(2) $33,200,000 shall be available for the commercial driver's license program implementation program;

(3) $45,900,000 shall be available for the high priority activities program, of which $1,000,000 is to be made available from prior year unobligated contract authority provided for Motor Carrier Safety Grants in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriations or authorization Acts; and

(4) $2,000,000 shall be made available for commercial motor vehicle operators grants, of which $1,000,000 is to be made available from prior year unobligated contract authority provided for Motor Carrier Safety Grants in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), or other appropriations or authorization Acts:

Study.

Provided further, That of the unobligated amounts provided for Motor Carrier Safety Grants in the Transportation Equity Act for the 21st Century (Public Law 105–178), SAFETEA–LU (Public Law 109–59), the FAST Act (Public Law 114–94) or other appropriation or authorization acts prior to fiscal year 2021, $30,000,000 in additional obligation limitation, shall be transferred and made available for a study of the cause of large truck crashes and shall remain available until expended: *Provided further*, That the activities funded by the previous proviso may be accomplished through direct expenditure, direct research activities, grants, cooperative agreements, contracts, intra or interagency agreements, or other agreements with public organizations: *Provided further*, That such amounts, payments, and obligation limitation as may be necessary to carry out the study of the cause of large truck crashes may be transferred and credited to appropriate accounts of other participating Federal agencies: *Provided further*, That $30,000,000 for payment of obligations incurred in carrying out this section shall be derived from the Highway Trust Fund (other than the Mass Transit Account), to be available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Notice.
Mail.

SEC. 130. The Federal Motor Carrier Safety Administration shall send notice of section 385.308 of title 49, Code of Federal Regulations, violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

Regulations.
49 USC 31142 note.

SEC. 131. The Federal Motor Carrier Safety Administration shall update annual inspection regulations under Appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, as recommended by GAO–19–264.

SEC. 132. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section

31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, $194,167,000, of which $40,000,000 shall remain available through September 30, 2022.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, section 4011 of the Fixing America's Surface Transportation Act (Public Law 114–94), and chapter 303 of title 49, United States Code, $155,300,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2021, are in excess of $155,300,000: *Provided further*, That of the sums appropriated under this heading—

(1) $149,800,000 shall be for programs authorized under 23 U.S.C. 403, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, and section 4011 of the Fixing America's Surface Transportation Act (Public Law 114–94); and

(2) $5,500,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the $155,300,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2022, and $3,000,000, for impaired driving detection, shall remain available until expended, and shall be in addition to the amount of any limitation imposed on obligations for future years: *Provided further*, That amounts for behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls are in addition to any other funds provided for those purposes for fiscal year 2021 in this Act.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act (Public Law 114–94), to remain available until expended, $623,017,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs for which the total obligations in fiscal year 2021 are in excess of $623,017,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act: *Provided further*, That of the sums appropriated under this heading—

(1) $279,800,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402;

(2) $285,900,000 shall be for "National Priority Safety Programs" under 23 U.S.C. 405;

(3) $30,500,000 shall be for the "High Visibility Enforcement Program" under 23 U.S.C. 404; and

(4) $26,817,000 shall be for "Administrative Expenses" under section 4001(a)(6) of the Fixing America's Surface Transportation Act:

Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for "National Priority Safety Programs" under 23 U.S.C. 405 for "Impaired Driving Countermeasures" (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the "Transfers" provision under 23 U.S.C. 405(a)(8), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(8) within 5 days.

Notification.
Deadline.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. In addition to the amounts made available under the heading, "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" for carrying out the provisions of section 403 of title 23, United States Code, $17,000,000, to remain available until September 30, 2022, shall be made available to the National Highway Traffic Safety Administration from the general fund: *Provided*, That of the sums provided under this provision—

(1) not to exceed $7,000,000 shall be available to provide funding for grants, pilot program activities, and innovative solutions to reduce impaired-driving fatalities in collaboration with eligible entities under section 403 of title 23, United States Code; and

(2) not to exceed $10,000,000 shall be available to continue a high visibility enforcement paid-media campaign regarding highway-rail grade crossing safety in collaboration with the Federal Railroad Administration.

SEC. 143. None of the funds in this Act or any other Act shall be used to enforce the requirements of section 405(a)(9) of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $234,905,000, of which $25,000,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $41,000,000, to remain available until expended.

FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911 of title 49, United States Code, $200,000,000, to remain available until expended: *Provided*, That expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way) of a capital project as defined under section 24911(a)(2) of title 49, United States Code, are eligible for funding independently or in conjunction with proposed funding for construction: *Provided further*, That the Secretary may withhold up to 1 percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code.

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 22907 of title 49, United States Code, $375,000,000, to remain

available until expended: *Provided*, That of the amounts made available under this heading—

(1) not less than $75,000,000 shall be for projects eligible under section 22907(c)(2) of title 49, United States Code, that support the development of new intercity passenger rail service routes including alignments for existing routes: *Provided*, That the Secretary shall give preference for pre-construction elements including preliminary engineering and final design of such projects; and

(2) not less than $25,000,000 shall be for capital projects and engineering solutions targeting trespassing: *Provided*, That the Secretary shall give preference for such projects that are located in counties with the most pedestrian trespasser casualties as identified in the Federal Railroad Administration's National Strategy to Prevent Trespassing on Railroad Property: *Provided further*, That section 22905(f) of title 49, United States Code, shall not apply to projects for the implementation of positive train control systems otherwise eligible under section 22907(c)(1) of title 49, United States Code: *Provided further*, That amounts made available under this heading for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: *Provided further*, That the Secretary shall not limit eligible projects from consideration for funding for planning, engineering, environmental, construction, and design elements of the same project in the same application: *Provided further*, That for amounts available under this heading eligible recipients under section 22907(b) of title 49, United States Code, shall include any holding company of a Class II railroad or Class III railroad (as those terms are defined in section 20102 of title 49, United States Code): *Provided further*, That unobligated balances remaining after 6 years from the date of enactment of this Act may be used for any eligible project under section 22907(c) of title 49, United States Code: *Provided further*, That the Secretary may withhold up to 1 percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 22907 of title 49, United States Code.

Time period.

MAGNETIC LEVITATION TECHNOLOGY DEPLOYMENT PROGRAM

For necessary expenses related to the deployment of magnetic levitation transportation projects, consistent with language in subsections (a) through (c) of section 1307 of SAFETEA–LU (Public Law 109–59), as amended by section 102 of the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244) (23 U.S.C. 322 note), $2,000,000, to remain available until expended.

RESTORATION AND ENHANCEMENT

For necessary expenses related to Restoration and Enhancement Grants, as authorized by section 24408 of title 49, United States Code, $4,720,000, to remain available until expended: *Provided*, That the Secretary may withhold up to 1 percent of the funds provided under this heading to fund the costs of award and project management and oversight.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), $700,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114–94: *Provided further*, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114–94, the Secretary may retain up to an additional $5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: *Provided further*, That of the amounts made available under this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading, not less than $75,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act: *Provided further*, That of the amounts made available under this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading, $100,000,000 shall be made available to fund the replacement of the single-level passenger cars used on the Northeast Corridor, State-supported routes, and long-distance routes, as such terms are defined in section 24102 of title 49, United States Code.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), $1,300,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to an additional $2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code: *Provided further*, That at least $50,000,000 of the amount provided under this heading shall be available for the development, installation and operation of railroad safety technology, including the implementation of a positive train control system, on State-supported routes as defined under section 24102(13) of title 49, United States Code, on which positive train control systems are not required by law or regulation: *Provided further*, That none of the funds provided under this heading shall be used by Amtrak to give notice under subsection (a) or (b) of section 24706 of title 49, United States Code, with respect to long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole operator on a host railroad's line and a positive train control system is not required by law or regulation, or, except in an emergency or during maintenance or construction outages

impacting such routes, to otherwise discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any portion of such route operated in fiscal year 2018, including implementation of service permitted by section 24305(a)(3)(A) of title 49, United States Code, in lieu of rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 150. None of the funds made available to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the preceding proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations no later than 60 days after the date of enactment of this Act, a summary of all overtime payments incurred by Amtrak for 2020 and the 3 prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments Amtrak paid to employees receiving waivers for each month for 2020 and for the 3 prior calendar years.

Waiver authority. Determination.

Reports. Summary. Time period.

SEC. 151. None of the funds made available to the National Railroad Passenger Corporation under the headings "Northeast Corridor Grants to the National Railroad Passenger Corporation" and "National Network Grants to the National Railroad Passenger Corporation" may be used to reduce the total number of Amtrak Police Department uniformed officers patrolling on board passenger trains or at stations, facilities or rights-of-way below the staffing level on May 1, 2019.

SEC. 152. None of the funds made available by this Act may be used by the National Railroad Passenger Corporation in contravention of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

SEC. 153. The matter under the heading "Department of Transportation—Federal Railroad Administration—Consolidated Rail Infrastructure and Safety Improvements"—

(1) in division G of the Consolidated Appropriations Act, 2019 (Public Law 116–6) is amended by striking "4 years" and inserting "6 years" in the fourth proviso; and

133 Stat. 418.

(2) in division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended by striking "4 years" and inserting "6 years" in the fourth proviso.

133 Stat. 2958.

SEC. 154. Of the unobligated balances of funds remaining from—

(1) "Capital and Debt Service Grants to the National Railroad Passenger Corporation" accounts totaling $10,458,135.54 appropriated by the following public laws are hereby permanently rescinded:

(A) Public Law 112–10 a total of $289,234.48;
(B) Public Law 112–55 a total of $4,760,000.00;
(C) Public Law 113–76 a total of $792,502.52;
(D) Public Law 113–235 a total of $1,698,806.61; and
(E) Public Law 114–113 a total of $2,917,591.93;

(2) "Railroad Safety Technology Program" account totaling $613,252.29 appropriated by Public Law 111–117 is hereby permanently rescinded;

(3) "Capital Assistance to States—Intercity Passenger Rail Service" account totaling $10,164,885.13 appropriated by Public Law 111–8 is hereby permanently rescinded;

(4) "Rail Line Relocation and Improvement Program" accounts totaling $12,650,365.14 appropriated by the following public laws are hereby permanently rescinded:

(A) Public Law 110–161 a total of $923,214.63;

(B) Public Law 111–8 a total of $5,558,233.95;

(C) Public Law 111–117 a total of $3,763,767.95; and

(D) Public Law 112–10 a total of $2,405,148.61; and

(5) "Next Generation High-Speed Rail" accounts totaling $3,034,848.52 appropriated by the following public laws are hereby permanently rescinded:

(A) Public Law 104–50 a total of $610,807.00;

(B) Public Law 104–205 a total of $5,963.71;

(C) Public Law 105–66 a total of $1,218,742.47;

(D) Public Law 105–277 a total of $17,097.00;

(E) Public Law 106–69 a total of $1,005,969.00;

(F) Public Law 108–7 a total of $43,951.57;

(G) Public Law 108–199 a total of $24,263.48; and

(H) Public Law 108–447 a total of $108,054.29.

SEC. 155. It is the sense of Congress that—

(1) long-distance passenger rail routes provide much-needed transportation access for 4,700,000 riders in 325 communities in 40 States and are particularly important in rural areas; and

(2) long-distance passenger rail routes and services should be sustained to ensure connectivity throughout the National Network (as defined in section 24102 of title 49, United States Code).

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $121,052,000 which shall remain available until September 30, 2022, and up to $1,000,000 shall be available to carry out the provisions of section 5326 of such title: *Provided*, That upon submission to the Congress of the fiscal year 2022 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on Capital Investment Grants, including proposed allocations for fiscal year 2022.

Reports.

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment

of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, $10,800,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of $10,150,348,462 in fiscal year 2021: *Provided further*, That the Federal share of the cost of activities carried out under 49 U.S.C. section 5312 shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339 of title 49, United States Code, low or no emission grants under section 5339(c) of such title, formula grants to rural areas under section 5311 of such title, high density state apportionments under section 5340(d) of such title, state of good repair grants under section 5337 of such title, ferry boats grants under section 5307(h) of such title, bus testing facilities under section 5318 of such title, grants to areas of persistent poverty, innovative mobility solutions grants under section 5312 of such title, and accelerating innovative mobility initiative grants under section 5312 such title, $516,220,000, to remain available until expended: *Provided*, That of the sums provided under this heading—

(1) $243,000,000 shall be available for the buses and bus facilities grants as authorized under section 5339 of such title, of which $118,000,000 shall be available for the buses and bus facilities formula grants as authorized under section 5339(a) of such title, and $125,000,000 shall be available for buses and bus facilities competitive grants as authorized under section 5339(b) of such title;

(2) $125,000,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: *Provided*, That the minimum grant award shall be not less than $750,000;

(3) $40,000,000 shall be available for formula grants for rural areas as authorized under section 5311 of such title;

(4) $40,000,000 shall be available for the high density state apportionments as authorized under section 5340(d) of such title;

(5) $40,000,000 shall be available for state of good repair grants as authorized under section 5337 of such title;

(6) $8,000,000 shall be available for ferry boat grants as authorized under section 5307(h) of such title: *Provided*, That of the amounts provided under this subparagraph, $4,000,000 shall only be available for low or zero-emission ferries or ferries using electric battery or fuel cell components and the infrastructure to support such ferries;

(7) $2,000,000 shall be available for the operation and maintenance of the bus testing facilities selected under section 5318 of such title;

(8) $16,220,000 shall be available for competitive grants to eligible entities to assist areas of persistent poverty: *Provided*, That the term "areas of persistent poverty" means any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30 year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent Small Area Income and Poverty Estimates as estimated by the Bureau of the Census; any census tract with a poverty rate of at least 20 percent as measured by the 2014–2018 5-year data series available from the American Community Survey of the Bureau of the Census; or any territory or possession of the United States: *Provided further*, That grants shall be for planning, engineering, or development of technical or financing plans for projects eligible under chapter 53 of title 49, United States Code: *Provided further*, That eligible entities are those defined as eligible recipients or subrecipients under sections 5307, 5310 or 5311 of title 49, United States Code, and are in areas of persistent poverty: *Provided further*, That the Federal Transit Administration should complete outreach to such counties and the departments of transportation within applicable States via personal contact, webinars, web materials and other appropriate methods determined by the Administrator of the Federal Transit Administration: *Provided further*, That State departments of transportation may apply on behalf of eligible entities within their States: *Provided further*, That the Federal Transit Administration should encourage grantees to work with non-profits or other entities of their choosing in order to develop planning, technical, engineering, or financing plans: *Provided further*, That the Federal Transit Administration shall encourage grantees to partner with non-profits that can assist with making projects low or no emissions;

Definition.

Plans.

(9) $1,000,000 shall be available for the demonstration and deployment of innovative mobility solutions as authorized under section 5312 of title 49, United States Code: *Provided*, That such amounts shall be available for competitive grants or cooperative agreements for the development of software to facilitate the provision of demand-response public transportation service that dispatches public transportation fleet vehicles through riders mobile devices or other advanced means: *Provided further*, That the Secretary shall evaluate the potential for software developed with grants or cooperative agreements to be shared for use by public transportation agencies; and

Evaluation.

(10) $1,000,000 shall be for the accelerating innovative mobility initiative as authorized under section 5312 of title 49, United States Code: *Provided*, That such amounts shall be available for competitive grants to improve mobility and enhance the rider experience with a focus on innovative service delivery models, creative financing, novel partnerships, and integrated payment solutions in order to help disseminate proven innovation mobility practices throughout the public transportation industry:

Provided further, That projects funded under paragraph (8) of this heading shall be for not less than 90 percent of the net total project cost: *Provided further*, That amounts made available by this heading shall be derived from the general fund: *Provided further*, That the amounts made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out section 5314 of title 49, United States Code, $7,500,000, to remain available until September 30, 2022: *Provided*, That the assistance provided under this heading does not duplicate the activities of section 5311(b) or section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, and section 3005(b) of the Fixing America's Surface Transportation Act (Public Law 114–94), $2,014,000,000, to remain available until September 30, 2024: *Provided*, That of the amounts made available under this heading, $1,169,000,000 shall be available for projects authorized under section 5309(d) of title 49, United States Code, $525,000,000 shall be available for projects authorized under section 5309(e) of title 49, United States Code, $200,000,000 shall be available for projects authorized under section 5309(h) of title 49, United States Code, and $100,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further*, That the Secretary shall continue to administer the capital investment grants program in accordance with the procedural and substantive requirements of section 5309 of title 49, United States Code, and of section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further*, That projects that receive a grant agreement under the Expedited Project Delivery for Capital Investment Grants Pilot Program under section 3005(b) of the Fixing America's Surface Transportation Act shall be deemed eligible for funding provided for projects under section 5309 of title 49, United States Code, without further evaluation or rating under such section: *Provided further*, That such funding shall not exceed the Federal share under section 3005(b): *Provided Further*, That funds allocated pursuant to 49 U.S.C. 5309 to any project during fiscal years 2015 or 2017 shall remain allocated to that project until December 31, 2021.

Continuation.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), $150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*,

That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of division B of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432).

Determination.

Waiver authority.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading "Capital Investment Grants" of the Federal Transit Administration for projects specified in this Act or identified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) not obligated by September 30, 2024, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2020, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

Transfer authority.

SEC. 163. None of the funds made available by this Act or any other Act shall be used to adjust apportionments or withhold funds from apportionments pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(4)).

SEC. 164. An eligible recipient of a grant under section 5339(c) may submit an application in partnership with other entities, including a transit vehicle manufacturer, that intend to participate in the implementation of a project under section 5339(c) of title 49, United States Code, and a project awarded with such partnership shall be treated as satisfying the requirement for a competitive procurement under section 5325(a) of title 49, United States Code, for the named entity.

SEC. 165. None of the funds made available by this Act or any other Act shall be used to impede or hinder project advancement or approval for any project seeking a Federal contribution from the capital investment grant program of greater than 40 percent of project costs as authorized under section 5309 of title 49, United States Code.

SEC. 166. None of the funds made available in this Act may be used by the Department of Transportation to implement any policy that requires a capital investment grant project to receive a medium or higher project rating before taking actions to finalize an environmental impact statement.

SEC. 167. Of the unobligated amounts made available for prior fiscal years to Formula Grants in Treasury Account 69–X–1129, a total of $1,606,849 are hereby permanently rescinded: *Provided*,

That no amounts may be rescinded from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 168. Of the unobligated amounts made available for the Job Access and Reverse Commute program, as authorized by Public Law 105–178, as amended, a total of $320,230 are hereby permanently rescinded.

SEC. 169. Of the unobligated amounts made available for Research, Training, and Human Resources, as authorized by Public Law 95–599, as amended, a total of $31,634 are hereby permanently rescinded.

SEC. 169A. Any unexpended balances from amounts previously appropriated for low or no emission vehicle component assessment under 49 U.S.C. 5312(h) under the headings "Transit Formula Grants" and "Transit Infrastructure Grants" in fiscal years 2016 through 2020 may be used by the facilities selected for such vehicle component assessment for capital projects in order to build new infrastructure and enhance existing facilities in order to expand bus and component testing capability, in accordance with the industry stakeholder testing objectives and capabilities as outlined through the work of the Federal Transit Administration Transit Vehicle Innovation and Deployment Centers program and included in the Center for Transportation and the Environment report submitted to the Federal Transit Administration for review.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Contracts.

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital infrastructure activities on portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $38,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238): *Provided*, That of the amounts made available under this heading, not less than $14,500,000 shall be for the seaway infrastructure program.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $314,007,780, to remain available until expended, of which

$7,780 shall be derived from unobligated balances from prior year appropriations available under this heading.

CABLE SECURITY FLEET

For the Cable Security Fleet program, as authorized by chapter 532 of title 46, United States Code, $10,000,000, to remain available until expended.

OPERATIONS AND TRAINING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operations and training activities authorized by law, $155,616,000: *Provided*, That of the amounts made available under this heading—

(1) $80,000,000, to remain available until September 30, 2022, shall be for the operations of the United States Merchant Marine Academy;

(2) $5,944,000, to remain available until expended, shall be for facilities maintenance and repair, and equipment, at the United States Merchant Marine Academy;

(3) $3,000,000, to remain available until September 30, 2022, shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code; and

(4) $10,819,000, to remain available until expended, shall be for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code:

Provided further, That the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (46 U.S.C. 51318): *Provided further*, That available balances under this heading for the Short Sea Transportation Program (America's Marine Highways) from prior year recoveries shall be available to carry out activities authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code: *Provided further*, That any unobligated balances and obligated balances not yet expended from previous appropriations under this heading for programs and activities supporting State Maritime Academies shall be transferred to and merged with the appropriations for "Maritime Administration—State Maritime Academy Operations" and shall be made available for the same purposes as the appropriations for "Maritime Administration—State Maritime Academy Operations".

Reports.
Sexual assault.

STATE MARITIME ACADEMY OPERATIONS

For necessary expenses of operations, support, and training activities for State Maritime Academies, $432,700,000: *Provided*, That of the sums appropriated under this heading—

(1) $30,500,000, to remain available until expended, shall be for maintenance, repair, life extension, insurance, and capacity improvement of National Defense Reserve Fleet

training ships, and for support of training ship operations at the State Maritime Academies, of which $8,500,000, to remain available until expended, shall be for expenses related to training mariners; and for costs associated with training vessel sharing pursuant to 46 U.S.C. 51504(g)(3) for costs associated with mobilizing, operating and demobilizing the vessel, including travel costs for students, faculty and crew, the costs of the general agent, crew costs, fuel, insurance, operational fees, and vessel hire costs, as determined by the Secretary;

(2) $390,000,000, to remain available until expended, shall be for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, and design of school ships;

(3) $2,400,000 to remain available through September 30, 2022, shall be for the Student Incentive Program;

(4) $3,800,000 shall remain available until expended, shall be for training ship fuel assistance; and

(5) $6,000,000, to remain available until September 30, 2022, shall be for direct payments for State Maritime Academies.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, $20,000,000, to remain available until expended.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $4,200,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, $3,000,000, which shall be transferred to and merged with the appropriations for "Maritime Administration—Operations and Training".

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 50302(c) of title 46, United States Code, $230,000,000, to remain available until expended: *Provided*, That projects eligible for amounts made available under this heading shall be projects for coastal seaports, inland river ports, or Great Lakes ports: *Provided further*, That of the amounts made available under this heading, not less than $205,000,000 shall be for coastal seaports or Great Lakes ports: *Provided further*, That the Maritime Administration shall distribute amounts made available under this heading as discretionary grants to port authorities or commissions or their subdivisions and agents under existing authority, as well as to a State or political subdivision of a State or local government, a Tribal Government, a public agency or publicly chartered authority established by one or more States, a special purpose

Distribution.
Grants.

district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities: *Provided further*, That projects eligible for amounts made available under this heading shall be designed to improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port and located—

(1) within the boundary of a port; or

(2) outside the boundary of a port, and directly related to port operations, or to an intermodal connection to a port: *Provided further*, That project awards eligible under this heading shall be only for—

(1) port gate improvements;

(2) road improvements both within and connecting to the port;

(3) rail improvements both within and connecting to the port;

(4) berth improvements (including docks, wharves, piers and dredging incidental to the improvement project);

(5) fixed landside improvements in support of cargo operations (such as silos, elevators, conveyors, container terminals, Ro/Ro structures including parking garages necessary for intermodal freight transfer, warehouses including refrigerated facilities, lay-down areas, transit sheds, and other such facilities);

(6) utilities necessary for safe operations (including lighting, stormwater, and other such improvements that are incidental to a larger infrastructure project); or

(7) a combination of activities described above:

Provided further, That the Federal share of the costs for which an amount is provided under this heading shall be up to 80 percent: *Provided further*, That for grants awarded under this heading, the minimum grant size shall be $1,000,000: *Provided further*, That for grant awards less than $10,000,000, the Secretary shall prioritize ports that handled less than 10,000,000 short tons in 2017, as identified by the Corps of Engineers: *Provided further*, That for grant awards less than $10,000,000, the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That not to exceed 2 percent of the amounts made available under this heading shall be available for necessary costs of grant administration.

Priority.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be deposited into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $28,715,000, of which $4,500,000 shall remain available until September 30, 2023.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $62,000,000, of which $14,000,000 shall remain available until September 30, 2023: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $168,000,000, to remain available until September 30, 2023, of which $23,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $137,000,000 shall be derived from the Pipeline Safety Fund; and of which $8,000,000 shall be derived from fees collected under 49 U.S.C. 60302 and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out 49 U.S.C. 60141: *Provided*, That not less than $1,058,000 of the funds provided under this heading shall be for the One-Call State grant program: *Provided further*, That any amounts provided under this heading in this Act or in prior Acts for research contracts, grants, cooperative agreements or research other transactions agreements ("OTAs") shall require written notification to the House and Senate Committees on Appropriations not less than 3 full business days before such research contracts, grants, cooperative agreements, or research OTAs are announced by the Department of Transportation: *Provided further*, That the Administrator may obligate amounts made available under this heading to engineer, erect, alter, and repair buildings or make any other public improvements for research facilities at the Transportation Technology Center after the Administrator submits an updated research plan to the House and Senate Committees on Appropriations and after such plan is approved by the House and Senate Committees on Appropriations.

Notification.
Deadline.

Research plan.
Approval.

EMERGENCY PREPAREDNESS GRANTS

(LIMITATION ON OBLIGATIONS)

(EMERGENCY PREPAREDNESS FUND)

For expenses necessary to carry out the Emergency Preparedness Grants program, not more than $28,318,000 shall remain available until September 30, 2023, from amounts made available by section 5116(h) and subsections (b) and (c) of section 5128 of title 49, United States Code: *Provided*, That notwithstanding section 5116(h)(4) of title 49, United States Code, not more than 4 percent of the amounts made available from this account shall be available to pay administrative costs: *Provided further*, That notwithstanding subsections (b) and (c) of section 5128 of title 49, United States Code, and the limitation on obligations provided under this heading, prior year recoveries recognized in the current year shall be available to develop and deliver hazardous materials emergency response training for emergency responders, including response activities for the transportation of crude oil, ethanol, flammable liquids, and other hazardous commodities by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: *Provided further*, That the prior year recoveries made available under this heading shall also be available to carry out sections 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e) of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

SEC. 180. In addition to the amounts made available under the heading, "Emergency Preparedness Grants", $1,000,000, to remain available until September 30, 2023, shall be made available to the Pipeline and Hazardous Materials Safety Administration from the general fund of the Treasury, in addition to amounts otherwise available for such purposes, to develop and deliver hazardous materials emergency response training for emergency responders, including response activities for the transportation of crude oil, ethanol, flammable liquids, and other hazardous commodities by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $98,150,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation.

SEC. 190. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code.

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the missions of the Department of Transportation or an operating administration of the Department of Transportation.

(c) Any unmanned aircraft system purchased, procured, or contracted for by the Department prior to the date of enactment of this Act shall be deemed authorized by Congress as if this provision was in effect when the system was purchased, procured, or contracted for.

SEC. 191. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 192. (a) No recipient of amounts made available by this Act shall disseminate personal information (as defined in section 2725(3) of title 18, United States Code) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in section 2725(1) of title 18, United States Code, except as provided in section 2721 of title 18, United States Code, for a use permitted under section 2721 of title 18, United States Code.

(b) Notwithstanding subsection (a), the Secretary shall not withhold amounts made available by this Act for any grantee if a State is in noncompliance with this provision.

SEC. 193. None of the funds made available by this Act shall be available for salaries and expenses of more than 125 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 194. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to section 20105 of title 49, United States Code.

Loans.
Contracts.
Grants.
Notification.
Deadline.

SEC. 195. None of the funds made available by this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, letter of intent, federally funded cooperative agreement, full funding grant agreement, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to

receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, federally funded cooperative agreement, or full funding grant agreement is announced by the Department or its operating administrations: *Provided*, That the Secretary of Transportation shall provide the House and Senate Committees on Appropriations with a comprehensive list of all such loans, loan guarantees, lines of credit, letters of intent, federally funded cooperative agreements, full funding grant agreements, and discretionary grants prior to the notification required under the previous proviso: *Provided further*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

List.

Notification.

SEC. 196. Rebates, refunds, incentive payments, minor fees, and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 197. Amounts made available by this Act or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

Determination.

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: *Provided*, That amounts made available by this Act shall be available until expended; and

Reimbursement.

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002 (Public Law 107–300), as amended by the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204) and Improper Payments Elimination and Recovery Improvement Act of 2012 (Public Law 112–248), and Fraud Reduction and Data Analytics Act of 2015 (Public Law 114–186): *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

Payments.

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to depositing such recovery in the Treasury, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments" has

Notification.

Definition.

the same meaning as that provided in section 2(e)(2) of the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204).

Notice.

SEC. 198. Notwithstanding any other provision of law, if any funds provided by or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of such reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and such reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days after the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

Notice.
Deadline.

SEC. 199. Funds appropriated by this Act to the operating administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable operating administration or administrations.

SEC. 199A. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

Certification.

SEC. 199B. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

Coordination.

SEC. 199C. The Secretary of Transportation shall coordinate with the Secretary of Homeland Security to ensure that best practices for Industrial Control Systems Procurement are up-to-date and shall ensure that systems procured with funds provided under this title were procured using such practices.

SEC. 199D. None of the funds made available by this Act to the Department of Transportation may be used in contravention of section 306108 of title 54, United States Code.

This title may be cited as the "Department of Transportation Appropriations Act, 2021".

TITLE II

Department of Housing and Urban Development Appropriations Act, 2021.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, $17,292,000, to remain available until September 30, 2022: *Provided*, That not to exceed $25,000 of the amount made available under this heading shall be available to the Secretary of Housing and Urban Development (referred to in this title as "the Secretary") for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, $576,689,000, to remain available until September 30, 2022: *Provided*, That of the sums appropriated under this heading—

(1) $74,462,000 shall be available for the Office of the Chief Financial Officer;

(2) $107,254,000 shall be available for the Office of the General Counsel, of which not less than $20,050,000 shall be for the Departmental Enforcement Center;

(3) $207,693,000 shall be available for the Office of Administration, of which not more than $10,000,000 may be for modernizing the Weaver Building and space consolidation;

(4) $38,933,000 shall be available for the Office of the Chief Human Capital Officer;

(5) $59,652,000 shall be available for the Office of Field Policy and Management;

(6) $21,013,000 shall be available for the Office of the Chief Procurement Officer;

(7) $4,239,000 shall be available for the Office of Departmental Equal Employment Opportunity; and

(8) $63,443,000 shall be available for the Office of the Chief Information Officer:

Provided further, That funds made available under this heading may be used for necessary administrative and non-administrative expenses of the Department, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities

Time period. Notifications.

Reports. Approval. Expenditure plan.

that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress: *Provided further*, That not more than 10 percent of the funds made available under this heading for the Office of the Chief Financial Officer for the financial transformation initiative may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that includes the financial and internal control capabilities to be delivered and the mission benefits to be realized, key milestones to be met, and the relationship between the proposed use of funds made available under this heading and the projected total cost and scope of the initiative.

PROGRAM OFFICES

For necessary salaries and expenses for Program Offices, $904,673,000, to remain available until September 30, 2022: *Provided*, That of the sums appropriated under this heading—

(1) $243,056,000 shall be available for the Office of Public and Indian Housing;

(2) $131,107,000 shall be available for the Office of Community Planning and Development;

(3) $404,194,000 shall be available for the Office of Housing, of which not less than $13,200,000 shall be for the Office of Recapitalization;

(4) $36,250,000 shall be available for the Office of Policy Development and Research;

(5) $79,763,000 shall be available for the Office of Fair Housing and Equal Opportunity; and

(6) $10,303,000 shall be available for the Office of Lead Hazard Control and Healthy Homes.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the "Fund"), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred, including reimbursements pursuant to section 7(f), to the Fund under this heading shall be available only for Federal shared services used by offices and agencies of the Department, and for any such portion of any office or agency's printing, records management, space renovation, furniture, or supply services the Secretary has determined shall be provided through the Fund, and the operational expenses of the Fund: *Provided*, That amounts within the Fund shall not be available to provide services not specifically authorized under this heading: *Provided further*, That upon a determination by the Secretary that any other service (or portion thereof) authorized under this heading shall be provided through the Fund, amounts made available in this title for salaries and expenses under the headings "Executive Offices", "Administrative Support Offices", "Program Offices", and "Government National Mortgage Association", for such services shall be transferred to

Determination.

the Fund, to remain available until expended: *Provided further*, That the Secretary shall notify the House and Senate Committees on Appropriations of its plans for executing such transfers at least 15 days in advance of such transfers.

Notification.
Deadline.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

Vouchers.

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (in this title "the Act"), not otherwise provided for, $21,777,439,000, to remain available until expended, which shall be available on October 1, 2020 (in addition to the $4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2020), and $4,000,000,000, to remain available until expended, which shall be available on October 1, 2021: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $23,080,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2021 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2021: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees

Determinations.

Notice.
Federal Register, publication.

Notification.
Deadline.

Extension.
Advance approval.

on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any, and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2021 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2020 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2021 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to $110,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers (including Mainstream vouchers) resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act, or an adjustment for a funding obligation not yet expended in the previous calendar year for a MTW-eligible activity to develop affordable housing for an agency added to the MTW demonstration under the expansion authority provided in section 239 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (division L of Public Law 114–113); (3) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers; (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families, including Mainstream families, as a result of insufficient funding; (5) for adjustments in the allocations for public housing agencies that (i) are leasing a lower-than-average percentage of their authorized vouchers, (ii) have low amounts of budget authority in their net restricted assets accounts and HUD-held programmatic reserves, relative to other agencies, and (iii) are not participating in the Moving to Work demonstration, to enable such agencies to lease more vouchers; and (6) for public housing agencies that have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.): *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary;

Time period.

Allocation.

(2) $116,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses (including victims of violent crimes) in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the "Project-Based Rental Assistance" heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further*, That to the extent that the Secretary determines that such units are not feasible for continued rental assistance payments or transfer of the subsidy contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and used to reimburse amounts used under this paragraph for rental assistance under the previous proviso: *Provided further*, That of the amounts made available under this paragraph, at least $5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 60 days of the enactment of this Act: *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any

Determination.
Reimbursement.

Guidance.
Requirements.
Deadline.

Notice.

public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

Time period.

(3) $2,159,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, HUD–VASH vouchers, and other special purpose incremental vouchers: *Provided*, That no less than $2,129,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2021 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $314,000,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further*, That upon turnover, section 811 special purpose vouchers funded under this heading in

this or prior Acts, or under any other heading in prior Acts, shall be provided to non-elderly persons with disabilities;

(5) Of the amounts provided under paragraph (1) up to $5,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD–VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided*, That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the Tribal HUD–VASH program: *Provided further*, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: *Provided further*, That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD–VASH program: *Provided further*, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further*, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: *Provided further*, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under the Tribal HUD–VASH program under prior Acts to existing recipients under the Tribal HUD–VASH program;

Grants.

Criteria.
Data.

Waiver authority.
Requirements.

Reports.
Data.

(6) $40,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding

Consultation.

Waiver authority.
Requirements.
Consultation.

by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

Continuation. Veterans.

(7) $25,000,000 shall be made available for the family unification program as authorized under section 8(x) of the Act: *Provided*, That the amounts made available under this paragraph are provided as follows:

Continuation. Children, youth, and families.

(A) $5,000,000 shall be for new incremental voucher assistance: *Provided*, That the assistance made available under this subparagraph shall continue to remain available for family unification upon turnover; and

(B) $20,000,000 shall be for new incremental voucher assistance to assist eligible youth as defined by such section 8(x)(2)(B): *Provided*, That assistance made available under this subparagraph shall continue to remain available for such eligible youth upon turnover: *Provided further*, That of the total amount made available under this subparagraph, up to $10,000,000 shall be available on a non-competitive basis to public housing agencies that partner with public child welfare agencies to identify such eligible youth, that request such assistance to timely assist such eligible youth, and that meet any other criteria as specified by the Secretary: *Provided further*, That the Secretary shall review utilization of the assistance made available under the previous proviso, at an interval to be determined by the Secretary, and unutilized voucher assistance that is no longer needed shall be recaptured by the Secretary and reallocated pursuant to the previous proviso:

Review. Determination.

Provided further, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program, or made available and competitively selected under this paragraph, that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such specified program or eligible youth, as applicable;

Determination. Notification.

(8) $43,439,000 shall be for incremental rental voucher assistance under section 8(o) of the United States Housing Act of 1937 for use by individuals and families who are homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), at risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, or veterans and families that include a veteran family member that meet one of the preceding criteria: *Provided*, That assistance made available under this paragraph shall continue to remain available for such eligible individuals and families upon turnover: *Provided further*, That the Secretary shall make such funding available, notwithstanding section 203 of this title (competition provision) to public housing agencies that partner with eligible continuums of care or other entities as designated by the Secretary, based on geographical

Continuation. Children, youth, and families.

need of such assistance, public housing agency administrative performance, and other factors as specified by the Secretary: *Provided further*, That the Secretary shall review utilization of the assistance made available under the preceding proviso, at an interval to be determined by the Secretary, and unutilized voucher assistance that is no longer needed shall be recaptured by the Secretary and reallocated pursuant to the preceding proviso: *Provided further*, That, the Secretary shall give preference to applicants that demonstrate a strategy to coordinate assistance with services available in the community: *Provided further*, That none of the funds provided in this paragraph may be used to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing or other services: *Provided further*, That the Secretary shall issue guidance to implement the preceding proviso; and

Review. Determination.

Guidance.

(9) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2021 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior fiscal years that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING FUND

For the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) (the"Act"), and to carry out capital and management activities for public housing agencies, as authorized under section 9(d) of the Act (42 U.S.C. 1437g(d)), $7,806,000,000, to remain available until September 30, 2024: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $4,839,000,000 shall be available to the Secretary to allocate pursuant to the Operating Fund formula at part 990 of title 24, Code of Federal Regulations, for 2021 payments;

(2) $25,000,000 shall be available to the Secretary to allocate pursuant to a need-based application process notwithstanding section 203 of this title and not subject to such Operating Fund formula to public housing agencies that experience,

Determination.

Distribution.

or are at risk of, financial shortfalls, as determined by the Secretary: *Provided*, That after all such shortfall needs are met, the Secretary may distribute any remaining funds to all public housing agencies on a pro-rata basis pursuant to such Operating Fund formula;

(3) $2,765,000,000 shall be available to the Secretary to allocate pursuant to the Capital Fund formula at section 905.400 of title 24, Code of Federal Regulations: *Provided*, That for funds provided under this paragraph, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further*, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further*, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: *Provided further*, That from the funds made available under this paragraph, the Secretary shall provide bonus awards in fiscal year 2021 to public housing agencies that are designated high performers: *Provided further*, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act;

Waiver authority.

Notification. Deadline.

Bonus awards.

Notification. Deadline.

(4) $75,000,000 shall be available for the Secretary to make grants, notwithstanding section 203 of this title, to public housing agencies for emergency capital needs, including safety and security measures necessary to address crime and drug-related activity, as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2021, of which $45,000,000 shall be available for public housing agencies under administrative and judicial receiverships or under the control of a Federal monitor: *Provided*, That of the amount made available under this paragraph, not less than $10,000,000 shall be for safety and security measures: *Provided further*, That in addition to the amount in the previous proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2022, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures;

Allocation. Deadline.

(5) $25,000,000 shall be for competitive grants to public housing agencies to evaluate and reduce lead-based paint hazards in public housing by carrying out the activities of risk assessments, abatement, and interim controls (as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)): *Provided*, That for purposes of environmental review, a grant under this paragraph shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26 of such Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section;

(6) $35,000,000 shall be for competitive grants to public housing agencies for activities authorized under the Healthy Homes Initiative, pursuant to sections 501 and 502 of the

Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning mold, radon, carbon monoxide poisoning, and other housing-related diseases and hazards;

(7) $15,000,000 shall be to support the costs of administrative and judicial receiverships and for competitive grants to PHAs in receivership, designated troubled or substandard, or otherwise at risk, as determined by the Secretary, for costs associated with public housing asset improvement, in addition to other amounts for that purpose provided under any heading under this title; Determination.

(8) $23,000,000 shall be to support ongoing public housing financial and physical assessment activities; and

(9) $4,000,000 shall be for a radon testing and mitigation resident safety demonstration program (the radon demonstration) in public housing: *Provided*, That the testing method, mitigation method, or action level used under the radon demonstration shall be as specified by applicable State or local law, if such law is more protective of human health or the environment than the method or level specified by the Secretary:

Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2021, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) of the Act regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future. Definition.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $200,000,000, to remain available until September 30, 2023: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That the use of funds made available under this heading shall not be deemed to be for public housing notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall provide a match in State, local, other Federal or private funds: *Provided further*, That grantees may include local governments, Tribal entities, public housing agencies, and nonprofit organizations: *Provided further*, That for-profit developers may Time period. Determination.

Regulations.

apply jointly with a public entity: *Provided further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants made with amounts available under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further*, That of the amount provided under this heading, not less than $100,000,000 shall be awarded to public housing agencies: *Provided further*, That such grantees shall create partnerships with other local organizations, including assisted housing owners, service agencies, and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That not more than $5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further*, That unobligated balances, including recaptures, remaining from funds appropriated under the heading "Revitalization of Severely Distressed Public Housing (HOPE VI)" in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Secretary shall make grant awards not later than 1 year after the date of enactment of this Act in such amounts that the Secretary determines: *Provided further*, That notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary may, until September 30, 2023, obligate any available unobligated balances made available under this heading in this or any prior Act.

Consultation.
Coordination.

Grants.
Deadline.
Determination.

SELF-SUFFICIENCY PROGRAMS

For activities and assistance related to Self-Sufficiency Programs, to remain available until September 30, 2024, $155,000,000: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $105,000,000 shall be for the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u), to promote the development of local strategies to coordinate the use of assistance under sections 8 and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency: *Provided*, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of such Act, as determined by the Secretary: *Provided further*, That owners or sponsors of a multifamily property receiving project-based rental assistance under section 8 of such Act may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the previous

Federal Register, publication.
Notice.
Waiver.
Requirements.
Determination.

Procedures.

proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) of such Act and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program;

(2) $35,000,000 shall be for the Resident Opportunity and Self-Sufficiency program to provide for supportive services, service coordinators, and congregate services as authorized by section 34 of the United States Housing Act of 1937 (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(3) $15,000,000 shall be for a Jobs-Plus initiative, modeled after the Jobs-Plus demonstration: *Provided*, That funding provided under this paragraph shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 107 of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3122), and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 (42 U.S.C. 1437a, 1437d), as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice.

Grants.

Waivers.
Requirements.

Notice.
Federal Register, publication.
Deadline.

NATIVE AMERICAN PROGRAMS

For activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), title I of the Housing and Community Development Act of 1974 with respect to Indian tribes (42 U.S.C. 5306(a)(1)), and related training and technical assistance, $825,000,000, to remain available until September 30, 2025: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $647,000,000 shall be available for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided*, That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of NAHASDA with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That the Secretary will

Determination.
Applicability.

Notification.
Deadline.

notify grantees of their formula allocation within 60 days of the date of enactment of this Act;

(2) $100,000,000 shall be available for competitive grants under the Native American Housing Block Grants program, as authorized under title I of NAHASDA: *Provided*, That the Secretary shall obligate this additional amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: *Provided further*, That in awarding this additional amount, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation of housing: *Provided further*, That a grant funded pursuant to this paragraph shall be in an amount not less than $500,000 and not greater than $10,000,000: *Provided further*, That any funds transferred for the necessary costs of administering and overseeing the obligation and expenditure of such additional amounts in prior Acts may also be used for the necessary costs of administering and overseeing such additional amount;

Priority.

(3) $1,000,000 shall be available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That for fiscal year 2021 funds made available in this Act for the cost of guaranteed notes and other obligations and any unobligated balances, including recaptures and carryover, remaining from amounts appropriated for this purpose under this heading or under the heading "Native American Housing Block Grants" in prior Acts are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $45,649,452;

(4) $70,000,000 shall be available for grants to Indian tribes for carrying out the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety: *Provided*, That not to exceed 20 percent of any grant made with funds appropriated under this paragraph shall be expended for planning and management development and administration; and

(5) $7,000,000 shall be available for providing training and technical assistance to Indian tribes, Indian housing authorities, and tribally designated housing entities, to support the inspection of Indian housing units, contract expertise, and for training and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: *Provided*, That of the funds made available under this paragraph, not less than $2,000,000 shall be available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That amounts made available under this paragraph may be used, contracted, or competed as determined by the Secretary: *Provided further*, That notwithstanding the provisions of the Federal Grant and Cooperative

Determination.

Contracts.

Agreements Act of 1977 (31 U.S.C. 6301–6308), the amounts made available under this paragraph may be used by the Secretary to enter into cooperative agreements with public and private organizations, agencies, institutions, and other technical assistance providers to support the administration of negotiated rulemaking under section 106 of NAHASDA (25 U.S.C. 4116), the administration of the allocation formula under section 302 of NAHASDA (25 U.S.C. 4152), and the administration of performance tracking and reporting under section 407 of NAHASDA (25 U.S.C. 4167).

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $1,500,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That an additional $500,000, to remain available until expended, shall be available for administrative contract expenses including management processes to carry out the loan guarantee program: *Provided further*, That for fiscal year 2021 funds made available in this and prior Acts for the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), that are unobligated, including recaptures and carryover, are available to subsidize total loan principal, any part of which is to be guaranteed, up to $1,000,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.), $2,000,000, to remain available until September 30, 2025: *Provided*, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts made available under this heading in investment securities and other obligations: *Provided further*, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $430,000,000, to remain available until September 30, 2022, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2023: *Provided*, That the Secretary shall renew or replace all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before

Contracts.

awarding funds for new contracts under such section: *Provided further*, That the process for submitting amendments and approving replacement contracts shall be established by the Secretary in a notice: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

Notice.

Notification.
Deadline.

COMMUNITY DEVELOPMENT FUND

For carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.) (in this heading "the Act"), $3,475,000,000, to remain available until September 30, 2023, unless otherwise specified: *Provided*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds made available under this heading shall be expended for planning and management development and administration: *Provided further*, That a metropolitan city, urban county, unit of general local government, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but shall use such funds for activities eligible under title I of the Act: *Provided further*, That notwithstanding section 105(e)(1) of the Act, no funds made available under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2) of section 105: *Provided further*, That of the total amount provided under this heading, $25,000,000 shall be for activities authorized under section 8071 of the SUPPORT for Patients and Communities Act (Public Law 115–271): *Provided further*, That the funds allocated pursuant to the preceding proviso shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That the Secretary shall allocate the funds for such activities based on the notice establishing the funding formula published in 84 FR 16027 (April 17, 2019) except that the formula shall use age-adjusted rates of drug overdose deaths for 2018 based on data from the Centers for Disease Control and Prevention: *Provided further*, That the Department of Housing and Urban Development shall notify grantees of their formula allocation within 60 days of enactment of this Act.

Grants.

Evaluation.

Allocation.

Notification.
Deadline.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), during fiscal year 2021, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of $300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: *Provided*, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That such commitment

Fees.

authority funded by fees may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of such section 108: *Provided further*, That any State receiving such a guarantee or commitment under the preceding proviso shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

Distribution.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), $1,350,000,000, to remain available until September 30, 2024: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocations of such amount: *Provided further*, That the Department shall notify grantees of their formula allocations within 60 days after enactment of this Act: *Provided further*, That section 218(g) of such Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, 2019, 2020, 2021, 2022, or 2023 under that section: *Provided further*, That section 231(b) of such Act (42 U.S.C. 12771(b)) shall not apply to any uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction's HOME Investment Trust Fund in 2018, 2019, 2020, 2021, 2022, or 2023 under that section.

Notification.
Deadline.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note), $60,000,000, to remain available until September 30, 2023: *Provided*, That of the total amount made available under this heading, $10,000,000 shall be for the Self-Help Homeownership Opportunity Program as authorized under such section 11: *Provided further*, That of the total amount made available under this heading, $41,000,000 shall be for the second, third, and fourth capacity building entities specified in section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be for rural capacity building activities: *Provided further*, That of the total amount made available under this heading, $5,000,000 shall be for capacity building by national rural housing organizations having experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofit organizations, local governments, and Indian Tribes serving high need rural communities: *Provided further*, That of the total amount provided under this heading, $4,000,000, shall be made available for a program to rehabilitate and modify the homes of disabled or low-income veterans, as authorized under section 1079 of Public Law 113–291: *Provided further*, That the issuance of a Notice of Funding Availability for the funds provided under the previous proviso shall be completed within

Deadlines.

120 days of enactment of this Act and such funds shall be awarded within 180 days of such issuance.

HOMELESS ASSISTANCE GRANTS

For assistance under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), $3,000,000,000, to remain available until September 30, 2023: *Provided*, That of the amounts made available under this heading—

(1) not less than $290,000,000 shall be for the Emergency Solutions Grants program authorized under subtitle B of such title IV (42 U.S.C. 11371 et seq.): *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program not later than 60 days after enactment of this Act;

Notification. Deadline.

(2) not less than $2,569,000,000 shall be for the Continuum of Care program authorized under subtitle C of such title IV (42 U.S.C. 11381 et seq.) and the Rural Housing Stability Assistance programs authorized under subtitle D of such title IV (42 U.S.C. 11408): *Provided further*, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That the Secretary shall provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid re-housing services: *Provided further*, That amounts made available for the Continuum of Care program under this heading in this Act and any remaining unobligated balances from prior Acts may be used to competitively or non-competitively renew or replace grants for youth homeless demonstration projects under the Continuum of Care program, notwithstanding any conflict with the requirements of the Continuum of Care program;

Priority.

Incentives.

(3) up to $52,000,000 shall be for grants for rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking, except that the Secretary may make additional grants for such projects and purposes from amounts made available for such Continuum of Care program: *Provided further*, That such projects shall be eligible for renewal under the Continuum of Care program subject to the same terms and conditions as other renewal applicants;

(4) up to $7,000,000 shall be for the national homeless data analysis project: *Provided further*, That notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the amounts made available under this paragraph and any remaining unobligated balances under this heading for such purposes in prior Acts may be used by the Secretary to enter into cooperative agreements with such entities as may be determined by the Secretary, including public and private organizations, agencies, and institutions; and

Contracts. Determination.

(5) up to $82,000,000 shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities with a priority for communities with substantial rural populations in up to eight locations, can dramatically reduce youth homelessness: *Provided further*, That of the amount made available under this paragraph, up to $10,000,000 shall be to provide technical assistance on improving system responses to youth homelessness, and collection, analysis, use, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: *Provided further*, That the Secretary may use up to 10 percent of the amount made available under the previous proviso to build the capacity of current technical assistance providers or to train new technical assistance providers with verifiable prior experience with systems and programs for youth experiencing homelessness: Priority.

Provided further, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under subsection (a) or (b) of section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading: *Provided further*, That persons eligible under section 103(a)(5) of the McKinney-Vento Homeless Assistance Act may be served by any project funded under this heading to provide both transitional housing and rapid re-housing: *Provided further*, That for all matching funds requirements applicable to funds made available under this heading for this fiscal year and prior fiscal years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That none of the funds made available under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That any unobligated amounts remaining from funds made available under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading in fiscal year 2019 or prior years, except for rental assistance amounts that were recaptured and made available until expended, shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

Children, youth, and families.

Determination.

Time period.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $13,065,000,000, to remain available until expended, shall be available on October 1, 2020 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2020), and $400,000,000, to remain available until expended, shall be available on October 1, 2021: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this heading: *Provided further*, That of the total amounts provided under this heading, not to exceed $350,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund", may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes the Department or a housing finance agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account,

Contracts.

Determination.

to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 5-year term, for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), and for supportive services associated with the housing, $855,000,000 to remain available until September 30, 2024: *Provided*, That of the amount made available under this heading, up to $125,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2024: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for the purposes authorized under this heading: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated: *Provided further*, That of the total amount made available under this heading, up to $14,000,000 shall be used by the Secretary to continue demonstration programs to test housing with services models for the elderly that demonstrate the potential to delay or avoid the need for nursing home care: *Provided further*, That of the total amount made available under this heading, up to $5,000,000 shall be used to expand the supply of intergenerational dwelling units (as such term is defined in section 202 of the Legacy Act of 2003 (12 U.S.C. 1701q note)) for elderly caregivers raising children.

Waiver authority.
Time period.

Determination.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as

authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, for project assistance contracts pursuant to subsection (h) of section 202 of the Housing Act of 1959, as added by section 205(a) of the Housing and Community Development Amendments of 1978 (Public Law 95–557: 92 Stat. 2090), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $227,000,000, to remain available until September 30, 2024: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2024: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for the purposes authorized under this heading: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

Contracts.
Determination.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $57,500,000, to remain available until September 30, 2022, including up to $4,500,000 for administrative contract services: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations: *Provided further*, That an additional $20,000,000 (not subject to such section 106), to remain available until September 30, 2023, shall be for competitive grants to nonprofit or governmental entities to provide legal assistance (including assistance related to pretrial activities, trial activities, post-trial activities and alternative dispute resolution) at no cost to eligible low-income tenants at risk of or subject to eviction: *Provided further*, That in awarding grants under the

Contracts.

preceding proviso, the Secretary shall give preference to applicants that include a marketing strategy for residents of areas with high rates of eviction, have experience providing no-cost legal assistance to low-income individuals, including those with limited English proficiency or disabilities, and have sufficient capacity to administer such assistance: *Provided further*, That the Secretary shall ensure, to the extent practicable, that the proportion of eligible tenants living in rural areas who will receive legal assistance with grant funds made available under this heading is not less than the overall proportion of eligible tenants who live in rural areas.

Urban and rural areas.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $13,000,000, to remain available until expended, of which $13,000,000 shall be derived from the Manufactured Housing Fees Trust Fund (established under section 620(e) of such Act (42 U.S.C. 5419(e)): *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2021 so as to result in a final fiscal year 2021 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2021 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Trust Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620 of such Act, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2022: *Provided*, That during fiscal year 2021, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $1,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That for administrative contract expenses of the Federal Housing Administration, $130,000,000, to remain available until September 30, 2022: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before

Deadline.

April 1, 2021, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000: *Provided further*, That notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), during fiscal year 2021 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2022: *Provided*, That during fiscal year 2021, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $1,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $1,300,000,000,000, to remain available until September 30, 2022: *Provided*, That $33,500,000, to remain available until September 30, 2022, shall be for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed $155,000,000,000 on or before April 1, 2021, an additional $100 for necessary salaries and expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act (12 U.S.C. 1716 et seq.) shall be credited as offsetting collections to this account.

Deadline.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing

and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, $105,000,000, to remain available until September 30, 2022: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements with philanthropic entities, other Federal agencies, State or local governments and their agencies, Indian Tribes, tribally designated housing entities, or colleges or universities for research projects: *Provided further*, That with respect to the preceding proviso, such partners to the cooperative agreements shall contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the preceding two provisos, the Secretary shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(a)(4)(C)) with respect to documentation of award decisions: *Provided further*, That prior to obligation of technical assistance funding, the Secretary shall submit a plan to the House and Senate Committees on Appropriations on how the Secretary will allocate funding for this activity at least 30 days prior to obligation: *Provided further*, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program.

Contracts.

Contribution.

Compliance.

Plan.
Deadline.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), $72,555,000, to remain available until September 30, 2022: *Provided*, That notwithstanding section 3302 of title 31, United States Code, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to develop on-line courses and provide such training: *Provided further*, That none of the funds made available under this heading may be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, $350,000 shall be available to the Secretary for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

Fees.

Lobbying.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $360,000,000, to remain available until September

30, 2023, of which $60,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That not less than $95,000,000 of the amounts made available under this heading for the award of grants pursuant to section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 shall be provided to areas with the highest lead-based paint abatement needs: *Provided further*, That with respect to obligated amounts appropriated under this heading in title II of division G of the Consolidated Appropriations Act, 2019 (Public Law 116–6) for the implementation of projects to demonstrate how intensive, extended, multi-year interventions can dramatically reduce the presence of lead-based paint hazards in communities: (1) such projects may serve more than four contiguous census tracts; (2) such projects shall allow for enrollment of families and homes within the community beyond where the initially targeted census tracts were located, provided that such projects meet the highest lead-based paint abatement needs, as determined by the Secretary; and (3) such projects may exceed 5 years in duration, notwithstanding any inconsistent requirements: *Provided further*, That of the amount made available for the Healthy Homes Initiative, $5,000,000 shall be for the implementation of projects in up to five communities that are served by both the Healthy Homes Initiative and the Department of Energy weatherization programs to demonstrate whether the coordination of Healthy Homes remediation activities with weatherization activities achieves cost savings and better outcomes in improving the safety and quality of homes: *Provided further*, That each applicant for a grant or cooperative agreement under this heading shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That of the amounts made available under this heading, $10,000,000 shall be for a program established by the Secretary to make grants to experienced non-profit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs to meet the needs of low-income elderly homeowners to enable them to remain in their primary residence: *Provided further*, That of the total amount made available under the previous proviso, no less than $5,000,000 shall be available to meet such needs in communities with substantial rural populations: *Provided further*, That amounts made available under this heading, except for amounts in the previous two provisos, in this or prior appropriations Acts, still remaining available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program

Determination.
Time period.

Certification.
Notice.

competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: *Provided further*, That up to $2,000,000 of the amounts made available under this heading may be transferred to the heading "Policy Development and Research" for the purposes of conducting research and studies and for use in accordance with the provisos under that heading for non-competitive agreements.

INFORMATION TECHNOLOGY FUND

For the development, modernization, and enhancement of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $300,000,000, of which $260,000,000 shall remain available until September 30, 2022, and of which $40,000,000 shall remain available until September 30, 2024: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: *Provided further*, That not more than 10 percent of the funds made available under this heading for development, modernization, and enhancement may be obligated until the Secretary submits a performance plan to the House and Senate Committees on Appropriations for approval.

Performance plan.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $135,514,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office: *Provided further*, That for this fiscal year and each fiscal year thereafter, subject to appropriations for that purpose, the Office of Inspector General shall procure and rely upon the services of an independent external auditor(s) to audit the financial statements of the Department of Housing and Urban Development, including the consolidated financial statement and the financial statements of the Federal Housing Administration and the Government National Mortgage Association: *Provided further*, That in addition to amounts under this heading otherwise available for the purposes specified in the previous proviso, $1,686,000 shall be available only for such specified purposes.

Contracts.
Audits.
42 USC 3550.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSIONS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described

in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the funds made available by this Act may be used during fiscal year 2021 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2021 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty

operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. The Secretary shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request. Time period. Reports. Budget.

SEC. 208. None of the funds made available by this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 209. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2021 and 2022, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority. Determination.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable, or be reasonably expected to become economically nonviable when complying with state or Federal requirements for community integration and reduced concentration of individuals with disabilities. Determination.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary. Standards.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials. Notification. Consultation. Certification.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

Determination.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

Waiver authority. Determination.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

Records.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974(2 U.S.C. 661a)) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

Definitions.

(d) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013); or

(F) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section

8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1);

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2));

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties. Evaluation.

SEC. 210. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under section Determination.

102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

Allocation. Eligibility.

SEC. 211. The funds made available for Native Alaskans under paragraph (1) under the heading "Native American Programs" in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005, and only such recipients shall be eligible to apply for funds made available under paragraph (2) of such heading.

SEC. 212. Notwithstanding any other provision of law, in fiscal year 2021, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or any other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government that such a multifamily property owned or having a mortgage held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") (42 U.S.C. 1437f note), and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described in this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Determination. Consultations.

Contracts. Notification.

SEC. 213. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

42 USC 1437g note.

SEC. 214. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement, and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing

Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under paragraph (1) or (2) of section 9(g).

Determination.

SEC. 215. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appropriation under the accounts "Executive Offices", "Administrative Support Offices", "Program Offices", "Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account", and "Office of Inspector General" within the Department of Housing and Urban Development.

Notification.
Public information.
Federal Register, publication.
Notices.
42 USC 3545a note.
Web posting.
Determination.

SEC. 216. The Secretary shall, for fiscal year 2021, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2021, the Secretary may make the NOFA available only on the Internet at the appropriate Government website or through other electronic media, as determined by the Secretary.

SEC. 217. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General Counsel shall include any such projected litigation costs for attorney fees as a separate line item request.

Advance approval.

SEC. 218. The Secretary is authorized to transfer up to 10 percent or $5,000,000, whichever is less, of funds appropriated for any office under the headings "Administrative Support Offices" or "Program Offices" to any other such office under such headings: *Provided*, That no appropriation for any such office under such headings shall be increased or decreased by more than 10 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees 3 business days in advance of any such transfers under this section up to 10 percent or $5,000,000, whichever is less.

Notification.
Time period.

Determination.
Compliance.

SEC. 219. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary, and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or a contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

Certification.
Deadline.

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Applicability.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but shall not apply to such units assisted under section 8(o)(13) of such Act (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

Deadline.
Notice.

(c)(1) Within 15 days of the issuance of the Real Estate Assessment Center ("REAC") inspection, the Secretary shall provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary shall provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

Records.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, who will be obligated to promptly make all required repairs and to accept renewal of the assistance contract if such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

Contracts.
Notification.

(d) The Secretary shall take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments

Determination.
Consultation.

under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA"); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

Reports. Time periods.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) identification of the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identification of properties that have such conditions multiple times;

(2) identification of actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

Recommendations.

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

This report shall be submitted to the Senate and House Committees on Appropriations not later than 30 days after the enactment of this Act, and on the first business day of each Federal fiscal year quarter thereafter while this section remains in effect.

SEC. 220. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2021.

Grant. Notification. Deadline.

SEC. 221. None of the funds made available by this Act and provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, Tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 222. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

Mortgages. Eminent domain.

SEC. 223. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Association, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that

refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 224. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 225. Amounts made available by this Act that are appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research of the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and that are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 226. None of the funds provided in this Act or any other Act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development subject to administrative discipline (including suspension from work), in this fiscal year, but this prohibition shall not be effective prior to the effective date of any such administrative discipline or after any final decision over-turning such discipline.

SEC. 227. With respect to grant amounts awarded under the heading "Homeless Assistance Grants" for fiscal years 2015 through 2021 for the Continuum of Care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient's matching requirements, provided the costs are eligible CoC costs that supplement the recipient's CoC program.

SEC. 228. (a) From amounts made available under this title under the heading "Homeless Assistance Grants", the Secretary may award 1–year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

Grants.
Standards.
Determination.

(b) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the continuum of care and meet standards determined by the Secretary.

SEC. 229. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled "Affirmatively Furthering Fair Housing" (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled "Affirmatively Furthering Fair Housing Assessment Tool" (79 Fed. Reg. 57949 (September 26, 2014)).

SEC. 230. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

Coordination.

SEC. 231. None of the funds made available by this Act may be used to establish and apply review criteria, including rating factors or preference points, for participation in or coordination

with EnVision Centers, in the evaluation, selection, and award of any funds made available and requiring competitive selection under this Act, except with respect to any such funds otherwise authorized for EnVision Center purposes under this Act.

Contracts.

SEC. 232. None of the funds made available by this or any prior Act may be used to require or enforce any changes to the terms and conditions of the public housing annual contributions contract between the Secretary and any public housing agency, as such contract was in effect as of December 31, 2017, unless such changes are mutually agreed upon by the Secretary and such agency: *Provided*, That such agreement by an agency may be indicated only by a written amendment to the terms and conditions containing the duly authorized signature of its chief executive: *Provided further*, That the Secretary may not withhold funds to compel such agreement by an agency which certifies to its compliance with its contract.

Certification.

Determination.

SEC. 233. None of the amounts made available in this Act may be used to consider Family Self-Sufficiency performance measures or performance scores in determining funding awards for programs receiving Family Self-Sufficiency program coordinator funding provided in this Act.

SEC. 234. Any public housing agency designated as a Moving to Work agency pursuant to section 239 of division L of Public Law 114–113 (42 U.S.C. 1437f note; 129 Stat. 2897) may, upon such designation, use funds (except for special purpose funding, including special purpose vouchers) previously allocated to any such public housing agency under section 8 or 9 of the United States Housing Act of 1937, including any reserve funds held by the public housing agency or funds held by the Department of Housing and Urban Development, pursuant to the authority for use of section 8 or 9 funding provided under such section and section 204 of title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–28), notwithstanding the purposes for which such funds were appropriated.

SEC. 235. None of the amounts made available by this Act may be used to prohibit any public housing agency under receivership or the direction of a Federal monitor from applying for, receiving, or using funds made available under the heading "Public Housing Fund" for competitive grants to evaluate and reduce lead-based paint hazards in this Act or that remain available and not awarded from prior Acts, or be used to prohibit a public housing agency from using such funds to carry out any required work pursuant to a settlement agreement, consent decree, voluntary agreement, or similar document for a violation of the Lead Safe Housing or Lead Disclosure Rules.

Rescissions.

SEC. 236. There are hereby rescinded, from funds appropriated under the heading "Department of Housing and Urban Development—Housing Programs—Rental Housing Assistance"—

(1) all unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1(f)(2)), and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under such heading after fiscal year 2005; and

(2) any funds remaining from amounts appropriated under such heading in the prior fiscal year.

SEC. 237. None of the funds made available by this title may be used to issue rules or guidance in contravention of section 210 of Public Law 115–254 (132 Stat. 3442) or section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155).

Deadline. Rescission.

SEC. 238. No later than September 30, 2021, the remaining unobligated balances of funds made available for the youth homelessness demonstration under the heading "Department of Housing and Urban Development—Community Planning and Development—Homeless Assistance Grants" in the Consolidated Appropriations Act, 2019 (Public Law 116–6) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated, to remain available until September 30, 2022, in addition to other funds as may be available for such purposes, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2019 youth homelessness demonstration.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2021".

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792), $9,200,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936 (46 U.S.C. 307), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; and uniforms or allowances therefore, as authorized by sections 5901 and 5902 of title 5, United States Code, $30,300,000: *Provided*, That not to exceed $3,500 shall be for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3),

$25,274,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in such Act, to investigate allegations of fraud, including false statements to the Government under section 1001 of title 18, United States Code, by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the National Railroad Passenger Corporation: *Provided further*, That concurrent with the President's budget request for fiscal year 2022, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2022 in similar format and substance to budget requests submitted by executive agencies of the Federal Government.

Fraud.

Contracts.

Budget request.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $118,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses: *Provided*, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $163,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided*, That an additional $2,000,000, to remain available until September 30, 2024, shall be for the promotion and development of shared equity housing models.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by section 3109 of title 5, United States Code, $37,500,000: *Provided*, That, notwithstanding any

other provision of law, not to exceed $1,250,000 from fees established by the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the amounts made available under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2021, to result in a final appropriation from the general fund estimated at not more than $36,250,000.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code, of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,800,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include— Reports.

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, the table accompanying the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), accompanying reports of the House and Senate Committee on Appropriations, or in the budget appendix for the respective appropriations, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget (obligational) authority is provided, as well as to discretionary grants and discretionary grant allocations; and Applicability.

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2021 from appropriations made available for salaries and expenses for fiscal year 2021 in this Act, shall remain available through September 30, 2022, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

Advance approval. Expenditure requests.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

Eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

Deadline. Time period. Certification.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the "Buy American Act").

Compliance.

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

Reports.
Time period.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

Definition.

SEC. 415. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

Pornography.

SEC. 416. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Records.

SEC. 417. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

Reports.

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

Contracts.
Determination.

SEC. 418. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulations.

Renewals.
Time period.

SEC. 419. In allocating and awarding available amounts provided under the heading "Homeless Assistance Grants" in the Department of Housing and Urban Development Appropriations Act, 2020 (Public Law 116–94), the same heading for fiscal year 2019 (Public Law 116–6), and section 231 of Public Law 116–94 for the Continuum of Care program, the Secretary of Housing and Urban Development shall renew for one 12-month period, without additional competition, all projects with existing grants expiring during calendar year 2021, including youth homeless demonstration projects and shelter plus care projects expiring during calendar year 2021, notwithstanding any inconsistent provisions in such Acts or in subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, as amended: *Provided*, That Continuum of Care planning and Unified Funding Agency awards expiring in calendar year 2021 may also be renewed and that the Continuum of Care may designate a new collaborative applicant to receive the award in accordance with the existing process established by the Secretary: *Provided further*, That the Secretary shall publish a Notice that identifies and lists all projects and awards eligible for such noncompetitive renewal, prescribes the format and process by which the projects and awards from the list will be renewed, makes adjustments to the renewal amount based on changes to the Fair Market Rent, and establishes a maximum amount for the renewal of planning and Unified Funding Agency awards notwithstanding the requirement that such maximum amount be established in a Notice of Funding Availability.

Renewals.

Notice.
List.

SEC. 420. Of the amounts made available by this Act for fiscal year 2021 under the heading "Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance" and specified in the first paragraph of such heading, $695,000,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 421. In addition to funds provided to the "Payments to Air Carriers" program in Public Law 116–94, Public Law 116–136, and this Act to carry out the essential air service program under section 41731 through 41742 of title 49, United States Code, $23,332,000 to be derived from the Treasury, and to be made available to the Essential Air Service and Rural Improvement Fund, to prevent, prepare for, and respond to coronavirus, including to offset the loss resulting from the coronavirus pandemic of the mandatory overflight fees collected pursuant to section 45301 of

title 49, United States Code: *Provided*, That, notwithstanding section 41733 of title 49, United States Code, for each of fiscal years 2020 and 2021, the requirements established under subparagraphs (B) and (C) of section 41731(a)(1) of title 49, United States Code, and the subsidy cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, shall not apply to maintain eligibility under section 417831 of title 49, United States Code: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 422. Section 47114(c)(1) of title 49, United States Code, is amended by adding at the end the following:

Apportionment. Time periods.

"(J) SPECIAL RULE FOR FISCAL YEARS 2022 AND 2023.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary shall apportion in fiscal years 2022 and 2023 to the sponsor of the airport an amount based on the number of passenger boardings at the airport during whichever of the following years that would result in the highest apportioned amount:

"(i) Calendar year 2018.

"(ii) Calendar year 2019.

"(iii) The prior full calendar year prior to the current fiscal year.".

SEC. 423. Notwithstanding section 47124(d)(1)(B) of title 49, United States Code, the Secretary of Transportation shall not calculate a benefit-to-cost ratio with respect to an air traffic control tower participating in the Contract Tower Program on the basis of an annual aircraft traffic decrease in fiscal years 2020 and 2021.

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021".

DIVISION M—CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2021

Coronavirus Response and Relief Supplemental Appropriations Act, 2021.

TITLE I

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FISHERIES DISASTER ASSISTANCE

For an additional amount for "Fisheries Disaster Assistance", $300,000,000 to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall only be for activities authorized under section 12005 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136): *Provided*, That the amount provided under this heading in this Act shall only be allocated to States of the United States bordering the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or the Great Lakes, as well as Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and federally recognized Tribes in any of the Nation's coastal States and territories,

and federally recognized Tribes in any of the Nation's Great Lakes States with fisheries on the Tribe's reservation or ceded or usual and accustomed territory: *Provided further*, That each State and territory in the preceding proviso, except those States only bordering the Great Lakes, shall receive an amount equal to not less than 1 percent of the amount provided under this heading in this Act and not greater than, from amounts provided under either section 12005 of Public Law 116–136 or amounts provided under this heading in this Act, that State or territory's total annual average revenue from commercial fishing operations, aquaculture firms, the seafood supply chain, and charter fishing businesses: *Provided further*, That of the funds provided under this heading in this Act, $30,000,000 shall be for coronavirus related fishing impacts for Tribal fishery participants referenced in the first proviso: *Provided further*, That the National Oceanic and Atmospheric Administration, in consultation with Tribes referenced in the first proviso, shall develop an application and distribution process to disburse funds to all eligible impacted Tribes in a manner that takes into account economic, subsistence, and ceremonial impacts to Tribes and that ensures timely distribution of funds: *Provided further*, That of the funds provided under this heading in this Act, $15,000,000 shall be for all coronavirus related fishing impacts to non-tribal commercial, aquaculture, processor, and charter fishery participants in States of the United States bordering the Great Lakes: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Consultation.
Disbursement.

TITLE II

DEPARTMENT OF HOMELAND SECURITY

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

For an additional amount for "Federal Emergency Management Agency—Disaster Relief Fund", $2,000,000,000, to remain available until expended, to carry out the purposes of section 201 of this title: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. 201. (a) For the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), and for any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration, the President shall provide financial assistance to an individual or household to meet disaster-related funeral expenses under section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.

President
Funeral expenses.
Time period.

5174(e)(1)), for such expenses incurred through December 31, 2020, for which the Federal cost share shall be 100 percent.

(b) Nothing in this section shall be construed to otherwise limit the authorities of the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

TITLE III

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $55,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, of which $9,000,000 shall be for the development of necessary medical countermeasures and vaccines, $30,500,000 shall be for advanced manufacturing for medical products, $1,500,000 shall be for the monitoring of medical product supply chains, $7,600,000 shall be for other public health research and response investments, $1,400,000 shall be for data management operation tools, and $5,000,000 shall be for after action review activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "CDC–Wide Activities and Program Support", $8,750,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That amounts appropriated under this heading in this Act shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $4,500,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That of the amount in the preceding proviso, $210,000,000, shall be transferred to the "Department of Health and Human Services—Indian Health Service—Indian Health Services" to be allocated at the discretion of the Director of the Indian Health Service and distributed through Indian Health Service directly operated programs and to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act and through contracts or grants with urban Indian organizations under title V of the Indian Health Care Improvement Act: *Provided further*, That the amount transferred to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act in the preceding proviso shall be transferred on a one-

Vaccines.

time, non-recurring basis, is not part of the amount required by 25 U.S.C. 5325, and may only be used for the purposes identified under this heading in this Act, notwithstanding any other provision of law: *Provided further*, That the amounts identified in the second proviso under this heading in this Act, except for the amounts transferred pursuant to the third proviso under this heading in this Act, shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2020: *Provided further*, That of the amounts identified in the second proviso under this heading in this Act, except for the amounts transferred pursuant to the third proviso under this heading in this Act, not less than $1,000,000,000 shall be made available within 21 days of the date of enactment of this Act: *Provided further*, That of the amounts identified in the second proviso under this heading in this Act, except for the amounts transferred pursuant to the third proviso under this heading in this Act, not less than $300,000,000 shall be for high-risk and underserved populations, including racial and ethnic minority populations and rural communities: *Provided further*, That the Director of the Centers for Disease Control and Prevention ("CDC") may satisfy the funding thresholds outlined in the second, fifth, sixth, and seventh provisos by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That amounts appropriated under this heading in this Act may be used to restore, either directly or through reimbursement, obligations incurred for coronavirus vaccine promotion, preparedness, tracking, and distribution prior to the enactment of this Act: *Provided further*, That the Director of the CDC shall provide an updated and comprehensive coronavirus vaccine distribution strategy and a spend plan, to include funds already allocated for distribution, to the Committees on Appropriations of the House of Representatives and the Senate and the Committee on Energy and Commerce of the House of Representatives and Committee on Health, Education, Labor, and Pensions of the Senate within 30 days of enactment of this Act: *Provided further*, That such strategy and plan shall include how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, localities, and territories, how an informational campaign to inform both the public and health care providers will be executed, and how the strategy and plan will focus efforts on high-risk and underserved populations, including racial and ethnic minority populations: *Provided further*, That such strategy and plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate and the Committee on Energy and Commerce of the House of Representatives and Committee on Health, Education, Labor, and Pensions of the Senate every 90 days through the end of the fiscal year: *Provided further*, That amounts appropriated under this heading in this Act may be used for grants for the construction, alteration, or renovation of non-Federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That such amount is designated by the Congress

Allocation.

Deadline.

Vaccine strategy.
Spend plan.
Deadline.

Updates.
Deadline.
Time period.

Grants.

as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director", $1,250,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, $1,150,000,000 shall be provided for research and clinical trials related to long-term studies of COVID–19: *Provided further*, That of the amount appropriated under this heading in this Act, no less than $100,000,000 shall be for the Rapid Acceleration of Diagnostics: *Provided further*, That funds appropriated under this heading in this Act may be transferred to the accounts of Institutes and Centers of the National Institutes of Health (NIH): *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for "Heath Surveillance and Program Support", $4,250,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, $1,650,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act ("PHS Act"): *Provided further*, That of the amount appropriated under this heading in this Act, $1,650,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the preceding proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $600,000,000 is available for the Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, $50,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $240,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That the Assistant Secretary may prioritize amounts appropriated in the preceding proviso

Priority.

to eligible states that did not receive amounts made available for such purpose under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136): *Provided further*, That of the amount appropriated under this heading in this Act, $10,000,000 shall be for the National Child Traumatic Stress Network: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than $125,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration shall maintain the 20 percent set-aside for prevention, but may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee's response to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Waiver authority.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for "Payments to States for the Child Care and Development Block Grant", $10,000,000,000 to prevent, prepare for, and respond to coronavirus, domestically or internationally which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)–(E), or 658G of the Child Care and Development Block Grant Act ("CCDBG Act"): *Provided*, That funds appropriated under this heading in this Act may be used for costs of providing relief from copayments and tuition payments for families and for paying that portion of the child care provider's cost ordinarily paid through family copayments to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure they are able to remain open or reopen as appropriate and applicable, including for fixed costs and increased operating expenses: *Provided further*, That States, Territories, and Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff: *Provided further*, That lead agencies may use funds provided under this heading in this Act to support the stability of the child care sector to help providers afford increased operating expenses during the COVID–19 public health emergency, and shall publicize widely the availability of, and provide technical assistance to help providers apply for, funding available for such purposes, including among center-based child care providers, family child care providers, and group home child care providers: *Provided further*, That lead agencies are encouraged to implement enrollment and eligibility policies that support the fixed

costs of providing child care services by delinking provider reimbursement rates from an eligible child's absence and a provider's closure due to the COVID–19 public health emergency: *Provided further*, That the Secretary shall remind States that Child Care and Development Block Grant ("CCDBG") State plans do not need to be amended prior to utilizing existing authorities in the CCDBG Act for the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, farmworkers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That States, Territories, and Tribes shall use a portion of funds appropriated under this heading in this Act to provide assistance to eligible child care providers under section 658P(6) of the CCDBG Act that were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs, including for fixed costs and increased operating expenses: *Provided further*, That funds provided under this heading in this Act may be used to provide technical assistance to child care providers to help providers implement practices and policies in line with guidance from State and local health departments and the Centers for Disease Control and Prevention regarding the safe provision of child care services while there is community transmission of COVID–19: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That the Secretary may reserve not more than $15,000,000 for Federal administrative expenses, which shall remain available through September 30, 2024: *Provided further*, That no later than 60 days after the date of enactment of this Act, each State, Territory, and Tribe that receives funding under this heading in this Act shall submit to the Secretary a report, in such manner as the Secretary may require, describing how the funds appropriated under this heading in this Act will be spent and that no later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing such reports from the States, Territories, and Tribes: *Provided further*, That, no later than October 31, 2022, each State, Territory, and Tribe that receives funding under this heading in this Act shall submit to the Secretary a report, in such manner as the Secretary may require, describing how the funds appropriated under this heading in this Act were spent and that no later than 60 days after receiving such reports from the States, Territories, and Tribes, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Education and Labor of

Reimbursement.

Reports.

Reports.

the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing such reports from the States, Territories, and Tribes: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILIES SERVICES PROGRAM

For an additional amount for "Children and Families Services Programs", $250,000,000, to prevent, prepare for, and respond to coronavirus, for making payments under the Head Start Act, including for Federal administrative expenses, and allocated in an amount that bears the same ratio to such portion as the number of enrolled children served by the agency involved bears to the number of enrolled children by all Head Start agencies: *Provided*, That none of the funds made available under this heading in the Act shall be included in the calculation of the "base grant" in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds made available under this heading in this Act are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That such funds may be available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for "Aging and Disability Services Programs", $100,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities authorized under Subtitle B of Title XX of the Social Security Act, of which not less than $50,000,000 shall be for implementation of Section 2042(b) of the Social Security Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund", $22,945,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based

technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services (referred to under this heading as "Secretary") shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That the Secretary may take into account geographical areas with a high percentage of cross-jurisdictional workers when determining allocations of vaccine doses: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this Act will be affordable in the commercial market: *Provided further*, That in carrying out the preceding proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more than $3,250,000,000 shall be for the Strategic National Stockpile under section 319F–2(a) of such Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Countermeasure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, $19,695,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, and ancillary supplies necessary for the administration of such vaccines and therapeutics: *Provided further*, That funds in the preceding proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That amounts appropriated under this paragraph in this Act may be used to restore, either directly or through reimbursement, obligations incurred for coronavirus vaccines and therapeutics planning, development, preparation, and purchase prior to the enactment of this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation

Vaccines.
Determination.

Notification.
Deadline.

Reimbursement.

Determination.

of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and ancillary medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the preceding proviso shall include funding by contract, grant, or other transaction in excess of $20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.

For an additional amount for "Public Health and Social Services Emergency Fund", $22,400,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID–19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID–19 testing plans, and other related activities related to COVID–19 testing and mitigation: *Provided*, That amounts appropriated under this paragraph in this Act shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, mobile testing units, health care facilities, and other entities engaged in COVID–19 testing, and other related activities related to COVID–19 testing, contact tracing, surveillance, containment, and mitigation which may include interstate compacts or other mutual aid agreements for such purposes: *Provided further*, That amounts appropriated under this paragraph in this Act shall be made available within 21 days of the date of enactment of this Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, $790,000,000, shall be transferred to the "Department of Health and Human Services—Indian Health Service—Indian Health Services" to be allocated at the discretion of the Director of the Indian Health Service and distributed through Indian Health Service directly operated programs and to tribes and tribal organizations under the Indian Self-Determination and

Deadline.

Education Assistance Act and through contracts or grants with urban Indian organizations under title V of the Indian Health Care Improvement Act: *Provided further*, That the amount transferred to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act in the preceding proviso shall be transferred on a one-time, non-recurring basis, is not part of the amount required by 25 U.S.C. 5325, and may only be used for the purposes identified under this paragraph in this Act, notwithstanding any other provision of law: *Provided further*, That amounts appropriated under this paragraph in this Act, except for the amounts transferred pursuant to the third proviso under this paragraph in this Act, shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2020: *Provided further*, That of the amount appropriated under this paragraph in this Act, except for the amounts transferred pursuant to the third proviso under this paragraph in this Act, not less than $2,500,000,000, shall be for strategies for improving testing capabilities and other purposes described in this paragraph in high-risk and underserved populations, including racial and ethnic minority populations and rural communities, as well as developing or identifying best practices for States and public health officials to use for contact tracing in high-risk and underserved populations, including racial and ethnic minority populations and rural communities and shall not be allocated pursuant to the formula in the preceding proviso: *Provided further*, That the second proviso under this paragraph in this Act, shall not apply to amounts in the preceding proviso: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the "Secretary") may satisfy the funding thresholds outlined under this paragraph in this Act for funding other than amounts transferred pursuant to the third proviso under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this paragraph in this Act shall update their plans, as applicable, for COVID–19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That not later than 60 days after enactment of this Act, and every quarter thereafter until funds are expended, the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds shall report to the Secretary on uses of funding, detailing current commitments and obligations broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That not later than 15 days after receipt of such reports, the Secretary shall summarize and report to the Committees on Appropriations of the House of Representatives and the Senate and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on States' commitments and obligations of funding: *Provided further*, That the Secretary shall make publicly available the plans submitted by the Governor or designee of each State, locality, territory, tribe, or tribal organization and the report

Allocation.

Deadline.
Updates.
Plans.
Contact tracing.

Time period.
Reports.

Summary.
Reports.

Public information.

on use of funds provided under this paragraph: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds to eligible entities pursuant to the sixth proviso, summarized by State, not later than 30 days after the date of enactment of this Act, and every 60 days thereafter until funds are expired: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reports.
Time period.

For an additional amount for "Public Health and Social Services Emergency Fund", $3,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That "eligible health care providers" means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID–19: *Provided further*, That the Secretary shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term "payment" means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph in this Act, an eligible health care provider shall submit to the Secretary an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That for any reimbursement by the Secretary from the Provider Relief Fund to an eligible health care provider that is a subsidiary of a parent organization,

Reports.
Records.
Determination.

Definition.

Review.
Payments.

Definition.
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Statement.

Reimbursements.

the parent organization may, allocate (through transfers or otherwise) all or any portion of such reimbursement among the subsidiary eligible health care providers of the parent organization, including reimbursements referred to by the Secretary as "Targeted Distribution" payments, among subsidiary eligible health care providers of the parent organization except that responsibility for reporting the reallocated reimbursement shall remain with the original recipient of such reimbursement: *Provided further*, That, for any reimbursement from the Provider Relief Fund to an eligible health care provider for health care related expenses or lost revenues that are attributable to coronavirus (including reimbursements made before the date of the enactment of this Act), such provider may calculate such lost revenues using the Frequently Asked Questions guidance released by the Department of Health and Human Services in June 2020, including the difference between such provider's budgeted and actual revenue budget if such budget had been established and approved prior to March 27, 2020: *Provided further*, That of the amount made available in the third paragraph under this heading in Public Law 116–136, not less than 85 percent of (i) the unobligated balances available as of the date of enactment of this Act, and (ii) any funds recovered from health care providers after the date of enactment of this Act, shall be for any successor to the Phase 3 General Distribution allocation to make payments to eligible health care providers based on applications that consider financial losses and changes in operating expenses occurring in the third or fourth quarter of calendar year 2020, or the first quarter of calendar year 2021, that are attributable to coronavirus: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers, summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *Provided further*, That the amounts repurposed in this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reimbursements.

Time periods.

Reports.
Audit.

Reports.

Updates.
Time period.

GENERAL PROVISIONS—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 301. Funds appropriated by this title may be used by the Secretary of the Department of Health and Human Services to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to coronavirus for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

Contracts.

SEC. 302. Funds appropriated by this title may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the prevention of, preparation for, or response to coronavirus, domestically and internationally, subject to prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2024.

Expiration date.

Time periods.
Determination.
5 USC 5547 note.

SEC. 303. (a) If services performed by an employee during 2020 and 2021 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employees pay is paid on a biweekly or calendar year basis.

(b) Any overtime pay for such services shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

(c) With regard to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of the limitation in section 5307 of such title 5.

Applicability.

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

Definition.

(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, "premium pay" means the premium pay paid under the provisions of law cited in section 5547(a).

Determination.

(3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

Effective date.

(e) This section shall take effect as if enacted on February 2, 2020.

(f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

SEC. 304. Funds appropriated by this title to the heading "Department of Health and Human Services" except for the amounts specified in the second and third paragraphs under the heading "Public Health and Social Services Emergency Fund", may be transferred to, and merged with, other appropriation accounts under the headings "Centers for Disease Control and Prevention", "National Institutes of Health", "Substance Abuse and Mental Health Services", "Administration for Children and Families", and "Public Health and Social Services Emergency Fund", to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this title are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division A of Public Law 116–94 or section 241(a) of the PHS Act.

Transfer authority. Consultation.

Notification. Time period.

Determination.

SEC. 305. Of the funds appropriated by this title under the heading "Public Health and Social Services Emergency Fund", up to $2,000,000 shall be transferred to the "Office of the Secretary, Office of Inspector General", and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Inspector General of the Department of Health and Human Services shall consult with the Committees on Appropriations of the House of Representatives and the Senate prior to obligating such funds: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

Transfer authority.

Consultation.

SEC. 306. Section 675b(b)(3) of the Community Services Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply with respect to funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) to carry out the Community Services Block Grant Act (42 U.S.C. 9901 et seq.): *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 307. Penalties and administrative requirements under title XXVI of the Public Health Service Act may be waived by the Secretary of Health and Human Services for funds awarded

under such title of such Act from amounts provided for fiscal year 2020 and fiscal year 2021 under the heading "Department of Health and Human Services—Health Resources and Services Administration", including amounts made available under such heading by transfer: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for "Education Stabilization Fund", $81,880,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

Time period. 20 USC 3401 note.

SEC. 311. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) one-half of 1 percent to the outlying areas for supplemental awards to be allocated not more than 30 calendar days from the date of enactment of this Act on the basis of the terms and conditions for funding provided under section 18001(a)(1) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136); and

(2) one-half of 1 percent for a supplemental award to be allocated to the Secretary of Interior not more than 30 calendar days from enactment of this Act for programs operated or funded by the Bureau of Indian Education (BIE) under the terms and conditions established for funding provided under section 18001(a)(2) of the CARES Act (Public Law 116–136), for BIE-operated and funded elementary and secondary schools and Tribal Colleges and Universities, except that funding shall be allocated as follows:

(A) 60 percent for Bureau-funded schools, as defined in 25 U.S.C. 2021, provided that such schools may not be required to submit a spending plan before receipt of funding.

(B) 40 percent for Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3) of the Higher Education Act of 1965 ("HEA").

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section 312 of this title.

(2) 67 percent to carry out section 313 of this title.

(3) 28 percent to carry out section 314 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

SEC. 312. (a) PROGRAM AUTHORIZED.—(1) From funds reserved under section 311(b)(1) of this title and not reserved under paragraph (2), the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of the date of enactment of this Act. Grants. Deadline.

(2) RESERVATION.—From funds made available under section 311(b)(1) of this title, the Secretary shall reserve $2,750,000,000 of such funds to provide Emergency Assistance to Non-Public Schools grants, in accordance with subsection (d), to the Governor of each State with an approved application under subsection (d)(2).

(b) ALLOCATIONS.—The amount of each grant under subsection (a)(1) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 ("ESEA").

(c) USES OF FUNDS.—Grant funds awarded under subsection (a)(1) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and Determination.

(3) provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section 313(d)(1) of this title or the HEA; the provision of child care and early childhood education, social and emotional support; and the protection of education-related jobs.

(d) EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—With funds reserved under subsection (a)(2), the Secretary shall allot the amount described in subparagraph (B) to the Governor of each State with an approved application under paragraph (2) in order to provide services or assistance to non-public schools under this subsection. The Governor shall designate the State educational agency to administer the program authorized under this subsection. Allotment.

(B) AMOUNT OF ALLOTMENT.—An allotment for a State under subparagraph (A) shall be in the amount that bears Determination.

the same relationship to the total amount of the funds reserved under subsection (a)(2) as the number of children aged 5 through 17 at or below 185 percent of poverty who are enrolled in non-public schools in the State (as determined by the Secretary on the basis of the best available data) bears to the total number of all such children in all States.

(2) APPLICATIONS FROM STATES.—

Deadlines.

(A) APPLICATION REQUEST AND REVIEW.—The Secretary shall—

Notice.

(i) issue a notice inviting applications for funds reserved under subsection (a)(2) not later than 30 days after the date of enactment of this Act; and

(ii) approve or deny an application not later than 15 days after the receipt of the application.

Consultation.

(B) ASSURANCE.—The Governor of each State, in consultation with their respective State educational agency, shall include in the application submitted under this paragraph an assurance that the State educational agency will—

(i) distribute information about the program to non-public schools and make the information and the application easily available;

(ii) process all applications submitted promptly, in accordance with subparagraph (3)(A)(ii);

(iii) in providing services or assistance to non-public schools, ensure that services or assistance is provided to any non-public school that—

(I) is a non-public school described in paragraph (3)(C);

(II) submits an application that meets the requirements of paragraph (3)(B); and

(III) requests services or assistance allowable under paragraph (4);

(iv) to the extent practicable, obligate all funds provided under subsection (a)(2) for services or assistance to non-public schools in the State in an expedited and timely manner; and

Deadline.

(v) obligate funds to provide services or assistance to non-public schools in the State not later than 6 months after receiving such funds under subsection (a)(2).

(3) APPLICATIONS FOR SERVICES OR ASSISTANCE.—

(A) APPLICATION REQUEST AND REVIEW.—A State educational agency receiving funds from the Governor under this subsection shall—

(i) make the application for services or assistance described in subparagraph (B) available to non-public schools by not later than 30 days after the receipt of such funds; and

(ii) approve or deny an application not later than 30 days after the receipt of the application.

(B) APPLICATION REQUIREMENTS.—Each non-public school desiring services or assistance under this subsection shall submit an application to the State educational agency at such time, in such manner, and accompanied by such

information as the State educational agency may reasonably require to ensure expedited and timely provision of services or assistance to the non-public school, which shall include—

(i) the number and percentage of students from low-income families enrolled by such non-public school in the 2019–2020 school year;

(ii) a description of the emergency services authorized under paragraph (4) that such non-public school requests to be provided by the State educational agency; and

(iii) whether the non-public school requesting services or assistance under this subsection received a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) that was made before the date of enactment of this Act and the amount of any such loan received.

(C) TARGETING.—A State educational agency receiving funds under this subsection shall prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by the qualifying emergency. Priority.

(4) TYPES OF SERVICES OR ASSISTANCE.—A non-public school receiving services or assistance under this subsection shall use such services or assistance to address educational disruptions resulting from the qualifying emergency for—

(A) supplies to sanitize, disinfect, and clean school facilities;

(B) personal protective equipment;

(C) improving ventilation systems, including windows or portable air purification systems to ensure healthy air in the non-public school;

(D) training and professional development for staff on sanitation, the use of personal protective equipment, and minimizing the spread of infectious diseases;

(E) physical barriers to facilitate social distancing;

(F) other materials, supplies, or equipment to implement public health protocols, including guidelines and recommendations from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff during the qualifying emergency;

(G) expanding capacity to administer coronavirus testing to effectively monitor and suppress coronavirus, to conduct surveillance and contact tracing activities, and to support other activities related to coronavirus testing for students, teachers, and staff at the non-public school;

(H) educational technology (including hardware, software, connectivity, assistive technology, and adaptive equipment) to assist students, educators, and other staff with remote or hybrid learning;

(I) redeveloping instructional plans, including curriculum development, for remote learning, hybrid learning, or to address learning loss;

(J) leasing of sites or spaces to ensure safe social distancing to implement public health protocols, including

guidelines and recommendations from the Centers for Disease Control and Prevention;

(K) reasonable transportation costs;

(L) initiating and maintaining education and support services or assistance for remote learning, hybrid learning, or to address learning loss; or

Reimbursement.

(M) reimbursement for the expenses of any services or assistance described in this paragraph (except for subparagraphs (C) (except that portable air purification systems shall be an allowable reimbursable expense), (D), (I), and (L)) that the non-public school incurred on or after the date of the qualifying emergency, except that any non-public school that has received a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) as of the day prior to the date of enactment of this Act shall not be eligible for reimbursements described in this paragraph for any expenses reimbursed through such loan.

(5) ADMINISTRATION.—A State educational agency receiving funds under this subsection may reserve not more than the greater of $200,000 or one-half of 1 percent of such funds to administer the services and assistance provided under this subsection to non-public schools.

Time period.

(6) REALLOCATION.—Notwithstanding paragraph (1)(A), each State educational agency receiving funds under this subsection that complies with paragraph (2) but has unobligated funds remaining 6 months after receiving funds under this subsection shall return such remaining unobligated funds to the Governor, to use for any use authorized under subsection (c).

(7) PUBLIC CONTROL OF FUNDS.—

(A) IN GENERAL.—The control of funds for the services or assistance provided to a non-public school under this subsection, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, services, assistance, materials, equipment, and property.

(B) PROVISION OF SERVICES OR ASSISTANCE.—

(i) PROVIDER.—The provision of services or assistance to a non-public school under this subsection shall be provided—

(I) by employees of a public agency; or

(II) through contract by such public agency with an individual, association, agency, or organization.

(ii) REQUIREMENT.—In the provision of services or assistance described in clause (i), such employee, individual, association, agency, or organization shall be independent of the non-public school receiving such services or assistance, and such employment and contracts shall be under the control and supervision of such public agency described in subparagraph (A).

(8) SECULAR, NEUTRAL, AND NON-IDEOLOGICAL.—All services or assistance provided under this subsection, including providing equipment, materials, and any other items, shall be secular, neutral, and non-ideological.

(9) INTERACTION WITH PAYCHECK PROTECTION PROGRAM.—

(A) IN GENERAL.—In order to be eligible to receive services or assistance under this subsection, a non-public school shall submit to the State an assurance, including any documentation required by the Secretary, that such non-public school did not, and will not, apply for and receive a loan under paragraphs (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)(37)) that is made on or after the date of enactment of this Act. Records.

(B) ALLOWANCE.—A non-public school that received a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) that was made before the date of enactment of this Act shall be eligible to receive services or assistance under this subsection.

(e) RESTRICTIONS.—

(1) Funds provided under this section shall not be used—

(A) to provide direct or indirect financial assistance to scholarship granting organizations or related entities for elementary or secondary education; or

(B) to provide or support vouchers, tuition tax credit programs, education savings accounts, scholarships, scholarship programs, or tuition-assistance programs for elementary or secondary education.

(2) EXCEPTION.—Notwithstanding paragraph (1), a State may use funds provided under subsection (a)(1) to provide assistance prohibited under paragraph (1) only to students who receive or received such assistance with funds provided under section 18002(a) of division B of the CARES Act (20 U.S.C. 3401 note), for the 2020–2021 school year and only for the same assistance provided such students under such section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to apply any additional restrictions to funds provided in section 18002(a) of division B of the CARES Act (20 U.S.C. 3401 note).

(f) REALLOCATION.—Each Governor shall return to the Secretary any funds received under paragraph (1) or (2) of subsection (a) that the Governor does not award or obligate not later than 1 year after the date of receipt of such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b) for uses authorized under subsection (c). Deadline.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 313. (a) GRANTS.—From funds reserved under section 311(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to each State educational agency with an approved application within 30 calendar days of the date of enactment of this Act. Deadline.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State shall allocate not less than 90 percent of the grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(d) USES OF FUNDS.—A local educational agency that receives funds under this section may use the funds for any of the following:

(1) Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ("IDEA"), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins Act"), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

Coordination.

(2) Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(3) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(4) Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

(6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

(7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

Coordination.

(8) Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(9) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment.

(10) Providing mental health services and supports.

(11) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(12) Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the local educational agency, including by—

(A) Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction.

(B) Implementing evidence-based activities to meet the comprehensive needs of students.

(C) Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.

(D) Tracking student attendance and improving student engagement in distance education.

(13) School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.

(14) Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

(15) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

(e) STATE FUNDING.—With funds not otherwise allocated under subsection (c), a State may reserve not more than one-half of 1 percent for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, including measuring and addressing learning loss, which may be addressed through the use of grants or contracts.

(f) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this Act, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section, including how the State is using funds to measure and address learning loss among students disproportionately affected by coronavirus and school closures, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

Deadline.

(g) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 1 year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

HIGHER EDUCATION EMERGENCY RELIEF FUND

Allocations.

SEC. 314. (a) IN GENERAL.—From funds reserved under section 311(b)(3) of this title the Secretary shall allocate amounts to institutions of higher education with an approved application as follows:

(1) 89 percent to each institution of higher education as defined in section 101 or section 102(c) of the HEA to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 37.5 percent according to the relative share of full-time equivalent enrollment of students who were Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(B) 37.5 percent according to the relative share of the total number of students who were Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(C) 11.5 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(D) 11.5 percent according to the relative share of the total number of students who were not Federal Pell Grant recipients and who were not exclusively enrolled in distance education courses prior to the qualifying emergency;

(E) 1 percent according to the relative share of full-time equivalent enrollment of students who were Federal Pell grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency; and

(F) 1 percent according to the relative share of the total number of students who were Federal Pell grant recipients and who were exclusively enrolled in distance education courses prior to the qualifying emergency.

(2) 7.5 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the HEA to address needs directly related to coronavirus, that shall be in addition to awards made in subsection (a)(1), and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A) through (C), on the basis of the formula described in subparagraphs (A) through (F) of subsection (a)(1):

(A) Except as otherwise provided in subparagraph (2)(B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the HEA, the

Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

(iii) 10 percent according to a ratio equivalent to the total endowment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the total endowment size at such institution;

(B) For eligible institutions under section 326 of the HEA, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94); and

(C) For eligible institutions under section 316 of the HEA, the Secretary shall allot funding according to the formula in section 316(d)(3) of the HEA.

(3) 0.5 percent for part B of title VII of the HEA for institutions of higher education that the Secretary determines have, after allocating other funds available under this section, the greatest unmet needs related to coronavirus, including institutions of higher education with large populations of graduate students and institutions of higher education that did not otherwise receive an allocation under this section. In awarding funds under this paragraph, the Secretary shall publish an application for such funds no later than 60 calendar days of enactment of this Act, and shall provide a briefing to the Committees on Appropriations of the House of Representatives and the Senate no later than 7 days prior to publishing such application. Determination. Publication. Deadlines. Briefing.

(4) 3 percent to institutions of higher education as defined in section 102(b) of the HEA allocated on the basis of the formula described in subparagraphs (A) through (F) of subsection (a)(1).

(b)(1) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to institutions under title IV of the HEA.

(2) The Secretary shall allocate amounts to institutions of higher education under this section, to the extent practicable, as follows: Deadlines.

(A) under subsections (a)(1) and (a)(4) within 30 calendar days of the date of enactment of this Act;

(B) under subsection (a)(2) within 60 calendar days of the date of enactment of this Act; and

(C) under subsection (a)(3) within 120 calendar days of enactment of this Act.

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to—

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll);

(2) carry out student support activities authorized by the HEA that address needs related to coronavirus; or

(3) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus, such as tuition, food, housing, health care (including mental health care), or child care. In making financial aid grants to students, an institution of higher education shall prioritize grants to students with exceptional need, such as students who receive Pell Grants.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education awarded funds under section 18004 of division B of the CARES Act (Public Law 116–136) prior to the date of enactment of this Act may use those funds under the terms and conditions of section 314(c) of this title, subject to the requirements in paragraph (5). Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; marketing or recruitment; endowments; capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship; senior administrator or executive salaries, benefits, bonuses, contracts, incentives; stock buybacks, shareholder dividends, capital distributions, and stock options; or any other cash or other benefit for a senior administrator or executive.

(4) Any funds that remain available for obligation as of the date of enactment of this Act to carry out section 18004(a)(1) of the CARES Act (Public Law 116–136) or under the heading "Safe Schools and Citizenship Education" of such Act shall be used by the Secretary to carry out section 314(a)(1) of this title: *Provided*, That amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) Institutions of higher education receiving allocations under section 314(a)(1) of this title shall provide at least the same amount of funding in emergency financial aid grants to students as was required to be provided under sections 18004(a)(1) and (c) of division B of the CARES Act (Public Law 116–136). An institution of higher education that repurposes funds pursuant to paragraph (2) shall ensure that not less than 50 percent of the funds received under section 18004(a)(1) of division B of the CARES Act (Public Law 116–136) are used for financial aid grants to students under either section 18004(c) of division B of the CARES Act or section 314(c)(3) of this title, or a combination of those sections: *Provided*, That amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(6)(A) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have its allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(3), or for sanitation, personal protective equipment, or other expenses associated with the general health and safety of the campus environment related to the qualifying emergency. This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the HEA.

(B) WAIVER AUTHORITY.—The Secretary may waive the requirements of subparagraph (A) if, upon application, an institution of higher education demonstrates need (including need for additional funding for financial aid grants to students, payroll expenses, or other expenditures) for the total amount of funds such institution is allocated under section 314(a)(1) of this title. The Secretary shall provide and make publicly available a written justification for the denial of any application for a waiver under this subparagraph.

Public information.

(7) An institution of higher education as defined in section 102(b) of the HEA may only use funds received under this section for activities described in subsection (c)(3).

(8) An institution of higher education with an approved application under section 18004(a) of division B of the CARES Act (Public Law 116–136) prior to the date of enactment of this Act shall not be required to submit a new or revised application to receive funds under this section provided such funds are subject to the terms and conditions of this section.

(9) An institution of higher education receiving funds under subsections (a)(1)(E) or (F) may only use funds apportioned by such subparagraphs for activities described in subsection (c)(3).

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months

after receiving funding provided in this Act, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

Deadline.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsections (a)(1), (a)(2), and (a)(4) but for which an institution does not apply for funding within 90 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date in accordance with the formula described in subsection (a)(1).

CONTINUED PAYMENT TO EMPLOYEES

SEC. 315. A local educational agency, State, institution of higher education, or other entity that receives funds provided under the heading "Education Stabilization Fund", shall, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS

SEC. 316. Except as otherwise provided in sections 311 through 316 of this title, as used in such sections—

(1) the terms "elementary education" and "secondary education" have the meaning given such terms under State law;

(2) the term "institution of higher education" has the meaning given such term in title I of the HEA;

(3) the term "Secretary" means the Secretary of Education;

(4) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term "cost of attendance" has the meaning given such term in section 472 of the HEA;

(6) the term "Non-public school" means a non-public elementary and secondary school that—

(A) is accredited, licensed, or otherwise operates in accordance with State law; and

(B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this title;

(7) the term "public school" means a public elementary or secondary school;

(8) any other term used that is defined in section 8101 of the ESEA of 1965 shall have the meaning given the term in such section; and

(9) the term "qualifying emergency" has the meaning given the term in section 3502(a)(4) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

MAINTENANCE OF EFFORT

SEC. 317. (a) At the time of award of funds to carry out sections 312 or 313 of this title, a State shall provide assurances that such State will maintain support for elementary and secondary education, and for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal year 2022 at least at the proportional levels of

such State's support for elementary and secondary education and for higher education relative to such State's overall spending, averaged over fiscal years 2017, 2018, and 2019.

(b) The Secretary may waive the requirement in subsection (a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources. Waiver authority.

GALLAUDET UNIVERSITY

For an additional amount for "Gallaudet University", $11,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STUDENT AID ADMINISTRATION

For an additional amount for "Student Aid Administration", $30,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOWARD UNIVERSITY

For an additional amount for "Howard University", $20,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for "National Technical Institute for the Deaf", $11,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for "Institute of Education Sciences", $28,000,000, to remain available through September 30, 2022, to prevent, prepare for and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For an additional amount for "Program Administration", $15,000,000, to remain available through September 30, 2023, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded in this Act to respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

Deadlines. Spend plan. Estimates.

SEC. 321. Not later than 30 days after the date of enactment of this Act, the Secretaries of Health and Human Services and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation.

Time period.

List. Contracts.

TITLE IV

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Grants-in-Aid for Airports" $2,000,000,000, to prevent, prepare for, and respond to coronavirus: *Provided*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That funds provided under this heading in this Act shall only be available to airports in categories defined in section 47102 of title 49, United States Code: *Provided further*, That funds provided under this heading in this Act shall not otherwise be subject to the requirements of chapter 471 of such title: *Provided further*, That notwithstanding the preceding proviso, except for project eligibility, the requirements of chapter 471 of such title shall apply to funds provided for any contract awarded (after the date of enactment of this Act) for airport development and funded under this heading: *Provided further*, That funds provided under this heading in this Act may not be used for any purpose not directly related to the airport: *Provided further*, That no additional funding shall be provided from funds made available under this heading to any airport that was allocated in excess of four years of operating funds under Public Law 116–136: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading in this Act shall be 100 percent: *Provided further*, That, notwithstanding any other provision of law, any funds appropriated under the heading "Grants-In-Aid for Airports" in Public Law 116-136 that are unallocated as of the date of enactment of this Act shall be added to and allocated under paragraph (1) of this heading in this Act: *Provided further*, That any funds obligated under Public Law 116–136 that are recovered by or returned to the FAA shall be allocated under paragraph (1) of this heading in this Act: *Provided further*, That of the amounts appropriated under this heading in this Act:

Applicability.
Contracts.

(1) Not less than $1,750,000,000 shall be available for primary airports as defined in section 47102(16) of title 49, United States Code, and certain cargo airports for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments: *Provided*, That such funds shall not be subject to the reduced apportionments of section 47114(f) of title 49, United States Code: *Provided further*, That such funds shall first be apportioned as set forth in sections 47114(c)(1)(A), 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), 47114(c)(2)(A), 47114(c)(2)(B), and 47114(c)(2)(E) of title 49, United States Code: *Provided further*, That there shall be no maximum apportionment limit: *Provided further*, That any remaining funds after such apportionment shall be distributed to all sponsors of primary airports (as defined in section 47102(16) of title 49, United States Code) based on each such airport's passenger enplanements compared to total passenger enplanements of all airports defined in section 47102(16) of

title 49, United States Code, for the most recent calendar year enplanements upon which the Secretary has apportioned funds pursuant to section 47114(c) of title 49, United States Code;

(2) Not less than $45,000,000 shall be for general aviation and commercial service airports that are not primary airports as defined in paragraphs (7), (8), and (16) of section 47102 of title 49, United States Code, for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments: *Provided*, That not less than $5,000,000 of such funds shall be available to sponsors of non-primary airports, divided equally, that participate in the FAA Contract Tower Program defined in section 47124 of title 49, United States Code, to cover lawful expenses to support FAA contract tower operations: *Provided further*, That the Secretary shall apportion the remaining funds to each non-primary airport based on the categories published in the most current National Plan of Integrated Airport Systems, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars: *Provided further*, That any remaining funds under this paragraph shall be distributed as described in paragraph (1) under this heading in this Act;

Apportionment.

Distribution.

(3) Not less than $200,000,000 shall be available to sponsors of primary airports to provide relief from rent and minimum annual guarantees to on-airport car rental, on-airport parking, and in-terminal airport concessions (as defined in part 23 of title 49, Code of Federal Regulations) located at primary airports: *Provided*, That such funds shall be distributed to all sponsors of primary airports (as defined in section 47102(16) of title 49, United States Code) based on each such airport's passenger enplanements compared to total passenger enplanements of all airports defined in section 47102(16) of title 49, United States Code, for calendar year 2019: *Provided further*, That as a condition of approving a grant under this paragraph, the Secretary shall require the sponsor to provide such relief from the date of enactment of this Act until the sponsor has provided relief equaling the total grant amount, to the extent practicable and to the extent permissible under state laws, local laws, and applicable trust indentures: *Provided further*, That the sponsor shall provide relief from rent and minimum annual guarantee obligations to each eligible airport concession in an amount that reflects each eligible airport concession's proportional share of the total amount of the rent and minimum annual guarantees of all the eligible airport concessions at such airport: *Provided further*, That, to the extent permissible under this paragraph, airport sponsors shall prioritize relief from rent and minimum annual guarantee to minority-owned businesses: *Provided further*, That only airport concessions that have certified they have not received a second draw or assistance for a covered loan under section 7(a)(37) of the Small Business Act (15 U.S.C. 636(a)(37)) that has been applied toward rent or minimum annual guarantee costs shall be eligible for relief under this paragraph and such concessions are hereby prohibited from applying for a covered loan under

Requirements.

Priority.

such section for rent or minimum annual guarantee costs: *Provided further*, That sponsors of primary airports may retain up to 2 percent of the funds provided under this paragraph to administer the relief required under this paragraph; and

(4) Up to $5,000,000 shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: *Provided*, That in allocating funding made available in this or any previous Acts for such program for fiscal years 2019, 2020, and 2021, the Secretary of Transportation shall give priority to communities or consortia of communities that have had air carrier service reduced or suspended as a result of the coronavirus pandemic: *Provided further*, That the Secretary shall publish streamlined and expedited procedures for the solicitation of applications for assistance under this paragraph not later than 60 days after the date of enactment of this Act and shall make awards as soon as practicable:

Time periods. Priority.

Publication. Procedures. Deadline.

Provided further, That the Administrator of the Federal Aviation Administration may retain up to 0.1 percent of the funds provided under this heading in this Act to fund the award and oversight by the Administrator of grants made under this heading in this Act: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That all airports receiving funds under this heading in this Act shall continue to employ, through February 15, 2021, at least 90 percent of the number of individuals employed (after making adjustments for retirements or voluntary employee separations) by the airport as of March 27, 2020: *Provided further*, That the Secretary may waive the workforce retention requirement in the preceding proviso, if the Secretary determines the airport is experiencing economic hardship as a direct result of the requirement, or the requirement reduces aviation safety or security: *Provided further*, That the workforce retention requirement shall not apply to nonhub airports or nonprimary airports receiving funds under this heading in this Act: *Provided further*, That the amounts repurposed under this heading in this Act that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Workforce retention. Extension date.

Waiver authority. Determination.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE PROGRAMS

For an additional amount for "Highway Infrastructure Programs", $10,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus: *Provided*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any funds provided for fiscal year 2021 in this or any other Act for "Federal-aid Highways" under chapters 1

or 2 of title 23, United States Code, and shall not affect the distribution or amount of funds provided in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021, or any other Act: *Provided further*, That section 1101(b) of Public Law 114–94 shall apply to funds made available under this heading in this Act: *Provided further*, That notwithstanding chapter 1 or chapter 2 of title 23, United States Code, or any other provision of law, in addition to other eligible uses described under this heading in this Act, a State, territory, Puerto Rico, or Indian Tribe may use funds made available under this heading in this Act for costs related to preventive maintenance, routine maintenance, operations, personnel, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments, and coverage for other revenue losses: *Provided further*, That a State, territory, Puerto Rico, or Indian Tribe may transfer funds made available under this heading in this Act to State, multi-state, international, or local public tolling agencies that own or operate a tolled facility that is a public road, bridge, or tunnel, or a ferry system that provides a public transportation benefit, and that was in operation within their State in fiscal year 2020: *Provided further*, That funds transferred pursuant to the preceding proviso may be used for costs related to operations, personnel, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments, and coverage for other revenue losses of a tolled facility or ferry system, and that, notwithstanding the previous receipt of Federal funds for such tolled facility or ferry system, for funds made available under this heading in this Act, the limitations on the use of revenues in subsections (a)(3) and (c)(4) of section 129 of title 23, United States Code, shall not apply with respect to the tolled facilities or ferry systems for which funding is transferred pursuant to the preceding proviso: *Provided further*, That of the funds made available under this heading in this Act, $9,840,057,332 shall be available for activities eligible under section 133(b) of title 23, United States Code, $114,568,862 shall be available for activities eligible under the Tribal Transportation Program, as described in section 202 of such title, $35,845,307 shall be available for activities eligible under the Puerto Rico Highway Program, as described in section 165(b)(2)(C)(iii) of such title; and $9,528,499 shall be available for activities eligible under the Territorial Highway Program, as described in section 165(c)(6) of such title: *Provided further*, That for the purposes of funds made available under this heading in this Act the term "State" means any of the 50 States or the District of Columbia: *Provided further*, That, except as otherwise provided under this heading in this Act, the funds made available under this heading in this Act shall be administered as if apportioned under chapter 1 of title 23, United States Code, except that the funds made available under this heading in this Act for activities eligible under the Tribal Transportation Program shall be administered as if allocated under chapter 2 of title 23, United States Code: *Provided further*, That the funds made available under this heading in this Act for activities eligible under section 133(b) of title 23, United States Code, shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2021 is distributed among the States in accordance with the formula

Applicability.

Transfer authority.

Definition.

Apportionment.

Apportionment. Deadline.

specified in section 120(a)(5) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 and shall be apportioned not later than 30 days after the date of enactment of this Act: *Provided further*, That funds apportioned to a State under this heading in this Act shall be suballocated within the State to each area described in subsection 133(d)(1)(A)(i) of title 23, United States Code, in the same ratio that funds suballocated to that area for fiscal year 2021 bears to the combined amount of funds apportioned to the State under section 104(b)(2) of such title for fiscal years 2020 and 2021: *Provided further*, That of funds made available under this heading in this Act for activities eligible under section 133(b) of title 23, United States Code, any such activity shall be subject to the requirements of section 133(i) of title 23, United States Code: *Provided further*, That, except as provided in the following proviso, the funds made available under this heading in this Act for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of title 23, United States Code: *Provided further*, That the funds made available under this heading in this Act for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of title 23, United States Code: *Provided further*, That for amounts made available under this heading in this Act, the Federal share of the costs shall be, at the option of the State, territory, Puerto Rico, or Indian Tribe, up to 100 percent: *Provided further*, That funds made available for preventive maintenance, routine maintenance, operations, personnel, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments, and coverage for other revenue losses under this heading in this Act are not required to be included in a metropolitan transportation plan, a long-range statewide transportation plan, a transportation improvement program or a statewide transportation improvement program under sections 134 or 135 of title 23, United States Code, or chapter 53 of title 49, United States Code, as applicable: *Provided further*, That unless otherwise specified, applicable requirements under title 23, United States Code, shall apply to funds made available under this heading in this Act: *Provided further*, That, subject to the following proviso, the funds made available under this heading in this Act for activities eligible under the Tribal Transportation Program, as described in section 202 of title 23, United States Code, may not be set-aside for administrative expenses as described in section 202(a)(6) of such title: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to $10,000,000 of the total funds made available under this heading in this Act, to fund the oversight by the Administrator of activities carried out with funds made available under this heading in this Act: *Provided further*, That the set-asides described in subparagraph (C) of section 202(b)(3) of title 23, United States Code, and subsections (a)(6), (c), (d), and (e) of section 202 of such title shall not apply to funds made available under this heading in this Act for activities eligible under the Tribal Transportation Program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

Suballocations.

Allocation.

Applicability.

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Northeast Corridor Grants to the National Railroad Passenger Corporation", $655,431,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to enable the Secretary of Transportation to make or amend existing grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor, as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94): *Provided*, That not less than $109,805,000 of the amounts made available under this heading in this Act and the "National Network Grants to the National Railroad Passenger Corporation" heading in this Act shall be made available for use by the National Railroad Passenger Corporation in lieu of capital payments from States and commuter rail passenger transportation providers subject to the cost allocation policy developed pursuant to section 24905(c) of title 49, United States Code: *Provided further*, That, notwithstanding sections 24319(g) and 24905(c)(1)(A)(i) of title 49, United States Code, such use of funds does not constitute cross-subsidization of commuter rail passenger transportation: *Provided further*, That the Secretary may retain up to $2,030,000 of the amounts made available under both this heading in this Act and the "National Network Grants to the National Railroad Passenger Corporation" heading in this Act to fund the costs of project management and oversight of activities authorized by section 11101(c) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94): *Provided further*, That amounts made available under this heading in this Act may be transferred to and merged with amounts made available under the heading "National Network Grants to the National Railroad Passenger Corporation" in this Act to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Network Grants to the National Railroad Passenger Corporation", $344,569,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to enable the Secretary of Transportation to make or amend existing grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law

114–94): *Provided*, That $174,850,000 of the amounts made available under this heading in this Act shall be made available for use by the National Railroad Passenger Corporation to be apportioned toward State payments required by the cost methodology policy adopted pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432): *Provided further*, That a State-supported route's share of such funding under the preceding proviso shall consist of (1) 7 percent of the costs allocated to the route in fiscal year 2019 under the cost methodology policy adopted pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), and (2) any remaining amounts under the preceding proviso shall be apportioned to a route in proportion to its passenger revenue and other revenue allocated to a State-supported route in fiscal year 2019 divided by the total passenger revenue and other revenue allocated to all State-supported routes in fiscal year 2019: *Provided further*, That State-supported routes which terminated service on or before February 1, 2020, shall not be included in the cost and revenue calculations made pursuant to the preceding proviso: *Provided further*, That amounts made available under this heading in this Act may be transferred to and merged with amounts made available under the heading "Northeast Corridor Grants to the National Railroad Passenger Corporation" in this Act to prevent, prepare for, and respond to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Apportionment.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for "Transit Infrastructure Grants", $14,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: *Provided*, That of the amounts appropriated under this heading in this Act—

(1) $13,271,310,572 shall be for grants to recipients eligible under chapter 53 of title 49, United States Code, and administered as if such funds were provided under section 5307 of title 49, United States Code (apportioned in accordance with section 5336 of such title (other than subsections (h)(1) and (h)(4))), and section 5337 of title 49, United States Code (apportioned in accordance with such section), except that funds apportioned under section 5337 shall be added to funds apportioned under 5307 for administration under 5307: *Provided*, That the Secretary of Transportation (referred to under this heading in this Act as the "Secretary") shall allocate the amounts provided in the preceding proviso under sections 5307 and 5337 of title 49, United States Code, in the same ratio as funds were provided under the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2534) and shall allocate such amounts not later than 30 days after the date of enactment of this Act: *Provided further*, That the amounts allocated to any urbanized area from amounts made available under this paragraph in this Act when combined with the amounts allocated to that urbanized area from funds appropriated under this heading in title XII of division B of

Apportionment.

Allocation.
Deadline.

the CARES Act (Public Law 116–136; 134 Stat. 599)) may not exceed 75 percent of that urbanized area's 2018 operating costs based on data contained in the National Transit Database: *Provided further*, That for any urbanized area for which the calculation in the preceding proviso exceeds 75 percent of the urbanized area's 2018 operating costs, the Secretary shall distribute funds in excess of such percent to urbanized areas for which the calculation in the preceding proviso does not exceed 75 percent, in the same proportion as amounts allocated under the first proviso of this paragraph in this Act: *Provided further*, That no recipient in an urbanized area may receive more than $4,000,000,000 from the amounts allocated under this paragraph in this Act in combination with the amounts provided under this heading in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) until 75 percent of the funds provided to the recipient under this heading in such title XII are obligated and only after the recipient certifies to the Secretary that the use of such funds in excess of such amount is necessary to prevent layoffs or furloughs directly related to demonstrated revenue losses directly attributable to COVID–19;

Distribution.

(2) $50,034,973 shall be for grants to recipients or subrecipients eligible under section 5310 of title 49, United States Code, and the Secretary shall apportion such funds in accordance with such section: *Provided*, That the Secretary shall allocate such funds in the same ratio as funds were provided under the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2534) and shall allocate such funds not later than 30 days after the date of enactment of this Act; and

Apportionment.

Allocation.
Deadline.

(3) $678,654,455 shall be for grants to recipients or subrecipients eligible under section 5311 of title 49, United States Code (other than subsections (b)(3), (c)(1)(A), and (f)), and the Secretary shall apportion such funds in accordance with such section: *Provided*, That the Secretary shall allocate such funds in the same ratio as funds were provided under the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2534) and shall allocate funds within 30 days of enactment of this Act: *Provided further*, That the amounts allocated to any State (as defined in section 5302 of title 49, United States Code) for rural operating costs from amounts made available under this heading in this Act when combined with the amounts allocated to each such State for rural operating costs from funds appropriated under this heading in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) may not exceed 125 percent of that State's combined 2018 rural operating costs of the recipients and subrecipients in the State based on data contained in the National Transit Database: *Provided further*, That for any State for which the calculation in the preceding proviso exceeds 125 percent of the State's combined 2018 rural operating costs of the recipients and subrecipients in the State, the Secretary shall distribute funds in excess of such percent to States for which the calculation in the preceding proviso does not exceed 125 percent in the same proportion as amounts allocated under the first proviso of this paragraph in this Act:

Allocation.
Deadline.

Distribution.

Provided further, That the Secretary shall not waive the requirements of section 5333 of title 49, United States Code, for funds appropriated under this heading in this Act or for funds previously made available under section 5307 of title 49, United States Code, or section 5311, 5337, or 5340 of such title as a result of COVID–19: *Provided further*, That the provision of funds under this heading in this Act shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, a State agency, or a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law: *Provided further*, That notwithstanding subsection (a)(1) or (b) of section 5307 of title 49, United States Code, section 5310(b)(2)(A) of that title, or any provision of chapter 53 of that title, funds provided under this heading in this Act are available for the operating expenses of transit agencies related to the response to a COVID–19 public health emergency, including, beginning on January 20, 2020, reimbursement for operating costs to maintain service and lost revenue due to the COVID–19 public health emergency, including the purchase of personal protective equipment, and paying the administrative leave of operations or contractor personnel due to reductions in service: *Provided further*, That to the maximum extent possible, funds made available under this heading in this Act and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation), unless the recipient certifies to the Secretary that the recipient has not furloughed any employees: *Provided further*, That such operating expenses are not required to be included in a transportation improvement program, long-range transportation plan, statewide transportation plan, or a statewide transportation improvement program: *Provided further*, That private providers of public transportation shall be considered eligible subrecipients of funding provided under this heading in this Act and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599): *Provided further*, That unless otherwise specified, applicable requirements under chapter 53 of title 49, United States Code, shall apply to funding made available under this heading in this Act, except that the Federal share of the costs for which any grant is made under this heading in this Act shall be, at the option of the recipient, up to 100 percent: *Provided further*, That the amount made available under this heading in this Act shall be derived from the general fund of the Treasury and shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That the Federal share of costs for any unobligated grant funds under section 5310 of title 49, United States Code, as of the date of enactment of this Act shall be, at the option of the recipient, up to 100 percent: *Provided further*, That of the amounts made available under this heading in this Act, up to $10,000,000 may be retained by the Administrator of the Federal Transit Administration to fund ongoing program management and oversight activities described in sections 5334 and 5338(f)(2) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That the amounts repurposed under this heading in this Act that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are

Effective date.
Reimbursements.

Certification.

Eligibility.

Applicability.

designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 401. Amounts made available in this Act under the headings "Northeast Corridor Grants to the National Railroad Passenger Corporation" and "National Network Grants to the National Railroad Passenger Corporation" shall be used under the same conditions as section 22002 of title XII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), except as otherwise noted in this Act: *Provided*, That the amounts made available in this Act under such headings shall be used by the National Railroad Passenger Corporation, to: (1) prevent further employee furloughs that are a result of efforts to prevent, prepare for, and respond to coronavirus; and (2) prevent further reductions to the frequency of rail service on any long-distance route (as defined in section 24102 of title 49, United States Code) except in an emergency or during maintenance or construction outages impacting such routes: *Provided further*, That the coronavirus shall not qualify as an emergency in the preceding proviso: *Provided further*, That in the event of any National Railroad Passenger Corporation employee furloughs as a result of efforts to prevent, prepare for, and respond to coronavirus, the National Railroad Passenger Corporation shall provide such employees the opportunity to be recalled to work in accordance with their seniority and classification of work, regardless of their time in the National Railroad Passenger Corporation's service, as intercity passenger rail service is restored: *Provided further*, That the National Railroad Passenger Corporation shall be prohibited from contracting out any scope-covered work conducted by an employee who was furloughed through reductions in the workforce as a result of efforts to prevent, prepare for, and respond to coronavirus, unless such contracting was in place prior to March 1, 2020 or is done by agreement with the Labor Organization representing such employee.

Furloughs.

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 501. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2021.

SEC. 504. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section

President.

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

SEC. 505. Solely for the purpose of calculating a breach within a category for fiscal year 2021 pursuant to section 251(a) or section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, and notwithstanding any other provision of this division, the budgetary effects from this division shall be counted as amounts designated as being for an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This division may be cited as the "Coronavirus Response and Relief Supplemental Appropriations Act, 2021".

DIVISION N—ADDITIONAL CORONAVIRUS RESPONSE AND RELIEF

TITLE I—HEALTHCARE

SEC. 101. SUPPORTING PHYSICIANS AND OTHER PROFESSIONALS IN ADJUSTING TO MEDICARE PAYMENT CHANGES DURING 2021. Fee schedules.

(a) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended by adding at the end the following new subsection:

"(t) SUPPORTING PHYSICIANS AND OTHER PROFESSIONALS IN ADJUSTING TO MEDICARE PAYMENT CHANGES DURING 2021.—

"(1) IN GENERAL.—In order to support physicians and other professionals in adjusting to changes in payment for physicians' services during 2021, the Secretary shall increase fee schedules under subsection (b) that establish payment amounts for such services furnished on or after January 1, 2021, and before January 1, 2022, by 3.75 percent. Time period.

"(2) IMPLEMENTATION.—

"(A) ADMINISTRATION.—Notwithstanding any other provision of law, the Secretary may implement this subsection by program instruction or otherwise.

"(B) LIMITATION.—There shall be no administrative or judicial review under section 1869, 1878 or otherwise of the fee schedules that establish payment amounts calculated pursuant to this subsection.

"(C) APPLICATION ONLY FOR 2021.—The increase in fee schedules that establish payment amounts under this subsection shall not be taken into account in determining such fee schedules that establish payment amounts for services furnished in years after 2021. Determination.

"(3) FUNDING.—For purposes of increasing the fee schedules that establish payment amounts pursuant to this subsection—

"(A) there shall be transferred from the General Fund of the Treasury to the Federal Supplementary Medical Insurance Trust Fund under section 1841, $3,000,000,000, to remain available until expended; and Transfer authority.

"(B) in the event the Secretary determines additional amounts are necessary, such amounts shall be available Determination.

from the Federal Supplementary Medical Insurance Trust Fund.".

(b) EXEMPTION OF ADDITIONAL EXPENDITURES FROM PHYSICIAN FEE SCHEDULE BUDGET-NEUTRALITY.—Such section 1848 is amended, in subsection (c)(2)(B)(iv)—

(1) in subclause (III), by striking "and" at the end;

(2) in subclause (IV), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(V) subsection (t) shall not be taken into account in applying clause (ii)(II) for 2021.".

(c) REPORT.—Not later than April 1, 2022, the Secretary of Health and Human Services shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives on the increase in fee schedules that establish payment amounts for physicians' services under section 1848(t) of the Social Security Act, as added by subsection (a). Such report shall include the aggregate amount of the increase in payment amounts under such section, including information regarding any payments made in excess of the amount of funding provided under paragraph (3)(A) of such section.

SEC. 102. EXTENSION OF TEMPORARY SUSPENSION OF MEDICARE SEQUESTRATION.

(a) IN GENERAL.—Section 3709(a) of division A of the CARES Act (2 U.S.C. 901a note) is amended by striking "December 31, 2020" and inserting "March 31, 2021".

Ante, p. 421.

2 USC 901a note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted as part of the CARES Act (Public Law 116–136).

TITLE II—ASSISTANCE TO INDIVIDUALS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance

CHAPTER 1—CONTINUED ASSISTANCE TO UNEMPLOYED WORKERS

Continued Assistance for Unemployed Workers Act of 2020.
15 USC 9001 note.

SEC. 200. SHORT TITLE.

This chapter may be cited as the "Continued Assistance for Unemployed Workers Act of 2020".

Subchapter I—Extension of CARES Act Unemployment Provisions

SEC. 201. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amended—

Ante, p. 313.

(1) in paragraph (1)—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) in subparagraph (A)(ii), by striking "December 31, 2020" and inserting "March 14, 2021"; and

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

(3) by inserting after paragraph (2) the following:

"(3) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC UNEMPLOYMENT ASSISTANCE AS OF MARCH 14, 2021.—

"(A) IN GENERAL.—Subject to subparagraph (B), in the case of any individual who, as of the date specified in paragraph (1)(A)(ii), is receiving pandemic unemployment assistance but has not yet exhausted all rights to such assistance under this section, pandemic unemployment assistance shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for pandemic unemployment assistance.

"(B) TERMINATION.—Notwithstanding any other provision of this subsection, no pandemic unemployment assistance shall be payable for any week beginning after April 5, 2021.".

(b) INCREASE IN NUMBER OF WEEKS.—Section 2102(c)(2) of the CARES Act (15 U.S.C. 9021(c)(2)) is amended—

(1) by striking "39 weeks" and inserting "50 weeks"; and

(2) by striking "39-week period" and inserting "50-week period".

(c) APPEALS.—

(1) IN GENERAL.—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)), as amended by subsections (a) and (b), is amended by adding at the end the following:

"(5) APPEALS BY AN INDIVIDUAL.—

"(A) IN GENERAL.—An individual may appeal any determination or redetermination regarding the rights to pandemic unemployment assistance under this section made by the State agency of any of the States.

"(B) PROCEDURE.—All levels of appeal filed under this paragraph in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands—

"(i) shall be carried out by the applicable State that made the determination or redetermination; and

"(ii) shall be conducted in the same manner and to the same extent as the applicable State would conduct appeals of determinations or redeterminations regarding rights to regular compensation under State law.

"(C) PROCEDURE FOR CERTAIN TERRITORIES.—With respect to any appeal filed in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau—

"(i) lower level appeals shall be carried out by the applicable entity within the State;

"(ii) if a higher level appeal is allowed by the State, the higher level appeal shall be carried out by the applicability entity within the State; and

"(iii) appeals described in clauses (i) and (ii) shall be conducted in the same manner and to the same extent as appeals of regular unemployment compensation are conducted under the unemployment compensation law of Hawaii.".

15 USC 9021 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of division A of the CARES Act (Public Law 116–136), except that any decision issued on appeal or review before the date of enactment of this Act shall not be affected by the amendment made by paragraph (1).

(d) WAIVER AUTHORITY FOR CERTAIN OVERPAYMENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the CARES Act (15 U.S.C. 9021(d)) is amended by adding at the end the following:

Requirement. Determination.

"(4) WAIVER AUTHORITY.—In the case of individuals who have received amounts of pandemic unemployment assistance to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that—

"(A) the payment of such pandemic unemployment assistance was without fault on the part of any such individual; and

"(B) such repayment would be contrary to equity and good conscience.".

Determination. 15 USC 9021 note.

(e) HOLD HARMLESS FOR PROPER ADMINISTRATION.—In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 206(b) of this subtitle, any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.

Applicability. 15 USC 9021 note.

(f) LIMITATION.—In the case of a covered individual whose first application for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) is filed after the date of enactment of this Act, subsection (c)(1)(A)(i) of such section 2102 shall be applied by substituting "December 1, 2020" for "January 27, 2020".

Applicability. 15 USC 9021 note.

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) shall apply as if included in the enactment of the CARES Act (Public Law 116–136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 202. EXTENSION OF EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

Section 903(i)(1)(D) of the Social Security Act (42 U.S.C. 1103(i)(1)(D)) is amended by striking "December 31, 2020" and inserting "March 14, 2021".

SEC. 203. EXTENSION OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 2104(e) of the CARES Act (15 U.S.C. 9023(e)) is amended to read as follows:

"(e) APPLICABILITY.—An agreement entered into under this section shall apply— Time periods.

"(1) to weeks of unemployment beginning after the date on which such agreement is entered into and ending on or before July 31, 2020; and

"(2) to weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021.".

(b) AMOUNT.—

(1) IN GENERAL.—Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)) is amended—

(A) in paragraph (1)(B), by striking "of $600" and inserting "equal to the amount specified in paragraph (3)"; and

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

"(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

"(A) IN GENERAL.—The amount specified in this paragraph is the following amount: Time periods.

"(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $600.

"(ii) For weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021, $300.".

(2) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of the CARES Act (15 U.S.C. 9023(i)(2)) is amended—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E) short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986).".

SEC. 204. EXTENSION OF FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

Section 2105 of the CARES Act (15 U.S.C. 9024) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "There shall be paid" and inserting "Except as provided in paragraph (3), there shall be paid"; and

(B) by adding at the end the following:

"(3) PARTIAL REIMBURSEMENT.—With respect to compensation paid to individuals for weeks of unemployment ending after December 31, 2020, paragraph (1) shall be applied by substituting '50 percent' for '100 percent'."; and Applicability.

(2) in subsection (e)(2), by striking "December 31, 2020" and inserting "March 14, 2021".

SEC. 205. EXTENSION OF EMERGENCY STATE STAFFING FLEXIBILITY.

Section 4102(b) of the Families First Coronavirus Response Act (26 U.S.C. 3304 note), in the second sentence, is amended by striking "December 31, 2020" and inserting "March 14, 2021".

SEC. 206. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 2107(g) of the CARES Act (15 U.S.C. 9025(g)) is amended to read as follows:

"(g) APPLICABILITY.—

Time period.

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an agreement entered into under this section shall apply to weeks of unemployment—

"(A) beginning after the date on which such agreement is entered into; and

"(B) ending on or before March 14, 2021.

"(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION AS OF MARCH 14, 2021.—In the case of any individual who, as of the date specified in paragraph (1)(B), is receiving Pandemic Emergency Unemployment Compensation but has not yet exhausted all rights to such assistance under this section, Pandemic Emergency Unemployment Compensation shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for Pandemic Emergency Unemployment Compensation.

"(3) TERMINATION.—Notwithstanding any other provision of this subsection, no Pandemic Emergency Unemployment Compensation shall be payable for any week beginning after April 5, 2021.".

(b) INCREASE IN NUMBER OF WEEKS.—Section 2107(b)(2) of the CARES Act (15 U.S.C. 9025(b)(2)) is amended by striking "13" and inserting "24".

(c) COORDINATION RULES.—

(1) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—Section 2107(b) of the CARES Act (15 U.S.C. 9025(b)) is amended by adding at the end the following:

"(4) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

Determination.

"(A) IN GENERAL.—If—

"(i) an individual has been determined to be entitled to pandemic emergency unemployment compensation with respect to a benefit year;

"(ii) that benefit year has expired;

"(iii) that individual has remaining entitlement to pandemic emergency unemployment compensation with respect to that benefit year; and

"(iv) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least $25 less than the individual's weekly benefit amount in the benefit year referred to in clause (i),

then the State shall determine eligibility for compensation as provided in subparagraph (B).

"(B) DETERMINATION OF ELIGIBILITY.—For individuals described in subparagraph (A), the State shall determine whether the individual is to be paid pandemic emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

"(i) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all pandemic emergency unemployment compensation payable with respect to the benefit year referred to in subparagraph (A)(i).

"(ii) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this subparagraph), until exhaustion of all pandemic emergency unemployment compensation payable with respect to the benefit year referred to in subparagraph (A)(i).

"(iii) The State shall pay, if permitted by State law—

"(I) regular compensation equal to the weekly benefit amount established under the new benefit year; and

"(II) pandemic emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year.

"(iv) The State shall determine rights to pandemic emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.".

(2) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH EXTENDED COMPENSATION.—

(A) INDIVIDUALS RECEIVING EXTENDED COMPENSATION AS OF THE DATE OF ENACTMENT.—Section 2107(a)(5) of the CARES Act (15 U.S.C. 9025(a)(5)) is amended—

(i) by striking "RULE.—An agreement" and inserting the following: "RULES.—

"(A) IN GENERAL.—Subject to subparagraph (B), an agreement"; and

(ii) by adding at the end the following:

"(B) SPECIAL RULE.—In the case of an individual who is receiving extended compensation under the State law for the week that includes the date of enactment of this subparagraph (without regard to the amendments made by subsections (a) and (b) of section 206 of the Continued Assistance for Unemployed Workers Act of 2020), such individual shall not be eligible to receive pandemic emergency unemployment compensation by reason of such amendments until such individual has exhausted all rights to such extended benefits.".

(B) ELIGIBILITY FOR EXTENDED COMPENSATION.—Section 2107(a) of the CARES Act (15 U.S.C. 9025(a)) is amended by adding at the end the following:

Time period.

"(8) SPECIAL RULE FOR EXTENDED COMPENSATION.—At the option of a State, for any weeks of unemployment beginning after the date of the enactment of this paragraph and before April 12, 2021, an individual's eligibility period (as described in section 203(c) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) shall, for purposes of any determination of eligibility for extended compensation under the State law of such State, be considered to include any week which begins—

"(A) after the date as of which such individual exhausts all rights to pandemic emergency unemployment compensation; and

"(B) during an extended benefit period that began on or before the date described in subparagraph (A).".

Applicability. 15 USC 9025 note.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply as if included in the enactment of the CARES Act (Public Law 116–136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

(2) COORDINATION RULES.—The amendments made by subsection (c)(1) shall apply to individuals whose benefit years, as described in section 2107(b)(4)(A)(ii) of the CARES Act, expire after the date of enactment of this Act.

SEC. 207. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

Section 2108(b)(2) of the CARES Act (15 U.S.C. 9026(b)(2)) is amended by striking "December 31, 2020" and inserting "March 14, 2021".

SEC. 208. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS FOR STATES WITHOUT PROGRAMS IN LAW.

Section 2109(d)(2) of the CARES Act (15 U.S.C. 9027(d)(2)) is amended by striking "December 31, 2020" and inserting "March 14, 2021".

SEC. 209. TECHNICAL AMENDMENT TO REFERENCES TO REGULATION IN CARES ACT.

Ante, p. 317.

(a) IN GENERAL.—Section 2102(h) of the CARES Act (Public Law 116-136) is amended by striking "section 625" in each place it appears and inserting "part 625".

15 USC 9021 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 2102 of the CARES Act (Public Law 116-136).

Subchapter II—Extension of FFCRA Unemployment Provisions

SEC. 221. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking "December 31, 2020" and inserting "March 14, 2021".

SEC. 222. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION.

Section 4105 of the Families First Coronavirus Response Act (26 U.S.C. 3304 note) is amended—

(1) in subsection (a), by striking "December 31, 2020" and inserting "March 14, 2021"; and

(2) in subsection (b), by striking "ending on or before December 31, 2020" and inserting "before March 14, 2021".

Subchapter III—Continued Assistance to Rail Workers

Continued Assistance to Rail Workers Act of 2020.
45 USC 367 note.

SEC. 231. SHORT TITLE.

This subchapter may be cited as the "Continued Assistance to Rail Workers Act of 2020".

SEC. 232. ADDITIONAL ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is amended— Time periods.

(1) in the first sentence—

(A) by inserting "and for registration periods beginning after December 26, 2020, but on or before March 14, 2021," after "July 31, 2020,";

(B) by striking "in the amount of $1,200"; and

(C) by striking "July 1, 2019" and inserting "July 1, 2019, or July 1, 2020"; and

(2) by adding at the end the following: "For registration periods beginning on or after April 1, 2020, but on or before July 31, 2020, the recovery benefit payable under this subparagraph shall be in the amount of $1,200. For registration periods beginning after December 26, 2020, but on or before March 14, 2021, the recovery benefit payable under this subparagraph shall be in the amount of $600.".

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under subparagraph (B) of section 2(a)(5) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)) shall be available to cover the cost of recovery benefits provided under such section 2(a)(5) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(a)(5) as in effect on the day before the date of enactment of this Act. 45 USC 352 note.

SEC. 233. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking "130 days" and inserting "185 days";

(B) in subclause (II), by striking "13 consecutive 14-day periods" and inserting "19 consecutive 14-day periods, except that no extended benefit period shall end before 6 consecutive 14-day periods after the date of enactment of the Continued Assistance for Unemployed Workers Act of 2020 have elapsed";

(2) in clause (ii), by striking "if such clause had not been enacted." and inserting "if such clause had not been enacted and if—

"(A) subparagraph (A) were applied by substituting '120 days of unemployment' for '65 days of unemployment'; and

"(B) subparagraph (B) were applied by inserting '(or, in the case of unemployment benefits, 12 consecutive 14-day periods, except that no extended benefit period shall end before 6 consecutive 14-day periods after the date of enactment of the Continued Assistance for Unemployed Workers Act of 2020 have elapsed)' after '7 consecutive 14-day periods'."; and

(3) in clause (iii)—

(A) by striking "June 30, 2020" and inserting "June 30, 2021";

(B) by striking "no extended benefit period under this paragraph shall begin after December 31, 2020" and inserting "the provisions of clauses (i) and (ii) shall not apply to any employee whose extended benefit period under subparagraph (B) begins after March 14, 2021, and shall not apply to any employee with respect to any registration period beginning after April 5, 2021."; and

(C) by striking "clause (iv)" and inserting "clause (v)";

(4) by redesignating clause (iv) as clause (v); and

(5) by inserting after clause (iii) the following:

"(iv) TREATMENT OF CERTAIN CALENDAR DAYS.—No calendar day occurring during the period beginning on the first date with respect to which the employee has exhausted all rights to extended unemployment benefits under this paragraph as in effect on the day before the date of enactment of the Continued Assistance for Unemployed Workers Act of 2020 and ending with the date of such enactment may be treated as a day of unemployment for purposes of the payment of extended unemployment benefits under this paragraph.".

45 USC 352 note.

(b) APPLICATION.—The amendments made by subsection (a) shall apply as if included in the enactment of the CARES Act (15 U.S.C. 9001 et seq.).

45 USC 352 note.

(c) CLARIFICATION ON AUTHORITY TO USE FUND.—Funds appropriated under either the first or second sentence of clause (v) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act (as redesignated by subsection (a)(4)) shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D) as in effect on the day before the date of enactment of this Act.

SEC. 234. EXTENSION OF WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2112(a) of the CARES Act (15 U.S.C. 9030(a)) is amended by striking "December 31, 2020" and inserting "March 14, 2021".

(b) OPERATING INSTRUCTIONS AND REGULATIONS.—The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section. 15 USC 9030 note.

(c) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under section 2112(c) of the CARES Act (15 U.S.C. 9030(c)) shall be available to cover the cost of additional benefits payable due to section 2112(a) of such Act by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits payable due to such section 2112(a) as in effect on the day before the date of enactment of this Act. 15 USC 9030 note.

SEC. 235. TREATMENT OF PAYMENTS FROM THE RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT.

(a) IN GENERAL.—Section 256(i)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(i)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by inserting "and" at the end; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) any payment made from the Railroad Unemployment Insurance Account (established by section 10 of the Railroad Unemployment Insurance Act) for the purpose of carrying out the Railroad Unemployment Insurance Act, and funds appropriated or transferred to or otherwise deposited in such Account,".

(b) EFFECTIVE DATE.—The treatment of payments made from the Railroad Unemployment Insurance Account pursuant to the amendment made by subsection (a)— 2 USC 906 note.

(1) shall take effect 7 days after the date of the enactment of this Act; and

(2) shall apply only to obligations incurred during the period beginning on the effective date described in paragraph (1) and ending on the date that is 30 days after the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates. Applicability. Time period.

(c) SUNSET.—The amendments made by subsection (a) shall be repealed on the date that is 30 days after the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates. Repeal. 2 USC 906 and note.

Subchapter IV—Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

SEC. 241. REQUIREMENT TO SUBSTANTIATE EMPLOYMENT OR SELF-EMPLOYMENT AND WAGES EARNED OR PAID TO CONFIRM ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(a)(3)(A) of the CARES Act (15 U.S.C. 9021(a)(3)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) by inserting after clause (ii) the following:

Deadline.

"(iii) provides documentation to substantiate employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the later of the date on which the individual submits an application for pandemic unemployment assistance under this section or the date on which an individual is directed by the State Agency to submit such documentation in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such deadline may be extended if the individual has shown good cause under applicable State law for failing to submit such documentation; and".

15 USC 9021 note.
Effective date.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by subsection (a) shall apply to any individual who files a new application for pandemic unemployment assistance or claims pandemic unemployment assistance for any week of unemployment under section 2102 of the CARES Act (15 U.S.C. 9021) on or after January 31, 2021.

(2) SPECIAL RULE.—An individual who received pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) for any week ending before the date of enactment of this Act shall not be considered ineligible for such assistance for such week solely by reason of failure to submit documentation described in clause (iii) of subsection (a)(3)(A) of such section 2102, as added by subsection (a).

Time period.

(3) PRIOR APPLICANTS.—With respect to an individual who applied for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) before January 31, 2021, and receives such assistance on or after the date of enactment of this Act, clause (iii) of subsection (a)(3)(A) of such section shall be applied by substituting "90 days" for "21 days".

SEC. 242. REQUIREMENT FOR STATES TO VERIFY IDENTITY OF APPLICANTS FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(f) of the CARES Act (15 U.S.C. 9021(f)) is amended—

(1) in paragraph (1), by inserting ", including procedures for identity verification or validation and for timely payment, to the extent reasonable and practicable" before the period at the end; and

(2) in paragraph (2)(B), by inserting "and expenses related to identity verification or validation and timely and accurate payment" before the period at the end.

Effective date.
15 USC 9021 note.

(b) APPLICABILITY.—The requirements imposed by the amendments made by this section shall apply, with respect to agreements made under section 2102 of the CARES Act, beginning on the date that is 30 days after the date of enactment of this Act.

Subchapter V—Return to Work Reporting Requirement

SEC. 251. RETURN TO WORK REPORTING FOR CARES ACT AGREEMENTS.

(a) IN GENERAL.—Subtitle A of title II of division A of the CARES Act (Public Law 116–136) is amended by adding at the end the following:

"SEC. 2117. RETURN TO WORK REPORTING. 15 USC 9033.

"Each State participating in an agreement under any of the preceding sections of this subtitle shall have in effect a method to address any circumstances in which, during any period during which such agreement is in effect, claimants of unemployment compensation refuse to return to work or to accept an offer of suitable work without good cause. Such method shall include the following:

"(1) A reporting method for employers, such as through a phone line, email, or online portal, to notify the State agency when an individual refuses an offer of employment. Notification.

"(2) A plain-language notice provided to such claimants about State return to work laws, rights to refuse to return to work or to refuse suitable work, including what constitutes suitable work, and a claimant's right to refuse work that poses a risk to the claimant's health or safety, and information on contesting the denial of a claim that has been denied due to a report by an employer that the claimant refused to return to work or refused suitable work.". Notice.

(b) EFFECTIVE DATE.—The requirements imposed by this section shall take effect 30 days from the date of enactment of this Act. 15 USC 9033 note.

Subchapter VI—Other Related Provisions and Technical Corrections

SECTION 261. MIXED EARNER UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)(1)), as amended by section 1103, is further amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking the period at the end and inserting ", plus"; and

(B) by adding at the end the following:

"(C) an additional amount of $100 (in this section referred to as 'Mixed Earner Unemployment Compensation') in any case in which the individual received at least $5,000 of self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) in the most recent taxable year ending prior to the individual's application for regular compensation."; and

(2) by adding at the end the following:

"(4) CERTAIN DOCUMENTATION REQUIRED.—An agreement under this section shall include a requirement, similar to the requirement under section 2102(a)(3)(A)(iii), for the substantiation of self-employment income with respect to each applicant for Mixed Earner Unemployment Compensation under paragraph (1)(C).".

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—Section 2104 of such Act is amended—

(A) by inserting "or Mixed Earner Unemployment Compensation" after "Federal Pandemic Unemployment Compensation" each place such term appears in subsection (b)(2), (c), or (f) of such section;

(B) in subsection (d), by inserting "and Mixed Earner Unemployment Compensation" after "Federal Pandemic Unemployment Compensation"; and

Applicability.

(C) in subsection (g), by striking "provide that" and all that follows through the end and inserting "provide that—

"(1) the purposes of the preceding provisions of this section, as such provisions apply with respect to Federal Pandemic Unemployment Compensation, shall be applied with respect to unemployment benefits described in subsection (i)(2) to the same extent and in the same manner as if those benefits were regular compensation; and

"(2) the purposes of the preceding provisions of this section, as such provisions apply with respect to Mixed Earner Unemployment Compensation, shall be applied with respect to unemployment benefits described in subparagraph (A), (B), (D), or (E) of subsection (i)(2) to the same extent and in the same manner as if those benefits were regular compensation.".

(2) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107(a)(4)(A) of such Act is amended—

(A) in clause (i), by striking "and";

(B) in clause (ii), by striking "section 2104;" and inserting "section 2104(b)(1)(B); and"; and

(C) by adding at the end the following:

"(iii) the amount (if any) of Mixed Earner Unemployment Compensation under section 2104(b)(1)(C);".

Applicability. Effective date. 15 USC 9023 note.

(c) STATE'S RIGHT OF NON-PARTICIPATION.—Any State participating in an agreement under section 2104 of the CARES Act may elect to continue paying Federal Pandemic Unemployment Compensation under such agreement without providing Mixed Earner Unemployment Compensation pursuant to the amendments made by this section. Such amendments shall apply with respect to such a State only if the State so elects, in which case such amendments shall apply with respect to weeks of unemployment beginning on or after the later of the date of such election or the date of enactment of this section.

42 USC 5174 note.

SEC. 262. LOST WAGES ASSISTANCE RECOUPMENT FAIRNESS.

(a) DEFINITIONS.—In this section—

(1) the term "covered assistance" means assistance provided for supplemental lost wages payments under subsections (e)(2) and (f) of section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), as authorized under the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of such Act (42 U.S.C. 5191(b)) and under any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration; and

(2) the term "State" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) WAIVER AUTHORITY FOR STATE LIABILITY.—In the case of any individual who has received amounts of covered assistance to which the individual is not entitled, the State shall require the individual to repay the amounts of such assistance to the State agency, except that the State agency may waive such repayment if the State agency determines that— Requirement. Determination.

(1) the payment of such covered assistance was without fault on the part of the individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) WAIVER AUTHORITY FOR FEDERAL LIABILITY.—Any waiver of debt issued by a State under subsection (b) shall also waive the debt owed to the United States.

(d) REPORTING.—

(1) STATE REPORTING.—If a State issues a waiver of debt under subsection (b), the State shall report such waiver to the Administrator of the Federal Emergency Management Agency.

(2) OIG REPORTING.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report that assesses the efforts of the States to waive recoupment related to lost wages assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to— Assessment.

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure, Committee on Ways and Means, and the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

SEC. 263. CONTINUING ELIGIBILITY FOR CERTAIN RECIPIENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)), as amended by section 201, is further amended by adding at the end the following:

"(6) CONTINUED ELIGIBILITY FOR ASSISTANCE.—As a condition of continued eligibility for assistance under this section, a covered individual shall submit a recertification to the State for each week after the individual's 1st week of eligibility that certifies that the individual remains an individual described in subsection (a)(3)(A)(ii) for such week.". Certification.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to weeks beginning on or after the date that is 30 days after the date of enactment of this section. Applicability. 15 USC 9021 note.

(2) SPECIAL RULE.—In the case of any State that made a good faith effort to implement section 2102 of division A of the CARES Act (15 U.S.C. 9021) in accordance with rules similar to those provided in section 625.6 of title 20, Code of Federal Regulations, for weeks ending before the effective date specified in paragraph (1), an individual who received pandemic unemployment assistance from such State for any such week shall not be considered ineligible for such assistance

for such week solely by reason of failure to submit a recertification described in subsection (c)(5) of such section 2102.

SEC. 264. TECHNICAL CORRECTION FOR NONPROFIT ORGANIZATIONS CLASSIFIED AS FEDERAL TRUST INSTRUMENTALITIES.

(a) IN GENERAL.—Section 903(i)(1) of the Social Security Act (42 U.S.C. 1103(i)(1)) is amended—

(1) in subparagraph (B), in the first sentence, by inserting "and to service provided by employees of an entity created by Public Law 85–874 (20 U.S.C. 76h et seq.)" after "of such Code applies"; and

(2) in subparagraph (C), by inserting "or an entity created by Public Law 85–874 (20 U.S.C. 76h et seq.)" before the period at the end.

42 USC 1103 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 2103 of the CARES Act (Public Law 116–136).

15 USC 9021 note.

SEC. 265. TECHNICAL CORRECTION FOR THE COMMONWEALTH OF NORTHERN MARIANA ISLANDS.

A Commonwealth Only Transitional Worker (as defined in section 6(i)(2) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes" (48 U.S.C. 1806)) shall be considered a qualified alien under section 431 of Public Law 104-193 (8 U.S.C. 1641) for purposes of eligibility for a benefit under section 2102 or 2104 of the CARES Act.

Determinations. 26 USC 3304 note. Time period. Applicability.

SEC. 266. WAIVER TO PRESERVE ACCESS TO EXTENDED BENEFITS IN HIGH UNEMPLOYMENT STATES.

(a) IN GENERAL.—For purposes of determining the beginning of an extended benefit period (or a high unemployment period) under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) during the period beginning on November 1, 2020, and ending December 31, 2021, section 203 of such Act may be applied without regard to subsection (b)(1)(B) of such section.

(b) RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.—The Secretary of Labor shall issue such rules or other guidance as the Secretary determines may be necessary for the implementation of subsection (a), and shall provide technical assistance to States as needed to facilitate such implementation.

COVID-related Tax Relief Act of 2020.

Subtitle B—COVID-related Tax Relief Act of 2020

SEC. 271. SHORT TITLE; TABLE OF CONTENTS.

26 USC 1 note.

(a) SHORT TITLE.—This subtitle may be cited as the "COVID-related Tax Relief Act of 2020".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 271. Short title; table of contents.
Sec. 272. Additional 2020 recovery rebates for individuals.
Sec. 273. Amendments to recovery rebates under the CARES Act.
Sec. 274. Extension of certain deferred payroll taxes.
Sec. 275. Regulations or guidance clarifying application of educator expense tax deduction.
Sec. 276. Clarification of tax treatment of forgiveness of covered loans.
Sec. 277. Emergency financial aid grants.
Sec. 278. Clarification of tax treatment of certain loan forgiveness and other business financial assistance under the CARES Act.
Sec. 279. Authority to waive certain information reporting requirements.
Sec. 280. Application of special rules to money purchase pension plans.
Sec. 281. Election to waive application of certain modifications to farming losses.
Sec. 282. Oversight and audit reporting.
Sec. 283. Disclosures to identify tax receivables not eligible for collection pursuant to qualified tax collection contracts.
Sec. 284. Modification of certain protections for taxpayer return information.
Sec. 285. 2020 election to terminate transfer period for qualified transfers from pension plan for covering future retiree costs.
Sec. 286. Extension of credits for paid sick and family leave.
Sec. 287. Election to use prior year net earnings from self-employment in determining average daily self-employment income for purposes of credits for paid sick and family leave.
Sec. 288. Certain technical improvements to credits for paid sick and family leave.

SEC. 272. ADDITIONAL 2020 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F is amended by inserting after section 6428 the following new section:

"SEC. 6428A. ADDITIONAL 2020 RECOVERY REBATES FOR INDIVIDUALS. 26 USC 6428A.

Effective date.

"(a) IN GENERAL.—In addition to the credit allowed under section 6428, in the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2020 an amount equal to the sum of—

"(1) $600 ($1,200 in the case of eligible individuals filing a joint return), plus

"(2) an amount equal to the product of $600 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

"(b) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

"(c) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (e)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds—

"(1) $150,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(2) $112,500 in the case of a head of household (as defined in section 2(b)), and

"(3) $75,000 in the case of a taxpayer not described in paragraph (1) or (2).

"(d) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual other than—

"(1) any nonresident alien individual,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable

year beginning in the calendar year in which the individual's taxable year begins, and

"(3) an estate or trust.

"(e) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (f). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of a refund or credit made or allowed under subsection (f) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(f) ADVANCE REFUNDS AND CREDITS.—

"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2019 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (e) and this subsection) had applied to such taxable year. For purposes of determining the advance refund amount with respect to such taxable year—

Determination.

"(A) any individual who was deceased before January 1, 2020, shall be treated for purposes of applying subsection (g) in the same manner as if the valid identification number of such person was not included on the return of tax for such taxable year, and

"(B) no amount shall be determined under this subsection with respect to any qualifying child of the taxpayer if—

"(i) the taxpayer was deceased before January 1, 2020, or

"(ii) in the case of a joint return, both taxpayers were deceased before January 1, 2020.

"(3) TIMING AND MANNER OF PAYMENTS.—

"(A) TIMING.—

"(i) IN GENERAL.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this subsection as rapidly as possible.

"(ii) DEADLINE.—

"(I) IN GENERAL.—Except as provided in subclause (II), no refund or credit shall be made or allowed under this subsection after January 15, 2021.

"(II) EXCEPTION FOR MIRROR CODE POSSESSIONS.—In the case of a possession of the United States which has a mirror code tax system (as such terms are defined in section 272(c) of the

COVID-related Tax Relief Act of 2020), no refund or credit shall be made or allowed under this subsection after the earlier of—

"(aa) such date as is determined appropriate by the Secretary, or Determination.

"(bb) September 30, 2021.

"(B) DELIVERY OF PAYMENTS.—Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under this subsection electronically to— Certification. Disbursement.

"(i) any account to which the payee authorized, on or after January 1, 2019, the delivery of a refund of taxes under this title or of a Federal payment (as defined in section 3332 of title 31, United States Code),

"(ii) any account belonging to a payee from which that individual, on or after January 1, 2019, made a payment of taxes under this title, or

"(iii) any Treasury-sponsored account (as defined in section 208.2 of title 31, Code of Federal Regulations).

"(C) WAIVER OF CERTAIN RULES.—Notwithstanding section 3325 of title 31, United States Code, or any other provision of law, with respect to any payment of a refund under this subsection, a disbursing official in the executive branch of the United States Government may modify payment information received from an officer or employee described in section 3325(a)(1)(B) of such title for the purpose of facilitating the accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability under sections 3325, 3527, 3528, or 3529 of title 31, United States Code, shall be imposed with respect to payments made under this subparagraph.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.

"(5) APPLICATION TO CERTAIN INDIVIDUALS WHO DO NOT FILE A RETURN OF TAX FOR 2019.— Definitions.

"(A) IN GENERAL.—In the case of a specified individual who, at the time of any determination made pursuant to paragraph (3), has not filed a tax return for the year described in paragraph (1), the Secretary may use information with respect to such individual which is provided by—

"(i) in the case of a specified social security beneficiary or a specified supplemental security income recipient, the Commissioner of Social Security,

"(ii) in the case of a specified railroad retirement beneficiary, the Railroad Retirement Board, and

"(iii) in the case of a specified veterans beneficiary, the Secretary of Veterans Affairs (in coordination with, and with the assistance of, the Commissioner of Social Security if appropriate).

"(B) SPECIFIED INDIVIDUAL.—For purposes of this paragraph, the term 'specified individual' means any individual who is—

"(i) a specified social security beneficiary,

"(ii) a specified supplemental security income recipient,

"(iii) a specified railroad retirement beneficiary, or

"(iv) a specified veterans beneficiary.

"(C) SPECIFIED SOCIAL SECURITY BENEFICIARY.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'specified social security beneficiary' means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is entitled to any monthly insurance benefit payable under title II of the Social Security Act (42 U.S.C. 401 et seq.), including payments made pursuant to sections 202(d), 223(g), and 223(i)(7) of such Act.

"(ii) EXCEPTION.—For purposes of this paragraph, the term 'specified social security beneficiary' shall not include any individual if such benefit is not payable for such month by reason of section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) or section 1129A of such Act (42 U.S.C. 1320a–8a).

"(D) SPECIFIED SUPPLEMENTAL SECURITY INCOME RECIPIENT.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'specified supplemental security income recipient' means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is eligible for a monthly benefit payable under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), including—

"(I) payments made pursuant to section 1614(a)(3)(C) of such Act (42 U.S.C. 1382c(a)(3)(C)),

"(II) payments made pursuant to section 1619(a) (42 U.S.C. 1382h(a)) or subsections (a)(4), (a)(7), or (p)(7) of section 1631 (42 U.S.C. 1383) of such Act, and

"(III) State supplementary payments of the type referred to in section 1616(a) of such Act (42 U.S.C. 1382e(a)) (or payments of the type described in section 212(a) of Public Law 93–66) which are paid by the Commissioner under an agreement referred to in such section 1616(a) (or section 212(a) of Public Law 93–66).

"(ii) EXCEPTION.—For purposes of this paragraph, the term 'specified supplemental security income recipient' shall not include any individual if such monthly benefit is not payable for such month by reason of section 1611(e)(1)(A) of the Social Security Act (42 U.S.C. 1382(e)(1)(A)) or section 1129A of such Act (42 U.S.C. 1320a–8a).

"(E) SPECIFIED RAILROAD RETIREMENT BENEFICIARY.—For purposes of this paragraph, the term 'specified railroad retirement beneficiary' means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is entitled to a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

"(i) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1)),

"(ii) section 2(c) of such Act (45 U.S.C. 231a(c)),

"(iii) section 2(d)(1) of such Act (45 U.S.C. 231a(d)(1)), or

"(iv) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in subparagraph (C)(i).

"(F) SPECIFIED VETERANS BENEFICIARY.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'specified veterans beneficiary' means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is entitled to a compensation or pension payment payable under—

"(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code,

"(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code,

"(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code, or

"(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code.

"(ii) EXCEPTION.—For purposes of this paragraph, the term 'specified veterans beneficiary' shall not include any individual if such compensation or pension payment is not payable, or was reduced, for such month by reason of section 1505 or 5313 of title 38, United States Code.

"(G) SUBSEQUENT DETERMINATIONS AND REDETERMINATIONS NOT TAKEN INTO ACCOUNT.—For purposes of this section, any individual's status as a specified social security beneficiary, a specified supplemental security income recipient, a specified railroad retirement beneficiary, or a specified veterans beneficiary shall be unaffected by any determination or redetermination of any entitlement to, or eligibility for, any benefit, payment, or compensation, if such determination or redetermination occurs after the last month for which the Secretary has available information as of the date of enactment of this section.

"(H) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

"(i) IN GENERAL.—If the benefit, payment, or compensation referred to in subparagraph (C)(i), (D)(i), (E), or (F)(i) with respect to any specified individual is paid to a representative payee or fiduciary, payment by the Secretary under paragraph (3) with respect to such specified individual shall be made to such individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

"(ii) APPLICATION OF ENFORCEMENT PROVISIONS.—

"(I) In the case of a payment described in clause (i) which is made with respect to a specified social security beneficiary or a specified supplemental security income recipient, section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to such payment in the same manner as such section applies to a payment under title II or XVI of such Act.

"(II) In the case of a payment described in clause (i) which is made with respect to a specified railroad retirement beneficiary, section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to such payment in the same manner as such section applies to a payment under such Act.

"(III) In the case of a payment described in clause (i) which is made with respect to a specified veterans beneficiary, sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to such payment in the same manner as such sections apply to a payment under such title.

"(I) INELIGIBILITY FOR SPECIAL RULE NOT TO BE INTERPRETED AS GENERAL INELIGIBILITY.—An individual shall not fail to be treated as an eligible individual for purposes of this subsection or subsection (a) merely because such individual is not a specified individual (including by reason of subparagraph (C)(ii), (D)(ii), or (F)(ii)).

"(6) NOTICE TO TAXPAYER.—As soon as practicable after the date on which the Secretary distributed any payment to an eligible taxpayer pursuant to this subsection, the Secretary shall send notice by mail to such taxpayer's last known address. Such notice shall indicate the method by which such payment was made, the amount of such payment, and a phone number for the appropriate point of contact at the Internal Revenue Service to report any failure to receive such payment.

"(g) IDENTIFICATION NUMBER REQUIREMENT.—

"(1) IN GENERAL.—In the case of a return other than a joint return, the $600 amount in subsection (a)(1) shall be treated as being zero unless the taxpayer includes the valid identification number of the taxpayer on the return of tax for the taxable year.

"(2) JOINT RETURNS.—In the case of a joint return, the $1,200 amount in subsection (a)(1) shall be treated as being—

"(A) $600 if the valid identification number of only 1 spouse is included on the return of tax for the taxable year, and

"(B) zero if the valid identification number of neither spouse is so included.

"(3) QUALIFYING CHILD.—A qualifying child of a taxpayer shall not be taken into account under subsection (a)(2) unless—

"(A) the taxpayer includes the valid identification number of such taxpayer (or, in the case of a joint return, the valid identification number of at least 1 spouse) on the return of tax for the taxable year, and

"(B) the valid identification number of such qualifying child is included on the return of tax for the taxable year.

Definitions.

"(4) VALID IDENTIFICATION NUMBER.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'valid identification number' means a social security number (as such term is defined in section 24(h)(7)).

"(B) ADOPTION TAXPAYER IDENTIFICATION NUMBER.—For purposes of paragraph (3)(B), in the case of a qualifying child who is adopted or placed for adoption, the term 'valid identification number' shall include the adoption taxpayer identification number of such child.

"(5) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (2) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and the valid identification number of at least 1 spouse is included on the return of tax for the taxable year.

"(6) COORDINATION WITH CERTAIN ADVANCE PAYMENTS.—In the case of any payment under subsection (f) which is based on information provided under paragraph (5) of such subsection, a valid identification number shall be treated for purposes of this subsection as included on the taxpayer's return of tax if such valid identification number is provided pursuant to subsection (f)(5).

"(7) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including any such measures as are deemed appropriate to avoid allowing multiple credits or rebates to a taxpayer.".

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) is amended by striking "and 6428" and inserting "6428, and 6428A".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) is amended by striking "or 6428" and inserting "6428, or 6428A".

(c) TREATMENT OF POSSESSIONS.— 26 USC 6428A note.

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession. Determination.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession Estimate. Plan.

has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428A of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B).

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

26 USC 6428A note.

(d) ADMINISTRATIVE PROVISIONS.—

(1) EXCEPTION FROM REDUCTION OR OFFSET.—Any refund payable by reason of section 6428A(f) of the Internal Revenue Code of 1986 (as added by this section), or any such refund payable by reason of subsection (c) of this section, shall not be—

(A) subject to reduction or offset pursuant to section 3716 or 3720A of title 31, United States Code,

(B) subject to reduction or offset pursuant to subsection (c), (d), (e), or (f) of section 6402 of the Internal Revenue Code of 1986, or

(C) reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.

(2) ASSIGNMENT OF BENEFITS.—

(A) IN GENERAL.—The right of any person to any applicable payment shall not be transferable or assignable, at law or in equity, and no applicable payment shall be subject to, execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law.

(B) ENCODING OF PAYMENTS.—In the case of an applicable payment described in subparagraph (E)(iii)(I) that is paid electronically by direct deposit through the Automated Clearing House (ACH) network, the Secretary of the Treasury (or the Secretary's delegate) shall—

(i) issue the payment using a unique identifier that is reasonably sufficient to allow a financial institution to identify the payment as an applicable payment, and

(ii) further encode the payment pursuant to the same specifications as required for a benefit payment defined in section 212.3 of title 31, Code of Federal Regulations.

(C) GARNISHMENT.—

(i) ENCODED PAYMENTS.—In the case of a garnishment order that applies to an account that has received an applicable payment that is encoded as provided in subparagraph (B), a financial institution shall follow the requirements and procedures set forth in part 212 of title 31, Code of Federal Regulations, except—

(I) notwithstanding section 212.4 of title 31, Code of Federal Regulations (and except as provided in subclause (II)), a financial institution shall not fail to follow the procedures of sections 212.5 and 212.6 of such title with respect to a garnishment order merely because such order has attached, or includes, a notice of right to garnish federal benefits issued by a State child support enforcement agency, and

(II) a financial institution shall not, with regard to any applicable payment, be required to provide the notice referenced in sections 212.6 and 212.7 of title 31, Code of Federal Regulations.

(ii) OTHER PAYMENTS.—In the case of a garnishment order (other than an order that has been served by the United States) that has been received by a financial institution and that applies to an account into which an applicable payment that has not been encoded as provided in subparagraph (B) has been deposited electronically on any date during the lookback period or into which an applicable payment that has been deposited by check on any date in the lookback period, the financial institution, upon the request of the account holder, shall treat the amount of the funds in the account at the time of the request, up to the amount of the applicable payment (in addition to any amounts otherwise protected under part 212 of title 31, Code of Federal Regulations), as exempt from a garnishment order without requiring the consent of the party serving the garnishment order or the judgment creditor.

(iii) LIABILITY.—A financial institution that acts in good faith in reliance on clauses (i) or (ii) shall not be subject to liability or regulatory action under any Federal or State law, regulation, court or other order, or regulatory interpretation for actions concerning any applicable payments.

(D) NO RECLAMATION RIGHTS.—This paragraph shall not alter the status of applicable payments as tax refunds or other nonbenefit payments for purpose of any reclamation rights of the Department of the Treasury or the

Internal Revenue Service as per part 210 of title 31, Code of Federal Regulations.

(E) DEFINITIONS.—For purposes of this paragraph—

(i) ACCOUNT HOLDER.—The term "account holder" means a natural person whose name appears in a financial institution's records as the direct or beneficial owner of an account.

(ii) ACCOUNT REVIEW.—The term "account review" means the process of examining deposits in an account to determine if an applicable payment has been deposited into the account during the lookback period. The financial institution shall perform the account review following the procedures outlined in section 212.5 of title 31, Code of Federal Regulations and in accordance with the requirements of section 212.6 of title 31, Code of Federal Regulations.

(iii) APPLICABLE PAYMENT.—The term "applicable payment" means—

(I) any advance refund amount paid pursuant to section 6428A(f) of Internal Revenue Code of 1986 (as added by this section),

(II) any payment made by a possession of the United States with a mirror code tax system (as defined in subsection (c) of this section) pursuant to such subsection which corresponds to a payment described in subclause (I), and

(III) any payment made by a possession of the United States without a mirror code tax system (as so defined) pursuant to subsection (c) of this section.

(iv) GARNISHMENT.—The term "garnishment" means execution, levy, attachment, garnishment, or other legal process.

(v) GARNISHMENT ORDER.—The term "garnishment order" means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a State or State agency, a municipality or municipal corporation, or a State child support enforcement agency, including a lien arising by operation of law for overdue child support or an order to freeze the assets in an account, to effect a garnishment against a debtor.

(vi) LOOKBACK PERIOD.—The term "lookback period" means the two month period that begins on the date preceding the date of account review and ends on the corresponding date of the month two months earlier, or on the last date of the month two months earlier if the corresponding date does not exist.

(3) AGENCY INFORMATION SHARING AND ASSISTANCE.—

(A) IN GENERAL.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs shall each provide the Secretary of the Treasury (or the Secretary's delegate) such information and assistance as the Secretary of the Treasury (or the Secretary's delegate) may require for purposes of—

(i) making payments under section 6428A(f) of the Internal Revenue Code of 1986 to individuals described in paragraph (5)(A) thereof, or

(ii) providing administrative assistance to a possession of the United States (as defined in subsection (c)(3)(A)) to allow such possession to promptly distribute payments under subsection (c) to its residents.

(B) EXCHANGE OF INFORMATION WITH POSSESSIONS.—Any information provided to the Secretary of the Treasury (or the Secretary's delegate) pursuant to subparagraph (A)(ii) may be exchanged with a possession of the United States in accordance with the applicable tax coordination agreement for information exchange and administrative assistance that the Internal Revenue Service has agreed to with such possession.

Coordination. 26 USC 6428A note.

(e) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury (or the Secretary's delegate) shall conduct a public awareness campaign, in coordination with the Commissioner of Social Security and the heads of other relevant Federal agencies, to provide information regarding the availability of the credit and rebate allowed under section 6428A of the Internal Revenue Code of 1986 (as added by this section), including information with respect to individuals who may not have filed a tax return for taxable year 2019.

(f) APPROPRIATIONS TO CARRY OUT REBATES AND ADDRESS COVID-RELATED TAX ADMINISTRATION ISSUES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021:

(A) DEPARTMENT OF THE TREASURY.—

(i) For an additional amount for "Department of the Treasury—Internal Revenue Service—Taxpayer Services", $178,335,000, to remain available until September 30, 2021.

(ii) For an additional amount for "Department of the Treasury—Internal Revenue Service—Operations Support", $273,237,000, to remain available until September 30, 2021.

(iii) For an additional amount for "Department of Treasury—Internal Revenue Service—Enforcement", $57,428,000, to remain available until September 30, 2021.

Transfer authority. Notification.

Amounts made available in appropriations under this subparagraph may be transferred between such appropriations upon the advance notification of the Committees on Appropriations of the House of Representatives and the Senate. Such transfer authority is in addition to any other transfer authority provided by law.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for "Social Security Administration—Limitation on Administrative Expenses", $38,000,000, to remain available until September 30, 2021.

(C) RAILROAD RETIREMENT BOARD.—For an additional amount for "Railroad Retirement Board—Limitation on Administration", $8,300, to remain available until September 30, 2021.

Plan.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

Time period.

(g) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "6428A," after "6428,".

(2) The table of sections for subchapter B of chapter 65 of subtitle F is amended by inserting after the item relating to section 6428 the following:

26 USC prec. 6411.

"Sec. 6428A. Additional 2020 recovery rebates for individuals.".

SEC. 273. AMENDMENTS TO RECOVERY REBATES UNDER THE CARES ACT.

(a) AMENDMENTS TO SECTION 6428 OF THE INTERNAL REVENUE CODE OF 1986.—Section 6428 is amended—

26 USC 6428.

(1) in subsection (c)(1), by inserting "or a surviving spouse (as defined in section 2(a))" after "joint return",

(2) in subsection (f)—

(A) in paragraph (3)(A), by striking "section" and inserting "subsection",

(B) in paragraph (4), by striking "section" and inserting "subsection", and

(C) by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

"(A) IN GENERAL.—In the case of any individual for which payment information is provided to the Secretary by the Commissioner of Social Security, the Railroad Retirement Board, or the Secretary of Veterans Affairs, the payment by the Secretary under paragraph (3) with respect to such individual may be made to such individual's representative payee or fiduciary and the entire payment shall be—

"(i) provided to the individual who is entitled to the payment, or

"(ii) used only for the benefit of the individual who is entitled to the payment.

"(B) APPLICATION OF ENFORCEMENT PROVISIONS.—

"(i) In the case of a payment described in subparagraph (A) which is made with respect to a social security beneficiary or a supplemental security income recipient, section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to such payment in the same manner as such section applies to a payment under title II or XVI of such Act.

"(ii) In the case of a payment described in subparagraph (A) which is made with respect to a railroad retirement beneficiary, section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to such payment in the same manner as such section applies to a payment under such Act.

"(iii) In the case of a payment described in subparagraph (A) which is made with respect to a veterans beneficiary, sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to such payment in the same manner as such sections apply to a payment under such title.", and

(3) by striking subsection (g) and inserting the following:

"(g) IDENTIFICATION NUMBER REQUIREMENT.—

"(1) REQUIREMENTS FOR CREDIT.—Subject to paragraph (2), with respect to the credit allowed under subsection (a), the following provisions shall apply: Applicability.

"(A) IN GENERAL.—In the case of a return other than a joint return, the $1,200 amount in subsection (a)(1) shall be treated as being zero unless the taxpayer includes the valid identification number of the taxpayer on the return of tax for the taxable year.

"(B) JOINT RETURNS.—In the case of a joint return, the $2,400 amount in subsection (a)(1) shall be treated as being—

"(i) $1,200 if the valid identification number of only 1 spouse is included on the return of tax for the taxable year, and

"(ii) zero if the valid identification number of neither spouse is so included.

"(C) QUALIFYING CHILD.—A qualifying child of a taxpayer shall not be taken into account under subsection (a)(2) unless—

"(i) the taxpayer includes the valid identification number of such taxpayer (or, in the case of a joint return, the valid identification number of at least 1 spouse) on the return of tax for the taxable year, and

"(ii) the valid identification number of such qualifying child is included on the return of tax for the taxable year.

"(2) REQUIREMENTS FOR ADVANCE REFUNDS.—No refund shall be payable under subsection (f) to an eligible individual who does not include on the return of tax for the taxable year—

"(A) such individual's valid identification number,

"(B) in the case of a joint return, the valid identification number of such individual's spouse, and

"(C) in the case of any qualifying child taken into account under subsection (a)(2), the valid identification number of such qualifying child.

"(3) VALID IDENTIFICATION NUMBER.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'valid identification number' means a social security number (as such term is defined in section 24(h)(7)). Definition.

"(B) ADOPTION TAXPAYER IDENTIFICATION NUMBER.—For purposes of paragraphs (1)(C) and (2)(C), in the case

of a qualifying child who is adopted or placed for adoption, the term 'valid identification number' shall include the adoption taxpayer identification number of such child.

"(4) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraphs (1)(B) and (2)(B) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and the valid identification number of at least 1 spouse is included on the return of tax for the taxable year.

"(5) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.".

(b) AMENDMENTS TO SECTION 2201 OF THE CARES ACT.—Section 2201 of the CARES Act is amended—

Ante, p. 338.

(1) in subsection (d), by striking "Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (c) of this section" and inserting "Any refund payable by reason of section 6428(f) of the Internal Revenue Code of 1986 (as added by this section), or any such refund payable by reason of subsection (c) of this section,", and

Ante, p. 339.

(2) in subsection (f)(1)(A)(i), by inserting after "September 30, 2021" the following: ", of which up to $63,000,000 may be transferred to the "Department of the Treasury—Bureau of the Fiscal Service—Debt Collection" for necessary expenses related to the implementation and operation of Government-wide debt collection activities pursuant to sections 3711(g), 3716, and 3720A of title 31, United States Code, and subsections (c) through (f) of section 6402 of the Internal Revenue Code of 1986 to offset the loss resulting from the coronavirus pandemic of debt collection receipts collected pursuant to such sections: *Provided*, That amounts transferred pursuant to this clause shall be in addition to any other funds made available for this purpose".

26 USC 6428 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 2201 of the CARES Act.

26 USC 7508A note. Applicability.

SEC. 274. EXTENSION OF CERTAIN DEFERRED PAYROLL TAXES.

The Secretary of the Treasury (or the Secretary's delegate) shall ensure that Internal Revenue Service Notice 2020–65 (entitled "Relief with Respect to Employment Tax Deadlines Applicable to Employers Affected by the Ongoing Coronavirus (COVID–19) Disease 2019 Pandemic") and any successor or related regulation, notice, or guidance is applied—

(1) by substituting "December 31, 2021" for "April 30, 2021" each place it appears therein, and

(2) by substituting "January 1, 2022" for "May 1, 2021" each place it appears therein.

26 USC 62 note.

SEC. 275. REGULATIONS OR GUIDANCE CLARIFYING APPLICATION OF EDUCATOR EXPENSE TAX DEDUCTION.

Deadline.

Not later than February 28, 2021, the Secretary of the Treasury (or the Secretary's delegate) shall by regulation or other guidance clarify that personal protective equipment, disinfectant, and other

supplies used for the prevention of the spread of COVID–19 are treated as described in section 62(a)(2)(D)(ii) of the Internal Revenue Code of 1986. Such regulations or other guidance shall apply to expenses paid or incurred after March 12, 2020.

Applicability.
Effective date.

SEC. 276. CLARIFICATION OF TAX TREATMENT OF FORGIVENESS OF COVERED LOANS.

(a) ORIGINAL PAYCHECK PROTECTION PROGRAM LOANS.—

(1) IN GENERAL.—Subsection (i) of section 7A of the Small Business Act, as redesignated, transferred, and amended by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, is amended to read as follows:

15 USC 636m.

"(i) TAX TREATMENT.—For purposes of the Internal Revenue Code of 1986—

"(1) no amount shall be included in the gross income of the eligible recipient by reason of forgiveness of indebtedness described in subsection (b),

"(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

"(3) in the case of an eligible recipient that is a partnership or S corporation—

"(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

"(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of the Internal Revenue Code of 1986 with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from costs giving rise to forgiveness described in subsection (b).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of the CARES Act.

15 USC 636m note.

(b) SUBSEQUENT PAYCHECK PROTECTION PROGRAM LOANS.—For purposes of the Internal Revenue Code of 1986, in the case of any taxable year ending after the date of the enactment of this Act—

15 USC 636 note.

(1) no amount shall be included in the gross income of an eligible entity (within the meaning of subparagraph (J) of section 7(a)(37) of the Small Business Act) by reason of forgiveness of indebtedness described in clause (ii) of such subparagraph,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of an eligible entity that is a partnership or S corporation—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of the Internal Revenue Code of 1986 with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from costs giving rise to the forgiveness of indebtedness referred to in paragraph (1).

20 USC 1001 note.

SEC. 277. EMERGENCY FINANCIAL AID GRANTS.

(a) IN GENERAL.—In the case of a student receiving a qualified emergency financial aid grant—

(1) such grant shall not be included in the gross income of such individual for purposes of the Internal Revenue Code of 1986, and

(2) such grant shall not be treated as described in subparagraph (A), (B), or (C) of section 25A(g)(2) of such Code.

(b) DEFINITIONS.—For purposes of this subsection, the term "qualified emergency financial aid grant" means—

(1) any emergency financial aid grant awarded by an institution of higher education under section 3504 of the CARES Act,

(2) any emergency financial aid grant from an institution of higher education made with funds made available under section 18004 of the CARES Act, and

(3) any other emergency financial aid grant made to a student from a Federal agency, a State, an Indian tribe, an institution of higher education, or a scholarship-granting organization (including a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C.5304)) for the purpose of providing financial relief to students enrolled at institutions of higher education in response to a qualifying emergency (as defined in section 3502(a)(4) of the CARES Act).

(c) LIMITATION.—This section shall not apply to that portion of any amount received which represents payment for teaching, research, or other services required as a condition for receiving the qualified emergency financial aid grant.

(d) EFFECTIVE DATE.—This section shall apply to qualified emergency financial aid grants made after March 26, 2020.

15 USC 9008 note.

SEC. 278. CLARIFICATION OF TAX TREATMENT OF CERTAIN LOAN FORGIVENESS AND OTHER BUSINESS FINANCIAL ASSISTANCE.

(a) UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.—For purposes of the Internal Revenue Code of 1986—

(1) no amount shall be included in the gross income of a borrower by reason of forgiveness of indebtedness described in section 1109(d)(2)(D) of the CARES Act,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a borrower that is a partnership or S corporation—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for

purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of the Internal Revenue Code of 1986 with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from costs giving rise to forgiveness described in section 1109(d)(2)(D) of the CARES Act.

(b) EMERGENCY EIDL GRANTS AND TARGETED EIDL ADVANCES.—For purposes of the Internal Revenue Code of 1986—

(1) any advance described in section 1110(e) of the CARES Act or any funding under section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act shall not be included in the gross income of the person that receives such advance or funding,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation that receives such advance or funding—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

(B) the Secretary of the Treasury (or the Secretary's delegate) shall prescribe rules for determining a partner's distributive share of any amount described in subparagraph (A) for purposes of section 705 of the Internal Revenue Code of 1986.

Regulations. Determination.

(c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For purposes of the Internal Revenue Code of 1986—

(1) any payment described in section 1112(c) of the CARES Act shall not be included in the gross income of the person on whose behalf such payment is made,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation on whose behalf of a payment described in section 1112(c) of the CARES Act is made—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of the Internal Revenue Code of 1986 with respect to any amount described in subparagraph (A) shall equal the sum of the partner's distributive share of deductions resulting from interest and fees described in section 1112(c) of the CARES Act and the partner's share, as determined under section 752 of the Internal Revenue Code of 1986,

of principal described in section 1112(c) of the CARES Act.

(d) GRANTS FOR SHUTTERED VENUE OPERATORS.—For purposes of the Internal Revenue Code of 1986—

(1) any grant made under section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act shall not be included in the gross income of the person that receives such grant,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation that receives such grant—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of the Internal Revenue Code of 1986, and

Regulations. Determination.

(B) the Secretary of the Treasury (or the Secretary's delegate) shall prescribe rules for determining a partner's distributive share of any amount described in subparagraph (A) for purposes of section 705 of the Internal Revenue Code of 1986.

Applicability.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, subsections (a), (b), and (c) shall apply to taxable years ending after the date of the enactment of the CARES Act.

(2) GRANTS FOR SHUTTERED VENUE OPERATORS; TARGETED EIDL ADVANCES.—Subsection (d), and so much of subsection (b) as relates to funding under section 331 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, shall apply to taxable years ending after the date of the enactment of this Act.

26 USC note prec. 6031.

SEC. 279. AUTHORITY TO WAIVE CERTAIN INFORMATION REPORTING REQUIREMENTS.

The Secretary of the Treasury (or the Secretary's delegate) may provide an exception from any requirement to file an information return otherwise required by chapter 61 of the Internal Revenue Code of 1986 with respect to any amount excluded from gross income by reason of section 7A(i) of the Small Business Act or section 276(b), 277, or 278 of this subtitle.

SEC. 280. APPLICATION OF SPECIAL RULES TO MONEY PURCHASE PENSION PLANS.

Ante, p. 342.

(a) IN GENERAL.—Section 2202(a)(6)(B) of the CARES Act is amended by inserting ", and, in the case of a money purchase pension plan, a coronavirus-related distribution which is an in-service withdrawal shall be treated as meeting the distribution rules of section 401(a) of the Internal Revenue Code of 1986" before the period.

26 USC 72 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the enactment of section 2202 of the CARES Act.

SEC. 281. ELECTION TO WAIVE APPLICATION OF CERTAIN MODIFICATIONS TO FARMING LOSSES.

(a) IN GENERAL.—Section 2303 of the CARES Act is amended by adding at the end the following new subsection:

"(e) SPECIAL RULES WITH RESPECT TO FARMING LOSSES.— 26 USC 172 note.

"(1) ELECTION TO DISREGARD APPLICATION OF AMENDMENTS MADE BY SUBSECTIONS (a) AND (b).—

"(A) IN GENERAL.—If a taxpayer who has a farming loss (within the meaning of section 172(b)(1)(B)(ii) of the Internal Revenue Code of 1986) for any taxable year beginning in 2018, 2019, or 2020 makes an election under this paragraph, then—

"(i) the amendments made by subsection (a) shall not apply to any taxable year beginning in 2018, 2019, or 2020, and

"(ii) the amendments made by subsection (b) shall not apply to any net operating loss arising in any taxable year beginning in 2018, 2019, or 2020.

"(B) ELECTION.—

"(i) IN GENERAL.—Except as provided in clause (ii)(II), an election under this paragraph shall be made in such manner as may be prescribed by the Secretary. Such election, once made, shall be irrevocable.

"(ii) TIME FOR MAKING ELECTION.—

"(I) IN GENERAL.—An election under this paragraph shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxpayer's first taxable year ending after the date of the enactment of the COVID-related Tax Relief Act of 2020.

"(II) PREVIOUSLY FILED RETURNS.—In the case of any taxable year for which the taxpayer has filed a return of Federal income tax before the date of the enactment of the COVID-related Tax Relief Act of 2020 which disregards the amendments made by subsections (a) and (b), such taxpayer shall be treated as having made an election under this paragraph unless the taxpayer amends such return to reflect such amendments by the due date (including extensions of time) for filing the taxpayer's return for the first taxable year ending after the date of the enactment of the COVID-related Tax Relief Act of 2020.

"(C) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall issue such regulations and other guidance as may be necessary to carry out the purposes of this paragraph, including regulations and guidance relating to the application of the rules of section 172(a) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the CARES Act) to taxpayers making an election under this paragraph.

"(2) REVOCATION OF ELECTION TO WAIVE CARRYBACK.—The last sentence of section 172(b)(3) of the Internal Revenue Code of 1986 and the last sentence of section 172(b)(1)(B) of such Code shall not apply to any election—

"(A) which was made before the date of the enactment of the COVID-related Tax Relief Act of 2020, and

"(B) which relates to the carryback period provided under section 172(b)(1)(B) of such Code with respect to any net operating loss arising in taxable years beginning in 2018 or 2019.".

26 USC 172 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 2303 of the CARES Act.

SEC. 282. OVERSIGHT AND AUDIT REPORTING.

Ante, p. 579.

Section 19010(a)(1) of the CARES Act is amended by striking "and" at the end of subparagraph (F), by striking "and" at the end of subparagraph (G), and by adding at the end the following new subparagraphs:

"(H) the Committee on Finance of the Senate; and

"(I) the Committee on Ways and Means of the House of Representatives; and".

SEC. 283. DISCLOSURES TO IDENTIFY TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION PURSUANT TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—Section 1106 of the Social Security Act (42 U.S.C. 1306) is amended by adding at the end the following:

"(g) Notwithstanding any other provision of this section, the Commissioner of Social Security shall enter into an agreement with the Secretary of the Treasury under which—

"(1) if the Secretary provides the Commissioner with the information described in section 6103(k)(15) of the Internal Revenue Code of 1986 with respect to any individual, the Commissioner shall indicate to the Secretary as to whether such individual receives disability insurance benefits under section 223 or supplemental security income benefits under title XVI (including State supplementary payments of the type referred to in section 1616(a) or payments of the type described in section 212(a) of Public Law 93–66);

"(2) appropriate safeguards are included to assure that the indication described in paragraph (1) will be used solely for the purpose of determining if tax receivables involving such individual are not eligible for collection pursuant to a qualified tax collection contract by reason of section 6306(d)(3)(E) of the Internal Revenue Code of 1986; and

"(3) the Secretary shall pay the Commissioner of Social Security the full costs (including systems and administrative costs) of providing the indication described in paragraph (1).".

(b) AUTHORIZATION OF DISCLOSURE BY SECRETARY OF THE TREASURY.—

26 USC 6103.

(1) IN GENERAL.—Section 6103(k) is amended by adding at the end the following new paragraph:

"(15) DISCLOSURES TO SOCIAL SECURITY ADMINISTRATION TO IDENTIFY TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION PURSUANT TO QUALIFIED TAX COLLECTION CONTRACTS.—

Determination.

In the case of any individual involved with a tax receivable which the Secretary has identified for possible collection pursuant to a qualified tax collection contract (as defined in section 6306(b)), the Secretary may disclose the taxpayer identity and date of birth of such individual to officers, employees, and contractors of the Social Security Administration to determine if such tax receivable is not eligible for collection pursuant

to such a qualified tax collection contract by reason of section 6306(d)(3)(E).".

(2) CONFORMING AMENDMENTS RELATED TO SAFEGUARDS.—

(A) Section 6103(a)(3) is amended by striking "or (14)" and inserting "(14), or (15)".

(B) Section 6103(p)(4) is amended—

(i) by striking "(k)(8), (10) or (11)" both places it appears and inserting "(k)(8), (10), (11), or (15)", and

(ii) by striking "any other person described in subsection (k)(10)" each place it appears and inserting "any other person described in subsection (k)(10) or (15)".

(C) Section 7213(a)(2) is amended by striking "(k)(10), (13), or (14)" and inserting "(k)(10), (13), (14), or (15)". 26 USC 7213.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act. 26 USC 6103 note.

SEC. 284. MODIFICATION OF CERTAIN PROTECTIONS FOR TAXPAYER RETURN INFORMATION.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) is amended— 26 USC 6103.

(A) by inserting at the end of clause (iii) the following new sentence: "Under such terms and conditions as may be prescribed by the Secretary, after consultation with the Department of Education, an institution of higher education described in subclause (I) or a State higher education agency described in subclause (II) may designate a contractor of such institution or state agency to receive return information on behalf of such institution or state agency to administer aspects of the institution's or state agency's activities for the application, award, and administration of such financial aid.", and Consultation.

(B) by adding at the end the following:

"(iv) REDISCLOSURE TO OFFICE OF INSPECTOR GENERAL, INDEPENDENT AUDITORS, AND CONTRACTORS.—Any return information which is redisclosed under clause (iii)—

"(I) may be further disclosed by persons described in subclauses (I), (II), or (III) of clause (iii) or persons designated in the last sentence of clause (iii) to the Office of Inspector General of the Department of Education and independent auditors conducting audits of such person's administration of the programs for which the return information was received, and

"(II) may be further disclosed by persons described in subclauses (I), (II), or (III) of clause (iii) to contractors of such entities,

but only to the extent necessary in carrying out the purposes described in such clause (iii).

"(v) REDISCLOSURE TO FAMILY MEMBERS.—In addition to the purposes for which information is disclosed and used under subparagraphs (A) and (C), or redisclosed under clause (iii), any return information so

disclosed or redisclosed may be further disclosed to any individual certified by the Secretary of Education as having provided approval under paragraph (1) or (2) of section 494(a) of the Higher Education Act of 1965, as the case may be, for disclosure related to the income-contingent or income-based repayment plan under subparagraph (A) or the eligibility for, and amount of, Federal student financial aid described in subparagraph (C).

"(vi) REDISCLOSURE OF FAFSA INFORMATION.—Return information received under subparagraph (C) may be redisclosed in accordance with subsection (c) of section 494 of the Higher Education Act of 1965 (as in effect on the date of enactment of the COVID-related Tax Relief Act of 2020) to carry out the purposes specified in such subsection.".

(2) CONFORMING AMENDMENT.—Subparagraph (F) of section 6103(l)(13) is amended by inserting ", and any redisclosure authorized under clause (iii), (iv) (v), or (vi) of subparagraph (D)," after " or (C)".

(3) CONFIDENTIALITY OF RETURN INFORMATION.—

(A) Section 6103(a)(3), as amended by section 3516(a)(1) of the CARES Act, is amended by striking "(13)(A), (13)(B), (13)(C), (13)(D)(i)," and inserting "(13) (other than subparagraphs (D)(v) and (D)(vi) thereof),".

(B) Section 6103(p)(3)(A), as amended by section 3516(a)(2) of such Act, is amended by striking "(13)(A), (13)(B), (13)(C), (13)(D)(i)," and inserting "(13)(D)(iv), (13)(D)(v), (13)(D)(vi)".

26 USC 6103 note.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures made after the date of the enactment of the FUTURE Act (Public Law 116–91).

(b) AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.—

(1) IN GENERAL.—Section 494 of the Higher Education Act of 1965 (20 U.S.C. 1098h(a)) is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting ", including return information," after "financial information";

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking "subparagraph (B), the" and inserting the following: "subparagraph (B)—

"(I) the"; and

(bb) by adding at the end the following:

"(II) the return information of such individuals may be redisclosed pursuant to clauses (iii), (iv), (v), and (vi) of section 6103(l)(13)(D) of the Internal Revenue Code of 1986, for the relevant purposes described in such section; and"; and

(II) in clause (ii), by striking "such disclosure" and inserting "the disclosures described in subclauses (I) and (II) of clause (i)"; and

(iii) in subparagraph (B), by striking "disclosure described in subparagraph (A)(i)" and inserting "disclosures described in subclauses (I) and (II) of subparagraph (A)(i)";

(B) in subsection (a)(2)(A)(ii), by striking "affirmatively approve the disclosure described in paragraph (1)(A)(i) and agree that such approval shall serve as an ongoing approval of such disclosure until the date on which the individual elects to opt out of such disclosure" and inserting "affirmatively approve the disclosures described in subclauses (I) and (II) of paragraph (1)(A)(i), to the extent applicable, and agree that such approval shall serve as an ongoing approval of such disclosures until the date on which the individual elects to opt out of such disclosures"; and

(C) by adding at the end the following:

"(c) ACCESS TO FAFSA INFORMATION.—

"(1) REDISCLOSURE OF INFORMATION.—The information in a complete, unredacted Student Aid Report (including any return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13))) with respect to an application described in subsection (a)(1) of an applicant for Federal student financial aid—

"(A) upon request for such information by such applicant, shall be provided to such applicant by—

"(i) the Secretary; or

"(ii) in a case in which the Secretary has requested that institutions of higher education carry out the requirements of this subparagraph, an institution of higher education that has received such information; and

"(B) with the written consent by the applicant to an institution of higher education, may be provided by such institution of higher education as is necessary to a scholarship granting organization (including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304))), or to an organization assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance, that is designated by the applicant to assist the applicant in applying for and receiving financial assistance for any component of the applicant's cost of attendance (defined in section 472) at that institution.

"(2) DISCUSSION OF INFORMATION.—A discussion of the information in an application described in subsection (a)(1) (including any return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) of an applicant between an institution of higher education and the applicant may, with the written consent of the applicant, include an individual selected by the applicant (such as an advisor) to participate in such discussion.

"(3) RESTRICTION ON DISCLOSING INFORMATION.—A person receiving information under paragraph (1)(B) or (2) with respect to an applicant shall not use the information for any purpose other than the express purpose for which consent was granted by the applicant and shall not disclose such information to any other person without the express permission of, or request by, the applicant.

"(4) DEFINITIONS.—In this subsection:

"(A) STUDENT AID REPORT.—The term 'Student Aid Report' has the meaning given the term in section 668.2 of title 34, Code of Federal Regulations (or successor regulations).

"(B) WRITTEN CONSENT.—The term 'written consent' means a separate, written document that is signed and dated (which may include by electronic format) by an applicant, which—

"(i) indicates that the information being disclosed includes return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) with respect to the applicant;

"(ii) states the purpose for which the information is being disclosed; and

"(iii) states that the information may only be used for the specific purpose and no other purposes.

"(5) RECORD KEEPING REQUIREMENT.—An institution of higher education shall—

Time period.

"(A) keep a record of each written consent made under this subsection for a period of at least 3 years from the date of the student's last date of attendance at the institution; and

Review.

"(B) make each such record readily available for review by the Secretary.".

(2) CONFORMING AMENDMENT.—Section 494(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1098h(a)(3)) is amended by striking "paragraph (1)(A)(i)" both places the term appears and inserting "paragraph (1)(A)(i)(I)".

SEC. 285. 2020 ELECTION TO TERMINATE TRANSFER PERIOD FOR QUALIFIED TRANSFERS FROM PENSION PLAN FOR COVERING FUTURE RETIREE COSTS.

26 USC 420.

(a) IN GENERAL.—Section 420(f) is amended by adding at the end the following new paragraph:

Applicability.
Deadline.

"(7) ELECTION TO END TRANSFER PERIOD.—

"(A) IN GENERAL.—In the case of an employer maintaining a plan which has made a qualified future transfer under this subsection, such employer may, not later than December 31, 2021, elect to terminate the transfer period with respect to such transfer effective as of any taxable year specified by the taxpayer that begins after the date of such election.

"(B) AMOUNTS TRANSFERRED TO PLAN ON TERMINATION.—Any assets transferred to a health benefits account, or an applicable life insurance account, in a qualified future transfer (and any income allocable thereto) which are not used as of the effective date of the election to terminate the transfer period with respect to such transfer under subparagraph (A), shall be transferred out of the account to the transferor plan within a reasonable period of time. The transfer required by this subparagraph shall be treated as an employer reversion for purposes of section 4980 (other than subsection (d) thereof), unless before the end of the 5-year period beginning after the original transfer period an equivalent amount is transferred back to such health benefits account, or applicable

life insurance account, as the case may be. Any such transfer back pursuant to the preceding sentence may be made without regard to section 401(h)(1).

"(C) MINIMUM COST REQUIREMENTS CONTINUE.—The requirements of subsection (c)(3) and paragraph (2)(D) shall apply with respect to a qualified future transfer without regard to any election under subparagraph (A) with respect to such transfer.

"(D) MODIFIED MAINTENANCE OF FUNDED STATUS DURING ORIGINAL TRANSFER PERIOD.—The requirements of paragraph (2)(B) shall apply without regard to any such election, and clause (i) thereof shall be applied by substituting '100 percent' for '120 percent' during the original transfer period.

"(E) CONTINUED MAINTENANCE OF FUNDING STATUS AFTER ORIGINAL TRANSFER PERIOD.—

"(i) IN GENERAL.—In the case of a plan with respect to which there is an excess described in paragraph (2)(B)(ii) as of the valuation date of the plan year in the last year of the original transfer period, paragraph (2)(B) shall apply for 5 years after the original transfer period in the same manner as during a transfer period by substituting the applicable percentage for '120 percent' in clause (i) thereof.

"(ii) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the applicable percentage shall be determined under the following table:

"For the valuation date of the plan year in the following year after the original transfer period:	The applicable percentage is:
1st	104 percent
2nd	108 percent
3rd	112 percent
4th	116 percent
5th	120 percent

"(iii) EARLY TERMINATION OF CONTINUED MAINTENANCE PERIOD WHEN 120 PERCENT FUNDING REACHED.—If, as of the valuation date of any plan year in the first 4 years after the original transfer period with respect to a qualified future transfer, there would be no excess determined under this subparagraph were the applicable percentage 120 percent, then this subparagraph shall cease to apply with respect to the plan.

"(F) ORIGINAL TRANSFER PERIOD.—For purposes of this paragraph, the term 'original transfer period' means the transfer period under this subsection with respect to a qualified future transfer determined without regard to the election under subparagraph (A).". Definition.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019. 26 USC 420 note.

SEC. 286. EXTENSION OF CREDITS FOR PAID SICK AND FAMILY LEAVE.

(a) IN GENERAL.—Sections 7001(g), 7002(e), 7003(g), and 7004(e) of the Families First Coronavirus Response Act are each amended by striking "December 31, 2020" and inserting "March 31, 2021". *Ante*, pp. 212, 214, 216, 218.

(b) COORDINATION WITH TERMINATION OF MANDATE.—

(1) PAYROLL CREDIT FOR PAID SICK LEAVE.—Section 7001(c) of the Families First Coronavirus Response Act is amended by striking "paid by an employer which" and all that follows and inserting "paid by an employer—

Ante, p. 211.

"(1) which are required to be paid by reason of the Emergency Paid Sick Leave Act, or

"(2) both—

"(A) which would be so required to be paid if such Act were applied—

"(i) by substituting 'March 31, 2021' for 'December 31, 2020' in section 5109 thereof, and

"(ii) without regard to section 5102(b)(3) thereof, and

"(B) with respect to which all requirements of such Act (other than subsections (a) and (b) of section 5105 thereof, and determined by substituting 'To be compliant with section 5102, an employer may not' for 'It shall be unlawful for any employer to' in section 5104 thereof) which would apply if so required are satisfied.".

(2) CREDIT FOR SICK LEAVE OF SELF-EMPLOYED INDIVIDUALS.—Section 7002(b)(2) of the Families First Coronavirus Response Act is amended to read as follows:

Ante, p. 212.

"(2) either—

"(A) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Paid Sick Leave Act if the individual were an employee of an employer (other than himself or herself), or

"(B) would be so entitled if—

"(i) such Act were applied by substituting 'March 31, 2021' for 'December 31, 2020' in section 5109 thereof, and

"(ii) the individual were an employee of an employer (other than himself or herself).".

(3) PAYROLL CREDIT FOR PAID FAMILY LEAVE.—Section 7003(c) of the Families First Coronavirus Response Act is amended by striking "paid by an employer which" and all that follows and inserting "paid by an employer—

Ante, p. 215.

"(1) which are required to be paid by reason of the Emergency Family and Medical Leave Expansion Act (including the amendments made by such Act), or

"(2) both—

"(A) which would be so required to be paid if section 102(a)(1)(F) of the Family and Medical Leave Act of 1993, as amended by the Emergency Family and Medical Leave Expansion Act, were applied by substituting 'March 31, 2021' for 'December 31, 2020', and

"(B) with respect to which all requirements of the Family and Medical Leave Act of 1993 (other than section 107 thereof, and determined by substituting 'To be compliant with section 102(a)(1)(F), an employer may not' for 'It shall be unlawful for any employer to' each place it appears in subsection (a) of section 105 thereof, by substituting 'made unlawful in this title or described in this section' for 'made unlawful by this title' in paragraph (2) of such subsection, and by substituting 'To be compliant with section 102(a)(1)(F), an employer may not' for 'It shall be unlawful for any person to' in subsection (b) of such

section) which relate to such section 102(a)(1)(F), and which would apply if so required, are satisfied.".

(4) CREDIT FOR FAMILY LEAVE OF SELF-EMPLOYED INDIVIDUALS.—Section 7004(b)(2) of the Families First Coronavirus Response Act is amended to read as follows: *Ante*, p. 217.

"(2) either—

"(A) would be entitled to receive paid leave during the taxable year pursuant to the Emergency Family and Medical Leave Expansion Act if the individual were an employee of an employer (other than himself or herself), or

"(B) would be so entitled if—

"(i) section 102(a)(1)(F) of the Family and Medical Leave Act of 1993, as amended by the Emergency Family and Medical Leave Expansion Act, were applied by substituting 'March 31, 2021' for 'December 31, 2020', and

"(ii) the individual were an employee of an employer (other than himself or herself).".

(5) COORDINATION WITH CERTAIN EMPLOYMENT TAXES.—Section 7005(a) of the Families First Coronavirus Response Act is amended by inserting "(or, in the case of wages paid after December 31, 2020, and before April 1, 2021, with respect to which a credit is allowed under section 7001 or 7003)" before "shall not be considered". Time period. *Ante*, p. 219

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate. 26 USC 1401 note.

SEC. 287. ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT IN DETERMINING AVERAGE DAILY SELF-EMPLOYMENT INCOME FOR PURPOSES OF CREDITS FOR PAID SICK AND FAMILY LEAVE.

(a) CREDIT FOR SICK LEAVE.—Section 7002(c) of the Families First Coronavirus Response Act is amended by adding at the end the following new paragraph: *Ante,* p. 212.

"(4) ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT INCOME.—In the case of an individual who elects (at such time and in such manner as the Secretary, or the Secretary's delegate, may provide) the application of this paragraph, paragraph (2)(A) shall be applied by substituting 'the prior taxable year' for 'the taxable year'.". Applicability.

(b) CREDIT FOR FAMILY LEAVE.—Section 7004(c) of the Families First Coronavirus Response Act is amended by adding at the end the following new paragraph: *Ante*, p. 217.

"(4) ELECTION TO USE PRIOR YEAR NET EARNINGS FROM SELF-EMPLOYMENT INCOME.—In the case of an individual who elects (at such time and in such manner as the Secretary, or the Secretary's delegate, may provide) the application of this paragraph, paragraph (2)(A) shall be applied by substituting 'the prior taxable year' for 'the taxable year'.". Applicability.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate. 26 USC 1401 note.

SEC. 288. CERTAIN TECHNICAL IMPROVEMENTS TO CREDITS FOR PAID SICK AND FAMILY LEAVE.

(a) COORDINATION WITH APPLICATION OF CERTAIN DEFINITIONS.—

(1) IN GENERAL.—Sections 7001(c) and 7003(c) of the Families First Coronavirus Response Act are each amended— *Ante*, pp. 211, 215.

(A) by inserting ", determined without regard to paragraphs (1) through (22) of section 3121(b) of such Code" after "as defined in section 3121(a) of the Internal Revenue Code of 1986", and

(B) by inserting ", determined without regard to the sentence in paragraph (1) thereof which begins 'Such term does not include remuneration'" after "as defined in section 3231(e) of the Internal Revenue Code".

(2) CONFORMING AMENDMENTS.—Sections 7001(e)(3) and 7003(e)(3) of the Families First Coronavirus Response Act are each amended by striking "Any term" and inserting "Except as otherwise provided in this section, any term". *Ante*, pp. 211, 215.

(b) COORDINATION WITH EXCLUSION FROM EMPLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the Families First Coronavirus Response Act, as amended by subsection (a), are each amended—

(1) by inserting "and section 7005(a) of this Act," after "determined without regard to paragraphs (1) through (22) of section 3121(b) of such Code", and

(2) by inserting "and without regard to section 7005(a) of this Act" after "which begins 'Such term does not include remuneration'".

(c) CLARIFICATION OF APPLICABLE RAILROAD RETIREMENT TAX FOR PAID LEAVE CREDITS.—Sections 7001(e) and 7003(e) of the Families First Coronavirus Response Act, as amended by the preceding provisions of this Act, are each amended by adding at the end the following new paragraph:

"(4) REFERENCES TO RAILROAD RETIREMENT TAX.—Any reference in this section to the tax imposed by section 3221(a) of the Internal Revenue Code of 1986 shall be treated as a reference to so much of such tax as is attributable to the rate in effect under section 3111(a) of such Code.".

(d) CLARIFICATION OF TREATMENT OF PAID LEAVE FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section 7005(a) of the Families First Coronavirus Response Act is amended by adding the following sentence at the end of such subsection: "Any reference in this subsection to the tax imposed by section 3221(a) of such Code shall be treated as a reference to so much of the tax as is attributable to the rate in effect under section 3111(a) of such Code.". *Ante*, p. 219.

(e) CLARIFICATION OF APPLICABLE RAILROAD RETIREMENT TAX FOR HOSPITAL INSURANCE TAX CREDIT.—Section 7005(b)(1) of the Families First Coronavirus Response Act is amended to read as follows: *Ante*, p. 219.

"(1) IN GENERAL.—The credit allowed by section 7001 and the credit allowed by section 7003 shall each be increased by the amount of the tax imposed by section 3111(b) of the Internal Revenue Code of 1986 and so much of the taxes imposed under section 3221(a) of such Code as are attributable to the rate in effect under section 3111(b) of such Code on qualified sick leave wages, or qualified family leave wages,

for which credit is allowed under such section 7001 or 7003 (respectively).".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Families First Coronavirus Response Act to which they relate. 26 USC 3111 note.

TITLE III—CONTINUING THE PAYCHECK PROTECTION PROGRAM AND OTHER SMALL BUSINESS SUPPORT

Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act.

SEC. 301. SHORT TITLE. 15 USC 9001 note.

This title may be cited as the "Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act".

SEC. 302. DEFINITIONS. 15 USC 9001 note.

In this Act:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

(2) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 303. EMERGENCY RULEMAKING AUTHORITY. Deadline. 15 USC 9012 note.

Not later than 10 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this Act and the amendments made by this Act without regard to the notice requirements under section 553(b) of title 5, United States Code.

SEC. 304. ADDITIONAL ELIGIBLE EXPENSES.

(a) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(1) in subclause (VI), by striking "and" at the end;

(2) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(VIII) covered operations expenditures, as defined in section 7A(a);

"(IX) covered property damage costs, as defined in section 7A(a);

"(X) covered supplier costs, as defined in section 7A(a); and

"(XI) covered worker protection expenditures, as defined in section 7A(a).".

(b) LOAN FORGIVENESS.—

(1) TRANSFER OF SECTION TO SMALL BUSINESS ACT.—

(A) IN GENERAL.—Section 1106 of the CARES Act (15 U.S.C. 9005) is redesignated as section 7A, transferred to the Small Business Act (15 U.S.C. 631 et seq.), and inserted so as to appear after section 7 of the Small Business Act (15 U.S.C. 636). 15 USC 636m.

(B) CONFORMING AMENDMENTS TO TRANSFERRED SECTION.—Section 7A of the Small Business Act, as redesignated and transferred by subparagraph (A) of this paragraph, is amended—

(i) in subsection (a)(1), by striking "under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102" and inserting "under section 7(a)(36)"; and

(ii) in subsection (c), by striking "of the Small Business Act (15 U.S.C. 636(a))" each place it appears.

(C) OTHER CONFORMING AMENDMENTS.—

(i) Section 1109(d)(2)(D) of the CARES Act (15 U.S.C. 9008(d)(2)(D)) is amended by striking "section 1106 of this Act" and inserting "section 7A of the Small Business Act".

(ii) Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(I) in subparagraph (K), by striking "section 1106 of the CARES Act" and inserting "section 7A"; and

(II) in subparagraph (M)—

(aa) by striking "section 1106 of the CARES Act" each place it appears and inserting "section 7A"; and

(bb) in clause (v), by striking "section 1106(a) of the CARES Act" and inserting "section 7A(a)".

(2) ADDITIONAL ELIGIBLE EXPENSES.—Section 7A of the Small Business Act, as redesignated and transferred by paragraph (1) of this subsection, is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

(v) by inserting after paragraph (2) the following:

Definition. "(3) the term 'covered operations expenditure' means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;";

(vi) by inserting after paragraph (4), as so redesignated, the following:

Definition. "(5) the term 'covered property damage cost' means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;";

(vii) by inserting after paragraph (6), as so redesignated, the following:

Definition. "(7) the term 'covered supplier cost' means an expenditure made by an entity to a supplier of goods for the supply of goods that—

"(A) are essential to the operations of the entity at the time at which the expenditure is made; and

"(B) is made pursuant to a contract, order, or purchase order—

"(i) in effect at any time before the covered period with respect to the applicable covered loan; or

"(ii) with respect to perishable goods, in effect before or at any time during the covered period with respect to the applicable covered loan;";

(viii) by inserting after paragraph (8), as so redesignated, the following:

"(9) the term 'covered worker protection expenditure'— Definition.

"(A) means an operating or a capital expenditure to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration, or any equivalent requirements established or guidance issued by a State or local government, during the period beginning on March 1, 2020 and ending the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID–19; Time period.

"(B) may include—

"(i) the purchase, maintenance, or renovation of assets that create or expand—

"(I) a drive-through window facility;

"(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

"(III) a physical barrier such as a sneeze guard;

"(IV) an expansion of additional indoor, outdoor, or combined business space;

"(V) an onsite or offsite health screening capability; or

"(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

"(ii) the purchase of—

"(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

"(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

"(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

"(C) does not include residential real property or intangible property;"; and

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking "and" at the end;

(II) in subparagraph (D), by striking "and" at the end; and

(III) by adding at the end the following:

"(E) covered operations expenditures;

"(F) covered property damage costs;

"(G) covered supplier costs; and

"(H) covered worker protection expenditures; and";

(B) in subsection (b), by adding at the end the following:

"(5) Any covered operations expenditure.

"(6) Any covered property damage cost.

"(7) Any covered supplier cost.

"(8) Any covered worker protection expenditure.";

(C) in subsection (d)(8), by inserting "any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure," after "rent obligation,"; and

(D) in subsection (e)—

(i) in paragraph (2)—

(I) by inserting "purchase orders, orders, invoices," before "or other documents"; and

(II) by striking "covered lease obligations," and inserting "covered rent obligations, payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,"; and

(ii) in paragraph (3)(B), by inserting "make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures," after "rent obligation,".

15 USC 636 note.

(c) EFFECTIVE DATE; APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

(2) EXCLUSION OF LOANS ALREADY FORGIVEN.—The amendments made by subsections (a) and (b) shall not apply to a loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) for which the borrower received forgiveness before the date of enactment of this Act under section 1106 of the CARES Act, as in effect on the day before such date of enactment.

SEC. 305. HOLD HARMLESS.

(a) IN GENERAL.—Subsection (h) of section 7A of the Small Business Act, as redesignated and transferred by section 304 of this Act, is amended to read as follows:

"(h) HOLD HARMLESS.—

"(1) DEFINITION.—In this subsection, the term 'initial or second draw PPP loan' means a covered loan or a loan under paragraph (37) of section 7(a).

"(2) RELIANCE.—A lender may rely on any certification or documentation submitted by an applicant for an initial or second draw PPP loan or an eligible recipient or eligible entity receiving initial or second draw PPP loan that—

"(A) is submitted pursuant to all applicable statutory requirements, regulations, and guidance related to initial or second draw PPP loan, including under paragraph (36) or (37) of section 7(a) and under this section; and

"(B) attests that the applicant, eligible recipient, or eligible entity, as applicable, has accurately provided the certification or documentation to the lender in accordance with the statutory requirements, regulations, and guidance described in subparagraph (A).

"(3) NO ENFORCEMENT ACTION.—With respect to a lender that relies on a certification or documentation described in paragraph (2) related to an initial or second draw PPP loan, an enforcement action may not be taken against the lender, and the lender shall not be subject to any penalties relating to loan origination or forgiveness of the initial or second draw PPP loan, if—

"(A) the lender acts in good faith relating to loan origination or forgiveness of the initial or second draw PPP loan based on that reliance; and

"(B) all other relevant Federal, State, local, and other statutory and regulatory requirements applicable to the lender are satisfied with respect to the initial or second draw PPP loan.".

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan. 15 USC 636m note.

SEC. 306. SELECTION OF COVERED PERIOD FOR FORGIVENESS.

Section 7A of the Small Business Act, as redesignated and transferred by section 304 of this Act, is amended—

(A) by amending paragraph (4) of subsection (a), as so redesignated by section 304(b) of this Act, to read as follows:

"(4) the term 'covered period' means the period— Definition.

"(A) beginning on the date of the origination of a covered loan; and

"(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

"(i) beginning on the date that is 8 weeks after such date of origination; and

"(ii) ending on the date that is 24 weeks after such date of origination;"; and

(1) by striking subsection (l).

SEC. 307. SIMPLIFIED FORGIVENESS APPLICATION.

(a) IN GENERAL.—Section 7A of the Small Business Act, as redesignated and transferred by section 304 of this Act, and as amended by section 306 of this Act, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking "An eligible" and inserting "Except as provided in subsection (l), an eligible";

(2) in subsection (f), by inserting "or the certification required under subsection (l), as applicable" after "subsection (e)"; and

(3) by adding at the end the following:

"(l) SIMPLIFIED APPLICATION.—

"(1) COVERED LOANS UP TO $150,000.—

"(A) IN GENERAL .—With respect to a covered loan made to an eligible recipient that is not more than $150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

Certification.
Deadline.

"(i) signs and submits to the lender a certification, to be established by the Administrator not later than 24 days after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, which—

"(I) shall be not more than 1 page in length; and

"(II) shall only require the eligible recipient to provide—

"(aa) a description of the number of employees the eligible recipient was able to retain because of the covered loan;

"(bb) the estimated amount of the covered loan amount spent by the eligible recipient on payroll costs; and

"(cc) the total loan value;

"(ii) attests that the eligible recipient has—

"(I) accurately provided the required certification; and

"(II) complied with the requirements under section 7(a)(36); and

Records.
Time periods.

"(iii) retains records relevant to the form that prove compliance with such requirements—

"(I) with respect to employment records, for the 4-year period following submission of the form; and

"(II) with respect to other records, for the 3-year period following submission of the form.

"(B) LIMITATION ON REQUIRING ADDITIONAL MATERIALS.—An eligible recipient of a covered loan that is not more than $150,000 shall not, at the time of the application for forgiveness, be required to submit any application or documentation in addition to the certification and information required to substantiate forgiveness.

"(C) RECORDS FOR OTHER REQUIREMENTS.—Nothing in subparagraph (A) or (B) shall be construed to exempt an eligible recipient from having to provide documentation independently to a lender to satisfy relevant Federal, State, local, or other statutory or regulatory requirements, or

in connection with an audit as authorized under subparagraph (E).

"(D) DEMOGRAPHIC INFORMATION.—The certification established by the Administrator under subparagraph (A) shall include a means by which an eligible recipient may, at the discretion of the eligible recipient, submit demographic information of the owner of the eligible recipient, including the sex, race, ethnicity, and veteran status of the owner.

"(E) AUDIT AUTHORITY.—The Administrator may—

"(i) review and audit covered loans described in subparagraph (A); Review.

"(ii) access any records described in subparagraph (A)(iii); and Records.

"(iii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

"(I) the amount of a covered loan described in subparagraph (A); or

"(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

"(2) COVERED LOANS OF MORE THAN $150,000.—

"(A) IN GENERAL.—With respect to a covered loan in an amount that is more than $150,000, the eligible recipient shall submit to the lender that is servicing the covered loan the documentation described in subsection (e).

"(B) DEMOGRAPHIC INFORMATION.—The process for submitting the documentation described in subsection (e) shall include a means by which an eligible recipient may, at the discretion of the eligible recipient, submit demographic information of the owner of the eligible recipient, including the sex, race, ethnicity, and veteran status of the owner.

"(3) FORGIVENESS AUDIT PLAN.—

"(A) IN GENERAL.—Not later than 45 days after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details— Deadline.

"(i) the policies and procedures of the Administrator for conducting forgiveness reviews and audits of covered loans; and

"(ii) the metrics that the Administrator shall use to determine which covered loans will be audited. Determination.

"(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the forgiveness review and audit activities of the Administrator under this subsection, which shall include—

"(i) the number of active reviews and audits;

Time period.

"(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

"(iii) any substantial changes made to the audit plan submitted under subparagraph (A).".

15 USC 636m note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

SEC. 308. SPECIFIC GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.

(a) IN GENERAL.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting "or group life, disability, vision, or dental insurance" before "benefits".

15 USC 636 note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

15 USC 636 note.

SEC. 309. DEMOGRAPHIC INFORMATION.

On and after the date of enactment of this Act, any loan origination application for a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this division, shall include a means by which the applicant for the loan may, at the discretion of the applicant, submit demographic information of the owner of the recipient of the loan, including the sex, race, ethnicity, and veteran status of the owner.

SEC. 310. CLARIFICATION OF AND ADDITIONAL LIMITATIONS ON ELIGIBILITY.

(a) DATE IN OPERATION.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended by adding at the end the following:

"(T) REQUIREMENT FOR DATE IN OPERATION.—A business or organization that was not in operation on February 15, 2020 shall not be eligible for a loan under this paragraph.".

15 USC 636 note.

(2) EFFECTIVE DATE; APPLICABILITY.—The amendment made by paragraph (1) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

(b) EXCLUSION OF ENTITIES RECEIVING SHUTTERED VENUE OPERATOR GRANTS.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (a) of this section, is amended by adding at the end the following:

"(U) EXCLUSION OF ENTITIES RECEIVING SHUTTERED VENUE OPERATOR GRANTS.—An eligible person or entity (as defined under of section 24 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act)

that receives a grant under such section 24 shall not be eligible for a loan under this paragraph.".

SEC. 311. PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the terms 'eligible self-employed individual', 'housing cooperative', 'nonprofit organization', 'payroll costs', 'seasonal employer', and 'veterans organization' have the meanings given those terms in paragraph (36), except that 'eligible entity' shall be substituted for 'eligible recipient' each place it appears in the definitions of those terms;

"(ii) the term 'covered loan' means a loan made under this paragraph;

"(iii) the terms 'covered mortgage obligation', 'covered operating expenditure', 'covered property damage cost', 'covered rent obligation', 'covered supplier cost', 'covered utility payment', and 'covered worker protection expenditure' have the meanings given those terms in section 7A(a);

"(iv) the term 'eligible entity'—

"(I) means any business concern, nonprofit organization, housing cooperative, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that— Time periods.

"(aa) employs not more than 300 employees; and

"(bb)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first, second, third, or, only with respect to an application submitted on or after January 1, 2021, fourth quarter in 2020 that demonstrate not less than a 25 percent reduction from the gross receipts of the entity during the same quarter in 2019;

"(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first, second, third, or, only with respect to an application submitted on or after January 1, 2021, fourth quarter of 2020 that demonstrate not less than a 25 percent reduction from the gross receipts of the entity during the third or fourth quarter of 2019;

"(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first, second, third, or, only with respect to an application submitted on or after January

1, 2021, fourth quarter of 2020 that demonstrate not less than a 25 percent reduction from the gross receipts of the entity during the fourth quarter of 2019; or

"(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second, third, or, only with respect to an application submitted on or after January 1, 2021, fourth quarter of 2020 that demonstrate not less than a 25 percent reduction from the gross receipts of the entity during the first quarter of 2020;

"(II) includes a business concern or organization made eligible for a loan under paragraph (36) under clause (iii)(II), (iv)(IV), or (vii) of subparagraph (D) of paragraph (36) and that meets the requirements described in items (aa) and (bb) of subclause (I); and

"(III) does not include—

"(aa) any entity that is a type of business concern (or would be, if such entity were a business concern) described in section 120.110 of title 13, Code of Federal Regulations (or in any successor regulation or other related guidance or rule that may be issued by the Administrator) other than a business concern described in subsection (a) or (k) of such section; or

"(bb) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

"(cc) any business concern or entity—

"(AA) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

"(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People's Republic of China;

"(dd) any person required to submit a registration statement under section 2 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612); or

"(ee) an eligible person or entity (as defined under section 24 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act) that receives a grant under such section 24; and

"(v) the term 'Tribal business concern' means a Tribal business concern described in section 31(b)(2)(C). Definition.

"(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

"(C) MAXIMUM LOAN AMOUNT.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

"(I) the product obtained by multiplying—

"(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

"(AA) the 1-year period before the date on which the loan is made; or Time period.

"(BB) calendar year 2019; by

"(bb) 2.5; or

"(II) $2,000,000.

"(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

"(I) the product obtained by multiplying—

"(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity for any 12-week period between February 15, 2019 and February 15, 2020; by Time period.

"(bb) 2.5; or

"(II) $2,000,000.

"(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

"(I) the product obtained by multiplying—

"(aa) the quotient obtained by dividing—

"(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

"(BB) the number of months in which those payroll costs were paid or incurred; by

"(bb) 2.5; or

"(II) $2,000,000.

"(iv) NAICS 72 ENTITIES.—The maximum amount of a covered loan made to an eligible entity that is assigned a North American Industry Classification System code beginning with 72 at the time of disbursal is the lesser of—

"(I) the product obtained by multiplying—

"(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

"(AA) the 1-year period before the date on which the loan is made; or

"(BB) calendar year 2019; by

"(bb) 3.5; or

"(II) $2,000,000.

"(D) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—

"(i) IN GENERAL.—For a business concern with more than 1 physical location, the business concern shall be an eligible entity if the business concern would be eligible for a loan under paragraph (36) pursuant to clause (iii) of subparagraph (D) of such paragraph, as applied in accordance with clause (ii) of this subparagraph, and meets the revenue reduction requirements described in item (bb) of subparagraph (A)(iv)(I).

"(ii) SIZE LIMIT.—For purposes of applying clause (i), the Administrator shall substitute 'not more than 300 employees' for 'not more than 500 employees' in paragraph (36)(D)(iii).

Applicability.
Determination.

"(E) WAIVER OF AFFILIATION RULES.—

"(i) IN GENERAL.—The waiver described in paragraph (36)(D)(iv) shall apply for purposes of determining eligibility under this paragraph.

"(ii) SIZE LIMIT.—For purposes of applying clause (i), the Administrator shall substitute 'not more than 300 employees' for 'not more than 500 employees' in subclause (I) and (IV) of paragraph (36)(D)(iv).

"(F) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

"(G) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in clause (iii) or (iv) of paragraph (36)(G).

"(H) FEE WAIVER.—With respect to a covered loan—

"(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

"(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

"(I) GROSS RECEIPTS AND SIMPLIFIED CERTIFICATION OF REVENUE TEST.—

"(i) LOANS OF UP TO $150,000.—For a covered loan of not more than $150,000, the eligible entity—

"(I) may submit a certification attesting that the eligible entity meets the applicable revenue loss requirement under subparagraph (A)(iv)(I)(bb); and

"(II) if the eligible entity submits a certification under subclause (I), shall, on or before the date on which the eligible entity submits an

application for forgiveness under subparagraph (J), produce adequate documentation that the eligible entity met such revenue loss standard.

"(ii) FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(iv)(I)(bb) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(iv)(II), gross receipts means gross receipts within the meaning of section 6033 of the Internal Revenue Code of 1986.

"(J) LOAN FORGIVENESS.—

"(i) DEFINITION OF COVERED PERIOD.—In this subparagraph, the term 'covered period' has the meaning given that term in section 7A(a).

"(ii) FORGIVENESS GENERALLY.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36) of this section, as described in section 7A.

"(iii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

Determinations.

"(I) Payroll costs, excluding any payroll costs that are—

"(aa) qualified wages, as defined in subsection (c)(3) of section 2301 of the CARES Act (26 U.S.C. 3111 note), taken into account in determining the credit allowed under such section; or

"(bb) qualified wages taken into account in determining the credit allowed under subsection (a) or (d) of section 303 of the Taxpayer Certainty and Disaster Relief Act of 2020.

"(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

"(III) Any covered operations expenditure.

"(IV) Any covered property damage cost.

"(V) Any payment on any covered rent obligation.

"(VI) Any covered utility payment.

"(VII) Any covered supplier cost.

"(VIII) Any covered worker protection expenditure.

"(iv) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—Subject to any reductions under section 7A(d), the forgiveness amount under this subparagraph shall be equal to the lesser of—

"(I) the amount described in clause (ii); and

"(II) the amount equal to the quotient obtained by dividing—

"(aa) the amount of the covered loan used for payroll costs during the covered period; and

"(bb) 0.60.

"(v) SUBMISSION OF MATERIALS FOR FORGIVENESS.—For purposes of applying subsection (l)(1) of section 7A to a covered loan of not more than $150,000 under this paragraph, an eligible entity may be required to provide, at the time of the application for forgiveness, documentation required to substantiate revenue loss in accordance with subparagraph (I). Applicability.

"(K) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

"(L) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan—

"(i) for a covered loan of not more than $50,000, in an amount equal to the lesser of—

"(I) 50 percent of the balance of the financing outstanding at the time of disbursement of the covered loan; or

"(II) $2,500;

"(ii) at a rate, based on the balance of the financing outstanding at the time of disbursement of the covered loan, of—

"(I) 5 percent for a covered loan of more than $50,000 and not more than $350,000; and

"(II) 3 percent for a covered loan of more than $350,000.

"(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans. Deadline.

"(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

"(O) SUPPLEMENTAL COVERED LOANS.—A covered loan under this paragraph may only be made to an eligible entity that—

"(i) has received a loan under paragraph (36); and

"(ii) on or before the expected date on which the covered loan under this paragraph is disbursed to the eligible entity, has used, or will use, the full amount of the loan received under paragraph (36).".

(b) APPLICATION OF EXEMPTION BASED ON EMPLOYEE AVAILABILITY.—

(1) IN GENERAL.—Section 7A(d) of the Small Business Act, as redesignated and transferred by section 304 of this Act, is amended—

(A) in paragraph (5)(B), by inserting "(or, with respect to a covered loan made on or after the date of enactment Deadline.

of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, not later than the last day of the covered period with respect to such covered loan)" after "December 31, 2020" each place it appears; and

(B) in paragraph (7)—

(i) by inserting "(or, with respect to a covered loan made on or after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, ending on the last day of the covered period with respect to such covered loan)" after "December 31, 2020" the first and third places it appears; and

(ii) by inserting "(or, with respect to a covered loan made on or after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, on or before the last day of the covered period with respect to such covered loan)" after "December 31, 2020" the second place it appears.

(2) MODIFICATION OF DATES.—The Administrator and the Secretary of the Treasury may jointly, by regulation, modify any date in section 7A(d) of the Small Business Act, as redesignated and transferred by section 304 of this Act, other than a deadline established under an amendment made by paragraph (1), in a manner consistent with the purposes of the Paycheck Protection Program to help businesses retain workers and meet financial obligations. Regulations. 15 USC 636m note.

(c) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.— 15 USC 636 note.

(1) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled "Business Loan Program Temporary Changes; Paycheck Protection Program" (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(2) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a loan under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 312. INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS. 15 USC 636 note.

(a) DEFINITIONS.—In this section—

(1) the terms "covered loan" and "eligible recipient" have the meanings given those terms in 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)); and

(2) the term "included covered loan" means a covered loan for which, as of the date of enactment of this Act, the borrower had not received forgiveness under section 1106 of the CARES Act, as in effect on the day before such date of enactment.

(b) RULES OR GUIDANCE.—Not later than 17 days after the date of enactment of this Act, and without regard to the notice requirements under section 553(b) of title 5, United States Code, the Administrator shall issue rules or guidance to ensure that an eligible recipient of an included covered loan that returns Deadline.

amounts disbursed under the included covered loan or does not accept the full amount of the included covered loan for which the eligible recipient was approved—

(1) in the case of an eligible recipient that returned all or part of an included covered loan, the eligible recipient may reapply for a covered loan for an amount equal to the difference between the amount retained and the maximum amount applicable; and

(2) in the case of an eligible recipient that did not accept the full amount of an included covered loan, the eligible recipient may request a modification to increase the amount of the covered loan to the maximum amount applicable, subject to the requirements of section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(c) INTERIM FINAL RULES.—Notwithstanding the interim final rule issued by the Administration entitled "Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases" (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of an included covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the included covered loan amount even if—

(1) the initial covered loan amount has been fully disbursed; or

(2) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

SEC. 313. CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.

(a) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by section 310 of this Act, is amended—

(1) in subparagraph (E), in the matter preceding clause (i), by striking "During" and inserting "Except as provided in subparagraph (V), during"; and

(2) by adding at the end the following:

"(V) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

"(i) DEFINITION.—In this subparagraph, the term 'covered recipient' means an eligible recipient that—

"(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

"(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

"(III) was in business as of February 15, 2020.

"(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

"(I) the sum of—

"(aa) the product obtained by multiplying—

"(AA) the gross income of the covered recipient in 2019, as reported on a

Schedule F (or any equivalent successor schedule), that is not more than $100,000, divided by 12; and

"(BB) 2.5; and

"(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

Time period.

"(II) $2,000,000.

"(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

"(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

"(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

"(II) provide the covered recipient with additional covered loan amounts based on that recalculation.".

(b) EFFECTIVE DATE; APPLICABILITY.—

15 USC 636 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

(2) EXCLUSION OF LOANS ALREADY FORGIVEN.—The amendments made by subsection (a) shall not apply to a loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) for which the borrower received forgiveness before the date of enactment of this Act under section 1106 of the CARES Act, as in effect on the day before such date of enactment.

SEC. 314. FARM CREDIT SYSTEM INSTITUTIONS.

15 USC 636 note.

(a) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this section, the term "Farm Credit System institution"—

(1) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(2) does not include the Federal Agricultural Mortgage Corporation.

(b) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(1) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled "Business Loan Program Temporary Changes; Paycheck Protection Program" (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(2) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 7A of the Small Business Act, as redesignated and transferred by section 304 of this Act, and subparagraph (J) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(3) RISK WEIGHT.—

(A) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in subparagraph (B)—

(i) shall receive a risk weight of zero percent; and

(ii) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(B) LOANS DESCRIBED.—A loan referred to in subparagraph (A) is—

(i) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 7A of the Small Business Act, as redesignated and transferred by section 304 of this Act, and subparagraph (J) of such paragraph (37); or

(ii) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(c) EFFECTIVE DATE; APPLICABILITY.—This section shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

SEC. 315. DEFINITION OF SEASONAL EMPLOYER.

(a) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(1) in clause (xi), by striking "and" at the end;

(2) in clause (xii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(xiii) the term 'seasonal employer' means an eligible recipient that—

"(I) does not operate for more than 7 months in any calendar year; or

"(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year;". Time period.

(b) LOAN FORGIVENESS.—Paragraph (12) of section 7A(a) of the Small Business Act, as so redesignated and transferred by section 304 of this Act, is amended to read as follows:

"(12) the terms 'payroll costs' and 'seasonal employer' have the meanings given those terms in section 7(a)(36).".

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsections (a) and (b) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan. 15 USC 636 note.

SEC. 316. HOUSING COOPERATIVES.

Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (A), as amended by section 315(a) of this Act, by adding at the end the following:

"(xiv) the term 'housing cooperative' means a cooperative housing corporation (as defined in section 216(b) of the Internal Revenue Code of 1986) that employs not more than 300 employees;"; and Definition.

(2) in subparagraph (D)—

(A) in clause (i), by inserting "housing cooperative," before "veterans organization," each place it appears; and

(B) in clause (vi), by inserting ", a housing cooperative," before "a veterans organization".

SEC. 317. ELIGIBILITY OF NEWS ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.

(a) ELIGIBILITY OF INDIVIDUAL STATIONS, NEWSPAPERS, AND PUBLIC BROADCASTING ORGANIZATIONS.—Section 7(a)(36)(D)(iii) of the Small Business Act (15 U.S.C. 636(a)(36)(D)(iii)) is amended—

(1) by striking "During the covered period" and inserting the following:

"(I) IN GENERAL.—During the covered period"; and

(2) by adding at the end the following

"(II) ELIGIBILITY OF NEWS ORGANIZATIONS.—

"(aa) DEFINITION.—In this subclause, the term 'included business concern' means a business concern, including any station which

broadcasts pursuant to a license granted by the Federal Communications Commission under title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) without regard for whether such a station is a concern as defined in section 121.105 of title 13, Code of Federal Regulations, or any successor thereto—

"(AA) that employs not more than 500 employees, or the size standard established by the Administrator for the North American Industry Classification System code applicable to the business concern, per physical location of such business concern; or

"(BB) any nonprofit organization or any organization otherwise subject to section 511(a)(2)(B) of the Internal Revenue Code of 1986 that is a public broadcasting entity (as defined in section 397(11) of the Communications Act of 1934 (47 U.S.C. 397(11))).

"(bb) ELIGIBILITY.—During the covered period, an included business concern shall be eligible to receive a covered loan if—

"(AA) the included business concern is majority owned or controlled by a business concern that is assigned a North American Industry Classification System code beginning with 511110 or 5151 or, with respect to a public broadcasting entity (as defined in section 397(11) of the Communications Act of 1934 (47 U.S.C. 397(11))), has a trade or business that falls under such a code; and

"(BB) the included business concern makes a good faith certification that proceeds of the loan will be used to support expenses at the component of the included business concern that produces or distributes locally focused or emergency information.".

(b) ELIGIBILITY OF AFFILIATED ENTITIES.—Section 7(a)(36)(D)(iv) of the Small Business Act (15 U.S.C. 636(a)(36)(D)(iv)) is amended—

(1) in subclause (II), by striking "and" at the end;

(2) in subclause (III), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(IV)(aa) any business concern (including any station which broadcasts pursuant to a license granted by the Federal Communications Commission under title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) without regard for whether such a station is a concern as defined in section 121.105 of title 13, Code of Federal Regulations, or any successor thereto) that employs not more than 500 employees, or the size

standard established by the Administrator for the North American Industry Classification System code applicable to the business concern, per physical location of such business concern and is majority owned or controlled by a business concern that is assigned a North American Industry Classification System code beginning with 511110 or 5151; or

"(bb) any nonprofit organization that is assigned a North American Industry Classification System code beginning with 5151.".

(c) APPLICATION OF PROHIBITION ON PUBLICLY TRADED COMPANIES.—Clause (viii) of section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D), as added by section 342 of this Act is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(I) IN GENERAL.—Subject to subclause (II), and notwithstanding"; and

(2) by adding at the end—

"(II) RULE FOR AFFILIATED ENTITIES.—With respect to a business concern made eligible by clause (iii)(II) or clause (iv)(IV) of this subparagraph, the Administrator shall not consider whether any affiliated entity, which for purposes of this subclause shall include any entity that owns or controls such business concern, is an issuer.".

SEC. 318. ELIGIBILITY OF 501(c)(6) AND DESTINATION MARKETING ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.

Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (A), as amended by section 316 of this Act, by adding at the end the following:

"(xv) the term 'destination marketing organization' means a nonprofit entity that is— Definition.

"(I) an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

"(II) a State, or a political subdivision of a State (including any instrumentality of such entities)—

"(aa) engaged in marketing and promoting communities and facilities to businesses and leisure travelers through a range of activities, including—

"(AA) assisting with the location of meeting and convention sites;

"(BB) providing travel information on area attractions, lodging accommodations, and restaurants;

"(CC) providing maps; and

"(DD) organizing group tours of local historical, recreational, and cultural attractions; or

"(bb) that is engaged in, and derives the majority of the operating budget of the entity from revenue attributable to, providing live events; and"; and

(2) in subparagraph (D), as amended by section 316 of this Act—

(A) in clause (v), by inserting "or for purposes of determining the number of employees of a housing cooperative or a business concern or organization made eligible for a loan under this paragraph under clause (iii)(II), (iv)(IV), or (vii)," after "clause (i)(I),";

(B) in clause (vi), by inserting "a business concern or organization made eligible for a loan under this paragraph under clause (vii)," after "a nonprofit organization,"; and

(C) by adding at the end the following:

"(vii) ELIGIBILITY FOR CERTAIN 501(c)(6) ORGANIZATIONS.—

"(I) IN GENERAL.—Any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

"(aa) the organization does not receive more than 15 percent of its receipts from lobbying activities;

"(bb) the lobbying activities of the organization do not comprise more than 15 percent of the total activities of the organization;

"(cc) the cost of the lobbying activities of the organization did not exceed $1,000,000 during the most recent tax year of the organization that ended prior to February 15, 2020; and

"(dd) the organization employs not more than 300 employees.

"(II) DESTINATION MARKETING ORGANIZATIONS.—Any destination marketing organization shall be eligible to receive a covered loan if—

"(aa) the destination marketing organization does not receive more than 15 percent of its receipts from lobbying activities;

"(bb) the lobbying activities of the destination marketing organization do not comprise more than 15 percent of the total activities of the organization;

"(cc) the cost of the lobbying activities of the destination marketing organization did not exceed $1,000,000 during the most recent tax year of the destination marketing organization that ended prior to February 15, 2020; and

"(dd) the destination marketing organization employs not more than 300 employees; and

"(ee) the destination marketing organization—

"(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

"(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.".

SEC. 319. PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.

Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

"(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

"(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

"(II) lobbying expenditures related to a State or local election; or

"(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.".

SEC. 320. BANKRUPTCY PROVISIONS.

(a) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

"(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 7A of the Small Business Act or subparagraph (J) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

"(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

"(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1). Notwithstanding the Federal Rules of Bankruptcy Procedure, at such hearing, the court may grant relief on a final basis.". Deadline.

(b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8)(B), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) any debt incurred under section 364(g)(1) of this title.".

(c) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

"(f) SPECIAL PROVISION RELATED TO COVID–19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.".

(d) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

"(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.".

(e) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

"(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.".

11 USC 364 note.

(f) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) through (e) shall—

Determination.

(A) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

Applicability.

(B) apply to any case pending on or commenced on or after the date described in subparagraph (A).

(2) SUNSET.—

(A) IN GENERAL.—If the amendments made by subsections (a) through (e) take effect under paragraph (1), effective on the date that is 2 years after the date of enactment of this Act—

(i) section 364 of title 11, United States Code, is amended by striking subsection (g);

(ii) section 503(b) of title 11, United States Code, is amended—

(I) in paragraph (8)(B), by adding "and" at the end;

(II) in paragraph (9), by striking "; and" at the end and inserting a period; and

(III) by striking paragraph (10);

(iii) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(iv) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(v) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(B) APPLICABILITY.—Notwithstanding the amendments made by subparagraph (A) of this paragraph, if the amendments made by subsections (a) through (e) take effect under paragraph (1) of this subsection, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

SEC. 321. OVERSIGHT.

Deadlines.
15 USC 639b.

(a) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States not later than 15 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

Notification.

(2) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in paragraph (1) before the applicable date described in that paragraph, the Administrator shall, before such applicable date, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

Termination date.

(b) TESTIMONY.—Not later than the date that is 120 days after the date of enactment of this Act, and not less than twice each year thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this Act and the amendments made by this Act.

SEC. 322. CONFLICTS OF INTEREST.

15 USC 636 note.

(a) DEFINITIONS.—In this section:

(1) CONTROLLING INTEREST.—The term "controlling interest" means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

(2) COVERED ENTITY.—

(A) DEFINITION.—The term "covered entity" means an entity in which a covered individual directly or indirectly holds a controlling interest.

(B) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the

securities owned, controlled, or held by 2 or more individuals who are related as described in paragraph (3)(B) shall be aggregated.

(3) COVERED INDIVIDUAL.—The term "covered individual" means—

(A) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

(B) the spouse, as determined under applicable common law, of an individual described in subparagraph (A).

(4) EXECUTIVE DEPARTMENT.—The term "Executive department" has the meaning given the term in section 101 of title 5, United States Code.

(5) MEMBER OF CONGRESS.—The term "Member of Congress" means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(6) EQUITY INTEREST.—The term "equity interest" means—

(A) a share in an entity, without regard to whether the share is—

(i) transferable; or

(ii) classified as stock or anything similar;

(B) a capital or profit interest in a limited liability company or partnership; or

(C) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in subparagraph (A) or (B), respectively.

Deadlines.

(b) REQUIREMENT FOR DISCLOSURE REGARDING EXISTING LOANS.—For any loan under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) made to a covered entity before the date of enactment of this Act—

(1) if, before the date of enactment of this Act, the covered entity submitted an application for forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) (as such section was in effect on the day before the date of enactment of this Act) with respect to such loan, not later than 30 days after the date of enactment of this Act, the principal executive officer, or individual performing a similar function, of the covered entity shall disclose to the Administrator that the entity is a covered entity; and

(2) if, on or after the date of enactment of this Act, the covered entity submits an application for forgiveness under section 7A of the Small Business Act, as redesignated and transferred by section 304 of this Act, with respect to such loan, not later than 30 days after submitting the application, the principal executive officer, or individual performing a similar function, of the covered entity shall disclose to the Administrator that the entity is a covered entity.

(c) BAN ON NEW LOANS.—On and after the date of enactment of this Act, a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this Act, may not be made to a covered entity.

SEC. 323. COMMITMENT AUTHORITY AND APPROPRIATIONS.

Ante, p. 660.

(a) COMMITMENT AUTHORITY.—Section 1102(b) of the CARES Act (Public Law 116–136) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by inserting "AND SECOND DRAW" after "PPP";

(B) by striking "August 8, 2020" and inserting "March 31, 2021";

(C) by striking "paragraph (36)" and inserting "paragraphs (36) and (37)"; and

(D) by striking " $659,000,000,000" and inserting " $806,450,000,000"; and

(2) by adding at the end the following:

"(3) 2021 7(a) LOAN PROGRAM LEVEL AND FUNDING.—Notwithstanding the amount authorized under the heading 'Small Business Administration—Business Loans Program Account'under the Financial Services and General Government Appropriations Act, 2021 for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) shall not exceed $75,000,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans during the period beginning on the date of enactment of this Act and ending on September 30, 2021.". Time period.

(b) CLARIFICATION OF SECONDARY MARKET CAP.—Section 1107(b) of the CARES Act (15 U.S.C. 9006(b)) is amended by inserting "with respect to loans under any paragraph of section 7(a) of the Small Business Act (15 U.S.C. 636(a))" before "shall not exceed". *Ante*, p. 302.

(c) RESCISSION.—With respect to unobligated balances under the heading "Small Business Administration—Business Loans Program Account, CARES Act" as of the day before the date of enactment of this Act, $146,500,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(d) DIRECT APPROPRIATIONS.—

(1) NEW DIRECT APPROPRIATIONS FOR PPP LOANS, SECOND DRAW LOANS, AND THE MBDA.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended, for additional amounts—

(A) $284,450,000,000 under the heading "Small Business Administration—Business Loans Program Account, CARES Act", for the cost of guaranteed loans as authorized under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this Act, including the cost of any modifications to any loans guaranteed under such paragraph (36) that were approved on or before August 8, 2020, of which—

(i) not less than $15,000,000,000 shall be for guaranteeing loans under such paragraph (36) or (37) made by community financial institutions, as defined in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A));

(ii) not less than $15,000,000,000 shall be for guaranteeing loans under such paragraph (36) or (37) made by—

(I) insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act

(12 U.S.C. 1813)) with consolidated assets of less than $10,000,000,000;

(II) credit unions (as defined in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A))) with consolidated assets of less than $10,000,000,000; or

(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000 (not including the Federal Agricultural Mortgage Corporation);

(iii) not less than $15,000,000,000 shall be for guaranteeing loans under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, that are—

(I) made to eligible recipients with not more than 10 employees; or

(II) in an amount that is not more than $250,000 and made to an eligible recipient that is located in a neighborhood that is a low-income neighborhood or a moderate-income neighborhood, for the purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.);

(iv) not less than $35,000,000,000 shall be for guaranteeing loans under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, to eligible recipients that have not previously received a loan under such paragraph (36); and

(v) not less than $25,000,000,000 shall be for guaranteeing loans under paragraph (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this Act, that are—

(I) made to eligible entities with not more than 10 employees; or

(II) in an amount that is not more than $250,000 and made to an eligible entity that is located in a neighborhood that is a low-income neighborhood or a moderate-income neighborhood, for the purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.);

(B) $25,000,000 under the heading "Department of Commerce—Minority Business Development Agency" for the Minority Business Development Centers Program, including Specialty Centers, for necessary expenses, including any cost sharing requirements that may exist, for assisting minority business enterprises to prevent, prepare for, and respond to coronavirus, including identifying and accessing local, State, and Federal government assistance related to such virus;

(C) $50,000,000 under the heading "Small Business Administration—Salaries and Expenses" for the cost of carrying out reviews and audits of loans under subsection (l) of section 7A of the Small Business Act, as redesignated, transferred, and amended by this Act;

(D) $20,000,000,000 under the heading "Small Business Administration—Targeted EIDL Advance" to carry out section 331 of this Act, of which $20,000,000 shall be made available to the Inspector General of the Small Business Administration to prevent waste, fraud, and abuse with respect to funding made available under that section;

(E) $57,000,000 for the program established under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) of which—

(i) $50,000,000 shall be to provide technical assistance grants under such section 7(m) under the heading "Small Business Administration—Entrepreneurial Development Programs"; and

(ii) $7,000,000 shall be to provide direct loans under such section 7(m) under the heading "Small Business Administration—Business Loans Program Account";

(F) $1,918,000,000 under the heading "Small Business Administration—Business Loans Program Account" for the cost of guaranteed loans as authorized by paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including the cost of carrying out sections 326, 327, and 328 of this Act;

(G) $3,500,000,000 under the heading "Small Business Administration—Business Loans Program Account, CARES Act" for carrying out section 325 of this Act; and

(H) $15,000,000,000 under the heading "Small Business Administration—Shuttered Venue Operators" to carry out section 324 of this Act.

(2) MODIFICATION OF SET-ASIDES.—

(A) IN GENERAL.—Notwithstanding paragraph (1)(A), if the Administrator makes the determination described in subparagraph (B) of this paragraph, the Administrator may reduce the amount of any allocation under paragraph (1)(A) to be such amount as the Administrator may determine necessary.

(B) REQUIREMENTS FOR DETERMINATION.—The determination described in this subparagraph is a determination by the Administrator that—

(i) is not made earlier than 25 days after the date of enactment of this Act; Time period.

(ii) it is not reasonably expected that a type of entity described in paragraph (1)(A) will make, or receive, as applicable, the minimum amount of loans necessary to meet the applicable allocation under paragraph(1)(A); and

(iii) it is reasonably expected that the total amount of loans guaranteed under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this Act, will equal substantially all of the amount permitted by available funds by March 31, 2021. Deadline.

(3) APPROPRIATIONS FOR THE OFFICE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—Effective on the date of enactment of this Act, the remaining unobligated balances of funds Effective date. Rescission.

from amounts made available for "Small Business Administration—Office of Inspector General" under section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)), are hereby rescinded.

(B) FUNDING.—

(i) IN GENERAL.—There is appropriated, for an additional amount, for the fiscal year ending September 30, 2021, out of amounts in the Treasury not otherwise appropriated, an amount equal to the amount rescinded under subparagraph (A), to remain available until expended, under the heading "Small Business Administration—Office of Inspector General".

(ii) USE OF FUNDS.—The amounts made available under clause (i) shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities as the amounts made available under section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)).

15 USC 9009a.

SEC. 324. GRANTS FOR SHUTTERED VENUE OPERATORS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PERSON OR ENTITY.—

(A) IN GENERAL.—The term "eligible person or entity" means a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative that meets the following requirements:

(i) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative—

(I) was fully operational as a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative on February 29, 2020; and

Time period.

(II) has gross earned revenue during the first, second, third, or, only with respect to an application submitted on or after January 1, 2021, fourth quarter in 2020 that demonstrates not less than a 25 percent reduction from the gross earned revenue of the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative during the same quarter in 2019.

(ii) As of the date of the grant under this section—

(I) the live venue operator or promoter, theatrical producer, or live performing arts organization operator is or intends to resume organizing, promoting, producing, managing, or hosting future live events described in paragraph (3)(A)(i);

(II) the motion picture theatre operator is open or intends to reopen for the primary purpose of public exhibition of motion pictures;

(III) the relevant museum operator is open or intends to reopen; or

(IV) the talent representative is representing or managing artists and entertainers.

(iii) The venues at which the live venue operator or promoter, theatrical producer, or live performing arts organization operator promotes, produces, manages, or hosts events described in paragraph (3)(A)(i) or the artists and entertainers represented or managed by the talent representative perform have the following characteristics:

(I) A defined performance and audience space.

(II) Mixing equipment, a public address system, and a lighting rig.

(III) Engages 1 or more individuals to carry out not less than 2 of the following roles:

(aa) A sound engineer.

(bb) A booker.

(cc) A promoter.

(dd) A stage manager.

(ee) Security personnel.

(ff) A box office manager.

(IV) There is a paid ticket or cover charge to attend most performances and artists are paid fairly and do not play for free or solely for tips, except for fundraisers or similar charitable events.

(V) For a venue owned or operated by a nonprofit entity that produces free events, the events are produced and managed primarily by paid employees, not by volunteers.

(VI) Performances are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.

(iv) A motion picture theatre or motion picture theatres operated by the motion picture theatre operator have the following characteristics:

(I) At least 1 auditorium that includes a motion picture screen and fixed audience seating.

(II) A projection booth or space containing not less than 1 motion picture projector.

(III) A paid ticket charge to attend exhibition of motion pictures.

(IV) Motion picture exhibitions are marketed through showtime listings in printed or electronic publications, on websites, by mass mail, or on social media.

(v) The relevant museum or relevant museums for which the relevant museum operator is seeking a grant under this section have the following characteristics:

(I) Serving as a relevant museum as its principal business activity.

(II) Indoor exhibition spaces that are a component of the principal business activity and which have been subjected to pandemic-related occupancy restrictions.

(III) At least 1 auditorium, theater, or performance or lecture hall with fixed audience seating and regular programming.

(vi)(I) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative does not have, or is not majority owned or controlled by an entity with, any of the following characteristics:

(aa) Being an issuer, the securities of which are listed on a national securities exchange.

(bb) Receiving more than 10 percent of gross revenue from Federal funding during 2019, excluding amounts received by the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(II) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative does not have, or is not majority owned or controlled by an entity with, more than 2 of the following characteristics:

(aa) Owning or operating venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than 1 country.

(bb) Owning or operating venues, relevant museums, motion picture theatres, or talent agencies or talent management companies in more than 10 States.

(cc) Employing more than 500 employees as of February 29, 2020, determined on a full-time equivalent basis in accordance with subparagraph (C).

(III) The live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative has not received, on or after the date of enactment of this Act, a loan guaranteed under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this division.

Applicability.

(IV) For purposes of applying the characteristics described in subclauses (I), (II), and (III) to an entity owned by a State or a political subdivision of a State, the relevant entity—

(aa) shall be the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative; and

(bb) shall not include entities of the State or political subdivision other than the live venue operator or promoter, theatrical producer, or live performing arts organization operator, the relevant museum operator, the motion picture theatre operator, or the talent representative.

(B) EXCLUSION.—The term "eligible person or entity" shall not include a live venue operator or promoter, theatrical producer, or live performing arts organization operator, a relevant museum operator, a motion picture theatre operator, or a talent representative that—

(i) presents live performances of a prurient sexual nature; or

(ii) derives, directly or indirectly, more than de minimis gross revenue through the sale of products or services, or the presentation of any depictions or displays, of a prurient sexual nature.

Determination.

(C) CALCULATION OF FULL-TIME EMPLOYEES.—For purposes of determining the number of full-time equivalent employees under subparagraph (A)(vi)(II)(cc) of this paragraph and under paragraph (2)(E)—

(i) any employee working not fewer than 30 hours per week shall be considered a full-time employee; and

(ii) any employee working not fewer than 10 hours and fewer than 30 hours per week shall be counted as one-half of a full-time employee.

(D) MULTIPLE BUSINESS ENTITIES.—Each business entity of an eligible person or entity that also meets the requirements under subparagraph (A) and that is not described in subparagraph (B) shall be treated by the Administrator as an independent, non-affiliated entity for the purposes of this section.

(2) EXCHANGE; ISSUER; SECURITY.—The terms "exchange", "issuer", and "security" have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(3) LIVE VENUE OPERATOR OR PROMOTER, THEATRICAL PRODUCER, OR LIVE PERFORMING ARTS ORGANIZATION OPERATOR.—The term "live venue operator or promoter, theatrical producer, or live performing arts organization operator"—

(A) means—

(i) an individual or entity—

(I) that, as a principal business activity, organizes, promotes, produces, manages, or hosts live concerts, comedy shows, theatrical productions, or other events by performing artists for which—

(aa) a cover charge through ticketing or front door entrance fee is applied; and

(bb) performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually beneficial formal agreement; and

(II) for which not less than 70 percent of the earned revenue of the individual or entity is generated through, to the extent related to a live event described in subclause (I), cover charges or ticket sales, production fees or production reimbursements, nonprofit educational initiatives, or the sale of event beverages, food, or merchandise; or

(ii) an individual or entity that, as a principal business activity, makes available for purchase by the public an average of not less than 60 days before the date of the event tickets to events—

(I) described in clause (i)(I); and

(II) for which performers are paid in an amount that is based on a percentage of sales, a guarantee (in writing or standard contract), or another mutually beneficial formal agreement; and

(B) includes an individual or entity described in subparagraph (A) that—

(i) operates for profit;

(ii) is a nonprofit organization;

(iii) is government-owned; or

(iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(4) MOTION PICTURE THEATRE OPERATOR.—The term "motion picture theatre operator" means an individual or entity that—

(A) as the principal business activity of the individual or entity, owns or operates at least 1 place of public accommodation for the purpose of motion picture exhibition for a fee; and

(B) includes an individual or entity described in subparagraph (A) that—

(i) operates for profit;

(ii) is a nonprofit organization;

(iii) is government-owned; or

(iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(5) NATIONAL SECURITIES EXCHANGE.—The term "national securities exchange" means an exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(6) NONPROFIT.—The term "nonprofit", with respect to an organization, means that the organization is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(7) RELEVANT MUSEUM.—The term "relevant museum"—

(A) has the meaning given the term "museum" in section 273 of the Museum and Library Services Act (20 U.S.C. 9172); and

(B) shall not include any entity that is organized as a for-profit entity.

(8) SEASONAL EMPLOYER.—The term "seasonal employer" has the meaning given that term in subparagraph (A) of section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act.

(9) STATE.—The term "State" means—

(A) a State;
(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico; and
(D) any other territory or possession of the United States.

(10) TALENT REPRESENTATIVE.—The term "talent representative"—

(A) means an agent or manager that—
(i) as not less than 70 percent of the operations of the agent or manager, is engaged in representing or managing artists and entertainers;
(ii) books or represents musicians, comedians, actors, or similar performing artists primarily at live events in venues or at festivals; and
(iii) represents performers described in clause (ii) that are paid in an amount that is based on the number of tickets sold, or a similar basis; and

(B) includes an agent or manager described in subparagraph (A) that—
(i) operates for profit;
(ii) is a nonprofit organization;
(iii) is government-owned; or
(iv) is a corporation, limited liability company, or partnership or operated as a sole proprietorship.

(b) AUTHORITY.—

(1) IN GENERAL.—

(A) ADMINISTRATION.—The Associate Administrator for the Office of Disaster Assistance of the Administration shall coordinate and formulate policies relating to the administration of grants made under this section. Coordination.

(B) CERTIFICATION OF NEED.—An eligible person or entity applying for a grant under this section shall submit a good faith certification that the uncertainty of current economic conditions makes necessary the grant to support the ongoing operations of the eligible person or entity.

(2) INITIAL GRANTS.—

(A) IN GENERAL.—The Administrator may make initial grants to eligible persons or entities in accordance with this section.

(B) INITIAL PRIORITIES FOR AWARDING GRANTS.— Time periods.

(i) FIRST PRIORITY IN AWARDING GRANTS.—During the initial 14-day period during which the Administrator awards grants under this paragraph, the Administrator shall only award grants to an eligible person or entity with revenue, during the period beginning on April 1, 2020 and ending on December 31, 2020, that is not more than 10 percent of the revenue of the eligible person or entity during the period beginning on April 1, 2019 and ending on December 31, 2019, due to the COVID–19 pandemic.

(ii) SECOND PRIORITY IN AWARDING GRANTS.—During the 14-day period immediately following the 14-day period described in clause (i), the Administrator shall only award grants to an eligible person or entity with revenue, during the period beginning on April 1, 2020 and ending on December 31, 2020, that is not more than 30 percent of the revenue of the eligible

person or entity during the period beginning on April 1, 2019 and ending on December 31, 2019, due to the COVID–19 pandemic.

(iii) DETERMINATION OF REVENUE.—For purposes of clauses (i) and (ii)—

(I) any amounts received by an eligible person or entity under the CARES Act (Public Law 116–136; 134 Stat. 281) or an amendment made by the CARES Act shall not be counted as revenue of an eligible person or entity;

(II) the Administrator shall use an accrual method of accounting for determining revenue; and

(III) the Administrator may use alternative methods to establish revenue losses for an eligible person or entity that is a seasonal employer and that would be adversely impacted if January, February, and March are excluded from the calculation of year-over-year revenues.

(iv) LIMIT ON USE OF AMOUNTS FOR PRIORITY APPLICANTS.—The Administrator may use not more than 80 percent of the amounts appropriated under section 323(d)(1)(H) of this Act to carry out this section to make initial grants under this paragraph to eligible persons or entities described in clause (i) or (ii) of this subparagraph that apply for a grant under this paragraph during the initial 28-day period during which the Administrator awards grants under this paragraph.

Time period.

(C) GRANTS AFTER PRIORITY PERIODS.—After the end of the initial 28-day period during which the Administrator awards grants under this paragraph, the Administrator may award an initial grant to any eligible person or entity.

(D) LIMITS ON NUMBER OF INITIAL GRANTS TO AFFILIATES.—Not more than 5 business entities of an eligible person or entity that would be considered affiliates under the affiliation rules of the Administration may receive a grant under this paragraph.

(E) SET-ASIDE FOR SMALL EMPLOYERS.—

(i) IN GENERAL.—Subject to clause (ii), not less than $2,000,000,000 of the total amount of grants made available under this paragraph shall be awarded to eligible persons or entities which employ not more than 50 full-time employees, determined in accordance with subsection (a)(1)(C).

(ii) TIME LIMIT.—Clause (i) shall not apply on and after the date that is 60 days after the Administrator begins awarding grants under this section and, on and after such date, amounts available for grants under this section may be used for grants under this section to any eligible person or entity.

(3) SUPPLEMENTAL GRANTS.—

Deadline.

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may make a supplemental grant in accordance with this section to an eligible person or entity that receives a grant under paragraph (2) if, as of April 1, 2021, the revenues of the eligible person or entity for the most recent calendar quarter are not more than 30

percent of the revenues of the eligible person or entity for the corresponding calendar quarter during 2019 due to the COVID–19 pandemic.

(B) PROCESSING TIMELY INITIAL GRANT APPLICATIONS FIRST.—The Administrator may not award a supplemental grant under subparagraph (A) until the Administrator has completed processing (including determining whether to award a grant) each application for an initial grant under paragraph (2) that is submitted by an eligible person or entity on or before the date that is 60 days after the date on which the Administrator begins accepting such applications. Determination.

(4) CERTIFICATION.—An eligible person or entity applying for a grant under this section that is an eligible business described in the matter preceding subclause (I) of section 4003(c)(3)(D)(i) of the CARES Act (15 U.S.C. 9042(c)(3)(D)(i)), shall make a good-faith certification described in subclauses (IX) and (X) of such section.

(c) AMOUNT.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—A grant under subsection (b)(2) shall be in the amount equal to the lesser of—

(i)(I) for an eligible person or entity that was in operation on January 1, 2019, the amount equal to 45 percent of the gross earned revenue of the eligible person or entity during 2019; or

(II) for an eligible person or entity that began operations after January 1, 2019, the amount equal to the product obtained by multiplying—

(aa) the average monthly gross earned revenue for each full month during which the eligible person or entity was in operation during 2019; by

(bb) 6; or

(ii) $10,000,000.

(B) APPLICATION TO RELEVANT MUSEUM OPERATORS.—A relevant museum operator may not receive grants under subsection (b)(2) in a total amount that is more than $10,000,000 with respect to all relevant museums operated by the relevant museum operator.

(2) SUPPLEMENTAL GRANTS.—A grant under subsection (b)(3) shall be in the amount equal to 50 percent of the grant received by the eligible person or entity under subsection (b)(2).

(3) OVERALL MAXIMUMS.—The total amount of grants received under paragraphs (2) and (3) of subsection (b) by an eligible person or entity shall be not more than $10,000,000.

(d) USE OF FUNDS.—

(1) TIMING.—

(A) EXPENSES INCURRED.—

(i) IN GENERAL.—Except as provided in clause (ii), amounts received under a grant under this section may be used for costs incurred during the period beginning on March 1, 2020, and ending on December 31, 2021.

(ii) EXTENSION FOR SUPPLEMENTAL GRANTS.—If an eligible person or entity receives a grant under subsection (b)(3), amounts received under either grant under this section may be used for costs incurred

during the period beginning on March 1, 2020, and ending on June 30, 2022.

Deadlines.

(B) EXPENDITURE.—

(i) IN GENERAL.—Except as provided in clause (ii), an eligible person or entity shall return to the Administrator any amounts received under a grant under this section that are not expended on or before the date that is 1 year after the date of disbursement of the grant.

(ii) EXTENSION FOR SUPPLEMENTAL GRANTS.—If an eligible person or entity receives a grant under subsection (b)(3), the eligible person or entity shall return to the Administrator any amounts received under either grant under this section that are not expended on or before the date that is 18 months after the date of disbursement to the eligible person or entity of the grant under subsection (b)(2).

(2) ALLOWABLE EXPENSES.—

(A) DEFINITIONS.—In this paragraph—

(i) the terms "covered mortgage obligation", "covered rent obligation", "covered utility payment", and "covered worker protection expenditure" have the meanings given those terms in section 7A(a) of the Small Business Act, as redesignated, transferred, and amended by this Act; and

(ii) the term "payroll costs" has the meaning given that term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A).

(B) EXPENSES.—An eligible person or entity may use amounts received under a grant under this section for—

(i) payroll costs;

(ii) payments on any covered rent obligation;

(iii) any covered utility payment;

(iv) scheduled payments of interest or principal on any covered mortgage obligation (which shall not include any prepayment of principal on a covered mortgage obligation);

(v) scheduled payments of interest or principal on any indebtedness or debt instrument (which shall not include any prepayment of principal) incurred in the ordinary course of business that is a liability of the eligible person or entity and was incurred prior to February 15, 2020;

(vi) covered worker protection expenditures;

(vii) payments made to independent contractors, as reported on Form–1099 MISC, not to exceed a total of $100,000 in annual compensation for any individual employee of an independent contractor; and

(viii) other ordinary and necessary business expenses, including—

(I) maintenance expenses;

(II) administrative costs, including fees and licensing costs;

(III) State and local taxes and fees;

(IV) operating leases in effect as of February 15, 2020;

(V) payments required for insurance on any insurance policy; and

(VI) advertising, production transportation, and capital expenditures related to producing a theatrical or live performing arts production, concert, exhibition, or comedy show, except that a grant under this section may not be used primarily for such expenditures.

(3) PROHIBITED EXPENSES.—An eligible person or entity may not use amounts received under a grant under this section—

(A) to purchase real estate;

(B) for payments of interest or principal on loans originated after February 15, 2020;

(C) to invest or re-lend funds;

(D) for contributions or expenditures to, or on behalf of, any political party, party committee, or candidate for elective office; or

(E) for any other use as may be prohibited by the Administrator.

(e) INCREASED OVERSIGHT OF SHUTTERED VENUE OPERATOR GRANTS.—The Administrator shall increase oversight of eligible persons and entities receiving grants under this section, which may include the following:

(1) DOCUMENTATION.—Additional documentation requirements that are consistent with the eligibility and other requirements under this section, including requiring an eligible person or entity that receives a grant under this section to retain records that document compliance with the requirements for grants under this section— Records. Time periods.

(A) with respect to employment records, for the 4-year period following receipt of the grant; and

(B) with respect to other records, for the 3-year period following receipt of the grant.

(2) REVIEWS OF USE.—Reviews of the use of the grant proceeds by an eligible person or entity to ensure compliance with requirements established under this section and by the Administrator, including that the Administrator may—

(A) review and audit grants under this section; and Audit.

(B) in the case of fraud or other material noncompliance with respect to a grant under this section—

(i) require repayment of misspent funds; or

(ii) pursue legal action to collect funds.

(f) SHUTTERED VENUE OVERSIGHT AND AUDIT PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details— Deadline.

(A) the policies and procedures of the Administrator for conducting oversight and audits of grants under this section; and Procedures.

(B) the metrics that the Administrator shall use to determine which grants under this section will be audited pursuant to subsection (e). Determination.

(2) REPORTS.—Not later than 60 days after the date of enactment of this Act, and each month thereafter until the Termination date. Audit.

date that is 1 year after the date on which all amounts made available under section 323(d)(1)(H) of this Act have been expended, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the oversight and audit activities of the Administrator under this subsection, which shall include—

(A) the total number of initial grants approved and disbursed;

(B) the total amount of grants received by each eligible person or entity, including any supplemental grants;

(C) the number of active investigations and audits of grants under this section;

(D) the number of completed reviews and audits of grants under this section, including a description of any findings of fraud or other material noncompliance.

(E) any substantial changes made to the oversight and audit plan submitted under paragraph (1).

SEC. 325. EXTENSION OF THE DEBT RELIEF PROGRAM.

Ante, p. 1309.

(a) IN GENERAL.—Section 1112 of the CARES Act (15 U.S.C. 9011) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

Payments.
Time periods.

"(1) IN GENERAL.—Subject to the other provisions of this section, the Administrator shall pay the principal, interest, and any associated fees that are owed on a covered loan in a regular servicing status, without regard to the date on which the covered loan is fully disbursed, and subject to availability of funds, as follows:

"(A) With respect to a covered loan made before the date of enactment of this Act and not on deferment, the Administrator shall make those payments as follows:

"(i) The Administrator shall make those payments for the 6-month period beginning with the next payment due on the covered loan.

"(ii) In addition to the payments under clause (i)—

"(I) with respect to a covered loan other than a covered loan described in paragraph (1)(A)(i) or (2) of subsection (a), the Administrator shall make those payments for—

"(aa) the 3-month period beginning with the first payment due on the covered loan on or after February 1, 2021; and

"(bb) an additional 5-month period immediately following the end of the 3-month period provided under item (aa) if the covered loan is made to a borrower that, according to records of the Administration, is assigned a North American Industry Classification System code beginning with 61, 71, 72, 213, 315, 448, 451, 481, 485, 487, 511, 512, 515, 532, or 812; and

"(II) with respect to a covered loan described in paragraph (1)(A)(i) or (2) of subsection (a), the Administrator shall make those payments for the

8-month period beginning with the first payment due on the covered loan on or after February 1, 2021.

"(B) With respect to a covered loan made before the date of enactment of this Act and on deferment, the Administrator shall make those payments as follows:

"(i) The Administrator shall make those payments for the 6-month period beginning with the next payment due on the covered loan after the deferment period.

"(ii) In addition to the payments under clause (i)—

"(I) with respect to a covered loan other than a covered loan described in paragraph (1)(A)(i) or (2) of subsection (a), the Administrator shall make those payments for—

"(aa) the 3-month period (beginning on or after February 1, 2021) beginning with the later of—

"(AA) the next payment due on the covered loan after the deferment period; or

"(BB) the first month after the Administrator has completed the payments under clause (i); and

"(bb) an additional 5-month period immediately following the end of the 3-month period provided under item (aa) if the covered loan is made to a borrower that, according to records of the Administration, is assigned a North American Industry Classification System code beginning with 61, 71, 72, 213, 315, 448, 451, 481, 485, 487, 511, 512, 515, 532, or 812; and

"(II) with respect to a loan described in paragraph (1)(A)(i) or (2) of subsection (a), the 8-month period (beginning on or after February 1, 2021) beginning with the later of— Effective date.

"(aa) the next payment due on the covered loan after the deferment period; or

"(bb) the first month after the payments under clause (i) are complete.

"(C) With respect to a covered loan made during the period beginning on the date of enactment of this Act and ending on the date that is 6 months after such date of enactment, for the 6-month period beginning with the first payment due on the covered loan.

"(D) With respect to a covered loan approved during the period beginning on February 1, 2021, and ending on September 30, 2021, for the 6-month period beginning with the first payment due on the covered loan."; and

(B) by adding at the end the following:

"(4) LIMITATION.—

"(A) IN GENERAL.—No single monthly payment of principal, interest, and associated fees made by the Administrator under subparagraph (A)(ii), (B)(ii), or (D) of paragraph (1) with respect to a covered loan may be in a total amount that is more than $9,000.

"(B) TREATMENT OF ADDITIONAL AMOUNTS OWED.—If, for a month, the total amount of principal, interest, and associated fees that are owed on a covered loan for which the Administration makes payments under paragraph (1) is more than $9,000 the Administrator may require the lender with respect to the covered loan to add the amount by which those costs exceed $9,000 for that month as interest to be paid by the borrower with respect to the covered loan at the end of the loan period.

"(5) ADDITIONAL PROVISIONS FOR NEW LOANS.—With respect to a loan described in paragraph (1)(C)—

"(A) the Administrator may further extend the period described in paragraph (1)(C) if there are sufficient funds to continue those payments; and

"(B) during the underwriting process, a lender of such a loan may consider the payments under this section as part of a comprehensive review to determine the ability to repay over the entire period of maturity of the loan.

"(6) ELIGIBILITY.—Eligibility for a covered loan to receive such payments of principal, interest, and any associated fees under this subsection shall be based on the date on which the covered loan is approved by the Administration.

"(7) AUTHORITY TO REVISE EXTENSIONS.—

"(A) IN GENERAL.—The Administrator shall monitor whether amounts made available to make payments under this subsection are sufficient to make the payments for the periods described in paragraph (1).

Determination.

"(B) PLAN.—If the Administrator determines under subparagraph (A) that the amounts made available to make payments under this subsection are insufficient, the Administrator shall—

"(i) develop a plan to proportionally reduce the number of months provided for each period described in paragraph (1), while ensuring all amounts made available to make payments under this subsection are fully expended; and

"(ii) before taking action under the plan developed under clause (i), submit to Congress a report regarding the plan, which shall include the data that informs the plan.

"(8) ADDITIONAL REQUIREMENTS.—With respect to the payments made under this subsection—

"(A) no lender may charge a late fee to a borrower with respect to a covered loan during any period in which the Administrator makes payments with respect to the covered loan under paragraph (1); and

Deadline.

"(B) the Administrator shall, with respect to a covered loan, make all payments with respect to the covered loan under paragraph (1) not later than the 15th day of the applicable month.

"(9) RULE OF CONSTRUCTION.—Except as provided in paragraph (4), nothing in this subsection may be construed to preclude a borrower from receiving full payments of principal, interest, and any associated fees authorized under this subsection with respect to a covered loan.";

(2) by redesignating subsection (f) as subsection (i); and

(3) by inserting after subsection (e) the following:

"(f) ELIGIBILITY FOR NEW LOANS.—For each individual lending program under this section, the Administrator may establish a minimum loan maturity period, taking into consideration the normal underwriting requirements for each such program, with the goal of preventing abuse under the program.

"(g) LIMITATION ON ASSISTANCE.—A borrower may not receive assistance under subsection (c) for more than 1 covered loan of the borrower described in paragraph (1)(C) of that subsection.

"(h) REPORTING AND OUTREACH.— Deadlines.

"(1) UPDATED INFORMATION.—

"(A) IN GENERAL.—Not later than 14 days after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, the Administrator shall make publicly available information regarding the modifications to the assistance provided under this section under the amendments made by such Act. Public information.

"(B) GUIDANCE.—Not later than 21 days after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act the Administrator shall issue guidance on implementing the modifications to the assistance provided under this section under the amendments made by such Act.

"(2) PUBLICATION OF LIST.—Not later than March 1, 2021, the Administrator shall transmit to each lender of a covered loan a list of each borrower of a covered loan that includes the North American Industry Classification System code assigned to the borrower, based on the records of the Administration, to assist the lenders in identifying which borrowers qualify for an extension of payments under subsection (c).

"(3) EDUCATION AND OUTREACH.—The Administrator shall provide education, outreach, and communication to lenders, borrowers, district offices, and resource partners of the Administration in order to ensure full and proper compliance with this section, encourage broad participation with respect to covered loans that have not yet been approved by the Administrator, and help lenders transition borrowers from subsidy payments under this section directly to a deferral when suitable for the borrower.

"(4) NOTIFICATION.—Not later than 30 days after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, the Administrator shall mail a letter to each borrower of a covered loan that includes—

"(A) an overview of assistance provided under this section;

"(B) the rights of the borrower to receive that assistance;

"(C) how to seek recourse with the Administrator or the lender of the covered loan if the borrower has not received that assistance; and

"(D) the rights of the borrower to request a loan deferral from a lender, and guidance on how to do successfully transition directly to a loan deferral once subsidy payments under this section are concluded.

"(5) MONTHLY REPORTING.—Not later than the 15th of each month beginning after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues

Act, the Administrator shall submit to Congress a report on assistance provided under this section, which shall include—

"(A) monthly and cumulative data on payments made under this section as of the date of the report, including a breakdown by—

"(i) the number of participating borrowers;

"(ii) the volume of payments made for each type of covered loan; and

"(iii) the volume of payments made for covered loans made before the date of enactment of this Act and loans made after such date of enactment;

"(B) the names of any lenders of covered loans that have not submitted information on the covered loans to the Administrator during the preceding month; and

"(C) an update on the education and outreach activities of the Administration carried out under paragraph (3).".

15 USC 9011 note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281).

SEC. 326. MODIFICATIONS TO 7(a) LOAN PROGRAMS.

(a) 7(a) LOAN GUARANTEES.—

(1) IN GENERAL.—Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended by striking "), such participation by the Administration shall be equal to" and all that follows through the period at the end and inserting "or the Community Advantage Pilot Program of the Administration), such participation by the Administration shall be equal to 90 percent of the balance of the financing outstanding at the time of disbursement of the loan.".

Effective date. 15 USC 636 note.

(2) PROSPECTIVE REPEAL.—Effective October 1, 2021, section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)), as amended by paragraph (1), is amended to read as follows:

"(A) IN GENERAL.—Except as provided in subparagraphs (B), (D), (E), and (F), in an agreement to participate in a loan on a deferred basis under this subsection (including a loan made under the Preferred Lenders Program), such participation by the Administration shall be equal to—

"(i) 75 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $150,000; or

"(ii) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to $150,000.".

(b) EXPRESS LOANS.—

(1) LOAN AMOUNT.—Section 1102(c)(2) of the CARES Act (Public Law 116–136; 15 U.S.C. 636 note) is amended to read as follows:

Effective date.

"(2) PROSPECTIVE REPEAL.—Effective on October 1, 2021, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ' $1,000,000' and inserting ' $500,000'.".

(2) GUARANTEE RATES.—

(A) TEMPORARY MODIFICATION.—Section 7(a)(31)(A)(iv) of the Small Business Act (15 U.S.C. 636(a)(31)(A)(iv)) is

amended by striking "with a guaranty rate of not more than 50 percent." and inserting the following: "with a guarantee rate—

"(I) for a loan in an amount less than or equal to $350,000, of not more than 75 percent; and

"(II) for a loan in an amount greater than $350,000, of not more than 50 percent.".

(B) PROSPECTIVE REPEAL.—Effective October 1, 2021, section 7(a)(31)(A)(iv) of the Small Business Act (15 U.S.C. 636(a)(31)(iv)), as amended by subparagraph (A), is amended by striking "guarantee rate" and all that follows through the period at the end and inserting "guarantee rate of not more than 50 percent.". Effective date. 15 USC 636 note.

SEC. 327. TEMPORARY FEE REDUCTIONS.

(a) ADMINISTRATIVE FEE WAIVER.— 15 USC 636 note.

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on September 30, 2021, and to the extent that the cost of such elimination or reduction of fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) (including a recipient of assistance under the Community Advantage Pilot Program of the Administration) for which an application is approved or pending approval on or after the date of enactment of this Act, the Administrator shall— Time period.

(A) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect no fee or reduce fees to the maximum extent possible; and

(B) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect no fee or reduce fees to the maximum extent possible.

(2) APPLICATION OF FEE ELIMINATIONS OR REDUCTIONS.—To the extent that amounts are made available to the Administrator for the purpose of fee eliminations or reductions under paragraph (1), the Administrator shall—

(A) first use any amounts provided to eliminate or reduce fees paid by small business borrowers under clauses (i) through (iii) of section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), to the maximum extent possible; and

(B) then use any amounts provided to eliminate or reduce fees under 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)).

(b) TEMPORARY FEE ELIMINATION FOR THE 504 LOAN PROGRAM.— 15 USC 697 note.

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on September 30, 2021, and to the extent the cost of such elimination in fees is offset by appropriations, with respect to each project or loan guaranteed by the Administrator pursuant to title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) for which an application is approved or pending approval on or after the date of enactment of this Act— Time period.

(A) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)(2)), collect no fee; and

(B) a development company shall, in lieu of the processing fee under section 120.971(a)(1) of title 13, Code of Federal Regulations (relating to fees paid by borrowers), or any successor regulation, collect no fee.

(2) REIMBURSEMENT FOR WAIVED FEES.—

(A) IN GENERAL.—To the extent that the cost of such payments is offset by appropriations, the Administrator shall reimburse each development company that does not collect a processing fee pursuant to paragraph (1)(B).

(B) AMOUNT.—The payment to a development company under clause (i) shall be in an amount equal to 1.5 percent of the net debenture proceeds for which the development company does not collect a processing fee pursuant to paragraph (1)(B).

SEC. 328. LOW-INTEREST REFINANCING.

(a) LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—

(1) REPEAL.—Section 521(a) of title V of division E of the Consolidated Appropriations Act, 2016 (15 U.S.C. 696 note) is repealed.

(2) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended—

(A) in subparagraph (B), in the matter preceding clause (i), by striking "50" and inserting "100"; and

(B) by adding at the end the following:

"(C) REFINANCING NOT INVOLVING EXPANSIONS.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

"(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

"(III) the term 'qualified debt' means indebtedness—

"(aa) that was incurred not less than 6 months before the date of the application for assistance under this subparagraph;

"(bb) that is a commercial loan;

"(cc) the proceeds of which were used to acquire an eligible fixed asset;

"(dd) that was incurred for the benefit of the small business concern; and

"(ee) that is collateralized by eligible fixed assets.

"(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

"(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value

of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

"(II) the borrower has been in operation for all of the 2-year period ending on the date the loan application is submitted; and Time period.

"(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost. Determination.

"(iii) FINANCING FOR BUSINESS EXPENSES.—

"(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

"(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

"(aa) a specific description of the expenses for which the additional financing is requested; and

"(bb) an itemization of the amount of each expense.

"(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

"(iv) LOANS BASED ON JOBS.—

"(I) JOB CREATION AND RETENTION GOALS.—

"(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

"(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $75,000.

"(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

"(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

"(bb) the product obtained by multiplying—

"(AA) the number of part-time employees of the borrower on the date

on which the borrower applies for a loan under this subparagraph, by

"(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

"(v) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $7,500,000,000 of financing under this subparagraph for each fiscal year.".

(b) EXPRESS LOAN AUTHORITY FOR ACCREDITED LENDERS.—

(1) IN GENERAL.—Section 507 of the Small Business Investment Act of 1958 (15 U.S.C. 697d) is amended by striking subsection (e) and inserting the following:

"(e) EXPRESS LOAN AUTHORITY.—A local development company designated as an accredited lender in accordance with subsection (b)—

"(1) may—

"(A) approve, authorize, close, and service covered loans that are funded with proceeds of a debenture issued by the company; and

"(B) authorize the guarantee of a debenture described in subparagraph (A); and

"(2) with respect to a covered loan, shall be subject to final approval as to eligibility of any guarantee by the Administration pursuant to section 503(a), but such final approval shall not include review of decisions by the lender involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

"(f) DEFINITIONS.—In this section—

"(1) the term 'accredited lender certified company' means a certified development company that meets the requirements under subsection (b), including a certified development company that the Administration has designated as an accredited lender under that subsection;

"(2) the term 'covered loan'—

"(A) means a loan made under section 502 in an amount that is not more than $500,000; and

"(B) does not include a loan made to a borrower that is in an industry that has a high rate of default, as annually determined by the Administrator and reported in rules of the Administration; and

"(3) the term 'qualified State or local development company' has the meaning given the term in section 503(e).".

Effective date.
15 USC 697d note.

(2) PROSPECTIVE REPEAL.—Effective on September 30, 2023, section 507 of the Small Business Investment Act of 1958 (15 U.S.C. 697d), as amended by paragraph (1), is amended by striking subsections (e) and (f) and inserting the following:

"(e) DEFINITION.—In this section, the term 'qualified State or local development company' has the meaning given the term in section 503(e).".

Time period.
15 USC 696 note.

(c) REFINANCING SENIOR PROJECT DEBT.—During the 1-year period beginning on the date of enactment of this Act, a development company described in title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is authorized to allow the refinancing of a senior loan on an existing project in an amount

that, when combined with the outstanding balance on the development company loan, is not more than 90 percent of the total loan to value. Proceeds of such refinancing can be used to support business operating expenses.

SEC. 329. RECOVERY ASSISTANCE UNDER THE MICROLOAN PROGRAM.

(a) LOANS TO INTERMEDIARIES.—

(1) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(A) in paragraph (3)(C)—

(i) by striking "and $6,000,000" and inserting "$10,000,000 (in the aggregate)"; and

(ii) by inserting before the period at the end the following: ", and $4,500,000 in any of those remaining years";

(B) in paragraph (4)—

(i) in subparagraph (A), by striking "subparagraph (C)" each place that term appears and inserting "subparagraphs (C) and (G)";

(ii) in subparagraph (C), by amending clause (i) to read as follows:

"(i) IN GENERAL.—In addition to grants made under subparagraph (A) or (G), each intermediary shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection if—

"(I) the intermediary provides not less than 25 percent of its loans to small business concerns located in or owned by 1 or more residents of an economically distressed area; or

"(II) the intermediary has a portfolio of loans made under this subsection—

"(aa) that averages not more than $10,000 during the period of the intermediary's participation in the program; or

"(bb) of which not less than 25 percent is serving rural areas during the period of the intermediary's participation in the program."; and

(iii) by adding at the end the following:

"(G) GRANT AMOUNTS BASED ON APPROPRIATIONS.—In any fiscal year in which the amount appropriated to make grants under subparagraph (A) is sufficient to provide to each intermediary that receives a loan under paragraph (1)(B)(i) a grant of not less than 25 percent of the total outstanding balance of loans made to the intermediary under this subsection, the Administration shall make a grant under subparagraph (A) to each intermediary of not less than 25 percent and not more than 30 percent of that total outstanding balance for the intermediary."; and

(C) in paragraph (11)—

(i) in subparagraph (C)(ii), by striking all after the semicolon and inserting "and"; and

(ii) by striking all after subparagraph (C) and inserting the following:

"(D) the term 'economically distressed area', as used in paragraph (4), means a county or equivalent division

of local government of a State in which the small business concern is located, in which, according to the most recent data available from the Bureau of the Census, Department of Commerce, not less than 40 percent of residents have an annual income that is at or below the poverty level.".

Effective date.
15 USC 636 note.

(2) PROSPECTIVE AMENDMENT.—Effective on October 1, 2021, section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)), as amended by paragraph (1)(A), is amended—

(A) by striking " $10,000,000" and by inserting " $7,000,000"; and

(B) by striking " $4,500,000" and inserting " $3,000,000".

15 USC 636 note.

(b) TEMPORARY WAIVER OF TECHNICAL ASSISTANCE GRANTS MATCHING REQUIREMENTS AND FLEXIBILITY ON PRE- AND POST-LOAN ASSISTANCE.—During the period beginning on the date of enactment of this Act and ending on September 30, 2021, the Administration shall waive—

Time period.

(1) the requirement to contribute non-Federal funds under section 7(m)(4)(B) of the Small Business Act (15 U.S.C. 636(m)(4)(B)); and

(2) the limitation on amounts allowed to be expended to provide information and technical assistance under clause (i) of section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) and enter into third party contracts for the provision of technical assistance under clause (ii) of such section 7(m)(4)(E).

Time periods.
15 USC 636 note.

(c) TEMPORARY DURATION OF LOANS TO BORROWERS.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on September 30, 2021, the duration of a loan made by an eligible intermediary under section 7(m) of the Small Business Act (15 U.S.C. 636(m))—

(A) to an existing borrower may be extended to not more than 8 years; and

(B) to a new borrower may be not more than 8 years.

Effective date.

(2) REVERSION.—On and after October 1, 2021, the duration of a loan made by an eligible intermediary to a borrower under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) shall be 7 years or such other amount established by the Administrator.

(d) FUNDING.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

Time period.

"(h) MICROLOAN PROGRAM.—For each of fiscal years 2021 through 2025, the Administration is authorized to make—

"(1) $80,000,000 in technical assistance grants, as provided in section 7(m); and

"(2) $110,000,000 in direct loans, as provided in section 7(m).".

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided under the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2317) for the program established under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) and amounts provided for fiscal year 2021 for that program, there is authorized to be appropriated for fiscal year 2021, to remain available until expended—

(1) $50,000,000 to provide technical assistance grants under such section 7(m); and

(2) $7,000,000 to provide direct loans under such section 7(m).

SEC. 330. EXTENSION OF PARTICIPATION IN 8(a) PROGRAM. 15 USC 637 note.

(a) IN GENERAL.—The Administrator shall ensure that a small business concern participating in the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) on or before September 9, 2020, may elect to extend such participation by a period of 1 year, regardless of whether the small business concern previously elected to suspend participation in the program pursuant to guidance of the Administrator. Effective date. Time period.

(b) EMERGENCY RULEMAKING AUTHORITY.—Not later than 15 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section without regard to the notice requirements under section 553(b) of title 5, United States Code. Deadline.

SEC. 331. TARGETED EIDL ADVANCE FOR SMALL BUSINESS CONTINUITY, ADAPTATION, AND RESILIENCY. 15 USC 9009b.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL ENTERPRISE.—The term "agricultural enterprise" has the meaning given the term in section 18(b) of the Small Business Act (15 U.S.C. 647(b)).

(2) COVERED ENTITY.—The term "covered entity"—

(A) means an eligible entity that—

(i) applies for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) during the covered period, including before the date of enactment of this Act;

(ii) is located in a low-income community;

(iii) has suffered an economic loss of greater than 30 percent; and

(iv) employs not more than 300 employees; and

(B) except with respect to an entity included under section 123.300(c) of title 13, Code of Federal Regulations, or any successor regulation, does not include an agricultural enterprise.

(3) COVERED PERIOD.—The term "covered period" has the meaning given the term in section 1110(a)(1) of the CARES Act (15 U.S.C. 9009(a)(1)), as amended by section 332 of this Act.

(4) ECONOMIC LOSS.—The term "economic loss" means, with respect to a covered entity—

(A) the amount by which the gross receipts of the covered entity declined during an 8-week period between March 2, 2020, and December 31, 2021, relative to a comparable 8-week period immediately preceding March 2, 2020, or during 2019; or Time period.

(B) if the covered entity is a seasonal business concern, such other amount determined appropriate by the Administrator.

(5) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that, during the covered period, is eligible for a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)), as described in section 1110(b) of the CARES Act (15 U.S.C. 9009(b)).

(6) LOW-INCOME COMMUNITY.—The term "low-income community" has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986.

(b) ENTITLEMENT TO FULL AMOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), a covered entity, after submitting a request to the Administrator that the Administrator verifies under subsection (c), shall receive a total of $10,000 under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), without regard to whether—

(A) the applicable loan for which the covered entity applies or applied under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is or was approved;

(B) the covered entity accepts or accepted the offer of the Administrator with respect to an approved loan described in subparagraph (A); or

(C) the covered entity has previously received a loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) EFFECT OF PREVIOUSLY RECEIVED AMOUNTS.—

(A) IN GENERAL.—With respect to a covered entity that received an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) before the date of enactment of this Act, the amount of the payment that the covered entity shall receive under this subsection (after satisfaction of the procedures required under subparagraph (B)) shall be the difference between $10,000 and the amount of that previously received grant.

Deadline.

(B) PROCEDURES.—If the Administrator receives a request under paragraph (1) from a covered entity described in subparagraph (A) of this paragraph, the Administrator shall, not later than 21 days after the date on which the Administrator receives the request—

Verification.

(i) perform the verification required under subsection (c);

(ii) if the Administrator, under subsection (c), verifies that the entity is a covered entity, provide to the covered entity a payment in the amount described in subparagraph (A); and

Determination.

(iii) with respect to a covered entity that the Administrator determines is not entitled to a payment under this section, provide the covered entity with a notification explaining why the Administrator reached that determination.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require any entity that received an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) before the date of enactment of this Act to repay any amount of that grant.

Records.
Determination.

(c) VERIFICATION.—In carrying out this section, the Administrator shall require any information, including any tax records, from an entity submitting a request under subsection (b) that the Administrator determines to be necessary to verify that the entity is a covered entity, without regard to whether the entity has previously submitted such information to the Administrator.

(d) ORDER OF PROCESSING.—The Administrator shall process and approve requests for payments under subsection (b) in the

order that the Administrator receives the requests, except that the Administrator shall give—

(1) first priority to covered entities described in subsection (b)(2)(A); and

(2) second priority to covered entities that have not received emergency grants under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), as of the date on which the Administrator receives such a request, because of the unavailability of funding to carry out such section 1110(e).

(e) APPLICABILITY.—In addition to any other restriction imposed under this section, any eligibility restriction applicable to a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)), including any restriction under section 123.300 or 123.301 of title 13, Code of Federal Regulations, or any successor regulation, shall apply with respect to funding provided under this section.

(f) NOTIFICATION REQUIRED.—The Administrator shall provide notice to each of the following entities stating that the entity may be eligible for a payment under this section if the entity satisfies the requirements under clauses (ii), (iii), and (iv) of subsection (a)(2)(A):

(1) Each entity that received an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) before the date of enactment of this Act.

(2) Each entity that, before the date of enactment of this Act—

(A) applied for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)); and

(B) did not receive an emergency grant under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)) because of the unavailability of funding to carry out such section 1110(e).

(g) ADMINISTRATION.—In carrying out this section, the Administrator may rely on loan officers and other personnel of the Office of Disaster Assistance of the Administration and other resources of the Administration, including contractors of the Administration.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator $20,000,000,000 to carry out this section—

(1) which shall remain available through December 31, 2021; and

(2) of which $20,000,000 is authorized to be appropriated to the Inspector General of the Administration to prevent waste, fraud, and abuse with respect to funding provided under this section.

SEC. 332. EMERGENCY EIDL GRANTS.

Section 1110 of the CARES Act (15 U.S.C. 9009) is amended—

(1) in subsection (a)(1), by striking "December 31, 2020" and inserting "December 31, 2021";

(2) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

"(1) approve an applicant—

"(A) based solely on the credit score of the applicant; or

"(B) by using alternative appropriate methods to determine an applicant's ability to repay; and

"(2) use information from the Department of the Treasury to confirm that—

"(A) an applicant is eligible to receive such a loan; or

"(B) the information contained in an application for such a loan is accurate."; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "During the covered period" and inserting the following:

"(A) ADVANCES.—During the covered period";

(ii) in subparagraph (A), as so designated, by striking "within 3 days after the Administrator receives an application from such applicant"; and

(iii) by adding at the end the following:

Deadline. "(B) TIMING.—With respect to each request submitted to the Administrator under subparagraph (A), the Administrator shall, not later than 21 days after the date on which the Administrator receives the request—

Verification. "(i) verify whether the entity is an entity that is eligible for a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) during the covered period, as described in subsection (b);

"(ii) if the Administrator, under clause (i), verifies that the entity submitting the request is an entity that is eligible, as described in that clause, provide the advance requested by the entity; and

Determination. "(iii) with respect to an entity that the Administrator determines is not entitled to receive an advance under this subsection, provide the entity with a notification explaining why the Administrator reached that determination.";

(B) in paragraph (7), by striking " $20,000,000,000" and inserting " $40,000,000,000"; and

(C) in paragraph (8), by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 333. REPEAL OF EIDL ADVANCE DEDUCTION.

15 USC 9009 note. (a) DEFINITIONS.—In this section—

(1) the term "covered entity" means an entity that receives an advance under section 1110(e) of the CARES Act (15 U.S.C. 9009(e)), including an entity that received such an advance before the date of enactment of this Act; and

(2) the term "covered period" has the meaning given the term in section 1110(a)(1) of the CARES Act (15 U.S.C. 9009(a)(1)), as amended by section 332 of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that borrowers of loans made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID–19 during the covered period should be made whole, without regard to whether those borrowers are eligible for forgiveness with respect to those loans.

(c) REPEAL.—Section 1110(e)(6) of the CARES Act (15 U.S.C. 9009(e)(6)) is repealed.

15 USC 9009 note. (d) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (c) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281).

(e) RULEMAKING.—

15 USC 9009 note. Deadline.

(1) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Administrator shall issue rules that ensure the equal treatment of all covered entities with respect to the amendment made by subsection (c), which shall include consideration of covered entities that, before the date of enactment of this Act, completed the loan forgiveness process described in section 1110(e)(6) of the CARES Act (15 U.S.C. 9009(e)(6)), as in effect before that date of enactment.

(2) NOTICE AND COMMENT.— The notice and comment requirements under section 553 of title 5, United States Code, shall not apply with respect to the rules issued under paragraph (1).

SEC. 334. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(a) LOANS.

Section 7(a)(7) of the Small Business Act (15 U.S.C. 636(a)(7)) is amended—

(1) by striking "The Administration" and inserting "(A) IN GENERAL.—The Administrator";

(2) in subparagraph (A), as so designated, by inserting "and interest" after "principal"; and

(3) by adding at the end the following:

"(B) DEFERRAL REQUIREMENTS.—With respect to a deferral provided under this paragraph, the Administrator may allow lenders under this subsection—

Time period.

"(i) to provide full payment deferment relief (including payment of principal and interest) for a period of not more than 1 year; and

"(ii) to provide an additional deferment period if the borrower provides documentation justifying such additional deferment.

"(C) SECONDARY MARKET.—

"(i) IN GENERAL.—Except as provided in clause (ii), if an investor declines to approve a deferral or additional deferment requested by a lender under subparagraph (B), the Administrator shall exercise the authority to purchase the loan so that the borrower may receive full payment deferment relief (including payment of principal and interest) or an additional deferment as described in subparagraph (B).

Determination.

"(ii) EXCEPTION.—If, in a fiscal year, the Administrator determines that the cost of implementing clause (i) is greater than zero, the Administrator shall not implement that clause.".

SEC. 335. DOCUMENTATION REQUIRED FOR CERTAIN ELIGIBLE RECIPIENTS.

(a) IN GENERAL.—Section 7(a)(36)(D)(ii)(II) of the Small Business Act (15 U.S.C. 636(a)(36)(D)(ii)(II)) is amended by striking "as is necessary" and all that follows through the period at the end and inserting "as determined necessary by the Administrator and the Secretary, to establish the applicant as eligible.".

15 USC 636 note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

SEC. 336. ELECTION OF 12-WEEK PERIOD BY SEASONAL EMPLOYERS.

(a) IN GENERAL.—Section 7(a)(36)(E)(i)(I)(aa)(AA) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)(aa)(AA)) is amended by striking ", in the case of an applicant" and all that follows through "June 30, 2019" and inserting the following: "an applicant that is a seasonal employer shall use the average total monthly payments for payroll for any 12-week period selected by the seasonal employer between February 15, 2019, and February 15, 2020".

15 USC 636 note.

(b) EFFECTIVE DATE; APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

(2) EXCLUSION OF LOANS ALREADY FORGIVEN.—The amendment made by subsection (a) shall not apply to a loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) for which the borrower received forgiveness before the date of enactment of this Act under section 1106 of the CARES Act, as in effect on the day before such date of enactment.

SEC. 337. INCLUSION OF CERTAIN REFINANCING IN NONRECOURSE REQUIREMENTS.

(a) IN GENERAL.—Section 7(a)(36)(F)(v) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(v)) is amended by striking "clause (i)" and inserting "clause (i) or (iv)".

15 USC 636 note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

SEC. 338. APPLICATION OF CERTAIN TERMS THROUGH LIFE OF COVERED LOAN.

(a) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (H), in the matter preceding clause (i), by striking "During the covered period, with" and inserting "With";

(2) in subparagraph (J), in the matter preceding clause (i), by striking "During the covered period, with" and inserting "With"; and

(3) in subparagraph (M)—

(A) in clause (ii), in the matter preceding subclause (I), by striking "During the covered period, the" and inserting "The"; and

(B) in clause (iii), by striking "During the covered period, with" and inserting "With".

15 USC 636 note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act

(15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

SEC. 339. INTEREST CALCULATION ON COVERED LOANS.

(a) DEFINITIONS.—In this section, the terms "covered loan" and "eligible recipient" have the meanings given the terms in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)). 15 USC 636 note.

(b) CALCULATION.—Section 7(a)(36)(L) of the Small Business Act (15 U.S.C. 636(a)(36)(L)) is amended by inserting ", calculated on a non-compounding, non-adjustable basis" after "4 percent".

(c) APPLICABILITY.—The amendment made by subsection (b) may apply with respect to a covered loan made before the date of enactment of this Act, upon the agreement of the lender and the eligible recipient with respect to the covered loan. 15 USC 636 note.

SEC. 340. REIMBURSEMENT FOR PROCESSING.

(a) REIMBURSEMENT.—Section 7(a)(36)(P) of the Small Business Act (15 U.S.C. 636(a)(36)(P)) is amended—

(1) by amending clause (i) to read as follows:

"(i) IN GENERAL.—The Administrator shall reimburse a lender authorized to make a covered loan as follows:

"(I) With respect to a covered loan made during the period beginning on the date of enactment of this paragraph and ending on the day before the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, the Administrator shall reimburse such a lender at a rate, based on the balance of the financing outstanding at the time of disbursement of the covered loan, of—

"(aa) 5 percent for loans of not more than $350,000;

"(bb) 3 percent for loans of more than $350,000 and less than $2,000,000; and

"(cc) 1 percent for loans of not less than $2,000,000.

"(II) With respect to a covered loan made on or after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, the Administrator shall reimburse such a lender—

"(aa) for a covered loan of not more than $50,000, in an amount equal to the lesser of—

"(AA) 50 percent of the balance of the financing outstanding at the time of disbursement of the covered loan; or

"(BB) $2,500; and

"(bb) at a rate, based on the balance of the financing outstanding at the time of disbursement of the covered loan, of—

"(AA) 5 percent for a covered loan of more than $50,000 and not more than $350,000;

"(BB) 3 percent for a covered loan of more than $350,000 and less than $2,000,000; and

"(CC) 1 percent for a covered loan of not less than $2,000,000."; and

(2) by amending clause (iii) to read as follows:

Deadline.

"(iii) TIMING.—A reimbursement described in clause (i) shall be made not later than 5 days after the reported disbursement of the covered loan and may not be required to be repaid by a lender unless the lender is found guilty of an act of fraud in connection with the covered loan.".

(b) FEE LIMITS.—

(1) IN GENERAL.—Section 7(a)(36)(P)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)(P)(ii)) is amended by adding at the end the following: "If an eligible recipient has knowingly retained an agent, such fees shall be paid by the eligible recipient and may not be paid out of the proceeds of a covered loan. A lender shall only be responsible for paying fees to an agent for services for which the lender directly contracts with the agent.".

15 USC 636 note.

(2) EFFECTIVE DATE; APPLICABILITY.—The amendment made by paragraph (1) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan.

SEC. 341. DUPLICATION REQUIREMENTS FOR ECONOMIC INJURY DISASTER LOAN RECIPIENTS.

Section 7(a)(36)(Q) of the Small Business Act (15 U.S.C. 636(a)(36)(Q)) is amended by striking "during the period beginning on January 31, 2020, and ending on the date on which covered loans are made available".

SEC. 342. PROHIBITION OF ELIGIBILITY FOR PUBLICLY-TRADED COMPANIES.

Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (A), as amended by section 318 of this Act, by adding at the end the following:

Definitions.

"(xvi) the terms 'exchange', 'issuer', and 'security' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).";

and

(2) in subparagraph (D), as amended by section 318 of this Act by adding at the end the following:

"(viii) INELIGIBILITY OF PUBLICLY-TRADED ENTITIES.—Notwithstanding any other provision of this paragraph, on and after the date of enactment of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, an entity that is an issuer, the securities of which are listed on an exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f), shall be ineligible to receive a covered loan under this paragraph.".

SEC. 343. COVERED PERIOD FOR NEW PARAGRAPH (36) LOANS.

(a) IN GENERAL.—Section 7(a)(36)(A)(iii) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)) is amended by striking "December 31, 2020" and inserting "March 31, 2021".

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) before, on, or after the date of enactment of this Act, including forgiveness of such a loan. 15 USC 636 note.

SEC. 344. APPLICABLE PERIODS FOR PRORATION.

Section 7(a)(36)(A)(viii) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)) is amended—

(1) in subclause (I)(bb), by striking "in 1 year, as prorated for the covered period" and inserting "on an annualized basis, as prorated for the period during which the payments are made or the obligation to make the payments is incurred"; and

(2) in subclause (II)—

(A) in item (aa), by striking "an annual salary of $100,000, as prorated for the covered period" and inserting " $100,000 on an annualized basis, as prorated for the period during which the compensation is paid or the obligation to pay the compensation is incurred"; and

(B) in item (bb), by striking "covered" and inserting "applicable".

SEC. 345. EXTENSION OF WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.

(a) IN GENERAL.—Section 1105 of the CARES Act (15 U.S.C. 9004) is amended by striking "the 3-month period beginning on the date of enactment of this Act" and inserting "the period beginning on the date of enactment of this Act and ending on June 30, 2021". Time period.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendment made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281). 15 USC 9004 note.

SEC. 346. CLARIFICATION OF USE OF CARES ACT FUNDS FOR SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—Section 1103(b)(3)(A) of the CARES Act (15 U.S.C. 9002(b)(3)(A)) is amended—

(1) by striking "The Administration" and inserting the following:

"(i) IN GENERAL.—The Administration"; and

(2) by adding at the end the following:

"(ii) CLARIFICATION OF USE.—Awards made under clause (i) shall be in addition to, and separate from, any amounts appropriated to make grants under section 21(a) of the Small Business Act (15 U.S.C. 648(a)) and such an award may be used to complement and support such a grant, except that priority with respect to the receipt of that assistance shall be given to small business development centers that have been affected by issues described in paragraph (2).".

15 USC 9002 note.

(b) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall be effective as if included in the CARES Act (Public Law 116–136; 134 Stat. 281).

SEC. 347. GAO REPORT.

Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the use by the Administration of funds made available to the Administration through supplemental appropriations in fiscal year 2020, the purpose of which was for administrative expenses.

15 USC 636 note.

SEC. 348. EFFECTIVE DATE; APPLICABILITY.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act and apply to loans and grants made on or after the date of enactment of this Act.

TITLE IV—TRANSPORTATION

Subtitle A—Airline Worker Support Extension

15 USC 9091.

SEC. 401. DEFINITIONS.

Applicability.

Unless otherwise specified, the definitions in section 40102(a) of title 49, United States Code, shall apply to this subtitle, except that in this subtitle—

(1) the term "catering functions" means preparation, assembly, or both, of food, beverages, provisions and related supplies for delivery, and the delivery of such items, directly to aircraft or to a location on or near airport property for subsequent delivery to aircraft;

(2) the term "contractor" means—

(A) a person that performs, under contract with a passenger air carrier conducting operations under part 121 of title 14, Code of Federal Regulations—

(i) catering functions; or

(ii) functions on the property of an airport that are directly related to the air transportation of persons, property, or mail, including, but not limited to, the loading and unloading of property on aircraft, assistance to passengers under part 382 of title 14, Code of Federal Regulations, security, airport ticketing and check-in functions, ground-handling of aircraft, or aircraft cleaning and sanitization functions and waste removal; or

(B) a subcontractor that performs such functions;

(3) the term "employee" means an individual, other than a corporate officer, who is employed by an air carrier or a contractor;

(4) the term "recall" means the dispatch of a notice by a passenger air carrier or a contractor, via mail, courier, or electronic mail, to an involuntarily furloughed employee notifying the employee that—

(A) the employee must, within a specified period of time, elect either—

(i) to return to employment or bypass return to employment, in accordance with an applicable collective bargaining agreement or, in the absence of a collective bargaining agreement, company policy; or

(ii) to permanently separate from employment with the passenger air carrier or contractor; and

(B) failure to respond within such time period specified shall be considered an election under subparagraph (A)(ii);

(5) the term "returning employee" means an involuntarily furloughed employee who has elected to return to employment pursuant to a recall notice; and

(6) the term "Secretary" means the Secretary of the Treasury.

SEC. 402. PANDEMIC RELIEF FOR AVIATION WORKERS. 15 USC 9092.

(a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES, SALARIES, AND BENEFITS.—Notwithstanding any other provision of law, to preserve aviation jobs and compensate air carrier industry workers, the Secretary shall provide financial assistance that shall exclusively be used for the continuation of payment of employee wages, salaries, and benefits to—

(1) passenger air carriers, in an aggregate amount up to $15,000,000,000; and

(2) contractors, in an aggregate amount up to $1,000,000,000.

(b) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the Secretary may use funds made available under section 4112(b) of the CARES Act (15 U.S.C. 9072(b)) for costs and administrative expenses associated with providing financial assistance under this subtitle.

SEC. 403. PROCEDURES FOR PROVIDING PAYROLL SUPPORT. 15 USC 9093.

(a) AWARDABLE AMOUNTS.—The Secretary shall provide financial assistance under this subtitle— Time periods.

(1) to a passenger air carrier required to file reports pursuant to part 241 of title 14, Code of Federal Regulations, as of March 27, 2020, in an amount equal to—

(A) the amount such air carrier was approved to receive (without taking into account any pro rata reduction) under section 4113 of the CARES Act (15 U.S.C. 9073); or

(B) at the request of such air carrier, or in the event such air carrier did not receive assistance under section 4113 of the CARES Act (15 U.S.C. 9073), the amount of the salaries and benefits reported by the air carrier to the Department of Transportation pursuant to such part 241, for the period from October 1, 2019, through March 31, 2020;

(2) to a passenger air carrier that was not required to transmit reports under such part 241, as of March 27, 2020, in an amount equal to—

(A) the amount such air carrier was approved to receive (without taking into account any pro rata reduction) under section 4113 of the CARES Act (15 U.S.C. 9073), plus an additional 15 percent of such amount;

(B) at the request of such air carrier, provided such air carrier received assistance under section 4113 of the CARES Act (15 U.S.C. 9073), the sum of—

Certification.

(i) the amount that such air carrier certifies, using sworn financial statements or other appropriate data, as the amount of total salaries and related fringe benefits that such air carrier incurred and would be required to be reported to the Department of Transportation pursuant to such part 241, if such air carrier was required to transmit such information during the period from April 1, 2019, through September 30, 2019; and

(ii) an additional amount equal to the difference between the amount certified under clause (i) and the amount the air carrier received under section 4113 of the CARES Act (15 U.S.C. 9073); or

(C) in the event such air carrier did not receive assistance under section 4113 of the CARES Act (15 U.S.C. 9073), an amount that such an air carrier certifies, using sworn financial statements or other appropriate data, as the amount of total salaries and related fringe benefits that such air carrier incurred and would be required to be reported to the Department of Transportation pursuant to such part 241, if such air carrier was required to transmit such information during the period from October 1, 2019, through March 31, 2020; and

(3) to a contractor in an amount equal to—

(A) the amount such contractor was approved to receive (without taking into account any pro rata reduction) under section 4113 of the CARES Act (15 U.S.C. 9073); or

(B) in the event such contractor did not receive assistance under section 4113 of the CARES Act (15 U.S.C. 9073), an amount that the contractor certifies, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that such contractor paid the employees of such contractor during the period from October 1, 2019, through March 31, 2020.

(b) DEADLINES AND PROCEDURES.—

(1) IN GENERAL.—

(A) FORMS; TERMS AND CONDITIONS.—Financial assistance provided to a passenger air carrier or contractor under this subtitle shall—

(i) be, to the maximum extent practicable, in the same form and on the same terms and conditions (including requirements for audits and the clawback of any financial assistance provided upon failure by a passenger air carrier or contractor to honor the assurances specified in section 404), as agreed to by the Secretary and the recipient for assistance received under section 4113 of the CARES Act (15 U.S.C. 9073), except if inconsistent with this subtitle; or

(ii) in the event such a passenger air carrier or a contractor did not receive assistance under section 4113 of the CARES Act (15 U.S.C. 9073), be, to the maximum extent practicable, in the same form and

on the same terms and conditions (including requirements for audits and the clawback of any financial assistance provided upon failure by a passenger air carrier or contractor to honor the assurances specified in section 404), as agreed to by the Secretary and similarly situated recipients of assistance under such section 4113.

(B) PROCEDURES.—The Secretary shall, to the maximum extent practicable, publish streamlined and expedited procedures not later than 5 days after the date of enactment of this subtitle for passenger air carriers and contractors to submit requests for financial assistance under this subtitle.

(2) DEADLINE FOR IMMEDIATE PAYROLL ASSISTANCE.—Not later than 10 days after the date of enactment of this subtitle, the Secretary shall make initial payments to passenger air carriers and contractors that submit requests for financial assistance approved by the Secretary.

(3) SUBSEQUENT PAYMENTS.—The Secretary shall determine an appropriate method for the timely distribution of payments to passenger air carriers and contractors with approved requests for financial assistance from any funds remaining available after providing initial financial assistance payments under paragraph (2). Determination.

(c) PRO RATA REDUCTIONS.—The Secretary shall have the authority to reduce, on a pro rata basis, the amounts due to passenger air carriers and contractors under subsection (a) in order to address any shortfall in assistance that would otherwise be provided under such subsection.

(d) AUDITS.—The Inspector General of the Department of the Treasury shall audit certifications made under subsection (a).

SEC. 404. REQUIRED ASSURANCES.

Contracts. 15 USC 9094. Certification. Expiration dates.

(a) IN GENERAL.—To be eligible for financial assistance under this subtitle, a passenger air carrier or a contractor shall enter into an agreement with the Secretary, or otherwise certify in such form and manner as the Secretary shall prescribe, that the passenger air carrier or contractor shall—

(1) refrain from conducting involuntary furloughs or reducing pay rates and benefits until—

(A) with respect to passenger air carriers, March 31, 2021; or

(B) with respect to contractors, March 31, 2021, or the date on which the contractor expends such financial assistance, whichever is later;

(2) ensure that neither the passenger air carrier or contractor nor any affiliate of the passenger air carrier or contractor may, in any transaction, purchase an equity security of the passenger air carrier or contractor or the parent company of the passenger air carrier or contractor that is listed on a national securities exchange through—

(A) with respect to passenger air carriers, March 31, 2022; or

(B) with respect to contractors, March 31, 2022, or the date on which the contractor expends such financial assistance, whichever is later;

(3) ensure that the passenger air carrier or contractor shall not pay dividends, or make other capital distributions, with respect to common stock (or equivalent interest) of the air carrier or contractor through—

(A) with respect to passenger air carriers, March 31, 2022; or

(B) with respect to contractors, March 31, 2022, or the date on which the contractor expends such financial assistance, whichever is later; and

(4) meet the requirements of sections 405 and 406.

Deadlines.
Time periods.

(b) RECALLS OF EMPLOYEES.—An agreement or certification under this section shall require a passenger air carrier or contractor to perform the following actions:

(1) In the case of a passenger air carrier or contractor that received financial assistance under title IV of the CARES Act—

(A) recall (as defined in section 401), not later than 72 hours after executing such agreement or certification, any employees involuntarily furloughed by such passenger air carrier or contractor between October 1, 2020, and the date such passenger air carrier or contractor enters into an agreement with the Secretary with respect to financial assistance under this subtitle;

(B) compensate returning employees for lost pay and benefits (offset by any amounts received by the employee from a passenger air carrier or contractor as a result of the employee's furlough, including, but not limited to, furlough pay, severance pay, or separation pay) between—

(i) in the case of a passenger air carrier, December 1, 2020, and the date on which such passenger air carrier enters into an agreement with the Secretary with respect to financial assistance under this subtitle; or

(ii) in the case of a contractor, the date of enactment of this subtitle and the date on which such contractor enters into an agreement with the Secretary with respect to financial assistance under this subtitle; and

(C) restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed.

(2) In the case of a passenger air carrier or contractor that did not receive financial assistance under title IV of the CARES Act to—

(A) recall (as defined in section 401), within 72 hours after executing such agreement or certification, any employees involuntarily furloughed by such passenger air carrier or contractor between March 27, 2020, and the date such passenger air carrier or contractor enters into an agreement with the Secretary for financial assistance under this subtitle;

(B) compensate returning employees under this paragraph for lost pay and benefits (offset by any amounts received by the employee from a passenger air carrier or contractor as a result of the employee's furlough, including, but not limited to, furlough pay, severance pay, or separation pay) between—

(i) in the case of a passenger air carrier, December 1, 2020, and the date such passenger air carrier enters into an agreement with the Secretary for financial assistance under this subtitle; or

(ii) in the case of a contractor, the date of enactment of this subtitle and the date on which such contractor enters into an agreement with the Secretary with respect to financial assistance under this subtitle; and

(C) restore the rights and protections for such returning employees as if such employees had not been involuntarily furloughed.

SEC. 405. PROTECTION OF COLLECTIVE BARGAINING AGREEMENTS. 15 USC 9095.

(a) IN GENERAL.—Neither the Secretary, nor any other actor, department, or agency of the Federal Government, shall condition the issuance of financial assistance under this subtitle on a passenger air carrier's or contractor's implementation of measures to enter into negotiations with the certified bargaining representative of a craft or class of employees of the passenger air carrier or contractor under the Railway Labor Act (45 U.S.C. 151 et seq.) or the National Labor Relations Act (29 U.S.C. 151 et seq.), regarding pay or other terms and conditions of employment.

(b) PASSENGER AIR CARRIER PERIOD OF EFFECT.—With respect to any passenger air carrier to which financial assistance is provided under this subtitle, this section shall be in effect with respect to the passenger air carrier for the period beginning on the date on which the passenger air carrier is first issued such financial assistance and ending on March 31, 2021.

(c) CONTRACTOR PERIOD OF EFFECT.—With respect to any contractor to which financial assistance is provided under this subtitle, this section shall be in effect with respect to the contractor beginning on the date on which the contractor is first issued such financial assistance and ending on March 31, 2021, or until the date on which all funds are expended, whichever is later.

SEC. 406. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION. 15 USC 9096.

(a) IN GENERAL.—The Secretary may only provide financial assistance under this subtitle to a passenger air carrier or contractor after such carrier or contractor enters into an agreement with the Secretary that provides that, during the 2-year period beginning October 1, 2020, and ending October 1, 2022— Time periods.

(1) no officer or employee of the passenger air carrier or contractor whose total compensation exceeded $425,000 in calendar year 2019 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to the date of enactment of this subtitle) will receive from the passenger air carrier or contractor—

(A) total compensation that exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the passenger air carrier or contractor in calendar year 2019; or

(B) severance pay or other benefits upon termination of employment with the passenger air carrier or contractor which exceeds twice the maximum total compensation

received by the officer or employee from the passenger air carrier or contractor in calendar year 2019; and

(2) no officer or employee of the passenger air carrier or contractor whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the passenger air carrier or contractor in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by a passenger air carrier or contractor to an officer or employee of the passenger air carrier or contractor.

15 USC 9097.

SEC. 407. MINIMUM AIR SERVICE GUARANTEES.

Determination.
Effective date.

(a) IN GENERAL.—The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier provided financial assistance under this subtitle to maintain scheduled air transportation, as the Secretary of Transportation determines necessary, to ensure services to any point served by that air carrier before March 1, 2020.

(b) REQUIRED CONSIDERATIONS.—When considering whether to exercise the authority provided by this section, the Secretary of Transportation shall take into consideration the air transportation needs of small and remote communities, the need to maintain well-functioning health care supply chains, including medical devices and supplies, and pharmaceutical supply chains.

(c) SUNSET.—The authority provided under this section shall terminate on March 1, 2022, and any requirements issued by the Secretary of Transportation under this section shall cease to apply after that date.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, when implementing this section, the Secretary of Transportation should take into consideration the following:

(1) A number of airports and communities have lost air service as a result of consolidated operations by covered air carriers, as permitted by the Department of Transportation, including smaller airports that are located near larger airports.

Determination.

(2) Airports covering common points, as determined by the Department of Transportation, do not align with the grouping commonly used by many air carriers, other Federal agencies, and distribution channels used by consumers to purchase air travel.

(3) The demographic, geographic, economic, and other characteristics of an area and affected communities when determining whether consolidated operations at a single airport effectively serve the needs of the point.

(4) Maintaining a robust air transportation system, including maintaining air service to airports throughout the United States, plays an important role in the effective distribution of a coronavirus vaccine.

(5) The objections from community respondents on whether a specific airport should or should not be included in a consolidated point, including those objections noting the importance of the required considerations set forth in subsection (b).

SEC. 408. TAXPAYER PROTECTION. 15 USC 9098.

(a) CARES ACT ASSISTANCE RECIPIENTS.—With respect to a recipient of financial assistance under section 4113 of the CARES Act (15 U.S.C. 9073) that receives financial assistance under this subtitle, the Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by such recipient that are, to the maximum extent practicable, in the same form and amount, and under the same terms and conditions, as agreed to by the Secretary and such recipient to provide appropriate compensation to the Federal Government for the provision of the financial assistance under this subtitle.

(b) OTHER APPLICANTS.—With respect to a recipient of financial assistance under this subtitle that did not receive financial assistance under section 4113 of the CARES Act (15 U.S.C. 9073), the Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by such recipient in a form and amount that are, to the maximum extent practicable, under the same terms and conditions as agreed to by the Secretary and similarly situated recipients of financial assistance under such section to provide appropriate compensation to the Federal Government for the provision of the financial assistance under this subtitle.

SEC. 409. REPORTS. 15 USC 9099.

(a) REPORT.—Not later than May 1, 2021, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the financial assistance provided to passenger air carriers and contractors under this subtitle, that includes—

(1) a description of any financial assistance provided to passenger air carriers under this subtitle;

(2) any audits of passenger air carriers or contractors receiving financial assistance under this subtitle; Audits.

(3) any reports filed by passenger air carriers or contractors receiving financial assistance under this subtitle;

(4) any instances of non-compliance by passenger air carriers or contractors receiving financial assistance under this subtitle with the requirements of this subtitle or agreements entered into with the Secretary to receive such financial assistance; and

(5) information relating to any clawback of any financial assistance provided to passenger air carriers or contractors under this subtitle.

(b) INTERNET UPDATES.—The Secretary shall update the website of the Department of the Treasury, at minimum, on a weekly basis as necessary to reflect new or revised distributions of financial assistance under this subtitle with respect to each passenger air carrier or contractor that receives such assistance, the identification of any applicant that applied for financial assistance under this subtitle, and the date of application for such assistance.

Deadline.
Time period.

(c) SUPPLEMENTAL UPDATE.—Not later than the last day of the 1-year period following the date of enactment of this subtitle, the Secretary shall update and submit to the Committee on Transportation and Infrastructure and the Committee on Financial Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate, the report submitted under subsection (a).

Determination.

(d) PROTECTION OF CERTAIN DATA.—The Secretary may withhold information that would otherwise be required to be made available under this section only if the Secretary determines to withhold the information in accordance with section 552 of title 5, United States Code.

15 USC 9100.

SEC. 410. COORDINATION.

In implementing this subtitle, the Secretary shall coordinate with the Secretary of Transportation.

SEC. 411. FUNDING.

There is appropriated, out of amounts in the Treasury not otherwise appropriated, $16,000,000,000 to carry out this subtitle, to remain available until expended.

15 USC 9101.

SEC. 412. CARES ACT AMENDMENTS.

(a) CONTINUED APPLICATION OF REQUIRED ASSURANCES.—Section 4114 of the CARES Act (15 U.S.C. 9074) is amended by adding at the end the following new subsections:

Contracts.

"(c) CONTINUED APPLICATION.—

"(1) IN GENERAL.—If, after the date of enactment of this subsection, a contractor expends any funds made available pursuant to section 4112 and distributed pursuant to section 4113, the assurances in paragraphs (1) through (3) of subsection (a) shall continue to apply until the dates included in such paragraphs, or the date on which the contractor fully expends such financial assistance, whichever is later.

Deadline.
Reports.

"(2) SPECIAL RULE.—Not later than April 5, 2021, each contractor described in section 4111(3)(A)(i) that has received funds pursuant to such section 4112 shall report to the Secretary on the amount of such funds that the contractor has expended through March 31, 2021. If the contractor has expended an amount that is less than 100 percent of the total amount of funds the contractor received under such section, the Secretary shall initiate an action to recover any funds that remain unexpended as of April 30, 2021.

"(d) RECALL OF EMPLOYEES.—

Furloughs.
Time period.
Deadline.

"(1) IN GENERAL.—Subject to paragraph (2), any contractor that has unspent financial assistance provided under this subtitle as of the date of enactment of this subsection and conducted involuntary furloughs or reduced pay rates and benefits, between March 27, 2020, and the date on which the contractor entered into an agreement with the Secretary related to financial assistance under this subtitle, shall recall (as defined in section 4111) employees who were involuntarily furloughed during such period by not later than January 4, 2021.

Certification.
Time period.

"(2) WAIVER.—The Secretary of the Treasury shall waive the requirement under paragraph (1) for a contractor to recall employees if the contractor certifies that the contractor has or will have insufficient remaining financial assistance provided

under this subtitle to keep recalled employees employed for more than two weeks upon returning to work.

"(3) AUDITS.—The Inspector General of the Department of the Treasury shall audit certifications made under paragraph (2).".

(b) DEFINITION OF RECALL.—Section 4111 of the CARES Act (15 U.S.C. 9071) is amended—

(1) in paragraph (4) by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) the term 'recall' means the dispatch of a notice by a contractor, via mail, courier, or electronic mail, to an involuntarily furloughed employee notifying the employee that—

"(A) the employee must, within a specified period of time that is not less than 14 days, elect either—

"(i) to return to employment or bypass return to employment in accordance with an applicable collective bargaining agreement or, in the absence of a collective bargaining agreement, company policy; or

"(ii) to permanently separate from employment with the contractor; and

"(B) failure to respond within such time period specified will be deemed to be an election under subparagraph (A)(ii); and".

(c) DEFINITION OF BUSINESSES CRITICAL TO MAINTAINING NATIONAL SECURITY.—Section 4002 of the CARES Act (15 U.S.C. 9041) is amended by adding at the end the following:

"(11) AEROSPACE-RELATED BUSINESSES CRITICAL TO MAINTAINING NATIONAL SECURITY.—The term 'businesses critical to maintaining national security' means those businesses that manufacture or produce aerospace-related products, civil or defense, including those that design, integrate, assemble, supply, maintain, and repair such products, and other businesses involved in aerospace-related manufacturing or production as further defined by the Secretary, in consultation with the Secretary of Defense and the Secretary of Transportation. For purposes of the preceding sentence, aerospace-related products include, but are not limited to, components, parts, or systems of aircraft, aircraft engines, or appliances for inclusion in an aircraft, aircraft engine, or appliance.".

Subtitle B—Coronavirus Economic Relief for Transportation Services Act

Coronavirus Economic Relief for Transportation Services Act. 15 USC 9001 note.

SEC. 420. SHORT TITLE.

This subtitle may be cited as the "Coronavirus Economic Relief for Transportation Services Act".

SEC. 421. ASSISTANCE FOR PROVIDERS OF TRANSPORTATION SERVICES AFFECTED BY COVID–19. 15 USC 9111.

(a) DEFINITIONS.—In this section:

(1) COVERED PERIOD.—The term "covered period", with respect to a provider of transportation services, means the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the later of—

(i) March 31, 2021; or

(ii) the date on which all funds provided to the provider of transportation services under subsection (c) are expended.

(2) COVID–19.—The term "COVID–19" means the Coronavirus Disease 2019.

(3) PAYROLL COSTS.—

(A) IN GENERAL.—The term "payroll costs" means—

(i) any payment to an employee of compensation in the form of—

(I) salary, wage, commission, or similar compensation;

(II) payment of a cash tip or an equivalent;

(III) payment for vacation, parental, family, medical, or sick leave;

(IV) payment required for the provision of group health care or other group insurance benefits, including insurance premiums;

(V) payment of a retirement benefit;

(VI) payment of a State or local tax assessed on employees with respect to compensation; or

(VII) paid administrative leave; and

(ii) any payment of compensation to, or income of, a sole proprietor or independent contractor—

(I) that is—

(aa) a wage;

(bb) a commission;

(cc) income;

(dd) net earnings from self-employment; or

(ee) similar compensation; and

(II) in an amount equal to not more than $100,000 during 1 calendar year, as prorated for the covered period.

(B) EXCLUSIONS.—The term "payroll costs" does not include—

(i) any compensation of an individual employee in excess of an annual salary of $100,000, as prorated for the covered period;

(ii) any tax imposed or withheld under chapter 21, 22, or 24 of the Internal Revenue Code of 1986 during the covered period;

(iii) any compensation of an employee whose principal place of residence is outside the United States;

(iv) any qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (26 U.S.C. 3111 note; Public Law 116–127);

(v) any qualified family leave wages for which a credit is allowed under section 7003 of that Act (26 U.S.C. 3111 note; Public Law 116–127); or

(vi) any bonus, raise in excess of inflation, or other form of additional employee compensation.

(4) PROVIDER OF TRANSPORTATION SERVICES.—The term "provider of transportation services" means an entity that—

(A) is established or organized—

(i) in the United States; or

(ii) pursuant to Federal law;

(B) has significant operations, and a majority of employees based, in the United States;

(C) was in operation on March 1, 2020; and

(D) is the operator of—

(i) a vessel of the United States (as defined in section 116 of title 46, United States Code) that is—

(I) a passenger vessel (as defined in section 2101 of that title) carrying fewer than 2,400 passengers;

(II) a small passenger vessel (as defined in section 2101 of that title); or

(III) a vessel providing pilotage services and regulated by a State in accordance with chapter 85 of that title;

(ii) a company providing transportation services using a bus characterized by an elevated passenger deck located over a baggage compartment (commonly known as an "over-the-road bus"), including local and intercity fixed-route service, commuter service, and charter or tour service (including tour or excursion service that includes features in addition to bus transportation, such as meals, lodging, admission to points of interest or special attractions, or the services of a guide);

(iii) a company providing transportation services using a school bus (as defined in section 571.3 of title 49, Code of Federal Regulations (or successor regulations)); or

(iv) any other passenger transportation service company subject to regulation by the Department of Transportation as the Secretary, in consultation with the Secretary of Transportation, determines to be appropriate.

Consultation.
Determination.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(b) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to provide grants to eligible providers of transportation services under this section, $2,000,000,000 for fiscal year 2021, to remain available until expended.

(c) PROVISION OF ASSISTANCE.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall use the amounts made available under subsection (b) to provide grants to eligible providers of transportation services described in paragraph (2) that certify to the Secretary that the providers of transportation services have experienced a revenue loss of 25 percent or more, on an annual basis, as a direct or indirect result of COVID–19.

Consultation.
Grants.
Certification.

(2) DESCRIPTION OF ELIGIBLE PROVIDERS OF TRANSPORTATION SERVICES.—

(A) IN GENERAL.—An eligible provider of transportation services referred to in paragraph (1) is—

(i) a provider of transportation services that, on March 1, 2020—

Effective date.

(I) had 500 or fewer full-time, part-time, or temporary employees; and

(II) was not a subsidiary, parent, or affiliate of any other entity with a combined total workforce of more than 500 full-time, part-time, or temporary employees; or

(ii) a provider of transportation services that—

(I) on March 1, 2020, had more than 500 full-time, part-time, or temporary employees; and

(II) has not received assistance under paragraph (1), (2), or (3) of section 4003(b), or subtitle B of title IV of division A, of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136; 134 Stat. 281).

(B) SCOPE OF ELIGIBILITY FOR CERTAIN COMPANIES.—

(i) IN GENERAL.—A provider of transportation services that has entered into or maintains a contract or agreement described in clause (ii) shall not be determined to be ineligible for assistance under this subsection on the basis of that contract or agreement, subject to clause (iv).

(ii) CONTRACT OR AGREEMENT DESCRIBED.—A contract or agreement referred to in clause (i) is a contract or agreement for transportation services that is supported by a public entity using funds received under the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136; 134 Stat. 505).

(iii) ADJUSTMENT OF ASSISTANCE.—The Secretary may reduce the amount of assistance available under this subsection to a provider of transportation services described in clause (i) based on the amount of funds provided under this section or the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136; 134 Stat. 505) that have supported a contract or agreement described in clause (ii) to which the provider of transportation services is a party.

(iv) NOTICE REQUIREMENT.—A provider of transportation services that has entered into or maintains a contract or agreement described in clause (ii), and that applies for assistance under this subsection, shall submit to the Secretary a notice describing the contract or agreement, including the amount of funds provided for the contract or agreement under this subsection or the Emergency Appropriations for Coronavirus Health Response and Agency Operations (division B of Public Law 116–136; 134 Stat. 505).

(3) AMOUNT.—

Determination.

(A) FACTORS FOR CONSIDERATION.—In determining the amount of assistance to be provided to an eligible provider of transportation services under this subsection, the Secretary shall take into consideration information provided by the provider of transportation services, including—

(i) the amount of debt owed by the provider of transportation services on major equipment, if any;

(ii) other sources of Federal assistance provided to the provider of transportation services, if any; and

(iii) such other information as the Secretary may require.

(B) LIMITATIONS.—

(i) AWARD.—The Secretary shall ensure that the amount of assistance provided to a provider of transportation services under this subsection, when combined with any other Federal assistance provided in response to COVID–19 under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136; 134 Stat. 281), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620), or any other provision of law, does not exceed the total amount of revenue earned by the provider of transportation services during calendar year 2019.

(ii) CERTIFICATION.—A provider of transportation services seeking assistance under this subsection shall submit to the Secretary—

(I) documentation describing the total amount of revenue earned by the provider of transportation services during calendar year 2019; and Records.

(II) a certification that the amount of assistance sought under this subsection, when combined with any other Federal assistance described in clause (i), does not exceed the total amount of revenue earned by the provider of transportation services during calendar year 2019.

(4) FORM OF ASSISTANCE.—The amounts made available under subsection (b) shall be provided to eligible providers of transportation services in the form of grants.

(5) EQUAL ACCESS.—The Secretary shall ensure equal access to the assistance provided under this section to eligible providers of transportation services that are small, minority-owned, and women-owned businesses.

(6) CONDITIONS OF RECEIPT.—As a condition of receipt of assistance under this subsection, the Secretary shall require that a provider of transportation services shall agree— Requirements.

(A) subject to paragraph (7)—

(i) to commence using the funds, on a priority basis and to the extent the funds are available, to maintain through the applicable covered period, expenditures on payroll costs for all employees as of the date of enactment of this Act, after making any adjustments required for—

(I) retirement; or

(II) voluntary employee separation;

(ii) not to impose, during the covered period—

(I) any involuntary furlough; or

(II) any reduction in pay rates or benefits for nonexecutive employees; and

(iii) to recall or rehire any employees laid off, furloughed, or terminated after March 27, 2020, to the extent warranted by increased service levels; Recall date.

(B) to return to the Secretary any funds received under this subsection that are not used by the provider of Deadline.

transportation services by the date that is 1 year after the date of receipt of the funds; and

Time period.

(C) to examine the anticipated expenditure of the funds by the provider of transportation services for the purposes described in subparagraph (A) not less frequently than once every 90 days after the date of receipt of the funds.

(7) RAMP-UP PERIOD.—The requirement described in paragraph (6)(A)(iii) shall not apply to a provider of transportation services until the later of—

(A) the date that is 30 days after the date of receipt of the funds; and

(B) the date that is 90 days after the date of enactment of this Act.

(8) ADDITIONAL CONDITIONS OF CERTAIN RECEIPTS.—

Requirement.

(A) PRIORITIZATION OF PAYROLL COSTS.—As a condition of receipt of a grant under this subsection, the Secretary shall require that, except as provided in subparagraph (B), a provider of transportation services shall agree to use an amount equal to not less than 60 percent of the funds on payroll costs of the provider of transportation services.

Certification.

(B) EXCEPTION.—Subparagraph (A) shall not apply to a provider of transportation services if the provider of transportation services certifies to the Secretary that, after making any adjustments required for retirement or voluntary employee separation—

Effective date.

(i) each nonseasonal employee on the payroll of the provider of transportation services on January 1, 2020—

(I) if laid off, furloughed, or terminated by the provider of transportation services as described in paragraph (6)(A)(iii), is rehired, or has been offered rehire, by the provider of transportation services; and

(II) if rehired under clause (i) or subject to a reduction in salary before the date of receipt by the provider of transportation services of assistance under this subsection, receives not less than 100 percent of the previous salary of the employee; (ii) the provider of transportation services—

(I) is staffed at a level of full-time equivalent, seasonal employees, on a monthly basis, that is greater than or equivalent to the level at which the provider of transportation services was staffed with full-time equivalent, seasonal employees on a monthly basis during calendar year 2019;

(II) is offering priority in rehiring to seasonal employees that were laid off, furloughed, terminated, or not offered rehire in calendar year 2020, as the provider of transportation services achieves staffing at the level described in subclause (I); and

(III) offers any seasonal employee rehired under subclause (II) or subject to a reduction in salary before the date of receipt by the provider of transportation services of assistance under this

subsection not less than 100 percent of the previous salary of the employee; and

(iii) the provider of transportation services will fully cover, through the applicable covered period, all payroll costs associated with the staffing requirements described in clauses (i) and (ii).

(9) FORMS; TERMS AND CONDITIONS.—A grant provided under this section shall be in such form, subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines to be appropriate in accordance with this section. Determination.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to the priority described in subsection (c)(6)(A), a provider of transportation services shall use assistance provided under subsection (c) only for—

(A) the payment of payroll costs;

(B) the acquisition of services, equipment, including personal protective equipment, and other measures needed to protect workers and customers from COVID–19;

(C) continued operations and maintenance during the applicable covered period of existing capital equipment and facilities—

(i) including rent, leases, insurance, and interest on regularly scheduled debt service; but

(ii) not including any prepayment of, or payment of principal on, a debt obligation, except for any principal on a debt obligation accrued by the provider of transportation services directly to maintain the expenditures of the provider of transportation services on payroll costs throughout the COVID–19 pandemic; or

(D) the compensation of returning employees for lost pay and benefits during the COVID–19 pandemic, subject to subsection (e).

(2) ELIGIBILITY.—The use of assistance provided under subsection (c) for the compensation of returning employees under paragraph (1)(D) shall be counted toward the required amount of grants to be used on payroll costs under subsection (c)(6)(A).

(e) COMPENSATION OF RETURNING EMPLOYEES.—Notwithstanding any other provision of law, any compensation provided to a returning employee under subsection (d)(1)(D)—

(1) shall be offset by—

(A) any amounts received by the employee from the provider of transportation services as a result of the layoff, furlough, or termination of the employee or any failure to hire the employee for seasonal employment during calendar year 2020, including—

(i) furlough pay;

(ii) severance pay; or

(iii) separation pay; and

(B) any amounts the employee received from unemployment insurance; and

(2) shall not—

(A) be considered an overpayment for purposes of any State or Federal unemployment law; or

(B) be subject to any overpayment recovery efforts by a State agency (as defined in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (U.S.C. 3304 note)).

(f) ADMINISTRATIVE PROVISIONS.—

Determination.

(1) IN GENERAL.—The Secretary may take such actions as the Secretary determines to be necessary to carry out this section, including—

(A) using direct hiring authority to hire employees to administer this section;

(B) entering into contracts, including contracts for services authorized by this section; and

(C) issuing such regulations and other guidance as may be necessary or appropriate to carry out the purposes of this section.

(2) ADMINISTRATIVE EXPENSES.—Of the funds made available under this section, not more than $50,000,000 may be used by the Secretary for administrative expenses to carry out this section.

(3) AVAILABILITY FOR OBLIGATION.—The funds made available under this section shall remain available for obligation until the date that is 3 years after the date of enactment of this Act.

Motor Carrier Safety Grant Relief Act of 2020.

Subtitle C—Motor Carrier Safety Grant Relief Act of 2020

49 USC 30101 note.

SEC. 440. SHORT TITLE.

This subtitle may be cited as the "Motor Carrier Safety Grant Relief Act of 2020".

49 USC 31102 note.

SEC. 441. RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDS FROM THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means the Secretary of Transportation.

(b) RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDED FOR FISCAL YEARS 2019 AND 2020.—

(1) IN GENERAL.—Notwithstanding any provision of chapter 311 of title 49, United States Code (including any applicable period of availability under section 31104(f) of that title), and any regulations promulgated under that chapter and subject to paragraph (2), the period of availability during which a recipient may expend amounts made available to the recipient under a grant or cooperative agreement described in subparagraphs (A) through (E) shall be—

(A) for a grant made under section 31102 of that title (other than subsection (l) of that section)—

(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

(ii) the following 2 fiscal years;

(B) for a grant made or a cooperative agreement entered into under section 31102(l)(2) of that title—

(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant or cooperative agreement; and

(ii) the following 3 fiscal years;

(C) for a grant made under section 31102(l)(3) of that title—

(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

(ii) the following 5 fiscal years;

(D) for a grant made under section 31103 of that title—

(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

(ii) the following 2 fiscal years; and

(E) for a grant made or a cooperative agreement entered into under section 31313 of that title—

(i) the year in which the Secretary approves the financial assistance agreement with respect to the grant or cooperative agreement; and

(ii) the following 5 fiscal years.

(2) APPLICABILITY.—

(A) AMOUNTS AWARDED FOR FISCAL YEARS 2019 AND 2020.—The periods of availability described in paragraph (1) shall apply only—

(i) to amounts awarded for fiscal year 2019 or 2020 under a grant or cooperative agreement described in subparagraphs (A) through (E) of that paragraph; and

(ii) for the purpose of expanding the period of availability during which the recipient may expend the amounts described in clause (i).

(B) AMOUNTS AWARDED FOR OTHER YEARS.—The periods of availability described in paragraph (1) shall not apply to any amounts awarded under a grant or cooperative agreement described in subparagraphs (A) through (E) of that paragraph for any fiscal year other than fiscal year 2019 or 2020, and those amounts shall be subject to the period of availability otherwise applicable to those amounts under Federal law.

Subtitle D—Extension of Waiver Authority

SEC. 442. EXTENSION OF WAIVER AUTHORITY. 23 USC 401 note.

Notwithstanding any other provision of law, in fiscal year 2021, the Secretary of Transportation may exercise the authority provided by section 22005 of division B of the CARES Act (23 U.S.C. 401 note; Public Law 116–136).

TITLE V—BANKING

Subtitle A—Emergency Rental Assistance

SEC. 501. EMERGENCY RENTAL ASSISTANCE. 15 USC 9058a.

(a) APPROPRIATION.—

(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to eligible grantees under this section, $25,000,000,000 for fiscal year 2021.

(2) RESERVATION OF FUNDS FOR THE TERRITORIES AND TRIBAL COMMUNITIES.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

(A) $400,000,000 of such amount for making payments under this section to the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

(B) $800,000,000 of such amount for making payments under this section to eligible grantees described in subparagraphs (C) and (D) of subsection (k)(2); and

(C) $15,000,000 for administrative expenses of the Secretary described in subsection (h).

(b) PAYMENTS FOR RENTAL ASSISTANCE.—

(1) ALLOCATION AND PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—The amount appropriated under paragraph (1) of subsection (a) that remains after the application of paragraph (2) of such subsection shall be allocated and paid to eligible grantees described in subparagraph (B) in the same manner as the amount appropriated under subsection (a)(1) of section 601 of the Social Security Act (42 U.S.C. 801) is allocated and paid to States and units of local government under subsections (b) and (c) of such section, and shall be subject to the same requirements, except that—

Deadline.

(i) the deadline for payments under section 601(b)(1) of such Act shall, for purposes of payments under this section, be deemed to be not later than 30 days after the date of enactment of this section;

(ii) the amount referred to in paragraph (3) of section 601(c) of such Act shall be deemed to be the amount appropriated under paragraph (1) of subsection (a) of this Act that remains after the application of paragraph (2) of such subsection;

Applicability.

(iii) section 601(c) of the Social Security Act shall be applied—

(I) by substituting "1 of the 50 States or the District of Columbia" for "1 of the 50 States" each place it appears;

(II) in paragraph (2)(A), by substituting " $200,000,000" for " $1,250,000,000";

(III) in paragraph (2)(B), by substituting "each of the 50 States and District of Columbia" for "each of the 50 States";

(IV) in paragraph (4), by substituting "excluding the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa" for "excluding the District of Columbia and territories specified in subsection (a)(2)(A)"; and

(V) without regard to paragraph (6);

(iv) section 601(d) of such Act shall not apply to such payments; and

(v) section 601(e) shall be applied — Applicability.

(I) by substituting "under section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021" for "under this section"; and

(II) by substituting "local government elects to receive funds from the Secretary under section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 and will use the funds in a manner consistent with such section" for "local government's proposed uses of the funds are consistent with subsection (d)".

(B) ELIGIBLE GRANTEES DESCRIBED.—The eligible grantees described in this subparagraph are the following:

(i) A State that is 1 of the 50 States or the District of Columbia.

(ii) A unit of local government located in a State described in clause (i).

(2) ALLOCATION AND PAYMENTS TO TRIBAL COMMUNITIES.—

(A) IN GENERAL.—From the amount reserved under subsection (a)(2)(B), the Secretary shall—

(i) pay the amount equal to 0.3 percent of such amount to the Department of Hawaiian Home Lands; and

(ii) subject to subparagraph (B), from the remainder of such amount, allocate and pay to each Indian tribe (or, if applicable, the tribally designated housing entity of an Indian tribe) that was eligible for a grant under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.) for fiscal year 2020 an amount that bears the same proportion to the such remainder as the amount each such Indian tribe (or entity) was eligible to receive for such fiscal year from the amount appropriated under paragraph (1) under the heading "NATIVE AMERICAN PROGRAMS" under the heading "PUBLIC AND INDIAN HOUSING" of title II of division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the Native American Housing Block Grants program bears to the amount appropriated under such paragraph for such fiscal year, provided the Secretary shall be authorized to allocate, in an equitable manner as determined by the Secretary, and pay any Indian tribe that opted out of receiving a grant allocation under the Native American Housing Block Grants program formula in fiscal year 2020, including by establishing a minimum amount of payments to such Indian tribe, provided such Indian tribe notifies the Secretary not later than 30 days after the date of enactment of this Act that it intends to receive allocations and payments under this section. Determination. Deadline.

(B) PRO RATA ADJUSTMENT; DISTRIBUTION OF DECLINED FUNDS.—

(i) PRO RATA ADJUSTMENTS.—The Secretary shall make pro rata reductions in the amounts of the allocations determined under clause (ii) of subparagraph (A) for entities described in such clause as necessary to ensure that the total amount of payments made pursuant to such clause does not exceed the remainder amount described in such clause.

Determination. Deadlines.

(ii) DISTRIBUTION OF DECLINED FUNDS.—If the Secretary determines as of 30 days after the date of enactment of this Act that an entity described in clause (ii) of subparagraph (A) has declined to receive its full allocation under such clause then, not later than 15 days after such date, the Secretary shall redistribute, on a pro rata basis, such allocation among the other entities described in such clause that have not declined to receive their allocations.

(3) ALLOCATIONS AND PAYMENTS TO TERRITORIES.—

(A) IN GENERAL.—From the amount reserved under subsection (a)(2)(A), subject to subparagraph (B), the Secretary shall allocate and pay to each eligible grantee described in subparagraph (C) an amount equal to the product of—

(i) the amount so reserved; and

Determination.

(ii) each such eligible grantee's share of the combined total population of all such eligible grantees, as determined by the Secretary.

(B) ALLOCATION ADJUSTMENT.—

(i) REQUIREMENT.—The sum of the amounts allocated under subparagraph (A) to all of the eligible grantees described in clause (ii) of subparagraph (C) shall not be less than the amount equal to 0.3 percent of the amount appropriated under subsection (a)(1).

(ii) REDUCTION.—The Secretary shall reduce the amount of the allocation determined under subparagraph (A) for the eligible grantee described in clause (i) of subparagraph (C) as necessary to meet the requirement of clause (i).

(C) ELIGIBLE GRANTEES DESCRIBED.—The eligible grantees described in this subparagraph are—

(i) the Commonwealth of Puerto Rico; and

(ii) the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(c) USE OF FUNDS.—

(1) IN GENERAL.—An eligible grantee shall only use the funds provided from a payment made under this section to provide financial assistance and housing stability services to eligible households.

(2) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—Not less than 90 percent of the funds received by an eligible grantee from a payment made under this section shall be used to provide financial assistance to eligible households, including the payment of

(i) rent;

(ii) rental arrears;

(iii) utilities and home energy costs;

(iv) utilities and home energy costs arrears; and

(v) other expenses related to housing incurred due, directly or indirectly, to the novel coronavirus disease (COVID-19) outbreak, as defined by the Secretary.

Such assistance shall be provided for a period not to exceed 12 months except that grantees may provide assistance for an additional 3 months only if necessary to ensure housing stability for a household subject to the availability of funds. Time periods.

(B) LIMITATION ON ASSISTANCE FOR PROSPECTIVE RENT PAYMENTS.—

(i) IN GENERAL.—Subject to the exception in clause (ii), an eligible grantee shall not provide an eligible household with financial assistance for prospective rent payments for more than 3 months based on any application by or on behalf of the household. Time period.

(ii) EXCEPTION.—For any eligible household described in clause (i), such household may receive financial assistance for prospective rent payments for additional months:

(I) subject to the availability of remaining funds currently allocated to the eligible grantee, and

(II) based on a subsequent application for additional financial assistance provided that the total months of financial assistance provided to the household do not exceed the total months of assistance allowed under subparagraph (A).

(iii) FURTHER LIMITATION.—To the extent that applicants have rental arrears, grantees may not make commitments for prospective rent payments unless they have also provided assistance to reduce an eligible household's rental arrears.

(C) DISTRIBUTION OF FINANCIAL ASSISTANCE.—

(i) PAYMENTS.—

(I) IN GENERAL.—With respect to financial assistance for rent and rental arrears and utilities and home energy costs and utility and home energy costs arrears provided to an eligible household from a payment made under this section, an eligible grantee shall make payments to a lessor or utility provider on behalf of the eligible household, except that, if the lessor or utility provider does not agree to accept such payment from the grantee after outreach to the lessor or utility provider by the grantee, the grantee may make such payments directly to the eligible household for the purpose of making payments to the lessor or utility provider.

(II) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to invalidate any otherwise legitimate grounds for eviction.

(ii) DOCUMENTATION.—For any payments made by an eligible grantee to a lessor or utility provider on behalf of an eligible household, the eligible grantee shall provide documentation of such payments to such household.

(3) HOUSING STABILITY SERVICES.—Not more than 10 percent of funds received by an eligible grantee from a payment made under this section may be used to provide eligible households with case management and other services related to the novel coronavirus disease (COVID-19) outbreak, as defined by the Secretary, intended to help keep households stably housed.

(4) PRIORITIZATION OF ASSISTANCE.—

(A) In reviewing applications for financial assistance and housing stability services to eligible households from a payment made under this section, an eligible grantee shall prioritize consideration of the applications of an eligible household that satisfies any of the following conditions:

(i) The income of the household does not exceed 50 percent of the area median income for the household.

Time period.

(ii) 1 or more individuals within the household are unemployed as of the date of the application for assistance and have not been employed for the 90-day period preceding such date.

(B) Nothing in this section shall be construed to prohibit an eligible grantee from providing a process for the further prioritizing of applications for financial assistance and housing stability services from a payment made under this section, including to eligible households in which 1 or more individuals within the household were unable to reach their place of employment or their place of employment was closed because of a public health order imposed as a direct result of the COVID-19 public health emergency.

(5) ADMINISTRATIVE COSTS.—

(A) IN GENERAL.—Not more than 10 percent of the amount paid to an eligible grantee under this section may be used for administrative costs attributable to providing financial assistance and housing stability services under paragraphs (2) and (3), respectively, including for data collection and reporting requirements related to such funds.

(B) NO OTHER ADMINISTRATIVE COSTS.—Amounts paid under this section shall not be used for any administrative costs other than to the extent allowed under subparagraph (A).

Effective date. Determinations.

(d) REALLOCATION OF UNUSED FUNDS.—Beginning on September 30, 2021, the Secretary shall recapture excess funds, as determined by the Secretary, not obligated by a grantee for the purposes described under subsection (c) and the Secretary shall reallocate and repay such amounts to eligible grantees who, at the time of such reallocation, have obligated at least 65 percent of the amount originally allocated and paid to such grantee under subsection (b)(1), only for the allowable uses described under subsection (c). The amount of any such reallocation shall be determined based on demonstrated need within a grantee's jurisdiction, as determined by the Secretary.

(e) AVAILABILITY.—

(1) IN GENERAL.—Funds provided to an eligible grantee under a payment made under this section shall remain available through December 31, 2021.

(2) EXTENSION FOR FUNDS PROVIDED PURSUANT TO A REALLOCATION OF UNUSED FUNDS.—For funds reallocated to an eligible grantee pursuant to subsection (d), an eligible grantee may request, subject to the approval of the Secretary, a 90-day extension of the deadline established in paragraph (1).

(f) APPLICATION FOR ASSISTANCE BY LANDLORDS AND OWNERS.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall preclude a landlord or owner of a residential dwelling from—

(A) assisting a renter of such dwelling in applying for assistance from a payment made under this section; or

(B) applying for such assistance on behalf of a renter of such dwelling.

(2) REQUIREMENTS FOR APPLICATIONS SUBMITTED ON BEHALF OF TENANTS.—If a landlord or owner of a residential dwelling submits an application for assistance from a payment made under this section on behalf of a renter of such dwelling—

(A) the landlord must obtain the signature of the tenant on such application, which may be documented electronically;

(B) documentation of such application shall be provided to the tenant by the landlord; and

(C) any payments received by the landlord from a payment made under this section shall be used to satisfy the tenant's rental obligations to the owner.

(g) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Housing and Urban Development, shall provide public reports not less frequently than quarterly regarding the use of funds made available under this section, which shall include, with respect to each eligible grantee under this section, both for the past quarter and over the period for which such funds are available— Consultation. Time period.

(A) the number of eligible households that receive assistance from such payments;

(B) the acceptance rate of applicants for assistance;

(C) the type or types of assistance provided to each eligible household;

(D) the average amount of funding provided per eligible household receiving assistance;

(E) household income level, with such information disaggregated for households with income that—

(i) does not exceed 30 percent of the area median income for the household;

(ii) exceeds 30 percent but does not exceed 50 percent of the area median income for the household; and

(iii) exceeds 50 percent but does not exceed 80 percent of area median income for the household; and

(F) the average number of monthly rental or utility payments that were covered by the funding amount that a household received, as applicable.

(2) DISAGGREGATION.—Each report under this subsection shall disaggregate the information relating to households provided under subparagraphs (A) through (F) of paragraph (1)

by the gender, race, and ethnicity of the primary applicant for assistance in such households.

(3) ALTERNATIVE REPORTING REQUIREMENTS FOR CERTAIN GRANTEES.—The Secretary may establish alternative reporting requirements for grantees described in subsection (b)(2).

(4) PRIVACY REQUIREMENTS.—

(A) IN GENERAL.—Each eligible grantee that receives a payment under this section shall establish data privacy and security requirements for the information described in paragraph (1) that—

(i) include appropriate measures to ensure that the privacy of the individuals and households is protected;

(ii) provide that the information, including any personally identifiable information, is collected and used only for the purpose of submitting reports under paragraph (1); and

(iii) provide confidentiality protections for data collected about any individuals who are survivors of intimate partner violence, sexual assault, or stalking.

(B) STATISTICAL RESEARCH.—

(i) IN GENERAL.—The Secretary—

(I) may provide full and unredacted information provided under subparagraphs (A) through (F) of paragraph (1), including personally identifiable information, for statistical research purposes in accordance with existing law; and

(II) may collect and make available for statistical research, at the census tract level, information collected under subparagraph (A).

(ii) APPLICATION OF PRIVACY REQUIREMENTS.—A recipient of information under clause (i) shall establish for such information the data privacy and security requirements described in subparagraph (A).

(5) NONAPPLICATION OF THE PAPERWORK REDUCTION ACT.—Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information for the reporting or research requirements specified in this subsection.

(h) ADMINISTRATIVE EXPENSES OF THE SECRETARY.—Of the funds appropriated pursuant to subsection (a), not more than $15,000,000 may be used for administrative expenses of the Secretary in administering this section, including technical assistance to grantees in order to facilitate effective use of funds provided under this section.

(i) Inspector General Oversight; Recoupment

(1) OVERSIGHT AUTHORITY.—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section.

Determination.

(2) RECOUPMENT.—If the Inspector General of the Department of the Treasury determines that a State, Tribal government, or unit of local government has failed to comply with subsection (c), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government. Amounts recovered under this subsection shall be deposited into the general fund of the Treasury.

(3) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Office of the Inspector General of the Department of the Treasury, $6,500,000 to carry out oversight and recoupment activities under this subsection. Amounts appropriated under the preceding sentence shall remain available until expended.

(4) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this subsection shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.)

(j) TREATMENT OF ASSISTANCE.—Assistance provided to a household from a payment made under this section shall not be regarded as income and shall not be regarded as a resource for purposes of determining the eligibility of the household or any member of the household for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(k) DEFINITIONS.—In this section:

(1) AREA MEDIAN INCOME.—The term "area median income" means, with respect to a household, the median income for the area in which the household is located, as determined by the Secretary of Housing and Urban Development.

(2) ELIGIBLE GRANTEE.—The term "eligible grantee" means any of the following:

(A) A State (as defined in section 601(g)(4) of the Social Security Act (42 U.S.C. 801(g)(4)).

(B) A unit of local government (as defined in paragraph (5)).

(C) An Indian tribe or its tribally designated housing entity (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that was eligible to receive a grant under title I of such Act (25 U.S.C. 4111 et seq.) for fiscal year 2020 from the amount appropriated under paragraph (1) under the heading "NATIVE AMERICAN PROGRAMS" under the heading "PUBLIC AND INDIAN HOUSING" of title II of division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the Native American Housing Block Grants program. For the avoidance of doubt, the term Indian tribe shall include Alaska native corporations established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(D) The Department of Hawaiian Homelands.

(3) ELIGIBLE HOUSEHOLD.—

(A) IN GENERAL.—The term "eligible household" means a household of 1 or more individuals who are obligated to pay rent on a residential dwelling and with respect to which the eligible grantee involved determines—

(i) that 1 or more individuals within the household has

(I) qualified for unemployment benefits or

(II) experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly,

to the novel coronavirus disease (COVID–19) outbreak, which the applicant shall attest in writing;

(ii) that 1 or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include—

(I) a past due utility or rent notice or eviction notice;

(II) unsafe or unhealthy living conditions; or

(III) any other evidence of such risk, as determined by the eligible grantee involved; and

(iii) the household has a household income that is not more than 80 percent of the area median income for the household.

(B) EXCEPTION.—To the extent feasible, an eligible grantee shall ensure that any rental assistance provided to an eligible household pursuant to funds made available under this section is not duplicative of any other Federally funded rental assistance provided to such household.

(C) INCOME DETERMINATION.—

(i) In determining the income of a household for purposes of determining such household's eligibility for assistance from a payment made under this section (including for purposes of subsection (c)(4)), the eligible grantee involved shall consider either

(I) the household's total income for calendar year 2020, or

(II) subject to clause (ii), sufficient confirmation, as determined by the Secretary, of the household's monthly income at the time of application for such assistance.

(ii) In the case of income determined under subclause (II), the eligible grantee shall be required to re-determine the eligibility of a household's income after each such period of 3 months for which the household receives assistance from a payment made under this section.

(4) INSPECTOR GENERAL.—The term "Inspector General" means the Inspector General of the Department of the Treasury.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

Applicability.

(6) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" has the meaning given such term in paragraph (2) of section 601(g) of the Social Security Act (42 U.S.C. 801(g)), except that, in applying such term for purposes of this section, such paragraph shall be applied by substituting "200,000" for "500,000".

(l) TERMINATION OF PROGRAM.—The authority of an eligible grantee to make new obligations to provide payments under subsection (c) shall terminate on the date established in subsection (e) for that eligible grantee. Amounts not expended in accordance with this section shall revert to the Department of the Treasury.

42 USC 264 note.

SEC. 502. EXTENSION OF EVICTION MORATORIUM.

The order issued by the Centers for Disease Control and Prevention under section 361 of the Public Health Service Act (42 U.S.C. 264), entitled "Temporary Halt in Residential Evictions To Prevent

the Further Spread of COVID–19" (85 Fed. Reg. 55292 (September 4, 2020) is extended through January 31, 2021, notwithstanding the effective dates specified in such Order.

Subtitle B—Community Development Investment

SEC. 520. PURPOSE. 12 USC 4703a note.

The purpose of this subtitle is to establish emergency programs to revitalize and provide long-term financial products and service availability for, and provide investments in, low- and moderate-income and minority communities that have disproportionately suffered from the impacts of the COVID–19 pandemic.

SEC. 521. CONSIDERATIONS; REQUIREMENTS FOR CREDITORS. 12 USC 4703a note.

(a) IN GENERAL.—In exercising the authorities under this subtitle and the amendments made by this subtitle, the Secretary of the Treasury shall take into consideration increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations, including for projects supporting affordable housing, community-serving real estate, and other projects, that provide direct benefits to low- and moderate-income communities, low-income and underserved individuals, and minorities, that have disproportionately suffered from the health and economic impacts of the COVID–19 pandemic.

(b) REQUIREMENT FOR CREDITORS.—Any creditor participating in a program established under this subtitle or the amendments made by this subtitle shall fully comply with all applicable statutory and regulatory requirements relating to fair lending. Compliance.

SEC. 522. CAPITAL INVESTMENTS FOR NEIGHBORHOODS DISPROPORTIONATELY IMPACTED BY THE COVID–19 PANDEMIC.

(a) IN GENERAL.—The Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 104 (12 U.S.C. 4703) the following:

"SEC. 104A. CAPITAL INVESTMENTS FOR NEIGHBORHOODS DISPROPORTIONATELY IMPACTED BY THE COVID–19 PANDEMIC. 12 USC 4703a.

"(a) DEFINITIONS.—In this section—

"(1) the term 'bank holding company' has the meaning given the term in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841);

"(2) the term 'eligible institution' means any low- and moderate-income community financial institution that is eligible to participate in the Program;

"(3) the term 'Emergency Capital Investment Fund' means the Emergency Capital Investment Fund established under subsection (b);

"(4) the term 'low- and moderate-income community financial institution' means any financial institution that is—

"(A)(i) a community development financial institution; or

"(ii) a minority depository institution; and

"(B)(i) an insured depository institution that is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

"(ii) a bank holding company;

"(iii) a savings and loan holding company; or

"(iv) a federally insured credit union;

"(5) the term 'minority' means any Black American, Native American, Hispanic American, Asian American, Native Alaskan, Native Hawaiian, or Pacific Islander;

"(6) the term 'minority depository institution' means an entity that is—

"(A) a minority depository institution, as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note); or

"(B) considered to be a minority depository institution by—

"(i) the appropriate Federal banking agency; or

"(ii) the National Credit Union Administration, in the case of an insured credit union; or

"(C) listed in the Federal Deposit Insurance Corporation's Minority Depository Institutions List published for the Third Quarter 2020.

"(7) the term 'Program' means the Emergency Capital Investment Program established under subsection (b);

"(8) the term 'savings and loan holding company' has the meaning given the term under section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)); and

"(9) the 'Secretary' means the Secretary of the Treasury.

"(b) ESTABLISHMENT.—

"(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the 'Emergency Capital Investment Fund', which shall be administered by the Secretary.

"(2) PROGRAM AUTHORIZED.—The Secretary is authorized to establish an emergency program known as the 'Emergency Capital Investment Program' to support the efforts of low- and moderate-income community financial institutions to, among other things, provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities, including persistent poverty counties, that may be disproportionately impacted by the economic effects of the COVID–19 pandemic, by providing direct and indirect capital investments in low- and moderate-income community financial institutions consistent with this section.

"(c) PURCHASES.—

Determination.

"(1) IN GENERAL.—Subject to paragraph (2), the Emergency Capital Investment Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this section.

"(2) PURCHASE LIMIT.—The aggregate amount of purchases pursuant to paragraph (1) may not exceed $9,000,000,000.

"(d) APPLICATION.—

"(1) ACCEPTANCE.—The Secretary shall begin accepting applications for capital investments under the Program not later than the end of the 30-day period beginning on the date of enactment of this section. Effective date. Deadline.

"(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall consult with the appropriate Federal banking agency or the National Credit Union Administration, as applicable, to determine whether the eligible institution may receive such capital investment. Determination.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—Only low- and moderate-income community financial institutions shall be eligible to participate in the Program.

"(B) ADDITIONAL CRITERIA.—The Secretary may establish additional criteria for participation by an institution in the Program, as the Secretary may determine appropriate in furtherance of the goals of the Program.

"(4) REQUIREMENT TO PROVIDE AN EMERGENCY INVESTMENT LENDING PLAN FOR COMMUNITIES THAT MAY BE DISPROPORTIONATELY IMPACTED BY THE ECONOMIC EFFECTS OF THE COVID–19 PANDEMIC.—

"(A) IN GENERAL.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall provide the Secretary, along with the appropriate Federal banking agency or the National Credit Union Administration, as applicable, an investment and lending plan that—

"(i) demonstrates that not less than 30 percent of the lending of the applicant over the past 2 fiscal years was made directly to low- and moderate income borrowers, to borrowers that create direct benefits for low- and moderate-income populations, to other targeted populations as defined by the Fund, or any combination thereof, as measured by the total number and dollar amount of loans;

"(ii) describes how the business strategy and operating goals of the applicant will address community development needs in communities that may be disproportionately impacted by the economic effects of COVID–19, which includes the needs of small businesses, consumers, nonprofit organizations, community development, and other projects providing direct benefits to low- and moderate-income communities, low-income individuals, and minorities within the minority, rural, and urban low-income and underserved areas served by the applicant;

"(iii) includes a plan to provide community outreach and communication, where appropriate;

"(iv) includes details on how the applicant plans to expand or maintain significant lending or investment activity in low- or moderate-income minority communities, especially those that may be disproportionately impacted by COVID–19 to historically disadvantaged borrowers, and to minorities that have significant unmet capital or financial services needs.

"(B) DOCUMENTATION.—In the case of an applicant that is certified as a community development financial institution as of the date of enactment of this subsection, for purposes of subparagraph (A)(i), the Secretary may rely on documentation submitted by the applicant to the Fund as part of certification compliance reporting.

"(5) INCENTIVES TO INCREASE LENDING AND PROVIDE AFFORDABLE CREDIT.—

"(A) ISSUANCE AND PURCHASE OF PREFERRED STOCK.—An eligible institution that the Secretary approves for participation in the Program may issue to the Secretary, and the Secretary may purchase from such institution, preferred stock that—

Deadline.
Time period.
Effective date.

"(i) provides that the preferred stock will—

"(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

"(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock shall carry the highest dividend or interest rate payable; and

"(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

Determination.

"(B) ALTERNATIVE FINANCIAL INSTRUMENTS.—If the Secretary determines that an institution cannot feasibly issue preferred stock as provided under subparagraph (A), such institution may issue to the Secretary, and the Secretary may purchase from such institution, a subordinated debt instrument whose terms are, to the extent possible, consistent with requirements under the Program applicable to the terms of preferred stock issued by institutions participating in the Program, with such adjustments as the Secretary determines appropriate, including by taking into account the tax treatment of payments made with respect to securities issued by such eligible institution.

"(6) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENT.—Any financial instrument issued to the Secretary by a low- and moderate-income community financial institution under the Program shall provide the following:

Time periods.

"(A) No dividends, interest or other similar required payments shall have a rate exceeding 2 percent per annum for the first 10 years.

"(B) The annual required payment rate of dividends, interest, or other similar payments of a low- and moderate-income community financial institution shall be adjusted downward as follows, based on lending by the institution during the most recent annual period compared to lending by the institution during the annual period ending on September 30, 2020:

"(i) No dividends, interest, or other similar payments shall be due within the first 24-month period after the capital investment by the Secretary.

"(ii) If the amount of lending by the institution within minority, rural, and urban low-income and underserved communities and to low- and moderate-income borrowers has increased in amount between 200 percent and 400 percent of the amount of the capital investment, the annual payment rate shall not exceed 1.25 percent per annum.

"(iii) If the amount of lending by the institution within minority, rural, and urban low-income and underserved communities and to low- and moderate-income borrowers has increased by more than 400 percent of the capital investment, the annual payment rate shall not exceed 0.5 percent per annum.

"(7) CONTINGENCY OF PAYMENTS BASED ON CERTAIN FINANCIAL CRITERIA.— Time periods.

"(A) DEFERRAL.—Any annual payments under this section shall be deferred in any quarter or payment period if any of the following is true:

"(i) The low- and moderate-income community institution fails to meet the Tier 1 capital ratio or similar ratio as determined by the Secretary.

"(ii) The low- and moderate-income community financial institution fails to achieve positive net income for the quarter or payment period.

"(iii) The low- and moderate-income community financial institution determines that the payment would be detrimental to the financial health of the institution and the Chief Executive Officer and Chief Financial Officer of the institution provide written notice, in a form reasonably satisfactory to the Secretary, of such determination and the basis thereof.

"(B) TESTING DURING NEXT PAYMENT PERIOD.—Any annual payment that is deferred under this section shall—

"(i) be tested against the metrics described in subparagraph (A) at the beginning of the next payment period; and

"(ii) continue to be deferred until the metrics described in that subparagraph are no longer applicable.

"(8) REQUIREMENTS IN CONNECTION WITH FAILURE TO SATISFY PROGRAM GOALS.—Any financial instrument issued to the Secretary by a low- and moderate-income community financial institution under the Program may include such additional terms and conditions as the Secretary determines may be appropriate to provide the holders with rights in the event that such institution fails to satisfy applicable requirements under the Program or to protect the interests of the Federal Government. Determination.

"(e) RESTRICTIONS.—

"(1) IN GENERAL.—Each low- and moderate-income community financial institution may only issue financial instruments or senior preferred stock under this subsection with an aggregate principal amount (or comparable amount) that is—

"(A) not more than $250,000,000; and

"(B)(i) not more than 7.5 percent of total assets for an institution with assets of more than $2,000,000,000;

"(ii) not more than 15 percent of total assets for an institution with assets of not less than $500,000,000 and not more than $2,000,000,000; and

"(iii) not more than 22.5 percent of total assets for an institution with assets of less than $500,000,000.

"(2) SET-ASIDES.—Of the amounts made available under subsection (c)(2), not less than $4,000,000,000 shall be made available for eligible institutions with total assets of not more than $2,000,000,000 that timely apply to receive a capital investment under the Program, of which not less than $2,000,000,000 shall be made available for eligible institutions with total assets of less than $500,000,000 that timely apply to receive a capital investment under the Program.

"(3) HOLDING OF INSTRUMENTS.—Holding any instrument of a low- and moderate-income community financial institution described in paragraph (1) shall not give the Secretary or any successor that owns the instrument any rights over the management of the institution in the ordinary course of business.

"(4) SALE OF INTEREST.—

"(A) IN GENERAL.—With respect to a capital investment made into a low- and moderate-income community financial institution under this section, the Secretary—

Determination.

"(i) prior to any sale of such capital investment to a third party, shall provide the low- and moderate-income community financial institution a right of first refusal to buy back the investment under terms that do not exceed a value as determined by an independent third party;

"(ii) shall not sell more than 25 percent of the outstanding equity interests of any institution to a single third party without the consent of such institution, which may not be unreasonably withheld; and

"(iii) with the permission of the institution, may transfer or sell the interest of the Secretary in the capital investment for no consideration or for a de minimis amount to a mission aligned nonprofit affiliate of an applicant that is an insured community development financial institution.

"(B) CALCULATION OF OWNERSHIP FOR MINORITY DEPOSITORY INSTITUTIONS.—The calculation and determination of ownership thresholds for a depository institution to qualify as a minority depository institution shall exclude any dilutive effect of equity investments by the Federal Government, including under the Program or through the Fund.

"(5) REPAYMENT INCENTIVES.—The Secretary may establish repayment incentives that will apply to capital investments under the Program in a manner that the Secretary determines to be consistent with the purposes of the Program.

"(f) TREATMENT OF CAPITAL INVESTMENTS.—The Secretary shall seek to establish the terms of preferred stock issued under the Program to enable such preferred stock to receive Tier 1 capital treatment.

"(g) OUTREACH TO MINORITY COMMUNITIES.—The Secretary shall require low- and moderate-income community financial

institutions receiving capital investments under the Program to provide community outreach and communication, where appropriate, describing the availability and application process of receiving loans made possible by the Program through organizations, trade associations, and individuals that represent or work within or are members of minority communities.

"(h) RESTRICTIONS.—

"(1) IN GENERAL.—Not later than the end of the 30-day period beginning on the date of enactment of this section, the Secretary shall issue rules setting restrictions on executive compensation, share buybacks, and dividend payments for recipients of capital investments under the Program. Deadline.

"(2) CONFLICTS OF INTEREST.—

"(A) DEFINITIONS.—In this paragraph:

"(i) CONTROLLING INTEREST.—The term 'controlling interest' means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

"(ii) COVERED ENTITY.—The term 'covered entity' means an entity in which a covered individual directly or indirectly holds a controlling interest. For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in clause (iii)(II) shall be aggregated.

"(iii) COVERED INDIVIDUAL.—The term 'covered individual' means—

"(I) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

"(II) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in subclause (i).

"(iv) EXECUTIVE DEPARTMENT.—The term 'Executive department' has the meaning given the term in section 101 of title 5, United States Code.

"(v) MEMBER OF CONGRESS.—The term 'member of Congress' means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

"(vi) EQUITY INTEREST.—The term 'equity interest' means—

"(I) a share in an entity, without regard to whether the share is—

"(aa) transferable; or

"(bb) classified as stock or anything similar;

"(II) a capital or profit interest in a limited liability company or partnership; or

"(III) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in subclause (I) or (II), respectively.

"(B) PROHIBITION.—Notwithstanding any other provision of this section, no covered entity may be eligible for any investment made under the Program.

Certification.

"(C) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to receive an investment made under the Program shall, before that investment is approved, certify to the Secretary and the appropriate Federal banking agency or the National Credit Union Administration, as applicable, that the entity is eligible to receive the investment, including that the entity is not a covered entity.

"(i) INELIGIBILITY OF CERTAIN INSTITUTIONS.—An institution shall be ineligible to participate in the Program if such institution is designated in Troubled Condition by the appropriate Federal banking agency or the National Credit Union Administration, as applicable, or is subject to a formal enforcement action with its primary Federal regulator that addresses unsafe or unsound lending practices.

"(j) TERMINATION OF INVESTMENT AUTHORITY.—

"(1) IN GENERAL.—The authority to make new capital investments in low- and moderate-income community financial institutions, including commitments to purchase preferred stock or other instruments, provided under the Program shall terminate on the date that is 6 months after the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit any other authority of the Secretary not described in paragraph (1).

"(k) COLLECTION OF DATA.—Notwithstanding the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

"(1) any low- and moderate-income community financial institution may collect data described in section 701(a)(1) of that Act (15 U.S.C. 1691(a)(1)) from borrowers and applicants for credit for the sole purpose and exclusive use of monitoring compliance under the plan required under subsection (d)(4); and

"(2) a low- and moderate-income community financial institution that collects the data described in paragraph (1) shall not be subject to adverse action related to that collection by the Bureau of Consumer Financial Protection or any other Federal agency.

"(l) DEPOSIT OF FUNDS.—All funds received by the Secretary in connection with purchases made pursuant this section, including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be deposited into the Fund and used to provide financial and technical assistance pursuant to section 108, except that subsection (e) of that section shall be waived.

"(m) DIRECT APPROPRIATION.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2021, $9,000,000,000, to remain available until expended and to be deposited in the Emergency Capital Investment Fund, to carry out this section.

"(n) ADMINISTRATIVE EXPENSES.—Funds appropriated pursuant to subsection (m) may be used for administrative expenses, including the costs of modifying such investments, and reasonable

costs of administering the Program of making, holding, managing, and selling the capital investments.

"(o) ADMINISTRATIVE PROVISIONS.—The Secretary may take such actions as the Secretary determines necessary to carry out the authorities in this section, including the following: Determination.

"(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

"(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

"(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this section as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents to perform reasonable duties related to this section.

"(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this section.

"(5) The Secretary may manage any assets purchased under this section, including revenues and portfolio risks therefrom.

"(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this section, upon terms and conditions and at a price determined by the Secretary.

"(7) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this section.

"(8) The Secretary may establish and use vehicles to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

"(9) The Secretary may issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this section.

"(10) The Secretary is authorized to use direct hiring authority to hire employees to administer this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Riegle Community Development and Regulatory Improvement Act of 1994 is amended by inserting after the item relating to section 104 the following: 108 Stat. 2160.

"104A. Capital investments for neighborhoods disproportionately impacted by the COVID–19 pandemic.".

SEC. 523. EMERGENCY SUPPORT FOR CDFIS AND COMMUNITIES RESPONDING TO THE COVID–19 PANDEMIC.

(a) DIRECT APPROPRIATION.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal

year 2021, $3,000,000,000 under the heading "department of treasury—community development financial institutions fund program account, emergency support" to carry out this section, of which—

(1) up to $1,250,000,000, shall remain available until September 30, 2021, to support, prepare for, and respond to the economic impact of the coronavirus, provided that the Fund shall—

(A) provide grants funded under this paragraph using a formula that takes into account criteria such as certification status, financial and compliance performance, portfolio and balance sheet strength, a diversity of CDFI business model types, and program capacity, of which not less than $25,000,000 may be for grants to benefit Native American, Native Hawaiian, and Alaska Native communities; and

(B) make funds available under this paragraph not later than 60 days after the date of enactment of this Act; and

(2) up to $1,750,000,000, shall remain available until expended, to provide grants to CDFIs to respond to the economic impact of the COVID–19 pandemic—

(A) to expand lending, grant making, or investment activity in low- or moderate-income minority communities and to minorities that have significant unmet capital or financial services needs;

(B) using criteria such as certification status, financial and compliance performance, portfolio and balance sheet strength, a diversity of CDFI business model types, status as a minority lending institution, and program capacity, as well as experience making loans and investments to those areas and populations identified in this paragraph; and

(C) of which up to $1,200,000,000, shall be for providing financial assistance, technical assistance, awards, training and outreach programs to recipients that are minority lending institutions.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated pursuant to subsection (a) may be used for administrative expenses, including administration of Fund programs and the New Markets Tax Credit Program under section 45D of the Internal Revenue Code of 1986.

(c) DEFINITIONS.—In this section:

(1) CDFI.—The term "CDFI" means a community development financial institution, as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(2) FUND.—The term "Fund" means the Community Development Financial Institutions Fund established under section 104(a) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(a)).

(3) MINORITY.—The term "minority" means any Black American, Hispanic American, Asian American, Native American, Native Alaskan, Native Hawaiian, or Pacific Islander.

(4) MINORITY LENDING INSTITUTION.—The term "minority lending institution" means a CDFI—

(A) with respect to which a majority of both the number dollar volume of arm's-length, on-balance sheet financial

products of the CDFI are directed at minorities or majority minority census tracts or equivalents; and

(B) that—

(i) is a minority depository institution, as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note), or otherwise considered to be a minority depository institution by the appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), or by the National Credit Union Administration, as applicable; or

(ii) meets standards for accountability to minority populations as determined by the Administrator.

(d) COLLECTION OF DATA.—With respect to a CDFI that receives funds under this section, notwithstanding the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

(1) the CDFI may collect data described in section 701(a)(1) of that Act (15 U.S.C. 1691(a)(1)) from borrowers and applicants for credit for the sole purpose and exclusive use to ensure that targeted populations and low-income residents of investment areas are adequately served; and

(2) the CDFI that collects the data described in paragraph (1) shall not be subject to adverse action related to that collection by the Bureau of Consumer Financial Protection or any other Federal agency.

SEC. 524. INSPECTOR GENERAL OVERSIGHT.

12 USC 4703a note.

(a) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of any program established under this subtitle or the amendments made by this subtitle.

Recommendations.

(b) REPORTING.—The Inspector General of the Department of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Secretary of the Treasury not less frequently than 2 times per year a report relating to the oversight provided by the Office of the Inspector General, including any recommendations for improvements to the programs described in subsection (a).

SEC. 525. STUDY AND REPORT WITH RESPECT TO IMPACT OF PROGRAMS ON LOW- AND MODERATE-INCOME AND MINORITY COMMUNITIES.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the impact of the programs established under this subtitle or any amendment made by this subtitle on low- and moderate-income and minority communities.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted pursuant to subsection (a), which shall include, to the extent possible, the results of the study disaggregated by ethnic group.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in any of the programs described in subsection (a) shall provide the Secretary of the Treasury with

such information as the Secretary may require to carry out the study required by this section.

Subtitle C—Miscellaneous

SEC. 540. EXTENSIONS OF TEMPORARY RELIEF AND EMERGENCY AUTHORITIES.

(a) IN GENERAL.—Title IV of the CARES Act (15 U.S.C. 9041 et seq.) is amended—

(1) in section 4014(b) (15 U.S.C. 9052(b))—

(A) in paragraph (1), by inserting "the first day of the fiscal year of the insured depository institution, bank holding company, or any affiliate thereof that begins after" before "the date"; and

(B) in paragraph (2), by striking "December 31, 2020" and inserting "January 1, 2022"; and

(2) in section 4016(b)(2), by striking "2020" and inserting "2021".

(b) TEMPORARY CREDIT UNION PROVISIONS.—Section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 541. EXTENSION OF TEMPORARY RELIEF FROM TROUBLED DEBT RESTRUCTURINGS AND INSURER CLARIFICATION.

Section 4013 of the CARES Act (15 U.S.C. 9051) is amended—

(1) by inserting ", including an insurance company," after "institution" each place the term appears;

(2) in subsection (a)(1), by striking "December 31, 2020" and inserting "January 1, 2022";

(3) in subsection (b)(1)(B), by inserting "under United States Generally Accepted Accounting Principles" after "purposes"; and

(4) in subsection (d)(1), by inserting ", including insurance companies," after "institutions".

12 USC 1715n note.

SEC. 542. HEALTHCARE OPERATING LOSS LOANS.

(a) DEFINITIONS.—In this section:

(1) OPERATING LOSS.—The term "operating loss" has the meaning given the term in section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(b) AUTHORIZATION TO PROVIDE MORTGAGE INSURANCE.—Notwithstanding any other provision of law, for fiscal years 2020 and 2021, in addition to the authority provided to insure operating loss loans under section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)), the Secretary may insure or enter into commitments to ensure mortgages under such section 223(d) with respect to healthcare facilities—

(1) insured under section 232 or section 242 of the National Housing Act (12 U.S.C. 1715w, 1715z–7);

(2) that were financially sound immediately prior to the President's March 13, 2020 Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak;

(3) that have exhausted all other forms of assistance; and

(4) subject to—

(A) the limitation for new commitments to guarantee loans insured under the General and Special Risk Insurance Funds under the heading "General and Special Risk Program Account" for fiscal years 2020 and 2021; and

(B) the underwriting parameters and other terms and conditions that the Secretary determines appropriate through guidance. Determination.

(c) AMOUNT OF LOAN.—After all other realized or reasonably anticipated assistance (including reimbursements, loans, or other payments from other Federal sources) are taken into account, a loan insured under subsection (b) shall be in an amount not exceeding the lesser of—

(1) the temporary losses or additional expenses incurred or expected to be incurred by the healthcare facility as a result of the impact of the circumstances giving rise to the President's March 13, 2020 Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak; or

(2) the amount expected to be needed to cover the sum of—

(A) 1 year of principal and interest payments for the existing loans of the healthcare facility insured by the Secretary;

(B) 1 year of principal and interest payments for the loan pursuant to this section;

(C) 1 year of mortgage insurance premiums for the loans described in subparagraphs (A) and (B);

(D) 1 year of monthly deposits to reserve accounts required by the Secretary for the loans described in subparagraphs (A) and (B);

(E) 1 year of property taxes and insurance for the healthcare facility; and

(F) transaction costs, including legal fees, for the loans described in subparagraphs (A) and (B).

TITLE VI—LABOR PROVISIONS

SEC. 601. JOB CORPS FLEXIBILITIES.

Time periods. 29 USC 3194 note. Applicability.

(a) ENROLLMENT.—During the period beginning on the date of enactment of this Act and ending when all qualifying emergencies have expired, notwithstanding any other provision of law, the requirements described in sections 145(a)(2)(A) and 152(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3195(a)(2)(A), 3202(b)(2)(B)) shall be applicable only for enrollees in the Job Corps—

(1) participating on-site at a Job Corps center; or

(2) returning to on-site participation at a Job Corps center after participating in distance learning.

(b) ELIGIBILITY.—During a qualifying emergency or the 1-year period immediately following the expiration of the qualifying emergency, an individual who would be older than the age of 24 on the date the individual enrolls in the Job Corps is eligible to enroll in the Job Corps, notwithstanding section 144(a)(1)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3194(a)(1)(A)), as long as—

(1) the individual applies for enrollment by the date that is 6 months after the date of enactment of this Act, and is not older than age 24 on the date of application; and

(2) the individual attains the age of 25 during the qualifying emergency or the 1-year period immediately following the expiration of the qualifying emergency.

(c) QUALIFYING EMERGENCY DEFINED.—In this section, the term "qualifying emergency" has the meaning given the term in section 3502(a)(4) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

TITLE VII—NUTRITION AND AGRICULTURE RELIEF

Subtitle A—Nutrition

CHAPTER 1—SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

7 USC 2011 note.

SEC. 701. DEFINITIONS.

In this chapter—

(1) COVID-19 PUBLIC HEALTH EMERGENCY.—The term "COVID-19 public health emergency" means a public health emergency declared or renewed by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) based on an outbreak of coronavirus disease 2019 (COVID-19).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term "supplemental nutrition assistance program" has the meaning given such term in section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)).

(4) SNAP.—The term "SNAP" refers to the supplemental nutrition assistance program.

7 USC 2011 note.

SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Effective date. Time period.

(a) VALUE OF BENEFITS.—Notwithstanding any other provision of law, beginning on January 1, 2021, and for each subsequent month through June 30, 2021, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 15 2017(a)) shall be calculated using 115 percent of the June 2020 value of the thrifty food plan (as defined in section 3 of such Act (7 U.S.C. 2012)) if the value of the benefits would be greater under that calculation than in the absence of this subsection.

(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

(1) consider the benefit increases described in subsection (a) to be a "mass change";

Notification.

(2) require a simple process for States to notify households of the increase in benefits;

Applicability.

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section without regard to the 120-day limit described in that section; and

(4) disregard the additional amount of benefits that a household receives as a result of this section in determining the amount of overissuances under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022). Determination.

(c) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section and administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) during the COVID-19 public health emergency, the Secretary shall make available $100,000,000 for fiscal year 2021.

(2) TIMING.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall make available to States amounts for fiscal year 2021 under paragraph (1). Deadline.

(3) ALLOCATION OF FUNDS.—Funds described in paragraph (1) shall be made available as grants to State agencies for fiscal year 2021 as follows:

(A) 75 percent of the amounts available for fiscal year 2021 shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

(B) 25 percent of the amounts available for fiscal year 2021 shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)). Time period.

(d) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A Federal pandemic unemployment compensation payment made to an individual under section 2104 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for the purpose of determining eligibility of such individual or any other individual for benefits or assistance, or the amount of benefits or assistance, under any programs authorized under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.). Time period. Determination.

(e) PROVISIONS FOR IMPACTED STUDENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 20 days after the date of the enactment of this Act, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an individual who— Deadline.

(A) is enrolled at least half-time in an institution of higher education; and

(B)(i) is eligible to participate in a State or federally financed work study program during the regular school year as determined by the institution of higher education; or

(ii) in the current academic year, has an expected family contribution of $0 as determined in accordance with part F of title IV of the Higher Education Act of 195 (20 U.S.C. 1087kk et. seq.).

(2) SUNSET.—

(A) INITIAL APPLICATIONS.—The eligibility standards authorized under paragraph (1) shall be in effect for initial applications for the supplemental nutrition assistance program until 30 days after the COVID–19 public health emergency is lifted.

(B) RECERTIFICATIONS.—The eligibility standards authorized under paragraph (1) shall be in effect until the first recertification of a household beginning no earlier than 30 days after the COVID–19 public health emergency is lifted.

(3) GUIDANCE.—

Deadline.

(A) IN GENERAL.—Not later than 10 days after the date of enactment of this Act, the Secretary shall issue guidance to State agencies on the temporary student eligibility requirements established under this subsection.

Consultation.

(B) COORDINATION WITH THE DEPARTMENT OF EDUCATION.—The Secretary of Education, in consultation with the Secretary of Agriculture and institutions of higher education, shall carry out activities to inform applicants for Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and students at institutions of higher education of the temporary student eligibility requirements established under this subsection.

(f) REPORT.—Not later than July 31, 2021, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that accounts for both the redemption rate and account balances for each month during the period specified in subsection (a).

(g) LIMITATION ON QUALITY CONTROL WAIVERS.—Section 4603(a)(2) of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116-159) is amended by striking "September 30, 2021" and inserting "June 30, 2021".

7 USC 2012 note.

(h) FUNDING.—There are hereby appropriated to the Secretary, out of any money not otherwise appropriated, such sums as may be necessary to carry out this section.

7 USC 2016 note.

SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PURCHASING AND TECHNOLOGY IMPROVEMENTS.

Deadline.

(a) RESOURCES FOR SNAP ONLINE PURCHASING.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide—

(1) additional support for the Food and Nutrition Service to conduct end-to-end testing in the online production environment; and

(2) technical assistance to educate retailers on the process and technical requirements for the online acceptance of SNAP benefits and to support and expedite SNAP online purchasing.

(b) SNAP ONLINE PURCHASING ASSISTANCE FOR DIRECT-MARKETING FARMERS AND FARMERS' MARKETS.—The Secretary, on a competitive basis, shall enter into cooperative agreements with, or provide grants to, not more than 5 eligible entities to build out functionality, and provide assistance to direct-marketing farmers and farmers' markets to accept SNAP benefits through online transactions. Contracts.

(1) SELECTION PRIORITY.—The Secretary shall prioritize eligible entities with experience building online purchasing platforms for technology solutions for farmers' markets and direct-marketing farmers.

(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means a nonprofit entity with experience building online purchasing platforms or technology solutions, or with experience working with commercial entities that have experience building online purchasing platforms or technology solutions.

(c) ISSUANCE INNOVATION AND TECHNOLOGY IMPROVEMENT SUPPORT.—The Secretary shall—

(1) review technological developments, including developments related to security and privacy, surrounding mobile payment technology, to support the mobile technologies demonstration projects and the use of mobile technologies authorized under section 7(k)(14) of the Food and Nutrition Act of 2008; and Review.

(2) test methods to modernize electronic benefit transfer technology for the purpose of improving the security and integrity of the electronic benefits transfer system.

(d) REPORT.—Not later than January 31, 2022, and annually thereafter until all funds provided under subsection (e) have been expended, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(1) a description of the activities conducted under subsections (a), (b), and (c);

(2) a description of any grants, cooperative agreements, or contracts awarded under this section;

(3) an analysis of the technological developments surrounding mobile payment technology; and Analysis.

(4) a summary of EBT modernization testing results under subsection (c)(2). Summary.

(e) FUNDING.—

(1) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $5,000,000 to be available until expended to carry out this section.

(2) USE OF FUNDS.—With respect to the funds appropriated under paragraph (1), the Secretary shall use—

(A) not more than $1,000,000 for purposes described in subsection (a); and

(B) not more than $1,000,000 for purposes described in subsection (b).

SEC. 704. NUTRITION ASSISTANCE PROGRAMS.

In addition to amounts otherwise made available, $614,000,000, to remain available through September 30, 2021, shall be available

for the Secretary of Agriculture to provide grants to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance in response to a COVID-19 public health emergency, of which $14,000,000 shall be available for the Commonwealth of the Northern Mariana Islands.

CHAPTER 2—COMMODITY DISTRIBUTION PROGRAMS

SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.

For an additional amount for the "Commodity Assistance Program" for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $400,000,000, to remain available through September 30, 2021: *Provided*, That of the funds made available in this section, the Secretary may use up to 20 percent for costs associated with the distribution of commodities.

SEC. 712. COMMODITY SUPPLEMENTAL ASSISTANCE PROGRAM.

In addition to amounts otherwise made available, $13,000,000, to remain available through September 30, 2021, shall be available for the Secretary of Agriculture for the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note): *Provided*, That of the funds made available in this section, up to 20 percent shall be available for State administrative expenses.

CHAPTER 3—CHILD NUTRITION

SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE.

Section 1101 of the Families First Coronavirus Response Act (Public Law 116-127; 7 U.S.C. 2011 note) is amended—

(1) in subsection (f), by amending paragraph (2) to read as follows:

"(2) SIMPLIFYING ASSUMPTIONS FOR SCHOOL YEAR 2020-2021.—For purposes of this section, a State agency may develop and use simplifying assumptions (including a State or local public health ordinance developed in response to COVID–19) and the best feasibly available data to determine the status of a school or covered child care facility as opened, closed, or operating with a reduced number of days or hours, establish State or regionally-based benefits levels, identify eligible children and children eligible for assistance under subsection (h), and establish eligibility periods for eligible children and children eligible for assistance under subsection (h)."; and

Determination.

(2) in subsection (h)—

(A) in paragraph (1), by inserting "or the area of a child's residence" after "schools in the area of a covered child care facility";

(B) in paragraph (2), by inserting "or for each day that a school in the area of a covered child care facility or the area of the child's residence is closed or has reduced attendance or hours for at least 5 consecutive days" before the period at the end; and

(C) by adding at the end the following:

"(4) DEEMED POPULATION.—For purposes of an approved State agency plan described in paragraph (1) or an approved

amendment to such a plan described in such paragraph, the Secretary of Agriculture shall deem any child who has not attained the age of 6 as a child who is enrolled in a covered child care facility."; and

(3) in subsection (j), by inserting "for State agencies, other agencies of the State, local units, and schools" after "administrative expenses".

SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PROGRAMS DURING COVID–19 PANDEMIC.

42 USC 1751 note.

(a) USE OF CERTAIN APPROPRIATIONS TO COVER EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL PROGRAMS.—

(1) IN GENERAL.—

(A) REQUIRED ALLOTMENTS.—Notwithstanding any other provision of law, the Secretary shall allocate to each State that participates in the reimbursement program under paragraph (3) such amounts as may be necessary to carry out reimbursements under such paragraph for each reimbursement month, including, subject to paragraph (5)(B), administrative expenses necessary to make such reimbursements.

(B) GUIDANCE WITH RESPECT TO PROGRAM.—Not later than 30 days after the date of the enactment of this section, the Secretary shall issue guidance with respect to the reimbursement program under paragraph (3). Deadline.

(2) REIMBURSEMENT PROGRAM APPLICATION.—To participate in the reimbursement program under paragraph (3), not later than 30 days after the date described in paragraph (1)(B), a State shall submit an application to the Secretary that includes a plan to calculate and disburse reimbursements under the reimbursement program under paragraph (3). Deadline. Plan.

(3) REIMBURSEMENT PROGRAM.—Subject to paragraphs (4) and (5)(D), using the amounts allocated under paragraph (1)(A), a State participating in the reimbursement program under this paragraph shall make reimbursements for emergency operational costs for each reimbursement month as follows:

(A) For each new school food authority in the State for the reimbursement month, an amount equal to 55 percent of the amount equal to—

(i) the average monthly amount such new school food authority was reimbursed under the reimbursement sections for meals and supplements served by such new school food authority during the alternate period; minus

(ii) the amount such new school food authority was reimbursed under the reimbursement sections for meals and supplements served by such new school food authority during such reimbursement month.

(B) For each school food authority not described in subparagraph (A) in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the amount such school food authority was reimbursed under the reimbursement sections for meals and supplements served by such school food authority for the month beginning one year before such reimbursement month; minus

(ii) the amount such school food authority was reimbursed under the reimbursement sections for meals and supplements served by such school food authority during such reimbursement month.

(4) SPECIAL RULES RELATING TO REIMBURSEMENT CALCULATION.—

(A) EFFECT OF NEGATIVE NUMBER.—If a subtraction performed under subparagraph (A) or (B) of paragraph (3) results in a negative number, the reimbursement amount calculated under such subparagraph shall equal zero.

(B) SPECIAL TREATMENT OF MARCH, 2020.—In the case of a reimbursement under subparagraph (A) or (B) of paragraph (3) for the reimbursement month of March, 2020, the reimbursement amount shall be equal to the amount determined under such a subparagraph for such month, divided by 2.

(5) TREATMENT OF FUNDS.—

(A) AVAILABILITY.—Funds allocated to a State under paragraph (1)(A) shall remain available until September 30, 2021.

(B) ADMINISTRATIVE EXPENSES.—A State may reserve not more than 1 percent of the funds allocated under paragraph (1)(A) for administrative expenses to carry out this subsection.

(C) UNEXPENDED BALANCE.—On March 31, 2022, any amounts allocated to a State under paragraph (1)(A) or reimbursed to a school food authority or new school food authority under paragraph (3) that are unexpended by such State, school food authority, or new school food authority shall revert to the Secretary.

(D) LIMITATION ON USE OF FUNDS.—Funds allocated to a State under paragraph (1)(A) may only be made available to a school food authority or new school food authority that—

Claims.
Time period.

(i) submits a claim to such State for meals, supplements, or administrative costs with respect to a month occurring during the period beginning September 1, 2020 and ending December 31, 2020; or

(ii) provides an assurance to such State that the school food authority or new school food authority will submit a claim to such State for meals, supplements, or administrative costs with respect to a month occurring during the first full semester (or equivalent term) after the conclusion of the public health emergency, as determined by such State.

Summary.

(6) REPORTS.—Each State that carries out a reimbursement program under paragraph (3) shall, not later than March 31, 2022, submit a report to the Secretary that includes a summary of the use of such funds by the State and each school food authority and new school food authority in such State.

(b) USE OF CERTAIN APPROPRIATIONS TO COVER CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE OPERATIONAL EMERGENCY COSTS DURING COVID–19 PANDEMIC.—

(1) IN GENERAL.—

(A) REQUIRED ALLOTMENTS.—Notwithstanding any other provision of law, the Secretary shall allocate to each

State that participates in the reimbursement program under paragraph (3) such amounts as may be necessary to carry out reimbursements under such paragraph for each reimbursement month, including, subject to paragraph (5)(C), administrative expenses necessary to make such reimbursements.

(B) GUIDANCE WITH RESPECT TO PROGRAM.—Not later than 30 days after the date of the enactment of this section, the Secretary shall issue guidance with respect to the reimbursement program under paragraph (3). Deadline.

(2) REIMBURSEMENT PROGRAM APPLICATION.—To participate in the reimbursement program under paragraph (3), not later than 30 days after the date described in paragraph (1)(B), a State shall submit an application to the Secretary that includes a plan to calculate and disburse reimbursements under the reimbursement program under paragraph (3). Deadline. Plan.

(3) REIMBURSEMENT AMOUNT.—Subject to paragraphs (4) and (5)(E), using the amounts allocated under paragraph (1)(A), a State participating in the reimbursement program under this paragraph shall make reimbursements for child care operational emergency costs for each reimbursement month as follows:

(A) For each new covered institution in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the average monthly amount such new covered institution was reimbursed under subsection (c) and subsection (f) of section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) for meals and supplements served by such new covered institution during the alternate period; minus

(ii) the amount such new covered institution was reimbursed under such section for meals and supplements served by such new covered institution during such reimbursement month.

(B) For each covered institution not described in subparagraph (A) in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the amount such covered institution was reimbursed under subsection (c) and subsection (f) of section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) for meals and supplements served by such covered institution during the month beginning one year before such reimbursement month; minus

(ii) the amount such covered institution was reimbursed under such section for meals and supplements served by such covered institution during such reimbursement month.

(C) For each new sponsoring organization of a family or group day care home in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the average monthly amount such new sponsoring organization of a family or group day care home was reimbursed under section 17(f)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C.

1766(f)(3)(B)) for administrative funds for the alternate period; minus

(ii) the amount such new sponsoring organization of a family or group day care home was reimbursed under such section for administrative funds for the reimbursement month.

(D) For each sponsoring organization of a family or group day care home not described in subparagraph (C) in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the amount such sponsoring organization of a family or group day care home was reimbursed under section 17(f)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(B)) for administrative funds for the month beginning one year before such reimbursement month; minus

(ii) the amount such sponsoring organization of a family or group day care home was reimbursed under such section for administrative funds for such reimbursement month.

(4) SPECIAL RULES RELATING TO REIMBURSEMENT CALCULATION.—

(A) EFFECT OF NEGATIVE NUMBER.—If a subtraction performed under subparagraph (A), (B), (C), or (D) of paragraph (3) results in a negative number, the reimbursement amount calculated under such subparagraph shall equal zero.

(B) SPECIAL TREATMENT OF MARCH, 2020.—In the case of a reimbursement under subparagraph (A), (B), (C), or (D) of paragraph (3) for the reimbursement month of March, 2020, the reimbursement amount shall be equal to the amount determined under such a subparagraph for such month, divided by 2.

(5) TREATMENT OF FUNDS.—

(A) AVAILABILITY.—Funds allocated to a State under paragraph (1)(A) shall remain available until September 30, 2021.

(B) UNAFFILIATED CENTER.—In the case of a covered institution or a new covered institution that is an unaffiliated center that is sponsored by a sponsoring organization and receives funds for a reimbursement month under subparagraph (A) or (B) of paragraph (3), such unaffiliated center shall provide to such sponsoring organization an amount of such funds as agreed to by the sponsoring organization and the unaffiliated center, except such amount may not be greater be than 15 percent of such funds.

(C) ADMINISTRATIVE EXPENSES.—A State may reserve not more than 1 percent of the funds allocated under paragraph (1)(A) for administrative expenses to carry out this subsection.

(D) UNEXPENDED BALANCE.—On March 31, 2022, any amounts allocated to a State under paragraph (1)(A) or reimbursed to a new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home that are unexpended by such State,

new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home, shall revert to the Secretary.

(E) LIMITATION ON USE OF FUNDS.—Funds allocated to a State under paragraph (1)(A) may only be made available to a new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home that—

Time period.

(i) submits a claim to such State for meals, supplements, or administrative costs with respect to a month occurring during the period beginning September 1, 2020 and ending December 31, 2020; or

(ii) provides an assurance to such State that the new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home will submit a claim to such State for meals, supplements, or administrative costs with respect to a month occurring within 90 days after the conclusion of the public health emergency.

Summary.

(6) REPORTS.—Each State that carries out a reimbursement program under paragraph (3) shall, not later than March 31, 2022, submit a report to the Secretary that includes a summary of the use of such funds by the State and each new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home.

(c) FUNDING.—There are appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section.

(d) DEFINITIONS.—In this section:

(1) ALTERNATE PERIOD.—The term "alternate period" means the period beginning January 1, 2020 and ending February 29, 2020.

(2) EMERGENCY OPERATIONAL COSTS.—The term "emergency operational costs" means the costs incurred by a school food authority or new school food authority—

(A) during a public health emergency;

(B) that are related to the ongoing operation, modified operation, or temporary suspension of operation (including administrative costs) of such school food authority or new school food authority; and

(C) except as provided under subsection (a), that are not reimbursed under a Federal grant.

(3) CHILD CARE OPERATIONAL EMERGENCY COSTS.—The term "child care operational emergency costs" means the costs under the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) incurred by a new covered institution, covered institution, new sponsoring organization of a family or group day care home, or sponsoring organization of a family or group day care home—

(A) during a public health emergency;

(B) that are related to the ongoing operation, modified operation, or temporary suspension of operation (including

administrative costs) of such new covered institution, covered institution, new sponsoring organization of a family or group day care home, sponsoring organization of a family or group day care home, or sponsoring organization of an unaffiliated center; and

(C) except as provided under subsection (b), that are not reimbursed under a Federal grant.

(4) COVERED INSTITUTION.—The term "covered institution" means—

(A) an institution (as defined in section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2))); and

(B) a family or group day care home.

(5) NEW COVERED INSTITUTION.—The term "new covered institution" means a covered institution for which no reimbursements were made for meals and supplements under section 17(c) or (f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) with respect to the previous reimbursement period.

(6) NEW SCHOOL FOOD AUTHORITY.—The term "new school food authority" means a school food authority for which no reimbursements were made under the reimbursement sections with respect to the previous reimbursement period.

(7) NEW SPONSORING ORGANIZATION OF A FAMILY OR GROUP DAY CARE.—The term "new sponsoring organization of a family or group day care" means a sponsoring organization of a family or group day care home for which no reimbursements for administrative funds were made under section 17(f)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(B)) for the previous reimbursement period.

(8) PREVIOUS REIMBURSEMENT PERIOD.—The term "previous reimbursement period" means the period beginning March 1, 2019 and ending June 30, 2019.

(9) PUBLIC HEALTH EMERGENCY.—The term "public health emergency" means a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic or any renewal of such declaration pursuant to such section 319.

(10) REIMBURSEMENT MONTH.—The term "reimbursement month" means March 2020, April 2020, May 2020, and June 2020.

(11) REIMBURSEMENT SECTIONS.—The term "reimbursement sections" means—

(A) section 4(b), section 11(a)(2), section 13, and section 17A(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C. 1761; 42 U.S.C. 1766a(c)); and

(B) section 4 of the Child Nutrition Act (42 U.S.C. 1773).

(12) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(13) STATE.— The term "State" has the meaning given such term in section 12(d)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(8)).

SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIVERY IN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 90 days after the date of the enactment of this section, the Secretary shall establish a task force on supplemental foods delivery in the special supplemental nutrition program (in this section referred to as the "Task Force"). Deadline.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of at least 1 member but not more than 3 members appointed by the Secretary from each of the following:

(A) Retailers of supplemental foods.

(B) Representatives of State agencies.

(C) Representatives of Indian State agencies.

(D) Representatives of local agencies.

(E) Technology companies with experience maintaining the special supplemental nutrition program information systems and technology, including management information systems or electronic benefit transfer services.

(F) Manufacturers of supplemental foods, including infant formula.

(G) Participants in the special supplemental nutrition program from diverse locations.

(H) Other organizations that have experience with and knowledge of the special supplemental nutrition program.

(2) LIMITATION ON MEMBERSHIP.—The Task Force shall be composed of not more than 20 members.

(c) DUTIES.—

(1) STUDY.—The Task Force shall study measures to streamline the redemption of supplemental foods benefits that promote convenience, safety, and equitable access to supplemental foods, including infant formula, for participants in the special supplemental nutrition program, including—

(A) online and telephonic ordering and curbside pickup of, and payment for, supplemental foods;

(B) online and telephonic purchasing of supplemental foods;

(C) home delivery of supplemental foods;

(D) self checkout for purchases of supplemental foods; and

(E) other measures that limit or eliminate consumer presence in a physical store.

(2) REPORT BY TASK FORCE.—Not later than September 30, 2021, the Task Force shall submit to the Secretary a report that includes—

(A) the results of the study required under paragraph (1); and

(B) recommendations with respect to such results. Recommendations.

(3) REPORT BY SECRETARY.—Not later than 45 days after receiving the report required under paragraph (2), the Secretary shall—

(A) submit to Congress a report that includes—

(i) a plan with respect to carrying out the recommendations received by the Secretary in such report under paragraph (2); and Plan.

(ii) an assessment of whether legislative changes are necessary to carry out such plan; and Assessment.

Notification.

(B) notify the Task Force of the submission of the report required under subparagraph (A).

Web posting.

(4) PUBLICATION.—The Secretary shall make publicly available on the website of the Department of Agriculture—

(A) the report received by the Secretary under paragraph (2); and

(B) the report submitted by the Secretary under paragraph (3)(A).

(d) TERMINATION.—The Task Force shall terminate on the date the Secretary submits the report required under paragraph (3)(A).

(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(f) DEFINITIONS.—In this section:

(1) LOCAL AGENCY.—The term "local agency" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.—The term "special supplemental nutrition program" means the special supplemental nutrition program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(4) STATE AGENCY.—The term "State agency" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(5) SUPPLEMENTAL FOODS.—The term "supplemental foods" has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

CHAPTER 4—OTHER MATTERS

SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS.

For an additional amount for nutrition services under the Older Americans Act of 1965, $175,000,000: *Provided*, That of the amount made available under this heading in this Act, $168,000,000 shall be for subparts 1 and 2 of part C of title III of such Act and $7,000,000 shall be for nutrition services under title VI of such Act: *Provided further*, That State matching requirements under sections 304(d)(1)(D) and 309(b)(2) of such Act shall not apply to funds made available under this heading.

SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS ACT.

(a) NUTRITION SERVICES TRANSFER CRITERIA.—With respect to funds appropriated under paragraph (1) or (2) of section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) received by a State for fiscal year 2021, the Secretary shall allow a State agency or an area agency on aging, without prior approval, to transfer not more than 100 percent of the funds received, notwithstanding the limitation on transfer authority provided in subparagraph (A) of section 308(b)(4) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(4)) and without regard to subparagraph (B) of such section, by the State agency or area agency on aging, respectively, and attributable to funds appropriated under paragraph (1) or (2) of section 303(b) of such Act, between subpart 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et seq.) for such use as the State agency or area agency on aging, respectively, considers appropriate to meet the needs of the State or area served.

(b) HOME-DELIVERED NUTRITION SERVICES WAIVER.—For purposes of determining eligibility for the delivery of nutrition services under section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g), with funds received by a State under the Older Americans Act of 1965 (42 U.S.C. 2001 et seq.) for fiscal 2021, the State shall treat an older individual who is unable to obtain nutrition because the individual is practicing social distancing due to the public health emergency in the same manner as the State treats an older individual who is homebound by reason of illness. Determination. 42 USC 3030g note.

(c) DIETARY GUIDELINES WAIVER.—To facilitate implementation of subparts 1 and 2 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d–2 et seq.), with funds received by a State for fiscal year 2021, the Assistant Secretary for Aging may waive, but continue to make every effort practicable to encourage the restoration of, the applicable requirements for meals provided under such subparts comply with the requirements of clauses (i) and (ii) of section 339(2)(A) of such Act (42 U.S.C. 3030g–21(2)(A)). Compliance. 42 USC 3030g–21 note.

Subtitle B—Agriculture

CHAPTER 1—AGRICULTURAL PROGRAMS

SEC. 751. OFFICE OF THE SECRETARY.

Payments.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the "Office of the Secretary", $11,187,500,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers, growers, and processors impacted by coronavirus, including producers and growers of specialty crops, non-specialty crops, dairy, livestock, and poultry, producers that supply local food systems, including farmers markets, restaurants, and schools, and growers who produce livestock or poultry under a contract for another entity: *Provided*, That from the amounts provided in this section, the Secretary of Agriculture shall make supplemental payments to producers of price trigger crops for the 2020 crop year under section 9.202 of title 7, Code of Federal Regulations, on eligible acres of the crop, in an amount equal to $20 per eligible acre: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall make supplemental payments to producers of flat-rate crops for the 2020 crop year under section 9.202 of title 7, Code of Federal Regulations, on eligible acres of the crop, in an amount equal to $20 per eligible acre: *Provided further*, That for the purposes of determining the amount of eligible sales under section 9.202(i) of title 7, Code of Federal Regulations, the Secretary of Agriculture shall also include indemnities received under crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and payments made or calculated under the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) and the wildfire and hurricane indemnity plus program under subpart O of part 760 of title 7, Code of Federal Regulations: *Provided further*, That for the purposes of determining the amount of eligible sales under section 9.202(i) of title 7, Code of Federal Regulations, the Secretary of Agriculture may allow producers to

Determination.

Determination.

substitute 2018 sales for such commodities for 2019 sales: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall make payments to producers of livestock or poultry (not including any packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) or live poultry dealer (as defined in section 2(a) of that Act (7 U.S.C. 182(a)))) for losses of livestock or poultry depopulated before the date of enactment of this Act due to insufficient processing access, based on 80 percent of the fair market value of any livestock or poultry so depopulated, and for the cost of such depopulation (other than costs for which the producer has been compensated under the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.)): *Provided further*, That in determining the cost of depopulation under the preceding proviso, the Secretary of Agriculture may take into consideration whether a producer has been compensated for the costs of such depopulation by any State program: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall make payments to producers of cattle described in paragraphs (2), (3), and (4) of section 9.102(i) of title 7, Code of Federal Regulations, in an amount equal to the product obtained by multiplying the number of such cattle in inventory during the time period specified in paragraph (c)(2) of that section by 50 percent of the payment rate calculated by subtracting the applicable CCC payment rate specified in paragraph (h) of that section and the applicable payment rate specified in section 9.202(c) of that title from the applicable CARES Act payment rate specified in section 9.102(h) of that title: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall make payments to producers of cattle described in paragraphs (1) and (5) of section 9.102(i) of title 7, Code of Federal Regulations, in an amount equal to the product obtained by multiplying the number of such cattle in inventory during the time period specified in paragraph (c)(2) of that section by 25 percent of the payment rate calculated by subtracting the applicable CCC payment rate specified in paragraph (h) of that section and the applicable payment rate specified in section 9.202(c) of that title (if applicable) from the applicable CARES Act payment rate specified in section 9.102(h) of that title: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall use not more than $1,000,000,000 to make payments to contract growers of livestock and poultry to cover not more than 80 percent of revenue losses, as determined by the Secretary of Agriculture, for the period beginning on January 1, 2020, and ending on the date of enactment of this Act: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall use not less than $20,000,000 to improve and maintain animal disease prevention and response capacity: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall make payments to domestic users of upland cotton and extra-long staple cotton for the period beginning on March 1, 2020, and ending on December 31, 2020, in an amount equal to the product obtained by multiplying 10 by the product obtained by multiplying 6 cents per pound by the average monthly consumption of the domestic user for the period beginning on January 1, 2017, and ending on December 31, 2019: *Provided further*, That notwithstanding paragraph (e) of section

Determination.

Determination.
Time period.

Cotton.
Time periods.

Determination.

9.7 of title 7, Code of Federal Regulations (or any successor regulation), and subject to the availability of funds, taking into account the requirements of the other provisos in this section, for purposes of providing assistance under subparts B and C of part 9 of that title, the Secretary of Agriculture shall make additional payments to ensure that such assistance more closely aligns with the calculated gross payment or revenue losses of any person or entity, except that such assistance shall not exceed the calculated gross payment or 80 percent of the loss, as determined by the Secretary of Agriculture, of any entity or persons, and that for the purposes of determining income derived from farming, ranching, and forestry under paragraph (d) of that section, the Secretary of Agriculture shall broadly consider income derived from agricultural sales (including gains), agricultural services, the sale of agricultural real estate, and prior year net operating loss carryforward as such income: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture may provide support to processors for losses of crops due to insufficient processing access: *Provided further*, That the Secretary of Agriculture may extend the term of a marketing assistance loan authorized by section 1201 of the Agricultural Act of 2014 (7 U.S.C. 9031), notwithstanding section 1203(b) of that Act (7 U.S.C. 9033(b)), for any loan commodity to 12 months: *Provided further*, That the authority provided by the previous proviso shall expire on September 30, 2021: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture shall use not less than $1,500,000,000 to purchase food and agricultural products, including seafood, to purchase and distribute agricultural products (including fresh produce, dairy, and meat products) to individuals in need, including through delivery to nonprofit organizations that can receive, store, and distribute food items, and for grants and loans to small or midsized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other organizations to respond to coronavirus, including for measures to protect workers against the Coronavirus Disease 2019 (COVID–19): *Provided further*, That not later than 30 days after the date of enactment of this Act and prior to issuing solicitations for contracts under the previous proviso, the Secretary of Agriculture shall conduct a preliminary review of actions necessary to improve COVID–19-related food purchasing, including reviewing coordination, specifications, quality, and fairness of purchases, including the distribution of purchased commodities, including the fairness of food distribution, such as whether rural communities received adequate support, the degree to which transportation costs were sufficient to reach all areas, whether food safety was adequate in the distribution of food, and the degree to which local purchases of food were made: *Provided further*, That from the amounts provided in this section, the Secretary of Agriculture may use not more than $200,000,000 to provide relief to timber harvesting and timber hauling businesses that have, as a result of the COVID–19 pandemic, experienced a loss of not less than 10 percent in gross revenue during the period beginning on January 1, 2020, and ending on December 1, 2020, as compared to the gross revenue of that timber harvesting or hauling business during the same period in 2019: *Provided further*, That in making direct support payments in this section, the Secretary of Agriculture may take into account price differentiation factors for each commodity based

Extension.
Time period.

Expiration date.

Deadline.
Review.

Time period.

on specialized varieties, local markets, and farm practices, such as certified organic farms (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)): *Provided further*, That using amounts provided in this section, the Secretary of Agriculture may make payments to producers of advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuel (as such terms are defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))) produced in the United States, for unexpected market losses as a result of COVID–19: *Provided further*, That the Secretary of Agriculture may make recourse loans available to dairy product processors, packagers, or merchandisers impacted by COVID–19: *Provided further*, That each reference in this section to a section or other provision of the Code of Federal Regulations shall be considered to be a reference to that section or other provision as in effect on the date of enactment of this Act.

Biofuels.

Loans.

SEC. 752. SPECIALTY CROP BLOCK GRANTS.

Due to the impacts of COVID–19 on specialty crops, there is appropriated, out of any funds in the Treasury not otherwise appropriated, for Specialty Crop Block Grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465), $100,000,000, to remain available until expended.

SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.

Due to the impacts that COVID–19 has had on many local agriculture markets, there is appropriated, out of any funds in the Treasury not otherwise appropriated, for the Local Agriculture Market Program established under section 210A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1627c), $100,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Agriculture may reduce the amount of matching funds otherwise required under that section 210A to an amount not greater than 10 percent of the total amount of the Federal funds obligated under this section only during the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19 (or any renewal of that declaration): *Provided further*, That such match may be an in-kind contribution.

SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUTREACH PROGRAM.

Due to the impacts of COVID–19 on certain producers, there is appropriated, out of any funds in the Treasury not otherwise appropriated, for the Farming Opportunities Training and Outreach Program under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $75,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Agriculture may reduce the amount of matching funds otherwise required under that section 2501 to an amount not greater than 10 percent of the total amount of the Federal funds obligated under this section only during the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19 (or any renewal of that declaration): *Provided further*, That

such match may be an in-kind contribution: *Provided further*, That the Secretary of Agriculture may waive any maximum grant amount otherwise applicable to grants provided using such amounts. Waiver authority.

SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the Gus Schumacher Nutrition Incentive Program under section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517), $75,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Agriculture may reduce the amount of matching funds otherwise required under that section 4405 to an amount not greater than 10 percent of the total amount of the Federal funds obligated under this section only during the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19 (or any renewal of that declaration): *Provided further*, That such match may be an in-kind contribution: *Provided further*, That the Secretary of Agriculture may waive any maximum grant amount otherwise applicable to grants provided under this section: *Provided further*, That the Secretary of Agriculture may use such amounts to provide additional funding to ongoing grants provided under such Program before the date of enactment of this Act. Waiver authority.

SEC. 756. RESEARCH. 7 USC 2254c.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, $20,000,000 for fiscal year 2021 and each fiscal year thereafter for the Agricultural Research Service to address gaps in nutrition research at the critical intersections of responsive agriculture, quality food production, and human nutrition and health.

CHAPTER 2—SUPPORT FOR DAIRY, LIVESTOCK, AND FARM STRESS

SEC. 760. DEFINITIONS. 7 USC 5936a note.

In this chapter:

(1) The term "COVID–19" means the disease caused by SARS–CoV–2, or any viral strain mutating therefrom with pandemic potential.

(2) The term "COVID–19 public health emergency" means the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19 (or any renewal of that declaration).

(3) The term "Secretary" means the Secretary of Agriculture.

SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS. 7 USC 9056 note.

(a) IN GENERAL.—The Secretary shall provide supplemental dairy margin coverage payments to participating eligible dairy operations described in subsection (b)(1) whenever the average actual dairy production margin (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)) for a month is less than the coverage level threshold selected by such eligible dairy operation under section 1406 of that Act (7 U.S.C. 9056).

(b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

(1) IN GENERAL.—An eligible dairy operation described in this subsection is a dairy operation that—

(A) is located in the United States; and

(B) during a calendar year in which such dairy operation is a participating dairy operation (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)), has a production history established under the dairy margin coverage program under section 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055) of less than 5,000,000 pounds, as determined in accordance with subsection (c) of such section 1405.

(2) LIMITATION ON ELIGIBILITY.—An eligible dairy operation shall only be eligible for payments under this section during a calendar year in which such eligible dairy operation is enrolled in the dairy margin coverage (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)).

(c) SUPPLEMENTAL PRODUCTION HISTORY CALCULATION.—

Determination.

(1) IN GENERAL.—For purposes of determining the supplemental production history of an eligible dairy operation under this section, such dairy operation's supplemental production history shall be equal to 75 percent of the amount described in paragraph (2) with respect to such dairy operation.

(2) AMOUNT.—The amount referred to in paragraph (1) is, with respect to an eligible dairy operation, the amount equal to—

(A) the production volume of such dairy operation for the 2019 milk marketing year; minus

(B) the dairy margin coverage production history of such dairy operation established under section 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055).

(d) COVERAGE PERCENTAGE.—

(1) IN GENERAL.—For purposes of calculating payments to be issued under this section during a calendar year, an eligible dairy operation's coverage percentage shall be equal to the coverage percentage selected by such eligible dairy operation with respect to such calendar year under section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056).

(2) 5 MILLION POUND LIMITATION.—

(A) IN GENERAL.—The Secretary shall not provide supplemental dairy margin coverage on an eligible dairy operation's actual production for a calendar year such that the total covered production history of such dairy operation exceeds 5,000,000 pounds.

(B) DETERMINATION OF AMOUNT.—In calculating the total covered production history of an eligible dairy operation under subparagraph (A), the Secretary shall multiply the coverage percentage selected by such operation under section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) by the sum of—

(i) the supplemental production history calculated under subsection (c) with respect to such dairy operation; and

(ii) the dairy margin coverage production history described in subsection (c)(2)(B) with respect to such dairy operation.

(e) PREMIUM COST.—The premium cost for an eligible dairy operation under this section for a calendar year shall be equal to the product of multiplying—

(1) the Tier I premium cost calculated with respect to such dairy operation for such year under section 1407(b) of the Agricultural Act of 2014 (7 U.S.C. 9057(b)); by

(2) the supplemental production history with respect to such dairy operation calculated under subsection (c) (such that total covered production history does not exceed 5,000,000 pounds).

(f) REGULATIONS.—Not later than 45 days after the date of the enactment of this section, the Secretary shall issue regulations to carry out this section. Deadline.

(g) PROHIBITION WITH RESPECT TO DAIRY MARGIN COVERAGE ENROLLMENT.—

(1) IN GENERAL.—The Secretary may not reopen or otherwise provide a special enrollment for dairy margin coverage (as defined in section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)) for purposes of establishing eligibility for supplemental dairy margin coverage payments under this section.

(2) CLARIFICATION WITH RESPECT TO SUPPLEMENTAL DAIRY MARGIN COVERAGE PAYMENTS.—The Secretary may open a special enrollment for supplemental dairy margin coverage under this section.

(h) APPLICATION FOR CALENDAR YEAR 2021.—The Secretary shall make payments under this section to eligible dairy operations described in subsection (b)(1) for months after and including January, 2021.

(i) SUNSET.—The authority to make payments under this section shall terminate on December 31, 2023.

(j) FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, to carry out this section such sums as necessary, to remain available until the date specified in subsection (i).

SEC. 762. DAIRY DONATION PROGRAM. 7 USC 9071a.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE DAIRY ORGANIZATION.—The term "eligible dairy organization" has the meaning given the term in section 1431(a) of the Agricultural Act of 2014 (7 U.S.C. 9071(a)).

(2) ELIGIBLE DAIRY PRODUCT.—The term "eligible dairy product" means a product primarily made from milk, including fluid milk, that is produced and processed in the United States.

(3) ELIGIBLE DISTRIBUTOR.—The term "eligible distributor" means a public or private nonprofit organization that distributes donated eligible dairy products to recipient individuals and families.

(4) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership between an eligible dairy organization and an eligible distributor.

(b) ESTABLISHMENT AND PURPOSES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish and administer a dairy donation program for the purposes of— Deadline.

(1) facilitating the timely donation of eligible dairy products; and

(2) preventing and minimizing food waste.

(c) DONATION AND DISTRIBUTION PLANS.—

(1) IN GENERAL.—To be eligible to receive reimbursement under subsection (d), an eligible partnership shall submit to the Secretary a donation and distribution plan that describes the process that the eligible partnership will use for the donation, processing, transportation, temporary storage, and distribution of eligible dairy products.

(2) REVIEW AND APPROVAL.—

Deadline.

(A) IN GENERAL.—Not later than 15 business days after receiving a plan described in paragraph (1), the Secretary shall—

(i) review that plan; and

(ii) issue an approval or disapproval of that plan.

(B) EMERGENCY AND DISASTER-RELATED PRIORITIZATION.—

Determination.

(i) IN GENERAL.—In receiving and reviewing a donation and distribution plan submitted under paragraph (1), the Secretary shall determine whether an emergency or disaster was a substantial factor in the submission, including—

(I) a declared or renewed public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

(II) a disaster designated by the Secretary.

(ii) PRIORITY REVIEW.—On making an affirmative determination under clause (i) with respect to a donation and distribution plan submitted under paragraph (1), the Secretary shall give priority to the approval or disapproval of that plan.

(d) REIMBURSEMENT.—

(1) IN GENERAL.—On receipt of appropriate documentation under paragraph (3), the Secretary shall reimburse an eligible dairy organization that is a member of an eligible partnership for which the Secretary has approved a donation and distribution plan under subsection (c)(2)(A)(ii) at a rate equal to the product obtained by multiplying—

(A) the current reimbursement price described in paragraph (2); and

(B) the volume of milk required to make the donated eligible dairy product.

(2) REIMBURSEMENT PRICE.—The Secretary—

(A) shall set the reimbursement price referred to in paragraph (1)(A) at a value that shall—

(i) be representative of the cost of the milk required to make the donated eligible dairy product;

(ii) be between the lowest and highest of the class I, II, III, or IV milk prices on the date of the production of the eligible dairy product;

(iii) be sufficient to avoid food waste; and

(iv) not interfere with the commercial marketing of milk or dairy products;

(B) may set appropriate reimbursement prices under subparagraph (A) for different eligible dairy products by class and region for the purpose of—

(i) encouraging the donation of surplus eligible dairy products;

(ii) facilitating the orderly marketing of milk;

(iii) reducing volatility relating to significant market disruptions;

(iv) maintaining traditional price relationships between classes of milk; or

(v) stabilizing on-farm milk prices.

(3) DOCUMENTATION.—

(A) IN GENERAL.—An eligible dairy organization shall submit to the Secretary such documentation as the Secretary may require to demonstrate—

(i) the production of the eligible dairy product; and

(ii) the donation of the eligible dairy product to an eligible distributor.

(B) VERIFICATION.—The Secretary may verify the accuracy of documentation submitted under subparagraph (A).

(4) RETROACTIVE REIMBURSEMENT.—In providing reimbursements under paragraph (1), the Secretary may provide reimbursements for eligible dairy product costs incurred before the date on which the donation and distribution plan for the applicable participating partnership was approved by the Secretary under subsection (c)(2)(A)(ii).

(5) EMERGENCY AND DISASTER-RELATED PRIORITIZATION.— Determination.
In providing reimbursements under paragraph (1), the Secretary shall give priority to reimbursements to eligible dairy organizations covered by a donation and distribution plan for which the Secretary makes an affirmative determination under subsection (c)(2)(B)(i).

(e) PROHIBITION ON RESALE OF PRODUCTS.—

(1) IN GENERAL.—An eligible distributor that receives eligible dairy products donated under this section may not sell the eligible dairy products into commercial markets.

(2) PROHIBITION ON FUTURE PARTICIPATION.—An eligible distributor that the Secretary determines has violated paragraph (1) shall not be eligible for any future participation in the program established under this section. Determination.

(f) REVIEWS.—The Secretary shall conduct appropriate reviews or audits to ensure the integrity of the program established under this section.

(g) PUBLICATION OF DONATION ACTIVITY.—The Secretary, acting through the Administrator of the Agricultural Marketing Service, shall publish on the publicly accessible website of the Agricultural Marketing Service periodic reports describing donation activity under this section. Web posting. Reports.

(h) SUPPLEMENTAL REIMBURSEMENTS.—

(1) IN GENERAL.—The Secretary shall make a supplemental reimbursement to an eligible dairy organization that received a reimbursement under the milk donation program established under section 1431 of the Agricultural Act of 2014 (7 U.S.C. 9071) during the period beginning on January 1, 2020, and ending on the date on which amounts made available under subsection (i) are no longer available. Time period.

(2) REIMBURSEMENT CALCULATION.—A supplemental reimbursement described in paragraph (1) shall be an amount equal to—

(A) the reimbursement calculated under subsection (d); minus

(B) the reimbursement under the milk donation program described in paragraph (1).

(i) FUNDING.—Out of any amounts of the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section $400,000,000, to remain available until expended.

SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UNPAID CASH SELLERS OF LIVESTOCK.

The Packers and Stockyards Act, 1921, is amended by inserting after section 317 (7 U.S.C. 217a) the following new section:

7 USC 217b.

"SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—All livestock purchased by a dealer in cash sales and all inventories of, or receivables or proceeds from, such livestock shall be held by such dealer in trust for the benefit of all unpaid cash sellers of such livestock until full payment has been received by such unpaid cash sellers.

"(2) EXEMPTION.—Any dealer whose average annual purchases of livestock do not exceed $100,000 shall be exempt from the provisions of this section.

Determination.

"(3) EFFECT OF DISHONORED INSTRUMENTS.—For purposes of determining full payment under paragraph (1), a payment to an unpaid cash seller shall not be considered to have been made if the unpaid cash seller receives a payment instrument that is dishonored.

Notice.
Deadlines.

"(b) PRESERVATION OF TRUST.—An unpaid cash seller shall lose the benefit of a trust under subsection (a) if the unpaid cash seller has not preserved the trust by giving written notice to the dealer involved and filing such notice with the Secretary—

"(1) within 30 days of the final date for making a payment under section 409 in the event that a payment instrument has not been received; or

"(2) within 15 business days after the date on which the seller receives notice that the payment instrument promptly presented for payment has been dishonored.

Deadline.

"(c) NOTICE TO LIEN HOLDERS.—When a dealer receives notice under subsection (b) of the unpaid cash seller's intent to preserve the benefits of the trust, the dealer shall, within 15 business days, give notice to all persons who have recorded a security interest in, or lien on, the livestock held in such trust.

"(d) CASH SALES DEFINED.—For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.

"(e) PURCHASE OF LIVESTOCK SUBJECT TO TRUST.—

"(1) IN GENERAL.—A person purchasing livestock subject to a dealer trust shall receive good title to the livestock if the person receives the livestock—

"(A) in exchange for payment of new value; and

"(B) in good faith without notice that the transfer is a breach of trust.

"(2) DISHONORED PAYMENT INSTRUMENT.—Payment shall not be considered to have been made if a payment instrument given in exchange for the livestock is dishonored.

"(3) TRANSFER IN SATISFACTION OF ANTECEDENT DEBT.—A transfer of livestock subject to a dealer trust is not for

value if the transfer is in satisfaction of an antecedent debt or to a secured party pursuant to a security agreement.

"(f) ENFORCEMENT.—Whenever the Secretary has reason to believe that a dealer subject to this section has failed to perform the duties required by this section or whenever the Secretary has reason to believe that it will be in the best interest of unpaid cash sellers, the Secretary shall do one or more of the following—

"(1) appoint an independent trustee to carry out the duties required by this section, preserve trust assets, and enforce the trust; Appointment.

"(2) serve as independent trustee, preserve trust assets, and enforce the trust; or

"(3) file suit in the United States district court for the district in which the dealer resides to enjoin the dealer's failure to perform the duties required by this section, preserve trust assets, and to enforce the trust. Attorneys employed by the Secretary may, with the approval of the Attorney General, represent the Secretary in any such suit. Nothing herein shall preclude unpaid sellers from filing suit to preserve or enforce the trust.".

SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND POULTRY FACILITIES TO ALLOW FOR INTERSTATE SHIPMENT. 21 USC 473.

(a) IN GENERAL.—The Secretary shall make grants to meat and poultry slaughter and processing facilities described in subsection (b) (including such facilities operating under State inspection or such facilities that are exempt from Federal inspection) to assist such facilities with respect to costs incurred in making improvements to such facilities and carrying out other planning activities necessary—

(1) to obtain a Federal grant of inspection under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), as applicable; or

(2) to operate as a State-inspected facility that is compliant with—

(A) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) under the cooperative interstate shipment program established under section 501 of that Act (21 U.S.C. 683); or

(B) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) under the cooperative interstate shipment program established under section 31 of that Act (21 U.S.C. 472).

(b) ELIGIBLE FACILITIES.—To be eligible for a grant under this section, a meat or poultry slaughter or processing facility shall be—

(1) in operation as of the date on which the facility submits to the Secretary an application for the grant; and

(2) seeking—

(A) to obtain a Federal grant of inspection described in subsection (a)(1); or

(B) to be eligible for inspection under a cooperative interstate shipment program described in subparagraph (A) or (B), as applicable, of subsection (a)(2), in a State that participates in that program.

(c) ELIGIBLE ACTIVITIES.—A facility that receives a grant under this section may use the grant amount for—

(1) the modernization or expansion of existing facilities;

(2) the modernization of equipment;

(3) compliance with packaging and labeling requirements under applicable law;

(4) compliance with safety requirements under applicable law;

(5) the development of processes to ensure food safety; and

(6) such other purposes as the Secretary determines to be appropriate.

(d) GRANT REQUIREMENTS.—

(1) AMOUNT.—The amount of a grant under this section shall not exceed $200,000.

Payments.
Deadline.

(2) CONDITION.—As a condition of receiving a grant under this section, a grant recipient shall agree that the grant recipient shall make a payment (or payments) to the Secretary in an amount equal to the amount of the grant if the recipient, within 36 months of receiving such grant—

(A) as applicable—

(i) is not subject to inspection under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), as applicable; or

(ii) is not eligible for inspection under a cooperative interstate shipment program described in subparagraph (A) or (B), as applicable, of subsection (a)(2); or

(B) is not making a good faith effort to be subject to such inspection or to be eligible under such a cooperative interstate shipment program, as applicable.

(3) MATCHING FUNDS.—

Requirement.

(A) IN GENERAL.—The Secretary shall require a recipient of a grant under this section to provide matching non-Federal funds in an amount equal to the amount of the grant.

(B) EXCEPTION.—The Secretary shall not require any recipient of a grant under this section to provide matching funds with respect to a grant awarded in fiscal year 2021.

(e) REPORTS.—

Time period.

(1) REPORTS ON GRANTS MADE.—Beginning not later than 1 year after the date on which the first grant is awarded under this section, and continuing annually thereafter through the year that is 10 years after the date on which the final grant is awarded under this section, the Secretary shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report on grants made under this section, including—

(A) any facilities that used a grant awarded under this section to carry out eligible activities described in subsection (c) during the year covered by the report; and

(B) the operational status of facilities that were awarded grants under this section.

(2) REPORT ON THE COOPERATIVE INTERSTATE SHIPMENT PROGRAM.—Beginning not later than 1 year after the date of the enactment of this section, the Secretary shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report describing any recommendations, developed in consultation with all States, for possible improvements to the cooperative interstate shipment programs under section 501 of the Federal Meat Inspection Act (21 U.S.C. 683) and section 31 of the Poultry Products Inspection Act (21 U.S.C. 472). Consultation.

(f) FUNDING.—Of the funds of the Treasury not otherwise appropriated, there is appropriated to carry out this section $60,000,000 for the period of fiscal years 2021 through 2023, to remain available until expended.

SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND REPORT.

(a) STUDY AND REPORT ON FINANCIAL ASSISTANCE AVAILABILITY.—

(1) STUDY REQUIRED.—The Secretary shall conduct a study on the availability and effectiveness of—

(A) Federal loan programs, Federal loan guarantee programs, and grant programs for which—

(i) facilities that slaughter or otherwise process meat and poultry in the United States, which are in operation and subject to inspection under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), as of the date of the enactment of this section, and

(ii) entities seeking to establish such a facility in the United States,

may be eligible; and

(B) Federal grant programs intended to support—

(i) business activities relating to increasing the slaughter or processing capacity in the United States; and

(ii) feasibility or marketing studies on the practicality and viability of specific new or expanded projects to support additional slaughter or processing capacity in the United States.

(2) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with applicable Federal agencies, shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the results of the study required under paragraph (1). Consultation.

(3) PUBLICATION.—Not later than 90 days after the date of the enactment of this section, the Secretary shall make publicly available on the website of the Food Safety and Inspection Service of the Department of Agriculture a list of each loan program, loan guarantee program, and grant program identified under paragraph (1). Public information. Web posting. List.

(b) FUNDING.—There is appropriated, out of the funds of the Treasury not otherwise appropriated, $2,000,000 to carry out this section.

7 USC 5936a.

SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.

Grants.

(a) IN GENERAL.—The Secretary shall make grants to State departments of agriculture (or such equivalent department) to expand or sustain stress assistance programs for individuals who are engaged in farming, ranching, and other agriculture-related occupations, including—

(1) programs that meet the criteria specified in section 7522(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

(2) any State initiatives carried out as of the date of the enactment of this Act that provide stress assistance for such individuals.

Deadline.

(b) GRANT TIMING AND AMOUNT.—In making grants under subsection (a), not later than 60 days after the date of the enactment of this Act and subject to subsection (c), the Secretary shall—

(1) make awards to States submitting State plans that meet the criteria specified in paragraph (1) of such subsection within the time period specified by the Secretary; and

Determination.

(2) of the amounts made available under subsection (f), allocate among such States, an amount to be determined by the Secretary, which in no case may exceed $500,000 for each State.

(c) STATE PLAN.—

(1) IN GENERAL.—A State department of agriculture seeking a grant under subsection (a) shall submit to the Secretary a State plan to expand or sustain stress assistance programs described in that subsection that includes—

(A) a description of each activity and the estimated amount of funding to support each program and activity carried out through such a program;

Timeline.

(B) an estimated timeline for the operation of each such program and activity;

(C) the total amount of funding sought; and

(D) an assurance that the State department of agriculture will comply with the reporting requirement under subsection (e).

Deadline.

(2) GUIDANCE.—Not later than 20 days after the date of the enactment of this Act, the Secretary shall issue guidance for States with respect to the submission of a State plan under paragraph (1) and the allocation criteria under subsection (b).

(3) REALLOCATION.—If, after the first grants are awarded pursuant to allocation under subsection (b), any funds made available under subsection (f) to carry out this subsection remain unobligated, the Secretary shall—

(A) inform States that submit plans as described in subsection (b), of such availability; and

Determination.

(B) reallocate such funds among such States, as the Secretary determines to be appropriate and equitable.

(d) COLLABORATION.—The Secretary may issue guidance to encourage State departments of agriculture to use funds provided under this section to support programs described in subsection (a) that are operated by—

(1) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(2) State cooperative extension services; and

(3) nongovernmental organizations.

(e) REPORTING.—Not later than 180 days after the COVID–19 public health emergency ends, each State receiving additional grants under subsection (b) shall submit a report to the Secretary describing—

(1) the activities conducted using such funds;

(2) the amount of funds used to support each such activity; and

(3) the estimated number of individuals served by each such activity. Estimate.

(f) FUNDING.—Out of the funds of the Treasury not otherwise appropriated, there is appropriated to carry out this section $28,000,000, to remain available until expended.

(g) STATE DEFINED.—In this section, the term "State" means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico; and

(4) any other territory or possession of the United States.

TITLE VIII—UNITED STATES POSTAL SERVICE

SEC. 801. COVID–19 FUNDING FOR THE UNITED STATES POSTAL SERVICE.

Section 6001 of the CARES Act (39 U.S.C. 101 note; Public Law 116–136) is amended—

(1) in the section heading, by striking "borrowing authority" and inserting "funding";

(2) by redesignating subsection (c) as subsection (d); and

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

"(c) NO REPAYMENT REQUIRED.—Notwithstanding any other provision of law, including subsection (b) of this section, or any agreement entered into between the Secretary of the Treasury and the Postal Service under that subsection, the Postal Service shall not be required to repay the amounts borrowed under that subsection.".

SEC. 802. TEMPORARY ACCEPTANCE OF CERTAIN LOW-RISK POSTAL SHIPMENTS.

Section 343(a)(3)(K)(vii) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vii)) is amended—

(1) in subclause (I), by striking "subclause (II)" and inserting "subclause (II) or (III)"; and

(2) by adding at the end the following:

"(III) Notwithstanding subclause (I), during the period beginning on January 1, 2021, through March 15, 2021, the Postmaster General may accept a shipment without transmission of the information described in paragraphs (1) and (2) if the Commissioner determines, or concurs with the determination of the Postmaster General, that the shipment presents a low risk of violating any relevant United States statutes or regulations, including statutes Time period.

or regulations relating to the importation of controlled substances such as fentanyl and other synthetic opioids.".

TITLE IX—BROADBAND INTERNET ACCESS SERVICE

SEC. 901. AMENDMENTS TO THE SECURE AND TRUSTED COMMUNICATIONS NETWORK REIMBURSEMENT PROGRAM.

The Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.) is amended—

(1) in section 4 (47 U.S.C. 1603)—

(A) in subsection (b)(1), by striking "2,000,000" and inserting "10,000,000";

(B) in subsection (c)—

(i) in paragraph (1)(A)—

(I) in the matter preceding clause (i), by striking "before";

(II) by amending clause (i) to read as follows:

"(i) as defined in the Report and Order of the Commission in the matter of Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs (FCC 19–121; WC Docket No. 18–89; adopted November 22, 2019) (in this section referred to as the 'Report and Order'); or"; and

(III) by amending clause (ii) to read as follows:

"(ii) as determined to be covered by both the process of the Report and Order and the Designation Orders of the Commission on June 30, 2020 (DA 20–690; PS Docket No. 19–351; adopted June 30, 2020) (DA 20–691; PS Docket No. 19–352; adopted June 30, 2020) (in this section collectively referred to as the 'Designation Orders');"; and

(ii) in paragraph (2)(A), by amending clauses (i) and (ii) to read as follows:

"(i) publication of the Report and Order; or

"(ii) in the case of covered communications equipment that only became covered pursuant to the Designation Orders, June 30, 2020; or";

(C) in subsection (d)(5)—

(i) in subparagraph (A), by striking "The Commission" and inserting "Subject to subparagraph (C), the Commission"; and

(ii) by adding at the end the following:

"(C) PRIORITY FOR ALLOCATION.—On and after the date of enactment of this subparagraph, the Commission shall allocate sufficient reimbursement funds—

"(i) first, to approved applicants that have 2,000,000 or fewer customers, for removal and replacement of covered communications equipment, as defined in section 9 or as designated by the process set forth in the Report and Order;

"(ii) after funds have been allocated to all applicants described in clause (i), to approved applicants that are accredited public or private noncommercial educational institutions providing their

own facilities-based educational broadband service, as defined in section 27.4 of title 47, Code of Federal Regulations, or any successor regulation, for removal and replacement of covered communications equipment, as defined in section 9 or as designated by the process set forth in the Report and Order; and

"(iii) after funds have been allocated to all applicants described in clause (ii), to any remaining approved applicants determined to be eligible for reimbursement under the Program."; and

(D) by adding at the end the following:

"(k) LIMITATION.—In carrying out this section, the Commission may not expend more than $1,900,000,000."; and

(2) in section 9 (47 U.S.C. 1608), by amending paragraph (10) to read as follows:

"(10) PROVIDER OF ADVANCED COMMUNICATIONS SERVICE.—The term 'provider of advanced communications service'— Definition.

"(A) means a person who provides advanced communications service to United States customers; and

"(B) includes—

"(i) accredited public or private noncommercial educational institutions, providing their own facilities-based educational broadband service, as defined in section 27.4 of title 47, Code of Federal Regulations, or any successor regulation; and

"(ii) health care providers and libraries providing advanced communications service.".

SEC. 902. CONNECTING MINORITY COMMUNITIES. 47 USC 1306.

(a) DEFINITIONS.—In this section:

(1) ANCHOR COMMUNITY.—

(A) IN GENERAL.—The term "anchor community" means any area that—

(i) except as provided in subparagraph (B), is not more than 15 miles from a historically Black college or university, a Tribal College or University, or a Minority-serving institution; and

(ii) has an estimated median annual household income of not more than 250 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(B) CERTAIN TRIBAL COLLEGES OR UNIVERSITIES.—With respect to a Tribal College or University that is located on land held in trust by the United States, the Assistant Secretary, in consultation with the Secretary of the Interior, may establish a different maximum distance for the purposes of subparagraph (A)(i) if the Assistant Secretary is able to ensure that, in establishing that different maximum distance, each anchor community that is established as a result of that action is statistically comparable to other anchor communities described in subparagraph (A). Consultation.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(3) BROADBAND INTERNET ACCESS SERVICE.—The term "broadband internet access service" has the meaning given

the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(4) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(5) CONNECTED DEVICE.—The term "connected device" means a laptop computer, tablet computer, or similar device that is capable of connecting to broadband internet access service.

(6) DIRECTOR.—The term "Director" means the Director of the Office.

(7) ELIGIBLE EQUIPMENT.—The term "eligible equipment" means—

(A) a Wi-Fi hotspot;

(B) a modem;

(C) a router;

(D) a device that combines a modem and router;

(E) a connected device; or

(F) any other equipment used to provide access to broadband internet access service.

(8) ELIGIBLE RECIPIENT.—The term "eligible recipient" means—

(A) a historically Black college or university;

(B) a Tribal College or University;

(C) a Minority-serving institution; or

(D) a consortium that is led by a historically Black college or university, a Tribal College or University, or a Minority-serving institution and that also includes—

(i) a minority business enterprise; or

(ii) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(9) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" has the meaning given the term "part B institution" in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(10) MINORITY-SERVING INSTITUTION.—The term "Minority-serving institution" means any of the following:

(A) An Alaska Native-serving institution, as that term is defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

(B) A Native Hawaiian-serving institution, as that term is defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

(C) A Hispanic-serving institution, as that term is defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(D) A Predominantly Black institution, as that term is defined in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(E) An Asian American and Native American Pacific Islander-serving institution, as that term is defined in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).

(F) A Native American-serving, nontribal institution, as that term is defined in section 319(b) of the Higher Education Act of 1965 (20 U.S.C. 1059f(b)).

(11) MINORITY BUSINESS ENTERPRISE.—The term "minority business enterprise" has the meaning given the term in section 1400.2 of title 15, Code of Federal Regulations, or any successor regulation.

(12) OFFICE.—The term "Office" means the Office of Minority Broadband Initiatives established pursuant to subsection (b)(1).

(13) PILOT PROGRAM.—The term "Pilot Program" means the Connecting Minority Communities Pilot Program established under the rules promulgated by the Assistant Secretary under subsection (c)(1).

(14) TRIBAL COLLEGE OR UNIVERSITY.—The term "Tribal College or University" has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(15) WI-FI.—The term "Wi-Fi" means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11, or any successor standard.

(16) WI-FI HOTSPOT.—The term "Wi-Fi hotspot" means a device that is capable of—

(A) receiving broadband internet access service; and

(B) sharing broadband internet access service with another device through the use of Wi-Fi.

(b) OFFICE OF MINORITY BROADBAND INITIATIVES.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish within the National Telecommunications and Information Administration the Office of Minority Broadband Initiatives. Deadline.

(2) DIRECTOR.—The Office shall be headed by the Director of the Office of Minority Broadband Initiatives, who shall be appointed by the Assistant Secretary. Appointment.

(3) DUTIES.—The Office, acting through the Director, shall—

(A) collaborate with Federal agencies that carry out broadband internet access service support programs to determine how to expand access to broadband internet access service and other digital opportunities in anchor communities;

(B) collaborate with State, local, and Tribal governments, historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and stakeholders in the communications, education, business, and technology fields to—

(i) promote—

(I) initiatives relating to broadband internet access service connectivity for anchor communities; and

(II) digital opportunities for anchor communities;

(ii) develop recommendations to promote the rapid, expanded deployment of broadband internet access service to unserved historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and anchor communities, including to— Recommendations.

(I) students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) senior citizens and veterans who live in anchor communities;

(iii) promote activities that would accelerate the adoption of broadband internet access service (including any associated equipment or personnel necessary to access and use that service, such as modems, routers, devices that combine a modem and a router, Wi-Fi hotspots, and connected devices)—

(I) by students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) within anchor communities;

(iv) upon request, provide assistance to historically Black colleges or universities, Tribal Colleges or Universities, Minority-serving institutions, and leaders from anchor communities with respect to navigating Federal programs dealing with broadband internet access service;

(v) promote digital literacy skills, including by providing opportunities for virtual or in-person digital literacy training and education;

(vi) promote professional development opportunity partnerships between industry and historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions to help ensure that information technology personnel and students of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions have the skills needed to work with new and emerging technologies with respect to broadband internet access service; and

(vii) explore how to leverage investment in infrastructure with respect to broadband internet access service to—

(I) expand connectivity with respect to that service in anchor communities and by students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions;

(II) encourage investment in communities that have been designated as qualified opportunity zones under section 1400Z–1 of the Internal Revenue Code of 1986; and

(III) serve as a catalyst for adoption of that service, so as to promote job growth and economic development and deployment of advanced technologies; and

(C) assume any functions carried out under the Minority Broadband Initiative of the National Telecommunications and Information Administration, as of the day before the date of enactment of this Act.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Assistant Secretary establishes the Office under paragraph (1), and annually thereafter, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(i) for the year covered by the report, details the work of the Office in expanding access to fixed and mobile broadband internet access service—

(I) at historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions, including by expanding that access to students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) within anchor communities; and

(ii) identifies barriers to providing access to broadband internet access service—

(I) at historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions, including to students, faculty, and staff of historically Black colleges or universities, Tribal Colleges or Universities, and Minority-serving institutions; and

(II) within anchor communities.

(B) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the Assistant Secretary submits a report under subparagraph (A), the Assistant Secretary shall, to the extent feasible, make that report publicly available.

(c) CONNECTING MINORITY COMMUNITIES PILOT PROGRAM.—

(1) RULES REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Assistant Secretary shall promulgate rules establishing the Connecting Minority Communities Pilot Program, the purpose of which shall be to provide grants to eligible recipients in anchor communities for the purchase of broadband internet access service or any eligible equipment, or to hire and train information technology personnel— Deadline. Grants.

(i) in the case of an eligible recipient described in subparagraph (A), (B), or (C) of subsection (a)(8), to facilitate educational instruction and learning, including through remote instruction;

(ii) in the case of an eligible recipient described in subsection (a)(8)(D)(i), to operate the minority business enterprise; or

(iii) in the case of an eligible recipient described in subsection (a)(8)(D)(ii), to operate the organization.

(B) CONTENT.—The rules promulgated under subparagraph (A) shall—

(i) establish a method for identifying which eligible recipients in anchor communities have the greatest unmet financial needs;

(ii) ensure that grants under the Pilot Program are made—

(I) to eligible recipients identified under the method established under clause (i); and

(II) in a manner that best achieves the purposes of the Pilot Program;

Requirement.

(iii) require that an eligible recipient described in subparagraph (A), (B), or (C) of subsection (a)(8) that receives a grant to provide broadband internet access service or eligible equipment to students prioritizes students who—

(I) are eligible to receive a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a);

(II) are recipients of any other need-based financial aid from the Federal Government, a State, or that eligible recipient;

(III) are qualifying low-income consumers for the purposes of the program carried out under subpart E of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(IV) are low-income individuals, as that term is defined in section 312(g) of the Higher Education Act of 1965 (20 U.S.C. 1058(g)); or

(V) have been approved to receive unemployment insurance benefits under any Federal or State law since March 1, 2020;

(iv) provide that a recipient of a grant under the Pilot Program—

(I) shall use eligible equipment for a purpose that the recipient considers to be appropriate, subject to any restriction provided in those rules (or any successor rules);

(II) if the recipient lends, or otherwise provides, eligible equipment to students or patrons, shall prioritize lending or providing to such individuals that the recipient believes do not have access to that equipment, subject to any restriction provided in those rules (or any successor rules); and

(III) may not sell or otherwise transfer eligible equipment in exchange for any thing (including a service) of value;

Audit.

(v) include audit requirements that—

(I) ensure that a recipient of a grant made under the Pilot Program uses grant funds in compliance with the requirements of this section and the overall purpose of the Pilot Program; and

(II) prevent waste, fraud, and abuse in the operation of the Pilot Program;

(vi) provide that not less than 40 percent of the amount of the grants made under the Pilot Program are made to Historically Black colleges or universities; and

(vii) provide that not less than 20 percent of the amount of the grants made under the Pilot Program are made to eligible recipients described in subparagraphs (A), (B), and (C) of subsection (a)(8) to provide

broadband internet access service or eligible equipment to students of those eligible recipients.

(2) FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Connecting Minority Communities Fund.

(B) USE OF FUND.—Amounts in the Connecting Minority Communities Fund established under subparagraph (A) shall be available to the Assistant Secretary to provide support under the rules promulgated under paragraph (1).

(3) INTERAGENCY COORDINATION.—When making grants under the Pilot Program, the Assistant Secretary shall coordinate with other Federal agencies, including the Commission, the National Science Foundation, and the Department of Education, to ensure the efficient expenditure of Federal funds, including by preventing multiple expenditures of Federal funds for the same purpose.

(4) AUDITS.—

(A) IN GENERAL.—For each of fiscal years 2021 and 2022, the Inspector General of the Department of Commerce shall conduct an audit of the Pilot Program according to the requirements established under paragraph (1)(B)(v).

(B) REPORT.—After completing each audit conducted under subparagraph (A), the Inspector General of the Department of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that details the findings of the audit.

(5) DIRECT APPROPRIATION.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended, $285,000,000 to the Connecting Minority Communities Fund established under paragraph (2).

(6) TERMINATION.—Except with respect to the report required under paragraph (7) and the authority of the Secretary of Commerce and the Inspector General of the Department of Commerce described in paragraph (8), the Pilot Program, including all reporting requirements under this section, shall terminate on the date on which the amounts made available to carry out the Pilot Program are fully expended.

Consultation.

(7) REPORT.—Not later than 90 days after the date on which the Pilot Program terminates under paragraph (6), the Assistant Secretary, after consulting with eligible recipients that received grants under the Pilot Program, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(A) describes the manner in which the Pilot Program was carried out;

(B) identifies each eligible recipient that received a grant under the Pilot Program; and

(C) contains information regarding the effectiveness of the Pilot Program, including lessons learned in carrying out the Pilot Program and recommendations for future action.

(8) SAVINGS PROVISION.—The termination of the Pilot Program under paragraph (6) shall not limit, alter, or affect the ability of the Secretary of Commerce or the Inspector General of the Department of Commerce to—

(A) investigate waste, fraud, and abuse with respect to the Pilot Program; or

(B) recover funds that are misused under the Pilot Program.

47 USC 254 note.

SEC. 903. FCC COVID–19 TELEHEALTH PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives;

(2) the term "Commission" means the Federal Communications Commission; and

(3) the term "COVID–19 Telehealth Program" or "Program" means the COVID–19 Telehealth Program established by the Commission under the authority provided under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL COMMUNICATIONS COMMISSION" under the heading "INDEPENDENT AGENCIES" in title V of division B of the CARES Act (Public Law 116–136; 134 Stat. 531).

Transfer authority.

(b) ADDITIONAL APPROPRIATION.—Out of amounts in the Treasury not otherwise appropriated, there is appropriated $249,950,000 in additional funds for the COVID–19 Telehealth Program, of which $50,000 shall be transferred by the Commission to the Inspector General of the Commission for oversight of the COVID–19 Telehealth Program.

(c) ADMINISTRATIVE PROVISIONS.—

(1) EVALUATION OF APPLICATIONS.—

Deadline. Time period.

(A) PUBLIC NOTICE.—Not later than 10 days after the date of enactment of this Act, the Commission shall issue a Public Notice establishing a 10-day period during which the Commission will seek comments on—

(i) the metrics the Commission should use to evaluate applications for funding under this section; and

(ii) how the Commission should treat applications filed during the funding rounds for awards from the COVID-19 Telehealth Program using amounts appropriated under the CARES Act (Public Law 116–36; 134 Stat. 281).

Deadline.

(B) CONGRESSIONAL NOTICE.—After the end of the comment period under subparagraph (A), and not later than 15 days before the Commission first commits funds under this section, the Commission shall provide notice to the appropriate congressional committees of the metrics the Commission plans to use to evaluate applications for those funds.

(2) EQUITABLE DISTRIBUTION.—To the extent feasible, the Commission shall ensure, in providing assistance under the COVID–19 Telehealth Program from amounts made available under subsection (b), that not less than 1 applicant in each

of the 50 States and the District of Columbia has received funding from the Program since the inception of the Program, unless there is no such applicant eligible for such assistance in a State or in the District of Columbia, as the case may be.

(3) PREVIOUS APPLICANTS.—The Commission shall allow an applicant who filed an application during the funding rounds for awards from the COVID–19 Telehealth Program using amounts appropriated under the CARES Act (Public Law 116-36; 134 Stat. 281) the opportunity to update or amend that application as necessary.

(4) INFORMATION.—To the extent feasible, the Commission shall provide each applicant for funding from the COVID–19 Telehealth Program, if requested, with—

(A) information on the status of the application; and

(B) a rationale for the final funding decision for the application, after making that decision.

(5) DENIAL.—If the Commission chooses to deny an application for funding from the COVID–19 Telehealth Program, the Commission shall—

(A) issue notice to the applicant of the intent of the Commission to deny the application and the grounds for that decision; Notice.

(B) provide the applicant with 10 days to submit any supplementary information that the applicant determines relevant; and Deadline.

(C) consider any supplementary information submitted under subparagraph (B) in making any final decision with respect to the application.

(d) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, and every 30 days thereafter until all funds made available under this section have been expended, the Commission shall submit to the appropriate congressional committees a report on the distribution of funds appropriated for the COVID–19 Telehealth Program under the CARES Act (Public Law 116–36; 134 Stat. 281) or under this section, which shall include—

(1) non-identifiable and aggregated data on deficient and rejected applications;

(2) non-identifiable and aggregated data on applications for which no award determination was made;

(3) information on the total number of applicants;

(4) information on the total dollar amount of requests for awards made under this section; and

(5) information on applicant outreach and technical assistance.

(e) PAPERWORK REDUCTION ACT REQUIREMENTS.—A collection of information conducted or sponsored under any regulations required to implement this section shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act").

SEC. 904. BENEFIT FOR BROADBAND SERVICE DURING EMERGENCY PERIOD RELATING TO COVID–19. 47 USC 1301 note.

(a) DEFINITIONS.—In this section:

(1) BROADBAND INTERNET ACCESS SERVICE.—The term "broadband internet access service" has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(2) BROADBAND PROVIDER.—The term "broadband provider" means a provider of broadband internet access service.

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) CONNECTED DEVICE.—The term "connected device" means a laptop or desktop computer or a tablet.

(5) DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.—The term "designated as an eligible telecommunications carrier", with respect to a broadband provider, means the broadband provider is designated as an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(6) ELIGIBLE HOUSEHOLD.—The term "eligible household" means, regardless of whether the household or any member of the household receives support under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation), and regardless of whether any member of the household has any past or present arrearages with a broadband provider, a household in which—

(A) at least one member of the household meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations (or any successor regulation);

(B) at least one member of the household has applied for and been approved to receive benefits under the free and reduced price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(C) at least one member of the household has experienced a substantial loss of income since February 29, 2020, that is documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation or that is otherwise verifiable through the National Verifier or National Lifeline Accountability Database;

(D) at least one member of the household has received a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) in the current award year, if such award is verifiable through the National Verifier or National Lifeline Accountability Database or the participating provider verifies eligibility under subsection (a)(2)(B); or

(E) at least one member of the household meets the eligibility criteria for a participating provider's existing low-income or COVID–19 program, subject to the requirements of subsection (a)(2)(B) and any other eligibility requirements the Commission may consider necessary for the public interest.

(7) EMERGENCY BROADBAND BENEFIT.—The term "emergency broadband benefit" means a monthly discount for an eligible household applied to the actual amount charged to such household, which shall be no more than the standard

rate for an internet service offering and associated equipment, in an amount equal to such amount charged, but not more than $50, or, if an internet service offering is provided to an eligible household on Tribal land, not more than $75.

(8) EMERGENCY PERIOD.—The term "emergency period" means the period that—

(A) begins on the date of the enactment of this Act; and

(B) ends on the date that is 6 months after the date on which the determination by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists as a result of COVID–19, including any renewal thereof, terminates.

(9) INTERNET SERVICE OFFERING.—The term "internet service offering" means, with respect to a broadband provider, broadband internet access service provided by such provider to a household, offered in the same manner, and on the same terms, as described in any of such provider's offerings for broadband internet access service to such household, as on December 1, 2020.

(10) NATIONAL LIFELINE ACCOUNTABILITY DATABASE.—The term "National Lifeline Accountability Database" has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).

(11) NATIONAL VERIFIER.—The term "National Verifier" has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation.

(12) PARTICIPATING PROVIDER.—The term "participating provider" means a broadband provider that—

(A)(i) is designated as an eligible telecommunications carrier; or

(ii) meets requirements established by the Commission for participation in the Emergency Broadband Benefit Program and is approved by the Commission under subsection (d)(2); and

(B) elects to participate in the Emergency Broadband Benefit Program.

(13) STANDARD RATE.—The term "standard rate" means the monthly retail rate for the applicable tier of broadband internet access service as of December 1, 2020, excluding any taxes or other governmental fees.

(b) EMERGENCY BROADBAND BENEFIT PROGRAM.—

(1) ESTABLISHMENT.—The Commission shall establish a program, to be known as the "Emergency Broadband Benefit Program", under which the Commission shall, in accordance with this section, reimburse, using funds from the Emergency Broadband Connectivity Fund established in subsection (i), a participating provider for an emergency broadband benefit, or an emergency broadband benefit and a connected device, provided to an eligible household during the emergency period.

(2) VERIFICATION OF ELIGIBILITY.—To verify whether a household is an eligible household, a participating provider shall—

(A) use the National Verifier or National Lifeline Accountability Database;

(B) rely upon an alternative verification process of the participating provider, if—

(i) the participating provider submits information as required by the Commission regarding the alternative verification process prior to seeking reimbursement; and

Deadline.

(ii) not later than 7 days after receiving the information required under clause (i), the Commission—

Determination.

(I) determines that the alternative verification process will be sufficient to avoid waste, fraud, and abuse; and

Notification.

(II) notifies the participating provider of the determination under subclause (I); or

(C) rely on a school to verify the eligibility of a household based on the participation of the household in the free and reduced price lunch program or the school breakfast program described in subsection (a)(6)(B).

(3) USE OF NATIONAL VERIFIER AND NATIONAL LIFELINE ACCOUNTABILITY DATABASE.—The Commission shall—

(A) expedite the ability of all participating providers to access the National Verifier and National Lifeline Accountability Database for purposes of determining whether a household is an eligible household, without regard to whether a participating provider is designated as an eligible telecommunications carrier; and

Deadline.
Determination.

(B) ensure that the National Verifier and National Lifeline Accountability Database approve an eligible household to receive the emergency broadband benefit not later than 2 days after the date of the submission of information necessary to determine if such household is an eligible household.

(4) REIMBURSEMENT.—From the Emergency Broadband Connectivity Fund established in subsection (i), the Commission shall reimburse a participating provider in an amount equal to the emergency broadband benefit with respect to an eligible household that receives such benefit from such participating provider during the emergency period.

(5) REIMBURSEMENT FOR CONNECTED DEVICE.—A participating provider that, during the emergency period, in addition to providing the emergency broadband benefit to an eligible household, supplies such household with a connected device may be reimbursed up to $100 from the Emergency Broadband Connectivity Fund established in subsection (i) for such connected device, if the charge to such eligible household is more than $10 but less than $50 for such connected device, except that a participating provider may receive reimbursement for no more than 1 connected device per eligible household.

(6) CERTIFICATION REQUIRED.—To receive a reimbursement under paragraph (4) or (5), a participating provider shall certify to the Commission the following:

(A) That the amount for which the participating provider is seeking reimbursement from the Emergency Broadband Connectivity Fund established in subsection (i) for providing an internet service offering to an eligible household is not more than the standard rate.

(B) That each eligible household for which the participating provider is seeking reimbursement for providing an internet service offering discounted by the emergency broadband benefit—

(i) has not been and will not be charged—

(I) for such offering, if the standard rate for such offering is less than or equal to the amount of the emergency broadband benefit for such household; or

(II) more for such offering than the difference between the standard rate for such offering and the amount of the emergency broadband benefit for such household;

(ii) will not be required to pay an early termination fee if such eligible household elects to enter into a contract to receive such internet service offering if such household later terminates such contract;

(iii) was not, after the date of the enactment of this Act, subject to a mandatory waiting period for such internet service offering based on having previously received broadband internet access service from such participating provider; and

(iv) will otherwise be subject to the participating provider's generally applicable terms and conditions as applied to other customers.

(C) That each eligible household for which the participating provider is seeking reimbursement for supplying such household with a connected device has not been and will not be charged $10 or less or $50 or more for such device.

(D) A description of the process used by the participating provider to verify that a household is an eligible household, if the provider elects an alternative verification process under paragraph (2)(B), and that such verification process was designed to avoid waste, fraud, and abuse.

(7) AUDIT REQUIREMENTS.—The Commission shall adopt audit requirements to ensure that participating providers are in compliance with the requirements of this section and to prevent waste, fraud, and abuse in the Emergency Broadband Benefit Program. A finding of waste, fraud, or abuse or an improper payment (as such term is defined in section 2(d) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)) identified by the Commission or the Inspector General of the Commission shall include the following:

(A) The name of the participating provider.

(B) The amount of funding made available from the Emergency Broadband Connectivity Fund to the participating provider.

(C) The amount of funding determined to be an improper payment to a participating provider.

(D) A description of to what extent funding made available from the Emergency Broadband Connectivity Fund that was an improper payment was used for a reimbursement for a connected device or a reimbursement for an internet service offering.

(E) Whether, in the case of a connected device, such device, or the value thereof, has been recovered.

(F) Whether any funding from the Emergency Broadband Connectivity Fund was made available to a participating provider for an emergency broadband benefit for a person outside the eligible household.

(G) Whether any funding from the Emergency Broadband Connectivity Fund was made available to reimburse a participating provider for an emergency broadband benefit made available to an eligible household in which all members of such household necessary to satisfy the eligibility requirements described in subsection (a)(6) were deceased.

Deadline.

(8) RANDOM AUDIT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Commission shall conduct an audit of a representative sample of participating providers receiving reimbursements under the Emergency Broadband Benefit Program.

Deadline.

(9) NOTIFICATION OF AUDIT FINDINGS.—Not later than 7 days after a finding made by the Commission under the requirements of paragraph (7), the Commission shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate with any information described in such paragraph that the Commission has obtained.

(10) EXPIRATION OF PROGRAM.—At the conclusion of the Emergency Broadband Benefit Program, any participating eligible households shall be subject to a participating provider's generally applicable terms and conditions.

(c) REGULATIONS REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Commission shall promulgate regulations to implement this section.

(2) COMMENT PERIODS.—As part of the rulemaking under paragraph (1), the Commission shall—

(A) provide a 20-day public comment period that begins not later than 5 days after the date of the enactment of this Act;

(B) provide a 20-day public reply comment period that immediately follows the period under subparagraph (A); and

(C) during the comment periods under subparagraphs (A) and (B), seek comment on—

(i) the provision of assistance from the Emergency Broadband Connectivity Fund established in subsection (i) consistent with this section; and

(ii) other related matters.

(d) ELIGIBILITY OF PROVIDERS.—

(1) RELATION TO ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION.—The Commission may not require a broadband provider to be designated as an eligible telecommunications carrier in order to be a participating provider.

(2) EXPEDITED APPROVAL PROCESS.—

(A) IN GENERAL.—The Commission shall establish an expedited process by which the Commission approves as participating providers broadband providers that are not designated as eligible telecommunications carriers and elect to participate in the Emergency Broadband Benefit Program.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Commission shall automatically approve as a participating provider a broadband provider that has an established program as of April 1, 2020, that is widely available and offers internet service offerings to eligible households and maintains verification processes that are sufficient to avoid fraud, waste, and abuse.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the collection, distribution, or administration of the Lifeline Assistance Program governed by the rules set forth in subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation).

(f) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations, or any successor regulation, shall apply in whole or in part to the Emergency Broadband Benefit Program, shall not apply in whole or in part to such Program, or shall be modified in whole or in part for purposes of application to such Program.

(g) ENFORCEMENT.—A violation of this section or a regulation promulgated under this section shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act. The Commission shall enforce this section and the regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this section.

(h) EXEMPTIONS.—

(1) CERTAIN RULEMAKING REQUIREMENTS.—Section 553 of title 5, United States Code, shall not apply to a regulation promulgated under subsection (c) or a rulemaking proceeding to promulgate such a regulation.

(2) PAPERWORK REDUCTION ACT REQUIREMENTS.—A collection of information conducted or sponsored under the regulations required by subsection (c) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act).

(i) EMERGENCY BROADBAND CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Emergency Broadband Connectivity Fund.

(2) APPROPRIATION.—There is appropriated to the Emergency Broadband Connectivity Fund, out of any money in the Treasury not otherwise appropriated, $3,200,000,000 for fiscal year 2021, to remain available until expended.

(3) USE OF FUNDS.—Amounts in the Emergency Broadband Connectivity Fund shall be available to the Commission for reimbursements to participating providers under this section, and the Commission may use not more than 2 percent of such amounts to administer the Emergency Broadband Benefit Program.

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Reimbursements provided under this section shall be provided from amounts made available under this subsection and not

from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

(5) USE OF UNIVERSAL SERVICE ADMINISTRATIVE COMPANY PERMITTED.—The Commission shall have the authority to avail itself of the services of the Universal Service Administrative Company to implement the Emergency Broadband Benefit Program, including developing and processing reimbursements and distributing funds to participating providers.

(j) SAFE HARBOR.—The Commission may not enforce a violation of this section under section 501, 502, or 503 of the Communications Act of 1934 (47 U.S.C. 501; 502; 503), or any rules of the Commission promulgated under such sections of such Act, if a participating provider demonstrates to the Commission that such provider relied in good faith on information provided to such provider to make the verification required by subsection (b)(2).

47 USC 1305 note.

SEC. 905. GRANTS FOR BROADBAND CONNECTIVITY.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(2) BROADBAND OR BROADBAND SERVICE.—The term "broadband" or "broadband service" has the meaning given the term "broadband internet access service" in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) COVERED BROADBAND PROJECT.—The term "covered broadband project" means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area.

(5) COVERED PARTNERSHIP.—The term "covered partnership" means a partnership between—

(A) a State, or 1 or more political subdivisions of a State; and

(B) a provider of fixed broadband service.

(6) DEPARTMENT.—The term "Department" means the Department of Commerce.

(7) ELIGIBLE SERVICE AREA.—The term "eligible service area" means a census block in which broadband service is not available at 1 or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of—

(A) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)); or

(B) if the maps described in subparagraph (A) are not available, the most recent information available to the Assistant Secretary, including information provided by the Commission.

(8) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a Tribal Government;

(B) a Tribal College or University;

(C) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs;

(D) a Tribal organization; or

(E) a Native Corporation.

(9) NATIVE CORPORATION.—The term "Native Corporation" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(10) NATIVE HAWAIIAN.—The term "Native Hawaiian" has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221).

(11) QUALIFYING BROADBAND SERVICE.—The term "qualifying broadband service" means broadband service with—

(A) a download speed of not less than 25 megabits per second;

(B) an upload speed of not less than 3 megabits per second; and

(C) a latency sufficient to support real-time, interactive applications.

(12) TRIBAL GOVERNMENT.—The term "Tribal Government" means the governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually recognized (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(13) TRIBAL LAND.—The term "Tribal land" means—

(A) any land located within the boundaries of—

(i) an Indian reservation, pueblo, or rancheria; or

(ii) a former reservation within Oklahoma;

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community;

(C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

(D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or

(E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

(14) UNSERVED.—The term "unserved", with respect to a household, means—

(A) the household lacks access to qualifying broadband service; and

(B) no broadband provider has been selected to receive, or is otherwise receiving, Federal or State funding subject to enforceable build out commitments to deploy qualifying

broadband service in the specific area where the household is located by dates certain, even if such service is not yet available, provided that the Federal or State agency providing the funding has not deemed the service provider to be in default of its buildout obligations under the applicable Federal or State program.

(b) DIRECT APPROPRIATION.—There is appropriated to the Assistant Secretary, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021, to remain available until expended—

(1) $1,000,000,000 for grants under subsection (c); and

(2) $300,000,000 for grants under subsection (d).

(c) TRIBAL BROADBAND CONNECTIVITY PROGRAM.—

(1) TRIBAL BROADBAND CONNECTIVITY GRANTS.—The Assistant Secretary shall use the funds made available under subsection (b)(1) to implement a program to make grants to eligible entities to expand access to and adoption of—

(A) broadband service on Tribal land; or

(B) remote learning, telework, or telehealth resources during the COVID–19 pandemic.

(2) GRANTS.—From the amounts appropriated under subsection (b)(1), the Assistant Secretary shall award a grant to each eligible entity that submits an application that the Assistant Secretary approves after consultation with the Commission to prevent duplication of funding.

(3) ALLOCATIONS.—

(A) EQUITABLE DISTRIBUTION.—The amounts appropriated under subsection (b)(1) shall be made available to eligible entities on an equitable basis, and not less than 3 percent of those amounts shall be made available for the benefit of Native Hawaiians.

(B) ADMINISTRATIVE EXPENSES OF ASSISTANT SECRETARY.—The Assistant Secretary may use not more than 2 percent of amounts appropriated under subsection (b)(1) for administrative purposes, including the provision of technical assistance to Tribal Governments to help those Governments take advantage of the program established under this subsection.

(4) USE OF GRANT FUNDS.—

(A) COMMITMENT DEADLINE.—

(i) IN GENERAL.—Not later than 180 days after receiving grant funds under this subsection, an eligible entity shall commit the funds in accordance with the approved application of the entity.

(ii) REVERSION OF FUNDS.—Any grant funds not committed by an eligible entity by the deadline under clause (i) shall revert to the general fund of the Treasury.

(B) EXPENDITURE DEADLINE.—

(i) IN GENERAL.—Not later than 1 year after receiving grant funds under this subsection, an eligible entity shall expend the grant funds.

Certification.

(ii) EXTENSIONS FOR INFRASTRUCTURE PROJECTS.—The Assistant Secretary may extend the period under clause (i) for an eligible entity that proposes to use the grant funds for construction of broadband infrastructure if the eligible entity certifies that—

(I) the eligible entity has a plan for use of the grant funds;

(II) the construction project is underway; or

(III) extenuating circumstances require an extension of time to allow the project to be completed.

(iii) REVERSION OF FUNDS.—Any grant funds not expended by an eligible entity by the deadline under clause (i) shall be made available to other eligible entities for the purposes provided in this subsection.

(5) ELIGIBLE USES.—An eligible entity may use grant funds made available under this subsection for—

(A) broadband infrastructure deployment, including support for the establishment of carrier-neutral submarine cable landing stations;

(B) affordable broadband programs, including—

(i) providing free or reduced-cost broadband service; and

(ii) preventing disconnection of existing broadband service;

(C) distance learning;

(D) telehealth;

(E) digital inclusion efforts; and

(F) broadband adoption activities.

(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE ENTITIES.—An eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

(7) SUBGRANTEES.—

(A) IN GENERAL.—An eligible entity may enter into a contract with a subgrantee, including a non-Tribal entity, as part of its use of grant funds pursuant to this subsection.

(B) REQUIREMENTS.—An eligible entity that enters into a contract with a subgrantee for use of grant funds received under this subsection shall—

(i) before entering into the contract, after a reasonable investigation, make a determination that the subgrantee—

(I) is capable of carrying out the project for which grant funds will be provided in a competent manner in compliance with all applicable laws;

(II) has the financial capacity to meet the obligations of the project and the requirements of this subsection; and

(III) has the technical and operational capability to carry out the project; and

(ii) stipulate in the contract reasonable provisions for recovery of funds for nonperformance.

(8) BROADBAND INFRASTRUCTURE DEPLOYMENT.—In using grant funds received under this subsection for new construction of broadband infrastructure, an eligible entity shall prioritize projects that deploy broadband infrastructure to unserved households.

(d) BROADBAND INFRASTRUCTURE PROGRAM.—

(1) BROADBAND INFRASTRUCTURE DEPLOYMENT GRANTS.—The Assistant Secretary shall use the funds made available under subsection (b)(2) to implement a program under which

the Assistant Secretary makes grants on a competitive basis to covered partnerships for covered broadband projects.

(2) MAPPING.—

(A) DATA FROM COMMISSION.—Not less frequently than annually, the Commission shall, through the process established under section 802(b)(7)) of the Communications Act of 1934 (47 U.S.C. 642(b)(7)), provide the Assistant Secretary any data collected by the Commission pursuant to title VIII of that Act (47 U.S.C. 641 et seq.).

(B) USE BY ASSISTANT SECRETARY.—The Assistant Secretary shall rely on the data provided under subparagraph (A) in carrying out this subsection to the greatest extent practicable.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this subsection, a covered partnership shall submit an application at such time, in such manner, and containing such information as the Assistant Secretary may require, which application shall, at a minimum, include a description of—

(A) the covered partnership;

(B) the covered broadband project to be funded by the grant, including—

(i) the speed or speeds at which the covered partnership plans to offer broadband service; and

(ii) the cost of the project;

(C) the area to be served by the covered broadband project (in this paragraph referred to as the "proposed service area");

(D) any support provided to the provider of broadband service that is part of the covered partnership through—

(i) any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;

(ii) any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture—

(I) under title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.), including—

(aa) any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb et seq.); and

(bb) the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb–3); or

(II) the broadband loan and grant pilot program known as the "Rural eConnectivity Pilot Program" or the "ReConnect Program" authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 348);

(iii) any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(iv) any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);

(v) amounts made available for the Education Stabilization Fund under the heading "DEPARTMENT OF EDUCATION" in title VIII of division B of the CARES Act (Public Law 116–136; 134 Stat. 564); or

(vi) any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.

(4) PRIORITY.—In awarding grants under this subsection, the Assistant Secretary shall give priority to applications for covered broadband projects as follows, in decreasing order of priority:

(A) Covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area.

(B) Covered broadband projects designed to provide broadband service in an eligible service area that is wholly within any area other than—

(i) a county, city, or town that has a population of more than 50,000 inhabitants; and

(ii) the urbanized area contiguous and adjacent to a city or town described in clause (i).

(C) Covered broadband projects that are the most cost-effective, prioritizing such projects in areas that are the most rural.

(D) Covered broadband projects designed to provide broadband service with a download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second.

(E) Any other covered broadband project that meets the requirements of this subsection.

(5) EXPENDITURE DEADLINE.—

(A) IN GENERAL.—Not later than 1 year after receiving grant funds under this subsection, a covered partnership shall expend the grant funds.

(B) EXTENSIONS.—The Assistant Secretary may extend the period under subparagraph (A) for a covered partnership that proposes to use the grant funds for construction of broadband infrastructure if the covered partnership certifies that—

(i) the covered partnership has a plan for use of the grant funds;

(ii) the construction project is underway; or

(iii) extenuating circumstances require an extension of time to allow the project to be completed.

(C) REVERSION OF FUNDS.—Any grant funds not expended by an covered partnership by the deadline under subparagraph (A) shall be made available to other covered partnerships for the purposes provided in this subsection.

(6) GRANT CONDITIONS.—

(A) PROHIBITIONS.—As a condition of receiving a grant under this subsection, the Assistant Secretary shall prohibit a provider of broadband service that is part of a covered partnership receiving the grant—

(i) from using the grant amounts to repay, or make any other payment relating to, a loan made by any public or private lender;

(ii) from using grant amounts as collateral for a loan made by any public or private lender; and

(iii) from using more than $50,000 of the grant amounts to pay for the preparation of the grant.

(B) NONDISCRIMINATION.—The Assistant Secretary may not require a provider of broadband service that is part of a covered partnership to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) to be eligible to receive a grant under this subsection or as a condition of receiving a grant under this subsection.

(e) IMPLEMENTATION.—

Time period.

(1) REQUIREMENTS; OUTREACH.—Not earlier than 30 days, and not later than 60 days, after the date of enactment of this Act, the Assistant Secretary shall—

Notice.

(A) issue a notice inviting eligible entities and covered partnerships to submit applications for grants under this section, which shall contain details about how awarding decisions will be made; and

(B) outline—

(i) the requirements for applications for grants under this section; and

(ii) the allowed uses of grant funds awarded under this section.

(2) APPLICATIONS.—

Time period.

(A) SUBMISSION.—During the 90-day period beginning on the date on which the Assistant Secretary issues the notice under paragraph (1), an eligible entity or covered partnership may submit an application for a grant under this section.

Deadline.

(B) PROCESSING.—

(i) IN GENERAL.—Not later than 90 days after receiving an application under subparagraph (A), the Assistant Secretary shall approve or deny the application.

(ii) DENIAL.—The Assistant Secretary may deny an application submitted under subparagraph (A) only if—

(I) the Assistant Secretary provides the applicant an opportunity to cure any defects in the application; and

(II) after receiving the opportunity under subclause (I), the applicant still fails to meet the requirements of this section.

(C) SINGLE APPLICATION.—An eligible entity or covered partnership may submit only 1 application under this paragraph.

(D) PROPOSED USE OF FUNDS.—An application submitted by an eligible entity or a covered partnership under this paragraph shall describe each proposed use of grant funds.

Deadline.

(E) ALLOCATION OF FUNDS.—Not later than 14 days after approving an application for a grant under this paragraph, the Assistant Secretary shall allocate the grant funds to the eligible entity or covered partnership.

(F) TREATMENT OF UNALLOCATED FUNDS.—

(i) IN GENERAL.—If an eligible entity or covered partnership does not submit an application by the deadline under subparagraph (A), or the Assistant Secretary does not approve an application submitted by an eligible entity or a covered partnership under that subparagraph, the Assistant Secretary shall make the amounts allocated for, as applicable—

(I) the eligible entity under subsection (c) available to other eligible entities on an equitable basis; or

(II) the covered partnership under subsection (d) to other covered partnerships.

(ii) SECOND PROCESS.—The Assistant Secretary shall initiate a second notice and application process described in this subsection to reallocate any funds made available to other eligible entities or covered partnerships under clause (i). Notice.

(3) TRANSPARENCY, ACCOUNTABILITY, AND OVERSIGHT REQUIRED.—In implementing this section, the Assistant Secretary shall adopt measures, including audit requirements, to— Audit.

(A) ensure sufficient transparency, accountability, and oversight to provide the public with information regarding the award and use of grant funds under this section;

(B) ensure that a recipient of a grant under this section uses the grant funds in compliance with the requirements of this section and the overall purpose of the applicable grant program under this section; and

(C) deter waste, fraud, and abuse of grant funds.

(4) PROHIBITION ON USE FOR COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.—An eligible entity or covered partnership may not use grant funds received under this section to purchase or support any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

(5) UNAUTHORIZED USE OF FUNDS.—To the extent that the Assistant Secretary or the Inspector General of the Department determines that an eligible entity or covered partnership has expended grant funds received under this section in violation of this section, the Assistant Secretary shall recover the amount of funds that were so expended. Determination.

(f) REPORTING.—

(1) ELIGIBLE ENTITIES AND COVERED PARTNERSHIPS.—

(A) ANNUAL REPORT.—Not later than 1 year after receiving grant funds under this section, and annually thereafter until the funds have been expended, an eligible entity or covered partnership shall submit to the Assistant Secretary a report, with respect to the 1-year period immediately preceding the report date, that— Time period.

(i) describes how the eligible entity or covered partnership expended the funds;

(ii) certifies that the eligible entity or covered partnership complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary, including— Certification.

(I) a description of each service provided with the grant funds; and

(II) the number of locations or geographic areas at which broadband service was provided using the grant funds; and

(iii) identifies each subgrantee that received a subgrant from the eligible entity or covered partnership and a description of the specific project for which grant funds were provided.

Determination.

(B) PROVISION OF INFORMATION TO FCC AND USDA.—The Assistant Secretary shall provide the information collected under subparagraph (A) to the Commission and the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies.

(C) TRANSMISSION OF REPORTS TO CONGRESS.—Not later than 5 days after receiving a report from an eligible entity under subparagraph (A), the Assistant Secretary shall transmit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Deadline.
Time period.

(2) INSPECTOR GENERAL AND GAO.—Not later than 6 months after the date on which the first grant is awarded under this section, and every 6 months thereafter until all of the grant funds awarded under this section are expended, the Inspector General of the Department and the Comptroller General of the United States shall each submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that reviews the grants awarded under this section during the preceding 6-month period. Each such report shall include recommendations to address waste, fraud, and abuse, if any.

Recommendations.

(g) IMPACT ON OTHER FEDERAL BROADBAND PROGRAMS.—The use of grant funds received under this section by an eligible entity, covered partnership, or subgrantee shall not impact the eligibility of, or otherwise disadvantage, the eligible entity, covered partnership, or subgrantee with respect to participation in any other Federal broadband program.

SEC. 906. APPROPRIATIONS FOR FEDERAL COMMUNICATIONS COMMISSION ACTIVITIES.

There is appropriated to the Federal Communications Commission, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2021, to remain available until expended—

(1) $65,000,000 to carry out title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); and

(2) $1,900,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.), of which $1,895,000,000 shall be used to carry out the program established under section 4 of that Act (47 U.S.C. 1603).

TITLE X—MISCELLANEOUS

SEC. 1001. CORONAVIRUS RELIEF FUND EXTENSION.

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by striking "December 30, 2020" and inserting "December 31, 2021".

SEC. 1002. CONTRACTOR PAY.

Applicability. 41 USC note prec. 6301.

Section 3610 of division A of the CARES Act (Public Law 116–136) shall be applied by substituting "March 31, 2021" for "September 30, 2020".

SEC. 1003. RESCISSIONS.

(a) EXCHANGE STABILIZATION FUND.—

(1) IMMEDIATE RESCISSION.—Of the unobligated balances made available under section 4027 of the CARES Act (15 U.S.C. 9061), $429,000,000,000 shall be permanently rescinded on the date of enactment of this Act.

(2) SUBSEQUENT RESCISSION OF REMAINING FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), any remaining unobligated balances made available under section 4027 of the CARES Act (15 U.S.C. 9061) shall be permanently rescinded on January 9, 2021.

(B) APPLICABILITY.—Notwithstanding the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) or any other provision of law, the rescission in subparagraph (A) shall apply to—

(i) the obligated but not disbursed credit subsidy cost of all loans, loan guarantees, and other investments that the Secretary of the Treasury has made or committed to make under section 4003(b)(4) of the CARES Act (15 U.S.C. 9042(b)(4)); and

(ii) the obligated and disbursed credit subsidy cost of all loans, loan guarantees, and other investments that—

(I) the Secretary of the Treasury has made or committed to make under section 4003(b)(4) of the CARES Act (15 U.S.C. 9042(b)(4)); and

(II) are not needed to meet the commitments, as of January 9, 2021, of the programs and facilities established under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) in which the Secretary of the Treasury has made or committed to make a loan, loan guarantee, or other investment using funds appropriated under section 4027 of the CARES Act (15 U.S.C. 9061).

(C) EXCEPTIONS.—

(i) ADMINISTRATIVE EXPENSES.—The $100,000,000 made available under section 4003(f) of the CARES Act (15 U.S.C. 9042(f)) to pay costs and administrative expenses—

(I) shall not be rescinded under this paragraph; and

(II) shall be used exclusively for the specific purposes described in that section.

(ii) SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY.—The $25,000,000 made available under

section 4018(g) of the CARES Act (15 U.S.C. 9053(g)) for the Special Inspector General for Pandemic Recovery—

(I) shall not be rescinded under this paragraph; and

(II) shall be used exclusively for the specific purposes described in that section.

(iii) CONGRESSIONAL OVERSIGHT COMMISSION.—Of the amounts made available under section 4027 of the CARES Act (15 U.S.C. 9061) for the Congressional Oversight Commission established under section 4020 of that Act (15 U.S.C. 9055), $5,000,000—

(I) shall not be rescinded under this paragraph; and

(II) shall be used exclusively for the expenses of the Congressional Oversight Commission set forth in section 4020(g)(2) of that Act.

(b) LOANS, LOAN GUARANTEES, AND OTHER INVESTMENTS.—

Effective date. 15 USC 9042 note.

(1) IN GENERAL.—Effective on January 9, 2021, section 4003 of the CARES Act (15 U.S.C. 9042) is amended—

(A) in subsection (a), by striking " $500,000,000,000" and inserting " $0"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "25,000,000,000" and inserting "0";

(ii) in paragraph (2), by striking " $4,000,000,000" and inserting "0";

(iii) in paragraph (3), by striking " $17,000,000,000" and inserting "0"; and

(iv) in paragraph (4), in the matter preceding subparagraph (A), by striking " $454,000,000,000" and inserting " $0".

15 USC 9042 note.

(2) RULE OF CONSTRUCTION.—The amendments made under paragraph (1) shall not be construed to affect obligations incurred by the Department of the Treasury before January 1, 2021.

SEC. 1004. EMERGENCY RELIEF AND TAXPAYER PROTECTIONS.

Section 4003(e) of the CARES Act (15 U.S.C. 9042(e)) is amended, in the matter preceding paragraph (1), by striking "Amounts" and inserting "Notwithstanding any other provision of law, amounts".

SEC. 1005. TERMINATION OF AUTHORITY.

Section 4029 of the CARES Act (15 U.S.C. 9063) is amended—

(1) in subsection (a), by striking "new";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ", loan guarantee, or other investment" and inserting "or loan guarantee made under paragraph (1), (2), or (3) of section 4003(b)"; and

(3) by adding at the end the following:

"(c) FEDERAL RESERVE PROGRAMS OR FACILITIES.—

"(1) IN GENERAL.—After December 31, 2020, the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not make any loan, purchase any obligation, asset, security, or other interest, or make any extension of credit through any program or facility established under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))

in which the Secretary made a loan, loan guarantee, or other investment pursuant to section 4003(b)(4), other than a loan submitted, on or before December 14, 2020, to the Main Street Lending Program's lender portal for the sale of a participation interest in such loan, provided that the Main Street Lending Program purchases a participation interest in such loan on or before January 8, 2021 and under the terms and conditions of the Main Street Lending Program as in effect on the date the loan was submitted to the Main Street Lending Program's lender portal for the sale of a participation interest in such loan.

"(2) NO MODIFICATION.—After December 31, 2020, the Board of Governors of the Federal Reserve System and the Federal Reserve banks—

"(A) shall not modify the terms and conditions of any program or facility established under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) in which the Secretary made a loan, loan guarantee, or other investment pursuant to section 4003(b)(4), including by authorizing transfer of such funds to a new program or facility established under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)); and

"(B) may modify or restructure a loan, obligation, asset, security, other interest, or extension of credit made or purchased through any such program or facility provided that—

"(i) the loan, obligation, asset, security, other interest, or extension of credit is an eligible asset or for an eligible business, including an eligible nonprofit organization, each as defined by such program or facility; and

"(ii) the modification or restructuring relates to an eligible asset or single and specific eligible business, including an eligible nonprofit organization, each as defined by such program or facility; and

"(iii) the modification or restructuring is necessary to minimize costs to taxpayers that could arise from a default on the loan, obligation, asset, security, other interest, or extension of credit.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary is permitted to use the fund established under section 5302 of title 31, United States Code, for any purpose permitted under that section.

"(B) EXCEPTION.—The fund established under section 5302 of title 31, United States Code, shall not be available for any program or facility established under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) that is the same as any such program or facility in which the Secretary made an investment pursuant to section 4003(b)(4), except the Term Asset-Backed Securities Loan Facility.".

SEC. 1006. RULE OF CONSTRUCTION. 12 USC 343 note.

Except as expressly set forth in paragraphs (1) and (2) of subsection (c) of section 4029 of the CARES Act, as added by this Act, nothing in this Act shall be construed to modify or limit the authority of the Board of Governors of the Federal Reserve

System under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) as of the day before the date of enactment of the CARES Act (Public Law 116–136).

DIVISION O—EXTENSIONS AND TECHNICAL CORRECTIONS

Applicabilities.

TITLE I

IMMIGRATION EXTENSIONS

8 USC 1324a note.

SEC. 101. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting "September 30, 2021" for "September 30, 2015".

8 USC 1101 note.

SEC. 102. Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall be applied by substituting "September 30, 2021" for "September 30, 2015".

8 USC 1182 note.

SEC. 103. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting "September 30, 2021" for "September 30, 2015".

8 USC 1153 note.

SEC. 104. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting "June 30, 2021" for "September 30, 2015".

Consultation.
Determination.
8 USC 1184 note.

SEC. 105. Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2021 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

TITLE II—COMMISSION ON BLACK MEN AND BOYS CORRECTIONS

SEC. 201. TECHNICAL CORRECTIONS TO THE COMMISSION ON THE SOCIAL STATUS OF BLACK MEN AND BOYS ACT.

Ante, p. 700.

Section 2(b)(3) of the Commission on the Social Status of Black Men and Boys Act (Public Law 116–156) is amended by striking "House of Representatives majority leader" and inserting "Speaker of the House of Representatives".

TITLE III—U.S. CUSTOMS AND BORDER PROTECTION AUTHORITY TO ACCEPT DONATIONS EXTENSION

SEC. 301. EXTENSION OF U.S. CUSTOMS AND BORDER PROTECTION AUTHORITY TO ACCEPT DONATIONS.

Section 482(b)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 301a(b)(4)(A)) is amended by striking "4 years after December 16, 2016" and inserting "December 16, 2021".

TITLE IV—LIVESTOCK MANDATORY REPORTING EXTENSION

SEC. 401. MANDATORY LIVESTOCK REPORTING.

Applicability. 7 USC 1636i note.

Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) shall be applied by substituting "September 30, 2021" for "September 30, 2020".

TITLE V—SOIL HEALTH AND INCOME PROTECTION PILOT PROGRAM EXTENSION

SEC. 501. SOIL HEALTH AND INCOME PROTECTION PILOT PROGRAM MODIFICATION.

Applicability. 16 USC 3831c note.

Section 1231C(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3831c(b)(2)(B)) shall be applied by substituting "September 30, 2021" for "December 31, 2020".

TITLE VI—UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT TECHNICAL CORRECTIONS

SEC. 601. TECHNICAL CORRECTIONS TO THE UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT.

(a) ENVIRONMENT COOPERATION COMMISSIONS; NORTH AMERICAN DEVELOPMENT BANK.—

(1) IN GENERAL.—Section 601 of the United States-Mexico-Canada Agreement Implementation Act (Public Law 116–113; 134 Stat. 78) shall not apply to the provisions specified in paragraph (2) and such provisions shall be restored and revived as if such section had not been enacted. 19 USC 3472 and note, 3473; 22 USC 290m—290m–5, 290m–7.

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

(A) Sections 532 and 533 of the North American Free Trade Agreement Implementation Act.

(B) Part 2 of subtitle D of title V of such Act (as amended by section 831 of the United States-Mexico-Canada Agreement Implementation Act).

(3) NORTH AMERICAN DEVELOPMENT BANK: LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—The Secretary of the Treasury may subscribe without fiscal year limitation to the callable capital portion of the United States share of capital stock of the North American Development Bank in an amount not to exceed $1,020,000,000. The authority in the preceding sentence shall be in addition to any other authority provided by previous Acts.

(b) RULES OF ORIGIN.—Section 202 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4531) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) SPECIAL RULE FOR FOREIGN-TRADE ZONES.—Paragraph (1)(B) shall not apply to a good produced in a foreign-trade zone or subzone established pursuant to the Act of June 18, 1934 (commonly known as the 'Foreign Trade Zones Act') (19 U.S.C. 81a et seq.) that is entered for consumption in the customs territory of the United States."; and

(2) in subsection (f)(2)(E), by striking "heading 1507, 1508," and inserting "any of headings 1501 through 1508".

(c) DRAWBACKS.—

(1) IN GENERAL.—Section 208 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4534) is amended by adding at the end the following:

"(e) ACTION ON CLAIM.—

Determination.

"(1) IN GENERAL.—If the Commissioner of U.S. Customs and Border Protection determines that a claim of preferential tariff treatment has been made with respect to an article for which a claim described in paragraph (2) has been made, the Commissioner may make such adjustments regarding the previous customs treatment of the article as may be warranted.

"(2) CLAIMS DESCRIBED.—A claim described in this paragraph is a claim for—

"(A) a refund, waiver, or reduction of duty, under any applicable provision of law; or

"(B) a credit against a bond under section 312(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1312(d)(1)).".

(2) CONFORMING AMENDMENTS.—

(A) TARIFF ACT OF 1930.—The Tariff Act of 1930 is amended—

(i) in section 311 (19 U.S.C. 1311), in the 11th undesignated paragraph, by striking "(subject to section 508(b)(2)(B))" and inserting "(subject to section 208(e) of that Act)";

(ii) in section 312 (19 U.S.C. 1312), by striking "(subject to section 508(b)(2)(B))" each place it appears and inserting "(subject to section 208(e) of that Act)";

(iii) in section 313(n)(1)(C) (19 U.S.C. 1313(n)(1)(C)), by striking "section 508(b)(2)(B)" and inserting "section 208(e) of that Act"; and

(iv) in section 562(2)(B) (19 U.S.C. 1562(2)(B)), in the matter preceding clause (i), by striking "(subject to section 508(b)(2)(B))" and inserting "(subject to section 208(e) of that Act)".

(B) FOREIGN TRADE ZONES ACT.—Section 3(a) of the Act of June 18, 1934 (commonly known as the "Foreign Trade Zones Act") (19 U.S.C. 81c(a)) is amended in the

seventh proviso by striking "(subject to section 508(b)(2)(B) of the Tariff Act of 1930)" and inserting "(subject to section 208(e) of that Act)".

(d) RETENTION OF RECORDS.—

(1) IN GENERAL.—Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended by inserting after subsection (b) the following:

"(c) PERIOD OF TIME.—The records required by subsection (a) shall be kept for such periods of time as the Secretary shall prescribe, except that—

"(1) no period of time for the retention of the records required under subsection (a) may exceed 5 years from the date of entry, filing of a reconciliation, or exportation, as appropriate; and

"(2) records for any drawback claim shall be kept until the 3rd anniversary of the date of liquidation of the claim.".

(2) CONFORMING AMENDMENT.—Section 313(r)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(r)(3)(B)) is amended by striking "section 508(c)(3)" and inserting "section 508(c)(2)".

(e) RELIQUIDATION OF ENTRIES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended by striking "(except with respect to any merchandise processing fees)".

(f) PROTECTIVE ORDERS.—Section 777(f) of the Tariff Act of 1930 (19 U.S.C. 1677f(f)) is amended—

(1) in the subsection heading, by striking "THE THE" and inserting "THE"; and

(2) in paragraph (1), by striking subparagraph (A) and inserting the following:

Records.

"(A) IN GENERAL.—If binational panel review of a determination under this title is requested pursuant to article 1904 of the United States-Canada Agreement or article 10.12 of the USMCA, or an extraordinary challenge committee is convened under Annex 1904.13 of the United States-Canada Agreement or chapter 10 of the USMCA, the administering authority or the Commission, as appropriate, may make available to authorized persons, under a protective order described in paragraph (2), a copy of all proprietary material in the administrative record made during the proceeding in question. If the administering authority or the Commission claims a privilege as to a document or portion of a document in the administrative record of the proceeding in question and a binational panel or extraordinary challenge committee finds that in camera inspection or limited disclosure of that document or portion thereof is required by United States law, the administering authority or the Commission, as appropriate, may restrict access to such document or portion thereof to the authorized persons identified by the panel or committee as requiring access and may require such persons to obtain access under a protective order described in paragraph (2).".

(g) DISPUTE SETTLEMENT.—The table of contents for the United States-Mexico-Canada Agreement Implementation Act (Public Law

116–113; 134 Stat. 11) is amended by striking the item relating to section 414 and inserting the following:

"Sec. 414. Requests for review of determinations by competent investigating authorities.".

19 USC 81c note.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on July 1, 2020.

SEC. 602. TECHNICAL CORRECTIONS TO OTHER LAWS.

(a) AFRICAN GROWTH AND OPPORTUNITY ACT.—The African Growth and Opportunity Act is amended—

(1) in section 112 (19 U.S.C. 3721)—

(A) in subsection (b)(5)(A), by striking "Annex 401 to the NAFTA" and inserting "Annex 4–B of the USMCA"; and

(B) in subsection (f), by striking paragraph (3) and inserting the following:

Definition.

"(3) USMCA.—The term 'USMCA' has the meaning given that term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502)."; and

(2) in section 113(b) (19 U.S.C. 3722(b))—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "Article 502(1) of the NAFTA" and inserting "article 5.4.1 of the USMCA"; and

(ii) in subparagraph (B)(i), in the matter following subclause (II), by striking "chapter 5 of the NAFTA" and inserting "chapter 5 of the USMCA"; and

(B) in paragraph (2), by striking "Article 503 of the NAFTA" and inserting "article 5.5 of the USMCA".

(b) CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—The Caribbean Basin Economic Recovery Act is amended—

(1) in section 212(a)(1) (19 U.S.C. 2702(a)(1)), by striking subparagraph (D) and inserting the following:

"(D) The term 'USMCA' has the meaning given that term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).";

(2) in section 213(b) (19 U.S.C. 2703(b))—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (v)(I), by striking "Annex 401 of the NAFTA" and inserting "Annex 4–B of the USMCA"; and

(II) in clause (vii)(IV)—

(aa) by striking "from a country" and inserting the following: "from—

"(aa) a country";

(bb) by striking the period at the end and inserting "; or"; and

(cc) by adding at the end the following:

"(bb) a USMCA country (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502)).".; and

(ii) in subparagraph (C), by striking "section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex" and inserting "article 6.2 of the USMCA";

(B) in paragraph (3)(A)(i), by striking "Annex 302.2 of the NAFTA" and inserting "Annex 2–B of the USMCA";

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "Article 502(1) of the NAFTA" and inserting "article 5.4.1 of the USMCA"; and

(II) in clause (ii)(I), in the matter following item (bb), by striking "chapter 5 of the NAFTA" and inserting "chapter 5 of the USMCA"; and

(ii) in subparagraph (B), by striking "Article 503 of the NAFTA" and inserting "article 5.5 of the USMCA"; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking "NAFTA" and inserting "North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992"; and

(ii) in subparagraph (C), by striking "NAFTA" each place it appears and inserting "USMCA"; and

(3) in section 213A(b) (19 U.S.C. 2703a(b))—

(A) in paragraph (1)(B)(vii)(I)(aa), by striking "Annex 401 of the NAFTA" and inserting "Annex 4–B of the USMCA"; and

(B) in paragraph (5)(A)(i), by striking "Annex 401 of the NAFTA" and inserting "Annex 4–B of the USMCA".

(c) TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015.—Section 403 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4362) is amended by striking "article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438)" and inserting "article 10.10 of the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502)) and section 418 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4588)".

(d) TITLE 35, UNITED STATES CODE.—Section 11 of title 35, United States Code, is amended—

(1) by striking "The Director" and inserting "(a) IN GENERAL.—The Director";

(2) by striking "other than a NAFTA country" and inserting "other than a USMCA country"; and

(3) by striking the third sentence and inserting the following:

"(b) DEFINITIONS.—In this section—

"(1) the term 'USMCA country' has the meaning given that term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502); and

"(2) the term 'WTO member country' has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).".

(e) ENERGY POLICY ACT OF 1992.—Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended by striking "North American Free Trade Agreement" and inserting "USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502))".

(f) TRADE AGREEMENTS ACT OF 1979.—Section 493(a)(5)(D) of the Trade Agreements Act of 1979 (19 U.S.C. 2578b(a)(5)(D)) is amended by striking "the NAFTA countries (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act)" and inserting "the USMCA countries (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502))".

19 USC 2578b note.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on July 1, 2020.

TITLE VII—DEPUTY ARCHITECT OF THE CAPITOL AMENDMENTS

SEC. 701. ARCHITECT OF THE CAPITOL.

(a) DELEGATION OF AUTHORITY.—The matter under the heading "OFFICE OF THE ARCHITECT OF THE CAPITOL" under the heading "ARCHITECT OF THE CAPITOL" of the Legislative Appropriation Act, 1956 (2 U.S.C. 1803) is amended by striking "delegate to the assistants" and all that follows through "2003" and inserting "delegate the duties and authorities of the Architect to officers and employees of the Office of the Architect of the Capitol, as the Architect determines appropriate".

(b) DEPUTY ARCHITECT OF THE CAPITOL.—Section 1203 of title I of division H of the Consolidated Appropriations Resolution, 2003 (2 U.S.C. 1805) is amended—

(1) in the section heading, by striking "CAPITOL/CHIEF OPERATING OFFICER" and inserting "CAPITOL";

Appointment. Determination.

(2) in subsection (a), by striking "There shall be" and all that follows and inserting "The Architect of the Capitol shall appoint a suitable individual to be the Deputy Architect of the Capitol. The Architect may delegate to the Deputy Architect such duties as the Architect determines are necessary or appropriate.";

(3) by striking subsections (b) through (g);

(4) by redesignating subsection (h) as subsection (b); and

(5) by striking subsections (i) and (j).

TITLE VIII—PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE AMENDMENTS

SEC. 801. AMENDMENTS TO THE PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE.

(a) APPROPRIATIONS.—

Ante, p. 533.

(1) IN GENERAL.—Title V of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended in the matter under the heading "PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE" under the heading "INDEPENDENT AGENCIES" by striking "funds provided in" and inserting "covered funds and the Coronavirus response as provided in section 15010 of".

(2) EMERGENCY DESIGNATION.—The amounts repurposed in this section that were previously designated by the Congress

as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) DEFINITION OF COVERED FUNDS.—Section 15010(a)(6) of division B of the Coronavirus, Aid, Relief, and Economic Security Act (Public Law 116–136) is amended— *Ante*, p. 553.

(1) in subparagraph (A), by striking "this Act" and inserting "the Coronavirus Aid, Relief, and Economic Security Act (divisions A and B)";

(2) in subparagraph (C), by striking "or" at the end; and

(3) by striking subparagraph (D) and inserting the following:

"(D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139); or

"(E) divisions M and N of the Consolidated Appropriations Act, 2021; and".

TITLE IX—ADJUSTMENT OF STATUS FOR LIBERIAN NATIONALS EXTENSION

SEC. 901. EXTENSION OF PERIOD FOR ADJUSTMENT OF STATUS FOR CERTAIN LIBERIAN NATIONALS.

Section 7611(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking "1 year" and inserting "2 years". 8 USC 1255 note.

TITLE X—CLEAN UP THE CODE ACT OF 2019

Clean Up the Code Act of 2019.

SEC. 1001. SHORT TITLE.

18 USC 1 note.

This title may be cited as the "Clean Up the Code Act of 2019".

SEC. 1002. REPEALS.

The following provisions of title 18, United States Code, are repealed:

(1) Section 46 relating to transportation of water hyacinths.

(2) Section 511A relating to unauthorized application of theft prevention decal or device.

(3) Section 707 relating to 4–H club emblem fraudulently used.

(4) Section 708 relating to Swiss Confederation coat of arms.

(5) Section 711 relating to "Smokey Bear" character or name.

(6) Section 711a relating to "Woodsy Owl" character, name, or slogan.

(7) Section 715 relating to "The Golden Eagle Insignia".

(8) Chapter 89—Professions and Occupations. 18 USC prec. 1821 and 1821.

(9) Section 1921 relating to receiving Federal employees' compensation after marriage.

SEC. 1003. CLERICAL AMENDMENTS.

18 USC prec. 1.

(a) TABLE OF CHAPTERS FOR PART I OF TITLE 18.—The table of chapters for part I of title 18, United States Code, is amended by striking the item relating to chapter 89.

18 USC prec. 41.

(b) TABLE OF SECTIONS FOR CHAPTER 3.—The table of sections for chapter 3 of title 18, United States Code, is amended by striking the item relating to section 46.

18 USC prec. 470.

(c) TABLE OF SECTIONS FOR CHAPTER 25.—The table of sections for chapter 25 of title 18, United States Code, is amended by striking the item relating to section 511A.

18 USC prec. 700.

(d) TABLE OF SECTIONS FOR CHAPTER 33.—The table of sections for chapter 33 of title 18, United States Code, is amended—

(1) by striking the item relating to section 707;

(2) by striking the item relating to section 708;

(3) by striking the item relating to section 711;

(4) by striking the item relating to section 711a; and

(5) by striking the item relating to section 715.

18 USC prec. 1901.

(e) TABLE OF SECTIONS FOR CHAPTER 93.—The table of sections for chapter 93 of title 18, United States Code, is amended by striking the item relating to section 1921.

TITLE XI—AMENDMENTS TO PROVISIONS RELATING TO CHILD CARE CENTERS

SEC. 1101. PROVISIONS RELATING TO CHILD CARE CENTERS.

Ante, p. 577.

(a) SENATE EMPLOYEE CHILD CARE CENTER.—Section 19001 of the Coronavirus Aid, Relief, and Economic Security Act (2 U.S.C. 2063 note) is amended—

(1) by striking "The Secretary" and all that follows through "per month," and inserting the following:

Time period.

"(a) REIMBURSEMENTS.—During the period beginning on July 1, 2020 and ending on the termination date of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic, the Secretary of the Senate shall reimburse the Senate Employee Child Care Center for expenses, due to measures taken in the Capitol complex to combat coronavirus, as calculated under subsection (b) and"; and

(2) by adding at the end the following:

"(b) AMOUNT.—The amount of the reimbursement under this section for each month of the period described in subsection (a) shall be equal to the difference between—

"(1) the lesser of—

"(A) the amount of the operating costs (including payroll, general, and administrative expenses) of the Center for such month; or

"(B) $105,000; and

"(2) the amount of tuition payments collected by the Center for such month.".

Ante, p. 578.

(b) LITTLE SCHOLARS CHILD DEVELOPMENT CENTER.—Section 19004 of the Coronavirus Aid, Relief, and Economic Security Act (2 U.S.C. 162b note) is amended—

(1) by striking "The Library of Congress" and all that follows through "per month," and inserting the following:

"(a) REIMBURSEMENTS.—During the period beginning on the date of enactment of the Consolidated Appropriations Act, 2021 and ending on the termination date of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic, the Library of Congress shall reimburse the Little Scholars Child Development Center for expenses, due to measures taken in the Capitol complex to combat coronavirus, as calculated under subsection (b) and"; and Time period.

(2) by adding at the end the following:

"(b) AMOUNT.—The amount of the reimbursement under this section for each month of the period described in subsection (a) shall be equal to the difference between—

"(1) the lesser of—

"(A) the amount of the operating costs (including payroll, general, and administrative expenses) of the Center for such month; or

"(B) $118,500; and

"(2) the amount of tuition payments collected by the Center for such month.".

(3) TINY FINDINGS CHILD DEVELOPMENT CENTER.—Section 19009 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136; 134 Stat. 579) is amended— 31 USC 781 note.

(A) by striking "The Government" and all that follows through "per month," and inserting the following:

"(a) REIMBURSEMENTS.—During the period beginning on the date of enactment of the Consolidated Appropriations Act, 2021 and ending on the termination date of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic, the Government Accountability Office shall reimburse the Tiny Findings Child Development Center for expenses, due to measures taken in the Capitol complex to combat coronavirus, as calculated under subsection (b) and"; and Time period.

(B) by adding at the end the following:

"(b) AMOUNT.—The amount of the reimbursement under this section for each month of the period described in subsection (a) shall be equal to the difference between—

"(1) the lesser of—

"(A) the amount of the operating costs (including payroll, general, and administrative expenses) of the Center for such month; or

"(B) $162,500; and

"(2) the amount of tuition payments collected by the Center for such month.".

TITLE XII—ALASKA NATIVES EXTENSION

SEC. 1201. ALASKA NATIVES. Applicability.

Section 424(a) of the Consolidated Appropriations Act, 2014 (Public Law 113–76), as amended by section 428 of the Consolidated Appropriations Act, 2018 (Public Law 115–141), shall be applied by substituting "October 1, 2022" for "October 1, 2019".

TITLE XIII—OPEN TECHNOLOGY FUND OPPORTUNITY TO CONTEST PROPOSED DEBARMENT

SEC. 1301. OPEN TECHNOLOGY FUND OPPORTUNITY TO CONTEST PROPOSED DEBARMENT.

(a) EFFECTIVE DATE.—Section 1299Q of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 is amended by adding at the end the following:

Post, p. 4020.

"(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.".

(b) OPEN TECHNOLOGY FUND OPPORTUNITY TO CONTEST PROPOSED DEBARMENT.—Notwithstanding any provision of law or regulation, including section 513.313 of title 22, Code of Federal Regulations, in any debarment proceeding concerning the Open Technology Fund that is initiated prior to the date of enactment of this Act, the Open Technology Fund shall have 90 calendar days after receipt of any notice of proposed debarment to submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, before such proposed debarment may proceed to additional proceedings or decision.

Deadline.

TITLE XIV—BUDGETARY EFFECTS

SEC. 1401. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of division N, this division, and each succeeding division, except for title VIII of division O and title XIII of division FF, shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division N, this division, and each succeeding division, except for title VIII of division O and title XIII of division FF, shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division N, this division, and each succeeding division, except for title VIII of division O and title XIII of division FF, shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Effective date.

(d) BALANCES ON THE PAYGO SCORECARDS.—Effective on the date of the adjournment of the second session of the 116th Congress, and for the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after such adjournment and for determining whether a sequestration order is necessary under such section, the balances on the PAYGO

scorecards established pursuant to paragraphs (4) and (5) of section 4(d) of such Act shall be zero.

DIVISION P—NATIONAL BIO AND AGRO-DEFENSE FACILITY ACT OF 2020

National Bio and Agro-Defense Facility Act of 2020.

SEC. 1. SHORT TITLE.

7 USC 9201 note.

This division may be cited as the "National Bio and Agro-Defense Facility Act of 2020".

SEC. 2. DEFINITIONS.

7 USC 9201.

In this Act:

(1) ANIMAL.—The term "animal" has the meaning given the term in section 10403 of the Animal Health Protection Act (7 U.S.C. 8302).

(2) TRANSBOUNDARY DISEASE.—The term "transboundary disease" has the meaning given the term in section 12203(a) of the Agriculture Improvement Act of 2018 (7 U.S.C. 8914(a)).

(3) VETERINARY COUNTERMEASURE.—The term "veterinary countermeasure" has the meaning given the term in section 10403 of the Animal Health Protection Act (7 U.S.C. 8302).

SEC. 3. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

7 USC 9202.

(a) IN GENERAL.—The National Bio and Agro-Defense Facility shall be a national security laboratory asset to provide integrated research, development, and test and evaluation infrastructure to improve preparedness and response capabilities to prevent, detect, respond to, or mitigate harm resulting from animal pests or diseases and zoonotic diseases for the purpose of defending the United States against bio- and agro-threats, whether naturally occurring or intentional.

(b) MISSION.—Pursuant to subsection (a), the mission of the National Bio and Agro-Defense Facility shall be to protect the food supply, agriculture, and public health of the United States, including by—

(1) integrating agricultural, zoonotic disease, and other research, as appropriate;

(2) addressing threats from high-consequence zoonotic disease agents, emerging foreign animal diseases, and animal transboundary diseases;

(3) addressing biological threats;

(4) ensuring that research conducted at the National Bio and Agro-Defense Facility addresses gaps that fall between the ongoing animal and zoonotic disease research efforts across the Federal Government and does not duplicate those ongoing efforts;

(5) facilitating, integrating, and coordinating the development and implementation of the strategic plan for research under section 4(a)(2), relating to protection of the food supply, agriculture, and public health of the United States;

(6) providing appropriate education and training to prepare for and respond to bio- and agro-defense threats;

(7) sharing data and related information with appropriate Federal departments or agencies, as requested by the heads of those departments or agencies, or as necessary, to support biological material threat assessments; and

Vaccines.

(8) sharing data and related information, and developing strategic partnerships, to enhance the carrying out of the duties of the National Bio and Agro-Defense Facility for the development of priority zoonotic animal disease diagnostics, vaccines, drugs, and other countermeasures.

7 USC 9203.

SEC. 4. EVALUATION AND RESEARCH PLAN.

Time period. Coordination.

(a) IN GENERAL.—Not less frequently than biennially, the Secretary of Agriculture, in coordination with the Secretary of Homeland Security and the heads of other appropriate Federal departments and agencies, shall—

(1) evaluate the work of the National Bio and Agro-Defense Facility;

Update. Publication.

(2) develop, biennially update, and publish a strategic plan for research at the National Bio and Agro-Defense Facility based on priority risk and threat assessments, including strategies to—

(A) develop veterinary countermeasures for emerging foreign animal diseases and animal transboundary diseases;

(B) provide advanced testing, diagnostic, and evaluation capabilities for threat detection, vulnerability assessments of animal and zoonotic diseases, and veterinary countermeasures for animal and zoonotic diseases;

(C) assist, as appropriate, with the development, and address vulnerability assessments, of the agriculture and food sectors;

(D) address gaps in the ongoing animal and zoonotic disease research efforts across the Federal Government, ensuring not to duplicate those ongoing efforts; and

(E) be used for such other purposes as the Secretary of Agriculture, in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal departments and agencies, determines to be appropriate; and

(3) submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Homeland Security of the House of Representatives, the strategic plan for research described in paragraph (2).

(b) CLASSIFIED INFORMATION.—The strategic plan for research required under subsection (a)(2)—

Publication. Public information.

(1) shall be published in an unclassified format that is publicly available;

(2) shall be submitted under subsection (a)(3) in unclassified form; and

(3) may include in the submission under subsection (a)(3) a classified annex for any sensitive or classified information, as necessary.

7 USC 9204.

SEC. 5. AVAILABILITY OF DATA AND CONGRESSIONAL BRIEFINGS.

Reports.

(a) IN GENERAL.—Every 6 months until the date described in subsection (b), the Secretary of Agriculture, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, as appropriate, shall provide to the Committees on Agriculture, Nutrition, and Forestry and Homeland

Security and Governmental Affairs of the Senate and the Committees on Agriculture and Homeland Security of the House of Representatives a report and briefing describing—

(1) progress under each phase described in the memorandum of agreement entitled "Memorandum of Agreement Between the U.S. Department of Agriculture Marketing and Regulatory Programs, the U.S. Department of Agriculture Research, Education, and Economics, and the Department of Homeland Security Science and Technology Directorate" and dated June 20, 2019, that is not completed as of the date of enactment of this Act;

(2) the status of the actions taken pursuant to the areas of collaborative opportunity and responsibilities as described in the memorandum of understanding entitled "Memorandum of Understanding Between the U.S. Department of Agriculture Marketing and Regulatory Programs, the U.S. Department of Agriculture Research, Education, and Economics, and the Department of Homeland Security Science and Technology Directorate for National Bio and Agro-Defense Facility Collaboration" and dated January 7, 2020; and

(3) the operations and mission of the National Bio and Agro-Defense Facility, including the coordination and carrying out of— Coordination.

(A) the memorandum of agreement and memorandum of understanding described in paragraphs (1) and (2), respectively;

(B) any successor memoranda of agreement or understanding to the memorandum of agreement and memorandum of understanding described in paragraphs (1) and (2), respectively;

(C) any similar joint agreement or understanding between the Department of Agriculture and the Department of Homeland Security, or other relevant agencies, that documents the biodefense mission of the National Bio and Agro-Defense Facility; and

(D) research, including a description of the users of the National Bio and Agro-Defense Facility.

(b) TERMINATION.—The reporting and briefing requirements under subsection (a) shall terminate on the date that is 5 years after the date on which the National Bio and Agro-Defense Facility attains full operating capability.

SEC. 6. BUDGET AND REPORT. 7 USC 9205.

(a) BUDGET.—Concurrently with each budget submission to the Director of the Office of Management and Budget, the Secretary of Agriculture, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, as required by Homeland Security Presidential Directive 9, shall jointly submit to the Director of the Office of Management and Budget an integrated budget plan for the defense and protection of the food supply of the United States, including the operation and use of the National Bio and Agro-Defense Facility. Plan.

(b) REPORT.—Not later than 60 days after the date on which the budget of the United States Government is submitted by the President under section 1105 of title 31, United States Code, for each fiscal year, the Secretary of Agriculture, the Secretary of Homeland Security, and the heads of other appropriate Federal

departments and agencies shall jointly submit to Congress a report describing an integrated budget plan described in subsection (a), which shall be consistent with the budget submission of the President under that section for the defense and protection of the food supply of the United States, including the operation and use of the National Bio and Agro-Defense Facility.

7 USC 9206.

SEC. 7. EFFECT ON OTHER AUTHORITIES.

Nothing in this Act affects the authority of the Secretary of Agriculture or the Secretary of Homeland Security under any other provision of law or program relating to the protection of food supplies, agriculture, or public health.

DIVISION Q—FINANCIAL SERVICES PROVISIONS AND INTELLECTUAL PROPERTY

TITLE I—FINANCIAL SERVICES PROVISIONS

SEC. 101. CARBON MONOXIDE ALARMS OR DETECTORS IN FEDERALLY ASSISTED HOUSING.

42 USC 1437a note.

(a) FINDINGS.—Congress finds that—

(1) carbon monoxide alarms are not required by federally assisted housing programs, when not required by State or local codes;

(2) numerous federally assisted housing residents have lost their lives due to carbon monoxide poisoning;

(3) the effects of carbon monoxide poisoning occur immediately and can result in death in a matter of minutes;

(4) carbon monoxide exposure can cause permanent brain damage, life-threatening cardiac complications, fetal death or miscarriage, and death, among other harmful health conditions;

(5) carbon monoxide poisoning is especially dangerous for unborn babies, children, elderly individuals, and individuals with cardiovascular disease, among others with chronic health conditions;

(6) the majority of the 4,600,000 families receiving Federal housing assistance are families with young children, elderly individuals, or individuals with disabilities, making them especially vulnerable to carbon monoxide poisoning;

(7) more than 400 people die and 50,000 additional people visit the emergency room annually as a result of carbon monoxide poisoning;

(8) carbon monoxide poisoning is entirely preventable and early detection is possible with the use of carbon monoxide alarms;

(9) the Centers for Disease Control and Prevention warns that carbon monoxide poisoning is entirely preventable and recommends the installation of carbon monoxide alarms;

(10) the Office of Lead Hazard Control and Healthy Homes of the Department of Housing and Urban Development recommends the installation of carbon monoxide alarms as a best

practice to keep families and individuals safe and to protect health; and

(11) in order to safeguard the health and well-being of tenants in federally assisted housing, the Federal Government should consider best practices for primary prevention of carbon monoxide-related incidents.

(b) PUBLIC HOUSING, TENANT-BASED ASSISTANCE, AND PROJECT-BASED ASSISTANCE.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 3(a) (42 U.S.C. 1437a(a)), by adding at the end the following:

"(8) CARBON MONOXIDE ALARMS.—Each public housing agency shall ensure that carbon monoxide alarms or detectors are installed in each dwelling unit in public housing owned or operated by the public housing agency in a manner that meets or exceeds—

"(A) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(B) any other standards as may be adopted by the Secretary, including any relevant updates to the International Fire Code, through a notice published in the Federal Register."; and

(2) in section 8 (42 U.S.C. 1437f)—

(A) by inserting after subsection (i) the following:

"(j) CARBON MONOXIDE ALARMS.—Each owner of a dwelling unit receiving project-based assistance under this section shall ensure that carbon monoxide alarms or detectors are installed in the dwelling unit in a manner that meets or exceeds—

"(1) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(2) any other standards as may be adopted by the Secretary, including any relevant updates to the International Fire Code, through a notice published in the Federal Register."; and

(B) in subsection (o), by adding at the end the following:

"(21) CARBON MONOXIDE ALARMS.—Each dwelling unit receiving tenant-based assistance or project-based assistance under this subsection shall have carbon monoxide alarms or detectors installed in the dwelling unit in a manner that meets or exceeds—

"(A) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(B) any other standards as may be adopted by the Secretary, including any relevant updates to the International Fire Code, through a notice published in the Federal Register.".

(c) SUPPORTIVE HOUSING FOR THE ELDERLY.—Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

"(9) CARBON MONOXIDE ALARMS.—Each owner of a dwelling unit assisted under this section shall ensure that carbon monoxide alarms or detectors are installed in the dwelling unit in a manner that meets or exceeds—

"(A) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(B) any other standards as may be adopted by the Secretary, including any relevant updates to the International Fire Code, through a notice published in the Federal Register.".

(d) SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

"(7) CARBON MONOXIDE ALARMS.—Each dwelling unit assisted under this section shall contain installed carbon monoxide alarms or detectors that meet or exceed—

"(A) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(B) any other standards as may be adopted by the Secretary, including any relevant updates to the International Fire Code, through a notice published in the Federal Register.".

(e) HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.—Section 856 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12905) is amended by adding at the end the following new subsection:

"(i) CARBON MONOXIDE ALARMS.—Each dwelling unit assisted under this subtitle shall contain installed carbon monoxide alarms or detectors that meet or exceed—

"(1) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(2) any other standards as may be adopted by the Secretary, including any relevant updates to the International Fire Code, through a notice published in the Federal Register.".

(f) RURAL HOUSING.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended—

(1) in section 514 (42 U.S.C. 1484), by adding at the end the following:

"(j) Housing and related facilities constructed with loans under this section shall contain installed carbon monoxide alarms or detectors that meet or exceed—

"(1) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(2) any other standards as may be adopted by the Secretary, in collaboration with the Secretary of Housing and Urban Development, including any relevant updates to the International Fire Code, through a notice published in the Federal Register."; and

(2) in section 515(m) (42 U.S.C. 1485(m))—

(A) by inserting "(1)" before "The Secretary shall establish"; and

(B) by adding at the end the following:

"(2) Housing and related facilities rehabilitated or repaired with amounts received under a loan made or insured under

this section shall contain installed carbon monoxide alarms or detectors that meet or exceed—

"(A) the standards described in chapters 9 and 11 of the 2018 publication of the International Fire Code, as published by the International Code Council; or

"(B) any other standards as may be adopted by the Secretary, in collaboration with the Secretary of Housing and Urban Development, including any relevant updates to the International Fire Code, through a notice published in the Federal Register.".

(g) GUIDANCE.—The Secretary of Housing and Urban Development shall provide guidance to public housing agencies (as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)) on how to educate tenants on health hazards in the home, including to carbon monoxide poisoning, lead poisoning, asthma induced by housing-related allergens, and other housing-related preventable outcomes, to help advance primary prevention and prevent future deaths and other harms. 42 USC 1437a note.

(h) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the date that is 2 years after the date of enactment of this Act. 12 USC 1701q note.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and the amendments made by this section, $101,400,000 per year for each of fiscal years 2021, 2022, and 2023.

(j) NO PREEMPTION.—Nothing in the amendments made by this section shall be construed to preempt or limit the applicability of any State or local law relating to the installation and maintenance of carbon monoxide alarms or detectors in housing that requires standards that are more stringent than the standards described in the amendments made by this section. 42 USC 1437a note.

(k) STUDY ON INCLUSION OF CARBON MONOXIDE ALARMS OR DETECTORS IN OTHER UNITS.—The Secretary of Housing and Urban Development, in consultation with the Consumer Product Safety Commission, shall conduct a study and issue a publicly available report on requiring carbon monoxide alarms or detectors in federally assisted housing that is not covered in the amendments made by this section. Consultation. Public information. Reports.

SEC. 102. PARTICIPATION OF INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES IN CONTINUUM OF CARE PROGRAM.

(a) IN GENERAL.—Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.) is amended—

(1) in section 401 (42 U.S.C. 11360)—

(A) by redesignating paragraphs (10) through (33) as paragraphs (12) through (35), respectively;

(B) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(C) by inserting after paragraph (7) the following:

"(8) FORMULA AREA.—The term 'formula area' has the meaning given the term in section 1000.302 of title 24, Code of Federal Regulations, or any successor regulation."; Definition.

(D) in paragraph (9), as so redesignated, by inserting "a formula area," after "nonentitlement area,"; and

(E) by inserting after paragraph (10), as so redesignated, the following:

"(11) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)."; and

(2) in subtitle C (42 U.S.C. 11381 et seq.), by adding at the end the following:

42 USC 11389.

"SEC. 435. INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES.

"Notwithstanding any other provision of this title, for purposes of this subtitle, an Indian Tribe or tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) may—

"(1) be a collaborative applicant or eligible entity; or

"(2) receive grant amounts from another entity that receives a grant directly from the Secretary, and use the amounts in accordance with this subtitle.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (Public Law 100–77; 101 Stat. 482) is amended by inserting after the item relating to section 434 the following:

"Sec. 435. Indian Tribes and tribally designated housing entities.".

SEC. 103. FOSTERING STABLE HOUSING OPPORTUNITIES.

(a) DEFINITION OF FAMILY.—Subparagraph (A) of section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(A)) is amended—

(1) in the first sentence—

(A) by striking "(v)" and inserting "(vi)"; and

(B) by inserting after "tenant family," the following: "(v) a youth described in section 8(x)(2)(B),"; and

(2) in the second sentence, by inserting "or (vi)" after "clause (v)".

(b) HOUSING CHOICE VOUCHERS FOR FOSTERING STABLE HOUSING OPPORTUNITIES.—

(1) ASSISTANCE FOR YOUTH AGING OUT OF FOSTER CARE.—Section 8(x) of the United States Housing Act of 1937 (42 U.S.C. 1437f(x)) is amended—

(A) in paragraph (2), by inserting "subject to paragraph (5)," after "(B)";

(B) in paragraph (3)—

(i) By striking "(3) ALLOCATION.—The" and inserting the following:

"(3) ALLOCATION.—

"(A) IN GENERAL.—The"; and

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

Procedures.

"(B) ASSISTANCE FOR YOUTH AGING OUT OF FOSTER CARE.—Notwithstanding any other provision of law, the Secretary shall, subject only to the availability of funds, allocate such assistance to any public housing agencies that (i) administer assistance pursuant to paragraph (2)(B), or seek to administer such assistance, consistent with procedures established by the Secretary, (ii) have requested such assistance so that they may provide timely assistance

to eligible youth, and (iii) have submitted to the Secretary a statement describing how the agency will connect assisted youths with local community resources and self-sufficiency services, to the extent they are available, and obtain referrals from public child welfare agencies regarding youths in foster care who become eligible for such assistance.";

(C) by redesignating paragraph (5) as paragraph (6); and

(D) by inserting after paragraph (4) the following new paragraph:

"(5) REQUIREMENTS FOR ASSISTANCE FOR YOUTH AGING OUT OF FOSTER CARE.—Assistance provided under this subsection for an eligible youth pursuant to paragraph (2)(B) shall be subject to the following requirements:

"(A) REQUIREMENTS TO EXTEND ASSISTANCE.—

"(i) PARTICIPATION IN FAMILY SELF-SUFFICIENCY.—In the case of a public housing agency that is providing such assistance under this subsection on behalf of an eligible youth and that is carrying out a family self-sufficiency program under section 23, the agency shall, subject only to the availability of such assistance, extend the provision of such assistance for up to 24 months beyond the period referred to in paragraph (2)(B), but only during such period that the youth is in compliance with the terms and conditions applicable under section 23 and the regulations implementing such section to a person participating in a family self-sufficiency program.

"(ii) EDUCATION, WORKFORCE DEVELOPMENT, OR EMPLOYMENT.—In the case of a public housing agency that is providing such assistance under this subsection on behalf of an eligible youth and that is not carrying out a family self-sufficiency program under section 23, or is carrying out such a program in which the youth has been unable to enroll, the agency shall, subject only to the availability of such assistance, extend the provision of such assistance for two successive 12-month periods, after the period referred to in paragraph (2)(B), but only if for not less than 9 months of the 12-month period preceding each such extension the youth was— Time period.

"(I) engaged in obtaining a recognized postsecondary credential or a secondary school diploma or its recognized equivalent;

"(II) enrolled in an institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and including the institutions described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (20 U.S.C. 1002(a)(1)); or

"(III) participating in a career pathway, as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

Notwithstanding any other provision of this clause, a public housing agency shall consider employment as satisfying the requirements under this subparagraph.

Time period.
Certification.

"(iii) EXCEPTIONS.—Notwithstanding clauses (i) and (ii), a public housing agency that is providing such assistance under this subsection on behalf of an eligible youth shall extend the provision of such assistance for up to 24 months beyond the period referred to in paragraph (2)(B), and clauses (i) and (ii) of this subparagraph shall not apply, if the eligible youth certifies that he or she is—

"(I) a parent or other household member responsible for the care of a dependent child under the age of 6 or for the care of an incapacitated person;

"(II) a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program; or

"(III) a person who is incapable of complying with the requirement under clause (i) or (ii), as applicable, due to a documented medical condition.

Requirement.

"(iv) VERIFICATION OF COMPLIANCE.—The Secretary shall require the public housing agency to verify compliance with the requirements under this subparagraph by each eligible youth on whose behalf the agency provides such assistance under this subsection on an annual basis in conjunction with reviews of income for purposes of determining income eligibility for such assistance.

"(B) SUPPORTIVE SERVICES.—

"(i) ELIGIBILITY.—Each eligible youth on whose behalf such assistance under this subsection is provided shall be eligible for any supportive services (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)) made available, in connection with any housing assistance program of the agency, by or through the public housing agency providing such assistance.

"(ii) INFORMATION.—Upon the initial provision of such assistance under this subsection on behalf of any eligible youth, the public housing agency shall inform such eligible youth of the existence of any programs or services referred to in clause (i) and of their eligibility for such programs and services.

"(C) APPLICABILITY TO MOVING TO WORK AGENCIES.—Notwithstanding any other provision of law, the requirements of this paragraph shall apply to assistance under this subsection pursuant to paragraph (2)(B) made available by each public housing agency participating in the Moving to Work Program under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437f note), except that in lieu of compliance with clause (i) or (ii) of subparagraph (A) of this paragraph, such an agency may comply with the requirements under such clauses by complying with such terms, conditions, and requirements as may be established by the agency for persons on whose behalf such rental assistance under this subsection is provided.

"(D) TERMINATION OF VOUCHERS UPON TURN-OVER.—A public housing agency shall not reissue any such assistance made available from appropriated funds when assistance for the youth initially assisted is terminated, unless specifically authorized by the Secretary.

"(E) REPORTS.—

Requirement.

"(i) IN GENERAL.—The Secretary shall require each public housing agency that provides such assistance under this subsection in any fiscal year to submit a report to the Secretary for such fiscal year that—

"(I) specifies the number of persons on whose behalf such assistance under this subsection was provided during such fiscal year;

"(II) specifies the number of persons who applied during such fiscal year for such assistance under this subsection, but were not provided such assistance, and provides a brief identification in each instance of the reason why the public housing agency was unable to award such assistance; and

"(III) describes how the public housing agency communicated or collaborated with public child welfare agencies to collect such data.

"(ii) INFORMATION COLLECTIONS.—The Secretary shall, to the greatest extent possible, utilize existing information collections, including the voucher management system (VMS), the Inventory Management System/PIH Information Center (IMS/PIC), or the successors of those systems, to collect information required under this subparagraph.

"(F) CONSULTATION.—The Secretary shall consult with the Secretary of Health and Human Services to provide such information and guidance to the Secretary of Health and Human Services as may be necessary to facilitate such Secretary in informing States and public child welfare agencies on how to correctly and efficiently implement and comply with the requirements of this subsection relating to assistance provided pursuant to paragraph (2)(B).".

(2) APPLICABILITY TO FOSTERING STABLE HOUSING OPPORTUNITIES PROGRAM.—Subparagraph (A) of section 8(x)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437f(x)(4)(A)) is amended by inserting before the semicolon at the end the following: "and establishing a point of contact at public housing agencies to ensure that public housing agencies receive appropriate referrals regarding eligible recipients".

(3) PHA ADMINISTRATIVE FEES.—Subsection (q) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(q)) is amended by adding at the end the following new paragraph:

"(5) SUPPLEMENTS FOR ADMINISTERING ASSISTANCE FOR YOUTH AGING OUT OF FOSTER CARE.—The Secretary may provide supplemental fees under this subsection to the public housing agency for the cost of administering any assistance for foster youth under subsection (x)(2)(B), in an amount determined by the Secretary, but only if the agency waives for such eligible youth receiving assistance any residency requirement that it has otherwise established pursuant to subsection (r)(1)(B)(i).".

Determination.

(c) EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED VOUCHER ASSISTANCE.—

(1) PERCENTAGE LIMITATION.—The first sentence of clause (ii) of section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)(ii)), as amended by section 106(a)(2) of the Housing Opportunity Through Modernization Act of 2016 (Public Law 114-201), is further amended by inserting before "or that" the following: "that house eligible youths receiving assistance pursuant to subsection (x)(2)(B),".

(2) INCOME-MIXING REQUIREMENT.—Subclause (I) of section 8(o)(13)(D)(ii) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(D)(ii)(I)), as amended by section 106(a)(3) of the Housing Opportunity Through Modernization Act of 2016 (Public Law 114-201), is further amended by inserting after "elderly families" the following: ", to eligible youths receiving assistance pursuant to subsection (x)(2)(B),".

42 USC 1437a note.

(d) APPLICABILITY.—The amendments made by this section shall not apply to housing choice voucher assistance made available pursuant to section 8(x) of the United States Housing Act of 1937 (42 U.S.C. 1437f(x)) that is in use on behalf of an assisted family as of the date of the enactment of this Act.

42 USC 11382 note.

SEC. 104. HOMELESS ASSISTANCE GRANTS.

Time period.

(a) RENEWAL OF CONTINUUM OF CARE PROJECTS.—In allocating and awarding amounts provided for the Continuum of Care program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.), the Secretary of Housing and Urban Development shall renew for one 12-month period, without additional competition, all projects with existing grants expiring during calendar year 2021, including youth homelessness demonstration projects and shelter plus care projects expiring during calendar year 2021, notwithstanding any inconsistent provisions in subtitle C of title IV of the McKinney-Vento Homeless Assistance Act or any other Act.

(b) PLANNING AND UNIFIED FUNDING AGENCY AWARDS.—Continuum of Care planning and Unified Funding Agency awards expiring in calendar year 2021 may also be renewed and the Continuum of Care may designate a new collaborative applicant to receive the award in accordance with the existing process established by the Secretary of Housing and Urban Development.

(c) NOTICE.—The Secretary of Housing and Urban Development shall publish a notice that identifies and lists all projects and awards eligible for such noncompetitive renewal, prescribes the format and process by which the projects and awards from the list will be renewed, makes adjustments to the renewal amount based on changes to the fair market rent, and establishes a maximum amount for the renewal of planning and Unified Funding Agency awards notwithstanding the requirement that such maximum amount be established in a notice of funding availability.

SEC. 105. IMPROVEMENTS TO LOAN GUARANTEES FOR INDIAN HOUSING.

12 USC 1715z–13a note.

(a) FINDINGS.—Congress finds that—

(1) the extended timelines for approving lenders' applications to participate in the program established under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) are unacceptably long;

(2) those extended timelines inhibit the ability of lenders to provide needed mortgage loans on Native American reservations; and

(3) it can take a significant amount of time for certain Bureau of Indian Affairs Land Title and Records Offices to issue final certified title status reports for mortgages issued on Indian trust land under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), which delays the guarantee of the loan by the Department of Housing and Urban Development.

(b) DOCUMENTATION REQUIRED FOR INDIAN TRUST LAND.—Section 184(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(c)) is amended by adding at the end the following:

"(5) TRAILING DOCUMENTS.—

"(A) IN GENERAL.—The Secretary may issue a certificate of guarantee under this subsection for a loan involving a security interest in Indian trust land before the Secretary receives the trailing documents required by the Secretary from the Bureau of Indian Affairs, including the final certified title status report showing the recordation by the Bureau of Indian Affairs of the mortgage relating to the loan, if the originating lender agrees to indemnify the Secretary for any losses that may result when—

"(i) a claim payment is presented to the Secretary due to the default of the borrower on the loan; and

"(ii) the required trailing documents are outstanding.

"(B) TERMINATION OF INDEMNIFICATION AGREEMENT.—An indemnification agreement between an originating lender and the Secretary described in subparagraph (A) shall only terminate upon receipt by the Secretary of the trailing documents described in that subparagraph in a form and manner that is acceptable to the Secretary.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as authorizing the Bureau of Indian Affairs to delay the issuance of a final certified title status report and recorded mortgage relating to a loan closed on Indian trust land.".

12 USC 1715z–13a note.

(c) REPORTING.—The Secretary of Housing and Urban Development shall—

(1) report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate and the Committee on Financial Services and the Committee on Natural Resources of the House of Representatives on a semi-annual basis on the progress that the Secretary is making to accelerate the processing of loan applications on fee simple and Indian trust land under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a); and

(2) if there is no improvement in accelerating those processing timelines, submit to the committees described in paragraph (1) a report explaining the lack of improvement.

SEC. 106. STUDY ON THE PROVISION OF AND RELIANCE UPON INVESTMENT RESEARCH INTO SMALL ISSUERS.

Evaluation.

(a) STUDY REQUIRED.—The Securities and Exchange Commission shall conduct a study to evaluate the issues affecting the provision of and reliance upon investment research into small

issuers, including emerging growth companies and companies considering initial public offerings.

(b) CONTENTS OF STUDY.—The study required under subsection (a) shall consider—

(1) factors related to the demand for such research by institutional and retail investors;

(2) the availability of such research, including—

(A) the number and types of firms who provide such research;

(B) the volume of such research over time; and

(C) competition in the research market;

(3) conflicts of interest relating to the production and distribution of investment research;

(4) the costs of such research;

(5) the impacts of different payment mechanisms for investment research into small issuers, including whether such research is paid for by—

(A) hard-dollar payments from research clients;

(B) payments directed from the client's commission income (i.e., "soft dollars"); or

(C) payments from the issuer that is the subject of such research;

(6) any unique challenges faced by minority-owned, women-owned, and veteran-owned small issuers in obtaining research coverage; and

(7) the impact on the availability of research coverage for small issuers due to—

(A) investment adviser concentration and consolidation, including any potential impacts of fund-size on demand for investment research of small issuers;

(B) broker and dealer concentration and consolidation, including any relationships between the size of the firm and allocation of resources for investment research into small issuers;

(C) Securities and Exchange Commission rules;

(D) registered national securities association rules;

(E) State and Federal liability concerns;

(F) the settlement agreements referenced in Securities and Exchange Commission Litigation Release No. 18438 (i.e., the "Global Research Analyst Settlement"); and

(G) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, as implemented by the European Union ("EU") member states ("MiFID II").

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission shall submit to Congress a report that includes—

(1) the results of the study required by subsection (a); and

Recommendations.

(2) recommendations to increase the demand for, volume of, and quality of investment research into small issuers, including emerging growth companies and companies considering initial public offerings.

SEC. 107. STUDY ON THRESHOLD LIMITS APPLICABLE TO DIVERSIFIED COMPANIES.

(a) IN GENERAL.—The Securities and Exchange Commission shall carry out a study of the 10 per centum threshold limitation applicable to the definition of a diversified company under section 5(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–5(b)(1)) and determine the impacts of such threshold limits upon the protection of investors, efficiency, competition, and capital formation.

(b) CONSIDERATIONS.—In carrying out the study required under subsection (a), the Commission shall consider the following:

(1) The size and number of diversified companies that are currently restricted in their ability to own more than 10 percent of the voting shares in an individual company.

(2) How the investing preferences of diversified companies have shifted over time with respect to companies with smaller market capitalizations and companies in industries where competition may be limited.

(3) The expected impact to small and emerging growth companies regarding the availability of capital, related impacts on investor confidence and risk, and impacts on competition, if the threshold is increased or otherwise changed.

(4) The ability of registered funds to manage liquidity risk.

(5) Any other consideration that the Commission considers necessary and appropriate for the protection of investors.

(c) SOLICITATION OF PUBLIC COMMENTS.—In carrying out the study required under subsection (a), the Commission may solicit public comments.

(d) REPORT.—Not later than the end of the 180-day period beginning on the date of enactment of this Act, the Commission shall issue a report to the Congress, and make such report publicly available on the website of the Commission, containing— Time period. Public information. Web posting.

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) any legislative recommendations of the Commission. Recommendations.

SEC. 108. CYBERSECURITY AND FINANCIAL SYSTEM RESILIENCE REPORT. 12 USC 1811 note.

(a) IN GENERAL.—Not later than the end of the 180-day period beginning on the date of enactment of this Act, and annually thereafter, each banking regulator shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that provides a detailed explanation of measures undertaken to strengthen cybersecurity within the financial services sector and with respect to the functions of the regulator, including the supervision and regulation of financial institutions and, where applicable, third-party service providers. Each such report shall specifically include a detailed analysis of—

(1) policies and procedures (including those described under section 3554(b) of title 44, United States Code) to detect, defend against, and respond to—

(A) efforts to deny access to or degrade, disrupt, or destroy any information and communications technology system or network, or exfiltrate information from such a system or network without authorization;

(B) destructive malware attacks;

(C) denial of service activities; and

(D) any other efforts that may threaten the functions of the banking regulator or entities overseen by the regulator by undermining cybersecurity and the resilience of the financial system;

(2) activities to ensure the effective implementation of policies and procedures described under paragraph (1), including—

(A) the appointment of qualified staff, the provision of staff training, the use of accountability measures to support staff performance, and the designation, if any, of senior appointed leadership to strengthen accountability for oversight of cybersecurity measures within each banking regulator and among regulated entities;

(B) deployment of adequate resources and technologies;

(C) efforts of the banking regulators to respond to cybersecurity-related findings and recommendations of the Inspector General of the banking regulator or the independent evaluation described under section 3555 of title 42, United States Code;

(D) industry efforts to respond to cybersecurity-related findings and recommendations of the banking regulators;

(E) as appropriate, efforts to strengthen cybersecurity in coordination with other Federal departments and agencies, domestic and foreign financial institutions, and other partners, including the development and dissemination of best practices regarding cybersecurity and the sharing of threat information; and

(3) any current or emerging threats that are likely to pose a risk to the resilience of the financial system.

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

(c) CONGRESSIONAL BRIEFING.—Upon request, the head of each banking regulator shall provide a detailed briefing to the appropriate Members of Congress on each report submitted pursuant to subsection (a), except—

(1) the Chairman of the Board of Governors of the Federal Reserve System may designate another member of the Board of Governors of the Federal Reserve System to provide such briefing;

(2) the Chairperson of the Federal Deposit Insurance Corporation may designate another member of the Board of Directors of the Corporation to provide such briefing; and

(3) the Chairman of the National Credit Union Administration may designate another member of the National Credit Union Administration Board to provide such briefing.

(d) DEFINITIONS.—For the purposes of this section:

(1) APPROPRIATE MEMBERS OF CONGRESS.—The term "appropriate Members of Congress" means the following:

(A) The Chairman and Ranking Member of the Committee on Financial Services of the House of Representatives.

(B) The Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) BANKING REGULATOR.—The term "banking regulator" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(3) SENIOR APPOINTED LEADERSHIP.—With respect to a banking regulator, the term "senior appointed leadership" means a position that requires Senate confirmation.

(e) SUNSET.—The provisions of this section shall have no force or effect on or after the date that is 7 years after the date of enactment of this Act.

TITLE II—INTELLECTUAL PROPERTY

Subtitle A—Copyrights

SEC. 211. UNAUTHORIZED STREAMING.

(a) AMENDMENT.—Chapter 113 of title 18, United States Code, is amended by inserting after section 2319B the following:

"§ 2319C. Illicit digital transmission services 18 USC 2319C.

"(a) DEFINITIONS.—In this section—

"(1) the terms 'audiovisual work', 'computer program', 'copies', 'copyright owner', 'digital transmission', 'financial gain', 'motion picture', 'motion picture exhibition facility', 'perform', 'phonorecords', 'publicly' (with respect to performing a work), 'sound recording', and 'transmit' have the meanings given those terms in section 101 of title 17;

"(2) the term 'digital transmission service' means a service that has the primary purpose of publicly performing works by digital transmission;

"(3) the terms 'publicly perform' and 'public performance' refer to the exclusive rights of a copyright owner under paragraphs (4) and (6) of section 106 (relating to exclusive rights in copyrighted works) of title 17, as limited by sections 107 through 122 of title 17; and

"(4) the term 'work being prepared for commercial public performance' means—

"(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if, at the time of unauthorized public performance—

"(i) the copyright owner has a reasonable expectation of commercial public performance; and

"(ii) the copies or phonorecords of the work have not been commercially publicly performed in the United States by or with the authorization of the copyright owner; or

"(B) a motion picture, if, at the time of unauthorized public performance, the motion picture—

"(i)(I) has been made available for viewing in a motion picture exhibition facility; and

"(II) has not been made available in copies for sale to the general public in the United States by or with the authorization of the copyright owner in a format intended to permit viewing outside a motion picture exhibition facility; or

"(ii) had not been commercially publicly performed in the United States by or with the authorization of the copyright owner more than 24 hours before the unauthorized public performance.

"(b) PROHIBITED ACT.—It shall be unlawful for a person to willfully, and for purposes of commercial advantage or private financial gain, offer or provide to the public a digital transmission service that—

"(1) is primarily designed or provided for the purpose of publicly performing works protected under title 17 by means of a digital transmission without the authority of the copyright owner or the law;

"(2) has no commercially significant purpose or use other than to publicly perform works protected under title 17 by means of a digital transmission without the authority of the copyright owner or the law; or

"(3) is intentionally marketed by or at the direction of that person to promote its use in publicly performing works protected under title 17 by means of a digital transmission without the authority of the copyright owner or the law.

"(c) PENALTIES.—Any person who violates subsection (b) shall be, in addition to any penalties provided for under title 17 or any other law—

"(1) fined under this title, imprisoned not more than 3 years, or both;

"(2) fined under this title, imprisoned not more than 5 years, or both, if—

"(A) the offense was committed in connection with 1 or more works being prepared for commercial public performance; and

"(B) the person knew or should have known that the work was being prepared for commercial public performance; and

"(3) fined under this title, imprisoned not more than 10 years, or both, if the offense is a second or subsequent offense under this section or section 2319(a).

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) affect the interpretation of any other provision of civil copyright law, including the limitations of liability set forth in section 512 of title 17, or principles of secondary liability; or

"(2) prevent any Federal or State authority from enforcing cable theft or theft of service laws that are not subject to preemption under section 301 of title 17.".

18 USC prec. 2311.

(b) TABLE OF SECTIONS AMENDMENT.—The table of section for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319B the following:

"2319C. Illicit digital transmission services.".

SEC. 212. COPYRIGHT SMALL CLAIMS.

Copyright Alternative in Small-Claims Enforcement Act of 2020. 17 USC 101 note.

(a) SHORT TITLE.—This section may be cited as the "Copyright Alternative in Small-Claims Enforcement Act of 2020" or the "CASE Act of 2020".

(b) AMENDMENT.—Title 17, United States Code, is amended by adding at the end the following:

"CHAPTER 15—COPYRIGHT SMALL CLAIMS

17 USC prec. 1501.

"1501. Definitions.
"1502. Copyright Claims Board.
"1503. Authority and duties of the Copyright Claims Board.
"1504. Nature of proceedings.
"1505. Registration requirement.
"1506. Conduct of proceedings.
"1507. Effect of proceeding.
"1508. Review and confirmation by district court.
"1509. Relationship to other district court actions.
"1510. Implementation by Copyright Office.
"1511. Funding.

"§ 1501. Definitions

17 USC 1501.

"In this chapter—

"(1) the term 'claimant' means the real party in interest that commences a proceeding before the Copyright Claims Board under section 1506(e), pursuant to a permissible claim of infringement brought under section 1504(c)(1), noninfringement brought under section 1504(c)(2), or misrepresentation brought under section 1504(c)(3);

"(2) the term 'counterclaimant' means a respondent in a proceeding before the Copyright Claims Board that—

"(A) asserts a permissible counterclaim under section 1504(c)(4) against the claimant in the proceeding; and

"(B) is the real party in interest with respect to the counterclaim described in subparagraph (A);

"(3) the term 'party'—

"(A) means a party; and

"(B) includes the attorney of a party, as applicable; and

"(4) the term 'respondent' means any person against whom a proceeding is brought before the Copyright Claims Board under section 1506(e), pursuant to a permissible claim of infringement brought under section 1504(c)(1), noninfringement brought under section 1504(c)(2), or misrepresentation brought under section 1504(c)(3).

"§ 1502. Copyright Claims Board

17 USC 1502.

"(a) IN GENERAL.—There is established in the Copyright Office the Copyright Claims Board, which shall serve as an alternative forum in which parties may voluntarily seek to resolve certain copyright claims regarding any category of copyrighted work, as provided in this chapter.

Establishment.

"(b) OFFICERS AND STAFF.—

"(1) COPYRIGHT CLAIMS OFFICERS.—The Register of Copyrights shall recommend 3 full-time Copyright Claims Officers to serve on the Copyright Claims Board in accordance with paragraph (3)(A). The Officers shall be appointed by the Librarian of Congress to such positions after consultation with the Register of Copyrights.

Recommendations.

Appointment. Consultation.

"(2) COPYRIGHT CLAIMS ATTORNEYS.—The Register of Copyrights shall hire not fewer than 2 full-time Copyright Claims Attorneys to assist in the administration of the Copyright Claims Board.

"(3) QUALIFICATIONS.—

"(A) COPYRIGHT CLAIMS OFFICERS.—

"(i) IN GENERAL.—Each Copyright Claims Officer shall be an attorney who has not fewer than 7 years of legal experience.

"(ii) EXPERIENCE.—Two of the Copyright Claims Officers shall—

"(I) have substantial experience in the evaluation, litigation, or adjudication of copyright infringement claims; and

"(II) between those 2 Officers, have represented or presided over a diversity of copyright interests, including those of both owners and users of copyrighted works.

"(iii) ALTERNATIVE DISPUTE RESOLUTION.—The Copyright Claims Officer not described in clause (ii) shall have substantial familiarity with copyright law and experience in the field of alternative dispute resolution, including the resolution of litigation matters through that method of resolution.

"(B) COPYRIGHT CLAIMS ATTORNEYS.—Each Copyright Claims Attorney shall be an attorney who has not fewer than 3 years of substantial experience in copyright law.

"(4) COMPENSATION.—

"(A) COPYRIGHT CLAIMS OFFICERS.—

"(i) DEFINITION.—In this subparagraph, the term 'senior level employee of the Federal Government' means an employee, other than an employee in the Senior Executive Service, the position of whom is classified above GS–15 of the General Schedule.

"(ii) PAY RANGE.—Each Copyright Claims Officer shall be compensated at a rate of pay that is not less than the minimum, and not more than the maximum, rate of pay payable for senior level employees of the Federal Government, including locality pay, as applicable.

"(B) COPYRIGHT CLAIMS ATTORNEYS.—Each Copyright Claims Attorney shall be compensated at a rate of pay that is not more than the maximum rate of pay payable for level 10 of GS–15 of the General Schedule, including locality pay, as applicable.

"(5) TERMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a Copyright Claims Officer shall serve for a renewable term of 6 years.

"(B) INITIAL TERMS.—The terms for the first Copyright Claims Officers appointed under this chapter shall be as follows:

"(i) The first such Copyright Claims Officer appointed shall be appointed for a term of 4 years.

"(ii) The second Copyright Claims Officer appointed shall be appointed for a term of 5 years.

"(iii) The third Copyright Claims Officer appointed shall be appointed for a term of 6 years.

"(6) VACANCIES AND INCAPACITY.—

"(A) VACANCY.—

Recommendation. Consultation.

"(i) IN GENERAL.—If a vacancy occurs in the position of a Copyright Claims Officer, the Librarian of Congress shall, upon the recommendation of, and in

consultation with, the Register of Copyrights, act expeditiously to appoint a Copyright Claims Officer for that position.

"(ii) VACANCY BEFORE EXPIRATION.—An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the individual was appointed shall be appointed to serve a 6-year term.

"(B) INCAPACITY.—If a Copyright Claims Officer is temporarily unable to perform the duties of the Officer, the Librarian of Congress shall, upon recommendation of, and in consultation with, the Register of Copyrights, act expeditiously to appoint an interim Copyright Claims Officer to perform such duties during the period of such incapacity. Recommendation. Consultation. Appointment.

"(7) SANCTION OR REMOVAL.—Subject to section 1503(b), the Librarian of Congress may sanction or remove a Copyright Claims Officer.

"(8) ADMINISTRATIVE SUPPORT.—The Register of Copyrights shall provide the Copyright Claims Officers and Copyright Claims Attorneys with necessary administrative support, including technological facilities, to carry out the duties of the Officers and Attorneys under this chapter.

"(9) LOCATION OF COPYRIGHT CLAIMS BOARD.—The offices and facilities of the Copyright Claims Officers and Copyright Claims Attorneys shall be located at the Copyright Office.

"§ 1503. Authority and duties of the Copyright Claims Board 17 USC 1503.

"(a) FUNCTIONS.—

"(1) COPYRIGHT CLAIMS OFFICERS.—Subject to the provisions of this chapter and applicable regulations, the functions of the Copyright Claims Officers shall be as follows:

"(A) To render determinations on the civil copyright claims, counterclaims, and defenses that may be brought before the Officers under this chapter. Determinations.

"(B) To ensure that claims, counterclaims, and defenses are properly asserted and otherwise appropriate for resolution by the Copyright Claims Board.

"(C) To manage the proceedings before the Officers and render rulings pertaining to the consideration of claims, counterclaims, and defenses, including with respect to scheduling, discovery, evidentiary, and other matters.

"(D) To request, from participants and nonparticipants in a proceeding, the production of information and documents relevant to the resolution of a claim, counterclaim, or defense.

"(E) To conduct hearings and conferences.

"(F) To facilitate the settlement by the parties of claims and counterclaims.

"(G) To—

"(i) award monetary relief; and

"(ii) include in the determinations of the Officers a requirement that certain activities under section 1504(e)(2) cease or be mitigated, if the party to undertake the applicable measure has so agreed. Requirement.

Public information.

"(H) To provide information to the public concerning the procedures and requirements of the Copyright Claims Board.

Records. Certification. Public information.

"(I) To maintain records of the proceedings before the Officers, certify official records of such proceedings as needed, and, as provided in section 1506(t), make the records in such proceedings available to the public.

"(J) To carry out such other duties as are set forth in this chapter.

"(K) When not engaged in performing the duties of the Officers set forth in this chapter, to perform such other duties as may be assigned by the Register of Copyrights.

"(2) COPYRIGHT CLAIMS ATTORNEYS.—Subject to the provisions of this chapter and applicable regulations, the functions of the Copyright Claims Attorneys shall be as follows:

"(A) To provide assistance to the Copyright Claims Officers in the administration of the duties of those Officers under this chapter.

"(B) To provide assistance to members of the public with respect to the procedures and requirements of the Copyright Claims Board.

"(C) To provide information to potential claimants contemplating bringing a permissible action before the Copyright Claims Board about obtaining a subpoena under section 512(h) for the sole purpose of identifying a potential respondent in such an action.

"(D) When not engaged in performing the duties of the Attorneys set forth in this chapter, to perform such other duties as may be assigned by the Register of Copyrights.

"(b) INDEPENDENCE IN DETERMINATIONS.—

"(1) IN GENERAL.—The Copyright Claims Board shall render the determinations of the Board in individual proceedings independently on the basis of the records in the proceedings before it and in accordance with the provisions of this title, judicial precedent, and applicable regulations of the Register of Copyrights.

"(2) CONSULTATION.—The Copyright Claims Officers and Copyright Claims Attorneys—

"(A) may consult with the Register of Copyrights on general issues of law; and

"(B) subject to section 1506(x), may not consult with the Register of Copyrights with respect to—

"(i) the facts of any particular matter pending before the Officers and the Attorneys; or

"(ii) the application of law to the facts described in clause (i).

"(3) PERFORMANCE APPRAISALS.—Notwithstanding any other provision of law or any regulation or policy of the Library of Congress or Register of Copyrights, any performance appraisal of a Copyright Claims Officer or Copyright Claims Attorney may not consider the substantive result of any individual determination reached by the Copyright Claims Board as a basis for appraisal except to the extent that the result may relate to any actual or alleged violation of an ethical standard of conduct.

"(c) DIRECTION BY REGISTER.—Subject to subsection (b), the Copyright Claims Officers and Copyright Claims Attorneys shall, in the administration of their duties, be under the general direction of the Register of Copyrights.

"(d) INCONSISTENT DUTIES BARRED.—A Copyright Claims Officer or Copyright Claims Attorney may not undertake any duty that conflicts with the duties of the Officer or Attorney in connection with the Copyright Claims Board.

"(e) RECUSAL.—A Copyright Claims Officer or Copyright Claims Attorney shall recuse himself or herself from participation in any proceeding with respect to which the Copyright Claims Officer or Copyright Claims Attorney, as the case may be, has reason to believe that he or she has a conflict of interest.

"(f) EX PARTE COMMUNICATIONS.—Except as may otherwise be permitted by applicable law, any party to a proceeding before the Copyright Claims Board shall refrain from ex parte communications with the Copyright Claims Officers and the Register of Copyrights concerning the substance of any active or pending proceeding before the Copyright Claims Board.

"(g) JUDICIAL REVIEW.—Actions of the Copyright Claims Officers and Register of Copyrights under this chapter in connection with the rendering of any determination are subject to judicial review as provided under section 1508(c) and not under chapter 7 of title 5.

"§ 1504. Nature of proceedings

17 USC 1504.

"(a) VOLUNTARY PARTICIPATION.—Participation in a Copyright Claims Board proceeding shall be on a voluntary basis in accordance with this chapter, and the right of any party to instead pursue a claim, counterclaim, or defense in a district court of the United States, any other court, or any other forum, and to seek a jury trial, shall be preserved. The rights, remedies, and limitations under this section may not be waived except in accordance with this chapter.

"(b) STATUTE OF LIMITATIONS.—

Deadline.

"(1) IN GENERAL.—A proceeding may not be maintained before the Copyright Claims Board unless the proceeding is commenced, in accordance with section 1506(e), before the Copyright Claims Board not later than 3 years after the claim accrued.

"(2) TOLLING.—Subject to section 1507(a), a proceeding commenced before the Copyright Claims Board shall toll the time permitted under section 507(b) for the commencement of an action on the same claim in a district court of the United States during the period in which the proceeding is pending.

Determinations.
Regulations.

"(c) PERMISSIBLE CLAIMS, COUNTERCLAIMS, AND DEFENSES.—The Copyright Claims Board may render determinations with respect to the following claims, counterclaims, and defenses, subject to such further limitations and requirements, including with respect to particular classes of works, as may be set forth in regulations established by the Register of Copyrights:

"(1) A claim for infringement of an exclusive right in a copyrighted work provided under section 106 by the legal or beneficial owner of the exclusive right at the time of the infringement for which the claimant seeks damages, if any, within the limitations set forth in subsection (e)(1).

"(2) A claim for a declaration of noninfringement of an exclusive right in a copyrighted work provided under section 106, consistent with section 2201 of title 28.

"(3) A claim under section 512(f) for misrepresentation in connection with a notification of claimed infringement or a counter notification seeking to replace removed or disabled material, except that any remedies relating to such a claim in a proceeding before the Copyright Claims Board shall be limited to those available under this chapter.

"(4) A counterclaim that is asserted solely against the claimant in a proceeding—

"(A) pursuant to which the counterclaimant seeks damages, if any, within the limitations set forth in subsection (e)(1); and

"(B) that—

"(i) arises under section 106 or section 512(f) and out of the same transaction or occurrence that is the subject of a claim of infringement brought under paragraph (1), a claim of noninfringement brought under paragraph (2), or a claim of misrepresentation brought under paragraph (3); or

"(ii) arises under an agreement pertaining to the same transaction or occurrence that is the subject of a claim of infringement brought under paragraph (1), if the agreement could affect the relief awarded to the claimant.

"(5) A legal or equitable defense under this title or otherwise available under law, in response to a claim or counterclaim asserted under this subsection.

"(6) A single claim or multiple claims permitted under paragraph (1), (2), or (3) by 1 or more claimants against 1 or more respondents, but only if all claims asserted in any 1 proceeding arise out of the same allegedly infringing activity or continuous course of infringing activities and do not, in the aggregate, result in the recovery of such claim or claims for damages that exceed the limitations under subsection (e)(1).

"(d) EXCLUDED CLAIMS.—The following claims and counterclaims are not subject to determination by the Copyright Claims Board:

"(1) A claim or counterclaim that is not a permissible claim or counterclaim under subsection (c).

"(2) A claim or counterclaim that has been finally adjudicated by a court of competent jurisdiction or that is pending before a court of competent jurisdiction, unless that court has granted a stay to permit that claim or counterclaim to proceed before the Copyright Claims Board.

"(3) A claim or counterclaim by or against a Federal or State governmental entity.

"(4) A claim or counterclaim asserted against a person or entity residing outside of the United States, except in a case in which the person or entity initiated the proceeding before the Copyright Claims Board and is subject to counterclaims under this chapter.

"(e) PERMISSIBLE REMEDIES.—

"(1) MONETARY RECOVERY.—

"(A) ACTUAL DAMAGES, PROFITS, AND STATUTORY DAMAGES FOR INFRINGEMENT.—With respect to a claim or

counterclaim for infringement of copyright, and subject to the limitation on total monetary recovery under subparagraph (D), the Copyright Claims Board may award either of the following:

"(i) Actual damages and profits determined in accordance with section 504(b), with that award taking into consideration, in appropriate cases, whether the infringing party has agreed to cease or mitigate the infringing activity under paragraph (2).

"(ii) Statutory damages, which shall be determined in accordance with section 504(c), subject to the following conditions:

"(I) With respect to works timely registered under section 412, so that the works are eligible for an award of statutory damages in accordance with that section, the statutory damages may not exceed $15,000 for each work infringed.

"(II) With respect to works not timely registered under section 412, but eligible for an award of statutory damages under this section, statutory damages may not exceed $7,500 per work infringed, or a total of $15,000 in any 1 proceeding.

"(III) The Copyright Claims Board may not make any finding that, or consider whether, the infringement was committed willfully in making an award of statutory damages.

"(IV) The Copyright Claims Board may consider, as an additional factor in awarding statutory damages, whether the infringer has agreed to cease or mitigate the infringing activity under paragraph (2).

"(B) ELECTION OF DAMAGES.—With respect to a claim or counterclaim of infringement, at any time before final determination is rendered, and notwithstanding the schedule established by the Copyright Claims Board under section 1506(k), the claimant or counterclaimant shall elect—

"(i) to recover actual damages and profits or statutory damages under subparagraph (A); or

"(ii) not to recover damages.

"(C) DAMAGES FOR OTHER CLAIMS.—Damages for claims and counterclaims other than infringement claims, such as those brought under section 512(f), shall be subject to the limitation under subparagraph (D).

"(D) LIMITATION ON TOTAL MONETARY RECOVERY.—Notwithstanding any other provision of law, a party that pursues any 1 or more claims or counterclaims in any single proceeding before the Copyright Claims Board may not seek or recover in that proceeding a total monetary recovery that exceeds the sum of $30,000, exclusive of any attorneys' fees and costs that may be awarded under section 1506(y)(2).

"(2) AGREEMENT TO CEASE CERTAIN ACTIVITY.—In a determination of the Copyright Claims Board, the Board shall include a requirement to cease conduct if, in the proceeding relating to the determination— Determination. Requirement.

"(A) a party agrees—

"(i) to cease activity that is found to be infringing, including removing or disabling access to, or destroying, infringing materials; or

"(ii) to cease sending a takedown notice or counter notice under section 512 to the other party regarding the conduct at issue before the Board if that notice or counter notice was found to be a knowing material misrepresentation under section 512(f); and

Records.

"(B) the agreement described in subparagraph (A) is reflected in the record for the proceeding.

"(3) ATTORNEYS' FEES AND COSTS.—Notwithstanding any other provision of law, except in the case of bad faith conduct as provided in section 1506(y)(2), the parties to proceedings before the Copyright Claims Board shall bear their own attorneys' fees and costs.

"(f) JOINT AND SEVERAL LIABILITY.—Parties to a proceeding before the Copyright Claims Board may be found jointly and severally liable if all such parties and relevant claims or counterclaims arise from the same activity or activities.

"(g) PERMISSIBLE NUMBER OF CASES.—The Register of Copyrights may establish regulations relating to the permitted number of proceedings each year by the same claimant under this chapter, in the interests of justice and the administration of the Copyright Claims Board.

17 USC 1505.

"§ 1505. Registration requirement

"(a) APPLICATION OR CERTIFICATE.—A claim or counterclaim alleging infringement of an exclusive right in a copyrighted work may not be asserted before the Copyright Claims Board unless—

"(1) the legal or beneficial owner of the copyright has first delivered a completed application, a deposit, and the required fee for registration of the copyright to the Copyright Office; and

"(2) a registration certificate has either been issued or has not been refused.

"(b) CERTIFICATE OF REGISTRATION.—Notwithstanding any other provision of law, a claimant or counterclaimant in a proceeding before the Copyright Claims Board shall be eligible to recover actual damages and profits or statutory damages under this chapter for infringement of a work if the requirements of subsection (a) have been met, except that—

Determination.

"(1) the Copyright Claims Board may not render a determination in the proceeding until—

"(A) a registration certificate with respect to the work has been issued by the Copyright Office, submitted to the Copyright Claims Board, and made available to the other parties to the proceeding; and

"(B) the other parties to the proceeding have been provided an opportunity to address the registration certificate;

Time periods.
Notice.

"(2) if the proceeding may not proceed further because a registration certificate for the work is pending, the proceeding shall be held in abeyance pending submission of the certificate to the Copyright Claims Board, except that, if the proceeding is held in abeyance for more than 1 year, the Copyright Claims Board may, upon providing written notice to the parties to

the proceeding, and 30 days to the parties to respond to the notice, dismiss the proceeding without prejudice; and

"(3) if the Copyright Claims Board receives notice that registration with respect to the work has been refused, the proceeding shall be dismissed without prejudice.

"(c) PRESUMPTION.—In a case in which a registration certificate shows that registration with respect to a work was issued not later than 5 years after the date of the first publication of the work, the presumption under section 410(c) shall apply in a proceeding before the Copyright Claims Board, in addition to relevant principles of law under this title. Deadline. Applicability.

"(d) REGULATIONS.—In order to ensure that actions before the Copyright Claims Board proceed in a timely manner, the Register of Copyrights shall establish regulations allowing the Copyright Office to make a decision, on an expedited basis, to issue or deny copyright registration for an unregistered work that is at issue before the Board.

"§ 1506. Conduct of proceedings 17 USC 1506.

"(a) IN GENERAL.—

"(1) APPLICABLE LAW.—Proceedings of the Copyright Claims Board shall be conducted in accordance with this chapter and regulations established by the Register of Copyrights under this chapter, in addition to relevant principles of law under this title. Regulations.

"(2) CONFLICTING PRECEDENT.—If it appears that there may be conflicting judicial precedent on an issue of substantive copyright law that cannot be reconciled, the Copyright Claims Board shall follow the law of the Federal jurisdiction in which the action could have been brought if filed in a district court of the United States, or, if the action could have been brought in more than 1 such jurisdiction, the jurisdiction that the Copyright Claims Board determines has the most significant ties to the parties and conduct at issue. Determination.

"(b) RECORD.—The Copyright Claims Board shall maintain records documenting the proceedings before the Board.

"(c) CENTRALIZED PROCESS.—Proceedings before the Copyright Claims Board shall—

"(1) be conducted at the offices of the Copyright Claims Board without the requirement of in-person appearances by parties or others; and

"(2) take place by means of written submissions, hearings, and conferences carried out through internet-based applications and other telecommunications facilities, except that, in cases in which physical or other nontestimonial evidence material to a proceeding cannot be furnished to the Copyright Claims Board through available telecommunications facilities, the Copyright Claims Board may make alternative arrangements for the submission of such evidence that do not prejudice any other party to the proceeding.

"(d) REPRESENTATION.—A party to a proceeding before the Copyright Claims Board may be, but is not required to be, represented by—

"(1) an attorney; or

"(2) a law student who is qualified under applicable law governing representation by law students of parties in legal

proceedings and who provides such representation on a pro bono basis.

Regulations.

"(e) COMMENCEMENT OF PROCEEDING.—In order to commence a proceeding under this chapter, a claimant shall, subject to such additional requirements as may be prescribed in regulations established by the Register of Copyrights, file a claim with the Copyright Claims Board, that—

"(1) includes a statement of material facts in support of the claim;

Certification.

"(2) is certified under subsection (y)(1); and

"(3) is accompanied by a filing fee in such amount as may be prescribed in regulations established by the Register of Copyrights.

"(f) REVIEW OF CLAIMS AND COUNTERCLAIMS.—

Notifications.
Compliance.

"(1) CLAIMS.—Upon the filing of a claim under subsection (e), the claim shall be reviewed by a Copyright Claims Attorney to ensure that the claim complies with this chapter and applicable regulations, subject to the following:

"(A) If the claim is found to comply, the claimant shall be notified regarding that compliance and instructed to proceed with service of the claim under subsection (g).

Notification.
Deadlines.

"(B) If the claim is found not to comply, the claimant shall be notified that the claim is deficient and be permitted to file an amended claim not later than 30 days after the date on which the claimant receives the notice, without the requirement of an additional filing fee. If the claimant files a compliant claim within that 30-day period, the claimant shall be so notified and be instructed to proceed with service of the claim. If the claim is refiled within that 30-day period and still fails to comply, the claimant shall again be notified that the claim is deficient and shall be provided a second opportunity to amend the claim not later than 30 days after the date of that second notice, without the requirement of an additional filing fee. If the claim is refiled again within that second 30-day period and is compliant, the claimant shall be so notified and shall be instructed to proceed with service of the claim, but if the claim still fails to comply, upon confirmation of such noncompliance by a Copyright Claims Officer, the proceeding shall be dismissed without prejudice. The Copyright Claims Board shall also dismiss without prejudice any proceeding in which a compliant claim is not filed within the applicable 30-day period.

"(C)(i) Subject to clause (ii), for purposes of this paragraph, a claim against an online service provider for infringement by reason of the storage of or referral or linking to infringing material that may be subject to the limitations on liability set forth in subsection (b), (c), or (d) of section 512 shall be considered noncompliant unless the claimant affirms in the statement required under subsection (e)(1) of this section that the claimant has previously notified the service provider of the claimed infringement in accordance with subsection (b)(2)(E), (c)(3), or (d)(3) of section 512, as applicable, and the service provider failed to remove or disable access to the material expeditiously upon the provision of such notice.

"(ii) If a claim is found to be noncompliant under clause (i), the Copyright Claims Board shall provide the claimant with information concerning the service of such a notice under the applicable provision of section 512.

"(2) COUNTERCLAIMS.—Upon the filing and service of a counterclaim, the counterclaim shall be reviewed by a Copyright Claims Attorney to ensure that the counterclaim complies with the provisions of this chapter and applicable regulations. If the counterclaim is found not to comply, the counterclaimant and the other parties to the proceeding shall be notified that the counterclaim is deficient, and the counterclaimant shall be permitted to file and serve an amended counterclaim not later than 30 days after the date of such notice. If the counterclaimant files and serves a compliant counterclaim within that 30-day period, the counterclaimant and such other parties shall be so notified. If the counterclaim is refiled and served within that 30-day period but still fails to comply, the counterclaimant and such other parties shall again be notified that the counterclaim is deficient, and the counterclaimant shall be provided a second opportunity to amend the counterclaim not later than 30 days after the date of the second notice. If the counterclaim is refiled and served again within that second 30-day period and is compliant, the counterclaimant and such other parties shall be so notified, but if the counterclaim still fails to comply, upon confirmation of such noncompliance by a Copyright Claims Officer, the counterclaim, but not the proceeding, shall be dismissed without prejudice. Notifications. Deadlines.

"(3) DISMISSAL FOR UNSUITABILITY.—The Copyright Claims Board shall dismiss a claim or counterclaim without prejudice if, upon reviewing the claim or counterclaim, or at any other time in the proceeding, the Copyright Claims Board concludes that the claim or counterclaim is unsuitable for determination by the Copyright Claims Board, including on account of any of the following:

"(A) The failure to join a necessary party.

"(B) The lack of an essential witness, evidence, or expert testimony.

"(C) The determination of a relevant issue of law or fact that could exceed either the number of proceedings the Copyright Claims Board could reasonably administer or the subject matter competence of the Copyright Claims Board.

"(g) SERVICE OF NOTICE AND CLAIMS.—In order to proceed with a claim against a respondent, a claimant shall, not later than 90 days after receiving notification under subsection (f) to proceed with service, file with the Copyright Claims Board proof of service on the respondent. In order to effectuate service on a respondent, the claimant shall cause notice of the proceeding and a copy of the claim to be served on the respondent, either by personal service or pursuant to a waiver of personal service, as prescribed in regulations established by the Register of Copyrights. Such regulations shall include the following requirements: Deadline. Records. Waiver. Regulations. Requirements.

"(1) The notice of the proceeding shall adhere to a prescribed form and shall set forth the nature of the Copyright Claims Board and proceeding, the right of the respondent to opt out, and the consequences of opting out and not opting Deadline.

out, including a prominent statement that, by not opting out within 60 days after receiving the notice, the respondent—

"(A) loses the opportunity to have the dispute decided by a court created under article III of the Constitution of the United States; and

"(B) waives the right to a jury trial regarding the dispute.

Records. "(2) The copy of the claim served on the respondent shall be the same as the claim that was filed with the Copyright Claims Board.

"(3) Personal service of a notice and claim may be effected by an individual who is not a party to the proceeding and is older than 18 years of age.

Records. "(4) An individual, other than a minor or incompetent individual, may be served by—

"(A) complying with State law for serving a summons in an action brought in courts of general jurisdiction in the State where service is made;

"(B) delivering a copy of the notice and claim to the individual personally;

"(C) leaving a copy of the notice and claim at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

"(D) delivering a copy of the notice and claim to an agent designated by the respondent to receive service of process or, if not so designated, an agent authorized by appointment or by law to receive service of process.

Records. "(5)(A) A corporation, partnership, or unincorporated association that is subject to suit in courts of general jurisdiction under a common name shall be served by delivering a copy of the notice and claim to its service agent. If such service agent has not been designated, service shall be accomplished—

"(i) by complying with State law for serving a summons in an action brought in courts of general jurisdiction in the State where service is made; or

"(ii) by delivering a copy of the notice and claim to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process in an action brought in courts of general jurisdiction in the State where service is made and, if the agent is one authorized by statute and the statute so requires, by also mailing a copy of the notice and claim to the respondent.

Requirements. Regulations. "(B) A corporation, partnership, or unincorporated association that is subject to suit in courts of general jurisdiction under a common name may elect to designate a service agent to receive notice of a claim against it before the Copyright Claims Board by complying with requirements that the Register of Copyrights shall establish by regulation. The Register of Copyrights shall maintain a current directory of service agents that is available to the public for inspection, including through the internet, and may require such corporations, partnerships, and unincorporated associations designating such service agents to pay a fee to cover the costs of maintaining the directory.

Public information.

Waiver. Notification. Regulations. "(6) In order to request a waiver of personal service, the claimant may notify a respondent, by first class mail or by

other reasonable means, that a proceeding has been commenced, such notice to be made in accordance with regulations established by the Register of Copyrights, subject to the following:

Notice. Records.

"(A) Any such request shall be in writing, shall be addressed to the respondent, and shall be accompanied by a prescribed notice of the proceeding, a copy of the claim as filed with the Copyright Claims Board, a prescribed form for waiver of personal service, and a prepaid or other means of returning the form without cost.

Time period.

"(B) The request shall state the date on which the request is sent, and shall provide the respondent a period of 30 days, beginning on the date on which the request is sent, to return the waiver form signed by the respondent. The signed waiver form shall, for purposes of this subsection, constitute acceptance and proof of service as of the date on which the waiver is signed.

"(7)(A) A respondent's waiver of personal service shall not constitute a waiver of the respondent's right to opt out of the proceeding.

Time period.

"(B) A respondent who timely waives personal service under paragraph (6) and does not opt out of the proceeding shall be permitted a period of 30 days, in addition to the period otherwise permitted under the applicable procedures of the Copyright Claims Board, to submit a substantive response to the claim, including any defenses and counterclaims.

"(8) A minor or an incompetent individual may only be served by complying with State law for serving a summons or like process on such an individual in an action brought in the courts of general jurisdiction of the State where service is made.

"(9) Service of a claim and waiver of personal service may only be effected within the United States.

Regulations.

"(h) NOTIFICATION BY COPYRIGHT CLAIMS BOARD.—The Register of Copyrights shall establish regulations providing for a written notification to be sent by, or on behalf of, the Copyright Claims Board to notify the respondent of a pending proceeding against the respondent, as set forth in those regulations, which shall—

Deadline.

"(1) include information concerning the respondent's right to opt out of the proceeding, the consequences of opting out and not opting out, and a prominent statement that, by not opting out within 60 days after the date of service under subsection (g), the respondent loses the opportunity to have the dispute decided by a court created under article III of the Constitution of the United States and waives the right to a jury trial regarding the dispute; and

"(2) be in addition to, and separate and apart from, the notice requirements under subsection (g).

Time period. Regulations.

"(i) OPT-OUT PROCEDURE.—Upon being properly served with a notice and claim, a respondent who chooses to opt out of the proceeding shall have a period of 60 days, beginning on the date of service, in which to provide written notice of such choice to the Copyright Claims Board, in accordance with regulations established by the Register of Copyrights. If proof of service has been filed by the claimant and the respondent does not submit an opt-out notice to the Copyright Claims Board within that 60-day period, the proceeding shall be deemed an active proceeding and the

respondent shall be bound by the determination in the proceeding to the extent provided under section 1507(a). If the respondent opts out of the proceeding during that 60-day period, the proceeding shall be dismissed without prejudice, except that, in exceptional circumstances and upon written notice to the claimant, the Copyright Claims Board may extend that 60-day period in the interests of justice.

Regulations.

"(j) SERVICE OF OTHER DOCUMENTS.—Documents submitted or relied upon in a proceeding, other than the notice and claim, shall be served in accordance with regulations established by the Register of Copyrights.

"(k) SCHEDULING.—Upon confirmation that a proceeding has become an active proceeding, the Copyright Claims Board shall issue a schedule for the future conduct of the proceeding. The schedule shall not specify a time that a claimant or counterclaimant is required make an election of damages that is inconsistent with section 1504(e). A schedule issued by the Copyright Claims Board may be amended by the Copyright Claims Board in the interests of justice.

Records.

"(l) CONFERENCES.—One or more Copyright Claims Officers may hold a conference to address case management or discovery issues in a proceeding, which shall be noted upon the record of the proceeding and may be recorded or transcribed.

"(m) PARTY SUBMISSIONS.—A proceeding of the Copyright Claims Board may not include any formal motion practice, except that, subject to applicable regulations and procedures of the Copyright Claims Board—

"(1) the parties to the proceeding may make requests to the Copyright Claims Board to address case management and discovery matters, and submit responses thereto; and

"(2) the Copyright Claims Board may request or permit parties to make submissions addressing relevant questions of fact or law, or other matters, including matters raised sua sponte by the Copyright Claims Officers, and offer responses thereto.

Regulations.

"(n) DISCOVERY.—Discovery in a proceeding shall be limited to the production of relevant information and documents, written interrogatories, and written requests for admission, as provided in regulations established by the Register of Copyrights, except that—

"(1) upon the request of a party, and for good cause shown, the Copyright Claims Board may approve additional relevant discovery, on a limited basis, in particular matters, and may request specific information and documents from participants in the proceeding and voluntary submissions from nonparticipants, consistent with the interests of justice;

"(2) upon the request of a party, and for good cause shown, the Copyright Claims Board may issue a protective order to limit the disclosure of documents or testimony that contain confidential information; and

"(3) after providing notice and an opportunity to respond, and upon good cause shown, the Copyright Claims Board may apply an adverse inference with respect to disputed facts against a party who has failed to timely provide discovery materials in response to a proper request for materials that could be relevant to such facts.

"(o) EVIDENCE.—The Copyright Claims Board may consider the following types of evidence in a proceeding, and such evidence may be admitted without application of formal rules of evidence:

"(1) Documentary and other nontestimonial evidence that is relevant to the claims, counterclaims, or defenses in the proceeding.

"(2) Testimonial evidence, submitted under penalty of perjury in written form or in accordance with subsection (p), limited to statements of the parties and nonexpert witnesses, that is relevant to the claims, counterclaims, and defenses in a proceeding, except that, in exceptional cases, expert witness testimony or other types of testimony may be permitted by the Copyright Claims Board for good cause shown.

"(p) HEARINGS.—The Copyright Claims Board may conduct a hearing to receive oral presentations on issues of fact or law from parties and witnesses to a proceeding, including oral testimony, subject to the following: Records.

"(1) Any such hearing shall be attended by not fewer than 2 of the Copyright Claims Officers.

"(2) The hearing shall be noted upon the record of the proceeding and, subject to paragraph (3), may be recorded or transcribed as deemed necessary by the Copyright Claims Board.

"(3) A recording or transcript of the hearing shall be made available to any Copyright Claims Officer who is not in attendance.

"(q) VOLUNTARY DISMISSAL.—

"(1) BY CLAIMANT.—Upon the written request of a claimant that is received before a respondent files a response to the claim in a proceeding, the Copyright Claims Board shall dismiss the proceeding, or a claim or respondent, as requested, without prejudice.

"(2) BY COUNTERCLAIMANT.—Upon written request of a counterclaimant that is received before a claimant files a response to the counterclaim, the Copyright Claims Board shall dismiss the counterclaim, such dismissal to be without prejudice.

"(3) CLASS ACTIONS.—Any party in an active proceeding before the Copyright Claims Board who receives notice of a pending or putative class action, arising out of the same transaction or occurrence, in which that party is a class member may request in writing dismissal of the proceeding before the Board. Upon notice to all claimants and counterclaimants, the Copyright Claims Board shall dismiss the proceeding without prejudice.

"(r) SETTLEMENT.—

"(1) IN GENERAL.—At any time in an active proceeding, some or all of the parties may—

"(A) jointly request a conference with a Copyright Claims Officer for the purpose of facilitating settlement discussions; or

"(B) submit to the Copyright Claims Board an agreement providing for settlement and dismissal of some or all of the claims and counterclaims in the proceeding.

"(2) ADDITIONAL REQUEST.—A submission under paragraph (1)(B) may include a request that the Copyright Claims Board

adopt some or all of the terms of the parties' settlement in a final determination in the proceeding.

"(s) FACTUAL FINDINGS.—Subject to subsection (n)(3), the Copyright Claims Board shall make factual findings based upon a preponderance of the evidence.

"(t) DETERMINATIONS.—

"(1) NATURE AND CONTENTS.—A determination rendered by the Copyright Claims Board in a proceeding shall—

"(A) be reached by a majority of the Copyright Claims Board;

"(B) be in writing, and include an explanation of the factual and legal basis of the determination;

"(C) set forth any terms by which a respondent or counterclaim respondent has agreed to cease infringing activity under section 1504(e)(2);

"(D) to the extent requested under subsection (r)(2), set forth the terms of any settlement agreed to under subsection (r)(1); and

"(E) include a clear statement of all damages and other relief awarded, including under subparagraphs (C) and (D).

"(2) DISSENT.—A Copyright Claims Officer who dissents from a decision contained in a determination under paragraph (1) may append a statement setting forth the grounds for that dissent.

Public information. Web posting. Regulations.

"(3) PUBLICATION.—Each final determination of the Copyright Claims Board shall be made available on a publicly accessible website. The Register shall establish regulations with respect to the publication of other records and information relating to such determinations, including the redaction of records to protect confidential information that is the subject of a protective order under subsection (n)(2).

"(4) FREEDOM OF INFORMATION ACT.—All information relating to proceedings of the Copyright Claims Board under this chapter is exempt from disclosure to the public under section 552(b)(3) of title 5, except for determinations, records, and information published under paragraph (3).

Requirements. Regulations. Determination.

"(u) RESPONDENT'S DEFAULT.—If a proceeding has been deemed an active proceeding but the respondent has failed to appear or has ceased participating in the proceeding, as demonstrated by the respondent's failure, without justifiable cause, to meet 1 or more deadlines or requirements set forth in the schedule adopted by the Copyright Claims Board under subsection (k), the Copyright Claims Board may enter a default determination, including the dismissal of any counterclaim asserted by the respondent, as follows and in accordance with such other requirements as the Register of Copyrights may establish by regulation:

Review.

"(1) The Copyright Claims Board shall require the claimant to submit relevant evidence and other information in support of the claimant's claim and any asserted damages and, upon review of such evidence and any other requested submissions from the claimant, shall determine whether the materials so submitted are sufficient to support a finding in favor of the claimant under applicable law and, if so, the appropriate relief and damages, if any, to be awarded.

Notification.

"(2) If the Copyright Claims Board makes an affirmative determination under paragraph (1), the Copyright Claims Board

shall prepare a proposed default determination, and shall provide written notice to the respondent at all addresses, including email addresses, reflected in the records of the proceeding before the Copyright Claims Board, of the pendency of a default determination by the Copyright Claims Board and of the legal significance of such determination. Such notice shall be accompanied by the proposed default determination and shall provide that the respondent has a period of 30 days, beginning on the date of the notice, to submit any evidence or other information in opposition to the proposed default determination.

Time period.

"(3) If the respondent responds to the notice provided under paragraph (2) within the 30-day period provided in such paragraph, the Copyright Claims Board shall consider the respondent's submissions and, after allowing the other parties to address such submissions, maintain, or amend its proposed determination as appropriate, and the resulting determination shall not be a default determination.

"(4) If the respondent fails to respond to the notice provided under paragraph (2), the Copyright Claims Board shall proceed to issue the default determination as a final determination. Thereafter, the respondent may only challenge such determination to the extent permitted under section 1508(c), except that, before any additional proceedings are initiated under section 1508, the Copyright Claims Board may, in the interests of justice, vacate the default determination.

"(v) CLAIMANT'S FAILURE TO PROCEED.—

Time periods.

"(1) FAILURE TO COMPLETE SERVICE.—If a claimant fails to complete service on a respondent within the 90-day period required under subsection (g), the Copyright Claims Board shall dismiss that respondent from the proceeding without prejudice. If a claimant fails to complete service on all respondents within that 90-day period, the Copyright Claims Board shall dismiss the proceeding without prejudice.

"(2) FAILURE TO PROSECUTE.—If a claimant fails to proceed in an active proceeding, as demonstrated by the claimant's failure, without justifiable cause, to meet 1 or more deadlines or requirements set forth in the schedule adopted by the Copyright Claims Board under subsection (k), the Copyright Claims Board may, upon providing written notice to the claimant and a period of 30 days, beginning on the date of the notice, to respond to the notice, and after considering any such response, issue a determination dismissing the claimant's claims, which shall include an award of attorneys' fees and costs, if appropriate, under subsection (y)(2). Thereafter, the claimant may only challenge such determination to the extent permitted under section 1508(c), except that, before any additional proceedings are initiated under section 1508, the Copyright Claims Board may, in the interests of justice, vacate the determination of dismissal.

"(w) REQUEST FOR RECONSIDERATION.—A party may, not later than 30 days after the date on which the Copyright Claims Board issues a final determination in a proceeding under this chapter, submit a written request for reconsideration of, or an amendment to, such determination if the party identifies a clear error of law or fact material to the outcome, or a technical mistake. After providing the other parties an opportunity to address such request,

Deadline.

the Copyright Claims Board shall either deny the request or issue an amended final determination.

Deadline.
Regulations.

"(x) REVIEW BY REGISTER.—If the Copyright Claims Board denies a party a request for reconsideration of a final determination under subsection (w), that party may, not later than 30 days after the date of such denial, request review of the final determination by the Register of Copyrights in accordance with regulations established by the Register. Such request shall be accompanied by a reasonable filing fee, as provided in such regulations. The review by the Register shall be limited to consideration of whether the Copyright Claims Board abused its discretion in denying reconsideration of the determination. After providing the other parties an opportunity to address the request, the Register shall either deny the request for review, or remand the proceeding to the Copyright Claims Board for reconsideration of issues specified in the remand and for issuance of an amended final determination. Such amended final determination shall not be subject to further consideration or review, other than under section 1508(c).

Fees.

"(y) CONDUCT OF PARTIES AND ATTORNEYS.—

Regulations.
Requirements.

"(1) CERTIFICATION.—The Register of Copyrights shall establish regulations requiring certification of the accuracy and truthfulness of statements made by participants in proceedings before the Copyright Claims Board.

"(2) BAD FAITH CONDUCT.—Notwithstanding any other provision of law, in any proceeding in which a determination is rendered and it is established that a party pursued a claim, counterclaim, or defense for a harassing or other improper purpose, or without a reasonable basis in law or fact, then, unless inconsistent with the interests of justice, the Copyright Claims Board shall in such determination award reasonable costs and attorneys' fees to any adversely affected party of in an amount of not more than $5,000, except that—

"(A) if an adversely affected party appeared pro se in the proceeding, the award to that party shall be for costs only, in an amount of not more than $2,500; and

"(B) in extraordinary circumstances, such as where a party has demonstrated a pattern or practice of bad faith conduct as described in this paragraph, the Copyright Claims Board may, in the interests of justice, award costs and attorneys' fees in excess of the limitations under this paragraph.

Time period.

"(3) ADDITIONAL PENALTY.—If the Board finds that on more than 1 occasion within a 12-month period a party pursued a claim, counterclaim, or defense before the Copyright Claims Board for a harassing or other improper purpose, or without a reasonable basis in law or fact, that party shall be barred from initiating a claim before the Copyright Claims Board under this chapter for a period of 12 months beginning on the date on which the Board makes such a finding. Any proceeding commenced by that party that is still pending before the Board when such a finding is made shall be dismissed without prejudice, except that if a proceeding has been deemed active under subsection (i), the proceeding shall be dismissed under this paragraph only if the respondent provides written consent thereto.

Determination.

"(z) REGULATIONS FOR SMALLER CLAIMS.—The Register of Copyrights shall establish regulations to provide for the consideration

and determination, by not fewer than 1 Copyright Claims Officer, of any claim under this chapter in which total damages sought do not exceed $5,000 (exclusive of attorneys' fees and costs). A determination issued under this subsection shall have the same effect as a determination issued by the entire Copyright Claims Board.

"(aa) OPT-OUT FOR LIBRARIES AND ARCHIVES.—

"(1) IN GENERAL.—The Register of Copyrights shall establish regulations allowing for a library or archives that does not wish to participate in proceedings before the Copyright Claims Board to preemptively opt out of such proceedings. Regulations.

"(2) PROCEDURES.—The regulations established under paragraph (1) shall—

"(A) set forth procedures for preemptively opting out of proceedings before the Copyright Claims Board; and Procedures.

"(B) require that the Copyright Office compile and maintain a publicly available list of the libraries and archives that have successfully opted out of proceedings in accordance with the procedures described in subparagraph (A). Requirement. Public information. List.

"(3) NO FEE OR RENEWAL REQUIRED.—The Register of Copyrights may not—

"(A) charge a library or archives a fee to preemptively opt out of proceedings under this subsection; or

"(B) require a library or archives to renew a decision to preemptively opt out of proceedings under this subsection.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'library' and 'archives' mean any library or archives, respectively, that qualifies for the limitations on exclusive rights under section 108.

"§ 1507. Effect of proceeding 17 USC 1507.

"(a) DETERMINATION.—Subject to the reconsideration and review processes provided under subsections (w) and (x) of section 1506 and section 1508(c), the issuance of a final determination by the Copyright Claims Board in a proceeding, including a default determination or determination based on a failure to prosecute, shall, solely with respect to the parties to such determination, preclude relitigation before any court or tribunal, or before the Copyright Claims Board, of the claims and counterclaims asserted and finally determined by the Board, and may be relied upon for such purpose in a future action or proceeding arising from the same specific activity or activities, subject to the following:

"(1) A determination of the Copyright Claims Board shall not preclude litigation or relitigation as between the same or different parties before any court or tribunal, or the Copyright Claims Board, of the same or similar issues of fact or law in connection with claims or counterclaims not asserted or not finally determined by the Copyright Claims Board.

"(2) A determination of ownership of a copyrighted work for purposes of resolving a matter before the Copyright Claims Board may not be relied upon, and shall not have any preclusive effect, in any other action or proceeding before any court or tribunal, including the Copyright Claims Board.

"(3) Except to the extent permitted under this subsection and section 1508, any determination of the Copyright Claims

Board may not be cited or relied upon as legal precedent in any other action or proceeding before any court or tribunal, including the Copyright Claims Board.

"(b) CLASS ACTIONS NOT AFFECTED.—

"(1) IN GENERAL.—A proceeding before the Copyright Claims Board shall not have any effect on a class action proceeding in a district court of the United States, and section 1509(a) shall not apply to a class action proceeding in a district court of the United States.

"(2) NOTICE OF CLASS ACTION.—Any party to an active proceeding before the Copyright Claims Board who receives notice of a pending class action, arising out of the same transaction or occurrence as the proceeding before the Copyright Claims Board, in which the party is a class member shall either—

"(A) opt out of the class action, in accordance with regulations established by the Register of Copyrights; or

"(B) seek dismissal under section 1506(q)(3) of the proceeding before the Copyright Claims Board.

"(c) OTHER MATERIALS IN PROCEEDING.—Except as permitted under this section and section 1508, a submission or statement of a party or witness made in connection with a proceeding before the Copyright Claims Board, including a proceeding that is dismissed, may not be cited or relied upon in, or serve as the basis of, any action or proceeding concerning rights or limitations on rights under this title before any court or tribunal, including the Copyright Claims Board.

"(d) APPLICABILITY OF SECTION 512(g).—A claim or counterclaim before the Copyright Claims Board that is brought under subsection (c)(1) or (c)(4) of section 1504, or brought under subsection (c)(6) of section 1504 and that relates to a claim under subsection (c)(1) or (c)(4) of such section, qualifies as an action seeking an order to restrain a subscriber from engaging in infringing activity under section 512(g)(2)(C) if—

Notice.

"(1) notice of the commencement of the Copyright Claims Board proceeding is provided by the claimant to the service provider's designated agent before the service provider replaces the material following receipt of a counter notification under section 512(g); and

"(2) the claim brought alleges infringement of the material identified in the notification of claimed infringement under section 512(c)(1)(C).

"(e) FAILURE TO ASSERT COUNTERCLAIM.—The failure or inability to assert a counterclaim in a proceeding before the Copyright Claims Board shall not preclude the assertion of that counterclaim in a subsequent court action or proceeding before the Copyright Claims Board.

"(f) OPT-OUT OR DISMISSAL OF PARTY.—If a party has timely opted out of a proceeding under section 1506(i) or is dismissed from a proceeding before the Copyright Claims Board issues a final determination in the proceeding, the determination shall not be binding upon and shall have no preclusive effect with respect to that party.

17 USC 1508.

"§ 1508. Review and confirmation by district court

Deadline.

"(a) IN GENERAL.—In any proceeding in which a party has failed to pay damages, or has failed otherwise to comply with

the relief, awarded in a final determination of the Copyright Claims Board, including a default determination or a determination based on a failure to prosecute, the aggrieved party may, not later than 1 year after the date on which the final determination is issued, any reconsideration by the Copyright Claims Board or review by the Register of Copyrights is resolved, or an amended final determination is issued, whichever occurs last, apply to the United States District Court for the District of Columbia or any other appropriate district court of the United States for an order confirming the relief awarded in the final determination and reducing such award to judgment. The court shall grant such order and direct entry of judgment unless the determination is or has been vacated, modified, or corrected under subsection (c). If the United States District Court for the District of Columbia or other district court of the United States, as the case may be, issues an order confirming the relief awarded by the Copyright Claims Board, the court shall impose on the party who failed to pay damages or otherwise comply with the relief, the reasonable expenses required to secure such order, including attorneys' fees, that were incurred by the aggrieved party.

"(b) FILING PROCEDURES.—

"(1) APPLICATION TO CONFIRM DETERMINATION.—Notice of the application under subsection (a) for confirmation of a determination of the Copyright Claims Board and entry of judgment shall be provided to all parties to the proceeding before the Copyright Claims Board that resulted in the determination, in accordance with the procedures applicable to service of a motion in the district court of the United States where the application is made.

"(2) CONTENTS OF APPLICATION.—The application under subsection (a) shall include the following:

Certification. Records.

"(A) A certified copy of the final or amended final determination of the Copyright Claims Board, as reflected in the records of the Copyright Claims Board, following any process of reconsideration or review by the Register of Copyrights, to be confirmed and rendered to judgment.

"(B) A declaration by the applicant, under penalty of perjury—

"(i) that the copy is a true and correct copy of such determination;

"(ii) stating the date the determination was issued;

"(iii) stating the basis for the challenge under subsection (c)(1); and

"(iv) stating whether the applicant is aware of any other proceedings before the court concerning the same determination of the Copyright Claims Board.

"(c) CHALLENGES TO THE DETERMINATION.—

Deadlines.

"(1) BASES FOR CHALLENGE.—Not later than 90 days after the date on which the Copyright Claims Board issues a final or amended final determination in a proceeding, or not later than 90 days after the date on which the Register of Copyrights completes any process of reconsideration or review of the determination, whichever occurs later, a party may seek an order from a district court of the United States vacating, modifying, or correcting the determination of the Copyright Claims Board in the following cases:

"(A) If the determination was issued as a result of fraud, corruption, misrepresentation, or other misconduct.

"(B) If the Copyright Claims Board exceeded its authority or failed to render a final determination concerning the subject matter at issue.

"(C) In the case of a default determination or determination based on a failure to prosecute, if it is established that the default or failure was due to excusable neglect.

"(2) PROCEDURE TO CHALLENGE.—

"(A) NOTICE OF APPLICATION.—Notice of the application to challenge a determination of the Copyright Claims Board shall be provided to all parties to the proceeding before the Copyright Claims Board, in accordance with the procedures applicable to service of a motion in the court where the application is made.

"(B) STAYING OF PROCEEDINGS.—For purposes of an application under this subsection, any judge who is authorized to issue an order to stay the proceedings in another action brought in the same court may issue an order, to be served with the notice of application, staying proceedings to enforce the award while the challenge is pending.

17 USC 1509.

"§ 1509. Relationship to other district court actions

"(a) STAY OF DISTRICT COURT PROCEEDINGS.—Subject to section 1507(b), a district court of the United States shall issue a stay of proceedings or such other relief as the court determines appropriate with respect to any claim brought before the court that is already the subject of a pending or active proceeding before the Copyright Claims Board.

"(b) ALTERNATIVE DISPUTE RESOLUTION PROCESS.—A proceeding before the Copyright Claims Board under this chapter shall qualify as an alternative dispute resolution process under section 651 of title 28 for purposes of referral of eligible cases by district courts of the United States upon the consent of the parties.

17 USC 1510.

"§ 1510. Implementation by Copyright Office

"(a) REGULATIONS.—

Fees.

"(1) IMPLEMENTATION GENERALLY.—The Register of Copyrights shall establish regulations to carry out this chapter. Such regulations shall include the fees prescribed under subsections (e) and (x) of section 1506. The authority to issue such fees shall not limit the authority of the Register of Copyrights to establish fees for services under section 708. All fees received by the Copyright Office in connection with the activities under this chapter shall be deposited by the Register of Copyrights and credited to the appropriations for necessary expenses of the Office in accordance with section 708(d). In establishing regulations under this subsection, the Register of Copyrights shall provide for the efficient administration of the Copyright Claims Board, and for the ability of the Copyright Claims Board to timely complete proceedings instituted under this chapter, including by implementing mechanisms to prevent harassing or improper use of the Copyright Claims Board by any party.

Time periods.

"(2) LIMITS ON MONETARY RELIEF.—

"(A) IN GENERAL.—Subject to subparagraph (B), not earlier than 3 years after the date on which Copyright Claims Board issues the first determination of the Copyright Claims Board, the Register of Copyrights may, in order to further the goals of the Copyright Claims Board, conduct a rulemaking to adjust the limits on monetary recovery or attorneys' fees and costs that may be awarded under this chapter. Regulations.

"(B) EFFECTIVE DATE OF ADJUSTMENT.—Any rule under subparagraph (A) that makes an adjustment shall take effect at the end of the 120-day period beginning on the date on which the Register of Copyrights submits the rule to Congress and only if Congress does not, during that 120-day period, enact a law that provides in substance that Congress does not approve the rule.

"(b) NECESSARY FACILITIES.—Subject to applicable law, the Register of Copyrights may retain outside vendors to establish internet-based, teleconferencing, and other facilities required to operate the Copyright Claims Board.

"(c) FEES.—Any filing fees, including the fee to commence a proceeding under section 1506(e), shall be prescribed in regulations established by the Register of Copyrights. The sum total of such filing fees shall be in an amount of not less than $100, may not exceed the cost of filing an action in a district court of the United States, and shall be fixed in amounts that further the goals of the Copyright Claims Board. Regulations.

"§ 1511. Funding 17 USC 1511.

"There are authorized to be appropriated such sums as may be necessary to pay the costs incurred by the Copyright Office under this chapter that are not covered by fees collected for services rendered under this chapter, including the costs of establishing and maintaining the Copyright Claims Board and its facilities.".

(c) CLERICAL AMENDMENT.—The table of chapters for title 17, United States Code, is amended by adding at the end the following: 17 USC prec. 101.

"15. Copyright Small Claims ..... 1501".

(d) IMPLEMENTATION.— 17 USC 1502 note.

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act, the Copyright Claims Board established under section 1502 of title 17, United States Code, as added by subsection (b) of this section, shall begin operations. Deadline.

(2) EXTENSION.—The Register of Copyrights may, for good cause, extend the deadline under paragraph (1) by not more than 180 days if the Register of Copyrights provides notice of the extension to the public and to Congress.

(e) STUDY.—Not later than 3 years after the date on which the Copyright Claims Board issues the first determination of the Copyright Claims Board under chapter 15 of title 17, United States Code, as added by subsection (b) of this section, the Register of Copyrights shall conduct, and report to Congress on, a study that addresses the following: Deadline.

(1) The use and efficacy of the Copyright Claims Board in resolving copyright claims, including the number of proceedings the Copyright Claims Board could reasonably administer.

(2) Whether adjustments to the authority of the Copyright Claims Board are necessary or advisable, including with respect to—

(A) eligible claims, such as claims under section 1202 of title 17, United States Code; and

(B) works and applicable damages limitations.

(3) Whether greater allowance should be made to permit awards of attorneys' fees and costs to prevailing parties, including potential limitations on such awards.

(4) Potential mechanisms to assist copyright owners with small claims in ascertaining the identity and location of unknown online infringers.

(5) Whether the Copyright Claims Board should be expanded to offer mediation or other nonbinding alternative dispute resolution services to interested parties.

(6) Such other matters as the Register of Copyrights believes may be pertinent concerning the Copyright Claims Board.

17 USC 1501 note.

(f) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section and the amendments made by this section, and the application of the provision or the amendment to any other person or circumstance, shall not be affected.

Subtitle B—Trademarks

Trademark Modernization Act of 2020.

SEC. 221. SHORT TITLE; TABLE OF CONTENTS.

15 USC 1051 note.

(a) SHORT TITLE.—This subtitle may be cited as the "Trademark Modernization Act of 2020" or the "TM Act of 2020".

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

Subtitle B—Trademarks

Sec. 221. Short title; table of contents.
Sec. 222. Definitions.
Sec. 223. Providing for third-party submission of evidence during examination.
Sec. 224. Providing for flexible response periods.
Sec. 225. Ex parte expungement; ex parte reexamination; new grounds for cancellation.
Sec. 226. Rebuttable presumption of irreparable harm.
Sec. 227. Report on decluttering initiatives.
Sec. 228. Amendments to confirm authority of the Director.

15 USC 1051 note.

SEC. 222. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et. seq) (commonly referred to as the "Trademark Act of 1946" or the "Lanham Act").

SEC. 223. PROVIDING FOR THIRD-PARTY SUBMISSION OF EVIDENCE DURING EXAMINATION.

(a) AMENDMENT.—Section 1 of the Trademark Act of 1946 (15 U.S.C. 1051) is amended by adding at the end the following:

"(f) A third party may submit for consideration for inclusion in the record of an application evidence relevant to a ground for refusal of registration. The third-party submission shall identify the ground for refusal and include a concise description of each piece of evidence submitted in support of each identified ground for refusal. Not later than 2 months after the date on which the submission is filed, the Director shall determine whether the evidence should be included in the record of the application. The Director shall establish by regulation appropriate procedures for the consideration of evidence submitted by a third party under this subsection and may prescribe a fee to accompany the submission. If the Director determines that the third-party evidence should be included in the record of the application, only the evidence and the ground for refusal to which the evidence relates may be so included. Any determination by the Director whether or not to include evidence in the record of an application shall be final and non-reviewable, and a determination to include or to not include evidence in the record shall not prejudice any party's right to raise any issue and rely on any evidence in any other proceeding.".

Records. Determination. Deadline. Regulations. Procedures.

(b) DEADLINE FOR PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Director shall establish the appropriate procedures described in section 1(f) of the Trademark Act of 1946, as added by subsection (a).

15 USC 1051 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

15 USC 1051 note.

SEC. 224. PROVIDING FOR FLEXIBLE RESPONSE PERIODS.

Section 12(b) of the Trademark Act of 1946 (15 U.S.C. 1062(b)) is amended to read as follows:

"(b)(1) If the applicant is found not entitled to registration, the examiner shall notify the applicant thereof and of the reasons therefor. The applicant may reply or amend the application, which shall then be reexamined. This procedure may be repeated until the examiner finally refuses registration of the mark or the application is abandoned as described in paragraph (2).

Notification. Regulations.

"(2) After notification under paragraph (1), the applicant shall have a period of 6 months in which to reply or amend the application, or such shorter time that is not less than 60 days, as prescribed by the Director by regulation. If the applicant fails to reply or amend or appeal within the relevant time period, including any extension under paragraph (3), the application shall be deemed to have been abandoned, unless it can be shown to the satisfaction of the Director that the delay in responding was unintentional, in which case the application may be revived and such time may be extended. The Director may prescribe a fee to accompany any request to revive.

Fees.

"(3) The Director shall provide, by regulation, for extensions of time to respond to the examiner for any time period under paragraph (2) that is less than 6 months. The Director shall allow the applicant to obtain extensions of time to reply or amend aggregating 6 months from the date of notification under paragraph (1) when the applicant so requests. However, the Director may

set by regulation the time for individual periods of extension, and prescribe a fee, by regulation, for any extension request. Any request for extension shall be filed on or before the date on which a reply or amendment is due under paragraph (1).".

SEC. 225. EX PARTE EXPUNGEMENT; EX PARTE REEXAMINATION; NEW GROUNDS FOR CANCELLATION.

(a) EX PARTE EXPUNGEMENT.—The Trademark Act of 1946 is amended by inserting after section 16 (15 U.S.C. 1066) the following:

15 USC 1066a.

"SEC. 16A. EX PARTE EXPUNGEMENT.

"(a) PETITION.—Notwithstanding sections 7(b) and 22, and subsections (a) and (b) of section 33, any person may file a petition to expunge a registration of a mark on the basis that the mark has never been used in commerce on or in connection with some or all of the goods or services recited in the registration.

"(b) CONTENTS OF PETITION.—A petition filed under subsection (a), together with any supporting documents, shall—

"(1) identify the registration that is the subject of the petition;

"(2) identify each good or service recited in the registration for which it is alleged that the mark has never been used in commerce;

Statement.

"(3) include a verified statement that sets forth—

"(A) the elements of the reasonable investigation the petitioner conducted to determine that the mark has never been used in commerce on or in connection with the goods and services identified in the petition; and

"(B) any additional facts that support the allegation that the mark has never been used in commerce on or in connection with the identified goods and services;

"(4) include any supporting evidence on which the petitioner relies; and

Fees.

"(5) be accompanied by the fee prescribed by the Director.

"(c) INITIAL DETERMINATION; INSTITUTION.—

"(1) PRIMA FACIE CASE DETERMINATION, INSTITUTION, AND NOTIFICATION.—The Director shall, for each good or service identified under subsection (b)(2), determine whether the petition sets forth a prima facie case of the mark having never been used in commerce on or in connection with each such good or service, institute an ex parte expungement proceeding for each good or service for which the Director determines that a prima facie case has been set forth, and provide a notice to the registrant and petitioner of the determination of whether or not the proceeding was instituted. Such notice shall include a copy of the petition and any supporting documents and evidence that were included with the petition.

Notice.

Records.

Regulations.

"(2) REASONABLE INVESTIGATION GUIDANCE.—The Director shall promulgate regulations regarding what constitutes a reasonable investigation under subsection (b)(3) and the general types of evidence that could support a prima facie case that a mark has never been used in commerce, but the Director shall retain the discretion to determine whether a prima facie case is set out in a particular proceeding.

"(3) DETERMINATION BY DIRECTOR.—Any determination by the Director whether or not to institute a proceeding under this section shall be final and non-reviewable, and shall not prejudice any party's right to raise any issue and rely on

any evidence in any other proceeding, except as provided in subsection (j).

"(d) EX PARTE EXPUNGEMENT PROCEDURES.—The procedures for ex parte expungement shall be the same as the procedures for examination under section 12(b), except that the Director shall promulgate regulations establishing and governing a proceeding under this section, which may include regulations that— Regulations.

"(1) set response and extension times particular to this type of proceeding, which, notwithstanding section 12(b)(3), need not be extendable to 6 months; Time period.

"(2) set limits governing the timing and number of petitions filed for a particular registration or by a particular petitioner or real parties in interest; and

"(3) define the relation of a proceeding under this section to other proceedings concerning the mark.

"(e) REGISTRANT'S EVIDENCE OF USE.—A registrant's documentary evidence of use shall be consistent with when a mark shall be deemed to be in use in commerce under the definition of 'use in commerce' in section 45, but shall not be limited in form to that of specimens as provided in section 1(a).

"(f) EXCUSABLE NONUSE.—During an ex parte expungement proceeding, for a mark registered under section 44(e) or an extension of protection under section 66, the registrant may offer evidence showing that any nonuse is due to special circumstances that excuse such nonuse. In such a case, the examiner shall determine whether the facts and evidence demonstrate excusable nonuse and shall not find that the registration should be cancelled under subsection (g) for any good or service for which excusable nonuse is demonstrated. Determination.

"(g) EXAMINER'S DECISION; ORDER TO CANCEL.—For each good or service for which it is determined that a mark has never been used in commerce, and for which the provisions of subsection (f) do not apply, the examiner shall find that the registration should be cancelled for each such good or service. A mark shall not be found to have never been used in commerce if there is evidence of use in commerce by the registrant that temporally would have supported registration at the time the application was filed or the relevant allegation of use was made, or after registration, but before the petition to expunge was filed under subsection (a), or an ex parte expungement proceeding was instituted by the Director under subsection (h). Unless overturned on review of the examiner's decision, the Director shall issue an order cancelling the registration, in whole or in part, after the time for appeal has expired or any appeal proceeding has terminated.

"(h) EX PARTE EXPUNGEMENT BY THE DIRECTOR.—

"(1) IN GENERAL.—The Director may, on the Director's own initiative, institute an ex parte expungement proceeding if the Director discovers information that supports a prima facie case of a mark having never been used in commerce on or in connection with any good or service covered by a registration. The Director shall promptly notify the registrant of such determination, at which time the ex parte expungement proceeding shall proceed according to the same procedures for ex parte expungement established pursuant to subsection (d). If the Director determines, based on the Director's own initiative, to institute an expungement proceeding, the Director shall transmit or make available the information that formed the Determination. Notification.

basis for that determination as part of the institution notice sent to the registrant.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any other authority of the Director.

"(i) TIME FOR INSTITUTION.—

"(1) WHEN PETITION MAY BE FILED, EX PARTE EXPUNGEMENT PROCEEDING INSTITUTED.—A petition for ex parte expungement of a registration under subsection (a) may be filed, or the Director may institute on the Director's own initiative an ex parte expungement proceeding of a registration under subsection (h), at any time following the expiration of 3 years after the date of registration and before the expiration of 10 years following the date of registration.

"(2) EXCEPTION.—Notwithstanding paragraph (1), for a period of 3 years after the date of enactment of this section, a petition for expungement of a registration under subsection (a) may be filed, or the Director may institute on the Director's own initiative an ex parte expungement proceeding of a registration under subsection (h), at any time following the expiration of 3 years after the date of registration.

"(j) LIMITATION ON LATER EX PARTE EXPUNGEMENT PROCEEDINGS.—

"(1) NO CO-PENDING PROCEEDINGS.—With respect to a particular registration, while an ex parte expungement proceeding is pending, no later ex parte expungement proceeding may be instituted with respect to the same goods or services that are the subject of a pending ex parte expungement proceeding.

"(2) ESTOPPEL.—With respect to a particular registration, for goods or services previously subject to an instituted expungement proceeding for which, in that proceeding, it was determined that the registrant had used the mark for particular goods or services, as relevant, and the registration was not cancelled as to those goods or services, no further ex parte expungement proceedings may be initiated as to those goods or services, regardless of the identity of the petitioner.

"(k) USE IN COMMERCE REQUIREMENT NOT ALTERED.—Nothing in this section shall affect the requirement for use in commerce of a mark registered under section 1(a) or 23.".

(b) NEW GROUNDS FOR CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended—

(1) by striking the colon at the end of paragraph (5) and inserting a period;

(2) by inserting after paragraph (5) the following:

Time period.

"(6) At any time after the 3-year period following the date of registration, if the registered mark has never been used in commerce on or in connection with some or all of the goods or services recited in the registration:"; and

(3) in the flush text following paragraph (6), as added by paragraph (2) of this subsection, by inserting "Nothing in paragraph (6) shall be construed to limit the timing applicable to any other ground for cancellation. A registration under section 44(e) or 66 shall not be cancelled pursuant to paragraph (6) if the registrant demonstrates that any nonuse is due to special circumstances that excuse such nonuse." after "identical certification mark is applied.".

(c) EX PARTE REEXAMINATION.—The Trademark Act of 1946 is amended by inserting after section 16A, as added by subsection (a), the following:

"SEC. 16B. EX PARTE REEXAMINATION. 15 USC 1066b.

"(a) PETITION FOR REEXAMINATION.—Any person may file a petition to reexamine a registration of a mark on the basis that the mark was not in use in commerce on or in connection with some or all of the goods or services recited in the registration on or before the relevant date.

"(b) RELEVANT DATE.—In this section, the term 'relevant date' means, with respect to an application for the registration of a mark with an initial filing basis of— Definition.

"(1) section 1(a) and not amended at any point to be filed pursuant to section 1(b), the date on which the application was initially filed; or

"(2) section 1(b) or amended at any point to be filed pursuant to section 1(b), the date on which—

"(A) an amendment to allege use under section 1(c) was filed; or

"(B) the period for filing a statement of use under section 1(d) expired, including all approved extensions thereof.

"(c) REQUIREMENTS FOR THE PETITION.—A petition filed under subsection (a), together with any supporting documents, shall—

"(1) identify the registration that is the subject of the petition;

"(2) identify each good and service recited in the registration for which it is alleged that the mark was not in use in commerce on or in connection with on or before the relevant date;

"(3) include a verified statement that sets forth— Statement.

"(A) the elements of the reasonable investigation the petitioner conducted to determine that the mark was not in use in commerce on or in connection with the goods and services identified in the petition on or before the relevant date; and

"(B) any additional facts that support the allegation that the mark was not in use in commerce on or before the relevant date on or in connection with the identified goods and services;

"(4) include supporting evidence on which the petitioner relies; and

"(5) be accompanied by the fee prescribed by the Director. Fees.

"(d) INITIAL DETERMINATION; INSTITUTION.—

"(1) PRIMA FACIE CASE DETERMINATION, INSTITUTION, AND NOTIFICATION.—The Director shall, for each good or service identified under subsection (c)(2), determine whether the petition sets forth a prima facie case of the mark having not been in use in commerce on or in connection with each such good or service, institute an ex parte reexamination proceeding for each good or service for which the Director determines that the prima facie case has been set forth, and provide a notice to the registrant and petitioner of the determination of whether or not the proceeding was instituted. Such notice shall include a copy of the petition and any supporting documents and evidence that were included with the petition. Records.

Regulations.

"(2) REASONABLE INVESTIGATION GUIDANCE.—The Director shall promulgate regulations regarding what constitutes a reasonable investigation under subsection (c)(3) and the general types of evidence that could support a prima facie case that the mark was not in use in commerce on or in connection with a good or service on or before the relevant date, but the Director shall retain discretion to determine whether a prima facie case is set out in a particular proceeding.

"(3) DETERMINATION BY DIRECTOR.—Any determination by the Director whether or not to institute a reexamination proceeding under this section shall be final and non-reviewable, and shall not prejudice any party's right to raise any issue and rely on any evidence in any other proceeding, except as provided in subsection (j).

Regulations.

"(e) REEXAMINATION PROCEDURES.—The procedures for reexamination shall be the same as the procedures established under section 12(b) except that the Director shall promulgate regulations establishing and governing a proceeding under this section, which may include regulations that—

Time period.

"(1) set response and extension times particular to this type of proceeding, which, notwithstanding section 12(b)(3), need not be extendable to 6 months;

"(2) set limits governing the timing and number of petitions filed for a particular registration or by a particular petitioner or real parties in interest; and

"(3) define the relation of a reexamination proceeding under this section to other proceedings concerning the mark.

"(f) REGISTRANT'S EVIDENCE OF USE.—A registrant's documentary evidence of use shall be consistent with when a mark shall be deemed to be in use in commerce under the definition of 'use in commerce' in section 45, but shall not be limited in form to that of specimens as provided in section 1(a).

"(g) EXAMINER'S DECISION; ORDER TO CANCEL.—For each good or service for which it is determined that the registration should not have issued because the mark was not in use in commerce on or before the relevant date, the examiner shall find that the registration should be cancelled for each such good or service. Unless overturned on review of the examiner's decision, the Director shall issue an order cancelling the registration, in whole or in part, after the time for appeal has expired or any appeal proceeding has terminated.

"(h) REEXAMINATION BY DIRECTOR.—

Determination.

"(1) IN GENERAL.—The Director may, on the Director's own initiative, institute an ex parte reexamination proceeding if the Director discovers information that supports a prima facie case of the mark having not been used in commerce on or in connection with some or all of the goods or services covered by the registration on or before the relevant date. The Director shall promptly notify the registrant of such determination, at which time reexamination shall proceed according to the same procedures established pursuant to subsection (e). If the Director determines, based on the Director's own initiative, to institute an ex parte reexamination proceeding, the Director shall transmit or make available the information that formed the basis for that determination as part of the institution notice.

Notification.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any other authority of the Director.

"(i) TIME FOR INSTITUTION.—A petition for ex parte reexamination may be filed, or the Director may institute on the Director's own initiative an ex parte reexamination proceeding, at any time not later than 5 years after the date of registration of a mark registered based on use in commerce.

"(j) LIMITATION ON LATER EX PARTE REEXAMINATION PROCEEDINGS.—

"(1) NO CO-PENDING PROCEEDINGS.—With respect to a particular registration, while an ex parte reexamination proceeding is pending, no later ex parte reexamination proceeding may be instituted with respect to the same goods or services that are the subject of a pending ex parte reexamination proceeding.

"(2) ESTOPPEL.—With respect to a particular registration, for any goods or services previously subject to an instituted ex parte reexamination proceeding for which, in that proceeding, it was determined that the registrant had used the mark for particular goods or services before the relevant date, and the registration was not cancelled as to those goods or services, no further ex parte reexamination proceedings may be initiated as to those goods or services, regardless of the identity of the petitioner.

"(k) SUPPLEMENTAL REGISTER.—The provisions of subsection (b) apply, as appropriate, to registrations under section 23. Nothing in this section shall be construed to limit the timing of a cancellation action under section 24.". Applicability.

(d) APPEAL.—

(1) APPEAL TO TRADEMARK TRIAL AND APPEAL BOARD.—Section 20 of the Trademark Act of 1946 (15 U.S.C. 1070) is amended by inserting "or a final decision by an examiner in an ex parte expungement proceeding or ex parte reexamination proceeding" after "registration of marks".

(2) APPEAL TO COURTS.—

(A) EXPUNGEMENT OR EX PARTE REEXAMINATION.—Section 21(a)(1) of the Trademark Act of 1946 (15 U.S.C. 1071(a)(1)) is amended by striking "or an applicant for renewal" and inserting the following: "an applicant for renewal, or a registrant subject to an ex parte expungement proceeding or an ex parte reexamination proceeding".

(B) EXCEPTION.—Section 21(b)(1) of the Trademark Act of 1946 (15 U.S.C. 1071(b)(1)) is amended by inserting ", except for a registrant subject to an ex parte expungement proceeding or an ex parte reexamination proceeding," before "is dissatisfied".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The Trademark Act of 1946 is amended—

(1) in section 15 (15 U.S.C. 1065), by striking "paragraphs (3) and (5)" and inserting "paragraphs (3), (5), and (6)"; and

(2) in section 26 (15 U.S.C. 1094), by adding at the end the following: "Registrations on the supplemental register shall be subject to ex parte expungement and ex parte reexamination under sections 16A and 16B, respectively.".

(f) DEADLINE FOR PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Director shall issue regulations to carry out sections 16A and 16B of the Trademark Act of 1946, as added by subsections (a) and (c). Regulations. 15 USC 1066a note.

Time period.
15 USC 1064 note.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of enactment of this Act, and shall apply to any mark registered before, on, or after that effective date.

SEC. 226. REBUTTABLE PRESUMPTION OF IRREPARABLE HARM.

(a) AMENDMENT.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended by inserting after the first sentence the following: "A plaintiff seeking any such injunction shall be entitled to a rebuttable presumption of irreparable harm upon a finding of a violation identified in this subsection in the case of a motion for a permanent injunction or upon a finding of likelihood of success on the merits for a violation identified in this subsection in the case of a motion for a preliminary injunction or temporary restraining order.".

15 USC 1116 note.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to mean that a plaintiff seeking an injunction was not entitled to a presumption of irreparable harm before the date of enactment of this Act.

SEC. 227. REPORT ON DECLUTTERING INITIATIVES.

Consultation.
Time period.

(a) STUDY.—The Comptroller General of the United States shall consult with the Director to conduct a study on the efforts of the Director during the period beginning 12 months after the date of enactment of this Act and ending 30 months after the date of enactment of this Act to address inaccurate and false claims of use in trademark applications and registrations. Inaccurate and false claims of use include any declaration of use by a trademark applicant or registrant that cannot be supported by use in commerce as defined in section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) or the regulations relevant to the definition of specimens under section 1 of the Trademark Act of 1946 (15 U.S.C. 1051), as applicable.

Assessment.

(b) CONTENTS OF STUDY.—In conducting the study under subsection (a), the Comptroller General shall assess the following:

(1) With respect to sections 16A and 16B of the Trademark Act of 1946, as added by section 225—

(A) the number of petitions filed under each such section for which a decision not to institute was issued;

(B) the number of petitions filed under each such section for which a decision to institute was issued;

(C) the number of in-process and completed proceedings instituted under each such section, including any proceedings instituted by the Director's own initiative;

(D) the average time taken to resolve proceedings instituted under each such section, including the average time between—

(i) the filing of a petition under each such section and an examiner's final decision under section 16A(g) and 16B(g), or the last decision issued by the examiner if the registrant failed to respond to the latest-in-time decision by the examiner; and

(ii) the institution of a proceeding under each such section, including any proceedings instituted by the Director's own initiative, and an examiner's final decision under section 16A(g) and 16B(g), or the last decision issued by the examiner if the registrant failed

to respond to the latest-in-time decision by the examiner;

(E) the number of appeals of decisions of examiners to the Trademark Trial and Appeal Board and to the courts for each such proceeding; and

(F) an accounting of the final outcome of each such proceeding instituted by identifying the number of goods or services for which such proceedings were instituted, and the number of goods or services for each involved registration that were cancelled pursuant to such proceedings.

(2) With respect to section 1(f) of the Trademark Act of 1946, as added by section 223—

(A) the number of third-party submissions filed under such section for which the third-party asserts in the submission that the mark has not been used in commerce; and

(B) of the applications identified in subparagraph (A), the number of applications in which the third-party submission evidence is included in the application; and

(C) of those applications identified in subparagraph (B), the number of applications—

(i) refused registration based on an assertion by the examiner that the mark has not been used in commerce; and

(ii) for which the examiner requested additional information from the applicant related to claims of use.

(3) The effectiveness of—

(A) the proceedings under sections 16A and 16B of the Trademark Act of 1946, as added by section 225, in addressing inaccurate and false claims of use in trademark registrations; and

(B) any additional programs conducted by the Director designed to address inaccurate and false claims of use in trademark applications and registrations, including the post-registration use audit, as implemented as of the date of enactment of this Act under sections 2.161(h) and 7.37(h) of title 37, Code of Federal Regulations.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report—

(1) on the results of the study conducted under this section; and

(2) that includes any recommendations, based on the results of the study, for any changes to laws or regulations that will improve the integrity of the trademark register or reduce inaccurate or false claims of use.

Recommendations.

SEC. 228. AMENDMENTS TO CONFIRM AUTHORITY OF THE DIRECTOR.

(a) AMENDMENTS.—

(1) Section 18 of the Trademark Act of 1946 (15 U.S.C. 1068) is amended by inserting after "established in the proceedings" the following: ". The authority of the Director under this section includes the authority to reconsider, and modify

or set aside, a decision of the Trademark Trial and Appeal Board".

(2) Section 20 of the Trademark Act of 1946 (15 U.S.C. 1070) is amended by adding at the end the following: "The Director may reconsider, and modify or set aside, a decision of the Trademark Trial and Appeal Board under this section.".

(3) Section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended by inserting after "shall be canceled by the Director" the following: ", unless the Director reconsiders the decision of the Board, and modifies or sets aside, such decision".

15 USC 1068 note.

(b) RULES OF CONSTRUCTION.—

(1) AUTHORITY BEFORE DATE OF ENACTMENT.—The amendments made by subsection (a) shall not be construed to mean that the Director lacked the authority to reconsider, and modify or set aside, a decision of the Trademark Trial and Appeal Board before the date of enactment of this Act.

(2) AUTHORITY WITH RESPECT TO PARTICULAR DECISIONS.—The amendments made by subsection (a) shall not be construed to require the Director to reconsider, modify, or set aside any particular decision of the Trademark Trial and Appeal Board.

Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020.

DIVISION R—PROTECTING OUR INFRASTRUCTURE OF PIPELINES AND ENHANCING SAFETY ACT OF 2020

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

49 USC 60101 note.

(a) SHORT TITLE.—This division may be cited as the "Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020" or the "PIPES Act of 2020".

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

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

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.
Sec. 102. Pipeline workforce development.
Sec. 103. Cost recovery and fees for facility reviews.
Sec. 104. Advancement of new pipeline safety technologies and approaches.
Sec. 105. Pipeline safety testing enhancement study.
Sec. 106. Regulatory updates.
Sec. 107. Self-disclosure of violations.
Sec. 108. Due process protections in enforcement proceedings.
Sec. 109. Pipeline operating status.
Sec. 110. Updates to standards for liquefied natural gas facilities.
Sec. 111. National Center of Excellence for Liquefied Natural Gas Safety.
Sec. 112. Prioritization of rulemaking.
Sec. 113. Leak detection and repair.
Sec. 114. Inspection and maintenance plans.
Sec. 115. Consideration of pipeline class location changes.
Sec. 116. Protection of employees providing pipeline safety information.
Sec. 117. Interstate drug and alcohol oversight.
Sec. 118. Purpose and general authority.
Sec. 119. National Academy of Sciences study on automatic and remote-controlled shut-off valves on existing pipelines.
Sec. 120. Unusually sensitive areas.
Sec. 121. Safety-related condition reports.
Sec. 122. Risk analysis and integrity management programs.
Sec. 123. Rule of construction.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

Sec. 201. Short title.
Sec. 202. Distribution integrity management plans.
Sec. 203. Emergency response plans.
Sec. 204. Operations and maintenance manuals.
Sec. 205. Pipeline safety management systems.
Sec. 206. Pipeline safety practices.

SEC. 2. DEFINITIONS.

49 USC 60101 note.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Pipeline and Hazardous Materials Safety Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Administration.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) GAS AND HAZARDOUS LIQUID.—

"(1) IN GENERAL.—From fees collected under section 60301, there are authorized to be appropriated to the Secretary to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and the provisions of this chapter relating to gas and hazardous liquid—

"(A) $156,400,000 for fiscal year 2021, of which—

"(i) $9,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

"(ii) $63,000,000 shall be used for making grants;

"(B) $158,500,000 for fiscal year 2022, of which—

"(i) $9,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

"(ii) $66,000,000 shall be used for making grants; and

"(C) $162,700,000 for fiscal year 2023, of which—

"(i) $9,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

"(ii) $69,000,000 shall be used for making grants.

"(2) TRUST FUND AMOUNTS.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated from the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue Code of 1986 to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and the provisions of this chapter relating to hazardous liquid—

"(A) $27,000,000 for fiscal year 2021, of which—

"(i) $3,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

"(ii) $11,000,000 shall be used for making grants;

"(B) $27,650,000 for fiscal year 2022, of which—

"(i) $3,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

"(ii) $12,000,000 shall be used for making grants; and

"(C) $28,700,000 for fiscal year 2023, of which—

"(i) $3,000,000 shall be used to carry out section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355); and

"(ii) $13,000,000 shall be used for making grants.

"(3) UNDERGROUND NATURAL GAS STORAGE FACILITY SAFETY ACCOUNT.—From fees collected under section 60302, there is authorized to be appropriated to the Secretary to carry out section 60141 $8,000,000 for each of fiscal years 2021 through 2023.

"(4) RECRUITMENT AND RETENTION.—From amounts made available to the Secretary under paragraphs (1) and (2), the Secretary shall use—

"(A) $ 1,520,000 to carry out section 102(b)(1) of the PIPES Act of 2020, of which—

"(i) $1,292,000 shall be from amounts made available under paragraph (1)(A); and

"(ii) $228,000 shall be from amounts made available under paragraph (2)(A);

"(B) $2,300,000 to carry out section 102(b)(2)(A) of the PIPES Act of 2020, of which—

"(i) $1,955,000 shall be from amounts made available under paragraph (1)(A); and

"(ii) $345,000 shall be from amounts made available under paragraph (2)(A);

"(C) $1,600,000 to carry out section 102(b)(2)(B) of the PIPES Act of 2020, of which—

"(i) $1,360,000 shall be from amounts made available under paragraph (1)(B); and

"(ii) $240,000 shall be from amounts made available under paragraph (2)(B);

"(D) $1,800,000 to carry out section 102(b)(2)(C) of the PIPES Act of 2020, of which—

"(i) $ 1,530,000 shall be from amounts made available under paragraph (1)(C); and

"(ii) $270,000 shall be from amounts made available under paragraph (2)(C);

"(E) $2,455,000 to carry out section 102(c) of the PIPES Act of 2020 in fiscal year 2021, of which—

"(i) $2,086,750 shall be from amounts made available under paragraph (1)(A); and

"(ii) $368,250 shall be from amounts made available under paragraph (2)(A);

"(F) $2,455,000 to carry out section 102(c) of the PIPES Act of 2020 in fiscal year 2022, of which—

"(i) $2,086,750 shall be from amounts made available under paragraph (1)(B); and

"(ii) $368,250 shall be from amounts made available under paragraph (2)(B); and

"(G) $2,455,000 to carry out section 102(c) of the PIPES Act of 2020 in fiscal year 2023, of which—

"(i) $2,086,750 shall be from amounts made available under paragraph (1)(C); and

"(ii) $368,250 shall be from amounts made available under paragraph (2)(C).".

(b) OPERATIONAL EXPENSES.—Section 2(b) of the PIPES Act of 2016 (Public Law 114–183; 130 Stat. 515) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $25,000,000 for fiscal year 2021.

"(2) $26,000,000 for fiscal year 2022.

"(3) $27,000,000 for fiscal year 2023.".

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 of title 49, United States Code, is amended by striking " $1,058,000 for each of fiscal years 2016 through 2019" and inserting " $1,058,000 for each of fiscal years 2021 through 2023".

(d) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) of title 49, United States Code, is amended by striking "fiscal years 2012 through 2015" and inserting "fiscal years 2021 through 2023".

(e) PIPELINE SAFETY INFORMATION GRANTS TO COMMUNITIES.—Section 60130 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking "to local communities and groups of individuals (not including for-profit entities)" and inserting "to local communities, Indian Tribes, and groups of individuals (not including for-profit entities)"; and

(ii) in the third sentence, by striking "The amount" and inserting "Except as provided in subsection (c)(2), the amount"; and

(B) by striking paragraph (4);

(2) by striking subsection (c) and inserting the following:

"(c) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), out of amounts made available under section 2(b) of the PIPES Act of 2016 (Public Law 114–183; 130 Stat. 515), the Secretary shall use $2,000,000 for each of fiscal years 2021 through 2023 to carry out this section.

"(2) IMPROVING TECHNICAL ASSISTANCE.—From the amounts used to carry out this section under paragraph (1) each fiscal year, the Secretary shall award $1,000,000 to an eligible applicant through a competitive selection process for the purpose of improving the quality of technical assistance provided to communities or individuals under this section.

"(3) LIMITATION.—Any amounts used to carry out this section shall not be derived from user fees collected under section 60301."; and

(3) by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) TECHNICAL ASSISTANCE.—The term 'technical assistance' means engineering, research, and other scientific analysis of pipeline safety issues, including the promotion of public participation on technical pipeline safety issues in proceedings related to this chapter.

"(2) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a nonprofit entity that—

"(A) is a public safety advocate;

"(B) has pipeline safety expertise;

"(C) is able to provide individuals and communities with technical assistance; and

"(D) was established with funds designated for the purpose of community service through the implementation of section 3553 of title 18 relating to violations of this chapter.".

(f) DAMAGE PREVENTION PROGRAMS.—Section 60134(i) of title 49, United States Code, is amended in the first sentence by striking "fiscal years 2012 through 2015" and inserting "fiscal years 2021 through 2023".

(g) PIPELINE INTEGRITY PROGRAM.—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) is amended by striking "2016 through 2019" and inserting "2021 through 2023".

49 USC 60101 note.

SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.

Deadline.

(a) INSPECTOR TRAINING.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

Review.

(1) review the inspector training programs provided at the Inspector Training and Qualifications Division of the Administration in Oklahoma City, Oklahoma; and

Determination.

(2) determine whether any of the programs referred to in paragraph (1), or any portions of the programs, could be provided online through teletraining or another type of distance learning.

(b) STAFFING.—

(1) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees (as compared to the number of positions on the date of enactment of this Act) by 8 full-time employees with subject matter expertise in pipeline safety, pipeline facilities, and pipeline systems to finalize outstanding rulemakings and fulfill congressional mandates.

(2) PIPELINE INSPECTION AND ENFORCEMENT PERSONNEL.—The Secretary shall ensure that the number of full-time positions for pipeline inspection and enforcement personnel in the Office of Pipeline Safety of the Administration does not fall below the following:

(A) 224 for fiscal year 2021.

(B) 235 for fiscal year 2022.

(C) 247 for fiscal year 2023.

(c) RECRUITMENT AND RETENTION INCENTIVES.—

(1) IN GENERAL.—The Secretary shall use incentives, as necessary, to recruit and retain a qualified workforce, including inspection and enforcement personnel and attorneys and subject matter experts at the Office of Pipeline Safety of the Administration, including—

(A) special pay rates permitted under section 5305 of title 5, United States Code;

(B) repayment of student loans permitted under section 5379 of that title;

(C) tuition assistance permitted under chapter 41 of that title;

(D) recruitment incentives permitted under section 5753 of that title; and

(E) retention incentives permitted under section 5754 of that title.

(2) CONTINUED SERVICE AGREEMENT.—The Secretary shall ensure that the incentives described in paragraph (1) are accompanied by a continued service agreement.

(3) APPROVAL.—The Secretary shall request, as necessary, the approval of the Office of Personnel Management to use the incentives described in paragraph (1).

SEC. 103. COST RECOVERY AND FEES FOR FACILITY REVIEWS.

(a) FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED NATURAL GAS FACILITIES.—Chapter 603 of title 49, United States Code, is amended by inserting after section 60302 the following:

"§ 60303. Fees for compliance reviews of liquefied natural gas facilities 49 USC 60303.

"(a) IMPOSITION OF FEE.—

"(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the 'Secretary') shall impose on a person who files with the Federal Energy Regulatory Commission an application for a liquefied natural gas facility that has design and construction costs totaling not less than $2,500,000,000 a fee for the necessary expenses of a review, if any, that the Secretary conducts, in connection with that application, to determine compliance with subpart B of part 193 of title 49, Code of Federal Regulations (or successor regulations).

"(2) RELATION TO OTHER REVIEW.—The Secretary may not impose fees under paragraph (1) and section 60117(o) or 60301(b) for the same compliance review described in paragraph (1).

"(b) MEANS OF COLLECTION.—

"(1) IN GENERAL.—The Secretary shall prescribe procedures to collect fees under this section. Procedures.

"(2) USE OF GOVERNMENT ENTITIES.—The Secretary may—

"(A) use a department, agency, or instrumentality of the Federal Government or of a State or local government to collect fees under this section; and

"(B) reimburse that department, agency, or instrumentality a reasonable amount for the services provided. Reimbursement.

"(c) ACCOUNT.—There is established an account, to be known as the 'Liquefied Natural Gas Siting Account', in the Pipeline Safety Fund established in the Treasury of the United States under section 60301.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 603 of title 49, United States Code, is amended by inserting after the item relating to section 60302 the following: 49 USC prec. 60301.

"60303. Fees for compliance reviews of liquefied natural gas facilities.".

SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECHNOLOGIES AND APPROACHES.

(a) IN GENERAL.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:

49 USC 60142.

"§ 60142. Pipeline safety enhancement programs

Evaluation.

"(a) IN GENERAL.—The Secretary may establish and carry out limited safety-enhancing testing programs to evaluate innovative technologies and operational practices testing the safe operation of—

"(1) a natural gas pipeline facility; or

"(2) a hazardous liquid pipeline facility.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—Testing programs established under subsection (a) may not exceed—

"(A) 5 percent of the total miles of hazardous liquid pipelines in the United States that are regulated by—

"(i) the Pipeline and Hazardous Materials Safety Administration; or

"(ii) a State authority under section 60105 or 60106; and

"(B) 5 percent of the total miles of natural gas pipelines in the United States that are regulated by—

"(i) the Pipeline and Hazardous Materials Safety Administration; or

"(ii) a State authority under section 60105 or 60106.

"(2) OPERATOR MILEAGE LIMITATION.—The Secretary shall limit the miles of pipelines that each operator can test under each program established under subsection (a) to the lesser of—

"(A) 38 percent of the total miles of pipelines in the system of the operator that are regulated by—

"(i) the Pipeline and Hazardous Materials Safety Administration; or

"(ii) a State authority under section 60105 or 60106; or

"(B) 1,000 miles.

"(3) PROHIBITED AREAS.—Any program established under subsection (a) shall not be located in—

"(A) a high population area (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation));

"(B) a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations (or a successor regulation)); or

"(C) an unusually sensitive area (as described under subsection (a)(1)(B)(ii) of section 60109 in accordance with subsection (b) of that section).

"(4) HIGH CONSEQUENCE AREAS FOR HAZARDOUS LIQUID PIPELINES.—

Reports.

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report examining the benefits and costs of prohibiting the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)).

"(B) CONTENTS OF REPORT.—The report described in subparagraph (A) shall examine—

"(i) the safety benefits of allowing the testing of hazardous liquid pipelines in high consequence areas

(as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)); and

"(ii) whether additional testing conditions are required to protect those areas while conducting a testing program established under subsection (a) in those areas.

"(c) DURATION.—

"(1) IN GENERAL.—The term of a testing program established under subsection (a) shall be not more than a period of 3 years beginning on the date of approval of the program.

"(2) REQUIREMENT.—The Secretary shall not establish any additional safety-enhancing testing programs under subsection (a) after the date that is 3 years after the date of enactment of this section.

"(d) SAFETY STANDARDS.—

"(1) IN GENERAL.—The Secretary shall require, as a condition of approval of a testing program under subsection (a), that the safety measures in the testing program are designed to achieve a level of safety that is greater than the level of safety required by this chapter. Requirement.

"(2) DETERMINATION.—

"(A) IN GENERAL.—The Secretary may issue an order under subparagraph (A) of section 60118(c)(1) to accomplish the purpose of a testing program for a term not to exceed the time period described in subsection (c) if the condition described in paragraph (1) is met, as determined by the Secretary.

"(B) LIMITATION.—An order under subparagraph (A) shall pertain only to those regulations that would otherwise prevent the use of the safety technology to be tested under the testing program.

"(3) INCREASED SAFETY CAPABILITIES.—For purposes of paragraph (1), improvement in the reliability, accuracy, durability, or certainty of pipeline safety technologies, techniques, or methods shall constitute an appropriate means of meeting the safety measure requirement described in that paragraph.

"(e) CONSIDERATIONS.—In establishing a testing program under subsection (a), the Secretary shall consider—

"(1) the accident and incident record of the owners or operators participating in the program;

"(2)(A) whether the owners or operators participating in the program have a safety management system in place; and

"(B) how the application of that system proposes to eliminate or mitigate potential safety and environmental risks throughout the duration of the program; and

"(3) whether the proposed safety technology has been tested through a research and development program carried out by—

"(A) the Secretary;

"(B) collaborative research development organizations; or

"(C) other institutions.

"(f) DATA AND FINDINGS.—

"(1) IN GENERAL.—As a participant in a testing program established under subsection (a), an owner or operator shall submit to the Secretary detailed findings and a summary of data collected as a result of participation in the testing program.

Web posting.

"(2) PUBLIC REPORT.—The Secretary shall make publicly available on the website of the Department of Transportation an annual report for any ongoing testing program established under subsection (a) summarizing the progress of the program.

"(g) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a testing program under subsection (a) if—

"(1)(A) the participant has an accident or incident involving death or personal injury necessitating in-patient hospitalization; and

"(B) the testing program is determined to be the cause of, or a contributing factor to, that accident or incident;

"(2) the participant fails to comply with the terms and conditions of the testing program; or

Determination.

"(3) in the determination of the Secretary, continued participation in the testing program by the participant would be unsafe or would not be consistent with the goals and objectives of this chapter.

"(h) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a testing program under subsection (a) if continuation of the testing program would not be consistent with the goals and objectives of this chapter.

"(i) STATE RIGHTS.—

"(1) EXEMPTION.—Except as provided in paragraph (2), if a State submits to the Secretary notice that the State requests an exemption from any testing program considered for establishment under this section, the State shall be exempt.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—The Secretary shall not grant a requested exemption under paragraph (1) after a testing program is established.

Time period.

"(B) LATE NOTICE.—The Secretary shall not grant a requested exemption under paragraph (1) if the notice submitted under that paragraph is submitted to the Secretary more than 30 days after the date on which the Secretary issues an order providing an effective date for the testing program in accordance with subsection (j).

"(3) EFFECT.—If a State has not submitted a notice requesting an exemption under paragraph (1), the State shall not enforce any law (including regulations) that is inconsistent with a testing program in effect in the State under this section.

"(j) PROGRAM REVIEW PROCESS AND PUBLIC NOTICE.—

Federal Register, publication.
Time period.

"(1) IN GENERAL.—The Secretary shall publish in the Federal Register and send directly to each relevant State and each appropriate State authority with a certification in effect under section 60105 a notice of each proposed testing program under subsection (a), including the order to be considered, and provide an opportunity for public comment for not less than 90 days.

Deadline.

"(2) RESPONSE FROM SECRETARY.—Not later than the date on which the Secretary issues an order providing an effective date of a testing program noticed under paragraph (1), the Secretary shall—

Federal Register, publication.

"(A) publish the order in the Federal Register; and

"(B) respond to each comment submitted under paragraph (1).

"(k) REPORT TO CONGRESS.—At the conclusion of each testing program, the Secretary shall make publicly available on the website of the Department of Transportation a report containing— Public information. Web posting.

"(1) the findings and conclusions of the Secretary with respect to the testing program; and

"(2) any recommendations of the Secretary with respect to the testing program, including any recommendations for amendments to laws (including regulations) and the establishment of standards, that— Recommendations.

"(A) would enhance the safe operation of interstate gas or hazardous liquid pipeline facilities; and

"(B) are technically, operationally, and economically feasible.

"(l) STANDARDS.—If a report under subsection (k) indicates that it is practicable to establish technically, operationally, and economically feasible standards for the use of a safety-enhancing technology and any corresponding operational practices tested by the testing program described in the report, the Secretary, as soon as practicable after submission of the report, may promulgate regulations consistent with chapter 5 of title 5 (commonly known as the 'Administrative Procedure Act') that— Regulations.

"(1) allow operators of interstate gas or hazardous liquid pipeline facilities to use the relevant technology or practice to the extent practicable; and

"(2) establish technically, operationally, and economically feasible standards for the capability and deployment of the technology or practice.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 601 of title 49, United States Code, is amended by inserting after the item relating to section 60141 the following: 49 USC prec. 60101.

"60142. Pipeline safety enhancement programs.".

SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT STUDY. Reports.

Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Appropriations of the House of Representatives a report relating to—

(1) the research and development capabilities of the Administration, in accordance with section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355);

(2)(A) the development of additional testing and research capabilities through the establishment of an independent pipeline safety testing facility under the Department of Transportation;

(B) whether an independent pipeline safety testing facility would be critical to the work of the Administration;

(C) the costs and benefits of developing an independent pipeline safety testing facility under the Department of Transportation; and

(D) the costs and benefits of colocating an independent pipeline safety testing facility at an existing training center of the Administration; and

(3) the ability of the Administration to use the testing facilities of the Department of Transportation, other Federal agencies, or federally funded research and development centers.

SEC. 106. REGULATORY UPDATES.

(a) DEFINITION OF OUTSTANDING MANDATE.—In this section, the term "outstanding mandate" means—

(1) a final rule required to be issued under the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90; 125 Stat. 1904) that has not been published in the Federal Register;

(2) a final rule required to be issued under the PIPES Act of 2016 (Public Law 114–183; 130 Stat. 514) that has not been published in the Federal Register; and

(3) any other final rule regarding gas or hazardous liquid pipeline facilities required to be issued under this Act or an Act enacted prior to the date of enactment of this Act that has not been published in the Federal Register.

(b) REQUIREMENTS.—

Deadline. Federal Register, publication. Public information. Web posting.

(1) PERIODIC UPDATES.—Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter until a final rule referred to in paragraphs (1) through (3) of subsection (a) is published in the Federal Register, the Secretary shall publish on a publicly available website of the Department of Transportation an update regarding the status of each outstanding mandate in accordance with subsection (c).

(2) NOTIFICATION OF CONGRESS.—On publication of a final rule in the Federal Register for an outstanding mandate, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a notification in accordance with subsection (c).

(c) CONTENTS.—An update published or a notification submitted under paragraph (1) or (2) of subsection (b) shall contain, as applicable—

(1) with respect to information relating to the Administration—

(A) a description of the work plan for each outstanding mandate;

(B) an updated rulemaking timeline for each outstanding mandate;

(C) the staff allocations with respect to each outstanding mandate;

(D) any resource constraints affecting the rulemaking process for each outstanding mandate;

(E) any other details associated with the development of each outstanding mandate that affect the progress of the rulemaking process with respect to that outstanding mandate; and

(F) a description of all rulemakings regarding gas or hazardous liquid pipeline facilities published in the Federal Register that are not identified under subsection (b)(2); and

(2) with respect to information relating to the Office of the Secretary—

(A) the date that the outstanding mandate was submitted to the Office of the Secretary for review;

(B) the reason that the outstanding mandate is under review beyond 45 days; Time period.

(C) the staff allocations within the Office of the Secretary with respect to each the outstanding mandate;

(D) any resource constraints affecting review of the outstanding mandate;

(E) an estimated timeline of when review of the outstanding mandate will be complete, as of the date of the update; Timeline.

(F) if applicable, the date that the outstanding mandate was returned to the Administration for revision and the anticipated date for resubmission to the Office of the Secretary;

(G) the date that the outstanding mandate was submitted to the Office of Management and Budget for review; and

(H) a statement of whether the outstanding mandate remains under review by the Office of Management and Budget. Statement.

SEC. 107. SELF-DISCLOSURE OF VIOLATIONS.

Section 60122(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end; and

(2) by adding at the end the following:

"(D) self-disclosure and correction of violations, or actions to correct a violation, prior to discovery by the Pipeline and Hazardous Materials Safety Administration; and".

SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT PROCEEDINGS.

(a) IN GENERAL.—Section 60117 of title 49, United States Code, is amended—

(1) by redesignating subsections (b) through (o) as subsections (c) through (p), respectively; and

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

"(b) ENFORCEMENT PROCEDURES.—

"(1) PROCESS.—In implementing enforcement procedures under this chapter and part 190 of title 49, Code of Federal Regulations (or successor regulations), the Secretary shall— Requirements.

"(A) allow the respondent to request the use of a consent agreement and consent order to resolve any matter of fact or law asserted;

"(B) allow the respondent and the agency to convene 1 or more meetings—

"(i) for settlement or simplification of the issues; or

"(ii) to aid in the disposition of issues;

"(C) require that the case file in an enforcement proceeding include all agency records pertinent to the matters of fact and law asserted;

"(D) allow the respondent to reply to each post-hearing submission of the agency;

"(E) allow the respondent to request that a hearing be held, and an order be issued, on an expedited basis;

"(F) require that the agency have the burden of proof, presentation, and persuasion in any enforcement matter;

"(G) require that any order contain findings of relevant fact and conclusions of law;

Recommendation. Deadline.

"(H) require the Office of Pipeline Safety to file a post-hearing recommendation not later than 30 days after the deadline for any post-hearing submission of a respondent;

Deadline.

"(I) require an order on a petition for reconsideration to be issued not later than 120 days after the date on which the petition is filed; and

"(J) allow an operator to request that an issue of controversy or uncertainty be addressed through a declaratory order in accordance with section 554(e) of title 5.

"(2) OPEN TO THE PUBLIC.—A hearing under this section shall be—

Web posting.

"(A) noticed to the public on the website of the Pipeline and Hazardous Materials Safety Administration; and

"(B) in the case of a formal hearing (as defined in section 190.3 of title 49, Code of Federal Regulations (or a successor regulation)), open to the public.

"(3) TRANSPARENCY.—

"(A) AGREEMENTS, ORDERS, AND JUDGMENTS OPEN TO THE PUBLIC.—With respect to each enforcement proceeding under this chapter, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall make publicly available on the website of the Administration—

"(i) the charging documents;

"(ii) the written response of the respondent, if filed; and

"(iii) any consent agreement, consent order, order, or judgment resulting from a hearing under this chapter.

"(B) GAO REPORT ON PIPELINE SAFETY PROGRAM COLLECTION AND TRANSPARENCY OF ENFORCEMENT PROCEEDINGS.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Comptroller General of the United States shall—

Review. Public information. Web posting.

"(I) review information on pipeline enforcement actions that the Pipeline and Hazardous Materials Safety Administration makes publicly available on the internet; and

Recommendations.

"(II) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on that review, including any recommendations under clause (iii).

Assessments.

"(ii) CONTENTS.—The report under clause (i)(II) shall include—

"(I) a description of the process that the Pipeline and Hazardous Materials Safety Administration uses to collect and record enforcement information;

"(II) an assessment of whether and, if so, how the Pipeline and Hazardous Materials Safety Administration ensures that enforcement information is made available to the public in an accessible manner; and

"(III) an assessment of the information described in clause (i)(I).

"(iii) RECOMMENDATIONS.—The report under clause (i)(II) may include recommendations regarding—

"(I) any improvements that could be made to the accessibility of the information described in clause (i)(I);

"(II) whether and, if so, how the information described in clause (i)(I) could be made more transparent; and

"(III) any other recommendations that the Comptroller General of the United States considers appropriate.

"(4) SAVINGS CLAUSE.—Nothing in this subsection alters the procedures applicable to—

"(A) an emergency order under subsection (p);

"(B) a safety order under subsection (m); or

"(C) a corrective action order under section 60112.".

(b) CONFORMING AMENDMENTS.—

(1) Section 60109(g)(4) of title 49, United States Code, is amended by striking "section 60117(c)" and inserting "section 60117(d)".

(2) Section 60117(p) of title 49, United States Code (as redesignated by subsection (a)(1)), is amended, in paragraph (3)(E), by striking "60117(l)" and inserting "subsection (m)".

(3) Section 60118(a)(3) of title 49, United States Code, is amended by striking "section 60117(a)–(d)" and inserting "subsections (a) through (e) of section 60117".

SEC. 109. PIPELINE OPERATING STATUS.

(a) IN GENERAL.—Chapter 601 of title 49, United States Code (as amended by section 104(a)), is amended by adding at the end the following:

"§ 60143. Idled pipelines

49 USC 60143.

"(a) DEFINITION OF IDLED.—In this section, the term 'idled', with respect to a pipeline, means that the pipeline—

"(1)(A) has ceased normal operations; and

"(B) will not resume service for a period of not less than 180 days;

"(2) has been isolated from all sources of hazardous liquid, natural gas, or other gas; and

"(3)(A) has been purged of combustibles and hazardous materials and maintains a blanket of inert, nonflammable gas at low pressure; or

"(B) has not been purged as described in subparagraph (A), but the volume of gas is so small that there is no potential hazard, as determined by the Secretary pursuant to a rule.

"(b) RULEMAKING.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Secretary shall

Deadline.

promulgate regulations prescribing the applicability of the pipeline safety requirements to idled natural or other gas transmission and hazardous liquid pipelines.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The applicability of the regulations under paragraph (1) shall be based on the risk that idled natural or other gas transmission and hazardous liquid pipelines pose to the public, property, and the environment, and shall include requirements to resume operation.

Verification.

"(B) INSPECTION.—The Secretary or an appropriate State agency shall inspect each idled pipeline and verify that the pipeline has been purged of combustibles and hazardous materials, if required under subsection (a).

"(C) REQUIREMENTS FOR REINSPECTION.—The Secretary shall determine the requirements for periodic reinspection of idled natural or other gas transmission and hazardous liquid pipelines.

"(D) RESUMPTION OF OPERATIONS.—As a condition to allowing an idled pipeline to resume operations, the Secretary shall require that, prior to resuming operations, the pipeline shall be—

"(i) inspected with—

"(I) hydrostatic pressure testing;

"(II) an internal inspection device; or

"(III) if the use of hydrostatic pressure testing or an internal inspection device is not technologically feasible, another comparable technology or practice; and

"(ii) in compliance with regulations promulgated under this chapter, including any regulations that became effective while the pipeline was idled.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 601 of title 49, United States Code (as amended by section 104(b)), is amended by inserting after the item relating to section 60142 the following:

49 USC prec. 60101.

"60143. Idled pipelines.".

49 USC 60103 note.

SEC. 110. UPDATES TO STANDARDS FOR LIQUEFIED NATURAL GAS FACILITIES.

Deadline.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

Review.

(1) review the minimum operating and maintenance standards prescribed under section 60103(d) of title 49, United States Code; and

(2) based on the review under paragraph (1), update the standards described in that paragraph applicable to large-scale liquefied natural gas facilities (other than peak shaving facilities) to provide for a risk-based regulatory approach for such facilities, consistent with this section.

(b) SCOPE.—In updating the minimum operating and maintenance standards under subsection (a)(2), the Secretary shall ensure that all regulations, guidance, and internal documents—

(1) are developed and applied in a manner consistent with this section; and

(2) achieve a level of safety that is equivalent to, or greater than, the level of safety required by the standards prescribed as of the date of enactment of this Act under—

(A) section 60103(d) of title 49, United States Code; and

(B) part 193 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(c) REQUIREMENTS.—The updates to the operating and maintenance standards required under subsection (a)(2) shall, at a minimum, require operators—

(1) to develop and maintain written safety information identifying hazards associated with—

(A) the processes of liquefied natural gas conversion, storage, and transport;

(B) equipment used in the processes; and

(C) technology used in the processes;

(2) to conduct a hazard assessment, including the identification of potential sources of accidental releases; Assessment.

(3)(A) to consult with employees and representatives of employees on the development and execution of hazard assessments under paragraph (2); and Consultation.

(B) to provide employees access to the records of the hazard assessments and any other records required under the updated standards;

(4) to establish a system to respond to the findings of a hazard assessment conducted under paragraph (2) that addresses prevention, mitigation, and emergency responses;

(5) to review, when a design change occurs, the most recent hazard assessment conducted under paragraph (2) and the response system established under paragraph (4); Review.

(6) to develop and implement written operating procedures for the processes of liquefied natural gas conversion, storage, and transport; Procedures.

(7)(A) to provide written safety and operating information to employees; and

(B) to train employees in operating procedures with an emphasis on addressing hazards and using safe practices;

(8) to ensure contractors and contract employees are provided appropriate information and training;

(9) to train and educate employees and contractors in emergency response;

(10) to establish a quality assurance program to ensure that equipment, maintenance materials, and spare parts relating to the operations and maintenance of liquefied natural gas facilities are fabricated and installed consistent with design specifications;

(11) to establish maintenance systems for critical process-related equipment, including written procedures, employee training, appropriate inspections, and testing of that equipment to ensure ongoing mechanical integrity;

(12) to conduct pre-start-up safety reviews of all newly installed or modified equipment; Reviews.

(13) to establish and implement written procedures to manage change to processes of liquefied natural gas conversion, storage, and transport, technology, equipment, and facilities; and Procedures.

Investigation.

(14)(A) to investigate each incident that results in, or could have resulted in—

(i) loss of life;

(ii) destruction of private property; or

(iii) a major accident; and

(B) to have operating personnel—

Review.

(i) review any findings of an investigation under subparagraph (A); and

(ii) if appropriate, take responsive measures.

(d) SUBMISSION AND APPROVAL.—

Implementation plan.

(1) IN GENERAL.—The Secretary shall require that operators that are subject to the regulations under subsection (a)(2) submit to the Secretary for approval a plan for the implementation of the requirements described in subsection (c).

(2) REQUIREMENT.—The implementation plan described in paragraph (1) shall include—

(A) an anticipated schedule for the implementation of the requirements described in subsection (c); and

(B) an overview of the process for implementation.

(e) INSPECTION AND COMPLIANCE ASSURANCE.—

Regulations.

(1) DETERMINATION OF INADEQUATE PROGRAMS.—If the Secretary determines during an inspection carried out under chapter 601 of title 49, United States Code, that an operator's implementation of the requirements described in subsection (c) does not comply with the requirements of that chapter (including any regulations promulgated under that chapter), has not been adequately implemented, is inadequate for the safe operation of a large-scale liquefied natural gas facility, or is otherwise inadequate, the Secretary may conduct enforcement proceedings under that chapter.

(2) SAVINGS CLAUSE.—Nothing in this section shall affect the authority of the Secretary to carry out inspections or conduct enforcement proceedings under chapter 601 of title 49, United States Code.

(f) EMERGENCIES AND COMPLIANCE.—Nothing in this section may be construed to diminish or modify—

(1) the authority of the Secretary under this title to act in the case of an emergency; or

(2) the authority of the Secretary under sections 60118 through 60123 of title 49, United States Code.

(g) CIVIL PENALTIES.—A person violating the standards prescribed under this section, including any revisions to the minimum operating and maintenance standards prescribed under 60103 of title 49, United States Code, shall be liable for a civil penalty that may not exceed $200,000 for each violation pursuant to section 60122(a)(1) of that title.

49 USC 60103 note.

SEC. 111. NATIONAL CENTER OF EXCELLENCE FOR LIQUEFIED NATURAL GAS SAFETY.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" means the National Center of Excellence for Liquefied Natural Gas Safety that may be established under subsection (b).

(2) LNG.—The term "LNG" means liquefied natural gas.

(3) LNG SECTOR STAKEHOLDER.—The term "LNG sector stakeholder" means a representative of—

(A) LNG facilities that represent the broad array of LNG facilities operating in the United States;

(B) States, Indian Tribes, and units of local government;

(C) postsecondary education;

(D) labor organizations;

(E) safety organizations; or

(F) Federal regulatory agencies of jurisdiction, which may include—

(i) the Administration;

(ii) the Federal Energy Regulatory Commission;

(iii) the Department of Energy;

(iv) the Occupational Safety and Health Administration;

(v) the Coast Guard; and

(vi) the Maritime Administration.

(b) ESTABLISHMENT.—Only after submitting the report under subsection (c) to the committees of Congress described in that subsection, and subject to the availability of funds appropriated by Congress for the applicable purpose, the Secretary, in consultation with LNG sector stakeholders, may establish a center, to be known as the "National Center of Excellence for Liquefied Natural Gas Safety". Consultation.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Appropriations of the House of Representatives a report on—

(A) the resources necessary to establish the Center; and

(B) the manner in which the Center will carry out the functions described in subsection (d).

(2) REQUIREMENT.—The report under paragraph (1) shall include an estimate of all potential costs and appropriations necessary to carry out the functions described in subsection (d). Cost estimate.

(d) FUNCTIONS.—The Center shall, for activities regulated under section 60103 of title 49, United States Code, enhance the United States as the leader and foremost expert in LNG operations by—

(1) furthering the expertise of the Federal Government in the operations, management, and regulatory practices of LNG facilities through—

(A) the use of performance-based principles;

(B) experience and familiarity with LNG operational facilities; and

(C) increased communication with LNG experts to learn and support state-of-the-art operational practices;

(2) acting as a repository of information on best practices for the operation of LNG facilities; and

(3) facilitating collaboration among LNG sector stakeholders.

(e) LOCATION.—

(1) IN GENERAL.—The Center shall be located in close proximity to critical LNG transportation infrastructure on, and Determination.

connecting to, the Gulf of Mexico, as determined by the Secretary.

Determination.

(2) CONSIDERATIONS.—In determining the location of the Center, the Secretary shall—

(A) take into account the strategic value of locating resources in close proximity to LNG facilities; and

(B) locate the Center in the State with the largest LNG production capacity, as determined by the total capacity (in billion cubic feet per day) of LNG production authorized by the Federal Energy Regulatory Commission under section 3 of the Natural Gas Act (15 U.S.C. 717b) as of the date of enactment of this Act.

Oklahoma.

(f) COORDINATION WITH TQ TRAINING CENTER.—In carrying out the functions described in subsection (d), the Center shall coordinate with the Training and Qualifications Training Center of the Administration in Oklahoma City, Oklahoma, to facilitate knowledge sharing among, and enhanced training opportunities for, Federal and State pipeline safety inspectors and investigators.

Contracts.

(g) JOINT OPERATION WITH EDUCATIONAL INSTITUTION.—The Secretary may enter into an agreement with an appropriate official of an institution of higher education—

(1) to provide for joint operation of the Center; and

(2) to provide necessary administrative services for the Center.

SEC. 112. PRIORITIZATION OF RULEMAKING.

Deadline.

(a) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue a final rule with respect to the portion of the proposed rule issued on April 8, 2016, entitled "Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines" (81 Fed. Reg. 20722; Docket No. PHMSA–2011–0023) that relates to the consideration of gathering pipelines.

Deadline.

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

Review.

(1) review the extent to which geospatial and technical data is collected by operators of gathering lines, including design and material specifications;

(2) analyze information collected by operators of gathering lines when the mapping information described in paragraph (1) is not available for a gathering line; and

Assessment.

(3) assess any plans and timelines of operators of gathering lines to develop the mapping information described in paragraph (1) or otherwise collect information described in paragraph (2).

Recommendations.

(c) REPORT.—The Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on the review required under subsection (b), including any recommendations that the Comptroller General of the United States may have as a result of the review.

SEC. 113. LEAK DETECTION AND REPAIR.

Section 60102 of title 49, United States Code, is amended by adding at the end the following:

"(q) GAS PIPELINE LEAK DETECTION AND REPAIR.—

Deadline. Regulations.

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate

final regulations that require operators of regulated gathering lines (as defined pursuant to subsection (b) of section 60101 for purposes of subsection (a)(21) of that section) in a Class 2 location, Class 3 location, or Class 4 location, as determined under section 192.5 of title 49, Code of Federal Regulations, operators of new and existing gas transmission pipeline facilities, and operators of new and existing gas distribution pipeline facilities to conduct leak detection and repair programs—

"(A) to meet the need for gas pipeline safety, as determined by the Secretary; and Determination.

"(B) to protect the environment.

"(2) LEAK DETECTION AND REPAIR PROGRAMS.—

"(A) MINIMUM PERFORMANCE STANDARDS.—The final regulations promulgated under paragraph (1) shall include, for the leak detection and repair programs described in that paragraph, minimum performance standards that reflect the capabilities of commercially available advanced technologies that, with respect to each pipeline covered by the programs, are appropriate for—

"(i) the type of pipeline;

"(ii) the location of the pipeline;

"(iii) the material of which the pipeline is constructed; and

"(iv) the materials transported by the pipeline.

"(B) REQUIREMENT.—The leak detection and repair programs described in paragraph (1) shall be able to identify, locate, and categorize all leaks that—

"(i) are hazardous to human safety or the environment; or

"(ii) have the potential to become explosive or otherwise hazardous to human safety.

"(3) ADVANCED LEAK DETECTION TECHNOLOGIES AND PRACTICES.—

"(A) IN GENERAL.—The final regulations promulgated under paragraph (1) shall—

"(i) require the use of advanced leak detection technologies and practices described in subparagraph (B); Requirement.

"(ii) identify any scenarios where operators may use leak detection practices that depend on human senses; and

"(iii) include a schedule for repairing or replacing each leaking pipe, except a pipe with a leak so small that it poses no potential hazard, with appropriate deadlines.

"(B) ADVANCED LEAK DETECTION TECHNOLOGIES AND PRACTICES DESCRIBED.—The advanced leak detection technologies and practices referred to in subparagraph (A)(i) include— Surveys.

"(i) for new and existing gas distribution pipeline facilities, technologies and practices to detect pipeline leaks—

"(I) through continuous monitoring on or along the pipeline; or

"(II) through periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other means using commercially available technology;

"(ii) for new and existing gas transmission pipeline facilities, technologies and practices to detect pipeline leaks through—

"(I) equipment that is capable of continuous monitoring; or

"(II) periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other means using commercially available technology; and

"(iii) for regulated gathering lines in Class 2 locations, Class 3 locations, or Class 4 locations, technologies and practices to detect pipeline leaks through—

"(I) equipment that is capable of continuous monitoring; or

"(II) periodic surveys with handheld equipment, equipment mounted on mobile platforms, or other means using commercially available technology.

"(4) RULES OF CONSTRUCTION.—

"(A) SURVEYS AND TIMELINES.—In promulgating regulations under this subsection, the Secretary—

"(i) may not reduce the frequency of surveys required under any other provision of this chapter or stipulated by regulation as of the date of enactment of this subsection; and

"(ii) may not extend the duration of any timelines for the repair or remediation of leaks that are stipulated by regulation as of the date of enactment of this subsection.

"(B) APPLICATION.—The limitations in this paragraph do not restrict the Secretary's ability to modify any regulations through proceedings separate from or subsequent to the final regulations required under paragraph (1).

"(C) EXISTING AUTHORITY.—Nothing in this subsection may be construed to alter the authority of the Secretary to regulate gathering lines as defined pursuant to section 60101.".

SEC. 114. INSPECTION AND MAINTENANCE PLANS.

(a) IN GENERAL.—Section 60108 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ", must meet the requirements of any regulations promulgated under section 60102(q)," after "the need for pipeline safety";

(ii) in subparagraph (C), by striking "and" at the end; and

(iii) by striking subparagraph (D) and inserting the following:

"(D) the extent to which the plan will contribute to—

"(i) public safety;

"(ii) eliminating hazardous leaks and minimizing releases of natural gas from pipeline facilities; and

"(iii) the protection of the environment; and

"(E) the extent to which the plan addresses the replacement or remediation of pipelines that are known to leak based on the material (including cast iron, unprotected steel, wrought iron, and historic plastics with known issues), design, or past operating and maintenance history of the pipeline."; and

(B) by striking paragraph (3) and inserting the following:

"(3) REVIEW OF PLANS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, and not less frequently than once every 5 years thereafter, the Secretary or relevant State authority with a certification in effect under section 60105 shall review each plan described in this subsection. Deadline. Time period.

"(B) CONTEXT OF REVIEW.—The Secretary may conduct a review under this paragraph as an element of the inspection of the operator carried out by the Secretary under subsection (b).

"(C) INADEQUATE PROGRAMS.—If the Secretary determines that a plan reviewed under this paragraph does not comply with the requirements of this chapter (including any regulations promulgated under this chapter), has not been adequately implemented, is inadequate for the safe operation of a pipeline facility, or is otherwise inadequate, the Secretary may conduct enforcement proceedings under this chapter."; and Determination.

(2) in subsection (b)(1)(B), by inserting "construction material," after "method of construction,".

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, each pipeline operator shall update the inspection and maintenance plan prepared by the operator under section 60108(a) of title 49, United States Code, to address the elements described in the amendments to that section made by subsection (a). Updates. 49 USC 60108 note.

(c) INSPECTION AND MAINTENANCE PLAN OVERSIGHT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to evaluate the procedures used by the Secretary and States in reviewing plans prepared by pipeline operators under section 60108(a) of title 49, United States Code, pursuant to subsection (b) in minimizing releases of natural gas from pipeline facilities. Evaluation.

(2) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 1 year after the Secretary's review of the operator plans prepared under section 60108(a) of title 49, United States Code, the Comptroller General of the United States shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report that—

(A) describes the results of the study conducted under paragraph (1), including an evaluation of the procedures Evaluation.

used by the Secretary and States in reviewing the effectiveness of the plans prepared by pipeline operators under section 60108(a) of title 49, United States Code, pursuant to subsection (b) in minimizing releases of natural gas from pipeline facilities; and

Recommendations.

(B) provides recommendations for how to further minimize releases of natural gas from pipeline facilities without compromising pipeline safety based on observations and information obtained through the study conducted under paragraph (1).

Publication. Reports.

(3) RESPONSE OF THE SECRETARY.—Not later than 90 days after the date on which the report under paragraph (2) is published, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report that includes a response to the results of the study conducted under paragraph (1) and the recommendations contained in the report submitted under paragraph (2).

49 USC 60103 note.

(d) BEST AVAILABLE TECHNOLOGIES OR PRACTICES.—

(1) REPORT OF THE SECRETARY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report—

(A) discussing—

(i) the best available technologies or practices to prevent or minimize, without compromising pipeline safety, the release of natural gas when making planned repairs, replacements, or maintenance to a pipeline facility;

(ii) the best available technologies or practices to prevent or minimize, without compromising pipeline safety, the release of natural gas when the operator intentionally vents or releases natural gas, including blowdowns; and

(iii) pipeline facility designs that, without compromising pipeline safety, mitigate the need to intentionally vent natural gas; and

Recommendation. Timeline. Determination.

(B) recommending a timeline for updating pipeline safety regulations, as the Secretary determines to be appropriate, to address the matters described in subparagraph (A).

Deadline. Updates.

(2) RULEMAKING.—Not later than 180 days after the date on which the Secretary submits the report under this subsection, the Secretary shall update pipeline safety regulations that the Secretary has determined are necessary to protect the environment without compromising pipeline safety.

49 USC 60109 note. Deadline.

SEC. 115. CONSIDERATION OF PIPELINE CLASS LOCATION CHANGES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall—

Review.

(1) review all comments submitted in response to the advance notice of proposed rulemaking entitled "Pipeline

Safety: Class Location Change Requirements" (83 Fed. Reg. 36861 (July 31, 2018));

(2) complete any other activities or procedures necessary—

(A) to make a determination whether to publish a notice of proposed rulemaking; and Determination.

(B) if a positive determination is made under subparagraph (A), to advance in the rulemaking process, including by taking any actions required under section 60115 of title 49, United State Code; and

(3) consider the issues raised in the report to Congress entitled "Evaluation of Expanding Pipeline Integrity Management Beyond High-Consequence Areas and Whether Such Expansion Would Mitigate the Need for Gas Pipeline Class Location Requirements" prepared by the Pipeline and Hazardous Materials Safety Administration and submitted to Congress on June 8, 2016, including the adequacy of existing integrity management programs.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the Administrator of the Pipeline and Hazardous Materials Safety Administration to publish a notice of proposed rulemaking or otherwise continue the rulemaking process with respect to the advance notice of proposed rulemaking described in subsection (a)(1).

(c) REPORTING.—For purposes of this section, the requirements of section 106 shall apply during the period beginning on the date that is 180 days after the date of enactment of this Act and ending on the date on which the requirements of subsection (a) are completed. Applicability. Time period.

SEC. 116. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

Section 60129 of title 49, United States Code, is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "employee with" and inserting "current or former employee with";

(2) in subsection (b)(3), by adding at the end the following:

"(D) DE NOVO REVIEW.—

"(i) IN GENERAL.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision by the date that is 210 days after the date on which the complaint was filed, and if the delay is not due to the bad faith of the employee who filed the complaint, that employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to the action, be tried by the court with a jury. Deadline.

"(ii) BURDENS OF PROOF.—An original action described in clause (i) shall be governed by the same legal burdens of proof specified in paragraph (2)(B) for review by the Secretary of Labor."; and

(3) by adding at the end the following:

"(e) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

"(1) WAIVER OF RIGHTS AND REMEDIES.—The rights and remedies provided under this section may not be waived by any agreement, policy, form, or condition of employment, including by a predispute arbitration agreement.

"(2) PREDISPUTE ARBITRATION AGREEMENTS.—No provision of a predispute arbitration agreement shall be valid or enforceable if the provision requires arbitration of a dispute arising under subsection (a)(1).".

49 USC 60102 note.

SEC. 117. INTERSTATE DRUG AND ALCOHOL OVERSIGHT.

Deadline. Audits.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall amend the auditing program for the drug and alcohol regulations in part 199 of title 49, Code of Federal Regulations, to improve the efficiency and processes of those regulations as applied to—

(1) operators; and

(2) pipeline contractors working for multiple operators in multiple States.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall minimize duplicative audits of the same operators, and the contractors working for those operators, by the Administration and multiple State agencies.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require modification of the inspection or enforcement authority of any Federal agency or State.

SEC. 118. PURPOSE AND GENERAL AUTHORITY.

Section 60102(b)(5) of title 49, United States Code, is amended—

(1) by striking "Chapter" and inserting "chapter"; and

(2) by inserting ", including safety and environmental benefits," after "benefits".

SEC. 119. NATIONAL ACADEMY OF SCIENCES STUDY ON AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES ON EXISTING PIPELINES.

Contracts.

(a) STUDY.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of potential methodologies or standards for the installation of automatic or remote-controlled shut-off valves on an existing pipeline in—

(1) a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations (or a successor regulation)) for a gas transmission pipeline facility; or

(2) for a hazardous liquid pipeline facility—

(A) a commercially navigable waterway (as defined in section 195.450 of that title (or a successor regulation)); or

(B) an unusually sensitive area (as defined in section 195.6 of that title (or a successor regulation)).

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the National Academy of Sciences shall take into consideration, as applicable—

(1) methodologies that conform to the recommendations submitted by the National Transportation Safety Board to the Pipeline and Hazardous Materials Safety Administration and Congress regarding automatic and remote-controlled shut-off valves;

(2) to the extent practicable, compatibility with existing regulations of the Administration, including any regulations promulgated pursuant to docket number PHMSA–2013–0255, relating to the installation of automatic and remote-controlled shutoff valves;

(3) methodologies that maximize safety and environmental benefits; and

(4) the economic, technical, and operational feasibility of installing automatic or remote-controlled shut-off valves on existing pipelines by employing such methodologies or standards.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report describing the results of the study under subsection (a).

SEC. 120. UNUSUALLY SENSITIVE AREAS.

(a) CERTAIN COASTAL WATERS; COASTAL BEACHES.—Section 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note; Public Law 114–183) is amended—

(1) by striking "The Secretary" and inserting the following: "

"(1) DEFINITIONS.—In this subsection:

"(A) CERTAIN COASTAL WATERS.—The term 'certain coastal waters' means—

"(i) the territorial sea of the United States;

"(ii) the Great Lakes and their connecting waters; and

"(iii) the marine and estuarine waters of the United States up to the head of tidal influence.

"(B) COASTAL BEACH.—The term 'coastal beach' means any land between the high- and low-water marks of certain coastal waters.

"(2) REVISION.—The Secretary"; and

(2) in paragraph (2) (as so designated), by striking "marine coastal waters" and inserting "certain coastal waters".

(b) CERTAIN COASTAL WATERS.—Section 60109(b)(2) of title 49, United States Code, is amended by striking "marine coastal waters" and inserting "certain coastal waters".

(c) UPDATE TO REGULATIONS.—The Secretary shall complete the revision to regulations required under section 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note; Public Law 114–183) (as amended by subsection (a)) by not later than 90 days after the date of enactment of this Act. Deadline. 49 USC 60109 note.

(d) HAZARDOUS LIQUID PIPELINE FACILITIES LOCATED IN CERTAIN AREAS.—Section 60109(g) of title 49, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ", but not less often than once every 12 months" before the period at the end; and

(2) by adding at the end the following:

"(5) CONSIDERATIONS.—In carrying out this subsection, each operator shall implement procedures that assess potential impacts by maritime equipment or other vessels, including anchors, anchor chains, or any other attached equipment.". Procedures. Assessment.

SEC. 121. SAFETY-RELATED CONDITION REPORTS.

Section 60102(h) of title 49, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) SUBMISSION OF REPORT.—As soon as practicable, but not later than 5 business days, after a representative of a person to whom this section applies first establishes that a condition described in paragraph (1) exists, the operator shall submit the report required under that paragraph to—

"(A) the Secretary;

"(B) the appropriate State authority or, where no appropriate State authority exists, to the Governor of a State where the subject of the Safety Related Condition report occurred; and

"(C) the appropriate Tribe where the subject of the Safety Related Condition report occurred.

"(3) SUBMISSION OF REPORT TO OTHER ENTITIES.—Upon request, a State authority or a Governor that receives a report submitted under this subsection may submit the report to any relevant emergency response or planning entity, including any—

"(A) State emergency response commission established pursuant to section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001);

"(B) Tribal emergency response commission or emergency planning committee (as defined in part 355 of title 40, Code of Federal Regulations (or a successor regulation));

"(C) local emergency planning committee established pursuant to section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001); or

"(D) other public agency responsible for emergency response.".

SEC. 122. RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.

Section 60109(c) of title 49, United States Code, is amended by adding at the end the following:

"(12) DISTRIBUTION PIPELINES.—

Assessment.

"(A) STUDY.—The Secretary shall conduct a study of methods that may be used under paragraph (3), other than direct assessment, to assess distribution pipelines to determine whether any such method—

"(i) would provide a greater level of safety than direct assessment of the pipelines; and

"(ii) is feasible.

"(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

"(i) the results of the study under subparagraph (A); and

Recommendations.

"(ii) recommendations based on that study, if any.".

SEC. 123. RULE OF CONSTRUCTION.

49 USC 60101 note.

Nothing in this title or an amendment made by this title may be construed to affect the authority of the Administrator of

the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), the authority of the Secretary of the Interior under the Mineral Leasing Act (30 U.S.C. 181 et seq.), or the authority of any State, to regulate a release of pollutants or hazardous substances to air, water, or land, including through the establishment and enforcement of requirements relating to such release.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

Leonel Rondon Pipeline Safety Act.

SEC. 201. SHORT TITLE.

49 USC 60101 note.

This title may be cited as the "Leonel Rondon Pipeline Safety Act".

SEC. 202. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.

(a) IN GENERAL.—Section 60109(e) of title 49, United States Code, is amended by adding at the end the following:

"(7) EVALUATION OF RISK.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall promulgate regulations to ensure that each distribution integrity management plan developed by an operator of a distribution system includes an evaluation of— Deadline. Regulations.

"(i) the risks resulting from the presence of cast iron pipes and mains in the distribution system; and

"(ii) the risks that could lead to or result from the operation of a low-pressure distribution system at a pressure that makes the operation of any connected and properly adjusted low-pressure gas burning equipment unsafe, as determined by the Secretary. Determination.

"(B) CONSIDERATION.—In carrying out subparagraph (A)(ii), the Secretary shall ensure that an operator of a distribution system—

"(i) considers factors other than past observed abnormal operating conditions (as defined in section 192.803 of title 49, Code of Federal Regulations (or a successor regulation)) in ranking risks and identifying measures to mitigate those risks; and

"(ii) may not determine that there are no potential consequences associated with low probability events unless that determination is otherwise supported by engineering analysis or operational knowledge.

"(C) DEADLINES.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, each operator of a distribution system shall make available to the Secretary or the relevant State authority with a certification in effect under section 60105, as applicable, a copy of— Records.

"(I) the distribution integrity management plan of the operator;

"(II) the emergency response plan under section 60102(d)(5); and

"(III) the procedural manual for operations, maintenance, and emergencies under section 60102(d)(4).

Determination.

"(ii) UPDATES.—Each operator of a distribution system shall make available to the Secretary or make available for inspection to the relevant State authority described in clause (i), if applicable, an updated plan or manual described in that clause by not later than 60 days after the date of a significant update, as determined by the Secretary.

"(iii) APPLICABILITY OF FOIA.—Nothing in this subsection shall be construed to authorize the disclosure of any information that is exempt from disclosure under section 552(b) of title 5.

"(D) REVIEW OF PLANS AND DOCUMENTS.—

"(i) TIMING.—

Deadline.

"(I) IN GENERAL.—Not later than 2 years after the date of promulgation of the regulations under subparagraph (A), and not less frequently than once every 5 years thereafter, the Secretary or relevant State authority with a certification in effect under section 60105 shall review the distribution integrity management plan, the emergency response plan, and the procedural manual for operations, maintenance, and emergencies of each operator of a distribution system and record the results of that review for use in the next review of the program of that operator.

"(II) GRACE PERIOD.—For the third, fourth, and fifth years after the date of promulgation of the regulations under subparagraph (A), the Secretary—

"(aa) shall not use subclause (I) as justification to reduce funding, decertify, or penalize in any way under section 60105, 60106, or 60107 a State authority that has in effect a certification under section 60105 or an agreement under section 60106; and

"(bb) shall—

List.

"(AA) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a list of States found to be noncompliant with subclause (I) during the annual program evaluation; and

Notice.

"(BB) provide a written notice to each State authority described in item (aa) that is not in compliance with the requirements of subclause (I).

"(ii) REVIEW.—Each plan or procedural manual made available under subparagraph (C)(i) shall be reexamined—

"(I) on significant change to the plans or procedural manual, as applicable;

"(II) on significant change to the gas distribution system of the operator, as applicable; and

"(III) not less frequently than once every 5 years.

"(iii) CONTEXT OF REVIEW.—The Secretary may conduct a review under clause (i) or (ii) as an element of the inspection of the operator carried out by the Secretary.

"(iv) INADEQUATE PROGRAMS.—If the Secretary determines that the documents reviewed under clause (i) or (ii) do not comply with the requirements of this chapter (including regulations to implement this chapter), have not been adequately implemented, or are inadequate for the safe operation of a pipeline facility, the Secretary may conduct proceedings under this chapter.". Determination.

(b) CONTENTS OF STATE PIPELINE SAFETY PROGRAM CERTIFICATIONS.—

(1) IN GENERAL.—Section 60105(b) of title 49, United States Code, is amended—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(8) has the capability to sufficiently review and evaluate the adequacy of the plans and manuals described in section 60109(e)(7)(C)(i); and

"(9) has a sufficient number of employees described in paragraph (3) to ensure safe operations of pipeline facilities, updating the State Inspection Calculation Tool to take into account factors including—

"(A) the number of miles of natural gas and hazardous liquid pipelines in the State, including the number of miles of cast iron and bare steel pipelines;

"(B) the number of services in the State;

"(C) the age of the gas distribution system in the State; and

"(D) environmental factors that could impact the integrity of the pipeline, including relevant geological issues.".

(2) RULEMAKING.—The Secretary shall promulgate regulations to require that a State authority with a certification in effect under section 60105 of title 49, United States Code, has a sufficient number of qualified inspectors to ensure safe operations, as determined by the State Inspection Calculation Tool and other factors determined to be appropriate by the Secretary. 49 USC 60105 note.

(3) DEADLINE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate regulations to implement the amendments made by this subsection. 49 USC 60105 note.

SEC. 203. EMERGENCY RESPONSE PLANS.

Section 60102 of title 49, United States Code (as amended by section 113), is amended by adding at the end the following:

"(r) EMERGENCY RESPONSE PLANS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall update regulations to ensure that each emergency response plan Deadline. Updates. Regulations. Procedures. Determination.

developed by an operator of a distribution system under subsection (d)(5), includes written procedures for—

"(1) establishing communication with first responders and other relevant public officials, as soon as practicable, beginning from the time of confirmed discovery, as determined by the Secretary, by the operator of a gas pipeline emergency involving a release of gas from a distribution system of that operator that results in—

"(A) a fire related to an unintended release of gas;

"(B) an explosion;

"(C) 1 or more fatalities; or

"(D) the unscheduled release of gas and shutdown of gas service to a significant number of customers, as determined by the Secretary;

"(2) establishing general public communication through an appropriate channel—

"(A) as soon as practicable, as determined by the Secretary, after a gas pipeline emergency described in paragraph (1); and

"(B) that provides information regarding—

"(i) the emergency described in subparagraph (A); and

"(ii) the status of public safety; and

"(3) the development and implementation of a voluntary, opt-in system that would allow operators of distribution systems to rapidly communicate with customers in the event of an emergency.".

SEC. 204. OPERATIONS AND MAINTENANCE MANUALS.

Section 60102 of title 49, United States Code (as amended by section 203), is amended by adding at the end the following:

Deadline. Updates. Regulations. Procedures.

"(s) OPERATIONS AND MAINTENANCE MANUALS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall update regulations to ensure that each procedural manual for operations, maintenance, and emergencies developed by an operator of a distribution pipeline under subsection (d)(4), includes written procedures for—

"(1) responding to overpressurization indications, including specific actions and an order of operations for immediately reducing pressure in or shutting down portions of the gas distribution system, if necessary; and

"(2) a detailed procedure for the management of the change process, which shall—

"(A) be applied to significant technology, equipment, procedural, and organizational changes to the distribution system; and

Review. Certification.

"(B) ensure that relevant qualified personnel, such as an engineer with a professional engineer licensure, subject matter expert, or other employee who possesses the necessary knowledge, experience, and skills regarding natural gas distribution systems, review and certify construction plans for accuracy, completeness, and correctness.".

49 USC 60103 note. Reports.

SEC. 205. PIPELINE SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the

Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report describing—

(1) the number of operators of natural gas distribution systems who have implemented a pipeline safety management system in accordance with the standard established by the American Petroleum Institute entitled "Pipeline Safety Management System Requirements" and numbered American Petroleum Institute Recommended Practice 1173;

(2) the progress made by operators of natural gas distribution systems who have implemented, or are in the process of implementing, a pipeline safety management system described in paragraph (1); and

(3) the feasibility of an operator of a natural gas distribution system implementing a pipeline safety management system described in paragraph (1) based on the size of the operator as measured by—

(A) the number of customers the operator has; and

(B) the amount of natural gas the operator transports.

Recommendations.

(b) REQUIREMENTS.—As part of the report required under subsection (a), the Secretary shall provide guidance or recommendations that would further the adoption of safety management systems in accordance with the standard established by the American Petroleum Institute entitled "Pipeline Safety Management System Requirements" and numbered American Petroleum Institute Recommended Practice 1173.

(c) EVALUATION AND PROMOTION OF SAFETY MANAGEMENT SYSTEMS.—The Secretary and the relevant State authority with a certification in effect under section 60105 of title 49, United States Code, as applicable, shall—

Assessment.

(1) promote and assess pipeline safety management systems frameworks developed by operators of natural gas distribution systems and described in the report under subsection (a), including—

(A) if necessary, using independent third-party evaluators; and

(B) through a system that promotes self-disclosure of—

(i) errors; and

(ii) deviations from regulatory standards; and

(2) if a deviation from a regulatory standard is identified during the development and application of a pipeline safety management system, certify that—

(A) due consideration will be given to factors such as flawed procedures, honest mistakes, or lack of understanding; and

(B) the operators and regulators use the most appropriate tools to fix the deviation, return to compliance, and prevent the recurrence of the deviation, including—

(i) root cause analysis; and

(ii) training, education, or other appropriate improvements to procedures or training programs.

SEC. 206. PIPELINE SAFETY PRACTICES.

Section 60102 of title 49, United States Code (as amended by section 204), is amended by adding at the end the following:

"(t) OTHER PIPELINE SAFETY PRACTICES.—

Deadlines.
Regulations.
Requirements.

"(1) RECORDS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to require an operator of a distribution system—

"(A) to identify and manage traceable, reliable, and complete records, including maps and other drawings, critical to ensuring proper pressure controls for a gas distribution system, and updating these records as needed, while collecting and identifying other records necessary for risk analysis on an opportunistic basis; and

"(B) to ensure that the records required under subparagraph (A) are—

"(i) accessible to all personnel responsible for performing or overseeing relevant construction or engineering work; and

"(ii) submitted to, or made available for inspection by, the Secretary or the relevant State authority with a certification in effect under section 60105.

"(2) PRESENCE OF QUALIFIED EMPLOYEES.—

Determination.
Evaluation.

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to require that not less than 1 agent of an operator of a distribution system who is qualified to perform relevant covered tasks, as determined by the Secretary, shall monitor gas pressure at the district regulator station or at an alternative site with equipment capable of ensuring proper pressure controls and have the capability to promptly shut down the flow of gas or control over pressurization at a district regulator station during any construction project that has the potential to cause a hazardous overpressurization at that station, including tie-ins and abandonment of distribution lines and mains, based on an evaluation, conducted by the operator, of threats that could result in unsafe operation.

"(B) EXCLUSION.—In promulgating regulations under subparagraph (A), the Secretary shall ensure that those regulations do not apply to a district regulating station that has a monitoring system and the capability for remote or automatic shutoff.

"(3) DISTRICT REGULATOR STATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate regulations to require that each operator of a distribution system assesses and upgrades, as appropriate, each district regulator station of the operator to ensure that—

"(i) the risk of the gas pressure in the distribution system exceeding, by a common mode of failure, the maximum allowable operating pressure (as described in section 192.623 of title 49, Code of Federal Regulations (or a successor regulation)) allowed under Federal law (including regulations) is minimized;

"(ii) the gas pressure of a low-pressure distribution system is monitored, particularly at or near the location of critical pressure-control equipment;

"(iii) the regulator station has secondary or backup pressure-relieving or overpressure-protection safety technology, such as a relief valve or automatic shutoff

valve, or other pressure-limiting devices appropriate for the configuration and siting of the station and, in the case of a regulator station that employs the primary and monitor regulator design, the operator shall eliminate the common mode of failure or provide backup protection capable of either shutting the flow of gas, relieving gas to the atmosphere to fully protect the distribution system from overpressurization events, or there must be technology in place to eliminate a common mode of failure; and

"(iv) if the Secretary determines that it is not operationally possible for an operator to implement the requirements under clause (iii), the Secretary shall require such operator to identify actions in their plan that minimize the risk of an overpressurization event.". Determination.

DIVISION S—INNOVATION FOR THE ENVIRONMENT

SEC. 101. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking "2016" and inserting "2024".

SEC. 102. ENCOURAGING PROJECTS TO REDUCE EMISSIONS.

Utilizing Significant Emissions with Innovative Technologies Act. 42 USC 4321 note.

(a) SHORT TITLE.—This section may be cited as the "Utilizing Significant Emissions with Innovative Technologies Act" or the "USE IT Act".

(b) RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES.—Section 103 of the Clean Air Act (42 U.S.C. 7403) is amended—

(1) in subsection (c)(3), in the first sentence of the matter preceding subparagraph (A), by striking "percursors" and inserting "precursors"; and

(2) in subsection (g)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(B) in the undesignated matter following subparagraph (D) (as so redesignated)—

(i) in the second sentence, by striking "The Administrator" and inserting the following:

"(5) COORDINATION AND AVOIDANCE OF DUPLICATION.—The Administrator"; and

(ii) in the first sentence, by striking "Nothing" and inserting the following:

"(4) EFFECT OF SUBSECTION.—Nothing";

(C) in the matter preceding subparagraph (A) (as so redesignated)—

(i) in the third sentence, by striking "Such program" and inserting the following:

"(3) PROGRAM INCLUSIONS.—The program under this subsection";

(ii) in the second sentence—

(I) by inserting "States, institutions of higher education," after "scientists,"; and

(II) by striking "Such strategies and technologies shall be developed" and inserting the following:

"(2) PARTICIPATION REQUIREMENT.—Such strategies and technologies described in paragraph (1) shall be developed"; and

(iii) in the first sentence, by striking "In carrying out" and inserting the following:

"(1) IN GENERAL.—In carrying out"; and

(D) by adding at the end the following:

"(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

"(A) IN GENERAL.—In carrying out paragraph (3)(A) with respect to carbon dioxide, the Administrator—

"(i) is authorized to carry out the activities described in subparagraph (B); and

"(ii) shall carry out the activities described in subparagraph (C).

"(B) DIRECT AIR CAPTURE RESEARCH.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) BOARD.—The term 'Board' means the Direct Air Capture Technology Advisory Board established by clause (iii)(I).

"(II) DILUTE.—The term 'dilute' means a concentration of less than 1 percent by volume.

"(III) DIRECT AIR CAPTURE.—

"(aa) IN GENERAL.—The term 'direct air capture', with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

"(bb) EXCLUSION.—The term 'direct air capture' does not include any facility, technology, or system that captures carbon dioxide—

"(AA) that is deliberately released from a naturally occurring subsurface spring; or

"(BB) using natural photosynthesis.

"(IV) INTELLECTUAL PROPERTY.—The term 'intellectual property' means—

"(aa) an invention that is patentable under title 35, United States Code; and

"(bb) any patent on an invention described in item (aa).

"(ii) TECHNOLOGY PRIZES.—

Deadline.
Consultation.

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Utilizing Significant Emissions with Innovative Technologies Act, the Administrator, in consultation with the Secretary of Energy, is authorized to establish a program to provide financial awards on a competitive basis for direct air capture from media in which the concentration of carbon dioxide is dilute.

"(II) DUTIES.—In carrying out this clause, the Administrator shall—

"(aa) subject to subclause (III), develop specific requirements for—

"(AA) the competition process; and

"(BB) the demonstration of performance of approved projects;

"(bb) offer financial awards for a project designed—

"(AA) to the maximum extent practicable, to capture more than 10,000 tons of carbon dioxide per year;

"(BB) to operate in a manner that would be commercially viable in the foreseeable future (as determined by the Board); and

"(CC) to improve the technologies or information systems that enable monitoring and verification methods for direct air capture projects; and

"(cc) to the maximum extent practicable, make financial awards to geographically diverse projects, including at least—

"(AA) 1 project in a coastal State; and

"(BB) 1 project in a rural State.

"(III) PUBLIC PARTICIPATION.—In carrying out subclause (II)(aa), the Administrator shall—

"(aa) provide notice of and, for a period of not less than 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subclause (II)(aa); and

Notice.
Time period.

"(bb) take into account public comments received in developing the final version of those requirements.

"(iii) DIRECT AIR CAPTURE TECHNOLOGY ADVISORY BOARD.—

"(I) ESTABLISHMENT.—The Administrator may establish an advisory board to be known as the 'Direct Air Capture Technology Advisory Board'.

"(II) COMPOSITION.—The Board, on the establishment of the Board, shall be composed of 9 members appointed by the Administrator, who shall provide expertise in—

Appointment.

"(aa) climate science;

"(bb) physics;

"(cc) chemistry;

"(dd) biology;

"(ee) engineering;

"(ff) economics;

"(gg) business management; and

"(hh) such other disciplines as the Administrator determines to be necessary to achieve the purposes of this subparagraph.

"(III) TERM; VACANCIES.—

"(aa) TERM.—A member of the Board shall serve for a term of 6 years.

"(bb) VACANCIES.—A vacancy on the Board—

"(AA) shall not affect the powers of the Board; and

"(BB) shall be filled in the same manner as the original appointment was made.

Deadline.

"(IV) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

"(V) MEETINGS.—The Board shall meet at the call of the Chairperson or on the request of the Administrator.

"(VI) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

"(VII) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

"(VIII) COMPENSATION.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Board.

"(IX) DUTIES.—The Board shall—

"(aa) advise the Administrator on carrying out the duties of the Administrator under this subparagraph; and

"(bb) provide other assistance and advice as requested by the Administrator.

"(iv) INTELLECTUAL PROPERTY.—

"(I) IN GENERAL.—As a condition of receiving a financial award under this subparagraph, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

"(II) RESERVATION OF LICENSE.—The United States—

"(aa) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subclause (I); but

"(bb) shall not, in the exercise of a license reserved under item (aa), publicly disclose proprietary information relating to the license.

"(III) TRANSFER OF TITLE.—Title to any intellectual property described in subclause (I) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

"(v) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $35,000,000, to remain available until expended.

"(vi) TERMINATION OF AUTHORITY.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Board and all authority provided under this subparagraph shall terminate not later than 12 years after the date of enactment of the Utilizing Significant Emissions with Innovative Technologies Act.

"(C) DEEP SALINE FORMATION REPORT.—

"(i) DEFINITION OF DEEP SALINE FORMATION.—

"(I) IN GENERAL.—In this subparagraph, the term 'deep saline formation' means a formation of subsurface geographically extensive sedimentary rock layers saturated with waters or brines that have a high total dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

"(II) CLARIFICATION.—In this subparagraph, the term 'deep saline formation' does not include oil and gas reservoirs.

"(ii) REPORT.—In consultation with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency and relevant stakeholders, not later than 1 year after the date of enactment of the Utilizing Significant Emissions with Innovative Technologies Act, the Administrator shall prepare, submit to Congress, and make publicly available a report that includes— Consultation. Public information. Recommendations.

"(I) a comprehensive identification of potential risks and benefits to project developers associated with increased storage of carbon dioxide captured from stationary sources in deep saline formations, using existing research;

"(II) recommendations for managing the potential risks identified under subclause (I), including potential risks unique to public land; and

"(III) recommendations for Federal legislation or other policy changes to mitigate any potential risks identified under subclause (I).

"(D) GAO REPORT.—Not later than 5 years after the date of enactment of the Utilizing Significant Emissions with Innovative Technologies Act, the Comptroller General of the United States shall submit to Congress a report that—

"(i) identifies all Federal grant programs in which a purpose of a grant under the program is to perform research on carbon capture and utilization technologies, including direct air capture technologies; and

"(ii) examines the extent to which the Federal grant programs identified pursuant to clause (i) overlap or are duplicative.".

(c) CARBON UTILIZATION PROGRAM.—

(1) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by inserting after section 968 the following:

42 USC 16298.

"SEC. 969. CARBON UTILIZATION PROGRAM.

Consultation.

"(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a program of research, development, demonstration, and commercialization relating to carbon utilization.

Assessments.

"(b) ACTIVITIES.—Under the program described in subsection (a), the Secretary shall—

"(1) assess and monitor—

"(A) potential changes in lifecycle carbon dioxide and other greenhouse gas emissions; and

"(B) other environmental safety indicators of new technologies, practices, processes, or methods used in enhanced hydrocarbon recovery as part of the activities authorized under section 963;

Evaluation.

"(2) identify and evaluate novel uses for carbon (including conversion of carbon oxides) that, on a full lifecycle basis, achieve a permanent reduction, or avoidance of a net increase, in carbon dioxide in the atmosphere, for use in commercial and industrial products such as—

"(A) chemicals;

"(B) plastics;

"(C) building materials;

"(D) fuels;

"(E) cement;

"(F) products of coal utilization in power systems or in other applications; and

"(G) other products with demonstrated market value;

"(3) identify and assess carbon capture technologies for industrial systems; and

"(4) identify and assess alternative uses for coal that result in zero net emissions of carbon dioxide or other pollutants, including products derived from carbon engineering, carbon fiber, and coal conversion methods.

"(c) PRIORITIZATION.—In supporting demonstration and commercialization research under the program described in subsection (a), the Secretary shall prioritize consideration of projects that—

"(1) have access to a carbon dioxide emissions stream generated by a stationary source in the United States that is capable of supplying not less than 250 metric tons per day of carbon dioxide for research;

"(2) have access to equipment for testing small-scale carbon dioxide utilization technologies, with onsite access to larger test bays for scale-up; and

"(3) have 1 or more existing partnerships with a National Laboratory, an institution of higher education, a private company, or a State or other government entity.

"(d) COORDINATION.—The Secretary shall coordinate the activities authorized under this section with the activities authorized in section 969A as part of a single consolidated program of the Department.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000, to remain available until expended.".

(2) STUDY.—

(A) IN GENERAL.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study that assesses the barriers and opportunities relating to the commercial application of carbon dioxide in the United States. Consultation. Contracts. Assessments.

(B) CONTENTS.—The study under subparagraph (A) shall—

(i) analyze the technical feasibility, related challenges, and impacts of— Analysis.

(I) commercializing carbon dioxide; and

(II) as part of that commercialization—

(aa) creating a national system of carbon dioxide pipelines and geologic sequestration sites;

(bb) mitigating environmental and landowner impacts; and

(cc) regional economic challenges and regional economic opportunities;

(ii) identify potential markets, industries, or sectors that may benefit from greater access to commercial carbon dioxide;

(iii) assess the current state of infrastructure and any necessary updates to that infrastructure to allow for the integration of safe and reliable carbon dioxide transportation, utilization, and storage;

(iv)(I) estimate the economic, climate, and environmental impacts of any well-integrated national carbon dioxide pipeline system; and

(II) suggest policies that could improve the economic impact of that system;

(v) assess the global status and progress of existing chemical and biological carbon utilization technologies that utilize waste carbon (including carbon dioxide, carbon monoxide, methane, and biogas) from power generation, biofuels production, and other industrial processes relevant to minimizing net greenhouse gas emissions;

(vi) identify emerging technologies for and approaches to carbon utilization that show promise for scale-up, demonstration, deployment, and commercialization relevant to minimizing net greenhouse gas emissions;

(vii) analyze the factors associated with making carbon utilization technologies relevant to minimizing net greenhouse gas emissions viable at a commercial scale, including carbon waste stream availability, economics, market capacity, and energy and lifecycle requirements; Analysis.

(viii)(I) assess the major technical challenges associated with increasing the commercial viability of carbon reuse technologies; and

(II) identify the research and development questions that will address those challenges;

(ix)(I) assess current research efforts, including engineering and computational research, that address the challenges described in clause (viii)(I); and

(II) identify any gaps in the current research portfolio; and

(x) develop a comprehensive research agenda that addresses both long- and short-term research needs and opportunities for carbon capture utilization and storage technologies relevant to minimizing net greenhouse gas emissions.

(3) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is amended by inserting after the item relating to section 968 the following:

"Sec. 969. Carbon utilization program.".

(d) IMPROVEMENT OF PERMITTING PROCESS FOR CARBON DIOXIDE CAPTURE AND INFRASTRUCTURE PROJECTS.—

(1) INCLUSION OF CARBON CAPTURE INFRASTRUCTURE PROJECTS.—Section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "carbon capture," after "manufacturing,";

(ii) in clause (i)(III), by striking "or" at the end;

(iii) by redesignating clause (ii) as clause (iii); and

(iv) by inserting after clause (i) the following:

"(ii) is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines; or"; and

(B) by adding at the end the following:

"(C) INCLUSION.—For purposes of subparagraph (A), construction of infrastructure for carbon capture includes construction of—

"(i) any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)); and

"(ii) carbon dioxide pipelines.".

42 USC 4370m note.

(2) DEVELOPMENT OF CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION REPORT, PERMITTING GUIDANCE, AND REGIONAL PERMITTING TASK FORCE.—

(A) DEFINITIONS.—In this paragraph:

(i) CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.—The term "carbon capture, utilization, and sequestration projects" includes projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g))).

(ii) EFFICIENT, ORDERLY, AND RESPONSIBLE.—The term "efficient, orderly, and responsible" means, with respect to development or the permitting process for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, a process that promotes environmental, health, and safety protections while

maintaining a process that is completed in an expeditious manner.

(B) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chair of the Council on Environmental Quality (referred to in this section as the "Chair"), in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, the Secretary of Transportation, the Executive Director of the Federal Permitting Improvement Council, and the head of any other relevant Federal agency (as determined by the President), shall prepare a report that— Consultation.

(I) compiles all existing relevant Federal permitting and review information and resources for project applicants, agencies, and other stakeholders interested in the deployment and impact of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

(aa) the appropriate points of interaction with Federal agencies;

(bb) clarification of the permitting responsibilities and authorities among Federal agencies; and

(cc) best practices and templates for permitting in an efficient, orderly, and responsible manner, including through improved staff capacity and training at Federal permitting agencies;

(II) inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value; Inventory.

(III) inventories existing initiatives and recent publications that analyze or identify priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale; Inventory.

(IV) identifies gaps in the current Federal regulatory framework for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;

(V) identifies Federal financing mechanisms available to project developers; and

(VI) identifies public engagement opportunities through existing laws, including under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(ii) SUBMISSION; PUBLICATION.—The Chair shall—

(I) submit the report under clause (i) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives; and Public information.

(II) as soon as practicable, make the report publicly available.

(C) GUIDANCE.—

Deadline.

(i) IN GENERAL.—After submission of the report under subparagraph (B)(ii), but not later than 1 year after the date of enactment of this Act, the Chair shall submit guidance consistent with that report to all relevant Federal agencies that—

(I) facilitates reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(II) supports the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The guidance under clause (i) shall address applicable requirements under—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(bb) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(cc) the Clean Air Act (42 U.S.C. 7401 et seq.);

(dd) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(ee) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ff) division A of subtitle III of title 54, United States Code (formerly known as the "National Historic Preservation Act");

(gg) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(hh) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald and Golden Eagle Protection Act");

(ii) chapter 601 of title 49, United States Code (including those provisions formerly cited as the Natural Gas Pipeline Safety Act of 1968 (Public Law 90–481; 82 Stat. 720) and the Hazardous Liquid Pipeline Safety Act of 1979 (Public Law 96–129; 93 Stat. 1003)); and

(jj) any other Federal law that the Chair determines to be appropriate.

(II) ENVIRONMENTAL REVIEWS.—The guidance under clause (i) shall include direction to States and other interested parties for the development of programmatic environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(III) PUBLIC INVOLVEMENT.—The guidance under clause (i) shall be subject to the public notice, comment, and solicitation of information

procedures under section 1506.6 of title 40, Code of Federal Regulations (or a successor regulation).

(iii) SUBMISSION; PUBLICATION.—The Chair shall—

(I) submit the guidance under clause (i) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(II) as soon as practicable, make the guidance publicly available. Public information.

(iv) EVALUATION.—The Chair shall—

(I) periodically evaluate the reports of the task forces under subparagraph (D)(v) and, as necessary, revise the guidance under clause (i); and

(II) each year, submit to the Committee on Environment and Public Works of the Senate, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives, and relevant Federal agencies a report that describes any recommendations for rules, revisions to rules, or other policies that would address the issues identified by the task forces under subparagraph (D)(v). Reports. Recommendations.

(D) TASK FORCES.—

(i) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Chair shall establish not less than 2 task forces, which shall each cover a different geographical area with differing demographic, land use, or geological issues— Deadline.

(I) to identify permitting and other challenges and successes that permitting authorities and project developers and operators face in permitting projects in an efficient, orderly, and responsible manner; and

(II) to improve the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(ii) MEMBERS AND SELECTION.—

(I) IN GENERAL.—The Chair shall—

(aa) develop criteria for the selection of members to each task force; and Criteria.

(bb) select members for each task force in accordance with item (aa) and subclause (II).

(II) MEMBERS.—Each task force—

(aa) shall include not less than 1 representative of each of—

(AA) the Environmental Protection Agency;

(BB) the Department of Energy;

(CC) the Department of the Interior;

(DD) the Pipeline and Hazardous Materials Safety Administration;

(EE) any other Federal agency the Chair determines to be appropriate;

(FF) any State that requests participation in the geographical area covered by the task force;

(GG) developers or operators of carbon capture, utilization, and sequestration projects or carbon dioxide pipelines; and

(HH) nongovernmental membership organizations, the primary mission of which concerns protection of the environment;

(bb) at the request of a Tribal or local government, may include a representative of—

(AA) not less than 1 local government in the geographical area covered by the task force; and

(BB) not less than 1 Tribal government in the geographical area covered by the task force; and

(cc) shall include 1 expert in each of the following fields—

(AA) health and environmental effects, including exposure evaluation; and

(BB) pipeline safety.

(iii) MEETINGS.—

(I) IN GENERAL.—Each task force shall meet not less than twice each year.

(II) JOINT MEETING.—To the maximum extent practicable, the task forces shall meet collectively not less than once each year.

(iv) DUTIES.—Each task force shall—

(I) inventory existing or potential Federal and State approaches to facilitate reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including best practices that—

(aa) avoid duplicative reviews to the extent permitted by law;

(bb) engage stakeholders early in the permitting process; and

(cc) make the permitting process efficient, orderly, and responsible;

(II) develop common models for State-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with States in the geographical area covered by the task force;

(III) provide technical assistance to States in the geographical area covered by the task force in implementing regulatory requirements and any models developed under subclause (II);

(IV) inventory current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

(V) identify any priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(VI) identify gaps in the current Federal and State regulatory framework and in existing data for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;

(VII) identify Federal and State financing mechanisms available to project developers; and

(VIII) develop recommendations for relevant Federal agencies on how to develop and research technologies that—

(aa) can capture carbon dioxide; and

(bb) would be able to be deployed within the region covered by the task force, including any projects that have received technical or financial assistance for research under paragraph (6) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)).

(v) REPORT.—Each year, each task force shall prepare and submit to the Chair and to the other task forces a report that includes—

(I) any recommendations for improvements in efficient, orderly, and responsible issuance or administration of Federal permits and other Federal authorizations required under a law described in subparagraph (C)(ii)(I); and Recommendations.

(II) any other nationally relevant information that the task force has collected in carrying out the duties under clause (iv).

(vi) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Chair shall— Deadline.

(I) reevaluate the need for the task forces; and

(II) submit to Congress a recommendation as to whether the task forces should continue. Recommendation.

SEC. 103. AMERICAN INNOVATION AND MANUFACTURING.

American Innovation and Manufacturing Act of 2020. 42 USC 7675.

(a) SHORT TITLE.—This section may be cited as the "American Innovation and Manufacturing Act of 2020".

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ALLOWANCE.—The term "allowance" means a limited authorization for the production or consumption of a regulated substance established under subsection (e).

(3) CONSUMPTION.—The term "consumption", with respect to a regulated substance, means a quantity equal to the difference between—

(A) a quantity equal to the sum of—

(i) the quantity of that regulated substance produced in the United States; and

(ii) the quantity of the regulated substance imported into the United States; and

(B) the quantity of the regulated substance exported from the United States.

(4) CONSUMPTION BASELINE.—The term "consumption baseline" means the baseline established for the consumption of regulated substances under subsection (e)(1)(C).

(5) EXCHANGE VALUE.—The term "exchange value" means the value assigned to a regulated substance in accordance with subsections (c) and (e), as applicable.

(6) IMPORT.—The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, regardless of whether that landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(7) PRODUCE.—

(A) IN GENERAL.—The term "produce" means the manufacture of a regulated substance from a raw material or feedstock chemical (but not including the destruction of a regulated substance by a technology approved by the Administrator).

(B) EXCLUSIONS.—The term "produce" does not include—

(i) the manufacture of a regulated substance that is used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(ii) the reclamation, reuse, or recycling of a regulated substance.

(8) PRODUCTION BASELINE.—The term "production baseline" means the baseline established for the production of regulated substances under subsection (e)(1)(B).

(9) RECLAIM; RECLAMATION.—The terms "reclaim" and "reclamation" mean—

(A) the reprocessing of a recovered regulated substance to at least the purity described in standard 700–2016 of the Air-Conditioning, Heating, and Refrigeration Institute (or an appropriate successor standard adopted by the Administrator); and

(B) the verification of the purity of that regulated substance using, at a minimum, the analytical methodology described in the standard referred to in subparagraph (A).

(10) RECOVER.—The term "recover" means the process by which a regulated substance is—

(A) removed, in any condition, from equipment; and

(B) stored in an external container, with or without testing or processing the regulated substance.

(11) REGULATED SUBSTANCE.—The term "regulated substance" means—

(A) a substance listed in the table contained in subsection (c)(1); and

(B) a substance included as a regulated substance by the Administrator under subsection (c)(3).

(c) LISTING OF REGULATED SUBSTANCES.—

(1) LIST OF REGULATED SUBSTANCES.—Each of the following substances, and any isomers of such a substance, shall be a regulated substance:

Chemical Name	Common Name	Exchange Value
CHF_2CHF_2	HFC–134	1100
CH_2FCF_3	HFC–134a	1430
CH_2FCHF_2	HFC–143	353
$CHF_2CH_2CF_3$	HFC–245fa	1030
$CF_3CH_2CF_2CH_3$	HFC–365mfc	794
CF_3CHFCF_3	HFC–227ea	3220
$CH_2FCF_2CF_3$	HFC–236cb	1340
CHF_2CHFCF_3	HFC–236ea	1370
$CF_3CH_2CF_3$	HFC–236fa	9810
$CH_2FCF_2CHF_2$	HFC–245ca	693
$CF_3CHFCHFCF_2CF_3$	HFC–43–10mee	1640
CH_2F_2	HFC–32	675
CHF_2CF_3	HFC–125	3500
CH_3CF_3	HFC–143a	4470
CH_3F	HFC–41	92
CH_2FCH_2F	HFC–152	53
CH_3CHF_2	HFC–152a	124
CHF_3	HFC–23	14800.

(2) REVIEW.—The Administrator may—

(A) review the exchange values listed in the table contained in paragraph (1) on a periodic basis; and

(B) subject to notice and opportunity for public comment, adjust the exchange values solely on the basis of—

(i) the best available science; and

(ii) other information consistent with widely used or commonly accepted existing exchange values.

(3) OTHER REGULATED SUBSTANCES.—

(A) IN GENERAL.—Subject to notice and opportunity for public comment, the Administrator may designate a substance not included in the table contained in paragraph (1) as a regulated substance if—

(i) the substance—

(I) is a chemical substance that is a saturated hydrofluorocarbon; and

(II) has an exchange value, as determined by the Administrator in accordance with the basis described in paragraph (2)(B), of greater than 53; and

(ii) the designation of the substance as a regulated substance would be consistent with the purposes of this section.

(B) SAVINGS PROVISION.—

(i) IN GENERAL.—Nothing in this paragraph authorizes the Administrator to designate as a regulated substance a blend of substances that includes a saturated hydrofluorocarbon for purposes of phasing down production or consumption of regulated substances under subsection (e), even if the saturated hydrofluorocarbon is, or may be, designated as a regulated substance.

(ii) AUTHORITY OF ADMINISTRATOR.—Clause (i) does not affect the authority of the Administrator to regulate under this Act a regulated substance within a blend of substances.

(d) MONITORING AND REPORTING REQUIREMENTS.—

(1) PRODUCTION, IMPORT, AND EXPORT LEVEL REPORTS.—

Determination.

(A) IN GENERAL.—On a periodic basis, to be determined by the Administrator, but not less frequently than annually, each person who, within the applicable reporting period, produces, imports, exports, destroys, transforms, uses as a process agent, or reclaims a regulated substance shall submit to the Administrator a report that describes, as applicable, the quantity of the regulated substance that the person—

(i) produced, imported, and exported;

(ii) reclaimed;

(iii) destroyed by a technology approved by the Administrator;

(iv) used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(v) used as a process agent.

(B) REQUIREMENTS.—

(i) SIGNED AND ATTESTED.—The report under subparagraph (A) shall be signed and attested by a responsible officer (within the meaning of the Clean Air Act (42 U.S.C. 7401 et seq.)).

(ii) NO FURTHER REPORTS REQUIRED.—A report under subparagraph (A) shall not be required from a person if the person—

(I) permanently ceases production, importation, exportation, destruction, transformation, use as a process agent, or reclamation of all regulated substances; and

Notification.

(II) notifies the Administrator in writing that the requirement under subclause (I) has been met.

(iii) BASELINE PERIOD.—Each report under subparagraph (A) shall include, as applicable, the information described in that subparagraph for the baseline period of calendar years 2011 through 2013.

(2) COORDINATION.—The Administrator may allow any person subject to the requirements of paragraph (1)(A) to combine and include the information required to be reported under that paragraph with any other related information that the person is required to report to the Administrator.

(e) PHASE-DOWN OF PRODUCTION AND CONSUMPTION OF REGULATED SUBSTANCES.—

(1) BASELINES.—

(A) IN GENERAL.—Subject to subparagraph (D), the Administrator shall establish for the phase-down of regulated substances—

(i) a production baseline for the production of all regulated substances in the United States, as described in subparagraph (B); and

(ii) a consumption baseline for the consumption of all regulated substances in the United States, as described in subparagraph (C).

(B) PRODUCTION BASELINE DESCRIBED.—The production baseline referred to in subparagraph (A)(i) is the quantity equal to the sum of—

(i) the average annual quantity of all regulated substances produced in the United States during the period— Time period.

(I) beginning on January 1, 2011; and

(II) ending on December 31, 2013; and

(ii) the quantity equal to the sum of—

(I) 15 percent of the production level of hydrochlorofluorocarbons in calendar year 1989; and

(II) 0.42 percent of the production level of chlorofluorocarbons in calendar year 1989.

(C) CONSUMPTION BASELINE DESCRIBED.—The consumption baseline referred to in subparagraph (A)(ii) is the quantity equal to the sum of—

(i) the average annual quantity of all regulated substances consumed in the United States during the period— Time period.

(I) beginning on January 1, 2011; and

(II) ending on December 31, 2013; and

(ii) the quantity equal to the sum of—

(I) 15 percent of the consumption level of hydrochlorofluorocarbons in calendar year 1989; and

(II) 0.42 percent of the consumption level of chlorofluorocarbons in calendar year 1989.

(D) EXCHANGE VALUES.—

(i) IN GENERAL.—For purposes of establishing the baselines pursuant to subparagraphs (B) and (C), the Administrator shall use the exchange values listed in the table contained in subsection (c)(1) for regulated substances and the following exchange values for hydrochlorofluorocarbons and chlorofluorocarbons:

Table 2

Chemical Name	Common Name	Exchange Value
$CHFC1_2$	HCFC–21	151
CHF_2C1	HCFC–22	1810
$C_2HF_3C1_2$	HCFC–123	77
C_2HF_4C1	HCFC–124	609

Table 2		
Chemical Name	**Common Name**	**Exchange Value**
CH_3CFC1_2	HCFC–141b	725
CH_3CF_2C1	HCFC–142b	2310
$CF_3CF_2CHC1_2$	HCFC–225ca	122
CF_2C1CF_2CHC1F	HCFC–225cb	595

Table 3		
Chemical Name	**Common Name**	**Exchange Value**
$CFC1_3$	CFC–11	4750
CF_2C1_2	CFC–12	10900
$C_2F_3C1_3$	CFC–113	6130
$C_2F_4C1_2$	CFC–114	10000
C_2F_5C1	CFC–115	7370

(ii) REVIEW.—The Administrator may—

(I) review the exchange values listed in the tables contained in clause (i) on a periodic basis; and

(II) subject to notice and opportunity for public comment, adjust the exchange values solely on the basis of—

(aa) the best available science; and

(bb) other information consistent with widely used or commonly accepted existing exchange values.

(2) PRODUCTION AND CONSUMPTION PHASE-DOWN.—

Time period.

(A) IN GENERAL.—During the period beginning on January 1 of each year listed in the table contained in subparagraph (C) and ending on December 31 of the year before the next year listed on that table, except as otherwise permitted under this section, no person shall—

(i) produce a quantity of a regulated substance without a corresponding quantity of production allowances, except as provided in paragraph (5);

(ii) consume a quantity of a regulated substance without a corresponding quantity of consumption allowances; or

(iii) hold, use, or transfer any production allowance or consumption allowance allocated under this section except in accordance with regulations promulgated by the Administrator pursuant to subsection (g).

(B) COMPLIANCE.—For each year listed on the table contained in subparagraph (C), the Administrator shall ensure that the annual quantity of all regulated substances

produced or consumed in the United States does not exceed the product obtained by multiplying—

(i) the production baseline or consumption baseline, as applicable; and

(ii) the applicable percentage listed on the table contained in subparagraph (C).

(C) RELATION TO BASELINE.—On January 1 of each year listed in the following table, the Administrator shall apply the applicable percentage, as described in subparagraph (A):

Effective date. Applicability.

Date	Percentage of Production Baseline	Percentage of Consumption Baseline
2020–2023	90 percent	90 percent
2024–2028	60 percent	60 percent
2029–2033	30 percent	30 percent
2034–2035	20 percent	20 percent
2036 and thereafter	15 percent	15 percent

(D) ALLOWANCES.—

(i) QUANTITY.—Not later than October 1 of each calendar year, the Administrator shall use the quantity calculated under subparagraph (B) to determine the quantity of allowances for the production and consumption of regulated substances that may be used for the following calendar year.

Deadline. Determination.

(ii) NATURE OF ALLOWANCES.—

(I) IN GENERAL.—An allowance allocated under this section—

(aa) does not constitute a property right; and

(bb) is a limited authorization for the production or consumption of a regulated substance under this section.

(II) SAVINGS PROVISION.—Nothing in this section or in any other provision of law limits the authority of the United States to terminate or limit an authorization described in subclause (I)(bb).

(3) REGULATIONS REGARDING PRODUCTION AND CONSUMPTION OF REGULATED SUBSTANCES.—Not later than 270 days after the date of enactment of this Act, which shall include a period of notice and opportunity for public comment, the Administrator shall issue a final rule—

Deadline. Public comment.

(A) phasing down the production of regulated substances in the United States through an allowance allocation and trading program in accordance with this section; and

(B) phasing down the consumption of regulated substances in the United States through an allowance allocation and trading program in accordance with the schedule

under paragraph (2)(C) (subject to the same exceptions and other requirements as are applicable to the phasedown of production of regulated substances under this section).

(4) EXCEPTIONS; ESSENTIAL USES.—

(A) FEEDSTOCKS AND PROCESS AGENTS.—Except for the reporting requirements described in subsection (d)(1), this section does not apply to—

(i) a regulated substance that is used and entirely consumed (except for trace quantities) in the manufacture of another chemical; or

(ii) a regulated substance that is used and not entirely consumed in the manufacture of another chemical, if the remaining amounts of the regulated substance are subsequently destroyed.

(B) ESSENTIAL USES.—

Effective date.
Allocation.
Time period.

(i) IN GENERAL.—Beginning on the date of enactment of this Act and subject to paragraphs (2) and (3) and clauses (ii) and (iii), the Administrator may, by rule, after considering technical achievability, commercial demands, affordability for residential and small business consumers, safety, and other relevant factors, including overall economic costs and environmental impacts compared to historical trends, allocate a quantity of allowances for a period of not more than 5 years for the production and consumption of a regulated substance exclusively for the use of the regulated substance in an application, if—

(I) no safe or technically achievable substitute will be available during the applicable period for that application; and

(II) the supply of the regulated substance that manufacturers or users of the regulated substance for that application are capable of securing from chemical manufacturers, as authorized under paragraph (2)(A), including any quantities of a regulated substance available from production or import, is insufficient to accommodate the application.

(ii) PETITION.—If the Administrator receives a petition requesting the designation of an application as an essential use under clause (i), the Administrator shall—

Deadline.
Public information.

(I) not later than 180 days after the date on which the Administrator receives the petition—

(aa) make the complete petition available to the public; and

Public comment.

(bb) when making the petition available to the public under item (aa), propose and seek public comment on—

(AA) a determination of whether to designate the application as an essential use; and

(BB) if the Administrator proposes to designate the application as an essential use, making the requisite allocation of allowances; and

(II) not later than 270 days after the date on which the Administrator receives the petition, take final action on the petition. Deadline.

(iii) LIMITATION.—A person receiving an allocation under clause (i) or (iv) or as a result of a petition granted under clause (ii) may not produce or consume a produced quantity of regulated substances that, considering the respective exchange values of the regulated substances, exceeds the number of allowances issued under paragraphs (2) and (3) that are held by that person.

(iv) MANDATORY ALLOCATIONS.—

(I) IN GENERAL.—Notwithstanding clause (i) and subject to clause (iii) and paragraphs (2) and (3), for the 5-year period beginning on the date of enactment of this Act, the Administrator shall allocate the full quantity of allowances necessary, based on projected, current, and historical trends, for the production or consumption of a regulated substance for the exclusive use of the regulated substance in an application solely for— Time period. Effective date.

(aa) a propellant in metered-dose inhalers;

(bb) defense sprays;

(cc) structural composite preformed polyurethane foam for marine use and trailer use;

(dd) the etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector;

(ee) mission-critical military end uses, such as armored vehicle engine and shipboard fire suppression systems and systems used in deployable and expeditionary applications; and

(ff) onboard aerospace fire suppression.

(II) REQUIREMENT.—The allocation of allowances under subclause (I) shall be determined through a rulemaking. Determination.

(v) REVIEW.— Time periods.

(I) IN GENERAL.—For each essential use application receiving an allocation of allowances under clause (i) or (iv), the Administrator shall review the availability of substitutes, including any quantities of the regulated substance available from reclaiming or prior production, not less frequently than once every 5 years.

(II) EXTENSION.—If, pursuant to a review under subclause (I), the Administrator determines, subject to notice and opportunity for public comment, that the requirements described in subclauses (I) and (II) of clause (i) are met, the Administrator shall authorize the production or consumption, as applicable, of any regulated substance used in the application for renewable periods of not more than 5 years for exclusive use in the application. Determination.

(5) DOMESTIC MANUFACTURING.—Notwithstanding paragraph (2)(A)(i), the Administrator may, by rule, authorize a

person to produce a regulated substance in excess of the number of production allowances held by that person, subject to the conditions that—

(A) the authorization is—

Time period.

(i) for a renewable period of not more than 5 years; and

(ii) subject to notice and opportunity for public comment; and

(B) the production—

(i) is at a facility located in the United States;

(ii) is solely for export to, and use in, a foreign country that is not subject to the prohibition in subsection (j)(1); and

(iii) would not violate paragraph (2)(B).

(f) ACCELERATED SCHEDULE.—

Regulations.

(1) IN GENERAL.—Subject to paragraph (4), the Administrator may, only in response to a petition submitted to the Administrator in accordance with paragraph (3) and after notice and opportunity for public comment, promulgate regulations that establish a schedule for phasing down the production or consumption of regulated substances that is more stringent than the production and consumption levels of regulated substances required under subsection (e)(2)(C).

(2) REQUIREMENTS.—Any regulations promulgated under this subsection—

(A) shall—

Applicability.

(i) apply uniformly to the allocation of production and consumption allowances for regulated substances, in accordance with subsection (e)(3);

(ii) ensure that there will be sufficient quantities of regulated substances, including substances available from reclaiming, prior production, or prior import, to meet the needs for—

(I) applications that receive an allocation under clause (i) of subsection (e)(4)(B); and

(II) all applications that receive a mandatory allocation under items (aa) through (ff) of clause (iv)(I) of that subsection; and

(iii) foster continued reclamation of and transition from regulated substances; and

Determination.

(B) shall not set the level of production allowances or consumption allowances below the percentage of the consumption baseline that is actually consumed during the calendar year prior to the year during which the Administrator makes a final determination with respect to the applicable proposal described in paragraph (3)(C)(iii)(I).

(3) PETITION.—

(A) IN GENERAL.—A person may petition the Administrator to promulgate regulations for an accelerated schedule for the phase-down of production or consumption of regulated substances under paragraph (1).

(B) REQUIREMENT.—A petition submitted under subparagraph (A) shall—

(i) be made at such time, in such manner, and containing such information as the Administrator shall require; and

(ii) include a showing by the petitioner that there are data to support the petition.

(C) TIMELINES.—

(i) IN GENERAL.—If the Administrator receives a petition under subparagraph (A), the Administrator shall— Deadlines.

(I) not later than 180 days after the date on which the Administrator receives the petition—

(aa) make the complete petition available to the public; and Public information.

(bb) when making the petition available to the public under item (aa), propose and seek public comment on the proposal of the Administrator to grant or deny the petition; and Public comment.

(II) not later than 270 days after the date on which the Administrator receives the petition, take final action on the petition.

(ii) FACTORS FOR DETERMINATION.—In making a determination to grant or deny a petition submitted under subparagraph (A), the Administrator shall, to the extent practicable, factor in—

(I) the best available data;

(II) the availability of substitutes for uses of the regulated substance that is the subject of the petition, taking into account technological achievability, commercial demands, affordability for residential and small business consumers, safety, consumer costs, building codes, appliance efficiency standards, contractor training costs, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import;

(III) overall economic costs and environmental impacts, as compared to historical trends; and

(IV) the remaining phase-down period for regulated substances under the final rule issued under subsection (e)(3), if applicable.

(iii) REGULATIONS.—After receiving public comment with respect to the proposal under clause (i)(I)(bb), if the Administrator makes a final determination to grant a petition under subparagraph (A), the final regulations with respect to the petition shall— Determination.

(I) be promulgated by not later than 1 year after the date on which the Administrator makes the proposal to grant the petition under that clause; and Deadline.

(II) meet the requirements of paragraph (2).

(D) PUBLICATION.—When the Administrator makes a final determination to grant or deny a petition under subparagraph (A), the Administrator shall publish a description of the reasons for that grant or denial, including a description of the information considered under subclauses (I) through (IV) of subparagraph (C)(ii).

(E) INSUFFICIENT INFORMATION.—If the Administrator determines that the data included under subparagraph Determination.

(B)(ii) in a petition are not sufficient to make a determination under this paragraph, the Administrator shall use any authority available to the Administrator to acquire the necessary data.

(4) DATE OF EFFECTIVENESS.—The Administrator may not promulgate under paragraph (1) a regulation for the production or consumption of regulated substances that is more stringent than the production or consumption levels required under subsection (e)(2)(C) that takes effect before January 1, 2025.

(5) REVIEW.—

Deadlines.
Time period.

(A) IN GENERAL.—The Administrator shall review the availability of substitutes for regulated substances subject to an accelerated schedule established under paragraph (1) in each sector and subsector in which the regulated substance is used, taking into account technological achievability, commercial demands, safety, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import, by January 1, 2026 (for the first review), by January 1, 2031 (for the second review), and at least once every 5 years thereafter.

(B) PUBLIC AVAILABILITY.—The Administrator shall make the results of a review conducted under subparagraph (A) publicly available.

(6) SAVINGS PROVISION.—Nothing in this subsection authorizes the Administrator to promulgate regulations pursuant to this subsection that establish a schedule for phasing down the production or consumption of regulated substances that is less stringent than the production and consumption levels of regulated substances required under subsection (e)(2)(C).

(g) EXCHANGE AUTHORITY.—

Deadline.
Public comment.
Regulations.

(1) TRANSFERS.—Not later than 270 days after the date of enactment of this Act, which shall include a period of notice and opportunity for public comment, the Administrator shall promulgate a final regulation that governs the transfer of allowances for the production of regulated substances under subsection (e)(3)(A) that uses—

(A) the applicable exchange values described in the table contained in subsection (c)(1); or

(B) the exchange value described in the rule designating the substance as a regulated substance under subsection (c)(3).

(2) REQUIREMENTS.—The final rule promulgated pursuant to paragraph (1) shall—

(A) ensure that the transfers under this subsection will result in greater total reductions in the production of regulated substances in each year than would occur during the year in the absence of the transfers;

(B) permit 2 or more persons to transfer production allowances if the transferor of the allowances will be subject, under the final rule, to an enforceable and quantifiable reduction in annual production that—

(i) exceeds the reduction otherwise applicable to the transferor under this section;

(ii) exceeds the quantity of production represented by the production allowances transferred to the transferee; and

(iii) would not have occurred in the absence of the transaction; and

(C) provide for the trading of consumption allowances in the same manner as is applicable under this subsection to the trading of production allowances.

(h) MANAGEMENT OF REGULATED SUBSTANCES.—

Regulations. Determination.

(1) IN GENERAL.—For purposes of maximizing reclaiming and minimizing the release of a regulated substance from equipment and ensuring the safety of technicians and consumers, the Administrator shall promulgate regulations to control, where appropriate, any practice, process, or activity regarding the servicing, repair, disposal, or installation of equipment (including requiring, where appropriate, that any such servicing, repair, disposal, or installation be performed by a trained technician meeting minimum standards, as determined by the Administrator) that involves—

(A) a regulated substance;

(B) a substitute for a regulated substance;

(C) the reclaiming of a regulated substance used as a refrigerant; or

(D) the reclaiming of a substitute for a regulated substance used as a refrigerant.

(2) RECLAIMING.—

(A) IN GENERAL.—In carrying out this section, the Administrator shall consider the use of authority available to the Administrator under this section to increase opportunities for the reclaiming of regulated substances used as refrigerants.

(B) RECOVERY.—A regulated substance used as a refrigerant that is recovered shall be reclaimed before the regulated substance is sold or transferred to a new owner, except where the recovered regulated substance is sold or transferred to a new owner solely for the purposes of being reclaimed or destroyed.

(3) COORDINATION.—In promulgating regulations to carry out this subsection, the Administrator may coordinate those regulations with any other regulations promulgated by the Administrator that involve—

(A) the same or a similar practice, process, or activity regarding the servicing, repair, disposal, or installation of equipment; or

(B) reclaiming.

(4) INAPPLICABILITY.—No regulation promulgated pursuant to this subsection shall apply to a regulated substance or a substitute for a regulated substance that is contained in a foam.

(5) SMALL BUSINESS GRANTS.—

(A) DEFINITION OF SMALL BUSINESS CONCERN.—In this paragraph, the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(B) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a grant program to award grants to small business concerns for the purchase of new specialized equipment for the recycling, recovery, or reclamation of a substitute for a regulated substance, including the purchase of approved refrigerant

recycling equipment (as defined in section 609(b) of the Clean Air Act (42 U.S.C. 7671h(b))) for recycling, recovery, or reclamation in the service or repair of motor vehicle air conditioning systems.

(C) MATCHING FUNDS.—The non-Federal share of a project carried out with a grant under this paragraph shall be not less than 25 percent.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2021 through 2023.

(i) TECHNOLOGY TRANSITIONS.—

(1) AUTHORITY.—Subject to the provisions of this subsection, the Administrator may by rule restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used.

(2) NEGOTIATED RULEMAKING.—

(A) CONSIDERATION REQUIRED.—Before proposing a rule for the use of a regulated substance for a sector or subsector under paragraph (1), the Administrator shall consider negotiating with stakeholders in the sector or subsector subject to the potential rule in accordance with the negotiated rulemaking procedure provided for under subchapter III of chapter 5 of title 5, United States Code (commonly known as the "Negotiated Rulemaking Act of 1990").

(B) NEGOTIATED RULEMAKINGS.—If the Administrator negotiates a rulemaking with stakeholders using the procedure described in subparagraph (A), the Administrator shall, to the extent practicable, give priority to completing that rulemaking over completing rulemakings under this subsection that were not negotiated using that procedure.

Publication.

(C) NO NEGOTIATED RULEMAKING.—If the Administrator does not negotiate a rulemaking with stakeholders using the procedure described in subparagraph (A), the Administrator shall, before commencement of the rulemaking process for a rule under paragraph (1), publish an explanation of the decision of the Administrator to not use that procedure.

(3) PETITIONS.—

(A) IN GENERAL.—A person may petition the Administrator to promulgate a rule under paragraph (1) for the restriction on use of a regulated substance in a sector or subsector, which shall include a request that the Administrator negotiate with stakeholders in accordance with paragraph (2)(A).

Deadline.

(B) RESPONSE.—The Administrator shall grant or deny a petition under subparagraph (A) not later than 180 days after the date of receipt of the petition.

(C) REQUIREMENTS.—

Federal Register, publication.

(i) EXPLANATION.—If the Administrator denies a petition under subparagraph (B), the Administrator shall publish in the Federal Register an explanation of the denial.

Deadline.

(ii) FINAL RULE.—If the Administrator grants a petition under subparagraph (B), the Administrator shall promulgate a final rule not later than 2 years

after the date on which the Administrator grants the petition.

(iii) PUBLICATION OF PETITIONS.—Not later than 30 days after the date on which the Administrator receives a petition under subparagraph (A), the Administrator shall make that petition available to the public in full. Deadline. Public information.

(4) FACTORS FOR DETERMINATION.—In carrying out a rulemaking using the procedure described in paragraph (2) or making a determination to grant or deny a petition submitted under paragraph (3), the Administrator shall, to the extent practicable, factor in—

(A) the best available data;

(B) the availability of substitutes for use of the regulated substance that is the subject of the rulemaking or petition, as applicable, in a sector or subsector, taking into account technological achievability, commercial demands, affordability for residential and small business consumers, safety, consumer costs , building codes, appliance efficiency standards, contractor training costs, and other relevant factors, including the quantities of regulated substances available from reclaiming, prior production, or prior import;

(C) overall economic costs and environmental impacts, as compared to historical trends; and

(D) the remaining phase-down period for regulated substances under the final rule issued under subsection (e)(3), if applicable.

(5) EVALUATION.—In carrying out this subsection, the Administrator shall—

(A) evaluate substitutes for regulated substances in a sector or subsector, taking into account technological achievability, commercial demands, safety, overall economic costs and environmental impacts, and other relevant factors; and

(B) make the evaluation under subparagraph (A) available to the public, including the factors associated with the safety of those substitutes. Public information.

(6) EFFECTIVE DATE OF RULES.—No rule under this subsection may take effect before the date that is 1 year after the date on which the Administrator promulgates the applicable rule under this subsection.

(7) APPLICABILITY.—

(A) DEFINITION OF RETROFIT.—In this paragraph, the term "retrofit" means to upgrade existing equipment where the regulated substance is changed, which—

(i) includes the conversion of equipment to achieve system compatibility; and

(ii) may include changes in lubricants, gaskets, filters, driers, valves, o-rings, or equipment components for that purpose.

(B) APPLICABILITY OF RULES.—A rule promulgated under this subsection shall not apply to—

(i) an essential use under clause (i) or (iv) of subsection (e)(4)(B), including any use for which the production or consumption of the regulated substance is extended under clause (v)(II) of that subsection; or

(ii) except for a retrofit application, equipment in existence in a sector or subsector before the date of enactment of this Act.

(j) INTERNATIONAL COOPERATION.—

Deadline. Determination.

(1) IN GENERAL.—Subject to paragraph (2), no person subject to the requirements of this section shall trade or transfer a production allowance or, after January 1, 2033, export a regulated substance to a person in a foreign country that, as determined by the Administrator, has not enacted or otherwise established within a reasonable timeframe after the date of enactment of this Act the same or similar requirements or otherwise undertaken commitments regarding the production and consumption of regulated substances as are contained in this section.

(2) TRANSFERS.—Pursuant to paragraph (1), a person in the United States may engage in a trade or transfer of a production allowance—

(A) to a person in a foreign country if, at the time of the transfer, the Administrator revises the number of allowances for production under subsection (e)(2), as applicable, for the United States such that the aggregate national production of the regulated substance to be traded under the revised production limits is equal to the least of—

(i) the maximum production level permitted for the applicable regulated substance in the year of the transfer under this section, less the production allowances transferred;

(ii) the maximum production level permitted for the applicable regulated substances in the transfer year under applicable law, less the production allowances transferred; and

Time period.

(iii) the average of the actual national production level of the applicable regulated substances for the 3-year period ending on the date of the transfer, less the production allowances transferred; or

(B) from a person in a foreign country if, at the time of the trade or transfer, the Administrator finds that the foreign country has revised the domestic production limits of the regulated substance in the same manner as provided with respect to transfers by a person in United States under this subsection.

(3) EFFECT OF TRANSFERS ON PRODUCTION LIMITS.—The Administrator may—

(A) reduce the production limits established under subsection (e)(2)(B) as required as a prerequisite to a transfer described in paragraph (2)(A); or

(B) increase the production limits established under subsection (e)(2)(B) to reflect production allowances acquired under a trade or transfer described in paragraph (2)(B).

(4) REGULATIONS.—The Administrator shall—

Deadline.

(A) not later than 1 year after the date of enactment of this Act, promulgate a final rule to carry out this subsection; and

(B) not less frequently than annually, review and, if necessary, revise the final rule promulgated pursuant to subparagraph (A). Time period. Review.

(k) RELATIONSHIP TO OTHER LAW.—

(1) IMPLEMENTATION.—

(A) RULEMAKINGS.—The Administrator may promulgate such regulations as are necessary to carry out the functions of the Administrator under this section.

(B) DELEGATION.—The Administrator may delegate to any officer or employee of the Environmental Protection Agency such of the powers and duties of the Administrator under this section as the Administrator determines to be appropriate. Determination.

(C) CLEAN AIR ACT.—Sections 113, 114, 304, and 307 of the Clean Air Act (42 U.S.C. 7413, 7414, 7604, 7607) shall apply to this section and any rule, rulemaking, or regulation promulgated by the Administrator pursuant to this section as though this section were expressly included in title VI of that Act (42 U.S.C. 7671 et seq.). Applicability.

(2) PREEMPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), during the 5-year period beginning on the date of enactment of this Act, and with respect to an exclusive use for which a mandatory allocation of allowances is provided under subsection (e)(4)(B)(iv)(I), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of a regulated substance within that exclusive use. Time period. Effective date.

(B) EXTENSION.—

(i) IN GENERAL.—Subject to clause (ii), if, pursuant to subclause (I) of subsection (e)(4)(B)(v), the Administrator authorizes an additional period under subclause (II) of that subsection for the production or consumption of a regulated substance for an exclusive use described in subparagraph (A), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of the regulated substance within that exclusive use for the duration of that additional period.

(ii) LIMITATION.—The period for which the limitation under clause (i) applies shall not exceed 5 years from the date on which the period described in subparagraph (A) ends. Applicability. Time period.

DIVISION T—SMITHSONIAN AMERICAN WOMEN'S HISTORY MUSEUM ACT AND NATIONAL MUSEUM OF THE AMERICAN LATINO

Smithsonian American Women's History Museum Act.

TITLE I—SMITHSONIAN AMERICAN WOMEN'S HISTORY MUSEUM ACT

20 USC 80t note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Smithsonian American Women's History Museum Act".

20 USC 80t.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Since its founding, the United States has greatly benefitted from the contributions of women.

(2) Historical accounts, monuments, memorials, and museums disproportionately represent men's achievements and contributions and often neglect those of women. For example—

(A) a study of 18 United States history textbooks concluded that 10 percent of the material documented contributions of women;

(B) 9 statues out of 91 in the United States Capitol's National Statuary Hall depict women; and

(C) only one of the 44 monuments operated by the National Park Service specifically honors the achievements of women after the 2016 designation of the Belmont-Paul Women's Equality National Monument.

(3) There exists no national museum in the United States that is devoted to the documentation of women's contributions throughout the Nation's history.

(4) On December 19, 2014, Congress created a Congressional Commission to study the potential for an American museum of women's history. The bipartisan Commission unanimously concluded that the United States needs and deserves a physical national museum dedicated to showcasing the historical experiences and impact of women in the United States.

(5) A comprehensive women's history museum would document the full spectrum of the experiences of women in the United States, represent a diverse range of viewpoints, experiences, and backgrounds, more accurately depict the history of the United States, and add value to the Smithsonian Institution.

(6) The collections, exhibits, historical narrative materials, and museum programming of the women's history museum should be inclusive, comprehensive, and innovative. Such collections, exhibits, materials, and programming should present the diverse range of experiences and viewpoints of all women in the United States, reflecting upon the things that set women apart from one another while also highlighting the experiences that many of these women share.

SEC. 103. ESTABLISHMENT OF MUSEUM.

20 USC 80t–1.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a comprehensive women's history museum, to be named by the Board of Regents in consultation with the council established under section 104 (referred to in this Act as the "Museum").

Consultation.

(b) PURPOSE.—The purpose of the Museum established under this section shall be to provide for—

(1) the collection and study of, and the establishment of programs relating to, women's contributions to various fields and throughout different periods of history that have influenced the direction of the United States;

(2) collaboration with other Smithsonian Institution museums and facilities, outside museums, and educational institutions; and

(3) the creation of exhibitions and programs that recognize diverse perspectives on women's history and contributions.

SEC. 104. COUNCIL.

20 USC 80t–2.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a council to carry out the duties set forth under subsection (b) and other provisions of this Act (referred to in this section as the "Council").

(b) DUTIES.—

(1) IN GENERAL.—The Council established under this section shall—

(A) make recommendations to the Board of Regents concerning the planning, design, and construction of the Museum;

(B) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum;

(C) recommend annual operating budgets for the Museum to the Board of Regents;

(D) report annually to the Board of Regents on the acquisition, disposition, and display of objects relating to women's art, history, and culture; and

(E) adopt bylaws for the operation of the Council.

(2) PRINCIPAL RESPONSIBILITIES.—The Council, subject to the general policies of the Board of Regents, shall have sole authority to—

(A) purchase, accept, borrow, and otherwise acquire artifacts for addition to the collections of the Museum;

(B) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by that disposition are used for additions to the collections of the Museum; or

(C) specify criteria with respect to the use of the collections and resources of the Museum, including policies on programming, education, exhibitions, and research with respect to—

(i) the life, art, history, and culture of women;

(ii) the role of women in the history of the United States; and

(iii) the contributions of women to society.

(3) OTHER RESPONSIBILITIES.—The Council, subject to the general policies of the Board of Regents, shall have authority—

(A) to provide for preservation, restoration, and maintenance of the collections of the Museum; and

(B) to solicit, accept, use, and dispose of gifts, bequests, and devises of personal property for the purpose of aiding and facilitating the work of the Museum.

(4) ENSURING DIVERSITY OF POLITICAL VIEWPOINTS IN EXHIBITS AND PROGRAMS.—In carrying out its duties, the Council shall ensure that the exhibits and programs of the Museum reflect, to the extent practicable, an equal representation of the diversity of the political viewpoints held by women of the United States on the events and issues relating to the history of women in the United States.

(c) COMPOSITION AND APPOINTMENT.—

(1) IN GENERAL.—The Council shall be composed of 25 voting members as provided under paragraph (2).

(2) VOTING MEMBERS.—The Council shall include the following voting members:

(A) One member appointed by the majority leader of the Senate.

(B) One member appointed by the minority leader of the Senate.

(C) One member appointed by the Speaker of the House of Representatives.

(D) One member appointed by the minority leader of the House of Representatives.

(E) The Secretary of the Smithsonian Institution.

(F) One member of the Board of Regents, appointed by the Board of Regents.

(G) Nineteen individuals appointed by the Board of Regents. In appointing members under this subparagraph, the Board of Regents should give special consideration to appointing—

(i) members of the Congressional Commission;

(ii) board members of the National Women's History Museum, a nonprofit, educational organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that was incorporated in 1996 in the District of Columbia and that is dedicated for the purpose of establishing a women's history museum; and

(iii) scholars and representatives of organizations that are committed to the study of women's history.

Deadline.

(3) INITIAL APPOINTMENTS.—The Board of Regents shall make initial appointments to the Council under paragraph (2) not later than 180 days after the date of the enactment of this Act.

(d) TERMS.—

(1) IN GENERAL.—Except as provided in this subsection, each appointed member of the Council shall be appointed for a term of 3 years.

(2) INITIAL APPOINTEES.—As designated by the Board of Regents at the time of appointment, of the voting members first appointed under subparagraph (G) of subsection (c)(2)—

(A) 7 members shall be appointed for a term of 1 year;

(B) 6 members shall be appointed for a term of 2 years; and

(C) 6 members shall be appointed for a term of 3 years.

(3) REAPPOINTMENT.—A member of the Council may be reappointed, except that no individual may serve on the Council for a total of more than 2 terms. For purposes of this paragraph, the number of terms an individual serves on the Council shall not include any portion of a term for which an individual is appointed to fill a vacancy under paragraph (4)(B).

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) TERM.—Any member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(e) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council shall serve without pay.

(2) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

(f) CHAIRPERSON.—By a majority vote of its voting members, the Council shall elect a chairperson from its members.

(g) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the chairperson or on the written request of a majority of the voting members of the Council, but not fewer than twice each year.

(2) INITIAL MEETINGS.—During the 1-year period beginning on the date of the first meeting of the Council, the Council shall meet not fewer than 4 times for the purpose of carrying out the duties of the Council under this Act. Time period.

(h) QUORUM.—A majority of the voting members of the Council holding office shall constitute a quorum for the purpose of conducting business, but a lesser number may receive information on behalf of the Council.

SEC. 105. DIRECTOR AND STAFF OF THE MUSEUM.

Appointments. 20 USC 80t–3.

(a) DIRECTOR.—

(1) IN GENERAL.—The Museum shall have a Director who shall be appointed by the Secretary, taking into consideration individuals recommended by the council established under section 104.

(2) DUTIES.—The Director shall manage the Museum subject to the policies of the Board of Regents.

(b) STAFF.—The Secretary may appoint 2 additional employees to serve under the Director, except that such additional employees may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) PAY.—The employees appointed by the Secretary under subsection (b) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code,

relating to classification of positions and General Schedule pay rates.

20 USC 80t–4.

SEC. 106. EDUCATIONAL AND LIAISON PROGRAMS.

(a) PROGRAMS AUTHORIZED.—The Director of the Museum may carry out educational and liaison programs in support of the goals of the Museum.

(b) COLLABORATION WITH SCHOOLS.—In carrying out this section, the Director shall carry out educational programs in collaboration with elementary schools, secondary schools, and postsecondary schools.

20 USC 80t–5.

SEC. 107. BUILDING.

(a) LOCATION.—

Deadline.

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Board of Regents shall designate a site for the Museum.

District of Columbia.

(2) SITES FOR CONSIDERATION.—In designating a site under paragraph (1), the Board of Regents shall—

(A) select a site in the District of Columbia; and

(B) include the consideration of the following sites:

(i) The site known as the "South Monument site", located on the National Mall and bordered by 14th Street Northwest, Jefferson Drive Southwest, Raoul Wallenberg Place Southwest, and Independence Ave Southwest.

(ii) The Northwest United States Capitol site, bordered by 3rd Street Northwest, Constitution Avenue Northwest, 1st Street Northwest, and Pennsylvania Ave Northwest.

(3) FACTORS CONSIDERED.—In designating a site under paragraph (1), the Board of Regents shall take into consideration each of the following factors:

Cost estimate.

(A) An estimate of the costs associated with each potential site.

Assessment.

(B) An assessment of the suitability of the space of each potential site, including size, proximity to other buildings and transportation, and other external environmental conditions, as appropriate.

Recommendations.

(C) The recommendations of the Congressional Commission.

(4) CONSULTATION.—The Board of Regents shall carry out its duties under this subsection in consultation with each of the following:

(A) The Chair of the National Capital Planning Commission.

(B) The Director of the National Park Service.

(C) The Chair of the National Capital Memorial Advisory Commission.

(D) The Chair of the Commission on Fine Arts.

(E) The Chair of the Congressional Commission.

(F) The Architect of the Capitol.

(G) The chair and ranking member of each of the following committees:

(i) The Committee on Rules and Administration of the Senate.

(ii) The Committee on House Administration of the House of Representatives.

(iii) The Committee on Energy and Natural Resources of the Senate.

(iv) The Committee on Natural Resources of the House of Representatives.

(v) The Committee on Transportation and Infrastructure of the House of Representatives.

(vi) The Committee on Appropriations of the House of Representatives.

(vii) The Committee on Appropriations of the Senate.

(5) INTENT OF CONGRESS.—It is the intent of Congress that the Museum be located on or near the National Mall, to the maximum extent practicable, in accordance with this section.

(b) SITE UNDER THE JURISDICTION OF ANOTHER FEDERAL AGENCY.—

(1) WRITTEN NOTIFICATION OF AGREEMENT.—The Board of Regents shall not designate a site for the Museum that is under the administrative jurisdiction of another Federal agency or entity unless the head of the Federal agency or entity submits to each of the committees described in subsection (a)(4)(G) written notification stating that the head of the Federal agency or entity concurs with locating the Museum on the land or in the structure that is under the administrative jurisdiction of the Federal agency or entity.

(2) TRANSFER.—As soon as practicable after the date on which Congress receives the written notification described in paragraph (1), the head of the Federal agency or entity shall transfer to the Smithsonian Institution its administrative jurisdiction over the land or structure that has been designated as the site for the Museum.

(c) CONSTRUCTION OF BUILDING.—The Board of Regents, in consultation with the council established under section 104, may plan, design, and construct a building for the Museum, which shall be located at the site designated by the Board of Regents under subsection (a), in accordance with this section.

(d) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, shall not apply with respect to the Museum, except that the Museum shall not be located in the Reserve (as defined in section 8902(a) of that title).

(e) COST SHARING.—The Board of Regents shall pay—

(1) 50 percent of the costs of carrying out this section from Federal funds; and

(2) 50 percent of the costs of carrying out this section from non-Federal sources.

SEC. 108. DEFINITIONS.

20 USC 80t–6.

In this Act, the following definitions apply:

(1) The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(2) The term "Congressional Commission" means the Commission to Study the Potential Creation of a National Women's History Museum, established under section 3056 of the Military Construction Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3810).

(3) The term "Secretary" means the Secretary of the Smithsonian Institution.

20 USC 80t–7.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Smithsonian Institution to carry out this Act, including the planning, design, construction, and operation of the Museum established under section 103, such sums as may be necessary for fiscal year 2020 and each succeeding fiscal year.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

(c) USE OF FUNDS FOR FUNDRAISING.—Amounts appropriated pursuant to the authorization under this section may be used to conduct fundraising in support of the Museum from private sources.

TITLE II—NATIONAL MUSEUM OF THE AMERICAN LATINO

20 USC 80u.

SEC. 201. NATIONAL MUSEUM OF THE AMERICAN LATINO.

(a) FINDINGS.—Congress finds the following:

(1) The United States is a symbol of democracy, freedom, and economic opportunity around the world, and the legacy of Latinos is deeply rooted in the very fabric of the history, democracy, freedom, and economic opportunity of the United States.

(2) There exists no national museum within the Smithsonian Institution that is devoted to the documentation and explication of Latino life, art, history, and culture.

(3) The establishment of the National Museum of the American Latino will be consistent with the purposes of the Smithsonian Institution, created by Congress in 1846, "for the increase and diffusion of knowledge".

(4) The National Museum of the American Latino—

(A) will be the keystone for people in the United States and other Smithsonian Institution visitors to learn about Latino contributions to life, art, history, and culture in the United States at its signature location on the National Mall; and

(B) will serve as a gateway for visitors to view other Latino exhibitions, collections, and programming at other Smithsonian Institution facilities and museums throughout the United States and the territories of the United States.

(b) DEFINITIONS.—In this section:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(2) BOARD OF TRUSTEES.—The term "Board of Trustees" means the Board of Trustees of the National Museum of the American Latino as established by subsection (d).

(3) DIRECTOR.—The term "Director" means the Director of the National Museum of the American Latino.

(4) MUSEUM.—The term "Museum" means the National Museum of the American Latino established by subsection (c).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Smithsonian Institution.

(c) ESTABLISHMENT OF MUSEUM.—

(1) ESTABLISHMENT.—There is established within the Smithsonian Institution a museum to be known as the "National Museum of the American Latino".

(2) PURPOSES.—The purposes of the Museum are—

(A) to illuminate the story of the United States for the benefit of all by featuring Latino contributions; and

(B) to provide for—

(i) the collection, study, research, publication, and establishment of exhibitions and programs relating to Latino life, art, history, and culture that encompass—

(I) Latino contributions to the early history of what now encompasses the United States of America and its territories;

(II) Latino contributions in the armed services from the earliest days of the American Revolution to current military activities in defense of our freedoms;

(III) Latino contributions to the freedom, well-being, and economic prosperity of all people in the United States through historical movements;

(IV) entrepreneurial and charitable activities of Latinos;

(V) contributions by Latinos to—

(aa) the social, natural, and physical sciences; and

(bb) art, history, and culture, including food, music, dance, film, theater, sports, and other forms of popular culture in the United States; and

(ii) collaboration between the Museum, other museums and research centers of the Smithsonian Institution, and other museums and educational institutions throughout the United States and abroad, to promote the study and appreciation of Latino life, art, history, culture, and its impact on society in the United States, including collaboration concerning joint research projects, programs, exhibitions, collection management, and training of museum staff.

(d) BOARD OF TRUSTEES.—

(1) ESTABLISHMENT.—There is established within the Smithsonian Institution a Board of Trustees of the Museum with the duties, powers, and authority specified in this subsection.

(2) DUTIES.—

(A) IN GENERAL.—The Board of Trustees—

(i) shall—

(I) make recommendations to the Board of Regents concerning the location, planning, design, and construction of the Museum;

(II) recommend annual operating budgets for the Museum to the Board of Regents;

(III) adopt bylaws for the Board of Trustees;

(IV) report annually to the Board of Regents on the acquisition, disposition, and display of Latino collections, objects and artifacts, and on other appropriate matters; and

(V) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum, including long-term maintenance; and

(ii) may delegate the duties described in subclauses (I) through (IV) of clause (i) to the Director.

(B) PRINCIPAL RESPONSIBILITIES.—Subject to the general policies of the Board of Regents, the Board of Trustees shall have the sole authority to—

(i) purchase, accept, borrow, or otherwise acquire artifacts and other objects for addition to the collections of the Museum;

(ii) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, with the proceeds of such transactions to be used for additions to the collections of the Museum; and

(iii) specify criteria with respect to the use of the collections and resources of the Museum, including policies on programming, education, exhibitions, and research with respect to—

(I) the life, art, history, culture, and other aspects of Latinos in the United States and the territories of the United States;

(II) the role of Latinos in the history of the United States from the arrival of the first explorers to the Americas to the present;

(III) the contributions of Latinos to society and culture in the United States, and exploring what it means to be an American; and

(IV) sharing how values in the United States such as resiliency, optimism, and spirituality are reflected in Latino history and culture.

(C) OTHER RESPONSIBILITIES.—Subject to the general policies of the Board of Regents, the Board of Trustees shall have authority to—

(i) provide for preservation, restoration, and maintenance of the collections of the Museum; and

(ii) solicit, accept, use, and dispose of gifts, bequests, and devises of personal and real property for the purpose of aiding and facilitating the work of the Museum.

(D) ENSURING DIVERSITY OF POLITICAL VIEWPOINTS IN EXHIBITS AND PROGRAMS.—In carrying out its duties, the Board of Trustees shall ensure that the exhibits and programs of the Museum reflect the diversity of the political viewpoints held by Latinos of the United States on the events and issues relating to the history of Latinos in the United States.

(3) COMPOSITION AND APPOINTMENT.—

(A) IN GENERAL.—The Board of Trustees shall be composed of not more than 19 voting members as provided under subparagraph (B).

(B) VOTING MEMBERS.—The Board of Trustees shall include the following voting members:

(i) The Secretary of the Smithsonian Institution.

(ii) The Under Secretary of Museums and Research of the Smithsonian Institution.

(iii) The chair of the Smithsonian National Latino Board.

(iv) One member of the Board of Regents, appointed by the Board of Regents.

(v) Two Members of Congress, one from each political party, designated by the Congressional Hispanic Caucus and the Congressional Hispanic Conference.

(vi) Thirteen individuals who shall be appointed by the Board of Regents after taking into consideration—

(I) efforts to have a politically and geographically diverse representation on the Board of Trustees reflecting States and territories with significant Latino populations;

(II) individuals recommended by members of the Board of Trustees; and

(III) individuals recommended by organizations and entities that are committed to the advancement of knowledge of Latino life, art, history, and culture.

(C) INITIAL APPOINTMENTS.—The Board of Regents shall make initial appointments to the Board of Trustees under subparagraph (B) not later than 180 days after the date of enactment of this Act. Deadline.

(4) TERMS OF SERVICE.—

(A) IN GENERAL.—Except as provided in this paragraph, each appointed member of the Board of Trustees shall be appointed for a term of 3 years.

(B) INITIAL APPOINTEES.—As designated by the Board of Regents at the time of appointment, of the voting members first appointed under clause (vi) of paragraph (3)(B)—

(i) Five members shall be appointed for a term of 1 year;

(ii) Four members shall be appointed for a term of 2 years; and

(iii) Four members shall be appointed for a term of 3 years.

(C) REAPPOINTMENT.—A member of the Board of Trustees may be reappointed, except that no individual may serve on the Board of Trustees for a total of more than 2 full terms. For purposes of this subparagraph, the number of terms an individual serves on the Board of Trustees shall not include any portion of a term for which an individual is appointed to fill a vacancy under subparagraph (D)(ii).

(D) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Board of Trustees—

(I) shall not affect the powers of the Board of Trustees; and

(II) shall be filled in the same manner as the original appointment was made.

(ii) TERM.—Any member of the Board of Trustees appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(5) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Board of Trustees shall serve without pay.

(B) TRAVEL EXPENSES.—A member of the Board of Trustees shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board of Trustees.

(6) CHAIRPERSON.—By a majority vote of its voting members, the Board of Trustees shall elect a chairperson from its members.

(7) MEETINGS.—

(A) IN GENERAL.—The Board of Trustees shall meet at the call of the chairperson or on the written request of a majority of the voting members of the Board of Trustees, but not fewer than twice each year.

(B) MEETING FORMAT.—Regularly scheduled meetings and special meetings may be conducted in-person, telephonically, electronically, or by any means appropriate as determined by the chairperson.

(8) QUORUM.—A majority of the voting members of the Board of Trustees holding office shall constitute a quorum for the purpose of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

Appointments.

(e) DIRECTOR AND STAFF OF MUSEUM.—

(1) DIRECTOR.—

(A) IN GENERAL.—The Museum shall have a Director who shall be appointed by the Secretary in consultation with Board of Trustees. The Secretary may appoint an interim Director to oversee the initial activity of establishing the Museum until a permanent Director is selected.

(B) DUTIES.—The Director shall manage the Museum subject to the policies of the Board of Regents and the Board of Trustees.

(2) STAFF.—The Secretary may appoint two additional employees to serve under the Director, except that such additional employees may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(3) PAY.—The employees appointed by the Secretary under paragraph (2) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(f) EDUCATIONAL AND LIAISON PROGRAMS.—

(1) IN GENERAL.—

(A) PROGRAMS AUTHORIZED.—The Director of the Museum may carry out educational and liaison programs in support of the goals of the Museum.

(B) SPECIFIC ACTIVITIES.—In carrying out this subsection, the Director shall—

(i) carry out educational programs relating to Latino life, art, history, and culture, including—

(I) programs using digital, electronic, and interactive technologies; and

(II) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(ii) consult with the Director of the Institute of Museum and Library Services concerning the grant programs carried out under paragraph (2). Consultation.

(2) GRANT PROGRAMS.—

(A) IN GENERAL.—The Director of the Institute of Museum and Library Services, in consultation with the Board of Trustees and the Director of the Museum, shall establish and carry out— Consultation.

(i) a grant program with the purpose of improving operations, care of collections, culturally appropriate public outreach, and development of professional management at American Latino museums;

(ii) a grant program with the purpose of providing internship and fellowship opportunities at American Latino museums;

(iii) a scholarship program, in partnership with Hispanic-serving institutions, minority-serving institutions, historically black colleges and universities, and other institutions of higher education, with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, and sciences in the study of American Latino life, art, history, and culture;

(iv) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of the Latin American diaspora in the United States; and

(v) a grant program under which an American Latino museum (including a nonprofit education organization the primary mission of which is to promote the study of the Latin American diaspora in the United States) may use funds provided under the grant to increase an endowment fund established by the museum (or organization) as of October 1, 2020, for the purposes of enhancing educational programming, and maintaining and operating traveling educational exhibits.

(B) CLARIFICATION OF TREATMENT OF MUSEUM.—In this paragraph, the term "American Latino museum" does not include the Museum.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Institute of Museum and Library Services to carry out this paragraph—

(i) $15,000,000 for fiscal year 2021; and

(ii) such sums as may be necessary for fiscal year 2022 and each succeeding fiscal year.

(g) NATIONAL MUSEUM OF THE AMERICAN LATINO BUILDING AND SUPPORT FACILITIES.—

(1) IN GENERAL.—

(A) LOCATION.—

Deadline.

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Board of Regents shall designate a site for the Museum.

District of Columbia.

(ii) SITES FOR CONSIDERATION.—In designating a site under clause (i), the Board of Regents shall—

(I) select a site in the District of Columbia; and

(II) include the consideration of the following sites:

(aa) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(bb) A vacant area bounded by Independence Avenue, Jefferson Drive, Raoul Wallenberg Place, and 14th Street Southwest, currently under the jurisdiction of the National Park Service.

(cc) The area bounded by 3rd Street and 1st Street, Northwest and Constitution Avenue and Pennsylvania Avenue, Northwest, as measured from curb to curb, currently under the jurisdiction of the Architect of the Capitol.

(dd) The facility and grounds on the National Mall between 12th and 14th Streets, Southwest, and Jefferson Drive and Independence Avenue, Southwest, currently under the jurisdiction of the Department of Agriculture.

(iii) FACTORS CONSIDERED.—In designating a site under clause (i), the Board of Regents shall take into consideration each of the following factors:

Cost estimates.

(I) An estimate of the costs associated with each potential site.

Assessment.

(II) An assessment of the suitability of the space of each potential site, including size, proximity to other buildings and transportation, and other external environmental conditions, as appropriate.

Recommendations.

(III) The recommendations of the Commission referred to in subsection (h).

(iv) CONSULTATION.—The Board of Regents shall carry out its duties under this subparagraph in consultation with the following:

(I) The Chair of the National Capital Planning Commission.

(II) The Director of the National Park Service.

(III) The Chair of the National Capital Memorial Advisory Commission.

(IV) The Chair of the Commission of Fine Arts.

(V) The Chair and Vice Chair of the Commission referred to in subsection (h).

(VI) The Chair of the Building and Site Subcommittee of the Commission referred to in subsection (h).

(VII) The Architect of the Capitol.

(VIII) The Chair and ranking minority member of each of the following committees:

(aa) The Committee on Rules and Administration of the Senate.

(bb) The Committee on House Administration of the House of Representatives.

(cc) The Committee on Energy and Natural Resources of the Senate.

(dd) The Committee on Natural Resources of the House of Representatives.

(ee) The Committee on Transportation and Infrastructure of the House of Representatives.

(ff) The Committee on Appropriations of the House of Representatives.

(gg) The Committee on Appropriations of the Senate.

(v) INTENT OF CONGRESS.—It is the intent of Congress that the Museum be located on or near the National Mall, to the maximum extent practicable, in accordance with this subsection.

(B) SIZE OF BUILDING.—The building constructed or modified to serve as the Museum shall occupy no less than the recommended square footage set forth in the report submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino established under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 784).

(C) CONSTRUCTION OF BUILDING.—The Board of Regents, in consultation with the Board of Trustees and other appropriate Federal and local agencies is authorized to prepare plans, design, and construct a building or modify an existing building for the Museum, which shall be located at the site selected by the Board of Regents, in accordance with this subsection. Consultation.

(2) SITE UNDER THE JURISDICTION OF ANOTHER FEDERAL AGENCY.—

(A) IN GENERAL.—The Board of Regents shall not designate a site for the Museum that is under the administrative jurisdiction of another Federal agency or entity unless the head of the Federal agency or entity submits to each of the committees described in paragraph (1)(A)(iv)(VIII) written notification stating that the head of the Federal agency or entity concurs with locating the Museum on the land or in the structure that is under the administrative jurisdiction of the Federal agency or entity. Notification.

(B) TRANSFER.—As soon as practicable after the date on which the committees receive the written notification described in subparagraph (A), the head of the Federal agency or entity shall transfer to the Smithsonian Institution administrative jurisdiction over the land or structure that has been designated as the site for the Museum.

(3) COST SHARING.—The Board of Regents shall pay—

(A) 50 percent of the costs of carrying out this subsection from Federal funds; and

(B) 50 percent of the costs of carrying out this subsection from non-Federal sources.

(4) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, shall not apply with respect to the Museum, except that the Museum shall not be located in the Reserve (as defined in section 8902(a) of that title).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(h) CONSIDERATION OF RECOMMENDATIONS OF COMMISSION.—In carrying out their duties under this section, the Board of Trustees and the Board of Regents shall take into consideration the reports and plans submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino established under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 784).

(i) CONGRESSIONAL BUDGET ACT COMPLIANCE.—Authority under this section to enter into contracts or to make payments shall be effective in any fiscal year only to the extent provided in advance in an appropriations Act.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Smithsonian Institution to carry out this section, other than subsections (f)(2) and (g)—

(A) $20,000,000 for fiscal year 2021; and

(B) such sums as are necessary for each fiscal year thereafter.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(3) USE OF FUNDS FOR FUNDRAISING.—Amounts appropriated pursuant to the authorization under this subsection may be used to conduct fundraising in support of the Museum from private sources.

DIVISION U—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS PROVISIONS

TITLE I—AI IN GOVERNMENT ACT OF 2020

AI in Government Act of 2020.

40 USC 11301 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "AI in Government Act of 2020".

SEC. 102. DEFINITIONS.

In this Act—

(1) the term "Administrator" means the Administrator of General Services;

(2) the term "agency" has the meaning given the term in section 3502 of title 44, United States Code;

(3) the term "AI CoE" means the AI Center of Excellence described in section 103;

(4) the term "artificial intelligence" has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note);

(5) the term "Director" means the Director of the Office of Management and Budget;

(6) the term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(7) the term "nonprofit organization" means an organization described in section 501(c)(3)of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

SEC. 103. AI CENTER OF EXCELLENCE.

(a) IN GENERAL.—There is created within the General Services Administration a program to be known as the "AI Center of Excellence", which shall—

(1) facilitate the adoption of artificial intelligence technologies in the Federal Government;

(2) improve cohesion and competency in the adoption and use of artificial intelligence within the Federal Government; and

(3) carry out paragraphs (1) and (2) for the purposes of benefitting the public and enhancing the productivity and efficiency of Federal Government operations.

(b) DUTIES.—The duties of the AI CoE shall include—

(1) regularly convening individuals from agencies, industry, Federal laboratories, nonprofit organizations, institutions of higher education, and other entities to discuss recent developments in artificial intelligence, including the dissemination of information regarding programs, pilots, and other initiatives at agencies, as well as recent trends and relevant information on the understanding, adoption, and use of artificial intelligence;

(2) collecting, aggregating, and publishing on a publicly available website information regarding programs, pilots, and other initiatives led by other agencies and any other information determined appropriate by the Administrator;

(3) advising the Administrator, the Director, and agencies on the acquisition and use of artificial intelligence through technical insight and expertise, as needed;

(4) assist agencies in applying Federal policies regarding the management and use of data in applications of artificial intelligence;

(5) consulting with agencies, including the Department of Defense, the Department of Commerce, the Department of Energy, the Department of Homeland Security, the Office of Management and Budget, the Office of the Director of National Intelligence, and the National Science Foundation, that operate programs, create standards and guidelines, or otherwise fund internal projects or coordinate between the public and private sectors relating to artificial intelligence;

(6) advising the Director on developing policy related to the use of artificial intelligence by agencies; and

(7) advising the Director of the Office of Science and Technology Policy on developing policy related to research and national investment in artificial intelligence.

(c) STAFF.—

(1) IN GENERAL.—The Administrator shall provide necessary staff, resources, and administrative support for the AI CoE.

(2) SHARED STAFF.—To the maximum extent practicable, the Administrator shall meet the requirements described under paragraph (1) by using staff of the General Services Administration, including those from other agency centers of excellence, and detailees, on a reimbursable or nonreimbursable basis, from other agencies.

(3) FELLOWS.—The Administrator may, to the maximum extent practicable, appoint fellows to participate in the AI CoE from nonprofit organizations, think tanks, institutions of higher education, and industry.

(d) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

Deadlines.

SEC. 104. GUIDANCE FOR AGENCY USE OF ARTIFICIAL INTELLIGENCE.

Coordination. Consultation. Memorandum.

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Director, in coordination with the Director of the Office of Science and Technology Policy in consultation with the Administrator and any other relevant agencies and key stakeholders as determined by the Director, shall issue a memorandum to the head of each agency that shall—

(1) inform the development of policies regarding Federal acquisition and use by agencies regarding technologies that are empowered or enabled by artificial intelligence, including an identification of the responsibilities of agency officials managing the use of such technology;

Recommendation.

(2) recommend approaches to remove barriers for use by agencies of artificial intelligence technologies in order to promote the innovative application of those technologies while protecting civil liberties, civil rights, and economic and national security;

(3) identify best practices for identifying, assessing, and mitigating any discriminatory impact or bias on the basis of any classification protected under Federal nondiscrimination laws, or any unintended consequence of the use of artificial intelligence, including policies to identify data used to train artificial intelligence algorithms as well as the data analyzed by artificial intelligence used by the agencies; and

(4) provide a template of the required contents of the agency plans described in subsection (c).

(b) PUBLIC COMMENT.—To help ensure public trust in the applications of artificial intelligence technologies, the Director shall issue a draft version of the memorandum required under subsection (a) for public comment not later than 180 days after date of enactment of this Act.

Public information. Web posting.

(c) PLANS.—Not later than 180 days after the date on which the Director issues the memorandum required under subsection (a) or an update to the memorandum required under subsection (d), the head of each agency shall submit to the Director and post on a publicly available page on the website of the agency—

(1) a plan to achieve consistency with the memorandum; or

(2) a written determination that the agency does not use and does not anticipate using artificial intelligence. Determination.

(d) UPDATES.—Not later than 2 years after the date on which the Director issues the memorandum required under subsection (a), and every 2 years thereafter for 10 years, the Director shall issue updates to the memorandum. Time period.

SEC. 105. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFICIAL INTELLIGENCE. Deadline.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and in accordance with chapter 51 of title 5, United States Code, the Director of the Office of Personnel Management shall—

(1) identify key skills and competencies needed for positions related to artificial intelligence;

(2) establish an occupational series, or update and improve an existing occupational job series, to include positions the primary duties of which relate to artificial intelligence;

(3) to the extent appropriate, establish an estimate of the number of Federal employees in positions related to artificial intelligence, by each agency; and

(4) using the estimate established in paragraph (3), prepare a 2-year and 5-year forecast of the number of Federal employees in positions related to artificial intelligence that each agency will need to employ.

(b) PLAN.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a comprehensive plan with a timeline to complete requirements described in subsection (a). Timeline.

TITLE II—DHS OVERSEAS PERSONNEL ENHANCEMENT ACT OF 2019

DHS Overseas Personnel Enhancement Act of 2019.

SEC. 201. SHORT TITLE.

This title may be cited as the "DHS Overseas Personnel Enhancement Act of 2019".

SEC. 202. OVERSEAS PERSONNEL BRIEFING.

(a) IN GENERAL.—Not later than 90 days after submission of the comprehensive 3-year strategy required under section 1910 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) and annually thereafter, the Secretary shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding Department personnel with primary duties that take place outside of the United States. Deadline.

(b) REQUIREMENTS.—The briefings required under subsection (a) shall include the following:

(1) A detailed summary of, and deployment schedule for, each type of personnel position with primary duties that take Summary.

place outside of the United States and how each such position contributes to the Department's mission.

(2) Information related to how the geographic and regional placement of such positions contributes to the Department's mission.

(3) Information related to any risk mitigation plans for each geographic and regional placement, including to address counter-intelligence risks.

(4) Information regarding the costs of deploying or maintaining personnel at each geographic and regional placement, including information on any cost-sharing agreement with foreign partners to cover a portion or all the costs relating to such deployment or maintenance.

(5) Information on guidance and practices to guard against counter-espionage and counter-intelligence threats, including cyber threats, associated with Department personnel.

(6) Information regarding trends in foreign efforts to influence such personnel while deployed overseas to contribute to the Department's mission.

(7) Information related to the position-specific training received by such personnel before and during placement at a foreign location.

(8) Challenges that may impede the communication of counterterrorism information between Department personnel at foreign locations and Department entities in the United States, including technical, resource, and administrative challenges.

(9) The status of efforts to implement the strategy referred to in subsection (a).

(10) The status of efforts (beginning with the second briefing required under this section) to implement the enhancement plan under section 203.

SEC. 203. OVERSEAS PERSONNEL ENHANCEMENT PLAN.

Deadline.

(a) IN GENERAL.—Not later than 90 days after the first briefing required under section 202, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan to enhance the effectiveness of Department personnel at foreign locations.

(b) PLAN REQUIREMENTS.—The plan required under subsection (a) shall include proposals to—

(1) improve efforts of Department personnel at foreign locations, as necessary, for purposes of providing foreign partner capacity development and furthering the Department's mission;

(2) as appropriate, redeploy Department personnel to respond to changing threats to the United States, consistent with the limits on the resources of the Department;

(3) enhance collaboration among Department personnel at foreign locations, other Federal personnel at foreign locations, and foreign partners;

(4) improve the communication of information between Department personnel at foreign locations and Department entities in the United States, including to address technical, resource, and administrative challenges; and

(5) maintain practices to guard against counter-espionage threats associated with Department personnel.

SEC. 204. TERMINATION.

The briefing requirement under section 202 shall terminate on the date that is 4 years after the submission of the strategy referred to in subsection (a) of such section.

SEC. 205. DEFINITIONS.

In this Act—

(1) the term "Department" means the Department of Homeland Security; and

(2) the term "Secretary" means the Secretary of Homeland Security.

TITLE III—SYNTHETIC OPIOID EXPOSURE PREVENTION AND TRAINING ACT

Synthetic Opioid Exposure Prevention and Training Act.

SEC. 301. SHORT TITLE.

6 USC 101 note.

This title may be cited as the "Synthetic Opioid Exposure Prevention and Training Act".

SEC. 302. PROTECTION AGAINST POTENTIAL SYNTHETIC OPIOID EXPOSURE WITHIN U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 415 the following new section:

"SEC. 416. PROTECTION AGAINST POTENTIAL SYNTHETIC OPIOID EXPOSURE.

6 USC 216.

"(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall issue a policy that specifies effective protocols and procedures for the safe handling of potential synthetic opioids, including fentanyl, by U.S. Customs and Border Protection officers, agents, other personnel, and canines, and to reduce the risk of injury or death resulting from accidental exposure and enhance post-exposure management.

Procedures.

"(b) TRAINING.—

"(1) IN GENERAL.—Together with the issuance of the policy described in subsection (a), the Commissioner of U.S. Customs and Border Protection shall require mandatory and recurrent training on the following:

Requirement.

"(A) The potential risk of opioid exposure and safe handling procedures for potential synthetic opioids, including precautionary measures such as the use of personal protective equipment during such handling.

"(B) How to access and administer opioid receptor antagonists, including naloxone, post-exposure to potential synthetic opioids.

"(2) INTEGRATION.—The training described in paragraph (1) may be integrated into existing training under section 411(l) for U.S. Customs and Border Protection officers, agents, and other personnel.

"(c) PERSONAL PROTECTIVE EQUIPMENT AND OPIOID RECEPTOR ANTAGONISTS.—Together with the issuance of the policy described in subsection (a), the Commissioner of U.S. Customs and Border Protection shall ensure the availability of personal protective equipment and opioid receptor antagonists, including naloxone, to all

U.S. Customs and Border Protection officers, agents, other personnel, and canines at risk of accidental exposure to synthetic opioids.

"(d) OVERSIGHT.—To ensure effectiveness of the policy described in subsection (a)—

"(1) the Commissioner of U.S. Customs and Border Protection shall regularly monitor the efficacy of the implementation of such policy and adjust protocols and procedures, as necessary; and

Audit.
Time period.

"(2) the Inspector General of the Department shall audit compliance with the requirements of this section not less than once during the 3-year period after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 415 the following new item:

"Sec. 416. Protection against potential synthetic opioid exposure.".

Construction Consensus Procurement Improvement Act of 2020.

TITLE IV—CONSTRUCTION CONSENSUS PROCUREMENT IMPROVEMENT ACT OF 2020

41 USC 101 note.

SEC. 401. SHORT TITLE.

This title may be cited as the "Construction Consensus Procurement Improvement Act of 2020".

41 USC 3309 note.

SEC. 402. PROHIBITION ON USE OF A REVERSE AUCTION FOR THE AWARD OF A CONTRACT FOR DESIGN AND CONSTRUCTION SERVICES.

(a) FINDING.—Congress finds that, in contrast to a traditional auction in which the buyers bid up the price, sellers bid down the price in a reverse auction.

Deadline.

(b) PROHIBITION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to prohibit the use of reverse auctions for awarding contracts for design and construction services.

(c) DEFINITIONS.—In this section:

(1) The term "design and construction services" means—

(A) site planning and landscape design;

(B) architectural and engineering services (as defined in section 1102 of title 40, United States Code);

(C) interior design;

(D) performance of substantial construction work for facility, infrastructure, and environmental restoration projects;

(E) delivery and supply of construction materials to construction sites; or

(F) construction or substantial alteration of public buildings or public works.

(2) The term "reverse auction" means, with respect to any procurement by an executive agency—

(A) a real-time auction conducted through an electronic medium among 2 or more offerors who compete by submitting bids for a supply or service contract, or a delivery

order, task order, or purchase order under the contract, with the ability to submit revised lower bids at any time before the closing of the auction; and

(B) the award of the contract, delivery order, task order, or purchase order to the offeror is solely based on the price obtained through the auction process.

TITLE V—OVERSIGHT.GOV

SEC. 501. ESTABLISHMENT AND MAINTENANCE OF OVERSIGHT.GOV; AUTHORIZATION OF FUNDS.

(a) IN GENERAL.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(e) OVERSIGHT.GOV.—

"(1) DEFINITION.—In this subsection, the term 'Office of Inspector General' means the Office of—

"(A) an Inspector General described in subparagraph (A), (B), or (I) of subsection (b)(1);

"(B) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379);

"(C) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

"(D) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053).

"(2) ESTABLISHMENT.—The Council shall establish and maintain a website entitled 'oversight.gov'—

"(A) to consolidate all public reports from each Office of Inspector General to improve the access of the public to any audit report, inspection report, or evaluation report (or portion of any such report) made by an Office of Inspector General; and

"(B) that shall include any additional resources, information, and enhancements as the Council determines are necessary or desirable.

"(3) PARTICIPATION OF OFFICES OF INSPECTORS GENERAL.—Each Office of Inspector General that publishes an audit report, inspection report, or evaluation report (or portion of any such report) on the website of the Office of Inspector General shall, or in the case of the office of an Inspector General described in subparagraph (I) of subsection (b)(1) may, contemporaneously publish the report or portion thereof on oversight.gov in a manner prescribed by the Council.". Reports.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the mission of the Council of the Inspectors General on Integrity and Efficiency under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by subsection (a), there are authorized to be appropriated into the revolving fund described in subsection (c)(3)(B) of such section $3,500,000 for fiscal year 2021, to remain available until expended, to carry out the duties and functions of the Council.

5 USC app. note.

(c) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date that is 30 days after the date of receipt by the Council of the Inspectors General on Integrity and Efficiency of an appropriation for the implementation of this Act.

Counter Threats Advisory Board Act of 2019.

TITLE VI—COUNTER THREATS ADVISORY BOARD ACT OF 2019

6 USC 101 note.

SEC. 601. SHORT TITLE.

This title may be cited as the "Counter Threats Advisory Board Act of 2019".

SEC. 602. DEPARTMENT OF HOMELAND SECURITY COUNTER THREATS ADVISORY BOARD.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by inserting after section 210E the following:

6 USC 124m–1.

"SEC. 210F. DEPARTMENTAL COORDINATION ON COUNTER THREATS.

Time period.

"(a) ESTABLISHMENT.—There is authorized in the Department, for a period of 2 years beginning after the date of enactment of this section, a Counter Threats Advisory Board (in this section referred to as the 'Board') which shall—

"(1) be composed of senior representatives of departmental operational components and headquarters elements; and

Coordination.

"(2) coordinate departmental intelligence activities and policy and information related to the mission and functions of the Department that counter threats.

"(b) CHARTER.—There shall be a charter to govern the structure and mission of the Board, which shall—

"(1) direct the Board to focus on the current threat environment and the importance of aligning departmental activities to counter threats under the guidance of the Secretary; and

"(2) be reviewed and updated as appropriate.

"(c) MEMBERS.—

"(1) IN GENERAL.—The Board shall be composed of senior representatives of departmental operational components and headquarters elements.

"(2) CHAIR.—The Under Secretary for Intelligence and Analysis shall serve as the Chair of the Board.

Appointment.

"(3) MEMBERS.—The Secretary shall appoint additional members of the Board from among the following:

"(A) The Transportation Security Administration.

"(B) U.S. Customs and Border Protection.

"(C) U.S. Immigration and Customs Enforcement.

"(D) The Federal Emergency Management Agency.

"(E) The Coast Guard.

"(F) U.S. Citizenship and Immigration Services.

"(G) The United States Secret Service.

"(H) The Cybersecurity and Infrastructure Security Agency.

"(I) The Office of Operations Coordination.

"(J) The Office of the General Counsel.

"(K) The Office of Intelligence and Analysis.

"(L) The Office of Strategy, Policy, and Plans.

"(M) The Science and Technology Directorate.
"(N) The Office for State and Local Law Enforcement.
"(O) The Privacy Office.
"(P) The Office for Civil Rights and Civil Liberties.
"(Q) Other departmental offices and programs as determined appropriate by the Secretary. Determination.

"(d) MEETINGS.—The Board shall—

"(1) meet on a regular basis to discuss intelligence and coordinate ongoing threat mitigation efforts and departmental activities, including coordination with other Federal, State, local, tribal, territorial, and private sector partners; and

"(2) make recommendations to the Secretary. Recommendations.

"(e) TERRORISM ALERTS.—The Board shall advise the Secretary on the issuance of terrorism alerts under section 203.

"(f) PROHIBITION ON ADDITIONAL FUNDS.—No additional funds are authorized to carry out this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 210E the following:

"Sec. 210F. Departmental coordination on counter threats.".

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Chair of the Counter Threats Advisory Board established under section 210F of the Homeland Security Act of 2002, as added by subsection (a), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the status and activities of the Counter Threats Advisory Board.

(d) NOTICE.—The Secretary of Homeland Security shall provide written notification to and brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on any changes to or introductions of new mechanisms to coordinate threats across the Department of Homeland Security. Briefing. 6 USC 124m–1 note.

TITLE VII—DHS COUNTERING UNMANNED AIRCRAFT SYSTEMS COORDINATOR ACT

DHS Countering Unmanned Aircraft Systems Coordinator Act.

SEC. 701. DHS COUNTERING UNMANNED AIRCRAFT SYSTEMS COORDINATOR ACT.

(a) SHORT TITLE.—This title may be cited as the "DHS Countering Unmanned Aircraft Systems Coordinator Act". 6 USC 101 note.

(b) COUNTERING UNMANNED AIRCRAFT SYSTEMS COORDINATOR.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

"SEC. 321. COUNTERING UNMANNED AIRCRAFT SYSTEMS COORDINATOR. 6 USC 195g.

"(a) COORDINATOR.—

Designation.

"(1) IN GENERAL.—The Secretary shall designate an individual in a Senior Executive Service position (as defined in section 3132 of title 5, United States Code) of the Department within the Office of Strategy, Policy, and Plans as the Countering Unmanned Aircraft Systems Coordinator (in this section referred to as the 'Coordinator') and provide appropriate staff to carry out the responsibilities of the Coordinator.

"(2) RESPONSIBILITIES.—The Coordinator shall—

"(A) oversee and coordinate with relevant Department offices and components, including the Office of Civil Rights and Civil Liberties and the Privacy Office, on the development of guidance and regulations to counter threats associated with unmanned aircraft systems (in this section referred to as 'UAS') as described in section 210G;

"(B) promote research and development of counter UAS technologies in coordination within the Science and Technology Directorate;

"(C) coordinate with the relevant components and offices of the Department, including the Office of Intelligence and Analysis, to ensure the sharing of information, guidance, and intelligence relating to countering UAS threats, counter UAS threat assessments, and counter UAS technology, including the retention of UAS and counter UAS incidents within the Department;

"(D) serve as the Department liaison, in coordination with relevant components and offices of the Department, to the Department of Defense, Federal, State, local, and Tribal law enforcement entities, and the private sector regarding the activities of the Department relating to countering UAS;

"(E) maintain the information required under section 210G(g)(3); and

"(F) carry out other related counter UAS authorities and activities under section 210G, as directed by the Secretary.

"(b) COORDINATION WITH APPLICABLE FEDERAL LAWS.—The Coordinator shall, in addition to other assigned duties, coordinate with relevant Department components and offices to ensure testing, evaluation, or deployment of a system used to identify, assess, or defeat a UAS is carried out in accordance with applicable Federal laws.

"(c) COORDINATION WITH PRIVATE SECTOR.—The Coordinator shall, among other assigned duties, working with the Office of Partnership and Engagement and other relevant Department offices and components, or other Federal agencies, as appropriate, serve as the principal Department official responsible for sharing to the private sector information regarding counter UAS technology, particularly information regarding instances in which counter UAS technology may impact lawful private sector services or systems.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 320 the following:

"Sec. 321. Countering Unmanned Aircraft Systems Coordinator.".

TITLE VIII—WHISTLEBLOWER PROTECTION

SEC. 801. PROTECTION AGAINST REPRISAL FOR FEDERAL SUBGRANTEE EMPLOYEES.

Section 4712 of title 41, United States Code, is amended—

(1) in subsection (a)(2)(G), by striking "or grantee" and inserting "grantee, or subgrantee";

(2) in subsection (a)(3)(A), by striking "contractor, subcontractor, or grantee" and inserting "contractor, subcontractor, grantee, or subgrantee";

(3) in subsection (b)(1), by striking "contractor or grantee" and inserting "contractor, subcontractor, grantee, or subgrantee";

(4) in subsection (c), by striking "contractor or grantee" each place it appears and inserting "contractor, subcontractor, grantee, or subgrantee";

(5) in subsection (d), by striking "and grantees" and inserting "grantees, and subgrantees"; and

(6) in subsection (f), by striking "or grantee" each place it appears and inserting "grantee, or subgrantee".

TITLE IX—DOTGOV ACT OF 2020

DOTGOV Online Trust in Government Act of 2020.
6 USC 101 note.

SEC. 901. SHORT TITLE.

This title may be cited as the "DOTGOV Online Trust in Government Act of 2020" or the "DOTGOV Act of 2020".

SEC. 902. FINDINGS.

6 USC 665 note.

Congress finds that—

(1) the .gov internet domain reflects the work of United States innovators in inventing the internet and the role that the Federal Government played in guiding the development and success of the early internet;

(2) the .gov internet domain is a unique resource of the United States that reflects the history of innovation and global leadership of the United States;

(3) when online public services and official communications from any level and branch of government use the .gov internet domain, they are easily recognized as official and difficult to impersonate;

(4) the citizens of the United States deserve online public services that are safe, recognizable, and trustworthy;

(5) the .gov internet domain should be available at no cost or a negligible cost to any Federal, State, local, or territorial government-operated or publicly controlled entity, including any Tribal government recognized by the Federal Government or a State government, for use in their official services, operations, and communications;

(6) the .gov internet domain provides a critical service to those Federal, State, local, Tribal, and territorial governments; and

(7) the .gov internet domain should be operated transparently and in the spirit of public accessibility, privacy, and security.

6 USC 665 note.

SEC. 903. DEFINITIONS.

In this Act—

(1) the term "Administrator" means the Administrator of General Services;

(2) the term "agency" has the meaning given the term in section 3502 of title 44, United States Code;

(3) the term "Director" means the Director of the Cybersecurity and Infrastructure Security Agency;

(4) the term "online service" means any internet-facing service, including a website, email, a virtual private network, or a custom application; and

(5) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

6 USC 665 note.

SEC. 904. DUTIES OF DEPARTMENT OF HOMELAND SECURITY.

(a) PURPOSE.—The purpose of the .gov internet domain program is to—

(1) legitimize and enhance public trust in government entities and their online services;

(2) facilitate trusted electronic communication and connections to and from government entities;

(3) provide simple and secure registration of .gov internet domains;

(4) improve the security of the services hosted within these .gov internet domains, and of the .gov namespace in general; and

(5) enable the discoverability of government services to the public and to domain registrants.

(b) DUTIES AND AUTHORITIES RELATING TO THE .GOV INTERNET DOMAIN.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act (6 U.S.C. 651 et seq.) is amended—

(A) in section 2202(c) (6 U.S.C. 652(c))—

(i) in paragraph (10), by striking "and" at the end;

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

(iii) by inserting after paragraph (10) the following:

"(11) carry out the duties and authorities relating to the .gov internet domain, as described in section 2215; and"; and

(B) by adding at the end the following:

6 USC 665.

"SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV INTERNET DOMAIN.

"(a) DEFINITION.—In this section, the term 'agency' has the meaning given the term in section 3502 of title 44, United States Code.

"(b) AVAILABILITY OF .GOV INTERNET DOMAIN.—The Director shall make .gov internet domain name registration services, as well as any supporting services described in subsection (e), generally available—

"(1) to any Federal, State, local, or territorial government entity, or other publicly controlled entity, including any Tribal government recognized by the Federal Government or a State

government, that complies with the requirements for registration developed by the Director as described in subsection (c);

"(2) without conditioning registration on the sharing of any information with the Director or any other Federal entity, other than the information required to meet the requirements described in subsection (c); and

"(3) without conditioning registration on participation in any separate service offered by the Director or any other Federal entity.

"(c) REQUIREMENTS.—The Director, with the approval of the Director of the Office of Management and Budget for agency .gov internet domain requirements and in consultation with the Director of the Office of Management and Budget for .gov internet domain requirements for entities that are not agencies, shall establish and publish on a publicly available website requirements for the registration and operation of .gov internet domains sufficient to— Consultation. Public information. Web posting.

"(1) minimize the risk of .gov internet domains whose names could mislead or confuse users;

"(2) establish that .gov internet domains may not be used for commercial or political campaign purposes;

"(3) ensure that domains are registered and maintained only by authorized individuals; and

"(4) limit the sharing or use of any information obtained through the administration of the .gov internet domain with any other Department component or any other agency for any purpose other than the administration of the .gov internet domain, the services described in subsection (e), and the requirements for establishing a .gov inventory described in subsection (h).

"(d) EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Director of the Office of Management and Budget shall establish applicable processes and guidelines for the registration and acceptable use of .gov internet domains by agencies. Guidelines.

"(2) APPROVAL REQUIRED.—The Director shall obtain the approval of the Director of the Office of Management and Budget before registering a .gov internet domain name for an agency.

"(3) COMPLIANCE.—Each agency shall ensure that any website or digital service of the agency that uses a .gov internet domain is in compliance with the 21st Century IDEA Act (44 U.S.C. 3501 note) and implementation guidance issued pursuant to that Act.

"(e) SUPPORTING SERVICES.—

"(1) IN GENERAL.—The Director may provide services to the entities described in subsection (b)(1) specifically intended to support the security, privacy, reliability, accessibility, and speed of registered .gov internet domains.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) limit other authorities of the Director to provide services or technical assistance to an entity described in subsection (b)(1); or

"(B) establish new authority for services other than those the purpose of which expressly supports the operation of .gov internet domains and the needs of .gov internet domain registrants.

"(f) FEES.—

"(1) IN GENERAL.—The Director may provide any service relating to the availability of the .gov internet domain program, including .gov internet domain name registration services described in subsection (b) and supporting services described in subsection (e), to entities described in subsection (b)(1) with or without reimbursement, including variable pricing.

"(2) LIMITATION.—The total fees collected for new .gov internet domain registrants or annual renewals of .gov internet domains shall not exceed the direct operational expenses of improving, maintaining, and operating the .gov internet domain, .gov internet domain services, and .gov internet domain supporting services.

"(g) CONSULTATION.—The Director shall consult with the Director of the Office of Management and Budget, the Administrator of General Services, other civilian Federal agencies as appropriate, and entities representing State, local, Tribal, or territorial governments in developing the strategic direction of the .gov internet domain and in establishing requirements under subsection (c), in particular on matters of privacy, accessibility, transparency, and technology modernization.

"(h) .GOV INVENTORY.—

"(1) IN GENERAL.—The Director shall, on a continuous basis—

"(A) inventory all hostnames and services in active use within the .gov internet domain; and

"(B) provide the data described in subparagraph (A) to domain registrants at no cost.

"(2) REQUIREMENTS.—In carrying out paragraph (1)—

"(A) data may be collected through analysis of public and non-public sources, including commercial data sets;

"(B) the Director shall share with Federal and non-Federal domain registrants all unique hostnames and services discovered within the zone of their registered domain;

"(C) the Director shall share any data or information collected or used in the management of the .gov internet domain name registration services relating to Federal executive branch registrants with the Director of the Office of Management and Budget for the purpose of fulfilling the duties of the Director of the Office of Management and Budget under section 3553 of title 44, United States Code;

Public information. Web posting.

"(D) the Director shall publish on a publicly available website discovered hostnames that describe publicly accessible agency websites, to the extent consistent with the security of Federal information systems but with the presumption of disclosure;

Public information. Web posting.

"(E) the Director may publish on a publicly available website any analysis conducted and data collected relating to compliance with Federal mandates and industry best practices, to the extent consistent with the security of Federal information systems but with the presumption of disclosure; and

"(F) the Director shall—

"(i) collect information on the use of non-.gov internet domain suffixes by agencies for their official online services;

"(ii) collect information on the use of non-.gov internet domain suffixes by State, local, Tribal, and territorial governments; and

"(iii) publish the information collected under clause (i) on a publicly available website to the extent consistent with the security of the Federal information systems, but with the presumption of disclosure. Web posting. Public information.

"(3) NATIONAL SECURITY COORDINATION.—

"(A) IN GENERAL.—In carrying out this subsection, the Director shall inventory, collect, and publish hostnames and services in a manner consistent with the protection of national security information.

"(B) LIMITATION.—The Director may not inventory, collect, or publish hostnames or services under this subsection if the Director, in coordination with other heads of agencies, as appropriate, determines that the collection or publication would—

"(i) disrupt a law enforcement investigation;

"(ii) endanger national security or intelligence activities;

"(iii) impede national defense activities or military operations; or

"(iv) hamper security remediation actions.

"(4) STRATEGY.—Not later than 180 days after the date of enactment of this section, the Director shall develop and submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on House Administration of the House of Representatives a strategy to utilize the information collected under this subsection for countering malicious cyber activity.". Deadline.

(2) ADDITIONAL DUTIES.—

(A) OUTREACH STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Administrator and entities representing State, local, Tribal, or territorial governments, shall develop and submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on House Administration of the House of Representatives an outreach strategy to local, Tribal, and territorial governments and other publicly controlled entities as determined by the Director to inform and support migration to the .gov internet domain, which shall include— Deadline. Consultation. Determination.

(i) stakeholder engagement plans; and

(ii) information on how migrating information technology systems to the .gov internet domain is beneficial to that entity, including benefits relating to cybersecurity and the supporting services offered by the Federal Government.

(B) REFERENCE GUIDE.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Administrator and entities representing State, local, Tribal, or territorial governments, shall develop and Deadline. Consultation. Public information. Web posting. 6 USC 665 note.

publish on a publicly available website a reference guide for migrating online services to the .gov internet domain, which shall include—

(i) process and technical information on how to carry out a migration of common categories of online services, such as web and email services;

(ii) best practices for cybersecurity pertaining to registration and operation of a .gov internet domain; and

(iii) references to contract vehicles and other private sector resources vetted by the Director that may assist in performing the migration.

Deadline.
Time period.

(C) SECURITY ENHANCEMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Director shall develop and submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on House Administration of the House of Representatives a .gov internet domain security enhancement strategy and implementation plan on how to improve the cybersecurity benefits of the .gov internet domain during the 5-year period following the date of enactment of this Act, which shall include—

(i) a modernization plan for the information systems that support operation of the .gov top-level internet domain, such as the registrar portal, and how these information systems will remain current with evolving security trends;

(ii) a modernization plan for the structure of the .gov program and any supporting contracts, and how the program and contracts can remain flexible over time so as to take advantage of emerging technology and cybersecurity developments; and

(iii) an outline of specific security enhancements the .gov program intends to provide to users during that 5-year period.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–196; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

"Sec. 2215. Duties and authorities relating to .gov internet domain.".

(c) HOMELAND SECURITY GRANTS.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in paragraph (13), by striking "and" at the end;

(2) by redesignating paragraph (14) as paragraph (15); and

(3) by inserting after paragraph (13) the following:

"(14) migrating any online service (as defined in section 3 of the DOTGOV Online Trust in Government Act of 2020) to the .gov internet domain; and".

SEC. 905. REPORT.

Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for 4 years, the Director shall submit a report to or conduct a detailed briefing for the Committee

on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on House Administration of the House of Representatives on the status of—

(1) the outreach strategy described in section 904(b)(2)(A);

(2) the security enhancement strategy and implementation plan described in section 904(b)(2)(C);

(3) the inventory described in 2215(f) of the Homeland Security Act of 2002, as added by section 904(b) of this Act;

(4) the supporting services described in section 2215(c)(1) of the Homeland Security Act of 2002, as added by section 904(b) of this Act; and

(5) the development, assessment, and determination of the amount of any fees imposed on new .gov internet domain registrants or annual renewals of .gov internet domains in accordance with section 2215(d) of the Homeland Security Act of 2002, as added by section 904(b) of this Act.

SEC. 906. RESEARCH AND DEVELOPMENT.

Study. Reports.

Not later than 1 year after the date of enactment of this Act, the Under Secretary for Science and Technology of the Department shall conduct a study and submit to the Director a report on mechanisms for improving the cybersecurity benefits of the .gov internet domain, including—

(1) how information systems support operation of the .gov top-level internet domain, such as the registrar portal, and how these information systems can remain current with evolving security trends;

(2) how the structure of the .gov internet domain program can take advantage of emerging technology and cybersecurity developments; and

(3) additional mechanisms to improve the cybersecurity of the .gov internet domain.

SEC. 907. TRANSITION.

Deadline. 6 USC 665 note.

(a) There shall be transferred to the Director the .gov internet domain program, as operated by the General Services Administration under title 41, Code of Federal Regulations, on the date on which the Director begins operational administration of the .gov internet domain program, in accordance with subsection (c).

Plan.

(b) Not later than 30 days after the date of enactment of this Act, the Director shall submit a plan for the operational and contractual transition of the .gov internet domain program to the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on House Administration of the House of Representatives.

(c) Not later than 120 days after the date of enactment of this Act, the Director shall begin operationally administering the .gov internet domain program, and shall publish on a publicly available website the requirements for domain registrants as described in section 2215(b) of the Homeland Security Act of 2002, as added by section 904(b) of this Act.

(d) On the date on which the Director begins operational administration of the .gov internet domain program, in accordance

with subsection (c), the Administrator shall rescind the requirements in part 102–173 of title 41, Code of Federal Regulations.

Time period.

(e) During the 5-year period beginning on the date of enactment of this Act, any fee charged to entities that are not agencies for new .gov internet domain registrants or annual renewals of .gov internet domains shall be not more than the amount of the fee charged for such registration or renewal as of October 1, 2019.

REAL ID Modernization Act.

TITLE X—REAL ID MODERNIZATION ACT

SEC. 1001. REAL ID MODERNIZATION.

49 USC 30101 note.

(a) SHORT TITLE.—This title may be cited as the "REAL ID Modernization Act".

(b) REAL ID ACT AMENDMENTS.—

(1) DEFINITIONS.—Section 201 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) is amended—

(A) in paragraph (1)—

(i) by striking "The term 'driver's license' means" and inserting the following: "The term 'driver's license'—

"(A) means"; and

(ii) by striking "Code." and inserting the following: "Code; and

"(B) includes driver's licenses stored or accessed via electronic means, such as mobile or digital driver's licenses, which have been issued in accordance with regulations prescribed by the Secretary."; and

(B) in paragraph (2)—

(i) by striking "The term 'identification card' means" and inserting the following: "The term 'identification card'—

"(A) means"; and

(ii) by striking "State." and inserting the following: "State; and

"(B) includes identification cards stored or accessed via electronic means, such as mobile or digital identification cards, which have been issued in accordance with regulations prescribed by the Secretary.".

(2) MINIMUM REQUIREMENTS FOR FEDERAL RECOGNITION.—Section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) is amended—

(A) in the section heading, by striking "document";

(B) in subsection (a)—

(i) in paragraph (2), by striking ", in consultation with the Secretary of Transportation,"; and

(ii) by adding at the end the following:

"(3) LIMITATION.—The presentation of digital information from a mobile or digital driver's license or identification card to an official of a Federal agency for an official purpose may not be construed to grant consent for such Federal agency to seize the electronic device on which the license or card is stored or to examine any other information contained on such device.";

(C) in subsection (b)—

(i) in the subsection heading, by striking "DOCUMENT" and inserting "DRIVER'S LICENSE AND IDENTIFICATION CARD";

(ii) in the matter preceding paragraph (1), by inserting ", or as part of," after "features on";

(iii) in paragraph (5), by inserting ", which may be the photograph taken by the State at the time the person applies for a driver's license or identification card or may be a digital photograph of the person that is already on file with the State" before the period at the end;

(iv) in paragraph (6), by striking "principle" and inserting "principal"; and

(v) in paragraph (8)—

(I) by striking "Physical security" and inserting "Security"; and

(II) by striking "document" and inserting "driver's license or identification card";

(D) in subsection (c)—

(i) in paragraph (1)(C), by striking "Proof of the" and inserting "The";

(ii) by redesignating paragraph (3) as paragraph (4);

(iii) by inserting after paragraph (2) the following:

"(3) ELECTRONIC PRESENTATION OF IDENTITY AND LAWFUL STATUS INFORMATION.—A State may accept information required under paragraphs (1) and (2) through the use of electronic transmission methods if—

Regulations.

"(A) the Secretary issues regulations regarding such electronic transmission that—

"(i) describe the categories of information eligible for electronic transmission; and

"(ii) include measures—

"(I) to ensure the authenticity of the information transmitted;

"(II) to protect personally identifiable information; and

"(III) to detect and prevent identity fraud; and

Certification.

"(B) the State certifies to the Department of Homeland Security that its use of such electronic methods complies with regulations issued by the Secretary."; and

(iv) in paragraph (4)(A), as redesignated, by striking "each document" and inserting "the information and documentation"; and

(E) in subsection (d)—

(i) in paragraph (7), by striking "document materials and papers" and inserting "materials, records, and data";

(ii) in paragraph (8), by striking "security clearance requirements" and inserting "background checks"; and

(iii) in paragraph (9), by striking "fraudulent document recognition" and inserting "fraud detection and prevention".

(3) REPEAL OF GRANTS TO STATES.—The REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) is amended by striking section 204.

(4) NOTIFICATION OF REAL ID ACT OF 2005 REQUIREMENTS.—The REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note) is amended by adding at the end the following:

Time period.

"SEC. 208. NOTIFICATION OF REQUIREMENTS AND DEADLINES.

"During the 15-month period beginning 90 days before the date on which Federal agencies will no longer accept, for official purposes, driver's licenses and identification cards that do not comply with the requirements under section 202, aircraft operators and third party reservation entities shall notify passengers about the requirements and enforcement deadlines under this Act.".

49 USC 30301 note.

(c) IMMEDIATE BURDEN REDUCTION MEASURES.—Notwithstanding any other provision of law (including regulations), beginning on the date of the enactment of this Act, a State does not need to require an applicant for a driver's license or identification card to provide separate documentation of the applicant's Social Security account number in order to comply with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

Southwest Border Security Technology Improvement Act of 2020.

TITLE XI—SOUTHWEST BORDER SECURITY TECHNOLOGY IMPROVEMENT ACT OF 2020

SEC. 1101. SHORT TITLE.

This title may be cited as the "Southwest Border Security Technology Improvement Act of 2020".

SEC. 1102. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Homeland Security of the House of Representatives.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(4) SOUTHWEST BORDER.—The term "Southwest border" means the international land border between the United States and Mexico, including the ports of entry along such border.

SEC. 1103. SOUTHERN BORDER TECHNOLOGY NEEDS ANALYSIS AND UPDATES.

Deadline.

(a) TECHNOLOGY NEEDS ANALYSIS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit, to the appropriate congressional committees, a technology needs analysis for border security technology along the Southwest border.

Assessment.

(b) CONTENTS.—The analysis required under subsection (a) shall include an assessment of—

(1) the technology needs and gaps along the Southwest border—

(A) to prevent terrorists and instruments of terror from entering the United States;

(B) to combat and reduce cross-border criminal activity, including, but not limited to—

(i) the transport of illegal goods, such as illicit drugs; and

(ii) human smuggling and human trafficking; and

(C) to facilitate the flow of legal trade across the Southwest border;

(2) recent technological advancements in—

(A) manned aircraft sensor, communication, and common operating picture technology;

(B) unmanned aerial systems and related technology, including counter-unmanned aerial system technology;

(C) surveillance technology, including—

(i) mobile surveillance vehicles;

(ii) associated electronics, including cameras, sensor technology, and radar;

(iii) tower-based surveillance technology;

(iv) advanced unattended surveillance sensors; and

(v) deployable, lighter-than-air, ground surveillance equipment;

(D) nonintrusive inspection technology, including non-X-ray devices utilizing muon tomography and other advanced detection technology;

(E) tunnel detection technology; and

(F) communications equipment, including—

(i) radios;

(ii) long-term evolution broadband; and

(iii) miniature satellites;

(3) any other technological advancements that the Secretary determines to be critical to the Department's mission along the Southwest border; Determination.

(4) whether the use of the technological advances described in paragraphs (2) and (3) will—

(A) improve border security;

(B) improve the capability of the Department to accomplish its mission along the Southwest border;

(C) reduce technology gaps along the Southwest border; and

(D) enhance the safety of any officer or agent of the Department or any other Federal agency;

(5) the Department's ongoing border security technology development efforts, including efforts by—

(A) U.S. Customs and Border Protection;

(B) the Science and Technology Directorate; and

(C) the technology assessment office of any other operational component;

(6) the technology needs for improving border security, such as—

(A) information technology or other computer or computing systems data capture;

(B) biometrics;

(C) cloud storage; and

(D) intelligence data sharing capabilities among agencies within the Department;

Determination.

(7) any other technological needs or factors, including border security infrastructure, such as physical barriers or dual-purpose infrastructure, that the Secretary determines should be considered; and

(8) currently deployed technology or new technology that would improve the Department's ability—

(A) to reasonably achieve operational control and situational awareness along the Southwest border; and

(B) to collect metrics for securing the border at and between ports of entry, as required under subsections (b) and (c) of section 1092 of division A of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223).

(c) UPDATES.—

Deadline.

(1) IN GENERAL.—Not later than 2 years after the submission of the analysis required under subsection (a), and biannually thereafter for the following 4 years, the Secretary shall submit an update to such analysis to the appropriate congressional committees.

Plan.

(2) CONTENTS.—Each update required under paragraph (1) shall include a plan for utilizing the resources of the Department to meet the border security technology needs and gaps identified pursuant to subsection (b), including developing or acquiring technologies not currently in use by the Department that would allow the Department to bridge existing border technology gaps along the Southwest border.

(d) ITEMS TO BE CONSIDERED.—In compiling the technology needs analysis and updates required under this section, the Secretary shall consider and examine—

(1) technology that is deployed and is sufficient for the Department's use along the Southwest border;

(2) technology that is deployed, but is insufficient for the Department's use along the Southwest border; and

(3) technology that is not deployed, but is necessary for the Department's use along the Southwest border;

(4) current formal departmental requirements documentation examining current border security threats and challenges faced by any component of the Department;

(5) trends and forecasts regarding migration across the Southwest border;

(6) the impact on projected staffing and deployment needs for the Department, including staffing needs that may be fulfilled through the use of technology;

(7) the needs and challenges faced by employees of the Department who are deployed along the Southwest border;

(8) the need to improve cooperation among Federal, State, tribal, local, and Mexican law enforcement entities to enhance security along the Southwest border;

(9) the privacy implications of existing technology and the acquisition and deployment of new technologies and supporting infrastructure, with an emphasis on how privacy risks might be mitigated through the use of technology, training, and policy;

(10) the impact of any ongoing public health emergency that impacts Department operations along the Southwest border; and

(11) the ability of, and the needs for, the Department to assist with search and rescue efforts for individuals or groups that may be in physical danger or in need of medical assistance.

(e) CLASSIFIED FORM.—To the extent possible, the Secretary shall submit the technology needs analysis and updates required under this section in unclassified form, but may submit such documents, or portions of such documents, in classified form if the Secretary determines that such action is appropriate.

DIVISION V—AIRCRAFT CERTIFICATION, SAFETY, AND ACCOUNTABILITY

TITLE I—AIRCRAFT CERTIFICATION, SAFETY, AND ACCOUNTABILITY

Aircraft Certification, Safety, and Accountability Act.

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

49 USC 40101 note.

(a) SHORT TITLE.—This title may be cited as the "Aircraft Certification, Safety, and Accountability Act".

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

TITLE I—AIRCRAFT CERTIFICATION, SAFETY, AND ACCOUNTABILITY

Sec. 101. Short title; table of contents.
Sec. 102. Safety management systems.
Sec. 103. Expert review of organization designation authorizations for transport airplanes.
Sec. 104. Certification oversight staff.
Sec. 105. Disclosure of safety critical information.
Sec. 106. Limitation on delegation.
Sec. 107. Oversight of organization designation authorization unit members.
Sec. 108. Integrated project teams.
Sec. 109. Oversight integrity briefing.
Sec. 110. Appeals of certification decisions.
Sec. 111. Employment restrictions.
Sec. 112. Professional development, skills enhancement, continuing education and training.
Sec. 113. Voluntary safety reporting program.
Sec. 114. Compensation limitation.
Sec. 115. System safety assessments and other requirements.
Sec. 116. Flight crew alerting.
Sec. 117. Changed product rule.
Sec. 118. Whistleblower protections.
Sec. 119. Domestic and international pilot training.
Sec. 120. Nonconformity with approved type design.
Sec. 121. Implementation of recommendations.
Sec. 122. Oversight of FAA compliance program.
Sec. 123. Settlement agreement.
Sec. 124. Human factors education program.
Sec. 125. Best practices for organization designation authorizations.
Sec. 126. Human factors research.
Sec. 127. FAA Center of Excellence for automated systems and human factors in aircraft.
Sec. 128. Pilot operational evaluations.
Sec. 129. Ensuring appropriate responsibility of aircraft certification and flight standards performance objectives and metrics.
Sec. 130. Transport airplane risk assessment methodology.
Sec. 131. National air grant fellowship program.
Sec. 132. Emerging safety trends in aviation.
Sec. 133. FAA accountability enhancement.
Sec. 134. Authorization of appropriations for the advanced materials center of excellence.
Sec. 135. Promoting Aviation Regulations for Technical Training.
Sec. 136. Independent study on type certification reform.
Sec. 137. Definitions.

SEC. 102. SAFETY MANAGEMENT SYSTEMS.

(a) RULEMAKING PROCEEDING.— 49 USC 44701 note.

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title, the Administrator shall initiate a rulemaking proceeding to require that manufacturers that hold both a type certificate and a production certificate issued pursuant to section 44704 of title 49, United States Code, where the United States is the State of Design and State of Manufacture, have in place a safety management system that is consistent with the standards and recommended practices established by ICAO and contained in annex 19 to the Convention on International Civil Aviation (61 Stat. 1180), for such systems.

(2) CONTENTS OF REGULATIONS.—The regulations issued under paragraph (1) shall, at a minimum—

(A) ensure safety management systems are consistent with, and complementary to, existing safety management systems;

(B) include provisions that would permit operational feedback from operators and pilots qualified on the manufacturers' equipment to ensure that the operational assumptions made during design and certification remain valid;

(C) include provisions for the Administrator's approval of, and regular oversight of adherence to, a certificate holder's safety management system adopted pursuant to such regulations; and

Requirement. Deadline.

(D) require such certificate holder to adopt, not later than 4 years after the date of enactment of this title, a safety management system.

(b) FINAL RULE DEADLINE.—Not later than 24 months after initiating the rulemaking under subsection (a), the Administrator shall issue a final rule.

(c) SURVEILLANCE AND AUDIT REQUIREMENT.—The final rule issued pursuant to subsection (b) shall include a requirement for the Administrator to implement a systems approach to risk-based surveillance by defining and planning inspections, audits, and monitoring activities on a continuous basis, to ensure that design and production approval holders of aviation products meet and continue to meet safety management system requirements under the rule.

(d) ENGAGEMENT WITH ICAO.—The Administrator shall engage with ICAO and foreign civil aviation authorities to help encourage the adoption of safety management systems for manufacturers on a global basis, consistent with ICAO standards.

Requirements. Summary. Time period.

(e) SAFETY REPORTING PROGRAM.—The regulations issued under subsection (a) shall require a safety management system to include a confidential employee reporting system through which employees can report hazards, issues, concerns, occurrences, and incidents. A reporting system under this subsection shall include provisions for reporting, without concern for reprisal for reporting, of such items by employees in a manner consistent with confidential employee reporting systems administered by the Administrator. Such regulations shall also require a certificate holder described in subsection (a) to submit a summary of reports received under this subsection to the Administrator at least twice per year.

Requirement. Determination.

(f) CODE OF ETHICS.—The regulations issued under subsection (a) shall require a safety management system to include establishment of a code of ethics applicable to all appropriate employees of a certificate holder, including officers (as determined by the

FAA), which clarifies that safety is the organization's highest priority.

(g) PROTECTION OF SAFETY INFORMATION.—Section 44735(a) of title 49, United States Code, is amended—

(1) by striking "title 5 if the report" and inserting the following: "title 5—

"(1) if the report";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(2) if the report, data, or other information is submitted to the Federal Aviation Administration pursuant to section 102(e) of the Aircraft Certification, Safety, and Accountability Act.".

SEC. 103. EXPERT REVIEW OF ORGANIZATION DESIGNATION AUTHORIZATIONS FOR TRANSPORT AIRPLANES.

49 USC 44736 note.

(a) EXPERT REVIEW.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this title, the Administrator shall convene an expert panel (in this section referred to as the "review panel") to review and make findings and recommendations on the matters listed in paragraph (2).

Deadline. Recommendations.

(2) CONTENTS OF REVIEW.—With respect to each holder of an organization designation authorization for the design and production of transport airplanes, the review panel shall review the following:

(A) The extent to which the holder's safety management processes promote or foster a safety culture consistent with the principles of the International Civil Aviation Organization Safety Management Manual, Fourth Edition (International Civil Aviation Organization Doc. No. 9859) or any similar successor document.

(B) The effectiveness of measures instituted by the holder to instill, among employees and contractors of such holder that support organization designation authorization functions, a commitment to safety above all other priorities.

(C) The holder's capability, based on the holder's organizational structures, requirements applicable to officers and employees of such holder, and safety culture, of making reasonable and appropriate decisions regarding functions delegated to the holder pursuant to the organization designation authorization.

(D) Any other matter determined by the Administrator for which inclusion in the review would be consistent with the public interest in aviation safety.

Determination.

(3) COMPOSITION OF REVIEW PANEL.—The review panel shall consist of—

(A) 2 representatives of the National Aeronautics and Space Administration;

(B) 2 employees of the Administration's Aircraft Certification Service with experience conducting oversight of persons not involved in the design or production of transport airplanes;

(C) 1 employee of the Administration's Aircraft Certification Service with experience conducting oversight of persons involved in the design or production of transport airplanes;

(D) 2 employees of the Administration's Flight Standards Service with experience in oversight of safety management systems;

(E) 1 appropriately qualified representative, designated by the applicable represented organization, of each of—

(i) a labor union representing airline pilots involved in both passenger and all-cargo operations;

(ii) a labor union, not selected under clause (i), representing airline pilots with expertise in the matters described in paragraph (2);

(iii) a labor union representing employees engaged in the assembly of transport airplanes;

(iv) the certified bargaining representative under section 7111 of title 5, United States Code, for field engineers engaged in the audit or oversight of an organization designation authorization within the Aircraft Certification Service of the Administration;

(v) the certified bargaining representative for safety inspectors of the Administration; and

(vi) a labor union representing employees engaged in the design of transport airplanes;

(F) 2 independent experts who have not served as a political appointee in the Administration and—

(i) who hold either a baccalaureate or postgraduate degree in the field of aerospace engineering or a related discipline; and

(ii) who have a minimum of 20 years of relevant applied experience;

(G) 4 air carrier employees whose job responsibilities include administration of a safety management system;

(H) 4 individuals representing 4 different holders of organization designation authorizations, with preference given to individuals representing holders of organization designation authorizations for the design or production of aircraft other than transport airplanes or for the design or production of aircraft engines, propellers, or appliances; and

(I) 1 individual holding a law degree and who has expertise in the legal duties of a holder of an organization designation authorization and the interaction with the FAA, except that such individual may not, within the 10-year period preceding the individual's appointment, have been employed by, or provided legal services to, the holder of an organization designation authorization referenced in paragraph (2).

(4) RECOMMENDATIONS.—The review panel shall make recommendations to the Administrator regarding suggested actions to address any deficiencies found after review of the matters listed in paragraph (2).

(5) REPORT.—

(A) SUBMISSION.—Not later than 270 days after the date of the first meeting of the review panel, the review

panel shall transmit to the Administrator and the congressional committees of jurisdiction a report containing the findings and recommendations of the review panel regarding the matters listed in paragraph (2), except that such report shall include—

(i) only such findings endorsed by 10 or more individual members of the review panel; and

(ii) only such recommendations described in paragraph (4) endorsed by 18 or more of the individual members of the review panel.

(B) DISSENTING VIEWS.—In submitting the report required under this paragraph, the review panel shall append to such report the dissenting views of any individual member or group of members of the review panel regarding the findings or recommendations of the review panel.

(C) PUBLICATION.—Not later than 5 days after receiving the report under subparagraph (A), the Administrator shall publish such report, including any dissenting views appended to the report, on the website of the Administration. Deadline. Web posting.

(D) TERMINATION.—The review panel shall terminate upon submission of the report under subparagraph (A).

(6) ADMINISTRATIVE PROVISIONS.—

(A) ACCESS TO INFORMATION.—The review panel shall have authority to perform the following actions if a majority of the total number of review panel members consider each action necessary and appropriate: Records.

(i) Entering onto the premises of a holder of an organization designation authorization referenced in paragraph (2) for access to and inspection of records or other purposes.

(ii) Notwithstanding any other provision of law, accessing and inspecting unredacted records directly necessary for the completion of the panel's work under this section that are in the possession of such holder of an organization designation authorization or the Administration.

(iii) Interviewing employees of such holder of an organization designation authorization or the Administration as necessary for the panel to complete its work.

(B) DISCLOSURE OF FINANCIAL INTERESTS.—Each individual serving on the review panel shall disclose to the Administrator any financial interest held by such individual, or a spouse or dependent of such individual, in a business enterprise engaged in the design or production of transport airplanes, aircraft engines designed for transport airplanes, or major systems, components, or parts thereof.

(C) PROTECTION OF PROPRIETARY INFORMATION; TRADE SECRETS.—

(i) MARKING.—The custodian of a record accessed under subparagraph (A) may mark such record as proprietary or containing a trade secret. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure. Records.

(ii) NONDISCLOSURE FOR NON-FEDERAL GOVERNMENT PARTICIPANTS.—

Contracts.

(I) NON-FEDERAL GOVERNMENT PARTICIPANTS.—Prior to participating on the review panel, each individual serving on the review panel representing a non-Federal entity, including a labor union, shall execute an agreement with the Administrator in which the individual shall be prohibited from disclosing at any time, except as required by law, to any person, foreign or domestic, any non-public information made accessible to the panel under subparagraph (A).

(II) FEDERAL EMPLOYEE PARTICIPANTS.—Federal employees serving on the review panel as representatives of the Federal Government and who are required to protect proprietary information and trade secrets under section 1905 of title 18, United States Code, shall not be required to execute agreements under this subparagraph.

(iii) PROTECTION OF VOLUNTARILY SUBMITTED SAFETY INFORMATION.—Information subject to protection from disclosure by the Administration in accordance with sections 40123 and 44735 of title 49, United States Code, is deemed voluntarily submitted to the Administration under such sections when shared with the review panel and retains its protection from disclosure (including protection under section 552(b)(3) of title 5, United States Code). The custodian of a record subject to such protection may mark such record as subject to statutory protections. A marking under this subparagraph shall not be dispositive with respect to whether such record contains any information subject to legal protections from public disclosure. Members of the review panel will protect voluntarily submitted safety information and other otherwise exempt information to the extent permitted under applicable law.

(iv) PROTECTION OF PROPRIETARY INFORMATION AND TRADE SECRETS.—Members of the review panel will protect proprietary information, trade secrets, and other otherwise exempt information to the extent permitted under applicable law.

Determination.

(v) RESOLVING CLASSIFICATION OF INFORMATION.—If the review panel and a holder of an organization designation authorization subject to review under this section disagree as to the proper classification of information described in this subparagraph, then an employee of the Administration who is not a political appointee shall determine the proper classification of such information and whether such information will be withheld, in part or in full, from release to the public.

(D) APPLICABLE LAW.—Public Law 92–463 shall not apply to the panel established under this subsection.

(E) FINANCIAL INTEREST DEFINED.—In this paragraph, the term "financial interest"—

(i) excludes securities held in an index fund; and

(ii) includes—

(I) any current or contingent ownership, equity, or security interest;

(II) an indebtedness or compensated employment relationship; or

(III) any right to purchase or acquire any such interest, including a stock option or commodity future.

(b) FAA AUTHORITY.—

(1) IN GENERAL.—After reviewing the findings of the review panel submitted under subsection (a)(5), the Administrator may limit, suspend, or terminate an organization designation authorization subject to review under this section.

(2) REINSTATEMENT.—The Administrator may condition reinstatement of a limited, suspended, or terminated organization designation authorization on the holder's implementation of any corrective actions determined necessary by the Administrator.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Administrator's authority to take any action with respect to an organization designation authorization, including limitation, suspension, or termination of such authorization.

(c) ORGANIZATION DESIGNATION AUTHORIZATION PROCESS IMPROVEMENTS.—Not later than 1 year after receipt of the recommendations submitted under subsection (a)(5), the Administrator shall report to the congressional committees of jurisdiction on— Reports.

(1) whether the Administrator has concluded that such holder is able to safely and reliably perform all delegated functions in accordance with all applicable provisions of chapter 447 of title 49, United States Code, title 14, Code of Federal Regulations, and other orders or requirements of the Administrator, and, if not, the Administrator shall outline—

(A) the risk mitigations or other corrective actions, including the implementation timelines of such mitigations or actions, the Administrator has established for or required of such holder as prerequisites for a conclusion by the Administrator under this paragraph; or

(B) the status of any ongoing investigatory actions;

(2) the status of implementation of each of the recommendations of the review panel, if any, with which the Administrator concurs;

(3) the status of procedures under which the Administrator will conduct focused oversight of such holder's processes for performing delegated functions with respect to the design of new and derivative transport airplanes and the production of such airplanes; and

(4) the Administrator's efforts, to the maximum extent practicable and subject to appropriations, to increase the number of engineers, inspectors, and other qualified technical experts, as necessary to fulfill the requirements of this section, in—

(A) each office of the Administration responsible for dedicated oversight of such holder; and

(B) the System Oversight Division, or any successor division, of the Aircraft Certification Service.

Deadline.
Web posting.

(d) NON-CONCURRENCE WITH RECOMMENDATIONS.—Not later than 6 months after receipt of the recommendations submitted under subsection (a)(5), with respect to each recommendation of the review panel with which the Administrator does not concur, if any, the Administrator shall publish on the website of the Administration and submit to the congressional committees of jurisdiction a detailed explanation as to why, including if the Administrator believes implementation of such recommendation would not improve aviation safety.

49 USC 44701 note.

SEC. 104. CERTIFICATION OVERSIGHT STAFF.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $27,000,000 for each of fiscal years 2021 through 2023 to recruit and retain engineers, safety inspectors, human factors specialists, chief scientific and technical advisors, software and cybersecurity experts, and other qualified technical experts who perform duties related to the certification of aircraft, aircraft engines, propellers, appliances, and new and emerging technologies, and perform other regulatory activities.

Deadline.
Review.

(b) IN GENERAL.—Not later than 60 days after the date of enactment of this title, and without duplicating any recently completed or ongoing reviews, the Administrator shall initiate a review of—

(1) the inspectors, human factors specialists, flight test pilots, engineers, managers, and executives in the FAA who are responsible for the certification of the design, manufacture, and operation of aircraft intended for air transportation for purposes of determining whether the FAA has the expertise and capability to adequately understand the safety implications of, and oversee the adoption of, new or innovative technologies, materials, and procedures used by designers and manufacturers of such aircraft; and

(2) the Senior Technical Experts Program to determine whether the program should be enhanced or expanded to bolster and support the programs of the FAA's Office of Aviation Safety, with particular focus placed on the Aircraft Certification Service and the Flight Standards Service (or any successor organizations), particularly with respect to understanding the safety implications of new or innovative technologies, materials, aircraft operations, and procedures used by designers and manufacturers of such aircraft.

(c) DEADLINE FOR COMPLETION.—Not later than 270 days after the date of enactment of this title, the Administrator shall complete the review required by subsection (b).

Deadline.

(d) BRIEFING.—Not later than 30 days after the completion of the review required by subsection (b), the Administrator shall brief the congressional committees of jurisdiction on the results of the review. The briefing shall include the following:

Analysis.

(1) An analysis of the Administration's ability to hire safety inspectors, human factors specialists, flight test pilots, engineers, managers, executives, scientists, and technical advisors, who have the requisite expertise to oversee new developments in aerospace design and manufacturing.

Plan.

(2) A plan for the Administration to improve the overall expertise of the FAA's personnel who are responsible for the oversight of the design and manufacture of aircraft.

(e) CONSULTATION REQUIREMENT.—In completing the review under subsection (b), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers, human factors specialists, flight test pilots, and FAA aviation safety inspectors), and aerospace manufacturers.

(f) RECRUITMENT AND RETENTION.— Deadlines.

(1) BARGAINING UNITS.—Not later than 30 days after the date of enactment of this title, the Administrator shall begin collaboration with the exclusive bargaining representatives of engineers, safety inspectors, systems safety specialists, and other qualified technical experts certified under section 7111 of title 5, United States Code, to improve recruitment of employees for, and to implement retention incentives for employees holding, positions with respect to the certification of aircraft, aircraft engines, propellers, and appliances. If the Administrator and such representatives are unable to reach an agreement collaboratively, the Administrator and such representatives shall negotiate in accordance with section 40122(a) of title 49, United States Code, to improve recruitment and implement retention incentives for employees described in subsection (a) who are covered under a collective bargaining agreement.

(2) OTHER EMPLOYEES.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this title, the Administrator shall initiate actions to improve recruitment of, and implement retention incentives for, any individual described in subsection (a) who is not covered under a collective bargaining agreement.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to vest in any exclusive bargaining representative any management right of the Administrator, as such right existed on the day before the date of enactment of this title.

(4) AVAILABILITY OF APPROPRIATIONS.—Any action taken by the Administrator under this section shall be subject to the availability of appropriations authorized under subsection (a).

SEC. 105. DISCLOSURE OF SAFETY CRITICAL INFORMATION.

(a) DISCLOSURE.—Section 44704 of title 49, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) DISCLOSURE OF SAFETY CRITICAL INFORMATION.—

"(1) IN GENERAL.—Notwithstanding a delegation described in section 44702(d), the Administrator shall require an applicant for, or holder of, a type certificate for a transport category airplane covered under part 25 of title 14, Code of Federal Regulations, to submit safety critical information with respect to such airplane to the Administrator in such form, manner, or time as the Administrator may require. Such safety critical information shall include— Requirement.

"(A) any design and operational details, intended functions, and failure modes of any system that, without being commanded by the flight crew, commands the operation of any safety critical function or feature required for control of an airplane during flight or that otherwise changes the flight path or airspeed of an airplane;

"(B) the design and operational details, intended functions, failure modes, and mode annunciations of autopilot and autothrottle systems, if applicable;

"(C) any failure or operating condition that the applicant or holder anticipates or has concluded would result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity;

"(D) any adverse handling quality that fails to meet the requirements of applicable regulations without the addition of a software system to augment the flight controls of the airplane to produce compliant handling qualities; and

Assessment.

"(E) a system safety assessment with respect to a system described in subparagraph (A) or (B) or with respect to any component or other system for which failure or erroneous operation of such component or system could result in an outcome with a severity level of hazardous or catastrophic, as defined in the appropriate Administration airworthiness requirements and guidance applicable to transport category airplanes defining risk severity.

"(2) ONGOING COMMUNICATIONS.—

Requirement.

"(A) NEWLY DISCOVERED INFORMATION.—The Administrator shall require that an applicant for, or holder of, a type certificate disclose to the Administrator, in such form, manner, or time as the Administrator may require, any newly discovered information or design or analysis change that would materially alter any submission to the Administrator under paragraph (1).

Assessment.
Determination.

"(B) SYSTEM DEVELOPMENT CHANGES.—The Administrator shall establish multiple milestones throughout the certification process at which a proposed airplane system will be assessed to determine whether any change to such system during the certification process is such that such system should be considered novel or unusual by the Administrator.

Procedures.

"(3) FLIGHT MANUALS.—The Administrator shall ensure that an airplane flight manual and a flight crew operating manual (as appropriate or applicable) for an airplane contains a description of the operation of a system described in paragraph (1)(A) and flight crew procedures for responding to a failure or aberrant operation of such system.

"(4) CIVIL PENALTY.—

"(A) AMOUNT.—Notwithstanding section 46301, an applicant for, or holder of, a type certificate that knowingly violates paragraph (1), (2), or (3) of this subsection shall be liable to the Administrator for a civil penalty of not more than $1,000,000 for each violation.

Determination.

"(B) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (A), the Administrator shall consider—

"(i) the nature, circumstances, extent, and gravity of the violation, including the length of time that such safety critical information was known but not disclosed; and

"(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

"(5) REVOCATION AND CIVIL PENALTY FOR INDIVIDUALS.—

"(A) IN GENERAL.—The Administrator shall revoke any airline transport pilot certificate issued under section 44703 held by any individual who, while acting on behalf of an applicant for, or holder of, a type certificate, knowingly makes a false statement with respect to any of the matters described in subparagraphs (A) through (E) of paragraph (1).

"(B) AUTHORITY TO IMPOSE CIVIL PENALTY.—The Administrator may impose a civil penalty under section 46301 for each violation described in subparagraph (A).

"(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect or otherwise inhibit the authority of the Administrator to deny an application by an applicant for a type certificate or to revoke or amend a type certificate of a holder of such certificate.

"(7) DEFINITION OF TYPE CERTIFICATE.—In this subsection, the term 'type certificate'—

"(A) means a type certificate issued under subsection (a) or an amendment to such certificate; and

"(B) does not include a supplemental type certificate issued under subsection (b).".

(b) CIVIL PENALTY AUTHORITY.—Section 44704 of title 49, United States Code, is further amended by adding at the end the following:

"(f) HEARING REQUIREMENT.—The Administrator may find that a person has violated subsection (a)(6) or paragraph (1), (2), or (3) of subsection (e) and impose a civil penalty under the applicable subsection only after notice and an opportunity for a hearing. The Administrator shall provide a person—

"(1) written notice of the violation and the amount of penalty; and Notice.

"(2) the opportunity for a hearing under subpart G of part 13 of title 14, Code of Federal Regulations.".

(c) REQUIRED SUBMISSION OF OUTLINE OF SYSTEM CHANGES AT THE BEGINNING OF THE CERTIFICATION PROCESS.— 49 USC 44704 note.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall initiate a process to revise procedures to require an applicant for an amendment to a type certificate for a transport category aircraft to disclose to the Administrator, in a single document submitted at the beginning of the process for amending such certificate, all new systems and intended changes to existing systems then known to such applicant. The Administrator shall finalize the revision of such procedures not later than 18 months after initiating such process. Deadlines. Procedures.

(2) APPLICATION.—Compliance with the procedures revised pursuant to paragraph (1) shall not preclude an applicant from making additional changes to aircraft systems as the design and application process proceeds.

(3) SAVINGS PROVISION.—Nothing in this subsection may be construed to limit the obligations of an applicant for an amended type certificate for a transport category airplane under

section 44704(e) of title 49, United States Code, as amended in this title.

SEC. 106. LIMITATION ON DELEGATION.

Section 44702(d) of title 49, United States Code, is amended by adding at the end the following:

"(4)(A) With respect to a critical system design feature of a transport category airplane, the Administrator may not delegate any finding of compliance with applicable airworthiness standards or review of any system safety assessment required for the issuance of a certificate, including a type certificate, or amended or supplemental type certificate, under section 44704, until the Administrator has reviewed and validated any underlying assumptions related to human factors.

Determination.

"(B) The requirement under subparagraph (A) shall not apply if the Administrator determines the matter involved is a routine task.

Definition.

"(C) For purposes of subparagraph (A), the term critical system design feature includes any feature (including a novel or unusual design feature) for which the failure of such feature, either independently or in combination with other failures, could result in catastrophic or hazardous failure conditions, as those terms are defined by the Administrator.".

SEC. 107. OVERSIGHT OF ORGANIZATION DESIGNATION AUTHORIZATION UNIT MEMBERS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

49 USC 44741.

"§ 44741. Approval of organization designation authorization unit members

Effective date.

"(a) IN GENERAL.—Beginning January 1, 2022, each individual who is selected on or after such date to become an ODA unit member by an ODA holder engaged in the design of an aircraft, aircraft engine, propeller, or appliance and performs an authorized function pursuant to a delegation by the Administrator of the Federal Aviation Administration under section 44702(d)—

"(1) shall be—

"(A) an employee, a contractor, or a consultant of the ODA holder; or

"(B) the employee of a supplier of the ODA holder; and

"(2) may not become a member of such unit unless approved by the Administrator pursuant to this section.

"(b) PROCESS AND TIMELINE.—

"(1) IN GENERAL.—The Administrator shall maintain an efficient process for the review and approval of an individual to become an ODA unit member under this section.

"(2) PROCESS.—An ODA holder described in subsection (a) may submit to the Administrator an application for an individual to be approved to become an ODA unit member under this section. The application shall be submitted in such form and manner as the Administrator determines appropriate. The Administrator shall require an ODA holder to submit with such an application information sufficient to demonstrate an individual's qualifications under subsection (c).

Requirement.

"(3) TIMELINE.—The Administrator shall approve or reject an individual that is selected by an ODA holder to become

an ODA unit member under this section not later than 30 days after the receipt of an application by an ODA holder.

"(4) DOCUMENTATION OF APPROVAL.—Upon approval of an individual to become an ODA unit member under this section, the Administrator shall provide such individual a letter confirming that such individual has been approved by the Administrator under this section to be an ODA unit member.

"(5) REAPPLICATION.—An ODA holder may submit an application under this subsection for an individual to become an ODA unit member under this section regardless of whether an application for such individual was previously rejected by the Administrator.

"(c) QUALIFICATIONS.—

"(1) IN GENERAL.—The Administrator shall issue minimum qualifications for an individual to become an ODA unit member under this section. In issuing such qualifications, the Administrator shall consider existing qualifications for Administration employees with similar duties and whether such individual—

"(A) is technically proficient and qualified to perform the authorized functions sought;

"(B) has no recent record of serious enforcement action, as determined by the Administrator, taken by the Administrator with respect to any certificate, approval, or authorization held by such individual;

"(C) is of good moral character (as such qualification is applied to an applicant for an airline transport pilot certificate issued under section 44703);

"(D) possesses the knowledge of applicable design or production requirements in this chapter and in title 14, Code of Federal Regulations, necessary for performance of the authorized functions sought;

"(E) possesses a high degree of knowledge of applicable design or production principles, system safety principles, or safety risk management processes appropriate for the authorized functions sought; and

"(F) meets such testing, examination, training, or other qualification standards as the Administrator determines are necessary to ensure the individual is competent and capable of performing the authorized functions sought.

"(2) PREVIOUSLY REJECTED APPLICATION.—In reviewing an application for an individual to become an ODA unit member under this section, if an application for such individual was previously rejected, the Administrator shall ensure that the reasons for the prior rejection have been resolved or mitigated to the Administrator's satisfaction before making a determination on the individual's reapplication.

"(d) RESCISSION OF APPROVAL.—The Administrator may rescind an approval of an individual as an ODA unit member granted pursuant to this section at any time and for any reason the Administrator considers appropriate. The Administrator shall develop procedures to provide for notice and opportunity to appeal rescission decisions made by the Administrator. Such decisions by the Administrator are not subject to judicial review.

Procedures.

"(e) CONDITIONAL SELECTIONS.—

"(1) IN GENERAL.—Subject to the requirements of this subsection, the Administrator may authorize an ODA holder to conditionally designate an individual to perform the functions

Time period.

of an ODA unit member for a period of not more than 30 days (beginning on the date an application for such individual is submitted under subsection (b)(2)).

"(2) REQUIRED DETERMINATION.—The Administrator may not make an authorization under paragraph (1) unless—

"(A) the ODA holder has instituted, to the Administrator's satisfaction, systems and processes to ensure the integrity and reliability of determinations by conditionally-designated ODA unit members; and

"(B) the ODA holder has instituted a safety management system in accordance with regulations issued by the Administrator under section 102 of the Aircraft Certification, Safety, and Accountability Act.

"(3) FINAL DETERMINATION.—The Administrator shall approve or reject the application for an individual designated under paragraph (1) in accordance with the timeline and procedures described in subsection (b).

"(4) REJECTION AND REVIEW.—If the Administrator rejects the application submitted under subsection (b)(2) for an individual conditionally designated under paragraph (1), the Administrator shall review and approve or disapprove any decision pursuant to any authorized function performed by such individual during the period such individual served as a conditional designee.

"(5) PROHIBITIONS.—Notwithstanding the requirements of paragraph (2), the Administrator may prohibit an ODA holder from making conditional designations of individuals as ODA unit members under this subsection at any time for any reason the Administrator considers appropriate. The Administrator may prohibit any conditionally designated individual from performing an authorized function at any time for any reason the Administrator considers appropriate.

"(f) RECORDS AND BRIEFINGS.—

Effective date.
Time period.
Determination.

"(1) IN GENERAL.—Beginning on the date described in subsection (a), an ODA holder shall maintain, for a period to be determined by the Administrator and with proper protections to ensure the security of sensitive and personal information—

"(A) any data, applications, records, or manuals required by the ODA holder's approved procedures manual, as determined by the Administrator;

"(B) the names, responsibilities, qualifications, and example signature of each member of the ODA unit who performs an authorized function pursuant to a delegation by the Administrator under section 44702(d);

"(C) training records for ODA unit members and ODA administrators; and

"(D) any other data, applications, records, or manuals determined appropriate by the Administrator.

Deadline.
Time period.

"(2) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter through September 30, 2023, the Administrator shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation and effects of this section, including—

"(A) the Administration's performance in completing reviews of individuals and approving or denying such

individuals within the timeline required under subsection (b)(3);

"(B) for any individual rejected by the Administrator under subsection (b) during the preceding 90-day period, the reasoning or basis for such rejection; and

"(C) any resource, staffing, or other challenges within the Administration associated with implementation of this section.

"(g) SPECIAL REVIEW OF QUALIFICATIONS.—

"(1) IN GENERAL.—Not later than 30 days after the issuance of minimum qualifications under subsection (c), the Administrator shall initiate a review of the qualifications of each individual who on the date on which such minimum qualifications are issued is an ODA unit member of a holder of a type certificate for a transport airplane to ensure such individual meets the minimum qualifications issued by the Administrator under subsection (c). Deadline.

"(2) UNQUALIFIED INDIVIDUAL.—For any individual who is determined by the Administrator not to meet such minimum qualifications pursuant to the review conducted under paragraph (1), the Administrator— Determinations.

"(A) shall determine whether the lack of qualification may be remedied and, if so, provide such individual with an action plan or schedule for such individual to meet such qualifications; or

"(B) may, if the Administrator determines the lack of qualification may not be remedied, take appropriate action, including prohibiting such individual from performing an authorized function.

"(3) DEADLINE.—The Administrator shall complete the review required under paragraph (1) not later than 18 months after the date on which such review was initiated.

"(4) SAVINGS CLAUSE.—An individual approved to become an ODA unit member of a holder of a type certificate for a transport airplane under subsection (a) shall not be subject to the review under this subsection.

"(h) PROHIBITION.—The Administrator may not authorize an organization or ODA holder to approve an individual selected by an ODA holder to become an ODA unit member under this section.

"(i) DEFINITIONS.—

"(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

"(2) TRANSPORT AIRPLANE.—The term 'transport airplane' means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2021 through 2023.

"§ 44742. Interference with the duties of organization designation authorization unit members

49 USC 44742.

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continuously seek to eliminate or minimize interference by an ODA holder that affects the performance of authorized functions by ODA unit members.

"(b) PROHIBITION.—

"(1) IN GENERAL.—It shall be unlawful for any individual who is a supervisory employee of an ODA holder that manufactures a transport category airplane to commit an act of interference with an ODA unit member's performance of authorized functions.

"(2) CIVIL PENALTY.—

"(A) INDIVIDUALS.—An individual shall be subject to a civil penalty under section 46301(a)(1) for each violation under paragraph (1).

"(B) SAVINGS CLAUSE.—Nothing in this paragraph shall be construed as limiting or constricting any other authority of the Administrator to pursue an enforcement action against an individual or organization for violation of applicable Federal laws or regulations of the Administration.

"(c) REPORTING.—

"(1) REPORTS TO ODA HOLDER.—An ODA unit member of an ODA holder that manufactures a transport category airplane shall promptly report any instances of interference to the office of the ODA holder that is designated to receive such reports.

"(2) REPORTS TO THE FAA.—

Investigation.

"(A) IN GENERAL.—The ODA holder office described in paragraph (1) shall investigate reports and submit to the office of the Administration designated by the Administrator to accept and review such reports any instances of interference reported under paragraph (1).

"(B) CONTENTS.—The Administrator shall prescribe parameters for the submission of reports to the Administration under this paragraph, including the manner, time, and form of submission. Such report shall include the results of any investigation conducted by the ODA holder in response to a report of interference, a description of any action taken by the ODA holder as a result of the report of interference, and any other information or potentially mitigating factors the ODA holder or the Administrator deems appropriate.

"(d) DEFINITIONS.—

"(1) GENERAL APPLICABILITY.—The definitions contained in section 44736(c) shall apply to this section.

"(2) INTERFERENCE.—In this section, the term 'interference' means—

"(A) blatant or egregious statements or behavior, such as harassment, beratement, or threats, that a reasonable person would conclude was intended to improperly influence or prejudice an ODA unit member's performance of his or her duties; or

"(B) the presence of non-ODA unit duties or activities that conflict with the performance of authorized functions by ODA unit members.".

(b) ODA PROGRAM ENHANCEMENTS.—

(1) IN GENERAL.—Section 44736 of title 49, United States Code, is amended by adding at the end the following:

Determinations.

"(d) AUDITS.—

"(1) IN GENERAL.—The Administrator shall perform a periodic audit of each ODA unit and its procedures.

"(2) DURATION.—An audit required under paragraph (1) shall be performed with respect to an ODA holder once every 7 years (or more frequently as determined appropriate by the Administrator).

"(3) RECORDS.—The ODA holder shall maintain, for a period to be determined by the Administrator, a record of—

"(A) each audit conducted under this subsection; and

"(B) any corrective actions resulting from each such audit.

"(e) FEDERAL AVIATION SAFETY ADVISORS.—

"(1) IN GENERAL.—In the case of an ODA holder, the Administrator shall assign FAA aviation safety personnel with appropriate expertise to be advisors to the ODA unit members that are authorized to make findings of compliance on behalf of the Administrator. The advisors shall—

"(A) communicate with assigned unit members on an ongoing basis to ensure that the assigned unit members are knowledgeable of relevant FAA policies and acceptable methods of compliance; and

"(B) monitor the performance of the assigned unit members to ensure consistency with such policies.

"(2) APPLICABILITY.—Paragraph (1) shall only apply to an ODA holder that is—

"(A) a manufacturer that holds both a type and a production certificate for—

"(i) transport category airplanes with a maximum takeoff gross weight greater than 150,000 pounds; or

"(ii) airplanes produced and delivered to operators operating under part 121 of title 14, Code of Federal Regulations, for air carrier service under such part 121; or

"(B) a manufacturer of engines for an airplane described in subparagraph (A).

"(f) COMMUNICATION WITH THE FAA.—Neither the Administrator nor an ODA holder may prohibit—

"(1) an ODA unit member from communicating with, or seeking the advice of, the Administrator or FAA staff; or

"(2) the Administrator or FAA staff from communicating with an ODA unit member.".

(2) REPORT.—Not later than September 30, 2022, the Administrator shall submit to the congressional committees of jurisdiction a report on the implementation of subsections (d) and (e) of section 44736 of title 49, United States Code, as added by subsection (b).

(c) ADDITIONAL ODA PROGRAM ENHANCEMENTS.—Section 44736 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking the semicolon and inserting "; and";

(ii) by striking subparagraph (B);

(iii) in subparagraph (C) by striking "; and" and inserting a period;

(iv) by striking subparagraph (D); and

(v) by redesignating subparagraph (C) as subparagraph (B); and

(B) in paragraph (3) by striking "shall—" and all that follows through the end and inserting "shall conduct regular oversight activities by inspecting the ODA holder's delegated functions and taking action based on validated inspection findings."; and

(2) in subsection (b)(3)—

(A) in subparagraph (A)—

(i) by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively;

(ii) in clause (i) as redesignated by inserting ", as appropriate," after "require";

(iii) in clause (ii) as redesignated by inserting ", as appropriate," after "require"; and

(iv) in clause (iii) as redesignated by inserting "when appropriate," before "make a reassessment";

(B) by striking subparagraph (B);

(C) in subparagraph (F) by inserting ", when appropriate," before "approve"; and

(D) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively.

(d) TECHNICAL CORRECTIONS.—

(1) SECTION 44737.—Chapter 447 of title 49, United States Code, is further amended by redesignating the second section 44737 (as added by section 581 of the FAA Reauthorization Act of 2018) as section 44740.

(2) ANALYSIS.—The analysis for chapter 447 of title 49, United States Code, is amended—

49 USC prec. 44701.

(A) by striking the item relating to the second section 44737 (as added by section 581 of the FAA Reauthorization Act of 2018); and

(B) by inserting after the item relating to section 44739 the following new items:

"44740. Special rule for certain aircraft operations.
"44741. Approval of organization designation authorization unit members.
"44742. Interference with the duties of organization designation authorization unit members.".

(3) SPECIAL RULE FOR CERTAIN AIRCRAFT OPERATIONS.—Section 44740 of title 49, United States Code (as redesignated by paragraph (1)), is amended—

(A) in the heading by striking the period at the end;

(B) in subsection (a)(1) by striking "chapter" and inserting "section";

(C) in subsection (b)(1) by striking "(1)" the second time it appears; and

(D) in subsection (c)(2) by adding a period at the end.

49 USC 44704 note.

SEC. 108. INTEGRATED PROJECT TEAMS.

(a) IN GENERAL.—Upon receipt of an application for a type certificate for a transport category airplane, the Administrator shall convene an interdisciplinary integrated project team responsible for coordinating review and providing advice and recommendations, as appropriate, to the Administrator on such application.

Appointment.

(b) MEMBERSHIP.—In convening an interdisciplinary integrated project team under subsection (a), the Administrator shall appoint employees of the Administration or other Federal agencies, such as the Air Force, Volpe National Transportation Systems Center,

or the National Aeronautics and Space Administration (with the concurrence of the head of such other Federal agency), with specialized expertise and experience in the fields of engineering, systems design, human factors, and pilot training, including, at a minimum—

(1) not less than 1 designee of the Associate Administrator for Aviation Safety whose duty station is in the Administration's headquarters;

(2) representatives of the Aircraft Certification Service of the Administration;

(3) representatives of the Flight Standards Service of the Administration;

(4) experts in the fields of human factors, aerodynamics, flight controls, software, and systems design; and

(5) any other subject matter expert whom the Administrator determines appropriate.

(c) AVAILABILITY.—In order to carry out its duties with respect to the areas specified in subsection (d), a project team shall be available to the Administrator, upon request, at any time during the certification process.

(d) DUTIES.—A project team shall advise the Administrator and make written recommendations to the Administrator, to be retained in the certification project file, including recommendations for any plans, analyses, assessments, and reports required to support and document the certification project, in the following areas associated with a new technology or novel design:

(1) Initial review of design proposals proposed by the applicant and the establishment of the certification basis.

(2) Identification of new technology, novel design, or safety critical design features or systems that are potentially catastrophic, either alone or in combination with another failure.

(3) Determination of compliance findings, system safety assessments, and safety critical functions the Administration should retain in terms of new technology, novel design, or safety critical design features or systems.

(4) Evaluation of the Administration's expertise or experience necessary to support the project.

(5) Review and evaluation of an applicant's request for exceptions or exemptions from compliance with airworthiness standards codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

(6) Conduct of design reviews, procedure evaluations, and training evaluations.

(7) Review of the applicant's final design documentation and other data to evaluate compliance with all relevant Administration regulations.

(e) DOCUMENTATION OF FAA RESPONSE.—The Administrator shall provide a written response to each recommendation of each project team and shall retain such response in the certification project file.

(f) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter through fiscal year 2023, the Administrator shall submit to the congressional committees of jurisdiction a report on the establishment of each integrated project team in accordance with this section during such fiscal year, including the role and composition of each such project team. Time period.

Deadline.

SEC. 109. OVERSIGHT INTEGRITY BRIEFING.

Not later than 1 year after the date of enactment of this title, the Administrator shall brief the congressional committees of jurisdiction on specific measures the Administrator has taken to reinforce that each employee of the Administration responsible for overseeing an organization designation authorization with respect to the certification of aircraft perform such responsibility in accordance with safety management principles and in the public interest of aviation safety.

SEC. 110. APPEALS OF CERTIFICATION DECISIONS.

(a) IN GENERAL.—Section 44704, of title 49, United States Code, as amended by section 105(b), is further amended by adding at the end the following:

"(g) CERTIFICATION DISPUTE RESOLUTION.—

"(1) DISPUTE RESOLUTION PROCESS AND APPEALS.—

Deadline.

"(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Administrator shall issue an order establishing—

"(i) an effective, timely, and milestone-based issue resolution process for type certification activities under subsection (a); and

"(ii) a process by which a decision, finding of compliance or noncompliance, or other act of the Administration, with respect to compliance with design requirements, may be appealed by a covered person directly involved with the certification activities in dispute on the basis that such decision, finding, or act is erroneous or inconsistent with this chapter, regulations, or guidance materials promulgated by the Administrator, or other requirements.

"(B) ESCALATION.—The order issued under subparagraph (A) shall provide processes for—

"(i) resolution of technical issues at pre-established stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

"(ii) automatic elevation to appropriate management personnel of the Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant;

"(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant;

Review.

"(iv) initial review by appropriate Administration employees of any appeal described in subparagraph (A)(ii); and

Review.

"(v) subsequent review of any further appeal by appropriate management personnel of the Administration and the Associate Administrator for Aviation Safety.

"(C) DISPOSITION.—

"(i) WRITTEN DECISION.—The Associate Administrator for Aviation Safety shall issue a written decision

that states the grounds for the decision of the Associate Administrator on—

"(I) each appeal submitted under subparagraph (A)(ii); and

"(II) An appeal to the Associate Administrator submitted under subparagraph (B)(v).

"(ii) REPORT TO CONGRESS.—Not later than December 31 of each calendar year through calendar year 2025, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing each appeal resolved under this subsection. Time period.

"(D) FINAL REVIEW.—

"(i) IN GENERAL.—A written decision of the Associate Administrator under subparagraph (C) may be appealed to the Administrator for a final review and determination.

"(ii) DECLINE TO REVIEW.—The Administrator may decline to review an appeal initiated pursuant to clause (i).

"(iii) JUDICIAL REVIEW.—No decision under this paragraph (including a decision to decline to review an appeal) shall be subject to judicial review.

"(2) PROHIBITED CONTACTS.—

"(A) PROHIBITION GENERALLY.—During the course of an appeal under this subsection, no covered official may engage in an ex parte communication (as defined in section 551 of title 5) with an individual representing or acting on behalf of an applicant for, or holder of, a certificate under this section in relation to such appeal unless such communication is disclosed pursuant to subparagraph (B).

"(B) DISCLOSURE.—If, during the course of an appeal under this subsection, a covered official engages in, receives, or is otherwise made aware of an ex parte communication, the covered official shall disclose such communication in the public record at the time of the issuance of the written decision under paragraph (1)(C), including the time and date of the communication, subject of communication, and all persons engaged in such communication.

"(3) DEFINITIONS.—In this subsection:

"(A) COVERED PERSON.—The term 'covered person' means either—

"(i) an employee of the Administration whose responsibilities relate to the certification of aircraft, engines, propellers, or appliances; or

"(ii) an applicant for, or holder of, a type certificate or amended type certificate issued under this section.

"(B) COVERED OFFICIAL.—The term 'covered official' means the following officials:

"(i) The Executive Director or any Deputy Director of the Aircraft Certification Service.

"(ii) The Deputy Executive Director for Regulatory Operations of the Aircraft Certification Service.

"(iii) The Director or Deputy Director of the Compliance and Airworthiness Division of the Aircraft Certification Service.

"(iv) The Director or Deputy Director of the System Oversight Division of the Aircraft Certification Service.

"(v) The Director or Deputy Director of the Policy and Innovation Division of the Aircraft Certification Service.

"(vi) The Executive Director or any Deputy Executive Director of the Flight Standards Service.

"(vii) The Associate Administrator or Deputy Associate Administrator for Aviation Safety.

"(viii) The Deputy Administrator of the Federal Aviation Administration.

"(ix) The Administrator of the Federal Aviation Administration.

Determination.

"(x) Any similarly situated or successor FAA management position to those described in clauses (i) through (ix), as determined by the Administrator.

"(C) MAJOR CERTIFICATION PROCESS MILESTONE.—The term 'major certification process milestone' means a milestone related to the type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall apply to the communication of a good-faith complaint by any individual alleging—

"(A) gross misconduct;

"(B) a violation of title 18; or

"(C) a violation of any of the provisions of part 2635 or 6001 of title 5, Code of Federal Regulations.".

(b) CONFORMING AMENDMENT.—Section 44704(a) of title 49, United States Code, is amended by striking paragraph (6).

SEC. 111. EMPLOYMENT RESTRICTIONS.

49 USC 44704 note.

(a) DISQUALIFICATION BASED ON PRIOR EMPLOYMENT.—An employee of the Administration with supervisory responsibility may not direct, conduct, or otherwise participate in oversight of a holder of a certificate issued under section 44704 of title 49, United States Code, that previously employed such employee in the preceding 1-year period.

(b) POST-EMPLOYMENT RESTRICTIONS.—Section 44711(d) of title 49, United States Code, is amended to read as follows:

"(d) POST-EMPLOYMENT RESTRICTIONS FOR INSPECTORS AND ENGINEERS.—

"(1) PROHIBITION.—A person holding a certificate issued under part 21 or 119 of title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of such person in any matter before the Administration if the individual, in the preceding 2-year period—

"(A) served as, or was responsible for oversight of—

"(i) a flight standards inspector of the Administration; or

"(ii) an employee of the Administration with responsibility for certification functions with respect

to a holder of a certificate issued under section 44704(a); and

"(B) had responsibility to inspect, or oversee inspection of, the operations of such person.

"(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as an individual covered under paragraph (1).".

SEC. 112. PROFESSIONAL DEVELOPMENT, SKILLS ENHANCEMENT, CONTINUING EDUCATION AND TRAINING.

(a) IN GENERAL.—Chapter 445 of title 49, United States Code, is amended by adding at the end the following:

"§ 44519. Certification personnel continuing education and training

49 USC 44519.

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall—

"(1) develop a program for regular recurrent training of engineers, inspectors, and other subject-matter experts employed in the Aircraft Certification Service of the Administration in accordance with the training strategy developed pursuant to section 231 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 132 Stat. 3256);

"(2) to the maximum extent practicable, implement measures, including assignments in multiple divisions of the Aircraft Certification Service, to ensure that such engineers and other subject-matter experts in the Aircraft Certification Service have access to diverse professional opportunities that expand their knowledge and skills;

"(3) develop a program to provide continuing education and training to Administration personnel who hold positions involving aircraft certification and flight standards, including human factors specialists, engineers, flight test pilots, inspectors, and, as determined appropriate by the Administrator, industry personnel who may be responsible for compliance activities including designees; and

"(4) in consultation with outside experts, develop— Consultation.

"(A) an education and training curriculum on current and new aircraft technologies, human factors, project management, and the roles and responsibilities associated with oversight of designees; and

"(B) recommended practices for compliance with Administration regulations. Recommendations.

"(b) IMPLEMENTATION.—The Administrator shall, to the maximum extent practicable, ensure that actions taken pursuant to subsection (a)—

"(1) permit engineers, inspectors, and other subject matter experts to continue developing knowledge of, and expertise in, new and emerging technologies in systems design, flight

controls, principles of aviation safety, system oversight, and certification project management;

"(2) minimize the likelihood of an individual developing an inappropriate bias toward a designer or manufacturer of aircraft, aircraft engines, propellers, or appliances;

"(3) are consistent with any applicable collective bargaining agreements; and

"(4) account for gaps in knowledge and skills (as identified by the Administrator in consultation with the exclusive bargaining representatives certified under section 7111 of title 5, United States Code) between Administration employees and private-sector employees for each group of Administration employees covered under this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator, $10,000,000 for each of fiscal years 2021 through 2023 to carry out this section. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.".

49 USC prec. 44501.

(b) TABLE OF CONTENTS.—The analysis for chapter 445 of title 49, United States Code, is amended by inserting after the item relating to section 44518 the following:

"44519. Certification personnel continuing education and training.".

49 USC 44701 note.

SEC. 113. VOLUNTARY SAFETY REPORTING PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish a voluntary safety reporting program for engineers, safety inspectors, systems safety specialists, and other subject matter experts certified under section 7111 of title 5, United States Code, to confidentially report instances where they have identified safety concerns during certification or oversight processes.

(b) SAFETY REPORTING PROGRAM REQUIREMENTS.—In establishing the safety reporting program under subsection (a), the Administrator shall ensure the following:

(1) The FAA maintains a reporting culture that encourages human factors specialists, engineers, flight test pilots, inspectors, and other appropriate FAA employees to voluntarily report safety concerns.

(2) The safety reporting program is non-punitive, confidential, and protects employees from adverse employment actions related to their participation in the program.

(3) The safety reporting program identifies exclusionary criteria for the program.

(4) Collaborative development of the program with bargaining representatives of employees under section 7111 of title 5, United States Code, who are employed in the Aircraft Certification Service or Flight Standards Service of the Administration (or, if unable to reach an agreement collaboratively, the Administrator shall negotiate with the representatives in accordance with section 40122(a) of title 49, United States Code, regarding the development of the program).

(5) Full and collaborative participation in the program by the bargaining representatives of employees described in paragraph (4).

(6) The Administrator thoroughly reviews safety reports to determine whether there is a safety issue, including a hazard, defect, noncompliance, nonconformance, or process error. Review. Determination.

(7) The Administrator thoroughly reviews safety reports to determine whether any aircraft certification process contributed to the safety concern being raised. Review. Determination.

(8) The creation of a corrective action process in order to address safety issues that are identified through the program.

(c) OUTCOMES.—Results of safety report reviews under this section may be used to— Reviews.

(1) improve—

(A) safety systems, hazard control, and risk reduction;

(B) certification systems;

(C) FAA oversight;

(D) compliance and conformance; and

(E) any other matter determined necessary by the Administrator; and

(2) implement lessons learned.

(d) REPORT FILING.—The Administrator shall establish requirements for when in the certification process reports may be filed to— Requirements.

(1) ensure that identified issues can be addressed in a timely manner; and

(2) foster open dialogue between applicants and FAA employees throughout the certification process.

(e) INTEGRATION WITH OTHER SAFETY REPORTING PROGRAMS.—The Administrator shall implement the safety reporting program established under subsection (a) and the reporting requirements established pursuant to subsection (d) in a manner that is consistent with other voluntary safety reporting programs administered by the Administrator.

(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this title, and annually thereafter through fiscal year 2023, the Administrator shall submit to the congressional committees of jurisdiction a report on the effectiveness of the safety reporting program established under subsection (a).

SEC. 114. COMPENSATION LIMITATION.

Section 106(l) of title 49, United States Code, is amended by adding at the end the following:

"(7) PROHIBITION ON CERTAIN PERFORMANCE-BASED INCENTIVES.—No employee of the Administration shall be given an award, financial incentive, or other compensation, as a result of actions to meet performance goals related to meeting or exceeding schedules, quotas, or deadlines for certificates issued under section 44704.".

SEC. 115. SYSTEM SAFETY ASSESSMENTS AND OTHER REQUIREMENTS. 49 USC 44704 note.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall issue such regulations as are necessary to amend part 25 of title 14, Code of Federal Regulations, and any associated advisory circular, guidance, or policy of the Administration, in accordance with this section. Deadline. Regulations.

(b) SYSTEM SAFETY ASSESSMENTS AND OTHER REQUIREMENTS.—In developing regulations under subsection (a), the Administrator shall—

(1) require an applicant for an amended type certificate for a transport airplane to—

(A) perform a system safety assessment with respect to each proposed design change that the Administrator determines is significant, with such assessment considering the airplane-level effects of individual errors, malfunctions, or failures and realistic pilot response times to such errors, malfunctions, or failures;

(B) update such assessment to account for each subsequent proposed design change that the Administrator determines is significant;

(C) provide appropriate employees of the Administration with the data and assumptions underlying each assessment and amended assessment; and

(D) provide for document traceability and clarity of explanations for changes to aircraft type designs and system safety assessment certification documents; and

(2) work with other civil aviation authorities representing states of design to ensure such regulations remain harmonized internationally.

(c) GUIDANCE.—Guidance or an advisory circular issued under subsection (a) shall, at minimum—

(1) emphasize the importance of clear documentation of the technical details and failure modes and effects of a design change described in subsection (b)(1); and

(2) ensure appropriate review of any change that results in a functional hazard assessment classification of major or greater, as such term is defined in FAA Advisory Circular 25.1309-1A (or any successor or replacement document).

(d) FAA REVIEW.—Appropriate employees of the Aircraft Certification Service and the Flight Standards Service of the Administration shall review each system safety assessment required under subsection (b)(1)(A), updated assessment required under subsection (b)(1)(B), and supporting data and assumptions required under subsection (b)(1)(C), to ensure that each such assessment sufficiently addresses the considerations listed in subsection (b)(1)(A).

49 USC 44704 note.

SEC. 116. FLIGHT CREW ALERTING.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall implement National Transportation Safety Board recommendations A–19–11 and A–19–12 (as contained in the safety recommendation report adopted on September 9, 2019).

Effective date.

(b) PROHIBITION.—Beginning on the date that is 2 years after the date of enactment of this title, the Administrator may not issue a type certificate for a transport category aircraft unless—

(1) in the case of a transport airplane, such airplane incorporates a flight crew alerting system that, at a minimum, displays and differentiates among warnings, cautions, and advisories, and includes functions to assist the flight crew in prioritizing corrective actions and responding to systems failures; or

(2) in the case of a transport category aircraft other than a transport airplane, the type certificate applicant provides a means acceptable to the Administrator to assist the flight crew in prioritizing corrective actions and responding to systems failures (including by cockpit or flight manual procedures).

(c) EXISTING AIRPLANE DESIGNS.—It is the sense of Congress that the FAA shall ensure that any system safety assessment with respect to the Boeing 737-7, 737-8, 737-9, and 737-10 airplanes, as described in National Transportation Safety Board recommendation A-19-10, is conducted in accordance with such recommendation.

SEC. 117. CHANGED PRODUCT RULE.

49 USC 44704 note.

(a) REVIEW AND REEVALUATION OF AMENDED TYPE CERTIFICATES.—

(1) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership in the creation of international policies and standards relating to the issuance of amended type certificates within the Certification Management Team.

(2) REEVALUATION OF AMENDED TYPE CERTIFICATES.—In carrying out this subsection, the Administrator shall—

(A) encourage Certification Management Team members to examine and address any relevant covered recommendations (as defined in section 121(c)) relating to the issuance of amended type certificates;

(B) reevaluate existing assumptions and practices inherent in the amended type certificate process and assess whether such assumptions and practices are valid; and

(C) ensure, to the greatest extent practicable, that Federal regulations relating to the issuance of amended type certificates are harmonized with the regulations of other international states of design.

(b) AMENDED TYPE CERTIFICATE REPORT AND RULEMAKING.—

(1) BRIEFINGS.—Not later than 12 months after the date of enactment of this title, and annually thereafter through fiscal year 2023, the Administrator shall brief the congressional committees of jurisdiction on the work and status of the development of such recommendations by the Certification Management Team.

Deadline.

(2) INITIATION OF ACTION.—Not later than 2 years after the date of enactment of this title, the Administrator shall take action to revise and improve the process of issuing amended type certificates in accordance with this section. Such action shall include, at minimum—

Deadline.

(A) initiation of a rulemaking proceeding; and

(B) development or revision of guidance and training materials.

(3) CONTENTS.—In taking actions required under paragraph (2), the Administrator shall do the following:

(A) Ensure that proposed changes to an aircraft are evaluated from an integrated whole aircraft system perspective that examines the integration of proposed changes with existing systems and associated impacts.

(B) Define key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

(C) Consider—

(i) the findings and work of the Certification Management Team and other similar international harmonization efforts;

(ii) any relevant covered recommendations (as defined in section 121(c)); and

(iii) whether a fixed time beyond which a type certificate may not be amended would improve aviation safety.

(D) Establish the extent to which the following design characteristics should preclude the issuance of an amended type certificate:

(i) A new or revised flight control system.

(ii) Any substantial changes to aerodynamic stability resulting from a physical change that may require a new or modified software system or control law in order to produce positive and acceptable stability and handling qualities.

(iii) A flight control system or augmented software to maintain aerodynamic stability in any portion of the flight envelope that was not required for a previously certified derivative.

(iv) A change in structural components (other than a stretch or shrink of the fuselage) that results in a change in structural load paths or the magnitude of structural loads attributed to flight maneuvers or cabin pressurization.

(v) A novel or unusual system, component, or other feature whose failure would present a hazardous or catastrophic risk.

(E) Develop objective criteria for helping to determine what constitutes a substantial change and a significant change.

(F) Implement mandatory aircraft-level reviews throughout the certification process to validate the certification basis and assumptions.

(G) Require maintenance of relevant records of agreements between the FAA and an applicant that affect certification documentation and deliverables.

(H) Ensure appropriate documentation of any exception or exemption from airworthiness requirements codified in title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

(4) GUIDANCE MATERIALS.—The Administrator shall consider the following when developing orders and regulatory guidance, including advisory circulars, where appropriate:

(A) Early FAA involvement and feedback paths in the aircraft certification process to ensure the FAA is aware of changes to design assumptions and product design impacting a changed product assessment.

(B) Presentation to the FAA of new technology, novel design, or safety critical features or systems, initially and throughout the certification process, when development and certification prompt design or compliance method revision.

(C) Examples of key terms used for the changed product process under sections 21.19 and 21.101 of title 14, Code of Federal Regulations.

(D) Type certificate data sheet improvements to accurately state which regulations and amendment level the aircraft complies to and when compliance is limited to a subset of the aircraft.

(E) Policies to guide applicants on proper visibility, clarity, and consistency of key design and compliance

information that is submitted for certification, particularly with new design features.

(F) The creation, validation, and implementation of analytical tools appropriate for the analysis of complex system for the FAA and applicants.

(G) Early coordination processes with the FAA for the functional hazard assessments validation and preliminary system safety assessments review.

(5) TRAINING MATERIALS.—The Administrator shall—

(A) develop training materials for establishing the certification basis for changed aeronautical products pursuant to section 21.101 of title 14, Code of Federal Regulations, applications for a new type certificate pursuant to section 21.19 of such title, and the regulatory guidance developed as a result of the rulemaking conducted pursuant to paragraph (2); and

(B) procedures for disseminating such materials to implementing personnel of the FAA, designees, and applicants.

(6) CERTIFICATION MANAGEMENT TEAM DEFINED.—In this section, the term "Certification Management Team" means the team framework under which the FAA, the European Aviation Safety Agency, the Transport Canada Civil Aviation, and the National Civil Aviation Agency of Brazil, manage the technical, policy, certification, manufacturing, export, and continued airworthiness issues common among the 4 authorities.

(7) DEADLINE.—The Administrator shall finalize the actions initiated under paragraph (2) not later than 3 years after the date of enactment of this title.

(c) INTERNATIONAL LEADERSHIP.—The Administrator shall exercise leadership within the ICAO and among other civil aviation regulators representing states of aircraft design to advocate for the adoption of an amended changed product rule on a global basis, consistent with ICAO standards.

SEC. 118. WHISTLEBLOWER PROTECTIONS.

Section 42121 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PROHIBITED DISCRIMINATION.—A holder of a certificate under section 44704 or 44705 of this title, or a contractor, subcontractor, or supplier of such holder, may not discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or

any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.";

(2) by striking subsection (d) and inserting the following:

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a holder of a certificate issued under section 44704 or 44705, or a contractor or subcontractor thereof, who, acting without direction from such certificate-holder, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to aviation safety under this subtitle or any other law of the United States."; and

(3) by striking subsection (e) and inserting the following:

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means—

"(1) a person that performs safety-sensitive functions by contract for an air carrier or commercial operator; or

"(2) a person that performs safety-sensitive functions related to the design or production of an aircraft, aircraft engine, propeller, appliance, or component thereof by contract for a holder of a certificate issued under section 44704.".

SEC. 119. DOMESTIC AND INTERNATIONAL PILOT TRAINING.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, as amended by section 107, is further amended by adding at the end the following:

49 USC 44743.

"§ 44743. Pilot training requirements

"(a) IN GENERAL.—

Review.

"(1) ADMINISTRATOR'S DETERMINATION.—In establishing any pilot training requirements with respect to a new transport airplane, the Administrator of the Federal Aviation Administration shall independently review any proposal by the manufacturer of such airplane with respect to the scope, format, or minimum level of training required for operation of such airplane.

"(2) ASSURANCES AND MARKETING REPRESENTATIONS.—Before the Administrator has established applicable training requirements, an applicant for a new or amended type certificate for an airplane described in paragraph (1) may not, with respect to the scope, format, or magnitude of pilot training for such airplane—

"(A) make any assurance or other contractual commitment, whether verbal or in writing, to a potential purchaser of such airplane unless a clear and conspicuous disclaimer (as defined by the Administrator) is included regarding the status of training required for operation of such airplane; or

"(B) provide financial incentives (including rebates) to a potential purchaser of such airplane regarding the scope, format, or magnitude of pilot training for such airplane.

Effective date.

"(b) PILOT RESPONSE TIME.—Beginning on the day after the date on which regulations are issued under section 119(c)(6) of the Aircraft Certification, Safety, and Accountability Act, the

Administrator may not issue a new or amended type certificate for an airplane described in subsection (a) unless the applicant for such certificate has demonstrated to the Administrator that the applicant has accounted for realistic assumptions regarding the time for pilot responses to non-normal conditions in designing the systems and instrumentation of such airplane. Such assumptions shall—

"(1) be based on test data, analysis, or other technical validation methods; and

"(2) account for generally accepted scientific consensus among experts in human factors regarding realistic pilot response time.

"(c) DEFINITION.—In this section, the term 'transport airplane' means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is further amended by adding at the end the following:

49 USC prec. 44701.

"44743. Pilot training requirements.".

(c) EXPERT SAFETY REVIEW.—

49 USC 44704 note. Deadline.

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title, the Administrator shall initiate an expert safety review of assumptions relied upon by the Administration and manufacturers of transport category aircraft in the design and certification of such aircraft.

(2) CONTENTS.—The expert safety review required under paragraph (1) shall include—

(A) a review of Administration regulations, guidance, and directives related to pilot response assumptions relied upon by the FAA and manufacturers of transport category aircraft in the design and certification of such aircraft, and human factors and human system integration, particularly those related to pilot and aircraft interfaces;

(B) a focused review of the assumptions relied on regarding the time for pilot responses to non-normal conditions in designing such aircraft's systems and instrumentation, including responses to safety-significant failure conditions and failure scenarios that trigger multiple, and possibly conflicting, warnings and alerts;

(C) a review of human factors assumptions with applicable operational data, human factors research and the input of human factors experts and FAA operational data, and as appropriate, recommendations for modifications to existing assumptions;

(D) a review of revisions made to the airman certification standards for certificates over the last 4 years, including any possible effects on pilot competency in basic manual flying skills;

(E) consideration of the global nature of the aviation marketplace, varying levels of pilot competency, and differences in pilot training programs worldwide;

(F) a process for aviation stakeholders, including pilots, airlines, inspectors, engineers, test pilots, human factors

experts, and other aviation safety experts, to provide and discuss any observations, feedback, and best practices;

(G) a review of processes currently in place to ensure that when carrying out the certification of a new aircraft type, or an amended type, the cumulative effects that new technologies, and the interaction between new technologies and unchanged systems for an amended type certificate, may have on pilot interactions with aircraft systems are properly assessed through system safety assessments or otherwise; and

(H) a review of processes currently in place to account for any necessary adjustments to system safety assessments, pilot procedures and training requirements, or design requirements when there are changes to the assumptions relied upon by the Administration and manufacturers of transport category aircraft in the design and certification of such aircraft.

(3) REPORT AND RECOMMENDATIONS.—Not later than 30 days after the conclusion of the expert safety review pursuant to paragraph (1), the Administrator shall submit to the congressional committees of jurisdiction a report on the results of the review, including any recommendations for actions or best practices to ensure the FAA and the manufacturers of transport category aircraft have accounted for pilot response assumptions to be relied upon in the design and certification of transport category aircraft and tools or methods identified to better integrate human factors throughout the process for such certification.

Notification. Evaluation.

(4) INTERNATIONAL ENGAGEMENT.—The Administrator shall notify other international regulators that certify transport category aircraft type designs of the expert panel report and encourage them to review the report and evaluate their regulations and processes in light of the recommendations included in the report.

(5) TERMINATION.—The expert safety review shall end upon submission of the report required pursuant to paragraph (3).

(6) REGULATIONS.—The Administrator shall issue or update such regulations as are necessary to implement the recommendations of the expert safety review that the Administrator determines are necessary to improve aviation safety.

(d) CALL TO ACTION ON AIRMAN CERTIFICATION STANDARDS.—

Deadline.

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this title, the Administrator shall initiate a call to action safety review of pilot certification standards in order to bring stakeholders together to share lessons learned, best practices, and implement actions to address any safety issues identified.

(2) CONTENTS.—The call to action safety review required under paragraph (1) shall include—

(A) a review of Administration regulations, guidance, and directives related to the pilot certification standards, including the oversight of those processes;

Time period.

(B) a review of revisions made to the pilot certification standards for certificates over the last 5 years, including any possible effects on pilot competency in manual flying skills and effectively managing automation to improve safety; and

(C) a process for aviation stakeholders, including aviation students, instructors, designated pilot examiners, pilots, airlines, labor, and aviation safety experts, to provide and discuss any observations, feedback, and best practices.

(3) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the conclusion of the call to action safety review pursuant to paragraph (1), the Administrator shall submit to the congressional committees of jurisdiction a report on the results of the review, any recommendations for actions or best practices to ensure pilot competency in basic manual flying skills and in effective management of automation, and actions the Administrator will take in response to the recommendations.

(e) INTERNATIONAL PILOT TRAINING.— 49 USC 40104 note.

(1) IN GENERAL.—The Secretary of Transportation, the Administrator, and other appropriate officials of the Government shall exercise leadership in setting global standards to improve air carrier pilot training and qualifications for—

(A) monitoring and managing the behavior and performance of automated systems;

(B) controlling the flightpath of aircraft without autoflight systems engaged;

(C) effectively utilizing and managing autoflight systems, when appropriate;

(D) effectively identifying situations in which the use of autoflight systems is appropriate and when such use is not appropriate; and

(E) recognizing and responding appropriately to non-normal conditions.

(2) INTERNATIONAL LEADERSHIP.—The Secretary, the Administrator, and other appropriate officials of the Government shall exercise leadership under paragraph (1) by working with—

(A) foreign counterparts of the Administrator in the ICAO and its subsidiary organizations;

(B) other international organizations and fora; and

(C) the private sector.

(3) CONSIDERATIONS.—In exercising leadership under paragraph (1), the Secretary, the Administrator, and other appropriate officials of the Government shall consider—

(A) the latest information relating to human factors;

(B) aircraft manufacturing trends, including those relating to increased automation in the cockpit;

(C) the extent to which cockpit automation improves aviation safety and introduces novel risks;

(D) the availability of opportunities for pilots to practice manual flying skills;

(E) the need for consistency in maintaining and enhancing manual flying skills worldwide;

(F) recommended practices of other countries that enhance manual flying skills and automation management; and

(G) whether a need exists for initial and recurrent training standards for improve pilots' proficiency in manual flight and in effective management of autoflight systems.

(4) CONGRESSIONAL BRIEFING.—The Secretary, the Administrator, and other appropriate officials of the Government shall

provide to the congressional committees of jurisdiction regular briefings on the status of efforts undertaken pursuant to this subsection.

(f) INTERNATIONAL AVIATION SAFETY.—Section 40104(b) of title 49, United States Code, is amended—

(1) by striking "The Administrator shall" and inserting the following:

"(1) IN GENERAL.—The Administrator shall"; and

(2) by adding at the end the following:

"(2) BILATERAL AND MULTILATERAL ENGAGEMENT; TECHNICAL ASSISTANCE.—The Administrator shall—

Consultation.

"(A) in consultation with the Secretary of State, engage bilaterally and multilaterally, including with the International Civil Aviation Organization, on an ongoing basis to bolster international collaboration, data sharing, and harmonization of international aviation safety requirements including through—

"(i) sharing of continued operational safety information;

"(ii) prioritization of pilot training deficiencies, including manual flying skills and flight crew training, to discourage over reliance on automation, further bolstering the components of airmanship;

"(iii) encouraging the consideration of the safety advantages of appropriate Federal regulations, which may include relevant Federal regulations pertaining to flight crew training requirements; and

"(iv) prioritizing any other flight crew training areas that the Administrator believes will enhance all international aviation safety; and

"(B) seek to expand technical assistance provided by the Federal Aviation Administration in support of enhancing international aviation safety, including by—

"(i) promoting and enhancing effective oversight systems, including operational safety enhancements identified through data collection and analysis;

"(ii) promoting and encouraging compliance with international safety standards by counterpart civil aviation authorities;

"(iii) minimizing cybersecurity threats and vulnerabilities across the aviation ecosystem;

"(iv) supporting the sharing of safety information, best practices, risk assessments, and mitigations through established international aviation safety groups; and

"(v) providing technical assistance on any other aspect of aviation safety that the Administrator determines is likely to enhance international aviation safety.".

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator, $2,000,000 for each of fiscal years 2021 through 2023, to carry out section 40104(b)(2) of title 49, United States Code (as added by paragraph (2)).

(g) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—

(1) IN GENERAL.—Section 40113(e)(1) of title 49, United States Code, is amended by inserting "The Administrator may

also provide technical assistance related to all aviation safety-related training and operational services in connection with bilateral and multilateral agreements, including further bolstering the components of airmanship." after the first sentence.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 40113(e) of title 49, United States Code, is amended by adding at the end the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator, $5,000,000 for each of fiscal years 2021 through 2023, to carry out this subsection. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.".

(h) SENSE OF CONGRESS REGARDING INTERNATIONAL PILOT TRAINING STANDARDS.—

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

(A) Increased reliance on automation in commercial aviation risks a degradation of pilot skills in flight path management using manual flight control.

(B) Manual flight skills are essential for pilot confidence and competence.

(C) During the 40th Assembly of ICAO, the United States, Canada, Peru, and Trinidad and Tobago presented a working paper titled, "Pilot Training Improvements to Address Automation Dependency".

(D) The working paper outlines recommendations for the Assembly to mitigate the consequences of automation dependency, including identifying competency requirements for flight path management using manual flight control and assessing the need for new or amended international standards or guidance.

(2) SENSE OF CONGRESS.—It is the sense of Congress that, as soon as practicable—

(A) the recommendations included in the working paper titled "Pilot Training Improvements to Address Automation Dependency" offered by the United States at the 40th Assembly of ICAO should be made a priority by the Assembly; and

(B) the United States should work with ICAO and other international aviation safety groups, further bolstering the components of airmanship.

SEC. 120. NONCONFORMITY WITH APPROVED TYPE DESIGN.

Section 44704(d) of title 49, United States Code, is amended by adding at the end the following:

"(3) NONCONFORMITY WITH APPROVED TYPE DESIGN.—

"(A) IN GENERAL.—Consistent with the requirements of paragraph (1), a holder of a production certificate for an aircraft may not present a nonconforming aircraft, either directly or through the registered owner of such aircraft or a person described in paragraph (2), to the Administrator for issuance of an initial airworthiness certificate.

"(B) CIVIL PENALTY.—Notwithstanding section 46301, a production certificate holder who knowingly violates subparagraph (A) shall be liable to the Administrator for a civil penalty of not more than $1,000,000 for each nonconforming aircraft.

Determination.

"(C) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subparagraph (B), the Administrator shall consider—

"(i) the nature, circumstances, extent, and gravity of the violation, including the length of time the nonconformity was known by the holder of a production certificate but not disclosed; and

"(ii) with respect to the violator, the degree of culpability, any history of prior violations, and the size of the business concern.

"(D) NONCONFORMING AIRCRAFT DEFINED.—In this paragraph, the term 'nonconforming aircraft' means an aircraft that does not conform to the approved type design for such aircraft type.".

SEC. 121. IMPLEMENTATION OF RECOMMENDATIONS.

Reports.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall submit a report to the congressional committees of jurisdiction on the status of the Administration's implementation of covered recommendations.

(b) CONTENTS.—The report required under subsection (a) shall contain, at a minimum—

List.

(1) a list and description of all covered recommendations;

Determination.

(2) a determination of whether the Administrator concurs, concurs in part, or does not concur with each covered recommendation;

Implementation plan.

(3) an implementation plan and schedule for all covered recommendations the Administrator concurs or concurs in part with; and

(4) for each covered recommendation with which the Administrator does not concur (in whole or in part), a detailed explanation as to why.

(c) COVERED RECOMMENDATIONS DEFINED.—In this section, the term "covered recommendations" means recommendations made by the following entities in any review initiated in response to the accident of Lion Air flight 610 on October 29, 2018, or Ethiopian Airlines flight 302 on March 10, 2019, that recommend Administration action:

(1) The National Transportation Safety Board.

(2) The Joint Authorities Technical Review.

(3) The inspector general of the Department of Transportation.

(4) The Safety Oversight and Certification Advisory Committee, or any special committee thereof.

(5) Any other entity the Administrator may designate.

SEC. 122. OVERSIGHT OF FAA COMPLIANCE PROGRAM.

Deadline. Establishment.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall establish an Executive Council within the Administration to oversee the use and effectiveness across program offices of the Administration's Compliance Program, described in Order 8000.373A dated October 31, 2018.

(b) COMPLIANCE PROGRAM OVERSIGHT.—The Executive Council established under this section shall—

Analysis.

(1) monitor, collect, and analyze data on the use of the Compliance Program across program offices of the Administration, including data on enforcement actions and compliance

actions pursued against regulated entities by such program offices;

(2) conduct an evaluation of the Compliance Program, not less frequently than annually each calendar year through 2023, to assess the functioning and effectiveness of such program in meeting the stated goals and purpose of the program; Evaluation. Time period. Assessment.

(3) provide reports to the Administrator containing the results of any evaluation conducted under paragraph (2), including identifying in such report any nonconformities or deficiencies in the implementation of the program and compliance of regulated entities with safety standards of the Administration; Reports.

(4) make recommendations to the Administrator on regulations, guidance, performance standards or metrics, or other controls that should be issued by the Administrator to improve the effectiveness of the Compliance Program in meeting the stated goals and purpose of the program and to ensure the highest levels of aviation safety; and Recommendations.

(5) carry out any other oversight duties with respect to implementation of the Compliance Program and assigned by the Administrator.

(c) EXECUTIVE COUNCIL.—

(1) EXECUTIVE COUNCIL MEMBERSHIP.—The Executive Council shall be comprised of representatives from each program office with regulatory responsibility as provided in Order 8000.373A.

(2) CHAIRPERSON.—The Executive Council shall be chaired by a person, who shall be appointed by the Administrator and shall report directly to the Administrator. Appointment.

(3) INDEPENDENCE.—The Secretary of Transportation, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the chair of the Executive Council from performing the activities described in this section or from reporting to Congress on such activities.

(4) DURATION.—The Executive Council shall terminate on October 1, 2023.

(d) ANNUAL BRIEFING.—Each calendar year through 2023, the chair of the Executive Council shall provide a briefing to the congressional committees of jurisdiction on the effectiveness of the Administration's Compliance Program in meeting the stated goals and purpose of the program and the activities of the office described in subsection (b), including any reports and recommendations made by the office during the preceding calendar year. Time period.

SEC. 123. SETTLEMENT AGREEMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should fully exercise all rights and pursue all remedies available to the Administrator under any settlement agreement between the Administration and the holder of a type certificate and production certificate for transport airplanes executed on December 18, 2015, including a demand for full payment of any applicable civil penalties deferred under such agreement, if the Administrator concludes that such holder has not fully performed all obligations incurred under such agreement.

(b) CONGRESSIONAL BRIEFING.—Not later than 60 days after the date of enactment of this title, and every 6 months thereafter Deadline.

until a certificate holder described in subsection (a) has fully performed all obligations incurred by such certificate holder under such settlement agreement, the Administrator shall brief the congressional committees of jurisdiction on action taken consistent with subsection (a).

49 USC 44516 note.

SEC. 124. HUMAN FACTORS EDUCATION PROGRAM.

(a) HUMAN FACTORS EDUCATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall develop a human factors education program that addresses the effects of modern flight deck systems, including automated systems, on human performance for transport airplanes and the approaches for better integration of human factors in aircraft design and certification.

(2) TARGET AUDIENCE.—The human factors education program shall be integrated into the training protocols (as in existence as of the date of enactment of this title) for, and be routinely administered to, the following:

(A) Appropriate employees within the Flight Standards Service.

(B) Appropriate employees within the Aircraft Certification Service.

Determination.

(C) Other employees or authorized representatives determined to be necessary by the Administrator.

(b) TRANSPORT AIRPLANE MANUFACTURER INFORMATION SHARING.—The Administrator shall—

Requirement.

(1) require each transport airplane manufacturer to provide the Administrator with the information or findings necessary for flight crew to be trained on flight deck systems;

(2) ensure the information or findings under paragraph (1) adequately includes consideration of human factors; and

(3) ensure that each transport airplane manufacturer identifies any technical basis, justification or rationale for the information and findings under paragraph (1).

SEC. 125. BEST PRACTICES FOR ORGANIZATION DESIGNATION AUTHORIZATIONS.

(a) IN GENERAL.—Section 213 of the FAA Reauthorization Act of 2018 (Public Law 115–254, 132 Stat. 3249) is amended— 49 USC 44736 note.

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

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

"(c) BEST PRACTICES REVIEW.—In addition to conducting the survey required under subsection (b), the Panel shall conduct a review of a sampling of ODA holders to identify and develop best practices. At a minimum, the best practices shall address preventing and deterring instances of undue pressure on or by an ODA unit member, within an ODA, or by an ODA holder, or failures to maintain independence between the FAA and an ODA holder or an ODA unit member. In carrying out such review, the Panel shall—

"(1) examine other government regulated industries to gather lessons learned, procedures, or processes that address undue pressure of employees, perceived regulatory coziness, or other failures to maintain independence;

"(2) identify ways to improve communications between an ODA Administrator, ODA unit members, and FAA engineers

and inspectors, consistent with section 44736(g) of title 49, United States Code, in order to enable direct communication of technical concerns that arise during a certification project without fear of reprisal to the ODA Administrator or ODA unit member; and

"(3) examine FAA designee programs, including the assignment of FAA advisors to designees, to determine which components of the program may improve the FAA's oversight of ODA units, ODA unit members, and the ODA program.";

(4) in subsection (d) (as redesignated by paragraph (2))—

(A) by striking paragraph (3) and redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively;

(B) in paragraph (4) (as redesignated by subparagraph (A)), by striking "and" at the end;

(C) in paragraph (5) (as so redesignated), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) the results of the review conducted under subsection (c)."; and

(5) by inserting after subsection (g) (as redesignated by paragraph (2)), the following:

"(h) BEST PRACTICES ADOPTION.—

"(1) IN GENERAL.—Not later than 180 days after the date on which the Administrator receives the report required under subsection (e), the Administrator shall establish best practices that are generally applicable to all ODA holders and require such practices to be incorporated, as appropriate, into each ODA holder's approved procedures manual. Deadline. Requirement.

"(2) NOTICE AND COMMENT PERIOD.—The Administrator shall publish the established best practices for public notice and comment for not fewer than 60 days prior to requiring the practices, as appropriate, be incorporated into each ODA holder's approved procedures manual. Publication.

"(i) SUNSET.—The Panel shall terminate on the earlier of—

"(1) the date of submission of the report under subsection (e); or

"(2) the date that is 2 years after the date on which the Panel is first convened under subsection (a).".

(b) PROCEDURES MANUAL.—Section 44736(b)(3) of title 49, United States Code, as amended by subsection (c)(2)(D) of section 107), is further amended—

(1) in subparagraph (D) (as redesignated by such subsection), by striking "and" after the semicolon at the end;

(2) in subparagraph (E) (as so redesignated), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) ensure the ODA holders procedures manual contains procedures and policies based on best practices established by the Administrator.".

SEC. 126. HUMAN FACTORS RESEARCH.

49 USC 44704 note. Deadline. Consultation. Coordination. Requirements.

(a) HUMAN FACTORS.—Not later than 180 days after the date of enactment of this title, the Administrator, in consultation with aircraft manufacturers, operators, and pilots, and in coordination with the head of such other Federal agency that the Administrator determines appropriate, shall develop research requirements to

address the integration of human factors in the design and certification of aircraft that are intended for use in air transportation.

(b) REQUIREMENTS.—In developing such research requirements, the Administrator shall—

(1) establish goals for research in areas of study relevant to advancing technology, improving design engineering and certification practices, and facilitating better understanding of human factors concepts in the context of the growing development and reliance on automated or complex flight deck systems in aircraft operations, including the development of tools to validate pilot recognition and response assumptions and diagnostic tools to improve the clarity of failure indications presented to pilots;

(2) take into consideration and leverage any existing or planned research that is conducted by, or conducted in partnership with, the FAA; and

(3) focus on—

(A) preventing a recurrence of the types of accidents that have involved transport category airplanes designed and manufactured in the United States; and

(B) increasingly complex aircraft systems and designs.

(c) IMPLEMENTATION.—In implementing the research requirements developed under this section, the Administrator shall work with appropriate organizations and authorities with expertise including, to the maximum extent practicable, the Center of Excellence for Technical Training and Human Performance and the Center of Excellence developed or expanded pursuant to section 127.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $7,500,000 for each of fiscal years 2021 through 2023, out of funds made available under section 48102(a) of title 49, United States Code, to carry out this section.

49 USC 44513 note.

SEC. 127. FAA CENTER OF EXCELLENCE FOR AUTOMATED SYSTEMS AND HUMAN FACTORS IN AIRCRAFT.

(a) IN GENERAL.—The Administrator shall develop or expand a Center of Excellence focused on automated systems and human factors in transport category aircraft.

(b) DUTIES.—The Center of Excellence shall, as appropriate—

(1) facilitate collaboration among academia, the FAA, and the aircraft and airline industries, including aircraft, engine, and equipment manufacturers, air carriers, and representatives of the pilot community;

(2) establish goals for research in areas of study relevant to advancing technology, improving engineering practices, and facilitating better understanding of human factors concepts in the context of the growing development and reliance on automated or complex systems in commercial aircraft, including continuing education and training;

(3) examine issues related to human system integration and flight crew and aircraft interfaces, including tools and methods to support the integration of human factors considerations into the aircraft design and certification process; and

(4) review safety reports to identify potential human factors issues for research.

(c) AVOIDING DUPLICATION OF WORK.—In developing or expanding the Center of Excellence, the Administrator shall ensure the work of the Center of Excellence does not duplicate or overlap with the work of any other established center of excellence.

(d) MEMBER PRIORITIZATION.—

(1) IN GENERAL.—The Administrator, when developing or expanding the Center of Excellence, shall prioritize the inclusion of subject-matter experts whose professional experience enables them to be objective and impartial in their contributions to the greatest extent possible.

(2) REPRESENTATION.—The Administrator shall require that the membership of the Center of Excellence reflect a balanced viewpoint across broad disciplines in the aviation industry.

(3) DISCLOSURE.—Any member of the Center of Excellence who is a Boeing Company or FAA employee who participated in the certification of the Maneuvering Characteristics Augmentation System for the 737 MAX-8 airplane must disclose such involvement to the FAA prior to performing any work on behalf of the FAA.

(4) TRANSPARENCY.—In developing or expanding the Center of Excellence, the Administrator shall develop procedures to facilitate transparency and appropriate maintenance of records to the maximum extent practicable.

(5) COORDINATION.—Nothing in this section shall preclude coordination and collaboration between the Center of Excellence developed or expanded under this section and any other established center of excellence.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $2,000,000 for each of fiscal years 2021 through 2023, out of funds made available under section 48102(a) of title 49, United States Code, to carry out this section. Amounts appropriated under the preceding sentence for any fiscal year shall remain available until expended.

SEC. 128. PILOT OPERATIONAL EVALUATIONS.

49 USC 44704 note. Deadline.

(a) PILOT OPERATIONAL EVALUATIONS.—Not later than 1 year after the date of enactment of this title, the Administrator shall revise existing policies for manufacturers of transport airplanes to ensure that pilot operational evaluations for airplane types that are submitted for certification utilize pilots from air carriers that are expected to operate such airplanes.

(b) REQUIREMENT.—Such manufacturer shall ensure, to the satisfaction of the Administrator, that the air carrier and foreign air carrier pilots used for such evaluations include pilots of varying levels of experience.

SEC. 129. ENSURING APPROPRIATE RESPONSIBILITY OF AIRCRAFT CERTIFICATION AND FLIGHT STANDARDS PERFORMANCE OBJECTIVES AND METRICS.

(a) REPEALS.—Sections 211 and 221 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note) are repealed.

(b) CONFORMING REPEALS.—Paragraphs (8) and (9) of section 202(c) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note) are repealed.

SEC. 130. TRANSPORT AIRPLANE RISK ASSESSMENT METHODOLOGY.

(a) DEADLINES.—

(1) AGREEMENT.—Not later than 15 days after the date of enactment of this title, the Administrator shall enter into an agreement with the National Academies of Sciences to develop a report regarding the methodology and effectiveness of the Transport Airplane Risk Assessment Methodology (TARAM) process used by the FAA.

(2) REPORT.—Not later than 180 days after the date of enactment of this title, the National Academies of Sciences shall deliver such report to the congressional committees of jurisdiction.

Assessments.

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

(1) An assessment of the TARAM analysis process.

(2) An assessment of the effectiveness of the TARAM for the purposes of improving aviation safety.

Recommendations.

(3) Recommendations to improve the methodology and effectiveness of the TARAM as an element of aviation safety.

(c) REQUIRED NOTICE.—The Administrator shall provide notice to the congressional committees of jurisdiction on the findings and recommendations of a TARAM conducted following a transport airplane accident—

(1) in which a loss of life occurred; and

Determination.

(2) for which the Administrator determines that the issuance of an airworthiness directive will likely be necessary to correct an unsafe condition associated with the design of the relevant aircraft type.

49 USC 40101 note.

SEC. 131. NATIONAL AIR GRANT FELLOWSHIP PROGRAM.

(a) PROGRAM.—

(1) PROGRAM MAINTENANCE.—The Administrator shall maintain within the FAA a program to be known as the "National Air Grant Fellowship Program".

(2) PROGRAM ELEMENTS.—The National Air Grant Fellowship Program shall provide support for the fellowship program under subsection (b).

(3) RESPONSIBILITIES OF ADMINISTRATOR.—

(A) GUIDELINES.—The Administrator shall establish guidelines related to the activities and responsibilities of air grant fellowships under subsection (b).

Regulations.

(B) QUALIFICATIONS.—The Administrator shall by regulation prescribe the qualifications required for designation of air grant fellowships under subsection (b).

(C) AUTHORITY.—In order to carry out the provisions of this section, the Administrator may—

Appointments.

(i) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

Appointments.

(ii) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

Contracts.

(iii) enter into contracts, cooperative agreements, and other transactions without regard to section 6101 of title 41, United States Code;

(iv) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

(v) accept funds from other Federal departments and agencies, including agencies within the FAA, to pay for and add to activities authorized by this section; and

(vi) promulgate such rules and regulations as may be necessary and appropriate. Regulations.

(4) DIRECTOR OF NATIONAL AIR GRANT FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—The Administrator shall appoint, as the Director of the National Air Grant Fellowship Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to aerospace. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code. Appointments.

(B) DUTIES.—Subject to the supervision of the Administrator, the Director shall administer the National Air Grant Fellowship Program. In addition to any other duty prescribed by law or assigned by the Administrator, the Director shall—

(i) cooperate with institutions of higher education that offer degrees in fields related to aerospace;

(ii) encourage the participation of graduate and post-graduate students in the National Air Grant Fellowship Program; and

(iii) cooperate and coordinate with other Federal activities in fields related to aerospace.

(b) FELLOWSHIPS.—

(1) IN GENERAL.—The Administrator shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be in fields related to aerospace and awarded pursuant to guidelines established by the Administrator. The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this paragraph.

(2) AEROSPACE POLICY FELLOWSHIP.—

(A) IN GENERAL.—The Administrator shall award aerospace policy fellowships to support the placement of individuals at the graduate level of education in fields related to aerospace in positions with—

(i) the executive branch of the United States Government; and

(ii) the legislative branch of the United States Government.

(B) PLACEMENT PRIORITIES FOR LEGISLATIVE FELLOWSHIPS.—

(i) IN GENERAL.—In considering the placement of individuals receiving a fellowship for a legislative branch position under subparagraph (A)(ii), the Administrator shall give priority to placement of such individuals in the following:

(I) Positions in offices of, or with Members on, committees of Congress that have jurisdiction over the FAA.

(II) Positions in offices of Members of Congress that have a demonstrated interest in aerospace policy.

(ii) EQUITABLE DISTRIBUTION.—In placing fellows in positions described under clause (i), the Administrator shall ensure that placements are equally distributed among the political parties.

(C) DURATION.—A fellowship awarded under this paragraph shall be for a period of not more than 1 year.

(3) RESTRICTION ON USE OF FUNDS.—Amounts available for fellowships under this subsection, including amounts accepted under subsection (a)(3)(C)(v) or appropriated under subsection (d) to carry out this subsection, shall be used only for award of such fellowships and administrative costs of implementing this subsection.

(c) INTERAGENCY COOPERATION.—Each department, agency, or other instrumentality of the Federal Government that is engaged in or concerned with, or that has authority over, matters relating to aerospace—

Reimbursement.

(1) may, upon a written request from the Administrator, make available, on a reimbursable basis or otherwise, any personnel (with their consent and without prejudice to their position and rating), service, or facility that the Administrator deems necessary to carry out any provision of this section;

Data.

(2) shall, upon a written request from the Administrator, furnish any available data or other information that the Administrator deems necessary to carry out any provision of this section; and

(3) shall cooperate with the FAA and duly authorized officials thereof.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 2021 through 2025 to carry out this section. Amounts appropriated under the preceding sentence shall remain available until expended.

(e) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the National Air Grant Fellowship Program, appointed pursuant to subsection (a)(4).

(2) FIELDS RELATED TO AEROSPACE.—The term "fields related to aerospace" means any discipline or field that is concerned with, or likely to improve, the development, assessment, operation, safety, or repair of aircraft and other airborne objects and systems, including the following:

(A) Aerospace engineering.
(B) Aerospace physiology.
(C) Aeronautical engineering.
(D) Airworthiness engineering.
(E) Electrical engineering.
(F) Human factors.
(G) Software engineering.
(H) Systems engineering.

49 USC 40101 note.

SEC. 132. EMERGING SAFETY TRENDS IN AVIATION.

Deadline. Contracts.

(a) GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall enter into an agreement

with the Transportation Research Board for the purposes of developing an annual report identifying, categorizing, and analyzing emerging safety trends in air transportation.

(b) FACTORS.—The emerging safety trends report should be based on the following data:

(1) The National Transportation Safety Board's investigation of accidents under section 1132 of title 49, United States Code.

(2) The Administrator's investigations of accidents and incidents under section 40113 of title 49, United States Code.

(3) Information provided by air operators pursuant to safety management systems.

(4) International investigations of accidents and incidents, including reports, data, and information from foreign authorities and ICAO.

(5) Other sources deemed appropriate for establishing emerging safety trends in the aviation sector, including the FAA's annual safety culture assessment required under subsection (c).

(c) SAFETY CULTURE ASSESSMENT.—The Administrator shall conduct an annual safety culture assessment through fiscal year 2031, which shall include surveying all employees in the FAA's Aviation Safety organization (AVS) to determine the employees' collective opinion regarding, and to assess the health of, AVS' safety culture and implementation of any voluntary safety reporting program. Time period. Determination.

(d) EXISTING REPORTING SYSTEMS.—The Executive Director of the Transportation Research Board, in consultation with the Secretary of Transportation and Administrator, may take into account and, as necessary, harmonize data and sources from existing reporting systems within the Department of Transportation and FAA. Consultation.

(e) BIENNIAL REPORT TO CONGRESS.—One year after the Administrator enters into the agreement with the Transportation Research Board as set forth in subsection (a), and biennially thereafter through fiscal year 2031, the Executive Director, in consultation with the Secretary and Administrator, shall submit to the congressional committees of jurisdiction a report identifying the emerging safety trends in air transportation. Time periods. Consultation.

SEC. 133. FAA ACCOUNTABILITY ENHANCEMENT.

(a) ENHANCEMENT OF THE AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE IN THE FEDERAL AVIATION ADMINISTRATION.—

(1) RENAMING OF THE OFFICE.—

(A) IN GENERAL.—Section 106(t)(1) of title 49, United States Code, is amended by striking "an Aviation Safety Whistleblower Investigation Office" and inserting "the Office of Whistleblower Protection and Aviation Safety Investigations".

(B) CONFORMING AMENDMENT.—The heading of subsection (t) of section 106 of title 49, United States Code, is amended by striking "AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE" and inserting "OFFICE OF WHISTLEBLOWER PROTECTION AND AVIATION SAFETY INVESTIGATIONS".

(2) DUTIES.—

(A) IN GENERAL.—Section 106(t)(3)(A) of title 49, United States Code, is amended—

(i) in clause (i), by striking "(if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process)" and inserting "(if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process established under or pursuant to a safety management system)";

(ii) in clause (ii), by striking "and" at the end;

(iii) in clause (iii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(iv) receive allegations of whistleblower retaliation by employees of the Agency;

"(v) coordinate with and provide all necessary assistance to the Office of Investigations and Professional Responsibility, the inspector general of the Department of Transportation, and the Office of Special Counsel on investigations relating to whistleblower retaliation by employees of the Agency; and

"(vi) investigate allegations of whistleblower retaliation by employees of the Agency that have been delegated to the Office by the Office of Investigations and Professional Responsibility, the inspector general of the Department of Transportation, or the Office of Special Counsel.".

(B) LIMITATION.—Section 106(t)(2) of title 49, United States Code, is amended by adding at the end the following:

"(E) LIMITATION OF DUTIES.— The Director may only perform duties of the Director described in paragraph (3)(A).".

(C) CONFORMING AMENDMENTS.—Section 106(t)(7) of title 49, United States Code, is amended—

(i) in the matter preceding subparagraph (A), by striking "October 1" and inserting "November 15"; and

(ii) in subparagraph (A), by striking "paragraph (3)(A)(i) in the preceding 12-month period" and inserting "paragraph (3)(A)(i) in the preceding fiscal year".

(3) REPORT.—Section 106(t)(7) of title 49, United States Code, as amended by paragraph (2)(C), is further amended—

(A) in subparagraph (C)—

(i) by inserting "the resolution of those submissions, including any" before "further"; and

(ii) by striking "and" after the semicolon;

(B) in subparagraph (D) by striking "recommendations." and inserting "recommendations; and"; and

(C) by adding at the end the following:

Summaries.
Time period.

"(E) A summary of the activities of the Whistleblower Ombudsman, including—

"(i) the number of employee consultations conducted by the Whistleblower Ombudsman in the preceding 12-month period and a summary of such consultations and their resolution (in a de-identified or anonymized form); and

"(ii) the number of reported incidents of retaliation during such period and, if applicable, a description of the disposition of such incidents during such period.".

(b) WHISTLEBLOWER OMBUDSMAN.—Section 106(t) of title 49, United States Code, is further amended by adding at the end the following:

"(8) WHISTLEBLOWER OMBUDSMAN.—

"(A) IN GENERAL.—Within the Office, there shall be established the position of Whistleblower Ombudsman.

"(B) OMBUDSMAN QUALIFICATIONS.—The individual selected as Ombudsman shall have knowledge of Federal labor law and demonstrated government experience in human resource management, and conflict resolution.

"(C) DUTIES.—The Ombudsman shall carry out the following duties:

"(i) Educate Administration employees about prohibitions against materially adverse acts of retaliation and any specific rights or remedies with respect to those retaliatory actions.

"(ii) Serve as an independent confidential resource for Administration employees to discuss any specific retaliation allegation and available rights or remedies based on the circumstances, as appropriate.

"(iii) Coordinate with Human Resource Management, the Office of Accountability and Whistleblower Protection, the Office of Professional Responsibility, and the Office of the Chief Counsel, as necessary. Coordination.

"(iv) Coordinate with the Office of the Inspector General of the Department of Transportation's Whistleblower Protection Coordinator and the Office of the Special Counsel, as necessary.

"(v) Conduct outreach and assist in the development of training within the Agency to mitigate the potential for retaliation and promote timely and appropriate processing of any protected disclosure or allegation of materially adverse acts of retaliation.".

(c) OFFICE OF INVESTIGATIONS AND PROFESSIONAL RESPONSIBILITY.—The Administrator shall take such action as may be necessary to redesignate the Office of Investigations of the Administration as the Office of Investigations and Professional Responsibility. 49 USC 40122 note.

(d) MISCONDUCT INVESTIGATIONS.—

(1) IN GENERAL.—The Administrator shall review and revise the Administration's existing investigative policies that govern the investigation of misconduct by a manager of the Administration conducted by the FAA (in this subsection referred to as the "Agency"). Review.

(2) PRESERVATION OF COLLECTIVE BARGAINING AGREEMENTS.—The investigative policy established under paragraph (1) shall not apply to, or in the future, be extended by the Administrator to apply to, any employee who is not a manager or is covered by or eligible to be covered by a collective bargaining agreement entered into by the Agency.

(3) REQUIREMENTS.—In revising the investigative policies, the Administrator shall ensure such policies require—

(A) the utilization of investigative best practices to ensure independent and objective investigation and accurate recording and reporting of such investigation;

(B) the management of case files to ensure the integrity of the information contained in such case files;

(C) interviews be conducted in a manner that ensures, to the greatest extent possible, truthful answers and accurate records of such interviews;

Coordination.

(D) coordination with the Office of the Inspector General of the Department of Transportation, the Office of the Special Counsel, and the Attorney General, as appropriate; and

(E) the completion of investigations in a timely manner.

(4) DEFINITION.—For purposes of this subsection, the term "manager" means an employee of the Agency who is a supervisor or management official, as defined in section 7103(a) of title 5, United States Code.

SEC. 134. AUTHORIZATION OF APPROPRIATIONS FOR THE ADVANCED MATERIALS CENTER OF EXCELLENCE.

Section 44518 of title 49, United States Code, is amended by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 48102(a), the Administrator may expend not more than $10,000,000 for each of fiscal years 2021 through 2023 to carry out this section. Amounts appropriated under the preceding sentence for each fiscal year shall remain available until expended.".

49 USC 44515 note.

SEC. 135. PROMOTING AVIATION REGULATIONS FOR TECHNICAL TRAINING.

(a) NEW REGULATIONS REQUIRED.—

Deadline.

(1) INTERIM FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Administrator shall issue interim final regulations to establish requirements for issuing aviation maintenance technician school certificates and associated ratings and the general operating rules for the holders of those certificates and ratings in accordance with the requirements of this section.

(2) REPEAL OF CURRENT REGULATIONS.—Upon the effective date of the interim final regulations required under paragraph (1), part 147 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this title) and any regulations issued under section 624 of the FAA Reauthorization Act of 2018 (Public Law 115–254) shall have no force or effect on or after the effective date of such interim final regulations.

(b) AVIATION MAINTENANCE TECHNICIAN SCHOOL CERTIFICATION REQUIRED.—No person may operate an aviation maintenance technician school without, or in violation of, an aviation maintenance technician school certificate and the operations specifications issued under the interim final regulations required under subsection (a)(1), the requirements of this section, or in a manner that is inconsistent with information in the school's operations specifications under subsection (c)(5).

(c) CERTIFICATE AND OPERATIONS SPECIFICATIONS REQUIREMENTS.—

(1) APPLICATION REQUIREMENTS.—

(A) IN GENERAL.—An application for a certificate or rating to operate an aviation maintenance technician school shall include the following:

(i) A description of the facilities, including the physical address of the certificate holder's primary location for operation of the school, any additional fixed locations where training will be provided, and the equipment and materials to be used at each location.

(ii) A description of the manner in which the school's curriculum will ensure the student has the knowledge and skills necessary for attaining a mechanic certificate and associated ratings under subpart D of part 65 of title 14, Code of Federal Regulations (or any successor regulation).

(iii) A description of the manner in which the school will ensure it provides the necessary qualified instructors to meet the requirements of subsection (d)(4).

(B) DOCUMENTED IN THE SCHOOL'S OPERATIONS SPECIFICATIONS.—Upon issuance of the school's certificate or rating, the information required under subparagraph (A) shall be documented in the school's operations specifications.

(2) CHANGE APPLICATIONS.—

(A) IN GENERAL.—An application for an additional rating or amended certificate shall include only the information necessary to substantiate the reason for the requested additional rating or change.

(B) APPROVED CHANGES.—Any approved changes shall be documented in the school's operations specifications.

(3) DURATION.—An aviation maintenance technician school certificate or rating issued under the interim final regulations required under subsection (a)(1) shall be effective from the date of issue until the certificate or rating is surrendered, suspended, or revoked.

(4) CERTIFICATE RATINGS.—An aviation maintenance technician school certificate issued under the interim final regulations required under subsection (a)(1) shall specify which of the following ratings are held by the aviation maintenance technician school:

(A) Airframe.

(B) Powerplant.

(C) Airframe and Powerplant.

(5) OPERATIONS SPECIFICATIONS.—A certificated aviation maintenance technician school shall operate in accordance with operations specifications that include the following:

(A) The certificate holder's name.

(B) The certificate holder's air agency certificate number.

(C) The name and contact information of the certificate holder's primary point of contact.

(D) The physical address of the certificate holder's primary location, as provided under paragraph (1)(A).

(E) The physical address of any additional location of the certificate holder, as provided under subsection (d)(2).

(F) The ratings held, as provided under paragraph (4).

(G) Any regulatory exemption granted to the school by the Administrator.

(d) OPERATIONS REQUIREMENTS.—

(1) FACILITIES, EQUIPMENT, AND MATERIAL REQUIREMENTS.—Each certificated aviation maintenance technician school shall provide and maintain the facilities, equipment, and materials that are appropriate to the 1 or more ratings held by the school and the number of students taught.

(2) TRAINING PROVIDED AT ANOTHER LOCATION.—A certificated aviation maintenance technician school may provide training at any additional location that meets the requirements of the interim final regulations required under subsection (a)(1) and is listed in the certificate holder's operations specifications.

(3) TRAINING REQUIREMENTS.—Each certificated aviation maintenance technician school shall—

(A) establish, maintain, and utilize a curriculum designed to continually align with mechanic airman certification standards as appropriate for the ratings held;

(B) provide training of a quality that meets the requirements of subsection (f)(1); and

(C) ensure students have the knowledge and skills necessary to be eligible to test for a mechanic certificate and associated ratings under subpart D of part 65 of title 14, Code of Federal Regulations (or any successor regulation).

(4) INSTRUCTOR REQUIREMENTS.—Each certificated aviation maintenance technician school shall—

(A) provide qualified instructors to teach in a manner that ensures positive educational outcomes are achieved;

(B) ensure instructors hold a mechanic certificate with 1 or more appropriate ratings (or, with respect to instructors who are not certified mechanics, ensure instructors are otherwise specifically qualified to teach their assigned content); and

(C) ensure the student-to-instructor ratio does not exceed 25:1 for any shop class.

(5) CERTIFICATE OF COMPLETION.—Each certificated aviation maintenance technician school shall provide authenticated documentation to each graduating student, indicating the student's date of graduation and curriculum completed, as described in paragraph (3)(A).

(e) QUALITY CONTROL SYSTEM.—

(1) ACCREDITATION.—Each aviation maintenance technician school shall—

(A) be accredited as meeting the definition of an institution of higher education provided for in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(B) establish and maintain a quality control system that meets the requirements specified in paragraph (2) and is approved by the Administrator.

Procedures.

(2) FAA-APPROVED SYSTEM REQUIREMENTS.—In the case of an aviation maintenance technician school that is not accredited as set forth in paragraph (1), the Administrator shall approve a quality control system that provides procedures for recordkeeping, assessment, issuing credit, issuing of final course grades, attendance, ensuring sufficient number of instructors,

granting of graduation documentation, and corrective action for addressing deficiencies.

(f) ADDITIONAL REQUIREMENTS.—

(1) MINIMUM PASSAGE RATE.—A certificated aviation maintenance technician school shall maintain a pass rate of at least 70 percent of students who took a written, oral, or practical (or any combination thereof) FAA mechanic tests within 60 days of graduation for the most recent 3-year period . Deadline. Time period.

(2) FAA INSPECTION.—A certificated aviation maintenance technician school shall allow the Administrator such access as the Administrator determines necessary to inspect the 1 or more locations of the school for purposes of determining the school's compliance with the interim final regulations required under subsection (a)(1), the procedures and information outlined in the school's operations specifications according to subsection (c)(5), and the aviation maintenance technician school certificate issued for the school. Determination.

(3) DISPLAY OF CERTIFICATE.—A certificated aviation maintenance technician school shall display its aviation maintenance technician school certificate at a location in the school that is visible by and normally accessible to the public.

(4) EARLY TESTING.—A certificated aviation maintenance technician school may issue authenticated documentation demonstrating a student's satisfactory progress, completion of corresponding portions of the curriculum, and preparedness to take the aviation mechanic written general knowledge test, even if the student has not met the experience requirements of section 65.77 of title 14, Code of Federal Regulations (or any successor regulation). Any such documentation shall specify the curriculum the student completed and the completion date.

SEC. 136. INDEPENDENT STUDY ON TYPE CERTIFICATION REFORM.

(a) REPORT AND DEADLINES.—Not later than 30 days after the date of enactment of this title, the Administrator shall enter into an agreement with an appropriate Federally-funded research and development center to review, develop, and submit a report to the Administrator in accordance with the requirements and elements set forth in this section. Contracts. Review.

(b) ELEMENTS.—The review and report under subsection (a) shall set forth analyses, assessments, and recommendations addressing the following elements for transport category airplanes: Analyses. Assessments. Recommendations.

(1) Whether or not aviation safety would improve as the result of institution of a fixed time beyond which a type certificate may not be amended.

(2) Requiring the Administrator, when issuing an amended or supplemental type certificate for a design that does not comply with the latest amendments to the applicable airworthiness standards, to document any exception from the latest amendment to an applicable regulation, issue an exemption in accordance with section 44701 of title 14, United States Code, or make a finding of an equivalent level of safety in accordance with section 21.21(a)(1) of title 14, Code of Federal Regulations.

(3) Safety benefits and costs for certification of transport category airplanes resulting from the implementation of paragraphs (1) and (2).

(4) Effects on the development and introduction of advancements in new safety enhancing design and technologies, and continued operation and operational safety support of products in service in the United States and worldwide, resulting from the implementation of paragraphs (1) and (2).

(c) INVESTIGATIONS AND REPORTS.—The review and report under subsection (a) shall take into consideration investigations, reports, and assessments regarding the Boeing 737 MAX, including but not limited to investigations, reports, and assessments by the Joint Authorities Technical Review, the National Transportation Safety Board, the Department of Transportation Office of the Inspector General, the Department of Transportation Special Committee, the congressional committees of jurisdiction and other congressional committees, and foreign authorities. The review and report under subsection (a) also shall consider the impact of changes made by this title and the amendments made by this title.

Recommendations.

(d) REPORT TO CONGRESS.—Not later than 270 days after the report developed under subsection (a) is submitted to the Administrator, the Administrator shall submit a report to the congressional committees of jurisdiction regarding the FAA's response to the findings and recommendations of the report, what actions the FAA will take as a result of such findings and recommendations, and the FAA rationale for not taking action on any specific recommendation

49 USC 40101 note.

SEC. 137. DEFINITIONS.

In this title:

(1) ADMINISTRATION; FAA.—The terms "Administration" and "FAA" mean the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the FAA.

(3) CONGRESSIONAL COMMITTEES OF JURISDICTION.—The term "congressional committees of jurisdiction" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(4) ICAO.—The term "ICAO" means the International Civil Aviation Organization.

(5) ORGANIZATION DESIGNATION AUTHORIZATION.—The term "organization designation authorization" has the same meaning given such term in section 44736(c) of title 49, United States Code.

(6) TRANSPORT AIRPLANE.—The term "transport airplane" means a transport category airplane designed for operation by an air carrier or foreign air carrier type-certificated with a passenger seating capacity of 30 or more or an all-cargo or combi derivative of such an airplane.

(7) TYPE CERTIFICATE.—The term "type certificate"—

(A) means a type certificate issued pursuant to section 44704(a) of title 49, United States Code, or an amendment to such certificate; and

(B) does not include a supplemental type certificate issued under section 44704(b) of such section.

DIVISION W—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2021

Intelligence Authorization Act for Fiscal Year 2021.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Intelligence Authorization Act for Fiscal Year 2021".

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

DIVISION W—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2021

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Explanatory statement.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Continuity of operations plans for certain elements of the intelligence community in the case of a national emergency.
Sec. 304. Application of Executive Schedule level III to position of Director of National Reconnaissance Office.
Sec. 305. National Intelligence University.
Sec. 306. Data collection on attrition in intelligence community.
Sec. 307. Limitation on delegation of responsibility for program management of information-sharing environment.
Sec. 308. Requirement to buy certain satellite component from American sources.
Sec. 309. Limitation on construction of facilities to be used primarily by intelligence community.
Sec. 310. Intelligence community student loan repayment programs.

Subtitle B—Reports and Assessments Pertaining to the Intelligence Community

Sec. 321. Assessment by the Comptroller General of the United States on efforts of the intelligence community and the Department of Defense to identify and mitigate risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.
Sec. 322. Report on use by intelligence community of hiring flexibilities and expedited human resources practices to assure quality and diversity in the workforce of the intelligence community.
Sec. 323. Report on signals intelligence priorities and requirements.
Sec. 324. Assessment of demand for student loan repayment program benefit.
Sec. 325. Assessment of intelligence community demand for child care.
Sec. 326. Open source intelligence strategies and plans for the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Sec. 401. Establishment of Office of the Ombudsman for Analytic Objectivity.
Sec. 402. Expansion of personnel management authority to attract experts in science and engineering.
Sec. 403. Senior Chief Petty Officer Shannon Kent Award for distinguished female personnel of the National Security Agency.
Sec. 404. Department of Homeland Security intelligence and cybersecurity diversity fellowship program.
Sec. 405. Climate Security Advisory Council.

TITLE V—MATTERS RELATING TO EMERGING TECHNOLOGIES

Sec. 501. Requirements and authorities for Director of the Central Intelligence Agency to improve education in science, technology, engineering, arts, and mathematics.
Sec. 502. Seedling investment in next-generation microelectronics in support of artificial intelligence.

TITLE VI—REPORTS AND OTHER MATTERS

Sec. 601. Report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, certain allies of the United States.
Sec. 602. Report on threats posed by use by foreign governments and entities of commercially available cyber intrusion and surveillance technology.
Sec. 603. Reports on recommendations of the Cyberspace Solarium Commission.
Sec. 604. Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.
Sec. 605. Combating Chinese influence operations in the United States and strengthening civil liberties protections.
Sec. 606. Annual report on corrupt activities of senior officials of the Chinese Communist Party.
Sec. 607. Report on corrupt activities of Russian and other Eastern European oligarchs.
Sec. 608. Report on biosecurity risk and disinformation by the Chinese Communist Party and the Government of the People's Republic of China.
Sec. 609. Report on effect of lifting of United Nations arms embargo on Islamic Republic of Iran.
Sec. 610. Report on Iranian activities relating to nuclear nonproliferation.
Sec. 611. Annual reports on security services of the People's Republic of China in the Hong Kong Special Administrative Region.
Sec. 612. Research partnership on activities of People's Republic of China.
Sec. 613. Report on the pharmaceutical and personal protective equipment regulatory practices of the People's Republic of China.
Sec. 614. National Intelligence Estimate on situation in Afghanistan.
Sec. 615. Assessment regarding tensions between Armenia and Azerbaijan.
Sec. 616. Sense of Congress on Third Option Foundation.
Sec. 617. Annual reports on worldwide threats.
Sec. 618. Annual report on Climate Security Advisory Council.
Sec. 619. Improvements to funding for National Security Education program.
Sec. 620. Report on best practices to protect privacy, civil liberties, and civil rights of Chinese Americans.
Sec. 621. National Intelligence Estimate on threat of global pandemic disease.
Sec. 622. Modification of requirement for briefings on national security effects of emerging infectious disease and pandemics.
Sec. 623. Independent study on open-source intelligence.
Sec. 624. Survey on Open Source Enterprise.
Sec. 625. Sense of Congress on report on murder of Jamal Khashoggi.

50 USC 3003 note.

SEC. 2. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 3. EXPLANATORY STATEMENT.

The explanatory statement regarding this division, printed in the House section of the Congressional Record by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives and in the Senate section of the Congressional Record by the Chairman of the Select Committee on Intelligence

of the Senate, shall have the same effect with respect to the implementation of this division as if it were a joint explanatory statement of a committee of conference.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(5) The National Security Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Coast Guard.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Department of Justice.
(12) The Federal Bureau of Investigation.
(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.
(15) The National Geospatial-Intelligence Agency.
(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2021 the sum of $759,000,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2021 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2021.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

50 USC 3316b.

SEC. 303. CONTINUITY OF OPERATIONS PLANS FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY IN THE CASE OF A NATIONAL EMERGENCY.

(a) DEFINITION OF COVERED NATIONAL EMERGENCY.—In this section, the term "covered national emergency" means the following:

(1) A major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) An emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(3) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(4) A public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

Continuity of operations plans.

(b) IN GENERAL.—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each establish continuity of operations plans for use in the case of covered national emergencies for the element of the intelligence community concerned.

(c) SUBMISSION TO CONGRESS.—

Deadline.

(1) DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees the plan established under subsection (b) for that emergency for the element of the intelligence community concerned.

Deadline.

(2) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE, DIRECTOR OF DEFENSE INTELLIGENCE AGENCY, DIRECTOR OF NATIONAL SECURITY AGENCY, AND DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit the plan established under subsection (b) for that emergency for the element of the intelligence community concerned to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Armed Services of the House of Representatives.

(d) UPDATES.—During a covered national emergency, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit any updates to the plans submitted under subsection (c)—

(1) in accordance with that subsection; and

(2) in a timely manner consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091).

SEC. 304. APPLICATION OF EXECUTIVE SCHEDULE LEVEL III TO POSITION OF DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Director of the National Reconnaissance Office.".

SEC. 305. NATIONAL INTELLIGENCE UNIVERSITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) is amended by adding at the end the following:

"Subtitle D—National Intelligence University

Definition.
50 USC 3227.

"SEC. 1031. TRANSFER DATE.

"In this subtitle, the term 'transfer date' means the date on which the National Intelligence University is transferred from the Defense Intelligence Agency to the Director of National Intelligence under section 5324(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

50 USC 3227a.

"SEC. 1032. DEGREE-GRANTING AUTHORITY.

Effective date.
Regulations.

"(a) IN GENERAL.—Beginning on the transfer date, under regulations prescribed by the Director of National Intelligence, the President of the National Intelligence University may, upon the recommendation of the faculty of the University, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

Determination.

"(2) the University is accredited by the appropriate academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

Effective date.

"(1) ACTIONS ON NONACCREDITATION.—Beginning on the transfer date, the Director shall promptly—

Notification.

"(A) notify the congressional intelligence committees of any action by the Middle States Commission on Higher Education, or other appropriate academic accrediting agency or organization, to not accredit the University to award any new or existing degree; and

Reports.

"(B) submit to such committees a report containing an explanation of any such action.

Effective date.
Reports.

"(2) MODIFICATION OR REDESIGNATION OF DEGREE-GRANTING AUTHORITY.—Beginning on the transfer date, upon any modification or redesignation of existing degree-granting authority, the Director shall submit to the congressional intelligence committees a report containing—

"(A) the rationale for the proposed modification or redesignation; and

Recommendations.

"(B) any subsequent recommendation of the Secretary of Education with respect to the proposed modification or redesignation.

50 USC 3227b.

"SEC. 1033. REPORTING.

Plan.

"(a) IN GENERAL.—Not less frequently than once each year, the Director of National Intelligence shall submit to the congressional intelligence committees a plan for employing professors, instructors, and lecturers at the National Intelligence University.

"(b) ELEMENTS.—Each plan submitted under subsection (a) shall include the following:

"(1) The total number of proposed personnel to be employed at the National Intelligence University.

"(2) The total annual compensation to be provided the personnel described in paragraph (1).

"(3) Such other matters as the Director considers appropriate.

"(c) FORM OF SUBMITTAL.—Each plan submitted by the Director to the congressional intelligence committees under subsection (a) shall be submitted as part of another annual submission from the Director to the congressional intelligence committees.

"SEC. 1034. CONTINUED APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE BOARD OF VISITORS. 50 USC 3227c.

"The Federal Advisory Committee Act (5 U.S.C. App.) shall continue to apply to the Board of Visitors of the National Intelligence University on and after the transfer date.".

(b) PLAN REGARDING PERSONNEL AT NATIONAL INTELLIGENCE UNIVERSITY.— 50 USC 3227b note.

(1) INITIAL SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees the first submission required by section 1033(a) of the National Security Act of 1947, as added by subsection (a). Deadline.

(2) CERTAIN REQUIREMENT NOT APPLICABLE.—Subsection (c) of section 1033 of the National Security Act of 1947, as added by subsection (a), shall not apply to the submittal under paragraph (1) of this subsection.

(c) CONFORMING AMENDMENTS.—Section 5324 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (b)(1)(C), by striking "subsection (e)(2)" and inserting "section 1032(b) of the National Security Act of 1947"; 50 USC 3334a.

(2) by striking subsections (e) and (f); and

(3) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively. 10 USC 2161, prec. 2161; 50 USC 3334a.

(d) CLERICAL AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by inserting after the item relating to section 1024 the following:

"Subtitle D—National Intelligence University

"Sec. 1031. Transfer date.
"Sec. 1032. Degree-granting authority.
"Sec. 1033. Reporting.
"Sec. 1034. Continued applicability of the Federal Advisory Committee Act to the Board of Visitors.".

SEC. 306. DATA COLLECTION ON ATTRITION IN INTELLIGENCE COMMUNITY. 50 USC 3334h.

(a) STANDARDS FOR DATA COLLECTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall establish standards for collecting data relating to attrition in the intelligence community workforce across demographics, specialities, and length of service. Deadline.

(2) INCLUSION OF CERTAIN CANDIDATES.—The Director shall include, in the standards established under paragraph (1), standards for collecting data from candidates who accepted conditional offers of employment but chose to withdraw from the hiring process before entering into service, including data with respect to the reasons such candidates chose to withdraw.

Deadline.

(b) COLLECTION OF DATA.—Not later than 120 days after the date of the enactment of this Act, each element of the intelligence community shall begin collecting data on workforce and candidate attrition in accordance with the standards established under subsection (a).

(c) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to the congressional intelligence committees a report on workforce and candidate attrition in the intelligence community that includes—

(1) the findings of the Director based on the data collected under subsection (b);

Recommendations.

(2) recommendations for addressing any issues identified in those findings; and

Assessment.

(3) an assessment of timeliness in processing hiring applications of individuals previously employed by an element of the intelligence community, consistent with the Trusted Workforce 2.0 initiative sponsored by the Security Clearance, Suitability, and Credentialing Performance Accountability Council.

SEC. 307. LIMITATION ON DELEGATION OF RESPONSIBILITY FOR PROGRAM MANAGEMENT OF INFORMATION-SHARING ENVIRONMENT.

Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)), as amended by section 6402(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking "Director of National Intelligence" and inserting "President";

(2) in paragraph (2), by striking "Director of National Intelligence" both places it appears and inserting "President"; and

(3) by adding at the end the following:

"(3) DELEGATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the President may delegate responsibility for carrying out this subsection.

"(B) LIMITATION.—The President may not delegate responsibility for carrying out this subsection to the Director of National Intelligence.".

SEC. 308. REQUIREMENT TO BUY CERTAIN SATELLITE COMPONENT FROM AMERICAN SOURCES.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

50 USC 3239.

"SEC. 1109. REQUIREMENT TO BUY CERTAIN SATELLITE COMPONENT FROM AMERICAN SOURCES.

"(a) DEFINITIONS.—In this section:

"(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'covered element of the intelligence community' means an element of the intelligence community that is not an element of the Department of Defense.

"(2) NATIONAL SECURITY SATELLITE.—The term 'national security satellite' means a satellite weighing over 400 pounds whose principle purpose is to support the national security or intelligence needs of the United States Government.

"(3) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and the territories and possessions of the United States.

"(b) REQUIREMENT.—Beginning January 1, 2021, except as provided in subsection (c), a covered element of the intelligence community may not award a contract for a national security satellite if the satellite uses a star tracker that is not produced in the United States, including with respect to both the software and the hardware of the star tracker. Effective date.

"(c) EXCEPTION.—The head of a covered element of the intelligence community may waive the requirement under subsection (b) if, on a case-by-case basis, the head certifies in writing to the congressional intelligence committees that— Waiver authority. Certification.

"(1) there is no available star tracker produced in the United States that meets the mission and design requirements of the national security satellite for which the star tracker will be used;

"(2) the cost of a star tracker produced in the United States is unreasonable, based on a market survey; or

"(3) such waiver is necessary for the national security interests of the United States based on an urgent and compelling need.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1108 the following new item:

"Sec. 1109. Requirement to buy certain satellite component from American sources.".

SEC. 309. LIMITATION ON CONSTRUCTION OF FACILITIES TO BE USED PRIMARILY BY INTELLIGENCE COMMUNITY.

Section 602(a)(2) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3304(a)(2)) is amended—

(1) by striking " $1,000,000" both places it appears and inserting " $2,000,000"; and

(2) by striking "the Director of National Intelligence shall submit a notification" and inserting "the head of such component, in coordination with and subject to the approval of the Director of National Intelligence, shall submit a notification".

SEC. 310. INTELLIGENCE COMMUNITY STUDENT LOAN REPAYMENT PROGRAMS. Deadlines. 50 USC 3334g note.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) student loan repayment programs are a crucial tool in attracting and retaining talented individuals to the intelligence community, particularly individuals from diverse backgrounds;

(2) generous student loan repayment programs help the intelligence community compete with the private sector for talented employees;

(3) departments and agencies containing elements of the intelligence community have authority to establish student loan repayment programs either under section 5379 of title 5, United States Code, or under the delegable authority of the Director of National Intelligence under section 102A(n)(1) of the National Security Act of 1947 (50 U.S.C. 3024(n)(1));

(4) although the Director should use the authority under such section 102A(n)(1) sparingly, and should be exceedingly

sparing in delegating such authority to an element of the intelligence community, the Director should approve well-predicated requests for such authority in the student loan repayment context if an element of the intelligence community can articulate an impediment to establishing or enhancing a program under section 5379 of title 5, United States Code; and

(5) student loan repayment programs established by an element of the intelligence community should provide flexibility to intelligence community employees, including employees who pursue loan-financed education in the middle of their careers or after the day on which they first become intelligence community employees.

(b) STUDENT LOAN REPAYMENT PROGRAM STANDARDS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, or a designee of the Director who is an employee of the Office of the Director of National Intelligence, shall establish minimum standards for the repayment of student loans of employees of elements of the intelligence community by such elements of the intelligence community.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the standards established under subsection (b). Such report shall include—

(1) an explanation of why such minimum standards were established; and

(2) how such standards advance the goals of—

(A) attracting and retaining a talented intelligence community workforce;

(B) competing with private sector companies for talented employees; and

(C) promoting the development of a diverse workforce.

(d) FAILURE TO MEET STANDARDS.—Not later than 180 days after the date on which the standards required under subsection (b) are established, the head of an element of the intelligence community that does not meet such standards shall submit to the appropriate congressional committees a report containing an explanation for why such element does not meet such standards and an identification of any additional authority or appropriations required to for the element to meet such standards.

Deadline.

(e) SUBMITTAL OF REGULATIONS AND POLICIES TO CONGRESS.—Not later than 180 days after the date on which the standards required under subsection (b) are established, the head of an element of the intelligence community shall submit to the appropriate congressional committees a copy of all internal regulations and policies governing the student loan repayment program of that element as well as copies of such policies redacted to remove classified information.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Permanent Select Committee on Intelligence of the House of Representatives;

(2) the Select Committee on Intelligence of the Senate;

(3) with respect to an element of the intelligence community within the Department of Defense, the Committees on Armed Services of the Senate and House of Representatives;

(4) with respect to an element of the intelligence community within the Department of Justice, the Committees on the Judiciary of the Senate and House of Representatives;

(5) with respect to an element of the intelligence community within the Department of Homeland Security, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives;

(6) with respect to an element of the intelligence community within the Department of State, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives;

(7) with respect to an element of the intelligence community within the Department of Energy, the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(8) with respect to an element of the intelligence community within the Department of the Treasury, the Committee on Finance of the Senate and the Committee on Financial Services of the House of Representatives.

(g) FORM OF REPORTS.—Each of the reports required under subsections (c) and (d) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle B—Reports and Assessments Pertaining to the Intelligence Community

SEC. 321. ASSESSMENT BY THE COMPTROLLER GENERAL OF THE UNITED STATES ON EFFORTS OF THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT OF DEFENSE TO IDENTIFY AND MITIGATE RISKS POSED TO THE INTELLIGENCE COMMUNITY AND THE DEPARTMENT BY THE USE OF DIRECT-TO-CONSUMER GENETIC TESTING BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess the efforts of the intelligence community and the Department of Defense to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(b) REPORT REQUIRED.—

(1) DEFINITION OF UNITED STATES DIRECT-TO-CONSUMER GENETIC TESTING COMPANY.—In this subsection, the term "United States direct-to-consumer genetic testing company" means a private entity that—

(A) carries out direct-to-consumer genetic testing; and

(B) is organized under the laws of the United States or any jurisdiction within the United States.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress, including the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report on the assessment required by subsection (a).

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

(A) A description of key national security risks and vulnerabilities associated with direct-to-consumer genetic testing, including—

(i) how the Government of the People's Republic of China may be using data provided by personnel of the intelligence community and the Department through direct-to-consumer genetic tests; and

(ii) how ubiquitous technical surveillance may amplify those risks.

(B) An assessment of the extent to which the intelligence community and the Department have identified risks and vulnerabilities posed by direct-to-consumer genetic testing and have sought to mitigate such risks and vulnerabilities, or have plans for such mitigation, including the extent to which the intelligence community has determined—

(i) in which United States direct-to-consumer genetic testing companies the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China have an ownership interest; and

(ii) which United States direct-to-consumer genetic testing companies may have sold data to the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China.

Recommendations.

(C) Such recommendations as the Comptroller General may have for action by the intelligence community and the Department to improve the identification and mitigation of risks and vulnerabilities posed by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(4) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(c) COOPERATION.—The heads of relevant elements of the intelligence community and components of the Department shall—

(1) fully cooperate with the Comptroller General in conducting the assessment required by subsection (a); and

(2) provide any information and data required by the Comptroller General to conduct the assessment, consistent with Intelligence Community Directive 114 or successor directive.

SEC. 322. REPORT ON USE BY INTELLIGENCE COMMUNITY OF HIRING FLEXIBILITIES AND EXPEDITED HUMAN RESOURCES PRACTICES TO ASSURE QUALITY AND DIVERSITY IN THE WORKFORCE OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on how elements of the intelligence community are exercising hiring flexibilities and expedited human resources practices afforded under section 3326 of title 5, United States Code, and subpart D of

part 315 of title 5, Code of Federal Regulations, or successor regulation, to assure quality and diversity in the workforce of the intelligence community.

(b) OBSTACLES.—The report submitted under subsection (a) shall include identification of any obstacles encountered by the intelligence community in exercising the authorities described in such subsection.

SEC. 323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES AND REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the majority and minority leaders of the Senate, and the Speaker and minority leader of the House of Representatives a report on signals intelligence priorities and requirements subject to Presidential Policy Directive 28.

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

(1) The implementation of the annual process for advising the Director on signals intelligence priorities and requirements described in section 3 of Presidential Policy Directive 28.

(2) The signals intelligence priorities and requirements as of the most recent annual process.

(3) The application of such priorities and requirements to the signals intelligence collection efforts of the intelligence community.

(c) CONTENTS OF CLASSIFIED ANNEX REFERENCED IN SECTION 3 OF PRESIDENTIAL POLICY DIRECTIVE 28.—Not later than 30 days after the date of the enactment of this Act, in addition to the report submitted under subsection (a), the Director shall submit to the chairmen and ranking minority members of the congressional intelligence committees, the majority and minority leaders of the Senate, and the Speaker and minority leader of the House of Representatives the contents of the classified annex referenced in section 3 of Presidential Policy Directive 28.

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

SEC. 324. ASSESSMENT OF DEMAND FOR STUDENT LOAN REPAYMENT PROGRAM BENEFIT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall— Deadline.

(1) calculate the number of personnel of that element who qualify for a student loan repayment program benefit;

(2) compare the number calculated under paragraph (1) to the number of personnel who apply for such a benefit;

(3) provide recommendations for how to structure such a program to optimize participation and enhance the effectiveness of the benefit as a retention tool, including with respect to the amount of the benefit offered and the length of time an employee receiving a benefit is required to serve under a continuing service agreement; and Recommendations.

(4) identify any shortfall in funds or authorities needed to provide such a benefit.

(b) INCLUSION IN FISCAL YEAR 2022 BUDGET SUBMISSION.—The Director of National Intelligence shall include in the budget justification materials submitted to Congress in support of the budget for the intelligence community for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the findings of the elements of the intelligence community under subsection (a).

SEC. 325. ASSESSMENT OF INTELLIGENCE COMMUNITY DEMAND FOR CHILD CARE.

Coordination. Reports.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community specified in subsection (b), shall submit to the congressional intelligence committees a report that includes—

(1) a calculation of the total annual demand for child care by employees of such elements, at or near the workplaces of such employees, including a calculation of the demand for early morning and evening child care;

(2) an identification of any shortfall between the demand calculated under paragraph (1) and the child care supported by such elements as of the date of the report;

(3) an assessment of options for addressing any such shortfall, including options for providing child care at or near the workplaces of employees of such elements;

(4) an identification of the advantages, disadvantages, security requirements, and costs associated with each such option;

(5) a plan to meet, by the date that is 5 years after the date of the report—

(A) the demand calculated under paragraph (1); or

(B) an alternative standard established by the Director for child care available to employees of such elements; and

(6) an assessment of needs of specific elements of the intelligence community, including any Government-provided child care that could be collocated with a workplace of employees of such an element and any available child care providers in the proximity of such a workplace.

(b) ELEMENTS SPECIFIED.—The elements of the intelligence community specified in this subsection are the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The Defense Intelligence Agency.

(4) The National Geospatial-Intelligence Agency.

(5) The National Reconnaissance Office.

(6) The Office of the Director of National Intelligence.

Deadlines.

SEC. 326. OPEN SOURCE INTELLIGENCE STRATEGIES AND PLANS FOR THE INTELLIGENCE COMMUNITY.

Coordination.

(a) REQUIREMENT FOR SURVEY AND EVALUATION OF CUSTOMER FEEDBACK.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall—

(1) conduct a survey of the open source intelligence requirements, goals, monetary and property investments, and capabilities for each element of the intelligence community; and

(2) evaluate the usability and utility of the Open Source Enterprise by soliciting customer feedback and evaluating such feedback.

(b) REQUIREMENT FOR OVERALL STRATEGY AND FOR INTELLIGENCE COMMUNITY, PLAN FOR IMPROVING USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the head of each element of the intelligence community and using the findings of the Director with respect to the survey conducted under subsection (a), shall— Coordination.

(1) develop a strategy for open source intelligence collection, analysis, and production that defines the overarching goals, roles, responsibilities, and processes for such collection, analysis, and production for the intelligence community;

(2) develop a plan for improving usability and utility of the Open Source Enterprise based on the customer feedback solicited under subsection (a)(2); and

(3) conduct a risk and benefit analysis of creating an open source center independent of any current intelligence community element.

(c) REQUIREMENT FOR PLAN FOR CENTRALIZED DATA REPOSITORY.—Not later than 270 days after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), and the risk and benefit analysis conducted under such subsection, the Director shall develop a plan for a centralized data repository of open source intelligence that enables all elements of the intelligence community—

(1) to use such repository for their specific requirements; and

(2) to derive open source intelligence advantages.

(d) REQUIREMENT FOR COST-SHARING MODEL.—Not later than 1 year after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), the risk and benefit analysis conducted under such subsection, and the plan developed under subsection (c), the Director shall develop a cost-sharing model that leverages the open source intelligence investments of each element of the intelligence community for the beneficial use of the entire intelligence community.

(e) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall jointly brief the congressional intelligence committees on—

(1) the strategy developed under paragraph (1) of subsection (b);

(2) the plan developed under paragraph (2) of such subsection;

(3) the plan developed under subsection (c); and

(4) the cost-sharing model developed under subsection (d).

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

SEC. 401. ESTABLISHMENT OF OFFICE OF THE OMBUDSMAN FOR ANALYTIC OBJECTIVITY.

(a) OFFICE OF THE OMBUDSMAN FOR ANALYTIC OBJECTIVITY.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following:

50 USC 3525.

"SEC. 24. OFFICE OF THE OMBUDSMAN FOR ANALYTIC OBJECTIVITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established in the Agency an Office of the Ombudsman for Analytic Objectivity (in this section referred to as the 'Office').

"(2) APPOINTMENT OF OMBUDSMAN.—The Office shall be headed by an Ombudsman, who shall be appointed by the Director from among current or former senior staff officers of the Agency.

"(b) DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

"(1) on an annual basis, conduct a survey of analytic objectivity among officers and employees of the Agency;

"(2) implement a procedure by which any officer or employee of the Agency may submit to the Office a complaint alleging politicization, bias, lack of objectivity, or other issues relating to a failure of tradecraft in analysis conducted by the Agency;

"(3) except as provided in paragraph (4), upon receiving a complaint submitted pursuant to paragraph (2), take reasonable action to investigate the complaint, make a determination as to whether the incident described in the complaint involved politicization, bias, or lack of objectivity, and prepare a report that—

"(A) summarizes the facts relevant to the complaint;

"(B) documents the determination of the Ombudsman with respect to the complaint; and

"(C) contains a recommendation for remedial action;

"(4) if a complaint submitted pursuant to paragraph (2) alleges politicization, bias, or lack of objectivity in the collection of intelligence information, refer the complaint to the official responsible for supervising collection operations of the Agency; and

"(5) continuously monitor changes in areas of analysis that the Ombudsman determines involve a heightened risk of politicization, bias, or lack of objectivity, to ensure that any change in the analytic line arises from proper application of analytic tradecraft and not as a result of politicization, bias, or lack of objectivity.

"(c) REPORTS.—(1) On an annual basis, the Ombudsman shall submit to the intelligence committees a report on the results of the survey conducted pursuant to subsection (b)(1) with respect to the most recent fiscal year.

"(2) On an annual basis, the Ombudsman shall submit to the intelligence committees a report that includes—

"(A) the number of complaints of submitted pursuant to subsection (b)(2) during the most recent fiscal year; and

"(B) a description of the nature of such complaints, the actions taken by the Office or any other relevant element or component of the Agency with respect to such complaints, and the resolution of such complaints.

"(3) On a quarterly basis, the Ombudsman shall submit to the intelligence committees a report that includes—

"(A) a list of the areas of analysis monitored during the most recent calendar quarter pursuant to subsection (b)(5); and List.

"(B) a brief description of the methods by which the Office has conducted such monitoring.

"(d) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Ombudsman for Analytic and Collection Objectivity of the Central Intelligence Agency shall be deemed to be a reference to the Office of the Ombudsman for Analytic Objectivity of the Central Intelligence Agency established by section 24(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.), as added by subsection (a). 50 USC 3525 note.

(c) REPORT ON SURVEYS FOR FISCAL YEARS 2018 AND 2019.—Not later than 10 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees any reports previously prepared by the Ombudsman for Analytic and Collection Objectivity with respect to the surveys of analytic objectivity conducted for fiscal years 2018 and 2019.

SEC. 402. EXPANSION OF PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

Section 1599h of title 10, United States Code, is amended—

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

"(7) NGA.—The Director of the National Geospatial-Intelligence Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.";

(2) in subsection (b)(1)—

(A) in subparagraph (E), by striking "; and";

(B) in subparagraph (F), by striking the semicolon and inserting "; and"; and

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

"(G) in the case of the National Geospatial-Intelligence Agency, appoint individuals to a total of not more than 7 positions in the Agency, of which not more than 2 such positions may be positions of administration or management in the Agency;"; and

(3) in subsection (c)(2), by striking "or the Joint Artificial Intelligence Center" and inserting "the Joint Artificial Intelligence Center, or the National Geospatial-Intelligence Agency".

SEC. 403. SENIOR CHIEF PETTY OFFICER SHANNON KENT AWARD FOR DISTINGUISHED FEMALE PERSONNEL OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 3601 et seq.) is amended by adding at the end the following new section:

Determinations.
50 USC 3619.

"SEC. 21. SENIOR CHIEF PETTY OFFICER SHANNON KENT AWARD FOR DISTINGUISHED FEMALE PERSONNEL.

"(a) ESTABLISHMENT.—The Director of the National Security Agency shall establish an honorary award for the recognition of female personnel of the National Security Agency for distinguished career contributions in support of the mission of the Agency as civilian employees or members of the Armed Forces assigned to the Agency. The award shall be known as the 'Senior Chief Petty Officer Shannon Kent Award' and shall consist of a design determined appropriate by the Director.

"(b) AWARD.—The Director shall award the Senior Chief Petty Officer Shannon Kent Award to female civilian employees, members of the Armed Forces, or former civilian employees or members, whom the Director determines meet the criteria under subsection (a).".

SEC. 404. DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE AND CYBERSECURITY DIVERSITY FELLOWSHIP PROGRAM.

(a) PROGRAM.—Subtitle D of title XIII of the Homeland Security Act of 2002 (5 U.S.C. 3301 note et seq.) is amended by adding at the end the following new section:

6 USC 665a.

"SEC. 1333. INTELLIGENCE AND CYBERSECURITY DIVERSITY FELLOWSHIP PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

"(A) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

"(B) the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) EXCEPTED SERVICE.—The term 'excepted service' has the meaning given that term in section 2103 of title 5, United States Code.

"(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(5) MINORITY-SERVING INSTITUTION.—The term 'minority-serving institution' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

"(b) PROGRAM.—The Secretary shall carry out an intelligence and cybersecurity diversity fellowship program (in this section referred to as the 'Program') under which an eligible individual may—

"(1) participate in a paid internship at the Department that relates to intelligence, cybersecurity, or some combination thereof;

"(2) receive tuition assistance from the Secretary; and

"(3) upon graduation from an institution of higher education and successful completion of the Program (as defined by the Secretary), receive an offer of employment to work in an intelligence or cybersecurity position of the Department that is in the excepted service.

"(c) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

"(1) be a citizen of the United States; and

"(2) as of the date of submitting the application to participate in the Program—

"(A) have a cumulative grade point average of at least 3.2 on a 4.0 scale;

"(B) be a socially disadvantaged individual (as that term in defined in section 124.103 of title 13, Code of Federal Regulations, or successor regulation); and

"(C) be a sophomore, junior, or senior at an institution of higher education.

"(d) DIRECT HIRE AUTHORITY.—If an individual who receives an offer of employment under subsection (b)(3) accepts such offer, the Secretary shall appoint, without regard to provisions of subchapter I of chapter 33 of title 5, United States Code, (except for section 3328 of such title) such individual to the position specified in such offer. Appointment.

"(e) REPORTS.—

"(1) REPORTS.—Not later than 1 year after the date of the enactment of this section, and on an annual basis thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the Program.

"(2) MATTERS.—Each report under paragraph (1) shall include, with respect to the most recent year, the following:

"(A) A description of outreach efforts by the Secretary to raise awareness of the Program among institutions of higher education in which eligible individuals are enrolled.

"(B) Information on specific recruiting efforts conducted by the Secretary to increase participation in the Program.

"(C) The number of individuals participating in the Program, listed by the institution of higher education in which the individual is enrolled at the time of participation, and information on the nature of such participation, including on whether the duties of the individual under the Program relate primarily to intelligence or to cybersecurity.

"(D) The number of individuals who accepted an offer of employment under the Program and an identification of the element within the Department to which each individual was appointed.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 1332 the following new item:

"Sec. 1333. Intelligence and cybersecurity diversity fellowship program.".

SEC. 405. CLIMATE SECURITY ADVISORY COUNCIL.

(a) STUDY ON ADVISORY COUNCIL MODEL FOR STRATEGIC OR TRANSNATIONAL THREATS.—

Coordination.

(1) STUDY REQUIRED.—The Director of National Intelligence, in coordination with the heads of other elements of the intelligence community determined appropriate by the Director, shall conduct a study on the effectiveness of the Climate Security Advisory Council as a potential model for future advisory councils that—

(A) focus on optimizing the collection and analysis of intelligence relating to strategic or transnational threats to the national security of the United States (including threats posed by disease outbreaks, pandemics, or other global health threats); and

(B) are composed of elements of the intelligence community and relevant elements of the Federal Government that are not elements of the intelligence community.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report containing the findings of the study under paragraph (1).

(b) TECHNICAL CORRECTION.—Section 120(c)(4) of the National Security Act of 1947 (50 U.S.C. 3060(c)(4)) is amended by striking "security indicators" and inserting "intelligence indications".

TITLE V—MATTERS RELATING TO EMERGING TECHNOLOGIES

SEC. 501. REQUIREMENTS AND AUTHORITIES FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO IMPROVE EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.), as amended by section 401, is further amended by adding at the end the following:

50 USC 3526.

"SEC. 25. IMPROVEMENT OF EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

"(2) EDUCATIONAL INSTITUTION.—The term 'educational institution' includes any public or private elementary school or secondary school, institution of higher education, college, university, or any other profit or nonprofit institution that is dedicated to improving science, technology, engineering, the arts, mathematics, business, law, medicine, or other fields that

promote development and education relating to science, technology, engineering, the arts, or mathematics.

"(3) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

"(b) REQUIREMENTS.—The Director shall, on a continuing basis—

"(1) identify actions that the Director may take to improve education in the scientific, technology, engineering, arts, and mathematics (known as 'STEAM') skills necessary to meet the long-term national security needs of the United States for personnel proficient in such skills; and

"(2) establish and conduct programs to carry out such actions.

"(c) AUTHORITIES.—

"(1) IN GENERAL.—The Director, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

"(A) award grants to eligible entities;

"(B) provide cash awards and other items to eligible entities;

"(C) accept voluntary services from eligible entities;

"(D) support national competition judging, other educational event activities, and associated award ceremonies in connection with such educational programs; and

"(E) enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in science, technology, engineering, the arts, and mathematics disciplines at all levels of education.

"(2) EDUCATION PARTNERSHIP AGREEMENTS.—

"(A) NATURE OF ASSISTANCE PROVIDED.—Under an education partnership agreement entered into with an educational institution under paragraph (1)(E), the Director may provide assistance to the educational institution by—

"(i) loaning equipment to the educational institution for any purpose and duration in support of such agreement that the Director considers appropriate;

"(ii) making personnel available to teach science courses or to assist in the development of science courses and materials for the educational institution;

"(iii) providing sabbatical opportunities for faculty and internship opportunities for students;

"(iv) involving faculty and students of the educational institution in Agency projects, including research and technology transfer or transition projects;

"(v) cooperating with the educational institution in developing a program under which students may be given academic credit for work on Agency projects, including research and technology transfer for transition projects; and

"(vi) providing academic and career advice and assistance to students of the educational institution.

"(B) PRIORITIES.—In entering into education partnership agreements under paragraph (1)(E), the Director shall

prioritize entering into education partnership agreements with the following:

"(i) Historically Black colleges and universities and other minority-serving institutions, as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

"(ii) Educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.

"(d) DESIGNATION OF ADVISOR.—The Director shall designate one or more individuals within the Agency to advise and assist the Director regarding matters relating to science, technology, engineering, the arts, and mathematics education and training.".

50 USC 3334i.

SEC. 502. SEEDLING INVESTMENT IN NEXT-GENERATION MICROELECTRONICS IN SUPPORT OF ARTIFICIAL INTELLIGENCE.

(a) FINDINGS.—Congress finds that—

(1) developing faster, more energy efficient, and more resilient computing is important to the future of the national security of the United States and the leadership by the United States in artificial intelligence; and

(2) multidisciplinary teams co-designing microelectronics for artificial intelligence will lead to unprecedented capabilities that will help ensure that the United States maintains its superiority in this worldwide competition for economic and national security.

Contracts.

(b) AWARDS FOR RESEARCH AND DEVELOPMENT.—The Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Activity, shall award contracts or grants, or enter into transactions other than contracts, to encourage microelectronics research.

(c) USE OF FUNDS.—The Director shall award contracts or grants to, or enter into transactions other than contracts with, entities under subsection (b) to carry out any of the following:

(1) Advanced engineering and applied research into novel computing models, materials, devices, architectures, or algorithms to enable the advancement of artificial intelligence and machine learning.

(2) Research efforts to—

(A) overcome challenges with engineering and applied research of microelectronics, including with respect to the physical limits on transistors, electrical interconnects, and memory elements; or

(B) promote long-term advancements in computing technologies, including by fostering a unified and multidisciplinary approach encompassing research and development into algorithm design, computing architectures, microelectronic devices and circuits, and the chemistry and physics of new materials.

(3) Any other activity the Director determines would promote the development of microelectronics research.

(d) AWARD AMOUNTS.—In awarding contracts or grants, or entering into transactions other than contracts, under subsection (b), the Director may award not more than a total of $15,000,000.

TITLE VI—REPORTS AND OTHER MATTERS

SEC. 601. REPORT ON ATTEMPTS BY FOREIGN ADVERSARIES TO BUILD TELECOMMUNICATIONS AND CYBERSECURITY EQUIPMENT AND SERVICES FOR, OR TO PROVIDE SUCH EQUIPMENT AND SERVICES TO, CERTAIN ALLIES OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FIVE EYES COUNTRY.—The term "Five Eyes country" means any of the following:

(A) Australia.

(B) Canada.

(C) New Zealand.

(D) The United Kingdom.

(E) The United States.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Defense Intelligence Agency shall jointly submit to the appropriate committees of Congress a report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, Five Eyes countries.

Assessments.

(c) ELEMENTS.—The report submitted under subsection (b) shall include the following:

(1) An assessment of United States intelligence sharing and intelligence and military force posture in any Five Eyes country that currently uses or intends to use telecommunications or cybersecurity equipment or services provided by a foreign adversary of the United States, including China and Russia.

(2) A description and assessment of mitigation of any potential compromises or risks for any circumstance described in paragraph (1).

(d) FORM.—The report required by subsection (b) shall include an unclassified executive summary, and may include a classified annex.

SEC. 602. REPORT ON THREATS POSED BY USE BY FOREIGN GOVERNMENTS AND ENTITIES OF COMMERCIALLY AVAILABLE CYBER INTRUSION AND SURVEILLANCE TECHNOLOGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the threats posed by the use by

foreign governments and entities of commercially available cyber intrusion and other surveillance technology.

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

(1) Matters relating to threats described in subsection (a) as they pertain to the following:

(A) The threat posed to United States persons and persons inside the United States.

(B) The threat posed to United States personnel overseas.

(C) The threat posed to employees of the Federal Government, including through both official and personal accounts and devices.

(2) A description of which foreign governments and entities pose the greatest threats from the use of technology described in subsection (a) and the nature of those threats.

Assessment.

(3) An assessment of the source of the commercially available cyber intrusion and other surveillance technology that poses the threats described in subsection (a), including whether such technology is made by United States companies or companies in the United States or by foreign companies.

Assessment.

(4) An assessment of actions taken, as of the date of the enactment of this Act, by the Federal Government and foreign governments to limit the export of technology described in subsection (a) from the United States or foreign countries to foreign governments and entities in ways that pose the threats described in such subsection.

(5) Matters relating to how the Federal Government, Congress, and foreign governments can most effectively mitigate the threats described in subsection (a), including matters relating to the following:

(A) Working with the technology and telecommunications industry to identify and improve the security of consumer software and hardware used by United States persons and persons inside the United States that is targeted by commercial cyber intrusion and surveillance software.

(B) Export controls.

(C) Diplomatic pressure.

(D) Trade agreements.

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

SEC. 603. REPORTS ON RECOMMENDATIONS OF THE CYBERSPACE SOLARIUM COMMISSION.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, the Committee on Science, Space, and Technology, and

the Committee on Energy and Commerce of the House of Representatives.

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each head of an agency described in subsection (c) shall submit to the appropriate committees of Congress a report on the recommendations included in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(c) AGENCIES DESCRIBED.—The agencies described in this subsection are the following:

(1) The Office of the Director of National Intelligence.
(2) The Department of Homeland Security.
(3) The Department of Energy.
(4) The Department of Commerce.
(5) The Department of Defense.

(d) CONTENTS.—Each report submitted under subsection (b) by the head of an agency described in subsection (c) shall include the following:

(1) An evaluation of the recommendations in the report described in subsection (b) that the agency identifies as pertaining directly to the agency. Evaluation.

(2) A description of the actions taken, or the actions that the head of the agency may consider taking, to implement any of the recommendations (including a comprehensive estimate of requirements for appropriations to take such actions).

SEC. 604. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS RELATING TO ARTIFICIAL INTELLIGENCE, MICROCHIPS, AND SEMICONDUCTORS AND RELATED SUPPLY CHAINS.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a detailed assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.

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

(1) EXPORT CONTROLS.—

(A) IN GENERAL.—An assessment of efforts by partner countries to enact and implement export controls and other technology transfer measures with respect to artificial intelligence, microchips, advanced manufacturing equipment, and other artificial intelligence enabled technologies critical to United States supply chains.

(B) IDENTIFICATION OF OPPORTUNITIES FOR COOPERATION.—The assessment under subparagraph (A) shall identify opportunities for further cooperation with international partners on a multilateral and bilateral basis to strengthen export control regimes and address technology transfer threats.

(2) SEMICONDUCTOR SUPPLY CHAINS.—

(A) IN GENERAL.—An assessment of global semiconductor supply chains, including areas to reduce United States vulnerabilities and maximize points of leverage.

(B) ANALYSIS OF POTENTIAL EFFECTS.—The assessment under subparagraph (A) shall include an analysis of the

potential effects of significant geopolitical shifts, including those related to Taiwan.

(C) IDENTIFICATION OF OPPORTUNITIES FOR DIVERSIFICATION.—The assessment under subparagraph (A) shall also identify opportunities for diversification of United States supply chains, including an assessment of cost, challenges, and opportunities to diversify manufacturing capabilities on a multinational basis.

(3) COMPUTING POWER.—An assessment of trends relating to computing power and the effect of such trends on global artificial intelligence development and implementation, in consultation with the Director of the Intelligence Advanced Research Projects Activity, the Director of the Defense Advanced Research Projects Agency, and the Director of the National Institute of Standards and Technology, including forward-looking assessments of how computing resources may affect United States national security, innovation, and implementation relating to artificial intelligence.

(c) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment completed under subsection (a).

(3) FORM.—The report submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 605. COMBATING CHINESE INFLUENCE OPERATIONS IN THE UNITED STATES AND STRENGTHENING CIVIL LIBERTIES PROTECTIONS.

(a) UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.—Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) An identification of influence activities and operations employed by the Chinese Communist Party against the United States science and technology sectors, specifically employees of the United States Government, researchers, scientists, and students in the science and technology sector in the United States.".

(b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION TO INCREASE PUBLIC AWARENESS AND DETECTION OF INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a plan to increase public awareness of influence activities by the Government of the People's Republic of China. Deadline.

(2) CONSULTATION.—In carrying out paragraph (1), the Director shall consult with the following:

(A) The Director of the Office of Science and Technology Policy.

(B) Such other stakeholders outside the intelligence community, including professional associations, institutions of higher education, businesses, and civil rights and multicultural organizations, as the Director determines relevant.

(c) RECOMMENDATIONS OF THE FEDERAL BUREAU OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in consultation with the Assistant Attorney General for the Civil Rights Division and the Chief Privacy and Civil Liberties Officer of the Department of Justice, shall develop recommendations to strengthen relationships with communities targeted by influence activities of the Government of the People's Republic of China and build trust with such communities through local and regional grassroots outreach.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to Congress the recommendations developed under paragraph (1). Deadline.

(d) TECHNICAL CORRECTIONS.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) in section 1107 (50 U.S.C. 3237)—

(A) in the section heading, by striking "communist party of china" and inserting "chinese communist party"; and

(B) by striking "Communist Party of China" both places it appears and inserting "Chinese Communist Party"; and

(2) in the table of contents before section 2 (50 U.S.C. 3002), by striking the item relating to section 1107 and inserting the following new item:

"Sec. 1107. Annual reports on influence operations and campaigns in the United States by the Chinese Communist Party.".

SEC. 606. ANNUAL REPORT ON CORRUPT ACTIVITIES OF SENIOR OFFICIALS OF THE CHINESE COMMUNIST PARTY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through 2025, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities of senior officials of the Chinese Communist Party.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include the following:

(i) A description of the wealth of, and corruption and corrupt activities among, senior officials of the Chinese Communist Party.

(ii) A description of any recent actions of the officials described in clause (i) that could be considered a violation, or potential violation, of United States law.

Assessment.

(iii) A description and assessment of targeted financial measures, including potential targets for designation of the officials described in clause (i) for the corruption and corrupt activities described in that clause and for the actions described in clause (ii).

(B) SCOPE OF REPORTS.—The first report under paragraph (1) shall include comprehensive information on the matters described in subparagraph (A). Any succeeding report under paragraph (1) may consist of an update or supplement to the preceding report under that subsection.

(3) COORDINATION.—In preparing each report, update, or supplement under this subsection, the Director of the Central Intelligence Agency shall coordinate as follows:

(A) In preparing the description required by clause (i) of paragraph (2)(A), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(B) In preparing the descriptions required by clauses (ii) and (iii) of such paragraph, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(4) FORM.—Each report under paragraph (1) shall include an unclassified executive summary, and may include a classified annex.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake every effort and pursue every opportunity to expose the corruption and illicit practices of senior officials of the Chinese Communist Party, including President Xi Jinping.

SEC. 607. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN AND OTHER EASTERN EUROPEAN OLIGARCHS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 100 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress and the Undersecretary of State for Public Diplomacy and Public Affairs a report on the corruption and corrupt activities of Russian and other Eastern European oligarchs.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (b) shall include the following:

(A) A description of corruption and corrupt activities among Russian and other Eastern European oligarchs who support the Government of the Russian Federation, including estimates of the total assets of such oligarchs.

(B) An assessment of the impact of the corruption and corrupt activities described pursuant to subparagraph (A) on the economy and citizens of Russia. Assessment.

(C) A description of any connections to, or support of, organized crime, drug smuggling, or human trafficking by an oligarch covered by subparagraph (A).

(D) A description of any information that reveals corruption and corrupt activities in Russia among oligarchs covered by subparagraph (A).

(E) A description and assessment of potential sanctions actions that could be imposed upon oligarchs covered by subparagraph (A) who support the leadership of the Government of Russia, including President Vladimir Putin. Assessment.

(2) SCOPE OF REPORTS.—The first report under subsection (a) shall include comprehensive information on the matters described in paragraph (1). Any succeeding report under subsection (a) may consist of an update or supplement to the preceding report under that subsection.

(d) COORDINATION.—In preparing each report, update, or supplement under this section, the Director of the Central Intelligence Agency shall coordinate as follows:

(1) In preparing the assessment and descriptions required by subparagraphs (A) through (D) of subsection (c)(1), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(2) In preparing the description and assessment required by subparagraph (E) of such subsection, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(e) FORM.—

(1) IN GENERAL.—Subject to paragraph (2), each report under subsection (b) shall include an unclassified executive summary, and may include a classified annex.

(2) UNCLASSIFIED FORM OF CERTAIN INFORMATION.—The information described in subsection (c)(1)(D) in each report under subsection (b) shall be submitted in unclassified form.

SEC. 608. REPORT ON BIOSECURITY RISK AND DISINFORMATION BY THE CHINESE COMMUNIST PARTY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Committee on Homeland Security of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given such term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report identifying whether and how officials of the Chinese Communist Party and the Government of the People's Republic of China may have sought—

(1) to suppress information about—

(A) the outbreak of the novel coronavirus in Wuhan;

(B) the spread of the virus through China; and

(C) the transmission of the virus to other countries;

(2) to spread disinformation relating to the pandemic; or

(3) to exploit the pandemic to advance their national security interests.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments of reported actions and the effect of those actions on efforts to contain the novel coronavirus pandemic, including each of the following:

(1) The origins of the novel coronavirus outbreak, the time and location of initial infections, and the mode and speed of early viral spread.

(2) Actions taken by the Government of China to suppress, conceal, or misinform the people of China and those of other countries about the novel coronavirus outbreak in Wuhan.

(3) The effect of disinformation or the failure of the Government of China to fully disclose details of the outbreak on response efforts of local governments in China and other countries.

(4) Diplomatic, political, economic, intelligence, or other pressure on other countries and international organizations to conceal information about the spread of the novel coronavirus and the response of the Government of China to the contagion,

as well as to influence or coerce early responses to the pandemic by other countries.

(5) Efforts by officials of the Government of China to deny access to health experts and international health organizations to afflicted individuals in Wuhan, pertinent areas of the city, or laboratories of interest in China, including the Wuhan Institute of Virology.

(6) Efforts by the Government of China, or those acting at its direction or with its assistance, to conduct cyber operations against international, national, or private health organizations conducting research relating to the novel coronavirus or operating in response to the pandemic.

(7) Efforts to control, restrict, or manipulate relevant segments of global supply chains, particularly in the sale, trade, or provision of relevant medicines, medical supplies, or medical equipment as a result of the pandemic.

(8) Efforts to advance the economic, intelligence, national security, and political objectives of the Government of China by exploiting vulnerabilities of foreign governments, economies, and companies under financial duress as a result of the pandemic or to accelerate economic espionage and intellectual property theft.

(9) Efforts to exploit the disruption of the pharmaceutical and telecommunications industries as well as other industries tied to critical infrastructure and bilateral trade between China and the United States and between China and allies and partners of the United States in order to advance the economic and political objectives of the Government of China following the pandemic.

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

SEC. 609. REPORT ON EFFECT OF LIFTING OF UNITED NATIONS ARMS EMBARGO ON ISLAMIC REPUBLIC OF IRAN.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with such heads of other elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on— Consultation.

(1) the plans of the Government of the Islamic Republic of Iran to acquire military arms if the ban on arms transfers to or from such government under United Nations Security Council resolutions are lifted; and

(2) the effect such arms acquisitions may have on regional security and stability.

(c) CONTENTS.—The report submitted under subsection (b) shall include assessments relating to plans of the Government of the Islamic Republic of Iran to acquire additional weapons, the intention

of other countries to provide such weapons, and the effect such acquisition and provision would have on regional stability, including with respect to each of the following:

(1) The type and quantity of weapon systems under consideration for acquisition.

(2) The countries of origin of such systems.

(3) Likely reactions of other countries in the region to such acquisition, including the potential for proliferation by other countries in response.

(4) The threat that such acquisition could present to international commerce and energy supplies in the region, and the potential implications for the national security of the United States.

(5) The threat that such acquisition could present to the Armed Forces of the United States, of countries allied with the United States, and of countries partnered with the United States stationed in or deployed in the region.

(6) The potential that such acquisition could be used to deliver chemical, biological, or nuclear weapons.

(7) The potential for the Government of the Islamic Republic of Iran to proliferate weapons acquired in the absence of an arms embargo to regional groups, including Shi'a militia groups backed by such government.

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

SEC. 610. REPORT ON IRANIAN ACTIVITIES RELATING TO NUCLEAR NONPROLIFERATION.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

Assessments.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing—

(1) any relevant activities potentially relating to nuclear weapons research and development by the Islamic Republic of Iran; and

(2) any relevant efforts to afford or deny international access in accordance with international nonproliferation agreements.

Time period.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments, for the period beginning on January 1, 2018, and ending on the date of the submittal of the report, of the following:

(1) Activities to research, develop, or enrich uranium or reprocess plutonium with the intent or capability of creating weapons-grade nuclear material.

(2) Research, development, testing, or design activities that could contribute to or inform construction of a device intended to initiate or capable of initiating a nuclear explosion.

(3) Efforts to receive, transmit, store, destroy, relocate, archive, or otherwise preserve research, processes, products, or enabling materials relevant or relating to any efforts assessed under paragraph (1) or (2).

(4) Efforts to afford or deny international access, in accordance with international nonproliferation agreements, to locations, individuals, and materials relating to activities described in paragraph (1), (2), or (3).

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

SEC. 611. ANNUAL REPORTS ON SECURITY SERVICES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

(a) FINDING.—Congress finds that the National People's Congress of the People's Republic of China promulgated the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region on June 30, 2020. 50 USC 3237a note.

(b) REPORTS.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.), is amended by inserting after section 1107 the following new section:

"SEC. 1107A. ANNUAL REPORTS ON SECURITY SERVICES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION. 50 USC 3237a.

"(a) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the congressional intelligence committees;

"(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

"(C) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

"(2) CHINESE SECURITY SERVICES.—The term 'Chinese security services' means—

"(A) the security services of the Government of the People's Republic of China, including the Ministry of State Security and the Ministry of Public Security; and

"(B) any known front organizations or aliases associated with such security services, including officers associated with the national security division of the Hong Kong Police Force and other officers of the Hong Kong Police Force selected by the Committee for Safeguarding National Security to work on matters relating to national security.

"(b) REQUIREMENT.—On an annual basis through 2047, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the presence and activities of Chinese security services operating within the Hong Kong Special Administrative Region. Time period.

"(c) CONTENTS.—Each report under subsection (b) shall include, with respect to the year covered by the report, the following:

"(1) Identification of the approximate number of personnel affiliated with Chinese security services operating within the Hong Kong Special Administrative Region, including a breakdown of such personnel by the specific security service and

the division of the security service, and (to the extent possible) an identification of any such personnel associated with the national security division of the Hong Kong Police Force.

"(2) A description of the command and control structures of such security services, including information regarding the extent to which such security services are controlled by the Government of the Hong Kong Special Administrative Region or the Government of the People's Republic of China.

"(3) A description of the working relationship and coordination mechanisms of the Chinese security services with the police force of the Hong Kong Special Administrative Region.

Assessments.

"(4) A description of the activities conducted by Chinese security services operating within the Hong Kong Special Administrative Region, including—

"(A) information regarding the extent to which such security services, and officers associated with the national security division of the Hong Kong Police Force, are engaged in frontline policing, serving in advisory and assistance roles, or both;

"(B) an assessment of the likelihood of such security services conducting renditions of individuals from the Hong Kong Special Administrative Region to China and a listing of every known individual subject to such rendition during the year covered by the report; and

"(C) an assessment of how such activities conducted by Chinese security services contribute to self-censorship and corruption within the Hong Kong Special Administrative Region.

Overview.

"(5) A discussion of the doctrine and tactics employed by Chinese security services operating within the Hong Kong Special Administrative Region, including an overview of the extent to which such security services employ surveillance, detection, and control methods, including 'high-tech' policing models and 'preventative policing tactics', that are consistent with the rise of digital authoritarianism, and used in a manner similar to methods used in the Xinjiang region of China.

"(6) An overview of the funding for Chinese security services operating within the Hong Kong Special Administrative Region, including an assessment of the extent to which funding is drawn locally from the Hong Kong Special Administrative Region Government or from the Government of China.

"(7) A discussion of the various surveillance technologies used by security services operating within the Hong Kong Special Administrative Region, including—

List.

"(A) a list of the key companies that provide such technologies; and

Assessment.

"(B) an assessment of the degree to which such technologies can be accessed by Chinese security services operating within the Hong Kong Special Administrative Region.

"(d) COORDINATION.—In carrying out subsection (b), the Director shall coordinate with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, the Assistant Secretary of State for the Bureau of Intelligence and Research, and any other relevant head of an element of the intelligence community.

"(e) FORM.—Each report submitted to the appropriate congressional committees under subsection (b) shall be submitted in unclassified form, but may include a classified annex.".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1107 the following new item:

"Sec. 1107A. Annual reports on security services of the People's Republic of China in the Hong Kong Special Administrative Region.".

SEC. 612. RESEARCH PARTNERSHIP ON ACTIVITIES OF PEOPLE'S REPUBLIC OF CHINA.

50 USC 3045 note.

(a) RESEARCH PARTNERSHIP.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall seek to enter into a partnership with an academic or non-profit research institution to—

(A) carry out joint unclassified geospatial intelligence analyses of the activities of the People's Republic of China that pose risks to the national security interests of the United States; and

(B) make available on a publicly available internet website unclassified geospatial intelligence products relating to such analyses.

Public information. Web posting.

(2) ELEMENTS.—The Director shall ensure that the activities of China analyzed under paragraph (1)(A) include the following:

(A) Any notable developments relating to the global activities of the People's Liberation Army Ground Force, the People's Liberation Army Navy, the People's Liberation Army Air Force, the People's Liberation Army Rocket Force, the People's Liberation Army Strategic Support Force, and the Chinese People's Armed Police Force Coast Guard Corps.

(B) Infrastructure projects associated with the "One Belt, One Road" Initiative.

(C) Maritime land reclamation activities conducted by China in the South China Sea, the Indian Ocean region, and the broader maritime commons.

(D) Matters relevant to global public health and climate security, including—

(i) indications and warnings of disease outbreaks with pandemic potential;

(ii) the activities of China likely contributing to climate change; and

(iii) any environmental degradation directly resulting from the practices of China.

(3) CONSORTIUM.—In carrying out paragraph (1), the Director may enter into a partnership with—

(A) one research institution; or

(B) a consortium of research institutions if the Director determines that the inclusion of multiple institutions will result in more effective research conducted pursuant to this section or improve the outcomes of such research.

Determination.

(4) DURATION.—The Director shall carry out a partnership under this section for a period that is not less than 10 years following the date of the enactment of this Act.

(5) IMPROVEMENTS TO PARTNERSHIP.—The Director may modify the partnership under paragraph (1) or select a new research institution with which to enter into such a partnership if—

Consultation.

(A) the Director consults with the congressional intelligence committees with respect to the proposed modified or new partnership;

(B) the modified or new partnership is carried out in accordance with this section; and

Determination.

(C) the Director determines that the modified or new partnership will result in more effective research conducted pursuant to this section or improve the outcomes of such research.

(b) OPEN-SOURCE DATA.—

(1) IDENTIFICATION AND PUBLICATION.—During the life of the partnership under subsection (a), the Director shall regularly—

(A) identify raw, unclassified geospatial data that could improve the research conducted under the partnership if the data was made publicly available; and

Public information.

(B) make such data publicly available.

(2) CONSULTATION.—The Director shall carry out paragraph (1) in consultation with the research institution or consortium of research institutions involved with the partnership under subsection (a).

Deadline.

(c) BRIEFINGS.—Not later than 270 days after the date of the enactment of this Act, and annually thereafter during the life of the partnership under subsection (a), the Director shall provide to the appropriate congressional committees a briefing on the partnership. Each such briefing shall include the following:

(1) The outcomes of research conducted under the partnership.

(2) Identification of the actions that have been taken to increase the quantity and quality of unclassified geospatial analysis products made publicly available under the partnership, including the quantity and types of raw data the partnership has made publicly available.

(3) Identification of actual and projected costs to carry out the partnership.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional intelligence committees;

(2) Committee on Foreign Relations and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) Committee on Foreign Affairs and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 613. REPORT ON THE PHARMACEUTICAL AND PERSONAL PROTECTIVE EQUIPMENT REGULATORY PRACTICES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report on—

(1) the pharmaceutical and personal protective equipment regulatory practices of the People's Republic of China; and

(2) the effects of such practices on the national security of the United States.

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

(1) An assessment of the quantity of active pharmaceutical ingredients produced annually within China.

(2) An estimate of the percentage of active pharmaceutical ingredients produced globally that originate in China. Estimate.

(3) A description of the National Medical Products Administration of China, including with respect to—

(A) the roles and responsibilities of the Administration;

(B) the organizational structure of the Administration; and

(C) any affiliated institutions of the National Medical Products Administration.

(4) An assessment of the capacity of the National Medical Products Administration to effectively develop safety standards, efficacy standards, and any other relevant standards concerning the production of active pharmaceutical ingredients and pharmaceutical drugs.

(5) An assessment of the capacity of the National Medical Products Administration to enforce standards on the production and distribution of active pharmaceutical ingredients and pharmaceutical drugs.

(6) An overview of qualitative disparities between active pharmaceutical ingredients and pharmaceutical drugs approved by the National Medical Products Administration and similar drugs subject to regulatory oversight and approval in the markets of the member states of the Organisation for Economic Co-operation and Development.

(7) An assessment of the qualitative disparities between the standards and enforcement practices of the National Medical Products Administration on the production and distribution of active pharmaceutical ingredients and pharmaceutical drugs and the good manufacturing practice guidelines issued by the International Council for Harmonization of Technical Requirements for Pharmaceuticals for Human Use.

(8) An assessment of the susceptibility of the National Medical Products Administration, the subordinate organizations of the National Medical Products Administration, and other associated personnel to engage in corrupt practices, particularly practices that relate to assessing the safety of pharmaceutical ingredients and other pharmaceutical drugs within the authority of the National Medical Products Administration.

(9) An assessment of the national security risks associated with the reliance by the United States on pharmaceutical ingredients and pharmaceutical drugs originating in China, including an assessment of how and whether China could leverage its production of certain pharmaceutical ingredients as

a means to coerce the United States or the partners and allies of the United States.

(10) An assessment of the percentage of personal protective equipment produced globally that originates in China.

(11) An assessment of the national security risks associated with any reliance by the United States on personal protective equipment originating in China, including an assessment of how and whether China could leverage its production of personal protective equipment as a means to coerce the United States or the partners and allies of the United States.

(c) COORDINATION.—In carrying out subsection (a), the Director shall coordinate with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and any other relevant head of an element of the intelligence community as well as the Commissioner of the Food and Drug Administration.

(d) FORM.—The report submitted to the appropriate congressional committees under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committee on Foreign Relations and the Committee on Finance of the Senate.

SEC. 614. NATIONAL INTELLIGENCE ESTIMATE ON SITUATION IN AFGHANISTAN.

(a) REQUIREMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall produce a National Intelligence Estimate on the situation in Afghanistan.

Assessment.

(b) MATTERS.—The National Intelligence Estimate produced under subsection (a) shall include an assessment of the prospects of a durable intra-Afghan settlement of the conflict in Afghanistan that leads to—

(1) a permanent ceasefire and sustained reduction in violence;

(2) a verifiable break between the Taliban and al-Qaeda;

(3) verifiable cooperation by the Taliban in efforts against al-Qaeda, the Islamic State of Iraq and the Levant Khorasan, and associated international terrorists the intelligence community determines are active in Afghanistan and pose a threat to the United States homeland or United States interests abroad; and

(4) sustainment of the social and human rights progress achieved by Afghan women and girls since 2001.

(c) SUBMISSION TO CONGRESS.—

Deadline.

(1) SUBMISSION.—Not later than February 1, 2021, the Director shall submit to the congressional intelligence committees the National Intelligence Estimate produced under subsection (a), including all intelligence reporting underlying the Estimate.

(2) NOTICE REGARDING SUBMISSION.—If before February 1, 2021, the Director determines that the National Intelligence Estimate produced under subsection (a) cannot be submitted by such date, the Director shall (before such date)— Deadline. Determination.

(A) submit to the congressional intelligence committees a report setting forth the reasons why the National Intelligence Estimate cannot be submitted by such date and an estimated date for the submission of the National Intelligence Estimate; and

(B) testify before the congressional intelligence committees on the issues that will be covered by the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate shall be submitted under paragraph (1) in classified form.

(d) PUBLIC VERSION.—Consistent with the protection of intelligence sources and methods, at the same time as the Director submits to the congressional intelligence committees the National Intelligence Estimate under subsection (c), the Director shall make publicly available on the internet website of the Director an unclassified version of the key findings of the National Intelligence Estimate. Web posting.

SEC. 615. ASSESSMENT REGARDING TENSIONS BETWEEN ARMENIA AND AZERBAIJAN.

(a) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a written assessment regarding tensions between the governments of Armenia and Azerbaijan, including with respect to the status of the Nagorno-Karabakh region. Such assessment shall include each of the following: Deadline.

(1) An identification of the strategic interests of the United States and its partners in the Armenia-Azerbaijan region.

(2) A description of all significant uses of force in and around the Nagorno-Karabakh region and the border between Armenia and Azerbaijan during calendar year 2020, including a description of each significant use of force and an assessment of who initiated the use of such force.

(3) An assessment of the effect of United States military assistance to Azerbaijan and Armenia on the regional balance of power and the likelihood of further use of military force.

(4) An assessment of the likelihood of any further uses of force or potentially destabilizing activities in the region in the near- to medium-term.

(b) FORM OF ASSESSMENT.—The assessment required under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 616. SENSE OF CONGRESS ON THIRD OPTION FOUNDATION.

It is the sense of the Congress that—

(1) the work of the Third Option Foundation to heal, help, and honor members of the special operations community of the Central Intelligence Agency and their families is invaluable; and

(2) the Director of the Central Intelligence Agency should work closely with the Third Option Foundation in implementing section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b), as added by section 6412 of the Damon

Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116–92).

SEC. 617. ANNUAL REPORTS ON WORLDWIDE THREATS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 108A the following new section:

50 USC 3043b.

"SEC. 108B. ANNUAL REPORTS ON WORLDWIDE THREATS.

"(a) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term 'appropriate congressional committees' means—

"(1) the congressional intelligence committees; and

"(2) the Committees on Armed Services of the House of Representatives and the Senate.

Coordination.

"(b) ANNUAL REPORTS.—Not later than the first Monday in February 2021, and each year thereafter, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the appropriate congressional committees a report containing an assessment of the intelligence community with respect to worldwide threats to the national security of the United States.

"(c) FORM.—Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex only for the protection of intelligence sources and methods relating to the matters contained in the report.

"(d) HEARINGS.—

Consultation.
Testimony.

"(1) OPEN HEARINGS.—Upon request by the appropriate congressional committees, the Director (and any other head of an element of the intelligence community determined appropriate by the committees in consultation with the Director) shall testify before such committees in an open setting regarding a report under subsection (b).

"(2) CLOSED HEARINGS.—Any information that may not be disclosed during an open hearing under paragraph (1) in order to protect intelligence sources and methods may instead be discussed in a closed hearing that immediately follows such open hearing.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 108A the following new item:

"Sec. 108B. Annual reports on world-wide threats.".

SEC. 618. ANNUAL REPORT ON CLIMATE SECURITY ADVISORY COUNCIL.

Section 120 of the National Security Act of 1947 (50 U.S.C. 3060), as amended by section 405, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ANNUAL REPORT.—Not later than January 31, 2021, and not less frequently than annually thereafter, the chair of the Council shall submit, on behalf of the Council, to the congressional intelligence committees a report describing the activities of the Council as described in subsection (c) during the year preceding the year during which the report is submitted.".

SEC. 619. IMPROVEMENTS TO FUNDING FOR NATIONAL SECURITY EDUCATION PROGRAM.

(a) FUNDING FOR SCHOLARSHIP, FELLOWSHIP, AND GRANT PROGRAMS.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended—

(1) in subsection (c), by striking "for each fiscal year, beginning with fiscal year 2005," and inserting "for each of fiscal years 2005 through 2021"; and

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

"(d) FISCAL YEARS BEGINNING WITH FISCAL YEAR 2022.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2022, $8,000,000, to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).".

(b) FUNDING FOR NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—Section 811 of such Act (50 U.S.C. 1911) is amended—

(1) in subsection (a), by striking " $10,000,000" and inserting " $16,000,000"; and

(2) in subsection (b), by striking "for each fiscal year, beginning with fiscal year 2005," and inserting "for each of fiscal years 2005 through 2021".

(c) FUNDING FOR SCHOLARSHIP PROGRAM FOR ADVANCED ENGLISH LANGUAGE STUDIES.—Section 812 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1912) is amended—

(1) in subsection (a), by striking "for each fiscal year, beginning with fiscal year 2005," and inserting "for each of fiscal years 2005 through 2021";

(2) by redesignating subsection (b) as subsection (c);

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

"(b) FISCAL YEARS BEGINNING WITH FISCAL YEAR 2022.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2022, $2,000,000, to carry out the scholarship programs for English language studies by certain heritage community citizens under section 802(a)(1)(E).."; and

(4) in subsection (c), as so redesignated, by striking "subsection (a)" and inserting "this section".

SEC. 620. REPORT ON BEST PRACTICES TO PROTECT PRIVACY, CIVIL LIBERTIES, AND CIVIL RIGHTS OF CHINESE AMERICANS.

(a) REPORT.—Section 5712 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116–92; 133 Stat. 2171) is— 50 USC 3240.

(1) transferred to title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.);

(2) inserted after section 1109 of such title, as added by section 308;

(3) redesignated as section 1110; and

(4) amended—

(A) in the heading, by striking "and civil liberties" and inserting ", civil liberties, and civil rights"; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1) by striking "Not later than 180 days after the date of the enactment of this Act," and inserting "On an annual basis,"; and

(ii) by striking "and civil liberties", each place it appears and inserting ", civil liberties, and civil rights".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Security Act of 1947 is amended by inserting after the item relating to section 1109, as added by section 308, the following new item:

"Sec. 1110. Report on best practices to protect privacy, civil liberties, and civil rights of Chinese Americans.".

SEC. 621. NATIONAL INTELLIGENCE ESTIMATE ON THREAT OF GLOBAL PANDEMIC DISEASE.

(a) NATIONAL INTELLIGENCE ESTIMATE.—

Assessments.

(1) REQUIREMENT.—The Director of National Intelligence, acting through the National Intelligence Council, shall produce a National Intelligence Estimate on the threat of global pandemic disease, including with respect to the following:

(A) An assessment of the possible courses of the COVID–19 pandemic during the 18 months following the date of the Estimate, including—

(i) the projected spread of COVID–19 outside the United States and the likelihood of subsequent major outbreaks;

(ii) the capacity of countries and international organizations to combat the further spread of COVID–19, including risks and opportunities for further global cooperation; and

(iii) the risks to the national security and health security of the United States if COVID–19 is not contained abroad.

(B) An assessment of the global public health system and the responses of the system to the COVID–19 pandemic, including—

(i) prospects for an effective global disease surveillance and response system, opportunities to advance the development of such a system, and signposts for evaluating whether or not an effective system has been developed before a disease outbreak occurs; and

(ii) an assessment of global health system capacity.

(C) An assessment of—

(i) the humanitarian and economic implications of the COVID–19 pandemic; and

(ii) the consequences of the COVID–19 pandemic with respect to political stability, armed conflict, democratization, and the global leadership by the United States of the post-World War II international system.

(D) An assessment of—

(i) likely threats by global pandemic diseases during the 10-year period following the date of the Estimate;

(ii) global readiness to avert a future global pandemic;

(iii) challenges and opportunities for the policy of the United States to advance global pandemic preparedness; and

(iv) the potential role of non-state and state-backed global influence activities or disinformation campaigns involving COVID–19 or future potential global pandemics.

(E) Any other matters the Director determines appropriate.

(2) SUBMISSION TO CONGRESS.—

(A) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate the National Intelligence Estimate produced under paragraph (1), including all intelligence reporting underlying the Estimate. Deadline.

(B) NOTICE REGARDING SUBMISSION.—If before the end of the 90-day period specified in subparagraph (A) the Director determines that the National Intelligence Estimate under paragraph (1) cannot be submitted by the end of that period, the Director shall (before the end of that period)— Determination.

(i) submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report setting forth—

(I) the reasons why the National Intelligence Estimate cannot be submitted by the end of that period; and

(II) an estimated date for the submission of the National Intelligence Estimate; and

(ii) testify before such committees on the issues that will be covered by the National Intelligence Estimate. Testimony.

(C) FORM.—The National Intelligence Estimate shall be submitted under subparagraph (A) in classified form. Classified information.

(3) PUBLIC VERSION.—Consistent with the protection of intelligence sources and methods, at the same time as the Director submits to the congressional intelligence committees the National Intelligence Estimate under paragraph (2), the Director shall make publicly available on the internet website of the Director, an unclassified version of the National Intelligence Estimate. Web posting.

(4) CONSULTATION.—The Director shall prepare the National Intelligence Estimate under paragraph (1) in consultation with the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of State, and any other head of an element of the Federal Government the Director of National Intelligence determines appropriate.

(b) FUTURE PANDEMIC PLAN.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall make publicly available on the internet website of the President a report containing a whole-of-government plan for an effective response President. Public information. Web posting. Reports.

to subsequent major outbreaks of the COVID–19 pandemic and for other future global pandemic diseases.

(2) MATTERS INCLUDED.—The plan under paragraph (1) shall address how to improve the following:

(A) Pandemic planning.

(B) Homeland preparedness.

(C) International disease surveillance.

(D) Diagnostic testing.

(E) Contact tracing.

(F) The role of the Federal Government with respect to the regulation, acquisition, and disbursement, of medical supplies and other public health resources necessary to respond to COVID–19 or other diseases with pandemic potential (including diagnostic testing equipment, biomedical equipment, drugs and medicines, and hygiene equipment).

(G) The procurement and distribution of personal protective equipment.

(H) Early domestic response to future global pandemic diseases in the United States.

President. Coordination. Public information. Web posting. Reports.

(c) GLOBAL STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President, in coordination with the Director of National Intelligence, shall make publicly available on the internet website of the President a report containing a global strategy for mobilizing international institutions to combat the COVID–19 pandemic.

SEC. 622. MODIFICATION OF REQUIREMENT FOR BRIEFINGS ON NATIONAL SECURITY EFFECTS OF EMERGING INFECTIOUS DISEASE AND PANDEMICS.

Section 6722(b)(2) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116–98) is amended—

50 USC 3024 note.

(1) in the paragraph heading, by striking "QUINQUENNIAL" and inserting "ANNUAL";

(2) by striking "beginning on the date that is 5 years after the date on which the Director submits the report under paragraph (1), and every 5 years thereafter" and inserting "not later than January 31, 2021, and annually thereafter"; and

(3) by inserting "required under paragraph (1)" before the period at the end.

SEC. 623. INDEPENDENT STUDY ON OPEN-SOURCE INTELLIGENCE.

Contracts.

(a) STUDY.—The Director of National Intelligence shall seek to enter into an agreement with a federally funded research and development center or a nongovernmental entity to conduct a comprehensive study on the future of the collection, processing, exploitation, analysis, dissemination, and evaluation of open-source intelligence by the intelligence community. The Director shall select such entity in consultation with the congressional intelligence committees.

Recommendations.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) Recommendations with respect to the governance of open-source intelligence within the intelligence community, including regarding—

(A) whether such governance of open-source intelligence should be assigned to a functional manager or an executive agent, or use another governance structure;

(B) which official of the intelligence community should serve as such a functional manager, executive agent, or the leader of such other governance structure, and what authorities the official should have in serving in such role;

(C) which official of the intelligence community should be responsible for conducting oversight by the executive branch for open-source intelligence;

(D) which elements of the intelligence community should retain capabilities to collect, process, exploit, and disseminate open-source intelligence;

(E) how to effectively integrate such collection capabilities among the elements of the intelligence community; and

(F) whether to establish a new agency as an element of the intelligence community dedicated to open-source intelligence or to establish a fusion center to co-locate open-source intelligence capabilities of the elements of the intelligence community, including a discussion of the advantages and disadvantages of each such approach.

(2) Recommendations regarding the requirements processes for open-source intelligence, including with respect to—

(A) the utility (or disutility) of a unified collection management process for open-source intelligence for all of the intelligence community;

(B) what such a process might look like;

(C) ways to integrate an open-source requirements process into all-source collection management; and

(D) ways that automation might be leveraged to facilitate open-source requirements and collection management.

(3) An assessment of the value of rejuvenating a career service for a professional cadre of the intelligence community that focuses on collecting and disseminating open-source intelligence and recommendations for such a rejuvenation. Assessment.

(4) Recommendations regarding the need to adjust any legal and policy frameworks (including any applicable guidelines of the Attorney General) that would facilitate the collection, retention, and dissemination of open-source intelligence while balancing customer needs with the privacy interests of United States persons.

(5) An assessment of methods to use open-source intelligence to support the operations of the intelligence community, including recommendations on when and how open-source intelligence should support such operations. Assessment.

(6) With respect to the data management of open-source intelligence, recommendations on proposed data ingestion tools, scraping capabilities, and other tools and capabilities to collect, process, exploit, and analyze the volume of open-source intelligence, including recommendations on how the intelligence community can increase the speed and security with which the intelligence community adopts open-source technology and unclassified commercial products.

(7) Any other matters the Director or the entity selected to conduct the study determines appropriate.

(c) COOPERATION.—The Director shall make available to the entity selected to conduct the study under subsection (a) the necessary information and materials to conduct the study, including with respect to—

(1) accessing secure workspaces;

(2) accessing directives and policy guidance of the intelligence community and other policy documents regarding the governance and execution of open-source intelligence;

(3) reviewing technological systems used to conduct open-source intelligence collection;

(4) interviewing senior personnel of the intelligence community, including such personnel with responsibility for the open-source intelligence mission of the intelligence community; and

(5) ensuring that each head of an element of the intelligence community provides the cooperation described in this subsection.

(d) CONSULTATION.—The entity selected to conduct the study under subsection (a) shall consult with the congressional intelligence committees before beginning to conduct such study.

(e) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report containing the study under subsection (a), without change. The report shall be unclassified, but may include a classified annex.

SEC. 624. SURVEY ON OPEN SOURCE ENTERPRISE.

(a) SURVEY.—The Director of the Central Intelligence Agency (as the open source functional manager for the intelligence community), in consultation with the Director of National Intelligence and any other head of an element of the intelligence community that the Director of the Central Intelligence Agency determines appropriate, shall conduct a survey to measure the satisfaction of customers of open-source intelligence with the Open Source Enterprise of the Central Intelligence Agency.

Evaluations.

(b) PURPOSE.—The Director shall ensure that the survey under subsection (a)—

(1) evaluates which types of open-source intelligence supports the missions of the customers of such intelligence, regardless of whether the customers are elements of the intelligence community and regardless of whether the customers are receiving such intelligence from the Open Source Enterprise;

(2) evaluates how responsive the Open Source Enterprise is to the missions of the elements of the intelligence community and the other customers of the Open Source Enterprise;

(3) enables the Open Source Enterprise to set strategic priorities; and

(4) enables Congress to better oversee the strategic direction of the Open Source Enterprise and to provide support to the collection and analysis of open-source intelligence.

(c) CONTENTS.—

(1) ASSESSMENT.—The survey under subsection (a) shall include qualitative and quantitative questions designed to assess the following:

(A) The value of support provided by the Open Source Enterprise to the mission of the customer taking the survey.

(B) The accessibility of the products of the Open Source Enterprise.

(C) The frequency that such products are used in accomplishing the mission of the customer.

(D) The responsiveness of the Open Source Enterprise to tasking requests.

(E) Areas in which the Open Source Enterprise could improve.

(F) The in-house open-source intelligence capabilities of the customer taking the survey, including—

(i) a description of such capabilities;

(ii) how such capabilities are tailored to the mission of the customer;

(iii) when such capabilities were established; and

(iv) whether and to what extent the customer coordinates with the Open Source Enterprise regarding such capabilities.

(2) SURVEY ANSWERS.—A customer who receives the survey under subsection (a) shall make all reasonable efforts to respond fully and frankly to the survey.

(d) DESIGN METHODOLOGY.—In carrying out subsection (a), the Director of Central Intelligence shall seek advice regarding design methodology for customer satisfaction surveys from—

(1) experts in survey design of the Central Intelligence Agency and the Office of the Director of National Intelligence; and

(2) senior executives of the Bureau of Intelligence and Research of the Department of State who conduct a survey similar to the survey under subsection (a).

(e) REPORT.—

(1) STRATEGY.—Not later than 180 days after the date on which the survey is completed under subsection (a), the Director shall submit to the congressional intelligence committees a report on the strategic direction of the Open Source Enterprise based on the results of the survey, including explanations of how the Open Source Enterprise will—

(A) build off the successes of the Open Source Enterprise; and

(B) fill gaps in the collection, production, analysis, or dissemination of open-source intelligence.

(2) FORM.—The report under paragraph (1) shall be submitted in classified form. Classified information.

(3) BRIEFING.—Not later than 30 days after the date on which the Director submits to the congressional intelligence committees the report under paragraph (1), the Director shall provide to such committees a briefing on the strategic direction of the Open Source Enterprise. Deadline.

SEC. 625. SENSE OF CONGRESS ON REPORT ON MURDER OF JAMAL KHASHOGGI.

(a) FINDINGS.—Congress finds the following:

(1) There is a strong bipartisan conviction, shared widely throughout the legislative and executive branches of the United States Government and elsewhere, that ensuring full accountability for the brutal murder on October 2, 2018, of Jamal Khashoggi, a former Washington Post columnist and resident

of the United States, is in the public interest and also the national interest of the United States.

(2) Section 5714 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116–92; 133 Stat. 2173) required the Director of National Intelligence to submit to Congress a written report in "unclassified form" that includes "identification of those who carried out, participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi.".

(3) Section 1277 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1701) likewise obligated the Director to submit to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate a written report on the assessment of the intelligence community regarding Mr. Khashoggi's brutal murder.

(4) Such section 1277 specifically called, among other things, for a determination and presentation of evidence with respect to the advance knowledge and role of any current or former official of the Government of Saudi Arabia or any current or former senior Saudi political figure over the directing, ordering, or tampering of evidence in relation to Mr. Khashoggi's murder.

(5) Such section 1277 also required the Director to submit a list of foreign persons whom the Director has high confidence were responsible for, complicit in, or otherwise knowingly and materially assisted the murder, or impeded its impartial investigation, or who ordered or otherwise directed an act or acts contributing to or causing the murder.

(6) Contrary to the unambiguous and lawful command of Congress under such sections 5714 and 1277, the Director did not produce any unclassified report as required by either such section, and instead, on February 20, 2020, the Director submitted to such committees a classified report, which the Director referred to as an "annex".

(7) The evident belief of the Director that no unclassified information can be produced in accordance with the directives of Congress is dubious, in light of the extensive body of credible, unclassified reporting available regarding the murder of Mr. Khashoggi, and the roles and culpability of officials at the highest levels of the Government of Saudi Arabia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Director of National Intelligence should reasonably have been able to produce an unclassified report pursuant to section 5714 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 and section 1277 of the National Defense Authorization Act for Fiscal Year 2020 that did not alter or obscure, in any way, the intelligence community's core determinations, its presentation of evidence, or identification of relevant persons, as required, without putting sources and methods at risk.

DIVISION X—SUPPORTING FOSTER YOUTH AND FAMILIES THROUGH THE PANDEMIC

Supporting Foster Youth and Families through the Pandemic Act.

SEC. 1. SHORT TITLE.

42 USC 1305 note.

This division may be cited as the "Supporting Foster Youth and Families through the Pandemic Act".

SEC. 2. DEFINITIONS.

42 USC 629h note.

In this Act:

(1) COVID–19 PUBLIC HEALTH EMERGENCY.—The term "COVID–19 public health emergency" means the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act, entitled "Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus".

(2) COVID–19 PUBLIC HEALTH EMERGENCY PERIOD.—The term "COVID–19 public health emergency period" means the period beginning on April 1, 2020 and ending with September 30, 2021.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 3. CONTINUED SAFE OPERATION OF CHILD WELFARE PROGRAMS AND SUPPORT FOR OLDER FOSTER YOUTH.

42 USC 677 note.

(a) FUNDING INCREASES.—

(1) INCREASE IN SUPPORT FOR CHAFEE PROGRAMS.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $400,000,000 for fiscal year 2021, to carry out section 477 of the Social Security Act, in addition to any amounts otherwise made available for such purpose.

(2) EDUCATION AND TRAINING VOUCHERS.—Of the amount made available by reason of paragraph (1) of this subsection, not less than $50,000,000 shall be reserved for the provision of vouchers pursuant to section 477(h)(2) of the Social Security Act.

(3) APPLICABILITY OF TECHNICAL ASSISTANCE TO ADDITIONAL FUNDS.—

(A) IN GENERAL.—Section 477(g)(2) of the Social Security Act shall apply with respect to the amount made available by reason of paragraph (1) of this subsection as if the amount were included in the amount specified in section 477(h) of such Act.

(B) RESERVATION OF FUNDS.—

(i) IN GENERAL.—Of the amount to which section 477(g)(2) of the Social Security Act applies by reason of subparagraph (A) of this paragraph, the Secretary shall reserve not less than $500,000 to provide technical assistance to a State implementing or seeking to implement a driving and transportation program for foster youth.

(ii) PROVIDER QUALIFICATIONS.—The Secretary shall ensure that the entity providing the assistance has demonstrated the capacity to—

(I) successfully administer activities in 1 or more States to provide driver's licenses to youth who are in foster care under the responsibility of the State; and

(II) increase the number of such foster youth who obtain a driver's license.

(4) INAPPLICABILITY OF STATE MATCHING REQUIREMENT TO ADDITIONAL FUNDS.—In making payments under subsections (a)(4) and (e)(1) of section 474 of the Social Security Act from the additional funds made available as a result of paragraphs (1) and (2) of this subsection, the percentages specified in subsections (a)(4)(A)(i) and (e)(1) of such section are, respectively, deemed to be 100 percent.

(5) MAXIMUM AWARD AMOUNT.—The dollar amount specified in section 477(i)(4)(B) of the Social Security Act through the end of fiscal year 2022 is deemed to be $12,000.

(6) INAPPLICABILITY OF NYTD PENALTY TO ADDITIONAL FUNDS.—In calculating any penalty under section 477(e)(2) of the Social Security Act with respect to the National Youth in Transition Database (NYTD) for April 1, 2020, through the end of fiscal year 2022, none of the additional funds made available by reason of paragraphs (1) and (2) of this subsection shall be considered to be part of an allotment to a State under section 477(c) of such Act.

Time period.

(b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR ASSISTANCE.—During fiscal years 2020 and 2021, a child may be eligible for services and assistance under section 477 of the Social Security Act until the child attains 27 years of age, notwithstanding any contrary certification made under such section.

(c) SPECIAL RULE.—With respect to funds made available by reason of subsection (a) that are used during the COVID–19 public health emergency period to support activities due to the COVID–19 pandemic, the Secretary may not require any State to provide proof of a direct connection to the pandemic if doing so would be administratively burdensome or would otherwise delay or impede the ability of the State to serve foster youth.

(d) PROGRAMMATIC FLEXIBILITIES.—During the COVID–19 public health emergency period:

Waiver authority.

(1) SUSPENSION OF CERTAIN REQUIREMENTS UNDER THE EDUCATION AND TRAINING VOUCHER PROGRAM.—The Secretary shall allow a State to waive the applicability of the requirement in section 477(i)(3) of the Social Security Act that a youth must be enrolled in a postsecondary education or training program or making satisfactory progress toward completion of that program if a youth is unable to do so due to the COVID–19 public health emergency.

(2) AUTHORITY TO USE VOUCHERS TO MAINTAIN TRAINING AND POSTSECONDARY EDUCATION.—A voucher provided under a State educational and training voucher program under section 477(i) of the Social Security Act may be used for maintaining training and postsecondary education, including less than full-time matriculation costs or other expenses that are not part of the cost of attendance but would help support youth in remaining enrolled as described in paragraph (1) of this subsection.

(3) AUTHORITY TO WAIVE LIMITATIONS ON PERCENTAGE OF FUNDS USED FOR HOUSING ASSISTANCE AND ELIGIBILITY FOR

SUCH ASSISTANCE.—Notwithstanding section 477(b)(3)(B) of the Social Security Act, a State may use—

(A) more than 30 percent of the amounts paid to the State from its allotment under section 477(c)(1) of such Act for a fiscal year, for room or board payments; and

(B) any of such amounts for youth otherwise eligible for services under section 477 of such Act who—

(i) have attained 18 years of age and not 27 years of age; and

(ii) experienced foster care at 14 years of age or older.

(4) AUTHORITY TO PROVIDE DRIVING AND TRANSPORTATION ASSISTANCE.—

(A) USE OF FUNDS.—Funds provided under section 477 of the Social Security Act may be used to provide driving and transportation assistance to youth described in paragraph (3)(B) who have attained 15 years of age with costs related to obtaining a driver's license and driving lawfully in a State (such as vehicle insurance costs, driver's education class and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile).

(B) MAXIMUM ALLOWANCE.—The amount of the assistance provided for each eligible youth under subparagraph (A) shall not exceed $4,000 per year, and any assistance so provided shall be disregarded for purposes of determining the recipient's eligibility for, and the amount of, any other Federal or federally-supported assistance, except that the State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal or federally-supported programs.

(C) REPORT TO THE CONGRESS.—Within 6 months after the end of the expenditure period, the Secretary shall submit to the Congress a report on the extent to which, and the manner in which, the funds to which subsection (a)(3) applies were used to provide technical assistance to State child welfare programs, monitor State performance and foster youth outcomes, and evaluate program effectiveness.

SEC. 4. PREVENTING AGING OUT OF FOSTER CARE DURING THE PANDEMIC. 42 USC 671 note.

(a) ADDRESSING FOSTER CARE AGE RESTRICTIONS DURING THE PANDEMIC.—A State operating a program under part E of title IV of the Social Security Act may not require a child who is in foster care under the responsibility of the State to leave foster care solely by reason of the child's age. A child may not be found ineligible for foster care maintenance payments under section 472 of such Act solely due to the age of the child or the failure of the child to meet a condition of section 475(8)(B)(iv) of such Act before October 1, 2021.

(b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO AGE OUT DURING THE PANDEMIC.—A State operating a program under the State plan approved under part E of title IV of the Social Security Act (and without regard to whether the State has exercised the option provided by section 475(8)(B) of such Act to extend assistance under such part to older children) shall—

(1) permit any youth who left foster care due to age during the COVID–19 public health emergency to voluntarily re-enter foster care;

(2) provide to each such youth who was formally discharged from foster care during the COVID–19 public health emergency, a notice designed to make the youth aware of the option to return to foster care;

(3) facilitate the voluntary return of any such youth to foster care; and

(4) conduct a public awareness campaign about the option to voluntarily re-enter foster care for youth who have not attained 22 years of age, who aged out of foster care in fiscal year 2020 or fiscal year 2021, and who are otherwise eligible to return to foster care.

(c) PROTECTIONS FOR YOUTH IN FOSTER CARE.—A State operating a program under the State plan approved under part E of title IV of the Social Security Act shall—

(1) continue to ensure that the safety, permanence, and well-being needs of older foster youth, including youth who remain in foster care and youth who age out of foster care during that period but who re-enter foster care pursuant to this section, are met; and

(2) work with any youth who remains in foster care after attaining 18 years of age (or such greater age as the State may have elected under section 475(8)(B)(iii) of such Act) to develop, or review and revise, a transition plan consistent with the plan referred to in section 475(5)(H) of such Act, and assist the youth with identifying adults who can offer meaningful, permanent connections.

(d) AUTHORITY TO USE ADDITIONAL FUNDING FOR CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF, FACILITATING REENTRY TO, AND PROTECTING YOUTH IN CARE DURING THE PANDEMIC.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, a State to which additional funds are made available as a result of section 3(a) may use the funds to meet any costs incurred in complying with subsections (a), (b), and (c) of this section.

(2) RESTRICTIONS.—

(A) The costs referred to in paragraph (1) must be incurred after the date of the enactment of this section and before October 1, 2021.

(B) The costs of complying with subsection (a) or (c) of this section must not be incurred on behalf of children eligible for foster care maintenance payments under section 472 of the Social Security Act, including youth who have attained 18 years of age who are eligible for the payments by reason of the temporary waiver of the age requirement or the conditions of section 475(8)(B)(iv) of such Act.

(C) A State shall make reasonable efforts to ensure that eligibility for foster care maintenance payments under section 472 of the Social Security Act is determined when a youth remains in, or re-enters, foster care as a result of the State complying with subsections (a) and (c) of this section.

(D) A child who re-enters care during the COVID–19 public health emergency period may not be found ineligible for foster care maintenance payments under section 472 of the Social Security Act solely due to age or the requirements of section 475(8)(B)(iv) of such Act before October 1, 2021.

(e) TERMINATION OF CERTAIN PROVISIONS.—The preceding provisions of this section shall have no force or effect after September 30, 2021.

SEC. 5. FAMILY FIRST PREVENTION SERVICES PROGRAM PANDEMIC FLEXIBILITY.

42 USC 674 note.

During the COVID–19 public health emergency period, each percentage specified in subparagraphs (A)(i) and (B) of section 474(a)(6) of the Social Security Act is deemed to be 100 percent.

SEC. 6. EMERGENCY FUNDING FOR THE MARYLEE ALLEN PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

42 USC 629d note.

(a) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $85,000,000 to carry out section 436(a) of the Social Security Act for fiscal year 2021, in addition to any amounts otherwise made available for such purpose. For purposes of section 436(b) of such Act, the amount made available by the preceding sentence shall be considered part of the amount specified in such section 436(a).

(b) INAPPLICABILITY OF STATE MATCHING REQUIREMENT TO ADDITIONAL FUNDS.—In making payments under section 434(a) of the Social Security Act from the additional funds made available as a result of subsection (a) of this section, the percentage specified in section 434(a)(1) of such Act is deemed to be 100 percent.

SEC. 7. COURT IMPROVEMENT PROGRAM.

42 USC 629h note.

(a) RESERVATION OF FUNDS.—Of the additional amounts made available by reason of section 6 of this Act, the Secretary shall reserve $10,000,000 for grants under subsection (b) of this section for fiscal year 2021, which shall be considered to be made under section 438 of the Social Security Act.

(b) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—From the amounts reserved under subsection (a) of this section, the Secretary shall—

(A) reserve not more than $500,000 for Tribal court improvement activities; and

(B) from the amount remaining after the application of subparagraph (A), make a grant to each highest State court that is approved to receive a grant under section 438 of the Social Security Act for the purpose described in section 438(a)(3) of such Act, for fiscal year 2021.

Grants.

(2) AMOUNT.—The amount of the grant awarded to a highest State court under this subsection shall be the sum of—

(A) $85,000; and

(B) the amount that bears the same ratio to the amount reserved under subsection (a) that remains after the application of paragraph (1)(A) and subparagraph (A) of this paragraph, as the number of individuals in the State in which the court is located who have not attained 21 years of age bears to the total number of such individuals in all States the highest courts of which were awarded

a grant under this subsection (based on the most recent year for which data are available from the Bureau of the Census).

(3) OTHER RULES.—

(A) IN GENERAL.—The grants awarded to the highest State courts under this subsection shall be in addition to any grants made to the courts under section 438 of the Social Security Act for any fiscal year.

Grants.

(B) NO ADDITIONAL APPLICATION.—The Secretary shall award grants to the highest State courts under this subsection without requiring the courts to submit an additional application.

Criteria.

(C) REPORTS.—The Secretary may establish reporting criteria specific to the grants awarded under this subsection.

Compliance.

(D) REDISTRIBUTION OF FUNDS.—If a highest State court does not accept a grant awarded under this subsection, or does not agree to comply with any reporting requirements imposed under subparagraph (C) or the use of funds requirements specified in subsection (c), the Secretary shall redistribute the grant funds that would have been awarded to that court under this subsection among the other highest State courts that are awarded grants under this subsection and agree to comply with the reporting and use of funds requirements.

(E) NO MATCHING REQUIREMENT.—The limitation on the use of funds specified in section 438(d) of such Act shall not apply to the grants awarded under this section.

(c) USE OF FUNDS.—A highest State court awarded a grant under subsection (b) shall use the grant funds to address needs stemming from the COVID–19 public health emergency, which may include any of the following:

(1) Technology investments to facilitate the transition to remote hearings for dependency courts when necessary as a direct result of the COVID–19 public health emergency.

(2) Training for judges, attorneys, and caseworkers on facilitating and participating in remote hearings that comply with due process and all applicable law, ensure child safety and well-being, and help inform judicial decision-making.

(3) Programs to help families address aspects of the case plan to avoid delays in legal proceedings that would occur as a direct result of the COVID–19 public health emergency.

(4) Other purposes to assist courts, court personnel, or related staff related to the COVID–19 public health emergency.

(d) CONFORMING AMENDMENTS.—Section 438 of the Social Security Act (42 U.S.C. 629h) is amended in each of subsections (c)(1) and (d) by striking "2021" and inserting "2022".

42 USC 674 note.

SEC. 8. KINSHIP NAVIGATOR PROGRAMS PANDEMIC FLEXIBILITY.

(a) INAPPLICABILITY OF MATCHING FUNDS REQUIREMENTS.—During the COVID–19 public health emergency period, the percentage specified in section 474(a)(7) of the Social Security Act is deemed to be 100 percent.

Determination.

(b) WAIVER OF EVIDENCE STANDARD.—During the COVID–19 public health emergency period, the requirement in section 474(a)(7) of the Social Security Act that the Secretary determine that a

kinship navigator program be operated in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C) of such Act shall have no force or effect, except that each State with such a program shall provide the Secretary with an assurance that the program will be, or is in the process of being, evaluated for the purpose of building an evidence base to later determine whether the program meets the criteria set forth in such section 471(e)(4)(C).

(c) OTHER ALLOWABLE USES OF FUNDS.—A State may use funds provided to carry out a kinship navigator program—

(1) for evaluations, independent systematic review, and related activities;

(2) to provide short-term support to kinship families for direct services or assistance during the COVID–19 public health emergency period; and

(3) to ensure that kinship caregivers have the information and resources to allow kinship families to function at their full potential, including—

(A) ensuring that those who are at risk of contracting COVID–19 have access to information and resources for necessities, including food, safety supplies, and testing and treatment for COVID–19;

(B) access to technology and technological supports needed for remote learning or other activities that must be carried out virtually due to the COVID–19 public health emergency;

(C) health care and other assistance, including legal assistance and assistance with making alternative care plans for the children in their care if the caregivers were to become unable to continue caring for the children;

(D) services to kinship families, including kinship families raising children outside of the foster care system; and

(E) assistance to allow children to continue safely living with kin.

(d) TERRITORY CAP EXEMPTION.—Section 1108(a)(1) of the Social Security Act shall be applied without regard to any amount paid to a territory pursuant to this section that would not have been paid to the territory in the absence of this section. Applicability.

SEC. 9. ADJUSTMENT OF FUNDING CERTAINTY BASELINES FOR FAMILY FIRST TRANSITION ACT FUNDING CERTAINTY GRANTS.

Section 602(c)(2) of division N of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended— 133 Stat. 3120.

(1) in subparagraph (C), in the matter preceding clause (i), by striking "The calculation" and inserting "Except as provided in subparagraph (G), the calculation"; and

(2) by adding at the end the following:

"(G) ADJUSTMENT OF FUNDING CERTAINTY BASELINES.—

"(i) HOLD HARMLESS FOR TEMPORARY INCREASE IN FMAP.—For each fiscal year specified in subparagraph (B), the Secretary shall increase the maximum capped allocation for fiscal year 2019 or the final cost neutrality limit for fiscal year 2018 for a State or sub-State jurisdiction referred to in subparagraph (A)(i), by the amount equal to the difference between—

"(I) the amount of the foster care maintenance payments portion of such maximum capped allocation or final cost neutrality limit; and

"(II) the amount that the foster care maintenance payments portion of such maximum capped allocation or final cost neutrality limit would be if the Federal medical assistance percentage applicable to the State under clause (ii) for the fiscal year so specified were used to determine the amount of such portion.

Time period.

"(ii) APPLICABLE FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—For purposes of clause (i)(II), the Federal medical assistance percentage applicable to a State for a fiscal year specified in subparagraph (B) is the average of the values of the Federal medical assistance percentage applicable to the State in each quarter of such fiscal year under section 474(a)(1) of the Social Security Act (42 U.S.C. 674(a)(1)) after application of any temporary increase in the Federal medical assistance percentage for the State and quarter under section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) and any other Federal legislation enacted during the period that begins on July 1, 2020, and ends on December 31, 2021.".

42 USC 711 note.

SEC. 10. ALLOWING HOME VISITING PROGRAMS TO CONTINUE SERVING FAMILIES SAFELY.

(a) IN GENERAL.—For purposes of section 511 of the Social Security Act, during the COVID–19 public health emergency period—

(1) a virtual home visit shall be considered a home visit;

(2) funding for, and staffing levels of, a program conducted pursuant to such section shall not be reduced on account of reduced enrollment in the program; and

(3) funds provided for such a program may be used—

(A) to train home visitors in conducting a virtual home visit and in emergency preparedness and response planning for families served, and may include training on how to safely conduct intimate partner violence screenings remotely, training on safety and planning for families served;

(B) for the acquisition by families enrolled in the program of such technological means as are needed to conduct and support a virtual home visit; and

(C) to provide emergency supplies to families served, regardless of whether the provision of such supplies is within the scope of the approved program, such as diapers, formula, non-perishable food, water, hand soap, and hand sanitizer.

(b) VIRTUAL HOME VISIT DEFINED.—In subsection (a), the term "virtual home visit" means a home visit, as described in an applicable service delivery model, that is conducted solely by the use of electronic information and telecommunications technologies.

(c) AUTHORITY TO DELAY DEADLINES.—

(1) IN GENERAL.—The Secretary may extend the deadline by which a requirement of section 511 of the Social Security Act must be met, by such period of time as the Secretary

deems appropriate, taking into consideration the impact of the COVID–19 public health emergency on eligible entity home visiting programs and the impact of families enrolled in home visiting programs. The Secretary may delay the deadline for submission, waive performance measures, or allow for alternative data sources to be used to show improvement in performance in the manner provided in section 511(d)(1) of such Act. Waiver authority.

(2) DELAY OF DEADLINE FOR STATEWIDE NEEDS ASSESSMENT.—The Secretary may delay the October 1, 2020, deadline for reviewing and updating any needs assessment required by section 511(b)(1) or 511(h)(2)(A) of the Social Security Act, but any such delay shall not affect the timing for, or amount of, any payment to the State involved from the fiscal year allotments available to the State under section 502(c) of such Act.

(3) GUIDANCE.—The Secretary shall provide to eligible entities funded under section 511 of the Social Security Act information on the parameters used in extending a deadline under paragraph (1) or (2) of this subsection.

(d) TIMELY RELEASE OF TITLE V FUNDS.—The authorities provided in this section shall not be interpreted to authorize or require any delay in the timely release of funds under title V of the Social Security Act.

SEC. 11. TECHNICAL CORRECTION TO TEMPORARY INCREASE OF MEDICAID FMAP.

Section 6008 of the Families First Coronavirus Response Act (Public Law 116–127) is amended by adding at the end the following: 42 USC 1396d note.

"(d) APPLICATION TO TITLE IV-E PAYMENTS.—If the District of Columbia receives the increase described in subsection (a) in the Federal medical assistance percentage for the District of Columbia with respect to a quarter, the Federal medical assistance percentage for the District of Columbia, as so increased, shall apply to payments made to the District of Columbia under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) for that quarter, and the payments under such part shall be deemed to be made on the basis of the Federal medical assistance percentage applied with respect to such District for purposes of title XIX of such Act (42 U.S.C. 1396 et seq.) and as increased under subsection (a).".

DIVISION Y—AMERICAN MINER BENEFITS IMPROVEMENT

American Miner Benefits Improvement Act of 2020.

SEC. 1. SHORT TITLE. 30 USC 1201 note.

This division may be cited as the "American Miner Benefits Improvement Act of 2020".

SEC. 2. TRANSFERS TO 1974UMWA PENSION PLAN.

(a) IN GENERAL.—Section 402(h)(2)(C)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(ii)) is amended—

(1) by striking "the Bipartisan American Miners Act of 2019" each place it appears and inserting "the American Miner Benefits Improvement Act of 2020",

(2) by striking "or 2019" in subclause (II) and inserting "2019, or any year thereafter,"

(3) by inserting before "; and" in subclause (II) the following: "(or, in the case of any such health benefits confirmed in any bankruptcy proceeding, would be subsequently denied or reduced)", and

(4) by striking "January 1, 2019" in the second sentence and inserting "January 1, 2020".

(b) INCREASE IN LIMITATION TO ACCOUNT FOR CALCULATION OF HEALTH BENEFIT PLAN EXCESS.—Section 402(i)(3) of such Act (30 U.S.C. 1232(i)(3)) is amended by adding at the end the following new subparagraph:

"(C) INCREASE IN LIMITATION TO ACCOUNT FOR CALCULATION OF HEALTH BENEFIT PLAN EXCESS.—The dollar limitation under subparagraph (A) shall be increased by the amount of the cost to provide benefits which are taken into account under subsection (h)(2)(C)(ii) solely by reason of the amendments made by section 2(a) of the American Miner Benefits Improvement Act of 2020.".

30 USC 1232 note.

(c) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (a)(3).—The amendment made by subsection (a)(3) shall apply to denials and reductions after December 31, 2019.

Energy Act of 2020.

DIVISION Z—ENERGY ACT OF 2020

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

42 USC 17001 note.

(a) SHORT TITLE.—This division may be cited as the "Energy Act of 2020".

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

DIVISION Z—ENERGY ACT OF 2020

Sec. 101. Short title; table of contents.

TITLE I—EFFICIENCY

Sec. 1001. Coordination of energy retrofitting assistance for schools.
Sec. 1002. Use of energy and water efficiency measures in Federal buildings.
Sec. 1003. Energy efficient data centers.
Sec. 1004. Energy-efficient and energy-saving information technologies.
Sec. 1005. Extended Product System Rebate Program.
Sec. 1006. Energy Efficient Transformer Rebate Program.
Sec. 1007. Smart building acceleration.
Sec. 1008. Modifications to the ceiling fan energy conservation standard.
Sec. 1009. Report on electrochromic glass.
Sec. 1010. Energy and water for sustainability.
Sec. 1011. Weatherization Assistance Program.
Sec. 1012. Federal Energy Management Program.
Sec. 1013. CHP Technical Assistance Partnership Program.
Sec. 1014. Smart energy water efficiency pilot program.

TITLE II—NUCLEAR

Sec. 2001. Advanced Nuclear Fuel Availability.
Sec. 2002. Amendments to definitions in Energy Policy Act of 2005.
Sec. 2003. Nuclear energy research, development, demonstration, and commercial application programs.
Sec. 2004. High-performance computation collaborative research program.
Sec. 2005. Nuclear energy budget plan.

Sec. 2006. Organization and administration of programs.
Sec. 2007. Extension and expansion of limitations on importation of uranium from Russian Federation.
Sec. 2008. Fusion energy research.

TITLE III—RENEWABLE ENERGY AND STORAGE

Subtitle A—Renewable Energy Research and Development

Sec. 3001. Water power research and development.
Sec. 3002. Advanced geothermal innovation leadership.
Sec. 3003. Wind energy research and development.
Sec. 3004. Solar energy research and development.
Sec. 3005. Hydroelectric production incentives and efficiency improvements.
Sec. 3006. Conforming amendments.

Subtitle B—Natural Resources Provisions

Sec. 3101. Definitions.
Sec. 3102. Program to improve eligible project permit coordination.
Sec. 3103. Increasing economic certainty.
Sec. 3104. National goal for renewable energy production on Federal land.
Sec. 3105. Facilitation of coproduction of geothermal energy on oil and gas leases.
Sec. 3106. Savings clause.

Subtitle C—Energy Storage

Sec. 3201. Better energy storage technology.
Sec. 3202. Energy storage technology and microgrid assistance program.

TITLE IV—CARBON MANAGEMENT

Sec. 4001. Fossil energy.
Sec. 4002. Establishment of carbon capture technology program.
Sec. 4003. Carbon storage validation and testing.
Sec. 4004. Carbon utilization program.
Sec. 4005. High efficiency turbines.
Sec. 4006. National energy technology laboratory reforms.
Sec. 4007. Study on Blue Hydrogen Technology.
Sec. 4008. Produced water research and development.

TITLE V—CARBON REMOVAL

Sec. 5001. Carbon removal.
Sec. 5002. Carbon dioxide removal task force and report.

TITLE VI—INDUSTRIAL AND MANUFACTURING TECHNOLOGIES

Sec. 6001. Purpose.
Sec. 6002. Coordination of research and development of energy efficient technologies for industry.
Sec. 6003. Industrial emissions reduction technology development program.
Sec. 6004. Industrial Technology Innovation Advisory Committee.
Sec. 6005. Technical assistance program to implement industrial emissions reduction.
Sec. 6006. Development of national smart manufacturing plan.

TITLE VII—CRITICAL MINERALS

Sec. 7001. Rare earth elements.
Sec. 7002. Mineral security.
Sec. 7003. Monitoring mineral investments under Belt and Road Initiative of People's Republic of China.

TITLE VIII—GRID MODERNIZATION

Sec. 8001. Smart grid regional demonstration initiative.
Sec. 8002. Smart grid modeling, visualization, architecture, and controls.
Sec. 8003. Integrated energy systems.
Sec. 8004. Grid integration research and development.
Sec. 8005. Advisory committee.
Sec. 8006. Coordination of efforts.
Sec. 8007. Technology demonstration on the distribution grid.
Sec. 8008. Voluntary model pathways.
Sec. 8009. Performance metrics for electricity infrastructure providers.
Sec. 8010. Voluntary State, regional, and local electricity distribution planning.
Sec. 8011. Micro-grid and integrated micro-grid systems program.
Sec. 8012. Technical amendments; authorization of appropriations.

Sec. 8013. Indian energy.
Sec. 8014. Report on electricity access and reliability.
Sec. 8015. Net metering study and evaluation.

TITLE IX—DEPARTMENT OF ENERGY INNOVATION

Sec. 9001. Office of technology transitions.
Sec. 9002. Lab partnering service pilot program.
Sec. 9003. Technology commercialization fund.
Sec. 9004. Streamlining prize competitions.
Sec. 9005. Milestone-based demonstration projects.
Sec. 9006. Other transaction authority extension.
Sec. 9007. Technology transfer reports and evaluation.
Sec. 9008. Veterans' health initiative.
Sec. 9009. Sustainable Transportation Research and Development.
Sec. 9010. Loan program office title XVII reform.
Sec. 9011. Established Program to Stimulate Competitive Research.

TITLE X—ARPA–E AMENDMENTS

Sec. 10001. ARPA–E amendments.

TITLE XI—OTHER MATTERS

Sec. 11001. Low-Dose Radiation Research.
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TITLE I—EFFICIENCY

42 USC 6371k.

SEC. 1001. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

(a) DEFINITION OF SCHOOL.—In this section, the term "school" means—

(1) an elementary school or secondary school (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(2) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

(3) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)));

(4) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

(5) a school operated by the Bureau of Indian Education;

(6) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

(7) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

Coordination.

(b) DESIGNATION OF LEAD AGENCY.—The Secretary of Energy (in this section referred to as the "Secretary"), acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

(c) REQUIREMENTS.—In carrying out coordination and outreach under subsection (b), the Secretary shall—

Consultation. Coordination.

(1) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

(2) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in paragraph (1), for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

(A) to use existing Federal opportunities more effectively; and

(B) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities, to support the initiation of the projects;

(3) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

(A) to increase the energy efficiency of buildings or facilities;

(B) to install systems that individually generate energy from renewable energy resources;

(C) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

(D) to promote—

(i) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

(ii) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

Website.

(4) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in paragraph (1) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

(5) establish a process for recognition of schools that—

(A) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

(B) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

SEC. 1002. USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.

(a) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5)(A) the status of the energy savings performance contracts and utility energy service contracts of each agency, to the extent that the information is not duplicative of information provided to the Secretary under a separate authority;

"(B) the quantity and investment value of the contracts for the previous year;

"(C) the guaranteed energy savings, or for contracts without a guarantee, the estimated energy savings, for the previous year, as compared to the measured energy savings for the previous year;

"(D) a forecast of the estimated quantity and investment value of contracts anticipated in the following year for each agency; and

"(E)(i) a comparison of the information described in subparagraph (B) and the forecast described in subparagraph (D) in the report of the previous year; and

"(ii) if applicable, the reasons for any differences in the data compared under clause (i).".

(b) DEFINITION OF ENERGY CONSERVATION MEASURES.—Section 551(4) of the National Energy Conservation Policy Act (42 U.S.C. 8259(4)) is amended by striking "or retrofit activities" and inserting "retrofit activities, or energy consuming devices and required support structures".

(c) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(F) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iii) limit the recognition of operation and maintenance savings associated with systems modernized or replaced with the implementation of energy conservation measures, water conservation measures, or any combination of energy conservation measures and water conservation measures.".

(d) MISCELLANEOUS AUTHORITY; EXCLUDED CONTRACTS.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

Applicability.

"(H) MISCELLANEOUS AUTHORITY.—Notwithstanding subtitle I of title 40, United States Code, a Federal agency may accept, retain, sell, or transfer, and apply the proceeds of the sale or transfer of, any energy and water incentive, rebate, grid services revenue, or credit (including a renewable energy certificate) to fund a contract under this title.

"(I) EXCLUDED CONTRACTS.—A contract entered into under this title may not be for work performed—

"(i) at a Federal hydroelectric facility that provides power marketed by a Power Marketing Administration; or

"(ii) at a hydroelectric facility owned and operated by the Tennessee Valley Authority established under the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.).".

(e) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by striking "(and related operation and maintenance expenses)" and inserting ", including related operations and maintenance expenses".

(f) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) in subparagraph (A), by striking "federally owned building or buildings or other federally owned facilities" and inserting "Federal building (as defined in section 551)" each place it appears;

(2) in subparagraph (C), by striking "; and" and inserting a semicolon;

(3) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(E) the use, sale, or transfer of any energy and water incentive, rebate, grid services revenue, or credit (including a renewable energy certificate); and

"(F) any revenue generated from a reduction in energy or water use, more efficient waste recycling, or additional energy generated from more efficient equipment.".

(g) ENERGY AND WATER CONSERVATION MEASURES.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) in the section heading, by inserting "and water" after "energy";

(2) in subsection (b)—

(A) in the subsection heading, by inserting "AND WATER" after "ENERGY"; and

(B) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Each agency shall—

"(A) not later than October 1, 2022, to the maximum extent practicable, begin installing in Federal buildings owned by the United States all energy and water conservation measures determined by the Secretary to be life cycle cost-effective (as defined in subsection (f)(1)); and

Deadline. Determination.

"(B) complete the installation described in subparagraph (A) as soon as practicable after the date referred to in that subparagraph.

"(2) EXPLANATION OF NONCOMPLIANCE.—

"(A) IN GENERAL.—If an agency fails to comply with paragraph (1), the agency shall submit to the Secretary, using guidelines developed by the Secretary, an explanation of the reasons for the failure.

Guidelines.

"(B) REPORT TO CONGRESS.—Not later than January 1, 2022, and every 2 years thereafter, the Secretary shall

submit to Congress a report that describes any noncompliance by an agency with the requirements of paragraph (1).";

(3) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "An agency" and inserting "The head of each agency"; and

(ii) by inserting "or water" after "energy" each place it appears; and

(B) in subparagraph (B)(i), by inserting "or water" after "energy";

(4) in subsection (d)(2), by inserting "and water" after "energy";

(5) in subsection (e)—

(A) in the subsection heading, by inserting "AND WATER" after "ENERGY";

(B) in paragraph (1)—

(i) in the first sentence—

(I) by striking "October 1, 2012" and inserting "October 1, 2022";

(II) by inserting "and water" after "energy"; and

(III) by inserting "and water" after "electricity";

(ii) in the second sentence, by inserting "and water" after "electricity"; and

(iii) in the fourth sentence, by inserting "and water" after "energy";

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "and" before "Federal"; and

(II) by inserting "and any other person the Secretary deems necessary," before "shall";

(ii) in subparagraph (B)—

(I) in clause (i)(II), by inserting "and water" after "energy" each place it appears;

(II) in clause (ii), by inserting "and water" after "energy"; and

(III) in clause (iv), by inserting "and water" after "energy"; and

(iii) by adding at the end the following:

Deadline.

"(C) UPDATE.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall update the guidelines established under subparagraph (A) to take into account water efficiency requirements under this section.";

(D) in paragraph (3), in the matter preceding subparagraph (A), by striking "established under paragraph (2)" and inserting "updated under paragraph (2)(C)"; and

(E) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "this paragraph" and inserting "the Energy Act of 2020"; and

(II) by inserting "and water" before "use in"; and

(ii) in subparagraph (B)(ii), in the matter preceding subclause (I), by inserting "and water" after "energy"; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(ii) by inserting after subparagraph (D) the following:

"(E) ONGOING COMMISSIONING.—The term 'ongoing commissioning' means an ongoing process of commissioning using monitored data, the primary goal of which is to ensure continuous optimum performance of a facility, in accordance with design or operating needs, over the useful life of the facility, while meeting facility occupancy requirements."; Definition.

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "and water" before "use";

(ii) in subparagraph (B)—

(I) by striking "energy" before "efficiency"; and

(II) by inserting "or water" before "use"; and

(iii) by adding at the end the following:

"(C) ENERGY MANAGEMENT SYSTEM.—An energy manager designated for a facility under subparagraph (A) shall take into consideration—

"(i) the use of a system to manage energy and water use at the facility; and

"(ii) the applicability of the certification of the facility in accordance with the International Organization for Standardization standard numbered 50001 and entitled 'Energy Management Systems'.";

(C) by striking paragraphs (3) and (4) and inserting the following:

"(3) ENERGY AND WATER EVALUATIONS AND COMMISSIONING.—

"(A) EVALUATIONS.—Except as provided in subparagraph (B), not later than the date that is 180 days after the date of enactment of the Energy Act of 2020, and annually thereafter, each energy manager shall complete, for the preceding calendar year, a comprehensive energy and water evaluation and recommissioning or retrocommissioning for approximately 25 percent of the facilities of the applicable agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed not less frequently than once every 4 years. Deadline. Time period.

"(B) EXCEPTIONS.—An evaluation and recommissioning or retrocommissioning shall not be required under subparagraph (A) with respect to a facility that, as of the date on which the evaluation and recommissioning or retrocommissioning would occur—

"(i) has had a comprehensive energy and water evaluation during the preceding 8-year period; Time period.

"(ii)(I) has been commissioned, recommissioned, or retrocommissioned during the preceding 10-year period; or

"(II) is under ongoing commissioning, recommissioning, or retrocomissioning;

"(iii) has not had a major change in function or use since the previous evaluation and recommissioning or retrocommissioning;

"(iv) has been benchmarked with public disclosure under paragraph (8) during the preceding calendar year; and

"(v)(I) based on the benchmarking described in clause (iv), has achieved at a facility level the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

"(aa) the date of the most recent evaluation; or

"(bb) the date—

"(AA) of the most recent commissioning, recommissioning, or retrocommissioning; or

"(BB) on which ongoing commissioning began; or

"(II) has a long-term contract in place guaranteeing energy savings at least as great as the energy savings target under subclause (I).

"(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

Deadline.

"(A) IN GENERAL.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager shall implement any energy- or water-saving measure that—

"(i) the Federal agency identified in the evaluation; and

Determination. Evaluation.

"(ii) is life cycle cost-effective, as determined by evaluating an individual measure or a bundle of measures with varying paybacks.

"(B) PERFORMANCE CONTRACTING.—Each Federal agency shall use performance contracting to address at least 50 percent of the measures identified under subparagraph (A)(i).";

(D) in paragraph (7)(B)(ii)(II), by inserting "and water" after "energy"; and

(E) in paragraph (9)(A), in the matter preceding clause (i), by inserting "and water" after "energy".

(h) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 543 and inserting the following:

"Sec. 543. Energy and water management requirements.".

SEC. 1003. ENERGY EFFICIENT DATA CENTERS.

Section 453 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(D)(iv), by striking "determined by the organization" and inserting "proposed by the stakeholders"; and

(B) by striking paragraph (3); and

(2) by striking subsections (c) through (g) and inserting the following:

"(c) STAKEHOLDER INVOLVEMENT.—

"(1) IN GENERAL.—The Secretary and the Administrator shall carry out subsection (b) in collaboration with the information technology industry and other key stakeholders, with the goal of producing results that accurately reflect the most relevant and useful information. Collaboration.

"(2) CONSIDERATIONS.—In carrying out the collaboration described in paragraph (1), the Secretary and the Administrator shall pay particular attention to organizations that—

"(A) have members with expertise in energy efficiency and in the development, operation, and functionality of data centers, information technology equipment, and software, including representatives of hardware manufacturers, data center operators, and facility managers;

"(B) obtain and address input from the National Laboratories (as that term is defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) or any institution of higher education, research institution, industry association, company, or public interest group with applicable expertise;

"(C) follow—

"(i) commonly accepted procedures for the development of specifications; and

"(ii) accredited standards development processes; or

"(D) have a mission to promote energy efficiency for data centers and information technology.

"(d) MEASUREMENTS AND SPECIFICATIONS.—The Secretary and the Administrator shall consider and assess the adequacy of the specifications, measurements, best practices, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy or the Environmental Protection Agency. Assessment.

"(e) STUDY.—

"(1) DEFINITION OF REPORT.—In this subsection, the term 'report' means the report of the Lawrence Berkeley National Laboratory entitled 'United States Data Center Energy Usage Report' and dated June 2016, which was prepared as an update to the 'Report to Congress on Server and Data Center Energy Efficiency', published on August 2, 2007, pursuant to section 1 of Public Law 109–431 (120 Stat. 2920).

"(2) STUDY.—Not later than 4 years after the date of enactment of the Energy Act of 2020, the Secretary, in collaboration with the Administrator, shall make available to the public an update to the report that provides— Deadline. Collaboration. Public information. Update.

"(A) a comparison and gap analysis of the estimates and projections contained in the report with new data regarding the period from 2015 through 2019; Analysis. Time period.

Analysis.

"(B) an analysis considering the impact of information technologies, including virtualization and cloud computing, in the public and private sectors;

Evaluation.

"(C) an evaluation of the impact of the combination of cloud platforms, mobile devices, social media, and big data on data center energy usage;

Evaluation.

"(D) an evaluation of water usage in data centers and recommendations for reductions in that water usage; and

Recommendations.

"(E) updated projections and recommendations for best practices through fiscal year 2025.

"(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—

Collaboration. Evaluation.

"(1) IN GENERAL.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall maintain a data center energy practitioner program that provides for the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in federally owned and operated data centers.

"(2) EVALUATIONS.—Each Federal agency shall consider having the data centers of the agency evaluated once every 4 years by energy practitioners certified pursuant to the program, whenever practicable using certified practitioners employed by the agency.

"(g) OPEN DATA INITIATIVE.—

Collaboration.

"(1) IN GENERAL.—The Secretary, in collaboration with key stakeholders and the Director of the Office of Management and Budget, shall establish an open data initiative relating to energy usage at federally owned and operated data centers, with the purpose of making the data available and accessible in a manner that encourages further data center innovation, optimization, and consolidation.

"(2) CONSIDERATION.—In establishing the initiative under paragraph (1), the Secretary shall consider using the online Data Center Maturity Model.

Collaboration.

"(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in collaboration with key stakeholders, shall actively participate in efforts to harmonize global specifications and metrics for data center energy and water efficiency.

Collaboration.

"(i) DATA CENTER UTILIZATION METRIC.—The Secretary, in collaboration with key stakeholders, shall facilitate in the development of an efficiency metric that measures the energy efficiency of a data center (including equipment and facilities).

"(j) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary and the Administrator shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the programs and initiatives established under this section.".

SEC. 1004. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(h) FEDERAL IMPLEMENTATION STRATEGY FOR ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION TECHNOLOGIES.—

"(1) DEFINITIONS.—In this subsection:

"(A) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(B) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given that term in section 11101 of title 40, United States Code.

"(2) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of the Energy Act of 2020, each Federal agency shall coordinate with the Director, the Secretary, and the Administrator of the Environmental Protection Agency to develop an implementation strategy (including best-practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information technologies at or for facilities owned and operated by the Federal agency, taking into consideration the performance goals established under paragraph (4). Deadline. Coordination.

"(3) ADMINISTRATION.—In developing an implementation strategy under paragraph (2), each Federal agency shall consider—

"(A) advanced metering infrastructure;

"(B) energy efficient data center strategies and methods of increasing asset and infrastructure utilization;

"(C) advanced power management tools;

"(D) building information modeling, including building energy management;

"(E) secure telework and travel substitution tools; and

"(F) mechanisms to ensure that the agency realizes the energy cost savings of increased efficiency and utilization.

"(4) PERFORMANCE GOALS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Act of 2020, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information technology at or for facilities owned and operated by the Federal agencies. Deadline. Consultation.

"(B) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, shall recommend best practices for the attainment of the performance goals established under subparagraph (A), which shall include, to the extent applicable by law, consideration by a Federal agency of the use of— Recommendation.

"(i) energy savings performance contracting; and

"(ii) utility energy services contracting.

"(5) REPORTS.—

"(A) AGENCY REPORTS.—Each Federal agency shall include in the report of the agency under section 527 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17143) a description of the efforts and results of the agency under this subsection.

"(B) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2022, the Director shall include in the annual report and scorecard of the Director required under section 528 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17144) a description of the efforts and results of Federal agencies under this subsection. Effective date.

"(C) USE OF EXISTING REPORTING STRUCTURES.—The Director may require Federal agencies to submit any information required to be submitted under this subsection though reporting structures in use as of the date of enactment of the Energy Act of 2020.".

42 USC 6311 note.

SEC. 1005. EXTENDED PRODUCT SYSTEM REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC MOTOR.—The term "electric motor" has the meaning given the term in section 431.12 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) ELECTRONIC CONTROL.—The term "electronic control" means—

(A) a power converter; or

(B) a combination of a power circuit and control circuit included on 1 chassis.

(3) EXTENDED PRODUCT SYSTEM.—The term "extended product system" means an electric motor and any required associated electronic control and driven load that—

(A) offers variable speed or multispeed operation;

(B) offers partial load control that reduces input energy requirements (as measured in kilowatt-hours) as compared to identified base levels set by the Secretary of Energy (in this section referred to as the "Secretary"); and

(C)(i) has greater than 1 horsepower; and

(ii) uses an extended product system technology, as determined by the Secretary.

(4) QUALIFIED EXTENDED PRODUCT SYSTEM.—

(A) IN GENERAL.—The term "qualified extended product system" means an extended product system that—

(i) includes an electric motor and an electronic control; and

(ii) reduces the input energy (as measured in kilowatt-hours) required to operate the extended product system by not less than 5 percent, as compared to identified base levels set by the Secretary.

(B) INCLUSIONS.—The term "qualified extended product system" includes commercial or industrial machinery or equipment that—

(i)(I) did not previously make use of the extended product system prior to the redesign described in subclause (II); and

(II) incorporates an extended product system that has greater than 1 horsepower into redesigned machinery or equipment; and

(ii) was previously used prior to, and was placed back into service during, calendar year 2021 or 2022.

Deadline.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to provide rebates for expenditures made by qualified entities for the purchase or installation of a qualified extended product system.

(c) QUALIFIED ENTITIES.—

(1) ELIGIBILITY REQUIREMENTS.—A qualified entity under this section shall be—

(A) in the case of a qualified extended product system described in subsection (a)(4)(A), the purchaser of the qualified extended product that is installed; and

(B) in the case of a qualified extended product system described in subsection (a)(4)(B), the manufacturer of the commercial or industrial machinery or equipment that incorporated the extended product system into that machinery or equipment.

(2) APPLICATION.—To be eligible to receive a rebate under this section, a qualified entity shall submit to the Secretary—

(A) an application in such form, at such time, and containing such information as the Secretary may require; and

(B) a certification that includes demonstrated evidence— Certification.

(i) that the entity is a qualified entity; and

(ii)(I) in the case of a qualified entity described in paragraph (1)(A)—

(aa) that the qualified entity installed the qualified extended product system during the 2 fiscal years following the date of enactment of this Act;

(bb) that the qualified extended product system meets the requirements of subsection (a)(4)(A); and

(cc) showing the serial number, manufacturer, and model number from the nameplate of the installed motor of the qualified entity on which the qualified extended product system was installed; or

(II) in the case of a qualified entity described in paragraph (1)(B), demonstrated evidence—

(aa) that the qualified extended product system meets the requirements of subsection (a)(4)(B); and

(bb) showing the serial number, manufacturer, and model number from the nameplate of the installed motor of the qualified entity with which the extended product system is integrated.

(d) AUTHORIZED AMOUNT OF REBATE.—

(1) IN GENERAL.—The Secretary may provide to a qualified entity a rebate in an amount equal to the product obtained by multiplying—

(A) an amount equal to the sum of the nameplate rated horsepower of—

(i) the electric motor to which the qualified extended product system is attached; and

(ii) the electronic control; and

(B) $25.

(2) MAXIMUM AGGREGATE AMOUNT.—A qualified entity shall not be entitled to aggregate rebates under this section in excess of $25,000 per calendar year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2022 and 2023.

42 USC 6317 note.

SEC. 1006. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term "qualified energy efficient transformer" means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term "qualified energy inefficient transformer" means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

(A) does not meet or exceed the applicable energy conservation standards described in paragraph (1); and

Time periods.

(B)(i) was manufactured between January 1, 1987, and December 31, 2008, for a transformer with an equal number of phases and capacity as a transformer described in the table in subsection (b)(2) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(ii) was manufactured between January 1, 1992, and December 31, 2011, for a transformer with an equal number of phases and capacity as a transformer described in the table in paragraph (1) or (2) of subsection (c) of that section (as in effect on the date of enactment of this Act).

(3) QUALIFIED ENTITY.—The term "qualified entity" means an owner of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company that fulfills the requirements of subsection (c).

Deadline.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy (in this section referred to as the "Secretary") shall establish a program to provide rebates to qualified entities for expenditures made by the qualified entity for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

(c) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—

(1) that the entity purchased a qualified energy efficient transformer;

(2) of the core loss value of the qualified energy efficient transformer;

(3) of the age of the qualified energy inefficient transformer being replaced;

(4) of the core loss value of the qualified energy inefficient transformer being replaced—

(A) as measured by a qualified professional or verified by the equipment manufacturer, as applicable; or

Determination. Consultation.

(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined

by the Secretary in consultation with applicable industry; and

(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

(d) AUTHORIZED AMOUNT OF REBATE.—The amount of a rebate provided under this section shall be—

(1) for a 3-phase or single-phase transformer with a capacity of not less than 10 and not greater than 2,500 kilovolt-amperes, twice the amount equal to the difference in Watts between the core loss value (as measured in accordance with paragraphs (2) and (4) of subsection (c)) of—

(A) the qualified energy inefficient transformer; and

(B) the qualified energy efficient transformer; or

(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2022 and 2023.

(f) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on December 31, 2023.

SEC. 1007. SMART BUILDING ACCELERATION. 42 USC 17064.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) PROGRAM.—The term "program" means the Federal Smart Building Program established under subsection (b)(1).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(4) SMART BUILDING.—The term "smart building" means a building, or collection of buildings, with an energy system that—

(A) is flexible and automated;

(B) has extensive operational monitoring and communication connectivity, allowing remote monitoring and analysis of all building functions;

(C) takes a systems-based approach in integrating the overall building operations for control of energy generation, consumption, and storage;

(D) communicates with utilities and other third-party commercial entities, if appropriate;

(E) protects the health and safety of occupants and workers; and

(F) incorporates cybersecurity best practices.

(5) SMART BUILDING ACCELERATOR.—The term "smart building accelerator" means an initiative that is designed to demonstrate specific innovative policies and approaches—

(A) with clear goals and a clear timeline; and

(B) that, on successful demonstration, would accelerate investment in energy efficiency.

(b) FEDERAL SMART BUILDING PROGRAM.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation Deadline. Consultation.

with the Administrator of General Services, establish a program to be known as the "Federal Smart Building Program"—

(A) to implement smart building technology; and

(B) to demonstrate the costs and benefits of smart buildings.

(2) SELECTION.—

Coordination.

(A) IN GENERAL.—The Secretary shall coordinate the selection of not fewer than 1 building from among each of several key Federal agencies, as described in paragraph (4), to compose an appropriately diverse set of smart buildings based on size, type, and geographic location.

(B) INCLUSION OF COMMERCIALLY OPERATED BUILDINGS.—In making selections under subparagraph (A), the Secretary may include buildings that are owned by the Federal Government but are commercially operated.

Deadline.
Evaluation.
Time period.

(3) TARGETS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish targets for the number of smart buildings to be commissioned and evaluated by key Federal agencies by 3 years and 6 years after the date of enactment of this Act.

(4) FEDERAL AGENCY DESCRIBED.—The key Federal agencies referred to paragraph (2)(A) shall include buildings operated by—

(A) the Department of the Army;
(B) the Department of the Navy;
(C) the Department of the Air Force;
(D) the Department;
(E) the Department of the Interior;
(F) the Department of Veterans Affairs; and
(G) the General Services Administration.

(5) REQUIREMENT.—In implementing the program, the Secretary shall leverage existing financing mechanisms including energy savings performance contracts, utility energy service contracts, and annual appropriations.

(6) EVALUATION.—Using the guidelines of the Federal Energy Management Program relating to whole-building evaluation, measurement, and verification, the Secretary shall evaluate the costs and benefits of the buildings selected under paragraph (2), including an identification of—

(A) which advanced building technologies—
(i) are most cost-effective; and
(ii) show the most promise for—
(I) increasing building energy savings;
(II) increasing service performance to building occupants;
(III) reducing environmental impacts; and
(IV) establishing cybersecurity; and

(B) any other information the Secretary determines to be appropriate.

(7) AWARDS.—The Secretary may expand awards made under the Federal Energy Management Program and the Better Building Challenge to recognize specific agency achievements in accelerating the adoption of smart building technologies.

(c) SURVEY OF PRIVATE SECTOR SMART BUILDINGS.—

(1) SURVEY.—The Secretary shall conduct a survey of privately owned smart buildings throughout the United States, including commercial buildings, laboratory facilities, hospitals,

multifamily residential buildings, and buildings owned by nonprofit organizations and institutions of higher education.

(2) SELECTION.—From among the smart buildings surveyed under paragraph (1), the Secretary shall select not fewer than 1 building each from an appropriate range of building sizes, types, and geographic locations.

(3) EVALUATION.—Using the guidelines of the Federal Energy Management Program relating to whole-building evaluation, measurement, and verification, the Secretary shall evaluate the costs and benefits of the buildings selected under paragraph (2), including an identification of—

(A) which advanced building technologies and systems—

(i) are most cost-effective; and

(ii) show the most promise for—

(I) increasing building energy savings;

(II) increasing service performance to building occupants;

(III) reducing environmental impacts; and

(IV) establishing cybersecurity; and

(B) any other information the Secretary determines to be appropriate.

(d) BETTER BUILDING CHALLENGE.—As part of the Better Building Challenge of the Department, the Secretary, in consultation with major private sector property owners, shall develop smart building accelerators to demonstrate innovative policies and approaches that will accelerate the transition to smart buildings in the public, institutional, and commercial buildings sectors. Consultation.

(e) RESEARCH AND DEVELOPMENT ON INTEGRATING BUILDINGS ONTO THE ELECTRIC GRID.—

(1) IN GENERAL.—Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) is amended by adding at the end the following:

"SEC. 426. ADVANCED INTEGRATION OF BUILDINGS ONTO THE ELECTRIC GRID. 42 USC 17086.

"(a) IN GENERAL.—The Secretary shall establish a program of research, development, and demonstration to enable components of commercial and residential buildings to serve as dynamic energy loads on and resources for the electric grid. The program shall focus on—

"(1) developing low-cost, low power, wireless sensors to—

"(A) monitor building energy load;

"(B) forecast building energy need; and

"(C) enable building-level energy control;

"(2) developing data management capabilities and standard communication protocols to further interoperability at the building and grid-level;

"(3) developing advanced building-level energy management of components through integration of smart technologies, control systems, and data processing, to enable energy efficiency and savings;

"(4) optimizing energy consumption at the building level to enable grid stability and resilience;

"(5) improving visualization of behind the meter equipment and technologies to provide better insight into the energy needs and energy forecasts of individual buildings;

"(6) reducing the cost of key components to accelerate the adoption of smart building technologies;

"(7) protecting against cybersecurity threats and addressing security vulnerabilities of building systems or equipment; and

"(8) other areas determined appropriate by the Secretary.

"(b) CONSIDERATIONS.—In carrying out the program under subsection (a), the Secretary shall—

"(1) work with utility partners, building owners, technology vendors, and building developers to test and validate technologies and encourage the commercial application of these technologies by building owners; and

"(2) consider the specific challenges of enabling greater interaction between components of—

"(A) small- and medium-sized buildings and the electric grid; and

"(B) residential and commercial buildings and the electric grid.

"(c) BUILDINGS-TO-GRID INTEGRATION REPORT.—Not later than 1 year after the enactment of this section, the Secretary shall submit to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the results of a study that examines the research, development, and demonstration opportunities, challenges, and standards needed to enable components of commercial and residential buildings to serve as dynamic energy loads on and resources for the electric grid.

Assessments.

"(1) REPORT REQUIREMENTS.—The report shall include—

"(A) an assessment of the technologies needed to enable building components as dynamic loads on and resources for the electric grid, including how such technologies can be—

"(i) incorporated into new commercial and residential buildings; and

"(ii) retrofitted in older buildings;

Guidelines.

"(B) guidelines for the design of new buildings and building components to enable modern grid interactivity and improve energy efficiency;

"(C) an assessment of barriers to the adoption by building owners of advanced technologies enabling greater integration of building components onto the electric grid; and

"(D) an assessment of the feasibility of adopting technologies developed under subsection (a) at Department facilities.

Time period.

"(2) RECOMMENDATIONS.—As part of the report, the Secretary shall develop a 10-year roadmap to guide the research, development, and demonstration program to enable components of commercial and residential buildings to serve as dynamic energy loads on and resources for the electric grid.

Time period.

"(3) UPDATES.—The Secretary shall update the report required under this section every 3 years for the duration of the program under subsection (a) and shall submit the updated report to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(d) PROGRAM IMPLEMENTATION.—In carrying out this section, the Secretary shall—

"(1) implement the recommendations from the report in subsection (c); and

"(2) coordinate across all relevant program offices at the Department to achieve the goals established in this section, including the Office of Electricity.". Coordination.

(2) CONFORMING AMENDMENT.—The table of contents for the Energy Independence and Security Act of 2007 is amended by adding after the item relating to section 425 the following:

"Sec. 426. Advanced integration of buildings onto the electric grid.".

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until a total of 3 reports have been made, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives a report on— Time period.

(1) the establishment of the Federal Smart Building Program and the evaluation of Federal smart buildings under subsection (b);

(2) the survey and evaluation of private sector smart buildings under subsection (c); and Survey. Evaluation.

(3) any recommendations of the Secretary to further accelerate the transition to smart buildings. Recommendation.

SEC. 1008. MODIFICATIONS TO THE CEILING FAN ENERGY CONSERVATION STANDARD.

(a) IN GENERAL.—Section 325(ff)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ff)(6)) is amended by adding at the end the following:

"(C)(i) Large-diameter ceiling fans manufactured on or after January 21, 2020, shall— Manufactured date.

"(I) not be required to meet minimum ceiling fan efficiency in terms of ratio of the total airflow to the total power consumption as described in the final rule titled 'Energy Conservation Program: Energy Conservation Standards for Ceiling Fans' (82 Fed. Reg. 6826 (January 19, 2017)); and

"(II) have a CFEI greater than or equal to—

"(aa) 1.00 at high speed; and

"(bb) 1.31 at 40 percent speed or the nearest speed that is not less than 40 percent speed.

"(ii) For purposes of this subparagraph, the term 'CFEI' means the Fan Energy Index for large-diameter ceiling fans, calculated in accordance with ANSI/AMCA Standard 208–18 titled 'Calculation of the Fan Energy Index', with the following modifications: Definition.

"(I) Using an Airflow Constant (Q_0) of 26,500 cubic feet per minute.

"(II) Using a Pressure Constant (P_0) of 0.0027 inches water gauge.

"(III) Using a Fan Efficiency Constant (η_0) of 42 percent.".

(b) REVISION.—For purposes of section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)), the standard established in section 325(ff)(6)(C) of such Act (as added by subsection (a) of this section) shall be treated as if such standard was issued on January 19, 2017. 42 USC 6295 note.

SEC. 1009. REPORT ON ELECTROCHROMIC GLASS.

(a) DEFINITION OF ELECTROCHROMIC GLASS.—In this section, the term "electrochromic glass" means glass that uses electricity to change the light transmittance properties of the glass to heat or cool a structure.

Collaboration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the heads of other relevant agencies, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that addresses the benefits of electrochromic glass, including the following:

(1) Reductions in energy consumption in commercial buildings, especially peak cooling load reduction and annual energy bill savings.

(2) Benefits in the workplace, especially visual comfort and employee health.

(3) Benefits of natural light in hospitals for patients and staff, especially accelerated patient healing and recovery time.

42 USC 16183.

SEC. 1010. ENERGY AND WATER FOR SUSTAINABILITY.

(a) NEXUS OF ENERGY AND WATER FOR SUSTAINABILITY.—

(1) DEFINITIONS.—In this section:

(A) DEPARTMENT.—The term "Department" means the Department of Energy.

(B) ENERGY-WATER NEXUS.—The term "energy-water nexus" means the links between—

(i) the water needed to produce fuels, electricity, and other forms of energy; and

(ii) the energy needed to transport, reclaim, and treat water and wastewater.

(C) INTERAGENCY RD&D COORDINATION COMMITTEE.—The term "Interagency RD&D Coordination Committee" means the Interagency RD&D Coordination Committee on the Nexus of Energy and Water for Sustainability (or the "NEWS RD&D Committee") established under paragraph (3)(A).

(D) NEXUS OF ENERGY AND WATER SUSTAINABILITY RD&D OFFICE; NEWS RD&D OFFICE.—The term "Nexus of Energy and Water Sustainability RD&D Office" or the "NEWS RD&D Office" means an office located at the Department and managed in cooperation with the Department of the Interior pursuant to an agreement between the 2 agencies to carry out leadership and administrative functions for the Interagency RD&D Coordination Committee.

(E) RD&D.—The term "RD&D" means research, development, and demonstration.

(F) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) STATEMENT OF POLICY.—Recognizing States' primacy over allocation and administration of water resources (except in specific instances where preempted under Federal law) and the siting of energy infrastructure within State boundaries on non-Federal lands, it is the national policy that the Federal government, in all energy-water nexus management activities, shall maximize coordination and consultation among Federal

agencies and with State and local governments, and disseminate information to the public in the most effective manner.

(3) INTERAGENCY RD&D COORDINATION COMMITTEE.—

(A) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall establish the joint NEWS RD&D Office and Interagency RD&D Coordination Committee on the Nexus of Energy and Water for Sustainability (or the "NEWS RD&D Committee") to carry out the duties described in subparagraph (C). Deadline.

(B) ADMINISTRATION.—

(i) CHAIRS.—The Secretary and the Secretary of the Interior shall jointly manage the NEWS RD&D Office and serve as co-chairs of the Interagency RD&D Coordination Committee.

(ii) MEMBERSHIP; STAFFING.—Membership and staffing shall be determined by the co-chairs.

(C) DUTIES.—The Interagency RD&D Coordination Committee shall—

(i) serve as a forum for developing common Federal goals and plans on energy-water nexus RD&D activities, in coordination with the National Science and Technology Council;

(ii) not later than 1 year after the date of enactment of this Act, and biennially thereafter, issue a strategic plan on energy-water nexus RD&D activities, priorities, and objectives pursuant to subparagraph (D), which shall be developed in consultation with relevant State and local governments; Deadline. Strategic plan. Consultation.

(iii) convene and promote coordination of RD&D activities of relevant Federal departments and agencies on energy-water nexus;

(iv)(I) coordinate and develop capabilities and methodologies related to RD&D activities for data collection, data communication protocols (including models and modeling results), data management, and dissemination of validated data and results related to energy-water nexus RD&D activities to requesting Federal departments and agencies; and

(II) promote information exchange between Federal departments and agencies—

(aa) to identify and document Federal and non-Federal RD&D programs and funding opportunities that support basic and applied RD&D proposals to advance energy-water nexus related science and technologies;

(bb) to leverage existing RD&D programs by encouraging joint solicitations, block grants, and matching programs with non-Federal entities; and

(cc) to identify opportunities for domestic and international public-private partnerships, innovative financing mechanisms, and information and data exchange with respect to RD&D activities;

(v) identify ways to leverage existing RD&D programs, including programs at the State and local level;

(vi) make publicly available the results of RD&D activities on the energy water nexus;

(vii) with regard to RD&D programs, recommend improvements and best practices for the collection and dissemination of federal water use data and the use of monitoring networks; and

(viii) promote coordination on RD&D with non-Federal interests by—

(I) consulting with representatives of research and academic institutions, State, local, and Tribal governments, public utility commissions, and industry, who have expertise in technologies, technological innovations, or practices relating to the energy-water nexus; and

(II) considering conducting technical workshops.

(D) STRATEGIC PLAN.—In developing the strategic plan pursuant to (C)(ii), the Interagency RD&D Coordination Committee shall—

(i) to the maximum extent possible, avoid duplication with other Federal RD&D programs, and projects, including with those of the National Laboratories;

(ii) consider inclusion of specific research, development and demonstration needs, including—

(I) innovative practices, technologies and other advancements improving water efficiency, treatment, recovery, or reuse associated with energy generation, including cooling, and fuel production;

(II) innovative practices, technologies and other advancements associated with energy use in water collection, supply, delivery, distribution, treatment, or reuse;

(III) innovative practices, technologies and other advancements associated with generation or production of energy from water or wastewater systems; and

(IV) modeling and systems analysis related to energy-water nexus; and

(iii) submit the plan to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology, Energy and Commerce, and Natural Resources of the House of Representatives.

(E) RULES OF CONSTRUCTION.—

(i) Nothing in this section grants to the Interagency RD&D Coordination Committee the authority to promulgate regulations or set standards.

(ii) Notwithstanding any other provision of law, nothing in this section shall be construed to require State, Tribal, or local governments to take any action that may result in an increased financial burden to such governments.

Consultation.
Coordination.

(F) ADDITIONAL PARTICIPATION.—In developing the strategic plan described in subparagraph (C)(ii), the Secretary shall consult and coordinate with a diverse group of representatives from research and academic institutions, industry, public utility commissions, and State and local governments who have expertise in technologies and practices relating to the energy-water nexus.

(G) REVIEW; REPORT.—At the end of the 5-year period beginning on the date on which the Interagency RD&D Coordination Committee and NEWS RD&D Office are established, the NEWS RD&D Office shall— Time period.

(i) review the activities, relevance, and effectiveness of the Interagency RD&D Coordination Committee; and

(ii) submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology, Energy and Commerce, and Natural Resources of the House of Representatives a report that—

(I) describes the results of the review conducted under clause (i); and

(II) includes a recommendation on whether the Interagency RD&D Coordination Committee should continue. Recommendation.

(4) CROSSCUT BUDGET.—Not later than 30 days after the President submits the budget of the United States Government under section 1105 of title 31, United States Code, the co-chairs of the Interagency RD&D Coordination Committee (acting through the NEWS RD&D Office) shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology, Energy and Commerce, and Natural Resources of the House of Representatives, an interagency budget crosscut report that displays at the program-, project-, and activity-level for each of the Federal agencies that carry out or support (including through grants, contracts, interagency and intraagency transfers, and multiyear and no-year funds) basic and applied RD&D activities to advance the energy-water nexus related science and technologies, including— Deadline.

(A) the budget proposed in the budget request of the President for the upcoming fiscal year;

(B) expenditures and obligations for the prior fiscal year; and

(C) estimated expenditures and obligations for the current fiscal year.

(5) TERMINATION.—

(A) IN GENERAL.—The authority provided to the NEWS RD&D Office and NEWS RD&D Committee under this subsection shall terminate on the date that is 7 years after the date of enactment of this Act.

(B) EFFECT.—The termination of authority under subparagraph (A) shall not affect ongoing interagency planning, coordination, or other RD&D activities relating to the energy-water nexus.

(b) INTEGRATING ENERGY AND WATER RESEARCH.—The Secretary shall integrate the following considerations into energy RD&D programs and projects of the Department by—

(1) advancing RD&D for energy and energy efficiency technologies and practices that meet the objectives of—

(A) minimizing freshwater withdrawal and consumption;

(B) increasing water use efficiency; and

(C) utilizing nontraditional water sources;

(2) considering the effects climate variability may have on water supplies and quality for energy generation and fuel production; and

(3) improving understanding of the energy-water nexus (as defined in subsection (a)(1)).

(c) ADDITIONAL ACTIVITIES.—The Secretary may provide for such additional RD&D activities as appropriate to integrate the considerations described in subsection (b) into the RD&D activities of the Department.

SEC. 1011. WEATHERIZATION ASSISTANCE PROGRAM.

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) $330,000,000 for fiscal year 2021; and

"(2) $350,000,000 for each of fiscal years 2022 through 2025.".

(b) MODERNIZING THE DEFINITION OF WEATHERIZATION MATERIALS.—Section 412(9)(J) of the Energy Conservation and Production Act (42 U.S.C. 6862(9)(J)) is amended—

(1) by inserting ", including renewable energy technologies and other advanced technologies," after "devices or technologies"; and

(2) by striking ", the Secretary of Agriculture, and the Director of the Community Services Administration".

(c) CONSIDERATION OF HEALTH BENEFITS.—Section 413(b) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)) is amended—

(1) in paragraph (3)—

(A) by striking "and with the Director of the Community Services Administration";

(B) by inserting "and by" after "in carrying out this part,"; and

(C) by striking ", and the Director of the Community Services Administration in carrying out weatherization programs under section 222(a)(12) of the Economic Opportunity Act of 1964";

(2) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(3) by inserting after paragraph (3), the following:

"(4) The Secretary may amend the regulations prescribed under paragraph (1) to provide that the standards described in paragraph (2)(A) take into consideration improvements in the health and safety of occupants of dwelling units, and other non-energy benefits, from weatherization.".

(d) CONTRACTOR OPTIMIZATION.—

(1) IN GENERAL.—The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

42 USC 6864c.

"SEC. 414C. CONTRACTOR OPTIMIZATION.

"(a) IN GENERAL.—The Secretary may request that entities receiving funding from the Federal Government or from a State through a weatherization assistance program under section 413 or section 414 perform periodic reviews of the use of private contractors in the provision of weatherization assistance, and encourage expanded use of contractors as appropriate.

"(b) USE OF TRAINING FUNDS.—Entities described in subsection (a) may use funding described in such subsection to train private, non-Federal entities that are contracted to provide weatherization assistance under a weatherization program, in accordance with rules determined by the Secretary.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Energy Conservation and Production Act is amended by inserting after the item relating to section 414B the following:

"Sec. 414C. Contractor optimization.".

(e) FINANCIAL ASSISTANCE FOR WAP ENHANCEMENT AND INNOVATION.—

(1) IN GENERAL.—The Energy Conservation and Production Act is amended by inserting after section 414C (as added by subsection (d) of this section) the following:

"SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCEMENT AND INNOVATION. 42 USC 6864d.

"(a) PURPOSES.—The purposes of this section are—

"(1) to expand the number of dwelling units that are occupied by low-income persons that receive weatherization assistance by making such dwelling units weatherization-ready;

"(2) to promote the deployment of renewable energy in dwelling units that are occupied by low-income persons;

"(3) to ensure healthy indoor environments by enhancing or expanding health and safety measures and resources available to dwellings that are occupied by low-income persons;

"(4) to disseminate new methods and best practices among entities providing weatherization assistance; and

"(5) to encourage entities providing weatherization assistance to hire and retain employees who are individuals—

"(A) from the community in which the assistance is provided; and

"(B) from communities or groups that are underrepresented in the home energy performance workforce, including religious and ethnic minorities, women, veterans, individuals with disabilities, and individuals who are socioeconomically disadvantaged.

"(b) FINANCIAL ASSISTANCE.—The Secretary shall, to the extent funds are made available, award financial assistance, on an annual basis, through a competitive process to entities receiving funding from the Federal Government or from a State, tribal organization, or unit of general purpose local government through a weatherization program under section 413 or section 414, or to nonprofit entities, to be used by such an entity—

"(1) with respect to dwelling units that are occupied by low-income persons, to—

"(A) implement measures to make such dwelling units weatherization-ready by addressing structural, plumbing, roofing, and electrical issues, environmental hazards, or other measures that the Secretary determines to be appropriate;

"(B) install energy efficiency technologies, including home energy management systems, smart devices, and other technologies the Secretary determines to be appropriate;

"(C) install renewable energy systems (as defined in section 415(c)(6)(A)); and

"(D) implement measures to ensure healthy indoor environments by improving indoor air quality, accessibility, and other healthy homes measures as determined by the Secretary;

"(2) to improve the capability of the entity—

"(A) to significantly increase the number of energy retrofits performed by such entity;

"(B) to replicate best practices for work performed pursuant to this section on a larger scale;

"(C) to leverage additional funds to sustain the provision of weatherization assistance and other work performed pursuant to this section after financial assistance awarded under this section is expended; and

"(D) to hire and retain employees who are individuals described subsection (a)(5);

"(3) for innovative outreach and education regarding the benefits and availability of weatherization assistance and other assistance available pursuant to this section;

"(4) for quality control of work performed pursuant to this section;

"(5) for data collection, measurement, and verification with respect to such work;

"(6) for program monitoring, oversight, evaluation, and reporting regarding such work;

"(7) for labor, training, and technical assistance relating to such work;

"(8) for planning, management, and administration (up to a maximum of 15 percent of the assistance provided); and

"(9) for such other activities as the Secretary determines to be appropriate.

"(c) AWARD FACTORS.—In awarding financial assistance under this section, the Secretary shall consider—

"(1) the applicant's record of constructing, renovating, repairing, or making energy efficient single-family, multifamily, or manufactured homes that are occupied by low-income persons, either directly or through affiliates, chapters, or other partners (using the most recent year for which data are available);

"(2) the number of dwelling units occupied by low-income persons that the applicant has built, renovated, repaired, weatherized, or made more energy efficient in the 5 years preceding the date of the application;

"(3) the qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;

"(4) the strength of an applicant's proposal to achieve one or more of the purposes under subsection (a);

"(5) the extent to which such applicant will utilize partnerships and regional coordination to achieve one or more of the purposes under subsection (a);

"(6) regional and climate zone diversity;

"(7) urban, suburban, and rural localities; and

"(8) such other factors as the Secretary determines to be appropriate.

"(d) APPLICATIONS.—

"(1) ADMINISTRATION.—To be eligible for an award of financial assistance under this section, an applicant shall submit to the Secretary an application in such manner and containing such information as the Secretary may require.

"(2) AWARDS.—Subject to the availability of appropriations, not later than 270 days after the date of enactment of this section, the Secretary shall make a first award of financial assistance under this section. Deadline.

"(e) MAXIMUM AMOUNT AND TERM.—

"(1) IN GENERAL.—The total amount of financial assistance awarded to an entity under this section shall not exceed $2,000,000.

"(2) TECHNICAL AND TRAINING ASSISTANCE.—The total amount of financial assistance awarded to an entity under this section shall be reduced by the cost of any technical and training assistance provided by the Secretary that relates to such financial assistance.

"(3) TERM.—The term of an award of financial assistance under this section shall not exceed 3 years.

"(4) RELATIONSHIP TO FORMULA GRANTS.—An entity may use financial assistance awarded to such entity under this section in conjunction with other financial assistance provided to such entity under this part.

"(f) REQUIREMENTS.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue requirements to implement this section, including, for entities receiving financial assistance under this section— Deadline.

"(1) standards for allowable expenditures;

"(2) a minimum saving-to-investment ratio; and

"(3) standards for—

"(A) training programs;

"(B) energy audits;

"(C) the provision of technical assistance;

"(D) monitoring activities carried out using such financial assistance;

"(E) verification of energy and cost savings;

"(F) liability insurance requirements; and

"(G) recordkeeping and reporting requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each dwelling unit retrofitted or otherwise assisted pursuant to this section.

"(g) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the applicable requirement of this section.

"(h) REVIEW AND EVALUATION.—The Secretary shall review and evaluate the performance of each entity that receives an award of financial assistance under this section (which may include an audit).

"(i) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report that provides a description of—

"(1) actions taken under this section to achieve the purposes of this section; and

"(2) accomplishments as a result of such actions, including energy and cost savings achieved.

"(j) FUNDING.—

"(1) AMOUNTS.—

"(A) IN GENERAL.—For each of fiscal years 2021 through 2025, of the amount made available under section 422 for such fiscal year to carry out the weatherization program under this part (not including any of such amount made available for Department of Energy headquarters training or technical assistance), not more than—

"(i) 2 percent of such amount (if such amount is $225,000,000 or more but less than $260,000,000) may be used to carry out this section;

"(ii) 4 percent of such amount (if such amount is $260,000,000 or more but less than $300,000,000) may be used to carry out this section; and

"(iii) 6 percent of such amount (if such amount is $300,000,000 or more) may be used to carry out this section.

Time period.

"(B) MINIMUM.—For each of fiscal years 2021 through 2025, if the amount made available under section 422 (not including any of such amount made available for Department of Energy headquarters training or technical assistance) for such fiscal year is less than $225,000,000, no funds shall be made available to carry out this section.

"(2) LIMITATION.—For any fiscal year, the Secretary may not use more than $25,000,000 of the amount made available under section 422 to carry out this section.

"(k) TERMINATION.—The Secretary may not award financial assistance under this section after September 30, 2025.".

(2) TABLE OF CONTENTS.—The table of contents for the Energy Conservation and Production Act is amended by inserting after the item relating to section 414C the following:

"Sec. 414D. Financial assistance for WAP enhancement and innovation.".

(f) HIRING.—

(1) IN GENERAL.—The Energy Conservation and Production Act is amended by inserting after section 414D (as added by subsection (e) of this section) the following:

42 USC 6864e.

"SEC. 414E. HIRING.

Determination.

"The Secretary may, as the Secretary determines appropriate, encourage entities receiving funding from the Federal Government or from a State through a weatherization program under section 413 or section 414, to prioritize the hiring and retention of employees who are individuals described in section 414D(a)(5).".

(2) TABLE OF CONTENTS.—The table of contents for the Energy Conservation and Production Act is amended by inserting after the item relating to section 414D the following:

"Sec. 414E. Hiring.".

(g) INCREASE IN ADMINISTRATIVE FUNDS.—Section 415(a)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(a)(1)) is amended by striking "10 percent" and inserting "15 percent".

(h) AMENDING RE-WEATHERIZATION DATE.—Paragraph (2) of section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended to read as follows:

"(2) Dwelling units weatherized (including dwelling units partially weatherized) under this part, or under other Federal programs

(in this paragraph referred to as 'previous weatherization'), may not receive further financial assistance for weatherization under this part until the date that is 15 years after the date such previous weatherization was completed. This paragraph does not preclude dwelling units that have received previous weatherization from receiving assistance and services (including the provision of information and education to assist with energy management and evaluation of the effectiveness of installed weatherization materials) other than weatherization under this part or under other Federal programs, or from receiving non-Federal assistance for weatherization.".

(i) ANNUAL REPORT.—Section 421 of the Energy Conservation and Production Act (42 U.S.C. 6871) is amended by inserting "the number of multifamily buildings in which individual dwelling units were weatherized during the previous year, the number of individual dwelling units in multifamily buildings weatherized during the previous year," after "the average size of the dwellings being weatherized,".

(j) REPORT ON WAIVERS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on the status of any request made after September 30, 2010, for a waiver of any requirement under section 200.313 of title 2, Code of Federal Regulations, as such requirement applies with respect to the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), including a description of any such waiver that has been granted and any such request for a waiver that has been considered but not granted.

SEC. 1012. FEDERAL ENERGY MANAGEMENT PROGRAM.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(i) FEDERAL ENERGY MANAGEMENT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a program, to be known as the 'Federal Energy Management Program' (referred to in this subsection as the 'Program'), to facilitate the implementation by the Federal Government of cost-effective energy and water management and energy-related investment practices—

"(A) to coordinate and strengthen Federal energy and water resilience; and Coordination.

"(B) to promote environmental stewardship.

"(2) FEDERAL DIRECTOR.—The Secretary shall appoint an individual to serve as the director of the Program (referred to in this subsection as the 'Federal Director'), which shall be a career position in the Senior Executive service, to administer the Program. Appointment.

"(3) PROGRAM ACTIVITIES.—

"(A) STRATEGIC PLANNING AND TECHNICAL ASSISTANCE.—In administering the Program, the Federal Director shall—

"(i) provide technical assistance and project implementation support and guidance to agencies to identify, implement, procure, and track energy and water conservation measures required under this Act and under other provisions of law;

Coordination.

"(ii) in coordination with the Administrator of the General Services Administration, establish appropriate procedures, methods, and best practices for use by agencies to select, monitor, and terminate contracts entered into pursuant to a utility incentive program under section 546(c) with utilities;

"(iii) carry out the responsibilities of the Secretary under section 801, as determined appropriate by the Secretary;

"(iv) establish and maintain internet-based information resources and project tracking systems and tools for energy and water management;

Coordination.

"(v) coordinate comprehensive and strategic approaches to energy and water resilience planning for agencies; and

"(vi) establish a recognition program for Federal achievement in energy and water management, energy-related investment practices, environmental stewardship, and other relevant areas, through events such as individual recognition award ceremonies and public announcements.

"(B) ENERGY AND WATER MANAGEMENT AND REPORTING.—In administering the Program, the Federal Director shall—

"(i) track and report on the progress of agencies in meeting the requirements of the agency under this section;

Public information.

"(ii) make publicly available agency performance data required under—

"(I) this section and sections 544, 546, 547, and 548; and

"(II) section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852);

"(iii)(I) collect energy and water use and consumption data from each agency; and

"(II) based on that data, submit to each agency a report that will facilitate the energy and water management, energy-related investment practices, and environmental stewardship of the agency in support of Federal goals under this Act and under other provisions of law;

"(iv) carry out the responsibilities of the Secretary under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834);

Consultation.

"(v) in consultation with the Administrator of the General Services Administration, acting through the head of the Office of High-Performance Green Buildings, establish and implement sustainable design principles for Federal facilities; and

"(vi) designate products that meet the highest energy conservation standards for categories not covered under the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

"(C) FEDERAL INTERAGENCY COORDINATION.—In administering the Program, the Federal Director shall—

"(i) develop and implement accredited training consistent with existing Federal programs and activities—

"(I) relating to energy and water use, management, and resilience in Federal facilities, energy-related investment practices, and environmental stewardship; and

"(II) that includes in-person training, internet-based programs, and national in-person training events;

"(ii) carry out the functions of the Secretary with respect to the Interagency Energy Management Task Force under section 547; and

"(iii) report on the implementation of the priorities of the President, including Executive orders, relating to energy and water use in Federal facilities, in coordination with—

"(I) the Office of Management and Budget;

"(II) the Council on Environmental Quality; and

"(III) any other entity, as considered necessary by the Federal Director.

"(D) FACILITY AND FLEET OPTIMIZATION.—In administering the Program, the Federal Director shall develop guidance, supply assistance to, and track the progress of agencies—

"(i) in conducting portfolio-wide facility energy and water resilience planning and project integration;

"(ii) in building new construction and major renovations to meet the sustainable design and energy and water performance standards required under this section;

"(iii) in developing guidelines for—

"(I) facility commissioning; and

"(II) facility operations and maintenance; and

"(iv) in coordination with the Administrator of the General Services Administration, in meeting statutory and agency goals for Federal fleet vehicles.

"(4) MANAGEMENT COUNCIL.—The Federal Director shall establish a management council to advise the Federal Director that shall— Establishment.

"(A) convene not less frequently than once every quarter; and

"(B) consist of representatives from—

"(i) the Council on Environmental Quality;

"(ii) the Office of Management and Budget; and

"(iii) the Office of Federal High-Performance Green Buildings in the General Services Administration.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $36,000,000 for each of fiscal years 2021 through 2025.".

SEC. 1013. CHP TECHNICAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345) is amended to read as follows:

"SEC. 375. CHP TECHNICAL ASSISTANCE PARTNERSHIP PROGRAM.

"(a) RENAMING.—

"(1) IN GENERAL.—The Clean Energy Application Centers of the Department of Energy are redesignated as the CHP Technical Assistance Partnership Program (referred to in this section as the 'Program').

"(2) PROGRAM DESCRIPTION.—The Program shall consist of—

"(A) the 10 regional CHP Technical Assistance Partnerships in existence on the date of enactment of the Energy Act of 2020;

"(B) such other regional CHP Technical Assistance Partnerships as the Secretary may establish with consideration given to establishing such partnerships in rural communities; and

"(C) any supporting technical activities under the Technical Partnership Program of the Advanced Manufacturing Office.

"(3) REFERENCES.—Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center or a Clean Energy Application Center shall be deemed to be a reference to the Program.

"(b) CHP TECHNICAL ASSISTANCE PARTNERSHIP PROGRAM.—

"(1) IN GENERAL.—The Program shall—

"(A) operate programs to encourage deployment of combined heat and power, waste heat to power, and efficient district energy (collectively referred to in this subsection as 'CHP') technologies by providing education and outreach to—

"(i) building, industrial, and electric and natural gas utility professionals;

"(ii) State and local policymakers; and

"(iii) other individuals and organizations with an interest in efficient energy use, local or opportunity fuel use, resiliency, or energy security, microgrids, and district energy; and

"(B) provide project specific support to building and industrial professionals through economic and engineering assessments and advisory activities.

"(2) FUNDING FOR CERTAIN ACTIVITIES.—

"(A) IN GENERAL.—The Program shall make funds available to institutions of higher education, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of the regional CHP Technical Assistance Partnerships.

"(B) USE OF FUNDS.—Funds made available under subparagraph (A) may be used—

Updates.
Website.

"(i) to collect and distribute informational materials relevant to manufacturers, commercial buildings, institutional facilities, and Federal sites, including continued support of the mission goals of the Department of Defense, on CHP and microgrid technologies, including continuation and updating of—

"(I) the CHP installation database;

"(II) CHP technology potential analyses;

"(III) State CHP resource pages; and

"(IV) CHP Technical Assistance Partnerships websites;

"(ii) to produce and conduct workshops, reports, seminars, internet programs, CHP resiliency resources, and other activities to provide education to end users, regulators, and stakeholders in a manner that leads to the deployment of CHP technologies;

"(iii) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of CHP technology, including the potential use of biomass CHP systems; Assessments.

"(iv) to identify candidates for deployment of CHP technologies, hybrid renewable-CHP technologies, biomass CHP, microgrids, and clean energy;

"(v) to provide nonbiased engineering support to sites considering deployment of CHP technologies;

"(vi) to assist organizations and communities, including rural communities, developing clean energy technologies and policies in overcoming barriers to deployment; and

"(vii) to assist companies, communities (including rural communities), and organizations with field validation and performance evaluations of CHP and other clean energy technologies implemented.

"(C) DURATION.—The Program shall make funds available under subparagraph (A) for a period of 5 years.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $12,000,000 for each of fiscal years 2021 through 2025.".

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by striking the item relating to section 375 and inserting the following:

"375. CHP Technical Assistance Partnership Program.".

SEC. 1014. SMART ENERGY WATER EFFICIENCY PILOT PROGRAM.

(a) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—Subtitle A of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16191 et seq.) is amended by adding at the end the following:

"SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM. 42 USC 16198.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a utility;

"(B) a municipality;

"(C) a water district;

"(D) an Indian Tribe or Alaska Native village; and

"(E) any other authority that provides water, wastewater, or water reuse services.

"(2) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—The term 'smart energy and water efficiency pilot program' or 'pilot program' means the pilot program established under subsection (b).

"(b) SMART ENERGY AND WATER EFFICIENCY PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and carry out a smart energy and water efficiency pilot program in accordance with this section.

"(2) PURPOSE.—The purpose of the smart energy and water efficiency pilot program is to award grants to eligible entities

to demonstrate unique, advanced, or innovative technology-based solutions that will—

"(A) improve the net energy balance of water, wastewater, and water reuse systems;

"(B) improve the net energy balance of water, wastewater, and water reuse systems to help communities across the United States make measurable progress in conserving water, saving energy, and reducing costs;

"(C) support the implementation of innovative and unique processes and the installation of established advanced automated systems that provide real-time data on energy and water; and

"(D) improve energy-water conservation and quality and predictive maintenance through technologies that utilize internet connected technologies, including sensors, intelligent gateways, and security embedded in hardware.

"(3) PROJECT SELECTION.—

"(A) IN GENERAL.—The Secretary shall make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

"(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Secretary shall consider—

"(i) energy and cost savings;

"(ii) the uniqueness, commercial viability, and reliability of the technology to be used;

"(iii) the degree to which the project integrates next-generation sensors software, analytics, and management tools;

"(iv) the anticipated cost-effectiveness of the pilot project through measurable energy savings, water savings or reuse, and infrastructure costs averted;

"(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented in a wide range of applications ranging in scale from small towns to large cities, including Tribal communities;

"(vi) whether the technology has been successfully deployed elsewhere;

"(vii) whether the technology was sourced from a manufacturer based in the United States; and

"(viii) whether the project will be completed in 5 years or less.

"(C) APPLICATIONS.—

Determination.

"(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

"(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

"(I) a description of the project;

"(II) a description of the technology to be used in the project;

"(III) the anticipated results, including energy and water savings, of the project;

"(IV) a comprehensive budget for the project;

"(V) the names of the project lead organization and any partners;

"(VI) the number of users to be served by the project;

"(VII) a description of the ways in which the proposal would meet performance measures established by the Secretary; and

"(VIII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient. Determination.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall select grant recipients under this section. Deadline.

"(B) EVALUATIONS.—

"(i) ANNUAL EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that meets performance measures and benchmarks developed by the Secretary, consistent with the purposes of this section.

"(ii) REQUIREMENTS.—Consistent with the performance measures and benchmarks developed under clause (i), in carrying out an evaluation under that clause, the Secretary shall—

"(I) evaluate the progress and impact of the project; and

"(II) assess the degree to which the project is meeting the goals of the pilot program.

"(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance.

"(D) BEST PRACTICES.—The Secretary shall make available to the public through the Internet and other means the Secretary considers to be appropriate— Public information. Internet.

"(i) a copy of each evaluation carried out under subparagraph (B); and Records.

"(ii) a description of any best practices identified by the Secretary as a result of those evaluations.

"(E) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by inserting after the item relating to section 917 the following:

"Sec. 918. Smart energy and water efficiency pilot program.".

TITLE II—NUCLEAR

SEC. 2001. ADVANCED NUCLEAR FUEL AVAILABILITY. 42 USC 16281.

(a) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and carry out, through the Office of Nuclear Energy, a program to support the availability of HA–LEU for civilian domestic research, development, demonstration, and commercial use.

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

Consultation.

(A) shall develop, in consultation with the Commission, criticality benchmark data to assist the Commission in—

(i) the licensing and regulation of special nuclear material fuel fabrication and enrichment facilities under part 70 of title 10, Code of Federal Regulations; and

(ii) certification of transportation packages under part 71 of title 10, Code of Federal Regulations;

Research and development.

(B) shall conduct research and development, and provide financial assistance to assist commercial entities, to design and license transportation packages for HA–LEU, including canisters for metal, gas, and other HA–LEU compositions;

Deadlines.

(C) shall, to the extent practicable—

(i) by January 1, 2024, support commercial entity submission of such transportation package designs to the Commission for certification by the Commission under part 71 of title 10, Code of Federal Regulations; and

(ii) encourage the Commission to have such transportation package designs so certified by the Commission within 24 months after receipt of an application;

(D) shall consider options for acquiring or providing HA–LEU from a stockpile of uranium owned by the Department, or using enrichment technology, to make available to members of the consortium established pursuant to subparagraph (F) for commercial use or demonstration projects, taking into account cost and amount of time required, and prioritizing methods that would produce usable HA–LEU the quickest, including options for acquiring or providing HA–LEU—

(i) that—

(I) directly meets the needs of an end user; and

(II) has been previously used or fabricated for another purpose;

(ii) that meets the needs of an end user after having radioactive or other contaminants that resulted from a previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department removed;

(iii) that is produced from high-enriched uranium that is blended with lower assay uranium to become HA–LEU to meet the needs of an end user;

(iv) that is produced by Department research, development, and demonstration activities;

(v) that is produced in the United States by—

(I) a United States-owned commercial entity operating United States-origin technology;

(II) a United States-owned commercial entity operating a foreign-origin technology; or

(III) a foreign-owned entity operating a foreign-origin technology;

(vi) that does not require extraction of uranium or development of uranium from lands managed by the Federal Government, cause harm to the natural or cultural resources of Tribal communities or sovereign Native Nations, or result in degraded ground or surface water quality on publicly managed or privately owned lands; or

(vii) that does not negatively impact the availability of HA–LEU by the Department to support the production of medical isotopes, including the medical isotopes defined under the American Medical Isotopes Production Act of 2012 (Public Law 112–239; 126 Stat. 2211);

(E) not later than 1 year after the date of enactment of this Act, and biennially thereafter, shall conduct a survey of stakeholders to estimate the quantity of HA–LEU necessary for domestic commercial use for each of the 5 subsequent years; Deadline. Time periods. Survey.

(F) shall establish, and from time to time update, a consortium, which may include entities involved in any stage of the nuclear fuel cycle, to partner with the Department to support the availability of HA–LEU for civilian domestic demonstration and commercial use, including by— Updates.

(i) providing information to the Secretary for purposes of surveys conducted under subparagraph (E);

(ii) purchasing HA–LEU made available by the Secretary to members of the consortium for commercial use under the program; and

(iii) carrying out demonstration projects using HA–LEU provided by the Secretary under the program;

(G) if applicable, shall, prior to acquiring or providing HA–LEU under subparagraph (H), in coordination with the consortium established pursuant to subparagraph (F), develop a schedule for cost recovery of HA–LEU made available to members of the consortium using HA–LEU for commercial use pursuant to subparagraph (H); Coordination.

(H) shall, beginning not later than 3 years after the establishment of a consortium under subparagraph (F), have the capability to acquire or provide HA–LEU, in order to make such HA–LEU available to members of the consortium beginning not later than January 1, 2026, in amounts that are consistent, to the extent practicable, with— Deadlines.

(i) the quantities estimated under the surveys conducted under subparagraph (E); plus

(ii) the quantities necessary for demonstration projects carried out under the program, as determined by the Secretary;

(I) shall, for advanced reactor demonstration projects, prioritize the provision of HA–LEU made available under this section through a merit-based, competitive selection process; and

(J) shall seek to ensure that the activities carried out under this section do not cause any delay in the progress

of any HA–LEU project between private industry and the Department that is underway as of the date of the enactment of this section.

(3) APPLICABILITY OF USEC PRIVATIZATION ACT.—

(A) SALE OR TRANSFER TO CONSORTIUM.—The requirements of section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10), except for the requirements of subparagraph (A) of section 3112(d)(2), shall not apply to the provision of enrichment services, or the sale or transfer of HA–LEU for commercial use by the Secretary to a member of the consortium under this subsection.

(B) DEMONSTRATION.—HA–LEU made available to members of the consortium established pursuant to paragraph (2)(F) for demonstration projects shall remain the property of and title will remain with the Department, which shall be responsible for the storage, use, and disposition of all radioactive waste and spent nuclear fuel created by the irradiation, processing, or purification of such uranium, and shall not be subject to the requirements of a sale or transfer of uranium under sections 3112, except for the requirements of subparagraph (A) of section 3112(d)(2), and 3113 of the USEC Privatization Act (42 U.S.C. 2297h–10; 42 U.S.C. 2297h–11).

President. Determinations.

(4) NATIONAL SECURITY NEEDS.—The Secretary shall only make available to a member of the consortium under this section for commercial or demonstration project use material that the President has determined is not necessary for national security needs, provided that this available material shall not include any material that the Secretary may determine to be necessary for the National Nuclear Security Administration or other critical Departmental missions.

(5) DOE ACQUISITION OF HA–LEU.—The Secretary may not make commitments under this section (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HA–LEU unless—

(A) funds are specifically provided for such purposes in advance in subsequent appropriations Acts, and only to the extent that the full extent of anticipated costs stemming from such commitments is recorded as an obligation up front and in full at the time it is made; or

(B) such committing agreement includes a clause conditioning the Federal Government's obligation on the availability of future year appropriations.

(6) SUNSET.—The authority of the Secretary to carry out the program under this subsection shall expire on the earlier of—

(A) September 30, 2034; or

(B) 90 days after the date on which HA–LEU is available to provide a reliable and adequate supply for civilian domestic advanced nuclear reactors in the commercial market.

(7) LIMITATION.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to the final disposition of radioactive waste from uranium that is made available under this subsection.

(b) REPORTS TO CONGRESS.—

(1) COMMISSION REPORT ON NECESSARY REGULATORY UPDATES.—Not later than 12 months after the date of enactment of this Act, the Commission shall submit to Congress a report that includes—

(A) identification of updates to regulations, certifications, and other regulatory policies that the Commission determines are necessary in order for HA–LEU to be commercially available, including—

(i) guidance for material control and accountability of special nuclear material;

(ii) certifications relating to transportation packaging for HA–LEU; and

(iii) licensing of enrichment, conversion, and fuel fabrication facilities for HA–LEU, and associated physical security plans for such facilities;

(B) a description of such updates; and

(C) a timeline to complete such updates. Timeline.

(2) DOE REPORT ON PROGRAM TO SUPPORT THE AVAILABILITY OF HA–LEU FOR CIVILIAN DOMESTIC DEMONSTRATION AND COMMERCIAL USE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes actions proposed to be carried out by the Secretary under the program described in subsection (a)(1).

(B) COORDINATION AND STAKEHOLDER INPUT.—In developing the report under this paragraph, the Secretary shall consult with— Consultation.

(i) the Commission;

(ii) suppliers of medical isotopes that have converted their operations to use HA–LEU;

(iii) the National Laboratories;

(iv) institutions of higher education;

(v) a diverse group of entities from the nuclear energy industry;

(vi) a diverse group of technology developers;

(vii) experts in nuclear nonproliferation, environmental safety, safeguards and security, and public health and safety; and

(viii) members of the consortium created under subsection (a)(2)(F).

(C) COST AND SCHEDULE ESTIMATES.—The report under this paragraph shall include estimated costs, budgets, and timeframes for all activities carried out under this section.

(D) REQUIRED EVALUATIONS.—The report under this paragraph shall evaluate—

(i) the actions required to establish and carry out the program under subsection (a)(1) and the cost of such actions, including with respect to—

(I) proposed preliminary terms for contracting between the Department and recipients of HA–LEU under the program (including guidelines defining the roles and responsibilities between the Department and the recipient); and

(II) the potential to coordinate with recipients of HA–LEU under the program regarding—

(aa) fuel fabrication; and
(bb) fuel transport;

(ii) the potential sources and fuel forms available to provide uranium for the program under subsection (a)(1);

(iii) options to coordinate the program under subsection (a)(1) with the operation of the versatile, reactor-based fast neutron source under section 959A of the Energy Policy Act of 2005 (as added by section 2003);

(iv) the ability of uranium producers to provide materials for advanced nuclear reactor fuel;

(v) any associated legal, regulatory, and policy issues that should be addressed to enable—

(I) implementation of the program under subsection (a)(1); and

(II) the establishment of an industry capable of providing HA–LEU; and

(vi) any research and development plans to develop criticality benchmark data under subsection (a)(2)(A), if needed.

Consultation.

(3) ALTERNATE FUELS REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, after consulting with relevant entities, including National Laboratories, institutions of higher education, and technology developers, submit to Congress a report identifying any and all options for providing nuclear material, containing isotopes other than the uranium-235 isotope, such as uranium-233 and thorium-232 to be used as fuel for advanced nuclear reactor research, development, demonstration, or commercial application purposes.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out research, development, demonstration, and transportation activities in this section—

(1) $31,500,000 for fiscal year 2021;
(2) $33,075,000 for fiscal year 2022;
(3) $34,728,750 for fiscal year 2023;
(4) $36,465,188 for fiscal year 2024; and
(5) $38,288,447 for fiscal year 2025.

(d) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) DEMONSTRATION PROJECT.—The term "demonstration project" has the meaning given such term in section 959A of the Energy Policy Act of 2005.

(3) HA–LEU.—The term "HA–LEU" means high-assay low-enriched uranium.

(4) HIGH-ASSAY LOW-ENRICHED URANIUM.—The term "high-assay low-enriched uranium" means uranium having an assay greater than 5.0 weight percent and less than 20.0 weight percent of the uranium-235 isotope.

(5) HIGH-ENRICHED URANIUM.—The term "high-enriched uranium" means uranium with an assay of 20.0 weight percent or more of the uranium-235 isotope.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 2002. AMENDMENTS TO DEFINITIONS IN ENERGY POLICY ACT OF 2005.

Section 951(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)(1)) is amended to read as follows:

"(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' means— Definition.

"(A) a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to reactors operating on the date of enactment of the Energy Act of 2020, including improvements such as—

"(i) additional inherent safety features;

"(ii) lower waste yields;

"(iii) improved fuel and material performance;

"(iv) increased tolerance to loss of fuel cooling;

"(v) enhanced reliability or improved resilience;

"(vi) increased proliferation resistance;

"(vii) increased thermal efficiency;

"(viii) reduced consumption of cooling water and other environmental impacts;

"(ix) the ability to integrate into electric applications and nonelectric applications;

"(x) modular sizes to allow for deployment that corresponds with the demand for electricity or process heat; and

"(xi) operational flexibility to respond to changes in demand for electricity or process heat and to complement integration with intermittent renewable energy or energy storage; and

"(B) a fusion reactor.".

SEC. 2003. NUCLEAR ENERGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAMS.

(a) REACTOR CONCEPTS RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended to read as follows:

"SEC. 952. REACTOR CONCEPTS RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

"(a) SUSTAINABILITY PROGRAM FOR LIGHT WATER REACTORS.—

"(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application, including through the use of modeling and simulation, to support existing operating nuclear power plants which shall address technologies to modernize and improve, with respect to such plants—

"(A) reliability;

"(B) capacity;

"(C) component aging;

"(D) safety;

"(E) physical security and security costs;

"(F) plant lifetime;

"(G) operations and maintenance costs, including by utilizing risk-informed systems analysis;

"(H) the ability for plants to operate flexibly;

"(I) nuclear integrated energy system applications described in subsection (c);

"(J) efficiency;

"(K) environmental impacts; and

"(L) resilience.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this subsection $55,000,000 for each of fiscal years 2021 through 2025.

Public information.

"(3) REPORT.—The Secretary shall submit annually a public report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate documenting funds spent under the program that describes program activities, objectives, and outcomes, including those that could benefit the entirety of the existing reactor fleet, such as with respect to aging management and related sustainability concerns, and identifying funds awarded to private entities.

"(b) ADVANCED REACTOR TECHNOLOGIES.—

"(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application to support advanced reactor technologies.

"(2) REQUIREMENTS.—In carrying out the program under this subsection, the Secretary shall—

"(A) prioritize designs for advanced nuclear reactors that are proliferation resistant and passively safe, including designs that, compared to reactors operating on the date of enactment of the Energy Act of 2020—

"(i) are economically competitive with other electric power generation plants;

"(ii) have higher efficiency, lower cost, less environmental impacts, increased resilience, and improved safety;

"(iii) use fuels that are proliferation resistant and have reduced production of high-level waste per unit of output; and

"(iv) use advanced instrumentation and monitoring systems;

Consultation.

"(B) consult with the Nuclear Regulatory Commission on appropriate metrics to consider for the criteria specified in subparagraph (A);

"(C) support research and development to resolve materials challenges relating to extreme environments, including environments that contain high levels of—

"(i) radiation fluence;

"(ii) temperature;

"(iii) pressure; and

"(iv) corrosion;

"(D) support research and development to aid in the qualification of advanced fuels, including fabrication techniques;

"(E) support activities that address near-term challenges in modeling and simulation to enable accelerated design of and licensing of advanced nuclear reactors, including the identification of tools and methodologies for validating such modeling and simulation efforts;

"(F) develop technologies, including technologies to manage, reduce, or reuse nuclear waste;

"(G) ensure that nuclear research infrastructure is maintained or constructed, including—

"(i) currently operational research reactors at the National Laboratories and institutions of higher education;

"(ii) hot cell research facilities;

"(iii) a versatile fast neutron source; and

"(iv) advanced coolant testing facilities, including coolants such as lead, sodium, gas, and molten salt;

"(H) improve scientific understanding of nonlight water coolant physics and chemistry;

"(I) develop advanced sensors and control systems, including the identification of tools and methodologies for validating such sensors and systems;

"(J) investigate advanced manufacturing and advanced construction techniques and materials to reduce the cost of advanced nuclear reactors, including the use of digital twins and of strategies to implement project and construction management best practices, and study the effects of radiation and corrosion on materials created with these techniques;

"(K) consult with the Administrator of the National Nuclear Security Administration to integrate reactor safeguards and security into design; Consultation.

"(L) support efforts to reduce any technical barriers that would prevent commercial application of advanced nuclear energy systems; and

"(M) develop various safety analyses and emergency preparedness and response methodologies. Analyses.

"(3) COORDINATION.—The Secretary shall coordinate with individuals engaged in the private sector and individuals who are experts in nuclear nonproliferation, environmental and public health and safety, and economics to advance the development of various designs of advanced nuclear reactors. In carrying out this paragraph, the Secretary shall convene an advisory committee of such individuals and such committee shall submit annually a report to the relevant committees of Congress with respect to the progress of the program. Convene.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this subsection $55,000,000 for each of fiscal years 2021 through 2025.

"(c) NUCLEAR INTEGRATED ENERGY SYSTEMS RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application to develop nuclear integrated energy systems, composed of 2 or more co-located or jointly operated subsystems of energy generation, energy storage, or other technologies and in which not less than 1 such subsystem is a nuclear energy system, to—

"(A) reduce greenhouse gas emissions in both the power and nonpower sectors; and

"(B) maximize energy production and efficiency.

"(2) COORDINATION.—In carrying out the program under paragraph (1), the Secretary shall coordinate with—

"(A) relevant program offices within the Department of Energy;

"(B) National Laboratories;

"(C) institutions of higher education; and

"(D) the private sector.

"(3) FOCUS AREAS.—The program under paragraph (1) may include research, development, demonstration, or commercial application of nuclear integrated energy systems with respect to—

"(A) desalination technologies and processes;

"(B) hydrogen or other liquid and gaseous fuel or chemical production;

"(C) heat for industrial processes;

"(D) district heating;

"(E) heat or electricity generation and storage;

"(F) carbon capture, use, utilization, and storage;

"(G) microgrid or island applications;

"(H) integrated systems modeling, analysis, and optimization, inclusive of different configurations of integrated energy systems; and

"(I) integrated design, planning, building, and operation of systems with existing infrastructure, including interconnection requirements with the electric grid, as appropriate.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this subsection—

"(A) $20,000,000 for fiscal year 2021;

"(B) $30,000,000 for fiscal year 2022;

"(C) $30,000,000 for fiscal year 2023;

"(D) $40,000,000 for fiscal year 2024; and

"(E) $40,000,000 for fiscal year 2025.".

(b) FUEL CYCLE RESEARCH AND DEVELOPMENT.—Section 953 of the Energy Policy Act of 2005 (42 U.S.C. 16273) is amended to read as follows:

"SEC. 953. FUEL CYCLE RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

"(a) USED NUCLEAR FUEL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

"(1) IN GENERAL.—The Secretary shall conduct an advanced fuel cycle research, development, demonstration, and commercial application program to improve fuel cycle performance, minimize environmental and public health and safety impacts, and support a variety of options for used nuclear fuel storage, use, and disposal, including advanced nuclear reactor and non-reactor concepts (such as radioisotope power systems), which may include—

"(A) dry cask storage;

"(B) consolidated interim storage;

"(C) deep geological storage and disposal, including mined repository, and other technologies;

"(D) used nuclear fuel transportation;

"(E) integrated waste management systems;

"(F) vitrification;

"(G) fuel recycling and transmutation technologies, including advanced reprocessing technologies such as electrochemical and molten salt technologies, and advanced redox extraction technologies;

"(H) advanced materials to be used in subparagraphs (A) through (G); and

"(I) other areas as determined by the Secretary.

"(2) REQUIREMENTS.—In carrying out the program under this subsection, the Secretary shall—

"(A) ensure all activities and designs incorporate state of the art safeguards technologies and techniques to reduce risk of proliferation;

"(B) consult with the Administrator of the National Nuclear Security Administration to integrate safeguards and security by design; Consultation.

"(C) consider the potential benefits and other impacts of those activities for civilian nuclear applications, environmental health and safety, and national security, including consideration of public consent; and

"(D) consider the economic viability of all activities and designs. Consideration.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this subsection $60,000,000 for each of fiscal years 2021 through 2025.

"(b) ADVANCED FUELS.—

"(1) IN GENERAL.—The Secretary shall conduct an advanced fuels research, development, demonstration, and commercial application program on next-generation light water reactor and advanced reactor fuels that demonstrate the potential for improved—

"(A) performance;

"(B) accident tolerance;

"(C) proliferation resistance;

"(D) use of resources;

"(E) environmental impact; and

"(F) economics.

"(2) REQUIREMENTS.—In carrying out the program under this subsection, the Secretary shall focus on the development of advanced technology fuels, including fabrication techniques, that offer improved accident-tolerance and economic performance with the goal of initial commercial application by December 31, 2025. Deadline.

"(3) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes how the technologies and concepts studied under this program would impact reactor economics, the fuel cycle, operations, safety, proliferation, and the environment.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this subsection $125,000,000 for each of fiscal years 2021 through 2025.".

(c) NUCLEAR SCIENCE AND ENGINEERING SUPPORT.—Section 954 of the Energy Policy Act of 2005 (42 U.S.C. 16274) is amended—

(1) in the section heading, by striking "university nuclear" and inserting "nuclear";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "this section" and inserting "this subsection"; and

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(3) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "this section" and inserting "this subsection"; and

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(5) in subsection (e), by striking "this section" and inserting "this subsection";

(6) in subsection (f)—

(A) by striking "this section" and inserting "this subsection"; and

(B) by striking "subsection (b)(2)" and inserting "paragraph (2)(B)";

(7) by redesignating subsections (a) through (d) as paragraphs (1) through (4), respectively, and indenting appropriately;

(8) by redesignating subsections (e) and (f) as paragraphs (7) and (8), respectively;

(9) by inserting after paragraph (4) (as so redesignated) the following:

"(5) RADIOLOGICAL FACILITIES MANAGEMENT.—

"(A) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide project management, technical support, quality engineering and inspection, and nuclear material handling support to research reactors located at universities.

"(B) AUTHORIZATION OF APPROPRIATIONS.—Of any amounts appropriated to carry out the program under this subsection, there are authorized to be appropriated to the Secretary to carry out the program under this paragraph $20,000,000 for each of fiscal years 2021 through 2025.

"(6) NUCLEAR ENERGY UNIVERSITY PROGRAM.—In carrying out the programs under this section, the Department shall, to the maximum extent practicable, allocate 20 percent of funds appropriated to nuclear energy research and development programs annually to fund university-led research and university infrastructure projects through an open, competitive solicitation process.";

(10) by inserting before paragraph (1) (as so redesignated) the following:

"(a) UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.—"; and

(11) by adding at the end the following:

"(b) NUCLEAR ENERGY GRADUATE TRAINEESHIP SUBPROGRAM.—

Coordination.

"(1) ESTABLISHMENT.—In carrying out the program under subsection (a), the Secretary shall establish a nuclear energy

graduate traineeship subprogram under which the Secretary shall competitively award graduate traineeships in coordination with universities to provide focused, advanced training to meet critical mission needs of the Department, including in industries that are represented by skilled labor unions.

"(2) REQUIREMENTS.—In carrying out the subprogram under this subsection, the Secretary shall—

"(A) encourage appropriate partnerships among National Laboratories, affected universities, and industry; and

"(B) on an annual basis, evaluate the needs of the nuclear energy community to implement graduate traineeships for focused topical areas addressing mission-specific workforce needs.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the subprogram under this subsection $5,000,000 for each of fiscal years 2021 through 2025.".

(d) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 2005 (Public Law 109– 58; 119 Stat. 600) is amended by striking the items relating to sections 952 through 954 and inserting the following:

"Sec. 952. Reactor concepts research, development, demonstration, and commercial application.
"Sec. 953. Fuel cycle research, development, demonstration, and commercial application.
"Sec. 954. Nuclear science and engineering support.".

(e) UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.—Section 313 of the Omnibus Appropriations Act, 2009 (42 U.S.C. 16274a), is amended to read as follows:

"SEC. 313. UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.

"(a) IN GENERAL.—The Secretary of Energy, the Administrator of the National Nuclear Security Administration, and the Chairman of the Nuclear Regulatory Commission shall jointly establish a program, to be known as the 'University Nuclear Leadership Program'.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts made available to carry out the Program shall be used to provide financial assistance for scholarships, fellowships, and research and development projects at institutions of higher education in areas relevant to the programmatic mission of the applicable Federal agency, with an emphasis on providing the financial assistance with respect to research, development, demonstration, and commercial application activities relevant to civilian advanced nuclear reactors including, but not limited to—

"(A) relevant fuel cycle technologies;

"(B) project management; and

"(C) advanced construction, manufacturing, and fabrication methods.

"(2) EXCEPTION.—Notwithstanding paragraph (1), amounts made available to carry out the Program may be used to provide financial assistance for a scholarship, fellowship, or multiyear research and development project that does not align directly with a programmatic mission of the Department of Energy,

if the activity for which assistance is provided would facilitate the maintenance of the discipline of nuclear science or engineering.

"(c) DEFINITIONS.—In this section:

"(1) ADVANCED NUCLEAR REACTOR; INSTITUTION OF HIGHER EDUCATION.—The terms 'advanced nuclear reactor' and 'institution of higher education' have the meanings given those terms in section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271).

"(2) PROGRAM.—The term 'Program' means the University Nuclear Leadership Program established under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Program for each of fiscal years 2021 through 2025—

"(1) $30,000,000 to the Secretary of Energy, of which $15,000,000 shall be for use by the Administrator of the National Nuclear Security Administration; and

"(2) $15,000,000 to the Nuclear Regulatory Commission.".

(f) NUCLEAR ENERGY RESEARCH INFRASTRUCTURE.—Section 955 of the Energy Policy Act of 2005 (42 U.S.C. 16275) is amended—

(1) in subsection (c), paragraph (1)—

(A) in the paragraph heading, by striking "MISSION NEED" and inserting "AUTHORIZATION"; and

(B) in subparagraph (A), by striking "determine the mission need" and inserting "provide";

(2) by adding at the end of subsection (c) the following:

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out to completion the construction of the facility under this section—

"(A) $295,000,000 for fiscal year 2021;

"(B) $348,000,000 for fiscal year 2022;

"(C) $525,000,000 for fiscal year 2023;

"(D) $534,000,000 for fiscal year 2024; and

"(E) $584,000,000 for fiscal year 2025.".

(3) in subsection (c) paragraph (4), by striking "2025" and inserting "2026"; and

(4) by adding at the end the following:

"(d) GATEWAY FOR ACCELERATED INNOVATION IN NUCLEAR.—

"(1) IN GENERAL.—In carrying out the programs under this subtitle, the Secretary is authorized to establish a new initiative to be known as the Gateway for Accelerated Innovation in Nuclear (GAIN). The initiative shall, to the maximum extent practicable and consistent with national security, provide the nuclear energy industry with access to cutting edge research and development along with the technical, regulatory, and financial support necessary to move innovative nuclear energy technologies toward commercialization in an accelerated and cost-effective fashion. The Secretary shall make available, as a minimum—

"(A) experimental capabilities and testing facilities;

"(B) computational capabilities, modeling, and simulation tools;

"(C) access to existing datasets and data validation tools; and

"(D) technical assistance with guidance or processes as needed.

"(2) SELECTION.—

"(A) IN GENERAL.—The Secretary shall select industry partners for awards on a competitive merit-reviewed basis.

"(B) CONSIDERATIONS.—In selecting industry partners under subparagraph (A), the Secretary shall consider—

"(i) the information disclosed by the Department as described in paragraph (1); and

"(ii) any existing facilities the Department will provide for public private partnership activities.".

(g) ADVANCED REACTOR DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following:

"SEC. 959A. ADVANCED REACTOR DEMONSTRATION PROGRAM. 42 USC 16279a.

"(a) DEMONSTRATION PROJECT DEFINED.—For the purposes of this section, the term 'demonstration project' means an advanced nuclear reactor operated in any manner, including as part of the power generation facilities of an electric utility system, for the purpose of demonstrating the suitability for commercial application of the advanced nuclear reactor.

"(b) ESTABLISHMENT.—The Secretary shall establish a program to advance the research, development, demonstration, and commercial application of domestic advanced, affordable, nuclear energy technologies by—

"(1) demonstrating a variety of advanced nuclear reactor technologies, including those that could be used to produce—

"(A) safer, emissions-free power at a competitive cost of electricity compared to other new energy generation technologies on the date of enactment of the Energy Act of 2020;

"(B) heat for community heating, industrial purposes, heat storage, or synthetic fuel production;

"(C) remote or off-grid energy supply; or

"(D) backup or mission-critical power supplies;

"(2) identifying research areas that the private sector is unable or unwilling to undertake due to the cost of, or risks associated with, the research; and

"(3) facilitating the access of the private sector—

"(A) to Federal research facilities and personnel; and

"(B) to the results of research relating to civil nuclear technology funded by the Federal Government.

"(c) DEMONSTRATION PROJECTS.—In carrying out demonstration projects under the program established in subsection (b), the Secretary shall—

"(1) include, as an evaluation criterion, diversity in designs for the advanced nuclear reactors demonstrated under this section, including designs using various— Evaluation.

"(A) primary coolants;

"(B) fuel types and compositions; and

"(C) neutron spectra;

"(2) consider, as evaluation criterions—

"(A) the likelihood that the operating cost for future commercial units for each design implemented through a demonstration project under this subsection is cost-competitive in the applicable market, including those designs

configured as integrated energy systems as described in section 952(c);

"(B) the technology readiness level of a proposed advanced nuclear reactor technology;

"(C) the technical abilities and qualifications of teams desiring to demonstrate a proposed advanced nuclear reactor technology; and

"(D) the capacity to meet cost-share requirements of the Department;

"(3) ensure that each evaluation of candidate technologies for the demonstration projects is completed through an external review of proposed designs, which review shall—

"(A) be conducted by a panel that includes not fewer than 1 representative that does not have a conflict of interest of each within the applicable market of the design of—

"(i) an electric utility;

"(ii) an entity that uses high-temperature process heat for manufacturing or industrial processing, such as a petrochemical or synthetic fuel company, a manufacturer of metals or chemicals, or a manufacturer of concrete;

"(iii) an expert from the investment community;

"(iv) a project management practitioner; and

"(v) an environmental health and safety expert; and

Review.

"(B) include a review of each demonstration project under this subsection which shall include consideration of cost-competitiveness and other value streams, together with the technology readiness level, the technical abilities and qualifications of teams desiring to demonstrate a proposed advanced nuclear reactor technology, the capacity to meet cost-share requirements of the Department, if Federal funding is provided, and environmental impacts;

"(4) for federally funded demonstration projects, enter into cost-sharing agreements with private sector partners in accordance with section 988 for the conduct of activities relating to the research, development, and demonstration of advanced nuclear reactor designs under the program;

Consultation.

"(5) consult with—

"(A) National Laboratories;

"(B) institutions of higher education;

"(C) traditional end users (such as electric utilities);

"(D) potential end users of new technologies (such as users of high-temperature process heat for manufacturing processing, including petrochemical or synthetic fuel companies, manufacturers of metals or chemicals, or manufacturers of concrete);

"(E) developers of advanced nuclear reactor technology;

"(F) environmental and public health and safety experts; and

"(G) non-proliferation experts;

"(6) seek to ensure that the demonstration projects carried out under this section do not cause any delay in the progress of an advanced reactor project by private industry and the Department of Energy that is underway as of the date of enactment of this section;

"(7) establish a streamlined approval process for expedited contracting between awardees and the Department;

"(8) identify technical challenges to candidate technologies;

"(9) support near-term research and development to address the highest risk technical challenges to the successful demonstration of a selected advanced reactor technology, in accordance with—

"(A) paragraph (8);

"(B) the research and development activities under section 952(b); and

"(C) the research and development activities under section 958; and

"(10) establish such technology advisory working groups as the Secretary determines to be appropriate to advise the Secretary regarding the technical challenges identified under paragraph (8) and the scope of research and development programs to address the challenges, in accordance with paragraph (9), to be comprised of— Establishment. Determination.

"(A) private sector advanced nuclear reactor technology developers;

"(B) technical experts with respect to the relevant technologies at institutions of higher education;

"(C) technical experts at the National Laboratories;

"(D) environmental and public health and safety experts;

"(E) non-proliferation experts; and

"(F) any other entities the Secretary determines appropriate.

"(d) MILESTONE-BASED DEMONSTRATION PROJECTS.—The Secretary may carry out demonstration projects under subsection (c) as a milestone-based demonstration project under section 9005 of the Energy Act of 2020.

"(e) NONDUPLICATION.—Entities may not receive funds under this program if receiving funds from another reactor demonstration program at the Department in the same fiscal year.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this subsection—

"(1) $405,000,000 for fiscal year 2021;

"(2) $405,000,000 for fiscal year 2022;

"(3) $420,000,000 for fiscal year 2023;

"(4) $455,000,000 for fiscal year 2024; and

"(5) $455,000,000 for fiscal year 2025.".

(2) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended—

(A) in the items relating to sections 957, 958, and 959, by inserting "Sec." before "95" each place it appears; and

(B) by inserting after the item relating to section 959 the following:

"Sec. 959A. Advanced reactor demonstration program.".

(h) INTERNATIONAL NUCLEAR ENERGY COOPERATION.—

(1) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.), as amended by subsection (g), is further amended by adding at the end the following:

42 USC 16279b.

"SEC. 959B. INTERNATIONAL NUCLEAR ENERGY COOPERATION.

"The Secretary shall carry out a program—

"(1) to collaborate in international efforts with respect to research, development, demonstration, and commercial application of nuclear technology that supports diplomatic, financing, nonproliferation, climate, and international economic objectives for the safe, secure, and peaceful use of such technology; and

"(2) to develop collaboration initiatives with respect to such efforts with a variety of countries through—

"(A) preparations for research and development agreements;

"(B) the development of coordinated action plans; and

"(C) new or existing multilateral cooperation commitments including—

"(i) the International Framework for Nuclear Energy Cooperation;

"(ii) the Generation IV International Forum;

"(iii) the International Atomic Energy Agency;

"(iv) the Organization for Economic Co-operation and Development Nuclear Energy Agency; and

"(v) any other international collaborative effort with respect to advanced nuclear reactor operations and safety.".

(2) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594), as amended by subsection (g), is further amended by inserting after the item relating to section 959A the following:

"Sec. 959B. International nuclear energy cooperation.".

SEC. 2004. HIGH-PERFORMANCE COMPUTATION COLLABORATIVE RESEARCH PROGRAM.

Section 957 of the Energy Policy Act of 2005 (42 U.S.C. 16277) is amended by adding at the end the following:

Coordination.

"(d) DUPLICATION.—The Secretary shall ensure the coordination of, and avoid unnecessary duplication of, the activities of the program under subsection (a) with the activities of—

"(1) other research entities of the Department, including the National Laboratories, the Advanced Research Projects Agency–Energy, and the Advanced Scientific Computing Research program; and

"(2) industry.".

SEC. 2005. NUCLEAR ENERGY BUDGET PLAN.

Section 959 of the Energy Policy Act of 2005 (42 U.S.C. 16279) is amended—

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

Time period.

"(b) BUDGET PLAN ALTERNATIVE 1.—One of the budget plans submitted under subsection (a) shall assume constant annual funding for 10 years at the appropriated level for the current fiscal year for the civilian nuclear energy research and development of the Department.";

(2) in subsection (d)(2) by striking "; and" and inserting ";";

(3) in subsection (d)(3) by striking the period at the end and inserting "; and"

(4) by inserting at the end of subsection (d) the following:

"(4) a description of the progress made under the programs described in section 959A."; and

(5) by inserting after subsection (d) the following:

"(e) UPDATES.—Not less frequently than once every 2 years, the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate updated 10-year budget plans which shall identify, and provide a justification for, any major deviation from a previous budget plan submitted under this section.". Deadline.

SEC. 2006. ORGANIZATION AND ADMINISTRATION OF PROGRAMS. 42 USC 16279c.

(a) IN GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.), as amended by this Act, is further amended by adding at the end of the following:

"SEC. 959C. ORGANIZATION AND ADMINISTRATION OF PROGRAMS.

"(a) COORDINATION.—In carrying out this subtitle, the Secretary shall coordinate activities, and effectively manage crosscutting research priorities across programs of the Department and other relevant Federal agencies, including the National Laboratories.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In carrying out this subtitle, the Secretary shall collaborate with industry, National Laboratories, other relevant Federal agencies, institutions of higher education, including minority-serving institutions and research reactors, Tribal entities, including Alaska Native Corporations, and international bodies with relevant scientific and technical expertise.

"(2) PARTICIPATION.—To the extent practicable, the Secretary shall encourage research projects that promote collaboration between entities specified in paragraph (1).

"(c) DISSEMINATION OF RESULTS AND PUBLIC AVAILABILITY.—The Secretary shall, except to the extent protected from disclosure under section 552(b) of title 5, United States Code, publish the results of projects supported under this subtitle through Department websites, reports, databases, training materials, and industry conferences, including information discovered after the completion of such projects. Web posting.

"(d) EDUCATION AND OUTREACH.—In carrying out the activities described in this subtitle, the Secretary shall support education and outreach activities to disseminate information and promote public understanding of nuclear energy.

"(e) TECHNICAL ASSISTANCE.—In carrying out this subtitle, for the purposes of supporting technical, nonhardware, and information-based advances in nuclear energy development and operations, the Secretary shall also conduct technical assistance and analysis activities, including activities that support commercial application of nuclear energy in rural, Tribal, and low-income communities.

"(f) PROGRAM REVIEW.—At least annually, all programs in this subtitle shall be subject to an annual review by the Nuclear Energy Advisory Committee of the Department or other independent entity, as appropriate.

"(g) SENSITIVE INFORMATION.—The Secretary shall not publish any information generated under this subtitle that is detrimental to national security, as determined by the Secretary.".

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594), as amended

by this Act, is further amended by inserting after the item relating to section 959B the following:

"Sec. 959C. Organization and administration of programs.".

SEC. 2007. EXTENSION AND EXPANSION OF LIMITATIONS ON IMPORTATION OF URANIUM FROM RUSSIAN FEDERATION.

(a) IN GENERAL.—Section 3112A of the USEC Privatization Act (42 U.S.C. 2297h–10a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

Definition.

"(7) SUSPENSION AGREEMENT.—The term 'Suspension Agreement' has the meaning given that term in section 3102(13).";

(2) in subsection (b)—

(A) by striking "United States to support" and inserting the following: "United States—

"(1) to support";

(B) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(2) to reduce reliance on uranium imports in order to protect essential national security interests;

"(3) to revive and strengthen the supply chain for nuclear fuel produced and used in the United States; and

"(4) to expand production of nuclear fuel in the United States."; and

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (vi), by striking "; and" and inserting a semicolon;

(II) in clause (vii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

"(viii) in calendar year 2021, 596,682 kilograms;
"(ix) in calendar year 2022, 489,617 kilograms;
"(x) in calendar year 2023, 578,877 kilograms;
"(xi) in calendar year 2024, 476,536 kilograms;
"(xii) in calendar year 2025, 470,376 kilograms;
"(xiii) in calendar year 2026, 464,183 kilograms;
"(xiv) in calendar year 2027, 459,083 kilograms;
"(xv) in calendar year 2028, 344,312 kilograms;
"(xvi) in calendar year 2029, 340,114 kilograms;
"(xvii) in calendar year 2030, 332,141 kilograms;
"(xviii) in calendar year 2031, 328,862 kilograms;
"(xix) in calendar year 2032, 322,255 kilograms;
"(xx) in calendar year 2033, 317,536 kilograms;
"(xxi) in calendar year 2034, 298,088 kilograms;
"(xxii) in calendar year 2035, 294,511 kilograms;
"(xxiii) in calendar year 2036, 286,066 kilograms;
"(xxiv) in calendar year 2037, 281,272 kilograms;
"(xxv) in calendar year 2038, 277,124 kilograms;
"(xxvi) in calendar year 2039, 277,124 kilograms; and

"(xxvii) in calendar year 2040, 267,685 kilograms.";

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

"(B) ADMINISTRATION.—

"(i) IN GENERAL.—The Secretary of Commerce shall administer the import limitations described in subparagraph (A) in accordance with the provisions of the Suspension Agreement, including—

"(I) the limitations on sales of enriched uranium product and separative work units plus conversion, in amounts determined in accordance with Section IV.B.1 of the Suspension Agreement (as amended by the amendment published in the Federal Register on October 9, 2020 (85 Fed. Reg. 64112));

"(II) the export limit allocations set forth in Appendix 5 of the Suspension Agreement (as so amended);

"(III) the requirements for natural uranium returned feed associated with imports of low-enriched uranium, including pursuant to sales of enrichment, with or without conversion, from the Russian Federation, as set forth in Section IV.B.1 of the Suspension Agreement (as so amended);

"(IV) any other provisions of the Suspension Agreement (as so amended); and

"(V) any related administrative guidance issued by the Department of Commerce.

"(ii) EFFECT OF TERMINATION OF SUSPENSION AGREEMENT.—Clause (i) shall remain in effect if the Suspension Agreement is terminated.";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking the semicolon and inserting "; or";

(ii) in subparagraph (B), by striking "; or" and inserting a period; and

(iii) by striking subparagraph (C);

(C) in paragraph (5)—

(i) in subparagraph (A), by striking "reference data" and all that follows through "2019" and inserting the following: "lower scenario data in the report of the World Nuclear Association entitled 'The Nuclear Fuel Report: Global Scenarios for Demand and Supply Availability 2019–2040'. In each of calendar years 2023, 2029, and 2035"; and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A) the following:

"(B) REPORT REQUIRED.—Not later than one year after the date of the enactment of the Energy Act of 2020, and every 3 years thereafter, the Secretary shall submit to Congress a report that includes— Time period.

Recommendation.

"(i) a recommendation on the use of all publicly available data to ensure accurate forecasting by scenario data to comport to actual demand for low-enriched uranium for nuclear reactors in the United States; and

"(ii) an identification of the steps to be taken to adjust the import limitations described in paragraph (2)(A) based on the most accurate scenario data."; and

(iv) in subparagraph (D), as redesignated by clause (ii), by striking "subparagraph (B)" and inserting "subparagraph (C)";

(D) in paragraph (9), by striking "2020" and inserting "2040";

(E) in paragraph (12)(B), by inserting "or the Suspension Agreement" after "the Russian HEU Agreement"; and

(F) by striking "(2)(B)" each place it appears and inserting "(2)(C)".

Effective date. 42 USC 2297h–10a note.

(b) APPLICABILITY.—The amendments made by subsection (a) apply with respect to uranium imported from the Russian Federation on or after January 1, 2021.

SEC. 2008. FUSION ENERGY RESEARCH.

(a) PROGRAM.—Section 307 of the Department of Energy Research and Innovation Act (42 U.S.C. 18645) is amended—

42 USC 2053.

(1) by redesignating subsections (a) through (g) as subsections (b) through (h), respectively;

(2) by inserting before subsection (b), as so redesignated, the following:

"(a) PROGRAM.—As part of the activities authorized under section 209 of the Department of Energy Organization Act (42 U.S.C. 7139) and section 972 of the Energy Policy Act of 2005 (42 U.S.C. 16312), the Director shall carry out a fusion energy sciences research and enabling technology development program to effectively address the scientific and engineering challenges to building a cost competitive fusion power plant and to support the development of a competitive fusion power industry in the United States. As part of this program, the Director shall carry out research activities to expand the fundamental understandings of plasma and matter at very high temperatures and densities for fusion applications and for other engineering and plasma science applications.";

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

"(d) INERTIAL FUSION RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—The Director shall carry out a program of research and technology development in inertial fusion for energy applications, including ion beam, laser, and pulsed power fusion systems.

"(2) ACTIVITIES.—As part of the program described in paragraph (1), the Director shall support activities at and partnerships with universities and the National Laboratories to—

"(A) develop novel target designs;

"(B) support modeling of various inertial fusion energy concepts and systems;

"(C) develop diagnostic tools; and

"(D) improve inertial fusion energy driver technologies.

"(3) AUTHORIZATION OF APPROPRIATIONS.—Out of funds authorized to be appropriated under subsection (o), there are

authorized to be appropriated to the Secretary to carry out the activities described in subsection (d) $25,000,000 for each of fiscal years 2021 through 2025.";

(4) by amending subsection (e) to read as follows:

"(e) ALTERNATIVE AND ENABLING CONCEPTS.—

"(1) IN GENERAL.—The Director shall support research and development activities and facility operations at institutions of higher education, National Laboratories, and private facilities in the United States for a portfolio of alternative and enabling fusion energy concepts that may provide solutions to significant challenges to the establishment of a commercial magnetic fusion power plant, prioritized based on the ability of the United States to play a leadership role in the international fusion research community.

"(2) ACTIVITIES.—Fusion energy concepts and activities explored under paragraph (1) may include—

"(A) alternative fusion energy concepts, including—

"(i) advanced stellarator concepts;

"(ii) non-tokamak confinement configurations operating at low magnetic fields;

"(iii) magnetized target fusion energy concepts; or

"(iv) other promising fusion energy concepts identified by the Director;

"(B) enabling fusion technology development activities, including—

"(i) high magnetic field approaches facilitated by high temperature superconductors;

"(ii) liquid metals to address issues associated with fusion plasma interactions with the inner wall of the encasing device; and

"(iii) advanced blankets for heat management and fuel breeding; and

"(C) advanced scientific computing activities.

"(3) INNOVATION NETWORK FOR FUSION ENERGY.—

"(A) IN GENERAL.—The Secretary, acting through the Office of Science, shall support a program to provide fusion energy researchers with access to scientific and technical resources and expertise at facilities supported by the Department, including such facilities at National Laboratories and universities, to advance innovative fusion energy technologies toward commercial application.

"(B) AWARDS.—Financial assistance under the program established in subsection (a)—

"(i) shall be awarded on a competitive, merit-reviewed basis; and

"(ii) may be in the form of grants, vouchers, equipment loans, or contracts to private entities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—Out of funds authorized to be appropriated under subsection (o), there are authorized to be appropriated to the Secretary to carry out the activities described in subsection (e) $50,000,000 for each of fiscal years 2021 through 2025."; and

(5) by adding at the end the following:

"(i) MILESTONE-BASED DEVELOPMENT PROGRAM.—

"(1) IN GENERAL.—Using the authority of the Secretary under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), notwithstanding paragraph (10) of such

Deadline.

section, the Secretary shall establish, not later than 6 months after the date of enactment of this section, a milestone-based fusion energy development program that requires projects to meet particular technical milestones before a participant is awarded funds by the Department.

Time period.

"(2) PURPOSE.—The purpose of the program established by paragraph (1) shall be to support the development of a U.S.-based fusion power industry through the research and development of technologies that will enable the construction of new full-scale fusion systems capable of demonstrating significant improvements in the performance of such systems, as defined by the Secretary, within 10 years of the enactment of this section.

"(3) ELIGIBILITY.—Any entity is eligible to participate in the program provided that the Secretary has deemed it as having the necessary resources and expertise.

"(4) REQUIREMENTS.—In carrying out the milestone-based program under paragraph (1), the Secretary shall, for each relevant project—

Determination.

"(A) request proposals from eligible entities, as determined by the Secretary, that include proposed technical milestones, including estimated project timelines and total costs;

"(B) set milestones based on a rigorous technical review process;

"(C) award funding of a predetermined amount to projects that successfully meet proposed milestones under paragraph (1), or for expenses deemed reimbursable by the Secretary, in accordance with terms negotiated for an individual award; and

"(D) communicate regularly with selected eligible entities and, if the Secretary deems appropriate, exercise small amounts of flexibility for technical milestones as projects mature.

"(5) AWARDS.—For the program established under paragraph (1)—

"(A) an award recipient shall be responsible for all costs until milestones are achieved, or reimbursable expenses are reviewed and verified by the Department;

"(B) should an awardee not meet the milestones described in paragraph (4), the Secretary may end the partnership with an award recipient and use the remaining funds in the ended agreement for new or existing projects carried out under this section; and

"(C) consistent with the existing authorities of the Department, the Secretary may end the partnership with an award recipient for cause during the performance period.

Evaluation.

"(6) APPLICATIONS.—Any project proposal submitted to the program under paragraph (1) shall be evaluated based upon its scientific, technical, and business merits through a peer-review process, which shall include reviewers with appropriate expertise from the private sector, the investment community, and experts in the science and engineering of fusion and plasma physics.

Consultation.

"(7) PROJECT MANAGEMENT.—In carrying out projects under this program and assessing the completion of their milestones in accordance with paragraph (4), the Secretary shall consult

with experts that represent diverse perspectives and professional experiences, including those from the private sector, to ensure a complete and thorough review.

"(8) PROGRAMMATIC REVIEW.—Not later than 4 years after the Secretary has established 3 milestones under this program, the Secretary shall enter into a contractual arrangement with the National Academy of Sciences to review and provide a report describing the findings of this review to the House Committee on Science, Space, and Technology and the Senate Committee on Energy and Natural Resources on the program established under this paragraph (1) that assesses— Deadline. Contracts. Assessments.

"(A) the benefits and drawbacks of a milestone-based fusion program as compared to traditional program structure funding models at the Department;

"(B) lessons-learned from program operations; and

"(C) any other matters the Secretary determines regarding the program.

"(9) ANNUAL REPORT.—As part of the annual budget request submitted for each fiscal year, the Secretary shall provide the House Committee on Science, Space, and Technology and the Senate Committee on Energy and Natural Resources a report describing partnerships supported by the program established under paragraph (1) during the previous fiscal year.

"(10) AUTHORIZATION OF APPROPRIATIONS.—Out of funds authorized to be appropriated under subsection (o), there are authorized to be appropriated to the Secretary to carry out the activities described in subsection (i), to remain available until expended—

"(A) $45,000,000 for fiscal year 2021;

"(B) $65,000,000 for fiscal year 2022;

"(C) $105,000,000 for fiscal year 2023;

"(D) $65,000,000 for fiscal year 2024; and

"(E) $45,000,000 for fiscal year 2025.

"(j) FUSION REACTOR SYSTEM DESIGN.—The Director shall support research and development activities to design future fusion reactor systems and examine and address the technical drivers for the cost of these systems.

"(k) GENERAL PLASMA SCIENCE AND APPLICATIONS.—The Director shall support research in general plasma science and high energy density physics that advance the understanding of the scientific community of fundamental properties and complex behavior of matter to control and manipulate plasmas for a broad range of applications, including support for research relevant to advancements in chip manufacturing and microelectronics.

"(l) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support a robust, diverse program in addition to providing sufficient support to, at a minimum, meet its commitments to ITER and maintain the schedule of the project as determined by the Secretary in coordination with the ITER Organization at the time of the enactment of this section. It is further the sense of Congress that developing the scientific basis for fusion, providing research results key to the success of ITER, and training the next generation of fusion scientists are of critical importance to the United States and should in no way be diminished by participation of the United States in the ITER project.

"(m) INTERNATIONAL COLLABORATION.—The Director shall— Coordination.

"(1) as practicable and in coordination with other appropriate Federal agencies as necessary, ensure the access of United States researchers to the most advanced fusion research facilities and research capabilities in the world, including ITER;

"(2) to the maximum extent practicable, continue to leverage United States participation ITER, and prioritize expanding international partnerships and investments in current and future fusion research facilities within the United States; and

"(3) to the maximum extent practicable, prioritize engagement in collaborative efforts in support of future international facilities that would provide access to the most advanced fusion research facilities in the world to United States researchers.

"(n) FISSION AND FUSION RESEARCH COORDINATION REPORT.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary shall transmit to Congress a report addressing opportunities for coordinating fusion energy research and development activities between the Office of Nuclear Energy, the Office of Science, and the Advanced Research Projects Agency—Energy.

Assessment.

"(2) COMPONENTS.—The report shall assess opportunities for collaboration on research and development of—

"(A) liquid metals to address issues associated with fusion plasma interactions with the inner wall of the encasing device and other components within the reactor;

"(B) immersion blankets for heat management and fuel breeding;

"(C) technologies and methods for instrumentation and control;

"(D) computational methods and codes for system operation and maintenance;

"(E) codes and standard development;

"(F) radioactive waste handling;

"(G) radiological safety;

"(H) potential for non-electricity generation applications; and

"(I) any other overlapping priority as identified by the Director of the Office of Science or the Assistant Secretary of Energy for Nuclear Energy.

"(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the activities described in this section—

"(1) $996,000,000 for fiscal year 2021;

"(2) $921,000,000 for fiscal year 2022;

"(3) $961,000,000 for fiscal year 2023;

"(4) $921,000,000 for fiscal year 2024; and

"(5) $901,000,000 for fiscal year 2025.".

(b) ITER.—Section 972(c) of the Energy Policy Act of 2005 (42 U.S.C. 16312) is amended to read as follows:

"(c) UNITED STATES PARTICIPATION IN ITER.—

"(1) IN GENERAL.—There is authorized United States participation in the construction and operations of the ITER project, as agreed to under the April 25, 2007 'Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project'. The Director shall coordinate and carry out the responsibilities of the United States with respect to this Agreement.

Coordination.

"(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report providing an assessment of the most recent schedule for ITER that has been approved by the ITER Council.

"(3) AUTHORIZATION OF APPROPRIATIONS.—Out of funds authorized to be appropriated under section 307(o) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645), there shall be made available to the Secretary to carry out the construction of ITER—

"(A) $374,000,000 for fiscal year 2021; and

"(B) $281,000,000 for each of fiscal years 2022 through 2025.".

TITLE III—RENEWABLE ENERGY AND STORAGE

Subtitle A—Renewable Energy Research and Development

SEC. 3001. WATER POWER RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subtitle C of title VI of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211 et seq.) is amended to read as follows:

"Subtitle C—Water Power Research and Development

"SEC. 632. DEFINITIONS.

42 USC 17211.

"In this subtitle:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following entities:

"(A) An institution of higher education.

"(B) A National Laboratory.

"(C) A Federal research agency.

"(D) A State research agency.

"(E) A nonprofit research organization.

"(F) An industrial entity or a multi-institutional consortium thereof.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means—

"(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

"(B) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).

"(3) MARINE ENERGY.—The term 'marine energy' means energy from—

"(A) waves, tides, and currents in oceans, estuaries, and tidal areas;

"(B) free flowing water in rivers, lakes, streams, and man-made channels;

"(C) differentials in salinity and pressure gradients; and

"(D) differentials in water temperature, including ocean thermal energy conversion.

"(4) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given such term in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).

"(5) WATER POWER.—The term 'water power' refers to hydropower, including conduit power, pumped storage, and marine energy technologies.

"(6) MICROGRID.—The term 'microgrid' has the meaning given such term in section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231).

42 USC 17212.

"SEC. 633. WATER POWER TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

"The Secretary shall carry out a program to conduct research, development, demonstration, and commercial application of water power technologies in support of each of the following purposes:

"(1) To promote research, development, demonstration, and commercial application of water power generation technologies in order to increase capacity and reduce the cost of those technologies.

"(2) To promote research and development to improve the environmental impact of water power technologies.

"(3) To provide grid reliability and resilience, including through technologies that facilitate new market opportunities, such as ancillary services, for water power.

"(4) To promote the development of water power technologies to improve economic growth and enhance cross-institutional foundational workforce development in the water power sector, including in coastal communities.

42 USC 17213.

"SEC. 634. HYDROPOWER RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

"The Secretary shall conduct a program of research, development, demonstration, and commercial application for technologies that improve the capacity, efficiency, resilience, security, reliability, affordability, and environmental impact, including potential cumulative environmental impacts, of hydropower systems. In carrying out such program, the Secretary shall prioritize activities designed to—

"(1) develop technology for—

"(A) non-powered dams, including aging and potentially hazardous dams;

"(B) pumped storage;

"(C) constructed waterways;

"(D) new stream-reach development;

"(E) modular and small dams;

"(F) increased operational flexibility; and

"(G) enhancement of relevant existing facilities;

"(2) develop new strategies and technologies, including analytical methods, physical and numerical tools, and advanced computing, as well as methods to validate such methods and tools, in order to—

"(A) extend the operational lifetime of hydropower systems and their physical structures, while improving

environmental impact, including potential cumulative environmental impacts;

"(B) assist in device and system design, installation, operation, and maintenance; and

"(C) reduce costs, limit outages, and increase unit and plant efficiencies, including by examining the impact of changing water and electricity demand on hydropower generation, flexibility, and provision of grid services;

"(3) study, in conjunction with other relevant Federal agencies as appropriate, methods to improve the hydropower licensing process, including by compiling current and accepted best practices, public comments, and methodologies to assess the full range of potential environmental and economic impacts;

"(4) identify opportunities for joint research, development, and demonstration programs between hydropower systems, which may include—

"(A) pumped storage systems and other renewable energy systems;

"(B) small hydro facilities and other energy storage systems;

"(C) other hybrid energy systems;

"(D) small hydro facilities and critical infrastructure, including water infrastructure; and

"(E) hydro facilities and responsive load technologies, which may include smart buildings and city systems;

"(5) improve the reliability of hydropower technologies, including during extreme weather events;

"(6) develop methods and technologies to improve environmental impact, including potential cumulative environmental impacts, of hydropower and pumped storage technologies, including potential impacts on wildlife, such as—

"(A) fisheries;

"(B) aquatic life and resources;

"(C) navigation of waterways; and

"(D) upstream and downstream environmental conditions, including sediment movement, water quality, and flow volumes;

"(7) identify ways to increase power generation by—

"(A) diversifying plant configuration options;

"(B) improving pump-back efficiencies;

"(C) investigating multi-phase systems;

"(D) developing, testing, and monitoring advanced generators with faster cycling times, variable speeds, and improved efficiencies;

"(E) developing, testing, and monitoring advanced turbines capable of improving environmental impact, including potential cumulative environmental impacts, including small turbine designs;

"(F) developing standardized powertrain components;

"(G) developing components with advanced materials and manufacturing processes, including additive manufacturing; and

"(H) developing analytical tools that enable hydropower to provide grid services that, amongst other services, improve grid integration of other energy sources;

"(8) advance new pumped storage technologies, including—

"(A) systems with adjustable speed and other new pumping and generating equipment designs;

"(B) modular systems;

"(C) alternative closed-loop systems, including mines and quarries; and

Determination.

"(D) other innovative equipment and materials as determined by the Secretary;

"(9) reduce civil works costs and construction times for hydropower and pumped storage systems, including comprehensive data and systems analysis of hydropower and pumped storage construction technologies and processes in order to identify areas for whole-system efficiency gains;

"(10) advance efficient and reliable integration of hydropower and pumped storage systems with the electric grid by—

"(A) improving methods for operational forecasting of renewable energy systems to identify opportunities for hydropower applications in pumped storage and hybrid energy systems, including forecasting of seasonal and annual energy storage;

"(B) considering aggregating small distributed hydropower assets; and

"(C) identifying barriers to grid scale implementation of hydropower and pumped storage technologies;

"(11) improve computational fluid dynamic modeling methods;

"(12) improve flow measurement methods, including maintenance of continuous flow measurement equipment;

"(13) identify best methods for compiling data on all hydropower resources and assets, including identifying potential for increased capacity; and

"(14) identify mechanisms to test and validate performance of hydropower and pumped storage technologies.

42 USC 17214.

"SEC. 635. MARINE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

Consultation.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Defense, Secretary of Commerce (acting through the Under Secretary of Commerce for Oceans and Atmosphere) and other relevant Federal agencies, shall conduct a program of research, development, demonstration, and commercial application of marine energy technology, including activities to—

"(1) assist technology development to improve the components, processes, and systems used for power generation from marine energy resources at a variety of scales;

"(2) establish and expand critical testing infrastructure and facilities necessary to—

"(A) demonstrate and prove marine energy devices at a range of scales in a manner that is cost-effective and efficient; and

"(B) accelerate the technological readiness and commercial application of such devices;

"(3) address marine energy resource variability issues, including through the application of energy storage technologies;

"(4) advance efficient and reliable integration of marine energy with the electric grid, which may include smart building systems;

"(5) identify and study critical short-term and long-term needs to maintaining a sustainable marine energy supply chain based in the United States;

"(6) increase the reliability, security, and resilience of marine energy technologies;

"(7) validate the performance, reliability, maintainability, and cost of marine energy device designs and system components in an operating environment;

"(8) consider the protection of critical infrastructure, such as adequate separation between marine energy devices and submarine telecommunications cables, including through the development of voluntary, consensus-based standards for such purposes;

"(9) identify opportunities for crosscutting research, development, and demonstration programs between existing energy research programs;

"(10) identify and improve, in conjunction with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, and other relevant Federal agencies as appropriate, the environmental impact, including potential cumulative environmental impacts, of marine energy technologies, including—

"(A) potential impacts on fisheries and other marine resources; and

"(B) developing technologies, including mechanisms for self-evaluation, and other means available for improving environmental impact, including potential cumulative environmental impacts;

"(11) identify, in consultation with relevant Federal agencies, potential navigational impacts of marine energy technologies and strategies to prevent possible adverse impacts, in addition to opportunities for marine energy systems to aid the United States Coast Guard, such as remote sensing for coastal border security;

"(12) develop numerical and physical tools, including models and monitoring technologies, to assist industry in device and system design, installation, operation, and maintenance, including methods to validate such tools;

"(13) support materials science as it relates to marine energy technology, such as the development of corrosive-resistant materials;

"(14) improve marine energy resource forecasting and general understanding of aquatic system behavior, including turbulence and extreme conditions;

Coordination.

"(15) develop metrics and voluntary, consensus-based standards, in coordination with the National Institute of Standards and Technology and appropriate standard development organizations, for marine energy components, systems, and projects, including—

"(A) measuring performance of marine energy technologies; and

"(B) characterizing environmental conditions;

"(16) enhance integration with hybrid energy systems, including desalination;

"(17) identify opportunities to integrate marine energy technologies into new and existing infrastructure; and

"(18) to develop technology necessary to support the use of marine energy—

"(A) for the generation and storage of power at sea; and

"(B) for the generation and storage of power to promote the resilience of coastal communities, including in applications relating to—

"(i) desalination;

"(ii) disaster recovery and resilience; and

"(iii) community microgrids in isolated power systems.

"(b) STUDY OF NON-POWER SECTOR APPLICATIONS FOR ADVANCED MARINE ENERGY TECHNOLOGIES.—

Consultation.

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Secretary of Commerce, shall conduct a study to examine opportunities for research and development in advanced marine energy technologies for non-power sector applications, including applications with respect to—

"(A) the maritime transportation sector;

"(B) associated maritime energy infrastructure, including infrastructure that serves ports, to improve system resilience and disaster recovery; and

"(C) enabling scientific missions at sea and in extreme environments, including the Arctic.

"(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that describes the results of the study conducted under paragraph (1).

42 USC 17215.

"SEC. 636. NATIONAL MARINE ENERGY CENTERS.

Grants.

"(a) IN GENERAL.—The Secretary shall award grants, each such grant up to $10,000,000 per year, to institutions of higher education (or consortia thereof) for—

"(1) the continuation and expansion of the research, development, demonstration, testing, and commercial application activities at the National Marine Energy Centers (referred to in this section as 'Centers') established as of January 1, 2020; and

"(2) the establishment of new National Marine Energy Centers.

"(b) LOCATION SELECTION.—In selecting institutions of higher education for new Centers, the Secretary shall consider the following criteria:

"(1) Whether the institution hosts an existing marine energy research and development program.

"(2) Whether the institution has proven technical expertise to support marine energy research.

"(3) Whether the institution has access to marine resources.

Coordination.

"(c) PURPOSES.—The Centers shall coordinate among themselves, the Department, and National Laboratories to—

"(1) advance research, development, demonstration, and commercial application of marine energy technologies in response to industry and commercial needs;

"(2) support in-water testing and demonstration of marine energy technologies, including facilities capable of testing—

"(A) marine energy systems of various technology readiness levels and scales;

"(B) a variety of technologies in multiple test berths at a single location;

"(C) arrays of technology devices; and

"(D) interconnectivity to an electrical grid, including microgrids; and

"(3) collect and disseminate information on best practices in all areas relating to developing and managing marine energy resources and energy systems.

"(d) COORDINATION.—To the extent practicable, the Centers shall coordinate their activities with the Secretary of Commerce, acting through the Undersecretary of Commerce for Oceans and Atmosphere, and other relevant Federal agencies.

"(e) TERMINATION.—To the extent otherwise authorized by law, the Secretary may terminate funding for a Center described in paragraph (a) if such Center is under-performing.

"SEC. 637. ORGANIZATION AND ADMINISTRATION OF PROGRAMS. 42 USC 17216.

"(a) COORDINATION.—In carrying out this subtitle, the Secretary shall coordinate activities, and effectively manage cross-cutting research priorities across programs of the Department and other relevant Federal agencies, including the National Laboratories and the National Marine Energy Centers.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In carrying out this subtitle, the Secretary shall collaborate with industry, National Laboratories, other relevant Federal agencies, institutions of higher education, including Minority Serving Institutions, National Marine Energy Centers, Tribal entities, including Alaska Native Corporations, and international bodies with relevant scientific and technical expertise.

"(2) PARTICIPATION.—To the extent practicable, the Secretary shall encourage research projects that promote collaboration between entities specified in paragraph (1) and include entities not historically associated with National Marine Energy Centers, such as Minority Serving Institutions.

"(3) INTERNATIONAL COLLABORATION.—The Secretary, in coordination with other appropriate Federal and multilateral agencies (including the United States Agency for International Development) shall support collaborative efforts with international partners to promote the research, development, and demonstration of water power technologies used to develop hydropower, pump storage, and marine energy resources. Consultation.

"(c) DISSEMINATION OF RESULTS AND PUBLIC AVAILABILITY.—The Secretary shall—

"(1) publish the results of projects supported under this subtitle through Department websites, reports, databases, training materials, and industry conferences, including information discovered after the completion of such projects, withholding any industrial proprietary information; and

"(2) share results of such projects with the public except to the extent that the information is protected from disclosure under section 552(b) of title 5, United States Code.

"(d) AWARD FREQUENCY.—The Secretary shall solicit applications for awards under this subtitle no less frequently than once per fiscal year.

"(e) EDUCATION AND OUTREACH.—In carrying out the activities described in this subtitle, the Secretary shall support education and outreach activities to disseminate information and promote public understanding of water power technologies and the water power workforce, including activities at the National Marine Energy Centers.

"(f) TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.—In carrying out this subtitle, the Secretary may also conduct, for purposes of supporting technical, non-hardware, and information-based advances in water power systems development and operations—

"(1) technical assistance and analysis activities with eligible entities, including activities that support expanding access to advanced water power technologies for rural, Tribal, and low-income communities; and

"(2) workforce development and training activities, including to support the dissemination of standards and best practices for enabling water power production.

"(g) STRATEGIC PLAN.—In carrying out the activities described in this subtitle, the Secretary shall—

Deadline.

"(1) not later than one year after the date of the enactment of the Energy Act of 2020, draft a plan, considering input from relevant stakeholders such as industry and academia, to implement the programs described in this subtitle and update the plan on an annual basis; and

Time periods.

"(2) the plan shall address near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) challenges to the advancement of water power systems.

Time period. Public information.

"(h) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Energy Act of 2020, and at least once every 2 years thereafter, the Secretary shall provide, and make available to the public and the relevant authorizing and appropriations committees of Congress, a report on the findings of research conducted and activities carried out pursuant to this subtitle, including the most current strategic plan under subsection (g) and the progress made in implementing such plan.

42 USC 17217.

"SEC. 638. APPLICABILITY OF OTHER LAWS.

"Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law.

42 USC 17218.

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this subtitle $186,600,000 for each of fiscal years 2021 through 2025, including $137,428,378 for marine energy and $49,171,622 for hydropower research, development, and demonstration activities.".

(b) CONFORMING TABLE OF CONTENTS AMENDMENT.—The table of contents for the Energy Independence and Security Act of 2007 is amended by striking the items relating to subtitle C of title VI and inserting the following:

"Subtitle C—Water Power Research and Development

"Sec. 632. Definitions.

"Sec. 633. Water power technology research, development, and demonstration.
"Sec. 634. Hydropower research, development, and demonstration.
"Sec. 635. Marine energy research, development, and demonstration.
"Sec. 636. National Marine Energy Centers.
"Sec. 637. Organization and administration of programs.
"Sec. 638. Applicability of other laws.
"Sec. 639. Authorization of appropriations.".

SEC. 3002. ADVANCED GEOTHERMAL INNOVATION LEADERSHIP.

(a) DEFINITIONS.—Section 612 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17191) is amended—

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

"(1) ENGINEERED.—When referring to enhanced geothermal systems, the term 'engineered' means designed to access subsurface heat, including stimulation and nonstimulation technologies to address one or more of the following issues:

"(A) Lack of effective permeability, porosity or open fracture connectivity within the heat reservoir.

"(B) Insufficient contained geofluid in the heat reservoir.

"(C) A low average geothermal gradient which necessitates deeper drilling, or the use of alternative heat sources or heat generation processes.";

(2) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(3) by adding after paragraph (1) the following:

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following entities:

"(A) An institution of higher education.

"(B) A National laboratory.

"(C) A Federal research agency.

"(D) A State research agency.

"(E) A nonprofit research organization.

"(F) An industrial entity.

"(G) A consortium of 2 or more entities described in subparagraphs (A) through (F).".

(b) HYDROTHERMAL RESEARCH AND DEVELOPMENT.—Section 613 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17192) is amended to read as follows:

"SEC. 613. HYDROTHERMAL RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for geothermal energy production from hydrothermal systems.

"(b) PROGRAMS.—The program authorized in subsection (a) shall include the following:

"(1) ADVANCED HYDROTHERMAL RESOURCE TOOLS.—The research and development of advanced geologic tools to assist in locating hydrothermal resources, and to increase the reliability of site characterization, including the development of new imaging and sensing technologies and techniques to assist in prioritization of targets for characterization;

"(2) EXPLORATORY DRILLING FOR GEOTHERMAL RESOURCES.—The demonstration of advanced technologies and techniques of siting and exploratory drilling for undiscovered resources in a variety of geologic settings, carried out in collaboration with industry partners that will assist in the acquisition of high quality data sets relevant for hydrothermal subsurface characterization activities.".

(c) GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.—Section 614 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17193) is amended to read as follows:

"SEC. 614. GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

"(a) SUBSURFACE COMPONENTS AND SYSTEMS.—The Secretary shall support a program of research, development, demonstration, and commercial application of components and systems capable of withstanding geothermal environments and necessary to develop, produce, and monitor geothermal reservoirs and produce geothermal energy.

"(b) ENVIRONMENTAL IMPACTS.—The Secretary shall—

"(1) support a program of research, development, demonstration, and commercial application of technologies and practices designed to mitigate or preclude potential adverse environmental impacts of geothermal energy development, production or use;

"(2) support a research program to identify potential environmental impacts, including induced seismicity, and environmental benefits of geothermal energy development, production, and use, and ensure that the program described in paragraph (1) addresses such impacts, including water use and effects on groundwater and local hydrology;

"(3) support a program of research to compare the potential environmental impacts and environmental benefits identified as part of the development, production, and use of geothermal energy with the potential emission reductions of greenhouse gases gained by geothermal energy development, production, and use; and

Consultation.

"(4) in carrying out this section, the Secretary shall, to the maximum extent practicable, consult with relevant federal agencies, including the Environmental Protection Agency.

"(c) RESERVOIR THERMAL ENERGY STORAGE.—The Secretary shall support a program of research, development, and demonstration of reservoir thermal energy storage, emphasizing cost-effective improvements through deep direct use engineering, design, and systems research.

"(d) OIL AND GAS TECHNOLOGY TRANSFER INITIATIVE.—

"(1) IN GENERAL.—The Secretary shall support an initiative among the Office of Fossil Energy, the Office of Energy Efficiency and Renewable Energy, and the private sector to research, develop, and demonstrate relevant advanced technologies and operation techniques used in the oil and gas sector for use in geothermal energy development.

"(2) PRIORITIES.—In carrying out paragraph (1), the Secretary shall prioritize technologies with the greatest potential to significantly increase the use and lower the cost of geothermal energy in the United States, including the cost and speed of geothermal drilling surface technologies, large- and small-scale drilling, and well construction.

"(e) COPRODUCTION OF GEOTHERMAL ENERGY AND MINERALS PRODUCTION RESEARCH AND DEVELOPMENT INITIATIVE.—

"(1) IN GENERAL.—The Secretary shall carry out a research and development initiative under which the Secretary shall provide financial assistance to demonstrate the coproduction of critical minerals from geothermal resources.

"(2) REQUIREMENTS.—An award made under paragraph (1) shall—

"(A) improve the cost effectiveness of removing minerals from geothermal brines as part of the coproduction process;

"(B) increase recovery rates of the targeted mineral commodity;

"(C) decrease water use and other environmental impacts, as determined by the Secretary; and

"(D) demonstrate a path to commercial viability.

"(f) FLEXIBLE OPERATIONS.—The Secretary shall support a research initiative on flexible operation of geothermal power plants.

"(g) INTEGRATED ENERGY SYSTEMS.—The Secretary shall identify opportunities for joint research, development, and demonstration programs between geothermal systems and other energy generation or storage systems.

"(h) DRILLING DATA REPOSITORY.—

"(1) IN GENERAL.—The Secretary shall, in consultation with the Secretary of the Interior, establish and operate a voluntary, industry-wide repository of geothermal drilling information to lower the cost of future geothermal drilling. Consultation.

"(2) REPOSITORY.—

"(A) IN GENERAL.—In carrying out paragraph (1), the Secretary shall collaborate with countries utilizing a significant amount of geothermal energy, as determined by the Secretary.

"(B) DATA SYSTEM.—The repository established under paragraph (1) shall be integrated with the National Geothermal Data System.".

(d) ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.—Section 615 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194) is amended to read as follows:

"SEC. 615. ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall support a program of research, development, demonstration, and commercial application for enhanced geothermal systems, including the programs described in subsection (b).

"(b) ENHANCED GEOTHERMAL SYSTEMS TECHNOLOGIES.—In collaboration with industry partners, institutions of higher education, and the national laboratories, the Secretary shall support a program of research, development, demonstration, and commercial application of the technologies to achieve higher efficiency and lower cost enhanced geothermal systems, including—

"(1) reservoir stimulation;

"(2) drilled, non-stimulated (e.g. closed-loop) reservoir technologies;

"(3) reservoir characterization, monitoring, and modeling and understanding of the surface area and volume of fractures;

"(4) stress and fracture mapping including real time monitoring and modeling;

"(5) tracer development;

"(6) three and four-dimensional seismic imaging and tomography;

"(7) well placement and orientation;

"(8) long-term reservoir management;

"(9) drilling technologies, methods, and tools;

"(10) improved exploration tools;

"(11) zonal isolation; and

"(12) understanding induced seismicity risks from reservoir engineering and stimulation.

"(c) FRONTIER OBSERVATORY FOR RESEARCH IN GEOTHERMAL ENERGY.—

"(1) IN GENERAL.—The Secretary shall support the establishment and construction of up to 3 field research sites, which shall each be known as a 'Frontier Observatory for Research in Geothermal Energy' or 'FORGE' site to develop, test, and enhance techniques and tools for enhanced geothermal energy.

"(2) DUTIES.—The Secretary shall—

"(A) provide financial assistance in support of research and development projects focused on advanced monitoring technologies, new technologies and approaches for implementing multi-zone stimulations, nonstimulation techniques, and dynamic reservoir modeling that incorporates all available high-fidelity characterization data; and

"(B) seek opportunities to coordinate efforts and share information with domestic and international partners engaged in research and development of geothermal systems and related technology, including coordination between FORGE sites.

"(3) SITE SELECTION.—Of the FORGE sites referred to in paragraph (1), the Secretary shall—

"(A) consider applications through a competitive, merit-reviewed process, from National Laboratories, multi-institutional collaborations, institutes of higher education and other appropriate entities best suited to provide national leadership on geothermal related issues and perform the duties enumerated under this subsection;

"(B) prioritize existing field sites and facilities with capabilities relevant to the duties enumerated under this subsection;

Determination.

"(C) determine the mission need for and potential location of subsequent FORGE sites following the completion of construction and one year of operation of two FORGE sites; and

"(D) ensure geologic diversity among FORGE sites when developing subsequent sites, to the maximum extent practicable.

"(4) EXISTING FORGE SITES.—A FORGE site already in existence on the date of enactment of this Act may continue to receive support.

"(5) SITE OPERATION.—

"(A) INITIAL DURATION.—FORGE sites selected under paragraph (3) shall operate for an initial term of not more than 7 years after the date on which site operation begins.

Determination.

"(B) PERFORMANCE METRICS.—The Secretary shall establish performance metrics for each FORGE site supported under this paragraph, which may be used by the Secretary to determine whether a FORGE site should continue to receive funding.

"(6) ADDITIONAL TERMS.—

"(A) IN GENERAL.—At the end of an operational term described in subparagraph (B), a FORGE site may—

"(i) be transferred to other public or private entities for further enhanced geothermal testing; or

"(ii) subject to appropriations and a merit review by the Secretary, operate for an additional term of not more than 7 years. Time period.

"(B) OPERATIONAL TERM DESCRIBED.—An operational term referred to in subparagraph (A)—

"(i) in the case of an existing FORGE site, is the existing operational term; and

"(ii) in the case of new FORGE sites selected under paragraph (3), is the initial term under paragraph (5)(A) or an additional term under subparagraph (A)(ii) of this paragraph.

"(7) FUNDING.—

"(A) IN GENERAL.—Out of funds authorized to be appropriated under section 623, there shall be made available to the Secretary to carry out the FORGE activities under this paragraph—

"(i) $45,000,000 for fiscal year 2021;

"(ii) $55,000,000 for fiscal year 2022;

"(iii) $65,000,000 for fiscal year 2023;

"(iv) $70,000,000 for fiscal year 2024; and

"(v) $70,000,000 for fiscal year 2025.

"(B) CONSIDERATIONS.—In carrying out this subsection, the Secretary shall consider the balance between funds dedicated to construction and operations and research activities to reflect the state of site development.

"(d) ENHANCED GEOTHERMAL SYSTEMS DEMONSTRATIONS.—

"(1) IN GENERAL.—Beginning on the date of enactment of this section, the Secretary, in collaboration with industry partners, institutions of higher education, and the national laboratories, shall support an initiative for demonstration of enhanced geothermal systems for power production or direct use. Effective date.

"(2) PROJECTS.—

"(A) IN GENERAL.—Under the initiative described in paragraph (1), 4 demonstration projects shall be carried out in locations that are potentially commercially viable for enhanced geothermal systems development, while also considering environmental impacts to the maximum extent practicable, as determined by the Secretary. Determination.

"(B) REQUIREMENTS.—Demonstration projects under subparagraph (A) shall—

"(i) collectively demonstrate—

"(I) different geologic settings, such as hot sedimentary aquifers, layered geologic systems, supercritical systems, and basement rock systems; and

"(II) a variety of development techniques, including open hole and cased hole completions, differing well orientations, and stimulation and nonstimulation mechanisms; and

"(ii) to the extent practicable, use existing sites where subsurface characterization or geothermal energy integration analysis has been conducted.

"(C) EASTERN DEMONSTRATION.—Not fewer than 1 of the demonstration projects carried out under subparagraph (A) shall be located an area east of the Mississippi River that is suitable for enhanced geothermal demonstration for power, heat, or a combination of power and heat.

"(D) MILESTONE-BASED DEMONSTRATION PROJECTS.—The Secretary may carry out demonstration projects under this subsection as a milestone-based demonstration project under section 9005 of the Energy Act of 2020.

"(3) FUNDING.—Out of funds authorized to be appropriated under section 623, there shall be made available to the Secretary to carry out the demonstration activities under this subsection $21,000,000 for each of fiscal years 2021 through 2025.".

(e) GEOTHERMAL HEAT PUMPS AND DIRECT USE.—

(1) IN GENERAL.—Title VI of the Energy Independence and Security Act of 2007 is amended by inserting after section 616 (42 U.S.C. 17195) the following:

42 USC 17195a.

"SEC. 616A. GEOTHERMAL HEAT PUMPS AND DIRECT USE RESEARCH AND DEVELOPMENT.

"(a) PURPOSES.—The purposes of this section are—

"(1) to improve the understanding of related earth sciences, components, processes, and systems used for geothermal heat pumps and the direct use of geothermal energy; and

"(2) to increase the energy efficiency, lower the cost, increase the use, and improve and demonstrate the effectiveness of geothermal heat pumps and the direct use of geothermal energy.

"(b) DEFINITIONS.—In this section:

"(1) DIRECT USE OF GEOTHERMAL ENERGY.—The term 'direct use of geothermal energy' means geothermal systems that use water directly or through a heat exchanger to provide—

"(A) heating and cooling to buildings, commercial districts, residential communities, and large municipal, or industrial projects; or

"(B) heat required for industrial processes, agriculture, aquaculture, and other facilities.

"(2) ECONOMICALLY DISTRESSED AREA.—The term 'economically distressed area' means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

"(3) GEOTHERMAL HEAT PUMP.—The term 'geothermal heat pump' means a system that provides heating and cooling by exchanging heat from shallow geology, groundwater, or surface water using—

"(A) a closed loop system, which transfers heat by way of buried or immersed pipes that contain a mix of water and working fluid; or

"(B) an open loop system, which circulates ground or surface water directly into the building and returns the water to the same aquifer or surface water source.

"(c) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall support within the Geothermal Technologies Office a program of research, development, and demonstration for geothermal heat pumps and the direct use of geothermal energy.

"(2) AREAS.—The program under paragraph (1) may include research, development, demonstration, and commercial application of—

"(A) geothermal ground loop efficiency improvements, cost reductions, and improved installation and operations methods;

"(B) the use of geothermal energy for building-scale energy storage;

"(C) the use of geothermal energy as a grid management resource or seasonal energy storage;

"(D) geothermal heat pump efficiency improvements;

"(E) the use of alternative fluids as a heat exchange medium, such as hot water found in mines and mine shafts, graywater, or other fluids that may improve the economics of geothermal heat pumps;

"(F) heating of districts, neighborhoods, communities, large commercial or public buildings, and industrial and manufacturing facilities;

"(G) the use of low temperature groundwater for direct use; and

"(H) system integration of direct use with geothermal electricity production.

"(3) ENVIRONMENTAL IMPACTS.—In carrying out the program, the Secretary shall identify and mitigate potential environmental impacts in accordance with section 614(b).

"(d) FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall carry out the program established in subsection (c) by making financial assistance available to State, local, and Tribal governments, institutions of higher education, nonprofit entities, National Laboratories, utilities, and for-profit companies.

"(2) PRIORITY.—In providing financial assistance under this subsection, the Secretary may give priority to proposals that apply to large buildings, commercial districts, and residential communities that are located in economically distressed areas and areas that the Secretary determines to have high economic potential for geothermal district heating based on the report, 'Geovision: Harnessing the Heat Beneath our Feet' published by the Department in 2019, or a successor report.". Determination.

(2) CONFORMING AMENDMENT.—Section 1(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 note) is amended in the table of contents by inserting after the item relating to section 616 the following:

"Sec. 616A. Geothermal heat pumps and direct use research and development.".

(f) ORGANIZATION AND ADMINISTRATION OF PROGRAMS.—

(1) IN GENERAL.—Section 617 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17196) is amended—

(A) by striking the section heading and inserting "organization and administration of programs";

(B) in subsection (b), by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) by adding at the end the following:

"(c) EDUCATION AND OUTREACH.—In carrying out the activities described in this subtitle, the Secretary shall support education and outreach activities to disseminate information on geothermal

energy technologies and the geothermal energy workforce, including activities at the Frontier Observatory for Research in Geothermal Energy site or sites.

"(d) TECHNICAL ASSISTANCE.—In carrying out this subtitle, the Secretary shall also conduct technical assistance and analysis activities with eligible entities for the purpose of supporting the commercial application of advances in geothermal energy systems development and operations, which may include activities that support expanding access to advanced geothermal energy technologies for rural, Tribal, and low-income communities.

"(e) REPORT.—Every 5 years after the date of enactment of this subsection, the Secretary shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on advanced concepts and technologies to maximize the geothermal resource potential of the United States.

"(f) PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the results of projects undertaken under this part and other such information the Secretary considers appropriate.".

(2) CONFORMING AMENDMENT.—Section 1(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 note) is amended in the table of contents by amending the item related to section 617 to read as follows:

"Sec. 617. Organization and administration of programs.".

(g) ADVANCED GEOTHERMAL COMPUTING AND DATA SCIENCE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Section 618 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17197) is amended to read as follows:

"SEC. 618. ADVANCED GEOTHERMAL COMPUTING AND DATA SCIENCE RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall carry out a program of research and development of advanced computing and data science tools for geothermal energy.

"(b) PROGRAMS.—The program authorized in subsection (a) shall include the following:

"(1) ADVANCED COMPUTING FOR GEOTHERMAL SYSTEMS TECHNOLOGIES.—Research, development, and demonstration of technologies to develop advanced data, machine learning, artificial intelligence, and related computing tools to assist in locating geothermal resources, to increase the reliability of site characterization, to increase the rate and efficiency of drilling, to improve induced seismicity mitigation, and to support enhanced geothermal systems technologies.

"(2) GEOTHERMAL SYSTEMS RESERVOIR MODELING.—Research, development, and demonstration of models of geothermal reservoir performance and enhanced geothermal systems reservoir stimulation technologies and techniques, with an emphasis on accurately modeling fluid and heat flow, permeability evolution, geomechanics, geochemistry, seismicity, and

operational performance over time, including collaboration with industry and field validation.

"(c) COORDINATION.—In carrying out these programs, the Secretary shall ensure coordination and consultation with the Department of Energy's Office of Science. The Secretary shall ensure, to the maximum extent practicable, coordination of these activities with the Department of Energy National Laboratories, institutes of higher education, and the private sector.". Consultation.

(2) CONFORMING AMENDMENT.—Section 1(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 note) is amended in the table of contents by amending the item related to section 618 to read as follows:

"Sec. 618. Advanced geothermal computing and data science research and development.".

(h) GEOTHERMAL WORKFORCE DEVELOPMENT.—

(1) IN GENERAL.—Section 619 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17198) is amended to read as follows:

"SEC. 619. GEOTHERMAL WORKFORCE DEVELOPMENT.

"The Secretary shall support the development of a geothermal energy workforce through a program that—

"(1) facilitates collaboration between university students and researchers at the National Laboratories; and

"(2) prioritizes science in areas relevant to the mission of the Department through the application of geothermal energy tools and technologies.".

(2) CONFORMING AMENDMENT.—Section 1(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 note) is amended in the table of contents by amending the item related to section 619 to read as follows:

"Sec. 619. Geothermal workforce development.".

(i) REPEALS.—

(1) EISA REPEAL.—Subtitle B of title VI of the Energy Independence and Security Act of 2007 (42 U.S.C. 17191 et seq.) is amended by striking sections 620 and 621. 42 USC 17199, 17200.

(2) CONFORMING AMENDMENT.—Section 1(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 note) is amended in the table of contents by striking the item related to section 620 and 621.

(3) ADDITIONAL REPEAL.—The Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1101 et seq.) is repealed. 30 USC 1101 and note, 1102, 1121–1126, 1141–1147, 1161–1164.

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 623 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17202) is amended to read as follows:

"SEC. 623. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out the programs under this subtitle $170,000,000 for each of fiscal years 2021 through 2025.".

(k) INTERNATIONAL GEOTHERMAL ENERGY DEVELOPMENT.—Section 624 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17203) is amended—

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

Coordination.

"(a) IN GENERAL.—The Secretary of Energy, in coordination with other appropriate Federal and multilateral agencies (including the United States Agency for International Development) shall support collaborative efforts with international partners to promote the research, development, and demonstration of geothermal technologies used to develop hydrothermal and enhanced geothermal system resources."; and

(2) by striking subsection (c).

(l) REAUTHORIZATION OF HIGH COST REGION GEOTHERMAL ENERGY GRANT PROGRAM.—Section 625 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17204) is amended—

(1) in subsection (a)(2), by inserting "or heat" after "electrical power"; and

(2) by amending subsection (e) to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—Out of funds authorized under section 623, there is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2021 through 2025.".

(m) UPDATE TO GEOTHERMAL RESOURCE ASSESSMENT.—Section 2501 of the Energy Policy Act of 1992 (30 U.S.C. 1028) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (d), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a) DEFINITION OF ENHANCED GEOTHERMAL SYSTEMS.—In this section, the term 'enhanced geothermal systems' has the meaning given the term in section 612 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17191).";

(3) by inserting after subsection (b) (as so redesignated) the following:

Consultation.

"(c) UPDATE TO GEOTHERMAL RESOURCE ASSESSMENT.—The Secretary of the Interior, acting through the United States Geological Survey, and in consultation with the Secretary of Energy, shall update the 2008 United States geothermal resource assessment carried out by the United States Geological Survey, including—

"(1) with respect to areas previously identified by the Department of Energy or the United States Geological Survey as having significant potential for hydrothermal energy or enhanced geothermal systems energy, by focusing on—

"(A) improving the resolution of resource potential at systematic temperatures and depths, including temperatures and depths appropriate for power generation and direct use applications;

"(B) quantifying the total potential to coproduce geothermal energy and minerals;

"(C) incorporating data relevant to underground thermal energy storage and exchange, such as aquifer and soil properties; and

"(D) producing high resolution maps, including—

"(i) maps that indicate key subsurface parameters for electric and direct use resources; and

"(ii) risk maps for induced seismicity based on geologic, geographic, and operational parameters; and

Coordination.

"(2) to the maximum extent practicable, by coordinating with relevant State officials and institutions of higher education to expand geothermal assessments, including enhanced geothermal systems assessments, to include assessments for the

Commonwealth of Puerto Rico and the States of Alaska and Hawaii."; and

(4) in subsection (d) (as so redesignated), by striking "necesary" and inserting "necessary".

(n) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE THERMAL ENERGY.—

(o) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE THERMAL ENERGY.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (b)(2), by striking "generated" and inserting "produced"; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking "For purposes" and inserting the following:

"(1) IN GENERAL.—For purposes"; and

(C) by adding at the end the following:

"(2) SEPARATE CALCULATION.—

"(A) IN GENERAL.—For purposes of determining compliance with the requirement of this section, any energy consumption that is avoided through the use of geothermal energy shall be considered to be renewable energy produced.

"(B) EFFICIENCY ACCOUNTING.—Energy consumption that is avoided through the use of geothermal energy that is considered to be renewable energy under this section shall not be considered energy efficiency for the purpose of compliance with Federal energy efficiency goals, targets, and incentives.".

SEC. 3003. WIND ENERGY RESEARCH AND DEVELOPMENT. 42 USC 16237.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MATERIAL.—The term "critical material" has the meaning given the term in section 7002 of this Act.

(2) ECONOMICALLY DISTRESSED AREA.—The term "economically distressed area" means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an institution of higher education, including a minority-serving institution;

(B) a National Laboratory;

(C) a Federal research agency;

(D) a State research agency;

(E) a research agency associated with a territory or freely associated state;

(F) a Tribal energy development organization;

(G) an Indian Tribe;

(H) a Tribal organization;

(I) a Native Hawaiian community-based organization;

(J) a nonprofit research organization;

(K) an industrial entity;

(L) any other entity, as determined by the Secretary; and

(M) a consortium of 2 or more entities described in subparagraphs (A) through (L).

(4) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means—

(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

(B) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).

(6) MINORITY SERVING INSTITUTION.—The term "minority-serving institution" has the meaning given the term "eligible institution" in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(7) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given such term in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).

(8) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term "Native Hawaiian community-based organization" has the meaning given the term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(9) PROGRAM.—The term "program" means the program established under subsection (b)(1).

(10) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(11) TERRITORY OR FREELY ASSOCIATED STATE.—The term "territory or freely associated state" has the meaning given the term "insular area" in section 1404 of the Food and Agriculture Act of 1977 (7 U.S.C. 3103).

(12) TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—The term "Tribal energy development organization" has the meaning given the term "tribal energy development organization" in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

(13) TRIBAL ORGANIZATION.—The term "Tribal organization" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) WIND ENERGY TECHNOLOGY PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program to conduct research, development, demonstration, and commercialization of wind energy technologies in accordance with this subsection.

(B) PURPOSES.—The purposes of the program are the following:

(i) To improve the energy efficiency, cost effectiveness, reliability, resilience, security, siting, integration, manufacturability, installation, decommissioning, and recyclability of wind energy technologies.

(ii) To optimize the performance and operation of wind energy components, turbines, and systems, including through the development of new materials, hardware, and software.

(iii) To optimize the design and adaptability of wind energy technologies to the broadest practical range of geographic, atmospheric, offshore, and other site conditions, including—

(I) at varying hub heights; and

(II) through the use of computer modeling.

(iv) To support the integration of wind energy technologies with the electric grid and other energy technologies and systems.

(v) To reduce the cost, risk, and other potential negative impacts across the lifespan of wind energy technologies, including—

(I) manufacturing, siting, permitting, installation, operations, maintenance, decommissioning, and recycling; and

(II) through the development of solutions to transportation barriers to wind components.

(vi) To reduce and mitigate potential negative impacts of wind energy technologies on human communities, the environment, or commerce.

(vii) To address barriers to the commercialization and export of wind energy technologies.

(viii) To support the domestic wind industry, workforce, and supply chain.

Deadline.
Time periods.

(C) TARGETS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish targets for the program relating to near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) challenges to the advancement of wind energy technologies, including onshore, offshore, distributed, and off-grid technologies.

(2) ACTIVITIES.—

(A) TYPES OF ACTIVITIES.—In carrying out the program, the Secretary shall carry out research, development, demonstration, and commercialization activities, including—

(i) awarding grants and awards, on a competitive, merit-reviewed basis;

(ii) performing precompetitive research and development;

(iii) establishing or maintaining demonstration facilities and projects, including through stewardship of existing facilities such as the National Wind Test Center;

(iv) providing technical assistance;

(v) entering into contracts and cooperative agreements;

(vi) providing small business vouchers;

(vii) establishing prize competitions;

(viii) conducting education and outreach activities;

(ix) conducting professional development activities; and

(x) conducting analyses, studies, and reports.

(B) SUBJECT AREAS.—The Secretary shall carry out research, development, demonstration, and commercialization activities in the following subject areas:

(i) Wind power plant siting, performance, operations, and security.

(ii) New materials and designs relating to all hardware, software, and components of wind energy technologies, including technologies and strategies that reduce the use of energy, water, critical materials, and other commodities that are determined to be vulnerable to disruption.

(iii) Advanced wind energy manufacturing and installation technologies and practices, including materials, processes, such as onsite or near site manufacturing, and design.

(iv) Offshore wind-specific projects and plants, including—

(I) fixed and floating substructure systems, materials, and components;

(II) the operation of offshore facilities, such as—

(aa) an offshore research facility to conduct research for oceanic, biological, geological, and atmospheric resource characterization relevant to offshore wind energy development in coordination with the ocean and atmospheric science communities; and

(bb) an offshore support structure testing facility to conduct development, demonstration, and commercialization of large-scale and full-scale offshore wind energy support structure components and systems;

(III) the monitoring and analysis of site and environmental considerations unique to offshore sites, including freshwater environments.

(v) Integration of wind energy technologies with—

(I) the electric grid, including transmission, distribution, microgrids, and distributed energy systems; and

(II) other energy technologies, including—

(aa) other generation sources;

(bb) demand response technologies; and

(cc) energy storage technologies.

(vi) Methods to improve the lifetime, maintenance, decommissioning, recycling, reuse, and sustainability of wind energy components and systems, including technologies and strategies to reduce the use of energy, water, critical materials, and other valuable or harmful inputs.

(vii) Wind power forecasting and atmospheric measurement systems, including for turbines and plant systems of varying height.

(viii) Integrated wind energy systems, grid-connected and off-grid, that incorporate diverse—

(I) generation sources;

(II) loads; and

(III) storage technologies.

(ix) Reducing market barriers, including non-hardware and information-based barriers, to the adoption of wind energy technologies, such as impacts on, or challenges relating to—

(I) distributed wind technologies, including the development of best practices, models, and voluntary streamlined processes for local siting and permitting of distributed wind energy systems to reduce costs;

(II) airspace;

(III) military operations;

(IV) radar;

(V) local communities, with special consideration given to economically distressed areas, previously disturbed lands such as landfills and former mines, and other areas disproportionately impacted by environmental pollution;

(VI) wildlife and wildlife habitats; and

(VII) any other appropriate matter, as determined by the Secretary. Determination.

(x) Technologies or strategies to avoid, minimize, and offset the potential impacts of wind energy facilities on bird species, bat species, marine wildlife, and other sensitive species and habitats.

(xi) Advanced physics-based and data analysis computational tools, in coordination with the high-performance computing programs of the Department, to more efficiently design, site, permit, manufacture, install, operate, decommission, and recycle wind energy systems. Coordination.

(xii) Technologies for distributed wind, including micro, small, and medium turbines and the components of those turbines and their microgrid applications.

(xiii) Transformational technologies for harnessing wind energy.

(xiv) Other research areas that advance the purposes of the program, as determined by the Secretary. Determination.

(C) PRIORITIZATION.—In carrying out activities under the program, the Secretary shall, to the maximum extent practicable, give special consideration to—

(i) projects that—

(I) are located in a geographically diverse range of eligible entities;

(II) support the development or demonstration of projects—

(aa) in economically distressed areas and areas disproportionately impacted by pollution; and

(bb) that provide the greatest potential to reduce energy costs, as well as promote accessibility and community implementation of demonstrated technologies;

(III) can be replicated in a variety of regions and climates;

(IV) include business commercialization plans that have the potential for—

(aa) domestic manufacturing and production of wind energy technologies; or

(bb) exports of wind energy technologies; and

(V) are carried out in collaboration with Tribal energy development organizations, Indian Tribes, Tribal organizations, Native Hawaiian community-based organizations, minority-serving institutions, or territories or freely associated States; and

(ii) with regards to professional development, activities that expand the number of individuals from underrepresented groups pursuing and attaining skills relevant to wind energy.

(D) COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate activities under the program with other relevant programs and capabilities of the Department and other Federal research programs.

Determination.

(E) USE OF FUNDS.—To the extent that funding is not otherwise available through other Federal programs or power purchase agreements, funding awarded for demonstration projects may be used for additional nontechnology costs, as determined to be appropriate by the Secretary, such as engineering or feasibility studies.

Time period.

(F) SOLICITATION.—Not less than once every two years, the Secretary shall conduct a national solicitation for applications for demonstration projects under this section.

(G) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the potential for, and technical viability of, airborne wind energy systems to provide a significant source of energy in the United States.

Summary.
Time period.
Effective date.

(ii) CONTENTS.—The report under paragraph (1) shall include a summary of research, development, demonstration, and commercialization needs, including an estimate of Federal funding requirements, to further examine and validate the technical and economic viability of airborne wind energy concepts over the 10-year period beginning on the date of the enactment of this Act.

(3) WIND TECHNICIAN TRAINING GRANT PROGRAM.—The Secretary may award grants, on a competitive basis, to eligible entities to purchase large pieces of wind component equipment, such as nacelles, towers, and blades, for use in training wind technician students in onshore or offshore wind applications.

(4) WIND ENERGY TECHNOLOGY RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—In addition to the program activities described in paragraph (2), in carrying out the program, the Secretary shall award financial assistance to eligible entities for research, development, and demonstration, and commercialization projects to create innovative and practical approaches to increase the reuse and recycling of wind energy technologies, including—

(i) by increasing the efficiency and cost effectiveness of the recovery of raw materials from wind energy technology components and systems, including enabling technologies such as inverters;

(ii) by minimizing potential environmental impacts from the recovery and disposal processes;

(iii) by advancing technologies and processes for the disassembly and recycling of wind energy devices;

(iv) by developing alternative materials, designs, manufacturing processes, and other aspects of wind energy technologies and the disassembly and resource recovery process that enable efficient, cost effective, and environmentally responsible disassembly of, and resource recovery from, wind energy technologies; and

(v) strategies to increase consumer acceptance of, and participation in, the recycling of wind energy technologies.

(B) DISSEMINATION OF RESULTS.—The Secretary shall make available to the public and the relevant committees of Congress the results of the projects carried out through financial assistance awarded under subparagraph (A), including— Public information.

(i) development of best practices or training materials for use in the wind energy technology manufacturing, design, installation, decommissioning, or recycling industries;

(ii) dissemination at industry conferences;

(iii) coordination with information dissemination programs relating to recycling of electronic devices in general; Coordination.

(iv) demonstration projects; and

(v) educational materials.

(C) PRIORITY.—In carrying out the activities authorized under this subsection, the Secretary shall give special consideration to projects that recover critical materials.

(D) SENSITIVE INFORMATION.—In carrying out the activities authorized under this subsection, the Secretary shall ensure proper security controls are in place to protect proprietary or sensitive information, as appropriate.

(5) WIND ENERGY TECHNOLOGY MATERIALS PHYSICAL PROPERTY DATABASE.—

(A) IN GENERAL.—Not later than September 1, 2022, the Secretary shall establish a comprehensive physical property database of materials for use in wind energy technologies, which shall identify the type, quantity, country of origin, source, significant uses, projected availability, and physical properties of materials used in wind energy technologies. Deadline.

(B) COORDINATION.—In establishing the database described in subparagraph (A), the Secretary shall coordinate and, to the extent practicable, avoid duplication with—

(i) other Department activities, including those carried out by the Office of Science;

(ii) the Director of the National Institute of Standards and Technology;

(iii) the Administrator of the Environmental Protection Agency;

(iv) the Secretary of the Interior; and

(v) relevant industry stakeholders, as determined by the Secretary.

(6) WIND ENERGY PROGRAM STRATEGIC VISION.—

Deadline.
Time period.
Assessments.

(A) IN GENERAL.—Not later than September 1, 2022, and every 6 years thereafter, the Secretary shall submit to Congress a report on the strategic vision, progress, goals, and targets of the program, including assessments of wind energy markets and manufacturing.

Coordination.

(B) PREPARATION.—The Secretary shall coordinate the preparation of the report under subparagraph (A) with—

(i) existing peer review processes;

(ii) studies conducted by the National Laboratories; and

(iii) the multiyear program planning required under section 994 of the Energy Policy Act of 2005 (42 U.S.C. 16358).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $125,000,000 for each of fiscal years 2021 through 2025.

42 US 16238.

SEC. 3004. SOLAR ENERGY RESEARCH AND DEVELOPMENT.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MATERIAL.—The term "critical material" has the meaning given the term in section 7002 of this Act.

(2) ECONOMICALLY DISTRESSED AREA.—The term "economically distressed area" means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an institution of higher education, including a minority-serving institution;

(B) a National Laboratory;

(C) a Federal research agency;

(D) a State research agency;

(E) a research agency associated with a territory or freely associated state;

(F) a Tribal energy development organization;

(G) an Indian Tribe;

(H) a Tribal organization;

(I) a Native Hawaiian community-based organization;

(J) a nonprofit research organization;

(K) an industrial entity;

(L) any other entity, as determined by the Secretary; and

(M) a consortium of 2 or more entities described in subparagraphs (A) through (L).

(4) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MINORITY-SERVING INSTITUTION.—The term "minority-serving institution" has the meaning given the term "eligible institution" in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(7) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given such term in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).

(8) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term "Native Hawaiian community-based organization" has the meaning given the term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(9) PHOTOVOLTAIC DEVICE.—The term "photovoltaic device" means—

(A) a device that converts light directly into electricity through a solid-state, semiconductor process;

(B) the photovoltaic cells of a device described in subparagraph (A); and

(C) the electronic and electrical components of a device described in subparagraph (A).

(10) PROGRAM.—The term "program" means the program established under subsection (b)(1)(A).

(11) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(12) SOLAR ENERGY.—The term "solar energy" means—

(A) thermal or electric energy derived from radiation from the Sun; or

(B) energy resulting from a chemical reaction caused by radiation recently originated in the Sun.

(13) TERRITORY OR FREELY ASSOCIATED STATE.—The term "territory or freely associated state" has the meaning given the term "insular area" in section 1404 of the Food and Agriculture Act of 1977 (7 U.S.C. 3103).

(14) TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—The term "Tribal energy development organization" has the meaning given the term "tribal energy development organization" in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

(15) TRIBAL ORGANIZATION.—The term "Tribal organization" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) SOLAR ENERGY TECHNOLOGY PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program to conduct research, development, demonstration, and commercialization of solar energy technologies in accordance with this subsection.

(B) PURPOSES.—The purposes of the program are the following:

(i) To improve the energy efficiency, cost effectiveness, reliability, resilience, security, siting, integration, manufacturability, installation, decommissioning, and recyclability of solar energy technologies.

(ii) To optimize the performance and operation of solar energy components, cells, and systems, and enabling technologies, including through the development of new materials, hardware, and software.

(iii) To optimize the design and adaptability of solar energy systems to the broadest practical range of geographic and atmospheric conditions.

(iv) To support the integration of solar energy technologies with the electric grid and complementary energy technologies.

(v) To create and improve the conversion of solar energy to other useful forms of energy or other products.

(vi) To reduce the cost, risk, and other potential negative impacts across the lifespan of solar energy technologies, including manufacturing, siting, permitting, installation, operations, maintenance, decommissioning, and recycling.

(vii) To reduce and mitigate potential life cycle negative impacts of solar energy technologies on human communities, wildlife, and wildlife habitats.

(viii) To address barriers to the commercialization and export of solar energy technologies.

(ix) To support the domestic solar industry, workforce, and supply chain.

Deadline.
Time periods.

(C) TARGETS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish targets for the program to address near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) challenges to the advancement of all types of solar energy systems.

(2) ACTIVITIES.—

(A) TYPES OF ACTIVITIES.—In carrying out the program, the Secretary shall carry out research, development, demonstration, and commercialization activities, including—

(i) awarding grants and awards, on a competitive, merit-reviewed basis;

(ii) performing precompetitive research and development;

(iii) establishing or maintaining demonstration facilities and projects, including through stewardship of existing facilities;

(iv) providing technical assistance;

(v) entering into contracts and cooperative agreements;

(vi) providing small business vouchers;

(vii) establishing prize competitions;

(viii) conducting education and outreach activities;

(ix) conducting workforce development activities; and

(x) conducting analyses, studies, and reports.

(B) SUBJECT AREAS.—The Secretary shall carry out research, development, demonstration, and commercialization activities in the following subject areas:

(i) Advanced solar energy technologies of varying scale and power production, including—

(I) new materials, components, designs, and systems, including perovskites, cadmium telluride, and organic materials;

(II) advanced photovoltaic and thin-film devices;

(III) concentrated solar power;

(IV) solar heating and cooling; and

(V) enabling technologies for solar energy systems, including hardware and software.

(ii) Solar energy technology siting, performance, installation, operations, resilience, and security.

(iii) Integration of solar energy technologies with—

(I) the electric grid, including transmission, distribution, microgrids, and distributed energy systems;

(II) other energy technologies, including—

(aa) other generation sources;

(bb) demand response technologies; and

(cc) energy storage technologies; and

(III) other applications, such as in the agriculture, transportation, buildings, industrial, and fuels sectors.

(iv) Advanced solar energy manufacturing technologies and practices, including materials, processes, and design.

(v) Methods to improve the lifetime, maintenance, decommissioning, recycling, reuse, and sustainability of solar energy components and systems, including technologies and strategies that reduce the use of energy, water, critical materials, and other commodities that are determined to be vulnerable to disruption.

(vi) Solar energy forecasting, modeling, and atmospheric measurement systems, including for small-scale, large-scale, and aggregated systems.

(vii) Integrated solar energy systems that incorporate diverse—

(I) generation sources;

(II) loads; and

(III) storage technologies.

(viii) Reducing market barriers, including nonhardware and information-based barriers, to the adoption of solar energy technologies, including impacts on, or challenges relating to—

(I) distributed and community solar technologies, including the development of best practices, models, and voluntary streamlined processes for local siting and permitting of distributed solar energy systems to reduce costs;

(II) local communities, with special consideration given to economically distressed areas, previously disturbed lands such as landfills and former mines, and other areas disproportionately impacted by environmental pollution;

(III) wildlife and wildlife habitats; and

(IV) any other appropriate matter, as determined by the Secretary. Determination.

(ix) Transformational technologies for harnessing solar energy.

(x) Other research areas that advance the purposes of the program, as determined by the Secretary. Determination.

(C) PRIORITIZATION.—In carrying out activities under the program, the Secretary shall, to the maximum extent practicable, give priority to projects that—

(i) are located in a geographically diverse range of eligible entities;

(ii) support the development or demonstration of projects—

(I) in economically distressed areas and areas disproportionately impacted by pollution; or

(II) that provide the greatest potential to reduce energy costs, as well as promote accessibility and community implementation of demonstrated technologies;

(iii) can be replicated in a variety of regions and climates;

(iv) include business commercialization plans that have the potential for—

(I) domestic manufacturing and production of solar energy technologies; or

(II) exports of solar energy technologies;

(v) are carried out in collaboration with Tribal energy development organizations, Indian Tribes, Tribal organizations, Native Hawaiian community-based organizations, minority-serving institutions, or territories or freely associated States; and

(vi) with regards to workforce development, activities that expand the number of individuals from underrepresented groups pursuing and attaining skills relevant to solar energy.

(D) COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate activities under the program with other relevant programs and capabilities of the Department and other Federal research programs.

(E) USE OF FUNDS.—To the extent that funding is not otherwise available through other Federal programs or power purchase agreements, funding awarded for demonstration projects may be used for additional nontechnology costs, as determined to be appropriate by the Secretary, such as engineering or feasibility studies.

Deadline.

(F) SOLICITATION.—Not less than once every two years, the Secretary shall conduct a national solicitation for applications for demonstration projects under this section.

(3) ADVANCED SOLAR ENERGY MANUFACTURING INITIATIVE.—

(A) GRANTS.—In addition to the program activities described in paragraph (2), in carrying out the program, the Secretary shall award financial assistance to eligible entities for research, development, demonstration, and commercialization projects to advance new solar energy manufacturing technologies and techniques.

(B) PRIORITY.—In awarding grants under subparagraph (A), to the extent practicable, the Secretary shall give priority to solar energy manufacturing projects that—

(i) increase efficiency and cost effectiveness in—

(I) the manufacturing process; and

(II) the use of resources, such as energy, water, and critical materials;

(ii) support domestic supply chains for materials and components;

(iii) identify and incorporate nonhazardous alternative materials for components and devices;

(iv) operate in partnership with Tribal energy development organizations, Indian Tribes, Tribal organizations, Native Hawaiian community-based

organizations, minority-serving institutions, or territories or freely associated states; or

(v) are located in economically distressed areas.

(C) EVALUATION.—Not later than 3 years after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall conduct, and make available to the public and the relevant committees of Congress, an independent review of the progress of the grants awarded under subparagraph (A). Deadline. Time period. Public information.

(4) SOLAR ENERGY TECHNOLOGY RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—In addition to the program activities described in paragraph (2), in carrying out the program, the Secretary shall award financial assistance to eligible entities for research, development, demonstration, and commercialization projects to create innovative and practical approaches to increase the reuse and recycling of solar energy technologies, including—

(i) by increasing the efficiency and cost effectiveness of the recovery of raw materials from solar energy technology components and systems, including enabling technologies such as inverters;

(ii) by minimizing potential environmental impacts from the recovery and disposal processes;

(iii) by advancing technologies and processes for the disassembly and recycling of solar energy devices;

(iv) by developing alternative materials, designs, manufacturing processes, and other aspects of solar energy technologies and the disassembly and resource recovery process that enable efficient, cost effective, and environmentally responsible disassembly of, and resource recovery from, solar energy technologies; and

(v) strategies to increase consumer acceptance of, and participation in, the recycling of photovoltaic devices.

(B) DISSEMINATION OF RESULTS.—The Secretary shall make available to the public and the relevant committees of Congress the results of the projects carried out through financial assistance awarded under subparagraph (A), including— Public information.

(i) development of best practices or training materials for use in the photovoltaics manufacturing, design, installation, refurbishing, disposal, or recycling industries;

(ii) dissemination at industry conferences;

(iii) coordination with information dissemination programs relating to recycling of electronic devices in general;

(iv) demonstration projects; and

(v) educational materials.

(C) PRIORITY.—In carrying out the activities authorized under this subsection, the Secretary shall give special consideration to projects that recover critical materials.

(D) SENSITIVE INFORMATION.—In carrying out the activities authorized under this subsection, the Secretary shall ensure proper security controls are in place to protect proprietary or sensitive information, as appropriate.

(5) SOLAR ENERGY TECHNOLOGY MATERIALS PHYSICAL PROPERTY DATABASE.—

Deadline.

(A) IN GENERAL.—Not later than September 1, 2022, the Secretary shall establish a comprehensive physical property database of materials for use in solar energy technologies, which shall identify the type, quantity, country of origin, source, significant uses, projected availability, and physical properties of materials used in solar energy technologies.

(B) COORDINATION.—In establishing the database described in subparagraph (A), the Secretary shall coordinate with—

(i) other Department activities, including those carried out by the Office of Science;

(ii) the Director of the National Institute of Standards and Technology;

(iii) the Administrator of the Environmental Protection Agency;

(iv) the Secretary of the Interior; and

Determination.

(v) relevant industry stakeholders, as determined by the Secretary.

(6) SOLAR ENERGY TECHNOLOGY PROGRAM STRATEGIC VISION.—

Deadline.
Time period.

(A) IN GENERAL.—Not later than September 1, 2022, and every 6 years thereafter, the Secretary shall submit to Congress a report on the strategic vision, progress, goals, and targets of the program, including assessments of solar energy markets and manufacturing.

Study.

(B) INCLUSION.—As a part of the report described in subparagraph (A), the Secretary shall include a study that examines the viable market opportunities available for solar energy technology manufacturing in the United States, including—

(i) a description of—

(I) the ability to competitively manufacture solar technology in the United States, including the manufacture of—

(aa) new and advanced materials, such as cells made with new, high efficiency materials;

(bb) solar module equipment and enabling technologies, including smart inverters, sensors, and tracking equipment; and

(cc) innovative solar module designs and applications, including those that can directly integrate with new and existing buildings and other infrastructure; and

(II) opportunities and barriers within the United States and international solar energy technology market;

Recommendations.

(ii) policy recommendations for enhancing solar energy technology manufacturing in the United States;

Time period.
Plan.

(iii) a 10-year target and plan to enhance the competitiveness of solar energy technology manufacturing in the United States; and

Determination.

(iv) any other research areas as determined by the Secretary.

(C) PREPARATION.—The Secretary shall coordinate the preparation of the report under subparagraph (A) with— Coordination.

(i) existing peer review processes;

(ii) studies conducted by the National Laboratories; and

(iii) the multiyear program planning required under section 994 of the Energy Policy Act of 2005 (42 U.S.C. 16358).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $300,000,000 for each of fiscal years 2021 through 2025.

SEC. 3005. HYDROELECTRIC PRODUCTION INCENTIVES AND EFFICIENCY IMPROVEMENTS.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) QUALIFIED HYDROELECTRIC FACILITY.—The term 'qualified hydroelectric facility' means a turbine or other generating device owned or solely operated by a non-Federal entity— Definition.

"(A) that generates hydroelectric energy for sale; and

"(B)(i) that is added to an existing dam or conduit; or

"(ii)(I) that has a generating capacity of not more than 20 megawatts;

"(II) for which the non-Federal entity has received a construction authorization from the Federal Energy Regulatory Commission, if applicable; and

"(III) that is constructed in an area in which there is inadequate electric service, as determined by the Secretary, including by taking into consideration—

"(aa) access to the electric grid;

"(bb) the frequency of electric outages; or

"(cc) the affordability of electricity.";

(2) in subsection (c), by striking "10" and inserting "22";

(3) in subsection (e)(2), by striking "section 29(d)(2)(B)" and inserting "section 45K(d)(2)(B)";

(4) in subsection (f), by striking "20" and inserting "32"; and

(5) in subsection (g), by striking "each of the fiscal years 2006 through 2015" and inserting "each of fiscal years 2021 through 2036".

(b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C. 15882(c)) is amended by striking "each of the fiscal years 2006 through 2015" and inserting "each of fiscal years 2021 through 2036".

SEC. 3006. CONFORMING AMENDMENTS.

(a) RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989.—

(1) NATIONAL GOALS AND MULTI-YEAR FUNDING.—Section 4 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12003) is amended—

(A) in the section heading, by striking "wind, photovoltaics, and solar thermal" and inserting "alcohol from biomass and other technology";

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "wind, photovoltaics, and solar thermal energy" and inserting "alcohol from biomass and other energy technology";

(ii) by striking paragraphs (1) through (3);

(iii) by redesignating paragraphs (4) and (5) as paragraphs (1) and (2), respectively; and

(iv) in paragraph (2) (as so redesignated), by striking "Ocean" and inserting "Marine"; and

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking "the Wind Energy Research Program, the Photovoltaic Energy Systems Program, the Solar Thermal Energy Systems Program,"; and

(II) by striking "Ocean" and inserting "Marine";

(ii) in paragraph (1)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(iii) in paragraph (2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) REPORTS.—Section 9(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12006(c)) is amended by striking "ocean," and inserting "marine,".

(b) ENERGY POLICY ACT OF 2005.—The Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) is amended—

(1) ASSESSMENT OF RENEWABLE ENERGY RESOURCES.—Section 201(a) of the Energy Policy Act of 2005 (42 U.S.C. 15851(a)) is amended by striking "ocean (including tidal, wave, current, and thermal)" and inserting "marine".

(2) FEDERAL PURCHASE REQUIREMENT.—Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended—

(A) by inserting "marine energy (as defined in section 632 of the Energy Independence and Security Act of 2007), or" before "electric energy"; and

(B) by striking "ocean (including tidal, wave, current, and thermal),".

(3) RENEWABLE ENERGY.—Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(A) in subsection (a)(2)—

(i) by striking subparagraphs (A) and (B);

(ii) by redesignating subparagraphs (C) through (E) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (C)(i) (as so redesignated), by striking "ocean energy, including wave energy" and inserting "marine energy (as defined in section 632 of the Energy Independence and Security Act of 2007)";

(B) by striking subsection (d); and

(C) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

(c) ENERGY POLICY ACT OF 1992.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended—

(1) in subsection (a)(4)(A)(i), by striking "ocean (including tidal, wave, current, and thermal)" and inserting "marine energy (as defined in section 632 of the Energy Independence and Security Act of 2007)";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "ocean (including tidal, wave, current, and thermal)" and inserting "marine energy (as defined in section 632 of the Energy Independence and Security Act of 2007)"; and

(3) in subsection (e)(1), in the first sentence, by striking "ocean (including tidal, wave, current, and thermal)" and inserting "marine energy (as defined in section 632 of the Energy Independence and Security Act of 2007)".

(d) FEDERAL NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT ACT OF 1974.—Section 6(b)(3) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905(b)(3)) is amended—

(1) by striking subparagraph (L); and

(2) by redesignating subparagraphs (M) through (S) as subparagraphs (L) through (R), respectively.

(e) SOLAR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1974.—

(1) REPEAL.—The Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5551 et seq.) is repealed. 42 USC 6601 note, 5551–5566.

(2) SAVINGS PROVISION.—The repeal of the Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5551 et seq.) under paragraph (1) shall not affect the authority of the Secretary of Energy to conduct research and development on solar energy. 42 USC 5551 note.

(f) SOLAR PHOTOVOLTAIC ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1978.—The Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5581 et seq.) is repealed. 42 USC 5501 note, 5581–5594.

(g) ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.—

(1) REPEALS.—Sections 606 and 607 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17174, 17175) are repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1495) is amended by striking the items relating to sections 606 and 607.

Subtitle B—Natural Resources Provisions

SEC. 3101. DEFINITIONS. 43 USC 3001.

In this subtitle:

(1) COVERED LAND.—The term "covered land" means land that is—

(A) Federal lands administered by the Secretary concerned; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan; or

(ii) other Federal law.

(2) FEDERAL LAND.—The term "Federal land" means—

(A) public land as defined by section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702); or

(B) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(3) LAND USE PLAN.—The term "land use plan" means—

(A) for public land, a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) for National Forest System land, a land management plan approved, amended, or revised under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(4) ELIGIBLE PROJECT.—The term "eligible project" means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

43 USC 3002.

SEC. 3102. PROGRAM TO IMPROVE ELIGIBLE PROJECT PERMIT COORDINATION.

Determination.

(a) ESTABLISHMENT.—The Secretary shall establish a national Renewable Energy Coordination Office and State, district, or field offices, as appropriate, with responsibility to establish and implement a program to improve Federal permit coordination with respect to eligible projects on covered land and such other activities as the Secretary determines necessary. In carrying out the program, the Secretary may temporarily assign qualified staff to Renewable Energy Coordination Offices to expedite the permitting of eligible projects.

(b) MEMORANDUM OF UNDERSTANDING.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Secretary of Defense.

(2) STATE AND TRIBAL PARTICIPATION.—The Secretary may request the Governor of any interested State or any Tribal leader of any interested Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) to be a signatory to the memorandum of understanding under paragraph (1).

(c) DESIGNATION OF QUALIFIED STAFF.—

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau of Land Management Renewable Energy Coordination Offices one or more employees who have expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) consultation regarding, and preparation of, biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); Consultation.

(B) permits under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); Analyses.

(G) implementation of the requirements of section 306108 of title 54, United States Code (formerly known as section 106 of the National Historic Preservation Act);

(H) planning under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a);

(I) developing geothermal resources under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(J) the Act of June 8, 1940 (16 U.S.C. 668 et seq., popularly known as the Bald and Golden Eagle Protection Act); and

(K) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753 and 102101 of title 54, United States Code (previously known as the National Park Service Organic Act).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) be responsible for addressing all issues relating to the jurisdiction of the home office or agency of the employee; and

(B) participate as part of the team of personnel working on proposed energy projects, planning, monitoring, inspection, enforcement, and environmental analyses.

(d) ADDITIONAL PERSONNEL.—The Secretary may assign such additional personnel for the Bureau of Land Management Renewable Energy Coordination Offices as are necessary to ensure the effective implementation of any programs administered by the offices in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) TRANSFER OF FUNDS.—To facilitate the coordination and processing of eligible project permits on Federal land under the Renewable Energy Coordination Offices, the Secretary may authorize the expenditure or transfer of any funds that are necessary to—

(1) the United States Fish and Wildlife Service;

(2) the Bureau of Indian Affairs;

(3) the Forest Service;

(4) the Corps of Engineers;

(5) the National Park Service;

(6) the Environmental Protection Agency; or

(7) the Department of Defense.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of the enactment of this Act, and each February 1 thereafter, the Secretary shall submit Time period.

to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made under the program established under subsection (a) during the preceding year.

(2) INCLUSIONS.—Each report under this subsection shall include—

(A) projections for renewable energy production and capacity installations; and

(B) a description of any problems relating to leasing, permitting, siting, or production.

43 USC 3003.

SEC. 3103. INCREASING ECONOMIC CERTAINTY.

(a) CONSIDERATIONS.—The Secretary may consider acreage rental rates, capacity fees, and other recurring annual fees in total when evaluating existing rates paid for the use of Federal land by eligible projects.

(b) REDUCTIONS IN BASE RENTAL RATES.—The Secretary may reduce acreage rental rates and capacity fees, or both, for existing and new wind and solar authorizations if the Secretary determines—

(1) that the existing rates—

(A) exceed fair market value;

(B) impose economic hardships;

(C) limit commercial interest in a competitive lease sale or right-of-way grant; or

(D) are not competitively priced compared to other available land; or

(2) that a reduced rental rate or capacity fee is necessary to promote the greatest use of wind and solar energy resources.

43 USC 3004.

SEC. 3104. NATIONAL GOAL FOR RENEWABLE ENERGY PRODUCTION ON FEDERAL LAND.

Deadline. Consultation.

(a) IN GENERAL.—Not later than September 1, 2022, the Secretary shall, in consultation with the Secretary of Agriculture and other heads of relevant Federal agencies, establish national goals for renewable energy production on Federal land.

Deadline.

(b) MINIMUM PRODUCTION GOAL.—The Secretary shall seek to issue permits that, in total, authorize production of not less than 25 gigawatts of electricity from wind, solar, and geothermal energy projects by not later than 2025, through management of public lands and administration of Federal laws.

SEC. 3105. FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

"(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land under an oil and gas lease issued pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) that is subject to an approved application for permit to drill and from which oil and gas production is occurring may be available for noncompetitive leasing under subsection (c) by the holder of the oil and gas lease—

"(A) on a determination that geothermal energy will be produced from a well producing or capable of producing oil and gas; and

"(B) to provide for the coproduction of geothermal energy with oil and gas.".

SEC. 3106. SAVINGS CLAUSE. 43 USC 3005.

Notwithstanding any other provision of this subtitle, the Secretary of the Interior and the Secretary of Agriculture shall continue to manage public lands under the principles of multiple use and sustained yield in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), respectively, including for due consideration of mineral and nonrenewable energy-related projects and other nonrenewable energy uses, for the purposes of land use planning, permit processing, and conducting environmental reviews.

Subtitle C—Energy Storage

SEC. 3201. BETTER ENERGY STORAGE TECHNOLOGY. 42 USC 17232.

(a) DEFINITIONS.—In this section:

(1) ENERGY STORAGE SYSTEM.—The term "energy storage system" means any system, equipment, facility, or technology that—

(A) is capable of absorbing or converting energy, storing the energy for a period of time, and dispatching the energy; and

(B)(i) uses mechanical, electrochemical, thermal, electrolysis, or other processes to convert and store electric energy that was generated at an earlier time for use at a later time;

(ii) uses mechanical, electrochemical, biochemical, or thermal processes to convert and store energy generated from mechanical processes that would otherwise be wasted, for delivery at a later time; or

(iii) stores energy in an electric, thermal, or gaseous state for direct use for heating or cooling at a later time in a manner that avoids the need to use electricity or other fuel sources at that later time, such as a grid-enabled water heater.

(2) PROGRAM.—The term "program" means the Energy Storage System Research, Development, and Deployment Program established under subsection (b)(1).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) ENERGY STORAGE SYSTEM RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the Energy Storage System Research, Development, and Deployment Program. Deadline.

(2) INITIAL PROGRAM OBJECTIVES.—The program shall focus on research, development, and deployment of—

(A) energy storage systems, components, and materials designed to further the development of technologies—

(i) for large-scale commercial deployment;

(ii) for deployment at cost targets established by the Secretary;

(iii) for hourly and subhourly durations required to provide reliability services to the grid;

(iv) for daily durations, which have the capacity to discharge energy for a minimum of 6 hours;

(v) for weekly or monthly durations, which have the capacity to discharge energy for 10 to 100 hours, at a minimum; and

(vi) for seasonal durations, which have the capability to address seasonal variations in supply and demand;

(B) distributed energy storage technologies and applications, including building-grid integration;

(C) long-term cost, performance, and demonstration targets for different types of energy storage systems and for use in a variety of regions, including rural areas;

(D) transportation energy storage technologies and applications, including vehicle-grid integration;

(E) cost-effective systems and methods for—

(i) the sustainable and secure sourcing, reclamation, recycling, and disposal of energy storage systems, including critical minerals; and

(ii) the reuse and repurposing of energy storage system technologies;

(F) advanced control methods for energy storage systems;

(G) pumped hydroelectric energy storage systems to advance—

(i) adoption of innovative technologies, including—

(I) systems with adjustable-speed and other new pumping and generating equipment designs;

(II) modular systems;

(III) closed-loop systems, including mines and quarries; and

Determination.

(IV) other innovative equipment and materials as determined by the Secretary; and

(ii) reductions of civil works costs and construction times for hydropower and pumped storage systems, including comprehensive data and systems analysis of hydropower and pumped storage construction technologies and processes in order to identify areas for whole-system efficiency gains;

(H) models and tools to demonstrate the costs and benefits of energy storage to—

(i) power and water supply systems;

(ii) electric generation portfolio optimization; and

(iii) expanded deployment of other renewable energy technologies, including in integrated energy storage systems;

(I) energy storage use cases from individual and combination technology applications, including value from various-use cases and energy storage services; and

(J) advanced manufacturing technologies that have the potential to improve United States competitiveness in

energy storage manufacturing or reduce United States dependence on critical materials.

(3) TESTING AND VALIDATION.—In coordination with 1 or more National Laboratories, the Secretary shall support the development, standardized testing, and validation of energy storage systems under the program, including test-bed and field trials, by developing testing and evaluation methodologies for— Coordination.

(A) storage technologies, controls, and power electronics for energy storage systems under a variety of operating conditions;

(B) standardized and grid performance testing for energy storage systems, materials, and technologies during each stage of development;

(C) reliability, safety, degradation, and durability testing under standard and evolving duty cycles; and

(D) accelerated life testing protocols to predict estimated lifetime metrics with accuracy.

(4) PERIODIC EVALUATION OF PROGRAM OBJECTIVES.—Not less frequently than once every calendar year, the Secretary shall evaluate and, if necessary, update the program objectives to ensure that the program continues to advance energy storage systems toward widespread commercial deployment by lowering the costs and increasing the duration of energy storage resources.

(5) ENERGY STORAGE STRATEGIC PLAN.—

(A) IN GENERAL.—The Secretary shall develop a 10-year strategic plan for the program, and update the plan, in accordance with this paragraph. Time period.

(B) CONTENTS.—The strategic plan developed under subparagraph (A) shall—

(i) be coordinated with and integrated across other relevant offices in the Department; Coordination.

(ii) to the extent practicable, include metrics that can be used to evaluate storage technologies;

(iii) identify Department programs that—

(I) support the research and development activities described in paragraph (2) and the demonstration projects under subsection (c); and

(II)(aa) do not support the activities or projects described in subclause (I); but

(bb) are important to the development of energy storage systems and the mission of the Department, as determined by the Secretary;

(iv) include expected timelines for—

(I) the accomplishment of relevant objectives under current programs of the Department relating to energy storage systems; and

(II) the commencement of any new initiatives within the Department relating to energy storage systems to accomplish those objectives; and

(v) incorporate relevant activities described in the Grid Modernization Initiative Multi-Year Program Plan.

(C) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources Deadline.

of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives the strategic plan developed under subparagraph (A).

(D) UPDATES TO PLAN.—The Secretary—

Deadline.
Review.

(i) shall annually review the strategic plan developed under subparagraph (A); and

(ii) may periodically revise the strategic plan as appropriate.

(6) LEVERAGING OF RESOURCES.—The program may be led by a specific office of the Department, but shall be cross-cutting in nature, so that in carrying out activities under the program, the Secretary (or a designee of the Secretary charged with leading the program) shall leverage existing Federal resources, including, at a minimum, the expertise and resources of—

(A) the Office of Electricity;

(B) the Office of Energy Efficiency and Renewable Energy, including the Water Power Technologies Office; and

(C) the Office of Science, including—

(i) the Basic Energy Sciences Program;

(ii) the Advanced Scientific Computing Research Program;

(iii) the Biological and Environmental Research Program; and

(D) the Electricity Storage Research Initiative established under section 975 of the Energy Policy Act of 2005 (42 U.S.C. 16315).

(7) PROTECTING PRIVACY AND SECURITY.—In carrying out this subsection, the Secretary shall identify, incorporate, and follow best practices for protecting the privacy of individuals and businesses and the respective sensitive data of the individuals and businesses, including by managing privacy risk and implementing the Fair Information Practice Principles of the Federal Trade Commission for the collection, use, disclosure, and retention of individual electric consumer information in accordance with the Office of Management and Budget Circular A–130 (or successor circulars).

(c) ENERGY STORAGE DEMONSTRATION PROJECTS; PILOT GRANT PROGRAM.—

Deadline.
Contracts.

(1) DEMONSTRATION PROJECTS.—Not later than September 30, 2023, the Secretary shall, to the maximum extent practicable, enter into agreements to carry out 3 energy storage system demonstration projects, including at least 1 energy storage system demonstration project designed to further the development of technologies described in clause (v) or (vi) of subsection (b)(2)(A).

(2) ENERGY STORAGE PILOT GRANT PROGRAM.—

(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term "eligible entity" means—

(i) a State energy office (as defined in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)));

(ii) an Indian Tribe (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103);

(iii) a Tribal organization (as defined in section 3765 of title 38, United States Code);

(iv) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(v) an electric utility, including—

(I) an electric cooperative;

(II) a political subdivision of a State, such as a municipally owned electric utility, or any agency, authority, corporation, or instrumentality of a State political subdivision; and

(III) an investor-owned utility; and

(vi) a private energy storage company.

(B) ESTABLISHMENT.—The Secretary shall establish a competitive grant program under which the Secretary shall award grants to eligible entities to carry out demonstration projects for pilot energy storage systems.

(C) SELECTION REQUIREMENTS.—In selecting eligible entities to receive a grant under subparagraph (B), the Secretary shall, to the maximum extent practicable—

(i) ensure regional diversity among eligible entities awarded grants, including ensuring participation of eligible entities that are rural States and States with high energy costs;

(ii) ensure that grants are awarded for demonstration projects that—

(I) expand on the existing technology demonstration programs of the Department;

(II) are designed to achieve 1 or more of the objectives described in subparagraph (D); and

(III) inject or withdraw energy from the bulk power system, electric distribution system, building energy system, or microgrid (grid-connected or islanded mode) where the project is located;

(iii) give consideration to proposals from eligible entities for securing energy storage through competitive procurement or contract for service; and

(iv) prioritize projects that leverage matching funds from non-Federal sources.

(D) OBJECTIVES.—Each demonstration project carried out by a grant awarded under subparagraph (B) shall have 1 or more of the following objectives:

(i) To improve the security of critical infrastructure and emergency response systems.

(ii) To improve the reliability of transmission and distribution systems, particularly in rural areas, including high-energy cost rural areas.

(iii) To optimize transmission or distribution system operation and power quality to defer or avoid costs of replacing or upgrading electric grid infrastructure, including transformers and substations.

(iv) To supply energy at peak periods of demand on the electric grid or during periods of significant variation of electric grid supply.

(v) To reduce peak loads of homes and businesses.

(vi) To improve and advance power conversion systems.

(vii) To provide ancillary services for grid stability and management.

(viii) To integrate renewable energy resource production.

(ix) To increase the feasibility of microgrids (grid-connected or islanded mode).

(x) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.

(xi) To integrate fast charging of electric vehicles.

(xii) To improve energy efficiency.

Public information.

(3) REPORTS.—Not less frequently than once every 3 years for the duration of the programs under paragraphs (1) and (2), the Secretary shall submit to Congress and make publicly available a report describing the performance of those programs.

(4) NO PROJECT OWNERSHIP INTEREST.—The Federal Government shall not hold any equity or other ownership interest in any energy storage system that is part of a project under this subsection unless the holding is agreed to by each participant of the project.

(d) LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) INITIATIVE.—The term "Initiative" means the demonstration initiative established under paragraph (2).

(B) JOINT PROGRAM.—The term "Joint Program" means the joint program established under paragraph (4).

Deadline.

(2) ESTABLISHMENT OF INITIATIVE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

(3) SELECTION OF PROJECTS.—To the maximum extent practicable, in selecting demonstration projects to participate in the Initiative, the Secretary shall—

(A) ensure a range of technology types;

(B) ensure regional diversity among projects; and

(C) consider bulk power level, distribution power level, behind-the-meter, microgrid (gridconnected or islanded mode), and off-grid applications.

(4) JOINT PROGRAM.—

Consultation.

(A) ESTABLISHMENT.—As part of the Initiative, the Secretary, in consultation with the Secretary of Defense, shall establish within the Department a joint program to carry out projects—

(i) to demonstrate promising long-duration energy storage technologies at different scales; and

(ii) to help new, innovative long-duration energy storage technologies become commercially viable.

Deadline.

(B) MEMORANDUM OF UNDERSTANDING.—Not later than 200 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding with the Secretary of Defense to administer the Joint Program.

(C) INFRASTRUCTURE.—In carrying out the Joint Program, the Secretary and the Secretary of Defense shall—

(i) use existing test-bed infrastructure at—

(I) Department facilities; and

(II) Department of Defense installations; and

(ii) develop new infrastructure for identified projects, if appropriate.

(D) GOALS AND METRICS.—The Secretary and the Secretary of Defense shall develop goals and metrics for technological progress under the Joint Program consistent with energy resilience and energy security policies.

(E) SELECTION OF PROJECTS.—

(i) IN GENERAL.—To the maximum extent practicable, in selecting projects to participate in the Joint Program, the Secretary and the Secretary of Defense shall—

(I) ensure that projects are carried out under conditions that represent a variety of environments with different physical conditions and market constraints; and

(II) ensure an appropriate balance of—

(aa) larger, higher-cost projects; and

(bb) smaller, lower-cost projects.

(ii) PRIORITY.—In carrying out the Joint Program, the Secretary and the Secretary of Defense shall give priority to demonstration projects that—

(I) make available to the public project information that will accelerate deployment of long-duration energy storage technologies; and

Public information.

(II) will be carried out in the field.

(e) CRITICAL MATERIAL RECYCLING AND REUSE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—The United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231) is amended by adding at the end the following:

"(q) CRITICAL MATERIAL RECYCLING AND REUSE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) CRITICAL MATERIAL.—The term 'critical material' has the meaning given the term in 7002 of the Energy Act of 2020.

"(B) CRITICAL MATERIAL RECYCLING.—The term 'critical material recycling' means the separation and recovery of critical materials embedded within an energy storage system through physical or chemical means for the purpose of reuse of those critical materials in other technologies.

"(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a research, development, and demonstration program for critical material recycling and reuse of energy storage systems containing critical materials.

Deadline.

"(3) RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—In carrying out the program established under paragraph (1), the Secretary shall conduct—

"(A) research, development, and demonstration activities for—

"(i) technologies, process improvements, and design optimizations that facilitate and promote critical material recycling of energy storage systems, including separation and sorting of component materials of such systems, and extraction, recovery, and reuse of critical materials from such systems;

"(ii) technologies and methods that mitigate emissions and environmental impacts that arise from critical material recycling, including disposal of toxic reagents and byproducts related to critical material recycling processes;

"(iii) technologies to enable extraction, recovery, and reuse of energy storage systems from electric vehicles and critical material recycling from such vehicles; and

"(iv) technologies and methods to enable the safe transport, storage, and disposal of energy storage systems containing critical materials, including waste materials and components recovered during the critical material recycling process; and

"(B) research on nontechnical barriers to improve the collection and critical material recycling of energy storage systems, including strategies to improve consumer education of, acceptance of, and participation in, the critical material recycling of energy storage systems.

"(4) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, the Secretary shall submit to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report summarizing the activities, findings, and progress of the program.".

(f) COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate the activities under this section (including activities conducted pursuant to the amendments made by this section) among the offices and employees of the Department, other Federal agencies, and other relevant entities—

(1) to ensure appropriate collaboration;

(2) to avoid unnecessary duplication of those activities; and

(3) to increase domestic manufacturing and production of energy storage systems, such as those within the Department and within the National Institute of Standards and Technology.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (b), $100,000,000 for each of fiscal years 2021 through 2025, to remain available until expended;

(2) to carry out subsection (c), $71,000,000 for each of fiscal years 2021 through 2025, to remain available until expended; and

(3) to carry out subsection (d), $30,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

SEC. 3202. ENERGY STORAGE TECHNOLOGY AND MICROGRID ASSISTANCE PROGRAM. 42 USC 17233.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a rural electric cooperative;

(B) an agency, authority, or instrumentality of a State or political subdivision of a State that sells or otherwise uses electrical energy to provide electric services for customers; or

(C) a nonprofit organization working with at least 6 entities described in subparagraph (A) or (B).

(2) ENERGY STORAGE TECHNOLOGY.—The term "energy storage technology" includes grid-enabled water heaters, building heating or cooling systems, electric vehicles, the production of hydrogen for transportation or industrial use, or other technologies that store energy.

(3) MICROGRID.—The term "microgrid" means a localized grid that operates autonomously regardless of whether the grid can operate in connection with another grid.

(4) RENEWABLE ENERGY SOURCE.—The term "renewable energy source" has the meaning given the term in section 609(a) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

(5) RURAL ELECTRIC COOPERATIVE.—The term "rural electric cooperative" means an electric cooperative (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that sells electric energy to persons in rural areas.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a program under which the Secretary shall— Deadline.

(1) provide grants to eligible entities under subsection (d);

(2) provide technical assistance to eligible entities under subsection (e); and

(3) disseminate information to eligible entities on—

(A) the activities described in subsections (d)(1) and (e); and

(B) potential and existing energy storage technology and microgrid projects.

(c) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with an eligible entity to carry out subsection (b).

(d) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to eligible entities for identifying, evaluating, designing, and demonstrating energy storage technology and microgrid projects that utilize energy from renewable energy sources.

(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) USE OF GRANT.—An eligible entity that receives a grant under paragraph (1)—

(A) shall use the grant—

(i) to conduct feasibility studies to assess the potential for implementation or improvement of energy storage technology or microgrid projects;

Analysis.

(ii) to analyze and implement strategies to overcome barriers to energy storage technology or microgrid project implementation, including financial, contracting, siting, and permitting barriers;

(iii) to conduct detailed engineering of energy storage technology or microgrid projects;

Cost analysis.

(iv) to perform a cost-benefit analysis with respect to an energy storage technology or microgrid project;

Plans.

(v) to plan for both the short- and long-term inclusion of energy storage technology or microgrid projects into the future development plans of the eligible entity; or

(vi) to purchase and install necessary equipment, materials, and supplies for demonstration of emerging technologies; and

(B) may use the grant to obtain technical assistance from experts in carrying out the activities described in subparagraph (A).

(4) CONDITION.—As a condition of receiving a grant under paragraph (1), an eligible entity shall—

Coordination.
Determination.

(A) implement a public awareness campaign, in coordination with the Secretary, about the project implemented under the grant in the community in which the eligible entity is located, which campaign shall include providing projected environmental benefits achieved under the project, where to find more information about the program established under this section, and any other information the Secretary determines necessary;

Public information.

(B) submit to the Secretary, and make available to the public, a report that describes—

(i) any energy cost savings and environmental benefits achieved under the project; and

(ii) the results of the project, including quantitative assessments to the extent practicable, associated with each activity described in paragraph (3)(A); and

(C) create and disseminate tools and resources that will benefit other rural electric cooperatives, which may include cost calculators, guidebooks, handbooks, templates, and training courses.

(5) COST-SHARE.—Activities under this subsection shall be subject to the cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—In carrying out the program established under subsection (b), the Secretary may provide eligible entities with technical assistance relating to—

(A) identifying opportunities for energy storage technology and microgrid projects;

(B) understanding the technical and economic characteristics of energy storage technology or microgrid projects;

(C) understanding financing alternatives;

(D) permitting and siting issues;

(E) obtaining case studies of similar and successful energy storage technology or microgrid projects;

(F) reviewing and obtaining computer software for assessment, design, and operation and maintenance of energy storage technology or microgrid systems; and Review. Assessment.

(G) understanding and utilizing the reliability and resiliency benefits of energy storage technology and microgrid projects.

(2) EXTERNAL CONTRACTS.—In carrying out paragraph (1), the Secretary may enter into contracts with third-party experts, including engineering, finance, and insurance experts, to provide technical assistance to eligible entities relating to the activities described in such paragraph, or other relevant activities, as determined by the Secretary. Determination.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2021 through 2025.

(2) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used for administrative expenses.

TITLE IV—CARBON MANAGEMENT

SEC. 4001. FOSSIL ENERGY.

Section 961(a) of the Energy Policy Act of 2005 (42 U.S.C. 16291(a)) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) in subparagraph (F) (as so redesignated), by inserting ", including technology development to reduce emissions of carbon dioxide and associated emissions of heavy metals within coal combustion residues and gas streams resulting from fossil fuel use and production" before the period at the end;

(3) by striking subparagraph (G) (as so redesignated) and inserting the following:

"(G) Increasing the export of fossil energy-related equipment, technology, including emissions control technologies, and services from the United States.

"(H) Decreasing the cost of emissions control technologies for fossil energy production, generation, and delivery.

"(I) Significantly lowering greenhouse gas emissions for all fossil fuel production, generation, delivery, and utilization technologies.

"(J) Developing carbon removal and utilization technologies, products, and methods that result in net reductions in greenhouse gas emissions, including direct air capture and storage, and carbon use and reuse for commercial application.

"(K) Improving the conversion, use, and storage of carbon oxides produced from fossil fuels.

"(L) Reducing water use, improving water reuse, and minimizing surface and subsurface environmental impact

in the development of unconventional domestic oil and natural gas resources.";

(4) by striking the subsection designation and all that follows through "The Secretary" in the first sentence of the matter preceding subparagraph (A) (as so redesignated) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary";

(5) in paragraph (1) (as so designated), in the second sentence of the matter preceding subparagraph (A) (as so redesignated), by striking "Such programs" and inserting the following:

"(2) OBJECTIVES.—The programs described in paragraph (1) shall"; and

(6) by adding at the end the following:

"(3) PRIORITY.—In carrying out the objectives described in subparagraphs (F) through (K) of paragraph (2), the Secretary shall prioritize activities and strategies that have the potential to significantly reduce emissions for each technology relevant to the applicable objective and the international commitments of the United States.".

SEC. 4002. ESTABLISHMENT OF CARBON CAPTURE TECHNOLOGY PROGRAM.

(a) IN GENERAL.—The Energy Policy Act of 2005 is amended by striking section 962 (42 U.S.C. 16292) and inserting the following:

42 USC 16292.

"SEC. 962. CARBON CAPTURE TECHNOLOGY PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) LARGE-SCALE PILOT PROJECT.—The term 'large-scale pilot project' means a pilot project that—

"(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

"(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

"(C) is large enough—

"(i) to validate scaling factors; and

"(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot project application to commercial-scale demonstration or application.

"(2) NATURAL GAS.—The term 'natural gas' means any fuel consisting in whole or in part of—

"(A) natural gas;

"(B) liquid petroleum gas;

"(C) synthetic gas derived from petroleum or natural gas liquids;

"(D) any mixture of natural gas and synthetic gas; or

"(E) biomethane.

"(3) NATURAL GAS ELECTRIC GENERATION FACILITY.—

"(A) IN GENERAL.—The term 'natural gas electric generation facility' means a facility that generates electric energy using natural gas as the fuel.

"(B) INCLUSIONS.—The term 'natural gas electric generation facility' includes without limitation a new or existing—

"(i) simple cycle plant;

"(ii) combined cycle plant;

"(iii) combined heat and power plant; or

"(iv) steam methane reformer that produces hydrogen from natural gas for use in the production of electric energy.

"(4) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

"(5) TRANSFORMATIONAL TECHNOLOGY.—

"(A) IN GENERAL.—The term 'transformational technology' means a technology that represents a significant change in the methods used to convert energy that will enable a step change in performance, efficiency, cost of electricity, and reduction of emissions as compared to the technology in existence on the date of enactment of the Energy Act of 2020.

"(B) INCLUSIONS.—The term 'transformational technology' includes a broad range of potential technology improvements, including—

"(i) thermodynamic improvements in energy conversion and heat transfer, including—

"(I) advanced combustion systems, including oxygen combustion systems and chemical looping; and

"(II) the replacement of steam cycles with supercritical carbon dioxide cycles;

"(ii) improvements in steam or carbon dioxide turbine technology;

"(iii) improvements in carbon capture, utilization, and storage systems technology;

"(iv) improvements in small-scale and modular coal-fired technologies with reduced carbon output or carbon capture that can support incremental power generation capacity additions;

"(v) fuel cell technologies for low-cost, high-efficiency modular power systems;

"(vi) advanced gasification systems;

"(vii) thermal cycling technologies; and

"(viii) any other technology the Secretary recognizes as transformational technology.

"(b) CARBON CAPTURE TECHNOLOGY PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a carbon capture technology program for the development of transformational technologies that will significantly improve the efficiency, effectiveness, costs, emissions reductions, and environmental performance of coal and natural gas use, including in manufacturing and industrial facilities.

"(2) REQUIREMENTS.—The program shall include—

"(A) a research and development program;

"(B) large-scale pilot projects;

"(C) demonstration projects, in accordance with paragraph (4); and

"(D) a front-end engineering and design program.

Consultation.

"(3) PROGRAM GOALS AND OBJECTIVES.—In consultation with the interested entities described in paragraph (6)(C), the Secretary shall develop goals and objectives for the program to be applied to the transformational technologies developed within the program, taking into consideration the following:

"(A) Increasing the performance of coal electric generation facilities and natural gas electric generation facilities, including by—

"(i) ensuring reliable, low-cost power from new and existing coal electric generation facilities and natural gas electric generation facilities;

"(ii) achieving high conversion efficiencies;

"(iii) addressing emissions of carbon dioxide and other air pollutants;

"(iv) developing small-scale and modular technologies to support incremental capacity additions and load following generation, in addition to large-scale generation technologies;

"(v) supporting dispatchable operations for new and existing applications of coal and natural gas generation; and

"(vi) accelerating the development of technologies that have transformational energy conversion characteristics.

"(B) Using carbon capture, utilization, and sequestration technologies to decrease the carbon dioxide emissions, and the environmental impact from carbon dioxide emissions, from new and existing coal electric generation facilities and natural gas electric generation facilities, including by—

"(i) accelerating the development, deployment, and commercialization of technologies to capture and sequester carbon dioxide emissions from new and existing coal electric generation facilities and natural gas electric generation facilities;

"(ii) supporting sites for safe geological storage of large volumes of anthropogenic sources of carbon dioxide and the development of the infrastructure needed to support a carbon dioxide utilization and storage industry;

"(iii) improving the conversion, utilization, and storage of carbon dioxide produced from fossil fuels and other anthropogenic sources of carbon dioxide;

"(iv) lowering greenhouse gas emissions for all fossil fuel production, generation, delivery, and use, to the maximum extent practicable;

"(v) developing carbon utilization technologies, products, and methods, including carbon use and reuse for commercial application;

"(vi) developing net-negative carbon dioxide emissions technologies; and

"(vii) developing technologies for the capture of carbon dioxide produced during the production of hydrogen from natural gas.

"(C) Decreasing the non-carbon dioxide relevant environmental impacts of coal and natural gas production, including by—

"(i) further reducing non-carbon dioxide air emissions; and

"(ii) reducing the use, and managing the discharge, of water in power plant operations.

"(D) Accelerating the development of technologies to significantly decrease emissions from manufacturing and industrial facilities, including—

"(i) nontraditional fuel manufacturing facilities, including ethanol or other biofuel production plants or hydrogen production plants; and

"(ii) energy-intensive manufacturing facilities that produce carbon dioxide as a byproduct of operations.

"(E) Entering into cooperative agreements to carry out and expedite demonstration projects (including pilot projects) to demonstrate the technical and commercial viability of technologies to reduce carbon dioxide emissions released from coal electric generation facilities and natural gas electric generation facilities for commercial deployment. Contracts.

"(F) Identifying any barriers to the commercial deployment of any technologies under development for the capture of carbon dioxide produced by coal electric generation facilities and natural gas electric generation facilities.

"(4) DEMONSTRATION PROJECTS.— Contracts.

"(A) IN GENERAL.—In carrying out the program, the Secretary shall establish a demonstration program under which the Secretary, through a competitive, merit-reviewed process, shall enter into cooperative agreements by not later than September 30, 2025, for demonstration projects to demonstrate the construction and operation of 6 facilities to capture carbon dioxide from coal electric generation facilities, natural gas electric generation facilities, and industrial facilities.

"(B) TECHNICAL ASSISTANCE.—The Secretary, to the maximum extent practicable, shall provide technical assistance to any eligible entity seeking to enter into a cooperative agreement described in subparagraph (A) for the purpose of obtaining any necessary permits and licenses to demonstrate qualifying technologies.

"(C) ELIGIBLE ENTITIES.—The Secretary may enter into cooperative agreements under subparagraph (A) with industry stakeholders, including any industry stakeholder operating in partnership with the National Laboratories, institutions of higher education, multiinstitutional collaborations, and other appropriate entities.

"(D) COMMERCIAL-SCALE DEMONSTRATION PROJECTS.—

"(i) IN GENERAL.—In carrying out the program, the Secretary shall establish a carbon capture technology commercialization program to demonstrate substantial improvements in the efficiency, effectiveness, cost, and environmental performance of carbon capture technologies for power, industrial, and other commercial applications.

"(ii) REQUIREMENT.—The program established under clause (i) shall include funding for commercial-

scale carbon capture technology demonstrations of projects supported by the Department, including projects in addition to the projects described in subparagraph (A), including funding for not more than 2 projects to demonstrate substantial improvements in a particular technology type beyond the first of a kind demonstration and to account for considerations described in subparagraph (G).

"(E) REQUIREMENT.—Of the demonstration projects carried out under subparagraph (A)—

"(i) 2 shall be designed to capture carbon dioxide from a natural gas electric generation facility;

"(ii) 2 shall be designed to capture carbon dioxide from a coal electric generation facility; and

"(iii) 2 shall be designed to capture carbon dioxide from an industrial facility not purposed for electric generation.

"(F) GOALS.—Each demonstration project under the demonstration program under subparagraph (A)—

"(i) shall be designed to further the development, deployment, and commercialization of technologies to capture and sequester carbon dioxide emissions from new and existing coal electric generation facilities, natural gas electric generation facilities, and industrial facilities;

"(ii) shall be financed in part by the private sector; and

"(iii) if necessary, shall secure agreements for the offtake of carbon dioxide emissions captured by qualifying technologies during the project.

"(G) APPLICATIONS.—

"(i) IN GENERAL.—To be eligible to enter into an agreement with the Secretary for a demonstration project under subparagraphs (A) and (D), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(ii) REVIEW OF APPLICATIONS.—In reviewing applications submitted under clause (i), the Secretary, to the maximum extent practicable, shall—

"(I) ensure a broad geographic distribution of project sites;

"(II) ensure that a broad selection of electric generation facilities are represented;

"(III) ensure that a broad selection of technologies are represented; and

"(IV) leverage existing public-private partnerships and Federal resources.

"(H) GAO STUDY AND REPORT.—

"(i) STUDY AND REPORT.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Act of 2020, the Comptroller General of the United States shall conduct, and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the results

of, a study of the successes, failures, practices, and improvements of the Department in carrying out demonstration projects under this paragraph.

"(II) CONSIDERATIONS.—In conducting the study under subclause (I), the Comptroller General of the United States shall consider—

"(aa) applicant and contractor qualifications;

"(bb) project management practices at the Department;

"(cc) economic or market changes and other factors impacting project viability;

"(dd) completion of third-party agreements, including power purchase agreements and carbon dioxide offtake agreements;

"(ee) regulatory challenges; and

"(ff) construction challenges.

"(ii) RECOMMENDATIONS.—The Secretary shall—

"(I) consider any relevant recommendations, as determined by the Secretary, provided in the report required under clause (i)(I); and Determination.

"(II) adopt such recommendations as the Secretary considers appropriate.

"(I) REPORT.—

"(i) IN GENERAL.—Not later than 180 days after the date on which the Secretary solicits applications under subparagraph (G), and annually thereafter, the Secretary shall submit to the appropriate committees of jurisdiction of the Senate and the House of Representatives a report that includes a detailed description of how the applications under the demonstration program established under subparagraph (A) were or will be solicited and how the applications were or will be evaluated, including—

"(I) a list of any activities carried out by the Secretary to solicit or evaluate the applications; and List.

"(II) a process for ensuring that any projects carried out under a cooperative agreement entered into under subparagraph (A) are designed to result in the development or demonstration of qualifying technologies.

"(ii) INCLUSIONS.—The Secretary shall include—

"(I) in the first report required under clause (i), a detailed list of technical milestones for the development and demonstration of each qualifying technology pursued under the demonstration program established under subparagraph (A); List.

"(II) in each subsequent report required under clause (i), a description of the progress made towards achieving the technical milestones described in subclause (I) during the applicable period covered by the report; and

"(III) in each report required under clause (i)—

"(aa) an estimate of the cost of licensing, permitting, constructing, and operating each

carbon capture facility expected to be constructed under the demonstration program established under subparagraph (A);

"(bb) a schedule for the planned construction and operation of each demonstration or pilot project under the demonstration program; and

"(cc) an estimate of any financial assistance, compensation, or incentives proposed to be paid by the host State, Indian Tribe, or local government with respect to each facility described in item (aa).

"(5) INTRAAGENCY COORDINATION FOR CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION ACTIVITIES.—The carbon capture, utilization, and sequestration activities described in paragraph (3)(B) shall be carried out by the Assistant Secretary for Fossil Energy, in coordination with the heads of other relevant offices of the Department and the National Laboratories.

"(6) CONSULTATIONS REQUIRED.—In carrying out the program, the Secretary shall—

"(A) undertake international collaborations, taking into consideration the recommendations of the National Coal Council and the National Petroleum Council;

"(B) use existing authorities to encourage international cooperation; and

"(C) consult with interested entities, including—

"(i) coal and natural gas producers;

"(ii) industries that use coal and natural gas;

"(iii) organizations that promote coal, advanced coal, and natural gas technologies;

"(iv) environmental organizations;

"(v) organizations representing workers; and

"(vi) organizations representing consumers.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Energy Act of 2020, the Secretary shall submit to Congress a report describing the program goals and objectives adopted under subsection (b)(3).

"(2) UPDATE.—Not less frequently than once every 2 years after the initial report is submitted under paragraph (1), the Secretary shall submit to Congress a report describing the progress made towards achieving the program goals and objectives adopted under subsection (b)(3).

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

"(A) for activities under the research and development program component described in subsection (b)(2)(A)—

"(i) $230,000,000 for each of fiscal years 2021 and 2022; and

"(ii) $150,000,000 for each of fiscal years 2023 through 2025;

"(B) subject to paragraph (2), for activities under the large-scale pilot projects program component described in subsection (b)(2)(B)—

"(i) $225,000,000 for each of fiscal years 2021 and 2022;

"(ii) $200,000,000 for each of fiscal years 2023 and 2024; and

"(iii) $150,000,000 for fiscal year 2025;

"(C) for activities under the demonstration projects program component described in subsection (b)(2)(C)—

"(i) $500,000,000 for each of fiscal years 2021 though 2024; and

"(ii) $600,000,000 for fiscal year 2025; and

"(D) for activities under the front-end engineering and design program described in subsection (b)(2)(D), $50,000,000 for each of fiscal years 2021 through 2024.

"(2) COST SHARING FOR LARGE-SCALE PILOT PROJECTS.—Activities under subsection (b)(2)(B) shall be subject to the cost-sharing requirements of section 988(b).

"(e) CARBON CAPTURE TEST CENTERS.—

Grants.
Deadline.

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Energy Act of 2020, the Secretary shall award grants to 1 or more entities for the operation of 1 or more test centers (referred to in this subsection as a 'Center') to provide distinct testing capabilities for innovative carbon capture technologies.

"(2) PURPOSE.—Each Center shall—

"(A) advance research, development, demonstration, and commercial application of carbon capture technologies;

"(B) support large-scale pilot projects and demonstration projects and test carbon capture technologies; and

"(C) develop front-end engineering design and economic analysis.

"(3) SELECTION.—

"(A) IN GENERAL.—The Secretary shall select entities to receive grants under this subsection according to such criteria as the Secretary may develop.

"(B) COMPETITIVE BASIS.—The Secretary shall select entities to receive grants under this subsection on a competitive basis.

"(C) PRIORITY CRITERIA.—In selecting entities to receive grants under this subsection, the Secretary shall prioritize consideration of applicants that—

"(i) have access to existing or planned research facilities for carbon capture technologies;

"(ii) are institutions of higher education with established expertise in engineering for carbon capture technologies, or partnerships with such institutions of higher education; or

"(iii) have access to existing research and test facilities for bulk materials design and testing, component design and testing, or professional engineering design.

"(D) EXISTING CENTERS.—In selecting entities to receive grants under this subsection, the Secretary shall prioritize carbon capture test centers in existence on the date of enactment of the Energy Act of 2020.

"(4) FORMULA FOR AWARDING GRANTS.—The Secretary may develop a formula for awarding grants under this subsection.

"(5) SCHEDULE.—

"(A) IN GENERAL.—Each grant awarded under this subsection shall be for a term of not more than 5 years, subject to the availability of appropriations.

Time period.

"(B) RENEWAL.—The Secretary may renew a grant for 1 or more additional 5-year terms, subject to a competitive merit review and the availability of appropriations.

Determination.

"(6) TERMINATION.—To the extent otherwise authorized by law, the Secretary may eliminate, and terminate grant funding under this subsection for, a Center during any 5-year term described in paragraph (5) if the Secretary determines that the Center is underperforming.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2021 through 2025.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is amended by striking the item relating to section 962 and inserting the following:

"Sec. 962. Carbon capture technology program.".

SEC. 4003. CARBON STORAGE VALIDATION AND TESTING.

(a) IN GENERAL.—Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) by striking subsection (d) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $200,000,000 for fiscal year 2021;

"(2) $200,000,000 for fiscal year 2022;

"(3) $150,000,000 for fiscal year 2023;

"(4) $150,000,000 for fiscal year 2024; and

"(5) $100,000,000 for fiscal year 2025.";

(2) in subsection (c)—

(A) by striking paragraphs (5) and (6) and inserting the following:

"(f) COST SHARING.—Activities carried out under this section shall be subject to the cost-sharing requirements of section 988."; and

(B) by redesignating paragraph (4) as subsection (e) and indenting appropriately;

(3) in subsection (e) (as so redesignated)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(B) by striking "subsection" each place it appears and inserting "section"; and

(4) by striking the section designation and heading and all that follows through the end of subsection (c)(3) and inserting the following:

"SEC. 963. CARBON STORAGE VALIDATION AND TESTING.

"(a) DEFINITIONS.—In this section:

"(1) LARGE-SCALE CARBON SEQUESTRATION.—The term 'large-scale carbon sequestration' means a scale that—

"(A) demonstrates the ability to inject into geologic formations and sequester carbon dioxide; and

"(B) has a goal of sequestering not less than 50 million metric tons of carbon dioxide over a 10-year period.

"(2) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

"(b) CARBON STORAGE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program of research, development, and demonstration for carbon storage.

"(2) PROGRAM ACTIVITIES.—Activities under the program shall include—

"(A) in coordination with relevant Federal agencies, developing and maintaining mapping tools and resources that assess the capacity of geologic storage formation in the United States; Coordination.

"(B) developing monitoring tools, modeling of geologic formations, and analyses—

"(i) to predict carbon dioxide containment; and

"(ii) to account for sequestered carbon dioxide in geologic storage sites;

"(C) researching—

"(i) potential environmental, safety, and health impacts in the event of a leak into the atmosphere or to an aquifer; and

"(ii) any corresponding mitigation actions or responses to limit harmful consequences of such a leak;

"(D) evaluating the interactions of carbon dioxide with formation solids and fluids, including the propensity of injections to induce seismic activity; Valuation.

"(E) assessing and ensuring the safety of operations relating to geologic sequestration of carbon dioxide; Assessment.

"(F) determining the fate of carbon dioxide concurrent with and following injection into geologic formations; Determination.

"(G) supporting cost and business model assessments to examine the economic viability of technologies and systems developed under the program; and

"(H) providing information to the Environmental Protection Agency, States, local governments, Tribal governments, and other appropriate entities, to ensure the protection of human health and the environment.

"(3) GEOLOGIC SETTINGS.—In carrying out research activities under this subsection, the Secretary shall consider a variety of candidate onshore and offshore geologic settings, including—

"(A) operating oil and gas fields;

"(B) depleted oil and gas fields;

"(C) residual oil zones;

"(D) unconventional reservoirs and rock types;

"(E) unmineable coal seams;

"(F) saline formations in both sedimentary and basaltic geologies;

"(G) geologic systems that may be used as engineered reservoirs to extract economical quantities of brine from geothermal resources of low permeability or porosity; and

"(H) geologic systems containing in situ carbon dioxide mineralization formations.

"(c) LARGE-SCALE CARBON SEQUESTRATION DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration program under which the Secretary shall provide

funding for demonstration projects to collect and validate information on the cost and feasibility of commercial deployment of large-scale carbon sequestration technologies.

"(2) EXISTING REGIONAL CARBON SEQUESTRATION PARTNERSHIPS.—In carrying out paragraph (1), the Secretary may provide additional funding to regional carbon sequestration partnerships that are carrying out or have completed a large-scale carbon sequestration demonstration project under this section (as in effect on the day before the date of enactment of the Energy Act of 2020) for additional work on that project.

"(3) DEMONSTRATION COMPONENTS.—Each demonstration project carried out under this subsection shall include longitudinal tests involving carbon dioxide injection and monitoring, mitigation, and verification operations.

"(4) CLEARINGHOUSE.—The National Energy Technology Laboratory shall act as a clearinghouse of shared information and resources for—

"(A) existing or completed demonstration projects receiving additional funding under paragraph (2); and

"(B) any new demonstration projects funded under this subsection.

"(5) REPORT.—Not later than 1 year after the date of enactment of the Energy Act of 2020, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that—

Assessments.

"(A) assesses the progress of all regional carbon sequestration partnerships carrying out a demonstration project under this subsection;

"(B) identifies the remaining challenges in achieving large-scale carbon sequestration that is reliable and safe for the environment and public health; and

"(C) creates a roadmap for carbon storage research and development activities of the Department through 2025, with the goal of reducing economic and policy barriers to commercial carbon sequestration.

"(d) INTEGRATED STORAGE.—

"(1) IN GENERAL.—The Secretary may transition large-scale carbon sequestration demonstration projects under subsection (c) into integrated commercial storage complexes.

"(2) GOALS AND OBJECTIVES.—The goals and objectives of the Secretary in seeking to transition large-scale carbon sequestration demonstration projects into integrated commercial storage complexes under paragraph (1) shall be—

"(A) to identify geologic storage sites that are able to accept large volumes of carbon dioxide acceptable for commercial contracts;

"(B) to understand the technical and commercial viability of carbon dioxide geologic storage sites; and

"(C) to carry out any other activities necessary to transition the large-scale carbon sequestration demonstration projects under subsection (c) into integrated commercial storage complexes.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600;

121 Stat. 1708) is amended by striking the item relating to section 963 and inserting the following:

"Sec. 963. Carbon storage validation and testing.".

(c) CONFORMING AMENDMENTS.—

(1) Section 703(a)(3) of the Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007 (42 U.S.C. 17251(a)(3)) is amended, in the first sentence of the matter preceding subparagraph (A), by—

(A) striking "section 963(c)(3)" and inserting "section 963(c)"; and

(B) striking "16293(c)(3)" and inserting "16293(c)".

(2) Section 704 of the Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007 (42 U.S.C. 17252) is amended, in the first sentence, by—

(A) striking "section 963(c)(3)" and inserting "section 963(c)"; and

(B) striking "16293(c)(3)" and inserting "16293(c)".

SEC. 4004. CARBON UTILIZATION PROGRAM.

(a) CARBON UTILIZATION PROGRAM.—

(1) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by adding at the end the following:

"SEC. 969A. CARBON UTILIZATION PROGRAM.

42 USC 16298a.

"(a) IN GENERAL.—The Secretary shall establish a program of research, development, and demonstration for carbon utilization— Assessment.

"(1) to assess and monitor—

"(A) potential changes in lifecycle carbon dioxide and other greenhouse gas emissions; and

"(B) other environmental safety indicators of new technologies, practices, processes, or methods used in enhanced hydrocarbon recovery as part of the activities authorized under section 963;

"(2) to identify and assess novel uses for carbon, including the conversion of carbon and carbon oxides for commercial and industrial products and other products with potential market value;

"(3) to identify and assess carbon capture technologies for industrial systems; and

"(4) to identify and assess alternative uses for raw coal and processed coal products in all phases that result in no significant emissions of carbon dioxide or other pollutants, including products derived from carbon engineering, carbon fiber, and coal conversion methods.

"(b) DEMONSTRATION PROGRAMS FOR THE PURPOSE OF COMMERCIALIZATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Act of 2020, as part of the program established under subsection (a), the Secretary shall establish a 2-year demonstration program in each of the 2 major coal-producing regions of the United States for the purpose of Deadline. Time period.

partnering with private institutions in coal mining regions to accelerate the commercial deployment of coal-carbon products.

"(2) COST SHARING.—Activities under paragraph (1) shall be subject to the cost-sharing requirements of section 988.

"(c) CARBON UTILIZATION RESEARCH CENTER.—

"(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall establish and operate a national Carbon Utilization Research Center (referred to in this subsection as the 'Center'), which shall focus on early stage research and development activities including—

"(A) post-combustion and pre-combustion capture of carbon dioxide;

"(B) advanced compression technologies for new and existing fossil fuel-fired power plants;

"(C) technologies to convert carbon dioxide to valuable products and commodities; and

"(D) advanced carbon dioxide storage technologies that consider a range of storage regimes.

"(2) SELECTION.—The Secretary shall—

"(A) select the Center under this subsection on a competitive, merit-reviewed basis; and

"(B) consider applications from the National Laboratories, institutions of higher education, multiinstitutional collaborations, and other appropriate entities.

"(3) EXISTING CENTERS.—In selecting the Center under this subsection, the Secretary shall prioritize carbon utilization research centers in existence on the date of enactment of the Energy Act of 2020.

"(4) DURATION.—The Center established under this subsection shall receive support for a period of not more than 5 years, subject to the availability of appropriations.

Time period.

"(5) RENEWAL.—On the expiration of any period of support of the Center, the Secretary may renew support for the Center, on a merit-reviewed basis, for a period of not more than 5 years.

"(6) TERMINATION.—Consistent with the existing authorities of the Department, the Secretary may terminate the Center for cause during the performance period.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $54,000,000 for fiscal year 2021;

"(2) $55,250,000 for fiscal year 2022;

"(3) $56,562,500 for fiscal year 2023;

"(4) $57,940,625 for fiscal year 2024; and

"(5) $59,387,656 for fiscal year 2025.

"(e) COORDINATION.—The Secretary shall coordinate the activities authorized in this section with the activities authorized in section 969 as part of one consolidated program at the Department. Nothing in section 969 shall be construed as limiting the authorities provided in this section.".

(2) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is amended by adding at the end of the items relating to subtitle F of title IX the following:

"Sec. 969A. Carbon utilization program.".

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Energy (in this section referred to as the "Secretary") shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies of Sciences, Engineering, and Medicine shall conduct a study to assess any barriers and opportunities relating to commercializing carbon, coal-derived carbon, and carbon dioxide in the United States.

(2) REQUIREMENTS.—The study under paragraph (1) shall—

(A) analyze challenges to commercializing carbon dioxide, including—

(i) expanding carbon dioxide pipeline capacity;

(ii) mitigating environmental impacts;

(iii) access to capital;

(iv) geographic barriers; and

(v) regional economic challenges and opportunities;

(B) identify potential markets, industries, or sectors that may benefit from greater access to commercial carbon dioxide;

(C) determine the feasibility of, and opportunities for, the commercialization of coal-derived carbon products, including for— Determination.

(i) commercial purposes;

(ii) industrial purposes;

(iii) defense and military purposes;

(iv) agricultural purposes, including soil amendments and fertilizers;

(v) medical and pharmaceutical applications;

(vi) construction and building applications;

(vii) energy applications; and

(viii) production of critical minerals;

(D) assess— Assessment.

(i) the state of infrastructure as of the date of the study; and

(ii) any necessary updates to infrastructure to allow for the integration of safe and reliable carbon dioxide transportation, use, and storage;

(E) describe the economic, climate, and environmental impacts of any well-integrated national carbon dioxide pipeline system, including suggestions for policies that could—

(i) improve the economic impact of the system; and

(ii) mitigate impacts of the system;

(F) assess the global status and progress of chemical and biological carbon utilization technologies in practice as of the date of the study that utilize anthropogenic carbon, including carbon dioxide, carbon monoxide, methane, and biogas, from power generation, biofuels production, and other industrial processes; Assessment.

(G) identify emerging technologies and approaches for carbon utilization that show promise for scale-up, demonstration, deployment, and commercialization;

(H) analyze the factors associated with making carbon utilization technologies viable at a commercial scale, including carbon waste stream availability, economics, market capacity, energy, and lifecycle requirements; Analysis.

Assessment.

(I)(i) assess the major technical challenges associated with increasing the commercial viability of carbon reuse technologies; and

(ii) identify the research and development questions that will address the challenges described in clause (i);

Assessment.

(J)(i) assess research efforts being carried out as of the date of the study, including basic, applied, engineering, and computational research efforts, that are addressing the challenges described in subparagraph (I)(i); and

(ii) identify gaps in the research efforts under clause (i);

(K) develop a comprehensive research agenda that addresses long- and short-term research needs and opportunities for technologies that may be important to minimizing net greenhouse gas emissions from the use of coal and natural gas; and

(L)(i) identify appropriate Federal agencies with capabilities to support small business entities; and

Determination.

(ii) determine what assistance the Federal agencies identified under clause (i) could provide to small business entities to further the development and commercial deployment of carbon dioxide-based products.

(3) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the National Academies of Sciences, Engineering, and Medicine shall submit to the Secretary a report describing the results of the study under paragraph (1).

SEC. 4005. HIGH EFFICIENCY TURBINES.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is further amended by adding at the end the following:

42 USC 16298b.

"SEC. 969B. HIGH EFFICIENCY TURBINES.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Fossil Energy (referred to in this section as the 'Secretary'), shall establish a multiyear, multiphase program (referred to in this section as the 'program') of research, development, and technology demonstration to improve the efficiency of gas turbines used in power generation systems and aviation.

"(b) PROGRAM ELEMENTS.—The program shall—

"(1) support first-of-a-kind engineering and detailed gas turbine design for small-scale and utility-scale electric power generation, including—

"(A) high temperature materials, including superalloys, coatings, and ceramics;

"(B) improved heat transfer capability;

"(C) manufacturing technology required to construct complex 3-dimensional geometry parts with improved aerodynamic capability;

"(D) combustion technology to produce higher firing temperature while lowering nitrogen oxide and carbon monoxide emissions per unit of output;

"(E) advanced controls and systems integration;

"(F) advanced high performance compressor technology; and

"(G) validation facilities for the testing of components and subsystems;

"(2) include technology demonstration through component testing, subscale testing, and full-scale testing in existing fleets;

"(3) include field demonstrations of the developed technology elements to demonstrate technical and economic feasibility;

"(4) assess overall combined cycle and simple cycle system performance; Assessment.

"(5) increase fuel flexibility by enabling gas turbines to operate with high proportions of, or pure, hydrogen or other renewable gas fuels;

"(6) enhance foundational knowledge needed for low-emission combustion systems that can work in high-pressure, high-temperature environments required for high-efficiency cycles;

"(7) increase operational flexibility by reducing turbine start-up times and improving the ability to accommodate flexible power demand; and

"(8) include any other elements necessary to achieve the goals described in subsection (c), as determined by the Secretary, in consultation with private industry. Determination.

"(c) PROGRAM GOALS.—

"(1) IN GENERAL.—The goals of the program shall be—

"(A) in phase I, to develop a conceptual design of, and to develop and demonstrate the technology required for—

"(i) advanced high efficiency gas turbines to achieve, on a lower heating value basis—

"(I) a combined cycle efficiency of not less than 65 percent; or

"(II) a simple cycle efficiency of not less than 47 percent; and

"(ii) aviation gas turbines to achieve a 25 percent reduction in fuel burn by improving fuel efficiency to existing best-in-class turbo-fan engines; and

"(B) in phase II, to develop a conceptual design of advanced high efficiency gas turbines that can achieve, on a lower heating value basis—

"(i) a combined cycle efficiency of not less than 67 percent; or

"(ii) a simple cycle efficiency of not less than 50 percent.

"(2) ADDITIONAL GOALS.—If a goal described in paragraph (1) has been achieved, the Secretary, in consultation with private industry and the National Academy of Sciences, may develop additional goals or phases for advanced gas turbine research and development. Consultation.

"(d) FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may provide financial assistance, including grants, to carry out the program.

"(2) PROPOSALS.—Not later than 180 days after the date of enactment of the Energy Act of 2020, the Secretary shall solicit proposals from industry, small businesses, universities, and other appropriate parties for conducting activities under this section. Deadline.

"(3) CONSIDERATIONS.—In selecting proposed projects to receive financial assistance under this subsection, the Secretary shall give special consideration to the extent to which the proposed project will—

"(A) stimulate the creation or increased retention of jobs in the United States; and

"(B) promote and enhance technology leadership in the United States.

"(4) COMPETITIVE AWARDS.—The Secretary shall provide financial assistance under this subsection on a competitive basis, with an emphasis on technical merit.

"(5) COST SHARING.—Financial assistance provided under this subsection shall be subject to the cost sharing requirements of section 988.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2021 through 2025.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is further amended by adding at the end of the items relating to subtitle F of title IX the following:

"Sec. 969B. High efficiency gas turbines.".

SEC. 4006. NATIONAL ENERGY TECHNOLOGY LABORATORY REFORMS.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is further amended by adding at the end the following:

42 USC 16298c.

"SEC. 969C. NATIONAL ENERGY TECHNOLOGY LABORATORY REFORMS.

"(a) SPECIAL HIRING AUTHORITY FOR SCIENTIFIC, ENGINEERING, AND PROJECT MANAGEMENT PERSONNEL.—

"(1) IN GENERAL.—The Director of the National Energy Technology Laboratory (referred to in this section as the 'Director') may—

Appointments.

"(A) make appointments to positions in the National Energy Technology Laboratory to assist in meeting a specific project or research need, without regard to civil service laws, of individuals who—

"(i) have an advanced scientific or engineering background; or

"(ii) have a business background and can assist in specific technology-to-market needs;

"(B) fix the basic pay of any employee appointed under subparagraph (A) at a rate not to exceed level II of the Executive Schedule under section 5313 of title 5, United States Code; and

"(C) pay any employee appointed under subparagraph (A) payments in addition to the basic pay fixed under subparagraph (B), subject to the condition that the total amount of additional payments paid to an employee under this subparagraph for any 12-month period shall not exceed the least of—

"(i) $25,000;

"(ii) the amount equal to 25 percent of the annual rate of basic pay of that employee; and

"(iii) the amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—The term of any employee appointed under paragraph (1)(A) shall not exceed 3 years.

"(B) FULL-TIME EMPLOYEES.—Not more than 10 full-time employees appointed under paragraph (1)(A) may be employed at the National Energy Technology Laboratory at any given time.

"(b) LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—Beginning in fiscal year 2021, the National Energy Technology Laboratory shall be eligible for laboratory-directed research and development funding. Effective date.

"(2) AUTHORIZATION OF FUNDING.—

"(A) IN GENERAL.—Each fiscal year, of funds made available to the National Energy Technology Laboratory, the Secretary may deposit an amount, not to exceed the rate made available to the National Laboratories for laboratory-directed research and development, in a special fund account.

"(B) USE.—Amounts in the account under subparagraph (A) shall only be available for laboratory-directed research and development.

"(C) REQUIREMENTS.—The account under subparagraph (A)—

"(i) shall be administered by the Secretary;

"(ii) shall be available without fiscal year limitation; and

"(iii) shall not be subject to appropriation.

"(3) REQUIREMENT.—The Director shall carry out laboratory-directed research and development activities at the National Energy Technology Laboratory consistent with Department of Energy Order 413.2C, dated August 2, 2018 (or a successor order).

"(4) ANNUAL REPORT ON USE OF AUTHORITY.—Annually, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the use of the authority provided under this subsection during the preceding fiscal year.

"(c) LABORATORY OPERATIONS.—The Secretary shall delegate human resources operations of the National Energy Technology Laboratory to the Director to assist in carrying out this section.

"(d) REVIEW.—Not later than 2 years after the date of enactment of the Energy Act of 2020, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report assessing the management and research activities of the National Energy Technology Laboratory, which shall include— Deadline.

"(1) an assessment of the quality of science and research at the National Energy Technology Laboratory, relative to similar work at other National Laboratories; Assessment.

"(2) a review of the effectiveness of authorities provided in subsections (a) and (b); and Review.

"(3) recommendations for policy changes within the Department and legislative changes to provide the National Energy Technology Laboratory with the necessary tools and resources to advance the research mission of the National Energy Technology Laboratory.". Recommendations.

(b) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is further amended by adding at the end of the items relating to subtitle F of title IX the following:

"Sec. 969C. National energy technology laboratory reforms.".

SEC. 4007. STUDY ON BLUE HYDROGEN TECHNOLOGY.

(a) STUDY.—The Secretary of Energy shall conduct a study to examine opportunities for research and development in integrating blue hydrogen technology in the industrial power sector and how that could enhance the deployment and adoption of carbon capture and storage.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that describes the results of the study under subsection (a).

42 USC 10310.

SEC. 4008. PRODUCED WATER RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—As soon as possible after the date of enactment of this Act, the Secretary of Energy (in this section referred to as the "Secretary") shall establish a research and development program on produced water to develop—

(1) new technologies and practices to reduce the environmental impact; and

(2) opportunities for reprocessing of produced water at natural gas or oil development sites.

(b) PRIORITIZATION.—In carrying out the program established under subsection (a), the Secretary shall give priority to projects that develop and bring to market—

(1) effective systems for on-site management or repurposing of produced water; and

(2) new technologies or approaches to reduce the environmental impact of produced water on local water sources and the environment.

(c) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the Secretary shall carry out science-based research and development activities to pursue—

(1) improved efficiency, technologies, and techniques for produced water recycling stations; and

(2) alternative approaches to treating, reusing, storing, or decontaminating produced water.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2025.

TITLE V—CARBON REMOVAL

SEC. 5001. CARBON REMOVAL.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is further amended by adding at the end the following:

"SEC. 969D. CARBON REMOVAL.

42 USC 16298d.

Coordination.

"(a) ESTABLISHMENT.—The Secretary, in coordination with the heads of appropriate Federal agencies, including the Secretary of Agriculture, shall establish a research, development, and demonstration program (referred to in this section as the 'program') to test, validate, or improve technologies and strategies to remove carbon dioxide from the atmosphere on a large scale.

"(b) INTRAAGENCY COORDINATION.—The Secretary shall ensure that the program includes the coordinated participation of the Office of Fossil Energy, the Office of Science, and the Office of Energy Efficiency and Renewable Energy.

"(c) PROGRAM ACTIVITIES.—The program may include research, development, and demonstration activities relating to—

"(1) direct air capture and storage technologies;

"(2) bioenergy with carbon capture and sequestration;

"(3) enhanced geological weathering;

"(4) agricultural practices;

"(5) forest management and afforestation; and

"(6) planned or managed carbon sinks, including natural and artificial.

"(d) REQUIREMENTS.—In developing and identifying carbon removal technologies and strategies under the program, the Secretary shall consider—

"(1) land use changes, including impacts on natural and managed ecosystems;

"(2) ocean acidification;

"(3) net greenhouse gas emissions;

"(4) commercial viability;

"(5) potential for near-term impact;

"(6) potential for carbon reductions on a gigaton scale; and

"(7) economic cobenefits.

"(e) AIR CAPTURE PRIZE COMPETITIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) DILUTE MEDIA.—The term 'dilute media' means media in which the concentration of carbon dioxide is less than 1 percent by volume.

"(B) PRIZE COMPETITION.—The term 'prize competition' means the competitive technology prize competition established under paragraph (2).

"(C) QUALIFIED CARBON DIOXIDE.—

"(i) IN GENERAL.—The term 'qualified carbon dioxide' means any carbon dioxide that—

"(I) is captured directly from the ambient air; and

"(II) is measured at the source of capture and verified at the point of disposal, injection, or utilization.

"(ii) INCLUSION.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant.

"(iii) EXCLUSION.—The term 'qualified carbon dioxide' does not include carbon dioxide that is recaptured, recycled, and reinjected as part of the enhanced oil and natural gas recovery process.

"(D) QUALIFIED DIRECT AIR CAPTURE FACILITY.—

"(i) IN GENERAL.—The term 'qualified direct air capture facility' means any facility that—

"(I) uses carbon capture equipment to capture carbon dioxide directly from the ambient air; and

"(II) captures more than 50,000 metric tons of qualified carbon dioxide annually.

"(ii) EXCLUSION.—The term 'qualified direct air capture facility' does not include any facility that captures carbon dioxide—

"(I) that is deliberately released from naturally occurring subsurface springs; or

"(II) using natural photosynthesis.

Deadline. Consultation.

"(2) ESTABLISHMENT.—Not later than 2 years after the date of enactment of the Energy Act of 2020, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish as part of the program a competitive technology prize competition to award prizes for—

"(A) precommercial carbon dioxide capture from dilute media; and

"(B) commercial applications of direct air capture technologies.

"(3) REQUIREMENTS.—In carrying out this subsection, the Secretary, in accordance with section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), shall develop requirements for—

"(A) the prize competition process; and

"(B) monitoring and verification procedures for projects selected to receive a prize under the prize competition.

"(4) ELIGIBLE PROJECTS.—

"(A) PRECOMMERCIAL AIR CAPTURE PROJECTS.—With respect to projects described in paragraph (2)(A), to be eligible to be awarded a prize under the prize competition, a project shall—

"(i) meet minimum performance standards set by the Secretary;

"(ii) meet minimum levels set by the Secretary for the capture of carbon dioxide from dilute media; and

"(iii) demonstrate in the application of the project for a prize—

"(I) a design for a promising carbon capture technology that will—

"(aa) be operated on a demonstration scale; and

"(bb) have the potential to achieve significant reduction in the level of carbon dioxide in the atmosphere;

"(II) a successful bench-scale demonstration of a carbon capture technology; or

"(III) an operational carbon capture technology on a commercial scale.

"(B) COMMERCIAL DIRECT AIR CAPTURE PROJECTS.—

"(i) IN GENERAL.—With respect to projects described in paragraph (2)(B), the Secretary shall award prizes under the prize competition to qualified direct air capture facilities for metric tons of qualified

carbon dioxide captured and verified at the point of disposal, injection, or utilization.

"(ii) AMOUNT OF AWARD.—The amount of the award per metric ton under clause (i)—

"(I) shall be equal for each qualified direct air capture facility selected for a prize under the prize competition; and

"(II) shall be determined by the Secretary and in any case shall not exceed— Determination.

"(aa) $180 for qualified carbon dioxide captured and stored in saline storage formations;

"(bb) a lesser amount, as determined by the Secretary, for qualified carbon dioxide captured and stored in conjunction with enhanced oil recovery operations; or

"(cc) a lesser amount, as determined by the Secretary, for qualified carbon dioxide captured and utilized in any activity consistent with section 45Q(f)(5) of the Internal Revenue Code of 1986.

"(iii) REQUIREMENT.—The Secretary shall make awards under this subparagraph until appropriated funds are expended.

"(f) DIRECT AIR CAPTURE TEST CENTER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Energy Act of 2020, the Secretary shall award grants to 1 or more entities for the operation of 1 or more test centers (referred to in this subsection as a 'Center') to provide distinct testing capabilities for innovative direct air capture and storage technologies. Deadline.

"(2) PURPOSE.—Each Center shall—

"(A) advance research, development, demonstration, and commercial application of direct air capture and storage technologies;

"(B) support large-scale pilot and demonstration projects and test direct air capture and storage technologies; and

"(C) develop front-end engineering design and economic analysis.

"(3) SELECTION.—

"(A) IN GENERAL.—The Secretary shall select entities to receive grants under this subsection according to such criteria as the Secretary may develop.

"(B) COMPETITIVE BASIS.—The Secretary shall select entities to receive grants under this subsection on a competitive basis.

"(C) PRIORITY CRITERIA.—In selecting entities to receive grants under this subsection, the Secretary shall prioritize consideration of applicants that—

"(i) have access to existing or planned research facilities for direct air capture and storage technologies;

"(ii) are institutions of higher education with established expertise in engineering for direct air capture and storage technologies, or partnerships with such institutions of higher education; or

"(iii) have access to existing research and test facilities for bulk materials design and testing, component design and testing, or professional engineering design.

"(4) FORMULA FOR AWARDING GRANTS.—The Secretary may develop a formula for awarding grants under this subsection.

"(5) SCHEDULE.—

"(A) IN GENERAL.—Each grant awarded under this subsection shall be for a term of not more than 5 years, subject to the availability of appropriations.

"(B) RENEWAL.—The Secretary may renew a grant for 1 or more additional 5-year terms, subject to a competitive merit review and the availability of appropriations.

Time period. Determination.

"(6) TERMINATION.—To the extent otherwise authorized by law, the Secretary may eliminate, and terminate grant funding under this subsection for, a Center during any 5-year term described in paragraph (5) if the Secretary determines that the Center is underperforming.

"(g) PILOT AND DEMONSTRATION PROJECTS.—In supporting the technology development activities under this section, the Secretary is encouraged to support carbon removal pilot and demonstration projects, including—

"(1) pilot projects that test direct air capture systems capable of capturing 10 to 100 tonnes of carbon oxides per year to provide data for demonstration-scale projects; and

"(2) direct air capture demonstration projects capable of capturing greater than 1,000 tonnes of carbon oxides per year.

"(h) INTRAAGENCY COLLABORATION.—In carrying out the program, the Secretary shall encourage and promote collaborations among relevant offices and agencies within the Department.

"(i) ACCOUNTING.—The Secretary shall collaborate with the Administrator of the Environmental Protection Agency and the heads of other relevant Federal agencies to develop and improve accounting frameworks and tools to accurately measure carbon removal and sequestration methods and technologies.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $175,000,000 for fiscal year 2021, of which—

"(A) $15,000,000 shall be used to carry out subsection (e)(2)(A), to remain available until expended; and

"(B) $100,000,000 shall be used to carry out subsection (e)(2)(B), to remain available until expended;

"(2) $63,500,000 for fiscal year 2022;

"(3) $66,150,000 for fiscal year 2023;

"(4) $69,458,000 for fiscal year 2024; and

"(5) $72,930,000 for fiscal year 2025.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is further amended by adding at the end of the items relating to subtitle F of title IX the following:

"Sec. 969D. Carbon removal.".

42 USC 16298e.

SEC. 5002. CARBON DIOXIDE REMOVAL TASK FORCE AND REPORT.

(a) DEFINITION OF CARBON DIOXIDE REMOVAL.—In this section, the term "carbon dioxide removal" means the capture of carbon

dioxide directly from ambient air or, in dissolved form, from seawater, combined with the sequestration of that carbon dioxide, including through—

(1) direct air capture and sequestration;
(2) enhanced carbon mineralization;
(3) bioenergy with carbon capture and sequestration;
(4) forest restoration;
(5) soil carbon management; and
(6) direct ocean capture.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy (in this section referred to as the "Secretary"), in consultation with the heads of any other relevant Federal agencies, shall prepare a report that—

(1) estimates the magnitude of excess carbon dioxide in the atmosphere that will need to be removed by 2050 to achieve net-zero emissions and stabilize the climate; Estimate.

(2) inventories current and emerging approaches of carbon dioxide removal and evaluates the advantages and disadvantages of each of the approaches; and Inventory.

(3) identifies recommendations for legislation, funding, rules, revisions to rules, financing mechanisms, or other policy tools that the Federal Government can use to sufficiently advance the deployment of carbon dioxide removal projects in order to meet, in the aggregate, the magnitude of needed removals estimated under paragraph (1), including policy tools, such as— Recommendations.

(A) grants;
(B) loans or loan guarantees;
(C) public-private partnerships;
(D) direct procurement;
(E) incentives, including subsidized Federal financing mechanisms available to project developers;
(F) advance market commitments;
(G) regulations; and
(H) any other policy mechanism determined by the Secretary to be beneficial for advancing carbon dioxide removal methods and the deployment of carbon dioxide removal projects.

(c) SUBMISSION; PUBLICATION.—The Secretary shall—

(1) submit the report prepared under subsection (b) to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives; and

(2) as soon as practicable after completion of the report, make the report publicly available. Public information.

(d) EVALUATION; REVISION.—

(1) IN GENERAL.—Not later than 2 years after the date on which the Secretary publishes the report under subsection (c)(2), and every 2 years thereafter, the Secretary shall evaluate the findings and recommendations of the report, or the most recent updated report submitted under paragraph (2)(B), as applicable, taking into consideration any issues and recommendations identified by the task force established under subsection (e)(1). Deadline. Time period.

(2) REVISION.—After completing each evaluation under paragraph (1), the Secretary shall—

(A) revise the report as necessary; and

(B) if the Secretary revises the report under subparagraph (A), submit and publish the updated report in accordance with subsection (c).

(e) TASK FORCE.—

Deadline.

(1) ESTABLISHMENT AND DUTIES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a task force—

(A) to identify barriers to advancement of carbon dioxide removal methods and the deployment of carbon dioxide removal projects;

(B) to inventory existing or potential Federal legislation, rules, revisions to rules, financing mechanisms, or other policy tools that are capable of advancing carbon dioxide removal methods and the deployment of carbon dioxide removal projects;

(C) to assist in preparing the report described in subsection (b) and any updates to the report under subsection (d); and

(D) to advise the Secretary on matters pertaining to carbon dioxide removal.

(2) MEMBERS AND SELECTION.—The Secretary shall—

(A) develop criteria for the selection of members to the task force established under paragraph (1); and

(B) select members for the task force in accordance with the criteria developed under subparagraph (A).

(3) MEETINGS.—The task force shall meet not less frequently than once each year.

Deadline.

(4) EVALUATION.—Not later than 7 years after the date of enactment of this Act, the Secretary shall—

(A) reevaluate the need for the task force established under paragraph (1); and

Recommendation.

(B) submit to Congress a recommendation as to whether the task force should continue.

TITLE VI—INDUSTRIAL AND MANUFACTURING TECHNOLOGIES

42 USC 17113 note.

SEC. 6001. PURPOSE.

The purpose of this title and the amendments made by this title is to encourage the development and evaluation of innovative technologies aimed at increasing—

(1) the technological and economic competitiveness of industry and manufacturing in the United States; and

(2) the emissions reduction of nonpower industrial sectors.

SEC. 6002. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

Section 6(a) of the American Energy Manufacturing Technical Corrections Act (42 U.S.C. 6351(a)) is amended—

(1) by striking "Industrial Technologies Program" each place it appears and inserting "Advanced Manufacturing Office"; and

(2) in the matter preceding paragraph (1), by striking "Office of Energy" and all that follows through "Office of Science" and inserting "Department of Energy".

SEC. 6003. INDUSTRIAL EMISSIONS REDUCTION TECHNOLOGY DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Subtitle D of title IV of the Energy Independence and Security Act of 2007 is amended by adding at the end the following:

"SEC. 454. INDUSTRIAL EMISSIONS REDUCTION TECHNOLOGY DEVELOPMENT PROGRAM. 42 USC 17113.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a scientist or other individual with knowledge and expertise in emissions reduction;

"(B) an institution of higher education;

"(C) a nongovernmental organization;

"(D) a National Laboratory;

"(E) a private entity; and

"(F) a partnership or consortium of 2 or more entities described in subparagraphs (B) through (E).

"(3) EMISSIONS REDUCTION.—

"(A) IN GENERAL.—The term 'emissions reduction' means the reduction, to the maximum extent practicable, of net nonwater greenhouse gas emissions to the atmosphere by energy services and industrial processes.

"(B) EXCLUSION.—The term 'emissions reduction' does not include the elimination of carbon embodied in the principal products of industrial manufacturing.

"(4) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

"(5) CRITICAL MATERIAL OR MINERAL.—The term 'critical material or mineral' means a material or mineral that serves an essential function in the manufacturing of a product and has a high risk of a supply disruption, such that a shortage of such a material or mineral would have significant consequences for United States economic or national security.

"(b) INDUSTRIAL EMISSIONS REDUCTION TECHNOLOGY DEVELOPMENT PROGRAM.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Act of 2020, the Secretary, in consultation with the Director, the heads of relevant Federal agencies, National Laboratories, industry, and institutions of higher education, shall establish a crosscutting industrial emissions reduction technology development program of research, development, demonstration, and commercial application to advance innovative technologies that— Deadline. Consultation.

"(A) increase the technological and economic competitiveness of industry and manufacturing in the United States;

"(B) increase the viability and competitiveness of United States industrial technology exports; and

"(C) achieve emissions reduction in nonpower industrial sectors.

"(2) COORDINATION.—In carrying out the program, the Secretary shall—

"(A) coordinate with each relevant office in the Department and any other Federal agency;

"(B) coordinate and collaborate with the Industrial Technology Innovation Advisory Committee established under section 456; and

"(C) coordinate and seek to avoid duplication with the energy-intensive industries program established under section 452.

"(3) LEVERAGE OF EXISTING RESOURCES.—In carrying out the program, the Secretary shall leverage, to the maximum extent practicable—

"(A) existing resources and programs of the Department and other relevant Federal agencies; and

"(B) public-private partnerships.

"(c) FOCUS AREAS.—The program shall focus on—

"(1) industrial production processes, including technologies and processes that—

"(A) achieve emissions reduction in high emissions industrial materials production processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, and industrial ceramics;

"(B) achieve emissions reduction in medium- and high-temperature heat generation, including—

"(i) through electrification of heating processes;

"(ii) through renewable heat generation technology;

"(iii) through combined heat and power; and

"(iv) by switching to alternative fuels, including hydrogen and nuclear energy;

"(C) achieve emissions reduction in chemical production processes, including by incorporating, if appropriate and practicable, principles, practices, and methodologies of sustainable chemistry and engineering;

"(D) leverage smart manufacturing technologies and principles, digital manufacturing technologies, and advanced data analytics to develop advanced technologies and practices in information, automation, monitoring, computation, sensing, modeling, and networking to—

"(i) model and simulate manufacturing production lines;

"(ii) monitor and communicate production line status;

"(iii) manage and optimize energy productivity and cost throughout production; and

"(iv) model, simulate, and optimize the energy efficiency of manufacturing processes;

"(E) leverage the principles of sustainable manufacturing to minimize the potential negative environmental impacts of manufacturing while conserving energy and resources, including—

"(i) by designing products that enable reuse, refurbishment, remanufacturing, and recycling;

"(ii) by minimizing waste from industrial processes, including through the reuse of waste as other resources in other industrial processes for mutual benefit; and

"(iii) by increasing resource efficiency; and

"(F) increase the energy efficiency of industrial processes;

"(2) alternative materials that produce fewer emissions during production and result in fewer emissions during use, including—

"(A) high-performance lightweight materials; and

"(B) substitutions for critical materials and minerals;

"(3) development of net-zero emissions liquid and gaseous fuels;

"(4) emissions reduction in shipping, aviation, and long distance transportation;

"(5) carbon capture technologies for industrial processes;

"(6) other technologies that achieve net-zero emissions in nonpower industrial sectors, as determined by the Secretary, in consultation with the Director; and

"(7) high-performance computing to develop advanced materials and manufacturing processes contributing to the focus areas described in paragraphs (1) through (6), including—

"(A) modeling, simulation, and optimization of the design of energy efficient and sustainable products; and

"(B) the use of digital prototyping and additive manufacturing to enhance product design.

"(8) incorporation of sustainable chemistry and engineering principles, practices, and methodologies, as the Secretary determines appropriate; and

"(9) other research or technology areas identified in the Strategic Plan authorized in section 455.

"(d) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, AND DEMONSTRATION PROJECTS.—

"(1) GRANTS.—In carrying out the program, the Secretary shall award grants on a competitive basis to eligible entities for projects that the Secretary determines would best achieve the goals of the program.

"(2) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary may enter into contracts and cooperative agreements with eligible entities and Federal agencies for projects that the Secretary determines would further the purposes of the program.

"(3) DEMONSTRATION PROJECTS.—In supporting technologies developed under this section, the Secretary shall fund demonstration projects that test and validate technologies described in subsection (c).

"(4) APPLICATION.—An entity seeking funding or a contract or agreement under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(5) COST SHARING.—In awarding funds under this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the demonstration projects authorized in subsection (d)(3)—

"(1) $20,000,000 for fiscal year 2021;

"(2) $80,000,000 for fiscal year 2022;

"(3) $100,000,000 for fiscal year 2023;

"(4) $150,000,000 for fiscal year 2024; and

"(5) $150,000,000 for fiscal year 2025.

"(f) COORDINATION.—The Secretary shall carry out the activities authorized in this section in accordance with section 203 of the

Department of Energy Research and Innovation Act (42 U.S.C. 18631).".

(b) TECHNICAL AMENDMENT.—The table of contents of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1494) is amended by inserting after the item relating to section 453 the following:

"Sec. 454. Industrial emissions reduction technology development program.".

SEC. 6004. INDUSTRIAL TECHNOLOGY INNOVATION ADVISORY COMMITTEE.

(a) IN GENERAL.—Subtitle D of title IV of the Energy Independence and Security Act of 2007, as amended by section 6003, is amended by adding at the end the following:

42 USC 17114.

"SEC. 455. INDUSTRIAL TECHNOLOGY INNOVATION ADVISORY COMMITTEE.

"(a) DEFINITIONS.—In this section:

"(1) COMMITTEE.—The term 'Committee' means the Industrial Technology Innovation Advisory Committee established under subsection (b).

"(2) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy.

"(3) EMISSIONS REDUCTION.—The term 'emissions reduction' has the meaning given the term in section 454(a).

"(4) PROGRAM.—The term 'program' means the industrial emissions reduction technology development program established under section 454(b)(1).

Deadline. Consultation.

"(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Energy Act of 2020, the Secretary, in consultation with the Director, shall establish an advisory committee, to be known as the 'Industrial Technology Innovation Advisory Committee'.

"(c) MEMBERSHIP.—

Consultation.

"(1) APPOINTMENT.—The Committee shall be comprised of not fewer than 16 members and not more than 20 members, who shall be appointed by the Secretary, in consultation with the Director.

"(2) REPRESENTATION.—Members appointed pursuant to paragraph (1) shall include—

"(A) not less than 1 representative of each relevant Federal agency, as determined by the Secretary;

"(B) the Chair of the Secretary of Energy Advisory Board, if that position is filled;

"(C) not less than 2 representatives of labor groups;

"(D) not less than 3 representatives of the research community, which shall include academia and National Laboratories;

"(E) not less than 2 representatives of nongovernmental organizations;

"(F) not less than 6 representatives of small- and large-scale industry, the collective expertise of which shall cover every focus area described in section 454(c); and

"(F) not less than 1 representative of a State government; and

Coordination. Determination.

"(G) any other individuals the Secretary, in coordination with the Director, determines to be necessary to ensure

that the Committee is comprised of a diverse group of representatives of industry, academia, independent researchers, and public and private entities.

"(3) CHAIR.—The Secretary shall designate a member of the Committee to serve as Chair.

"(d) DUTIES.—

"(1) IN GENERAL.—The Committee shall—

"(A) in consultation with the Secretary and the Director, propose missions and goals for the program, which shall be consistent with the purposes of the program described in section 454(b)(1); and

"(B) advise the Secretary with respect to the program—

"(i) by identifying and evaluating any technologies being developed by the private sector relating to the focus areas described in section 454(c);

"(ii) by identifying technology gaps in the private sector or other Federal agencies in those focus areas, and making recommendations to address those gaps;

"(iii) by surveying and analyzing factors that prevent the adoption of emissions reduction technologies by the private sector; and

"(iv) by recommending technology screening criteria for technology developed under the program to encourage adoption of the technology by the private sector; and

"(C) develop the strategic plan described in paragraph (2).

"(2) STRATEGIC PLAN.—

"(A) PURPOSE.—The purpose of the strategic plan developed under paragraph (1)(C) is to set forth a plan for achieving the goals of the program established in section 454(b)(1), including for the focus areas described in section 454(c).

"(B) CONTENTS.—The strategic plan developed under paragraph (1)(C) shall—

"(i) specify near-term and long-term qualitative and quantitative objectives relating to each focus area described in section 454(c), including research, development, demonstration, and commercial application objectives;

"(ii) leverage existing roadmaps relevant to the program in section 454(b)(1) and the focus areas in section 454(c);

"(iii) specify the anticipated timeframe for achieving the objectives specified under clause (i);

"(iv) include plans for developing emissions reduction technologies that are globally cost-competitive, including, as applicable, in developing economies;

"(v) identify the appropriate role for investment by the Federal Government, in coordination with the private sector, to achieve the objectives specified under clause (i);

"(vi) identify the public and private costs of achieving the objectives specified under clause (i); and

"(vii) estimate the economic and employment impact in the United States of achieving those objectives.

"(e) MEETINGS.—

"(1) FREQUENCY.—The Committee shall meet not less frequently than 2 times per year, at the call of the Chair.

Deadline.

"(2) INITIAL MEETING.—Not later than 30 days after the date on which the members are appointed under subsection (b), the Committee shall hold its first meeting.

"(f) COMMITTEE REPORT.—

Time period.

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Energy Act of 2020, and not less frequently than once every 3 years thereafter, the Committee shall submit to the Secretary a report on the progress of achieving the purposes of the program.

"(2) CONTENTS.—The report under paragraph (1) shall include—

"(A) a description of any technology innovation opportunities identified by the Committee;

"(B) a description of any technology gaps identified by the Committee under subsection (d)(1)(B)(ii);

Recommendations.

"(C) recommendations for improving technology screening criteria and management of the program;

Evaluation.

"(D) an evaluation of the progress of the program and the research, development, and demonstration activities funded under the program;

Recommendation.

"(E) any recommended changes to the focus areas of the program described in section 454(c);

"(F) a description of the manner in which the Committee has carried out the duties described in subsection (d)(1) and any relevant findings as a result of carrying out those duties;

"(G) if necessary, an update to the strategic plan developed by the Committee under subsection (d)(1)(C);

"(H) the progress made in achieving the goals set out in that strategic plan;

Review.

"(I) a review of the management, coordination, and industry utility of the program;

Assessment.

"(J) an assessment of the extent to which progress has been made under the program in developing commercial, cost-competitive technologies in each focus area described in section 454(c); and

Assessment.

"(K) an assessment of the effectiveness of the program in coordinating efforts within the Department and with other Federal agencies to achieve the purposes of the program.

"(g) REPORT TO CONGRESS.—Not later than 60 days after receiving a report from the Committee under subsection (f), the Secretary shall submit a copy of that report to the Committees on Appropriations and Science, Space, and Technology of the House of Representatives, the Committees on Appropriations and Energy and Natural Resources of the Senate, and any other relevant Committee of Congress.

"(h) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.".

(b) TECHNICAL AMENDMENT.—The table of contents of the Energy Independence and Security Act of 2007 (Public Law 110–

140; 121 Stat. 1494) (as amended by section 6003(b)) is amended by inserting after the item relating to section 454 the following:

"Sec. 455. Industrial Technology Innovation Advisory Committee.".

SEC. 6005. TECHNICAL ASSISTANCE PROGRAM TO IMPLEMENT INDUSTRIAL EMISSIONS REDUCTION.

(a) IN GENERAL.—Subtitle D of title IV of the Energy Independence and Security Act of 2007, as amended by section 6004, is amended by adding at the end the following:

"SEC. 456. TECHNICAL ASSISTANCE PROGRAM TO IMPLEMENT INDUSTRIAL EMISSIONS REDUCTION. 42 USC 17115.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) a unit of local government;

"(C) a territory or possession of the United States;

"(D) a relevant State or local office, including an energy office;

"(E) a tribal organization (as defined in section 3765 of title 38, United States Code);

"(F) an institution of higher education; and

"(G) a private entity; and

"(H) a trade association or technical society.

"(2) EMISSIONS REDUCTION.—The term 'emissions reduction' has the meaning given the term in section 454(a).

"(3) PROGRAM.—The term 'program' means the program established under subsection (b).

"(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Energy Act of 2020, the Secretary shall establish a program to provide technical assistance to eligible entities to promote the commercial application of emission reduction technologies developed through the program established in section 454(b). Deadline.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—An eligible entity desiring technical assistance under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance under the program on a periodic basis, but not less frequently than once every 12 months. Time period.

"(3) FACTORS FOR CONSIDERATION.—In selecting eligible entities for technical assistance under the program, the Secretary shall, to the maximum extent practicable—

"(A) give priority to—

"(i) activities carried out with technical assistance under the program that have the greatest potential for achieving emissions reduction in nonpower industrial sectors;

"(ii) activities carried out in a State in which there are active or inactive industrial facilities that may be used or retrofitted to carry out activities under the focus areas described in section 454(c); and

"(iii) activities carried out in an economically distressed area (as described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a))); and

"(B) ensure that—

"(i) there is geographic diversity among the eligible entities selected; and

"(ii) the activities carried out with technical assistance under the program reflect a majority of the focus areas described in section 454(c).".

(b) TECHNICAL AMENDMENT.—The table of contents of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1494) (as amended by section 6004(b)) is amended by inserting after the item relating to section 455 the following:

"Sec. 456. Technical assistance program to implement industrial emissions reduction.".

42 USC 17115a.

SEC. 6006. DEVELOPMENT OF NATIONAL SMART MANUFACTURING PLAN.

Deadline. Consultation.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Energy (in this section referred to as the "Secretary"), in consultation with the National Academies, shall develop and complete a national plan for smart manufacturing technology development and deployment to improve the productivity and energy efficiency of the manufacturing sector of the United States.

(b) CONTENT.—

(1) IN GENERAL.—The plan developed under subsection (a) shall identify areas in which agency actions by the Secretary and other heads of relevant Federal agencies would—

(A) facilitate quicker development, deployment, and adoption of smart manufacturing technologies and processes;

(B) result in greater energy efficiency and lower environmental impacts for all American manufacturers; and

(C) enhance competitiveness and strengthen the manufacturing sectors of the United States.

(2) INCLUSIONS.—Agency actions identified under paragraph (1) shall include—

Assessment.

(A) an assessment of previous and current actions of the Department relating to smart manufacturing;

(B) the establishment of voluntary interconnection protocols and performance standards;

(C) the use of smart manufacturing to improve energy efficiency and reduce emissions in supply chains across multiple companies;

(D) actions to increase cybersecurity in smart manufacturing infrastructure;

(E) deployment of existing research results;

(F) the leveraging of existing high-performance computing infrastructure; and

(G) consideration of the impact of smart manufacturing on existing manufacturing jobs and future manufacturing jobs.

(c) BIENNIAL REVISIONS.—Not later than 2 years after the date on which the Secretary completes the plan under subsection (a), and not less frequently than once every 2 years thereafter, the Secretary shall revise the plan to account for advancements in information and communication technology and manufacturing needs. Deadline. Time period.

(d) REPORT.—Annually until the completion of the plan under subsection (a), the Secretary shall submit to Congress a report on the progress made in developing the plan.

(e) DEFINITION.—In this section, the term "smart manufacturing" means advanced technologies in information, automation, monitoring, computation, sensing, modeling, artificial intelligence, analytics, and networking that—

(1) digitally—

(A) simulate manufacturing production lines;

(B) operate computer-controlled manufacturing equipment;

(C) monitor and communicate production line status; and

(D) manage and optimize energy productivity and cost throughout production;

(2) model, simulate, and optimize the energy efficiency of a factory building;

(3) monitor and optimize building energy performance;

(4) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(5) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(6) digitally connect the supply chain network.

TITLE VII—CRITICAL MINERALS

SEC. 7001. RARE EARTH ELEMENTS. 42 USC 13344.

(a) RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy, acting through the Assistant Secretary for Fossil Energy (referred to in this section as the "Secretary"), shall conduct a program of research and development—

(A) to develop and assess advanced separation technologies for the extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts; and

(B) to determine if there are, and mitigate, any potential environmental or public health impacts that could arise from the recovery of rare earth elements from coal-based resources.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program described in paragraph (1)—

(A) $23,000,000 for each of fiscal years 2021 and 2022;

(B) $24,200,000 for fiscal year 2023;

(C) $25,400,000 for fiscal year 2024;

(D) $26,600,000 for fiscal year 2025; and

(E) $27,800,000 for fiscal year 2026.

Evaluation.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology and Energy and Commerce of the House of Representatives a report evaluating the development of advanced separation technologies for the extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts, including acid mine drainage from coal mines.

Definition.

(c) CRITICAL MATERIAL.—In this section, the term "critical material" has the meaning given the term in section 7002 of this Act.

30 USC 1606.

SEC. 7002. MINERAL SECURITY.

(a) DEFINITIONS.—In this section:

(1) BYPRODUCT.—The term "byproduct" means a critical mineral—

(A) the recovery of which depends on the production of a host mineral that is not designated as a critical mineral; and

(B) that exists in sufficient quantities to be recovered during processing or refining.

(2) CRITICAL MATERIAL.—The term "critical material" means—

(A) any non-fuel mineral, element, substance, or material that the Secretary of Energy determines—

(i) has a high risk of a supply chain disruption; and

(ii) serves an essential function in 1 or more energy technologies, including technologies that produce, transmit, store, and conserve energy; or

(B) a critical mineral.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term "critical mineral" means any mineral, element, substance, or material designated as critical by the Secretary under subsection (c).

(B) EXCLUSIONS.—The term "critical mineral" does not include—

(i) fuel minerals;

(ii) water, ice, or snow;

(iii) common varieties of sand, gravel, stone, pumice, cinders, and clay.

(4) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(7) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means—

(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

(B) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).

(b) POLICY.—

(1) IN GENERAL.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended—

(A) by striking paragraph (3) and inserting the following:

"(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;";

(B) in paragraph (6), by striking "and" after the semicolon at the end; and

(C) by striking paragraph (7) and inserting the following:

"(7) facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;

"(8) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

"(9) strengthen—

"(A) educational and research capabilities at not lower than the secondary school level; and

"(B) workforce training for exploration and development of critical minerals and critical mineral manufacturing;

"(10) bolster international cooperation through technology transfer, information sharing, and other means;

"(11) promote the efficient production, use, and recycling of critical minerals;

"(12) develop alternatives to critical minerals; and

"(13) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.".

(2) CONFORMING AMENDMENT.—Section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601(b)) is amended by striking "(b) As used in this Act, the term" and inserting the following:

"(b) DEFINITIONS.—In this Act:

"(1) CRITICAL MINERAL.—The term 'critical mineral' means any mineral, element, substance, or material designated as critical by the Secretary under section 7002(c) of the Energy Act of 2020.

"(2) MATERIALS.—The term".

(c) CRITICAL MINERAL DESIGNATIONS.—

Federal Register, publication.

(1) DRAFT METHODOLOGY AND LIST.—The Secretary, acting through the Director of the United States Geological Survey (referred to in this subsection as the "Secretary"), shall publish in the Federal Register for public comment—

(A) a description of the draft methodology used to identify a draft list of critical minerals;

(B) a draft list of minerals, elements, substances, and materials that qualify as critical minerals; and

(C) a draft list of critical minerals recovered as byproducts and their host minerals.

(2) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this subsection, qualitative evidence may be used to the extent necessary.

Deadline. Federal Register, publication.

(3) FINAL METHODOLOGY AND LIST.—After reviewing public comments on the draft methodology and the draft lists published under paragraph (1) and updating the methodology and lists as appropriate, not later than 45 days after the date on which the public comment period with respect to the draft methodology and draft lists closes, the Secretary shall publish in the Federal Register—

(A) a description of the final methodology for determining which minerals, elements, substances, and materials qualify as critical minerals;

(B) the final list of critical minerals; and

(C) the final list of critical minerals recovered as byproducts and their host minerals.

(4) DESIGNATIONS.—

List. Determination.

(A) IN GENERAL.—For purposes of carrying out this subsection, the Secretary shall maintain a list of minerals, elements, substances, and materials designated as critical, pursuant to the final methodology published under paragraph (3), that the Secretary determines—

(i) are essential to the economic or national security of the United States;

(ii) the supply chain of which is vulnerable to disruption (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks throughout the supply chain); and

(iii) serve an essential function in the manufacturing of a product (including energy technology-, defense-, currency-, agriculture-, consumer electronics-, and health care-related applications), the absence of which would have significant consequences for the economic or national security of the United States.

(B) INCLUSIONS.—Notwithstanding the criteria under paragraph (3), the Secretary may designate and include on the list any mineral, element, substance, or material determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(C) REQUIRED CONSULTATION.—The Secretary shall consult with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative in designating minerals, elements, substances, and materials as critical under this paragraph.

(5) SUBSEQUENT REVIEW.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative, shall review the methodology and list under paragraph (3) and the designations under paragraph (4) at least every 3 years, or more frequently as the Secretary considers to be appropriate. Consultation. Time period.

(B) REVISIONS.—Subject to paragraph (4)(A), the Secretary may—

(i) revise the methodology described in this subsection;

(ii) determine that minerals, elements, substances, and materials previously determined to be critical minerals are no longer critical minerals; and Determination.

(iii) designate additional minerals, elements, substances, or materials as critical minerals.

(6) NOTICE.—On finalization of the methodology and the list under paragraph (3), or any revision to the methodology or list under paragraph (5), the Secretary shall submit to Congress written notice of the action.

(d) RESOURCE ASSESSMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral that— Deadline. Consultation.

(A) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and

(B) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories.

(2) SUPPLEMENTARY INFORMATION.—In carrying out this subsection, the Secretary may carry out surveys and field work (including drilling, remote sensing, geophysical surveys, topographical and geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States.

(3) PUBLIC ACCESS.—Subject to applicable law, to the maximum extent practicable, the Secretary shall make all data and metadata collected from the comprehensive national assessment carried out under paragraph (1) publically and electronically accessible.

(4) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or the head of an Indian Tribe, the Secretary may provide technical assistance to State governments and Indian

Tribes conducting critical mineral resource assessments on non-Federal land.

(5) PRIORITIZATION.—

(A) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical minerals considered to be most critical under the methodology established under subsection (c) are completed first.

Time period.

(B) REPORTING.—During the period beginning not later than 1 year after the date of enactment of this Act and ending on the date of completion of all of the assessments required under this subsection, the Secretary shall submit to Congress on an annual basis an interim report that—

(i) identifies the sequence and schedule for completion of the assessments if the Secretary sequences the assessments; or

(ii) describes the progress of the assessments if the Secretary does not sequence the assessments.

(6) UPDATES.—The Secretary may periodically update the assessments conducted under this subsection based on—

(A) the generation of new information or datasets by the Federal Government; or

(B) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other persons.

(7) ADDITIONAL SURVEYS.—The Secretary shall complete a resource assessment for each additional mineral or element subsequently designated as a critical mineral under subsection (c)(5)(B) not later than 2 years after the designation of the mineral or element.

(8) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveying of Federal land for any mineral commodity—

(A) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries 2021"; but

(B) that is not designated as a critical mineral under subsection (c).

Assessments.

(e) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the "Regulatory Flexibility Act"), in promulgating regulations applicable to the critical minerals industry; and

Analysis.

(2) performing an analysis of the efficiency of regulations applicable to the critical minerals industry, including those that are disproportionately burdensome to small businesses.

(f) FEDERAL REGISTER PROCESS.—

(1) DEPARTMENTAL REVIEW.—Absent any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure that each Federal Register notice described in paragraph (2) shall be— Notice.

(A) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and

(B) published in final form in the Federal Register not later than 45 days after the date of initial preparation of the notice. Federal Register, publication. Deadline.

(2) PREPARATION.—The preparation of Federal Register notices required by law associated with the issuance of a critical mineral exploration or mine permit shall be delegated to the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit.

(3) TRANSMISSION.—All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated in, and transmitted to the Federal Register from, the office in which, as applicable—

(A) the documents or meetings are held; or

(B) the activity is initiated.

(4) APPLICATION OF CERTAIN PROVISIONS.—

(A) IN GENERAL.—Subsection (f) shall also apply to—

(i) an exploration project in which the presence of a byproduct is reasonably expected, based on known mineral companionality, geologic formation, mineralogy, or other factors; and

(ii) a project that demonstrates that a byproduct is of sufficient grade that, when combined with the production of a host mineral, the byproduct is economic to recover, as determined by the applicable Secretary in accordance with subparagraph (B), and that the byproduct will be recovered in commercial quantities. Determination.

(B) REQUIREMENT.—In making the determination under subparagraph (A)(ii), the applicable Secretary shall consider the cost effectiveness of the byproducts recovery.

(g) RECYCLING, INNOVATION, EFFICIENCY, AND ALTERNATIVES.—

(1) ESTABLISHMENT.—The Secretary of Energy (referred to in this subsection as the "Secretary") shall conduct a program (referred to in this subsection as the "program") of research, development, demonstration, and commercialization—

(A) to develop alternatives to critical materials that do not occur in significant abundance in the United States;

(B) to promote the efficient production, use, and recycling of critical materials, with special consideration for domestic critical materials, throughout the supply chain;

(C) to ensure the long-term, secure, and sustainable supply of critical materials; and

(D) to prioritize work in areas that the private sector by itself is not likely to undertake due to financial or technical limitations.

(2) COOPERATION.—In carrying out the program, the Secretary shall cooperate with appropriate—

(A) Federal agencies, including the Department of the Interior;

(B) the National Laboratories;

(C) critical material producers, processors, and manufacturers;

(D) trade associations;

(E) academic institutions (including students and postdoctoral staff at institutions of higher education);

(F) small businesses;

(G) nongovernmental organizations; and

(H) other relevant entities or individuals.

(3) ENERGY INNOVATION HUB.—In carrying out the program, the Secretary may use an Energy Innovation Hub authorized under section 206 of the Department of Energy Research Coordination Act (42 U.S.C. 18632).

(4) ACTIVITIES.—Under the program, the Secretary shall carry out activities that include the identification and development of—

(A) alternative materials, particularly materials available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical materials;

(B) alternative energy technologies or alternative designs of existing energy technologies, particularly technologies or designs that use materials that—

(i) occur in abundance in the United States; and

(ii) are not subject to potential supply restrictions;

(C) technologies or process improvements that minimize the use and content, or lead to more efficient use, of critical materials across the full supply chain;

(D) innovative technologies and practices to diversify commercially viable and sustainable domestic sources of critical materials, including technologies for recovery from waste streams;

(E) technologies, process improvements, or design optimizations that facilitate the recycling of critical materials, and options for improving the rates of collection of products and scrap containing critical materials from post-consumer, industrial, or other waste streams;

(F) advanced critical material extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(i) efficient water and wastewater management strategies;

(ii) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings;

(iii) technologies for separation and processing; and

(iv) technologies for increasing the recovery rates of coproducts and byproducts from host metal ores;

(G) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical materials; and

(H) advanced theoretical, computational, and experimental tools necessary to support the crosscutting research and development needs of diverse critical minerals stakeholders.

(5) PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a plan to carry out the program. Deadline.

(B) INCLUSIONS.—The plan under subparagraph (A) shall include a description of—

(i) the research and development activities to be carried out under the program during the subsequent 2 years; Time period.

(ii) the expected contributions under the program to the creation of innovative methods and technologies for the efficient and sustainable provision of critical materials to the domestic economy;

(iii) the expected activities under the program to mitigate the environmental and health impacts of the extraction, processing, manufacturing, use, recovery, and recycling of critical materials; and

(iv) how the program will promote the broadest possible participation by academic, industrial, and other contributors and the public.

(6) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this subsection are coordinated with, and do not duplicate the efforts of, other programs within the Federal Government, including the work underway by the Critical Materials Institute and the National Minerals Information Center.

(7) STANDARD OF REVIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a review of activities carried out under the program to determine the achievement of the technical milestones identified under paragraph (8)(D)(i)(I). Deadline. Determination.

(8) CRITICAL MATERIALS CONSORTIUM.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and operate a Critical Materials Consortium (referred to in this paragraph as the "Consortium") for the purpose of supporting the program by providing, to the maximum extent practicable, a centralized entity for multidisciplinary, collaborative, critical materials research and development. Deadline.

(B) LEADERSHIP.—If an Energy Innovation Hub authorized under section 206 of the Department of Energy Research Coordination Act (42 U.S.C. 18632) that is focused on critical materials exists on the date of enactment of this Act, the Secretary shall leverage the personnel and expertise of the Energy Innovation Hub to manage the Consortium for not less than 3 years following the date on which the Consortium is established. Time period.

(C) MEMBERSHIP.—The members of the Consortium shall be representatives from relevant Federal agencies, the National Laboratories, the National Minerals Information Center, institutions of higher education, private sector entities, multiinstitutional collaborations, and other appropriate entities.

(D) RESPONSIBILITIES.—The Consortium shall—

(i) develop and implement a multiyear plan that—

(I) identifies technical goals and milestones for the program;

(II) utilizes the high performance computing capabilities of the Department; and

(III) leverages the expertise of the National Laboratories and the United States Geological Survey; and

Summary. Evaluation.

(ii) submit an annual report to the Secretary summarizing the activities of the Consortium, including an evaluation of the role of the Consortium in the achievement of the technical milestones identified under clause (i)(I).

(E) SUNSET; TERMINATION.—

(i) IN GENERAL.—The Secretary may provide support to the Consortium for a period of not more than 10 years, subject to the availability of appropriations.

Deadline. Determination.

(ii) MERIT REVIEW.—Not later than 5 years after the date on which the Consortium is established, the Secretary shall conduct a rigorous merit review to determine whether the Consortium helped the program achieve the technical milestones identified under subparagraph (D)(i)(I).

(iii) TERMINATION.—If the Secretary determines that the Consortium has not helped the program achieve the technical milestones identified under subparagraph (D)(i)(I), the Secretary may terminate any financial or technical support that the Department provides to the Consortium.

Summary.

(9) REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $125,000,000 for fiscal year 2021;

(B) $105,000,000 for fiscal year 2022;

(C) $100,000,000 for fiscal year 2023;

(D) $135,000,000 for fiscal year 2024; and

(E) $135,000,000 for fiscal year 2025.

(h) CRITICAL MATERIALS SUPPLY CHAIN RESEARCH FACILITY.—

(1) IN GENERAL.—The Secretary of Energy (referred to in this subsection as the "Secretary") shall support construction of a Critical Materials Supply Chain Research Facility (referred to in this subsection as the "facility").

(2) REQUIREMENTS.—The facility—

(A) shall be used to further enable research, development, demonstration, and commercialization activities throughout the supply chain for critical materials; and

(B) shall provide an integrated, rapidly reconfigurable research platform.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to fund the design and construction of the facility, to remain available until expended—

(A) $10,000,000 for fiscal year 2021;

(B) $30,000,000 for fiscal year 2022; and

(C) $35,000,000 for fiscal year 2023.

(i) CRITICAL MATERIALS RESEARCH DATABASE AND INFORMATION PORTAL.—

(1) IN GENERAL.—In carrying out the program established under subsection (g)(1), the Secretary and the Secretary of Energy (referred to in this subsection as the "Secretaries"), in consultation with the Director of the National Science Foundation, shall establish and operate a Critical Materials Information Portal (referred to in this subsection as the "Portal") to collect, catalogue, disseminate, and archive information on critical materials. Consultation.

(2) COOPERATION.—In carrying out paragraph (1), the Secretaries shall leverage the expertise of the National Minerals Information Center, the Office of Scientific and Technical Information, and the Critical Materials Consortium established under subsection (g)(8)(A).

(3) PURPOSE.—The purpose of the Portal is to support the development of a web-based platform to provide public access to a database of computed information on known and predicted critical materials and related material properties and computational tools in order—

(A) to accelerate breakthroughs in critical materials identification and design;

(B) to strengthen the foundation for technologies that will enable more sustainable recycling, substitution, use, and recovery and minimize the environmental impacts of methods for extraction, processing, and manufacturing of critical materials; and

(C) to drive the development of advanced materials for applications that span the missions of the Department of Energy and the Department of the Interior (referred to in this subsection as the "Departments") in energy, environment, and national security.

(4) ACTIVITIES.—In carrying out this subsection, the Secretaries shall—

(A) conduct cooperative research with industry, academia, and other research institutions to facilitate the design of novel materials, including critical materials and substitutes for critical materials;

(B) leverage existing high-performance computing systems to conduct high throughput calculations and develop computing and data mining algorithms for the prediction of material properties, including a focus on critical materials;

(C) leverage and support research in mineralogy and mineral chemistry to enhance the understanding, prediction, and manipulation of critical materials;

(D) assist scientists and engineers in making the fullest possible use of the relevant data holdings of the Departments, including the scientific and technical data generated by the research and development activities funded under subsection (g);

(E) seek and incorporate other information on critical materials to enhance the Departments' utility for program participants and other users; and

(F) manage and make available to researchers and the public accessible, curated, standardized, secure, and Public information.

privacy-protected data sets from the public and private sectors for the purposes of critical materials research and development activities.

(5) PROPRIETARY INFORMATION.—In carrying out this subsection, the Secretaries shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(f)), that—

(A) no person uses the information and data collected for the Portal for a purpose other than the development of, or reporting of, aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(B) no person discloses any information or data collected for the Portal unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

Procedures.
Determination.

(C) procedures are established to require the withholding of any information or data collected for the Portal if at least 1 of the Secretaries determines that the withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

(j) ANALYSIS AND FORECASTING.—

Evaluation.
Consultation.
Publication.

(1) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(A) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral domestically produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data or other price data for each critical mineral;

Assessment.

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(III) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(v) the quantity of each critical mineral domestically recycled during the preceding year;

(vi) the market penetration during the preceding year of alternatives to each critical mineral;

(vii) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(viii) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this subsection; and

(B) a comprehensive forecast, entitled the "Annual Critical Minerals Outlook", of projected critical mineral production, consumption, and recycling patterns, including— Time periods.

(i) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(ii) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(iii) an assessment of— Assessment.

(I) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(II) the projected reliance of the United States on foreign sources to meet those needs; and

(III) the projected implications of potential supply shortages, restrictions, or disruptions;

(iv) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(v) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(vi) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(vii) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this subsection. Determination.

(2) PROPRIETARY INFORMATION.—In preparing a report described in paragraph (1), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(f)), that— Reports.

(A) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(B) no person discloses any information or data collected for the report unless the information or data has

been transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

Procedures.
Determination.

(C) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

(k) EDUCATION AND WORKFORCE.—

Deadline.
Consultation.
Analysis.

(1) WORKFORCE ASSESSMENT.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(A) skills that are in the shortest supply as of the date of the assessment;

(B) skills that are projected to be in short supply in the future;

(C) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(D) the effectiveness of training and education programs in addressing skills shortages;

(E) opportunities to hire locally for new and existing critical mineral activities;

(F) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policies described in section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602); and

(G) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(2) CURRICULUM STUDY.—

Contracts.
Coordination.

(A) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(i) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(ii) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(iii) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling; and

(iv) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the program described in paragraph (3).

Evaluation. Recommendations.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under subparagraph (A).

(3) PROGRAM.—

(A) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(i) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with paragraph (2);

(ii) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals;

(iii) equipment necessary for integrated critical mineral innovation, training, and workforce development programs; and

(iv) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(B) RENEWAL.—A grant under this paragraph shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under paragraph (2)(A)(iv).

Time period.

(l) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.—Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking " $30,000,000 for each of fiscal years 2006 through 2010" and inserting " $5,000,000 for each of fiscal years 2021 through 2029, to remain available until expended".

(m) AMENDMENTS TO THE NATIONAL MATERIALS AND MINERALS, POLICY, RESEARCH AND DEVELOPMENT ACT OF 1980.—

(1) PROGRAM PLAN.—Section 5 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604) is amended—

(A) by striking "date of enactment of this Act" each place it appears and inserting "date of enactment of the Energy Act of 2020";

(B) in subsection (b)(1), by striking "Federal Coordinating Council for Science, Engineering, and Technology" and inserting "National Science and Technology Council";

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking "the Federal Emergency" and all that follows through "Agency, and"; and

(II) by striking "appropriate shall" and inserting "appropriate, shall";

(ii) by striking paragraphs (1) and (3);

(iii) by redesignating paragraph (2) as paragraph (1);

(iv) in paragraph (1) (as so redesignated)—

(I) by striking "within 1 year after October 21, 1980" and inserting "not later than 1 year after the date of the enactment of the Energy Act of 2020";

(II) by striking "which assesses" and inserting "that assesses"; and

(III) by striking "in the case" and all that follows through "subsection, and which" and inserting "and that"; and

(v) by adding at the end the following:

Assessment.

"(2) assess the adequacy and stability of the supply of materials necessary to maintain national security, economic well-being, public health, and industrial production."; and

(D) in subsection (e), by striking "Bureau of Mines" each place it appears and inserting "United States Geological Survey".

(2) POLICY.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended, in the matter preceding paragraph (1)—

(A) in the first sentence, by striking "The Congress declares that it" and inserting "It"; and

(B) in the second sentence, by striking "The Congress further declares that implementation" and inserting "Implementation".

(3) IMPLEMENTATION.—Section 4 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1603) is amended, in the matter preceding paragraph (1)—

(A) by striking "For the purpose" and all that follows through "declares that the" and inserting "The"; and

(B) by striking "departments and agencies," and inserting "departments and agencies to implement the policy described in section 3".

(n) ADMINISTRATION.—

Repeal.

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking ", with the assistance of the National Critical Materials Council as

specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),".

(3) SAVINGS CLAUSES.—

(A) IN GENERAL.—Nothing in this section or an amendment made by this section modifies any requirement or authority provided by—

(i) the matter under the heading "geological survey" of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)); or

(ii) the first section of Public Law 87–626 (43 U.S.C. 31(b)).

(B) EFFECT ON DEPARTMENT OF DEFENSE.—Nothing in this section or an amendment made by this section affects the authority of the Secretary of Defense with respect to the work of the Department of Defense on critical material supplies in furtherance of the national defense mission of the Department of Defense.

(C) SECRETARIAL ORDER NOT AFFECTED.—This section shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary on December 3, 2012, in any area to which the order applies.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2021 through 2029.

SEC. 7003. MONITORING MINERAL INVESTMENTS UNDER BELT AND ROAD INITIATIVE OF PEOPLE'S REPUBLIC OF CHINA. 50 USC 3372.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence (referred to in this section as the "Director"), in consultation with the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, the Secretary of Defense, and the United States Trade Representative, shall submit to the appropriate congressional committees a report on investments in minerals under the Belt and Road Initiative of the People's Republic of China that includes an assessment of— Consultation. Assessment.

(1) notable past mineral investments;

(2) whether and how such investments have increased the extent of control of minerals by the People's Republic of China;

(3) any efforts by the People's Republic of China to counter or interfere with the goals of the Energy Resource Governance Initiative of the Department of State; and

(4) the strategy of the People's Republic of China with respect to mineral investments.

(b) MONITORING MECHANISM.—In conjunction with each report required by subsection (a), the Director shall submit to the appropriate congressional committees a list of any minerals with respect to which— List.

(1) the People's Republic of China, directly or through the Belt and Road Initiative—

(A) is increasing its concentration of extraction and processing;

(B) is acquiring significant mining and processing facilities;

(C) is maintaining or increasing export restrictions; or

(D) has achieved substantial control of the supply of minerals used within an industry or related minerals;

(2) there is a significant difference between domestic prices in the People's Republic of China as compared to prices on international markets; or

(3) there is a significant increase or volatility in price as a result of the Belt and Road Initiative of the People's Republic of China.

(c) CRITICAL MINERAL EVALUATION.—For any mineral included on the list required by subsection (b) that is not already designated as critical by the Secretary of the Interior pursuant to section 7002(c), the Director shall—

Determination. Consultation.

(1) determine, in consultation with the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, the Secretary of Defense, and the United States Trade Representative, whether the mineral is strategic and critical to the defense or national security of the United States; and

Recommendation.

(2) make a recommendation to the Secretary of the Interior regarding the designation of the mineral under section 7002(c).

(d) ANNUAL UPDATES.—The Director shall update the report required by subsection (a) and list required by subsection (b) not less frequently than annually.

(e) FORM.—Each report or list required by this section shall be submitted in unclassified form but may include a classified annex.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Finance, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Ways and Means, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

TITLE VIII—GRID MODERNIZATION

SEC. 8001. SMART GRID REGIONAL DEMONSTRATION INITIATIVE.

Section 1304 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17384) is amended—

(1) in subsection (a), by inserting "research, development, and demonstration" before "program";

(2) in subsection (b)—

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

"(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the 'Initiative') composed of demonstration projects focused on cost-effective, advanced technologies for use in power grid sensing, communications, analysis, power flow control, visualization, distribution automation, industrial control systems,

dynamic line rating systems, grid redesign, and the integration of distributed energy resources."; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period and inserting "; and"; and

(iii) by inserting at the end the following:

"(F) to encourage the commercial application of advanced distribution automation technologies that exert intelligent control over electrical grid functions at the distribution level to improve system resilience.".

SEC. 8002. SMART GRID MODELING, VISUALIZATION, ARCHITECTURE, AND CONTROLS.

Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.) is amended by inserting after section 1304 the following:

"SEC. 1304A. SMART GRID MODELING, VISUALIZATION, ARCHITECTURE, AND CONTROLS. 42 USC 17384a.

"(a) IN GENERAL.—Not later than 180 days after the enactment of this section, the Secretary shall establish a program of research, development, demonstration, and commercial application on electric grid modeling, sensing, visualization, architecture development, and advanced operation and controls. Deadline.

"(b) MODELING RESEARCH AND DEVELOPMENT.—The Secretary shall support development of models of emerging technologies and systems to facilitate the secure and reliable design, planning, and operation of the electric grid for use by industry stakeholders. In particular, the Secretary shall support development of—

"(1) models to analyze and predict the effects of adverse physical and cyber events on the electric grid;

"(2) coupled models of electrical, physical, and cyber systems;

"(3) models of existing and emerging technologies being deployed on the electric grid due to projected changes in the electric generation mix and loads, for a variety of regional characteristics; and

"(4) integrated models of the communications, transmission, distribution, and other interdependent systems for existing, new, and emerging technologies.

"(c) SITUATIONAL AWARENESS RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall support development of computational tools and technologies to improve sensing, monitoring, and visualization of the electric grid for real-time situational awareness and decision support tools that enable improved operation of the power system, including utility, non-utility, and customer grid-connected assets, for use by industry partners.

"(2) DATA USE.—In developing visualization capabilities under this section, the Secretary shall develop tools for industry stakeholders to use to analyze data collected from advanced measurement and monitoring technologies, including data from phasor measurement units and advanced metering units.

"(3) SEVERE EVENTS.—The Secretary shall prioritize enhancing cyber and physical situational awareness of the electric grid during adverse manmade and naturally-occurring events.

"(d) OPERATION AND CONTROLS RESEARCH AND DEVELOPMENT.—The Secretary shall conduct research to develop improvements to the operation and controls of the electric grid, in coordination with industry partners. Such activities shall include— Coordination.

"(1) a training facility or facilities to allow grid operators to gain operational experience with advanced grid control concepts and technologies;

"(2) development of cost-effective advanced operation and control concepts and technologies, such as adaptive islanding, dynamic line rating systems, power flow controllers, network topology optimization, smart circuit breakers, intelligent load shedding, and fault-tolerant control system architectures;

"(3) development of real-time control concepts using artificial intelligence and machine learning for improved electric grid resilience; and

"(4) utilization of advanced data analytics including load forecasting, power flow modeling, equipment failure prediction, resource optimization, risk analysis, and decision analysis.

"(e) INTEROPERABILITY RESEARCH AND DEVELOPMENT.—The Secretary shall conduct research and development on tools and technologies that improve the interoperability and compatibility of new and emerging components, technologies, and systems with existing electric grid infrastructure.

"(f) UNDERGROUND TRANSMISSION AND DISTRIBUTION LINES.—In carrying out the program under subsection (a), the Secretary shall support research and development on underground transmission and distribution lines. This shall include research on—

"(1) methods for lowering the costs of underground transmission and distribution lines, including through novel installation techniques and materials considerations;

"(2) techniques to improve the lifespan of underground transmission and distribution lines;

"(3) wireless sensors to improve safety of underground transmission and distribution lines and to predict, identify, detect, and transmit information about degradation and faults; and

"(4) methods for improving the resilience and reliability of underground transmission and distribution lines, including technologies and techniques that can mitigate the impact of flooding, storm surge, and seasonal climate cycles on degradation of and damage to underground transmission and distribution lines.

"(g) GRID ARCHITECTURE AND SCENARIO DEVELOPMENT.—

"(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall establish and facilitate a collaborative process to develop model grid architecture and a set of future scenarios for the electric grid to examine the impacts of different combinations of resources (including different quantities of distributed energy resources and large-scale, central generation) on the electric grid.

"(2) ARCHITECTURE.—In supporting the development of model grid architectures, the Secretary shall— Analyses.

"(A) analyze a variety of grid architecture scenarios that range from minor upgrades to existing transmission grid infrastructure to scenarios that involve the replacement of significant portions of existing transmission grid infrastructure;

"(B) analyze the effects of the increasing proliferation of renewable and other zero emissions energy generation sources, increasing use of distributed resources owned by non-utility entities, and the use of digital and automated controls not managed by grid operators;

"(C) include a variety of new and emerging distribution grid technologies, including distributed energy resources, electric vehicle charging stations, distribution automation technologies, energy storage, and renewable energy sources;

"(D) analyze the effects of local load balancing and other forms of decentralized control;

"(E) analyze the effects of changes to grid architectures resulting from modernizing electric grid systems, including communications, controls, markets, consumer choice, emergency response, electrification, and cybersecurity concerns; and

"(F) develop integrated grid architectures that incorporate system resilience for cyber, physical, and communications systems.

"(3) MARKET STRUCTURE.—The grid architecture and scenarios developed under paragraph (1) shall, to the extent practicable, account for differences in market structure, including an examination of the potential for stranded costs in each type of market structure.

"(h) COMPUTING RESOURCES AND DATA COORDINATION RESEARCH AND DEVELOPMENT.—In carrying out this section, the Secretary shall—

"(1) leverage existing computing resources at the National Laboratories; and

"(2) develop voluntary standards for data taxonomies and communication protocols in coordination with public and private sector stakeholders.

"(i) INFORMATION SHARING.—None of the activities authorized in this section shall require private entities to share information or data with the Secretary.

"(j) RESILIENCE.—In this section, the term 'resilience' means the ability to withstand and reduce the magnitude or duration of disruptive events, which includes the capability to anticipate, absorb, adapt to, or rapidly recover from such an event, including from deliberate attacks, accidents, and naturally occurring threats or incidents.". Definition.

SEC. 8003. INTEGRATED ENERGY SYSTEMS.

Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.) is amended by adding after section 1309 the following:

"SEC. 1310. INTEGRATED ENERGY SYSTEMS. 42 USC 17387.

"(a) IN GENERAL.—Not later than 180 days after the enactment of this section, the Secretary shall establish a research, development, and demonstration program to develop cost-effective integrated energy systems, including— Deadline.

"(1) development of computer modeling to design different configurations of integrated energy systems and to optimize system operation;

"(2) research on system integration needed to plan, design, build, and operate integrated energy systems, including interconnection requirements with the electric grid;

"(3) development of integrated energy systems for various applications, including—

"(A) thermal energy generation and storage for buildings and manufacturing;

"(B) electricity storage coupled with energy generation;

"(C) desalination;

"(D) production of liquid and gaseous fuels; and

"(E) production of chemicals such as ammonia and ethylene;

"(4) development of testing facilities for integrated energy systems; and

"(5) research on incorporation of various technologies for integrated energy systems, including nuclear energy, renewable energy, storage, and carbon capture, utilization, and sequestration technologies.

"(b) STRATEGIC PLAN.—

Deadline. "(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a strategic plan that identifies opportunities, challenges, and standards needed for the development and commercial application of integrated energy systems.

Analyses. The strategic plan shall include—

"(A) analysis of the potential benefits of development of integrated electric systems on the electric grid;

"(B) analysis of the potential contributions of integrated energy systems to different grid architecture scenarios;

"(C) research and development goals for various integrated energy systems, including those identified in subsection (a);

Assessment. "(D) assessment of policy and market barriers to the adoption of integrated energy systems;

"(E) analysis of the technical and economic feasibility of adoption of different integrated energy systems; and

Time period. "(F) a 10-year roadmap to guide the program established under subsection (a).

Time period. "(2) UPDATES.—Not less than once every 3 years for the duration of this research program, the Secretary shall submit an updated version of the strategic plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(c) PROGRAM IMPLEMENTATION.—In carrying out the research, development, demonstration, and commercial application aims of subsection (a), the Secretary shall—

Recommendations. "(1) implement the recommendations set forth in the strategic plan in subsection (b);

Coordination. "(2) coordinate across all relevant program offices at the Department, including—

"(A) the Office of Energy Efficiency and Renewable Energy;

"(B) the Office of Nuclear Energy; and

"(C) the Office of Fossil Energy;

"(3) leverage existing programs and resources of the Department; and

"(4) prioritize activities that accelerate the development of integrated electricity generation, storage, and distribution systems with net zero greenhouse gas emissions.

"(d) INTEGRATED ENERGY SYSTEM DEFINED.—The term 'integrated energy system' means a system composed of 2 or more co-located or jointly operated sub-systems of energy generation, energy storage, or other energy technologies.".

SEC. 8004. GRID INTEGRATION RESEARCH AND DEVELOPMENT.

(a) INTEGRATING DISTRIBUTED ENERGY RESOURCES ONTO THE ELECTRIC GRID.—Section 925(a) of the Energy Policy Act of 2005 (42 U.S.C. 16215) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) the development of cost-effective technologies that enable two-way information and power flow between distributed energy resources and the electric grid;

"(11) the development of technologies and concepts that enable interoperability between distributed energy resources and other behind-the-meter devices and the electric grid;".

(b) INTEGRATING RENEWABLE ENERGY ONTO THE ELECTRIC GRID.—Subtitle C of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16231 et seq.) is amended by adding at the end the following:

"SEC. 936. RESEARCH AND DEVELOPMENT INTO INTEGRATING RENEWABLE ENERGY ONTO THE ELECTRIC GRID. 42 USC 16236.

"(a) IN GENERAL.—Not later than 180 days after the enactment of this section, the Secretary shall establish a research, development, and demonstration program on technologies that enable integration of renewable energy generation sources onto the electric grid across multiple program offices of the Department. The program shall include— Deadline.

"(1) forecasting for predicting generation from variable renewable energy sources;

"(2) development of cost-effective low-loss, long-distance transmission lines; and

"(3) development of cost-effective advanced technologies for variable renewable generation sources to provide grid services.

"(b) COORDINATION.—In carrying out this program, the Secretary shall coordinate across all relevant program offices at the Department to achieve the goals established in this section, including the Office of Electricity.

"(c) ADOPTION OF TECHNOLOGIES.—In carrying out this section, the Secretary shall consider barriers to adoption and commercial application of technologies that enable integration of renewable energy sources onto the electric grid, including cost and other economic barriers, and shall coordinate with relevant entities to reduce these barriers.".

(c) INTEGRATING ELECTRIC VEHICLES ONTO THE ELECTRIC GRID.—Subtitle B of title I of the Energy Independence and Security

Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

42 USC 17014.

"SEC. 137. RESEARCH AND DEVELOPMENT INTO INTEGRATING ELECTRIC VEHICLES ONTO THE ELECTRIC GRID.

"(a) IN GENERAL.—The Secretary shall establish a research, development, and demonstration program to advance the integration of electric vehicles, including plug-in hybrid electric vehicles, onto the electric grid.

Study.

"(b) VEHICLES-TO-GRID INTEGRATION ASSESSMENT REPORT.—Not later than 1 year after the enactment of this section, the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the results of a study that examines the research, development, and demonstration opportunities, challenges, and standards needed for integrating electric vehicles onto the electric grid.

"(1) REPORT REQUIREMENTS.—The report shall include—

Evaluation.

"(A) an evaluation of the use of electric vehicles to maintain the reliability of the electric grid, including—

"(i) the use of electric vehicles for demand response, load shaping, emergency power, and frequency regulation; and

"(ii) the potential for the reuse of spent electric vehicle batteries for stationary grid storage;

"(B) the impact of grid integration on electric vehicles, including—

"(i) the impact of bi-directional electricity flow on battery degradation; and

"(ii) the implications of the use of electric vehicles for grid services on original equipment manufacturer warranties;

"(C) the impacts to the electric grid of increased penetration of electric vehicles, including—

"(i) the distribution grid infrastructure needed to support an increase in charging capacity;

"(ii) strategies for integrating electric vehicles onto the distribution grid while limiting infrastructure upgrades;

"(iii) the changes in electricity demand over a 24-hour cycle due to electric vehicle charging behavior;

"(iv) the load increases expected from electrifying the transportation sector;

"(v) the potential for customer incentives and other managed charging stations strategies to shift charging off-peak;

"(vi) the technology needed to achieve bi-directional power flow on the distribution grid; and

"(vii) the implementation of smart charging techniques;

"(D) research on the standards needed to integrate electric vehicles with the grid, including communications systems, protocols, and charging stations, in collaboration with the National Institute for Standards and Technology;

"(E) the cybersecurity challenges and needs associated with electrifying the transportation sector; and

"(F) an assessment of the feasibility of adopting technologies developed under the program established under subsection (a) at Department facilities. Assessment.

"(2) RECOMMENDATIONS.—As part of the Vehicles-to-Grid Integration Assessment Report, the Secretary shall develop a 10-year roadmap to guide the research, development, and demonstration program to integrate electric vehicles onto the electric grid. Time period.

"(3) CONSULTATION.—In developing this report, the Secretary shall consult with relevant stakeholders, including—

"(A) electric vehicle manufacturers;

"(B) electric utilities;

"(C) public utility commissions;

"(D) vehicle battery manufacturers;

"(E) electric vehicle supply equipment manufacturers;

"(F) charging infrastructure manufacturers;

"(G) the National Laboratories; and

"(H) other Federal agencies, as the Secretary determines appropriate.

"(4) UPDATES.—The Secretary shall update the report required under this section every 3 years for the duration of the program under section (a) and shall submit the updated report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Time period.

"(c) PROGRAM IMPLEMENTATION.—In carrying out the research, development, demonstration, and commercial application aims of section, the Secretary shall—

"(1) implement the recommendations set forth in the report in subsection (b); and Recommendations.

"(2) coordinate across all relevant program offices at the Department to achieve the goals established in this section, including the Office of Electricity. Coordination.

"(d) TESTING CAPABILITIES.—The Secretary shall coordinate with the National Laboratories to develop testing capabilities for the evaluation, rapid prototyping, and optimization of technologies enabling integration of electric vehicles onto the electric grid.".

SEC. 8005. ADVISORY COMMITTEE.

Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.) is amended by adding after section 1310 (as added by section 8003 of this Act) the following:

"SEC. 1311. ADVISORY COMMITTEE. 42 USC 17388.

"(a) IN GENERAL.—Not later than 180 days after the enactment of this section, the Secretary shall designate an existing advisory committee to advise the Secretary on the authorization of research, development, and demonstration projects under sections 1304 and 1304A.

"(b) RESPONSIBILITY.—The Secretary shall annually solicit from the advisory committee—

"(1) comments to identify grid modernization technology needs;

"(2) an assessment of the progress of the research activities on grid modernization; and Assessment.

"(3) assistance in annually updating grid modernization technology roadmaps.".

42 USC 16215 note.

SEC. 8006. COORDINATION OF EFFORTS.

In carrying out the amendments made by this title, the Secretary shall coordinate with relevant entities to the maximum extent practicable, including—

(1) electric utilities;

(2) private sector entities;

(3) representatives of all sectors of the electric power industry;

(4) transmission organizations;

(5) transmission owners and operators;

(6) distribution organizations;

(7) distribution asset owners and operators;

(8) State, Tribal, local, and territorial governments and regulatory authorities;

(9) academic institutions;

(10) the National Laboratories;

(11) other Federal agencies;

(12) nonprofit organizations;

(13) the Federal Energy Regulatory Commission;

(14) the North American Reliability Corporation;

(15) independent system operators; and

(16) programs and program offices at the Department.

42 USC 17389.

SEC. 8007. TECHNOLOGY DEMONSTRATION ON THE DISTRIBUTION GRID.

(a) IN GENERAL.—The Secretary shall establish a grant program to carry out eligible projects related to the modernization of the electric grid, including the application of technologies to improve observability, advanced controls, and prediction of system performance on the distribution system.

(b) ELIGIBLE PROJECTS.—To be eligible for a grant under subsection (a), a project shall—

(1) be designed to improve the performance and efficiency of the future electric grid, while ensuring the continued provision of safe, secure, reliable, and affordable power; and

(2) demonstrate—

(A) secure integration and management of two or more energy resources, including distributed energy generation, combined heat and power, micro-grids, energy storage, electric vehicles, energy efficiency, demand response, and intelligent loads; and

(B) secure integration and interoperability of communications and information technologies.

42 USC 17390.

SEC. 8008. VOLUNTARY MODEL PATHWAYS.

(a) ESTABLISHMENT OF VOLUNTARY MODEL PATHWAYS.—

Deadline. Consultation.

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy (in this section referred to as the "Secretary"), in consultation with the steering committee established under paragraph (3), shall initiate the development of voluntary model pathways for modernizing the electric grid through a collaborative, public-private effort that—

(A) produces illustrative policy pathways encompassing a diverse range of technologies that can be adapted for State and regional applications by regulators and policymakers;

(B) facilitates the modernization of the electric grid and associated communications networks to achieve the objectives described in paragraph (2);

(C) ensures a reliable, resilient, affordable, safe, and secure electric grid; and

(D) acknowledges and accounts for different priorities, electric systems, and rate structures across States and regions.

(2) OBJECTIVES.—The pathways established under paragraph (1) shall facilitate achievement of as many of the following objectives as practicable:

(A) Near real-time situational awareness of the electric system.

(B) Data visualization.

(C) Advanced monitoring and control of the advanced electric grid.

(D) Enhanced certainty of policies for investment in the electric grid.

(E) Increased innovation.

(F) Greater consumer empowerment.

(G) Enhanced grid resilience, reliability, and robustness.

(H) Improved—

(i) integration of distributed energy resources;

(ii) interoperability of the electric system; and

(iii) predictive modeling and capacity forecasting.

(I) Reduced cost of service for consumers.

(J) Diversification of generation sources.

(3) STEERING COMMITTEE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a steering committee to help develop the pathways under paragraph (1), to be composed of members appointed by the Secretary, consisting of persons with appropriate expertise representing a diverse range of interests in the public, private, and academic sectors, including representatives of— Deadline.

(A) the Federal Energy Regulatory Commission;

(B) the National Laboratories;

(C) States;

(D) State regulatory authorities;

(E) transmission organizations;

(F) representatives of all sectors of the electric power industry;

(G) institutions of higher education;

(H) independent research institutes; and

(I) other entities.

(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States, Indian Tribes, or units of local government to adopt or implement one or more elements of the pathways developed under subsection (a)(1), including on a pilot basis.

SEC. 8009. PERFORMANCE METRICS FOR ELECTRICITY INFRASTRUCTURE PROVIDERS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the steering committee established under section 8008(a)(3), shall submit to the Committee on Energy and Natural Resources Deadline. Consultation.

of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

Evaluation.

(1) an evaluation of the performance of the electric grid as of the date of the report; and

(2) a description of the projected range of measurable costs and benefits associated with the changes evaluated under the scenarios developed under section 1304A of the Energy Independence and Security Act of 2007.

(b) CONSIDERATIONS FOR DEVELOPMENT OF METRICS.—In developing metrics for the evaluation and projections under subsection (a), the Secretary of Energy shall consider—

(1) standard methodologies for calculating improvements or deteriorations in the performance metrics, such as reliability, grid efficiency, power quality, consumer satisfaction, sustainability, and financial incentives;

(2) standard methodologies for calculating potential costs and measurable benefits value to ratepayers, applying the performance metrics developed under paragraph (1);

(3) identification of tools, resources, and deployment models that may enable improved performance through the adoption of emerging, commercially available or advanced grid technologies or solutions, including—

(A) multicustomer micro-grids;

(B) distributed energy resources;

(C) energy storage;

(D) electric vehicles;

(E) electric vehicle charging infrastructure;

(F) integrated information and communications systems;

(G) transactive energy systems; and

(H) advanced demand management systems; and

(4) the role of States and local regulatory authorities in enabling a robust future electric grid to ensure that—

(A) electric utilities remain financially viable;

(B) electric utilities make the needed investments that ensure a reliable, secure, and resilient grid; and

(C) costs incurred to transform to an integrated grid are allocated and recovered responsibly, efficiently, and equitably.

42 USC 17391.

SEC. 8010. VOLUNTARY STATE, REGIONAL, AND LOCAL ELECTRICITY DISTRIBUTION PLANNING.

(a) IN GENERAL.—On the request of a State, regional organization, or electric utility, the Secretary of Energy shall provide assistance to States, regional organizations, and electric utilities to facilitate the development of State, regional, and local electricity distribution plans by—

Assessment.
Analysis.

(1) conducting a resource assessment and analysis of future demand and distribution requirements; and

(2) developing open source tools for State, regional, and local planning and operations.

(b) RISK AND SECURITY ANALYSIS.—The assessment under subsection (a)(1) shall include—

Evaluation.

(1) the evaluation of the physical security, cybersecurity, and associated communications needs of an advanced distribution management system and the integration of distributed energy resources; and

(2) advanced use of grid architecture to analyze risks in an all-hazards approach that includes communications infrastructure, control systems architecture, and power systems architecture.

(c) DESIGNATION.—The information collected for the assessment and analysis under subsection (a)(1)—

(1) shall be considered to be critical electric infrastructure information under section 215A of the Federal Power Act (16 U.S.C. 824o–1); and

(2) shall only be released in compliance with regulations implementing that section.

(d) TECHNICAL ASSISTANCE.—For the purpose of assisting in the development of State and regional electricity distribution plans, the Secretary shall provide technical assistance to—

(1) States;

(2) regional reliability entities; and

(3) other distribution asset owners and operators.

(e) WITHDRAWAL.—A State or any entity that has requested technical assistance under this section may withdraw the request for technical assistance at any time, and on such withdrawal, the Secretary shall terminate all assistance efforts.

(f) EFFECT.—Nothing in this section authorizes the Secretary to require any State, regional organization, regional reliability entity, asset owner, or asset operator to adopt any model, tool, plan, analysis, or assessment.

SEC. 8011. MICRO-GRID AND INTEGRATED MICRO-GRID SYSTEMS PROGRAM. 42 USC 17392.

(a) DEFINITIONS.—In this section:

(1) INTEGRATED MICRO-GRID SYSTEM.—The term "integrated micro-grid system" means a micro-grid system that—

(A) comprises generation from both conventional and renewable energy resources; and

(B) may use grid-scale energy storage.

(2) ISOLATED COMMUNITY.—The term "isolated community" means a community that is powered by a stand-alone electric generation and distribution system without the economic and reliability benefits of connection to a regional electric grid.

(3) MICRO-GRID SYSTEM.—The term "micro-grid system" means a localized grid that operates autonomously, regardless of whether the grid can operate in connection with another grid.

(4) RURAL ELECTRIC COOPERATIVE.—The term "rural electric cooperative" means an electric cooperative (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that sells electric energy to persons in rural areas.

(5) STRATEGY.—The term "strategy" means the strategy developed pursuant to subsection (b)(2)(B).

(b) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Energy (in this section referred to as the "Secretary") shall establish a program to promote the development of—

(A) integrated micro-grid systems for isolated communities; and

(B) micro-grid systems to increase the resilience of critical infrastructure.

(2) REQUIREMENTS.—The program established under paragraph (1) shall—

Assessment.

(A) develop a feasibility assessment for—

(i) integrated micro-grid systems in isolated communities; and

(ii) micro-grid systems to enhance the resilience of critical infrastructure;

Implementation strategy.

(B) develop an implementation strategy, in accordance with paragraph (3), to promote the development of integrated micro-grid systems for isolated communities, particularly for those communities exposed to extreme weather conditions and high energy costs, including electricity, space heating and cooling, and transportation;

Implementation strategy.

(C) develop an implementation strategy to promote the development of micro-grid systems that increase the resilience of critical infrastructure; and

(D) carry out cost-shared demonstration projects, based upon the strategies developed under subparagraph (B) that include the development of physical and cybersecurity plans to take appropriate measures to protect and secure the electric grid.

(3) REQUIREMENTS FOR STRATEGY.—In developing the strategy under paragraph (2)(B), the Secretary shall consider—

(A) opportunities for improving the efficiency of existing integrated micro-grid systems;

(B) the capacity of the local workforce to operate, maintain, and repair a integrated micro-grid system as well as opportunities to improve that capacity;

(C) leveraging existing capacity within local or regional research organizations, such as organizations based at institutions of higher education, to support development of integrated micro-grid systems, including by testing novel components and systems prior to field deployment;

(D) the need for basic infrastructure to develop, deploy, and sustain a integrated micro-grid system;

(E) input of traditional knowledge from local leaders of isolated communities in the development of a integrated micro-grid system;

(F) the impact of integrated micro-grid systems on defense, homeland security, economic development, and environmental interests;

(G) opportunities to leverage existing interagency coordination efforts and recommendations for new interagency coordination efforts to minimize unnecessary overhead, mobilization, and other project costs; and

(H) any other criteria the Secretary determines appropriate.

(c) COLLABORATION.—The program established under subsection (b)(1) shall be carried out in collaboration with relevant stakeholders, including, as appropriate—

(1) States;

(2) Indian Tribes;

(3) regional entities and regulators;

(4) units of local government;

(5) institutions of higher education; and

(6) private sector entities.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter until calendar year 2029, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the efforts to implement the program established under subsection (b)(1) and the status of the strategy developed under subsection (b)(2)(B). Time period.

(e) BARRIERS AND BENEFITS TO MICRO-GRID SYSTEMS.—

(1) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the benefits of, and barriers to, implementing resilient micro-grid systems that are—

(A)(i) owned or operated by an isolated community, rural electric cooperative, or municipal government; or

(ii) operated on behalf of a municipal government or rural electric cooperative; and

(B) designed to maximize the use of—

(i) energy-generation facilities owned or operated by isolated communities; or

(ii) a municipal or rural electric cooperative energy-generation facility.

(2) GRANTS TO OVERCOME BARRIERS.—The Secretary shall award grants of not more than $500,000 to not fewer than 20 municipal governments, rural electric cooperatives, or isolated communities, up to a total of $15,000,000, each year to assist those municipal governments, rural electric cooperatives, and isolated communities in overcoming the barriers identified in the report under paragraph (1).

SEC. 8012. TECHNICAL AMENDMENTS; AUTHORIZATION OF APPROPRIATIONS.

(a) TECHNICAL AMENDMENTS.—

(1) ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.—Section 1(b) of the Energy Independence and Security Act of 2007 is amended in the table of contents—

(A) by inserting the following after the item related to section 136:

"Sec. 137. Research and development into integrating electric vehicles onto the electric grid.";

(B) by inserting the following after the item related to section 1304:

"Sec. 1304A. Smart grid modeling, visualization, architecture, and controls."; and

(C) by inserting the following after the item related to section 1309:

"Sec. 1310. Integrated energy systems.
"Sec. 1311. Advisory committee.".

(2) ENERGY POLICY ACT OF 2005.—Section 1(b) of the Energy Policy Act of 2005 is amended in the table of contents by inserting the following after the item related to section 935:

"Sec. 936. Research and development into integrating renewable energy onto the electric grid.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out section 8006 and the amendments made by sections 8001, 8002, and 8005 of this title—

(A) $175,000,000 for fiscal year 2021;
(B) $180,000,000 for fiscal year 2022;
(C) $185,000,000 for fiscal year 2023;
(D) $190,000,000 for fiscal year 2024; and
(E) $199,500,000 for fiscal year 2025;

(2) to carry out sections 8007, 8008, 8009, 8010, and 8011 of this title $175,000,000 for each of fiscal years 2021 through 2025;

(3) to carry out section 8003 of this title—

(A) $21,000,000 for fiscal year 2021;
(B) $22,050,000 for fiscal year 2022;
(C) $23,153,000 for fiscal year 2023;
(D) $24,310,000 for fiscal year 2024; and
(E) $25,525,000 for fiscal year 2025; and

(4) to carry out section 8004 of this title—

(A) $52,500,000 for fiscal year 2021;
(B) $55,152,000 for fiscal year 2022;
(C) $57,882,000 for fiscal year 2023;
(D) $60,775,000 for fiscal year 2024; and
(E) $63,814,000 for fiscal year 2025.

SEC. 8013. INDIAN ENERGY.

(a) DEFINITION OF INDIAN LAND.—Section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2)) is amended—

(1) in subparagraph (B)(iii), by striking "and";

(2) in subparagraph (C), by striking "land." and inserting "land;"; and

(3) by adding at the end the following subparagraphs:

"(D) any land located in a census tract in which the majority of residents are Natives (as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b))); and

"(E) any land located in a census tract in which the majority of residents are persons who are enrolled members of a federally recognized Tribe or village.".

(b) REDUCTION OF COST SHARE.—Section 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(5)) is amended by adding at the end the following subparagraphs:

"(D) The Secretary of Energy may reduce any applicable cost share required of an Indian tribe, intertribal organization, or tribal energy development organization in order to receive a grant under this subsection to not less than 10 percent if the Indian tribe, intertribal organization, or tribal energy development organization meets criteria developed by the Secretary of Energy, including financial need.

"(E) Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall not apply to assistance provided under this subsection.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2602(b)(7) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amended by striking " $20,000,000 for each of fiscal years 2006 through 2016" and inserting " $30,000,000 for each of fiscal years 2021 through 2025".

SEC. 8014. REPORT ON ELECTRICITY ACCESS AND RELIABILITY.

(a) ASSESSMENT.—The Secretary of Energy shall conduct an assessment of the status of access to electricity by households residing in Tribal communities or on Indian land, and the reliability of electric service available to households residing in Tribal communities or on Indian land, as compared to the status of access to and reliability of electricity within neighboring States or within the State in which Indian land is located.

(b) CONSULTATION.—The Secretary of Energy shall consult with Indian Tribes, Tribal organizations, the North American Electricity Reliability Corporation, and the Federal Energy Regulatory Commission in the development and conduct of the assessment under subsection (a). Indian Tribes and Tribal organizations shall have the opportunity to review and make recommendations regarding the development of the assessment and the findings of the assessment, prior to the submission of the report under subsection (c). Review. Recommendations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the results of the assessment conducted under subsection (a), which shall include—

(1) a description of generation, transmission, and distribution assets available to provide electricity to households residing in Tribal communities or on Indian land;

(2) a survey of the retail and wholesale prices of electricity available to households residing in Tribal communities or on Indian land; Survey.

(3) a description of participation of Tribal members in the electric utility workforce, including the workforce for construction and maintenance of renewable energy resources and distributed energy resources;

(4) the percentage of households residing in Tribal communities or on Indian land that do not have access to electricity;

(5) the potential of distributed energy resources to provide electricity to households residing in Tribal communities or on Indian land;

(6) the potential for tribally-owned electric utilities or electric utility assets to participate in or benefit from regional electricity markets;

(7) a description of the barriers to providing access to electric service to households residing in Tribal communities or on Indian land; and

(8) recommendations to improve access to and reliability of electric service for households residing in Tribal communities or on Indian land. Recommendations.

(d) DEFINITIONS.—In this section:

(1) TRIBAL MEMBER.—The term "Tribal member" means a person who is an enrolled member of a federally recognized Tribe or village.

(2) TRIBAL COMMUNITY.—The term "Tribal community" means a community in a United States census tract in which the majority of residents are persons who are enrolled members of a federally recognized Tribe or village.

SEC. 8015. NET METERING STUDY AND EVALUATION.

Deadline.
Contracts.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Academies") under which the National Academies shall—

(1) study the opportunities and challenges associated with net metering; and

(2) evaluate the expected medium- and long-term impacts of net metering.

(b) ELEMENTS.—The study and evaluation conducted pursuant to the agreement entered into under subsection (a) shall address—

(1) developments in net metering, including the emergence of new technologies;

(2) alternatives to existing metering systems that—

(A) provide for transactions that—

(i) measure electric energy consumption by an electric consumer at the home or facility of that electric consumer; and

(ii) are capable of sending electric energy usage information through a communications network to an electric utility;

(B) promote equitable distribution of resources and costs; and

(C) provide incentives for the use of distributed renewable generation;

(3) net metering planning and operating techniques;

(4) effective architecture for net metering;

(5) successful net metering business models;

(6) consumer and industry incentives for net metering;

(7) the role of renewable resources in the electric grid;

(8) the role of net metering in developing future models for renewable infrastructure; and

(9) the use of battery storage with net metering.

(c) REPORT.—

(1) IN GENERAL.—The agreement entered into under subsection (a) shall require the National Academies to submit to the Secretary of Energy, not later than 2 years after entering into the agreement, a report that describes the results of the study and evaluation conducted pursuant to the agreement.

Internet.

(2) PUBLIC AVAILABILITY.—The report submitted under paragraph (1) shall be made available to the public through electronic means, including the internet.

TITLE IX—DEPARTMENT OF ENERGY INNOVATION

SEC. 9001. OFFICE OF TECHNOLOGY TRANSITIONS.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended—

(1) by striking subsection (a) and all that follows through "The Coordinator" in subsection (b) and inserting the following:

"(a) OFFICE OF TECHNOLOGY TRANSITIONS.—

"(1) ESTABLISHMENT.—There is established within the Department an Office of Technology Transitions (referred to in this section as the 'Office').

"(2) MISSION.—The mission of the Office shall be—

"(A) to expand the commercial impact of the research investments of the Department; and

"(B) to focus on commercializing technologies that support the missions of the Department, including reducing greenhouse gas emissions and other pollutants.

"(3) GOALS.—

"(A) IN GENERAL.—In carrying out the mission and activities of the Office, the Chief Commercialization Officer appointed under paragraph (4) shall, with respect to commercialization activities, meet all of the goals described in subparagraph (B).

"(B) GOALS DESCRIBED.—The goals referred to in subparagraph (A) are the following:

"(i) Reduction of greenhouse gas emissions and other pollutants.

"(ii) Ensuring economic competitiveness.

"(iii) Enhancement of domestic energy security and national security.

"(iv) Enhancement of domestic jobs.

"(v) Improvement of energy efficiency.

"(vi) Any other goals to support the transfer of technology developed by Department-funded programs to the private sector, as consistent with missions of the Department.

"(4) CHIEF COMMERCIALIZATION OFFICER.—

"(A) IN GENERAL.—The Office shall be headed by an officer, who shall be known as the 'Chief Commercialization Officer', and who shall report directly to, and be appointed by, the Secretary.

"(B) PRINCIPAL ADVISOR.—The Chief Commercialization Officer shall be the principal advisor to the Secretary on all matters relating to technology transfer and commercialization.

"(C) QUALIFICATIONS.—The Chief Commercialization Officer";

(2) in subsection (c)—

(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (b)";

(B) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively, and indenting appropriately; and

(C) by striking the subsection designation and heading and all that follows through "The Coordinator" in the

matter preceding clause (i) (as so redesignated) and inserting the following:

"(D) DUTIES.—The Chief Commercialization Officer";

(3) by adding at the end of subsection (a) (as amended by paragraph (2)(C)) the following:

"(5) COORDINATION.—In carrying out the mission and activities of the Office, the Chief Commercialization Officer shall coordinate with the senior leadership of the Department, other relevant program offices of the Department, National Laboratories, the Technology Transfer Working Group established under subsection (b), the Technology Transfer Policy Board, and other stakeholders (including private industry).";

(4) by redesignating subsections (d) through (h) as subsections (b) through (f), respectively;

(5) in subsection (f) (as so redesignated), by striking "subsection (e)" and inserting "subsection (c)"; and

(6) by adding at the end the following:

"(g) ADDITIONAL TECHNOLOGY TRANSFER PROGRAMS.—The Secretary may develop additional programs to—

"(1) support regional energy innovation systems;

"(2) support clean energy incubators;

"(3) provide small business vouchers;

"(4) provide financial and technical assistance for entrepreneurial fellowships at national laboratories;

"(5) encourage students, energy researchers, and national laboratory employees to develop entrepreneurial skillsets and engage in entrepreneurial opportunities;

"(6) support private companies and individuals in partnering with National Laboratories; and

"(7) further support the mission and goals of the Office.".

42 USC 16391 note.

SEC. 9002. LAB PARTNERING SERVICE PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy (in this section referred to as the "Secretary"), acting through the Chief Commercialization Officer established in section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), shall establish a Lab Partnering Service Pilot Program (hereinafter in this section referred to as the "pilot program").

Website.

(2) PURPOSES.—The purposes of the pilot program are to provide services that encourage and support partnerships between the National Laboratories and public and private sector entities, and to improve communication of research, development, demonstration, and commercial application projects and opportunities at the National Laboratories to potential partners through the development of a website and the provision of services, in collaboration with relevant external entities, and to identify and develop metrics regarding the effectiveness of such partnerships.

(3) ACTIVITIES.—In carrying out this pilot program, the Secretary shall—

(A) conduct outreach to and engage with relevant public and private entities;

(B) identify and disseminate best practices for strengthening connections between the National Laboratories and public and private sector entities; and

Website.

(C) develop a website to disseminate information on—

(i) different partnering mechanisms for working with the National Laboratories;

(ii) National Laboratory experts and research areas; and

(iii) National Laboratory facilities and user facilities.

(b) METRICS.—The Secretary shall support the development of metrics, including conversion metrics, to determine the effectiveness of the pilot program in achieving the purposes in subsection (a) and the number and types of partnerships established between public and private sector entities and the National Laboratories compared to baseline data.

(c) COORDINATION.—In carrying out the activities authorized in this section, the Secretary shall coordinate with the Directors of (and dedicated technology transfer staff at) the National Laboratories, in particular for matchmaking services for individual projects, which should be led by the National Laboratories.

(d) FUNDING EMPLOYEE PARTNERING ACTIVITIES.—The Secretary shall delegate to the Directors of each National Laboratory and single-purpose research facility of the Department the authority to compensate National Laboratory employees providing services under this section.

(e) DURATION.—Subject to the availability of appropriations, the pilot program established in this section shall operate for not less than 3 years and may be built off an existing program.

(f) EVALUATION.—Not later than 6 months after the completion of this pilot program, the Secretary shall support the evaluation of the success of the pilot program in achieving the purposes in subsection (a) and shall submit the evaluation to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The assessment shall include analyses of the performance of the pilot program based on the metrics developed under subsection (b). Deadline.

(g) DEFINITION.—In this section, the term "National Laboratory" has the meaning given such term in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).

SEC. 9003. TECHNOLOGY COMMERCIALIZATION FUND.

Section 1001(e) of the Energy Policy Act of 2005 (42 U.S.C. 16391(e)) is amended to read as follows:

"(e) TECHNOLOGY COMMERCIALIZATION FUND.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Chief Commercialization Officer established in section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), shall establish a Technology Commercialization Fund (hereafter referred to as the 'Fund'), using nine-tenths of one percent of the amount of appropriations made available to the Department for applied energy research, development, demonstration, and commercial application for each fiscal year, to be used to provide, in accordance with the cost-sharing requirements under section 988, funds to private partners, including national laboratories, to promote promising energy technologies for commercial purposes.

"(2) APPLICATIONS.—

Criteria.

"(A) CONSIDERATIONS.—The Secretary shall develop criteria for evaluating applications for funding under this section, which may include—

"(i) the potential that a proposed technology will result in a commercially successful product within a reasonable timeframe; and

"(ii) the relative maturity of a proposed technology for commercial application.

"(B) SELECTIONS.—In awarding funds under this section, the Secretary may give special consideration to applications that involve at least one applicant that has participated in an entrepreneurial or commercialization training program, such as Energy Innovation Corps.

"(f) ANNUAL REPORT.—The Secretary shall include in the annual report required under section 9007(a) of the Energy Act of 2020—

"(1) description of the projects carried out with awards from the Fund for that fiscal year;

"(2) each project's cost-share for that fiscal year; and

"(3) each project's partners for that fiscal year.

"(g) TECHNOLOGY COMMERCIALIZATION FUND REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Act of 2020, the Secretary shall submit to the Committee on Science, Space, and Technology and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate a report on the current and recommended implementation of the Fund.

"(2) CONTENTS.—The report under subparagraph (A) shall include—

Summary.

"(A) a summary, with supporting data, of how much Department program offices contribute to and use the Fund each year, including a list of current funding restrictions;

Recommendations.

"(B) recommendations on how to improve implementation and administration of the Fund; and

Analysis.

"(C) an analysis on how to spend funds optimally on technology areas that have the greatest need and opportunity for commercial application, rather than spending funds at the programmatic level or under current funding restrictions.".

SEC. 9004. STREAMLINING PRIZE COMPETITIONS.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by inserting after subsection (d) the following (and redesignating subsections (f) and (g) as subsections (g) and (h), respectively):

"(e) COORDINATION.—In carrying out subsection (a), and for any prize competitions under section 105 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010, the Secretary shall—

"(1) issue Department-wide guidance on the design, development, and implementation of prize competitions;

"(2) collect and disseminate best practices on the design and administration of prize competitions;

"(3) streamline contracting mechanisms for the implementation of prize competitions; and

"(4) provide training and prize competition design support, as necessary, to Department staff to develop prize competitions and challenges.".

SEC. 9005. MILESTONE-BASED DEMONSTRATION PROJECTS. 42 USC 7256c.

(a) IN GENERAL.—Acting under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), notwithstanding paragraph (10) of such section, the Secretary of Energy (in this section referred to as the "Secretary") may carry out demonstration projects as a milestone-based demonstration project that requires particular technical and financial milestones to be met before a participant is awarded grants by the Department through a competitive award process.

(b) REQUIREMENTS.—In carrying out milestone-based demonstration projects under the authority in paragraph (1), the Secretary shall, for each relevant project—

(1) request proposals from eligible entities, as determined by the Secretary, including— Proposals. Determination. Plans.

(A) a business plan, that may include a plan for scalable manufacturing and a plan for addressing supply chain gaps;

(B) a plan for raising private sector investment; and

(C) proposed technical and financial milestones, including estimated project timelines and total costs; and Estimates.

(2) award funding of a predetermined amount to projects that successfully meet proposed milestones under paragraph (1)(C) or for expenses deemed reimbursable by the Secretary, in accordance with terms negotiated for an individual award;

(3) require cost sharing in accordance with section 988 of the Energy Policy Act of 2005; and

(4) communicate regularly with selected eligible entities and, if the Secretary deems appropriate, exercise small amounts of flexibility for technical and financial milestones as projects mature.

(c) AWARDS.—For the program established under subsection (a)—

(1) an award recipient shall be responsible for all costs until milestones are achieved, or reimbursable expenses are reviewed and verified by the Department; and Review.

(2) should an awardee not meet the milestones described in subsection (a), the Secretary or their designee may end the partnership with an award recipient and use the remaining funds in the ended agreement for new or existing projects carried out under this section.

(d) PROJECT MANAGEMENT.—In carrying out projects under this program and assessing the completion of their milestones in accordance with subsection (b), the Secretary shall consult with experts that represent diverse perspectives and professional experiences, including those from the private sector, to ensure a complete and thorough review. Consultation.

(e) REPORT.—In accordance with section 9007(a), the Secretary shall report annually on any demonstration projects carried out using the authorities under this section.

SEC. 9006. OTHER TRANSACTION AUTHORITY EXTENSION.

(a) Subsection 646(g)(10) of the Department of Energy Organization Act (42 U.S.C. 7256(g)(10)) is amended by striking "September 30, 2020" and inserting "September 30, 2030".

Applicability.
42 USC 16237 note.

(b) The provisions of section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) shall apply with respect to construction, alteration, or repair work of demonstration projects funded by grants or contracts authorized under sections 3001, 3003, 3004, 5001, and 8007 and the amendments made by such sections.

42 USC 16391a.

SEC. 9007. TECHNOLOGY TRANSFER REPORTS AND EVALUATION.

(a) ANNUAL REPORT.—As part of the updated technology transfer execution plan required each year under section 1001(h)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16391(g)(2)), the Secretary of Energy (in this section referred to as the "Secretary") shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress and implementation of programs established under sections 9001, 9002, 9003, 9004, and 9005 of this Act.

Deadline.
Time period.

(b) EVALUATION.—Not later than 3 years after the enactment of this Act and every 3 years thereafter the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an evaluation on the extent to which programs established under sections 9001, 9002, 9003, 9004, and 9005 of this Act are achieving success based on relevant short-term and long-term metrics.

Contracts.

(c) REPORT ON TECHNOLOGY TRANSFER GAPS.—Not later than 3 years after the enactment of this Act, the Secretary shall enter into an agreement with the National Academies of Science, Engineering, and Medicine to submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on programmatic gaps that exist to advance the commercial application of technologies developed at the National Laboratories (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))).

15 USC 5544.

SEC. 9008. VETERANS' HEALTH INITIATIVE.

(a) PURPOSES.—The purposes of this section are to advance Department of Energy expertise in artificial intelligence and high-performance computing in order to improve health outcomes for veteran populations by—

(1) supporting basic research through the application of artificial intelligence, high-performance computing, modeling and simulation, machine learning, and large-scale data analytics to identify and solve outcome-defined challenges in the health sciences;

(2) maximizing the impact of the Department of Veterans Affairs' health and genomics data housed at the National Laboratories, as well as data from other sources, on science, innovation, and health care outcomes through the use and advancement of artificial intelligence and high-performance computing capabilities of the Department;

(3) promoting collaborative research through the establishment of partnerships to improve data sharing between Federal agencies, National Laboratories, institutions of higher education, and nonprofit institutions;

(4) establishing multiple scientific computing user facilities to house and provision available data to foster transformational outcomes; and

(5) driving the development of technology to improve artificial intelligence, high-performance computing, and networking relevant to mission applications of the Department, including modeling, simulation, machine learning, and advanced data analytics.

(b) VETERANS HEALTH RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Energy (in this section referred to as the "Secretary") shall establish and carry out a research program in artificial intelligence and high-performance computing, focused on the development of tools to solve large-scale data analytics and management challenges associated with veteran's healthcare, and to support the efforts of the Department of Veterans Affairs to identify potential health risks and challenges utilizing data on long-term healthcare, health risks, and genomic data collected from veteran populations. The Secretary shall carry out this program through a competitive, merit-reviewed process, and consider applications from National Laboratories, institutions of higher education, multi-institutional collaborations, and other appropriate entities.

(2) PROGRAM COMPONENTS.—In carrying out the program established under paragraph (1), the Secretary may—

(A) conduct basic research in modeling and simulation, machine learning, large-scale data analytics, and predictive analysis in order to develop novel or optimized algorithms for prediction of disease treatment and recovery;

(B) develop methods to accommodate large data sets with variable quality and scale, and to provide insight and models for complex systems;

(C) develop new approaches and maximize the use of algorithms developed through artificial intelligence, machine learning, data analytics, natural language processing, modeling and simulation, and develop new algorithms suitable for high-performance computing systems and large biomedical data sets;

(D) advance existing and construct new data enclaves capable of securely storing data sets provided by the Department of Veterans Affairs, Department of Defense, and other sources; and

(E) promote collaboration and data sharing between National Laboratories, research entities, and user facilities of the Department by providing the necessary access and secure data transfer capabilities.

(3) COORDINATION.—In carrying out the program established under paragraph (1), the Secretary is authorized—

(A) to enter into memoranda of understanding in order to carry out reimbursable agreements with the Department of Veterans Affairs and other entities in order to maximize the effectiveness of Department research and development to improve veterans' healthcare; Memorandum.

(B) to consult with the Department of Veterans Affairs and other Federal agencies as appropriate; and Consultation.

(C) to ensure that data storage meets all privacy and security requirements established by the Department of

Veterans Affairs, and that access to data is provided in accordance with relevant Department of Veterans Affairs data access policies, including informed consent.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Veterans' Affairs of the Senate, and the Committee on Science, Space, and Technology and the Committee on Veterans' Affairs of the House of Representatives, a report detailing the effectiveness of—

(A) the interagency coordination between each Federal agency involved in the research program carried out under this subsection;

(B) collaborative research achievements of the program; and

(C) potential opportunities to expand the technical capabilities of the Department.

(5) FUNDING.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this subsection $27,000,000 for fiscal year 2021.

(c) INTERAGENCY COLLABORATION.—

(1) IN GENERAL.—The Secretary is authorized to carry out research, development, and demonstration activities to develop tools to apply to big data that enable Federal agencies, institutions of higher education, nonprofit research organizations, and industry to better leverage the capabilities of the Department to solve complex, big data challenges. The Secretary shall carry out these activities through a competitive, merit-reviewed process, and consider applications from National Laboratories, institutions of higher education, multi-institutional collaborations, and other appropriate entities.

(2) ACTIVITIES.—In carrying out the research, development, and demonstration activities authorized under paragraph (1), the Secretary may—

(A) utilize all available mechanisms to prevent duplication and coordinate research efforts across the Department;

(B) establish multiple user facilities to serve as data enclaves capable of securely storing data sets created by Federal agencies, institutions of higher education, nonprofit organizations, or industry at National Laboratories; and

(C) promote collaboration and data sharing between National Laboratories, research entities, and user facilities of the Department by providing the necessary access and secure data transfer capabilities.

Evaluation.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report evaluating the effectiveness of the activities authorized under paragraph (1).

(4) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this subsection $15,000,000 for each of fiscal years 2021 through 2025.

(d) DEFINITION.—In this section, the term "National Laboratory" has the meaning given such term in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).

SEC. 9009. SUSTAINABLE TRANSPORTATION RESEARCH AND DEVELOPMENT.

There are authorized to be appropriated to carry out research, development, demonstration, and commercial application activities within the Department of Energy's Offices of Hydrogen and Fuel Cell Technologies, Vehicle Technologies, and Bioenergy Technologies—

(1) $830,000,000 for fiscal year 2021;
(2) $855,000,000 for fiscal year 2022; and
(3) $880,000,000 for fiscal year 2023.

SEC. 9010. LOAN PROGRAM OFFICE TITLE XVII REFORM.

(a) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

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

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the cost of a guarantee shall be paid by the Secretary using an appropriation made for the cost of the guarantee, subject to the availability of such an appropriation.

"(2) INSUFFICIENT APPROPRIATIONS.—If sufficient appropriated funds to pay the cost of a guarantee are not available, then the guarantee shall not be made unless—

"(A) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

"(B) a combination of one or more appropriations and one or more payments from the borrower under this subsection has been made that is sufficient to cover the cost of the guarantee.";

(2) in subsection (d)(3), by striking "is not subordinate" and inserting ", including any reorganization, restructuring, or termination thereof, shall not at any time be subordinate";

(3) in subsection (h)—

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

"(1) IN GENERAL.—The Secretary shall charge, and collect on or after the date of the financial close of an obligation, a fee for a guarantee in an amount that the Secretary determines is sufficient to cover applicable administrative expenses (including any costs associated with third-party consultants engaged by the Secretary)."; and

Fee.
Determination.

(B) by adding at the following:

"(3) REDUCTION IN FEE AMOUNT.—Notwithstanding paragraph (1) and subject to the availability of appropriations, the Secretary may reduce the amount of a fee for a guarantee under this subsection."; and

(4) by adding at the end the following:

"(l) RESTRUCTURING OF LOAN GUARANTEES.—The Secretary shall consult with the Secretary of the Treasury regarding any restructuring of the terms or conditions of a guarantee issued pursuant to this title, including with respect to any deviations from the financial terms of the guarantee.

Consultation.

"(m) WRITTEN ANALYSIS.—

"(1) REQUIREMENT.—The Secretary may not make a guarantee under this title until the Secretary of the Treasury has transmitted to the Secretary, and the Secretary has taken

Deadlines.

into consideration, a written analysis of the financial terms and conditions of the proposed guarantee.

"(2) TRANSMISSION.—Not later than 30 days after receiving information on a proposed guarantee from the Secretary, the Secretary of the Treasury shall transmit the written analysis of the financial terms and conditions of the proposed guarantee required under paragraph (1) to the Secretary.

"(3) EXPLANATION.—If the Secretary makes a guarantee the financial terms and conditions of which are not consistent with the written analysis required under this subsection, not later than 30 days after making such guarantee, the Secretary shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, a written explanation of any material inconsistencies.

Deadlines.

"(n) APPLICATION STATUS.—

"(1) REQUEST.—If the Secretary does not make a final decision on an application for a guarantee under this title by the date that is 180 days after receipt of the application by the Secretary, the applicant may request, on or after that date and not more than once every 60 days thereafter until a final decision is made, that the Secretary provide to the applicant a response described in paragraph (2).

"(2) RESPONSE.—Not later than 10 days after receiving a request from an applicant under paragraph (1), the Secretary shall provide to the applicant a response that includes—

"(A) a description of the current status of review of the application;

Summary.
Lists.

"(B) a summary of any factors that are delaying a final decision on the application, a list of what items are required in order to reach a final decision, citations to authorities stating the reasons why such items are required, and a list of actions the applicant can take to expedite the process; and

Estimate.

"(C) an estimate of when a final decision on the application will be made.

"(o) OUTREACH.—In carrying out this title, the Secretary shall—

"(1) provide assistance with the completion of applications for a guarantee under this title;

"(2) conduct outreach, including through conferences and online programs, to disseminate information to potential applicants;

"(3) conduct outreach to encourage participation of supporting finance institutions and private lenders in eligible projects.

"(p) COORDINATION.—In carrying out this title, the Secretary shall coordinate activities under this title with activities of other relevant offices with the Department.

Time period.

"(q) REPORT.—Not later than 2 years after the date of the enactment of this subsection and every 3 years thereafter, the Secretary shall submit to Congress a report on the status of applications for, and projects receiving, guarantees under this title, including—

List.

"(1) a list of such projects, including the guarantee amount, construction status, and financing partners of each such project;

"(2) the status of each such project's loan repayment, including interest paid and future repayment projections;

"(3) an estimate of the air pollutant or greenhouse gas emissions avoided or reduced from each such project; Estimate.

"(4) data regarding the number of direct and indirect jobs retained, restored, or created by such projects; Data.

"(5) identification of—

"(A) technologies deployed by projects that have received guarantees that have subsequently been deployed commercially without guarantees; and

"(B) novel technologies that have been deployed by such projects and deployed in the commercial energy market;

"(6) the number of new projects projected to receive a guarantee under this title during the next 2 years and the aggregate guarantee amount; Time period.

"(7) the number of outreach engagements conducted with potential applicants;

"(8) the number of applications received and currently pending for each open solicitation; and

"(9) any other metrics the Secretary finds appropriate.".

(b) PROJECT ELIGIBILITY EXPANSION.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", utilize" after "reduce"; and

(B) in paragraph (2), by striking "." and inserting ", including projects that employ elements of commercial technologies in combination with new or significantly improved technologies.";

(2) in subsection (b)—

(A) in paragraph (4), by inserting ", including manufacturing of nuclear supply components for advanced nuclear reactors" after "facilities";

(B) by amending paragraph (5) to read as follows:

"(5) Carbon capture, utilization, and sequestration practices and technologies, including—

"(A) agricultural and forestry practices that store and sequester carbon; and

"(B) synthetic technologies to remove carbon from the air and oceans."; and

(C) by adding at the end the following:

"(11) Energy storage technologies for residential, industrial, transportation, and power generation applications.

"(12) Technologies or processes for reducing greenhouse gas emissions from industrial applications, including iron, steel, cement, and ammonia production, hydrogen production, and the generation of high-temperature heat."; and

(3) by adding at the end the following new subsection:

"(f) REGIONAL VARIATION.—Notwithstanding subsection (a)(2), the Secretary may, if regional variation significantly affects the deployment of a technology, make guarantees under this title for up to 6 projects that employ the same or similar technology as another project, provided no more than 2 projects that use the same or a similar technology are located in the same region of the United States.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

"(c) ADMINISTRATIVE AND OTHER EXPENSES.—There are authorized to be appropriated—

"(1) $32,000,000 for each of fiscal years 2021 through 2025 to carry out this title; and

"(2) for fiscal year 2021, in addition to amounts authorized under paragraph (1), $25,000,000, to remain available until expended, for administrative expenses described in section 1702(h)(1) that are not covered by fees collected pursuant to section 1702(h).".

SEC. 9011. ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 2203(b) of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)) is amended by striking paragraph (3) and inserting the following:

"(3) ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE ENTITY.—The term 'eligible entity' means an institution of higher education located in an eligible jurisdiction.

"(ii) ELIGIBLE JURISDICTION.—The term 'eligible jurisdiction' means a State that, as determined by the Secretary—

"(I)(aa) historically has received relatively little Federal research and development funding; and

"(bb) has demonstrated a commitment—

"(AA) to develop the research bases in the State; and

"(BB) to improve science and engineering research and education programs at institutions of higher education in the State; and

"(II) is an eligible jurisdiction under the criteria used by the Secretary to make awards under this paragraph on the day before the date of enactment of the Energy Act of 2020.

"(iii) EPSCOR.—The term 'EPSCoR' means the Established Program to Stimulate Competitive Research operated under subparagraph (B).

"(iv) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(v) STATE.—The term 'State' means—

"(I) a State;

"(II) the District of Columbia;

"(III) the Commonwealth of Puerto Rico;

"(IV) Guam;

"(V) the United States Virgin Islands;

"(VI) American Samoa; and

"(VII) the Commonwealth of the Northern Mariana Islands.

"(B) PROGRAM OPERATION.—The Secretary shall operate an Established Program to Stimulate Competitive Research.

"(C) OBJECTIVES.—The objectives of EPSCoR shall be—

"(i) to increase the number of researchers at institutions of higher education in eligible jurisdictions capable of performing nationally competitive science and engineering research in support of the mission of the Department of Energy in the areas of applied energy research, environmental management, and basic science;

"(ii) to enhance the capabilities of institutions of higher education in eligible jurisdictions to develop, plan, and execute research that is competitive in the peer-review process; and

"(iii) to increase the probability of long-term growth of competitive funding to institutions of higher education in eligible jurisdictions.

"(D) GRANTS IN AREAS OF APPLIED ENERGY RESEARCH, ENVIRONMENTAL MANAGEMENT, AND BASIC SCIENCE.—

"(i) IN GENERAL.—EPSCoR shall make grants to eligible entities to carry out and support applied energy research and research in all areas of environmental management and basic science sponsored by the Department of Energy, including—

"(I) energy efficiency, fossil energy, renewable energy, and other applied energy research;

"(II) electricity delivery research;

"(III) cybersecurity, energy security, and emergency response;

"(IV) environmental management; and

"(V) basic science research.

"(ii) ACTIVITIES.—EPSCOR may make grants under this subparagraph for any activities consistent with the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in clause (i), including—

"(I) to support research at eligible entities that is carried out in partnership with the National Laboratories;

"(II) to provide for graduate traineeships;

"(III) to support research by early career faculty; and

"(IV) to improve research capabilities at eligible entities through biennial implementation grants.

"(iii) NO COST SHARING.—EPSCoR shall not impose any cost-sharing requirement with respect to a grant made under this subparagraph.

"(E) OTHER ACTIVITIES.—EPSCoR may carry out such activities as may be necessary to meet the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in subparagraph (D)(i).

"(F) PROGRAM IMPLEMENTATION.—

Deadline.
Plan.

"(i) IN GENERAL.—Not later than 270 days after the date of enactment of the Energy Act of 2020, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a plan describing how the Secretary shall implement EPSCoR.

"(ii) CONTENTS OF PLAN.—The plan described in clause (i) shall include a description of—

"(I) the management structure of EPSCoR, which shall ensure that all research areas and activities described in this paragraph are incorporated into EPSCoR;

"(II) efforts to conduct outreach to inform eligible entities and faculty of changes to, and opportunities under, EPSCoR;

"(III) how EPSCoR plans to increase engagement with eligible entities, faculty, and State committees, including by holding regular workshops, to increase participation in EPSCoR; and

"(IV) any other issues relating to EPSCoR that the Secretary determines appropriate.

"(G) PROGRAM EVALUATION.—

Deadline.
Contracts.
Assessment.

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of the Energy Act of 2020, the Secretary shall contract with a federally funded research and development center, the National Academy of Sciences, or a similar organization to carry out an assessment of the effectiveness of EPSCoR, including an assessment of—

"(I) the tangible progress made towards achieving the objectives described in subparagraph (C);

"(II) the impact of research supported by EPSCoR on the mission of the Department of Energy; and

"(III) any other issues relating to EPSCoR that the Secretary determines appropriate.

"(ii) LIMITATION.—The organization with which the Secretary contracts under clause (i) shall not be a National Laboratory.

Recommendations.

"(iii) REPORT.—Not later than 6 years after the date of enactment of the Energy Act of 2020, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report describing the results of the assessment carried out under clause (i), including recommendations for improvements that would enable the Secretary to achieve the objectives described in subparagraph (C).".

TITLE X—ARPA–E AMENDMENTS

SEC. 10001. ARPA–E AMENDMENTS.

(a) ESTABLISHMENT.—Section 5012(b) of the America COMPETES Act (42 U.S.C. 16538(b)) is amended by striking "development of energy technologies" and inserting "development of transformative science and technology solutions to address the energy and environmental missions of the Department".

(b) GOALS.—Section 5012(c) of the America COMPETES Act (42 U.S.C. 16538(c)) is amended—

(1) by striking paragraph (1)(A) and inserting the following:

"(A) to enhance the economic and energy security of the United States through the development of energy technologies that—

"(i) reduce imports of energy from foreign sources;

"(ii) reduce energy-related emissions, including greenhouse gases;

"(iii) improve the energy efficiency of all economic sectors;

"(iv) provide transformative solutions to improve the management, clean-up, and disposal of radioactive waste and spent nuclear fuel; and

"(v) improve the resilience, reliability, and security of infrastructure to produce, deliver, and store energy; and"; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "energy technology projects" and inserting "advanced technology projects".

(c) RESPONSIBILITIES.—Section 5012(e)(3)(A) of the America COMPETES Act (42 U.S.C. 16538(e)(3)(A)) is amended by striking "energy".

(d) REPORTS AND ROADMAPS.—Section 5012(h) of the America COMPETES Act (42 U.S.C. 16538(h)) is amended to read as follows:

"(h) REPORTS AND ROADMAPS.—

"(1) ANNUAL REPORT.—As part of the annual budget request submitted for each fiscal year, the Director shall provide to the relevant authorizing and appropriations committees of Congress a report that—

"(A) describes projects supported by ARPA–E during the previous fiscal year;

"(B) describes projects supported by ARPA–E during the previous fiscal year that examine topics and technologies closely related to other activities funded by the Department, and includes an analysis of whether in supporting such projects, the Director is in compliance with subsection (i)(1); and Analysis.

"(C) describes current, proposed, and planned projects to be carried out pursuant to subsection (e)(3)(D).

"(2) STRATEGIC VISION ROADMAP.—Not later than October 1, 2021, and every four years thereafter, the Director shall provide to the relevant authorizing and appropriations committees of Congress a roadmap describing the strategic vision that ARPA–E will use to guide the choices of ARPA–E for future technology investments over the following 4 fiscal years.". Deadline. Time period.

(e) COORDINATION AND NONDUPLICATION.—Section 5012(i)(1) of the America COMPETES Act (42 U.S.C. 16538(i)(1)) is amended to read as follows:

"(1) IN GENERAL.—To the maximum extent practicable, the Director shall ensure that—

"(A) the activities of ARPA–E are coordinated with, and do not duplicate the efforts of, programs and laboratories within the Department and other relevant research agencies; and

"(B) ARPA–E does not provide funding for a project unless the prospective grantee demonstrates sufficient attempts to secure private financing or indicates that the project is not independently commercially viable.".

(f) EVALUATION.—Section 5012(l) of the America COMPETES Act (42 U.S.C. 16538(l)) is amended—

(1) by striking paragraph (1) and inserting the following:

Deadline.
Contracts.

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of this paragraph, the Secretary is authorized to enter into a contract with the National Academy of Sciences under which the National Academy shall conduct an evaluation of how well ARPA–E is achieving the goals and mission of ARPA–E."; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "shall" and inserting "may"; and

(B) in subparagraph (A), by striking "the recommendation of the National Academy of Sciences" and inserting "a recommendation".

(g) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (2) of section 5012(o) of the America COMPETES Act (42 U.S.C. 16538(o)) is amended to read as follows:

"(2) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (4), there are authorized to be appropriated to the Director for deposit in the Fund, without fiscal year limitation—

"(A) $435,000,000 for fiscal year 2021;

"(B) $500,000,000 for fiscal year 2022;

"(C) $575,000,000 for fiscal year 2023;

"(D) $662,000,000 for fiscal year 2024; and

"(E) $761,000,000 for fiscal year 2025.".

(h) TECHNICAL AMENDMENTS.—Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (g)(3)(A)(iii), by striking "subpart" each place it appears and inserting "subparagraph"; and

(2) in subsection (o)(4)(B), by striking "(c)(2)(D)" and inserting "(c)(2)(C)".

TITLE XI—OTHER MATTERS

SEC. 11001. LOW-DOSE RADIATION RESEARCH.

(a) LOW-DOSE RADIATION RESEARCH PROGRAM.—Section 306(c) of the Department of Energy Research and Innovation Act (42 U.S.C. 18644(c)) is amended to read as follows:

"(c) LOW-DOSE RADIATION RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a research program on low-dose and low dose-rate radiation to—

"(A) enhance the scientific understanding of, and reduce uncertainties associated with, the effects of exposure to low-dose and low dose-rate radiation; and

"(B) inform improved risk-assessment and risk-management methods with respect to such radiation.

"(2) PROGRAM COMPONENTS.—In carrying out the program required under paragraph (1), the Secretary shall—

"(A) support and carry out the directives under section 106(b) of the American Innovation and Competitiveness Act (42 U.S.C. 6601 note), except that such section shall be treated for purposes of this subsection as applying to low dose and low-dose rate radiation research, in coordination with the Physical Science Subcommittee of the National Science and Technology Council;

"(B) identify and, to the extent possible, quantify, potential monetary and health-related impacts to Federal agencies, the general public, industry, research communities, and other users of information produced by such research program;

"(C) leverage the collective body of knowledge from existing low-dose and low dose-rate radiation research;

"(D) engage with other Federal agencies, research communities, and potential users of information produced under this section, including institutions performing or utilizing radiation research, medical physics, radiology, health physics, and emergency response measures; and

"(E) support education and outreach activities to disseminate information and promote public understanding of low-dose radiation, with a focus on non-emergency situations such as medical physics, space exploration, and naturally occurring radiation.

"(3) RESEARCH PLAN.— Deadlines.

"(A) Not later than 90 days after the date of enactment of the Energy Act of 2020, the Secretary shall enter into an agreement with the National Academy of Sciences to develop a long-term strategic and prioritized research agenda for the program described in paragraph (2); Contracts.

"(B) Not later than one year after the date of enactment of the Energy Act of 2020, the Secretary shall transmit this research plan developed in subparagraph (A) to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(4) GAO STUDY.—Not later than 3 years after the date of enactment of the Energy Act of 2020, the Comptroller General shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report on: Reports.

"(A) an evaluation of the program activities carried out under this section; Evaluation.

"(B) the effectiveness of the coordination and management of the program; and

"(C) the implementation of the research plan outlined in paragraph (3).

"(6) DEFINITIONS.—In this subsection:

"(A) LOW-DOSE RADIATION.—The term 'low-dose radiation' means a radiation dose of less than 100 millisieverts.

"(B) LOW DOSE-RATE RADIATION.—The term 'low dose-rate radiation' means a radiation dose rate of less than 5 millisieverts per hour.

"(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to subject any research carried out by the Secretary for the program under this subsection to any limitations described in section 977(e) of the Energy Policy Act of 2005 (42 U.S.C. 16317(e)).

"(8) FUNDING.—For purposes of carrying out this subsection, the Secretary is authorized to make available from funds provided to the Biological and Environmental Research Program—

"(A) $20,000,000 for fiscal year 2021;
"(B) $20,000,000 for fiscal year 2022;
"(C) $30,000,000 for fiscal year 2023; and
"(D) $40,000,000 for fiscal year 2024.".

(b) SPACE RADIATION RESEARCH.—Section 306 of the Department of Energy Research and Innovation Act (42 U.S.C. 18644) is amended by adding at the end the following:

"(d) SPACE RADIATION RESEARCH.—The Secretary of Energy, shall continue and strengthen collaboration with the Administrator of the National Aeronautics and Space Administration on basic research to understand the effects and risks of human exposure to ionizing radiation in low Earth orbit, and in the space environment.".

SEC. 11002. AUTHORIZATION.

Section 112(a)(1)(B) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7922(a)(1)(B)) is amended by striking "September 30, 2023" and inserting "September 30, 2031".

SEC. 11003. SENSE OF CONGRESS.

It is the sense of Congress that in order to reduce emissions and meet 100 percent of the power demand in the United States through clean, renewable, or zero emission energy sources while maintaining United States leadership in science and technology, the Secretary of Energy must prioritize funding for critical fundamental research infrastructure and for basic research and development activities carried out through the Office of Science.

SEC. 11004. ADDRESSING INSUFFICIENT COMPENSATION OF EMPLOYEES AND OTHER PERSONNEL OF THE FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—Section 401 of the Department of Energy Organization Act (42 U.S.C. 7171) is amended by adding at the end the following:

"(k) ADDRESSING INSUFFICIENT COMPENSATION OF EMPLOYEES AND OTHER PERSONNEL OF THE COMMISSION.—

Public information. Certification.

"(1) IN GENERAL.—Notwithstanding any other provision of law, if the Chairman of the Commission publicly certifies that compensation for a category of employees or other personnel of the Commission is insufficient to retain or attract employees and other personnel to allow the Commission to carry out the functions of the Commission in a timely, efficient, and effective manner, the Chairman may fix the compensation for the category of employees or other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, or any other civil service law.

"(2) CERTIFICATION REQUIREMENTS.—A certification issued under paragraph (1) shall—

"(A) apply with respect to a category of employees or other personnel responsible for conducting work of a scientific, technological, engineering, or mathematical nature; Applicability.

"(B) specify a maximum amount of reasonable compensation for the category of employees or other personnel;

"(C) be valid for a 5-year period beginning on the date on which the certification is issued; Time period.

"(D) be no broader than necessary to achieve the objective of retaining or attracting employees and other personnel to allow the Commission to carry out the functions of the Commission in a timely, efficient, and effective manner; and

"(E) include an explanation for why the other approaches available to the Chairman for retaining and attracting employees and other personnel are inadequate.

"(3) RENEWAL.—

"(A) IN GENERAL.—Not later than 90 days before the date of expiration of a certification issued under paragraph (1), the Chairman shall determine whether the certification should be renewed for a subsequent 5-year period. Deadline. Determination. Time period.

"(B) REQUIREMENT.—If the Chairman determines that a certification should be renewed under subparagraph (A), the Chairman may renew the certification, subject to the certification requirements under paragraph (2) that were applicable to the initial certification.

"(4) NEW HIRES.—

"(A) IN GENERAL.—An employee or other personnel that is a member of a category of employees or other personnel that would have been covered by a certification issued under paragraph (1), but was hired during a period in which the certification has expired and has not been renewed under paragraph (3) shall not be eligible for compensation at the level that would have applied to the employee or other personnel if the certification had been in effect on the date on which the employee or other personnel was hired.

"(B) COMPENSATION OF NEW HIRES ON RENEWAL.—On renewal of a certification under paragraph (3), the Chairman may fix the compensation of the employees or other personnel described in subparagraph (A) at the level established for the category of employees or other personnel in the certification.

"(5) RETENTION OF LEVEL OF FIXED COMPENSATION.—A category of employees or other personnel, the compensation of which was fixed by the Chairman in accordance with paragraph (1), may, at the discretion of the Chairman, have the level of fixed compensation for the category of employees or other personnel retained, regardless of whether a certification described under that paragraph is in effect with respect to the compensation of the category of employees or other personnel.

"(6) CONSULTATION REQUIRED.—The Chairman shall consult with the Director of the Office of Personnel Management in implementing this subsection, including in the determination Determination.

of the amount of compensation with respect to each category of employees or other personnel.

"(7) EXPERTS AND CONSULTANTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Chairman may—

"(i) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

"(ii) compensate those experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of that title; and

"(iii) pay to the experts and consultants serving away from the homes or regular places of business of the experts and consultants travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of that title for persons in Government service employed intermittently.

"(B) LIMITATIONS.—The Chairman shall—

"(i) to the maximum extent practicable, limit the use of experts and consultants pursuant to subparagraph (A); and

Contracts.
Time period.

"(ii) ensure that the employment contract of each expert and consultant employed pursuant to subparagraph (A) is subject to renewal not less frequently than annually.".

42 USC 7171 note.
Time period.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for 10 years, the Chairman of the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on information relating to hiring, vacancies, and compensation at the Federal Energy Regulatory Commission.

(2) INCLUSIONS.—Each report under paragraph (1) shall include—

Analysis.

(A) an analysis of any trends with respect to hiring, vacancies, and compensation at the Federal Energy Regulatory Commission; and

(B) a description of the efforts to retain and attract employees or other personnel responsible for conducting work of a scientific, technological, engineering, or mathematical nature at the Federal Energy Regulatory Commission.

Effective date.
42 USC 7171 note.

(c) APPLICABILITY.—The amendment made by subsection (a) shall apply beginning on the date that is 30 days after the date of enactment of this Act.

SEC. 11005. REPORT ON THE AUTHORITY OF THE SECRETARY OF ENERGY TO IMPLEMENT FLEXIBLE COMPENSATION MODELS.

Examination.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report examining the full scope of the hiring authority made available to the Secretary of Energy by the Office of Personnel Management to implement flexible compensation models, including pay for

performance and pay banding, throughout the Department of Energy, including at the National Laboratories, for the purposes of hiring, recruiting, and retaining employees responsible for conducting work of a scientific, technological, engineering, or mathematical nature.

DIVISION AA—WATER RESOURCES DEVELOPMENT ACT OF 2020

Water Resources Development Act of 2020.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

33 USC 2201 note.

(a) SHORT TITLE.—This division may be cited as the "Water Resources Development Act of 2020".

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

DIVISION AA—WATER RESOURCES DEVELOPMENT ACT OF 2020

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—GENERAL PROVISIONS

Sec. 101. Budgetary treatment expansion and adjustment for the Harbor Maintenance Trust Fund.
Sec. 102. Authorization of appropriations for navigation.
Sec. 103. Annual report to Congress on the Harbor Maintenance Trust Fund.
Sec. 104. Additional measures at donor ports and energy transfer ports.
Sec. 105. Construction of water resources development projects by non-Federal interests.
Sec. 106. Coast Guard anchorages.
Sec. 107. State contribution of funds for certain operation and maintenance costs.
Sec. 108. Great Lakes confined disposal facilities.
Sec. 109. Inland waterway projects.
Sec. 110. Implementation of water resources principles and requirements.
Sec. 111. Resiliency planning assistance.
Sec. 112. Project consultation.
Sec. 113. Review of resiliency assessments.
Sec. 114. Small flood control projects.
Sec. 115. Flood Protection Projects.
Sec. 116. Feasibility studies; review of natural and nature-based features.
Sec. 117. Federal interest determination.
Sec. 118. Pilot programs on the formulation of Corps of Engineers projects in rural communities and economically disadvantaged communities.
Sec. 119. Permanent measures to reduce emergency flood fighting needs for communities subject to repetitive flooding.
Sec. 120. Emergency response to natural disasters.
Sec. 121. Cost and benefit feasibility assessment.
Sec. 122. Expediting repairs and recovery from flooding.
Sec. 123. Review of Corps of Engineers assets.
Sec. 124. Sense of Congress on multipurpose projects.
Sec. 125. Beneficial use of dredged material; dredged material management plans.
Sec. 126. Aquatic ecosystem restoration for anadromous fish.
Sec. 127. Annual report to Congress on water resources infrastructure.
Sec. 128. Harmful algal bloom demonstration program.
Sec. 129. Missouri River interception-rearing complex construction.
Sec. 130. Materials, services, and funds for repair, restoration, or rehabilitation of projects.
Sec. 131. Levee safety.
Sec. 132. National Dam Safety Program.
Sec. 133. Rehabilitation of Corps of Engineers constructed pump stations.
Sec. 134. Non-Federal Project Implementation Pilot Program.
Sec. 135. Cost sharing provisions for territories and Indian Tribes.
Sec. 136. Review of contracting policies.
Sec. 137. Criteria for funding environmental infrastructure projects.
Sec. 138. Aging infrastructure.
Sec. 139. Uniformity of notification systems.
Sec. 140. Coastal storm damage reduction contracts.
Sec. 141. Dam remediation for ecosystem restoration.

Sec. 142. Levee accreditation process; levee certifications.
Sec. 143. Project partnership agreement.
Sec. 144. Acceptance of funds for harbor dredging.
Sec. 145. Replacement capacity.
Sec. 146. Reviewing hydropower at Corps of Engineers facilities.
Sec. 147. Repair and restoration of embankments.
Sec. 148. Coastal mapping.
Sec. 149. Interim risk reduction measures.
Sec. 150. Maintenance dredging permits.
Sec. 151. High water-low water preparedness.
Sec. 152. Treatment of certain benefits and costs.
Sec. 153. Lease deviations.
Sec. 154. Sense of Congress on Arctic deep draft port development.
Sec. 155. Small water storage projects.
Sec. 156. Planning Assistance to States.
Sec. 157. Forecast-informed reservoir operations.
Sec. 158. Data for water allocation, supply, and demand.
Sec. 159. Inland waterways pilot program.
Sec. 160. Definition of economically disadvantaged community.
Sec. 161. Studies of water resources development projects by non-Federal interests.
Sec. 162. Leveraging Federal infrastructure for increased water supply.
Sec. 163. Sense of Congress on removal of unauthorized, manmade, flammable materials on Corps property.
Sec. 164. Enhanced development program.
Sec. 165. Continuing authority programs.

TITLE II—STUDIES AND REPORTS

Sec. 201. Authorization of proposed feasibility studies.
Sec. 202. Expedited completions.
Sec. 203. Expedited modifications of existing feasibility studies.
Sec. 204. Assistance to non-Federal sponsors; feasibility analysis.
Sec. 205. Selma, Alabama.
Sec. 206. Report on Corps of Engineers facilities in Appalachia.
Sec. 207. Additional studies under North Atlantic Coast Comprehensive Study.
Sec. 208. South Atlantic coastal study.
Sec. 209. Comprehensive study of the Sacramento River, Yolo Bypass, California.
Sec. 210. Lake Okeechobee regulation schedule, Florida.
Sec. 211. Great Lakes coastal resiliency study.
Sec. 212. Report on the status of restoration in the Louisiana coastal area.
Sec. 213. Lower Mississippi River comprehensive management study.
Sec. 214. Upper Mississippi River Comprehensive Plan.
Sec. 215. Upper Missouri River Basin mainstem dam fish loss research.
Sec. 216. Lower and Upper Missouri River Comprehensive Flood Protection.
Sec. 217. Portsmouth Harbor and Piscataqua River and Rye Harbor, New Hampshire.
Sec. 218. Cougar and Detroit Dams, Willamette River Basin, Oregon.
Sec. 219. Port Orford, Oregon.
Sec. 220. Wilson Creek and Sloan Creek, Fairview, Texas.
Sec. 221. Study on water supply and water conservation at water resources development projects.
Sec. 222. Report to Congress on authorized studies and projects.
Sec. 223. Completion of reports and materials.
Sec. 224. Emergency flooding protection for lakes.
Sec. 225. Report on debris removal.
Sec. 226. Report on antecedent hydrologic conditions.
Sec. 227. Subsurface drain systems research and development.
Sec. 228. Report on corrosion prevention activities.
Sec. 229. Annual reporting on dissemination of information.
Sec. 230. Report on benefits calculation for flood control structures.

TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

Sec. 301. Deauthorization of inactive projects.
Sec. 302. Abandoned and inactive noncoal mine restoration.
Sec. 303. Tribal partnership program.
Sec. 304. Lakes program.
Sec. 305. Rehabilitation of Corps of Engineers constructed dams.
Sec. 306. Chesapeake Bay Environmental Restoration and Protection Program.
Sec. 307. Upper Mississippi River System Environmental Management Program.
Sec. 308. Upper Mississippi River protection.
Sec. 309. Theodore Ship Channel, Mobile, Alabama.
Sec. 310. McClellan-Kerr Arkansas River Navigation System.

Sec. 311. Ouachita and Black Rivers, Arkansas and Louisiana.
Sec. 312. Lake Isabella, California.
Sec. 313. Lower San Joaquin River flood control project.
Sec. 314. Sacramento River, Glenn-Colusa, California.
Sec. 315. San Diego River and Mission Bay, San Diego County, California.
Sec. 316. San Francisco, California, Waterfront Area.
Sec. 317. Western Pacific Interceptor Canal, Sacramento River, California.
Sec. 318. Rio Grande Environmental Management Program, Colorado, New Mexico, and Texas.
Sec. 319. New London Harbor Waterfront Channel, Connecticut.
Sec. 320. Wilmington Harbor, Delaware.
Sec. 321. Wilmington Harbor South Disposal Area, Delaware.
Sec. 322. Washington Harbor, District of Columbia.
Sec. 323. Big Cypress Seminole Indian Reservation Water Conservation Plan, Florida.
Sec. 324. Central Everglades, Florida.
Sec. 325. Miami River, Florida.
Sec. 326. Julian Keen, Jr. Lock and Dam, Moore Haven, Florida.
Sec. 327. Taylor Creek Reservoir and Levee L–73 (Section 1), Upper St. Johns River Basin, Florida.
Sec. 328. Extinguishment of flowage easements, Rough River Lake, Kentucky.
Sec. 329. Calcasieu River and Pass, Louisiana.
Sec. 330. Camden Harbor, Maine.
Sec. 331. Cape Porpoise Harbor, Maine, anchorage area designation.
Sec. 332. Baltimore, Maryland.
Sec. 333. Thad Cochran Lock and Dam, Amory, Mississippi.
Sec. 334. Missouri river reservoir sediment management.
Sec. 335. Portsmouth, New Hampshire.
Sec. 336. Rahway flood risk management feasibility study, New Jersey.
Sec. 337. San Juan-Chama project; Abiquiu Dam, New Mexico.
Sec. 338. Flushing Bay and Creek Federal Navigation Channel, New York.
Sec. 339. Rush River and Lower Branch Rush River, North Dakota.
Sec. 340. Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut.
Sec. 341. Harris County, Texas.
Sec. 342. Cap Sante Waterway, Washington.
Sec. 343. Local government reservoir permit review.
Sec. 344. Project modifications for improvement of environment.
Sec. 345. Aquatic ecosystem restoration.
Sec. 346. Surplus water contracts and water storage agreements.
Sec. 347. No wake zones in navigation channels.
Sec. 348. Limitation on contract execution in the Arkansas River Basin.
Sec. 349. Waiver of non-Federal share of damages related to certain contract claims.
Sec. 350. Reduced pricing for certain water supply storage.
Sec. 351. Flood control and other purposes.
Sec. 352. Additional assistance for critical projects.
Sec. 353. Project modification authorizations.
Sec. 354. Completion of maintenance and repair activities.
Sec. 355. Project reauthorizations.
Sec. 356. Conveyances.
Sec. 357. Lake Eufaula advisory committee.
Sec. 358. Repeal of Missouri River Task Force, North Dakota.
Sec. 359. Repeal of Missouri River Task Force, South Dakota.
Sec. 360. Conforming amendments.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

Sec. 401. Project authorizations.
Sec. 402. Special rules.
Sec. 403. Authorization of projects based on feasibility studies prepared by non-Federal interests.

TITLE V—OTHER MATTERS

Sec. 501. Update on Invasive Species Policy Guidance.
Sec. 502. Aquatic invasive species research.
Sec. 503. Terrestrial noxious weed control pilot program.
Sec. 504. Invasive species risk assessment, prioritization, and management.
Sec. 505. Invasive species mitigation and reduction.
Sec. 506. Aquatic invasive species prevention.
Sec. 507. Invasive species in alpine lakes pilot program.
Sec. 508. Murder hornet eradication pilot program.

Sec. 509. Asian carp prevention and control pilot program.
Sec. 510. Invasive species in noncontiguous States and territories pilot program.
Sec. 511. Soil moisture and snowpack monitoring.
Sec. 512. Great Lakes St. Lawrence Seaway Development Corporation.

33 USC 2201 note.

SEC. 2. SECRETARY DEFINED.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—GENERAL PROVISIONS

33 USC 2238b–1.

SEC. 101. BUDGETARY TREATMENT EXPANSION AND ADJUSTMENT FOR THE HARBOR MAINTENANCE TRUST FUND.

Section 14003 of division B of the CARES Act (Public Law 116–136) is amended to read as follows:

Ante, p. 526.

"SEC. 14003. Any discretionary appropriation for the Corps of Engineers—

"(1) derived from the Harbor Maintenance Trust Fund, in this fiscal year and thereafter, not to exceed the sum of—

"(A) the total amount deposited in the Harbor Maintenance Trust Fund in the fiscal year that is two years prior to the fiscal year for which the appropriation is being made; and

"(B)(i) $500,000,000 for fiscal year 2021;
"(ii) $600,000,000 for fiscal year 2022;
"(iii) $700,000,000 for fiscal year 2023;
"(iv) $800,000,000 for fiscal year 2024;
"(v) $900,000,000 for fiscal year 2025;
"(vi) $1,000,000,000 for fiscal year 2026;
"(vii) $1,200,000,000 for fiscal year 2027;
"(viii) $1,300,000,000 for fiscal year 2028;
"(ix) $1,400,000,000 for fiscal year 2029; and
"(x) $1,500,000,000 for fiscal year 2030 and thereafter; and

"(2) for the Operation and Maintenance account of the Corps of Engineers which is designated in statute as being to carry out subsection (c) of section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c), not to exceed—

"(A) $50,000,000 for fiscal year 2021;
"(B) $50,000,000 for fiscal year 2022;
"(C) $56,000,000 for fiscal year 2023;
"(D) $58,000,000 for fiscal year 2024;
"(E) $60,000,000 for fiscal year 2025;
"(F) $62,000,000 for fiscal year 2026;
"(G) $64,000,000 for fiscal year 2027;
"(H) $66,000,000 for fiscal year 2028;
"(I) $68,000,000 for fiscal year 2029; and
"(J) $70,000,000 for fiscal year 2030;

shall be subtracted from the estimate of discretionary budget authority and outlays for any estimate of an appropriations Act under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR NAVIGATION.

33 USC 2238 note.

(a) AUTHORIZATION.—

(1) IN GENERAL.—In carrying out subsection (c) of section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238), for each fiscal year, of the funds made available under such section (including funds appropriated from the Harbor Maintenance Trust Fund), the Secretary shall, to the extent practicable, unless otherwise directed in an Act making appropriations for the Corps of Engineers, make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2) of such section, to the extent there are identifiable operations and maintenance needs, of—

(A) not less than 15 percent of such funds for emerging harbor projects, including eligible breakwater and jetty needs at such harbor projects;

(B) not less than 13 percent of such funds for projects that are located within the Great Lakes Navigation System;

(C) 12 percent of such funds for expanded uses carried out at donor ports and energy transfer ports, of which—

(i) ⅓ shall be provided to energy transfer ports; and

(ii) ⅔ shall be provided to donor ports;

(D) not less than 17 percent of such funds for projects that are assigned to commercial strategic seaports; and

(E) any remaining funds for operation and maintenance costs of any harbor or inland harbor referred to in such subsection (a)(2) based on an equitable allocation of such funds among such harbors and inland harbors, in accordance with subsection (c)(1) of such section 210.

(2) DEFINITIONS.—In this subsection:

(A) COMMERCIAL STRATEGIC SEAPORT.—The term "commercial strategic seaport" means a commercial harbor supporting the coordination of efficient port operations during peacetime and national defense emergencies that is designated as strategic through the National Port Readiness Network.

(B) DONOR PORT; ENERGY TRANSFER PORT.—The terms "donor port" and "energy transfer port" have the meanings given those terms in section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c).

(C) EMERGING HARBOR PROJECT; GREAT LAKES NAVIGATION SYSTEM.—The terms "emerging harbor project" and "Great Lakes Navigation System" have the meanings given those terms in section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2022.

(b) ADDITIONAL USES.—

(1) OPERATION AND MAINTENANCE OF HARBOR PROJECTS.—Section 210(c)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(c)(3)) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(A) ALLOCATION.—Notwithstanding"; and

(B) by adding at the end the following:

"(B) ADDITIONAL USES AT EMERGING HARBORS.—

"(i) USES.—In each fiscal year, the Secretary may use not more than $5,000,000 of funds allocated for

emerging harbor projects under paragraph (1) to pay for the costs of up to 10 projects for maintenance dredging of a marina or berthing area, in an emerging harbor, that includes an area that is located adjacent to, or is accessible by, a Federal navigation project, subject to clauses (ii) and (iii) of this subparagraph.

"(ii) ELIGIBLE EMERGING HARBORS.—The Secretary may use funds as authorized under clause (i) at an emerging harbor that—

"(I) supports commercial activities, including commercial fishing operations, commercial fish processing operations, recreational and sport fishing, and commercial boat yards; or

"(II) supports activities of the Secretary of the department in which the Coast Guard is operating.

"(iii) COST-SHARING REQUIREMENTS.—The Secretary shall require a non-Federal interest to contribute not less than 25 percent of the costs for maintenance dredging of that portion of a maintenance dredging project described in clause (i) that is located outside of the Federal navigation project, which may be provided as an in-kind contribution, including through the use of dredge equipment owned by non-Federal interest to carry out such activities.".

(2) ASSESSMENT OF HARBORS AND INLAND HARBORS.—Section 210(e)(2)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(2)(A)(ii)) is amended by inserting "uses described in subsection (c)(3)(B) and" after "costs for".

(3) DEFINITIONS.—Section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)) is amended—

(A) by striking paragraph (6);

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(C) by striking paragraph (2) and inserting the following:

"(2) EMERGING HARBOR.—The term 'emerging harbor' means a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

"(3) EMERGING HARBOR PROJECT.—The term 'emerging harbor project' means a project that is assigned to an emerging harbor."; and

(D) in paragraph (4) (as so redesignated), by adding at the end the following:

"(C) An in-water improvement, if the improvement—

"(i) is for the seismic reinforcement of a wharf or other berthing structure, or the repair or replacement of a deteriorating wharf or other berthing structure, at a port facility;

"(ii) benefits commercial navigation at the harbor; and

"(iii) is located in, or adjacent to, a berth that is accessible to a Federal navigation project.

"(D) An activity to maintain slope stability at a berth in a harbor that is accessible to a Federal navigation project if such activity benefits commercial navigation at the harbor.".

SEC. 103. ANNUAL REPORT TO CONGRESS ON THE HARBOR MAINTENANCE TRUST FUND.

Section 330 of the Water Resources Development Act of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amended—

(1) in subsection (a)—

(A) by striking "and annually thereafter," and inserting "and annually thereafter concurrent with the submission of the President's annual budget request to Congress,"; and

(B) by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure"; and

(2) in subsection (b)(1) by adding at the end the following:

"(D) A description of the expected expenditures from the trust fund to meet the needs of navigation for the fiscal year of the budget request.".

SEC. 104. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

(a) INTERIM AUTHORIZATION.—Section 2106(f) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c(f)) is amended—

(1) in paragraph (1), by striking "2020" and inserting "2022"; and

(2) by striking paragraph (3).

(b) IN GENERAL.—

(1) DEFINITIONS.—Section 2106(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c(a)) is amended—

(A) in paragraph (3)(A)—

(i) by amending clause (ii) to read as follows:

"(ii) at which the total amount of harbor maintenance taxes collected (including the estimated taxes related to domestic cargo and cruise passengers) comprise not less than $15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund on an average annual basis for the previous 3 fiscal years;";

(ii) in clause (iii)—

(I) by inserting "(including the estimated taxes related to domestic cargo and cruise passengers)" after "taxes collected"; and

(II) by striking "5 fiscal years" and inserting "3 fiscal years"; and

(iii) in clause (iv), by striking "in fiscal year 2012" and inserting "on an average annual basis for the previous 3 fiscal years";

(B) in paragraph (5)(B), by striking "in fiscal year 2012" each place it appears and inserting "on an average annual basis for the previous 3 fiscal years";

(C) by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

"(8) HARBOR MAINTENANCE TRUST FUND.—The term 'Harbor Maintenance Trust Fund' means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986."; and

(D) in paragraph (9), as so redesignated—

(i) by amending subparagraph (B) to read as follows:

"(B) at which the total amount of harbor maintenance taxes collected (including the estimated taxes related to domestic cargo and cruise passengers) comprise annually more than $5,000,000 but less than $15,000,000 of the total funding of the Harbor Maintenance Trust Fund on an average annual basis for the previous 3 fiscal years;";

(ii) in subparagraph (C)—

(I) by inserting "(including the estimated taxes related to domestic cargo and cruise passengers)" after "taxes collected"; and

(II) by striking "5 fiscal years" and inserting "3 fiscal years"; and

(iii) in subparagraph (D), by striking "in fiscal year 2012" and inserting "on an average annual basis for the previous 3 fiscal years".

(2) REPORT TO CONGRESS; AUTHORIZATION OF APPROPRIATIONS.—Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(A) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(B) in subsection (e), as so redesignated, by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $56,000,000 for fiscal year 2023;
"(B) $58,000,000 for fiscal year 2024;
"(C) $60,000,000 for fiscal year 2025;
"(D) $62,000,000 for fiscal year 2026;
"(E) $64,000,000 for fiscal year 2027;
"(F) $66,000,000 for fiscal year 2028;
"(G) $68,000,000 for fiscal year 2029; and
"(H) $70,000,000 for fiscal year 2030.".

33 USC 2238c note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2022.

SEC. 105. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

(a) STUDIES AND ENGINEERING.—Section 204(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(c)(1)) is amended by striking "under subsection (b)" and inserting "under this section".

(b) ASSUMPTION OF MAINTENANCE OF A LOCALLY PREFERRED PLAN.—Section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) is amended to read as follows:

"(f) OPERATION AND MAINTENANCE.—

"(1) ASSUMPTION OF MAINTENANCE.—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—

"(A) before construction of the improvements—

Determination.

"(i) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

"(ii) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements; Contracts.

"(B) the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and Certification.

"(C) the Secretary does not find that the project or separable element is no longer feasible.

"(2) FEDERAL FINANCIAL PARTICIPATION IN THE COSTS OF A LOCALLY PREFERRED PLAN.—In the case of improvements determined by the Secretary pursuant to paragraph (1)(A)(i) to deviate from the national economic development plan, the Secretary shall be responsible for all operation and maintenance costs of such improvements, as described in section 101(b), including costs in excess of the costs of the national economic development plan, if the Secretary determines that the improvements satisfy the requirements of paragraph (1).". Determination.

(c) REPORT.—A non-Federal interest may submit to the Secretary a report on improvements to a federally authorized harbor or inland harbor to be carried out by the non-Federal interest, containing any information necessary for the Secretary determine whether the improvements satisfy the requirements of section 204(f)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2232), including— Determination. 33 USC 2232 note.

(1) the economic justification for the improvements;

(2) details of the project improvement plan and design;

(3) proposed arrangements for the work to be performed; and

(4) documents relating to any applicable permits required for the project improvements.

(d) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—The Secretary shall not be required to subject a project study for a project with a cost of less than $200,000,000, which the Secretary determines satisfies the requirements of section 204(f)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2232), to independent peer review under section 2034(a)(3)(A)(i) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(a)(3)(A)(i)). 33 USC 2232 note.

SEC. 106. COAST GUARD ANCHORAGES. 33 USC 635.

The Secretary may perform dredging at Federal expense within and adjacent to anchorages established by the Coast Guard pursuant to existing authorities.

SEC. 107. STATE CONTRIBUTION OF FUNDS FOR CERTAIN OPERATION AND MAINTENANCE COSTS. 33 USC 701h–3.

In carrying out eligible operations and maintenance activities within the Great Lakes Navigation System pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) in a State that has implemented any additional State limitation on the disposal of dredged material in the open waters of such State, the Secretary may, pursuant to section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), receive from such State, and expend, such funds as may be contributed by the State to cover the additional costs for operations and maintenance activities for a harbor or inland harbor within such State that result from such limitation.

SEC. 108. GREAT LAKES CONFINED DISPOSAL FACILITIES.

(a) MITIGATION.—The Secretary may relocate access to the Port of Cleveland confined disposal facility, owned or operated by a non-Federal interest, in which material dredged by the Corps of Engineers is placed.

(b) COST-SHARE.—The cost to relocate access to the confined disposal facility described in subsection (a) shall be shared in accordance with the cost share applicable to operation and maintenance of the Federal navigation project from which material placed in the confined disposal facility is dredged.

(c) TERMINATION.—The authority provided under this section shall terminate on December 31, 2024.

33 USC 2212 note.

SEC. 109. INLAND WATERWAY PROJECTS.

Notwithstanding section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212), for a project for navigation on the inland waterways receiving a construction appropriation during any of fiscal years 2021 through 2031, 35 percent of the costs of construction of the project shall be paid from amounts appropriated from the Inland Waterways Trust Fund until such construction of the project is complete.

42 USC 1962–4.

SEC. 110. IMPLEMENTATION OF WATER RESOURCES PRINCIPLES AND REQUIREMENTS.

Deadline. Procedures. Guidelines.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue final agency-specific procedures necessary to implement the principles and requirements and the interagency guidelines.

(b) DEVELOPMENT OF FUTURE WATER RESOURCES DEVELOPMENT PROJECTS.—The procedures required by subsection (a) shall ensure that the Secretary, in the formulation of future water resources development projects—

(1) develops such projects in accordance with—

(A) the guiding principles established by the principles and requirements; and

(B) the national water resources planning policy established by section 2031(a) of the Water Resources Development Act of 2007 (42 U.S.C. 1962–3(a)); and

Analysis.

(2) fully identifies and analyzes national economic development benefits, regional economic development benefits, environmental quality benefits, and other societal effects.

Time period.

(c) REVIEW AND UPDATE.—Every 5 years, the Secretary shall review and, where appropriate, revise the procedures required by subsection (a).

(d) PUBLIC REVIEW, NOTICE, AND COMMENT.—In issuing, reviewing, and revising the procedures required by this section, the Secretary shall—

(1) provide notice to interested non-Federal stakeholders of the Secretary's intent to revise the procedures;

(2) provide opportunities for interested non-Federal stakeholders to engage with, and provide input and recommendations to, the Secretary on the revision of the procedures; and

(3) solicit and consider public and expert comments.

(e) DEFINITIONS.—In this section:

(1) INTERAGENCY GUIDELINES.—The term "interagency guidelines" means the interagency guidelines contained in the document finalized by the Council on Environmental Quality

pursuant to section 2031 of the Water Resources Development Act of 2007 (42 U.S.C. 1962–3) in December 2014, to implement the principles and requirements.

(2) PRINCIPLES AND REQUIREMENTS.—The term "principles and requirements" means the principles and requirements contained in the document prepared by the Council on Environmental Quality pursuant to section 2031 of the Water Resources Development Act of 2007 (42 U.S.C. 1962–3), entitled "Principles and Requirements for Federal Investments in Water Resources", and dated March 2013.

SEC. 111. RESILIENCY PLANNING ASSISTANCE.

(a) IN GENERAL.—Section 206(a) of the Flood Control Act of 1960 (33 U.S.C. 709a(a)) is amended by inserting ", to avoid repetitive flooding impacts, to anticipate, prepare, and adapt to changing climatic conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to the flood hazards" after "in planning to ameliorate the flood hazard".

(b) PRIORITIZING FLOOD RISK RESILIENCY TECHNICAL ASSISTANCE.—In carrying out section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary shall prioritize the provision of technical assistance to support flood risk resiliency planning efforts of economically disadvantaged communities or communities subject to repetitive flooding. 33 USC 709a note.

SEC. 112. PROJECT CONSULTATION. 33 USC 2356.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit the following reports:

(1) The report required under section 1214 of the Water Resources Development Act of 2018 (132 Stat. 3809).

(2) The report required under section 1120(a)(3) of the Water Resources Development Act of 2016 (130 Stat. 1643).

(b) ENVIRONMENTAL JUSTICE UPDATES.—

(1) IN GENERAL.—In the formulation of water development resources projects, the Secretary shall comply with any existing Executive order regarding environmental justice in effect as of the date of enactment of this Act to address any disproportionate and adverse human health or environmental effects on minority communities, low-income communities, and Indian Tribes. Compliance.

(2) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review, and shall update, where appropriate, any policies, regulations, and guidance of the Corps of Engineers necessary to implement any Executive order described in paragraph (1) with respect to water resources development projects. Deadline. Review. Regulations.

(3) REQUIREMENTS.—In updating the policies, regulations, or guidance under paragraph (2), the Secretary shall—

(A) provide notice to interested non-Federal stakeholders, including representatives of minority communities, low-income communities, and Indian Tribes; Notice.

(B) provide opportunities for interested stakeholders to comment on potential updates of policies, regulations, or guidance;

(C) consider the recommendations from the reports submitted under subsection (a); and Recommendations.

(D) promote the meaningful involvement of minority communities, low-income communities, and Indian Tribes.

(c) COMMUNITY ENGAGEMENT.—In carrying out a water resources development project, the Secretary shall, to the extent practicable—

(1) promote the meaningful involvement of minority communities, low-income communities, and Indian Tribes;

(2) provide guidance and technical assistance to such communities or Tribes to increase understanding of the project development and implementation activities, regulations, and policies of the Corps of Engineers; and

(3) cooperate with State, Tribal, and local governments with respect to activities carried out pursuant to this subsection.

(d) TRIBAL LANDS AND CONSULTATION.—In carrying out water resources development projects, the Secretary shall, to the extent practicable and in accordance with the Tribal Consultation Policy affirmed and formalized by the Secretary on November 1, 2012 (or a successor policy)—

(1) promote meaningful involvement with Indian Tribes specifically on any Tribal lands near or adjacent to any water resources development projects, for purposes of identifying lands of ancestral, cultural, or religious importance;

(2) consult with Indian Tribes specifically on any Tribal areas near or adjacent to any water resources development projects, for purposes of identifying lands, waters, and other resources critical to the livelihood of the Indian Tribes; and

(3) cooperate with Indian Tribes to avoid, or otherwise find alternate solutions with respect to, such areas.

33 USC 2282f.

SEC. 113. REVIEW OF RESILIENCY ASSESSMENTS.

(a) RESILIENCY ASSESSMENT.—

Deadline. Regulations.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, and in conjunction with the development of procedures under section 110 of this Act, the Secretary is directed to review, and where appropriate, revise the existing planning guidance documents and regulations of the Corps of Engineers on the assessment of the effects of sea level rise or inland flooding on future water resources development projects to ensure that such guidance documents and regulations are based on the best available, peer-reviewed science and data on the current and future effects of sea level rise or inland flooding on relevant communities.

(2) COORDINATION.—In carrying out this subsection, the Secretary shall—

(A) coordinate the review with the Engineer Research and Development Center, other Federal and State agencies, and other relevant entities; and

(B) to the maximum extent practicable and where appropriate, utilize data provided to the Secretary by such agencies.

(b) ASSESSMENT OF BENEFITS FROM ADDRESSING SEA LEVEL RISE AND INLAND FLOODING RESILIENCY IN FEASIBILITY REPORTS.—

(1) IN GENERAL.—Upon the request of a non-Federal interest, in carrying out a feasibility study for a project for flood risk mitigation, hurricane and storm damage risk reduction, or ecosystem restoration under section 905 of the Water

Resources Development Act of 1986 (33 U.S.C. 2282), the Secretary shall consider whether the need for the project is predicated upon or exacerbated by conditions related to sea level rise or inland flooding.

(2) ADDRESSING SEA LEVEL RISE AND INLAND FLOODING RESILIENCY BENEFITS.—To the maximum extent practicable, in carrying out a study pursuant to paragraph (1), the Secretary shall document the potential effects of sea level rise or inland flooding on the project, and the expected benefits of the project relating to sea level rise or inland flooding, during the 50-year period after the date of completion of the project. Time period.

SEC. 114. SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by inserting ", and projects that use natural features or nature-based features (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)))," after "nonstructural projects".

SEC. 115. FLOOD PROTECTION PROJECTS.

(a) GENERAL CONSIDERATIONS.—Section 73(a) of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11(a)) is amended by striking "including" and all that follows through the period at the end and inserting the following: ", with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damage, including—

"(1) floodproofing of structures, including through elevation;

"(2) floodplain regulation;

"(3) acquisition of floodplain land for recreational, fish and wildlife, and other public purposes;

"(4) relocation; and

"(5) the use of a feature described in section 1184(a) of the Water Infrastructure Improvements for the Nation Act (33 U.S.C. 2289a(a)).".

(b) CONFORMING AMENDMENT.—Section 103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended—

(1) in the subsection heading, by striking "NONSTRUCTURAL FLOOD CONTROL PROJECTS" and inserting "PROJECTS USING NONSTRUCTURAL, NATURAL, OR NATURE-BASED FEATURES"; and

(2) in paragraph (1)—

(A) by striking "nonstructural flood control measures" and inserting "a flood risk management or hurricane and storm damage risk reduction measure using a nonstructural feature, or a natural feature or nature-based feature (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))),"; and

(B) by striking "cash during construction of the project" and inserting "cash during construction for a nonstructural feature if the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for such feature are estimated to exceed 35 percent".

SEC. 116. FEASIBILITY STUDIES; REVIEW OF NATURAL AND NATURE-BASED FEATURES.

(a) TECHNICAL CORRECTION.—Section 1149(c) of the Water Resources Development Act of 2018 (33 U.S.C. 2282 note; 132

Stat. 3787) is amended by striking "natural infrastructure alternatives" and inserting "natural feature or nature-based feature alternatives (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (32 U.S.C. 2289a))".

33 USC 2282 note.

(b) SUMMARY OF ANALYSIS.—To the maximum extent practicable, the Secretary shall include in each feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for a project that contains a flood risk management or hurricane and storm damage risk reduction element, a summary of the natural feature or nature-based feature alternatives, along with their long-term costs and benefits, that were evaluated in the development of the feasibility report, and, if such alternatives were not included in the recommended plan, an explanation of why such alternatives were not included in the recommended plan.

SEC. 117. FEDERAL INTEREST DETERMINATION.

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by inserting after subsection (a) the following:

Study.

"(b) FEDERAL INTEREST DETERMINATION.—

"(1) IN GENERAL.—

"(A) ECONOMICALLY DISADVANTAGED COMMUNITIES.—In preparing a feasibility report under subsection (a) for a study that will benefit an economically disadvantaged community, upon request by the non-Federal interest for the study, the Secretary shall first determine the Federal interest in carrying out the study and the projects that may be proposed in the study.

"(B) OTHER COMMUNITIES.—

"(i) AUTHORIZATION.—In preparing a feasibility report under subsection (a) for a study that will benefit a covered community, upon request by the non-Federal interest for the study, the Secretary may, with respect to not more than 3 studies in each fiscal year, first determine the Federal interest in carrying out the study and the projects that may be proposed in the study.

Definition.

"(ii) COVERED COMMUNITIES.—In this subparagraph, the term 'covered community' means a community that—

"(I) is not an economically disadvantaged community; and

"(II) the Secretary finds has a compelling need for the Secretary to make a determination under clause (i).

"(2) COST SHARE.—The costs of a determination under paragraph (1)—

"(A) shall be at Federal expense; and

"(B) shall not exceed $200,000.

"(3) DEADLINE.—A determination under paragraph (1) shall be completed by not later than 120 days after the date on which funds are made available to the Secretary to carry out the determination.

"(4) TREATMENT.—

"(A) TIMING.—The period during which a determination is being completed under paragraph (1) for a study shall

not be included for purposes of the deadline to complete a final feasibility report under section 1001(a)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(1)).

"(B) COST.—The cost of a determination under paragraph (1) shall not be included for purposes of the maximum Federal cost under section 1001(a)(2) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)(2)).

Recommendations.

"(5) REPORT TO NON-FEDERAL INTEREST.—If, based on a determination under paragraph (1), the Secretary determines that a study or project is not in the Federal interest because the project will not result, or is unlikely to result, in a recommended plan that will produce national economic development benefits greater than cost, but may result in a technically sound and environmentally acceptable plan that is otherwise consistent with section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281), the Secretary shall issue a report to the non-Federal interest with recommendations on how the non-Federal interest might modify the proposal such that the project could be in the Federal interest and feasible.".

33 USC 2201 note.

SEC. 118. PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.

Evaluation.

(a) IN GENERAL.—The Secretary shall establish and implement pilot programs, in accordance with this section, to evaluate opportunities to address the flood risk management and hurricane and storm damage risk reduction needs of rural communities and economically disadvantaged communities.

(b) ECONOMICALLY DISADVANTAGED COMMUNITY FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE REDUCTION STUDY PILOT PROGRAM.—

Deadline. Coordination.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to carry out feasibility studies, in accordance with this subsection, for flood risk management and hurricane and storm damage risk reduction projects for economically disadvantaged communities, in coordination with non-Federal interests.

(2) PARTICIPATION IN PILOT PROGRAM.—In carrying out paragraph (1), the Secretary shall—

Notice. Federal Register, publication.

(A) publish a notice in the Federal Register that requests from non-Federal interests proposals for the potential feasibility study of a flood risk management project or hurricane and storm damage risk reduction project for an economically disadvantaged community;

Proposal.

(B) upon request of a non-Federal interest for such a project, provide technical assistance to such non-Federal interest in the formulation of a proposal for a potential feasibility study to be submitted to the Secretary under the pilot program; and

Review. Studies. Coordination.

(C) review such proposals and select 10 feasibility studies for such projects to be carried out by the Secretary, in coordination with the non-Federal interest, under this pilot program.

(3) SELECTION CRITERIA.—In selecting a feasibility study under paragraph (2)(C), the Secretary shall consider whether—

(A) the percentage of people living in poverty in the county or counties (or county-equivalent entity or entities) in which the project is located is greater than the percentage of people living in poverty in the State, based on census bureau data;

(B) the percentage of families with income above the poverty threshold but below the average household income in the county or counties (or county-equivalent entity or entities) in which the project is located is greater than such percentage for the State, based on census bureau data;

(C) the percentage of the population that identifies as belonging to a minority or indigenous group in the county or counties (or county-equivalent entity or entities) in which the project is located is greater than the average such percentage in the State, based on census bureau data; and

(D) the project is addressing flooding or hurricane or storm damage effects that have a disproportionate impact on a rural community, a minority community, or an Indian Tribe.

(4) ADMINISTRATION.—Notwithstanding the requirements of section 105(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2215), the Federal share of the cost of a feasibility study carried out under the pilot program shall be 100 percent.

(5) STUDY REQUIREMENTS.—Feasibility studies carried out under this subsection shall, to the maximum extent practicable, incorporate natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a)), or a combination of such features and nonstructural features, that avoid or reduce at least 50 percent of flood or storm damages in one or more of the alternatives included in the final alternatives evaluated.

(6) NOTIFICATION.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the selection of each feasibility study under the pilot program.

Reports.

(7) COMPLETION.—Upon completion of a feasibility report for a feasibility study selected to be carried out under this subsection, the Secretary shall transmit the report to Congress for authorization, and shall include the report in the next annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(c) PILOT PROGRAM FOR THE RECOMMENDATION OF FLOOD PROTECTION AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and

implement a pilot program to evaluate, and make recommendations to Congress on, flood risk management projects and hurricane and storm damage risk reduction projects in rural communities or economically disadvantaged communities, without demonstrating that each project is justified solely by national economic development benefits.

Determination.

(2) CONSIDERATIONS.—In carrying out this subsection, the Secretary may make a recommendation to Congress on up to 10 projects, without demonstrating that the project is justified solely by national economic development benefits, if the Secretary determines that—

(A) the community to be served by the project is an economically disadvantaged community or a rural community;

(B) the long-term life safety, economic viability, and environmental sustainability of the community would be threatened without the project; and

(C) the project is consistent with the requirements of section 1 of the Flood Control Act of 1936 (33 U.S.C. 701a).

(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that project recommendations are consistent with the principles and requirements and the interagency guidelines, as such terms are defined in section 110 of this Act, including the consideration of quantifiable monetary and nonmonetary benefits of the project.

(4) PRIORITIZATION.—The Secretary may give equivalent budgetary consideration and priority to projects recommended under this subsection.

(d) GEOGRAPHIC DIVERSITY.—In selecting feasibility studies under subsection (b)(2)(C) or in making project recommendations under subsection (c), the Secretary shall consider the geographic diversity among proposed projects.

Public information.

(e) REPORT.—Not later than 5 years and 10 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report detailing the results of the pilot programs carried out under this section, including—

(1) a description of proposals received from non-Federal interests pursuant to subsection (b)(2)(A);

(2) a description of technical assistance provided to non-Federal interests under subsection (b)(2)(B);

(3) a description of proposals selected under subsection (b)(2)(C) and criteria used to select such proposals;

(4) a description of the projects evaluated or recommended by the Secretary under subsection (c);

(5) a description of the quantifiable monetary and nonmonetary benefits associated with the projects recommended under subsection (c); and

Recommendations.

(6) any recommendations to Congress on how the Secretary can address the flood risk management and hurricane and storm damage risk reduction needs of economically disadvantaged communities.

(f) STATE DEFINED.—In this section, the term "State" means each of the several States, the District of Columbia, and each

of the commonwealths, territories, and possessions of the United States.

(g) SUNSET.—The authority to commence a feasibility study under subsection (b), and the authority make a recommendation under subsection (c), shall terminate on the date that is 10 years after the date of enactment of this Act.

33 USC 701n–3.

SEC. 119. PERMANENT MEASURES TO REDUCE EMERGENCY FLOOD FIGHTING NEEDS FOR COMMUNITIES SUBJECT TO REPETITIVE FLOODING.

(a) DEFINITIONS.—In this section:

(1) AFFECTED COMMUNITY.—The term "affected community" means a legally constituted public body (as that term is used in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b))—

(A) with jurisdiction over an area that has been subject to flooding in two or more events in any 10-year period; and

(B) that has received emergency flood-fighting assistance, including construction of temporary barriers by the Secretary, under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) with respect to such flood events.

(2) NATURAL FEATURE; NATURE-BASED FEATURE.—The terms "natural feature" and "nature-based feature" have the meanings given those terms in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a).

(b) PROGRAM.—

Study.

(1) IN GENERAL.—The Secretary is authorized to carry out a program to study, design, and construct water resources development projects through measures involving, among other things, strengthening, raising, extending, realigning, or otherwise modifying existing flood control works, designing new works, and incorporating natural features, nature-based features, or nonstructural features, as appropriate to provide flood and coastal storm risk management to affected communities.

Review.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall, to the maximum extent practical, review and, where appropriate, incorporate natural features or nature-based features, or a combination of such features and nonstructural features, that avoid or reduce at least 50 percent of flood or storm damages in one or more of the alternatives included in the final alternatives evaluated.

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary may carry out a project described in paragraph (1) without further congressional authorization if—

Determination.

(i) the Secretary determines that the project—

(I) is advisable to reduce the risk of flooding for an affected community; and

(II) produces benefits that are in excess of the estimated costs; and

(ii) the Federal share of the cost of the construction does not exceed $17,500,000.

Recommendations.

(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of a project described in paragraph (1) exceeds $17,500,000, the Secretary shall submit the project recommendation to Congress for authorization prior to

construction, and shall include the project recommendation in the next annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014.

(C) FINANCING.—

(i) CONTRIBUTIONS.—If, based on a study carried out pursuant to paragraph (1), the Secretary determines that a project described in paragraph (1) will not produce benefits greater than cost, the Secretary shall allow the affected community to pay, or provide contributions equal to, an amount sufficient to make the remaining costs of design and construction of the project equal to the estimated value of the benefits of the project. Determination.

(ii) EFFECT ON NON-FEDERAL SHARE.—Amounts provided by an affected community under clause (i) shall be in addition to any payments or contributions the affected community is required to provide toward the remaining costs of design and construction of the project under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(4) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a project entered into pursuant to this section shall be subject to the ability of the affected community to pay.

(B) DETERMINATION.—The ability of any affected community to pay shall be determined by the Secretary in accordance with procedures established by the Secretary. Procedures.

(C) EFFECT OF REDUCTION.—Any reduction in the non-Federal share of the cost of a project described in paragraph (1) as a result of a determination under this paragraph shall not be included in the Federal share for purposes of subparagraphs (A) and (B) of paragraph (3).

SEC. 120. EMERGENCY RESPONSE TO NATURAL DISASTERS.

Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) in clause (i)(I), by inserting ", or provide contributions equal to," after "pay"; and

(ii) in clause (ii)—

(I) in the heading, by inserting "AND CONTRIBUTIONS" after "OF PAYMENTS";

(II) by inserting "or contributions" after "Non-Federal payments"; and

(III) by inserting "or contributions" after "non-Federal payments"; and

(B) by adding at the end the following:

"(5) FEASIBILITY STUDY.—

"(A) DETERMINATION.—Not later than 180 days after receiving, from a non-Federal sponsor of a project to repair or rehabilitate a flood control work described in paragraph (1), a request to initiate a feasibility study to further modify the relevant flood control work to provide for an increased level of protection, the Secretary shall provide to the non- Deadline.

Federal sponsor a written decision on whether the Secretary has the authority under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) to undertake the requested feasibility study.

"(B) RECOMMENDATION.—If the Secretary determines under subparagraph (B) that the Secretary does not have the authority to undertake the requested feasibility study, the Secretary shall include the request for a feasibility study in the annual report submitted under section 7001 of the Water Resources Reform and Development Act of 2014."; and

(2) in subsection (c)—

(A) in the subsection heading, by striking "LEVEE OWNERS MANUAL" and inserting "ELIGIBILITY";

(B) in paragraph (1), in the heading, by striking "IN GENERAL" and inserting "LEVEE OWNER'S MANUAL";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

"(2) COMPLIANCE.—

"(A) IN GENERAL.—Notwithstanding the status of compliance of a non-Federal interest with the requirements of a levee owner's manual described in paragraph (1), or with any other eligibility requirement established by the Secretary related to the maintenance and upkeep responsibilities of the non-Federal interest, the Secretary shall consider the non-Federal interest to be eligible for repair and rehabilitation assistance under this section if the non-Federal interest—

Contracts.

"(i) enters into a written agreement with the Secretary that identifies any items of deferred or inadequate maintenance and upkeep identified by the Secretary prior to the natural disaster; and

"(ii) pays, during performance of the repair and rehabilitation work, all costs to address—

"(I) any items of deferred or inadequate maintenance and upkeep identified by the Secretary; and

"(II) any repair or rehabilitation work necessary to address damage the Secretary attributes to such deferred or inadequate maintenance or upkeep.

"(B) ELIGIBILITY.—The Secretary may only enter into one agreement under subparagraph (A) with any non-Federal interest.

"(C) SUNSET.—The authority of the Secretary to enter into agreements under paragraph (2) shall terminate on the date that is 5 years after the date of enactment of this paragraph."; and

(D) in paragraph (3) (as so redesignated), by striking "this subsection" and inserting "paragraph (1)".

33 USC 701n note.

SEC. 121. COST AND BENEFIT FEASIBILITY ASSESSMENT.

Section 1161(b) of the Water Resources Development Act of 2018 (33 U.S.C. 701n note) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking the "three fiscal years preceding" and inserting "five fiscal years preceding"; and

(B) by striking "last day of the third fiscal year" and inserting "last day of the fifth fiscal year";

(2) in paragraph (1), by inserting ", or provide contributions equal to," before "an amount sufficient"; and

(3) by striking paragraph (2) and inserting the following:

"(2) the Secretary determines that the damage to the structure was not as a result of negligent operation or maintenance.".

SEC. 122. EXPEDITING REPAIRS AND RECOVERY FROM FLOODING.

33 USC 403 note.

(a) IN GENERAL.—To the maximum extent practicable, during the 5-year period beginning on the date of enactment of this Act, the Secretary shall prioritize and expedite the processing of applications for permits under section 10 of the Act of March 3, 1899 (33 U.S.C. 403), and section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and permissions under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), to complete repairs, reconstruction (including improvements), and upgrades to flood control infrastructure damaged by flooding events during calendar years 2017 through 2020, including flooding events caused by ice jams.

Time periods. Effective date.

(b) SAVINGS PROVISION.—Nothing in this section affects any obligation to comply with the requirements of any Federal law, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 123. REVIEW OF CORPS OF ENGINEERS ASSETS.

Section 6002 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1349) is amended to read as follows:

"SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.

"(a) ASSESSMENT.—The Secretary shall conduct an assessment of projects constructed by the Secretary for which the Secretary continues to have financial or operational responsibility.

"(b) INVENTORY.—Not later than 18 months after the date of enactment of the Water Resources Development Act of 2020, the Secretary shall, based on the assessment carried out under subsection (a), develop an inventory of projects or portions of projects—

Deadline.

"(1) that are not needed for the missions of the Corps of Engineers;

"(2) the modification of which, including though the use of structural features, nonstructural features, or natural features or nature-based features (as those terms are defined in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), could improve the sustainable operations of the project, or reduce operation and maintenance costs for the project; or

"(3) that are no longer having project purposes adequately met by the Corps of Engineers, because of deferment of maintenance or other challenges, and the divestment of which to a non-Federal entity could better meet the local and regional needs for operation and maintenance.

"(c) CRITERIA.—In conducting the assessment under subsection (a) and developing the inventory under subsection (b), the Secretary shall use the following criteria:

"(1) The extent to which the project aligns with the current missions of the Corps of Engineers.

"(2) The economic and environmental impacts of the project on existing communities in the vicinity of the project.

"(3) The extent to which the divestment or modification of the project could reduce operation and maintenance costs of the Corps of Engineers.

"(4) The extent to which the divestment or modification of the project is in the public interest.

"(5) The extent to which investment of additional Federal resources in the project proposed for divestment or modification, including investment needed to bring the project to a good state of repair, is in the public interest.

"(6) The extent to which the authorized purpose of the project is no longer being met.

"(d) RECOMMENDATIONS OF NON-FEDERAL INTERESTS.—A non-Federal interest for a project may recommend that the Secretary include such project in the assessment or inventory required under this section.

"(e) REPORT TO CONGRESS.—

Public information.

"(1) IN GENERAL.—Upon completion of the inventory required by subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make publicly available, a report containing the findings of the Secretary with respect to the assessment and inventory required under this section.

Appendix. Determination.

"(2) INCLUSION.—The Secretary shall list in an appendix any recommendation of a non-Federal interest made with respect to a project under subsection (d) that the Secretary determines not to include in the inventory developed under subsection (b), based on the criteria in subsection (c), including information about the request and the reasons for the Secretary's determination.".

SEC. 124. SENSE OF CONGRESS ON MULTIPURPOSE PROJECTS.

It is the sense of Congress that the Secretary, in coordination with non-Federal interests, should maximize the development, evaluation, and recommendation of project alternatives for future water resources development projects that produce multiple project benefits, such as navigation, flood risk management, and ecosystem restoration benefits, including through the use of natural or nature-based features and the beneficial use of dredged material.

SEC. 125. BENEFICIAL USE OF DREDGED MATERIAL; DREDGED MATERIAL MANAGEMENT PLANS.

33 USC 2326g.

(a) NATIONAL POLICY ON THE BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—It is the policy of the United States for the Corps of Engineers to maximize the beneficial use, in an environmentally acceptable manner, of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects.

(2) PLACEMENT OF DREDGED MATERIALS.—

(A) IN GENERAL.—In evaluating the placement of dredged material obtained from the construction or operation and maintenance of water resources development projects, the Secretary shall consider— Evaluations.

(i) the suitability of the dredged material for a full range of beneficial uses; and

(ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities.

(B) CALCULATION OF FEDERAL STANDARD.—

(i) DETERMINATION.—The economic benefits and efficiencies from the beneficial use of dredged material considered by the Secretary under subparagraph (A) shall be included in any determination relating to the "Federal standard" by the Secretary under section 335.7 of title 33, Code of Federal Regulations, for the placement or disposal of such material.

(ii) REPORTS.—The Secretary shall submit to Congress—

(I) a report detailing the method and all of the factors utilized by the Corps of Engineers to determine the Federal standard referred to in clause (i); and

(II) for each evaluation under subparagraph (A), a report displaying the calculations for economic and environmental benefits and efficiencies from the beneficial use of dredged material (including, where appropriate, the utilization of alternative dredging equipment and dredging disposal methods) considered by the Secretary under such subparagraph for the placement or disposal of such material.

(C) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR CERTAIN PURPOSES.—Section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)) is amended—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "In developing" and all that follows through "the non-Federal interest," and inserting "At the request of the non-Federal interest for a water resources development project involving the disposal of dredged material, the Secretary, using funds appropriated for construction or operation and maintenance of the project, may select"; and

(II) in subparagraph (B), by striking "flood and storm damage and flood reduction benefits" and inserting "hurricane and storm or flood risk reduction benefits"; and

(ii) by adding at the end the following:

"(5) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR CERTAIN PURPOSES.—Activities carried out under this subsection—

"(A) shall be carried out using amounts appropriated for construction or operation and maintenance of the project involving the disposal of the dredged material; and

"(B) shall not carried out using amounts made available under subsection (g).".

(b) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) PILOT PROGRAM PROJECTS.—Section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note) is amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking "; and" and inserting a semicolon;

(ii) in paragraph (7)(C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(8) recovering lost storage capacity in reservoirs due to sediment accumulation, if the project also has a purpose described in any of paragraphs (1) through (7).";

(B) in subsection (b)(1), by striking "20" and inserting "35"; and

(C) in subsection (g), by striking "20" and inserting "35".

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, in selecting projects for the beneficial use of dredged materials under section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note), should ensure the thorough evaluation of project submissions from rural, small, and economically disadvantaged communities.

33 USC 2326 note.

(3) PROJECT SELECTION.—In selecting projects for the beneficial use of dredged materials under section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note), the Secretary shall prioritize the selection of at least one project for the utilization of thin layer placement of dredged fine and coarse grain sediment and at least one project for recovering lost storage capacity in reservoirs due to sediment accumulation authorized by subsection (a)(8) of such section, to the extent that a non-Federal interest has submitted an application for such project purposes that otherwise meets the requirements of such section.

(4) TEMPORARY EASEMENTS.—Section 1148 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) is amended—

(A) in subsection (a)—

(i) by striking "grant" and inserting "approve"; and

(ii) by striking "granting" and inserting "approving"; and

(B) in subsection (b), by striking "grants" and inserting "approves".

33 USC 2326h.

(c) FIVE-YEAR REGIONAL DREDGED MATERIAL MANAGEMENT PLANS.—

Deadline. Coordination.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the District Commander of each district of the Corps of Engineers that obtains dredged material through the construction or operation

and maintenance of a water resources development project shall, at Federal expense, develop and submit to the Secretary a 5-year dredged material management plan in coordination with relevant State agencies and stakeholders.

(2) SCOPE.—Each plan developed under this subsection shall include—

(A) a dredged material budget for each watershed or littoral system within the district;

(B) an estimate of the amount of dredged material likely to be obtained through the construction or operation and maintenance of all water resources development projects projected to be carried out within the district during the 5-year period following submission of the plan, and the estimated timing for obtaining such dredged material; Estimates.

(C) an identification of potential water resources development projects projected to be carried out within the district during such 5-year period that are suitable for, or that require, the placement of dredged material, and an estimate of the amount of dredged material placement capacity of such projects; Estimate.

(D) an evaluation of— Evaluations.

(i) the suitability of the dredged material for a full range of beneficial uses; and

(ii) the economic and environmental benefits, efficiencies, and impacts (including the effects on living coral) of using the dredged material for beneficial uses, including, in the case of beneficial use activities that involve more than one water resources development project, the benefits, efficiencies, and impacts that result from the combined activities;

(E) the district-wide goals for beneficial use of the dredged material, including any expected cost savings from aligning and coordinating multiple projects (including projects across Corps districts) in the use of the dredged material; and

(F) a description of potential beneficial use projects identified through stakeholder solicitation and coordination.

(3) PUBLIC COMMENT.—In developing each plan under this subsection, each District Commander shall provide notice and an opportunity for public comment, including a solicitation for stakeholders to identify beneficial use projects, in order to ensure, to the extent practicable, that beneficial use of dredged material is not foregone in a particular fiscal year or dredging cycle. Notice.

(4) PUBLIC AVAILABILITY.—Upon submission of each plan to the Secretary under this subsection, each District Commander shall make the plan publicly available, including on a publicly available website. Web posting.

(5) TRANSMISSION TO CONGRESS.—As soon as practicable after receiving a plan under subsection (a), the Secretary shall transmit the plan to Congress.

(6) REGIONAL SEDIMENT MANAGEMENT PLANS.—A plan developed under this section—

(A) shall be in addition to regional sediment management plans prepared under section 204(a) of the Water

Resources Development Act of 1992 (33 U.S.C. 2326(a)); and

(B) shall not be subject to the limitations in section 204(g) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(g)).

(d) DREDGE PILOT PROGRAM.—

(1) REVISIONS.—Section 1111 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) is amended—

(A) in subsection (a), by striking "for the operation and maintenance of harbors and inland harbors" and all that follows through the period at the end and inserting the following: "for the operation and maintenance of—

"(1) harbors and inland harbors referred to in section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(a)(2)); or

"(2) inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).''; and

(B) in subsection (b), by striking "or inland harbors" and inserting ", inland harbors, or inland or intracoastal waterways".

33 USC 2326 note.

(2) COORDINATION WITH EXISTING AUTHORITIES.—The Secretary may carry out the dredge pilot program authorized by section 1111 of the Water Resources Development Act of 2018 (33 U.S.C. 2326 note) in coordination with Federal regional dredge demonstration programs in effect on the date of enactment of this Act.

SEC. 126. AQUATIC ECOSYSTEM RESTORATION FOR ANADROMOUS FISH.

(a) ANADROMOUS FISH HABITAT AND PASSAGE.—Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) ANADROMOUS FISH HABITAT AND PASSAGE.—

"(A) MEASURES.—A project under this section may include measures to improve habitat or passage for anadromous fish, including—

"(i) installing fish bypass structures on small water diversions;

"(ii) modifying tide gates; and

"(iii) restoring or reconnecting floodplains and wetlands that are important for anadromous fish habitat or passage.

"(B) BENEFITS.—A project that includes measures under this paragraph shall be formulated to maximize benefits for the anadromous fish species benefitted by the project."; and

(2) by adding at the end the following:

"(g) PRIORITIZATION.—The Secretary shall give projects that include measures described in subsection (a)(3) equal priority for implementation as other projects under this section.".

SEC. 127. ANNUAL REPORT TO CONGRESS ON WATER RESOURCES INFRASTRUCTURE.

(a) IN GENERAL.—Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B)(ii)(III), by inserting ", regional, or local" after "national"; and

(ii) by adding at the end the following:

"(D) MODIFICATIONS OF PROJECTS CARRIED OUT PURSUANT TO CONTINUING AUTHORITY PROGRAMS.—

"(i) IN GENERAL.—With respect to a project being carried out pursuant to a continuing authority program for which a proposed modification is necessary because the project is projected to exceed, in the coming fiscal year, the maximum Federal cost of the project, the Secretary shall include a proposed modification in the annual report if the proposed modification will result in completion of construction the project and the justification for the modification is not the result of a change in the scope of the project.

"(ii) INCLUSION.—For each proposed modification included in an annual report under clause (i), the Secretary shall include in the annual report—

"(I) a justification of why the modification is necessary;

"(II) an estimate of the total cost and timeline required to complete construction of the project; and

Estimate.

"(III) an indication of continued support by the non-Federal interest and the financial ability of the non-Federal interest to provide the required cost-share.

"(iii) DEFINITION.—For the purposes of this subparagraph, the term 'continuing authority program' means any of—

"(I) section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r);

"(II) section 3 of the Act of August 13, 1946 (33 U.S.C. 426g);

"(III) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577);

"(IV) section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i);

"(V) section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326);

"(VI) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);

"(VII) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

"(VIII) section 2 of the Act of August 28, 1937 (33 U.S.C. 701g); and

"(IX) section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).".; and

(B) in paragraph (4)(B)—

(i) in clause (i), by striking "and" at the end;

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

"(ii) the Secretary shall not include proposals in the appendix of the annual report that otherwise meet the criteria for inclusion in the annual report solely on the basis that the proposals are for the purposes

of navigation, flood risk management, ecosystem restoration, or municipal or agricultural water supply; and"; and

(2) in subsection (g)(5), by striking "if authorized" and all that follows through "2016".

33 USC 2282d note.

(b) OVER-BUDGET CAP PROGRAMS.—For any project carried out under a continuing authority program, as such term is defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d)), for which the Secretary is required to include a proposed modification in an annual report under such section 7001(c)(1)(D), the Secretary shall, to the extent practicable, inform the non-Federal interest of the process for carrying out the project pursuant to section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) and whether the Secretary has the authority to complete a feasibility study for the project.

33 USC 2282d note.

(c) ANNUAL REPORT ON STATUS OF FEASIBILITY STUDIES.—Concurrent with each report submitted under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that provides for an accounting of all outstanding feasibility studies being conducted by the Secretary, including, for each such study, its length, cost, and expected completion date.

33 USC 610 note.

SEC. 128. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.

Determination.

(a) IN GENERAL.—The Secretary shall carry out a demonstration program to determine the causes of, and implement measures to effectively detect, prevent, treat, and eliminate, harmful algal blooms associated with water resources development projects.

(b) CONSULTATION; USE OF EXISTING DATA AND PROGRAM AUTHORITIES.—In carrying out the demonstration program under subsection (a), the Secretary shall—

(1) consult with the heads of appropriate Federal and State agencies; and

(2) make maximum use of existing Federal and State data and ongoing programs and activities of Federal and State agencies, including the activities of the Secretary carried out through the Engineer Research and Development Center pursuant to section 1109 of the Water Resources Development Act of 2018 (33 U.S.C. 610 note).

State listing.

(c) FOCUS AREAS.—In carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms in the Great Lakes, the tidal and inland waters of the State of New Jersey, the coastal and tidal waters of the State of Louisiana, the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California, the Allegheny Reservoir Watershed, New York, and Lake Okeechobee, Florida.

(d) ADDITIONAL FOCUS AREAS.—In addition to the areas described in subsection (c), in carrying out the demonstration program under subsection (a), the Secretary shall undertake program activities related to harmful algal blooms at any Federal reservoir located in the Upper Missouri River Basin or the North Platte River Basin, at the request and expense of another Federal agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $25,000,000 to carry out this section. Such sums shall remain available until expended.

SEC. 129. MISSOURI RIVER INTERCEPTION-REARING COMPLEX CONSTRUCTION.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the effects of any interception-rearing complex constructed on the Missouri River on—

(1) flood risk management and navigation; and

(2) the population recovery of the pallid sturgeon, including baseline population counts.

(b) NO ADDITIONAL IRC CONSTRUCTION.—The Secretary may not authorize construction of an interception-rearing complex on the Missouri River until the Secretary—

(1) submits the report required by subsection (a);

(2) acting through the Engineer Research and Development Center, conducts further research on interception-rearing complex design, including any effects on existing flows, flood risk management, and navigation; and

Research and development.

(3) develops a plan—

Plan.

(A) to repair dikes and revetments that are affecting flood risk and bank erosion; and

(B) to establish, repair, or improve water control structures at the headworks of constructed shallow water habitat side-channels.

(c) FUTURE IRC CONSTRUCTION.—

(1) PUBLIC COMMENT.—The Secretary shall provide an opportunity for comment from the public and the Governor of each affected State on any proposals to construct an interception-rearing complex after the date of enactment of this Act.

(2) PERIOD.—The public comment period required by paragraph (1) shall be not less than 90 days for each proposal to construct an interception-rearing complex on the Missouri River.

SEC. 130. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF PROJECTS.

33 USC 2325b.

(a) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term "covered area" means an area—

(A) for which the Governor of a State has requested a determination that an emergency exists; or

(B) covered by an emergency or major disaster declaration declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) EMERGENCY PERIOD.—The term "emergency period" means—

(A) with respect to a covered area described in paragraph (1)(A), the period during which the Secretary determines an emergency exists; and

(B) with respect to a covered area described in paragraph (1)(B), the period during which the applicable declaration is in effect.

Reimbursement. Determination.

(b) IN GENERAL.—In any covered area, the Secretary is authorized to accept and use materials, services, and funds, during the emergency period, from a non-Federal interest or private entity to repair, restore, or rehabilitate a federally authorized water resources development project, and to provide reimbursement to such non-Federal interest or private entity for such materials, services, and funds, in the Secretary's sole discretion, and subject to the availability of appropriations, if the Secretary determines that reimbursement is in the public interest.

Compliance.

(c) ADDITIONAL REQUIREMENT.—The Secretary may only reimburse for the use of materials or services accepted under this section if such materials or services meet the Secretary's specifications and comply with all applicable laws and regulations that would apply if such materials and services were acquired by the Secretary, including sections 3141 through 3148 and 3701 through 3708 of title 40, United States Code, section 8302 of title 41, United States Code, and the National Environmental Policy Act of 1969.

Contracts.

(d) AGREEMENTS.—

(1) IN GENERAL.—Prior to the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest or private entity shall enter into an agreement that specifies—

(A) the non-Federal interest or private entity shall hold and save the United States free from any and all damages that arise from use of materials or services of the non-Federal interest or private entity, except for damages due to the fault or negligence of the United States or its contractors;

(B) the non-Federal interest or private entity shall certify that the materials or services comply with all applicable laws and regulations under subsection (c); and

(C) any other term or condition required by the Secretary.

(2) EXCEPTION.—If an agreement under paragraph (1) was not entered prior to materials or services being contributed, a non-Federal interest or private entity shall enter into an agreement with the Secretary that—

(A) specifies the value, as determined by the Secretary, of those materials or services contributed and eligible for reimbursement; and

(B) ensures that the materials or services comply with subsection (c) and paragraph (1).

SEC. 131. LEVEE SAFETY.

Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended by adding at the end the following:

"(d) IDENTIFICATION OF DEFICIENCIES.—

"(1) IN GENERAL.—For each levee included in an inventory established under subsection (b) or for which the Secretary has conducted a review under subsection (c), the Secretary shall—

"(A) identify the specific engineering and maintenance deficiencies, if any; and

"(B) describe the recommended remedies to correct each deficiency identified under subparagraph (A), and, if

requested by owner of a non-Federal levee, the associated costs of those remedies.

"(2) CONSULTATION.—In identifying deficiencies and describing remedies for a levee under paragraph (1), the Secretary shall consult with relevant non-Federal interests, including by providing an opportunity for comment by those non-Federal interests.".

SEC. 132. NATIONAL DAM SAFETY PROGRAM.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking clause (iii) and inserting the following:

"(iii) has an emergency action plan that—

"(I) is approved by the relevant State dam safety agency; or

"(II) is in conformance with State law and pending approval by the relevant State dam safety agency;"; and

(ii) by striking clause (iv) and inserting the following:

"(iv) fails to meet minimum dam safety standards of the State in which the dam is located, as determined by the State; and

"(v) poses an unacceptable risk to the public, as determined by the Administrator, in consultation with the Board."; and

(B) in subparagraph (B)(i), by inserting "under a hydropower project with an authorized installed capacity of greater than 1.5 megawatts" after "dam"; and

(2) in paragraph (10)—

(A) in the heading, by striking "NON-FEDERAL SPONSOR" and inserting "ELIGIBLE SUBRECIPIENT"; and

(B) by striking "The term 'non-Federal sponsor'" and inserting "The term 'eligible subrecipient'".

(b) REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—

(1) ESTABLISHMENT OF PROGRAM.—Section 8A(a) of the National Dam Safety Program Act (33 U.S.C. 467f–2(a)) is amended by striking "to non-Federal sponsors" and inserting "to States with dam safety programs".

(2) ELIGIBLE ACTIVITIES.—Section 8A(b) of the National Dam Safety Program Act (33 U.S.C. 467f–2(b)) is amended, in the matter preceding paragraph (1), by striking "for a project may be used for" and inserting "to a State may be used by the State to award grants to eligible subrecipients for".

(3) AWARD OF GRANTS.—Section 8A(c) of the National Dam Safety Program Act (33 U.S.C. 467f–2(c)) is amended—

(A) in paragraph (1)(A), by striking "non-Federal sponsor" and inserting "State"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "an eligible high hazard potential dam to a non-Federal sponsor" and inserting "eligible high hazard potential dams to a State";

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking "PROJECT GRANT" and inserting "GRANT";

(II) by striking "project grant agreement with the non-Federal sponsor" and inserting "grant agreement with the State"; and

(III) by striking "project," and inserting "projects for which the grant is awarded,";

(iii) by amending subparagraph (C) to read as follows:

Requirements.

"(C) GRANT ASSURANCE.—As part of a grant agreement under subparagraph (B), the Administrator shall require that each eligible subrecipient to which the State awards a grant under this section provides an assurance, with respect to the dam to be rehabilitated by the eligible subrecipient, that the dam owner will carry out a plan for maintenance of the dam during the expected life of the dam."; and

(iv) in subparagraph (D), by striking "A grant provided under this section shall not exceed" and inserting "A State may not award a grant to an eligible subrecipient under this section that exceeds, for any 1 dam,".

(4) REQUIREMENTS.—Section 8A(d) of the National Dam Safety Program Act (33 U.S.C. 467f–2(d)) is amended—

(A) in paragraph (1), by inserting "to an eligible subrecipient" after "this section";

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "NON-FEDERAL SPONSOR" and inserting "ELIGIBLE SUBRECIPIENT";

(ii) in the matter preceding subparagraph (A), by striking "the non-Federal sponsor shall" and inserting "an eligible subrecipient shall, with respect to the dam to be rehabilitated by the eligible subrecipient";

(iii) by amending subparagraph (A) to read as follows:

Compliance.

"(A) demonstrate that the community in which the dam is located participates in, and complies with, all applicable Federal flood insurance programs, including demonstrating that such community is participating in the National Flood Insurance Program, and is not on probation, suspended, or withdrawn from such Program;";

Deadline. Publication. Criteria.

(iv) in subparagraph (B), by striking "have" and inserting "beginning not later than 2 years after the date on which the Administrator publishes criteria for hazard mitigation plans under paragraph (3), demonstrate that the Tribal or local government with jurisdiction over the area in which the dam is located has"; and

(v) in subparagraph (C), by striking "50-year period" and inserting "expected life of the dam"; and

(C) by adding at the end the following:

Deadline. Consultation. Publication.

"(3) HAZARD MITIGATION PLAN CRITERIA.—Not later than 1 year after the date of enactment of this paragraph, the Administrator, in consultation with the Board, shall publish criteria for hazard mitigation plans required under paragraph (2)(B).".

(5) FLOODPLAIN MANAGEMENT PLANS.—Section 8A(e) of the National Dam Safety Program Act (33 U.S.C. 467f–2(e)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "the non-Federal sponsor" and inserting "an eligible subrecipient"; and

(ii) in subparagraph (B), by striking "1 year" and inserting "2 years" each place it appears; and

(B) by striking paragraph (3) and inserting the following:

"(3) PLAN CRITERIA AND TECHNICAL SUPPORT.—The Administrator, in consultation with the Board, shall provide criteria, and may provide technical support, for the development and implementation of floodplain management plans prepared under this subsection.".

(6) CONTRACTUAL REQUIREMENTS.—Section 8A(i)(1) of the National Dam Safety Program Act (33 U.S.C. 467f–2(i)(1)) is amended by striking "a non-Federal sponsor" and inserting "an eligible subrecipient".

SEC. 133. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED PUMP STATIONS.

33 USC 2327a.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PUMP STATION.—The term "eligible pump station" means a pump station—

(A) constructed, in whole or in part, by the Corps of Engineers for flood risk management purposes;

(B) that the Secretary has identified as having a major deficiency; and

(C) the failure of which the Secretary has determined would impair the function of a flood risk management project constructed by the Corps of Engineers.

(2) REHABILITATION.—

(A) IN GENERAL.—The term "rehabilitation", with respect to an eligible pump station, means to address a major deficiency of the eligible pump station caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the eligible pump station.

(B) INCLUSIONS.—The term "rehabilitation", with respect to an eligible pump station, includes—

(i) the incorporation into the eligible pump station of—

(I) current design standards;

(II) efficiency improvements; and

(III) associated drainage; and

(ii) increasing the capacity of the eligible pump station, subject to the condition that the increase shall—

(I) significantly decrease the risk of loss of life and property damage; or

(II) decrease total lifecycle rehabilitation costs for the eligible pump station.

(b) AUTHORIZATION.—The Secretary may carry out rehabilitation of an eligible pump station, if the Secretary determines that the rehabilitation is feasible.

Determination.

(c) COST SHARING.—The non-Federal interest for the eligible pump station shall—

(1) provide 35 percent of the cost of rehabilitation of an eligible pump station carried out under this section; and

(2) provide all land, easements, rights-of-way, and necessary relocations associated with the rehabilitation described in subparagraph (A), at no cost to the Federal Government.

Contracts.

(d) AGREEMENT REQUIRED.—The rehabilitation of an eligible pump station pursuant to this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of rehabilitation under subsection (c); and

Regulations.

(2) to pay 100 percent of the operation and maintenance costs of the rehabilitated eligible pump station, in accordance with regulations promulgated by the Secretary.

(e) TREATMENT.—The rehabilitation of an eligible pump station pursuant to this section shall not be considered to be a separable element of the associated flood risk management project constructed by the Corps of Engineers.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000, to remain available until expended.

SEC. 134. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.

(a) REAUTHORIZATION; IMPLEMENTATION GUIDANCE.—Section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note) is amended—

(1) in paragraph (7), by striking "the date that is 5 years after the date of enactment of this Act" and inserting "September 30, 2026";

(2) in paragraph (8), by striking "2023" and inserting "2026"; and

(3) by adding at the end the following:

"(9) IMPLEMENTATION GUIDANCE.—

Deadline.

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall issue guidance for the implementation of the pilot program that, to the extent practicable, identifies—

"(i) the metrics for measuring the success of the pilot program;

"(ii) a process for identifying future projects to participate in the pilot program;

"(iii) measures to address the risks of a non-Federal interest constructing projects under the pilot program, including which entity bears the risk for projects that fail to meet the Corps of Engineers standards for design or quality;

"(iv) the laws and regulations that a non-Federal interest must follow in carrying out a project under the pilot program; and

"(v) which entity bears the risk in the event that a project carried out under the pilot program fails to be carried out in accordance with the project authorization or this subsection.

"(B) NEW PROJECT PARTNERSHIP AGREEMENTS.—The Secretary may not enter into a project partnership agreement under this subsection during the period beginning on the date of enactment of this paragraph and ending on the date on which the Secretary issues the guidance under subparagraph (A).". Contracts. Time period.

(b) NON-FEDERAL PROJECT IMPLEMENTATION FOR COMPREHENSIVE EVERGLADES RESTORATION PLAN PROJECTS.— Determinations. 33 USC 2201 note.

(1) IN GENERAL.—In carrying out the pilot program authorized under section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note), the Secretary is authorized to include a project authorized to be implemented by, or in accordance with, section 601 of the Water Resources Development Act of 2000, in accordance with such section 1043(b).

(2) ELIGIBILITY.—In the case of a project described in paragraph (1) for which the non-Federal interest has initiated construction in compliance with authorities governing the provision of in-kind contributions for such project, the Secretary shall take into account the value of any in-kind contributions carried out by the non-Federal interest for such project prior to the date of execution of the project partnership agreement under section 1043(b) of the Water Resources Reform and Development Act of 2014 when determining the non-Federal share of the costs to complete construction of the project.

(3) GUIDANCE.—Not later than 180 days after the date of enactment of this subsection, and in accordance with the guidance issued under section 1043(b)(9) of the Water Resources Reform and Development Act of 2014 (as added by this section), the Secretary shall issue any additional guidance that the Secretary determines necessary for the implementation of this subsection. Deadline.

SEC. 135. COST SHARING PROVISIONS FOR TERRITORIES AND INDIAN TRIBES.

Section 1156(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2310(b)) is amended by striking "for inflation" and all that follows through the period at the end and inserting "on an annual basis for inflation.".

SEC. 136. REVIEW OF CONTRACTING POLICIES. 33 USC 2203.

(a) REVIEW OF CONTRACTUAL AGREEMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall complete a review of the policies, guidelines, and regulations of the Corps of Engineers for the development of contractual agreements between the Secretary and non-Federal interests and utilities associated with the construction of water resources development projects. Deadline.

(2) REPORT.—Not later than 90 days after completing the review under subsection (a)(1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report that includes— Public information.

(A) a summary of the results of the review; and Summary.

(B) public guidance on best practices for a non-Federal interest to use when writing or developing contractual agreements with the Secretary and utilities.

(3) PROVISION OF GUIDANCE.—The Secretary shall provide the best practices guidance included under paragraph (2)(A) to non-Federal interests prior to the development of contractual agreements with such non-Federal interests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should maximize use of nonprice tradeoff procedures in competitive acquisitions for carrying out emergency work in an area with respect to which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

33 USC 2341c.

SEC. 137. CRITERIA FOR FUNDING ENVIRONMENTAL INFRASTRUCTURE PROJECTS.

Deadline. Evaluation.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop specific criteria for the evaluation and ranking of individual environmental assistance projects authorized by Congress (including projects authorized pursuant to environmental assistance programs) for the Secretary to carry out.

Evaluation.

(b) MINIMUM CRITERIA.—For the purposes of carrying out this section, the Secretary shall evaluate, at a minimum—

(1) the nature and extent of the positive and negative local economic impacts of the project, including—

(A) the benefits of the project to the local economy;

(B) the extent to which the project will enhance local development;

(C) the number of jobs that will be directly created by the project; and

(D) the ability of the non-Federal interest to pay the applicable non-Federal share of the cost of the project;

(2) the demographics of the location in which the project is to be carried out, including whether the project serves—

(A) a rural community; or

(B) an economically disadvantaged community, including an economically disadvantaged minority community;

(3) the amount of appropriations a project has received;

(4) the funding capability of the Corps of Engineers with respect to the project;

(5) whether the project could be carried out under other Federal authorities at an equivalent cost to the non-Federal interest; and

(6) any other criteria that the Secretary considers to be appropriate.

(c) INCLUSION IN GUIDANCE.—The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Program Development Policy Guidance of the Secretary.

(d) REPORT TO CONGRESS.—For fiscal year 2022, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House

of Representatives a report that identifies the Secretary's ranking of individual environmental assistance projects authorized by Congress for the Secretary to carry out, in accordance with the criteria developed under this section.

SEC. 138. AGING INFRASTRUCTURE. 33 USC 2353a.

(a) DEFINITIONS.—In this section:

(1) AGING INFRASTRUCTURE.—The term "aging infrastructure" means a water resources development project of the Corps of Engineers, or any other water resources, water storage, or irrigation project of another Federal agency, that is greater than 75 years old.

(2) ENHANCED INSPECTION.—The term "enhanced inspection" means an inspection that uses current or innovative technology, including Light Detection and Ranging (commonly known as "LiDAR"), ground penetrating radar, subsurface imaging, or subsurface geophysical techniques, to detect whether the features of the aging infrastructure are structurally sound and can operate as intended, or are at risk of failure.

(b) CONTRACTS FOR ENHANCED INSPECTION.—

(1) IN GENERAL.—The Secretary may carry out enhanced inspections of aging infrastructure, pursuant to a contract with the owner or operator of the aging infrastructure.

(2) CERTAIN CIRCUMSTANCES.—Subject to the availability of appropriations, or funds available pursuant to subsection (d), the Secretary shall enter into a contract described in paragraph (1), if—

(A) the owner or operator of the aging infrastructure requests that the Secretary carry out the enhanced inspections; and

(B) the inspection is at the full expense of such owner or operator.

(c) LIMITATION.—The Secretary shall not require a non-Federal entity associated with a project under the jurisdiction of another Federal agency to carry out corrective or remedial actions in response to an enhanced inspection carried out under this section.

(d) FUNDING.—The Secretary is authorized to accept funds from an owner or operator of aging infrastructure, and may use such funds to carry out an enhanced inspection pursuant to a contract entered into with such owner or operator under this section.

SEC. 139. UNIFORMITY OF NOTIFICATION SYSTEMS. 33 USC 2201 note.

(a) INVENTORY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an inventory of all systems used by the Corps of Engineers for external communication and notification with respect to projects, initiatives, and facilities of the Corps of Engineers. Deadline.

(b) UNIFORM PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for the uniformity of such communication and notification systems for projects, initiatives, and facilities of the Corps of Engineers. Deadline.

(2) INCLUSIONS.—The plan developed under paragraph (1) shall—

(A) provide access to information in all forms practicable, including through email, text messages, news programs and websites, radio, and other forms of notification;

(B) establish a notification system for any projects, initiatives, or facilities of the Corps of Engineers that do not have a notification system;

(C) streamline existing communication and notification systems to improve the strength and uniformity of those systems; and

(D) emphasize the necessity of timeliness in notification systems and ensure that the methods of notification can transmit information in a timely manner.

Deadlines.

(3) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 2 years after the date of enactment of this Act, the Secretary shall complete the implementation of the plan developed under paragraph (1).

(B) EMERGENCY MANAGEMENT NOTIFICATION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall implement the provisions of the plan developed under paragraph (1) relating to emergency management notifications.

(4) SAVINGS PROVISION.—Nothing in this section authorizes the elimination of any existing communication or notification system used by the Corps of Engineers.

33 USC 426e–3.

SEC. 140. COASTAL STORM DAMAGE REDUCTION CONTRACTS.

For any project for coastal storm damage reduction, the Secretary may seek input from a non-Federal interest for a project that may be affected by the timing of the coastal storm damage reduction activities under the project, in order to minimize, to the maximum extent practicable, any negative effects resulting from the timing of those activities.

SEC. 141. DAM REMEDIATION FOR ECOSYSTEM RESTORATION.

Section 542(b)(2) of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is amended—

(1) in subparagraph (F), by striking "or" at the end;

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

(3) by inserting after subparagraph (F) the following:

"(G) measures to restore, protect, and preserve an ecosystem affected by a dam (including by the rehabilitation or modification of a dam)—

"(i) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

"(ii) for which construction was completed before 1940;

"(iii) that is classified as 'high hazard potential' by the State dam safety agency of the State in which the dam is located; and

"(iv) that is operated by a non-Federal entity; or".

SEC. 142. LEVEE ACCREDITATION PROCESS; LEVEE CERTIFICATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the process developed by the Flood Protection Structure Accreditation Task Force established under section 100226 of the Moving Ahead for Progress in the 21st Century Act (42 U.S.C. 4101 note) should not be limited to levee systems in the inspection of completed works program of the Corps of Engineers, but should apply equally to federally owned levee systems operated by the Secretary,

including federally owned levee systems operated by the Secretary as part of a reservoir project.

(b) LEVEE CERTIFICATIONS.—Section 3014 of the Water Resources Reform and Development Act of 2014 (42 U.S.C. 4131) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "under the inspection of completed works program" and inserting "for levee systems under the levee safety and dam safety programs"; and

(ii) by striking "and" at the end;

(B) in paragraph (2)—

(i) by striking "activities under the inspection of completed works program of the Corps of Engineers" and inserting "the activities referred to in paragraph (1)";

(ii) by striking "chapter 1" and inserting "chapter I"; and

(iii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) in the case of a levee system that is operated and maintained by the Corps of Engineers, to the maximum extent practicable, cooperate with local governments seeking a levee accreditation decision for the levee to provide information necessary to support the accreditation decision in a timely manner."; and

(2) in paragraph (b)(3), by adding at the end the following:

"(C) CONTRIBUTED FUNDS.—Notwithstanding subparagraph (B), a non-Federal interest may fund up to 100 percent of the cost of any activity carried out under this subsection.".

SEC. 143. PROJECT PARTNERSHIP AGREEMENT. Contracts.

Section 103(j)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)(1)) is amended—

(1) by striking "Any project" and inserting the following:

"(A) IN GENERAL.—Any project"; and

(2) by adding at the end the following:

"(B) INCLUSION.—An agreement under subparagraph (A) shall include a brief description and estimation of the anticipated operations, maintenance, and replacement and rehabilitation costs of the non-Federal interest for the project.". Cost estimates.

SEC. 144. ACCEPTANCE OF FUNDS FOR HARBOR DREDGING. 33 USC 701h–4.

The Secretary is authorized, in accordance with section 5 of Act of June 22, 1936 (33 U.S.C. 701h), to accept and expend funds contributed by a State or other non-Federal interest—

(1) to dredge a non-Federal harbor or channel, or a marina or berthing area located adjacent to, or accessible by, such harbor or channel; or

(2) to provide technical assistance related to the planning and design of dredging activities described in paragraph (1).

SEC. 145. REPLACEMENT CAPACITY.

Section 217(a) of the Water Resources Development Act of 1996 (33 U.S.C. 2326a(a)) is amended—

(1) in the subsection heading, by inserting "OR REPLACEMENT CAPACITY" after "ADDITIONAL CAPACITY";

(2) by striking paragraph (1) and inserting the following:

"(1) PROVIDED BY SECRETARY.—

"(A) IN GENERAL.—Subject to subparagraph (B), at the request of a non-Federal interest with respect to a project, the Secretary may—

"(i) provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes; or

Determination.

"(ii) permit the use of dredged material disposal facility capacity required for project purposes by the non-Federal interest if the Secretary determines that replacement capacity can be constructed at the facility or another facility or site before such capacity is needed for project purposes.

"(B) AGREEMENT.—Before the Secretary takes an action under subparagraph (A), the non-Federal interest shall agree to pay—

"(i) all costs associated with the construction of the additional capacity or replacement capacity in advance of construction of such capacity; and

Determination.

"(ii) in the case of use by a non-Federal interest of dredged material disposal capacity required for project purposes under subparagraph (A)(ii), any increase in the cost of operation and maintenance of the project that the Secretary determines results from the use of the project capacity by the non-Federal interest in advance of each cycle of dredging.

"(C) CREDIT.—In the event the Secretary determines that the cost to operate or maintain the project decreases as a result of use by the non-Federal interest of dredged material disposal capacity required for project purposes under subparagraph (A)(ii), the Secretary, at the request of the non-Federal interest, shall credit the amount of the decrease toward any cash contribution of the non-Federal interest required thereafter for construction, operation, or maintenance of the project, or of another navigation project.";

(3) in paragraph (2), in the first sentence, by inserting "under paragraph (1)(A)(i)" after "additional capacity"; and

(4) by adding at the end the following:

"(3) SPECIAL RULE FOR DESIGNATION OF REPLACEMENT CAPACITY FACILITY OR SITE.—

Determination.

"(A) IN GENERAL.—Subject to such terms and conditions as the Secretary determines to be necessary or advisable, an agreement under paragraph (1)(B) for use permitted under paragraph (1)(A)(ii) shall reserve to the non-Federal interest—

"(i) the right to submit to the Secretary for approval at a later date an alternative to the facility or site designated in the agreement for construction of replacement capacity; and

"(ii) the right to construct the replacement capacity at the alternative facility or site at the expense of the non-Federal interest.

"(B) REQUIREMENT.—The Secretary shall not reject a site for the construction of replacement capacity under paragraph (1)(A)(ii) that is submitted by the non-Federal interest for approval by the Secretary before the date of execution of the agreement under paragraph (1)(B), or thereafter, unless the Secretary—

Determination.

"(i) determines that the site is environmentally unacceptable, geographically unacceptable, or technically unsound; and

"(ii) provides a written basis for the determination under clause (i) to the non-Federal interest.

"(4) PUBLIC COMMENT.—The Secretary shall afford the public an opportunity to comment on the determinations required under this subsection for a use permitted under paragraph (1)(A)(ii).".

SEC. 146. REVIEWING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

Section 1008 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2321b) is amended—

(1) by striking "civil works" each place it appears and inserting "water resources development"; and

(2) by adding at the end the following:

"(c) REVIEWING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.—

"(1) DEFINITION OF ELIGIBLE NON-FEDERAL INTEREST.—In this subsection, the term 'eligible non-Federal interest' means a non-Federal interest that owns or operates an existing non-Federal hydropower facility at a Corps of Engineers water resources development project.

"(2) EVALUATION.—

"(A) IN GENERAL.—On the written request of an eligible non-Federal interest, the Secretary shall conduct an evaluation to consider operational changes at the applicable project to facilitate production of non-Federal hydropower, consistent with authorized project purposes. The Secretary shall solicit input from interested stakeholders as part of the evaluation.

"(B) DEADLINE.—Not later than 180 days after the date on which the Secretary receives a written request under subparagraph (A), the Secretary shall provide to the non-Federal interest a written response to inform the non-Federal interest—

"(i) that the Secretary has approved the request to conduct an evaluation; or

"(ii) of any additional information necessary for the Secretary to approve the request to conduct an evaluation.

"(3) OPERATIONAL CHANGES.—An operational change referred to in paragraph (2)(A) may include—

"(A) changes to seasonal pool levels;

"(B) modifying releases from the project; and

"(C) other changes included in the written request submitted under that paragraph that enhance the usage of the project to facilitate production of non-Federal hydropower, consistent with authorized project purposes.

"(4) COST SHARE.—The eligible non-Federal interest shall pay 100 percent of the costs associated with an evaluation under this subsection, including the costs to prepare the report under paragraph (6).

Evaluation.

"(5) DEADLINE.—The Secretary shall complete an evaluation under this subsection by the date that is not later than 1 year after the date on which the Secretary begins the evaluation.

"(6) REPORT.—On completion of an evaluation under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effects of the operational changes proposed by the non-Federal interest and examined in the evaluation on the authorized purposes of the project, including a description of any negative impacts of the proposed operational changes on the authorized purposes of the project, or on any Federal project located in the same basin.

"(7) SAVINGS PROVISION.—Nothing in this subsection—

"(A) affects the authorized purposes of a Corps of Engineers water resources development project;

"(B) affects existing authorities of the Corps of Engineers, including authorities with respect to navigation, flood damage reduction, environmental protection and restoration, water supply and conservation, and other related purposes; or

"(C) authorizes the Secretary to make any operational changes to a Corps of Engineers water resources development project.".

33 USC 701q–1.

SEC. 147. REPAIR AND RESTORATION OF EMBANKMENTS.

Assessment.

(a) IN GENERAL.—At the request of a non-Federal interest, the Secretary shall assess the cause of damage to, or the failure of, an embankment that is adjacent to the shoreline of a reservoir project owned and operated by the Secretary for which such damage or failure to the embankment has adversely affected a roadway that the Secretary has relocated for construction of the reservoir.

Determination.

(b) REPAIR AND RESTORATION ACTIVITIES.—If, based on the assessment carried out under subsection (a), the Secretary determines that the cause of the damage to, or the failure of, the embankment is the direct result of the design or operation of the reservoir by the Secretary, the Secretary is authorized to participate in the repair or restoration of such embankment.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 to carry out this section.

SEC. 148. COASTAL MAPPING.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) by redesignating subsection (g) as subsection (h);

(2) by inserting after subsection (f) the following:

Plan.

"(g) COASTAL MAPPING.—The Secretary shall develop and carry out a plan for the recurring mapping of coastlines that are experiencing rapid change, including such coastlines in—

"(1) Alaska;

"(2) Hawaii; and

"(3) any territory or possession of the United States."; and

(3) in subsection (h) (as so redesignated), by adding at the end the following:

"(3) COASTAL MAPPING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (g) with respect to Alaska, Hawaii, and the territories and possessions of the United States, $10,000,000, to remain available until expended.".

SEC. 149. INTERIM RISK REDUCTION MEASURES.

(a) IN GENERAL.—In the case of any interim risk reduction measure for dam safety purposes that was evaluated in a final environmental assessment completed during the period beginning on March 18, 2019, and ending on the date of enactment of this Act, the Secretary shall carry out a reevaluation of the measure in a timely manner if the final environmental assessment did not consider in detail at least— Evaluation. Time period.

(1) 1 operational water control plan change alternative;

(2) 1 action alternative other than an operational water control plan change; and

(3) the no action alternative.

(b) COORDINATION.—A reevaluation carried out under subsection (a) shall include consideration of the alternatives described in such subsection, which shall be developed in coordination with Federal agencies, States, Indian Tribes, units of local government, and other non-Federal interests that have existing water obligations that would be directly affected by implementation of an interim risk reduction measure that is the subject of the reevaluation.

(c) IMPLEMENTATION PRIOR TO REEVALUATION.—Nothing in this section prohibits the Secretary from implementing an interim risk reduction measure for which a reevaluation is required under subsection (a) prior to the completion of the reevaluation under subsection (a).

SEC. 150. MAINTENANCE DREDGING PERMITS.

(a) IN GENERAL.—The Secretary shall, to the maximum extent practicable, prioritize the reissuance of any regional general permit for maintenance dredging that expires prior to May 1, 2021, and shall use best efforts to ensure such reissuance prior to expiration of such a regional general permit for maintenance dredging.

(b) SAVINGS PROVISION.—Nothing in this section affects any obligation to comply with the requirements of any Federal law, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 151. HIGH WATER-LOW WATER PREPAREDNESS. 33 USC 2255a.

(a) DEFINITIONS.—In this section:

(1) BYPASS.—The term "bypass" means an alternate water route adjacent to a lock and dam on a Federal inland waterway system that can be used for commercial navigation during high water conditions.

(2) EMERGENCY CONDITION.—The term "emergency condition" means—

(A) unsafe conditions on a Federal inland waterway system that prevent the operation of commercial vessels, resulting from a major change in water level or flows;

(B) an obstruction in a Federal inland waterway system, including silt, sediment, rock formation, or a shallow channel;

(C) an impaired or inoperable Federal lock and dam; or

(D) any other condition determined appropriate by the Secretary.

Consultation.

(b) EMERGENCY DETERMINATION.—The Secretary, in consultation with the District Commanders responsible for maintaining any Federal inland waterway system, the users of the waterway system, and the Coast Guard, may make a determination that an emergency condition exists on the waterway system.

(c) EMERGENCY MITIGATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2) and the availability of appropriations, and in accordance with all applicable Federal requirements, the Secretary may carry out an emergency mitigation project on a Federal inland waterway system with respect to which the Secretary has determined that an emergency condition exists under subsection (b), or on a bypass of such system, to remedy that emergency condition.

(2) DEADLINE.—An emergency mitigation project under paragraph (1) shall—

(A) be initiated by not later than 60 days after the date on which the Secretary makes the applicable determination under subsection (b); and

(B) to the maximum extent practicable, be completed by not later than 1 year after the date on which the Secretary makes such determination.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2022 through 2024, to remain available until expended.

33 USC 2213a.

SEC. 152. TREATMENT OF CERTAIN BENEFITS AND COSTS.

(a) IN GENERAL.—In the case of a flood risk management project that incidentally generates seismic safety benefits in regions of moderate or high seismic hazard, for the purpose of a benefit-cost analysis for the project, the Secretary shall not include in that analysis any additional design and construction costs resulting from addressing seismic concerns.

(b) SAVINGS PROVISION.—Except with respect to the benefit-cost analysis, the additional costs referred to in subsection (a) shall be—

(1) included in the total project cost; and

(2) subject to cost-share requirements otherwise applicable to the project.

Oklahoma.

SEC. 153. LEASE DEVIATIONS.

(a) DEFINITION OF COVERED LEASE DEVIATION.—In this section, the term "covered lease deviation" means a change in terms from the existing lease that requires approval from the Secretary for a lease—

(1) of Federal land within the State of Oklahoma that is associated with a water resources development project, under—

(A) section 2667 of title 10, United States Code; or

(B) section 4 of the Act of December 22, 1944 (16 U.S.C. 460d); and

(2) with respect to which the lessee is in good standing.

(b) DEADLINE.—In the case of a request for a covered lease deviation— Determinations.

(1) the Division Commander of the Southwestern Division shall—

(A) notify the Secretary of the request via electronic means by not later than 24 hours after receiving the request; and Notification.

(B) by not later than 10 business days after the date on which the Division Commander notifies the Secretary under subparagraph (A)—

(i) make a determination approving, denying, or requesting a modification to the request; and

(ii) provide to the Secretary the determination under clause (i); and

(2) the Secretary shall make a determination approving, denying, or requesting a modification to the request by not later than 10 business days after—

(A) the date on which the Division Commander provides to the Secretary a determination in accordance with paragraph (1)(B); or

(B) if the Division Commander does not provide to the Secretary a determination in accordance with paragraph (1)(B), the date on which the deadline described in such paragraph expires.

(c) NOTIFICATION.—If the Secretary does not make a determination under subsection (b)(2) by the deadline described in that subsection, the Secretary shall submit a notification of the failure to make a determination with respect to the covered lease deviation, including the reason for the failure and a description of any outstanding issues, to—

(1) the entity seeking the covered lease deviation;

(2) the members of the Oklahoma congressional delegation;

(3) the Committee on Environment and Public Works of the Senate; and

(4) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 154. SENSE OF CONGRESS ON ARCTIC DEEP DRAFT PORT DEVELOPMENT.

It is the sense of Congress that—

(1) the Arctic, as defined in section 112 of the Arctic Research and Policy Act of 1984 (Public Law 98–373), is a region of strategic importance to the national security and maritime transportation interests of the United States;

(2) there is a compelling national, regional, Alaska Native, and private sector need for permanent maritime transportation infrastructure development and for a presence in the Arctic by the United States to assert national security interests and to support and facilitate search and rescue, shipping safety, economic development, oil spill prevention and response, subsistence and commercial fishing, the establishment of ports of refuge, Arctic research, and maritime law enforcement;

(3) the Government of the Russian Federation has prioritized the development of Arctic maritime transportation capabilities and has made significant investments in military infrastructure in the Arctic, including the construction or refurbishment of 16 deepwater ports in the region;

(4) is a serious concern that the closest United States strategic seaports to the Arctic are the Port of Anchorage and the Port of Tacoma, located approximately 1,500 nautical miles and 2,400 nautical miles away from the Arctic, respectively, and approximately 1,900 nautical miles and 2,800 nautical miles, respectively, from Utiagvik, Alaska; and

(5) it is in the national interest to enhance existing, and develop, maritime transportation infrastructure in the Arctic, including an Arctic deep draft strategic seaport in Alaska, that would allow the Coast Guard and the Navy each to perform their respective statutory duties and functions on a permanent basis with minimal mission interruption.

33 USC 2347c.

SEC. 155. SMALL WATER STORAGE PROJECTS.

Study.

(a) IN GENERAL.—The Secretary shall carry out a program to study and construct new, or enlarge existing, small water storage projects, in partnership with a non-Federal interest.

(b) REQUIREMENTS.—To be eligible to participate in the program under this section, a small water storage project shall—

(1) in the case of a new small water storage project, have a water storage capacity of not less than 2,000 acre-feet and not more than 30,000 acre-feet;

(2) in the case of an enlargement of an existing small water storage project, be for an enlargement of not less than 1,000 acre-feet and not more than 30,000 acre-feet;

(3) provide—

(A) flood risk management benefits;

(B) ecological benefits; or

(C) water management, water conservation, or water supply; and

(4) be—

(A) economically justified, environmentally acceptable, and technically feasible; or

(B) in the case of a project providing ecological benefits, cost-effective with respect to such benefits.

(c) SCOPE.—In carrying out the program under this section, the Secretary shall give preference to a small water storage project located in a State with a population of less than 1,000,000.

Time period.

(d) EXPEDITED PROJECTS.—For the 10-year period beginning on the date of enactment of this Act, the Secretary shall expedite small water storage projects under this section for which applicable Federal permitting requirements have been completed.

Determinations.

(e) USE OF DATA.—In conducting a study under this section, to the maximum extent practicable, the Secretary shall—

(1) as the Secretary determines appropriate, consider and utilize any applicable hydrologic, economic, or environmental data that is prepared for a small water storage project under State law as the documentation, or part of the documentation, required to complete State water plans or other State planning documents relating to water resources management; and

(2) consider information developed by the non-Federal interest in relation to another study, to the extent the Secretary

determines such information is applicable, appropriate, or otherwise authorized by law.

(f) COST SHARE.—

(1) STUDY.—The Federal share of the cost of a study conducted under this section shall be—

(A) 100 percent for costs not to exceed $100,000; and

(B) 50 percent for any costs above $100,000.

(2) CONSTRUCTION.—A small water storage project carried out under this section shall be subject to the cost-sharing requirements applicable to projects under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), including— Requirements.

(A) municipal and industrial water supply: 100 percent non-Federal;

(B) agricultural water supply: 35 percent non-Federal; and

(C) recreation, including recreational navigation: 50 percent of separable costs and, in the case of any harbor or inland harbor or channel project, 50 percent of joint and separable costs allocated to recreational navigation.

(g) OMRRR RESPONSIBILITY.—The costs of operation, maintenance, repair, and replacement and rehabilitation for a small water storage project constructed under this section shall be the responsibility of the non-Federal interest.

(h) INDIVIDUAL PROJECT LIMIT.—Not more than $65,000,000 in Federal funds may be made available to a small water storage project under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $130,000,000 annually through fiscal year 2030.

SEC. 156. PLANNING ASSISTANCE TO STATES. 42 USC 1962d–16 note.

In carrying out section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary shall provide equal priority for all mission areas of the Corps of Engineers, including water supply and water conservation.

SEC. 157. FORECAST-INFORMED RESERVOIR OPERATIONS.

Section 1222 of the Water Resources Development Act of 2018 (128 Stat. 3811) is amended by adding at the end the following:

"(c) ADDITIONAL UTILIZATION OF FORECAST-INFORMED RESERVOIR OPERATIONS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any additional opportunities identified for utilizing forecast-informed reservoir operations across the United States, including an assessment of the viability of forecast-informed reservoir operations in the Upper Missouri River Basin and the North Platte River Basin. Reports. Assessment.

"(2) FORECAST-INFORMED RESERVOIR OPERATIONS.—

"(A) AUTHORIZATION.—If the Secretary determines, and includes in the report submitted under paragraph (1), that forecast-informed reservoir operations are viable at a reservoir in the Upper Missouri River Basin or the North Platte River Basin, including a reservoir for which the Secretary has flood control responsibilities under section Determination.

7 of the Act of December 22, 1944 (33 U.S.C. 709), the Secretary is authorized to carry out forecast-informed reservoir operations at such reservoir.

Determination.

"(B) REQUIREMENT.—Subject to the availability of appropriations, if the Secretary determines, and includes in the report submitted under paragraph (1), that forecast-informed reservoir operations are viable in the Upper Missouri River Basin or the North Platte River Basin, the Secretary shall carry out forecast-informed reservoir operations at not fewer than one reservoir in such basin.".

SEC. 158. DATA FOR WATER ALLOCATION, SUPPLY, AND DEMAND.

(a) STUDY ON DATA FOR WATER ALLOCATION, SUPPLY, AND DEMAND.—

Contracts.

(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with the National Academy of Sciences to conduct a study on the ability of Federal agencies to coordinate with other Federal agencies, State and local agencies, Indian Tribes, communities, universities, consortiums, councils, and other relevant entities with expertise in water resources to facilitate and coordinate the sharing among such entities of water allocation, supply, and demand data, including—

(A) any catalogs of such data;

(B) definitions of any commonly used terms relating to water allocation, supply, and demand; and

(C) a description of any common standards used by those entities.

Recommendations.

(2) REPORT.—If the National Academy of Sciences enters into an agreement under paragraph (1), to the maximum extent practicable, not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report that includes—

(A) the results of the study under paragraph (1);

(B) recommendations for ways to streamline and make cost-effective methods for Federal agencies to coordinate interstate sharing of data, including recommendations for the development of a publicly accessible, internet-based platform that can allow entities described in paragraph (1) to communicate and coordinate ongoing data collection efforts relating to water allocation, supply, and demand, and share best practices relating to those efforts; and

(C) a recommendation as to an appropriate Federal entity that should—

(i) serve as the lead coordinator for the sharing of data relating to water allocation, supply, and demand; and

(ii) host and manage the internet-based platform described in subparagraph (B).

Public information. 33 USC 2342 note.

(b) DATA TRANSPARENCY.—The Secretary shall prioritize making publicly available water resources data in the custody of the Corps of Engineers, as authorized by section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342).

(c) FUNDING.—From amounts otherwise appropriated or made available to the Secretary, the Secretary may make available to the National Academy of Sciences not more than $3,900,000, to be used for the review of information provided by the Corps of

Engineers for purposes of a study under subsection (a). The Secretary may accept funds from another Federal agency and make such funds available to the National Academy of Sciences, to be used for the review of information provided by such agency for purposes of a study under subsection (a).

SEC. 159. INLAND WATERWAYS PILOT PROGRAM.

33 USC note prec. 2251.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED PROJECT.—The term "authorized project" means a federally authorized water resources development project for navigation on the inland waterways.

(2) MODERNIZATION ACTIVITIES.—The term "modernization activities" means construction or major rehabilitation activities for any authorized project.

(3) NON-FEDERAL INTEREST.—The term "non-Federal interest" means any public body described in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)).

(b) AUTHORIZATION OF PILOT PROGRAM.—The Secretary is authorized to carry out a pilot program for modernization activities on the inland waterways system.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—In carrying out the pilot program under this section, the Secretary may—

(A) accept and expend funds provided by a non-Federal interest to carry out, for an authorized project (or a separable element of an authorized project), modernization activities for such project; or

(B) coordinate with the non-Federal interest in order to allow the non-Federal interest to carry out, for an authorized project (or a separable element of an authorized project), such modernization activities.

Coordination.

(2) NUMBER.—The Secretary shall select not more than 2 authorized projects to participate in the pilot program under paragraph (1).

(3) CONDITIONS.—Before carrying out modernization activities pursuant to paragraph (1)(B), a non-Federal interest shall—

(A) obtain any permit or approval required in connection with such activities under Federal or State law that would be required if the Secretary were to carry out such activities; and

Permits.

(B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for such activities has been filed pursuant to the National Environmental Policy Act of 1969.

(4) MONITORING.—For any modernization activities carried out by the non-Federal interest pursuant to this section, the Secretary shall regularly monitor and audit such activities to ensure that—

Audit.

(A) the modernization activities are carried out in accordance with this section; and

(B) the cost of the modernization activities is reasonable.

(5) REQUIREMENTS.—The requirements of section 3142 of title 40, United States Code shall apply to any modernization activities undertaken under or pursuant to this section, either by the Secretary or the non-Federal interest.

Applicability.

(d) AGREEMENTS.—

Contracts.

(1) ACTIVITIES CARRIED OUT BY NON-FEDERAL INTEREST.—
(A) IN GENERAL.—
(i) WRITTEN AGREEMENT.—Before a non-Federal interest initiates modernization activities for an authorized project pursuant to this subsection (c)(1)(B), the non-Federal interest shall enter into a written agreement with the Secretary, under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), that requires the modernization activities to be carried out in accordance with—

Plan.

(I) a plan approved by the Secretary; and
(II) any other terms and conditions specified by the Secretary in the agreement.

Compliance. Determination.

(ii) REQUIREMENTS.—A written agreement under clause (i) shall provide that the non-Federal interest shall comply with the same legal and technical requirements that would apply if the modernization activities were carried out by the Secretary, including all mitigation required to offset environmental impacts of the activities, as determined by the Secretary.

(B) ALIGNMENT WITH ONGOING ACTIVITIES.—A written agreement under subparagraph (A) shall include provisions that, to the maximum extent practicable, align modernization activities under this section with ongoing operations and maintenance activities for the applicable authorized project.

(C) INDEMNIFICATION.—As part of a written agreement under subparagraph (A), the non-Federal interest shall agree to hold and save the United States free from liability for any and all damage that arises from the modernization activities carried out by the non-Federal interest pursuant to this section.

(2) ACTIVITIES CARRIED OUT BY SECRETARY.—For modernization activities to be carried out by the Secretary pursuant to subsection (c)(1)(A), the non-Federal interest shall enter into a written agreement with the Secretary, containing such terms and conditions as the Secretary determines appropriate.

(e) REIMBURSEMENT.—

(1) AUTHORIZATION.—Subject to the availability of appropriations, the Secretary may reimburse a non-Federal interest for the costs of modernization activities carried out by the non-Federal interest pursuant to an agreement entered into under subsection (d), or for funds provided to the Secretary under subsection (c)(1)(A), if—

(A) the non-Federal interest complies with the agreement entered into under subsection (d); and

Determination.

(B) with respect to modernization activities carried out by the non-Federal interest pursuant to the agreement, the Secretary determines that the non-Federal interest complied with all applicable Federal requirements in carrying out the modernization activities.

(2) LIMITATION.—The Secretary may only reimburse a non-Federal interest under paragraph (1) for costs of construction that would otherwise be paid from amounts appropriated from the general fund of the Treasury pursuant to section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

(f) RULE OF CONSTRUCTION.—Nothing in this section—

(1) affects the responsibility of the Secretary for the operations and maintenance of the inland waterway system, as of the day before the date of enactment of this Act, including the responsibility of the Secretary for the operations and maintenance costs for any covered project after the modernization activities are completed pursuant to this section;

(2) prohibits or prevents the use of Federal funds for operations and maintenance of the inland waterway system or any authorized project within the inland waterway system; or

(3) prohibits or prevents the use of Federal funds for construction or major rehabilitation activities within the inland waterway system or for any authorized project within the inland waterway system.

(g) NOTIFICATION.—If a non-Federal interest notifies the Secretary that the non-Federal interest intends to carry out modernization activities for an authorized project, or separable element thereof, pursuant to this section, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concerning the intent of the non-Federal interest.

(h) SUNSET.—

(1) IN GENERAL.—The authority of the Secretary to enter into an agreement under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

(2) REIMBURSEMENT ELIGIBILITY.—The termination of authority under paragraph (1) shall not extinguish the eligibility of a non-Federal interest to seek reimbursement under subsection (e).

SEC. 160. DEFINITION OF ECONOMICALLY DISADVANTAGED COMMUNITY.

33 USC 2201 note.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance defining the term "economically disadvantaged community" for the purposes of this Act and the amendments made by this Act.

Deadline.

(b) CONSIDERATIONS.—In defining the term "economically disadvantaged community" under subsection (a), the Secretary shall, to the maximum extent practicable, utilize the criteria under paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161), to the extent that such criteria are applicable in relation to the development of water resources development projects.

(c) PUBLIC COMMENT.—In developing the guidance under subsection (a), the Secretary shall provide notice and an opportunity for public comment.

Notice.

SEC. 161. STUDIES OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", or, upon the written approval of the Secretary that the modifications are consistent with the authorized purposes of the project, undertake a feasibility study on modifications to a water resources development project constructed by the Corps

of Engineers," after "water resources development project"; and

(B) in paragraph (2), by striking "for feasibility studies" and all that follows through the period at the end and inserting "for the formulation of feasibility studies of water resources development projects undertaken by non-Federal interests to—

Assessment. Compliance.

"(A) ensure that any feasibility study with respect to which the Secretary submits an assessment to Congress under subsection (c) complies with all of the requirements that would apply to a feasibility study undertaken by the Secretary; and

"(B) provide sufficient information for the formulation of the studies, including processes and procedures related to reviews and assistance under subsection (e).";

(2) in subsection (b)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

Assessment. Compliance.

"(2) TIMING.—The Secretary may not submit to Congress an assessment of a feasibility study under this section until such time as the Secretary—

Determination.

"(A) determines that the feasibility study complies with all of the requirements that would apply to a feasibility study undertaken by the Secretary; and

Analyses. Reviews.

"(B) completes all of the Federal analyses, reviews, and compliance processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that would be required with respect to the proposed project if the Secretary had undertaken the feasibility study.

"(3) INITIATION OF REVIEW.—

"(A) REQUEST.—

"(i) SUBMISSION.—The non-Federal interest may submit to the Secretary a request that the Secretary initiate the analyses, reviews, and compliance processes described in paragraph (2)(B) with respect to the proposed project prior to the non-Federal interest's submission of a feasibility study under subsection (a)(1).

"(ii) EFFECT.—Receipt by the Secretary of a request submitted under clause (i) shall be considered the receipt of a proposal or application that will lead to a major Federal action that is subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that would be required if the Secretary were to undertake the feasibility study.

"(B) DEADLINE.—Not later than 10 days after the Secretary receives a request under this paragraph, the Secretary shall begin the required analyses, reviews, and compliance processes.

Timeline.

"(4) NOTIFICATION.—Upon receipt of a request under paragraph (3), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works

of the Senate of the request and a timeline for completion of the required analyses, reviews, and compliance processes.

"(5) STATUS UPDATES.—Not later than 30 days after receiving a request under paragraph (3), and every 30 days thereafter until the Secretary submits an assessment under subsection (c) for the applicable feasibility study, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the non-Federal interest of the status of the Secretary's required analyses, reviews, and compliance processes."; and

Deadlines. Notification.

(3) in subsection (c)(1), in the matter preceding subparagraph (A)—

(A) by striking "after the date of receipt of a feasibility study of a project under subsection (a)(1)" and insert "after the completion of review of a feasibility study under subsection (b)"; and

(B) by striking "a report" and inserting "an assessment".

(b) DEADLINE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue revised guidelines under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) to implement the amendments made by this section.

Guidelines. 33 USC 2231 note.

(c) HOLD HARMLESS.—

33 USC 2231 note.

(1) ONE-YEAR WINDOW.—The amendments made by this section shall not apply to any feasibility study submitted to the Secretary under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) during the one-year period prior to the date of enactment of this section.

(2) 2020 PROJECTS.—The amendments made by this section shall not apply to any project authorized by section 403 of this Act.

SEC. 162. LEVERAGING FEDERAL INFRASTRUCTURE FOR INCREASED WATER SUPPLY.

Section 1118(i) of the Water Resources Development Act of 2016 (43 U.S.C. 390b-2(i)) is amended—

(1) by striking "The Secretary may" and inserting the following:

"(1) CONTRIBUTED FUNDS FOR CORPS PROJECTS.—The Secretary may"; and

(2) by adding at the end the following:

"(2) CONTRIBUTED FUNDS FOR OTHER FEDERAL RESERVOIR PROJECTS.—The Secretary is authorized to receive and expend funds from a non-Federal interest to formulate, review, or revise operational documents, pursuant to a proposal submitted in accordance subsection (a), for any reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood control or navigation pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709).".

SEC. 163. SENSE OF CONGRESS ON REMOVAL OF UNAUTHORIZED, MANMADE, FLAMMABLE MATERIALS ON CORPS PROPERTY.

Determination.

It is the sense of Congress that the Secretary should, using existing authorities, prioritize the removal, from facilities and lands of the Corps of Engineers in regions that are urban and arid, of materials that are manmade, flammable, unauthorized to be

present, and determined by the Secretary to pose a fire risk that is a threat to public safety.

SEC. 164. ENHANCED DEVELOPMENT PROGRAM.

Review.

(a) IN GENERAL.—The Secretary shall review the master plan and shoreline management plan for any lake described in section 3134 of the Water Resources Development Act of 2007 (121 Stat. 1142; 130 Stat. 1671) for the purpose of identifying structures or other improvements that are owned by the Secretary and are suitable for enhanced development, if—

(1) the master plan and shoreline management plan of the lake have been updated since January 1, 2013; and

(2) the applicable district office of the Corps of Engineers has received a written request for such a review from any entity.

(b) DEFINITION OF ENHANCED DEVELOPMENT.—In this section, the term "enhanced development" means the use, for non-water-dependent commercial or hospitality industry purposes or for residential or recreational purposes, of an existing structure or other improvement.

Deadline.

(c) DIVESTMENT AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

Reports.

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies—

(A) any structure or other improvement owned by the Secretary that—

(i) has been identified as suitable for enhanced development pursuant to subsection (a);

(ii) the Secretary determines the divestment of which would not adversely affect the Corps of Engineers operation of the lake at which the structure or other improvement is located; and

(iii) a non-Federal interest has offered to purchase from the Secretary; and

(B) the fair market value of any structure or other improvement identified under subparagraph (A); and

Plan.

(2) develop a plan to divest any structure or other improvement identified under paragraph (1)(A), at fair market value, to the applicable non-Federal interest.

33 USC 2201 note.

SEC. 165. CONTINUING AUTHORITY PROGRAMS.

(a) PILOT PROGRAM FOR CONTINUING AUTHORITY PROJECTS IN SMALL OR DISADVANTAGED COMMUNITIES.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement a pilot program, in accordance with this subsection, for carrying out a project under a continuing authority program for an economically disadvantaged community.

(2) PARTICIPATION IN PILOT PROGRAM.—In carrying out paragraph (1), the Secretary shall—

Notice.
Federal Register, publication.

(A) publish a notice in the Federal Register that requests non-Federal interest proposals for a project under a continuing authority program for an economically disadvantaged community; and

(B) review such proposals and select a total of 10 projects, taking into consideration geographic diversity among the selected projects. Review.

(3) COST SHARE.—Notwithstanding the cost share authorized for the applicable continuing authority program, the Federal share of the cost of a project selected under paragraph (2) shall be 100 percent.

(4) SUNSET.—The authority to commence pursuant to this subsection a project selected under paragraph (2) shall terminate on the date that is 10 years after the date of enactment of this Act.

(5) CONTINUING AUTHORITY PROGRAM DEFINED.—In this subsection, the term "continuing authority program" has the meaning given that term in section 7001(c)(1)(D) of Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(b) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) EMERGENCY STREAMBANK AND SHORELINE PROTECTION.—Notwithstanding section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), there is authorized to be appropriated to carry out such section $25,500,000 for each of fiscal years 2021 through 2024.

(2) STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.—Notwithstanding section 3(c) of the Act of August 13, 1946 (33 U.S.C. 426g(c)), there is authorized to be appropriated to carry out such section $38,000,000 for each of fiscal years 2021 through 2024.

(3) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Notwithstanding section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), there is authorized to be appropriated to carry out such section $63,000,000 for each of fiscal years 2021 through 2024.

(4) REGIONAL SEDIMENT MANAGEMENT.—Notwithstanding section 204(g) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(g)), there is authorized to be appropriated to carry out such section $63,000,000 for each of fiscal years 2021 through 2024.

(5) SMALL FLOOD CONTROL PROJECTS.—Notwithstanding section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), there is authorized to be appropriated to carry out such section $69,250,000 for each of fiscal years 2021 through 2024.

(6) AQUATIC ECOSYSTEM RESTORATION.—Notwithstanding section 206(f) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(f)), there is authorized to be appropriated to carry out such section $63,000,000 for each of fiscal years 2021 through 2024.

(7) REMOVAL OF OBSTRUCTIONS; CLEARING CHANNELS.—Notwithstanding section 2 of the Act of August 28, 1937 (33 U.S.C. 701g), there is authorized to be appropriated to carry out such section $8,000,000 for each of fiscal years 2021 through 2024.

(8) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Notwithstanding section 1135(h) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(h)), there is authorized to be appropriated to carry out such section $50,500,000 for each of fiscal years 2021 through 2024.

TITLE II—STUDIES AND REPORTS

SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) SULPHUR RIVER, ARKANSAS AND TEXAS.—Project for ecosystem restoration, Sulphur River, Arkansas and Texas.

(2) CABLE CREEK, CALIFORNIA.—Project for flood risk management, water supply, and related benefits, Cable Creek, California.

(3) OROVILLE DAM, CALIFORNIA.—Project for dam safety improvements, Oroville Dam, California.

(4) RIO HONDO CHANNEL, CALIFORNIA.—Project for ecosystem restoration, Rio Hondo Channel, San Gabriel River, California.

(5) SHINGLE CREEK AND KISSIMMEE RIVER, FLORIDA.—Project for ecosystem restoration and water storage, Shingle Creek and Kissimmee River, Osceola County, Florida.

(6) ST. JOHN'S RIVER AND LAKE JESUP, FLORIDA.—Project for ecosystem restoration, St. John's River and Lake Jesup, Florida.

(7) CHICAGO AREA WATERWAYS SYSTEM, ILLINOIS.—Project for ecosystem restoration, recreation, and other purposes, Illinois River, Chicago River, Calumet River, Grand Calumet River, Little Calumet River, and other waterways in the vicinity of Chicago, Illinois.

(8) FOX RIVER, ILLINOIS.—Project for flood risk management, Fox River, Illinois.

(9) LOWER MISSOURI RIVER, KANSAS.—Project for bank stabilization and navigation, Lower Missouri River, Sioux City, Kansas.

(10) TANGIPAHOA PARISH, LOUISIANA.—Project for flood risk management, Tangipahoa Parish, Louisiana.

(11) NEWBURY AND NEWBURYPORT, MASSACHUSETTS.—Project for coastal storm risk management, Newbury and Newburyport, Massachusetts.

(12) ESCATAWPA RIVER BASIN, MISSISSIPPI.—Project for flood risk management and ecosystem restoration, Escatawpa River, Jackson County, Mississippi.

(13) LONG BEACH, BAY ST. LOUIS AND MISSISSIPPI SOUND, MISSISSIPPI.—Project for hurricane and storm damage risk reduction and flood risk management, Long Beach, Bay St. Louis and Mississippi Sound, Mississippi.

(14) TALLAHOMA AND TALLAHALA CREEKS, MISSISSIPPI.—Project for flood risk management, Leaf River, Jones County, Mississippi.

(15) LOWER MISSOURI RIVER, MISSOURI.—Project for navigation, Lower Missouri River, Missouri.

(16) LOWER OSAGE RIVER BASIN, MISSOURI.—Project for ecosystem restoration, Lower Osage River Basin, Missouri.

(17) WYATT, MISSOURI.—Project for flood risk management, P. Fields Pump Station, Wyatt, Missouri.

(18) UPPER BASIN AND STONY BROOK (GREEN BROOK SUB-BASIN), RARITAN RIVER BASIN, NEW JERSEY.—Reevaluation of the Upper Basin and Stony Brook portions of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4119), including the evaluation of nonstructural measures to achieve the project purpose.

(19) WADING RIVER CREEK, NEW YORK.—Project for hurricane and storm damage risk reduction, flood risk management, navigation, and ecosystem restoration, Wading River Creek, New York.

(20) LOWER COLUMBIA RIVER BASIN (TURNING BASIN), OREGON AND WASHINGTON.—Project to improve and add turning basins for the project for navigation, Columbia River Channel, Oregon and Washington, authorized by section 101(b)(13) of the Water Resources Development Act of 1999 (113 Stat. 280).

(21) WILLIAMSPORT, PENNSYLVANIA.—Project for flood risk management and levee rehabilitation, greater Williamsport, Pennsylvania.

(22) CITY OF CHARLESTON, SOUTH CAROLINA.—Project for tidal- and inland-related flood risk management, Charleston, South Carolina.

(23) CHOCOLATE BAYOU, TEXAS.—Project for flood risk management, Chocolate Bayou, Texas.

(24) HOUSTON-GALVESTON, TEXAS.—Project for navigation, Houston-Galveston, Texas.

(25) PORT ARTHUR AND ORANGE COUNTY, TEXAS.—Project for flood risk management, Port Arthur and Orange County, Texas, including construction of improvements to interior drainage.

(26) PORT OF VICTORIA, TEXAS.—Project for flood risk management, Port of Victoria, Texas.

(27) VIRGINIA BEACH AND VICINITY, VIRGINIA AND NORTH CAROLINA.—Project for coastal storm risk management, Virginia Beach and vicinity, Virginia and North Carolina.

Texas.

(b) SPECIAL RULE.—The Secretary shall consider any study carried out by the Secretary to formulate the project for flood risk management, Port Arthur and Orange County, Texas, identified in subsection (a)(25) to be a continuation of the study carried out for Sabine Pass to Galveston Bay, Texas, authorized by a resolution of the Committee on Environment and Public Works of the Senate, approved June 23, 2004, and funded by title IV of division B of the Bipartisan Budget Act of 2018, under the heading "CORPS OF ENGINEERS—CIVIL—DEPARTMENT OF THE ARMY—CONSTRUCTION" (Public Law 115–123; 132 Stat. 76).

SEC. 202. EXPEDITED COMPLETIONS.

Determination.
State listing.

(a) FEASIBILITY REPORTS.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Project for navigation, Florence, Alabama.

(2) Project to modify the project for navigation, Tennessee-Tombigbee Waterway, Alabama, Kentucky, Mississippi, and Tennessee.

American Samoa. (3) Project for shoreline stabilization, Aunu'u Harbor, American Samoa.

American Samoa. (4) Project for shoreline stabilization, Tutuila Island, American Samoa.

(5) Project for flood risk management, Lower Santa Cruz River, Arizona.

(6) Project for flood risk management, Rio de Flag, Arizona.

(7) Project for flood risk management, Tonto Creek, Gila River, Arizona.

(8) Project for flood control, water conservation, and related purposes, Coyote Valley Dam, California.

(9) Project for shoreline stabilization, Del Mar Bluffs, San Diego County, California, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on April 22, 1999 (docket number 2598).

(10) Project for flood damage reduction and ecosystem restoration, Del Rosa Channel, city of San Bernardino, California.

(11) Project for flood risk management, Lower Cache Creek, California.

(12) Project for flood damage reduction and ecosystem restoration, Mission-Zanja Channel, cities of San Bernardino and Redlands, California.

(13) Project for flood risk management, Napa, California.

(14) Project for shoreline protection, Oceanside, California, authorized pursuant to section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636; 121 Stat. 1176).

(15) Project for ecosystem restoration and water conservation, Prado Basin, Orange, Riverside, and San Bernardino counties, California.

(16) Project for water conservation and water supply, Redbank and Fancher Creeks, California.

(17) Project for coastal storm damage reduction, San Diego County shoreline, California.

(18) Project to modify the project for navigation, San Francisco Bay to Stockton, California.

(19) Project for flood risk management, San Francisquito Creek, California.

(20) Project to modify the Seven Oaks Dam, California, portion of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113; 101 Stat. 1329–111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat. 1115), to include water conservation as an authorized purpose.

(21) Project for coastal storm damage reduction, Southern California.

(22) Project for water storage, Halligan Dam, Colorado.

(23) Project for flood risk management, East Hartford Levee System, Connecticut.

(24) Project for flood risk management, Fairfield and New Haven Counties, Connecticut.

(25) Project for navigation, Guilford Harbor and Sluice Channel, Connecticut.

(26) Project for flood risk management, Hartford Levee System, Connecticut.

(27) Project for ecosystem restoration, Central and Southern Florida Project Canal 111 (C–111), South Dade County, Florida.

(28) Project for ecosystem restoration, Lake Okeechobee, Florida.

(29) Project for ecosystem restoration, Western Everglades, Florida.

(30) Project for flood risk management, Hanapepe River, Kauai, Hawaii.

(31) Project for flood risk management, Wailupe Stream, Oahu, Hawaii.

(32) Project for flood risk management, Waimea River, Kauai, Hawaii, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(33) Project for comprehensive hurricane and storm damage risk reduction and shoreline erosion protection, Chicago, Illinois, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664; 113 Stat. 302).

(34) Project for flood risk management, Wheaton, DuPage County, Illinois.

(35) Project for flood damage reduction, ecosystem restoration, and recreation, Blue River Basin, Kansas City, Kansas, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on September 24, 2008 (docket number 2803).

(36) Project for flood control, Amite River and Tributaries east of the Mississippi River, Louisiana.

(37) Project for coastal storm risk management, Upper Barataria Basin, Louisiana.

(38) Project for navigation, Kent Narrows and Chester River, Queen Anne's County, Maryland.

(39) Project to replace the Bourne and Sagamore Bridges, Cape Cod, Massachusetts.

(40) Project for flood risk management, ecosystem restoration, and recreation, Lower St. Croix River, Minnesota, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on September 25, 2002 (docket number 2705).

(41) Project to deepen the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094).

(42) Project for navigation, Shark River, New Jersey.

(43) Project for navigation, Goldsmith Inlet, New York.

(44) Project for navigation, Lake Montauk Harbor, New York.

(45) Project for rehabilitation of Lock E–32, Erie Canal, Pittsford, New York.

(46) Project for navigation and shoreline stabilization, Reel Point Preserve, New York, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on May 2, 2007 (docket number 2775).

(47) Project for flood risk management, Rondout Creek-Wallkill River Watershed, New York, carried out pursuant to

the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on May 2, 2007 (docket number 2776).

(48) Project for ecosystem restoration and hurricane and storm damage risk reduction, Spring Creek South (Howard Beach), Queens, New York.

(49) Project for ecosystem restoration, Hood River at the confluence with the Columbia River, Oregon.

(50) Project to resolve increased silting and shoaling adjacent to the Federal channel, Port of Bandon, Coquille River, Oregon.

(51) Project for flood control, 42nd Street Levee, Springfield, Oregon, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(52) Project for construction of Tribal housing authorized by title IV of Public Law 100–581 (102 Stat. 2944), Oregon and Washington.

(53) Project for flood risk management, Dorchester County, South Carolina.

(54) Project for navigation, Georgetown Harbor, South Carolina.

(55) Project for hurricane and storm damage risk reduction, Myrtle Beach, South Carolina.

(56) Project to modify the projects for navigation and other purposes, Old Hickory Lock and Dam and the Cordell Hull Dam and Reservoir, Cumberland River, Tennessee, authorized by the Act of July 24, 1946 (chapter 595, 60 Stat. 636), to add flood risk management as an authorized purpose.

(57) Project for flood risk management, Buffalo Bayou, Texas.

(58) Project for flood risk management, ecosystem restoration, water supply, and related purposes, Lower Rio Grande River, Cameron County, Texas, carried out pursuant to the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on May 21, 2003 (docket number 2710).

U.S. Virgin Islands.

(59) Project for hurricane and storm damage risk reduction and shoreline erosion protection, Bolongo Bay, St. Thomas, United States Virgin Islands.

(60) Project for water supply and ecosystem restoration, Howard Hanson Dam, Washington.

(61) Project for ecosystem restoration, Puget Sound, Washington.

(62) Project for navigation, Seattle Harbor, Washington.

(63) Project for navigation, Tacoma Harbor, Washington.

(64) Project for dam safety remediation, Bluestone Dam, West Virginia.

(65) Project to modify the project for navigation, Milwaukee Harbor, Wisconsin.

Arizona. Iowa.

(b) POST-AUTHORIZATION CHANGE REPORTS.—The Secretary shall expedite completion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Tres Rios, Arizona.

(2) Project for flood risk management, Des Moines Levee System, including Birdland Park Levee, Des Moines and Raccoon Rivers, Des Moines, Iowa.

(c) WATERSHED AND RIVER BASIN ASSESSMENTS.—The Secretary shall expedite the completion of an assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the following: State listing.

(1) Kansas River Basin, Kansas.
(2) Merrimack River Basin, Massachusetts.
(3) Pascagoula River Basin, Mississippi.
(4) Tuscarawas River Basin, Ohio.
(5) Lower Fox River Basin, Wisconsin.
(6) Upper Fox River Basin and Wolf River Basin, Wisconsin.

(d) DISPOSITION STUDIES.—The Secretary shall expedite the completion of a disposition study, carried out under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), for the project for Salinas Reservoir (Santa Margarita Lake), California. California.

(e) REALLOCATION STUDIES.—The Secretary shall expedite the completion of a study for the reallocation of water supply storage, carried out in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), for the following: Texas.

(1) Aquilla Lake, Texas.
(2) Lake Whitney, Texas.

(f) ECONOMIC REEVALUATION REPORT.—The Secretary shall expedite the completion of the economic reevaluation report for the navigation and sustainability program carried out pursuant to title VIII of the Water Resources Development Act of 2007 (33 U.S.C. 652 note).

SEC. 203. EXPEDITED MODIFICATIONS OF EXISTING FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary shall expedite the completion of the following feasibility studies, as modified by this section, and if the Secretary determines that a project that is the subject of the feasibility study is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project: Determination.

(1) SAN FRANCISCO BAY, CALIFORNIA.—The study for flood risk reduction authorized by section 142 of the Water Resources Development Act of 1976 (90 Stat. 2930), is modified to authorize the Secretary to— Investigations.

(A) investigate the ocean shoreline of San Mateo, San Francisco, and Marin Counties for the purposes of providing flood protection against tidal and fluvial flooding;

(B) with respect to the bay and ocean shorelines of San Mateo, San Francisco, and Marin Counties, investigate measures to adapt to rising sea levels; and

(C) with respect to the bay and ocean shorelines, and streams running to the bay and ocean shorelines, of San Mateo, San Francisco, and Marin Counties, investigate the effects of proposed flood protection and other measures or improvements on—

(i) the local economy;

(ii) habitat restoration, enhancement, or expansion efforts or opportunities;

(iii) public infrastructure protection and improvement;

(iv) stormwater runoff capacity and control measures, including those that may mitigate flooding;

(v) erosion of beaches and coasts; and

(vi) any other measures or improvements relevant to adapting to rising sea levels.

(2) SACRAMENTO RIVER, SOUTHERN SUTTER COUNTY, CALIFORNIA.—The study for flood control and allied purposes for the Sacramento River Basin, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), is modified to authorize the Secretary to conduct a study for flood risk management, southern Sutter County between the Sacramento River and Sutter Bypass, California.

(3) SALTON SEA, CALIFORNIA.—In carrying out the program to implement projects to restore the Salton Sea, California, authorized by section 3032 of the Water Resources Development Act of 2007 (121 Stat. 1113; 130 Stat. 1677), the Secretary is authorized to carry out a study for the construction of a perimeter lake, or a northern or southern subset thereof, for the Salton Sea, California.

(4) NEW YORK AND NEW JERSEY HARBOR AND TRIBUTARIES, NEW YORK AND NEW JERSEY.—The study for flood and storm damage reduction for the New York and New Jersey Harbor and Tributaries project, authorized by the Act of June 15, 1955 (chapter 140, 69 Stat. 132), and being carried out pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113–2), is modified to require the Secretary to—

Evaluation.

(A) evaluate and address the impacts of low-frequency precipitation and sea-level rise on the study area;

Consultation.

(B) consult with affected communities; and

(C) ensure the study is carried out in accordance with section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c).

(b) CONSIDERATIONS.—Where appropriate, the Secretary may use the authority provided by section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a) to carry out this section.

State listing.

SEC. 204. ASSISTANCE TO NON-FEDERAL SPONSORS; FEASIBILITY ANALYSIS.

(a) ASSISTANCE TO NON-FEDERAL SPONSORS.—

(1) IN GENERAL.—Subject to the availability of appropriations, during the period during which a non-Federal interest may submit a proposal to be considered for inclusion in an annual report pursuant to section 7001(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(b)), the Secretary is authorized to provide assistance in accordance with section 1104(b) of the Water Resources Development Act of 2018 (33 U.S.C. 2282d note) to the non-Federal interest of a project proposal described in paragraph (2).

(2) PROJECT PROPOSALS DESCRIBED.—A project proposal referred to in paragraph (1) is a proposal for any of the following:

(A) A feasibility study for a fish passage for ecosystem restoration, Lower Alabama River, Alabama.

(B) A feasibility study for dredged material disposal management activities, Port of Florence, Alabama.

(C) A feasibility study for a project for flood risk management, Sikorsky Memorial Airport, Bridgeport, Connecticut.

(D) A feasibility study for a project to design and construct the Naugatuck River Greenway Trail, a multiuse trail on Federal land between Torrington and Derby, Connecticut.

(E) A feasibility study for a project for coastal and flood risk management, Stratford, Connecticut.

(F) A feasibility study for projects for flood risk management, Woodbridge, Connecticut.

(G) The project for flood risk management, Bloomington, Indiana.

(H) The project for flood risk management, Gary, Indiana.

(I) Modification of the project for beach erosion and hurricane protection, Grand Isle, Louisiana, to include periodic beach nourishment.

(J) A feasibility study for a project for flood risk management, Cataouatche Subbasin area of the west bank of Jefferson Parish, Louisiana.

(K) A feasibility study for projects for flood risk management and storm damage reduction in the Hoey's Basin area of the east bank of Jefferson Parish, Louisiana, including a study of the "pump to the river" concept.

(L) A feasibility study for a project for flood risk management, Hoosic River, Massachusetts.

(M) Modification of the project for navigation, River Rouge, Michigan.

(N) A project to extend dredging of the South Haven Harbor, Michigan, to include the former turning basin.

(O) Modification of the project for flood risk management, Upper Rouge River, Wayne County, Michigan.

(P) A project for aquatic and riparian ecosystem restoration, Line Creek, Riverside, Missouri.

(Q) A feasibility study for projects for ecosystem restoration, Bangert Island, St. Charles, Missouri, related to channels and aquatic habitats.

(R) A study of the resiliency of the Allegheny Reservoir, New York, in consultation with the Seneca Nation.

Consultation. Native Americans.

(S) A feasibility study for the rehabilitation of the tainter gates and guard gate, Caughdenoy Dam, New York, including an evaluation of the rehabilitation work necessary to extend the service life of those structures, such as—

(i) improvements to the hydraulic efficiency of the gate systems;

(ii) improvements to the concrete foundation and gate support structures; and

(iii) any other improvements the Secretary determines to be necessary.

(T) A project for repairs to the West Pier and West Barrier Bar, Little Sodus Bay Harbor, Cayuga County, New York.

(U) A project for repair of a sheet pile wall and east breakwater, Great Sodus Bay, New York.

(V) A feasibility study for the project for navigation, Port of Oswego, New York.

(W) A feasibility study for potential projects for the rehabilitation of the Glens Falls Feeder Canal, which

begins at the Feeder Dam intersection with the Hudson River in Queensbury, New York, and runs to the confluence of the Old Champlain Canal in Kingsbury, New York.

(X) A feasibility study to determine whether the purchase of additional flood easements, changes in lake level management, additional levee infrastructure, or implementation of other flood risk management or containment mechanisms in the Arkansas River Basin, Oklahoma, would benefit local communities by reducing flood risks around water resources development projects of the Corps of Engineers in a range of different flood scenarios.

(Y) A feasibility study on increasing the frequency and depth of dredging assistance from the Corps of Engineers at the Port of Astoria, located at the mouth of the Columbia River, Oregon.

(b) FEASIBILITY ANALYSIS.—

Review.

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary is authorized to review a project proposal described in paragraph (2) and issue a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on whether a modification to the project that is the subject of the proposal is necessary and recommended to carry out the authorized purposes of such project.

State listing.

(2) PROJECT PROPOSALS DESCRIBED.—A project proposal referred to in paragraph (1) is a proposal to modify any of the following:

(A) The project for environmental infrastructure, City of Sheffield, Alabama, authorized pursuant to section 219(f)(78) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1258; 130 Stat. 1687).

(B) The project for environmental infrastructure, Calaveras County, California, under section 219(f)(86) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1259).

(C) The project for environmental infrastructure, Charlotte County, Florida, authorized by section 219(f)(121) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1261).

(D) The Mississippi River and Tributaries project authorized by the first section of the Act of May 15, 1928 (33 U.S.C. 702a), to include the portion of the Ouachita River Levee System at and below Monroe, Louisiana, to Caldwell Parish, Louisiana.

(E) The project for environmental infrastructure, Central New Mexico, authorized by section 593 of the Water Resources Development Act of 1999 (113 Stat. 380; 119 Stat. 2255).

(F) The project for environmental infrastructure, Village of Whitehall, New York, authorized pursuant to section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150).

(G) The project for environmental infrastructure, Ohio and North Dakota, authorized by section 594 of the Water Resources Development Act of 1999 (113 Stat. 383; 121 Stat. 1140; 121 Stat. 1944).

(H) The project for flood risk management and water supply, Tenkiller Ferry Lake, Arkansas River Basin, Oklahoma, authorized by section 4 of the Act of June 28, 1938 (chapter 795, 52 Stat. 1218), to modify water storage to provide for a sufficient quantity of water supply storage space in the inactive pool storage to support the fishery downstream from Tenkiller Reservoir.

(I) The project for environmental infrastructure, Athens, Tennessee, authorized by section 219(f)(254) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(J) The project for environmental infrastructure, Blaine, Tennessee, authorized by section 219(f)(255) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(K) The project for environmental infrastructure, Claiborne County, Tennessee, authorized by section 219(f)(256) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(L) The project for environmental infrastructure, Giles County, Tennessee, authorized by section 219(f)(257) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(M) The project for environmental infrastructure, Grainger County, Tennessee, authorized by section 219(f)(258) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(N) The project for environmental infrastructure, Hamilton County, Tennessee, authorized by section 219(f)(259) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(O) The project for environmental infrastructure, Harrogate, Tennessee, authorized by section 219(f)(260) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(P) The project for environmental infrastructure, Johnson County, Tennessee, authorized by section 219(f)(261) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(Q) The project for environmental infrastructure, Knoxville, Tennessee, authorized by section 219(f)(262) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(R) The project for environmental infrastructure, Lewis, Lawrence, and Wayne Counties, Tennessee, authorized by section 219(f)(264) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268).

(S) The project for environmental infrastructure, Nashville, Tennessee, authorized by section 219(f)(263) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1267).

(T) The project for environmental infrastructure, Oak Ridge, Tennessee, authorized by section 219(f)(265) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268).

(U) The project for environmental infrastructure, Plateau Utility District, Morgan County, Tennessee, authorized by section 219(f)(266) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1268).

(V) The authorized funding level for critical restoration projects, Lake Champlain watershed, Vermont and New York, authorized by section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150).

(W) The project for environmental infrastructure, Eastern Shore and Southwest Virginia, authorized by section 219(f)(10) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255).

SEC. 205. SELMA, ALABAMA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

Update.

(1) provides an update on the study for flood risk management and riverbank stabilization, Selma, Alabama, authorized by resolutions of the Committees on Public Works and Rivers and Harbors of the House of Representatives on June 7, 1961, and April 28, 1936, respectively, the completion of which the Secretary was required to expedite by section 1203 of the Water Resources Development Act of 2018 (132 Stat. 3803); and

(2) identifies project alternatives necessary to—

(A) assure the preservation of cultural and historic values associated with national historic landmarks within the study area; and

(B) provide flood risk management for economically disadvantaged communities within the study area.

SEC. 206. REPORT ON CORPS OF ENGINEERS FACILITIES IN APPALACHIA.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in collaboration with the Appalachian Regional Commission established by section 14301(a) of title 40, United States Code, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies each Corps of Engineers facility that—

(1) is located within a distressed county or an at-risk county (as designated by the Appalachian Regional Commission pursuant to subparagraph (A) or (B) of section 14526(a)(1), of title 40, United States Code), including in counties that are experiencing high unemployment or job loss; and

(2) could be improved for purposes of economic development, recreation, or other uses.

(b) HYDROPOWER FACILITIES.—

(1) IDENTIFICATION OF POTENTIAL HYDROPOWER DEVELOPMENT.—The Secretary shall include in the report submitted under subsection (a) the identification of any existing nonpowered dams, located within a distressed county or an at-risk county, with the potential to be used to test, evaluate, pilot, demonstrate, or deploy hydropower or energy storage technologies.

(2) INFORMATION.—In carrying out this subsection, the Secretary may use any information developed pursuant to section 1206 of the Water Resources Development Act of 2018 (132 Stat. 3806).

(3) COORDINATION.—In carrying out paragraph (1), the Secretary shall coordinate with any relevant National Laboratories.

SEC. 207. ADDITIONAL STUDIES UNDER NORTH ATLANTIC COAST COMPREHENSIVE STUDY.

(a) IN GENERAL.—The Secretary shall carry out a study to determine the feasibility of a project for hurricane and storm damage risk reduction for any major metropolitan area located in the study area for the comprehensive study authorized under the heading "Department of the Army—Corps of Engineers—Civil—Investigations" under the Disaster Relief Appropriations Act, 2013 (Public Law 113–2) that was not included in a high-risk focus area identified in the study. Determination.

(b) TREATMENT.—A study carried out under subsection (a) shall be considered to be a continuation of the comprehensive study described in that subsection.

SEC. 208. SOUTH ATLANTIC COASTAL STUDY.

Section 1204 of the Water Resources Development Act of 2016 (130 Stat. 1685) is amended by adding at the end the following:

"(d) ANNUAL REPORTS.—Not later than 180 days after the enactment of the Water Resources Development Act of 2020, and not less frequently than annually thereafter until 2025, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the study under subsection (a), on a State-by-State basis, including information on the engagement of the Corps of Engineers with non-Federal interests, including detailed lists of all meetings and decision outcomes associated with those engagements.". Lists.

SEC. 209. COMPREHENSIVE STUDY OF THE SACRAMENTO RIVER, YOLO BYPASS, CALIFORNIA.

(a) COMPREHENSIVE STUDY.—The Secretary shall conduct a comprehensive study of the Sacramento River in the vicinity of the Yolo Bypass System, California, to identify actions to be undertaken by the Secretary for the comprehensive management of the Yolo Bypass System for the purposes of flood risk management, ecosystem restoration, water supply, hydropower, and recreation.

(b) CONSULTATION AND USE OF EXISTING DATA.—

(1) CONSULTATION.—In conducting the comprehensive study under subsection (a), the Secretary shall consult with the Governor of the State of California, applicable Federal, State, and local agencies, non-Federal interests, the Yolo Bypass and Cache Slough Partnership, and other stakeholders.

(2) USE OF EXISTING DATA AND PRIOR STUDIES.—To the maximum extent practicable and where appropriate, the Secretary may—

(A) make use of existing data provided to the Secretary by the entities identified in paragraph (1); and

(B) incorporate—

(i) relevant information from prior studies and projects carried out by the Secretary within the study area; and

(ii) the latest technical data and scientific approaches to changing hydrologic and climatic conditions.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—In conducting the comprehensive study under subsection (a), the Secretary may develop a recommendation to Congress for—

(A) the construction of a water resources development project;

(B) the structural or operational modification of an existing water resources development project;

(C) additional monitoring of, or adaptive management measures to carry out with respect to, existing water resources development projects, to respond to changing hydrologic and climatic conditions; or

(D) geographic areas within the Yolo Bypass System for additional study by the Secretary.

(2) ADDITIONAL CONSIDERATIONS.—Any feasibility study carried out pursuant to a recommendation under paragraph (1)(D) shall be considered to be a continuation of the comprehensive study authorized under subsection (a).

(d) COMPLETION OF STUDY; REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) the results of the comprehensive study conducted under subsection (a), including any recommendations developed under subsection (c);

(2) any additional, site-specific areas within the Yolo Bypass System where additional study for flood risk management or ecosystem restoration projects is recommended by the Secretary; and

(3) any interim actions relating to existing water resources development projects undertaken by the Secretary during the study period.

(e) DEFINITIONS.—In this section:

(1) YOLO BYPASS SYSTEM.—The term "Yolo Bypass System" means the system of weirs, levees, bypass structures, and other water resources development projects in California's Sacramento River Valley, extending from the Fremont Weir near Woodland, California, to the Sacramento River near Rio Vista, California, authorized pursuant to section 2 of the Act of March 1, 1917 (chapter 144; 39 Stat. 949).

(2) YOLO BYPASS AND CACHE SLOUGH PARTNERSHIP.—The term "Yolo Bypass and Cache Slough Partnership" means the group of parties to the Yolo Bypass and Cache Slough Memorandum of Understanding, effective May 2016, regarding collaboration and cooperation in the Yolo Bypass and Cache Slough region.

SEC. 210. LAKE OKEECHOBEE REGULATION SCHEDULE, FLORIDA.

(a) IN GENERAL.—In carrying out the review of the Lake Okeechobee regulation schedule pursuant to section 1106 of the Water Resources Development Act of 2018 (132 Stat. 3773), the Secretary shall—

(1) evaluate the implications of prohibiting releases from Lake Okeechobee through the S–308 and S–80 lock and dam structures, and evaluate separately the implications of prohibiting high volume releases through the S–77, S–78, and S–79 lock and dam structures, on the operation of the lake in accordance with authorized purposes and seek to minimize unnecessary releases to coastal estuaries; and Evaluation.

(2) to the maximum extent practicable, coordinate with the ongoing efforts of Federal and State agencies responsible for monitoring, forecasting, and notification of cyanobacteria levels in Lake Okeechobee. Coordination.

(b) MONTHLY REPORT.—Each month, the Secretary shall make public a report, which may be based on the Water Management Daily Operational Reports, disclosing the volumes of water deliveries to or discharges from Lake Okeechobee & Vicinity, Water Conservation Area I, Water Conservation Area II, Water Conservation Area III, East Coast Canals, and the South Dade Conveyance. Such report shall be aggregated and reported in a format designed for the general public, using maps or other widely understood communication tools. Public information. Disclosure.

(c) EFFECT.—In carrying out the evaluation under subsection (a)(1), nothing shall be construed to authorize any new purpose for the management of Lake Okeechobee or authorize the Secretary to affect any existing authorized purpose, including flood protection and management of Lake Okeechobee to provide water supply for all authorized users.

SEC. 211. GREAT LAKES COASTAL RESILIENCY STUDY.

(a) IN GENERAL.—In carrying out the comprehensive assessment of water resources needs for the Great Lakes System under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a), as required by section 1219 of the Water Resources Development Act of 2018 (132 Stat. 3811), the Secretary shall—

(1) taking into account recent high lake levels within the Great Lakes, assess and make recommendations to Congress on— Assessment. Recommendations.

(A) coastal storm and flood risk management measures, including measures that use natural features and nature-based features, as those terms are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a);

(B) operation and maintenance of the Great Lakes Navigation System, as such term is defined in section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238);

(C) ecosystem protection and restoration;

(D) the prevention and control of invasive species and the effects of invasive species; and

(E) recreation associated with water resources development projects;

(2) prioritize actions necessary to protect critical public infrastructure, communities, and critical natural or cultural resources; and

(3) to the maximum extent practicable and where appropriate, utilize existing data provided to the Secretary by Federal and State agencies, Indian Tribes, and other stakeholders, including data obtained through other Federal programs.

(b) RECOMMENDATIONS; ADDITIONAL STUDY.—

(1) IN GENERAL.—In carrying out the comprehensive assessment described in subsection (a), the Secretary may make a recommendation to Congress for—

(A) the construction of a water resources development project;

(B) the structural or operational modification of an existing water resources development project;

(C) additional monitoring of, or adaptive management measures to carry out with respect to, existing water resources development projects, to respond to changing hydrologic and climatic conditions; or

(D) geographic areas within the Great Lakes System for additional study by the Secretary.

New York. Illinois.

(2) FOCUS AREAS.—In addition to carrying out subsection (a), to contribute to the comprehensive assessment described in such subsection, the Secretary is authorized to conduct feasibility studies for—

(A) the project for coastal storm resiliency, Lake Ontario shoreline, New York; and

(B) the project for coastal storm resiliency, Chicago shoreline, Illinois.

(3) ADDITIONAL CONSIDERATIONS.—Any feasibility study carried out pursuant to this subsection, including pursuant to a recommendation under paragraph (1)(D), shall be considered to be a continuation of the comprehensive assessment described in subsection (a).

(c) EXEMPTION FROM MAXIMUM STUDY COST AND DURATION LIMITATIONS.—Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) shall not apply to any study recommended under subsection (b)(1)(D) or carried out pursuant to subsection (b)(2).

Summaries.

SEC. 212. REPORT ON THE STATUS OF RESTORATION IN THE LOUISIANA COASTAL AREA.

Not later than 1 year after the date of enactment of this Act, the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7004 of Water Resources Development Act of 2007 (121 Stat. 1272) shall submit to Congress a report that summarizes the activities and recommendations of the Task Force, including—

(1) policies, strategies, plans, programs, projects, and activities undertaken for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem; and

(2) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem.

SEC. 213. LOWER MISSISSIPPI RIVER COMPREHENSIVE MANAGEMENT STUDY.

(a) COMPREHENSIVE STUDY.—

(1) PURPOSE.—The Secretary, in collaboration with the heads of other relevant Federal agencies and pursuant to subsection (d)(1)(A), shall conduct a comprehensive study of the Lower Mississippi River basin, from Cape Girardeau, Missouri, to the Gulf of Mexico, to identify recommendations of actions to be undertaken by the Secretary, under existing authorities

or after congressional authorization, for the comprehensive management of the basin for the purposes of—

(A) hurricane and storm damage reduction, flood risk management, structural and nonstructural flood control, and floodplain management strategies;

(B) navigation;

(C) ecosystem and environmental restoration;

(D) water supply;

(E) hydropower production;

(F) recreation; and

(G) other purposes as determined by the Secretary.

(2) DEVELOPMENT.—In conducting the comprehensive study under paragraph (1), the Secretary shall investigate— Investigation.

(A) the construction of new water resources development projects;

(B) structural and operational modifications to completed water resources development projects within the study area;

(C) projects proposed in the comprehensive coastal protection master plan entitled "Louisiana's Comprehensive Master Plan for a Sustainable Coast", prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including any subsequent amendments or revisions), including—

(i) Ama sediment diversion;

(ii) Union freshwater diversion;

(iii) increase Atchafalaya flow to Terrebonne; and

(iv) Manchac Landbridge diversion;

(D) natural features and nature-based features, including levee setbacks and instream and floodplain restoration;

(E) fish and wildlife habitat resources, including in the Mississippi Sound Estuary, the Lake Pontchartrain Basin, the Breton Sound, the Barataria Basin, the Terrebonne Basin, the Atchafalaya Basin, the Vermilion–Teche Basin, and other outlets of the Mississippi River and Tributaries project;

(F) mitigation of adverse impacts from operations of flood control structures to the Mississippi Sound Estuary, the Lake Pontchartrain Basin, the Breton Sound, the Barataria Basin, the Atchafalaya Basin, and other outlets of the Mississippi River and Tributaries project;

(G) the effects of dredging and river-bottom elevation changes on drainage efficiency;

(H) the economic impacts of existing practices, including such impacts on coastal resources;

(I) monitoring requirements, including as near-real time monitoring as practicable, and adaptive management measures to respond to changing conditions over time;

(J) the division of responsibilities among the Federal Government and non-Federal interests with respect to the purposes described in paragraph (1); and

(K) other matters, as determined by the Secretary.

(b) CONSULTATION AND USE OF EXISTING DATA.—In conducting the comprehensive study under subsection (a), the Secretary shall consult with applicable Federal, State, and local agencies, Indian Tribes, non-Federal interests, and other stakeholders, and, to the

maximum extent practicable and where appropriate, make use of existing data provided to the Secretary by such entities or from any relevant multistate monitoring programs.

(c) RECOMMENDATIONS.—In conducting the comprehensive study under subsection (a), the Secretary shall develop actionable recommendations to Congress, including for—

(1) the construction of new water resources development projects to improve the maximum effective river resource use and control;

(2) the structural or operational modification of completed water resources development projects;

(3) such additional monitoring of, or adaptive management measures to carry out with respect to, completed water resources development projects, to respond to changing conditions;

(4) improving the efficiency of operational and maintenance dredging within the study area;

(5) whether changes are necessary to the Mississippi River and Tributaries project within the study area;

(6) other Federal and non-Federal action, where appropriate; and

(7) follow-up studies and data collection and monitoring to be carried out by the relevant Federal or State agency.

(d) COMPLETION OF STUDY; REPORT TO CONGRESS.—

(1) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the final report under paragraph (2) is submitted, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(A) any interim actions relating to water resources development projects within the study area undertaken by the Secretary under existing authority; and

(B) any recommendations developed under subsection (c).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report detailing the results of the comprehensive study required by this section, including the recommendations developed under subsection (c).

(3) APPLICATION OF CERTAIN REQUIREMENTS.—Section 1001(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(a)) shall not apply to the study carried out by the Secretary under this section.

(e) FURTHER ANALYSIS.—

(1) IN GENERAL.—In conducting the comprehensive study under subsection (a), the Secretary shall carry out activities in geographic areas that warrant additional analysis by the Corps of Engineers, including feasibility studies.

(2) TREATMENT.—A feasibility study carried out under paragraph (1) shall be considered to be a continuation of the comprehensive study conducted under subsection (a).

(f) REQUIREMENTS.—The comprehensive study conducted under subsection (a) shall be carried out in accordance with the authorities for the Mississippi River and Tributaries project.

(g) DEFINITIONS.—In this section:

(1) MISSISSIPPI RIVER AND TRIBUTARIES PROJECT.—The term "Mississippi River and Tributaries project" means the Mississippi River and Tributaries project authorized by the first section of the Act of May 15, 1928 (33 U.S.C. 702a).

(2) NATURAL FEATURE; NATURE-BASED FEATURE.—The terms "natural feature" and "nature-based feature" have the meanings given those terms in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000, to remain available until expended.

(i) SAVINGS PROVISION.—Nothing in this section shall delay or interfere with, or be construed as grounds for enjoining construction of, authorized projects within the study area.

SEC. 214. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

(a) ASSESSMENT.—The Secretary shall conduct an assessment of the water resources needs of the Upper Mississippi River under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(b) REQUIREMENTS.—The Secretary shall carry out the assessment under subsection (a) in accordance with the requirements in section 1206(b) of Water Resources Development Act of 2016 (130 Stat. 1686).

SEC. 215. UPPER MISSOURI RIVER BASIN MAINSTEM DAM FISH LOSS RESEARCH.

(a) IN GENERAL.—Pursuant to section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary shall conduct research on the management of fish losses through the mainstem dams of the Missouri River Basin during periods of high flow.

(b) CONTENTS.—The research conducted under subsection (a) shall include an examination of— Examinations.

(1) the effects of high flow rates through Upper Missouri River Basin mainstem dam outlet works on fish passage;

(2) options used by other Corps of Engineers district offices to mitigate fish losses through dams; and

(3) the feasibility of implementing fish loss mitigation options in the Upper Missouri River Basin mainstem dams, based on similar ongoing studies.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report recommending a plan to address fish losses through mainstem dams in the Upper Missouri River Basin.

SEC. 216. LOWER AND UPPER MISSOURI RIVER COMPREHENSIVE FLOOD PROTECTION.

(a) ADDITIONAL STUDIES FOR LOWER MISSOURI RIVER BASIN.—

(1) IN GENERAL.—Except as provided in paragraph (2), upon the request of the non-Federal interest for the Lower Missouri Investigation. Recommendations.

Basin study, the Secretary shall expand the scope of such study to investigate and provide recommendations relating to—

State listing.

(A) modifications to projects in Iowa, Kansas, Nebraska, and Missouri authorized under the Pick-Sloan Missouri River Basin Program (authorized by section 9(b) of the Act of December 22, 1944 (chapter 665, 58 Stat. 891)) and the Missouri River Bank Stabilization and Navigation project (authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 19)), including modifications to the authorized purposes of such projects to further flood risk management and resiliency; and

(B) modifications to non-Federal, publicly owned levees in the Lower Missouri River Basin.

Determination.

(2) EXCEPTION.—If the Secretary determines that expanding the scope of the Lower Missouri Basin study as provided in paragraph (1) is not practicable, and the non-Federal interest for such study concurs in such determination, the Secretary shall carry out such additional studies as are necessary to investigate the modifications described in paragraph (1).

(3) CONTINUATION OF LOWER MISSOURI BASIN STUDY.—The following studies shall be considered a continuation of the Lower Missouri Basin study:

(A) Any additional study carried out under paragraph (2).

(B) Any study recommended to be carried out in a report that the Chief of Engineers prepares for the Lower Missouri Basin study.

(C) Any study recommended to be carried out in a report that the Chief of Engineers prepares for an additional study carried out under paragraph (2).

(D) Any study spun off from the Lower Missouri Basin study before the completion of such study.

(E) Any study spun off from an additional study carried out under paragraph (2) before the completion of such additional study.

(4) RELIANCE ON EXISTING INFORMATION.—In carrying out any study described in or authorized by this subsection, the Secretary, to the extent practicable, shall rely on existing data and analysis, including data and analysis prepared under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16).

(5) CONSIDERATION; CONSULTATION.—In developing recommendations under paragraph (1), the Secretary shall—

(A) consider the use of—

(i) structural and nonstructural measures, including the setting back of levees and removing structures from areas of recurring flood vulnerability, where advantageous, to reduce flood risk and damages in the Lower Missouri River Basin; and

(ii) where such features are locally acceptable, natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a); and

(B) consult with applicable Federal and State agencies, Indian Tribes, and other stakeholders within the Lower

Missouri River Basin and solicit public comment on such recommendations.

(6) EXEMPTION FROM MAXIMUM STUDY COST AND DURATION LIMITATIONS.—Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) shall not apply to the Lower Missouri Basin study or any study described in paragraph (3).

(7) PRECONSTRUCTION, ENGINEERING, AND DESIGN.—Upon completion of a study authorized by this subsection, if the Secretary determines that a recommended project, or modification to a project described in paragraph (1), is justified, the Secretary may proceed directly to preconstruction planning, engineering, and design of the project or modification. Determination.

(8) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—For the provision of technical assistance to support small communities and economically disadvantaged communities in the planning and design of flood risk management and flood risk resiliency projects in the Lower Missouri River Basin, for each of fiscal years 2021 through 2026, there are authorized to be appropriated—

(i) $2,000,000 to carry out section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), in addition to amounts otherwise authorized to carry out such section; and

(ii) $2,000,000 to carry out section 22(a)(2) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), in addition to amounts otherwise authorized to carry out such section.

(B) CONDITIONS.—

(i) LIMITATIONS NOT APPLICABLE.—The limitations on the use of funds in section 206(d) of the Flood Control Act of 1960 and section 22(c)(2) of the Water Resources Development Act of 1974 shall not apply to the amounts authorized to be appropriated by subparagraph (A).

(ii) RULE OF CONSTRUCTION.—Nothing in this paragraph restricts the authority of the Secretary to use any funds otherwise appropriated to carry out section 206 of the Flood Control Act of 1960 or section 22(a)(2) of the Water Resources Development Act of 1974 to provide technical assistance described in subparagraph (A).

(9) COMPLETION OF STUDY; REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(A) the results of the study authorized by this subsection;

(B) any additional, site-specific areas within the Lower Missouri River Basin for which additional study for flood risk management projects is recommended by the Secretary; and Recommendations.

(C) any interim actions relating to existing water resources development projects in the Lower Missouri River Basin undertaken by the Secretary during the study period.

(10) DEFINITIONS.—In this subsection:

(A) LOWER MISSOURI BASIN STUDY.—The term "Lower Missouri Basin study" means the Lower Missouri Basin Flood Risk and Resiliency Study, Iowa, Kansas, Nebraska, and Missouri, authorized pursuant to section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(B) SMALL COMMUNITY.—The term "small community" means a local government that serves a population of less than 15,000.

(b) UPPER MISSOURI RIVER BASIN COMPREHENSIVE STUDY.—

Examinations.

(1) IN GENERAL.—The Secretary, in collaboration with the heads of other relevant Federal agencies, shall conduct a comprehensive study to address flood risk in areas affected by severe flooding in 2019 along the Upper Missouri River, including an examination of—

(A) the use of structural and nonstructural flood control and floodplain management strategies, including the consideration of natural features or nature-based features (as such terms are defined in section 1184 of the Water Resources Development Act of 2016 (33 U.S.C. 2289a);

(B) continued operation and maintenance of the navigation project;

(C) management of bank caving and erosion;

(D) maintenance of water supply;

(E) fish and wildlife habitat management;

(F) recreation needs;

(G) environmental restoration needs;

(H) the division of responsibilities of the Federal Government and non-Federal interests with respect to Missouri River flooding;

(I) the roles and responsibilities of Federal agencies with respect to Missouri River flooding; and

(J) any other related matters, as determined by the Secretary.

(2) RECOMMENDATIONS.—In conducting the study under this subsection, the Secretary may develop recommendations to Congress for—

(A) the construction of a water resources development project;

(B) the structural or operational modification of an existing water resources development project;

(C) such additional monitoring of, or adaptive management measures to carry out with respect to, existing water resources development projects, to respond to changing conditions;

(D) geographic areas within the Upper Missouri River basin for additional study by the Secretary;

(E) management plans and actions to be carried out by the responsible Federal agencies to reduce flood risk and improve resiliency;

(F) any necessary changes to the general comprehensive plan for flood control and other purposes in the Missouri River Basin under section 4 of the Act of June 28, 1938 (chapter 795, 52 Stat. 1218; 58 Stat. 891); and

(G) follow-up studies for problem areas for which data or current technology does not allow immediate solutions.

(3) COMPLETION OF STUDY; REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(A) contains the results of the comprehensive study required by this subsection, including any recommendations developed under paragraph (2);

(B) addresses—

(i) the potential for the transfer of flood risk between and within the Upper and Lower Missouri River basins with respect to any changes recommended pursuant to paragraph (2)(F);

(ii) adverse impacts to navigation and other authorized purposes of the applicable Missouri River project with respect to any changes recommended under paragraph (2)(F); and

(iii) whether there are opportunities for increased non-Federal management in the Upper Missouri River Basin;

(C) recognizes—

(i) the interest and rights of States in—

(I) determining the development of watersheds within the borders of the State; and

(II) water utilization and control; and

(ii) the primary responsibilities of States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes; and

(D) describes any interim actions relating to existing water resources development projects in the Upper Missouri River Basin undertaken by the Secretary during the study period.

(4) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with applicable Federal and State agencies, Indian Tribes, and other stakeholders within the Upper Missouri River Basin and solicit public comment.

(5) RELIANCE ON EXISTING INFORMATION.—In carrying out any study described in or authorized by this subsection, the Secretary, to the extent practicable, shall rely on existing data and analysis, including data and analysis prepared under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16).

(6) EXEMPTION FROM MAXIMUM STUDY COST AND DURATION LIMITATIONS.—Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) shall not apply to the comprehensive study carried out under this section or any feasibility study described in paragraph (7).

(7) ADDITIONAL CONSIDERATIONS.—Any feasibility study carried out pursuant to a recommendation included in the report submitted under this subsection shall be considered to be a continuation of the comprehensive study required under paragraph (1).

(8) DEFINITION.—In this subsection, the term "Missouri River project" means a project constructed as part of—

(A) the Pick-Sloan Missouri River Basin Program (authorized by section 9(b) of the Act of December 22, 1944 (chapter 665, 58 Stat. 891)), located in the States of Wyoming, Montana, North Dakota, or South Dakota;

(B) the Missouri River Bank Stabilization and Navigation project (authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 19)); or

(C) a non-Federal, publicly owned levee system located within the Upper Missouri River Basin.

Strategy.

(c) COORDINATION.—Upon completion of the studies under subsections (a) and (b), the Secretary shall develop a strategy that, to the maximum extent practicable, coordinates and aligns the results of such studies.

SEC. 217. PORTSMOUTH HARBOR AND PISCATAQUA RIVER AND RYE HARBOR, NEW HAMPSHIRE.

(a) REQUIREMENT TO EXPEDITE.—The Secretary shall expedite authorized activities to address the impacts of shoaling affecting the project for navigation, Rye Harbor, New Hampshire, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480).

Deadline.

(b) STATUS UPDATE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a written status update regarding—

(1) the activities required to be expedited under subsection (a); and

(2) the project for navigation, Portsmouth Harbor and Piscataqua River, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), as required to be expedited under section 1317 of the Water Resources Development Act of 2018 (132 Stat. 3823).

SEC. 218. COUGAR AND DETROIT DAMS, WILLAMETTE RIVER BASIN, OREGON.

Public information.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report providing an initial analysis of deauthorizing hydropower as a project purpose at the Cougar and Detroit Dams project.

(b) CONTENTS.—The Secretary shall include in the report submitted under subsection (a)—

(1) a description of the potential effects of deauthorizing hydropower as a project purpose at the Cougar and Detroit Dams project on—

(A) the operation of the project, including with respect to the other authorized purposes of the project;

(B) compliance of the project with the Endangered Species Act;

(C) costs that would be attributed to other authorized purposes of the project, including costs relating to compliance with such Act; and

(D) other ongoing studies in the Willamette River Basin; and

(2) identification of any further research needed.

(c) PROJECT DEFINED.—In this section, the terms "Cougar and Detroit Dams project" and "project" mean the Cougar Dam and

Reservoir project and Detroit Dam and Reservoir project, Willamette River Basin, Oregon, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179), and facilities that operate in conjunction with the main Detroit Dam facility, including the Big Cliff re-regulating dam.

SEC. 219. PORT ORFORD, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall, at Federal expense, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary report on the research completed and data gathered by the date of enactment of this Act with regards to the configuration of a breakwater for the project for navigation, Port Orford, Oregon, authorized by section 117 of the River and Harbor Act of 1970 (84 Stat. 1822; 106 Stat. 4809), for the purposes of addressing shoaling issues to minimize long-term maintenance costs.

SEC. 220. WILSON CREEK AND SLOAN CREEK, FAIRVIEW, TEXAS.

Deadline. Update.

Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a written status update regarding efforts to address flooding along Wilson Creek and Sloan Creek in the City of Fairview, Texas.

SEC. 221. STUDY ON WATER SUPPLY AND WATER CONSERVATION AT WATER RESOURCES DEVELOPMENT PROJECTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of the Representatives and the Committee on Environment and Public Works of the Senate a report that analyzes the benefits and consequences of including water supply and water conservation as a primary mission of the Corps of Engineers in carrying out water resources development projects. Analysis.

(b) INCLUSION.—The Secretary shall include in the report submitted under subsection (a)—

(1) a description of existing water resources development projects with water supply or water conservation as authorized purposes, and the extent to which such projects are utilized for such purposes;

(2) a description of existing water resources development projects with respect to which—

(A) water supply or water conservation could be added as a project purpose, including those with respect to which a non-Federal interest has expressed an interest in adding water supply or water conservation as a project purpose; and

(B) such a purpose could be accommodated while maintaining existing authorized purposes;

(3) a description of ongoing water resources development project studies the authorizations for which include authorization for the Secretary to study the feasibility of carrying out the project with a purpose of water supply or water conservation;

(4) an analysis of how adding water supply and water conservation as a primary mission of the Corps of Engineers Analysis.

would affect the ability of the Secretary to carry out future water resources development projects; and

Recommendations.

(5) any recommendations of the Secretary relating to including water supply and water conservation as a primary mission of the Corps of Engineers.

33 USC 2282d–1.

SEC. 222. REPORT TO CONGRESS ON AUTHORIZED STUDIES AND PROJECTS.

(a) IN GENERAL.—Not later than February 1 of each year, the Secretary shall develop and submit to Congress an annual report, to be entitled "Report to Congress on Authorized Water Resources Development Projects and Studies", that identifies—

(1) ongoing or new feasibility studies, authorized within the previous 20 years, for which a Report of the Chief of Engineers has not been issued;

(2) authorized feasibility studies for projects in the preconstruction, engineering and design phase;

(3) ongoing or new water resources development projects authorized for construction within the previous 20 years; and

(4) authorized and constructed water resources development projects the Secretary has the responsibility to operate or maintain.

(b) CONTENTS.—

(1) INCLUSIONS.—

(A) CRITERIA.—The Secretary shall include in each report submitted under this section only a feasibility study or water resources development project—

(i) that has been authorized by Congress to be carried out by the Secretary and does not require any additional congressional authorization to be carried out;

(ii) that the Secretary has the capability to carry out if funds are appropriated for such study or project under any of the "Investigations", "Construction", "Operation and Maintenance", or "Mississippi River and Tributaries" appropriations accounts for the Corps of Engineers; and

(iii) for which a non-Federal interest—

Contracts. Notification. Time period.

(I) in the case of a study or a project other than a project for which funds may be appropriated for operation and maintenance, has entered into a feasibility cost-sharing agreement, design agreement, or project partnership agreement with the Corps of Engineers, or has informed the Secretary that the non-Federal interest has the financial capability to enter into such an agreement within 1 year; and

(II) demonstrates the legal and financial capability to satisfy the requirements for local cooperation with respect to the study or project.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall, to the maximum extent practicable, describe in each report submitted under this section the benefits, as described in clause (ii), of each feasibility study and water resources development project included in the report.

(ii) BENEFITS.—The benefits referred to in clause (i) are benefits to—

(I) the protection of human life and property;

(II) improvement to transportation;

(III) the national, regional, or local economy;

(IV) the environment; or

(V) the national security interests of the United States.

(2) TRANSPARENCY.—The Secretary shall include in each report submitted under this section, for each feasibility study and water resources development project included in the report—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of the study or project;

(B) the purpose of the study or project;

(C) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of the study or project, including, to the extent practicable, the fully funded capability of the Corps of Engineers for— Cost estimate. Time periods.

(i) the 3 fiscal years following the fiscal year in which the report is submitted, in the case of a feasibility study; and

(ii) the 5 fiscal years following the fiscal year in which the report is submitted, in the case of a water resources development project; and

(D) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of the study or project. Estimate.

(3) CERTIFICATION.—The Secretary shall include in each report submitted under this section a certification stating that each feasibility study or water resources development project included in the report meets the criteria described in paragraph (1)(A).

(4) OMISSIONS.—

(A) LIMITATION.—The Secretary shall not omit from a report submitted under this section a study or project that otherwise meets the criteria for inclusion in the report solely on the basis of a policy of the Secretary.

(B) APPENDIX.—If the Secretary omits from a report submitted under this section a study or project that otherwise meets the criteria for inclusion in the report, the Secretary shall include with the report an appendix that lists the name of the study or project and reason for its omission.

(c) SUBMISSION TO CONGRESS; PUBLICATION.—

(1) SUBMISSION TO CONGRESS.—The Secretary may submit a report under this section in conjunction with the submission of the annual report under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(2) PUBLICATION.—On submission of each report under this section, the Secretary shall make the report publicly available, including through publication on the internet. Public information. Web posting.

(d) DEFINITIONS.—In this section:

(1) NON-FEDERAL INTEREST.—The term "non-Federal interest" has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

(2) WATER RESOURCES DEVELOPMENT PROJECT.—The term "water resources development project" includes a separable element of a project, a project under an environmental infrastructure assistance program, and a project the authorized purposes of which include water supply.

SEC. 223. COMPLETION OF REPORTS AND MATERIALS.

(a) IN GENERAL.—Using available appropriations, not later than 180 days after the date of enactment of this section, the Secretary shall complete and submit to Congress the following materials:

(1) The report required by section 1211 of the Water Resources Development Act of 2018 (132 Stat. 3808).

(2) Implementation guidance for the amendments made by section 1176 of the Water Resources Development Act of 2016 (130 Stat. 1673).

(3) Implementation guidance for the amendments made by section 3029(a) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1305).

(4) Any other report or other material required to be submitted to Congress by any of the following Acts (including by amendments made by such Acts) that has not been so submitted by the date of enactment of this section:

(A) The Water Resources Reform and Development Act of 2014 (Public Law 113–121).

(B) The Water Resources Development Act of 2016 (Public Law 114–322).

(C) The Water Resources Development Act of 2018 (Public Law 115–270).

(b) USE OF EXISTING DATA.—To the extent practicable and appropriate, the Secretary shall use existing data in completing any materials described in subsection (a).

Notification. Timeline.

(c) FAILURE TO SUBMIT.—If the Secretary fails to submit materials as required by this section, the Secretary shall immediately inform the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, in writing, of the specific reasons for such failure and a timeline for submission of the delinquent materials.

33 USC 2202 note.

(d) IMPLEMENTATION GUIDANCE.—The Secretary shall expeditiously issue any guidance necessary to implement any provision of this Act, including any amendments made by this Act, in accordance with section 1105 of the Water Resources Development Act of 2018 (33 U.S.C. 2202).

SEC. 224. EMERGENCY FLOODING PROTECTION FOR LAKES.

Recommendations.

The Secretary shall submit to Congress a report on the extent to which section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), applies to lakes, including lakes with the flow of a slow-moving river, including, if applicable, recommendations for legislative changes to ensure that such lakes are eligible for the program carried out pursuant to such section.

SEC. 225. REPORT ON DEBRIS REMOVAL.

Section 1210 of the Water Resources Development Act of 2018 (132 Stat. 3808) is amended to read as follows:

"SEC. 1210. REPORT ON DEBRIS REMOVAL.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2020, the Secretary shall submit to Congress and make publicly available a report that describes— Public information. Time periods.

"(1) the extent to which, during the 10 fiscal years prior to such date of enactment, the Secretary has carried out section 3 of the Act of March 2, 1945 (33 U.S.C. 603a);

"(2) how the Secretary has evaluated potential work to be carried out under that section; and

"(3) the extent to which the Secretary plans to start, continue, or complete debris removal activities in the 3 years following submission of the report.

"(b) FOCUS AREAS.—The Secretary shall include in the report submitted under subsection (a)—

"(1) identification of the debris removal activities to be started, continued, or completed during the first fiscal year following the date of enactment of this subsection within the boundaries of the North Atlantic Division of the Corps of Engineers;

"(2) the estimated total costs and completion dates for such activities; and Cost estimate.

"(3) identification of the non-Federal interest associated with such activities.".

SEC. 226. REPORT ON ANTECEDENT HYDROLOGIC CONDITIONS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use by the Corps of Engineers since 2010 of data relating to antecedent hydrologic conditions in the Missouri River Basin (including soil moisture conditions, frost depths, snowpack, and streamflow conditions) in—

(A) conducting Missouri River mainstem reservoir operations under the Missouri River Master Manual;

(B) developing related annual operating plans; and

(C) performing seasonal, monthly, and daily operations.

(2) INCLUSIONS.—The report submitted under paragraph (1) shall include—

(A) a review of— Reviews.

(i) the approach of the Corps of Engineers to forecasting basin runoff in developing annual operating plans of the Corps of Engineers;

(ii) the assessment of existing and alternative algorithms that could improve basin runoff forecasting; Assessment.

(iii) the approach of the Corps of Engineers for reservoir releases in the winter, spring, summer, and fall, based on basin runoff forecasts;

(iv) the technical report of the Corps of Engineers entitled "Long-Term Runoff Forecasting", dated February, 2017;

(v) the use by the Corps of Engineers of data from Federal and State entities in basin runoff forecasts; and

(vi) the use by the Corps of Engineers of advanced data collection, including through the use of unmanned aerial systems, forecasting, and modeling;

Recommendations.

(B) findings and recommendations on how to best incorporate antecedent basin conditions in annual operating plans and Missouri River mainstem reservoir operations; and

(C) the results of the peer review conducted under subsection (b).

Contracts.

(b) PEER REVIEW.—The Secretary shall seek to enter into an agreement with the National Academy of Sciences or a similar independent scientific and technical advisory organization to establish a panel of experts to conduct a peer review of the report to be submitted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) $5,000,000 to carry out subsection (a); and

(2) $5,000,000 to carry out subsection (b).

33 USC 2270.

SEC. 227. SUBSURFACE DRAIN SYSTEMS RESEARCH AND DEVELOPMENT.

Consultation.

Subject to the availability of appropriations, the Secretary, acting through the Director of the Engineer Research and Development Center and, where appropriate, in consultation with other Federal agencies, shall carry out research and development activities relating to the use of subsurface drain systems as—

(1) a flood risk-reduction measure; or

(2) a coastal storm risk-reduction measure.

SEC. 228. REPORT ON CORROSION PREVENTION ACTIVITIES.

Public information.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report that describes—

(1) the extent to which the Secretary has carried out section 1033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350);

(2) the extent to which the Secretary has incorporated corrosion prevention activities (as defined in such section) at water resources development projects constructed or maintained by the Secretary since the date of enactment of such section; and

(3) in instances where the Secretary has not incorporated corrosion prevention activities at such water resources development projects since such date, an explanation as to why such corrosion prevention activities have not been incorporated.

SEC. 229. ANNUAL REPORTING ON DISSEMINATION OF INFORMATION.

Section 1104(b) of the Water Resources Development Act of 2018 (33 U.S.C. 2282d note) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(3) by adding at the end the following:

"(2) ANNUAL REPORTING.—Not less frequently than annually, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written update on the progress of the implementation of paragraph (1), including a description of each education and outreach action the Secretary is taking to implement that paragraph. Updates.

"(3) GUIDANCE; COMPLIANCE.—The Secretary shall—

"(A) issue guidance on the uniform implementation by each district of the Corps of Engineers of the process for submitting proposals under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d); and

"(B) each year, ensure compliance with the guidance issued under subparagraph (A).".

SEC. 230. REPORT ON BENEFITS CALCULATION FOR FLOOD CONTROL STRUCTURES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the extent to which flood insurance premium reductions that result from implementation of a flood risk management project, including structural elements, nonstructural elements, or natural features or nature-based features, are included in the calculation of the benefits of the project by the Corps of Engineers.

TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS. 33 USC 579d–2.

(a) PURPOSES.—The purposes of this section are—

(1) to identify water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) PROPOSED DEAUTHORIZATION LIST.—

(1) PRELIMINARY LIST OF PROJECTS.—

(A) IN GENERAL.—The Secretary shall develop a preliminary list of each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 10 preceding fiscal years.

(B) USE OF COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—The Secretary may develop the preliminary list from the comprehensive construction backlog and operation and maintenance reports developed pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a).

(C) EXCLUSIONS.—The Secretary shall not include on the preliminary list—

(i) an environmental infrastructure assistance project authorized to be carried out by the Secretary (including a project authorized pursuant to an environmental assistance program); or

(ii) a project or separable element of a project authorized as part of the Comprehensive Everglades Restoration Plan described in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(2) PREPARATION OF PROPOSED DEAUTHORIZATION LIST.—

(A) DEAUTHORIZATION AMOUNT.—The Secretary shall prepare a proposed list of projects for deauthorization comprised of a subset of projects and separable elements identified on the preliminary list developed under paragraph (1) that have, in the aggregate, an estimated Federal cost to complete that is at least $10,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(C) INCLUSION OF DEAUTHORIZATION OF ANTIQUATED PROJECTS.—The Secretary shall reduce the amount identified for deauthorization under paragraph (2)(A) by an amount equivalent to the estimated current value of each project, or separable element of a project, that is deauthorized by subsection (f).

(3) SEQUENCING OF PROJECTS.—

(A) IN GENERAL.—The Secretary shall identify projects and separable elements for inclusion on the proposed list of projects for deauthorization under paragraph (2) according to the order in which the projects and separable elements were authorized, beginning with the earliest authorized projects and separable elements and ending with the latest project or separable element necessary to meet the aggregate amount under paragraph (2)(A).

Determination.

(B) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements in an order other than that established by subparagraph (A) if the Secretary determines, on a case-by-case basis, that a project or separable element is critical for interests of the United States, based on the possible impact of the project or separable element

on public health and safety, the national economy, or the environment.

(4) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the proposed deauthorization list prepared under paragraph (2)(A).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(5) PREPARATION OF FINAL DEAUTHORIZATION LIST.—

(A) IN GENERAL.—The Secretary shall prepare a final deauthorization list by—

(i) considering any comments received under paragraph (4); and

(ii) revising the proposed deauthorization list prepared under paragraph (2)(A) as the Secretary determines necessary to respond to such comments. Determination.

(B) APPENDIX.—The Secretary shall include as part of the final deauthorization list an appendix that—

(i) identifies each project or separable element on the proposed deauthorization list that is not included on the final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the final deauthorization list.

(c) SUBMISSION OF FINAL DEAUTHORIZATION LIST TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the close of the comment period under subsection (b)(4), the Secretary shall— Deadline.

(A) submit the final deauthorization list and appendix prepared under subsection (b)(5) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate; and

(B) publish the final deauthorization list and appendix in the Federal Register. Federal Register, publication.

(2) EXCLUSIONS.—The Secretary shall not include in the final deauthorization list submitted under paragraph (1) any project or separable element with respect to which Federal funds for planning, design, or construction are obligated after the development of the preliminary list under subsection (b)(1)(A) but prior to the submission of the final deauthorization list under paragraph (1)(A) of this subsection.

(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 2-year period beginning on the date of publication of the final deauthorization list and appendix under subsection (c)(1)(B), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period. Time period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 2-year period referred

to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (b)(2)(A).

(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) SPECIAL RULES.—

Time period.

(1) POST-AUTHORIZATION STUDIES.—A project or separable element of a project may not be identified on the proposed deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 10 preceding fiscal years.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

(f) DEAUTHORIZATION OF ANTIQUATED PROJECTS.—

Time period.

(1) IN GENERAL.—Any water resources development project, or separable element of a project, authorized for construction prior to November 17, 1986, for which construction has not been initiated prior to the date of enactment of this Act, or for which funds have not been obligated for construction in the 10-year period prior to the date of enactment of this Act, is hereby deauthorized.

Reports.

(2) IDENTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that identifies—

(A) the name of each project, or separable element of a project, deauthorized by paragraph (1); and

Estimate.

(B) the estimated current value of each such project or separable element of a project.

(g) ECONOMIC AND ENVIRONMENTAL REVIEW OF INACTIVE WATER

Time period.

RESOURCES DEVELOPMENT PROJECTS.—The Secretary or the non-Federal interest may not carry out any authorized water resources development project, or separable element of such project, for which construction has not been initiated in the 20-year period following the date of the authorization of such project or separable element, until—

Reports.
Updates.
Analysis.

(1) the Secretary provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a post-authorization change report that updates the economic and environmental analysis of the project or separable element; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate take appropriate action to address any modifications to the economic and environmental analysis for the project or separable element of the project contained in the post-authorization change report.

(h) DEFINITIONS.—In this section:

(1) POST-AUTHORIZATION CHANGE REPORT.—The term "post-authorization change report" has the meaning given such term in section 1132(d) of the Water Resources Development Act of 2016 (33 U.S.C. 2282e).

(2) POST-AUTHORIZATION STUDY.—The term "post-authorization study" means—

(A) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(B) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(C) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(i) demonstrates a Federal interest; and

(ii) requires additional analysis for the project or separable element.

SEC. 302. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560(f) of the Water Resources Development Act of 1999 (33 U.S.C. 2336(f)) is amended by striking " $20,000,000" and inserting " $30,000,000".

SEC. 303. TRIBAL PARTNERSHIP PROGRAM.

Section 203(b)(4) of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended by striking " $12,500,000" each place it appears and inserting " $18,500,000".

SEC. 304. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (Public Law 99–662, 100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295; 121 Stat. 1076) is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) in paragraph (28), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(29) Ellis Pond and Guild Pond, Norwood, Massachusetts; and

"(30) Memorial Pond, Walpole, Massachusetts.".

SEC. 305. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f–2 note) is amended—

(1) in subsection (e), by striking " $40,000,000" and inserting " $60,000,000"; and

(2) in subsection (f), by striking " $40,000,000" and inserting " $60,000,000".

SEC. 306. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) IN GENERAL.—Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303, 110 Stat. 3759; 121 Stat. 1202; 128 Stat. 1317) is amended—

(1) by redesignating subsection (h) as subsection (i) and inserting after subsection (g) the following:

"(h) PROJECT CAP.—The total cost of a project carried out under this section may not exceed $15,000,000."; and

(2) in subsection (i) (as so redesignated), by striking " $40,000,000" and inserting " $90,000,000".

(b) OUTREACH AND TRAINING.—The Secretary shall conduct public outreach and workshops for non-Federal interests to provide information on the Chesapeake Bay environmental restoration and protection program established under section 510 of the Water Resources Development Act of 1996, including how to participate in the program.

SEC. 307. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended—

(1) in paragraph (3), by striking " $22,750,000" and inserting " $40,000,000"; and

(2) in paragraph (4), by striking " $10,420,000" and inserting " $15,000,000".

SEC. 308. UPPER MISSISSIPPI RIVER PROTECTION.

Section 2010(e) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812) is amended by striking "the Act of October 15, 1940 (33 U.S.C. 701h–1)" and inserting "section 5 of the Act of June 22, 1936 (33 U.S.C. 701h)".

SEC. 309. THEODORE SHIP CHANNEL, MOBILE, ALABAMA.

(a) IN GENERAL.—The project for navigation, Theodore Ship Channel, Mobile Harbor, Alabama, authorized by section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5), is revised to incorporate into the project the 40-foot-deep, 1,320-foot-wide, and approximately 1,468.5-foot-long access channel, extending north from stations 257+25 and 273+25 from the Theodore Channel, that was constructed for the former Naval Station Mobile, as a substitute for the authorized but unconstructed 40-foot-deep, 300-foot-wide, and 1,200-foot-long anchorage basin in the same location, to serve the public terminal that replaced the former Naval Station Mobile as obligated under the authorizations for the project.

(b) TREATMENT.—The Secretary shall—

(1) consider construction of the access channel described in subsection (a) to be complete; and

(2) assume maintenance of the access channel described in subsection (a) for so long as the terminal described in subsection (a) remains publicly owned.

SEC. 310. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM.

Any Federal funds, regardless of the account from which the funds were provided, used to carry out construction of the modification to the McClellan-Kerr Arkansas River Navigation System, authorized in section 136 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1842), shall be considered by

the Secretary as initiating construction of the project such that future funds will not require a new investment decision.

SEC. 311. OUACHITA AND BLACK RIVERS, ARKANSAS AND LOUISIANA.

The project for navigation, Ouachita and Black Rivers, Arkansas and Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to include water supply as an authorized purpose.

SEC. 312. LAKE ISABELLA, CALIFORNIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, when evaluating alternative locations for construction of a permanent Isabella Lake Visitor Center by the Corps of Engineers to replace the facility impacted by the Isabella Dam safety modification project, should afford substantial weight to the site preference of the local community.

(b) AUTHORITY.—The Secretary may acquire such interests in real property as the Secretary determines necessary or advisable to support construction of the Isabella Dam safety modification project.

(c) TRANSFER.—The Secretary may transfer any real property interests acquired under subsection (b) to any other Federal agency or department without reimbursement.

(d) ISABELLA DAM SAFETY MODIFICATION PROJECT DEFINED.—In this section, the term "Isabella Dam safety modification project" means the dam safety modification project at the Isabella Reservoir in the San Joaquin Valley, California (authorized by Act of December 22, 1944 (chapter 665, 58 Stat. 901)), including the component of the project relating to construction a visitor center facility.

SEC. 313. LOWER SAN JOAQUIN RIVER FLOOD CONTROL PROJECT.

The Secretary shall align the schedules of, and maximize complimentary efforts, minimize duplicative practices, and ensure coordination and information sharing with respect to—

(1) the project for flood risk management, Lower San Joaquin River, authorized by section 1401(2) of the Water Resources Development Act of 2018 (132 Stat. 3836); and

(2) the second phase of the feasibility study for the Lower San Joaquin River project for flood risk management, authorized for expedited completion by section 1203(a)(7) of the Water Resources Development Act 2018 (132 Stat. 3803).

SEC. 314. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

Effective date.

The portion of project for flood control, Sacramento River, California, authorized by section 2 of the Act of March 1, 1917 (chapter 144, 39 Stat. 949; 103 Stat. 649; 110 Stat. 3709; 112 Stat. 1841; 113 Stat. 299), consisting of a riverbed gradient restoration facility at the Glenn-Colusa Irrigation District Intake, is no longer authorized beginning on the date of enactment of this Act.

SEC. 315. SAN DIEGO RIVER AND MISSION BAY, SAN DIEGO COUNTY, CALIFORNIA.

Effective date.

The portion of the project for flood control and navigation, San Diego River and Mission Bay, San Diego County, California, authorized by the Act of July 24, 1946 (chapter 595, 60 Stat. 636), identified in the National Levee Database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) as the San Diego River 3 segment and consisting

of a 785-foot-long segment of the right bank levee from Station 209+41.75 to its end at Station 217+26.75, as described in construction plans dated August 30, 1951, is no longer authorized beginning on the date of enactment of this Act.

SEC. 316. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) IN GENERAL.—Section 114 of the River and Harbor Act of 1968 (33 U.S.C. 59h) is amended to read as follows:

"SEC. 114. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

"(a) AREA TO BE DECLARED NONNAVIGABLE.—The following area is declared to be nonnavigable waters of the United States: All of that portion of the City and County of San Francisco, California, lying shoreward of a line beginning at the intersection of the southerly right of way line of Earl Street prolongation with the Pierhead United States Government Pierhead line, the Pierhead line as defined in the State of California Harbor and Navigation Code Section 1770, as amended in 1961; thence northerly along said Pierhead line to its intersection with a line parallel with and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32; thence westerly along last said parallel line to its intersection with said Pierhead line; thence northerly along said Pierhead line, to the intersection of the easterly right of way line of Van Ness Avenue, formerly Marlette Street, prolongation to the Pierhead line.

Applicability.

"(b) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (a) that are or will be bulkheaded, filled, or otherwise occupied or covered by permanent structures and does not affect the applicability of any Federal statute or regulation that relates to filling of navigable waters or to other regulated activities within the area described in subsection (a), including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401, 403), section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

"(c) INCLUSION OF EMBARCADERO HISTORIC DISTRICT.—Congress finds and declares that the area described in subsection (a) contains the seawall, piers, and wharves that comprise the Embarcadero Historic District listed on the National Register of Historic Places on May 12, 2006.".

(b) CONFORMING AMENDMENT.—Section 5052 of the Water Resources Development Act of 2007 (33 U.S.C. 59h–1) is repealed.

Repeal.

SEC. 317. WESTERN PACIFIC INTERCEPTOR CANAL, SACRAMENTO RIVER, CALIFORNIA.

Effective date.

The portion of the project for flood protection on the Sacramento River, authorized by section 2 of the of March 1, 1917 (chapter 144, 39 Stat. 949; 45 Stat. 539; 50 Stat. 877; 55 Stat. 647; 80 Stat. 1422), consisting of the portion of the levee from G.P.S. coordinate N2147673.584 E6690904.187 to N2147908.413 E6689057.060 associated with the Western Pacific Interceptor Canal, is no longer authorized beginning on the date of the enactment of this Act.

SEC. 318. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

Section 5056(f) of the Water Resources Development Act of 2007 (Public Law 110–114, 121 Stat. 1213; 128 Stat. 1314) is amended by striking "2019" and inserting "2029".

SEC. 319. NEW LONDON HARBOR WATERFRONT CHANNEL, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the first section of the Act of June 13, 1902 (chapter 1079, 32 Stat. 333), described in subsection (b) is no longer authorized beginning on the date of enactment of this Act. Effective date.

(b) AREA DESCRIBED.—The area referred to in subsection (a) is generally the portion between and around the 2 piers at the State Pier in New London, specifically the area—

(1) beginning at a point N691263.78, E1181259.26;

(2) running N 35°01'50.75" W about 955.59 feet to a point N692046.26, E1180710.74;

(3) running N 54°58'06.78" E about 100.00 feet to a point N692103.66, E1180792.62;

(4) running S 35°01'50.75" E about 989.8 feet to a point N691293.17, E1181360.78; and

(5) running S 73°51'15.45" W about 105.69 feet to the point described in paragraph (1).

SEC. 320. WILMINGTON HARBOR, DELAWARE.

It is the sense of Congress that the Corps of Engineers should maintain the annual maintenance dredging for Wilmington Harbor, Delaware, authorized by the Act of June 3, 1896 (chapter 314, 29 Stat. 207).

SEC. 321. WILMINGTON HARBOR SOUTH DISPOSAL AREA, DELAWARE.

(a) FINDING.—For the purposes of applying section 217(b) of the Water Resources Development Act of 1996 (33 U.S.C. 2326a(b)) to the Wilmington Harbor South Disposal Area, Delaware, the Secretary shall find that the standard has been met for the Edgemoor expansion of the Port of Wilmington, Delaware.

(b) USE.—Any use of the Wilmington Harbor South Disposal Area permitted by the Secretary under section 217(b) for the Edgemoor Expansion of the Port of Wilmington shall not otherwise reduce the availability of capacity, in dredged material disposal facilities under the jurisdiction of the Secretary that were constructed before the date of enactment of this Act, for operation and maintenance of—

(1) the Delaware River Mainstem and Channel Deepening project, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802); or

(2) the Delaware River, Philadelphia to the Sea, project, Delaware, New Jersey, Pennsylvania, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297).

(c) FEE.—The Secretary shall impose on the non-Federal interest for the Edgemoor Expansion of the Port of Wilmington a fee, under section 217(b)(1)(B) of the Water Resources Development Act of 1996 (33 U.S.C. 2326a(b)(1)(B)), to recover capital, operation, and maintenance costs associated with any use by the

non-Federal interest of capacity in the Wilmington Harbor South Disposal Area permitted by the Secretary under section 217(b) of the Water Resources Development Act of 1996 pursuant to subsection (a) of this section.

(d) AGREEMENT TO PAY.—In accordance with section 217(a) of the Water Resources Development Act of 1996 (33 U.S.C. 2326a(a)), if, to accommodate the dredged materials from operation and maintenance of the Edgemoor Expansion of the Port of Wilmington, the Secretary provides additional capacity at the Wilmington Harbor South Disposal Area, the non-Federal interest for the Edgemoor Expansion of the Port of Wilmington shall agree to pay, during the period of construction, all costs associated with the construction of the additional capacity.

SEC. 322. WASHINGTON HARBOR, DISTRICT OF COLUMBIA.

Effective date.

Beginning on the date of enactment of this Act, the project for navigation, Washington Harbor, District of Columbia, authorized by the Act of August 30, 1935 (chapter 831, 49 Stat. 1031), is modified to reduce, in part, the authorized dimensions of the project, such that the remaining authorized dimensions are as follows:

(1) A 200-foot-wide, 12-foot-deep channel with a center line beginning at a point East 1,317,064.30 and North 440,373.32, thence to a point East 1,316,474.30 and North 440,028.31, thence to a point East 1,315,584.30 and North 439,388.30, thence to a point East 1,315,259.31 and North 438,908.30.

(2) A 200- to 300-foot-wide, 12-foot-deep transition area, with a center line beginning at a point East 1,315,259.31 and North 438,908.30 to a point East 1,315,044.31 and North 438,748.30.

(3) A 300-foot-wide, 15-foot-deep channel with a centerline beginning a point East 1,315,044.31 and North 438,748.30, thence to a point East 1,314,105.31 and North 438,124.79, thence to a point East 1,311,973.30 and North 438,807.78, thence to a point East 1,311,369.73 and North 438,577.42, thence to a point East 1,311,015.73 and North 438,197.57, thence to a point East 1,309,713.47 and North 435,678.91.

(4) A 300- to 400-foot-wide, 15- to 24-foot-deep transition area, with a center line beginning at a point East 1,309,713.47 and North 435,678.91 to a point East 1,307,709.33 and North 434,488.25.

(5) A 400-foot-wide, 24-foot-deep channel with a centerline beginning at a point East 1,307,709.33 and North 434,488.25, thence to a point East 1,307,459.33 and North 434,173.25, thence to a point East 1,306,476.82 and North 432,351.28, thence to a point East 1,306,209.79 and North 431,460.21, thence to a point at the end of the channel near Hains Point East 1,305,997.63 and North 429,978.31.

SEC. 323. BIG CYPRESS SEMINOLE INDIAN RESERVATION WATER CONSERVATION PLAN, FLORIDA.

Effective date.

(a) IN GENERAL.—The project for ecosystem restoration, Big Cypress Seminole Indian Reservation Water Conservation Plan, Florida, authorized pursuant to section 528 of the Water Resources Development Act of 1996 (110 Stat. 3767), is no longer authorized beginning on the date of enactment of this Act.

(b) SAVINGS PROVISION.—Nothing in this section affects the responsibility of the Secretary to pay any damages awarded by

the Armed Services Board of Contract Appeals, or by a court of competent jurisdiction, to a contractor relating to the adjudication of claims arising from construction of the project described in subsection (a).

SEC. 324. CENTRAL EVERGLADES, FLORIDA.

The project for ecosystem restoration, Central Everglades, authorized by section 1401(4) of the Water Resources Development Act of 2016 (130 Stat. 1713), is modified to include the project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, authorized by section 1308 of the Water Resources Development Act of 2018 (132 Stat. 3819), and to authorize the Secretary to carry out the project, as so combined, at a total combined cost of $4,362,091,000.

SEC. 325. MIAMI RIVER, FLORIDA.

Effective date.

The portion of the project for navigation, Miami River, Florida, authorized by the Act of July 3, 1930 (46 Stat. 925; 59 Stat. 16; 74 Stat. 481; 100 Stat. 4257), beginning at the existing railroad bascule bridge and extending approximately 1,000 linear feet upstream to an existing salinity barrier and flood control structure, is no longer authorized beginning on the date of enactment of this Act.

SEC. 326. JULIAN KEEN, JR. LOCK AND DAM, MOORE HAVEN, FLORIDA.

(a) DESIGNATION.—The Moore Haven Lock and Dam, Moore Haven, Florida, authorized pursuant to the Act of July 3, 1930 (chapter 847, 46 Stat. 925; 49 Stat. 1032), shall be known and designated as the "Julian Keen, Jr. Lock and Dam".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Lock and Dam referred to in subsection (a) shall be deemed to be a reference to the "Julian Keen, Jr. Lock and Dam".

SEC. 327. TAYLOR CREEK RESERVOIR AND LEVEE L–73 (SECTION 1), UPPER ST. JOHNS RIVER BASIN, FLORIDA.

Effective date.

The portions of the project for flood control and other purposes, Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), consisting of the Taylor Creek Reservoir and Levee L–73, Section 1, within the Upper St. Johns River Basin, Florida, are no longer authorized beginning on the date of enactment of this Act.

SEC. 328. EXTINGUISHMENT OF FLOWAGE EASEMENTS, ROUGH RIVER LAKE, KENTUCKY.

(a) IN GENERAL.—Subject to the availability of appropriations and on request of the landowner, the Secretary shall extinguish any flowage easement or portion of a flowage easement held by the United States on developed land of the landowner at Rough River Lake, Kentucky—

(1) that is above 534 feet mean sea level; and

Determination.

(2) for which the Secretary determines the flowage easement or portion of the flowage easement is not required to address backwater effects.

(b) NO LIABILITY.—The United States shall not be liable for any damages to property or injuries to persons from flooding that may be attributable to the operation and maintenance of Rough

River Dam, Kentucky, on land that was encumbered by a flowage easement extinguished under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 329. CALCASIEU RIVER AND PASS, LOUISIANA.

Reports.

Not later than 120 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on plans to modify the Calcasieu River and Pass Dredged Material Management Plan and Supplemental Environmental Impact Statement (November 22, 2010 DMMP/SEIS) to allow for the expansion of Dredged Material Placement Facilities (DMPFs) 17, 19, 22, D, and E to the lakeside foreshore rock boundaries during planned rehabilitation of these facilities.

SEC. 330. CAMDEN HARBOR, MAINE.

Effective date.

(a) IN GENERAL.—The portions of the project for navigation, Camden Harbor, Maine, described in subsection (b) are no longer authorized beginning on the date of enactment of this Act.

(b) PORTIONS DESCRIBED.—The portions referred to in subsection (a) are the following:

(1) The portion of the 10-foot-deep inner harbor area, authorized by the first section of the Act of March 3, 1873 (chapter 233, 17 Stat. 565; 25 Stat. 400), approximately 50,621.75 square feet in area—

(A) starting at a point with coordinates N197,640.07, E837,851.71;

(B) thence running S84°43' 23.94"W about 381.51 feet to a point with coordinates N197,604.98, E837,471.82;

(C) thence running N43°47' 51.43"W about 270.26 feet to a point with coordinates N197,800.05, E837,284.77;

(D) thence running S59°02' 26.62"E about 219.18 feet to a point with coordinates N197,687.30, E837,472.72;

(E) thence running S81°50' 09.76"E about 144.70 feet to a point with coordinates N197,666.75, E837,615.96;

(F) thence running N57°27' 07.42"E about 317.32 feet to a point with coordinates N197,866.52, E837,928.96; and

(G) thence running S18°50' 04.48"W about 239.27 feet to the point described in subparagraph (A).

(2) The portion of the 14-foot-deep outer harbor area, authorized by the first section of the Act of August 11, 1888 (25 Stat. 400; 32 Stat. 331), approximately 222,015.94 square feet in area—

(A) starting at a point with coordinates N197,640.07, E837,851.71;

(B) thence running N18°50' 04.48"E about 239.27 feet to a point with coordinates N197,866.53, E837,928.96;

(C) thence running N58°28' 51.05"E about 308.48 feet to a point with coordinates N198,027.79, E838,191.93;

(D) thence running N84°20' 01.88"E about 370.06 feet to a point with coordinates N198,064.33, E838,560.18;

(E) thence running S05°32' 03.42"E about 357.31 feet to a point with coordinates N197,708.68, E838,594.64; and

(F) thence running S84°43' 23.94"W about 746.08 feet to the point described in subparagraph (A).

SEC. 331. CAPE PORPOISE HARBOR, MAINE, ANCHORAGE AREA DESIGNATION.

(a) IN GENERAL.—The project for navigation, Cape Porpoise Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), is modified to designate the portion of the project described in subsection (b) as a 6-foot-deep anchorage.

(b) PORTION DESCRIBED.—The portion of the project referred to in subsection (a) is the approximately 192,235.63 square foot area consisting of the 100-foot-wide and 6-foot-deep channel located within the inner harbor—

(1) starting at a point with coordinates N 194,175.13, E 2,882,011.74;

(2) thence running N33°46' 08.14"W about 914.57 feet to a point with coordinates N 194,935.40, E 2,881,503.38;

(3) thence running N12°41' 09.78"W about 1,026.40 feet to a point with coordinates N 195,936.74, E 2,881,277.97;

(4) thence running N77°18' 50.22"E about 100.00 feet to a point with coordinates N 195,958.70, E 2,881,375.53;

(5) thence running S12°41' 09.78"E about 1,007.79 feet to a point with coordinates N 194,975.52, E 2,881,596.85;

(6) thence running S33°46' 08.14"E about 895.96 feet to a point with coordinates N 194,230.72, E 2,882,094.86; and

(7) thence running S56°13' 51.86"W about 100.00 feet to the point described in paragraph (1).

SEC. 332. BALTIMORE, MARYLAND.

The Secretary is authorized, in accordance with section 5 of Act of June 22, 1936 (33 U.S.C. 701h), to accept funds contributed by a non-Federal interest for dredging on irregular cycles of the Baltimore Inner Harbor Approach Channel, Baltimore Harbor and Channels Federal navigation project, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297).

SEC. 333. THAD COCHRAN LOCK AND DAM, AMORY, MISSISSIPPI.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Thad Cochran, whose selfless determination and tireless work, while serving as a congressman and United States Senator from Mississippi for 45 years, contributed greatly to the realization and success of the Tennessee-Tombigbee Waterway.

(b) DESIGNATION.—The navigation lock known as the "Amory Lock", located at mile 371 on the Tennessee-Tombigbee Waterway, Mississippi, and the dam associated with such lock, shall be known and designated as the "Thad Cochran Lock and Dam".

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in subsection (b) shall be deemed to be a reference to the "Thad Cochran Lock and Dam".

SEC. 334. MISSOURI RIVER RESERVOIR SEDIMENT MANAGEMENT.

Section 1179(a) of the Water Resources Development Act of 2016 (130 Stat. 1675; 132 Stat. 3782) is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by inserting "project purposes, including" before "storage capacity"; and

(B) in subparagraph (C), by striking "preliminary";

(2) by redesignating paragraphs (4) through (9) as paragraphs (6) through (11), respectively; and

(3) by inserting after paragraph (3) the following:

Determination.

"(4) JUSTIFICATION.—In determining the economic justification of a sediment management plan under paragraph (2), the Secretary shall—

"(A) measure and include flooding, erosion, and accretion damages both upstream and downstream of the reservoir that are likely to occur as a result of sediment management within the reservoir compared to the damages that are likely to occur if the sediment management plan is not implemented; and

Costs.
Time period.
Analysis.

"(B) include lifecycle costs and a 100-year period of analysis.

"(5) IMPLEMENTATION.—As part of a sediment management plan under paragraph (2), and in accordance with paragraph (10), the Secretary may carry out sediment removal activities at reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, or at reservoirs for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (33 U.S.C. 709), in the Upper Missouri River Basin, in accordance with section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295; 121 Stat. 1076) as if those reservoirs were listed in subsection (a) of that section.".

SEC. 335. PORTSMOUTH, NEW HAMPSHIRE.

Massachusetts.

The Secretary shall expedite the activities required to be carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) regarding the use of improvement dredging of the Portsmouth Federal navigation project in Portsmouth, New Hampshire, carried out pursuant to section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), as a source of clean beach fill material to reinforce the stone revetment at Nantasket Beach, Hull, Massachusetts.

SEC. 336. RAHWAY FLOOD RISK MANAGEMENT FEASIBILITY STUDY, NEW JERSEY.

The Secretary shall—

(1) nullify the determination of the North Atlantic Division of the Corps of Engineers that further activities to carry out the feasibility study for a project for flood risk management, Rahway, New Jersey, authorized by the resolution of the Committee on Transportation and Infrastructure of the House of Representatives adopted on March 24, 1998 (docket number 2548), is not warranted;

(2) identify an acceptable alternative to the project described in paragraph (1) that could receive Federal support; and

(3) carry out, and expedite the completion of, a feasibility study for the acceptable alternative identified under paragraph (2).

SEC. 337. SAN JUAN-CHAMA PROJECT; ABIQUIU DAM, NEW MEXICO.

(a) ABIQUIU RESERVOIR.—Section 5(b) of Public Law 97–140 (43 U.S.C. 620a note) is amended by striking "a total of two hundred thousand acre-feet of".

(b) WATER STORAGE AT ABIQUIU DAM, NEW MEXICO.—Section 1 of Public Law 100–522 (43 U.S.C. 620a note) is amended—

(1) by striking "200,000 acre-feet of";

(2) by inserting "and San Juan-Chama project" after "Rio Grande system"; and

(3) by striking ", in lieu of the water storage authorized by section 5 of Public Law 97–140, to the extent that contracting entities under section 5 of Public Law 97–140 no longer require such storage".

(c) WATER STORAGE.—The Secretary shall—

(1) store up to elevation 6230.00 NGVD29 at Abiquiu Dam, New Mexico, to the extent that the necessary real property interests have been acquired by any entity requesting such storage; and

(2) amend the March 20, 1986, contract between the United States of America and the Albuquerque Bernalillo County Water Utility Authority (assigned by the City of Albuquerque, New Mexico to the Albuquerque Bernalillo County Water Utility Authority) for water storage space in Abiquiu Reservoir to allow for storage by the Albuquerque Bernalillo County Water Utility Authority of San Juan-Chama project water or native Rio Grande system water up to elevation 6230.00 NGVD29.

(d) STORAGE AGREEMENTS WITH USERS OTHER THAN THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY.—The Secretary shall—

(1) retain or enter into new agreements with entities for a proportionate allocation of 29,100 acre-feet of storage space pursuant to section 5 of Public Law 97–140; and

(2) amend or enter into new storage agreements for storage of San Juan-Chama project water or native Rio Grande system water up to the space allocated for each entity's proportionate share of San Juan-Chama water.

(e) OPERATIONS DOCUMENTS.—The Secretary shall amend or revise any existing operations documents, including the Water Control Manual or operations plan for Abiquiu Reservoir, as necessary to meet the requirements of this section.

(f) LIMITATIONS.—In carrying out this section, the following limitations shall apply:

(1) The storage of native Rio Grande system water shall be subject to the provisions of the Rio Grande Compact and the resolutions of the Rio Grande Compact Commission.

(2) The storage of native Rio Grande system water shall only be authorized to the extent that the necessary water ownership and storage rights have been acquired by the entity requesting such storage.

(3) The storage of native Rio Grande system water or San-Juan Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project.

(4) Each user of storage space, regardless of source of water, shall pay for any increase in costs attributable to storage of that user's water.

SEC. 338. FLUSHING BAY AND CREEK FEDERAL NAVIGATION CHANNEL, NEW YORK.

(a) IN GENERAL.—The portion of the project for navigation, Flushing Bay and Creek, New York, authorized by the first section of the Act of March 3, 1905 (chapter 1482, 33 Stat. 1120; 52 Stat. 803; 76 Stat. 1174), described in subsection (b) is no longer authorized beginning on the date of enactment of this Act. Effective date.

(b) PORTION DESCRIBED.—The portion referred to in subsection (a) is the portion from river mile 2.5 to river mile 2.9, as bounded by—

(1) the coordinates of—

(A) Latitude North 40° 45' 45.61" Longitude West 73° 50' 20.19";

(B) Latitude North 40° 45' 47.02" Longitude West 73° 50' 10.80";

(C) Latitude North 40° 45' 26.71" Longitude West 73° 50' 10.85"; and

(D) Latitude North 40° 45' 26.72" Longitude West 73° 50' 10.96"; and

(2) the New York Long Island State Plane (US Survey Feet, NAD–83), as follows:

(A) Easting x1028866.501 Northing y217179.294;

(B) Easting x1029588.853 Northing y217322.675;

(C) Easting x1029588.853 Northing y215267.486; and

(D) Easting x1028964.587 Northing y215267.486.

Effective date.

SEC. 339. RUSH RIVER AND LOWER BRANCH RUSH RIVER, NORTH DAKOTA.

(a) IN GENERAL.—The portion of the comprehensive plan for flood control and other purposes in the Red River of the North drainage basin, North Dakota, South Dakota, and Minnesota, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1177; 64 Stat. 176), consisting of clearing and rectification of the channel from mile 28.3 near Amenia to the mouth of the Rush River, known as Cass County Drain No. 12, is no longer authorized beginning on the date of enactment of this Act.

(b) LOWER BRANCH RUSH RIVER.—The project for flood control, Lower Branch Rush River, North Dakota, carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), known as Cass County Drain No. 2, is no longer authorized beginning on the date of enactment of this Act.

SEC. 340. PAWCATUCK RIVER, LITTLE NARRAGANSETT BAY AND WATCH HILL COVE, RHODE ISLAND AND CONNECTICUT.

Effective date.

Beginning on the date of enactment of this Act, that portion of the project for navigation, Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut, authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 13), consisting of a 10-foot-deep, 16-acre anchorage area in Watch Hill Cove is no longer authorized.

SEC. 341. HARRIS COUNTY, TEXAS.

Repeal.

Section 575 of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311; 121 Stat. 1253) is repealed.

SEC. 342. CAP SANTE WATERWAY, WASHINGTON.

Effective date.

Beginning on the date of enactment of this Act, the project for navigation, Cap Sante Waterway and Navigation Channel, Skagit County, Washington, authorized by the Act of March 2, 1919 (chapter 95, 40 Stat. 1285), is modified to deauthorize the portion of the project consisting of an approximately 334,434-foot area of the Federal channel within Anacortes Harbor inside and directly adjacent to the Federal breakwater and training wall structure, starting at a point with coordinates N557015.552, E1210819.619, thence running S88 13'2.06"E approximately 200

feet to a point with coordinates N557009.330, E1211019.522, thence running S01 46'58.08"W approximately 578 feet to a point with coordinates N556431.405, E1211001.534, thence running S49 49'50.23"W approximately 69 feet to a point with coordinates N556387.076, E1210949.002, thence running S51 53'0.25"E approximately 35 feet to a point with coordinates N556365.662, E1210976.316, thence running S49 38'58.48"W approximately 112 feet to a point with coordinates N556292.989, E1210890.775, thence running N88 13'1.87"W approximately 109 feet to a point with coordinates N556296.367, E1210782.226, thence running S46 46'58.97"W approximately 141 feet to a point with coordinates N556199.527, E1210679.164, thence running N88 13'1.77"W approximately 700 feet to a point with coordinates N556221.305, E1209979.502, thence running N01 46'58.08"E approximately 250 feet to a point with coordinates N556471.184, E1209987.280, thence running S88 13'1.77"E approximately 815 feet to a point with coordinates N556445.828, E1210801.886, thence running N01 46'58.08"E approximately 570 feet to the point of origin.

SEC. 343. LOCAL GOVERNMENT RESERVOIR PERMIT REVIEW.

Section 1119(b) of the Water Resources Development Act of 2018 (33 U.S.C. 2347 note) is amended by striking "owned or operated by the Secretary".

SEC. 344. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.

Section 1203(g) of the Water Resources Development Act of 2018 (132 Stat. 3805) is amended, in the matter preceding paragraph (1), by striking "For fiscal years 2019 and 2020" and inserting "Until September 30, 2024".

SEC. 345. AQUATIC ECOSYSTEM RESTORATION.

Time period.

For fiscal years 2021 through 2024, in carrying out section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall give priority to a project to restore and protect an aquatic ecosystem or estuary that—

(1) is located in the South Platte River Basin;

(2) is located on a body of water that is identified by the applicable State pursuant to section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) as being impaired;

(3) has the potential to provide flood risk management and recreational benefits in addition to ecosystem restoration benefits; and

(4) is located in a city with a population of 80,000 or less.

SEC. 346. SURPLUS WATER CONTRACTS AND WATER STORAGE AGREEMENTS.

Section 1046(c)(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1254; 132 Stat. 3784) is amended by striking "12" and inserting "16".

SEC. 347. NO WAKE ZONES IN NAVIGATION CHANNELS.

46 USC 70001 note.

Section 1149 of the Water Resources Development Act of 2016 (33 U.S.C. 1223 note) amended—

(1) by striking "recreational" in each place it appears and inserting "covered"; and

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

"(c) DEFINITIONS.—In this section:

"(1) COVERED NAVIGATION CHANNEL.—The term 'covered navigation channel' means a navigation channel that—

"(A) is federally marked or maintained;

"(B) is part of the Atlantic Intracoastal Waterway; and

"(C) is adjacent to a marina.

"(2) COVERED VESSEL.—The term 'covered vessel' means a recreational vessel or an uninspected passenger vessel, as such terms are defined in section 2101 of title 46, United States Code.".

SEC. 348. LIMITATION ON CONTRACT EXECUTION IN THE ARKANSAS RIVER BASIN.

(a) DEFINITION OF COVERED CONTRACT.—In this section, the term "covered contract" means a contract between any local governmental entity and the Secretary for water supply storage in a Federal or non-Federal hydropower lake within the Arkansas River Basin.

Time period.

(b) LIMITATION.—For any new covered contract for a hydropower lake that is entered into during the period beginning on the date of enactment of this Act and ending on December 31, 2022, a local governmental entity shall not pay more than 110 percent of the initial principal cost for the acre-feet being sought for the new covered contract for that hydropower lake.

SEC. 349. WAIVER OF NON-FEDERAL SHARE OF DAMAGES RELATED TO CERTAIN CONTRACT CLAIMS.

Time period.

In a case in which the Armed Services Board of Contract Appeals or other court of competent jurisdiction has rendered a decision during the period beginning on December 1, 2017, and ending on December 31, 2022, awarding damages to a contractor relating to the adjudication of claims arising from the construction of an authorized water resources development project, notwithstanding the terms of the Project Partnership Agreement, the Secretary shall waive payment of the share of the non-Federal interest of those damages, including attorney's fees, if—

(1)(A) the contracting officer was instructed by the Corps of Engineers to modify the terms of the contract or terminate the contract; and

(B) the Armed Services Board of Contract Appeals or other court of competent jurisdiction determined that the failure of the contracting officer to timely take the action described in subparagraph (A) was a material breach of the contract that resulted in damages to the contractor awarded by the Armed Services Board of Contract Appeals or the court, as applicable; or

(2) the claims arose from construction of a project deauthorized under this title.

SEC. 350. REDUCED PRICING FOR CERTAIN WATER SUPPLY STORAGE.

Section 322 of the Water Resources Development Act of 1990 (33 U.S.C. 2324) is amended—

(1) in subsection (b), by striking "2,000,000" and inserting "3,000,000"; and

(2) in subsection (g)—

(A) by striking the period at the end and inserting "; or";

(B) by striking "means a community" and inserting the following: "means—

"(1) a community"; and

(C) by adding at the end the following:

"(2) a regional water system that serves a population of less than 100,000, for which the per capita income is less than the per capita income of not less than 50 percent of the counties in the United States.".

SEC. 351. FLOOD CONTROL AND OTHER PURPOSES.

Section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended—

(1) by striking "Except as" and inserting the following:

"(1) IN GENERAL.—Except as"; and

(2) by adding at the end the following:

"(2) RENEGOTIATION OF TERMS.—

"(A) IN GENERAL.—At the request of a non-Federal interest, the Secretary and the non-Federal interest may renegotiate the terms and conditions of an eligible deferred payment, including—

"(i) permitting the non-Federal contribution to be made without interest, pursuant to paragraph (1);

"(ii) recalculation of the interest rate;

"(iii) full or partial forgiveness of interest accrued during the period of construction; and

"(iv) a credit against construction interest for a non-Federal investment that benefits the completion or performance of the project or separable element.

"(B) ELIGIBLE DEFERRED PAYMENT.—An eligible deferred payment agreement under subparagraph (A) is an agreement for which—

"(i) the non-Federal contribution was made with interest;

"(ii) the period of project construction exceeds 10 years from the execution of a project partnership agreement or appropriation of funds; and

"(iii) the construction interest exceeds $45,000,000.

"(3) CREDIT FOR NON-FEDERAL CONTRIBUTION.— Determinations.

"(A) IN GENERAL.—The Secretary is authorized to credit any costs incurred by the non-Federal interest (including in-kind contributions) to remedy a design or construction deficiency of a covered project or separable element toward the non-Federal share of the cost of the covered project, if the Secretary determines the remedy to be integral to the completion or performance of the covered project.

"(B) CREDIT OF COSTS.—If the non-Federal interest incurs costs or in-kind contributions for a project to remedy a design or construction deficiency of a project or separable element which has a 100 percent Federal cost share, and the Secretary determines the remedy to be integral to the completion or performance of the project, the Secretary is authorized to credit such costs to any interest accrued on a deferred non-Federal contribution.

"(4) TREATMENT OF PRE-PAYMENT.—Notwithstanding a deferred payment agreement with a non-Federal interest, the Deadlines.

Secretary shall accept, without interest of any type, the repayment of a non-Federal contribution for any eligible deferred payment described in paragraph (2)(B) for which—

"(A) the non-Federal interest makes a payment of at least $200 million for that eligible deferred payment agreement on or before September 30, 2021; and

"(B) the non-Federal interest repays the remaining principal by September 30, 2023.".

SEC. 352. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

(a) CONSISTENCY WITH REPORTS.—Congress finds that the project modifications described in this section are in accordance with the reports submitted to Congress by the Secretary under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), titled "Report to Congress on Future Water Resources Development", or have otherwise been reviewed by Congress.

(b) MODIFICATIONS.—

(1) SACRAMENTO AREA, CALIFORNIA.—Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 117 Stat. 1840) is amended to read as follows:

"(23) SACRAMENTO AREA, CALIFORNIA.— $45,000,000 for regional water conservation, recycling, reliability, and resiliency projects in Placer, El Dorado, and Sacramento Counties and the San Juan Suburban Water District, California.".

(2) SOUTH PERRIS, CALIFORNIA.—Section 219(f)(52) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220) is amended by striking " $25,000,000" and inserting " $50,000,000".

(3) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 114 Stat. 2763A–221) is amended by striking " $10,000,000" and inserting " $45,000,000".

(4) SOUTHERN AND EASTERN KENTUCKY.—Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142; 121 Stat. 1226) is amended—

(A) in subsection (g), by inserting "Boyd, Carter, Elliott, Lincoln," after "Lee,"; and

(B) in subsection (h), by striking " $40,000,000" and inserting " $100,000,000".

(5) DESOTO COUNTY, MISSISSIPPI.—Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257; 122 Stat. 1623) is amended by striking " $75,000,000" and inserting " $130,000,000".

(6) JACKSON COUNTY, MISSISSIPPI.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 1494; 121 Stat. 1258) is amended—

(A) in subsection (c)(5), by striking "water supply and" and inserting "water supply, projects for stormwater and drainage systems, and"; and

(B) in subsection (e)(1), by striking " $32,500,000" and inserting " $57,500,000".

(7) ST. LOUIS, MISSOURI.—Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 337; 121 Stat. 1233) is amended by striking " $35,000,000" and inserting " $70,000,000".

(8) MIDWEST CITY, OKLAHOMA.—Section 219(f)(231) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1266) is amended by striking " $2,000,000" and inserting " $5,000,000".

(9) SOUTH CENTRAL PENNSYLVANIA.—Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142; 121 Stat. 1146) is amended—

(A) in subsection (g)(1), by striking " $200,000,000" and inserting " $400,000,000"; and

(B) in subsection (h)(2), by inserting "Beaver, Jefferson," after "Washington,".

(10) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—Section 219(f)(25) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat. 1677; 132 Stat. 3818) is amended by striking " $89,550,000" and inserting " $110,000,000".

(11) EL PASO COUNTY, TEXAS.—Section 219(f)(269) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121 Stat. 1268) is amended by striking " $25,000,000" and inserting " $75,000,000".

(12) WESTERN RURAL WATER.—Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440; 121 Stat. 1219; 123 Stat. 2851; 128 Stat. 1316; 130 Stat. 1681) is amended—

(A) by striking the section heading and inserting "western rural water.";

(B) in subsection (b), by inserting "Arizona," before "rural Idaho";

(C) in subsection (c), by inserting "Arizona," before "Idaho"; and

(D) in subsection (i), by striking "for the period beginning with fiscal year 2001, $435,000,000, to remain available until expended." and inserting the following: ", to remain available until expended—

"(1) for the period beginning with fiscal year 2001, $435,000,000 for Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming; and Time period.

"(2) $150,000,000 for Arizona.".

(13) CENTRAL WEST VIRGINIA.—Section 571(h) of the Water Resources Development Act of 1999 (113 Stat. 371; 121 Stat. 1257) is amended by striking " $20,000,000" and inserting " $100,000,000".

(14) SOUTHERN WEST VIRGINIA.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856; 110 Stat. 3727; 113 Stat. 320) is amended by striking " $40,000,000" and inserting " $120,000,000".

(c) LOWELL CREEK TUNNEL, SEWARD, ALASKA.—Section 5032(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114, 121 Stat. 1205) is amended by striking "15" and inserting "20".

(d) CAPE ARUNDEL DISPOSAL SITE, MAINE.—Section 1312 of the Water Resources Development Act of 2018 (132 Stat. 3821) is amended by striking "December 31, 2021" and inserting "September 30, 2024".

SEC. 353. PROJECT MODIFICATION AUTHORIZATIONS.

Missouri.

(a) WATER SUPPLY.—The following project modifications for water supply, as identified in the report entitled "Report to Congress on Future Water Resources Development" dated February 2019, and submitted to Congress on June 3, 2019, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the recommendations included in such report pursuant to section 301(c) of the Water Supply Act of 1958 (43 U.S.C. 390b(c)) and as follows:

(1) CLARENCE CANNON DAM AND MARK TWAIN LAKE PROJECT, SALT RIVER, MISSOURI.—

(A) IN GENERAL.—The project for Clarence Cannon Dam and Mark Twain Lake Project, Salt River, Missouri, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189; 79 Stat. 1089; 95 Stat. 1684), is modified to release 5,600 acre-feet of future use water supply storage to the Federal Government under water supply contract No. DACW43–88–C–0036, and future financial obligations for such volume of storage.

(B) RELIEF OF CERTAIN OBLIGATIONS.—Upon execution of the amendment required by subparagraph (C), the State of Missouri shall be relieved of the obligation to pay the percentage of the annual operation and maintenance expense, the percentage of major replacement cost, and the percentage of major rehabilitation costs, of the joint use facilities of the project described in subparagraph (A), that are attributable to water supply storage space not being used by the State during the period before the State commences use of the storage space.

(C) AMENDMENT TO CONTRACT.—The Secretary shall amend Water Supply Contract No. DACW43–88–C–0036, dated March 10, 1988, between the United States and the State of Missouri, to implement the modifications required under subparagraphs (A) and (B).

(2) CITY OF PLATTSBURG.—

(A) IN GENERAL.—The project for Smithville Lake, Missouri, authorized pursuant to section 204 of the Flood Control Act of 1965 (79 Stat. 1080), is modified to release the City of Plattsburg, Missouri, from—

(i) 8,850 acre-feet of future water supply storage contracts; and

(ii) future financial obligations for the volume of storage described in clause (i).

(B) AMENDMENT TO CONTRACT.—The Secretary shall amend water supply contract No. DACW41–73–C–0008, between the United States and the State of Missouri, to implement the modifications under subparagraph (A).

(3) CITY OF SMITHVILLE.—

(A) IN GENERAL.—The project for Smithville Lake, Missouri, authorized pursuant to section 204 of the Flood Control Act of 1965 (79 Stat. 1080), is modified to release the City of Smithville, Missouri, from—

(i) 6,000 acre-feet of future water supply storage contracts; and

(ii) future financial obligations for the volume of storage described in clause (i).

(B) AMENDMENT TO CONTRACT.—The Secretary shall amend water supply contract No. DACW–41–73–C–0007, between the United States and the State of Missouri, to implement the modifications under subparagraph (A).

(b) FLOOD RISK MANAGEMENT.—The following project modifications for flood risk management, as identified in a report entitled "Report to Congress on Future Water Resources Development", and submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary: Determinations.

(1) Modification of the project for flood risk management, lower Mississippi River, authorized by the Act of May 15, 1928 (chapter 569, 45 Stat. 534), to incorporate the Wolf River Backwater and Nonconnah Creek levee systems into the project, authorized by section 5 of the Act of June 22, 1936 (chapter 688, 49 Stat. 1575; 50 Stat. 881), subject to the determination of the Secretary that such systems meet all requirements applicable to such project.

(2) Modification of the project for flood risk management, Red River below Denison Dam, Arkansas, Louisiana, and Texas, authorized by the Act of June 28, 1938 (chapter 795, 52 Stat. 1219), to incorporate the Cherokee Park Levee into the project, subject to the determination of the Secretary that such levee meets all requirements applicable to such project. State listing.

SEC. 354. COMPLETION OF MAINTENANCE AND REPAIR ACTIVITIES.

(a) EXPEDITED COMPLETIONS.— Coordination.

(1) UPPER SNAKE RIVER BASIN.—The Secretary shall expedite, in coordination with State, Tribal, and local authorities, the completion of maintenance and repair activities for those elements of the levee systems in the Upper Snake River Basin, authorized pursuant to the Flood Control Act of 1950 (64 Stat. 179), that are operated and maintained by the Secretary.

(2) LOWER MISSOURI RIVER BASIN.—The Secretary shall expedite, in coordination with State and local authorities and stakeholders, the completion of maintenance and repair activities for those elements of the levee systems in the Lower Missouri River Basin, authorized pursuant to the Pick-Sloan Missouri River Basin Program (authorized by section 9(b) of the Act of December 22, 1944 (chapter 665, 58 Stat. 891)) or the Missouri River Bank Stabilization and Navigation project (authorized by section 2 of the Act of March 2, 1945 (chapter 19, 59 Stat. 19)), that are operated and maintained by the Secretary.

(3) COOS BAY NORTH JETTY SYSTEM, OREGON.—The Secretary shall expedite, in coordination with State and local authorities and stakeholders, the completion of maintenance and repair activities for those elements of the Coos Bay North Jetty system, Oregon, authorized by the first section of the Act of January 21, 1927 (chapter 47, 44 Stat. 1014), that are operated and maintained by the Secretary.

(4) INDIAN RIVER INLET AND BAY, DELAWARE.—The Secretary shall expedite, in coordination with State and local authorities, the completion of maintenance and repair activities

for the elements of the project for navigation, Indian River Inlet and Bay, Delaware, authorized by the Act of August 26, 1937 (chapter 832, 50 Stat. 846), that are operated and maintained by the Secretary.

(b) SAVINGS PROVISION.—Nothing in this section affects the responsibility of the Secretary to comply with the requirements of any Federal law in carrying out the activities required to be expedited by this section.

SEC. 355. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—

(1) MUDDY RIVER, MASSACHUSETTS.—The separable elements for ecosystem restoration of the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, authorized by section 522 of the Water Resources Development Act of 2000 (114 Stat. 2656), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1345), are authorized to be carried out by the Secretary, subject to subsection (b).

(2) EAST CHESTER CREEK, NEW YORK.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for navigation, East Chester Creek, New York, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164; 100 Stat. 4181), and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579(a)), is authorized to be carried out by the Secretary, subject to subsection (b).

(3) CHRISTIANSTED HARBOR, UNITED STATES VIRGIN ISLANDS.—Notwithstanding section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4221), the portion of the project for navigation, Christiansted Harbor, St. Croix, United States Virgin Islands, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167), and deauthorized under section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4221), is authorized to be carried out by the Secretary, subject to subsection (b).

(4) CHARLOTTE AMALIE (ST. THOMAS) HARBOR, UNITED STATES VIRGIN ISLANDS.—Notwithstanding section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4221), the portion of the project for navigation, Charlotte Amalie (St. Thomas) Harbor, St. Thomas, United States Virgin Islands, authorized by the Act of August 26, 1937 (chapter 832, 50 Stat. 850), and deauthorized under section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4221), is authorized to be carried out by the Secretary, subject to subsection (b).

(b) REPORT TO CONGRESS.—The Secretary shall complete and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a post-authorization change report (as such term is defined in section 1132(d) of the Water Resources Development Act of 2016 (33 U.S.C. 2282e(d)) prior to carrying out a project identified in subsection (a).

SEC. 356. CONVEYANCES.

(a) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary. Determination.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(b) EUFAULA, ALABAMA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Eufaula, Alabama, all right, title, and interest of the United States in and to the real property described in the Department of the Army Lease No. DACW01–2–17–0747, containing 56.76 acres, more or less, and being a part of Tracts L–1268 (26.12 acres), L–1273 (13.71 acres), L–1278 (6.75 acres), and L1279 (10.36 acres) of the Walter F. George Lock and Dam and Lake project.

(2) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(3) CONSIDERATION.—The City of Eufaula, Alabama, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary. Determination.

(c) MONTGOMERY, ALABAMA.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Montgomery, Alabama, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is the 62.38 acres of land and water under the primary jurisdiction of the Secretary in the R.E. "Bob" Woodruff Project Area that is covered by lease number DACW01–1–05–0037, including the parcels and structure known as "Powder Magazine".

(3) DEADLINE.—To the extent practicable, the Secretary shall complete the conveyance under this subsection by not later than 180 days after the date of enactment of this Act.

(4) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the Determination.

interests of the United States, to include retaining the right to inundate with water any land transferred under this subsection.

Determination.

(5) CONSIDERATION.—The City of Montgomery, Alabama, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(d) CONVEYANCE OF WILMINGTON HARBOR NORTH DISPOSAL AREA, DELAWARE.—

(1) IN GENERAL.—As soon as practicable, the Secretary shall complete the conveyance of the Wilmington Harbor North Disposal Area confined disposal facility, Delaware, to the State of Delaware.

(2) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

Determination.

(3) CONSIDERATION.—The State of Delaware shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary.

(e) OHIO RIVER LOCK AND DAM NUMBER 52, MASSAC COUNTY, ILLINOIS.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the Massac-Metropolis Port District, Illinois, all right, title, and interest of the United States in and to any real property located north of the south bank of the Ohio River in Massac County, Illinois, that is associated with the Ohio River Lock and Dam 52.

(2) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

Determination.

(3) CONSIDERATION.—The Massac-Metropolis Port District, Illinois, shall pay to the Secretary an amount that is not less than fair market value of the property conveyed under this subsection, as determined by the Secretary.

(f) UPPER ST. ANTHONY FALLS LOCK AND DAM, MINNEAPOLIS, MINNESOTA.—

(1) CONVEYANCE AUTHORIZED.—As soon as practicable after the date of enactment of this Act, the Secretary shall, upon request—

(A) convey, without consideration, to the City of Minneapolis, Minnesota, or its designee, all or substantially all of the real property owned by the United States adjacent to or in the vicinity of the Upper St. Anthony Falls Lock and Dam, subject to the right of the Secretary to retain any easements in such property solely to the extent necessary to continue to operate and maintain the Upper St. Anthony Falls Lock and Dam; and

(B) provide, without consideration, to the City or its designee—

(i) access and use rights by license, easement, or similar agreement, to any real property and structures at the site of the Upper St. Anthony Falls Lock and Dam that is not conveyed under subparagraph (A); and

(ii) for any such property retained by the Secretary, exclusive license or easement over such property to allow the City or its designee to construct, use, and operate amenities thereon, and to utilize such property as a comprehensive recreational, touristic, and interpretive experience.

(2) OWNERSHIP AND OPERATION OF LOCK AND DAM.—Ownership rights to the Upper St. Anthony Falls Lock and Dam shall not be conveyed under this subsection, and the Secretary shall retain all rights to operate and maintain the Upper St. Anthony Falls Lock and Dam.

(3) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not used for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States. Determination.

(4) UPPER ST. ANTHONY FALLS LOCK AND DAM DEFINED.—In this subsection, the term "Upper St. Anthony Falls Lock and Dam" means the lock and dam located on Mississippi River Mile 853.9 in Minneapolis, Minnesota.

(g) CLINTON, MISSOURI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Clinton, Missouri, without consideration, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is a tract of land situated in the S ½ of Section 12 and the N ½ of Section 13, Township 41 North, Range 26 West of the Fifth Principal Meridian, Henry County, Missouri, more particularly described as follows: Beginning at the point of intersection of the north line of said S ½ of Section 12 and the easterly right-of-way of State Highway No. 13; thence easterly along the north line of said S ½ to the northeast corner of the W ½ NW ¼ NE ¼ SW ¼ of said Section 12; thence southerly along the east line of said W ½ NW ¼ NE ¼ SW ¼ to the southeast corner thereof; thence easterly along the north line of the S ½ NE ¼ SW ¼ of said Section 12 to the southwest corner of the W ½ NW ¼ NW ¼ SE ¼ of said Section 12; thence in a northeasterly direction to the northeast corner of said W ½ NW ¼ NW ¼ SE ¼ ; thence easterly along the north line of said S ½ to the westerly right-of-way of the County Road; thence in a southeasterly and southerly direction along the westerly right-of-way of said County Road approximately 2500 feet to the center of Deer Creek; thence in a southwesterly direction along the center of said Deer Creek, approximately 3900 feet to the south line of said N ½ of Section 13; thence westerly along the south line of said N ½ to the easterly right-of-way line of the St. Louis-San Francisco Railroad; thence in a northwesterly direction along the easterly right-of-way of said railroad to the easterly right-of-way of said State Highway No. 13; thence in a northeasterly direction along the easterly right-of-way of said State Highway No. 13 to the point of the beginning; and including a roadway easement for ingress and egress, described as a strip of land 80 feet in width, lying 40 feet on each side of the following described line, the initial extremities of the following described strip being extended or reduced as required

to exactly adjoin the boundary lines which they meet, situated in the S ½ of Section 12, Township 41 North Range 26 West of the Fifth Principal Meridian, Henry County, Missouri, more particularly described as follows: Commencing at the center of said Section 12, thence Sl°24'56"W, 1265.52 feet to a point, thence N88°29'02"W, 483.97 feet to the point of beginning of the strip of land herein described; thence in a northeasterly direction along a curve to the right, said curve having an initial tangent bearing of N3°44'4l"E, a radius of 238.73 feet and an interior angle of 61°29'26", an arc distance of 256.21 feet to a point; thence N65°14'07"E 218.58 feet to a point; thence in a northeasterly direction along a curve to the left, having a radius of 674.07 feet and an interior angle of 36°00'01", an arc distance of 423.53 feet to a point; thence N29°14'07"E, 417.87 feet to a point; thence northeasterly along a curve to the right, having a radius of 818.51 feet and an interior angle of 14°30'01", an arc distance of 207.15 feet to a point; thence N43°44'07"E, 57.00 feet to the southerly right-of-way line of a county road, containing 2,948 acres, more or less; Excluding therefrom a tract of land situated in the S ½ of said Section 12, said Township and Range, described as commencing at the center of said Section 12; thence S1°24'56"W, 1265.52 feet to the point of beginning of the tract of land herein described; thence N88°29'02"W, 1122.50 feet; thence S1°43'26"W, 872.62 feet; thence S88°29'02"E, 1337.36 feet; thence Nl°43'26"E, 872.62 feet; thence N88°29'02"W, 214.86 feet to the point of beginning, containing 26.79 acres, more or less. The above described tract contains, in the aggregate, 177.69 acres, more or less.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

Determination.

(4) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not being used for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States.

(h) CITY OF CLINTON, OLD ORCHARD ADDITION, MISSOURI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the City of Clinton, Missouri, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is Lot 28 in Old Orchard Addition, a subdivision of the City of Clinton, Henry County, Missouri, containing 0.36 acres, more or less, including any improvements thereon.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, including such reservations, terms, and conditions as the Secretary determines necessary to allow the United States to operate and maintain the Harry S. Truman Reservoir Project.

Determination.

(4) CONSIDERATION.—The City of Clinton, Missouri, shall pay to the Secretary an amount that is not less than the

fair market value of the property conveyed under this subsection, as determined by the Secretary.

(i) TRI-COUNTY LEVEE DISTRICT, MISSOURI.—

(1) CONVEYANCE AUTHORIZED.—The Secretary shall convey to the Tri-County Levee District, Missouri, all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) PROPERTY.—The property to be conveyed is the part of Sections 1 and 12 Township 45 North Range 6 West of the 5th P.M. in Montgomery County, Missouri, described as follows: A tract of land being 60' wide and lying South and East of and adjoining the centerline of the existing levee and being described as follows: Commencing at the NW corner of Section 12, thence S 87° 52' 35" E 587.4', thence S 01° 29' 25" W 453.68' to the point of the beginning; said point being in the center of the levee, thence with the centerline of the levee N 77° 01' 30" E 164.92', thence N 74° 26' 55" E 250.0', thence N 72° 27' 55" E 270.0', thence N 69° 06' 10" E 300.0', thence N 66° 42' 15" E 500.0', thence N 64° 14' 30" E 270.0', thence N 61° 09' 10" E 800.0', thence N 60° 58' 15" E 1724.45', thence leaving the centerline S 01° 10' 35" W 69.43', thence parallel with the above described centerline S 60° 58' 15" W 1689.62', thence S 61° 09' 10" W 801.71', thence S 64° 14' 30" W 272.91', thence S 66° 42' 15" W 502.55', thence S 69° 06' 10" W 303.02', thence S 72° 27' 55" W 272.8', thence S 74° 26' 55" W 252.39', thence S 77° 01' 30" W 181.75', thence leaving the South side of the levee N 01° 26' 25" E 61.96' to the point of beginning and containing 5.89 acres more or less.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) CONSIDERATION.—The Tri-County Levee District, Missouri, shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed under this subsection, as determined by the Secretary. Determination.

(j) JUDGE JOSEPH BARKER, JR., HOUSE, OHIO.—

(1) NON-FEDERAL ENTITY.—In this subsection, the term "non-Federal entity" means the Friends of Joseph Barker, Jr., House, a nonprofit organization in the State of Ohio. Definition.

(2) CONVEYANCE AUTHORIZED.—

(A) IN GENERAL.—Subject to paragraph (6), the Secretary shall convey to the non-Federal entity, without consideration, all right, title, and interest of the United States in and to the property described in paragraph (3)(A).

(B) EASEMENT.—Upon conveyance of the property under subparagraph (A), the Secretary shall provide to the non-Federal entity, without consideration, an easement over the property described in paragraph (3)(B) for access to the conveyed property for as long as the non-Federal entity is in legal possession of the conveyed property.

(3) DESCRIPTIONS OF PROPERTY.—

(A) IN GENERAL.—The property referred to in paragraph (2)(A) is the following (as in existence on the date of enactment of this Act):

(i) JUDGE JOSEPH BARKER, JR., HOUSE.—The tract of land situated in the State of Ohio, Washington County, on the Ohio River, and being particularly bounded and described as follows: Beginning at a point located on the southern right-of-way line of Ohio Route 7, a new corner to the land now or formerly owned by the United States of America; thence, leaving the right-of-way of said Route 7 and severing the land of said United States of America parallel to and approximately 10 feet easterly of the toe of the existing dredge disposal berm, southeasterly approximately 326 feet to a point prior to the current Corps of Engineers access to the dredging spoil area; thence, northeasterly approximately 480 feet paralleling the top of the slope to the riverbank side of the house and approximately 25 feet northerly therefrom; thence, northwest approximately 302 feet to a point in the southern right-of-way of Ohio Route 7; thence with the right-of-way of said Route 7, southwesterly approximately 485 feet to the point of beginning, containing approximately 3.51 acres.

(ii) ROAD TRACT.—The tract of land situated in the State of Ohio, Washington County, on the Ohio River, and being particularly bounded and described as follows: Beginning at a point located on the southern right-of-way line of Ohio Route 7, a new corner to the land now or formerly owned by the United States of America; thence, leaving the right-of-way of said Route 7 and severing the land of said United States of America and with the House Parcel southeasterly 25 feet; thence, northeast, running parallel to said Route 7 right-of-way, approximately 994 feet to a point of deflection; thence northeasterly 368 feet to a point beyond the existing fence corner; thence, east 140 feet to the edge of the existing Willow Island access road; thence with said access road, northwesterly approximately 62 feet to a point in the southern right-of-way of Ohio Route 7; thence with the right-of-way of said Route 7, southwesterly approximately 1,491 feet to the point of beginning, containing approximately 1 acre.

(B) EASEMENT.—The property referred to in paragraph (2)(B) is the following: The tract of land situated in the State of Ohio, Washington County, on the Ohio River, and being particularly bounded and described as follows: Beginning at a point at the intersection of the southern right-of-way of Ohio Route 7 and the northeast side of the existing Willow Island access road, a new corner to the land now or formerly owned by the United States of America; thence, southwest, running with said Route 7 right-of-way, approximately 30 feet to a point on the southwest side of the existing access road, and corner to the road tract; thence with said access road and the line of the road parcel, southeasterly approximately 62 feet to a point; thence leaving the road parcel and crossing the existing access road northeasterly approximately 30 feet to a point located on the northeast side of the existing

access road; thence, northwesterly approximately 62 feet, to the point of beginning, containing approximately 0.04 acre.

(4) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(5) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not being used by the non-Federal entity for a public purpose, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States. Determination.

(6) REQUIREMENTS.—

(A) IMPROVEMENTS; ENVIRONMENTAL ASSESSMENT.—

(i) IMPROVEMENTS.—The Secretary shall make such improvements and alterations to the property described in paragraph (3)(A)(i) as the Secretary, in consultation with the non-Federal entity and relevant stakeholders, determines to be appropriate to facilitate conveyance of the property and provision of the easement under this subsection. Consultation.

(ii) ENVIRONMENTAL ASSESSMENT.—Before making a conveyance under paragraph (2), the Secretary shall—

(I) conduct, with respect to the property to be conveyed, an assessment of the environmental condition of the property, including an investigation of any potential hazardous, toxic, or radioactive waste present on such property; and Investigation.

(II) submit to the non-Federal entity a report describing the results of such assessment. Reports.

(iii) LIMITATION.—The total cost of the activities carried out by the Secretary under this subparagraph shall be not more than $120,000.

(B) REFUSAL BY NON-FEDERAL ENTITY.—

(i) IN GENERAL.—Upon review by the non-Federal entity of the report under subparagraph (A)(ii), the non-Federal entity may elect to refuse the conveyance under this subsection.

(ii) ELECTION.—An election under clause (i)—

(I) shall be at the sole discretion of the non-Federal entity; and

(II) shall be made by the non-Federal entity by not later than the date that is 30 days after the date of submission of the report under subparagraph (A)(ii)(II). Deadline.

(C) DREDGED MATERIAL PLACEMENT ACTIVITIES.—The Secretary shall—

(i) notify and coordinate with the non-Federal entity and relevant stakeholders before carrying out any dredged material placement activities associated with the property described in paragraph (3)(A) after the date on which such property is conveyed under this subsection; and Notification. Coordination.

(ii) in carrying out a dredged material placement activity under clause (i), act in accordance with Engineer Manual EM 1110–2–5025 (or a subsequent version of that manual).

Determination.

(7) RESERVATION OF RIGHTS.—The Secretary may reserve and retain from any conveyance under this subsection a right-of-way or any other right that the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel along the Ohio River.

(8) TREATMENT.—Conveyance to the non-Federal entity under this subsection of property described in paragraph (3)(A)(i) shall satisfy all obligations of the Secretary with respect to such property under—

(A) section 306101 of title 54, United States Code; and

(B) section 306108 of title 54, United States Code, with respect to the effects on the property of dredged material placement activities carried out by the Secretary after the date of the conveyances.

(9) INAPPLICABILITY.—Subtitle I of title 40, and chapter 4 of title 41, United States Code shall not apply to any conveyance or easement provided under this subsection.

(k) LEABURG FISH HATCHERY, LANE COUNTY, OREGON.—

(1) CONVEYANCE AUTHORIZED.—Subject to the provisions of this subsection, the Secretary shall convey, without consideration, to the State of Oregon, acting through the Oregon Department of Fish and Wildlife, all right, title, and interest of the United States in and to the real property comprising the Leaburg Fish Hatchery, consisting of approximately 21.55 acres, identified as tracts Q–1500, Q–1501E, and 300E–1 and described in Department of the Army Lease No. DACW57–1–18–0009, together with any improvements on the property.

(2) WATER RIGHTS.—The Secretary may transfer to the State of Oregon, acting through the Oregon Department of Fish and Wildlife, any water rights held by the United States that are appurtenant to the property conveyed under this subsection.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States, including a condition that all of the property conveyed under this subsection be used and maintained by the State of Oregon for the purpose of operating a fish hatchery in perpetuity.

Determination.

(4) REVERSION.—If the Secretary determines that the property conveyed under this subsection is not being used or maintained by the State of Oregon for the purpose of operating a fish hatchery in perpetuity, all or any portion of the property, including any water rights transferred under this subsection, shall, at the option of the Secretary, revert to the United States.

(5) SAVINGS CLAUSE.—If the State of Oregon does not accept the conveyance under this subsection, the Secretary may dispose of the property, including appurtenant water rights, under subchapter III of chapter 5 of title 40, United States Code.

(l) WILLAMETTE FALLS LOCKS, WILLAMETTE RIVER, OREGON.—

(1) DEFINITIONS.—In this section:

(A) REAL ESTATE APPENDIX.—The term "real estate appendix" means Appendix A of the document published by the District Commander of the Portland District of the Corps of Engineers, titled "Willamette Falls Locks Willamette River Oregon Section 216 Disposition Study with Integrated Environmental Assessment".

(B) RECEIVING ENTITY.—The term "receiving entity" means an entity identified by the State of Oregon, in consultation with the Willamette Falls Locks Commission, to receive the conveyance under paragraph (2). Consultation.

(C) WILLAMETTE FALLS LOCKS PROJECT.—The term "Willamette Falls Locks project" means the project for navigation, Willamette Falls Locks, Willamette River, Oregon, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382).

(D) WILLAMETTE FALLS LOCKS REPORT.—The term "Willamette Falls Locks report" means the memorandum of the Director of Civil Works with the subject "Willamette Falls Locks (WFL), Willamette River Oregon Section 216 Disposition Study with Integrated Environmental Assessment (Study)", dated July 11, 2019.

(2) CONVEYANCE AUTHORIZED.—The Secretary is authorized to convey to the receiving entity, without consideration, all right, title, and interest of the United States in and to any land in which the Federal Government has a property interest for the Willamette Falls Locks project, together with any improvements on the land, subject to the requirements of this subsection and in accordance with the Willamette Falls Locks report.

(3) DEED.—The Secretary shall convey the property under this subsection by quitclaim deed under such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

(4) SUBJECT TO EXISTING EASEMENTS AND OTHER INTERESTS.—The conveyance of property under paragraph (2) shall be subject to all existing deed reservations, easements, rights-of-way, and leases that are in effect as of the date of the conveyance.

(5) REVERSION.—If the Secretary determines that the property conveyed under this subsection cease to be held in public ownership, all right, title, and interest in and to the property shall revert, at the discretion of the Secretary, to the United States. Determination.

(6) REQUIREMENTS BEFORE CONVEYANCE.—

(A) PERPETUAL ROAD EASEMENT.—Before making the conveyance under paragraph (2), the Secretary shall acquire a perpetual road easement from an adjacent property owner for use of an access road, which easement shall convey with the property conveyed under such paragraph.

(B) ENVIRONMENTAL COMPLIANCE.—Before making the conveyance under paragraph (2), in accordance with the real estate appendix, the Secretary shall complete a Phase 1 Environmental Site Assessment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). Assessment.

Memorandum.

(C) HISTORIC PRESERVATION.—The Secretary may enter into a memorandum of agreement with the Oregon State Historic Preservation Office and the Advisory Council on Historic Preservation that identifies actions the Secretary shall take before making the conveyance under paragraph (2).

(D) REPAIRS.—Before making the conveyance under paragraph (2), the Secretary shall carry out repairs to address primary seismic and safety risks in accordance with the recommendations approved in the Willamette Falls Locks report.

Effective date.

(7) DEAUTHORIZATION.—Beginning on the date on which the Secretary makes the conveyance under paragraph (2), the Willamette Falls Locks project is no longer authorized.

SEC. 357. LAKE EUFAULA ADVISORY COMMITTEE.

Section 3133(b) of the Water Resources Development Act of 2007 (121 Stat. 1141) is amended by adding at the end the following:

"(5) TERMINATION.—The committee shall terminate on the date that is 30 days after the date on which the committee submits final recommendations to the Secretary.".

SEC. 358. REPEAL OF MISSOURI RIVER TASK FORCE, NORTH DAKOTA.

(a) IN GENERAL.—Section 705 of the Water Resources Development Act of 2000 (114 Stat. 2696) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) PURPOSES.—Section 702(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2695) is amended by inserting "prepared under section 705(e) (as in effect on the day before the date of enactment of the Water Resources Development Act of 2020)" before the period at the end.

(2) DEFINITIONS.—Section 703 of the Water Resources Development Act of 2000 (114 Stat. 2695) is amended—

(A) by striking paragraphs (2) and (4); and

(B) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

SEC. 359. REPEAL OF MISSOURI RIVER TASK FORCE, SOUTH DAKOTA.

(a) IN GENERAL.—Section 905 of the Water Resources Development Act of 2000 (114 Stat. 2709) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) PURPOSES.—Section 902(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended by inserting "prepared under section 905(e) (as in effect on the day before the date of enactment of the Water Resources Development Act of 2020)" before the period at the end.

(2) DEFINITIONS.—Section 903 of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(A) by striking paragraphs (2) and (4); and

(B) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

Repeals.

SEC. 360. CONFORMING AMENDMENTS.

(a) Section 710 of the Water Resources Development Act of 1986 (33 U.S.C. 2264), and the item relating to such section in the table of contents, are repealed.

(b) Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended—

(1) in subsection (b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(2) by striking subsection (c).

(c) Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "Notwithstanding the requirements of subsection (c), the Secretary" and inserting "The Secretary";

(B) by striking "subsections (a) and (c)" each place it appears and inserting "subsection (a)"; and

(C) by striking paragraph (4); and

(2) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively.

(d) Section 6003 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579c), and the item relating to such section in the table of contents, are repealed.

(e) Section 1301 of the Water Resources Development Act of 2016 (33 U.S.C. 579d), and the item relating to such section in the table of contents, are repealed.

(f) Section 1302 of the Water Resources Development Act of 2016 (33 U.S.C. 579c–1), and the item relating to such section in the table of contents, are repealed.

(g) Section 1301 of the Water Resources Development Act of 2018 (33 U.S.C. 579d–1), and the item relating to such section in the table of contents, are repealed.

(h) Section 1302 of the Water Resources Development Act of 2018 (33 U.S.C. 579c–2), and the item relating to such section in the table of contents, are repealed.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

SEC. 401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	Port of Nome Modifications	May 29, 2020	Federal: $378,908,000 Non-Federal: $126,325,000 Total: $505,233,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. AK	St. George Harbor Improvement, St. George	August 13, 2020	Federal: $147,874,000 Non-Federal: $16,508,000 Total: $164,382,000
3. AK	Unalaska (Dutch Harbor) Channels	February 7, 2020	Federal: $26,967,000 Non-Federal: $8,989,000 Total: $35,956,000
4. CT	New Haven Harbor Navigation Improvement Project	May 7, 2020	Federal: $55,250,000 Non-Federal: $19,442,000 Total: $74,692,000
5. NY, NJ	New York and New Jersey Harbor Anchorages	April 23, 2020	Federal: $19,550,000 Non-Federal: $6,520,000 Total: $26,070,000
6. TX	Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks	October 23, 2019	Total: $414,144,000
7. TX	Houston Ship Channel Expansion Channel Improvement Project, Harris, Chambers, and Galveston Counties	April 23, 2020	Federal: $625,204,000 Non-Federal: $260,431,000 Total: $885,635,000
8. TX	Matagorda Ship Channel Improvement Project, Port Lavaca	November 15, 2019	Federal: $140,156,000 Non-Federal: $80,500,000 Total: $220,656,000
9. VA	Atlantic Intracoastal Waterway, North Landing Bridge Replacement	August 25, 2020	Federal: $102,755,000 Non-Federal: $0 Total: $102,755,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AZ	Little Colorado River at Winslow, Navajo County	December 14, 2018	Federal: $54,260,000 Non-Federal: $29,217,000 Total: $83,477,000
2. CA	Westminster, East Garden Grove, California Flood Risk Management	July 9, 2020	Federal: $324,905,000 Non-Federal: $940,191,000 Total: $1,265,096,000
3. CT, NY	Westchester County Streams, Byram River Basin, Fairfield County, Connecticut, and Westchester County, New York	May 7, 2020	Federal: $15,199,000 Non-Federal: $15,199,000 Total: $30,397,000
4. KY	Louisville Metropolitan Flood Protection System Reconstruction, Jefferson and Bullitt Counties	October 27, 2020	Federal: $122,170,000 Non-Federal: $65,917,000 Total: $188,087,000
5. ND	Souris River Basin Flood Risk Management	April 16, 2019	Federal: $59,582,915 Non-Federal: $32,364,085 Total: $91,947,000
6. NJ	Peckman River Basin	April 29, 2020	Federal: $98,137,000 Non-Federal: $52,843,000 Total: $150,980,000
7. NM	Middle Rio Grande Flood Protection, Bernalillo to Belen	March 13, 2020	Federal: $201,944,451 Non-Federal: $108,740,000 Total: $310,684,000
8. OK	Tulsa and West-Tulsa Levee System, Tulsa County	April 23, 2020	Federal: $89,311,000 Non-Federal: $48,091,000 Total: $137,402,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
9. PR	Rio Culebrinas at Aguiadilla and Aguada	August 17, 2020	Federal: $17,295,600 Non-Federal: $8,568,400 Total: $25,864,000
10. PR	Rio Guayanilla Flood Risk Management, Guayanilla	August 13, 2020	Federal: $103,422,000 Non-Federal: $55,689,000 Total: $159,111,000
11. PR	Rio Grande de Manati Flood Risk Management, Ciales	November 18, 2020	Federal: $9,770,000 Non-Federal: $4,520,000 Total: $14,290,000
12. USVI	Savan Gut, St. Thomas	August 24, 2020	Federal: $48,658,100 Non-Federal: $25,455,900 Total: $74,114,000
13. USVI	Turpentine Run, St. Thomas	August 17, 2020	Federal: $29,817,850 Non-Federal: $15,311,150 Total: $45,129,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. DE	Delaware Beneficial Use of Dredged Material for the Delaware River	March 6, 2020	Initial Federal: $66,464,000 Initial Non-Federal: $35,789,000 Total: $102,253,000 Renourishment Federal: $120,023,000 Renourishment Non-Federal: $120,023,000 Renourishment Total: $240,046,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. NJ	New Jersey Beneficial Use of Dredged Material for the Delaware River	April 8, 2020	Initial Federal: $84,071,000 Initial Non-Federal: $45,270,000 Total: $129,341,000 Renourishment Federal: $85,495,000 Renourishment Non-Federal: $85,495,000 Renourishment Total: $170,990,000
3. NJ	Rahway River Basin, New Jersey Coastal Storm Risk Management	June 9, 2020	Federal: $48,322,000 Non-Federal: $26,020,000 Total: $74,342,000
4. NJ	Raritan Bay and Sandy Hook Bay, Highlands	August 25, 2020	Federal: $107,680,000 Non-Federal: $57,981,000 Total: $165,661,000
5. NY	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, Atlantic Coast of New York	August 22, 2019	Initial Federal: $638,460,000 Initial Non-Federal: $0 Total: $638,460,000 Renourishment Federal: $200,924,000 Renourishment Non-Federal: $200,924,000 Renourishment Total: $401,847,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. NY	Fire Island Inlet to Montauk Point, New York Reformulation	July 9, 2020	Initial Federal: $1,576,790,000 Initial Non-Federal: $0 Total: $1,576,790,000 Renourishment Federal: $767,695,000 Renourishment Non-Federal: $767,695,000 Renourishment Total: $1,535,390,000
7. NY	Hashamomuck Cove Coastal Storm Risk Management	December 9, 2019	Initial Federal: $11,920,000 Initial Non-Federal: $6,418,000 Total: $18,338,000 Renourishment Federal: $24,237,000 Renourishment Non-Federal: $24,237,000 Renourishment Total: $48,474,000
8. RI	Pawcatuck River Coastal Storm Risk Management Project	December 19, 2018	Federal: $37,679,000 Non-Federal: $20,289,000 Total: $57,968,000
9. VA	Norfolk Coastal Storm Risk Management	February 5, 2019	Federal: $942,920,000 Non-Federal: $507,730,000 Total: $1,450,650,000

(4) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CO	South Platte River and Tributaries, Adams and Denver Counties	July 29, 2019	Federal: $344,076,000 Non-Federal: $206,197,000 Total: $550,273,000

(5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	Delta Islands and Levees	December 18, 2018	Federal: $17,251,000 Non-Federal: $9,289,000 Total: $26,540,000
2. CA	Malibu Creek Ecosystem Restoration, Los Angeles and Ventura Counties	November 13, 2020	Federal: $172,249,000 Non-Federal: $106,960,000 Total: $279,209,000
3. CA	Yuba River Ecosystem Restoration	June 20, 2019	Federal: $66,975,000 Non-Federal: $36,064,000 Total: $103,039,000
4. CO, NM, TX	Rio Grande, Environmental Management Program, Sandia Pueblo to Isleta Pueblo, New Mexico, Ecosystem Restoration	August 5, 2019	Federal: $16,998,000 Non-Federal: $9,153,000 Total: $26,151,000
5. FL	Comprehensive Everglades Restoration Plan, Loxahatchee River Watershed Restoration Project, Martin and Palm Beach Counties	April 8, 2020	Federal: $379,583,000 Non-Federal: $375,737,000 Total: $755,320,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. IA, MO	Grand River Basin Ecosystem Restoration	November 18, 2020	Federal: $78,876,000 Non-Federal: $42,471,000 Total: $121,347,000
7. IL	The Great Lakes and Mississippi River Interbasin Study - Brandon Road, Will County	May 23, 2019	Federal: $557,730,550 Non-Federal: $300,316,450 Total: $858,047,000
8. IL	South Fork of the South Branch of the Chicago River, Bubbly Creek, Ecosystem Restoration	July 9, 2020	Federal: $11,657,000 Non-Federal: $6,277,000 Total: $17,934,000
9. MD	Anacostia Watershed Restoration, Prince George's County	December 19, 2018	Federal: $25,866,750 Non-Federal: $13,928,250 Total: $39,795,000
10. MO	St. Louis Riverfront-Meramec River Basin Ecosystem Restoration	November 1, 2019	Federal: $61,362,893 Non-Federal: $33,042,107 Total: $94,405,000
11. NY, NJ	Hudson-Raritan Estuary Ecosystem Restoration	May 26, 2020	Federal: $273,933,000 Non-Federal: $147,502,000 Total: $421,435,000
12. NY	Hudson River Habitat Restoration	November 19, 2020	Federal: $33,479,000 Non-Federal: $11,159,000 Total: $44,638,000
13. TX	Jefferson County Ecosystem Restoration	September 12, 2019	Federal: $38,942,000 Non-Federal: $20,969,000 Total: $59,911,000

(6) WATER SUPPLY.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River Basin Review Reallocation,	December 18, 2019	Federal: $0 Non-Federal: $0 Total: $0

(7) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. CA	San Luis Rey Flood Control Project, San Diego County	July 24, 2020	Federal: $143,407,500 Non-Federal: $47,802,500 Total: $191,210,000
2. FL	Caloosahatchee River West Basin Storage Reservoir (C-43 WBSR)	July 24, 2020	Federal: $514,999,000 Non-Federal: $514,999,000 Total: $1,029,998,000
3. FL	Central and Southern Florida, Canal 111 (C-111) South Dade Project	September 15, 2020	Federal: $66,736,500 Non-Federal: $66,736,500 Total: $133,473,000
4. KY	Kentucky Lock	June 9, 2020	Total: $1,166,809,000
5. NC	Carolina Beach Integrated Beach Renourishment	June 16, 2020	Federal: $25,125,000 Non-Federal: $25,125,000 Total: $50,250,000
6. NC	Wrightsville Beach	July 2, 2020	Federal: $60,068,000 Non-Federal: $18,486,000 Total: $78,554,000 Renourishment Federal: $18,918,900 Renourishment Non-Federal: $10,187,100 Renourishment Total: $29,106,000
7. TX	Corpus Christi Ship Channel, Deepening and Widening and Barge Shelves	May 4, 2020	Federal: $406,343,000 Non-Federal: $275,274,000 Total: $681,617,000

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
8. VA	Atlantic Intracoastal Waterway Deep Creek Bridge Replacement	October 19, 2020	Federal: $59,500,000 Non-Federal: $0 Total: $59,500,000

SEC. 402. SPECIAL RULES.

(a) GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, ILLINOIS.—The Secretary shall carry out the project for ecosystem restoration, Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois, authorized by section 401 of this Act, substantially in accordance with the terms and conditions described in the Report of the Chief of Engineers, dated May 23, 2019, with the following modifications:

(1) The Federal share of the cost of construction shall be 80 percent.

(2) The Secretary may include the addition or substitution of technologies or measures not described in the report, as the Secretary determines to be advisable.

(b) EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY REFORMULATION, NEW YORK.—The project for hurricane and storm damage reduction, East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, Atlantic Coast of New York, authorized by section 401 of this Act, shall be considered to be a continuation of the interim response to the authorization by the House of Representatives dated September 20, 1997, and the authorization under the heading "Department of the Army—Corps of Engineers—Civil—Construction" under chapter 4 of title X of the Disaster Relief Appropriations Act, 2013 (127 Stat. 24).

Time period.

(c) TULSA AND WEST-TULSA LEVEE SYSTEM, TULSA COUNTY, OKLAHOMA.—For the project for flood risk management, Tulsa and West-Tulsa Levee System, Tulsa County, Oklahoma, authorized by section 401 of this Act, the non-Federal contribution for the project shall be financed over a period of 30 years from the date of completion of the project, in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

(d) WILLAMETTE RIVER BASIN REVIEW REALLOCATION STUDY.—The Secretary shall carry out the project for water supply, Willamette River Basin Review Reallocation, Oregon, authorized by section 401 of this Act, substantially in accordance with the terms and conditions described in the Report of the Chief of Engineers, dated December 18, 2019, with the following modifications:

(1) The Secretary shall meet the obligations of the Corps of Engineers under the Endangered Species Act of 1973 by complying with the June 2019 NMFS Willamette Basin Review Study Biological Opinion Reasonable and Prudent Alternative until such time, if any, as it is modified or replaced, in whole or in part, through the consultation process under section 7(a) of the Endangered Species Act of 1973.

(2) The Secretary may reallocate not more than 10 percent of overall storage in the joint conservation pool, as authorized by this Act and without further congressional action, if such reallocation is consistent with the ongoing consultation under section 7(a) of the Endangered Species Act of 1973 related to Willamette Valley System operations.

(3) The Secretary shall ensure that the revised reallocation is not reallocated from a single storage use, does not seriously affect authorized project purposes, and does not otherwise involve major operational changes to the project.

(e) CANO MARTIN PENA, SAN JUAN, PUERTO RICO.—Section 5127 of the Water Resources Development Act of 2007 (121 Stat. 1242) is amended by striking " $150,000,000" and inserting " $255,816,000".

SEC. 403. AUTHORIZATION OF PROJECTS BASED ON FEASIBILITY STUDIES PREPARED BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—The Secretary is authorized to carry out the following projects for water resources development and conservation and other purposes, subject to subsection (b):

(1) FORT PIERCE, ST. LUCIE COUNTY, FLORIDA.—The project for hurricane and storm damage reduction, Fort Pierce, St. Lucie County, Florida, as described in the review assessment of the Secretary, titled "Review Assessment of St. Lucie County, Florida Fort Pierce Shore Protection Project Section 203 Integrated Feasibility Study and Environmental Assessment (June 2018)" and dated July 2018, at a total cost of $33,107,639, and at an estimated total cost of $97,958,972 for periodic nourishment over the 50-year life of the project.

(2) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Baptiste Collette Bayou, Louisiana, as described in the review assessment of the Secretary, titled "Review Assessment of Plaquemines Parish Government's Section 203 Study Baptiste Collette Bayou Navigation Channel Deepening Project Integrated Feasibility Study and Environmental Assessment (January 2017, Amended April 2018)" and dated June 2018, at a total cost of $44,920,000.

(3) HOUMA NAVIGATION CANAL, LOUISIANA.—The project for navigation, Houma Navigation Canal, Louisiana, as described in the review assessment of the Secretary, titled "Review Assessment of Houma Navigation Canal Deepening Project Section 203 Integrated Feasibility Report and DRAFT Environmental Impact Statement (June 2018)" and dated July 2018, at a total cost of $253,458,000.

(4) PORT FOURCHON BELLE PASS CHANNEL, LOUISIANA.—The project for navigation, Port Fourchon Belle Pass Channel, Louisiana, as described in the review assessment of the Secretary, titled "Review Assessment of Port Fourchon Belle Pass Channel Deepening Project Section 203 Feasibility Study (January 2019, revised January 2020)" and dated April 2020, at a total cost of $95,483,000.

(5) WILMINGTON HARBOR, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, North Carolina, as described in the review assessment of the Secretary, titled "Review Assessment of Wilmington Harbor, North Carolina Navigation Improvement Project Integrated Section 203 Study

& Environmental Report (February 2020)" and dated May 2020, at a total cost of $834,093,000.

(6) CHACON CREEK, TEXAS.—The project for flood risk management, ecosystem restoration, and other purposes, Chacon Creek, Texas, as described in the review assessment of the Secretary, titled "Review Assessment of Chacon Creek, Texas Section 203 Integrated Feasibility Report and DRAFT Environmental Assessment (August 2018)" and dated September 2018, at a total cost of $51,973,000.

(b) REQUIREMENTS.—The Secretary may only carry out a project authorized under subsection (a)—

Assessment.

(1) substantially in accordance with the applicable review assessment for the project submitted by the Secretary under section 203(c) of the Water Resources Development Act of 1986, as identified in subsection (a) of this section, and subject to such modifications or conditions as the Secretary considers appropriate and identifies in a final assessment that addresses the concerns, recommendations, and conditions identified by the Secretary in the applicable review assessment; and

(2) after the Secretary transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate such final assessment.

TITLE V—OTHER MATTERS

33 USC 610 note.

SEC. 501. UPDATE ON INVASIVE SPECIES POLICY GUIDANCE.

(a) IN GENERAL.—The Secretary shall periodically update the Invasive Species Policy Guidance, developed under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), in accordance with the most recent National Invasive Species Council Management Plan developed pursuant to Executive Order 13112.

(b) INCLUSION.—The Secretary may include in the updated guidance invasive species specific efforts at federally authorized water resources development projects located in—

(1) high-altitude lakes; and

(2) the Tennessee and Cumberland River basins.

SEC. 502. AQUATIC INVASIVE SPECIES RESEARCH.

Section 1108 of the Water Resources Development Act of 2018 (33 U.S.C. 2263a) is amended—

(1) in subsection (a)—

(A) by striking "management" and inserting "prevention, management,"; and

(B) by inserting ", elodea, quagga mussels," after "Asian carp"; and

(2) in subsection (b)—

(A) by inserting "or could be impacted in the future" after "impacted"; and

(B) by striking "Pacific" and all that follows through the period at the end and inserting "Pacific, Arctic, and Gulf Coasts, the Great Lakes, and reservoirs operated and maintained by the Secretary.".

SEC. 503. TERRESTRIAL NOXIOUS WEED CONTROL PILOT PROGRAM. 33 USC 610 note.

(a) IN GENERAL.—The Secretary shall carry out a pilot program, in consultation with the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, to identify and develop new and improved strategies for terrestrial noxious weed control on Federal land under the jurisdiction of the Secretary. Consultation.

(b) PARTNERSHIPS.—In carrying out the pilot program under subsection (a), the Secretary shall act in partnership with such other individuals and entities as the Secretary determines to be appropriate.

(c) COOPERATIVE AGREEMENTS.—The Secretary may utilize cooperative agreements with county and State agencies for the implementation of the pilot program under subsection (a).

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the new and improved strategies developed through the pilot program under subsection (a).

SEC. 504. INVASIVE SPECIES RISK ASSESSMENT, PRIORITIZATION, AND MANAGEMENT.

Section 528(f)(2) of the Water Resources Development Act of 1996 (110 Stat. 3771) is amended—

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

(2) by inserting after subparagraph (H) the following:

"(I) shall, using existing amounts appropriated to the Task Force, develop and update, as appropriate, a priority list of invasive species that—

"(i) reflects an assessment of ecological risk that the listed invasive species represent;

"(ii) includes populations of invasive plants and animals that—

"(I) are significantly impacting the structure and function of ecological communities, native species, or habitat within the South Florida ecosystem; or

"(II) demonstrate a strong potential to reduce, obscure, or otherwise alter key indicators used to measure Everglades restoration progress; and

"(iii) shall be used by the Task Force and agencies and entities represented on the Task Force to focus cooperative and collaborative efforts—

"(I) to guide applied research;

"(II) to develop innovative strategies and tools to facilitate improved management, control, or eradication of listed invasive species;

"(III) to implement specific management, control, or eradication activities at the appropriate periodicity and intensity necessary to reduce or neutralize the impacts of listed invasive species, including the use of qualified skilled volunteers when appropriate; and

"(IV) to develop innovative strategies and tools to prevent future introductions of nonnative species;";

(3) in subparagraph (J) (as so redesignated), by striking "ecosystem" and inserting "ecosystem, including the activities described in subparagraph (I)"; and

(4) in clause (i) of subparagraph (K) (as so redesignated), by inserting ", including the priority list under subparagraph (I) and the activities described in that subparagraph" after "Task Force".

SEC. 505. INVASIVE SPECIES MITIGATION AND REDUCTION.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "this section $110,000,000" and inserting "this section (except for subsections (f) and (g)) $130,000,000";

(ii) in subparagraph (B), by striking "and" at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(D) $30,000,000 shall be made available to carry out subsection (d)(1)(A)(iv); and

"(E) $10,000,000 shall be made available to carry out subsection (d)(1)(A)(v).";

(B) by redesignating paragraph (2) as paragraph (3);

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

"(2) OTHER PROGRAMS.—

"(A) IN GENERAL.—There are authorized to be appropriated—

"(i) $10,000,000 for each of fiscal years 2021 through 2024 to carry out subsection (f); and

"(ii) $50,000,000 for each of fiscal years 2021 through 2024 to carry out subsection (g)(2).

"(B) INVASIVE PLANT SPECIES PILOT PROGRAM.—There is authorized to be appropriated to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, $10,000,000 to carry out subsection (g)(3)."; and

(D) in paragraph (3) (as so redesignated), by inserting "or (2)(A)" after "paragraph (1)";

(2) in subsection (d)—

(A) in the subsection heading, by inserting "AND DECONTAMINATION" after "INSPECTION";

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by inserting "AND DECONTAMINATION" after "INSPECTION";

(II) in clause (ii), by striking "and" at the end;

(III) in clause (iii), by striking "Arizona River Basins." and inserting "Arkansas River Basins;"; and

(IV) by adding at the end the following:

"(iv) to protect the Russian River Basin, California; and

"(v) to protect basins and watersheds that adjoin an international border between the United States and Canada."; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) LOCATIONS.—The Secretary shall place watercraft inspection and decontamination stations under subparagraph (A) at locations with the highest likelihood of preventing the spread of aquatic invasive species into and out of waters of the United States, as determined by the Secretary in consultation with the Governors and entities described in paragraph (3).";

(C) in paragraph (3)(A), by striking "(iii)" and inserting "(v)"; and

(D) by striking "watercraft inspection stations" each place it appears and inserting "watercraft inspection and decontamination stations"; and

(3) by adding at the end the following:

"(f) INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.—

"(1) DEFINITION OF INVASIVE SPECIES.—In this subsection, the term 'invasive species' has the meaning given the term in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 3, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).

"(2) DEVELOPMENT OF PLANS.—The Secretary, in coordination with the Aquatic Nuisance Species Task Force, shall carry out a pilot program under which the Secretary shall collaborate with States in the Upper Missouri River Basin in developing voluntary aquatic invasive species management plans to mitigate the effects of invasive species on public infrastructure facilities located on reservoirs of the Corps of Engineers in those States. Coordination.

"(3) MANAGEMENT PLAN.—

"(A) IN GENERAL.—The Secretary, in consultation with the Governor of each State in the Upper Missouri River Basin that elects to participate in the pilot program, shall prepare a management plan, or update or expand an existing plan, for each participating State that identifies public infrastructure facilities located on reservoirs of the Corps of Engineers in those States that— Consultation.

"(i) are affected by aquatic invasive species; and

"(ii) need financial and technical assistance in order to maintain operations.

"(B) USE OF EXISTING PLANS.—In developing a management plan under subparagraph (A), the Secretary shall consider a management plan submitted by a participating State under section 1204(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4724(a)).

"(4) TERMINATION OF AUTHORITY.—The authority provided under this subsection shall terminate on September 30, 2024.

"(g) INVASIVE SPECIES PREVENTION, CONTROL, AND ERADICATION.—

"(1) DEFINITION OF INVASIVE SPECIES.—In this subsection, the term 'invasive species' has the meaning given the term

in section 1 of Executive Order 13112 (64 Fed. Reg. 6183; relating to invasive species (February 3, 1999)) (as amended by section 2 of Executive Order 13751 (81 Fed. Reg. 88609; relating to safeguarding the Nation from the impacts of invasive species (December 5, 2016))).

"(2) INVASIVE SPECIES PARTNERSHIPS.—

"(A) IN GENERAL.—The Secretary may enter into partnerships with applicable States and other Federal agencies to carry out actions to prevent the introduction of, control, or eradicate, to the maximum extent practicable, invasive species that adversely impact water quantity or water quality in the Platte River Basin, the Upper Colorado River Basin, the Upper Snake River Basin, and the Upper Missouri River Basin.

"(B) PRIORITIZATION.—In selecting actions to carry out under a partnership under subparagraph (A), the Secretary shall give priority to projects that are intended to control or eradicate the Russian olive (*Elaeagnus angustifolia*) or saltcedar (of the genus *Tamarix*).

"(3) INVASIVE PLANT SPECIES PILOT PROGRAM.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE ENTITY.—The term 'eligible entity' means a partnership between or among 2 or more entities that—

"(I) includes—

"(aa) at least 1 flood control district; and

"(bb) at least 1 city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State or Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

"(II) may include any other entity (such as a nonprofit organization or institution of higher education), as determined by the Secretary.

"(ii) INVASIVE PLANT SPECIES.—The term 'invasive plant species' means a plant that is nonnative to the ecosystem under consideration, the introduction of which causes or is likely to cause economic harm or harm to human health.

"(B) PILOT PROGRAM.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a pilot program under which such Secretary shall work with eligible entities to carry out activities—

"(i) to remove invasive plant species in riparian areas that contribute to drought conditions in—

"(I) the Lower Colorado River Basin;

"(II) the Rio Grande River Basin;

"(III) the Texas Gulf Coast Basin; and

"(IV) the Arkansas-White-Red Basin;

"(ii) where appropriate, to replace the invasive plant species described in clause (i) with ecologically suitable native species; and

"(iii) to maintain and monitor riparian areas in which activities are carried out under clauses (i) and (ii).

"(C) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this subsection, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the implementation of the pilot program.

"(D) TERMINATION OF AUTHORITY.—The authority provided under this paragraph shall terminate on September 30, 2024.

"(4) COST SHARE.—The Federal share of an action carried out under a partnership under paragraph (2) or an activity carried out under the pilot program under paragraph (3) shall not exceed 80 percent of the total cost of the action or activity.".

SEC. 506. AQUATIC INVASIVE SPECIES PREVENTION.

Section 1039(b) of the Water Resources Reform and Development Act of 2014 (16 U.S.C. 4701 note) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking "UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES" and inserting "MISSISSIPPI RIVER AND TRIBUTARIES, INCLUDING SUB-BASINS";

(B) in subparagraph (A), by striking "Upper Mississippi and Ohio River basins and tributaries" and inserting "Mississippi River and tributaries, including the 6 sub-basins of the River,"; and

(C) in subparagraph (B), by striking "and the document prepared" and all that follows through "February 2012." and inserting "the Mississippi River Basin Asian Carp Control Strategy Framework, and the Asian Carp Regional Coordinating Committee's Asian Carp Action Plan."; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "December 31 of each year" and inserting "December 31, 2020, and biennially thereafter"; and

(ii) by striking "Upper Mississippi and Ohio River basins and tributaries" and inserting "Mississippi River and tributaries, including the 6 sub-basins of the River"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "Upper Mississippi and Ohio River basins and tributaries" and inserting "Mississippi River and tributaries, including the 6 sub-basins of the River,"; and

(ii) in clause (ii), by striking "Upper Mississippi and Ohio River basins and tributaries" and inserting "Mississippi River and tributaries, including the 6 sub-basins of the River".

SEC. 507. INVASIVE SPECIES IN ALPINE LAKES PILOT PROGRAM.

16 USC 4701 note.

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a pilot program (referred to in this section as the "pilot program") to develop and carry out effective measures necessary to prevent, control, or eradicate aquatic invasive species

in alpine lakes that are not located within a unit of the National Park System.

(b) PARTNERSHIPS.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall offer to enter into a partnership to carry out the pilot program with—

(1) any relevant partnering Federal agency; and

(2) any relevant compact agency organized with the consent of Congress under article I, section 10 of the Constitution of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program $25,000,000 for the period of fiscal years 2022 through 2024.

16 USC 742b note.

SEC. 508. MURDER HORNET ERADICATION PILOT PROGRAM.

Consultation.

(a) GRANT AUTHORITY.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, and in consultation with all relevant Federal agencies, shall establish a pilot program to provide financial assistance to States for management, research, and public education activities necessary to—

(1) eradicate the Asian giant hornet; and

(2) restore bee populations damaged by the Asian giant hornet.

(b) ELIGIBILITY.—A State is eligible to receive financial assistance under this section if the State has demonstrated to the Secretary of the Interior sufficient need to implement measures to eradicate the Asian giant hornet.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of activities carried out under the pilot program may not exceed 75 percent of the total costs of such activities.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of activities carried out under the pilot program may be provided in the form of in-kind contributions of materials or services.

(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary of the Interior under this section may be used for administrative expenses.

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

(f) DEFINITIONS.—In this section:

(1) ASIAN GIANT HORNET.—The term "Asian giant hornet" means a *Vespa mandarinia*.

(2) STATE.—The term "State" means each of the several States, the District of Columbia, and the territories and insular possessions of the United States.

(g) SUNSET.—The authority under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

SEC. 509. ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM.

33 USC 610 note.

(a) CORPS OF ENGINEERS ASIAN CARP PREVENTION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary, in conjunction with the Tennessee Valley Authority and other relevant Federal agencies, shall carry out an Asian carp prevention pilot program

to carry out projects to manage and prevent the spread of Asian carp using innovative technologies, methods, and measures.

(2) PROJECT SELECTION.—

(A) LOCATION.—Each project under the pilot program shall be carried out in a river system or reservoir in the Cumberland River Watershed or Tennessee River Watershed in which Asian carp populations are expanding or have been documented.

(B) CONSULTATION.—In selecting projects to carry out under the pilot program, the Secretary shall consult with—

(i) applicable Federal, State, and local agencies;

(ii) institutions of higher education; and

(iii) relevant private organizations, including nonprofit organizations.

(C) LIMITATIONS.—

(i) NUMBER OF PROJECTS.—The Secretary may select not more than 10 projects to carry out under the pilot program.

(ii) DEADLINE.—Not later than September 30, 2024, the Secretary shall complete projects selected to be carried out under the pilot program.

(3) BEST PRACTICES.—In carrying out the pilot program, to the maximum extent practicable, the Secretary shall consider existing best practices, such as those described in the document of the Asian Carp Working Group of the Aquatic Nuisance Species Task Force entitled "Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States" and dated November 2007.

(4) COST-SHARE.—

(A) IN GENERAL.—The Federal share of the costs of a project carried out under the program may not exceed 75 percent of the total costs of the project.

(B) OPERATION, MAINTENANCE, REHABILITATION, AND REPAIR.—After the completion of a project under the pilot program, the Federal share of the costs for operation, maintenance, rehabilitation, and repair of the project shall be 100 percent.

(5) MEMORANDUM OF AGREEMENT.—For projects carried out in reservoirs owned or managed by the Tennessee Valley Authority, the Secretary and the Tennessee Valley Authority shall execute a memorandum of agreement establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(6) PAYMENTS.—The Secretary is authorized to accept and expend funds from the Tennessee Valley Authority to complete any work under this section at a reservoir owned or managed by the Tennessee Valley Authority.

Analysis.

(7) REPORT.—Not later than 2 years after the date of enactment of this Act, and 2 years thereafter, the Secretary shall submit to Congress a report describing the results of the pilot program, including an analysis of the effectiveness of the innovative technologies, methods, and measures used in projects carried out under the pilot program at preventing the spread, or managing the eradicating of, Asian carp.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000, to remain available until expended.

16 USC 742b note.

(b) FISH AND WILDLIFE SERVICE ASIAN CARP ERADICATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a program to provide financial assistance to States to implement measures, including for management, research, and public education activities, necessary to eradicate the Asian carp.

(2) ELIGIBILITY.—A State is eligible to receive financial assistance under this subsection if such State has demonstrated to the Secretary of the Interior sufficient need to implement measures to eradicate the Asian carp.

(3) PRIORITY.—In providing financial assistance under the program, the Secretary of the Interior shall give priority to States in the Cumberland River Watershed or the Tennessee River Watershed in which Asian carp populations are expanding or have been documented.

(4) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the costs of activities carried out under the program may not exceed 80 percent of the total costs of such activities.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of activities carried out under the program may be provided in the form of in-kind contributions of materials or services.

(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary of the Interior under this subsection may be used for administrative expenses.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this subsection $4,000,000 for each of fiscal years 2021 through 2025.

16 USC 742b note.

SEC. 510. INVASIVE SPECIES IN NONCONTIGUOUS STATES AND TERRITORIES PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall establish a pilot program to carry out measures necessary to prevent, control, or eradicate invasive species in culturally significant forested watersheds in noncontiguous States and territories of the United States in which the Corps of Engineers is carrying out flood risk management projects.

Consultation.

(b) IMPLEMENTATION.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, is encouraged to carry out the measures described in subsection (a) in consultation with—

(1) States, any territory or possession of the United States, and units of local government, including federally recognized Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); and

(2) nonprofit organizations with knowledge of, and experience in, forested watershed management, including nonprofit

organizations with a primary purpose of serving and partnering with indigenous communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under subsection (a) $25,000,000 for the period of fiscal years 2022 through 2024.

SEC. 511. SOIL MOISTURE AND SNOWPACK MONITORING.

(a) INSTALLATION OF NETWORK.—

(1) IN GENERAL.—In accordance with the activities required under section 4003(a) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1310; 130 Stat. 1676), and to support the goals of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25) and the National Integrated Drought Information System Reauthorization Act of 2018 (Public Law 115–423), the Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration (referred to in this section as the "Administrator"), the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation, shall continue installation of a network of soil moisture and plains snowpack monitoring stations, and modification of existing stations, in the Upper Missouri River Basin. Coordination.

(2) REQUIREMENTS.—In carrying out installation and modification activities under paragraph (1), the Secretary—

(A) may continue to enter into agreements, including cooperative agreements, with State mesonet programs for purposes of installing new stations or modifying existing stations; Contracts.

(B) shall transfer ownership and all responsibilities for operation and maintenance of new stations to the respective State mesonet program for the State in which the monitoring station is located on completion of installation of the station; and

(C) shall establish, in consultation with the Administrator, requirements and standards for the installation of new stations and modification of existing stations to ensure seamless data integration into— Consultation. Standards.

(i) the National Mesonet Program;

(ii) the National Coordinated Soil Moisture Network; and

(iii) other relevant networks.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, in addition to any other funds authorized to be appropriated for the installation of a network of soil moisture and plains snowpack monitoring stations or the modification of existing stations in the Upper Missouri River Basin, $7,000,000 for each of fiscal years 2021 through 2025.

(b) SOIL MOISTURE AND SNOWPACK MONITORING PILOT PROGRAM.— Data.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish within the National Mesonet Program a pilot program for the acquisition and use of data generated by the network described in subsection (a). Deadline.

(2) REQUIREMENTS.—In establishing the pilot program under paragraph (1), the Administrator shall—

Contracts.

(A) enter into agreements with State mesonet programs in the Upper Missouri River Basin to acquire data generated by the network described in subsection (a) that—

(i) are similar to the agreements in effect as of the date of the enactment of this Act with States under the National Mesonet Program; and

(ii) allow for sharing of data with other Federal agencies and with institutions engaged in federally supported research, including the United States Drought Monitor, as appropriate and feasible;

Coordination.

(B) in coordination with the Secretary, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation, gather data from the operation of the network to inform ongoing efforts of the National Oceanic and Atmospheric Administration in support of—

(i) the National Integrated Drought Information System, including the National Coordinated Soil Moisture Network;

(ii) the United States Drought Monitor;

(iii) the National Water Model and other relevant national modeling efforts;

(iv) validation, verification, and calibration of satellite-based, in situ, and other remote sensing activities and output products;

(v) flood risk and water resources monitoring initiatives by the Secretary and the Commissioner; and

(vi) any other programs or initiatives the Administrator considers appropriate;

(C) at the request of State mesonet programs, or as the Administrator considers appropriate, provide technical assistance to such programs under the pilot program under paragraph (1) to ensure proper data requirements; and

(D) ensure an appropriate mechanism for quality control and quality assurance is employed for the data acquired under the pilot program, such as the Meteorological Assimilation Data Ingest System.

(3) STUDY REQUIRED.—

Deadline.
Evaluation.

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall initiate a study of the pilot program required by paragraph (1) to evaluate the data generated by the network described in subsection (a) and the applications of that data to programs and initiatives described in paragraph (2)(B).

Assessments.

(B) ELEMENTS.—The study required by subparagraph (A) shall include an assessment of—

(i) the contribution of the soil moisture, snowpack, and other relevant data generated by the network described in subsection (a) to weather, subseasonal and seasonal, and climate forecasting products on the local, regional, and national levels;

(ii) the enhancements made to the National Integrated Drought Information System, the National Water Model, and the United States Drought Monitor, and other relevant national modeling efforts, using

data and derived data products generated by the network;

(iii) the contribution of data generated by the network to remote sensing products and approaches;

(iv) the viability of the ownership and operational structure of the network; and

(v) any other matters the Administrator considers appropriate, in coordination with the Secretary, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation. Coordination.

(4) REPORT REQUIRED.—Not later than 4 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report—

(A) setting forth the findings of the study required by paragraph (3); and

(B) making recommendations based on those findings to improve weather, subseasonal, seasonal, and climate monitoring nationally. Recommendations.

(5) GOVERNMENT ACCOUNTABILITY OFFICE AUDIT.—

(A) IN GENERAL.—Not later than 60 days after the report required by paragraph (4) is submitted, the Comptroller General of the United States shall initiate an audit to evaluate that report and determine whether— Deadline. Evaluation. Determination.

(i) the Administrator, in conducting the pilot program under paragraph (1), has utilized the relevant data generated by the network described in subsection (a) in the manner most beneficial to the programs and initiatives described in paragraph (2)(B);

(ii) the acquisition agreements entered into under paragraph (2)(A) with State mesonet programs fully comply with the requirements of that paragraph; and Compliance.

(iii) the heads of other agencies, including the Secretary, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of Reclamation, are utilizing the data generated by the network to better inform and improve the missions of those agencies.

(B) REPORT REQUIRED.—Not later than 270 days after initiating the audit required by subparagraph (A), the Comptroller General shall submit to the appropriate congressional committees a report setting forth the findings of the audit.

(6) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Natural Resources of the House of Representatives.

SEC. 512. GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

(a) RENAMING THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—The Act of May 13, 1954 (33 U.S.C. 981 et seq.) is amended—

(1) in section 1 (33 U.S.C. 981), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation"; and

(2) in section 2(b) (33 U.S.C. 982(b)), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation".

33 USC 981 note.

(b) REFERENCES.—Any reference to the Saint Lawrence Seaway Development Corporation in any law, regulation, document, record, Executive order, or other paper of the United States shall be deemed to be a reference to the Great Lakes St. Lawrence Seaway Development Corporation.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation".

(2) TITLE 18.—Section 2282B of title 18, United States Code, is amended by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation".

(3) INTERNAL REVENUE CODE.—Section 9505(a)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(a)(2)) is amended by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation".

(4) TITLE 31.—Section 9101(3)(K) of title 31, United States Code, is amended by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation".

(5) WATER RESOURCES DEVELOPMENT ACT OF 1986.—The Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) is amended—

(A) in section 206 (33 U.S.C. 2234), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation";

(B) in section 210(a)(1) (33 U.S.C. 2238(a)(1)), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation";

(C) in section 214(2)(B) (33 U.S.C. 2241(2)(B)), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation"; and

(D) in section 1132(b) (33 U.S.C. 2309(b)), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation" each place it appears.

(6) TITLE 46.—Title 46, United States Code, is amended—

(A) in section 2109, by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation";

(B) in section 8103(g), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation";

(C) in section 8503(c), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation";

(D) in section 55112(a)(3), by striking "St. Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation";

(E) in section 55331(3), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation"; and

(F) in section 70032, by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation" each place it appears.

(7) TITLE 49.—

(A) IN GENERAL.—Title 49, United States Code, is amended—

(i) in section 110—

(I) in the heading, by striking "**Saint Lawrence Seaway Development Corporation**" and inserting "**Great Lakes St. Lawrence Seaway Development Corporation**"; and

(II) in subsection (a), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation"; and

(ii) in section 6314(c)(2)(G), by striking "Saint Lawrence Seaway Development Corporation" and inserting "Great Lakes St. Lawrence Seaway Development Corporation".

(B) TABLE OF SECTIONS.—The table of sections for chapter 1 of subtitle I of title 49, United States Code, is amended by amending the item relating to section 110 to read as follows: 49 USC prec. 101.

"110. Great Lakes St. Lawrence Seaway Development Corporation.".

DIVISION BB—PRIVATE HEALTH INSURANCE AND PUBLIC HEALTH PROVISIONS

SEC. 1. TABLE OF CONTENTS.

The table of contents of the division is as follows:

DIVISION BB—PRIVATE HEALTH INSURANCE AND PUBLIC HEALTH PROVISIONS

Sec. 1. Table of contents.

TITLE I—NO SURPRISES ACT

Sec. 101. Short title.
Sec. 102. Health insurance requirements regarding surprise medical billing.
Sec. 103. Determination of out-of-network rates to be paid by health plans; Independent dispute resolution process.

Sec. 104. Health care provider requirements regarding surprise medical billing.
Sec. 105. Ending surprise air ambulance bills.
Sec. 106. Reporting requirements regarding air ambulance services.
Sec. 107. Transparency regarding in-network and out-of-network deductibles and out-of-pocket limitations.
Sec. 108. Implementing protections against provider discrimination.
Sec. 109. Reports.
Sec. 110. Consumer protections through application of health plan external review in cases of certain surprise medical bills.
Sec. 111. Consumer protections through health plan requirement for fair and honest advance cost estimate.
Sec. 112. Patient protections through transparency and patient-provider dispute resolution.
Sec. 113. Ensuring continuity of care.
Sec. 114. Maintenance of price comparison tool.
Sec. 115. State All Payer Claims Databases.
Sec. 116. Protecting patients and improving the accuracy of provider directory information.
Sec. 117. Advisory committee on ground ambulance and patient billing.
Sec. 118. Implementation funding.

TITLE II—TRANSPARENCY

Sec. 201. Increasing transparency by removing gag clauses on price and quality information.
Sec. 202. Disclosure of direct and indirect compensation for brokers and consultants to employer-sponsored health plans and enrollees in plans on the individual market.
Sec. 203. Strengthening parity in mental health and substance use disorder benefits.
Sec. 204. Reporting on pharmacy benefits and drug costs.

TITLE III—PUBLIC HEALTH PROVISIONS

Subtitle A—Extenders Provisions

Sec. 301. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.
Sec. 302. Diabetes programs.

Subtitle B—Strengthening Public Health

Sec. 311. Improving awareness of disease prevention.
Sec. 312. Guide on evidence-based strategies for public health department obesity prevention programs.
Sec. 313. Expanding capacity for health outcomes.
Sec. 314. Public health data system modernization.
Sec. 315. Native American suicide prevention.
Sec. 316. Reauthorization of the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009.
Sec. 317. Reauthorization of school-based health centers.

Subtitle C—FDA Amendments

Sec. 321. Rare pediatric disease priority review voucher extension.
Sec. 322. Conditions of use for biosimilar biological products.
Sec. 323. Orphan drug clarification.
Sec. 324. Modernizing the labeling of certain generic drugs.
Sec. 325. Biological product patent transparency.

Subtitle D—Technical Corrections

Sec. 331. Technical corrections.

No Surprises Act.

TITLE I—NO SURPRISES ACT

42 USC 201 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "No Surprises Act".

SEC. 102. HEALTH INSURANCE REQUIREMENTS REGARDING SURPRISE MEDICAL BILLING.

(a) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(1) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by adding at the end the following new part:

"PART D—ADDITIONAL COVERAGE PROVISIONS

"SEC. 2799A–1. PREVENTING SURPRISE MEDICAL BILLS.

42 USC 300gg–111.

"(a) COVERAGE OF EMERGENCY SERVICES.—

"(1) IN GENERAL.—If a group health plan, or a health insurance issuer offering group or individual health insurance coverage, provides or covers any benefits with respect to services in an emergency department of a hospital or with respect to emergency services in an independent freestanding emergency department (as defined in paragraph (3)(D)), the plan or issuer shall cover emergency services (as defined in paragraph (3)(C))—

"(A) without the need for any prior authorization determination;

"(B) whether the health care provider furnishing such services is a participating provider or a participating emergency facility, as applicable, with respect to such services;

"(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee by a nonparticipating provider or a nonparticipating emergency facility—

"(i) such services will be provided without imposing any requirement under the plan or coverage for prior authorization of services or any limitation on coverage that is more restrictive than the requirements or limitations that apply to emergency services received from participating providers and participating emergency facilities with respect to such plan or coverage, respectively;

"(ii) the cost-sharing requirement is not greater than the requirement that would apply if such services were provided by a participating provider or a participating emergency facility;

"(iii) such cost-sharing requirement is calculated as if the total amount that would have been charged for such services by such participating provider or participating emergency facility were equal to the recognized amount (as defined in paragraph (3)(H)) for such services, plan or coverage, and year;

"(iv) the group health plan or health insurance issuer, respectively—

Deadline. Notice.

"(I) not later than 30 calendar days after the bill for such services is transmitted by such provider or facility, sends to the provider or facility, as applicable, an initial payment or notice of denial of payment; and

"(II) pays a total plan or coverage payment directly to such provider or facility, respectively (in accordance, if applicable, with the timing requirement described in subsection (c)(6)) that is, with application of any initial payment under subclause (I), equal to the amount by which the out-of-network rate (as defined in paragraph

(3)(K)) for such services exceeds the cost-sharing amount for such services (as determined in accordance with clauses (ii) and (iii)) and year; and

"(v) any cost-sharing payments made by the participant, beneficiary, or enrollee with respect to such emergency services so furnished shall be counted toward any in-network deductible or out-of-pocket maximums applied under the plan or coverage, respectively (and such in-network deductible and out-of-pocket maximums shall be applied) in the same manner as if such cost-sharing payments were made with respect to emergency services furnished by a participating provider or a participating emergency facility; and

"(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2704 of this Act, including as incorporated pursuant to section 715 of the Employee Retirement Income Security Act of 1974 and section 9815 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

"(2) AUDIT PROCESS AND REGULATIONS FOR QUALIFYING PAYMENT AMOUNTS.—

"(A) AUDIT PROCESS.—

Deadline.
Consultation.

"(i) IN GENERAL.—Not later than October 1, 2021, the Secretary, in consultation with the Secretary of Labor and the Secretary of the Treasury, shall establish through rulemaking a process, in accordance with clause (ii), under which group health plans and health insurance issuers offering group or individual health insurance coverage are audited by the Secretary or applicable State authority to ensure that—

Compliance.

"(I) such plans and coverage are in compliance with the requirement of applying a qualifying payment amount under this section; and

"(II) such qualifying payment amount so applied satisfies the definition under paragraph (3)(E) with respect to the year involved, including with respect to a group health plan or health insurance issuer described in clause (ii) of such paragraph (3)(E).

"(ii) AUDIT SAMPLES.—Under the process established pursuant to clause (i), the Secretary—

"(I) shall conduct audits described in such clause, with respect to a year (beginning with 2022), of a sample with respect to such year of claims data from not more than 25 group health plans and health insurance issuers offering group or individual health insurance coverage; and

"(II) may audit any group health plan or health insurance issuer offering group or individual health insurance coverage if the Secretary has received any complaint or other information about such plan or coverage, respectively, that involves the compliance of the plan or coverage, respectively, with either of the requirements described in subclauses (I) and (II) of such clause.

"(iii) REPORTS.—Beginning for 2022, the Secretary shall annually submit to Congress a report on the number of plans and issuers with respect to which audits were conducted during such year pursuant to this subparagraph.

"(B) RULEMAKING.—Not later than July 1, 2021, the Secretary, in consultation with the Secretary of Labor and the Secretary of the Treasury, shall establish through rulemaking— Deadline. Consultation.

"(i) the methodology the group health plan or health insurance issuer offering group or individual health insurance coverage shall use to determine the qualifying payment amount, differentiating by individual market, large group market, and small group market;

"(ii) the information such plan or issuer, respectively, shall share with the nonparticipating provider or nonparticipating facility, as applicable, when making such a determination;

"(iii) the geographic regions applied for purposes of this subparagraph, taking into account access to items and services in rural and underserved areas, including health professional shortage areas, as defined in section 332; and

"(iv) a process to receive complaints of violations of the requirements described in subclauses (I) and (II) of subparagraph (A)(i) by group health plans and health insurance issuers offering group or individual health insurance coverage. Complaints.

Such rulemaking shall take into account payments that are made by such plan or issuer, respectively, that are not on a fee-for-service basis. Such methodology may account for relevant payment adjustments that take into account quality or facility type (including higher acuity settings and the case-mix of various facility types) that are otherwise taken into account for purposes of determining payment amounts with respect to participating facilities. In carrying out clause (iii), the Secretary shall consult with the National Association of Insurance Commissioners to establish the geographic regions under such clause and shall periodically update such regions, as appropriate, taking into account the findings of the report submitted under section 109(a) of the No Surprises Act. Consultation. Updates.

"(3) DEFINITIONS.—In this part and part E:

"(A) EMERGENCY DEPARTMENT OF A HOSPITAL.—The term 'emergency department of a hospital' includes a hospital outpatient department that provides emergency services (as defined in subparagraph (C)(i)).

"(B) EMERGENCY MEDICAL CONDITION.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

"(C) EMERGENCY SERVICES.—

"(i) IN GENERAL.—The term 'emergency services', with respect to an emergency medical condition, means—

"(I) a medical screening examination (as required under section 1867 of the Social Security Act, or as would be required under such section if such section applied to an independent freestanding emergency department) that is within the capability of the emergency department of a hospital or of an independent freestanding emergency department, as applicable, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition; and

"(II) within the capabilities of the staff and facilities available at the hospital or the independent freestanding emergency department, as applicable, such further medical examination and treatment as are required under section 1867 of such Act, or as would be required under such section if such section applied to an independent freestanding emergency department, to stabilize the patient (regardless of the department of the hospital in which such further examination or treatment is furnished).

"(ii) INCLUSION OF ADDITIONAL SERVICES.—

"(I) IN GENERAL.—For purposes of this subsection and section 2799B–1, in the case of a participant, beneficiary, or enrollee who is enrolled in a group health plan or group or individual health insurance coverage offered by a health insurance issuer and who is furnished services described in clause (i) with respect to an emergency medical condition, the term 'emergency services' shall include, unless each of the conditions described in subclause (II) are met, in addition to the items and services described in clause (i), items and services—

"(aa) for which benefits are provided or covered under the plan or coverage, respectively; and

"(bb) that are furnished by a nonparticipating provider or nonparticipating emergency facility (regardless of the department of the hospital in which such items or services are furnished) after the participant, beneficiary, or enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which the services described in clause (i) are furnished.

"(II) CONDITIONS.—For purposes of subclause (I), the conditions described in this subclause, with respect to a participant, beneficiary, or enrollee who is stabilized and furnished additional items and services described in subclause (I) after such

stabilization by a provider or facility described in subclause (I), are the following;

"(aa) Such provider or facility determines such individual is able to travel using nonmedical transportation or nonemergency medical transportation. Determination.

"(bb) Such provider furnishing such additional items and services satisfies the notice and consent criteria of section 2799B–2(d) with respect to such items and services.

"(cc) Such individual is in a condition to receive (as determined in accordance with guidelines issued by the Secretary pursuant to rulemaking) the information described in section 2799B–2 and to provide informed consent under such section, in accordance with applicable State law. Determination. Guidelines.

"(dd) Such other conditions, as specified by the Secretary, such as conditions relating to coordinating care transitions to participating providers and facilities.

"(D) INDEPENDENT FREESTANDING EMERGENCY DEPARTMENT.—The term 'independent freestanding emergency department' means a health care facility that—

"(i) is geographically separate and distinct and licensed separately from a hospital under applicable State law; and

"(ii) provides any of the emergency services (as defined in subparagraph (C)(i)).

"(E) QUALIFYING PAYMENT AMOUNT.—

"(i) IN GENERAL.—The term 'qualifying payment amount' means, subject to clauses (ii) and (iii), with respect to a sponsor of a group health plan and health insurance issuer offering group or individual health insurance coverage—

"(I) for an item or service furnished during 2022, the median of the contracted rates recognized by the plan or issuer, respectively (determined with respect to all such plans of such sponsor or all such coverage offered by such issuer that are offered within the same insurance market (specified in subclause (I), (II), (III), or (IV) of clause (iv)) as the plan or coverage) as the total maximum payment (including the cost-sharing amount imposed for such item or service and the amount to be paid by the plan or issuer, respectively) under such plans or coverage, respectively, on January 31, 2019, for the same or a similar item or service that is provided by a provider in the same or similar specialty and provided in the geographic region in which the item or service is furnished, consistent with the methodology established by the Secretary under paragraph (2)(B), increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over 2019, such

percentage increase over 2020, and such percentage increase over 2021; and

"(II) for an item or service furnished during 2023 or a subsequent year, the qualifying payment amount determined under this clause for such an item or service furnished in the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year.

"(ii) NEW PLANS AND COVERAGE.—The term 'qualifying payment amount' means, with respect to a sponsor of a group health plan or health insurance issuer offering group or individual health insurance coverage in a geographic region in which such sponsor or issuer, respectively, did not offer any group health plan or health insurance coverage during 2019—

"(I) for the first year in which such group health plan, group health insurance coverage, or individual health insurance coverage, respectively, is offered in such region, a rate (determined in accordance with a methodology established by the Secretary) for items and services that are covered by such plan or coverage and furnished during such first year; and

"(II) for each subsequent year such group health plan, group health insurance coverage, or individual health insurance coverage, respectively, is offered in such region, the qualifying payment amount determined under this clause for such items and services furnished in the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year.

Determination.

"(iii) INSUFFICIENT INFORMATION; NEWLY COVERED ITEMS AND SERVICES.—In the case of a sponsor of a group health plan or health insurance issuer offering group or individual health insurance coverage that does not have sufficient information to calculate the median of the contracted rates described in clause (i)(I) in 2019 (or, in the case of a newly covered item or service (as defined in clause (v)(III)), in the first coverage year (as defined in clause (v)(I)) for such item or service with respect to such plan or coverage) for an item or service (including with respect to provider type, or amount, of claims for items or services (as determined by the Secretary) provided in a particular geographic region (other than in a case with respect to which clause (ii) applies)) the term 'qualifying payment amount'—

Determination.

"(I) for an item or service furnished during 2022 (or, in the case of a newly covered item or service, during the first coverage year for such item or service with respect to such plan or coverage), means such rate for such item or service determined by the sponsor or issuer, respectively, through use of any database that is determined,

in accordance with rulemaking described in paragraph (2)(B), to not have any conflicts of interest and to have sufficient information reflecting allowed amounts paid to a health care provider or facility for relevant services furnished in the applicable geographic region (such as a State all-payer claims database);

"(II) for an item or service furnished in a subsequent year (before the first sufficient information year (as defined in clause (v)(II)) for such item or service with respect to such plan or coverage), means the rate determined under subclause (I) or this subclause, as applicable, for such item or service for the year previous to such subsequent year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year;

"(III) for an item or service furnished in the first sufficient information year for such item or service with respect to such plan or coverage, has the meaning given the term qualifying payment amount in clause (i)(I), except that in applying such clause to such item or service, the reference to 'furnished during 2022' shall be treated as a reference to furnished during such first sufficient information year, the reference to 'in 2019' shall be treated as a reference to such sufficient information year, and the increase described in such clause shall not be applied; and

"(IV) for an item or service furnished in any year subsequent to the first sufficient information year for such item or service with respect to such plan or coverage, has the meaning given such term in clause (i)(II), except that in applying such clause to such item or service, the reference to 'furnished during 2023 or a subsequent year' shall be treated as a reference to furnished during the year after such first sufficient information year or a subsequent year.

"(iv) INSURANCE MARKET.—For purposes of clause (i)(I), a health insurance market specified in this clause is one of the following:

"(I) The individual market.

"(II) The large group market (other than plans described in subclause (IV)).

"(III) The small group market (other than plans described in subclause (IV)).

"(IV) In the case of a self-insured group health plan, other self-insured group health plans.

"(v) DEFINITIONS.—For purposes of this subparagraph:

"(I) FIRST COVERAGE YEAR.—The term 'first coverage year' means, with respect to a group health plan or group or individual health insurance coverage offered by a health insurance issuer and an item or service for which coverage is not offered

in 2019 under such plan or coverage, the first year after 2019 for which coverage for such item or service is offered under such plan or health insurance coverage.

"(II) FIRST SUFFICIENT INFORMATION YEAR.—The term 'first sufficient information year' means, with respect to a group health plan or group or individual health insurance coverage offered by a health insurance issuer—

"(aa) in the case of an item or service for which the plan or coverage does not have sufficient information to calculate the median of the contracted rates described in clause (i)(I) in 2019, the first year subsequent to 2022 for which the sponsor or issuer has such sufficient information to calculate the median of such contracted rates in the year previous to such first subsequent year; and

"(bb) in the case of a newly covered item or service, the first year subsequent to the first coverage year for such item or service with respect to such plan or coverage for which the sponsor or issuer has sufficient information to calculate the median of the contracted rates described in clause (i)(I) in the year previous to such first subsequent year.

"(III) NEWLY COVERED ITEM OR SERVICE.—The term 'newly covered item or service' means, with respect to a group health plan or group or individual health insurance issuer offering health insurance coverage, an item or service for which coverage was not offered in 2019 under such plan or coverage, but is offered under such plan or coverage in a year after 2019.

"(F) NONPARTICIPATING EMERGENCY FACILITY; PARTICIPATING EMERGENCY FACILITY.—

"(i) NONPARTICIPATING EMERGENCY FACILITY.—The term 'nonparticipating emergency facility' means, with respect to an item or service and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, an emergency department of a hospital, or an independent freestanding emergency department, that does not have a contractual relationship directly or indirectly with the plan or issuer, respectively, for furnishing such item or service under the plan or coverage, respectively.

"(ii) PARTICIPATING EMERGENCY FACILITY.—The term 'participating emergency facility' means, with respect to an item or service and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, an emergency department of a hospital, or an independent freestanding emergency department, that has a contractual relationship directly or indirectly with the plan or issuer, respectively, with respect to the furnishing of such an item or service at such facility.

"(G) NONPARTICIPATING PROVIDERS; PARTICIPATING PROVIDERS.—

"(i) NONPARTICIPATING PROVIDER.—The term 'nonparticipating provider' means, with respect to an item or service and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, a physician or other health care provider who is acting within the scope of practice of that provider's license or certification under applicable State law and who does not have a contractual relationship with the plan or issuer, respectively, for furnishing such item or service under the plan or coverage, respectively.

"(ii) PARTICIPATING PROVIDER.—The term 'participating provider' means, with respect to an item or service and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, a physician or other health care provider who is acting within the scope of practice of that provider's license or certification under applicable State law and who has a contractual relationship with the plan or issuer, respectively, for furnishing such item or service under the plan or coverage, respectively.

"(H) RECOGNIZED AMOUNT.—The term 'recognized amount' means, with respect to an item or service furnished by a nonparticipating provider or nonparticipating emergency facility during a year and a group health plan or group or individual health insurance coverage offered by a health insurance issuer—

"(i) subject to clause (iii), in the case of such item or service furnished in a State that has in effect a specified State law with respect to such plan, coverage, or issuer, respectively; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount determined in accordance with such law;

"(ii) subject to clause (iii), in the case of such item or service furnished in a State that does not have in effect a specified State law, with respect to such plan, coverage, or issuer, respectively; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount that is the qualifying payment amount (as defined in subparagraph (E)) for such year and determined in accordance with rulemaking described in paragraph (2)(B)) for such item or service; or

"(iii) in the case of such item or service furnished in a State with an All-Payer Model Agreement under section 1115A of the Social Security Act, the amount that the State approves under such system for such item or service so furnished.

"(I) SPECIFIED STATE LAW.—The term 'specified State law' means, with respect to a State, an item or service furnished by a nonparticipating provider or nonparticipating emergency facility during a year and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, a State law that

provides for a method for determining the total amount payable under such a plan, coverage, or issuer, respectively (to the extent such State law applies to such plan, coverage, or issuer, subject to section 514 of the Employee Retirement Income Security Act of 1974) in the case of a participant, beneficiary, or enrollee covered under such plan or coverage and receiving such item or service from such a nonparticipating provider or nonparticipating emergency facility.

"(J) STABILIZE.—The term 'to stabilize', with respect to an emergency medical condition (as defined in subparagraph (B)), has the meaning give in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

"(K) OUT-OF-NETWORK RATE.—The term 'out-of-network rate' means, with respect to an item or service furnished in a State during a year to a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer receiving such item or service from a nonparticipating provider or nonparticipating emergency facility—

"(i) subject to clause (iii), in the case of such item or service furnished in a State that has in effect a specified State law with respect to such plan, coverage, or issuer, respectively; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount determined in accordance with such law;

"(ii) subject to clause (iii), in the case such State does not have in effect such a law with respect to such item or service, plan, and provider or facility—

"(I) subject to subclause (II), if the provider or facility (as applicable) and such plan or coverage agree on an amount of payment (including if such agreed on amount is the initial payment sent by the plan under subsection (a)(1)(C)(iv)(I),subsection (b)(1)(C), or section 2799A–2(a)(3)(A), as applicable, or is agreed on through open negotiations under subsection (c)(1)) with respect to such item or service, such agreed on amount; or

Determination.

"(II) if such provider or facility (as applicable) and such plan or coverage enter the independent dispute resolution process under subsection (c) and do not so agree before the date on which a certified IDR entity (as defined in paragraph (4) of such subsection) makes a determination with respect to such item or service under such subsection, the amount of such determination; or

"(iii) in the case such State has an All-Payer Model Agreement under section 1115A of the Social Security Act, the amount that the State approves under such system for such item or service so furnished.

"(L) COST-SHARING.—The term 'cost-sharing' includes copayments, coinsurance, and deductibles.

"(b) COVERAGE OF NON-EMERGENCY SERVICES PERFORMED BY NONPARTICIPATING PROVIDERS AT CERTAIN PARTICIPATING FACILITIES.—

"(1) IN GENERAL.—In the case of items or services (other than emergency services to which subsection (a) applies) for

which any benefits are provided or covered by a group health plan or health insurance issuer offering group or individual health insurance coverage furnished to a participant, beneficiary, or enrollee of such plan or coverage by a nonparticipating provider (as defined in subsection (a)(3)(G)(i)) (and who, with respect to such items and services, has not satisfied the notice and consent criteria of section 2799B–2(d)) with respect to a visit (as defined by the Secretary in accordance with paragraph (2)(B)) at a participating health care facility (as defined in paragraph (2)(A)), with respect to such plan or coverage, respectively, the plan or coverage, respectively—

"(A) shall not impose on such participant, beneficiary, or enrollee a cost-sharing requirement for such items and services so furnished that is greater than the cost-sharing requirement that would apply under such plan or coverage, respectively, had such items or services been furnished by a participating provider (as defined in subsection (a)(3)(G)(ii));

"(B) shall calculate such cost-sharing requirement as if the total amount that would have been charged for such items and services by such participating provider were equal to the recognized amount (as defined in subsection (a)(3)(H)) for such items and services, plan or coverage, and year;

"(C) not later than 30 calendar days after the bill for such services is transmitted by such provider, shall send to the provider an initial payment or notice of denial of payment; Deadline. Notice.

"(D) shall pay a total plan or coverage payment directly, in accordance, if applicable,with the timing requirement described in subsection (c)(6), to such provider furnishing such items and services to such participant, beneficiary, or enrollee that is, with application of any initial payment under subparagraph (C), equal to the amount by which the out-of-network rate (as defined in subsection (a)(3)(K)) for such items and services involved exceeds the cost-sharing amount imposed under the plan or coverage, respectively, for such items and services (as determined in accordance with subparagraphs (A) and (B)) and year; and

"(E) shall count toward any in-network deductible and in-network out-of-pocket maximums (as applicable) applied under the plan or coverage, respectively, any cost-sharing payments made by the participant, beneficiary, or enrollee (and such in-network deductible and out-of-pocket maximums shall be applied) with respect to such items and services so furnished in the same manner as if such cost-sharing payments were with respect to items and services furnished by a participating provider.

"(2) DEFINITIONS.—In this section:

"(A) PARTICIPATING HEALTH CARE FACILITY.—

"(i) IN GENERAL.—The term 'participating health care facility' means, with respect to an item or service and a group health plan or health insurance issuer offering group or individual health insurance coverage, a health care facility described in clause (ii) that has a direct or indirect contractual relationship with the

plan or issuer, respectively, with respect to the furnishing of such an item or service at the facility.

"(ii) HEALTH CARE FACILITY DESCRIBED.—A health care facility described in this clause, with respect to a group health plan or group or individual health insurance coverage, is each of the following:

"(I) A hospital (as defined in 1861(e) of the Social Security Act).

"(II) A hospital outpatient department.

"(III) A critical access hospital (as defined in section 1861(mm)(1) of such Act).

"(IV) An ambulatory surgical center described in section 1833(i)(1)(A) of such Act.

"(V) Any other facility, specified by the Secretary, that provides items or services for which coverage is provided under the plan or coverage, respectively.

"(B) VISIT.—The term 'visit' shall, with respect to items and services furnished to an individual at a health care facility, include equipment and devices, telemedicine services, imaging services, laboratory services, preoperative and postoperative services, and such other items and services as the Secretary may specify, regardless of whether or not the provider furnishing such items or services is at the facility.

Determination.

"(c) CERTAIN ACCESS FEES TO CERTAIN DATABASES.—In the case of a sponsor of a group health plan or health insurance issuer offering group or individual health insurance coverage that, pursuant to subsection (a)(3)(E)(iii), uses a database described in such subsection to determine a rate to apply under such subsection for an item or service by reason of having insufficient information described in such subsection with respect to such item or service, such sponsor or issuer shall cover the cost for access to such database.".

(2) TRANSFER AMENDMENT.—Part D of title XXVII of the Public Health Service Act, as added by paragraph (1), is amended by adding at the end the following new section:

42 USC 300gg–117.

"SEC. 2799A–7. OTHER PATIENT PROTECTIONS.

"(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If a group health plan, or a health insurance issuer offering group or individual health insurance coverage, requires or provides for designation by a participant, beneficiary, or enrollee of a participating primary care provider, then the plan or issuer shall permit each participant, beneficiary, and enrollee to designate any participating primary care provider who is available to accept such individual.

"(b) ACCESS TO PEDIATRIC CARE.—

"(1) PEDIATRIC CARE.—In the case of a person who has a child who is a participant, beneficiary, or enrollee under a group health plan, or group or individual health insurance coverage offered by a health insurance issuer, if the plan or issuer requires or provides for the designation of a participating primary care provider for the child, the plan or issuer shall permit such person to designate a physician (allopathic or osteopathic) who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the plan or issuer.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of pediatric care.

"(c) PATIENT ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.—

"(1) GENERAL RIGHTS.—

"(A) DIRECT ACCESS.—A group health plan, or health insurance issuer offering group or individual health insurance coverage, described in paragraph (2) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in paragraph (2)(B)) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology. Such professional shall agree to otherwise adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

"(B) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan or health insurance issuer described in paragraph (2) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under subparagraph (A), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

"(2) APPLICATION OF PARAGRAPH.—A group health plan, or health insurance issuer offering group or individual health insurance coverage, described in this paragraph is a group health plan or health insurance coverage that—

"(A) provides coverage for obstetric or gynecologic care; and

"(B) requires the designation by a participant, beneficiary, or enrollee of a participating primary care provider.

"(3) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(B) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(3) CONFORMING AMENDMENTS.—

(A) Section 2719A of the Public Health Service Act (42 U.S.C. 300gg–19a) is amended by adding at the end the following new subsection:

"(e) APPLICATION.—The provisions of this section shall not apply with respect to a group health plan, health insurance issuers, or group or individual health insurance coverage with respect to plan years beginning on or on January 1, 2022.". Effective date.

(B) Section 2722 of the Public Health Service Act (42 U.S.C. 300gg–21) is amended—

(i) in subsection (a)(1), by inserting "and part D" after "subparts 1 and 2";

(ii) in subsection (b), by inserting "and part D" after "subparts 1 and 2";

(iii) in subsection (c)(1), by inserting "and part D" after "subparts 1 and 2";

(iv) in subsection (c)(2), by inserting "and part D" after "subparts 1 and 2";

(v) in subsection (c)(3), by inserting "and part D" after "this part"; and

(vi) in subsection (d), in the matter preceding paragraph (1), by inserting "and part D" after "this part".

(C) Section 2723 of the Public Health Service Act (42 U.S.C. 300gg–22) is amended—

(i) in subsection (a)(1), by inserting "and part D" after "this part";

(ii) in subsection (a)(2), by inserting "or part D" after "this part";

(iii) in subsection (b)(1), by inserting "or part D" after "this part";

(iv) in subsection (b)(2)(A), by inserting "or part D" after "this part"; and

(v) in subsection (b)(2)(C)(ii), by inserting "and part D" after "this part".

(D) Section 2724 of the Public Health Service Act (42 U.S.C. 300gg–23) is amended—

(i) in subsection (a)(1)—

(I) by striking "this part and part C insofar as it relates to this part" and inserting "this part, part D, and part C insofar as it relates to this part or part D"; and

(II) by inserting "or part D" after "requirement of this part";

(ii) in subsection (a)(2), by inserting "or part D" after "this part"; and

(iii) in subsection (c), by inserting "or part D" after "this part (other than section 2704)".

(b) ERISA AMENDMENTS.—

(1) IN GENERAL.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

29 USC 1185e.

"SEC. 716. PREVENTING SURPRISE MEDICAL BILLS.

"(a) COVERAGE OF EMERGENCY SERVICES.—

"(1) IN GENERAL.—If a group health plan, or a health insurance issuer offering group health insurance coverage, provides or covers any benefits with respect to services in an emergency department of a hospital or with respect to emergency services in an independent freestanding emergency department (as defined in paragraph (3)(D)), the plan or issuer shall cover emergency services (as defined in paragraph (3)(C))—

"(A) without the need for any prior authorization determination;

"(B) whether the health care provider furnishing such services is a participating provider or a participating emergency facility, as applicable, with respect to such services;

"(C) in a manner so that, if such services are provided to a participant or beneficiary by a nonparticipating provider or a nonparticipating emergency facility—

"(i) such services will be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage that is more restrictive than the requirements or limitations that apply to emergency services received from participating providers and participating emergency facilities with respect to such plan or coverage, respectively;

"(ii) the cost-sharing requirement is not greater than the requirement that would apply if such services were provided by a participating provider or a participating emergency facility;

"(iii) such cost-sharing requirement is calculated as if the total amount that would have been charged for such services by such participating provider or participating emergency facility were equal to the recognized amount (as defined in paragraph (3)(H)) for such services, plan or coverage, and year;

"(iv) the group health plan or health insurance issuer, respectively—

"(I) not later than 30 calendar days after the bill for such services is transmitted by such provider or facility, sends to the provider or facility, as applicable, an initial payment or notice of denial of payment; and

Deadline.
Notice.

"(II) pays a total plan or coverage payment directly to such provider or facility, respectively (in accordance, if applicable, with the timing requirement described in subsection (c)(6)) that is, with application of any initial payment under subclause (I), equal to the amount by which the out-of-network rate (as defined in paragraph (3)(K)) for such services exceeds the cost-sharing amount for such services (as determined in accordance with clauses (ii) and (iii)) and year; and

"(v) any cost-sharing payments made by the participant or beneficiary with respect to such emergency services so furnished shall be counted toward any in-network deductible or out-of-pocket maximums applied under the plan or coverage, respectively (and such in-network deductible and out-of-pocket maximums shall be applied) in the same manner as if such cost-sharing payments were made with respect to emergency services furnished by a participating provider or a participating emergency facility; and

"(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2704 of the Public Health Service Act, including as incorporated pursuant to section 715 of this Act and section 9815 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

Deadline.
Consultation.

"(2) REGULATIONS FOR QUALIFYING PAYMENT AMOUNTS.—Not later than July 1, 2021, the Secretary, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall establish through rulemaking—

"(A) the methodology the group health plan or health insurance issuer offering health insurance coverage in the group market shall use to determine the qualifying payment amount, differentiating by large group market, and small group market;

"(B) the information such plan or issuer, respectively, shall share with the nonparticipating provider or nonparticipating facility, as applicable, when making such a determination;

"(C) the geographic regions applied for purposes of this subparagraph, taking into account access to items and services in rural and underserved areas, including health professional shortage areas, as defined in section 332 of the Public Health Service Act; and

Complaints.

"(D) a process to receive complaints of violations of the requirements described in subclauses (I) and (II) of subparagraph (A)(i) by group health plans and health insurance issuers offering health insurance coverage in the group market.

Such rulemaking shall take into account payments that are made by such plan or issuer, respectively, that are not on a fee-for-service basis. Such methodology may account for relevant payment adjustments that take into account quality or facility type (including higher acuity settings and the case-mix of various facility types) that are otherwise taken into account for purposes of determining payment amounts with respect to participating facilities. In carrying out clause (iii), the Secretary shall consult with the National Association of Insurance Commissioners to establish the geographic regions under such clause and shall periodically update such regions, as appropriate, taking into account the findings of the report submitted under section 109(a) of the No Surprises Act.

Consultation.
Updates.

"(3) DEFINITIONS.—In this subpart:

"(A) EMERGENCY DEPARTMENT OF A HOSPITAL.—The term 'emergency department of a hospital' includes a hospital outpatient department that provides emergency services (as defined in subparagraph (C)(i)).

"(B) EMERGENCY MEDICAL CONDITION.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

"(C) EMERGENCY SERVICES.—

"(i) IN GENERAL.—The term 'emergency services', with respect to an emergency medical condition, means—

"(I) a medical screening examination (as required under section 1867 of the Social Security Act, or as would be required under such section

if such section applied to an independent freestanding emergency department) that is within the capability of the emergency department of a hospital or of an independent freestanding emergency department, as applicable, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition; and

"(II) within the capabilities of the staff and facilities available at the hospital or the independent freestanding emergency department, as applicable, such further medical examination and treatment as are required under section 1867 of such Act, or as would be required under such section if such section applied to an independent freestanding emergency department, to stabilize the patient (regardless of the department of the hospital in which such further examination or treatment is furnished).

"(ii) INCLUSION OF ADDITIONAL SERVICES.—

"(I) IN GENERAL.—For purposes of this subsection and section 2799B–1 of the Public Health Service Act, in the case of a participant or beneficiary who is enrolled in a group health plan or group health insurance coverage offered by a health insurance issuer and who is furnished services described in clause (i) with respect to an emergency medical condition, the term 'emergency services' shall include, unless each of the conditions described in subclause (II) are met, in addition to the items and services described in clause (i), items and services—

"(aa) for which benefits are provided or covered under the plan or coverage, respectively; and

"(bb) that are furnished by a nonparticipating provider or nonparticipating emergency facility (regardless of the department of the hospital in which such items or services are furnished) after the participant or beneficiary is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which the services described in clause (i) are furnished.

"(II) CONDITIONS.—For purposes of subclause (I), the conditions described in this subclause, with respect to a participant or beneficiary who is stabilized and furnished additional items and services described in subclause (I) after such stabilization by a provider or facility described in subclause (I), are the following;

"(aa) Such provider or facility determines such individual is able to travel using nonmedical transportation or nonemergency medical transportation. Determination.

"(bb) Such provider furnishing such additional items and services satisfies the notice

Determination.
Guidelines.

and consent criteria of section 2799B–2(d) with respect to such items and services.

"(cc) Such individual is in a condition to receive (as determined in accordance with guidelines issued by the Secretary pursuant to rulemaking) the information described in section 2799B–2 and to provide informed consent under such section, in accordance with applicable State law.

"(dd) Such other conditions, as specified by the Secretary, such as conditions relating to coordinating care transitions to participating providers and facilities.

"(D) INDEPENDENT FREESTANDING EMERGENCY DEPARTMENT.—The term 'independent freestanding emergency department' means a health care facility that—

"(i) is geographically separate and distinct and licensed separately from a hospital under applicable State law; and

"(ii) provides any of the emergency services (as defined in subparagraph (C)(i)).

"(E) QUALIFYING PAYMENT AMOUNT.—

"(i) IN GENERAL.—The term 'qualifying payment amount' means, subject to clauses (ii) and (iii), with respect to a sponsor of a group health plan and health insurance issuer offering group health insurance coverage—

"(I) for an item or service furnished during 2022, the median of the contracted rates recognized by the plan or issuer, respectively (determined with respect to all such plans of such sponsor or all such coverage offered by such issuer that are offered within the same insurance market (specified in subclause (I), (II), or (III) of clause (iv)) as the plan or coverage) as the total maximum payment (including the cost-sharing amount imposed for such item or service and the amount to be paid by the plan or issuer, respectively) under such plans or coverage, respectively, on January 31, 2019, for the same or a similar item or service that is provided by a provider in the same or similar specialty and provided in the geographic region in which the item or service is furnished, consistent with the methodology established by the Secretary under paragraph (2), increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over 2019, such percentage increase over 2020, and such percentage increase over 2021; and

"(II) for an item or service furnished during 2023 or a subsequent year, the qualifying payment amount determined under this clause for such an item or service furnished in the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year.

"(ii) NEW PLANS AND COVERAGE.—The term 'qualifying payment amount' means, with respect to a sponsor of a group health plan or health insurance issuer offering group health insurance coverage in a geographic region in which such sponsor or issuer, respectively, did not offer any group health plan or health insurance coverage during 2019—

"(I) for the first year in which such group health plan or health insurance coverage, respectively, is offered in such region, a rate (determined in accordance with a methodology established by the Secretary) for items and services that are covered by such plan and furnished during such first year; and

"(II) for each subsequent year such group health plan or health insurance coverage, respectively, is offered in such region, the qualifying payment amount determined under this clause for such items and services furnished in the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year.

"(iii) INSUFFICIENT INFORMATION; NEWLY COVERED ITEMS AND SERVICES.—In the case of a sponsor of a group health plan or health insurance issuer offering group health insurance coverage that does not have sufficient information to calculate the median of the contracted rates described in clause (i)(I) in 2019 (or, in the case of a newly covered item or service (as defined in clause (v)(III)), in the first coverage year (as defined in clause (v)(I)) for such item or service with respect to such plan or coverage) for an item or service (including with respect to provider type, or amount, of claims for items or services (as determined by the Secretary) provided in a particular geographic region (other than in a case with respect to which clause (ii) applies)) the term 'qualifying payment amount'—

"(I) for an item or service furnished during 2022 (or, in the case of a newly covered item or service, during the first coverage year for such item or service with respect to such plan or coverage), means such rate for such item or service determined by the sponsor or issuer, respectively, through use of any database that is determined, in accordance with rulemaking described in paragraph (2), to not have any conflicts of interest and to have sufficient information reflecting allowed amounts paid to a health care provider or facility for relevant services furnished in the applicable geographic region (such as a State all-payer claims database);

"(II) for an item or service furnished in a subsequent year (before the first sufficient information year (as defined in clause (v)(II)) for such item or service with respect to such plan or coverage),

means the rate determined under subclause (I) or this subclause, as applicable, for such item or service for the year previous to such subsequent year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year;

"(III) for an item or service furnished in the first sufficient information year for such item or service with respect to such plan or coverage, has the meaning given the term qualifying payment amount in clause (i)(I), except that in applying such clause to such item or service, the reference to 'furnished during 2022' shall be treated as a reference to furnished during such first sufficient information year, the reference to 'in 2019' shall be treated as a reference to such sufficient information year, and the increase described in such clause shall not be applied; and

"(IV) for an item or service furnished in any year subsequent to the first sufficient information year for such item or service with respect to such plan or coverage, has the meaning given such term in clause (i)(II), except that in applying such clause to such item or service, the reference to 'furnished during 2023 or a subsequent year' shall be treated as a reference to furnished during the year after such first sufficient information year or a subsequent year.

"(iv) INSURANCE MARKET.—For purposes of clause (i)(I), a health insurance market specified in this clause is one of the following:

"(I) The large group market (other than plans described in subclause (III)).

"(II) The small group market (other than plans described in subclause (III)).

"(III) In the case of a self-insured group health plan, other self-insured group health plans.

"(v) DEFINITIONS.—For purposes of this subparagraph:

"(I) FIRST COVERAGE YEAR.—The term 'first coverage year' means, with respect to a group health plan or group health insurance coverage offered by a health insurance issuer and an item or service for which coverage is not offered in 2019 under such plan or coverage, the first year after 2019 for which coverage for such item or service is offered under such plan or health insurance coverage.

"(II) FIRST SUFFICIENT INFORMATION YEAR.—The term 'first sufficient information year' means, with respect to a group health plan or group health insurance coverage offered by a health insurance issuer—

"(aa) in the case of an item or service for which the plan or coverage does not have sufficient information to calculate the median

of the contracted rates described in clause (i)(I) in 2019, the first year subsequent to 2022 for which such sponsor or issuer has such sufficient information to calculate the median of such contracted rates in the year previous to such first subsequent year; and

"(bb) in the case of a newly covered item or service, the first year subsequent to the first coverage year for such item or service with respect to such plan or coverage for which the sponsor or issuer has sufficient information to calculate the median of the contracted rates described in clause (i)(I) in the year previous to such first subsequent year.

"(III) NEWLY COVERED ITEM OR SERVICE.—The term 'newly covered item or service' means, with respect to a group health plan or health insurance issuer offering group health insurance coverage, an item or service for which coverage was not offered in 2019 under such plan or coverage, but is offered under such plan or coverage in a year after 2019.

"(F) NONPARTICIPATING EMERGENCY FACILITY; PARTICIPATING EMERGENCY FACILITY.—

"(i) NONPARTICIPATING EMERGENCY FACILITY.—The term 'nonparticipating emergency facility' means, with respect to an item or service and a group health plan or group health insurance coverage offered by a health insurance issuer, an emergency department of a hospital, or an independent freestanding emergency department, that does not have a contractual relationship directly or indirectly with the plan or issuer, respectively, for furnishing such item or service under the plan or coverage, respectively.

"(ii) PARTICIPATING EMERGENCY FACILITY.—The term 'participating emergency facility' means, with respect to an item or service and a group health plan or group health insurance coverage offered by a health insurance issuer, an emergency department of a hospital, or an independent freestanding emergency department, that has a contractual relationship directly or indirectly with the plan or issuer, respectively, with respect to the furnishing of such an item or service at such facility.

"(G) NONPARTICIPATING PROVIDERS; PARTICIPATING PROVIDERS.—

"(i) NONPARTICIPATING PROVIDER.—The term 'nonparticipating provider' means, with respect to an item or service and a group health plan or group health insurance coverage offered by a health insurance issuer, a physician or other health care provider who is acting within the scope of practice of that provider's license or certification under applicable State law and who does not have a contractual relationship with the plan or issuer, respectively, for furnishing such item or service under the plan or coverage, respectively.

"(ii) PARTICIPATING PROVIDER.—The term 'participating provider' means, with respect to an item or service and a group health plan or group health insurance coverage offered by a health insurance issuer, a physician or other health care provider who is acting within the scope of practice of that provider's license or certification under applicable State law and who has a contractual relationship with the plan or issuer, respectively, for furnishing such item or service under the plan or coverage, respectively.

"(H) RECOGNIZED AMOUNT.—The term 'recognized amount' means, with respect to an item or service furnished by a nonparticipating provider or nonparticipating emergency facility during a year and a group health plan or group health insurance coverage offered by a health insurance issuer—

"(i) subject to clause (iii), in the case of such item or service furnished in a State that has in effect a specified State law with respect to such plan, coverage, or issuer, respectively; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount determined in accordance with such law;

"(ii) subject to clause (iii), in the case of such item or service furnished in a State that does not have in effect a specified State law, with respect to such plan, coverage, or issuer, respectively; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount that is the qualifying payment amount (as defined in subparagraph (E)) for such year and determined in accordance with rulemaking described in paragraph (2)) for such item or service; or

"(iii) in the case of such item or service furnished in a State with an All-Payer Model Agreement under section 1115A of the Social Security Act, the amount that the State approves under such system for such item or service so furnished.

"(I) SPECIFIED STATE LAW.—The term 'specified State law' means, with respect to a State, an item or service furnished by a nonparticipating provider or nonparticipating emergency facility during a year and a group health plan or group health insurance coverage offered by a health insurance issuer, a State law that provides for a method for determining the total amount payable under such a plan, coverage, or issuer, respectively (to the extent such State law applies to such plan, coverage, or issuer, subject to section 514) in the case of a participant or beneficiary covered under such plan or coverage and receiving such item or service from such a nonparticipating provider or nonparticipating emergency facility.

"(J) STABILIZE.—The term 'to stabilize', with respect to an emergency medical condition (as defined in subparagraph (B)), has the meaning give in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

"(K) OUT-OF-NETWORK RATE.—The term 'out-of-network rate' means, with respect to an item or service furnished

in a State during a year to a participant or beneficiary of a group health plan or group health insurance coverage offered by a health insurance issuer receiving such item or service from a nonparticipating provider or nonparticipating emergency facility—

"(i) subject to clause (iii), in the case of such item or service furnished in a State that has in effect a specified State law with respect to such plan, coverage, or issuer, respectively; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount determined in accordance with such law;

"(ii) subject to clause (iii), in the case such State does not have in effect such a law with respect to such item or service, plan, and provider or facility—

"(I) subject to subclause (II), if the provider or facility (as applicable) and such plan or coverage agree on an amount of payment (including if such agreed on amount is the initial payment sent by the plan under subsection (a)(1)(C)(iv)(I), subsection (b)(1)(C), or section 717(a)(3)(A), as applicable, or is agreed on through open negotiations under subsection (c)(1)) with respect to such item or service, such agreed on amount; or

"(II) if such provider or facility (as applicable) and such plan or coverage enter the independent dispute resolution process under subsection (c) and do not so agree before the date on which a certified IDR entity (as defined in paragraph (4) of such subsection) makes a determination with respect to such item or service under such subsection, the amount of such determination; or Determination.

"(iii) in the case such State has an All-Payer Model Agreement under section 1115A of the Social Security Act, the amount that the State approves under such system for such item or service so furnished.

"(L) COST-SHARING.—The term 'cost-sharing' includes copayments, coinsurance, and deductibles.

"(b) COVERAGE OF NON-EMERGENCY SERVICES PERFORMED BY NONPARTICIPATING PROVIDERS AT CERTAIN PARTICIPATING FACILITIES.—

"(1) IN GENERAL.—In the case of items or services (other than emergency services to which subsection (a) applies) for which any benefits are provided or covered by a group health plan or health insurance issuer offering group health insurance coverage furnished to a participant or beneficiary of such plan or coverage by a nonparticipating provider (as defined in subsection (a)(3)(G)(i)) (and who, with respect to such items and services, has not satisfied the notice and consent criteria of section 2799B–2(d) of the Public Health Service Act) with respect to a visit (as defined by the Secretary in accordance with paragraph (2)(B)) at a participating health care facility (as defined in paragraph (2)(A)), with respect to such plan or coverage, respectively, the plan or coverage, respectively—

"(A) shall not impose on such participant or beneficiary a cost-sharing requirement for such items and services

so furnished that is greater than the cost-sharing requirement that would apply under such plan or coverage, respectively, had such items or services been furnished by a participating provider (as defined in subsection (a)(3)(G)(ii));

"(B) shall calculate such cost-sharing requirement as if the total amount that would have been charged for such items and services by such participating provider were equal to the recognized amount (as defined in subsection (a)(3)(H)) for such items and services, plan or coverage, and year;

Deadline.
Notice.

"(C) not later than 30 calendar days after the bill for such items or services is transmitted by such provider, shall send to the provider an initial payment or notice of denial of payment;

"(D) shall pay a total plan or coverage payment directly, in accordance, if applicable, with the timing requirement described in subsection (c)(6), to such provider furnishing such items and services to such participant or beneficiary that is, with application of any initial payment under subparagraph (C), equal to the amount by which the out-of-network rate (as defined in subsection (a)(3)(K)) for such items and services exceeds the cost-sharing amount imposed under the plan or coverage, respectively, for such items and services (as determined in accordance with subparagraphs (A) and (B)) and year; and

"(E) shall count toward any in-network deductible and in-network out-of-pocket maximums (as applicable) applied under the plan or coverage, respectively, any cost-sharing payments made by the participant or beneficiary (and such in-network deductible and out-of-pocket maximums shall be applied) with respect to such items and services so furnished in the same manner as if such cost-sharing payments were with respect to items and services furnished by a participating provider.

"(2) DEFINITIONS.—In this section:

"(A) PARTICIPATING HEALTH CARE FACILITY.—

"(i) IN GENERAL.—The term 'participating health care facility' means, with respect to an item or service and a group health plan or health insurance issuer offering group health insurance coverage, a health care facility described in clause (ii) that has a direct or indirect contractual relationship with the plan or issuer, respectively, with respect to the furnishing of such an item or service at the facility.

"(ii) HEALTH CARE FACILITY DESCRIBED.—A health care facility described in this clause, with respect to a group health plan or group health insurance coverage, is each of the following:

"(I) A hospital (as defined in 1861(e) of the Social Security Act).

"(II) A hospital outpatient department.

"(III) A critical access hospital (as defined in section 1861(mm)(1) of such Act).

"(IV) An ambulatory surgical center described in section 1833(i)(1)(A) of such Act.

"(V) Any other facility, specified by the Secretary, that provides items or services for which coverage is provided under the plan or coverage, respectively.

"(B) VISIT.—The term 'visit' shall, with respect to items and services furnished to an individual at a health care facility, include equipment and devices, telemedicine services, imaging services, laboratory services, preoperative and postoperative services, and such other items and services as the Secretary may specify, regardless of whether or not the provider furnishing such items or services is at the facility.

"(c) CERTAIN ACCESS FEES TO CERTAIN DATABASES.—In the case of a sponsor of a group health plan or health insurance issuer offering group health insurance coverage that, pursuant to subsection (a)(3)(E)(iii), uses a database described in such subsection to determine a rate to apply under such subsection for an item or service by reason of having insufficient information described in such subsection with respect to such item or service, such sponsor or issuer shall cover the cost for access to such database.".

(2) TRANSFER AMENDMENT.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by paragraph (1), is further amended by adding at the end the following:

"SEC. 722. OTHER PATIENT PROTECTIONS. 29 USC 1185k.

"(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If a group health plan, or a health insurance issuer offering group health insurance coverage, requires or provides for designation by a participant or beneficiary of a participating primary care provider, then the plan or issuer shall permit each participant and beneficiary to designate any participating primary care provider who is available to accept such individual.

"(b) ACCESS TO PEDIATRIC CARE.—

"(1) PEDIATRIC CARE.—In the case of a person who has a child who is a participant or beneficiary under a group health plan, or group health insurance coverage offered by a health insurance issuer, if the plan or issuer requires or provides for the designation of a participating primary care provider for the child, the plan or issuer shall permit such person to designate a physician (allopathic or osteopathic) who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the plan or issuer.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of pediatric care.

"(c) PATIENT ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.—

"(1) GENERAL RIGHTS.—

"(A) DIRECT ACCESS.—A group health plan, or health insurance issuer offering group health insurance coverage, described in paragraph (2) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in paragraph (2)(B)) in the case of a female participant or beneficiary who

seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology. Such professional shall agree to otherwise adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

"(B) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan or health insurance issuer described in paragraph (2) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under subparagraph (A), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

"(2) APPLICATION OF PARAGRAPH.—A group health plan, or health insurance issuer offering group health insurance coverage, described in this paragraph is a group health plan or coverage that—

"(A) provides coverage for obstetric or gynecologic care; and

"(B) requires the designation by a participant or beneficiary of a participating primary care provider.

"(3) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(B) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(3) CLERICAL AMENDMENT.—The table of contents of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following:

"Sec. 715. Additional market reforms.
"Sec. 716. Preventing surprise medical bills.
"Sec. 722. Other patient protections.".

(c) IRC AMENDMENTS.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

26 USC 9816.

"SEC. 9816. PREVENTING SURPRISE MEDICAL BILLS.

"(a) COVERAGE OF EMERGENCY SERVICES.—

"(1) IN GENERAL.—If a group health plan provides or covers any benefits with respect to services in an emergency department of a hospital or with respect to emergency services in an independent freestanding emergency department (as defined in paragraph (3)(D)), the plan shall cover emergency services (as defined in paragraph (3)(C))—

"(A) without the need for any prior authorization determination;

"(B) whether the health care provider furnishing such services is a participating provider or a participating emergency facility, as applicable, with respect to such services;

"(C) in a manner so that, if such services are provided to a participant or beneficiary by a nonparticipating provider or a nonparticipating emergency facility—

"(i) such services will be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage that is more restrictive than the requirements or limitations that apply to emergency services received from participating providers and participating emergency facilities with respect to such plan;

"(ii) the cost-sharing requirement is not greater than the requirement that would apply if such services were provided by a participating provider or a participating emergency facility;

"(iii) such cost-sharing requirement is calculated as if the total amount that would have been charged for such services by such participating provider or participating emergency facility were equal to the recognized amount (as defined in paragraph (3)(H)) for such services, plan, and year;

"(iv) the group health plan—

Deadline.
Notice.

"(I) not later than 30 calendar days after the bill for such services is transmitted by such provider or facility, sends to the provider or facility, as applicable, an initial payment or notice of denial of payment; and

"(II) pays a total plan payment directly to such provider or facility, respectively (in accordance, if applicable, with the timing requirement described in subsection (c)(6)) that is, with application of any initial payment under subclause (I), equal to the amount by which the out-of-network rate (as defined in paragraph (3)(K)) for such services exceeds the cost-sharing amount for such services (as determined in accordance with clauses (ii) and (iii)) and year; and

"(iv) any cost-sharing payments made by the participant or beneficiary with respect to such emergency services so furnished shall be counted toward any in-network deductible or out-of-pocket maximums applied under the plan (and such in-network deductible and out-of-pocket maximums shall be applied) in the same manner as if such cost-sharing payments were made with respect to emergency services furnished by a participating provider or a participating emergency facility; and

"(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2704 of the Public Health Service Act, including as incorporated pursuant to section 715 of the Employee Retirement Income Security Act of 1974 and section 9815 of this Act, and other than applicable cost-sharing).

"(2) AUDIT PROCESS AND REGULATIONS FOR QUALIFYING PAYMENT AMOUNTS.—

"(A) AUDIT PROCESS.—

Deadline.
Consultation.

"(i) IN GENERAL.—Not later than October 1, 2021, the Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Labor, shall establish through rulemaking a process, in accordance with clause (ii), under which group health plans are audited by the Secretary or applicable State authority to ensure that—

Compliance.

"(I) such plans are in compliance with the requirement of applying a qualifying payment amount under this section; and

"(II) such qualifying payment amount so applied satisfies the definition under paragraph (3)(E) with respect to the year involved, including with respect to a group health plan described in clause (ii) of such paragraph (3)(E).

"(ii) AUDIT SAMPLES.—Under the process established pursuant to clause (i), the Secretary—

"(I) shall conduct audits described in such clause, with respect to a year (beginning with 2022), of a sample with respect to such year of claims data from not more than 25 group health plans; and

"(II) may audit any group health plan if the Secretary has received any complaint or other information about such plan or coverage, respectively, that involves the compliance of the plan with either of the requirements described in subclauses (I) and (II) of such clause.

"(iii) REPORTS.—Beginning for 2022, the Secretary shall annually submit to Congress a report on the number of plans and issuers with respect to which audits were conducted during such year pursuant to this subparagraph.

Deadline.
Consultation.

"(B) RULEMAKING.—Not later than July 1, 2021, the Secretary, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish through rulemaking—

"(i) the methodology the group health plan shall use to determine the qualifying payment amount, differentiating by large group market and small group market;

"(ii) the information such plan or issuer, respectively, shall share with the nonparticipating provider or nonparticipating facility, as applicable, when making such a determination;

"(iii) the geographic regions applied for purposes of this subparagraph, taking into account access to items and services in rural and underserved areas, including health professional shortage areas, as defined in section 332 of the Public Health Service Act; and

Complaints.

"(iv) a process to receive complaints of violations of the requirements described in subclauses (I) and (II) of subparagraph (A)(i) by group health plans.

Such rulemaking shall take into account payments that are made by such plan that are not on a fee-for-service basis. Such methodology may account for relevant payment adjustments that take into account quality or facility type (including higher acuity settings and the case-mix of various facility types) that are otherwise taken into account for purposes of determining payment amounts with respect to participating facilities. In carrying out clause (iii), the Secretary shall consult with the National Association of Insurance Commissioners to establish the geographic regions under such clause and shall periodically update such regions, as appropriate, taking into account the findings of the report submitted under section 109(a) of the No Surprises Act.

Consultation. Updates.

"(3) DEFINITIONS.—In this subchapter:

"(A) EMERGENCY DEPARTMENT OF A HOSPITAL.—The term 'emergency department of a hospital' includes a hospital outpatient department that provides emergency services (as defined in subparagraph (C)(i)).

"(B) EMERGENCY MEDICAL CONDITION.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

"(C) EMERGENCY SERVICES.—

"(i) IN GENERAL.—The term 'emergency services', with respect to an emergency medical condition, means—

"(I) a medical screening examination (as required under section 1867 of the Social Security Act, or as would be required under such section if such section applied to an independent freestanding emergency department) that is within the capability of the emergency department of a hospital or of an independent freestanding emergency department, as applicable, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition; and

"(II) within the capabilities of the staff and facilities available at the hospital or the independent freestanding emergency department, as applicable, such further medical examination and treatment as are required under section 1867 of such Act, or as would be required under such section if such section applied to an independent freestanding emergency department, to stabilize the patient (regardless of the department of the hospital in which such further examination or treatment is furnished).

"(ii) INCLUSION OF ADDITIONAL SERVICES.—

"(I) IN GENERAL.—For purposes of this subsection and section 2799B–1 of the Public Health

Service Act, in the case of a participant or beneficiary who is enrolled in a group health plan and who is furnished services described in clause (i) with respect to an emergency medical condition, the term 'emergency services' shall include, unless each of the conditions described in subclause (II) are met, in addition to the items and services described in clause (i), items and services—

"(aa) for which benefits are provided or covered under the plan; and

"(bb) that are furnished by a nonparticipating provider or nonparticipating emergency facility (regardless of the department of the hospital in which such items or services are furnished) after the participant or beneficiary is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which the services described in clause (i) are furnished.

"(II) CONDITIONS.—For purposes of subclause (I), the conditions described in this subclause, with respect to a participant or beneficiary who is stabilized and furnished additional items and services described in subclause (I) after such stabilization by a provider or facility described in subclause (I), are the following;

Determination.

"(aa) Such provider or facility determines such individual is able to travel using nonmedical transportation or nonemergency medical transportation.

"(bb) Such provider furnishing such additional items and services satisfies the notice and consent criteria of section 2799B–2(d) with respect to such items and services.

Determination. Guidelines.

"(cc) Such individual is in a condition to receive (as determined in accordance with guidelines issued by the Secretary pursuant to rulemaking) the information described in section 2799B–2 and to provide informed consent under such section, in accordance with applicable State law.

"(dd) Such other conditions, as specified by the Secretary, such as conditions relating to coordinating care transitions to participating providers and facilities.

"(D) INDEPENDENT FREESTANDING EMERGENCY DEPARTMENT.—The term 'independent freestanding emergency department' means a health care facility that—

"(i) is geographically separate and distinct and licensed separately from a hospital under applicable State law; and

"(ii) provides any of the emergency services (as defined in subparagraph (C)(i)).

"(E) QUALIFYING PAYMENT AMOUNT.—

"(i) IN GENERAL.—The term 'qualifying payment amount' means, subject to clauses (ii) and (iii), with respect to a sponsor of a group health plan—

"(I) for an item or service furnished during 2022, the median of the contracted rates recognized by the plan (determined with respect to all such plans of such sponsor that are offered within the same insurance market (specified in subclause (I), (II), or (III) of clause (iv)) as the plan) as the total maximum payment (including the cost-sharing amount imposed for such item or service and the amount to be paid by the plan) under such plans on January 31, 2019 for the same or a similar item or service that is provided by a provider in the same or similar specialty and provided in the geographic region in which the item or service is furnished, consistent with the methodology established by the Secretary under paragraph (2)(B), increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over 2019, such percentage increase over 2020, and such percentage increase over 2021; and

"(II) for an item or service furnished during 2023 or a subsequent year, the qualifying payment amount determined under this clause for such an item or service furnished in the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year.

"(ii) NEW PLANS AND COVERAGE.—The term 'qualifying payment amount' means, with respect to a sponsor of a group health plan in a geographic region in which such sponsor, respectively, did not offer any group health plan or health insurance coverage during 2019—

Determination.

"(I) for the first year in which such group health plan is offered in such region, a rate (determined in accordance with a methodology established by the Secretary) for items and services that are covered by such plan and furnished during such first year; and

"(II) for each subsequent year such group health plan is offered in such region, the qualifying payment amount determined under this clause for such items and services furnished in the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year.

"(iii) INSUFFICIENT INFORMATION; NEWLY COVERED ITEMS AND SERVICES.—In the case of a sponsor of a group health plan that does not have sufficient information to calculate the median of the contracted rates described in clause (i)(I) in 2019 (or, in the case of a newly covered item or service (as defined in clause (v)(III)), in the first coverage year (as defined in clause (v)(I)) for such item or service with respect to such plan) for an item or service (including with respect to provider type, or amount, of claims for items or

Determination.

services (as determined by the Secretary) provided in a particular geographic region (other than in a case with respect to which clause (ii) applies)) the term 'qualifying payment amount'—

Determination.

"(I) for an item or service furnished during 2022 (or, in the case of a newly covered item or service, during the first coverage year for such item or service with respect to such plan), means such rate for such item or service determined by the sponsor through use of any database that is determined, in accordance with rulemaking described in paragraph (2)(B), to not have any conflicts of interest and to have sufficient information reflecting allowed amounts paid to a health care provider or facility for relevant services furnished in the applicable geographic region (such as a State all-payer claims database);

"(II) for an item or service furnished in a subsequent year (before the first sufficient information year (as defined in clause (v)(II)) for such item or service with respect to such plan), means the rate determined under subclause (I) or this subclause, as applicable, for such item or service for the year previous to such subsequent year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) over such previous year;

"(III) for an item or service furnished in the first sufficient information year for such item or service with respect to such plan, has the meaning given the term qualifying payment amount in clause (i)(I), except that in applying such clause to such item or service, the reference to 'furnished during 2022' shall be treated as a reference to furnished during such first sufficient information year, the reference to 'on January 31, 2019' shall be treated as a reference to in such sufficient information year, and the increase described in such clause shall not be applied; and

"(IV) for an item or service furnished in any year subsequent to the first sufficient information year for such item or service with respect to such plan, has the meaning given such term in clause (i)(II), except that in applying such clause to such item or service, the reference to 'furnished during 2023 or a subsequent year' shall be treated as a reference to furnished during the year after such first sufficient information year or a subsequent year.

"(iv) INSURANCE MARKET.—For purposes of clause (i)(I), a health insurance market specified in this clause is one of the following:

"(I) The large group market (other than plans described in subclause (III)).

"(II) The small group market (other than plans described in subclause (III)).

"(III) In the case of a self-insured group health plan, other self-insured group health plans.

"(v) DEFINITIONS.—For purposes of this subparagraph:

"(I) FIRST COVERAGE YEAR.—The term 'first coverage year' means, with respect to a group health plan and an item or service for which coverage is not offered in 2019 under such plan or coverage, the first year after 2019 for which coverage for such item or service is offered under such plan.

"(II) FIRST SUFFICIENT INFORMATION YEAR.—The term 'first sufficient information year' means, with respect to a group health plan—

"(aa) in the case of an item or service for which the plan does not have sufficient information to calculate the median of the contracted rates described in clause (i)(I) in 2019, the first year subsequent to 2022 for which such sponsor has such sufficient information to calculate the median of such contracted rates in the year previous to such first subsequent year; and

"(bb) in the case of a newly covered item or service, the first year subsequent to the first coverage year for such item or service with respect to such plan for which the sponsor has sufficient information to calculate the median of the contracted rates described in clause (i)(I) in the year previous to such first subsequent year.

"(III) NEWLY COVERED ITEM OR SERVICE.—The term 'newly covered item or service' means, with respect to a group health plan, an item or service for which coverage was not offered in 2019 under such plan or coverage, but is offered under such plan or coverage in a year after 2019.

"(F) NONPARTICIPATING EMERGENCY FACILITY; PARTICIPATING EMERGENCY FACILITY.—

"(i) NONPARTICIPATING EMERGENCY FACILITY.—The term 'nonparticipating emergency facility' means, with respect to an item or service and a group health plan, an emergency department of a hospital, or an independent freestanding emergency department, that does not have a contractual relationship directly or indirectly with the plan for furnishing such item or service under the plan.

"(ii) PARTICIPATING EMERGENCY FACILITY.—The term 'participating emergency facility' means, with respect to an item or service and a group health plan, an emergency department of a hospital, or an independent freestanding emergency department, that has a contractual relationship directly or indirectly with the plan, with respect to the furnishing of such an item or service at such facility.

"(G) NONPARTICIPATING PROVIDERS; PARTICIPATING PROVIDERS.—

"(i) NONPARTICIPATING PROVIDER.—The term 'nonparticipating provider' means, with respect to an item or service and a group health plan, a physician or other health care provider who is acting within the scope of practice of that provider's license or certification under applicable State law and who does not have a contractual relationship with the plan or issuer, respectively, for furnishing such item or service under the plan.

"(ii) PARTICIPATING PROVIDER.—The term 'participating provider' means, with respect to an item or service and a group health plan, a physician or other health care provider who is acting within the scope of practice of that provider's license or certification under applicable State law and who has a contractual relationship with the plan for furnishing such item or service under the plan.

"(H) RECOGNIZED AMOUNT.—The term 'recognized amount' means, with respect to an item or service furnished by a nonparticipating provider or nonparticipating emergency facility during a year and a group health plan—

"(i) subject to clause (iii), in the case of such item or service furnished in a State that has in effect a specified State law with respect to such plan; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount determined in accordance with such law;

"(ii) subject to clause (iii), in the case of such item or service furnished in a State that does not have in effect a specified State law, with respect to such plan; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount that is the qualifying payment amount (as defined in subparagraph (E)) for such year and determined in accordance with rulemaking described in paragraph (2)(B)) for such item or service; or

"(iii) in the case of such item or service furnished in a State with an All-Payer Model Agreement under section 1115A of the Social Security Act, the amount that the State approves under such system for such item or service so furnished.

"(I) SPECIFIED STATE LAW.—The term 'specified State law' means, with respect to a State, an item or service furnished by a nonparticipating provider or nonparticipating emergency facility during a year and a group health plan, a State law that provides for a method for determining the total amount payable under such a plan (to the extent such State law applies to such plan, subject to section 514) in the case of a participant or beneficiary covered under such plan and receiving such item or service from such a nonparticipating provider or nonparticipating emergency facility.

"(J) STABILIZE.—The term 'to stabilize', with respect to an emergency medical condition (as defined in subparagraph (B)), has the meaning give in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

"(K) OUT-OF-NETWORK RATE.—The term 'out-of-network rate' means, with respect to an item or service furnished in a State during a year to a participant or beneficiary of a group health plan receiving such item or service from a nonparticipating provider or nonparticipating emergency facility—

"(i) subject to clause (iii), in the case of such item or service furnished in a State that has in effect a specified State law with respect to such plan; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service, the amount determined in accordance with such law;

"(ii) subject to clause (iii), in the case such State does not have in effect such a law with respect to such item or service, plan, and provider or facility—

"(I) subject to subclause (II), if the provider or facility (as applicable) and such plan or coverage agree on an amount of payment (including if such agreed on amount is the initial payment sent by the plan under subsection (a)(1)(C)(iv)(I), subsection (b)(1)(C), or section 9817(a)(3)(A), as applicable, or is agreed on through open negotiations under subsection (c)(1)) with respect to such item or service, such agreed on amount; or

"(II) if such provider or facility (as applicable) and such plan or coverage enter the independent dispute resolution process under subsection (c) and do not so agree before the date on which a certified IDR entity (as defined in paragraph (4) of such subsection) makes a determination with respect to such item or service under such subsection, the amount of such determination; or Determination.

"(iii) in the case such State has an All-Payer Model Agreement under section 1115A of the Social Security Act, the amount that the State approves under such system for such item or service so furnished.

"(L) COST-SHARING.—The term 'cost-sharing' includes copayments, coinsurance, and deductibles.

"(b) COVERAGE OF NON-EMERGENCY SERVICES PERFORMED BY NONPARTICIPATING PROVIDERS AT CERTAIN PARTICIPATING FACILITIES.—

"(1) IN GENERAL.—In the case of items or services (other than emergency services to which subsection (a) applies) for which any benefits are provided or covered by a group health plan furnished to a participant or beneficiary of such plan by a nonparticipating provider (as defined in subsection (a)(3)(G)(i)) (and who, with respect to such items and services, has not satisfied the notice and consent criteria of section 2799B–2(d) of the Public Health Service Act) with respect to a visit (as defined by the Secretary in accordance with paragraph (2)(B)) at a participating health care facility (as defined in paragraph (2)(A)), with respect to such plan, the plan— Applicability.

"(A) shall not impose on such participant or beneficiary a cost-sharing requirement for such items and services so furnished that is greater than the cost-sharing requirement that would apply under such plan had such items

or services been furnished by a participating provider (as defined in subsection (a)(3)(G)(ii));

"(B) shall calculate such cost-sharing requirement as if the total amount that would have been charged for such items and services by such participating provider were equal to the recognized amount (as defined in subsection (a)(3)(H)) for such items and services, plan, and year;

Deadline.
Notice.

"(C) not later than 30 calendar days after the bill for such items or services is transmitted by such provider, shall send to the provider an initial payment or notice of denial of payment;

"(D) shall pay a total plan payment directly, in accordance, if applicable, with the timing requirement described in subsection (c)(6), to such provider furnishing such items and services to such participant or beneficiary that is, with application of any initial payment under subparagraph (C), equal to the amount by which the out-of-network rate (as defined in subsection (a)(3)(K)) for such items and services exceeds the cost-sharing amount imposed under the plan for such items and services (as determined in accordance with subparagraphs (A) and (B)) and year; and

"(E) shall count toward any in-network deductible and in-network out-of-pocket maximums (as applicable) applied under the plan, any cost-sharing payments made by the participant or beneficiary (and such in-network deductible and out-of-pocket maximums shall be applied) with respect to such items and services so furnished in the same manner as if such cost-sharing payments were with respect to items and services furnished by a participating provider.

"(2) DEFINITIONS.—In this section:

"(A) PARTICIPATING HEALTH CARE FACILITY.—

"(i) IN GENERAL.—The term 'participating health care facility' means, with respect to an item or service and a group health plan, a health care facility described in clause (ii) that has a direct or indirect contractual relationship with the plan, with respect to the furnishing of such an item or service at the facility.

"(ii) HEALTH CARE FACILITY DESCRIBED.—A health care facility described in this clause, with respect to a group health plan or health insurance coverage offered in the group or individual market, is each of the following:

"(I) A hospital (as defined in 1861(e) of the Social Security Act).

"(II) A hospital outpatient department.

"(III) A critical access hospital (as defined in section 1861(mm)(1) of such Act).

"(IV) An ambulatory surgical center described in section 1833(i)(1)(A) of such Act.

"(V) Any other facility, specified by the Secretary, that provides items or services for which coverage is provided under the plan or coverage, respectively.

"(B) VISIT.—The term 'visit' shall, with respect to items and services furnished to an individual at a health care

facility, include equipment and devices, telemedicine services, imaging services, laboratory services, preoperative and postoperative services, and such other items and services as the Secretary may specify, regardless of whether or not the provider furnishing such items or services is at the facility.

"(c) CERTAIN ACCESS FEES TO CERTAIN DATABASES.—In the case of a sponsor of a group health plan that, pursuant to subsection (a)(3)(E)(iii), uses a database described in such subsection to determine a rate to apply under such subsection for an item or service by reason of having insufficient information described in such subsection with respect to such item or service, such sponsor shall cover the cost for access to such database.".

(2) TRANSFER AMENDMENT.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by paragraph (1), is further amended by adding at the end the following:

"SEC. 9822. OTHER PATIENT PROTECTIONS. 26 USC 9822.

"(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If a group health plan requires or provides for designation by a participant or beneficiary of a participating primary care provider, then the plan shall permit each participant and beneficiary to designate any participating primary care provider who is available to accept such individual.

"(b) ACCESS TO PEDIATRIC CARE.—

"(1) PEDIATRIC CARE.—In the case of a person who has a child who is a participant or beneficiary under a group health plan if the plan requires or provides for the designation of a participating primary care provider for the child, the plan shall permit such person to designate a physician (allopathic or osteopathic) who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the plan.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to waive any exclusions of coverage under the terms and conditions of the plan with respect to coverage of pediatric care.

"(c) PATIENT ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.—

"(1) GENERAL RIGHTS.—

"(A) DIRECT ACCESS.—A group health plan described in paragraph (2) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in paragraph (2)(B)) in the case of a female participant or beneficiary who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology. Such professional shall agree to otherwise adhere to such plan's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan.

"(B) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan described in paragraph (2) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under subparagraph

(A), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

"(2) APPLICATION OF PARAGRAPH.—A group health plan described in this paragraph is a group health plan that—

"(A) provides coverage for obstetric or gynecologic care; and

"(B) requires the designation by a participant or beneficiary of a participating primary care provider.

"(3) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) waive any exclusions of coverage under the terms and conditions of the plan with respect to coverage of obstetrical or gynecological care; or

"(B) preclude the group health plan involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.".

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

26 USC prec. 9811.

"Sec. 9815. Additional market reforms.

"Sec. 9816. Preventing surprise medical bills.

"Sec. 9822. Other patient protections.".

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 223(c) of the Internal Revenue Code of 1986 is amended— 26 USC 223.

(i) in paragraph (1), by adding at the end the following:

"(D) SPECIAL RULE FOR INDIVIDUALS RECEIVING BENEFITS SUBJECT TO SURPRISE BILLING STATUTES.—An individual shall not fail to be treated as an eligible individual for any period merely because the individual receives benefits for medical care subject to and in accordance with section 9816 or 9817, section 2799A–1 or 2799A–2 of the Public Health Service Act, or section 716 or 717 of the Employee Retirement Income Security Act of 1974, or any State law providing similar protections to such individual."; and

(ii) in paragraph (2), by adding at the end the following:

"(F) SPECIAL RULE FOR SURPRISE BILLING.—A plan shall not fail to be treated as a high deductible health plan by reason of providing benefits for medical care in accordance with section 9816 or 9817, section 2799A–1 or 2799A–2 of the Public Health Service Act, or section 716 or 717 of the Employee Retirement Income Security Act of 1974, or any State law providing similar protections to individuals, prior to the satisfaction of the deductible under paragraph (2)(A)(i).".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply for plan years beginning on or after January 1, 2022. 26 USC 223 note.

(d) ADDITIONAL APPLICATION PROVISIONS.—

(1) APPLICATION TO FEHB.—Section 8902 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(p) Each contract under this chapter shall require the carrier to comply with requirements described in the provisions of sections 2799A–1, 2799A–2, and 2799A–7 of the Public Health Service Act, sections 716, 717, and 722 of the Employee Retirement Income Security Act of 1974, and sections 9816, 9817, and 9822 of the Internal Revenue Code of 1986 (as applicable) in the same manner as such provisions apply to a group health plan or health insurance issuer offering group or individual health insurance coverage, as described in such sections. The provisions of sections 2799B–1, 2799B–2, 2799B–3, and 2799B–5 of the Public Health Service Act shall apply to a health care provider and facility and an air ambulance provider described in such respective sections with respect to an enrollee in a health benefits plan under this chapter in the same manner as such provisions apply to such a provider and facility with respect to an enrollee in a group health plan or group or individual health insurance coverage offered by a health insurance issuer, as described in such sections.". Contracts. Compliance.

(2) APPLICATION TO GRANDFATHERED PLANS.—Section 1251(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18011(a)) is amended by adding at the end the following:

"(5) APPLICATION OF ADDITIONAL PROVISIONS.—Sections 2799A–1, 2799A–2, and 2799A–7 of the Public Health Service Act shall apply to grandfathered health plans for plan years beginning on or after January 1, 2022.". Effective date.

(3) RULE OF CONSTRUCTION.—Nothing in this title, including the amendments made by this title may be construed as modifying, reducing, or eliminating— 25 USC 1621u note.

(A) the protections under section 222 of the Indian Health Care Improvement Act (25 U.S.C. 1621u) and under subpart I of part 136 of title 42, Code of Federal Regulations (or any successor regulation), against payment liability for a patient who receives contract health services that are authorized by the Indian Health Service; or

(B) the requirements under section 1866(a)(1)(U) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(U)).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years (or, in the case of the amendment made by subsection (d)(1), with respect to contracts entered into or renewed for contract years) beginning on or after January 1, 2022. Applicability. 5 USC 8902 note.

SEC. 103. DETERMINATION OF OUT-OF-NETWORK RATES TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RESOLUTION PROCESS.

(a) PHSA.—Section 2799A–1, as added by section 102, is amended— 42 USC 300gg–111.

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) DETERMINATION OF OUT-OF-NETWORK RATES TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RESOLUTION PROCESS.—

"(1) DETERMINATION THROUGH OPEN NEGOTIATION.— Time periods.

"(A) IN GENERAL.—With respect to an item or service furnished in a year by a nonparticipating provider or a Notice.

nonparticipating facility, with respect to a group health plan or health insurance issuer offering group or individual health insurance coverage, in a State described in subsection (a)(3)(K)(ii) with respect to such plan or coverage and provider or facility, and for which a payment is required to be made by the plan or coverage pursuant to subsection (a)(1) or (b)(1), the provider or facility (as applicable) or plan or coverage may, during the 30-day period beginning on the day the provider or facility receives an initial payment or a notice of denial of payment from the plan or coverage regarding a claim for payment for such item or service, initiate open negotiations under this paragraph between such provider or facility and plan or coverage for purposes of determining, during the open negotiation period, an amount agreed on by such provider or facility, respectively, and such plan or coverage for payment (including any cost-sharing) for such item or service. For purposes of this subsection, the open negotiation period, with respect to an item or service, is the 30-day period beginning on the date of initiation of the negotiations with respect to such item or service.

"(B) ACCESSING INDEPENDENT DISPUTE RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.—In the case of open negotiations pursuant to subparagraph (A), with respect to an item or service, that do not result in a determination of an amount of payment for such item or service by the last day of the open negotiation period described in such subparagraph with respect to such item or service, the provider or facility (as applicable) or group health plan or health insurance issuer offering group or individual health insurance coverage that was party to such negotiations may, during the 4-day period beginning on the day after such open negotiation period, initiate the independent dispute resolution process under paragraph (2) with respect to such item or service. The independent dispute resolution process shall be initiated by a party pursuant to the previous sentence by submission to the other party and to the Secretary of a notification (containing such information as specified by the Secretary) and for purposes of this subsection, the date of initiation of such process shall be the date of such submission or such other date specified by the Secretary pursuant to regulations that is not later than the date of receipt of such notification by both the other party and the Secretary.

Notification.
Deadline.

"(2) INDEPENDENT DISPUTE RESOLUTION PROCESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIATIONS.—

"(A) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, jointly with the Secretary of Labor and the Secretary of the Treasury, shall establish by regulation one independent dispute resolution process (referred to in this subsection as the 'IDR process') under which, in the case of an item or service with respect to which a provider or facility (as applicable) or group health plan or health insurance issuer offering group or individual health insurance coverage submits a notification under paragraph (1)(B) (in this subsection referred to as a 'qualified IDR item or service'),

Deadline.
Regulations.

a certified IDR entity under paragraph (4) determines, subject to subparagraph (B) and in accordance with the succeeding provisions of this subsection, the amount of payment under the plan or coverage for such item or service furnished by such provider or facility.

"(B) AUTHORITY TO CONTINUE NEGOTIATIONS.—Under the independent dispute resolution process, in the case that the parties to a determination for a qualified IDR item or service agree on a payment amount for such item or service during such process but before the date on which the entity selected with respect to such determination under paragraph (4) makes such determination under paragraph (5), such amount shall be treated for purposes of subsection (a)(3)(K)(ii) as the amount agreed to by such parties for such item or service. In the case of an agreement described in the previous sentence, the independent dispute resolution process shall provide for a method to determine how to allocate between the parties to such determination the payment of the compensation of the entity selected with respect to such determination.

Determination.

"(C) CLARIFICATION.—A nonparticipating provider may not, with respect to an item or service furnished by such provider, submit a notification under paragraph (1)(B) if such provider is exempt from the requirement under subsection (a) of section 2799B–2 with respect to such item or service pursuant to subsection (b) of such section.

"(3) TREATMENT OF BATCHING OF ITEMS AND SERVICES.—

"(A) IN GENERAL.—Under the IDR process, the Secretary shall specify criteria under which multiple qualified IDR dispute items and services are permitted to be considered jointly as part of a single determination by an entity for purposes of encouraging the efficiency (including minimizing costs) of the IDR process. Such items and services may be so considered only if—

Criteria.

"(i) such items and services to be included in such determination are furnished by the same provider or facility;

"(ii) payment for such items and services is required to be made by the same group health plan or health insurance issuer;

"(iii) such items and services are related to the treatment of a similar condition; and

"(iv) such items and services were furnished during the 30 day period following the date on which the first item or service included with respect to such determination was furnished or an alternative period as determined by the Secretary, for use in limited situations, such as by the consent of the parties or in the case of low-volume items and services, to encourage procedural efficiency and minimize health plan and provider administrative costs.

Time period. Determination.

"(B) TREATMENT OF BUNDLED PAYMENTS.—In carrying out subparagraph (A), the Secretary shall provide that, in the case of items and services which are included by a provider or facility as part of a bundled payment, such items and services included in such bundled payment may be part of a single determination under this subsection.

Consultation.

"(4) CERTIFICATION AND SELECTION OF IDR ENTITIES.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor and Secretary of the Treasury, shall establish a process to certify (including to recertify) entities under this paragraph. Such process shall ensure that an entity so certified—

"(i) has (directly or through contracts or other arrangements) sufficient medical, legal, and other expertise and sufficient staffing to make determinations described in paragraph (5) on a timely basis;

"(ii) is not—

"(I) a group health plan or health insurance issuer offering group or individual health insurance coverage, provider, or facility;

"(II) an affiliate or a subsidiary of such a group health plan or health insurance issuer, provider, or facility; or

"(III) an affiliate or subsidiary of a professional or trade association of such group health plans or health insurance issuers or of providers or facilities;

"(iii) carries out the responsibilities of such an entity in accordance with this subsection;

"(iv) meets appropriate indicators of fiscal integrity;

"(v) maintains the confidentiality (in accordance with regulations promulgated by the Secretary) of individually identifiable health information obtained in the course of conducting such determinations;

"(vi) does not under the IDR process carry out any determination with respect to which the entity would not pursuant to subclause (I), (II), or (III) of subparagraph (F)(i) be eligible for selection; and

"(vii) meets such other requirements as determined appropriate by the Secretary.

"(B) PERIOD OF CERTIFICATION.—Subject to subparagraph (C), each certification (including a recertification) of an entity under the process described in subparagraph (A) shall be for a 5-year period.

"(C) REVOCATION.—A certification of an entity under this paragraph may be revoked under the process described in subparagraph (A) if the entity has a pattern or practice of noncompliance with any of the requirements described in such subparagraph.

"(D) PETITION FOR DENIAL OR WITHDRAWAL.—The process described in subparagraph (A) shall ensure that an individual, provider, facility, or group health plan or health insurance issuer offering group or individual health insurance coverage may petition for a denial of a certification or a revocation of a certification with respect to an entity under this paragraph for failure of meeting a requirement of this subsection.

"(E) SUFFICIENT NUMBER OF ENTITIES.—The process described in subparagraph (A) shall ensure that a sufficient number of entities are certified under this paragraph to ensure the timely and efficient provision of determinations described in paragraph (5).

"(F) SELECTION OF CERTIFIED IDR ENTITY.—The Secretary shall, with respect to the determination of the amount of payment under this subsection of an item or service, provide for a method— Deadlines.

"(i) that allows for the group health plan or health insurance issuer offering group or individual health insurance coverage and the nonparticipating provider or the nonparticipating emergency facility (as applicable) involved in a notification under paragraph (1)(B) to jointly select, not later than the last day of the 3-business day period following the date of the initiation of the process with respect to such item or service, for purposes of making such determination, an entity certified under this paragraph that— Time periods.

"(I) is not a party to such determination or an employee or agent of such a party;

"(II) does not have a material familial, financial, or professional relationship with such a party; and

"(III) does not otherwise have a conflict of interest with such a party (as determined by the Secretary); and

"(ii) that requires, in the case such parties do not make such selection by such last day, the Secretary to, not later than 6 business days after such date of initiation—

"(I) select such an entity that satisfies subclauses (I) through (III) of clause (i)); and

"(II) provide notification of such selection to the provider or facility (as applicable) and the plan or issuer (as applicable) party to such determination. Notification.

An entity selected pursuant to the previous sentence to make a determination described in such sentence shall be referred to in this subsection as the 'certified IDR entity' with respect to such determination.

"(5) PAYMENT DETERMINATION.—

"(A) IN GENERAL.—Not later than 30 days after the date of selection of the certified IDR entity with respect to a determination for a qualified IDR item or service, the certified IDR entity shall— Deadline.

"(i) taking into account the considerations specified in subparagraph (C), select one of the offers submitted under subparagraph (B) to be the amount of payment for such item or service determined under this subsection for purposes of subsection (a)(1) or (b)(1), as applicable; and

"(ii) notify the provider or facility and the group health plan or health insurance issuer offering group or individual health insurance coverage party to such determination of the offer selected under clause (i). Notification.

"(B) SUBMISSION OF OFFERS.—Not later than 10 days after the date of selection of the certified IDR entity with respect to a determination for a qualified IDR item or service, the provider or facility and the group health plan or health insurance issuer offering group or individual health insurance coverage party to such determination— Deadline.

"(i) shall each submit to the certified IDR entity with respect to such determination—

"(I) an offer for a payment amount for such item or service furnished by such provider or facility; and

"(II) such information as requested by the certified IDR entity relating to such offer; and

"(ii) may each submit to the certified IDR entity with respect to such determination any information relating to such offer submitted by either party, including information relating to any circumstance described in subparagraph (C)(ii).

"(C) CONSIDERATIONS IN DETERMINATION.—

"(i) IN GENERAL.—In determining which offer is the payment to be applied pursuant to this paragraph, the certified IDR entity, with respect to the determination for a qualified IDR item or service shall consider—

"(I) the qualifying payment amounts (as defined in subsection (a)(3)(E)) for the applicable year for items or services that are comparable to the qualified IDR item or service and that are furnished in the same geographic region (as defined by the Secretary for purposes of such subsection) as such qualified IDR item or service; and

"(II) subject to subparagraph (D), information on any circumstance described in clause (ii), such information as requested in subparagraph (B)(i)(II), and any additional information provided in subparagraph (B)(ii).

"(ii) ADDITIONAL CIRCUMSTANCES.—For purposes of clause (i)(II), the circumstances described in this clause are, with respect to a qualified IDR item or service of a nonparticipating provider, nonparticipating emergency facility, group health plan, or health insurance issuer of group or individual health insurance coverage the following:

"(I) The level of training, experience, and quality and outcomes measurements of the provider or facility that furnished such item or service (such as those endorsed by the consensus-based entity authorized in section 1890 of the Social Security Act).

"(II) The market share held by the nonparticipating provider or facility or that of the plan or issuer in the geographic region in which the item or service was provided.

"(III) The acuity of the individual receiving such item or service or the complexity of furnishing such item or service to such individual.

"(IV) The teaching status, case mix, and scope of services of the nonparticipating facility that furnished such item or service.

"(V) Demonstrations of good faith efforts (or lack of good faith efforts) made by the nonparticipating provider or nonparticipating facility or the plan or issuer to enter into network agreements

and, if applicable, contracted rates between the provider or facility, as applicable, and the plan or issuer, as applicable, during the previous 4 plan years.

"(D) PROHIBITION ON CONSIDERATION OF CERTAIN FACTORS.—In determining which offer is the payment to be applied with respect to qualified IDR items and services furnished by a provider or facility, the certified IDR entity with respect to a determination shall not consider usual and customary charges, the amount that would have been billed by such provider or facility with respect to such items and services had the provisions of section 2799B–1 or 2799B–2 (as applicable) not applied, or the payment or reimbursement rate for such items and services furnished by such provider or facility payable by a public payor, including under the Medicare program under title XVIII of the Social Security Act, under the Medicaid program under title XIX of such Act, under the Children's Health Insurance Program under title XXI of such Act, under the TRICARE program under chapter 55 of title 10, United States Code, or under chapter 17 of title 38, United States Code.

"(E) EFFECTS OF DETERMINATION.— Time periods.

"(i) IN GENERAL.—A determination of a certified IDR entity under subparagraph (A)—

"(I) shall be binding upon the parties involved, in the absence of a fraudulent claim or evidence of misrepresentation of facts presented to the IDR entity involved regarding such claim; and

"(II) shall not be subject to judicial review, except in a case described in any of paragraphs (1) through (4) of section 10(a) of title 9, United States Code.

"(ii) SUSPENSION OF CERTAIN SUBSEQUENT IDR REQUESTS.—In the case of a determination of a certified IDR entity under subparagraph (A), with respect to an initial notification submitted under paragraph (1)(B) with respect to qualified IDR items and services and the two parties involved with such notification, the party that submitted such notification may not submit during the 90-day period following such determination a subsequent notification under such paragraph involving the same other party to such notification with respect to such an item or service that was the subject of such initial notification.

"(iii) SUBSEQUENT SUBMISSION OF REQUESTS PERMITTED.—In the case of a notification that pursuant to clause (ii) is not permitted to be submitted under paragraph (1)(B) during a 90-day period specified in such clause, if the end of the open negotiation period specified in paragraph (1)(A), that but for this clause would otherwise apply with respect to such notification, occurs during such 90-day period, such paragraph (1)(B) shall be applied as if the reference in such paragraph to the 4-day period beginning on the day after such open negotiation period were instead a reference

to the 30-day period beginning on the day after the last day of such 90-day period.

Examination. Recommendations.

"(iv) REPORTS.—The Secretary, jointly with the Secretary of Labor and the Secretary of the Treasury, shall examine the impact of the application of clause (ii) and whether the application of such clause delays payment determinations or impacts early, alternative resolution of claims (such as through open negotiations), and shall submit to Congress, not later than 2 years after the date of implementation of such clause an interim report (and not later than 4 years after such date of implementation, a final report) on whether any group health plans or health insurance issuers offering group or individual health insurance coverage or types of such plans or coverage have a pattern or practice of routine denial, low payment, or down-coding of claims, or otherwise abuse the 90-day period described in such clause, including recommendations on ways to discourage such a pattern or practice.

"(F) COSTS OF INDEPENDENT DISPUTE RESOLUTION PROCESS.—In the case of a notification under paragraph (1)(B) submitted by a nonparticipating provider, nonparticipating emergency facility, group health plan, or health insurance issuer offering group or individual health insurance coverage and submitted to a certified IDR entity—

"(i) if such entity makes a determination with respect to such notification under subparagraph (A), the party whose offer is not chosen under such subparagraph shall be responsible for paying all fees charged by such entity; and

"(ii) if the parties reach a settlement with respect to such notification prior to such a determination, each party shall pay half of all fees charged by such entity, unless the parties otherwise agree.

Deadline.

"(6) TIMING OF PAYMENT.—The total plan or coverage payment required pursuant to subsection (a)(1) or (b)(1), with respect to a qualified IDR item or service for which a determination is made under paragraph (5)(A) or with respect to an item or service for which a payment amount is determined under open negotiations under paragraph (1), shall be made directly to the nonparticipating provider or facility not later than 30 days after the date on which such determination is made.

"(7) PUBLICATION OF INFORMATION RELATING TO THE IDR PROCESS.—

Time periods. Public information. Web posting.

"(A) PUBLICATION OF INFORMATION.—For each calendar quarter in 2022 and each calendar quarter in a subsequent year, the Secretary shall make available on the public website of the Department of Health and Human Services—

"(i) the number of notifications submitted under paragraph (1)(B) during such calendar quarter;

"(ii) the size of the provider practices and the size of the facilities submitting notifications under paragraph (1)(B) during such calendar quarter;

"(iii) the number of such notifications with respect to which a determination was made under paragraph (5)(A);

"(iv) the information described in subparagraph (B) with respect to each notification with respect to which such a determination was so made;

"(v) the number of times the payment amount determined (or agreed to) under this subsection exceeds the qualifying payment amount, specified by items and services;

"(vi) the amount of expenditures made by the Secretary during such calendar quarter to carry out the IDR process;

"(vii) the total amount of fees paid under paragraph (8) during such calendar quarter; and

"(viii) the total amount of compensation paid to certified IDR entities under paragraph (5)(F) during such calendar quarter.

"(B) INFORMATION.—For purposes of subparagraph (A), the information described in this subparagraph is, with respect to a notification under paragraph (1)(B) by a nonparticipating provider, nonparticipating emergency facility, group health plan, or health insurance issuer offering group or individual health insurance coverage—

"(i) a description of each item and service included with respect to such notification;

"(ii) the geography in which the items and services with respect to such notification were provided;

"(iii) the amount of the offer submitted under paragraph (5)(B) by the group health plan or health insurance issuer (as applicable) and by the nonparticipating provider or nonparticipating emergency facility (as applicable) expressed as a percentage of the qualifying payment amount;

"(iv) whether the offer selected by the certified IDR entity under paragraph (5) to be the payment applied was the offer submitted by such plan or issuer (as applicable) or by such provider or facility (as applicable) and the amount of such offer so selected expressed as a percentage of the qualifying payment amount;

"(v) the category and practice specialty of each such provider or facility involved in furnishing such items and services;

"(vi) the identity of the health plan or health insurance issuer, provider, or facility, with respect to the notification;

"(vii) the length of time in making each determination;

"(viii) the compensation paid to the certified IDR entity with respect to the settlement or determination; and

"(ix) any other information specified by the Secretary.

"(C) IDR ENTITY REQUIREMENTS.—For 2022 and each subsequent year, an IDR entity, as a condition of certification as an IDR entity, shall submit to the Secretary such information as the Secretary determines necessary to carry out the provisions of this subsection.

"(D) CLARIFICATION.—The Secretary shall ensure the public reporting under this paragraph does not contain information that would disclose privileged or confidential information of a group health plan or health insurance issuer offering group or individual health insurance coverage or of a provider or facility.

"(8) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—Each party to a determination under paragraph (5) to which an entity is selected under paragraph (3) in a year shall pay to the Secretary, at such time and in such manner as specified by the Secretary, a fee for participating in the IDR process with respect to such determination in an amount described in subparagraph (B) for such year.

Estimates.

"(B) AMOUNT OF FEE.—The amount described in this subparagraph for a year is an amount established by the Secretary in a manner such that the total amount of fees paid under this paragraph for such year is estimated to be equal to the amount of expenditures estimated to be made by the Secretary for such year in carrying out the IDR process.

"(9) WAIVER AUTHORITY.—The Secretary may modify any deadline or other timing requirement specified under this subsection (other than the establishment date for the IDR process under paragraph (2)(A) and other than under paragraph (6)) in cases of extenuating circumstances, as specified by the Secretary, or to ensure that all claims that occur during a 90-day period described in paragraph (5)(E)(ii), but with respect to which a notification is not permitted by reason of such paragraph to be submitted under paragraph (1)(B) during such period, are eligible for the IDR process.".

(b) ERISA.—Section 716 of the Employee Retirement Income Security Act of 1974, as added by section 102, is amended—

29 USC 1185e.

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) DETERMINATION OF OUT-OF-NETWORK RATES TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RESOLUTION PROCESS.—

Time periods.
Notice.

"(1) DETERMINATION THROUGH OPEN NEGOTIATION.—

"(A) IN GENERAL.—With respect to an item or service furnished in a year by a nonparticipating provider or a nonparticipating facility, with respect to a group health plan or health insurance issuer offering group health insurance coverage, in a State described in subsection (a)(3)(K)(ii) with respect to such plan or coverage and provider or facility, and for which a payment is required to be made by the plan or coverage pursuant to subsection (a)(1) or (b)(1), the provider or facility (as applicable) or plan or coverage may, during the 30-day period beginning on the day the provider or facility receives an initial payment or a notice of denial of payment from the plan or coverage regarding a claim for payment for such item or service, initiate open negotiations under this paragraph between such provider or facility and plan or coverage for purposes of determining, during the open negotiation period, an amount agreed on by such provider or facility, respectively, and such plan or coverage for payment

(including any cost-sharing) for such item or service. For purposes of this subsection, the open negotiation period, with respect to an item or service, is the 30-day period beginning on the date of initiation of the negotiations with respect to such item or service.

"(B) ACCESSING INDEPENDENT DISPUTE RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.—In the case of open negotiations pursuant to subparagraph (A), with respect to an item or service, that do not result in a determination of an amount of payment for such item or service by the last day of the open negotiation period described in such subparagraph with respect to such item or service, the provider or facility (as applicable) or group health plan or health insurance issuer offering group health insurance coverage that was party to such negotiations may, during the 4-day period beginning on the day after such open negotiation period, initiate the independent dispute resolution process under paragraph (2) with respect to such item or service. The independent dispute resolution process shall be initiated by a party pursuant to the previous sentence by submission to the other party and to the Secretary of a notification (containing such information as specified by the Secretary) and for purposes of this subsection, the date of initiation of such process shall be the date of such submission or such other date specified by the Secretary pursuant to regulations that is not later than the date of receipt of such notification by both the other party and the Secretary.

Notification. Regulations. Deadline.

"(2) INDEPENDENT DISPUTE RESOLUTION PROCESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIATIONS.—

"(A) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, jointly with the Secretary of Health and Human Services and the Secretary of the Treasury, shall establish by regulation one independent dispute resolution process (referred to in this subsection as the 'IDR process') under which, in the case of an item or service with respect to which a provider or facility (as applicable) or group health plan or health insurance issuer offering group health insurance coverage submits a notification under paragraph (1)(B) (in this subsection referred to as a 'qualified IDR item or service'), a certified IDR entity under paragraph (4) determines, subject to subparagraph (B) and in accordance with the succeeding provisions of this subsection, the amount of payment under the plan or coverage for such item or service furnished by such provider or facility.

Deadline. Regulations.

"(B) AUTHORITY TO CONTINUE NEGOTIATIONS.—Under the independent dispute resolution process, in the case that the parties to a determination for a qualified IDR item or service agree on a payment amount for such item or service during such process but before the date on which the entity selected with respect to such determination under paragraph (4) makes such determination under paragraph (5), such amount shall be treated for purposes of subsection (a)(3)(K)(ii) as the amount agreed to by such parties for such item or service. In the case of an agreement described in the previous sentence, the independent dispute

resolution process shall provide for a method to determine how to allocate between the parties to such determination the payment of the compensation of the entity selected with respect to such determination.

"(C) CLARIFICATION.—A nonparticipating provider may not, with respect to an item or service furnished by such provider, submit a notification under paragraph (1)(B) if such provider is exempt from the requirement under subsection (a) of section 2799B–2 of the Public Health Service Act with respect to such item or service pursuant to subsection (b) of such section.

"(3) TREATMENT OF BATCHING OF ITEMS AND SERVICES.—

Criteria.

"(A) IN GENERAL.—Under the IDR process, the Secretary shall specify criteria under which multiple qualified IDR dispute items and services are permitted to be considered jointly as part of a single determination by an entity for purposes of encouraging the efficiency (including minimizing costs) of the IDR process. Such items and services may be so considered only if—

"(i) such items and services to be included in such determination are furnished by the same provider or facility;

"(ii) payment for such items and services is required to be made by the same group health plan or health insurance issuer;

"(iii) such items and services are related to the treatment of a similar condition; and

Time period.

"(iv) such items and services were furnished during the 30 day period following the date on which the first item or service included with respect to such determination was furnished or an alternative period as determined by the Secretary, for use in limited situations, such as by the consent of the parties or in the case of low-volume items and services, to encourage procedural efficiency and minimize health plan and provider administrative costs.

"(B) TREATMENT OF BUNDLED PAYMENTS.—In carrying out subparagraph (A), the Secretary shall provide that, in the case of items and services which are included by a provider or facility as part of a bundled payment, such items and services included in such bundled payment may be part of a single determination under this subsection.

"(4) CERTIFICATION AND SELECTION OF IDR ENTITIES.—

"(A) IN GENERAL.—The Secretary, jointly with the Secretary of Health and Human Services and Secretary of the Treasury, shall establish a process to certify (including to recertify) entities under this paragraph. Such process shall ensure that an entity so certified—

"(i) has (directly or through contracts or other arrangements) sufficient medical, legal, and other expertise and sufficient staffing to make determinations described in paragraph (5) on a timely basis;

"(ii) is not—

"(I) a group health plan or health insurance issuer offering group health insurance coverage, provider, or facility;

"(II) an affiliate or a subsidiary of such a group health plan or health insurance issuer, provider, or facility; or

"(III) an affiliate or subsidiary of a professional or trade association of such group health plans or health insurance issuers or of providers or facilities;

"(iii) carries out the responsibilities of such an entity in accordance with this subsection;

"(iv) meets appropriate indicators of fiscal integrity;

"(v) maintains the confidentiality (in accordance with regulations promulgated by the Secretary) of individually identifiable health information obtained in the course of conducting such determinations;

"(vi) does not under the IDR process carry out any determination with respect to which the entity would not pursuant to subclause (I), (II), or (III) of subparagraph (F)(i) be eligible for selection; and

"(vii) meets such other requirements as determined appropriate by the Secretary.

"(B) PERIOD OF CERTIFICATION.—Subject to subparagraph (C), each certification (including a recertification) of an entity under the process described in subparagraph (A) shall be for a 5-year period.

"(C) REVOCATION.—A certification of an entity under this paragraph may be revoked under the process described in subparagraph (A) if the entity has a pattern or practice of noncompliance with any of the requirements described in such subparagraph.

"(D) PETITION FOR DENIAL OR WITHDRAWAL.—The process described in subparagraph (A) shall ensure that an individual, provider, facility, or group health plan or health insurance issuer offering group health insurance coverage may petition for a denial of a certification or a revocation of a certification with respect to an entity under this paragraph for failure of meeting a requirement of this subsection.

"(E) SUFFICIENT NUMBER OF ENTITIES.—The process described in subparagraph (A) shall ensure that a sufficient number of entities are certified under this paragraph to ensure the timely and efficient provision of determinations described in paragraph (5).

Deadlines.

"(F) SELECTION OF CERTIFIED IDR ENTITY.—The Secretary shall, with respect to the determination of the amount of payment under this subsection of an item or service, provide for a method—

"(i) that allows for the group health plan or health insurance issuer offering group health insurance coverage and the nonparticipating provider or the nonparticipating emergency facility (as applicable) involved in a notification under paragraph (1)(B) to jointly select, not later than the last day of the 3-business day period following the date of the initiation of the process with respect to such item or service, for purposes of making such determination, an entity certified under this paragraph that—

"(I) is not a party to such determination or an employee or agent of such a party;

"(II) does not have a material familial, financial, or professional relationship with such a party; and

"(III) does not otherwise have a conflict of interest with such a party (as determined by the Secretary); and

"(ii) that requires, in the case such parties do not make such selection by such last day, the Secretary to, not later than 6 business days after such date of initiation—

"(I) select such an entity that satisfies subclauses (I) through (III) of clause (i)); and

Notification.

"(II) provide notification of such selection to the provider or facility (as applicable) and the plan or issuer (as applicable) party to such determination.

An entity selected pursuant to the previous sentence to make a determination described in such sentence shall be referred to in this subsection as the 'certified IDR entity' with respect to such determination.

"(5) PAYMENT DETERMINATION.—

Deadline.

"(A) IN GENERAL.—Not later than 30 days after the date of selection of the certified IDR entity with respect to a determination for a qualified IDR item or service, the certified IDR entity shall—

"(i) taking into account the considerations specified in subparagraph (C), select one of the offers submitted under subparagraph (B) to be the amount of payment for such item or service determined under this subsection for purposes of subsection (a)(1) or (b)(1), as applicable; and

Notification.

"(ii) notify the provider or facility and the group health plan or health insurance issuer offering group health insurance coverage party to such determination of the offer selected under clause (i).

Deadline.

"(B) SUBMISSION OF OFFERS.—Not later than 10 days after the date of selection of the certified IDR entity with respect to a determination for a qualified IDR item or service, the provider or facility and the group health plan or health insurance issuer offering group health insurance coverage party to such determination—

"(i) shall each submit to the certified IDR entity with respect to such determination—

"(I) an offer for a payment amount for such item or service furnished by such provider or facility; and

"(II) such information as requested by the certified IDR entity relating to such offer; and

"(ii) may each submit to the certified IDR entity with respect to such determination any information relating to such offer submitted by either party, including information relating to any circumstance described in subparagraph (C)(ii).

"(C) CONSIDERATIONS IN DETERMINATION.—

"(i) IN GENERAL.—In determining which offer is the payment to be applied pursuant to this paragraph, the certified IDR entity, with respect to the determination for a qualified IDR item or service shall consider—

"(I) the qualifying payment amounts (as defined in subsection (a)(3)(E)) for the applicable year for items or services that are comparable to the qualified IDR item or service and that are furnished in the same geographic region (as defined by the Secretary for purposes of such subsection) as such qualified IDR item or service; and

"(II) subject to subparagraph (D), information on any circumstance described in clause (ii), such information as requested in subparagraph (B)(i)(II), and any additional information provided in subparagraph (B)(ii).

"(ii) ADDITIONAL CIRCUMSTANCES.—For purposes of clause (i)(II), the circumstances described in this clause are, with respect to a qualified IDR item or service of a nonparticipating provider, nonparticipating emergency facility, group health plan, or health insurance issuer of group health insurance coverage the following:

"(I) The level of training, experience, and quality and outcomes measurements of the provider or facility that furnished such item or service (such as those endorsed by the consensus-based entity authorized in section 1890 of the Social Security Act).

"(II) The market share held by the nonparticipating provider or facility or that of the plan or issuer in the geographic region in which the item or service was provided.

"(III) The acuity of the individual receiving such item or service or the complexity of furnishing such item or service to such individual.

"(IV) The teaching status, case mix, and scope of services of the nonparticipating facility that furnished such item or service.

"(V) Demonstrations of good faith efforts (or lack of good faith efforts) made by the nonparticipating provider or nonparticipating facility or the plan or issuer to enter into network agreements and, if applicable, contracted rates between the provider or facility, as applicable, and the plan or issuer, as applicable, during the previous 4 plan years.

"(D) PROHIBITION ON CONSIDERATION OF CERTAIN FACTORS.—In determining which offer is the payment to be applied with respect to qualified IDR items and services furnished by a provider or facility, the certified IDR entity with respect to a determination shall not consider usual and customary charges, the amount that would have been billed by such provider or facility with respect to such items and services had the provisions of section 2799B–1 of the Public Health Service Act or 2799B–2 of such Act (as applicable) not applied, or the payment or

reimbursement rate for such items and services furnished by such provider or facility payable by a public payor, including under the Medicare program under title XVIII of the Social Security Act, under the Medicaid program under title XIX of such Act, under the Children's Health Insurance Program under title XXI of such Act, under the TRICARE program under chapter 55 of title 10, United States Code, or under chapter 17 of title 38, United States Code.

Time periods.

"(E) EFFECTS OF DETERMINATION.—

"(i) IN GENERAL.—A determination of a certified IDR entity under subparagraph (A)—

"(I) shall be binding upon the parties involved, in the absence of a fraudulent claim or evidence of misrepresentation of facts presented to the IDR entity involved regarding such claim; and

"(II) shall not be subject to judicial review, except in a case described in any of paragraphs (1) through (4) of section 10(a) of title 9, United States Code.

"(ii) SUSPENSION OF CERTAIN SUBSEQUENT IDR REQUESTS.—In the case of a determination of a certified IDR entity under subparagraph (A), with respect to an initial notification submitted under paragraph (1)(B) with respect to qualified IDR items and services and the two parties involved with such notification, the party that submitted such notification may not submit during the 90-day period following such determination a subsequent notification under such paragraph involving the same other party to such notification with respect to such an item or service that was the subject of such initial notification.

"(iii) SUBSEQUENT SUBMISSION OF REQUESTS PERMITTED.—In the case of a notification that pursuant to clause (ii) is not permitted to be submitted under paragraph (1)(B) during a 90-day period specified in such clause, if the end of the open negotiation period specified in paragraph (1)(A), that but for this clause would otherwise apply with respect to such notification, occurs during such 90-day period, such paragraph (1)(B) shall be applied as if the reference in such paragraph to the 4-day period beginning on the day after such open negotiation period were instead a reference to the 30-day period beginning on the day after the last day of such 90-day period.

Examination. Recommendations.

"(iv) REPORTS.—The Secretary, jointly with the Secretary of Health and Human Services and the Secretary of the Treasury, shall examine the impact of the application of clause (ii) and whether the application of such clause delays payment determinations or impacts early, alternative resolution of claims (such as through open negotiations), and shall submit to Congress, not later than 2 years after the date of implementation of such clause an interim report (and not later than 4 years after such date of implementation, a final report) on whether any group health plans or health insurance issuers offering group or individual

health insurance coverage or types of such plans or coverage have a pattern or practice of routine denial, low payment, or down-coding of claims, or otherwise abuse the 90-day period described in such clause, including recommendations on ways to discourage such a pattern or practice.

"(F) COSTS OF INDEPENDENT DISPUTE RESOLUTION PROCESS.—In the case of a notification under paragraph (1)(B) submitted by a nonparticipating provider, nonparticipating emergency facility, group health plan, or health insurance issuer offering group health insurance coverage and submitted to a certified IDR entity—

"(i) if such entity makes a determination with respect to such notification under subparagraph (A), the party whose offer is not chosen under such subparagraph shall be responsible for paying all fees charged by such entity; and

"(ii) if the parties reach a settlement with respect to such notification prior to such a determination, each party shall pay half of all fees charged by such entity, unless the parties otherwise agree.

"(6) TIMING OF PAYMENT.—The total plan or coverage payment required pursuant to subsection (a)(1) or (b)(1), with respect to a qualified IDR item or service for which a determination is made under paragraph (5)(A) or with respect to an item or service for which a payment amount is determined under open negotiations under paragraph (1), shall be made directly to the nonparticipating provider or facility not later than 30 days after the date on which such determination is made. Deadline.

"(7) PUBLICATION OF INFORMATION RELATING TO THE IDR PROCESS.—

"(A) PUBLICATION OF INFORMATION.—For each calendar quarter in 2022 and each calendar quarter in a subsequent year, the Secretary shall make available on the public website of the Department of Labor— Time periods. Public information. Web posting.

"(i) the number of notifications submitted under paragraph (1)(B) during such calendar quarter;

"(ii) the size of the provider practices and the size of the facilities submitting notifications under paragraph (1)(B) during such calendar quarter;

"(iii) the number of such notifications with respect to which a determination was made under paragraph (5)(A);

"(iv) the information described in subparagraph (B) with respect to each notification with respect to which such a determination was so made;

"(v) the number of times the payment amount determined (or agreed to) under this subsection exceeds the qualifying payment amount, specified by items and services;

"(vi) the amount of expenditures made by the Secretary during such calendar quarter to carry out the IDR process;

"(vii) the total amount of fees paid under paragraph (8) during such calendar quarter; and

"(viii) the total amount of compensation paid to certified IDR entities under paragraph (5)(F) during such calendar quarter.

"(B) INFORMATION.—For purposes of subparagraph (A), the information described in this subparagraph is, with respect to a notification under paragraph (1)(B) by a nonparticipating provider, nonparticipating emergency facility, group health plan, or health insurance issuer offering group health insurance coverage—

"(i) a description of each item and service included with respect to such notification;

"(ii) the geography in which the items and services with respect to such notification were provided;

"(iii) the amount of the offer submitted under paragraph (5)(B) by the group health plan or health insurance issuer (as applicable) and by the nonparticipating provider or nonparticipating emergency facility (as applicable) expressed as a percentage of the qualifying payment amount;

"(iv) whether the offer selected by the certified IDR entity under paragraph (5) to be the payment applied was the offer submitted by such plan or issuer (as applicable) or by such provider or facility (as applicable) and the amount of such offer so selected expressed as a percentage of the qualifying payment amount;

"(v) the category and practice specialty of each such provider or facility involved in furnishing such items and services;

"(vi) the identity of the health plan or health insurance issuer, provider, or facility, with respect to the notification;

"(vii) the length of time in making each determination;

"(viii) the compensation paid to the certified IDR entity with respect to the settlement or determination; and

"(ix) any other information specified by the Secretary.

"(C) IDR ENTITY REQUIREMENTS.—For 2022 and each subsequent year, an IDR entity, as a condition of certification as an IDR entity, shall submit to the Secretary such information as the Secretary determines necessary to carry out the provisions of this subsection.

"(D) CLARIFICATION.—The Secretary shall ensure the public reporting under this paragraph does not contain information that would disclose privileged or confidential information of a group health plan or health insurance issuer offering group or individual health insurance coverage or of a provider or facility.

"(8) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—Each party to a determination under paragraph (5) to which an entity is selected under paragraph (3) in a year shall pay to the Secretary, at such time and in such manner as specified by the Secretary, a fee for participating in the IDR process with respect

to such determination in an amount described in subparagraph (B) for such year.

"(B) AMOUNT OF FEE.—The amount described in this subparagraph for a year is an amount established by the Secretary in a manner such that the total amount of fees paid under this paragraph for such year is estimated to be equal to the amount of expenditures estimated to be made by the Secretary for such year in carrying out the IDR process. Estimates.

"(9) WAIVER AUTHORITY.—The Secretary may modify any deadline or other timing requirement specified under this subsection (other than the establishment date for the IDR process under paragraph (2)(A) and other than under paragraph (6)) in cases of extenuating circumstances, as specified by the Secretary, or to ensure that all claims that occur during a 90-day period described in paragraph (5)(E)(ii), but with respect to which a notification is not permitted by reason of such paragraph to be submitted under paragraph (1)(B) during such period, are eligible for the IDR process.".

(c) IRC.—Section 9816 of the Internal Revenue Code of 1986, as added by section 102, is amended— 26 USC 9816.

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) DETERMINATION OF OUT-OF-NETWORK RATES TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RESOLUTION PROCESS.—

"(1) DETERMINATION THROUGH OPEN NEGOTIATION.— Time periods. Notice.

"(A) IN GENERAL.—With respect to an item or service furnished in a year by a nonparticipating provider or a nonparticipating facility, with respect to a group health plan, in a State described in subsection (a)(3)(K)(ii) with respect to such plan and provider or facility, and for which a payment is required to be made by the plan pursuant to subsection (a)(1) or (b)(1), the provider or facility (as applicable) or plan may, during the 30-day period beginning on the day the provider or facility receives an initial payment or a notice of denial of payment from the plan regarding a claim for payment for such item or service, initiate open negotiations under this paragraph between such provider or facility and plan for purposes of determining, during the open negotiation period, an amount agreed on by such provider or facility, respectively, and such plan for payment (including any cost-sharing) for such item or service. For purposes of this subsection, the open negotiation period, with respect to an item or service, is the 30-day period beginning on the date of initiation of the negotiations with respect to such item or service.

"(B) ACCESSING INDEPENDENT DISPUTE RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.—In the case of open negotiations pursuant to subparagraph (A), with respect to an item or service, that do not result in a determination of an amount of payment for such item or service by the last day of the open negotiation period described in such subparagraph with respect to such item or service, the provider or facility (as applicable) or group health plan that was party to such negotiations may, during the 4-day period beginning on the day after such open

negotiation period, initiate the independent dispute resolution process under paragraph (2) with respect to such item or service. The independent dispute resolution process shall be initiated by a party pursuant to the previous sentence by submission to the other party and to the Secretary of a notification (containing such information as specified by the Secretary) and for purposes of this subsection, the date of initiation of such process shall be the date of such submission or such other date specified by the Secretary pursuant to regulations that is not later than the date of receipt of such notification by both the other party and the Secretary.

Regulations. Notification. Deadline.

"(2) INDEPENDENT DISPUTE RESOLUTION PROCESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIATIONS.—

"(A) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, jointly with the Secretary of Health and Human Services and the Secretary of Labor, shall establish by regulation one independent dispute resolution process (referred to in this subsection as the 'IDR process') under which, in the case of an item or service with respect to which a provider or facility (as applicable) or group health plan submits a notification under paragraph (1)(B) (in this subsection referred to as a 'qualified IDR item or service'), a certified IDR entity under paragraph (4) determines, subject to subparagraph (B) and in accordance with the succeeding provisions of this subsection, the amount of payment under the plan for such item or service furnished by such provider or facility.

Deadline. Regulations.

"(B) AUTHORITY TO CONTINUE NEGOTIATIONS.—Under the independent dispute resolution process, in the case that the parties to a determination for a qualified IDR item or service agree on a payment amount for such item or service during such process but before the date on which the entity selected with respect to such determination under paragraph (4) makes such determination under paragraph (5), such amount shall be treated for purposes of subsection (a)(3)(K)(ii) as the amount agreed to by such parties for such item or service. In the case of an agreement described in the previous sentence, the independent dispute resolution process shall provide for a method to determine how to allocate between the parties to such determination the payment of the compensation of the entity selected with respect to such determination.

"(C) CLARIFICATION.—A nonparticipating provider may not, with respect to an item or service furnished by such provider, submit a notification under paragraph (1)(B) if such provider is exempt from the requirement under subsection (a) of section 2799B–2 of the Public Health Service Act with respect to such item or service pursuant to subsection (b) of such section.

"(3) TREATMENT OF BATCHING OF ITEMS AND SERVICES.—

Criteria.

"(A) IN GENERAL.—Under the IDR process, the Secretary shall specify criteria under which multiple qualified IDR dispute items and services are permitted to be considered jointly as part of a single determination by an entity

for purposes of encouraging the efficiency (including minimizing costs) of the IDR process. Such items and services may be so considered only if—

"(i) such items and services to be included in such determination are furnished by the same provider or facility;

"(ii) payment for such items and services is required to be made by the same group health plan or health insurance issuer;

"(iii) such items and services are related to the treatment of a similar condition; and

"(iv) such items and services were furnished during the 30 day period following the date on which the first item or service included with respect to such determination was furnished or an alternative period as determined by the Secretary, for use in limited situations, such as by the consent of the parties or in the case of low-volume items and services, to encourage procedural efficiency and minimize health plan and provider administrative costs. Time period.

"(B) TREATMENT OF BUNDLED PAYMENTS.—In carrying out subparagraph (A), the Secretary shall provide that, in the case of items and services which are included by a provider or facility as part of a bundled payment, such items and services included in such bundled payment may be part of a single determination under this subsection.

"(4) CERTIFICATION AND SELECTION OF IDR ENTITIES.—

"(A) IN GENERAL.—The Secretary, jointly with the Secretary of Health and Human Services and the Secretary of Labor, shall establish a process to certify (including to recertify) entities under this paragraph. Such process shall ensure that an entity so certified—

"(i) has (directly or through contracts or other arrangements) sufficient medical, legal, and other expertise and sufficient staffing to make determinations described in paragraph (5) on a timely basis;

"(ii) is not—

"(I) a group health plan, provider, or facility;

"(II) an affiliate or a subsidiary of such a group health plan, provider, or facility; or

"(III) an affiliate or subsidiary of a professional or trade association of such group health plans or of providers or facilities;

"(iii) carries out the responsibilities of such an entity in accordance with this subsection;

"(iv) meets appropriate indicators of fiscal integrity;

"(v) maintains the confidentiality (in accordance with regulations promulgated by the Secretary) of individually identifiable health information obtained in the course of conducting such determinations;

"(vi) does not under the IDR process carry out any determination with respect to which the entity would not pursuant to subclause (I), (II), or (III) of subparagraph (F)(i) be eligible for selection; and

"(vii) meets such other requirements as determined appropriate by the Secretary.

"(B) PERIOD OF CERTIFICATION.—Subject to subparagraph (C), each certification (including a recertification) of an entity under the process described in subparagraph (A) shall be for a 5-year period.

"(C) REVOCATION.—A certification of an entity under this paragraph may be revoked under the process described in subparagraph (A) if the entity has a pattern or practice of noncompliance with any of the requirements described in such subparagraph.

"(D) PETITION FOR DENIAL OR WITHDRAWAL.—The process described in subparagraph (A) shall ensure that an individual, provider, facility, or group health plan may petition for a denial of a certification or a revocation of a certification with respect to an entity under this paragraph for failure of meeting a requirement of this subsection.

"(E) SUFFICIENT NUMBER OF ENTITIES.—The process described in subparagraph (A) shall ensure that a sufficient number of entities are certified under this paragraph to ensure the timely and efficient provision of determinations described in paragraph (5).

Deadlines.

"(F) SELECTION OF CERTIFIED IDR ENTITY.—The Secretary shall, with respect to the determination of the amount of payment under this subsection of an item or service, provide for a method—

"(i) that allows for the group health plan and the nonparticipating provider or the nonparticipating emergency facility (as applicable) involved in a notification under paragraph (1)(B) to jointly select, not later than the last day of the 3-business day period following the date of the initiation of the process with respect to such item or service, for purposes of making such determination, an entity certified under this paragraph that—

"(I) is not a party to such determination or an employee or agent of such a party;

"(II) does not have a material familial, financial, or professional relationship with such a party; and

"(III) does not otherwise have a conflict of interest with such a party (as determined by the Secretary); and

"(ii) that requires, in the case such parties do not make such selection by such last day, the Secretary to, not later than 6 business days after such date of initiation—

"(I) select such an entity that satisfies subclauses (I) through (III) of clause (i)); and

Notification.

"(II) provide notification of such selection to the provider or facility (as applicable) and the plan or issuer (as applicable) party to such determination.

An entity selected pursuant to the previous sentence to make a determination described in such sentence shall be referred to in this subsection as the 'certified IDR entity' with respect to such determination.

"(5) PAYMENT DETERMINATION.—

"(A) IN GENERAL.—Not later than 30 days after the date of selection of the certified IDR entity with respect to a determination for a qualified IDR item or service, the certified IDR entity shall— Deadline.

"(i) taking into account the considerations specified in subparagraph (C), select one of the offers submitted under subparagraph (B) to be the amount of payment for such item or service determined under this subsection for purposes of subsection (a)(1) or (b)(1), as applicable; and

"(ii) notify the provider or facility and the group health plan party to such determination of the offer selected under clause (i). Notification.

"(B) SUBMISSION OF OFFERS.—Not later than 10 days after the date of selection of the certifed IDR entity with respect to a determination for a qualified IDR item or service, the provider or facility and the group health plan party to such determination— Deadline.

"(i) shall each submit to the certified IDR entity with respect to such determination—

"(I) an offer for a payment amount for such item or service furnished by such provider or facility; and

"(II) such information as requested by the certified IDR entity relating to such offer; and

"(ii) may each submit to the certified IDR entity with respect to such determination any information relating to such offer submitted by either party, including information relating to any circumstance described in subparagraph (C)(ii).

"(C) CONSIDERATIONS IN DETERMINATION.—

"(i) IN GENERAL.—In determining which offer is the payment to be applied pursuant to this paragraph, the certified IDR entity, with respect to the determination for a qualified IDR item or service shall consider—

"(I) the qualifying payment amounts (as defined in subsection (a)(3)(E)) for the applicable year for items or services that are comparable to the qualified IDR item or service and that are furnished in the same geographic region (as defined by the Secretary for purposes of such subsection) as such qualified IDR item or service; and

"(II) subject to subparagraph (D), information on any circumstance described in clause (ii), such information as requested in subparagraph (B)(i)(II), and any additional information provided in subparagraph (B)(ii).

"(ii) ADDITIONAL CIRCUMSTANCES.—For purposes of clause (i)(II), the circumstances described in this clause are, with respect to a qualified IDR item or service of a nonparticipating provider, nonparticipating emergency facility, or group health plan, the following:

"(I) The level of training, experience, and quality and outcomes measurements of the provider or facility that furnished such item or service (such as those endorsed by the consensus-based

entity authorized in section 1890 of the Social Security Act).

"(II) The market share held by the nonparticipating provider or facility or that of the plan or issuer in the geographic region in which the item or service was provided.

"(III) The acuity of the individual receiving such item or service or the complexity of furnishing such item or service to such individual.

"(IV) The teaching status, case mix, and scope of services of the nonparticipating facility that furnished such item or service.

"(V) Demonstrations of good faith efforts (or lack of good faith efforts) made by the nonparticipating provider or nonparticipating facility or the plan or issuer to enter into network agreements and, if applicable, contracted rates between the provider or facility, as applicable, and the plan or issuer, as applicable, during the previous 4 plan years.

"(D) PROHIBITION ON CONSIDERATION OF CERTAIN FACTORS.—In determining which offer is the payment to be applied with respect to qualified IDR items and services furnished by a provider or facility, the certified IDR entity with respect to a determination shall not consider usual and customary charges, the amount that would have been billed by such provider or facility with respect to such items and services had the provisions of section 2799B–1 of the Public Health Service Act or 2799B–2 of such Act (as applicable) not applied, or the payment or reimbursement rate for such items and services furnished by such provider or facility payable by a public payor, including under the Medicare program under title XVIII of the Social Security Act, under the Medicaid program under title XIX of such Act, under the Children's Health Insurance Program under title XXI of such Act, under the TRICARE program under chapter 55 of title 10, United States Code, or under chapter 17 of title 38, United States Code.

Time periods.

"(E) EFFECTS OF DETERMINATION.—

"(i) IN GENERAL.—A determination of a certified IDR entity under subparagraph (A)—

"(I) shall be binding upon the parties involved, in the absence of a fraudulent claim or evidence of misrepresentation of facts presented to the IDR entity involved regarding such claim; and

"(II) shall not be subject to judicial review, except in a case described in any of paragraphs (1) through (4) of section 10(a) of title 9, United States Code.

"(ii) SUSPENSION OF CERTAIN SUBSEQUENT IDR REQUESTS.—In the case of a determination of a certified IDR entity under subparagraph (A), with respect to an initial notification submitted under paragraph (1)(B) with respect to qualified IDR items and services and the two parties involved with such notification, the party that submitted such notification may not submit

during the 90-day period following such determination a subsequent notification under such paragraph involving the same other party to such notification with respect to such an item or service that was the subject of such initial notification.

"(iii) SUBSEQUENT SUBMISSION OF REQUESTS PERMITTED.—In the case of a notification that pursuant to clause (ii) is not permitted to be submitted under paragraph (1)(B) during a 90-day period specified in such clause, if the end of the open negotiation period specified in paragraph (1)(A), that but for this clause would otherwise apply with respect to such notification, occurs during such 90-day period, such paragraph (1)(B) shall be applied as if the reference in such paragraph to the 4-day period beginning on the day after such open negotiation period were instead a reference to the 30-day period beginning on the day after the last day of such 90-day period.

Examination. Recommendations.

"(iv) REPORTS.—The Secretary, jointly with the Secretary of Labor and the Secretary of the Health and Human Services, shall examine the impact of the application of clause (ii) and whether the application of such clause delays payment determinations or impacts early, alternative resolution of claims (such as through open negotiations), and shall submit to Congress, not later than 2 years after the date of implementation of such clause an interim report (and not later than 4 years after such date of implementation, a final report) on whether any group health plans or health insurance issuers offering group or individual health insurance coverage or types of such plans or coverage have a pattern or practice of routine denial, low payment, or down-coding of claims, or otherwise abuse the 90-day period described in such clause, including recommendations on ways to discourage such a pattern or practice.

"(F) COSTS OF INDEPENDENT DISPUTE RESOLUTION PROCESS.—In the case of a notification under paragraph (1)(B) submitted by a nonparticipating provider, nonparticipating emergency facility, or group health plan and submitted to a certified IDR entity—

"(i) if such entity makes a determination with respect to such notification under subparagraph (A), the party whose offer is not chosen under such subparagraph shall be responsible for paying all fees charged by such entity; and

"(ii) if the parties reach a settlement with respect to such notification prior to such a determination, each party shall pay half of all fees charged by such entity, unless the parties otherwise agree.

Deadline.

"(6) TIMING OF PAYMENT.—The total plan payment required pursuant to subsection (a)(1) or (b)(1), with respect to a qualified IDR item or service for which a determination is made under paragraph (5)(A) or with respect to an item or service for

which a payment amount is determined under open negotiations under paragraph (1), shall be made directly to the nonparticipating provider or facility not later than 30 days after the date on which such determination is made.

"(7) PUBLICATION OF INFORMATION RELATING TO THE IDR PROCESS.—

Public information. Web posting.

"(A) PUBLICATION OF INFORMATION.—For each calendar quarter in 2022 and each calendar quarter in a subsequent year, the Secretary shall make available on the public website of the Department of the Treasury—

"(i) the number of notifications submitted under paragraph (1)(B) during such calendar quarter;

"(ii) the size of the provider practices and the size of the facilities submitting notifications under paragraph (1)(B) during such calendar quarter;

"(iii) the number of such notifications with respect to which a determination was made under paragraph (5)(A);

"(iv) the information described in subparagraph (B) with respect to each notification with respect to which such a determination was so made;

"(v) the number of times the payment amount determined (or agreed to) under this subsection exceeds the qualifying payment amount, specified by items and services;

"(vi) the amount of expenditures made by the Secretary during such calendar quarter to carry out the IDR process;

"(vii) the total amount of fees paid under paragraph (8) during such calendar quarter; and

"(viii) the total amount of compensation paid to certified IDR entities under paragraph (5)(F) during such calendar quarter.

"(B) INFORMATION.—For purposes of subparagraph (A), the information described in this subparagraph is, with respect to a notification under paragraph (1)(B) by a nonparticipating provider, nonparticipating emergency facility, or group health plan—

"(i) a description of each item and service included with respect to such notification;

"(ii) the geography in which the items and services with respect to such notification were provided;

"(iii) the amount of the offer submitted under paragraph (5)(B) by the group health plan and by the nonparticipating provider or nonparticipating emergency facility (as applicable) expressed as a percentage of the qualifying payment amount;

"(iv) whether the offer selected by the certified IDR entity under paragraph (5) to be the payment applied was the offer submitted by such plan or by such provider or facility (as applicable) and the amount of such offer so selected expressed as a percentage of the qualifying payment amount;

"(v) the category and practice specialty of each such provider or facility involved in furnishing such items and services;

"(vi) the identity of the group health plan, provider, or facility, with respect to the notification;

"(vii) the length of time in making each determination;

"(viii) the compensation paid to the certified IDR entity with respect to the settlement or determination; and

"(ix) any other information specified by the Secretary.

"(C) IDR ENTITY REQUIREMENTS.—For 2022 and each subsequent year, an IDR entity, as a condition of certification as an IDR entity, shall submit to the Secretary such information as the Secretary determines necessary to carry out the provisions of this subsection.

"(D) CLARIFICATION.—The Secretary shall ensure the public reporting under this paragraph does not contain information that would disclose privileged or confidential information of a group health plan or health insurance issuer offering group or individual health insurance coverage or of a provider or facility.

"(8) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—Each party to a determination under paragraph (5) to which an entity is selected under paragraph (3) in a year shall pay to the Secretary, at such time and in such manner as specified by the Secretary, a fee for participating in the IDR process with respect to such determination in an amount described in subparagraph (B) for such year.

"(B) AMOUNT OF FEE.—The amount described in this subparagraph for a year is an amount established by the Secretary in a manner such that the total amount of fees paid under this paragraph for such year is estimated to be equal to the amount of expenditures estimated to be made by the Secretary for such year in carrying out the IDR process. Estimates.

"(9) WAIVER AUTHORITY.—The Secretary may modify any deadline or other timing requirement specified under this subsection (other than the establishment date for the IDR process under paragraph (2)(A) and other than under paragraph (6)) in cases of extenuating circumstances, as specified by the Secretary, or to ensure that all claims that occur during a 90-day period described in paragraph (5)(E)(ii), but with respect to which a notification is not permitted by reason of such paragraph to be submitted under paragraph (1)(B) during such period, are eligible for the IDR process.".

SEC. 104. HEALTH CARE PROVIDER REQUIREMENTS REGARDING SURPRISE MEDICAL BILLING.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by inserting after part D, as added by section 102, the following:

"PART E—HEALTH CARE PROVIDER REQUIREMENTS

42 USC 300gg–131. Effective date.

"SEC. 2799B–1. BALANCE BILLING IN CASES OF EMERGENCY SERVICES.

"(a) IN GENERAL.—In the case of a participant, beneficiary, or enrollee with benefits under a group health plan or group or individual health insurance coverage offered by a health insurance issuer and who is furnished during a plan year beginning on or after January 1, 2022, emergency services (for which benefits are provided under the plan or coverage) with respect to an emergency medical condition with respect to a visit at an emergency department of a hospital or an independent freestanding emergency department—

"(1) in the case that the hospital or independent freestanding emergency department is a nonparticipating emergency facility, the emergency department of a hospital or independent freestanding emergency department shall not bill, and shall not hold liable, the participant, beneficiary, or enrollee for a payment amount for such emergency services so furnished that is more than the cost-sharing requirement for such services (as determined in accordance with clauses (ii) and (iii) of section 2799A–1(a)(1)(C), of section 9816(a)(1)(C) of the Internal Revenue Code of 1986, and of section 716(a)(1)(C) of the Employee Retirement Income Security Act of 1974, as applicable); and

"(2) in the case that such services are furnished by a nonparticipating provider, the health care provider shall not bill, and shall not hold liable, such participant, beneficiary, or enrollee for a payment amount for an emergency service furnished to such individual by such provider with respect to such emergency medical condition and visit for which the individual receives emergency services at the hospital or emergency department that is more than the cost-sharing requirement for such services furnished by the provider (as determined in accordance with clauses (ii) and (iii) of section 2799A–1(a)(1)(C), of section 9816(a)(1)(C) of the Internal Revenue Code of 1986, and of section 716(a)(1)(C) of the Employee Retirement Income Security Act of 1974, as applicable).

"(b) DEFINITION.—In this section, the term 'visit' shall have such meaning as applied to such term for purposes of section 2799A–1(b).

42 USC 300gg–132.

"SEC. 2799B–2. BALANCE BILLING IN CASES OF NON-EMERGENCY SERVICES PERFORMED BY NONPARTICIPATING PROVIDERS AT CERTAIN PARTICIPATING FACILITIES.

Effective date.

"(a) IN GENERAL.—Subject to subsection (b), in the case of a participant, beneficiary, or enrollee with benefits under a group health plan or group or individual health insurance coverage offered by a health insurance issuer and who is furnished during a plan year beginning on or after January 1, 2022, items or services (other than emergency services to which section 2799B–1 applies) for which benefits are provided under the plan or coverage at a participating health care facility by a nonparticipating provider, such provider shall not bill, and shall not hold liable, such participant, beneficiary, or enrollee for a payment amount for such an item or service furnished by such provider with respect to a visit at such facility that is more than the cost-sharing requirement

for such item or service (as determined in accordance with subparagraphs (A) and (B) of section 2799A–1(b)(1) of section 9816(b)(1) of the Internal Revenue Code of 1986, and of section 716(b)(1) of the Employee Retirement Income Security Act of 1974, as applicable).

"(b) EXCEPTION.—

"(1) IN GENERAL.—Subsection (a) shall not apply with respect to items or services (other than ancillary services described in paragraph (2)) furnished by a nonparticipating provider to a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer, if the provider satisfies the notice and consent criteria of subsection (d).

"(2) ANCILLARY SERVICES DESCRIBED.—For purposes of paragraph (1), ancillary services described in this paragraph are, with respect to a participating health care facility—

"(A) subject to paragraph (3), items and services related to emergency medicine, anesthesiology, pathology, radiology, and neonatology, whether or not provided by a physician or non-physician practitioner, and items and services provided by assistant surgeons, hospitalists, and intensivists;

"(B) subject to paragraph (3), diagnostic services (including radiology and laboratory services);

"(C) items and services provided by such other specialty practitioners, as the Secretary specifies through rulemaking; and

"(D) items and services provided by a nonparticipating provider if there is no participating provider who can furnish such item or service at such facility.

"(3) EXCEPTION.—The Secretary may, through rulemaking, establish a list (and update such list periodically) of advanced diagnostic laboratory tests, which shall not be included as an ancillary service described in paragraph (2) and with respect to which subsection (a) would apply. Regulations. List. Updates.

"(c) CLARIFICATION.—In the case of a nonparticipating provider that satisfies the notice and consent criteria of subsection (d) with respect to an item or service (referred to in this subsection as a 'covered item or service'), such notice and consent criteria may not be construed as applying with respect to any item or service that is furnished as a result of unforeseen, urgent medical needs that arise at the time such covered item or service is furnished. For purposes of the previous sentence, a covered item or service shall not include an ancillary service described in subsection (b)(2).

"(d) NOTICE AND CONSENT TO BE TREATED BY A NONPARTICIPATING PROVIDER OR NONPARTICIPATING FACILITY.—

"(1) IN GENERAL.—A nonparticipating provider or nonparticipating facility satisfies the notice and consent criteria of this subsection, with respect to items or services furnished by the provider or facility to a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer, if the provider (or, if applicable, the participating health care facility on behalf of such provider) or nonparticipating facility—

"(A) in the case that the participant, beneficiary, or enrollee makes an appointment to be furnished such items or services at least 72 hours prior to the date on which Time periods. Deadlines. Updates.

the individual is to be furnished such items or services, provides to the participant, beneficiary, or enrollee (or to an authorized representative of the participant, beneficiary, or enrollee) not later than 72 hours prior to the date on which the individual is furnished such items or services (or, in the case that the participant, beneficiary, or enrollee makes such an appointment within 72 hours of when such items or services are to be furnished, provides to the participant, beneficiary, or enrollee (or to an authorized representative of the participant, beneficiary, or enrollee) on such date the appointment is made), a written notice in paper or electronic form, as selected by the participant, beneficiary, or enrollee, (and including electronic notification, as practicable) specified by the Secretary, not later than July 1, 2021, through guidance (which shall be updated as determined necessary by the Secretary) that—

"(i) contains the information required under paragraph (2);

"(ii) clearly states that consent to receive such items and services from such nonparticipating provider or nonparticipating facility is optional and that the participant, beneficiary, or enrollee may instead seek care from a participating provider or at a participating facility, with respect to such plan or coverage, as applicable, in which case the cost-sharing responsibility of the participant, beneficiary, or enrollee would not exceed such responsibility that would apply with respect to such an item or service that is furnished by a participating provider or participating facility, as applicable with respect to such plan; and

"(iii) is available in the 15 most common languages in the geographic region of the applicable facility;

"(B) obtains from the participant, beneficiary, or enrollee (or from such an authorized representative) the consent described in paragraph (3) to be treated by a nonparticipating provider or nonparticipating facility; and

Records.

"(C) provides a signed copy of such consent to the participant, beneficiary, or enrollee through mail or email (as selected by the participant, beneficiary, or enrollee).

"(2) INFORMATION REQUIRED UNDER WRITTEN NOTICE.—For purposes of paragraph (1)(A)(i), the information described in this paragraph, with respect to a nonparticipating provider or nonparticipating facility and a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer, is each of the following:

"(A) Notification, as applicable, that the health care provider is a nonparticipating provider with respect to the health plan or the health care facility is a nonparticipating facility with respect to the health plan.

Estimate.

"(B) Notification of the good faith estimated amount that such provider or facility may charge the participant, beneficiary, or enrollee for such items and services involved, including a notification that the provision of such estimate or consent to be treated under paragraph (3) does not constitute a contract with respect to the charges estimated for such items and services.

"(C) In the case of a participating facility and a nonparticipating provider, a list of any participating providers at the facility who are able to furnish such items and services involved and notification that the participant, beneficiary, or enrollee may be referred, at their option, to such a participating provider. List.

"(D) Information about whether prior authorization or other care management limitations may be required in advance of receiving such items or services at the facility.

"(3) CONSENT DESCRIBED TO BE TREATED BY A NONPARTICIPATING PROVIDER OR NONPARTICIPATING FACILITY.—For purposes of paragraph (1)(B), the consent described in this paragraph, with respect to a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer who is to be furnished items or services by a nonparticipating provider or nonparticipating facility, is a document specified by the Secretary, in consultation with the Secretary of Labor, through guidance that shall be signed by the participant, beneficiary, or enrollee before such items or services are furnished and that — Consultation.

"(A) acknowledges (in clear and understandable language) that the participant, beneficiary, or enrollee has been—

"(i) provided with the written notice under paragraph (1)(A);

"(ii) informed that the payment of such charge by the participant, beneficiary, or enrollee may not accrue toward meeting any limitation that the plan or coverage places on cost-sharing, including an explanation that such payment may not apply to an in-network deductible applied under the plan or coverage; and

"(iii) provided the opportunity to receive the written notice under paragraph (1)(A) in the form selected by the participant, beneficiary or enrollee; and

"(B) documents the date on which the participant, beneficiary, or enrollee received the written notice under paragraph (1)(A) and the date on which the individual signed such consent to be furnished such items or services by such provider or facility.

"(4) RULE OF CONSTRUCTION.—The consent described in paragraph (3), with respect to a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer, shall constitute only consent to the receipt of the information provided pursuant to this subsection and shall not constitute a contractual agreement of the participant, beneficiary, or enrollee to any estimated charge or amount included in such information.

"(e) RETENTION OF CERTAIN DOCUMENTS.—A nonparticipating facility (with respect to such facility or any nonparticipating provider at such facility) or a participating facility (with respect to nonparticipating providers at such facility) that obtains from a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer (or an authorized representative of such participant, Records. Time period.

beneficiary, or enrollee) a written notice in accordance with subsection (d)(1)(B), with respect to furnishing an item or service to such participant, beneficiary, or enrollee, shall retain such notice for at least a 7-year period after the date on which such item or service is so furnished.

"(f) DEFINITIONS.—In this section:

"(1) The terms 'nonparticipating provider' and 'participating provider' have the meanings given such terms, respectively, in subsection (a)(3) of section 2799A–1.

"(2) The term 'participating health care facility' has the meaning given such term in subsection (b)(2) of section 2799A–1.

"(3) The term 'nonparticipating facility' means—

"(A) with respect to emergency services (as defined in section 2799A–1(a)(3)(C)(i)) and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, an emergency department of a hospital, or an independent freestanding emergency department, that does not have a contractual relationship with the plan or issuer, respectively, with respect to the furnishing of such services under the plan or coverage, respectively; and

"(B) with respect to services described in section 2799A–1(a)(3)(C)(ii) and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, a hospital or an independent freestanding emergency department, that does not have a contractual relationship with the plan or issuer, respectively, with respect to the furnishing of such services under the plan or coverage, respectively.

"(4) The term 'participating facility' means—

"(A) with respect to emergency services (as defined in clause (i) of section 2799A–1(a)(3)(C)) that are not described in clause(ii) of such section and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, an emergency department of a hospital, or an independent freestanding emergency department, that has a direct or indirect contractual relationship with the plan or issuer, respectively, with respect to the furnishing of such services under the plan or coverage, respectively; and

"(B) with respect to services that pursuant to clause (ii) of section 2799A–1(a)(3)(C), of section 9816(a)(3) of the Internal Revenue Code of 1986, and of section 716(a)(3) of the Employee Retirement Income Security Act of 1974, as applicable are included as emergency services (as defined in clause (i) of such section and a group health plan or group or individual health insurance coverage offered by a health insurance issuer, a hospital or an independent freestanding emergency department, that has a contractual relationship with the plan or coverage, respectively, with respect to the furnishing of such services under the plan or coverage, respectively.

"SEC. 2799B–3. PROVIDER REQUIREMENTS WITH RESPECT TO DISCLOSURE ON PATIENT PROTECTIONS AGAINST BALANCE BILLING.

42 USC 300gg–133.

"Beginning not later than January 1, 2022, each health care provider and health care facility shall make publicly available, and (if applicable) post on a public website of such provider or facility and provide to individuals who are participants, beneficiaries, or enrollees of a group health plan or group or individual health insurance coverage offered by a health insurance issuer a one-page notice (either postal or electronic mail, as specified by the participant, beneficiary, or enrollee) in clear and understandable language containing information on—

Deadline. Public information. Web posting. Notice.

"(1) the requirements and prohibitions of such provider or facility under sections 2799B–1 and 2799B–2 (relating to prohibitions on balance billing in certain circumstances);

"(2) any other applicable State law requirements on such provider or facility regarding the amounts such provider or facility may, with respect to an item or service, charge a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer with respect to which such provider or facility does not have a contractual relationship for furnishing such item or service under the plan or coverage, respectively, after receiving payment from the plan or coverage, respectively, for such item or service and any applicable cost-sharing payment from such participant, beneficiary, or enrollee; and

"(3) information on contacting appropriate State and Federal agencies in the case that an individual believes that such provider or facility has violated any requirement described in paragraph (1) or (2) with respect to such individual.

"SEC. 2799B–4. ENFORCEMENT.

42 USC 300gg–134.

"(a) STATE ENFORCEMENT.—

"(1) STATE AUTHORITY.—Each State may require a provider or health care facility (including a provider of air ambulance services) subject to the requirements of this part to satisfy such requirements applicable to the provider or facility.

Requirements.

"(2) FAILURE TO IMPLEMENT REQUIREMENTS.—In the case of a determination by the Secretary that a State has failed to substantially enforce the requirements to which paragraph (1) applies with respect to applicable providers and facilities in the State, the Secretary shall enforce such requirements under subsection (b) insofar as they relate to violations of such requirements occurring in such State.

Determination. Applicability.

"(3) NOTIFICATION OF APPLICABLE SECRETARY.—A State may notify the Secretary of Labor, Secretary of Health and Human Services, or the Secretary of the Treasury, as applicable, of instances of violations of sections 2799B–1, 2799B–2, or 2799B–5 with respect to participants, beneficiaries, or enrollees under a group health plan or group or individual health insurance coverage, as applicable offered by a health insurance issuer and any enforcement actions taken against providers or facilities as a result of such violations, including the disposition of any such enforcement actions.

"(b) SECRETARIAL ENFORCEMENT AUTHORITY.—

"(1) IN GENERAL.—If a provider or facility is found by the Secretary to be in violation of a requirement to which

Applicability. Penalties.

subsection (a)(1) applies, the Secretary may apply a civil monetary penalty with respect to such provider or facility (including, as applicable, a provider of air ambulance services) in an amount not to exceed $10,000 per violation. The provisions of subsections (c) (with the exception of the first sentence of paragraph (1) of such subsection), (d), (e), (g), (h), (k), and (l) of section 1128A of the Social Security Act shall apply to a civil monetary penalty or assessment under this subsection in the same manner as such provisions apply to a penalty, assessment, or proceeding under subsection (a) of such section.

Applicability.

"(2) LIMITATION.—The provisions of paragraph (1) shall apply to enforcement of a provision (or provisions) specified in subsection (a)(1) only as provided under subsection (a)(2).

Regulations. Deadline.

"(3) COMPLAINT PROCESS.—The Secretary shall, through rulemaking, establish a process to receive consumer complaints of violations of such provisions and provide a response to such complaints within 60 days of receipt of such complaints.

Waivers. Deadline. Reimbursement. Determination.

"(4) EXCEPTION.—The Secretary shall waive the penalties described under paragraph (1) with respect to a facility or provider (including a provider of air ambulance services) who does not knowingly violate, and should not have reasonably known it violated, section 2799B–1 or 2799B–2 (or, in the case of a provider of air ambulance services, section 2799B–5) with respect to a participant, beneficiary, or enrollee, if such facility or provider, within 30 days of the violation, withdraws the bill that was in violation of such provision and reimburses the health plan or enrollee, as applicable, in an amount equal to the difference between the amount billed and the amount allowed to be billed under the provision, plus interest, at an interest rate determined by the Secretary.

"(5) HARDSHIP EXEMPTION.—The Secretary may establish a hardship exemption to the penalties under this subsection.

"(c) CONTINUED APPLICABILITY OF STATE LAW.—The sections specified in subsection (a)(1) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any requirement or prohibition except to the extent that such requirement or prohibition prevents the application of a requirement or prohibition of such a section.".

(b) SECRETARY OF LABOR ENFORCEMENT.—

(1) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

29 USC 1152.

"SEC. 522. COORDINATION OF ENFORCEMENT REGARDING VIOLATIONS OF CERTAIN HEALTH CARE PROVIDER REQUIREMENTS; COMPLAINT PROCESS.

Notice. Determination.

"(a) INVESTIGATING VIOLATIONS.—Upon receiving a notice from a State or the Secretary of Health and Human Services of violations of sections 2799B–1, 2799B–2, or 2799B–5 of the Public Health Service Act, the Secretary of Labor shall identify patterns of such violations with respect to participants or beneficiaries under a group health plan or group health insurance coverage offered by a health insurance issuer and conduct an investigation pursuant to section 504 where appropriate, as determined by the Secretary. The Secretary shall coordinate with States and the Secretary of Health and Human Services, in accordance with section 506 and with

section 104 of Health Insurance Portability and Accountability Act of 1996, where appropriate, as determined by the Secretary, to ensure that appropriate measures have been taken to correct such violations retrospectively and prospectively with respect to participants or beneficiaries under a group health plan or group health insurance coverage offered by a health insurance issuer.

"(b) COMPLAINT PROCESS.— Not later than January 1, 2022, the Secretary shall ensure a process under which the Secretary— Deadline.

"(1) may receive complaints from participants and beneficiaries of group health plans or group health insurance coverage offered by a health insurance issuer relating to alleged violations of the sections specified in subsection (a); and

"(2) transmits such complaints to States or the Secretary of Health and Human Services (as determined appropriate by the Secretary) for potential enforcement actions.".

(2) TECHNICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 521 the following new item:

"Sec. 522. Coordination of enforcement regarding violations of certain health care provider requirements; complaint process.".

SEC. 105. ENDING SURPRISE AIR AMBULANCE BILLS.

(a) GROUP HEALTH PLANS AND INDIVIDUAL AND GROUP HEALTH INSURANCE COVERAGE.—

(1) PHSA AMENDMENTS.—Part D of title XXVII of the Public Health Service Act, as added and amended by section 102 and further amended by the previous provisions of this title, is further amended by inserting after section 2799A–1 the following:

"SEC. 2799A–2. ENDING SURPRISE AIR AMBULANCE BILLS. 42 USC 300gg–112.

"(a) IN GENERAL.—In the case of a participant, beneficiary, or enrollee who is in a group health plan or group or individual health insurance coverage offered by a health insurance issuer and who receives air ambulance services from a nonparticipating provider (as defined in section 2799A–1(a)(3)(G)) with respect to such plan or coverage, if such services would be covered if provided by a participating provider (as defined in such section) with respect to such plan or coverage—

"(1) the cost-sharing requirement with respect to such services shall be the same requirement that would apply if such services were provided by such a participating provider, and any coinsurance or deductible shall be based on rates that would apply for such services if they were furnished by such a participating provider;

"(2) such cost-sharing amounts shall be counted towards the in-network deductible and in-network out-of-pocket maximum amount under the plan or coverage for the plan year (and such in-network deductible shall be applied) with respect to such items and services so furnished in the same manner as if such cost-sharing payments were with respect to items and services furnished by a participating provider; and Applicability.

"(3) the group health plan or health insurance issuer, respectively, shall—

"(A) not later than 30 calendar days after the bill for such services is transmitted by such provider, send Deadline. Notice.

to the provider, an initial payment or notice of denial of payment; and

"(B) pay a total plan or coverage payment, in accordance with, if applicable, subsection (b)(6), directly to such provider furnishing such services to such participant, beneficiary, or enrollee that is, with application of any initial payment under subparagraph (A), equal to the amount by which the out-of-network rate (as defined in section 2799A–1(a)(3)(K)) for such services and year involved exceeds the cost-sharing amount imposed under the plan or coverage, respectively, for such services (as determined in accordance with paragraphs (1) and (2)).

"(b) DETERMINATION OF OUT-OF-NETWORK RATES TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RESOLUTION PROCESS.—

Time periods.
Effective dates.

"(1) DETERMINATION THROUGH OPEN NEGOTIATION.—

"(A) IN GENERAL.—With respect to air ambulance services furnished in a year by a nonparticipating provider, with respect to a group health plan or health insurance issuer offering group or individual health insurance coverage, and for which a payment is required to be made by the plan or coverage pursuant to subsection (a)(3), the provider or plan or coverage may, during the 30-day period beginning on the day the provider receives an initial payment or a notice of denial of payment from the plan or coverage regarding a claim for payment for such service, initiate open negotiations under this paragraph between such provider and plan or coverage for purposes of determining, during the open negotiation period, an amount agreed on by such provider, and such plan or coverage for payment (including any cost-sharing) for such service. For purposes of this subsection, the open negotiation period, with respect to air ambulance services, is the 30-day period beginning on the date of initiation of the negotiations with respect to such services.

"(B) ACCESSING INDEPENDENT DISPUTE RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.—In the case of open negotiations pursuant to subparagraph (A), with respect to air ambulance services, that do not result in a determination of an amount of payment for such services by the last day of the open negotiation period described in such subparagraph with respect to such services, the provider or group health plan or health insurance issuer offering group or individual health insurance coverage that was party to such negotiations may, during the 4-day period beginning on the day after such open negotiation period, initiate the independent dispute resolution process under paragraph (2) with respect to such item or service. The independent dispute resolution process shall be initiated by a party pursuant to the previous sentence by submission to the other party and to the Secretary of a notification (containing such information as specified by the Secretary) and for purposes of this subsection, the date of initiation of such process shall be the date of such submission or such other date specified by the Secretary pursuant to regulations that is not later than the date of receipt of such notification by both the other party and the Secretary.

Notification.

"(2) INDEPENDENT DISPUTE RESOLUTION PROCESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIATIONS.—

"(A) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, jointly with the Secretary of Labor and the Secretary of the Treasury, shall establish by regulation one independent dispute resolution process (referred to in this subsection as the 'IDR process') under which, in the case of air ambulance services with respect to which a provider or group health plan or health insurance issuer offering group or individual health insurance coverage submits a notification under paragraph (1)(B) (in this subsection referred to as a 'qualified IDR air ambulance services'), a certified IDR entity under paragraph (4) determines, subject to subparagraph (B) and in accordance with the succeeding provisions of this subsection, the amount of payment under the plan or coverage for such services furnished by such provider. Deadline. Regulations.

"(B) AUTHORITY TO CONTINUE NEGOTIATIONS.—Under the independent dispute resolution process, in the case that the parties to a determination for qualified IDR air ambulance services agree on a payment amount for such services during such process but before the date on which the entity selected with respect to such determination under paragraph (4) makes such determination under paragraph (5), such amount shall be treated for purposes of section 2799A–1(a)(3)(K)(ii) as the amount agreed to by such parties for such services. In the case of an agreement described in the previous sentence, the independent dispute resolution process shall provide for a method to determine how to allocate between the parties to such determination the payment of the compensation of the entity selected with respect to such determination. Determination.

"(C) CLARIFICATION.—A nonparticipating provider may not, with respect to an item or service furnished by such provider, submit a notification under paragraph (1)(B) if such provider is exempt from the requirement under subsection (a) of section 2799B–2 with respect to such item or service pursuant to subsection (b) of such section.

"(3) TREATMENT OF BATCHING OF SERVICES.—The provisions of section 2799A–1(c)(3) shall apply with respect to a notification submitted under this subsection with respect to air ambulance services in the same manner and to the same extent such provisions apply with respect to a notification submitted under section 2799A–1(c) with respect to items and services described in such section. Applicability.

"(4) IDR ENTITIES.—

"(A) ELIGIBILITY.—An IDR entity certified under this subsection is an IDR entity certified under section 2799A–1(c)(4).

"(B) SELECTION OF CERTIFIED IDR ENTITY.—The provisions of subparagraph (F) of section 2799A–1(c)(4) shall apply with respect to selecting an IDR entity certified pursuant to subparagraph (A) with respect to the determination of the amount of payment under this subsection of air ambulance services in the same manner as such provisions apply with respect to selecting an IDR entity Applicability.

certified under such section with respect to the determination of the amount of payment under section 2799A–1(c) of an item or service. An entity selected pursuant to the previous sentence to make a determination described in such sentence shall be referred to in this subsection as the 'certified IDR entity' with respect to such determination.

"(5) PAYMENT DETERMINATION.—

Deadline.

"(A) IN GENERAL.—Not later than 30 days after the date of selection of the certified IDR entity with respect to a determination for qualified IDR ambulance services, the certified IDR entity shall—

"(i) taking into account the considerations specified in subparagraph (C), select one of the offers submitted under subparagraph (B) to be the amount of payment for such services determined under this subsection for purposes of subsection (a)(3); and

Notification.

"(ii) notify the provider or facility and the group health plan or health insurance issuer offering group or individual health insurance coverage party to such determination of the offer selected under clause (i).

Deadline.

"(B) SUBMISSION OF OFFERS.—Not later than 10 days after the date of selection of the certified IDR entity with respect to a determination for qualified IDR air ambulance services, the provider and the group health plan or health insurance issuer offering group or individual health insurance coverage party to such determination—

"(i) shall each submit to the certified IDR entity with respect to such determination—

"(I) an offer for a payment amount for such services furnished by such provider; and

"(II) such information as requested by the certified IDR entity relating to such offer; and

"(ii) may each submit to the certified IDR entity with respect to such determination any information relating to such offer submitted by either party, including information relating to any circumstance described in subparagraph (C)(ii).

"(C) CONSIDERATIONS IN DETERMINATION.—

"(i) IN GENERAL.—In determining which offer is the payment to be applied pursuant to this paragraph, the certified IDR entity, with respect to the determination for a qualified IDR air ambulance service shall consider—

"(I) the qualifying payment amounts (as defined in section 2799A–1(a)(3)(E)) for the applicable year for items or services that are comparable to the qualified IDR air ambulance service and that are furnished in the same geographic region (as defined by the Secretary for purposes of such subsection) as such qualified IDR air ambulance service; and

"(II) subject to clause (iii), information on any circumstance described in clause (ii), such information as requested in subparagraph (B)(i)(II), and any additional information provided in subparagraph (B)(ii).

"(ii) ADDITIONAL CIRCUMSTANCES.—For purposes of clause (i)(II), the circumstances described in this clause are, with respect to air ambulance services included in the notification submitted under paragraph (1)(B) of a nonparticipating provider, group health plan, or health insurance issuer the following:

"(I) The quality and outcomes measurements of the provider that furnished such services.

"(II) The acuity of the individual receiving such services or the complexity of furnishing such services to such individual.

"(III) The training, experience, and quality of the medical personnel that furnished such services.

"(IV) Ambulance vehicle type, including the clinical capability level of such vehicle.

"(V) Population density of the pick up location (such as urban, suburban, rural, or frontier).

"(VI) Demonstrations of good faith efforts (or lack of good faith efforts) made by the nonparticipating provider or nonparticipating facility or the plan or issuer to enter into network agreements and, if applicable, contracted rates between the provider and the plan or issuer, as applicable, during the previous 4 plan years.

"(iii) PROHIBITION ON CONSIDERATION OF CERTAIN FACTORS.—In determining which offer is the payment amount to be applied with respect to qualified IDR air ambulance services furnished by a provider, the certified IDR entity with respect to such determination shall not consider usual and customary charges, the amount that would have been billed by such provider with respect to such services had the provisions of section 2799B–5 not applied, or the payment or reimbursement rate for such services furnished by such provider payable by a public payor, including under the Medicare program under title XVIII of the Social Security Act, under the Medicaid program under title XIX of such Act, under the Children's Health Insurance Program under title XXI of such Act, under the TRICARE program under chapter 55 of title 10, United States Code, or under chapter 17 of title 38, United States Code.

"(D) EFFECTS OF DETERMINATION.—The provisions of section 2799A–1(c)(5)(E)) shall apply with respect to a determination of a certified IDR entity under subparagraph (A), the notification submitted with respect to such determination, the services with respect to such notification, and the parties to such notification in the same manner as such provisions apply with respect to a determination of a certified IDR entity under section 2799A–1(c)(5)(E), the notification submitted with respect to such determination, the items and services with respect to such notification, and the parties to such notification. Applicability.

"(E) COSTS OF INDEPENDENT DISPUTE RESOLUTION PROCESS.—The provisions of section 2799A–1(c)(5)(F) shall apply to a notification made under this subsection, the parties to such notification, and a determination under Applicability.

subparagraph (A) in the same manner and to the same extent such provisions apply to a notification under section 2799A–1(c), the parties to such notification and a determination made under section 2799A–1(c)(5)(A).

Deadline.

"(6) TIMING OF PAYMENT.—The total plan or coverage payment required pursuant to subsection (a)(3), with respect to qualified IDR air ambulance services for which a determination is made under paragraph (5)(A) or with respect to an air ambulance service for which a payment amount is determined under open negotiations under paragraph (1), shall be made directly to the nonparticipating provider not later than 30 days after the date on which such determination is made.

"(7) PUBLICATION OF INFORMATION RELATING TO THE IDR PROCESS.—

Public information. Web posting.

"(A) IN GENERAL.—For each calendar quarter in 2022 and each calendar quarter in a subsequent year, the Secretary shall publish on the public website of the Department of Health and Human Services—

"(i) the number of notifications submitted under the IDR process during such calendar quarter;

"(ii) the number of such notifications with respect to which a final determination was made under paragraph (5)(A);

"(iii) the information described in subparagraph (B) with respect to each notification with respect to which such a determination was so made.

"(iv) the number of times the payment amount determined (or agreed to) under this subsection exceeds the qualifying payment amount;

"(v) the amount of expenditures made by the Secretary during such calendar quarter to carry out the IDR process;

"(vi) the total amount of fees paid under paragraph (8) during such calendar quarter; and

"(vii) the total amount of compensation paid to certified IDR entities under paragraph (5)(E)during such calendar quarter.

"(B) INFORMATION WITH RESPECT TO REQUESTS.—For purposes of subparagraph (A), the information described in this subparagraph is, with respect to a notification under the IDR process of a nonparticipating provider, group health plan, or health insurance issuer offering group or individual health insurance coverage—

"(i) a description of each air ambulance service included in such notification;

"(ii) the geography in which the services included in such notification were provided;

"(iii) the amount of the offer submitted under paragraph (2) by the group health plan or health insurance issuer (as applicable) and by the nonparticipating provider expressed as a percentage of the qualifying payment amount;

"(iv) whether the offer selected by the certified IDR entity under paragraph (5) to be the payment applied was the offer submitted by such plan or issuer (as applicable) or by such provider and the amount

of such offer so selected expressed as a percentage of the qualifying payment amount;

"(v) ambulance vehicle type, including the clinical capability level of such vehicle;

"(vi) the identity of the group health plan or health insurance issuer or air ambulance provider with respect to such notification;

"(vii) the length of time in making each determination;

"(viii) the compensation paid to the certified IDR entity with respect to the settlement or determination; and

"(ix) any other information specified by the Secretary.

"(C) IDR ENTITY REQUIREMENTS.—For 2022 and each subsequent year, an IDR entity, as a condition of certification as an IDR entity, shall submit to the Secretary such information as the Secretary determines necessary for the Secretary to carry out the provisions of this paragraph.

Confidential information.

"(D) CLARIFICATION.—The Secretary shall ensure the public reporting under this paragraph does not contain information that would disclose privileged or confidential information of a group health plan or health insurance issuer offering group or individual health insurance coverage or of a provider or facility.

"(8) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—Each party to a determination under paragraph (5) to which an entity is selected under paragraph (4) in a year shall pay to the Secretary, at such time and in such manner as specified by the Secretary, a fee for participating in the IDR process with respect to such determination in an amount described in subparagraph (B) for such year.

Estimates.

"(B) AMOUNT OF FEE.—The amount described in this subparagraph for a year is an amount established by the Secretary in a manner such that the total amount of fees paid under this paragraph for such year is estimated to be equal to the amount of expenditures estimated to be made by the Secretary for such year in carrying out the IDR process.

Time period.

"(9) WAIVER AUTHORITY.—The Secretary may modify any deadline or other timing requirement specified under this subsection (other than the establishment date for the IDR process under paragraph (2)(A) and other than under paragraph (6)) in cases of extenuating circumstances, as specified by the Secretary, or to ensure that all claims that occur during a 90-day period applied through paragraph (5)(D), but with respect to which a notification is not permitted by reason of such paragraph to be submitted under paragraph (1)(B) during such period, are eligible for the IDR process.

"(c) DEFINITIONS.—For purposes of this section:

"(1) AIR AMBULANCE SERVICE.—The term 'air ambulance service' means medical transport by helicopter or airplane for patients.

"(2) QUALIFYING PAYMENT AMOUNT.—The term 'qualifying payment amount' has the meaning given such term in section 2799A–1(a)(3).

"(3) NONPARTICIPATING PROVIDER.—The term 'nonparticipating provider' has the meaning given such term in section 2799A–1(a)(3).".

(2) ERISA AMENDMENT.—

(A) IN GENERAL.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by section 102(b) and further amended by the previous provisions of this title, is further amended by inserting after section 716 the following:

29 USC 1185f.

"SEC. 717. ENDING SURPRISE AIR AMBULANCE BILLS.

"(a) IN GENERAL.—In the case of a participant or beneficiary who is in a group health plan or group health insurance coverage offered by a health insurance issuer and who receives air ambulance services from a nonparticipating provider (as defined in section 716(a)(3)(G)) with respect to such plan or coverage, if such services would be covered if provided by a participating provider (as defined in such section) with respect to such plan or coverage—

"(1) the cost-sharing requirement with respect to such services shall be the same requirement that would apply if such services were provided by such a participating provider, and any coinsurance or deductible shall be based on rates that would apply for such services if they were furnished by such a participating provider;

Applicability.

"(2) such cost-sharing amounts shall be counted towards the in-network deductible and in-network out-of-pocket maximum amount under the plan or coverage for the plan year (and such in-network deductible shall be applied) with respect to such items and services so furnished in the same manner as if such cost-sharing payments were with respect to items and services furnished by a participating provider; and

"(3) the group health plan or health insurance issuer, respectively, shall—

Deadline.
Notice.

"(A) not later than 30 calendar days after the bill for such services is transmitted by such provider, send to the provider, an initial payment or notice of denial of payment; and

"(B) pay a total plan or coverage payment, in accordance with, if applicable, subsection (b)(6), directly to such provider furnishing such services to such participant, beneficiary, or enrollee that is, with application of any initial payment under subparagraph (A), equal to the amount by which the out-of-network rate (as defined in section 716(a)(3)(K)) for such services and year involved exceeds the cost-sharing amount imposed under the plan or coverage, respectively, for such services (as determined in accordance with paragraphs (1) and (2)).

"(b) DETERMINATION OF OUT-OF-NETWORK RATES TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RESOLUTION PROCESS.—

Time periods.

"(1) DETERMINATION THROUGH OPEN NEGOTIATION.—

"(A) IN GENERAL.—With respect to air ambulance services furnished in a year by a nonparticipating provider, with respect to a group health plan or health insurance

issuer offering group health insurance coverage, and for which a payment is required to be made by the plan or coverage pursuant to subsection (a)(3), the provider or plan or coverage may, during the 30-day period beginning on the day the provider receives a payment or a statement of denial of payment from the plan or coverage regarding a claim for payment for such service, initiate open negotiations under this paragraph between such provider and plan or coverage for purposes of determining, during the open negotiation period, an amount agreed on by such provider, and such plan or coverage for payment (including any cost-sharing) for such service. For purposes of this subsection, the open negotiation period, with respect to air ambulance services, is the 30-day period beginning on the date of initiation of the negotiations with respect to such services.

"(B) ACCESSING INDEPENDENT DISPUTE RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.—In the case of open negotiations pursuant to subparagraph (A), with respect to air ambulance services, that do not result in a determination of an amount of payment for such services by the last day of the open negotiation period described in such subparagraph with respect to such services, the provider or group health plan or health insurance issuer offering group health insurance coverage that was party to such negotiations may, during the 4-day period beginning on the day after such open negotiation period, initiate the independent dispute resolution process under paragraph (2) with respect to such item or service. The independent dispute resolution process shall be initiated by a party pursuant to the previous sentence by submission to the other party and to the Secretary of a notification (containing such information as specified by the Secretary) and for purposes of this subsection, the date of initiation of such process shall be the date of such submission or such other date specified by the Secretary pursuant to regulations that is not later than the date of receipt of such notification by both the other party and the Secretary.

Notification.

"(2) INDEPENDENT DISPUTE RESOLUTION PROCESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIATIONS.—

"(A) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, jointly with the Secretary of Health and Human Services and the Secretary of the Treasury, shall establish by regulation one independent dispute resolution process (referred to in this subsection as the 'IDR process') under which, in the case of air ambulance services with respect to which a provider or group health plan or health insurance issuer offering group health insurance coverage submits a notification under paragraph (1)(B) (in this subsection referred to as a 'qualified IDR air ambulance services'), a certified IDR entity under paragraph (4) determines, subject to subparagraph (B) and in accordance with the succeeding provisions of this subsection, the amount of payment under the plan or coverage for such services furnished by such provider.

Deadline.
Regulations.

"(B) AUTHORITY TO CONTINUE NEGOTIATIONS.—Under the independent dispute resolution process, in the case that the parties to a determination for qualified IDR air ambulance services agree on a payment amount for such services during such process but before the date on which the entity selected with respect to such determination under paragraph (4) makes such determination under paragraph (5), such amount shall be treated for purposes of section 716(a)(3)(K)(ii) as the amount agreed to by such parties for such services. In the case of an agreement described in the previous sentence, the independent dispute resolution process shall provide for a method to determine how to allocate between the parties to such determination the payment of the compensation of the entity selected with respect to such determination.

"(C) CLARIFICATION.—A nonparticipating provider may not, with respect to an item or service furnished by such provider, submit a notification under paragraph (1)(B) if such provider is exempt from the requirement under subsection (a) of section 2799B–2 of the Public Health Service Act with respect to such item or service pursuant to subsection (b) of such section.

Applicability.

"(3) TREATMENT OF BATCHING OF SERVICES.—The provisions of section 716(c)(3) shall apply with respect to a notification submitted under this subsection with respect to air ambulance services in the same manner and to the same extent such provisions apply with respect to a notification submitted under section 716(c) with respect to items and services described in such section.

"(4) IDR ENTITIES.—

"(A) ELIGIBILITY.—An IDR entity certified under this subsection is an IDR entity certified under section 716(c)(4).

Applicability.

"(B) SELECTION OF CERTIFIED IDR ENTITY.—The provisions of subparagraph (F) of section 716(c)(4) shall apply with respect to selecting an IDR entity certified pursuant to subparagraph (A) with respect to the determination of the amount of payment under this subsection of air ambulance services in the same manner as such provisions apply with respect to selecting an IDR entity certified under such section with respect to the determination of the amount of payment under section 716(c) of an item or service. An entity selected pursuant to the previous sentence to make a determination described in such sentence shall be referred to in this subsection as the 'certified IDR entity' with respect to such determination.

"(5) PAYMENT DETERMINATION.—

Deadline.

"(A) IN GENERAL.—Not later than 30 days after the date of selection of the certified IDR entity with respect to a determination for qualified IDR ambulance services, the certified IDR entity shall—

"(i) taking into account the considerations specified in subparagraph (C), select one of the offers submitted under subparagraph (B) to be the amount of payment for such services determined under this subsection for purposes of subsection (a)(3); and

Notification.

"(ii) notify the provider or facility and the group health plan or health insurance issuer offering group

health insurance coverage party to such determination of the offer selected under clause (i).

"(B) SUBMISSION OF OFFERS.—Not later than 10 days after the date of selection of the certified IDR entity with respect to a determination for qualified IDR air ambulance services, the provider and the group health plan or health insurance issuer offering group health insurance coverage party to such determination— Deadline.

"(i) shall each submit to the certified IDR entity with respect to such determination—

"(I) an offer for a payment amount for such services furnished by such provider; and

"(II) such information as requested by the certified IDR entity relating to such offer; and

"(ii) may each submit to the certified IDR entity with respect to such determination any information relating to such offer submitted by either party, including information relating to any circumstance described in subparagraph (C)(ii).

"(C) CONSIDERATIONS IN DETERMINATION.—

"(i) IN GENERAL.—In determining which offer is the payment to be applied pursuant to this paragraph, the certified IDR entity, with respect to the determination for a qualified IDR air ambulance service shall consider—

"(I) the qualifying payment amounts (as defined in section 716(a)(3)(E)) for the applicable year for items and services that are comparable to the qualified IDR air ambulance service and that are furnished in the same geographic region (as defined by the Secretary for purposes of such subsection) as such qualified IDR air ambulance service; and

"(II) subject to clause (iii), information on any circumstance described in clause (ii), such information as requested in subparagraph (B)(i)(II), and any additional information provided in subparagraph (B)(ii).

"(ii) ADDITIONAL CIRCUMSTANCES.—For purposes of clause (i)(II), the circumstances described in this clause are, with respect to air ambulance services included in the notification submitted under paragraph (1)(B) of a nonparticipating provider, group health plan, or health insurance issuer the following:

"(I) The quality and outcomes measurements of the provider that furnished such services.

"(II) The acuity of the individual receiving such services or the complexity of furnishing such services to such individual.

"(III) The training, experience, and quality of the medical personnel that furnished such services.

"(IV) Ambulance vehicle type, including the clinical capability level of such vehicle.

"(V) Population density of the pick up location (such as urban, suburban, rural, or frontier).

"(VI) Demonstrations of good faith efforts (or lack of good faith efforts) made by the nonparticipating provider or nonparticipating facility or the plan or issuer to enter into network agreements and, if applicable, contracted rates between the provider and the plan or issuer, as applicable, during the previous 4 plan years.

"(iii) PROHIBITION ON CONSIDERATION OF CERTAIN FACTORS.—In determining which offer is the payment amount to be applied with respect to qualified IDR air ambulance services furnished by a provider, the certified IDR entity with respect to such determination shall not consider usual and customary charges, the amount that would have been billed by such provider with respect to such services had the provisions of section 2799B–5 of the Public Health Service Act not applied, or the payment or reimbursement rate for such services furnished by such provider payable by a public payor, including under the Medicare program under title XVIII of the Social Security Act, under the Medicaid program under title XIX of such Act, under the Children's Health Insurance Program under title XXI of such Act, under the TRICARE program under chapter 55 of title 10, United States Code, or under chapter 17 of title 38, United States Code.

Applicability.

"(D) EFFECTS OF DETERMINATION.—The provisions of section 716(c)(5)(E)) shall apply with respect to a determination of a certified IDR entity under subparagraph (A), the notification submitted with respect to such determination, the services with respect to such notification, and the parties to such notification in the same manner as such provisions apply with respect to a determination of a certified IDR entity under section 716(c)(5)(E), the notification submitted with respect to such determination, the items and services with respect to such notification, and the parties to such notification.

Applicability.

"(E) COSTS OF INDEPENDENT DISPUTE RESOLUTION PROCESS.—The provisions of section 716(c)(5)(F) shall apply to a notification made under this subsection, the parties to such notification, and a determination under subparagraph (A) in the same manner and to the same extent such provisions apply to a notification under section 716(c), the parties to such notification and a determination made under section 716(c)(5)(A).

Deadline.

"(6) TIMING OF PAYMENT.—The total plan or coverage payment required pursuant to subsection (a)(3), with respect to qualified IDR air ambulance services for which a determination is made under paragraph (5)(A) or with respect to air ambulance services for which a payment amount is determined under open negotiations under paragraph (1), shall be made directly to the nonparticipating provider not later than 30 days after the date on which such determination is made.

"(7) PUBLICATION OF INFORMATION RELATING TO THE IDR PROCESS.—

"(A) IN GENERAL.—For each calendar quarter in 2022 and each calendar quarter in a subsequent year, the Secretary shall publish on the public website of the Department of Labor—

Time period. Public information. Web posting.

"(i) the number of notifications submitted under the IDR process during such calendar quarter;

"(ii) the number of such notifications with respect to which a final determination was made under paragraph (5)(A);

"(iii) the information described in subparagraph (B) with respect to each notification with respect to which such a determination was so made.

"(iv) the number of times the payment amount determined (or agreed to) under this subsection exceeds the qualifying payment amount;

"(v) the amount of expenditures made by the Secretary during such calendar quarter to carry out the IDR process;

"(vi) the total amount of fees paid under paragraph (8) during such calendar quarter; and

"(vii) the total amount of compensation paid to certified IDR entities under paragraph (5)(E)during such calendar quarter.

"(B) INFORMATION WITH RESPECT TO REQUESTS.—For purposes of subparagraph (A), the information described in this subparagraph is, with respect to a notification under the IDR process of a nonparticipating provider, group health plan, or health insurance issuer offering group health insurance coverage—

"(i) a description of each air ambulance service included in such notification;

"(ii) the geography in which the services included in such notification were provided;

"(iii) the amount of the offer submitted under paragraph (2) by the group health plan or health insurance issuer (as applicable) and by the nonparticipating provider expressed as a percentage of the qualifying payment amount;

"(iv) whether the offer selected by the certified IDR entity under paragraph (5) to be the payment applied was the offer submitted by such plan or issuer (as applicable) or by such provider and the amount of such offer so selected expressed as a percentage of the qualifying payment amount;

"(v) ambulance vehicle type, including the clinical capability level of such vehicle;

"(vi) the identity of the group health plan or health insurance issuer or air ambulance provider with respect to such notification;

"(vii) the length of time in making each determination;

"(viii) the compensation paid to the certified IDR entity with respect to the settlement or determination; and

"(ix) any other information specified by the Secretary.

Time periods. Determination.

"(C) IDR ENTITY REQUIREMENTS.—For 2022 and each subsequent year, an IDR entity, as a condition of certification as an IDR entity, shall submit to the Secretary such information as the Secretary determines necessary for the Secretary to carry out the provisions of this paragraph.

Confidential information.

"(D) CLARIFICATION.—The Secretary shall ensure the public reporting under this paragraph does not contain information that would disclose privileged or confidential information of a group health plan or health insurance issuer offering group or individual health insurance coverage or of a provider or facility.

"(8) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—Each party to a determination under paragraph (5) to which an entity is selected under paragraph (4) in a year shall pay to the Secretary, at such time and in such manner as specified by the Secretary, a fee for participating in the IDR process with respect to such determination in an amount described in subparagraph (B) for such year.

Estimates.

"(B) AMOUNT OF FEE.—The amount described in this subparagraph for a year is an amount established by the Secretary in a manner such that the total amount of fees paid under this paragraph for such year is estimated to be equal to the amount of expenditures estimated to be made by the Secretary for such year in carrying out the IDR process.

Time period.

"(9) WAIVER AUTHORITY.—The Secretary may modify any deadline or other timing requirement specified under this subsection (other than the establishment date for the IDR process under paragraph (2)(A) and other than under paragraph (6)) in cases of extenuating circumstances, as specified by the Secretary, or to ensure that all claims that occur during a 90-day period applied through paragraph (5)(D), but with respect to which a notification is not permitted by reason of such paragraph to be submitted under paragraph (1)(B) during such period, are eligible for the IDR process.

"(c) DEFINITION.—For purposes of this section:

"(1) AIR AMBULANCE SERVICES.—The term 'air ambulance service' means medical transport by helicopter or airplane for patients.

"(2) QUALIFYING PAYMENT AMOUNT.—The term 'qualifying payment amount' has the meaning given such term in section 716(a)(3).

"(3) NONPARTICIPATING PROVIDER.—The term 'nonparticipating provider' has the meaning given such term in section 716(a)(3).".

(3) IRC AMENDMENTS.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 102(c) and further amended by the previous provisions of this title, is further amended by inserting after section 9816 the following:

26 USC 9817.

"SEC. 9817. ENDING SURPRISE AIR AMBULANCE BILLS.

"(a) IN GENERAL.—In the case of a participant or beneficiary in a group health plan who receives air ambulance services from

a nonparticipating provider (as defined in section 9816(a)(3)(G)) with respect to such plan, if such services would be covered if provided by a participating provider (as defined in such section) with respect to such plan—

"(1) the cost-sharing requirement with respect to such services shall be the same requirement that would apply if such services were provided by such a participating provider, and any coinsurance or deductible shall be based on rates that would apply for such services if they were furnished by such a participating provider;

"(2) such cost-sharing amounts shall be counted towards the in-network deductible and in-network out-of-pocket maximum amount under the plan for the plan year (and such in-network deductible shall be applied) with respect to such items and services so furnished in the same manner as if such cost-sharing payments were with respect to items and services furnished by a participating provider; and Applicability.

"(3) the group health plan shall—

"(A) not later than 30 calendar days after the bill for such services is transmitted by such provider, send to the provider, an initial payment or notice of denial of payment; and Deadline. Notice.

"(B) pay a total plan payment, in accordance with, if applicable, subsection (b)(6), directly to such provider furnishing such services to such participant, beneficiary, or enrollee that is, with application of any initial payment under subparagraph (A), equal to the amount by which the out-of-network rate (as defined in section 9816(a)(3)(K)) for such services and year involved exceeds the cost-sharing amount imposed under the plan for such services (as determined in accordance with paragraphs (1) and (2)).

"(b) DETERMINATION OF OUT-OF-NETWORK RATES TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE RESOLUTION PROCESS.—

"(1) DETERMINATION THROUGH OPEN NEGOTIATION.— Time periods. Effective dates.

"(A) IN GENERAL.—With respect to air ambulance services furnished in a year by a nonparticipating provider, with respect to a group health plan, and for which a payment is required to be made by the plan pursuant to subsection (a)(3), the provider or plan may, during the 30-day period beginning on the day the provider receives a payment or a statement of denial of payment from the plan regarding a claim for payment for such service, initiate open negotiations under this paragraph between such provider and plan for purposes of determining, during the open negotiation period, an amount agreed on by such provider, and such plan for payment (including any cost-sharing) for such service. For purposes of this subsection, the open negotiation period, with respect to air ambulance services, is the 30-day period beginning on the date of initiation of the negotiations with respect to such services.

"(B) ACCESSING INDEPENDENT DISPUTE RESOLUTION PROCESS IN CASE OF FAILED NEGOTIATIONS.—In the case of open negotiations pursuant to subparagraph (A), with respect to air ambulance services, that do not result in a determination of an amount of payment for such services by the last day of the open negotiation period described in such subparagraph with respect to such services, the

provider or group health plan that was party to such negotiations may, during the 4-day period beginning on the day after such open negotiation period, initiate the independent dispute resolution process under paragraph (2) with respect to such services. The independent dispute resolution process shall be initiated by a party pursuant to the previous sentence by submission to the other party and to the Secretary of a notification (containing such information as specified by the Secretary) and for purposes of this subsection, the date of initiation of such process shall be the date of such submission or such other date specified by the Secretary pursuant to regulations that is not later than the date of receipt of such notification by both the other party and the Secretary.

Notification.

"(2) INDEPENDENT DISPUTE RESOLUTION PROCESS AVAILABLE IN CASE OF FAILED OPEN NEGOTIATIONS.—

Deadline. Regulations.

"(A) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, jointly with the Secretary of Health and Human Services and the Secretary of Labor, shall establish by regulation one independent dispute resolution process (referred to in this subsection as the 'IDR process') under which, in the case of air ambulance services with respect to which a provider or group health plan submits a notification under paragraph (1)(B) (in this subsection referred to as a 'qualified IDR air ambulance services'), a certified IDR entity under paragraph (4) determines, subject to subparagraph (B) and in accordance with the succeeding provisions of this subsection, the amount of payment under the plan for such services furnished by such provider.

"(B) AUTHORITY TO CONTINUE NEGOTIATIONS.—Under the independent dispute resolution process, in the case that the parties to a determination for qualified IDR air ambulance services agree on a payment amount for such services during such process but before the date on which the entity selected with respect to such determination under paragraph (4) makes such determination under paragraph (5), such amount shall be treated for purposes of section 9816(a)(3)(K)(ii) as the amount agreed to by such parties for such services. In the case of an agreement described in the previous sentence, the independent dispute resolution process shall provide for a method to determine how to allocate between the parties to such determination the payment of the compensation of the entity selected with respect to such determination.

"(C) CLARIFICATION.—A nonparticipating provider may not, with respect to an item or service furnished by such provider, submit a notification under paragraph (1)(B) if such provider is exempt from the requirement under subsection (a) of section 2799B–2 of the Public Health Service Act with respect to such item or service pursuant to subsection (b) of such section.

Applicability.

"(3) TREATMENT OF BATCHING OF SERVICES.—The provisions of section 9816(c)(3) shall apply with respect to a notification submitted under this subsection with respect to air ambulance services in the same manner and to the same extent such provisions apply with respect to a notification submitted under

section 9816(c) with respect to items and services described in such section.

"(4) IDR ENTITIES.—

"(A) ELIGIBILITY.—An IDR entity certified under this subsection is an IDR entity certified under section 9816(c)(4).

"(B) SELECTION OF CERTIFIED IDR ENTITY.—The provisions of subparagraph (F) of section 9816(c)(4) shall apply with respect to selecting an IDR entity certified pursuant to subparagraph (A) with respect to the determination of the amount of payment under this subsection of air ambulance services in the same manner as such provisions apply with respect to selecting an IDR entity certified under such section with respect to the determination of the amount of payment under section 9816(c) of an item or service. An entity selected pursuant to the previous sentence to make a determination described in such sentence shall be referred to in this subsection as the 'certified IDR entity' with respect to such determination. Applicability.

"(5) PAYMENT DETERMINATION.—

"(A) IN GENERAL.—Not later than 30 days after the date of selection of the certified IDR entity with respect to a determination for qualified IDR ambulance services, the certified IDR entity shall— Deadline.

"(i) taking into account the considerations specified in subparagraph (C), select one of the offers submitted under subparagraph (B) to be the amount of payment for such services determined under this subsection for purposes of subsection (a)(3); and

"(ii) notify the provider or facility and the group health plan party to such determination of the offer selected under clause (i). Notification.

"(B) SUBMISSION OF OFFERS.—Not later than 10 days after the date of selection of the certified IDR entity with respect to a determination for qualified IDR air ambulance services, the provider and the group health plan party to such determination— Deadline.

"(i) shall each submit to the certified IDR entity with respect to such determination—

"(I) an offer for a payment amount for such services furnished by such provider; and

"(II) such information as requested by the certified IDR entity relating to such offer; and

"(ii) may each submit to the certified IDR entity with respect to such determination any information relating to such offer submitted by either party, including information relating to any circumstance described in subparagraph (C)(ii).

"(C) CONSIDERATIONS IN DETERMINATION.—

"(i) IN GENERAL.—In determining which offer is the payment to be applied pursuant to this paragraph, the certified IDR entity, with respect to the determination for a qualified IDR air ambulance service shall consider—

"(I) the qualifying payment amounts (as defined in section 9816(a)(3)(E)) for the applicable year for items or services that are comparable

to the qualified IDR air ambulance service and that are furnished in the same geographic region (as defined by the Secretary for purposes of such subsection) as such qualified IDR air ambulance service; and

"(II) subject to clause (iii), information on any circumstance described in clause (ii), such information as requested in subparagraph (B)(i)(II), and any additional information provided in subparagraph (B)(ii).

"(ii) ADDITIONAL CIRCUMSTANCES.—For purposes of clause (i)(II), the circumstances described in this clause are, with respect to air ambulance services included in the notification submitted under paragraph (1)(B) of a nonparticipating provider, or group health plan the following:

"(I) The quality and outcomes measurements of the provider that furnished such services.

"(II) The acuity of the individual receiving such services or the complexity of furnishing such services to such individual.

"(III) The training, experience, and quality of the medical personnel that furnished such services.

"(IV) Ambulance vehicle type, including the clinical capability level of such vehicle.

"(V) Population density of the pick up location (such as urban, suburban, rural, or frontier).

"(VI) Demonstrations of good faith efforts (or lack of good faith efforts) made by the nonparticipating provider or nonparticipating facility or the plan to enter into network agreements and, if applicable, contracted rates between the provider and the plan during the previous 4 plan years.

"(iii) PROHIBITION ON CONSIDERATION OF CERTAIN FACTORS.—In determining which offer is the payment amount to be applied with respect to qualified IDR air ambulance services furnished by a provider, the certified IDR entity with respect to such determination shall not consider usual and customary charges, the amount that would have been billed by such provider with respect to such services had the provisions of section 2799B–5 of the Public Health Service Act not applied, or the payment or reimbursement rate for such services furnished by such provider payable by a public payor, including under the Medicare program under title XVIII of the Social Security Act, under the Medicaid program under title XIX of such Act, under the Children's Health Insurance Program under title XXI of such Act, under the TRICARE program under chapter 55 of title 10, United States Code, or under chapter 17 of title 38, United States Code.

Applicability.

"(D) EFFECTS OF DETERMINATION.—The provisions of section 9816(c)(5)(E)) shall apply with respect to a determination of a certified IDR entity under subparagraph (A), the notification submitted with respect to such determination, the services with respect to such notification, and the parties to such notification in the same manner

as such provisions apply with respect to a determination of a certified IDR entity under section 9816(c)(5)(E), the notification submitted with respect to such determination, the items and services with respect to such notification, and the parties to such notification.

"(E) COSTS OF INDEPENDENT DISPUTE RESOLUTION PROCESS.—The provisions of section 9816(c)(5)(F) shall apply to a notification made under this subsection, the parties to such notification, and a determination under subparagraph (A) in the same manner and to the same extent such provisions apply to a notification under section 9816(c), the parties to such notification and a determination made under section 9816(c)(5)(A). Applicability.

"(6) TIMING OF PAYMENT.—The total plan payment required pursuant to subsection (a)(3), with respect to qualified IDR air ambulance services for which a determination is made under paragraph (5)(A) or with respect to air ambulance services for which a payment amount is determined under open negotiations under paragraph (1), shall be made directly to the nonparticipating provider not later than 30 days after the date on which such determination is made. Deadline.

"(7) PUBLICATION OF INFORMATION RELATING TO THE IDR PROCESS.—

"(A) IN GENERAL.—For each calendar quarter in 2022 and each calendar quarter in a subsequent year, the Secretary shall publish on the public website of the Department of the Treasury— Time periods. Public information. Web posting.

"(i) the number of notifications submitted under the IDR process during such calendar quarter;

"(ii) the number of such notifications with respect to which a final determination was made under paragraph (5)(A);

"(iii) the information described in subparagraph (B) with respect to each notification with respect to which such a determination was so made.

"(iv) the number of times the payment amount determined (or agreed to) under this subsection exceeds the qualifying payment amount;

"(v) the amount of expenditures made by the Secretary during such calendar quarter to carry out the IDR process;

"(vi) the total amount of fees paid under paragraph (8) during such calendar quarter; and

"(vii) the total amount of compensation paid to certified IDR entities under paragraph (5)(E)during such calendar quarter.

"(B) INFORMATION WITH RESPECT TO REQUESTS.—For purposes of subparagraph (A), the information described in this subparagraph is, with respect to a notification under the IDR process of a nonparticipating provider, or group health plan—

"(i) a description of each air ambulance service included in such notification;

"(ii) the geography in which the services included in such notification were provided;

"(iii) the amount of the offer submitted under paragraph (2) by the group health plan and by the nonparticipating provider expressed as a percentage of the qualifying payment amount;

"(iv) whether the offer selected by the certified IDR entity under paragraph (5) to be the payment applied was the offer submitted by such plan or issuer (as applicable) or by such provider and the amount of such offer so selected expressed as a percentage of the qualifying payment amount;

"(v) ambulance vehicle type, including the clinical capability level of such vehicle;

"(vi) the identity of the group health plan or health insurance issuer or air ambulance provider with respect to such notification;

"(vii) the length of time in making each determination;

"(viii) the compensation paid to the certified IDR entity with respect to the settlement or determination; and

"(ix) any other information specified by the Secretary.

"(C) IDR ENTITY REQUIREMENTS.—For 2022 and each subsequent year, an IDR entity, as a condition of certification as an IDR entity, shall submit to the Secretary such information as the Secretary determines necessary for the Secretary to carry out the provisions of this paragraph.

Confidential information.

"(D) CLARIFICATION.—The Secretary shall ensure the public reporting under this paragraph does not contain information that would disclose privileged or confidential information of a group health plan or health insurance issuer offering group or individual health insurance coverage or of a provider or facility.

"(8) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—Each party to a determination under paragraph (5) to which an entity is selected under paragraph (4) in a year shall pay to the Secretary, at such time and in such manner as specified by the Secretary, a fee for participating in the IDR process with respect to such determination in an amount described in subparagraph (B) for such year.

Estimates.

"(B) AMOUNT OF FEE.—The amount described in this subparagraph for a year is an amount established by the Secretary in a manner such that the total amount of fees paid under this paragraph for such year is estimated to be equal to the amount of expenditures estimated to be made by the Secretary for such year in carrying out the IDR process.

Time period.

"(9) WAIVER AUTHORITY.—The Secretary may modify any deadline or other timing requirement specified under this subsection (other than the establishment date for the IDR process under paragraph (2)(A) and other than under paragraph (6)) in cases of extenuating circumstances, as specified by the Secretary, or to ensure that all claims that occur during a 90-day period applied through paragraph (5)(D), but with respect to which a notification is not permitted by reason of such

paragraph to be submitted under paragraph (1)(B) during such period, are eligible for the IDR process.

"(c) DEFINITIONS.—For purposes of this section:

"(1) AIR AMBULANCE SERVICES.—The term 'air ambulance service' means medical transport by helicopter or airplane for patients.

"(2) QUALIFYING PAYMENT AMOUNT.—The term 'qualifying payment amount' has the meaning given such term in section 9816(a)(3).

"(3) NONPARTICIPTING PROVIDER.—The term 'nonparticipating provider' has the meaning given such term in section 9816(a)(3).".

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 102(c)(3), is further amended by inserting after the item relating to section 9816 the following new item: 26 USC prec. 9811.

"Sec. 9817. Ending surprise air ambulance bills.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan years beginning on or after January 1, 2022. 26 USC 9817 note.

(b) AIR AMBULANCE PROVIDER BALANCE BILLING.—Part E of title XXVII of the Public Health Service Act, as added and amended by section 104, is further amended by adding at the end the following new section:

"SEC. 2799B–5. AIR AMBULANCE SERVICES. 42 USC 300gg–135. Effective date.

"In the case of a participant, beneficiary, or enrollee with benefits under a group health plan or group or individual health insurance coverage offered by a health insurance issuer and who is furnished in a plan year beginning on or after January 1, 2022, air ambulance services (for which benefits are available under such plan or coverage) from a nonparticipating provider (as defined in section 2799A–1(a)(3)(G)) with respect to such plan or coverage, such provider shall not bill, and shall not hold liable, such participant, beneficiary, or enrollee for a payment amount for such service furnished by such provider that is more than the cost-sharing amount for such service (as determined in accordance with paragraphs (1) and (2) of section 2799A–2(a), section 717(a) of the Employee Retirement Income Security Act of 1974, or section 9817(a) of the Internal Revenue Code of 1986, as applicable).".

SEC. 106. REPORTING REQUIREMENTS REGARDING AIR AMBULANCE SERVICES. 42 USC 300gg–118 note.

(a) REPORTING REQUIREMENTS FOR PROVIDERS OF AIR AMBULANCE SERVICES.—

(1) IN GENERAL.—A provider of air ambulance services shall submit to the Secretary of Health and Human Services and the Secretary of Transportation— Deadlines.

(A) not later than the date that is 90 days after the last day of the first calendar year beginning on or after the date on which a final rule is promulgated pursuant to the rulemaking described in subsection (d), the information described in paragraph (2) with respect to such plan year; and

(B) not later than the date that is 90 days after the last day of the plan year immediately succeeding the plan year described in subparagraph (A), such information with respect to such immediately succeeding plan year.

(2) INFORMATION DESCRIBED.—For purposes of paragraph (1), information described in this paragraph, with respect to a provider of air ambulance services, is each of the following:

Data.
Determination.
Consultation.

(A) Cost data, as determined appropriate by the Secretary of Health and Human Services, in consultation with the Secretary of Transportation, for air ambulance services furnished by such provider, separated to the maximum extent possible by air transportation costs associated with furnishing such air ambulance services and costs of medical services and supplies associated with furnishing such air ambulance services.

(B) The number and location of all air ambulance bases operated by such provider.

(C) The number and type of aircraft operated by such provider.

(D) The number of air ambulance transports, disaggregated by payor mix, including—

(i)(I) group health plans;

(II) health insurance issuers; and

(III) State and Federal Government payors; and

(ii) uninsured individuals.

(E) The number of claims of such provider that have been denied payment by a group health plan or health insurance issuer and the reasons for any such denials.

(F) The number of emergency and nonemergency air ambulance transports, disaggregated by air ambulance base and type of aircraft.

(G) Such other information regarding air ambulance services as the Secretary of Health and Human Services may specify.

(b) REPORTING REQUIREMENTS FOR GROUP HEALTH PLANS AND HEALTH INSURANCE ISSUERS.—

(1) PHSA.—Part D of title XXVII of the Public Health Service Act, as added by section 102(a)(1), is amended by adding after section 2799A–7, as added by section 102(a)(2)(A) of this Act, the following new section:

42 USC 300gg–118.
Deadlines.

"SEC. 2799A–8. AIR AMBULANCE REPORT REQUIREMENTS.

"(a) IN GENERAL.—Each group health plan and health insurance issuer offering group or individual health insurance coverage shall submit to the Secretary, jointly with the Secretary of Labor and the Secretary of the Treasury—

"(1) not later than the date that is 90 days after the last day of the first calendar year beginning on or after the date on which a final rule is promulgated pursuant to the rulemaking described in section 106(d) of the No Surprises Act, the information described in subsection (b) with respect to such plan year; and

"(2) not later than the date that is 90 days after the last day of the calendar year immediately succeeding the plan year described in paragraph (1), such information with respect to such immediately succeeding plan year.

"(b) INFORMATION DESCRIBED.—For purposes of subsection (a), information described in this subsection, with respect to a group health plan or a health insurance issuer offering group or individual health insurance coverage, is each of the following:

"(1) Claims data for air ambulance services furnished by providers of such services, disaggregated by each of the following factors:

"(A) Whether such services were furnished on an emergent or nonemergent basis.

"(B) Whether the provider of such services is part of a hospital-owned or sponsored program, municipality-sponsored program, hospital independent partnership (hybrid) program, independent program, or tribally operated program in Alaska.

"(C) Whether the transport in which the services were furnished originated in a rural or urban area.

"(D) The type of aircraft (such as rotor transport or fixed wing transport) used to furnish such services.

"(E) Whether the provider of such services has a contract with the plan or issuer, as applicable, to furnish such services under the plan or coverage, respectively.

"(2) Such other information regarding providers of air ambulance services as the Secretary may specify.".

(2) ERISA.—

(A) IN GENERAL.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding after section 722, as added by section 102(b)(2)(A) of this Act, the following new section:

"SEC. 723. AIR AMBULANCE REPORT REQUIREMENTS.

29 USC 11851.

"(a) IN GENERAL.—Each group health plan and health insurance issuer offering group health insurance coverage shall submit to the Secretary, jointly with the Secretary of Health and Human Services and the Secretary of the Treasury— Deadlines.

"(1) not later than the date that is 90 days after the last day of the first calendar year beginning on or after the date on which a final rule is promulgated pursuant to the rulemaking described in section 106(d) of the No Surprises Act, the information described in subsection (b) with respect to such plan year; and

"(2) not later than the date that is 90 days after the last day of the plan year immediately succeeding the calendar year described in paragraph (1), such information with respect to such immediately succeeding plan year.

"(b) INFORMATION DESCRIBED.—For purposes of subsection (a), information described in this subsection, with respect to a group health plan or a health insurance issuer offering group health insurance coverage, is each of the following:

"(1) Claims data for air ambulance services furnished by providers of such services, disaggregated by each of the following factors:

"(A) Whether such services were furnished on an emergent or nonemergent basis.

"(B) Whether the provider of such services is part of a hospital-owned or sponsored program, municipality-sponsored program, hospital independent partnership

(hybrid) program, independent program, or tribally operated program in Alaska.

"(C) Whether the transport in which the services were furnished originated in a rural or urban area.

"(D) The type of aircraft (such as rotor transport or fixed wing transport) used to furnish such services.

"(E) Whether the provider of such services has a contract with the plan or issuer, as applicable, to furnish such services under the plan or coverage, respectively.

"(2) Such other information regarding providers of air ambulance services as the Secretary may specify.".

(B) CLERICAL AMENDMENT.—The table of contents of the Employee Retirement Income Security Act of 1974 is amended by adding after the item relating to section 722, as added by section 102(b) the following:

"Sec. 723. Air ambulance report requirements.".

(3) IRC.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding after section 9822, as added by section 102(c)(2)(A) of this Act, the following new section:

26 USC 9823.

"SEC. 9823. AIR AMBULANCE REPORT REQUIREMENTS.

Deadlines.

"(a) IN GENERAL.—Each group health plan shall submit to the Secretary, jointly with the Secretary of Labor and the Secretary of Health and Human Services—

"(1) not later than the date that is 90 days after the last day of the first calendar year beginning on or after the date on which a final rule is promulgated pursuant to the rulemaking described in section 106(d) of the No Surprises Act, the information described in subsection (b) with respect to such plan year; and

"(2) not later than the date that is 90 days after the last day of the calendar year immediately succeeding the plan year described in paragraph (1), such information with respect to such immediately succeeding plan year.

"(b) INFORMATION DESCRIBED.—For purposes of subsection (a), information described in this subsection, with respect to a group health plan is each of the following:

"(1) Claims data for air ambulance services furnished by providers of such services, disaggregated by each of the following factors:

"(A) Whether such services were furnished on an emergent or nonemergent basis.

"(B) Whether the provider of such services is part of a hospital-owned or sponsored program, municipality-sponsored program, hospital independent partnership (hybrid) program, independent program, or tribally operated program in Alaska.

"(C) Whether the transport in which the services were furnished originated in a rural or urban area.

"(D) The type of aircraft (such as rotor transport or fixed wing transport) used to furnish such services.

"(E) Whether the provider of such services has a contract with the plan or issuer, as applicable, to furnish such services under the plan or coverage, respectively.

"(2) Such other information regarding providers of air ambulance services as the Secretary may specify.".

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 9822, as added by section 102(c), the following new item:

26 USC prec. 9811.

"Sec. 9823. Air ambulance report requirements.".

(c) PUBLICATION OF COMPREHENSIVE REPORT.—

(1) IN GENERAL.—Not later than the date that is one year after the date described in subsection (a)(2) of section 2799A–8 of the Public Health Service Act, of section 723 of the Employee Retirement Income Security Act of 1974, and of section 9823 of the Internal Revenue Code of 1986, as such sections are added by subsection (b), the Secretary of Health and Human Services, in consultation with the Secretary of Transportation (referred to in this section as the "Secretaries"), shall develop, and make publicly available (subject to paragraph (3)), a comprehensive report summarizing the information submitted under subsection (a) and the amendments made by subsection (b) and including each of the following:

Consultation. Public information. Summary. Assessments.

(A) The percentage of providers of air ambulance services that are part of a hospital-owned or sponsored program, municipality-sponsored program, hospital-independent partnership (hybrid) program, or independent program.

(B) An assessment of the extent of competition among providers of air ambulance services on the basis of price and services offered, and any changes in such competition over time.

(C) An assessment of the average charges for air ambulance services, amounts paid by group health plans and health insurance issuers offering group or individual health insurance coverage to providers of air ambulance services for furnishing such services, and amounts paid out-of-pocket by consumers, and any changes in such amounts paid over time.

(D) An assessment of the presence of air ambulance bases in, or with the capability to serve, rural areas, and the relative growth in air ambulance bases in rural and urban areas over time.

(E) Any evidence of gaps in rural access to providers of air ambulance services.

(F) The percentage of providers of air ambulance services that have contracts with group health plans or health insurance issuers offering group or individual health insurance coverage to furnish such services under such plans or coverage, respectively.

(G) An assessment of whether there are instances of unfair, deceptive, or predatory practices by providers of air ambulance services in collecting payments from patients to whom such services are furnished, such as referral of such patients to collections, lawsuits, and liens or wage garnishment actions.

(H) An assessment of whether there are, within the air ambulance industry, instances of unreasonable industry

concentration, excessive market domination, or other conditions that would allow at least one provider of air ambulance services to unreasonably increase prices or exclude competition in air ambulance services in a given geographic region.

(I) An assessment of the frequency of patient balance billing, patient referrals to collections, lawsuits to collect balance bills, and liens or wage garnishment actions by providers of air ambulance services as part of a collections process across hospital-owned or sponsored programs, municipality-sponsored programs, hospital-independent partnership (hybrid) programs, tribally operated programs in Alaska, or independent programs, providers of air ambulance services operated by public agencies (such as a State or county health department), and other independent providers of air ambulance services.

(J) An assessment of the frequency of claims appeals made by providers of air ambulance services to group health plans or health insurance issuers offering group or individual health insurance coverage with respect to air ambulance services furnished to enrollees of such plans or coverage, respectively.

(K) Any other cost, quality, or other data relating to air ambulance services or the air ambulance industry, as determined necessary and appropriate by the Secretaries.

(2) OTHER SOURCES OF INFORMATION.—The Secretaries may incorporate information from independent experts or third-party sources in developing the comprehensive report required under paragraph (1).

(3) PROTECTION OF PROPRIETARY INFORMATION.—The Secretaries may not make publicly available under this subsection any proprietary information.

Deadline. Consultation. Notice. Recommendations.

(d) RULEMAKING.—Not later than the date that is one year after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Transportation, shall, through notice and comment rulemaking, specify the form and manner in which reports described in subsection (a) and in the amendments made by subsection (b) shall be submitted to such Secretaries, taking into consideration (as applicable and to the extent feasible) any recommendations included in the report submitted by the Advisory Committee on Air Ambulance and Patient Billing under section 418(e) of the FAA Reauthorization Act of 2018 (Public Law 115–254; 49 U.S.C. 42301 note prec.).

(e) CIVIL MONEY PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2), a provider of air ambulance services who fails to submit all information required under subsection (a)(2) by the date described in subparagraph (A) or (B) of subsection (a)(1), as applicable, shall be subject to a civil money penalty of not more than $10,000.

Waiver authority.

(2) EXCEPTION.—In the case of a provider of air ambulance services that submits only some of the information required under subsection (a)(2) by the date described in subparagraph (A) or (B) of subsection (a)(1), as applicable, the Secretary of Health and Human Services may waive the civil money

penalty imposed under paragraph (1) if such provider demonstrates a good faith effort (as defined by the Secretary pursuant to regulation) in working with the Secretary to submit the remaining information required under subsection (a)(2).

(3) PROCEDURE.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a) and (b) and the first sentence of subsection (c)(1), shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under such section. Applicability.

(f) UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR METHODS OF COMPETITION.—The Secretary of Transportation may use any information submitted under subsection (a) in determining whether a provider of air ambulance services has violated section 41712(a) of title 49, United States Code.

(g) ADVISORY COMMITTEE ON AIR AMBULANCE QUALITY AND PATIENT SAFETY.—

(1) ESTABLISHMENT.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Transportation, shall establish an Advisory Committee on Air Ambulance Quality and Patient Safety (referred to in this subsection as the "Committee") for the purpose of reviewing options to establish quality, patient safety, and clinical capability standards for each clinical capability level of air ambulances. Deadline.

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

(A) The Secretary of Health and Human Services, or a designee of the Secretary, who shall serve as the Chair of the Committee.

(B) The Secretary of Transportation, or a designee of the Secretary.

(C) One representative, to be appointed by the Secretary of Health and Human Services, of each of the following: Appointments.

(i) State health insurance regulators.

(ii) Health care providers.

(iii) Group health plans and health insurance issuers offering group or individual health insurance coverage.

(iv) Patient advocacy groups.

(v) Accrediting bodies with experience in quality measures.

(D) Three representatives of the air ambulance industry, to be appointed by the Secretary of Transportation. Appointments.

(E) Additional three representatives not covered under subparagraphs (A) through (D), as determined necessary and appropriate by the Secretary of Health and Human Services and Secretary of Transportation. Determination.

(3) FIRST MEETING.—Not later than the date that is 90 days after the date of the enactment of this Act, the Committee shall hold its first meeting. Deadline.

(4) DUTIES.—The Committee shall study and make recommendations, as appropriate, to Congress regarding each of the following with respect to air ambulance services:

(A) Qualifications of different clinical capability levels and tiering of such levels.

(B) Patient safety and quality standards.

(C) Options for improving service reliability during poor weather, night conditions, or other adverse conditions.

(D) Differences between air ambulance vehicle types, services, and technologies, and other flight capability standards, and the impact of such differences on patient safety.

(E) Clinical triage criteria for air ambulances.

Consultation. Public information. Recommendations.

(5) REPORT.—Not later than the date that is 180 days after the date of the first meeting of the Committee, the Committee, in consultation with relevant experts and stakeholders, as appropriate, shall develop and make publicly available a report on any recommendations submitted to Congress under paragraph (4). The Committee may update such report, as determined appropriate by the Committee.

Updates. Determination.

(h) DEFINITIONS.—In this section, the terms "group health plan", "health insurance coverage", "individual health insurance coverage", "group health insurance coverage", and "health insurance issuer" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

SEC. 107. TRANSPARENCY REGARDING IN-NETWORK AND OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET LIMITATIONS.

42 USC 300gg–111.

(a) PHSA.—Section 2799A–1 of the Public Health Service Act, as added by section 102(a) and amended by section 103, is further amended by adding at the end the following new subsection:

"(e) TRANSPARENCY REGARDING IN-NETWORK AND OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET LIMITATIONS.—A group health plan or a health insurance issuer offering group or individual health insurance coverage and providing or covering any benefit with respect to items or services shall include, in clear writing, on any physical or electronic plan or insurance identification card issued to the participants, beneficiaries, or enrollees in the plan or coverage the following:

"(1) Any deductible applicable to such plan or coverage.

"(2) Any out-of-pocket maximum limitation applicable to such plan or coverage.

"(3) A telephone number and Internet website address through which such individual may seek consumer assistance information, such as information related to hospitals and urgent care facilities that have in effect a contractual relationship with such plan or coverage for furnishing items and services under such plan or coverage".

(b) ERISA.—Section 716 of the Employee Retirement Income Security Act of 1974, as added by section 102(b) and amended by section 103, is further amended by adding at the end the following new subsection:

29 USC 1185e.

"(e) TRANSPARENCY REGARDING IN-NETWORK AND OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET LIMITATIONS.—A group health plan or a health insurance issuer offering group health insurance coverage and providing or covering any benefit with respect to items or services shall include, in clear writing, on any physical or electronic plan or insurance identification card issued to the participants or beneficiaries in the plan or coverage the following:

"(1) Any deductible applicable to such plan or coverage.

"(2) Any out-of-pocket maximum limitation applicable to such plan or coverage.

"(3) A telephone number and Internet website address through which such individual may seek consumer assistance information, such as information related to hospitals and urgent care facilities that have in effect a contractual relationship with such plan or coverage for furnishing items and services under such plan or coverage".

(c) IRC.—Section 9816 of the Internal Revenue Code of 1986, as added by section 102(c) and amended by section 103, is further amended by adding at the end the following new subsection: 26 USC 9816.

"(e) TRANSPARENCY REGARDING IN-NETWORK AND OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET LIMITATIONS.—A group health plan providing or covering any benefit with respect to items or services shall include, in clear writing, on any physical or electronic plan or insurance identification card issued to the participants or beneficiaries in the plan the following:

"(1) Any deductible applicable to such plan.

"(2) Any out-of-pocket maximum limitation applicable to such plan.

"(3) A telephone number and Internet website address through which such individual may seek consumer assistance information, such as information related to hospitals and urgent care facilities that have in effect a contractual relationship with such plan for furnishing items and services under such plan.".

(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan years beginning on or after January 1, 2022. 26 USC 9816 note.

SEC. 108. IMPLEMENTING PROTECTIONS AGAINST PROVIDER DISCRIMINATION. Deadlines. 42 USC 300gg–5 note.

Not later than January 1, 2022, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall issue a proposed rule implementing the protections of section 2706(a) of the Public Health Service Act (42 U.S.C. 300gg-5(a)). The Secretaries shall accept and consider public comments on any proposed rule issued pursuant to this subsection for a period of 60 days after the date of such issuance. Not later than 6 months after the date of the conclusion of the comment period, the Secretaries shall issue a final rule implementing the protections of section 2706(a) of the Public Health Service Act (42 U.S.C. 300gg-5(a)). Regulations. Public comment. Time period.

SEC. 109. REPORTS.

(a) REPORTS IN CONSULTATION WITH FTC AND AG.—Not later than January 1, 2023, and annually thereafter for each of the following 4 years, the Secretary of Health and Human Services, in consultation with the Federal Trade Commission and the Attorney General, shall— Time period. Recommendations.

(1) conduct a study on the effects of the provisions of, including amendments made by, this Act on— Study.

(A) any patterns of vertical or horizontal integration of health care facilities, providers, group health plans, or health insurance issuers offering group or individual health insurance coverage;

(B) overall health care costs; and

(C) access to health care items and services, including specialty services, in rural areas and health professional shortage areas, as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e);

Consultation.

(2) for purposes of the reports under paragraph (3), in consultation with the Secretary of Labor and the Secretary of the Treasury, make recommendations for the effective enforcement of subsections (a)(1)(C)(iv) and (b)(1)(C) of section 2799A–1 of the Public Health Service Act, subsections (a)(1)(C)(iv) and (b)(1)(C) of section 716 of the Employee Retirement Income Security Act of 1974, and subsections (a)(1)(C)(iv) and (b)(1)(C) of section 9816 of the Internal Revenue Code of 1986, including with respect to potential challenges to addressing anti-competitive consolidation of health care facilities, providers, group health plans, or health insurance issuers offering group or individual health insurance coverage; and

(3) submit a report on such study and including such recommendations to the Committees on Energy and Commerce; on Education and Labor; on Ways and Means; and on the Judiciary of the House of Representatives and the Committees on Health, Education, Labor, and Pensions; on Commerce, Science, and Transportation; on Finance; and on the Judiciary of the Senate.

(b) GAO REPORT ON IMPACT OF SURPRISE BILLING PROVISIONS.—Not later than January 1, 2025, the Comptroller General of the United States shall submit to Congress a report summarizing the effects of the provisions of this Act, including the amendments made by such provisions, on changes during the period since the date on the enactment of this Act in health care provider networks of group health plans and group and individual health insurance coverage offered by a health insurance issuer, in fee schedules and amounts for health care services, and to contracted rates under such plans or coverage. Such report shall—

Summary. Examinations.

(1) to the extent practicable, sample a statistically significant group of national health care providers;

(2) examine—

(A) provider network participation, including nonparticipating providers furnishing items and services at participating facilities;

(B) health care provider group network participation, including specialty, size, and ownership;

(C) the impact of State surprise billing laws and network adequacy standards on participation of health care providers and facilities in provider networks of group health plans and of group and individual health insurance coverage offered by health insurance issuers; and

(D) access to providers, including in rural and medically underserved communities and health professional shortage areas (as defined in section 332 of the Public Health Service Act), and the extent of provider shortages in such communities and areas;

(3) to the extent practicable, sample a statistically significant group of national health insurance plans and issuers and examine—

(A) the effects of the provisions of, including amendments made by, this Act on premiums and out-of-pocket

costs with respect to group health plans or group or individual health insurance coverage;

(B) the adequacy of provider networks with respect to such plans or coverage; and

(C) categories of providers of ancillary services, as defined in section 2799B–2(b)(2) of the Public Health Service Act, for which such plans have no or a limited number of in-network providers; and

(4) such other relevant effects of such provisions and amendments.

(c) GAO REPORT ON ADEQUACY OF PROVIDER NETWORKS.—Not later than January 1, 2023, the Comptroller General of the United States shall submit to Congress, and make publicly available, a report on the adequacy of provider networks in group health plans and group and individual health insurance coverage, including legislative recommendations to improve the adequacy of such networks. Public information. Recommendations.

(d) GAO REPORT ON IDR PROCESS AND POTENTIAL FINANCIAL RELATIONSHIPS.—Not later than December 31, 2023, the Comptroller General of the United States shall conduct a study and submit to Congress a report on the IDR process established under this section. Such study and report shall include an analysis of potential financial relationships between providers and facilities that utilize the IDR process established by the amendments made by this Act and private equity investment firms. Study. Analysis.

SEC. 110. CONSUMER PROTECTIONS THROUGH APPLICATION OF HEALTH PLAN EXTERNAL REVIEW IN CASES OF CERTAIN SURPRISE MEDICAL BILLS. 42 USC 300gg–19 note.

(a) IN GENERAL.—In applying the provisions of section 2719(b) of the Public Health Service Act (42 U.S.C. 300gg–19(b)) to group health plans and health insurance issuers offering group or individual health insurance coverage, the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury, shall require, beginning not later than January 1, 2022, the external review process described in paragraph (1) of such section to apply with respect to any adverse determination by such a plan or issuer under section 2799A-1 or 2799A-2, section 716 or 717 of the Employee Retirement Income Security Act of 1974, or section 9816 or 9817 of the Internal Revenue Code of 1986, including with respect to whether an item or service that is the subject to such a determination is an item or service to which such respective section applies. Requirements. Effective date. Applicability.

(b) DEFINITIONS.—The terms "group health plan"; "health insurance issuer"; "group health insurance coverage", and "individual health insurance coverage" have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act (29 U.S.C. 1191b), and section 9832 of the Internal Revenue Code, as applicable.

SEC. 111. CONSUMER PROTECTIONS THROUGH HEALTH PLAN REQUIREMENT FOR FAIR AND HONEST ADVANCE COST ESTIMATE.

(a) PHSA AMENDMENT.—Section 2799A–1 of the Public Health Service Act (42 U.S.C. 300gg–19a), as added by section 102 and as further amended by the previous provisions of this title, is further amended by adding at the end the following new subsection: 42 USC 300gg–111.

"(f) ADVANCED EXPLANATION OF BENEFITS.—

Effective date.
Deadlines.
Notification.
Estimates.

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, each group health plan, or a health insurance issuer offering group or individual health insurance coverage shall, with respect to a notification submitted under section 2799B–6 by a health care provider or health care facility to the plan or issuer for a participant, beneficiary, or enrollee under plan or coverage scheduled to receive an item or service from the provider or facility (or authorized representative of such participant, beneficiary, or enrollee), not later than 1 business day (or, in the case such item or service was so scheduled at least 10 business days before such item or service is to be furnished (or in the case of a request made to such plan or coverage by such participant, beneficiary, or enrollee), 3 business days) after the date on which the plan or coverage receives such notification (or such request), provide to the participant, beneficiary, or enrollee (through mail or electronic means, as requested by the participant, beneficiary, or enrollee) a notification (in clear and understandable language) including the following:

"(A) Whether or not the provider or facility is a participating provider or a participating facility with respect to the plan or coverage with respect to the furnishing of such item or service and—

"(i) in the case the provider or facility is a participating provider or facility with respect to the plan or coverage with respect to the furnishing of such item or service, the contracted rate under such plan or coverage for such item or service (based on the billing and diagnostic codes provided by such provider or facility); and

"(ii) in the case the provider or facility is a nonparticipating provider or facility with respect to such plan or coverage, a description of how such individual may obtain information on providers and facilities that, with respect to such plan or coverage, are participating providers and facilities, if any.

"(B) The good faith estimate included in the notification received from the provider or facility (if applicable) based on such codes.

"(C) A good faith estimate of the amount the plan or coverage is responsible for paying for items and services included in the estimate described in subparagraph (B).

"(D) A good faith estimate of the amount of any cost-sharing for which the participant, beneficiary, or enrollee would be responsible for such item or service (as of the date of such notification).

"(E) A good faith estimate of the amount that the participant, beneficiary, or enrollee has incurred toward meeting the limit of the financial responsibility (including with respect to deductibles and out-of-pocket maximums) under the plan or coverage (as of the date of such notification).

"(F) In the case such item or service is subject to a medical management technique (including concurrent review, prior authorization, and step-therapy or fail-first

protocols) for coverage under the plan or coverage, a disclaimer that coverage for such item or service is subject to such medical management technique.

"(G) A disclaimer that the information provided in the notification is only an estimate based on the items and services reasonably expected, at the time of scheduling (or requesting) the item or service, to be furnished and is subject to change.

"(H) Any other information or disclaimer the plan or coverage determines appropriate that is consistent with information and disclaimers required under this section.

"(2) AUTHORITY TO MODIFY TIMING REQUIREMENTS IN THE CASE OF SPECIFIED ITEMS AND SERVICES.—

"(A) IN GENERAL.—In the case of a participant, beneficiary, or enrollee scheduled to receive an item or service that is a specified item or service (as defined in subparagraph (B)), the Secretary may modify any timing requirements relating to the provision of the notification described in paragraph (1) to such participant, beneficiary, or enrollee with respect to such item or service. Any modification made by the Secretary pursuant to the previous sentence may not result in the provision of such notification after such participant, beneficiary, or enrollee has been furnished such item or service.

"(B) SPECIFIED ITEM OR SERVICE DEFINED.—For purposes of subparagraph (A), the term 'specified item or service' means an item or service that has low utilization or significant variation in costs (such as when furnished as part of a complex treatment), as specified by the Secretary.".

(b) IRC AMENDMENTS.—Section 9816 of the Internal Revenue Code of 1986, as added by section 102 and further amended by the previous provisions of this title, is further amended by inserting after subsection (e) the following new subsection: 26 USC 9816.

"(f) ADVANCED EXPLANATION OF BENEFITS.—

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, each group health plan shall, with respect to a notification submitted under section 2799B–6 of the Public Health Service Act by a health care provider or health care facility to the plan for a participant or beneficiary under plan scheduled to receive an item or service from the provider or facility (or authorized representative of such participant or beneficiary), not later than 1 business day (or, in the case such item or service was so scheduled at least 10 business days before such item or service is to be furnished (or in the case of a request made to such plan or coverage by such participant or beneficiary), 3 business days) after the date on which the plan receives such notification (or such request), provide to the participant or beneficiary (through mail or electronic means, as requested by the participant or beneficiary) a notification (in clear and understandable language) including the following: Effective date. Deadlines. Notification. Estimates.

"(A) Whether or not the provider or facility is a participating provider or a participating facility with respect to the plan with respect to the furnishing of such item or service and—

"(i) in the case the provider or facility is a participating provider or facility with respect to the plan or coverage with respect to the furnishing of such item or service, the contracted rate under such plan for such item or service (based on the billing and diagnostic codes provided by such provider or facility); and

"(ii) in the case the provider or facility is a non-participating provider or facility with respect to such plan, a description of how such individual may obtain information on providers and facilities that, with respect to such plan, are participating providers and facilities, if any.

"(B) The good faith estimate included in the notification received from the provider or facility (if applicable) based on such codes.

"(C) A good faith estimate of the amount the plan is responsible for paying for items and services included in the estimate described in subparagraph (B).

"(D) A good faith estimate of the amount of any cost-sharing for which the participant or beneficiary would be responsible for such item or service (as of the date of such notification).

"(E) A good faith estimate of the amount that the participant or beneficiary has incurred toward meeting the limit of the financial responsibility (including with respect to deductibles and out-of-pocket maximums) under the plan (as of the date of such notification).

"(F) In the case such item or service is subject to a medical management technique (including concurrent review, prior authorization, and step-therapy or fail-first protocols) for coverage under the plan, a disclaimer that coverage for such item or service is subject to such medical management technique.

"(G) A disclaimer that the information provided in the notification is only an estimate based on the items and services reasonably expected, at the time of scheduling (or requesting) the item or service, to be furnished and is subject to change.

"(H) Any other information or disclaimer the plan determines appropriate that is consistent with information and disclaimers required under this section.

"(2) AUTHORITY TO MODIFY TIMING REQUIREMENTS IN THE CASE OF SPECIFIED ITEMS AND SERVICES.—

"(A) IN GENERAL.—In the case of a participant or beneficiary scheduled to receive an item or service that is a specified item or service (as defined in subparagraph (B)), the Secretary may modify any timing requirements relating to the provision of the notification described in paragraph (1) to such participant or beneficiary with respect to such item or service. Any modification made by the Secretary pursuant to the previous sentence may not result in the provision of such notification after such participant or beneficiary has been furnished such item or service.

"(B) SPECIFIED ITEM OR SERVICE DEFINED.—For purposes of subparagraph (A), the term 'specified item or service' means an item or service that has low utilization

or significant variation in costs (such as when furnished as part of a complex treatment), as specified by the Secretary.".

(c) ERISA AMENDMENTS.—Section 716 of the Employee Retirement Income Security Act of 1974, as added by section 102 and further amended by the previous amendments of this title, is further amended by adding at the end the following new subsection: 29 USC 1185e.

"(f) ADVANCED EXPLANATION OF BENEFITS.—

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, each group health plan, or a health insurance issuer offering group health insurance coverage shall, with respect to a notification submitted under section 2799B–6 of the Public Health Service Act by a health care provider or health care facility to the plan or issuer for a participant or beneficiary under plan or coverage scheduled to receive an item or service from the provider or facility (or authorized representative of such participant or beneficiary), not later than 1 business day (or, in the case such item or service was so scheduled at least 10 business days before such item or service is to be furnished (or in the case of a request made to such plan or coverage by such participant or beneficiary), 3 business days) after the date on which the plan or coverage receives such notification (or such request), provide to the participant or beneficiary (through mail or electronic means, as requested by the participant or beneficiary) a notification (in clear and understandable language) including the following: Effective date. Deadlines. Notification. Estimates.

"(A) Whether or not the provider or facility is a participating provider or a participating facility with respect to the plan or coverage with respect to the furnishing of such item or service and—

"(i) in the case the provider or facility is a participating provider or facility with respect to the plan or coverage with respect to the furnishing of such item or service, the contracted rate under such plan for such item or service (based on the billing and diagnostic codes provided by such provider or facility); and

"(ii) in the case the provider or facility is a nonparticipating provider or facility with respect to such plan or coverage, a description of how such individual may obtain information on providers and facilities that, with respect to such plan or coverage, are participating providers and facilities, if any.

"(B) The good faith estimate included in the notification received from the provider or facility (if applicable) based on such codes.

"(C) A good faith estimate of the amount the health plan is responsible for paying for items and services included in the estimate described in subparagraph (B).

"(D) A good faith estimate of the amount of any cost-sharing for which the participant or beneficiary would be responsible for such item or service (as of the date of such notification).

"(E) A good faith estimate of the amount that the participant or beneficiary has incurred toward meeting the limit of the financial responsibility (including with respect

to deductibles and out-of-pocket maximums) under the plan or coverage (as of the date of such notification).

"(F) In the case such item or service is subject to a medical management technique (including concurrent review, prior authorization, and step-therapy or fail-first protocols) for coverage under the plan or coverage, a disclaimer that coverage for such item or service is subject to such medical management technique.

"(G) A disclaimer that the information provided in the notification is only an estimate based on the items and services reasonably expected, at the time of scheduling (or requesting) the item or service, to be furnished and is subject to change.

"(H) Any other information or disclaimer the plan or coverage determines appropriate that is consistent with information and disclaimers required under this section.

"(2) AUTHORITY TO MODIFY TIMING REQUIREMENTS IN THE CASE OF SPECIFIED ITEMS AND SERVICES.—

"(A) IN GENERAL.—In the case of a participant or beneficiary scheduled to receive an item or service that is a specified item or service (as defined in subparagraph (B)), the Secretary may modify any timing requirements relating to the provision of the notification described in paragraph (1) to such participant or beneficiary with respect to such item or service. Any modification made by the Secretary pursuant to the previous sentence may not result in the provision of such notification after such participant or beneficiary has been furnished such item or service.

"(B) SPECIFIED ITEM OR SERVICE DEFINED.—For purposes of subparagraph (A), the term 'specified item or service' means an item or service that has low utilization or significant variation in costs (such as when furnished as part of a complex treatment), as specified by the Secretary.".

SEC. 112. PATIENT PROTECTIONS THROUGH TRANSPARENCY AND PATIENT-PROVIDER DISPUTE RESOLUTION.

Part E of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as added by section 104 and further amended by the previous provisions of this title, is further amended by adding at the end the following new sections:

42 USC 300gg–136.

"SEC. 2799B–6. PROVISION OF INFORMATION UPON REQUEST AND FOR SCHEDULED APPOINTMENTS.

Effective date. Time periods. Deadlines.

"Each health care provider and health care facility shall, beginning January 1, 2022, in the case of an individual who schedules an item or service to be furnished to such individual by such provider or facility at least 3 business days before the date such item or service is to be so furnished, not later than 1 business day after the date of such scheduling (or, in the case of such an item or service scheduled at least 10 business days before the date such item or service is to be so furnished (or if requested by the individual), not later than 3 business days after the date of such scheduling or such request)—

"(1) inquire if such individual is enrolled in a group health plan, group or individual health insurance coverage offered by a health insurance issuer, or a Federal health care program (and if is so enrolled in such plan or coverage, seeking to

have a claim for such item or service submitted to such plan or coverage); and

"(2) provide a notification (in clear and understandable language) of the good faith estimate of the expected charges for furnishing such item or service (including any item or service that is reasonably expected to be provided in conjunction with such scheduled item or service and such an item or service reasonably expected to be so provided by another health care provider or health care facility), with the expected billing and diagnostic codes for any such item or service, to— Notification.

"(A) in the case the individual is enrolled in such a plan or such coverage (and is seeking to have a claim for such item or service submitted to such plan or coverage), such plan or issuer of such coverage; and

"(B) in the case the individual is not described in subparagraph (A) and not enrolled in a Federal health care program, the individual.

"SEC. 2799B–7. PATIENT-PROVIDER DISPUTE RESOLUTION.

42 USC 300gg–137. Deadline.

"(a) IN GENERAL.—Not later than January 1, 2022, the Secretary shall establish a process (in this subsection referred to as the 'patient-provider dispute resolution process') under which an uninsured individual, with respect to an item or service, who received, pursuant to section 2799B–6, from a health care provider or health care facility a good-faith estimate of the expected charges for furnishing such item or service to such individual and who after being furnished such item or service by such provider or facility is billed by such provider or facility for such item or service for charges that are substantially in excess of such estimate, may seek a determination from a selected dispute resolution entity for the charges to be paid by such individual (in lieu of such amount so billed) to such provider or facility for such item or service. For purposes of this subsection, the term 'uninsured individual' means, with respect to an item or service, an individual who does not have benefits for such item or service under a group health plan, group or individual health insurance coverage offered by a health insurance issuer, Federal health care program (as defined in section 1128B(f) of the Social Security Act), or a health benefits plan under chapter 89 of title 5, United States Code (or an individual who has benefits for such item or service under a group health plan or individual or group health insurance coverage offered by a health insurance issuer, but who does not seek to have a claim for such item or service submitted to such plan or coverage). Definition.

"(b) SELECTION OF ENTITIES.—Under the patient-provider dispute resolution process, the Secretary shall, with respect to a determination sought by an individual under subsection (a), with respect to charges to be paid by such individual to a health care provider or health care facility described in such paragraph for an item or service furnished to such individual by such provider or facility, provide for—

"(1) a method to select to make such determination an entity certified under subsection (d) that—

"(A) is not a party to such determination or an employee or agent of such party;

"(B) does not have a material familial, financial, or professional relationship with such a party; and

"(C) does not otherwise have a conflict of interest with such a party (as determined by the Secretary); and

Notification.

"(2) the provision of a notification of such selection to the individual and the provider or facility (as applicable) party to such determination.

An entity selected pursuant to the previous sentence to make a determination described in such sentence shall be referred to in this subsection as the 'selected dispute resolution entity' with respect to such determination.

"(c) ADMINISTRATIVE FEE.—The Secretary shall establish a fee to participate in the patient-provider dispute resolution process in such a manner as to not create a barrier to an uninsured individual's access to such process.

"(d) CERTIFICATION.—The Secretary shall establish or recognize a process to certify entities under this subparagraph. Such process shall ensure that an entity so certified satisfies at least the criteria specified in section 2799A–1(c).".

SEC. 113. ENSURING CONTINUITY OF CARE.

(a) PUBLIC HEALTH SERVICE ACT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended, in the part D, as added and amended by section 102(a) and further amended by the previous provisions of this title, by inserting after section 2799A–2 the following new section:

42 USC 300gg–113.

"SEC. 2799A-3. CONTINUITY OF CARE.

"(a) ENSURING CONTINUITY OF CARE WITH RESPECT TO TERMINATIONS OF CERTAIN CONTRACTUAL RELATIONSHIPS RESULTING IN CHANGES IN PROVIDER NETWORK STATUS.—

"(1) IN GENERAL.—In the case of an individual with benefits under a group health plan or group or individual health insurance coverage offered by a health insurance issuer and with respect to a health care provider or facility that has a contractual relationship with such plan or such issuer (as applicable) for furnishing items and services under such plan or such coverage, if, while such individual is a continuing care patient (as defined in subsection (b)) with respect to such provider or facility—

"(A) such contractual relationship is terminated (as defined in subsection (b));

"(B) benefits provided under such plan or such health insurance coverage with respect to such provider or facility are terminated because of a change in the terms of the participation of such provider or facility in such plan or coverage; or

"(C) a contract between such group health plan and a health insurance issuer offering health insurance coverage in connection with such plan is terminated, resulting in a loss of benefits provided under such plan with respect to such provider or facility;

the plan or issuer, respectively, shall meet the requirements of paragraph (2) with respect to such individual.

Notifications.

"(2) REQUIREMENTS.—The requirements of this paragraph are that the plan or issuer—

"(A) notify each individual enrolled under such plan or coverage who is a continuing care patient with respect to a provider or facility at the time of a termination described in paragraph (1) affecting such provider or facility

on a timely basis of such termination and such individual's right to elect continued transitional care from such provider or facility under this section;

"(B) provide such individual with an opportunity to notify the plan or issuer of the individual's need for transitional care; and

"(C) permit the patient to elect to continue to have benefits provided under such plan or such coverage, under the same terms and conditions as would have applied and with respect to such items and services as would have been covered under such plan or coverage had such termination not occurred, with respect to the course of treatment furnished by such provider or facility relating to such individual's status as a continuing care patient during the period beginning on the date on which the notice under subparagraph (A) is provided and ending on the earlier of— Time period. Effective dates.

"(i) the 90-day period beginning on such date; or

"(ii) the date on which such individual is no longer a continuing care patient with respect to such provider or facility.

"(b) DEFINITIONS.—In this section:

"(1) CONTINUING CARE PATIENT.—The term 'continuing care patient' means an individual who, with respect to a provider or facility—

"(A) is undergoing a course of treatment for a serious and complex condition from the provider or facility;

"(B) is undergoing a course of institutional or inpatient care from the provider or facility;

"(C) is scheduled to undergo nonelective surgery from the provider, including receipt of postoperative care from such provider or facility with respect to such a surgery;

"(D) is pregnant and undergoing a course of treatment for the pregnancy from the provider or facility; or

"(E) is or was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) and is receiving treatment for such illness from such provider or facility.

"(2) SERIOUS AND COMPLEX CONDITION.—The term 'serious and complex condition' means, with respect to a participant, beneficiary, or enrollee under a group health plan or group or individual health insurance coverage—

"(A) in the case of an acute illness, a condition that is serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

"(B) in the case of a chronic illness or condition, a condition that is—

"(i) is life-threatening, degenerative, potentially disabling, or congenital; and

"(ii) requires specialized medical care over a prolonged period of time.

"(3) TERMINATED.—The term 'terminated' includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract for failure to meet applicable quality standards or for fraud.".

(b) INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by sections 102(c) and 105(a)(3), is further amended by inserting after section 9817 the following new section:

26 USC 9818.

"SEC. 9818. CONTINUITY OF CARE.

"(a) ENSURING CONTINUITY OF CARE WITH RESPECT TO TERMINATIONS OF CERTAIN CONTRACTUAL RELATIONSHIPS RESULTING IN CHANGES IN PROVIDER NETWORK STATUS.—

"(1) IN GENERAL.—In the case of an individual with benefits under a group health plan and with respect to a health care provider or facility that has a contractual relationship with such plan for furnishing items and services under such plan, if, while such individual is a continuing care patient (as defined in subsection (b)) with respect to such provider or facility—

"(A) such contractual relationship is terminated (as defined in paragraph (b));

"(B) benefits provided under such plan with respect to such provider or facility are terminated because of a change in the terms of the participation of such provider or facility in such plan; or

"(C) a contract between such group health plan and a health insurance issuer offering health insurance coverage in connection with such plan is terminated, resulting in a loss of benefits provided under such plan with respect to such provider or facility;

the plan shall meet the requirements of paragraph (2) with respect to such individual.

Notifications.

"(2) REQUIREMENTS.—The requirements of this paragraph are that the plan—

"(A) notify each individual enrolled under such plan who is a continuing care patient with respect to a provider or facility at the time of a termination described in paragraph (1) affecting such provider on a timely basis of such termination and such individual's right to elect continued transitional care from such provider or facility under this section;

"(B) provide such individual with an opportunity to notify the plan of the individual's need for transitional care; and

Time period.
Effective dates.

"(C) permit the patient to elect to continue to have benefits provided under such plan, under the same terms and conditions as would have applied and with respect to such items and services as would have been covered under such plan had such termination not occurred, with respect to the course of treatment furnished by such provider or facility relating to such individual's status as a continuing care patient during the period beginning on the date on which the notice under subparagraph (A) is provided and ending on the earlier of—

"(i) the 90-day period beginning on such date; or

"(ii) the date on which such individual is no longer a continuing care patient with respect to such provider or facility.

"(b) DEFINITIONS.—In this section:

"(1) CONTINUING CARE PATIENT.—The term 'continuing care patient' means an individual who, with respect to a provider or facility—

"(A) is undergoing a course of treatment for a serious and complex condition from the provider or facility;

"(B) is undergoing a course of institutional or inpatient care from the provider or facility;

"(C) is scheduled to undergo nonelective surgery from the provider or facility, including receipt of postoperative care from such provider or facility with respect to such a surgery;

"(D) is pregnant and undergoing a course of treatment for the pregnancy from the provider or facility; or

"(E) is or was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) and is receiving treatment for such illness from such provider or facility.

"(2) SERIOUS AND COMPLEX CONDITION.—The term 'serious and complex condition' means, with respect to a participant or beneficiary under a group health plan—

"(A) in the case of an acute illness, a condition that is serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

"(B) in the case of a chronic illness or condition, a condition that—

"(i) is life-threatening, degenerative, potentially disabling, or congenital; and

"(ii) requires specialized medical care over a prolonged period of time.

"(3) TERMINATED.—The term 'terminated' includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract for failure to meet applicable quality standards or for fraud.".

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter, as amended by the previous sections, is further amended by inserting after the item relating to section 9817 the following new item:

26 USC prec. 9811.

"Sec. 9818. Continuity of care.".

(c) EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by section 102(c) and further amended by the previous provisions of this title, is further amended by inserting after section 717 the following new section:

"SEC. 718. CONTINUITY OF CARE.

29 USC 1185g.

"(a) ENSURING CONTINUITY OF CARE WITH RESPECT TO TERMINATIONS OF CERTAIN CONTRACTUAL RELATIONSHIPS RESULTING IN CHANGES IN PROVIDER NETWORK STATUS.—

"(1) IN GENERAL.—In the case of an individual with benefits under a group health plan or group health insurance coverage offered by a health insurance issuer and with respect to a health care provider or facility that has a contractual relationship with such plan or such issuer (as applicable) for furnishing

items and services under such plan or such coverage, if, while such individual is a continuing care patient (as defined in subsection (b)) with respect to such provider or facility—

"(A) such contractual relationship is terminated (as defined in paragraph (b));

"(B) benefits provided under such plan or such health insurance coverage with respect to such provider or facility are terminated because of a change in the terms of the participation of the provider or facility in such plan or coverage; or

"(C) a contract between such group health plan and a health insurance issuer offering health insurance coverage in connection with such plan is terminated, resulting in a loss of benefits provided under such plan with respect to such provider or facility;

the plan or issuer, respectively, shall meet the requirements of paragraph (2) with respect to such individual.

Notifications.

"(2) REQUIREMENTS.—The requirements of this paragraph are that the plan or issuer—

"(A) notify each individual enrolled under such plan or coverage who is a continuing care patient with respect to a provider or facility at the time of a termination described in paragraph (1) affecting such provider or facility on a timely basis of such termination and such individual's right to elect continued transitional care from such provider or facility under this section;

"(B) provide such individual with an opportunity to notify the plan or issuer of the individual's need for transitional care; and

Time period.
Effective dates.

"(C) permit the patient to elect to continue to have benefits provided under such plan or such coverage, under the same terms and conditions as would have applied and with respect to such items and services as would have been covered under such plan or coverage had such termination not occurred, with respect to the course of treatment furnished by such provider or facility relating to such individual's status as a continuing care patient during the period beginning on the date on which the notice under subparagraph (A) is provided and ending on the earlier of—

"(i) the 90-day period beginning on such date; or

"(ii) the date on which such individual is no longer a continuing care patient with respect to such provider or facility.

"(b) DEFINITIONS.—In this section:

"(1) CONTINUING CARE PATIENT.—The term 'continuing care patient' means an individual who, with respect to a provider or facility—

"(A) is undergoing a course of treatment for a serious and complex condition from the provider or facility;

"(B) is undergoing a course of institutional or inpatient care from the provider or facility;

"(C) is scheduled to undergo nonelective surgery from the provide or facility, including receipt of postoperative care from such provider or facility with respect to such a surgery;

"(D) is pregnant and undergoing a course of treatment for the pregnancy from the provider or facility; or

"(E) is or was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) and is receiving treatment for such illness from such provider or facility.

"(2) SERIOUS AND COMPLEX CONDITION.—The term 'serious and complex condition' means, with respect to a participant or beneficiary under a group health plan or group health insurance coverage—

"(A) in the case of an acute illness, a condition that is serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

"(B) in the case of a chronic illness or condition, a condition that—

"(i) is life-threatening, degenerative, potentially disabling, or congenital; and

"(ii) requires specialized medical care over a prolonged period of time.

"(3) TERMINATED.—The term 'terminated' includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract for failure to meet applicable quality standards or for fraud.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 716 the following new item:

"Sec. 718. Continuity of care.".

(d) PROVIDER REQUIREMENT.—Part E of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as added by section 104 and further amended by the previous provisions of this title, is further amended by adding at the end the following new section:

"SEC. 2799B–8. CONTINUITY OF CARE.

42 USC 300gg–138.

"A health care provider or health care facility shall, in the case of an individual furnished items and services by such provider or facility for which coverage is provided under a group health plan or group or individual health insurance coverage pursuant to section 2799A–3, section 9818 of the Internal Revenue Code of 1986, or section 718 of the Employee Retirement Income Security Act of 1974—

"(1) accept payment from such plan or such issuer (as applicable) (and cost-sharing from such individual, if applicable, in accordance with subsection (a)(2)(C) of such section 2799A–3, 9818, or 718) for such items and services as payment in full for such items and services; and

"(2) continue to adhere to all policies, procedures, and quality standards imposed by such plan or issuer with respect to such individual and such items and services in the same manner as if such termination had not occurred.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to plan years beginning on or after January 1, 2022.

26 USC 9818 note.

SEC. 114. MAINTENANCE OF PRICE COMPARISON TOOL.

(a) PUBLIC HEALTH SERVICE ACT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended, in part D, as added and amended by section 102 and further amended by the previous provisions of this title, by inserting after section 2799A–3 the following new section:

42 USC 300gg–114. Web posting.

"SEC. 2799A–4. MAINTENANCE OF PRICE COMPARISON TOOL.

"A group health plan or a health insurance issuer offering group or individual health insurance coverage shall offer price comparison guidance by telephone and make available on the Internet website of the plan or issuer a price comparison tool that (to the extent practicable) allows an individual enrolled under such plan or coverage, with respect to such plan year, such geographic region, and participating providers with respect to such plan or coverage, to compare the amount of cost-sharing that the individual would be responsible for paying under such plan or coverage with respect to the furnishing of a specific item or service by any such provider.".

(b) INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by sections 102, 105, and 113, is further amended by inserting after section 9818 the following new section:

26 USC 9819.

"SEC. 9819. MAINTENANCE OF PRICE COMPARISON TOOL.

Web posting.

"A group health plan shall offer price comparison guidance by telephone and make available on the Internet website of the plan or issuer a price comparison tool that (to the extent practicable) allows an individual enrolled under such plan, with respect to such plan year, such geographic region, and participating providers with respect to such plan or coverage, to compare the amount of cost-sharing that the individual would be responsible for paying under such plan with respect to the furnishing of a specific item or service by any such provider.".

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter, as amended by the previous sections, is further amended by inserting after the item relating to section 9818 the following new item:

26 USC prec. 9811.

"Sec. 9819. Maintenance of price comparison tool.".

(c) EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by sections 102, 105, and 113, is further amended by inserting after section 718 the following new section:

29 USC 1185h.

"SEC. 719. MAINTENANCE OF PRICE COMPARISON TOOL.

Web posting.

"A group health plan or a health insurance issuer offering group health insurance coverage shall offer price comparison guidance by telephone and make available on the Internet website of the plan or issuer a price comparison tool that (to the extent practicable) allows an individual enrolled under such plan or coverage, with respect to such plan year, such geographic region, and participating providers with respect to such plan or coverage, to compare the amount of cost-sharing that the individual would

be responsible for paying under such plan or coverage with respect to the furnishing of a specific item or service by any such provider.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by the previous provisions of this title, is further amended by inserting after the item relating to section 716 the following new item:

"Sec. 719. Maintenance of price comparison tool.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2022. 26 USC 9819 note.

SEC. 115. STATE ALL PAYER CLAIMS DATABASES.

(a) GRANTS TO STATES.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

"SEC. 320B. STATE ALL PAYER CLAIMS DATABASES. Grants. 42 USC 247d–11.

"(a) IN GENERAL.—The Secretary shall make one-time grants to eligible States for the purposes described in subsection (b).

"(b) USES.—A State may use a grant received under subsection (a) for one of the following purposes:

"(1) To establish a State All Payer Claims Database.

"(2) To improve an existing State All Payer Claims Databases.

"(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary specifies, including, with respect to a State All Payer Claims Database, at least specifics on how the State will ensure uniform data collection and the privacy and security of such data.

"(d) GRANT PERIOD AND AMOUNT.—Grants awarded under this section shall be for a period of 3-years, and in an amount of $2,500,000, of which $1,000,000 shall be made available to the State for each of the first 2 years of the grant period, and $500,000 shall be made available to the State for the third year of the grant period.

"(e) AUTHORIZED USERS.—

"(1) APPLICATION.—An entity desiring authorization for access to a State All Payer Claims Database that has received a grant under this section shall submit to the State All Payer Claims Database an application for such access, which shall include—

"(A) in the case of an entity requesting access for research purposes—

"(i) a description of the uses and methodologies for evaluating health system performance using such data; and

"(ii) documentation of approval of the research by an institutional review board, if applicable for a particular plan of research; or

"(B) in the case of an entity such as an employer, health insurance issuer, third-party administrator, or health care provider, requesting access for the purpose

of quality improvement or cost-containment, a description of the intended uses for such data.

"(2) REQUIREMENTS.—

"(A) ACCESS FOR RESEARCH PURPOSES.—Upon approval of an application for research purposes under paragraph (1)(A), the authorized user shall enter into a data use and confidentiality agreement with the State All Payer Claims Database that has received a grant under this subsection, which shall include a prohibition on attempts to reidentify and disclose individually identifiable health information and proprietary financial information.

"(B) CUSTOMIZED REPORTS.—Employers and employer organizations may request customized reports from a State All Payer Claims Database that has received a grant under this section, at cost, subject to the requirements of this section with respect to privacy, security, and proprietary financial information.

"(C) NON-CUSTOMIZED REPORTS.—A State All Payer Claims Database that has received a grant under this section shall make available to all authorized users aggregate data sets available through the State All Payer Claims Database, free of charge.

"(3) WAIVERS.—The Secretary may waive the requirements of this subsection of a State All Payer Claims Database to provide access of entities to such database if such State All Payer Claims Database is substantially in compliance with this subsection.

"(f) EXPANDED ACCESS.—

"(1) MULTI-STATE APPLICATIONS.—The Secretary may prioritize applications submitted by a State whose application demonstrates that the State will work with other State All Payer Claims Databases to establish a single application for access to data by authorized users across multiple States.

"(2) EXPANSION OF DATA SETS.—The Secretary may prioritize applications submitted by a State whose application demonstrates that the State will implement the reporting format for self-insured group health plans described in section 735 of the Employee Retirement Income Security Act of 1974.

"(g) DEFINITIONS.—In this section—

"(1) the term 'individually identifiable health information' has the meaning given such term in section 1171(6) of the Social Security Act;

"(2) the term 'proprietary financial information' means data that would disclose the terms of a specific contract between an individual health care provider or facility and a specific group health plan, managed care entity (as defined in section 1932(a)(1)(B) of the Social Security Act) or other managed care organization, or health insurance issuer offering group or individual health insurance coverage; and

"(3) the term 'State All Payer Claims Database' means, with respect to a State, a database that may include medical claims, pharmacy claims, dental claims, and eligibility and provider files, which are collected from private and public payers.

"(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $50,000,000 for each

of fiscal years 2022 and 2023, and $25,000,000 for fiscal year 2024, to remain available until expended.".

(b) STANDARDIZED REPORTING FORMAT.—

Subpart C of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191 et seq.) is amended by adding at the end the following:

"SEC. 735. STANDARDIZED REPORTING FORMAT. 29 USC 1191d.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish (and periodically update) a standardized reporting format for the voluntary reporting, by group health plans to State All Payer Claims Databases, of medical claims, pharmacy claims, dental claims, and eligibility and provider files that are collected from private and public payers, and shall provide guidance to States on the process by which States may collect such data from such plans in the standardized reporting format. Deadline. Updates.

"(b) CONSULTATION.— Deadlines.

"(1) ADVISORY COMMITTEE.—Not later than 90 days after the date of enactment of this section, the Secretary shall convene an Advisory Committee (referred to in this section as the 'Committee'), consisting of 15 members to advise the Secretary regarding the format and guidance described in paragraph (1).

"(2) MEMBERSHIP.—

"(A) APPOINTMENT.—In accordance with subparagraph (B), not later than 90 days after the date of enactment this section, the Secretary, in coordination with the Secretary of Health and Human Services, shall appoint under subparagraph (B)(iii), and the Comptroller General of the United States shall appoint under subparagraph (B)(iv), members who have distinguished themselves in the fields of health services research, health economics, health informatics, data privacy and security, or the governance of State All Payer Claims Databases, or who represent organizations likely to submit data to or use the database, including patients, employers, or employee organizations that sponsor group health plans, health care providers, health insurance issuers, or third-party administrators of group health plans. Such members shall serve 3-year terms on a staggered basis. Vacancies on the Committee shall be filled by appointment consistent with this paragraph not later than 3 months after the vacancy arises. Coordination. Time period.

"(B) COMPOSITION.—The Committee shall be comprised of—

"(i) the Assistant Secretary of Employee Benefits and Security Administration of the Department of Labor, or a designee of such Assistant Secretary;

"(ii) the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, or a designee of such Assistant Secretary;

"(iii) members appointed by the Secretary, in coordination with the Secretary of Health and Human Services, including—

"(I) 1 member to serve as the chair of the Committee;

"(II) 1 representative of the Centers for Medicare & Medicaid Services;

"(III) 1 representative of the Agency for Healthcare Research and Quality;

"(IV) 1 representative of the Office for Civil Rights of the Department of Health and Human Services with expertise in data privacy and security;

"(V) 1 representative of the National Center for Health Statistics;

"(VI) 1 representative of the Office of the National Coordinator for Health Information Technology; and

"(VII) 1 representative of a State All-Payer Claims Database;

"(iv) members appointed by the Comptroller General of the United States, including—

"(I) 1 representative of an employer that sponsors a group health plan;

"(II) 1 representative of an employee organization that sponsors a group health plan;

"(III) 1 academic researcher with expertise in health economics or health services research;

"(IV) 1 consumer advocate; and

"(V) 2 additional members.

"(3) REPORT.—Not later than 180 days after the date of enactment of this section, the Committee shall report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce and the Committee on Education and Labor of the House of Representatives. Such report shall include recommendations on the establishment of the format and guidance described in subsection (a).

Recommendations.

Definition.

"(c) STATE ALL PAYER CLAIMS DATABASE.—In this section, the term 'State All Payer Claims Database' means, with respect to a State, a database that may include medical claims, pharmacy claims, dental claims, and eligibility and provider files, which are collected from private and public payers.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2021, to remain available until expended or, if sooner, until the date described in subsection (e).

"(e) SUNSET.—Beginning on the date on which the report is submitted under subsection (b)(3), subsection (b) shall have no force or effect.".

SEC. 116. PROTECTING PATIENTS AND IMPROVING THE ACCURACY OF PROVIDER DIRECTORY INFORMATION.

(a) PHSA.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as added and amended by section 102 and further amended by the previous provisions of this title, is further amended by inserting after section 2799A–4 the following:

42 USC 300gg–115.

"SEC. 2799A–5. PROTECTING PATIENTS AND IMPROVING THE ACCURACY OF PROVIDER DIRECTORY INFORMATION.

"(a) PROVIDER DIRECTORY INFORMATION REQUIREMENTS.—

Effective date.

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, each group health plan and health insurance

issuer offering group or individual health insurance coverage shall—

"(A) establish the verification process described in paragraph (2);

"(B) establish the response protocol described in paragraph (3);

"(C) establish the database described in paragraph (4); and

"(D) include in any directory (other than the database described in subparagraph (C)) containing provider directory information with respect to such plan or such coverage the information described in paragraph (5).

"(2) VERIFICATION PROCESS.—The verification process described in this paragraph is, with respect to a group health plan or a health insurance issuer offering group or individual health insurance coverage, a process— Updates.

"(A) under which, not less frequently than once every 90 days, such plan or such issuer (as applicable) verifies and updates the provider directory information included on the database described in paragraph (4) of such plan or issuer of each health care provider and health care facility included in such database; Time period.

"(B) that establishes a procedure for the removal of such a provider or facility with respect to which such plan or issuer has been unable to verify such information during a period specified by the plan or issuer; and Procedures.

"(C) that provides for the update of such database within 2 business days of such plan or issuer receiving from such a provider or facility information pursuant to section 2799B–9. Deadline.

"(3) RESPONSE PROTOCOL.—The response protocol described in this paragraph is, in the case of an individual enrolled under a group health plan or group or individual health insurance coverage offered by a health insurance issuer who requests information through a telephone call or electronic, web-based, or Internet-based means on whether a health care provider or health care facility has a contractual relationship to furnish items and services under such plan or such coverage, a protocol under which such plan or such issuer (as applicable), in the case such request is made through a telephone call—

"(A) responds to such individual as soon as practicable and in no case later than 1 business day after such call is received, through a written electronic or print (as requested by such individual) communication; and Deadline.

"(B) retains such communication in such individual's file for at least 2 years following such response. Time period.

"(4) DATABASE.—The database described in this paragraph is, with respect to a group health plan or health insurance issuer offering group or individual health insurance coverage, a database on the public website of such plan or issuer that contains—

"(A) a list of each health care provider and health care facility with which such plan or such issuer has a direct or indirect contractual relationship for furnishing items and services under such plan or such coverage; and List.

"(B) provider directory information with respect to each such provider and facility.

"(5) INFORMATION.—The information described in this paragraph is, with respect to a print directory containing provider directory information with respect to a group health plan or individual or group health insurance coverage offered by a health insurance issuer, a notification that such information contained in such directory was accurate as of the date of publication of such directory and that an individual enrolled under such plan or such coverage should consult the database described in paragraph (4) with respect to such plan or such coverage or contact such plan or the issuer of such coverage to obtain the most current provider directory information with respect to such plan or such coverage.

"(6) DEFINITION.—For purposes of this subsection, the term 'provider directory information' includes, with respect to a group health plan and a health insurance issuer offering group or individual health insurance coverage, the name, address, specialty, telephone number, and digital contact information of each health care provider or health care facility with which such plan or such issuer has a contractual relationship for furnishing items and services under such plan or such coverage.

"(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law relating to health care provider directories.

"(b) COST-SHARING FOR SERVICES PROVIDED BASED ON RELIANCE ON INCORRECT PROVIDER NETWORK INFORMATION.—

Effective date.

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, in the case of an item or service furnished to a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer by a nonparticipating provider or a nonparticipating facility, if such item or service would otherwise be covered under such plan or coverage if furnished by a participating provider or participating facility and if either of the criteria described in paragraph (2) applies with respect to such participant, beneficiary, or enrollee and item or service, the plan or coverage—

"(A) shall not impose on such participant, beneficiary, or enrollee a cost-sharing amount for such item or service so furnished that is greater than the cost-sharing amount that would apply under such plan or coverage had such item or service been furnished by a participating provider; and

Applicability.

"(B) shall apply the deductible or out-of-pocket maximum, if any, that would apply if such services were furnished by a participating provider or a participating facility.

"(2) CRITERIA DESCRIBED.—For purposes of paragraph (1), the criteria described in this paragraph, with respect to an item or service furnished to a participant, beneficiary, or enrollee of a group health plan or group or individual health insurance coverage offered by a health insurance issuer by a nonparticipating provider or a nonparticipating facility, are the following:

"(A) The participant, beneficiary, or enrollee received through a database, provider directory, or response protocol described in subsection (a) information with respect to such item and service to be furnished and such information

provided that the provider was a participating provider or facility was a participating facility, with respect to the plan for furnishing such item or service.

"(B) The information was not provided, in accordance with subsection (a), to the participant, beneficiary, or enrollee and the participant, beneficiary, or enrollee requested through the response protocol described in subsection (a)(3) of the plan or coverage information on whether the provider was a participating provider or facility was a participating facility with respect to the plan for furnishing such item or service and was informed through such protocol that the provider was such a participating provider or facility was such a participating facility.

"(c) DISCLOSURE ON PATIENT PROTECTIONS AGAINST BALANCE BILLING.—For plan years beginning on or after January 1, 2022, each group health plan and health insurance issuer offering group or individual health insurance coverage shall make publicly available, post on a public website of such plan or issuer, and include on each explanation of benefits for an item or service with respect to which the requirements under section 2799A–1 applies—

Effective date. Public information. Web posting. Applicability.

"(1) information in plain language on—

Requirements.

"(A) the requirements and prohibitions applied under sections 2799B–1 and 2799B–2 (relating to prohibitions on balance billing in certain circumstances);

"(B) if provided for under applicable State law, any other requirements on providers and facilities regarding the amounts such providers and facilities may, with respect to an item or service, charge a participant, beneficiary, or enrollee of such plan or coverage with respect to which such a provider or facility does not have a contractual relationship for furnishing such item or service under the plan or coverage after receiving payment from the plan or coverage for such item or service and any applicable cost sharing payment from such participant, beneficiary, or enrollee; and

"(C) the requirements applied under section 2799A-1; and

"(2) information on contacting appropriate State and Federal agencies in the case that an individual believes that such a provider or facility has violated any requirement described in paragraph (1) with respect to such individual.".

(b) ERISA.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by sections 102, 105, 113, and 114, is further amended by inserting after section 719 the following:

"SEC. 720. PROTECTING PATIENTS AND IMPROVING THE ACCURACY OF PROVIDER DIRECTORY INFORMATION.

29 USC 1185i.

"(a) PROVIDER DIRECTORY INFORMATION REQUIREMENTS.—

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, each group health plan and health insurance issuer offering group health insurance coverage shall—

Effective date.

"(A) establish the verification process described in paragraph (2);

"(B) establish the response protocol described in paragraph (3);

"(C) establish the database described in paragraph (4); and

"(D) include in any directory (other than the database described in subparagraph (C)) containing provider directory information with respect to such plan or such coverage the information described in paragraph (5).

Updates. "(2) VERIFICATION PROCESS.—The verification process described in this paragraph is, with respect to a group health plan or a health insurance issuer offering group health insurance coverage, a process—

Time period. "(A) under which, not less frequently than once every 90 days, such plan or such issuer (as applicable) verifies and updates the provider directory information included on the database described in paragraph (4) of such plan or issuer of each health care provider and health care facility included in such database;

Procedures. "(B) that establishes a procedure for the removal of such a provider or facility with respect to which such plan or issuer has been unable to verify such information during a period specified by the plan or issuer; and

Deadline. "(C) that provides for the update of such database within 2 business days of such plan or issuer receiving from such a provider or facility information pursuant to section 2799B–9 of the Public Health Service Act.

"(3) RESPONSE PROTOCOL.—The response protocol described in this paragraph is, in the case of an individual enrolled under a group health plan or group health insurance coverage offered by a health insurance issuer who requests information through a telephone call or electronic, web-based, or Internet-based means on whether a health care provider or health care facility has a contractual relationship to furnish items and services under such plan or such coverage, a protocol under which such plan or such issuer (as applicable), in the case such request is made through a telephone call—

Deadline. "(A) responds to such individual as soon as practicable and in no case later than 1 business day after such call is received, through a written electronic or print (as requested by such individual) communication; and

Time period. "(B) retains such communication in such individual's file for at least 2 years following such response.

"(4) DATABASE.—The database described in this paragraph is, with respect to a group health plan or health insurance issuer offering group health insurance coverage, a database on the public website of such plan or issuer that contains—

List. "(A) a list of each health care provider and health care facility with which such plan or such issuer has a direct or indirect contractual relationship for furnishing items and services under such plan or such coverage; and

"(B) provider directory information with respect to each such provider and facility.

"(5) INFORMATION.—The information described in this paragraph is, with respect to a print directory containing provider directory information with respect to a group health plan or group health insurance coverage offered by a health insurance issuer, a notification that such information contained in such directory was accurate as of the date of publication of such directory and that an individual enrolled under such plan or

such coverage should consult the database described in paragraph (4) with respect to such plan or such coverage or contact such plan or the issuer of such coverage to obtain the most current provider directory information with respect to such plan or such coverage.

"(6) DEFINITION.—For purposes of this subsection, the term 'provider directory information' includes, with respect to a group health plan and a health insurance issuer offering group health insurance coverage, the name, address, specialty, telephone number, and digital contact information of each health care provider or health care facility with which such plan or such issuer has a contractual relationship for furnishing items and services under such plan or such coverage.

"(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law relating to health care provider directories, to the extent such State law applies to such plan, coverage, or issuer, subject to section 514.

"(b) COST-SHARING FOR SERVICES PROVIDED BASED ON RELIANCE ON INCORRECT PROVIDER NETWORK INFORMATION.—

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, in the case of an item or service furnished to a participant or beneficiary of a group health plan or group health insurance coverage offered by a health insurance issuer by a nonparticipating provider or a nonparticipating facility, if such item or service would otherwise be covered under such plan or coverage if furnished by a participating provider or participating facility and if either of the criteria described in paragraph (2) applies with respect to such participant or beneficiary and item or service, the plan or coverage— Effective date.

"(A) shall not impose on such participant or beneficiary a cost-sharing amount for such item or service so furnished that is greater than the cost-sharing amount that would apply under such plan or coverage had such item or service been furnished by a participating provider; and

"(B) shall apply the deductible or out-of-pocket maximum, if any, that would apply if such services were furnished by a participating provider or a participating facility. Applicability.

"(2) CRITERIA DESCRIBED.—For purposes of paragraph (1), the criteria described in this paragraph, with respect to an item or service furnished to a participant or beneficiary of a group health plan or group health insurance coverage offered by a health insurance issuer by a nonparticipating provider or a nonparticipating facility, are the following:

"(A) The participant or beneficiary received through a database, provider directory, or response protocol described in subsection (a) information with respect to such item and service to be furnished and such information provided that the provider was a participating provider or facility was a participating facility, with respect to the plan for furnishing such item or service.

"(B) The information was not provided, in accordance with subsection (a), to the participant or beneficiary and the participant or beneficiary requested through the response protocol described in subsection (a)(3) of the plan or coverage information on whether the provider was a

participating provider or facility was a participating facility with respect to the plan for furnishing such item or service and was informed through such protocol that the provider was such a participating provider or facility was such a participating facility.

Effective date. Public information. Web posting. Applicability.

"(c) DISCLOSURE ON PATIENT PROTECTIONS AGAINST BALANCE BILLING.—For plan years beginning on or after January 1, 2022, each group health plan and health insurance issuer offering group health insurance coverage shall make publicly available, post on a public website of such plan or issuer, and include on each explanation of benefits for an item or service with respect to which the requirements under section 716 applies—

Requirements.

"(1) information in plain language on—

"(A) the requirements and prohibitions applied under sections 2799B–1 and 2799B–2 of the Public Health Service Act (relating to prohibitions on balance billing in certain circumstances);

"(B) if provided for under applicable State law, any other requirements on providers and facilities regarding the amounts such providers and facilities may, with respect to an item or service, charge a participant or beneficiary of such plan or coverage with respect to which such a provider or facility does not have a contractual relationship for furnishing such item or service under the plan or coverage after receiving payment from the plan or coverage for such item or service and any applicable cost sharing payment from such participant or beneficiary; and

"(C) the requirements applied under section 716; and

"(2) information on contacting appropriate State and Federal agencies in the case that an individual believes that such a provider or facility has violated any requirement described in paragraph (1) with respect to such individual.".

(c) IRC.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by sections 102, 105, 113, and 114, is further amended by inserting after section 9819 the following:

26 USC 9820.

"SEC. 9820. PROTECTING PATIENTS AND IMPROVING THE ACCURACY OF PROVIDER DIRECTORY INFORMATION.

"(a) PROVIDER DIRECTORY INFORMATION REQUIREMENTS.—

Effective date.

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, each group health plan shall—

"(A) establish the verification process described in paragraph (2);

"(B) establish the response protocol described in paragraph (3);

"(C) establish the database described in paragraph (4); and

"(D) include in any directory (other than the database described in subparagraph (C)) containing provider directory information with respect to such plan the information described in paragraph (5).

Updates.

"(2) VERIFICATION PROCESS.—The verification process described in this paragraph is, with respect to a group health plan, a process—

Time period.

"(A) under which, not less frequently than once every 90 days, such plan verifies and updates the provider directory information included on the database described in

paragraph (4) of such plan or issuer of each health care provider and health care facility included in such database;

"(B) that establishes a procedure for the removal of such a provider or facility with respect to which such plan or issuer has been unable to verify such information during a period specified by the plan or issuer; and Procedures.

"(C) that provides for the update of such database within 2 business days of such plan or issuer receiving from such a provider or facility information pursuant to section 2799B–9 of the Public Health Service Act. Deadline.

"(3) RESPONSE PROTOCOL.—The response protocol described in this paragraph is, in the case of an individual enrolled under a group health plan who requests information through a telephone call or electronic, web-based, or Internet-based means on whether a health care provider or health care facility has a contractual relationship to furnish items and services under such plan, a protocol under which such plan or such issuer (as applicable), in the case such request is made through a telephone call—

"(A) responds to such individual as soon as practicable and in no case later than 1 business day after such call is received, through a written electronic or print (as requested by such individual) communication; and Deadline.

"(B) retains such communication in such individual's file for at least 2 years following such response. Time period.

"(4) DATABASE.—The database described in this paragraph is, with respect to a group health plan, a database on the public website of such plan or issuer that contains—

"(A) a list of each health care provider and health care facility with which such plan or such issuer has a direct or indirect contractual relationship for furnishing items and services under such plan; and List.

"(B) provider directory information with respect to each such provider and facility.

"(5) INFORMATION.—The information described in this paragraph is, with respect to a print directory containing provider directory information with respect to a group health plan, a notification that such information contained in such directory was accurate as of the date of publication of such directory and that an individual enrolled under such plan should consult the database described in paragraph (4) with respect to such plan or contact such plan to obtain the most current provider directory information with respect to such plan.

"(6) DEFINITION.—For purposes of this subsection, the term 'provider directory information' includes, with respect to a group health plan, the name, address, specialty, telephone number, and digital contact information of each health care provider or health care facility with which such plan has a contractual relationship for furnishing items and services under such plan.

"(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law relating to health care provider directories.

"(b) COST-SHARING FOR SERVICES PROVIDED BASED ON RELIANCE ON INCORRECT PROVIDER NETWORK INFORMATION.—

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2022, in the case of an item or service furnished to a participant or beneficiary of a group health plan by a Effective date.

nonparticipating provider or a nonparticipating facility, if such item or service would otherwise be covered under such plan if furnished by a participating provider or participating facility and if either of the criteria described in paragraph (2) applies with respect to such participant or beneficiary and item or service, the plan—

"(A) shall not impose on such participant or beneficiary a cost-sharing amount for such item or service so furnished that is greater than the cost-sharing amount that would apply under such plan had such item or service been furnished by a participating provider; and

Applicability.

"(B) shall apply the deductible or out-of-pocket maximum, if any, that would apply if such services were furnished by a participating provider or a participating facility.

"(2) CRITERIA DESCRIBED.—For purposes of paragraph (1), the criteria described in this paragraph, with respect to an item or service furnished to a participant or beneficiary of a group health plan by a nonparticipating provider or a nonparticipating facility, are the following:

"(A) The participant or beneficiary received through a database, provider directory, or response protocol described in subsection (a) information with respect to such item and service to be furnished and such information provided that the provider was a participating provider or facility was a participating facility, with respect to the plan for furnishing such item or service.

"(B) The information was not provided, in accordance with subsection (a), to the participant or beneficiary and the participant or beneficiary requested through the response protocol described in subsection (a)(3) of the plan information on whether the provider was a participating provider or facility was a participating facility with respect to the plan for furnishing such item or service and was informed through such protocol that the provider was such a participating provider or facility was such a participating facility.

"(c) DISCLOSURE ON PATIENT PROTECTIONS AGAINST BALANCE BILLING.—For plan years beginning on or after January 1, 2022, each group health plan shall make publicly available, post on a public website of such plan or issuer, and include on each explanation of benefits for an item or service with respect to which the requirements under section 9816 applies—

Effective date.
Public information.
Web posting.
Applicability.

"(1) information in plain language on—

Requirements.

"(A) the requirements and prohibitions applied under sections 2799B–1 and 2799B–2 of the Public Health Service Act(relating to prohibitions on balance billing in certain circumstances);

"(B) if provided for under applicable State law, any other requirements on providers and facilities regarding the amounts such providers and facilities may, with respect to an item or service, charge a participant or beneficiary of such plan with respect to which such a provider or facility does not have a contractual relationship for furnishing such item or service under the plan after receiving payment from the plan for such item or service and any

applicable cost sharing payment from such participant or beneficiary; and

"(C) the requirements applied under section 9816; and

"(2) information on contacting appropriate State and Federal agencies in the case that an individual believes that such a provider or facility has violated any requirement described in paragraph (1) with respect to such individual.".

(d) CLERICAL AMENDMENTS.—

(1) ERISA.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), as amended by the previous provisions of this title, is further amended by inserting after the item relating to section 719 the following new item:

"720. Protecting patients and improving the accuracy of provider directory information.".

(2) IRC.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by the previous provisions of this title, is further amended by inserting after the item relating to section 9819 the following new item: 26 USC prec. 9811.

"9820. Protecting patients and improving the accuracy of provider directory information.".

(e) PROVIDER REQUIREMENTS.—Part E of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as added by section 104 and as further amended by the previous provisions of this title, is further amended by adding at the end the following:

"SEC. 2799B–9. PROVIDER REQUIREMENTS TO PROTECT PATIENTS AND IMPROVE THE ACCURACY OF PROVIDER DIRECTORY INFORMATION. 42 USC 300gg–139.

"(a) PROVIDER BUSINESS PROCESSES.—Beginning not later than January 1, 2022, each health care provider and each health care facility shall have in place business processes to ensure the timely provision of provider directory information to a group health plan or a health insurance issuer offering group or individual health insurance coverage to support compliance by such plans or issuers with section 2799A–5(a)(1), section 720(a)(1) of the Employee Retirement Income Security Act of 1974, or section 9820(a)(1) of the Internal Revenue Code of 1986, as applicable. Such providers shall submit provider directory information to a plan or issuers, at a minimum— Effective date.

"(1) when the provider or facility begins a network agreement with a plan or with an issuer with respect to certain coverage;

"(2) when the provider or facility terminates a network agreement with a plan or with an issuer with respect to certain coverage;

"(3) when there are material changes to the content of provider directory information of the provider or facility described in section 2799A–5(a)(1), section 720(a)(1) of the Employee Retirement Income Security Act of 1974, or section 9820(a)(1) of the Internal Revenue Code of 1986, as applicable; and

"(4) at any other time (including upon the request of such issuer or plan) determined appropriate by the provider, facility, or the Secretary.

Reimbursement. Determination.

"(b) REFUNDS TO ENROLLEES.—If a health care provider submits a bill to an enrollee based on cost-sharing for treatment or services provided by the health care provider that is in excess of the normal cost-sharing applied for such treatment or services provided in-network, as prohibited under section 2799A–5(b), section 720(b) of the Employee Retirement Income Security Act of 1974, or section 9820(b) of the Internal Revenue Code of 1986, as applicable, and the enrollee pays such bill, the provider shall reimburse the enrollee for the full amount paid by the enrollee in excess of the in-network cost-sharing amount for the treatment or services involved, plus interest, at an interest rate determined by the Secretary.

"(c) LIMITATION.—Nothing in this section shall prohibit a provider from requiring in the terms of a contract, or contract termination, with a group health plan or health insurance issuer—

"(1) that the plan or issuer remove, at the time of termination of such contract, the provider from a directory of the plan or issuer described in section 2799A–5(a), section 720(a) of the Employee Retirement Income Security Act of 1974, or section 9820(a) of the Internal Revenue Code of 1986, as applicable; or

"(2) that the plan or issuer bear financial responsibility, including under section 2799A–5(b), section 720(b) of the Employee Retirement Income Security Act of 1974, or section 9820(b) of the Internal Revenue Code of 1986, as applicable, for providing inaccurate network status information to an enrollee.

"(d) DEFINITION.—For purposes of this section, the term 'provider directory information' includes the names, addresses, specialty, telephone numbers, and digital contact information of individual health care providers, and the names, addresses, telephone numbers, and digital contact information of each medical group, clinic, or facility contracted to participate in any of the networks of the group health plan or health insurance coverage involved.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law relating to health care provider directories.".

SEC. 117. ADVISORY COMMITTEE ON GROUND AMBULANCE AND PATIENT BILLING.

Deadline. Establishment. Review. Disclosure.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor, Secretary of Health and Human Services, and the Secretary of the Treasury (the Secretaries) shall jointly establish an advisory committee for the purpose of reviewing options to improve the disclosure of charges and fees for ground ambulance services, better inform consumers of insurance options for such services, and protect consumers from balance billing.

(b) COMPOSITION OF THE ADVISORY COMMITTEE.—The advisory committee shall be composed of the following members:

(1) The Secretary of Labor, or the Secretary's designee.

(2) The Secretary of Health and Human Services, or the Secretary's designee.

(3) The Secretary of the Treasury, or the Secretary's designee.

(4) One representative, to be appointed jointly by the Secretaries, for each of the following: Appointments.

(A) Each relevant Federal agency, as determined by the Secretaries.

(B) State insurance regulators.

(C) Health insurance providers.

(D) Patient advocacy groups.

(E) Consumer advocacy groups.

(F) State and local governments.

(G) Physician specializing in emergency, trauma, cardiac, or stroke.

(H) State Emergency Medical Services Officials.

(I) Emergency medical technicians, paramedics, and other emergency medical services personnel.

(5) Three representatives, to be appointed jointly by the Secretaries, to represent the various segments of the ground ambulance industry. Appointments.

(6) Up to an additional 2 representatives otherwise not described in paragraphs (1) through (5), as determined necessary and appropriate by the Secretaries.

(c) CONSULTATION.—The advisory committee shall, as appropriate, consult with relevant experts and stakeholders, including those not otherwise included under subsection (b), while conducting the review described in subsection (a).

(d) RECOMMENDATIONS.—The advisory committee shall make recommendations with respect to disclosure of charges and fees for ground ambulance services and insurance coverage, consumer protection and enforcement authorities of the Departments of Labor, Health and Human Services, and the Treasury and State authorities, and the prevention of balance billing to consumers. The recommendations shall address, at a minimum—

(1) options, best practices, and identified standards to prevent instances of balance billing;

(2) steps that can be taken by State legislatures, State insurance regulators, State attorneys general, and other State officials as appropriate, consistent with current legal authorities regarding consumer protection; and

(3) legislative options for Congress to prevent balance billing.

(e) REPORT.—Not later than 180 days after the date of the first meeting of the advisory committee, the advisory committee shall submit to the Secretaries, and the Committees on Education and Labor, Energy and Commerce, and Ways and Means of the House of Representatives and the Committees on Finance and Health, Education, Labor, and Pensions a report containing the recommendations made under subsection (d).

SEC. 118. IMPLEMENTATION FUNDING.

(a) IN GENERAL.—For the purposes described in subsection (b), there are appropriated, out of amounts in the Treasury not otherwise appropriated, to the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury, $500,000,000 for fiscal year 2021, to remain available until expended through 2024.

(b) PERMITTED PURPOSES.—The purposes described in this subsection are limited to the following purposes, insofar as such purposes are to carry out the provisions of, including the amendments made by, this title and title II:

Regulations.

(1) Preparing, drafting, and issuing proposed and final regulations or interim regulations.

Public information.

(2) Preparing, drafting, and issuing guidance and public information.

(3) Preparing and holding public meetings.

Reports.

(4) Preparing, drafting, and publishing reports.

(5) Enforcement of such provisions.

Analysis. Data.

(6) Reporting, collection, and analysis of data.

(7) Establishment and initial implementation of the processes for independent dispute resolution and implementation of patient-provider dispute resolution under such provisions.

Audits.

(8) Conducting audits.

(9) Other administrative duties necessary for implementation of such provisions.

Reports.

(c) TRANSPARENCY OF IMPLEMENTATION FUNDS.—Each Secretary described in subsection (a) shall annually submit to the Committees on Energy and Commerce, on Ways and Means, on Education and Labor, and on Appropriations of the House of Representatives and on the Committees on Health, Education, Labor, and Pensions and on Appropriations of the Senate a report on funds expended pursuant to funds appropriated under this section.

TITLE II—TRANSPARENCY

SEC. 201. INCREASING TRANSPARENCY BY REMOVING GAG CLAUSES ON PRICE AND QUALITY INFORMATION.

(a) PHSA.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as added and amended by title I, is further amended by adding at the end the following:

42 USC 300gg–119.

"SEC. 2799A–9. INCREASING TRANSPARENCY BY REMOVING GAG CLAUSES ON PRICE AND QUALITY INFORMATION.

"(a) INCREASING PRICE AND QUALITY TRANSPARENCY FOR PLAN SPONSORS AND GROUP AND INDIVIDUAL MARKET CONSUMERS.—

"(1) GROUP HEALTH PLANS.—A group health plan or health insurance issuer offering group health insurance coverage may not enter into an agreement with a health care provider, network or association of providers, third-party administrator, or other service provider offering access to a network of providers that would directly or indirectly restrict a group health plan or health insurance issuer offering such coverage from—

"(A) providing provider-specific cost or quality of care information or data, through a consumer engagement tool or any other means, to referring providers, the plan sponsor, enrollees, or individuals eligible to become enrollees of the plan or coverage;

"(B) electronically accessing de-identified claims and encounter information or data for each enrollee in the plan or coverage, upon request and consistent with the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information

Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990, including, on a per claim basis—

"(i) financial information, such as the allowed amount, or any other claim-related financial obligations included in the provider contract;

"(ii) provider information, including name and clinical designation;

"(iii) service codes; or

"(iv) any other data element included in claim or encounter transactions; or

"(C) sharing information or data described in subparagraph (A) or (B), or directing that such data be shared, with a business associate as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations), consistent with the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990.

"(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—A health insurance issuer offering individual health insurance coverage may not enter into an agreement with a health care provider, network or association of providers, or other service provider offering access to a network of providers that would directly or indirectly restrict the health insurance issuer from—

"(A) providing provider-specific price or quality of care information, through a consumer engagement tool or any other means, to referring providers, enrollees, or individuals eligible to become enrollees of the plan or coverage; or

"(B) sharing, for plan design, plan administration, and plan, financial, legal, and quality improvement activities, data described in subparagraph (A) with a business associate as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations), consistent with the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990.

"(3) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in paragraph (1)(A) or (2)(A) prevents a health care provider, network or association of providers, or other service provider from placing reasonable restrictions on the public disclosure of the information described in such paragraphs (1) and (2).

"(4) ATTESTATION.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall annually submit to the Secretary an attestation that such plan or issuer of such coverage is in compliance with the requirements of this subsection.

Time period.
Compliance.

"(5) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to modify or eliminate existing privacy protections and standards under State and Federal law. Nothing in this subsection shall be construed to otherwise limit access by a group health plan, plan sponsor, or health insurance issuer to data as permitted under the privacy regulations promulgated

pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990.".

(b) ERISA.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by title I, is further amended by adding at the end the following:

29 USC 1185m.

"SEC. 724. INCREASING TRANSPARENCY BY REMOVING GAG CLAUSES ON PRICE AND QUALITY INFORMATION.

"(a) INCREASING PRICE AND QUALITY TRANSPARENCY FOR PLAN SPONSORS AND CONSUMERS.—

"(1) IN GENERAL.—A group health plan (or an issuer of health insurance coverage offered in connection with such a plan) may not enter into an agreement with a health care provider, network or association of providers, third-party administrator, or other service provider offering access to a network of providers that would directly or indirectly restrict a group health plan or health insurance issuer offering such coverage from—

"(A) providing provider-specific cost or quality of care information or data, through a consumer engagement tool or any other means, to referring providers, the plan sponsor, participants or beneficiaries, or individuals eligible to become participants or beneficiaries of the plan or coverage;

"(B) electronically accessing de-identified claims and encounter information or data for each participant or beneficiary in the plan or coverage, upon request and consistent with the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990, including, on a per claim basis—

"(i) financial information, such as the allowed amount, or any other claim-related financial obligations included in the provider contract;

"(ii) provider information, including name and clinical designation;

"(iii) service codes; or

"(iv) any other data element included in claim or encounter transactions; or

"(C) sharing information or data described in subparagraph (A) or (B), or directing that such data be shared, with a business associate as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations), consistent with the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990.

"(2) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in paragraph (1)(A) prevents a health care provider, network or association of providers, or other service provider from placing reasonable restrictions on the

public disclosure of the information described in such paragraph (1).

"(3) ATTESTATION.—A group health plan (or health insurance coverage offered in connection with such a plan) shall annually submit to the Secretary an attestation that such plan or issuer of such coverage is in compliance with the requirements of this subsection. Time period. Compliance.

"(4) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to modify or eliminate existing privacy protections and standards under State and Federal law. Nothing in this subsection shall be construed to otherwise limit access by a group health plan, plan sponsor, or health insurance issuer to data as permitted under the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990.".

(c) IRC.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by title I, is further amended by adding at the end the following:

"SEC. 9824. INCREASING TRANSPARENCY BY REMOVING GAG CLAUSES ON PRICE AND QUALITY INFORMATION. 26 USC 9824.

"(a) INCREASING PRICE AND QUALITY TRANSPARENCY FOR PLAN SPONSORS AND CONSUMERS.—

"(1) IN GENERAL.—A group health plan may not enter into an agreement with a health care provider, network or association of providers, third-party administrator, or other service provider offering access to a network of providers that would directly or indirectly restrict a group health plan from—

"(A) providing provider-specific cost or quality of care information or data, through a consumer engagement tool or any other means, to referring providers, the plan sponsor, participants or beneficiaries, or individuals eligible to become participants or beneficiaries of the plan;

"(B) electronically accessing de-identified claims and encounter information or data for each participant or beneficiary in the plan, upon request and consistent with the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990, including, on a per claim basis—

"(i) financial information, such as the allowed amount, or any other claim-related financial obligations included in the provider contract;

"(ii) provider information, including name and clinical designation;

"(iii) service codes; or

"(iv) any other data element included in claim or encounter transactions; or

"(C) sharing information or data described in subparagraph (A) or (B), or directing that such data be shared, with a business associate as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations), consistent with the privacy regulations promulgated

pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990.

"(2) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in paragraph (1)(A) prevents a health care provider, network or association of providers, or other service provider from placing reasonable restrictions on the public disclosure of the information described in such paragraph (1).

Time period. Compliance.

"(3) ATTESTATION.—A group health plan shall annually submit to the Secretary an attestation that such plan is in compliance with the requirements of this subsection.

"(4) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to modify or eliminate existing privacy protections and standards under State and Federal law. Nothing in this subsection shall be construed to otherwise limit access by a group health plan or plan sponsor to data as permitted under the privacy regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, the amendments made by the Genetic Information Nondiscrimination Act of 2008, and the Americans with Disabilities Act of 1990.".

(d) CLERICAL AMENDMENTS.—

(1) ERISA.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), as amended by title I, is further amended by inserting after the item relating to section 723 the following new item:

"Sec. 724. Increasing transparency by removing gag clauses on price and quality information.".

(2) IRC.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by title I, is further amended by adding at the end the following new item:

26 USC prec. 9811.

"Sec. 9824. Increasing transparency by removing gag clauses on price and quality information.".

SEC. 202. DISCLOSURE OF DIRECT AND INDIRECT COMPENSATION FOR BROKERS AND CONSULTANTS TO EMPLOYER-SPONSORED HEALTH PLANS AND ENROLLEES IN PLANS ON THE INDIVIDUAL MARKET.

(a) GROUP HEALTH PLANS.—Section 408(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(2)) is amended—

(1) by striking "(2) Contracting or making" and inserting "(2)(A) Contracting or making"; and

(2) by adding at the end the following:

"(B)(i) No contract or arrangement for services between a covered plan and a covered service provider, and no extension or renewal of such a contract or arrangement, is reasonable within the meaning of this paragraph unless the requirements of this clause are met.

Definitions.

"(ii)(I) For purposes of this subparagraph:

"(aa) The term 'covered plan' means a group health plan as defined section 733(a).

"(bb) The term 'covered service provider' means a service provider that enters into a contract or arrangement with the covered plan and reasonably expects $1,000 (or such amount as the Secretary may establish in regulations to account for inflation since the date of enactment of the Consolidated Appropriations Act, 2021, as appropriate) or more in compensation, direct or indirect, to be received in connection with providing one or more of the following services, pursuant to the contract or arrangement, regardless of whether such services will be performed, or such compensation received, by the covered service provider, an affiliate, or a subcontractor:

"(AA) Brokerage services, for which the covered service provider, an affiliate, or a subcontractor reasonably expects to receive indirect compensation or direct compensation described in item (dd), provided to a covered plan with respect to selection of insurance products (including vision and dental), recordkeeping services, medical management vendor, benefits administration (including vision and dental), stop-loss insurance, pharmacy benefit management services, wellness services, transparency tools and vendors, group purchasing organization preferred vendor panels, disease management vendors and products, compliance services, employee assistance programs, or third party administration services.

"(BB) Consulting, for which the covered service provider, an affiliate, or a subcontractor reasonably expects to receive indirect compensation or direct compensation described in item (dd), related to the development or implementation of plan design, insurance or insurance product selection (including vision and dental), recordkeeping, medical management, benefits administration selection (including vision and dental), stop-loss insurance, pharmacy benefit management services, wellness design and management services, transparency tools, group purchasing organization agreements and services, participation in and services from preferred vendor panels, disease management, compliance services, employee assistance programs, or third party administration services.

"(cc) The term 'affiliate', with respect to a covered service provider, means an entity that directly or indirectly (through one or more intermediaries) controls, is controlled by, or is under common control with, such provider, or is an officer, director, or employee of, or partner in, such provider.

"(dd)(AA) The term 'compensation' means anything of monetary value, but does not include non-monetary compensation valued at $250 (or such amount as the Secretary may establish in regulations to account for inflation since the date of enactment of the Consolidated Appropriations Act, 2021, as appropriate) or less, in the aggregate, during the term of the contract or arrangement.

"(BB) The term 'direct compensation' means compensation received directly from a covered plan.

"(CC) The term 'indirect compensation' means compensation received from any source other than the covered plan, the plan sponsor, the covered service provider, or an affiliate. Compensation received from a subcontractor is indirect compensation, unless it is received in connection with services performed under a contract or arrangement with a subcontractor.

"(ee) The term 'responsible plan fiduciary' means a fiduciary with authority to cause the covered plan to enter into, or extend or renew, the contract or arrangement.

"(ff) The term 'subcontractor' means any person or entity (or an affiliate of such person or entity) that is not an affiliate of the covered service provider and that, pursuant to a contract or arrangement with the covered service provider or an affiliate, reasonably expects to receive $1,000 (or such amount as the Secretary may establish in regulations to account for inflation since the date of enactment of the Consolidated Appropriations Act, 2021, as appropriate) or more in compensation for performing one or more services described in item (bb) under a contract or arrangement with the covered plan.

Disclosure.

"(II) For purposes of this subparagraph, a description of compensation or cost may be expressed as a monetary amount, formula, or a per capita charge for each enrollee or, if the compensation or cost cannot reasonably be expressed in such terms, by any other reasonable method, including a disclosure that additional compensation may be earned but may not be calculated at the time of contract if such a disclosure includes a description of the circumstances under which the additional compensation may be earned and a reasonable and good faith estimate if the covered service provider cannot otherwise readily describe compensation or cost and explains the methodology and assumptions used to prepare such estimate. Any such description shall contain sufficient information to permit evaluation of the reasonableness of the compensation or cost.

"(III) No person or entity is a 'covered service provider' within the meaning of subclause (I)(bb) solely on the basis of providing services as an affiliate or a subcontractor that is performing one or more of the services described in subitem (AA) or (BB) of such subclause under the contract or arrangement with the covered plan.

Disclosure.

"(iii) A covered service provider shall disclose to a responsible plan fiduciary, in writing, the following:

"(I) A description of the services to be provided to the covered plan pursuant to the contract or arrangement.

"(II) If applicable, a statement that the covered service provider, an affiliate, or a subcontractor will provide, or reasonably expects to provide, services pursuant to the contract or arrangement directly to the covered plan as a fiduciary (within the meaning of section 3(21)).

"(III) A description of all direct compensation, either in the aggregate or by service, that the covered service provider, an affiliate, or a subcontractor reasonably expects to receive in connection with the services described in subclause (I).

"(IV)(aa) A description of all indirect compensation that the covered service provider, an affiliate, or a subcontractor reasonably expects to receive in connection with the services described in subclause (I)—

"(AA) including compensation from a vendor to a brokerage firm based on a structure of incentives not solely related to the contract with the covered plan; and

"(BB) not including compensation received by an employee from an employer on account of work performed by the employee.

"(bb) A description of the arrangement between the payer and the covered service provider, an affiliate, or a subcontractor, as applicable, pursuant to which such indirect compensation is paid.

"(cc) Identification of the services for which the indirect compensation will be received, if applicable.

"(dd) Identification of the payer of the indirect compensation.

"(V) A description of any compensation that will be paid among the covered service provider, an affiliate, or a subcontractor, in connection with the services described in subclause (I) if such compensation is set on a transaction basis (such as commissions, finder's fees, or other similar incentive compensation based on business placed or retained), including identification of the services for which such compensation will be paid and identification of the payers and recipients of such compensation (including the status of a payer or recipient as an affiliate or a subcontractor), regardless of whether such compensation also is disclosed pursuant to subclause (III) or (IV).

"(VI) A description of any compensation that the covered service provider, an affiliate, or a subcontractor reasonably expects to receive in connection with termination of the contract or arrangement, and how any prepaid amounts will be calculated and refunded upon such termination.

"(iv) A covered service provider shall disclose to a responsible plan fiduciary, in writing a description of the manner in which the compensation described in clause (iii), as applicable, will be received. Disclosure.

"(v)(I) A covered service provider shall disclose the information required under clauses (iii) and (iv) to the responsible plan fiduciary not later than the date that is reasonably in advance of the date on which the contract or arrangement is entered into, and extended or renewed. Disclosure.

"(II) A covered service provider shall disclose any change to the information required under clause (iii) and (iv) as soon as practicable, but not later than 60 days from the date on which the covered service provider is informed of such change, unless such disclosure is precluded due to extraordinary circumstances beyond the covered service provider's control, in which case the information shall be disclosed as soon as practicable. Deadline.

"(vi)(I) Upon the written request of the responsible plan fiduciary or covered plan administrator, a covered service provider shall furnish any other information relating to the compensation received in connection with the contract or arrangement that is required for the covered plan to comply with the reporting and disclosure requirements under this Act.

Disclosure.

"(II) The covered service provider shall disclose the information required under clause (iii)(I) reasonably in advance of the date upon which such responsible plan fiduciary or covered plan administrator states that it is required to comply with the applicable reporting or disclosure requirement, unless such disclosure is precluded due to extraordinary circumstances beyond the covered service provider's control, in which case the information shall be disclosed as soon as practicable.

Deadline.

"(vii) No contract or arrangement will fail to be reasonable under this subparagraph solely because the covered service provider, acting in good faith and with reasonable diligence, makes an error or omission in disclosing the information required pursuant to clause (iii) (or a change to such information disclosed pursuant to clause (v)(II)) or clause (vi), provided that the covered service provider discloses the correct information to the responsible plan fiduciary as soon as practicable, but not later than 30 days from the date on which the covered service provider knows of such error or omission.

"(viii)(I) Pursuant to subsection (a), subparagraphs (C) and (D) of section 406(a)(1) shall not apply to a responsible plan fiduciary, notwithstanding any failure by a covered service provider to disclose information required under clause (iii), if the following conditions are met:

"(aa) The responsible plan fiduciary did not know that the covered service provider failed or would fail to make required disclosures and reasonably believed that the covered service provider disclosed the information required to be disclosed.

"(bb) The responsible plan fiduciary, upon discovering that the covered service provider failed to disclose the required information, requests in writing that the covered service provider furnish such information.

Deadline.
Notification.

"(cc) If the covered service provider fails to comply with a written request described in subclause (II) within 90 days of the request, the responsible plan fiduciary notifies the Secretary of the covered service provider's failure, in accordance with subclauses (II) and (III).

"(II) A notice described in subclause (I)(cc) shall contain—

"(aa) the name of the covered plan;

"(bb) the plan number used for the annual report on the covered plan;

"(cc) the plan sponsor's name, address, and employer identification number;

"(dd) the name, address, and telephone number of the responsible plan fiduciary;

"(ee) the name, address, phone number, and, if known, employer identification number of the covered service provider;

"(ff) a description of the services provided to the covered plan;

"(gg) a description of the information that the covered service provider failed to disclose;

"(hh) the date on which such information was requested in writing from the covered service provider; and

"(ii) a statement as to whether the covered service provider continues to provide services to the plan.

"(III) A notice described in subclause (I)(cc) shall be filed with the Department not later than 30 days following the earlier of— Deadline.

"(aa) The covered service provider's refusal to furnish the information requested by the written request described in subclause (I)(bb); or

"(bb) 90 days after the written request referred to in subclause (I)(cc) is made. Time period.

"(IV) If the covered service provider fails to comply with the written request under subclause (I)(bb) within 90 days of such request, the responsible plan fiduciary shall determine whether to terminate or continue the contract or arrangement under section 404. If the requested information relates to future services and is not disclosed promptly after the end of the 90-day period, the responsible plan fiduciary shall terminate the contract or arrangement as expeditiously as possible, consistent with such duty of prudence. Deadline. Determination. Contracts.

"(ix) Nothing in this subparagraph shall be construed to supersede any provision of State law that governs disclosures by parties that provide the services described in this section, except to the extent that such law prevents the application of a requirement of this section.".

(b) APPLICABILITY OF EXISTING REGULATIONS.—Nothing in the amendments made by subsection (a) shall be construed to affect the applicability of section 2550.408b–2 of title 29, Code of Federal Regulations (or any successor regulations), with respect to any applicable entity other than a covered plan or a covered service provider (as defined in section 408(b)(2)(B)(ii) of the Employee Retirement Income Security Act of 1974, as amended by subsection (a)). 29 USC 1108 note.

(c) INDIVIDUAL MARKET COVERAGE.—Subpart 1 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended by adding at the end the following:

"SEC. 2746. DISCLOSURE TO ENROLLEES OF INDIVIDUAL MARKET COVERAGE. 42 USC 300gg–46.

"(a) IN GENERAL.—A health insurance issuer offering individual health insurance coverage or a health insurance issuer offering short-term limited duration insurance coverage shall make disclosures to enrollees in such coverage, as described in subsection (b), and reports to the Secretary, as described in subsection (c), regarding direct or indirect compensation provided by the issuer to an agent or broker associated with enrolling individuals in such coverage. Reports.

"(b) DISCLOSURE.—A health insurance issuer described in subsection (a) shall disclose to an enrollee the amount of direct or indirect compensation provided to an agent or broker for services provided by such agent or broker associated with plan selection and enrollment. Such disclosure shall be—

"(1) made prior to the individual finalizing plan selection; and

"(2) included on any documentation confirming the individual's enrollment.

"(c) REPORTING.—A health insurance issuer described in subsection (a) shall annually report to the Secretary, prior to the beginning of open enrollment, any direct or indirect compensation provided to an agent or broker associated with enrolling individuals in such coverage.

Deadline.

"(d) RULEMAKING.—Not later than 1 year after the date of enactment of the Consolidated Appropriations Act, 2021, the Secretary shall finalize, through notice-and-comment rulemaking, the timing, form, and manner in which issuers described in subsection (a) are required to make the disclosures described in subsection (b) and the reports described in subsection (c). Such rulemaking may also include adjustments to notice requirements to reflect the different processes for plan renewals, in order to provide enrollees with full, timely information.".

29 USC 1108 note.

(d) TRANSITION RULE.—No contract executed prior to the effective date described in subsection (e) by a group health plan subject to the requirements of section 408(b)(2)(B) of the Employee Retirement Income Security Act of 1974 (as amended by subsection (a)) or by a health insurance issuer subject to the requirements of section 2746 of the Public Health Service Act (as added by subsection (c)) shall be subject to the requirements of such section 408(b)(2)(B) or such section 2746, as applicable.

Effective date. 29 USC 1108 note.

(e) APPLICATION.—The amendments made by subsections (a) and (c) shall apply beginning 1 year after the date of enactment of this Act.

SEC. 203. STRENGTHENING PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.

(a) IN GENERAL.—

(1) PHSA.—Section 2726(a) of the Public Health Service Act (42 U.S.C. 300gg–26(a)) is amended by adding at the end the following:

"(8) COMPLIANCE REQUIREMENTS.—

Analyses. Effective date.

"(A) NONQUANTITATIVE TREATMENT LIMITATION (NQTL) REQUIREMENTS.—In the case of a group health plan or a health insurance issuer offering group or individual health insurance coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits and that imposes nonquantitative treatment limitations (referred to in this section as 'NQTLs') on mental health or substance use disorder benefits, such plan or issuer shall perform and document comparative analyses of the design and application of NQTLs and, beginning 45 days after the date of enactment of the Consolidated Appropriations Act, 2021, make available to the applicable State authority (or, as applicable, to the Secretary of Labor or the Secretary of Health and Human Services), upon request, the comparative analyses and the following information:

"(i) The specific plan or coverage terms or other relevant terms regarding the NQTLs and a description of all mental health or substance use disorder and medical or surgical benefits to which each such term applies in each respective benefits classification.

"(ii) The factors used to determine that the NQTLs will apply to mental health or substance use disorder benefits and medical or surgical benefits.

"(iii) The evidentiary standards used for the factors identified in clause (ii), when applicable, provided that every factor shall be defined, and any other source or evidence relied upon to design and apply the NQTLs to mental health or substance use disorder benefits and medical or surgical benefits. Standards.

"(iv) The comparative analyses demonstrating that the processes, strategies, evidentiary standards, and other factors used to apply the NQTLs to mental health or substance use disorder benefits, as written and in operation, are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, and other factors used to apply the NQTLs to medical or surgical benefits in the benefits classification.

"(v) The specific findings and conclusions reached by the group health plan or health insurance issuer with respect to the health insurance coverage, including any results of the analyses described in this subparagraph that indicate that the plan or coverage is or is not in compliance with this section.

"(B) SECRETARY REQUEST PROCESS.—

"(i) SUBMISSION UPON REQUEST.—The Secretary shall request that a group health plan or a health insurance issuer offering group or individual health insurance coverage submit the comparative analyses described in subparagraph (A) for plans that involve potential violations of this section or complaints regarding noncompliance with this section that concern NQTLs and any other instances in which the Secretary determines appropriate. The Secretary shall request not fewer than 20 such analyses per year.

"(ii) ADDITIONAL INFORMATION.—In instances in which the Secretary has concluded that the group health plan or health insurance issuer with respect to health insurance coverage has not submitted sufficient information for the Secretary to review the comparative analyses described in subparagraph (A), as requested under clause (i), the Secretary shall specify to the plan or issuer the information the plan or issuer must submit to be responsive to the request under clause (i) for the Secretary to review the comparative analyses described in subparagraph (A) for compliance with this section. Nothing in this paragraph shall require the Secretary to conclude that a group health plan or health insurance issuer is in compliance with this section solely based upon the inspection of the comparative analyses described in subparagraph (A), as requested under clause (i).

"(iii) REQUIRED ACTION.—

"(I) IN GENERAL.—In instances in which the Secretary has reviewed the comparative analyses described in subparagraph (A), as requested under clause (i), and determined that the group health Determinations. Deadlines.

plan or health insurance issuer is not in compliance with this section, the plan or issuer—

"(aa) shall specify to the Secretary the actions the plan or issuer will take to be in compliance with this section and provide to the Secretary additional comparative analyses described in subparagraph (A) that demonstrate compliance with this section not later than 45 days after the initial determination by the Secretary that the plan or issuer is not in compliance; and

Notification.

"(bb) following the 45-day corrective action period under item (aa), if the Secretary makes a final determination that the plan or issuer still is not in compliance with this section, not later than 7 days after such determination, shall notify all individuals enrolled in the plan or applicable health insurance coverage offered by the issuer that the plan or issuer, with respect to such coverage, has been determined to be not in compliance with this section.

"(II) EXEMPTION FROM DISCLOSURE.—Documents or communications produced in connection with the Secretary's recommendations to a group health plan or health insurance issuer shall not be subject to disclosure pursuant to section 552 of title 5, United States Code.

Public information.

"(iv) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and not later than October 1 of each year thereafter, the Secretary shall submit to Congress, and make publicly available, a report that contains—

Summary.

"(I) a summary of the comparative analyses requested under clause (i), including the identity of each group health plan or health insurance issuer, with respect to particular health insurance coverage that is determined to be not in compliance after the final determination by the Secretary described in clause (iii)(I)(bb);

"(II) the Secretary's conclusions as to whether each group health plan or health insurance issuer submitted sufficient information for the Secretary to review the comparative analyses requested under clause (i) for compliance with this section;

Analyses.

"(III) for each group health plan or health insurance issuer that did submit sufficient information for the Secretary to review the comparative analyses requested under clause (i), the Secretary's conclusions as to whether and why the plan or issuer is in compliance with the requirements under this section;

"(IV) the Secretary's specifications described in clause (ii) for each group health plan or health insurance issuer that the Secretary determined did not submit sufficient information for the Secretary to review the comparative analyses

requested under clause (i) for compliance with this section; and

"(V) the Secretary's specifications described in clause (iii) of the actions each group health plan or health insurance issuer that the Secretary determined is not in compliance with this section must take to be in compliance with this section, including the reason why the Secretary determined the plan or issuer is not in compliance.

"(C) COMPLIANCE PROGRAM GUIDANCE DOCUMENT UPDATE PROCESS.—

"(i) IN GENERAL.—The Secretary shall include instances of noncompliance that the Secretary discovers upon reviewing the comparative analyses requested under subparagraph (B)(i) in the compliance program guidance document described in paragraph (6), as it is updated every 2 years, except that such instances shall not disclose any protected health information or individually identifiable information. Time period.

"(ii) GUIDANCE AND REGULATIONS.—Not later than 18 months after the date of enactment of this paragraph, the Secretary shall finalize any draft or interim guidance and regulations relating to mental health parity under this section. Such draft guidance shall include guidance to clarify the process and timeline for current and potential participants and beneficiaries (and authorized representatives and health care providers of such participants and beneficiaries) with respect to plans to file complaints of such plans or issuers being in violation of this section, including guidance, by plan type, on the relevant State, regional, or national office with which such complaints should be filed. Deadline.

"(iii) STATE.—The Secretary shall share information on findings of compliance and noncompliance discovered upon reviewing the comparative analyses requested under subparagraph (B)(i) shall be shared with the State where the group health plan is located or the State where the health insurance issuer is licensed to do business for coverage offered by a health insurance issuer in the group market, in accordance with paragraph (6)(B)(iii)(II).".

(2) ERISA.—Section 712(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(a)) is amended by adding at the end the following:

"(6) COMPLIANCE PROGRAM GUIDANCE DOCUMENT.—

"(A) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Secretary of the Treasury, in consultation with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury, shall issue a compliance program guidance document to help improve compliance with this section, section 2726 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986, as applicable. In carrying out this paragraph, the Secretaries may take into consideration Consultation.

the 2016 publication of the Department of Health and Human Services and the Department of Labor, entitled 'Warning Signs - Plan or Policy Non-Quantitative Treatment Limitations (NQTLs) that Require Additional Analysis to Determine Mental Health Parity Compliance'.

"(B) EXAMPLES ILLUSTRATING COMPLIANCE AND NONCOMPLIANCE.—

"(i) IN GENERAL.—The compliance program guidance document required under this paragraph shall provide illustrative, de-identified examples (that do not disclose any protected health information or individually identifiable information) of previous findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable, based on investigations of violations of such sections, including—

"(I) examples illustrating requirements for information disclosures and nonquantitative treatment limitations; and

"(II) descriptions of the violations uncovered during the course of such investigations.

"(ii) NONQUANTITATIVE TREATMENT LIMITATIONS.—To the extent that any example described in clause (i) involves a finding of compliance or noncompliance with regard to any requirement for nonquantitative treatment limitations, the example shall provide sufficient detail to fully explain such finding, including a full description of the criteria involved for approving medical and surgical benefits and the criteria involved for approving mental health and substance use disorder benefits.

Contracts.

"(iii) ACCESS TO ADDITIONAL INFORMATION REGARDING COMPLIANCE.—In developing and issuing the compliance program guidance document required under this paragraph, the Secretaries specified in subparagraph (A)—

"(I) shall enter into interagency agreements with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury to share findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable; and

"(II) shall seek to enter into an agreement with a State to share information on findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable.

"(C) RECOMMENDATIONS.—The compliance program guidance document shall include recommendations to advance compliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable, and encourage the

development and use of internal controls to monitor adherence to applicable statutes, regulations, and program requirements. Such internal controls may include illustrative examples of nonquantitative treatment limitations on mental health and substance use disorder benefits, which may fail to comply with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable, in relation to nonquantitative treatment limitations on medical and surgical benefits.

"(D) UPDATING THE COMPLIANCE PROGRAM GUIDANCE DOCUMENT.—The Secretary, the Secretary of Health and Human Services, and the Secretary of the Treasury, in consultation with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury, shall update the compliance program guidance document every 2 years to include illustrative, de-identified examples (that do not disclose any protected health information or individually identifiable information) of previous findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable.

Consultation.
Time period.

"(7) ADDITIONAL GUIDANCE.—

"(A) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Secretary of the Treasury shall issue guidance to group health plans and health insurance issuers offering group health insurance coverage to assist such plans and issuers in satisfying the requirements of this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable.

"(B) DISCLOSURE.—

Compliance.

"(i) GUIDANCE FOR PLANS AND ISSUERS.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods that group health plans and health insurance issuers offering group or individual health insurance coverage may use for disclosing information to ensure compliance with the requirements under this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable, (and any regulations promulgated pursuant to such sections, as applicable).

"(ii) DOCUMENTS FOR PARTICIPANTS, BENEFICIARIES, CONTRACTING PROVIDERS, OR AUTHORIZED REPRESENTATIVES.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods that group health plans and health insurance issuers offering group health insurance coverage may use to provide any participant, beneficiary, contracting provider, or authorized representative, as applicable, with documents containing information that the health plans or issuers are required to disclose to participants, beneficiaries, contracting providers, or authorized representatives to

ensure compliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable, compliance with any regulation issued pursuant to such respective section, or compliance with any other applicable law or regulation. Such guidance shall include information that is comparative in nature with respect to—

"(I) nonquantitative treatment limitations for both medical and surgical benefits and mental health and substance use disorder benefits;

"(II) the processes, strategies, evidentiary standards, and other factors used to apply the limitations described in subclause (I); and

"(III) the application of the limitations described in subclause (I) to ensure that such limitations are applied in parity with respect to both medical and surgical benefits and mental health and substance use disorder benefits.

"(C) NONQUANTITATIVE TREATMENT LIMITATIONS.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods, processes, strategies, evidentiary standards, and other factors that group health plans and health insurance issuers offering group health insurance coverage may use regarding the development and application of nonquantitative treatment limitations to ensure compliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable, (and any regulations promulgated pursuant to such respective section), including—

"(i) examples of methods of determining appropriate types of nonquantitative treatment limitations with respect to both medical and surgical benefits and mental health and substance use disorder benefits, including nonquantitative treatment limitations pertaining to—

"(I) medical management standards based on medical necessity or appropriateness, or whether a treatment is experimental or investigative;

"(II) limitations with respect to prescription drug formulary design; and

"(III) use of fail-first or step therapy protocols;

"(ii) examples of methods of determining—

"(I) network admission standards (such as credentialing); and

"(II) factors used in provider reimbursement methodologies (such as service type, geographic market, demand for services, and provider supply, practice size, training, experience, and licensure) as such factors apply to network adequacy;

"(iii) examples of sources of information that may serve as evidentiary standards for the purposes of making determinations regarding the development and application of nonquantitative treatment limitations;

"(iv) examples of specific factors, and the evidentiary standards used to evaluate such factors, used

by such plans or issuers in performing a nonquantitative treatment limitation analysis;

"(v) examples of how specific evidentiary standards may be used to determine whether treatments are considered experimental or investigative;

"(vi) examples of how specific evidentiary standards may be applied to each service category or classification of benefits;

"(vii) examples of methods of reaching appropriate coverage determinations for new mental health or substance use disorder treatments, such as evidence-based early intervention programs for individuals with a serious mental illness and types of medical management techniques;

"(viii) examples of methods of reaching appropriate coverage determinations for which there is an indirect relationship between the covered mental health or substance use disorder benefit and a traditional covered medical and surgical benefit, such as residential treatment or hospitalizations involving voluntary or involuntary commitment; and

"(ix) additional illustrative examples of methods, processes, strategies, evidentiary standards, and other factors for which the Secretary determines that additional guidance is necessary to improve compliance with this section, section 2726 of the Public Health Service Act, or section 9812 of the Internal Revenue Code of 1986, as applicable.

"(D) PUBLIC COMMENT.—Prior to issuing any final guidance under this paragraph, the Secretary shall provide a public comment period of not less than 60 days during which any member of the public may provide comments on a draft of the guidance. Time period.

"(8) COMPLIANCE REQUIREMENTS.—

"(A) NONQUANTITATIVE TREATMENT LIMITATION (NQTL) REQUIREMENTS.—In the case of a group health plan or a health insurance issuer offering group health insurance coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits and that imposes nonquantitative treatment limitations (referred to in this section as 'NQTLs') on mental health or substance use disorder benefits, such plan or issuer shall perform and document comparative analyses of the design and application of NQTLs and, beginning 45 days after the date of enactment of the Consolidated Appropriations Act, 2021, make available to the Secretary, upon request, the comparative analyses and the following information: Analyses. Effective date.

"(i) The specific plan or coverage terms or other relevant terms regarding the NQTLs, that applies to such plan or coverage, and a description of all mental health or substance use disorder and medical or surgical benefits to which each such term applies in each respective benefits classification.

"(ii) The factors used to determine that the NQTLs will apply to mental health or substance use disorder benefits and medical or surgical benefits.

Standards.

"(iii) The evidentiary standards used for the factors identified in clause (ii), when applicable, provided that every factor shall be defined, and any other source or evidence relied upon to design and apply the NQTLs to mental health or substance use disorder benefits and medical or surgical benefits.

"(iv) The comparative analyses demonstrating that the processes, strategies, evidentiary standards, and other factors used to apply the NQTLs to mental health or substance use disorder benefits, as written and in operation, are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, and other factors used to apply the NQTLs to medical or surgical benefits in the benefits classification.

"(v) The specific findings and conclusions reached by the group health plan or health insurance issuer with respect to the health insurance coverage, including any results of the analyses described in this subparagraph that indicate that the plan or coverage is or is not in compliance with this section.

"(B) SECRETARY REQUEST PROCESS.—

"(i) SUBMISSION UPON REQUEST.—The Secretary shall request that a group health plan or a health insurance issuer offering group health insurance coverage submit the comparative analyses described in subparagraph (A) for plans that involve potential violations of this section or complaints regarding noncompliance with this section that concern NQTLs and any other instances in which the Secretary determines appropriate. The Secretary shall request not fewer than 20 such analyses per year.

"(ii) ADDITIONAL INFORMATION.—In instances in which the Secretary has concluded that the group health plan or health insurance issuer with respect to group health insurance coverage has not submitted sufficient information for the Secretary to review the comparative analyses described in subparagraph (A), as requested under clause (i), the Secretary shall specify to the plan or issuer the information the plan or issuer must submit to be responsive to the request under clause (i) for the Secretary to review the comparative analyses described in subparagraph (A) for compliance with this section. Nothing in this paragraph shall require the Secretary to conclude that a group health plan or health insurance issuer is in compliance with this section solely based upon the inspection of the comparative analyses described in subparagraph (A), as requested under clause (i).

"(iii) REQUIRED ACTION.—

Determinations.
Deadlines.

"(I) IN GENERAL.—In instances in which the Secretary has reviewed the comparative analyses described in subparagraph (A), as requested under clause (i), and determined that the group health plan or health insurance issuer is not in compliance with this section, the plan or issuer—

"(aa) shall specify to the Secretary the actions the plan or issuer will take to be in compliance with this section and provide to the Secretary additional comparative analyses described in subparagraph (A) that demonstrate compliance with this section not later than 45 days after the initial determination by the Secretary that the plan or issuer is not in compliance; and

Notification.

"(bb) following the 45-day corrective action period under item (aa), if the Secretary makes a final determination that the plan or issuer still is not in compliance with this section, not later than 7 days after such determination, shall notify all individuals enrolled in the plan or applicable health insurance coverage offered by the issuer that the plan or issuer, with respect to such coverage, has been determined to be not in compliance with this section.

"(II) EXEMPTION FROM DISCLOSURE.—Documents or communications produced in connection with the Secretary's recommendations to a group health plan or health insurance issuer shall not be subject to disclosure pursuant to section 552 of title 5, United States Code.

Public information.

"(iv) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and not later than October 1 of each year thereafter, the Secretary shall submit to Congress, and make publicly available, a report that contains—

Summary.

"(I) a summary of the comparative analyses requested under clause (i), including the identity of each group health plan or health insurance issuer, with respect to certain health insurance coverage that is determined to be not in compliance after the final determination by the Secretary described in clause (iii)(I)(bb);

"(II) the Secretary's conclusions as to whether each group health plan or health insurance issuer submitted sufficient information for the Secretary to review the comparative analyses requested under clause (i) for compliance with this section;

"(III) for each group health plan or health insurance issuer that did submit sufficient information for the Secretary to review the comparative analyses requested under clause (i), the Secretary's conclusions as to whether and why the plan or issuer is in compliance with the disclosure requirements under this section;

"(IV) the Secretary's specifications described in clause (ii) for each group health plan or health insurance issuer that the Secretary determined did not submit sufficient information for the Secretary to review the comparative analyses requested under clause (i) for compliance with this section; and

"(V) the Secretary's specifications described in clause (iii) of the actions each group health plan or health insurance issuer that the Secretary determined is not in compliance with this section must take to be in compliance with this section, including the reason why the Secretary determined the plan or issuer is not in compliance.

"(C) COMPLIANCE PROGRAM GUIDANCE DOCUMENT UPDATE PROCESS.—

Time period.

"(i) IN GENERAL.—The Secretary shall include instances of noncompliance that the Secretary discovers upon reviewing the comparative analyses requested under subparagraph (B)(i) in the compliance program guidance document described in paragraph (6), as it is updated every 2 years, except that such instances shall not disclose any protected health information or individually identifiable information.

Deadline.

"(ii) GUIDANCE AND REGULATIONS.—Not later than 18 months after the date of enactment of this paragraph, the Secretary shall finalize any draft or interim guidance and regulations relating to mental health parity under this section. Such draft guidance shall include guidance to clarify the process and timeline for current and potential participants and beneficiaries (and authorized representatives and health care providers of such participants and beneficiaries) with respect to plans to file complaints of such plans or issuers being in violation of this section, including guidance, by plan type, on the relevant State, regional, or national office with which such complaints should be filed.

"(iii) STATE.—The Secretary shall share information on findings of compliance and noncompliance discovered upon reviewing the comparative analyses requested under subparagraph (B)(i) shall be shared with the State where the group health plan is located or the State where the health insurance issuer is licensed to do business for coverage offered by a health insurance issuer in the group market, in accordance with paragraph (6)(B)(iii)(II).".

(3) IRC.—Section 9812(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

26 USC 9812.

"(6) COMPLIANCE PROGRAM GUIDANCE DOCUMENT.—

Consultation.

"(A) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Secretary of Labor, in consultation with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury, shall issue a compliance program guidance document to help improve compliance with this section, section 2726 of the Public Health Service Act, and section 712 of the Employee Retirement Income Security Act of 1974, as applicable. In carrying out this paragraph, the Secretaries may take into consideration the 2016 publication of the Department of Health and Human Services and the Department of Labor, entitled

'Warning Signs - Plan or Policy Non-Quantitative Treatment Limitations (NQTLs) that Require Additional Analysis to Determine Mental Health Parity Compliance'.

"(B) EXAMPLES ILLUSTRATING COMPLIANCE AND NONCOMPLIANCE.—

"(i) IN GENERAL.—The compliance program guidance document required under this paragraph shall provide illustrative, de-identified examples (that do not disclose any protected health information or individually identifiable information) of previous findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable, based on investigations of violations of such sections, including—

"(I) examples illustrating requirements for information disclosures and nonquantitative treatment limitations; and

"(II) descriptions of the violations uncovered during the course of such investigations.

"(ii) NONQUANTITATIVE TREATMENT LIMITATIONS.—To the extent that any example described in clause (i) involves a finding of compliance or noncompliance with regard to any requirement for nonquantitative treatment limitations, the example shall provide sufficient detail to fully explain such finding, including a full description of the criteria involved for approving medical and surgical benefits and the criteria involved for approving mental health and substance use disorder benefits.

"(iii) ACCESS TO ADDITIONAL INFORMATION REGARDING COMPLIANCE.—In developing and issuing the compliance program guidance document required under this paragraph, the Secretaries specified in subparagraph (A)— Contracts.

"(I) shall enter into interagency agreements with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury to share findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable; and

"(II) shall seek to enter into an agreement with a State to share information on findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable.

"(C) RECOMMENDATIONS.—The compliance program guidance document shall include recommendations to advance compliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable, and encourage the development and use of internal controls

to monitor adherence to applicable statutes, regulations, and program requirements. Such internal controls may include illustrative examples of nonquantitative treatment limitations on mental health and substance use disorder benefits, which may fail to comply with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable, in relation to nonquantitative treatment limitations on medical and surgical benefits.

Consultation.
Time period.

"(D) UPDATING THE COMPLIANCE PROGRAM GUIDANCE DOCUMENT.—The Secretary, the Secretary of Health and Human Services, and the Secretary of Labor, in consultation with the Inspector General of the Department of Health and Human Services, the Inspector General of the Department of Labor, and the Inspector General of the Department of the Treasury, shall update the compliance program guidance document every 2 years to include illustrative, de-identified examples (that do not disclose any protected health information or individually identifiable information) of previous findings of compliance and noncompliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable.

"(7) ADDITIONAL GUIDANCE.—

"(A) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Secretary of Labor shall issue guidance to group health plans to assist such plans in satisfying the requirements of this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable.

Compliance.

"(B) DISCLOSURE.—

"(i) GUIDANCE FOR PLANS.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods that group health plans may use for disclosing information to ensure compliance with the requirements under this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable, (and any regulations promulgated pursuant to such sections, as applicable).

"(ii) DOCUMENTS FOR PARTICIPANTS, BENEFICIARIES, CONTRACTING PROVIDERS, OR AUTHORIZED REPRESENTATIVES.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods that group health plans may use to provide any participant, beneficiary, contracting provider, or authorized representative, as applicable, with documents containing information that the health plans are required to disclose to participants, beneficiaries, contracting providers, or authorized representatives to ensure compliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable, compliance with any regulation

issued pursuant to such respective section, or compliance with any other applicable law or regulation. Such guidance shall include information that is comparative in nature with respect to—

"(I) nonquantitative treatment limitations for both medical and surgical benefits and mental health and substance use disorder benefits;

"(II) the processes, strategies, evidentiary standards, and other factors used to apply the limitations described in subclause (I); and

"(III) the application of the limitations described in subclause (I) to ensure that such limitations are applied in parity with respect to both medical and surgical benefits and mental health and substance use disorder benefits.

"(C) NONQUANTITATIVE TREATMENT LIMITATIONS.—The guidance issued under this paragraph shall include clarifying information and illustrative examples of methods, processes, strategies, evidentiary standards, and other factors that group health plans may use regarding the development and application of nonquantitative treatment limitations to ensure compliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable, (and any regulations promulgated pursuant to such respective section), including—

"(i) examples of methods of determining appropriate types of nonquantitative treatment limitations with respect to both medical and surgical benefits and mental health and substance use disorder benefits, including nonquantitative treatment limitations pertaining to—

"(I) medical management standards based on medical necessity or appropriateness, or whether a treatment is experimental or investigative;

"(II) limitations with respect to prescription drug formulary design; and

"(III) use of fail-first or step therapy protocols;

"(ii) examples of methods of determining—

"(I) network admission standards (such as credentialing); and

"(II) factors used in provider reimbursement methodologies (such as service type, geographic market, demand for services, and provider supply, practice size, training, experience, and licensure) as such factors apply to network adequacy;

"(iii) examples of sources of information that may serve as evidentiary standards for the purposes of making determinations regarding the development and application of nonquantitative treatment limitations;

"(iv) examples of specific factors, and the evidentiary standards used to evaluate such factors, used by such plans in performing a nonquantitative treatment limitation analysis;

"(v) examples of how specific evidentiary standards may be used to determine whether treatments are considered experimental or investigative;

"(vi) examples of how specific evidentiary standards may be applied to each service category or classification of benefits;

"(vii) examples of methods of reaching appropriate coverage determinations for new mental health or substance use disorder treatments, such as evidence-based early intervention programs for individuals with a serious mental illness and types of medical management techniques;

"(viii) examples of methods of reaching appropriate coverage determinations for which there is an indirect relationship between the covered mental health or substance use disorder benefit and a traditional covered medical and surgical benefit, such as residential treatment or hospitalizations involving voluntary or involuntary commitment; and

Determination.

"(ix) additional illustrative examples of methods, processes, strategies, evidentiary standards, and other factors for which the Secretary determines that additional guidance is necessary to improve compliance with this section, section 2726 of the Public Health Service Act, or section 712 of the Employee Retirement Income Security Act of 1974, as applicable.

Time period.

"(D) PUBLIC COMMENT.—Prior to issuing any final guidance under this paragraph, the Secretary shall provide a public comment period of not less than 60 days during which any member of the public may provide comments on a draft of the guidance.

"(8) COMPLIANCE REQUIREMENTS.—

Analyses.
Effective date.

"(A) NONQUANTITATIVE TREATMENT LIMITATION (NQTL) REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits and that imposes nonquantitative treatment limitations (referred to in this section as 'NQTLs') on mental health or substance use disorder benefits, such plan shall perform and document comparative analyses of the design and application of NQTLs and, beginning 45 days after the date of enactment of the Consolidated Appropriations Act, 2021, make available to the Secretary, upon request, the comparative analyses and the following information:

"(i) The specific plan terms or other relevant terms regarding the NQTLs and a description of all mental health or substance use disorder and medical or surgical benefits to which each such term applies in each respective benefits classification.

"(ii) The factors used to determine that the NQTLs will apply to mental health or substance use disorder benefits and medical or surgical benefits.

Standards.

"(iii) The evidentiary standards used for the factors identified in clause (ii), when applicable, provided that every factor shall be defined, and any other source or evidence relied upon to design and apply the NQTLs to mental health or substance use disorder benefits and medical or surgical benefits.

"(iv) The comparative analyses demonstrating that the processes, strategies, evidentiary standards, and

other factors used to apply the NQTLs to mental health or substance use disorder benefits, as written and in operation, are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, and other factors used to apply the NQTLs to medical or surgical benefits in the benefits classification.

"(v) A disclosure of the specific findings and conclusions reached by the group health plan, including any results of the analyses described in this subparagraph that indicate that the plan is or is not in compliance with this section. Disclosure.

"(B) SECRETARY REQUEST PROCESS.—

"(i) SUBMISSION UPON REQUEST.—The Secretary shall request that a group health plan submit the comparative analyses described in subparagraph (A) for plans that involve potential violations of this section or complaints regarding noncompliance with this section that concern NQTLs and any other instances in which the Secretary determines appropriate. The Secretary shall request not fewer than 20 such analyses per year.

"(ii) ADDITIONAL INFORMATION.—In instances in which the Secretary has concluded that the group health plan has not submitted sufficient information for the Secretary to review the comparative analyses described in subparagraph (A), as requested under clause (i), the Secretary shall specify to the plan the information the plan must submit to be responsive to the request under clause (i) for the Secretary to review the comparative analyses described in subparagraph (A) for compliance with this section. Nothing in this paragraph shall require the Secretary to conclude that a group health plan is in compliance with this section solely based upon the inspection of the comparative analyses described in subparagraph (A), as requested under clause (i).

"(iii) REQUIRED ACTION.—

"(I) IN GENERAL.—In instances in which the Secretary has reviewed the comparative analyses described in subparagraph (A), as requested under clause (i), and determined that the group health plan is not in compliance with this section, the plan— Determinations. Deadlines.

"(aa) shall specify to the Secretary the actions the plan will take to be in compliance with this section and provide to the Secretary additional comparative analyses described in subparagraph (A) that demonstrate compliance with this section not later than 45 days after the initial determination by the Secretary that the plan is not in compliance; and

"(bb) following the 45-day corrective action period under item (aa), if the Secretary makes a final determination that the plan still is not in compliance with this section, not later than 7 days after such determination, shall Notification.

notify all individuals enrolled in the plan that the plan has been determined to be not in compliance with this section.

"(II) EXEMPTION FROM DISCLOSURE.—Documents or communications produced in connection with the Secretary's recommendations to a group health plan shall not be subject to disclosure pursuant to section 552 of title 5, United States Code.

Public information.

"(iv) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and not later than October 1 of each year thereafter, the Secretary shall submit to Congress, and make publicly available, a report that contains—

Summary.

"(I) a summary of the comparative analyses requested under clause (i), including the identity of each group plan that is determined to be not in compliance after the final determination by the Secretary described in clause (iii)(I)(bb);

"(II) the Secretary's conclusions as to whether each group health plan submitted sufficient information for the Secretary to review the comparative analyses requested under clause (i) for compliance with this section;

"(III) for each group health plan that did submit sufficient information for the Secretary to review the comparative analyses requested under clause (i), the Secretary's conclusions as to whether and why the plan is in compliance with the disclosure requirements under this section;

"(IV) the Secretary's specifications described in clause (ii) for each group health plan that the Secretary determined did not submit sufficient information for the Secretary to review the comparative analyses requested under clause (i) for compliance with this section; and

"(V) the Secretary's specifications described in clause (iii) of the actions each group health plan that the Secretary determined is not in compliance with this section must take to be in compliance with this section, including the reason why the Secretary determined the plan is not in compliance.

"(C) COMPLIANCE PROGRAM GUIDANCE DOCUMENT UPDATE PROCESS.—

Time period.

"(i) IN GENERAL.—The Secretary shall include instances of noncompliance that the Secretary discovers upon reviewing the comparative analyses requested under subparagraph (B)(i) in the compliance program guidance document described in paragraph (6), as it is updated every 2 years, except that such instances shall not disclose any protected health information or individually identifiable information.

Deadline.

"(ii) GUIDANCE AND REGULATIONS.—Not later than 18 months after the date of enactment of this paragraph, the Secretary shall finalize any draft or interim guidance and regulations relating to mental health

parity under this section. Such draft guidance shall include guidance to clarify the process and timeline for current and potential participants and beneficiaries (and authorized representatives and health care providers of such participants and beneficiaries) with respect to plans to file complaints of such plans being in violation of this section, including guidance, by plan type, on the relevant State, regional, or national office with which such complaints should be filed.

"(iii) STATE.—The Secretary shall share information on findings of compliance and noncompliance discovered upon reviewing the comparative analyses requested under subparagraph (B)(i) shall be shared with the State where the group health plan is located, in accordance with paragraph (6)(B)(iii)(II).".

(4) MEDICAID AND CHIP COMPLIANCE.—

(A) MEDICAID MANAGED CARE ORGANIZATIONS.—Section 1932(b)(8) of the Social Security Act (42 U.S.C. 1396u–2(b)(8)) is amended by adding at the end the following new sentence: "In applying the previous sentence with respect to requirements under paragraph (8) of section 2726(a) of the Public Health Service Act, a Medicaid managed care organization (or a prepaid inpatient health plan (as defined by the Secretary) or prepaid ambulatory health plan (as defined by the Secretary) that offers services to enrollees of a Medicaid managed care organization) shall be treated as in compliance with such requirements if the Medicaid managed care organization (or prepaid inpatient health plan or prepaid ambulatory health plan) is in compliance with subpart K of part 438 of title 42, Code of Federal Regulations, and section 438.3(n) of such title, or any successor regulation.".

(B) OTHER BENCHMARK BENEFIT PACKAGES OR BENCHMARK EQUIVALENT COVERAGE.—Section 1937(b)(6)(A) of such Act (42 U.S.C. 1396u–7(b)(6)(A)) is amended—

(i) by striking "section 2705(a)" and inserting "section 2726(a)"; and

(ii) by adding at the end the following new sentence: "In applying the previous sentence with respect to requirements under paragraph (8) of section 2726(a) of the Public Health Service Act, a benchmark benefit package or benchmark equivalent coverage described in such sentence shall be treated as in compliance with such requirements if the State plan under this title or the benchmark benefit package or benefit equivalent coverage, as applicable, is in compliance with subpart C of part 440 of title 42, Code of Federal Regulations, or any successor regulation.".

(C) STATE CHILD HEALTH PLANS.—Section 2103(c)(7)(A) of the Social Security Act (42 U.S.C. 1397cc(c)(7)(A)) is amended—

(i) by striking "section 2705(a)" and inserting "section 2726(a)"; and

(ii) by adding at the end the following new sentence: "In applying the previous sentence with respect to requirements under paragraph (8) of section 2726(a) of the Public Health Service Act, a State child health

Applicability.

plan described in such sentence shall be treated as in compliance with such requirements if the State child health plan is in compliance with section 457.496 of title 42, Code of Federal Regulations, or any successor regulation.".

26 USC 9812 note.

(b) GUIDANCE.—The Secretary of Health and Human Services, jointly with the Secretary of Labor and the Secretary of the Treasury, shall issue guidance to carry out the amendments made by paragraphs (1), (2), and (3) of subsection (a).

SEC. 204. REPORTING ON PHARMACY BENEFITS AND DRUG COSTS.

(a) PHSA.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as amended by section 201, is further amended by adding at the end the following:

42 USC 300gg–120.

"SEC. 2799A–10. REPORTING ON PHARMACY BENEFITS AND DRUG COSTS.

Deadlines.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Consolidated Appropriations Act, 2021, and not later than June 1 of each year thereafter, a group health plan or health insurance issuer offering group or individual health insurance coverage (except for a church plan) shall submit to the Secretary, the Secretary of Labor, and the Secretary of the Treasury the following information with respect to the health plan or coverage in the previous plan year:

"(1) The beginning and end dates of the plan year.

"(2) The number of enrollees.

"(3) Each State in which the plan or coverage is offered.

"(4) The 50 brand prescription drugs most frequently dispensed by pharmacies for claims paid by the plan or coverage, and the total number of paid claims for each such drug.

"(5) The 50 most costly prescription drugs with respect to the plan or coverage by total annual spending, and the annual amount spent by the plan or coverage for each such drug.

"(6) The 50 prescription drugs with the greatest increase in plan expenditures over the plan year preceding the plan year that is the subject of the report, and, for each such drug, the change in amounts expended by the plan or coverage in each such plan year.

"(7) Total spending on health care services by such group health plan or health insurance coverage, broken down by—

"(A) the type of costs, including—

"(i) hospital costs;

"(ii) health care provider and clinical service costs, for primary care and specialty care separately;

"(iii) costs for prescription drugs; and

"(iv) other medical costs, including wellness services; and

"(B) spending on prescription drugs by—

"(i) the health plan or coverage; and

"(ii) the enrollees.

"(8) The average monthly premium—

"(A) paid by employers on behalf of enrollees, as applicable; and

"(B) paid by enrollees.

"(9) Any impact on premiums by rebates, fees, and any other remuneration paid by drug manufacturers to the plan

or coverage or its administrators or service providers, with respect to prescription drugs prescribed to enrollees in the plan or coverage, including—

"(A) the amounts so paid for each therapeutic class of drugs; and

"(B) the amounts so paid for each of the 25 drugs that yielded the highest amount of rebates and other remuneration under the plan or coverage from drug manufacturers during the plan year.

"(10) Any reduction in premiums and out-of-pocket costs associated with rebates, fees, or other remuneration described in paragraph (9).

"(b) REPORT.—Not later than 18 months after the date on which the first report is required under subsection (a) and biannually thereafter, the Secretary, acting through the Assistant Secretary of Planning and Evaluation and in coordination with the Inspector General of the Department of Health and Human Services, shall make available on the internet website of the Department of Health and Human Services a report on prescription drug reimbursements under group health plans and group and individual health insurance coverage, prescription drug pricing trends, and the role of prescription drug costs in contributing to premium increases or decreases under such plans or coverage, aggregated in such a way as no drug or plan specific information will be made public. Coordination. Web posting.

"(c) PRIVACY PROTECTIONS.—No confidential or trade secret information submitted to the Secretary under subsection (a) shall be included in the report under subsection (b).".

(b) ERISA.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by section 201, is further amended by adding at the end the following:

"SEC. 725. REPORTING ON PHARMACY BENEFITS AND DRUG COSTS. 29 USC 1185n.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Consolidated Appropriations Act, 2021, and not later than June 1 of each year thereafter, a group health plan (or health insurance coverage offered in connection with such a plan) shall submit to the Secretary, the Secretary of Health and Human Services, and the Secretary of the Treasury the following information with respect to the health plan or coverage in the previous plan year: Deadlines.

"(1) The beginning and end dates of the plan year.

"(2) The number of participants and beneficiaries.

"(3) Each State in which the plan or coverage is offered.

"(4) The 50 brand prescription drugs most frequently dispensed by pharmacies for claims paid by the plan or coverage, and the total number of paid claims for each such drug.

"(5) The 50 most costly prescription drugs with respect to the plan or coverage by total annual spending, and the annual amount spent by the plan or coverage for each such drug.

"(6) The 50 prescription drugs with the greatest increase in plan expenditures over the plan year preceding the plan year that is the subject of the report, and, for each such drug, the change in amounts expended by the plan or coverage in each such plan year.

"(7) Total spending on health care services by such group health plan or health insurance coverage, broken down by—

"(A) the type of costs, including—

"(i) hospital costs;

"(ii) health care provider and clinical service costs, for primary care and specialty care separately;

"(iii) costs for prescription drugs; and

"(iv) other medical costs, including wellness services; and

"(B) spending on prescription drugs by—

"(i) the health plan or coverage; and

"(ii) the participants and beneficiaries.

"(8) The average monthly premium—

"(A) paid by employers on behalf of participants and beneficiaries, as applicable; and

"(B) paid by participants and beneficiaries.

"(9) Any impact on premiums by rebates, fees, and any other remuneration paid by drug manufacturers to the plan or coverage or its administrators or service providers, with respect to prescription drugs prescribed to participants or beneficiaries in the plan or coverage, including—

"(A) the amounts so paid for each therapeutic class of drugs; and

"(B) the amounts so paid for each of the 25 drugs that yielded the highest amount of rebates and other remuneration under the plan or coverage from drug manufacturers during the plan year.

"(10) Any reduction in premiums and out-of-pocket costs associated with rebates, fees, or other remuneration described in paragraph (9).

Coordination. Web posting.

"(b) REPORT.—Not later than 18 months after the date on which the first report is required under subsection (a) and biannually thereafter, the Secretary, acting in coordination with the Inspector General of the Department of Labor, shall make available on the internet website of the Department of Labor a report on prescription drug reimbursements under group health plans (or health insurance coverage offered in connection with such a plan), prescription drug pricing trends, and the role of prescription drug costs in contributing to premium increases or decreases under such plans or coverage, aggregated in such a way as no drug or plan specific information will be made public.

"(c) PRIVACY PROTECTIONS.—No confidential or trade secret information submitted to the Secretary under subsection (a) shall be included in the report under subsection (b).".

(c) IRC.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 201, is further amended by adding at the end the following:

26 USC 9825.

"SEC. 9825. REPORTING ON PHARMACY BENEFITS AND DRUG COSTS.

Deadlines.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Consolidated Appropriations Act, 2021, and not later than June 1 of each year thereafter, a group health plan shall submit to the Secretary, the Secretary of Health and Human Services, and the Secretary of Labor the following information with respect to the health plan in the previous plan year:

"(1) The beginning and end dates of the plan year.

"(2) The number of participants and beneficiaries.

"(3) Each State in which the plan is offered.

"(4) The 50 brand prescription drugs most frequently dispensed by pharmacies for claims paid by the plan, and the total number of paid claims for each such drug.

"(5) The 50 most costly prescription drugs with respect to the plan by total annual spending, and the annual amount spent by the plan for each such drug.

"(6) The 50 prescription drugs with the greatest increase in plan expenditures over the plan year preceding the plan year that is the subject of the report, and, for each such drug, the change in amounts expended by the plan in each such plan year.

"(7) Total spending on health care services by such group health plan, broken down by—

"(A) the type of costs, including—

"(i) hospital costs;

"(ii) health care provider and clinical service costs, for primary care and specialty care separately;

"(iii) costs for prescription drugs; and

"(iv) other medical costs, including wellness services; and

"(B) spending on prescription drugs by—

"(i) the health plan; and

"(ii) the participants and beneficiaries.

"(8) The average monthly premium—

"(A) paid by employers on behalf of participants and beneficiaries, as applicable; and

"(B) paid by participants and beneficiaries.

"(9) Any impact on premiums by rebates, fees, and any other remuneration paid by drug manufacturers to the plan or its administrators or service providers, with respect to prescription drugs prescribed to participants or beneficiaries in the plan, including—

"(A) the amounts so paid for each therapeutic class of drugs; and

"(B) the amounts so paid for each of the 25 drugs that yielded the highest amount of rebates and other remuneration under the plan from drug manufacturers during the plan year.

"(10) Any reduction in premiums and out-of-pocket costs associated with rebates, fees, or other remuneration described in paragraph (9).

Coordination. Web posting.

"(b) REPORT.—Not later than 18 months after the date on which the first report is required under subsection (a) and biannually thereafter, the Secretary, acting in coordination with the Inspector General of the Department of the Treasury, shall make available on the internet website of the Department of the Treasury a report on prescription drug reimbursements under group health plans, prescription drug pricing trends, and the role of prescription drug costs in contributing to premium increases or decreases under such plans, aggregated in such a way as no drug or plan specific information will be made public.

"(c) PRIVACY PROTECTIONS.—No confidential or trade secret information submitted to the Secretary under subsection (a) shall be included in the report under subsection (b).".

(d) CLERICAL AMENDMENTS.—

(1) ERISA.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), as amended by section 201, is further amended by inserting after the item relating to section 724 the following new item:

"Sec. 725. Reporting on pharmacy benefits and drug costs.".

(2) IRC.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 201, is further amended by adding at the end the following new item:

26 USC prec. 9811.

"Sec. 9825. Reporting on pharmacy benefits and drug costs.".

TITLE III—PUBLIC HEALTH PROVISIONS

Subtitle A—Extenders Provisions

SEC. 301. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking ", $4,000,000,000 for fiscal year 2019, $4,000,000,000 for fiscal year 2020, and $865,753,425 for the period beginning on October 1, 2020, and ending on December 18, 2020" and inserting "and $4,000,000,000 for each of fiscal years 2019 through 2023".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2)(H) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(H)) is amended by striking " $67,095,890 for the period beginning on October 1, 2020, and ending on December 18, 2020" and inserting " $310,000,000 for each of fiscal years 2021 through 2023".

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended—

(1) by inserting "and" after "2017,"; and

(2) by striking "fiscal year 2020, and $27,379,452 for the period beginning on October 1, 2020, and ending on December 18, 2020" and inserting "2023".

(d) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendments made by this section for fiscal years 2021 through 2023 shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act.

(e) CONFORMING AMENDMENTS.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 1201(e) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, is amended by striking "and section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act" and inserting ", section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act,

and section 301(d) of division BB of the Consolidated Appropriations Act, 2021.".

SEC. 302. DIABETES PROGRAMS.

(a) TYPE I.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended by striking "2020, and $32,465,753 for the period beginning on October 1, 2020, and ending on December 18, 2020" and inserting "2023".

(b) INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended by striking "2020, and $32,465,753 for the period beginning on October 1, 2020, and ending on December 18, 2020" and inserting "2023".

Subtitle B—Strengthening Public Health

SEC. 311. IMPROVING AWARENESS OF DISEASE PREVENTION.

(a) IN GENERAL.—The Public Health Service Act is amended by striking section 313 of such Act (42 U.S.C. 245) and inserting the following: Repeal.

"SEC. 313. PUBLIC AWARENESS CAMPAIGN ON THE IMPORTANCE OF VACCINATIONS. 42 USC 245.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with other offices and agencies, as appropriate, shall award competitive grants or contracts to one or more public or private entities to carry out a national, evidence-based campaign to increase awareness and knowledge of the safety and effectiveness of vaccines for the prevention and control of diseases, combat misinformation about vaccines, and disseminate scientific and evidence-based vaccine-related information, with the goal of increasing rates of vaccination across all ages, as applicable, particularly in communities with low rates of vaccination, to reduce and eliminate vaccine-preventable diseases. Coordination. Grants. Contracts.

"(b) CONSULTATION.—In carrying out the campaign under this section, the Secretary shall consult with appropriate public health and medical experts, including the National Academy of Medicine and medical and public health associations and nonprofit organizations, in the development, implementation, and evaluation of the evidence-based public awareness campaign.

"(c) REQUIREMENTS.—The campaign under this section shall—

"(1) be a nationwide, evidence-based media and public engagement initiative;

"(2) include the development of resources for communities with low rates of vaccination, including culturally and linguistically appropriate resources, as applicable;

"(3) include the dissemination of vaccine information and communication resources to public health departments, health care providers, and health care facilities, including such providers and facilities that provide prenatal and pediatric care;

"(4) be complementary to, and coordinated with, any other Federal, State, local, or Tribal efforts, as appropriate; and

"(5) assess the effectiveness of communication strategies to increase rates of vaccination. Assessment.

"(d) ADDITIONAL ACTIVITIES.—The campaign under this section may—

"(1) include the use of television, radio, the internet, and other media and telecommunications technologies;

"(2) include the use of in-person activities;

"(3) be focused to address specific needs of communities and populations with low rates of vaccination; and

"(4) include the dissemination of scientific and evidence-based vaccine-related information, such as—

"(A) advancements in evidence-based research related to diseases that may be prevented by vaccines and vaccine development;

"(B) information on vaccinations for individuals and communities, including individuals for whom vaccines are not recommended by the Advisory Committee for Immunization Practices, and the effects of low vaccination rates within a community on such individuals;

"(C) information on diseases that may be prevented by vaccines; and

"(D) information on vaccine safety and the systems in place to monitor vaccine safety.

"(e) EVALUATION.—The Secretary shall—

"(1) establish benchmarks and metrics to quantitatively measure and evaluate the awareness campaign under this section;

Assessments.

"(2) conduct qualitative assessments regarding the awareness campaign under this section; and

"(3) prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and Committee on Energy and Commerce of the House of Representatives an evaluation of the awareness campaign under this section.

"(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities described in this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and subsections (k) and (n) of section 317, $15,000,000 for each of fiscal years 2021 through 2025.".

(b) GRANTS TO ADDRESS VACCINE-PREVENTABLE DISEASES.—Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended—

(1) in subsection (k)(1)—

(A) in subparagraph (C), by striking "; and" and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(E) planning, implementation, and evaluation of activities to address vaccine-preventable diseases, including activities to—

"(i) identify communities at high risk of outbreaks related to vaccine-preventable diseases, including through improved data collection and analysis;

"(ii) pilot innovative approaches to improve vaccination rates in communities and among populations with low rates of vaccination;

"(iii) reduce barriers to accessing vaccines and evidence-based information about the health effects of vaccines;

"(iv) partner with community organizations and health care providers to develop and deliver evidence-based interventions, including culturally and linguistically appropriate interventions, to increase vaccination rates;

"(v) improve delivery of evidence-based vaccine-related information to parents and others; and

"(vi) improve the ability of State, local, Tribal, and territorial public health departments to engage communities at high risk for outbreaks related to vaccine-preventable diseases, including, as appropriate, with local educational agencies, as defined in section 8101 of the Elementary and Secondary Education Act of 1965; and

"(F) research related to strategies for improving awareness of scientific and evidence-based vaccine-related information, including for communities with low rates of vaccination, in order to understand barriers to vaccination, improve vaccination rates, and assess the public health outcomes of such strategies."; and

(2) by adding at the end the following:

"(n) VACCINATION DATA.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand and enhance, and, as appropriate, establish and improve, programs and conduct activities to collect, monitor, and analyze vaccination coverage data to assess levels of protection from vaccine-preventable diseases, including by assessing factors contributing to underutilization of vaccines and variations of such factors, and identifying communities at high risk of outbreaks associated with vaccine-preventable diseases.". Analysis. Assessments.

(c) SUPPLEMENTAL GRANT FUNDS.—Section 330(d)(1) of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(H) improving access to recommended immunizations.".

(d) UPDATE OF 2015 NVAC REPORT.—The National Vaccine Advisory Committee established under section 2105 of the Public Health Service Act (42 U.S.C. 300aa–5) shall, as appropriate, update the report entitled, "Assessing the State of Vaccine Confidence in the United States: Recommendations from the National Vaccine Advisory Committee", approved by the National Vaccine Advisory Committee on June 10, 2015, with respect to factors affecting childhood vaccination.

SEC. 312. GUIDE ON EVIDENCE-BASED STRATEGIES FOR PUBLIC HEALTH DEPARTMENT OBESITY PREVENTION PROGRAMS. 42 USC 280h–3 note.

(a) DEVELOPMENT AND DISSEMINATION OF AN EVIDENCE-BASED STRATEGIES GUIDE.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, not later than 2 years after the date of enactment of this Act, may— Deadline.

Consultation. Native Americans.

(1) develop a guide on evidence-based strategies for State, territorial, and local health departments to use to build and maintain effective obesity prevention and reduction programs, and, in consultation with Indian Tribes, Tribal organizations, and urban Indian organizations, a guide on such evidence-based strategies with respect to Indian Tribes and Tribal organizations for such Indian Tribes and Tribal organizations to use for such purpose, both of which guides shall—

(A) describe an integrated program structure for implementing interventions proven to be effective in preventing and reducing the incidence of obesity; and

Recommendations.

(B) recommend—

(i) optimal resources, including staffing and infrastructure, for promoting nutrition and obesity prevention and reduction; and

(ii) strategies for effective obesity prevention programs for State, territorial, and local health departments, Indian Tribes, and Tribal organizations, including strategies related to—

(I) the application of evidence-based and evidence-informed practices to prevent and reduce obesity rates;

(II) the development, implementation, and evaluation of obesity prevention and reduction strategies for specific communities and populations;

(III) demonstrated knowledge of obesity prevention practices that reduce associated preventable diseases, health conditions, death, and health care costs;

(IV) best practices for the coordination of efforts to prevent and reduce obesity and related chronic diseases;

(V) addressing the underlying risk factors and social determinants of health that impact obesity rates; and

(VI) interdisciplinary coordination between relevant public health officials specializing in fields such as nutrition, physical activity, epidemiology, communications, and policy implementation, and collaboration between public health officials, community-based organizations, and others, as appropriate; and

(2) disseminate the guides and current research, evidence-based practices, tools, and educational materials related to obesity prevention, consistent with the guides, to State, territorial, and local health departments, Indian Tribes, and Tribal organizations.

(b) TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall provide technical assistance to State, territorial, and local health departments, Indian Tribes, and Tribal organizations to support such health departments in implementing the guide developed under subsection (a)(1).

Definitions.

(c) INDIAN TRIBES; TRIBAL ORGANIZATIONS; URBAN INDIAN ORGANIZATIONS.—In this section—

(1) the terms "Indian Tribe" and "Tribal organization" have the meanings given the terms "Indian tribe" and "tribal organization", respectively, in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and

(2) the term "urban Indian organization" has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SEC. 313. EXPANDING CAPACITY FOR HEALTH OUTCOMES.

Title III of the Public Health Service Act is amended by inserting after section 330M (42 U.S.C. 254c–19) the following:

"SEC. 330N. EXPANDING CAPACITY FOR HEALTH OUTCOMES.

42 USC 254c–20.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that provides, or supports the provision of, health care services in rural areas, frontier areas, health professional shortage areas, or medically underserved areas, or to medically underserved populations or Native Americans, including Indian Tribes, Tribal organizations, and urban Indian organizations, and which may include entities leading, or capable of leading, a technology-enabled collaborative learning and capacity building model or engaging in technology-enabled collaborative training of participants in such model.

"(2) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

"(3) INDIAN TRIBE.—The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act.

"(4) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

"(5) NATIVE AMERICANS.—The term 'Native Americans' has the meaning given the term in section 736 and includes Indian Tribes and Tribal organizations.

"(6) TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY BUILDING MODEL.—The term 'technology-enabled collaborative learning and capacity building model' means a distance health education model that connects health care professionals, and particularly specialists, with multiple other health care professionals through simultaneous interactive videoconferencing for the purpose of facilitating case-based learning, disseminating best practices, and evaluating outcomes.

"(7) URBAN INDIAN ORGANIZATION.—The term 'urban Indian organization' has the meaning given the term in section 4 of the Indian Health Care Improvement Act.

Grants. Evaluation.

"(b) PROGRAM ESTABLISHED.—The Secretary shall, as appropriate, award grants to evaluate, develop, and, as appropriate, expand the use of technology-enabled collaborative learning and capacity building models, to improve retention of health care providers and increase access to health care services, such as those to address chronic diseases and conditions, infectious diseases, mental health, substance use disorders, prenatal and maternal health, pediatric care, pain management, palliative care, and other specialty care in rural areas, frontier areas, health professional

shortage areas, or medically underserved areas and for medically underserved populations or Native Americans.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grants awarded under subsection (b) shall be used for—

"(A) the development and acquisition of instructional programming, and the training of health care providers and other professionals that provide or assist in the provision of services through models described in subsection (b), such as training on best practices for data collection and leading or participating in such technology-enabled activities consistent with technology-enabled collaborative learning and capacity-building models;

"(B) information collection and evaluation activities to study the impact of such models on patient outcomes and health care providers, and to identify best practices for the expansion and use of such models; or

"(C) other activities consistent with achieving the objectives of the grants awarded under this section, as determined by the Secretary.

"(2) OTHER USES.—In addition to any of the uses under paragraph (1), grants awarded under subsection (b) may be used for—

"(A) equipment to support the use and expansion of technology-enabled collaborative learning and capacity building models, including for hardware and software that enables distance learning, health care provider support, and the secure exchange of electronic health information; or

"(B) support for health care providers and other professionals that provide or assist in the provision of services through such models.

"(d) LENGTH OF GRANTS.—Grants awarded under subsection (b) shall be for a period of up to 5 years.

"(e) GRANT REQUIREMENTS.—The Secretary may require entities awarded a grant under this section to collect information on the effect of the use of technology-enabled collaborative learning and capacity building models, such as on health outcomes, access to health care services, quality of care, and provider retention in areas and populations described in subsection (b). The Secretary may award a grant or contract to assist in the coordination of such models, including to assess outcomes associated with the use of such models in grants awarded under subsection (b), including for the purpose described in subsection (c)(1)(B).

Contracts.
Coordination.
Assessment.

"(f) APPLICATION.—An eligible entity that seeks to receive a grant under subsection (b) shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require. Such application shall include plans to assess the effect of technology-enabled collaborative learning and capacity building models on patient outcomes and health care providers.

Assessment.

"(g) ACCESS TO BROADBAND.—In administering grants under this section, the Secretary may coordinate with other agencies to ensure that funding opportunities are available to support access to reliable, high-speed internet for grantees.

Coordination.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide (either directly through the Department of Health and Human

Contracts.

Services or by contract) technical assistance to eligible entities, including recipients of grants under subsection (b), on the development, use, and evaluation of technology-enabled collaborative learning and capacity building models in order to expand access to health care services provided by such entities, including for medically underserved areas and to medically underserved populations or Native Americans.

"(i) RESEARCH AND EVALUATION.—The Secretary, in consultation with stakeholders with appropriate expertise in such models, shall develop a strategic plan to research and evaluate the evidence for such models. The Secretary shall use such plan to inform the activities carried out under this section. Consultation. Strategic plan.

"(j) REPORT BY SECRETARY.—Not later than 4 years after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and post on the internet website of the Department of Health and Human Services, a report including, at minimum— Web posting.

"(1) a description of any new and continuing grants awarded to entities under subsection (b) and the specific purpose and amounts of such grants;

"(2) an overview of—

"(A) the evaluations conducted under subsections (b);

"(B) technical assistance provided under subsection (h); and

"(C) activities conducted by entities awarded grants under subsection (b); and

"(3) a description of any significant findings or developments related to patient outcomes or health care providers and best practices for eligible entities expanding, using, or evaluating technology-enabled collaborative learning and capacity building models, including through the activities described in subsection (h).

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2022 through 2026.".

SEC. 314. PUBLIC HEALTH DATA SYSTEM MODERNIZATION.

Subtitle C of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–31 et seq.) is amended by adding at the end the following:

"SEC. 2823. PUBLIC HEALTH DATA SYSTEM MODERNIZATION. 42 USC 300hh–33.

"(a) EXPANDING CDC AND PUBLIC HEALTH DEPARTMENT CAPABILITIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(A) conduct activities to expand, modernize, improve, and sustain applicable public health data systems used by the Centers for Disease Control and Prevention, including with respect to the interoperability and improvement of such systems (including as it relates to preparedness for, prevention and detection of, and response to public health emergencies); and

"(B) award grants or cooperative agreements to State, local, Tribal, or territorial public health departments for Grants. Contracts.

the expansion and modernization of public health data systems, to assist public health departments and public health laboratories in—

Assessments.

"(i) assessing current data infrastructure capabilities and gaps to—

"(I) improve and increase consistency in data collection, storage, and analysis; and

"(II) as appropriate, improve dissemination of public health-related information;

"(ii) improving secure public health data collection, transmission, exchange, maintenance, and analysis, including with respect to demographic data, as appropriate;

"(iii) improving the secure exchange of data between the Centers for Disease Control and Prevention, State, local, Tribal, and territorial public health departments, public health laboratories, public health organizations, and health care providers, including by public health officials in multiple jurisdictions within such State, as appropriate, and by simplifying and supporting reporting by health care providers, as applicable, pursuant to State law, including through the use of health information technology;

"(iv) enhancing the interoperability of public health data systems (including systems created or accessed by public health departments) with health information technology, including with health information technology certified under section 3001(c)(5);

"(v) supporting and training data systems, data science, and informatics personnel;

"(vi) supporting earlier disease and health condition detection, such as through near real-time data monitoring, to support rapid public health responses;

"(vii) supporting activities within the applicable jurisdiction related to the expansion and modernization of electronic case reporting; and

"(viii) developing and disseminating information related to the use and importance of public health data.

Consultation.

"(2) DATA STANDARDS.—In carrying out paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, as appropriate and in consultation with the Office of the National Coordinator for Health Information Technology, designate data and technology standards (including standards for interoperability) for public health data systems, with deference given to standards published by consensus-based standards development organizations with public input and voluntary consensus-based standards bodies.

"(3) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary may develop and utilize public-private partnerships for technical assistance, training, and related implementation support for State, local, Tribal, and territorial public health departments, and the Centers for Disease Control and Prevention, on the expansion and modernization of electronic case reporting and public health data systems, as applicable.

"(b) REQUIREMENTS.—

"(1) HEALTH INFORMATION TECHNOLOGY STANDARDS.—The Secretary may not award a grant or cooperative agreement under subsection (a)(1)(B) unless the applicant uses or agrees to use standards endorsed by the National Coordinator for Health Information Technology pursuant to section 3001(c)(1) or adopted by the Secretary under section 3004.

"(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) with respect to an applicant if the Secretary determines that the activities under subsection (a)(1)(B) cannot otherwise be carried out within the applicable jurisdiction. Determination.

"(3) APPLICATION.—A State, local, Tribal, or territorial health department applying for a grant or cooperative agreement under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include information describing—

"(A) the activities that will be supported by the grant or cooperative agreement; and

"(B) how the modernization of the public health data systems involved will support or impact the public health infrastructure of the health department, including a description of remaining gaps, if any, and the actions needed to address such gaps.

"(c) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measures the Secretary will utilize to— Deadline.

"(1) update and improve applicable public health data systems used by the Centers for Disease Control and Prevention; and

"(2) carry out the activities described in this section to support the improvement of State, local, Tribal, and territorial public health data systems.

"(d) CONSULTATION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall consult with State, local, Tribal, and territorial health departments, professional medical and public health associations, associations representing hospitals or other health care entities, health information technology experts, and other appropriate public or private entities regarding the plan and grant program to modernize public health data systems pursuant to this section. Activities under this subsection may include the provision of technical assistance and training related to the exchange of information by such public health data systems used by relevant health care and public health entities at the local, State, Federal, Tribal, and territorial levels, and the development and utilization of public-private partnerships for implementation support applicable to this section.

"(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions

of the Senate and the Committee on Energy and Commerce of the House of Representatives that includes—

"(1) a description of any barriers to—

"(A) public health authorities implementing interoperable public health data systems and electronic case reporting;

"(B) the exchange of information pursuant to electronic case reporting;

"(C) reporting by health care providers using such public health data systems, as appropriate, and pursuant to State law; or

"(D) improving demographic data collection or analysis;

Assessment.

"(2) an assessment of the potential public health impact of implementing electronic case reporting and interoperable public health data systems; and

"(3) a description of the activities carried out pursuant to this section.

Definition.

"(f) ELECTRONIC CASE REPORTING.—In this section, the term 'electronic case reporting' means the automated identification, generation, and bilateral exchange of reports of health events among electronic health record or health information technology systems and public health authorities.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for each of fiscal years 2021 through 2025.".

SEC. 315. NATIVE AMERICAN SUICIDE PREVENTION.

Section 520E(b) of the Public Health Service Act (42 U.S.C. 290bb–36(b) is amended by inserting after paragraph (3) the following:

"(4) CONSULTATION.—An entity described in paragraph (1)(A) or (1)(B) that applies for a grant or cooperative agreement under this section shall agree to consult or confer with entities described in paragraph (1)(C) and Native Hawaiian Health Care Systems, as applicable, in the applicable State with respect to the development and implementation of a statewide early intervention strategy.".

SEC. 316. REAUTHORIZATION OF THE YOUNG WOMEN'S BREAST HEALTH EDUCATION AND AWARENESS REQUIRES LEARNING YOUNG ACT OF 2009.

Section 399NN(h) of the Public Health Service Act (42 U.S.C. 280m(h)) is amended by striking " $4,900,000 for each of fiscal years 2015 through 2019" and inserting " $9,000,000 for each of fiscal years 2022 through 2026".

SEC. 317. REAUTHORIZATION OF SCHOOL-BASED HEALTH CENTERS.

Section 399Z–1(l) of the Public Health Service Act (42 U.S.C. 280h–5(l)) is amended by striking "2010 through 2014" and inserting "2022 through 2026".

Subtitle C—FDA Amendments

SEC. 321. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER EXTENSION.

Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) is amended—

(1) by striking "December 18, 2020" each place it appears and inserting "September 30, 2024"; and

(2) in subparagraph (B), by striking "December 18, 2022" and inserting "September 30, 2026".

SEC. 322. CONDITIONS OF USE FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 351(k)(2)(A)(iii) of the Public Health Service Act (42 U.S.C. 262(k)(2)(A)(iii)) is amended—

(1) in subclause (I), by striking "; and" and inserting a semicolon;

(2) in subclause (II), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(III) may include information to show that the conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product have been previously approved for the reference product.".

SEC. 323. ORPHAN DRUG CLARIFICATION.

Section 527(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc(c)) is amended by adding at the end the following:

"(3) APPLICABILITY.—This subsection applies to any drug designated under section 526 for which an application was approved under section 505 of this Act or licensed under section 351 of the Public Health Service Act after the date of enactment of the FDA Reauthorization Act of 2017, regardless of the date on which such drug was designated under section 526.".

SEC. 324. MODERNIZING THE LABELING OF CERTAIN GENERIC DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503C the following:

"SEC. 503D. PROCESS TO UPDATE LABELING FOR CERTAIN GENERIC DRUGS. 21 USC 353d.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered drug' means a drug approved under section 505(c)—

"(A) for which there are no unexpired patents included in the list under section 505(j)(7) and no unexpired period of exclusivity;

"(B) for which the approval of the application has been withdrawn for reasons other than safety or effectiveness; and

"(C) for which—

"(i)(I) there is new scientific evidence available pertaining to new or existing conditions of use that is not reflected in the approved labeling;

"(II) the approved labeling does not reflect current legal and regulatory requirements for content or format; or

"(III) there is a relevant accepted use in clinical practice that is not reflected in the approved labeling; and

"(ii) updating the approved labeling would benefit the public health.

"(2) The term 'period of exclusivity', with respect to a drug approved under section 505(c), means any period of exclusivity under clause (ii), (iii), or (iv) of section 505(c)(3)(E), clause (ii), (iii), or (iv) of section 505(j)(5)(F), or section 505A, 505E, or 527.

"(3) The term 'generic version' means a drug approved under section 505(j) whose reference listed drug is a covered drug.

"(4) The term 'relevant accepted use' means a use for a drug in clinical practice that is supported by scientific evidence that appears to the Secretary to meet the standards for approval under section 505.

"(5) The term 'selected drug' means a covered drug for which the Secretary has determined through the process under subsection (c) that the labeling should be changed.

"(b) IDENTIFICATION OF COVERED DRUGS.—The Secretary may identify covered drugs for which labeling updates would provide a public health benefit. To assist in identifying covered drugs, the Secretary may do one or both of the following:

Contracts. Review.

"(1) Enter into cooperative agreements or contracts with public or private entities to review the available scientific evidence concerning such drugs.

Public comments.

"(2) Seek public input concerning such drugs, including input on whether there is a relevant accepted use in clinical practice that is not reflected in the approved labeling of such drugs or whether new scientific evidence is available regarding the conditions of use for such drug, by—

"(A) holding one or more public meetings;

"(B) opening a public docket for the submission of public comments; or

"(C) other means, as the Secretary determines appropriate.

Determination.

"(c) SELECTION OF DRUGS FOR UPDATING.—If the Secretary determines, with respect to a covered drug, that the available scientific evidence meets the standards under section 505 for adding or modifying information to the labeling or providing supplemental information to the labeling regarding the use of the covered drug, the Secretary may initiate the process under subsection (d).

Determination. Notice.

"(d) INITIATION OF THE PROCESS OF UPDATING.—If the Secretary determines that labeling changes are appropriate for a selected drug pursuant to subsection (c), the Secretary shall provide notice to the holders of approved applications for a generic version of such drug that—

Summary.

"(1) summarizes the findings supporting the determination of the Secretary that the available scientific evidence meets the standards under section 505 for adding or modifying information or providing supplemental information to the labeling of the covered drug pursuant to subsection (c);

"(2) provides a clear statement regarding the additional, modified, or supplemental information for such labeling, according to the determination by the Secretary (including, as applicable, modifications to add the relevant accepted use to the labeling of the drug as an additional indication for the drug); and

"(3) states whether the statement under paragraph (2) applies to the selected drug as a class of covered drugs or only to a specific drug product.

"(e) RESPONSE TO NOTIFICATION.—Within 30 days of receipt of notification provided by the Secretary pursuant to subsection (d), the holder of an approved application for a generic version of the selected drug shall— Deadline.

"(1) agree to change the approved labeling to reflect the additional, modified, or supplemental information the Secretary has determined to be appropriate; or

"(2) notify the Secretary that the holder of the approved application does not believe that the requested labeling changes are warranted and submit a statement detailing the reasons why such changes are not warranted.

"(f) REVIEW OF APPLICATION HOLDER'S RESPONSE.— Determinations.

"(1) IN GENERAL.—Upon receipt of the application holder's response, the Secretary shall promptly review each statement received under subsection (e)(2) and determine which labeling changes pursuant to the Secretary's notice under subsection (d) are appropriate, if any. If the Secretary disagrees with the reasons why such labeling changes are not warranted, the Secretary shall provide opportunity for discussions with the application holders to reach agreement on whether the labeling for the covered drug should be updated to reflect available scientific evidence, and if so, the content of such labeling changes.

"(2) CHANGES TO LABELING.—After considering all responses from the holder of an approved application under paragraph (1) or (2) of subsection (e), and any discussion under paragraph (1), the Secretary may order such holder to make the labeling changes the Secretary determines are appropriate. Such holder of an approved application shall— Updates.

"(A) update its paper labeling for the drug at the next printing of that labeling;

"(B) update any electronic labeling for the drug within 30 days of such order; and

"(C) submit the revised labeling through the form, 'Supplement—Changes Being Effected'.

"(g) VIOLATION.—If the holder of an approved application for the generic version of the selected drug does not comply with the requirements of subsection (f)(2), such generic version of the selected drug shall be deemed to be misbranded under section 502.

"(h) LIMITATIONS; GENERIC DRUGS.—

"(1) IN GENERAL.—With respect to any labeling change required under this section, the generic version shall be deemed to have the same conditions of use and the same labeling as its reference listed drug for purposes of clauses (i) and (v) of section 505(j)(2)(A). Any labeling change so required shall not have any legal effect for the applicant that is different than the legal effect that would have resulted if a supplemental application had been submitted and approved to conform the labeling of the generic version to a change in the labeling of the reference drug.

"(2) SUPPLEMENTAL APPLICATIONS.—Changes to labeling made in accordance with this section shall not be eligible for an exclusivity period under this Act.

"(3) SELECTION OF DRUGS.—The Secretary shall not identify a drug as a covered drug or select a drug label for updating under subsection (b) or (c) solely based on the availability

Determinations.

of new safety information. Upon identification of a drug as a covered drug under subsection (b), the Secretary may then consider the availability of new safety information (as defined in section 505–1(b)) in determining whether the drug is a selected drug and in determining what labeling changes are appropriate.

"(i) RULES OF CONSTRUCTION.—

"(1) APPROVAL STANDARDS.—This section shall not be construed as altering the applicability of the standards for approval of an application under section 505. No order shall be issued under this subsection unless the scientific evidence supporting the changed labeling meets the standards for approval applicable to any change to labeling under section 505.

"(2) REMOVAL OF INFORMATION.—Nothing in this section shall be construed to give the Secretary additional authority to remove approved indications for drugs, other than the authority described in this section.

"(3) SECRETARY AUTHORITY.—Nothing in this section shall be construed to limit the authority of the Secretary to require labeling changes under section 505(o).

"(4) MAINTENANCE OF LABELING.—Nothing in this section shall be construed to affect the responsibility of the holder of an approved application under section 505(j) to maintain its labeling in accordance with existing requirements, including subpart B of part 201 and sections 314.70 and 314.97 of title 21, Code of Federal Regulations (or any successor regulations).

Time period.

"(j) REPORTS.—Not later than 4 years after the date of the enactment of this section, and every 4 years thereafter, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that—

"(1) describes the actions of the Secretary under this section, including—

"(A) the number of covered drugs and description of the types of drugs the Secretary has selected for labeling changes and the rationale for such recommended changes; and

"(B) the number of times the Secretary entered into discussions concerning a disagreement with an application holder or holders and a summary of the decision regarding a labeling change, if any; and

Recommendations.

"(2) includes any recommendations of the Secretary for modifying the program under this section.".

SEC. 325. BIOLOGICAL PRODUCT PATENT TRANSPARENCY.

(a) IN GENERAL.—Section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) is amended by adding at the end the following:

"(9) PUBLIC LISTING.—

"(A) IN GENERAL.—

Deadline.

"(i) INITIAL PUBLICATION.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish and make available to the public in a searchable, electronic format—

"(I) a list of each biological product, by nonproprietary name (proper name), for which, as of

such date of enactment, a biologics license under subsection (a) or this subsection is in effect, or that, as of such date of enactment, is deemed to be licensed under this section pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009;

"(II) the date of licensure of the marketing application and the application number; and

"(III) with respect to each biological product described in subclause (I), the licensure status, and, as available, the marketing status.

"(ii) REVISIONS.—Every 30 days after the publication of the first list under clause (i), the Secretary shall revise the list to include each biological product which has been licensed under subsection (a) or this subsection during the 30-day period or deemed licensed under this section pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009. Time period.

"(iii) PATENT INFORMATION.—Not later than 30 days after a list of patents under subsection (l)(3)(A), or a supplement to such list under subsection (l)(7), has been provided by the reference product sponsor to the subsection (k) applicant respecting a biological product included on the list published under this subparagraph, the reference product sponsor shall provide such list of patents (or supplement thereto) and their corresponding expiry dates to the Secretary, and the Secretary shall, in revisions made under clause (ii), include such information for such biological product. Within 30 days of providing any subsequent or supplemental list of patents to any subsequent subsection (k) applicant under subsection (l)(3)(A) or (l)(7), the reference product sponsor shall update the information provided to the Secretary under this clause with any additional patents from such subsequent or supplemental list and their corresponding expiry dates. Deadlines. Updates.

"(iv) LISTING OF EXCLUSIVITIES.—For each biological product included on the list published under this subparagraph, the Secretary shall specify each exclusivity period under paragraph (6) or paragraph (7) for which the Secretary has determined such biological product to be eligible and that has not concluded.

"(B) REVOCATION OR SUSPENSION OF LICENSE.—If the license of a biological product is determined by the Secretary to have been revoked or suspended for safety, purity, or potency reasons, it may not be published in the list under subparagraph (A). If such revocation or suspension occurred after inclusion of such biological product in the list published under subparagraph (A), the reference product sponsor shall notify the Secretary that— Determination. Notification.

"(i) the biological product shall be immediately removed from such list for the same period as the revocation or suspension; and

"(ii) a notice of the removal shall be published in the Federal Register.". Notice. Federal Register, publication.

(b) REVIEW AND REPORT ON TYPES OF INFORMATION TO BE LISTED.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall—

Public comment.

(1) solicit public comment regarding the type of information, if any, that should be added to or removed from the list required by paragraph (9) of section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)), as added by subsection (a); and

Evaluation. Recommendations.

(2) transmit to Congress an evaluation of such comments, including any recommendations about the types of information that should be added to or removed from the list.

Subtitle D—Technical Corrections

SEC. 331. TECHNICAL CORRECTIONS.

(a) EDUCATION AND TRAINING RELATING TO GERIATRICS.—Section 753(a)(7)(B) of the Public Health Service Act (42 U.S.C. 294c(a)(7)(B)) is amended, in the matter preceding clause (i), by striking "Title VII Health Care Workforce Reauthorization Act of 2019" and inserting "Coronavirus Aid, Relief, and Economic Security Act".

(b) NURSING.—Section 851(d)(3) of the Public Health Service Act (42 U.S.C. 297t(d)(3)) is amended by striking "Title VIII Nursing Reauthorization Act" and inserting "Coronavirus Aid, Relief, and Economic Security Act".

(c) CITATION.—Section 3404(a)(9) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended by striking "section 846A (42 U.S.C. 247n–1)" and inserting "section 846A (42 U.S.C. 297n–1)".

42 USC 294c note.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

DIVISION CC—HEALTH EXTENDERS

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TITLE I—MEDICARE PROVISIONS

Subtitle A—Medicare Extenders

SEC. 101. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 3801 of the CARES Act (Public Law 116–136), section 2201 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), and section 1101 of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, is amended by striking "December 19, 2020" and inserting "January 1, 2024".

Ante, pp. 427, 730.

SEC. 102. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

(a) EXTENSION.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)), as amended by section 1103 of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, is amended—

Ante, p. 1042.

(1) in the first sentence, by striking "and for the period beginning on October 1, 2020, and ending on December 18, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020" and inserting " $26,000,000 for fiscal year 2021, $20,000,000 for fiscal year 2022, and $20,000,000 for fiscal year 2023"; and

(2) in the third sentence, by striking "and 2020, and for the period beginning on October 1, 2020, and ending on December 18, 2020" and inserting "2020, 2021, 2022, and 2023".

(b) ADDITIONAL REPORTING REQUIREMENTS.—Section 1890 of the Social Security Act (42 U.S.C. 1395aaa) is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(B) by striking "CONGRESS.—By not later than" and inserting "CONGRESS.—

"(1) IN GENERAL.—By not later than";

(C) in subparagraph (A), as redesignated by this paragraph, by striking the last sentence;

(D) in subparagraph (D), as so redesignated, by striking "A description" and inserting "Subject to paragraph (2)(B), a description";

(E) in subparagraph (E), as so redesignated, by striking "The amount" and inserting "Subject to paragraph (2)(B), the amount";

(F) in subparagraph (F), as so redesignated, by striking "Estimates" and inserting "Subject to paragraph (2)(B), estimates"; and

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

"(2) ADDITIONAL REQUIREMENTS FOR REPORTS.—

"(A) ADDRESSING GAO REPORT.—Each of the annual reports submitted in 2021 and 2022 pursuant to paragraph (1) shall also include the following:

"(i) A comprehensive analysis detailing the ways in which the Centers for Medicare & Medicaid Services has addressed each of the recommendations set forth in the report by the Government Accountability Office (GAO–19–628) issued on September 19, 2019, and titled 'Health Care Quality: CMS Could More Effectively Ensure Its Quality Measurement Activities Promote Its Objectives'. Analysis.

"(ii) A detailed description of—

"(I) any additional steps that the Centers for Medicare & Medicaid Services expects to take to address the findings and recommendations set forth in such report; and

"(II) the anticipated timing for such steps.

"(B) ENSURING DETAILED INFORMATION.—

"(i) IN GENERAL.—In the case of an annual report submitted in 2021 or a subsequent year pursuant to paragraph (1), the information required under—

"(I) paragraph (1)(D) shall also include detailed information on each of the activities described in clause (ii);

"(II) paragraph (1)(E) shall also include detailed information on the specific amounts obligated or expended on each of the activities described in clause (ii); and

"(III) paragraph (1)(F) shall also include detailed information on the specific quality measurement activities required and future funding needed for each of the activities described in clause (ii).

"(ii) ACTIVITIES DESCRIBED.—The activities described in this clause are the following:

"(I) Measure selection activities.

"(II) Measure development activities.

"(III) Public reporting activities.

"(IV) Education and outreach activities."; and

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

"(f) ADDITIONAL REPORTING BY THE SECRETARY TO CONGRESS.—

"(1) IN GENERAL.—By not later than September 30 of each year (beginning with 2021), the Secretary shall submit to Congress a report on the amount of unobligated balances for appropriations relating to quality measurement. Such report shall include detailed plans on how the Secretary expects to expend such unobligated balances in the upcoming fiscal years. Plans.

"(2) SEPARATE REPORT.—The annual report required under paragraph (1) shall be separate from the annual report required under subsection (e).".

(c) INPUT FOR REMOVAL OF MEASURES.—Section 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b)) is amended by inserting after paragraph (3) the following new paragraph:

"(4) REMOVAL OF MEASURES.—The entity may provide input to the Secretary on quality and efficiency measures described in paragraph (7)(B) that could be considered for removal.".

(d) PRIORITIZATION OF MEASURE ENDORSEMENT.—Section 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b)) is amended by adding at the end the following new paragraph:

"(9) PRIORITIZATION OF MEASURE ENDORSEMENT.—The Secretary—

Time period.

"(A) during the period beginning on the date of the enactment of this paragraph and ending on December 31, 2023, shall prioritize the endorsement of measures relating to maternal morbidity and mortality by the entity with a contract under subsection (a) in connection with endorsement of measures described in paragraph (2); and

Effective date.

"(B) on and after January 1, 2024, may prioritize the endorsement of such measures by such entity.".

SEC. 103. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), section 1402 of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), section 1402 of division B of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), section 103 of division N of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), section 3803 of the CARES Act (Public Law 116–136), section 2203 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), and section 1102 of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, is amended—

Ante, pp. 428, 730, 1042.

(1) in clause (x), by striking at the end "and"; and

(2) by striking clause (xi) and inserting the following clauses:

"(xi) for fiscal year 2021, $15,000,000;

"(xii) for fiscal year 2022, $15,000,000; and

"(xiii) for fiscal year 2023, $15,000,000.".

(b) AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (x), by striking at the end "and"; and

(2) by striking clause (xi) and inserting the following clauses:

"(xi) for fiscal year 2021, $15,000,000;

"(xii) for fiscal year 2022, $15,000,000; and

"(xiii) for fiscal year 2023, $15,000,000.".

(c) AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (x), by striking at the end "and";

(2) by striking clause (xi) and inserting the following clauses:

"(xi) for fiscal year 2021, $5,000,000;

"(xii) for fiscal year 2022, $5,000,000; and
"(xiii) for fiscal year 2023, $5,000,000,".

(d) CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—

(1) in clause (x), by striking at the end "and";

(2) by striking clause (xi) and inserting the following clauses:

"(xi) for fiscal year 2021, $15,000,000;
"(xii) for fiscal year 2022, $15,000,000; and
"(xiii) for fiscal year 2023, $15,000,000.".

SEC. 104. EXTENSION OF MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.

(a) EXTENSION OF DEMONSTRATION PROJECT.—Section 101(b) of the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012 (42 U.S.C. 13951 note) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) DURATION.—Beginning not later than one year after the date of enactment of this Act, the Secretary shall conduct the demonstration project for a period of 3 years and, subject to the availability of funds under subsection (g), the period beginning on October 1, 2017, and ending on December 31, 2023."; and Effective date.

(2) in paragraph (2)—

(A) by amending the first sentence to read as follows: "The Secretary shall enroll for participation in the demonstration project for the period beginning on October 1, 2014, and ending on September 30, 2020, not more than 4,000 Medicare beneficiaries who have been diagnosed with primary immunodeficiency disease and for the period beginning on October 1, 2014, and ending on December 31, 2023, not more than 6,500 Medicare beneficiaries who have been so diagnosed."; and Time periods.

(B) by striking "December 31, 2020" and inserting "December 31, 2023".

(b) UPDATED EVALUATION AND REPORT.—Section 101(f) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

"(2) UPDATED EVALUATION AND REPORT.—Not later than 2 years after the date of the enactment of Consolidated Appropriations Act, 2021, the Secretary shall submit to Congress an updated report that contains the following:

"(A) The total number of beneficiaries enrolled in the demonstration project during the updated report period.

"(B) The total number of claims submitted for services during the updated report period, disaggregated by month.

"(C) An analysis of the impact of the demonstration on beneficiary access to the in-home administration of intravenous immune globin, including the impact on beneficiary health. Analysis.

"(D) An analysis of the impact of in-home administration of intravenous immune globin on overall costs to Medicare, including the cost differential between in-home Analysis.

administration of intravenous immune globin and administration of intravenous immune globin in a healthcare facility.

Survey.

"(E) To the extent practicable, a survey of providers and enrolled beneficiaries that participated in the demonstration project that identifies barriers to accessing services, including reimbursement for items and services.

Recommendations.

"(F) Recommendations to Congress on the appropriateness of establishing a permanent bundled services payment for the in-home administration of intravenous immune globin for Medicare beneficiaries.".

(c) DEFINITION OF UPDATED REPORT PERIOD.—Section 101(h) is amended by adding at the end the following new paragraph:

"(4) UPDATED REPORT PERIOD.—The term 'updated report period' means the period beginning on October 1, 2014, and ending on September 30, 2020.".

SEC. 105. EXTENDING THE INDEPENDENCE AT HOME MEDICAL PRACTICE DEMONSTRATION PROGRAM UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1866E of the Social Security Act (42 U.S.C. 1395cc–5) is amended—

(1) in subsection (e)—

(A) in paragraph (1), by striking "7-year" and inserting "10-year"; and

(B) in paragraph (5)—

(i) in the first sentence, by striking "15,000" and inserting "20,000";

(ii) in the second sentence, by striking "sixth and seventh" and inserting "sixth through tenth"; and

(iii) by adding at the end the following new sentence: "An applicable beneficiary that participates in the demonstration program by reason of the increase from 15,000 to 20,000 in the first sentence of this paragraph pursuant to the amendment made by section 105 of division CC of the Consolidated Appropriations Act, 2021 shall be considered in the spending target estimates under paragraph (1) of subsection (c) and the incentive payment calculations under paragraph (2) of such subsection for the eighth through tenth years of such program."; and

(2) in subsection (h), by inserting "and $9,000,000 for fiscal year 2021" after "2015".

42 USC 1395cc–5 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public Law 111–148.

Subtitle B—Other Medicare Provisions

SEC. 111. IMPROVING MEASUREMENTS UNDER THE SKILLED NURSING FACILITY VALUE-BASED PURCHASING PROGRAM UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1888(h) of the Social Security Act (42 U.S.C. 1395yy(h)) is amended—

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

"(C) EXCLUSIONS.—With respect to payments for services furnished on or after October 1, 2022, this subsection shall not apply to a facility for which there are not a minimum number (as determined by the Secretary) of— Effective date. Determination.

"(i) cases for the measures that apply to the facility for the performance period for the applicable fiscal year; or

"(ii) measures that apply to the facility for the performance period for the applicable fiscal year.";

(2) in paragraph (2)(A)—

(A) by striking "The Secretary shall apply" and inserting "The Secretary—

"(i) shall apply";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(ii) may, with respect to payments for services furnished on or after October 1, 2023, apply additional measures determined appropriate by the Secretary, which may include measures of functional status, patient safety, care coordination, or patient experience. Effective date. Determination.

Subject to the succeeding sentence, in the case that the Secretary applies additional measures under clause (ii), the Secretary shall consider and apply, as appropriate, quality measures specified under section 1899B(c)(1). In no case may the Secretary apply more than 10 measures under this subparagraph.";

(3) in subparagraph (A) of each of paragraphs (3) and (4), by striking "measure" and inserting "measures"; and

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

"(12) VALIDATION.—

"(A) IN GENERAL.—The Secretary shall apply to the measures applied under this subsection and the data submitted under subsection (e)(6) a process to validate such measures and data, as appropriate, which may be similar to the process specified in section 1886(b)(3)(B)(viii)(XI) for validating inpatient hospital measures.

"(B) FUNDING.—For purposes of carrying out this paragraph, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund established under section 1817, of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for each of fiscal years 2023 through 2025, to remain available until expended.". Transfer authority. Time period.

(b) REPORT BY MEDPAC.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress a report on establishing a prototype value-based payment program under a unified prospective payment system for post-acute care services under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). Such report—

(1) shall— Determinations.

(A) consider design elements such as—

(i) measures that are important to the Medicare program and to beneficiaries under such program;

(ii) methodologies for scoring provider performance and effects on payment; and

(iii) other elements determined appropriate by the Commission; and

Analysis.

(B) analyze the effects of implementing such prototype program; and

(2) may—

(A) discuss the possible effects, with respect to the Medicare program, on program spending, post-acute care providers, patient outcomes, and other effects determined appropriate by the Commission; and

Recommendations.

(B) include recommendations with respect to such prototype program, as determined appropriate by the Commission, to Congress and the Secretary of Health and Human Services.

SEC. 112. PROVIDING THE MEDICARE PAYMENT ADVISORY COMMISSION AND MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION WITH ACCESS TO CERTAIN DRUG PAYMENT INFORMATION, INCLUDING CERTAIN REBATE INFORMATION.

(a) ACCESS TO CERTAIN PART D PAYMENT DATA.—Section 1860D–15(f) of the Social Security Act (42 U.S.C. 1395w–115(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by inserting at the end the following new subparagraph:

"(C) by the Executive Director of the Medicare Payment Advisory Commission for purposes of monitoring, making recommendations for, and analysis of the program under this title and by the Executive Director of the Medicaid and CHIP Payment and Access Commission for purposes of monitoring, making recommendations for, and analysis of the Medicaid program established under title XIX and the Children's Health Insurance Program under title XXI."; and

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

"(3) ADDITIONAL RESTRICTIONS ON DISCLOSURE OF INFORMATION.—

"(A) IN GENERAL.—The Executive Directors described in paragraph (2)(C) shall not disclose any of the following information disclosed to such Executive Directors or obtained by such Executive Directors pursuant to such paragraph, with respect to a prescription drug plan offered by a PDP sponsor or an MA–PD plan offered by an MA organization:

"(i) The specific amounts or the identity of the source of any rebates, discounts, price concessions, or other forms of direct or indirect remuneration under such prescription drug plan or such MA–PD plan.

"(ii) Information submitted with the bid submitted under section 1860D–11(b) by such PDP sponsor or under section 1854(a) by such MA organization.

"(iii) In the case of such information from prescription drug event records, information in a form that

would not be permitted under section 423.505(m) of title 42, Code of Federal Regulations, or any successor regulation, if released by the Centers for Medicare & Medicaid Services.

"(B) CLARIFICATION.—The restrictions on disclosures described in subparagraph (A) shall also apply to disclosures to individual Commissioners of the Medicare Payment Advisory Commission or of the Medicaid and CHIP Payment and Access Commission.". Applicability.

(b) ACCESS TO CERTAIN REBATE AND PAYMENT DATA UNDER MEDICARE AND MEDICAID.—Section 1927(b)(3)(D) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)) is amended—

(1) in the matter before clause (i), by striking "subsection (a)(6)(A)(ii)" and inserting "subsection (a)(6)(A)";

(2) in clause (v), by striking "and" at the end;

(3) in clause (vi), by striking the period at the end and inserting ", and";

(4) by inserting after clause (vi) the following new clause:

"(vii) to permit the Executive Director of the Medicare Payment Advisory Commission and the Executive Director of the Medicaid and CHIP Payment and Access Commission to review the information provided.";

(5) in the matter at the end, by striking "1860D–4(c)(2)(E)" and inserting "1860D–4(c)(2)(G)"; and

(6) by adding at the end the following new sentences: "Any information disclosed to the Executive Director of the Medicare Payment Advisory Commission or the Executive Director of the Medicaid and CHIP Payment and Access Commission pursuant to this subparagraph shall not be disclosed by either such Executive Director in a form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler. Such information also shall not be disclosed by either such Executive Director to individual Commissioners of the Medicare Payment Advisory Commission or of the Medicaid and CHIP Payment and Access Commission in a form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler.".

SEC. 113. MORATORIUM ON PAYMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE OF THE ADD ON CODE FOR INHERENTLY COMPLEX EVALUATION AND MANAGEMENT VISITS. 42 USC 1395w–4 note.

(a) IN GENERAL.—The Secretary of Health and Human Services may not, prior to January 1, 2024, make payment under the fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for services described by Healthcare Common Procedure Coding System (HCPCS) code G2211 (or any successor or substantially similar code), as described in section II.F. of the final rule filed by the Secretary with the Office of the Federal Register for public inspection on December 2, 2020, and entitled "Medicare Program; CY 2021 Payment Policies under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Medicaid Promoting Interoperability Program Requirements for Eligible Professionals; Effective date.

Quality Payment Program; Coverage of Opioid Use Disorder Services Furnished by Opioid Treatment Programs; Medicare Enrollment of Opioid Treatment Programs; Electronic Prescribing for Controlled Substances for a Covered Part D Drug; Payment for Office/Outpatient Evaluation and Management Services; Hospital IQR Program; Establish New Code Categories; Medicare Diabetes Prevention Program (MDPP) Expanded Model Emergency Policy; Coding and Payment for Virtual Check-in Services Interim Final Rule Policy; Coding and Payment for Personal Protective Equipment (PPE) Interim Final Rule Policy; Regulatory Revisions in Response to the Public Health Emergency (PHE) for COVID-19; and Finalization of Certain Provisions from the March 31st , May 8th and September 2nd Interim Final Rules in Response to the PHE for COVID-19".

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this section by interim final rule, program instruction, or otherwise.

SEC. 114. TEMPORARY FREEZE OF APM PAYMENT INCENTIVE THRESHOLDS.

(a) IN GENERAL.—Section 1833(z)(2) of the Social Security Act (42 U.S.C. 1395l(z)(2)) is amended—

(1) in subparagraph (B)—

(A) in the heading, by striking "AND 2022" and inserting "THROUGH 2024"; and

(B) in the matter preceding clause (i), by striking "2021 and 2022" and inserting "each of 2021 through 2024";

(2) in subparagraph (C)—

(A) in the heading, by striking "2023" and inserting "2025"; and

(B) in the matter preceding clause (i), by striking "2023" and inserting "2025"; and

(3) in subparagraph (D), by adding at the end the following: "With respect to 2023 and 2024, the Secretary shall use the same percentage criteria for counts of patients that are used in 2022.".

(b) PARTIAL QUALIFYING APM PARTICIPANT MODIFICATIONS.—Section 1848(q)(1)(C)(iii) of the Social Security Act (42 U.S.C. 1395w–4(q)(1)(C)(iii)) is amended—

(1) in subclause (II), in the matter preceding item (aa), by striking "2021 and 2022" and inserting "each of 2021 through 2024"; and

(2) in subclause (III), in the matter preceding item (aa), by striking "2023" and inserting "2025".

42 USC 1395*l* note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

42 USC 1395*lll* note.

SEC. 115. PERMITTING OCCUPATIONAL THERAPISTS TO CONDUCT THE INITIAL ASSESSMENT VISIT AND COMPLETE THE COMPREHENSIVE ASSESSMENT WITH RESPECT TO CERTAIN REHABILITATION SERVICES FOR HOME HEALTH AGENCIES UNDER THE MEDICARE PROGRAM.

Deadline.

Not later than January 1, 2022, the Secretary of Health and Human Services shall revise subsections (a)(2) and (b)(3) of section 484.55 of title 42, Code of Federal Regulations, or a successor regulation, to permit an occupational therapist to conduct the initial assessment visit and to complete the comprehensive assessment (as such terms are described in such subsections, respectively)

for home health services for an individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) if the home health plan of care for such individual—

(1) does not initially include skilled nursing care;

(2) includes occupational therapy; and

(3) includes physical therapy or speech language pathology.

SEC. 116. CENTERS FOR MEDICARE & MEDICAID SERVICES PROVIDER OUTREACH AND REPORTING ON COGNITIVE ASSESSMENT AND CARE PLAN SERVICES.

42 USC 1395*l* note.

(a) OUTREACH.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct outreach to physicians and appropriate non-physician practitioners participating under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to Medicare payment for cognitive assessment and care plan services furnished to individuals with cognitive impairment such as Alzheimer's disease and related dementias, identified as of January 1, 2018, by HCPCS code 99483, or any successor to such code (in this section referred to as "cognitive assessment and care plan services"). Such outreach shall include a comprehensive, one-time education initiative to inform such physicians and practitioners of the addition of such services as a covered benefit under the Medicare program, including the requirements for eligibility for such services.

(b) REPORTS.—

(1) HHS REPORT ON PROVIDER OUTREACH.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the outreach conducted under subsection (a). Such report shall include a description of the methods used for such outreach.

(2) GAO REPORT ON UTILIZATION RATES.—Not later than 3 years after such date of enactment, the Comptroller General of the United States shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the number of Medicare beneficiaries who were furnished cognitive assessment and care plan services for which payment was made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). Such report shall include information on barriers Medicare beneficiaries face to access such services, and recommendations for such legislative and administrative action as the Comptroller General deems appropriate.

Recommendations.

SEC. 117. CONTINUED COVERAGE OF CERTAIN TEMPORARY TRANSITIONAL HOME INFUSION THERAPY SERVICES.

(a) IN GENERAL.—Section 1861(iii)(3)(C) of the Social Security Act (42 U.S.C. 1395x(iii)(3)(C)) is amended by inserting after clause (ii) the following flush sentence:

"Clause (ii) shall not apply to a self-administered drug or biological on a self-administered drug exclusion list if such drug or biological was included as a transitional home infusion drug under subparagraph (A)(iii) of section 1834(u)(7) and was identified by a HCPCS code described in subparagraph (C)(ii) of such section.".

42 USC 1395x note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after January 1, 2021.

42 USC 1395x note.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendment made by subsection (a) by interim final rule, program instruction, or otherwise.

SEC. 118. TRANSITIONAL COVERAGE AND RETROACTIVE MEDICARE PART D COVERAGE FOR CERTAIN LOW-INCOME BENEFICIARIES.

Section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by adding after subsection (d) the following new subsection:

"(e) LIMITED INCOME NEWLY ELIGIBLE TRANSITION PROGRAM.—

Effective date.

"(1) IN GENERAL.—Beginning not later than January 1, 2024, the Secretary shall carry out a program to provide transitional coverage for covered part D drugs for LI NET eligible individuals in accordance with this subsection.

"(2) LI NET ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this subsection, the term 'LI NET eligible individual' means a part D eligible individual who—

"(A) meets the requirements of clauses (ii) and (iii) of subsection (a)(3)(A); and

"(B) has not yet enrolled in a prescription drug plan or an MA–PD plan, or, who has so enrolled, but with respect to whom coverage under such plan has not yet taken effect.

Definition. Time periods.

"(3) TRANSITIONAL COVERAGE.—For purposes of this subsection, the term 'transitional coverage' means with respect to an LI NET eligible individual—

"(A) immediate access to covered part D drugs at the point of sale during the period that begins on the first day of the month such individual is determined to meet the requirements of clauses (ii) and (iii) of subsection (a)(3)(A) and ends on the date that coverage under a prescription drug plan or MA–PD plan takes effect with respect to such individual; and

Effective date.

"(B) in the case of an LI NET eligible individual who is a full-benefit dual eligible individual (as defined in section 1935(c)(6)) or a recipient of supplemental security income benefits under title XVI, retroactive coverage (in the form of reimbursement of the amounts that would have been paid under this part had such individual been enrolled in a prescription drug plan or MA–PD plan) of covered part D drugs purchased by such individual during the period that begins on the date that is the later of—

"(i) the date that such individual was first eligible for a low-income subsidy under this part; or

"(ii) the date that is 36 months prior to the date such individual enrolls in a prescription drug plan or MA–PD plan,

and ends on the date that coverage under such plan takes effect.

"(4) PROGRAM ADMINISTRATION.—

"(A) POINT OF CONTACT.—The Secretary shall, as determined appropriate by the Secretary, administer the program under this subsection through a contract with a single program administrator.

"(B) BENEFIT DESIGN.—The Secretary shall ensure that the transitional coverage provided to LI NET eligible individuals under this subsection—

"(i) provides access to all covered part D drugs under an open formulary;

"(ii) permits all pharmacies determined by the Secretary to be in good standing to process claims under the program; Determination.

"(iii) is consistent with such requirements as the Secretary considers necessary to improve patient safety and ensure appropriate dispensing of medication; and

"(iv) meets such other requirements as the Secretary may establish.

"(5) RELATIONSHIP TO OTHER PROVISIONS OF THIS TITLE; WAIVER AUTHORITY.—

"(A) IN GENERAL.—The following provisions shall not apply with respect to the program under this subsection:

"(i) Paragraphs (1) and (3)(B) of section 1860D–4(a) (relating to dissemination of general information; availability of information on changes in formulary through the internet).

"(ii) Subparagraphs (A) and (B) of section 1860D–4(b)(3) (relating to requirements on development and application of formularies; formulary development).

"(iii) Paragraphs (1)(C) and (2) of section 1860D–4(c) (relating to medication therapy management program).

"(B) WAIVER AUTHORITY.—The Secretary may waive such other requirements of title XI and this title as may be necessary to carry out the purposes of the program established under this subsection.

"(6) CONTRACTING AUTHORITY.—The authority vested in the Secretary by this subsection may be performed without regard to such provisions of law or regulations relating to the making, performance, amendment, or modification of contracts of the United States as the Secretary may determine to be inconsistent with the furtherance of the purpose of this title.".

SEC. 119. INCREASING THE USE OF REAL-TIME BENEFIT TOOLS TO LOWER BENEFICIARY COSTS.

(a) REQUIRING PRESCRIPTION DRUG PLAN SPONSORS AND MEDICARE ADVANTAGE ORGANIZATIONS TO INCLUDE REAL-TIME BENEFIT INFORMATION UNDER MEDICARE PART D.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended—

(1) by redesignating subsection (m) (relating to program integrity transparency measures), as added by section 6063(c) of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (Public Law 115–271), as subsection (n); and

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

"(o) REAL-TIME BENEFIT INFORMATION.—

"(1) IN GENERAL.—After the Secretary has adopted a standard under paragraph (3) for electronic real-time benefit Determination.

tools, and at a time determined appropriate by the Secretary, a PDP sponsor of a prescription drug plan shall implement one or more of such tools that meet the requirements described in paragraph (2).

"(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph, with respect to an electronic real-time benefit tool, are that the tool is capable of—

"(A) integrating with electronic prescribing and electronic health record systems of prescribing health care professionals for the transmission of formulary and benefit information in real time to such professionals; and

"(B) with respect to a covered part D drug, transmitting such information specific to an individual enrolled in a prescription drug plan, including the following:

List.

"(i) A list of any clinically-appropriate alternatives to such drug included in the formulary of such plan.

"(ii) Cost-sharing information and the negotiated price for such drug and such alternatives at multiple pharmacy options, including the individual's preferred pharmacy and, as applicable, other retail pharmacies and a mail order pharmacy.

"(iii) The formulary status of such drug and such alternatives and any prior authorization or other utilization management requirements applicable to such drug and such alternatives included in the formulary of such plan.

Compliance.
Consultation.

"(3) STANDARDS.—In order to be treated (for purposes of this subsection) as an electronic real-time benefit tool described in paragraph (1), such tool shall comply with technical standards adopted by the Secretary in consultation with the National Coordinator for Health Information Technology through notice and comment rulemaking. Such technical standards adopted by the Secretary shall be developed by a standards development organization, such as the National Council for Prescription Drug Programs, that consults with stakeholders such as PDP sponsors, Medicare Advantage organizations, beneficiary advocates, health care professionals, and health information technology software vendors.

"(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to prohibit the application of paragraph (b)(7) of section 423.160 of title 42, Code of Federal Regulations, as is to be added to such section pursuant to the final rule published in the Federal Register on May 23, 2019, and titled 'Modernizing Part D and Medicare Advantage To Lower Drug Prices and Reduce Out-of-Pocket Expenses' (84 Fed. Reg. 23832 through 23884); or

"(B) to allow a PDP sponsor to use a real-time benefit tool to steer an individual, without the consent of the individual, to a particular pharmacy or pharmacy type over their preferred pharmacy or pharmacy type nor prohibit the designation of an individual's preferred pharmacy under such tool.".

(b) REQUIRING QUALIFIED ELECTRONIC HEALTH RECORDS TO INCLUDE REAL-TIME BENEFIT TOOLS.—Section 3000(13) of the Public Health Service Act (42 U.S.C. 300jj(13)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) includes, or is capable of including, a real-time benefit tool that conveys patient-specific real-time cost and coverage information with respect to prescription drugs that, with respect to any health information technology certified for electronic prescribing, the technology shall be capable of incorporating the information described in clauses (i) through (iii) of paragraph (2)(B) of section 1860D–4(o) of the Social Security Act at a time specified by the Secretary but not before the Secretary adopts a standard for such tools as described in paragraph (1) of such section.".

(c) INCLUSION OF USE OF REAL-TIME ELECTRONIC INFORMATION IN SHARED DECISION-MAKING UNDER MIPS.—Section 1848(q)(2)(B)(iii)(IV) of the Social Security Act (42 U.S.C. 1395w–4(q)(2)(B)(iii)(IV)) is amended by adding at the end the following new sentences: "This subcategory shall include as an activity, for performance periods beginning on or after January 1, 2022, use of a real-time benefit tool as described in section 1860D–4(o). The Secretary may establish this activity as a standalone or as a component of another activity.". Effective date.

SEC. 120. BENEFICIARY ENROLLMENT SIMPLIFICATION.

(a) BENEFICIARY ENROLLMENT SIMPLIFICATION.—

(1) EFFECTIVE DATE OF COVERAGE.—Section 1838(a) of the Social Security Act (42 U.S.C. 1395q(a)) is amended—

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

"(2)(A) in the case of an individual who enrolls pursuant to subsection (d) of section 1837 before the month in which he first satisfies paragraph (1) or (2) of section 1836(a), the first day of such month,

"(B) in the case of an individual who first satisfies such paragraph in a month beginning before January 2023 and who enrolls pursuant to such subsection (d)—

"(i) in such month in which he first satisfies such paragraph, the first day of the month following the month in which he so enrolls,

"(ii) in the month following such month in which he first satisfies such paragraph, the first day of the second month following the month in which he so enrolls, or

"(iii) more than one month following such month in which he satisfies such paragraph, the first day of the third month following the month in which he so enrolls,

"(C) in the case of an individual who first satisfies such paragraph in a month beginning on or after January 1, 2023, and who enrolls pursuant to such subsection (d) in such month in which he first satisfies such paragraph or in any subsequent month of his initial enrollment period, the first day of the month following the month in which he so enrolls, or

"(D) in the case of an individual who enrolls pursuant to subsection (e) of section 1837 in a month beginning—

"(i) before January 1, 2023, the July 1 following the month in which he so enrolls; or

"(ii) on or after January 1, 2023, the first day of the month following the month in which he so enrolls; or"; and

(B) by amending paragraph (3) to read as follows:

"(3) in the case of an individual who is deemed to have enrolled—

"(A) on or before the last day of the third month of his initial enrollment period, the first day of the month in which he first meets the applicable requirements of section 1836(a) or July 1, 1973, whichever is later, or

"(B) on or after the first day of the fourth month of his initial enrollment period, and where such month begins—

"(i) before January 1, 2023, as prescribed under subparagraphs (B)(i), (B)(ii), (B)(iii), and (D)(i) of paragraph (2), or

"(ii) on or after January 1, 2023, as prescribed under subparagraphs (C) and (D)(ii) of paragraph (2).".

(2) SPECIAL ENROLLMENT PERIODS FOR EXCEPTIONAL CIRCUMSTANCES.—

(A) ENROLLMENT.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

Effective date.

"(m) Beginning January 1, 2023, the Secretary may establish special enrollment periods in the case of individuals who satisfy paragraph (1) or (2) of section 1836(a) and meet such exceptional conditions as the Secretary may provide.".

(B) COVERAGE PERIOD.—Section 1838 of the Social Security Act (42 U.S.C. 1395q) is amended by adding at the end the following new subsection:

"(g) Notwithstanding subsection (a), in the case of an individual who enrolls during a special enrollment period pursuant to section 1837(m), the coverage period shall begin on a date the Secretary provides in a manner consistent (to the extent practicable) with protecting continuity of health benefit coverage.".

(C) CONFORMING AMENDMENT.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(i) in section 1818A(c)(3), by striking "subsections (h) and (i) of section 1837" and inserting "subsections (h), (i), and (m) of section 1837"; and

(ii) in section 1839(b), in the first sentence, by striking "or (l)" and inserting ", (l), or (m)".

(3) TECHNICAL CORRECTION.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by adding at the end the following new sentence: "For purposes of determining any increase under this subsection for individuals whose enrollment occurs on or after January 1, 2023, the second sentence of this subsection shall be applied by substituting 'close of the month' for 'close of the enrollment period' each place it appears.".

Determination. Applicability.

(4) REPORT.—Not later than January 1, 2023, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and Special Committee on Aging of the Senate a report on how to align existing Medicare enrollment periods under title

XVIII of the Social Security Act, including the general enrollment period under part B of such title and the annual, coordinated election period under the Medicare Advantage program under part C of such title and under the prescription drug program under part D of such title. Such report shall include recommendations consistent with the goals of maximizing coverage continuity and choice and easing beneficiary transition.

Recommendations.

(b) FUNDING.—Section 1808 of the Social Security Act (42 U.S.C. 1395b–9) is amended by adding the end the following new subsection:

"(e) FUNDING FOR IMPLEMENTATION OF BENEFICIARY ENROLLMENT SIMPLIFICATION.—For purposes of carrying out the provisions of and the amendments made by section 120 of division CC of the Consolidated Appropriations Act, 2021, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 (in such proportion as the Secretary determines appropriate), to the Centers for Medicare & Medicaid Services Program Management Account, of $2,000,000 for each of fiscal years 2021 through 2030, to remain available until expended.".

Transfer authority. Time period. Determination.

SEC. 121. WAIVING BUDGET NEUTRALITY FOR OXYGEN UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1834(a)(9)(D)(ii) of the Social Security Act (42 U.S.C. 1395m(a)(9)(D)(ii)), with application of subsection (b), is amended by adding at the end the following new sentence: "The requirement of the preceding sentence shall not apply beginning with the second calendar quarter beginning on or after the date of the enactment of this sentence.".

Effective date.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 4552(b) of the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking "section 1848(a)(9)" and inserting "section 1834(a)(9)".

111 Stat. 459.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33).

42 USC 1395m note.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

42 USC 1395m note.

SEC. 122. WAIVING MEDICARE COINSURANCE FOR CERTAIN COLORECTAL CANCER SCREENING TESTS.

(a) IN GENERAL.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(1) in the second sentence, by striking "section 1834(0)" and inserting "section 1834(o)";

(2) by moving such second sentence 2 ems to the left; and

(3) by inserting the following third sentence following such second sentence: "For services furnished on or after January 1, 2022, paragraph (1)(Y) shall apply with respect to a colorectal cancer screening test regardless of the code that is billed for the establishment of a diagnosis as a result of the test, or for the removal of tissue or other matter or other procedure that is furnished in connection with, as a result of, and in the same clinical encounter as the screening test.".

Effective date. Applicability.

(b) SPECIAL COINSURANCE RULE FOR CERTAIN TESTS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)(Y), by inserting "subject to subsection (dd)," before "with respect to"; and

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

"(dd) SPECIAL COINSURANCE RULE FOR CERTAIN COLORECTAL CANCER SCREENING TESTS.—

Time period.

"(1) IN GENERAL.—In the case of a colorectal cancer screening test to which paragraph (1)(Y) of subsection (a) would not apply but for the third sentence of such subsection that is furnished during a year beginning on or after January 1, 2022, and before January 1, 2030, the amount paid shall be equal to the specified percent (as defined in paragraph (2)) for such year of the lesser of the actual charge for the service or the amount determined under the fee schedule that applies to such test under this part (or, in the case such test is a covered OPD service (as defined in subsection (t)(1)(B)), the amount determined under subsection (t)).

"(2) SPECIFIED PERCENT DEFINED.—For purposes of paragraph (1), the term 'specified percent' means—

"(A) for 2022, 80 percent;

"(B) for 2023 through 2026, 85 percent; and

"(C) for 2027 through 2029, 90 percent.".

(c) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 1834(d) of the Social Security Act (42 U.S.C. 1395m(d)) are each amended—

(1) in subparagraph (C)(ii), in the matter preceding subclause (I), by striking "Notwithstanding" and inserting "Subject to section 1833(a)(1)(Y), but notwithstanding"; and

(2) in subparagraph (D), by striking "If during" and inserting "Subject to section 1833(a)(1)(Y), if during".

SEC. 123. EXPANDING ACCESS TO MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.

(a) TREATMENT OF MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—Paragraph (7) of section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) by striking "DISORDER SERVICES FURNISHED THROUGH TELEHEALTH.—The geographic" and inserting "DISORDER SERVICES AND MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—

"(A) IN GENERAL.—The geographic";

Determination.

(2) in subparagraph (A), as added by paragraph (1), by inserting "or, on or after the first day after the end of the emergency period described in section 1135(g)(1)(B), subject to subparagraph (B), to an eligible telehealth individual for purposes of diagnosis, evaluation, or treatment of a mental health disorder, as determined by the Secretary," after "as determined by the Secretary,"; and

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

"(B) REQUIREMENTS FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—

Time periods.

"(i) IN GENERAL.—Payment may not be made under this paragraph for telehealth services furnished by a physician or practitioner to an eligible telehealth individual for purposes of diagnosis, evaluation, or treatment of a mental health disorder unless such physician

or practitioner furnishes an item or service in person, without the use of telehealth, for which payment is made under this title (or would have been made under this title if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service is furnished)—

"(I) within the 6-month period prior to the first time such physician or practitioner furnishes such a telehealth service to the eligible telehealth individual; and

"(II) during subsequent periods in which such physician or practitioner furnishes such telehealth services to the eligible telehealth individual, at such times as the Secretary determines appropriate. Determination.

"(ii) CLARIFICATION.—This subparagraph shall not apply if payment would otherwise be allowed—

"(I) under this paragraph (with respect to telehealth services furnished to an eligible telehealth individual with a substance use disorder diagnosis for purposes of treatment of such disorder or co-occurring mental health disorder); or

"(II) under this subsection without application of this paragraph.".

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the provisions of, or amendments made by, this section by interim final rule, program instruction, or otherwise. Regulations. 42 USC 1395m note.

SEC. 124. PUBLIC-PRIVATE PARTNERSHIP FOR HEALTH CARE WASTE, FRAUD, AND ABUSE DETECTION.

(a) IN GENERAL.—Section 1128C(a) of the Social Security Act (42 U.S.C. 1320a–7c(a)) is amended by adding at the end the following new paragraph:

"(6) PUBLIC-PRIVATE PARTNERSHIP FOR WASTE, FRAUD, AND ABUSE DETECTION.—

"(A) IN GENERAL.—Under the program described in paragraph (1), there is established a public-private partnership (in this paragraph referred to as the 'partnership') of health plans, Federal and State agencies, law enforcement agencies, health care anti-fraud organizations, and any other entity determined appropriate by the Secretary (in this paragraph referred to as 'partners') for purposes of detecting and preventing health care waste, fraud, and abuse. Determination.

"(B) CONTRACT WITH TRUSTED THIRD PARTY.—In carrying out the partnership, the Secretary shall enter into a contract with a trusted third party for purposes of carrying out the duties of the partnership described in subparagraph (C).

"(C) DUTIES OF PARTNERSHIP.—The partnership shall—

"(i) provide technical and operational support to facilitate data sharing between partners in the partnership;

"(ii) analyze data so shared to identify fraudulent and aberrant billing patterns;

"(iii) conduct aggregate analyses of health care data so shared across Federal, State, and private health plans for purposes of detecting fraud, waste, and abuse schemes;

"(iv) identify outlier trends and potential vulnerabilities of partners in the partnership with respect to such schemes;

"(v) refer specific cases of potential unlawful conduct to appropriate governmental entities;

"(vi) convene, not less than annually, meetings with partners in the partnership for purposes of providing updates on the partnership's work and facilitating information sharing between the partners;

"(vii) enter into data sharing and data use agreements with partners in the partnership in such a manner so as to ensure the partnership has access to data necessary to identify waste, fraud, and abuse while maintaining the confidentiality and integrity of such data;

"(viii) provide partners in the partnership with plan-specific, confidential feedback on any aberrant billing patterns or potential fraud identified by the partnership with respect to such partner;

"(ix) establish a process by which entities described in subparagraph (A) may enter the partnership and requirements such entities must meet to enter the partnership;

"(x) provide appropriate training, outreach, and education to partners based on the results of data analyses described in clauses (ii) and (iii); and

"(xi) perform such other duties as the Secretary determines appropriate.

"(D) SUBSTANCE USE DISORDER TREATMENT ANALYSIS.—Not later than 2 years after the date of the enactment of the Consolidated Appropriations Act, 2021, the trusted third party with a contract in effect under subparagraph (B) shall perform an analysis of aberrant or fraudulent billing patterns and trends with respect to providers and suppliers of substance use disorder treatments from data shared with the partnership.

Deadline.

"(E) EXECUTIVE BOARD.—

"(i) EXECUTIVE BOARD COMPOSITION.—

"(I) IN GENERAL.—There shall be an executive board of the partnership comprised of representatives of the Federal Government and representatives of the private sector selected by the Secretary.

"(II) CHAIRS.—The executive board shall be co-chaired by one Federal Government official and one representative from the private sector.

"(ii) MEETINGS.—The executive board of the partnership shall meet at least once per year.

"(iii) EXECUTIVE BOARD DUTIES.—The duties of the executive board shall include the following:

"(I) Providing strategic direction for the partnership, including membership criteria and a mission statement.

"(II) Communicating with the leadership of the Department of Health and Human Services and the Department of Justice and the various private health sector associations.

"(F) REPORTS.—Not later than January 1, 2023, and every 2 years thereafter, the Secretary shall submit to Congress and make available on the public website of the Centers for Medicare & Medicaid Services a report containing— Time period. Public information. Web posting.

"(i) a review of activities conducted by the partnership over the 2-year period ending on the date of the submission of such report, including any progress to any objectives established by the partnership; Review.

"(ii) any savings voluntarily reported by health plans participating in the partnership attributable to the partnership during such period;

"(iii) any savings to the Federal Government attributable to the partnership during such period;

"(iv) any other outcomes attributable to the partnership, as determined by the Secretary, during such period; and Determination.

"(v) a strategic plan for the 2-year period beginning on the day after the date of the submission of such report, including a description of any emerging fraud and abuse schemes, trends, or practices that the partnership intends to study during such period. Strategic plan.

"(G) FUNDING.—The partnership shall be funded by amounts otherwise made available to the Secretary for carrying out the program described in paragraph (1).

"(H) TRANSITIONAL PROVISIONS.—To the extent consistent with this subsection, all functions, personnel, assets, liabilities, and administrative actions applicable on the date before the date of the enactment of this paragraph to the National Fraud Prevention Partnership established on September 17, 2012, by charter of the Secretary shall be transferred to the partnership established under subparagraph (A) as of the date of the enactment of this paragraph. Transfer authority.

"(I) NONAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act shall not apply to the partnership established by subparagraph (A).

"(J) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the partnership established by subparagraph (A) by program instruction or otherwise.

"(K) DEFINITION.—For purposes of this paragraph, the term 'trusted third party' means an entity that—

"(i) demonstrates the capability to carry out the duties of the partnership described in subparagraph (C);

"(ii) complies with such conflict of interest standards determined appropriate by the Secretary; and Compliance. Determination.

"(iii) meets such other requirements as the Secretary may prescribe.".

(b) POTENTIAL EXPANSION OF PUBLIC-PRIVATE PARTNERSHIP ANALYSES.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a study and submit to Congress a report on the feasibility Deadline. Study. Reports.

of the partnership (as described in section 1128C(a)(6) of the Social Security Act, as added by subsection (a)) establishing a system to conduct real-time data analysis to proactively identify ongoing as well as emergent fraud trends for the entities participating in the partnership and provide such entities with real-time feedback on potentially fraudulent claims. Such report shall include the estimated cost of and any potential barriers to the partnership establishing such a system.

Cost estimate.

SEC. 125. MEDICARE PAYMENT FOR RURAL EMERGENCY HOSPITAL SERVICES.

(a) IN GENERAL.—

(1) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (e), in the last sentence of the matter following paragraph (9), by inserting "or a rural emergency hospital (as defined in subsection (kkk)(2))" before the period at the end; and

(B) by adding at the end the following subsection:

"Rural Emergency Hospital Services; Rural Emergency Hospital

"(kkk)(1) RURAL EMERGENCY HOSPITAL SERVICES.—

"(A) IN GENERAL.—The term 'rural emergency hospital services ' means the following services furnished by a rural emergency hospital (as defined in paragraph (2)) that do not exceed an annual per patient average of 24 hours in such rural emergency hospital:

"(i) Emergency department services and observation care.

"(ii) At the election of the rural emergency hospital, with respect to services furnished on an outpatient basis, other medical and health services as specified by the Secretary through rulemaking.

"(B) STAFFED EMERGENCY DEPARTMENT.—For purposes of subparagraph (A)(i), an emergency department of a rural emergency hospital shall be considered a staffed emergency department if it meets the following requirements:

"(i) The emergency department is staffed 24 hours a day, 7 days a week.

"(ii) A physician (as defined in section 1861(r)(1)), nurse practitioner, clinical nurse specialist, or physician assistant (as those terms are defined in section 1861(aa)(5)) is available to furnish rural emergency hospital services in the facility 24 hours a day.

"(iii) Applicable staffing and staffing responsibilities under section 485.631 of title 42, Code of Federal Regulations (or any successor regulation).

"(2) RURAL EMERGENCY HOSPITAL.—The term 'rural emergency hospital' means a facility described in paragraph (3) that—

Public information. Determination.

"(A) is enrolled under section 1866(j), submits the additional information described in paragraph (4)(A) for purposes of such enrollment, and makes the detailed transition plan described in clause (i) of such paragraph available to the public, in a form and manner determined appropriate by the Secretary;

"(B) does not provide any acute care inpatient services, other than those described in paragraph (6)(A);

"(C) has in effect a transfer agreement with a level I or level II trauma center;

"(D) meets—

"(i) licensure requirements as described in paragraph (5);

"(ii) the requirements of a staffed emergency department as described in paragraph (1)(B);

"(iii) such staff training and certification requirements as the Secretary may require;

"(iv) conditions of participation applicable to— Applicability.

"(I) critical access hospitals, with respect to emergency services under section 485.618 of title 42, Code of Federal Regulations (or any successor regulation); and

"(II) hospital emergency departments under this title, as determined applicable by the Secretary; Determination.

"(v) such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished rural emergency hospital services; and

"(vi) in the case where the rural emergency hospital includes a distinct part unit of the facility that is licensed as a skilled nursing facility, such distinct part meets the requirements applicable to skilled nursing facilities under this title.

"(3) FACILITY DESCRIBED.—A facility described in this paragraph is a facility that as of the date of the enactment of this subsection—

"(A) was a critical access hospital; or

"(B) was a subsection (d) hospital (as defined in section 1886(d)(1)(B)) with not more than 50 beds located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)), or was a subsection (d) hospital (as so defined) with not more than 50 beds that was treated as being located in a rural area pursuant to section 1886(d)(8)(E).

"(4) ADDITIONAL INFORMATION.—

"(A) INFORMATION.—For purposes of paragraph (2)(A), a facility that submits an application for enrollment under section 1866(j) as a rural emergency hospital shall submit the following information at such time and in such form as the Secretary may require:

"(i) An action plan for initiating rural emergency hospital services (as defined in paragraph (1)), including a detailed transition plan that lists the specific services that the facility will—

"(I) retain;

"(II) modify

"(III) add; and

"(IV) discontinue.

"(ii) A description of services that the facility intends to furnish on an outpatient basis pursuant to paragraph (1)(A)(ii).

"(iii) Information regarding how the facility intends to use the additional facility payment provided under section 1834(x)(2), including a description of the services covered under this title that the additional facility payment

would be supporting, such as furnishing telehealth services and ambulance services, including operating the facility and maintaining the emergency department to provide such services covered under this title.

Determination.

"(iv) Such other information as the Secretary determines appropriate.

"(B) EFFECT OF ENROLLMENT.—Such enrollment shall remain effective with respect to a facility until such time as—

"(i) the facility elects to convert back to its prior designation as a critical access hospital or a subsection (d) hospital (as defined in section 1886(d)(1)(B)), subject to requirements applicable under this title for such designation and in accordance with procedures established by the Secretary; or

Determination.

"(ii) the Secretary determines the facility does not meet the requirements applicable to a rural emergency hospital under this subsection.

"(5) LICENSURE.—A facility may not operate as a rural emergency hospital in a State unless the facility—

"(A) is located in a State that provides for the licensing of such hospitals under State or applicable local law; and

"(B)(i) is licensed pursuant to such law; or

"(ii) is approved by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing.

"(6) DISCRETIONARY AUTHORITY.—A rural emergency hospital may—

"(A) include a unit of the facility that is a distinct part licensed as a skilled nursing facility to furnish post-hospital extended care services; and

"(B) be considered a hospital with less than 50 beds for purposes of the exception to the payment limit for rural health clinics under section 1833(f).

"(7) QUALITY MEASUREMENT.—

"(A) IN GENERAL.—The Secretary shall establish quality measurement reporting requirements for rural emergency hospitals, which may include the use of a small number of claims-based outcomes measures or surveys of patients with respect to their experience in the rural emergency hospital, in accordance with the succeeding provisions of this paragraph.

"(B) QUALITY REPORTING BY RURAL EMERGENCY HOSPITALS.—

Time period.
Data.

"(i) IN GENERAL.—With respect to each year beginning with 2023, (or each year beginning on or after the date that is one year after one or more measures are first specified under subparagraph (C)), a rural emergency hospital shall submit data to the Secretary in accordance with clause (ii).

"(ii) SUBMISSION OF QUALITY DATA.—With respect to each such year, a rural emergency hospital shall submit to the Secretary data on quality measures specified under subparagraph (C). Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

"(C) QUALITY MEASURES.—

"(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under this subparagraph must

have been endorsed by the entity with a contract under section 1890(a).

"(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary. Determination.

"(iii) CONSIDERATION OF LOW CASE VOLUME WHEN SPECIFYING PERFORMANCE MEASURES.—The Secretary shall, in the selection of measures specified under this subparagraph, take into consideration ways to account for rural emergency hospitals that lack sufficient case volume to ensure that the performance rates for such measures are reliable.

"(D) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subparagraph (B) available to the public regarding the performance of individual rural emergency hospitals. Such procedures shall ensure that a rural emergency hospital has the opportunity to review, and submit corrections for, the data that is to be made public with respect to the rural emergency hospital prior to such data being made public. Such information shall be posted on the Internet website of the Centers for Medicare & Medicaid Services in an easily understandable format as determined appropriate by the Secretary. Procedures. Web posting. Determination.

"(8) CLARIFICATION REGARDING APPLICATION OF PROVISIONS RELATING TO OFF-CAMPUS OUTPATIENT DEPARTMENT OF A PROVIDER.—Nothing in this subsection, section 1833(a)(10), or section 1834(x) shall affect the application of paragraph (1)(B)(v) of section 1833(t), relating to applicable items and services (as defined in subparagraph (A) of paragraph (21) of such section) that are furnished by an off-campus outpatient department of a provider (as defined in subparagraph (B) of such paragraph).

"(9) IMPLEMENTATION.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise of the following:

"(A) The determination of whether a rural emergency hospital meets the requirements of this subsection.

"(B) The establishment of requirements under this subsection by the Secretary, including requirements described in paragraphs (2)(D), (4), and (7).

"(C) The determination of payment amounts under section 1834(x), including the additional facility payment described in paragraph (2) of such section.".

(2) PAYMENT FOR RURAL EMERGENCY HOSPITAL SERVICES.—

(A) IN GENERAL.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(i) in paragraph (8), by striking "and" at the end;

(ii) in paragraph (9), by striking the period at the end and inserting "; and"; and

(iii) by inserting after paragraph (9) the following new paragraph:

"(10) with respect to rural emergency hospital services furnished on or after January 1, 2023, the amounts determined under section 1834(x).".

(B) PAYMENT AMOUNT.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following subsection:

"(x) PAYMENT RULES RELATING TO RURAL EMERGENCY HOSPITALS.—

"(1) PAYMENT FOR RURAL EMERGENCY HOSPITAL SERVICES.—In the case of rural emergency hospital services (as defined in section 1861(kkk)(1)), furnished by a rural emergency hospital (as defined in section 1861(kkk)(2)) on or after January 1, 2023, the amount of payment for such services shall be equal to the amount of payment that would otherwise apply under section 1833(t) for covered OPD services (as defined in section 1833(t)(1)(B) (other than clause (ii) of such section)), increased by 5 percent to reflect the higher costs incurred by such hospitals, and shall include the application of any copayment amount determined under section 1833(t)(8) as if such increase had not occurred.

Effective date.

"(2) ADDITIONAL FACILITY PAYMENT.—

"(A) IN GENERAL.—The Secretary shall make monthly payments to a rural emergency hospital in an amount that is equal to 1/12 of the annual additional facility payment specified in subparagraph (B).

"(B) ANNUAL ADDITIONAL FACILITY PAYMENT AMOUNT.—The annual additional facility payment amount specified in this subparagraph is—

"(i) for 2023, a Medicare subsidy amount determined under subparagraph (C); and

"(ii) for 2024 and each subsequent year, the amount determined under this subparagraph for the preceding year, increased by the hospital market basket percentage increase.

"(C) DETERMINATION OF MEDICARE SUBSIDY AMOUNT.—For purposes of subparagraph (B)(i), the Medicare subsidy amount determined under this subparagraph is an amount equal to—

"(i) the excess (if any) of—

"(I) the total amount that the Secretary determines was paid under this title to all critical access hospitals in 2019; over

"(II) the estimated total amount that the Secretary determines would have been paid under this title to such hospitals in 2019 if payment were made for inpatient hospital, outpatient hospital, and skilled nursing facility services under the applicable prospective payment systems for such services during such year; divided by

"(ii) the total number of such hospitals in 2019.

"(D) REPORTING ON USE OF THE ADDITIONAL FACILITY PAYMENT.—A rural emergency hospital receiving the additional facility payment under this paragraph shall maintain detailed information as specified by the Secretary as to how the facility has used the additional facility payments. Such information shall be made available to the Secretary upon request.

"(3) PAYMENT FOR AMBULANCE SERVICES.—For provisions relating to payment for ambulance services furnished by an entity owned and operated by a rural emergency hospital, see section 1834(l).

"(4) PAYMENT FOR POST-HOSPITAL EXTENDED CARE SERVICES.—For provisions relating to payment for post-hospital extended care services furnished by a rural emergency hospital that has a unit that is a distinct part licensed as a skilled nursing facility, see section 1888(e).

"(5) SOURCE OF PAYMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), payments under this subsection shall be made from the Federal Supplementary Medical Insurance Trust Fund under section 1841.

"(B) ADDITIONAL FACILITY PAYMENT AND POST-HOSPITAL EXTENDED CARE SERVICES.—Payments under paragraph (2) shall be made from the Federal Hospital Insurance Trust Fund under section 1817.".

(b) PROVIDER AGREEMENTS.—

(1) AGREEMENT WITH QIO.—Section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)) is amended—

(A) in paragraph (1)(F)(ii), by inserting "rural emergency hospitals," after "critical access hospitals,"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "rural emergency hospital," after "critical access hospital,";

(ii) in subparagraph (B), by inserting "rural emergency hospital," after "critical access hospital," each place it appears; and

(iii) in subparagraph (C)(ii)(II), by inserting "rural emergency hospitals," after "critical access hospitals," each place it appears.

(2) EMERGENCY MEDICAL TREATMENT AND LABOR ACT.—

(A) Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(i) in subparagraph (I)—

(I) in the matter preceding clause (i), by striking "or critical access hospital" and inserting ", critical access hospital, or rural emergency hospital"; and

(II) in clause (ii), by inserting ", critical access hospital, or rural emergency hospital" after "hospital"; and

(ii) in subparagraph (N)—

(I) in the matter preceding clause (i), by striking "and critical access hospitals" and inserting ", critical access hospitals, and rural emergency hospitals";

(II) in clause (i), by striking "or critical access hospital" and inserting ", critical access hospital, or rural emergency hospital"; and

(III) in clause (iv), by inserting ", critical access hospital, or rural emergency hospital" after "hospital".

(B) Section 1867(e)(5) of such Act (42 U.S.C. 1395dd(e)(5)) is amended by inserting "and a rural emergency hospital (as defined in section 1861(kkk)(2))" before the period.

(c) TREATMENT AS TELEHEALTH ORIGINATING SITE.—Section 1834(m)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding at the end the following new subclause:

"(XI) A rural emergency hospital (as defined in section 1861(kkk)(2)).".

(d) CONFORMING AMENDMENTS.—

(1) Section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)) is amended by inserting "rural emergency hospital," after "critical access hospital,".

(2) Section 1864 of the Social Security Act (42 U.S.C. 1395aa) is amended by inserting before the period at the end of the first sentence ", or whether a facility is a rural emergency hospital as defined in section 1861(kkk)(2).

(e) STUDIES AND REPORTS.—

Evaluation.

(1) STUDIES.—The Secretary of Health and Human Services shall conduct 3 studies to evaluate the impact of rural emergency hospitals on the availability of health care and health outcomes in rural areas (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))). The Secretary shall conduct a study—

Time periods.

(A) 4 years after the date of the enactment of this Act;

(B) 7 years after the date of the enactment of this Act; and

(C) 10 years after the date of the enactment of this Act.

(2) REPORTS.—Not later than 6 months after each date that the Secretary of Health and Human Services is required to conduct a study under paragraph (1), the Secretary shall submit to Congress a report containing the results of each such study.

Transfer authority. Determination.

(3) FUNDING.—For purposes of carrying out this subsection, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines appropriate, to the Centers for Medicare & Medicaid Services Program Management Account, of $9,000,000. Amounts transferred under the preceding sentence shall remain available until expended.

42 USC 1395b–6 note.

(f) MEDPAC REVIEW OF PAYMENTS TO RURAL EMERGENCY HOSPITALS.—Each report submitted by the Medicare Payment Advisory Commission under section 1805(b)(1)(C) of the Social Security Act (42 U.S.C. 1395b–6(b)(1)(C)) (beginning with 2024), shall include a review of payments to rural emergency hospitals under section 1834(x), as added by subsection (a).

42 USC 1395*l* note.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2023.

SEC. 126. DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking "paragraphs (7) and (8)" and inserting "paragraphs (7), (8), and (9)";

(2) in paragraph (4)(H)(i), by striking "paragraphs (7) and (8)" and inserting "paragraphs (7), (8), and (9)";

(3) in paragraph (7)(E), by inserting "paragraph (9)," after "paragraph (8),"; and

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

"(9) DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.—

"(A) ADDITIONAL RESIDENCY POSITIONS.—

"(i) IN GENERAL.—For fiscal year 2023, and for each succeeding fiscal year until the aggregate number of full-time equivalent residency positions distributed under this paragraph is equal to the aggregate number of such positions made available (as specified in clause (ii)(I)), the Secretary shall, subject to the succeeding provisions of this paragraph, increase the otherwise applicable resident limit for each qualifying hospital (as defined in subparagraph (F)) that submits a timely application under this subparagraph by such number as the Secretary may approve effective beginning July 1 of the fiscal year of the increase. Time periods. Effective date.

"(ii) NUMBER AVAILABLE FOR DISTRIBUTION.—

"(I) TOTAL NUMBER AVAILABLE.—The aggregate number of such positions made available under this paragraph shall be equal to 1,000.

"(II) ANNUAL LIMIT.—The aggregate number of such positions so made available shall not exceed 200 for a fiscal year.

"(iii) PROCESS FOR DISTRIBUTING POSITIONS.—

"(I) ROUNDS OF APPLICATIONS.—The Secretary shall initiate a separate round of applications for an increase under clause (i) for each fiscal year for which such an increase is to be provided.

"(II) TIMING.—The Secretary shall notify hospitals of the number of positions distributed to the hospital under this paragraph as a result of an increase in the otherwise applicable resident limit by January 31 of the fiscal year of the increase. Such increase shall be effective beginning July 1 of such fiscal year. Notification. Effective date.

"(B) DISTRIBUTION.—For purposes of providing an increase in the otherwise applicable resident limit under subparagraph (A), the following shall apply: Determinations.

"(i) CONSIDERATIONS IN DISTRIBUTION.—In determining for which qualifying hospitals such an increase is provided under subparagraph (A), the Secretary shall take into account the demonstrated likelihood of the hospital filling the positions made available under this paragraph within the first 5 training years beginning after the date the increase would be effective, as determined by the Secretary. Time period.

"(ii) MINIMUM DISTRIBUTION FOR CERTAIN CATEGORIES OF HOSPITALS.—With respect to the aggregate number of such positions available for distribution

under this paragraph, the Secretary shall distribute not less than 10 percent of such aggregate number to each of the following categories of hospitals:

"(I) Hospitals that are located in a rural area (as defined in section 1886(d)(2)(D)) or are treated as being located in a rural area pursuant to section 1886(d)(8)(E).

"(II) Hospitals in which the reference resident level of the hospital (as specified in subparagraph (F)(iii)) is greater than the otherwise applicable resident limit.

"(III) Hospitals in States with—

"(aa) new medical schools that received 'Candidate School' status from the Liaison Committee on Medical Education or that received 'Pre-Accreditation' status from the American Osteopathic Association Commission on Osteopathic College Accreditation on or after January 1, 2000, and that have achieved or continue to progress toward 'Full Accreditation' status (as such term is defined by the Liaison Committee on Medical Education) or toward 'Accreditation' status (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation); or

"(bb) additional locations and branch campuses established on or after January 1, 2000, by medical schools with 'Full Accreditation' status (as such term is defined by the Liaison Committee on Medical Education) or 'Accreditation' status (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation).

"(IV) Hospitals that serve areas designated as health professional shortage areas under section 332(a)(1)(A) of the Public Health Service Act, as determined by the Secretary.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—A hospital may not receive more than 25 additional full-time equivalent residency positions under this paragraph.

"(ii) PROHIBITION ON DISTRIBUTION TO HOSPITALS WITHOUT AN INCREASE AGREEMENT.—No increase in the otherwise applicable resident limit of a hospital may be made under this paragraph unless such hospital agrees to increase the total number of full-time equivalent residency positions under the approved medical residency training program of such hospital by the number of such positions made available by such increase under this paragraph.

"(D) APPLICATION OF PER RESIDENT AMOUNTS FOR PRIMARY CARE AND NONPRIMARY CARE.—With respect to additional residency positions in a hospital attributable to the increase provided under this paragraph, the approved FTE per resident amounts are deemed to be equal to the hospital

per resident amounts for primary care and nonprimary care computed under paragraph (2)(D) for that hospital.

"(E) PERMITTING FACILITIES TO APPLY AGGREGATION RULES.—The Secretary shall permit hospitals receiving additional residency positions attributable to the increase provided under this paragraph to, beginning in the fifth year after the effective date of such increase, apply such positions to the limitation amount under paragraph (4)(F) that may be aggregated pursuant to paragraph (4)(H) among members of the same affiliated group. Effective date.

"(F) DEFINITIONS.—In this paragraph:

"(i) OTHERWISE APPLICABLE RESIDENT LIMIT.—The term 'otherwise applicable resident limit' means, with respect to a hospital, the limit otherwise applicable under subparagraphs (F)(i) and (H) of paragraph (4) on the resident level for the hospital determined without regard to this paragraph but taking into account paragraphs (7)(A), (7)(B), (8)(A), and (8)(B).

"(ii) QUALIFYING HOSPITAL.—The term 'qualifying hospital' means a hospital described in any of subclauses (I) through (IV) of subparagraph (B)(ii).

"(iii) REFERENCE RESIDENT LEVEL.—The term 'reference resident level' means, with respect to a hospital, the resident level for the most recent cost reporting period of the hospital ending on or before the date of enactment of this paragraph, for which a cost report has been settled (or, if not, submitted (subject to audit)), as determined by the Secretary. Determination.

"(iv) RESIDENT LEVEL.—The term 'resident level' has the meaning given such term in paragraph (7)(C)(i).".

(b) IME.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) in clause (v), in the third sentence, by striking "and (h)(8)" and inserting "(h)(8), and (h)(9)";

(2) by redesignating clause (x), as added by section 5505(b) of the Patient Protection and Affordable Care Act (Public Law 111–148), as clause (xi) and moving such clause 4 ems to the left; and

(3) by adding after clause (xi), as redesignated by subparagraph (A), the following new clause:

"(xii) For discharges occurring on or after July 1, 2023, insofar as an additional payment amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(9), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.".

(c) PROHIBITION ON JUDICIAL REVIEW.—Section 1886(h)(7)(E) of the Social Security Act (42 U.S.C. 1395ww–4(h)(7)(E)) is amended by inserting "paragraph (9)," after "paragraph (8),".

(d) REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2025, and again not later than September 30, 2027, the Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study and submit to Congress a report on— Study.

(A) the distribution of additional full-time equivalent resident positions under paragraph (9) of section 1886(h) of the Social Security Act, as added by subsection (a); and

(B) rural track and rotator programs under such section.

(2) CONTENTS.—Each report described in paragraph (1) shall include—

(A) a description of the distribution described in paragraph (1)(A) and an analysis of the use of such positions so distributed, including a description of the effects of such distribution on rural track and rotator programs;

(B) a specification, with respect to each hospital that has received such a distribution, of whether such hospital has abided by the agreement described in paragraph (9)(C)(ii) of section 1886(h) of the Social Security Act, as added by subsection (a); and

(C) to the extent practicable, a description of—

(i) the type of program in which each such position so distributed is being used;

(ii) the total number of full-time equivalent residency positions available in each such program;

(iii) the number of instances in which residents filling such positions so distributed treated individuals entitled to benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(iv) the location where each resident that filled a position so distributed went on to practice.

SEC. 127. PROMOTING RURAL HOSPITAL GME FUNDING OPPORTUNITY.

Section 1886(h)(4)(H)(iv) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(iv)) is amended—

(1) by striking "(iv) NONRURAL HOSPITAL OPERATING TRAINING PROGRAMS IN RURAL AREAS.—In the case of" and inserting the following:

"(iv) TRAINING PROGRAMS IN RURAL AREAS.—

"(I) COST REPORTING PERIODS BEGINNING BEFORE OCTOBER 1, 2022.—For cost reporting periods beginning before October 1, 2022, in the case of"; and

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

"(II) COST REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 2022.—For cost reporting periods beginning on or after October 1, 2022, in the case of a hospital not located in a rural area that established or establishes a medical residency training program (or rural tracks) in a rural area or establishes an accredited program where greater than 50 percent of the program occurs in a rural area, the Secretary shall consistent with the principles of subparagraphs (F) and (G) and subject to paragraphs (7) and (8), prescribe rules for the application of such subparagraphs with respect to such a program and, in accordance with such rules, adjust in an appropriate manner the

limitation under subparagraph (F) for such hospital and each such hospital located in a rural area that participates in such a training.".

SEC. 128. FIVE-YEAR EXTENSION OF THE RURAL COMMUNITY HOSPITAL DEMONSTRATION PROGRAM.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a)(5) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 42 U.S.C. 1395ww note), is amended by striking "10-year extension period" and inserting "15-year extension period".

(2) CONFORMING AMENDMENTS FOR EXTENSION.—

(A) EXTENSION OF DEMONSTRATION PERIOD.—Subsection (g) of such section 410A is amended—

(i) in the subsection heading, by striking "TEN-YEAR" and inserting "FIFTEEN-YEAR";

(ii) in paragraph (1)—

(I) by striking "additional 10-year" and inserting "additional 15-year"; and

(II) by striking "10-year extension period" and inserting "15-year extension period";

(iii) in paragraph (2), by striking "10-year extension period" and inserting "15-year extension period";

(iv) in paragraph (3), by striking "10-year extension period" and inserting "15-year extension period";

(v) in paragraph (4), by striking "10-year extension period" each place it appears and inserting "15-year extension period";

(vi) in paragraph (5), by striking "10-year extension period" and inserting "15-year extension period"; and

(vii) in subparagraph (A) of paragraph (6), by striking "10-year extension period" and inserting "15-year extension period".

(B) RULE FOR HOSPITALS THAT ARE NOT ORIGINAL PARTICIPANTS IN THE DEMONSTRATION.—Paragraph (5) of subsection (g) of such section 410A is amended—

(i) by striking "PROGRAM.—During" and inserting "PROGRAM.—

"(A) CURES ACT EXTENSION.—During"; and

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

"(B) ADDITIONAL EXTENSION.—During the third 5 years of the 15-year extension period, the Secretary shall apply the provisions of paragraph (4) to rural community hospitals that are not described in paragraph (4) but are participating in the demonstration program under this section as of December 30, 2019, in a similar manner as such provisions apply to rural community hospitals described in paragraph (4).". Applicability.

(b) CLARIFYING TECHNICAL AMENDMENTS.—Such section 410A, as amended by subsection (a), is further amended—

(1) in subsection (a)(1), by inserting "of Health and Human Services" after "Secretary";

(2) in subsection (f)(1)(A)(iv) by inserting "of the Social Security Act (42 U.S.C. 1395i–4)" after "section 1820"; and

(3) in subsection (g)—

(A) in the heading of paragraph (4), by striking "HOSPITALS IN DEMONSTRATION PROGRAM ON DATE OF ENACTMENT" and inserting "HOSPITALS PARTICIPATING IN THE DEMONSTRATION PROGRAM DURING THE INITIAL 5-YEAR PERIOD"; and

(B) in paragraph (6)(A), by striking "not later than 120 days after the date of the enactment of this paragraph" and inserting "not later than April 12, 2017".

SEC. 129. EXTENSION OF FRONTIER COMMUNITY HEALTH INTEGRATION PROJECT DEMONSTRATION.

(a) IN GENERAL.—Subsection (f) of section 123 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395i–4 note) is amended—

(1) in paragraph (1), by striking "3-year period beginning on October 1, 2009" and inserting "3-year period beginning on August 1, 2016 (referred to in this section as the 'initial period'), and 5-year period beginning on July 1, 2021 (referred to in this section as the 'extension period')";

(2) in paragraph (2)—

(A) by striking "PROJECT.—The demonstration" and inserting "PROJECT.—

"(A) INITIAL PERIOD.—During the initial period, the demonstration"; and

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

"(B) EXTENSION PERIOD.—During the extension period, the demonstration project under this section shall be considered to have begun in a State on the date during such period on which the eligible counties selected to participate in the demonstration project under subsection (d)(3) begin operations in accordance with the requirements under the demonstration project."; and

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

"(3) RE-ENTRY ON A ROLLING BASIS FOR EXTENSION PERIOD.—A critical access hospital participating in the demonstration project under this section during the extension period shall begin such participation in the cost reporting year that begins on or after July 1, 2021.".

(b) ELIGIBLE ENTITIES.—Subsection (d)(1) of such section 123 is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking "In this section" and inserting "Subject to subparagraph (C), in this section"; and

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

"(C) EXTENSION PERIOD.—An entity shall only be eligible to participate in the demonstration project under this section during the extension period if the entity participated in the demonstration project under this section during the initial period.".

(c) FUNDING.—Subsection (g)(1) of such section 123 is amended—

(1) in subparagraph (A)—

(A) by striking "IN GENERAL" and inserting "INITIAL PERIOD"; and

(B) by inserting "with respect to the initial period" before the period at the end; and

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

"(C) EXTENSION PERIOD.—The Secretary shall provide for the transfer of $10,000,000, in appropriate part from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), to the Centers for Medicare & Medicaid Services for the purposes of carrying out its duties under the demonstration project under this section with respect to the extension period.". Transfer authority.

SEC. 130. IMPROVING RURAL HEALTH CLINIC PAYMENTS.

Section 1833(f) of the Social Security Act (42 U.S.C. 1395l(f)) is amended—

(1) in paragraph (2)—

(A) by inserting "(before April 1, 2021)" after "in a subsequent year"; and

(B) by striking "this subsection" and inserting "this paragraph";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in the matter preceding subparagraph (A), as redesignated by paragraph (2)—

(A) by inserting "(1)" after "(f)"; and

(B) by inserting "prior to April 1, 2021" after "services provided"; and

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

"(2) In establishing limits under subsection (a) on payment for rural health clinic services furnished on or after April 1, 2021, by a rural health clinic (other than a rural health clinic described in paragraph (3)(B)), the Secretary shall establish such limit, for services provided—

"(A) in 2021, after March 31, at $100 per visit;

"(B) in 2022, at $113 per visit;

"(C) in 2023, at $126 per visit;

"(D) in 2024, at $139 per visit;

"(E) in 2025, at $152 per visit;

"(F) in 2026, at $165 per visit;

"(G) in 2027, at $178 per visit;

"(H) in 2028, at $190 per visit; and

"(I) in a subsequent year, at the limit established under this paragraph for the previous year increased by the percentage increase in the MEI applicable to primary care services furnished as of the first day of such subsequent year.

"(3)(A) In establishing limits under subsection (a) on payment for rural health clinic services furnished on or after April 1, 2021, by a rural health clinic described in subparagraph (B), the Secretary shall establish such limit, with respect to each such rural health clinic, for services provided— Effective date.

"(i) in 2021, after March 31, at an amount equal to the greater of—

"(I) the per visit payment amount applicable to such rural health clinic for rural health clinic services furnished in 2020, increased by the percentage increase in the MEI applicable to primary care services furnished as of the first day of 2021; or

"(II) the limit described in paragraph (2)(A); and

"(ii) in a subsequent year, at an amount equal to the greater of—

"(I) the amount established under clause (i)(I) or this subclause for the previous year with respect to such rural health clinic, increased by the percentage increase in the MEI applicable to primary care services furnished as of the first day of such subsequent year; or

"(II) the limit established under paragraph (2) for such subsequent year.

"(B) A rural health clinic described in this subparagraph is a rural health clinic that, as of December 31, 2019, was—

"(i) in a hospital with less than 50 beds; and

"(ii) enrolled under section 1866(j).".

Applicability.

SEC. 131. MEDICARE GME TREATMENT OF HOSPITALS ESTABLISHING NEW MEDICAL RESIDENCY TRAINING PROGRAMS AFTER HOSTING MEDICAL RESIDENT ROTATORS FOR SHORT DURATIONS.

(a) REDETERMINATION OF APPROVED FTE RESIDENT AMOUNT.—Section 1886(h)(2)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(2)(F)) is amended—

(1) by inserting "(i)" before "In the case of"; and

(2) by adding at the end the following:

"(ii) In applying this subparagraph in the case of a hospital that trains residents and has not entered into a GME affiliation agreement (as defined by the Secretary for purposes of paragraph (4)(H)(ii)), on or after the date of the enactment of this clause, the Secretary shall not establish an FTE resident amount until such time as the Secretary determines that the hospital has trained at least 1.0 full-time-equivalent resident in an approved medical residency training program in a cost reporting period.

Effective dates.
Time periods.

"(iii) In applying this subparagraph for cost reporting periods beginning on or after the date of enactment of this clause, in the case of a hospital that, as of such date of enactment, has an approved FTE resident amount based on the training in an approved medical residency program or programs of—

"(I) less than 1.0 full-time-equivalent resident in any cost reporting period beginning before October 1, 1997, as determined by the Secretary; or

"(II) no more than 3.0 full-time-equivalent residents in any cost reporting period beginning on or after October 1, 1997, and before the date of the enactment of this clause, as determined by the Secretary,

in lieu of such FTE resident amount the Secretary shall, in accordance with the methodology described in section 413.77(e) of title 42 of the Code of Federal Regulations (or any successor regulation), establish a new FTE resident amount if the hospital trains at least 1.0 full-time-equivalent resident (in the case of a hospital described in subclause (I)) or more than 3.0 full-time-equivalent residents (in the case of a hospital described in subclause (II)) in a cost reporting period beginning on or after such date of enactment and before the date that is 5 years after such date of enactment.

"(iv) For purposes of carrying out this subparagraph for cost reporting periods beginning on or after the date of the enactment of this clause, a hospital shall report full-time-equivalent residents on its cost report for a cost reporting period if the hospital trains at least 1.0 full-time-equivalent residents in an approved medical residency training program or programs in such period.

"(v) As appropriate, the Secretary may consider information from any cost reporting period necessary to establish a new FTE resident amount as described in clause (iii).".

(b) REDETERMINATION OF FTE RESIDENT LIMITATION.—Section 1886(h)(4)(H)(i) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(H)(i)) is amended—

(1) by inserting "(I)" before "The Secretary"; and

(2) by adding at the end the following:

"(II) In applying this clause in the case of a hospital that, on or after the date of the enactment of this subclause, begins training residents in a new approved medical residency training program or programs (as defined by the Secretary), the Secretary shall not determine a limitation applicable to the hospital under subparagraph (F) until such time as the Secretary determines that the hospital has trained at least 1.0 full-time-equivalent resident in such new approved medical residency training program or programs in a cost reporting period.

"(III) In applying this clause in the case of a hospital that, as of the date of the enactment of this subclause, has a limitation under subparagraph (F), based on a cost reporting period beginning before October 1, 1997, of less than 1.0 full-time-equivalent resident, the Secretary shall adjust the limitation in the manner applicable to a new approved medical residency training program if the Secretary determines the hospital begins training at least 1.0 full-time-equivalent residents in a program year beginning on or after such date of enactment and before the date that is 5 years after such date of enactment.

"(IV) In applying this clause in the case of a hospital that, as of the date of the enactment of this subclause, has a limitation under subparagraph (F), based on a cost reporting period beginning on or after October 1, 1997, and before such date of enactment, of no more than 3.0 full-time-equivalent residents, the Secretary shall adjust the limitation in the manner applicable to a new approved medical residency training program if the Secretary determines the hospital begins training more than 3.0 full-time-equivalent residents in a program year beginning on or after such date of enactment and before the date that is 5 years after such date of enactment.

"(V) An adjustment to the limitation applicable to a hospital made pursuant to subclause (III) or (IV) shall be made in a manner consistent with the methodology, as appropriate, in section 413.79(e) of title 42,

Code of Federal Regulations (or any successor regulation). As appropriate, the Secretary may consider information from any cost reporting periods necessary to make such an adjustment to the limitation.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(5)(B)(viii), by striking "subsection (h)(4)(H)" and inserting "paragraphs (2)(F)(iv) and (4)(H) of subsection (h)"; and

(2) in subsection (h)—

(A) in paragraph (4)(H)(iv), by striking "an rural area" and inserting "a rural area"; and

(B) in paragraph (7)(E), by striking "under this" and all that follows through the period at the end and inserting the following: "under this paragraph, paragraph (8), clause (i), (ii), (iii), or (v) of paragraph (2)(F), or clause (i) or (vi) of paragraph (4)(H).".

42 USC 1395ww note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payment under section 1886 of the Social Security Act (42 U.S.C. 1395ww) for cost reporting periods beginning on or after the date of the enactment of this Act.

Effective date.

SEC. 132. MEDICARE PAYMENT FOR CERTAIN FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC SERVICES FURNISHED TO HOSPICE PATIENTS.

Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 125(a)(2)(B), is amended—

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

"(4) PAYMENT FOR ATTENDING PHYSICIAN SERVICES FURNISHED BY FEDERALLY QUALIFIED HEALTH CENTERS TO HOSPICE PATIENTS.—In the case of services described in section 1812(d)(2)(A)(ii) furnished on or after January 1, 2022, by an attending physician (as defined in section 1861(dd)(3)(B), other than a physician or practitioner who is employed by a hospice program) who is employed by or working under contract with a Federally qualified health center, a Federally qualified health center shall be paid for such services under the prospective payment system under this subsection."; and

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

"(y) PAYMENT FOR ATTENDING PHYSICIAN SERVICES FURNISHED BY RURAL HEALTH CLINICS TO HOSPICE PATIENTS.—In the case of services described in section 1812(d)(2)(A)(ii) furnished on or after January 1, 2022, by an attending physician (as defined in section 1861(dd)(3)(B), other than a physician or practitioner who is employed by a hospice program) who is employed by or working under contract with a rural health clinic, a rural health clinic shall be paid for such services under the methodology for all-inclusive rates (established by the Secretary) under section 1833(a)(3), subject to the limits described in section 1833(f).".

SEC. 133. DELAY TO THE IMPLEMENTATION OF THE RADIATION ONCOLOGY MODEL UNDER THE MEDICARE PROGRAM.

Notwithstanding any provision of section 1115A of the Social Security Act (42 U.S.C. 1315a), the Secretary of Health and Human Services may not implement the radiation oncology model described in the rule entitled "Medicare Program; Specialty Care Models To Improve Quality of Care and Reduce Expenditures" (85 Fed.

Reg. 61114 et seq.), or any substantially similar model, pursuant to such section before January 1, 2022.

SEC. 134. IMPROVING ACCESS TO SKILLED NURSING FACILITY SERVICES FOR HEMOPHILIA PATIENTS.

(a) IN GENERAL.—Section 1888(e)(2)(A)(iii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(iii)) is amended by adding at the end the following:

> "(VI) Blood clotting factors indicated for the treatment of patients with hemophilia and other bleeding disorders (identified as of July 1, 2020, by HCPCS codes J7170, J7175, J7177–J7183, J7185–J7190, J7192–J7195, J7198–J7203, J7205, J7207–J7211, and as subsequently modified by the Secretary) and items and services related to the furnishing of such factors under section 1842(o)(5)(C), and any additional blood clotting factors identified by the Secretary and items and services related to the furnishing of such factors under such section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after October 1, 2021. 42 USC 1395yy note.

TITLE II—MEDICAID EXTENDERS AND OTHER POLICIES

SEC. 201. ELIMINATING DSH REDUCTIONS FOR FISCAL YEARS 2021 THROUGH 2023.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)), as amended by section 1106 of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, is amended—

(1) in paragraph (7)(A)—

(A) in clause (i), in the matter preceding subclause (I), by striking "For the period" and all that follows through "2025" and inserting "For each of fiscal years 2024 through 2027,"; and

(B) in clause (ii), by striking "equal to—" and all that follows through the period at the end and inserting "equal to $8,000,000,000 for each of fiscal years 2024 through 2027"; and

(2) in paragraph (8), by striking "2025" and inserting "2027".

SEC. 202. SUPPLEMENTAL PAYMENT REPORTING REQUIREMENTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(bb) SUPPLEMENTAL PAYMENT REPORTING REQUIREMENTS.—

"(1) COLLECTION AND AVAILABILITY OF SUPPLEMENTAL PAYMENT DATA.—

"(A) IN GENERAL.—Not later than October 1, 2021, the Secretary shall establish a system for each State to submit reports, as determined appropriate by the Secretary, on supplemental payments data, as a requirement for a State plan or State plan amendment that would provide for a supplemental payment. State and local governments. Determination.

"(B) REQUIREMENTS.—Each report submitted by a State in accordance with the requirement established under subparagraph (A) shall include the following:

"(i) An explanation of how supplemental payments made under the State plan or a State plan amendment will result in payments that are consistent with section 1902(a)(30)(A), including standards with respect to efficiency, economy, quality of care, and access, along with the stated purpose and intended effects of the supplemental payment.

Criteria. Determination.

"(ii) The criteria used to determine which providers are eligible to receive the supplemental payment.

"(iii) A comprehensive description of the methodology used to calculate the amount of, and distribute, the supplemental payment to each eligible provider, including—

"(I) data on the amount of the supplemental payment made to each eligible provider, if known, or, if the total amount is distributed using a formula based on data from 1 or more fiscal years, data on the total amount of the supplemental payments for the fiscal year or years available to all providers eligible to receive a supplemental payment;

"(II) if applicable, the specific criteria with respect to Medicaid service, utilization, or cost data to be used as the basis for calculations regarding the amount or distribution of the supplemental payment; and

"(III) the timing of the supplemental payment made to each eligible provider.

"(iv) An assurance that the total Medicaid payments made to an inpatient hospital provider, including the supplemental payment, will not exceed upper payment limits.

"(v) If not already submitted, an upper payment limit demonstration under section 447.272 of title 42, Code of Federal Regulations (as such section is in effect as of the date of enactment of this subsection).

Web posting.

"(C) PUBLIC AVAILABILITY.—The Secretary shall make all reports and related data submitted under this paragraph publicly available on the website of the Centers for Medicare & Medicaid Services on a timely basis.

"(2) SUPPLEMENTAL PAYMENT DEFINED.—

"(A) IN GENERAL.—Subject to subparagraph (B), in this subsection, the term 'supplemental payment' means a payment to a provider that is in addition to any base payment made to the provider under the State plan under this title or under demonstration authority.

"(B) DSH PAYMENTS EXCLUDED.—Such term does not include a disproportionate share hospital payment made under section 1923.".

SEC. 203. MEDICAID SHORTFALL AND THIRD PARTY PAYMENTS.

(a) IN GENERAL.—Subsection (g) of section 1923 of the Social Security Act (42 U.S.C. 1396r–4) is amended to read as follows:

"(g) LIMIT ON AMOUNT OF PAYMENT TO HOSPITAL.—

"(1) IN GENERAL.—

"(A) AMOUNT OF ADJUSTMENT SUBJECT TO UNCOMPENSATED COSTS.—A payment adjustment during a fiscal year shall not be considered to be consistent with subsection (c) with respect to a hospital (other than a hospital described in paragraph (2)(B)) if the payment adjustment exceeds an amount equal to—

"(i) the costs incurred during the year of furnishing hospital services by the hospital to individuals described in subparagraph (B) minus—

"(ii) the sum of—

"(I) payments under this title (other than under this section) for such services; and

"(II) payments by uninsured patients for such services.

"(B) INDIVIDUALS DESCRIBED.—For purposes of subparagraph (A), the individuals described in this clause are the following:

"(i) Individuals who are eligible for medical assistance under the State plan or under a waiver of such plan and for whom the State plan or waiver is the primary payor for such services.

"(ii) Subject to subparagraph (C), individuals who have no health insurance (or other source of third party coverage) for services provided during the year, as determined by the Secretary. Determination.

"(C) EXCLUSION OF CERTAIN PAYMENTS.—For purposes of subparagraph (B)(ii), payments made to a hospital for services provided to indigent patients made by a State or a unit of local government within a State shall not be considered to be a source of third party coverage.

"(2) APPLICATION OF LIMITS FOR CERTAIN HOSPITALS.—

"(A) IN GENERAL.—A payment adjustment during a fiscal year shall not be considered to be consistent with subsection (c) with respect to a hospital described in subparagraph (B) if the payment adjustment exceeds the higher of—

"(i) the amount determined for the hospital and fiscal year under paragraph (1)(A); and

"(ii) the amount determined for the hospital under paragraph (1)(A) as in effect on January 1, 2020.

"(B) HOSPITALS DESCRIBED.—A hospital is described in this subparagraph for a fiscal year if, for the most recent cost reporting period, the hospital is in at least the 97th percentile of all hospitals with respect to—

"(i) the number of inpatient days for such period that were made up of patients who (for such days) were entitled to benefits under part A of title XVIII and were entitled to supplemental security income benefits under title XVI (excluding any State supplementary benefits paid with respect to such patients); or

"(ii) the percentage of total inpatient days that were made up of patients who (for such days) were described in clause (i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2021, and shall apply to payment Applicability. 42 USC 1396r–4 note.

adjustments made under section 1923 of the Social Security Act (42 U.S.C. 1396r–4) during fiscal years beginning on or after such date.

SEC. 204. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) IN GENERAL.—

(1) FUNDING.—Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(A) in paragraph (1)—

(i) in each of subparagraphs (F) through (H), by striking "subject to paragraph (3),";

(ii) in subparagraph (G), by striking "and" at the end;

(iii) in subparagraph (H), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following new subparagraphs:

"(I) for the period beginning on December 19, 2020, and ending on September 30, 2021, the amount equal to the pro rata portion of an annual appropriation of $450,000,000;

"(J) $450,000,000 for fiscal year 2022; and

"(K) $450,000,000 for fiscal year 2023.";

(B) in paragraph (2)—

(i) by striking "Subject to paragraph (3), amounts" and inserting "Amounts"; and

(ii) by striking "2021" and inserting "2023"; and

(C) by striking paragraph (3).

(2) RESEARCH AND EVALUATION.—Section 6071(g) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(A) in paragraph (2), by striking "2016" and inserting "2026"; and

(B) in paragraph (3), by inserting "and for each of fiscal years 2021 through 2023" after "2016,".

(b) CHANGES TO INSTITUTIONAL RESIDENCY PERIOD REQUIREMENT.—

(1) IN GENERAL.—Section 6071(b)(2) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(A) in subparagraph (A)(i), by striking "90" and inserting "60"; and

(B) by striking the flush sentence after subparagraph (B).

42 USC 1396a note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 30 days after the date of the enactment of this Act.

(c) UPDATES TO STATE APPLICATION REQUIREMENTS.—Section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in subsection (c)—

(A) in paragraph (3), by striking ", which shall include" and all that follows through "2007";

(B) in paragraph (7)—

(i) in the paragraph heading, by striking "REBALANCING" and inserting "EXPENDITURES";

(ii) in subparagraph (A), by adding "and" at the end; and

(iii) in subparagraph (B)—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

"(iii) include a work plan that describes for each Federal fiscal year that occurs during the proposed MFP demonstration project— Work plan.

"(I) the use of grant funds for each proposed initiative that is designed to accomplish the objective described in subsection (a)(1), including a funding source for each activity that is part of each such proposed initiative;

"(II) an evaluation plan that identifies expected results for each such proposed initiative; and Evaluation plan.

"(III) a sustainability plan for components of such proposed initiatives that are intended to improve transitions, which shall be updated with actual expenditure information for each Federal fiscal year that occurs during the MFP demonstration project; and Sustainability plan.

"(iv) contain assurances that grant funds used to accomplish the objective described in subsection (a)(1) shall be obligated not later than 24 months after the date on which the funds are awarded and shall be expended not later than 60 months after the date on which the funds are awarded (unless the Secretary waives either such requirement)."; and Deadlines.

(C) in paragraph (13)—

(i) in subparagraph (A), by striking "; and" and inserting ", and in such manner as will meet the reporting requirements set forth for the Transformed Medicaid Statistical Information System (T–MSIS);";

(ii) by redesignating subparagraph (B) as subparagraph (D); and

(iii) by inserting after subparagraph (A) the following:

"(B) the State shall report on a quarterly basis on the use of grant funds by distinct activity, as described in the approved work plan, and by specific population as targeted by the State; Reports.

"(C) if the State fails to report the information required under subparagraph (B), fails to report such information on a quarterly basis, or fails to make progress under the approved work plan, the State shall implement a corrective action plan approved by the Secretary; and"; and Action plan.

(2) in subsection (d)(4), by adding at the end the following new subparagraph:

"(C) CORRECTIVE ACTION PLAN PROGRESS.—In the case of a State required to implement a corrective action plan under subparagraph (C) of subsection (c)(13), the State must implement such plan and demonstrate progress in reporting information under subparagraph (B) of such subsection or progress under the approved work plan (as applicable).".

(d) FUNDING FOR QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—Section 6071(f) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking paragraph (2) and inserting the following:

"(2) FUNDING.—From the amounts appropriated under subsection (h)(1), $3,000,000 shall be available to the Secretary to carry out this subsection. Such amount shall remain available until expended.".

(e) BEST PRACTICES EVALUATION.—Section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following:

"(i) BEST PRACTICES.—

Grants. Contracts.

"(1) REPORT.—The Secretary, directly or through grant or contract, shall submit a report to the President and Congress not later than September 30, 2022, that contains findings and conclusions on best practices from MFP demonstration projects carried out with grants made under this section. The report shall include information and analyses with respect to the following:

Analyses.

"(A) The most effective State strategies for transitioning beneficiaries from institutional to qualified community settings carried out under MFP demonstration projects and how such strategies may vary for different types of beneficiaries, such as beneficiaries who are aged, physically disabled, intellectually or developmentally disabled, or individuals with serious mental illnesses, and other targeted waiver beneficiary populations under section 1915(c) of the Social Security Act.

"(B) The most common and the most effective State uses of grant funds carried out under demonstration projects for transitioning beneficiaries from institutional to qualified community settings and improving health outcomes, including differentiating funding for current initiatives that are designed for such purpose and funding for proposed initiatives that are designed for such purpose.

"(C) The most effective State approaches carried out under MFP demonstration projects for improving person-centered care and planning.

"(D) Identification of program, financing, and other flexibilities available under MFP demonstration projects, that are not available under the traditional Medicaid program, and which directly contributed to successful transitions and improved health outcomes under MFP demonstration projects.

"(E) State strategies and financing mechanisms for effective coordination of housing financed or supported under MFP demonstration projects with local housing authorities and other resources.

"(F) Effective State approaches for delivering Money Follows the Person transition services through managed care entities.

Determination.

"(G) Other best practices and effective transition strategies demonstrated by States with approved MFP demonstration projects, as determined by the Secretary.

"(H) Identification and analyses of opportunities and challenges to integrating effective Money Follows the Person practices and State strategies into the traditional Medicaid program.

"(2) COLLABORATION.—In preparing the report required under this subsection, the Secretary shall collect and incorporate information from States with approved MFP demonstration projects and beneficiaries participating in such projects, and providers participating in such projects.

"(3) WAIVER OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to preparation of the report described in paragraph (1) or collection of information described in paragraph (2).

"(4) FUNDING.—From the amounts appropriated under subsection (h)(1) for each of fiscal years 2021 and 2022, not more than $300,000 shall be available to the Secretary for each such fiscal year to carry out this subsection.".

(f) MACPAC REPORT ON QUALIFIED SETTINGS CRITERIA.—Section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note), as amended by subsection (e), is further amended by adding at the end the following:

"(j) MACPAC REPORT.—Prior to the final implementation date established by the Secretary for the criteria established for home and community-based settings in section 441.301(c)(4) of title 42, Code of Federal Regulations, as part of final implementation of the Home and Community Based Services (HCBS) Final Rule published on January 16, 2014 (79 Fed. Reg. 2947) (referred to in this subsection as the 'HCBS final rule'), the Medicaid and CHIP Payment and Access Commission (MACPAC) shall submit to Congress a report that—

"(1) identifies the types of home and community-based settings and associated services that are available to eligible individuals in both the MFP demonstration program and sites in compliance with the HCBS final rule; and

"(2) if determined appropriate by the Commission, recommends policies to align the criteria for a qualified residence under subsection (b)(6) (as in effect on October 1, 2017) with the criteria in the HCBS final rule.". Determination. Recommendations.

(g) APPLICATION TO CURRENT PROJECTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall update the terms and conditions of any approved MFP demonstration project under section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) in effect on the date of the enactment of this Act to ensure that such terms and conditions are the same as are required for any new State applicant for such project under the amendments made by this section. Deadline. 42 USC 1396a note.

SEC. 205. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.

(a) IN GENERAL.—Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r-5 note) is amended by striking "December 18, 2020" and inserting "September 30, 2023".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111-148 (42 U.S.C. 1396r-5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r-5) shall be construed as prohibiting a State from— 42 USC 1396a note.

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

(B) on the basis of an individual's need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315); or

(2) disregarding an individual's spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual's spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r-5).

SEC. 206. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note), as amended by section 1104 of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, is amended—

(1) in paragraph (3), by striking "under this subsection" and all that follows through the period and inserting "that meet the requirements of this subsection through September 30, 2023.";

(2) in paragraph (5)(C)(iii)(I), by striking "during the 8 fiscal quarter period (or any portion of the period) that begins on January 1, 2020" and inserting "through September 30, 2023";

(3) in paragraph (5)(C)(iii)(II), by inserting before the period at the end "or through September 30, 2023, whichever is longer";

(4) in paragraph (8)(A), by striking "to participate" and all that follows through the period and inserting "to conduct demonstration programs that meet the requirements of this subsection for 2 years or through September 30, 2023, whichever is longer.".

SEC. 207. CLARIFYING AUTHORITY OF STATE MEDICAID FRAUD AND ABUSE CONTROL UNITS TO INVESTIGATE AND PROSECUTE CASES OF MEDICAID PATIENT ABUSE AND NEGLECT IN ANY SETTING.

(a) IN GENERAL.—Section 1903(q)(4)(A)(ii) of the Social Security Act (42 U.S.C. 1396b(q)(4)(A)(ii)) is amended by inserting after "patients residing in board and care facilities" the following: "and of patients (who are receiving medical assistance under the State plan under this title (or waiver of such plan)) in a noninstitutional or other setting".

(b) AVAILABILITY OF FUNDING.—Section 1903(a)(6) of the Social Security Act (42 U.S.C. 1396b(a)(6)) is amended, in the matter following subparagraph (B), by striking "(as found necessary by the Secretary for the elimination of fraud in the provision and administration of medical assistance provided under the State plan (or waiver of such plan))".

SEC. 208. MEDICAID COVERAGE FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) IN GENERAL.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following new subparagraph:

"(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program), paragraph (1) shall not apply to any individual who lawfully resides in 1 of the 50 States or the District of Columbia in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and shall not apply, at the option of the Governor of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa as communicated to the Secretary of Health and Human Services in writing, to any individual who lawfully resides in the respective territory in accordance with such Compacts.".

(b) EXCEPTION TO 5–YEAR LIMITED ELIGIBILITY.—Section 403(b) of such Act (8 U.S.C. 1613(b)) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—An individual described in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C).".

(c) DEFINITION OF QUALIFIED ALIEN.—Section 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking "; or" at the end and inserting a comma;

(2) in paragraph (7), by striking the period at the end and inserting ", or"; and

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

"(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program).".

(d) CONFORMING AMENDMENTS.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter preceding paragraph (1), by striking "subsection (g) and section 1935(e)(1)(B)" and inserting "subsections (g) and (h) and section 1935(e)(1)(B)"; and

(2) by adding at the end the following:

"(h) EXCLUSION OF MEDICAL ASSISTANCE EXPENDITURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—Expenditures for medical

assistance provided to an individual described in section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into account for purposes of applying payment limits under subsections (f) and (g).".

8 USC 1612 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for items and services furnished on or after the date of the enactment of this Act.

SEC. 209. MEDICAID COVERAGE OF CERTAIN MEDICAL TRANSPORTATION.

(a) CONTINUING REQUIREMENT OF MEDICAID COVERAGE OF NECESSARY TRANSPORTATION.—

(1) REQUIREMENT.—Section 1902(a)(4) of the Social Security Act (42 U.S.C. 1396a(a)(4)) is amended—

(A) by striking "and including provision for utilization" and inserting "including provision for utilization"; and

(B) by inserting after "supervision of administration of the plan" the following: ", and, subject to section 1903(i), including a specification that the single State agency described in paragraph (5) will ensure necessary transportation for beneficiaries under the State plan to and from providers and a description of the methods that such agency will use to ensure such transportation".

(2) APPLICATION WITH RESPECT TO BENCHMARK BENEFIT PACKAGES AND BENCHMARK EQUIVALENT COVERAGE.—Section 1937(a)(1) of the Social Security Act (42 U.S.C. 1396u–7(a)(1)) is amended—

(A) in subparagraph (A), by striking "subsection (E)" and inserting "subparagraphs (E) and (F)"; and

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

"(F) NECESSARY TRANSPORTATION.—Notwithstanding the preceding provisions of this paragraph, a State may not provide medical assistance through the enrollment of an individual with benchmark coverage or benchmark equivalent coverage described in subparagraph (A)(i) unless, subject to section 1903(i)(9) and in accordance with section 1902(a)(4), the benchmark benefit package or benchmark equivalent coverage (or the State)—

"(i) ensures necessary transportation for individuals enrolled under such package or coverage to and from providers; and

"(ii) provides a description of the methods that will be used to ensure such transportation.".

(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended by inserting after paragraph (8) the following new paragraph:

"(9) with respect to any amount expended for non-emergency transportation authorized under section 1902(a)(4), unless the State plan provides for the methods and procedures required under section 1902(a)(30)(A); or".

42 USC 1396a note.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to transportation furnished on or after such date.

(b) MEDICAID PROGRAM INTEGRITY MEASURES RELATED TO COVERAGE OF NONEMERGENCY MEDICAL TRANSPORTATION.—

(1) GAO STUDY.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to Congress, a report on coverage under the Medicaid program under title XIX of the Social Security Act of nonemergency transportation to services. Such study shall take into account the 2009 report of the Office of the Inspector General of the Department of Health and Human Services, titled "Fraud and Abuse Safeguards for State Medicaid Nonemergency Medical Transportation Services" (OEI–06–07–00320). Such report shall include the following: Deadline. Examinations.

(A) An examination of the 50 States and the District of Columbia to identify safeguards to prevent and detect fraud and abuse with respect to coverage under the Medicaid program of nonemergency transportation to covered services.

(B) An examination of transportation brokers to identify the range of safeguards against such fraud and abuse to prevent improper payments for such transportation.

(C) Identification of the numbers, types, and outcomes of instances of fraud and abuse, with respect to coverage under the Medicaid program of such transportation, that State Medicaid Fraud Control Units have investigated in recent years.

(D) Identification of commonalities or trends in program integrity, with respect to such coverage, to inform risk management strategies of States and the Centers for Medicare & Medicaid Services.

(2) STAKEHOLDER MEETINGS.—

(A) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall convene a series of meetings to obtain input from appropriate stakeholders to facilitate discussion and shared learning about the leading practices for improving Medicaid program integrity, with respect to coverage of nonemergency transportation to medically necessary services. Deadline.

(B) TOPICS.—The meetings convened under subparagraph (A) shall—

(i) focus on ongoing challenges to Medicaid program integrity as well as leading practices to address such challenges; and

(ii) address specific challenges raised by stakeholders involved in coverage under the Medicaid program of nonemergency transportation to covered services, including unique considerations for specific groups of Medicaid beneficiaries meriting particular attention, such as American Indians and tribal land issues or accommodations for individuals with disabilities.

(C) STAKEHOLDERS.—Stakeholders described in subparagraph (A) shall include individuals from State Medicaid programs, brokers for nonemergency transportation to medically necessary services that meet the criteria described in section 1902(a)(70)(B) of the Social Security

Act (42 U.S.C. 1396a(a)(70)(B)), providers (including transportation network companies), Medicaid patient advocates, and such other individuals specified by the Secretary.

Deadline. Assessment. Updates. 42 USC 1396a note.

(3) GUIDANCE REVIEW.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall assess guidance issued to States by the Centers for Medicare & Medicaid Services relating to Federal requirements for nonemergency transportation to medically necessary services under the Medicaid program under title XIX of the Social Security Act and update such guidance as necessary to ensure States have appropriate and current guidance in designing and administering coverage under the Medicaid program of nonemergency transportation to medically necessary services.

(4) NEMT TRANSPORTATION PROVIDER AND DRIVER REQUIREMENTS.—

(A) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(i) by striking "and" at the end of paragraph (85);

(ii) by striking the period at the end of paragraph (86) and inserting "; and"; and

(iii) by inserting after paragraph (86) the following new paragraph:

"(87) provide for a mechanism, which may include attestation, that ensures that, with respect to any provider (including a transportation network company) or individual driver of nonemergency transportation to medically necessary services receiving payments under such plan (but excluding any public transit authority), at a minimum—

"(A) each such provider and individual driver is not excluded from participation in any Federal health care program (as defined in section 1128B(f)) and is not listed on the exclusion list of the Inspector General of the Department of Health and Human Services;

"(B) each such individual driver has a valid driver's license;

Violation.

"(C) each such provider has in place a process to address any violation of a State drug law; and

Disclosure.

"(D) each such provider has in place a process to disclose to the State Medicaid program the driving history, including any traffic violations, of each such individual driver employed by such provider, including any traffic violations.".

42 USC 1396a note.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act and shall apply to services furnished on or after the date that is one year after the date of the enactment of this Act.

Plans. Determination.

(ii) EXCEPTION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or waiver of such plan, that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by amendments made

by this section, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(5) ANALYSIS OF T–MSIS DATA.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall analyze, and submit to Congress a report on, the nation-wide data set under the Transformed Medicaid Statistical Information System to identify recommendations relating to coverage under the Medicaid program under title XIX of the Social Security Act of nonemergency transportation to medically necessary services. Reports.

(c) CONSULTATION RELATING TO NONEMERGENCY MEDICAL TRANSPORTATION.—In the case of a State that exercises the option described in section 1902(a)(70) of the Social Security Act (42 U.S.C. 1396a(a)(7)), in establishing a non-emergency medical transportation brokerage program under such section, a State Medicaid agency may consult relevant stakeholders, including stakeholders representing patients, medical providers, Medicaid managed care organizations, brokers for non-emergency medical transportation, and transportation providers (including public transportation providers). 42 USC 1396a note.

SEC. 210. PROMOTING ACCESS TO LIFE-SAVING THERAPIES FOR MEDICAID ENROLLEES BY ENSURING COVERAGE OF ROUTINE PATIENT COSTS FOR ITEMS AND SERVICES FURNISHED IN CONNECTION WITH PARTICIPATION IN QUALIFYING CLINICAL TRIALS.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (29), by striking "and" at the end;

(B) by redesignating paragraph (30) as paragraph (31); and

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

"(30) subject to subsection (gg), routine patient costs for items and services furnished in connection with participation in a qualifying clinical trial (as defined in such subsection); and"; and

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

"(gg)(1) ROUTINE PATIENT COSTS.—For purposes of subsection (a)(30), with respect to a State and an individual enrolled under the State plan (or a waiver of such plan) who participates in a qualifying clinical trial, routine patient costs—

"(A) include any item or service provided to the individual under the qualifying clinical trial, including—

"(i) any item or service provided to prevent, diagnose, monitor, or treat complications resulting from such participation, to the extent that the provision of such an item or service to the individual outside the course of such participation would otherwise be covered under the State plan or waiver; and

"(ii) any item or service required solely for the provision of the investigational item or service that is the subject of such trial, including the administration of such investigational item or service; and

"(B) does not include—

"(i) an item or service that is the investigational item or service that is—

"(I) the subject of the qualifying clinical trial; and

"(II) not otherwise covered outside of the clinical trial under the State plan or waiver; or

"(ii) an item or service that is—

"(I) provided to the individual solely to satisfy data collection and analysis needs for the qualifying clinical trial and is not used in the direct clinical management of the individual; and

"(II) not otherwise covered under the State plan or waiver.

"(2) QUALIFYING CLINICAL TRIAL DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection and subsection (a)(30), the term 'qualifying clinical trial' means a clinical trial (in any clinical phase of development) that is conducted in relation to the prevention, detection, or treatment of any serious or life-threatening disease or condition and is described in any of the following clauses:

"(i) The study or investigation is approved, conducted, or supported (which may include funding through in-kind contributions) by one or more of the following:

"(I) The National Institutes of Health.

"(II) The Centers for Disease Control and Prevention.

"(III) The Agency for Healthcare Research and Quality.

"(IV) The Centers for Medicare & Medicaid Services.

"(V) A cooperative group or center of any of the entities described in subclauses (I) through (IV) or the Department of Defense or the Department of Veterans Affairs.

"(VI) A qualified non-governmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

"(VII) Any of the following if the conditions described in subparagraph (B) are met:

"(aa) The Department of Veterans Affairs.

"(bb) The Department of Defense.

"(cc) The Department of Energy.

"(ii) The clinical trial is conducted pursuant to an investigational new drug exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act or an exemption for a biological product undergoing investigation under section 351(a)(3) of the Public Health Service Act.

"(iii) The clinical trial is a drug trial that is exempt from being required to have an exemption described in clause (ii).

"(B) CONDITIONS.—For purposes of subparagraph (A)(i)(VII), the conditions described in this subparagraph, with respect to a clinical trial approved or funded by an entity described in such subparagraph (A)(i)(VII), are that the clinical trial has been reviewed and approved through a system of peer review that the Secretary determines— Peer review. Determination.

"(i) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health; and

"(ii) assures unbiased review of the highest scientific standards by qualified individuals with no interest in the outcome of the review.

"(3) COVERAGE DETERMINATION REQUIREMENTS.—A determination with respect to coverage under subsection (a)(30) for an individual participating in a qualifying clinical trial—

"(A) shall be expedited and completed within 72 hours; Deadline.

"(B) shall be made without limitation on the geographic location or network affiliation of the health care provider treating such individual or the principal investigator of the qualifying clinical trial;

"(C) shall be based on attestation regarding the appropriateness of the qualifying clinical trial by the health care provider and principal investigator described in subparagraph (B), which shall be made using a streamlined, uniform form developed for State use by the Secretary and that includes the option to reference information regarding the qualifying clinical trial that is publicly available on a website maintained by the Secretary, such as clinicaltrials.gov (or a successor website); and Public information. Web posting.

"(D) shall not require submission of the protocols of the qualifying clinical trial, or any other documentation that may be proprietary or determined by the Secretary to be burdensome to provide.".

(b) REQUIRING MANDATORY COVERAGE UNDER STATE PLAN.—Section 1902(a)(10)(A) of such Act is amended, in the matter preceding clause (i), by striking "and (29)" and inserting "(29), and (30)".

(c) INCLUSION IN BENCHMARK COVERAGE.—Section 1937(b)(5) of such Act is amended by inserting before the period at the end the following: ", and beginning January 1, 2022, coverage of routine patient costs for items and services furnished in connection with participation in a qualifying clinical trial (as defined in section 1905(gg))".

(d) EXEMPTION OF ADDITIONAL EXPENDITURES FROM PAYMENT LIMITS FOR TERRITORIES.—Section 1108(g)(4) of the Social Security Act (42 U.S.C. 1308(g)(4)) is amended—

(1) by striking "With respect to" and inserting the following:

"(A) IN GENERAL.—With respect to"; and

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

"(B) ADDITIONAL EXEMPTION.—Payments under section 1903 for medical assistance consisting of routine patient costs (as defined in section 1905(gg)(1)) shall not be taken into account in applying subsection (f).".

(e) EFFECTIVE DATE.— 42 USC 1308 note.

(1) IN GENERAL.—The amendments made by this section shall apply with respect to items and services furnished on or after January 1, 2022.

Determination.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or waiver of such plan, that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by amendments made by this section, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

TITLE III—HUMAN SERVICES

42 USC 601 note.

SEC. 301. EXTENSION OF TANF, CHILD CARE ENTITLEMENT TO STATES, AND RELATED PROGRAMS.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act shall continue through September 30, 2021, in the manner authorized for fiscal year 2020, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through the 4th quarter of fiscal year 2021 at the level provided for such activities for the corresponding quarter of fiscal year 2020.

Time periods.

SEC. 302. PERSONAL RESPONSIBILITY EDUCATION EXTENSION.

Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "2020 and for the period beginning October 1, 2020, and ending December 18, 2020" and inserting "2023"; and

(II) in clause (i), by striking "or period";

(ii) in subparagraph (B)(i), by striking the 2nd sentence;

(iii) in subparagraph (C)(i)—

(I) by striking "or the period described in subparagraph (A)"; and

(II) by striking "or period";

(B) in paragraph (3)—

(i) by striking "or the period described in paragraph (1)(A)"; and

(ii) by striking "or period"; and

(C) in paragraph (4)—

(i) by striking "2020 and for the period described in paragraph (1)(A)" and inserting "2023";

(ii) by striking "2020 and for the period so described" and inserting "2023"; and

(iii) by striking "or the period so described";

(2) in subsection (c)—

(A) in each of paragraphs (1) and (2), by striking "Subject to paragraph (3), from" and inserting "From"; and

(B) by striking paragraph (3); and

(3) in subsection (f), by striking "2020, and for the period beginning on October 1, 2020, and ending on December 18, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020" and inserting "2023".

SEC. 303. SEXUAL RISK AVOIDANCE EDUCATION EXTENSION.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "2020 and for the period beginning October 1, 2020, and ending December 18, 2020" and inserting "2023"; and

(II) by striking "(or, with respect to such period, for fiscal year 2021)"; and

(ii) in subparagraph (A), by striking "or period" each place it appears;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "2020 and for the period beginning October 1, 2020, and ending December 18, 2020" and inserting "2023"; and

(II) by striking "(or, with respect to such period, for fiscal year 2021)"; and

(ii) in subparagraph (B)(i), by striking "(or, with respect to the period described in subparagraph (A), for fiscal year 2021)"; and

(2) in subsection (f)—

(A) in paragraph (1), by striking "2020, and for the period beginning on October 1, 2020, and ending on December 18, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020" and inserting "2023"; and

(B) in paragraph (2), by striking "2020, and for the period described in paragraph (1)," and inserting "2023,".

SEC. 304. EXTENSION OF SUPPORT FOR CURRENT HEALTH PROFESSIONS OPPORTUNITY GRANTS.

Out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated to the Secretary of Health and Human Services $3,600,000, which shall be available—

(1) through the end of fiscal year 2021 for necessary administrative expenses to carry out grants made under section 2008(a) of the Social Security Act before the date of the enactment of this Act; and

Time period.

(2) through the end of fiscal year 2022 for research, evaluation, and reporting under such section, and for necessary administrative expenses to carry out these activities.

SEC. 305. EXTENSION OF MARYLEE ALLEN PROMOTING SAFE AND STABLE FAMILIES PROGRAM AND STATE COURT SUPPORT.

(a) EXTENSIONS.—Section 436 of the Social Security Act (42 U.S.C. 629f) is amended in each of subsections (a), (b)(4)(A), (b)(5), and (f)(10) by striking "2021" and inserting "2022".

(b) PROGRAM CHANGES.—Section 438 of such Act (42 U.S.C. 629h) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting "in a timely and complete manner" before ", as set forth"; and

(ii) in subparagraph (C), by striking the semicolon and inserting ", including by training judges, attorneys, and other legal personnel."; and

(B) by striking paragraphs (3) and (4);

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) by striking all that precedes "be eligible to receive" and inserting the following:

"(b) APPLICATIONS.—In order to"; and

(C) in the matter preceding paragraph (2)—

(i) by moving the matter 2 ems to the left;

(ii) in subparagraph (A)—

(I) by striking "(A) in the case of a grant for the purpose described in subsection (a)(3)," and inserting "(1)"; and

(II) by inserting "use not less than 30 percent of grant funds to" before "collaborate";

(iii) in subparagraph (B), by striking "(B) in the case of a grant for the purpose described in subsection (a)(4)," and inserting "(2)"; and

(iv) in subparagraph (C), by striking "(C) in the case of a grant for the purpose described in subsection (a)," and inserting "(3)";

(3) by striking subsection (c) and inserting the following:

"(c) AMOUNT OF GRANT.—

"(1) IN GENERAL.—From the amounts reserved under sections 436(b)(2) and 437(b)(2) for a fiscal year, each highest State court that has an application approved under this section for the fiscal year shall be entitled to payment of an amount equal to the sum of—

"(A) $255,000; and

"(B) the amount described in paragraph (2) with respect to the court and the fiscal year.

"(2) AMOUNT DESCRIBED.—The amount described in this paragraph with respect to a court and a fiscal year is the amount that bears the same ratio to the total of the amounts reserved under sections 436(b)(2) and 437(b)(2) for grants under this section for the fiscal year (after applying paragraphs (1)(A) and (3) of this subsection) as the number of individuals in the State in which the court is located who have not attained 21 years of age bears to the total number of such individuals

in all States with a highest State court that has an approved application under this section for the fiscal year.

"(3) INDIAN TRIBES.—From the amounts reserved under section 436(b)(2) for a fiscal year, the Secretary shall, before applying paragraph (1) of this subsection, allocate $1,000,000 for grants to be awarded on a competitive basis among the highest courts of Indian tribes or tribal consortia that—

"(A) are operating a program under part E, in accordance with section 479B;

"(B) are seeking to operate a program under part E and have received an implementation grant under section 476; or

"(C) have a court responsible for proceedings related to foster care or adoption."; and

(4) in subsection (d), by striking "2017 through 2021" and inserting "2018 through 2022".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021. 42 USC 629f note.

TITLE IV—HEALTH OFFSETS

SEC. 401. REQUIRING CERTAIN MANUFACTURERS TO REPORT DRUG PRICING INFORMATION WITH RESPECT TO DRUGS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by inserting "or subsection (f)(2), as applicable" before the period at the end;

(B) in paragraph (3), in the matter preceding subparagraph (A), by inserting "or subsection (f)(2), as applicable," before "determined by"; and

(C) in paragraph (6)(A), in the matter preceding clause (i), by inserting "or subsection (f)(2), as applicable," before "determined by"; and

(2) in subsection (f)—

(A) by striking "For requirements" and inserting the following:

"(1) IN GENERAL.—For requirements"; and

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

"(2) MANUFACTURERS WITHOUT A REBATE AGREEMENT UNDER TITLE XIX.—

"(A) IN GENERAL.—If the manufacturer of a drug or biological described in subparagraph (C), (E), or (G) of section 1842(o)(1) or in section 1881(b)(14)(B) that is payable under this part has not entered into and does not have in effect a rebate agreement described in subsection (b) of section 1927, for calendar quarters beginning on January 1, 2022, such manufacturer shall report to the Secretary the information described in subsection (b)(3)(A)(iii) of such section 1927 with respect to such drug or biological in a time and manner specified by the Secretary. For purposes of applying this paragraph, a drug or biological described in the previous sentence includes items, services, supplies, and products that are payable under this part as a drug or biological.

Time period. Effective date. Reports.

Applicability.

"(B) AUDIT.—Information reported under subparagraph (A) is subject to audit by the Inspector General of the Department of Health and Human Services.

Survey.

"(C) VERIFICATION.—The Secretary may survey wholesalers and manufacturers that directly distribute drugs or biologicals described in subparagraph (A), when necessary, to verify manufacturer prices and manufacturer's average sales prices (including wholesale acquisition cost) if required to make payment reported under subparagraph (A). The Secretary may impose a civil monetary penalty in an amount not to exceed $100,000 on a wholesaler, manufacturer, or direct seller, if the wholesaler, manufacturer, or direct seller of such a drug or biological refuses a request for information about charges or prices by the Secretary in connection with a survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

Penalty.

Applicability.

Reviews.

"(D) CONFIDENTIALITY.—Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers under this paragraph (other than the wholesale acquisition cost for purposes of carrying out this section) is confidential and shall not be disclosed by the Secretary in a form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs or biologicals by such manufacturer or wholesaler, except—

Determination.

"(i) as the Secretary determines to be necessary to carry out this section (including the determination and implementation of the payment amount), or to carry out section 1847B;

"(ii) to permit the Comptroller General of the United States to review the information provided;

"(iii) to permit the Director of the Congressional Budget Office to review the information provided;

"(iv) to permit the Medicare Payment Advisory Commission to review the information provided; and

"(v) to permit the Medicaid and CHIP Payment and Access Commission to review the information provided.".

(b) ENFORCEMENT.—Section 1847A of such Act (42 U.S.C. 1395w–3a) is further amended—

(1) in subsection (d)(4)—

(A) in subparagraph (A), by striking "IN GENERAL" and inserting "MISREPRESENTATION";

(B) in subparagraph (B), by striking "subparagraph (B)" and inserting "subparagraph (A), (B), or (C)";

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

(D) by inserting after subparagraph (A) the following new subparagraphs:

Determination.
Applicability.
Penalty.

"(B) FAILURE TO PROVIDE TIMELY INFORMATION.—If the Secretary determines that a manufacturer described in subsection (f)(2) has failed to report on information described in section 1927(b)(3)(A)(iii) with respect to a drug or

biological in accordance with such subsection, the Secretary shall apply a civil money penalty in an amount of $10,000 for each day the manufacturer has failed to report such information and such amount shall be paid to the Treasury.

"(C) FALSE INFORMATION.—Any manufacturer required to submit information under subsection (f)(2) that knowingly provides false information is subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information. Such civil money penalties are in addition to other penalties as may be prescribed by law. Penalty.

"(D) INCREASING OVERSIGHT AND ENFORCEMENT.—For calendar quarters beginning on or after January 1, 2022, section 1927(b)(3)(C)(iv) shall be applied as if— Time period. Effective date. Applicability.

"(i) each reference to 'under this subparagraph and subsection (c)(4)(B)(ii)(III)' were a reference to 'under this subparagraph, subsection (c)(4)(B)(ii)(III), and subparagraphs (A), (B), and (C) of section 1847A(d)(4)'; and

"(ii) the reference to 'activities related to the oversight and enforcement of this section and agreements under this section' were a reference to 'activities related to the oversight and enforcement of this section and under subsection (f)(2) of section 1847A and subparagraphs (A), (B), and (C) of section 1847A(d)(4) and, if applicable, agreements under this section'."; and

(2) in subsection (c)(6)(A), by striking the period at the end and inserting ", except that, for purposes of subsection (f)(2), the Secretary may, if the Secretary determines appropriate, exclude repackagers of a drug or biological from such term.". Determination.

(c) MANUFACTURERS WITH A REBATE AGREEMENT.—

(1) IN GENERAL.—Section 1927(b)(3)(A) of the Social Security Act (42 U.S.C. 1396r-8(b)(3)(A)) is amended by adding at the end the following new sentence: "For purposes of applying clause (iii), for calendar quarters beginning on or after January 1, 2022, a drug or biological described in the flush matter following such clause includes items, services, supplies, and products that are payable under part B of title XVIII as a drug or biological.". Time period. Effective date.

(2) TECHNICAL AMENDMENT.—Section 1927(b)(3)(A)(iii) of the Social Security Act (42 U.S.C. 1396r-8(b)(3)(A)(iii)) is amended by striking "section 1881(b)(13)(A)(ii)" and inserting "section 1881(b)(14)(B)".

(d) REPORT.—Not later than January 1, 2023, the Inspector General of the Department of Health and Human Services shall assess and submit to Congress a report on the accuracy of average sales price information submitted by manufacturers under section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), including the extent to which manufacturers provide false information, misclassify drug products, or misreport information. Such report shall include any recommendations on how to improve the accuracy of such information. Assessment. Recommendations.

SEC. 402. EXTENDED MONTHS OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT PATIENTS AND OTHER RENAL DIALYSIS PROVISIONS.

(a) MEDICARE ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.—

(1) IN GENERAL.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting "(except for eligibility for enrollment under part B solely for purposes of coverage of immunosuppressive drugs described in section 1861(s)(2)(J))" before ", with the thirty-sixth month".

(2) INDIVIDUALS ELIGIBLE ONLY FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

(A) IN GENERAL.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(i) by striking "Every" and inserting "(a) IN GENERAL.—Every"; and

(ii) by adding at the end the following new subsection:

"(b) INDIVIDUALS ELIGIBLE FOR IMMUNOSUPPRESSIVE DRUG COVERAGE.—

Termination date.

"(1) IN GENERAL.—Except as provided under paragraph (2), every individual whose entitlement to insurance benefits under part A ends (whether before, on, or after January 1, 2023) by reason of section 226A(b)(2) is eligible to enroll or to be deemed to have enrolled in the medical insurance program established by this part solely for purposes of coverage of immunosuppressive drugs in accordance with section 1837(n).

"(2) EXCEPTION IF OTHER COVERAGE IS AVAILABLE.—

Determination.

"(A) IN GENERAL.—An individual described in paragraph (1) shall not be eligible for enrollment in the program for purposes of coverage described in such paragraph with respect to any period in which the individual, as determined in accordance with subparagraph (B)—

"(i) is enrolled in a group health plan or group or individual health insurance coverage, as such terms are defined in section 2791 of the Public Health Service Act;

"(ii) is enrolled for coverage under the TRICARE for Life program under section 1086(d) of title 10, United States Code;

"(iii) is enrolled under a State plan (or waiver of such plan) under title XIX and is eligible to receive benefits for immunosuppressive drugs described in this subsection under such plan (or such waiver);

"(iv) is enrolled under a State child health plan (or waiver of such plan) under title XXI and is eligible to receive benefits for such drugs under such plan (or such waiver); or

"(v)(I) is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705 of title 38, United States Code;

"(II) is not required to enroll under section 1705 of such title to receive immunosuppressive drugs described in this subsection; or

"(III) is otherwise eligible under a provision of title 38, United States Code, other than section 1710

of such title to receive immunosuppressive drugs described in this subsection.

"(B) ELIGIBILITY DETERMINATIONS.—

"(i) IN GENERAL.—The Secretary, in coordination with the Commissioner of Social Security, shall establish a process for determining whether an individual described in paragraph (1) who is to be enrolled or deemed to be enrolled in the medical insurance program described in such paragraph meets the requirements for such enrollment under this subsection, including the requirement that the individual not be enrolled in other coverage as described in subparagraph (A). Coordination.

"(ii) ATTESTATION REGARDING OTHER COVERAGE.—The process established under clause (i) shall include, at a minimum, a requirement that—

"(I) the individual provide to the Commissioner an attestation that the individual is not enrolled and does not expect to enroll in such other coverage; and

"(II) the individual notify the Commissioner within 60 days of enrollment in such other coverage.". Notification. Deadline.

(B) CONFORMING AMENDMENT.—

(i) IN GENERAL.—Sections 1837, 1838, and 1839 of the Social Security Act (42 U.S.C. 1395p, 42 U.S.C. 1395q, 42 U.S.C. 1395r) are each amended by striking "1836" and inserting "1836(a)" each place it appears.

(ii) ADDITIONAL AMENDMENT.—Section 1837(j)(1) of such Act (42 U.S.C. 1395p(j)(1)) is amended by striking "1836(1)" and inserting "1836(a)(1)".

(b) ENROLLMENT FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Section 1837 of the Social Security Act (42 U.S.C. 1395p), as amended by section 120, is amended by adding at the end the following new subsection:

"(n)(1) Any individual who is eligible for coverage of immunosuppressive drugs under section 1836(b) may enroll or be deemed to have enrolled only in such manner and form as may be prescribed by regulations, and only during an enrollment period described in this subsection. Regulation.

"(2) An individual described in paragraph (1) whose entitlement for hospital insurance benefits under part A ends by reason of section 226A(b)(2) prior to January 1, 2023, may enroll beginning on October 1, 2022, or the day on which the individual first satisfies section 1836(b), whichever is later.

"(3) An individual described in paragraph (1) whose entitlement for hospital insurance benefits under part A ends by reason of section 226A(b)(2) on or after January 1, 2023, shall be deemed to have enrolled in the medical insurance program established by this part for purposes of coverage of immunosuppressive drugs. Termination date.

"(4) The Secretary shall establish a process under which an individual described in paragraph (1) whose other coverage described in section 1836(b)(2)(A), or coverage under this part (including the medical insurance program established under this part for purposes of coverage of immunosuppressive drugs), is terminated voluntarily or involuntary may enroll or reenroll, if applicable,

in the medical insurance program established under this part for purposes of coverage of immunosuppressive drugs.".

(c) COVERAGE PERIOD FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—Section 1838 of the Social Security Act (42 U.S.C. 1395q), as amended by section 120, is further amended by adding at the end the following new subsection:

Applicability.

"(h) In the case of an individual described in section 1836(b)(1), the following rules shall apply:

Effective date.

"(1) In the case of such an individual who is deemed to have enrolled in part B for coverage of immunosuppressive drugs under section 1837(n)(3), such individual's coverage period shall begin on the first day of the month in which the individual first satisfies section 1836(b).

Effective date.

"(2) In the case of such an individual who enrolls (or reenrolls, if applicable) in part B for coverage of immunosuppressive drugs under paragraph (2) or (4) of section 1837(n), such individual's coverage period shall begin on January 1, 2023, or the month following the month in which the individual so enrolls (or reenrolls), whichever is later.

"(3) The provisions of subsections (b) and (d) shall apply with respect to an individual described in paragraph (1) or (2).

"(4) In addition to the reasons for termination under subsection (b), the coverage period of an individual described in paragraph (1) or (2) shall end when the individual becomes entitled to benefits under this title under subsection (a) or (b) of section 226, or under section 226A, or is no longer eligible for such coverage as a result of the application of section 1836(b)(2).

"(5) The Secretary may conduct public education activities to raise awareness of the availability of more comprehensive, individual health insurance coverage (as defined in section 2791 of the Public Health Service Act) for individuals eligible under section 1836(b) to enroll or to be deemed enrolled in the medical insurance program established under this part for purposes of coverage of immunosuppressive drugs.".

(2) CONFORMING AMENDMENTS.—Section 1838(b) of the Social Security Act (42 U.S.C. 1395q(b)) is amended, in the matter following paragraph (2), by inserting "or section 1837(n)(3)" after "section 1837(f)" each place it appears.

(d) PREMIUMS FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—Section 1839 of the Social Security Act (42 U.S.C. 1395r), as amended by section 120, is further amended—

(A) in subsection (b), by adding at the end the following new sentence: "No increase in the premium shall be effected for individuals who are enrolled pursuant to section 1836(b) for coverage only of immunosuppressive drugs."; and

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

Effective dates.
Regulations.

"(j) DETERMINATION OF PREMIUM FOR INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—The Secretary shall, during September of each year (beginning with 2022), determine and promulgate a monthly premium rate for the succeeding calendar year for individuals enrolled only for the purpose of coverage of immunosuppressive drugs under section 1836(b).

Such premium shall be equal to 15 percent of the monthly actuarial rate for enrollees age 65 and over (as would be determined in accordance with subsection (a)(1) if the reference to 'one-half' in such subsection were a reference to '100 percent') for that succeeding calendar year. The monthly premium of each individual enrolled for coverage of immunosuppressive drugs under section 1836(b) for each month shall be the amount promulgated in this subsection. In the case of such individual not otherwise enrolled under this part, such premium shall be in lieu of any other monthly premium applicable under this section. Such amount shall be adjusted in accordance with subsections (c), (f), and (i), but shall not be adjusted under subsection (b).".

(2) SPECIAL RULE FOR APPLICATION OF HOLD HARMLESS PROVISIONS TO TRANSITIONING INDIVIDUALS.—Section 1839(f) of the Social Security Act (42 U.S.C. 1395r(f)) is amended by adding at the end the following new sentence: "Any increase in the premium for an individual who was enrolled under section 1836(b) attributable to such individual otherwise enrolling under this part shall not be taken into account in applying this subsection.".

(3) SPECIAL RULE FOR APPLICATION OF PREMIUM SUBSIDY REDUCTION PROVISIONS.—Section 1839(i)(3)(A)(ii)(II) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(ii)(II)) is amended by inserting "(or, with respect to an individual enrolled under section 1836(b) and not otherwise enrolled under this part, 0 times the amount of such increase)" after "in the year".

(e) GOVERNMENT CONTRIBUTION.—Section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) is amended—

(1) in paragraph (3), by striking the period at the end and inserting "; plus";

(2) by inserting after paragraph (3) the following new paragraph:

"(4) a Government contribution equal to the estimated aggregate reduction in premiums payable under part B that results from establishing the premium at 15 percent of the actuarial rate (as would be determined in accordance with section 1839(a)(1) if the reference to 'one-half' in such section were a reference to '100 percent') under section 1839(j) instead of 25 percent of such rate (as so determined) for individuals enrolled only for the purpose of coverage of immunosuppressive drugs under section 1836(b).''; and

(3) by adding the following sentence at the end of the flush matter following paragraph (4), as added by paragraph (2) of this subsection:

"The Government contribution under paragraph (4) shall be treated as premiums payable and deposited for purposes of subparagraphs (A) and (B) of paragraph (1).".

(f) ENSURING COVERAGE UNDER THE MEDICARE SAVINGS PROGRAM.—

(1) IN GENERAL.—Section 1905(p)(1)(A) of the Social Security Act (42 U.S.C. 1396d(p)(1)(A)) is amended by inserting "or who is enrolled under part B for the purpose of coverage of immunosuppressive drugs under section 1836(b)" after "under section 1818A)".

(2) CONFORMING AMENDMENTS.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended in each of clauses (iii) and (iv) by inserting "(including such

individuals enrolled under section 1836(b))" after "section 1905(p)(1)".

(g) PART D.—Section 1860D–1(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–101(a)(3)(A)) is amended by inserting "(but not including an individual enrolled solely for coverage of immunosuppressive drugs under section 1836(b))" before the period at the end.

(h) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study on the implementation of coverage of immunosuppressive drugs for kidney transplant patients under the Medicare program pursuant to the provisions of, and amendments made by, this section.

Recommendations. Determination.

(2) REPORT.—Not later than January 1, 2025, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations as the Comptroller General determines appropriate.

SEC. 403. PERMITTING DIRECT PAYMENT TO PHYSICIAN ASSISTANTS UNDER MEDICARE.

Section 1842(b)(6)(C) of the Social Security Act (42 U.S.C. 1395u(b)(6)(C)) is amended, in the matter preceding clause (i), by inserting "for such services furnished before January 1, 2022," after "1861(s)(2)(K),".

SEC. 404. ADJUSTING CALCULATION OF HOSPICE CAP AMOUNT UNDER MEDICARE.

Section 1814(i)(2)(B) of the Social Security Act (42 U.S.C. 1395f(i)(2)(B)) is amended—

(1) in clause (ii), by striking "2025" and inserting "2030"; and

(2) in clause (iii), by striking "2025" and inserting "2030".

SEC. 405. SPECIAL RULE FOR DETERMINATION OF ASP IN CASES OF CERTAIN NONCOVERED SELF-ADMINISTERED DRUG PRODUCTS.

Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

"(g) PAYMENT ADJUSTMENT FOR CERTAIN DRUGS FOR WHICH THERE IS A SELF-ADMINISTERED NDC.—

Determination.

"(1) OIG STUDIES.—The Inspector General of the Department of Health and Human Services shall conduct periodic studies to identify National Drug Codes for drug or biological products that are self-administered for which payment may not be made under this part because such products are not covered pursuant to section 1861(s)(2) and which the Inspector General determines (based on the same or similar methodologies to the methodologies used in the final recommendation followup report of the Inspector General described in paragraph (3) or in the November 2017 final report of the Inspector General entitled 'Excluding Noncovered Versions When Setting Payment for Two Part B Drugs Would Have Resulted in Lower Drug Costs for Medicare and its Beneficiaries') should be excluded from the determination of the payment amount under this section.

"(2) PAYMENT ADJUSTMENT.—If the Inspector General identifies a National Drug Code for a drug or biological product under paragraph (1), the Inspector General shall inform the Secretary (at such times as the Secretary may specify to carry out this paragraph) and the Secretary shall, to the extent the Secretary deems appropriate, apply as the amount of payment under this section for the applicable billing and payment code the lesser of— Applicability.

"(A) the amount of payment that would be determined under this section for such billing and payment code if such National Drug Code for such product so identified under paragraph (1) were excluded from such determination; or

"(B) the amount of payment otherwise determined under this section for such billing and payment code without application of this subsection.

"(3) APPLICATION TO CERTAIN IDENTIFIED PRODUCTS.—In the case of a National Drug Code for a drug or biological product that is self-administered for which payment is not made under this part because such product is not covered pursuant to section 1861(s)(2) that was identified by the Inspector General of the Department of Health and Human Services in the final recommendation followup report of the Inspector General published July 2020, entitled Loophole in Drug Payment Rule Continues To Cost Medicare and Beneficiaries Hundreds of Millions of Dollars, beginning July 1, 2021, the amount of payment under this section for the applicable billing and payment code shall be the lesser of— Recommendation. Effective date.

"(A) the amount of payment that would be determined under this section for such billing and payment code if such National Drug Code for such drug or biological products so identified were excluded from such determination; or

"(B) the amount of payment otherwise determined under this section for such billing and payment code without application of this subsection.".

SEC. 406. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(3)(A) of the Social Security Act (42 U.S.C 1396w–1(b)(3)(A)), as amended by section 1303 of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, is amended by striking " $3,464,000,000" and inserting " $0".

SEC. 407. ESTABLISHING HOSPICE PROGRAM SURVEY AND ENFORCEMENT PROCEDURES UNDER THE MEDICARE PROGRAM.

(a) SURVEY AND ENFORCEMENT PROCEDURES.—

(1) IN GENERAL.—Part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) is amended by adding at the end the following new section:

"SEC. 1822. HOSPICE PROGRAM SURVEY AND ENFORCEMENT PROCEDURES. 42 USC 1395i–6.

"(a) SURVEYS.—

"(1) FREQUENCY.—Any entity that is certified as a hospice program (as defined in section 1861(dd)(2)) shall be subject to a standard survey by an appropriate State or local survey agency, or an approved accreditation agency, as determined by the Secretary, not less frequently than once every 36 months. Determination.

"(2) PUBLIC TRANSPARENCY OF SURVEY AND CERTIFICATION INFORMATION.—

"(A) SUBMISSION OF INFORMATION TO THE SECRETARY.—

Determination.

"(i) IN GENERAL.—Each State or local survey agency, and each national accreditation body with respect to which the Secretary has made a finding under section 1865(a) respecting the accreditation of a hospice program by such body, shall submit, in a form and manner, and at a time, specified by the Secretary for purposes of this paragraph, information respecting any survey or certification made with respect to a hospice program by such survey agency or body, as applicable. Such information shall include any inspection report made by such survey agency or body with respect to such survey or certification, any enforcement actions taken as a result of such survey or certification, and any other information determined appropriate by the Secretary.

Reports.

"(ii) REQUIRED INCLUSION OF SPECIFIED FORM.—With respect to a survey under this subsection carried out by a national accreditation body described in clause (i) on or after October 1, 2021, information described in such clause shall include Form CMS-2567 (or a successor form), along with such additional information determined appropriate by such body.

Effective date.

"(B) PUBLIC DISCLOSURE OF INFORMATION.—Beginning not later than October 1, 2022, the Secretary shall publish the information submitted under subparagraph (A) on the public website of the Centers for Medicare & Medicaid Services in a manner that is prominent, easily accessible, readily understandable, and searchable. The Secretary shall provide for the timely update of such information so published.

Effective date. Public information. Web posting.

Update.

"(3) CONSISTENCY OF SURVEYS.—Each State and the Secretary shall implement programs to measure and reduce inconsistency in the application of survey results among surveyors.

"(4) SURVEY TEAMS.—

"(A) IN GENERAL.—In the case of a survey conducted under this subsection on or after October 1, 2021, by more than 1 individual, such survey shall be conducted by a multidisciplinary team of professionals (including a registered professional nurse).

Effective date.

"(B) PROHIBITION OF CONFLICTS OF INTEREST.—Beginning October 1, 2021, a State may not use as a member of a survey team under this subsection an individual who is serving (or has served within the previous 2 years) as a member of the staff of, or as a consultant to, the program surveyed respecting compliance with the requirements of section 1861(dd) or who has a personal or familial financial interest in the program being surveyed.

Effective date.

"(C) TRAINING.—The Secretary shall provide, not later than October 1, 2021, for the comprehensive training of State and Federal surveyors, and any surveyor employed by a national accreditation body described in paragraph (2)(A)(i), in the conduct of surveys under this subsection, including training with respect to the review of written

Deadline.

plans for providing hospice care (as described in section 1814(a)(7)(B)). No individual shall serve as a member of a survey team with respect to a survey conducted on or after such date unless the individual has successfully completed a training and testing program in survey and certification techniques that has been approved by the Secretary.

"(5) FUNDING.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 to the Centers for Medicare & Medicaid Services Program Management Account, of $10,000,000 for each fiscal year (beginning with fiscal year 2022) for purposes of carrying out this subsection and subsection (b). Sums so transferred shall remain available until expended. Any transfer pursuant to this paragraph shall be in addition to any transfer pursuant to section 3(a)(2) of the Improving Medicare Post-Acute Care Transformation Act of 2014. Transfer authority.

"(b) SPECIAL FOCUS PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a special focus program for enforcement of requirements for hospice programs that the Secretary has identified as having substantially failed to meet applicable requirements of this Act.

"(2) PERIODIC SURVEYS.—Under such special focus program, the Secretary shall conduct surveys of each hospice program in the special focus program not less than once every 6 months.

"(c) ENFORCEMENT.— Determinations.

"(1) SITUATIONS INVOLVING IMMEDIATE JEOPARDY.—If the Secretary determines on the basis of a standard survey or otherwise that a hospice program that is certified for participation under this title is no longer in compliance with the requirements specified in section 1861(dd) and determines that the deficiencies involved immediately jeopardize the health and safety of the individuals to whom the program furnishes items and services, the Secretary shall take immediate action to ensure the removal of the jeopardy and correction of the deficiencies or terminate the certification of the program, and may provide, in addition, for 1 or more of the other remedies described in paragraph (5)(B).

"(2) SITUATIONS NOT INVOLVING IMMEDIATE JEOPARDY.—If the Secretary determines on the basis of a standard survey or otherwise that a hospice program that is certified for participation under this title is no longer in compliance with the requirements specified in section 1861(dd) and determines that the deficiencies involved do not immediately jeopardize the health and safety of the individuals to whom the program furnishes items and services, the Secretary may (for a period not to exceed 6 months) impose remedies developed pursuant to paragraph (5)(A), in lieu of terminating the certification of the program. If, after such a period of remedies, the program is still no longer in compliance with such requirements, the Secretary shall terminate the certification of the program. Time period. Termination.

"(3) PENALTY FOR PREVIOUS NONCOMPLIANCE.—If the Secretary determines that a hospice program that is certified for participation under this title is in compliance with the requirements specified in section 1861(dd) but, as of a previous period, did not meet such requirements, the Secretary may provide for a civil money penalty under paragraph (5)(B)(i) for the

days in which the Secretary finds that the program was not in compliance with such requirements.

Time period.

"(4) OPTION TO CONTINUE PAYMENTS FOR NONCOMPLIANT HOSPICE PROGRAMS.—The Secretary may continue payments under this title with respect to a hospice program not in compliance with the requirements specified in section 1861(dd) over a period of not longer than 6 months, if—

"(A) the State or local survey agency finds that it is more appropriate to take alternative action to assure compliance of the program with such requirements than to terminate the certification of the program;

"(B) the program has submitted a plan and timetable for corrective action to the Secretary for approval and the Secretary approves the plan of corrective action; and

"(C) the program agrees to repay to the Federal Government payments received under this title during such period if the corrective action is not taken in accordance with the approved plan and timetable.

Guidelines.

The Secretary shall establish guidelines for approval of corrective actions requested by hospice programs under this paragraph.

"(5) REMEDIES.—

"(A) DEVELOPMENT.—

Deadline.

"(i) IN GENERAL.—Not later than October 1, 2022, the Secretary shall develop and implement—

"(I) a range of remedies to apply to hospice programs under the conditions described in paragraphs (1) through (4); and

Procedures.

"(II) appropriate procedures for appealing determinations relating to the imposition of such remedies.

Remedies developed pursuant to the preceding sentence shall include the remedies specified in subparagraph (B).

Deadline.
Procedures.

"(ii) CONDITIONS OF IMPOSITION OF REMEDIES.—Not later than October 1, 2022, the Secretary shall develop and implement specific procedures with respect to the conditions under which each of the remedies developed under clause (i) is to be applied, including the amount of any fines and the severity of each of these remedies. Such procedures shall be designed so as to minimize the time between identification of deficiencies and imposition of these remedies and shall provide for the imposition of incrementally more severe fines for repeated or uncorrected deficiencies.

"(B) SPECIFIED REMEDIES.—The remedies specified in this subparagraph are the following:

"(i) Civil money penalties in an amount not to exceed $10,000 for each day of noncompliance by a hospice program with the requirements specified in section 1861(dd).

Determination.

"(ii) Suspension of all or part of the payments to which a hospice program would otherwise be entitled under this title with respect to items and services furnished by a hospice program on or after the date on which the Secretary determines that remedies

should be imposed pursuant to paragraphs (1) and (2).

"(iii) The appointment of temporary management to oversee the operation of the hospice program and to protect and assure the health and safety of the individuals under the care of the program while improvements are made in order to bring the program into compliance with all such requirements.

"(C) PROCEDURES.—

"(i) CIVIL MONEY PENALTIES.—

"(I) IN GENERAL.—Subject to subclause (II), the provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). Applicability.

"(II) RETENTION OF AMOUNTS FOR HOSPICE PROGRAM IMPROVEMENTS.—The Secretary may provide that any portion of civil money penalties collected under this subsection may be used to support activities that benefit individuals receiving hospice care, including education and training programs to ensure hospice program compliance with the requirements of section 1861(dd).

"(ii) SUSPENSION OF PAYMENT.—A finding to suspend payment under subparagraph (B)(ii) shall terminate when the Secretary finds that the program is in substantial compliance with all requirements of section 1861(dd). Termination.

"(iii) TEMPORARY MANAGEMENT.—The temporary management under subparagraph (B)(iii) shall not be terminated until the Secretary has determined that the program has the management capability to ensure continued compliance with all the requirements referred to in such subparagraph. Determination.

"(D) RELATIONSHIP TO OTHER REMEDIES.—The remedies developed under subparagraph (A) are in addition to sanctions otherwise available under State or Federal law and shall not be construed as limiting other remedies, including any remedy available to an individual at common law.".

(2) AVAILABILITY OF HOSPICE ACCREDITATION SURVEYS.—Section 1865(b) of the Social Security Act (42 U.S.C. 1395bb(b)) is amended by inserting "or, beginning on the date of the enactment of the Consolidated Appropriations Act, 2021, a hospice program" after "home health agency".

(3) STATE PROVISION OF HOSPICE PROGRAM INFORMATION.—

(A) IN GENERAL.—Section 1864(a) of the Social Security Act (42 U.S.C. 1395aa(a)) is amended in the sixth sentence—

(i) by inserting "and hospice programs" after "information on home health agencies";

(ii) by inserting "or the hospice program" after "the home health agency";

(iii) by inserting "or the hospice program" after "with respect to the agency"; and

(iv) by inserting "and hospice programs" after "with respect to home health agencies".

Applicability.
42 USC 1395aa note.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply with respect to agreements entered into on or after, or in effect as of, the date that is 1 year after the date of the enactment of this Act.

(4) CONFORMING AMENDMENTS.—

(A) DEFINITION OF A HOSPICE PROGRAM.—Section 1861(dd)(4) of the Social Security Act (42 U.S.C. 1395x(dd)(4)) is amended by striking subparagraph (C).

(B) CONTINUATION OF FUNDING.—Section 3(a)(2) of the Improving Medicare Post-Acute Care Transformation Act of 2014 is amended by inserting "and section 1822(a)(1) of such Act," after "as added by paragraph (1),".

(b) INCREASING PAYMENT REDUCTIONS FOR FAILURE TO MEET QUALITY DATA REPORTING REQUIREMENTS.—Section 1814(i)(5)(A)(i) of the Social Security Act (42 U.S.C. 1395f(i)(5)(A)(i)) is amended by inserting "(or, for fiscal year 2024 and each subsequent fiscal year, 4 percentage points)" before the period.

Analysis.

(c) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing an analysis of the effects of the amendments made by subsection (a), including the frequency of application of remedies specified in section 1822(c)(5)(B) of the Social Security Act (as added by such subsection), on access to, and quality of, care furnished by hospice programs under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

SEC. 408. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking " $0" and inserting " $165,000,000".

TITLE V—MISCELLANEOUS

SEC. 501. IMPLEMENTATION FUNDING.

For purposes of carrying out the provisions of, and the amendments made by, titles I, II, and IV, in addition to any funds otherwise made available, there are appropriated from amounts in the Treasury not otherwise appropriated, $37,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2021, to remain available until expended.

DIVISION DD—MONTANA WATER RIGHTS PROTECTION ACT

Montana Water Rights Protection Act.
Native Americans.
25 USC 5301 note.

SEC. 1. SHORT TITLE.

This division may be cited as the "Montana Water Rights Protection Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana, and in recognition of article I, and section 3 of article IX, of the Montana State Constitution for—

(A) the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation; and

(B) the United States, for the benefit of the Tribes and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with this Act;

(3) to authorize and direct the Secretary of the Interior—

(A) to execute the Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this Act; and

(4) to authorize funds necessary for the implementation of—

(A) the Compact; and

(B) this Act.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) ALLOTTEE.—The term "allottee" means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) BISON.—The term "bison" means North American plains bison.

(3) COMPACT.—The term "Compact" means—

(A) the water rights compact entered into and ratified, as applicable, by the Confederated Salish and Kootenai Tribes, the State, and the United States, as contained in section 85–20–1901 of the Montana Code Annotated (2019), including—

(i) any appendix or exhibit to that compact; and

(ii) any modifications authorized by that compact; and

(B) any amendment to the compact referred to in subparagraph (A) (including an amendment to an appendix or exhibit) that is—

(i) executed to ensure that the Compact is consistent with this Act; or

(ii) otherwise authorized by the Compact and this Act.

(4) ENFORCEABILITY DATE.—The term "enforceability date" means the date described in section 10(b).

(5) FLATHEAD INDIAN IRRIGATION PROJECT.—

(A) IN GENERAL.—The term "Flathead Indian irrigation project" means the Federal irrigation project developed by the United States to irrigate land within the Reservation pursuant to—

(i) the Act of April 23, 1904 (33 Stat. 302, chapter 1495); and

(ii) the Act of May 29, 1908 (35 Stat. 444, chapter 216).

(B) INCLUSIONS.—The term "Flathead Indian irrigation project" includes—

(i) all land and any reservoir, easement, right-of-way, canal, ditch, lateral, or any other facility of

the project referred to in subparagraph (A) (regardless of location on or off the Reservation); and

(ii) any headgate, pipeline, pump, building, heavy equipment, vehicle, supplies, record, copy of a record, or any other physical, tangible object of real or personal property used in the management and operation of the project referred to in subparagraph (A).

(6) HUNGRY HORSE DAM.—The term "Hungry Horse Dam" means the dam that is a part of the Hungry Horse Project.

(7) HUNGRY HORSE PROJECT.—The term "Hungry Horse Project" means the project authorized to be carried out by the Secretary under the Act of June 5, 1944 (43 U.S.C. 593a et seq.).

(8) HUNGRY HORSE RESERVOIR.—The term "Hungry Horse Reservoir" means the reservoir that is a part of the Hungry Horse Project.

(9) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(10) LAW OF ADMINISTRATION.—The term "Law of Administration" means the Unitary Administration and Management Ordinance, as set forth in Appendix 4 to the Compact.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(12) STATE.—

(A) IN GENERAL.—The term "State" means the State of Montana.

(B) INCLUSIONS.—The term "State" includes all officers, agencies, departments, and political subdivisions of the State.

(13) TRIBAL WATER RIGHT.—The term "Tribal Water Right" means the water right of the Tribes, as established in—

(A) the Compact; and

(B) this Act.

(14) TRIBES.—

(A) IN GENERAL.—The term "Tribes" means the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana.

(B) INCLUSIONS.—The term "Tribes" includes all officers, agencies, and departments of the Tribes.

(15) TRUST FUND.—The term "Trust Fund" means the Séliš-Qlispé Ksanka Settlement Trust Fund established under section 8(a).

(b) DEFINITIONS OF CERTAIN TERMS.—Any term used but not defined in this Act, including the terms "Existing Use", "Historic Farm Deliveries", "Instream Flow", "Minimum Reservoir Pool Elevations", and "Reservation", shall have the meaning given the term in article II of the Compact.

SEC. 4. RATIFICATION OF COMPACT.

(a) RATIFICATION.—

(1) IN GENERAL.—As modified by this Act, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that such an amendment—

(A) is executed to ensure that the Compact is consistent with this Act; or

(B)(i) is approved by the Secretary;

(ii) concerns nonmonetary matters; and

(iii) does not affect the water rights of the Tribes determined in the Compact, or any other property held in trust by the United States on behalf of the Tribes or allottees.

(3) MODIFICATIONS.—Nothing in this Act—

(A) precludes the Secretary from approving a modification to the Compact, including an appendix or exhibit to the Compact, that is consistent with this Act; or

(B) authorizes amendments or modifications that otherwise require congressional approval under—

(i) section 2116 of the Revised Statutes (25 U.S.C. 177); or

(ii) any other applicable Federal law.

(b) EXECUTION.—To the extent that the Compact does not conflict with this Act, the Secretary shall execute the Compact, including all exhibits to, appendices to, and parts of the Compact requiring the signature of the Secretary.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact and this Act, the Secretary and the Tribes shall ensure compliance with—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) all other applicable environmental laws (including regulations).

(2) PERFORMANCE OF COMPLIANCE ACTIVITIES.—The Secretary and the Tribes shall perform appropriate Federal environmental compliance activities relating to any activity undertaken by the Secretary or Tribes pursuant to this Act prior to commencement of that activity.

(3) EFFECT OF EXECUTION.—

(A) IN GENERAL.—The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary shall ensure compliance with all Federal laws and regulations necessary to implement the Compact and this Act.

(d) PUBLIC AVAILABILITY.—As provided in articles IV.I.b (relating to hearings), IV.I.c (relating to the employment of a water engineer), and IV.I.7.e (relating to Board records) of the Compact, and in recognition of section 9 of article II of the Montana State Constitution, all records of the Flathead Reservation Water Management Board and the Water Engineer employed by the Board shall be open to public inspection.

SEC. 5. TRIBAL WATER RIGHT.

(a) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to, or that exceed, the benefits possessed by allottees on the day before the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this Act;

(2) the availability of funding under this Act and from other sources;

(3) the availability of water from the Tribal Water Right; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this Act to protect the interests of allottees.

(b) CONFIRMATION OF TRIBAL WATER RIGHT.—

(1) IN GENERAL.—The Tribal Water Right is ratified, confirmed, and declared to be valid.

(2) USE.—Any use of the Tribal Water Right shall be subject to the terms and conditions of—

(A) the Compact; and

(B) this Act.

(3) CONFLICT.—In the event of a conflict between the Compact and this Act, the provisions of this Act shall control.

(c) TRUST STATUS OF TRIBAL WATER RIGHT.—The Tribal Water Right—

(1) shall be held in trust by the United States for the use and benefit of the Tribes and allottees in accordance with this Act; and

(2) shall not be subject to forfeiture or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the Tribal Water Right.

(2) ENTITLEMENTS TO WATER.—

(A) IN GENERAL.—Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal Water Right.

(B) WATER FOR IRRIGATION.—Each allottee shall be entitled to a just and equitable allocation of water for irrigation purposes, to be enforceable under paragraph (3)(B).

(3) CLAIMS.—

(A) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under—

(i) the Law of Administration; or

(ii) other applicable Tribal law.

(B) WATER FOR IRRIGATION.—After the exhaustion of all remedies available under the Law of Administration or other applicable Tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law, to seek a just and equitable allocation of water for irrigation purposes under paragraph (2)(B).

(4) AUTHORITY OF SECRETARY.—The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) AUTHORITY OF TRIBES.—

(1) IN GENERAL.—The Tribes shall have the authority to allocate, distribute, and lease the Tribal Water Right for any use on the Reservation in accordance with—

(A) the Compact;

(B) the Law of Administration;

(C) this Act; and

(D) applicable Federal law.

(2) OFF-RESERVATION USE.—The Tribes may allocate, distribute, and lease the Tribal Water Right for off-Reservation use in the State in accordance with the Compact, subject to the approval of the Secretary.

(3) LAND LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the Law of Administration.

(f) LAW OF ADMINISTRATION.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on the date on which the Law of Administration becomes effective on the Reservation, the Secretary shall administer, with respect to the rights of allottees, the Tribal Water Right in accordance with this Act. Time period.

(2) APPROVAL.—

(A) IN GENERAL.—The Law of Administration is approved.

(B) REGISTRATIONS.—As provided in sections 3 and 4 of article IX of the Montana State Constitution and section 1–1–108 of the Law of Administration, all water rights and changes of use authorized under the Law of Administration, including all registrations required by sections 2–1–101 through 2–1–107, shall be provided to the department of natural resources and conservation of the State, to be entered into the water rights database of the department.

(3) AMENDMENTS.—

(A) IN GENERAL.—An otherwise valid amendment to the Law of Administration that affects a right of an allottee shall not be effective unless the amendment is approved by the Secretary in accordance with this subsection.

(B) APPROVAL PERIOD.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall approve or disapprove an amendment to the Law of Administration not later than 180 days after the date of ratification of the amendment by the Tribes and the State. Deadline.

(ii) EXTENSION.—The deadline described in clause (i) may be extended by the Secretary after consultation with the Tribes. Consultation.

(4) CONFLICT.—In the event of a conflict between the Law of Administration and this Act, the provisions of this Act shall control.

(g) ADMINISTRATION.—

(1) ALIENATION.—The Tribes shall not permanently alienate any portion of the Tribal Water Right.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this Act for an allocation, distribution, lease, or any other arrangement shall be considered to

satisfy any requirement for authorization of the action by treaty or convention under section 2116 of the Revised Statutes (25 U.S.C. 177).

(3) PROHIBITION ON FORFEITURE.—The nonuse of all, or any portion of, the Tribal Water Right by a lessee or contractor shall not result in the forfeiture, abandonment, relinquishment, or other loss of all, or any portion of, the Tribal Water Right.

(h) EFFECT.—Except as otherwise expressly provided in this section, nothing in this Act—

(1) authorizes any action by an allottee against any individual or entity, or against the Tribes, under Federal, State, Tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

SEC. 6. STORAGE ALLOCATION FROM HUNGRY HORSE RESERVOIR.

(a) STORAGE ALLOCATION TO TRIBES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall allocate to the Tribes 90,000 acre-feet per year, as measured at the Hungry Horse Dam, of storage water in Hungry Horse Reservoir for use by the Tribes for any beneficial purpose on or off the Reservation under a water right held by the United States and managed by the Bureau of Reclamation.

(2) LIMITATIONS.—The allocation under paragraph (1) shall be subject to—

(A) Appendix 7 to the Compact, entitled "Flathead Basin Tribal Depletions Study", prepared by the Bureau of Reclamation, and dated September 2012; and

(B) Appendix 8 to the Compact, entitled "Hungry Horse Reservoir, Montana: Biological Impact Evaluation and Operational Constraints for a proposed 90,000-acre-foot withdrawal", prepared by the State, as revised on September 14, 2011.

(b) TREATMENT.—

(1) IN GENERAL.—The allocation under subsection (a) shall be considered to be part of the Tribal Water Right.

(2) ADMINISTRATION.—The Tribes shall administer the water allocated under subsection (a) in accordance with, and subject to the limitations of, the Compact and this Act.

(c) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving the allocation under subsection (a), the Tribes shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this Act.

(2) INCLUSIONS.—The agreement under paragraph (1) shall include provisions establishing that—

(A) the agreement shall be without a limit as to a term;

(B) the Tribes, and not the United States, shall be entitled to all consideration due to the Tribes under any lease, contract, or agreement entered into by the Tribes pursuant to subsection (d);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Tribes as consideration under any lease, contract, or agreement entered into by the Tribes pursuant to subsection (d); or

(ii) the expenditure of those funds;

(D) if the capacity or function of any facility of Hungry Horse Reservoir or Hungry Horse Dam is significantly reduced, or is anticipated to be significantly reduced, for an extended period of time, the Tribes shall have the same storage rights as other storage contractors with respect to the allocation under subsection (a);

(E) the costs associated with the construction and operation of the storage facilities at Hungry Horse Reservoir and Hungry Horse Dam allocable to the Tribes shall be nonreimbursable;

(F) no water service capital charge shall be due or payable for the agreement or any water allocated under subsection (a), regardless of whether that water is delivered for use by the Tribes or under a lease, contract, or by an agreement entered into by the Tribes pursuant to subsection (d);

(G) the Tribes shall not be required to make payments to the United States for the agreement or any water allocated under subsection (a), except for each acre-foot of stored water leased or transferred for industrial purposes;

(H) for each acre-foot of stored water leased by the Tribes for industrial purposes—

(i) the Tribes shall pay annually to the United States an amount sufficient to cover the proportionate share of the annual operation, maintenance, and replacement costs for the Hungry Horse Project allocable to that quantity of water; and

(ii) the annual payments of the Tribes shall be reviewed and adjusted, as appropriate, to reflect the actual operation, maintenance, and replacement costs for the Hungry Horse Project; and

(I) the costs described in subparagraphs (G) and (H) shall not apply to any lease or transfer for industrial purposes to—

(i) any entity of the Tribes; or

(ii) any entity wholly owned by the Tribes.

(d) AGREEMENTS BY TRIBES.—The Tribes may use, lease, contract, exchange, or enter into other agreements for use of the water allocated under subsection (a) if—

(1) the water that is the subject of the agreement is used within the Flathead Basin or the Clark Fork Basin within the State; and

(2) the agreement does not permanently alienate any portion of water allocated under subsection (a).

Contracts.

(e) MITIGATION WATER.—Notwithstanding section 5(e)(2), the Tribes shall make available for lease not more than 11,000 acre-feet per year of the water allocated under subsection (a), in accordance with the Compact.

(f) NO CARRYOVER STORAGE.—The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) DEVELOPMENT AND DELIVERY COSTS.—The United States shall not be required to pay the cost of developing or delivering any water allocated under subsection (a).

(h) NEW USES.—Except as provided in article III.C.1.c of the Compact, the Tribes shall not develop any new use for the allocation

under subsection (a) until the date on which the agreement entered into under subsection (c) takes effect.

(i) EFFECTIVE DATE.—The allocation under subsection (a) takes effect on the enforceability date.

SEC. 7. IRRIGATION PROJECT-RELATED COMPACT IMPLEMENTATION.

(a) PURPOSES.—The purposes of this section are—

(1) to implement key provisions of the Compact regarding the Tribal Water Right by authorizing and carrying out the activities described in subsection (b) relative to components of the Flathead Indian irrigation project, in order—

(A) to conserve water resources, enhance fish and wildlife habitat, especially habitat of threatened and endangered species, and improve the movement of fish through and around Flathead Indian irrigation project facilities;

(B) to ensure that the necessary water supplies are provided to protect Instream Flow, Existing Uses, and Historic Farm Deliveries;

(C) to provide for the safe and efficient storage, delivery, and routing of water; and

(D) to dedicate the water thereby saved through modernization and rehabilitation activities to the water rights of the Tribes for Instream Flow and Minimum Reservoir Pool Elevations;

(2) to require that, in carrying out the activities under subsection (b), the Secretary and the Tribes—

(A) are guided by existing studies commissioned by the Secretary and the Tribes that identify current facility conditions and describe future modernization recommendations;

(B) recognize the need to maintain flexibility and modify the guidance provided by the studies described in subparagraph (A), as appropriate and consistent with the processes established and entities designated in the Compact; and

(C) carry out all such activities that can be accomplished in a cost-effective manner and that are consistent with the Compact; and

(3) to ensure the prudent and knowledgeable conservation, management, and protection of the water resources of the Reservation through the activities described in subsection (b), which will ensure the protection of the Reservation as the permanent homeland of the Tribes in accordance with the treaty between the United States and the Tribes concluded at Hell Gate on July 16, 1855 (12 Stat. 975).

(b) ACTIVITIES.—Subject to the availability of appropriations, the Secretary, or on the request of the Tribes, the Tribes on behalf of the Secretary under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.), shall in accordance with subsection (c) carry out the following activities relating to the Flathead Indian irrigation project:

(1) REHABILITATION AND MODERNIZATION.—

(A) Rehabilitation and modernization of structures, canals, and pumping facilities, including dam safety improvements, irrigation facility upgrades that improve water management and operational control at irrigation diversion works, and irrigation facility upgrades to reduce

losses in conveyance of water from irrigation sources of supply to irrigation points of use, in accordance with the Compact.

(B) Planning, design, and construction of additional pumping facilities.

(C) Operational improvements to infrastructure within the distribution network of the Flathead Indian irrigation project.

(D) Reconstruction, replacement, and automation at irrigation diversion works.

(E) Lining of open canals, and placement of open canals in pipe.

(F) Fencing and physical project access enhancements.

(2) MITIGATION, RECLAMATION, AND RESTORATION.—

(A) Mitigation, reclamation, and restoration of streams, wetlands, banks, slopes, and wasteways within, appurtenant to, or affected by the Flathead Indian irrigation project.

(B) The installation of screens, barriers, passages, or ladders to prevent fish entrainment in irrigation ditches and canals within, or appurtenant to, the Flathead Indian irrigation project.

(3) ACQUISITION OF INTERESTS.—Acquisition of easements or other interests in real property necessary to carry out any activity under this section.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—Prior to the commencement of any activity under subsection (b), the Secretary, or the Tribes if the Tribes elect to perform the activities on behalf of the Secretary under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.), shall perform appropriate environmental, cultural, and historical compliance activities relating to the activity, including to ensure compliance with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) division A of subtitle III of title 54, United States Code (formerly known as the "National Historic Preservation Act" (16 U.S.C. 470 et seq.)).

(2) COSTS.—All costs associated with the performance of compliance activities under paragraph (1) shall be paid with funds deposited in the Trust Fund, on the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

(d) FUNDING.—

(1) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT COMPACTING.—

(A) FUNDING AUTHORITY AND AGREEMENTS.—Notwithstanding any other provision of law, if the Tribes elect to perform all activities described in subsection (b) on behalf of the Secretary, the Secretary shall enter into a self-governance agreement with the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.) covering all such activities.

(B) FUNDING AGREEMENTS.—The Secretary shall use funds only from the Salish and Kootenai Compact Account established under section 8(b)(1) for any funding agreement, including any related contract support costs, under which the Tribes carry out activities described in subsection (b).

Deadline.

(C) TIMING FOR ELECTION.—Not later than 120 days after the date on which funds are first appropriated for deposit in the Trust Fund, or not later than such alternative later date as is agreed to by the Tribes and the Secretary, the Tribes may elect to perform all activities described in subsection (b) on behalf of the Secretary.

(D) APPLICABILITY OF ISDEAA.—Any funds transferred for use in a funding agreement under this paragraph shall be subject to—

(i) title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.); and

(ii) the self-governance agreement and funding agreement entered into between the Tribes and the Secretary.

(E) RELATION TO COMPACT.—The Tribes and the Federal Government—

(i) shall carry out the activities described in subsection (b) in a manner that is consistent with, and fulfills, the respective obligations of the Tribes and the Federal Government under the Compact; and

(ii) may not carry out any action pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) that is inconsistent with the rights and responsibilities under the Compact.

(F) APPLICABILITY OF CERTAIN ISDEAA PROVISIONS.—For purposes of this Act—

(i) the "annual trust evaluation" required under section 403(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363(d)) shall monitor the performance, and progress toward completion, of activities under subsection (b) that the Tribes are carrying out;

(ii) the activities described in subsection (b) shall be considered to be "construction programs or projects" under section 403(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363(e)); and

Requirements.

(iii) reporting requirements regarding planning, design, and the use and expenditure of funds shall be negotiated and included within a funding agreement.

(2) SECRETARIAL PERFORMANCE OF ACTIVITIES.—If the Tribes do not elect to carry out the activities described in subsection (b) by the deadline established under paragraph (1)(C), the Secretary shall carry out the activities using amounts made available under section 8(c)(3).

(3) NONREIMBURSABILITY OF COSTS.—All costs incurred in carrying out this section shall be nonreimbursable.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary and the Tribes shall negotiate the cost of any oversight activity carried out by the Secretary under any agreement entered into under paragraph (1)(A).

(B) REQUIREMENT.—All costs associated with an oversight activity—

(i) shall be paid with funds deposited in the Salish and Kootenai Compact Account established under section 8(b)(1); and

(ii) notwithstanding subsection (c), may include costs associated with review or approval of environmental compliance work and related Federal functions.

(C) LIMITATION ON COST.—The total cost described in subparagraph (A) shall not exceed 3 percent of the total project costs for each project.

(e) TREATMENT.—Any activities carried out pursuant to subsection (b) that result in improvements, additions, or modifications to the Flathead Indian irrigation project, including the acquisition of any real property interest, shall—

(1) become a part of the Flathead Indian irrigation project; and

(2) be recorded in the inventory of the Secretary relating to the Flathead Indian irrigation project.

(f) EASEMENTS AND RIGHTS-OF-WAY.—

(1) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—On request of the Secretary, the Tribes shall grant, at no cost to the United States, such easements and rights-of-way over Tribal land as are necessary for construction relating to an activity under this section.

(B) JURISDICTION.—An easement or right-of-way granted by the Tribes pursuant to subparagraph (A) shall not affect in any respect the civil or criminal jurisdiction of the Tribes over the easement or right-of-way.

(2) LANDOWNER EASEMENTS AND RIGHTS-OF-WAY.—In partial consideration for the construction activities associated with the rehabilitation and modernization of the Flathead Indian irrigation project authorized by this section, and as a condition of receiving service from the Flathead Indian irrigation project, a willing landowner shall confirm or grant, at no cost to the United States or the Tribes, such easements and rights-of-way over the land of the landowner as may be necessary for—

(A) an activity authorized by this section; or

(B) access to and operation and maintenance of—

(i) the Flathead Indian irrigation project; or

(ii) the Mission Valley Power Project.

(3) CONDEMNATION NOT AUTHORIZED.—Nothing in this section authorizes the Secretary to condemn interests in land for the Flathead Indian irrigation project.

(g) LAND ACQUIRED BY UNITED STATES OR TRIBES.—Any land acquired within the boundaries of the Reservation by the United States on behalf of the Tribes, or by the Tribes on behalf of the Tribes and conveyed to the United States, in connection with the purposes of this section shall be held in trust by the United States for the benefit of the Tribes.

(h) EFFECT.—Nothing in this section—

(1) alters any applicable law under which the Bureau of Indian Affairs collects assessments or carries out the operation and maintenance of the Flathead Indian irrigation project; or

(2) impacts the availability of amounts under section 9.

Determinations.

(i) WATER SOURCE FOR FLATHEAD INDIAN IRRIGATION PROJECT.—

(1) IN GENERAL.—The water source for the Flathead Indian irrigation project—

(A) shall be determined in accordance with article II(32) of the Compact; and

(B) shall consist of—

(i) the water right set forth in article III.C.1.a of the Compact; and

(ii) any use of water for irrigation and incidental purposes pursuant to an applicable water service contract.

(2) ENTITLEMENT TO DELIVERY OF WATER.—Entitlement to delivery of available irrigation water for assessed parcels shall be determined in accordance with article IV.D.2 of the Compact.

SEC. 8. SÉLIŠ-QLISPÉ KSANKA SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT.—The Secretary shall establish in the Treasury of the United States a trust fund, to be known as the "Séliš-Qlispé Ksanka Settlement Trust Fund", to be allocated, maintained, managed, invested, and distributed by the Secretary, and to remain available until expended, consisting of the amounts deposited in the Trust Fund under section 9(a), together with any interest earned on those amounts, for the purpose of carrying out this Act.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following accounts:

(1) The Salish and Kootenai Compact Account, for the uses described in paragraphs (1) and (2) of subsection (h).

(2) The Salish and Kootenai Settlement Implementation Account, for any use described in subsection (h).

(c) DEPOSITS.—

(1) IN GENERAL.—The Secretary shall deposit in the Trust Fund the amounts made available pursuant to section 9(a)(1).

(2) ALLOCATION INTO ACCOUNTS.—

(A) IN GENERAL.—Subject to subparagraph (B), each year, the Secretary shall allocate from the Trust Fund amounts into each of the accounts described in paragraphs (1) and (2) of subsection (b) in such proportions as the Secretary and the Tribes may agree.

(B) REQUIREMENT.—In any year, if the Tribes and the Secretary are unable to agree on the amounts to be allocated under subparagraph (A) for that year, the Secretary shall deposit equal sums in each account.

(3) TRANSFER.—If the Tribes do not elect to carry out the activities described in subsection (b) of section 7 by the deadline described in subsection (d)(1)(C) of that section, the Secretary, on an annual basis, shall transfer funds from the account established under subsection (b)(1) to an appropriate programmatic account solely for the purpose of carrying out those activities and the activities described in section 7(c).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—On receipt and deposit of the funds into the Trust Fund, the Secretary shall manage, invest, and distribute the amounts in accordance with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INVESTMENT EARNINGS.—In addition to the deposits under section 9(a), any investment earnings, including interest, credited to the amounts in the Trust Fund shall be available for use in accordance with subsection (h).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts deposited in the Trust Fund (including any investment earnings) shall be made available to the Tribes by the Secretary beginning on the enforceability date, subject to the requirements of this Act.

(2) USE.—Notwithstanding paragraph (1), any amounts—

(A) deposited in the account described in subsection (b)(1) or transferred to another account under subsection (c)(3), shall be available to the Tribes or the Secretary, as applicable, on the date on which the amounts are deposited or transferred, for the uses described in subsection (h)(1), in accordance with Appendix 3.6 to the Compact; and

(B) deposited in the account described in subsection (b)(1) shall be available to the Tribes on the date on which the amounts are deposited for the uses described in subsection (h)(2).

(f) WITHDRAWALS UNDER AITFMRA.—

(1) IN GENERAL.—The Tribes may withdraw any portion of the amounts in the account described in subsection (b)(2) on approval by the Secretary of a Tribal management plan submitted by the Tribes in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) INAPPLICABILITY OF AITFMRA.—A withdrawal from the account described in subsection (b)(1)—

(A) shall be made only in accordance with subsection (e) and section 7; and

(B) notwithstanding any other provision of law, shall not be subject to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) REQUIREMENTS.—

(A) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under paragraph (1) shall require that the Tribes shall spend all amounts withdrawn from the Trust Fund and any investment earnings accrued through the investments under the Tribal management plan in accordance with this Act.

Determination.

(B) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan to ensure that amounts withdrawn by the Tribes

from the Trust Fund pursuant to this subsection are used in accordance with this Act.

(g) EFFECT.—Nothing in this Act provides to the Tribes the right to judicial review of a determination by the Secretary regarding whether to approve a Tribal management plan, except under subchapter II of chapter 5, and chapter 7 of title 5, United States Code (commonly known as the "Administrative Procedure Act").

(h) USES.—The Tribes may use amounts in the Trust Fund to implement the Compact, the Law of Administration, and this Act for the following purposes:

(1) To carry out activities described in subsections (b) and (c) of section 7.

(2) The administration, implementation, and management of the Tribal Water Right and the regulation and administration of water rights within the Reservation under this Act, the Compact, and the Law of Administration, and such infrastructure as is necessary to meet related programmatic needs.

(3) To implement the Tribal Water Right through rehabilitation and improvement of agricultural Indian land within the Reservation.

(4) To construct and rehabilitate livestock fencing on Indian land within the Reservation.

(5) To mitigate and control noxious weeds on land within the Reservation.

(6) To plan, design, and construct improvements to irrigation systems on land served by the Flathead Indian irrigation project.

(7) To install screens, barriers, passages, or ladders to prevent fish entrainment in irrigation ditches and canals within the Reservation.

(8) To plan, design, and construct irrigation facilities on Indian land within the Reservation that is not served by the Flathead Indian irrigation project.

(9) To plan, design, construct, operate, maintain, and replace community water distribution and wastewater treatment facilities on the Reservation.

(10) To develop geothermal water resources on Indian land within the Reservation.

(11) To develop a cultural resources program relating to permitting necessary to conduct the activities authorized under this subsection (including cultural, historical, and archeological reviews, including training and certifications) and related infrastructure necessary to meet programmatic needs.

Compliance.

(12) To comply with Federal environmental laws for any use authorized by this subsection.

(13) To repair, rehabilitate, or replace culverts, bridges, and roads of the Flathead Indian irrigation project and any public or Tribal culverts, bridges, and roads that intersect with, or are otherwise located within, the supply and distribution network of the Flathead Indian irrigation project.

(i) LIABILITY.—Except with respect to amounts transferred in accordance with section 7(d), the Secretary shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Tribes under this section.

(j) EXPENDITURE REPORTS.—

(1) IN GENERAL.—Not less frequently than annually, the Tribes shall submit to the Secretary an expenditure report describing— Time period.

(A) the amount withdrawn from the Trust Fund under this section; and

(B) any authorized activities resulting from the use of a withdrawal under a Tribal management plan, in accordance with this Act.

(2) APPLICATION.—Any amounts transferred to the Tribes pursuant to a self-governance agreement and funding agreement entered into between the Tribes and the Secretary under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.) shall not be subject to paragraph (1).

(k) OM&R COSTS.—Except as otherwise provided in this Act, nothing in this Act affects any obligation of the United States with respect to the operation, maintenance, and repair of the Flathead Indian irrigation project.

SEC. 9. FUNDING.

(a) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Trust Fund $1,000,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) MANDATORY FUNDING.—

(A) IN GENERAL.—On October 1, 2020, and on each October 1 thereafter through October 1, 2029, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit in the Trust Fund $90,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury. Effective dates. Time period.

(B) AVAILABILITY.—Amounts deposited in the Trust Fund under subparagraph (A) shall be available without further appropriation.

(b) FLUCTUATION IN COSTS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated and appropriated to the Trust Fund under paragraphs (1) and (2), respectively, of subsection (a)—

(A) $347,200,000 shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act, as indicated by the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 index;

(B) $111,400,000 shall be increased or decreased, as appropriate, by such amounts as may be justified by reasons of ordinary fluctuations in costs occurring after the date of enactment of this Act, as indicated by the Producer Price Index for the Bureau of Labor Statistics; and

(C) $1,441,400,000 shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act, as indicated by the Bureau of Reclamation Construction Costs Index–Composite Trend.

(2) REQUIREMENTS FOR ADJUSTMENT PROCESS.—The adjustment process under this subsection shall—

(A) take into account any agreement reached by the Secretary and the Tribes under paragraph (4); and

(B) be repeated for each subsequent amount appropriated for deposit in the Trust Fund until the amount authorized to be appropriated, as so adjusted, has been appropriated.

(3) PERIOD OF INDEXING.—The period of indexing adjustment under this subsection for any increment of funding shall end on the date on which funds are deposited in the Trust Fund.

(4) AGREEMENT.—Based on the activities likely to be conducted using amounts deposited in the Trust Fund, the Secretary and the Tribes may agree on which provisions of paragraph (1) shall govern the fluctuation in costs to be used in calculating the amount authorized to be appropriated under subsection (a)(1).

(c) LIMITATION ON USE OF RECLAMATION WATER SETTLEMENTS FUND.—Notwithstanding any other provision of law—

Time period.

(1) no amounts in the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)) may be used by the Tribes or the Secretary to carry out any provision of this Act until the date that is 10 years after the date of enactment of this Act; and

Effective date.

(2) effective beginning on the date that is 10 years after that date of enactment, the total amount used by the Tribes and the Secretary to carry out this Act from the Reclamation Water Settlements Fund shall not exceed an amount equal to 50 percent of the total amount in the Fund on that date.

SEC. 10. WAIVERS AND RELEASES OF CLAIMS.

(a) WAIVERS AND RELEASES.—

(1) CLAIMS BY TRIBES AND UNITED STATES AS TRUSTEE FOR TRIBES.—Subject to the reservation of rights and retention of claims under subsection (c), as consideration for recognition of the Tribal Water Right and other benefits described in the Compact and this Act, the Tribes, acting on behalf of the Tribes and members of the Tribes (but not any member of the Tribes as an allottee), and the United States, acting as trustee for the Tribes and the members of the Tribes (but not any member of the Tribes as an allottee), shall execute a waiver and release with prejudice of all claims for water rights within the State that the Tribes, or the United States acting as trustee for the Tribes, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such a right is recognized in the Compact and this Act.

(2) CLAIMS BY UNITED STATES AS TRUSTEE FOR ALLOTTEES.—Subject to the reservation of rights and the retention of claims under subsection (c), as consideration for recognition of the Tribal Water Right and other benefits described in the Compact and this Act, the United States, acting as trustee for allottees, shall execute a waiver and release with prejudice of all claims for water rights within the Reservation that the United States, acting as trustee for allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on

or before the enforceability date, except to the extent that such a right is recognized in the Compact and this Act.

(3) CLAIMS BY TRIBES AGAINST UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (c), the Tribes, acting on behalf of the Tribes and members of the Tribes (but not any member of the Tribes as an allottee), shall execute a waiver and release with prejudice of all claims against the United States (including any agency or employee of the United States) first arising before the enforceability date—

(A) relating to—

(i) water rights within the State that the United States, acting as trustee for the Tribes, asserted or could have asserted in any proceeding, including the general stream adjudication in the State, except to the extent that such rights are recognized as part of the Tribal Water Right under this Act;

(ii) foregone benefits from nontribal use of water, on and off the Reservation (including water from all sources and for all uses);

(iii) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State;

(iv) a failure to establish or provide a municipal, rural, or industrial water delivery system on the Reservation;

(v) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of the Flathead Indian irrigation project and other Federal land and facilities (including damages, losses, or injuries to Tribal fisheries, fish habitat, wildlife, and wildlife habitat);

(vi) damage, loss, or injury from failure to protect natural resources and land against noxious weeds impacts;

(vii) inadequate compensation for minerals extracted;

(viii) inadequate compensation for land and interests in land used for Bureau of Indian Affairs roads and wildlife refuges;

(ix) a failure to provide—

(I) for operation, maintenance, or deferred maintenance for the Flathead Indian irrigation project or any other irrigation system or irrigation project; or

(II) a dam safety improvement to a dam within the Reservation;

(x) the litigation of claims relating to any water right of the Tribes in the State; and

(xi) the negotiation, execution, or adoption of the Compact or this Act;

(B) reserved under subsections (b) through (d) of section 6 of the settlement agreement for the case entitled "Nez Perce Tribe v. Salazar", No. 06cv2239TFH (D.D.C. 2012); and

(C) arising from the taking or acquisition of land or resources of the Tribes for the construction or operation of the Flathead Indian irrigation project.

(4) CERTAIN OFF-RESERVATION WATER RIGHTS.—

(A) IN GENERAL.—Notwithstanding the confirmation of the water rights of the Tribes described in Appendices 28 and 29 to the Compact, as consideration for recognition of the Tribal Water Right and other benefits described in the Compact and this Act, the Tribes shall relinquish any right, title, or claim to the water rights located within the Flathead basin and described in those appendices.

(B) REQUIREMENT.—The water rights described in subparagraph (A) shall be held solely by the State.

Federal Register, publication.

(b) ENFORCEABILITY DATE.—The waivers and releases of claims under subsection (a) shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1)(A) the Montana Water Court has approved the Compact in a manner from which no further appeal may be taken; or

(B) if the Montana Water Court is found to lack jurisdiction, the applicable United States district court has approved the Compact as a consent decree from which no further appeal may be taken;

(2) all amounts authorized to be appropriated under section 9 have been appropriated;

(3) the State has appropriated and paid into an interest-bearing escrow account any payments due to the Tribes as of the date of enactment of this Act under the Compact and this Act;

(4) the Tribes have ratified the Compact;

(5) the Secretary has fulfilled the requirements of section 6; and

(6) the waivers and releases described in subsection (a) have been executed by the Tribes and the Secretary.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsection (a), the Tribes, acting on behalf of the Tribes and members of the Tribes, and the United States, acting as trustee for the Tribes and allottees, shall retain—

(1) all claims relating to—

(A) the enforcement of, or claims accruing after the enforceability date relating to water rights recognized under—

(i) the Compact;

(ii) any final decree; or

(iii) this Act; and

(B) activities affecting the quality of water, including any claims under—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including damages to natural resources;

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the "Clean Water Act"); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii);

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims for damages, losses, or injuries to land or natural resources that are—

(A) not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights); and

(B) not covered by subsection (a)(3); and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this Act or the Compact.

(d) EFFECT OF COMPACT AND ACT.—Nothing in the Compact or this Act—

(1) except as otherwise expressly provided in the Compact or this Act, reduces or extends the sovereignty (including civil and criminal jurisdiction) of any government entity;

(2) affects the ability of the United States acting as sovereign to carry out any activity authorized by applicable law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the "Clean Water Act"); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(3) affects the ability of the United States to act as trustee for any other Indian tribe or allottee of any other Indian tribe;

(4) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or any other party under Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of any Federal agency action;

(5) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes;

(6) revives any claim waived by the Tribes in the case entitled "Nez Perce Tribe v. Salazar", No. 06cv2239TFH (D.D.C. 2012); or

(7) revives any claim released by an allottee or member of the Tribes in the settlement for the case entitled "Cobell v. Salazar", No. 1:96CV01285–JR (D.D.C. 2012).

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in Time period.

this section shall be tolled during the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this Act are transferred to the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(f) EXPIRATION.—

(1) IN GENERAL.—This Act shall expire in any case in which—

(A) the amounts authorized to be appropriated by this Act have not been made available to the Secretary by not later than—

(i) January 21, 2031; or

(ii) such alternative later date as is agreed to by the Tribes and the Secretary; or

(B) the Secretary fails to publish a statement of findings under subsection (b) by not later than—

(i) January 21, 2032; or

(ii) such alternative later date as is agreed to by the Tribes and the Secretary, after providing reasonable notice to the State.

(2) CONSEQUENCES.—If this Act expires under paragraph (1)—

(A) the waivers and releases under subsection (a) shall—

(i) expire; and

(ii) have no further force or effect;

(B) the authorization, ratification, confirmation, and execution of the Compact under section 4 shall no longer be effective;

(C) any action carried out by the Secretary, and any contract or agreement entered into, pursuant to this Act shall be void;

(D) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this Act, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this Act shall be returned to the Federal Government, unless otherwise agreed to by the Tribes and the United States and approved by Congress; and

(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this Act that were expended or withdrawn, or any funds made available to carry out this Act from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United States—

(i) relating to—

(I) water rights in the State asserted by—

(aa) the Tribes; or

(bb) any user of the Tribal Water Right; or

(II) any other matter covered by subsection (a)(3); or

(ii) in any future settlement of water rights of the Tribes or an allottee.

SEC. 11. SATISFACTION OF CLAIMS.

(a) TRIBAL CLAIMS.—The benefits realized by the Tribes under this Act shall be in complete replacement of, complete substitution for, and full satisfaction of all claims of the Tribes against the United States waived and released pursuant to paragraphs (1) and (3) of section 10(a).

(b) ALLOTTEE CLAIMS.—The benefits realized by allottees under this Act shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims waived and released pursuant to section 10(a)(2); and

(2) any claims of an allottee against the United States that an allottee asserted or could have asserted that are similar in nature to a claim described in section 10(a)(2).

SEC. 12. NATIONAL BISON RANGE RESTORATION.

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the Reservation was set aside for the Tribes in 1855 under the treaty between the United States and the Tribes concluded at Hell Gate on July 16, 1855 (12 Stat. 975);

(B) the National Bison Range was established as a conservation measure in 1908, a time when the bison were at grave risk of extinction;

(C) the National Bison Range is located in the middle of the Reservation on land that was acquired by the United States in what was later held, in the civil action entitled "Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana v. United States" (437 F.2d 458 (Ct.Cl. 1971)), to be a taking under the Fifth Amendment to the Constitution of the United States;

(D) the Tribes never consented to the removal of the land described in subparagraph (C) from Tribal ownership;

(E) since time immemorial until the establishment of the National Bison Range, the Tribes had used the land described in subparagraph (C) for—

(i) hunting, fishing, and gathering; and

(ii) cultural and many other purposes;

(F)(i) in the 1870s, when slaughter resulted in the risk of bison extinction, a Pend d'Oreille man named Little Falcon Robe received approval from leaders of the Tribes to bring orphaned bison calves across the Continental Divide to the Reservation for purposes of starting a herd for subsistence and conservation purposes;

(ii) starting with just a few bison calves, the animals grew into a large herd under the stewardship of members of the Tribes, who later included Michel Pablo and Charles Allard; and

(iii) the Reservation was the home of that free-ranging herd of bison for decades before the establishment of the National Bison Range;

(G) when the Reservation was opened for homesteading, a free-ranging bison herd was no longer feasible, resulting in Michel Pablo selling the herd to off-Reservation interests;

(H) many of the bison, or their descendants, from the Tribal member-managed herd were repurchased and brought back to the Reservation to form the original herd for the National Bison Range;

(I) the bison herd at the National Bison Range descends largely from a herd started and managed as described in subparagraph (F);

(J) the Tribes—

(i) have played a substantive role as conservation leaders, often in partnership with the National Bison Range;

(ii) have demonstrated a long-term commitment to responsible management of the land and resources surrounding the National Bison Range; and

(iii) desire to carry out the purposes for which the National Bison Range was established;

(K) the Tribes have extensive experience in wildlife and natural resources management, including—

(i) the establishment and management of the 91,000-acre Mission Mountains Tribal Wilderness, the first tribally designated wilderness area in the United States;

(ii) special management districts for large animals, such as the Little Money Bighorn Sheep Management Area and the Ferry Basin Elk Management Area; and

(iii) the restoration and management of bighorn sheep populations, peregrine falcons, and trumpeter swans on the Reservation;

(L) the Tribes have an extensive history of successful partnerships with Federal agencies with respect to issues such as—

(i) threatened and endangered species management;

(ii) migratory waterfowl management; and

(iii) wetland habitat management;

(M)(i) the Tribes have entered into prior management-related agreements relating to the National Bison Range under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.); and

(ii) the Tribes and the United States desire to build on past and current partnerships, as well as honor and advance the Federal and Tribal objectives of increasing Tribal autonomy and Tribal governmental capacity;

(N) since the establishment of the National Bison Range, additional herds of bison have been established on other national wildlife refuges and national parks;

(O) the facts and history regarding the Federal Government, the Tribes, the bison, and land on the Reservation acquired for the National Bison Range are exceptional circumstances that warrant action by Congress; and

(P) the United States should hold title in and to the land comprising the National Bison Range, with beneficial title of the land being restored to the Tribes for—

(i) continued bison conservation;

(ii) other wildlife and natural resource management purposes; and

(iii) other nonconflicting purposes of the Tribes.

(2) PURPOSES.—The purposes of this section are—

(A) to acknowledge the history, culture, and ecological stewardship of the Tribes with respect to the land on the Reservation acquired for the National Bison Range, bison, and other natural resources;

(B) to ensure that the land, bison, and other resources referred to in subparagraph (A) continue to be protected and enhanced;

(C) to continue public access and educational opportunities; and

(D) to ensure a smooth transition for land, bison, and other natural resources as the land is restored to Federal trust ownership for the benefit of the Tribes.

(b) DEFINITION OF NATIONAL BISON RANGE.—In this section, the term "National Bison Range" means all land within the Reservation that was reserved for the national bison range under the matter under the heading "NATIONAL BISON RANGE" under the heading "MISCELLANEOUS" under the heading "DEPARTMENT OF AGRICULTURE" in the Act of May 23, 1908 (16 U.S.C. 671) (as in effect on the day before the date of enactment of this Act).

(c) RESTORATION OF LAND.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of conserving bison, wildlife, and natural resources, and of safeguarding the interests of the Tribes in those resources and the traditional, cultural, and other interests of the Tribes, all land comprising the National Bison Range (including all natural resources, interests, and appurtenances of that land) shall be held in trust by the United States for the benefit of the Tribes.

(2) ADMINISTRATION.—The land restored by paragraph (1) shall be—

(A) a part of the Reservation;

(B) administered under the laws (including regulations) applicable to Indian trust land; and

(C) managed by the Tribes, in accordance with paragraph (3), solely for the care and maintenance of bison, wildlife, and other natural resources, including designation or naming of the restored land.

(3) TRIBAL MANAGEMENT.—In managing the land restored by paragraph (1), the Tribes shall—

(A) provide public access and educational opportunities; and

(B) at all times, have a publicly available management plan for the land, bison, and natural resources, which shall include actions to address management and control of invasive weeds.

Public information. Plan.

(d) CONVEYANCE OF BUILDINGS AND OTHER STRUCTURES.—

(1) IN GENERAL.—The United States shall convey to the Tribes, to own in fee, all ownership interests of the United

States in all buildings, structures, improvements, and appurtenances located on the land restored by subsection (c)(1).

(2) PERSONAL PROPERTY.—The United States may convey to the Tribes any personal property owned by the United States and found on, or otherwise associated with, the land restored by subsection (c)(1).

(e) RELINQUISHMENT OF RIGHTS TO BISON.—The United States relinquishes to the Tribes all interests of United States in the bison on the land restored by subsection (c)(1).

(f) TRANSITION.—

Time period. Effective date. Determination.

(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Secretary shall cooperate with the Tribes in transition activities regarding the management of land, bison, and other resources conveyed by this Act, including by providing to the Tribes, as determined to be appropriate by the Secretary, funds, personal property, equipment, or other resources for the performance of, or assistance with, the types of activities carried out by the Secretary at the National Bison Range as of the date of enactment of this Act.

(2) EFFECT.—Consistent with subsections (c), (d), and (e), nothing in this section authorizes the Director of the United States Fish and Wildlife Service to retain ownership or control of any real or personal property conveyed by this section, except as the Tribes may agree to in writing.

(g) REPEAL.—The matter under the heading "NATIONAL BISON RANGE" under the heading "MISCELLANEOUS" under the heading "DEPARTMENT OF AGRICULTURE" in the Act of May 23, 1908 (16 U.S.C. 671), is repealed.

(h) LIABILITY.—The Tribes shall not be liable for any land, soil, surface water, groundwater, or other contamination, injury, or damage resulting from the storage, disposal, release, or presence of any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) on any portion of the land restored by this section on or before the date of the conveyance, unless the Tribes would otherwise have been responsible for the storage, disposal, release, or presence.

(i) CLAIMS AGAINST UNITED STATES.—No claim may be brought pursuant to chapter 7 of title 5, United States Code, or section 1491 or 1505 of title 28, United States Code, against the United States, or any agency, officer, or employee of the United States, concerning the preconveyance or postconveyance management of the land and other property conveyed by this section.

(j) EFFECT.—Nothing in this section relieves the United States of any obligation under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(k) NO PRECEDENT.—The provisions of this section—

(1) are uniquely suited to address the distinct circumstances, facts, history, and relationships involved with the bison, land, and Tribes; and

(2) are not intended, and shall not be interpreted, to establish a precedent for any other situation regarding Federal land, property, or facilities.

(l) INDIAN GAMING REGULATORY ACT.—The land restored by this section shall not be eligible or used for any gaming activity

carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS.—

(1) ACT OF APRIL 23, 1904.—Section 9 of the Act of April 23, 1904 (33 Stat. 304, chapter 1495; 35 Stat. 450, chapter 216), is amended by striking the seventh undesignated paragraph.

(2) ACT OF MAY 25, 1948.—Section 2 of the Act of May 25, 1948 (62 Stat. 269, chapter 340), is amended—

(A) in subsection (h), by striking paragraph (6) and inserting the following:

"(6) To enhance fisheries habitat or to improve water conservation management of the project."; and

(B) by adding at the end the following:

"(k) MISSION VALLEY DIVISION.—

"(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the 'Secretary'), or the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana acting on behalf of the Secretary, as the entity with the legal authority and responsibility to operate the Mission Valley division of the project (referred to in this subsection as the 'project operator'), may allocate revenues derived from the Mission Valley division in accordance with paragraph (2) for the purposes described in subsection (h)(6).

"(2) ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the revenues described in paragraph (1) shall be allocated by providing—

"(i) $100,000 to the Tribes; and

"(ii) $100,000 to the project operator.

"(B) NEGOTIATION.—Effective beginning on October 1 of the tenth calendar year beginning after the date of enactment of the Montana Water Rights Protection Act, the Confederated Salish and Kootenai Tribes of the Flathead Reservation of Montana, the State of Montana, and the Secretary may negotiate for an appropriate allocation that differs from the allocation described in subparagraph (A). Effective date.

"(C) CARRYOVER.—If the project operator does not use the full allocation of the project operator under this paragraph for a fiscal year, an amount equal to the difference between the full allocation and the amount used by the project operator shall be set aside and accumulated for expenditure during subsequent fiscal years for the purposes described in subsection (h)(6).".

(3) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(b)(4) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363(b)(4)) is amended—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C).

(b) LIENS.—Any lien established by the Act of April 23, 1904 (33 Stat. 302, chapter 1495; 35 Stat. 449, chapter 216), is extinguished and released.

(c) WAIVER OF SOVEREIGN IMMUNITY.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act waives the sovereign immunity of the United States.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of any Indian tribe other than the Tribes.

(e) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to Indian land located within the Reservation—

(1) the United States shall not submit against any Indian-owned land within the Reservation any claim for reimbursement of the cost to the United States of carrying out this Act or the Compact; and

(2) no assessment of any Indian-owned land located within the Reservation shall be made regarding that cost.

(f) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States has no obligation—

(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribes by the State; or

(B) to review or approve any expenditure of the funds described in subparagraph (A).

(2) INDEMNITY.—The Tribes shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts to carry out this Act (other than claims arising out of activities carried out by the Tribes with funds transferred in accordance with section 7(d)).

(g) ANTIDEFICIENCY.—The United States shall not be liable for any failure to carry out any obligation or activity authorized by this Act (including any obligation or activity under the Compact) if—

(1) adequate appropriations are not provided expressly by Congress to carry out this Act; or

(2) subject to section 9(c), insufficient funds are available to carry out this Act in the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)).

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity or function carried out by the Secretary under this Act.

(i) COOPERATIVE OPERATION AND MAINTENANCE OF FLATHEAD INDIAN IRRIGATION PROJECT.—

(1) AGREEMENT WITH SECRETARY.—On receipt of a joint request from the Tribes and 1 or more irrigation districts within the Flathead Indian irrigation project, the Secretary shall enter into an agreement with the Tribes and the irrigation districts for the cooperative operation and maintenance of the Flathead Indian irrigation project, or any portion of the Flathead Indian irrigation project, under such form of organization and under such conditions as may be acceptable to the Secretary.

(2) ESTABLISHMENT OF ORGANIZATION.—

(A) IN GENERAL.—In lieu of entering into an agreement under paragraph (1), the Tribes and 1 or more irrigation districts within the Flathead Indian irrigation project may jointly establish an organization for the purpose of entering into an agreement for the operation and maintenance of the Flathead Indian irrigation project under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

(B) CONTRACT SUPPORT COSTS.—Any contract support costs pursuant to section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)) for an organization established pursuant to subparagraph (A) shall be limited to funds available from annual assessment under part 171 of title 25, Code of Federal Regulations (or successor regulations).

(C) TREATMENT.—An organization established pursuant to subparagraph (A) shall be considered to be a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) for purposes of that Act.

(D) ANNUAL O&M ASSESSMENTS.—Nothing in this subsection limits the ability of an organization established pursuant to subparagraph (A) to include the costs of administering the Flathead Indian irrigation project when establishing annual assessment rates in accordance with part 171 of title 25, Code of Federal Regulations (or successor regulations).

(j) EXCHANGES OF LAND.—

(1) DEFINITIONS.—In this subsection:

(A) PUBLIC LAND.—The term "public land" means—

(i) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); and

(ii) land managed by the Secretary of Agriculture under the jurisdiction of the Forest Service.

(B) SECRETARY CONCERNED.—The term "Secretary concerned" means, as applicable—

(i) the Secretary, with respect to the public land described in subparagraph (A)(i); or

(ii) the Secretary of Agriculture, with respect to the public land described in subparagraph (A)(ii).

(2) STATE TRUST LAND.—

(A) IN GENERAL.—The Secretary concerned shall offer to negotiate with the State for the purpose of exchanging public land within the State for State trust land located within the Reservation with a total value substantially equal to the value of the surface estate of the approximately 36,808 acres of State trust land obtained by the State pursuant to—

(i) the Act of February 22, 1889 (commonly known as the "Montana Enabling Act") (25 Stat. 676, chapter 180), and the Act of April 23, 1904 (33 Stat. 302, chapter 1495; 35 Stat. 449, chapter 216); or

(ii) the Act of February 25, 1920 (41 Stat. 452).

(B) PROCEDURES.—An exchange described in subparagraph (A) shall be conducted in accordance with section

206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Determination.

(C) VALUATION.—In determining the fair market value of land for purposes of subparagraph (A), the parties to the exchange shall give due consideration to the value of any improvements on the land.

(D) FINANCIAL IMPACT.—The Secretary concerned shall ensure that land exchanged pursuant to this paragraph is selected in a manner that minimizes the financial impact on local governments, if any.

(E) ASSISTANCE.—The Secretary concerned shall provide such financial or other assistance to the State and the Tribes as may be necessary to obtain the appraisals, and to satisfy administrative requirements, necessary to accomplish the exchanges under subparagraph (A).

(F) TITLE.—On approving an exchange under this paragraph, the Secretary concerned shall—

(i) receive title in and to the State trust land involved in the exchange, on behalf of the United States; and

(ii) transfer title in and to the public land disposed of in the exchanges with the State by such means of conveyance as the Secretary concerned considers to be appropriate.

(G) TRUST.—Title to the State trust land acquired pursuant to an exchange under this paragraph shall be—

(i) vested in the United States in trust for the sole use and benefit of the Tribes; and

(ii) recognized as part of the Reservation.

(3) REQUIREMENTS.—

Time period.
Effective date.

(A) IN GENERAL.—In carrying out paragraph (2), the Secretary concerned shall, during the 5-year period beginning on the date of enactment of this Act, give priority to an exchange of public land within the State for State trust land owned by the State.

(B) TOTAL VALUE.—The total value of the land exchanged and acquired for the Tribes pursuant to this subsection shall not exceed the value of the surface estate of the 36,808 acres described in paragraph (2)(A).

(C) PRIVATE EXCHANGES.—

(i) IN GENERAL.—Subject to subparagraph (B), if, for any reason, after the expiration of the period described in subparagraph (A), the exchanges under paragraph (2) have not provided to the Tribes a total of 36,808 acres of surface land within the boundaries of the Reservation, the Secretary concerned shall, at the request of, and in cooperation with, the Tribes, develop and implement a program to provide to the Tribes additional land within the Reservation through land exchanges with private landowners.

(ii) REQUIREMENT.—In carrying out this subparagraph, the Secretary concerned may exchange public land within the State for private land of substantially equal value within the boundaries of the Reservation, in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Determination.

(D) VALUATION.—In determining the fair market value of land under subparagraph (C), the parties to an exchange made pursuant to that subparagraph shall give due consideration to the value of improvements on the land.

(E) TITLE.—If the Secretary concerned obtains private land pursuant to subparagraph (C), the Secretary concerned shall transfer title to the land to the Tribes.

(F) TRUST.—Title to any private land or public land transferred to the Tribes pursuant to this paragraph shall—

(i) be vested in the United States in trust for the sole use and benefit of the Tribes; and

(ii) be recognized as part of the Reservation, if the land is located within the boundaries of the Reservation.

(G) TRIBAL ASSISTANCE.—The Tribes shall assist in obtaining prospective willing parties to exchange private land within the Reservation for public land within the State under this paragraph.

(4) PROTECTION OF GRAZING RIGHTS.—State trust land that is not adjacent to Tribal land shall not be eligible to be exchanged under this subsection.

(k) REVIEW OF DECISIONS.—A court of competent jurisdiction shall review the decisions of the Flathead Reservation Water Management Board and the Montana Department of Fish, Wildlife, and Parks in accordance with—

(1) the Compact;

(2) the Law of Administration; and

(3) this Act.

(l) PAYMENTS TO CERTAIN COUNTIES.—

(1) PAYMENTS.—

(A) BY SECRETARY.—Subject to paragraph (2), to reduce the financial impact on the counties in which the land restored by section 12 is located, the Secretary shall make payments to Lake County and Sanders County in the State, out of amounts in the fund established under section 401(a) of the Act of June 15, 1935 (16 U.S.C. 715s(a)).

(B) BY TRIBES.—To ensure that culverts, bridges, and roads that intersect with, or are otherwise located within, the supply and distribution network of the Flathead Indian irrigation project comply with Federal environmental requirements, to ensure public safety, and to enhance Tribal fisheries on the Reservation, the Tribes shall allocate from the Trust Fund amounts withdrawn for the purposes described in section 8(h)(13), under an agreement approved by the Secretary—

(i) $5,000,000 to Lake County in the State; and

(ii) $5,000,000 to Sanders County in the State.

(2) AMOUNT OF PAYMENTS.—The amount of the payments under paragraph (1)(A) shall be equal to the amount each county would have received if this Act had not been enacted.

(3) TREATMENT OF LAND FOR PURPOSES OF CALCULATING PAYMENTS.—For the limited purposes of calculating payments to Lake County and Sanders County under this subsection and section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the land restored by section 13 shall be treated as a fee area

(as defined in section 401(g) of the Act of June 15, 1935 (16 U.S.C. 715s(g))).

(m) EFFECT ON CURRENT LAW.—Nothing in this Act authorizes preenforcement judicial review of any Federal environmental enforcement action.

(n) NO PRECEDENT.—The provisions of this Act—

(1) are uniquely suited to address the distinct circumstances, facts, history, and relationships involved; and

(2) are not intended, and shall not be interpreted, to establish precedent for any other situation.

Taxpayer Certainty and Disaster Tax Relief Act of 2020.
26 USC 1 note.

DIVISION EE—TAXPAYER CERTAINTY AND DISASTER TAX RELIEF ACT OF 2020

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Taxpayer Certainty and Disaster Tax Relief Act of 2020".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Certain Provisions Made Permanent

Sec. 101. Reduction in medical expense deduction floor.
Sec. 102. Energy efficient commercial buildings deduction.
Sec. 103. Benefits provided to volunteer firefighters and emergency medical responders.
Sec. 104. Transition from deduction for qualified tuition and related expenses to increased income limitation on lifetime learning credit.
Sec. 105. Railroad track maintenance credit.
Sec. 106. Certain provisions related to beer, wine, and distilled spirits.
Sec. 107. Refunds in lieu of reduced rates for certain craft beverages produced outside the United States.
Sec. 108. Reduced rates not allowed for smuggled or illegally produced beer, wine, and spirits.
Sec. 109. Minimum processing requirements for reduced distilled spirits rates.
Sec. 110. Modification of single taxpayer rules.

Subtitle B—Certain Provisions Extended Through 2025

Sec. 111. Look-thru rule for related controlled foreign corporations.
Sec. 112. New markets tax credit.
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Sec. 114. Exclusion from gross income of discharge of qualified principal residence indebtedness.
Sec. 115. 7-year recovery period for motorsports entertainment complexes.
Sec. 116. Expensing rules for certain productions.
Sec. 117. Oil spill liability trust fund rate.
Sec. 118. Empowerment zone tax incentives.
Sec. 119. Employer credit for paid family and medical leave.
Sec. 120. Exclusion for certain employer payments of student loans.
Sec. 121. Extension of carbon oxide sequestration credit.

Subtitle C—Extension of Certain Other Provisions

Sec. 131. Credit for electricity produced from certain renewable resources.

Sec. 132. Extension and phaseout of energy credit.
Sec. 133. Treatment of mortgage insurance premiums as qualified residence interest.
Sec. 134. Credit for health insurance costs of eligible individuals.
Sec. 135. Indian employment credit.
Sec. 136. Mine rescue team training credit.
Sec. 137. Classification of certain race horses as 3-year property.
Sec. 138. Accelerated depreciation for business property on Indian reservations.
Sec. 139. American Samoa economic development credit.
Sec. 140. Second generation biofuel producer credit.
Sec. 141. Nonbusiness energy property.
Sec. 142. Qualified fuel cell motor vehicles.
Sec. 143. Alternative fuel refueling property credit.
Sec. 144. 2-wheeled plug-in electric vehicle credit.
Sec. 145. Production credit for Indian coal facilities.
Sec. 146. Energy efficient homes credit.
Sec. 147. Extension of excise tax credits relating to alternative fuels.
Sec. 148. Extension of residential energy-efficient property credit and inclusion of biomass fuel property expenditures.
Sec. 149. Black lung disability trust fund excise tax.

TITLE II—OTHER PROVISIONS

Sec. 201. Minimum low-income housing tax credit rate.
Sec. 202. Depreciation of certain residential rental property over 30-year period.
Sec. 203. Waste energy recovery property eligible for energy credit.
Sec. 204. Extension of energy credit for offshore wind facilities.
Sec. 205. Minimum rate of interest for certain determinations related to life insurance contracts.
Sec. 206. Clarifications and technical improvements to CARES Act employee retention credit.
Sec. 207. Extension and modification of employee retention and rehiring tax credit.
Sec. 208. Minimum age for distributions during working retirement.
Sec. 209. Temporary rule preventing partial plan termination.
Sec. 210. Temporary allowance of full deduction for business meals.
Sec. 211. Temporary special rule for determination of earned income.
Sec. 212. Certain charitable contributions deductible by non-itemizers.
Sec. 213. Modification of limitations on charitable contributions.
Sec. 214. Temporary special rules for health and dependent care flexible spending arrangements.

TITLE III—DISASTER TAX RELIEF

Sec. 301. Definitions.
Sec. 302. Special disaster-related rules for use of retirement funds.
Sec. 303. Employee retention credit for employers affected by qualified disasters.
Sec. 304. Other disaster-related tax relief provisions.
Sec. 305. Low-income housing tax credit.
Sec. 306. Treatment of certain possessions.

TITLE I—EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Certain Provisions Made Permanent

SEC. 101. REDUCTION IN MEDICAL EXPENSE DEDUCTION FLOOR.

(a) IN GENERAL.—Section 213 is amended— 26 USC 213.

(1) by striking "10 percent" in subsection (a) and inserting "7.5 percent", and

(2) by striking subsection (f).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020. 26 USC 213 note.

SEC. 102. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) DEDUCTION MADE PERMANENT.—Section 179D is amended by striking subsection (h).

(b) INFLATION ADJUSTMENT.—Section 179D, as amended by subsection (a), is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) INFLATION ADJUSTMENT.—In the case of a taxable year beginning after 2020, each dollar amount in subsection (b) or subsection (d)(1)(A) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

Determination.

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase determined under the preceding sentence which is not a multiple of 1 cent shall be rounded to the nearest cent.".

(c) UPDATE OF STANDARDS.—

(1) ASHRAE STANDARDS.—Section 179D(c) is amended—

(A) in paragraphs (1)(B)(ii) and (1)(D), by striking "Standard 90.1–2007" and inserting "Reference Standard 90.1", and

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

Definition.
Consultation.
Deadline.

"(2) REFERENCE STANDARD 90.1.—The term 'Reference Standard 90.1' means, with respect to any property, the most recent Standard 90.1 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America which has been affirmed by the Secretary, after consultation with the Secretary of Energy, for purposes of this section not later than the date that is 2 years before the date that construction of such property begins.".

(2) CALIFORNIA NONRESIDENTIAL ALTERNATIVE CALCULATION METHOD APPROVAL MANUAL.—Section 179D(d)(2) is amended by striking ", based on the provisions of the 2005 California Nonresidential Alternative Calculation Method Approval Manual" and inserting "with respect to any property, based on the provisions of the most recent California Nonresidential Alternative Calculation Method Approval Manual which has been affirmed by the Secretary, after consultation with the Secretary of Energy, for purposes of this section not later than the date that is 2 years before the date that construction of such property begins".

26 USC 179D note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 103. BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

26 USC 139B.

(a) IN GENERAL.—Section 139B is amended by striking subsection (d).

26 USC 139B note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 104. TRANSITION FROM DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES TO INCREASED INCOME LIMITATION ON LIFETIME LEARNING CREDIT.

(a) INCREASED INCOME LIMITATIONS FOR PHASEOUT OF LIFETIME LEARNING CREDIT.—

(1) IN GENERAL.—Section 25A(d) is amended by striking paragraphs (1) and (2), by redesignating paragraph (3) as paragraph (2), and by inserting before paragraph (2) (as so redesignated) the following new paragraph: 26 USC 25A.

"(1) IN GENERAL.—The American Opportunity Tax Credit and the Lifetime Learning Credit shall each (determined without regard to this paragraph) be reduced (but not below zero) by the amount which bears the same ratio to each such credit (as so determined) as—

"(A) the excess of—

"(i) the taxpayer's modified adjusted gross income for such taxable year, over

"(ii) $80,000 ($160,000 in the case of a joint return), bears to

"(B) $10,000 ($20,000 in the case of a joint return).".

(2) CONFORMING AMENDMENT.—Section 25A is amended by striking subsection (h).

(b) REPEAL OF DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 is amended by striking section 222 (and by striking the item relating to such section in the table of sections for such part). 26 USC prec. 211.

(2) CONFORMING AMENDMENTS.—

(A) Section 62(a) is amended by striking paragraph (18).

(B) Section 74(d)(2)(B) is amended by striking "222,".

(C) Section 86(b)(2)(A) is amended by striking "222,".

(D) Section 135(c)(4)(A) is amended by striking "222,".

(E) Section 137(b)(3)(A) is amended by striking "222,".

(F) Section 219(g)(3)(A)(ii) is amended by striking "222,".

(G) Section 221(b)(2)(C)(i) is amended by striking "222,".

(H) Section 469(i)(3)(E)(iii) is amended by striking "222,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020. 26 USC 25A note.

SEC. 105. RAILROAD TRACK MAINTENANCE CREDIT.

(a) MADE PERMANENT.—Section 45G is amended by striking subsection (f).

(b) MODIFICATION OF CREDIT RATE.—Section 45G(a) is amended by striking "50 percent" and inserting "40 percent (50 percent in the case of any taxable year beginning before January 1, 2023)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act. 26 USC 45G note.

SEC. 106. CERTAIN PROVISIONS RELATED TO BEER, WINE, AND DISTILLED SPIRITS.

(a) PRODUCTION PERIOD FOR BEER, WINE, AND DISTILLED SPIRITS.—

(1) IN GENERAL.—Section 263A(f)(4) is amended to read as follows:

"(4) EXEMPTION FOR AGING PROCESS OF BEER, WINE, AND DISTILLED SPIRITS.—For purposes of this subsection, the production period shall not include the aging period for—

"(A) beer (as defined in section 5052(a)),

"(B) wine (as described in section 5041(a)), or

"(C) distilled spirits (as defined in section 5002(a)(8)), except such spirits that are unfit for use for beverage purposes.".

26 USC 263A note.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to interest costs paid or accrued after December 31, 2020.

(b) REDUCED RATE OF EXCISE TAX ON BEER.—

26 USC 5051.

(1) IN GENERAL.—Section 5051(a)(1) is amended to read as follows:

"(1) IN GENERAL.—

"(A) IMPOSITION OF TAX.—A tax is hereby imposed on all beer brewed or produced, and removed for consumption or sale, within the United States, or imported into the United States. Except as provided in paragraph (2), the rate of such tax shall be—

"(i) $16 on the first 6,000,000 barrels of beer—

"(I) brewed by the brewer and removed during the calendar year for consumption or sale, or

"(II) imported by the importer into the United States during the calendar year, and

"(ii) $18 on any barrels of beer to which clause (i) does not apply.

"(B) BARREL.—For purposes of this section, a barrel shall contain not more than 31 gallons of beer, and any tax imposed under this section shall be applied at a like rate for any other quantity or for fractional parts of a barrel.".

(2) REDUCED RATE FOR CERTAIN DOMESTIC PRODUCTION.—Section 5051(a)(2)(A) is amended—

(A) in the heading, by inserting " $3.50 A BARREL" before "RATE", and

(B) by striking " $7" and all that follows through "January 1, 2021)" and inserting " $3.50".

(3) APPLICATION OF REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.—Section 5051(a) is amended—

(A) in paragraph (1)(A)(i)(II), as amended by paragraph (1) of this subsection, by inserting "but only if the importer is an electing importer under paragraph (4) and the barrels have been assigned to the importer pursuant to such paragraph" after "during the calendar year", and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking "paragraph (1)(C)" and inserting "paragraph (1)(A)", and

(ii) in subparagraph (B), by striking "The Secretary" and inserting "The Secretary, after consultation with the Secretary of the Department of Homeland Security,".

(4) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—Section 5051(a)(5) is amended by striking "paragraph (1)(C)(i)" each place it appears and inserting "paragraph (1)(A)(i)".

26 USC 5051 note.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to beer removed after December 31, 2020.

(c) TRANSFER OF BEER BETWEEN BONDED FACILITIES.—

(1) IN GENERAL.—Section 5414 is amended to read as follows:

"SEC. 5414. TRANSFER OF BEER BETWEEN BONDED FACILITIES.

"(a) IN GENERAL.—Beer may be removed from one brewery to another brewery, without payment of tax, and may be mingled with beer at the receiving brewery, subject to such conditions, including payment of the tax, and in such containers, as the Secretary by regulations shall prescribe, which shall include—

"(1) any removal from one brewery to another brewery belonging to the same brewer,

"(2) any removal from a brewery owned by one corporation to a brewery owned by another corporation when—

"(A) one such corporation owns the controlling interest in the other such corporation, or

"(B) the controlling interest in each such corporation is owned by the same person or persons, and

"(3) any removal from one brewery to another brewery when—

"(A) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and

"(B) the transferor has divested itself of all interest in the beer so transferred and the transferee has accepted responsibility for payment of the tax.

"(b) TRANSFER OF LIABILITY FOR TAX.—For purposes of subsection (a)(3), such relief from liability shall be effective from the time of removal from the transferor's premises, or from the time of divestment of interest, whichever is later.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any calendar quarters beginning after December 31, 2020. 26 USC 5414 note.

(d) REDUCED RATE OF EXCISE TAX ON CERTAIN WINE.—

(1) IN GENERAL.—Section 5041(c) is amended— 26 USC 5041.

(A) in the heading, by striking "FOR SMALL DOMESTIC PRODUCERS",

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

"(1) ALLOWANCE OF CREDIT.—

"(A) IN GENERAL.—There shall be allowed as a credit against any tax imposed by this title (other than chapters 2, 21, and 22) an amount equal to the sum of—

"(i) $1 per wine gallon on the first 30,000 wine gallons of wine, plus

"(ii) 90 cents per wine gallon on the first 100,000 wine gallons of wine to which clause (i) does not apply, plus

"(iii) 53.5 cents per wine gallon on the first 620,000 wine gallons of wine to which clauses (i) and (ii) do not apply,

which are produced by the producer and removed during the calendar year for consumption or sale, or which are imported by the importer into the United States during the calendar year.

"(B) ADJUSTMENT OF CREDIT FOR HARD CIDER.—In the case of wine described in subsection (b)(6), subparagraph (A) of this paragraph shall be applied—

"(i) in clause (i) of such subparagraph, by substituting '6.2 cents' for ' $1',

"(ii) in clause (ii) of such subparagraph, by substituting '5.6 cents' for '90 cents', and

"(iii) in clause (iii) of such subparagraph, by substituting '3.3 cents' for '53.5 cents'.",

(C) by striking paragraphs (2) and (8),

(D) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively,

(E) by redesignating paragraph (9) as paragraph (6), and

(F) by amending paragraph (7) to read as follows:

"(7) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations to ensure proper calculation of the credit provided in this subsection.".

(2) ALLOWANCE OF CREDIT FOR FOREIGN MANUFACTURERS AND IMPORTERS.—Section 5041(c), as amended by paragraph (1), is amended—

(A) in paragraph (1)(A), by inserting "but only if the importer is an electing importer under paragraph (6) and the wine gallons of wine have been assigned to the importer pursuant to such paragraph" after "into the United States during the calendar year", and

(B) in paragraph (6)—

(i) in subparagraph (A), by striking "paragraph (8)" and inserting "paragraph (1)",

(ii) in subparagraph (B), by striking "The Secretary" and inserting "The Secretary of the Treasury, after consultation with the Secretary of the Department of Homeland Security,", and

(iii) in subparagraph (C), by striking "paragraph (4)" and inserting "paragraph (3)".

26 USC 5041 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wine removed after December 31, 2020.

(e) ADJUSTMENT OF ALCOHOL CONTENT LEVEL FOR APPLICATION OF EXCISE TAX RATES.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 5041(b) are each amended by striking "14 percent" and all that follows through "January 1, 2021" and inserting "16 percent".

26 USC 5041 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wine removed after December 31, 2020.

(f) DEFINITION OF MEAD AND LOW ALCOHOL BY VOLUME WINE.—

(1) IN GENERAL.—Section 5041(h) is amended—

(A) in paragraph (2), by striking "the Secretary shall" each place it appears and inserting "the Secretary may", and

(B) by striking paragraph (3).

26 USC 5041 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wine removed after December 31, 2020.

(g) REDUCED RATE OF EXCISE TAX ON CERTAIN DISTILLED SPIRITS.—

26 USC 5001.

(1) IN GENERAL.—Section 5001(c) is amended—

(A) in the heading, by striking "TEMPORARY REDUCED RATE" and inserting "REDUCED RATE",

(B) in paragraph (3)(B), by striking "The Secretary" and inserting "The Secretary of the Treasury, after consultation with the Secretary of the Department of Homeland Security,", and

(C) by striking paragraph (4).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distilled spirits removed after December 31, 2020. 26 USC 5001 note.

(h) BULK DISTILLED SPIRITS.—

(1) IN GENERAL.—Section 5212 is amended by striking "and before January 1, 2021," and inserting "between bonded premises belonging to the same person or members of the same controlled group (within the meaning of section 5001(c)(2))". 26 USC 5212.

(2) NON-BULK TRANSFERS RELATED TO BOTTLING OR STORAGE.—Section 5212 is amended by adding at the end the following new sentence: "In the case of distilled spirits transferred in bond from the person who distilled or processed such distilled spirits (hereinafter referred to as 'transferor') to another person for bottling or storage of such distilled spirits, and returned to the transferor for removal, this section shall be applied without regard to whether distilled spirits are bulk distilled spirits, but only if the transferor retains title during the entire period between such distillation, or processing, and removal.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distilled spirits transferred in bond after December 31, 2020. 26 USC 5212 note.

(i) SIMPLIFICATION OF RULES REGARDING RECORDS, STATEMENTS, AND RETURNS.—

(1) IN GENERAL.—Section 5555(a) is amended by striking "For calendar quarters beginning after the date of the enactment of this sentence, and before January 1, 2021, the Secretary" and inserting "The Secretary".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to calendar quarters beginning after December 31, 2020. 26 USC 5555 note.

SEC. 107. REFUNDS IN LIEU OF REDUCED RATES FOR CERTAIN CRAFT BEVERAGES PRODUCED OUTSIDE THE UNITED STATES. Determinations.

(a) DISTILLED SPIRITS.—

(1) IN GENERAL.—Section 5001(c), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(4) REFUNDS IN LIEU OF REDUCED RATES FOR FOREIGN PRODUCTION REMOVED AFTER DECEMBER 31, 2022.—

"(A) IN GENERAL.—In the case of any proof gallons of distilled spirits which have been produced outside the United States and imported into the United States, if such proof gallons of distilled spirits are removed after December 31, 2022—

"(i) paragraph (1) shall not apply, and

"(ii) the amount determined under subparagraph (B) shall be allowed as a refund, determined for periods not less frequently than quarterly, to the importer in the same manner as if such amount were an overpayment of tax imposed by this section. Time period.

"(B) AMOUNT OF REFUND.—The amount determined under this subparagraph with respect to any importer for any period is an amount equal to the sum of—

"(i) the excess (if any) of—

"(I) the amount of tax imposed under this subpart on proof gallons of distilled spirits referred

to in subparagraph (A) which were removed during such period, over

"(II) the amount of tax which would have been imposed under this subpart on such proof gallons of distilled spirits if this section were applied without regard to this paragraph, plus

"(ii) the amount of interest which would be allowed and paid on an overpayment of tax at the overpayment rate established under section 6621(a)(1) (without regard to the second sentence thereof) were such rate applied to the excess (if any) determined under clause (i) for the number of days in the filing period for which the refund under this paragraph is being determined.

"(C) APPLICATION OF RULES RELATED TO ELECTIONS AND ASSIGNMENTS.—Subparagraph (A)(ii) shall apply only if the importer is an electing importer under paragraph (3) and the proof gallons of distilled spirits have been assigned to the importer pursuant to such paragraph.

Applicability.

"(D) RULES FOR REFUNDS WITHIN 90 DAYS.—For purposes of refunds allowed under this paragraph, section 6611(e) shall be applied by substituting '90 days' for '45 days' each place it appears.".

(2) COORDINATION WITH DETERMINATION FOR COVER OVER TO PUERTO RICO AND VIRGIN ISLANDS.—

26 USC 7652.

(A) IN GENERAL.—Section 7652 is amended by adding at the end the following new subsection:

"(i) DETERMINATION OF TAXES COLLECTED.—For purposes of subsections (a)(3), (b)(3), and (e)(1), refunds under section 5001(c)(4) shall not be taken into account as a refund, and the amount of taxes imposed by and collected under section 5001(a)(1) shall be determined without regard to section 5001(c).".

(B) CONFORMING AMENDMENT.—Section 7652(e) is amended by striking paragraph (5).

26 USC 5001 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distilled spirits brought into the United States and removed after December 31, 2022.

(b) BEER.—

(1) IN GENERAL.—Section 5051(a) is amended by adding at the end the following new paragraph:

"(6) REFUNDS IN LIEU OF REDUCED RATES FOR FOREIGN PRODUCTION REMOVED AFTER DECEMBER 31, 2022.—

"(A) IN GENERAL.—In the case of any barrels of beer which have been produced outside the United States and imported into the United States, if such barrels of beer are removed after December 31, 2022—

"(i) paragraph (1)(A)(i) shall not apply, and

"(ii) the amount determined under subparagraph (B) shall be allowed as a refund, determined for periods not less frequently than quarterly, to the importer in the same manner as if such amount were an overpayment of tax imposed by this section.

"(B) AMOUNT OF REFUND.—The amount determined under this subparagraph with respect to any importer for any period is an amount equal to the sum of—

"(i) excess (if any) of—

"(I) the amount of tax imposed under this section on barrels of beer referred to in subparagraph (A) which were removed during such period, over

"(II) the amount of tax which would have been imposed under this section on such barrels of beer if this section were applied without regard to this paragraph, plus

"(ii) the amount of interest which would be allowed and paid on an overpayment of tax at the overpayment rate established under section 6621(a)(1) (without regard to the second sentence thereof) were such rate applied to the excess (if any) determined under clause (i) for the number of days in the filing period for which the refund under this paragraph is being determined.

"(C) APPLICATION OF RULES RELATED TO ELECTIONS AND ASSIGNMENTS.—Subparagraph (A)(ii) shall apply only if the importer is an electing importer under paragraph (4) and the barrels of beer have been assigned to the importer pursuant to such paragraph.

"(D) RULES FOR REFUNDS WITHIN 90 DAYS.—For purposes of refunds allowed under this paragraph, section 6611(e) shall be applied by substituting '90 days' for '45 days' each place it appears.". Applicability.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to beer removed after December 31, 2022. 26 USC 5051 note.

(c) WINE.—

(1) IN GENERAL.—Section 5041(c), as amended by the preceding provisions of this Act, is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph: 26 USC 5041.

"(7) REFUNDS IN LIEU OF TAX CREDITS FOR FOREIGN PRODUCTION REMOVED AFTER DECEMBER 31, 2022.—

"(A) IN GENERAL.—In the case of any wine gallons of wine which have been produced outside the United States and imported into the United States, if such wine gallons are removed after December 31, 2022—

"(i) paragraph (1) shall not apply, and

"(ii) the amount determined under subparagraph (B) shall be allowed as a refund, determined for periods not less frequently than quarterly, to the importer in the same manner as if such amount were an overpayment of tax imposed by this section.

"(B) AMOUNT OF REFUND.—The amount determined under this subparagraph with respect to any importer for any period is an amount equal to the sum of—

"(i) excess (if any) of—

"(I) the amount of tax imposed under this section on wine gallons of wine referred to in subparagraph (A) which were removed during such period, over

"(II) the amount of tax which would have been imposed under this section (including any allowable credits) on such gallons of wine if this section were applied without regard to this paragraph, plus

"(ii) the amount of interest which would be allowed and paid on an overpayment of tax at the overpayment rate established under section 6621(a)(1) (without regard to the second sentence thereof) were such rate applied to the excess (if any) determined under clause (i) for the number of days in the filing period for which the refund under this paragraph is being determined.

"(C) APPLICATION OF RULES RELATED TO ELECTIONS AND ASSIGNMENTS.—Subparagraph (A)(ii) shall apply only if the importer is an electing importer under paragraph (6) and the wine gallons of wine have been assigned to the importer pursuant to such paragraph.

Applicability.

"(D) RULES FOR REFUNDS WITHIN 90 DAYS.—For purposes of refunds allowed under this paragraph, section 6611(e) shall be applied by substituting '90 days' for '45 days' each place it appears.".

26 USC 5041 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wine removed after December 31, 2022.

(d) INFORMATION REPORTING IN CASE OF ASSIGNMENT OF LOWER RATES OR REFUNDS BY FOREIGN PRODUCERS OF BEER, WINE, AND DISTILLED SPIRITS.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038D the following new section:

26 USC 6038E.

"SEC. 6038E. INFORMATION WITH RESPECT TO ASSIGNMENT OF LOWER RATES OR REFUNDS BY FOREIGN PRODUCERS OF BEER, WINE, AND DISTILLED SPIRITS.

"Any foreign producer that elects to make an assignment described in section 5001(c), 5041(c), or 5051(a) shall provide such information, at such time and in such manner, as the Secretary may prescribe in order to make such assignment, including information about the controlled group structure of such foreign producer.".

(2) CLERICAL AMENDMENT.—Table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038D the following new item:

26 USC prec. 6031.

"Sec. 6038E. Information with respect to assignment of lower rates or refunds by foreign producers of beer, wine, and distilled spirits.".

Applicability. 26 USC 6038E note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to elections to make an assignment under section 5001(c), 5041(c), or 5051(a) of the Internal Revenue Code of 1986 after December 31, 2020.

Coordination. 26 USC 5001 note.

(e) ADMINISTRATION OF REFUNDS.—The Secretary of the Treasury (or the Secretary's delegate within the Department of the Treasury) shall implement and administer sections 5001(c)(4), 5041(c)(7), and 5051(a)(6) of the Internal Revenue Code of 1986, as added by this Act, in coordination with the United States Customs and Border Protection of the Department of Homeland Security.

Requirement. 26 USC 5001 note.

(f) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate within the Department of the Treasury) shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations to require foreign producers to provide information necessary to

enforce the volume limitations under sections 5001(c), 5041(c), and 5051(a) of such Code.

(g) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate within the Department of the Treasury) shall, in coordination with the United States Customs and Border Protection of the Department of Homeland Security, prepare, submit to Congress, and make publicly available a report detailing the plans for implementing and administering sections 5001(c)(4), 5041(c)(7), and 5051(a)(6) of such Code, as added by this Act. Coordination. Public information.

SEC. 108. REDUCED RATES NOT ALLOWED FOR SMUGGLED OR ILLEGALLY PRODUCED BEER, WINE, AND SPIRITS.

(a) IN GENERAL.—Subpart E of part I of subchapter A of chapter 51 is amended by redesignating section 5067 as section 5068 and by inserting after section 5066 the following new section: 26 USC 5068.

"SEC. 5067. REDUCED RATES NOT ALLOWED FOR SMUGGLED OR ILLEGALLY PRODUCED BEER, WINE, OR SPIRITS. 26 USC 5067.

"In the case of beer, wine, or distilled spirits that are smuggled into the United States or produced other than as authorized by this chapter—

"(1) the rates of tax under paragraphs (1)(A)(i) and (2) of section 5051(a) shall not apply in the case of any such beer,

"(2) the credit under section 5041(c) shall not apply in the case of any such wine, and

"(3) the rates of tax under section 5001(c) shall not apply in the case of any such distilled spirits.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart E of part I of subchapter A of chapter 51 is amended by striking the last item and inserting the following new items: 26 USC prec. 5061.

"Sec. 5067. Reduced rates not allowed for illegally produced beer, wine, or spirits.
"Sec. 5068. Cross reference.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to beer, wine, or distilled spirits, as the case may be, produced after the date of the enactment of this Act. 26 USC 5067 note.

SEC. 109. MINIMUM PROCESSING REQUIREMENTS FOR REDUCED DISTILLED SPIRITS RATES.

(a) IN GENERAL.—Section 5001(c), as amended by the preceding provisions of this Act, is amended by adding at the end the following:

"(5) PROCESSED DISTILLED SPIRITS.—A distilled spirit shall not be treated as processed for purposes of this subsection unless a process described in section 5002(a)(5)(A) (other than bottling) is performed with respect to such distilled spirit.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits removed after December 31, 2021. 26 USC 5001 note.

SEC. 110. MODIFICATION OF SINGLE TAXPAYER RULES.

(a) BEER.—Section 5051(a)(5)(C) is amended by striking "marketed under a similar brand, license" and inserting "under a license". 26 USC 5051.

(b) WINE.—For single taxpayer rules relating to wine, see cross reference under section 5041(c)(3) of the Internal Revenue Code of 1986, as redesignated by this Act.

(c) DISTILLED SPIRITS.—

26 USC 5001.

(1) IN GENERAL.—Section 5001(c)(2)(D) is amended by striking "marketed under a similar brand, license" and inserting "under a license".

(2) APPLICATION TO PROCESSORS.—Section 5001(c)(2)(D) is further amended by inserting "or process" after "that produce".

26 USC 5001 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to beer, wine, and distilled spirits removed after December 31, 2020.

Subtitle B—Certain Provisions Extended Through 2025

SEC. 111. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 954(c)(6)(C) is amended by striking "January 1, 2021" and inserting "January 1, 2026".

Applicability.
26 USC 954 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2020, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 112. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Section 45D(f)(1)(H) is amended by striking "2020" and inserting "for each of calendar years 2020 through 2025".

(b) CARRYOVER OF UNUSED LIMITATION.—Section 45D(f)(3) is amended by striking "2025" and inserting "2030".

26 USC 45D note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2020.

SEC. 113. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Section 51(c)(4) is amended by striking "December 31, 2020" and inserting "December 31, 2025".

26 USC 51 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2020.

SEC. 114. EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Section 108(a)(1)(E) is amended by striking "January 1, 2021" both places it appears and inserting "January 1, 2026".

(b) MODIFICATION OF MAXIMUM ACQUISITION INDEBTEDNESS TAKEN INTO ACCOUNT.—Section 108(h)(2) is amended by striking " $2,000,000 ($1,000,000" and inserting " $750,000 ($375,000".

26 USC 108 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2020.

SEC. 115. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Section 168(i)(15)(D) is amended by striking "December 31, 2020" and inserting "December 31, 2025".

26 USC 168 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2020.

SEC. 116. EXPENSING RULES FOR CERTAIN PRODUCTIONS.

(a) EXTENSION.—Section 181(g) is amended by striking "December 31, 2020" and inserting "December 31, 2025". 26 USC 181.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2020. 26 USC 181 note.

SEC. 117. OIL SPILL LIABILITY TRUST FUND RATE.

(a) IN GENERAL.—Section 4611(f)(2) is amended by striking "December 31, 2020" and inserting "December 31, 2025".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on and after January 1, 2021. 26 USC 4611 note.

SEC. 118. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391(d)(1)(A)(i) is amended by striking "December 31, 2020" and inserting "December 31, 2025".

(b) TERMINATION OF INCREASE IN EXPENSING UNDER SECTION 179.—Section 1397A is amended by adding at the end the following new subsection:

"(c) TERMINATION.—This section shall not apply to any property placed in service in taxable years beginning after December 31, 2020.".

(c) TERMINATION OF NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.—Section 1397B is amended by adding at the end the following new subsection:

"(c) TERMINATION.—This section shall not apply to sales in taxable years beginning after December 31, 2020.".

(d) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide. 26 USC 1391 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020. 26 USC 1391 note.

SEC. 119. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Section 45S(i) is amended by striking "December 31, 2020" and inserting "December 31, 2025".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to wages paid in taxable years beginning after December 31, 2020. 26 USC 45S note.

SEC. 120. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.

(a) IN GENERAL.—Section 127(c)(1)(B) is amended by striking "January 1, 2021" and inserting "January 1, 2026".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2020. 26 USC 127 note.

SEC. 121. EXTENSION OF CARBON OXIDE SEQUESTRATION CREDIT.

Section 45Q(d)(1) is amended by striking "January 1, 2024" and inserting "January 1, 2026".

Subtitle C—Extension of Certain Other Provisions

SEC. 131. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

26 USC 45.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking "January 1, 2021" each place it appears and inserting "January 1, 2022":

(1) Paragraph (1).
(2) Paragraph (2)(A).
(3) Paragraph (3)(A).
(4) Paragraph (4)(B).
(5) Paragraph (6).
(6) Paragraph (7).
(7) Paragraph (9).
(8) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking "January 1, 2021" and inserting "January 1, 2022".

(c) CONFORMING AMENDMENTS RELATED TO APPLICATION OF PHASEOUT PERCENTAGE.—

(1) Section 45(b)(5)(D) is amended by striking "January 1, 2021" and inserting "January 1, 2022".

(2) Section 48(a)(5)(E)(iv) is amended by striking "January 1, 2021" and inserting "January 1, 2022".

26 USC 45 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2021.

SEC. 132. EXTENSION AND PHASEOUT OF ENERGY CREDIT.

(a) EXTENSIONS.—Section 48 is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A)(i)(II), by striking "January 1, 2022" and inserting "January 1, 2024", and

(B) in paragraph (3)(A)—

(i) in clause (ii), by striking "January 1, 2022" and inserting "January 1, 2024", and

(ii) in clause (vii), by striking "January 1, 2022" and inserting "January 1, 2024", and

(2) in subsection (c)—

(A) in paragraph (1)(D), by striking "January 1, 2022" and inserting "January 1, 2024",

(B) in paragraph (2)(D), by striking "January 1, 2022" and inserting "January 1, 2024",

(C) in paragraph (3)(A)(iv), by striking "January 1, 2022" and inserting "January 1, 2024", and

(D) in paragraph (4)(C), by striking "January 1, 2022" and inserting "January 1, 2024".

(b) PHASEOUTS.—

(1) SOLAR ENERGY PROPERTY.—Section 48(a)(6) is amended—

(A) in subparagraph (A)—

(i) by striking "January 1, 2022, the energy percentage" and inserting "January 1, 2024, the energy percentage",

(ii) in clause (i), by striking "January 1, 2021" and inserting "January 1, 2023", and

(iii) in clause (ii), by striking "after December 31, 2020, and before January 1, 2022" and inserting "after December 31, 2022, and before January 1, 2024", and

(B) in subparagraph (B), by striking "begins before January 1, 2022, and which is not placed in service before January 1, 2024" and inserting "begins before January 1, 2024, and which is not placed in service before January 1, 2026".

(2) FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(a)(7) is amended— 26 USC 48.

(A) in subparagraph (A)—

(i) in clause (i), by striking "January 1, 2021" and inserting "January 1, 2023", and

(ii) in clause (ii), by striking "after December 31, 2020, and before January 1, 2022" and inserting "after December 31, 2022, and before January 1, 2024", and

(B) in subparagraph (B), by striking "January 1, 2024" and inserting "January 1, 2026".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020. 26 USC 48 note.

SEC. 133. TREATMENT OF MORTGAGE INSURANCE PREMIUMS AS QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Section 163(h)(3)(E)(iv)(I) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2020. 26 USC 163 note.

SEC. 134. CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 35(b)(1)(B) is amended by striking "January 1, 2021" and inserting "January 1, 2022".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning after December 31, 2020. 26 USC 35 note.

SEC. 135. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020. 26 USC 45A note.

SEC. 136. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Section 45N(e) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2020. 26 USC 45N note.

SEC. 137. CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(A)(i) is amended—

(1) by striking "January 1, 2021" in subclause (I) and inserting "January 1, 2022", and

(2) by striking "December 31, 2020" in subclause (II) and inserting "December 31, 2021".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020. 26 USC 168 note.

SEC. 138. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

26 USC 168.

(a) IN GENERAL.—Section 168(j)(9) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

26 USC 168 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2020.

SEC. 139. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

26 USC 30A note.

(a) IN GENERAL.—Section 119(d) of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "January 1, 2021" each place it appears and inserting "January 1, 2022",

(2) by striking "first 15 taxable years" in paragraph (1) and inserting "first 16 taxable years", and

(3) by striking "first 9 taxable years" in paragraph (2) and inserting "first 10 taxable years".

26 USC 30A note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 140. SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking "January 1, 2021" and inserting "January 1, 2022".

26 USC 40 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to qualified second generation biofuel production after December 31, 2020.

SEC. 141. NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g)(2) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

26 USC 25C note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2020.

SEC. 142. QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

26 USC 30B note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2020.

SEC. 143. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

26 USC 30C note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2020.

SEC. 144. 2-WHEELED PLUG-IN ELECTRIC VEHICLE CREDIT.

(a) IN GENERAL.—Section 30D(g)(3)(E)(ii) is amended by striking "January 1, 2021" and inserting "January 1, 2022".

26 USC 30D note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after December 31, 2020.

SEC. 145. PRODUCTION CREDIT FOR INDIAN COAL FACILITIES.

(a) IN GENERAL.—Section 45(e)(10)(A) is amended by striking "15-year period" each place it appears and inserting "16-year period".

26 USC 45 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coal produced after December 31, 2020.

SEC. 146. ENERGY EFFICIENT HOMES CREDIT.

(a) IN GENERAL.—Section 45L(g) is amended by striking "December 31, 2020" and inserting "December 31, 2021". 26 USC 45L.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2020. 26 USC 45L note.

SEC. 147. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking "December 31, 2020" and inserting "December 31, 2021".

(b) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2020. 26 USC 6426 note.

SEC. 148. EXTENSION OF RESIDENTIAL ENERGY-EFFICIENT PROPERTY CREDIT AND INCLUSION OF BIOMASS FUEL PROPERTY EXPENDITURES.

(a) EXTENSION.—

(1) IN GENERAL.—Section 25D(h) is amended by striking "December 31, 2021" and inserting "December 31, 2023".

(2) PHASEDOWN.—Section 25D(g) is amended—

(A) by striking "January 1, 2021" in paragraph (2) and inserting "January 1, 2023", and

(B) by striking "after December 31, 2020, and before January 1, 2022" in paragraph (3) and inserting "after December 31, 2022, and before January 1, 2024".

(b) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (4), by inserting "and" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) the qualified biomass fuel property expenditures, and".

(2) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES DEFINED.—Section 25D(d) is amended by adding at the end the following new paragraph: Definitions.

"(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

"(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

"(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

"(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis.".

(3) DENIAL OF DOUBLE BENEFIT FOR BIOMASS STOVES.—

(A) IN GENERAL.—Section 25C(d)(3) is amended by adding "and" at the end of subparagraph (C), by striking ", and" at the end of subparagraph (D) and inserting a period, and by striking subparagraph (E).

26 USC 35C.

(B) CONFORMING AMENDMENT.—Section 25C(d) is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—

26 USC 25D note.

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2020.

26 USC 25C note.

(2) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—The amendments made by subsection (b) shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2020.

SEC. 149. BLACK LUNG DISABILITY TRUST FUND EXCISE TAX.

(a) IN GENERAL.—Section 4121(e)(2)(A) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

26 USC 4121 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2020.

TITLE II—OTHER PROVISIONS

SEC. 201. MINIMUM LOW-INCOME HOUSING TAX CREDIT RATE.

(a) IN GENERAL.—Subsection (b) of section 42 is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

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

"(3) MINIMUM CREDIT RATE.—In the case of any new or existing building to which paragraph (2) does not apply and which is placed in service by the taxpayer after December 31, 2020, the applicable percentage shall not be less than 4 percent.".

Applicability. 26 USC 42 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any building which receives an allocation of housing credit dollar amount after December 31, 2020, and

(2) in the case of any building any portion of which is financed with an obligation described in section 42(h)(4)(A), any such building if any such obligation which so finances such building is issued after December 31, 2020.

SEC. 202. DEPRECIATION OF CERTAIN RESIDENTIAL RENTAL PROPERTY OVER 30-YEAR PERIOD.

26 USC 168 note.

Section 13204(b) of Public Law 115–97 is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)", and

(2) by adding at the end the following:

"(3) CERTAIN RESIDENTIAL RENTAL PROPERTY.—In the case of any residential rental property—

"(A) which was placed in service before January 1, 2018,

"(B) which is held by an electing real property trade or business (as defined in section 163(j)(7)(B) of the Internal Revenue Code of 1986), and

"(C) for which subparagraph (A), (B), (C), (D), or (E) of section 168(g)(1) of the Internal Revenue Code of 1986 did not apply prior to such date,

the amendments made by subsection (a)(3)(C) shall apply to taxable years beginning after December 31, 2017.".

SEC. 203. WASTE ENERGY RECOVERY PROPERTY ELIGIBLE FOR ENERGY CREDIT.

(a) IN GENERAL.—Section 48(a)(3)(A) is amended by striking "or" at the end of clause (vi), by inserting "or" at the end of clause (vii), and by adding at the end the following new clause: 26 USC 48.

"(viii) waste energy recovery property,".

(b) APPLICATION OF 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking "and" at the end of subclause (III) and by adding at the end the following new subclause:

"(V) waste energy recovery property, and".

(c) APPLICATION OF PHASEOUT.—Section 48(a)(7) is amended—

(1) by inserting "waste energy recovery property," after "qualified small wind property,", and

(2) by striking "FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND" in the heading thereof and inserting "CERTAIN OTHER".

(d) DEFINITION.—Section 48(c) is amended by adding at the end the following new paragraphs:

"(5) WASTE ENERGY RECOVERY PROPERTY.—

"(A) IN GENERAL.—The term 'waste energy recovery property' means property that generates electricity solely from heat from buildings or equipment if the primary purpose of such building or equipment is not the generation of electricity.

"(B) CAPACITY LIMITATION.—The term 'waste energy recovery property' shall not include any property which has a capacity in excess of 50 megawatts.

"(C) NO DOUBLE BENEFIT.—Any waste energy recovery property (determined without regard to this subparagraph) which is part of a system which is a combined heat and power system property shall not be treated as waste energy recovery property for purposes of this section unless the taxpayer elects to not treat such system as a combined heat and power system property for purposes of this section.

"(D) TERMINATION.—The term 'waste energy recovery property' shall not include any property the construction of which does not begin before January 1, 2024.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2020, under rules similar to the rules of section 48(m) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990. Applicability. 26 USC 48 note.

SEC. 204. EXTENSION OF ENERGY CREDIT FOR OFFSHORE WIND FACILITIES.

(a) IN GENERAL.—Section 48(a)(5) is amended by adding at the end the following new subparagraph:

"(F) QUALIFIED OFFSHORE WIND FACILITIES.—

"(i) IN GENERAL.—In the case of any qualified offshore wind facility—

"(I) subparagraph (C)(ii) shall be applied by substituting 'January 1, 2026' for 'January 1, 2022',

"(II) subparagraph (E) shall not apply, and

"(III) for purposes of this paragraph, section 45(d)(1) shall be applied by substituting 'January 1, 2026" for 'January 1, 2022'.

"(ii) QUALIFIED OFFSHORE WIND FACILITY.—For purposes of this subparagraph, the term 'qualified offshore wind facility' means a qualified facility (within the meaning of section 45) described in paragraph (1) of section 45(d) (determined without regard to any date by which the construction of the facility is required to begin) which is located in the inland navigable waters of the United States or in the coastal waters of the United States.".

26 USC 48 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to periods after December 31, 2016, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 205. MINIMUM RATE OF INTEREST FOR CERTAIN DETERMINATIONS RELATED TO LIFE INSURANCE CONTRACTS.

(a) MODIFICATION OF MINIMUM RATE FOR PURPOSES OF CASH VALUE ACCUMULATION TEST.—

26 USC 7702.

(1) IN GENERAL.—Section 7702(b)(2)(A) is amended by striking "an annual effective rate of 4 percent" and inserting "the applicable accumulation test minimum rate".

(2) APPLICABLE ACCUMULATION TEST MINIMUM RATE.—Section 7702(b) is amended by adding at the end the following new paragraph:

Definition.

"(3) APPLICABLE ACCUMULATION TEST MINIMUM RATE.—For purposes of paragraph (2)(A), the term 'applicable accumulation test minimum rate' means the lesser of—

"(A) an annual effective rate of 4 percent, or

"(B) the insurance interest rate (as defined in subsection (f)(11)) in effect at the time the contract is issued.".

(b) MODIFICATION OF MINIMUM RATE FOR PURPOSES OF GUIDELINE PREMIUM REQUIREMENTS.—

(1) IN GENERAL.—Section 7702(c)(3)(B)(iii) is amended by striking "an annual effective rate of 6 percent" and inserting "the applicable guideline premium minimum rate".

(2) APPLICABLE GUIDELINE PREMIUM MINIMUM RATE.—Section 7702(c)(3) is amended by adding at the end the following new subparagraph:

"(E) APPLICABLE GUIDELINE PREMIUM MINIMUM RATE.—For purposes of subparagraph (B)(iii), the term 'applicable guideline premium minimum rate' means the applicable accumulation test minimum rate (as defined in subsection (b)(3)) plus 2 percentage points.".

Definition.

(c) APPLICATION OF MODIFIED MINIMUM RATES TO DETERMINATION OF GUIDELINE LEVEL PREMIUM.—Section 7702(c)(4) is amended—

(1) by striking "4 percent" and inserting "the applicable accumulation test minimum rate", and

(2) by striking "6 percent" and inserting "the applicable guideline premium minimum rate".

Definitions.

(d) INSURANCE INTEREST RATE.—Section 7702(f) is amended by adding at the end the following new paragraph:

"(11) INSURANCE INTEREST RATE.—For purposes of this section—

"(A) IN GENERAL.—The term 'insurance interest rate' means, with respect to any contract issued in any calendar year, the lesser of—

"(i) the section 7702 valuation interest rate for such calendar year (or, if such calendar year is not an adjustment year, the most recent adjustment year), or

"(ii) the section 7702 applicable Federal interest rate for such calendar year (or, if such calendar year is not an adjustment year, the most recent adjustment year).

"(B) SECTION 7702 VALUATION INTEREST RATE.—The term 'section 7702 valuation interest rate' means, with respect to any adjustment year, the prescribed U.S. valuation interest rate for life insurance with guaranteed durations of more than 20 years (as defined in the National Association of Insurance Commissioners' Standard Valuation Law) as effective in the calendar year immediately preceding such adjustment year.

"(C) SECTION 7702 APPLICABLE FEDERAL INTEREST RATE.—The term 'section 7702 applicable Federal interest rate' means, with respect to any adjustment year, the average (rounded to the nearest whole percentage point) of the applicable Federal mid-term rates (as defined in section 1274(d) but based on annual compounding) effective as of the beginning of each of the calendar months in the most recent 60-month period ending before the second calendar year prior to such adjustment year. Time period.

"(D) ADJUSTMENT YEAR.—The term 'adjustment year' means the calendar year following any calendar year that includes the effective date of a change in the prescribed U.S. valuation interest rate for life insurance with guaranteed durations of more than 20 years (as defined in the National Association of Insurance Commissioners' Standard Valuation Law).

"(E) TRANSITION RULE.—Notwithstanding subparagraph (A), the insurance interest rate shall be 2 percent in the case of any contract which is issued during the period that— Effective dates.

"(i) begins on January 1, 2021, and

"(ii) ends immediately before the beginning of the first adjustment year that beings after December 31, 2021.". Termination date.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts issued after December 31, 2020. 26 USC 7702 note.

SEC. 206. CLARIFICATIONS AND TECHNICAL IMPROVEMENTS TO CARES ACT EMPLOYEE RETENTION CREDIT.

(a) GROSS RECEIPTS OF TAX-EXEMPT ORGANIZATIONS.—Section 2301(c)(2)(C) of the CARES Act is amended— *Ante*, p. 347.

(1) by striking "of such Code, clauses (i) and (ii)(I)" and inserting "of such Code—

"(i) clauses (i) and (ii)(I)",

(2) by striking the period at the end and inserting ", and", and

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

"(ii) any reference in this section to gross receipts shall be treated as a reference to gross receipts within the meaning of section 6033 of such Code.".

(b) MODIFICATION OF TREATMENT OF HEALTH PLAN EXPENSES.—Section 2301(c) of the CARES Act is amended—

(1) by striking subparagraph (C) of paragraph (3), and

(2) in paragraph (5)—

(A) by striking "The term" and inserting the following: "(A) IN GENERAL.—The term", and

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

"(B) ALLOWANCE FOR CERTAIN HEALTH PLAN EXPENSES.—

"(i) IN GENERAL.—Such term shall include amounts paid by the eligible employer to provide and maintain a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986), but only to the extent that such amounts are excluded from the gross income of employees by reason of section 106(a) of such Code.

"(ii) ALLOCATION RULES.—For purposes of this section, amounts treated as wages under clause (i) shall be treated as paid with respect to any employee (and with respect to any period) to the extent that such amounts are properly allocable to such employee (and to such period) in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among periods of coverage.".

(c) IMPROVED COORDINATION BETWEEN PAYCHECK PROTECTION PROGRAM AND EMPLOYEE RETENTION TAX CREDIT.—

(1) AMENDMENT TO PAYCHECK PROTECTION PROGRAM.—Section 7A(a)(12) of the Small Business Act, as redesignated, transferred, and amended by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, is amended by adding at the end the following: "Such payroll costs shall not include qualified wages taken into account in determining the credit allowed under section 2301 of the CARES Act or qualified wages taken into account in determining the credit allowed under subsection (a) or (d) of section 303 of the Taxpayer Certainty and Disaster Relief Act of 2020.".

15 USC 636m.

(2) AMENDMENTS TO EMPLOYEE RETENTION TAX CREDIT.—

(A) IN GENERAL.—Section 2301(g) of the CARES Act is amended to read as follows:

Ante, p. 350.

"(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—

"(1) IN GENERAL.—This section shall not apply to so much of the qualified wages paid by an eligible employer as such employer elects (at such time and in such manner as the Secretary may prescribe) to not take into account for purposes of this section.

"(2) COORDINATION WITH PAYCHECK PROTECTION PROGRAM.—The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue guidance providing that payroll costs paid during the covered period shall not fail to be treated as qualified wages under this section by reason of an election under paragraph (1) to the extent

Consultation.

that a covered loan of the eligible employer is not forgiven by reason of a decision under section 7A(g) of the Small Business Act. Terms used in the preceding sentence which are also used in section 7A of the Small Business Act shall have the same meaning as when used in such section.".

(B) CONFORMING AMENDMENTS.—

(i) Section 2301 of the CARES Act is amended by striking subsection (j). *Ante*, p. 350.

(ii) Section 2301(l) of the CARES Act is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively. *Ante*, p. 350.

(d) REGULATIONS AND GUIDANCE.—Section 2301(l) of the CARES Act, as amended by subsection (c)(2)(B)(ii), is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) to prevent the avoidance of the purposes of the limitations under this section, including through the leaseback of employees.".

(e) EFFECTIVE DATE.— 26 USC 3111 note.

(1) IN GENERAL.—The amendments made by this section shall take effect as if included in the provisions of the CARES Act to which they relate.

(2) SPECIAL RULE.—

(A) IN GENERAL.—For purposes of section 2301 of the CARES Act, an employer who has filed a return of tax with respect to applicable employment taxes (as defined in section 2301(c)(1) of division A of such Act) before the date of the enactment of this Act may elect (in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall prescribe) to treat any applicable amount as an amount paid in the calendar quarter which includes the date of the enactment of this Act.

(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the term "applicable amount" means the amount of wages which— Definition.

(i) are—

(I) described in section 2301(c)(5)(B) of the CARES Act, as added by the amendments made by subsection (b), or

(II) permitted to be treated as qualified wages under guidance issued pursuant to section 2301(g)(2) of the CARES Act (as added by subsection (c)), and

(ii) were—

(I) paid in a calendar quarter beginning after December 31, 2019, and before October 1, 2020, and Time period.

(II) not taken into account by the taxpayer in calculating the credit allowed under section 2301(a) of division A of such Act for such calendar quarter.

SEC. 207. EXTENSION AND MODIFICATION OF EMPLOYEE RETENTION AND REHIRING TAX CREDIT.

(a) EXTENSION.—

Ante, p. 351.

(1) IN GENERAL.—Section 2301(m) of the CARES Act is amended by striking "January 1, 2021" and inserting "July 1, 2021".

(2) CONFORMING AMENDMENT.—Section 2301(c)(2)(A)(i) of the CARES Act is amended by striking "during calendar year 2020" and inserting "during the calendar quarter for which the credit is determined under subsection (a)".

Ante, p. 348.

Ante, p. 347.

(b) INCREASE IN CREDIT PERCENTAGE.—Section 2301(a) of the CARES Act is amended by striking "50 percent" and inserting "70 percent".

Ante, p. 347.

(c) INCREASE IN PER EMPLOYEE LIMITATION.—Section 2301(b)(1) of the CARES Act is amended by striking "for all calendar quarters shall not exceed $10,000" and inserting "for any calendar quarter shall not exceed $10,000".

(d) MODIFICATIONS TO DEFINITION OF ELIGIBLE EMPLOYER.—

(1) DECREASE IN REDUCTION IN GROSS RECEIPTS NECESSARY TO QUALIFY AS ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—Section 2301(c)(2)(A)(ii)(II) of the CARES Act is amended to read as follows:

"(II) the gross receipts (within the meaning of section 448(c) of the Internal Revenue Code of 1986) of such employer for such calendar quarter are less than 80 percent of the gross receipts of such employer for the same calendar quarter in calendar year 2019.".

(B) APPLICATION TO EMPLOYERS NOT IN EXISTENCE IN 2019.—Section 2301(c)(2)(A) of the CARES Act, as amended by subparagraph (A), is amended by adding at the end the following new flush sentence:

Applicability.

"With respect to any employer for any calendar quarter, if such employer was not in existence as of the beginning of the same calendar quarter in calendar year 2019, clause (ii)(II) shall be applied by substituting '2020' for '2019'.".

(2) ELECTION TO DETERMINE GROSS RECEIPTS TEST BASED ON PRIOR QUARTER.—

(A) IN GENERAL.—Subparagraph (B) of section 2301(c)(2) of the CARES Act is amended to read as follows:

Applicability.

"(B) ELECTION TO USE ALTERNATIVE QUARTER.—At the election of the employer—

"(i) subparagraph (A)(ii)(II) shall be applied—

"(I) by substituting 'for the immediately preceding calendar quarter' for 'for such calendar quarter', and

"(II) by substituting 'the corresponding calendar quarter in calendar year 2019' for 'the same calendar quarter in calendar year 2019', and

"(ii) the last sentence of subparagraph (A) shall be applied by substituting 'the corresponding calendar quarter in calendar year 2019' for 'the same calendar quarter in calendar year 2019'.

An election under this subparagraph shall be made at such time and in such manner as the Secretary shall prescribe.".

(B) CONFORMING AMENDMENT.—Section 2301(l) of the CARES Act, as amended by section 206, is amended by inserting "and" at the end of paragraph (3), by striking

paragraph (4), and by redesignating paragraph (5) as paragraph (4).

(3) APPLICATION TO CERTAIN GOVERNMENTAL EMPLOYERS.—

(A) IN GENERAL.—Section 2301(f) of the CARES Act is amended— *Ante*, p. 349.

(i) by striking "This" and inserting the following: "(1) IN GENERAL.—This", and

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

"(2) EXCEPTION.—Paragraph (1) shall not apply to—

"(A) any organization described in section 501(c)(1) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

"(B) any entity described in paragraph (1) if —

"(i) such entity is a college or university, or

"(ii) the principal purpose or function of such entity is providing medical or hospital care.

In the case of any entity described in subparagraph (B), such entity shall be treated as satisfying the requirements of subsection (c)(2)(A)(i).".

(B) CONFORMING AMENDMENT.—Section 2301(c)(5)(A) of the CARES Act, as amended by section 206(b)(2), is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, in the case of any organization or entity described in subsection (f)(2), wages as defined in section 3121(a) of the Internal Revenue Code of 1986 shall be determined without regard to paragraphs (5), (6), (7), (10), and (13) of section 3121(b) of such Code (except with respect to services performed in a penal institution by an inmate thereof).". Determination.

(e) MODIFICATION OF DETERMINATION OF QUALIFIED WAGES.—

(1) MODIFICATION OF THRESHOLD FOR TREATMENT AS A LARGE EMPLOYER.—Section 2301(c)(3)(A) of the CARES Act is amended by striking "100" each place it appears in clauses (i) and (ii) and inserting "500". *Ante*, p. 348.

(2) ELIMINATION OF LIMITATION.—Section 2301(c)(3) of the CARES Act is amended—

(A) by striking subparagraph (B), and

(B) by striking "Such term" in the second sentence of subparagraph (A) and inserting the following:

"(B) EXCEPTION.—The term 'qualified wages' ".

(f) DENIAL OF DOUBLE BENEFIT.—Section 2301(h) of the CARES Act is amended— *Ante*, p. 350.

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) DENIAL OF DOUBLE BENEFIT.—Any wages taken into account in determining the credit allowed under this section shall not be taken into account as wages for purposes of sections 41, 45A, 45P, 45S, 51, and 1396 of the Internal Revenue Code of 1986.".

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

(g) ADVANCE PAYMENTS.—

(1) IN GENERAL.—Section 2301 of the CARES Act, as amended by section 206(c)(2)(B)(i), is amended by inserting after subsection (i) the following new subsection:

"(j) ADVANCE PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no advance payment of the credit under subsection (a) shall be allowed.

"(2) ADVANCE PAYMENTS TO SMALL EMPLOYERS.—

Regulations.

"(A) IN GENERAL.—Under rules provided by the Secretary, an eligible employer for which the average number of full-time employees (within the meaning of section 4980H of the Internal Revenue Code of 1986) employed by such eligible employer during 2019 was not greater than 500 may elect for any calendar quarter to receive an advance payment of the credit under subsection (a) for such quarter in an amount not to exceed 70 percent of the average quarterly wages paid by the employer in calendar year 2019.

"(B) SPECIAL RULE FOR SEASONAL EMPLOYERS.—In the case of any employer who employs seasonal workers (as defined in section 45R(d)(5)(B) of the Internal Revenue Code of 1986), the employer may elect to substitute 'the wages for the calendar quarter in 2019 which corresponds to the calendar quarter to which the election relates' for 'the average quarterly wages paid by the employer in calendar year 2019'.

"(C) SPECIAL RULE FOR EMPLOYERS NOT IN EXISTENCE IN 2019.—In the case of any employer that was not in existence in 2019, subparagraphs (A) and (B) shall each be applied by substituting '2020' for '2019' each place it appears.

"(3) RECONCILIATION OF CREDIT WITH ADVANCE PAYMENTS.—

"(A) IN GENERAL.—The amount of credit which would (but for this subsection) be allowed under this section shall be reduced (but not below zero) by the aggregate payment allowed to the taxpayer under paragraph (2). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1) of the Internal Revenue Code of 1986.

"(B) EXCESS ADVANCE PAYMENTS.—If the advance payments to a taxpayer under paragraph (2) for a calendar quarter exceed the credit allowed by this section (determined without regard to subparagraph (A)), the tax imposed by chapter 21 or 22 of the Internal Revenue Code of 1986 (whichever is applicable) for the calendar quarter shall be increased by the amount of such excess.".

(2) CONFORMING AMENDMENTS.—Section 2301(l) of the CARES Act, as amended by section 206 and subsection (d)(2)(B), is amended—

(A) by inserting "as provided in subsection (j)(2)" after "subsection (a)" in paragraph (1),

(B) by striking paragraph (2), and

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

(h) THIRD-PARTY PAYORS.—Section 2301(l) of the CARES Act, as amended by section 206 and subsections (d)(2)(B) and (g)(2), is amended by adding at the end the following flush sentence:

Requirement.

"Any forms, instructions, regulations, or guidance described in paragraph (2) shall require the customer to be responsible for the accounting of the credit and for any liability for improperly claimed credits and shall require the certified professional employer

organization or other third party payor to accurately report such tax credits based on the information provided by the customer.".

(i) PUBLIC AWARENESS CAMPAIGN.—Section 2301 of the CARES Act is amended by adding at the end the following new subsection: *Ante*, p. 347.

"(n) PUBLIC AWARENESS CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall conduct a public awareness campaign, in coordination with the Administrator of the Small Business Administration, to provide information regarding the availability of the credit allowed under this section. Coordination.

"(2) OUTREACH.—Under the campaign conducted under paragraph (1), the Secretary shall—

"(A) provide to all employers which reported not more than 500 employees on the most recently filed return of applicable employment taxes a notice about the credit allowed under this section and the requirements for eligibility to claim the credit, and

"(B) not later than 30 days after the date of the enactment of this subsection, provide to all employers educational materials relating to the credit allowed under this section, including specific materials for businesses with not more than 500 employees.". Deadline.

(j) COORDINATION WITH CERTAIN PAYROLL PROTECTION PROGRAM LOANS.—Section 2301(g)(2) of the CARES Act, as added by section 206(c)(2)(A), is amended by striking "section 7A(g) of the Small Business Act" and all that follows and inserting "section 7A(g) of the Small Business Act or the application of section 7(a)(37)(J) of the Small Business Act. Terms used in the preceding sentence which are also used in section 7A(g) or 7(a)(37)(J) of the Small Business Act shall, when applied in connection with either such section, have the same meaning as when used in such section, respectively.".

(k) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after December 31, 2020. 26 USC 3111 note.

SEC. 208. MINIMUM AGE FOR DISTRIBUTIONS DURING WORKING RETIREMENT.

(a) IN GENERAL.—Paragraph (36) of section 401(a) is amended to read as follows: 26 USC 401.

"(36) DISTRIBUTIONS DURING WORKING RETIREMENT.—

"(A) IN GENERAL.—A trust forming part of a pension plan shall not be treated as failing to constitute a qualified trust under this section solely because the plan provides that a distribution may be made from such trust to an employee who has attained age 59½ and who is not separated from employment at the time of such distribution.

"(B) CERTAIN EMPLOYEES IN THE BUILDING AND CONSTRUCTION INDUSTRY.—Subparagraph (A) shall be applied by substituting 'age 55' for 'age 59½' in the case of a multiemployer plan described in section 4203(b)(1)(B)(i) of the Employee Retirement Income Security Act of 1974, with respect to individuals who were participants in such plan on or before April 30, 2013, if— Applicability.

"(i) the trust to which subparagraph (A) applies was in existence before January 1, 1970, and

"(ii) before December 31, 2011, at a time when the plan provided that distributions may be made to Determination.

an employee who has attained age 55 and who is not separated from employment at the time of such distribution, the plan received at least 1 written determination from the Internal Revenue Service that the trust to which subparagraph (A) applies constituted a qualified trust under this section.".

26 USC 401 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made before, on, or after the date of the enactment of this Act.

Time period.
26 USC 411 note.

SEC. 209. TEMPORARY RULE PREVENTING PARTIAL PLAN TERMINATION.

A plan shall not be treated as having a partial termination (within the meaning of 411(d)(3) of the Internal Revenue Code of 1986) during any plan year which includes the period beginning on March 13, 2020, and ending on March 31, 2021, if the number of active participants covered by the plan on March 31, 2021 is at least 80 percent of the number of active participants covered by the plan on March 13, 2020.

SEC. 210. TEMPORARY ALLOWANCE OF FULL DEDUCTION FOR BUSINESS MEALS.

26 USC 274.

(a) IN GENERAL.—Section 274(n)(2) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C)(iv) and inserting ", or", and by inserting after subparagraph (C) the following new subparagraph:

"(D) such expense is—

"(i) for food or beverages provided by a restaurant, and

"(ii) paid or incurred before January 1, 2023.".

26 USC 274 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2020.

26 USC 32 note.

SEC. 211. TEMPORARY SPECIAL RULE FOR DETERMINATION OF EARNED INCOME.

(a) IN GENERAL.—If the earned income of the taxpayer for the taxpayer's first taxable year beginning in 2020 is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxpayer's first taxable year beginning in 2020.

(b) EARNED INCOME.—

(1) IN GENERAL.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(2) APPLICATION TO JOINT RETURNS.—For purposes of subsection (a), in the case of a joint return, the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(c) SPECIAL RULES.—

(1) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of the Internal Revenue Code of 1986,

an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(2) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this section, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a). Applicability.

SEC. 212. CERTAIN CHARITABLE CONTRIBUTIONS DEDUCTIBLE BY NON-ITEMIZERS.

(a) IN GENERAL.—Section 170 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection: 26 USC 170.

"(p) SPECIAL RULE FOR TAXPAYERS WHO DO NOT ELECT TO ITEMIZE DEDUCTIONS.—In the case of any taxable year beginning in 2021, if the individual does not elect to itemize deductions for such taxable year, the deduction under this section shall be equal to the deduction, not in excess of $300 ($600 in the case of a joint return), which would be determined under this section if the only charitable contributions taken into account in determining such deduction were contributions made in cash during such taxable year (determined without regard to subsections (b)(1)(G)(ii) and (d)(1)) to an organization described in section 170(b)(1)(A) and not—

"(1) to an organization described in section 509(a)(3), or

"(2) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).".

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO OVERSTATED DEDUCTION.—

(1) IN GENERAL.—Section 6662(b) is amended by inserting after paragraph (8) the following:

"(9) Any overstatement of the deduction provided in section 170(p).".

(2) INCREASED PENALTY.—Section 6662 is amended by adding at the end the following new subsection:

"(l) INCREASE IN PENALTY IN CASE OF OVERSTATEMENT OF QUALIFIED CHARITABLE CONTRIBUTIONS.—In the case of any portion of an underpayment which is attributable to one or more overstatements of the deduction provided in section 170(p), subsection (a) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.". Applicability.

(3) EXCEPTION TO APPROVAL OF ASSESSMENT.—Section 6751(b)(2)(A) is amended by striking "or 6655" and inserting "6655, or 6662 (but only with respect to an addition to tax by reason of subsection (b)(9) thereof)".

(b) CONFORMING AMENDMENTS.—

(1) Section 63(b) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the deduction provided in section 170(p).".

(2) Section 63(d) is amended by adding "and" at the end of paragraph (1), by striking paragraphs (2) and (3), and by inserting after paragraph (1) the following new paragraph:

"(2) any deduction referred to in any paragraph of subsection (b).".

(c) REPEAL OF SUPERSEDED PROVISIONS.—

26 USC 62.

(1) IN GENERAL.—Section 62(a) is amended by striking paragraph (22).

(2) CONFORMING AMENDMENT.—Section 62 is amended by striking subsection (f).

26 USC 62 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 213. MODIFICATION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Subsections (a)(3)(A)(i) and (b) of section 2205 of the CARES Act are each amended by inserting "or 2021" after "2020".

Ante, p. 346.

(b) CONFORMING AMENDMENT.—The heading of section 2205 of the CARES Act is amended by striking "modification of limitations on charitable contributions during **2020**" and inserting "temporary modification of limitations on charitable contributions".

Ante, p. 345.

26 USC 170 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2020.

26 USC 125 note.

SEC. 214. TEMPORARY SPECIAL RULES FOR HEALTH AND DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS.

(a) CARRYOVER FROM 2020 PLAN YEAR.—For plan years ending in 2020, a plan that includes a health flexible spending arrangement or dependent care flexible spending arrangement shall not fail to be treated as a cafeteria plan under the Internal Revenue Code of 1986 merely because such plan or arrangement permits participants to carry over (under rules similar to the rules applicable to health flexible spending arrangements) any unused benefits or contributions remaining in any such flexible spending arrangement from such plan year to the plan year ending in 2021.

(b) CARRYOVER FROM 2021 PLAN YEAR.—For plan years ending in 2021, a plan that includes a health flexible spending arrangement or dependent care flexible spending arrangement shall not fail to be treated as a cafeteria plan under the Internal Revenue Code of 1986 merely because such plan or arrangement permits participants to carry over (under rules similar to the rules applicable to health flexible spending arrangements) any unused benefits or contributions remaining in any such flexible spending arrangement from such plan year to the plan year ending in 2022.

(c) EXTENSION OF GRACE PERIODS, ETC.—

(1) IN GENERAL.—A plan that includes a health flexible spending arrangement or dependent care flexible spending arrangement shall not fail to be treated as a cafeteria plan under the Internal Revenue Code of 1986 merely because such plan or arrangement extends the grace period for a plan year ending in 2020 or 2021 to 12 months after the end of such plan year, with respect to unused benefits or contributions remaining in a health flexible spending arrangement or a dependent care flexible spending arrangement.

(2) POST-TERMINATION REIMBURSEMENTS FROM HEALTH FSAs.—A plan that includes a health flexible spending arrangement shall not fail to be treated as a cafeteria plan under the Internal Revenue Code of 1986 merely because such plan or arrangement allows (under rules similar to the rules applicable to dependent care flexible spending arrangements) an employee who ceases participation in the plan during calendar year 2020 or 2021 to continue to receive reimbursements

from unused benefits or contributions through the end of the plan year in which such participation ceased (including any grace period, taking into account any modification of a grace period permitted under paragraph (1)).

(d) SPECIAL CARRY FORWARD RULE FOR DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS WHERE DEPENDENT AGED OUT DURING PANDEMIC.—

Applicability. Determination.

(1) IN GENERAL.—In the case of any eligible employee, section 21(b)(1)(A) of the Internal Revenue Code of 1986 shall be applied by substituting "age 14" for "age 13" for purposes of determining the dependent care assistance which may be paid or reimbursed with respect to such employee under the dependent care flexible spending arrangement referred to in paragraph (3)(A) with respect to such employee during—

(A) the plan year described in paragraph (3)(A), and

(B) in the case of an employee described in paragraph (3)(B)(ii), the subsequent plan year.

(2) APPLICATION TO SUBSEQUENT PLAN YEAR LIMITED TO UNUSED BALANCE FROM PRECEDING PLAN YEAR.—Paragraph (1)(B) shall only apply to so much of the amounts paid for dependent care assistance with respect to the dependents referred to in paragraph (3)(B) as does not exceed the unused balance described in paragraph (3)(B)(ii).

(3) ELIGIBLE EMPLOYEE.—For purposes of this section, the term "eligible employee" means any employee who—

(A) is enrolled in a dependent care flexible spending arrangement for the last plan year with respect to which the end of the regular enrollment period for such plan year was on or before January 31, 2020, and

(B) has one or more dependents (as defined in section 152(a)(1) of the Internal Revenue Code of 1986) who attain the age of 13—

(i) during such plan year, or

(ii) in the case of an employee who (after the application of this section) has an unused balance in the employee's account under such arrangement for such plan year (determined as of the close of the last day on which, under the terms of the plan, claims for reimbursement may be made with respect to such plan year), the subsequent plan year.

(e) CHANGE IN ELECTION AMOUNT.—For plan years ending in 2021, a plan that includes a health flexible spending arrangement or dependent care flexible spending arrangement shall not fail to be treated as a cafeteria plan under the Internal Revenue Code of 1986 merely because such plan or arrangement allows an employee to make an election to modify prospectively the amount (but not in excess of any applicable dollar limitation) of such employee's contributions to any such flexible spending arrangement (without regard to any change in status).

(f) DEFINITIONS.—Any term used in this section which is also used in section 106, 125, or 129 of the Internal Revenue Code of 1986, or the regulations or guidance thereunder, shall have the same meaning as when used in such section, regulations, or guidance.

Time periods.

(g) PLAN AMENDMENTS.—A plan that includes a health flexible spending arrangement or dependent care flexible spending arrangement shall not fail to be treated as a cafeteria plan under the

Internal Revenue Code of 1986 merely because such plan or arrangement is amended pursuant to a provision under this section and such amendment is retroactive, if—

(1) such amendment is adopted not later than the last day of the first calendar year beginning after the end of the plan year in which the amendment is effective, and

(2) the plan or arrangement is operated consistent with the terms of such amendment during the period beginning on the effective date of the amendment and ending on the date the amendment is adopted.

TITLE III—DISASTER TAX RELIEF

President.

SEC. 301. DEFINITIONS.

For purposes of this title—

(1) QUALIFIED DISASTER AREA.—

Time period.

(A) IN GENERAL.—The term "qualified disaster area" means any area with respect to which a major disaster was declared, during the period beginning on January 1, 2020, and ending on the date which is 60 days after the date of the enactment of this Act, by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act if the incident period of the disaster with respect to which such declaration is made begins on or after December 28, 2019, and on or before the date of the enactment of this Act.

(B) COVID–19 EXCEPTION.—Such term shall not include any area with respect to which such a major disaster has been so declared only by reason of COVID–19.

Determination.

(2) QUALIFIED DISASTER ZONE.—The term "qualified disaster zone" means that portion of any qualified disaster area which was determined by the President, during the period beginning on January 1, 2020, and ending on the date which is 60 days after the date of the enactment of this Act, to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of the qualified disaster with respect to such disaster area.

(3) QUALIFIED DISASTER.—The term "qualified disaster" means, with respect to any qualified disaster area, the disaster by reason of which a major disaster was declared with respect to such area.

(4) INCIDENT PERIOD.—The term "incident period" means, with respect to any qualified disaster, the period specified by the Federal Emergency Management Agency as the period during which such disaster occurred (except that for purposes of this title such period shall not be treated as ending after the date which is 30 days after the date of the enactment of this Act).

SEC. 302. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified disaster distribution.

(2) AGGREGATE DOLLAR LIMITATION.—

(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified disaster distributions for any taxable year shall not exceed the excess (if any) of—

(i) $100,000, over

(ii) the aggregate amounts treated as qualified disaster distributions received by such individual for all prior taxable years.

(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified disaster distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified disaster distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986. Definition.

(D) SPECIAL RULE FOR INDIVIDUALS AFFECTED BY MORE THAN ONE DISASTER.—The limitation of subparagraph (A) shall be applied separately with respect to distributions made with respect to each qualified disaster. Applicability.

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

(A) IN GENERAL.—Any individual who receives a qualified disaster distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make 1 or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be. Time period. Effective date.

(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified disaster distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution. Deadline.

Deadline.

(C) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified disaster distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified disaster distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) DEFINITIONS.—For purposes of this subsection—

(A) QUALIFIED DISASTER DISTRIBUTION.—Except as provided in paragraph (2), the term "qualified disaster distribution" means any distribution from an eligible retirement plan made—

Time period.

(i) on or after the first day of the incident period of a qualified disaster and before the date which is 180 days after the date of the enactment of this Act, and

(ii) to an individual whose principal place of abode at any time during the incident period of such qualified disaster is located in the qualified disaster area with respect to such qualified disaster and who has sustained an economic loss by reason of such qualified disaster.

(B) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

(A) IN GENERAL.—In the case of any qualified disaster distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) SPECIAL RULES.—

(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified disaster distributions shall not be treated as eligible rollover distributions.

(B) QUALIFIED DISASTER DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of the Internal Revenue Code of 1986, a qualified disaster distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A) of such Code and section 8433(h)(1) of title 5, United States Code, and, in the case of a money purchase pension plan, a qualified disaster distribution which is an in-service withdrawal shall be treated as meeting the distribution rules of section 401(a) of such Code.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) RECONTRIBUTIONS.—

(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make 1 or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection. Applicability.

(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term "qualified distribution" means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(i)(V), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986,

(B) which was to be used to purchase or construct a principal residence in a qualified disaster area, but which was not so used on account of the qualified disaster with respect to such area, and

(C) which was received during the period beginning on the date which is 180 days before the first day of the incident period of such qualified disaster and ending on the date which is 30 days after the last day of such incident period. Time periods.

(3) APPLICABLE PERIOD.—For purposes of this subsection, the term "applicable period" means, in the case of a principal residence in a qualified disaster area with respect to any qualified disaster, the period beginning on the first day of the incident period of such qualified disaster and ending on the date which is 180 days after the date of the enactment of this Act.

(c) LOANS FROM QUALIFIED PLANS.—

(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the 180-day period beginning on the date of the enactment of this Act— Time periods. Applicability.

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting " $100,000" for " $50,000", and

(B) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(2) DELAY OF REPAYMENT.—In the case of a qualified individual (with respect to any qualified disaster) with an outstanding loan (on or after the first day of the incident period of such qualified disaster) from a qualified employer plan (as

defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

Time period.

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on the first day of the incident period of such qualified disaster and ending on the date which is 180 days after the last day of such incident period, such due date shall be delayed for 1 year (or, if later, until the date which is 180 days after the date of the enactment of this Act),

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under subparagraph (A) and any interest accruing during such delay, and

Determination.

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) of this paragraph shall be disregarded.

Definition.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term "qualified individual" means any individual—

(A) whose principal place of abode at any time during the incident period of any qualified disaster is located in the qualified disaster area with respect to such qualified disaster, and

(B) who has sustained an economic loss by reason of such qualified disaster.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

Applicability.

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

Effective date.

(ii) on or before the last day of the first plan year beginning on or after January 1, 2022, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 303. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY QUALIFIED DISASTERS.

(a) IN GENERAL.—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the 2020 qualified disaster employee retention credit shall be treated as a credit listed at the end of subsection (b) of such section. For purposes of this subsection, the 2020 qualified disaster employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. The amount of qualified wages with respect to any employee which may be taken into account under this subsection by the employer for any taxable year shall not exceed $6,000 (reduced by the amount of qualified wages with respect to such employee taken into account for any prior taxable year).

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(A) which conducted an active trade or business in a qualified disaster zone at any time during the incident period of the qualified disaster with respect to such qualified disaster zone, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable at any time during the period beginning on the first day of the incident period of such qualified disaster and ending on the date of the enactment of this Act, as a result of damage sustained by reason of such qualified disaster.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment with such eligible employer (determined immediately before the qualified disaster referred to in paragraph (1)) was in the qualified disaster zone referred to in such paragraph.

(3) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee at any time on or after the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee (determined immediately before the qualified disaster referred to in such paragraph) and before the earlier of—

(A) the date on which such trade or business has resumed significant operations at such principal place of employment, or

Time period.

(B) the date which is 150 days after the last day of the incident period of the qualified disaster referred to in paragraph (1).

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed. Such term shall not include any wages taken into account under section 2301 of the CARES Act.

(c) SPECIAL RULES.—

(1) DENIAL OF DOUBLE BENEFIT.—Any wages taken into account in determining any credit allowed under this section shall not be taken into account as wages for purposes of sections 41, 45A, 45P, 45S, 51, and 1396 of the Internal Revenue Code of 1986.

(2) CERTAIN OTHER RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986 shall apply.

(d) PAYROLL TAX CREDIT FOR CERTAIN TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—In the case of any qualified tax-exempt organization, there shall be allowed as a credit against the tax imposed by section 3111(a) of the Internal Revenue Code of 1986 on wages paid with respect to employment of all employees of the organization during the calendar quarter an amount equal to 40 percent of the qualified wages paid to eligible employees of such organization during such calendar quarter.

(2) APPLICATION OF AGGREGATE DOLLAR LIMITATION PER EMPLOYEE.—The amount of qualified wages with respect to any employee which may be taken into account under this subsection by the employer for any calendar quarter shall not exceed $6,000 (reduced by the amount of qualified wages with respect to which credit was allowed under this subsection for any prior calendar quarter with respect to such employee).

(3) OVERALL LIMITATION.—

(A) IN GENERAL.—The aggregate amount allowed as a credit under this subsection for all eligible employees of any employer for any calendar quarter shall not exceed the amount of the tax imposed by section 3111(a) of the Internal Revenue Code of 1986 on wages paid with respect to employment of all employees of such employer during such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111 of such Code for such quarter).

(B) CARRYFORWARD.—If the amount of the credit under paragraph (1) exceeds the limitation of subparagraph (A) for any calendar quarter, such excess shall be carried to the succeeding calendar quarter and allowed as a credit under paragraph (1) for such quarter.

(C) COORDINATION WITH OTHER PAYROLL TAX CREDITS.—

26 USC 3111 note.

(i) Section 7001(b)(3) of the Families First Coronavirus Response Act is amended by inserting ", and section 303(d) of the Taxpayer Certainty and Disaster Tax Relief Act of 2020," after "subsections (e) and (f) of section 3111 of such Code".

(ii) Section 7003(b)(2) of the Families First Coronavirus Response Act is amended by striking "and section 7001 of this Act," and inserting "section 7001 of this Act, and section 303(d) of the Taxpayer Certainty and Disaster Tax Relief Act of 2020,".

(iii) Section 2301(b)(2) of the CARES Act is amended by striking "and sections 7001 and 7003 of the Families First Coronavirus Response Act" and inserting ", sections 7001 and 7003 of the Families First Coronavirus Response Act, and section 303(d) of the Taxpayer Certainty and Disaster Tax Relief Act of 2020". *Ante*, p. 347.

(4) DEFINITIONS.—

(A) QUALIFIED TAX-EXEMPT ORGANIZATION.—For purposes of this subsection, the term "qualified tax-exempt organization" means an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code if such organization would be an eligible employer if the activities of such organization were an active trade or business.

(B) APPLICATION OF CERTAIN TERMS WITH RESPECT TO QUALIFIED TAX-EXEMPT ORGANIZATIONS.—For purposes of this subsection, the terms "eligible employee" and "qualified wages" shall be applied with respect to any qualified tax-exempt organization—

(i) by treating the activities of such organization as an active trade or business, and

(ii) by substituting "wages (within the meaning of subsection (d)(4)(C))" for "wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code)" in subsection (b)(3).

(C) OTHER TERMS.—Except as otherwise provided in this subsection, any term used in this subsection which is also used in chapter 21 or 22 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

(5) TRANSFERS TO CERTAIN TRUST FUNDS.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this subsection (without regard to this paragraph). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this subsection not been enacted.

(6) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 of such Code for any failure to make a deposit of applicable employment taxes if the Secretary determines that such failure was due to the anticipation of the credit allowed under this subsection. Waiver. Determination.

(7) THIRD PARTY PAYORS.—Any credit allowed under this subsection shall be treated as a credit described in section 3511(d)(2) of such Code.

Determination.

(8) COORDINATION WITH SUBSECTION (a) CREDIT.—Any wages taken into account in determining the credit allowed under this subsection shall not be take into account as wages for purposes of subsection (a).

(9) REGULATIONS AND GUIDANCE.—The Secretary shall issue such forms, instructions, regulations, and guidance as are necessary—

(A) to allow the advance payment of the credit under paragraph (1), subject to the limitations provided in this subsection, based on such information as the Secretary shall require,

(B) regulations or other guidance to provide for the reconciliation of such advance payment with the amount of the credit under this subsection at the time of filing the return of tax for the applicable quarter or taxable year,

(C) with respect to the application of the credit under paragraph (1) to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504 of the Internal Revenue Code of 1986), including regulations or guidance allowing such payors to submit documentation necessary to substantiate the eligible employer status of employers that use such payors, and

Determination.

(D) for recapturing the benefit of credits determined under this subsection in cases where there is a subsequent adjustment to the credit determined under paragraph (1).

(e) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—

(1) IN GENERAL.—This section shall not apply to qualified wages paid by an eligible employer with respect to which such employer makes an election (at such time and in such manner as the Secretary may prescribe) to have this section not apply to such wages.

(2) COORDINATION WITH PAYCHECK PROTECTION PROGRAM.—

Consultation.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue guidance providing that payroll costs paid or incurred during the covered period shall not fail to be treated as qualified wages under this section by reason of an election under paragraph (1) to the extent that a covered loan of the eligible employer is not forgiven by reason of a decision under section 7A(g) of the Small Business Act. Terms used in the preceding sentence which are also used in section 7A(g) of such Act shall have the same meaning as when used in such section.

(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

(1) IN GENERAL.—The credits under this section shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) any organization described in section 501(c)(1) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

(B) any entity described in paragraph (1) if —

(i) such entity is a college or university, or

(ii) the principal purpose or function of such entity is providing medical or hospital care.

An entity described in subparagraph (B) shall be treated for purposes of this section in the same manner as an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(g) AMENDMENT TO PAYCHECK PROTECTION PROGRAM.—Section 7A(a)(12) of the Small Business Act (as redesignated, transferred, and amended by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act and as amended by section 206(c) of this division) is amended by adding at the end the following: "Such payroll costs shall not include qualified wages taken into account in determining the credit allowed under subsection (a) or (d) of section 303 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020.".

SEC. 304. OTHER DISASTER-RELATED TAX RELIEF PROVISIONS.

(a) SPECIAL RULES FOR QUALIFIED DISASTER RELIEF CONTRIBUTIONS.—

(1) IN GENERAL.—In the case of a qualified disaster relief contribution made by a corporation— Applicability.

(A) section 2205(a)(2)(B) of the CARES Act shall be applied first to qualified contributions without regard to any qualified disaster relief contributions and then separately to such qualified disaster relief contribution, and

(B) in applying such section to such qualified disaster relief contributions, clause (i) thereof shall be applied—

(i) by substituting "100 percent" for "25 percent", and

(ii) by treating qualified contributions other than qualified disaster relief contributions as contributions allowed under section 170(b)(2) of the Internal Revenue Code of 1986.

(2) QUALIFIED DISASTER RELIEF CONTRIBUTION.—For purposes of this subsection, the term "qualified disaster relief contribution" means any qualified contribution (as defined in section 2205(a)(3) of the CARES Act) if— Definition.

(A) such contribution—

(i) is paid, during the period beginning on January 1, 2020, and ending on the date which is 60 days after the date of the enactment of this Act, and Time period.

(ii) is made for relief efforts in one or more qualified disaster areas,

(B) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8) of such Code) that such contribution was used (or is to be used) for relief efforts described in subparagraph (A)(ii), and

(C) the taxpayer has elected the application of this subsection with respect to such contribution.

(3) CROSS-REFERENCE.—For the suspension of the limitation on qualified disaster relief contributions made by an individual during 2020, see section 2205(a) of the CARES Act.

(b) SPECIAL RULES FOR QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.— Definitions.

(1) IN GENERAL.—If an individual has a net disaster loss for any taxable year—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) in the case of qualified disaster-related personal casualty losses, section 165(h)(1) of such Code shall be applied to by substituting " $500" for " $500 ($100 for taxable years beginning after December 31, 2009)",

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) NET DISASTER LOSS.—For purposes of this subsection, the term "net disaster loss" means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—For purposes of this subsection, the term "qualified disaster-related personal casualty losses" means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in a qualified disaster area on or after the first day of the incident period of the qualified disaster to which such area relates, and which are attributable to such qualified disaster.

SEC. 305. LOW-INCOME HOUSING TAX CREDIT.

(a) ADDITIONAL LOW-INCOME HOUSING CREDIT ALLOCATIONS.—

(1) IN GENERAL.—For purposes of section 42 of the Internal Revenue Code of 1986, the State housing credit ceiling for any State for each of calendar years 2021 and 2022 shall be increased by the aggregate housing credit dollar amount allocated by the State housing credit agencies of such State for such calendar year to buildings located in any qualified disaster zone in such State.

(2) LIMITATION.—

(A) APPLICATION OF AGGREGATE LIMITATION.—The increase determined under paragraph (1) with respect to any State shall not exceed—

(i) in the case of any such increase determined for calendar year 2021, the applicable dollar limitation for such State, and

(ii) in the case of any such increase determined for calendar year 2022, the applicable dollar limitation for such State reduced by the amount of any increase determined under paragraph (1) with respect to such State for calendar year 2021.

(B) APPLICABLE DOLLAR LIMITATION.—For purposes of this paragraph, the term "applicable dollar limitation" means, with respect to any State, the lesser of— Definition.

(i) the product of $3.50 multiplied by the population of such State (as determined for calendar year 2020) which resides in qualified disaster zones in such State, or

(ii) 65 percent of the State housing credit ceiling for such State for calendar year 2020.

(3) EXTENSION OF PLACED IN SERVICE DEADLINE FOR DESIGNATED HOUSING CREDIT DOLLAR AMOUNTS.—

(A) IN GENERAL.—In the case of any housing credit dollar amount which is allocated by a State housing credit agency of a State for calendar year 2021 or 2022 to a building located in a qualified disaster zone in such State and which is designated (at such time and in such manner as the Secretary may provide) by such State housing credit agency as housing credit dollar amount to which this paragraph applies, section 42(h)(1)(E) of the Internal Revenue Code of 1986 shall be applied— Applicability.

(i) by substituting "third calendar year" for "second calendar year" both places it appears, and

(ii) by substituting "2 years" for "1 year" in clause (ii) thereof.

(B) APPLICATION OF LIMITATION.—The aggregate amount of housing credit dollar amount designated under subparagraph (A) for any calendar year by all State housing credit agencies of a State shall not exceed the amount determined under paragraph (2)(A) with respect to such State for such calendar year.

(4) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling for any calendar year under section 42(h)(3)(C) of the Internal Revenue Code of 1986, any increase in the State housing credit ceiling under paragraph (1) shall be treated as an amount described in clause (ii) of such section.

SEC. 306. TREATMENT OF CERTAIN POSSESSIONS.

(a) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this title. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession. Determination.

(b) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this title if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents. Plan.

Definition.

(c) MIRROR CODE TAX SYSTEM.—For purposes of this section, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(d) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

DIVISION FF—OTHER MATTER

TITLE I—CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS AND MODIFICATION OF CERTAIN PROTECTIONS FOR TAXPAYER RETURN INFORMATION

SEC. 101. CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS.

(a) IN GENERAL.—Section 3510 of the CARES Act (20 U.S.C. 1001 note) is amended—

(1) in subsection (a), by striking "for the duration of such emergency" and all that follows through the period at the end and inserting "for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) until the end of the covered period applicable to the institution.";

(2) in subsection (b), by striking "for the duration of the qualifying emergency and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.)." and inserting "until the end of the covered period applicable to the institution.";

(3) in subsection (c), by striking "for the duration of the qualifying emergency and the following payment period," and inserting "until all covered periods for foreign institutions carrying out a distance education program authorized under this section have ended,";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "for the duration of a qualifying emergency and the following payment period," and inserting "until the end of the covered period applicable to a foreign institution,"; and

(ii) by striking "allow a foreign institution" and inserting "allow the foreign institution";

(B) in each of subparagraphs (A) and (B) of paragraph (2), by striking "subsection (a)" and inserting "paragraph (1)";

(C) in paragraph (3)(B), by striking "30 days" and inserting "10 days"; and

(D) in paragraph (4)—

(i) by striking "for the duration of the qualifying emergency and the following payment period," and inserting "until all covered periods for foreign institutions that entered into written arrangements under paragraph (1) have ended,"; and

(ii) by striking "identifies each foreign institution that entered into a written arrangement under subsection (a)." and inserting the following: identifies, for each such foreign institution—

"(A) the name of the foreign institution;

"(B) the name of the institution of higher education located in the United States that has entered into a written arrangement with such foreign institution; and

"(C) information regarding the nature of such written arrangement, including which coursework or program requirements are accomplished at each respective institution."; and

(5) by adding at the end the following:

"(e) DEFINITION OF COVERED PERIOD.—

"(1) IN GENERAL.—In this section, the term 'covered period', when used with respect to a foreign institution of higher education, means the period—

"(A) beginning on the first day of—

"(i) a qualifying emergency; or

"(ii) a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located; and

"(B) ending on the later of—

"(i) subject to paragraph (2), the last day of the payment period, for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), following the end of any qualifying emergency or any emergency or disaster described in subparagraph (A)(ii) applicable to the foreign institution; or

"(ii) June 30, 2022.

"(2) SPECIAL RULE FOR CERTAIN PAYMENT PERIODS.—For purposes of subparagraph (B)(i), if the following payment period for an award year ends before June 30 of such award year, the covered period shall be extended until June 30 of such award year.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136). 20 USC 1001 note.

SEC. 102. DISCLOSURES TO IDENTIFY TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION PURSUANT TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—Section 1106 of the Social Security Act (42 U.S.C. 1306) is amended by adding at the end the following:

"(g) Notwithstanding any other provision of this section, the Commissioner of Social Security shall enter into an agreement with the Secretary of the Treasury under which—

"(1) if the Secretary provides the Commissioner with the information described in section 6103(k)(15) of the Internal Revenue Code of 1986 with respect to any individual, the Commissioner shall indicate to the Secretary as to whether

such individual receives disability insurance benefits under section 223 or supplemental security income benefits under title XVI (including State supplementary payments of the type referred to in section 1616(a) or payments of the type described in section 212(a) of Public Law 93-66);

"(2) appropriate safeguards are included to assure that the indication described in paragraph (1) will be used solely for the purpose of determining if tax receivables involving such individual are not eligible for collection pursuant to a qualified tax collection contract by reason of section 6306(d)(3)(E) of the Internal Revenue Code of 1986; and

"(3) the Secretary shall pay the Commissioner of Social Security the full costs (including systems and administrative costs) of providing the indication described in paragraph (1).".

(b) AUTHORIZATION OF DISCLOSURE BY SECRETARY OF THE TREASURY.—

(1) IN GENERAL.—Section 6103(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(15) DISCLOSURES TO SOCIAL SECURITY ADMINISTRATION TO IDENTIFY TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION PURSUANT TO QUALIFIED TAX COLLECTION CONTRACTS.—In the case of any individual involved with a tax receivable which the Secretary has identified for possible collection pursuant to a qualified tax collection contract (as defined in section 6306(b)), the Secretary may disclose the taxpayer identity and date of birth of such individual to officers, employees, and contractors of the Social Security Administration to determine if such tax receivable is not eligible for collection pursuant to such a qualified tax collection contract by reason of section 6306(d)(3)(E).". Determination.

(2) CONFORMING AMENDMENTS RELATED TO SAFEGUARDS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (14)" and inserting "(14), or (15)".

(B) Section 6103(p)(4) of such Code is amended—

(i) by striking "(k)(8), (10) or (11)" both places it appears and inserting "(k)(8), (10), (11), or (15)", and

(ii) by striking "any other person described in subsection (k)(10)" each place it appears and inserting "any other person described in subsection (k)(10) or (15)".

(C) Section 7213(a)(2) of such Code is amended by striking "(k)(10), (13), or (14)" and inserting "(k)(10), (13), (14), or (15)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act. 26 USC 6103 note.

SEC. 103. MODIFICATION OF CERTAIN PROTECTIONS FOR TAXPAYER RETURN INFORMATION.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) of the Internal Revenue Code of 1986 is amended—

(A) by inserting at the end of clause (iii) the following new sentence: "Under such terms and conditions as may be prescribed by the Secretary, after consultation with

the Department of Education, an institution of higher education described in subclause (I) or a State higher education agency described in subclause (II) may designate a contractor of such institution or state agency to receive return information on behalf of such institution or state agency to administer aspects of the institution's or state agency's activities for the application, award, and administration of such financial aid.", and

(B) by adding at the end the following:

"(iv) REDISCLOSURE TO OFFICE OF INSPECTOR GENERAL, INDEPENDENT AUDITORS, AND CONTRACTORS.—Any return information which is redisclosed under clause (iii)—

"(I) may be further disclosed by persons described in subclauses (I), (II), or (III) of clause (iii) or persons designated in the last sentence of clause (iii) to the Office of Inspector General of the Department of Education and independent auditors conducting audits of such person's administration of the programs for which the return information was received, and

"(II) may be further disclosed by persons described in subclauses (I), (II), or (III) of clause (iii) to contractors of such entities,

but only to the extent necessary in carrying out the purposes described in such clause (iii).

"(v) REDISCLOSURE TO FAMILY MEMBERS.—In addition to the purposes for which information is disclosed and used under subparagraphs (A) and (C), or redisclosed under clause (iii), any return information so disclosed or redisclosed may be further disclosed to any individual certified by the Secretary of Education as having provided approval under paragraph (1) or (2) of section 494(a) of the Higher Education Act of 1965, as the case may be, for disclosure related to the income-contingent or income-based repayment plan under subparagraph (A) or the eligibility for, and amount of, Federal student financial aid described in subparagraph (C).

"(vi) REDISCLOSURE OF FAFSA INFORMATION.—Return information received under subparagraph (C) may be redisclosed in accordance with subsection (c) of section 494 of the Higher Education Act of 1965 as in effect on the date of enactment of the Consolidated Appropriations Act, 2021 to carry out the purposes specified in such subsection.".

(2) CONFORMING AMENDMENT.—Subparagraph (F) of section 6103(l)(13) of such Code is amended by inserting ", and any redisclosure authorized under clause (iii), (iv) (v), or (vi) of subparagraph (D)," after " or (C)".

(3) CONFIDENTIALITY OF RETURN INFORMATION.—

(A) Section 6103(a)(3) of such Code, as amended by section 3516(a)(1) of the CARES Act (Public Law 116–136), is amended by striking "(13)(A), (13)(B), (13)(C), (13)(D)(i)," and inserting "(13) (other than subparagraphs (D)(v) and (D)(vi) thereof),".

(B) Section 6103(p)(3)(A) of such Code, as amended by section 3516(a)(2) of such Act, is amended by striking "(13)(A), (13)(B), (13)(C), (13)(D)(i)," and inserting "(13)(D)(iv), (13)(D)(v), (13)(D)(vi)".

26 USC 6103 note.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures made after the date of the enactment of the FUTURE Act (Public Law 116–91).

(b) AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.—

(1) IN GENERAL.—Section 494 of the Higher Education Act of 1965 (20 U.S.C. 1098h(a)) is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting ", including return information," after "financial information";

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking "subparagraph (B), the" and inserting the following: "subparagraph (B)—

"(I) the"; and

(bb) by adding at the end the following:

"(II) the return information of such individuals may be redisclosed pursuant to clauses (iii), (iv), (v), and (vi) of section 6103(l)(13)(D) of the Internal Revenue Code of 1986, for the relevant purposes described in such section; and"; and

(II) in clause (ii), by striking "such disclosure" and inserting "the disclosures described in subclauses (I) and (II) of clause (i)"; and

(iii) in subparagraph (B), by striking "disclosure described in subparagraph (A)(i)" and inserting "disclosures described in subclauses (I) and (II) of subparagraph (A)(i)";

(B) in subsection (a)(2)(A)(ii), by striking "affirmatively approve the disclosure described in paragraph (1)(A)(i) and agree that such approval shall serve as an ongoing approval of such disclosure until the date on which the individual elects to opt out of such disclosure" and inserting "affirmatively approve the disclosures described in subclauses (I) and (II) of paragraph (1)(A)(i), to the extent applicable, and agree that such approval shall serve as an ongoing approval of such disclosures until the date on which the individual elects to opt out of such disclosures"; and

(C) by adding at the end the following:

"(c) ACCESS TO FAFSA INFORMATION.—

"(1) REDISCLOSURE OF INFORMATION.—The information in a complete, unredacted Student Aid Report (including any return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13))) with respect to an application described in subsection (a)(1) of an applicant for Federal student financial aid—

"(A) upon request for such information by such applicant, shall be provided to such applicant by—

"(i) the Secretary; or

"(ii) in a case in which the Secretary has requested that institutions of higher education carry out the requirements of this subparagraph, an institution of

higher education that has received such information; and

"(B) with the written consent by the applicant to an institution of higher education, may be provided by such institution of higher education as is necessary to a scholarship granting organization (including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304))), or to an organization assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance, that is designated by the applicant to assist the applicant in applying for and receiving financial assistance for any component of the applicant's cost of attendance (defined in section 472) at that institution.

"(2) DISCUSSION OF INFORMATION.—A discussion of the information in an application described in subsection (a)(1) (including any return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) of an applicant between an institution of higher education and the applicant may, with the written consent of the applicant, include an individual selected by the applicant (such as an advisor) to participate in such discussion.

"(3) RESTRICTION ON DISCLOSING INFORMATION.—A person receiving information under paragraph (1)(B) or (2) with respect to an applicant shall not use the information for any purpose other than the express purpose for which consent was granted by the applicant and shall not disclose such information to any other person without the express permission of, or request by, the applicant.

"(4) DEFINITIONS.—In this subsection:

"(A) STUDENT AID REPORT.—The term 'Student Aid Report' has the meaning given the term in section 668.2 of title 34, Code of Federal Regulations (or successor regulations).

"(B) WRITTEN CONSENT.—The term 'written consent' means a separate, written document that is signed and dated (which may include by electronic format) by an applicant, which—

"(i) indicates that the information being disclosed includes return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) with respect to the applicant;

"(ii) states the purpose for which the information is being disclosed; and

"(iii) states that the information may only be used for the specific purpose and no other purposes.

"(5) RECORD KEEPING REQUIREMENT.—An institution of higher education shall—

"(A) keep a record of each written consent made under this subsection for a period of at least 3 years from the date of the student's last date of attendance at the institution; and Time period.

"(B) make each such record readily available for review by the Secretary.". Review.

(2) CONFORMING AMENDMENT.—Section 494(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1098h(a)(3)) is

amended by striking "paragraph (1)(A)(i)" both places the term appears and inserting "paragraph (1)(A)(i)(I)".

20 USC 9622 note.

SEC. 104. RESCHEDULING OF THE NAEP MANDATED BIENNIAL 4TH AND 8TH GRADE ASSESSMENT AND ALIGNMENT OF THE MANDATED QUADRENNIAL 12TH GRADE ASSESSMENT.

(a) CURRENT ASSESSMENT ADMINISTRATION RESCHEDULING.—Notwithstanding any other provision of law and due to the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID–19—

(1) the biennial 4th and 8th grade reading and mathematics assessments scheduled to be conducted during the 2020–2021 school year in accordance with paragraphs (2)(B) and (3)(A)(i) of section 303(b) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)) and, as practicable and subject to the discretion of the National Assessment Governing Board, the Trial Urban District Assessment, shall be conducted during the 2021–2022 school year; and

(2) the next quadrennial 12th grade reading and mathematics assessments carried out in accordance with section 303(b)(2)(C) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)(C)) after the date of enactment of this section, shall be conducted during the 2023–2024 school year.

(b) FUTURE ASSESSMENT ADMINISTRATION.—In accordance with section 303(b)(2)(B) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)(B)), the next biennial assessments following the 2021–2022 administration, as authorized under subsection (a), shall occur in the 2023–2024 school year and, as practicable and subject to the discretion of the National Assessment Governing Board, the next Trial Urban District Assessment following the 2021–2022 administration, as authorized under subsection (a), shall occur in the 2023–2024 school year.

TITLE II—PUBLIC LANDS

Saguaro National Park Boundary Expansion Act. 16 USC 410zz note.

SEC. 201. SAGUARO NATIONAL PARK BOUNDARY EXPANSION.

(a) SHORT TITLE.—This section may be cited as the "Saguaro National Park Boundary Expansion Act".

(b) BOUNDARY OF SAGUARO NATIONAL PARK.—Section 4 of the Saguaro National Park Establishment Act of 1994 (Public Law 103–364; 108 Stat. 3467) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The boundaries of the park"; and

(B) by adding at the end the following:

"(2)(A) The boundaries of the park are further modified to include approximately 1,152 acres, as generally depicted on the map titled 'Saguaro National Park Proposed Boundary Adjustment', numbered 151/80,045G, and dated December 2020.

"(B) The map referred to in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service."; and

(2) by striking subsection (b)(2) and inserting the following new paragraphs:

"(2) The Secretary may, with the consent of the State of Arizona and in accordance with Federal and State law, acquire land or interests therein owned by the State of Arizona within the boundary of the park.

"(3) If the Secretary is unable to acquire the State land under paragraph (2), the Secretary may enter into an agreement with the State that would allow the National Park Service to manage State land within the boundary of the park.".

SEC. 202. NEW RIVER GORGE NATIONAL PARK AND PRESERVE DESIGNATION.

New River Gorge National Park and Preserve Designation Act.
16 USC 410eeee.

(a) SHORT TITLE.—This section may be cited as the "New River Gorge National Park and Preserve Designation Act".

(b) DESIGNATION OF NEW RIVER GORGE NATIONAL PARK AND NEW RIVER GORGE NATIONAL PRESERVE, WEST VIRGINIA.—

(1) REDESIGNATION.—The New River Gorge National River established under section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) shall be known and designated as the "New River Gorge National Park and Preserve", consisting of—

(A) the New River Gorge National Park; and

(B) the New River Gorge National Preserve.

(2) NEW RIVER GORGE NATIONAL PARK.—The boundaries of the New River Gorge National Park referred to in paragraph (1)(A) shall be the boundaries depicted as "Proposed National Park Area" on the map entitled "New River Gorge National Park and Preserve Proposed Boundary", numbered 637/163,199A, and dated September 2020.

(3) NEW RIVER GORGE NATIONAL PRESERVE; BOUNDARY.—The boundaries of the New River Gorge National Preserve referred to in paragraph (1)(B) shall be the boundaries depicted as "Proposed National Preserve Area" on the map entitled "New River Gorge National Park and Preserve Proposed Boundary", numbered 637/163,199A, and dated September 2020.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The New River Gorge National Park and Preserve shall be administered by the Secretary of the Interior (referred to in this section as the "Secretary") in accordance with—

(A) this section;

(B) the laws generally applicable to units of the National Park System, including—

(i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(ii) chapter 3201 of title 54, United States Code; and

(C) title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15 et seq.), except that the provisions of section 1106 of that Act (16 U.S.C. 460m–20) relating to hunting shall not apply to the New River Gorge National Park.

(2) HUNTING AND FISHING.—

(A) HUNTING.—Hunting within the New River Gorge National Preserve shall be administered by the Secretary—

(i) in the same manner as hunting was administered on the day before the date of enactment of this Act in those portions of the New River Gorge National River designated as the New River Gorge National Preserve by subsection (b)(3); and

(ii) in accordance with—

(I) section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20); and

(II) other applicable laws.

(B) FISHING.—Fishing within the New River Gorge National Park and Preserve shall be administered by the Secretary—

(i) in the same manner as fishing was administered within the New River Gorge National River on the day before the date of enactment of this Act; and

(ii) in accordance with—

(I) section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20); and

(II) other applicable laws.

(C) PRIVATE LAND.—Nothing in this section prohibits hunting, fishing, or trapping on private land in accordance with applicable State and Federal laws.

(3) LAND ACQUISITION.—

(A) ADDITIONAL LAND FOR NATIONAL PRESERVE.—

(i) IN GENERAL.—The Secretary may acquire land or any interest in land identified as "Proposed Additional Lands" on the map entitled "New River Gorge National Park and Preserve Proposed Boundary", numbered 637/163,199A, and dated September 2020, by purchase from a willing seller, donation, or exchange.

(ii) BOUNDARY MODIFICATION.—On acquisition of any land or interest in land under clause (i), the Secretary shall—

(I) modify the boundary of the New River Gorge National Preserve to reflect the acquisition; and

(II) administer the land or interest in land in accordance with the laws applicable to the New River Gorge National Preserve.

(B) VISITOR PARKING.—

(i) IN GENERAL.—The Secretary may acquire not more than 100 acres of land in the vicinity of the New River Gorge National Park and Preserve by purchase from a willing seller, donation, or exchange to provide for—

(I) visitor parking; and

(II) improved public access to the New River Gorge National Park and Preserve.

(ii) ADMINISTRATION.—On acquisition of the land under clause (i), the acquired land shall be administered as part of the New River Gorge National Park or the New River Gorge National Preserve, as appropriate.

(4) COMMERCIAL RECREATIONAL WATERCRAFT SERVICES.—Commercial recreational watercraft services within the New River Gorge National Park and Preserve shall be administered by the Secretary in accordance with section 402 of the West

Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460m–15 note; Public Law 100–534).

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the New River Gorge National River shall be considered to be a reference to the "New River Gorge National Park" or the "New River Gorge National Preserve", as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 203. DESIGNATION OF MIRACLE MOUNTAIN.

Miracle Mountain Designation Act.

(a) SHORT TITLE.—This section may be cited as the "Miracle Mountain Designation Act".

(b) FINDINGS.—Congress finds as follows:

(1) On September 13, 2018, the Bald Mountain Fire burned nearly 20,000 acres of land in Utah.

(2) Elk Ridge City, located in Utah County, was nearly the victim of this fire.

(3) Suddenly, the fire halted its progression and, instead of burning into Elk Ridge City, stayed behind the mountain and spared the city.

(4) Congress, in acknowledgment of this event, believes this mountain holds special significance to the residents of Elk Ridge City and surrounding communities.

(5) The presently unnamed peak has been referred to as "Miracle Mountain" by many residents since the fire that nearly went into Elk Ridge City.

(c) DESIGNATION.—The mountain in the State of Utah, located at 39° 59′ 02N, 111° 40′ 12W, shall be known and designated as "Miracle Mountain".

(d) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the mountain described in subsection (c) shall be considered to be a reference to "Miracle Mountain".

TITLE III—FOREIGN RELATIONS AND DEPARTMENT OF STATE PROVISIONS

Subtitle A—Robert Levinson Hostage Recovery and Hostage-taking Accountability Act

Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act.

SEC. 301. SHORT TITLE.

22 USC 1741 note.

This subtitle may be cited as the "Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act".

SEC. 302. ASSISTANCE FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

22 USC 1741.

Determination.

(a) REVIEW.—The Secretary of State shall review the cases of United States nationals detained abroad to determine if there is credible information that they are being detained unlawfully or wrongfully, based on criteria which may include whether—

(1) United States officials receive or possess credible information indicating innocence of the detained individual;

(2) the individual is being detained solely or substantially because he or she is a United States national;

(3) the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;

(4) the detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;

(5) the individual is being detained in violation of the laws of the detaining country;

(6) independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;

(7) the United States mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;

(8) the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;

(9) the individual is being detained in inhumane conditions;

(10) due process of law has been sufficiently impaired so as to render the detention arbitrary; and

(11) United States diplomatic engagement is likely necessary to secure the release of the detained individual.

Determination.

(b) REFERRALS TO THE SPECIAL ENVOY.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs created pursuant to section 303.

(c) REPORT.—

(1) ANNUAL REPORT.—

Determination.

(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees an annual report with respect to United States nationals for whom the Secretary determines there is credible information of unlawful or wrongful detention abroad.

(B) FORM.—The report required under this paragraph shall be submitted in unclassified form, but may include a classified annex if necessary.

(2) COMPOSITION.—The report required under paragraph (1) shall include current estimates of the number of individuals so detained, as well as relevant information about particular cases, such as—

(A) the name of the individual, unless the provision of such information is inconsistent with section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974");

(B) basic facts about the case;

(C) a summary of the information that such individual may be detained unlawfully or wrongfully;

(D) a description of specific efforts, legal and diplomatic, taken on behalf of the individual since the last reporting period, including a description of accomplishments and setbacks; and

(E) a description of intended next steps.

(d) RESOURCE GUIDANCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act and after consulting with relevant organizations that advocate on behalf of United States nationals detained abroad and the Family Engagement Coordinator established pursuant to section 304(c)(2), the Secretary of State shall provide resource guidance in writing for government officials and families of unjustly or wrongfully detained individuals. Deadline.

(2) CONTENT.—The resource guidance required under paragraph (1) should include—

(A) information to help families understand United States policy concerning the release of United States nationals unlawfully or wrongfully held abroad;

(B) contact information for officials in the Department of State or other government agencies suited to answer family questions;

(C) relevant information about options available to help families obtain the release of unjustly or wrongfully detained individuals, such as guidance on how families may engage with United States diplomatic and consular channels to ensure prompt and regular access for the detained individual to legal counsel, family members, humane treatment, and other services;

(D) guidance on submitting public or private letters from members of Congress or other individuals who may be influential in securing the release of an individual; and

(E) appropriate points of contacts, such as legal resources and counseling services, who have a record of assisting victims' families.

SEC. 303. SPECIAL ENVOY FOR HOSTAGE AFFAIRS. 22 USC 1741a.

(a) ESTABLISHMENT.—There shall be a Special Presidential Envoy for Hostage Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall report to the Secretary of State. President.

(b) RANK.—The Special Envoy shall have the rank and status of ambassador.

(c) RESPONSIBILITIES.—The Special Presidential Envoy for Hostage Affairs shall—

(1) lead diplomatic engagement on United States hostage policy;

(2) coordinate all diplomatic engagements and strategy in support of hostage recovery efforts, in coordination with the Hostage Recovery Fusion Cell and consistent with policy guidance communicated through the Hostage Response Group; Coordination.

(3) in coordination with the Hostage Recovery Fusion Cell as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government has detained a United States national and the United States Government regards such detention as unlawful or wrongful; Coordination.

(4) provide senior representation from the Special Envoy's office to the Hostage Recovery Fusion Cell established under section 304 and the Hostage Response Group established under section 305; and

(5) ensure that families of United States nationals unlawfully or wrongly detained abroad receive updated information about developments in cases and government policy.

22 USC 1741b.

SEC. 304. HOSTAGE RECOVERY FUSION CELL.

(a) ESTABLISHMENT.—The President shall establish an interagency Hostage Recovery Fusion Cell.

(b) PARTICIPATION.—The President shall direct the heads of each of the following executive departments, agencies, and offices to make available personnel to participate in the Hostage Recovery Fusion Cell:

(1) The Department of State.
(2) The Department of the Treasury.
(3) The Department of Defense.
(4) The Department of Justice.
(5) The Office of the Director of National Intelligence.
(6) The Federal Bureau of Investigation.
(7) The Central Intelligence Agency.
(8) Other agencies as the President, from time to time, may designate.

(c) PERSONNEL.—The Hostage Recovery Fusion Cell shall include—

(1) a Director, who shall be a full-time senior officer or employee of the United States Government;

(2) a Family Engagement Coordinator who shall—

(A) work to ensure that all interactions by executive branch officials with a hostage's family occur in a coordinated fashion and that the family receives consistent and accurate information from the United States Government; and

(B) if directed, perform the same function as set out in subparagraph (A) with regard to the family of a United States national who is unlawfully or wrongfully detained abroad; and

(3) other officers and employees as deemed appropriate by the President.

Coordination.

(d) DUTIES.—The Hostage Recovery Fusion Cell shall—

(1) coordinate efforts by participating agencies to ensure that all relevant information, expertise, and resources are brought to bear to secure the safe recovery of United States nationals held hostage abroad;

(2) if directed, coordinate the United States Government's response to other hostage-takings occurring abroad in which the United States has a national interest;

(3) if directed, coordinate or assist the United States Government's response to help secure the release of United States nationals unlawfully or wrongfully detained abroad; and

(4) pursuant to policy guidance coordinated through the National Security Council—

(A) identify and recommend hostage recovery options and strategies to the President through the National Security Council or the Deputies Committee of the National Security Council;

(B) coordinate efforts by participating agencies to ensure that information regarding hostage events, including potential recovery options and engagements with families and external actors (including foreign governments), is appropriately shared within the United States Government to facilitate a coordinated response to a hostage-taking; Coordination.

(C) assess and track all hostage-takings of United States nationals abroad and provide regular reports to the President and Congress on the status of such cases and any measures being taken toward the hostages' safe recovery; Assessment.

(D) provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information;

(E) coordinate efforts by participating agencies to provide appropriate support and assistance to hostages and their families in a coordinated and consistent manner and to provide families with timely information regarding significant events in their cases;

(F) make recommendations to agencies in order to reduce the likelihood of United States nationals' being taken hostage abroad and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking; and Recommendations.

(G) coordinate with agencies regarding congressional, media, and other public inquiries pertaining to hostage events. Coordination.

(e) ADMINISTRATION.—The Hostage Recovery Fusion Cell shall be located within the Federal Bureau of Investigation for administrative purposes.

SEC. 305. HOSTAGE RESPONSE GROUP. 22 USC 1741c.

(a) ESTABLISHMENT.—The President shall establish a Hostage Response Group, chaired by a designated member of the National Security Council or the Deputies Committee of the National Security Council, to be convened on a regular basis, to further the safe recovery of United States nationals held hostage abroad or unlawfully or wrongfully detained abroad, and to be tasked with coordinating the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest. President. Coordination.

(b) MEMBERSHIP.—The regular members of the Hostage Response Group shall include the Director of the Hostage Recovery Fusion Cell, the Hostage Recovery Fusion Cell's Family Engagement Coordinator, the Special Envoy appointed pursuant to section 303, and representatives from the Department of the Treasury, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, and other agencies as the President, from time to time, may designate.

(c) DUTIES.—The Hostage Recovery Group shall—

(1) identify and recommend hostage recovery options and strategies to the President through the National Security Council; Recommendation.

Coordination.

(2) coordinate the development and implementation of United States hostage recovery policies, strategies, and procedures;

(3) receive regular updates from the Hostage Recovery Fusion Cell and the Special Envoy for Hostage Affairs on the status of United States nationals being held hostage or unlawfully or wrongfully detained abroad and measures being taken to effect safe recoveries;

Coordination.

(4) coordinate the provision of policy guidance to the Hostage Recovery Fusion Cell, including reviewing recovery options proposed by the Hostage Recovery Fusion Cell and working to resolve disputes within the Hostage Recovery Fusion Cell;

(5) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate or assist in the safe recovery of United States nationals unlawfully or wrongfully detained abroad; and

(6) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(d) MEETINGS.—The Hostage Response Group shall meet regularly.

(e) REPORTING.—The Hostage Response Group shall regularly provide recommendations on hostage recovery options and strategies to the National Security Council.

22 USC 1741d.

SEC. 306. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

President. Determination.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for or is complicit in, or responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national abroad or the unlawful or wrongful detention of a United States national abroad; or

(2) knowingly provides financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) may—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person. President.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(c) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (b)(1) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(d) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines that— President. Determination.

(1) information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

President. (f) REPORTING REQUIREMENT.—If the President terminates sanctions pursuant to subsection (d), the President shall report to the appropriate congressional committees a written justification for such termination within 15 days.

President. (g) IMPLEMENTATION OF REGULATORY AUTHORITY.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(h) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this paragraph, the term "good" means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(i) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term "foreign person" means—

(A) any citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States); or

(B) any entity not organized solely under the laws of the United States or existing solely in the United States.

(2) UNITED STATES PERSON.—The term "United States person" means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

22 USC 1741e. **SEC. 307. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the United States Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) UNITED STATES NATIONAL.—The term "United States national" means—

(A) a United States national as defined in section 101(a)(22) or section 308 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22), 8 U.S.C. 1408); and

(B) a lawful permanent resident alien with significant ties to the United States.

SEC. 308. RULE OF CONSTRUCTION.

22 USC 1741f.

Nothing in this Act may be construed to authorize a private right of action.

Subtitle B—Taiwan Assurance Act of 2020

Taiwan Assurance Act of 2020.
22 USC 3301 note.

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "Taiwan Assurance Act of 2020".

SEC. 312. FINDINGS.

Congress makes the following findings:

(1) April 10, 2019, marked the 40th anniversary of the Taiwan Relations Act of 1979 (Public Law 96–8).

(2) Since 1949, the close relationship between the United States and Taiwan has benefitted both parties and the broader Indo-Pacific region.

(3) The security of Taiwan and its democracy are key elements of continued peace and stability of the greater Indo-Pacific region, which is in the political, security, and economic interests of the United States.

(4) The People's Republic of China is currently engaged in a comprehensive military modernization campaign to enhance the power-projection capabilities of the People's Liberation Army and its ability to conduct joint operations, which is shifting the military balance of power across the Taiwan Strait.

(5) Taiwan and its diplomatic partners continue to face sustained pressure and coercion from the People's Republic of China, which seeks to isolate Taiwan from the international community.

(6) It is the policy of the United States to reinforce its commitments to Taiwan under the Taiwan Relations Act in a manner consistent with the "Six Assurances" and in accordance with the United States "One China" policy.

(7) In the Taiwan Travel Act, which became law on March 16, 2018, Congress observed that the "self-imposed restrictions that the United States maintains on high-level visits" between the United States and Taiwan have resulted in insufficient high-level communication.

SEC. 313. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Taiwan is a vital part of the United States Free and Open Indo-Pacific Strategy;

(2) the United States Government—

(A) supports Taiwan's continued pursuit of asymmetric capabilities and concepts; and

(B) urges Taiwan to increase its defense spending in order to fully resource its defense strategy; and

(3) the United States should conduct regular sales and transfers of defense articles to Taiwan in order to enhance its self-defense capabilities, particularly its efforts to develop and integrate asymmetric capabilities, including undersea warfare and air defense capabilities, into its military forces.

22 USC 3301 note.

SEC. 314. TAIWAN'S INCLUSION IN INTERNATIONAL ORGANIZATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the People's Republic of China's attempts to dictate the terms of Taiwan's participation in international organizations, has, in many cases, resulted in Taiwan's exclusion from such organizations even when statehood is not a requirement, and that such exclusion—

(1) is detrimental to global health, civilian air safety, and efforts to counter transnational crime;

(2) negatively impacts the safety and security of citizens globally; and

(3) negatively impacts the security of Taiwan and its democracy.

(b) STATEMENT OF POLICY.—It is the policy of the United States to advocate for Taiwan's meaningful participation in the United Nations, the World Health Assembly, the International Civil Aviation Organization, the International Criminal Police Organization, and other international bodies, as appropriate, and to advocate for Taiwan's membership in the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, and other international organizations for which statehood is not a requirement for membership.

SEC. 315. REVIEW OF DEPARTMENT OF STATE TAIWAN GUIDELINES.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct a review of the Department of State's guidance that governs relations with Taiwan, including the periodic memorandum entitled "Guidelines on Relations with Taiwan" and related documents, and reissue such guidance to executive branch departments and agencies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State's guidance regarding relations with Taiwan—

(1) should be crafted with the intent to deepen and expand United States-Taiwan relations, and be based on the value, merits, and importance of the United States-Taiwan relationship;

(2) should be crafted giving due consideration to the fact that Taiwan is governed by a representative democratic government that is peacefully constituted through free and fair elections that reflect the will of the people of Taiwan, and that Taiwan is a free and open society that respects universal human rights and democratic values; and

(3) should ensure that the conduct of relations with Taiwan reflects the longstanding, comprehensive, and values-based relationship the United States shares with Taiwan, and contribute to the peaceful resolution of cross-strait issues.

(c) REPORTING REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes a description of—

(1) the results of the review pursuant to subsection (a) of the Department of State's guidance on relations with Taiwan, including a copy of the reissued "Guidelines of Relations with Taiwan" memorandum; and

(2) the implementation of the Taiwan Travel Act (Public Law 115–135) and any changes to guidance on relations with Taiwan that are the result of such implementation.

Subtitle C—Support for Human Rights in Belarus

Belarus Democracy, Human Rights, and Sovereignty Act of 2020. 22 USC 5801 note.

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Belarus Democracy, Human Rights, and Sovereignty Act of 2020".

SEC. 322. FINDINGS.

Section 2 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 2. FINDINGS.

"Congress finds the following:

"(1) The International Covenant on Civil and Political Rights, done at New York December 19, 1966, was ratified by Belarus in 1973, guaranteeing Belarusians the freedom of expression and the freedom of association.

"(2) Alyaksandr Lukashenka has ruled Belarus as an undemocratic dictatorship since the first presidential election in Belarus in 1994.

"(3) Subsequent presidential elections in Belarus have been neither free nor fair and have been rejected by the international community as not meeting minimal electoral standards, with the jailing of opposition activists frequently used as a tool of government repression before and after the elections.

"(4) In response to the repression and violence during the 2006 presidential election, Congress passed the Belarus Democracy Reauthorization Act of 2006 (Public Law 109–480).

"(5) In 2006, President George W. Bush issued Executive Order 13405, titled 'Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus', which authorized the imposition of sanctions against persons responsible for—

"(A) undermining democratic processes in Belarus; or

"(B) participating in human rights abuses related to political repression in Belarus.

"(6) In March 2011, the Senate unanimously passed Senate Resolution 105, which—

"(A) condemned the December 2010 election in Belarus as 'illegitimate, fraudulent, and not representative of the will or the aspirations of the voters in Belarus'; and

"(B) called on the Lukashenka regime 'to immediately and unconditionally release all political prisoners in Belarus who were arrested in association with the December 19, 2010, election'.

"(7) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to engage in a pattern of clear and persistent violations of human rights and fundamental freedoms.

"(8) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to engage in a pattern of clear and

uncorrected violations of basic principles of democratic governance, including through a series of fundamentally flawed presidential and parliamentary elections undermining the legitimacy of executive and legislative authority in that country.

"(9) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to subject thousands of pro-democracy political activists and peaceful protesters to harassment, beatings, and imprisonment, particularly as a result of their attempts to peacefully exercise their right to freedom of assembly and association.

"(10) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to suppress independent media and journalists and to restrict access to the internet, including social media and other digital communication platforms, in violation of the right to freedom of speech and expression of those dissenting from the dictatorship of Alyaksandr Lukashenka.

"(11) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues a systematic campaign of harassment, repression, and closure of nongovernmental organizations, including independent trade unions and entrepreneurs, creating a climate of fear that inhibits the development of civil society and social solidarity.

"(12) The Government of Belarus, led illegally by Alyaksandr Lukashenka, has pursued a policy undermining the country's sovereignty and independence by making Belarus political, economic, cultural, and societal interests subservient to those of Russia.

"(13) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to reduce the independence of Belarus through integration into a so-called 'Union State' that is under the control of Russia.

"(14) In advance of the August 2020 presidential elections in Belarus, authorities acting on behalf of President Lukashenka arrested journalists, bloggers, political activists, and opposition leaders, including 3 leading presidential candidates (Syarhey Tsikhanouski, Mikalay Statkevich, and Viktar Babaryka), who were barred from running in the election by the Central Election Commission of the Republic of Belarus.

"(15) While the 3 opposition candidates were imprisoned, 2 of their wives and 1 of their campaign managers (Sviatlana Tsikhanouskaya, Veranika Tsepkala, and Maria Kalesnikava) joined together and ran in place of the candidates.

"(16) Thousands of Belarusian people demonstrated their support for these candidates by attending rallies, including 1 rally that included an estimated 63,000 participants.

"(17) On August, 5, 2020, the Senate unanimously passed Senate Resolution 658, which calls for a free, fair, and transparent presidential election in Belarus, including the unimpeded participation of all presidential candidates.

"(18) On August 9, 2020, the Government of Belarus conducted a presidential election that—

"(A) was held under undemocratic conditions that did not meet international standards;

"(B) involved government malfeasance and serious irregularities with ballot counting and the reporting of election results, including—

"(i) early voting ballot stuffing;

"(ii) ballot burning;

"(iii) pressuring poll workers; and

"(iv) removing bags full of ballots by climbing out of windows;

"(C) included restrictive measures that impeded the work of local independent observers and did not provide sufficient notice to the OSCE to allow for the OSCE to monitor the elections, as is customary.

"(19) Incumbent president Alyaksandr Lukashenka declared a landslide victory in the election and claimed to have received more than 80 percent of the votes cast in the election.

"(20) The leading opposition candidate, Sviatlana Tsikhanouskaya—

"(A) formally disputed the government's reported election results;

"(B) explained that her staff had examined the election results from more than 50 polling places; and

"(C) found that her share of the vote exceeded Lukashenka's share by many times.

"(21) On August 10, 2020, Sviatlana Tsikhanouskaya was detained while attending a meeting with the Central Election Commission of the Republic of Belarus and forced to flee to Lithuania under pressure from government authorities.

"(22) On August 11, 2020, Lithuanian Foreign Minister Linas Linkevičius announced that Sviatlana Tsikhanouskaya was safe in Lithuania and has continued to be one of the strongest voices supporting the pro-democracy movement in Belarus within the European Union and globally.

"(23) On August 18, 2020, Sviatlana Tsikhanouskaya announced the formation of a Coordination Council to oversee a resolution to the crisis in Belarus and a peaceful transition of power by subjecting the Council's senior members to violence, detention, and forced exile. The Government of Belarus, led illegally by Alyaksandr Lukashenka, has sought to stop the work of the Coordination Council.

"(24) Before the European Parliament on August 25, 2020, Sviatlana Tsikhanouskaya stressed that a 'peaceful revolution' was underway in Belarus, and that 'It is neither a pro-Russian nor anti-Russian revolution. It is neither an anti-European Union nor a pro-European Union revolution. It is a democratic revolution.'.

"(25) On or around September 6, 2020, opposition leader Maria Kalesnikava and members of the Coordination Council, including Anton Ronenkov, Ivan Kravtsov, and Maxim Bogretsov, were detained by authorities who sought to forcibly expel them to Ukraine. Ms. Kalesnikava tore up her passport at the Ukrainian border in a successful effort to prevent this expulsion, subsequently disappeared, and was discovered in a Minsk prison on September 9, 2020.

"(26) On August 11, 2020, the European Union High Representative for Foreign and Security Policy, Josep Borrell, issued a declaration on the presidential election in Belarus stating that the elections were neither free nor fair.

"(27) On August 28, 2020, United States Deputy Secretary of State Stephen Biegun declared that the August 9th election in Belarus was fraudulent.

"(28) Following Alyaksandr Lukashenka's September 23, 2020, secret inauguration, the United States, the European Union, numerous European Union member states, the United Kingdom, and Canada announced that they did not recognize Mr. Lukashenka as the legitimately elected leader of Belarus.

"(29) Since the sham election on August 9, 2020, tens of thousands of Belarusian citizens have participated in daily peaceful protests calling for a new, free, and fair election, and the release of political prisoners.

"(30) According to Amnesty International, on August 30, 2020, Belarusians held one of the largest protest rallies in the country's modern history in Minsk and in other cities, which was attended by at least 100,000 people who demanded the resignation of President Lukashenka and an investigation into the human rights violations in Belarus.

"(31) Women have served as the leading force in demonstrations across the country, protesting the police brutality and mass detentions by wearing white, carrying flowers, forming 'solidarity chains', and unmasking undercover police trying to arrest demonstrators.

"(32) The Government of Belarus has responded to the peaceful opposition protests, which are the largest in Belarus history, with a violent crackdown, including, according to the United Nations Special Rapporteur, the detention by government authorities of more than 10,000 peaceful protestors as of September 18, 2020, mostly for taking part in or observing peaceful protests, with many of these arrests followed by beatings and torture at the hands of Belarusian law enforcement.

"(33) According to the Viasna Human Rights Centre, at least 450 detainees have reported being tortured or otherwise ill-treated while held in incommunicado detention for up to 10 days, including through—

"(A) severe beatings;

"(B) forced performance of humiliating acts; and

"(C) sexual violence and other forms of violence.

"(34) At least 4 Belarusians have been killed at protests, and dozens of Belarusians who were detained during the protests are still missing.

"(35) The Belarus Ministry of Defense threatened to send the army to confront protestors, warning that in case of any violation of peace and order in areas around national monuments, 'you will have the army to deal with now, not the police'.

"(36) The Government of Belarus, led illegally by Alyaksandr Lukashenka, has consistently restricted the free flow of information to silence the opposition and to conceal the regime's violent crackdown on peaceful protestors, including by—

"(A) stripping the accreditation of journalists from major foreign news outlets;

"(B) detaining and harassing countless journalists.

"(C) arresting dozens of journalists, 6 of whom report for Radio Free Europe/Radio Liberty;

"(D) halting the publishing of 2 independent newspapers; and

"(E) disrupting internet access;

"(F) blocking more than 50 news websites that were covering the protests; and

"(G) limiting access to social media and other digital communication platforms.

"(37) Internet access in Belarus has been repeatedly disrupted and restricted since August 9, 2020, which independent experts and monitoring groups have attributed to government interference.

"(38) Thousands of employees at Belarusian state-owned enterprises, who have been seen as Alyaksandr Lukashenka's traditional base during his 26-year rule, went on strike across the country to protest Lukashenka's illegitimate election and the subsequent crackdowns, including at some of Belarus's largest factories such as the BelAZ truck plant, the Minsk Tractor Works, and the Minsk Automobile Plant.

"(39) After the employees of state media outlets walked off the job in protest rather than help report misleading government propaganda, Lukashenka confirmed that he 'asked the Russians' to send teams of Russian journalists to replace local employees.

"(40) On August 19, 2020, European Council President Charles Michel announced that the European Union would impose sanctions on a substantial number of individuals responsible for violence, repression, and election fraud in Belarus.

"(41) On October 2, 2020, the Department of Treasury announced new sanctions under Executive Order 13405 on eight individuals 'for their roles in the fraudulent August 9, 2020 Belarus presidential election or the subsequent violent crackdown on peaceful protesters'.

"(42) Similar sanctions have also been applied to Belarusian human rights violators by the Government of Canada and the Government of the United Kingdom.

"(43) Against the will of the majority of the Belarusian people—

"(A) Alyaksandr Lukashenka appealed to Russian President Vladimir Putin to provide security assistance to his government, if requested; and

"(B) President Putin has agreed to prop up the Alyaksandr Lukashenka regime by—

"(i) confirming that a Russian police force was ready to be deployed if 'the situation gets out of control';

"(ii) providing significant financial support; and

"(iii) sending Russian propagandists to help disseminate pro-regime propaganda on Belarus state television.

"(44) The Governments of the United States, the European Union, the United Kingdom, and Canada have—

"(A) condemned the violent crackdown on peaceful protestors;

"(B) refused to accept the results of the fraudulent election; and

"(C) called for new free and fair elections under independent observation.".

SEC. 323. STATEMENT OF POLICY.

Section 3 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States—

"(1) to condemn—

"(A) the conduct of the August 9, 2020, presidential election in Belarus, which was neither free nor fair;

"(B) the Belarusian authorities' unrelenting crackdown on, arbitrary arrests of, and violence against opposition candidates, peaceful protestors, human rights activists, employees from state-owned enterprises participating in strikes, independent election observers, and independent journalists and bloggers; and

"(C) the unjustified detention and forced or attempted expulsion of members of the Coordination Council in Belarus;

"(2) to continue demanding the immediate release without preconditions of all political prisoners in Belarus and those arrested for peacefully protesting, including all those individuals detained in connection with the August 9, 2020, presidential election;

"(3) to stand in solidarity with the people of Belarus, including human rights defenders, bloggers, and journalists, who are exercising their right to freedom of assembly, freedom of expression, and rule of law and to continue supporting the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

"(4) to continue actively supporting the aspirations of the people of the Republic of Belarus—

"(A) to preserve the independence and sovereignty of their country; and

"(B) to freely exercise their religion, including the head of the Catholic Church in Belarus, Archbishop Tadeusz Kondrusiewicz, who was barred from entering the country after criticizing Belarusian authorities;

"(5) to recognize the leading role of women in the peaceful protests and pro-democracy movement in Belarus;

"(6) to continue—

"(A) rejecting the invalid results of the fraudulent August 9, 2020 presidential election in Belarus announced by the Central Election Commission of the Republic of Belarus; and

"(B) supporting calls for new presidential and parliamentary elections, conducted in a manner that is free and fair according to OSCE standards and under the supervision of OSCE observers and independent domestic observers;

"(7) to refuse to recognize Alyaksandr Lukashenka as the legitimately elected leader of Belarus;

"(8) to not recognize any incorporation of Belarus into a 'Union State' with Russia, since this so-called 'Union State' would be both an attempt to absorb Belarus and a step to reconstituting the totalitarian Soviet Union;

"(9) to continue calling for the fulfillment by the Government of Belarus of Belarus's freely undertaken obligations as

an OSCE participating state and as a signatory of the Charter of the United Nations;

"(10) to support an OSCE role in mediating a dialogue within Belarus between the government and genuine representatives of Belarusian society;

"(11) to recognize the Coordination Council as a legitimate institution to participate in a dialogue on a peaceful transition of power;

"(12) to applaud the commitment by foreign diplomats in Minsk to engage with Coordination Council member and Nobel Laureate, Svetlana Alexievich, and to encourage an ongoing dialogue with her and with other leaders of the democratically-oriented political opposition in Belarus;

"(13) to urge an expanded United States diplomatic presence in Belarus to advocate for the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

"(14) to encourage the United States Government—

"(A) to continue working closely with the European Union, the United Kingdom, Canada, and other countries and international organizations to promote the principles of democracy, the rule of law, and human rights in Belarus; and

"(B) to impose targeted sanctions, in coordination with the European Union and other international partners, against officials in Belarus who are responsible for— Coordination.

"(i) undermining democratic processes in Belarus; or

"(ii) participating in human rights abuses related to political repression in Belarus;

"(15) to call on the Government of Belarus to uphold its human rights obligations, including those rights enumerated in the International Covenant on Civil and Political Rights; and

"(16) to support—

"(A) the continued territorial integrity of Belarus; and

"(B) the right of the Belarusian people to determine their future.".

SEC. 324. ASSISTANCE TO PROMOTE DEMOCRACY, CIVIL SOCIETY, AND SOVEREIGNTY IN BELARUS.

Section 4 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) by amending the section heading to read as follows: "assistance to promote democracy, civil society, and sovereignty in belarus.";

(2) in subsection (a)—

(A) in paragraph (1), by striking "European" and inserting "Trans-Atlantic"; and

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

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

"(2) To assist the people of Belarus in building the sovereignty and independence of their country.";

(3) in subsection (b)—

(A) by inserting "and Belarusian groups outside of Belarus" after "indigenous Belarusian groups"; and

(B) by inserting "and Belarusian sovereignty" before the period at the end;

(4) in subsection (c)—

(A) by striking paragraph (8);

(B) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(C) by inserting after paragraph (2) the following:

"(3) countering internet censorship and repressive surveillance technology that seek to limit free association, control access to information, and prevent citizens from exercising their rights to free speech;";

(D) in paragraph (8), as redesignated, by striking "and" at the end; and

(E) by adding at the end the following:

"(9) supporting the work of women advocating freedom, human rights, and human progress;

"(10) supporting the development of Belarusian language education;

"(11) enhancing the development of the private sector, particularly the information technology sector, and its role in the economy of Belarus, including by increasing the capacity of private sector actors, developing business support organizations, offering entrepreneurship training, and expanding access to finance for small and medium enterprises;

"(12) supporting political refugees in neighboring European countries fleeing the crackdown in Belarus;

"(13) supporting the gathering of evidence on and investigating of the human rights abuses in Belarus;

"(14) supporting the public health response, including filling the information void, in Belarus during the COVID–19 pandemic; and

"(15) other activities consistent with the purposes of this Act.";

(5) by redesignating subsection (d) as subsection (g);

(6) by inserting after subsection (c) the following:

"(d) SENSE OF CONGRESS.—It is the sense of Congress that, in light of the political crisis in Belarus and the unprecedented mobilization of the Belarusian people, United States foreign assistance to Belarusian civil society should be reevaluated and increased—

"(1) to carry out the purposes described in subsection (a); and

"(2) to include the activities described in subsection (c).

"(e) COORDINATION WITH EUROPEAN PARTNERS.—In order to maximize impact, eliminate duplication, and further the achievement of the purposes described in subsection (a), the Secretary of State shall ensure coordination with the European Union and its institutions, the governments of countries that are members of the European Union, the United Kingdom, and Canada.

"(f) REPORT ON ASSISTANCE.—Not later than 1 year after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020, the Secretary of State, acting through the Office of the Coordinator of U.S. Assistance to Europe and Eurasia, and in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees describing the programs and activities carried out to achieve the purposes described in subsection (a), including an assessment of whether or not progress was made in achieving those purposes."; and

(7) in subsection (g), as redesignated—

(A) in the subsection heading, by striking "AUTHORIZATION OF APPROPRIATIONS" and all that follows through "There are" and inserting "AUTHORIZATION OF APPROPRIATIONS.—There are";

(B) by striking "fiscal years 2007 and 2008" and inserting "fiscal years 2021 and 2022"; and

(C) by striking paragraph (2).

SEC. 325. INTERNATIONAL BROADCASTING, INTERNET FREEDOM, AND ACCESS TO INFORMATION IN BELARUS.

Section 5 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 5. INTERNATIONAL BROADCASTING, INTERNET FREEDOM, AND ACCESS TO INFORMATION IN BELARUS.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the President should support and reallocate resources to radio, television, and internet broadcasting conducted by Radio Free Europe/Radio Liberty in languages spoken in Belarus; President.

"(2) the United States should also support other independent media providing objective information to the Belarusian people, particularly in the Belarusian language;

"(3) the President should provide the United States Agency for Global Media with a surge capacity (as such term is defined in section 316 of the United States International Broadcasting Act (22 U.S.C. 6216)) for programs and activities in Belarus; President.

"(4) the Chief Executive Officer of the United States Agency for Global Media, working through the Open Technology Fund and in coordination with the Secretary of State, should expand and prioritize efforts to provide anti-censorship technology and services to journalists and civil society in Belarus in order to enhance their ability to safely access or share digital news and information without fear of repercussions or surveillance; and

"(5) the United States should continue to condemn the Belarusian authorities' crackdown on independent media, including the harassment and mass detentions of independent and foreign journalists and the denial of accreditation.

"(b) STRATEGY TO PROMOTE EXPANDED BROADCASTING, INTERNET FREEDOM, AND ACCESS TO INFORMATION IN BELARUS.—

"(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020, the Chief Executive Officer of the United States Agency for Global Media and the Secretary of State shall jointly submit to the appropriate congressional committees a comprehensive strategy, including a cost estimate, to carry out the following: Deadline.

"(A) Expand independent radio, television, live stream, and social network broadcasting and communications in Belarus to provide news and information, particularly in the Belarusian language, that is credible, comprehensive, and accurate.

"(B) Support the development and use of anti-censorship and circumvention technologies by the Open Technology Fund and the Bureau of Democracy Human Rights

and Labor that enable the citizens of Belarus to communicate securely and undertake internet activities without interference from the Government of Belarus.

"(C) Assist efforts to overcome attempts by the Government of Belarus to disrupt internet access and block content online.

"(D) Monitor the cooperation of the Government of Belarus with any foreign government or organization for purposes related to the censorship or surveillance of the internet, including an assessment of any such cooperation in the preceding ten years.

"(E) Monitor the purchase or receipt by the Government of Belarus of any technology or training from any foreign government or organization for purposes related to the censorship or surveillance of the internet, including an assessment of any such purchase or receipt in the preceding ten years.

"(F) Assist with the protection of journalists who have been targeted for free speech activities, including through the denial of accreditation.

"(G) Provide cyber-attack mitigation services to civil society organizations in Belarus.

"(H) Provide resources for educational materials and training on digital literacy, bypassing internet censorship, digital safety, and investigative and analytical journalism for independent journalists working in Belarus.

"(I) Build the capacity of civil society, media, and other nongovernmental and organizations to identify, track, and counter disinformation, including from proxies of the Government of Russia working at Belarusian state television.

"(2) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex.".

SEC. 326. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

Section 6 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in subsection (b)—

(A) by striking "December 19, 2010" each place it appears and inserting "August 9, 2020";

(B) in paragraph (2), by inserting ", peaceful protesters," after "all opposition activists";

(C) by striking paragraphs (3) and (6); and

(D) by redesignating paragraphs (4), (5), and (7) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (c)—

(A) in the subsection heading, by inserting "AND RUSSIAN INDIVIDUALS COMPLICIT IN THE CRACKDOWN THAT OCCURRED AFTER THE AUGUST 9, 2020, ELECTION" after "BELARUS";

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(C) by inserting after paragraph (3) the following:

"(4) is a member of the Central Election Commission of Belarus or assisted the Commission in manipulating the presidential election of August 9, 2020;";

(D) in paragraph (5), as redesignated, to read as follows:

"(5) is a member of any branch of the security or law enforcement services of Belarus, including the KGB, Interior Ministry, and OMON special police unit, and is responsible for, or complicit in, ordering, controlling, materially assisting, sponsoring, or providing financial, material, or technological support for, or otherwise directing, the crackdown on opposition leaders, journalists, and peaceful protestors that occurred in connection with the presidential election of August 9, 2020; or"; and

(E) by adding at the end the following:

"(7) is a government official, including at the Information Ministry, responsible for the crackdown on independent media, including revoking the accreditation of journalists, disrupting internet access, and restricting online content;

"(8) is an official in the so-called 'Union State' between Russia and Belarus (regardless of nationality of the individual); or

"(9) is a Russian individual that has significantly participated in the crackdown on independent press or human rights abuses related to political repression in Belarus, including the Russian propagandists sent to replace local employees at Belarusian state media outlets.";

(3) in subsection (d)(1), by striking "the Overseas Private Investment Corporation" and inserting "the United States International Development Finance Corporation";

(4) in subsection (e), by striking "(including any technical assistance or grant) of any kind"; and

(5) in subsection (f)—

(A) in paragraph (1)(A), by striking "or by any member or family member closely linked to any member of the senior leadership of the Government of Belarus" and inserting "or by the senior leadership of the Government of Belarus or by any member or family member closely linked to the senior leadership of the Government of Belarus, or an official of the so-called 'Union State' with Russia"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding at the end before the semicolon the following: ", or an official of the so-called 'Union State' with Russia"; and

(ii) in subparagraph (B), by inserting ", or the so-called 'Union State' with Russia," after "the Government of Belarus".

SEC. 327. MULTILATERAL COOPERATION.

Section 7 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 7. MULTILATERAL COOPERATION.

President.

"It is the sense of Congress that the President should continue to coordinate with the European Union and its institutions, European Union member states, the United Kingdom, and Canada to develop a comprehensive, multilateral strategy—

"(1) to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures with

respect to the Republic of Belarus that are similar to measures described in this Act; and

"(2) to deter the Government of the Russian Federation from undermining democratic processes and institutions in Belarus or threatening the independence, sovereignty, and territorial integrity of Belarus.".

SEC. 328. REPORTS.

Section 8 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 8. REPORTS.

"(a) REPORT ON THREAT TO SOVEREIGNTY AND INDEPENDENCE OF BELARUS.—

Deadline. Coordination.

"(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020, the Secretary of State, in coordination with the Director of National Intelligence and the Secretary of the Treasury, shall transmit to the appropriate congressional committees a report describing the threat that the Government of Russia poses to the sovereignty and independence of Belarus.

"(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

Assessment.

"(A) an assessment of how the Government of Russia is exploiting the current political crisis in Belarus to push for deeper political and economic control of or integration with Belarus;

"(B) a description of the economic and energy assets in Belarus that the Government of Russia, including Russian state-owned or state-controlled companies, controls;

"(C) a description of Belarus major enterprises that are vulnerable of being taken over by Russian entities amid the country's worsening financial crisis;

"(D) a description of how and to what ends the Government of Russia seeks to augment its military presence in Belarus;

"(E) a description of Russian influence over the media and information space in Belarus and how the Government of Russia uses disinformation and other malign techniques to undermine Belarusian history, culture, and language;

"(F) a description of other actors in Belarus that the Government of Russia uses to advance its malign influence, including veterans' organizations and extrajudicial networks;

"(G) a description of efforts to undermine Belarusian language, cultural, and national symbols, including the traditional red and white flag and the 'Pahonia' mounted knight; and

"(H) the identification of Russian individuals and government agencies that are significantly supporting or involved in the crackdown on peaceful protestors and the opposition or the repression of independent media following the August 9, 2020, presidential election.

"(3) FORM.—The report required under this subsection shall be transmitted in unclassified form, but may contain a classified annex.

"(b) REPORT ON PERSONAL ASSETS OF ALYAKSANDR LUKASHENKA.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020, the Director of National Intelligence, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit to the appropriate congressional committees a report describing—

"(A) the total assets under the direct or indirect control of Alyaksandr Lukashenka, including estimated assets and known sources of income of Alyaksandr Lukashenka and his immediate family members, including assets, investments, bank accounts, and other business interests; and

"(B) an identification of the most significant senior foreign political figures in Belarus, as determined by their closeness to Alyaksandr Lukashenka.

"(2) WAIVER.—The Director of National Intelligence may waive, in whole or in part, the reporting requirement under paragraph (1)(A) if the Director submits to the appropriate congressional committees—

"(A) a written justification stating that the waiver is in the national interest of the United States; and

"(B) a detailed explanation of the reasons therefor.

"(3) FORM.—The report required under this subsection shall be transmitted in unclassified form, but may contain a classified annex.".

SEC. 329. DEFINITIONS.

Section 9 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

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

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(C) the Committee on Appropriations of the Senate;

"(D) the Committee on Foreign Affairs of the House of Representatives;

"(E) the Committee on Financial Services of the House of Representatives; and

"(F) the Committee on Appropriations of the House of Representatives."; and

(2) in paragraph (3)(B)—

(A) in clause (i), by inserting "members of the security and intelligence services," after "prosecutors,"; and

(B) in clause (ii), by inserting ", electoral fraud, online censorship, or restrictions on independent media and journalists" after "public corruption".

SEC. 330. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this subtitle, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this subtitle, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Gandhi-King Scholarly Exchange Initiative Act.

Subtitle D—Gandhi-King Scholarly Exchange Initiative Act

SEC. 331. SHORT TITLE.

This subtitle may be cited as the "Gandhi-King Scholarly Exchange Initiative Act".

SEC. 332. FINDINGS.

Congress makes the following findings:

(1) The peoples of the United States and India have a long history of friendship and the interests of the peoples of the United States, India, and the world will benefit from a stronger United States-India partnership.

(2) Mohandas Karamchand Gandhi and Martin Luther King, Jr., were dedicated leaders fighting for social justice and social change, peace, and civil rights in their respective communities, and countries and in the world.

(3) The use of nonviolent civil disobedience is a shared tactic that has played a key role in defeating social injustice in India, the United States, and in other parts of the world.

(4) Mohandas Gandhi, who was born on October 2, 1869, was murdered on January 30, 1948, after dedicating his life to the peaceful empowerment of the people of India and to the end of British colonial rule.

(5) Martin Luther King, Jr., who was born on January 15, 1929, was murdered on April 4, 1968, after a life dedicated to peaceful movements against segregation, discrimination, racial injustice, and poverty.

(6) In February 1959, Dr. King and his wife, Coretta Scott King, traveled throughout India. By the end of his monthlong visit, Dr. King said, "I am more convinced than ever before that the method of nonviolent resistance is the most potent weapon available to oppressed people in their struggle for justice and human dignity.".

(7) Fifty years after Dr. King's visit, All India Radio, the national radio station of India, discovered a taped message by Dr. King that emphasized the intellectual harmony between the messages of Dr. King and Mohandas Gandhi on nonviolent social action.

(8) On August 22, 2011, the Dr. Martin Luther King, Jr., National Memorial opened to the public in Washington, DC. This newest memorial on the National Mall pays tribute to Dr. King's national and international contributions to world peace through nonviolent social change.

(9) The 116th Congress coincides with both the 150th birth anniversary of Mohandas Gandhi and the 90th birth anniversary of Dr. Martin Luther King, Jr.

(10) Mohandas Gandhi, who employed the principle of satyagraha, or "fighting with peace", has come to represent the moral force inspiring many civil and social rights movement around the world.

(11) Dr. King's effective use of Gandhi's principles was instrumental to the American civil rights movement.

(12) There is a long history of civil and social rights movements in the United States and in India. As the relationship between the United States and India evolves, a binational

foundation through which the governments of each country can work together and catalyze private investment toward development objectives would provide an ongoing, productive institution and symbol of the friendship and common ideals of the respective governments and their peoples.

(13) There is a global goal of ending tuberculosis by 2030, the United States and India seek a TB-Free India by 2025, and the United States-India Gandhi-King Development Foundation, as described in this subtitle, could help address gaps across the TB value chain in prevention, detection, diagnosis, and treatment, and catalyze market-based strategies to bridge the service gap for the "last mile".

(14) Leaders in both countries have prioritized the United States-India relationship and continue to support a strengthened United States-India partnership, recognizing that it will be one of the defining partnerships of the 21st century.

SEC. 333. GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.

(a) IN GENERAL.—In order to further the shared ideals and values of Mohandas Gandhi and Martin Luther King, Jr, the Secretary of State should establish, in cooperation with the appropriate representatives of the Government of India, a professional exchange program known as the "Gandhi-King Scholarly Exchange Initiative". The initiative should be comprised of the following:

(1) An annual educational forum for scholars from the United States and India that focuses on the social justice and human and civil rights legacies of Mohandas Gandhi and Martin Luther King, Jr., which should—

(A) be held alternately in the United States and in India;

(B) include representatives from governments, nongovernmental organizations, civic organizations, and educational, cultural, women's, civil, and human rights groups, including religious and ethnic minorities and marginalized communities; and

(C) focus on studying the works of Gandhi and King, and applying their philosophies of nonviolent resistance to addressing current issues, including poverty alleviation, conflict mitigation, human and civil rights challenges, refugee crises, and threats to democracy and democratic norms in countries around the world.

(2) An undergraduate, graduate, and post-graduate student exchange for students in the United States and India to—

(A) study the history and legacies of Martin Luther King, Jr., and Mohandas Gandhi; and

(B) research, develop, and recommend best practices relating to peace, nonviolence, and reconciliation in current conflict regions.

(b) SUNSET.—The authorities provided under this section shall terminate on the date that is five years after the date of enactment of this Act.

SEC. 334. GANDHI-KING GLOBAL ACADEMY.

(a) IN GENERAL.—The president and chief executive officer of the United States Institute of Peace should create a professional development training initiative on conflict resolution tools based on the principles of nonviolence. Such training initiative shall be known as the Gandhi-King Global Academy and should—

(1) include representatives from governments, nongovernmental organizations, civic organizations, and educational, cultural, women's, civil, and human rights groups, including religious and ethnic minorities and marginalized communities in countries with ongoing political, social, ethnic, or violent conflict;

(2) include a specific focus on the success of nonviolent movements, inclusion, and representation in conflict resolution;

(3) develop a curriculum on conflict resolution tools based on the principles of nonviolence; and

(4) make the curriculum publicly available online, in person, and through a variety of media.

(b) PROHIBITION.—The United States Institute of Peace may not, in the course of any activity authorized by subsection (a), enter into any contract with an outside entity to conduct advocacy on its behalf.

(c) SUNSET.—The authorities provided under this section shall terminate on the date that is five years after the date of enactment of this Act.

SEC. 335. ESTABLISHMENT OF THE UNITED STATES-INDIA GANDHI-KING DEVELOPMENT FOUNDATION.

(a) ESTABLISHMENT.—The Administrator of the United States Agency for International Development (USAID), with the concurrence of the Secretary of State and in coordination with appropriate counterparts in the Government of India, is authorized to establish, on such terms and conditions as are determined necessary, one or more legal entities to compose the United States-India Gandhi-King Development Foundation (in this section referred to as the "Foundation"). Each such legal entity within the Foundation shall be organized under the laws of India and shall not be considered to be an agency or establishment of the United States Government and shall not have the full faith and credit of the United States.

(b) FUNCTIONS.—The Foundation, through one or more entities referred to in subsection (a)—

(1) shall identify development priorities and administer and oversee competitively-awarded grants to private nongovernmental entities to address such priorities in India, including—

(A) health initiatives addressing tuberculosis (TB), water, sanitation, and health (WASH), and pollution and related health impacts (PHI);

(B) pollution, plastic waste reduction, and climate-related shocks;

(C) education; and

(D) empowerment of women;

(2) should provide credible platforms and models, including returnable capital to attract and blend public and private capital, which can then be deployed efficiently and effectively to address the priorities identified in paragraph (1).

(c) ADDITIONALITY.—

(1) IN GENERAL.—Before an entity within the Foundation makes a grant under subsection (b)(1) to address a priority identified under such subsection, the Foundation shall ensure that private sector entities are afforded an opportunity to support the projects funded by such grants.

(2) SAFEGUARDS, POLICIES, AND GUIDELINES.—The Foundation shall develop appropriate safeguards, policies, and guidelines to ensure that grants made under subsection (b)(1) operate according to internationally recognized best practices and standards, including for transparency and accountability.

(d) LIMITATIONS.—No party receiving a grant made under subsection (b)(1) may receive such grant in an amount that is more than five percent of amounts appropriated or otherwise made available under section 337(a)(3) to the entity in the Foundation making such grant.

(e) GOVERNING COUNCIL.—

(1) PURPOSE.—The Government of the United States and the Government of India shall convene a Governing Council to provide guidance and direction to the Foundation.

(2) APPOINTMENT OF MEMBERS.—The Administrator of the United States Agency for International Development, with the concurrence of the Secretary of State, shall appoint a majority of the Governing Council of the Foundation for a period of five years following the establishment of the Foundation.

(3) CHARTER.—The Governing Council of the Foundation shall adopt a charter for the operation of the Foundation, which shall include provisions to—

(A) identify development priorities or a process to identify development priorities;

(B) define criteria for application, merit review, and transparent, competitive awarding of grants by the Foundation; Criteria.

(C) establish an annual organization-wide audit by an independent auditor in accordance with generally accepted auditing standards, the results of which shall be made immediately available to the Board, the Administrator of the United States Agency for International Development, and the appropriate Government of India counterpart;

(D) assist in the creation of project specific timetables for each of the projects funded by a grant from the Foundation;

(E) establish an oversight role and march-in audit rights for the Administrator of the United States Agency for International Development and the appropriate Government of India counterpart; and

(F) establish an annual report on the activities of the Foundation to be made publicly available.

(f) PUBLICLY AVAILABLE PROJECT INFORMATION.—The Foundation shall maintain a user-friendly, publicly available, machine readable database with detailed project level information, as appropriate, including a description of the grants made by the Foundation under this section and project level performance metrics.

(g) DETAIL OF UNITED STATES GOVERNMENT PERSONNEL TO THE FOUNDATION.—

(1) IN GENERAL.—Whenever the Administrator of the United States Agency for International Development or the Secretary of State determines it to be in furtherance of the purposes of this subtitle, the Administrator and the Secretary are authorized to detail or assign any officer or employee of the Agency or the Department, respectively, to any position in the Foundation to provide technical, scientific, or professional assistance to the Foundation or, in cooperation with the Determination.

Foundation, to implementing partners of the Foundation, without reimbursement to the United States Government.

(2) STATUS.—Any United States Government officer or employee, while detailed or assigned under this subsection, shall be considered, for the purpose of preserving their allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and shall continue to receive compensation, allowances, and benefits from program funds appropriated to that agency or made available to that agency for purposes related to the activities of the detail or assignment, in accordance with authorities related to their employment status and agency policies.

(3) SUNSET.—The authorities provided under this subsection shall terminate on the date that is five years after the establishment of the Foundation.

SEC. 336. REPORTING REQUIREMENTS.

(a) INITIAL REPORTS.—Not later than 120 days after the date of the enactment of this Act—

(1) the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the Secretary of State's plan to establish the initiative authorized under section 333;

(2) the president and chief executive officer of the United States Institute of Peace shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the president and chief executive officer's plan to establish the initiative authorized under section 334; and

(3) the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the Administrator's plan to establish the organization authorized under section 335.

(b) PERIODIC UPDATES.—The Secretary of State, president and chief executive officer of the United States Institute of Peace, and Administrator of the United States Agency for International Development shall submit to the committees described in subsection (a)(3) an update on a semiannual basis regarding the progress in implementing each of the initiatives or establishing the organization referred to in such subsection.

SEC. 337. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out—

(1) section 333, up to $1,000,000 for each of fiscal years 2021 through 2025 to the Secretary of State

(2) section 334, up to $2,000,000 for fiscal year 2021 to the United States Institute of Peace;

(3) section 335, up to $30,000,000 for fiscal year 2021 to the Administrator of the United States Agency for International Development; and

(4) section 335, up to an additional $15,000,000 for each of fiscal years 2022 through 2025 to the Administrator of the United States Agency for International Development, if the private sector in India commits amounts equal to that contributed by the United States.

(b) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that the authorization of appropriations under subsection (a) should be renewable for one or more periods of not more than 5 years if—

(1) authorized by Congress; and

(2) the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, determines that the Foundation's work is successful in addressing the priorities identified in section 335(b)(1) and that the private sector in India has committed funds to the Foundation in accordance with subsection (a)(4).

Subtitle E—Tibetan Policy and Support Act of 2020

SEC. 341. MODIFICATIONS TO AND REAUTHORIZATION OF TIBETAN POLICY ACT OF 2020.

(a) TIBETAN NEGOTIATIONS.—Section 613 of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "without preconditions" after "a dialogue";

(ii) by inserting "or democratically-elected leaders of the Tibetan community" after "his representatives"; and

(iii) by inserting before the period at the end the following: "and should coordinate with other governments in multilateral efforts toward this goal";

(B) by redesignating paragraph (2) as paragraph (3); and

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

"(2) POLICY COMMUNICATION.—The Secretary of State shall ensure that, in accordance with this Act, United States policy on Tibet, as coordinated by the United States Special Coordinator for Tibetan Issues, is communicated to all Federal departments and agencies in contact with the Government of the People's Republic of China.";

Coordination.

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking "until December 31, 2021" and inserting "until December 31, 2031"; and

(ii) by inserting "and direct the Department of State to make public on its website" after "appropriate congressional committees";

(B) in paragraph (1), by striking "; and" and inserting a semicolon;

(C) in paragraph (2), by striking the period at the end and inserting "; and" ; and

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

"(3) the steps taken by the United States Government to promote the human rights and distinct religious, cultural, linguistic, and historical identity of the Tibetan people, including the right of the Tibetan people to select, educate, and venerate their own religious leaders in accordance with their established religious practice and system.".

(b) TIBET PROJECT PRINCIPLES.—Section 616 of such Act (22 U.S.C. 6901 note) is amended—

(1) in subsection (d)—

(A) in paragraph (5), by inserting "human rights," after "respect Tibetan";

(B) in paragraph (8), by striking "; and" and inserting a semicolon;

(C) in paragraph (9)—

(i) by inserting "involuntary or coerced" after "nor facilitate the"; and

(ii) by striking the period at the end and inserting "; and"; and

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

"(10) neither provide incentive for, nor facilitate the involuntary or coerced relocation of, Tibetan nomads from their traditional pasturelands into concentrated settlements.";

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

"(e) UNITED STATES ASSISTANCE.—

President.

"(1) IN GENERAL.—The President is authorized to provide assistance to nongovernmental organizations to support inclusive economic growth, resilience, global health, education, environmental stewardship, and cultural and historical preservation for Tibetan communities in Tibet, in accordance with the principles specified in subsection (d).

"(2) COORDINATION.—Assistance authorized under paragraph (1) shall be carried out in coordination with the United States Special Coordinator for Tibetan Issues in accordance with section 621(d).

"(f) PRIVATE SECTOR INVESTMENT.—The Secretary of State, in coordination with the Secretary of Commerce, should—

"(1) encourage United States businesses and individuals that are engaged in commerce or investing in enterprises in Tibet to be guided by the principles specified in subsection (d) and the United Nations Guiding Principles on Business and Human Rights; and

"(2) hold regular consultations with businesses and individuals that are engaged in commerce or are investing in enterprises in Tibet about the principles referenced in paragraph (1) and the business practices of such businesses and individuals in Tibet.".

(c) DIPLOMATIC REPRESENTATION RELATING TO TIBET.—Section 618 of such Act (22 U.S.C. 6901 note) is amended to read as follows:

"SEC. 618. DIPLOMATIC REPRESENTATION RELATING TO TIBET.

"(a) UNITED STATES CONSULATE IN LHASA, TIBET.—The Secretary should seek to establish a United States consulate in Lhasa, Tibet—

"(1) to provide consular services to United States citizens traveling in Tibet; and

"(2) to monitor political, economic, and cultural developments in Tibet.

"(b) POLICY.—The Secretary may not authorize the establishment in the United States of any additional consulate of the People's Republic of China until such time as a United States consulate in Lhasa, Tibet, is established under subsection (a).

"(c) WAIVER.—The Secretary may waive the requirement under subsection (b), notwithstanding the lack of a United States consulate in Lhasa, not less than 30 days after the Secretary determines and reports to the appropriate congressional committees that it is in the national security interests of the United States to waive such requirements and submits to the appropriate congressional committees a report including— Deadline. Determination. Reports.

"(1) a specific and detailed rationale for the determination that the waiver is in the national security interests of the United States; and

"(2) a description of the efforts by the Department of State to seek the establishment of a United States consulate in Lhasa.".

(d) RELIGIOUS PERSECUTION IN TIBET.—Section 620(b) of such Act (22 U.S.C. 6901 note) is amended by inserting before the period at the end the following: ", including with respect to the reincarnation system of Tibetan Buddhism".

(e) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—Section 621 of such Act (22 U.S.C. 6901 note) is amended—

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

"(c) OBJECTIVES.—The objectives of the Special Coordinator are to—

"(1) promote substantive dialogue without preconditions, between the Government of the People's Republic of China and the Dalai Lama, his or her representatives, or democratically elected leaders of the Tibetan community, or explore activities to improve prospects for dialogue, that leads to a negotiated agreement on Tibet;

"(2) coordinate with other governments in multilateral efforts towards the goal of a negotiated agreement on Tibet; Coordination.

"(3) encourage the Government of the People's Republic of China to address the aspirations of the Tibetan people with regard to their distinct historical, cultural, religious, and linguistic identity;

"(4) promote the human rights of the Tibetan people;

"(5) promote activities to preserve environment and water resources of the Tibetan plateau;

"(6) encourage that any initiatives or activities for Tibetan communities in the Tibet Autonomous Region are conducted in accordance with the principles espoused in section 616(d); and

"(7) promote access to Tibet in accordance with the Reciprocal Access to Tibet Act of 2018 (Public Law 115–330).";

(2) in subsection (d)—

(A) in paragraph (5), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following new paragraphs:

"(6) provide guidance with respect to all projects carried out pursuant to assistance provided under section 616(e);

"(7) seek to establish international diplomatic coalitions to—

"(A) oppose any effort by the Government of the People's Republic of China to select, educate, and venerate Tibetan Buddhist religious leaders in a manner inconsistent with the principle that the succession or identification of Tibetan Buddhist lamas, including the Dalai Lama, should occur without interference, in a manner consistent with traditional practice; and

"(B) ensure that the identification and installation of Tibetan Buddhist religious leaders, including any future Dalai Lama, is determined solely within the Tibetan Buddhist faith community, in accordance with the internationally-recognized right to religious freedom; and"; and

(3) by adding at the end the following new subsection:

"(e) PERSONNEL.—The Secretary shall ensure that the Office of the Special Coordinator is adequately staffed at all times to assist in the management of the responsibilities of this section.".

22 USC 6901 note.

SEC. 342. STATEMENT OF POLICY REGARDING THE SUCCESSION OR REINCARNATION OF THE DALAI LAMA.

(a) FINDINGS.—Congress finds the following:

(1) Tibetan Buddhism is practiced in many countries including Bhutan, India, Mongolia, Nepal, the People's Republic of China, the Russian Federation, and the United States, yet the Government of the People's Republic of China has repeatedly insisted on its role in managing the selection of Tibet's next spiritual leader, the Dalai Lama, through actions such as those described in the "Measures on the Management of the Reincarnation of Living Buddhas" in 2007.

(2) On March 19, 2019, Chinese Ministry of Affairs spokesperson reiterated that the "reincarnation of living Buddhas including the Dalai Lama must comply with Chinese laws and regulations and follow religious rituals and historical conventions".

(3) The Government of the People's Republic of China has interfered in the process of recognizing a successor or reincarnation of Tibetan Buddhist leaders, including in 1995 by arbitrarily detaining Gedhun Choekyi Nyima, a 6-year old boy who was identified as the 11th Panchen Lama, and purporting to install its own candidate as the Panchen Lama.

(4) The 14th Dalai Lama, Tenzin Gyatso, issued a statement on September 24, 2011, explaining the traditions and spiritual precepts of the selection of Dalai Lamas, setting forth his views on the considerations and process for selecting his successor, and providing a response to the Chinese government's claims that only the Chinese government has the ultimate authority in the selection process of the Dalai Lama.

(5) The 14th Dalai Lama said in his statement that the person who reincarnates has sole legitimate authority over where and how he or she takes rebirth and how that reincarnation is to be recognized and if there is a need for a 15th

Dalai Lama to be recognized, then the responsibility shall primarily rest with the officers of the Dalai Lama's Gaden Phodrang Trust, who will be informed by the written instructions of the 14th Dalai Lama.

(6) Since 2011, the 14th Dalai Lama has reiterated publicly on numerous occasions that decisions on the successions, emanations, or reincarnations of the Dalai Lama belongs to the Tibetan Buddhist faith community alone.

(7) On June 8, 2015, the United States House of Representatives unanimously approved House Resolution 337 which calls on the United States Government to "underscore that government interference in the Tibetan reincarnation process is a violation of the internationally recognized right to religious freedom . . . and to highlight the fact that other countries besides China have long Tibetan Buddhist traditions, and that matters related to reincarnations in Tibetan Buddhism are of keen interest to Tibetan Buddhist populations worldwide".

(8) On April 25, 2018, the United States Senate unanimously approved Senate Resolution 429 which "expresses its sense that the identification and installation of Tibetan Buddhist religious leaders, including a future 15th Dalai Lama, is a matter that should be determined solely within the Tibetan Buddhist faith community, in accordance with the inalienable right to religious freedom".

(9) The Department of State's Report on International Religious Freedom for 2018 reported on policies and efforts of the Government of the People's Republic of China to exert control over the selection of Tibetan Buddhist religious leaders, including reincarnate lamas, and stated that "[United States] officials underscored that decisions on the reincarnation of the Dalai Lama should be made solely by faith leaders.".

(b) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) decisions regarding the selection, education, and veneration of Tibetan Buddhist religious leaders are exclusively spiritual matters that should be made by the appropriate religious authorities within the Tibetan Buddhist tradition and in the context of the will of practitioners of Tibetan Buddhism;

(2) the wishes of the 14th Dalai Lama, including any written instructions, should play a key role in the selection, education, and veneration of a future 15th Dalai Lama; and

(3) interference by the Government of the People's Republic of China or any other government in the process of recognizing a successor or reincarnation of the 14th Dalai Lama and any future Dalai Lamas would represent a clear abuse of the right to religious freedom of Tibetan Buddhists and the Tibetan people.

(c) HOLDING CHINESE OFFICIALS RESPONSIBLE FOR RELIGIOUS FREEDOM ABUSES TARGETING TIBETAN BUDDHISTS.—It is the policy of the United States to take all appropriate measures to hold accountable senior officials of the Government of the People's Republic of China or the Chinese Communist Party who directly interfere with the identification and installation of the future 15th Dalai Lama of Tibetan Buddhism, successor to the 14th Dalai Lama, including by—

(1) imposing sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note); and

(2) prohibiting admission to the United States under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)).

(d) DEPARTMENT OF STATE PROGRAMMING TO PROMOTE RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS.—Consistent with section 401 of the Frank R. Wolf International Religious Freedom Act (Public Law 114–281; 130 Stat. 1436), the Ambassador-at-Large for International Religious Freedom should support efforts to protect and promote international religious freedom in China and for programs to protect Tibetan Buddhism in China and elsewhere.

SEC. 343. POLICY REGARDING THE ENVIRONMENT AND WATER RESOURCES ON THE TIBETAN PLATEAU.

(a) FINDINGS.—Congress finds the following:

(1) The Tibetan Plateau contains glaciers, rivers, grasslands, and other geographical and ecological features that are crucial for supporting vegetation growth and biodiversity and regulating water flow and supply for an estimated 1,800,000,000 people. Environmental changes threaten the glaciers in Tibet that feed the major rivers of South and East Asia, which supply freshwater to an estimated 1,800,000,000 people.

(2) Several factors, including temperature changes, large government-backed infrastructure projects, and resettlement of Tibetan nomads, are likely to result in variable water flows in the future.

(3) The grasslands of Tibet play a significant role in carbon production and sequestration and Tibet's rivers support wetlands that play a key role in water storage, water quality, and the regulation of water flow, support biodiversity, foster vegetation growth, and act as carbon sinks.

(4) Traditional Tibetan grassland stewardship practices, which can be key to mitigating the negative effects of environmental changes on the Tibetan Plateau, are undermined by the resettlement of nomads from Tibetan grasslands.

(5) The People's Republic of China has approximately 20 percent of the world's population but only around 7 percent of the world's water supply, while many countries in South and Southeast Asia rely on the rivers flowing from the Himalayas of the Tibetan Plateau.

(6) The People's Republic of China has already completed water transfer programs diverting billions of cubic meters of water yearly and has plans to divert more waters from the Tibetan plateau in China.

(b) WATER RESOURCES IN TIBET AND THE TIBETAN WATERSHED.—The Secretary of State, in coordination with relevant agencies of the United States Government, should— Coordination.

(1) pursue collaborative efforts with Chinese and international scientific institutions, as appropriate, to monitor the environment on the Tibetan Plateau, including glacial retreat, temperature rise, and carbon levels, in order to promote a greater understanding of the effects on permafrost, river flows, grasslands and desertification, and the monsoon cycle;

(2) engage with the Government of the People's Republic of China, the Tibetan people, and nongovernmental organizations to encourage the participation of Tibetan nomads and

other Tibetan stakeholders in the development and implementation of grassland management policies, in order to utilize their indigenous experience in mitigation and stewardship of the land and to assess policies on the forced resettlement of nomads; and

(3) encourage a regional framework on water security, or use existing frameworks, such as the Lower Mekong Initiative, to facilitate cooperative agreements among all riparian nations that would promote transparency, sharing of information, pollution regulation, and arrangements on impounding and diversion of waters that originate on the Tibetan Plateau.

SEC. 344. DEMOCRACY IN THE TIBETAN EXILE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) The 14th Dalai Lama advocates the Middle Way Approach, which seeks genuine autonomy for the 6,000,000 Tibetans in Tibet.

(2) The 14th Dalai Lama has overseen a process of democratization within the Tibetan polity and devolved his political responsibilities to the elected representatives of the Tibetan people in exile in 2011.

(3) In 2011 and again in 2016, members of the Tibetan exile community across some 30 countries held free and fair elections to select political leaders to serve in the Central Tibetan Administration parliament and as chief executive.

(4) The Dalai Lama has said that the Central Tibetan Administration will cease to exist once a negotiated settlement has been achieved that allows Tibetans to freely enjoy their culture, religion, and language in Tibet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Tibetan exile communities around the world should be commended for the adoption of a system of self-governance with democratic institutions to choose their leaders;

(2) the Dalai Lama should be commended for his decision to devolve political authority to elected leaders in accordance with democratic principles;

(3) as of the date of the enactment of this Act, the Central Tibetan Administration is the institution that represents and reflects, to the greatest extent, the aspirations of the Tibetan diaspora around the world, and the Sikyong is the President of the Central Tibetan Administration; and

(4) as consistent with section 621(d)(3) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note), the United States Special Coordinator for Tibetan Issues should continue to maintain close contact with the religious, cultural, and political leaders of the Tibetan people.

SEC. 345. SUSTAINABILITY IN TIBETAN COMMUNITIES SEEKING TO PRESERVE THEIR CULTURE, RELIGION, AND LANGUAGE.

The Secretary of State should urge the Government of Nepal to honor the Gentleman's Agreement with the United Nations High Commissioner for Refugees and the Government of India, which commits the Government of Nepal to respect the principle of non-refoulement by continuing to give Tibetan new arrivals access to the territory of Nepal and allowing them safe passage through Nepal to India.

SEC. 346. AUTHORIZATION OF APPROPRIATIONS.

(a) OFFICE OF THE UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 2021 through 2025 for the Office of the United States Special Coordinator for Tibetan Issues.

(b) TIBETAN SCHOLARSHIP PROGRAM AND NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—

(1) TIBETAN SCHOLARSHIP PROGRAM.—There is authorized to be appropriated $675,000 for each of the fiscal years 2021 through 2025 to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

(2) NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—There is authorized to be appropriated $575,000 for each of the fiscal years 2021 through 2025 to carry out the "Ngawang Choephel Exchange Programs" (formerly known as "programs of educational and cultural exchange between the United States and the people of Tibet") under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 110 Stat. 3865).

(c) HUMANITARIAN ASSISTANCE AND SUPPORT TO TIBETAN REFUGEES IN SOUTH ASIA.—Amounts authorized to be appropriated or otherwise made available to carry out chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.) and the Migration and Refugee Assistance Act of 1962 (Public Law 87–510) for each of the fiscal years 2021 through 2025 are authorized to be made available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, for Tibetan refugees in South Asia who have fled facing a credible threat of persecution in the People's Republic of China.

(d) TIBETAN AUTONOMOUS REGION AND TIBETAN COMMUNITIES IN CHINA.—There is authorized to be appropriated $8,000,000 for each year of the fiscal years 2021 through 2025 under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to support activities for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China that are conducted in accordance with subsection 616(d) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note).

(e) ASSISTANCE FOR TIBETANS IN INDIA AND NEPAL.—There is authorized to be appropriated $6,000,000 for each of the fiscal years 2021 through 2025 under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) for programs to promote and preserve Tibetan culture and language development, and the resilience of Tibetan communities in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities.

(f) TIBETAN GOVERNANCE.—There is authorized to be appropriated $3,000,000 for each of the fiscal years 2021 through 2025 under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) for programs to strengthen the capacity of Tibetan institutions and strengthen democracy, governance, information and international outreach, and research.

(g) VOICE OF AMERICA AND RADIO FREE ASIA.—

(1) VOICE OF AMERICA.—There is authorized to be appropriated $3,344,000 for each of the fiscal years 2021 through

2025 to Voice of America for broadcasts described in paragraph (3).

(2) RADIO FREE ASIA.—There is authorized to be appropriated $4,060,000 for each of the fiscal years 2021 through 2025 to Radio Free Asia for broadcasts described in paragraph (3).

(3) BROADCASTS DESCRIBED.—Broadcasts described in this paragraph are broadcasts to provide uncensored news and information in the Tibetan language to Tibetans, including Tibetans in Tibet.

Subtitle F—The United States – Northern Triangle Enhanced Engagement Act

The United States – Northern Triangle Enhanced Engagement Act. 22 USC 2151 note.

SEC. 351. SHORT TITLE.

This subtitle may be cited as the "The United States – Northern Triangle Enhanced Engagement Act".

22 USC 2277.

SEC. 352. STRATEGY TO ADVANCE PROSPERITY, COMBAT CORRUPTION, STRENGTHEN DEMOCRATIC GOVERNANCE, AND IMPROVE CIVILIAN SECURITY IN EL SALVADOR, GUATEMALA, AND HONDURAS.

Deadline. Coordination.

(a) ELEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, and the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees a 5-year strategy to advance economic prosperity, combat corruption, strengthen democratic governance, and improve civilian security in El Salvador, Guatemala, and Honduras and to curb irregular migration from the region.

(b) CONSIDERATION.—In developing the strategy required under this section, the Secretary of State should consider the following priorities:

(1) Promoting economic prosperity, including by—

(A) supporting market-based solutions to eliminate constraints to inclusive economic growth;

(B) addressing the underlying causes of poverty and inequality;

(C) responding to immediate humanitarian needs by improving humanitarian outcomes, including through access to sanitation, hygiene, and shelter, and by enabling the provision of health resources;

(D) supporting conservation and community resilience and strengthening community preparedness for natural disasters;

(E) identifying, as appropriate, a role for relevant United States agencies and the United States private sector in supporting efforts to increase private sector investment and advance economic prosperity; and

(F) improving domestic resource mobilization, including by strengthening tax collection and enforcement and legal arbitration mechanisms.

(2) Combating corruption, including by—

(A) strengthening the capacity of national justice systems and attorneys generals to identify and prosecute

money laundering and other financial crimes and breaking up financial holdings of organized criminal syndicates, including illegally acquired lands and proceeds from illegal activities;

(B) strengthening special prosecutorial offices and financial institutions to conduct asset forfeitures and criminal analysis, and to combat corruption, money laundering, financial crimes, extortion, and human rights crimes;

(C) implementing transparent, merit-based selection processes for prosecutors and judges and the development of professional and merit-based civil services;

(D) establishing or strengthening methods, procedures for internal and external control mechanisms for the security and police services and judiciary; and

(E) supporting anticorruption efforts through bilateral assistance and complementary support through multilateral anticorruption mechanisms when necessary.

(3) Advancing democratic governance, including by—

(A) strengthening government institutions at the local and national levels to provide services and respond to citizen needs through transparent, inclusive, and democratic processes;

(B) strengthening access to information laws and reforming laws that currently limit access to information;

(C) building the capacity of independent media to engage in professional investigative journalism;

(D) ensuring that threats and attacks on journalists, labor leaders, human rights defenders, and other members of civil society are fully investigated and perpetrators are held accountable; and

(E) strengthening electoral institutions and processes to ensure free, fair, and transparent elections.

(4) Improving security conditions, including by—

(A) implementing the Central America Regional Security Initiative;

(B) increasing the professionalization of security services, including the civilian police and military units;

(C) combating the illicit activities of transnational criminal organizations through support to fully vetted elements of attorneys general offices, appropriate government institutions, and security services; and

(D) enhancing the capacity of relevant security services and attorneys general to support counternarcotics efforts and combat human trafficking, forcible recruitment of children and youth by gangs, gender-based violence, and other illicit activities, including trafficking of wildlife, and natural resources.

(c) CONSULTATION.—In developing the strategy required under this section, the Secretary of State may consult with civil society and the private sector in the United States, El Salvador, Guatemala, and Honduras.

(d) BENCHMARKS.—The strategy required under this section shall include annual benchmarks to track the strategy's progress in curbing irregular migration from the region to the United States and improving conditions in El Salvador, Guatemala, and Honduras by measuring progress in key areas, including—

(1) reducing poverty and unemployment, increasing private sector investment, responding to immediate humanitarian needs, sustainably reintegrating returnees, supporting conservation and community resilience, and addressing forced displacement in accordance with the priorities outlined in subsection (b)(1);

(2) strengthening national justice systems and attorneys generals, supporting multilateral anticorruption mechanisms, identifying and prosecuting money laundering and other financial crimes, breaking up financial holdings of organized criminal syndicates, and advancing judicial integrity and investigative capacity of local authorities in accordance with the priorities outlined in subsection (b)(2);

(3) strengthening government institutions at the local and national levels to provide services and respond to citizen needs through transparent, inclusive, and democratic processes, promoting human rights, building the capacity of independent media, developing the capacity of civil society to conduct oversight, affording legal protections for human rights defenders and members of civil society, and strengthening electoral institutions in accordance with priorities outlined in subsection (b)(3); and

(4) implementing the objectives stated under the Central America Regional Security Initiative and building the capacity of civilian security services in accordance with the priorities outlined in subsection (b)(4).

(e) PUBLIC DIPLOMACY.—The strategy required under this section shall include a public diplomacy strategy for educating citizens of the region about United States assistance and its benefits to them, and informing such citizens of the dangers of irregular migration to the United States.

(f) ANNUAL PROGRESS UPDATES.—Not later than 1 year after the submission of the strategy required under this section and annually thereafter for 4 years, the Secretary of State shall provide the appropriate congressional committees with a written description of progress made in meeting the benchmarks established in the strategy. Deadline.

(g) PUBLIC AVAILABILITY.—The strategy required under this section shall be made publicly available on the website of the Department of State. If appropriate, a classified annex may be submitted to the appropriate congressional committees. Web posting. Classified information.

(h) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 353. TARGETED SANCTIONS TO FIGHT CORRUPTION IN EL SALVADOR, GUATEMALA, AND HONDURAS. 22 USC 2277a.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) corruption in El Salvador, Guatemala, and Honduras by private citizens and select officials in local, regional, and Federal governments significantly damages the economies of such countries and deprives citizens of opportunities;

(2) corruption in El Salvador, Guatemala, and Honduras is facilitated and carried out not only by private citizens and

select officials from those countries but also in many instances by individuals from third countries; and

(3) imposing targeted sanctions on individuals from throughout the world and particularly in the Western Hemisphere who are engaged in acts of significant corruption that impact El Salvador, Guatemala, and Honduras or obstruction of investigations into such acts of corruption will benefit the citizens and governments of such countries.

President. Determination.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall submit to the appropriate congressional committees an unclassified report with classified annex if necessary that identifies each foreign person who the President determines to have knowingly engaged in actions that undermine democratic processes or institutions, or in significant corruption or obstruction of investigations into such acts of corruption in El Salvador, Guatemala, and Honduras, including the following:

(1) Corruption related to government contracts.

(2) Bribery and extortion.

(3) The facilitation or transfer of the proceeds of corruption, including through money laundering.

(4) Acts of violence, harassment, or intimidation directed at governmental and nongovernmental corruption investigators.

(c) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (d) with respect to each foreign person identified in the report required under subsection (b).

(d) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—In the case of a foreign person who is an individual, such foreign person is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer or the Secretary of State, (or a designee of the Secretary of State) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to a foreign person regardless of when the visa or other entry documentation is issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the foreign person's possession.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under subparagraph (B) and (C) of paragraph (1) shall not apply with respect to a foreign person if admitting or paroling such person into the United States is necessary

to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(e) NATIONAL SECURITY WAIVER.—The President may waive the application of the sanctions under subsection (c) if the President— President.

(1) determines that such a waiver is in the national security interest of the United States; and Determination.

(2) submits to the appropriate congressional committees within 15 days after such determination a notice of and justification for the waiver. Deadline.

(f) TERMINATION.—The authority to impose sanctions under subsection (b), and any sanctions imposed pursuant to such authority, shall expire on the date that is 3 years after the date of the enactment of this Act.

(g) PUBLIC AVAILABILITY.—The unclassified portion of the report required by subsection (b) shall be made available to the public, including through publication in the Federal Register. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published. Federal Register, publication. President. Determination.

(h) DEFINITIONS.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate;

(2) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

Subtitle G—Other Provisions

SEC. 361. OFFICE OF SANCTIONS COORDINATION.

(a) OFFICE OF SANCTIONS COORDINATION OF THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(h) OFFICE OF SANCTIONS COORDINATION.—

"(1) IN GENERAL.—There is established, within the Department of State, an Office of Sanctions Coordination (in this subsection referred to as the 'Office').

"(2) HEAD.—The head of the Office shall—

"(A) have the rank and status of ambassador;

"(B) be appointed by the President, by and with the advice and consent of the Senate; and

"(C) report directly to the Secretary of State.

"(3) DUTIES.—The head of the Office shall—

"(A) exercise sanctions authorities delegated to the Secretary;

"(B) serve as the principal advisor to the senior management of the Department and the Secretary regarding the development and implementation of sanctions policy;

"(C) serve as the lead representative of the United States in diplomatic engagement on sanctions matters;

"(D) consult and closely coordinate with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea, to ensure the maximum effectiveness of sanctions imposed by the United States and such allies and partners;

"(E) serve as the coordinator for the development and implementation of sanctions policy with respect to all activities, policies, and programs of all bureaus and offices of the Department relating to the development and implementation of sanctions policy; and

"(F) serve as the lead representative of the Department in interagency discussions with respect to the development and implementation of sanctions policy.

"(4) DIRECT HIRE AUTHORITY.—

"(A) IN GENERAL.—The head of the Office may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service, as defined in section 2102 of that title, in the Office.

"(B) TERMINATION.—The authority provided under subparagraph (A) shall terminate on the date that is two years after the date of the enactment of this subsection.".

(2) CONFORMING AMENDMENT.—Section 1(c)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(3)) is amended by adding at the end the following new subparagraph:

"(C) COORDINATION.—The Assistant Secretary authorized under subparagraph (A) shall coordinate with the Office of Sanctions Coordination established under subsection (h) with respect to the development and implementation of economic sanctions.".

Deadline.

(3) BRIEFING REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter until the date that is two years after such date of enactment, the Secretary of State shall brief the appropriate congressional committees on the efforts of the Department of State to establish the Office of Sanctions Coordination pursuant to subsection (h) of section 1 of the State Department Basic Authorities Act of 1956, as added by paragraph (1), including a description of—

(A) measures taken to implement the requirements of such subsection and to establish the Office;

(B) actions taken by the Office to carry out the duties listed in paragraph (3) of such subsection;

(C) the resources devoted to the Office, including the number of employees working in the Office; and

(D) plans for the use of the direct hire authority provided under paragraph (4) of such subsection.

22 USC 2651a note.

(b) COORDINATION WITH ALLIES AND PARTNERS OF THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of State shall develop and implement mechanisms and programs, as appropriate, through the head of the Office of Sanctions Coordination established pursuant to subsection (h) of section 1 of the State Department

Basic Authorities Act of 1956, as added by subsection (a)(1), to coordinate the development and implementation of United States sanctions policies with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea.

(2) INFORMATION SHARING.—The Secretary should pursue the development and implementation of mechanisms and programs under paragraph (1), as appropriate, that involve the sharing of information with respect to policy development and sanctions implementation.

(3) CAPACITY BUILDING.—The Secretary should pursue efforts, in coordination with the Secretary of the Treasury and the head of any other Federal agency the Secretary considers appropriate, to assist allies and partners of the United States, including the countries specified in paragraph (1), as appropriate, in the development of their legal and technical capacities to develop and implement sanctions authorities.

(4) EXCHANGE PROGRAMS.—In furtherance of the efforts described in paragraph (3), the Secretary, in coordination with the Secretary of the Treasury and the head of any other Federal agency the Secretary considers appropriate, may enter into agreements with counterpart agencies in foreign governments establishing exchange programs for the temporary detail of Federal Government employees to share information and expertise with respect to the development and implementation of sanctions authorities.

Deadline.

(5) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter until the date that is five years after such date of enactment, the Secretary of State shall brief the appropriate congressional committees on the efforts of the Department of State to implement this section, including a description of—

(A) measures taken to implement paragraph (1);

(B) actions taken pursuant to paragraphs (2) through (4);

(C) the extent of coordination between the United States and allies and partners of the United States, including the countries specified in paragraph (1), with respect to the development and implementation of sanctions policy; and

(D) obstacles preventing closer coordination between the United States and such allies and partners with respect to the development and implementation of sanctions policy.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President should appoint a coordinator for sanctions and national economic security issues within the framework of the National Security Council.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Oversight and Reform,

and the Committee on Way and Means of the House of Representatives.

TITLE IV—SENATE SERGEANT AT ARMS CLOUD SERVICES

SEC. 401. SENATE SERGEANT AT ARMS CLOUD SERVICES.

(a) Section 10 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 6628) is amended—

(1) by redesignating subsection (b) as subsection (h); and

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—In this section—

"(1) the term 'agent of the Office of the SAA' includes a provider of electronic communication service or remote computing service commissioned or used through the Office of the SAA by a Senate office to provide such services to the Senate office;

"(2) the term 'electronic communication service' has the meaning given that term in section 2510 of title 18, United States Code;

"(3) the term 'Office of the SAA' means the Office of the Sergeant at Arms and Doorkeeper of the Senate;

"(4) the term 'provider for a Senate office' means a provider of electronic communication service or remote computing service directly commissioned or used by a Senate office to provide such services;

"(5) the term 'remote computing service' has the meaning given that term in section 2711 of title 18, United States Code;

"(6) the term 'Senate data', with respect to a Senate office, means any electronic mail or other electronic or data communication, other data (including metadata), or other information of the Senate office; and

"(7) the term 'Senate office' means a committee or office of the Senate, including a Senator, an officer of the Senate, or an employee of, intern at, or other agent of a committee or office of the Senate.

"(b) TREATMENT.—

"(1) RETAINING POSSESSION.—

"(A) IN GENERAL.—A Senate office shall be deemed to retain possession of any Senate data of the Senate office, without regard to the use by the Senate office of any individual or entity described in paragraph (2) for the purposes of any function or service described in paragraph (2).

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the use by an intended recipient of any Senate data from a Senate office.

"(2) SERGEANT AT ARMS AND PROVIDERS FOR A SENATE OFFICE.—The Office of the SAA, any officer, employee, or agent of the Office of the SAA, and any provider for a Senate office shall not be treated as acquiring possession, custody, or control of any Senate data by reason of its being transmitted, processed, or stored (whether temporarily or otherwise) through the use of an electronic system established, maintained, or operated, or the use of electronic services provided, in whole or in part

by the Office of the SAA, the officer, employee, or agent of the Office of the SAA, or the provider for the Senate office.

"(c) NOTIFICATION.—Notwithstanding any other provision of law or rule of civil or criminal procedure, the Office of the SAA, any officer, employee, or agent of the Office of the SAA, and any provider for a Senate office that is providing services to or used by a Senate office shall not be barred, through operation of any court order or any statutory provision, from notifying the Senate office of any legal process seeking disclosure of Senate data of the Senate office that is transmitted, processed, or stored (whether temporarily or otherwise) through the use of an electronic system established, maintained, or operated, or the use of electronic services provided, in whole or in part by the Office of the SAA, the officer, employee, or agent of the Office of the SAA, or the provider for a Senate office.

"(d) MOTIONS TO QUASH OR MODIFY.—Upon a motion made promptly by a Senate office or provider for a Senate office, a court of competent jurisdiction shall quash or modify any legal process directed to the provider for a Senate office if compliance with the legal process would require the disclosure of Senate data of the Senate office.

"(e) INFORMATION REGARDING IMPLICATIONS OF USING PROVIDERS.—The Office of the SAA, in consultation with the Senate Legal Counsel, shall provide information to each Senate office that commissions or uses a provider of electronic communication service or remote computing service to provide such services to the Senate office regarding the potential constitutional implications and the potential impact on privileges that may be asserted by the Senate office. Consultation.

"(f) APPLICABLE PRIVILEGES.—Nothing in this section shall be construed to limit or supersede any applicable privilege, immunity, or other objection that may apply to the disclosure of Senate data.

"(g) PREEMPTION.—Except as provided in this section, any provision of law or rule of civil or criminal procedure of any State, political subdivision, or agency thereof, which is inconsistent with this section shall be deemed to be preempted and superseded.".

(b)(1) In this subsection, the terms "Senate data" and "Senate office" have the meanings given such terms in section 10 of the Legislative Branch Appropriations Act, 2005, as amended by subsection (a) of this section. 2 USC 6628 note.

(2) The amendments made by this section shall—

(A) take effect as though included in the Legislative Branch Appropriations Act, 2005 (division G of Public Law 108–447; 118 Stat. 3166); and

(B) apply with respect to—

(i) any legal process seeking disclosure of Senate data of a Senate office that is filed, issued, or made on or after the date of enactment of this Act; and Data.

(ii) any matter that is pending on or after the date of enactment of this Act that relates to legal process described in clause (i) that is filed, issued, or made before the date of enactment of this Act, unless the Senate data of the Senate office was disclosed in accordance with such legal process before the date of enactment of this Act.

TITLE V—REPEAL OF REQUIREMENT TO SELL CERTAIN FEDERAL PROPERTY IN PLUM ISLAND, NEW YORK

SEC. 501. REPEAL OF REQUIREMENT TO SELL CERTAIN FEDERAL PROPERTY IN PLUM ISLAND, NEW YORK.

(a) REPEAL OF REQUIREMENT IN PUBLIC LAW 110–329.—Section 540 of the Department of Homeland Security Appropriations Act, 2009 (division D of Public Law 110–329; 122 Stat. 3688) is repealed.

(b) REPEAL OF REQUIREMENT IN PUBLIC LAW 112–74.—Section 538 of the Department of Homeland Security Appropriations Act, 2012 (6 U.S.C. 190 note; division D of Public Law 112–74) is repealed.

6 USC 190 note.

(c) REQUIREMENT.—The Administrator of General Services shall ensure that—

(1) Federal property commonly known as Plum Island, New York, including the Orient point facility, all real and personal property and transportation assets that support Plum Island operations and access to Plum Island, be disposed of as a single consolidated asset; and

(2) such disposal is subject to conditions as may be necessary to protect Government interests and meet program requirements.

TITLE VI—PREVENTING ONLINE SALES OF E-CIGARETTES TO CHILDREN

Preventing Online Sales of E-Cigarettes to Children Act.

15 USC 375 note.

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Online Sales of E-Cigarettes to Children Act".

SEC. 602. AMENDMENTS TO THE JENKINS ACT.

(a) IN GENERAL.—The Act entitled "An Act to assist States in collecting sales and use taxes on cigarettes", approved October 19, 1949 (commonly known as the "Jenkins Act") (15 U.S.C. 375 et seq.), is amended—

(1) in section 1 (15 U.S.C. 375)—

(A) in paragraph (2)(A)(ii)—

(i) by striking "includes roll-your-own tobacco" and inserting the following: "includes—

"(I) roll-your-own tobacco";

(ii) in subclause (I), as so designated, by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(II) an electronic nicotine delivery system.";

(B) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and

(C) by inserting after paragraph (6) the following:

"(7) ELECTRONIC NICOTINE DELIVERY SYSTEM.—The term 'electronic nicotine delivery system'—

"(A) means any electronic device that, through an aerosolized solution, delivers nicotine, flavor, or any other substance to the user inhaling from the device;

"(B) includes—

"(i) an e-cigarette;
"(ii) an e-hookah;
"(iii) an e-cigar;
"(iv) a vape pen;
"(v) an advanced refillable personal vaporizer;
"(vi) an electronic pipe; and
"(vii) any component, liquid, part, or accessory of a device described in subparagraph (A), without regard to whether the component, liquid, part, or accessory is sold separately from the device; and
"(C) does not include a product that is—
"(i) approved by the Food and Drug Administration for—
"(I) sale as a tobacco cessation product; or
"(II) any other therapeutic purpose; and
"(ii) marketed and sold solely for a purpose described in clause (i).''; and

(2) in section 2A(b)(1) (15 U.S.C. 376a(b)(1)), by inserting "NICOTINE/" after "CIGARETTES/".

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 90 days after the date of enactment of this Act. 15 USC 375 note.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, may be construed to affect or otherwise alter any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including its implementing regulations. 15 USC 375 note.

SEC. 603. NONMAILABILITY OF ELECTRONIC NICOTINE DELIVERY SYSTEMS. 18 USC 1716E note.

(a) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the United States Postal Service shall promulgate regulations to clarify the applicability of the prohibition on mailing of cigarettes under section 1716E of title 18, United States Code, to electronic nicotine delivery systems, in accordance with the amendment to the definition of "cigarette" made by section 602. Deadline.

(b) EFFECTIVE DATE.—The prohibition on mailing of cigarettes under section 1716E of title 18, United States Code, shall apply to electronic nicotine delivery systems on and after the date on which the United States Postal Service promulgates regulations under subsection (a) of this section.

TITLE VII—FAFSA SIMPLIFICATION

FAFSA Simplification Act.

SEC. 701. SHORT TITLE; EFFECTIVE DATE.

(a) SHORT TITLE.—This title may be cited as the "FAFSA Simplification Act". 20 USC 1001 note.

(b) GENERAL EFFECTIVE DATE.—Except as otherwise expressly provided, this Act, and the amendments made by this title to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), shall take effect on July 1, 2023, and shall apply with respect to award year 2023–2024 and each subsequent award year, as determined under the Higher Education Act of 1965. The Secretary of Education shall have the authority to take such steps as are necessary before 20 USC 1001 note. Applicability.

July 1, 2023, to provide for the orderly implementation on such date of the amendments to the Higher Education Act of 1965 made by this Act.

Determinations.

SEC. 702. MAKING IT EASIER TO APPLY FOR FEDERAL AID AND MAKING THAT AID PREDICTABLE.

(a) NEED ANALYSIS.—

(1) IN GENERAL.—Section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk) is amended to read as follows:

"SEC. 471. AMOUNT OF NEED.

"Except as otherwise provided therein, for award year 2023–2024 and each subsequent award year, the amount of need of any student for financial assistance under this title (except subpart 1 or 2 of part A) is equal to—

"(1) the cost of attendance of such student, minus

"(2) the student aid index (as defined in section 473) for such student, minus

"(3) other financial assistance not received under this title (as defined in section 480(i)).".

(2) MAXIMUM AID UNDER PART D.—Section 451 of the Higher Education Act of 1965 (20 U.S.C. 1087a) is amended by adding at the end the following:

"(c) MAXIMUM AID.—The maximum dollar amount of financial assistance provided under this part to a student shall not exceed the cost of attendance for such student.".

20 USC 1001 note.

(3) GUIDANCE TO STATES.—The Secretary of Education shall issue guidance for States on interpretation and implementation of the terminology and formula adjustments made to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) under the amendments by this Act, including the student aid index, formerly known as the expected family contribution, and the need analysis formulas.

(b) COST OF ATTENDANCE AND STUDENT AID INDEX.—Sections 472 and 473 of the Higher Education Act of 1965 (20 U.S.C. 1087ll and 1087mm) are amended to read as follows:

"SEC. 472. COST OF ATTENDANCE.

"(a) IN GENERAL.—For the purpose of this title, the term 'cost of attendance' means—

"(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution;

"(2) an allowance for books, course materials, supplies, and equipment, which shall include all such costs required of all such students in the same course of study, including a reasonable allowance for the documented rental or upfront purchase of a personal computer, as determined by the institution;

"(3) an allowance for transportation, which may include transportation between campus, residences, and place of work, as determined by the institution;

"(4) an allowance for miscellaneous personal expenses, for a student attending the institution on at least a half-time basis, as determined by the institution;

"(5) an allowance for living expenses, including food and housing costs, to be incurred by the student attending the institution on at least a half-time basis, as determined by the institution, which shall include—

"(A) for a student electing institutionally owned or operated food services, such as board or meal plans, a standard allowance for such services that provides the equivalent of three meals each day;

"(B) for a student not electing institutionally owned or operated food services, such as board or meal plans, a standard allowance for purchasing food off campus that provides the equivalent of three meals each day;

"(C) for a student without dependents residing in institutionally owned or operated housing, a standard allowance determined by the institution based on the average or median amount assessed to such residents for housing charges, whichever is greater;

"(D) for a student with dependents residing in institutionally owned or operated housing, a standard allowance determined by the institution based on the average or median amount assessed to such residents for housing charges, whichever is greater;

"(E) for a student living off campus, and not in institutionally owned or operated housing, a standard allowance for rent or other housing costs;

"(F) for a dependent student residing at home with parents, a standard allowance that shall not be zero determined by the institution;

"(G) for a student living in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, a standard allowance for food based upon such student's choice of purchasing food on-campus or off-campus (determined respectively in accordance with subparagraph (A) or (B)), but not for housing costs; and

"(H) for all other students, an allowance based on the expenses reasonably incurred by such students for housing and food;

"(6) for a student engaged in a program of study by correspondence, only tuition and fees and, if required, books and supplies, travel, and housing and food costs incurred specifically in fulfilling a required period of residential training;

"(7) for a confined or incarcerated student, only tuition, fees, books, course materials, supplies, equipment, and the cost of obtaining a license, certification, or a first professional credential in accordance with paragraph (14);

"(8) for a student enrolled in an academic program in a program of study abroad approved for credit by the student's home institution, reasonable costs associated with such study (as determined by the institution at which such student is enrolled);

"(9) for a student with one or more dependents, an allowance based on the estimated actual expenses incurred for such dependent care, based on the number and age of such dependents, except that—

"(A) such allowance shall not exceed the reasonable cost in the community in which such student resides for the kind of care provided; and

"(B) the period for which dependent care is required includes, but is not limited to, class-time, study-time, field work, internships, and commuting time;

"(10) for a student with a disability, an allowance (as determined by the institution) for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies;

"(11) for a student receiving all or part of the student's instruction by means of telecommunications technology, no distinction shall be made with respect to the mode of instruction in determining costs;

"(12) for a student engaged in a work experience under a cooperative education program, an allowance for reasonable costs associated with such employment (as determined by the institution);

"(13) for a student who receives a Federal student loan made under this title or any other Federal law, to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, origination fee, or insurance premium charged to such student or the parent of such student on such loan; and

"(14) for a student in a program requiring professional licensure, certification, or a first professional credential, the cost of obtaining the license, certification, or a first professional credential.

"(b) SPECIAL RULE FOR LIVING EXPENSES FOR LESS-THAN-HALF-TIME STUDENTS.—For students attending an institution of higher education less than half-time, an institution of higher education may include an allowance for living expenses, including food and housing costs in accordance with subsection (a)(4) for up to three semesters, or the equivalent, with no more than two semesters being consecutive.

"(c) DISCLOSURE OF COST OF ATTENDANCE ELEMENTS.—Each institution shall make publicly available on the institution's website a list of all the elements of cost of attendance described in paragraphs (1) through (14) of subsection (a), and shall disclose such elements on any portion of the website describing tuition and fees of the institution.

"SEC. 473. SPECIAL RULES FOR STUDENT AID INDEX.

Definition.

"(a) IN GENERAL.—For the purpose of this Act, the term 'student aid index' means, with respect to a student, an index that reflects an evaluation of a student's approximate financial resources to contribute toward the student's postsecondary education for the academic year, as determined in accordance with this part.

"(b) SPECIAL RULE FOR STUDENTS ELIGIBLE FOR THE TOTAL MAXIMUM PELL GRANT.—The Secretary shall consider an applicant to automatically have a student aid index equal to zero if the applicant is eligible for the total maximum Federal Pell Grant under section 401(b)(1)(A), except that, if the applicant has a calculated student aid index of less than zero the Secretary shall consider the negative number as the student aid index for the applicant.

"(c) SPECIAL RULE FOR NONFILERS.—Notwithstanding subsection (b), for an applicant (or, as applicable, an applicant and spouse, or an applicant's parents) who is not required to file a Federal tax return for the second preceding tax year, the Secretary

shall for the purposes of this title consider the student aid index as equal to – $1,500 for the applicant.".

(c) DETERMINATION OF STUDENT AID INDEX.—Section 474 of the Higher Education Act of 1965 (20 U.S.C. 1087nn) is amended to read as follows:

"SEC. 474. DETERMINATION OF STUDENT AID INDEX.

"The student aid index—

"(1) for a dependent student shall be determined in accordance with section 475;

"(2) for a single independent student or a married independent student without dependents (other than a spouse) shall be determined in accordance with section 476; and

"(3) for an independent student with dependents other than a spouse shall be determined in accordance with section 477.".

(d) STUDENT AID INDEX FOR DEPENDENT STUDENTS.—Section 475 of the Higher Education Act of 1965 (20 U.S.C. 1087oo) is amended to read as follows:

"SEC. 475. STUDENT AID INDEX FOR DEPENDENT STUDENTS.

"(a) COMPUTATION OF STUDENT AID INDEX.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each dependent student, the student aid index is equal to the sum of— Assessments.

"(A) the assessment of the parents' adjusted available income (determined in accordance with subsection (b));

"(B) the assessment of the student's available income (determined in accordance with subsection (g)); and

"(C) the student's available assets (determined in accordance with subsection (h)).

"(2) EXCEPTION.—If the sum determined under paragraph (1) with respect to a dependent student is less than – $1,500, the student aid index for the dependent student shall be – $1,500.

"(b) ASSESSMENT OF PARENTS' ADJUSTED AVAILABLE INCOME.—The assessment of parents' adjusted available income is equal to the amount determined by—

"(1) computing adjusted available income by adding—

"(A) the parents' available income (determined in accordance with subsection (c)); and

"(B) the parents' available assets (determined in accordance with subsection (d));

"(2) assessing such adjusted available income in accordance with the assessment schedule set forth in subsection (e); and

"(3) considering such assessment resulting under paragraph (2) as the amount determined under this subsection.

"(c) PARENTS' AVAILABLE INCOME.—

"(1) IN GENERAL.—The parents' available income is determined by subtracting from total income (as defined in section 480)—

"(A) Federal income taxes;

"(B) an allowance for payroll taxes, determined in accordance with paragraph (2);

"(C) an income protection allowance, determined in accordance with paragraph (3); and

"(D) an employment expense allowance, determined in accordance with paragraph (4).

"(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

"(A) the total amount earned by the parents, multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

"(B) the amount earned by the parents that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

"(3) INCOME PROTECTION ALLOWANCE.—The income protection allowance shall equal the amount determined in the following table, as adjusted by the Secretary pursuant to section 478(b):

"Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)

Family Size (including student)	Amount
2	$23,330
3	$29,040
4	$35,870
5	$42,320
6	$49,500
For each additional add	$5,590.

"(4) EMPLOYMENT EXPENSE ALLOWANCE.—The employment expense allowance is equal to the lesser of $4,000 or 35 percent of the single parent's earned income or married parents' combined earned income (as adjusted by the Secretary pursuant to section 478(g)).

"(d) PARENTS' AVAILABLE ASSETS.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—Except as provided in subparagraph (B), the parents' available assets are equal to—

"(i) the difference between the parents' assets and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

"(ii) 12 percent.

"(B) NOT LESS THAN ZERO.—The parents' available assets under this subsection shall not be less than zero.

"(2) ASSET PROTECTION ALLOWANCE.—The asset protection allowance is calculated based on the following table (as revised by the Secretary pursuant to section 478(d)):

"Asset Protection Allowances for Parents of Dependent Students

If the age of the oldest parent is—	And there are	
	two parents	one parent
	then the allowance is—	
25 or less	$0	$0
26	$400	$100
27	$700	$300

"Asset Protection Allowances for Parents of Dependent Students—Continued

If the age of the oldest parent is—	And there are	
	two parents	one parent
	then the allowance is—	
28	$1,100	$400
29	$1,500	$600
30	$1,800	$700
31	$2,200	$800
32	$2,600	$1,000
33	$2,900	$1,100
34	$3,300	$1,300
35	$3,700	$1,400
36	$4,000	$1,500
37	$4,400	$1,700
38	$4,800	$1,800
39	$5,100	$2,000
40	$5,500	$2,100
41	$5,600	$2,200
42	$5,700	$2,200
43	$5,900	$2,300
44	$6,000	$2,300
45	$6,200	$2,400
46	$6,300	$2,400
47	$6,500	$2,500
48	$6,600	$2,500
49	$6,800	$2,600
50	$7,000	$2,700
51	$7,100	$2,700
52	$7,300	$2,800
53	$7,500	$2,900
54	$7,700	$2,900
55	$7,900	$3,000
56	$8,100	$3,100
57	$8,400	$3,100
58	$8,600	$3,200
59	$8,800	$3,300
60	$9,100	$3,400
61	$9,300	$3,500
62	$9,600	$3,600
63	$9,900	$3,700
64	$10,200	$3,800
65 or more	$10,500	$3,900.

"(e) ASSESSMENT SCHEDULE.—The assessment of the parents' adjusted available income (as determined under subsection (b)(1) and hereafter in this subsection referred to as 'AAI') is calculated based on the following table (as revised by the Secretary pursuant to section 478(e)):

"Parents' Contribution From AAI

If the parents' AAI is—	Then the parents' contribution from AAI is—
Less than – $6,820	– $1,500
– $6,820 to $17,400	22% of AAI
$17,401 to $21,800	$3,828 + 25% of AAI over $17,400
$21,801 to $26,200	$4,928 + 29% of AAI over $21,800
$26,201 to $30,700	$6,204 + 34% of AAI over $26,200
$30,701 to $35,100	$7,734 + 40% of AAI over $30,700
$35,101 or more	$9,494 + 47% of AAI over $35,100.

"(f) CONSIDERATION OF PARENTAL INCOME.—

"(1) PARENTS WHO LIVE TOGETHER.—Parental income and assets in the case of student whose parents are married and not separated, or who are unmarried but live together, shall include the income and assets of both parents.

"(2) DIVORCED OR SEPARATED PARENTS.—Parental income and assets for a student whose parents are divorced or separated, but not remarried, is determined by including only the income and assets of the parent who provides the greater portion of the student's financial support.

"(3) DEATH OF A PARENT.—Parental income and assets in the case of the death of any parent is determined as follows:

"(A) If either of the parents has died, the surviving parent shall be considered a single parent, until that parent has remarried.

"(B) If both parents have died, the student shall not report any parental income or assets.

"(4) REMARRIED PARENTS.—If a parent whose income and assets are taken into account under paragraph (2), or if a parent who is a widow or widower and whose income is taken into account under paragraph (3), has remarried, the income of that parent's spouse shall be included in determining the parent's assessment of adjusted available income if the student's parent and the stepparent are married as of the date of application for the award year concerned.

"(5) SINGLE PARENT WHO IS NOT DIVORCED OR SEPARATED.—Parental income and assets in the case of a student whose parent is not described in paragraph (1) and is a single parent who is not divorced, separated, or remarried, shall include the income and assets of such single parent.

"(g) STUDENT'S AVAILABLE INCOME.—

"(1) IN GENERAL.—The student's available income is equal to—

"(A) the difference between the student's total income (determined in accordance with section 480) and the adjustment to student income (determined in accordance with paragraph (2)); multiplied by

"(B) 50 percent.

"(2) ADJUSTMENT TO STUDENT INCOME.—The adjustment to student income is equal to the sum of—

"(A) Federal income taxes;

"(B) an allowance for payroll taxes determined in accordance with paragraph (3);

"(C) an income protection allowance that is equal to $9,410, as adjusted pursuant to section 478(b); and

"(D) an allowance for parents' negative available income, determined in accordance with paragraph (4).

"(3) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

"(A) the total amount earned by the student, multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

"(B) the amount earned by the student that does not exceed such contribution and benefit base for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

"(4) ALLOWANCE FOR PARENTS' NEGATIVE AVAILABLE INCOME.—The allowance for parents' negative available income is the amount, if any, by which the sum of the amounts deducted under subsection (c)(1) exceeds the sum of the parents' total income (as defined in section 480) and the parents' available assets (as determined in accordance with subsection (d)).

"(h) STUDENT'S ASSETS.—The student's assets are determined by calculating the assets of the student and multiplying such amount by 20 percent, except that the result shall not be less than zero.".

(e) STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 of the Higher Education Act of 1965 (20 U.S.C. 1087pp) is amended to read as follows:

"SEC. 476. STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.

"(a) COMPUTATION OF STUDENT AID INDEX.—

"(1) IN GENERAL.—For each independent student without dependents other than a spouse, the student aid index is equal to (except as provided in paragraph (2)) the sum of—

"(A) the family's available income (determined in accordance with subsection (b)); and

"(B) the family's available assets (determined in accordance with subsection (c)).

"(2) EXCEPTION.—If the sum determined under paragraph (1) with respect to an independent student without dependents other than a spouse is less than – $1,500, the student aid index for the independent student shall be – $1,500.

"(b) FAMILY'S AVAILABLE INCOME.—

"(1) IN GENERAL.—The family's available income is determined by—

"(A) deducting from total income (as defined in section 480)—

"(i) Federal income taxes;

"(ii) an allowance for payroll taxes, determined in accordance with paragraph (2);

"(iii) an income protection allowance that is equal to—

"(I) in the case of a single independent student without dependents, $14,630, as adjusted pursuant to section 478(b); and

"(II) in the case of a married independent student without dependents, $23,460, as adjusted pursuant to section 478(b); and

"(iv) in the case of a married independent student, an employment expense allowance, as determined in accordance with paragraph (3); and

"(B) multiplying the amount determined under subparagraph (A) by 50 percent.

"(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

"(A) the total amount earned by the student (and spouse, if appropriate), multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

"(B) the amount earned by the student (and spouse, if appropriate) that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

"(3) EMPLOYMENT EXPENSE ALLOWANCE.—The employment expense allowance is equal to the following:

"(A) If the student is married, such allowance is equal to the lesser of $4,000 or 35 percent of the couple's combined earned income (as adjusted by the Secretary pursuant to section 478(g)).

"(B) If the student is not married, the employment expense allowance is zero.

"(c) FAMILY'S AVAILABLE ASSETS.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—Except as provided in subparagraph (B), the family's available assets are equal to—

"(i) the difference between the family's assets (as defined in section 480(f)) and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

"(ii) 20 percent.

"(B) NOT LESS THAN ZERO.—The family's available assets under this subsection shall not be less than zero.

"(2) ASSET PROTECTION ALLOWANCE.—The asset protection allowance is calculated based on the following table (as revised by the Secretary pursuant to section 478(d)):

"Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is	
	married	single
	then the allowance is—	
25 or less	$0	$0
26	$400	$100
27	$700	$300
28	$1,100	$400
29	$1,500	$600
30	$1,800	$700
31	$2,200	$800
32	$2,600	$1,000
33	$2,900	$1,100
34	$3,300	$1,300

"Asset Protection Allowances for Families and Students—Continued

If the age of the student is—	And the student is married then the allowance is—	And the student is single
35	$3,700	$1,400
36	$4,000	$1,500
37	$4,400	$1,700
38	$4,800	$1,800
39	$5,100	$2,000
40	$5,500	$2,100
41	$5,600	$2,200
42	$5,700	$2,200
43	$5,900	$2,300
44	$6,000	$2,300
45	$6,200	$2,400
46	$6,300	$2,400
47	$6,500	$2,500
48	$6,600	$2,500
49	$6,800	$2,600
50	$7,000	$2,700
51	$7,100	$2,700
52	$7,300	$2,800
53	$7,500	$2,900
54	$7,700	$2,900
55	$7,900	$3,000
56	$8,100	$3,100
57	$8,400	$3,100
58	$8,600	$3,200
59	$8,800	$3,300
60	$9,100	$3,400
61	$9,300	$3,500
62	$9,600	$3,600
63	$9,900	$3,700
64	$10,200	$3,800
65 or more	$10,500	$3,900.

"(d) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's available income or assets.".

(f) STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477 of the Higher Education Act of 1965 (20 U.S.C. 1087qq) is amended to read as follows:

"SEC. 477. STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.

"(a) COMPUTATION OF STUDENT AID INDEX.—

"(1) IN GENERAL.—For each independent student with dependents other than a spouse, the student aid index is equal to the amount determined by—

"(A) computing adjusted available income by adding—

"(i) the family's available income (determined in accordance with subsection (b)); and

"(ii) the family's available assets (determined in accordance with subsection (c));

"(B) assessing such adjusted available income in accordance with an assessment schedule set forth in subsection (d); and

"(C) considering such assessment resulting under subparagraph (B) as the amount determined under this subsection.

"(2) EXCEPTION.—If the sum determined under paragraph (1) with respect to an independent student with dependents other than a spouse is less than – $1,500, the student aid index for the independent student shall be – $1,500.

"(b) FAMILY'S AVAILABLE INCOME.—

"(1) IN GENERAL.—The family's available income is determined by deducting from total income (as defined in section 480)—

"(A) Federal income taxes;

"(B) an allowance for payroll taxes, determined in accordance with paragraph (2);

"(C) an income protection allowance, determined in accordance with paragraph (3); and

"(D) an employment expense allowance, determined in accordance with paragraph (4).

"(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

"(A) the total amount earned by the student (and spouse, if appropriate), multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

"(B) the amount earned by the student (and spouse, if appropriate) that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

"(3) INCOME PROTECTION ALLOWANCE.—The income protection allowance shall equal the amount determined in the following table, as adjusted by the Secretary pursuant to section 478(b):

"(A) In the case of a married independent student with dependents:

"Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)

Family Size (including student)	Amount
3	$46,140
4	$56,970
5	$67,230
6	$78,620
For each additional add	$8,880.

"(B) In the case of a single independent student with dependents:

"Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)

Family Size (including student)	Amount
2	$43,920
3	$54,690
4	$67,520
5	$79,680
6	$93,180
For each additional add	$10,530.

"(4) EMPLOYMENT EXPENSE ALLOWANCE.—The employment expense allowance is equal to the lesser of $4,000 or 35 percent of the student's earned income or the combined earned income of the student and the student's spouse, if applicable (as adjusted by the Secretary pursuant to section 478(g)).

"(c) FAMILY'S AVAILABLE ASSETS.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—Except as provided in subparagraph (B), the family's available assets are equal to—

"(i) the difference between the family's assets (as defined in 480(f)) and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

"(ii) 7 percent.

"(B) NOT LESS THAN ZERO.—The family's available assets under this subsection shall not be less than zero.

"(2) ASSET PROTECTION ALLOWANCE.—The asset protection allowance is calculated based on the following table (as revised by the Secretary pursuant to section 478(d)):

"Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is married, then the allowance is—	And the student is single, then the allowance is—
25 or less	$0	$0
26	$400	$100
27	$700	$300
28	$1,100	$400
29	$1,500	$600
30	$1,800	$700
31	$2,200	$800
32	$2,600	$1,000
33	$2,900	$1,100
34	$3,300	$1,300
35	$3,700	$1,400
36	$4,000	$1,500
37	$4,400	$1,700
38	$4,800	$1,800
39	$5,100	$2,000
40	$5,500	$2,100
41	$5,600	$2,200
42	$5,700	$2,200

"Asset Protection Allowances for Families and Students—Continued

If the age of the student is—	And the student is married — then the allowance is—	And the student is single — then the allowance is—
43	$5,900	$2,300
44	$6,000	$2,300
45	$6,200	$2,400
46	$6,300	$2,400
47	$6,500	$2,500
48	$6,600	$2,500
49	$6,800	$2,600
50	$7,000	$2,700
51	$7,100	$2,700
52	$7,300	$2,800
53	$7,500	$2,900
54	$7,700	$2,900
55	$7,900	$3,000
56	$8,100	$3,100
57	$8,400	$3,100
58	$8,600	$3,200
59	$8,800	$3,300
60	$9,100	$3,400
61	$9,300	$3,500
62	$9,600	$3,600
63	$9,900	$3,700
64	$10,200	$3,800
65 or more	$10,500	$3,900.

"(d) ASSESSMENT SCHEDULE.—The assessment of adjusted available income (as determined under subsection (a)(1) and hereafter in this subsection referred to as 'AAI') is calculated based on the following table (as revised by the Secretary pursuant to section 478(e)):

"Assessment From Adjusted Available Income

If AAI is—	Then the assessment is—
Less than – $6,820	– $1,500
– $6,820 to $17,400	22% of AAI
$17,401 to $21,800	$3,828 + 25% of AAI over $17,400
$21,801 to $26,200	$4,928 + 29% of AAI over $21,800
$26,201 to $30,700	$6,204 + 34% of AAI over $26,200
$30,701 to $35,100	$7,734 + 40% of AAI over $30,700
$35,101 or more	$9,494 + 47% of AAI over $35,100.

"(e) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's available income or assets.".

(g) REGULATIONS; UPDATED TABLES.—Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is amended to read as follows:

"SEC. 478. REGULATIONS; UPDATED TABLES.

Federal Register, publications.

"(a) AUTHORITY TO PRESCRIBE REGULATIONS RESTRICTED.—Notwithstanding any other provision of law, the Secretary shall not have the authority to prescribe regulations to carry out this part except—

"(1) to prescribe updated tables in accordance with subsections (b) through (g); and

"(2) with respect to the definition of cost of attendance under section 472, excluding section 472(a)(1).

Time periods.

"(b) INCOME PROTECTION ALLOWANCE ADJUSTMENTS.—For award year 2023–2024 and each subsequent award year, the Secretary shall publish in the Federal Register revised income protection allowances for the purposes of subsections (c)(3) and (g)(2)(C) of section 475, subclauses (I) and (II) of section 476(b)(1)(A)(iii), and section 477(b)(3), by increasing the income protection allowances in each of such provisions, by a percentage equal to the percentage increase in the Consumer Price Index, as defined in subsection (f), between April 2020 and the April in the year prior to the beginning of the award year and rounding the result to the nearest $10.

"(c) ADJUSTED NET WORTH OF A FARM OR BUSINESS.—

"(1) TABLE.—The table of the net worth of a farm or business for purposes of making determinations of assets as defined under section 480(f) is the following:

"Farm/Business Net Worth Adjustment

If the net worth of a farm or business is—	Then the adjusted net worth is—
Less than $1	$0
$1 to $140,000	40% of net worth of farm/business
$140,001 to $415,000	$56,000 + 50% of net worth over $140,000
$415,001 to $695,000	$193,500 + 60% of net worth over $415,000
$695,001 or more	$361,500 + 100% of net worth over $695,000.

Time periods.

"(2) REVISED TABLES.—For award year 2023–2024 and each subsequent award year, the Secretary shall publish in the Federal Register a revised table of the adjusted net worth of a farm or business for purposes of section 480(f). Such revised table shall be developed—

"(A) by increasing each dollar amount that refers to net worth of a farm or business by a percentage equal to the percentage increase in the Consumer Price Index between April 2020 and the April in the year prior to the beginning of such award year, and rounding the result to the nearest $5,000; and

"(B) by adjusting the dollar amounts in the column referring to the adjusted net worth to reflect the changes made pursuant to subparagraph (A).

"(d) ASSET PROTECTION ALLOWANCE.—For award year 2023–2024 and each subsequent award year, the Secretary shall publish in the Federal Register a revised table of allowances for the purpose of sections 475(d)(2), 476(c)(2), and 477(c)(2). Such revised table shall be developed by determining the present value cost, rounded to the nearest $100, of an annuity that would provide, for each

age cohort of 40 and above, a supplemental income at age 65 (adjusted for inflation) equal to the difference between the moderate family income (as most recently determined by the Bureau of Labor Statistics), and the current average social security retirement benefits. For each age cohort below 40, the allowance shall be computed by decreasing the allowance for age 40, as updated, by one-fifteenth for each year of age below age 40 and rounding the result to the nearest $100. In making such determinations—

"(1) the tables of allowances specified in sections 475(d)(2), 476(c)(2), and 477(c)(2) shall be considered to be for award year 2021–2022 for the purposes of calculating inflation;

"(2) inflation shall be presumed to be 6 percent per year;

"(3) the rate of return of an annuity shall be presumed to be 8 percent; and

"(4) the sales commission on an annuity shall be presumed to be 6 percent.

"(e) ASSESSMENT SCHEDULES AND RATES.—For award year 2023–2024 and each subsequent award year, the Secretary shall publish in the Federal Register a revised table of assessments from adjusted available income for the purpose of sections 475(e) and 477(d). Such revised table shall be developed—

"(1) by increasing each dollar amount that refers to adjusted available income by a percentage equal to the percentage increase in the Consumer Price Index between April 2020 and the April in the year prior to the beginning of such academic year, rounded to the nearest $100; and

"(2) by adjusting the other dollar amounts to reflect the changes made pursuant to paragraph (1).

"(f) CONSUMER PRICE INDEX DEFINED.—In this section, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Department of Labor. Each annual update of tables to reflect changes in the Consumer Price Index shall be corrected for misestimation of actual changes in such Index in previous years.

"(g) EMPLOYMENT EXPENSE ALLOWANCE.—For award year 2023–2024 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of employment expense allowances for the purpose of sections 475(c)(4), 476(b)(3), and 477(b)(4). Such revised table shall be developed by increasing the dollar amount specified in sections 475(c)(4), 476(b)(3), and 477(b)(4) by a percentage equal to the percentage increase in the Consumer Price Index, as defined in subsection (f), between April 2020 and the April in the year prior to the beginning of the award year and rounding the result to the nearest $10.

"(h) CLARIFICATION FOR AWARD YEAR 2023–2024.—For award year 2023–2024, the Secretary shall determine adjusted amounts and prescribe revised tables with respect to the income protection, employment expense, and asset protection allowances and the assessment schedules under sections 475, 476, and 477, pursuant to this section. The amounts and tables specified in sections 475, 476, and 477 with respect to such allowances and schedules shall only be used by the Secretary as a baseline for adjustments and table revisions prescribed in accordance with this section.".

(h) APPLICANTS EXEMPT FROM ASSET REPORTING.—Section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss) is amended to read as follows:

"SEC. 479. ELIGIBLE APPLICANTS EXEMPT FROM ASSET REPORTING.

"(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall be effective for each individual seeking to apply for Federal financial aid under this title, as part of the simplified application for Federal student financial aid under section 483, on or after July 1, 2023.

"(b) APPLICANTS EXEMPT FROM ASSET REPORTING.—

"(1) IN GENERAL.—Except as provided in paragraph (3), in carrying out section 483, the Secretary shall not use asset information from an eligible applicant or, as applicable, the parent or spouse of an eligible applicant.

"(2) ELIGIBLE APPLICANTS.—In this subsection, the term 'eligible applicant' means an applicant who meets at least one of the following criteria: Definition.

"(A) Is an applicant who qualifies for an automatic zero student aid index or negative student aid index under subsection (b) or (c) of section 473.

"(B) Is an applicant who is a dependent student and the student's parents have a total adjusted gross income (excluding any income of the dependent student) that is less than $60,000 and do not file a Schedule A, B, D, E, F, or H (or equivalent successor schedules) with the Federal income tax return for the second preceding tax year, and—

"(i) do not file a Schedule C (or the equivalent successor schedule) with the Federal income tax return for the second preceding tax year; or

"(ii) file a Schedule C (or the equivalent successor schedule) with net business income of not more than a $10,000 loss or gain with the Federal income tax return for the second preceding tax year.

"(C) Is an applicant who is an independent student and the student (including the student's spouse, if any) has a total adjusted gross income that is less than $60,000 and does not file a Schedule A, B, D, E, F, or H (or equivalent successor schedules), with the Federal income tax return for the second preceding tax year, and—

"(i) does not file a Schedule C (or the equivalent successor schedule) with the Federal income tax return for the second preceding tax year; or

"(ii) files a Schedule C (or the equivalent successor schedule) with net business income of not more than a $10,000 loss or gain with the Federal income tax return for the second preceding tax year.

"(D) Is an applicant who, at any time during the previous 24-month period, received a benefit under a means-tested Federal benefit program (or whose parent or spouse received such a benefit, as applicable).

"(3) SPECIAL RULE.—An eligible applicant shall not be exempt from asset reporting under this section if the applicant is a dependent student and the students' parents do not—

"(A) reside in the United States or a United States territory; or

"(B) file taxes in the United States or a United States territory, except if such nonfiling is due to not being required to file a Federal tax return for the applicable tax year due to a low income.

"(4) DEFINITIONS.—In this section:

"(A) SCHEDULE A.—The term 'Schedule A' means a form or information by a taxpayer to report itemized deductions.

"(B) SCHEDULE B.—The term 'Schedule B' means a form or information filed by a taxpayer to report interest and ordinary dividend income.

"(C) SCHEDULE C.—The term 'Schedule C' means a form or information filed by a taxpayer to report income or loss from a business operated or a profession practiced as a sole proprietor.

"(D) SCHEDULE D .—The term 'Schedule D' means a form or information filed by a taxpayer to report sales, exchanges or some involuntary conversions of capital assets, certain capital gain distributions, and nonbusiness bad debts.

"(E) SCHEDULE E .—The term 'Schedule E' means a form or information filed by a taxpayer to report income from rental properties, royalties, partnerships, S corporations, estates, trusts, and residual interests in real estate mortgage investment conduits.

"(F) SCHEDULE F.—The term 'Schedule F' means a form or information filed by a taxpayer to report farm income and expenses.

"(G) SCHEDULE H.—The term 'Schedule H' means a form or information filed by a taxpayer to report household employment taxes.

"(H) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means any of the following:

"(i) The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

"(ii) The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), a nutrition assistance program carried out under section 19 of such Act (7 U.S.C. 2028), and a supplemental nutrition assistance program carried out under section 3(c) of the Act entitled 'An Act to authorize appropriations for certain insular areas of the United States, and for other purposes' (Public Law 95–348).

"(iii) The program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(iv) The special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(v) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(vi) Federal housing assistance programs, including tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and public housing, as defined in section 3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).

"(vii) Other means-tested programs determined by the Secretary to be approximately consistent with the income eligibility requirements of the means-tested programs under clauses (i) through (vi).".

(i) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt) is amended to read as follows:

"SEC. 479A. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

"(a) IN GENERAL.—

"(1) AUTHORITY OF FINANCIAL AID ADMINISTRATORS.—A financial aid administrator shall have the authority to, on the basis of adequate documentation, make adjustments to any or all of the following on a case-by-case basis:

"(A) For an applicant with special circumstances under subsection (b) to—

"(i) the cost of attendance;

"(ii) the values of the data used to calculate the student aid index; or

"(iii) the values of the data used to calculate the Federal Pell Grant award.

"(B) For an applicant with unusual circumstances under subsection (c), to the dependency status of such applicant.

"(2) LIMITATIONS ON AUTHORITY.—

"(A) USE OF AUTHORITY.—No institution of higher education or financial aid administrator shall maintain a policy of denying all requests for adjustments under this section.

"(B) NO ADDITIONAL FEE.—No student or parent shall be charged a fee for a documented interview of the student by the financial aid administrator or for the review of a student or parent's request for adjustments under this section including the review of any supplementary information or documentation of a student or parent's special circumstances or a student's unusual circumstances.

"(C) RULE OF CONSTRUCTION.—The authority to make adjustments under paragraph (1)(A) shall not be construed to permit financial aid administrators to deviate from the cost of attendance, the values of data used to calculate the student aid index or the values of data used to calculate the Federal Pell Grant award (or both) for awarding aid under this title in the absence of special circumstances.

"(3) ADEQUATE DOCUMENTATION.—Adequate documentation for adjustments under this section must substantiate the special circumstances or unusual circumstances of an individual student, and may include, to the extent relevant and appropriate—

"(A) a documented interview between the student and the financial aid administrator;

"(B) for the purposes of determining that a student qualifies for an adjustment under paragraph (1)(B)—

"(i) submission of a court order or official Federal or State documentation that the student or the student's parents or legal guardians are incarcerated in any Federal or State penal institution;

"(ii) a documented phone call or a written statement, which confirms the specific unusual circumstances with—

"(I) a child welfare agency authorized by a State or county;

"(II) a Tribal welfare authority or agency;

"(III) an independent living case worker, such as a case worker who supports current and former foster youth with the transition to adulthood; or

"(IV) a public or private agency, facility, or program servicing the victims of abuse, neglect, assault, or violence, which may include domestic violence;

"(iii) a documented phone call or a written statement from an attorney, a guardian ad litem, or a court-appointed special advocate, or a person serving in a similar capacity which confirms the specific unusual circumstances and documents the person's relationship to the student;

"(iv) a documented phone call or written statement from a representative under chapter 1 or 2 of subpart 2 of part A, which confirms the specific unusual circumstances and documents the representative's relationship to the student;

"(v) documents, such as utility bills or health insurance documentation, that demonstrate a separation from parents or legal guardians; and

"(vi) in the absence of documentation described in this subparagraph, other documentation the financial aid administrator determines is adequate to confirm the unusual circumstances, pursuant to section 480(d)(9); and

"(C) supplementary information, as necessary, about the financial status or personal circumstances of eligible applicants as it relates to the special circumstances or unusual circumstances based on which the applicant is requesting an adjustment.

"(4) SPECIAL RULE.—In making adjustments under paragraph (1), a financial aid administrator may offer a dependent student financial assistance under a Federal Direct Unsubsidized Stafford Loan without requiring the parents of such student to provide their parent information on the Free Application for Federal Student Aid if the student does not qualify for, or does not choose to use, the unusual circumstance option described in section 480(d)(9), and the financial aid administrator determines that the parents of such student ended financial support of such student or refuse to file such form.

"(5) PUBLIC DISCLOSURE.—Each institution of higher education shall make publicly available information that students applying for aid under this title have the opportunity to pursue adjustments under this section.

"(b) ADJUSTMENTS FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.—

"(1) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO PELL GRANTS.—Special circumstances for adjustments to calculate a Federal Pell Grant award—

"(A) shall be conditions that differentiate an individual student from a group of students rather than conditions that exist across a group of students; and

"(B) may include—

"(i) recent unemployment of a family member or student;

"(ii) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

"(iii) a change in housing status that results in an individual being a homeless youth;

"(iv) an unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses;

"(v) receipt of foreign income of permanent residents or United States citizens exempt from Federal taxation, or the foreign income for which a permanent resident or citizen received a foreign tax credit;

"(vi) in the case of an applicant who does not qualify for the exemption from asset reporting under section 479, assets as defined in section 480(f); or

"(vii) other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

"(2) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO COST OF ATTENDANCE AND STUDENT AID INDEX.—Special circumstances for adjustments to the cost of attendance or the values of the data used to calculate the student aid index—

"(A) shall be conditions that differentiate an individual student from a group of students rather than conditions that exist across a group of students, except as provided in sections 479B and 479C; and

"(B) may include—

"(i) tuition expenses at an elementary school or secondary school;

"(ii) medical, dental, or nursing home expenses not covered by insurance;

"(iii) child care or dependent care costs not covered by the dependent care cost allowance calculated in accordance with section 472;

"(iv) recent unemployment of a family member or student;

"(v) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

"(vi) the existence of additional family members enrolled in a degree, certificate, or other program leading to a recognized educational credential at an institution with a program participation agreement under section 487;

"(vii) a change in housing status that results in an individual being a homeless youth;

"(viii) a condition of severe disability of the student, or in the case of a dependent student, the dependent student's parent or guardian, or in the case

of an independent student, the independent student's dependent or spouse;

"(ix) unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses; or

"(x) other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

"(c) UNUSUAL CIRCUMSTANCES ADJUSTMENTS.—

"(1) IN GENERAL.—Unusual circumstances for adjustments to the dependency status of an applicant shall be—

"(A) conditions that differentiate an individual student from a group of students; and

"(B) based on unusual circumstances, pursuant to section 480(d)(9).

"(2) PROVISIONAL INDEPENDENT STUDENTS.—

"(A) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

"(i) enable each student who, based on an unusual circumstance described in section 480(d)(9), may qualify for an adjustment under subsection (a)(1)(B) that will result in a determination of independence under this section or section 479D to complete the Free Application for Federal Student Aid as an independent student for the purpose of a provisional determination of the student's Federal financial aid award, with the final determination of the award subject to the documentation requirements of subsection (a)(3);

"(ii) upon completion of the Free Application for Federal Student Aid provide an estimate of the student's Federal Pell Grant award, and other information as specified in section 483(a)(3)(A), based on the assumption that the student is determined to be an independent student; and

"(iii) specify, on the Free Application for Federal Student Aid, the consequences under section 490(a) of knowingly and willfully completing the Free Application for Federal Student Aid as an independent student under clause (i) without meeting the unusual circumstances to qualify for such a determination.

"(B) REQUIREMENTS FOR FINANCIAL AID ADMINISTRATORS.—With respect to a student accepted for admission who completes the Free Application for Federal Student Aid as an independent student under subparagraph (A), a financial aid administrator shall—

Notification.

"(i) notify the student of the institutional process, requirements, and timeline for an adjustment under this section and section 480(d)(9) that will result in a review of the student's request for an adjustment and a determination of the student's dependency status under such sections within a reasonable time after the student completes the Free Application for Federal Student Aid;

"(ii) provide the student a final determination of the student's dependency status and Federal financial

aid award as soon as practicable after all requested documentation is provided;

"(iii) retain all documents related to the adjustment under this section and section 480(d)(9), including documented interviews, for at least the duration of the student's enrollment, and shall abide by all other record keeping requirements of this Act; and

"(iv) presume that any student who has obtained an adjustment under this section and section 480(d)(9) and a final determination of independence for any preceding award year at an institution of higher education to be independent for each subsequent award year at the same institution unless—

"(I) the student informs the institution that circumstances have changed; or

"(II) the institution has specific conflicting information about the student's independence.

"(C) ELIGIBILITY.—If a student pursues provisional independent student status and is not determined to be an independent student by a financial aid administrator, such student shall only be eligible for a Federal Direct Unsubsidized Stafford Loan for that award year unless such student subsequently completes the Free Application for Federal Student Aid as a dependent student.

"(d) ADJUSTMENTS TO ASSETS OR INCOME TAKEN INTO ACCOUNT.—A financial aid administrator shall be considered to be making a necessary adjustment in accordance with this section if—

"(1) the administrator makes adjustments excluding from family income or assets any proceeds or losses from a sale of farm or business assets of a family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or a voluntary or involuntary liquidation; or

"(2) the administrator makes adjustments for a condition of disability of a student, or in the case of a dependent student, the dependent student's parent or guardian, or in the case of an independent student, the independent student's dependent or spouse, so as to take into consideration the additional costs incurred as a result of such disability.

"(e) REFUSAL OR ADJUSTMENT OF LOAN CERTIFICATIONS.—On a case-by-case basis, an eligible institution may refuse to use the authority provided under this section, certify a statement that permits a student to receive a loan under part D, certify a loan amount, or make a loan that is less than the student's determination of need (as determined under this part), if the reason for the action is documented and provided in writing to the student. No eligible institution shall discriminate against any borrower or applicant in obtaining a loan on the basis of race, ethnicity, national origin, religion, sex, marital status, age, or disability status.

"(f) SPECIAL RULE REGARDING PROFESSIONAL JUDGMENT DURING A DISASTER, EMERGENCY, OR ECONOMIC DOWNTURN.—

"(1) IN GENERAL.—For the purposes of making a professional judgment under this section, financial aid administrators may, during a qualifying emergency—

"(A) determine that the income earned from work for an applicant is zero, if the applicant can provide paper or electronic documentation of receipt of unemployment

benefits or confirmation that an application for unemployment benefits was submitted; and

"(B) make additional appropriate adjustments to the income earned from work for a student, parent, or spouse, as applicable, based on the totality of the family's situation, including consideration of unemployment benefits.

"(2) DOCUMENTATION.—For the purposes of documenting unemployment under paragraph (1), documentation shall be accepted if such documentation is submitted not more than 90 days from the date on which such documentation was issued, except if a financial aid administrator knows that the student, parent, or spouse, as applicable, has already obtained other employment.

"(3) PROGRAM REVIEWS.—The Secretary shall make adjustments to the model used to select institutions of higher education participating under this title for program reviews in order to account for any rise in the use of professional judgment under this section during the award years applicable to the qualifying emergency, as determined by the Secretary.

"(4) QUALIFYING EMERGENCY.—In this subsection, the term 'qualifying emergency' means—

"(A) an event for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191);

"(B) a national emergency related to the coronavirus declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.); or

"(C) a period of recession or economic downturn as determined by the Secretary, in consultation with the Secretary of Labor.".

(j) DISREGARD OF STUDENT AID IN OTHER PROGRAMS.—Section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) is amended to read as follows:

"SEC. 479B. DISREGARD OF STUDENT AID IN OTHER PROGRAMS.

"Notwithstanding any other provision of law, student financial assistance received under this title, Bureau of Indian Education student assistance programs, and employment and training programs under section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174 et. seq.) shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.".

(k) NATIVE AMERICAN STUDENTS.—Section 479C of the Higher Education Act of 1965 (20 U.S.C. 1087uu–1) is amended to read as follows:

"SEC. 479C. NATIVE AMERICAN STUDENTS.

"(a) IN GENERAL.—In determining the student aid index for Native American students, computations performed pursuant to this part shall exclude—

"(1) any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under Public Law 98–64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the 'Per Capita Act') or the

Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

"(2) any income received by the student (and spouse) and student's parents under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) or the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721 et seq.).

"(b) GUIDANCE.—The Secretary shall develop guidance, in consultation with Tribal Colleges and Universities (as defined in section 316) and the State higher education agency in Alaska and Maine, to implement the determination under subsection (a) without adding additional questions to the FAFSA, including through the use of the authority under section 479A.".

(l) SPECIAL RULES FOR INDEPENDENT STUDENTS.—Part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) is further amended—

(1) by inserting after section 479C the following:

"SEC. 479D. SPECIAL RULES FOR INDEPENDENT STUDENTS.

20 USC 1087uu–2.

"(a) DETERMINATION PROCESS FOR UNACCOMPANIED HOMELESS YOUTH.—In making a determination of independence under section 480(d)(8), a financial aid administrator shall comply with the following:

"(1) Consider documentation of the student's circumstance to be adequate in the absence of documented conflicting information, if such documentation is provided through a documented phone call, written statement, or verifiable electronic data match by—

"(A) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)) or a designee of the liaison;

"(B) the director of an emergency or transitional shelter, street outreach program, homeless youth drop-in center, or other program serving individuals who are experiencing homelessness, or a designee of the director;

"(C) the director of a project supported by a Federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate program grant under chapter 1 or 2 of subpart 2 of part A, or a designee of the director; or

"(D) a financial aid administrator at another institution who documented the student's circumstance in a prior award year.

"(2) If a student is unable to provide documentation from any individual described in paragraph (1), make a case-by-case determination, which shall be—

"(A) based on a written statement from, or a documented interview with, the student that confirms that the student is an unaccompanied homeless youth, or unaccompanied, at risk of homelessness, and self-supporting; and

"(B) made without regard to the reasons that the student is an unaccompanied homeless youth, or unaccompanied, at risk of homelessness, and self-supporting.

"(3) Consider a determination made under this subsection as distinct from a determination of independence under section 480(d)(9).

"(b) DOCUMENTATION PROCESS FOR FOSTER CARE YOUTH.—If an institution requires that a student provide documentation that the student was in foster care when the student was age 13 or older, a financial aid administrator shall consider any of the following as adequate documentation, in the absence of documented conflicting information:

"(1) Submission of a court order or official State documentation that the student received Federal or State support in foster care.

"(2) A documented phone call, written statement, or verifiable electronic data match, which confirms the student was in foster care at an applicable age, from—

"(A) a State, county, or tribal agency administering a program under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.);

"(B) a State Medicaid agency; or

"(C) a public or private foster care placing agency or foster care facility or placement.

"(3) A documented phone call or a written statement from an attorney, a guardian ad litem, or a Court Appointed Special Advocate that confirms that the student was in foster care at an applicable age and documents the person's relationship to the student.

"(4) Verification of the student's eligibility for an education and training voucher under the John H. Chafee Foster Care Program under section 477 of the Social Security Act (42 U.S.C. 677).

"(5) A documented phone call or written statement from a financial aid administrator who documented the student's circumstance in a prior award year.

"(c) TIMING.—A determination of independence under paragraph (2), (8), or (9) of section 480(d) for a student—

"(1) shall be made as quickly as practicable;

"(2) may be made as early as the year before the award year for which the student initially submits an application; and

Deadline.

"(3) shall be made not later than 60 days after the date of the student's enrollment during the award year for which the student initially submits an application.

"(d) USE OF EARLIER DETERMINATIONS.—

"(1) EARLIER DETERMINATION BY THE INSTITUTION.—Any student who is determined to be independent under paragraph (2), (8), or (9) of section 480(d) for a preceding award year at an institution shall be presumed to be independent for each subsequent award year at the same institution unless—

"(A) the student informs the institution that circumstances have changed; or

"(B) the institution has specific conflicting information about the student's independence and has informed the student of this information.

"(2) EARLIER DETERMINATION BY ANOTHER INSTITUTION.—A financial aid administrator may make a determination of independence pursuant to section 479A(c), based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.

"(e) RETENTION OF DOCUMENTS.—A financial aid administrator shall retain all documents related to any determination of independence, including documented interviews, for at least the duration of the student's enrollment and an additional period prescribed by the Secretary to enable a student to utilize the documents for the purposes of subsection (a)(1)(D), (b)(5), or (d) of this section."; and

(2) by amending section 480 to read as follows:

"SEC. 480. DEFINITIONS.

"In this part:

"(a) TOTAL INCOME.—The term 'total income' means the amount equal to adjusted gross income for the second preceding tax year plus untaxed income and benefits for the second preceding tax year minus excludable income for the second preceding tax year. The factors used to determine total income shall be derived from the Federal income tax return, if available, except for the applicant's ability to indicate a qualified rollover in the second preceding tax year as outlined in section 483 or foreign income described in subsection (b)(5).

"(b) UNTAXED INCOME AND BENEFITS.—The term 'untaxed income and benefits' means—

"(1) deductions and payments to self-employed SEP, SIMPLE, Keogh, and other qualified individual retirement accounts excluded from income for Federal tax purposes, except such term shall not include payments made to tax-deferred pension and retirement plans, paid directly or withheld from earnings, that are not delineated on the Federal tax return;

"(2) tax-exempt interest income;

"(3) untaxed portion of individual retirement account distributions;

"(4) untaxed portion of pensions; and

"(5) foreign income of permanent residents of the United States or United States citizens exempt from Federal taxation, or the foreign income for which such a permanent resident or citizen receives a foreign tax credit.

"(c) VETERANS AND VETERANS' EDUCATION BENEFITS.—(1) The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code, and includes individuals who served in the United States Armed Forces as described in sections 101(21), 101(22), and 101(23) of title 38, United States Code.

"(2) The term 'veterans' education benefits' means veterans' benefits under the following provisions of law:

"(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers' Training Corps).

"(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

"(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

"(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

"(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the 'Montgomery GI Bill—active duty').

"(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

"(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans' Educational Assistance Program).

"(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

"(I) Chapter 35 of title 38, United States Code (Survivors' and Dependents' Educational Assistance Program).

"(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

"(K) Section 156(b) of the 'Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes' (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as 'Quayle benefits').

"(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps.

"(d) INDEPENDENT STUDENTS AND DETERMINATIONS.—The term 'independent', when used with respect to a student, means any individual who—

"(1) is 24 years of age or older by December 31 of the award year;

"(2) is, or was at any time when the individual was 13 years of age or older—

"(A) an orphan;

"(B) a ward of the court; or

"(C) in foster care;

"(3) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;

"(4) is a veteran of the Armed Forces of the United States (as defined in subsection (c)) or is currently serving on active duty in the Armed Forces for other than training purposes;

"(5) is a graduate or professional student;

"(6) is married and not separated;

"(7) has legal dependents other than a spouse;

"(8) is an unaccompanied homeless youth or is unaccompanied, at risk of homelessness, and self-supporting, without regard to such individual's age; and

"(9) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances pursuant to section 479A(c) in which the student is unable to contact a parent or where contact with parents poses a risk to such student, which includes circumstances of—

"(A) human trafficking, as described in the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

"(B) legally granted refugee or asylum status;

"(C) parental abandonment or estrangement; or

"(D) student or parental incarceration.

Definition.

"(e) EXCLUDABLE INCOME.—The term 'excludable income' means—

"(1) an amount equal to the education credits described in paragraphs (1) and (2) of section 25A(a) of the Internal Revenue Code of 1986;

"(2) if an applicant elects to report it, college grant and scholarship aid included in gross income on a Federal tax return, including amounts attributable to grant and scholarship portions of fellowships and assistantships and any national service educational award or post-service benefit received by an individual under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), including awards, living allowances, and interest accrual payments; and

"(3) income earned from work under part C of this title.

"(f) ASSETS.—

Definition.

"(1) IN GENERAL.—The term 'assets' means the amount in checking and savings accounts, time deposits, money market funds, investments, trusts, stocks, bonds, derivatives, securities, mutual funds, tax shelters, qualified education benefits (except as provided in paragraph (3)), the annual amount of child support received and the net value of real estate, vacation homes, income producing property, and business and farm assets, determined in accordance with section 478(c).

"(2) EXCLUSIONS.—With respect to determinations of need under this title, the term 'assets' shall not include the net value of the family's principal place of residence.

"(3) CONSIDERATION OF QUALIFIED EDUCATION BENEFIT.—A qualified education benefit shall be considered an asset of—

"(A) the student if the student is an independent student; or

"(B) the parent if the student is a dependent student and the account is designated for the student, regardless of whether the owner of the account is the student or the parent.

"(4) DEFINITION OF QUALIFIED EDUCATION BENEFIT.—In this subsection, the term 'qualified education benefit' means—

"(A) a qualified tuition program (as defined in section 529(b)(1)(A) of the Internal Revenue Code of 1986) or other prepaid tuition plan offered by a State; and

"(B) a Coverdell education savings account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986).

"(g) NET VALUE.—The term 'net value' means the market value at the time of application of the assets (as defined in subsection (f)), minus the outstanding liabilities or indebtedness against the assets.

"(h) TREATMENT OF INCOME TAXES PAID TO OTHER JURISDICTIONS.—

"(1) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

"(2) References in this part to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax

forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may provide by regulation.

"(i) OTHER FINANCIAL ASSISTANCE.—

"(1) For purposes of determining a student's eligibility for funds under this title, other financial assistance not received under this title shall include all scholarships, grants, loans, or other assistance known to the institution at the time the determination of the student's need is made, including national service educational awards or post-service benefits under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), but excluding veterans' education benefits.

"(2) Notwithstanding paragraph (1), a tax credit taken under section 25A of the Internal Revenue Code of 1986, or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code, shall not be treated as other financial assistance for purposes of section 471(a)(3).

"(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both other financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either other financial assistance or cost of attendance, it shall be excluded from both.

"(4) Notwithstanding paragraph (1), payments made and services provided under part E of title IV of the Social Security Act to or on behalf of any child or youth over whom the State agency has responsibility for placement, care, or supervision, including the value of vouchers for education and training and amounts expended for room and board for youth who are not in foster care but are receiving services under section 477 of such Act, shall not be treated as other financial assistance for purposes of section 471(a)(3).

"(5) Notwithstanding paragraph (1), emergency financial assistance provided to the student for unexpected expenses that are a component of the student's cost of attendance, and not otherwise considered when the determination of the student's need is made, shall not be treated as other financial assistance for purposes of section 471(a)(3).

Definition.

"(j) DEPENDENTS.—

"(1) Except as otherwise provided, the term 'dependent of the parent' means the student who is deemed to be a dependent student when applying for aid under this title, and any other person who lives with and receives more than one-half of their support from the parent (or parents) and will continue to receive more than half of their support from the parent (or parents) during the award year.

"(2) Except as otherwise provided, the term 'dependent of the student' means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

"(k) FAMILY SIZE.—

"(1) DEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of a dependent student—

"(A) if the parents are not divorced or separated, family members include the student's parents, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of the student's parents for the taxable year used in determining the amount of need of the student for financial assistance under this title;

"(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of that parent for the taxable year used in determining the amount of need of the student for financial assistance under this title;

"(C) if the parents are divorced and the parents whose income is so included are remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in subparagraph (B), the new spouse and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of the new spouse for the taxable year used in determining the amount of need of the student for financial assistance under this title, if that spouse's income is included in determining the parent's adjusted available income; and

"(D) if the student is not considered as a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of any parent, the parents' family size shall include the student and the family members applicable to the parents' situation under subparagraph (A), (B), or (C).

"(2) INDEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of an independent student—

"(A) family members include the student, the student's spouse, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this title; and

"(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986)

of that student for the taxable year used in determining the amount of need of the student for financial assistance under this title.

"(3) PROCEDURES AND MODIFICATION.—The Secretary shall provide procedures for determining family size in cases in which information for the taxable year used in determining the amount of need of the student for financial assistance under this title has changed or does not accurately reflect the applicant's current household size, including when a divorce settlement only allows a parent to file for the Earned Income Tax Credit available under section 32 of the Internal Revenue Code of 1986.

"(l) BUSINESS ASSETS.—The term 'business assets' means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.

"(m) HOMELESS YOUTH.—The term 'homeless youth' has the meaning given the term 'homeless children and youths' in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

"(n) UNACCOMPANIED.—The terms 'unaccompanied', 'unaccompanied youth', or 'unaccompanied homeless youth' have the meaning given the term 'unaccompanied youth' in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).".

(m) FAFSA.—

(1) IN GENERAL.—Section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) is amended to read as follows:

"SEC. 483. FREE APPLICATION FOR FEDERAL STUDENT AID.

"(a) SIMPLIFIED APPLICATION FOR FEDERAL STUDENT FINANCIAL AID.—

"(1) IN GENERAL.—Each individual seeking to apply for Federal financial aid under this title for award year 2023–2024 and any subsequent award year shall file a free application with the Secretary, known as the 'Free Application for Federal Student Aid', to determine eligibility for such aid, as described in paragraph (2), and in accordance with section 479.

"(2) FREE APPLICATION.—

"(A) IN GENERAL.—The Secretary shall make available, for the purposes of paragraph (1), a free application to determine the eligibility of a student for Federal financial aid under this title.

"(B) INFORMATION REQUIRED BY THE APPLICANT.—

"(i) IN GENERAL.—The applicant, and, if necessary, the parents or spouse of the applicant, shall provide the Secretary with the applicable information described in clause (ii) in order to be eligible for Federal financial aid under this title.

"(ii) INFORMATION TO BE PROVIDED.—The information described in this clause is the following:

"(I) Name.

"(II) Contact information, including address, phone number, email address, or other electronic address.

"(III) Social security number.

"(IV) Date of birth.

"(V) Marital status.

"(VI) Citizenship status, including alien registration number, if applicable.

"(VII) Sex.

"(VIII) Race or ethnicity, using categories developed in consultation with the Bureau of the Census and the Director of the Institute of Education Sciences that, to the greatest extent practicable, separately capture the racial groups specified in the American Community Survey of the Bureau of the Census.

"(IX) State of legal residence and date of residency.

"(X) The following information on secondary school completion:

"(aa) Name and location of the high school from which the applicant received, or will receive prior to the period of enrollment for which aid is sought, a regular high school diploma;

"(bb) name and location of the entity from which the applicant received, or will receive prior to the period of enrollment for which aid is sought, a recognized equivalent of a regular high school diploma; or

"(cc) if the applicant completed or will complete prior to the period of enrollment for which aid is sought, a secondary school education in a home school setting that is treated as a home school or private school under State law.

"(XI) Name of each institution where the applicant intends to apply for enrollment or continue enrollment.

"(XII) Year in school for period of enrollment for which aid is sought, including whether applicant will have finished first bachelor's degree prior to the period of enrollment for which aid is sought.

"(XIII) Whether one or both of the applicant's parents attended college.

"(XIV) Any required asset information, unless exempt under section 479, in which the applicant shall indicate—

"(aa) the annual amount of child support received, if applicable; and

"(bb) all required asset information not described in item (aa).

"(XV) The number of members of the applicant's family who will also be enrolled in an eligible institution of higher education on at least a half-time basis during the same enrollment period as the applicant.

"(XVI) If the applicant meets any of the following designations:

"(aa) Is an unaccompanied homeless youth, or is unaccompanied, at risk of homelessness, and self-supporting.

"(bb) Is an emancipated minor.

"(cc) Is in legal guardianship.

"(dd) Has been a dependent ward of the court at any time since the applicant turned 13.

"(ee) Has been in foster care at any time since the applicant turned 13.

"(ff) Both parents have died since the applicant turned 13.

"(gg) Is a veteran of the Armed Forces of the United States or is serving (on the date of the application) on active duty in the Armed Forces for other than training purposes.

"(hh) Is under the age of 24 and has a dependent child or relative.

"(ii) Does not have access to parental information due to an unusual circumstance described in section 480(d)(9).

"(XVII) If the applicant receives or has received any of the following means-tested Federal benefits within the last two years:

"(aa) The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

"(bb) The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), a nutrition assistance program carried out under section 19 of such Act (7 U.S.C. 2028), or a supplemental nutrition assistance program carried out under section 3(c) of the Act entitled 'An Act to authorize appropriations for certain insular areas of the United States, and for other purposes' (Public Law 95–348).

"(cc) The free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(dd) The program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(ee) The special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(ff) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(gg) Federal housing assistance programs, including tenant-based assistance under section 8(o) of the United States

Housing Act of 1937 (42 U.S.C. 1437f(o)), and public housing, as defined in section 3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).

"(hh) Refundable credit for coverage under a qualified health plan under section 36B of the Internal Revenue Code of 1986.

"(ii) The Earned Income Tax Credit under section 32 of the Internal Revenue Code of 1986.

"(jj) Any other means-tested program determined by the Secretary to be appropriate.

"(XVIII) If the applicant, or, if necessary, the parents or spouse of the applicant, reported receiving tax exempt payments from an individual retirement plan (as defined in section 7701 of the Internal Revenue Code of 1986) distribution or from pensions or annuities on a Federal tax return, information as to how much of the individual retirement plan distribution or pension or annuity disbursement was a qualified rollover.

"(XIX) If the applicant, or, if necessary, the parents or spouse of the applicant, reported receiving foreign income that is exempt from Federal taxation or for which a permanent resident of the United States or United States citizen receives a foreign tax credit, information regarding the amount of such foreign income.

"(XX) If the applicant, or, if applicable, the parents or spouse of the applicant, elects to report receiving college grant and scholarship aid included in gross income on a Federal tax return described in section 480(e)(2), information regarding the amount of such aid

"(iii) PROHIBITION AGAINST REQUESTING INFORMATION MORE THAN ONCE.—Any information requested during the process of creating an account for completing the free application under this subsection, shall, to the fullest extent possible, not be required a second time for the same award year, or in a duplicative manner, when completing such free application except in the case of an unusual situation, such as a temporary inability to access an account for completing such free application.

"(iv) CHANGE IN FAMILY SIZE.—The Secretary shall provide a process by which an applicant shall confirm the accuracy of family size or update the family size with respect to such applicant for purposes of determining the need of such applicant for financial assistance under this title based on a change in family size from the tax year data used for such determination.

"(v) SINGLE QUESTION FOR HOMELESS STATUS.—The Secretary shall ensure that—

"(I) on the form developed under this section for which the information is applicable, there is a single, easily understood screening question to identify an applicant who is an unaccompanied

homeless youth or is unaccompanied, at risk of homelessness, and self-supporting; and

"(II) such question is distinct from those relating to an individual who does not have access to parental income due to an unusual circumstance.

Disclosure.

"(vi) ADJUSTMENTS.—The Secretary shall disclose on the FAFSA that the student may, on a case-by-case basis, qualify for an adjustment under section 479A to the cost of attendance or the values of the data items required to calculate the student's eligibility for a Federal Pell Grant or the student aid index for the student or parent.

"(C) NOTIFICATION AND APPROVAL OF REQUEST FOR TAX RETURN INFORMATION.—The Secretary shall notify students and borrowers who wish to submit an application for Federal student financial aid under this title (as well as parents and spouses who must sign such an application or request or a Master Promissory Note on behalf of those students and borrowers) of the authority of the Secretary to require that such persons affirmatively approve that the Internal Revenue Service disclose their tax return information as described in section 494.

"(D) AUTHORIZATIONS AVAILABLE TO THE APPLICANT.—

"(i) AUTHORIZATION TO DISCLOSE FAFSA INFORMATION, INCLUDING A REDISCLOSURE OF TAX RETURN INFORMATION, TO INSTITUTION, STATE HIGHER EDUCATION AGENCY, AND DESIGNATED SCHOLARSHIP ORGANIZATIONS.—An applicant and, if necessary, the parents or spouse of the applicant shall provide the Secretary with authorization to disclose to an institution, State higher education agency, and scholarship organizations (designated (prior to the date of enactment of the FUTURE Act (Public Law 116–91)) by the Secretary under section 483(a)(3)(E)) as in effect on such date of enactment, as specified by the applicant and in accordance with section 494, in order for the applicant's eligibility for Federal financial aid programs, State financial aid programs, institutional financial aid programs, and scholarship programs at scholarship organizations (designated (prior to the date of enactment of the FUTURE Act (Public Law 116–91)) by the Secretary under section 483(a)(3)(E)) as in effect on such date of enactment, to be determined, the following:

"(I) Information described under section 6103(l)(13) of the Internal Revenue Code of 1986.

"(II) All information provided by the applicant on the application described by this subsection to determine the applicant's eligibility for Federal financial aid under this title and for the application, award, and administration of such Federal financial aid, except the name of an institution to which an applicant selects to redisclose information shall not be disclosed to any other institution.

"(ii) AUTHORIZATION TO DISCLOSE TO BENEFITS PROGRAMS.—An applicant and, if necessary, the parents

or spouse of the applicant may provide the Secretary with authorization to disclose to applicable agencies that handle applications for means-tested Federal benefit programs, as defined in section 479(b)(4)(H), all information provided by the applicant on the application described by this subsection as well as such applicant's student aid index and scheduled Federal Pell Grant award to assist in identification, outreach and application efforts for the application, award, and administration of such means-tested Federal benefits programs, except such information shall not include Federal tax information as specified in section 6103(l)(13)(C) of the Internal Revenue Code of 1986.

"(E) ACTION BY THE SECRETARY.—Upon receiving—

"(i) an application under this section, the Secretary shall, as soon as practicable, perform the necessary functions with the Commissioner of Internal Revenue to calculate the applicant's student aid index and scheduled award for a Federal Pell Grant, if applicable, assuming full-time enrollment for an academic year, and note to the applicant the assumptions relationship to the scheduled award; and

"(ii) an authorization under subparagraph (D), the Secretary shall, as soon as practicable, disclose the information described under such subparagraph, as specified by the applicant, in order for the applicant's eligibility for Federal, State, or institutional student financial aid programs or means-tested Federal benefit programs to be estimated or determined.

"(F) WORK STUDY WAGES.—With respect to an applicant who has received income earned from work under part C of this title, the Secretary shall take the steps necessary to collect information on the amount of such income for the purposes of calculating such applicant's student aid index and scheduled award for a Federal Pell Grant, if applicable, without adding additional questions to the FAFSA, including by collecting such information from institutions of higher education participating in work-study programs under part C of this title.

"(3) INFORMATION TO BE SUPPLIED BY THE SECRETARY OF EDUCATION.—

"(A) IN GENERAL.—Upon receiving and timely processing a free application that contains the information described in paragraph (2), the Secretary shall provide to the applicant the following information based on full-time attendance for an academic year:

"(i) The estimated dollar amount of a Federal Pell Grant scheduled award for which the applicant is eligible for such award year.

"(ii) Information on other types of Federal financial aid for which the applicant may be eligible (including situations in which the applicant could qualify for 150 percent of a scheduled Federal Pell Grant award and loans made under this title) and how the applicant can find additional information regarding such aid.

"(iii) Consumer-tested information regarding each institution selected by the applicant in accordance with

paragraph (2)(B)(ii)(XI), which may include the following:

"(I) The following information, as collected through the Integrated Postsecondary Education Data System or a successor Federal data system as designated by the Secretary:

"(aa) Net price by the income categories, as described under section 132(i)(6), and disaggregated by undergraduate and graduate programs, as applicable.

"(bb) Graduation rate.

"(cc) Retention rate.

"(dd) Transfer rate, if available.

"(II) Median debt of students upon completion.

"(III) Institutional default rate, as calculated under section 435.

"(iv) If the student is eligible for a student aid index of less than or equal to zero under section 473, a notification of the Federal means-tested benefits that they have not already indicated they receive, but for which they may be eligible, and relevant links and information on how to apply for such benefits.

"(v) Information on education tax benefits described in paragraphs (1) and (2) of section 25A(a) of the Internal Revenue Code of 1986 or other applicable education tax benefits determined in consultation with the Secretary of the Treasury.

"(vi) If the individual identified as a veteran, or as serving (on the date of the application) on active duty in the Armed Forces for other than training purposes, information on benefits administered by the Department of Veteran Affairs or Department of Defense, respectively.

"(vii) If applicable, the applicant's current outstanding balance of loans under this title.

"(B) INFORMATION PROVIDED TO THE STATE.—

"(i) IN GENERAL.—The Secretary shall redisclose, with authorization from the applicant in accordance with paragraph (2)(D)(i), to a State higher education agency administering State-based financial aid and serving the applicant's State of residence, the information described under section 6103(l)(13) of the Internal Revenue Code of 1986 and information described in paragraph (2)(B) for the application, award, and administration of grants and other student financial aid provided directly from the State to be determined by such State. Such information shall include the list of institutions provided by the applicant on the application.

"(ii) USE OF INFORMATION.—A State agency administering State-based financial aid—

"(I) shall use the information provided under clause (i) solely for the application, award, and administration of State-based financial aid for which the applicant is eligible;

"(II) may use the information, except for the information described under section 6103(l)(13) of

the Internal Revenue Code of 1986, for State agency research that does not release any individually identifiable information on any applicant to promote college attendance, persistence, and completion;

"(III) may use identifying information provided by student applicants on the FAFSA to determine whether or not a graduating secondary student has filed the application in coordination with local educational agencies or secondary schools to encourage students to complete the application; and

"(IV) may share the application information, excluding the information described under section 6103(l)(13) of the Internal Revenue Code of 1986, with any other entity, only if such applicant provides explicit written consent of the applicant, except as provided in subclause (III).

"(iii) LIMITATION ON CONSENT PROCESS.—A State may provide a consent process whereby an applicant may elect to share the information described in clause (i), except for the information described in section 6103(l)(13) of the Internal Revenue Code of 1986, through explicit written consent to Federal, State, or local government agencies or tribal organizations to assist such applicant in applying for and receiving Federal, State, or local government assistance, or tribal assistance for any component of the applicant's cost of attendance that may include financial assistance or non-monetary assistance.

"(iv) PROHIBITION.—Any entity that receives applicant information under clause (iii) shall not sell, share, or otherwise use applicant information other than for the purposes outlined in clause (iii).

"(C) USE OF INFORMATION PROVIDED TO THE INSTITUTION.—An institution—

"(i) shall use the information provided to it solely for the application, award, and administration of financial aid to the applicant;

"(ii) may use the information provided, excluding the information described under section 6013(l)(13) of the Internal Revenue Code of 1986, for research that does not release any individually identifiable information on any applicant, to promote college attendance, persistence, and completion; and

"(iii) shall not share such educational record information with any other entity without the explicit written consent of the applicant.

"(D) PROHIBITION.—Any entity that receives applicant information under subparagraph (C)(iii) shall not sell, share, or otherwise use applicant information other than for the purposes outlined in subparagraph (C).

"(E) FAFSA INFORMATION THAT INCLUDES TAX RETURN INFORMATION.—An applicant's FAFSA information that includes return or return information as described in section 6103(l)(13) of the Internal Revenue Code of 1986 may be disclosed or redisclosed (which shall include obtaining,

sharing, or discussing such information) only in accordance with the procedures described in section 494.

"(4) DEVELOPMENT OF FORM AND INFORMATION EXCHANGE.—Prior to the design of the free application under this subsection, the Secretary shall, to the maximum extent practicable, on an annual basis—

Consultation.

"(A) consult with stakeholders to gather information about innovations and technology available to—

"(i) ensure an efficient and effective process;

"(ii) mitigate unintended consequences; and

"(iii) determine the best practices for outreach to students and families during the transition to the streamlined process for the determination of Federal financial aid and Federal Pell Grant eligibility while reducing the data burden on applicants and families; and

"(B) solicit public comments for the format of the free application that provides for adequate time to incorporate feedback prior to development of the application for the succeeding award year.

"(5) NO ADDITIONAL INFORMATION REQUESTS PERMITTED.—In carrying out this subsection, the Secretary may not require additional information to be submitted by an applicant (or the parents or spouse of an applicant) for Federal financial aid through other requirements or reporting, except as required under a process or procedure exercised in accordance with the authority under section 479A.

"(6) STATE-RUN PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall conduct outreach to States in order to research the benefits to students of States relying solely on the student aid index, scheduled Pell Grant Award, or the financial data made available, upon authorization by the applicant, as a result of an application for aid under this subsection for determining the eligibility of the applicant for State provided financial aid.

Data.
Lists.

"(B) SECRETARIAL REVIEW.—If a State determines that there is a need for additional data elements beyond those provided pursuant to this subsection for determining the eligibility of an applicant for State provided financial aid, the State shall forward a list of those additional data elements determined necessary, but not provided by virtue of the application under this subsection, to the Secretary. The Secretary shall make readily available to the public through the Department's websites and other means—

Public information.
Web postings.

"(i) a list of States that do not require additional financial information separate from the Free Application for Federal Student Aid and do not require asset information from students who qualify for the exemption from asset reporting under section 479 for the purposes of awarding State scholarships and grant aid;

"(ii) a list of States that require asset information from students who qualify for the exemption from asset reporting under section 479 for the purposes of awarding State scholarships and grant aid;

"(iii) a list of States that have indicated that they require additional financial information separate from

the Free Application for Federal Student Aid for purposes of awarding State scholarships and grant aid; and

"(iv) with the publication of the lists under this subparagraph, information about additional resources available to applicants, including links to such State websites.

"(7) INSTITUTION-RUN FINANCIAL AID.—

"(A) IN GENERAL.—The Secretary shall conduct outreach to institutions of higher education to describe the benefits to students of relying solely on the student aid index, scheduled Pell Grant Award, or the financial data made available, upon authorization for release by the applicant, as a result of an application for aid under this subsection for determining the eligibility of the applicant for institutional financial aid. The Secretary shall make readily available to the public through its websites and other means—

Public information. Web postings. Lists.

"(i) a list of institutions that do not require additional financial information separate from the Free Application for Federal Student Aid and do not require asset information from students who qualify for the exemption from asset reporting under section 479 for the purpose of awarding institution-run financial aid;

"(ii) a list of institutions that require asset information from students who qualify for the exemption from asset reporting under section 479 for the purpose of awarding institution-run financial aid;

"(iii) a list of institutions that require additional financial information separate from the Free Application for Federal Student Aid for the purpose of awarding institution-run financial aid; and

"(iv) with the publication of the list in clause (iii), information about additional resources available to applicants.

"(8) SECURITY OF DATA.—The Secretary shall, in consultation with the Secretary of the Treasury— Consultation.

"(A) take all necessary steps to safeguard the data required to be transmitted for the purpose of this section between Federal agencies and to States and institutions of higher education and secure the transmittal of such data;

"(B) provide guidance to States and institutions of higher education regarding their obligation to ensure the security of the data provided under this section and section 6103 of the Internal Revenue Code of 1986; and

"(C) provide guidance on the implementation of section 6103 of the Internal Revenue Code of 1986, including how it intersects with the provisions of section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'), and any additional consent processes that may be available to applicants in accordance with the Internal Revenue Code of 1986 regarding sharing of Federal tax information.

"(9) REPORT TO CONGRESS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the FAFSA Simplification Act, the

Secretary shall report to the authorizing committees on the progress of the Secretary in carrying out this subsection, including planning and stakeholder consultation. Such report shall include—

"(i) benchmarks for implementation;

"(ii) entities and organizations that the Secretary consulted;

"(iii) system requirements for such implementation and how they will be addressed;

"(iv) any areas of concern and potential problem issues uncovered that may hamper such implementation; and

"(v) solutions determined to address such issues.

"(B) UPDATES.—The Secretary shall provide updates to the authorizing committees—

"(i) as to the progress and planning described in subparagraph (A) prior to implementation of the revisions to the Free Application for Federal Student Aid under this subsection not less often than quarterly; and

"(ii) at least 6 months and 1 year after implementation of the revisions to the Free Application for Federal Student Aid.

"(b) ADJUSTMENTS AND IMPROVEMENTS.—

Disclosure.

"(1) IN GENERAL.—The Secretary shall disclose in a consumer-tested format, upon completion of the Free Application for Federal Student Aid under this section, that the student may, on a case-by-case basis, qualify for an adjustment under section 479A to the cost of attendance or the values of the data items required to calculate the Federal Pell Grant or the need analysis for the student or parent. Such disclosure shall specify—

"(A) examples of the special circumstances under which a student or family member may qualify for such adjustment or determination of independence; and

"(B) additional information regarding the steps a student or family member may take in order to seek an adjustment under section 479A.

"(2) CONSUMER TESTING.—

Deadline.

"(A) IN GENERAL.—Not later than 9 months after the date of enactment of the FAFSA Simplification Act, the Secretary shall begin consumer testing the design of the Free Application for Federal Student Aid under this section with prospective first-generation college students, representatives of students (including low-income students, English learners, first-generation college students, adult students, veterans, servicemembers, and prospective students), students' families (including low-income families, families with English learners, families with first-generation college students, and families with prospective students), institutions of higher education, secondary school and postsecondary counselors, and nonprofit consumer groups.

"(B) UPDATES.—For award year 2023–2024 and at least each fourth succeeding award year thereafter, the Secretary shall update the design of the Free Application for Federal Student Aid based on additional consumer testing with

the populations described in subparagraph (A) in order to improve the usability and accessibility of the application.

"(3) ACCESSIBILITY OF THE FAFSA.—The Secretary shall—

"(A) in conjunction with the Bureau of the Census, determine the most common languages spoken by English learner students and their parents in the United States;

"(B) develop and make publicly available versions of the Free Application for Federal Student Aid form in not fewer than 11 of the most common languages determined under subparagraph (A) and make such versions available and accessible to applicants in paper and electronic formats; and

"(C) ensure that the Free Application for Federal Student Aid is available in formats accessible to individuals with disabilities and compliant with the most recent Web Content Accessibility Guidelines, or successor guidelines.

"(4) REAPPLICATION IN A SUCCEEDING ACADEMIC YEAR.—In order to streamline an applicant's experience in applying for financial aid, the Secretary shall allow an applicant who electronically applies for financial assistance under this title for an academic year subsequent to an academic year for which such applicant applied for financial assistance under this title to automatically electronically import all of the applicant's (including parents', guardians', or spouses', as applicable) identifying, demographic, and school data from the previous application and to update such information to reflect any circumstances that have changed.

"(5) TECHNOLOGY ACCESSIBILITY.—The Secretary shall make the application under this section available through prevalent technology. Such technology shall, at a minimum, enable applicants to—

"(A) save data; and Data.

"(B) submit the application under this title to the Secretary through such technology.

"(6) VERIFICATION BURDEN.—The Secretary shall—

"(A) to the maximum extent practicable, streamline and simplify the process of verification for applicants for Federal financial aid;

"(B) in establishing policies and procedures to verify applicants' eligibility for Federal financial aid, consider—

"(i) the burden placed on low-income applicants;

"(ii) the risk to low-income applicants of failing to complete the application, enroll in college, or complete a postsecondary credential as a result of being selected for verification;

"(iii) the effectiveness of the policies and procedures in preventing overpayments; and

"(iv) the reasons for the source of any improper payments; and

"(C) issue a public report not less often than annually Reports. that includes the number and percentage of applicants subject to verification, whether the applicants ultimately received Federal financial aid disbursements, the extent to which the student aid index changed for such applicants as a result of verification, and the extent to which such applicants' eligibility for Federal financial aid under this title changed.

"(7) STUDIES.—The Secretary shall periodically conduct studies on—

"(A) whether the Free Application for Federal Student Aid is a barrier to college enrollment by examining—

"(i) the effect of States requiring additional information specified in clauses (ii) and (iii) of subsection (a)(6)(B) on the determination of State financial aid awards, including—

"(I) how much financial aid awards would change if the additional information were not required; and

"(II) the number of students who started but did not finish the Free Application for Federal Student Aid, compared to the baseline year of 2021; and

"(ii) the number of students who—

"(I) started a Free Application for Federal Student Aid but did not receive financial assistance under this title for the applicable academic year; and

"(II) if available, did not enroll in an institution of higher education in the applicable academic year;

"(B) the most common barriers faced by applicants in completing the Free Application for Federal Student Aid; and

"(C) the most common reasons that students and families do not fill out the Free Applications for Federal Student Aid.

"(c) DATA AND INFORMATION.—

"(1) IN GENERAL.—The Secretary shall publish data in a publicly accessible manner—

"(A) annually on the total number of Free Applications for Federal Student Aid submitted by application cycle, disaggregated by demographic characteristics, type of institution or institutions of higher education to which the applicant applied, the applicant's State of legal residence, and high school and public school district;

"(B) quarterly on the total number of Free Applications for Federal Student Aid submitted by application cycle, disaggregated by type of institution or institutions of higher education to which the applicant applied, the applicant's State of legal residence, and high school and public school district;

"(C) weekly on the total number of Free Applications for Federal Student Aid submitted, disaggregated by high school and public school district; and

"(D) annually on the number of individuals who apply for federal financial aid pursuant to this section who indicated that they are—

"(i) an unaccompanied homeless youth or unaccompanied, at risk of homelessness, and self-supporting; or

"(ii) a foster care youth.

"(2) CONTENTS.—The data described in paragraph (1)(D) with respect to homeless youth shall include, at a minimum, for each application cycle—

"(A) the total number of all applicants who were determined to be individuals described in section 480(d)(8); and

"(B) the number of applicants described in subparagraph (A), disaggregated—

"(i) by State; and

"(ii) by the sources of determination as described in section 479D(b).

"(3) DATA SHARING.—The Secretary may enter into data sharing agreements with the appropriate Federal or State agencies to conduct outreach regarding, and connect applicants directly with, the means-tested Federal benefit programs described in subsection (a)(2)(B)(ii)(XVII) for which the applicants may be eligible.

"(d) ENSURING FORM USABILITY.—

"(1) SIGNATURE.—Notwithstanding any other provision of this title, the Secretary may permit the Free Application for Federal Student Aid to be submitted without a signature, if a signature is subsequently submitted by the applicant, or if the applicant uses an access device provided by the Secretary.

"(2) FREE PREPARATION AUTHORIZED.—Notwithstanding any other provision of this title, an applicant may use a preparer for consultative or preparation services for the completion of the Free Application for Federal Student Aid without charging a fee to the applicant if the preparer—

"(A) includes, at the time the application is submitted to the Department, the name, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form;

"(B) is subject to the same penalties as an applicant for purposely giving false or misleading information in the application;

"(C) clearly informs each individual upon initial contact, that the Free Application for Federal Student Aid is a free form that may be completed without professional assistance; and

"(D) does not produce, use, or disseminate any other form for the purpose of applying for Federal financial aid other than the Free Application for Federal Student Aid developed by the Secretary under this section.

"(3) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need for and eligibility of a student for financial assistance under this title may be determined only by using the Free Application for Federal Student Aid developed by the Secretary under this section. Such application shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of Federal financial aid through the use of such application. No data collected on a form for which a fee is charged shall be used to complete the Free Application for Federal Student Aid prescribed under this section, except that a Federal or State income tax form prepared by a paid income tax preparer or preparer service for the primary purpose of filing a Federal or State income tax return may be used

to complete the Free Application for Federal Student Aid prescribed under this section.

Deadline.
Time period.

"(4) APPLICATION PROCESSING CYCLE.—The Secretary shall enable applicants to submit a Free Application for Federal Student Aid developed under this section and initiate the processing of such application, not later than January 1 of the applicant's planned year of enrollment, to the maximum extent practicable, on or around October 1 prior to the applicant's planned year of enrollment.

"(5) EARLY ESTIMATES.—The Secretary shall maintain an electronic method for applicants to enter income and family size information to calculate a non-binding estimate of the applicant's Federal financial aid available under this title and shall place such calculator on a prominent location at the beginning of the Free Application for Federal Student Aid.

"(6) ADDITIONAL FORMS.—Notwithstanding any other provision of this title, an institution may not condition the packaging or receipt of Federal financial aid on the completion of additional requests for financial information beyond the Free Application for Federal Student Aid, unless such information is required for verification, a determination of independence, or professional judgement.".

20 USC 1090 note.

(2) REPORTS.—Notwithstanding section 701(b) of this title, the Secretary of Education shall have the authority to issue reports and begin consumer testing prior to July 1, 2023, as provided in the amendment made by paragraph (1).

(n) STUDENT ELIGIBILITY.—

(1) AMENDMENTS.—

(A) IN GENERAL.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended—

(i) by striking subsections (n) and (r);

(ii) by redesignating subsections (o), (p), (s), and (t), as subsections (n), (o), (q), and (r), respectively;

(iii) by inserting between subsections (o) and (q), as redesignated under clause (i), the following:

Cooperation.

"(p) USE OF INCOME DATA WITH IRS.—The Secretary, in cooperation with the Secretary of the Treasury, shall fulfill the data transfer requirements under section 6103(l)(13) of the Internal Revenue Code of 1986 and the procedure and requirements outlined in section 494."; and

(iv) by adding at the end the following:

"(s) EXCEPTION TO REQUIRED REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM.—Notwithstanding section 12(f) of the Military Selective Service Act (50 U.S.C. 3811(f)), an individual shall not be ineligible for assistance or a benefit provided under this title if the individual is required under section 3 of such Act (50 U.S.C. 3802) to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section.

"(t) CONFINED OR INCARCERATED INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection:

"(A) CONFINED OR INCARCERATED INDIVIDUAL.—The term 'confined or incarcerated individual'—

"(i) means an individual who is serving a criminal sentence in a Federal, State, or local penal institution,

prison, jail, reformatory, work farm, or other similar correctional institution; and

"(ii) does not include an individual who is in a halfway house or home detention or is sentenced to serve only weekends.

"(B) PRISON EDUCATION PROGRAM.—The term 'prison education program' means an education or training program that—

"(i) is an eligible program under this title offered by an institution of higher education (as defined in section 101 or 102(a)(1)(B));

"(ii) is offered by an institution that has been approved to operate in a correctional facility by the appropriate State department of corrections or other entity that is responsible for overseeing correctional facilities, or by the Bureau of Prisons;

"(iii) has been determined by the appropriate State department of corrections or other entity that is responsible for overseeing correctional facilities, or by the Bureau of Prisons, to be operating in the best interest of students, the determination of which shall be made by the State department of corrections or other entity or by the Bureau of Prisons, respectively, and may be based on—

"(I) rates of confined or incarcerated individuals continuing their education post-release;

"(II) job placement rates for such individuals;

"(III) earnings for such individuals;

"(IV) rates of recidivism for such individuals;

"(V) the experience, credentials, and rates of turnover or departure of instructors;

"(VI) the transferability of credits for courses available to confined or incarcerated individuals and the applicability of such credits toward related degree or certificate programs; or

"(VII) offering relevant academic and career advising services to participating confined or incarcerated individuals while they are confined or incarcerated, in advance of reentry, and upon release;

"(iv) offers transferability of credits to at least 1 institution of higher education (as defined in section 101 or 102(a)(1)(B)) in the State in which the correctional facility is located, or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release;

"(v) is offered by an institution that has not been subject, during the 5 years preceding the date of the determination, to—

"(I) any suspension, emergency action, or termination of programs under this title;

"(II) any adverse action by the institution's accrediting agency or association; or

"(III) any action by the State to revoke a license or other authority to operate;

"(vi) satisfies any applicable educational requirements for professional licensure or certification, including licensure or certification examinations needed to practice or find employment in the sectors or occupations for which the program prepares the individual, in the State in which the correctional facility is located or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release; and

"(vii) does not offer education that is designed to lead to licensure or employment for a specific job or occupation in the State if such job or occupation typically involves prohibitions on the licensure or employment of formerly incarcerated individuals in the State in which the correctional facility is located, or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release.

Collaboration.

"(2) TECHNICAL ASSISTANCE.—The Secretary, in collaboration with the Attorney General, shall provide technical assistance and guidance to the Bureau of Prisons, State departments of corrections, and other entities that are responsible for overseeing correctional facilities in making determinations under paragraph (1)(B)(iii).

"(3) FEDERAL PELL GRANT ELIGIBILITY.—Notwithstanding subsection (a), in order for a confined or incarcerated individual who otherwise meets the eligibility requirements of this title to be eligible to receive a Federal Pell Grant under section 401, the individual shall be enrolled or accepted for enrollment in a prison education program.

"(4) EVALUATION.—

Deadline.

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the FAFSA Simplification Act, in order to evaluate and improve the impact of activities supported under this subsection, the Secretary, in partnership with the Director of the Institute of Education Sciences, shall award 1 or more grants or contracts to, or enter into cooperative agreements with, experienced public and private institutions and organizations to enable the institutions and organizations to conduct an external evaluation that shall—

Assessment.

"(i) assess the ability of confined or incarcerated individuals to access and complete the Free Application for Federal Student Aid;

"(ii) examine in-custody outcomes and post-release outcomes related to providing Federal Pell Grants to confined or incarcerated individuals, including—

"(I) attainment of a postsecondary degree or credential;

"(II) safety in penal institutions with prison education programs;

"(III) the size of waiting lists for prison education programs;

"(IV) the extent to which such individuals continue their education post-release;

"(V) employment and earnings outcomes for such individuals; and

"(VI) rates of recidivism for such individuals;

"(iii) track individuals who received Federal Pell Grants under subpart 1 of part A at 1, 3, and 5 years after the individuals' release from confinement or incarceration; and

"(iv) examine the extent to which institutions provide re-entry or relevant career services to participating confined or incarcerated individuals as part of the prison education program and the efficacy of such services, if offered.

"(B) REPORT.—Beginning not later than 1 year after the Secretary awards the grant, contract, or cooperative agreement described in subparagraph (A) and annually thereafter, each institution of higher education operating a prison education program under this subsection shall submit a report to the Secretary on activities assisted and students served under this subsection, which shall include the information, as applicable, contained in clauses (i) through (iv) of subparagraph (A).

"(5) REPORT.—Not later than 1 year after the date of enactment of the FAFSA Simplification Act and on at least an annual basis thereafter, the Secretary shall submit to the authorizing committees, and make publicly available on the website of the Department, a report on the— Public information. Web posting.

"(A) impact of this subsection which shall include, at a minimum—

"(i) the names and types of institutions of higher education offering prison education programs at which confined or incarcerated individuals are enrolled and receiving Federal Pell Grants;

"(ii) the number of confined or incarcerated individuals receiving Federal Pell Grants through each prison education program;

"(iii) the amount of Federal Pell Grant expenditures for each prison education program;

"(iv) the average amount of Federal Pell Grant expenditures per full-time equivalent students in a prison education program compared to the average amount of Federal Pell Grant expenditures per full-time equivalent students not in prison education programs;

"(v) the demographics of confined or incarcerated individuals receiving Federal Pell Grants;

"(vi) the cost of attendance for such individuals;

"(vii) the mode of instruction (such as distance education, in-person instruction, or a combination of such modes) for each prison education program;

"(viii) information on the academic outcomes of such individuals (such as credits attempted and earned, and credential and degree completion) and any information available from student satisfaction surveys conducted by the applicable institution or correctional facility;

"(ix) information on post-release outcomes of such individuals, including, to the extent practicable, continued postsecondary enrollment, earnings, credit transfer, and job placement;

"(x) rates of recidivism for confined or incarcerated individuals receiving Federal Pell Grants;

"(xi) information on transfers of confined or incarcerated individuals between prison education programs;

"(xii) the most common programs and courses offered in prison education programs; and

"(xiii) rates of instructor turnover or departure for courses offered in prison education programs;

"(B) results of each prison education program at each institution of higher education, including the information described in clauses (ii) through (xiii) of subparagraph (A); and

"(C) findings regarding best practices with respect to prison education programs.".

(B) CONFORMING AMENDMENT.—Section 428B(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–2(f)(2)) is amended by striking "section 484(p)" and inserting "section 484(o)".

(C) INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by repealing subsection (k).

20 USC 1078–2 note.

(2) EARLY EFFECTIVE DATE PERMITTED.—Notwithstanding section 701(b) of this Act, sections 401(b)(6) and 484(r) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(6); 1091(r)) as in effect on the date of enactment of this Act, and section 12(f) of the Military Selective Service Act (50 U.S.C. 3811(f)), the Secretary of Education may implement the amendments made by paragraph (1) of this subsection before (but not later than) July 1, 2023. The Secretary shall specify in a designation on what date, under what conditions, and for which award years the Secretary will implement such amendments prior to July 1, 2023. The Secretary shall publish any designation under this paragraph in the Federal Register at least 60 days before implementation.

Federal Register, publication.

(o) EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.—Section 485E of the Higher Education Act of 1965 (20 U.S.C. 1092f) is amended to read as follows:

"SEC. 485E. EARLY AWARENESS AND OUTREACH OF FINANCIAL AID ELIGIBILITY.

"(a) IN GENERAL.—The Secretary shall implement early outreach activities in order to provide prospective students and their families with information about financial aid and estimates of financial aid. Such early outreach activities shall include the activities described in subsections (b), (c), and (d).

"(b) PELL GRANT EARLY AWARENESS ESTIMATES.—

"(1) IN GENERAL.—The Secretary shall produce a consumer-tested method of estimating student eligibility for Federal Pell Grants under section 401(b) utilizing the variables of family size and adjusted gross income, presented in electronic format.

There shall be a method for students to indicate whether they are, or will be in—

"(A) a single-parent household;

"(B) a household with two parents; or

"(C) a household with no children or dependents.

"(2) CONSUMER TESTING.—

"(A) IN GENERAL.—The method of estimating eligibility described in paragraph (1) shall be consumer tested with prospective first-generation students and families as well as low-income individuals and families.

"(B) UPDATES.—For award year 2023–2024 and each fourth succeeding award year thereafter, the design of the method of estimating eligibility shall be updated based on additional consumer testing with the populations described in subparagraph (A).

"(3) DISTRIBUTION.—The method of estimating eligibility described in paragraph (1) shall be— Public information. Web posting.

"(A) made publicly and prominently available on the Department's website; and

"(B) actively shared by the Secretary with—

"(i) institutions of higher education participating in programs under this title;

"(ii) all middle and secondary schools eligible for funds under part A of title I of the Elementary and Secondary Education Act of 1965;

"(iii) local educational agencies and middle schools and high schools that serve students not less than 25 percent of whom meet a measure of poverty as described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; and

"(iv) agencies responsible for administering means-tested Federal benefit programs, as defined in section 479(b)(4)(H).

"(4) ELECTRONIC ESTIMATOR ON FAFSA.—In accordance with subsection (d)(5) of section 483, the Secretary shall maintain an electronic method for applicants to enter income and family size, and level of education sought information to calculate a non-binding estimate (which may include a range, ceiling, or minimum) of the applicant's Federal financial aid available under this title and shall place such calculator on a prominent location on the FAFSA website and in a manner that encourages students to fill out the FAFSA.

"(c) EARLY AWARENESS PLANS.—The Secretary shall establish and implement early awareness and outreach plans to provide early information about the availability of Federal financial aid and estimates of prospective students' eligibility for Federal financial aid as well as to promote the attainment of postsecondary education specifically among prospective first-generation students and families as well as low-income individuals and families, as follows:

"(1) OUTREACH PLANS FOR LOW-INCOME FAMILIES.—

"(A) IN GENERAL.—The Secretary shall develop plans for each population described in this subparagraph to disseminate information about the availability of Federal financial aid under this title, in addition to and in coordination with the distribution of the method of estimating eligibility under subsection (b), to—

"(i) all middle schools and secondary schools eligible for funds under part A of title I of the Elementary and Secondary Education Act of 1965;

"(ii) local educational agencies and middle schools and high schools that serve students not less than 25 percent of whom meet a measure of poverty as described in section 1113(a)(5) of the Elementary and Secondary Education Act;

"(iii) households receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and

"(iv) agencies responsible for administering means-tested Federal benefit programs, as defined in section 479(b)(4)(H).

"(B) CONTENT OF PLANS.—The plans described in paragraph (A) shall—

"(i) provide students and their families with information on—

"(I) the availability of the College Scorecard or any similar successor website;

"(II) the electronic estimates of financial aid available under subsection (b);

"(III) Federal financial aid available to students, including eligibility criteria for the Federal financial aid and an explanation of the Federal financial aid programs (including applicable Federal educational tax credits); and

"(IV) resources that can inform students of financial aid that may be available from state-based financial aid, state-based college savings programs, and scholarships and other non-governmental sources;

"(ii) describe how the dissemination of information will be conducted by the Secretary.

Public information. Web posting.

"(C) REPORTING AND UPDATES.—The Secretary shall post the information about the plans under subparagraph (A) and associated goals publicly on the Department's website. On an annual basis, the Secretary shall report qualitative and quantitative outcomes regarding the implementation of the plans under subparagraph (A). The Secretary shall review and update such plans not less often than every 4 award years with the goal of progressively increasing the impact of the activities under this paragraph.

"(D) PARTNERSHIP.—The Secretary may partner with States, State systems of higher education, institutions of higher education, or college access organizations to carry out this paragraph.

"(2) INTERAGENCY COORDINATION PLANS.—

"(A) IN GENERAL.—The Secretary shall develop interagency coordination plans in order to inform more students and families, including low-income individuals or families and recipients of means-tested Federal benefits, about the availability of Federal financial aid under this title through participation in existing Federal programs or tax benefits

that serve low-income individuals or families, in coordination with the following Secretaries:

"(i) The Secretary of the Treasury.

"(ii) The Secretary of Labor.

"(iii) The Secretary of Health and Human Services.

"(iv) The Secretary of Agriculture.

"(v) The Secretary of Housing and Urban Development.

"(vi) The Secretary of Commerce.

"(vii) The Secretary of Veterans Affairs.

"(viii) The Secretary of the Interior.

"(B) PROCESS, ACTIVITIES, AND GOALS.—Each interagency coordination plan under subparagraph (A) shall—

"(i) identify opportunities in which low-income individuals and families could be informed of the availability of Federal financial aid under this title through access to other Federal programs that serve low-income individuals and families;

"(ii) identify methods to effectively inform low-income individuals and families of the availability of Federal financial aid for postsecondary education under this title and assist such individuals in completing the Free Application for Federal Student Aid;

"(iii) develop early awareness and FAFSA completion activities that align with the opportunities and methods identified under clauses (i) and (ii);

"(iv) establish goals regarding the effects of the activities to be implemented under clause (iii); and

"(v) provide information on how students and families can maintain access to Federal programs that serve low-income individuals and families operated by the agencies identified under subsection (A) while attending an institution of higher education.

"(C) PLAN WITH SECRETARY OF THE TREASURY.—The interagency coordination plan under subparagraph (A)(i) between the Secretary and the Secretary of the Treasury shall further include specific methods to increase the application for Federal financial aid under this title from individuals who file Federal tax returns, including collaboration with tax preparation entities or other third parties, as appropriate.

"(D) REPORTING AND UPDATES.—The Secretary shall post the information about the interagency coordination plans under this paragraph and associated goals publicly on the Department's website. The plans shall have the goal of progressively increasing the impact of the activities under this paragraph by increasing the number of low-income applicants for, and recipients of, Federal financial aid. The plans shall be updated not less than once every 4 years.

Public information. Web posting.

"(3) NATIONWIDE PARTICIPATION IN EARLY AWARENESS PLANS.—

"(A) IN GENERAL.—The Secretary shall solicit voluntary public commitments from entities, such as States, State systems of higher education, institutions of higher education, and other interested organizations, to carry out early awareness plans, which shall include goals, to—

Notification.

"(i) notify prospective and existing students who are low-income individuals and families about their eligibility for Federal aid under this title, as well as State-based financial aid, if applicable, on an annual basis;

"(ii) increase the number of prospective and current students who are low-income individuals and families filing the Free Application for Federal Student Aid; and

"(iii) increase the number of prospective and current students who are low-income individuals and families enrolling in postsecondary education.

"(B) REPORTING AND UPDATES.—Each entity that makes a voluntary public commitment to carry out an early awareness plan may submit quantitative and qualitative data based on the entity's progress toward the goals of the plan annually prior to a date selected by the Secretary.

Studies.
Public information.
Web posting.

"(C) EARLY AWARENESS CHAMPIONS.—Based on data submitted by entities, the Secretary shall select and designate entities submitting public commitments, plans, and goals, as Early Awareness Champions on an annual basis. Those entities designated as Early Awareness Champions shall provide one or more case studies regarding the activities the entity undertook under this paragraph which shall be made public by the Secretary on the Department of Education website to promote best practices.

"(d) PUBLIC AWARENESS CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall develop and implement a public awareness campaign designed using current and relevant independent research regarding strategies and media platforms found to be most effective in communicating with low-income populations in order to increase national awareness regarding the availability of Federal Pell Grants and financial aid under this title and, at the option of the Secretary, potential availability of state need-based financial aid.

"(2) COORDINATION.—The public awareness campaign described in paragraph (1) shall leverage the activities in subsections (b) and (c) to highlight eligibility among low-income populations. In developing and implementing the campaign, the Secretary may work in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other Federal agencies, agencies responsible for administering means-tested Federal benefit programs (as defined in section 479(b)(4)(H)), organizations involved in college access and student financial aid, secondary schools, local educational agencies, public libraries, community centers, businesses, employers, workforce investment boards, and organizations that provide services to individuals who are or were homeless, in foster care, or are disconnected youth.

Coordination.

Public information.
Web posting.

"(3) REPORTING.—The Secretary shall report on the success of the public awareness campaign described in paragraph (1) annually regarding the extent to which the public and target populations were reached using data commonly used to evaluate advertising and outreach campaigns and data regarding whether the campaign produced any increase in applicants for Federal aid under this title publicly on the Department of Education website.".

(p) PROCEDURE AND REQUIREMENTS FOR REQUESTING TAX RETURN INFORMATION FROM THE INTERNAL REVENUE SERVICE.—Section 494(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1098h(a)(1)) is amended—

(1) in subparagraph (A)(ii), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) if an individual is pursuing provisional independent student status due to an unusual circumstance, as described in section 479A and provided for in section 479D, require such individual to provide an affirmative approval under subparagraph (B), but not require a parent of such individual to provide an affirmative approval under subparagraph (B).".

SEC. 703. FEDERAL PELL GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS.

Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended to read as follows:

"SEC. 401. FEDERAL PELL GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS.

"(a) PURPOSE; DEFINITIONS.—

"(1) PURPOSE.—The purpose of this subpart is to provide a Federal Pell Grant to low-income students.

"(2) DEFINITIONS.—In this section—

"(A) the term 'adjusted gross income' means—

"(i) in the case of a dependent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student's parents in the second tax year preceding the academic year; and

"(ii) in the case of an independent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student (and the student's spouse, if applicable) in the second tax year preceding the academic year;

"(B) the term 'family size' has the meaning given the term in section 480(k);

"(C) the term 'poverty line' means the poverty line (as determined under the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to the student's family size and applicable to the second tax year preceding the academic year;

"(D) the term 'single parent' means—

"(i) a parent of a dependent student who was a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year; or

"(ii) an independent student who is a parent and was a head of household (as defined in section 2(b)

of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year;

"(E) the term 'total maximum Federal Pell Grant' means the total maximum Federal Pell Grant award per student for any academic year described under subsection (b)(5); and

"(F) the term 'minimum Federal Pell Grant' means the minimum amount of a Federal Pell Grant that shall be awarded to a student for any academic year in which that student is attending full time, which shall be equal to 10 percent of the total maximum Federal Pell Grant for such academic year.

"(b) AMOUNT AND DISTRIBUTION OF GRANTS.—

"(1) DETERMINATION OF AMOUNT OF A FEDERAL PELL GRANT.—Subject to paragraphs (2) and (3), the amount of a Federal Pell Grant for a student shall be determined in accordance with the following:

"(A) A student shall be eligible for a total maximum Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time—

"(i) if the student (and the student's spouse, if applicable), or, in the case of a dependent student, the dependent student's parents (or single parent), is not required to file a Federal income tax return in the second year preceding the academic year;

"(ii) if the student or, in the case of a dependent student, the dependent student's parent, is a single parent, and the adjusted gross income is greater than zero and equal to or less than 225 percent of the poverty line; or

"(iii) if the student or, in the case of a dependent student, the dependent student's parent, is not a single parent, and the adjusted gross income is greater than zero and equal to or less than 175 percent of the poverty line.

"(B) A student who is not eligible for a total maximum Federal Pell Grant under subparagraph (A) for an academic year, shall be eligible for a Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time if such student's student aid index in such award year is less than the total maximum Federal Pell Grant for that award year. The amount of the Federal Pell Grant for a student eligible under this subparagraph shall be—

"(i) the total maximum Federal Pell Grant as calculated under paragraph (5)(A) for that year, less

"(ii) an amount equal to the amount determined to be the student aid index with respect to that student for that year, except that a student aid index of less than zero shall be considered to be zero for the purposes of this clause,

rounded to the nearest $5, except that a student eligible for less than the minimum Federal Pell Grant as defined in section (a)(2)(F) shall not be eligible for an award.

"(C) A student who is not eligible for a Federal Pell Grant under subparagraph (A) or (B) shall be eligible for the minimum Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time—

"(i) in the case of a dependent student—

"(I) if the student's parent is a single parent, and the adjusted gross income is equal to or less than 325 percent of the poverty line; or

"(II) if the student's parent is not a single parent, and the adjusted gross income is equal to or less than 275 percent of the poverty line; or

"(ii) in the case of an independent student—

"(I) if the student is a single parent, and the adjusted gross income is equal to or less than 400 percent of the poverty line;

"(II) if the student is a parent and is not a single parent, and the adjusted gross income is equal to or less than 350 percent of the poverty line; or

"(III) if the student is not a parent, and the adjusted gross income is equal to or less than 275 percent of the poverty line.

"(D) A student eligible for the total maximum Federal Pell Grant under subparagraph (A) who has (or whose spouse or parent, as applicable based on whose information is used under such subparagraph, has) foreign income that would, if added to adjusted gross income, result in the student no longer being eligible for such total maximum Federal Pell Grant, shall not be provided a Federal Pell Grant until the student aid administrator evaluates the student's FAFSA and makes a determination regarding whether it is appropriate to make an adjustment under section 479A(b)(1)(B)(v) to account for such foreign income when determining the student's eligibility for such total maximum Federal Pell Grant.

"(E) With respect to a student who is not eligible for the total maximum Federal Pell Grant under subparagraph (A) or a minimum Federal Pell Grant under subparagraph (C), the Secretary shall subtract from the student or parents' adjusted gross income, as applicable based on whose income is used for the Federal Pell Grant calculation, the sum of the following for the individual whose income is so used, and consider such difference the adjusted gross income for purposes of determining the student's eligibility for such Federal Pell Grant award under such subparagraph:

"(i) If the applicant, or, if applicable, the parents or spouse of the applicant, elects to report receiving college grant and scholarship aid included in gross income on a Federal tax return described in section 480(e)(2), the amount of such aid.

"(ii) Income earned from work under part C of this title.

"(2) LESS THAN FULL-TIME ENROLLMENT.—In any case where a student is enrolled in an eligible program of an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the Federal Pell Grant to which that student is entitled shall be reduced in direct proportion to the degree to which that student is not so enrolled on a full-time basis, rounded to the nearest whole percentage point, as provided in a schedule of reductions published by the Secretary computed in accordance with this subpart. Such schedule of reductions shall be published in the Federal Register in accordance with section 482. Such reduced Federal Pell Grant for a student enrolled on a less than full-time basis shall also apply proportionally to students who are otherwise eligible to receive the minimum Federal Pell Grant, if enrolled full-time.

"(3) AWARD MAY NOT EXCEED COST OF ATTENDANCE.—No Federal Pell Grant under this subpart shall exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a Federal Pell Grant for that student exceeds the cost of attendance for that year, the amount of the Federal Pell Grant shall be reduced until the Federal Pell Grant does not exceed the cost of attendance at such institution.

"(4) STUDY ABROAD.—Notwithstanding any other provision of this subpart, the Secretary shall allow the amount of the Federal Pell Grant to be exceeded for students participating in a program of study abroad approved for credit by the institution at which the student is enrolled when the reasonable costs of such program are greater than the cost of attendance at the student's home institution, except that the amount of such Federal Pell Grant in any fiscal year shall not exceed the maximum amount of a Federal Pell Grant for which a student is eligible under paragraph (1) or (2) during such award year. If the preceding sentence applies, the financial aid administrator at the home institution may use the cost of the study abroad program, rather than the home institution's cost, to determine the cost of attendance of the student.

"(5) TOTAL MAXIMUM FEDERAL PELL GRANT.—

"(A) IN GENERAL.—For award year 2023–2024, and each subsequent award year, the total maximum Federal Pell Grant award per student shall be equal to the sum of—

"(i) $1,060; and

"(ii) the amount specified as the maximum Federal Pell Grant in the last enacted appropriation Act applicable to that award year.

"(B) ROUNDING.—The total maximum Federal Pell Grant for any award year shall be rounded to the nearest $5.

"(6) FUNDS BY FISCAL YEAR.—

"(A) IN GENERAL.—To carry out this section—

"(i) there are authorized to be appropriated and are appropriated (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated)

such sums as are necessary to carry out paragraph (5)(A)(i) for fiscal year 2023 and each subsequent fiscal year; and

"(ii) such sums as may be necessary are authorized to be appropriated to carry out paragraph (5)(A)(ii) for each of the fiscal years 2023 through 2033.

"(B) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year. Effective date. Time period.

"(7) APPROPRIATION.—

"(A) IN GENERAL.—In addition to any funds appropriated under paragraph (6) and any funds made available for this section under any appropriations Act, there are authorized to be appropriated, and there are appropriated (out of any money in the Treasury not otherwise appropriated) to carry out this section, $1,170,000,000 for fiscal year 2023 and each subsequent award year.

"(B) NO EFFECT ON PREVIOUS APPROPRIATIONS.—The amendments made to this section by the FAFSA Simplification Act shall not—

"(i) increase or decrease the amounts that have been appropriated or are available to carry out this section for fiscal year 2017, 2018, 2019, 2020, 2021, or 2022 as of the day before the effective date of such Act; or

"(ii) extend the period of availability for obligation that applied to any such amount, as of the day before such effective date.

"(C) AVAILABILITY OF FUNDS.—The amounts made available by this paragraph for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year. Effective date. Time period.

"(8) METHOD OF DISTRIBUTION.—

"(A) IN GENERAL.—For each fiscal year through fiscal year 2033, the Secretary shall pay to each eligible institution such sums as may be necessary to pay each eligible student for each academic year during which that student is in attendance at an institution of higher education as an undergraduate, a Federal Pell Grant in the amount for which that student is eligible.

"(B) ALTERNATIVE DISBURSEMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in the cases where an eligible institution does not participate in the disbursement system under subparagraph (A).

"(9) ADDITIONAL PAYMENT PERIODS IN SAME AWARD YEAR.—

"(A) Effective in the 2017–2018 award year and thereafter, the Secretary shall award an eligible student not more than one and one-half Federal Pell Grants during a single award year to permit such student to work toward completion of an eligible program if, during that single award year, the student has received a Federal Pell Grant for an award year and is enrolled in an eligible program

for one or more additional payment periods during the same award year that are not otherwise fully covered by the student's Federal Pell Grant.

"(B) In the case of a student receiving more than one Federal Pell Grant in a single award year under subparagraph (A), the total amount of Federal Pell Grants awarded to such student for the award year may exceed the total maximum Federal Pell Grant available for an award year.

"(C) Any period of study covered by a Federal Pell Grant awarded under subparagraph (A) shall be included in determining a student's duration limit under subsection (d)(5).

"(D) In any case where an eligible student is receiving a Federal Pell Grant for a payment period that spans 2 award years, the Secretary shall allow the eligible institution in which the student is enrolled to determine the award year to which the additional period shall be assigned, as it determines is most beneficial to students.

"(c) SPECIAL RULE.—

"(1) IN GENERAL.—A student described in paragraph (2) shall be eligible for the total maximum Federal Pell Grant.

"(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student—

"(A) who is eligible to receive a Federal Pell Grant according to subsection (b)(1) for the award year for which the determination is made;

"(B) whose parent or guardian was—

"(i) an individual who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces; or

"(ii) actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and

"(C) who is less than 33 years of age.

"(3) INFORMATION.—Notwithstanding any other provision of law—

"(A) the Secretary shall establish the necessary data-sharing agreements with the Secretary of Veterans Affairs and the Secretary of Defense, as applicable, to provide the information necessary to determine which students meet the requirements of paragraph (2)(B)(i); and

"(B) the financial aid administrator shall verify with the student that the student is eligible for the adjustment and notify the Secretary of the adjustment of the student's eligibility.

"(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10302), in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officers' Benefits program under subpart 2 of part L of title I of such Act.

"(5) DEFINITION OF PUBLIC SAFETY OFFICER.—For purposes of this subsection, the term 'public safety officer' means—

"(A) a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); or

"(B) a fire police officer, defined as an individual who—

"(i) is serving in accordance with State or local law as an officially recognized or designated member of a legally organized public safety agency;

"(ii) is not a law enforcement officer, a firefighter, a chaplain, or a member of a rescue squad or ambulance crew; and

"(iii) provides scene security or directs traffic—

"(I) in response to any fire drill, fire call, or other fire, rescue, or police emergency; or

"(II) at a planned special event.

"(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The period during which a student may receive Federal Pell Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that any period during which the student is enrolled in a noncredit or remedial course of study, as described in paragraph (2), shall not be counted for the purpose of this paragraph.

"(2) NONCREDIT OR REMEDIAL COURSES; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language instruction) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to use already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"(3) NO CONCURRENT PAYMENTS.—No student is entitled to receive Pell Grant payments concurrently from more than one institution or from both the Secretary and an institution.

"(4) POSTBACCALAUREATE PROGRAM.—Notwithstanding paragraph (1), the Secretary may allow, on a case-by-case basis, a student to receive a Federal Pell Grant if the student—

"(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education; and

"(B) is enrolled or accepted for enrollment in a postbaccalaureate program that does not lead to a graduate degree, and in courses required by a State in order for the student to receive a professional certification or licensing credential that is required for employment as a teacher in an elementary school or secondary school in that State,

except that this paragraph shall not apply to a student who is enrolled in an institution of higher education that offers a baccalaureate degree in education.

"(5) MAXIMUM PERIOD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the period during which a student may receive Federal

Pell Grants shall not exceed 12 semesters, or the equivalent of 12 semesters, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a term but was enrolled at a fraction of full time, that only that same fraction of such semester or equivalent shall count towards such duration limits.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Any Federal Pell Grant that a student received during a period described in subclause (I) or (II) of clause (ii) shall not count towards the student's duration limits under this paragraph.

"(ii) APPLICABLE PERIODS.—Clause (i) shall apply with respect to any Federal Pell Grant awarded to a student to enroll in an eligible program at an institution—

"(I) during a period of a student's attendance at an institution—

"(aa) at which the student was unable to complete a course of study due to the closing of the institution; or

"(bb) for which the student was falsely certified as eligible for Federal aid under this title; or

"(II) during a period—

"(aa) for which the student received a loan under this title; and

"(bb) for which the loan described in item (aa) is discharged under—

"(AA) section 437(c)(1) or section 464(g)(1);

"(BB) section 432(a)(6); or

"(CC) section 455(h) due to the student's successful assertion of a defense to repayment of the loan, including defenses provided to any applicable groups of students.

"(e) APPLICATIONS FOR GRANTS.—

"(1) DEADLINES.—The Secretary shall from time to time set dates by which students shall file the Free Application for Federal Student Aid under section 483.

"(2) APPLICATION.—Each student desiring a Federal Pell Grant for any year shall file the Free Application for Federal Student Aid containing the information necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

"(f) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purpose of this section. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees, and food and housing if that food and housing is institutionally owned or operated. The student may elect to have the institution provide other such goods and services by crediting the student's account.

"(g) INSUFFICIENT APPROPRIATIONS.—If, for any fiscal year, the funds appropriated for payments under this subpart are insufficient

to satisfy fully all entitlements, as calculated under subsections (b) and (c) (but at the maximum grant level specified in such appropriation), the Secretary shall promptly transmit a notice of such insufficiency to each House of the Congress, and identify in such notice the additional amount that would be required to be appropriated to satisfy fully all entitlements (as so calculated at such maximum grant level).

"(h) USE OF EXCESS FUNDS.—

"(1) 15 PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by 15 percent or less, then all of the excess funds shall remain available for making payments under this subpart during the next succeeding fiscal year.

"(2) MORE THAN 15 PERCENT.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by more than 15 percent, then all of such funds shall remain available for making such payments but payments may be made under this paragraph only with respect to entitlements for that fiscal year.

"(i) TREATMENT OF INSTITUTIONS AND STUDENTS UNDER OTHER LAWS.—Any institution of higher education which enters into an agreement with the Secretary to disburse to students attending that institution the amounts those students are eligible to receive under this subpart shall not be deemed, by virtue of such agreement, a contractor maintaining a system of records to accomplish a function of the Secretary. Recipients of Pell Grants shall not be considered to be individual grantees for purposes of chapter 81 of title 41, United States Code.

"(j) INSTITUTIONAL INELIGIBILITY BASED ON DEFAULT RATES.—

"(1) IN GENERAL.—No institution of higher education shall be an eligible institution for purposes of this subpart if such institution of higher education is ineligible to participate in a loan program under part B or D as a result of a final default rate determination made by the Secretary under part B or D after the final publication of cohort default rates for fiscal year 1996 or a succeeding fiscal year.

"(2) SANCTIONS SUBJECT TO APPEAL OPPORTUNITY.—No institution may be subject to the terms of this subsection unless the institution has had the opportunity to appeal the institution's default rate determination under regulations issued by the Secretary for the loan program authorized under part B or D, as applicable. This subsection shall not apply to an institution that was not participating in the loan program authorized under part B or D on October 7, 1998, unless the institution subsequently participates in the loan programs.".

SEC. 704. CONFORMING AMENDMENTS.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) by striking "the expected family contribution" each place the term appears and inserting "the student aid index";

(2) by striking "expected family contributions" each place the term appears and inserting "student aid indexes";

(3) by striking "an expected family contribution" each place the term appears and inserting "a student aid index";

(4) by striking "average expected family contribution" each place the term appears and inserting "average student aid index";

(5) in section 415E(c)(1)(B)(vii), by striking "automatic zero expected family contribution" and inserting "automatic zero student aid index"; and

(6) in section 428(a)(2)(B), by striking "expected family contribution" and inserting "student aid index".

SEC. 705. REPEAL OF THE SUBSIDIZED USAGE LIMIT APPLIES (SULA) RESTRICTION.

(a) REPEAL.—Section 455(q) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)) is repealed.

Deadline.
20 USC 1087e note.

(b) EARLY EFFECTIVE DATE PERMITTED.—Notwithstanding section 701(b) of this Act and section 455(q) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)) as in effect on the date of enactment of this Act, the Secretary of Education may implement the repeal authorized under subsection (a) before (but not later than) July 1, 2023. The Secretary shall specify in a designation on what date and for which award years the implementation of such repeal will be effective prior to July 1, 2023. The Secretary shall publish any designation under this paragraph in the Federal Register at least 60 days before implementation.

Federal Register, publication.
Deadline.

20 USC 1001 note.
Deadline.

SEC. 706. FORGIVENESS OF HBCU CAPITAL FINANCING LOANS.

(a) FORGIVENESS.—Not later than 90 days after the effective date of this section, the Secretary of Education shall repay each institution of higher education's outstanding balance of principal, interest, fees, and costs on the disbursed loan amounts (as of such effective date) under each applicable closed loan agreement, including paying any reimbursement (including reimbursements of escrow and return of fees and deposits) relating to the applicable closed loan agreement that are usual and customary when the loan is paid off by the institution.

(b) APPLICABLE CLOSED LOAN AGREEMENT.—In this section, the term "applicable closed loan agreement" means each of the following:

(1) A closed loan agreement executed before the date of enactment of this Act and made under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.).

(2) A closed loan agreement executed before the date of enactment of this Act and made for deferment balances authorized under—

(A) section 3512 of the CARES Act (20 U.S.C. 1001 note);

(B) title III of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2586);

(C) title III of division B of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115–245; 132 Stat. 3097); or

(D) title III of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 741).

(c) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, out of any amounts

in the Treasury not otherwise appropriated, such sums as may be necessary to carry out subsection (a).

(d) EFFECTIVE DATE.—Notwithstanding section 701(b), this section shall take effect on the date of enactment of this Act.

TITLE VIII—ACCESS TO DEATH INFORMATION FURNISHED TO OR MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION

SEC. 801. ACCESS TO DEATH INFORMATION FURNISHED TO OR MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended—

(1) in paragraph (2)—

(A) by striking "Each State" and inserting "(A) Each State";

(B) by striking "may" and inserting "shall";

(C) by striking "from amounts available for administration of this Act the reasonable costs (established by the Commissioner of Social Security in consultations with the States) for transcribing and transmitting such information to the Commissioner of Social Security." and inserting "for the following:

"(i) A fee, to be established pursuant to subparagraph (B), for the use of such information by—

"(I) the Commissioner; and

"(II) any other agency that receives such information from the Commissioner and is subject to the requirements of subparagraph (3)(A).

"(ii) The full documented cost to the State of transmitting such information to the Commissioner, including the costs of maintaining, enhancing, and operating any electronic system used solely for transmitting such information to the Commissioner.

"(B) The fee for the use of such information shall be established by the Commissioner of Social Security in consultations with the States, and shall include—

"(i) a share of the costs to the State associated with collecting and maintaining such information; ensuring the completeness, timeliness, and accuracy of such information; and maintaining, enhancing, and operating the electronic systems that allow for the transmission of such information; and

"(ii) a fee for the right to use such information.

"(C) The Commissioner of Social Security shall not use amounts provided for a fiscal year in an appropriation Act under the heading 'Limitation on Administrative Expenses' for the Social Security Administration for the amounts under paragraph (3)(A), except as the Commissioner determines is necessary on a temporary basis and subject to reimbursement under such paragraph.";

(2) in paragraph (3)(A), by striking "for the reasonable cost of carrying out such arrangement, and" and inserting "for—

"(i) the agency's proportional share (as determined by the Commissioner in consultation with the head of the agency) of—

"(I) the payments to States required under paragraph (2)(A);

"(II) the costs to the Commissioner of developing the contracts described in paragraph (1); and

"(III) the costs to the Commissioner of carrying out the study required under section 802 of division FF of the Consolidated Appropriations Act, 2021; and

"(ii) the full documented cost to the Commissioner of developing such arrangement and transmitting such information to the agency; and";

(3) in paragraph (5)—

(A) by striking "such records as may be corrected under this section" and inserting "all information regarding deceased individuals furnished to or maintained by the Commissioner under this subsection"; and

(B) by striking "by Federal and State agencies" and inserting "by a Federal or State agency, provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met";

(4) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively, and inserting after paragraph (6) the following new paragraph:

"(7) In the event an individual is incorrectly identified as deceased in the records furnished by a State to the Commissioner of Social Security under this subsection and the individual provides the Commissioner with the necessary documentation to correct such identification, the Commissioner may—

Notification.

"(A) notify the State of the error in the records so furnished; and

"(B) inform the individual of the source of the incorrect death data.";

(5) in paragraph (9)(F), as so redesignated, by striking "the Commission" and inserting "the Commissioner";

(6) in paragraph (10), as so redesignated—

(A) by adjusting the left margin so as to align with the left margin of paragraph (9); and

(B) in subparagraph (A)(i), by inserting ", provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met with respect to such agreement" before the semicolon; and

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

Time period.

"(11) During the 3-year period that begins on the effective date of this paragraph, the Commissioner of Social Security shall, to the extent feasible, provide information furnished to the Commissioner under paragraph (1) to the agency operating the Do Not Pay working system described in section 3354(c) of title 31, United States Code, to prevent improper payments to deceased individuals through a cooperative arrangement with

such agency, provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met with respect to such arrangement with such agency.".

(b) EFFECTIVE DATES.— 42 USC 405 note.

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) DELAY.—The amendment made by paragraph (7) of subsection (a) shall take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 802. STUDY AND REPORT TO CONGRESS ON SOURCES AND ACCESS TO DEATH DATA.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Social Security shall enter into an agreement with the National Academy of Public Administration to conduct an independent study of the current and potential sources for, and provision of access to, State-owned death data for limited use by Federal agencies and programs for purposes of program administration and payment integrity. Such study shall be performed in consultation with State vital records agencies, the National Association for Public Health Statistics and Information Systems (NAPHSIS), the Commissioner of Social Security, the agency operating the Do Not Pay working system described in section 3354(c) of title 31, United States Code, and other Federal agencies using such death data, as appropriate, and shall include the following: Deadline. Contracts. Consultation.

(1) Analysis of the following: Analysis.

(A) The sources and owners of the death data.

(B) The timeliness, accuracy, and completeness of State-owned death data, including the process for correcting inaccuracies .

(C) Federal and State laws that may affect legal access to, and protections for, State-owned death data.

(D) Federalism and the appropriate roles of the relevant Federal and State entities, including States' role in recording vital records and the core mission and responsibility of any Federal agency involved.

(E) The costs incurred for each step of the death data collection, management, protection (legal and otherwise), and transmission processes, and the challenges to adequate funding of State vital records programs.

(F) Unmet needs (if any) for these data among Federal agencies or programs.

(G) Options for providing Federal agencies with limited access to State-owned death data, including Federal agencies contracting directly with States for access to such data or distribution of such data via the Commissioner of Social Security or another Federal agency or program, and corresponding options for appropriate reimbursement structures.

(2) An assessment of the strengths and limitations of the options for distribution and reimbursement identified in paragraph (1)(G). Assessment.

(b) REPORT.—Upon completion of the study required under subsection (a), the Commissioner of Social Security shall transmit the study to the Committees on Ways and Means and Oversight

and Reform of the House of Representatives, and the Committees on Finance and Homeland Security and Governmental Affairs of the Senate.

TITLE IX—TELECOMMUNICATIONS AND CONSUMER PROTECTION

Portable Fuel Container Safety Act of 2020. Determinations. 15 USC 2056d.

SEC. 901. PERFORMANCE STANDARDS TO PROTECT AGAINST PORTABLE FUEL CONTAINER EXPLOSIONS NEAR OPEN FLAMES OR OTHER IGNITION SOURCES.

(a) SHORT TITLE.—This section may be cited as the "Portable Fuel Container Safety Act of 2020".

(b) STANDARDS.—

Deadline.

(1) RULE ON SAFETY PERFORMANCE STANDARDS REQUIRED.—Not later than 30 months after the date of enactment of this Act, the Consumer Product Safety Commission (referred to in this Act as the "Commission") shall promulgate a final rule to require flame mitigation devices in portable fuel containers that impede the propagation of flame into the container, except as provided in paragraph (3).

(2) RULEMAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under paragraph (1)—

(A) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(B) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(3) EXCEPTION.—

(A) VOLUNTARY STANDARD.—Paragraph (1) shall not apply for a class of portable fuel containers in the scope of this Act if the Commission determines at any time that—

(i) there is a voluntary standard for flame mitigation devices for those containers that impedes the propagation of flame into the container;

(ii) the voluntary standard described in clause (i) is or will be in effect not later than 18 months after the date of enactment of this Act; and

(iii) the voluntary standard described in clause (i) is developed by ASTM International or such other standard development organization that the Commission determines to have met the intent of this Act.

(B) DETERMINATION REQUIRED TO BE PUBLISHED IN THE FEDERAL REGISTER.—Any determination made by the Commission under this subsection shall be published in the Federal Register.

Effective dates.

(4) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSE OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions described in paragraph (3)(A), the requirements of such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date which is the later of—

(A) 180 days after publication of the Commission's determination under paragraph (3); or

(B) the effective date contained in the voluntary standard.

(5) REVISION OF VOLUNTARY STANDARD.—

(A) NOTICE TO COMMISSION.—If the requirements of a voluntary standard that meet the conditions of paragraph (3) are subsequently revised, the organization that revised the standard shall notify the Commission after the final approval of the revision.

(B) EFFECTIVE DATE OF REVISION.—Not later than 180 days after the Commission is notified of a revised voluntary standard described in subparagraph (A) (or such later date as the Commission determines appropriate), such revised voluntary standard shall become enforceable as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in place of the prior version, unless within 90 days after receiving the notice the Commission determines that the revised voluntary standard does not meet the requirements described in paragraph (3). Deadlines. Notification. Regulations.

(6) FUTURE RULEMAKING.—The Commission, at any time after publication of the consumer product safety rule required by paragraph (1), a voluntary standard is treated as a consumer product safety rule under paragraph (4), or a revision is enforceable as a consumer product safety rule under paragraph (5) may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the requirements or to include any additional provision that the Commission determines is reasonably necessary to protect the public against flame jetting from a portable fuel container. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(7) ACTION REQUIRED.—

(A) EDUCATION CAMPAIGN.—Not later than 1 year after the date of enactment of this Act, the Commission shall undertake a campaign to educate consumers about the dangers associated with using or storing portable fuel containers for flammable liquids near an open flame or any other source of ignition. Deadline.

(B) SUMMARY OF ACTIONS.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a summary of actions taken by the Commission in such campaign. Deadline. Summary.

(8) PORTABLE FUEL CONTAINER DEFINED.—In this Act, the term "portable fuel container" means any container or vessel (including any spout, cap, and other closure mechanism or component of such container or vessel or any retrofit or aftermarket spout or component intended or reasonably anticipated to be for use with such container)—

(A) intended for flammable liquid fuels with a flash point less than 140 degrees Fahrenheit, including gasoline, kerosene, diesel, ethanol, methanol, denatured alcohol, or biofuels;

(B) that is a consumer product with a capacity of 5 gallons or less; and

(C) that the manufacturer knows or reasonably should know is used by consumers for transporting, storing, and dispensing flammable liquid fuels.

(9) RULE OF CONSTRUCTION.—This Act may not be interpreted to conflict with the Children's Gasoline Burn Prevention Act (Public Law 110–278; 122 Stat. 2602).

(c) CHILDREN'S GASOLINE BURN PREVENTION ACT.—

(1) AMENDMENT.—Section 2(c) of the Children's Gasoline Burn Prevention Act (15 U.S.C. 2056 note; Public Law 110–278) is amended by inserting after "for use by consumers" the following: "and any receptacle for gasoline, kerosene, or diesel fuel, including any spout, cap, and other closure mechanism and component of such receptacle or any retrofit or aftermarket spout or component intended or reasonably anticipated to be for use with such receptacle, produced or distributed for sale to or use by consumers for transport of, or refueling of internal combustion engines with, gasoline, kerosene, or diesel fuel".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect 6 months after the date of enactment of this Act.

Don't Break Up the T-Band Act of 2020.
47 USC 609 note.

SEC. 902. DON'T BREAK UP THE T-BAND.

(a) SHORT TITLE.—This section may be cited as the "Don't Break Up the T-Band Act of 2020".

(b) REPEAL OF REQUIREMENT TO REALLOCATE AND AUCTION T-BAND SPECTRUM.—

(1) REPEAL.—Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1413) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 6103.

(c) CLARIFYING ACCEPTABLE 9–1–1 OBLIGATIONS OR EXPENDITURES.—Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1) is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking "as specified in the provision of State or local law adopting the fee or charge" and inserting "consistent with the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable";

(B) in paragraph (2), by striking "any purpose other than the purpose for which any such fees or charges are specified" and inserting "any purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of any such fees or charges is acceptable"; and

(C) by adding at the end the following:

"(3) ACCEPTABLE OBLIGATIONS OR EXPENDITURES.—

Deadline.

"(A) RULES REQUIRED.—In order to prevent diversion of 9–1–1 fees or charges, the Commission shall, not later than 180 days after the date of the enactment of this paragraph, issue final rules designating purposes and functions for which the obligation or expenditure of 9–1–1 fees

or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable.

Determination.

"(B) PURPOSES AND FUNCTIONS.—The purposes and functions designated under subparagraph (A) shall be limited to the support and implementation of 9–1–1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction. In designating such purposes and functions, the Commission shall consider the purposes and functions that States and taxing jurisdictions specify as the intended purposes and functions for the 9–1–1 fees or charges of such States and taxing jurisdictions, and determine whether such purposes and functions directly support providing 9–1–1 services.

"(C) CONSULTATION REQUIRED.—The Commission shall consult with public safety organizations and States and taxing jurisdictions as part of any proceeding under this paragraph.

"(D) DEFINITIONS.—In this paragraph:

"(i) 9–1–1 FEE OR CHARGE.—The term '9–1–1 fee or charge' means a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State or taxing jurisdiction for the support or implementation of 9–1–1 services.

"(ii) 9–1–1 SERVICES.—The term '9–1–1 services' has the meaning given such term in section 158(e) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)).

"(iii) STATE OR TAXING JURISDICTION.—The term 'State or taxing jurisdiction' means a State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(4) PARTICIPATION.—If a State or taxing jurisdiction (as defined in paragraph (3)(D)) receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after the date of the enactment of this paragraph, such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the report required by paragraph (2).

"(5) PETITION REGARDING ADDITIONAL PURPOSES AND FUNCTIONS.—

"(A) IN GENERAL.—A State or taxing jurisdiction (as defined in paragraph (3)(D)) may submit to the Commission a petition for a determination that an obligation or expenditure of a 9–1–1 fee or charge (as defined in such paragraph) by such State or taxing jurisdiction for a purpose or function other than a purpose or function designated under paragraph (3)(A) should be treated as such a purpose or function. If the Commission finds that the State or taxing jurisdiction has provided sufficient documentation to make the demonstration described in subparagraph (B), the Commission shall grant such petition.

"(B) DEMONSTRATION DESCRIBED.—The demonstration described in this subparagraph is a demonstration that the purpose or function—

"(i) supports public safety answering point functions or operations; or

"(ii) has a direct impact on the ability of a public safety answering point to—

"(I) receive or respond to 9–1–1 calls; or

"(II) dispatch emergency responders."; and

(2) by adding at the end the following:

"(j) SEVERABILITY CLAUSE.—If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.".

47 USC 615a–1 note.

(d) PROHIBITION ON 9–1–1 FEE OR CHARGE DIVERSION.—

(1) IN GENERAL.—If the Commission obtains evidence that suggests the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, the Commission shall submit such information, including any information regarding the impact of any underfunding of 9–1–1 services in the State or taxing jurisdiction, to the interagency strike force established under paragraph (3).

(2) REPORT TO CONGRESS.—Beginning with the first report under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) that is required to be submitted after the date that is 1 year after the date of the enactment of this Act, the Commission shall include in each report required under such section all evidence that suggests the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, including any information regarding the impact of any underfunding of 9–1–1 services in the State or taxing jurisdiction.

(3) INTERAGENCY STRIKE FORCE TO END 9–1–1 FEE OR CHARGE DIVERSION.—

Deadline.

(A) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish an interagency strike force to study how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9–1–1 fees or charges. Such interagency strike force shall be known as the "Ending 9–1–1 Fee Diversion Now Strike Force" (in this subsection referred to as the "Strike Force").

(B) DUTIES.—In carrying out the study under subparagraph (A), the Strike Force shall—

(i) determine the effectiveness of any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints regarding how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9–1–1 fees or charges;

(ii) consider whether criminal penalties would further prevent diversion by a State or taxing jurisdiction of 9–1–1 fees or charges; and

(iii) determine the impacts of diversion by a State or taxing jurisdiction of 9–1–1 fees or charges.

(C) MEMBERS.—The Strike Force shall be composed of such representatives of Federal departments and agencies as the Commission considers appropriate, in addition to—

(i) State attorneys general;

(ii) States or taxing jurisdictions found not to be engaging in diversion of 9–1–1 fees or charges;

(iii) States or taxing jurisdictions trying to stop the diversion of 9–1–1 fees or charges;

(iv) State 9–1–1 administrators;

(v) public safety organizations;

(vi) groups representing the public and consumers; and

(vii) groups representing public safety answering point professionals.

(D) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Strike Force shall publish on the website of the Commission and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under this paragraph, including— Web posting.

(i) any recommendations regarding how to most expeditiously end the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, including actions that can be taken by Federal departments and agencies and appropriate changes to law or regulations; and Recommendations.

(ii) a description of what progress, if any, relevant Federal departments and agencies have made in implementing the recommendations under clause (i).

(4) FAILURE TO COMPLY.—Notwithstanding any other provision of law, any State or taxing jurisdiction identified by the Commission in the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging in diversion of 9–1–1 fees or charges shall be ineligible to participate or send a representative to serve on any committee, panel, or council established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1425(a)) or any advisory committee established by the Commission.

(e) RULE OF CONSTRUCTION.—Nothing in this Act, the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81), or the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be construed to prevent a State or taxing jurisdiction from requiring an annual audit of the books and records of a provider of 9–1–1 services concerning the collection and remittance of a 9–1–1 fee or charge. 47 USC 615a–1 note.

(f) DEFINITIONS.—In this Act: 47 USC 615a–1 note.

(1) 9–1–1 FEE OR CHARGE.—The term "9–1–1 fee or charge" has the meaning given such term in subparagraph (D) of paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act.

(2) 9–1–1 SERVICES.—The term "9–1–1 services" has the meaning given such term in section 158(e) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)).

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) DIVERSION.—The term "diversion" means, with respect to a 9–1–1 fee or charge, the obligation or expenditure of such fee or charge for a purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act, as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.

(5) STATE OR TAXING JURISDICTION.—The term "State or taxing jurisdiction" has the meaning given such term in subparagraph (D) of paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act.

Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act. 47 USC 1307. Deadline.

SEC. 903. OFFICE OF INTERNET CONNECTIVITY AND GROWTH.

(a) SHORT TITLE.—This section may be cited as the "Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act" or the "ACCESS BROADBAND Act".

(b) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall establish the Office of Internet Connectivity and Growth within the National Telecommunications and Information Administration.

(c) DUTIES.—

(1) OUTREACH.—The Office shall—

(A) connect with communities that need access to high-speed internet and improved digital inclusion efforts through various forms of outreach and communication techniques;

(B) hold regional workshops across the country to share best practices and effective strategies for promoting broadband access and adoption;

(C) develop targeted broadband training and presentations for various demographic communities through various media;

(D) develop and distribute publications (including toolkits, primers, manuals, and white papers) providing guidance, strategies, and insights to communities as the communities develop strategies to expand broadband access and adoption; and

(E) as applicable in carrying out subparagraphs (A) through (D), coordinate with State agencies that provide similar broadband investments, outreach, and coordination through Federal programs.

(2) TRACKING OF FEDERAL DOLLARS.—

(A) BROADBAND INFRASTRUCTURE.—The Office shall track the construction and use of and access to any broadband infrastructure built using any Federal support in a central database.

(B) ACCOUNTING MECHANISM.—The Office shall develop a streamlined accounting mechanism by which any agency offering a Federal broadband support program and the Commission for any Universal Service Fund Program shall provide the information described in subparagraph (A) in a standardized and efficient fashion.

(C) REPORT.—Not later than 1 year after the date of the enactment of this Act, and every year thereafter, the Office shall make public on the website of the Office and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the following: Public information. Web posting.

(i) A description of the work of the Office for the previous year and the number of residents of the United States that received broadband as result of Federal broadband support programs and the Universal Service Fund Programs.

(ii) A description of how many residents of the United States were provided broadband by which universal service mechanism or which Federal broadband support program.

(iii) An estimate of the economic impact of such broadband deployment efforts on local economies, including any effect on small businesses or jobs. Estimate.

(d) RELATION TO CURRENT BROADBAND ACTIVITIES OF NTIA.—The Assistant Secretary shall assign to the Office all activities performed by the National Telecommunications and Information Administration as of the date of the enactment of this Act that are similar to the activities required to be conducted by the Office under this Act. Assignment.

(e) STREAMLINED APPLICATIONS FOR SUPPORT.—

(1) AGENCY CONSULTATION.—The Office shall consult with any agency offering a Federal broadband support program to streamline and standardize the applications process for financial assistance or grants for such program. Consultation.

(2) AGENCY STREAMLINING.—Any agency offering a Federal broadband support program shall amend the applications of the agency for broadband support, to the extent practicable and as necessary, to streamline and standardize applications for Federal broadband support programs across the Government.

(3) SINGLE APPLICATION.—To the greatest extent practicable, the Office shall seek to create one application that may be submitted to apply for all, or substantially all, Federal broadband support programs.

(4) WEBSITE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Office shall create a central website through which potential applicants can learn about and apply for support through any Federal broadband support program. Deadline.

(f) COORDINATION OF SUPPORT.—

(1) IN GENERAL.—To ensure that Federal support for broadband deployment is being distributed in an efficient, technology-neutral, and financially sustainable manner, and that a program does not duplicate any other Federal broadband support program or any Universal Service Fund high-cost program—

(A) any agency that offers a Federal broadband support program shall coordinate with the Office consistent with the goals described in paragraph (2); and

(B) the Office, with respect to Federal broadband support programs, and the Commission, with respect to the

Universal Service Fund high-cost programs, shall coordinate with each other consistent with the goals described in paragraph (2).

(2) GOALS.—The goals of any coordination conducted pursuant to this subsection are the following:

(A) Serving the largest number of unserved locations in the United States and ensuring all residents of the United States have access to high-speed broadband.

(B) Promoting the most job and economic growth for all residents of the United States.

Consultation.

(3) BROADBAND AVAILABILITY MAPS.—The Office and the Commission shall consult the broadband availability maps produced by the Commission when coordinating under paragraph (1).

(g) DEFINITIONS.—In this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551 of title 5, United States Code.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) FEDERAL BROADBAND SUPPORT PROGRAM.—The term "Federal broadband support program" does not include any Universal Service Fund Program and means any of the following programs (or any other similar Federal program) to the extent the program offers broadband internet service, support for broadband deployment, or programs for promoting broadband access and adoption for various demographic communities through various media for residential, commercial, community providers, or academic establishments:

(A) The Telecommunications and Technology Program of the Appalachian Regional Commission.

(B) The Telecommunications Infrastructure Loan and Loan Guarantee Program established under the Rural Electrification Act of 1936, the rural broadband access program established under title VI of that Act (7 U.S.C. 950bb et seq.), the initiative under section 306F of that Act (7 U.S.C. 936f), the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb–3), the broadband loan and grant pilot program authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 399) (commonly known as the "Rural eConnectivity Pilot Program" or the "ReConnect Program"), and the Distance Learning and Telemedicine Program under chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.).

(C) Community facility direct and guaranteed loans under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), community facility grants under paragraph (19), (20), or (21) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), and the Rural Community Development Initiative authorized under the heading "Rural Housing Service—Rural Community Facilities Program Account" under title III of division B of the Further Consolidated

Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2629).

(D) The Public Works and Economic Adjustment Assistance Programs and the Planning and Local Technical Assistance Programs of the Economic Development Administration of the Department of Commerce.

(E) The Community Development Block Grants and Section 108 Loan Guarantees Programs, the Funds for Public Housing Authorities: Capital Fund and Operating Fund, the Multifamily Housing Programs, the Indian Community Development Block Grant Program, the Indian Housing Block Grant Program, the Title VI Loan Guarantee Program, the Choice Neighborhoods Program, the HOME Investment Partnerships Program, the Housing Trust Fund, and the Housing Opportunities for Persons with AIDS Program of the Department of Housing and Urban Development.

(F) The American Job Centers of the Employment and Training Administration of the Department of Labor.

(G) The Library Services and Technology Grant Programs of the Institute of Museum and Library Services.

(5) OFFICE.—The term "Office" means the Office of Internet Connectivity and Growth established pursuant to subsection (b).

(6) UNIVERSAL SERVICE FUND HIGH-COST PROGRAMS.—The term "Universal Service Fund high-cost programs" means—

(A) the program for Universal Service Support for High-Cost Areas set forth under subpart D of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(B) the Rural Digital Opportunity Fund set forth under subpart J of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(C) the Interstate Common Line Support Mechanism for Rate-of-Return Carriers set forth under subpart K of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(D) the Mobility Fund and 5G Fund set forth under subpart L of part 54 of title 47, Code of Federal Regulations, or any successor thereto; and

(E) the High Cost Loop Support for Rate-of-Return Carriers program set forth under subpart M of part 54 of title 47, Code of Federal Regulations, or any successor thereto.

(7) UNIVERSAL SERVICE FUND PROGRAM.—The term "Universal Service Fund Program" means any program authorized under section 254 of the Communications Act of 1934 (47 U.S.C. 254) to help deploy broadband.

(8) UNIVERSAL SERVICE MECHANISM.—The term "universal service mechanism" means any funding stream provided by a Universal Service Fund Program to support broadband access.

(h) RULE OF CONSTRUCTION.—Nothing in this Act is intended to alter or amend any provision of section 254 of the Communications Act of 1934 (47 U.S.C. 254).

Broadband Interagency Coordination Act of 2020.
Contracts.
47 USC 1308.

SEC. 904. INTERAGENCY AGREEMENT.

(a) SHORT TITLE.—This section may be cited as the "Broadband Interagency Coordination Act of 2020".

(b) INTERAGENCY AGREEMENT.—

(1) DEFINITIONS.—In this Act—

(A) the term "covered agency" means—

(i) the Federal Communications Commission;

(ii) the Department of Agriculture; and

(iii) the National Telecommunications and Information Administration; and

(B) the term "high-cost programs" means—

(i) the program for Universal Service Support for High-Cost Areas set forth under subpart D of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(ii) the Rural Digital Opportunity Fund set forth under subpart J of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(iii) the Interstate Common Line Support Mechanism for Rate-of-Return Carriers set forth under subpart K of part 54 of title 47, Code of Federal Regulations, or any successor thereto;

(iv) the Mobility Fund and 5G Fund set forth under subpart L of part 54 of title 47, Code of Federal Regulations, or any successor thereto; and

(v) the High Cost Loop Support for Rate-of-Return Carriers program set forth under subpart M of part 54 of title 47, Code of Federal Regulations, or any successor thereto.

Deadline.

(2) INTERAGENCY AGREEMENT.—Not later than 180 days after the date of enactment of this Act, the heads of the covered agencies shall enter into an interagency agreement requiring coordination between the covered agencies for the distribution of funds for broadband deployment under—

(A) the high-cost programs;

(B) the programs administered by the Rural Utilities Service of the Department of Agriculture and the Department of Agriculture; and

(C) the programs administered by or coordinated through the National Telecommunications and Information Administration.

(3) REQUIREMENTS.—In entering into an interagency agreement with respect to the programs described in paragraph (2), the heads of the covered agencies shall—

(A) require that the covered agencies share information with each other about existing or planned projects that have received or will receive funds under the programs described in paragraph (2) for new broadband deployment;

(B) provide that—

(i) subject to clause (ii), upon request from another covered agency with authority to award or authorize any funds for new broadband deployment in a project area, a covered agency shall provide the other covered agency with any information the covered agency possesses regarding, with respect to the project area—

(I) each entity that provides broadband service in the area;

(II) levels of broadband service provided in the area, including the speed of broadband service and the technology provided;

(III) the geographic scope of broadband service coverage in the area; and

(IV) each entity that has received or will receive funds under the programs described in paragraph (2) to provide broadband service in the area; and

(ii) if a covered agency designates any information provided to another covered agency under clause (i) as confidential, the other covered agency shall protect the confidentiality of that information;

(C) consider basing the distribution of funds for broadband deployment under the programs described in paragraph (2) on standardized data regarding broadband coverage; and

(D) provide that the interagency agreement shall be updated periodically, except that the scope of the agreement with respect to the Federal Communications Commission may not expand beyond the high-cost programs.

(4) ASSESSMENT OF AGREEMENT.—

(A) PUBLIC COMMENT.—Not later than 1 year after entering into the interagency agreement required under paragraph (2), the Federal Communications Commission shall seek public comment on— Deadline.

(i) the effectiveness of the interagency agreement in facilitating efficient use of funds for broadband deployment;

(ii) the availability of Tribal, State, and local data regarding broadband deployment and the inclusion of that data in interagency coordination; and

(iii) modifications to the interagency agreement that would improve the efficacy of interagency coordination.

(B) ASSESSMENT; REPORT.—Not later than 18 months after the date of enactment of this Act, the Federal Communications Commission shall—

(i) review and assess the comments received under subparagraph (A); and Review.

(ii) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report detailing any findings and recommendations from the assessment conducted under clause (i).

SEC. 905. REALLOCATION AND AUCTION OF 3450–3550 MHZ SPECTRUM BAND.

Beat China by Harnessing Important, National Airwaves for 5G Act of 2020. 47 USC 921 note.

(a) SHORT TITLE.—This section may be cited as the "Beat China by Harnessing Important, National Airwaves for 5G Act of 2020" or the "Beat CHINA for 5G Act of 2020".

(b) DEFINITIONS.—In this Act—

(1) the term "Commission" means the Federal Communications Commission; and

(2) the term "covered band" means the band of electromagnetic spectrum between the frequencies of 3450 megahertz and 3550 megahertz, inclusive.

Deadlines.

(c) WITHDRAWAL OR MODIFICATION OF FEDERAL GOVERNMENT ASSIGNMENTS.—The President, acting through the Assistant Secretary of Commerce for Communications and Information, shall—

Coordination.

(1) not later than 180 days after the date of enactment of this Act, in coordination with relevant Federal users, begin the process of withdrawing or modifying the assignments to Federal Government stations of the covered band as necessary for the Commission to comply with subsection (d); and

(2) not later than 30 days after completing any necessary withdrawal or modification under paragraph (1), notify the Commission that the withdrawal or modification is complete.

(d) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—The Commission shall—

(A) revise the non-Federal allocation for the covered band to permit flexible-use services; and

(B) notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than December 31, 2021, begin a system of competitive bidding under that section to grant new initial licenses for the use of a portion or all of the covered band, subject to flexible-use service rules.

(2) EXEMPTION FROM NOTIFICATION REQUIREMENT.—The first sentence of section 113(g)(4)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(4)(A)) shall not apply with respect to the system of competitive bidding required under paragraph (1)(B) of this subsection.

(3) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

TITLE X—BANKRUPTCY RELIEF

SEC. 1001. BANKRUPTCY RELIEF.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Section 541(b) of title 11, United States Code, is amended—

(A) in paragraph (9), in the matter following subparagraph (B), by striking "or";

(B) in paragraph (10)(C), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (10) the following: "(11) recovery rebates made under section 6428 of the Internal Revenue Code of 1986.".

11 USC 541 note.

(2) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act, section 541(b) of title 11, United States Code, is amended—

(A) in paragraph (9), in the matter following subparagraph (B), by adding "or" at the end;

(B) in paragraph (10)(C), by striking "; or" and inserting a period; and

(C) by striking paragraph (11).

(b) DISCHARGE.—

(1) IN GENERAL.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(i) Subject to subsection (d), after notice and a hearing, the court may grant a discharge of debts dischargeable under subsection (a) to a debtor who has not completed payments to the trustee or a creditor holding a security interest in the principal residence of the debtor if—

"(1) the debtor defaults on not more than 3 monthly payments due on a residential mortgage under section 1322(b)(5) on or after March 13, 2020, to the trustee or creditor caused by a material financial hardship due, directly or indirectly, by the coronavirus disease 2019 (COVID–19) pandemic; or

"(2)(A) the plan provides for the curing of a default and maintenance of payments on a residential mortgage under section 1322(b)(5); and

"(B) the debtor has entered into a forbearance agreement or loan modification agreement with the holder or servicer (as defined in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)) of the mortgage described in subparagraph (A).".

(2) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act, section 1328 of title 11, United States Code, is amended by striking subsection (i). 11 USC 1328 note.

(c) PROTECTION AGAINST DISCRIMINATORY TREATMENT.—

(1) IN GENERAL.—Section 525 of title 11, United States Code, is amended by adding at the end the following:

"(d) A person may not be denied relief under sections 4022 through 4024 of the CARES Act (15 U.S.C. 9056, 9057, 9058) because the person is or has been a debtor under this title.".

(2) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act, section 525 of title 11, United States Code, is amended by striking subsection (d). 11 USC 525 note.

(d) CARES FORBEARANCE CLAIMS.—

(1) FILING OF PROOFS OF CLAIMS OR INTERESTS.—Section 501 of title 11, United States Code, is amended by adding at the end the following:

"(f)(1) In this subsection— Definitions.

"(A) the term 'CARES forbearance claim' means a supplemental claim for the amount of a Federally backed mortgage loan or a Federally backed multifamily mortgage loan that was not received by an eligible creditor during the forbearance period of a loan granted forbearance under section 4022 or 4023 of the CARES Act (15 U.S.C. 9056, 9057);

"(B) the term 'eligible creditor' means a servicer (as defined in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)) with a claim for a Federally backed mortgage loan or a Federally backed multifamily mortgage loan of the debtor that is provided for by a plan under section 1322(b)(5);

"(C) the term 'Federally backed mortgage loan' has the meaning given the term in section 4022(a) of the CARES Act (15 U.S.C. 9056(a)); and

"(D) the term 'Federally backed multifamily mortgage loan' has the meaning given the term in section 4023(f) of the CARES Act (15 U.S.C. 9057(f)).

"(2)(A) Only an eligible creditor may file a supplemental proof of claim for a CARES forbearance claim.

"(B) If an underlying mortgage loan obligation has been modified or deferred by an agreement of the debtor and an eligible creditor of the mortgage loan in connection with a mortgage forbearance granted under section 4022 or 4023 of the CARES Act (15 U.S.C. 9056, 9057) in order to cure mortgage payments forborne under the forbearance, the proof of claim filed under subparagraph (A) shall include—

"(i) the relevant terms of the modification or deferral;

"(ii) for a modification or deferral that is in writing, a copy of the modification or deferral; and

"(iii) a description of the payments to be deferred until the date on which the mortgage loan matures.".

(2) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(9) of title 11, United States Code, is amended to read as follows:

Time periods.

"(9) proof of such claim is not timely filed, except to the extent tardily filed as permitted under paragraph (1), (2), or (3) of section 726(a) or under the Federal Rules of Bankruptcy Procedure, except that—

"(A) a claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the Federal Rules of Bankruptcy Procedure may provide;

"(B) in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required; and

"(C) a CARES forbearance claim (as defined in section 501(f)(1)) shall be timely filed if the claim is filed before the date that is 120 days after the expiration of the forbearance period of a loan granted forbearance under section 4022 or 4023 of the CARES Act (15 U.S.C. 9056, 9057).".

11 USC 501 note.

(3) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act—

(A) section 501 of title 11, United States Code, is amended by striking subsection (f); and

(B) section 502(b)(9) of title 11, United States Code, is amended—

(i) in subparagraph (A), by adding "and" at the end;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C).

(e) MODIFICATION OF PLAN AFTER CONFIRMATION.—

(1) IN GENERAL.—Section 1329 of title 11, United States Code, is amended by adding at the end the following:

"(e)(1) A debtor of a case for which a creditor files a proof of claim under section 501(f) may file a request for a modification of the plan to provide for the proof of claim.

"(2) If the debtor does not file a request for a modification of the plan under paragraph (1) on or before the date that is 30 days after the date on which a creditor files a claim under section 501(f), after notice, the court, on a motion of the court

or on a motion of the United States trustee, the trustee, a bankruptcy administrator, or any party in interest, may request a modification of the plan to provide for the proof of claim.".

(2) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act, section 1329 of title 11, United States Code, is amended by striking subsection (e). 11 USC 1329 note.

(f) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—

(1) IN GENERAL.—Section 365(d) of title 11, United States Code, is amended—

(A) in paragraph (3)—

(i) by inserting "(A)" after "(3)";

(ii) by inserting ", except as provided in subparagraph (B)" after "such 60-day period"; and

(iii) by adding at the end the following:

"(B) In a case under subchapter V of chapter 11, the time for performance of an obligation described in subparagraph (A) arising under any unexpired lease of nonresidential real property may be extended by the court if the debtor is experiencing or has experienced a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic until the earlier of— Time periods.

"(i) the date that is 60 days after the date of the order for relief, which may be extended by the court for an additional period of 60 days if the court determines that the debtor is continuing to experience a material financial hardship due, directly or indirectly, to the coronavirus disease 2019 (COVID–19) pandemic; or Determination.

"(ii) the date on which the lease is assumed or rejected under this section.

"(C) An obligation described in subparagraph (A) for which an extension is granted under subparagraph (B) shall be treated as an administrative expense described in section 507(a)(2) for the purpose of section 1191(e).."; and

(B) in paragraph (4), by striking "120" each place it appears and inserting "210".

(2) SUNSET.—

(A) IN GENERAL.—Effective on the date that is 2 years after the date of enactment of this Act, section 365(d) of title 11, United States Code, is amended— 11 USC 365 note.

(i) in paragraph (3)—

(I) by striking "(A)" after "(3)";

(II) by striking ", except as provided in subparagraph (B)" after "such 60-day period"; and

(III) by striking subparagraphs (B) and (C); and

(ii) in paragraph (4), by striking "210" each place it appears and inserting "120".

(B) SUBCHAPTER V CASES FILED BEFORE SUNSET.—Notwithstanding the amendments made by subparagraph (A), the amendments made by paragraph (1) shall apply in any case commenced under subchapter V of chapter 11 of title 11, United States Code, before the date that is 2 years after the date of enactment of this Act. 11 USC 365 note.

(g) PREFERENCES.—

(1) IN GENERAL.—Section 547 of title 11, United States Code, is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "and (i)" and inserting ", (i), and (j)"; and

(B) by adding at the end the following:

Definitions.

"(j)(1) In this subsection:

"(A) The term 'covered payment of rental arrearages' means a payment of arrearages that—

"(i) is made in connection with an agreement or arrangement—

"(I) between the debtor and a lessor to defer or postpone the payment of rent and other periodic charges under a lease of nonresidential real property; and

"(II) made or entered into on or after March 13, 2020;

"(ii) does not exceed the amount of rental and other periodic charges agreed to under the lease of nonresidential real property described in clause (i)(I) before March 13, 2020; and

"(iii) does not include fees, penalties, or interest in an amount greater than the amount of fees, penalties, or interest—

"(I) scheduled to be paid under the lease of nonresidential real property described in clause (i)(I); or

"(II) that the debtor would owe if the debtor had made every payment due under the lease of nonresidential real property described in clause (i)(I) on time and in full before March 13, 2020.

"(B) The term 'covered payment of supplier arrearages' means a payment of arrearages that—

"(i) is made in connection with an agreement or arrangement—

"(I) between the debtor and a supplier of goods or services to defer or postpone the payment of amounts due under an executory contract for goods or services; and

"(II) made or entered into on or after March 13, 2020;

"(ii) does not exceed the amount due under the executory contract described in clause (i)(I) before March 13, 2020; and

"(iii) does not include fees, penalties, or interest in an amount greater than the amount of fees, penalties, or interest—

"(I) scheduled to be paid under the executory contract described in clause (i)(I); or

"(II) that the debtor would owe if the debtor had made every payment due under the executory contract described in clause (i)(I) on time and in full before March 13, 2020.

"(2) The trustee may not avoid a transfer under this section for—

"(A) a covered payment of rental arrearages; or

"(B) a covered payment of supplier arrearages.".

(2) SUNSET.—

(A) IN GENERAL.—Effective on the date that is 2 years after the date of enactment of this Act, section 547 of title 11, United States Code, is amended—

11 USC 547 note.

(i) in subsection (b), in the matter preceding paragraph (1), by striking ", (i), and (j)" and inserting "and (i)"; and

(ii) by striking subsection (j).

(B) CASES FILED BEFORE SUNSET.—Notwithstanding the amendments made by subparagraph (A), the amendments made by paragraph (1) shall apply in any case commenced under title 11, United States Code, before the date that is 2 years after the date of enactment of this Act. 11 USC 547 note.

(h) TERMINATION OF UTILITY SERVICES.—

(1) IN GENERAL.—Section 366 of title 11, United States Code, is amended by adding at the end the following:

"(d) Notwithstanding any other provision of this section, a utility may not alter, refuse, or discontinue service to a debtor who does not furnish adequate assurance of payment under this section if the debtor—

"(1) is an individual;

"(2) makes a payment to the utility for any debt owed to the utility for service provided during the 20-day period beginning on the date of the order for relief; and

"(3) after the date on which the 20-day period beginning on the date of the order for relief ends, makes a payment to the utility for services provided during the pendency of case when such a payment becomes due.".

(2) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act, section 366 of title 11, United States Code, is amended by striking subsection (d). 11 USC 366 note.

(i) CUSTOMS DUTIES.—

(1) IN GENERAL.—Section 507(d) of title 11, United States Code, is amended—

(A) by striking ", (a)(8)";

(B) by inserting "or subparagraphs (A) through (E) and (G) of subsection (a)(8)" after "(a)(9)"; and

(C) inserting "or subparagraph" after "such subsection".

(2) SUNSET.—Effective on the date that is 1 year after the date of enactment of this Act, section 507(d) of title 11, United States Code, is amended— 11 USC 507 note.

(A) by inserting ", (a)(8)" before ", or (a)(9)";

(B) by striking "or subparagraphs (A) through (E) and (G) of subsection (a)(8)"; and

(C) by striking "or subparagraph" after "such subsection".

TITLE XI—WESTERN WATER AND INDIAN AFFAIRS

SEC. 1101. AGING INFRASTRUCTURE ACCOUNT.

Section 9603 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b) is amended by adding at the end the following:

"(d) AGING INFRASTRUCTURE ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a special account, to be known as the 'Aging Infrastructure Account' (referred to in this subsection as the 'Account'), to provide funds to, and provide for the

extended repayment of the funds by, a transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs for the conduct of extraordinary operation and maintenance work at a project facility, which shall consist of—

"(A) any amounts that are specifically appropriated to the Account under section 9605; and

"(B) any amounts deposited in the Account under paragraph (3)(B).

"(2) EXPENDITURES.—Subject to paragraphs (3) and (6), the Secretary may expend amounts in the Account to fund and provide for extended repayment of the funds for eligible projects identified in a report submitted under paragraph (5)(B).

"(3) REPAYMENT CONTRACT.—

"(A) IN GENERAL.—The Secretary may not expend amounts under paragraph (2) with respect to an eligible project described in that paragraph unless the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs has entered into a contract to repay the amounts under subsection (b)(2).

"(B) DEPOSIT OF REPAID FUNDS.—Amounts repaid by a transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs receiving funds under a repayment contract entered into under this subsection shall be deposited in the Account and shall be available to the Secretary for expenditure, subject to paragraph (6), in accordance with this subsection, and without further appropriation.

"(4) APPLICATION FOR FUNDING.—

Effective date.
Time period.

"(A) IN GENERAL.—Beginning with fiscal year 2022, not less than once per fiscal year, the Secretary shall accept, during an application period established by the Secretary, applications from transferred works operating entities or project beneficiaries responsible for payment of reimbursable costs for funds and extended repayment for eligible projects.

"(B) ELIGIBLE PROJECT.—A project eligible for funding and extended repayment under this subsection is a project that—

"(i) qualifies as an extraordinary operation and maintenance work under this section;

"(ii) is for the major, non-recurring maintenance of a mission-critical asset; and

"(iii) is not eligible to be carried out or funded under the repayment provisions of section 4(c) of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508(c)).

Deadline.

"(C) GUIDELINES FOR APPLICATIONS.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall issue guidelines describing the information required to be provided in an application for funds and extended repayment under this subsection that require, at a minimum—

"(i) a description of the project for which the funds are requested;

"(ii) the amount of funds requested;

"(iii) the repayment period requested by the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs;

"(iv) alternative non-Federal funding options that have been evaluated;

"(v) the financial justification for requesting an extended repayment period; and

"(vi) the financial records of the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

"(D) REVIEW BY THE SECRETARY.—The Secretary shall review each application submitted under subparagraph (A)— Determinations.

"(i) to determine whether the project is eligible for funds and an extended repayment period under this subsection;

"(ii) to determine if the project has been identified by the Bureau of Reclamation as part of the major rehabilitation and replacement of a project facility; and

"(iii) to conduct a financial analysis of— Analysis.

"(I) the project; and

"(II) repayment capability of the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

"(5) REPORT.—Not later than 90 days after the date on which an application period closes under paragraph (4)(A), the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a report that—

"(A) describes the results of the Secretary's review of each application under paragraph (4)(D), including a determination of whether the project is eligible;

"(B) identifies each project eligible for funds and extended repayment under this subsection;

"(C) with respect to each eligible project identified under subparagraph (B), includes—

"(i) a description of—

"(I) the eligible project;

"(II) the anticipated cost and duration of the eligible project;

"(III) any remaining engineering or environmental compliance that is required before the eligible project commences;

"(IV) any recommendations the Secretary may have concerning the plan or design of the project; and Recommendations.

"(V) any conditions the Secretary may require for construction of the project;

"(ii) an analysis of—

"(I) the repayment period proposed in the application; and

"(II) if the Secretary recommends a minimum necessary repayment period that is different than the repayment period proposed in the application, Recommendations.

the minimum necessary repayment period recommended by the Secretary; and

Analysis.

"(iii) an analysis of alternative non-Federal funding options;

"(D) describes the allocation of funds from deposits into the Account under paragraph (3)(B); and

"(E) describes the balance of funds in the Account as of the date of the report.

"(6) ALTERNATIVE ALLOCATION.—

"(A) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts reported pursuant to paragraph (5)(D) that are made available under this subsection.

"(B) ALLOCATION BY SECRETARY.—

"(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for energy and water development and related agencies for the applicable fiscal year is enacted into law, amounts made available under paragraph (1) shall be allocated by the Secretary.

"(ii) INSUFFICIENT ALTERNATE ALLOCATIONS.—If Congress enacts legislation establishing alternate allocations for amounts made available under paragraph (1) that are less than the full amount appropriated under that paragraph, the difference between the amount appropriated and the alternate allocation shall be allocated by the Secretary.

"(7) EFFECT OF SUBSECTION.—Nothing in this subsection affects—

"(A) any funding provided, or contracts entered into, under subsection (a) before the date of enactment of this subsection; or

"(B) the use of funds otherwise made available to the Secretary to carry out subsection (a).".

SEC. 1102. NAVAJO-UTAH WATER RIGHTS SETTLEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Utah for—

(A) the Navajo Nation; and

(B) the United States, for the benefit of the Nation;

(2) to authorize, ratify, and confirm the agreement entered into by the Nation and the State, to the extent that the agreement is consistent with this section;

(3) to authorize and direct the Secretary—

(A) to execute the agreement; and

(B) to take any actions necessary to carry out the agreement in accordance with this section; and

(4) to authorize funds necessary for the implementation of the agreement and this section.

(b) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "agreement" means—

(A) the document entitled "Navajo Utah Water Rights Settlement Agreement" dated December 14, 2015, and the exhibits attached thereto; and

(B) any amendment or exhibit to the document or exhibits referenced in subparagraph (A) to make the document or exhibits consistent with this section.

(2) ALLOTMENT.—The term "allotment" means a parcel of land—

(A) granted out of the public domain that is—

(i) located within the exterior boundaries of the Reservation; or

(ii) Bureau of Indian Affairs parcel number 792 634511 in San Juan County, Utah, consisting of 160 acres located in Township 41S, Range 20E, sections 11, 12, and 14, originally set aside by the United States for the benefit of an individual identified in the allotting document as a Navajo Indian; and

(B) held in trust by the United States—

(i) for the benefit of an individual, individuals, or an Indian Tribe other than the Navajo Nation; or

(ii) in part for the benefit of the Navajo Nation as of the enforceability date.

(3) ALLOTTEE.—The term "allottee" means an individual or Indian Tribe with a beneficial interest in an allotment held in trust by the United States.

(4) ENFORCEABILITY DATE.—The term "enforceability date" means the date on which the Secretary publishes in the Federal Register the statement of findings described in subsection (g)(1).

(5) GENERAL STREAM ADJUDICATION.—The term "general stream adjudication" means the adjudication pending, as of the date of enactment of this Act, in the Seventh Judicial District in and for Grand County, State of Utah, commonly known as the "Southeastern Colorado River General Adjudication", Civil No. 810704477, conducted pursuant to State law.

(6) INJURY TO WATER RIGHTS.—The term "injury to water rights" means an interference with, diminution of, or deprivation of water rights under Federal or State law, excluding injuries to water quality.

(7) MEMBER.—The term "member" means any person who is a duly enrolled member of the Navajo Nation.

(8) NAVAJO NATION OR NATION.—The term "Navajo Nation" or "Nation" means a body politic and federally recognized Indian nation, as published on the list established under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)), also known variously as the "Navajo Nation", the "Navajo Nation of Arizona, New Mexico, & Utah", and the "Navajo Nation of Indians" and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation and all divisions, agencies, officers, and agents thereof.

(9) NAVAJO WATER DEVELOPMENT PROJECTS.—The term "Navajo water development projects" means projects for domestic municipal water supply, including distribution infrastructure, and agricultural water conservation, to be constructed, in whole or in part, using monies from the Navajo Water Development Projects Account.

(10) NAVAJO WATER RIGHTS.—The term "Navajo water rights" means the Nation's water rights in Utah described in the agreement and this section.

(11) OM&R.—The term "OM&R" means operation, maintenance, and replacement.

(12) PARTIES.—The term "parties" means the Navajo Nation, the State, and the United States.

(13) RESERVATION.—The term "Reservation" means, for purposes of the agreement and this section, the Reservation of the Navajo Nation in Utah as in existence on the date of enactment of this Act and depicted on the map attached to the agreement as Exhibit A, including any parcel of land granted out of the public domain and held in trust by the United States entirely for the benefit of the Navajo Nation as of the enforceability date.

(14) SECRETARY.—The term "Secretary" means the Secretary of the Interior or a duly authorized representative thereof.

(15) STATE.—The term "State" means the State of Utah and all officers, agents, departments, and political subdivisions thereof.

(16) UNITED STATES.—The term "United States" means the United States of America and all departments, agencies, bureaus, officers, and agents thereof.

(17) UNITED STATES ACTING IN ITS TRUST CAPACITY.—The term "United States acting in its trust capacity" means the United States acting for the benefit of the Navajo Nation or for the benefit of allottees.

(c) RATIFICATION OF AGREEMENT.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the agreement conflicts with this section, Congress approves, ratifies, and confirms the agreement (including any amendments to the agreement that are executed to make the agreement consistent with this section).

(2) EXECUTION BY SECRETARY.—The Secretary is authorized and directed to promptly execute the agreement to the extent that the agreement does not conflict with this section, including—

(A) any exhibits to the agreement requiring the signature of the Secretary; and

(B) any amendments to the agreement necessary to make the agreement consistent with this section.

(3) ENVIRONMENTAL COMPLIANCE.—

(A) IN GENERAL.—In implementing the agreement and this section, the Secretary shall comply with all applicable provisions of—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) all other applicable environmental laws and regulations.

(B) EXECUTION OF THE AGREEMENT.—Execution of the agreement by the Secretary as provided for in this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) NAVAJO WATER RIGHTS.—

(1) CONFIRMATION OF NAVAJO WATER RIGHTS.—

(A) QUANTIFICATION.—The Navajo Nation shall have the right to use water from water sources located within Utah and adjacent to or encompassed within the boundaries of the Reservation resulting in depletions not to exceed 81,500 acre-feet annually as described in the agreement and as confirmed in the decree entered by the general stream adjudication court.

(B) SATISFACTION OF ALLOTTEE RIGHTS.—Depletions resulting from the use of water on an allotment shall be accounted for as a depletion by the Navajo Nation for purposes of depletion accounting under the agreement, including recognition of—

(i) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in subsection (f)(2);

(ii) reasonable domestic and stock water uses put into use on an allotment; and

(iii) any allotment water rights that may be decreed in the general stream adjudication or other appropriate forum.

(C) SATISFACTION OF ON-RESERVATION STATE LAW-BASED WATER RIGHTS.—Depletions resulting from the use of water on the Reservation pursuant to State law-based water rights existing as of the date of enactment of this Act shall be accounted for as depletions by the Navajo Nation for purposes of depletion accounting under the agreement.

(D) IN GENERAL.—The Navajo water rights are ratified, confirmed, and declared to be valid.

(E) USE.—Any use of the Navajo water rights shall be subject to the terms and conditions of the agreement and this section.

(F) CONFLICT.—In the event of a conflict between the agreement and this section, the provisions of this section shall control.

(2) TRUST STATUS OF NAVAJO WATER RIGHTS.—The Navajo water rights—

(A) shall be held in trust by the United States for the use and benefit of the Nation in accordance with the agreement and this section; and

(B) shall not be subject to forfeiture or abandonment.

(3) AUTHORITY OF THE NATION.—

(A) IN GENERAL.—The Nation shall have the authority to allocate, distribute, and lease the Navajo water rights for any use on the Reservation in accordance with the agreement, this section, and applicable Tribal and Federal law.

(B) OFF-RESERVATION USE.—The Nation may allocate, distribute, and lease the Navajo water rights for off-Reservation use in accordance with the agreement, subject to the approval of the Secretary.

(C) ALLOTTEE WATER RIGHTS.—The Nation shall not object in the general stream adjudication or other applicable forum to the quantification of reasonable domestic and stock water uses on an allotment, and shall

administer any water use on the Reservation in accordance with applicable Federal law, including recognition of—

(i) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in subsection (f)(2);

(ii) reasonable domestic and stock water uses on an allotment; and

(iii) any allotment water rights decreed in the general stream adjudication or other appropriate forum.

(4) EFFECT.—Except as otherwise expressly provided in this subsection, nothing in this section—

(A) authorizes any action by the Nation against the United States under Federal, State, Tribal, or local law; or

(B) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

(e) NAVAJO TRUST ACCOUNTS.—

(1) ESTABLISHMENT.—The Secretary shall establish a trust fund, to be known as the "Navajo Utah Settlement Trust Fund" (referred to in this section as the "Trust Fund"), to be managed, invested, and distributed by the Secretary and to remain available until expended, consisting of the amounts deposited in the Trust Fund under paragraph (3), together with any interest earned on those amounts, for the purpose of carrying out this section.

(2) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following Accounts (referred to in this subsection as the "Trust Fund Accounts"):

(A) The Navajo Water Development Projects Account.

(B) The Navajo OM&R Account.

(3) DEPOSITS.—The Secretary shall deposit in the Trust Fund Accounts—

(A) in the Navajo Water Development Projects Account, the amounts made available pursuant to subsection (f)(1)(A); and

(B) in the Navajo OM&R Account, the amount made available pursuant to subsection (f)(1)(B).

(4) MANAGEMENT AND INTEREST.—

(A) MANAGEMENT.—Upon receipt and deposit of the funds into the Trust Fund Accounts, the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in a manner that is consistent with the investment authority of the Secretary under—

(i) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(ii) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(iii) this subsection.

(B) INVESTMENT EARNINGS.—In addition to the deposits under paragraph (3), any investment earnings, including interest, credited to amounts held in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in paragraph (8).

(5) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, shall be made available to the Nation by the Secretary

beginning on the enforceability date and subject to the uses and restrictions set forth in this subsection.

(6) WITHDRAWALS.—

(A) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—The Nation may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a tribal management plan submitted by the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(i) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under this subparagraph shall require that the Nation shall spend all amounts withdrawn from the Trust Fund and any investment earnings accrued through the investments under the Tribal management plan in accordance with this section.

(ii) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan to ensure that amounts withdrawn by the Nation from the Trust Fund under this subparagraph are used in accordance with this section. Determination.

(B) WITHDRAWALS UNDER EXPENDITURE PLAN.—The Nation may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(i) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this subparagraph, the Nation shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Nation elects to withdraw pursuant to this subparagraph, subject to the condition that the funds shall be used for the purposes described in this section.

(ii) INCLUSIONS.—An expenditure plan under this subparagraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Nation, in accordance with paragraphs (3) and (8).

(iii) APPROVAL.—On receipt of an expenditure plan under this subparagraph, the Secretary shall approve the plan, if the Secretary determines that the plan— Determination.

(I) is reasonable;

(II) is consistent with, and will be used for, the purposes of this section; and

(III) contains a schedule which describes that tasks will be completed within 18 months of receipt of withdrawn amounts.

(iv) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this subparagraph are used in accordance with this section. Determination.

(7) EFFECT OF TITLE.—Nothing in this section gives the Nation the right to judicial review of a determination of the Secretary regarding whether to approve a Tribal management plan or an expenditure plan except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act").

(8) USES.—Amounts from the Trust Fund shall be used by the Nation for the following purposes:

(A) The Navajo Water Development Projects Account shall be used to plan, design, and construct the Navajo water development projects and for the conduct of related activities, including to comply with Federal environmental laws.

(B) The Navajo OM&R Account shall be used for the operation, maintenance, and replacement of the Navajo water development projects.

(9) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation under paragraph (6).

(10) NO PER CAPITA DISTRIBUTIONS.—No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Nation.

(11) EXPENDITURE REPORTS.—The Navajo Nation shall submit to the Secretary annually an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan as described in this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary—

(A) for deposit in the Navajo Water Development Projects Account of the Trust Fund established under subsection (e)(2)(A), $198,300,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury; and

(B) for deposit in the Navajo OM&R Account of the Trust Fund established under subsection (e)(2)(B), $11,100,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) IMPLEMENTATION COSTS.—There is authorized to be appropriated non-trust funds in the amount of $1,000,000 to assist the United States with costs associated with the implementation of this section, including the preparation of a hydrographic survey of historic and existing water uses on the Reservation and on allotments.

(3) STATE COST SHARE.—The State shall contribute $8,000,000 payable to the Secretary for deposit into the Navajo Water Development Projects Account of the Trust Fund established under subsection (e)(2)(A) in installments in each of the 3 years following the execution of the agreement by the Secretary as provided for in subsection (c)(2).

(4) FLUCTUATION IN COSTS.—The amount authorized to be appropriated under paragraph (1) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the

date of enactment of this Act as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend.

(A) REPETITION.—The adjustment process under this paragraph shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(B) PERIOD OF INDEXING.—The period of indexing adjustment for any increment of funding shall end on the date on which funds are deposited into the Trust Fund.

(g) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—The waivers and releases contained in subsection (h) shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that— Effective date. Federal Register, publication.

(A) to the extent that the agreement conflicts with this section, the agreement has been revised to conform with this section;

(B) the agreement, so revised, including waivers and releases of claims set forth in subsection (h), has been executed by the parties, including the United States;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized under subsection (f)(1);

(D) the State has enacted any necessary legislation and provided the funding required under the agreement and subsection (f)(3); and

(E) the court has entered a final or interlocutory decree that—

(i) confirms the Navajo water rights consistent with the agreement and this section; and

(ii) with respect to the Navajo water rights, is final and nonappealable.

(2) EXPIRATION DATE.—If all the conditions precedent described in paragraph (1) have not been fulfilled to allow the Secretary's statement of findings to be published in the Federal Register by October 31, 2030—

(A) the agreement and this section, including waivers and releases of claims described in those documents, shall no longer be effective;

(B) any funds that have been appropriated pursuant to subsection (f) but not expended, including any investment earnings on funds that have been appropriated pursuant to such subsection, shall immediately revert to the general fund of the Treasury; and

(C) any funds contributed by the State pursuant to subsection (f)(3) but not expended shall be returned immediately to the State.

(3) EXTENSION.—The expiration date set forth in paragraph (2) may be extended if the Navajo Nation, the State, and the United States (acting through the Secretary) agree that an extension is reasonably necessary.

(h) WAIVERS AND RELEASES.—

(1) IN GENERAL.—

(A) WAIVER AND RELEASE OF CLAIMS BY THE NATION AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE NATION.—Subject to the retention of rights set forth in paragraph (3), in return for confirmation of the

Navajo water rights and other benefits set forth in the agreement and this section, the Nation, on behalf of itself and the members of the Nation (other than members in their capacity as allottees), and the United States, acting as trustee for the Nation and members of the Nation (other than members in their capacity as allottees), are authorized and directed to execute a waiver and release of—

(i) all claims for water rights within Utah based on any and all legal theories that the Navajo Nation or the United States acting in its trust capacity for the Nation, asserted, or could have asserted, at any time in any proceeding, including to the general stream adjudication, up to and including the enforceability date, except to the extent that such rights are recognized in the agreement and this section; and

(ii) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within Utah against the State, or any person, entity, corporation, or municipality, that accrued at any time up to and including the enforceability date.

(2) CLAIMS BY THE NAVAJO NATION AGAINST THE UNITED STATES.—The Navajo Nation, on behalf of itself (including in its capacity as allottee) and its members (other than members in their capacity as allottees), shall execute a waiver and release of—

(A) all claims the Navajo Nation may have against the United States relating in any manner to claims for water rights in, or water of, Utah that the United States acting in its trust capacity for the Nation asserted, or could have asserted, in any proceeding, including the general stream adjudication;

(B) all claims the Navajo Nation may have against the United States relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion, or taking of water; or claims relating to failure to protect, acquire, replace, or develop water or water rights) within Utah that first accrued at any time up to and including the enforceability date;

(C) all claims the Nation may have against the United States relating in any manner to the litigation of claims relating to the Nation's water rights in proceedings in Utah; and

(D) all claims the Nation may have against the United States relating in any manner to the negotiation, execution, or adoption of the agreement or this section.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY THE NAVAJO NATION AND THE UNITED STATES.—Notwithstanding the waivers and releases authorized in this section, the Navajo Nation, and the United States acting in its trust capacity for the Nation, retain—

(A) all claims for injuries to and the enforcement of the agreement and the final or interlocutory decree entered in the general stream adjudication, through such legal and equitable remedies as may be available in the decree court or the Federal District Court for the District of Utah;

(B) all rights to use and protect water rights acquired after the enforceability date;

(C) all claims relating to activities affecting the quality of water, including any claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the regulations implementing those Acts, and the common law;

(D) all claims for water rights, and claims for injury to water rights, in States other than the State of Utah;

(E) all claims, including environmental claims, under any laws (including regulations and common law) relating to human health, safety, or the environment; and

(F) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to the agreement and this section.

(4) EFFECT.—Nothing in the agreement or this section—

(A) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(B) affects the ability of the United States to take actions in its capacity as trustee for any other Indian Tribe or allottee;

(C) confers jurisdiction on any State court to—

(i) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; and

Determination.

(ii) conduct judicial review of Federal agency action; or

(D) modifies, conflicts with, preempts, or otherwise affects—

(i) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(ii) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.);

(iii) the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.);

(iv) the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.);

(v) the Treaty between the United States of America and Mexico respecting utilization of waters

of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(vi) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000); and

(vii) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(5) TOLLING OF CLAIMS.—

(A) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim waived by the Navajo Nation described in this subsection shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforceability date.

(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(C) LIMITATION.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(i) MISCELLANEOUS PROVISIONS.—

(1) PRECEDENT.—Nothing in this section establishes any standard for the quantification or litigation of Federal reserved water rights or any other Indian water claims of any other Indian Tribe in any other judicial or administrative proceeding.

(2) OTHER INDIAN TRIBES.—Nothing in the agreement or this section shall be construed in any way to quantify or otherwise adversely affect the water rights, claims, or entitlements to water of any Indian Tribe, band, or community, other than the Navajo Nation.

(j) RELATION TO ALLOTTEES.—

(1) NO EFFECT ON CLAIMS OF ALLOTTEES.—Nothing in this section or the agreement shall affect the rights or claims of allottees, or the United States, acting in its capacity as trustee for or on behalf of allottees, for water rights or damages related to lands allotted by the United States to allottees, except as provided in subsection (d)(1)(B).

(2) RELATIONSHIP OF DECREE TO ALLOTTEES.—Allottees, or the United States, acting in its capacity as trustee for allottees, are not bound by any decree entered in the general stream adjudication confirming the Navajo water rights and shall not be precluded from making claims to water rights in the general stream adjudication. Allottees, or the United States, acting in its capacity as trustee for allottees, may make claims and such claims may be adjudicated as individual water rights in the general stream adjudication.

(k) ANTIDEFICIENCY.—The United States shall not be liable for any failure to carry out any obligation or activity authorized by this section (including any obligation or activity under the agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this section.

SEC. 1103. AAMODT LITIGATION SETTLEMENT COMPLETION.

(a) DEFINITION OF 611(g) AGREEMENT.—Section 602 of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3134) is amended—

(1) by redesignating paragraphs (1) through (23) as paragraphs (2) through (24), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 611(g) AGREEMENT.—The term '611(g) Agreement' means the agreement dated September 17, 2019, executed by the United States, the State, the Pueblos, the County, and the City pursuant to section 611(g).".

(b) FINAL PROJECT DESIGN.—Section 611(b) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3137) is amended, in the matter preceding paragraph (1), by striking "within 90 days of" and inserting "as soon as feasible after".

(c) CONSTRUCTION COSTS FOR PUEBLO WATER FACILITIES.—Section 611(f) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3138) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking " $106,400,000" and inserting " $243,400,000"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) EXCEPTION.—Of the amount described in subparagraph (A)—

"(i) the initial $106,400,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices; and

"(ii) any amounts made available in excess of the amount described in clause (i) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2018, as determined using applicable engineering cost indices."; and

(2) in paragraph (3), by inserting "and the 611(g) Agreement" after "the Cost-Sharing and System Integration Agreement".

(d) FUNDING FOR REGIONAL WATER SYSTEM.—Section 617(a)(1)(B) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3147) is amended—

(1) by striking the period at the end and inserting "; and";

(2) by striking "section 616 $50,000,000" and inserting the following: "section 616—

"(i) $50,000,000"; and

(3) by adding at the end the following:

"(ii) subject to the availability of appropriations and in addition to the amounts made available under clause (i), $137,000,000, as adjusted under paragraph (4), for the period of fiscal years 2021 through 2028.".

(e) ADJUSTMENT.—Section 617(a)(4) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3147) is amended by striking "since October 1, 2006, as determined using applicable engineering cost indices" and inserting "pursuant to section 611(f)(1)(B)".

(f) EXECUTION OF AGREEMENT UNDER SECTION 611(g).—Section 621 of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3149) is amended by striking subsections (a) and (b) and inserting the following:

"(a) APPROVAL.—To the extent the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement do not conflict with this title, the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement (including any amendments to the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement that are executed to make the Settlement Agreement, the Cost-Sharing and System Integration Agreement, or the 611(g) Agreement consistent with this title) are authorized, ratified, and confirmed.

"(b) EXECUTION.—To the extent the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement (including any amendments that are necessary to make the Settlement Agreement, the Cost-Sharing and System Integration Agreement, or the 611(g) Agreement consistent with this title).".

(g) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.—Section 623(e) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3151) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.—Subject to the provisions of section 611(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if—

"(A) the infrastructure has been constructed capable of—

"(i) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos consistent with the Engineering Report (as amended by the 611(g) Agreement and the Operating Agreement); and

"(ii) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System and consistent with the Engineering Report (as amended by the 611(g) Agreement and the Operating Agreement); or

"(B) the Secretary—

"(i) issues a notice to proceed authorizing the commencement of Phase I construction of the Regional Water System by December 31, 2019, and subsequently commences construction of the Regional Water System;

"(ii) diligently proceeds to construct the Regional Water System in accordance with the Engineering Report (as amended by the 611(g) Agreement), on a schedule for completion by June 30, 2028;

"(iii) expends all of the available funding provided to construct the Regional Water System under section 611(f)(1)(A), in the Cost-Sharing and System Integration Agreement, and in the 611(g) Agreement;

"(iv) complies with the terms of the 611(g) Agreement; and

"(v) despite diligent efforts cannot complete construction of the Regional Water System as described in the final Engineering Report (as amended by the 611(g) Agreement), due solely to the lack of additional authorized funding.";

(2) in paragraph (2)—

(A) by striking "2021" and inserting "2025"; and

(B) by striking "2024" and inserting "2028";

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking "2021" and inserting "2025";

(4) in paragraph (4)(B)(ii)(II), by striking "2023" and inserting "2027"; and

(5) in paragraph (5)(A), by striking "2024" and inserting "2028".

SEC. 1104. KICKAPOO TRIBE.

(a) DEFINITION OF UPPER DELAWARE AND TRIBUTARIES WATERSHED PLAN.—In this section, the term "Upper Delaware and Tributaries Watershed Plan" means the plan described in the document entitled "Watershed Plan and Environmental Impact Statement Upper Delaware and Tributaries Watershed Atchison, Brown, Jackson, and Nemaha Counties, Kansas", dated January 1994, and supplemented in June 1994—

(1) developed, pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.)—

(A) by the Kickapoo Tribe, certain watershed and conservation districts in the State of Kansas, and the Department of Wildlife and Parks of the State of Kansas; and

(B) with the cooperation and technical assistance of the Natural Resources Conservation Service; and

(2) described in the report of the Committee on Environment and Public Works of the Senate (Senate Report 105–13; April 22, 1997).

(b) STUDY; RECOMMENDATIONS.—To support the purposes of achieving a fair, equitable, and final settlement of claims to water rights for the Kickapoo Tribe in the State of Kansas, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), in consultation with the Secretary of the Interior (acting through the Director of the Secretary's Indian Water Rights Office), shall— Consultation.

(1) commence a study of the multipurpose dam described in the Upper Delaware and Tributaries Watershed Plan; and

(2) not later than 2 years after the date of enactment of this Act, make recommendations to Congress with respect to the material alterations or changes to the Upper Delaware and Tributaries Watershed Plan that are necessary to effectuate, in part, the Tribal water rights agreed to by the Kickapoo Tribe and the State of Kansas on September 9, 2016, in the Kickapoo Tribe Water Rights Settlement Agreement, which otherwise remains subject to approval and authorization by Congress. Deadline. Recommendations.

SEC. 1105. AQUIFER RECHARGE FLEXIBILITY.

Aquifer Recharge Flexibility Act. 43 USC 390g–9.

(a) SHORT TITLE.—This section may be cited as the "Aquifer Recharge Flexibility Act".

(b) DEFINITIONS.—In this Act:

(1) BUREAU.—The term "Bureau" means the Bureau of Reclamation.

(2) COMMISSIONER.—The term "Commissioner" means the Commissioner of Reclamation.

(3) ELIGIBLE LAND.—The term "eligible land", with respect to a Reclamation project, means land that—

(A) is authorized to receive water under State law; and

(B) shares an aquifer with land located in the service area of the Reclamation project.

(4) NET WATER STORAGE BENEFIT.—The term "net water storage benefit" means an increase in the volume of water that is—

(A) stored in 1 or more aquifers; and

(B)(i) available for use within the authorized service area of a Reclamation project; or

(ii) stored on a long-term basis to avoid or reduce groundwater overdraft.

(5) RECLAMATION FACILITY.—The term "Reclamation facility" means each of the infrastructure assets that are owned by the Bureau at a Reclamation project.

(6) RECLAMATION PROJECT.—The term "Reclamation project" means any reclamation or irrigation project, including incidental features thereof, authorized by Federal reclamation law or the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (53 Stat. 1418, chapter 717; 16 U.S.C. 590y et seq.), or constructed by the United States pursuant to such law, or in connection with which there is a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the Secretary through the Bureau for the reclamation of land.

(c) FLEXIBILITY TO ALLOW GREATER AQUIFER RECHARGE IN WESTERN STATES.—

(1) USE OF RECLAMATION FACILITIES.—

(A) IN GENERAL.—The Commissioner may allow the use of excess capacity in Reclamation facilities for aquifer recharge of non-Reclamation project water, subject to applicable rates, charges, and public participation requirements, on the condition that—

(i) the use—

(I) shall not be implemented in a manner that is detrimental to—

(aa) any power service or water contract for the Reclamation project; or

(bb) any obligations for fish, wildlife, or water quality protection applicable to the Reclamation project;

(II) shall be consistent with water quality guidelines for the Reclamation project;

(III) shall comply with all applicable—

(aa) Federal laws; and

(bb) policies of the Bureau; and

(IV) shall comply with all applicable State laws and policies; and

(ii) the non-Federal party to an existing contract for water or water capacity in a Reclamation facility

consents to the use of the Reclamation facility under this subsection.

(B) EFFECT ON EXISTING CONTRACTS.—Nothing in this subsection affects a contract—

(i) in effect on the date of enactment of this Act; and

(ii) under which the use of excess capacity in a Bureau conveyance facility for carriage of non-Reclamation project water for aquifer recharge is allowed.

(2) AQUIFER RECHARGE ON ELIGIBLE LAND.—

(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the Secretary may contract with a holder of a water service or repayment contract for a Reclamation project to allow the contractor, in accordance with applicable State laws and policies—

(i) to directly use water available under the contract for aquifer recharge on eligible land; or

(ii) to enter into an agreement with an individual or entity to transfer water available under the contract for aquifer recharge on eligible land.

(B) AUTHORIZED PROJECT USE.—The use of a Reclamation facility for aquifer recharge under subparagraph (A) shall be considered an authorized use for the Reclamation project if requested by a holder of a water service or repayment contract for the Reclamation facility.

(C) MODIFICATIONS TO CONTRACTS.—The Secretary may contract with a holder of a water service or repayment contract for a Reclamation project under subparagraph (A) if the Secretary determines that a new contract or contract amendment described in that subparagraph is— Determination.

(i) necessary to allow for the use of water available under the contract for aquifer recharge under this subsection;

(ii) in the best interest of the Reclamation project and the United States; and

(iii) approved by the contractor that is responsible for repaying the cost of construction, operations, and maintenance of the facility that delivers the water under the contract.

(D) REQUIREMENTS.—The use of Reclamation facilities for the use or transfer of water for aquifer recharge under this subsection shall be subject to the requirements that—

(i) the use or transfer shall not be implemented in a manner that materially impacts any power service or water contract for the Reclamation project; and

(ii) before the use or transfer, the Secretary shall determine that the use or transfer— Determination.

(I) results in a net water storage benefit for the Reclamation project; or

(II) contributes to the recharge of an aquifer on eligible land; and

(iii) the use or transfer complies with all applicable—

(I) Federal laws and policies; and

(II) interstate water compacts.

(3) CONVEYANCE FOR AQUIFER RECHARGE PURPOSES.—The holder of a right-of-way, easement, permit, or other authorization to transport water across public land administered by the Bureau of Land Management may transport water for aquifer recharge purposes without requiring additional authorization from the Secretary where the use does not expand or modify the operation of the right-of-way, easement, permit, or other authorization across public land.

(4) EFFECT.—Nothing in this Act creates, impairs, alters, or supersedes a Federal or State water right.

(5) EXEMPTION.—This Act shall not apply to the State of California.

(6) ADVISORY GROUP.—The Secretary may participate in any State-led collaborative, multi-stakeholder advisory group created in any watershed the purpose of which is to monitor, review, and assess aquifer recharge activities.

SEC. 1106. WATERSMART EXTENSION AND EXPANSION.

(a) DEFINITION OF ELIGIBLE APPLICANT.—Section 9502 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10362) is amended—

(1) in the matter preceding paragraph (1), by striking "section" and inserting "subtitle";

(2) by striking paragraph (7) and inserting the following:

"(7) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) any State, Indian tribe, irrigation district, or water district;

"(B) any State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority;

"(C) any other organization with water or power delivery authority; and

"(D) any nonprofit conservation organization, if—

"(i) the nonprofit conservation organization is acting in partnership with and with the agreement of an entity described in subparagraph (A), (B), or (C); or

"(ii) in the case of an application for a project to improve the condition of a natural feature or nature-based feature on Federal land, the entities described in subparagraph (A), (B), or (C) from the applicable service area have been notified of the project application and there is no written objection to the project.";

(3) in paragraph (10), by striking "450b" and inserting "5304";

(4) by redesignating paragraphs (13) through (17) as paragraphs (15) through (19), respectively; and

(5) by inserting after paragraph (12) the following:

"(13) NATURAL FEATURE.—The term 'natural feature' means a feature that is created through the action of physical, geological, biological, and chemical processes over time.

"(14) NATURE-BASED FEATURE.—The term 'nature-based feature' means a feature that is created by human design, engineering, and construction to provide a means to reduce water supply and demand imbalances or drought or flood risk by acting in concert with natural processes.".

(b) GRANTS AND COOPERATIVE AGREEMENTS.—Section 9504(a) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "or carrying out any activity" after "any improvement";

(B) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (G), (H), and (J), respectively;

(C) by inserting after subparagraph (E) the following:

"(F) to assist States and water users in complying with interstate compacts or reducing basin water supply-demand imbalances;";

(D) in subparagraph (G) (as so redesignated), by striking "to prevent" and inserting "to achieve the prevention of";

(E) in subparagraph (H) (as so redesignated)—

(i) by striking "to accelerate" and inserting "to achieve the acceleration of"; and

(ii) by striking "or" at the end;

(F) by inserting after subparagraph (H) (as so redesignated) the following:

"(I) to improve the condition of a natural feature; or"; and

(G) in subparagraph (J) (as so redesignated)—

(i) in clause (i), by striking "or" at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) to plan for or address the impacts of drought.";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (ii), by striking "or";

(ii) in clause (iii), by striking "and" and inserting "or"; and

(iii) by adding at the end the following:

"(iv) the Commonwealth of Puerto Rico; and"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) submit to the Secretary an application that includes—

"(i) a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant; and

"(ii) for a project that is intended to have a quantifiable water savings and would receive a grant of $500,000 or more—

"(I) a proposal for a monitoring plan of at least 5 years that would demonstrate ways in which the proposed improvement or activity would result in improved streamflows or aquatic habitat; or

"(II) for a project that does not anticipate improved streamflows or aquatic habitat, an analysis of ways in which the proposed improvement

or activity would contribute to 1 or more of the other objectives described in paragraph (1).";

(3) in paragraph (3)(E), by striking clause (i) and inserting the following:

"(i) FEDERAL SHARE.—

"(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

"(II) INCREASED FEDERAL SHARE FOR CERTAIN INFRASTRUCTURE IMPROVEMENTS AND ACTIVITIES.—The Federal share of the cost of an infrastructure improvement or activity shall not exceed 75 percent of the cost of the infrastructure improvement or activity, if—

"(aa) the infrastructure improvement or activity was developed as part of a collaborative process by—

"(AA) a watershed group (as defined in section 6001); or

"(BB) a water user and 1 or more stakeholders with diverse interests; and

Determination.

"(bb) the majority of the benefits of the infrastructure improvement or activity, as determined by the Secretary, are for the purpose of advancing 1 or more components of an established strategy or plan to increase the reliability of water supply for consumptive and nonconsumptive ecological values."; and

(4) by adding at the end the following:

"(4) PRIORITY.—In providing grants to, and entering into agreements for, projects intended to have a quantifiable water savings under this subsection, the Secretary shall give priority to projects that enhance drought resilience by benefitting the water supply and ecosystem.".

(c) RESEARCH AGREEMENTS.—Section 9504(b)(1) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or organization with water or power delivery authority" and inserting "or eligible applicant";

(2) in subparagraph (B), by striking "or" at the end;

(3) by redesignating subparagraph (C) as subparagraph (D); and

(4) by inserting after subparagraph (B) the following:

"(C) to restore a natural feature or use a nature-based feature to reduce water supply and demand imbalances or the risk of drought or flood; or".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking " $530,000,000" and inserting " $700,000,000, subject to the condition that $50,000,000 of that amount shall be used to carry out section 206 of the Energy and

Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)".

(e) CONFORMING AMENDMENT.—Section 4009(d) of Public Law 114–322 (42 U.S.C. 10364 note) is amended by striking "on the condition that of that amount, $50,000,000 of it is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)".

SEC. 1107. COOPERATIVE WATERSHED MANAGEMENT PROGRAM.

(a) DEFINITIONS.—Section 6001 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

"(2) DISADVANTAGED COMMUNITY.—The term 'disadvantaged community' means a community (including a city, town, county, or reasonably isolated and divisible segment of a larger municipality) with an annual median household income that is less than 100 percent of the statewide annual median household income for the State in which the community is located, according to the most recent decennial census.";

(3) in paragraph (6)(B)(i) (as so redesignated)—

(A) in subclause (VIII), by striking "and" at the end;

(B) in subclause (IX), by adding "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(X) disadvantaged communities;"; and

(4) in paragraph (7)(C) (as so redesignated), by inserting ", including benefits to fisheries, wildlife, or habitat" after "river or stream".

(b) APPLICATION.—Section 6002 of the Omnibus Public Lands Management Act (16 U.S.C. 1015a) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than September 30, 2021, the Secretary shall update— Deadline. Update.

"(1) the application process for the program; and

"(2) in consultation with the States, the prioritization and eligibility criteria for considering applications submitted in accordance with the application process."; and Consultation.

(2) in subsection (g), by striking "2020" and inserting "2026".

SEC. 1108. MODIFICATION OF JACKSON GULCH REHABILITATION PROJECT, COLORADO.

Section 9105(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1303) is amended—

(1) in paragraph (1)—

(A) by striking "requirement" and inserting "and cost-sharing requirements"; and

(B) by inserting ", which shall be not more than 65 percent of that total cost" before the period at the end;

(2) in paragraph (3)—

(A) in the paragraph heading, by striking "REQUIREMENT" and inserting "AND COST-SHARING REQUIREMENTS";

(B) in subparagraph (A), in the matter preceding clause (i), by striking "The Secretary shall recover from the District as reimbursable expenses" and inserting "Subject to

subparagraph (C), the District shall be liable under this subsection for an amount equal to";

(C) in subparagraph (B), in the matter preceding clause (i), by striking "Secretary shall recover reimbursable expenses" and inserting "District shall pay the Project costs for which the District is liable"; and

(D) by striking subparagraph (C) and inserting the following:

Determination.

"(C) CREDIT.—In determining the exact amount for which the District is liable under this paragraph, the Secretary shall—

Review.

"(i) review and approve all final costs associated with the completion of the Project; and

"(ii) credit the district for all amounts paid by the District for engineering work and improvements directly associated with the Project, whether before, on, or after the date of enactment of this Act."; and

(3) in paragraph (7), by striking " $8,250,000." and inserting the following: "the lesser of—

"(A) not more than 65 percent of the total cost of carrying out the Project; and

"(B) $5,350,000.".

33 USC 2330c.

SEC. 1109. AQUATIC ECOSYSTEM RESTORATION.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) any State, Indian Tribe, irrigation district, or water district;

(2) any State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority;

(3) any other entity or organization that owns a facility that is eligible for upgrade, modification or removal under this section;

(4) any nonprofit conservation organization, acting in partnership with any entity listed in paragraphs (1) through (3), with respect to a project involving land or infrastructure owned by the entity; and

(5) an agency established under State law for the joint exercise of powers or a combination of entities described in paragraphs (1) through (4).

Contracts.

(b) GENERAL AUTHORITY.—

Determination.

(1) IN GENERAL.—Subject to the requirements of this section and paragraph (2), on request of any eligible entity the Secretary may negotiate and enter into an agreement on behalf of the United States to fund the design, study, and construction of an aquatic ecosystem restoration and protection project in a Reclamation State if the Secretary determines that the project is likely to improve the health of fisheries, wildlife or aquatic habitat, including through habitat restoration and improved fish passage via the removal or bypass of barriers to fish passage.

(2) EXCEPTION.—With respect to an aquatic ecosystem restoration and protection project under this section that removes a dam or modifies a dam in a manner that reduces storage or diversion capacity, the Secretary may only negotiate and enter into an agreement to fund—

(A) the design or study of such project if the Secretary has received consent from the owner of the applicable dam; or

(B) the construction of such project if the Secretary—

(i) identifies any eligible entity that receives water or power from the facility that is under consideration for removal or modification at the time of the request;

(ii) notifies each eligible entity identified in clause (i) that the dam removal or modification project has been requested; and

(iii) does not receive, by the date that is 120 days after the date on which all eligible entities have been notified under clause (ii), written objection from 1 or more eligible entities that collectively receive ⅓ or more of the water or power delivered from the facility that is under consideration for removal or modification at the time of the request. Time period.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall accept and consider public comment prior to initiating design, study or development of a project under this section.

(2) PRECONDITIONS.—Construction of a project under this section shall be a voluntary project initiated only after—

(A) an eligible entity has entered into an agreement with the Secretary to pay no less than 35 percent of the costs of project construction;

(B) an eligible entity has entered an agreement to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project;

(C) the Secretary determines the proposed project— Determination.

(i) will not result in an unmitigated adverse impact on fulfillment of existing water delivery obligations consistent with historical operations and applicable contracts;

(ii) will not result in an unmitigated adverse effect on the environment;

(iii) is consistent with the responsibilities of the Secretary—

(I) in the role as trustee for federally recognized Indian Tribes; and

(II) to ensure compliance with any applicable international and Tribal treaties and agreements and interstate compacts and agreements;

(iv) is in the financial interest of the United States based on a determination that the project advances Federal objectives including environmental enhancement objectives in a Reclamation State; and

(v) complies with all applicable Federal and State law, including environmental laws; and

(D) the Secretary has complied with all applicable environmental laws, including—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(iii) subtitle III of title 54, United States Code.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(e) EFFECTS.—

(1) IN GENERAL.—Nothing in this section supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(2) EFFECT ON STATE WATER LAW.—Nothing in this section preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(f) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this section.

(g) PRIORITY FOR PROJECTS PROVIDING REGIONAL BENEFITS AND ASSISTANCE FOR AGING ASSETS.—When funding projects under this section, the Secretary shall prioritize projects that—

(1) are jointly developed and supported by a diverse array of stakeholders including representatives of irrigated agricultural production, hydroelectric production, potable water purveyors and industrial water users, Indian Tribes, commercial fishing interests, and nonprofit conservation organizations;

(2) affect water resources management in 2 or more river basins while providing regional benefits not limited to fisheries restoration;

(3) are a component of a broader strategy or plan to replace aging facilities with 1 or more alternate facilities providing similar benefits; and

(4) contribute to the restoration of anadromous fish species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Clean Water for Rural Communities Act.
Montana.
North Dakota.

SEC. 1110. CLEAN WATER FOR RURAL COMMUNITIES.

(a) SHORT TITLE.—This section may be cited as the "Clean Water for Rural Communities Act".

(b) PURPOSE.—The purpose of this Act is to ensure a safe and adequate municipal, rural, and industrial water supply for the citizens of—

(1) Dawson, Garfield, McCone, Prairie, Richland, Judith Basin, Wheatland, Golden Valley, Fergus, Yellowstone, and Musselshell Counties in the State of Montana; and

(2) McKenzie County, North Dakota.

(c) DEFINITIONS.—In this Act:

(1) AUTHORITY.—The term "Authority" means—

(A) the Central Montana Regional Water Authority, a publicly owned nonprofit water authority formed in accordance with Mont. Code Ann. Sec. 75–6–302 (2007); and

(B) any nonprofit successor entity to the Authority described in subparagraph (A).

(2) MUSSELSHELL-JUDITH RURAL WATER SYSTEM.—The term "Musselshell-Judith Rural Water System" means the Musselshell-Judith Rural Water System authorized under subsection (d)(1), with a project service area that includes—

(A) Judith Basin, Wheatland, Golden Valley, and Musselshell Counties in the State;

(B) the portion of Yellowstone County in the State within 2 miles of State Highway 3 and within 4 miles

of the county line between Golden Valley and Yellowstone Counties in the State, inclusive of the Town of Broadview, Montana; and

(C) the portion of Fergus County in the State within 2 miles of U.S. Highway 87 and within 4 miles of the county line between Fergus and Judith Basin Counties in the State, inclusive of the Town of Moore, Montana.

(3) STATE.—The term "State" means the State of Montana.

(d) MUSSELSHELL-JUDITH RURAL WATER SYSTEM.—

(1) AUTHORIZATION.—The Secretary may carry out the planning, design, and construction of the Musselshell-Judith Rural Water System in a manner that is substantially in accordance with the feasibility report entitled "Musselshell-Judith Rural Water System Feasibility Report" (including any and all revisions of the report).

(2) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the Authority to provide Federal assistance for the planning, design, and construction of the Musselshell-Judith Rural Water System.

(3) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—The Federal share of the costs relating to the planning, design, and construction of the Musselshell-Judith Rural Water System shall not exceed 65 percent of the total cost of the Musselshell-Judith Rural Water System.

(ii) LIMITATION.—Amounts made available under clause (i) shall not be returnable or reimbursable under the reclamation laws.

(B) USE OF FEDERAL FUNDS.—

(i) GENERAL USES.—Subject to clause (ii), the Musselshell-Judith Rural Water System may use Federal funds made available to carry out this subsection for—

(I) facilities relating to—

(aa) water pumping;

(bb) water treatment;

(cc) water storage;

(dd) water supply wells;

(ee) distribution pipelines; and

(ff) control systems;

(II) transmission pipelines;

(III) pumping stations;

(IV) appurtenant buildings, maintenance equipment, and access roads;

(V) any interconnection facility that connects a pipeline of the Musselshell-Judith Rural Water System to a pipeline of a public water system;

(VI) electrical power transmission and distribution facilities required for the operation and maintenance of the Musselshell-Judith Rural Water System;

(VII) any other facility or service required for the development of a rural water distribution system, as determined by the Secretary; and

Determination.

(VIII) any property or property right required for the construction or operation of a facility described in this subsection.

(ii) LIMITATION.—Federal funds made available to carry out this subsection shall not be used for the operation, maintenance, or replacement of the Musselshell-Judith Rural Water System.

(iii) TITLE.—Title to the Musselshell-Judith Rural Water System shall be held by the Authority.

(e) DRY-REDWATER FEASIBILITY STUDY.—

(1) DEFINITIONS.—In this subsection:

(A) DRY-REDWATER REGIONAL WATER AUTHORITY.—The term "Dry-Redwater Regional Water Authority" means—

(i) the Dry-Redwater Regional Water Authority, a publicly owned nonprofit water authority formed in accordance with Mont. Code Ann. § 75–6–302 (2007); and

(ii) any nonprofit successor entity to the Authority described in clause (i).

(B) DRY-REDWATER REGIONAL WATER AUTHORITY SYSTEM.—The term "Dry-Redwater Regional Water Authority System" means the project entitled the "Dry-Redwater Regional Water Authority System", with a project service area that includes—

(i) Garfield and McCone Counties in the State;

(ii) the area west of the Yellowstone River in Dawson and Richland Counties in the State;

(iii) T. 15 N. (including the area north of the Township) in Prairie County in the State; and

(iv) the portion of McKenzie County, North Dakota, that includes all land that is located west of the Yellowstone River in the State of North Dakota.

(C) RECLAMATION FEASIBILITY STANDARDS.—The term "reclamation feasibility standards" means the eligibility criteria and feasibility study requirements described in section 106 of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2405) (as in effect on September 29, 2016).

(D) SUBMITTED FEASIBILITY STUDY.—The term "submitted feasibility study" means the feasibility study entitled "Dry-Redwater Regional Water System Feasibility Study" (including revisions of the study), which received funding from the Bureau of Reclamation on September 1, 2010.

(2) STUDY.—

Consultation. Review. Determination.

(A) IN GENERAL.—The Secretary, in consultation with the Dry-Redwater Regional Water Authority, may undertake a study, including a review of the submitted feasibility study, to determine the feasibility of constructing the Dry-Redwater Regional Water System.

(B) REQUIREMENT.—The study under subparagraph (A) shall comply with the reclamation feasibility standards.

Determination.

(3) COOPERATIVE AGREEMENT.—If the Secretary determines that the study under paragraph (2) does not comply with the reclamation feasibility standards, the Secretary may enter into a cooperative agreement with the Dry-Redwater Regional Water Authority to complete additional work to ensure that the study complies with the reclamation feasibility standards.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 to carry out this subsection.

(5) TERMINATION.—The authority provided by this subsection shall expire on the date that is 5 years after the date of enactment of this Act.

(f) WATER RIGHTS.—Nothing in this Act—

(1) preempts or affects any State water law; or

(2) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated to carry out the planning, design, and construction of the Musselshell-Judith Rural Water System, substantially in accordance with the cost estimate set forth in the feasibility report described in subsection (d)(1), $56,650,000.

(2) COST INDEXING.—The amount authorized to be appropriated under paragraph (1) may be increased or decreased in accordance with ordinary fluctuations in development costs incurred after November 1, 2014, as indicated by any available engineering cost indices applicable to construction activities that are similar to the construction of the Musselshell-Judith Rural Water System.

SEC. 1111. SNOW WATER SUPPLY FORECASTING.

Snow Water Supply Forecasting Program Authorization Act.
43 USC 1477.

(a) SHORT TITLE.—This section may be cited as the "Snow Water Supply Forecasting Program Authorization Act".

(b) DEFINITION OF PROGRAM.—In this Act, the term "program" means the Snow Water Supply Forecasting Program established by subsection (c).

(c) SNOW WATER SUPPLY FORECASTING PROGRAM.—

(1) PROGRAM ESTABLISHMENT.—The Snow Water Supply Forecasting Program is hereby established within the Department of the Interior.

(2) PROGRAM IMPLEMENTATION.—To implement the program, the Secretary shall—

(A) develop the program framework in coordination with other Federal agencies pursuant to subsection (d), culminating in the report required under subsection (d)(3); and

(B) after submitting the report required by subsection (d)(3), implement activities to improve snowpack measurement in particular watersheds pursuant to subsection (e).

(d) DEVELOPMENT OF PROGRAM FRAMEWORK IN COORDINATION WITH OTHER FEDERAL AGENCIES.—

(1) SNOWPACK MEASUREMENT DATA.—When determining water supply forecasts or allocations to Federal water contractors, the Secretary, acting through the Commissioner of the Bureau of Reclamation, shall incorporate, to the greatest extent practicable, information from emerging technologies for snowpack measurement, such as—

(A) synthetic aperture radar;

(B) laser altimetry; and

(C) other emerging technologies that the Secretary determines are likely to provide more accurate or timely snowpack measurement data.

Determination.

(2) COORDINATION.—In carrying out paragraph (1), the Secretary shall coordinate data use and collection efforts with other Federal agencies that use or may benefit from the use of emerging technologies for snowpack measurement.

(3) EMERGING TECHNOLOGIES REPORT.—Not later than October 1, 2021, the Secretary shall submit to Congress a report that—

(A) summarizes the use of emerging technologies pursuant to this Act;

(B) describes benefits derived from the use of technologies summarized under subparagraph (A) related to the environment and increased water supply reliability; and

(C) describes how Federal agencies will coordinate to implement emerging technologies.

(e) PROGRAM IMPLEMENTATION.—

(1) ACTIVITIES IMPLEMENTING FRAMEWORK.—After submitting the report required under subsection (d)(3), the Secretary shall participate with program partners in implementing activities to improve snowpack measurement in particular watersheds.

(2) FOCUS.—The program shall focus on activities that will maintain, establish, expand, or advance snowpack measurement consistent with the report required by subsection (d)(3), with an emphasis on—

(A) enhancing activities in river basins to achieve improved snow and water supply forecasting results;

(B) activities in river basins where snow water supply forecasting related activities described in this Act are not occurring on the date of the enactment of this Act; and

(C) demonstrating or testing new, or improving existing, snow and water supply forecasting technology.

(3) INFORMATION SHARING.—The Secretary may provide information collected and analyzed under this Act to program partners through appropriate mechanisms, including interagency agreements with Federal agencies, States, State agencies, or a combination thereof, leases, contracts, cooperative agreements, grants, loans, and memoranda of understanding.

Determination.

(4) PROGRAM PARTNERS.—Program partners with whom the Secretary enters into cooperative agreements pursuant to paragraph (5) may include water districts, irrigation districts, water associations, universities, State agencies, other Federal agencies, private sector entities, non-governmental organizations, and other entities, as determined by the Secretary.

(5) COOPERATIVE AGREEMENTS.—The Secretary may—

(A) enter into cooperative agreements with program partners to allow the program to be administered efficiently and cost effectively through cost-sharing or by providing additional in-kind resources necessary for program implementation; and

(B) provide nonreimbursable matching funding for programmatic and operational activities under this Act in consultation with program partners.

(6) ENVIRONMENTAL LAWS.—Nothing in this Act shall modify any obligation of the Secretary to comply with applicable Federal and State environmental laws in carrying out this Act.

(f) PROGRAM IMPLEMENTATION REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, that includes— Lists.

(1) a list of basins and sub-basins for which snowpack measurement technologies are being used under the program, including a description of each technology used; and

(2) a list of Federal agencies and program partners participating in each basin or sub-basin listed in paragraph (1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act $15,000,000, in the aggregate, for fiscal years 2022 through 2026.

SEC. 1112. WATER TECHNOLOGY INVESTMENT.

The Water Desalination Act of 1996 (Public Law 104–298; 42 U.S.C. 10301 note) is amended—

(1) in section 4(a)(1), by inserting ", including modules specifically designed for brine management" after "and concepts"; and

(2) in section 8(b)—

(A) by striking "3,000,000" and inserting "20,000,000"; and

(B) by striking "2017 through 2021" and inserting "2022 through 2026, in addition to the authorization of appropriations for projects in section 4(a)(2)(F)".

SEC. 1113. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended—

(1) in subsection (a)(1), by inserting "urban Indian organizations," before "and tribal organizations"; and

(2) in subsection (c)—

(A) by inserting "urban Indian organization," before "or tribal organization"; and

(B) by inserting "an urban Indian organization," before "or a tribal organization".

SEC. 1114. AMENDMENT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT.

Section 409 of the Indian Health Care Improvement Act (25 U.S.C. 1647b) is amended by striking "(25 U.S.C. 450 et seq.)" and inserting "(25 U.S.C. 5301 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)".

SEC. 1115. DEFINITIONS. 33 USC 2330c note.

In this title:

(1) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) RECLAMATION STATE.—The term "Reclamation State" means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

Horseracing Integrity and Safety Act of 2020.

TITLE XII—HORSERACING INTEGRITY AND SAFETY

15 USC 3051 note.

SEC. 1201. SHORT TITLE.

This title may be cited as the "Horseracing Integrity and Safety Act of 2020".

15 USC 3051.

SEC. 1202. DEFINITIONS.

In this Act the following definitions apply:

(1) AUTHORITY.—The term "Authority" means the Horseracing Integrity and Safety Authority designated by section 1203(a).

(2) BREEDER.—The term "breeder" means a person who is in the business of breeding covered horses.

(3) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(4) COVERED HORSE.—The term "covered horse" means any Thoroughbred horse, or any other horse made subject to this Act by election of the applicable State racing commission or the breed governing organization for such horse under section 1205(k), during the period—

(A) beginning on the date of the horse's first timed and reported workout at a racetrack that participates in covered horseraces or at a training facility; and

(B) ending on the date on which the Authority receives written notice that the horse has been retired.

(5) COVERED HORSERACE.—The term "covered horserace" means any horserace involving covered horses that has a substantial relation to interstate commerce, including any Thoroughbred horserace that is the subject of interstate off-track or advance deposit wagers.

(6) COVERED PERSONS.—The term "covered persons" means all trainers, owners, breeders, jockeys, racetracks, veterinarians, persons (legal and natural) licensed by a State racing commission and the agents, assigns, and employees of such persons and other horse support personnel who are engaged in the care, training, or racing of covered horses.

(7) EQUINE CONSTITUENCIES.—The term "equine constituencies" means, collectively, owners, breeders, trainers, racetracks, veterinarians, State racing commissions, and jockeys who are engaged in the care, training, or racing of covered horses.

(8) EQUINE INDUSTRY REPRESENTATIVE.—The term "equine industry representative" means an organization regularly and significantly engaged in the equine industry, including organizations that represent the interests of, and whose membership consists of, owners, breeders, trainers, racetracks, veterinarians, State racing commissions, and jockeys.

(9) HORSERACING ANTI-DOPING AND MEDICATION CONTROL PROGRAM.—The term "horseracing anti-doping and medication control program" means the anti-doping and medication program established under section 1206(a).

(10) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" shall include a spouse, domestic partner, mother, father, aunt, uncle, sibling, or child.

(11) INTERSTATE OFF-TRACK WAGER.—The term "interstate off-track wager" has the meaning given such term in section 3 of the Interstate Horseracing Act of 1978 (15 U.S.C. 3002).

(12) JOCKEY.—The term "jockey" means a rider or driver of a covered horse in covered horseraces.

(13) OWNER.—The term "owner" means a person who holds an ownership interest in one or more covered horses.

(14) PROGRAM EFFECTIVE DATE.—The term "program effective date" means July 1, 2022.

(15) RACETRACK.—The term "racetrack" means an organization licensed by a State racing commission to conduct covered horseraces.

(16) RACETRACK SAFETY PROGRAM.—The term "racetrack safety program" means the program established under section 1207(a).

(17) STAKES RACE.—The term "stakes race" means any race so designated by the racetrack at which such race is run, including, without limitation, the races comprising the Breeders' Cup World Championships and the races designated as graded stakes by the American Graded Stakes Committee of the Thoroughbred Owners and Breeders Association.

(18) STATE RACING COMMISSION.—The term "State racing commission" means an entity designated by State law or regulation that has jurisdiction over the conduct of horseracing within the applicable State.

(19) TRAINER.—The term "trainer" means an individual engaged in the training of covered horses.

(20) TRAINING FACILITY.—The term "training facility" means a location that is not a racetrack licensed by a State racing commission that operates primarily to house covered horses and conduct official timed workouts.

(21) VETERINARIAN.—The term "veterinarian" means a licensed veterinarian who provides veterinary services to covered horses.

(22) WORKOUT.—The term "workout" means a timed running of a horse over a predetermined distance not associated with a race or its first qualifying race, if such race is made subject to this Act by election under section 1205(k) of the horse's breed governing organization or the applicable State racing commission.

SEC. 1203. RECOGNITION OF THE HORSERACING INTEGRITY AND SAFETY AUTHORITY. 15 USC 3052.

(a) IN GENERAL.—The private, independent, self-regulatory, nonprofit corporation, to be known as the "Horseracing Integrity and Safety Authority", is recognized for purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program for covered horses, covered persons, and covered horseraces.

(b) BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—The Authority shall be governed by a board of directors (in this section referred to as the "Board") comprised of nine members as follows:

(A) INDEPENDENT MEMBERS.—Five members of the Board shall be independent members selected from outside the equine industry.

(B) INDUSTRY MEMBERS.—

(i) IN GENERAL.—Four members of the Board shall be industry members selected from among the various equine constituencies.

(ii) REPRESENTATION OF EQUINE CONSTITUENCIES.—The industry members shall be representative of the various equine constituencies, and shall include not more than one industry member from any one equine constituency.

(2) CHAIR.—The chair of the Board shall be an independent member described in paragraph (1)(A).

(3) BYLAWS.—The Board of the Authority shall be governed by bylaws for the operation of the Authority with respect to—

(A) the administrative structure and employees of the Authority;

(B) the establishment of standing committees;

(C) the procedures for filling vacancies on the Board and the standing committees;

(D) term limits for members and termination of membership; and

(E) any other matter the Board considers necessary.

(c) STANDING COMMITTEES.—

(1) ANTI-DOPING AND MEDICATION CONTROL STANDING COMMITTEE.—

(A) IN GENERAL.—The Authority shall establish an anti-doping and medication control standing committee, which shall provide advice and guidance to the Board on the development and maintenance of the horseracing anti-doping and medication control program.

(B) MEMBERSHIP.—The anti-doping and medication control standing committee shall be comprised of seven members as follows:

(i) INDEPENDENT MEMBERS.—A majority of the members shall be independent members selected from outside the equine industry.

(ii) INDUSTRY MEMBERS.—A minority of the members shall be industry members selected to represent the various equine constituencies, and shall include not more than one industry member from any one equine constituency.

(iii) QUALIFICATION.—A majority of individuals selected to serve on the anti-doping and medication control standing committee shall have significant, recent experience in anti-doping and medication control rules.

(C) CHAIR.—The chair of the anti-doping and medication control standing committee shall be an independent member of the Board described in subsection (b)(1)(A).

(2) RACETRACK SAFETY STANDING COMMITTEE.—

(A) IN GENERAL.—The Authority shall establish a racetrack safety standing committee, which shall provide advice and guidance to the Board on the development and maintenance of the racetrack safety program.

(B) MEMBERSHIP.—The racetrack safety standing committee shall be comprised of seven members as follows:

(i) INDEPENDENT MEMBERS.—A majority of the members shall be independent members selected from outside the equine industry.

(ii) INDUSTRY MEMBERS.—A minority of the members shall be industry members selected to represent the various equine constituencies.

(C) CHAIR.—The chair of the racetrack safety standing committee shall be an industry member of the Board described in subsection (b)(1)(B).

(d) NOMINATING COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The nominating committee of the Authority shall be comprised of seven independent members selected from business, sports, and academia.

(B) INITIAL MEMBERSHIP.—The initial nominating committee members shall be set forth in the governing corporate documents of the Authority.

(C) VACANCIES.—After the initial committee members are appointed in accordance with subparagraph (B), vacancies shall be filled by the Board pursuant to rules established by the Authority.

(2) CHAIR.—The chair of the nominating committee shall be selected by the nominating committee from among the members of the nominating committee.

(3) SELECTION OF MEMBERS OF THE BOARD AND STANDING COMMITTEES.—

(A) INITIAL MEMBERS.—The nominating committee shall select the initial members of the Board and the standing committees described in subsection (c).

(B) SUBSEQUENT MEMBERS.— The nominating committee shall recommend individuals to fill any vacancy on the Board or on such standing committees.

(e) CONFLICTS OF INTEREST.—To avoid conflicts of interest, the following individuals may not be selected as a member of the Board or as an independent member of a nominating or standing committee under this section:

(1) An individual who has a financial interest in, or provides goods or services to, covered horses.

(2) An official or officer—

(A) of an equine industry representative; or

(B) who serves in a governance or policymaking capacity for an equine industry representative.

(3) An employee of, or an individual who has a business or commercial relationship with, an individual described in paragraph (1) or (2).

(4) An immediate family member of an individual described in paragraph (1) or (2).

(f) FUNDING.—

(1) INITIAL FUNDING.—

(A) IN GENERAL.—Initial funding to establish the Authority and underwrite its operations before the program effective date shall be provided by loans obtained by the Authority.

(B) BORROWING.—The Authority may borrow funds toward the funding of its operations.

(C) ANNUAL CALCULATION OF AMOUNTS REQUIRED.—

(i) IN GENERAL.—Not later than the date that is 90 days before the program effective date, and not later than November 1 each year thereafter, the Authority shall determine and provide to each State

Deadlines.
Determination.

racing commission the estimated amount required from the State—

(I) to fund the State's proportionate share of the horseracing anti-doping and medication control program and the racetrack safety program for the next calendar year; and

(II) to liquidate the State's proportionate share of any loan or funding shortfall in the current calendar year and any previous calendar year.

(ii) BASIS OF CALCULATION.—The amounts calculated under clause (i) shall—

(I) be based on—

(aa) the annual budget of the Authority for the following calendar year, as approved by the Board; and

(bb) the projected amount of covered racing starts for the year in each State; and

(II) take into account other sources of Authority revenue.

(iii) REQUIREMENTS REGARDING BUDGETS OF AUTHORITY.—

(I) INITIAL BUDGET.—The initial budget of the Authority shall require the approval of ⅔ of the Board.

(II) SUBSEQUENT BUDGETS.—Any subsequent budget that exceeds the budget of the preceding calendar year by more than 5 percent shall require the approval of ⅔ of the Board.

(iv) RATE INCREASES.—

(I) IN GENERAL.—A proposed increase in the amount required under this subparagraph shall be reported to the Commission.

Federal Register, publication.

(II) NOTICE AND COMMENT.—The Commission shall publish in the Federal Register such a proposed increase and provide an opportunity for public comment.

(2) ASSESSMENT AND COLLECTION OF FEES BY STATES.—

Deadline.

(A) NOTICE OF ELECTION.—Any State racing commission that elects to remit fees pursuant to this subsection shall notify the Authority of such election not later than 60 days before the program effective date.

Regulations.

(B) REQUIREMENT TO REMIT FEES.—After a State racing commission makes a notification under subparagraph (A), the election shall remain in effect and the State racing commission shall be required to remit fees pursuant to this subsection according to a schedule established in rule developed by the Authority and approved by the Commission.

Termination date.

(C) WITHDRAWAL OF ELECTION.—A State racing commission may cease remitting fees under this subsection not earlier than one year after notifying the Authority of the intent of the State racing commission to do so.

(D) DETERMINATION OF METHODS.—Each State racing commission shall determine, subject to the applicable laws, regulations, and contracts of the State, the method by which the requisite amount of fees, such as foal registration fees, sales contributions, starter fees, and track fees, and

other fees on covered persons, shall be allocated, assessed, and collected.

(3) ASSESSMENT AND COLLECTION OF FEES BY THE AUTHORITY.—

(A) CALCULATION.—If a State racing commission does not elect to remit fees pursuant to paragraph (2) or withdraws its election under such paragraph, the Authority shall, not less frequently than monthly, calculate the applicable fee per racing start multiplied by the number of racing starts in the State during the preceding month. Time period.

(B) ALLOCATION.—The Authority shall allocate equitably the amount calculated under subparagraph (A) collected among covered persons involved with covered horseraces pursuant to such rules as the Authority may promulgate.

(C) ASSESSMENT AND COLLECTION.—

(i) IN GENERAL.—The Authority shall assess a fee equal to the allocation made under subparagraph (B) and shall collect such fee according to such rules as the Authority may promulgate.

(ii) REMITTANCE OF FEES.—Covered persons described in subparagraph (B) shall be required to remit such fees to the Authority.

(D) LIMITATION.—A State racing commission that does not elect to remit fees pursuant to paragraph (2) or that withdraws its election under such paragraph shall not impose or collect from any person a fee or tax relating to anti-doping and medication control or racetrack safety matters for covered horseraces.

(4) FEES AND FINES.—Fees and fines imposed by the Authority shall be allocated toward funding of the Authority and its activities.

(5) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require—

(A) the appropriation of any amount to the Authority; or

(B) the Federal Government to guarantee the debts of the Authority.

(g) QUORUM.—For all items where Board approval is required, the Authority shall have present a majority of independent members.

SEC. 1204. FEDERAL TRADE COMMISSION OVERSIGHT. 15 USC 3053.

(a) IN GENERAL.—The Authority shall submit to the Commission, in accordance with such rules as the Commission may prescribe under section 553 of title 5, United States Code, any proposed rule, or proposed modification to a rule, of the Authority relating to—

(1) the bylaws of the Authority;

(2) a list of permitted and prohibited medications, substances, and methods, including allowable limits of permitted medications, substances, and methods;

(3) laboratory standards for accreditation and protocols;

(4) standards for racing surface quality maintenance;

(5) racetrack safety standards and protocols;

(6) a program for injury and fatality data analysis;

(7) a program of research and education on safety, performance, and anti-doping and medication control;

(8) a description of safety, performance, and anti-doping and medication control rule violations applicable to covered horses and covered persons;

(9) a schedule of civil sanctions for violations;

(10) a process or procedures for disciplinary hearings; and

(11) a formula or methodology for determining assessments described in section 1203(f).

(b) PUBLICATION AND COMMENT.—

(1) IN GENERAL.—The Commission shall—

Federal Register, publication.

(A) publish in the Federal Register each proposed rule or modification submitted under subsection (a); and

(B) provide an opportunity for public comment.

(2) APPROVAL REQUIRED.—A proposed rule, or a proposed modification to a rule, of the Authority shall not take effect unless the proposed rule or modification has been approved by the Commission.

(c) DECISION ON PROPOSED RULE OR MODIFICATION TO A RULE.—

Deadlines.

(1) IN GENERAL.—Not later than 60 days after the date on which a proposed rule or modification is published in the Federal Register, the Commission shall approve or disapprove the proposed rule or modification.

(2) CONDITIONS.—The Commission shall approve a proposed rule or modification if the Commission finds that the proposed rule or modification is consistent with—

(A) this Act; and

(B) applicable rules approved by the Commission.

(3) REVISION OF PROPOSED RULE OR MODIFICATION.—

Recommendations.

(A) IN GENERAL.—In the case of disapproval of a proposed rule or modification under this subsection, not later than 30 days after the issuance of the disapproval, the Commission shall make recommendations to the Authority to modify the proposed rule or modification.

(B) RESUBMISSION.—The Authority may resubmit for approval by the Commission a proposed rule or modification that incorporates the modifications recommended under subparagraph (A).

(d) PROPOSED STANDARDS AND PROCEDURES.—

(1) IN GENERAL.—The Authority shall submit to the Commission any proposed rule, standard, or procedure developed by the Authority to carry out the horseracing anti-doping and medication control program or the racetrack safety program.

Federal Register, publication.

(2) NOTICE AND COMMENT.—The Commission shall publish in the Federal Register any such proposed rule, standard, or procedure and provide an opportunity for public comment.

(e) INTERIM FINAL RULES.—The Commission may adopt an interim final rule, to take effect immediately, under conditions specified in section 553(b)(B) of title 5, United States Code, if the Commission finds that such a rule is necessary to protect—

(1) the health and safety of covered horses; or

(2) the integrity of covered horseraces and wagering on those horseraces.

SEC. 1205. JURISDICTION OF THE COMMISSION AND THE HORSERACING INTEGRITY AND SAFETY AUTHORITY. 15 USC 3054.

(a) IN GENERAL.—Beginning on the program effective date, the Commission, the Authority, and the anti-doping and medication control enforcement agency, each within the scope of their powers and responsibilities under this Act, as limited by subsection (j), shall— Effective date.

(1) implement and enforce the horseracing anti-doping and medication control program and the racetrack safety program;

(2) exercise independent and exclusive national authority over—

(A) the safety, welfare, and integrity of covered horses, covered persons, and covered horseraces; and

(B) all horseracing safety, performance, and anti-doping and medication control matters for covered horses, covered persons, and covered horseraces; and

(3) have safety, performance, and anti-doping and medication control authority over covered persons similar to such authority of the State racing commissions before the program effective date.

(b) PREEMPTION.—The rules of the Authority promulgated in accordance with this Act shall preempt any provision of State law or regulation with respect to matters within the jurisdiction of the Authority under this Act, as limited by subsection (j). Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

(c) DUTIES.—

(1) IN GENERAL.—The Authority—

(A) shall develop uniform procedures and rules authorizing—

(i) access to offices, racetrack facilities, other places of business, books, records, and personal property of covered persons that are used in the care, treatment, training, and racing of covered horses;

(ii) issuance and enforcement of subpoenas and subpoenas duces tecum; and

(iii) other investigatory powers of the nature and scope exercised by State racing commissions before the program effective date; and

(B) with respect to an unfair or deceptive act or practice described in section 1210, may recommend that the Commission commence an enforcement action.

(2) APPROVAL OF COMMISSION.—The procedures and rules developed under paragraph (1)(A) shall be subject to approval by the Commission in accordance with section 1204.

(d) REGISTRATION OF COVERED PERSONS WITH AUTHORITY.—

(1) IN GENERAL.—As a condition of participating in covered races and in the care, ownership, treatment, and training of covered horses, a covered person shall register with the Authority in accordance with rules promulgated by the Authority and approved by the Commission in accordance with section 1204. Regulations.

(2) AGREEMENT WITH RESPECT TO AUTHORITY RULES, STANDARDS, AND PROCEDURES.—Registration under this subsection shall include an agreement by the covered person to be subject to and comply with the rules, standards, and procedures developed and approved under subsection (c).

(3) COOPERATION.—A covered person registered under this subsection shall, at all times—

(A) cooperate with the Commission, the Authority, the anti-doping and medication control enforcement agency, and any respective designee, during any civil investigation; and

(B) respond truthfully and completely to the best of the knowledge of the covered person if questioned by the Commission, the Authority, the anti-doping and medication control enforcement agency, or any respective designee.

(4) FAILURE TO COMPLY.—Any failure of a covered person to comply with this subsection shall be a violation of section 1208(a)(2)(G).

Contracts.

(e) ENFORCEMENT OF PROGRAMS.—

(1) ANTI-DOPING AND MEDICATION CONTROL ENFORCEMENT AGENCY.—

(A) AGREEMENT WITH USADA.—The Authority shall seek to enter into an agreement with the United States Anti-Doping Agency under which the Agency acts as the anti-doping and medication control enforcement agency under this Act for services consistent with the horseracing anti-doping and medication control program.

(B) AGREEMENT WITH OTHER ENTITY.—If the Authority and the United States Anti-Doping Agency are unable to enter into the agreement described in subparagraph (A), the Authority shall enter into an agreement with an entity that is nationally recognized as being a medication regulation agency equal in qualification to the United States Anti-Doping Agency to act as the anti-doping and medication control enforcement agency under this Act for services consistent with the horseracing anti-doping and medication control program.

(C) NEGOTIATIONS.—Any negotiations under this paragraph shall be conducted in good faith and designed to achieve efficient, effective best practices for anti-doping and medication control and enforcement on commercially reasonable terms.

(D) ELEMENTS OF AGREEMENT.—Any agreement under this paragraph shall include a description of the scope of work, performance metrics, reporting obligations, and budgets of the United States Anti-Doping Agency while acting as the anti-doping and medication control enforcement agency under this Act, as well as a provision for the revision of the agreement to increase in the scope of work as provided for in subsection (k), and any other matter the Authority considers appropriate.

(E) DUTIES AND POWERS OF ENFORCEMENT AGENCY.—The anti-doping and medication control enforcement agency under an agreement under this paragraph shall—

(i) serve as the independent anti-doping and medication control enforcement organization for covered horses, covered persons, and covered horseraces, implementing the anti-doping and medication control program on behalf of the Authority;

(ii) ensure that covered horses and covered persons are deterred from using or administering medications,

substances, and methods in violation of the rules established in accordance with this Act;

(iii) implement anti-doping education, research, testing, compliance and adjudication programs designed to prevent covered persons and covered horses from using or administering medications, substances, and methods in violation of the rules established in accordance with this Act;

(iv) exercise the powers specified in section 1206(c)(4) in accordance with that section; and

(v) implement and undertake any other responsibilities specified in the agreement.

(F) TERM AND EXTENSION.—

(i) TERM OF INITIAL AGREEMENT.—The initial agreement entered into by the Authority under this paragraph shall be in effect for the 5-year period beginning on the program effective date.

(ii) EXTENSION.—At the end of the 5-year period described in clause (i), the Authority may—

(I) extend the term of the initial agreement under this paragraph for such additional term as is provided by the rules of the Authority and consistent with this Act; or

(II) enter into an agreement meeting the requirements of this paragraph with an entity described by subparagraph (B) for such term as is provided by such rules and consistent with this Act.

(2) AGREEMENTS FOR ENFORCEMENT BY STATE RACING COMMISSIONS.—

(A) STATE RACING COMMISSIONS.—

(i) RACETRACK SAFETY PROGRAM.—The Authority may enter into agreements with State racing commissions for services consistent with the enforcement of the racetrack safety program.

(ii) ANTI-DOPING AND MEDICATION CONTROL PROGRAM.—The anti-doping and medication control enforcement agency may enter into agreements with State racing commissions for services consistent with the enforcement of the anti-doping and medication control program.

(B) ELEMENTS OF AGREEMENTS.—Any agreement under this paragraph shall include a description of the scope of work, performance metrics, reporting obligations, budgets, and any other matter the Authority considers appropriate.

(3) ENFORCEMENT OF STANDARDS.—The Authority may coordinate with State racing commissions and other State regulatory agencies to monitor and enforce racetrack compliance with the standards developed under paragraphs (1) and (2) of section 1207(c). Coordination.

(f) PROCEDURES WITH RESPECT TO RULES OF AUTHORITY.—

(1) ANTI-DOPING AND MEDICATION CONTROL.—

(A) IN GENERAL.—Recommendations for rules regarding anti-doping and medication control shall be developed in accordance with section 1206. Recommendations.

(B) CONSULTATION.—The anti-doping and medication control enforcement agency shall consult with the anti-doping and medication control standing committee and the Board of the Authority on all anti-doping and medication control rules of the Authority.

Recommendations.

(2) RACETRACK SAFETY.—Recommendations for rules regarding racetrack safety shall be developed by the racetrack safety standing committee of the Authority.

(g) ISSUANCE OF GUIDANCE.—

(1) The Authority may issue guidance that—

(A) sets forth—

(i) an interpretation of an existing rule, standard, or procedure of the Authority; or

(ii) a policy or practice with respect to the administration or enforcement of such an existing rule, standard, or procedure; and

(B) relates solely to—

(i) the administration of the Authority; or

(ii) any other matter, as specified by the Commission, by rule, consistent with the public interest and the purposes of this subsection.

(2) SUBMITTAL TO COMMISSION.—The Authority shall submit to the Commission any guidance issued under paragraph (1).

(3) IMMEDIATE EFFECT.—Guidance issued under paragraph (1) shall take effect on the date on which the guidance is submitted to the Commission under paragraph (2).

(h) SUBPOENA AND INVESTIGATORY AUTHORITY.—The Authority shall have subpoena and investigatory authority with respect to civil violations committed under its jurisdiction.

(i) CIVIL PENALTIES.—The Authority shall develop a list of civil penalties with respect to the enforcement of rules for covered persons and covered horseraces under its jurisdiction.

(j) CIVIL ACTIONS.—

(1) IN GENERAL.—In addition to civil sanctions imposed under section 1208, the Authority may commence a civil action against a covered person or racetrack that has engaged, is engaged, or is about to engage, in acts or practices constituting a violation of this Act or any rule established under this Act in the proper district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, to enforce any civil sanctions imposed under that section, and for all other relief to which the Authority may be entitled.

(2) INJUNCTIONS AND RESTRAINING ORDERS.—With respect to a civil action commenced under paragraph (1), upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(k) LIMITATIONS ON AUTHORITY.—

(1) PROSPECTIVE APPLICATION.—The jurisdiction and authority of the Authority and the Commission with respect to the horseracing anti-doping and medication control program and the racetrack safety program shall be prospective only.

(2) PREVIOUS MATTERS.—

(A) IN GENERAL.—The Authority and the Commission may not investigate, prosecute, adjudicate, or penalize conduct in violation of the horseracing anti-doping and medication control program and the racetrack safety program that occurs before the program effective date.

(B) STATE RACING COMMISSION.—With respect to conduct described in subparagraph (A), the applicable State racing commission shall retain authority until the final resolution of the matter.

(3) OTHER LAWS UNAFFECTED.—This Act shall not be construed to modify, impair or restrict the operation of the general laws or regulations, as may be amended from time to time, of the United States, the States and their political subdivisions relating to criminal conduct, cruelty to animals, matters unrelated to antidoping, medication control and racetrack and racing safety of covered horses and covered races, and the use of medication in human participants in covered races.

(l) ELECTION FOR OTHER BREED COVERAGE UNDER ACT.—

(1) IN GENERAL.—A State racing commission or a breed governing organization for a breed of horses other than Thoroughbred horses may elect to have such breed be covered by this Act by the filing of a designated election form and subsequent approval by the Authority. A State racing commission may elect to have a breed covered by this Act for the applicable State only.

(2) ELECTION CONDITIONAL ON FUNDING MECHANISM.—A commission or organization may not make an election under paragraph (1) unless the commission or organization has in place a mechanism to provide sufficient funds to cover the costs of the administration of this Act with respect to the horses that will be covered by this Act as a result of the election.

(3) APPORTIONMENT.—The Authority shall apportion costs described in paragraph (2) in connection with an election under paragraph (1) fairly among all impacted segments of the horseracing industry, subject to approval by the Commission in accordance with section 1204. Such apportionment may not provide for the allocation of costs or funds among breeds of horses.

SEC. 1206. HORSERACING ANTI-DOPING AND MEDICATION CONTROL PROGRAM. 15 USC 3055.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than the program effective date, and after notice and an opportunity for public comment in accordance with section 1204, the Authority shall establish a horseracing anti-doping and medication control program applicable to all covered horses, covered persons, and covered horseraces in accordance with the registration of covered persons under section 1205(d). Deadline.

(2) CONSIDERATION OF OTHER BREEDS.—In developing the horseracing anti-doping and medication control program with respect to a breed of horse that is made subject to this Act by election of a State racing commission or the breed governing organization for such horse under section 1205(k), the Authority shall consider the unique characteristics of such breed.

(b) CONSIDERATIONS IN DEVELOPMENT OF PROGRAM.—In developing the horseracing anti-doping and medication control program, the Authority shall take into consideration the following:

(1) Covered horses should compete only when they are free from the influence of medications, other foreign substances, and methods that affect their performance.

(2) Covered horses that are injured or unsound should not train or participate in covered races, and the use of medications, other foreign substances, and treatment methods that mask or deaden pain in order to allow injured or unsound horses to train or race should be prohibited.

(3) Rules, standards, procedures, and protocols regulating medication and treatment methods for covered horses and covered races should be uniform and uniformly administered nationally.

(4) To the extent consistent with this Act, consideration should be given to international anti-doping and medication control standards of the International Federation of Horseracing Authorities and the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association.

(5) The administration of medications and treatment methods to covered horses should be based upon an examination and diagnosis that identifies an issue requiring treatment for which the medication or method represents an appropriate component of treatment.

(6) The amount of therapeutic medication that a covered horse receives should be the minimum necessary to address the diagnosed health concerns identified during the examination and diagnostic process.

(7) The welfare of covered horses, the integrity of the sport, and the confidence of the betting public require full disclosure to regulatory authorities regarding the administration of medications and treatments to covered horses.

(c) ACTIVITIES.—The following activities shall be carried out under the horseracing anti-doping and medication control program:

Deadline.

(1) STANDARDS FOR ANTI-DOPING AND MEDICATION CONTROL.—Not later than 120 days before the program effective date, the Authority shall issue, by rule—

(A) uniform standards for—

(i) the administration of medication to covered horses by covered persons; and

(ii) laboratory testing accreditation and protocols; and

List.

(B) a list of permitted and prohibited medications, substances, and methods, including allowable limits of permitted medications, substances, and methods.

Time period.

(2) REVIEW PROCESS FOR ADMINISTRATION OF MEDICATION.—The development of a review process for the administration of any medication to a covered horse during the 48-hour period preceding the next racing start of the covered horse.

(3) AGREEMENT REQUIREMENTS.—The development of requirements with respect to agreements under section 1205(e).

(4) ANTI-DOPING AND MEDICATION CONTROL ENFORCEMENT AGENCY.—

Consultation.

(A) CONTROL RULES, PROTOCOLS, ETC.—Except as provided in paragraph (5), the anti-doping and medication control program enforcement agency under section 1205(e)

shall, in consultation with the anti-doping and medication control standing committee of the Authority and consistent with international best practices, develop and recommend anti-doping and medication control rules, protocols, policies, and guidelines for approval by the Authority.

(B) RESULTS MANAGEMENT.—The anti-doping and medication control enforcement agency shall conduct and oversee anti-doping and medication control results management, including independent investigations, charging and adjudication of potential medication control rule violations, and the enforcement of any civil sanctions for such violations. Any final decision or civil sanction of the anti-doping and medication control enforcement agency under this subparagraph shall be the final decision or civil sanction of the Authority, subject to review in accordance with section 1209.

(C) TESTING.—The anti-doping enforcement agency shall perform and manage test distribution planning (including intelligence-based testing), the sample collection process, and in-competition and out-of-competition testing (including no-advance-notice testing).

(D) TESTING LABORATORIES.—The anti-doping and medication control enforcement agency shall accredit testing laboratories based upon the standards established under this Act, and shall monitor, test, and audit accredited laboratories to ensure continuing compliance with accreditation standards.

(5) ANTI-DOPING AND MEDICATION CONTROL STANDING COMMITTEE.—The anti-doping and medication control standing committee shall, in consultation with the anti-doping and medication control enforcement agency, develop lists of permitted and prohibited medications, methods, and substances for recommendation to, and approval by, the Authority. Any such list may prohibit the administration of any substance or method to a horse at any time after such horse becomes a covered horse if the Authority determines such substance or method has a long-term degrading effect on the soundness of a horse.

Consultation. Lists. Recommendations.

Determination.

(d) PROHIBITION.—Except as provided in subsections (e) and (f), the horseracing anti-doping and medication control program shall prohibit the administration of any prohibited or otherwise permitted substance to a covered horse within 48 hours of its next racing start, effective as of the program effective date.

Time period. Effective date.

(e) ADVISORY COMMITTEE STUDY AND REPORT.—

(1) IN GENERAL.—Not later than the program effective date, the Authority shall convene an advisory committee comprised of horseracing anti-doping and medication control industry experts, including a member designated by the anti-doping and medication control enforcement agency, to conduct a study on the use of furosemide on horses during the 48-hour period before the start of a race, including the effect of furosemide on equine health and the integrity of competition and any other matter the Authority considers appropriate.

(2) REPORT.—Not later than three years after the program effective date, the Authority shall direct the advisory committee convened under paragraph (1) to submit to the Authority a written report on the study conducted under that paragraph

Recommendations.

that includes recommended changes, if any, to the prohibition in subsection (d).

(3) MODIFICATION OF PROHIBITION.—

Applicability. Effective date.

(A) IN GENERAL.—After receipt of the report required by paragraph (2), the Authority may, by unanimous vote of the Board of the Authority, modify the prohibition in subsection (d) and, notwithstanding subsection (f), any such modification shall apply to all States beginning on the date that is three years after the program effective date.

(B) CONDITION.—In order for a unanimous vote described in subparagraph (A) to effect a modification of the prohibition in subsection (d), the vote must include unanimous adoption of each of the following findings:

(i) That the modification is warranted.

(ii) That the modification is in the best interests of horse racing.

(iii) That furosemide has no performance enhancing effect on individual horses.

(iv) That public confidence in the integrity and safety of racing would not be adversely affected by the modification.

(f) EXEMPTION.—

Time period. Effective date.

(1) IN GENERAL.—Except as provided in paragraph (2), only during the three-year period beginning on the program effective date, a State racing commission may submit to the Authority, at such time and in such manner as the Authority may require, a request for an exemption from the prohibition in subsection (d) with respect to the use of furosemide on covered horses during such period.

(2) EXCEPTIONS.—An exemption under paragraph (1) may not be requested for—

(A) two-year-old covered horses; or

(B) covered horses competing in stakes races.

(3) CONTENTS OF REQUEST.—A request under paragraph (1) shall specify the applicable State racing commission's requested limitations on the use of furosemide that would apply to the State under the horseracing anti-doping and medication control program during such period. Such limitations shall be no less restrictive on the use and administration of furosemide than the restrictions set forth in State's laws and regulations in effect as of September 1, 2020.

(4) GRANT OF EXEMPTION.—Subject to subsection (e)(3), the Authority shall grant an exemption requested under paragraph (1) for the remainder of such period and shall allow the use of furosemide on covered horses in the applicable State, in accordance with the requested limitations.

(g) BASELINE ANTI-DOPING AND MEDICATION CONTROL RULES.—

(1) IN GENERAL.—Subject to paragraph (3), the baseline anti-doping and medication control rules described in paragraph (2) shall—

(A) constitute the initial rules of the horseracing anti-doping and medication control program; and

(B) except as exempted pursuant to subsections (e) and (f), remain in effect at all times after the program effective date.

(2) BASELINE ANTI-DOPING MEDICATION CONTROL RULES DESCRIBED.—

(A) IN GENERAL.—The baseline anti-doping and medication control rules described in this paragraph are the following: List.

(i) The lists of permitted and prohibited substances (including drugs, medications, and naturally occurring substances and synthetically occurring substances) in effect for the International Federation of Horseracing Authorities, including the International Federation of Horseracing Authorities International Screening Limits for urine, dated May 2019, and the International Federation of Horseracing Authorities International Screening Limits for plasma, dated May 2019.

(ii) The World Anti-Doping Agency International Standard for Laboratories (version 10.0), dated November 12, 2019.

(iii) The Association of Racing Commissioners International out-of-competition testing standards, Model Rules of Racing (version 9.2).

(iv) The Association of Racing Commissioners International penalty and multiple medication violation rules, Model Rules of Racing (version 6.2).

(B) CONFLICT OF RULES.—In the case of a conflict among the rules described in subparagraph (A), the most stringent rule shall apply.

(3) MODIFICATIONS TO BASELINE RULES.—

(A) DEVELOPMENT BY ANTI-DOPING AND MEDICATION CONTROL STANDING COMMITTEE.—The anti-doping and medication control standing committee, in consultation with the anti-doping and medication control enforcement agency, may develop and submit to the Authority for approval by the Authority proposed modifications to the baseline anti-doping and medication control rules.

(B) AUTHORITY APPROVAL.—If the Authority approves a proposed modification under this paragraph, the proposed modification shall be submitted to and considered by the Commission in accordance with section 1204.

(C) ANTI-DOPING AND MEDICATION CONTROL ENFORCEMENT AGENCY VETO AUTHORITY.—The Authority shall not approve any proposed modification that renders an anti-doping and medication control rule less stringent than the baseline anti-doping and medication control rules described in paragraph (2) (including by increasing permitted medication thresholds, adding permitted medications, removing prohibited medications, or weakening enforcement mechanisms) without the approval of the anti-doping and medication control enforcement agency.

SEC. 1207. RACETRACK SAFETY PROGRAM. 15 USC 3056.

(a) ESTABLISHMENT AND CONSIDERATIONS.—

(1) IN GENERAL.—Not later than the program effective date, and after notice and an opportunity for public comment in accordance with section 1204, the Authority shall establish a racetrack safety program applicable to all covered horses, covered persons, and covered horseraces in accordance with the registration of covered persons under section 1205(d). Deadline.

(2) CONSIDERATIONS IN DEVELOPMENT OF SAFETY PROGRAM.—In the development of the horseracing safety program

for covered horses, covered persons, and covered horseraces, the Authority and the Commission shall take into consideration existing safety standards including the National Thoroughbred Racing Association Safety and Integrity Alliance Code of Standards, the International Federation of Horseracing Authority's International Agreement on Breeding, Racing, and Wagering, and the British Horseracing Authority's Equine Health and Welfare program.

(b) ELEMENTS OF HORSERACING SAFETY PROGRAM.—The horseracing safety program shall include the following:

(1) A set of training and racing safety standards and protocols taking into account regional differences and the character of differing racing facilities.

(2) A uniform set of training and racing safety standards and protocols consistent with the humane treatment of covered horses, which may include lists of permitted and prohibited practices or methods (such as crop use).

(3) A racing surface quality maintenance system that—

(A) takes into account regional differences and the character of differing racing facilities; and

(B) may include requirements for track surface design and consistency and established standard operating procedures related to track surface, monitoring, and maintenance (such as standardized seasonal assessment, daily tracking, and measurement).

(4) A uniform set of track safety standards and protocols, that may include rules governing oversight and movement of covered horses and human and equine injury reporting and prevention.

(5) Programs for injury and fatality data analysis, that may include pre- and post-training and race inspections, use of a veterinarian's list, and concussion protocols.

(6) The undertaking of investigations at racetrack and non-racetrack facilities related to safety violations.

(7) Procedures for investigating, charging, and adjudicating violations and for the enforcement of civil sanctions for violations.

(8) A schedule of civil sanctions for violations.

(9) Disciplinary hearings, which may include binding arbitration, civil sanctions, and research.

(10) Management of violation results.

(11) Programs relating to safety and performance research and education.

Evaluation.

(12) An evaluation and accreditation program that ensures that racetracks in the United States meet the standards described in the elements of the Horseracing Safety Program.

(c) ACTIVITIES.—The following activities shall be carried out under the racetrack safety program:

(1) STANDARDS FOR RACETRACK SAFETY.—The development, by the racetrack safety standing committee of the Authority in section 1203(c)(2) of uniform standards for racetrack and horseracing safety.

(2) STANDARDS FOR SAFETY AND PERFORMANCE ACCREDITATION.—

Deadline.

(A) IN GENERAL.—Not later than 120 days before the program effective date, the Authority, in consultation with

the racetrack safety standing committee, shall issue, by rule in accordance with section 1204—

(i) safety and performance standards of accreditation for racetracks; and

(ii) the process by which a racetrack may achieve and maintain accreditation by the Authority.

(B) MODIFICATIONS.—

(i) IN GENERAL.—The Authority may modify rules establishing the standards issued under subparagraph (A), as the Authority considers appropriate.

(ii) NOTICE AND COMMENT.—The Commission shall publish in the Federal Register any proposed rule of the Authority, and provide an opportunity for public comment with respect to, any modification under clause (i) in accordance with section 1204.

Federal Register, publication.

(C) EXTENSION OF PROVISIONAL OR INTERIM ACCREDITATION.—The Authority may, by rule in accordance with section 1204, extend provisional or interim accreditation to a racetrack accredited by the National Thoroughbred Racing Association Safety and Integrity Alliance on a date before the program effective date.

(3) NATIONWIDE SAFETY AND PERFORMANCE DATABASE.—

(A) IN GENERAL.—Not later than one year after the program effective date, and after notice and an opportunity for public comment in accordance with section 1204, the Authority, in consultation with the Commission, shall develop and maintain a nationwide database of racehorse safety, performance, health, and injury information for the purpose of conducting an epidemiological study.

(B) COLLECTION OF INFORMATION.—In accordance with the registration of covered persons under section 1205(d), the Authority may require covered persons to collect and submit to the database described in subparagraph (A) such information as the Authority may require to further the goal of increased racehorse welfare.

SEC. 1208. RULE VIOLATIONS AND CIVIL SANCTIONS.

15 USC 3057.

(a) DESCRIPTION OF RULE VIOLATIONS.—

(1) IN GENERAL.—The Authority shall issue, by rule in accordance with section 1204, a description of safety, performance, and anti-doping and medication control rule violations applicable to covered horses and covered persons.

(2) ELEMENTS.—The description of rule violations established under paragraph (1) may include the following:

(A) With respect to a covered horse, strict liability for covered trainers for—

(i) the presence of a prohibited substance or method in a sample or the use of a prohibited substance or method;

(ii) the presence of a permitted substance in a sample in excess of the amount allowed by the horseracing anti-doping and medication control program; and

(iii) the use of a permitted method in violation of the applicable limitations established under the horseracing anti-doping and medication control program.

(B) Attempted use of a prohibited substance or method on a covered horse.

(C) Possession of any prohibited substance or method.

(D) Attempted possession of any prohibited substance or method.

(E) Administration or attempted administration of any prohibited substance or method on a covered horse.

(F) Refusal or failure, without compelling justification, to submit a covered horse for sample collection.

(G) Failure to cooperate with the Authority or an agent of the Authority during any investigation.

(H) Failure to respond truthfully, to the best of a covered person's knowledge, to a question of the Authority or an agent of the Authority with respect to any matter under the jurisdiction of the Authority.

(I) Tampering or attempted tampering with the application of the safety, performance, or anti-doping and medication control rules or process adopted by the Authority, including—

(i) the intentional interference, or an attempt to interfere, with an official or agent of the Authority;

(ii) the procurement or the provision of fraudulent information to the Authority or agent; and

(iii) the intimidation of, or an attempt to intimidate, a potential witness.

(J) Trafficking or attempted trafficking in any prohibited substance or method.

(K) Assisting, encouraging, aiding, abetting, conspiring, covering up, or any other type of intentional complicity involving a safety, performance, or anti-doping and medication control rule violation or the violation of a period of suspension or eligibility.

(L) Threatening or seeking to intimidate a person with the intent of discouraging the person from the good faith reporting to the Authority, an agent of the Authority or the Commission, or the anti-doping and medication control enforcement agency under section 1205(e), of information that relates to—

(i) an alleged safety, performance, or anti-doping and medication control rule violation; or

(ii) alleged noncompliance with a safety, performance, or anti-doping and medication control rule.

(b) TESTING LABORATORIES.—

Deadline.

(1) ACCREDITATION AND STANDARDS.—Not later than 120 days before the program effective date, the Authority shall, in consultation with the anti-doping and medication control enforcement agency, establish, by rule in accordance with section 1204—

(A) standards of accreditation for laboratories involved in testing samples from covered horses;

(B) the process for achieving and maintaining accreditation; and

(C) the standards and protocols for testing such samples.

(2) ADMINISTRATION.—The accreditation of laboratories and the conduct of audits of accredited laboratories to ensure compliance with Authority rules shall be administered by the anti-

doping and medication control enforcement agency. The anti-doping and medication control enforcement agency shall have the authority to require specific test samples to be directed to and tested by laboratories having special expertise in the required tests.

(3) EXTENSION OF PROVISIONAL OR INTERIM ACCREDITATION.—The Authority may, by rule in accordance with section 1204, extend provisional or interim accreditation to a laboratory accredited by the Racing Medication and Testing Consortium, Inc., on a date before the program effective date.

(4) SELECTION OF LABORATORIES.—

(A) IN GENERAL.—Except as provided in paragraph (2), a State racing commission may select a laboratory accredited in accordance with the standards established under paragraph (1) to test samples taken in the applicable State.

(B) SELECTION BY THE AUTHORITY.—If a State racing commission does not select an accredited laboratory under subparagraph (A), the Authority shall select such a laboratory to test samples taken in the State concerned.

(c) RESULTS MANAGEMENT AND DISCIPLINARY PROCESS.—

(1) IN GENERAL.—Not later than 120 days before the program effective date, the Authority shall establish in accordance with section 1204— Deadline.

(A) rules for safety, performance, and anti-doping and medication control results management; and

(B) the disciplinary process for safety, performance, and anti-doping and medication control rule violations.

(2) ELEMENTS.—The rules and process established under paragraph (1) shall include the following:

(A) Provisions for notification of safety, performance, and anti-doping and medication control rule violations.

(B) Hearing procedures.

(C) Standards for burden of proof.

(D) Presumptions.

(E) Evidentiary rules.

(F) Appeals.

(G) Guidelines for confidentiality and public reporting of decisions.

(3) DUE PROCESS.—The rules established under paragraph (1) shall provide for adequate due process, including impartial hearing officers or tribunals commensurate with the seriousness of the alleged safety, performance, or anti-doping and medication control rule violation and the possible civil sanctions for such violation.

(d) CIVIL SANCTIONS.—

(1) IN GENERAL.—The Authority shall establish uniform rules, in accordance with section 1204, imposing civil sanctions against covered persons or covered horses for safety, performance, and anti-doping and medication control rule violations.

(2) REQUIREMENTS.—The rules established under paragraph (1) shall—

(A) take into account the unique aspects of horseracing;

(B) be designed to ensure fair and transparent horseraces; and

(C) deter safety, performance, and anti-doping and medication control rule violations.

(3) SEVERITY.—The civil sanctions under paragraph (1) may include—

(A) lifetime bans from horseracing, disgorgement of purses, monetary fines and penalties, and changes to the order of finish in covered races; and

(B) with respect to anti-doping and medication control rule violators, an opportunity to reduce the applicable civil sanctions that is comparable to the opportunity provided by the Protocol for Olympic Movement Testing of the United States Anti-Doping Agency.

(e) MODIFICATIONS.—The Authority may propose a modification to any rule established under this section as the Authority considers appropriate, and the proposed modification shall be submitted to and considered by the Commission in accordance with section 1204.

15 USC 3058.

SEC. 1209. REVIEW OF FINAL DECISIONS OF THE AUTHORITY.

(a) NOTICE OF CIVIL SANCTIONS.— If the Authority imposes a final civil sanction for a violation committed by a covered person pursuant to the rules or standards of the Authority, the Authority shall promptly submit to the Commission notice of the civil sanction in such form as the Commission may require.

(b) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

Deadline.

(1) IN GENERAL.—With respect to a final civil sanction imposed by the Authority, on application by the Commission or a person aggrieved by the civil sanction filed not later than 30 days after the date on which notice under subsection (a) is submitted, the civil sanction shall be subject to de novo review by an administrative law judge.

(2) NATURE OF REVIEW.—

Determination.

(A) IN GENERAL.—In matters reviewed under this subsection, the administrative law judge shall determine whether—

(i) a person has engaged in such acts or practices, or has omitted such acts or practices, as the Authority has found the person to have engaged in or omitted;

(ii) such acts, practices, or omissions are in violation of this Act or the anti-doping and medication control or racetrack safety rules approved by the Commission; or

(iii) the final civil sanction of the Authority was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(B) CONDUCT OF HEARING.—An administrative law judge shall conduct a hearing under this subsection in such a manner as the Commission may specify by rule, which shall conform to section 556 of title 5, United States Code.

(3) DECISION BY ADMINISTRATIVE LAW JUDGE.—

(A) IN GENERAL.—With respect to a matter reviewed under this subsection, an administrative law judge—

Deadline.

(i) shall render a decision not later than 60 days after the conclusion of the hearing;

(ii) may affirm, reverse, modify, set aside, or remand for further proceedings, in whole or in part, the final civil sanction of the Authority; and

(iii) may make any finding or conclusion that, in the judgment of the administrative law judge, is proper and based on the record.

(B) FINAL DECISION.—A decision under this paragraph shall constitute the decision of the Commission without further proceedings unless a notice or an application for review is timely filed under subsection (c).

(c) REVIEW BY COMMISSION.—

(1) NOTICE OF REVIEW BY COMMISSION.—The Commission may, on its own motion, review any decision of an administrative law judge issued under subsection (b)(3) by providing written notice to the Authority and any interested party not later than 30 days after the date on which the administrative law judge issues the decision.

(2) APPLICATION FOR REVIEW.—

(A) IN GENERAL.—The Authority or a person aggrieved by a decision issued under subsection (b)(3) may petition the Commission for review of such decision by filing an application for review not later than 30 days after the date on which the administrative law judge issues the decision.

(B) EFFECT OF DENIAL OF APPLICATION FOR REVIEW.—If an application for review under subparagraph (A) is denied, the decision of the administrative law judge shall constitute the decision of the Commission without further proceedings.

(C) DISCRETION OF COMMISSION.—

(i) IN GENERAL.—A decision with respect to whether to grant an application for review under subparagraph (A) is subject to the discretion of the Commission.

(ii) MATTERS TO BE CONSIDERED.—In determining whether to grant such an application for review, the Commission shall consider whether the application makes a reasonable showing that— Determination.

(I) a prejudicial error was committed in the conduct of the proceeding; or

(II) the decision involved—

(aa) an erroneous application of the anti-doping and medication control or racetrack safety rules approved by the Commission; or

(bb) an exercise of discretion or a decision of law or policy that warrants review by the Commission.

(3) NATURE OF REVIEW.—

(A) IN GENERAL.—In matters reviewed under this subsection, the Commission may—

(i) affirm, reverse, modify, set aside, or remand for further proceedings, in whole or in part, the decision of the administrative law judge; and

(ii) make any finding or conclusion that, in the judgement of the Commission, is proper and based on the record.

(B) DE NOVO REVIEW.—The Commission shall review de novo the factual findings and conclusions of law made by the administrative law judge.

(C) CONSIDERATION OF ADDITIONAL EVIDENCE.—

(i) MOTION BY COMMISSION.—The Commission may, on its own motion, allow the consideration of additional evidence.

(ii) MOTION BY A PARTY.—

(I) IN GENERAL.—A party may file a motion to consider additional evidence at any time before the issuance of a decision by the Commission, which shall show, with particularity, that—

(aa) such additional evidence is material; and

(bb) there were reasonable grounds for failure to submit the evidence previously.

(II) PROCEDURE.—The Commission may—

(aa) accept or hear additional evidence; or

(bb) remand the proceeding to the administrative law judge for the consideration of additional evidence.

(d) STAY OF PROCEEDINGS.—Review by an administrative law judge or the Commission under this section shall not operate as a stay of a final civil sanction of the Authority unless the administrative law judge or Commission orders such a stay.

15 USC 3059.

SEC. 1210. UNFAIR OR DECEPTIVE ACTS OR PRACTICES.

The sale of a covered horse, or of any other horse in anticipation of its future participation in a covered race, shall be considered an unfair or deceptive act or practice in or affecting commerce under section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) if the seller—

(1) knows or has reason to know the horse has been administered—

(A) a bisphosphonate prior to the horse's fourth birthday; or

Determination.

(B) any other substance or method the Authority determines has a long-term degrading effect on the soundness of the covered horse; and

(2) fails to disclose to the buyer the administration of the bisphosphonate or other substance or method described in paragraph (1)(B).

15 USC 3060.

SEC. 1211. STATE DELEGATION; COOPERATION.

(a) STATE DELEGATION.—

Contracts.
Determination.

(1) IN GENERAL.—The Authority may enter into an agreement with a State racing commission to implement, within the jurisdiction of the State racing commission, a component of the racetrack safety program or, with the concurrence of the anti-doping and medication control enforcement agency under section 1205(e), a component of the horseracing anti-doping and medication control program, if the Authority determines that the State racing commission has the ability to implement such component in accordance with the rules, standards, and requirements established by the Authority.

(2) IMPLEMENTATION BY STATE RACING COMMISSION.—A State racing commission or other appropriate regulatory body of a State may not implement such a component in a manner less restrictive than the rule, standard, or requirement established by the Authority.

(b) COOPERATION.—To avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State law, where conduct by any person subject to the horseracing medication control program or the racetrack safety program may involve both a medication control or racetrack safety rule violation and violation of Federal or State law, the Authority and Federal or State law enforcement authorities shall cooperate and share information.

SEC. 1212. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE XIII—COMMUNITY DEVELOPMENT BLOCK GRANTS

SEC. 1301. COMMUNITY DEVELOPMENT BLOCK GRANTS.

(a) IN GENERAL.—Funds previously made available in chapter 9 of title X of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2, division A; 127 Stat. 36) under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Community Planning and Development—Community Development Fund" that were available for obligation through fiscal year 2017 are to remain available through fiscal year 2023 for the liquidation of valid obligations incurred in fiscal years 2013 through 2017.

(b) EMERGENCY.—Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XIV—COVID–19 CONSUMER PROTECTION ACT

SEC. 1401. PROHIBITING DECEPTIVE ACTS OR PRACTICES IN CONNECTION WITH THE NOVEL CORONAVIRUS.

COVID–19 Consumer Protection Act. 15 USC 45 note.

(a) SHORT TITLE.—This section may be cited as the "COVID–19 Consumer Protection Act".

(b) IN GENERAL.—For the duration of a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of confirmed cases of the 2019 novel coronavirus (COVID–19), including any renewal thereof, it shall be unlawful for any person, partnership, or corporation to engage in a deceptive act or practice in or affecting commerce in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) that is associated with—

(1) the treatment, cure, prevention, mitigation, or diagnosis of COVID–19; or

(2) a government benefit related to COVID–19.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) VIOLATION.—A violation of subsection (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission shall enforce subsection (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(3) EFFECT ON OTHER LAWS.—Nothing in this Act shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(d) SEVERABILITY.—If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

TITLE XV—AMERICAN COMPETE ACT

American Competitiveness Of a More Productive Emerging Tech Economy Act.

SEC. 1501. AMERICAN COMPETITIVENESS OF A MORE PRODUCTIVE EMERGING TECH ECONOMY.

(a) SHORT TITLE.—This title may be cited as the "American Competitiveness Of a More Productive Emerging Tech Economy Act" or the "American COMPETE Act".

(b) STUDY TO ADVANCE ARTIFICIAL INTELLIGENCE.—

(1) IN GENERAL.—

Deadline.

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce and the Federal Trade Commission shall complete a study on the state of the artificial intelligence industry and the impact of such industry on the United States economy.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Secretary and the Commission shall—

Survey. Lists.

(i) develop and conduct a survey of the artificial intelligence industry through outreach to participating entities as appropriate to—

(I) establish a list of industry sectors that implement and promote the use of artificial intelligence;

(II) establish a list of public-private partnerships focused on promoting the adoption and use of artificial intelligence, as well as industry-based bodies, including international bodies, which have developed, or are developing, mandatory or voluntary standards for artificial intelligence;

(III) the status of such industry-based mandatory or voluntary standards; and

(IV) provide a description of the ways entities or industry sectors implement and promote the use of artificial intelligence;

(ii) develop a comprehensive list of Federal agencies with jurisdiction over the entities and industry sectors identified under clause (i); List.

(iii) identify which Federal agency or agencies listed under clause (ii) each entity or industry sector interacts with;

(iv) identify all interagency activities that are taking place among the Federal agencies listed under clause (ii), such as working groups or other coordinated efforts;

(v) develop a brief description of the jurisdiction and expertise of the Federal agencies listed under clause (ii) with regard to such entities and industry sectors;

(vi) identify all regulations, guidelines, mandatory standards, voluntary standards, and other policies implemented by each of the Federal agencies identified under clause (ii), as well as all guidelines, mandatory standards, voluntary standards, and other policies implemented by industry-based bodies;

(vii) identify Federal Government resources that exist for consumers and small businesses to evaluate the use of artificial intelligence; and

(viii) consult with the Office of Science and Technology Policy and interagency efforts on artificial intelligence to minimize duplication of activities among the Federal agencies identified under clause (ii). Consultation.

(2) MARKETPLACE AND SUPPLY CHAIN SURVEY.—The Secretary and Commission shall conduct a survey of the marketplace and supply chain of artificial intelligence to—

(A) identify and assess risks posed to such marketplace and supply chain; Assessment.

(B) review the ability of foreign governments or third parties to exploit the supply chain in a manner that raises risks to the economic and national security of the United States; and Review.

(C) identify emerging risks and long-term trends in such marketplace and supply chain.

(3) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required under paragraph (1), the Secretary and the Commission shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on their respective websites, a report that contains— Public information. Web postings.

(A) the results of the study conducted pursuant to paragraph (1) and the survey conducted pursuant to paragraph (2); and

(B) recommendations to— Recommendations. Strategies.

(i) grow the United States economy through the secure advancement of artificial intelligence;

(ii) develop a national strategy to advance the United States business sectors' position in the world on the adoption of artificial intelligence;

(iii) develop strategies to mitigate current and emerging risks to the marketplace and supply chain of artificial intelligence; and

(iv) develop legislation that—

(I) advances the expeditious adoption of artificial intelligence applications in interstate commerce that takes into account findings from available Federal advisory committees that produce recommendations on artificial intelligence to the extent possible; and

(II) addresses societal priorities related to the expeditious adoption of artificial intelligence applications in interstate commerce, including but not limited to maintaining ethics, reducing bias, and protecting privacy and security.

(c) STUDY TO ADVANCE INTERNET OF THINGS IN MANUFACTURING.—

(1) IN GENERAL.—

Deadline. Coordination.

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in coordination with the head of any other appropriate Federal agency, shall complete a study on the use of internet-connected devices and internet-connected solutions in manufacturing in the United States.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Secretary shall—

Survey. Lists.

(i) develop and conduct a survey of the manufacturing industry through outreach to participating entities as appropriate to—

(I) establish a list of the industry sectors that implement and promote the use of internet-connected devices and internet-connected solutions in manufacturing;

(II) establish a list of public-private partnerships focused on promoting the adoption and use of internet-connected devices and internet-connected solutions in manufacturing, as well as industry-based bodies, including international bodies, that have developed, or are developing, mandatory or voluntary standards for such uses;

(III) the status of such industry-based mandatory or voluntary standards;

(IV) provide a description of the ways entities or industry sectors implement and promote the use of internet-connected devices and internet-connected solutions in manufacturing;

List.

(ii) develop a comprehensive list of Federal agencies with jurisdiction over the entities and industry sectors identified under clause (i);

(iii) identify which Federal agency or agencies listed under clause (ii) each entity or industry sector interacts with;

(iv) identify all interagency activities that are taking place among the Federal agencies listed under

clause (ii), such as working groups or other coordinated efforts;

(v) develop a brief description of the jurisdiction and expertise of the Federal agencies listed under clause (ii) with regard to such entities and industry sectors;

(vi) identify all regulations, guidelines, mandatory standards, voluntary standards, and other policies implemented by each of the Federal agencies identified under clause (ii), as well as all guidelines, mandatory standards, voluntary standards, and other policies implemented by industry-based bodies; and

(vii) identify Federal Government resources that exist for consumers and small businesses to evaluate the use of internet-connected devices and internet-connected solutions in manufacturing.

(2) MARKETPLACE AND SUPPLY CHAIN SURVEY.—The Secretary shall conduct a survey of the marketplace and supply chain of internet-connected devices and internet-connected solutions used in manufacturing to—

Assessment.

(A) assess the severity of risks posed to such marketplace and supply chain;

Review.

(B) review the ability of foreign governments or third parties to exploit the supply chain in a manner that raises risks to the economic and national security of the United States; and

(C) identify emerging risks and long-term trends in such marketplace and supply chain.

Public information. Web posting.

(3) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to paragraph (1), the Secretary shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Department of Commerce, a report that contains—

(A) the results of the study conducted pursuant to paragraph (1) and the surveys conducted pursuant to paragraph (2); and

Recommendations. Strategies.

(B) recommendations to—

(i) grow the United States economy through the secure advancement of the use of internet-connected devices and internet-connected solutions in manufacturing;

(ii) develop a national strategy to advance the United States business sectors' position in the world on the adoption of internet-connected devices and internet-connected solutions used in manufacturing;

(iii) develop strategies to mitigate current and emerging risks to the marketplace and supply chain of internet-connected devices and internet-connected solutions used in manufacturing;

(iv) develop policies that States can adopt to encourage the growth of manufacturing, including the use of internet-connected devices and internet-connected solutions in manufacturing; and

(v) develop legislation that may advance the expeditious adoption of the use of internet-connected devices and internet-connected solutions in manufacturing.

(d) STUDY TO ADVANCE QUANTUM COMPUTING.—

(1) IN GENERAL.—

Deadline.

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce and the Federal Trade Commission shall complete a study on the state of the quantum computing industry and the impact of such industry on the United States economy.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Secretary and the Commission shall—

(i) develop and conduct a survey of the quantum computing industry through outreach to participating entities as appropriate to—

Survey.
Lists.

(I) establish a list of industry sectors that implement and promote the use of quantum computing;

(II) establish a list of public-private partnerships focused on promoting the adoption and use of quantum computing, as well as industry-based bodies, including international bodies, which have developed, or are developing, mandatory or voluntary standards for quantum computing;

(III) the status of such industry-based mandatory or voluntary standards; and

(IV) provide a description of the ways entities or industry sectors implement and promote the use of quantum computing;

List.

(ii) develop a comprehensive list of Federal agencies with jurisdiction over the entities and industry sectors identified under clause (i);

(iii) identify which Federal agency or agencies listed under clause (ii) each entity or industry sector interacts with;

(iv) identify all interagency activities that are taking place among the Federal agencies listed under clause (ii), such as working groups or other coordinated efforts;

(v) develop a brief description of the jurisdiction and expertise of the Federal agencies listed under clause (ii) with regard to such entities and industry sectors;

(vi) identify all regulations, guidelines, mandatory standards, voluntary standards, and other policies implemented by each of the Federal agencies identified under clause (ii), as well as all guidelines, mandatory standards, voluntary standards, and other policies implemented by industry-based bodies;

(vii) identify Federal Government resources that exist for consumers and small businesses to evaluate the use of quantum computing; and

Consultation.

(viii) consult with the Office of Science and Technology Policy and interagency efforts on quantum authorized by sections 102 and 103 of the National

Quantum Initiative Act (Public Law 115–368) to minimize duplication of activities in this subparagraph among the Federal agencies listed under clause (ii).

(2) MARKETPLACE AND SUPPLY CHAIN SURVEY.—The Secretary and Commission shall conduct a survey of the marketplace and supply chain of quantum computing to—

Assessment.

(A) assess the severity of risks posed to such marketplace and supply chain;

Review.

(B) review the ability of foreign governments or third parties to exploit the supply chain in a manner that raises risks to the economic and national security of the United States; and

(C) identify emerging risks and long-term trends in such marketplace and supply chain.

Public information. Web postings.

(3) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to paragraph (1), the Secretary and the Commission shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on their respective websites, a report that contains—

(A) the results of the study conducted pursuant to paragraph (1) and the survey conducted pursuant to paragraph (2); and

(B) recommendations to—

Recommendations. Strategies.

(i) grow the United States economy through the secure advancement of quantum computing;

(ii) develop a national strategy to advance the United States business sectors' position in the world on the adoption of quantum computing;

(iii) develop strategies to mitigate current and emerging risks to the marketplace and supply chain of quantum computing; and

(iv) develop legislation that may advance the expeditious adoption of quantum computing.

(e) STUDY TO ADVANCE BLOCKCHAIN TECHNOLOGY.—

(1) IN GENERAL.—

Deadline.

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce and the Federal Trade Commission shall complete a study on the state of the blockchain technology industry and the impact of such industry on the United States economy.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Secretary and the Commission shall—

Survey. Lists.

(i) develop and conduct a survey of the blockchain technology industry through outreach to participating entities as appropriate to—

(I) establish a list of industry sectors that implement and promote the use of blockchain technology;

(II) establish a list of public-private partnerships focused on promoting the adoption and use of blockchain technology, as well as industry-based bodies, including international bodies, which have developed, or are developing, mandatory or voluntary standards for blockchain technology;

(III) the status of such industry-based mandatory or voluntary standards; and

(IV) provide a description of the ways entities or industry sectors implement and promote the use of blockchain technology;

List.

(ii) develop a comprehensive list of Federal agencies with jurisdiction over the entities and industry sectors identified under clause (i);

(iii) identify which Federal agency or agencies listed under clause (ii) each entity or industry sector interacts with;

(iv) identify all interagency activities that are taking place among the Federal agencies listed under clause (ii), such as working groups or other coordinated efforts;

(v) develop a brief description of the jurisdiction and expertise of the Federal agencies listed under clause (ii) with regard to such entities and industry sectors;

(vi) identify all regulations, guidelines, mandatory standards, voluntary standards, and other policies implemented by each of the Federal agencies identified under clause (ii), as well as all guidelines, mandatory standards, voluntary standards, and other policies implemented by industry-based bodies; and

(vii) identify Federal Government resources that exist for consumers and small businesses to evaluate the use of blockchain technology.

(2) MARKETPLACE AND SUPPLY CHAIN SURVEY.—The Secretary and Commission shall conduct a survey of the marketplace and supply chain of blockchain technology to—

Assessment.

(A) assess the severity of risks posed to such marketplace and supply chain;

Review.

(B) review the ability of foreign governments or third parties to exploit the supply chain in a manner that raises risks to the economic and national security of the United States; and

(C) identify emerging risks and long-term trends in such marketplace and supply chain.

Public information. Web postings.

(3) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to paragraph (1), the Secretary and the Commission shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on their respective websites, a report that contains—

(A) the results of the study conducted pursuant to paragraph (1) and the survey conducted pursuant to paragraph (2); and

Recommendations. Strategies.

(B) recommendations to—

(i) grow the United States economy through the secure advancement of blockchain technology;

(ii) develop a national strategy to advance the United States business sectors' position in the world on the adoption of blockchain technology;

(iii) develop strategies to mitigate current and emerging risks to the marketplace and supply chain of blockchain technology; and

(iv) develop legislation that may advance the expeditious adoption of blockchain technology.

(f) STUDY TO ADVANCE NEW AND ADVANCED MATERIALS.—

(1) IN GENERAL.—

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce and the Federal Trade Commission, in coordination with the head of any other appropriate Federal agency, shall complete a study on the state of new and advanced materials industry, including synthetically derived or enhanced natural properties, and the impact of such industry on the United States economy. Deadline. Coordination.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Secretary and the Commission shall—

(i) develop and conduct a survey of the new and advanced materials industry through outreach to participating entities as appropriate to— Survey. Lists.

(I) establish a list of industry sectors that implement and promote the use of new and advanced materials;

(II) establish a list of public-private partnerships focused on promoting the adoption and use of new and advanced materials, as well as industry-based bodies, including international bodies, which have developed, or are developing, mandatory or voluntary standards for new and advanced materials;

(III) the status of such industry-based mandatory or voluntary standards; and

(IV) provide a description of the ways entities or industry sectors implement and promote the use of new and advanced materials;

(ii) develop a comprehensive list of Federal agencies with jurisdiction over the entities and industry sectors identified under clause (i); List.

(iii) identify which Federal agency or agencies listed under clause (ii) each entity or industry sector interacts with;

(iv) identify all interagency activities that are taking place among the Federal agencies listed under clause (ii), such as working groups or other coordinated efforts;

(v) develop a brief description of the jurisdiction and expertise of the Federal agencies listed under clause (ii) with regard to such entities and industry sectors;

(vi) identify all regulations, guidelines, mandatory standards, voluntary standards, and other policies implemented by each of the Federal agencies identified under clause (ii), as well as all guidelines, mandatory standards, voluntary standards, and other policies implemented by industry-based bodies; and

(vii) identify Federal Government resources that exist for consumers and small businesses to evaluate the use of new and advanced materials.

(2) MARKETPLACE AND SUPPLY CHAIN SURVEY.—The Secretary and Commission shall conduct a survey of the marketplace and supply chain of new and advanced materials to—

Assessment.

(A) assess the severity of risks posed to such marketplace and supply chain;

Review.

(B) review the ability of foreign governments or third parties to exploit the supply chain in a manner that raises risks to the economic and national security of the United States; and

(C) identify emerging risks and long-term trends in such marketplace and supply chain.

Public information. Web postings.

(3) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to paragraph (1), the Secretary and the Commission shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on their respective websites, a report that contains—

(A) the results of the study conducted pursuant to paragraph (1) and the survey conducted pursuant to paragraph (2); and

Recommendations.

(B) recommendations to—

(i) grow the United States economy through the secure advancement of new and advanced materials;

(ii) develop a national strategy to advance the United States business sectors' position in the world on the adoption of new and advanced materials;

(iii) develop strategies to mitigate current and emerging risks to the marketplace and supply chain of new and advanced materials; and

(iv) develop legislation that may advance the expeditious adoption of new and advanced materials.

(g) STUDY TO ADVANCE UNMANNED DELIVERY SERVICES.—

(1) IN GENERAL.—

Deadline.

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in coordination with the head of any other appropriate Federal agency, shall complete a study on the impact of unmanned delivery services on United States businesses conducting interstate commerce.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Secretary shall do the following:

(i) Conduct a survey through outreach to participating entities to—

List.

(I) establish a list of the industry sectors that develop and use unmanned delivery services, including the use of autonomous vehicles, drones, and robots;

Review.

(II) review how unmanned delivery services are currently being used and any potential future applications of such services;

(III) identify any challenges to the development and adoption of unmanned delivery services;

(IV) review how such services may be used to— Review.

(aa) deliver groceries, meals, medications, and other necessities to senior citizens, people with disabilities, and people without access to traditional public transportation;

(bb) address challenges public health emergencies present, including delivering groceries, meals, medications, medical supplies, and other necessities during such emergencies; and

(cc) any other potential use of such services;

(V) identify any safety risks associated with the adoption of unmanned delivery services on roads, in the air, or other environments, including any dangers posed to pedestrians, bicyclists, motorcyclists, motorists, or property;

(VI) identify the effect of unmanned delivery services on traffic safety and congestion;

(VII) evaluate the extent to which software, technology, and infrastructure behind unmanned delivery services are developed and manufactured in the United States; Evaluation.

(VIII) identify the number and types of jobs that may be lost or substantially changed due to the development and adoption of unmanned delivery services;

(IX) identify the number and types of jobs that may be created due to the development and adoption of unmanned delivery services; and

(X) evaluate the effect of the adoption unmanned delivery services on job quality for low, middle, and high-skilled workers. Evaluation.

(ii) Develop and conduct a survey of Federal activity related to unmanned delivery services to—

(I) establish a list of Federal agencies asserting jurisdiction over industry sectors identified under clause (i)(II);

(II) develop a brief description of the jurisdiction and expertise of the Federal agencies regarding unmanned delivery services; and

(III) identify all interagency activities regarding unmanned delivery services.

(iii) Conduct a survey of the marketplace and supply chain of unmanned delivery services to—

(I) assess the severity of risks posed to such marketplace and supply chain; Assessment.

(II) review the ability of foreign governments or third parties to exploit such supply chain in a manner that raises risks to the economic and national security of the United States; and Review.

(III) identify emerging risks and long-term trends in such marketplace and supply chain.

(C) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to paragraph (1), the Secretary, in coordination with the head Coordination. Public information. Web posting.

of any other appropriate Federal agency, shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Department of Commerce, a report that contains—

(i) the results of the study conducted under paragraph (1); and

Recommendations.

(ii) recommendations to—

(I) develop and implement a comprehensive plan to promote the development and adoption of unmanned delivery services in the United States;

(II) develop policies that States can adopt to encourage the development and adoption of unmanned delivery services;

(III) develop a national strategy to advance the United States position in the world on the development and adoption of unmanned delivery services, and manufacture of technology behind unmanned delivery services;

(IV) develop strategies to mitigate current and emerging risks to the marketplace and supply chain of unmanned delivery services; and

(V) develop legislation to accomplish such recommendations.

(h) STUDY TO ADVANCE INTERNET OF THINGS.—

(1) STUDY.—The Secretary of Commerce shall conduct a study on the state of the internet-connected devices industry (commonly known as the "Internet of Things") in the United States. In conducting the study, the Secretary shall—

Survey.
Lists.

(A) develop and conduct a survey of the internet-connected devices industry through outreach to participating entities as appropriate, including—

(i) a list of the industry sectors that develop internet-connected devices;

(ii) a list of public-private partnerships focused on promoting the adoption and use of internet-connected devices, as well as industry-based bodies, including international bodies, which have developed, or are developing, mandatory or voluntary standards for internet-connected devices;

(iii) the status of the industry-based mandatory or voluntary standards identified in clause (ii); and

(iv) a description of the ways entities or industry sectors develop, use, or promote the use of internet-connected devices;

List.

(B) develop a comprehensive list of Federal agencies with jurisdiction over the entities and industry sectors identified under subparagraph (A);

(C) identify which Federal agency or agencies listed under subparagraph (B) each entity or industry sector interacts with;

(D) identify all interagency activities that are taking place among the Federal agencies listed under subparagraph (B), such as working groups or other coordinated efforts;

(E) develop a brief description of the jurisdiction and expertise of the Federal agencies listed under subparagraph (B) with regard to such entities and industry sectors;

(F) identify all regulations, guidelines, mandatory standards, voluntary standards, and other policies implemented by each of the Federal agencies identified under subparagraph (B), as well as all guidelines, mandatory standards, voluntary standards, and other policies implemented by industry-based bodies; and

(G) identify Federal Government resources that exist for consumers and small businesses to evaluate internet-connected devices.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Department of Commerce, a report that contains— Public information. Web posting.

(A) the results of the study conducted under paragraph (1); and

(B) recommendations of the Secretary for growth of the United States economy through the secure advancement of internet-connected devices. Recommendations.

(3) DEFINITIONS.—In this subsection—

(A) the term "Federal agency" means an agency, as defined in section 551 of title 5, United States Code; and

(B) the term "internet-connected device" means a physical object that—

(i) is capable of connecting to the internet, either directly or indirectly through a network, to communicate information at the direction of an individual; and

(ii) has computer processing capabilities for collecting, sending, receiving, or analyzing data.

(i) STUDY TO ADVANCE THREE-DIMENSIONAL PRINTING.—

(1) IN GENERAL.—

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in coordination with the head of any other appropriate Federal agency, shall complete a study on the state of the three-dimensional printing industry and the impact of such industry on the United States economy. Deadline.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Secretary shall—

(i) develop and conduct a survey of the three-dimensional printing industry through outreach to participating entities as appropriate to— Survey. Lists.

(I) establish a list of industry sectors that implement and promote the use of three-dimensional printing;

(II) establish a list of public-private partnerships focused on promoting the adoption and use

of three-dimensional printing, as well as industry-based bodies, including international bodies, which have developed, or are developing, mandatory or voluntary standards for three-dimensional printing;

(III) the status of such industry-based mandatory or voluntary standards; and

(IV) provide a description of the ways entities or industry sectors implement and promote the use of three-dimensional printing;

List.

(ii) develop a comprehensive list of Federal agencies with jurisdiction over the entities and industry sectors identified under clause (i);

(iii) identify which Federal agency or agencies listed under clause (ii) each entity or industry sector interacts with;

(iv) identify all interagency activities that are taking place among the Federal agencies listed under clause (ii), such as working groups or other coordinated efforts;

(v) develop a brief description of the jurisdiction and expertise of the Federal agencies listed under clause (ii) with regard to such entities and industry sectors;

(vi) identify all regulations, guidelines, mandatory standards, voluntary standards, and other policies implemented by each of the Federal agencies identified under clause (ii), as well as all guidelines, mandatory standards, voluntary standards, and other policies implemented by industry-based bodies; and

(vii) identify Federal Government resources that exist for consumers and small businesses to evaluate the use of three-dimensional printing.

(2) MARKETPLACE AND SUPPLY CHAIN SURVEY.—The Secretary shall conduct a survey of the marketplace and supply chain of three-dimensional printing to—

Assessment.

(A) assess the severity of risks posed to such marketplace and supply chain;

Review.

(B) review the ability of foreign governments or third parties to exploit the supply chain in a manner that raises risks to the economic and national security of the United States; and

(C) identify emerging risks and long-term trends in such marketplace and supply chain.

Public information. Web posting.

(3) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to paragraph (1), the Secretary shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Department of Commerce, a report that contains—

(A) the results of the study conducted pursuant to paragraph (1) and the survey conducted pursuant to paragraph (2); and

Recommendations. Strategies.

(B) recommendations to—

(i) grow the United States economy through the secure advancement of three-dimensional printing;

(ii) develop a national strategy to advance the United States business sectors' position in the world on the adoption of three-dimensional printing;

(iii) develop strategies to mitigate current and emerging risks to the marketplace and supply chain of three-dimensional printing; and

(iv) develop legislation that may advance the expeditious adoption of three-dimensional printing.

(j) STUDY TO COMBAT ONLINE HARMS THROUGH INNOVATION.—

(1) IN GENERAL.—

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall conduct and complete a study on how artificial intelligence may be used to address the online harms described in subparagraph (B). Deadline.

(B) REQUIREMENTS FOR STUDY.—In conducting the study, the Commission shall consider whether and how artificial intelligence may be used to identify, remove, or take any other appropriate action necessary to address the following online harms:

(i) Deceptive and fraudulent content intended to scam or otherwise harm individuals, including such practices directed at senior citizens.

(ii) Manipulated content intended to mislead individuals, including deepfake videos and fake individual reviews.

(iii) Website or mobile application interfaces designed to intentionally mislead or exploit individuals.

(iv) Illegal content online, including the illegal sale of opioids, child sexual exploitation and abuse, revenge pornography, harassment, cyberstalking, hate crimes, the glorification of violence or gore, and incitement of violence.

(v) Terrorist and violent extremists' abuse of digital platforms, including the use of such platforms to promote themselves, share propaganda, and glorify real-world acts of violence.

(vi) Disinformation campaigns coordinated by inauthentic accounts or individuals to influence United States elections.

(vii) The sale of counterfeit products.

(2) REPORT TO CONGRESS.—Not later than 6 months after the completion of the study required pursuant to paragraph (1), the Commission shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on its website, a report that contains— Public information. Web posting. Recommendations.

(A) the results of the study conducted under paragraph (1);

(B) recommendations on how artificial intelligence may be used to address the online harms described in paragraph (1)(B);

(C) recommendations on what reasonable policies, practices, and procedures may be implemented to utilize artificial intelligence to address such online harms; and

(D) recommendations for any legislation that may advance the adoption and use of artificial intelligence to address such online harms.

Notification.

(k) COMBINATION OF STUDIES AUTHORIZED.—The Secretary of Commerce and the Federal Trade Commission, after notifying the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, may combine any of the studies required pursuant to this Act.

(l) PROTECTION OF NATIONAL SECURITY.—

(1) INFORMATION EXEMPT FROM PUBLIC DISCLOSURE.—Nothing in this Act shall be construed to require the disclosure of information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that may be withheld under section 552a of title 5, United States Code.

(2) CLASSIFIED AND CERTAIN OTHER INFORMATION.—Nothing in this Act shall be construed to require the publication, on a website or otherwise, of any report containing information that is classified, or the public release of which could have a harmful effect on national security.

(3) FORM OF REPORTS TO CONGRESS.—In the case of each report that is required by this Act to be submitted to a committee of Congress, such report shall be submitted in unclassified form, but may include a classified annex.

(4) SUBMISSION OF REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of each report that is required by this Act to be submitted to a committee of Congress, such report shall also be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(m) APPROPRIATIONS REQUIRED.—This Act is subject to appropriations that may be available for the Department of Commerce or the Federal Trade Commission, as applicable.

TITLE XVI—RECORDING OF CERTAIN OBLIGATIONS BY THE DEPARTMENT OF VETERANS AFFAIRS

38 USC 1701 note.
Effective date.

SEC. 1601. RECORDING OF OBLIGATIONS.

Hereafter, subject to the availability of appropriations, the Secretary of Veterans Affairs shall record as an obligation of the United States Government amounts owed for hospital care or medical services furnished at non-Department facilities under title 38, United States Code, or Acts making appropriations for the Department of Veterans Affairs, on the date on which the Secretary approves: (i) a claim by a health care provider for payment or (ii) a voucher, invoice, or request for payment from a vendor for services rendered under a contract: *Provided*, That for any fiscal year in which an appropriation for the payment of hospital care or medical services furnished at non-Department facilities has been exhausted or has yet to be enacted, this title shall not provide

the Secretary of Veterans Affairs with the authority to issue any new authorizations or orders for such care or such services in advance of such appropriation: *Provided further*, That this title shall take effect as if enacted on October 1, 2018: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Department of Veterans Affairs, in consultation with the Office of Management and Budget, shall submit a report to the President and the Congress, similar to the report required pursuant to 31 U.S.C. 1351, detailing how, in the absence of the enactment of this title, the expenditures or obligations would have exceeded the amount available in fiscal year 2019 and fiscal year 2020 in the Medical Community Care appropriation: *Provided further*, That the report required in the preceding proviso shall also include an explanation as to how the Department plans to avoid incurring obligations for the Medical Community Care appropriation in excess of its available budgetary resources in fiscal year 2021 and future fiscal years pursuant to the recording of obligations required by this title.

Effective date.

Consultation. Reports.

TITLE XVII—SUDAN CLAIMS RESOLUTION

Sudan Claims Resolution Act.

SEC. 1701. SHORT TITLE.

28 USC 1605A note.

This title may be cited as the "Sudan Claims Resolution Act".

SEC. 1702. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should support Sudan's democratic transition, particularly in light of the country's dire economic situation, and this is a critical moment to address longstanding issues in the relationship between the United States and Sudan;

(2) as part of the process of restoring normal relations between Sudan and the United States, Congress supports efforts to provide meaningful compensation to individuals employed by or serving as contractors for the United States Government, as well as their family members, who personally have been awarded by a United States District Court a judgment for compensatory damages against Sudan; and

(3) the terrorism-related claims of victims and family members of the September 11, 2001, terrorist attacks must be preserved and protected.

SEC. 1703. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(2) CLAIMS AGREEMENT.—The term "claims agreement" means the Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of the Sudan, done at Washington, D.C., on October 30, 2020, including all annexes, appendices, side letters, related agreements, and instruments for implementation,

including the escrow agreement among the Central Bank of Sudan, the Federal Reserve Bank of New York, and the escrow agent appointed thereby, as well as the escrow conditions release agreement, set out in an exchange of diplomatic notes between the United States and Sudan on October 21, 2020, and subsequently amended on December 19, 2020.

(3) FOREIGN NATIONAL.—The term "foreign national" means an individual who is not a citizen of the United States.

(4) SECRETARY.—The term "Secretary" means the Secretary of State.

(5) STATE SPONSOR OF TERRORISM.—The term "state sponsor of terrorism" means a country the government of which the Secretary has determined is a government that has repeatedly provided support for acts of international terrorism, for purposes of—

(A) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i));

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(D) any other provision of law.

(6) SUDAN.—The term "Sudan" means the Government of the Republic of the Sudan.

SEC. 1704. RECEIPT OF ADEQUATE FUNDS; IMMUNITIES OF SUDAN.

(a) IMMUNITY.—

(1) IN GENERAL.—Subject to section 1706, and notwithstanding any other provision of law, upon submission of a certification described in paragraph (2)—

(A) Sudan, an agency or instrumentality of Sudan, and the property of Sudan or an agency or instrumentality of Sudan, shall not be subject to the exceptions to immunity from jurisdiction, liens, attachment, and execution under section 1605(a)(7) (as such section was in effect on January 27, 2008) or section 1605A or 1610 (insofar as section 1610 relates to a judgment under such section 1605(a)(7) or 1605A) of title 28, United States Code;

(B) section 1605A(c) of title 28, United States Code, section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 28 U.S.C. 1605A note), section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 28 U.S.C. 1605 note), and any other private right of action relating to acts by a state sponsor of terrorism arising under Federal, State, or foreign law shall not apply with respect to claims against Sudan, or any of its agencies, instrumentalities, officials, employees, or agents in any action in a Federal or State court; and

(C) any attachment, decree, lien, execution, garnishment, or other judicial process brought against property of Sudan, or property of any agency, instrumentality, official, employee, or agent of Sudan, in connection with an action that is precluded by subparagraph (A) or (B) shall be void.

(2) CERTIFICATION.—A certification described in this paragraph is a certification by the Secretary to the appropriate congressional committees stating that—

(A) the August 12, 1993, designation of Sudan as a state sponsor of terrorism has been formally rescinded;

(B) Sudan has made final payments with respect to the private settlement of the claims of victims of the U.S.S. Cole attack; and

(C) the United States Government has received funds pursuant to the claims agreement that are sufficient to ensure—

(i) payment of the agreed private settlement amount for the death of a citizen of the United States who was an employee of the United States Agency for International Development in Sudan on January 1, 2008;

(ii) meaningful compensation for claims of citizens of the United States (other than individuals described in section 1707(a)(1)) for wrongful death or physical injury in cases arising out of the August 7, 1998, bombings of the United States embassies located in Nairobi, Kenya, and Dar es Salaam, Tanzania; and

(iii) funds for compensation through a fair process to address compensation for terrorism-related claims of foreign nationals for wrongful death or physical injury arising out of the events referred to in clause (ii).

(b) SCOPE.—Subject to section 1706, subsection (a) of this section shall apply to all conduct and any event occurring before the date of the certification described in subsection (a)(2), regardless of whether, or the extent to which, application of that subsection affects any action filed before, on, or after that date.

(c) AUTHORITY OF THE SECRETARY.—The certification by the Secretary referred to in subsection (a)(2) may not be delegated and may not be subject to judicial review.

SEC. 1705. REAUTHORIZATION OF AND MODIFICATIONS TO UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND.

(a) IN GENERAL.—The Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) is amended—

(1) in subsection (c)(2)(A)(i), by striking "state sponsor of terrorism" and inserting "foreign state that was designated as a state sponsor of terrorism at the time the acts described in clause (ii) occurred or was so designated as a result of such acts";

(2) in subsection (e)(6), by striking "January 2, 2030" each place it appears and inserting "January 2, 2039"; and

(3) in subsection (j)(6), in the first sentence, by inserting after "final judgment" the following: ", except that the term does not include payments received in connection with an international claims agreement to which the United States is a state party or any other settlement of terrorism-related claims against Sudan".

(b) LUMP SUM CATCH-UP PAYMENTS FOR 9/11 VICTIMS, 9/11 SPOUSES, AND 9/11 DEPENDENTS.—Subsection (d)(4) of the Justice

for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(2) by adding at the end the following:

"(C) LUMP SUM CATCH-UP PAYMENTS FOR 9/11 VICTIMS, 9/11 SPOUSES, AND 9/11 DEPENDENTS.—

Deadline. Audit. Federal Register, publication. Notice.

"(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subparagraph, and in accordance with clauses (i) and (ii) of subsection (d)(3)(A), the Comptroller General of the United States shall conduct an audit and publish in the Federal Register a notice of proposed lump sum catch-up payments to 9/11 victims, 9/11 spouses, and 9/11 dependents who have submitted applications in accordance with subparagraph (B) in amounts that, after receiving the lump sum catch-up payments, would result in the percentage of the claims of 9/11 victims, 9/11 spouses, and 9/11 dependents received from the Fund being equal to the percentage of the claims of 9/11 family members received from the Fund, as of the date of enactment of this subparagraph.

Time period.

"(ii) PUBLIC COMMENT.—The Comptroller General shall provide an opportunity for public comment for a 30-day period beginning on the date on which the notice is published under clause (i).

Determination.

"(iii) REPORT.—Not later than 30 days after the expiration comment period in clause (ii), the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and the Special Master a report that includes the determination of the Comptroller General on—

"(I) the amount of the lump sum catch-up payment for each 9/11 victim;

"(II) the amount of the lump sum catch-up payment for each 9/11 spouse;

"(III) the amount of the lump sum catch-up payment for each 9/11 dependent; and

"(IV) the total amount of lump sum catch-up payments described in subclauses (I) through (III).".

SEC. 1706. PRESERVATION OF CERTAIN PENDING INTERNATIONAL TERRORISM CLAIMS AGAINST SUDAN.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the long-standing policy of the United States that civil lawsuits against those who support, aid and abet, and provide material support for international terrorism serve the national security interests of the United States by deterring the sponsorship of terrorism and by advancing interests of justice, transparency, and accountability.

(2) Neither the claims agreement, nor any other aspect of the effort to normalize relations with Sudan—

(A) resolved claims against Sudan involving victims and family members of the September 11, 2001, terrorist attacks; or

(B) otherwise advanced the interests of the victims and family members of the September 11, 2001, terrorist attacks.

(3) The claims referenced in paragraph (2)(A) remain pending in the multidistrict proceeding 03–MDL–1570 in the United States District Court for the Southern District of New York, and subsection (c) preserves and protects those claims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the executive branch should not file a Statement of Interest or any other submission, or intervene in any other way, in the multidistrict proceeding 03–MDL–1570, in connection to the rescission of the designation of Sudan as a state sponsor of terrorism or the restoration of Sudan's immunities from jurisdiction and execution in conformity with this Act, if such action would disadvantage terrorism victims.

(c) IN GENERAL.—Nothing in this Act shall apply to, be construed to apply to, or otherwise affect—

(1) any claim in any of the proceedings comprising the multidistrict proceeding 03-MDL-1570 in the United States District Court for the Southern District of New York brought by any person who, as of the date of the enactment of this Act, has a claim pending against Sudan (including as a member of a class certified under Rule 23 of the Federal Rules of Civil Procedure or as a putative member of such a class pending certification); or

(2) the enforcement of any judgment in favor of such person entered in such proceeding.

(d) APPLICABLE LAW.—Proceedings described in subsection (c) shall be governed by applicable law in effect before the date of the enactment of this Act, including—

(1) chapter 97 of title 28, United States Code (commonly known as the "Foreign Sovereign Immunities Act of 1976"), including 28 U.S.C. 1605A note;

(2) section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 28 U.S.C. 1610 note), with respect to any asset that, on or after the date of enactment of this Act, is designated as a blocked asset (as defined in subsection (d)(2) of that section);

(3) rules governing the rights of parties to amend pleadings; and

(4) other relevant provisions of law.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall alter, impact the interpretation of, or otherwise affect—

(1) any section of chapter 97 of title 28, United States Code; or

(2) any other provision of law.

SEC. 1707. COMPENSATION FOR CERTAIN NATURALIZED UNITED STATES CITIZENS AND FOREIGN NATIONALS.

(a) COMPENSATION.—

(1) IN GENERAL.—There is authorized to be appropriated $150,000,000 for payment of compensation, notwithstanding any other provision of law, to any individual who—

(A) has been awarded a judgment in any of the cases set forth in section (c) of the Annex to the claims agreement; and

(B) is—

(i) a United States employee or contractor injured in connection with the bombings of the United States embassies located in Nairobi, Kenya, and Dar es Salaam, Tanzania, who became a United States citizen after August 7, 1998, and before the date of the enactment of this Act;

(ii) a family member—

(I) of a United States employee or contractor injured in connection with the bombings of the United States embassies located in Nairobi, Kenya, and Dar es Salaam, Tanzania; and

(II) who is a United States citizen as of the date of the enactment of this Act; or

(iii) a family member—

(I) of a foreign national United States employee or contractor killed during those bombings; and

(II) who is a United States citizen as of the date of the enactment of this Act.

(2) PAYMENTS.—With the requirement of achieving parity in compensation between individuals who became United States citizens after August 7, 1998, and individuals who were United States citizens on or before August 7, 1998, payment of compensation under paragraph (1) to—

(A) an individual described in paragraph (1)(B)(i) shall be based on the same standards used to determine the compensation for an employee or contractor injured in connection with the bombings described in that paragraph who was a United States citizen on or before August 7, 1998;

(B) an individual described in paragraph (1)(B)(ii) shall be on an equal basis to compensation provided to a family member of an individual described in subparagraph (A); and

(C) an individual described in paragraph (1)(B)(iii) shall be on an equal, or, where applicable, a pro rata basis to compensation provided to a family member of a United States employee or contractor who was a United States citizen killed during such bombings.

(b) DISTRIBUTION AND REQUIREMENTS.—

(1) DISTRIBUTION.—The Secretary shall distribute payments from funds made available to carry out subsection (a)(1) to individuals described in that subsection.

(2) AUTHORIZATION LETTER.—Not later than December 31, 2021, the Secretary shall send a letter to each individual who will receive payment under paragraph (1) informing the individual of the amount of compensation the individual will receive pending the execution of any writings under paragraph (3), and the standards used to determine compensation under subsection (a)(2), taking into account the individual's final judgment amount.

(3) REQUIREMENT BEFORE DISTRIBUTION.—Before making a payment to an individual under paragraph (1), and after

the delivery of the authorization letter under paragraph (2), the Secretary shall require the individual to execute a writing that includes a waiver and release of all the individual's rights to assert claims for compensatory or other relief in any form or to enforce any judgment against Sudan in connection with, and any claims against the United States related to, any claim, suit, or action specified in Article II of the claims agreement.

(c) FOREIGN NATIONALS.—Notwithstanding any other provision of law or the claims agreement—

(1) individuals described in subsection (a)(1) are not eligible to receive any compensation as provided by Sudan pursuant to Article III of the claims agreement; and

(2) the funds provided by Sudan for distribution of compensation to such individuals pursuant to the Annex of the claims agreement shall be redistributed—

(A) among all other individuals eligible for compensation under section (c) of the Annex to the claims agreement consistent with the principles set out in that Annex; or

(B) if Sudan and the foreign nationals eligible for compensation reach a private settlement, then pursuant to the terms of that settlement.

(d) DEPARTMENT OF STATE REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that includes a detailed description of the plan of the Department of State for the distribution of payments to each category of individual described in subsection (a)(1), including how the Department is arriving at compensation levels for each individual and the amount of compensation each such individual will receive from funds made available to carry out that subsection.

(2) UPDATED REPORT.—Not later than December 31, 2021, the Secretary shall submit to the appropriate congressional committees a report describing—

(A) whether the distribution plan described in paragraph (1) was carried out; and

(B) whether compensation levels were provided as described in the report required by paragraph (1).

(e) COMPTROLLER GENERAL REPORT.—Not later than December 31, 2022, the Comptroller General of the United States shall submit to the appropriate congressional committees a report assessing the implementation of this section by the Department of State, including whether—

(1) all distributions were made in accordance with the requirements of subsections (a), (b), and (c); and

(2) all individuals described in subsection (a)(1) received compensation from amounts made available to carry out that subsection in the manner described in subsection (a)(2).

SEC. 1708. TREATY AND EXECUTIVE AGREEMENT PRACTICE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress and the executive branch share responsibility for the foreign relations of the United States pursuant to Article I and Article II of the Constitution of the United States.

(2) All legislative powers of the Federal Government, including on matters of foreign relations, are vested in the

Congress of the United States pursuant to section 1 of Article I of the Constitution.

(3) The executive branch may not direct Congress to take any action, nor may it convey any legislative or other power assigned to Congress under the Constitution to any entity, domestic or foreign.

(4) The original escrow release conditions agreement prescribed specific legislative text and purported both to require enactment of such text and provide a veto to Sudan over exceptions to that text.

(5) Congress rejected the approach described in paragraph (4).

(6) The executive branch and Sudan subsequently amended the escrow release conditions agreement to eliminate the specific legislative text as well as the purported requirement for enactment and the purported veto over exceptions to that text.

(b) AMENDMENT TO CASE-ZABLOCKI ACT.—Section 112b of title 1, United States Code, is amended by adding at the end the following:

"(g) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty or executive agreement unless Congress has authorized such action.".

Theodore Roosevelt Presidential Library Conveyance Act of 2020. North Dakota.

TITLE XVIII—THEODORE ROOSEVELT PRESIDENTIAL LIBRARY CONVEYANCE ACT OF 2020

SEC. 1801. SHORT TITLE.

This title may be cited as the "Theodore Roosevelt Presidential Library Conveyance Act of 2020".

SEC. 1802. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Project Number P08122-2016-009", depicting a 93 acre site in sections 21 and 28, T. 140 N., R. 102 W., Billings County, North Dakota, and dated December 8, 2020.

(2) PRESIDENTIAL LIBRARY.—The term "Presidential Library" means the Theodore Roosevelt Presidential Library Foundation, a North Dakota nonprofit corporation.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 1803. CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LAND TO THE PRESIDENTIAL LIBRARY.

Deadline.

(a) CONVEYANCE.—Subject to this section, if the Presidential Library submits to the Secretary not later than 1 year after the date of enactment of this Act a written request for the conveyance of the approximately 93 acres of National Forest System land, as generally depicted on the map, the Secretary shall, on the earliest date practicable, convey to the Presidential Library by quitclaim deed all right, title, and interest of the United States in and to that land.

(b) CONSIDERATION.—As consideration for the conveyance of land under subsection (a), the Presidential Library shall pay to the Secretary an amount equal to the market value of the land, as determined by the appraisal conducted under subsection (d). Payment. Determination.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to—

(1) valid existing rights;

(2) the reservation of easements, as depicted on the map, for public use on—

(A) the Maah Dah Hey National Trail; and

(B) Forest Service Road #7471 and the unnumbered Forest Service road; and

(3) any other terms and conditions that the Secretary considers appropriate to protect the interests of the United States.

(d) APPRAISAL.—The Secretary shall conduct an appraisal of the land to be conveyed under subsection (a) in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice; and

(3) any other applicable law (including regulations).

(e) COSTS OF CONVEYANCE.—As a condition for the conveyance under subsection (a), and in addition to the consideration paid under subsection (b), the Presidential Library shall pay all costs associated with the conveyance, including—

(1) the survey to Federal standards described in subsection (f); and

(2) the appraisal conducted under subsection (d).

(f) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Determination.

(g) DEPOSIT AND USE OF PROCEEDS.—All funds received under subsection (b) shall be—

(1) deposited in the fund established by Public Law 90–171 (commonly known as the Sisk Act) (16 U.S.C. 484a); and

(2) available to the Secretary, until expended, for the acquisition of land or interests in land for inclusion in the National Forest System in the State of North Dakota.

TITLE XIX—UNITED STATES-MEXICO ECONOMIC PARTNERSHIP ACT

United States-Mexico Economic Partnership Act.

SEC. 1901. SHORT TITLE.

This title may be cited as the "United States-Mexico Economic Partnership Act".

SEC. 1902. FINDINGS.

Congress finds the following:

(1) The United States and Mexico have benefitted from a bilateral, mutually beneficial partnership focused on advancing the economic interests of both countries.

(2) In 2013, Mexico adopted major energy reforms that opened its energy sector to private investment, increasing energy cooperation between Mexico and the United States and opening new opportunities for United States energy engagement.

(3) On January 18, 2018, the Principal Deputy Assistant Secretary for Educational and Cultural Affairs at the Department of State stated, "Our exchange programs build enduring relationships and networks to advance U.S. national interests and foreign policy goals . . . The role of our exchanges . . . in advancing U.S. national security and economic interests enjoys broad bipartisan support from Congress and other stakeholders, and provides a strong return on investment.".

(4) According to the Institute of International Education, in the 2015–2016 academic year, more than 56,000 United States students studied in other countries in the Western Hemisphere region while more than 84,000 non-United States students from the region studied in the United States, but only 5,000 of those United States students studied in Mexico and only 16,000 of those non-United States students were from Mexico.

SEC. 1903. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to continue deepening economic cooperation between the United States and Mexico;

(2) to seek to prioritize and expand educational and professional exchange programs with Mexico, including through frameworks such as the 100,000 Strong in the Americas Initiative, the Young Leaders of the Americas Initiative, Jóvenes en Acción (Youth in Action), the Fulbright Foreign Student Program, and the Fulbright Visiting Scholar Program; and

(3) to promote positive cross-border relations as a priority for advancing United States foreign policy and programs.

SEC. 1904. STRATEGY TO PRIORITIZE AND EXPAND EDUCATIONAL AND PROFESSIONAL EXCHANGE PROGRAMS WITH MEXICO.

(a) IN GENERAL.—The Secretary of State shall develop a strategy to carry out the policy described in section 1903, to include prioritizing and expanding educational and professional exchange programs with Mexico through frameworks such as those referred to in section 1903(2).

(b) ELEMENTS.—The strategy required under subsection (a) shall—

(1) encourage more academic exchanges between the United States and Mexico at the secondary, post-secondary, and post-graduate levels;

(2) encourage United States and Mexican academic institutions and businesses to collaborate to assist prospective and developing entrepreneurs in strengthening their business skills and promoting cooperation and joint business initiatives across the United States and Mexico;

(3) promote energy infrastructure coordination and cooperation through support of vocational-level education, internships, and exchanges between the United States and Mexico; and

Assessment.

(4) assess the feasibility of fostering partnerships between universities in the United States and medical school and nursing programs in Mexico to ensure that medical school and nursing programs in Mexico have comparable accreditation standards as medical school and nursing programs in the United States by the Accreditation and Standards in Foreign Medical Education, in addition to the Accreditation Commission For Education in Nursing, so that medical students can pass

medical licensing board exams, and nursing students can pass nursing licensing exams, in the United States.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the strategy required under subsection (a). Deadline.

SEC. 1905. DEFINITIONS.

In this Act, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 1906. SUNSET PROVISION.

This Act shall remain in effect until December 31, 2023.

TITLE XX—PORT SURVEILLANCE

SEC. 2001. PORT SURVEILLANCE. 15 USC 2066 note.

(a) CPSC SURVEILLANCE PERSONNEL DURING THE COVID-19 PANDEMIC.—For the duration of a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) as a result of confirmed cases of 2019 novel coronavirus (COVID–19), including any renewal thereof, the Commission shall ensure, to the maximum extent feasible, that investigators are stationed at ports of entry to protect the public against unreasonable risk of injury from consumer products, with the goal of covering no fewer than 90 percent of all consumer products entering the United States that are risk-scored in the Risk Assessment Methodology system. The Commission shall consult with United States Customs and Border Protection, and other relevant agencies, including health and safety agencies, on methods to safely staff ports during the pandemic. Consultation.

(b) ADDITIONAL CPSC SURVEILLANCE PERSONNEL AT KEY PORTS OF ENTRY.—The Commission shall hire, train, and assign not fewer than 16 additional full-time equivalent personnel to be stationed at or supporting efforts at ports of entry, including ports of entry for de minimis shipments, for the purpose of identifying, assessing, and addressing shipments of violative consumer products. Such hiring shall continue during each fiscal year until the total number of full-time equivalent personnel equals and sustains the staffing requirements identified in the report to Congress required under subsection (c)(2)(F).

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Commission shall transmit to Congress, and make publicly available, a study and report assessing the risk to consumers associated with the reduction in Commission port inspection activity during the COVID-19 pandemic and the targeting and screening of de minimis shipments. Public information. Study. Assessment.

(2) REPORT REQUIREMENTS.—In the study and report, the Commission shall—

(A) identify—

(i) the risks associated with the reduction in Commission port inspection activity during the COVID-19 pandemic;

(ii) the extent to which the reduction in port inspection activity is linked to inadequate Commission resources or due to shortages of trained Commission staff due to the COVID-19 pandemic; and

(iii) the steps the Commission has taken and plans to take to mitigate those risks, such as recalls, inspections of product inventory, consumer warnings, and other appropriate measures;

Examination.

(B) examine a sampling of de minimis shipments at a sufficient and representative sample of all types of ports of entry where de minimis shipments are processed, including express consignment carrier facilities, international mail facilities, and air cargo facilities to assess the extent to which such shipments include violative consumer products;

Examination.

(C) examine a sampling of shipments coming from countries identified as high-risk for exporting violative consumer products to identify trends associated with the shipment of products containing both intellectual property rights infringements and consumer product safety violations;

(D) detail plans and timelines to effectively address targeting and screening of de minimis shipments to prevent the entry of violative consumer products entering into the commerce of the United States taking into consideration projected growth in e-commerce;

(E) establish metrics by which to evaluate the effectiveness of the Commission efforts to reduce the number of de minimis shipments containing violative consumer products from entering into the commerce of the United States; and

Assessment.

(F) assess projected technology and resources, including staffing requirements necessary to implement such plans based on available and needed Commission resources.

(d) DEFINITIONS.—In this section—

(1) the term "Commission" means the Consumer Product Safety Commission;

(2) the term "de minimis shipments" means articles containing consumer products entering the United States under the de minimis value exemption in 19 U.S.C. 1321(a)(2)(C);

(3) the term "ports of entry for de minimis shipments" means environments where de minimis shipments are processed, including express consignment carrier facilities, international mail facilities, and air cargo facilities; and

(4) the term "violative consumer products" means consumer products in violation of an applicable consumer product safety rule under the Consumer Product Safety Act or any similar rule, regulation, standard, or ban under any other Act enforced by the Commission.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit, affect, or conflict with any other authority of the Commission or any other statutory requirements governing the Commission.

TITLE XXI—COVID–19 REGULATORY RELIEF AND WORK FROM HOME SAFETY ACT

COVID–19 Regulatory Relief and Work From Home Safety Act.

SEC. 2101. COVID–19 REGULATORY RELIEF AND WORK FROM HOME SAFETY ACT.

15 USC 1191 note.

(a) SHORT TITLE.—This title may be cited as the "COVID–19 Regulatory Relief and Work From Home Safety Act".

(b) DEFINITIONS.—In this Act—

(1) the term "bedding product" means—

(A) an item that is used for sleeping or sleep-related purposes; or

(B) any component or accessory with respect to an item described in subparagraph (A), without regard to whether the component or accessory, as applicable, is used—

(i) alone; or

(ii) along with, or contained within, that item;

(2) the term "California standard" means the standard set forth by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation of the Department of Consumer Affairs of the State of California in Technical Bulletin 117–2013, entitled "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture", originally published June 2013, as in effect on the date of enactment of this Act;

(3) the terms "foundation" and "mattress" have the meanings given those terms in section 1633.2 of title 16, Code of Federal Regulations, as in effect on the date of enactment of this Act; and

(4) the term "upholstered furniture"—

(A) means an article of seating furniture that—

(i) is intended for indoor use;

(ii) is movable or stationary;

(iii) is constructed with an upholstered seat, back, or arm;

(iv) is—

(I) made or sold with a cushion or pillow, without regard to whether that cushion or pillow, as applicable, is attached or detached with respect to the article of furniture; or

(II) stuffed or filled, or able to be stuffed or filled, in whole or in part, with any material, including a substance or material that is hidden or concealed by fabric or another covering, including a cushion or pillow belonging to, or forming a part of, the article of furniture; and

(v) together with the structural units of the article of furniture, any filling material, and the container and covering with respect to those structural units and that filling material, can be used as a support for the body of an individual, or the limbs and feet of an individual, when the individual sits in an upright or reclining position;

(B) includes an article of furniture that is intended for use by a child; and

(C) does not include—

(i) a mattress;

(ii) a foundation;

(iii) any bedding product; or

(iv) furniture that is used exclusively for the purpose of physical fitness and exercise.

(c) ADOPTION OF STANDARD.—

Effective date. Time period. Regulations.

(1) IN GENERAL.—Beginning on the date that is 180 days after the date of enactment of this Act, and except as provided in paragraph (2), the California standard shall be considered to be a flammability standard promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193).

Applicability.

(2) TESTING AND CERTIFICATION.—A fabric, related material, or product to which the California standard applies as a result of paragraph (1) shall not be subject to section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)) with respect to that standard.

Compliance.

(3) CERTIFICATION LABEL.—Each manufacturer of a product that is subject to the California standard as a result of paragraph (1) shall include the statement "Complies with U.S. CPSC requirements for upholstered furniture flammability" on a permanent label located on the product, which shall be considered to be a certification that the product complies with that standard.

(d) PREEMPTION.—

(1) IN GENERAL.—Notwithstanding section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) and section 231 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 2051 note), and except as provided in subparagraphs (B) and (C) of paragraph (2), no State or any political subdivision of a State may establish or continue in effect any provision of a flammability law, regulation, code, standard, or requirement that is designed to protect against the risk of occurrence of fire, or to slow or prevent the spread of fire, with respect to upholstered furniture.

(2) PRESERVATION OF CERTAIN STATE LAW.—Nothing in this Act or the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) may be construed to preempt or otherwise affect—

(A) any State or local law, regulation, code, standard, or requirement that—

(i) concerns health risks associated with upholstered furniture; and

(ii) is not designed to protect against the risk of occurrence of fire, or to slow or prevent the spread of fire, with respect to upholstered furniture;

(B) sections 1374 through 1374.3 of title 4, California Code of Regulations (except for subsections (b) and (c) of section 1374 of that title), as in effect on the date of enactment of this Act; or

(C) the California standard.

Approved December 27, 2020.

LEGISLATIVE HISTORY—H.R. 133:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Jan. 10, considered and passed House.
Vol. 166 (2020): Jan. 15, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.

Public Law 116–261
116th Congress

An Act

Dec. 30, 2020
[S. 212]

To amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.

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

Indian Community Economic Enhancement Act of 2020.
25 USC 4301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Community Economic Enhancement Act of 2020".

25 USC 4301 note.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) to bring industry and economic development to Indian communities, Indian Tribes must overcome a number of barriers, including—

(i) geographical location;

(ii) lack of infrastructure or capacity;

(iii) lack of sufficient collateral and capital; and

(iv) regulatory bureaucracy relating to—

(I) development; and

(II) access to services provided by the Federal Government; and

(B) the barriers described in subparagraph (A) often add to the cost of doing business in Indian communities;

(2) Indian Tribes—

(A) enact laws and exercise sovereign governmental powers;

(B) determine policy for the benefit of Tribal members; and

(C) produce goods and services for consumers;

(3) the Federal Government has—

(A) an important government-to-government relationship with Indian Tribes; and

(B) a role in facilitating healthy and sustainable Tribal economies;

(4) the input of Indian Tribes in developing Federal policy and programs leads to more meaningful and effective measures to assist Indian Tribes and Indian entrepreneurs in building Tribal economies;

(5)(A) many components of Tribal infrastructure need significant repair or replacement; and

(B) access to private capital for projects in Indian communities—

(i) may not be available; or

(ii) may come at a higher cost than such access for other projects;

(6)(A) Federal capital improvement programs, such as those that facilitate tax-exempt bond financing and loan guarantees, are tools that help improve or replace crumbling infrastructure;

(B) lack of parity in treatment of an Indian Tribe as a governmental entity under Federal tax and certain other regulatory laws impedes, in part, the ability of Indian Tribes to raise capital through issuance of tax exempt debt, invest as an accredited investor, and benefit from other investment incentives accorded to State and local governmental entities; and

(C) as a result of the disparity in treatment of Indian Tribes described in subparagraph (B), investors may avoid financing, or demand a premium to finance, projects in Indian communities, making the projects more costly or inaccessible;

(7) there are a number of Federal loan guarantee programs available to facilitate financing of business, energy, economic, housing, and community development projects in Indian communities, and those programs may support public-private partnerships for infrastructure development, but improvements and support are needed for those programs specific to Indian communities to facilitate more effectively private financing for infrastructure and other urgent development needs; and

(8)(A) most real property held by Indian Tribes is trust or restricted land that essentially cannot be held as collateral; and

(B) while creative solutions, such as leasehold mortgages, have been developed in response to the problem identified in subparagraph (A), some solutions remain subject to review and approval by the Bureau of Indian Affairs, adding additional costs and delay to Tribal projects.

SEC. 3. NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000.

(a) FINDINGS; PURPOSES.—Section 2 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4301) is amended by adding at the end the following:

"(c) APPLICABILITY TO INDIAN-OWNED BUSINESSES.—The findings and purposes in subsections (a) and (b) shall apply to any Indian-owned business governed—

"(1) by Tribal laws regulating trade or commerce on Indian lands; or

"(2) pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261).".

(b) DEFINITIONS.—Section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302) is amended—

(1) by redesignating paragraphs (1) through (6) and paragraphs (7) through (9), as paragraphs (2) through (7) and paragraphs (9) through (11), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) DIRECTOR.—The term 'Director' means the Director of Native American Business Development appointed pursuant to section 4(a)(2).''; and

(3) by inserting after paragraph (7) (as redesignated by paragraph (1)) the following:

"(8) OFFICE.—The term 'Office' means the Office of Native American Business Development established by section 4(a)(1).".

(c) OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.—Section 4 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "Department of Commerce" and inserting "Office of the Secretary"; and

(ii) by striking "(referred to in this Act as the 'Office')"; and

(B) in paragraph (2), in the first sentence, by striking "(referred to in this Act as the 'Director')"; and

(2) by adding at the end the following:

"(c) DUTIES OF DIRECTOR.—

"(1) IN GENERAL.—The Director shall serve as—

"(A) the program and policy advisor to the Secretary with respect to the trust and governmental relationship between the United States and Indian Tribes; and

"(B) the point of contact for Indian Tribes, Tribal organizations, and Indians regarding—

"(i) policies and programs of the Department of Commerce; and

"(ii) other matters relating to economic development and doing business in Indian lands.

"(2) DEPARTMENTAL COORDINATION.—The Director shall coordinate with all offices and agencies within the Department of Commerce to ensure that each office and agency has an accountable process to ensure—

"(A) meaningful and timely coordination and assistance, as required by this Act; and

Consultation.

"(B) consultation with Indian Tribes regarding the policies, programs, assistance, and activities of the offices and agencies.

"(3) OFFICE OPERATIONS.—There are authorized to be appropriated to carry out this section not more than $2,000,000 for each fiscal year.".

(d) INDIAN COMMUNITY DEVELOPMENT INITIATIVES.—The Native American Business Development, Trade Promotion, and Tourism Act of 2000 is amended—

(1) by redesignating section 8 (25 U.S.C. 4307) as section 10; and

(2) by inserting after section 7 (25 U.S.C. 4306) the following:

25 USC 4306a.

"SEC. 8. INDIAN COMMUNITY DEVELOPMENT INITIATIVES.

Deadline.

"(a) INTERAGENCY COORDINATION.—Not later than 1 year after the enactment of this section, the Secretary, the Secretary of the Interior, and the Secretary of the Treasury shall coordinate—

"(1) to develop initiatives that—

"(A) encourage, promote, and provide education regarding investments in Indian communities through—

"(i) the loan guarantee program of Bureau of Indian Affairs under section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481);

"(ii) programs carried out using amounts in the Community Development Financial Institutions Fund established under section 104(a) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(a)); and

"(iii) other capital development programs;

"(B) examine and develop alternatives that would qualify as collateral for financing in Indian communities; and

"(C) provide entrepreneur and other training relating to economic development through tribally controlled colleges and universities and other Indian organizations with experience in providing such training;

"(2) to consult with Indian Tribes and with the Securities and Exchange Commission to study, and collaborate to establish, regulatory changes necessary to qualify an Indian Tribe as an accredited investor for the purposes of sections 230.500 through 230.508 of title 17, Code of Federal Regulations (or successor regulations), consistent with the goals of promoting capital formation and ensuring qualifying Indian Tribes have the ability to withstand investment loss, on a basis comparable to other legal entities that qualify as accredited investors who are not natural persons; Consultation. Study.

"(3) to identify regulatory, legal, or other barriers to increasing investment, business, and economic development, including qualifying or approving collateral structures, measurements of economic strength, and contributions of Indian economies in Indian communities through the Authority established under section 4 of the Indian Tribal Regulatory Reform and Business Development Act of 2000 (25 U.S.C. 4301 note);

"(4) to ensure consultation with Indian Tribes regarding increasing investment in Indian communities and the development of the report required in paragraph (5); and Consultation.

"(5) not less than once every 2 years, to provide a report to Congress regarding— Time period. Reports.

"(A) improvements to Indian communities resulting from such initiatives and recommendations for promoting sustained growth of the Tribal economies; Recommendations.

"(B) results of the study and collaboration regarding the necessary changes referenced in paragraph (2) and the impact of allowing Indian Tribes to qualify as an accredited investor; and

"(C) the identified regulatory, legal, and other barriers referenced in paragraph (3).

"(b) WAIVER.—For assistance provided pursuant to section 108 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707) to benefit Native Community Development Financial Institutions, as defined by the Secretary of the Treasury, section 108(e) of such Act shall not apply.

"(c) INDIAN ECONOMIC DEVELOPMENT FEASIBILITY STUDY.—

"(1) IN GENERAL.—The Government Accountability Office shall conduct a study and, not later than 18 months after the date of enactment of this subsection, submit to the Committee on Indian Affairs of the Senate and the Committee Deadline. Recommendations.

on Natural Resources of the House of Representatives a report on the findings of the study and recommendations.

Assessments.

"(2) CONTENTS.—The study shall include an assessment of each of the following:

"(A) IN GENERAL.—The study shall assess current Federal capitalization and related programs and services that are available to assist Indian communities with business and economic development, including manufacturing, physical infrastructure (such as telecommunications and broadband), community development, and facilities construction for such purposes. For each of the Federal programs and services identified, the study shall assess the current use and demand by Indian Tribes, individuals, businesses, and communities of the programs, the capital needs of Indian Tribes, businesses, and communities related to economic development, the extent to which the programs and services overlap or are duplicative, and the extent that similar programs have been used to assist non-Indian communities compared to the extent used for Indian communities.

"(B) FINANCING ASSISTANCE.—The study shall assess and quantify the extent of assistance provided to non-Indian borrowers and to Indian (both Tribal and individual) borrowers (including information about such assistance as a percentage of need for Indian borrowers and for non-Indian borrowers, assistance to Indian borrowers and to non-Indian borrowers as a percentage of total applicants, and such assistance to Indian borrowers as individuals as compared to such assistance to Indian Tribes) through the loan programs, the loan guarantee programs, or bond guarantee programs of the—

"(i) Department of the Interior;

"(ii) Department of Agriculture;

"(iii) Department of Housing and Urban Development;

"(iv) Department of Energy;

"(v) Small Business Administration; and

"(vi) Community Development Financial Institutions Fund of the Department of the Treasury.

"(C) TAX INCENTIVES.—The study shall assess and quantify the extent of the assistance and allocations afforded for non-Indian projects and for Indian projects pursuant to each of the following tax incentive programs:

"(i) New market tax credit.

"(ii) Low income housing tax credit.

"(iii) Investment tax credit.

"(iv) Renewable energy tax incentives.

"(v) Accelerated depreciation.

"(D) TRIBAL INVESTMENT INCENTIVE.—The study shall assess various alternative incentives that could be provided to enable and encourage Tribal governments to invest in an Indian community development investment fund or bank.".

(e) CONFORMING AND TECHNICAL AMENDMENTS.—The Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4301 et seq.) is amended—

25 USC 4302.

(1) in section 3—

(A) in each of paragraphs (1), (4), and (8), by striking "tribe" and inserting "Tribe"; and

(B) in paragraph (6), by striking "The term 'Indian tribe' has the meaning given that term" and inserting "The term 'Indian Tribe' has the meaning given the term 'Indian tribe'";

(2) by striking "tribes" each place the term appears and inserting "Tribes"; and 25 USC 4301–4305.

(3) by striking "tribal" each place the term appears and inserting "Tribal". 25 USC 4301, 4302, 4305.

SEC. 4. BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (commonly known as the "Buy Indian Act") (36 Stat. 861, chapter 431; 25 U.S.C. 47), is amended to read as follows:

"SEC. 23. EMPLOYMENT OF INDIAN LABOR AND PURCHASE OF PRODUCTS OF INDIAN INDUSTRY; PARTICIPATION IN MENTOR-PROTEGE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN ECONOMIC ENTERPRISE.—The term 'Indian economic enterprise' has the meaning given the term in section 1480.201 of title 48, Code of Federal Regulations (or successor regulations).

"(2) MENTOR FIRM; PROTEGE FIRM.—The terms 'mentor firm' and 'protege firm' have the meanings given those terms in section 831(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101–510).

"(3) SECRETARIES.—The term 'Secretaries' means—

"(A) the Secretary of the Interior; and

"(B) the Secretary of Health and Human Services.

"(b) ENTERPRISE DEVELOPMENT.—

"(1) IN GENERAL.—Unless determined by one of the Secretaries to be impracticable and unreasonable—

"(A) Indian labor shall be employed; and

"(B) purchases of Indian industry products (including printing and facilities construction, notwithstanding any other provision of law) may be made in open market by the Secretaries.

"(2) MENTOR-PROTEGE PROGRAM.—

"(A) IN GENERAL.—Participation in the Mentor-Protege Program established under section 831(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101–510) or receipt of assistance under a developmental assistance agreement under that program shall not render any individual or entity involved in the provision of Indian labor or an Indian industry product ineligible to receive assistance under this section.

"(B) TREATMENT.—For purposes of this section, no determination of affiliation or control (whether direct or indirect) may be found between a protege firm and a mentor firm on the basis that the mentor firm has provided, or agreed to provide, to the protege firm, pursuant to a mentor-protege agreement, any form of developmental assistance described in section 831(f) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101–510).

"(c) IMPLEMENTATION.—In carrying out this section, the Secretaries shall—

"(1) conduct outreach to Indian industrial entities;

"(2) provide training;

Regulations. "(3) promulgate regulations in accordance with this section and with the regulations under part 1480 of title 48, Code of Federal Regulations (or successor regulations), to harmonize the procurement procedures of the Department of the Interior and the Department of Health and Human Services, to the maximum extent practicable;

Data. "(4) require regional offices of the Bureau of Indian Affairs and the Indian Health Service to aggregate data regarding compliance with this section;

Reviews. "(5) require procurement management reviews by their respective Departments to include a review of the implementation of this section; and

Consultation. "(6) consult with Indian Tribes, Indian industrial entities, and other stakeholders regarding methods to facilitate compliance with—

"(A) this section; and

"(B) other small business or procurement goals.

"(d) REPORT.—

Time period. "(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and not less frequently than once every 2 years thereafter, each of the Secretaries shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing, during the period covered by the report, the implementation of this section by each of the respective Secretaries.

"(2) CONTENTS.—Each report under this subsection shall include, for each fiscal year during the period covered by the report—

"(A) the names of each agency under the respective jurisdiction of each of the Secretaries to which this section has been applied, and efforts made by additional agencies within the Secretaries' respective Departments to use the procurement procedures under this Act;

Summary. "(B) a summary of the types of purchases made from, and contracts (including any relevant modifications, extensions, or renewals) awarded to, Indian economic enterprises, expressed by agency region;

"(C) a description of the percentage increase or decrease in total dollar value and number of purchases and awards made within each agency region, as compared to the totals of the region for the preceding fiscal year;

"(D) a description of the methods used by applicable contracting officers and employees to conduct market searches to identify qualified Indian economic enterprises;

Summary. "(E) a summary of all deviations granted under section 1480.403 of title 48, Code of Federal Regulations (or successor regulations), including a description of—

"(i) the types of alternative procurement methods used, including any Indian owned businesses reported under other procurement goals; and

"(ii) the dollar value of any awards made pursuant to those deviations;

"(F) a summary of all determinations made to provide awards to Indian economic enterprises, including a description of the dollar value of the awards; Summary.

"(G) a description or summary of the total number and value of all purchases of, and contracts awarded for, supplies, services, and construction (including the percentage increase or decrease, as compared to the preceding fiscal year) from— Summary.

"(i) Indian economic enterprises; and

"(ii) non-Indian economic enterprises;

"(H) any administrative, procedural, legal, or other barriers to achieving the purposes of this section, together with recommendations for legislative or administrative actions to address those barriers; and Recommendations.

"(I) for each agency region—

"(i) the total amount spent on purchases made from, and contracts awarded to, Indian economic enterprises; and

"(ii) a comparison of the amount described in clause (i) to the total amount that the agency region would likely have spent on the same purchases made from a non-Indian economic enterprise or contracts awarded to a non-Indian economic enterprise.

"(e) GOALS.—Each agency shall establish an annual minimum percentage goal for procurement in compliance with this section.".

SEC. 5. NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—Section 803 of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

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

"(b) ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—The Commissioner may provide assistance under subsection (a) for projects relating to the purposes of this title to a Native community development financial institution, as defined by the Secretary of the Treasury.

"(2) PRIORITY.—With regard to not less than 50 percent of the total amount available for assistance under this section, the Commissioner shall give priority to any application seeking assistance for—

"(A) the development of a Tribal code or court system for purposes of economic development, including commercial codes, training for court personnel, regulation pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261), and the development of nonprofit subsidiaries or other Tribal business structures;

"(B) the development of a community development financial institution, including training and administrative expenses; or

"(C) the development of a Tribal master plan for community and economic development and infrastructure.".

(b) TECHNICAL ASSISTANCE AND TRAINING.—Section 804 of the Native American Programs Act of 1974 (42 U.S.C. 2991c) is amended—

(1) in the matter preceding paragraph (1), by striking "The Commissioner" and inserting the following:

"(a) IN GENERAL.—The Commissioner"; and

(2) by adding at the end the following:

"(b) PRIORITY.—In providing assistance under subsection (a), the Commissioner shall give priority to any application described in section 803(b)(2).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking "803(d)" each place it appears and inserting "803(e)"; and

(2) in subsection (a)—

(A) by striking "such sums as may be necessary" and inserting "$34,000,000"; and

(B) by striking "1999, 2000, 2001, and 2002" and inserting "2021 through 2025".

(d) CONFORMING AND TECHNICAL AMENDMENTS.—The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

42 USC 2991b, 2991b–3, 2992c.

(1) by striking "tribe" each place the term appears and inserting "Tribe";

42 USC 2991b, 2991b–3.

(2) by striking "tribes" each place the term appears and inserting "Tribes"; and

42 USC 2991b, 2991b–2, 2991b–3.

(3) by striking "tribal" each place the term appears and inserting "Tribal".

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 212:

HOUSE REPORTS: No. 116–605, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 116–28 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 165 (2019): June 27, considered and passed Senate.
Vol. 166 (2020): Dec. 3, considered and passed House, amended.
Dec. 17, Senate concurred in House amendment.

Public Law 116–262
116th Congress

An Act

To designate the community-based outpatient clinic of the Department of Veterans Affairs in Bozeman, Montana, as the Travis W. Atkins Department of Veterans Affairs Clinic.

Dec. 30, 2020
[S. 900]

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

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

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

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

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 900:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Nov. 21, considered and passed Senate.
Vol. 166 (2020): Nov. 16, considered and passed House, amended.
Dec. 10, Senate concurred in House amendment.

Public Law 116–263
116th Congress

An Act

Dec. 30, 2020
[S. 2472]

To redesignate the NASA John H. Glenn Research Center at Plum Brook Station, Ohio, as the NASA John H. Glenn Research Center at the Neil A. Armstrong Test Facility.

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

Neil A. Armstrong Test Facility Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neil A. Armstrong Test Facility Act".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Neil A. Armstrong, through his own definition, was first and foremost as a test pilot.

(2) A native of Wapakoneta, Ohio, Armstrong began his inspiring career in space exploration in Cleveland, Ohio, at what is now the NASA John H. Glenn Research Center.

(3) Becoming the first human to land a spacecraft, and then set foot upon, the moon, represents the greatest dream of any test pilot.

(4) Therefore, it is fitting that the premier aeronautics and space test station in Ohio should be renamed in his honor.

SEC. 3. REDESIGNATION OF NASA JOHN H. GLENN RESEARCH CENTER AT PLUM BROOK STATION, OHIO, AS NASA JOHN H. GLENN RESEARCH CENTER AT THE NEIL A. ARMSTRONG TEST FACILITY.

(a) REDESIGNATION.—The NASA John H. Glenn Research Center at Plum Brook Station, Ohio, is hereby redesignated as the NASA John H. Glenn Research Center at the Neil A. Armstrong Test Facility.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the station referred to in subsection (a) shall be deemed to be a reference to the "NASA John H. Glenn Center at the Neil A. Armstrong Test Facility".

(c) SAVINGS.—Nothing in this section shall be construed to alter the relationship between the Plum Brook Station and the NASA John H. Glenn Research Center.

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 2472:

SENATE REPORTS: No. 116–218 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 24, considered and passed Senate.
Dec. 16, considered and passed House.

Public Law 116–264
116th Congress

An Act

Dec. 30, 2020
[S. 3257]

To designate the facility of the United States Postal Service located at 311 West Wisconsin Avenue in Tomahawk, Wisconsin, as the "Einar 'Sarge' H. Ingman, Jr. Post Office Building".

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

SECTION 1. EINAR "SARGE" H. INGMAN, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 311 West Wisconsin Avenue in Tomahawk, Wisconsin, shall be known and designated as the "Einar 'Sarge' H. Ingman, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Einar 'Sarge' H. Ingman, Jr. Post Office Building".

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 3257:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 18, considered and passed Senate.
Dec. 10, considered and passed House.

Public Law 116–265
116th Congress

An Act

To designate the facility of the United States Postal Service located at 2600 Wesley Street in Greenville, Texas, as the "Audie Murphy Post Office Building".

Dec. 30, 2020
[S. 3461]

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

SECTION 1. AUDIE MURPHY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2600 Wesley Street in Greenville, Texas, shall be known and designated as the "Audie Murphy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Audie Murphy Post Office Building".

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 3461 (H.R. 5988):

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 18, considered and passed Senate.
Dec. 10, considered and passed House.

Public Law 116–266
116th Congress

An Act

Dec. 30, 2020
[S. 3462]

To designate the facility of the United States Postal Service located at 909 West Holiday Drive in Fate, Texas, as the "Ralph Hall Post Office".

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

SECTION 1. RALPH HALL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 909 West Holiday Drive in Fate, Texas, shall be known and designated as the "Ralph Hall Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ralph Hall Post Office".

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 3462:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 18, considered and passed Senate.
Dec. 10, considered and passed House.

Public Law 116–267
116th Congress

An Act

To designate the facility of the United States Postal Service located at 104 East Main Street in Port Washington, Wisconsin, as the "Joseph G. Demler Post Office".

Dec. 30, 2020
[S. 4126]

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

SECTION 1. JOSEPH G. DEMLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 104 East Main Street in Port Washington, Wisconsin, shall be known and designated as the "Joseph G. Demler Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joseph G. Demler Post Office".

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 4126:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 18, considered and passed Senate.
Dec. 10, considered and passed House.

Public Law 116–268
116th Congress

An Act

Dec. 30, 2020
[S. 4684]

To designate the facility of the United States Postal Service located at 440 Arapahoe Street in Thermopolis, Wyoming, as the "Robert L. Brown Post Office".

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

SECTION 1. ROBERT L. BROWN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 440 Arapahoe Street in Thermopolis, Wyoming, shall be known and designated as the "Robert L. Brown Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert L. Brown Post Office".

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 4684:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 3, considered and passed Senate.
Dec. 10, considered and passed House.

Public Law 116–269
116th Congress

An Act

To amend the Overtime Pay for Protective Services Act of 2016 to extend the Secret Service overtime pay exception through 2023, and for other purposes.

Dec. 30, 2020
[S. 5036]

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

Secret Service Overtime Pay Extension Act.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secret Service Overtime Pay Extension Act".

SEC. 2. EXTENSION OF OVERTIME PAY EXCEPTION THROUGH 2023 FOR PROTECTIVE SERVICES.

(a) IN GENERAL.—Section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note) is amended—

(1) in the section heading, by striking "**2020**" and inserting "**2023**";

(2) in subsection (a), by striking "during 2016, 2017, 2018, 2019, or 2020" and inserting "during any of calendar years 2016 through 2023"; and

(3) in subsection (b)(1)—

(A) by inserting "for a given calendar year" after "for premium pay"; and

(B) by striking "during 2016, 2017, 2018, 2019, and 2020" and inserting "during each of calendar years 2016 through 2023".

(b) REPORTS.—

(1) DEFINITION.—In this subsection, the term "appropriate committees of Congress" means the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate and the Committee on Appropriations, the Committee on Oversight and Reform, and the Committee on the Judiciary of the House of Representatives.

(2) REPORT ON EXTENSIONS.—Not later than January 30 of each of calendar years 2021, 2022, and 2023, the Director of the United States Secret Service shall submit to the appropriate committees of Congress a report on the effects of the amendments made by subsection (a) and the amendments made by section 2(a) of the Secret Service Overtime Pay Extension Act (Public Law 115–383; 132 Stat. 5121), which shall include, with respect to the previous calendar year, the information described under paragraphs (1) through (7) of section 2(c) of the Secret Service Recruitment and Retention Act of 2018 (Public Law 115–160; 132 Stat. 1246).

(3) OPEN RECOMMENDATIONS.—Not later than 60 days after the date of enactment of this Act, the Director of the United States Secret Service shall submit to the appropriate committees of Congress a report discussing the progress of the United States Secret Service in implementing each recommendation of the Government Accountability Office to the United States Secret Service that has not been designated as closed by the Comptroller General of the United States.

(4) PROTECTIVE MISSION PANEL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the extent of the progress made by the United States Secret Service in implementing the recommendations of the United States Secret Service Protective Mission Panel, including in particular those items pertaining to training and personnel enumerated in the Executive Summary to Report from the United States Secret Service Protective Mission Panel to the Secretary of Homeland Security dated December 15, 2014.

(c) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 2(b) of the Secret Service Overtime Pay Extension Act (Public Law 115–383; 132 Stat. 5121) is repealed.

Approved December 30, 2020.

LEGISLATIVE HISTORY—S. 5036:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 16, considered and passed Senate.
Dec. 18, considered and passed House.

Public Law 116–270
116th Congress

An Act

To strengthen the capacity and competitiveness of historically Black colleges and universities through robust public-sector, private-sector, and community partnerships and engagement, and for other purposes.

Dec. 31, 2020
[S. 461]

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

HBCU Propelling Agency Relationships Towards a New Era of Results for Students Act.
20 USC 1001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "HBCU Propelling Agency Relationships Towards a New Era of Results for Students Act" or the "HBCU PARTNERS Act".

20 USC 1063d note.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) As many colleges and universities across the country kept their doors closed to African American applicants, historically Black colleges and universities (referred to in this section as "HBCUs") played a central role in ensuring that African Americans could attain an excellent education.

(2) Today, HBCUs continue to play a critical role in ensuring that African Americans, and those of all races, can access high-quality educational opportunities.

(3) HBCUs enroll nearly 300,000 students, an estimated 70 percent of whom come from low-income backgrounds and 80 percent of whom are African American.

(4) According to the National Association For Equal Opportunity In Higher Education (referred to in this section as "NAFEO"), HBCUs make up just 3 percent of American institutions of higher education but serve more than a fifth of African American college students.

(5) According to the Thurgood Marshall College Fund (referred to in this section as "TMCF"), approximately 9 percent of all African American college students attend HBCUs.

(6) A March 2017 report from the Education Trust concluded that HBCUs have higher completion rates for African American students than other institutions serving similar student populations.

(7) According to TMCF, 40 percent of African American Members of Congress, 50 percent of African American lawyers, and 80 percent of African American judges are graduates of HBCUs.

(8) According to NAFEO, HBCUs graduate approximately 50 percent of African American public school teaching professionals.

(9) According to the United Negro College Fund (referred to in this section as "UNCF"), African American graduates of HBCUs are almost twice as likely as African Americans who graduated from other institutions to report that their university prepared them well for life.

(10) According to a study commissioned by UNCF, in 2014, HBCUs generated a total direct economic impact of $14,800,000,000 and created more than 134,000 jobs.

(11) According to a 2019 report produced by the American Council on Education and UNCF, despite efforts to counter a historical legacy of inequitable funding and notable investments by the Federal Government and many State governments, resource inequities continue to plague HBCUs.

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen the capacity and competitiveness of HBCUs to fulfill their principal mission of equalizing educational opportunity, as described in section 301(b) of the Higher Education Act of 1965 (20 U.S.C. 1051(b));

(2) to align HBCUs with the educational and economic competitiveness priorities of the United States;

(3) to provide students enrolled at HBCUs with the highest quality educational and economic opportunities;

(4) to bolster and facilitate productive interactions between HBCUs and Federal agencies; and

(5) to encourage HBCU participation in and benefit from Federal programs, grants, contracts, and cooperative agreements.

20 USC 1063d note.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE AGENCY.—The term "applicable agency" means—

(A) the Department of Agriculture;

(B) the Department of Commerce;

(C) the Department of Defense;

(D) the Department of Education;

(E) the Department of Energy;

(F) the Department of Health and Human Services;

(G) the Department of Homeland Security;

(H) the Department of Housing and Urban Development;

(I) the Department of the Interior;

(J) the Department of Justice;

(K) the Department of Labor;

(L) the Department of State;

(M) the Department of Transportation;

(N) the Department of Treasury;

(O) the Department of Veterans Affairs;

(P) the National Aeronautics and Space Administration;

(Q) the National Oceanic and Atmospheric Administration;

(R) the National Science Foundation;

(S) the Small Business Administration; and

(T) any other Federal agency designated as an applicable agency under section 4.

(2) EXECUTIVE DIRECTOR.—The term "Executive Director" means—

(A) the Executive Director of the White House Initiative on Historically Black Colleges and Universities, as designated by the President; or

(B) if no such Executive Director is designated, such person as the President may designate to lead the White House Initiative on Historically Black Colleges and Universities.

(3) HBCU.—The term "HBCU" means a historically Black college or university.

(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" has the meaning given the term "part B institution" under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(5) PRESIDENT'S BOARD OF ADVISORS.—The term "President's Board of Advisors" means the President's Board of Advisors on historically Black colleges and universities.

(6) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Education.

(7) WHITE HOUSE INITIATIVE.—The term "White House Initiative" means the White House Initiative on historically Black colleges and universities.

SEC. 4. STRENGTHENING HBCUS THROUGH FEDERAL AGENCY PLANS. 20 USC 1063d.

(a) DESIGNATING APPLICABLE AGENCIES.—The Secretary, in consultation with the Executive Director, shall— Consultation.

(1) identify each Federal agency with which an HBCU—

(A) has entered into a grant, contract, or cooperative agreement; or

(B) is eligible to participate in the programs and initiatives under the jurisdiction of such Federal agency; and

(2) designate each Federal agency so identified as an applicable agency.

(b) SUBMITTING AGENCY PLANS.—Not later than February 1 of each year, the head of each applicable agency shall submit to the Secretary, the Executive Director, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and Labor of the House of Representatives, and the President's Board of Advisors an annual Agency Plan describing efforts to strengthen the capacity of HBCUs to participate or be eligible to participate in the programs and initiatives under the jurisdiction of such applicable agency as described in subsection (a)(1)(B). Deadline.

(c) FURTHER REQUIREMENTS FOR SUBMISSION AND ACCESSIBILITY.—The Executive Director shall make all annual Agency Plan submissions publicly available online in a user-friendly format. Public information. Web posting.

(d) AGENCY PLAN CONTENT.—Where appropriate, each Agency Plan shall include—

(1) a description of how the applicable agency intends to increase the capacity of HBCUs to compete effectively for grants, contracts, or cooperative agreements;

(2) an identification of Federal programs and initiatives under the jurisdiction of the applicable agency in which HBCUs are underrepresented;

(3) an outline of proposed efforts to improve HBCUs' participation in such programs and initiatives;

(4) a description of any progress made towards advancing or achieving goals and efforts from previous Agency Plans submitted under this section by such applicable agency;

(5) a description of how the applicable agency plans to encourage public-sector, private-sector, and community involvement to improve the capacity of HBCUs to compete effectively for grants, contracts, or cooperative agreements, and to participate in programs and initiatives under the jurisdiction of such agency;

(6) an identification of programs and initiatives not listed in a previous Agency Plan in which an HBCU may participate;

(7) any other information the applicable agency determines is relevant to promoting opportunities to fund, partner, contract, or otherwise interact with HBCUs; and

Criteria.

(8) any additional criteria established by the Secretary or the White House Initiative.

(e) AGENCY ENGAGEMENT.—To help fulfill the objectives of the Agency Plans, the head of each applicable agency—

(1) shall provide, as appropriate, technical assistance and information to the Executive Director to enhance communication with HBCUs concerning the applicable agency's—

(A) programs and initiatives described in subsection (d)(2); and

(B) the preparation of applications or proposals for grants, contracts, or cooperative agreements; and

(2) shall appoint a senior official to report directly to the agency head on the applicable agency's progress under this section.

20 USC 1063e.

SEC. 5. PRESIDENT'S BOARD OF ADVISORS ON HBCUS.

(a) ADMINISTRATION.—

Establishment.

(1) IN GENERAL.—There is established the President's Board of Advisors on historically Black colleges and universities in the Department of Education or, if the President so elects, within the Executive Office of the President.

(2) FUNDING FROM ED.—Except as provided in paragraph (3), the Secretary shall provide funding and administrative support for the President's Board of Advisors, subject to the availability of appropriations.

(3) FUNDING FROM THE EXECUTIVE OFFICE OF THE PRESIDENT.—If the President elects to locate the President's Board of Advisors within the Executive Office of the President, the Executive Office of the President shall provide funding and administrative support for the President's Board of Advisors, subject to the availability of appropriations.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The President shall appoint not more than 23 members to the President's Board of Advisors, and the Secretary and Executive Director or their designees shall serve as ex officio members.

(2) CHAIR.—

(A) DESIGNATION.—The President shall designate one member of the President's Board of Advisors to serve as its Chair, who shall help direct the Board's work in coordination with the Secretary and in consultation with the Executive Director.

(B) CONSULTATION.—The Chair shall also consult with the Executive Director regarding the time and location of meetings of the President's Board of Advisors, which shall take place not less frequently than once every 6 months. Time period.

(C) PERFORMANCE.—Insofar as the Federal Advisory Committee Act (5 U.S.C. App.) may apply to the President's Board of Advisors, any functions of the President under such Act, except for those of reporting to the Congress, shall be performed by the Chair, in accordance with guidelines issued by the Administrator of General Services. Guidelines.

(3) COMPENSATION.—Members of the President's Board of Advisors shall serve without compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law.

(c) MISSION AND FUNCTIONS.—The President's Board of Advisors shall advise the President, through the White House Initiative, on all matters pertaining to strengthening the educational capacity of HBCUs, which shall include the following:

(1) Improving the identity, visibility, distinctive capabilities, and overall competitiveness of HBCUs.

(2) Engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives.

(3) Improving the ability of HBCUs to remain fiscally secure institutions that can assist the Nation in achieving its educational goals and in advancing the interests of all Americans.

(4) Elevating the public awareness of, and fostering appreciation of, HBCUs.

(5) Encouraging public-private investments in HBCUs.

(6) Improving government-wide strategic planning related to HBCU competitiveness to align Federal resources and provide the context for decisions about HBCU partnerships, investments, performance goals, priorities, human capital development, and budget planning.

(d) REPORT.—The President's Board of Advisors shall report annually to the President on the Board's progress in carrying out its duties under this section.

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 461:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Feb. 12, considered and passed Senate.
Vol. 166 (2020): Dec. 7, considered and passed House, amended.
Dec. 11, Senate concurred in House amendment.

Public Law 116–271
116th Congress

An Act

To reauthorize the Integrated Coastal and Ocean Observation System Act of 2009, to clarify the authority of the Administrator of the National Oceanic and Atmospheric Administration with respect to post-storm assessments, and to require the establishment of a National Water Center, and for other purposes.

Dec. 31, 2020
[S. 914]

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

Coordinated Ocean Observations and Research Act of 2020.
33 USC 3601 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Coordinated Ocean Observations and Research Act of 2020".

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

Sec. 1. Short title; table of contents.

TITLE I—REAUTHORIZATION OF INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM ACT OF 2009

Sec. 101. Purposes.
Sec. 102. Definitions.
Sec. 103. Integrated Coastal and Ocean Observation System.
Sec. 104. Financing and agreements.
Sec. 105. Reports to Congress.
Sec. 106. Public-private use policy.
Sec. 107. Repeal of independent cost estimate.
Sec. 108. Authorization of appropriations.
Sec. 109. Reports and research plans.
Sec. 110. Strategic research plan.
Sec. 111. Stakeholder input on monitoring.
Sec. 112. Research activities.

TITLE II—NAMED STORM EVENT MODEL AND POST-STORM ASSESSMENTS

Sec. 201. Named Storm Event Model and post-storm assessments.

TITLE III—WATER PREDICTION AND FORECASTING

Sec. 301. Water prediction and forecasting.

TITLE I—REAUTHORIZATION OF INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM ACT OF 2009

SEC. 101. PURPOSES.

Section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601) is amended to read as follows:

"SEC. 12302. PURPOSES.

"The purposes of this subtitle are—

"(1) to establish and sustain a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the Council and at the regional level by a network of regional coastal observing systems, and that includes in situ, remote, and other coastal and ocean observation and modeling capabilities, technologies, data management systems, communication systems, and product development systems, and is designed to address regional and national needs for ocean and coastal information, to gather specific data on key ocean, coastal, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data—

"(A) to the public;

"(B) to support national defense, search and rescue operations, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach and education;

"(C) to promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare;

"(D) to provide easy access to ocean, coastal, and Great Lakes data and promote data sharing between Federal and non-Federal sources and promote public data sharing;

"(E) to enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources to ensure the Nation can respond to opportunities to enhance food, economic, and national security; and

"(F) to monitor and model changes in the oceans and Great Lakes, including with respect to chemistry, harmful algal blooms, hypoxia, water levels, and other phenomena;

"(2) to improve the Nation's capability to measure, track, observe, understand, and predict events related directly and indirectly to weather and climate, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes;

"(3) to sustain, upgrade, and modernize the Nation's ocean and Great Lakes observing infrastructure to detect changes and ensure delivery of reliable and timely information; and

"(4) to authorize activities—

"(A) to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, including advanced observing technologies such as unmanned maritime systems needed to address critical data gaps, modeling systems, other scientific and technological capabilities to improve the understanding of weather and climate, ocean-atmosphere dynamics, global climate change, and the physical, chemical, and biological dynamics of the ocean, coastal, and Great Lakes environments; and

"(B) to conserve healthy and restore degraded coastal ecosystems.".

SEC. 102. DEFINITIONS.

Section 12303 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3602) is amended—

(1) in paragraph (2), by striking "section 7902" and inserting "section 8932";

(2) in paragraph (5), by striking "integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector" and inserting "managed through States, regional organizations, universities, nongovernmental organizations, or the private sector and integrated into the System by a regional coastal observing system, the National Oceanic and Atmospheric Administration, or the agencies participating in the Interagency Ocean Observation Committee";

(3) by amending paragraph (6) to read as follows:

"(6) REGIONAL COASTAL OBSERVING SYSTEM.—The term 'regional coastal observing system' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) and coordinates State, Federal, local, tribal, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions."; and

(4) in paragraph (7), by striking "National Oceanic and Atmospheric Administration" and inserting "Administrator".

SEC. 103. INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.

(a) SYSTEM ELEMENTS.—

(1) IN GENERAL.—Section 12304(b) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(b)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

"(A) Federal assets to fulfill national and international observation missions and priorities;

"(B) non-Federal assets, including a network of regional coastal observing systems identified under subsection (c)(4), to fulfill regional and national observation missions and priorities;

"(C) observing, modeling, data management, and communication systems for the timely integration and dissemination of data and information products from the System, including reviews of data collection procedures across regions and programs to make recommendations for data collection standards across the System to meet national ocean, coastal, and Great Lakes observation, applied research, and weather forecasting needs; Reviews. Recommendations.

"(D) a product development system to transform observations into products in a format that may be readily used and understood; and

"(E) a research and development program conducted under the guidance of the Council, consisting of—

"(i) basic and applied research and technology development—

"(I) to improve understanding of coastal and ocean systems and their relationships to human activities; and

"(II) to ensure improvement of operational assets and products, including related infrastructure, observing technologies such as unmanned maritime systems, and information and data processing and management technologies;

"(ii) an advanced observing technology development program to fill gaps in technology;

"(iii) large scale computing resources and research to advance modeling of ocean, coastal, and Great Lakes processes;

"(iv) models to improve regional weather forecasting capabilities and regional weather forecasting products; and

Reviews. Recommendations.

"(v) reviews of data collection procedures across regions and programs to make recommendations for data collection standards across the System to meet national ocean, coastal, and Great Lakes observation, applied research, and weather forecasting needs.".

(2) AVAILABILITY OF DATA.—Section 12304(b)(3) of such Act (33 U.S.C. 3603(b)(3)) is amended by inserting "for research and for use in the development of products to address societal needs" before the period at the end.

(b) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—Section 12304(c) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(c)) is amended by striking paragraphs (2), (3), and (4), and inserting the following:

"(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—

"(A) ESTABLISHMENT.—The Council shall establish or designate a committee, which shall be known as the 'Interagency Ocean Observation Committee'.

"(B) DUTIES.—The Interagency Ocean Observation Committee shall—

"(i) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement, and expansion of the System to meet the objectives of this subtitle and the System Plan;

"(ii) develop and transmit to Congress, along with the budget submitted by the President to Congress pursuant to section 1105(a) of title 31, United States Code, an annual coordinated, comprehensive budget—

"(I) to operate all elements of the System identified in subsection (b); and

"(II) to ensure continuity of data streams from Federal and non-Federal assets;

"(iii) establish requirements for observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional coastal observing systems, priorities for System observations;

"(iv) establish and define protocols and standards for System data processing, management, collection, configuration standards, formats, and communication for new and existing assets throughout the System network;

"(v) develop contract requirements for each regional coastal observing system—

"(I) to establish eligibility for integration into the System;

"(II) to ensure compliance with all applicable standards and protocols established by the Council; and

"(III) to ensure that regional observations are integrated into the System on a sustained basis;

"(vi) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

"(vii) subject to the availability of appropriations, establish through 1 or more Federal agencies participating in the Interagency Ocean Observation Committee, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

"(I) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

"(II) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

"(viii) periodically—

"(I) review the System Plan; and

"(II) submit to the Council such recommendations as the Interagency Ocean Observation Committee may have for improvements to the System Plan;

"(ix) ensure collaboration among Federal agencies participating in the Interagency Ocean Observation Committee; and

"(x) perform such additional duties as the Council may delegate.

"(3) LEAD FEDERAL AGENCY.—

"(A) IN GENERAL.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System.

"(B) CONSULTATION REQUIRED.—In carrying out this paragraph, the Administrator shall consult with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional coastal observing systems.

"(C) REQUIREMENTS.—In carrying out this paragraph, the Administrator shall—

"(i) establish and operate an Integrated Ocean Observing System Program Office within the National Oceanic and Atmospheric Administration that—

"(I) utilizes, to the extent necessary, personnel from Federal agencies participating in the Interagency Ocean Observation Committee; and

"(II) oversees daily operations and coordination of the System;

"(ii) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observation Committee;

Guidelines.
Certification.

"(iii) promulgate program guidelines—

"(I) to certify and integrate regional associations into the System; and

"(II) to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

"(iv) have the authority to enter into and oversee contracts, leases, grants, or cooperative agreements with non-Federal assets, including regional coastal observing systems, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

"(v) implement and maintain a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a national network of regional coastal observing systems, and develop and implement a process for the periodic review and evaluation of the regional associations;

"(vi) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, maintain, and support components of the System;

Procedures.

"(vii) establish and maintain efficient and effective administrative procedures for the timely allocation of funds among contractors, grantees, and non-Federal assets, including regional coastal observing systems;

Review.
Evaluation.

"(viii) develop and implement a process for the periodic review and evaluation of the regional coastal observing systems;

"(ix) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are—

"(I) identified by the regional associations described in the System Plan, the Administrator, or other members of the System; and

"(II) submitted to the Interagency Ocean Observation Committee;

"(x) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Interagency Ocean Observation Committee, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

"(xi) not less frequently than once each year, submit to the Interagency Ocean Observation Committee a report on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans prepared pursuant to paragraph (2)(B)(i); Reports.

"(xii) develop and periodically update a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan; and Update. Plan.

"(xiii) work with users and regional associations to develop products to enable real-time data sharing for decision makers, including with respect to weather forecasting and modeling, search and rescue operations, corrosive seawater forecasts, water quality monitoring and communication, and harmful algal bloom forecasting.

"(4) REGIONAL COASTAL OBSERVING SYSTEMS.—

"(A) IN GENERAL.—A regional coastal observing system described in the System Plan as a regional association may not be certified or established under this subtitle unless it—

"(i) has been or shall be certified or established by contract or agreement by the Administrator;

"(ii) meets—

"(I) the certification standards and compliance procedure guidelines issued by the Administrator; and

"(II) the information needs of user groups in the region while adhering to national standards;

"(iii) demonstrates an organizational structure, that under funding limitations is capable of—

"(I) gathering required System observation data;

"(II) supporting and integrating all aspects of coastal and ocean observing and information programs within a region; and

"(III) reflecting the needs of State, local, and tribal governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

"(iv) identifies—

"(I) gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System; and

"(II) other recommendations to assist in the development of the annual and long-term plans prepared pursuant to paragraph (2)(B)(i) and transmits such information to the Interagency Ocean Observation Committee through the Program Office established under paragraph (3)(C)(i); Recommendations.

"(v) develops and operates under a strategic plan that will ensure the efficient and effective administration of programs and assets to support daily data Strategic plan.

observations for integration into the System, pursuant to the standards approved by the Council;

"(vi) works cooperatively with governmental and nongovernmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional coastal observing system; and

Compliance.

"(vii) complies with all financial oversight requirements established by the Administrator, including requirements relating to audits.

"(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies are permitted to be members of the governing body for the regional coastal observing systems and may participate in the functions of the regional coastal observing systems.".

(c) SYSTEM ADVISORY COMMITTEE.—Section 12304(d) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(d)) is amended—

(1) in paragraph (1), by striking "or the Interagency Ocean Observing Committee." and inserting "or the Council under this subtitle"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ", data sharing," after "data management";

(B) in subparagraph (C), by striking "and" at the end;

(C) by striking subparagraph (D) and inserting the following:

"(D) additional priorities, including—

"(i) a national surface current mapping network designed to improve fine scale sea surface mapping using high frequency radar technology and other emerging technologies to address national priorities, including Coast Guard search and rescue operation planning and harmful algal bloom forecasting and detection that—

"(I) is comprised of existing high frequency radar and other sea surface current mapping infrastructure operated by national programs and regional coastal observing systems;

"(II) incorporates new high frequency radar assets or other fine scale sea surface mapping technology assets, and other assets needed to fill gaps in coverage on United States coastlines; and

"(III) follows a deployment plan that prioritizes closing gaps in high frequency radar infrastructure in the United States, starting with areas demonstrating significant sea surface current data needs, especially in areas where additional data will improve Coast Guard search and rescue models;

"(ii) fleet acquisition for unmanned maritime systems for deployment and data integration to fulfill the purposes of this subtitle;

"(iii) an integrative survey program for application of unmanned maritime systems to the real-time or near real-time collection and transmission of sea floor,

water column, and sea surface data on biology, chemistry, geology, physics, and hydrography;

"(iv) remote sensing and data assimilation to develop new analytical methodologies to assimilate data from the System into hydrodynamic models;

"(v) integrated, multi-State monitoring to assess sources, movement, and fate of sediments in coastal regions;

"(vi) a multi-region marine sound monitoring system to be—

Consultation.

"(I) planned in consultation with the Interagency Ocean Observation Committee, the National Oceanic and Atmospheric Administration, the Department of the Navy, and academic research institutions; and

"(II) developed, installed, and operated in coordination with the National Oceanic and Atmospheric Administration, the Department of the Navy, and academic research institutions; and

"(E) any other purpose identified by the Administrator or the Council.";

(D) in paragraph (3)(B), by inserting "The Administrator may stagger the terms of the System advisory committee members." before "Members"; and

(E) in paragraph (4)—

(i) in subparagraph (A), by striking "and the Interagency Ocean Observing Committee"; and

(ii) in subparagraph (C), by striking "Observing" and inserting "Observation".

(d) CIVIL LIABILITY.—Section 12304(e) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(e)) is amended—

(1) by striking "information coordination entity" each place it appears and inserting "coastal observing system"; and

(2) by striking "contract, lease, grant, or cooperative agreement under subsection (c)(3)(D)" and inserting "a memorandum of agreement of certification under subsection (c)(3)(C)(iii)".

(e) CONFORMING AMENDMENTS.—The Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.) is amended by striking "regional information coordination entities" each place it appears and inserting "regional coastal observing systems".

SEC. 104. FINANCING AND AGREEMENTS.

Section 12305(a) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3604(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary of Commerce may execute an agreement, on a reimbursable or nonreimbursable basis, with any State or subdivision thereof, any Federal agency, any public or private organization, or any individual to carry out activities under this subtitle.".

SEC. 105. REPORTS TO CONGRESS.

Section 12307 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3606) is amended to read as follows:

"SEC. 12307. REPORT TO CONGRESS.

Time period. President.

"(a) REQUIREMENT.—Not later than March 30, 2022, and every 5 years thereafter, the Administrator shall prepare, and the President acting through the Council shall approve and transmit to Congress, a report on progress made in implementing this subtitle.

"(b) CONTENTS.—Each report required under subsection (a) shall include—

"(1) a description of activities carried out under this subtitle and the System Plan;

Evaluation.

"(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

Determination.

"(3) the identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

Review.

"(4) a review of procurements, planned or initiated, by each department or agency represented on the Council to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

Summary.

"(5) a summary of the existing gaps in observation infrastructure and monitoring data collection, including—

"(A) priorities considered by the System advisory committee;

"(B) the national sea surface current mapping network;

"(C) coastal buoys;

"(D) ocean chemistry monitoring;

"(E) marine sound monitoring; and

"(F) unmanned maritime systems technology gaps;

Assessment. Coordination.

"(6) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional coastal observing systems to coordinate regional observation operations;

"(7) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

Recommendations.

"(8) recommendations, if any, concerning—

"(A) modifications to the System; and

"(B) funding levels for the System in subsequent fiscal years; and

"(9) the results of a periodic external independent programmatic audit of the System.".

SEC. 106. PUBLIC-PRIVATE USE POLICY.

Section 12308 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3607) is amended to read as follows:

"SEC. 12308. PUBLIC-PRIVATE USE POLICY.

"The Council shall maintain a policy that defines processes for making decisions about the roles of the Federal Government, the States, regional coastal observing systems, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services

related to the System. The Administrator shall ensure that the National Oceanic and Atmospheric Administration adheres to the decision making process developed by the Council regarding the roles of the Federal Government, the States, the regional coastal observing systems, the academic community, and the private sector in providing end-user communities environmental information, data products, technologies, and services related to the System.".

SEC. 107. REPEAL OF INDEPENDENT COST ESTIMATE.

(a) IN GENERAL.—The Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.) is amended by striking section 12309 (33 U.S.C. 3608).

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the item related to section 12309.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 12311 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3610) is amended to read as follows:

"SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary of Commerce to support the integrated oceans observations under this subtitle—

"(1) $48,000,000 for fiscal year 2021;
"(2) $50,000,000 for fiscal year 2022;
"(3) $52,000,000 for fiscal year 2023;
"(4) $54,000,000 for fiscal year 2024; and
"(5) $56,000,000 for fiscal year 2025.".

SEC. 109. REPORTS AND RESEARCH PLANS.

Section 12404(c) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3703(c)) is amended by adding at the end the following:

"(4) ECONOMIC VULNERABILITY REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of the Coordinated Ocean Observations and Research Act of 2020, and every 6 years thereafter, the Subcommittee shall transmit to the appropriate committees of Congress a report that— Time period.

"(i) is named the 'Ocean Chemistry Coastal Community Vulnerability Assessment';

"(ii) identifies gaps in ocean acidification monitoring by public, academic, and private assets in the network of regional coastal observing systems;

"(iii) identifies geographic areas which have gaps in ocean acidification research;

"(iv) identifies United States coastal communities, including island communities, fishing communities, low-population rural communities, tribal and subsistence communities, and island communities, that may be impacted by ocean acidification;

"(v) identifies impacts of changing ocean carbonate chemistry on the communities described in clause (iv), including impacts from changes in ocean and coastal marine resources that are not managed by the Federal Government;

"(vi) identifies gaps in understanding of the impacts of ocean acidification on economically or commercially important species, particularly those which support United States commercial, recreational, and tribal fisheries and aquaculture;

"(vii) identifies habitats that may be particularly vulnerable to corrosive sea water, including areas experiencing multiple stressors such as hypoxia, sedimentation, and harmful algal blooms;

"(viii) identifies areas in which existing National Integrated Coastal and Ocean Observation System assets, including unmanned maritime systems, may be leveraged as platforms for the deployment of new sensors or other applicable observing technologies;

"(ix) is written in collaboration with Federal agencies responsible for carrying out this subtitle, including representatives of—

"(I) the National Marine Fisheries Service and the Office for Coastal Management of the National Oceanic and Atmospheric Administration;

"(II) regional coastal observing systems established under section 12304(c)(4);

"(III) regional ocean acidification networks; and

"(IV) sea grant programs (as defined in section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122)); and

Consultation.

"(x) is written in consultation with experts, including subsistence users, academia, and stakeholders familiar with the economic, social, ecological, geographic, and resource concerns of coastal communities in the United States.

"(B) FORM OF REPORT.—

"(i) INITIAL REPORT.—The initial report required under subparagraph (A) shall include the information described in clauses (i) through (viii) of that subparagraph on a national level.

"(ii) SUBSEQUENT REPORTS.—Each report required under subparagraph (A) after the initial report—

"(I) may describe the information described in clauses (i) through (viii) of that subparagraph on a national level; or

"(II) may consist of separate reports for each region of the National Oceanic and Atmospheric Administration.

"(iii) REGIONAL REPORTS.—If the Subcommittee opts to prepare a report required under subparagraph (A) as separate regional reports under clause (ii)(II), the Subcommittee shall submit a report for each region of the National Oceanic and Atmospheric Administration not less frequently than once during each 6-year reporting period.

"(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph and in paragraph (5), the term 'appropriate committees of Congress' means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology

of the House of Representatives, and the Committee on Natural Resources of the House of Representatives.

"(5) MONITORING PRIORITIZATION PLAN.—Not later than 180 days after the date of the submission of the initial report under paragraph (4)(A), the Subcommittee shall transmit to the appropriate committees of Congress a report that develops a plan to deploy new sensors or other applicable observing technologies such as unmanned maritime systems—

"(A) based on such initial report;

"(B) prioritized by—

"(i) the threat to coastal economies and ecosystems;

"(ii) gaps in data; and

"(iii) research needs; and

"(C) that leverage existing platforms, where possible.".

SEC. 110. STRATEGIC RESEARCH PLAN.

(a) CONTENTS.—Section 12405(b) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3704(b)) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) make recommendations for research to be conducted, including in the social sciences and economics, to address the key knowledge gaps identified in the Ocean Chemistry Coastal Community Vulnerability Assessment conducted under section 12404(c)(4).". Recommendations.

(b) PROGRAM ELEMENTS.—Section 12405(c) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3704(c)) is amended by adding at the end the following:

"(6) Research to understand the combined impact of changes in ocean chemistry and other stressors, including sediment delivery, hypoxia, and harmful algal blooms, on each other and on living marine resources, including aquaculture and coastal ecosystems.

"(7) Applied research to identify adaptation strategies for species impacted by changes in ocean chemistry including vegetation-based systems, shell recycling, species and genetic diversity, applied technologies, aquaculture methodologies, and management recommendations.".

(c) PARTICIPATION.—Section 12405(e) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3704(e)) is amended in the first sentence by inserting ", tribal governments, and subsistence users" after "groups".

(d) REVISED STRATEGIC RESEARCH PLAN.—Not later than one year after the date of the enactment of this Act, the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall submit to Congress a revised strategic research plan under section 12405 of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3704) that includes the matters required by the amendments made by this section. Deadline. 33 USC 3704 note.

SEC. 111. STAKEHOLDER INPUT ON MONITORING.

Section 12406(a) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3705(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) includes an ongoing mechanism that allows industry members, coastal stakeholders, fishery management councils and commissions, non-Federal resource managers, community acidification networks, indigenous knowledge groups, and scientific experts to provide input on monitoring needs that are necessary to support on the ground management, decision making, and adaptation related to ocean acidification and its impacts.".

SEC. 112. RESEARCH ACTIVITIES.

Section 12407(a) of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3706(a)) is amended to read as follows:

"(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research, observation, and monitoring of ocean acidification and its impacts, including—

"(1) impacts on marine organisms, including species cultured for aquaculture, and marine ecosystems;

"(2) impacts on ocean, coastal, and estuarine biogeochemistry;

"(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts; and

"(4) impacts of multiple stressors on ecosystems exhibiting hypoxia, harmful algal blooms, or sediment delivery, combined with changes in ocean chemistry.".

TITLE II—NAMED STORM EVENT MODEL AND POST-STORM ASSESSMENTS

SEC. 201. NAMED STORM EVENT MODEL AND POST-STORM ASSESSMENTS.

(a) AMENDMENTS TO THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009.—Section 12312 of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking the period at the end and inserting the following: ", except that the term shall not apply with respect to a State or territory that has an operational wind and flood loss allocation system.";

(B) in paragraph (6), by inserting "sustained" before "winds"; and

(C) in paragraph (7), by striking "that threaten any portion of a coastal State" and inserting "for which post-storm assessments are conducted";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "540 days after the date of the enactment of the Consumer Option for an

Alternative System to Allocate Losses Act of 2012" and inserting "December 31, 2020"; and

(II) by striking "by regulation";

(ii) in subparagraph (B), by striking "every" and inserting "an"; and

(iii) by adding at the end the following:

"(C) PUBLIC REVIEW.—The Administrator shall seek input and suggestions from the public before the Named Storm Event Model, or any modification to the Named Storm Event Model, takes effect."; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(ii) by inserting after subparagraph (A) the following:

"(B) DATA COLLECTION.—

"(i) IN GENERAL.—Upon identification of a named storm under subparagraph (A), and pursuant to the protocol established under subsection (c), the Administrator may deploy sensors to enhance the collection of covered data in the areas in coastal States that the Administrator determines are at the highest risk of experiencing geophysical events that would cause indeterminate losses. Determination.

"(ii) RULE OF CONSTRUCTION.—If the Administrator takes action under clause (i), that action may not be construed as indicating that a post-storm assessment will be developed for any coastal State in which that action is taken.

"(C) IDENTIFICATION OF INDETERMINATE LOSSES IN COASTAL STATES.—Not later than 30 days after the first date on which sustained winds of not less than 39 miles per hour are measured in a coastal State during a named storm identified under subparagraph (A), the Secretary of Homeland Security shall notify the Administrator with respect to the existence of any indeterminate losses in that coastal State resulting from that named storm."; Deadline. Notification.

(iii) in subparagraph (D), as so redesignated—

(I) by striking "identification of a named storm under subparagraph (A)" and inserting "confirmation of indeterminate losses identified under subparagraph (C) with respect to a named storm"; and

(II) by striking "assessment for such named storm" and inserting "assessment for each coastal State that suffered such indeterminate losses as a result of the named storm";

(iv) in subparagraph (E), as so redesignated—

(I) by striking "an identification of a named storm is made under subparagraph (A)" and inserting "any indeterminate losses are identified under subparagraph (C)"; and

(II) by striking "for such storm under subparagraph (B)" and inserting "under subparagraph (D) for any coastal State that suffered such indeterminate losses"; and

(v) by adding at the end the following:

"(F) SEPARATE POST-STORM ASSESSMENTS FOR A SINGLE NAMED STORM.—

"(i) IN GENERAL.—The Administrator may conduct a separate post-storm assessment for each coastal State in which indeterminate losses are identified under subparagraph (C).

"(ii) TIMELINE.—If the Administrator conducts a separate post-storm assessment under clause (i), the Administrator shall complete the assessment based on the dates of actions that the Administrator takes under subparagraph (D).''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "540 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012" and inserting "December 31, 2020";

(B) in paragraph (2), by inserting ", in the discretion of the Administrator," after "of sensors as may"; and

(C) in paragraph (4)(B), by inserting "and expend" after "receive".

(b) AMENDMENTS TO THE NATIONAL FLOOD INSURANCE ACT OF 1968.—Section 1337 of the National Flood Insurance Act of 1968 (42 U.S.C. 4057) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking the period at the end and inserting the following: ", except that the term shall not apply with respect to a State or territory that has an operational wind and flood loss allocation system."; and

(B) in paragraph (5), by inserting "sustained" after "maximum";

(2) in subsection (b)—

(A) in paragraph (1), by striking "establish by rule" and inserting "publish for comment in the Federal Register"; and

Determination.

(B) in paragraph (2)(B), by inserting after "Elevation Certificate" the following: ", or other data or information used to determine a property's current risk of flood, as determined by the Administrator,";

Federal Register, publication.

(3) in subsection (c)(3)(A)(i), by striking "the issuance of the rule establishing the COASTAL Formula" and inserting "publication of the COASTAL Formula in the Federal Register as required by subsection (b)(1)";

(4) in subsection (d), by striking "section 12312(b)(2)(C)" and inserting "section 12312(b)(2)(E)";

(5) in subsection (h)—

(A) by inserting "that issues a standard flood insurance policy under the national flood insurance program" after "company"; and

(B) by striking "or the COASTAL Formula" and inserting ", the COASTAL Formula, or any other loss allocation or post-storm assessment arising under the laws or ordinances of any State";

Deadline. Federal Register, publication.

(6) in subsection (i), by striking "after the date on which the Administrator issues the rule establishing the COASTAL Formula under subsection (b)" and inserting "60 days after

publication of the COASTAL Formula in the Federal Register as required by subsection (b)(1)"; and

(7) by adding at the end the following:

"(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create a cause of action under this Act.".

TITLE III—WATER PREDICTION AND FORECASTING

SEC. 301. WATER PREDICTION AND FORECASTING. 42 USC 10371.

(a) NATIONAL WATER CENTER.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall establish a center—

(i) to serve as the research and operational center of excellence for hydrologic analyses, forecasting, and related decision support services within the National Oceanic and Atmospheric Administration and the National Weather Service; and

(ii) to facilitate collaboration across Federal and State departments and agencies, academia, and the private sector on matters relating to water resources.

(B) DESIGNATION.—The center established under subparagraph (A) shall be known as the "National Water Center".

(2) FUNCTIONS.—The functions of the National Water Center shall include the following:

(A) Improving understanding of water resources, stakeholder needs regarding water resources, and identifying science and services gaps relating to water resources.

(B) Developing and implementing advanced water resources modeling capabilities.

(C) Facilitating the transition of hydrologic research into operations.

(D) Delivering analyses, forecasts, and inundation information and guidance for all hydrologic events in the United States, including flash flooding, riverine flooding, and water resources outlooks.

(E) In coordination with warning coordination meteorologists, providing decision-support services to inform emergency management and water resources decisions. Coordination.

(b) NATIONAL INSTRUCTIONS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Under Secretary, acting through the Director of the National Weather Service, shall make public an operations and services policy directive for the National Water Center. Deadline. Public information.

(2) CONTENTS.—The directive required by paragraph (1) shall include national instructions to perform the functions of the National Water Center, including the following:

(A) Operational staff responsibilities.

(B) Guidelines for content, format, and provision of hydrologic and inundation products developed by the National Water Center. Guidelines.

(C) Procedures for cooperation and coordination between the National Water Center, the National Weather Procedures.

Service National Centers for Environmental Prediction, National Weather Service River Forecast Centers, and National Weather Service Weather Forecast Offices.

(c) TOTAL WATER PREDICTION.—The Under Secretary, acting through the Director of the Office of Water Prediction of the National Weather Service, shall—

(1) initiate and lead research and development activities to develop operational water resource prediction and related decision support products;

(2) collaborate with, and provide decision support regarding total water prediction to—

(A) the relevant Federal agencies represented on the National Science and Technology Council, Committee on Environment, Natural Resources, and Sustainability and the Subcommittee on Disaster Reduction;

(B) State water resource agencies; and

(C) State and local emergency management agencies; and

(3) in carrying out the responsibilities described in paragraphs (1) and (2), collaboratively develop capabilities necessary for total water predictive capacity, including observations, modeling, data management, supercomputing, social science, and communications.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities under this section amounts as follows:

(1) $44,500,000 for fiscal year 2021.
(2) $45,000,000 for fiscal year 2022.
(3) $45,500,000 for fiscal year 2023.
(4) $46,000,000 for fiscal year 2024.

(e) DERIVATION OF FUNDS.—Funds to carry out this section shall be derived from amounts authorized to be appropriated to the National Weather Service and the National Ocean Service that are enacted after the date of the enactment of this Act.

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 914:

SENATE REPORTS: No. 116–168 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
July 30, considered and passed Senate.
Dec. 3, considered and passed House, amended.
Dec. 16, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 31, Presidential statement.

Public Law 116–272
116th Congress

An Act

To amend the Post-Katrina Emergency Management Reform Act of 2006 to incorporate the recommendations made by the Government Accountability Office relating to advance contracts, and for other purposes.

Dec. 31, 2020
[S. 979]

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

SECTION 1. SHORT TITLE.

Federal Advance Contracts Enhancement Act.
6 USC 701 note.

This Act may be cited as the "Federal Advance Contracts Enhancement Act" or the "FACE Act".

SEC. 2. FINDINGS.

6 USC 791 note.

Congress finds that—

(1) the Post-Katrina Emergency Management and Reform Act of 2006 (Public Law 109–925; 120 Stat. 1394) required the Federal Emergency Management Agency to establish advance contracts, which are established prior to disasters and are typically needed to quickly provide life-sustaining goods and services in the immediate aftermath of a disaster;

(2) the catastrophic hurricanes and wildfires in the United States in 2017 highlighted the importance of these advance contracts in disaster response;

(3) in a report issued by the Government Accountability Office entitled "2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts", the Government Accountability Office identified a number of challenges with advance contracts and recommended actions to improve management by the Federal Emergency Management Agency of these contracts for future disasters; and

(4) section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791) should be amended to incorporate the recommendations made by the report described in paragraph (3) to ensure more effective use and management of advance contracts.

SEC. 3. FEDERAL EMERGENCY MANAGEMENT AGENCY ADVANCE CONTRACTS.

(a) IN GENERAL.—Section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791) is amended by adding at the end the following:

"(e) UPDATED REPORT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit to the appropriate committees of Congress an updated report that contains—

"(1) the information required in the initial report under subparagraphs (A) and (B) of subsection (a)(1); and

Strategy.

"(2) an updated strategy described in subsection (a)(1)(C) that clearly defines—

"(A) the objectives of advance contracts;

"(B) how advance contracts contribute to disaster response operations of the Agency;

"(C) how to maximize the award of advance contracts to small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

"(D) whether and how advance contracts should be prioritized in relation to new post-disaster contract awards.

Deadlines.

"(f) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—

"(1) HEAD OF CONTRACTING.—The Administrator shall ensure that the head of contracting activity of the Agency—

"(A) not later than 270 days after the date of enactment of this subsection, updates the Disaster Contracting Desk Guide of the Agency to provide specific guidance—

"(i) on whether and under what circumstances contracting officers should consider using existing advance contracts entered into in accordance with this section prior to making new post-disaster contract awards, and include this guidance in existing semi-annual training given to contracting officers; and

"(ii) for contracting officers to perform outreach to State and local governments on the potential benefits of establishing their own pre-negotiated advance contracts;

Records.

"(B) adheres to hard copy contract file management requirements in effect to ensure that the files relating to advance contracts entered into in accordance with this section are complete and up to date, whether the files will be transferred into the Electronic Contract Filing System of the Agency or remain in hard copy format;

Notification.
Time period.

"(C) notifies contracting officers of the 3-day time frame requirement for entering completed award documentation into the contract writing system of the Agency when executing notice to proceed documentation;

"(D) not later than 180 days after the date of enactment of this subsection, revises the reporting methodology of the Agency to ensure that all disaster contracts are included in each quarterly report submitted to the appropriate congressional committees under this section on disaster contract actions;

"(E) identifies a single centralized resource listing advance contracts entered into under this section and ensures that source is current and up to date and includes all available advance contracts; and

"(F) communicates complete and up-to-date information on available advance contracts to State and local governments to inform their advance contracting efforts.

"(2) MASTER ACQUISITION PLANNING SCHEDULE.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall update and implement guidance for program office and acquisition personnel of the Agency to—

"(A) identify acquisition planning time frames and considerations across the entire acquisition planning process of the Agency; and

"(B) clearly communicate the purpose and use of a master acquisition planning schedule.".

(b) REPORT.—The Administrator of the Federal Emergency Management Agency shall regularly update the appropriate committees of Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) on the progress of the Federal Emergency Management Agency in implementing the recommendations of the Government Accountability Office in the report entitled "2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts", as required under section 691 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 791), as amended by subsection (a). 6 USC 791 note.

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 979:

SENATE REPORTS: No. 116–84 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 165 (2019): Nov. 7, considered and passed Senate.

Vol. 166 (2020): Dec. 18, considered and passed House.

Public Law 116–273
116th Congress

An Act

Dec. 31, 2020
[S. 1130]

To amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

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

Scarlett's Sunshine on Sudden Unexpected Death Act.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Scarlett's Sunshine on Sudden Unexpected Death Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title XI of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in the part heading, by striking "**SUDDEN INFANT DEATH SYNDROME**" and inserting "**SUDDEN UNEXPECTED INFANT DEATH, SUDDEN INFANT DEATH SYNDROME, AND SUDDEN UNEXPECTED DEATH IN CHILDHOOD**"; and

(2) by inserting before section 1122 the following:

42 USC 300c–11.

"SEC. 1121. ADDRESSING SUDDEN UNEXPECTED INFANT DEATH AND SUDDEN UNEXPECTED DEATH IN CHILDHOOD.

"(a) IN GENERAL.—The Secretary may develop, support, or maintain programs or activities to address sudden unexpected infant death and sudden unexpected death in childhood, including by—

"(1) continuing to support the Sudden Unexpected Infant Death and Sudden Death in the Young Case Registry of the Centers for Disease Control and Prevention and other fatality case reporting systems that include data pertaining to sudden unexpected infant death and sudden unexpected death in childhood, as appropriate, including such systems supported by the Health Resources and Services Administration, in order to—

"(A) increase the number of States and jurisdictions participating in such registries or systems; and

"(B) improve the utility of such registries or systems, which may include—

"(i) making summary data available to the public in a timely manner on the internet website of the Department of Health and Human Services, in a manner that, at a minimum, protects personal privacy to the extent required by applicable Federal and State law; and

"(ii) making the data submitted to such registries or systems available to researchers, in a manner that,

at a minimum, protects personal privacy to the extent required by applicable Federal and State law; and

"(2) awarding grants or cooperative agreements to States, Indian Tribes, and Tribal organizations for purposes of— Grants.

"(A) supporting fetal and infant mortality and child death review programs for sudden unexpected infant death and sudden unexpected death in childhood, including by establishing such programs at the local level;

"(B) improving data collection related to sudden unexpected infant death and sudden unexpected death in childhood, including by—

"(i) improving the completion of death scene investigations and comprehensive autopsies that include a review of clinical history and circumstances of death with appropriate ancillary testing; and

"(ii) training medical examiners, coroners, death scene investigators, law enforcement personnel, emergency medical technicians, paramedics, emergency department personnel, and others who perform death scene investigations with respect to the deaths of infants and children, as appropriate;

"(C) identifying, developing, and implementing best practices to reduce or prevent sudden unexpected infant death and sudden unexpected death in childhood, including practices to reduce sleep-related infant deaths;

"(D) increasing the voluntary inclusion, in registries established for the purpose of conducting research on sudden unexpected infant death and sudden unexpected death in childhood, of samples of tissues or genetic materials from autopsies that have been collected pursuant to Federal or State law and for which the parent or guardian has provided informed consent for inclusion in such registries;

"(E) disseminating information and materials to health care professionals and the public on risk factors that contribute to sudden unexpected infant death and sudden unexpected death in childhood, which may include information on risk factors that contribute to sleep-related sudden unexpected infant death or sudden unexpected death in childhood; or

"(F) providing information, referrals, or peer or follow-up support services to families who have experienced sudden unexpected infant death or sudden unexpected death in childhood.

"(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a)(2), a State, Indian Tribe, or Tribal organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information on how such State will ensure activities conducted under this section are coordinated with other federally-funded programs to reduce infant and child mortality, as appropriate. Coordination.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States, Tribes, and Tribal organizations receiving a grant or cooperative agreement under subsection (a)(2) for purposes of carrying out the program in accordance with this section.

"(d) REPORTING FORMS.—

"(1) IN GENERAL.—The Secretary shall, as appropriate, encourage the use of sudden unexpected infant death and sudden unexpected death in childhood reporting forms developed in collaboration with the Centers for Disease Control and Prevention to improve the quality of data submitted to the Sudden Unexpected Infant Death and Sudden Death in the Young Case Registry, and other fatality case reporting systems that include data pertaining to sudden unexpected infant death and sudden unexpected death in childhood.

Assessment.

"(2) UPDATE OF FORMS.—The Secretary shall assess whether updates are needed to the sudden unexpected infant death investigation reporting form used by the Centers for Disease Control and Prevention in order to improve the use of such form with other fatality case reporting systems supported by the Department of Health and Human Services, and shall make such updates as appropriate.

"(e) DEFINITIONS.—In this section:

"(1) SUDDEN INFANT DEATH SYNDROME.—The term 'sudden infant death syndrome' means a sudden unexpected infant death that remains unexplained after a thorough case investigation.

"(2) SUDDEN UNEXPECTED INFANT DEATH.—The term 'sudden unexpected infant death' means the sudden death of an infant under 1 year of age that when first discovered did not have an obvious cause. Such term includes such deaths that are explained, as well as deaths that remain unexplained (which are known as sudden infant death syndrome).

"(3) SUDDEN UNEXPECTED DEATH IN CHILDHOOD.—The term 'sudden unexpected death in childhood' means the sudden death of a child who is at least 1 year of age but not more than 17 years of age that, when first discovered, did not have an obvious cause. Such term includes such deaths that are explained, as well as deaths that remain unexplained (which are known as sudden unexplained death in childhood).

"(4) SUDDEN UNEXPLAINED DEATH IN CHILDHOOD.—The term 'sudden unexplained death in childhood' means a sudden unexpected death in childhood that remains unexplained after a thorough case investigation.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $12,000,000 for each of fiscal years 2022 through 2026.".

42 USC 300c–14.

SEC. 3. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that contains, with respect to the reporting period—

(1) information regarding the incidence and number of sudden unexpected infant death and sudden unexpected death in childhood (including the number of such infant and child deaths that remain unexplained after investigation), including, to the extent practicable—

Summary.

(A) a summary of such information by racial and ethnic group, and by State;

(B) aggregate information obtained from death scene investigations and autopsies; and

(C) recommendations for reducing the incidence of sudden unexpected infant death and sudden unexpected death in childhood; Recommendations.

(2) an assessment of the extent to which various approaches of reducing and preventing sudden unexpected infant death and sudden unexpected death in childhood have been effective; and Assessment.

(3) a description of the activities carried out under section 1121 of the Public Health Service Act (as added by section 2).

(b) DEFINITIONS.—In this section, the terms "sudden unexpected infant death" and "sudden unexpected death in childhood" have the meanings given such terms in section 1121 of the Public Health Service Act (as added by section 2).

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 1130 (H.R. 2271):

HOUSE REPORTS: No. 116–524 (Comm. on Energy and Commerce) accompanying H.R. 2271.

CONGRESSIONAL RECORD, Vol. 166 (2020):

May 20, considered and passed Senate.

Dec. 10, considered and passed House, amended.

Dec. 16, Senate concurred in House amendment.

Public Law 116–274
116th Congress

An Act

To require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, and for other purposes.

Dec. 31, 2020
[S. 1342]

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

Great Lakes Environmental Sensitivity Index Act of 2020.
33 USC 883a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Environmental Sensitivity Index Act of 2020".

SEC. 2. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

Deadline.

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environment; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term "environmental sensitivity index product" means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event

in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) FUNDING.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated for the Under Secretary that are enacted after the date of the enactment of this Act.

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 1342:

SENATE REPORTS: No. 116–170 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 16, considered and passed Senate.
Dec. 3, considered and passed House, amended.
Dec. 10, Senate concurred in House amendment.

Public Law 116–275
116th Congress

An Act

Dec. 31, 2020
[S. 1694]

To require the National Aeronautics and Space Administration to add recommendations and inform other relevant agencies of information relating to the principle of due regard and the limitation of harmful interference with Apollo landing site artifacts, and for other purposes.

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

One Small Step to Protect Human Heritage in Space Act.
51 USC note prec. 30301.

SECTION 1. SHORT TITLE.

This Act may be cited as the "One Small Step to Protect Human Heritage in Space Act".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) On July 16, 1969, the Apollo 11 spacecraft launched from the John F. Kennedy Space Center carrying Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., and Michael Collins.

(2) July 20, 2019, marked the 50th anniversary of the date on which the Apollo 11 spacecraft landed on the Moon and Neil Armstrong and Buzz Aldrin became the first humans to set foot on a celestial body off the Earth.

(3) The landing of the Apollo 11 spacecraft and humanity's first off-world footprints are achievements unparalleled in history, a direct product of the work and perseverance of the more than 400,000 individuals who contributed to the development of the Apollo missions on the shoulders of centuries of science and engineering pioneers from all corners of the world.

(4) Among the thousands of individuals who have contributed to the achievements of the National Aeronautics and Space Administration (in this section referred to as "NASA") are African-American women such as Katherine Johnson, Dorothy Vaughn, Mary Jackson, and Dr. Christine Darden, who made critical contributions to NASA space programs. Katherine Johnson worked at NASA for 35 years and calculated the trajectory of the Apollo 11 landing and the trajectories for the spaceflights of astronauts Alan Shepard and John Glenn. Katherine Johnson, together with many other individuals the work of whom often went unacknowledged, helped broaden the scope of space travel and charted new frontiers for humanity's exploration of space.

(5) The landing of the Apollo 11 spacecraft was made on behalf of all humankind, and Neil Armstrong and Buzz Aldrin were accompanied by messages of peace from the leaders of more than 70 countries.

(6) The lunar landing sites of the Apollo 11 spacecraft, the robotic spacecraft that preceded the Apollo 11 mission, and the crewed and robotic spacecraft that followed, are of outstanding universal value to humanity.

(7) Such landing sites—

(A) are the first archaeological sites with human activity that are not on Earth;

(B) provide evidence of the first achievements of humankind in the realm of space travel and exploration; and

(C) contain artifacts and other evidence of human exploration activities that remain a potential source of cultural, historical, archaeological, anthropological, scientific, and engineering knowledge.

(8) On July 20, 2011, NASA published the voluntary guidance entitled "NASA's Recommendations to Space-Faring Entities: How to Protect and Preserve the Historic and Scientific Value of U.S. Government Lunar Artifacts".

(9) In March 2018, the Office of Science and Technology Policy published a report entitled "Protecting & Preserving Apollo Program Lunar Landing Sites & Artifacts".

(10) Article one of the "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies," commonly known as the "Outer Space Treaty," states "[o]uter space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies."

(11) Article eight of the Outer Space Treaty states, "[a] State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth."

(12) Article nine of the Outer Space Treaty states, "[i]n the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty," and continues, "[i]f a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another

State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as commercial enterprises and more countries acquire the ability to land on the Moon, it is necessary to encourage the development of best practices to respect the principle of due regard and to limit harmful interference to the Apollo landing site artifacts in acknowledgment of the human effort and innovation they represent, as well as their archaeological, anthropological, historical, scientific, and engineering significance and value; and

(2) the Administrator of the National Aeronautics and Space Administration should continue to develop best practices to respect the principle of due regard and limit harmful interference with historic Apollo lunar landing site artifacts.

SEC. 3. BEST PRACTICES RELATED TO APOLLO HISTORIC LUNAR LANDING SITE ARTIFACTS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall—

(1) add the recommendations in subsection (b) as a condition or requirement to contracts, grants, agreements, partnerships or other arrangements pertaining to lunar activities carried out by, for, or in partnership with the National Aeronautics and Space Administration;

(2) inform other relevant Federal agencies of the recommendations described in subsection (b); and

(3) encourage the use of best practices, consistent with the recommendations in subsection (b), by other relevant Federal agencies.

(b) RECOMMENDATIONS DESCRIBED.—The recommendations described in this subsection are—

(1) "NASA's Recommendations to Space-Faring Entities: How to Protect and Preserve the Historic and Scientific Value of U.S. Government Lunar Artifacts" issued by the National Aeronautics and Space Administration on July 20, 2011, and updated on October 28, 2011; and

(2) any successor recommendations, guidelines, best practices, or standards relating to the principle of due regard and the limitation of harmful interference with Apollo landing site artifacts issued by the National Aeronautics and Space Administration.

Waiver authority. Applicability.

(c) EXEMPTION.—The Administrator may waive the conditions or requirements from subsection (a)(1) as it applies to an individual contract, grant, agreement, partnership or other arrangement pertaining to lunar activities carried out by, for, or in partnership with the National Aeronautics and Space Administration so long as—

(1) such waiver is accompanied by a finding from the Administrator that carrying out the obligation of subsection (a)(1) would be unduly prohibitive to an activity or activities of legitimate and significant historical, archaeological, anthropological, scientific, or engineering value; and

(2) the finding in paragraph (1) is provided to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days prior to the waiver taking effect. Deadline.

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 1694:

SENATE REPORTS: No. 116–194 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:
Vol. 165 (2019): July 18, considered and passed Senate.
Vol. 166 (2020): Dec. 16, considered and passed House, amended.
Dec. 19, Senate concurred in House amendments.

Public Law 116–276
116th Congress

An Act

Dec. 31, 2020
[S. 1869]

To require the disclosure of ownership of high-security space leased to accommodate a Federal agency, and for other purposes.

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

Secure Federal Leases from Espionage And Suspicious Entanglements Act.
40 USC 585 note.

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Secure Federal Leases from Espionage And Suspicious Entanglements Act" or the "Secure Federal LEASEs Act".

(b) FINDINGS.—Congress finds that—

(1) the Government Accountability Office has reported that the Federal Government often leases high-security space from private sector landlords;

(2) the General Services Administration collects highest-level and immediate ownership information through the System for Award Management, but it is not currently required to collect beneficial ownership information and lacks an adequate system for doing so;

(3) the General Services Administration and Federal agencies with leasing authority may not know if foreign owners have a stake in the buildings leased by the agencies, either through foreign-incorporated legal entities or through ownership in United States-incorporated legal entities, even when the leased space is used for classified operations or to store sensitive data; and

(4) according to a report of the Government Accountability Office, dated January 2017, that examined the risks of foreign ownership of Government-leased real estate, "leasing space in foreign-owned buildings could present security risks such as espionage and unauthorized cyber and physical access".

SEC. 2. DEFINITIONS.

In this Act:

(1) BENEFICIAL OWNER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "beneficial owner" means, with respect to a covered entity, each natural person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

(i) exercises control over the covered entity; or

(ii) has a substantial interest in or receives substantial economic benefits from the assets of the covered entity.

(B) EXCEPTIONS.—The term "beneficial owner" does not include, with respect to a covered entity—

(i) a minor child;

(ii) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(iii) a person acting solely as an employee of the covered entity and whose control over or economic benefits from the covered entity derives solely from the employment status of the person;

(iv) a person whose only interest in the covered entity is through a right of inheritance, unless the person also meets the requirements of subparagraph (A); or

(v) a creditor of the covered entity, unless the creditor also meets the requirements of subparagraph (A).

(C) ANTI-ABUSE RULE.—The exceptions under subparagraph (B) shall not apply if used for the purpose of evading, circumventing, or abusing the requirements of this Act.

(2) CONTROL.—The term "control" means, with respect to a covered entity—

(A) having the authority or ability to determine how a covered entity is utilized; or

(B) having some decision-making power for the use of a covered entity.

(3) COVERED ENTITY.—The term "covered entity" means—

(A) a person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group; or

(B) any governmental entity or instrumentality of a government.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code.

(5) FEDERAL AGENCY.—The term "Federal agency" means any Executive agency or any establishment in the legislative or judicial branch of the Government.

(6) FEDERAL LESSEE.—The term "Federal lessee"—

(A) means the Administrator of General Services, the Architect of the Capitol, or the head of any Federal agency, other than the Department of Defense, that has independent statutory leasing authority; and

(B) does not include the head of an element of the intelligence community.

(7) FEDERAL TENANT.—The term "Federal tenant"—

(A) means a Federal agency that is occupying or will occupy a high-security leased space for which a lease agreement has been secured on behalf of the Federal agency; and

(B) does not include an element of the intelligence community.

(8) FOREIGN ENTITY.—The term "foreign entity" means a covered entity that is headquartered or incorporated in a country that is not the United States.

(9) FOREIGN PERSON.—The term "foreign person" means an individual who is not a United States person.

(10) HIGH-SECURITY LEASED SPACE.—The term "high-security leased space" means a space leased by a Federal lessee that—

(A) will be occupied by Federal employees for non-military activities; and

(B) has a facility security level of III, IV, or V, as determined by the Federal tenant in consultation with the Interagency Security Committee, the Department of Homeland Security, and the General Services Administration.

(11) HIGHEST-LEVEL OWNER.—The term "highest-level owner" means the entity that owns or controls an immediate owner of the offeror of a lease, or that owns or controls 1 or more entities that control an immediate owner of the offeror.

(12) IMMEDIATE OWNER.—The term "immediate owner" means an entity, other than the offeror of a lease, that has direct control of the offeror, including ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

(13) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(14) SUBSTANTIAL ECONOMIC BENEFITS.—The term "substantial economic benefits" means, with respect to a natural person described in paragraph (1)(A)(ii), having an entitlement to the funds or assets of a covered entity that, as a practical matter, enables the person, directly or indirectly, to control, manage, or direct the covered entity.

(15) UNITED STATES PERSON.—The term "United States person" means an individual who—

(A) is a citizen of the United States; or

(B) is an alien lawfully admitted for permanent residence in the United States.

(16) WIDELY HELD.—The term "widely held" means a fund that has not less than 100 natural persons as direct or indirect investors.

SEC. 3. DISCLOSURE OF OWNERSHIP OF HIGH-SECURITY SPACE LEASED FOR FEDERAL AGENCIES.

(a) REQUIRED DISCLOSURES.—Before entering into a lease agreement with a covered entity or approving a novation agreement with a covered entity involving a change of ownership under a lease that will be used for high-security leased space, a Federal lessee shall require the covered entity to identify and disclose whether the immediate or highest-level owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign entity, including the country associated with the ownership entity.

Consultation.

(b) NOTIFICATION.—If a disclosure is made under subsection (a), the Federal lessee shall notify the Federal tenant of the building or other improvement that will be used for high-security space in writing, and consult with the Federal tenant, regarding security concerns and necessary mitigation measures, if any, prior to award of the lease or approval of the novation agreement.

(c) TIMING.—

(1) IN GENERAL.—A Federal lessee shall require a covered entity to provide the information described in subsection (a) when first submitting a proposal in response to a solicitation for offers issued by the Federal lessee.

(2) UPDATES.—A Federal lessee shall require a covered entity to submit an update of the information described in subsection (a) annually, beginning on the date that is 1 year after the date on which the Federal tenant began occupancy, with information including— Deadline. Effective date.

(A) the list of immediate or highest-level owners of the covered entity during the preceding 1-year period of Federal occupancy; or List. Time period.

(B) the information required to be provided relating to each such immediate or highest-level owner.

SEC. 4. IMMEDIATE, HIGHEST-LEVEL, AND BENEFICIAL OWNERS.

(a) PLAN.—The General Services Administration, in coordination with the Office of Management and Budget, shall develop a Government-wide plan for agencies (as such term is defined in section 551 of title 5, United States Code) for identifying all immediate, highest-level, or beneficial owners of high-security leased spaces before entering into a lease agreement with a covered entity for the accommodation of a Federal tenant in a high-security leased space. Coordination.

(b) REQUIREMENTS.—

(1) CONTENTS.—The plan described in subsection (a) shall include a process for collecting and utilizing the following information on each immediate, highest-level, or beneficial owner of a high-security leased space:

(A) Name.

(B) Current residential or business street address.

(C) An identifying number or document that verifies identity as a United States person, foreign person, or foreign entity.

(2) DISCLOSURES AND NOTIFICATIONS.—The plan described in subsection (a) shall—

(A) require the disclosure of any immediate, highest-level, or beneficial owner that is a foreign person;

(B) require that, if the Federal lessee is assigning the building or other improvement that will be used for high-security space to a Federal tenant, the Federal tenant shall be notified of the disclosure described in subparagraph (A); and

(C) exclude collecting ownership information on widely held pooled-investment vehicles, mutual funds, trusts, or other pooled-investment vehicles.

(c) REPORT AND IMPLEMENTATION.—The General Services Administration shall—

(1) not later than 1 year after the date of enactment of this Act, submit the plan described in subsection (a) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives;

(2) not later than 2 years after the date of enactment of this Act, implement the plan described in subsection (a); and

Time period.

(3) not later than 1 year after the implementation of the plan described in subsection (a), and each year thereafter for 9 years, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the implementation of the plan, including the number of disclosures made under subsection (b)(2).

SEC. 5. OTHER SECURITY AGREEMENTS FOR LEASED SPACE.

A lease agreement between a Federal lessee and a covered entity for the accommodation of a Federal agency in a building or other improvement that will be used for high-security leased space shall include language that provides that—

(1) the covered entity and any member of the property management company who may be responsible for oversight or maintenance of the high-security leased space shall not—

(A) maintain access to the high-security leased space; or

(B) have access to the high-security leased space without prior approval from the Federal tenant;

Determination.

(2) access to the high-security leased space or any property or information located within that space will only be granted by the Federal tenant if the Federal tenant determines that the access is clearly consistent with the mission and responsibilities of the Federal tenant; and

Procedures.

(3) the Federal lessee shall have written procedures in place, signed by the Federal lessee and the covered entity, governing access to the high-security leased space in case of emergencies that may damage the leased property.

Deadline. Consultation.

SEC. 6. AGENCY NOTIFICATIONS.

Not later than 60 days after the date of enactment of this Act, the Administrator of General Services, in consultation with the Office of Management and Budget, shall provide notification to relevant Executive branch agencies with independent leasing authorities of the requirements of this Act.

SEC. 7. APPLICABILITY.

Time period.

Except where otherwise provided, this Act shall apply with respect to any lease or novation agreement entered into on or after the date that is 6 months after the date of enactment of this Act.

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 1869:

SENATE REPORTS: No. 116–92 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 166 (2020):

Mar. 3, considered and passed Senate.

Nov. 17, considered and passed House, amended.

Dec. 8, Senate concurred in House amendment.

Public Law 116–277
116th Congress

An Act

Dec. 31, 2020
[S. 2174]

To the extent provided in advance in appropriations Act, the Attorney General is authorized to use funds appropriated for the operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System (NamUs) for the purpose of carrying out this Act.

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

Missing Persons and Unidentified Remains Act of 2019.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing Persons and Unidentified Remains Act of 2019".

SEC. 2. USE OF GRANT FUNDS.

(a) JENNIFER'S LAW.—Jennifer's Law (34 U.S.C. 40501 et seq.) is amended—

(1) by striking section 202 (34 U.S.C. 40501) and inserting the following:

34 USC 40501.

"SEC. 202. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities described in paragraph (2) to enable the eligible entities to improve the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants.

"(2) ELIGIBLE ENTITIES.—Eligible entities described in this paragraph are the following:

"(A) States and units of local government.

"(B) Accredited, publicly funded, Combined DNA Index System (commonly known as 'CODIS') forensic laboratories, which demonstrate the grant funds will be used for DNA typing and uploading biological family DNA reference samples, including samples from foreign nationals, into CODIS, subject to the protocols for inclusion of such forensic DNA profiles into CODIS, and the privacy protections required under section 203(c).

"(C) Medical examiners offices.

"(D) Accredited, publicly funded toxicology laboratories.

"(E) Accredited, publicly funded crime laboratories.

"(F) Publicly funded university forensic anthropology laboratories.

"(G) Nonprofit organizations that have working collaborative agreements with State and county forensic offices, including medical examiners, coroners, and justices of the peace, for entry of data into CODIS or the National Missing

and Unidentified Persons System (commonly known as 'NamUs'), or both.";

(2) in section 203 (34 U.S.C. 40502)—

(A) in subsection (a), by striking "a State" and inserting "an entity described in section 202";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "State" and inserting "applicant";

(ii) by striking paragraph (1) and inserting the following:

"(1) report to the National Crime Information Center and, when possible, to law enforcement authorities throughout the applicant's jurisdiction regarding every deceased unidentified person, regardless of age, found in the applicant's jurisdiction;"; Reports.

(iii) in paragraph (3), by striking "and" at the end;

(iv) in paragraph (4), by striking the period at the end and inserting "; and"; and

(v) by adding at the end the following:

"(5) collect and report information to the National Missing and Unidentified Persons System (NamUs) regarding missing persons and unidentified remains."; and Reports.

(C) by adding at the end the following:

"(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAMILY REFERENCE SAMPLES.—

"(1) IN GENERAL.—Any suspected biological family DNA reference samples received from citizens of the United States or foreign nationals and uploaded into the Combined DNA Index System (commonly referred to as 'CODIS') by an accredited, publicly funded CODIS forensic laboratory awarded a grant under this section may be used only for identifying missing persons and unidentified remains.

"(2) LIMITATION ON USE.—Any biological family DNA reference samples from citizens of the United States or foreign nationals entered into CODIS for purposes of identifying missing persons and unidentified remains may not be disclosed to a Federal or State law enforcement agency for law enforcement purposes."; and

(3) by striking section 204 (34 U.S.C. 40503) and inserting the following:

"SEC. 205. USE OF FUNDS. 34 USC 40503.

"An applicant receiving a grant award under this title may use such funds to—

"(1) pay for the costs incurred during or after fiscal year 2017 for the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants;

"(2) establish and expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b);

"(3) hire and maintain additional DNA case analysts and technicians, fingerprint examiners, forensic odontologists, and forensic anthropologists, needed to support such identification programs; and

"(4) procure and maintain state of the art multi-modal, multi-purpose forensic and DNA-typing and analytical equipment.".

(b) KRISTEN'S ACT.—Section 102 of Kristen's Act (34 U.S.C. 40504 note) is amended to read as follows:

"SEC. 102. AUTHORIZATION OF FUNDING.

"To the extent provided in advance in appropriations Acts, the Attorney General is authorized to use funds appropriated for the operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System (NamUs) for the purpose of carrying out this Act".

SEC. 3. RESCUE BEACONS.

Section 411(o) of the Homeland Security Act of 2002 (6 U.S.C. 211(o)) is amended by adding at the end the following:

Effective date.

"(3) RESCUE BEACONS.—Beginning in fiscal year 2019, in carrying out subsection (c)(8), the Commissioner shall purchase, deploy, and maintain not more than 170 self-powering, 9–1–1 cellular relay rescue beacons along the southern border of the United States at locations determined appropriate by the Commissioner to mitigate migrant deaths.".

34 USC 40505.

SEC. 4. REPORTING ON NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM (NAMUS) PROGRAM.

Not later than 18 months after the date of enactment of this act, and every year thereafter, the Attorney General shall submit a report to the appropriate committees of Congress regarding—

(1) the number of unidentified person cases processed;

(2) CODIS associations and identifications;

(3) the number of anthropology cases processed;

(4) the number of suspected border crossing cases and associations made;

(5) the number of trials supported with expert testimony;

(6) the number of students trained and professions of those students; and

(7) the turnaround time and backlog.

6 USC 224.

SEC. 5. OTHER REPORTING REQUIREMENTS.

(a) UNIDENTIFIED REMAINS.—

(1) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the appropriate committees of Congress regarding all unidentified remains discovered, during the reporting period, on or near the border between the United States and Mexico, including—

(A) for each deceased person—

(i) the cause and manner of death, if known;

(ii) the sex, age (at time of death), and country of origin (if such information is determinable); and

(iii) the location of each unidentified remain;

(B) the total number of deceased people whose unidentified remains were discovered by U.S. Customs and Border Protection during the reporting period;

(C) to the extent such information is available to U.S. Customs and Border Protection, the total number of

deceased people whose unidentified remains were discovered by Federal, State, local or Tribal law enforcement officers, military personnel, or medical examiners offices;

(D) the efforts of U.S. Customs and Border Protection to engage with nongovernmental organizations, institutions of higher education, medical examiners and coroners, and law enforcement agencies—

(i) to identify and map the locations at which migrant deaths occur; and

(ii) to count the number of deaths that occur at such locations; and

(E) a detailed description of U.S. Customs and Border Protection's Missing Migrant Program, including how the program helps mitigate migrant deaths while maintaining border security.

(2) PUBLIC DISCLOSURE.—Not later than 30 days after each report required under paragraph (1) is submitted, the Commissioner of U.S. Customs and Border Protection shall publish on the website of the agency the information described in subparagraphs (A), (B), and (C) of paragraph (1) during each reporting period. Web posting.

(b) RESCUE BEACONS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of U.S. Customs and Border Protection shall submit a report to the appropriate committees of Congress regarding the use of rescue beacons along the border between the United States and Mexico, including, for the reporting period— Mexico.

(1) the number of rescue beacons in each border patrol sector;

(2) the specific location of each rescue beacon;

(3) the frequency with which each rescue beacon was activated by a person in distress;

(4) a description of the nature of the distress that resulted in each rescue beacon activation (if such information is determinable); and

(5) an assessment, in consultation with local stakeholders, including elected officials, nongovernmental organizations, and landowners, of necessary additional rescue beacons and recommendations for locations for deployment to reduce migrant deaths. Assessment. Consultation.

(c) GAO REPORT.—Not later than 6 months after the report required under subsection (a) is submitted to the appropriate committees of Congress, the Comptroller General of the United States shall submit a report to the same committees that describes—

(1) how U.S. Customs and Border Protection collects and records border-crossing death data;

(2) the differences (if any) in U.S. Customs and Border Protection border-crossing death data collection methodology across its sectors;

(3) how U.S. Customs and Border Protection's data and statistical analysis on trends in the numbers, locations, causes, and characteristics of border-crossing deaths compare to other sources of data on these deaths, including border county medical examiners and coroners and the Centers for Disease Control and Prevention;

(4) how U.S. Customs and Border Protection measures the effectiveness of its programs to mitigate migrant deaths; and

(5) the extent to which U.S. Customs and Border Protection engages Federal, State, local, and Tribal governments, foreign diplomatic and consular posts, and nongovernmental organizations—

(A) to accurately identify deceased individuals;

(B) to resolve cases involving unidentified remains;

(C) to resolve cases involving unidentified persons; and

(D) to share information on missing persons and unidentified remains, specifically with the National Missing and Unidentified Persons System (NamUs).

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 2174:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 16, considered and passed Senate.
Dec. 16, considered and passed House, amended.
Dec. 18, Senate concurred in House amendments.

Public Law 116–278
116th Congress

An Act

To require the Secretary of Veterans Affairs to formally recognize caregivers of veterans, notify veterans and caregivers of clinical determinations relating to eligibility for the family caregiver program, and temporarily extend benefits for veterans who are determined ineligible for the family caregiver program, and for other purposes.

Dec. 31, 2020
[S. 2216]

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

SECTION 1. SHORT TITLE.

Transparency and Effective Accountability Measures for Veteran Caregivers Act.
38 USC 101 note.

This Act may be cited as the "Transparency and Effective Accountability Measures for Veteran Caregivers Act" or the "TEAM Veteran Caregivers Act".

SEC. 2. MODIFICATION OF ADMINISTRATION OF CAREGIVER PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

38 USC 1720G note.

(a) FORMAL RECOGNITION OF CAREGIVERS.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report regarding the feasibility and advisability of formally recognizing all caregivers of veterans by identifying any caregiver of a veteran in the electronic health record of the veteran.

(B) CAREGIVERS RECOGNIZED.—The recognition of caregivers described in subparagraph (A) shall include recognition of —

(i) any family caregiver who is approved as a provider of personal care services for an eligible veteran under the program of comprehensive assistance for family caregivers under subsection (a) of section 1720G of title 38, United States Code; and

(ii) any caregiver of a covered veteran participating in the program of general caregiver support services under subsection (b) of such section.

(C) TIMELINE.—If the Secretary determines that formally recognizing all caregivers of veterans as described in subparagraph (A) is feasible and advisable, the report required by such subparagraph shall include a timeline for implementing such recognition.

(2) IMPLEMENTATION.—If the Secretary determines that formally recognizing all caregivers of veterans as described in paragraph (1)(A) is feasible and advisable, the Secretary shall

implement such recognition in accordance with the timeline included in the report required by such paragraph.

(b) NOTIFICATIONS, EXTENSION OF BENEFITS, AND DISCHARGE FROM FAMILY CAREGIVER PROGRAM.—Section 1720G(a) of title 38, United States Code, is amended by adding at the end the following new paragraphs:

"(12)(A) The Secretary shall notify the individuals described in subparagraph (C) regarding decisions affecting the furnishing of assistance under this subsection using standardized letters, as the Secretary determines such notifications and letters to be appropriate.

Reports.

"(B) A notification provided under subparagraph (A) shall include the elements required for notices of decisions under section 5104(b) of this title to the extent that those elements apply to such notification, unless, not later than 60 days after the date of the enactment of the Transparency and Effective Accountability Measures for Veteran Caregivers Act, the Secretary determines that it would not be feasible to include such elements in such notifications and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the reasons for such determination.

"(C) The individuals described in this subparagraph shall include—

"(i) an individual who submits an application for the program established under paragraph (1);

"(ii) an individual determined by the Secretary to be an eligible veteran pursuant to such an application; and

"(iii) a family caregiver of an eligible veteran who is—

"(I) approved as a provider of personal care services under paragraph (6)(B); or

"(II) designated as a primary provider of personal care services under paragraph (7)(A).

"(13)(A) If the Secretary determines that a veteran receiving services under the program established under paragraph (1) is no longer eligible for such program solely because of improvement in the condition of the veteran—

Effective date.

"(i) the effective date of discharge of the veteran from the program shall be not earlier than the date that is 60 days after the date on which the Secretary provides notice of such lack of eligibility under paragraph (12)(A) to the relevant individuals described in paragraph (12)(C); and

Time period.

"(ii) the Secretary shall extend benefits under the program established under paragraph (1) for a family caregiver of the veteran described in paragraph (12)(C)(iii), including stipends under paragraph (3)(A)(ii)(V), if such an extension is determined appropriate by the Secretary, for a 90-day period following discharge of the veteran from the program.

"(B) This paragraph shall not be construed to limit the authority of the Secretary—

"(i) to prescribe regulations addressing other bases for—

"(I) the discharge of a veteran from the program established under paragraph (1); or

"(II) the revocation of the designation of a family caregiver of a veteran as a primary provider of personal care services under paragraph (7)(A); or

"(ii) to provide advance notice and extended benefits under the program, as appropriate, if another basis for discharge of a veteran described in subclause (I) of clause (i) or revocation of a designation described in subclause (II) of such clause applies.".

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 2216:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 17, considered and passed Senate.
Dec. 16, considered and passed House.

Public Law 116–279
116th Congress

An Act

Dec. 31, 2020
[S. 2683]

To establish a task force to assist States in implementing hiring requirements for child care staff members to improve child safety.

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

Child Care Protection Improvement Act of 2020.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Protection Improvement Act of 2020".

SEC. 2. TASK FORCE TO ASSIST IN IMPROVING CHILD SAFETY.

Evaluation. Recommendations.

(a) ESTABLISHMENT.—There is established a task force, to be known as the Interagency Task Force for Child Safety (referred to in this section as the "Task Force") to identify, evaluate, and recommend best practices and technical assistance to assist Federal and State agencies in fully implementing the requirements of section 658H(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(b)) for child care staff members.

Deadline. President.

(b) COMPOSITION.—Not later than 60 days after the date of enactment of this Act, the President shall appoint the members of the Task Force, which shall—

(1) consist of only Federal officers and employees; and

(2) include—

(A) the Director of the Office of Child Care of the Department of Health and Human Services (or the Director's designee), the Associate Commissioner of the Children's Bureau of the Department of Health and Human Services (or the Associate Commissioner's designee), and the Director of the Federal Bureau of Investigation (or the Director's designee); and

(B) such other Federal officers and employees (or their designees) as may be appointed by the President.

(c) CHAIRPERSON.—The chairperson of the Task Force shall be the Assistant Secretary of the Administration for Children and Families of the Department of Health and Human Services.

(d) CONSULTATION.—The Task Force shall consult with representatives from State child care agencies, State child protective services, State criminal justice agencies, providers of child care services, including providers in the private sector, and other relevant stakeholders on identifying problems in implementing, and proposing solutions to implement, the requirements of section 658H(b) of the Child Care and Development Block Grant Act of 1990, as described in that section. Such consultation shall include consultation with State agencies that are at different stages of such implementation.

(e) TASK FORCE DUTIES.—The Task Force shall— Recommendations.

(1) develop recommendations for improving implementation of the requirements of section 658H(b) of the Child Care and Development Block Grant Act of 1990, including recommendations about how the Task Force and member agencies will collaborate and coordinate efforts to implement such requirements, as described in that section; and

(2) develop recommendations in which the Task Force identifies best practices and evaluates technical assistance to assist relevant Federal and State agencies in implementing section 658H(b) of the Child Care and Development Block Grant Act of 1990, which identification and evaluation shall include—

(A) an analysis of available research and information at the Federal and State levels regarding the status of the interstate requirements of that section for child care staff members who have resided in one or more States during the previous 5 years and who seek employment in a child care program in a different State; Analysis. Time period.

(B) a list of State agencies that are not responding to interstate requests covered by that section for relevant information on child care staff members; List.

(C) identification of the challenges State agencies are experiencing in responding to such interstate requests;

(D) an analysis of the length of time it takes the State agencies in a State to receive such results from State agencies in another State in response to such an interstate request, in accordance with that section;

(E) an analysis of the average processing time for the interstate requests, in accordance with that section; Analysis.

(F) identification of any fees (and entities responsible for paying any such fees) associated with the interstate requests in each State to meet requirements, in accordance with section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f), including identification of—

(i) the extent to which such fees are consistent with subsection (f) of that section; and

(ii) information regarding factors that impact such fees;

(G) a list of States that are participating in the National Fingerprint File program, as administered by the Federal Bureau of Investigation, and an analysis of reasons States have or have not chosen to participate in the program, including barriers to participation such as barriers related to State regulatory requirements and statutes; and List.

(H) a list of States that have closed record laws or systems that prevent the States from sharing complete criminal records data or information with State agencies in another State. List.

(f) MEETINGS.—Not later than 3 months after the date of enactment of this Act, the Task Force shall hold its first meeting. Deadline.

(g) FINAL REPORT.—Not later than 1 year after the first meeting of the Task Force, the Task Force shall submit to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final

List.

report containing all of the recommendations required by paragraphs (1) and (2) of subsection (e). The report shall also include a list of the members of the Task Force, the agencies such members represent, and the individuals and entities with whom the Task Force consulted under subsection (d).

(h) NO COMPENSATION FOR MEMBERS.—A member of the Task Force shall serve without compensation in addition to any compensation received for the service of the member as an officer or employee of the United States.

(i) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(j) SUNSET.—The Task Force shall terminate 1 year after submitting its final report under subsection (g).

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 2683:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Mar. 5, considered and passed Senate.
Sept. 16, considered and passed House, amended.
Dec. 19, Senate concurred in House amendment.

Public Law 116–280
116th Congress

An Act

To establish and ensure an inclusive and transparent Drone Advisory Committee.

Dec. 31, 2020
[S. 2730]

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

Drone Advisory Committee for the 21st Century Act.
49 USC 44802 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drone Advisory Committee for the 21st Century Act".

SEC. 2. SENSE OF CONGRESS.

It is the Sense of Congress that:

(1) Due to the ever-increasing use of Unmanned Aircraft Systems in the agriculture, forestry, and rangeland sectors, as well as the inherently different uses in less populated parts of the nation, membership of the Drone Advisory Committee established by the Federal Aviation Administration should, to the extent practicable, include direct representatives from county and tribal government, agriculture, forestry, and rangeland interests.

(2) Full transparency in the work of the Drone Advisory Committee is vital to ensuring the public can effectively participate and contribute to the development of sound Federal policies. The Administrator of the Federal Aviation Administration should, to the maximum extent practicable, ensure the work of the Drone Advisory Committee is shared with and easily accessible to the public and shall ensure transparency and openness in the manner in which the affairs of the Committee are conducted.

SEC. 3. DRONE ADVISORY COMMITTEE MEMBERSHIP.

(1) IN GENERAL.—The Federal Aviation Administration shall take appropriate steps to encourage direct representation of county and tribal governments as well as agriculture, forestry, rangeland sectors, and other rural interests on the Drone Advisory Committee.

(2) PUBLIC PARTICIPATION.—To the maximum extent practicable, the Administrator shall include public participation

in the process of nominating individuals for membership on the Committee.

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 2730:

SENATE REPORTS: No. 116–272 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed Senate.
Dec. 18, considered and passed House.

Public Law 116–281
116th Congress

An Act

To establish a crisis stabilization and community reentry grant program, and for other purposes.

Dec. 31, 2020
[S. 3312]

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

Crisis Stabilization and Community Reentry Act of 2020.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crisis Stabilization and Community Reentry Act of 2020".

SEC. 2. MENTAL HEALTH CRISIS STABILIZATION.

(a) PLANNING AND IMPLEMENTATION GRANTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by inserting after part NN the following:

"PART OO—CRISIS STABILIZATION AND COMMUNITY REENTRY PROGRAM.

"SEC. 3051. GRANT AUTHORIZATION.

34 USC 10751.

"(a) IN GENERAL.—The Attorney General may make grants under this part to States, Indian Tribes, units of local government, and community-based nonprofit organizations for the purpose of providing clinical services for people with serious mental illness and substance use disorders that establish treatment, suicide prevention, and continuity of recovery in the community upon release from the correctional facility.

"(b) USE OF FUNDS.—A grant awarded under this part shall be used to support—

"(1) programs involving criminal and juvenile justice agencies, mental health agencies, community-based organizations that focus on reentry, and community-based behavioral health providers that improve clinical stabilization during pre-trial detention and incarceration and continuity of care leading to recovery in the community by providing services and supports that may include peer support services, enrollment in healthcare, and introduction to long-acting injectable medications or, as clinically indicated, other medications, by—

"(A) providing training and education for criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers on interventions that support—

"(i) engagement in recovery supports and services;

"(ii) access to medication while in an incarcerated setting; and

"(iii) continuity of care during reentry into the community;

"(B) ensuring that individuals with serious mental illness are provided appropriate access to evidence-based recovery supports that may include peer support services, medication (including long-acting injectable medications where clinically appropriate), and psycho-social therapies;

"(C) offering technical assistance to criminal justice agencies on how to modify their administrative and clinical processes to accommodate evidence-based interventions, such as long-acting injectable medications and other recovery supports; and

Data.
Consultation.

"(D) participating in data collection activities specified by the Attorney General, in consultation with the Secretary of Health and Human Services;

"(2) programs that support cooperative efforts between criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers to establish or enhance serious mental illness recovery support by—

"(A) strengthening or establishing crisis response services delivered by hotlines, mobile crisis teams, crisis stabilization and triage centers, peer support specialists, public safety officers, community-based behavioral health providers, and other stakeholders, including by providing technical support for interventions that promote long-term recovery;

"(B) engaging criminal and juvenile justice agencies, mental health agencies and community-based behavioral health providers, preliminary qualified offenders, and family and community members in program design, program implementation, and training on crisis response services, including connection to recovery services and supports;

"(C) examining health care reimbursement issues that may pose a barrier to ensuring the long-term financial sustainability of crisis response services and interventions that promote long-term engagement with recovery services and supports; and

Data.
Consultation.

"(D) participating in data collection activities specified by the Attorney General, in consultation with the Secretary of Health and Human Services; and

"(3) programs that provide training and additional resources to criminal and juvenile justice agencies, mental health agencies, and community-based behavioral health providers on serious mental illness, suicide prevention strategies, recovery engagement strategies, and the special health and social needs of justice-involved individuals who are living with serious mental illness.

"(c) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services to ensure that serious mental illness treatment and recovery support services provided under this grant program incorporate evidence-based approaches that facilitate long-term engagement in recovery services and supports.

"(d) BEHAVIORAL HEALTH PROVIDER DEFINED.—In this section, the term 'behavioral health provider' means—

"(1) a community mental health center that meets the criteria under section 1913(c) of the Public Health Service Act (42 U.S.C. 300x–2(c)); or

"(2) a certified community behavioral health clinic described in section 223(d) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note).

"SEC. 3052. APPLICATIONS.

34 USC 10752.

"(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, Indian Tribe, unit of local government, or community-based non-profit organization shall submit an application to the Attorney General—

"(1) in such form and containing such information as the Attorney General may reasonably require;

"(2) that includes assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(3) that describes the coordination between State, Tribal, or local criminal and juvenile justice agencies, mental health agencies and community-based behavioral health providers, preliminary qualified offenders, and family and community members in—

"(A) program design;

"(B) program implementation; and

"(C) training on crisis response, medication adherence, and continuity of recovery in the community.

"(b) ELIGIBILITY FOR PREFERENCE WITH COMMUNITY CARE COMPONENT.—

"(1) IN GENERAL.—In awarding grants under this part, the Attorney General shall give preference to a State, Indian Tribe, unit of local government, or community-based nonprofit organization that ensures that individuals who participate in a program, funded by a grant under this part will be provided with continuity of care, in accordance with paragraph (2), in a community care provider program upon release from a correctional facility and adopt policies that focus on programming, strategies, and educational components for reducing recidivism and probation violations.

"(2) REQUIREMENTS.—For purposes of paragraph (1), the continuity of care shall involve the coordination of the correctional facility treatment program with qualified community behavioral health providers and other recovery supports, pretrial release programs, parole supervision programs, half-way house programs, and participation in peer recovery group programs, which may aid in ongoing recovery after the individual is released from the correctional facility.

"(3) COMMUNITY CARE PROVIDER PROGRAM DEFINED.—For purposes of this subsection, the term 'community care provider program' means a community mental health center or certified community behavioral health clinic that directly provides to an individual, or assists in connecting an individual to the

provision of, appropriate community-based treatment, medication management, and other recovery supports, when the individual leaves a correctional facility at the end of a sentence or on parole.

"(c) COORDINATION OF FEDERAL ASSISTANCE.—Each application submitted for a grant under this part shall include a description of how the funds made available under this part will be coordinated with Federal assistance for behavioral health services currently provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

34 USC 10753.

"SEC. 3053. REVIEW OF APPLICATIONS.

"(a) IN GENERAL.—The Attorney General shall make a grant under section 3051 to carry out the projects described in the application submitted under section 3052 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

Deadline.

"(b) APPROVAL.—Each application submitted under section 3052 shall be considered approved, in whole or in part, by the Attorney General not later than 90 days after first received, unless the Attorney General informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Attorney General may not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

Deadline.
Consultation.
34 USC 10754.

"SEC. 3054. EVALUATION.

"Each State, Indian Tribe, unit of local government, or community-based nonprofit organization that receives a grant under this part shall submit to the Attorney General an evaluation not later than 1 year after receipt of the grant in such form and containing such information as the Attorney General, in consultation with the Secretary of Health and Human Services, may reasonably require.

"SEC. 3055 AUTHORIZATION OF FUNDING.

Time period.
34 USC 10755.

"Subject to the availability of appropriations, for purposes of carrying out this part, the Attorney General is authorized to award not more than $10,000,000 of funds appropriated to the Department of Justice for these purposes for each of fiscal years 2021 through 2025.".

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 3312:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 16, considered and passed Senate.
Dec. 16, considered and passed House.

Public Law 116–282
116th Congress

An Act

Dec. 31, 2020
[S. 3989]

To amend the United States Semiquincentennial Commission Act of 2016 to modify certain membership and other requirements of the United States Semiquincentennial Commission, and for other purposes.

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

United States Semiquincentennial Commission Amendments Act of 2020.
36 USC 101 note.
36 USC note prec. 101.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Semiquincentennial Commission Amendments Act of 2020".

SEC. 2. UNITED STATES SEMIQUINCENTENNIAL COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—Section 4 of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 685) is amended—

(1) in subsection (b)(4), by striking subparagraph (I) and inserting the following:

"(I) The Chairperson of the National Endowment for the Arts.

"(J) The Chairperson of the National Endowment for the Humanities.

"(K) The Director of the Institute of Museum and Library Services.

"(L)(i) The Chief Justice of the United States; or

"(ii) an Associate Justice or former Associate Justice appointed by the Chief Justice of the United States.";

(2) in subsection (c), by adding at the end the following:

"(3) REMOVAL OF MEMBERS WHO ARE PRIVATE CITIZENS.—Following notice and approval of the relevant appointing authority, on an affirmative vote of not less than ⅔ of the members of the Commission, the Commission may remove a member of the Commission appointed under subsection (b)(3).";

and

(3) in subsection (d)—

(A) by striking "All meetings" and inserting the following:

"(1) LOCATION OF FIRST MEETING.—The first meeting"; and

(B) by adding at the end the following:

"(2) LOCATION OF SUBSEQUENT MEETINGS.—At least 1 meeting of the Commission each year shall be held in Philadelphia, Pennsylvania.".

(b) DUTIES.—Section 5(c)(1) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 687) is amended by striking "2 years after the date of enactment of this Act" and inserting "March 31, 2020".

(c) COORDINATION.—Section 6(b) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 689) is amended—

(1) in paragraph (3)(A), by striking "presiding officer of the Federal Council on the Arts and the Humanities, the Chairperson of the National Endowment for the Arts, and the Chairperson of the National Endowment for the Humanities" and inserting "Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, and the Director of the Institute of Museum and Library Services"; and

(2) in paragraph (4), in the matter preceding subparagraph (A), by inserting "and other" after "founding".

(d) EXPENDITURES OF COMMISSION.—Section 9 of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196; 130 Stat. 691) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—All expenditures of the Commission shall be made from donations, earned income, and any funds made available to carry out this Act under subsection (f).";

(2) in subsection (d), by striking "Once each year during the period beginning on the date of enactment of this Act" and inserting "Annually during the period beginning 1 year after the Commission submits the report to the President under section 5(c)(1)"; and

(3) by adding at the end the following:

"(e) INTELLECTUAL PROPERTY PROTECTIONS.—The Commission shall have the exclusive right to use, and to allow others to use, the official marks, imprimaturs, and logos of the Commission.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.".

Approved December 31, 2020.

LEGISLATIVE HISTORY—S. 3989:

CONGRESSIONAL RECORD, Vol. 166 (2020):
July 21, considered and passed Senate.
Dec. 17, considered and passed House, amended.
Dec. 19, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 31, Presidential statement.

Public Law 116–283
116th Congress

An Act

Jan. 1, 2021
[H.R. 6395]

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.

SECTION 1. SHORT TITLE.

This Act may be cited as the "William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021".

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

(5) Division E—National Artificial Intelligence Initiative Act of 2020

(6) Division F—Anti-Money Laundering

(7) Division G—Elijah E. Cummings Coast Guard Authorization Act of 2020

(8) Division H—Other Matters

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Modifications to requirement for an interim cruise missile defense capability.
Sec. 112. Report and limitations on acquisition of Integrated Visual Augmentation System.
Sec. 113. Assessment of investment and sustainment for procurement of cannon tubes.

Subtitle C—Navy Programs

Sec. 121. Limitation on alteration of the Navy fleet mix.

Sec. 122. Limitations on Navy medium and large unmanned surface vessels.
Sec. 123. Fighter force structure acquisition strategy.
Sec. 124. Procurement authorities for certain amphibious shipbuilding programs.
Sec. 125. Land-based test program for the FFG(X) Frigate program.
Sec. 126. Treatment in future budgets of the President of systems added by Congress.
Sec. 127. Extension of prohibition on availability of funds for Navy waterborne security barriers.
Sec. 128. Report on strategy to use ALQ–249 Next Generation Jammer to ensure full spectrum electromagnetic superiority.

Subtitle D—Air Force Programs

Sec. 131. Minimum operational squadron level.
Sec. 132. Modification of force structure objectives for bomber aircraft.
Sec. 133. Minimum bomber aircraft force level.
Sec. 134. Required minimum inventory of tactical airlift aircraft.
Sec. 135. Inventory requirements for air refueling tanker aircraft.
Sec. 136. Authority to use F–35A fighter aircraft AT–1 through AT–6.
Sec. 137. F–35 aircraft gun system ammunition.
Sec. 138. Extension of limitation on availability of funds for retirement of RC–135 aircraft.
Sec. 139. Modification to limitation on retirement of U–2 and RQ–4 aircraft.
Sec. 140. Modification of limitation on availability of funds for retirement of E–8 JSTARS aircraft.
Sec. 141. Limitation on divestment of F–15C aircraft within the European theater.
Sec. 142. Modernization plan for airborne intelligence, surveillance, and reconnaissance.
Sec. 143. RC–26B manned intelligence, surveillance, and reconnaissance aircraft.
Sec. 144. Prohibition on funding for Close Air Support Integration Group.
Sec. 145. Required solution for KC–46 aircraft remote visual system limitations.
Sec. 146. Analysis of moving target indicator requirements and Advanced Battle Management System capabilities.
Sec. 147. Study on measures to assess cost-per-effect for key mission areas.

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

Sec. 151. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force.
Sec. 152. Transfer of responsibilities and functions relating to electromagnetic spectrum operations.
Sec. 153. Cryptographic modernization schedules.
Sec. 154. Department of Defense participation in the Special Federal Aviation Regulation Working Group.
Sec. 155. Integrated air and missile defense assessment.
Sec. 156. Joint strategy for air base defense against missile threats.
Sec. 157. Joint All Domain Command and Control requirements.
Sec. 158. Expansion of economic order quantity contracting authority for F–35 aircraft program.
Sec. 159. Documentation relating to the F–35 aircraft program.
Sec. 160. F–35 aircraft munitions.
Sec. 161. Redesign strategy for the Autonomic Logistics Information System for the F–35 fighter aircraft.
Sec. 162. Briefings on software regression testing for F–35 aircraft.
Sec. 163. Prohibition on use of funds for the Armed Overwatch Program.
Sec. 164. Acceleration of development and fielding of counter unmanned aircraft systems across the joint force.
Sec. 165. Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for the United States Special Operations Command.
Sec. 166. Prohibition on divestiture of manned intelligence, surveillance, and reconnaissance aircraft operated by United States Special Operations Command.
Sec. 167. Notification on efforts to replace inoperable ejection seat aircraft locator beacons.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of requirements relating to certain cooperative research and development agreements.

Sec. 212. Disclosure requirements for recipients of Department of Defense research and development funds.
Sec. 213. Modification of national security innovation activities and pilot program on strengthening the defense industrial and innovation base.
Sec. 214. Updates to Defense Quantum Information Science and Technology Research and Development program.
Sec. 215. Establishment of Directed Energy Working Group.
Sec. 216. Extension of pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
Sec. 217. Designation of senior officials for critical technology areas supportive of the National Defense Strategy.
Sec. 218. Executive agent for Autonomy.
Sec. 219. National security innovation partnerships.
Sec. 220. Social science, management science, and information science research activities.
Sec. 221. Accountability measures relating to the Advanced Battle Management System.
Sec. 222. Activities to improve fielding of Air Force hypersonic capabilities.
Sec. 223. Disclosure of funding sources in applications for Federal research and development awards.
Sec. 224. Governance of fifth-generation wireless networking in the Department of Defense.
Sec. 225. Demonstration project on use of certain technologies for fifth-generation wireless networking services.
Sec. 226. Research, development, and deployment of technologies to support water sustainment.
Sec. 227. Limitation on contract awards for certain unmanned vessels.

Subtitle C—Artificial Intelligence and Emerging Technology

Sec. 231. Modification of biannual report on the Joint Artificial Intelligence Center.
Sec. 232. Modification of joint artificial intelligence research, development, and transition activities.
Sec. 233. Board of advisors for the Joint Artificial Intelligence Center.
Sec. 234. Application of artificial intelligence to the defense reform pillar of the National Defense Strategy.
Sec. 235. Acquisition of ethically and responsibly developed artificial intelligence technology.
Sec. 236. Steering committee on emerging technology.

Subtitle D—Education and Workforce Development

Sec. 241. Measuring and incentivizing programming proficiency.
Sec. 242. Modification of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.
Sec. 243. Improvements to Technology and National Security Fellowship of Department of Defense.
Sec. 244. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions.
Sec. 245. Encouragement of contractor science, technology, engineering, and mathematics (STEM) programs.
Sec. 246. Training program for human resources personnel in best practices for technical workforce.
Sec. 247. Pilot program on the use of electronic portfolios to evaluate certain applicants for technical positions.
Sec. 248. Pilot program on self-directed training in advanced technologies.
Sec. 249. Part-time and term employment of university faculty and students in the Defense science and technology enterprise.
Sec. 250. National security workforce and educational diversity activities.
Sec. 251. Coordination of scholarship and employment programs of the Department of Defense.
Sec. 252. Study on mechanisms for attracting and retaining high quality talent in the Department of Defense.

Subtitle E—Sustainable Chemistry

Sec. 261. National coordinating entity for sustainable chemistry.
Sec. 262. Strategic plan for sustainable chemistry.
Sec. 263. Agency activities in support of sustainable chemistry.
Sec. 264. Partnerships in sustainable chemistry.
Sec. 265. Prioritization.
Sec. 266. Rule of construction.
Sec. 267. Major multi-user research facility project.

Subtitle F—Plans, Reports, and Other Matters

Sec. 271. Modification to annual report of the Director of Operational Test and Evaluation.

Sec. 272. Modification to Test Resource Management Center strategic plan reporting cycle and contents.
Sec. 273. Modification of requirements relating to energetics plan to include assessment of feasibility and advisability of establishing a program office for energetics.
Sec. 274. Element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities.
Sec. 275. Repeal of quarterly updates on the Optionally Manned Fighting Vehicle program.
Sec. 276. Microelectronics and national security.
Sec. 277. Independent evaluation of personal protective and diagnostic testing equipment.
Sec. 278. Assessment on United States national security emerging biotechnology efforts and capabilities and comparison with adversaries.
Sec. 279. Annual reports regarding the SBIR program of the Department of Defense.
Sec. 280. Reports on F–35 physiological episodes and mitigation efforts.
Sec. 281. Review and report on next generation air dominance capabilities.
Sec. 282. Plan for operational test and utility evaluation of systems for Low-Cost Attributable Aircraft Technology program.
Sec. 283. Independent comparative analysis of efforts by China and the United States to recruit and retain researchers in national security-related and defense-related fields.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions.
Sec. 312. Readiness and Environmental Protection Integration Program.
Sec. 313. Extension of real-time sound monitoring at Navy installations where tactical fighter aircraft operate.
Sec. 314. Modification of authority for environmental restoration projects of National Guard.
Sec. 315. Modification of authority to carry out military installation resilience projects.
Sec. 316. Energy resilience and energy security measures on military installations.
Sec. 317. Modification to availability of energy cost savings for Department of Defense.
Sec. 318. Increased transparency through reporting on usage and spills of aqueous film-forming foam at military installations.
Sec. 319. Native American lands environmental mitigation program.
Sec. 320. Study on alternatives to address impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on personnel, activities, and installations of Department of Defense.
Sec. 321. Pilot program on alternative fuel vehicle purchasing.
Sec. 322. Budgeting of Department of Defense relating to operational energy improvement.
Sec. 323. Assessment of Department of Defense operational energy usage.
Sec. 324. Improvement of the Operational Energy Capability Improvement Fund of the Department of Defense.
Sec. 325. Five-year reviews of containment technologies relating to Red Hill Bulk Fuel Storage Facility.
Sec. 326. Limitation on use of funds for acquisition of furnished energy for Rhine Ordnance Barracks Army Medical Center.
Sec. 327. Requirement to update Department of Defense adaptation roadmap.
Sec. 328. Department of Defense report on greenhouse gas emissions levels.
Sec. 329. Objectives, performance standards, and criteria for use of wildlife conservation banking programs.
Sec. 330. Prizes for development of non-PFAS-containing fire-fighting agent.
Sec. 331. Survey of technologies for Department of Defense application in phasing out the use of fluorinated aqueous film-forming foam.
Sec. 332. Interagency body on research related to per- and polyfluoroalkyl substances.
Sec. 333. Restriction on Department of Defense procurement of certain items containing perfluorooctane sulfonate or perfluorooctanoic acid.
Sec. 334. Research and development of alternative to aqueous film-forming foam.

Sec. 335. Notification to agricultural operations located in areas exposed to Department of Defense PFAS use.
Sec. 336. Reporting on energy savings performance contracts.
Sec. 337. Increase in funding for Centers for Disease Control Study on health implications of per- and polyfluoroalkyl substances contamination in drinking water.
Sec. 338. Guaranteeing Equipment Safety for Firefighters Act of 2020.
Sec. 339. Assessment of Department of Defense excess property programs with respect to need and wildfire risk.

Subtitle C—Logistics and Sustainment

Sec. 341. National Defense Sustainment and Logistics Review.
Sec. 342. Repeal of sunset for minimum annual purchase amount for carriers participating in the Civil Reserve Air Fleet.
Sec. 343. Additional elements for inclusion in Navy ship depot maintenance budget report.
Sec. 344. Clarification of limitation on length of overseas forward deployment of currently deployed naval vessels.
Sec. 345. Independent advisory panel on weapon system sustainment.
Sec. 346. Biannual briefings on status of Shipyard Infrastructure Optimization Plan.
Sec. 347. Materiel readiness metrics and objectives for major weapon systems.
Sec. 348. Repeal of statutory requirement for notification to Director of Defense Logistics Agency three years prior to implementing changes to any uniform or uniform component.

Subtitle D—Munitions Safety and Oversight

Sec. 351. Chair of Department of Defense explosive safety board.
Sec. 352. Explosive Ordnance Disposal Defense Program.
Sec. 353. Assessment of resilience of Department of Defense munitions enterprise.
Sec. 354. Report on safety waivers and mishaps in Department of Defense munitions enterprise.

Subtitle E—Other Matters

Sec. 361. Pilot program for temporary issuance of maternity-related uniform items.
Sec. 362. Servicewomen's Commemorative Partnerships.
Sec. 363. Biodefense analysis and budget submission.
Sec. 364. Update of National Biodefense Implementation Plan.
Sec. 365. Plans and reports on emergency response training for military installations.
Sec. 366. Inapplicability of congressional notification and dollar limitation requirements for advance billings for certain background investigations.
Sec. 367. Adjustment in availability of appropriations for unusual cost overruns and for changes in scope of work.
Sec. 368. Requirement that Secretary of Defense implement security and emergency response recommendations relating to active shooter or terrorist attacks on installations of Department of Defense.
Sec. 369. Clarification of food ingredient requirements for food or beverages provided by the Department of Defense.
Sec. 370. Commission on the naming of items of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revisions to permanent active duty end strength minimum levels.
Sec. 403. Modification of the authorized number and accounting method for senior enlisted personnel.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 415. Separate authorization by Congress of minimum end strengths for non-temporary military technicians (dual status) and end strengths for temporary military technicians (dual status).

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Authorized strengths of general and flag officers on active duty.
Sec. 502. Temporary expansion of availability of enhanced constructive service credit in a particular career field upon original appointment as a commissioned officer.
Sec. 503. Diversity in selection boards.
Sec. 504. Requirement for promotion selection board recommendation of higher placement on promotion list of officers of particular merit.
Sec. 505. Special selection review boards for review of promotion of officers subject to adverse information identified after recommendation for promotion and related matters.
Sec. 506. Number of opportunities for consideration for promotion under alternative promotion authority.
Sec. 507. Mandatory retirement for age.
Sec. 508. Clarifying and improving restatement of rules on the retired grade of commissioned officers.
Sec. 509. Repeal of authority for original appointment of regular Navy officers designated for engineering duty, aeronautical engineering duty, and special duty.
Sec. 509A. Permanent programs on direct commissions to cyber positions.
Sec. 509B. Review of Seaman to Admiral–21 program.

Subtitle B—Reserve Component Management

Sec. 511. Temporary authority to order retired members to active duty in high-demand, low-density assignments during war or national emergency.
Sec. 512. Expansion of Junior Reserve Officers' Training Corps Program.
Sec. 513. Grants to support STEM education in the Junior Reserve Officers' Training Corps.
Sec. 514. Permanent suicide prevention and resilience program for the reserve components.
Sec. 515. Modification of education loan repayment program for members of Selected Reserve.
Sec. 516. Inclusion of drill or training foregone due to emergency travel or duty restrictions in computations of entitlement to and amounts of retired pay for non-regular service.
Sec. 517. Quarantine lodging for members of the reserve components who perform certain service in response to the COVID–19 emergency.
Sec. 518. Direct employment pilot program for certain members of the reserve components.
Sec. 519. Pilot programs authorized in connection with SROTC units and CSPI programs at Historically Black Colleges and Universities and minority institutions.
Sec. 519A. Report regarding full-time National Guard duty in response to the COVID-19 pandemic.
Sec. 519B. Study and report on National Guard support to States responding to major disasters.
Sec. 519C. Report on guidance for use of unmanned aircraft systems by the National Guard.
Sec. 519D. Study and report on ROTC recruitment.

Subtitle C—General Service Authorities and Correction of Military Records

Sec. 521. Increased access to potential recruits.
Sec. 522. Sunset and transfer of functions of the Physical Disability Board of Review.
Sec. 523. Honorary promotion matters.
Sec. 524. Exclusion of official photographs of members from records furnished to promotion selection boards.
Sec. 525. Report regarding reviews of discharges and dismissals based on sexual orientation.

Subtitle D—Prevention and Response To Sexual Assault, Harassment, and Related Misconduct

Sec. 531. Modification of time required for expedited decisions in connection with applications for change of station or unit transfer of members who are victims of sexual assault or related offenses.
Sec. 532. Confidential reporting of sexual harassment.
Sec. 533. Additional bases for provision of advice by the Defense Advisory Committee for the Prevention of Sexual Misconduct.

Sec. 534. Additional matters for 2021 report of the Defense Advisory Committee for the Prevention of Sexual Misconduct.
Sec. 535. Inclusion of advisory duties on the Coast Guard Academy among duties of Defense Advisory Committee for the Prevention of Sexual Misconduct.
Sec. 536. Modification of reporting and data collection on victims of sexual offenses.
Sec. 537. Modification of annual report regarding sexual assaults involving members of the Armed Forces.
Sec. 538. Coordination of support for survivors of sexual trauma.
Sec. 539. Policy for military service academies on separation of alleged victims and alleged perpetrators in incidents of sexual assault.
Sec. 539A. Safe-to-report policy applicable across the Armed Forces.
Sec. 539B. Accountability of leadership of the Department of Defense for discharging the sexual harassment policies and programs of the Department.
Sec. 539C. Reports on status of investigations of alleged sex-related offenses.
Sec. 539D. Report on ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform duties.
Sec. 539E. Briefing on Special Victims' Counsel program.
Sec. 539F. Briefing on placement of members of the Armed Forces in academic status who are victims of sexual assault onto Non-Rated Periods.

Subtitle E—Military Justice and Other Legal Matters

Sec. 541. Right to notice of victims of offenses under the Uniform Code of Military Justice regarding certain post-trial motions, filings, and hearings.
Sec. 542. Qualifications of judges and standard of review for Courts of Criminal Appeals.
Sec. 543. Preservation of court-martial records.
Sec. 544. Availability of records for National Instant Criminal Background Check System.
Sec. 545. Removal of personally identifying and other information of certain persons from investigative reports, the Department of Defense Central Index of Investigations, and other records and databases.
Sec. 546. Briefing on mental health support for vicarious trauma for certain personnel in the military justice system.
Sec. 547. Comptroller General of the United States report on implementation by the Armed Forces of recent GAO recommendations and statutory requirements on assessment of racial, ethnic, and gender disparities in the military justice system.
Sec. 548. Legal assistance for veterans and surviving spouses and dependents.
Sec. 549. Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.
Sec. 549A. Multidisciplinary board to evaluate suicide events.
Sec. 549B. Improvements to Department of Defense tracking of and response to incidents of child abuse, adult crimes against children, and serious harmful behavior between children and youth involving military dependents on military installations.
Sec. 549C. Independent analysis and recommendations on domestic violence in the Armed Forces.

Subtitle F—Diversity and Inclusion

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

10 USC 101 note.

Definition.

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

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

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Sec. 112. Report and limitations on acquisition of Integrated Visual Augmentation System.
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Sec. 123. Fighter force structure acquisition strategy.
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Sec. 138. Extension of limitation on availability of funds for retirement of RC–135 aircraft.
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Sec. 142. Modernization plan for airborne intelligence, surveillance, and reconnaissance.
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Sec. 144. Prohibition on funding for Close Air Support Integration Group.
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Sec. 151. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force.

Sec. 152. Transfer of responsibilities and functions relating to electromagnetic spectrum operations.
Sec. 153. Cryptographic modernization schedules.
Sec. 154. Department of Defense participation in the Special Federal Aviation Regulation Working Group.
Sec. 155. Integrated air and missile defense assessment.
Sec. 156. Joint strategy for air base defense against missile threats.
Sec. 157. Joint All Domain Command and Control requirements.
Sec. 158. Expansion of economic order quantity contracting authority for F–35 aircraft program.
Sec. 159. Documentation relating to the F–35 aircraft program.
Sec. 160. F–35 aircraft munitions.
Sec. 161. Redesign strategy for the Autonomic Logistics Information System for the F–35 fighter aircraft.
Sec. 162. Briefings on software regression testing for F–35 aircraft.
Sec. 163. Prohibition on use of funds for the Armed Overwatch Program.
Sec. 164. Acceleration of development and fielding of counter unmanned aircraft systems across the joint force.
Sec. 165. Airborne intelligence, surveillance, and reconnaissance acquisition roadmap for the United States Special Operations Command.
Sec. 166. Prohibition on divestiture of manned intelligence, surveillance, and reconnaissance aircraft operated by United States Special Operations Command.
Sec. 167. Notification on efforts to replace inoperable ejection seat aircraft locator beacons.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

SEC. 111. MODIFICATIONS TO REQUIREMENT FOR AN INTERIM CRUISE MISSILE DEFENSE CAPABILITY.

(a) PLAN.—Not later than January 15, 2021, the Secretary of the Army shall submit to the congressional defense committees the plan, including a timeline, to operationally deploy or forward station the interim cruise missile defense capability procured pursuant to section 112 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1660) in an operational theater or theaters. Deadline. Timeline.

(b) MODIFICATION OF WAIVER.—Paragraph (4) of section 112(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (132 Stat. 1661) is amended to read as follows:

"(4) WAIVER.—The Secretary of the Army may waive the deadlines specified in paragraph (1):

"(A) For the deadline specified in paragraph (1)(A), if the Secretary determines that sufficient funds have not been appropriated to enable the Secretary to meet such deadline. Determination.

"(B) For the deadline specified in paragraph (1)(B), if the Secretary submits to the congressional defense committees a certification that— Certification.

"(i) allocating resources toward procurement of an integrated enduring capability would provide robust tiered and layered protection to the joint force; or

"(ii) additional time is required to complete testing, training, and preparation for operational capability.".

SEC. 112. REPORT AND LIMITATIONS ON ACQUISITION OF INTEGRATED VISUAL AUGMENTATION SYSTEM.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than August 15, 2021, but after completion of operational testing of the Integrated Visual Augmentation System (IVAS), the Secretary of the Army shall submit to the congressional defense committees a report on the Integrated Visual Augmentation System.

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

Strategy.
Cost estimate.

(A) The acquisition strategy for the Integrated Visual Augmentation System, including an estimate of the average production unit cost, a schedule for full-rate production, and an identification of any hardware and software changes in the System as a result of operational testing.

(B) A description of the technology levels required for full-rate production of the System.

(C) A description of operational suitability and soldier acceptability for the production-representative model System.

Deadline.

(b) ASSESSMENT REQUIRED.—Not later than 30 days after the submittal of the report required by subsection (a), the Director of Operational Test and Evaluation shall submit to the congressional defense committees an assessment of the matters described pursuant to subparagraphs (B) and (C) of subsection (a)(2).

(c) LIMITATION ON USE OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for procurement of the Integrated Visual Augmentation System, not more than 75 percent may be obligated or expended until the date on which the Secretary submits to the congressional defense committees the report required by subsection (a).

SEC. 113. ASSESSMENT OF INVESTMENT AND SUSTAINMENT FOR PROCUREMENT OF CANNON TUBES.

(a) ASSESSMENT REQUIRED.—The Secretary of the Army shall conduct an assessment of the development, production, procurement, and modernization of the defense industrial base for cannon and large caliber weapon tubes.

Reports.

(b) SUBMITTAL TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the assessment conducted under subsection (a).

Subtitle C—Navy Programs

SEC. 121. LIMITATION ON ALTERATION OF THE NAVY FLEET MIX.

(a) LIMITATION.—

(1) IN GENERAL.—The Secretary of the Navy may not deviate from the large surface combatant requirements included in the 2016 Navy Force Structure Assessment until the date on which the Secretary submits to the congressional defense committees the certification under paragraph (2) and the report under subsection (b).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification, in writing, that the Navy can mitigate the reduction in multi-mission large surface combatant requirements, including anti-air and ballistic missile defense capabilities, due to having a reduced number of DDG–51 Destroyers with the advanced AN/SPY–6 radar in the next three decades.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes—

(1) a description of likely detrimental impacts to the large surface combatant industrial base, and a plan to mitigate such impacts, if the fiscal year 2021 future-years defense program is implemented as proposed; Mitigation plan.

(2) a review of the benefits to the Navy fleet of the new AN/SPY–6 radar to be deployed aboard Flight III variant DDG–51 Destroyers, which are currently under construction, as well as an analysis of impacts to the warfighting capabilities of the fleet should the number of such destroyers be reduced; and Review. Analysis.

(3) a plan to fully implement section 131 of the National Defense Authorization for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1237), including subsystem prototyping efforts and funding by fiscal year. Implementation plan.

SEC. 122. LIMITATIONS ON NAVY MEDIUM AND LARGE UNMANNED SURFACE VESSELS.

(a) MILESTONE B APPROVAL REQUIREMENTS.—Milestone B approval may not be granted for a covered program unless such program accomplishes prior to and incorporates into such approval—

(1) qualification by the Senior Technical Authority of—

(A) at least one representative main propulsion system, including the fuel and lube oil systems; and

(B) at least one representative electrical generation and distribution system;

(2) final results of test programs of engineering development models or prototypes showing that critical systems designated pursuant to subparagraph (C) of section 8669b(c)(2) of title 10, United States Code, are demonstrated as required by subparagraph (I) of that section; and

(3) a determination by the milestone decision authority of the minimum number of vessels, discrete test events, performance parameters to be tested, and schedule required to complete initial operational test and evaluation and demonstrate operational suitability and operational effectiveness. Determination.

(b) QUALIFICATION REQUIRES OPERATIONAL DEMONSTRATION.—The qualification required in subsection (a)(1) shall include a land-based operational demonstration of the systems concerned in the vessel-representative form, fit, and function for not less than 720 continuous hours without preventative maintenance, corrective maintenance, emergent repair, or any other form of repair or maintenance.

(c) USE OF QUALIFIED SYSTEMS.—The Secretary of the Navy shall require that covered programs use only main propulsion systems and electrical generation and distribution systems that are qualified under subsection (a)(1). Requirement.

(d) LIMITATION ON CONTRACT AWARD OR FUNDING.—

Notification.

(1) IN GENERAL.—The Secretary may not award a detail design or construction contract, or obligate funds from a procurement account, for a covered program until such program receives Milestone B approval and the milestone decision authority notifies the congressional defense committees, in writing, of the actions taken to comply with the requirements under this section.

(2) EXCEPTION.—The limitation in paragraph (1) does not apply to advanced procurement for government-furnished equipment.

(e) DEFINITIONS.—In this section:

(1) COVERED PROGRAM.—The term "covered program" means a program for—

(A) medium unmanned surface vessels; or

(B) large unmanned surface vessels.

(2) MILESTONE B APPROVAL.—The term "Milestone B approval" has the meaning given the term in section 2366(e)(7) of title 10, United States Code.

(3) MILESTONE DECISION AUTHORITY.—The term "milestone decision authority" means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for an acquisition program, including authority to approve entry of the program into the next phase of the acquisition process.

(4) SENIOR TECHNICAL AUTHORITY.—The term "Senior Technical Authority" has the meaning provided for in section 8669b of title 10, United States Code.

SEC. 123. FIGHTER FORCE STRUCTURE ACQUISITION STRATEGY.

Deadline.

(a) SUBMITTAL OF STRATEGY REQUIRED.—Not later than March 1, 2021, the Secretary of the Navy shall submit to the congressional defense committees a strategy for the Navy for tactical fighter aircraft force structure acquisition that aligns with the stated capability and capacity requirements of the Department of the Navy to meet the National Defense Strategy.

Approval.

(b) LIMITATION ON DEVIATION FROM STRATEGY.—The Secretary of the Navy may not deviate from the strategy submitted under subsection (a) until—

Consultation.

(1) the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, approves the deviation, in writing; and

(2) the Secretary of Defense provides the congressional defense committees the approval of the deviation, together with a justification for the deviation.

SEC. 124. PROCUREMENT AUTHORITIES FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) CONTRACT AUTHORITY.—

(1) PROCUREMENT AUTHORIZED.—In fiscal year 2021, the Secretary of the Navy may enter into one or more contracts for the procurement of three San Antonio-class amphibious ships and one America-class amphibious ship.

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs.

(b) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for such programs: Deadline.

(1) The use of such a contract is consistent with the projected force structure requirements of the Department of the Navy for amphibious ships.

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

(A) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a);

(B) the estimated end cost and appropriated funds by fiscal year, by hull, with the authority provided in subsection (a);

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

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

(E) the contractual actions that will ensure the estimated cost savings are realized.

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

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

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

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

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

(c) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a), and for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(e) MILESTONE DECISION AUTHORITY DEFINED.—In this section. the term "milestone decision authority" has the meaning given the term in section 2366a(d) of title 10, United States Code.

SEC. 125. LAND-BASED TEST PROGRAM FOR THE FFG(X) FRIGATE PROGRAM.

(a) TEST PROGRAM FOR ENGINEERING PLANT REQUIRED.—Prior to the delivery date of the lead ship in the FFG(X) Frigate class of vessels, the Secretary of the Navy shall commence a land-based test program for the engineering plant of such class of vessels.

(b) ADMINISTRATION.—The test program required by subsection (a) shall be administered by the Senior Technical Authority for the FFG(X) Frigate class of vessels.

(c) ELEMENTS.—The test program required by subsection (a) shall include, at a minimum, testing of the following equipment in vessel-representative form:

(1) Main Reduction Gear.
(2) Electrical Propulsion Motors.
(3) Other propulsion drive train components.
(4) Main propulsion system.
(5) Auxiliary propulsion unit.
(6) Electrical generation system,
(7) Shipboard control systems.
(8) Power control modules,

(d) TEST OBJECTIVES.—The test program required by subsection (a) shall include, at a minimum, the following test objectives demonstrated across the full range of engineering plant operations for the FFG(X) Frigate class of vessels:

(1) Test of the full propulsion drive train.

(2) Test and facilitation of machinery control systems integration.

(3) Simulation of the full range of electrical demands to enable the investigation of load dynamics between the Hull, Mechanical and Electrical equipment, Combat System, and auxiliary equipment.

(e) COMPLETION DATE.—The Secretary shall complete the test program required by subsection (a) by not later than the date on which the lead ship in the FFG(X) Frigate class of vessels is scheduled to be available for tasking by operational military commanders.

(f) DEFINITIONS.—In this section:

(1) DELIVERY DATE.—The term "delivery date" has the meaning provided for in section 8671 of title 10, United States Code.

(2) SENIOR TECHNICAL AUTHORITY.—The term "Senior Technical Authority" has the meaning provided for in section 8669b of title 10, United States Code.

10 USC 221 note.

SEC. 126. TREATMENT IN FUTURE BUDGETS OF THE PRESIDENT OF SYSTEMS ADDED BY CONGRESS.

In the event the procurement quantity for a system authorized by Congress in a National Defense Authorization Act for a fiscal year, and for which funds for such procurement quantity are appropriated by Congress in the Shipbuilding and Conversion, Navy account for such fiscal year, exceeds the procurement quantity specified in the budget of the President, as submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, such excess procurement quantity shall not be specified as

a new procurement quantity in any budget of the President, as so submitted, for any fiscal year after such fiscal year.

SEC. 127. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY WATERBORNE SECURITY BARRIERS.

Section 130(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1665), as amended by section 126 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1235), is further amended by striking "for fiscal year 2019 or fiscal year 2020" and inserting "for fiscal years 2019, 2020, or 2021".

SEC. 128. REPORT ON STRATEGY TO USE ALQ–249 NEXT GENERATION JAMMER TO ENSURE FULL SPECTRUM ELECTROMAGNETIC SUPERIORITY.

(a) REPORT.—Not later than July 30, 2021, the Secretary of the Navy, in consultation with the Vice Chairman of the Joint Chiefs, shall submit to the congressional defense committees a report with a strategy to ensure full spectrum electromagnetic superiority using the ALQ–249 Next Generation Jammer. Consultation.

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

(1) A description of the current procurement strategy for the ALQ–249, and the analysis of its capability to meet the radio frequency (RF) ranges required in highly contested and denied environment conflicts. Analysis.

(2) An assessment of the compatibility and ability of the ALQ–249 to synchronize non-kinetic fires using other Joint Electronic Warfare (EW) platforms. Assessment.

(3) A future model of an interlinked/interdependent electronic warfare menu of options for commanders at tactical, operational, and strategic levels.

Subtitle D—Air Force Programs

SEC. 131. MINIMUM OPERATIONAL SQUADRON LEVEL.

(a) POLICY ON AIR FORCE AVIATION FORCE STRUCTURE.—As soon as practicable after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of the Air Force shall seek to achieve the capabilities provided by a minimum of 386 available operational squadrons, or equivalent organizational units. In addition, the Secretary shall seek to achieve not fewer than 3,580 combat coded aircraft within the Air Force.

(b) EXCEPTION TO POLICY.—If, based on the fielding of new capabilities and formal force structure capability assessments supporting the most recent National Defense Strategy, the Secretary of the Air Force, in consultation with the Chief of Staff of the Air Force and the Chairman of the Joint Chiefs of Staff, makes a determination that a modification to the quantity of operational squadrons or combat-coded aircraft in subsection (a) is necessary, the Secretary shall submit a report at the earliest opportunity to the congressional defense committees describing the modifications of the revised force structure and how the quantity of combat coded aircraft and operational squadrons developed supports a moderate operational risk force structure in support of the National Defense Strategy. Consultation. Determination. Reports.

(c) EXPIRATION OF POLICY.—The policy in subsection (a) shall expire on September 30, 2025.

(d) MODERATE OPERATIONAL RISK DEFINED.—In this section, the term "moderate operational risk" shall be construed as defined in the most recent publication of the Chairman of the Joint Chiefs of Staff Manual 3105.01 titled "Joint Risk Analysis".

10 USC 9062 note.

SEC. 132. MODIFICATION OF FORCE STRUCTURE OBJECTIVES FOR BOMBER AIRCRAFT.

(a) MINIMUM LEVEL FOR ALL BOMBER AIRCRAFT.—

Time period.

(1) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on October 1, 2025, the Secretary of the Air Force shall, except as provided in paragraph (2), maintain not less than 92 bomber aircraft based on the Primary Mission Aircraft Inventory (PMAI) of the Air Force.

Determination.

(2) EXCEPTION.—The Secretary may reduce the number of aircraft required by the Primary Mission Aircraft Inventory below the number specified in paragraph (1) if the Secretary determines, on a case-by-case basis, that a bomber aircraft is no longer to be so required because such aircraft is no longer mission capable due to mishap or other damage, or being uneconomical to repair.

(b) REPEAL OF MINIMUM B–1 INVENTORY REQUIREMENT.—Section 9062 of title 10, United States Code, is amended by striking subsection (h).

(c) PRESERVATION OF CERTAIN B–1 AIRCRAFT AND MAINTENANCE PERSONNEL.—Until the date on which the Secretary determines that the B–21 bomber aircraft has attained initial operating capability, the Secretary—

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

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

SEC. 133. MINIMUM BOMBER AIRCRAFT FORCE LEVEL.

Reports. Recommendations.

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

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

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

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

(B) the minimum number of primary mission aircraft.

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

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

(B) the minimum number of primary mission penetrating bomber aircraft.

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

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

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

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

SEC. 134. REQUIRED MINIMUM INVENTORY OF TACTICAL AIRLIFT AIRCRAFT.

(a) IN GENERAL.—The Secretary of the Air Force shall maintain—

(1) a total primary mission aircraft inventory of 230 aircraft; and

(2) a total tactical airlift aircraft inventory of not less than 287 aircraft.

(b) EXCEPTION.—The Secretary of the Air Force may reduce the number of C-130 aircraft in the Air Force below the minimum number specified in subsection (a) if the Secretary of the Air Force determines, on a case-by-case basis, that an aircraft is no longer mission capable because of a mishap or other damage. Determination.

(c) SAVINGS CLAUSE.—During fiscal year 2021, the Secretary of the Air Force is prohibited from reducing the total tactical airlift aircraft inventory entirely from the National Guard.

(d) SUNSET.—This section shall not apply after October 1, 2021.

SEC. 135. INVENTORY REQUIREMENTS FOR AIR REFUELING TANKER AIRCRAFT. Time periods.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on October 1, 2025, the Secretary of the Air Force shall maintain not less than 412 tanker aircraft based on Primary Mission Aircraft Inventory (PMAI) of the Air Force.

(b) MINIMUM INVENTORY REQUIREMENTS FOR KC–10A AIRCRAFT.—Except as provided in subsection (e)(1):

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

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

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

(c) PROHIBITION ON RETIREMENT OF KC–135 AIRCRAFT.—Except as provided in subsection (e), during the period beginning on the date of the enactment of this Act and ending on October 1, 2023, the Secretary of the Air Force may not retire, or prepare to retire, any KC–135 aircraft.

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

(e) EXCEPTIONS.—

Determination.

(1) KC–10A AIRCRAFT.—The requirement in subsection (b) shall not apply to an aircraft otherwise required to be maintained by that subsection if the the Secretary of the Air Force determines, on a case-by-case basis, that such aircraft is no longer mission capable due to mishap or other damage, or being uneconomical to repair.

(2) KC–135 AIRCRAFT.—The requirement in subsection (c) shall not apply to an aircraft otherwise required to be maintained by that subsection if the Secretary of the Air Force—

Determination.

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

Certification. Deadline.

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

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

SEC. 136. AUTHORITY TO USE F–35A FIGHTER AIRCRAFT AT–1 THROUGH AT–6.

Approval.

(a) IN GENERAL.—Subject to written approval by the Secretary of Defense to the Secretary of the Air Force, the Secretary of the Air Force is authorized to utilize, modify, and operate the six F–35A aircraft designated as AT–1 through AT–6 that are possessed by the United Government and currently reside in long-term storage at Edwards Air Force Base, California.

Deadline. Records.

(b) NOTICE ON APPROVAL.—Not later than 15 days after the Secretary of Defense provides written approval to the Secretary of the Air Force as described in subsection (a), the Secretary of Defense shall provide a copy of the written approval to the congressional defense committees.

SEC. 137. F–35 AIRCRAFT GUN SYSTEM AMMUNITION.

Consultation.

The Director of the F–35 Joint Program Office shall, in consultation with the Secretary of the Air Force, take appropriate actions to ensure that any 25mm ammunition fielded for use by F–35A aircraft—

(1) provides effective full-spectrum target engagement capability; and

(2) meets the required operational employment probability of kill specifications for the F–35A aircraft.

SEC. 138. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF RC–135 AIRCRAFT.

Section 148(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1243) is amended by inserting ", or for fiscal year 2021," after "for fiscal year 2020".

SEC. 139. MODIFICATION TO LIMITATION ON RETIREMENT OF U–2 AND RQ–4 AIRCRAFT.

Section 136 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1317) is amended by striking subsection (b) and inserting the following new subsection (b):

"(b) WAIVER.—The Secretary of Defense may waive a certification requirement under paragraphs (1) or (2) of subsection (a) with respect to U–2 aircraft or RQ–4 aircraft if the Secretary— Determinations. Analyses. Certifications.

"(1) with respect to the requirement under paragraph (1) of that subsection—

"(A) determines, after analyzing sufficient and relevant data, that a greater capability is worth increased operating and sustainment costs; and

"(B) provides to the appropriate committees of Congress a certification on such determination and supporting analysis; and

"(2) with respect to the requirement under paragraph (2) of that subsection—

"(A) determines, after analyzing sufficient and relevant data, that a loss in capacity and capability will not prevent the combatant commands from accomplishing their missions at acceptable levels of risk; and

"(B) provides to the appropriate committees of Congress a certification of such determination and supporting analysis.".

SEC. 140. MODIFICATION OF LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E–8 JSTARS AIRCRAFT.

Section 147 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1669) is amended—

(1) in subsection (a), by striking "certifies to the congressional defense committees that Increment 2 of the Advanced Battle-Management System of the Air Force has declared initial operational capability as defined in the Capability Development Document for the System" and inserting "certifies to the congressional defense committees that— Certification.

"(1) the Secretary has identified—

"(A) a capability with sufficient capacity to replace the current fleet of 16 E–8 Joint Surveillance Target Attack Radar System aircraft in a manner that meets global combatant command requirements; and

"(B) potential global basing locations for such capability; and

"(2) such replacement capability delivers capabilities that are comparable or superior to the capabilities delivered by such aircraft."; and

(2) in subsection (c)—

(A) in paragraph (3), by striking "Increment 1, 2, and 3"; and

(B) in paragraph (4), by striking "until Increment 2 of the Advanced Battle-Management System declares initial operational capability" and inserting "until the Advanced Battle Management System delivers equivalent capability".

SEC. 141. LIMITATION ON DIVESTMENT OF F–15C AIRCRAFT WITHIN THE EUROPEAN THEATER.

Time period.

(a) IN GENERAL.—The Secretary of the Air Force may not divest any F–15C aircraft within the area of responsibility of the United States European Command until 180 days after the report required by subsection (b) is submitted to the congressional defense committees.

(b) REPORT.—

Consultation. Strategy. Implementation plan.

(1) IN GENERAL.—Not later than March 1, 2021, the Commander of the United States European Command shall, in consultation with the Commander of United States Air Forces Europe, submit to the congressional defense committees a report that describes the strategy, force structure construct and capacity, and strategy implementation plan to replace the capability and capacity provided by the F–15C aircraft in the area of responsibility of the United States European Command in a manner that maintains an inherent and equal or better air superiority capability and capacity to that provided by the F–15C aircraft in that area of responsibility.

Classified information.

(2) FORM.—The report under paragraph (1) shall submitted in unclassified form, but may contain a classified annex.

SEC. 142. MODERNIZATION PLAN FOR AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) MODERNIZATION PLAN.—

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

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

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

Analyses.

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

Assessment.

(A) An assessment of all airborne intelligence, surveillance, and reconnaissance missions, both current missions and future missions anticipated to be necessary to support the national defense strategy.

(B) An analysis of platforms, capabilities, and capacities necessary to fulfill such current and future missions.

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

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

(b) REPORT TO CONGRESS.—

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

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

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

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

SEC. 143. RC–26B MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Air Force may be obligated or expended to retire, divest, realign, or place in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status, any RC–26B aircraft.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to individual RC–26B aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishap or other damage. Determination.

(c) FUNDING FOR AIRCRAFT PLATFORM.— Transfer authority.

(1) Of the amount authorized to be appropriated for fiscal year 2021 by section 301 for operation and maintenance and available for operation and maintenance, Air National Guard, as specified in the funding table in section 4301, the Secretary of the Air Force may transfer up to $18,500,000 to be used in support of the RC–26B manned intelligence, surveillance, and reconnaissance platform.

(2) Of the amount authorized to be appropriated for fiscal year 2021 by section 421 and available for military personnel for military personnel, Air National Guard, specified in the funding table in section 4401, the Secretary of the Air Force may transfer up to $13,000,000 to be used in support of personnel who operate and maintain the RC–26B manned intelligence, surveillance, and reconnaissance platform.

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

SEC. 144. PROHIBITION ON FUNDING FOR CLOSE AIR SUPPORT INTEGRATION GROUP. Nevada.

No funds authorized to be appropriated by this Act may be obligated or expended for the Close Air Support Integration Group (CIG) or its subordinate units at Nellis Air Force Base, Nevada, and the Air Force may not utilize personnel or equipment in support of the CIG or its subordinate units.

SEC. 145. REQUIRED SOLUTION FOR KC–46 AIRCRAFT REMOTE VISUAL SYSTEM LIMITATIONS.

Deadline. Implementation strategy.

The Secretary of the Air Force shall develop and implement a complete, permanent solution to the KC–46 aircraft remote visual system (RVS) operational limitations. Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees an implementation strategy for the solution.

Deadlines.

SEC. 146. ANALYSIS OF MOVING TARGET INDICATOR REQUIREMENTS AND ADVANCED BATTLE MANAGEMENT SYSTEM CAPABILITIES.

Consultation.

(a) ANALYSIS.—Not later than April 1, 2021, the Secretary of the Air Force, in consultation with the commanders of the combatant commands, shall develop an analysis of current and future moving target indicator requirements across the combatant commands and operational and tactical level command and control capabilities the Advanced Battle Management System (ABMS) will require when fielded.

(b) JROC REQUIREMENTS.—

Certification.

(1) IN GENERAL.—Not later than 60 days after the Secretary of the Air Force develops the analysis under subsection (a), the Joint Requirements Oversight Council (JROC) shall certify that requirements for the Advanced Battle Management System incorporate the findings of the analysis.

Briefing.

(2) CONGRESSIONAL NOTIFICATION.—The Joint Requirements Oversight Council shall notify the congressional defense committees upon making the certification required under paragraph (1), and provide a briefing on the requirements and findings described in such paragraph not later than 30 days after such notification.

SEC. 147. STUDY ON MEASURES TO ASSESS COST-PER-EFFECT FOR KEY MISSION AREAS.

Deadline.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary of the Air Force shall provide for the performance of an independent study designed to devise new measures to assess cost-per-effect for key mission areas of the Air Force. The study shall be conducted by a Federally funded research and development center selected by the Secretary for purposes of the study.

(b) SCOPE.—The study conducted pursuant to subsection (a) shall address the following matters:

(1) Number of weapon systems required to meet a specified mission goal.

(2) Number of personnel required to meet a specified mission goal.

(3) Associated operation and maintenance costs necessary to facilitate respective operational constructs.

(4) Basing requirements for respective force constructs.

(5) Mission support elements required to facilitate specified operations.

(6) Defensive measures required to facilitate viable mission operations.

(7) Attrition due to enemy countermeasures and other loss factors associated with respective technologies.

(8) Associated weapon effects costs compared to alternative forms of power projection.

(c) IMPLEMENTATION OF MEASURES.—The Secretary shall, as the Secretary considers appropriate, incorporate the findings of the study conducted pursuant to subsection (a) into the future force development processes of the Air Force. The measures—

(1) should be domain and platform agnostic;

(2) should focus on how best to achieve mission goals in future operations; and

(3) shall consider including cost-per-effect metrics as a key performance parameter for any Air Force acquisition programs that enter the Joint Capabilities Integration and Development System (JCIDS) requirements process of the Department of Defense.

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

SEC. 151. BUDGETING FOR LIFE-CYCLE COSTS OF AIRCRAFT FOR THE ARMY, NAVY, AND AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

"§ 231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force: annual plan and certification

10 USC 231a.

"(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—Not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees the following:

Deadline.

"(1) A plan for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force developed in accordance with this section.

"(2) A certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

"(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

"(1) Fighter aircraft.
"(2) Attack aircraft.
"(3) Bomber aircraft.
"(4) Intertheater lift aircraft.
"(5) Intratheater lift aircraft.
"(6) Intelligence, surveillance, and reconnaissance aircraft.
"(7) Tanker aircraft.
"(8) Remotely piloted aircraft.
"(9) Rotary-wing aircraft.
"(10) Operational support and executive lift aircraft.
"(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

"(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a) should be designed so that the aviation force

provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent National Defense Strategy submitted under section 113(g) of this title and the most recent National Military Strategy submitted under section 153(b) of this title.

"(2) Each annual aircraft procurement plan shall include the following:

Time period. "(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force over the next 15 fiscal years.

"(B) A description of the aviation force structure necessary to meet the requirements of the national military strategy of the United States.

Cost estimate. "(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.

Cost estimate. "(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

"(E) For each of the cost estimates required by subparagraphs (C) and (D)—

"(i) a description of whether the cost estimate is derived from the cost estimate position of the military department concerned or from the cost estimate position of the Office of Cost Assessment and Program Evaluation;

"(ii) if the cost estimate position of the military department and the cost estimate position of the Office of Cost Assessment and Program Evaluation differ by more than 5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference;

"(iii) the confidence or certainty level associated with the cost estimate for each aircraft program; and

Certification. "(iv) a certification that the calculations from which the cost estimate is derived are based on common cost categories used by the Under Secretary of Defense for Acquisition and Sustainment for calculating the life-cycle cost of an aircraft program.

Assessment. "(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Army, the Department of the Navy, and the Department of the Air Force meet the national security requirements of the United States.

"(3) For any cost estimate required by subparagraph (C) or (D) of paragraph (2) for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan shall be derived from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft procurement plan is prepared.

"(4) Each annual aircraft procurement plan shall be submitted in unclassified form, and shall contain a classified annex. A summary version of the unclassified report shall be made available to the public.

Classified information. Summary. Public information.

"(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for any fiscal year provides for funding of the procurement of aircraft for the Department of the Army, the Department of the Navy, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes the funding shortfall and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. The assessment shall be coordinated in advance with the commanders of the combatant commands.

"(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense.

"(2) Each report under paragraph (1) shall include the following, for the year covered by such report, the following:

"(A) The total number of aircraft in the inventory.

"(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

"(i) Primary aircraft.

"(ii) Backup aircraft.

"(iii) Attrition and reconstitution reserve aircraft.

"(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(i) Bailment aircraft.

"(ii) Drone aircraft.

"(iii) Aircraft for sale or other transfer to foreign governments.

"(iv) Leased or loaned aircraft.

"(v) Aircraft for maintenance training.

"(vi) Aircraft for reclamation.

"(vii) Aircraft in storage.

"(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(3) Each report under paragraph (1) shall set forth each item specified in paragraph (2) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.

"(f) BUDGET DEFINED.—In this section, the term 'budget' means the budget of the President for a fiscal year as submitted to Congress pursuant to section 1105 of title 31.".

10 USC prec. 221.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

"231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force: annual plan and certification.".

Deadlines. Time periods. 10 USC 113 note.

SEC. 152. TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.

(a) TRANSFER.—Not later than two years after the date of the enactment of this Act and in accordance with the plan developed pursuant to subsection (b), the Secretary of Defense shall transfer to an appropriate entity within the Department of Defense all the responsibilities and functions of the Commander of the United States Strategic Command that are germane to electromagnetic spectrum operations (EMSO), including—

(1) advocacy for joint electronic warfare capabilities;

(2) providing contingency electronic warfare support to other combatant commands; and

(3) supporting combatant command joint training and planning related to electromagnetic spectrum operations.

(b) PLAN FOR TRANSFER OF RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than 180 days before the date of the transfer of responsibilities required by subsection (a), the Secretary shall develop a plan to carry out the transfer.

(2) CONSIDERATIONS.—In developing the plan required by paragraph (1), the Secretary shall consider the following:

(A) All appropriate entities having potential for designation as the receiving electromagnetic spectrum operations organization, including elements of the Joint Staff, the functional and geographic combatant commands, Department of Defense offices and agencies, and other organizations, including the establishment of a new entity for that purpose within any such entity.

(B) Whether the receiving electromagnetic spectrum operations organization should have a unitary structure or hybrid structure (in which operational and capability development and direction are headed by separate organizations).

(C) The resources required by the receiving electromagnetic spectrum operations organization to fulfill the responsibilities and functions specified in subsection (a).

(D) The results of the evaluations carried out pursuant to subsections (c) and (d).

(3) SUBMITTAL TO CONGRESS.—Not later than 180 days before the date of the transfer of responsibilities required by subsection (a), the Secretary shall submit to Congress the following:

(A) The plan developed under paragraph (1).

(B) The construct and elements of the receiving electromagnetic spectrum operations organization under the plan, including the allocation of responsibilities among senior officials in such organization.

Analysis.

(C) The analysis conducted to determine the electromagnetic spectrum operations organization, including the input in the plan or analysis of the results of consultation

with any independent entities involved in development of the plan.

(D) The resources required to implement the plan, and a timeline for the receiving electromagnetic spectrum operations organization to reach initial operational capability and full operational capability.

(c) EVALUATIONS OF ARMED FORCES.—

(1) IN GENERAL.—Not later than October 1, 2021, and annually thereafter through 2025, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations shall each carry out an evaluation of the ability of the Armed Force concerned to perform electromagnetic spectrum operations missions required by each of the following:

(A) The Electromagnetic Spectrum Superiority Strategy.

(B) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(C) The operations and contingency plans of the combatant commands.

(2) ELEMENTS.—Each evaluation under paragraph (1) shall include assessment of the following:

(A) Current programs of record, including—

(i) the ability of weapon systems to perform missions in contested electromagnetic spectrum environments; and

(ii) the ability of electronic warfare capabilities to disrupt adversary operations.

(B) Future programs of record, including—

(i) the need for distributed or network-centric electronic warfare and signals intelligence capabilities; and

(ii) the need for automated and machine learning- or artificial intelligence-assisted electronic warfare capabilities.

(C) Order of battle.

(D) Individual and unit training.

(E) Tactics, techniques, and procedures, including—

(i) maneuver, distribution of assets, and the use of decoys; and

(ii) integration of nonkinetic and kinetic fires.

(d) EVALUATIONS OF COMBATANT COMMANDS.—

(1) IN GENERAL.—Not later than October 1, 2021, and annually thereafter through 2025, the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Central Command shall each carry out an evaluation of the plans and posture of the command concerned to execute the electromagnetic spectrum operations envisioned in each of the following:

(A) The Electromagnetic Spectrum Superiority Strategy.

(B) The Joint Staff-developed concept of operations for electromagnetic spectrum operations.

(2) ELEMENTS.—Each evaluation under paragraph (1) shall include assessment of the following:

(A) Operation and contingency plans.

(B) The manning, organizational alignment, and capability of joint electromagnetic spectrum operations cells.

(C) Mission rehearsal and exercises.

(D) Force positioning, posture, and readiness.

(e) SEMIANNUAL BRIEFING.—Not less frequently than twice each year until January 1, 2026, the Vice Chairman of the Joint Chiefs of Staff shall brief the Committees on Armed Services of the Senate and the House of Representatives on the implementation of this section by each of the Joint Staff, the Armed Forces, and the combatant commands.

10 USC 142 note.

SEC. 153. CRYPTOGRAPHIC MODERNIZATION SCHEDULES.

(a) CRYPTOGRAPHIC MODERNIZATION SCHEDULES REQUIRED.—Each of the Secretaries of the military departments and the heads of relevant Defense Agencies and Department of Defense Field Activities shall establish and maintain a cryptographic modernization schedule that specifies, for each pertinent weapon system, command and control system, or data link under the jurisdiction of such Secretary or head, including those that use commercial encryption technologies (as relevant), the following:

(1) The last year of use for applicable cryptographic algorithms.

(2) Anticipated key extension requests for systems where cryptographic modernization is assessed to be overly burdensome and expensive or to provide limited operational utility.

(3) The funding and deployment schedule for modernized cryptographic algorithms, keys, and equipment over the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code, in 2021 together with the budget of the President for fiscal year 2022.

(b) REQUIREMENTS FOR CHIEF INFORMATION OFFICER.—The Chief Information Officer of the Department of Defense shall—

(1) oversee the construction and implementation of the cryptographic modernization schedules required by subsection (a);

(2) establish and maintain an integrated cryptographic modernization schedule for the entire Department of Defense, collating the cryptographic modernization schedules required under subsection (a); and

Coordination.

(3) in coordination with the Director of the National Security Agency and the Joint Staff Director for Command, Control, Communications, and Computers/Cyber, use the budget certification, standard-setting, and policy-making authorities provided in section 142 of title 10, United States Code, to amend Armed Force and Defense Agency and Field Activity plans for key extension requests and cryptographic modernization funding and deployment that pose unacceptable risk to military operations.

Deadline.

(c) ANNUAL NOTICES.—Not later than January 1, 2022, and not less frequently than once each year thereafter until January 1, 2026, the Chief Information Officer and the Joint Staff Director shall jointly submit to the congressional defense committees notification of all—

(1) delays to or planned delays of Armed Force and Defense Agency and Field Activity funding and deployment of modernized cryptographic algorithms, keys, and equipment over the previous year; and

(2) changes in plans or schedules surrounding key extension requests and waivers, including—

(A) unscheduled or unanticipated key extension requests; and

(B) unscheduled or unanticipated waivers and non-waivers of scheduled or anticipated key extension requests.

SEC. 154. DEPARTMENT OF DEFENSE PARTICIPATION IN THE SPECIAL FEDERAL AVIATION REGULATION WORKING GROUP.

(a) DESIGNATION OF DOD REPRESENTATIVES.—The Secretary of Defense shall designate the Department of Defense representatives to the Special Federal Aviation Regulation Working Group.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR OSD.—Of the aggregate amount authorized to be appropriated by this Act for fiscal year 2021 and available for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the later of the following:

Certification.

(1) The date on which Secretary certifies, in writing, to the appropriate committees of Congress that the Department representatives to the Special Federal Aviation Regulation Working Group have been designated as required by subsection (a).

Recommendations.

(2) The date on which the Special Federal Aviation Regulation Working Group submits to the appropriate committees of Congress initial recommendations developed pursuant to subsection (b)(4) of section 1748 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1847).

(c) REPORT ON FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than June 30, 2021, the Special Federal Aviation Regulation Working Group shall submit to the appropriate committees of Congress a report setting forth the findings and recommendations of the Working Group as developed pursuant to subsection (b) of section 1748 of the National Defense Authorization Act for Fiscal Year 2020.

(2) CONFORMING AMENDMENTS.—Section 1748 of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(A) by striking subsection (d); and

(B) in subsection (e), by striking "subsection (d)" and inserting "section 154(c)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021".

(d) CERTIFICATION IN CONNECTION WITH CONTRACTS WITH FOREIGN COMPANIES FOR AVIATION SERVICES OVERSEAS.—

(1) IN GENERAL.—Subject to paragraph (2), the Department of Defense may not enter into a contract with a foreign company as contracted aviation support to provide aviation services in an overseas area unless the Secretary certifies, in writing, to the appropriate committees of Congress each of the following:

(A) That the use of foreign companies to provide such services in overseas areas is required for the national security of the United States.

(B) That the Department has exhausted all available authorities to use United States companies to provide such services in overseas areas.

(2) SUNSET.—The requirement in paragraph (1) shall expire on the later of—

(A) the date on which the Special Federal Aviation Regulation Working Group submits to the appropriate committees of Congress the report required by subsection (c)(1); and

(B) the date on which the Secretary fully implements the recommendations contained in that report.

(e) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term "Special Federal Aviation Regulation Working Group" means the working group established pursuant to section 1748 of the National Defense Authorization Act for Fiscal Year 2020.

SEC. 155. INTEGRATED AIR AND MISSILE DEFENSE ASSESSMENT.

Deadline.

(a) CERTIFICATION ON DIRECTIVE OF IAMD RESPONSIBILITIES AND AUTHORITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, certify that Department of Defense Directive 5100.01 is current and accurate with respect to integrated air and missile defense (IAMD) responsibilities and authorities in support of joint and combined land, sea, air, space and special forces operations, and in obtaining and maintaining air superiority or supremacy as required.

(b) IAMD ASSESSMENT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

Coordination.

(1) IN GENERAL.—The Chairman of the Joint Chiefs of Staff shall, in coordination with the Secretaries of the military departments and the Director of the Missile Defense Agency, conduct a comprehensive classified assessment of threats to, and capabilities and capacities of, current and planned integrated air and missile defense technologies and force structure to meet the requirements of the combatant commands in support of the National Defense Strategy.

Analyses.

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

(A) Characterization and analysis of current and emerging threats, including the following:

(i) Cruise, hypersonic, and ballistic missiles.

(ii) Unmanned aerial systems.

(iii) Rockets and other indirect fire.

(iv) Specific and meaningfully varied examples within each of clauses (i) through (iii).

(B) Analysis of current and planned integrated air and missile defense capabilities to counter the threats characterized and analyzed under subparagraph (A), including the following:

Timelines.

(i) Projected timelines for development, procurement, and fielding of needed capabilities to defend

against current and anticipated threats, based on intelligence assessments of such threats.

(ii) Projected capability and capacity gaps in addressing the threats characterized and assessed under subparagraph (A), including a delineation of unfulfilled integrated air and missile defense requirements by combatant command.

(iii) Risk assessment of projected capability and capacity gaps addressing integrated air and missile defense requirements of the combatant commands and the National Defense Strategy. Risk assessment.

(iv) Opportunities for acceleration or need for incorporation of interim capabilities to address current and projected gaps.

(v) Opportunities to leverage allied contributions for integrated air and missile defense capabilities and capacities to meet requirements of the combatant commands.

(C) Assessment of the integrated air and missile defense command, control, and intelligence systems and architecture, including the following: Assessments.

(i) A description of the integrated air and missile defense architecture, and the component counter unmanned aerial system (C–UAS) sub-architecture of such architecture.

(ii) Identification of the critical command and control (C2) systems.

(iii) Integration or interoperability of the command and control systems.

(iv) Integration, interoperability, or compatibility of the command and control systems with planned Joint All Domain Command and Control (JADC2) architecture.

(3) CHARACTERIZATION.—

(A) IN GENERAL.—In carrying out the assessment required by paragraph (1), the Chairman shall clearly, on a technical and operational basis, distinguish between distinctly different threats in the same general class.

(B) EXAMPLE.—The Chairman shall, for example, ensure that the assessment is not limited to a broad characterization, such as "cruise missiles", since such characterization does not sufficiently distinguish between current cruise missiles and emerging hypersonic cruise missiles, which may require different capabilities to counter them.

(4) INTERIM BRIEFING AND REPORT.—

(A) INTERIM BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Chairman shall brief the Committees on Armed Services of the Senate and the House of Representatives on the assessment under paragraph (1). Deadline.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Chairman shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the assessment conducted under paragraph (1).

(c) SECRETARY OF THE MILITARY DEPARTMENT BRIEFINGS ON RESPONSE TO IAMD ASSESSMENT.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the submittal of the report required by subsection (b)(4)(B), the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each brief the Committees on Armed Services of the Senate and the House of Representatives on the manner in which the military department under the jurisdiction of such Secretary intends to fulfill the global integrated air and missile defense requirements of the combatant commands in accordance with Department of Defense Directive 5100.01.

Analyses.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include, for the military department covered by such briefing, the following:

(A) Analysis of current and planned integrated air and missile defense capabilities to counter the threats characterized and analyzed under subsection (b)(2)(A), including the following:

Timelines.

(i) Projected timelines and costs for development, procurement, and fielding of planned integrated air and missile defense capabilities.

(ii) Projected capability gaps and an assessment of associated risk.

(iii) Opportunities for acceleration or need for incorporation of interim capabilities to address current and projected gaps.

(B) Analysis of current and planned capacity to meet major contingency plan requirements and ongoing global operations of the combatant commands, including the following:

(i) Current and planned numbers of integrated air and missile defense systems and formations, including associated munitions.

(ii) Capacity gaps, and an assessment of associated risk, in addressing combatant command requirements.

(iii) Operations tempo stress on integrated air and missile defense formations and personnel.

(iv) Plans to sustain or to increase integrated air and missile defense personnel and formations.

(C) Assessment of proponency and the distribution of responsibility and authority for policy and program planning, budgeting, and execution within the military department for integrated air and missile defense and counter-unmanned aerial systems, including the following:

(i) A description of the current proponency structure.

(ii) An assessment of the adequacy of the current proponency structure to facilitate integrated air and missile defense and counter unmanned aerial systems functions for the Department of Defense.

(D) Assessment of the feasibility and advisability of establishing one or more centers of excellence for integrated air and missile defense, counter unmanned aerial systems, or both for purposes of planing, organizing, and managing the military department and joint force efforts to achieve

a functional capability and capacity to meet the requirements of the combatant commands.

SEC. 156. JOINT STRATEGY FOR AIR BASE DEFENSE AGAINST MISSILE THREATS.

10 USC 2859 note.

(a) STRATEGY REQUIRED.—The Chief of Staff of the Air Force and the Chief of Staff of the Army shall jointly develop and carry out a strategy to address the defense of air bases and prepositioned sites outside the continental United States against current and emerging missile threats, as validated by the Defense Intelligence Agency.

(b) CERTIFICATION AND STRATEGY.—Not later than June 1, 2021, the Chief of Staff of the Air Force and the Chief of Staff of the Army shall jointly submit to the congressional defense committees the following:

Deadline.

(1) A certification that the defense of air bases and prepositioned sites outside the continental United States against threats described in subsection (a) is being addressed jointly.

(2) The strategy developed pursuant to subsection (a).

SEC. 157. JOINT ALL DOMAIN COMMAND AND CONTROL REQUIREMENTS.

Deadlines.

(a) VALIDATION OF REQUIREMENTS BY JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Not later than April 1, 2021, the Joint Requirements Oversight Council (JROC) shall validate requirements for Joint All Domain Command and Control (JADC2).

(b) AIR FORCE CERTIFICATION.—Immediately after the validation of requirements pursuant to subsection (a), the Chief of Staff of the Air Force shall submit to the congressional defense committees a certification that the current Joint All Domain Command and Control effort, including programmatic and architecture efforts, being led by the Air Force will meet the requirements validated by the Joint Requirements Oversight Council.

(c) CERTIFICATION BY OTHER ARMED FORCES.— Not later than July 1, 2021, the chief of staff of each Armed Force other than the Air Force shall submit to the congressional defense committees a certification whether the efforts of such Armed Force on multi-domain command and control are compatible with Joint All Domain Command and Control architecture.

(d) BUDGETING.—The Secretary of Defense shall incorporate the expected costs for full development and implementation of Joint All Domain Command and Control across the Department of Defense in fiscal year 2022 in the budget of the President for fiscal year 2022 as submitted to Congress under section 1105 of title 31, United States Code.

SEC. 158. EXPANSION OF ECONOMIC ORDER QUANTITY CONTRACTING AUTHORITY FOR F–35 AIRCRAFT PROGRAM.

Section 161(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1246) is amended by striking "$574,000,000" and inserting "$1,035,793,000".

SEC. 159. DOCUMENTATION RELATING TO THE F–35 AIRCRAFT PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, not later than 15 days following Milestone C approval for the F–35 aircraft program pursuant to section 2366c

Deadline.

of title 10, United States Code, or entering into a contract for the full-rate production of F–35 aircraft, the documentation with respect to the F–35 aircraft program as follows:

Certification.

(1) A certification by the Under Secretary of Defense for Acquisition and Sustainment that—

(A) all alternative supply contractors for parts, required for the airframe and propulsion prime contractors of the F–35 aircraft program as a result of the removal of the Republic of Turkey from the program, have been identified, and all related undefinitized contract actions have been definitized (as described in section 7401 of part 217 of the Defense Federal Acquisition Regulation Supplement);

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

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

Cost analysis.

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

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

(B) the manner in which the establishment of alternate sources of production and sustainment of supply and repair parts due to the removal of the Republic of Turkey from the program will affect such unit cost.

Reports.

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

Cost estimate.

(4) An independent cost estimate, prepared by Director of Cost Assessment and Program Evaluation, that defines, for each phase of the F–35 aircraft program, the cost to develop, procure, integrate, and retrofit F–35 aircraft with all Block 4 capability requirements that are specified in the most recent Block 4 capabilities development document.

Plan.

(5) A plan to correct or mitigate any deficiency in the F–35 aircraft, identified as of the date of enactment of this Act that—

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

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

Plan.

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

Reports.

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

(A) A report on the results of the realistic survivability testing of the F–35 aircraft, as described in section 2366(d) of title 10, United States Code.

(B) A report on the results of the initial operational test and evaluation conducted for program, as described in section 2399(b)(2) of such title.

(8) A mitigation strategy and implementation plan to address each critical deficiency in the F–35 aircraft autonomic logistics information system that has been identified as of the date of enactment of this Act. Mitigation strategy. Implementation plan.

(9) A certification that the F–35A aircraft meets required mission reliability performance using an average sortie duration of 2 hours and 30 minutes. Certification.

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

(11) The following:

(A) A complete list of hardware modifications that will be required to integrate Block 4 capabilities into lot 16 and lot 17 production F–35 aircraft. List.

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

(C) A comparison of those engineering changes and costs with the engineering changes and costs for lot 15 production F–35 aircraft.

SEC. 160. F–35 AIRCRAFT MUNITIONS.

Subject to the availability of appropriations, the Secretary of the Air Force and the Secretary of the Navy shall, in coordination with the Director of the F–35 Joint Program Office, certify for use by the Armed Forces under the jurisdiction of such Secretary munitions for F–35 aircraft that are qualified on F–35 partner aircraft of North Atlantic Treaty Organization (NATO) member nations as of the date of the enactment of this Act. Coordination. Certification.

SEC. 161. REDESIGN STRATEGY FOR THE AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR THE F–35 FIGHTER AIRCRAFT.

(a) IN GENERAL.—Not later than March 1, 2021, the Under Secretary of Defense for Acquisition and Sustainment shall, in consultation with the Director of the F–35 Aircraft Joint Program Office, submit to the congressional defense committees the following: Deadline. Consultation.

(1) A report describing a program-wide process for measuring, collecting, and tracking information on the manner in which the F–35 Autonomic Logistics Information System (ALIS) is affecting the performance of the F–35 aircraft fleet, including its effects on aircraft availability and mission capability and effectiveness rates. Reports.

(2) A strategy and implementation plan for the F–35 Operational Data Integrated Network (ODIN) system that is being developed to replace the F–35 Autonomic Logistics Information System, including an identification and assessment of goals, key risks or uncertainties, system performance metrics, and Implementation plan. Assessment.

costs of designing, procuring, and fielding the F–35 Operational Data Integrated Network system.

Effective date.

(b) UPDATES.—In each quarterly briefing required by section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public 115–232; 132 Stat. 1672) for a calendar quarter beginning on or after January 1, 2022, the Under Secretary and the Director shall include an update containing current information on the following:

(1) The manner in which the F–35 Autonomic Logistics Information System is affecting fleet performance of the F–35 aircraft fleet.

(2) The progress being made to develop, procure, and field the F–35 Operational Data Integrated Network system.

SEC. 162. BRIEFINGS ON SOFTWARE REGRESSION TESTING FOR F–35 AIRCRAFT.

Consultation.

During the quarterly briefing required by section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1672) covering a quarter in which mission systems production software for the F–35 aircraft was released to units operating such aircraft under the F–35 aircraft continuous capability development and delivery program, the Under Secretary of Defense for Acquisition and Sustainment shall, in consultation with the Director of Operational Test and Evaluation, brief the congressional defense committees with the following with respect to the missions systems production software for the F–35 aircraft:

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

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

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

(2) An identification of any entities that conducted regression testing of such software, including any development facilities of the Federal Government or contractors that conducted such testing.

List.

(3) A list of deficiencies identified during regression testing of such software, or by operational units, after fielding of such software, and an explanation of—

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

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

(C) any effects resulting from such deficiencies, including—

(i) any effects on the cost and schedule for delivery of the software; and

(ii) in cases in which the deficiencies resulted in additional, unplanned, software releases, any effects on the ongoing testing of software capability releases.

SEC. 163. PROHIBITION ON USE OF FUNDS FOR THE ARMED OVERWATCH PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be used to, and the Department may not—

(1) procure armed overwatch aircraft for the United States Special Operations Command in fiscal year 2021; or

(2) procure armed overwatch aircraft for the Air Force in fiscal years 2021 through 2023.

SEC. 164. ACCELERATION OF DEVELOPMENT AND FIELDING OF COUNTER UNMANNED AIRCRAFT SYSTEMS ACROSS THE JOINT FORCE.

(a) IMMEDIATE OBJECTIVE FOR EXECUTIVE AGENT FOR C–sUAS.—The Executive Agent of the Joint Counter Small Unmanned Aircraft Systems (C–sUAS) Office, as designated by the Under Secretary of Defense for Acquisition and Sustainment, shall prioritize the objective of developing and executing a plan to develop, test, and begin production of a counter unmanned aircraft system that can be fielded as early as fiscal year 2021 to meet immediate operational needs in countering Group 1, 2, and 3 unmanned aircraft systems and, to the extent practical, has the potential to counter other, larger unmanned aircraft systems. Plan.

(b) DEVELOPMENT AND FIELDING OF C–sUAS SYSTEMS IN FISCAL YEAR 2021.—In carrying out subsection (a), the Executive Agent shall consider the selection of counter unmanned aircraft systems with specific emphasis on systems that—

(1) have undergone successful realistic operational tests or assessments, or have been or are currently deployed;

(2) will meet the operational requirements of deployed forces facing current and anticipated unmanned aircraft system (UAS) threats, including effectiveness against unmanned aircraft systems that are not remotely piloted or are not reliant on a command link;

(3) use autonomous and semi-autonomous systems and processes;

(4) are affordable, with low operating and sustainment costs;

(5) build, to the extent practicable, upon systems that were selected for fielding in fiscal year 2021;

(6) reduce or accelerate the timeline for initial operational capability and full operational capability of the counter unmanned aircraft system prioritized by subsection (a);

(7) enable the flexible and continuous integration of different types of sensors and mitigation solutions based on the different demands of particular military installations and deployed forces, physical geographies, and threat profiles; and

(8) are or include systems or component parts that are commercial items, as required by section 3307 of title 41, United States Code, including a common command and control system.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Executive Agent shall brief the congressional defense committees on the following: Deadline.

(1) The selection process for counter unmanned aircraft system capabilities prioritized by this section.

(2) The plan prioritized by subsection (a).

(d) OVERSIGHT.—The Executive Agent shall—

(1) oversee the execution of all counter unmanned aircraft systems being developed by the military departments as of the day before the date of the enactment of this Act; and

(2) ensure that the plan prioritized by subsection (a) guides future programmatic and funding decisions for activities relating to counter unmanned aircraft systems, including any cancellation of such activities.

SEC. 165. AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE ACQUISITION ROADMAP FOR THE UNITED STATES SPECIAL OPERATIONS COMMAND.

Deadline.

(a) IN GENERAL.—Not later than December 1, 2021, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Commander of the United States Special Operations Command shall jointly submit to the congressional defense committees an acquisition roadmap to meet the manned and unmanned airborne intelligence, surveillance, and reconnaissance requirements of United States Special Operations Forces.

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

(1) A description of the current platform requirements for manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities to support United States Special Operations Forces.

Analysis.

(2) An analysis of the remaining service life of existing manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities currently operated by United States Special Operations Forces.

(3) An identification of any current or anticipated gaps for special operations-peculiar manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities.

(4) A description of anticipated manned and unmanned intelligence, surveillance, and reconnaissance platform requirements of the United States Special Operations Forces, including range, payload, endurance, ability to operate in contested environments, and other requirements, as appropriate.

(5) A description of the manner in which the anticipated requirements described in paragraph (4) are in alignment with the National Defense Strategy and meet the challenge of strategic competition and nation state intelligence collection requirements.

(6) An explanation of the anticipated mix of manned and unmanned aircraft, number of platforms, and associated aircrew and maintainers for support of United States Special Operations Forces.

(7) An explanation of the extent to which service-provided manned and unmanned airborne intelligence, surveillance, and reconnaissance capabilities will be required in support of United States Special Operations Forces, and the manner in which such capabilities will supplement and integrate with the organic capabilities possessed by United States Special Operations Forces.

(8) Any other matters the Assistant Secretary and the Commander jointly consider appropriate.

SEC. 166. PROHIBITION ON DIVESTITURE OF MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT OPERATED BY UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) PROHIBITION.—No funds authorized to be appropriated by this Act may be used to divest any manned intelligence, surveillance, and reconnaissance aircraft operated by the United States Special Operations Command, and the Department of Defense may not divest any manned intelligence, surveillance, and reconnaissance aircraft operated by the United States Special Operations Command in fiscal year 2021.

(b) EXCEPTION.—The prohibition in subsection (a) does not apply to any divestment of aircraft described in that subsection that is ongoing as of the date of the enactment of this Act.

SEC. 167. NOTIFICATION ON EFFORTS TO REPLACE INOPERABLE EJECTION SEAT AIRCRAFT LOCATOR BEACONS.

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

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

(A) installed on covered aircraft; and

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

(2) the funding allocated for such efforts.

(b) DATE SPECIFIED.—The date specified in this subsection is the earlier of—

(1) the date on which the Under Secretary of Defense for Acquisition and Sustainment determines that all ejection seat aircraft locator beacons installed on covered aircraft are operable in water and wet conditions; or Determination.

(2) the date that is 5 years after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

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

(2) The term "service acquisition executive of the Department of the Air Force" does not include the Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs described in section 957 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of requirements relating to certain cooperative research and development agreements.

Sec. 212. Disclosure requirements for recipients of Department of Defense research and development funds.
Sec. 213. Modification of national security innovation activities and pilot program on strengthening the defense industrial and innovation base.
Sec. 214. Updates to Defense Quantum Information Science and Technology Research and Development program.
Sec. 215. Establishment of Directed Energy Working Group.
Sec. 216. Extension of pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
Sec. 217. Designation of senior officials for critical technology areas supportive of the National Defense Strategy.
Sec. 218. Executive agent for Autonomy.
Sec. 219. National security innovation partnerships.
Sec. 220. Social science, management science, and information science research activities.
Sec. 221. Accountability measures relating to the Advanced Battle Management System.
Sec. 222. Activities to improve fielding of Air Force hypersonic capabilities.
Sec. 223. Disclosure of funding sources in applications for Federal research and development awards.
Sec. 224. Governance of fifth-generation wireless networking in the Department of Defense.
Sec. 225. Demonstration project on use of certain technologies for fifth-generation wireless networking services.
Sec. 226. Research, development, and deployment of technologies to support water sustainment.
Sec. 227. Limitation on contract awards for certain unmanned vessels.

Subtitle C—Artificial Intelligence and Emerging Technology

Sec. 231. Modification of biannual report on the Joint Artificial Intelligence Center.
Sec. 232. Modification of joint artificial intelligence research, development, and transition activities.
Sec. 233. Board of advisors for the Joint Artificial Intelligence Center.
Sec. 234. Application of artificial intelligence to the defense reform pillar of the National Defense Strategy.
Sec. 235. Acquisition of ethically and responsibly developed artificial intelligence technology.
Sec. 236. Steering committee on emerging technology.

Subtitle D—Education and Workforce Development

Sec. 241. Measuring and incentivizing programming proficiency.
Sec. 242. Modification of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.
Sec. 243. Improvements to Technology and National Security Fellowship of Department of Defense.
Sec. 244. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions.
Sec. 245. Encouragement of contractor science, technology, engineering, and mathematics (STEM) programs.
Sec. 246. Training program for human resources personnel in best practices for technical workforce.
Sec. 247. Pilot program on the use of electronic portfolios to evaluate certain applicants for technical positions.
Sec. 248. Pilot program on self-directed training in advanced technologies.
Sec. 249. Part-time and term employment of university faculty and students in the Defense science and technology enterprise.
Sec. 250. National security workforce and educational diversity activities.
Sec. 251. Coordination of scholarship and employment programs of the Department of Defense.
Sec. 252. Study on mechanisms for attracting and retaining high quality talent in the Department of Defense.

Subtitle E—Sustainable Chemistry

Sec. 261. National coordinating entity for sustainable chemistry.
Sec. 262. Strategic plan for sustainable chemistry.
Sec. 263. Agency activities in support of sustainable chemistry.
Sec. 264. Partnerships in sustainable chemistry.
Sec. 265. Prioritization.
Sec. 266. Rule of construction.
Sec. 267. Major multi-user research facility project.

Subtitle F—Plans, Reports, and Other Matters

Sec. 271. Modification to annual report of the Director of Operational Test and Evaluation.

Sec. 272. Modification to Test Resource Management Center strategic plan reporting cycle and contents.
Sec. 273. Modification of requirements relating to energetics plan to include assessment of feasibility and advisability of establishing a program office for energetics.
Sec. 274. Element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities.
Sec. 275. Repeal of quarterly updates on the Optionally Manned Fighting Vehicle program.
Sec. 276. Microelectronics and national security.
Sec. 277. Independent evaluation of personal protective and diagnostic testing equipment.
Sec. 278. Assessment on United States national security emerging biotechnology efforts and capabilities and comparison with adversaries.
Sec. 279. Annual reports regarding the SBIR program of the Department of Defense.
Sec. 280. Reports on F–35 physiological episodes and mitigation efforts.
Sec. 281. Review and report on next generation air dominance capabilities.
Sec. 282. Plan for operational test and utility evaluation of systems for Low-Cost Attributable Aircraft Technology program.
Sec. 283. Independent comparative analysis of efforts by China and the United States to recruit and retain researchers in national security-related and defense-related fields.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MODIFICATION OF REQUIREMENTS RELATING TO CERTAIN COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 2350a of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking "and the Under Secretary" and inserting "or the Under Secretary"; and

(2) in subsection (c)—

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

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

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

"(3) For purposes of this subsection, the term 'cost' means the total value of cash and non-cash contributions.". Definition.

SEC. 212. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF DEPARTMENT OF DEFENSE RESEARCH AND DEVELOPMENT FUNDS.

(a) DISCLOSURE REQUIREMENTS.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2374b.

"§ 2374b. Disclosure requirements for recipients of research and development funds

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), an individual or entity (including a State or local government) that uses funds received from the Department of Defense to carry out research or development activities shall include, in any public document pertaining to such activities, a clear statement indicating the dollar amount of the funds received from the Department for such activities.

"(b) EXCEPTION.—The disclosure requirement under subsection (a) shall not apply to a public document consisting of fewer than 280 characters.

"(c) WAIVER.—The Secretary of Defense may waive the disclosure requirement under subsection (a) on a case-by-case basis.

"(d) PUBLIC DOCUMENT DEFINED.—In this section, the term 'public document' means any document or other written statement made available for public reference or use, regardless of whether such document or statement is made available in hard copy or electronic format.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC prec. 2351.

"2374b. Disclosure requirements for recipients of research and development funds.".

10 USC 2374b note.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 2021, and shall apply with respect to funds for research and development that are awarded by the Department of Defense on or after that date.

SEC. 213. MODIFICATION OF NATIONAL SECURITY INNOVATION ACTIVITIES AND PILOT PROGRAM ON STRENGTHENING THE DEFENSE INDUSTRIAL AND INNOVATION BASE.

(a) NATIONAL SECURITY INNOVATION ACTIVITIES.—Section 230 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

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

"(e) ADVISORY ASSISTANCE.—

"(1) IN GENERAL.—The Under Secretary shall establish a mechanism to seek advice from existing Federal advisory committees on matters relating to—

"(A) the implementation and prioritization of activities established under subsection (a); and

"(B) determining how such activities may be used to support the overall technology strategy of the Department of Defense.

"(2) EXISTING FEDERAL ADVISORY COMMITTEES DEFINED.—In this subsection, the term 'existing Federal advisory committee' means an advisory committee that—

"(A) is established pursuant to a provision of Federal law other than this section; and

"(B) has responsibilities relevant to the activities established under subsection (a), as determined by the Under Secretary."; and

(4) in paragraph (1) of subsection (g) (as so redesignated) by striking "strengthening manufacturing in the defense industrial base" and inserting "strengthening the defense industrial and innovation base".

(b) PLAN.—Not later than April 1, 2021, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a plan that describes— Deadline.

(1) the mechanism the Under Secretary will use to seek advice from existing Federal advisory committees as required under section 230(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) (as added by subsection (a) of this section); and

(2) the expected roles and responsibilities of such committees with respect to advising the Under Secretary on the activities established under section 230 of such Act.

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

(1) in the section heading, by striking "**MANUFACTURING IN THE DEFENSE INDUSTRIAL BASE**" and inserting "**THE DEFENSE INDUSTRIAL AND INNOVATION BASE**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and the defense innovation base" after "industrial base";

(B) in paragraph (1), by inserting "development, prototyping, and manufacturing" before "production"; and

(C) in paragraph (2), by striking "manufacturing and production" and inserting "development, prototyping, and manufacturing";

(3) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

"(2) Section 230 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note).";

(4) in subsection (c)—

(A) in paragraph (1), by striking "manufacturing and production" and inserting "development, prototyping, and manufacturing";

(B) in paragraph (3), by striking "manufacturing and production";

(C) in paragraph (4), by striking "manufacturers" and inserting "companies"; and

(D) in paragraph (5), by striking "manufacturers" and inserting "companies";

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

(6) in subsection (e), by striking "January 31, 2022" and inserting "January 31, 2027".

SEC. 214. UPDATES TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 234 of the John S. McCain National Defense Authorization Act for Fiscal year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) USE OF QUANTUM COMPUTING CAPABILITIES.—The Secretary of each military department shall—

List.

"(1) develop and annually update a list of technical problems and research challenges which are likely to be addressable by quantum computers available for use within in the next one to three years, with a priority for technical problems and challenges where quantum computing systems have performance advantages over traditional computing systems, in order to enhance the capabilities of such quantum computers and support the addressing of relevant technical problems and research challenges; and

Contracts.

"(2) establish programs and enter into agreements with appropriate medium and small businesses with functional quantum computing capabilities to provide such private sector capabilities to government, industry, and academic researchers working on relevant technical problems and research activities.".

SEC. 215. ESTABLISHMENT OF DIRECTED ENERGY WORKING GROUP.

Section 219 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2431 note) is amended—

(1) in subsection (c)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4); and

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

"(d) DIRECTED ENERGY WORKING GROUP.—

Deadline.

"(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for fiscal year 2021, the Secretary of Defense shall establish a working group to be known as the 'Directed Energy Working Group'.

"(2) RESPONSIBILITIES.—The Directed Energy Working Group shall—

"(A) analyze and evaluate the current and planned directed energy programs of each of the military departments;

"(B) make recommendations to the Secretary of Defense—

"(i) describing how memoranda of understanding may be used to coordinate the directed energy activities conducted by the Department of Defense using amounts authorized to be appropriated for research, development, test, and evaluation; and

"(ii) proposing the establishment of specific memoranda of understanding between individual organizations and elements of the Department of Defense to facilitate such coordination;

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

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

"(3) HEAD OF WORKING GROUP.—The head of the Directed Energy Working Group shall be the Under Secretary of Defense for Research and Engineering or the designee of the Under Secretary.

"(4) MEMBERSHIP.—The members of the Directed Energy Working Group shall be appointed as follows: Appointments.

"(A) One member from each military department, appointed by the Secretary of the military department concerned.

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

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

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

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

"(F) One member appointed by the Director of Operational Test and Evaluation.

"(G) One member appointed by the Director of the Missile Defense Agency.

"(H) Such other members as may be appointed by the Secretary of Defense from among individuals serving in the Department of Defense.

"(5) DEADLINE FOR APPOINTMENT.—Members of the Directed Energy Working Group shall be appointed not later than 30 days after the date of the establishment of the working group under paragraph (1).

"(6) BRIEFINGS TO CONGRESS.—Not later than 180 days after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and not less frequently than once every 180 days thereafter, the Directed Energy Working Group shall provide to the congressional defense committees a briefing on the progress of each directed energy program that is being adopted or fielded by the Department of Defense. Deadline. Time period.

"(7) TERMINATION.—The Directed Energy Working Group established under this subsection shall terminate 4 years after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.".

SEC. 216. EXTENSION OF PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

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

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

(2) in subsection (f)—

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

Reports.

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

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

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

"(i) any issues that may be preventing such participation; and

"(ii) any offices or other elements of the Department of Defense that may be responsible for the delay in participation.".

10 USC 2358 note.

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

(c) EXTENSION OF PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.—Subsection (e) of section 233 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2514 note) is amended to read as follows:

"(e) SUNSET.—The pilot program under this section shall terminate on September 30, 2025.".

SEC. 217. DESIGNATION OF SENIOR OFFICIALS FOR CRITICAL TECHNOLOGY AREAS SUPPORTIVE OF THE NATIONAL DEFENSE STRATEGY.

10 USC 4001 note.

(a) DESIGNATION OF SENIOR OFFICIALS.—The Under Secretary of Defense for Research and Engineering shall—

(1) identify technology areas that the Under Secretary considers critical for the support of the National Defense Strategy; and

(2) for each such technology area, designate a senior official of the Department of Defense to coordinate research and engineering activities in that area.

(b) DUTIES.—The duties of each senior official designated under subsection (a) shall include, with respect to the technology area overseen by such official—

(1) developing and continuously updating research and technology development roadmaps, funding strategies, and technology transition strategies to ensure—

(A) the effective and efficient development of new capabilities in the area; and

(B) the operational use of appropriate technologies;

(2) conducting annual assessments of workforce, infrastructure, and industrial base capabilities and capacity to support—

(A) the roadmaps developed under paragraph (1); and

(B) the goals of the National Defense Strategy;

(3) reviewing the relevant research and engineering budgets of appropriate organizations within the Department of Defense, including the Armed Forces, and advising the Under Secretary on—

(A) the consistency of the budgets with the roadmaps developed under paragraph (1);

(B) any technical and programmatic risks to the achievement of the research and technology development goals of the National Defense Strategy;

(C) programs, projects, and activities that demonstrate—

(i) unwanted or inefficient duplication, including duplication with activities of other government agencies and the commercial sector;

(ii) lack of appropriate coordination with other organizations; or

(iii) inappropriate alignment with organizational missions and capabilities;

(4) coordinating the research and engineering activities of the Department with appropriate international, interagency, and private sector organizations; and

(5) tasking appropriate intelligence agencies of the Department to develop a direct comparison between the capabilities of the United States in the technology area concerned and the capabilities of adversaries of the United States in that area.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 1, 2021, and not later than December 1 of each year thereafter through December 1, 2025, the Under Secretary shall submit to the congressional defense committees a report on research and engineering activities and on the status of the technology areas identified under subsection (a)(1), including a description of any programs, projects, or activities in such areas, that have, in the year preceding the date of the report—

(A) achieved significant technical progress;

(B) transitioned from the research and development phase to formal acquisition programs;

(C) transitioned from the research and development phase into operational use; or

(D) been transferred from the Department of Defense to private sector organizations for further commercial development or commercial sales.

(2) FORM.—Each report under paragraph (1) shall submitted in unclassified form that can be made available to the public, but may include a classified annex.

Public information. Classified information.

(d) COORDINATION OF RESEARCH AND ENGINEERING ACTIVITIES.—The Service Acquisition Executive for each military department and the Director of the Defense Advanced Research Projects Agency shall each identify senior officials to ensure coordination

of appropriate research and engineering activities with each of the senior officials designated under subsection (a).

(e) CONFORMING AMENDMENTS.—Section 218 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a) by striking the second sentence and inserting "The Office shall carry out the program and activities described in subsections (b) and (c) and shall have such other responsibilities relating to hypersonics as the Secretary shall specify";

(2) by striking subsections (b), (e) and (f);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b)(1), as so redesignated, by striking "provide the Office with" and all that follows through the period at the end and inserting "provide the Office with foundational and applied hypersonic research, development, and workforce support in areas that the Office determines to be relevant for the Department of Defense.";

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

(A) in the matter preceding paragraph (1), by striking "In carrying out the program required by subsection (b), the Office" and inserting "The Office";

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

"(1) Expedite testing, evaluation, and acquisition of hypersonic technologies to meet the stated needs of the warfighter, including flight testing, ground-based-testing, and underwater launch testing.";

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

(D) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (2), (3), (4), and (6), respectively;

(E) by amending paragraph (2), as so redesignated, to read as follows:

"(2) Ensure prototyping demonstration programs on hypersonic systems integrate advanced technologies to speed the maturation and deployment of future hypersonic systems.";

(F) by amending paragraph (3), as so redesignated, to read as follows:

"(3) Ensure that any demonstration program on hypersonic systems is carried out only if determined to be consistent with the roadmap for the relevant critical technology area supportive of the National Defense Strategy, as developed by the senior official with responsibility for such area under section 217 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.";

(G) by amending paragraph (4), as so redesignated, to read as follows:

"(4) Develop strategies and roadmaps for hypersonic technologies to enable the transition of such technologies to future operational capabilities for the warfighter.";

(H) by inserting after paragraph (4), as so redesignated, the following:

"(5) Develop and implement a strategy for enhancing the current and future hypersonics workforce."; and

(I) by amending paragraph (6), as so redesignated, to read as follows:

"(6) Coordinate with relevant stakeholders and agencies to support the technological advantage of the United States in developing hypersonic systems.".

SEC. 218. EXECUTIVE AGENT FOR AUTONOMY.

10 USC 8013 note. Deadline. Designation.

(a) IN GENERAL.—Not later than February 1, 2022, the Secretary of the Navy shall designate an existing program executive officer from within the Department of the Navy to serve as the acquisition executive agent for autonomy who shall be the official within the Department with primary responsibility for the acquisition of autonomous technology. The officer designated as acquisition executive agent for autonomy shall carry out the responsibilities of such position in addition to the responsibilities otherwise assigned to such officer as a program executive officer.

(b) PROGRAM EXECUTIVE OFFICER DEFINED.—In this section, the term "program executive officer" has the meaning given that term in section 1737(a)(4) of title 10, United States Code.

SEC. 219. NATIONAL SECURITY INNOVATION PARTNERSHIPS.

10 USC 4811 note.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an activity—

(1) to support partnerships between the Department of Defense and academic institutions, private sector firms in defense and commercial sectors, commercial accelerators and incubators, commercial innovation hubs, public sector organizations, and nonprofit entities with missions relating to national security innovation;

(2) to expand the national security innovation base, including through engagement with academia, defense industry, commercial industry, government organizations, and the venture capital community;

(3) to accelerate the transition of technologies and services into acquisition programs and operational use;

(4) to work in coordination with the Under Secretary of Defense for Personnel and Readiness, other organizations within the Office of the Secretary, and the Armed Forces to create new pathways and models of national security service that facilitate employment within the Department;

(5) to facilitate engagement with entities described in paragraph (1) for the purpose of developing solutions to national security and defense problems articulated by entities within the Department, including through programs such as the Hacking for Defense program;

(6) to establish physical locations throughout the United States to support partnerships with academic, government, and private sector industry partners; and

(7) to enhance the capabilities of the Department in market research, industrial and technology base awareness, source selection, partnerships with private sector capital, and access to commercial technologies.

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

(1) Section 1599g of title 10, United States Code, relating to public-private talent exchanges.

(2) Section 2368 of title 10, United States Code, relating to Centers for Science, Technology, and Engineering Partnerships.

(3) Section 2374a of title 10, United States Code, relating to prizes for advanced technology achievements.

(4) Section 2474 of title 10, United States Code, relating to Centers of Industrial and Technical Excellence.

(5) Section 2521 of title 10, United States Code, relating to the Manufacturing Technology Program.

(6) Subchapter VI of chapter 33 of title 5, United States Code, relating to assignments to and from States.

(7) Chapter 47 of title 5, United States Code, relating to personnel research programs and demonstration projects.

(8) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

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

(c) IMPLEMENTATION.—

(1) SUPPORT FROM OTHER DEPARTMENT OF DEFENSE ORGANIZATIONS.—The Secretary of Defense may direct other organizations and elements of the Department of Defense to provide personnel, resources, and other support to the activity established under this section, as the Secretary determines appropriate.

(2) IMPLEMENTATION PLAN.—

Deadline.

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing the activity established under this section.

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

(i) Plans that describe any support that will be provided for the activity by other organizations and elements of the Department of Defense under paragraph (1).

(ii) Plans for the implementation of the activity, including plans for—

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

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

(III) integration of the activity with the other programs and initiatives within the Department that have missions relating to innovation and outreach to the academic and the private sector ; and

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

(iii) A description of any additional authorities the Secretary may require to effectively carry out the responsibilities under this section.

10 USC 4001 note.

SEC. 220. SOCIAL SCIENCE, MANAGEMENT SCIENCE, AND INFORMATION SCIENCE RESEARCH ACTIVITIES.

(a) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering,

shall carry out a program of research and development in social science, management science, and information science.

(b) PURPOSES.—The purposes of the program under subsection (a) are as follows:

(1) To ensure that the Department of Defense has access to innovation and expertise in social science, management science, and information science to enable the Department to improve the effectiveness, efficiency, and agility of the Department's operational and management activities.

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

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

(4) To accelerate the development of a research community and industry to support Department of Defense missions in the fields of social science, management science, and information science, including the development of facilities, a workforce, infrastructure, and partnerships in support of such missions.

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

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

(7) To assess and appropriately share, with other departments and agencies of the Federal Government and appropriate entities in the private sector—

(A) challenges within the Department of Defense that may be addressed through the application of advances in social science, management science, and information science; and

(B) datasets related to such challenges.

(8) To support the identification of organizational and institutional barriers to the implementation of management and organizational enhancements and best practices.

(9) To accelerate efforts—

(A) to transition, and deploy within the Department of Defense, technologies and concepts derived from research and development in the fields of social science, management science, and information science; and

(B) to establish policies, procedures, and standards for measuring the success of such efforts.

(10) To integrate knowledge from cross-disciplinary research on—

(A) how factors relating to social science, management science, and information science affect the global security environment; and

(B) best practices for management in the public and private sectors.

(11) To apply principles, tools, and methods from social science, management science, and information science—

(A) to ensure the Department of Defense is more agile, efficient, and effective in organizational management and in deterring and countering current and emerging threats; and

(B) to support the National Defense Strategy.

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

Consultation.
Plans.

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

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

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

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

(C) improving the operational use of social science, management science, and information science innovations by military commanders and civilian leaders;

(D) improving understanding of the fundamental social, cultural, and behavioral forces that shape the strategic interests of the United States; and

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

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

(A) includes definitive milestones;

(B) provides for achieving specific technical goals;

(C) establishes pathways to address the operational and management missions of the Department through—

(i) the evaluation of innovations and advances in social science, management science, and information science for potential implementation within the Department; and

(ii) implementation of such innovations and advances within the Department, as appropriate; and

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

(3) develop plans for—

(A) the development of the Department's workforce in social science, management science, and information science; and

(B) improving awareness of—

(i) the fields of social science, management science, and information science;

(ii) advances and innovations in such fields; and

(iii) and the ability of such advances and innovations to enhance the efficiency and effectiveness of the Department; and

(4) develop memoranda of agreement, joint funding agreements, and such other cooperative arrangements as the Under Secretary determines necessary— Memorandums. Determination.

(A) to carry out the program under subsection (a); and

(B) to transition appropriate products, services, and innovations relating social science, management science, and information science into use within the Department.

(e) GUIDANCE REQUIRED.—

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

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

(B) policies for control of personnel participating in such activities to protect national security interests; and

(C) ensuring that research findings and innovations in the fields of social science, management science, and information science are incorporated into the activities and strategic documents of the Department.

(2) UPDATES.—The Under Secretary of Defense for Research and Engineering shall regularly update the guidance issued under paragraph (1).

(f) DESIGNATION OF ENTITY.—The Secretary of each military department may establish or designate an entity or activity under the jurisdiction of such Secretary, which may include a Department of Defense Laboratory, an academic institution, or another appropriate organization, to support interdisciplinary research and development activities in the fields of social science, management science, and information science, and engage with appropriate public and private sector organizations, including academic institutions, to enhance and accelerate the research, development, and deployment of social science, management science, and information science within the Department.

(g) USE OF OTHER AUTHORITY.—The Secretary of Defense shall use the authority provided under section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) to enhance the ability of the Department of Defense to access technical talent and expertise at academic institutions in support of the purposes of this section.

(h) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the program under subsection (a).

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

SEC. 221. ACCOUNTABILITY MEASURES RELATING TO THE ADVANCED BATTLE MANAGEMENT SYSTEM.

(a) COST ASSESSMENTS.—

Deadline.
Consultation.

(1) INITIAL COST ESTIMATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Director of Cost Assessment and Program Evaluation, shall—

(A) define key technical, programmatic, and operational characteristics for the Advanced Battle Management System; and

(B) produce an initial cost estimate for the System that includes—

(i) estimated costs for each product category described in the report submitted to Congress under section 236 the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281); and

(ii) a description of each cost estimating methodology used in the preparation of the estimate.

(2) REVIEW AND REPORT.—Not later than 120 days after the completion of the estimate required under paragraph (1), the Air Force Cost Analysis Agency shall—

(A) conduct a non-advocate cost assessment of the estimate; and

(B) submit to the congressional defense committees and the Government Accountability Office a report on the results of the assessment.

(b) PROGRAM UPDATE BRIEFINGS.—

Deadline.
Time period.

(1) IN GENERAL.—Beginning not later than January 1, 2021, and on a quarterly basis thereafter, the Secretary of the Air Force shall provide to the congressional defense committees a program update briefing on the Advanced Battle Management System and all associated technologies.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include—

(A) a detailed explanation of any on-ramp exercise of the Advanced Battle Management System conducted during the quarter covered by the report, including an explanation of—

(i) the objectives achieved by the exercise and any data collected for the purposes of decision making;

(ii) identification of the portions of the exercise that were scripted and unscripted and any technical workarounds or substitutes used for purposes of the exercise; and

(iii) the interim capabilities provided to combatant commanders after the conclusion of the exercise (commonly known as "leave behind" capabilities) and a plan for the sustainment or upgrade of such capabilities; and

(iv) the total cost of the exercise and a breakdown of the costs with respect to technology, range and demonstration resources, personnel, and logistics; and

(B) such other information as the Secretary of the Air Force determines appropriate.

(c) REPORT ON SECURITY AND RESILIENCY MEASURES.—At the same time as the budget of the President for fiscal year 2022 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of the Air Force shall submit to the congressional defense committees a report that describes

how the Secretary plans to ensure the security and resiliency of the Advanced Battle Management System, including a description of any information assurance and anti-tamper requirements for the System.

(d) ADDITIONAL REPORT AND BRIEFINGS.—Not later than April 1, 2021, the Secretary of the Air Force shall submit to the congressional defense committees the following:

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

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

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

Timeline.

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

Schedule.

(2) BRIEFING ON ACQUISITION AUTHORITIES.—A briefing on the allocation of responsibilities among the individuals and entities responsible for acquisition for the Advanced Battle Management System, including an explanation of how decision-making and governance of the acquisition process is allocated among the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, the Chief Architect Integration Office, the Air Force Warfighting Integration Capability, and other entities within the Department of the Air Force that are expected provide capabilities for the System.

(3) BRIEFING ON ALIGNMENT WITH COMMON MISSION CONTROL CENTER.—A briefing, which may be provided in classified or unclassified form, that explains how, and to what extent, the Advanced Battle Management System will be aligned and coordinated with the Common Mission Control Center of the Air Force.

Classified information.

(e) ADVANCED BATTLE MANAGEMENT SYSTEM DEFINED.—In this section, the term "Advanced Battle Management System" has the meaning given that term in section 236(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).

(f) CONFORMING REPEAL.—Section 147(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1670) is repealed.

SEC. 222. ACTIVITIES TO IMPROVE FIELDING OF AIR FORCE HYPERSONIC CAPABILITIES.

10 USC 4001 note.

(a) IMPROVEMENT OF GROUND-BASED TEST FACILITIES.—The Secretary of Defense shall take such actions as may be necessary to improve ground-based test facilities used for the research, development, test, and evaluation of hypersonic capabilities.

(b) INCREASING FLIGHT TEST RATE.—The Secretary of Defense shall increase the rate at which hypersonic capabilities are flight tested to expedite the maturation and fielding of such capabilities.

(c) STRATEGY AND PLAN.—Not later than 60 days after the date of the enactment of this Act, the Chief of Staff of the Air Force, in consultation with the Under Secretary of Defense for Research and Engineering, shall submit to the congressional defense committees a strategy and plan for fielding air-launched and air-

Deadline. Consultation. Time period.

breathing hypersonic weapons capabilities within the period of three years following such date of enactment.

Consultation.

(d) REPORT.—In addition to the strategy and plan required under subsection (c), not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering, in consultation with the Director of Operational Test and Evaluation, shall submit to the congressional defense committees a report on the testing capabilities and infrastructure used for hypersonic weapons development. The report shall include—

Assessment.

(1) an assessment of the sufficiency of the testing capabilities and infrastructure used for fielding hypersonic weapons; and

(2) a description of any investments in testing capabilities and infrastructure that may be required to support in-flight and ground-based testing for such weapons.

42 USC 6605.

SEC. 223. DISCLOSURE OF FUNDING SOURCES IN APPLICATIONS FOR FEDERAL RESEARCH AND DEVELOPMENT AWARDS.

(a) DISCLOSURE REQUIREMENT.—Each Federal research agency shall require, as part of any application for a research and development award from such agency—

(1) that each covered individual listed on the application—

(A) disclose the amount, type, and source of all current and pending research support received by, or expected to be received by, the individual as of the time of the disclosure;

Certification.

(B) certify that the disclosure is current, accurate, and complete; and

Update.

(C) agree to update such disclosure at the request of the agency prior to the award of support and at any subsequent time the agency determines appropriate during the term of the award; and

(2) that any entity applying for such award certify that each covered individual who is employed by the entity and listed on the application has been made aware of the requirements under paragraph (1).

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

(c) ENFORCEMENT.—

(1) REJECTION FOR VIOLATION OF LAW OR AGENCY TERMS.—A Federal research agency may reject an application for a research and development award if the current and pending research support disclosed by an individual under subsection (a) violates Federal law or agency terms and conditions.

(2) ENFORCEMENT FOR NONCOMPLIANCE.—Subject to paragraph (3), in the event that a covered individual listed on an entity's application for a research and development award knowingly fails to disclose information under subsection (a), a Federal research agency may take one or more of the following actions:

(A) Reject the application.

(B) Suspend or terminate a research and development award made by that agency to the individual or entity.

(C) Temporarily or permanently discontinue any or all funding from that agency for the individual or entity.

(D) Temporarily or permanently suspend or debar the individual or entity in accordance with part 180 of title 2, Code of Federal Regulations, any successor regulation, or any other appropriate law or regulation, from receiving government funding.

(E) Refer the failure to disclose under subsection (a) to the Inspector General of the agency concerned for further investigation or to Federal law enforcement authorities to determine whether any criminal or civil laws were violated.

(F) Place the individual or entity in the Federal Awardee Performance and Integrity Information System for noncompliance to alert other agencies.

(G) Take such other actions against the individual or entity as are authorized under applicable law or regulations.

(3) SPECIAL RULE FOR ENFORCEMENT AGAINST ENTITIES.—An enforcement action described in paragraph (2) may be taken against an entity only in a case in which—

(A) the entity did not meet the requirements of subsection (a)(2);

(B) the entity knew that a covered individual failed to disclose information under subsection (a)(1) and the entity did not take steps to remedy such nondisclosure before the application was submitted; or

(C) the head of the Federal research agency concerned determines that—

(i) the entity is owned, controlled, or substantially influenced by a covered individual; and

(ii) such individual knowingly failed to disclose information under subsection (a)(1).

(4) NOTICE.—A Federal research agency that intends to take action under paragraph (1) or (2) shall, as practicable and in accordance with part 180 of title 2, Code of Federal Regulations, any successor regulation, or any other appropriate law or regulation, notify each individual or entity subject to such action about the specific reason for the action, and shall provide such individuals and entities with the opportunity to, and a process by which, to contest the proposed action.

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

(d) DEFINITIONS.—In this section:

(1) The term "covered individual" means an individual who—

(A) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and

(B) is designated as a covered individual by the Federal research agency concerned.

(2) The term "current and pending research support"—

(A) means all resources made available, or expected to be made available, to an individual in support of the individual's research and development efforts, regardless of—

(i) whether the source of the resource is foreign or domestic;

(ii) whether the resource is made available through the entity applying for a research and development award or directly to the individual; or

(iii) whether the resource has monetary value; and

(B) includes in-kind contributions requiring a commitment of time and directly supporting the individual's research and development efforts, such as the provision of office or laboratory space, equipment, supplies, employees, or students.

(3) The term "entity" means an entity that has applied for or received a research and development award from a Federal research agency.

(4) The term "Federal research agency" means any Federal agency with an annual extramural research expenditure of over $100,000,000.

(5) The term "research and development award" means support provided to an individual or entity by a Federal research agency to carry out research and development activities, which may include support in the form of a grant, contract, cooperative agreement, or other such transaction. The term does not include a grant, contract, agreement or other transaction for the procurement of goods or services to meet the administrative needs of a Federal research agency.

10 USC 4571 note.

SEC. 224. GOVERNANCE OF FIFTH-GENERATION WIRELESS NETWORKING IN THE DEPARTMENT OF DEFENSE.

(a) TRANSITION OF 5G WIRELESS NETWORKING TO OPERATIONAL USE.—

Consultation.

(1) TRANSITION PLAN REQUIRED.—The Under Secretary of Defense for Research and Engineering, in consultation with the cross functional team established under subsection (c), shall develop a plan to transition fifth-generation (commonly known as "5G") wireless technology to operational use within the Department of Defense.

(2) ELEMENTS.—The transition plan under paragraph (1) shall include the following:

Timeline.

(A) A timeline for the transition of responsibility for 5G wireless networking to the Chief Information Officer, as required under subsection (b)(1).

Determination.

(B) A description of the roles and responsibilities of the organizations and elements of the Department of Defense with respect to the acquisition, sustainment, and operation of 5G wireless networking for the Department, as determined by the Secretary of Defense in accordance with subsection (d).

Deadline.

(3) INTERIM BRIEFING.—Not later than March 31, 2021 the Secretary of Defense shall provide to the congressional

defense committees a briefing on the status of the plan required under paragraph (1).

(4) FINAL REPORT.—Not later than September 30, 2021, the Secretary of Defense shall submit to the congressional defense committees a report that includes the plan developed under paragraph (1).

(b) SENIOR OFFICIAL FOR 5G WIRELESS NETWORKING.—

(1) DESIGNATION OF CHIEF INFORMATION OFFICER.—Not later than October 1, 2023, the Secretary of Defense shall designate the Chief Information Officer as the senior official within Department of Defense with primary responsibility for— Deadline.

(A) policy, oversight, guidance, research, and coordination on matters relating to 5G wireless networking; and

(B) making proposals to the Secretary on governance, management, and organizational policy for 5G wireless networking.

(2) ROLE OF UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—The Under Secretary of Defense for Research and Engineering shall carry out the responsibilities specified in paragraph (1) until the date on which the Secretary of Defense designates the Chief Information Officer as the senior official responsible for 5G wireless networking under such paragraph.

(c) CROSS-FUNCTIONAL TEAM FOR 5G WIRELESS NETWORKING.—

(1) ESTABLISHMENT.—Using the authority provided under section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Secretary of Defense shall establish a cross-functional team for 5G wireless networking.

(2) DUTIES.—The duties of the cross-functional team established under paragraph (1) shall be—

(A) to assist the Secretary of Defense in determining the roles and responsibilities of the organizations and elements of the Department of Defense with respect to the acquisition, sustainment, and operation of 5G wireless networking, as required under subsection (d);

(B) to assist the senior official responsible for 5G wireless networking in carrying out the responsibilities assigned to such official under subsection (b);

(C) to oversee the implementation of the strategy developed under section 254 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2223a note) for harnessing 5G wireless networking technologies, coordinated across all relevant elements of the Department;

(D) to advance the adoption of commercially available, next-generation wireless communication technologies, capabilities, security, and applications by the Department and the defense industrial base; and

(E) to support public-private partnerships between the Department and industry on matters relating to 5G wireless networking;

(F) to coordinate research and development, implementation and acquisition activities, warfighting concept development, spectrum policy, industrial policy and

commercial outreach and partnership relating to 5G wireless networking in the Department, and interagency and international engagement;

(G) to integrate the Department's 5G wireless networking programs and policies with major initiatives, programs, and policies of the Department relating to secure microelectronics and command and control; and

(H) to oversee, coordinate, execute, and lead initiatives to advance 5G wireless network technologies and associated applications developed for the Department.

(3) TEAM LEADER.—The Under Secretary of Defense for Research and Engineering shall lead the cross-functional team established under paragraph (1) until the date on which the Secretary of Defense designates the Chief Information Officer as the senior official responsible for 5G wireless networking as required under subsection (b)(1). Beginning on the date of such designation, the Chief Information Officer shall lead the cross functional team.

Effective date.

(d) DETERMINATION OF ORGANIZATIONAL ROLES AND RESPONSIBILITIES.—The Secretary of Defense, acting through the cross-functional team established under subsection (c), shall determine the roles and responsibilities of the organizations and elements of the Department of Defense with respect to the acquisition, sustainment, and operation of 5G wireless networking for the Department, including the roles and responsibilities of the Office of the Secretary of Defense, the intelligence components of the Department, Defense Agencies and Department of Defense Field Activities, the Armed Forces, combatant commands, and the Joint Staff.

Deadline.

(e) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a briefing on the progress of the Secretary in—

(1) establishing the cross-functional team under subsection (c); and

(2) determining the roles and responsibilities of the organizations and elements of the Department of Defense with respect to 5G wireless networking as required under subsection (d).

(f) 5G PROCUREMENT DECISIONS.—Each Secretary of a military department shall be responsible for decisions relating to the procurement of 5G wireless technology for that department.

(g) TELECOMMUNICATIONS SECURITY PROGRAM.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to identify and mitigate vulnerabilities in the 5G telecommunications infrastructure of the Department of Defense.

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

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

Analysis.

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

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

(D) verify the efficacy of the physical security measures used at Department locations where system design, fabrication, integration, configuration, storage, test, and documentation of 5G technology occurs;

(E) direct the Chief Information Officer to assess, using existing government evaluation models and schema where applicable, 5G core service providers whose services will be used by the Department through the Department's provisional authorization process; and Assessment.

(F) direct the Defense Information Systems Agency and the United States Cyber Command to develop a capability for continuous, independent monitoring of noncommercial, government-transiting packet streams for 5G data on frequencies assigned to the Department to validate the availability, confidentiality, and integrity of the Department's communications systems.

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

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

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

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

(C) an explanation of how the Department plans to implement such recommendations.

(h) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed as providing the Chief Information Officer immediate responsibility for the activities of the Department of Defense in fifth-generation wireless networking experimentation and science and technology development.

(2) PURVIEW OF EXPERIMENTATION AND SCIENCE AND TECHNOLOGY DEVELOPMENT.—The activities described in paragraph (1) shall remain within the purview of the Under Secretary of Defense for Research and Engineering, but shall inform and be informed by the activities of the cross-functional team established pursuant to subsection (c).

SEC. 225. DEMONSTRATION PROJECT ON USE OF CERTAIN TECHNOLOGIES FOR FIFTH-GENERATION WIRELESS NETWORKING SERVICES. 10 USC 4571 note.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall carry out a demonstration project to evaluate the maturity, performance, and cost of covered technologies to provide additional options for providers of fifth-generation wireless network services.

(b) LOCATION.—The Secretary of Defense shall carry out the demonstration project under subsection (a) in at least one location

where the Secretary plans to deploy a fifth-generation wireless network.

(c) COORDINATION.—The Secretary shall carry out the demonstration project under subsection (a) in coordination with at least one major wireless network service provider based in the United States.

(d) COVERED TECHNOLOGIES DEFINED.—In this section, the term "covered technologies" means—

(1) a disaggregated or virtualized radio access network and core in which components can be provided by different vendors and interoperate through open protocols and interfaces, including those protocols and interfaces utilizing the Open Radio Access Network (commonly known as "Open RAN" or "oRAN") approach; and

(2) one or more massive multiple-input, multiple-output radio arrays, provided by one or more companies based in the United States, that have the potential to compete favorably with radios produced by foreign companies in terms of cost, performance, and efficiency.

10 USC 4001 note.

SEC. 226. RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF TECHNOLOGIES TO SUPPORT WATER SUSTAINMENT.

(a) IN GENERAL.—The Secretary of Defense shall research, develop, and deploy advanced water harvesting technologies to support and improve water sustainment within the Department of Defense and in geographic regions where the Department operates.

(b) REQUIRED ACTIVITIES.—In carrying out subsection (a), the Secretary shall—

(1) develop advanced water harvesting systems that reduce weight and logistics support needs compared to conventional water supply systems, including—

(A) modular water harvesting systems that are easily transportable; and

(B) trailer mounted water harvesting systems that reduce resupply needs;

(2) develop and implement storage requirements for water harvesting systems at forward operating bases; and

(3) establish cross functional teams to identify geographic regions where the deployment of water harvesting systems could reduce conflict and potentially eliminate the need for the presence of the Armed Forces.

(c) ADDITIONAL ACTIVITIES.—In addition to the activities required under subsection (b), the Secretary shall—

(1) seek to leverage existing water harvesting techniques and technologies and apply such techniques and technologies to military operations carried out by the United States;

(2) consider using commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) and near-ready deployment technologies to achieve cost savings and improve the self sufficiency of warfighters; and

(3) seek to enter into information sharing arrangements with foreign militaries and other organizations that have the proven ability to operate in water constrained areas for the purpose of sharing lessons learned and best practices relating to water harvesting.

(d) IMPLEMENTATION.—The Secretary shall deploy technologies developed under subsection (b)(1) for use by expeditionary forces not later than January 1, 2025. Deadline.

(e) WATER HARVESTING DEFINED.—In this section, the term "water harvesting", when used with respect to a system or technology, means a system or technology that is capable of creating useable water by—

(1) harvesting water from underutilized environmental sources, such as by capturing water from ambient humidity; or

(2) recycling or otherwise reclaiming water that has previously been used.

SEC. 227. LIMITATION ON CONTRACT AWARDS FOR CERTAIN UNMANNED VESSELS.

(a) LIMITATION.—Not less than 30 days before awarding a contract using any funds from the Research, Development, Test, and Evaluation, Navy account for the purchase of a covered vessel, the Secretary of the Navy shall submit to the congressional defense committees a report and certification described in subsection (c) for such contract and covered vessel. Reports. Certification.

(b) COVERED VESSELS.—For purposes of this section, a covered vessel is one of the following:

(1) A large unmanned surface vessel (LUSV).

(2) A medium unmanned surface vehicle (MUSV).

(c) REPORT AND CERTIFICATION DESCRIBED.—A report and certification described in this subsection regarding a contract for a covered vessel is—

(1) a report—

(A) submitted to the congressional defense committees not later than 60 days after the date of the completion of an independent technical risk assessment for such covered vessel; Risk assessment.

(B) on the findings and recommendations of the Senior Technical Authority for the class of naval vessels that includes the covered vessel with respect to such assessment; and Recommendations.

(C) that includes such assessment; and

(2) a certification, submitted to the congressional defense committees with the report described in paragraph (1), that certifies that—

(A) the Secretary has determined, in conjunction with the Senior Technical Authority for the class of naval vessels that includes the covered vessel, that the critical mission, hull, mechanical, and electrical subsystems of the covered vessel— Determination.

(i) have been demonstrated in vessel-representative form, fit, and function; and

(ii) have achieved performance levels equal to or greater than applicable Department of Defense threshold requirements for such class of vessels or have maturation plans in place to achieve such performance levels prior to transition to a program of record, including a detailed description of such achieved performance or maturation plans; and

(B) such contract is necessary to meet Department research, development, test, and evaluation objectives for

such covered vessel that cannot otherwise be met through further land-based subsystem prototyping or other demonstration approaches.

(d) LIMITATION ON WEAPON INTEGRATION.—

Effective date.

(1) IN GENERAL.—The Secretary may not integrate any offensive weapon system into a covered vessel until the date that is 30 days after the date on which the Secretary of the Defense certifies to the congressional defense committees that such covered vessel—

Compliance.

(A) will comply with applicable laws, including the law of armed conflict, with a detailed explanation of how such compliance will be achieved; and

Determination.

(B) has been determined to be the most appropriate surface vessel to meet applicable offensive military requirements.

(2) COMPLETION OF ANALYSIS OF ALTERNATIVES REQUIRED.—A determination under paragraph (1)(B) shall be made only after the completion of an analysis of alternatives that—

(A) is described in subsection (e)(1); and

(B) supports such determination.

(e) SUBMITTAL OF ANALYSIS OF ALTERNATIVES TO CONGRESS.—

Deadline.

(1) ANALYSIS OF ALTERNATIVES REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees an analysis of alternatives regarding covered vessels with an integrated offensive weapon system and the most appropriate surface vessels to meet applicable offensive military requirements.

(2) CONTENTS.—The analysis submitted under paragraph (1) shall include, at a minimum, the following elements:

(A) Identification of capability needs applicable to such covered vessels, including offensive strike capability and capacity from the Mark–41 vertical launch system.

(B) Projected threats.

(C) Projected operational environments.

(D) Projected operational concepts.

(E) Projected operational requirements.

(F) Status quo (baseline) and surface vessel alternatives able to meet the capability needs identified in subparagraph (A), including—

(i) modified naval vessel designs, including amphibious ships, expeditionary fast transports, and expeditionary sea bases;

(ii) modified commercial vessel designs, including container ships and bulk carriers;

(iii) new naval vessel designs; and

(iv) new commercial vessel designs.

(G) Vessel design, performance, and measures of effectiveness of the baseline and each alternative, including a description of critical mission, hull, mechanical, and electrical subsystems.

Cost estimates.

(H) Estimated research, development, test, and evaluation cost of baseline and each alternative.

Cost estimates.

(I) Estimated lead vessel and average follow-on vessel procurement costs of baseline and each alternative.

(J) Life-cycle costs of baseline and each alternative.

(K) Life-cycle cost per baseline vessel and each alternative vessel.

(L) Life-cycle cost per specified quantity of baseline vessels and alternative vessels.

(M) Technology readiness assessment of baseline and each alternative. Assessment.

(N) Analysis of alternatives, including relative cost and capability performance of baseline and alternative vessels.

(O) Trade-off analysis.

(P) Sensitivity analysis.

(Q) Conclusions and recommendations, which if the Secretary of Defense deems it appropriate, shall include the determination required under subsection (d)(1)(B). Recommendations.

(f) DEFINITIONS.—In this section:

(1) The term "critical mission, hull, mechanical, and electrical subsystems", with respect to a covered vessel, includes the following subsystems:

(A) Command, control, communications, computers, intelligence, surveillance, and reconnaissance.

(B) Autonomous vessel navigation, vessel control, contact management, and contact avoidance.

(C) Communications security, including cryptopgraphy, encryption, and decryption.

(D) Main engines, including the lube oil, fuel oil, and other supporting systems.

(E) Electrical generation and distribution, including supporting systems.

(F) Military payloads.

(G) Any other subsystem identified as critical by the Senior Technical Authority for the class of naval vessels that includes the covered vessel.

(2) The term "Senior Technical Authority" means, with respect to a class of naval vessels, the Senior Technical Authority designated for that class of naval vessels under section 8669b of title 10, United States Code.

Subtitle C—Artificial Intelligence and Emerging Technology

SEC. 231. MODIFICATION OF BIANNUAL REPORT ON THE JOINT ARTIFICIAL INTELLIGENCE CENTER.

Section 260(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1293) is amended by adding at the end the following new paragraphs:

"(11) The results of an assessment, conducted biannually, on the efforts of the Center and the Department of Defense to develop or contribute to the development of standards for artificial intelligence, including— Assessments. Time period.

"(A) a description of such efforts;

"(B) an evaluation of the need to incorporate standards for artificial intelligence into the strategies and doctrine of the Department and a description of any efforts undertaken to further the development and adoption of such standards; Evaluation.

"(C) an explanation of any collaboration on artificial intelligence standards development with—

"(i) other organizations and elements of the Department of Defense (including the Defense Agencies and the military departments);

"(ii) agencies of the Federal Government;

"(iii) the intelligence community;

"(iv) representatives of the defense industrial base and other sectors of private industry; and

"(v) any other agencies, entities, organizations, or persons the Secretary considers appropriate; and

"(D) an explanation of any participation by the Center and the Department of Defense in international or other multi-stakeholder standard-setting bodies.

Time periods.

"(12) For each member of the Armed Forces who concluded a formal assignment supporting the Center in the period of six months preceding the date of the report, a position description of the billet that the member transitioned into, as provided to the Center by the Armed Force of the member within 30 days of reassignment.

Time period. Updates. Consultation.

"(13) An annual update, developed in consultation with the Armed Forces, on the status of active duty members of the Armed Forces assigned to the Center. This update shall include the following:

Assessment.

"(A) An assessment of the effectiveness of such assignments in strengthening the ties between the Center and the Armed Forces for the purposes of—

"(i) identifying tactical and operational use cases for artificial intelligence;

"(ii) improving data collection relating to artificial intelligence; and

"(iii) establishing effective lines of communication between the Center and the Armed Forces to identify and address concerns from the Armed Forces relating to the widespread adoption and dissemination of artificial intelligence.

"(B) A description of any efforts undertaken to create opportunities for additional nontraditional broadening assignments at the Center for members of the Armed Forces on active duty.

Analysis.

"(C) An analysis of the career trajectories of active duty members of the Armed Forces assigned to the Center, including any potential negative effects of such assignment on the career trajectories of such members.".

SEC. 232. MODIFICATION OF JOINT ARTIFICIAL INTELLIGENCE RESEARCH, DEVELOPMENT, AND TRANSITION ACTIVITIES.

Section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a)—

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

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

"(2) EMPHASIS.—The set of activities established under paragraph (1) shall include—

"(A) acquisition and development of mature artificial intelligence technologies in support of defense missions;

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

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

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

(2) by striking subsection (e);

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

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

"(c) ORGANIZATION AND ROLES.—

"(1) ASSIGNMENT OF ROLES AND RESPONSIBILITIES.—

"(A) IN GENERAL.—In addition to designating an official under subsection (b), the Secretary of Defense shall assign to appropriate officials within the Department of Defense roles and responsibilities relating to the research, development, prototyping, testing, procurement of, requirements for, and operational use of artificial intelligence technologies.

"(B) APPROPRIATE OFFICIALS.—The officials assigned roles and responsibilities under subparagraph (A) shall include—

"(i) the Under Secretary of Defense for Research and Engineering;

"(ii) the Under Secretary of Defense for Acquisition and Sustainment;

"(iii) the Director of the Joint Artificial Intelligence Center;

"(iv) one or more officials in each military department;

"(v) officials of appropriate Defense Agencies; and

"(vi) such other officials as the Secretary of Defense determines appropriate.

"(2) ROLE OF DIRECTOR OF THE JOINT ARTIFICIAL INTELLIGENCE CENTER.—

"(A) DIRECT REPORT TO DEPUTY SECRETARY OF DEFENSE.—During the covered period, the Director of the Joint Artificial Intelligence Center shall report directly to the Deputy Secretary of Defense without intervening authority.

"(B) CONTINUATION.—The Director of the Joint Artificial Intelligence Center shall continue to report to the Deputy Secretary of Defense as described in subparagraph (A) after the expiration of the covered period if, not later than 30 days before such period expires, the Deputy Secretary— Deadline.

"(i) determines that the Director should continue to report to Deputy Secretary without intervening authority; and Determination.

"(ii) transmits notice of such determination to the congressional defense committees. Notice.

"(C) COVERED PERIOD DEFINED.—In this paragraph, the term 'covered period' means the period of two years beginning on the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.";

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

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

(B) in the heading of paragraph (2), by striking "DEVELOPMENT" and inserting "ACQUISITION, DEVELOPMENT"; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "To the degree practicable, the designated official" and inserting "The official designated under subsection (b)";

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

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

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

"(H) develop standard data formats for the Department that—

"(i) aid in defining the relative maturity of datasets; and

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

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

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

Deadline. Regulations.

(A) by striking "The Secretary shall" and inserting "Not later than 180 days after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary of Defense shall issue regulations to";

(B) by striking "the coordination described in subsection (b) and the duties set forth in subsection (c)" and inserting "the duties set forth in subsection (d)"; and

(C) by adding at the end the following new sentence: "At a minimum, such access shall ensure that the Director of the Joint Artificial Intelligence Center has the ability to discover, access, share, and appropriately reuse data and models of the Armed Forces and other organizations and elements of the Department of Defense, build and maintain artificial intelligence capabilities for the Department, and execute the duties assigned to the Director by the Secretary."; and

(7) by adding at the end the following new subsection:

"(h) JOINT ARTIFICIAL INTELLIGENCE CENTER DEFINED.—In this section, term 'Joint Artificial Intelligence Center' means the Joint Artificial Intelligence Center of the Department of Defense established pursuant to the memorandum of the Secretary of Defense

dated June 27, 2018, and titled 'Establishment of the Joint Artificial Intelligence Center', or any successor to such Center.".

SEC. 233. BOARD OF ADVISORS FOR THE JOINT ARTIFICIAL INTELLIGENCE CENTER. 10 USC 4001 note.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a board of advisors for the Joint Artificial Intelligence Center.

(b) DUTIES.—The duties of the board of advisors shall include the following:

(1) Provide independent strategic advice and technical expertise to the Secretary and the Director on matters relating to the development and use of artificial intelligence by the Department of Defense.

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

(3) Conduct long-term and long-range studies on matters relating to artificial intelligence, as required.

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

(5) Assist the Secretary and the Director in developing strategic level guidance on artificial intelligence-related hardware procurement, supply-chain matters, and other technical matters relating to artificial intelligence.

(c) MEMBERSHIP.—The board of advisors shall be composed of appropriate experts from academic or private sector organizations outside the Department of Defense, who shall be appointed by the Secretary. Appointments.

(d) CHAIRPERSON.—The chairperson of the board of advisors shall be selected by the Secretary.

(e) MEETINGS.—The board of advisors shall meet not less than once each fiscal quarter and may meet at other times at the call of the chairperson or a majority of its members. Time period.

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

(g) DEFINITIONS.—In this section:

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

(2) The term "Director" means the Director of the Joint Artificial Intelligence Center.

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

(4) The term "Secretary" means the Secretary of Defense.

SEC. 234. APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE DEFENSE REFORM PILLAR OF THE NATIONAL DEFENSE STRATEGY. 10 USC 113 note.

(a) IDENTIFICATION OF USE CASES.—The Secretary of Defense, acting through such officers and employees of the Department of

Defense as the Secretary considers appropriate, including the chief data officers and chief management officers of the military departments, shall identify a set of no fewer than five use cases of the application of existing artificial intelligence enabled systems to support improved management of enterprise acquisition, personnel, audit, or financial management functions, or other appropriate management functions, that are consistent with reform efforts that support the National Defense Strategy.

Coordination.

(b) PROTOTYPING ACTIVITIES ALIGNED TO USE CASES.—The Secretary, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Director of the Joint Artificial Intelligence Center and such other officers and employees as the Secretary considers appropriate, shall pilot technology development and prototyping activities that leverage commercially available technologies and systems to demonstrate new artificial intelligence enabled capabilities to support the use cases identified under subsection (a).

Deadline.

(c) BRIEFING.—Not later than October 1, 2021, the Secretary shall provide to the congressional defense committees a briefing summarizing the activities carried out under this section.

SEC. 235. ACQUISITION OF ETHICALLY AND RESPONSIBLY DEVELOPED ARTIFICIAL INTELLIGENCE TECHNOLOGY.

(a) ASSESSMENT REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, shall conduct an assessment to determine—

(A) whether the Department of Defense has the ability, requisite resourcing, and sufficient expertise to ensure that any artificial intelligence technology acquired by the Department is ethically and responsibly developed; and

(B) how the Department can most effectively implement ethical artificial intelligence standards in acquisition processes and supply chains.

(2) ELEMENTS.—The assessment conducted under paragraph (1) shall address the following:

(A) Whether there are personnel occupying relevant roles within the Department of Defense who have sufficient expertise, across multiple disciplines (including ethical, legal, and technical expertise)—

(i) to advise on the acquisition of artificial intelligence technology; and

(ii) to ensure the acquisition of ethically and responsibly developed artificial intelligence technology.

(B) The feasibility and advisability of retaining outside experts as consultants to assist the Department in strengthening capacity and filling any gaps in expertise identified under subparagraph (A).

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

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

(b) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Secretary of Defense completes the assessment under subsection (a), the Secretary shall provide to the congressional defense committees a briefing on the results of the assessment. Deadline.

(2) ELEMENTS.—The briefing under paragraph (1) shall include, based on the results of the assessment—

(A) an explanation of whether the Department of Defense has personnel, in the proper roles and with sufficient expertise across multiple disciplines, to ensure the acquisition of ethically and responsibly developed artificial intelligence technology;

(B) an explanation of whether the Department has adequate procedures to encourage or require the consultation of such experts as part of the acquisition process for artificial intelligence technology;

(C) an explanation of any procedures the Department has in place to ensure that activities involving artificial intelligence are consistent with the Department's ethical artificial intelligence standards; and

(D) with respect to any deficiencies identified under subparagraph (A), (B), or (C), a description of any measures that have been taken, and any additional resources that may be needed, to mitigate such deficiencies.

SEC. 236. STEERING COMMITTEE ON EMERGING TECHNOLOGY. 10 USC 4001 note.

(a) ESTABLISHMENT.—The Secretary of Defense may establish a steering committee on emerging technology and national security threats (referred to in this section as the "Steering Committee").

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

(1) The Deputy Secretary of Defense.

(2) The Vice Chairman of the Joint Chiefs of Staff.

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

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

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

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

(7) The Chief Information Officer.

(8) Such other officials of the Department of Defense as the Secretary of Defense determines appropriate.

(c) RESPONSIBILITIES.—The Steering Committee shall be responsible for—

(1) developing a strategy for the organizational change, concept and capability development, and technology investments in emerging technologies that are needed to maintain the technological superiority of the United States military as outlined in the National Defense Strategy;

(2) providing assessments of emerging threats and identifying investments and advances in emerging technology areas undertaken by adversaries of the United States;

(3) making recommendations to the Secretary of Defense on—

(A) the implementation of the strategy developed under paragraph (1);

(B) steps that may be taken to address the threats identified under paragraph (2);

(C) any changes to a program of record that may be required to achieve the strategy under paragraph (1);

(D) any changes to the Defense Planning Guidance required by section 113(g)(2)(A) of title 10, United States Code, that may be required to achieve the strategy under paragraph (1); and

(E) whether sufficient resources are available for the research activities, workforce, and infrastructure of the Department of Defense to support the development of capabilities to defeat emerging threats to the United States; and

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

(d) EMERGING TECHNOLOGY DEFINED.—In this section, the term "emerging technology" means technology determined to be in an emerging phase of development by the Secretary, including quantum information science and technology, data analytics, artificial intelligence, autonomous technology, advanced materials, software, high performance computing, robotics, directed energy, hypersonics, biotechnology, medical technologies, and such other technology as may be identified by the Secretary.

(e) SUNSET.—This section shall terminate on October 1, 2024.

Subtitle D—Education and Workforce Development

10 USC note prec. 501.

SEC. 241. MEASURING AND INCENTIVIZING PROGRAMMING PROFICIENCY.

Deadline.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out the following activities:

(1) Leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense that—

(A) measure an individual's competency in using machine learning tools, in a manner similar to the way the Defense Language Proficiency Test measures competency in foreign language skills;

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

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

Update. Records.

(2) Update existing recordkeeping systems to track artificial intelligence and programming certification testing results in a manner that is comparable to the system used for tracking and documenting foreign language competency, and use that recordkeeping system to ensure that workforce coding and

artificial intelligence comprehension and skills are taken into consideration when making assignments.

(3) Implement a system of rewards, including appropriate incentive pay and retention incentives, for members of the Armed Forces and civilian employees of the Department of Defense who perform successfully on specific language coding proficiency and artificial intelligence competency tests and make their skills available to the Department.

(b) INFORMATION SHARING WITH OTHER FEDERAL AGENCIES.—The Secretary of Defense shall share information on the activities carried out under subsection (a) with the Secretary of Homeland Security, the Attorney General, the Director of National Intelligence, and the heads of such other organizations of the intelligence community as the Secretary determines appropriate, for purposes of— Determination.

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

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

(c) SPECIAL PAY FOR PROGRAMMING LANGUAGE PROFICIENCY BENEFICIAL FOR NATIONAL SECURITY INTERESTS.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1596b the following new section:

"§ 1596c. Programming language proficiency: special pay for proficiency beneficial for national security interests 10 USC 1596c.

"(a) AUTHORITY.—The Secretary of Defense, under the sole and exclusive discretion of the Secretary, may pay special pay under this section to an employee of the Department of Defense who—

"(1) has been certified by the Secretary to be proficient in a computer or digital programming language identified by the Secretary as being a language in which proficiency by civilian personnel of the Department is necessary because of national security interests; and Certification.

"(2) is assigned duties requiring proficiency in that programming language.

"(b) RATE.—The rate of special pay for an employee under this section shall be prescribed by the Secretary, but may not exceed 20 percent of the employee's rate of basic pay.

"(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay under this section is in addition to any other pay or allowances to which the employee is entitled.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting 10 USC prec. 1580.

after the item relating to section 1596b the following new item:

"1596c. Programming language proficiency: special pay for proficiency beneficial for national security interests.".

SEC. 242. MODIFICATION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

Section 2192a of title 10, United States Code, is amended—

(1) in subsection (c)(1)(B)(i), by inserting ", including by serving on active duty in the Armed Forces" after "Department";

(2) in subsection (d)—

(A) in paragraph (1), by striking "; and" and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

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

"(3) may establish arrangements so that participants may participate in a paid internship for an appropriate period with an industry sponsor."; and

(3) in subsection (f)—

(A) by inserting "(1)" before "The Secretary"; and

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

"(2) The Secretary of Defense shall seek to enter into partnerships with minority institutions of higher education and appropriate public and private sector organizations to diversify the participants in the program under subsection (a).".

SEC. 243. IMPROVEMENTS TO TECHNOLOGY AND NATIONAL SECURITY FELLOWSHIP OF DEPARTMENT OF DEFENSE.

(a) MODIFICATION REGARDING BASIC PAY.—Subparagraph (A) of section 235(a)(4) of National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1580 note prec.) is amended to read as follows:

"(A) shall be compensated at a rate of basic pay that is not less than the minimum rate of basic pay payable for a position at GS–10 of the General Schedule (subchapter III of chapter 53 of title 5, United States Code) and not more than the maximum rate of basic pay payable for a position at GS–15 of such Schedule; and".

(b) BACKGROUND CHECKS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) BACKGROUND CHECK REQUIREMENT.—No individual may participate in the fellows program without first undergoing a background check that the Secretary of Defense considers appropriate for participation in the program.".

SEC. 244. MODIFICATION OF MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "National Defense Authorization Act for Fiscal Year 2020" and inserting "William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021"; and

(ii) by striking "not fewer than three" and inserting "not fewer than four";

(B) by redesignating paragraph (2) as paragraph (3);

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

"(2) COORDINATION.—In carrying out paragraph (1), the Secretary of Defense may act through the Defense Advanced Research Projects Agency or any other organization or element of the Department of Defense the Secretary considers appropriate."; and

(D) in paragraph (3), as so redesignated, by inserting "training," after "management,";

(2) in subsection (e)—

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

(B) by redesignating paragraph (30) as paragraph (31); and

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

"(30) 3D and virtual technology training platforms.";

(3) by redesignating subsections (f) and (g) as subsection (g) and (h), respectively;

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

"(f) REQUIREMENT TO ESTABLISH CONSORTIA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1)—

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

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

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

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

"(2) REPORT REQUIRED.—Not later than September 30, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the efforts to establish consortia under paragraph (1)."; and

(5) in subsection (g), as so redesignated, by striking "2022" and inserting "2026".

SEC. 245. ENCOURAGEMENT OF CONTRACTOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) PROGRAMS.

10 USC note prec. 2191.

(a) IN GENERAL.—The Under Secretary of Defense for Research and Engineering, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall develop programs and incentives to ensure that Department of Defense contractors take appropriate steps to—

Coordination.

(1) enhance undergraduate, graduate, and doctoral programs in science, technology, engineering, and mathematics (in this section referred to as "STEM");

(2) make investments, such as programming and curriculum development, in STEM programs within elementary schools and secondary schools;

(3) encourage employees to volunteer in elementary schools and secondary schools, including schools that the Secretary of Defense determines serve high numbers or percentages of students from low-income families or that serve significant populations of military dependents, in order to enhance STEM education and programs;

(4) establish partnerships with appropriate entities, including institutions of higher education for the purpose of training students in technical disciplines;

(5) make personnel available to advise and assist in STEM educational activities aligned with functions of the Department of Defense;

(6) award scholarships and fellowships, and establish work-based learning programs in scientific disciplines;

(7) conduct recruitment activities to enhance the diversity of the STEM workforce; or

(8) make internships available to students of secondary schools, undergraduate, graduate, and doctoral programs in STEM disciplines.

Procedures.

(b) AWARD PROGRAM.—The Secretary of Defense shall establish procedures to recognize defense industry contractors that demonstrate excellence in supporting STEM education, partnerships, programming, and other activities to enhance participation in STEM fields.

Reports.

(c) IMPLEMENTATION.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering shall submit to the congressional defense committees a report on the steps taken to implement the requirements of this section.

(d) DEFINITIONS.—In this section:

(1) The terms "elementary school" and "secondary school" have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

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

10 USC note prec. 2001.

SEC. 246. TRAINING PROGRAM FOR HUMAN RESOURCES PERSONNEL IN BEST PRACTICES FOR TECHNICAL WORKFORCE.

(a) PILOT TRAINING PROGRAM.—

Deadline.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and the Under Secretary of Defense for Research and Engineering, shall develop and implement a pilot program to provide covered human resources personnel with training in public and private sector best practices for attracting and retaining technical talent.

Procedures.

(2) TRAINING AREAS.—The pilot program shall include training in the authorities and procedures that may be used to recruit technical personnel for positions in the Department of Defense, including—

(A) appropriate direct hiring authorities;

(B) excepted service authorities;

(C) personnel exchange authorities;

(D) authorities for hiring special government employees and highly qualified experts;

(E) special pay authorities; and

(F) private sector best practices to attract and retain technical talent.

(3) METRICS.—The Secretary of Defense shall develop metrics to evaluate the effectiveness of the pilot program in contributing to the ability of the Department of Defense to attract and retain technical talent.

(4) PLAN REQUIRED.—The Secretary of Defense shall develop a plan for the implementation of the pilot program.

(b) REPORTS.—

(1) REPORT ON PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the plan required under subsection (a)(4).

(2) REPORT ON PILOT PROGRAM.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the pilot program.

(c) DEFINITIONS.—In this section:

(1) The term "covered human resources personnel" means members of the Armed Forces and civilian employees of the Department of Defense, including human resources professionals, hiring managers, and recruiters, who are responsible for hiring technical talent.

(2) The term "technical talent" means individuals with expertise in high priority technical disciplines.

(d) TERMINATION.—The requirement to carry out the pilot program under this section shall terminate five years after the date of the enactment of this Act.

SEC. 247. PILOT PROGRAM ON THE USE OF ELECTRONIC PORTFOLIOS TO EVALUATE CERTAIN APPLICANTS FOR TECHNICAL POSITIONS.

10 USC note prec. 1580.

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

(b) ACTIVITIES.—Under the pilot program, the human resources manager of each organization of the Department of Defense participating in the program, in consultation with relevant subject matter experts, shall— Consultation.

(1) identify a subset of technical positions for which the evaluation of electronic portfolios would be appropriate as part of the hiring process; and

(2) as appropriate, assess applicants for such positions by reviewing electronic portfolios of the applicants' best work, as selected by the applicant concerned. Assessment.

(c) SCOPE OF PROGRAM.—The Secretary of Defense shall carry out the pilot program under subsection (a) in—

(1) the Joint Artificial Intelligence Center;

(2) the Defense Digital Service;

(3) at least one activity of each military department, as identified by the Secretary of the department concerned; and

(4) such other organizations and elements of the Department of Defense as the Secretary determines appropriate.

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

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

Assessment.

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

(3) identify other job series that could benefit from the use of electronic portfolios in the hiring process;

Recommendations.

(4) recommend whether the use of electronic portfolios in the hiring process should be expanded or made permanent; and

Recommendations.

(5) recommend any statutory, regulatory, or policy changes required to support the goals of the pilot program under subsection (a).

(e) TECHNICAL POSITION DEFINED.—In this section, the term "technical position" means a position in the Department of Defense that—

(1) requires expertise in artificial intelligence, data science, or software development; and

(2) is eligible for direct hire authority under section 9905 of title 5, United States Code, or section 2358a of title 10, United States Code.

(f) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall terminate 5 years after the date of the enactment of this Act.

10 USC note prec. 2001.

SEC. 248. PILOT PROGRAM ON SELF-DIRECTED TRAINING IN ADVANCED TECHNOLOGIES.

List.

(a) ONLINE COURSES.—The Secretary of Defense shall carry out a pilot program under which the Secretary makes available a list of approved online courses relating to advanced technologies that may be taken by civilian employees of the Department of Defense and members of the Armed Forces on a voluntary basis while not engaged in the performance of their duties.

(b) PROCEDURES.—The Secretary shall establish procedures for the development, selection, approval, adoption, and evaluation of online courses under subsection (a) to ensure that such courses are supportive of the goals of this section and overall goals for the training and education of the civilian and military workforce of the Department of Defense.

(c) DOCUMENTATION OF COMPLETION.—The Secretary of Defense shall develop and implement a system—

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

(2) to document the completion of such course by such employee or member.

(d) INCENTIVES.—The Secretary of Defense shall develop and implement incentives to encourage civilian employees of the Department of Defense and members of the Armed Forces to complete online courses approved by the Secretary under subsection (a).

(e) METRICS.—The Secretary of Defense shall develop metrics to evaluate whether, and to what extent, the pilot program under this section improves the ability of participants—

(1) to perform job-related functions; and

(2) to execute relevant missions of the Department of Defense.

(f) ADVANCED TECHNOLOGIES DEFINED.—In this section, the term "advanced technologies" means technologies that the Secretary of Defense determines to be in high-demand within the Department of Defense and to which significant research and development efforts are devoted, including technologies such as artificial intelligence, data science, machine learning, fifth-generation telecommunications technology, and biotechnology.

(g) DEADLINE.—The Secretary of Defense shall carry out the activities described in subsections (a) through (e) not later than one year after the date of the enactment of this Act.

(h) SUNSET.—This section shall terminate on October 1, 2024.

SEC. 249. PART-TIME AND TERM EMPLOYMENT OF UNIVERSITY FACULTY AND STUDENTS IN THE DEFENSE SCIENCE AND TECHNOLOGY ENTERPRISE.

10 USC 4001 note.

(a) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program under which opportunities for part-time and term employment are made available in the Defense science and technology enterprise for faculty and students of institutions of higher education for the purpose of enabling such faculty and students to carry out research projects in accordance with subsection (b).

Deadline.

(b) RESEARCH PROJECTS.—

(1) FACULTY.—A faculty member who is employed in position made available under subsection (a) shall, in the course of such employment, carry out a research project that—

(A) relates to a topic in the field of science, technology, engineering, or mathematics; and

(B) contributes to the objectives of the Department of Defense, as determined by the Secretary of Defense.

(2) STUDENTS.—A student employed in position made available under subsection (a) shall assist a faculty member with a research project described in paragraph (1).

(c) SELECTION OF PARTICIPANTS.—The Secretary of Defense, acting through the heads of participating organizations in the Defense science and technology enterprise, shall select individuals for participation in the program under subsection (a) as follows:

(1) Faculty members shall be selected for participation on the basis of—

(A) the academic credentials and research experience of the faculty member; and

(B) the extent to which the research proposed to be carried out by the faculty member will contribute to the objectives of the Department of Defense.

(2) Students shall be selected to assist with a research project under the program on the basis of—

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

(B) the student's ability to fulfill the responsibilities assigned to the student as part of the project.

(d) MINIMUM NUMBER OF POSITIONS.—

(1) IN GENERAL.—During the first year of the program under subsection (a), the Secretary of Defense shall establish not fewer than 10 part-time or term positions for faculty.

(2) ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.—Of the positions established under paragraph (1), not fewer than five such positions shall be reserved for faculty who will conduct research in the area of artificial intelligence and machine learning.

(e) AUTHORITIES.—In carrying out the program under subsection (a), the Secretary of Defense, or the head of an organization in the Defense science and technology enterprise, as applicable, may—

(1) use any hiring authority available to the Secretary or the head of such organization, including—

(A) any hiring authority available under a laboratory demonstration program, including the hiring authority provided under section 2358a of title 10, United States Code;

(B) direct hiring authority under section 1599h of title 10, United States Code; and

(C) expert hiring authority under section 3109 of title 5, United States Code;

Contracts.

(2) enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) to enable the sharing of research and expertise with institutions of higher education and the private sector; and

Referral bonuses.

(3) pay referral bonuses to faculty or students participating in the program who identify—

(A) students to assist in a research project under the program; or

(B) students or recent graduates to participate in other programs in the Defense science and technology enterprise, including internships at Department of Defense laboratories and in the Pathways Program of the Department.

(f) ANNUAL REPORTS.—

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

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

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

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

(2) SUBSEQUENT REPORTS.—Not later than 30 days after the conclusion of the second and third years of the program under subsection (a), the Secretary of Defense shall submit

to the congressional defense committees a report on the progress of the program. Each report shall include—

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

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

(C) the number of students and recent graduates who, pursuant to a reference from a faculty member or student participating in the program as described in subsection (e)(3), were hired by the Department of Defense or selected for participation in another program in the Defense science and technology enterprise.

(g) DEFINITIONS.—In this section:

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

(A) the research organizations of the military departments;

(B) the science and technology reinvention laboratories (as designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note));

(C) the facilities of the Major Range and Test Facility Base (as defined in section 2358a(f)(3) of title 10, United States Code); and

(D) the Defense Advanced Research Projects Agency.

(2) The term "faculty" means an individual who serves as a professor, researcher, or instructor at an institution of higher education.

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

SEC. 250. NATIONAL SECURITY WORKFORCE AND EDUCATIONAL DIVERSITY ACTIVITIES.

10 USC 2192a note.

(a) IN GENERAL.—The Secretary of Defense shall seek to diversify participation in the Science, Mathematics, and Research for Transformation (SMART) Defense Education Program under section 2192a of title 10, United States Code.

(b) ACTIVITIES.—In carrying out subsection (a), the Secretary shall—

(1) subject to the availability of appropriations for this purpose, set aside funds for financial assistance, scholarships, and fellowships for students at historically Black colleges or universities or at minority institutions of higher education and such other institutions as the Secretary considers appropriate;

(2) partner with institutions of higher education, and such other public and private sector organizations as the Secretary considers appropriate, to increase diversity of participants in the program described in subsection (a);

(3) establish individual and organizational incentives, and such other activities as the Secretary considers appropriate, to increase diversity of student participation in the program described in subsection (a);

(4) increase awareness of opportunities to participate in the program described in subsection (a);

(5) evaluate the potential for new programs, fellowships, and other activities at historically Black colleges or universities

Evaluation.

and minority institutions of higher education to increase diversity in educational and workforce development programs;

(6) identify potential changes to the program described in subsection (a) that would improve diversity of participants in such program; and

(7) establish metrics to evaluate success of activities under this section.

(c) REPORT.—Not later than September 30, 2024, the Secretary of Defense shall submit to the congressional defense committees a report that evaluates the success of activities conducted by the Secretary in increasing diversity in appropriate programs of the Department of Defense and hiring and retaining diverse individuals in the science, mathematics, and research workforce of the public sector.

10 USC note prec. 1580.

SEC. 251. COORDINATION OF SCHOLARSHIP AND EMPLOYMENT PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT OR DESIGNATION OF ORGANIZATION.—The Secretary of Defense shall establish or designate an organization within the Department of Defense which shall have primary responsibility for building cohesion and collaboration across the various scholarship and employment programs of the Department.

(b) DUTIES.—The organization established or designated under subsection (a) shall have the following duties:

(1) To establish an interconnected network and database across the scholarship and employment programs of the Department.

(2) To aid in matching scholarships to individuals pursuing courses of study in high demand skill areas.

(3) To build a network of current and former program participants for potential engagement or employment with Department activities.

Public information. Web posting.

(c) ANNUAL LISTING.—On an annual basis, the organization established or designated under subsection (a) shall publish, on a publicly accessible website of the Department, a listing of scholarship and employment programs carried out by the Department.

SEC. 252. STUDY ON MECHANISMS FOR ATTRACTING AND RETAINING HIGH QUALITY TALENT IN THE DEPARTMENT OF DEFENSE.

Contracts.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an independent academic institution to conduct a study to develop policy options and recommendations for the establishment of a program to attract and retain covered individuals for employment in the Department of Defense.

Analyses.

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

(1) An analysis of mechanisms the Department may use to engage public and private sector organizations to assist in the identification and recruitment of covered individuals for employment in the Department of Defense.

(2) Identification of statutory, regulatory, and organizational barriers to the development of the program described in subsection (a).

(3) An analysis of monetary and nonmonetary incentives that may be provided to retain covered individuals in positions in the Department.

(4) An analysis of methods that may be implemented to ensure appropriate vetting of covered individuals.

(5) An analysis of the size of a program required to advance the competitiveness of the research, development, test, and evaluation efforts of the Department in the critical technologies identified in the National Defense Strategy.

(6) The type and amount of resources required to implement the program described in subsection (a).

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on the plan of the Secretary to execute the study required under subsection (a).

(2) FINAL REPORT.—Not later than February 1, 2022, the Secretary shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

(d) COVERED INDIVIDUAL DEFINED.—In this section, the term "covered individual" means an individual who—

(1) is engaged in work to promote and protect the national security of the United States;

(2) is engaged in basic or applied research, funded by the Department of Defense; and

(3) possesses scientific or technical expertise that will advance the development of critical technologies identified in the National Defense Strategy or the National Defense Science and Technology Strategy, required by section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679).

Subtitle E—Sustainable Chemistry

SEC. 261. NATIONAL COORDINATING ENTITY FOR SUSTAINABLE CHEMISTRY.

15 USC 9301.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this title, the Director of the Office of Science and Technology Policy shall convene an interagency entity (referred to in this subtitle as the "Entity") under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of sustainable chemistry, including those described in sections 263 and 264.

Deadline.

(b) COORDINATION WITH EXISTING GROUPS.—In convening the Entity, the Director of the Office of Science and Technology Policy shall consider overlap and possible coordination with existing committees, subcommittees, or other groups of the National Science and Technology Council, such as—

(1) the Committee on Environment;

(2) the Committee on Technology;

(3) the Committee on Science; or

(4) related groups or subcommittees.

(c) CO-CHAIRS.—The Entity shall be co-chaired by the Director of the Office of Science and Technology Policy and a representative from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, or the Department of Energy, as selected by the Director of the Office of Science and Technology Policy.

(d) AGENCY PARTICIPATION.—The Entity shall include representatives, including subject matter experts, from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, the Department of Energy, the Department of Agriculture, the Department of Defense, the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, and other related Federal agencies, as appropriate.

(e) TERMINATION.—The Entity shall terminate on the date that is 10 years after the date of the enactment of this Act.

15 USC 9302.

SEC. 262. STRATEGIC PLAN FOR SUSTAINABLE CHEMISTRY.

Deadline.

(a) STRATEGIC PLAN.—Not later than 2 years after the date of the enactment of this subtitle, the Entity shall—

Consultation. Update.

(1) consult with relevant stakeholders, including representatives from industry, academia, national labs, the Federal Government, and international entities, to develop and update, as needed, a consensus definition of "sustainable chemistry" to guide the activities under this subtitle;

Assessment.

(2) develop a working framework of attributes characterizing, and metrics for assessing, sustainable chemistry, as described in subsection (b);

Assessment.

(3) assess the state of sustainable chemistry in the United States as a key benchmark from which progress under the activities described in this title can be measured, including assessing key sectors of the United States economy, key technology platforms, commercial priorities, and barriers to innovation;

Coordination.

(4) coordinate and support Federal research, development, demonstration, technology transfer, commercialization, education, and training efforts in sustainable chemistry, including budget coordination and support for public-private partnerships, as appropriate;

(5) identify any Federal regulatory barriers to, and opportunities for, Federal agencies facilitating the development of incentives for development, consideration, and use of sustainable chemistry processes and products;

(6) identify major scientific challenges, roadblocks, and hurdles to transformational progress in improving the sustainability of the chemical sciences; and

Review.

(7) review, identify, and make effort to eliminate duplicative Federal funding and duplicative Federal research in sustainable chemistry.

(b) CHARACTERIZING AND ASSESSING SUSTAINABLE CHEMISTRY.—The Entity shall develop a working framework of attributes characterizing, and metrics for assessing, sustainable chemistry for the purposes of carrying out this subtitle. In developing this framework, the Entity shall—

(1) seek advice and input from stakeholders as described in subsection (c);

(2) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use at Federal agencies;

(3) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use by international organizations of which the

United States is a member, such as the Organisation for Economic Co-operation and Development; and

(4) consider any other appropriate existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry.

(c) CONSULTATION.—In carrying out the duties described in subsections (a) and (b), the Entity shall consult with stakeholders qualified to provide advice and information to guide Federal activities related to sustainable chemistry through workshops, requests for information, or other mechanisms as necessary. The stakeholders shall include representatives from—

(1) business and industry, including trade associations and small- and medium-sized enterprises from across the value chain;

(2) the scientific community, including the National Academies of Sciences, Engineering, and Medicine, scientific professional societies, national labs, and academia;

(3) the defense community;

(4) State, tribal, and local governments, including nonregulatory State or regional sustainable chemistry programs, as appropriate;

(5) nongovernmental organizations; and

(6) other appropriate organizations.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Entity shall submit a report to the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, and the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the Committee on Agriculture, the Committee on Education and Labor, and the Committee on Appropriations of the House of Representatives. In addition to the elements described in subsections (a) and (b), the report shall include—

(A) a summary of federally funded sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training activities; Summary.

(B) a summary of the financial resources allocated to sustainable chemistry initiatives by each participating agency; Summary.

(C) an assessment of the current state of sustainable chemistry in the United States, including the role that Federal agencies are playing in supporting it; Assessment.

(D) an analysis of the progress made toward achieving the goals and priorities of this subtitle, and recommendations for future program activities; Analysis.

(E) an evaluation of steps taken and future strategies to avoid duplication of efforts, streamline interagency coordination, facilitate information sharing, and spread best practices among participating agencies; and Evaluation.

(F) an evaluation of duplicative Federal funding and duplicative Federal research in sustainable chemistry, efforts undertaken by the Entity to eliminate duplicative Evaluation.

funding and research, and recommendations on how to achieve these goals.

(2) SUBMISSION TO GAO.—The Entity shall also submit the report described in paragraph (1) to the Comptroller General of the United States for consideration in future Congressional inquiries.

(3) ADDITIONAL REPORTS.—The Entity shall submit a report to Congress and the Comptroller General of the United States that incorporates the information described in subparagraphs (A), (B), (D), (E), and (F) of paragraph (1) every 3 years, commencing after the initial report is submitted until the Entity terminates.

15 USC 9303.

SEC. 263. AGENCY ACTIVITIES IN SUPPORT OF SUSTAINABLE CHEMISTRY.

(a) IN GENERAL.—The agencies participating in the Entity shall carry out activities in support of sustainable chemistry, as appropriate to the specific mission and programs of each agency.

(b) ACTIVITIES.—The activities described in subsection (a) shall—

Determination.

(1) incorporate sustainable chemistry into existing research, development, demonstration, technology transfer, commercialization, education, and training programs, that the agency determines to be relevant, including consideration of—

(A) merit-based competitive grants to individual investigators and teams of investigators, including, to the extent practicable, early career investigators, for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) coordination of sustainable chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories and agencies;

(D) incentive prize competitions and challenges in coordination with such existing Federal agency programs; and

(E) grants, loans, and loan guarantees to aid in the technology transfer and commercialization of sustainable chemicals, materials, processes, and products;

(2) collect and disseminate information on sustainable chemistry research, development, technology transfer, and commercialization, including information on accomplishments and best practices;

(3) expand the education and training of students at appropriate levels of education, professional scientists and engineers, and other professionals involved in all aspects of sustainable chemistry and engineering appropriate to that level of education and training, including through—

(A) partnerships with industry as described in section 264;

(B) support for the integration of sustainable chemistry principles into chemistry and chemical engineering curriculum and research training, as appropriate to that level of education and training; and

(C) support for integration of sustainable chemistry principles into existing or new professional development

opportunities for professionals including teachers, faculty, and individuals involved in laboratory research (product development, materials specification and testing, life cycle analysis, and management);

(4) as relevant to an agency's programs, examine methods by which the Federal agencies, in collaboration and consultation with the National Institute of Standards and Technology, may facilitate the development or recognition of validated, standardized tools for performing sustainability assessments of chemistry processes or products; Examination. Consultation. Assessments.

(5) through programs identified by an agency, support, including through technical assistance, participation, financial support, communications tools, awards, or other forms of support, outreach and dissemination of sustainable chemistry advances such as non-Federal symposia, forums, conferences, and publications in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(6) provide for public input and outreach to be integrated into the activities described in this section by the convening of public discussions, through mechanisms such as public meetings, consensus conferences, and educational events, as appropriate;

(7) within each agency, develop or adapt metrics to track the outputs and outcomes of the programs supported by that agency; and

(8) incentivize or recognize actions that advance sustainable chemistry products, processes, or initiatives, including through the establishment of a nationally recognized awards program through the Environmental Protection Agency to identify, publicize, and celebrate innovations in sustainable chemistry and chemical technologies.

(c) LIMITATIONS .—Financial support provided under this section shall—

(1) be available only for pre-competitive activities; and

(2) not be used to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

SEC. 264. PARTNERSHIPS IN SUSTAINABLE CHEMISTRY. 15 USC 9304.

(a) IN GENERAL.—The agencies participating in the Entity may facilitate and support, through financial, technical, or other assistance, the creation of partnerships between institutions of higher education, nongovernmental organizations, consortia, or companies across the value chain in the chemical industry, including small- and medium-sized enterprises, to—

(1) create collaborative sustainable chemistry research, development, demonstration, technology transfer, and commercialization programs; and

(2) train students and retrain professional scientists, engineers, and others involved in materials specification on the use of sustainable chemistry concepts and strategies by methods, including—

(A) developing or recognizing curricular materials and courses for undergraduate and graduate levels and for the professional development of scientists, engineers, and others involved in materials specification; and

(B) publicizing the availability of professional development courses in sustainable chemistry and recruiting professionals to pursue such courses.

(b) PRIVATE SECTOR PARTICIPATION.—To be eligible for support under this section, a partnership in sustainable chemistry shall include at least one private sector organization.

(c) SELECTION OF PARTNERSHIPS.—In selecting partnerships for support under this section, the agencies participating in the Entity shall also consider the extent to which the applicants are willing and able to demonstrate evidence of support for, and commitment to, the goals outlined in the strategic plan and report described in section 262.

(d) PROHIBITED USE OF FUNDS.—Financial support provided under this section may not be used—

(1) to support or expand a regulatory chemical management program at an implementing agency under a State law;

(2) to construct or renovate a building or structure; or

(3) to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

15 USC 9305.

SEC. 265. PRIORITIZATION.

In carrying out this subtitle, the Entity shall focus its support for sustainable chemistry activities on those that achieve, to the highest extent practicable, the goals outlined in the subtitle.

15 USC 9306.

SEC. 266. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to alter or amend any State law or action with regard to sustainable chemistry, as defined by the State.

SEC. 267. MAJOR MULTI-USER RESEARCH FACILITY PROJECT.

Section 110 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–2) is amended by striking (g)(2) and inserting the following:

Definition.

"(2) MAJOR MULTI-USER RESEARCH FACILITY PROJECT.—The term 'major multi-user research facility project' means a science and engineering facility project that exceeds $100,000,000 in total construction, acquisition, or upgrade costs to the Foundation.".

Subtitle F—Plans, Reports, and Other Matters

SEC. 271. MODIFICATION TO ANNUAL REPORT OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(h)(2) of title 10, United States Code, is amended—

(1) by striking "Engineering,," and inserting "Engineering,"; and

(2) by striking ", through January 31, 2025" and inserting ", through January 31, 2026".

SEC. 272. MODIFICATION TO TEST RESOURCE MANAGEMENT CENTER STRATEGIC PLAN REPORTING CYCLE AND CONTENTS.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 196 of title 10, United States Code, is amended—

(1) in subsections (c)(1)(C) and (e)(2)(B), by inserting "quadrennial" before "strategic plan"; and

(2) in subsection (d)—

(A) in the heading, by inserting "QUADRENNIAL" before "STRATEGIC PLAN"; and

(B) by inserting "quadrennial" before "strategic plan" each place it occurs.

(b) TIMING AND COVERAGE OF PLAN.—Subsection (d)(1) of such section, as amended by subsection (a)(2), is further amended, in the first sentence, by striking "two fiscal years" and inserting "four fiscal years, and within one year after release of the National Defense Strategy,".

(c) AMENDMENT TO CONTENTS OF PLAN.—Subsection (d)(2)(C) of such section is amended by striking "based on current" and all that follows through the end and inserting "for test and evaluation of the Department of Defense major weapon systems based on current and emerging threats.".

(d) ANNUAL UPDATE TO PLAN.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(5)(A) In addition to the quadrennial strategic plan completed under paragraph (1), the Director of the Department of Defense Test Resource Management Center shall also complete an annual update to the quadrennial strategic plan.

"(B) Each annual update completed under subparagraph (A) shall include the following:

"(i) A summary of changes to the assessment provided in the most recent quadrennial strategic plan. Summary.

"(ii) Comments and recommendations the Director considers appropriate. Recommendations.

"(iii) Test and evaluation challenges raised since the completion of the most recent quadrennial strategic plan.

"(iv) Actions taken or planned to address such challenges.".

(e) TECHNICAL CORRECTION.—Subsection (d)(1) of such, as amended by subsections (a)(2) and (b), is further amended by striking "Test Resources Management Center" and inserting "Test Resource Management Center".

SEC. 273. MODIFICATION OF REQUIREMENTS RELATING TO ENERGETICS PLAN TO INCLUDE ASSESSMENT OF FEASIBILITY AND ADVISABILITY OF ESTABLISHING A PROGRAM OFFICE FOR ENERGETICS.

Section 253(a) of the National Defense Authorization Act for Fiscal Year 2020 (133 Stat. 1287; Public Law 116–92) is amended—

(1) in paragraph (2), by striking "; and" and inserting a semicolon; and

(2) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) assesses the feasibility and advisability of establishing a program office—

"(A) to coordinate energetics research; and

"(B) to ensure a robust and sustained energetics material enterprise.".

SEC. 274. ELEMENT IN ANNUAL REPORTS ON CYBER SCIENCE AND TECHNOLOGY ACTIVITIES ON WORK WITH ACADEMIC CONSORTIA ON HIGH PRIORITY CYBERSECURITY RESEARCH ACTIVITIES IN DEPARTMENT OF DEFENSE CAPABILITIES.

Section 257(b)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1291) is amended by adding at end the following new subparagraph:

"(J) Efforts to work with academic consortia on high priority cybersecurity research activities.".

SEC. 275. REPEAL OF QUARTERLY UPDATES ON THE OPTIONALLY MANNED FIGHTING VEHICLE PROGRAM.

Section 261 of the National Defense Authorization Act for Fiscal Year 2020 (Public law 116–92; 133 Stat. 1294) is repealed.

SEC. 276. MICROELECTRONICS AND NATIONAL SECURITY.

Section 231 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)—

(A) by inserting ", in collaboration with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary for Research and Engineering, and the Director of the Defense Advanced Research Projects Agency," after "shall"; and

(B) by striking "September 30, 2019" and inserting "June 1, 2021";

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

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

Assessment.

"(11) An assessment of current microelectronics supply chain management best practices, including—

"(A) intellectual property controls;

"(B) international standards;

"(C) guidelines of the National Institute of Standards and Technology;

"(D) product traceability and provenance; and

"(E) location of design, manufacturing, and packaging facilities.

Assessment.

"(12) An assessment of existing risks to the current microelectronics supply chain.

"(13) A description of actions that may be carried out by the defense industrial base to implement best practices described in paragraph (11) and mitigate risks described in paragraph (12).

Plan.

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

Assessment.

"(15) An assessment of the feasibility, usefulness, efficacy, and cost of—

"(A) developing a national laboratory exclusively focused on the research and development of microelectronics to serve as a center for Federal Government expertise in high-performing, trusted microelectronics and as a hub for Federal Government research into breakthrough microelectronics-related technologies; and

"(B) incorporating into such national laboratory a commercial incubator to provide early-stage microelectronics startups, which face difficulties scaling due to the high costs of microelectronics design and fabrication, with access to funding resources, fabrication facilities, design tools, and shared intellectual property.

"(16) The development of multiple models of public-private partnerships to execute the strategy, including in-depth analysis of establishing a semiconductor manufacturing corporation to leverage private sector technical, managerial, and investment expertise, and private capital, that would have the authority and funds to provide grants or approve investment tax credits, or both, to implement the strategy. Analysis.

"(17) Processes and criteria for competitive selection of commercial companies, including companies headquartered in countries that are allies or partners with the United States, to provide design, foundry and assembly, and packaging services and to build and operate the industrial capabilities associated with such services. Criteria.

"(18) The role that other Federal agencies should play in organizing and supporting the strategy, including any required direct or indirect funding support, or legislative and regulatory actions, including restricting procurement to domestic sources, and providing antitrust and export control relief.

"(19) All potential funding sources and mechanisms for initial and sustaining investments in microelectronics.

"(20) Such other matters as the Secretary of Defense determines to be relevant.";

(3) in subsection (d), by striking "September 30, 2019" and inserting "June 1, 2021";

(4) in subsection (e), by striking "September 30, 2020" and inserting "June 1, 2021"; and

(5) by redeignating subsection (f) as subsection (g);

(6) by inserting after subsection (e) the following new subsection (f):

"(f) SUBMISSION.—Not later than June 1, 2021, the Secretary of Defense shall submit the strategy required in subsection (a), along with any views and recommendations and an estimated budget to implement the strategy, to the President, the National Security Council, and the National Economic Council.". Deadline. Strategy. Recommendations. Budget estimate.

SEC. 277. INDEPENDENT EVALUATION OF PERSONAL PROTECTIVE AND DIAGNOSTIC TESTING EQUIPMENT.

(a) INDEPENDENT EVALUATION REQUIRED.—The Director of Operational Test and Evaluation shall conduct an independent evaluation of whether covered personal protective and diagnostic testing equipment is operationally effective and suitable to satisfy the specific needs and required protection of the workforce of the Department of Defense.

(b) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall provide the Director of Operational Test and Evaluation with such information as may be necessary for the Director to conduct the evaluations required under subsection (a).

(c) REPORT TO CONGRESS.—Not later than 90 days after the completion of each evaluation under subsection (a), the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report on the results of the evaluation.

(d) COVERED PERSONAL PROTECTIVE AND DIAGNOSTIC TESTING EQUIPMENT DEFINED.—In this section, the term "covered personal protective and diagnostic testing equipment" means any personal protective equipment or diagnostic testing equipment developed, acquired, or used by the Department of Defense—

(1) in response to COVID–19; or

(2) as part of any follow-on, long-term acquisition and distribution program for such equipment.

SEC. 278. ASSESSMENT ON UNITED STATES NATIONAL SECURITY EMERGING BIOTECHNOLOGY EFFORTS AND CAPABILITIES AND COMPARISON WITH ADVERSARIES.

(a) ASSESSMENT AND COMPARISON REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence and Security, shall conduct an assessment and direct comparison of capabilities in emerging biotechnologies for national security purposes, including applications in material, manufacturing, and health, between the capabilities of the United States and the capabilities of adversaries of the United States.

(2) ELEMENTS.—The assessment and comparison carried out under paragraph (1) shall include the following:

Evaluation.

(A) An evaluation of the quantity, quality, and progress of United States fundamental and applied research for emerging biotechnology initiatives for national security purposes.

(B) An assessment of the resourcing of United States efforts to harness emerging biotechnology capabilities for national security purposes, including the supporting facilities, test infrastructure, and workforce.

(C) An intelligence assessment of adversary emerging biotechnology capabilities and research as well as an assessment of adversary intent and willingness to use emerging biotechnologies for national security purposes.

(D) An assessment of the analytic and operational subject matter expertise necessary to assess rapidly-evolving foreign military developments in biotechnology, and the current state of the workforce in the intelligence community.

Recommendations.

(E) Recommendations to improve and accelerate United States capabilities in emerging biotechnologies and the associated intelligence community expertise.

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

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on the assessment carried out under subsection (a).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in the following formats—

(A) unclassified form, which may include a classified annex; and

Classified information.

(B) publically releasable form, representing appropriate information from the report under subparagraph (A).

Public information.

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 279. ANNUAL REPORTS REGARDING THE SBIR PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not later than 120 days after the end of each fiscal years 2021, 2022, and 2023, the Secretary of Defense, after consultation with the Secretary of each military department, shall submit to Congress a report that describes the following:

Consultation.

(1) The ways in which the Department of Defense is using incentives under section 9(y)(6)(B) of the Small Business Act (15 U.S.C. 638(y)(6)(B)) to increase the number of Phase II SBIR contracts that lead to technology transition into programs of record or fielded systems.

(2) The extent to which the Department has developed simplified and standardized procedures and model contracts throughout the agency for Phase I, Phase II, and Phase III SBIR awards, as required under section 9(hh)(2)(A)(i) of the Small Business Act (15 U.S.C. 638(hh)(2)(A)(i)).

(3) The extent to which any incentives described in this section and implemented by the Secretary of Defense have resulted in an increased number of Phase II contracts under the SBIR program of the Department of Defense leading to technology transition into programs of record or fielded systems.

(4) The extent to which Phase I, Phase II, and Phase III projects under the SBIR program of the Department align with the modernization priorities of the Department.

(5) Actions taken to ensure that the SBIR program of the Department aligns with the goals of the program, namely—

(A) to stimulate technological innovation;

(B) to meet Federal research and development needs;

(C) to foster and encourage participation in innovation and entrepreneurship by women and socially or economically disadvantaged individuals; and

(D) to increase private-sector commercialization of innovations derived from Federal research and development funding.

(6) Any other action taken, and proposed to be taken, to increase the number of Department Phase II SBIR contracts leading to technology transition into programs of record or fielded systems.

(b) SBIR DEFINED.—In this section, the term "SBIR" has the meaning given the term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

SEC. 280. REPORTS ON F–35 PHYSIOLOGICAL EPISODES AND MITIGATION EFFORTS.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall conduct a study to determine the underlying causes of physiological episodes affecting crewmembers of F–35 aircraft.

Examinations.

(2) ELEMENTS.—The study under subsection (a) shall include—

(A) an examination of each physiological episode reported by a crewmember of an F–35 aircraft as of the date of the enactment of this Act;

Determination.

(B) a determination as to the underlying cause of the episode; and

(C) an examination of—

(i) any long-term effects, including potential long-term effects, of the episode; and

(ii) any additional care an affected crewmember may need.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report that includes—

(A) the results the study conducted under subsection (a), including a description of each physiological episode examined under the study and an explanation of the underlying cause of the episode;

(B) a description of any actions that may be taken to address the underlying causes of such episodes, including any resources that may be required to carry out such actions; and

Recommendations.

(C) any other findings and recommendations of the study.

Consultation.

(b) ANNUAL REPORTS ON MITIGATION EFFORTS.—The Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, shall include with the annual report required by section 224(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2059), a detailed description of—

(1) the efforts of the Department of Defense to address physiological episodes affecting crewmembers of F–35 aircraft; and

(2) the funding allocated for such efforts.

SEC. 281. REVIEW AND REPORT ON NEXT GENERATION AIR DOMINANCE CAPABILITIES.

(a) REVIEWS.—

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

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

(B) a non-advocate review of the next generation air dominance initiative of the Navy; and

(C) a non-advocate review of the business case analysis developed by the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics regarding the Digital Century Series Aircraft acquisition strategy of the Air Force.

Assessments.

(2) ELEMENTS.—(A) The reviews under paragraphs (1)(A) and (1)(B) shall include an assessment of—

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

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

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

(B) The review under paragraph (1)(C) shall include an assessment of—

(i) methods, objectives, risks, ground rules, and assumptions;

(ii) validity, accuracy, and deficiencies in knowledge and data used in support of the analysis;

(iii) financial and nonfinancial business benefits and impacts;

(iv) likelihood of risks to materialize; and

(v) conclusions, recommendations, and any other information the Director believes to be relevant to the review. Recommendations.

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

(1) a report on the results of the review conducted under subsection (a)(1)(A) with respect to the Air Force;

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

(3) a report on the results of the review conducted under subsection (a)(1)(C).

SEC. 282. PLAN FOR OPERATIONAL TEST AND UTILITY EVALUATION OF SYSTEMS FOR LOW-COST ATTRIBUTABLE AIRCRAFT TECHNOLOGY PROGRAM.

Not later than March 1, 2021, the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics shall— Deadline.

(1) submit to the congressional defense committees an executable plan for the operational test and utility evaluation of systems for the Low-Cost Attributable Aircraft Technology (LCAAT) program of the Air Force; and

(2) provide to the congressional defense committees a briefing on the plan so submitted. Briefing.

SEC. 283. INDEPENDENT COMPARATIVE ANALYSIS OF EFFORTS BY CHINA AND THE UNITED STATES TO RECRUIT AND RETAIN RESEARCHERS IN NATIONAL SECURITY-RELATED AND DEFENSE-RELATED FIELDS.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies of Sciences, Engineering, and Medicine to perform the services covered by this section.

Deadline.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) REVIEW.—

Recommendations.

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies of Sciences, Engineering, and Medicine under this section, the National Academies of Sciences, Engineering, and Medicine shall carry out a comparative analysis of efforts by China and the United States Government to recruit and retain domestic and foreign researchers and develop recommendations for the Secretary of Defense and the heads of other Federal agencies as appropriate.

(2) ELEMENTS.—The comparative analysis carried out under paragraph (1) and the recommendations developed under such paragraph shall include the following:

Lists.

(A) A list of the "talent programs" used by China and a list of the incentive programs used by the United States to recruit and retain researchers in fields relating to national security or defense research.

(B) The types of researchers, scientists, other technical experts, and fields targeted by each talent program listed under subparagraph (A).

(C) The number of researchers in academia, the Department of Defense Science and Technology Reinvention Laboratories, and national security science and engineering programs of the National Nuclear Security Administration targeted by the talent programs listed under subparagraph (A).

(D) The number of personnel currently participating in the talent programs listed under subparagraph (A) and the number of researchers currently participating in the incentive programs listed under such subparagraph.

(E) The incentives offered by each of the talent programs listed under subparagraph (A) and a description of the incentives offered through incentive programs under such subparagraph to recruit and retain researchers, scientists, and other technical experts.

(F) A characterization of the national security, economic, and scientific benefits China gains through the talent programs listed under subparagraph (A) and a description of similar gains accrued to the United States through incentive programs listed under such subparagraph.

Risk assessment.

(G) An assessment of the risks to national security and benefits to the United States of scientific research cooperation between the United States and China, such as that which is performed under the agreement between the United States and the People's Republic of China known as the "Agreement between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology", signed in Washington on January 31, 1979, successor agreements, and similar agreements, administered by the Secretary of State and the heads of other Federal agencies.

List. Recommendations.

(H) A list of findings and recommendations relating to policies that can be implemented by the United States,

especially the Department of Defense and other appropriate Federal agencies, to improve the relative effectiveness of United States activities to recruit and retain researchers, scientists, and other technical experts relative to China.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the execution of an agreement under subsection (a), the National Academies of Sciences, Engineering, and Medicine shall—

(A) submit to the congressional defense committees a report on the findings National Academies of Sciences, Engineering, and Medicine with respect to the review carried out under this section and the recommendations developed under this section; and

(B) make available to the public on a publicly accessible website a version of report that is suitable for public viewing.

Public information. Web posting.

(2) FORM.—The report submitted under paragraph (1)(A) shall be submitted in unclassified form, but may include a classified annex.

Classified information.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions.
Sec. 312. Readiness and Environmental Protection Integration Program.
Sec. 313. Extension of real-time sound monitoring at Navy installations where tactical fighter aircraft operate.
Sec. 314. Modification of authority for environmental restoration projects of National Guard.
Sec. 315. Modification of authority to carry out military installation resilience projects.
Sec. 316. Energy resilience and energy security measures on military installations.
Sec. 317. Modification to availability of energy cost savings for Department of Defense.
Sec. 318. Increased transparency through reporting on usage and spills of aqueous film-forming foam at military installations.
Sec. 319. Native American lands environmental mitigation program.
Sec. 320. Study on alternatives to address impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on personnel, activities, and installations of Department of Defense.
Sec. 321. Pilot program on alternative fuel vehicle purchasing.
Sec. 322. Budgeting of Department of Defense relating to operational energy improvement.
Sec. 323. Assessment of Department of Defense operational energy usage.
Sec. 324. Improvement of the Operational Energy Capability Improvement Fund of the Department of Defense.
Sec. 325. Five-year reviews of containment technologies relating to Red Hill Bulk Fuel Storage Facility.
Sec. 326. Limitation on use of funds for acquisition of furnished energy for Rhine Ordnance Barracks Army Medical Center.
Sec. 327. Requirement to update Department of Defense adaptation roadmap.
Sec. 328. Department of Defense report on greenhouse gas emissions levels.
Sec. 329. Objectives, performance standards, and criteria for use of wildlife conservation banking programs.
Sec. 330. Prizes for development of non-PFAS-containing fire-fighting agent.
Sec. 331. Survey of technologies for Department of Defense application in phasing out the use of fluorinated aqueous film-forming foam.

Sec. 332. Interagency body on research related to per- and polyfluoroalkyl substances.
Sec. 333. Restriction on Department of Defense procurement of certain items containing perfluorooctane sulfonate or perfluorooctanoic acid.
Sec. 334. Research and development of alternative to aqueous film-forming foam.
Sec. 335. Notification to agricultural operations located in areas exposed to Department of Defense PFAS use.
Sec. 336. Reporting on energy savings performance contracts.
Sec. 337. Increase in funding for Centers for Disease Control Study on health implications of per- and polyfluoroalkyl substances contamination in drinking water.
Sec. 338. Guaranteeing Equipment Safety for Firefighters Act of 2020.
Sec. 339. Assessment of Department of Defense excess property programs with respect to need and wildfire risk.

Subtitle C—Logistics and Sustainment

Sec. 341. National Defense Sustainment and Logistics Review.
Sec. 342. Repeal of sunset for minimum annual purchase amount for carriers participating in the Civil Reserve Air Fleet.
Sec. 343. Additional elements for inclusion in Navy ship depot maintenance budget report.
Sec. 344. Clarification of limitation on length of overseas forward deployment of currently deployed naval vessels.
Sec. 345. Independent advisory panel on weapon system sustainment.
Sec. 346. Biannual briefings on status of Shipyard Infrastructure Optimization Plan.
Sec. 347. Materiel readiness metrics and objectives for major weapon systems.
Sec. 348. Repeal of statutory requirement for notification to Director of Defense Logistics Agency three years prior to implementing changes to any uniform or uniform component.

Subtitle D—Munitions Safety and Oversight

Sec. 351. Chair of Department of Defense explosive safety board.
Sec. 352. Explosive Ordnance Disposal Defense Program.
Sec. 353. Assessment of resilience of Department of Defense munitions enterprise.
Sec. 354. Report on safety waivers and mishaps in Department of Defense munitions enterprise.

Subtitle E—Other Matters

Sec. 361. Pilot program for temporary issuance of maternity-related uniform items.
Sec. 362. Servicewomen's Commemorative Partnerships.
Sec. 363. Biodefense analysis and budget submission.
Sec. 364. Update of National Biodefense Implementation Plan.
Sec. 365. Plans and reports on emergency response training for military installations.
Sec. 366. Inapplicability of congressional notification and dollar limitation requirements for advance billings for certain background investigations.
Sec. 367. Adjustment in availability of appropriations for unusual cost overruns and for changes in scope of work.
Sec. 368. Requirement that Secretary of Defense implement security and emergency response recommendations relating to active shooter or terrorist attacks on installations of Department of Defense.
Sec. 369. Clarification of food ingredient requirements for food or beverages provided by the Department of Defense.
Sec. 370. Commission on the naming of items of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE FOR REVIEW OF MISSION OBSTRUCTIONS.

Section 183a(c) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "If the Clearinghouse" and inserting "(A) If the Clearinghouse"; and

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

"(B) After the Clearinghouse issues a notice under subparagraph (A) with respect to an energy project, the parties should seek to identify feasible and affordable actions that can be taken by the Department, the developer of such energy project, or others to mitigate any adverse impact on military operations and readiness.";

(2) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) If, after issuing the notices of presumed risk required by paragraphs (2) and (3), the Secretary of Defense later concludes for any reason that the energy project will not have an adverse impact on military readiness, the Clearinghouse shall notify the applicant and the governor in writing of that conclusion."; and Notification.

(4) in paragraph (7), as so redesignated, by striking "Any setback for a project pursuant to the previous sentence shall not be more than what is determined to be necessary by a technical analysis conducted by the Lincoln Laboratory at the Massachusetts Institute of Technology or any successor entity.".

SEC. 312. READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM.

(a) USE OF FUNDS.—Section 2684a(i) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Funds obligated to carry out an agreement under this section shall be available for use with regard to any property in the geographic scope specified in the agreement—

"(A) at the time the funds are obligated; and

"(B) in any subsequent modification to the agreement.".

(b) CLARIFICATION OF REFERENCES TO ELIGIBLE ENTITIES.—

(1) DEFINITION.—Subsection (b) of section 2684a of title 10, United States Code, is amended, in the matter preceding paragraph (1), by striking "An agreement under this section may be entered into with" and inserting "For purposes of this section, an eligible entity is".

(2) ACQUISITION OF PROPERTY AND INTERESTS.—Subsection (d)(1) of such section is amended by striking "the entity or entities" each place it appears and inserting "an eligible entity or entities".

(3) RETROACTIVE APPLICATION.—The amendments made by paragraphs (1) and (2) shall apply to any agreement entered into under section 2684a of title 10, United States Code, on or after December 2, 2002. Effective date. 10 USC 2684a note.

(c) FACILITATING AGREEMENTS WITH OTHER FEDERAL AGENCIES TO LIMIT ENCROACHMENTS.—Section 2684a(d)(5) of title 10, United States Code, is amended—

(1) in the second sentence of subparagraph (A), by inserting "or another Federal agency" after "to a State" both places it appears; and

(2) by striking subparagraph (B) and inserting the following:

Notice.

"(B) Notwithstanding subparagraph (A), if all or a portion of the property or interest acquired under the agreement is initially or subsequently transferred to a State or another Federal agency, before that State or other Federal agency may declare the property or interest in excess to its needs or propose to exchange the property or interest, the State or other Federal agency shall give the Secretary concerned reasonable advance notice of its intent. If the Secretary concerned determines it necessary to preserve the purposes of this section, the Secretary concerned may request that administrative jurisdiction over the property be transferred to the Secretary concerned at no cost, and, upon such a request being made, the administrative jurisdiction over the property shall be transferred accordingly. If the Secretary concerned does not make such a request within a reasonable time period, all such rights of the Secretary concerned to request transfer of the property or interest shall remain available to the Secretary concerned with respect to future transfers or exchanges of the property or interest and shall bind all subsequent transferees.".

Determination.

SEC. 313. EXTENSION OF REAL-TIME SOUND MONITORING AT NAVY INSTALLATIONS WHERE TACTICAL FIGHTER AIRCRAFT OPERATE.

Section 325(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking "a 12-month period" and inserting "two 12-month periods, including one such period that begins in fiscal year 2021".

133 Stat. 1310.

SEC. 314. MODIFICATION OF AUTHORITY FOR ENVIRONMENTAL RESTORATION PROJECTS OF NATIONAL GUARD.

(a) IN GENERAL.—Section 2707(e) of title 10, United States Code, is amended—

(1) by striking "Notwithstanding" and inserting "(1) Notwithstanding";

(2) by inserting "where military activities are conducted by the National Guard of a State under title 32" after "facility"; and

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

"(2) The Secretary concerned may use the authority under section 2701(d) of this title to carry out environmental restoration projects under paragraph (1).".

(b) CORRECTION OF DEFINITION OF FACILITY.—Paragraph (1) of section 2700 of such title is amended—

(1) in subparagraph (A), by striking "(A) The terms" and inserting "The term"; and

(2) by striking subparagraph (B).

SEC. 315. MODIFICATION OF AUTHORITY TO CARRY OUT MILITARY INSTALLATION RESILIENCE PROJECTS.

(a) MODIFICATION OF AUTHORITY.—Section 2815 of title 10, United States Code is amended—

(1) in subsection (a), by inserting "(except as provided in subsections (d)(3) and (e))" before the period at the end;

(2) in subsection (c), by striking "A project" and inserting "Except as provided in subsection (e)(2), a project";

(3) by redesignating subsection (d) as subsection (f); and

(4) by inserting after subsection (c) the following new subsections:

"(d) LOCATION OF PROJECTS.—Projects carried out pursuant to this section may be carried out— Determinations.

"(1) on a military installation;

"(2) on a facility used by the Department of Defense that is owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, even if the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the facility is subject to significant use by the armed forces for testing or training; or District of Columbia. Territories.

"(3) outside of a military installation or facility described in paragraph (2) if the Secretary concerned determines that the project would preserve or enhance the resilience of—

"(A) a military installation;

"(B) a facility described in paragraph (2); or

"(C) community infrastructure determined by the Secretary concerned to be necessary to maintain, improve, or rapidly reestablish installation mission assurance and mission-essential functions.

"(e) ALTERNATIVE FUNDING SOURCE.—(1) In carrying out a project under this section, the Secretary concerned may use amounts available for operation and maintenance for the military department concerned if the Secretary concerned submits a notification to the congressional defense committees of the decision to carry out the project using such amounts and includes in the notification— Notification.

"(A) the current estimate of the cost of the project; Cost estimate.

"(B) the source of funds for the project; and

"(C) a certification that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be. Certification.

"(2) A project carried out under this section using amounts under paragraph (1) may be carried out only after the end of the 7-day period beginning on the date on which a copy of the notification described in paragraph (1) is provided in an electronic medium pursuant to section 480 of this title. Time period.

"(3) The maximum aggregate amount that the Secretary concerned may obligate from amounts available to the military department concerned for operation and maintenance in any fiscal year for projects under the authority of this subsection is $100,000,000.".

(b) CONSIDERATION OF MILITARY INSTALLATION RESILIENCE IN AGREEMENTS AND INTERAGENCY COOPERATION.—Section 2684a of such title is amended— 10 USC 2684a.

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) by striking clause (ii); and

(ii) in clause (i)—

(I) by striking "(i)"; and

(II) by striking "; or" and inserting a semicolon;

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

(C) by inserting after paragraph (2) the following new paragraph (3):

"(3) maintaining or improving military installation resilience; or"; and

(2) by amending subsection (h) to read as follows:

"(h) INTERAGENCY COOPERATION IN CONSERVATION AND RESILIENCE PROGRAMS TO AVOID OR REDUCE ADVERSE IMPACTS ON MILITARY INSTALLATION RESILIENCE AND MILITARY READINESS ACTIVITIES.—In order to facilitate interagency cooperation and enhance the effectiveness of actions that will protect the environment, military installation resilience, and military readiness, the recipient of funds provided pursuant to an agreement under this section or under the Sikes Act (16 U.S.C. 670 et seq.) may, with regard to the lands and waters within the scope of the agreement, use such funds to satisfy any matching funds or cost-sharing requirement of any conservation or resilience program of any Federal agency notwithstanding any limitation of such program on the source of matching or cost-sharing funds.".

SEC. 316. ENERGY RESILIENCE AND ENERGY SECURITY MEASURES ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2919 the following new section:

10 USC 2920.

"§ 2920. Energy resilience and energy security measures on military installations

"(a) ENERGY RESILIENCE MEASURES.—(1) The Secretary of Defense shall, by the end of fiscal year 2030, provide that 100 percent of the energy load required to maintain the critical missions of each installation have a minimum level of availability of 99.9 percent per fiscal year.

Standards.

"(2) The Secretary of Defense shall issue standards establishing levels of availability relative to specific critical missions, with such standards providing a range of not less than 99.9 percent availability per fiscal year and not more than 99.9999 percent availability per fiscal year, depending on the criticality of the mission.

"(3) The Secretary may establish interim goals to take effect prior to fiscal year 2025 to ensure the requirements under this subsection are met.

"(4) The Secretary of each military department and the head of each Defense Agency shall ensure that their organizations meet the requirements of this subsection.

Requirement.

"(b) PLANNING.—(1) The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to plan for the provision of energy resilience and energy security for installations.

"(2) Planning under paragraph (1) shall—

"(A) promote the use of multiple and diverse sources of energy, with an emphasis favoring energy resources originating on the installation such as modular generation;

"(B) promote installing microgrids to ensure the energy security and energy resilience of critical missions; and

"(C) favor the use of full-time, installed energy sources rather than emergency generation.

"(c) DEVELOPMENT OF INFORMATION.—The planning required by subsection (b) shall identify each of the following for each installation:

"(1) The critical missions of the installation.

"(2) The energy requirements of those critical missions.

"(3) The duration that those energy requirements are likely to be needed in the event of a disruption or emergency.

"(4) The current source of energy provided to those critical missions.

"(5) The duration that the currently provided energy would likely be available in the event of a disruption or emergency.

"(6) Any currently available sources of energy that would provide uninterrupted energy to critical missions in the event of a disruption or emergency.

"(7) Alternative sources of energy that could be developed to provide uninterrupted energy to critical missions in the event of a disruption or emergency.

"(d) TESTING AND MEASURING.—(1)(A) The Secretary of Defense shall require the Secretary of each military department and head of each Defense Agency to conduct monitoring, measuring, and testing to provide the data necessary to comply with this section. Requirements. Data. Compliance.

"(B) Any data provided under subparagraph (A) shall be made available to the Assistant Secretary of Defense for Sustainment upon request.

"(2)(A) The Secretary of Defense shall require that black start exercises be conducted to assess the energy resilience and energy security of installations for periods established to evaluate the ability of the installation to perform critical missions without access to off-installation energy resources. Assessments. Evaluations.

"(B) A black start exercise conducted under subparagraph (A) may exclude, if technically feasible, housing areas, commissaries, exchanges, and morale, welfare, and recreation facilities.

"(C) The Secretary of Defense shall—

"(i) provide uniform policy for the military departments and the Defense Agencies with respect to conducting black start exercises; and

"(ii) establish a schedule of black start exercises for the military departments and the Defense Agencies, with each military department and Defense Agency scheduled to conduct such an exercise on a number of installations each year sufficient to allow that military department or Defense Agency to meet the goals of this section, but in any event not fewer than five installations each year for each military department through fiscal year 2027.

"(D)(i) Except as provided in clause (ii), the Secretary of each military department shall, notwithstanding any other provision of law, conduct black start exercises in accordance with the schedule provided for in subparagraph (C)(ii), with any such exercise not to last longer than five days. Time period.

"(ii) The Secretary of a military department may conduct more black start exercises than those identified in the schedule provided for in subparagraph (C)(ii).

"(e) CONTRACT REQUIREMENTS.—For contracts for energy and utility services, the Secretary of Defense shall—

"(1) specify methods and processes to measure, manage, and verify compliance with subsection (a); and Verification. Compliance.

"(2) ensure that such contracts include requirements appropriate to ensure energy resilience and energy security, including requirements for metering to measure, manage, and verify energy consumption, availability, and reliability consistent with this section and the energy resilience metrics and standards under section 2911(b) of this title.

"(f) EXCEPTION.—This section does not apply to fuels used in aircraft, vessels, or motor vehicles.

Determination.

"(g) REPORT.—If by the end of fiscal year 2029, the Secretary determines that the Department will be unable to meet the requirements under subsection (a), not later than 90 days after the end of such fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing—

"(1) the projected shortfall;

"(2) reasons for the projected shortfall;

"(3) any statutory, technological, or monetary impediments to achieving such requirements;

"(4) any impact to readiness or ability to meet the national defense posture; and

"(5) any other relevant information as the Secretary considers appropriate.

"(h) DEFINITIONS.—In this section:

"(1) The term 'availability' means the availability of required energy at a stated instant of time or over a stated period of time for a specific purpose.

"(2) The term 'black start exercise' means an exercise in which delivery of energy provided from off an installation is terminated before backup generation assets on the installation are turned on. Such an exercise shall—

"(A) determine the ability of the backup systems to start independently, transfer the load, and carry the load until energy from off the installation is restored;

"(B) align organizations with critical missions to coordinate in meeting critical mission requirements;

"(C) validate mission operation plans, such as continuity of operations plans;

"(D) identify infrastructure interdependencies; and

"(E) verify backup electric power system performance.

"(3) The term 'critical mission'—

"(A) means those aspects of the missions of an installation, including mission essential operations, that are critical to successful performance of the strategic national defense mission;

"(B) may include operational headquarters facilities, airfields and supporting infrastructure, harbor facilities supporting naval vessels, munitions production and storage facilities, missile fields, radars, satellite control facilities, cyber operations facilities, space launch facilities, operational communications facilities, and biological defense facilities; and

"(C) does not include military housing (including privatized military housing), morale, welfare, and recreation facilities, exchanges, commissaries, or privately owned facilities.

"(4) The term 'energy' means electricity, natural gas, steam, chilled water, and heated water.

"(5) The term 'installation' has the meaning given the term 'military installation' in section 2801(c)(4) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by inserting after the item relating to section 2919 the following new item: 10 USC prec. 2911.

"2920. Energy resilience and energy security measures on military installations.".

SEC. 317. MODIFICATION TO AVAILABILITY OF ENERGY COST SAVINGS FOR DEPARTMENT OF DEFENSE.

Section 2912(a) of title 10, United States Code, is amended by inserting "and, in the case of operational energy, from both training and operational missions," after "under section 2913 of this title,".

SEC. 318. INCREASED TRANSPARENCY THROUGH REPORTING ON USAGE AND SPILLS OF AQUEOUS FILM-FORMING FOAM AT MILITARY INSTALLATIONS.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2712. Reporting on usage and spills of aqueous film-forming foam Deadlines. 10 USC 2712.

"(a) IN GENERAL.—Not later than 48 hours after the Deputy Assistant Secretary of Defense for Environment receives notice of the usage or spill of aqueous film forming foam, either as concentrate or mixed foam, at any military installation, the Deputy Assistant Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives notice of a usage or spill of greater than 10 gallons of concentrate, or greater than 300 gallons of mixed foam. Each such notice shall include each of the following information: Notice.

"(1) The name of the installation where the usage or spill occurred.

"(2) The date on which the usage or spill occurred.

"(3) The amount, type, and specified concentration of aqueous film-forming foam that was used or spilled.

"(4) The cause of the usage or spill.

"(5) A summary narrative of the usage or spill. Summary.

"(b) ACTION PLAN.—Not later than 60 days after submitting notice of a usage or spill under subsection (a), the Deputy Assistant Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an action plan for addressing such usage or spill. The action plan shall include the following:

"(1) A description of what actions have been taken to arrest and clean up a spill.

"(2) A description of any coordination with relevant local and State environmental protection agencies.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: 10 USC prec. 2700.

"2712. Reporting on usage and spills of aqueous film-forming foam.".

SEC. 319. NATIVE AMERICAN LANDS ENVIRONMENTAL MITIGATION PROGRAM.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, as amended by section 318(a), is further amended by adding at the end the following new section:

10 USC 2713.

"§ 2713. Native American lands environmental mitigation program

"(a) ESTABLISHMENT.—The Secretary of Defense may establish and carry out a program to mitigate the environmental effects of actions by the Department of Defense on Indian lands and on other locations where the Department, an Indian tribe, and the current land owner agree that such mitigation is appropriate.

"(b) PROGRAM ACTIVITIES.—The activities that may be carried out under the program established under subsection (a) are the following:

"(1) Identification, investigation, and documentation of suspected environmental effects attributable to past actions by the Department of Defense.

Cost estimates.

"(2) Development of mitigation options for such environmental effects, including development of cost-to-complete estimates and a system for prioritizing mitigation actions.

Determination.

"(3) Direct mitigation actions that the Secretary determines are necessary and appropriate to mitigate the adverse environmental effects of past actions by the Department.

"(4) Demolition and removal of unsafe buildings and structures used by, under the jurisdiction of, or formerly used by or under the jurisdiction of the Department.

"(5) Training, technical assistance, and administrative support to facilitate the meaningful participation of Indian tribes in mitigation actions under the program.

Consultation.

"(6) Development and execution of a policy governing consultation with Indian tribes that have been or may be affected by action by the Department, including training personnel of the Department to ensure compliance with the policy.

"(c) COOPERATIVE AGREEMENTS.—(1) In carrying out the program established under subsection (a), the Secretary of Defense may enter into a cooperative agreement with an Indian tribe or an instrumentality of tribal government.

"(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit of the United States Government.

Time period.

"(3) A cooperative agreement under this section for the procurement of severable services may begin in one fiscal year and end in another fiscal year only if the total period of performance does not exceed two calendar years.

"(d) DEFINITIONS.—In this section:

"(1) The term 'Indian land' includes—

"(A) any land located within the boundaries and a part of an Indian reservation, pueblo, or rancheria;

"(B) any land that has been allotted to an individual Indian but has not been conveyed to such Indian with full power of alienation;

"(C) Alaska Native village and regional corporation lands; and

"(D) lands and waters upon which any federally recognized Indian tribe has rights reserved by treaty, Act of Congress, or action by the President.

"(2) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(e) LIMITATION.—Nothing in this section shall be interpreted to require, compel, or otherwise authorize access to any lands without the landowner's consent.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 160 of such title, as amended by section 318(b), is further amended by inserting after the item relating to section 2712 the following new item: 10 USC prec. 2700.

"2713. Native American lands environmental mitigation program.".

SEC. 320. STUDY ON ALTERNATIVES TO ADDRESS IMPACTS OF TRANSBOUNDARY FLOWS, SPILLS, OR DISCHARGES OF POLLUTION OR DEBRIS FROM THE TIJUANA RIVER ON PERSONNEL, ACTIVITIES, AND INSTALLATIONS OF DEPARTMENT OF DEFENSE.

(a) STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Administrator of the Environmental Protection Agency, the Secretary of State, and the United States Commissioner of the International Boundary and Water Commission, shall develop criteria for the selection of project alternatives to address the impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River on the personnel, activities, and installations of the Department of Defense. Deadline. Coordination. Criteria.

(b) ELEMENTS.—The projects referred to in subsection (b) shall address the short-term, long-term, primary, and secondary impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River and include recommendations to mitigate such impacts. Recommendations.

SEC. 321. PILOT PROGRAM ON ALTERNATIVE FUEL VEHICLE PURCHASING. 10 USC note prec. 2922.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy and the Administrator of the General Services Administration, shall carry out a pilot program under which the Secretary of Defense may, notwithstanding section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374), purchase new alternative fuel vehicles for which the initial cost of such vehicles exceeds the initial cost of a comparable gasoline or diesel fueled vehicle by not more than 10 percent. Coordination.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than 2 facilities or installations of each military department in the continental United States that—

(A) have the largest total number of attached noncombat vehicles as compared to other facilities or installations of the Department of Defense; and

(B) are located within 20 miles of public or private refueling or recharging stations.

(2) AIR FORCE LOGISTICS CENTER.—One of the facilities or installations selected under paragraph (1) shall be an Air Force Logistics Center.

(c) ALTERNATIVE FUEL VEHICLE DEFINED.—In this section, the term "alternative fuel vehicle" includes a vehicle that uses—

(1) a fuel or power source described in the first sentence of section 241(2)of the Clean Air Act (42 U.S.C. 7581(2)); or

(2) propane.

10 USC 221 note.

SEC. 322. BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO OPERATIONAL ENERGY IMPROVEMENT.

The Secretary of Defense shall include in the annual budget submission of the President under section 1105(a) of title 31, United States Code, a dedicated budget line item for fielding operational energy improvements, including such improvements for which funds from the Operational Energy Capability Improvement Fund have been expended to create the operational and business case for broader employment.

SEC. 323. ASSESSMENT OF DEPARTMENT OF DEFENSE OPERATIONAL ENERGY USAGE.

Deadline.
Contracts.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a federally funded research and development center with relevant expertise under which such center shall conduct an assessment of Department of Defense operational energy usage, including an agency-wide view and breakdowns of progress by service branch.

Analyses.

(b) ELEMENTS.—The assessment required under subsection (a) shall include—

(1) an analysis of the extent to which the Department of Defense developed an integrated operational energy strategy and the extent to which each of the military departments has implemented such strategy;

(2) an analysis of the viability of implementing net zero initiatives within the operational energy enterprise without negatively impacting mission capability;

(3) an analysis of ways to overcome contested logistics challenges such as the tyranny of distance within the United States Indo-Pacific Command, including—

Strategies.

(A) strategies to improve the energy production, storage, and distribution system that enhance logistics supply chain resiliency; and

(B) ways to reduce the demand for resupply to decrease the strain on the logistics supply chain; and

(4) an analysis of the integration between energy offices with program offices, budget, and operational planners within the Department of Defense and military departments, and recommendations for improving coordination.

Classified information.

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

SEC. 324. IMPROVEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND OF THE DEPARTMENT OF DEFENSE.

10 USC 2911 note.

(a) MANAGEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND.—The Assistant Secretary of Defense for Energy, Installations, and Environment shall exercise authority, direction, and control over the Operational Energy Capability Improvement Fund of the Department of Defense (in this section referred to as the "OECIF").

(b) ALIGNMENT AND COORDINATION WITH RELATED PROGRAMS.—

(1) REALIGNMENT OF OECIF.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall realign the OECIF under the Assistant Secretary of Defense for Energy, Installations, and Environment, with such realignment to include personnel positions adequate for the mission of the OECIF.

Deadline.

(2) BETTER COORDINATION WITH RELATED PROGRAMS.—The Assistant Secretary shall ensure that the placement under the authority of the Assistant Secretary of the OECIF along with the Strategic Environmental Research Program, the Environmental Security Technology Certification Program, and the Operational Energy Prototyping Program is utilized to advance common goals of the Department, promote organizational synergies, and avoid unnecessary duplication of effort.

(c) PROGRAM FOR OPERATIONAL ENERGY PROTOTYPING.—

(1) IN GENERAL.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Assistant Secretary of Defense for Energy, Installations, and Environment, shall carry out a program for the demonstration of technologies related to operational energy prototyping, including demonstration of operational energy technology and validation prototyping.

Deadline.

(2) OPERATION OF PROGRAM.—The Secretary shall ensure that the program under paragraph (1) operates in conjunction with the OECIF to promote the transfer of innovative technologies that have successfully established proof of concept for use in production or in the field.

(3) PROGRAM ELEMENTS.—In carrying out the program under paragraph (1) the Secretary shall—

(A) identify and demonstrate the most promising, innovative, and cost-effective technologies and methods that address high-priority operational energy requirements of the Department of Defense;

(B) in conducting demonstrations under subparagraph (A)—

(i) collect cost and performance data to overcome barriers against employing an innovative technology because of concerns regarding technical or programmatic risk; and

(ii) ensure that components of the Department have time to establish new requirements where necessary and plan, program, and budget for technology transition to programs of record;

(C) utilize project structures similar to those of the OECIF to ensure transparency and accountability throughout the efforts conducted under the program; and

(D) give priority, in conjunction with the OECIF, to the development and fielding of clean technologies that reduce reliance on fossil fuels.

(4) TOOL FOR ACCOUNTABILITY AND TRANSITION.—

(A) IN GENERAL.—In carrying out the program under paragraph (1) the Secretary shall develop and utilize a tool to track relevant investments in operational energy from applied research to transition to use to ensure user organizations have the full picture of technology maturation and development.

(B) TRANSITION.—The tool developed and utilized under subparagraph (A) shall be designed to overcome transition challenges with rigorous and well-documented demonstrations that provide the information needed by all stakeholders for acceptance of the technology.

(5) LOCATIONS.—

Evaluation.

(A) IN GENERAL.—The Secretary shall carry out the testing and evaluation phase of the program under paragraph (1) at installations of the Department of Defense or in conjunction with exercises conducted by the Joint Staff, a combatant command, or a military department.

(B) FORMAL DEMONSTRATIONS.—The Secretary shall carry out any formal demonstrations under the program under paragraph (1) at installations of the Department or in operational settings to document and validate improved warfighting performance and cost savings.

SEC. 325. FIVE-YEAR REVIEWS OF CONTAINMENT TECHNOLOGIES RELATING TO RED HILL BULK FUEL STORAGE FACILITY.

(a) REVIEWS.—

(1) REVIEWS REQUIRED.—At least once every 5 years, concurrently with the Department of the Navy's Tank Upgrade Alternative (TUA) decision review, the Secretary of the Navy shall conduct a review of available technologies relating to the containment of fuel to determine whether any such technology may be used to improve the containment of fuel with respect to storage tanks located at the Red Hill Bulk Fuel Storage Facility, Hawaii.

(2) DEADLINE FOR INITIAL REVIEW.—The Secretary shall conduct the first review under paragraph (1) concurrent with the first TUA decision review conducted after the date of the enactment of this Act.

Deadline.

(b) BRIEFINGS.—Not later than 60 days after the date on which a review conducted under subsection (a) is completed, the Secretary shall provide to the congressional defense committees a briefing on—

(1) any technology identified in such review that the Secretary determines may be used to improve the containment of fuel with respect to storage tanks located at the Red Hill Bulk Fuel Storage Facility; and

(2) the feasibility and cost of implementing any such technology at the Red Hill Bulk Fuel Storage Facility.

Determination.

(c) TERMINATION.—The requirements to conduct reviews under subsection (a) and provide briefings under subsection (b) shall terminate on the date on which the Red Hill Bulk Fuel Storage Facility ceases operation, as determined by the Secretary of the Navy.

SEC. 326. LIMITATION ON USE OF FUNDS FOR ACQUISITION OF FURNISHED ENERGY FOR RHINE ORDNANCE BARRACKS ARMY MEDICAL CENTER.

Contracts. Certification. Russia.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of Defense may be used to enter into a contract for the acquisition of furnished energy for the new Rhine Ordnance Barracks Army Medical Center (hereafter referred to as the "Medical Center") before the date on which Secretary of Defense submits to the congressional defense committees a written certification that the Medical Center does not use any energy sourced from inside the Russian Federation as a means of generating the furnished energy.

SEC. 327. REQUIREMENT TO UPDATE DEPARTMENT OF DEFENSE ADAPTATION ROADMAP.

Deadline.

(a) IN GENERAL.—Not later than February 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an update to the Department of Defense 2014 Adaptation Roadmap. Such update shall include an outline of the strategy and implementation plan of the Department to address the current and foreseeable effects of extreme weather and sea level fluctuations on the mission of the Department of Defense.

Strategy. Implementation plan.

(b) ELEMENTS OF STRATEGY AND IMPLEMENTATION PLAN.—The strategy and implementation plan required to be included in the update under subsection (a) shall include—

(1) a description of the overarching approach of the Department to extreme weather, sea level fluctuations, and associated mitigation measures; and

(2) a discussion of the current and foreseeable effects of extreme weather and seal level fluctuations on—

(A) plans and operations, including—

(i) military readiness;

(ii) increased frequency, if any, of extreme weather events, including flooding, drought, desertification, wildfires, thawing permafrost, hurricanes, and extreme heat;

(iii) geopolitical instability, if any, caused by climate events, including extreme weather;

(iv) increased demand, if any for Defense Support for Civil Authorities and disaster or humanitarian relief operations;

(v) the operating environment of the Arctic and of the strategic and geopolitical implications of an ice-free Arctic Ocean; and

(vi) alteration or limitation on operation environments;

(B) training and testing, including—

(i) changes in land carrying capacity;

(ii) increased maintenance and repair requirements for equipment and infrastructure;

(iii) mitigation of heat stress and heat-related illnesses resulting from increasing temperatures;

(iv) increased dust generation and fire hazards; and

(v) maintaining testing and training capacity to support increased operations and civil support missions;

(C) built and natural infrastructure, including—

(i) military installation resilience, as such term is defined in section 101(e)(8) of title 10, United States Code, of installations both within and outside the United States and its possessions and territories and of the State-owned National Guard installations of the several States;

(ii) resilience of the air and sea ports of our allies and partners that are critical to the training, deployment, and operations of the Armed Forces of the United States and its allies and partners;

(iii) resilience of the deployment system and structure of the Department of Defense and of the United States, including the strategic highway network, the strategic rail network, and designated strategic air and sea ports;

(iv) best practices for modeling and mitigating risks posed to military installations by increased inundation, erosion, flood, wind, and fire damage;

(v) changing energy demand at military installations to include heating and cooling, particularly in communities experiencing grid stress;

(vi) disruption and competition for reliable energy and water resources;

(vii) increased maintenance and sustainment costs;

(viii) damage to natural and constructed infrastructure from thawing permafrost and sea ice; and

(ix) the effects of extreme weather and sea level fluctuations on community support infrastructure, including roads, transportation hubs, and medical facilities;

(D) acquisition and supply chain, including—

(i) measures to ensure that the current and projected future scale and impacts of extreme weather and sea level fluctuations are fully considered in the research, development, testing, and acquisition of major weapon systems and of associated supplies and equipment;

(ii) required alterations of stockpiles;

(iii) reduced or changed availability and access to materials, equipment, and supplies, including water and food sources;

(iv) disruptions in fuel availability and distribution;

(v) estimated investments required to address foreseeable costs incurred or influenced by extreme weather and sea level fluctuations for each of the lines of effort in this report, to include extreme weather response, over the next 5, 10, and 20 years, with topline estimates and a qualitative discussion of cost drivers for each; and

(vi) equipment and infrastructure investments required to address a changing Arctic environment; and

(E) such other matters as the Secretary determines appropriate; and

(c) ASSESSMENTS AND PROJECTIONS.—In preparing the update as required under subsection (a), the Secretary shall consider—

(1) climate projections from the Global Change Research Office, National Climate Assessment, the National Oceanic and Atmospheric Administration, and other Federal agencies; and

(2) data on, and analysis of, the national security effects of climate prepared by the Climate Security Advisory Council of the Office of the Director of National Intelligence established pursuant to section 120 of the National Security Act of 1947 (50 U.S.C. 3060) and by other elements of the intelligence community.

Data.
Analysis.

(d) FORM.—The update to the adaptation roadmap required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex. If the Secretary determines that the inclusion of a classified annex is necessary, the Secretary shall conduct an in-person briefing for Members of the Committees on Armed Services of the Senate and House of Representatives by not later than 90 days after the date of the submission of the update.

Classified information.
Determination.
Briefing.
Deadline.

SEC. 328. DEPARTMENT OF DEFENSE REPORT ON GREENHOUSE GAS EMISSIONS LEVELS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Comptroller General a report on the total level of greenhouse gas emissions for each of the last 10 fiscal years. Such emissions levels shall include the agency-wide total, breakdowns by military department, and delineations between installation and operational emissions.

Time period.

(b) FORM OF REPORT.—The report required under this section shall be submitted in unclassified form, but may contain a classified annex.

Classified information.

SEC. 329. OBJECTIVES, PERFORMANCE STANDARDS, AND CRITERIA FOR USE OF WILDLIFE CONSERVATION BANKING PROGRAMS.

16 USC 1536 note.

(a) IN GENERAL.—To ensure opportunities for Department of Defense participation in wildlife conservation banking programs pursuant to section 2694c of title 10, United States Code, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall issue regulations of general applicability establishing objectives, measurable performance standards, and criteria for use, consistent with the Endangered Species Act (16 U.S.C. 1531 et seq.), for mitigation banking offsetting effects on a species, or habitat of such species, that is endangered, threatened, a candidate for listing, or otherwise at risk under such Act. To the maximum extent practicable, the regulatory standards and criteria shall maximize available credits and opportunities for mitigation, provide flexibility for characteristics of various species, and apply equivalent standards and criteria to all mitigation banks.

Regulations.

(b) DEADLINE FOR REGULATIONS.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall publish an advance notice of proposed rulemaking for the regulations required by subsection (a) by not later than 1 year after the date of the enactment of this Act.

Publication.
Notice.

10 USC note prec. 2661.

SEC. 330. PRIZES FOR DEVELOPMENT OF NON-PFAS-CONTAINING FIRE-FIGHTING AGENT.

(a) AUTHORITY.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Sustainment and the Strategic Environmental Research and Development Program, may carry out a program to award cash prizes and other types of prizes that the Secretary determines are appropriate to recognize outstanding achievements in the development of a non-PFAS-containing fire-fighting agent to replace aqueous film-forming foam with the potential for application to the performance of the military missions of the Department of Defense.

(b) COMPETITION REQUIREMENTS.—A program under subsection (a) shall use a competitive process for the selection of recipients of cash prizes. The process shall include the widely-advertised solicitation of submissions of research results, technology developments, and prototypes.

Applicability. Approval.

(c) LIMITATIONS.—The following limitations shall apply to a program under subsection (a):

(1) No prize competition may result in the award of a prize with a fair market value of more than $5,000,000.

(2) No prize competition may result in the award of more than $1,000,000 in cash prizes without the approval of the Assistant Secretary of Defense for Sustainment.

(3) No prize competition may result in the award of a solely nonmonetary prize with a fair market value of more than $10,000 without the approval of the Assistant Secretary of Defense for Sustainment.

(d) RELATIONSHIP TO OTHER AUTHORITY.—A program under subsection (a) may be carried out in conjunction with or in addition to the exercise of any other authority of the Department of Defense.

(e) USE OF PRIZE AUTHORITY.—Use of prize authority under this section shall be considered the use of competitive procedures for the purposes of section 2304 of title 10, United States Code.

(f) PFAS DEFINED.—In this section, the term "PFAS" means—

(1) man-made chemicals of which all of the carbon atoms are fully fluorinated carbon atoms; and

(2) man-made chemicals containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on October 1, 2024.

SEC. 331. SURVEY OF TECHNOLOGIES FOR DEPARTMENT OF DEFENSE APPLICATION IN PHASING OUT THE USE OF FLUORINATED AQUEOUS FILM-FORMING FOAM.

(a) SURVEY OF TECHNOLOGIES.—The Secretary of Defense shall conduct a survey of relevant technologies, other than fire-fighting agent solutions, to determine whether any such technologies are available and can be adapted for use by the Department of Defense to facilitate the phase-out of fluorinated aqueous film-forming foam. The technologies surveyed under this subsection shall include hangar flooring systems, fire-fighting agent delivery systems, containment systems, and other relevant technologies the Secretary determines appropriate.

Deadline.

(b) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall provide the congressional defense

committees a briefing on the results of the survey conducted under subsection (a). The briefing shall include—

(1) a description of the technologies included in the survey;

(2) a list of the technologies that were considered for further testing or analysis; and List.

(3) any technologies that are undergoing additional analysis for possible application within the Department.

SEC. 332. INTERAGENCY BODY ON RESEARCH RELATED TO PER- AND POLYFLUOROALKYL SUBSTANCES. 15 USC 8963.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish, or designate, an interagency working group to coordinate Federal activities related to PFAS research and development.

(b) AGENCY PARTICIPATION.—The interagency working group shall include a representative of each of—

(1) the Environmental Protection Agency;

(2) the National Institute of Environmental Health Sciences;

(3) the Agency for Toxic Substances and Disease Registry;

(4) the National Science Foundation;

(5) the Department of Defense;

(6) the National Institutes of Health;

(7) the National Institute of Standards and Technology;

(8) the National Oceanic and Atmospheric Administration;

(9) the Department of the Interior;

(10) the Department of Transportation;

(11) the Department of Homeland Security;

(12) the National Aeronautics and Space Administration;

(13) the National Toxicology Program;

(14) the Department of Agriculture;

(15) the Geological Survey;

(16) the Department of Commerce;

(17) the Department of Energy;

(18) the Office of Information and Regulatory Affairs;

(19) the Office of Management and Budget; and

(20) any such other Federal department or agency as the Director of the Office of Science and Technology Policy considers appropriate.

(c) CO-CHAIRS.—The Interagency working group shall be co-chaired by the Director of the Office of Science and Technology Policy and, on a biannual rotating basis, a representative from a member agency, as selected by the Director of the Office of Science and Technology Policy.

(d) RESPONSIBILITIES OF THE WORKING GROUP.—The interagency working group established under subsection (a) shall—

(1) provide for interagency coordination of federally funded PFAS research and development; and

(2) not later than 12 months after the date of enactment of this Act, develop and make publicly available a strategic plan for Federal support for PFAS research and development (to be updated not less frequently than once every three years) that— Deadline. Public information. Strategic plan. Update. Time period.

(A) identifies all current federally funded PFAS research and development, including the nature and scope of such research and development and the amount of

funding associated with such research and development during the current fiscal year, disaggregated by agency;

Time period.

(B) identifies all federally funded PFAS research and development having taken place in the last three years, excluding the research listed under subparagraph (A), including the nature and scope of such research and development and the amount of funding associated with such research and development during the current fiscal year, disaggregated by agency;

(C) identifies scientific and technological challenges that must be addressed to understand and to significantly reduce the environmental and human health impacts of PFAS and to identify cost-effective—

(i) alternatives to PFAS that are designed to be safer and more environmentally friendly;

(ii) methods for removal of PFAS from the environment; and

(iii) methods to safely destroy or degrade PFAS;

(D) establishes goals, priorities, and metrics for federally funded PFAS research and development that takes into account the current state of research and development identified in subparagraph (A) and the challenges identified in subparagraph (C); and

Implementation plan.

(E) an implementation plan for Federal agencies and, for each update to the strategic plan under this paragraph, a description of how Federal agencies have been following the implementation plan.

(e) CONSULTATION.—In developing the strategic plan under subsection (d)(2), the interagency working group shall consult with States, tribes, territories, local governments, appropriate industries, academic institutions and nongovernmental organizations with expertise in PFAS research and development, treatment, management, and alternative development.

(f) SUNSET.—The strategic plan requirement described under section (d)(2) shall cease on the date that is 20 years after the initial strategic plan is developed.

(g) DEFINITIONS.—In this section:

(1) PFAS.—The term "PFAS" means—

(A) man-made chemicals of which all of the carbon atoms are fully fluorinated carbon atoms; and

(B) man-made chemicals containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

(2) PFAS RESEARCH AND DEVELOPMENT DEFINED.—The term "PFAS research and development" includes any research or project that has the goal of accomplishing the following:

(A) The removal of PFAS from the environment.

(B) The safe destruction or degradation of PFAS.

(C) The development and deployment of safer and more environmentally friendly alternative substances that are functionally similar to those made with PFAS.

(D) The understanding of sources of environmental PFAS contamination and pathways to exposure for the public.

(E) The understanding of the toxicity of PFAS to humans and animals.

SEC. 333. RESTRICTION ON DEPARTMENT OF DEFENSE PROCUREMENT OF CERTAIN ITEMS CONTAINING PERFLUOROOCTANE SULFONATE OR PERFLUOROOCTANOIC ACID.

10 USC 3062 note.

(a) PROHIBITION.—The Department of Defense may not procure any covered item that contains perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA).

(b) DEFINITIONS.—In this section, the term "covered item" means—

(1) nonstick cookware or cooking utensils for use in galleys or dining facilities; and

(2) upholstered furniture, carpets, and rugs that have been treated with stain-resistant coatings.

(c) EFFECTIVE DATE.—This section shall take effect on April 1, 2023.

SEC. 334. RESEARCH AND DEVELOPMENT OF ALTERNATIVE TO AQUEOUS FILM-FORMING FOAM.

10 USC note prec. 2661.

(a) IN GENERAL.—The Secretary of Defense, acting through the National Institute of Standards and Technology and in consultation with appropriate stakeholders and manufactures, research institutions, and other Federal agencies shall award grants and carry out other activities to—

Consultation. Grants.

(1) promote and advance the research and development of additional alternatives to aqueous film-forming foam (in this section referred to as "AFFF") containing per- and polyfluoroalkyl substances (in this section referred to as "PFAS") to facilitate the development of a military specification and subsequent fielding of a PFAS-free fire-fighting foam;

(2) advance the use of green and sustainable chemistry for a fluorine-free alternative to AFFF;

(3) increase opportunities for sharing best practices within the research and development sector with respect to AFFF;

(4) assist in the testing of potential alternatives to AFFF; and

(5) provide guidelines on priorities with respect to an alternative to AFFF.

Guidelines.

(b) ADDITIONAL REQUIREMENTS.—In carrying out the program required under subsection (a), the Secretary shall—

(1) take into consideration the different uses of AFFF and the priorities of the Department of Defense in finding an alternative;

(2) prioritize green and sustainable chemicals that do not pose a threat to public health or the environment; and

(3) use and leverage research from existing Department of Defense programs.

(c) REPORT.—The Secretary shall submit to Congress a report on—

(1) the priorities and actions taken with respect to finding an alternative to AFFF and the implementation of such priorities; and

(2) any alternatives the Secretary has denied, and the reason for any such denial.

(d) USE OF FUNDS.—This section shall be carried out using amounts authorized to be available for the Strategic Environmental Research and Development Program.

10 USC 2701 note.

SEC. 335. NOTIFICATION TO AGRICULTURAL OPERATIONS LOCATED IN AREAS EXPOSED TO DEPARTMENT OF DEFENSE PFAS USE.

Deadline. Consultation.

(a) NOTIFICATION REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall provide a notification described in subsection (b) to any agricultural operation located within one mile down gradient of a military installation or National Guard facility where covered PFAS—

(1) has been detected in groundwater;

(2) has been hydrologically linked to a local agricultural or drinking water source, including a water well; and

(3) is suspected to be, or known to be, the result of the use of PFAS at an installation of the Department of Defense located in the United States or State-owned facility of the National Guard.

(b) NOTIFICATION REQUIREMENTS.—The notification required under subsection (a) shall include the following information:

(1) The name of the Department of Defense installation or National Guard facility from which the covered PFAS in groundwater originated.

(2) The specific covered PFAS detected in groundwater.

(3) The levels of the covered PFAS detected.

(4) Relevant governmental information regarding the health and safety of the covered PFAS detected, including relevant Federal or State standards for PFAS in groundwater, livestock, food commodities and drinking water, and any known restrictions for sale of agricultural products that have been irrigated or watered with water containing PFAS.

Deadline.

(c) ADDITIONAL TESTING RESULTS.—The Secretary of Defense shall provide to an agricultural operation that receives a notice under subsection (a) any pertinent updated information, including any results of new elevated testing, by not later than 15 days after receiving validated test results.

Time period.

(d) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of providing notice under subsection (a). Such report shall include, for the period covered by the report—

(1) the approximate locations of such operations relative to installations of the Department of Defense located in the United States and State-owned facilities of the National Guard;

(2) the covered PFAS detected in groundwater; and

(3) the levels of covered PFAS detected.

(e) DEFINITIONS.—In this section:

(1) The term "covered PFAS" means each of the following:

(A) Perfluorooctanoic acid (commonly referred to as "PFOA") (Chemical Abstracts Service No. 335–67–1) detected in groundwater above 70 parts per trillion, individually or in combination with PFOS.

(B) Perfluorooctane sulfonic acid (commonly referred to as "PFOS") (Chemical Abstracts Service No. 1763–23–1) detected in groundwater above 70 parts per trillion, individually or in combination with PFOA.

(C) Perfluorobutanesulfonic acid (commonly referred to as "PFBS") (Chemical Abstracts Service No. 375–73–5) detected in groundwater above 40 parts per billion.

(2) The term "PFAS" means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom, including the chemical GenX.

SEC. 336. REPORTING ON ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Section 2925(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) A description of the use of energy savings performance contracts (in this paragraph referred to as 'ESPCs') by the Department of Defense, including—

"(A) the total investment value of the total number of ESPCs per service for the previous five fiscal years;

"(B) the location of facilities with ESPCs for the previous five fiscal years;

"(C) any limitations on expanding ESPCs throughout the Department of Defense;

"(D) the effect ESPCs have on military readiness; and

"(E) any additional information the Secretary determines relevant.".

(b) APPLICABILITY.—The reporting requirement under paragraph (7) of section 2925(a) of title 10, United States Code, as added by subsection (a) of this section, applies to reports submitted under such section 2925 for fiscal year 2021 and thereafter. 10 USC 2925 note.

SEC. 337. INCREASE IN FUNDING FOR CENTERS FOR DISEASE CONTROL STUDY ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER.

Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350) is amended by striking "$10,000,000" and inserting "$15,000,000".

SEC. 338. GUARANTEEING EQUIPMENT SAFETY FOR FIREFIGHTERS ACT OF 2020.

Guaranteeing Equipment Safety for Firefighters Act of 2020. 15 USC 8963 note.

(a) SHORT TITLE.—This section may be cited as the "Guaranteeing Equipment Safety for Firefighters Act of 2020".

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY STUDY ON PER- AND POLYFLUOROALKYL SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT WORN BY FIREFIGHTERS.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, subject to availability of appropriations, in consultation with the Director of the National Institute for Occupational Safety and Health, complete a study of the contents and composition of new and unused personal protective equipment worn by firefighters. Deadline. Consultation.

(2) CONTENTS OF STUDY.—In carrying out the study required by paragraph (1), the Director of the National Institute of Standards and Technology shall examine— Examination.

(A) the identity, prevalence, and concentration of per- and polyfluoroalkyl substances (commonly known as

"PFAS") in the personal protective equipment worn by firefighters;

(B) the conditions and extent to which per- and polyfluoroalkyl substances are released into the environment over time from the degradation of personal protective equipment from normal use by firefighters; and

(C) the relative risk of exposure to per- and polyfluoroalkyl substances faced by firefighters from—

(i) their use of personal protective equipment; and

(ii) degradation of personal protective equipment from normal use by firefighters.

(3) REPORTS.—

Time period.

(A) PROGRESS REPORTS.—Not less frequently than once each year for the duration of the study conducted under paragraph (1), the Director shall submit to Congress a report on the progress of the Director in conducting such study.

(B) FINAL REPORT.—Not later than 90 days after the date on which the Director completes the study required by paragraph (1), the Director shall submit to Congress a report describing—

(i) the findings of the Director with respect to the study; and

Recommendations.

(ii) recommendations on what additional research or technical improvements to personal protective equipment materials or components should be pursued to avoid unnecessary occupational exposure among firefighters to per- and polyfluoroalkyl substances through personal protective equipment.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,500,000 for each of fiscal years 2021 and 2022.

(c) RESEARCH ON PER- AND POLYFLUOROALKYL SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT WORN BY FIREFIGHTERS.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the submittal of the report required by subsection (b)(3)(B), the Director of the National Institute of Standards and Technology shall, subject to the availability of appropriations—

(A) issue a solicitation for research proposals to carry out the research recommendations identified in the report submitted under subsection (b)(3)(B); and

Grants.

(B) award grants to applicants that submit research proposals to develop safe alternatives to per- and polyfluoroalkyl substances in personal protective equipment.

(2) CRITERIA.—The Director shall select research proposals to receive a grant under paragraph (1) on the basis of merit, using criteria identified by the Director, including the likelihood that the research results will address the findings of the Director with respect to the study conducted under subsection (b)(1).

Proposal.

(3) ELIGIBLE ENTITIES.—Any entity or group of 2 or more entities may submit to the Director a research proposal in response to the solicitation for research proposals under paragraph (1), including—

(A) State and local agencies;

(B) public institutions, including public institutions of higher education;

(C) private corporations; and

(D) nonprofit organizations.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 2023, $5,000,000 for fiscal year 2024, and $5,000,000 for fiscal year 2025 to carry out this section.

(d) AUTHORITY FOR DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY TO CONSULT WITH EXPERTS ON MATTERS RELATING TO PER- AND POLYFLUOROALKYL SUBSTANCES.—In carrying out this section, the Director of the National Institute of Standards and Technology may consult with Federal agencies, nongovernmental organizations, State and local governments, and science and research institutions determined by the Director to have scientific or material interest in reducing unnecessary occupational exposure to per- and polyfluoroalkyl substances by firefighters.

SEC. 339. ASSESSMENT OF DEPARTMENT OF DEFENSE EXCESS PROPERTY PROGRAMS WITH RESPECT TO NEED AND WILDFIRE RISK.

(a) ASSESSMENT OF PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Logistics Agency, jointly with the Secretary of Agriculture, acting through the Chief of the Forest Service, shall assess the Firefighter Property Program (FFP) and the Federal Excess Personal Property Program (FEPP) implementation and best practices, taking into account community need and risk, including whether a community is an at-risk community (as defined in section 101(1) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(1)).

(2) COLLABORATION.—In carrying out the assessment required under paragraph (1), the Secretary of Defense, acting through the Director of the Defense Logistics Agency, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall consult with State foresters and participants in the programs described in such paragraph. Consultation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Defense Logistics Agency, jointly with the Secretary of Agriculture, acting through the Chief of the Forest Service, shall submit to the Committee on Armed Services and the Committee on Agriculture of the House of Representatives and the Committee on Armed Services and the Committee on Agriculture, Forestry, and Nutrition of the Senate a report on the assessment required under paragraph (1) of subsection (a) and any findings and recommendations with respect to the programs described in such paragraph. Recommendations.

Subtitle C—Logistics and Sustainment

SEC. 341. NATIONAL DEFENSE SUSTAINMENT AND LOGISTICS REVIEW.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118 the following new section:

10 USC 118a.

"§ 118a. National Defense Sustainment and Logistics Review

Time periods.

"(a) REVIEW REQUIRED.—Upon submission of each national defense strategy under section 113(g) of this title, the Secretary of Defense shall conduct a comprehensive review of the sustainment and logistics requirements necessary to support the force structure, force modernization, infrastructure, force deployment capabilities, and other elements of the defense program and policies of the United States during the subsequent 5-, 10-, and 25-year periods. Each such review shall be known as the 'National Defense Sustainment and Logistics Review'. Each such review shall be conducted in consultation with the Secretaries of the military departments, the Chiefs of Staff of the Armed Forces, all functional and geographic combatant commanders, and the Director of the Defense Logistics Agency.

Consultation.

"(b) REPORT TO CONGRESS.—(1) Not later than the first Monday in February of the year following the fiscal year during which the National Defense Strategy was submitted under section 113(g) of this title, the Secretary shall submit to the congressional defense committees a report on the review required by subsection (a). Each such report shall include each of the following:

Assessments.

"(A) An assessment of the strategic, operational, and tactical maritime logistics force (including non-military assets provided by Military Sealift Command, the Maritime Administration, and through the Voluntary Intermodal Sealift Agreement and Voluntary Tanker Agreement) required to support sealift, at sea logistics, and over-the-shore logistics of forces to meet steady state and contingency requirements and the strategic and intra-theater movement of supplies, personnel, and equipment.

"(B) An assessment of the strategic, operational, and tactical airlift and tankers (including non-military assets provided by the Civil Reserve Air Fleet) required to meet steady state and contingency requirements.

"(C) An assessment of the location, configuration, material condition, and inventory of prepositioned materiel, equipment, and war reserves programs, as well as the ability to store and distribute these items to deployed military forces, required to meet steady state and contingency requirements.

"(D) An assessment of the location, infrastructure, and storage capacity for petroleum, oil, and lubricant products, as well as the ability to store, transport, and distribute such products from storage supply points to deployed military forces, required to meet steady state and contingency requirements.

"(E) An assessment of the capabilities, capacity, and infrastructure of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state and surge software and depot maintenance requirements.

"(F) An assessment of the production capability, capacity, and infrastructure, of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state and surge production requirements for ammunition and other military munitions.

"(G) An assessment of the condition, capacity, location, and survivability under likely threats of military infrastructure located both inside the continental United States and outside the continental United States, including agreements with and infrastructure provided by international partners, required to

generate, project, and sustain military forces to meet steady-state and contingency requirements.

"(H) An assessment of the cybersecurity risks to military and commercial logistics networks and information technology systems.

"(I) An assessment of the gaps between the requirements identified under subparagraphs (A) through (H) compared to the actual force structure and infrastructure capabilities, capacity, and posture and the risks associated with each gap as it relates to the ability to meet the national defense strategy.

"(J) A discussion of the identified mitigations being pursued to address each gap and risk identified under subparagraph (I) as well as the initiatives and resources planned to address such gaps, as included in the Department of Defense budget request submitted during the same year as the report and the applicable future-years defense program.

"(K) An assessment of the extent to which wargames incorporate logistics capabilities and threats and a description of the logistics constraints and restraints to operations identified through such wargames.

"(L) An assessment of the ability of the Department of Defense, the Armed Forces, and the combatant commands to leverage and integrate emergent logistics related technologies and advanced computing systems.

"(M) Such other matters the Secretary of Defense considers appropriate.

"(2) In preparing the report under paragraph (1), the Secretary of Defense shall consult with, and consider the recommendations of, the Chairman of the Joint Chiefs of Staff. Consultation. Recommendations.

"(3) The report required under this subsection shall be submitted in classified form and shall include an unclassified summary. Classified information.

"(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which Secretary submits each report required under subsection (b), the Comptroller General shall submit to the congressional defense committees a report that includes an assessment of each of the following: Reports. Assessments.

"(1) Whether the report includes each of the elements referred to in subsection (b).

"(2) The strengths and weaknesses of the approach and methodology used in conducting the review required under subsection (a) that is covered by the report.

"(3) Any other matters relating to sustainment that may arise from the report, as the Comptroller General considers appropriate.

"(d) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 118 the following new item: 10 USC prec. 111.

"118a. National Defense Sustainment and Logistics Review.".

(c) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—Notwithstanding the deadline in subsection (b)(1) of section 118a of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall submit the first report under such section not later than the date that is 18 months after the date of the enactment of this Act, unless a new National Defense Strategy is released prior to such date. 10 USC 118a note.

SEC. 342. REPEAL OF SUNSET FOR MINIMUM ANNUAL PURCHASE AMOUNT FOR CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

Section 9515 of title 10, United States Code, is amended by striking subsection (k).

SEC. 343. ADDITIONAL ELEMENTS FOR INCLUSION IN NAVY SHIP DEPOT MAINTENANCE BUDGET REPORT.

Section 363(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new paragraphs: 133 Stat. 1327.

"(6) The execution of the planned schedule, categorized by class of ship, for each of the three preceding fiscal years, including—

"(A) the actual contract award compared to the milestone;

"(B) the planned completion date compared to the actual completion date; and

"(C) each regional maintenance center's availability schedule performance for on-time availability completion.

"(7) In accordance with the findings of the Government Accountability Office (GAO 20–370)—

"(A) in 2021, an analysis plan for the evaluation of pilot program availabilities funded by the Other Procurement, Navy account; and

"(B) in 2022, a report on the Navy's progress implementing such analysis plan.".

SEC. 344. CLARIFICATION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF CURRENTLY DEPLOYED NAVAL VESSELS.

Section 323(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1720; 10 U.S.C. 8690 note) is amended by striking "In the case of any naval vessel" and inserting "In the case of any aircraft carrier, amphibious ship, cruiser, destroyer, frigate, or littoral combat ship".

SEC. 345. INDEPENDENT ADVISORY PANEL ON WEAPON SYSTEM SUSTAINMENT.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an independent advisory panel (in this section referred to as the "panel") on the weapon system sustainment ecosystem. The National Defense University and the Defense Acquisition University shall sponsor the panel, including by providing administrative support.

(b) MEMBERSHIP.—

Appointments.

(1) COMPOSITION.—The panel shall be comprised of nine members, of whom—

(A) five shall be appointed by the Secretary of Defense;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) EXPERTISE.—In making appointments under this subsection, consideration should be given to individuals with expertise in public and private-sector acquisition, sustainment, and logistics policy in aviation, ground, maritime systems, and space systems and their related components.

(3) APPOINTMENT DATE.—The appointment of the members of the panel shall be made not later than 120 days after the date of the enactment of this Act.

(c) DUTIES.—The panel shall—

(1) review the weapon system sustainment ecosystem from development, production, and sustainment of the weapon system through use in the field, depot and field-level maintenance, modification, and disposal with a goal of—

(A) maximizing the availability and mission capabilities of weapon systems;

(B) reducing overall life-cycle costs of weapon systems during fielding, operation and sustainment; and

(C) aligning weapon system sustainment functions to the most recent national defense strategy submitted pursuant to section 113 of title 10, United States Code; and

(2) using information from the review of the weapon system sustainment ecosystem, make recommendations related to statutory, regulatory, policy, or operational best practices the panel considers necessary.

(d) REPORT.—

Recommendations. Deadline. Briefing.

(1) INTERIM REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall provide to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a briefing on the interim findings and recommendations of the panel.

(2) FINAL REPORT.—Not later than 2 years after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a report setting forth a detailed statement of the findings and conclusions of the panel as a result of the review described in subsection (c), together with such recommendations related to statutory, regulatory, policy, or operational practices as the panel considers appropriate in light of the results of the review.

(e) ADMINISTRATIVE MATTERS.—

(1) IN GENERAL.—The Secretary of Defense shall provide the panel with timely access to appropriate information, data, resources, analysis, and logistics support so that the panel may conduct a thorough and independent assessment as required under this section.

Expiration date.

(2) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If any member has not been appointed by the date specified in subsection (b)(3), the authority to appoint such member under subsection (b)(1) shall expire, and the number of members of the panel shall be reduced by the number equal to the number of appointments so not made.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members of the panel shall be appointed for the duration of the panel. Any

vacancy in the panel shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) CHAIR.—The panel shall select a Chair from among its members. The Chair may not be a Federal officer or employee.

(f) TERMINATION.—The panel shall terminate 90 days after the date on which the panel submits the report required under subsection (d)(2).

SEC. 346. BIANNUAL BRIEFINGS ON STATUS OF SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN.

Time period.

(a) BRIEFINGS REQUIRED.—During the period beginning on July 1, 2020, and ending on July 1, 2025, the Secretary of the Navy shall provide to the congressional defense committees biannual briefings on the status of the Shipyard Infrastructure Optimization Plan.

(b) ELEMENTS OF BRIEFINGS.—Each briefing under subsection (a) shall include a discussion of the status of each of the following elements:

(1) A master plan for infrastructure development, including projected military construction and capital equipment projects.

(2) A planning and design update for military construction, minor military construction, and facility sustainment projects over the subsequent five-year period.

(3) A human capital management and development plan.

(4) A workload management plan that includes synchronization requirements for each shipyard and ship class.

(5) Performance metrics and an assessment plan.

(6) A funding and authority plan that includes funding lines across the future years defense program.

List.
Time period.

(7) A listing of equipment from Federal Supply Classes 3411 (Boring Machines), 3416 (Lathes) and 3441 (Bending and Forming Machines) that has been unserviceable for over 30 consecutive days, including, for each such piece of equipment—

(A) the reason for the delayed repair;

(B) the availability of technical representatives from the manufacturer to provide assistance in diagnosing and repairing the discrepancy; and

Estimate.

(C) the estimated time to repair.

SEC. 347. MATERIEL READINESS METRICS AND OBJECTIVES FOR MAJOR WEAPON SYSTEMS.

(a) IN GENERAL.—Section 118 of title 10, United States Code, is amended—

(1) by amending the section heading to read as follows: "**Materiel readiness metrics and objectives for major weapon systems**";

(2) by striking "Not later than five days" and inserting the following:

"(d) BUDGET JUSTIFICATION.—Not later than five days";

(3) by inserting before subsection (d) (as designated by paragraph (2)) the following new subsections:

"(a) MATERIEL READINESS METRICS.—Each head of an element of the Department specified in paragraphs (1) through (10) of section 111(b) of this title shall establish and maintain materiel readiness metrics to enable assessment of the readiness of members of the armed forces to carry out—

"(1) the strategic framework required by section 113(g)(1)(B)(vii) of this title; and

"(2) guidance issued by the Secretary of Defense pursuant to section 113(g)(1)(B) of this title.

"(b) REQUIRED METRICS.—At a minimum, the materiel readiness metrics required by subsection (a) shall address the materiel availability, operational availability, operational capability, and materiel reliability of each major weapon system by designated mission, design series, variant, or class.

"(c) MATERIEL READINESS OBJECTIVES.—(1) Not later than one year after the date of the enactment of this subsection, each head of an element described in subsection (a) shall establish the metrics required by subsection (b) necessary to support the strategic framework and guidance referred to in paragraph (1) and (2) of subsection (a). Deadline.

"(2) Annually, each head of an element described in subsection (a) shall review and revise the metrics required by subsection (b) and include any such revisions in the materials submitted to Congress in support of the budget of the President under section 1105 of title 31.". Time period. Review.

(4) in subsection (d) (as designated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking "materiel reliability, and mean down time metrics for each major weapons system" and inserting "operational availability, and materiel reliability for each major weapon system"; and

(ii) by inserting "and" at the end;

(B) in paragraph (2), by striking "; and" and inserting a period at the end; and

(C) by striking paragraph (3); and

(5) by adding at the end the following new subsection:

"(e) DEFINITIONS.—In this section:

"(1) The term 'major weapon system' has the meaning given in section 2379(f) of this title.

"(2) The term 'materiel availability' means a measure of the percentage of the total inventory of a major weapon system that is operationally capable of performing an assigned mission.

"(3) The term 'materiel reliability' means the probability that a major weapon system will perform without failure over a specified interval.

"(4) The term 'operational availability' means a measure of the percentage of time a major weapon system is operationally capable.

"(5) The term 'operationally capable' means a materiel condition indicating that a major weapon system is capable of performing its assigned mission and has no discrepancies with a subsystem of a major weapon system.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended 10 USC prec. 111.

by striking the item relating to section 118 and inserting the following new item:

"118. Materiel readiness metrics and objectives for major defense acquisition programs.".

SEC. 348. REPEAL OF STATUTORY REQUIREMENT FOR NOTIFICATION TO DIRECTOR OF DEFENSE LOGISTICS AGENCY THREE YEARS PRIOR TO IMPLEMENTING CHANGES TO ANY UNIFORM OR UNIFORM COMPONENT.

Section 356 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 771 note prec.) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsections (a) and (b), as so redesignated, by striking "Commander" each place it appears and inserting "Director".

Subtitle D—Munitions Safety and Oversight

SEC. 351. CHAIR OF DEPARTMENT OF DEFENSE EXPLOSIVE SAFETY BOARD.

(a) RESPONSIBILITIES.—Section 172 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(c) RESPONSIBILITIES OF CHAIR.—The chair of the explosive safety board shall carry out the following responsibilities:

"(1) To act as the principal executive representative and advisor of the Secretary on explosive and chemical agent safety matters related to Department of Defense military munitions.

"(2) To perform the hazard classification approval duties assigned to the chair.

"(3) To preside over meetings of the explosive safety board.

"(4) To direct the staff of the explosive safety board.

"(5) To performs other functions relating to explosives safety management, as directed by the Assistant Secretary of Defense for Sustainment.

"(6) To provide impartial and objective advice related to explosives safety management to the Secretary of Defense and the heads of the military departments.

"(7) To serve as the principal representative and advisor of the Department of Defense on matters relating to explosives safety management.

"(8) To provide assistance and advice to the Under Secretary of Defense for Acquisition and Sustainment and the Deputy Director of Land Warfare and Munitions in munitions acquisition oversight and technology advancement for Department of Defense military munitions, especially in the areas of explosives and chemical agent safety and demilitarization.

"(9) To provide assistance and advice to the Assistant Secretary of Defense for Logistics and Material Readiness in sustainment oversight of Department of Defense military munitions, especially in the areas of explosives and chemical agent safety, storage, transportation, and demilitarization.

"(10) To develop and recommend issuances to define the functions of the explosive safety board.

"(11) To establishes joint hazard classification procedures with covered components of the Department.

"(12) To make recommendations to the Under Secretary of Defense for Acquisition and Sustainment with respect to explosives and chemical agent safety tenets and requirements.

"(13) To conducts oversight of Department of Defense explosive safety management programs.

"(14) To carry out such other responsibilities as the Secretary of Defense determines appropriate.

"(d) RESPONSIBILITIES OF EXECUTIVE DIRECTOR AND CIVILIAN MEMBERS.—The executive director and civilian members of the explosive safety board shall—

"(1) provide assistance to the chair in carrying out the responsibilities specified in subsection (c); and

"(2) carry out such other responsibilities as the chair determines appropriate.

"(e) MEETINGS.—(1) The explosive safety board shall meet not less frequently than quarterly. Time period.

"(2) The chair shall submit to the congressional defense committees an annual report describing the activities conducted at the meetings of the board. Reports.

"(f) EXCLUSIVE RESPONSIBILITIES.—The explosive safety board shall have exclusive responsibility within the Department of Defense for—

"(1) recommending new and updated explosive and chemical agent safety regulations and standards to the Assistant Secretary of Defense for Energy Installations and Environment for submittal to the Under Secretary of Defense for Acquisition and Sustainment; and

"(2) acting as the primary forum for coordination among covered components of the Department on all matters related to explosive safety management.

"(g) COVERED COMPONENTS.—In this section, the covered components of the Department are each of the following:

"(1) The Office of the Secretary of Defense.

"(2) The military departments.

"(3) The Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands.

"(4) The Office of the Inspector General of the Department.

"(5) The Defense Agencies.

"(6) The Department of Defense field activities.

"(7) All other organizational entities within the Department.".

(b) DEADLINE FOR APPOINTMENT.—By not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall take such steps as may be necessary to ensure that the explosive safety board of the Department of Defense, as authorized under section 172 of title 10, United States Code, has a chair who is a military officer and whose responsibilities include the day-to-day management of the explosive safety board and the responsibilities provided in subsection (c) of such section. 10 USC 172 note.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated or otherwise made available in this Act for the Office of the Under Secretary of Defense for Acquisition and Sustainment for fiscal year 2021, not more than 75 percent may Certification.

be obligated or expended until the date on which the Under Secretary of Defense certifies to the congressional defense committees that all board member positions, including the chair, of the Department of Defense explosive safety board, as authorized under section 172 of title 10, United States Code, as amended by this section, have been filled by military officers as required by such section.

SEC. 352. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PROGRAM.

(a) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—Section 2284(b) of title 10, United States Code, as amended by section 1052 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in paragraph (1)(A)—

(A) by inserting "and" before "integration"; and

(B) by striking "an Assistant Secretary of Defense" and inserting "the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict";

(2) in paragraph (2), by striking "to whom responsibility is assigned under paragraph (1)(A)" and inserting "for Special Operations and Low Intensity Conflict";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall coordinate with—

"(A) the Under Secretary of Defense for Intelligence on explosive ordnance technical intelligence;

"(B) the Under Secretary of Defense for Acquisition and Sustainment on explosive ordnance disposal research, development, acquisition, and sustainment;

"(C) the Under Secretary of Defense for Research and Engineering on explosive ordnance disposal research, development, test, and evaluation;

"(D) the Assistant Secretary of Defense for Homeland Security and Global Security on explosive ordnance disposal on defense support of civil authorities; and

"(E) the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense programs on explosive ordnance disposal for combating weapons of mass destruction;".

Coordination.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report of the Explosive Ordnance Disposal Defense Program under section 2284 of title 10, United States Code. Such report shall include each of the following:

Assessments.

(1) The status of the establishment and organization of the Program and the compliance with the requirements of such section, as amended by section 1052 of the National Defense Authorization Act for Fiscal Year 2020.

(2) An assessment of the feasibility and advisability of designating the Joint Program Executive Officer for Armaments and Ammunition as the joint program executive officer for the explosive ordnance disposal program, establishing a rotation

of the role between an Army, Navy, and Air Force entity on a periodic basis, or other options determined appropriate.

(3) An assessment of the feasibility and advisability of designating the Director of the Defense Threat Reduction Agency with management responsibility for a Defense-wide program element for explosive ordnance disposal research, development, test, and evaluation transactions other than contracts, cooperative agreements, and grants related to section 2371 of title 10, United States Code, during research projects including rapid prototyping and limited procurement urgent activities and acquisition.

SEC. 353. ASSESSMENT OF RESILIENCE OF DEPARTMENT OF DEFENSE MUNITIONS ENTERPRISE.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a federally-funded research and development center with relevant expertise under which such center shall conduct an assessment of the resilience of the Department of Defense munitions enterprise. Deadline. Contracts.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following elements: Evaluations.

(1) An identification of the points of failure with respect to the munitions enterprise, including physical locations, materials, suppliers, contractors, and other relevant elements, that, if failure occurs, would have the largest negative impact on the capacity, resiliency, and safety of the enterprise.

(2) An evaluation of the efforts of the Department of Defense to address the points of failure identified under paragraph (1).

(3) Recommendation with respect to any additional efforts or actions that could be taken to provide for mitigation or solutions with respect to such points of failure. Recommendations.

(4) An evaluation of the capacity of the munitions enterprise to support a sudden surge in demand to support a contingency.

(5) An evaluation of the capacity of the munitions enterprise to withstand intentional disruption during a conflict.

(c) REPORT AND BRIEFINGS.—The Secretary shall—

(1) submit to the congressional defense committees a report on the results of assessment conducted under this section by not later than December 31, 2021; and

(2) provide for such committees interim briefings on such assessment upon request.

(d) POINT OF FAILURE.—In this section, the term "point of failure" means, with respect to the munitions enterprise, an aspect of the enterprise, that, if it were to fail or be significantly negatively impacted would cause the portion of the enterprise it supports to either fail or be significantly negatively impacted. Definition.

SEC. 354. REPORT ON SAFETY WAIVERS AND MISHAPS IN DEPARTMENT OF DEFENSE MUNITIONS ENTERPRISE.

(a) REPORT REQUIRED.—The Secretary shall include with the Department of Defense materials submitted to Congress with the budget of the President for each of fiscal years 2022 through 2025 (as submitted to Congress pursuant to section 1105 of title 31, United States Code), a report on safety waivers provided in the Department of Defense munitions enterprise. Each such report shall Time period.

include each of the following for the year covered by the report and each of the preceding 3 years:

List. Exemptions. Certifications.

(1) A list of each waiver, exemption, and secretarial exemption or certification provided with respect to any Department of Defense munitions safety standard.

(2) For each such waiver, exemption, or certification provided—

(A) the location where the waiver, exemption, or certification was provided;

Summary.

(B) a summary of the justification used for providing the waiver, exemption, or certification;

Time period.

(C) the time period during which the waiver, exemption, or certification applies and the number of times such a waiver, exemption, or certification has been provided at that location; and

List.

(D) a list of all safety-related mishaps that occurred at locations where waivers, exemptions, or certifications were in place, and for each such mishap, whether or not a subsequent investigation determined the waiver, exemption, or certification was related or may have been related to the mishap.

List. Summary.

(3) A list and summary of all class A through class E mishaps related to the construction, storage, transportation, usage, and demilitarization of munitions.

(4) Any mitigation efforts in place at any location where a waiver, exemption, or certification has been provided or where a safety-related mishap has occurred.

(5) Such other matters as the Secretary determines appropriate.

(b) MUNITIONS DEFINED.—In this section, the term "munitions" includes ammunition, explosives, and chemical agents.

Subtitle E—Other Matters

10 USC note prec. 771.

SEC. 361. PILOT PROGRAM FOR TEMPORARY ISSUANCE OF MATERNITY-RELATED UNIFORM ITEMS.

Coordination.

(a) PILOT PROGRAM.—The Director of the Defense Logistics Agency, in coordination with the Secretaries concerned, shall carry out a pilot program for issuing maternity-related uniform items to pregnant members of the Armed Forces, on a temporary basis and at no cost to such member. In carrying out the pilot program, the Director shall take the following actions:

(1) The Director shall maintain a stock of each type of maternity-related uniform item determined necessary by the Secretary concerned, including service uniforms items, utility uniform items, and other items relating to the command and duty assignment of the member requiring issuance.

(2) The Director shall ensure that such items have not been treated with the chemical permethrin.

Coordination. Determination.

(3) The Director, in coordination with the Secretary concerned, shall determine a standard number of maternity-related uniform items that may be issued per member.

(4) The Secretary concerned shall ensure that any member receiving a maternity-related uniform item returns such item to the relevant office established under paragraph (1) on the

date on which the Secretary concerned determines the member no longer requires such item.

(5) The Secretary concerned shall inspect, process, repair, clean, and re-stock items returned by a member pursuant to paragraph (4) for re-issuance from such relevant office.

(6) The Director, in coordination with the Secretaries concerned, may issue such guidance and regulations as necessary to carry out the pilot program. Coordination. Regulations.

(b) TERMINATION.—No maternity-related uniform items may be issued to a member of the Armed Forces under the pilot program after September 30, 2026.

(c) REPORT.—Not later than September 30, 2025, the Director of the Defense Logistics Agency, in coordination with the Secretaries concerned, shall submit to the congressional defense committees a report on the pilot program. Such report shall include each of the following: Coordination.

(1) For each year during which the pilot program was carried out, the number of members of the Armed Forces who received a maternity-related uniform item under the pilot program.

(2) An overview of the costs associated with, and any savings realized by, the pilot program, including a comparison of the cost of maintaining a stock of maternity-related uniform items for issuance under the pilot program versus the cost of providing allowances to members for purchasing such items. Cost overview.

(3) A recommendation on whether the pilot program should be extended after the date of termination under subsection (b) and whether legislation is necessary for such extension. Recommendations.

(4) Any other matters that the Secretary of Defense determines appropriate.

SEC. 362. SERVICEWOMEN'S COMMEMORATIVE PARTNERSHIPS. 10 USC note prec. 7771.

(a) IN GENERAL.—The Secretary of the Army may enter into a contract, partnership, or grant with a non-profit organization for the purpose of providing financial support for the maintenance and sustainment of infrastructure and facilities at military service memorials and museums that highlight the role of women in the military. Such a contract, partnership, or grant shall be referred to as a "Servicewomen's Commemorative Partnership". Contracts. Grants.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2021, as identified in division D of this Act, $3,000,000 shall be available for Servicewomen's Commemorative Partnerships under subsection (a).

SEC. 363. BIODEFENSE ANALYSIS AND BUDGET SUBMISSION. 6 USC 105.

(a) ANNUAL ANALYSIS.—For each fiscal year, beginning in fiscal year 2023, the Director of the Office of Management and Budget, in consultation with the Secretary of Health and Human Services shall—

(1) conduct a detailed and comprehensive analysis of Federal biodefense programs; and

(2) develop an integrated biodefense budget submission.

(b) DEFINITION OF BIODEFENSE.—In accordance with the National Biodefense Strategy, the Director shall develop and disseminate to all Federal departments and agencies a unified definition of the term "biodefense" to identify which programs and activities are included in the annual budget submission required under subsection (a).

(c) REQUIREMENTS FOR ANALYSIS.—The analysis required under subsection (a) shall include—

(1) the display of all funds requested for biodefense activities, both mandatory and discretionary, by agency and categorized by biodefense enterprise element, such as threat awareness, prevention, deterrence, preparedness, surveillance and detection, response, attribution (including bioforensic capabilities), recovery, and mitigation; and

(2) detailed explanations of how each program and activity included aligns with biodefense goals and objectives as part of the National Biodefense Strategy required under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104).

Consultation.

(d) SUBMITTAL TO CONGRESS.—The Director, in consultation with the Secretary of Health and Human Services, shall submit to Congress the analysis required under subsection (a) for a fiscal year concurrently with the President's annual budget request for that fiscal year.

6 USC 106.

SEC. 364. UPDATE OF NATIONAL BIODEFENSE IMPLEMENTATION PLAN.

Consultation.

(a) IN GENERAL.—The Secretaries of Health and Human Services, Defense, Agriculture, Homeland Security, and all other Departments and agencies with responsibilities for biodefense, such as the Department of State, in consultation with the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget, as appropriate, shall jointly, after reviewing the biodefense threat assessment described in subsection (d) and any relevant input from external stakeholders, as appropriate, update the National Biodefense Implementation Plan developed under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104) to clearly document established processes, roles, and responsibilities related to the National Biodefense Strategy.

(b) SPECIFIC UPDATES.—The updated National Biodefense Implementation Plan shall—

Procedures.

(1) describe the roles and responsibilities of the Federal departments and agencies, including internal and external coordination procedures, in identifying and sharing information between and among Federal departments and agencies, as described in section 1086(b)(4) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104(b)(4)) and consistent with the statutory roles and authorities of such departments and agencies;

(2) describe roles, responsibilities, and processes for decisionmaking, including decisions regarding use of resources for effective risk management across the enterprise;

(3) describe resource plans for each department and agency with responsibility for biodefense to support implementation of the strategy within the jurisdiction of such department or agency, including for the Biodefense Coordination Team, as appropriate;

(4) describe guidance and methods for analyzing the data collected from agencies to include non-Federal resources and capabilities to the extent practicable; and

(5) describe and update, as appropriate, short-, medium-, and long-term goals for executing the National

Biodefense Strategy and metrics for meeting each objective of the Strategy.

(c) SUBMITTAL TO CONGRESS.—The Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Agriculture, and the Secretary of Homeland Security shall, not later than 6 months after the date of the completion of the assessment in subsection (d)(1)(A), submit the updated Implementation Plan to the appropriate congressional committees. Deadline.

(d) UPDATED BIODEFENSE THREAT ASSESSMENT.—

(1) IN GENERAL.—The Secretaries of Health and Human Services, Defense, Agriculture, and Homeland Security, shall jointly, and in consultation with the Director of National Intelligence, and other agency heads as appropriate— Consultation.

(A) conduct an assessment of current and potential biological threats against the United States, both naturally occurring and man-made, either accidental or deliberate, including the potential for catastrophic biological threats, such as a pandemic;

(B) not later than 1 year after the date of enactment of this section, submit the findings of the assessment conducted under subparagraph (A) to the Federal officials described in subsection (d)(1)and the appropriate congressional committees described in subsection (e); Deadline.

(C) not later than 30 days after the date on which the assessment is submitted under subparagraph (B), conduct a briefing for the appropriate congressional committees on the findings of the assessment; Deadline. Briefing.

(D) update the assessment under subparagraph (A) biennially, as appropriate, and provide the findings of such updated assessments to the Federal officials described in subsection (d)(1) and the appropriate congressional committees; and Time period.

(E) conduct briefings for the appropriate congressional committees as needed any time an assessment under this paragraph is updated. Briefings.

(2) CLASSIFICATION AND FORMAT.—Assessments under paragraph (1) shall be submitted in an unclassified format and include a classified annex, as appropriate.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Armed Services of the House of Representatives and the Senate.

(2) The Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(5) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(6) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, limit, or duplicate the roles, responsibilities, authorities, or current activities, as established in statute or otherwise through existing practice or policy, of each Federal department or agency with responsibilities for biodefense or otherwise relevant to implementation of the National Biodefense Strategy.

SEC. 365. PLANS AND REPORTS ON EMERGENCY RESPONSE TRAINING FOR MILITARY INSTALLATIONS.

Deadlines.

(a) PLANS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that each military installation under the jurisdiction of the Secretary that does not conduct live emergency response training on an annual basis or more frequently with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation develops a plan to conduct such training.

(2) ELEMENTS.—Each plan developed under paragraph (1) with respect to an installation—

(A) shall include—

Costs.

(i) the cost of implementing training described in paragraph (1) at the installation;

(ii) a description of any obstacles to the implementation of such training; and

Recommendations.

(iii) recommendations for mitigating any such obstacles; and

(B) shall be designed to ensure that the civilian law enforcement and emergency response agencies described in paragraph (1) are familiar with—

(i) the physical features of the installation, including gates, buildings, armories, headquarters, command and control centers, and medical facilities; and

Procedures.

(ii) the emergency response personnel and procedures of the installation.

(3) SUBMITTAL OF PLANS.—

(A) SUBMITTAL TO SECRETARY.—Not later than 90 days after the date of the enactment of this Act, the commander of each military installation required to develop a plan under paragraph (1) shall submit such plan to the Secretary of Defense.

Summary.

(B) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a summary of the plans submitted to the Secretary under subparagraph (A).

(b) REPORTS ON TRAINING CONDUCTED.—

Deadline.

(1) LIST OF INSTALLATIONS.—Not later than March 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a list of all military installations under the jurisdiction of the Secretary that conduct live emergency response training on an

annual basis or more frequently with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(2) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the commander of each military installation under the jurisdiction of the Secretary shall submit to the Secretary a report on each live emergency response training conducted during the year covered by the report with the civilian law enforcement and emergency response agencies responsible for responding to an emergency at the installation.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include, with respect to each training exercise, the following:

(i) The date and duration of the exercise.

(ii) A detailed description of the exercise.

(iii) An identification of all military and civilian personnel who participated in the exercise.

(iv) Any recommendations resulting from the exercise. Recommendations.

(v) The actions taken, if any, to implement such recommendations.

(C) INCLUSION IN ANNUAL BUDGET SUBMISSION.—

(i) IN GENERAL.—The Secretary shall include in the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code, a summary of any report submitted to the Secretary under subparagraph (A) during the one-year period preceding the submittal of the budget. Summary.

(ii) CLASSIFIED FORM.—The summary submitted under clause (i) may be submitted in classified form.

(D) SUNSET.—The requirement to submit annual reports under subparagraph (A) shall terminate upon the submittal of the budget described in subparagraph (C)(i) for fiscal year 2024.

SEC. 366. INAPPLICABILITY OF CONGRESSIONAL NOTIFICATION AND DOLLAR LIMITATION REQUIREMENTS FOR ADVANCE BILLINGS FOR CERTAIN BACKGROUND INVESTIGATIONS.

Section 2208(l) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) This subsection shall not apply to advance billing for background investigation and related services performed by the Defense Counterintelligence and Security Agency.".

SEC. 367. ADJUSTMENT IN AVAILABILITY OF APPROPRIATIONS FOR UNUSUAL COST OVERRUNS AND FOR CHANGES IN SCOPE OF WORK.

Section 8683 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) TREATMENT OF AMOUNTS APPROPRIATED AFTER END OF PERIOD OF OBLIGATION.—In the application of section 1553(c) of title 31 to funds appropriated in the Operation and Maintenance, Navy account that are available for ship overhaul, the Secretary

of the Navy may treat the limitation specified in paragraph (1) of such section to be '$10,000,000' rather than '$4,000,000'.".

Deadline.
10 USC 2672 note.

SEC. 368. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT SECURITY AND EMERGENCY RESPONSE RECOMMENDATIONS RELATING TO ACTIVE SHOOTER OR TERRORIST ATTACKS ON INSTALLATIONS OF DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the applicable security and emergency response recommendations relating to active shooter or terrorist attacks on installations of the Department of Defense made in the following reports:

(1) The report by the Government Accountability Office dated July 2015 entitled, "Insider Threats: DOD Should Improve Information Sharing and Oversight to Protect U.S. Installations" (GAO–15–543).

(2) The report prepared by the Department of the Navy relating to the Washington Navy Yard shooting in 2013.

(3) The report by the Department of the Army dated August 2010 entitled "Fort Hood, Army Internal Review Team: Final Report".

(4) The independent review by the Department of Defense dated January 2010 entitled "Protecting the Force: Lessons from Fort Hood".

(5) The report by the Department of the Air Force dated October 2010 entitled "Air Force Follow-On Review: Protecting the Force: Lessons from Fort Hood".

(b) NOTIFICATION OF INAPPLICABLE RECOMMENDATIONS.—

Determination.

(1) IN GENERAL.—If the Secretary determines that a recommendation described in subsection (a) is outdated, is no longer applicable, or has been superseded by more recent separate guidance or recommendations set forth by the Government Accountability Office, the Department of Defense, or another entity in related contracted review, the Secretary shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 45 days after the date of the enactment of this Act.

(2) IDENTIFICATION AND JUSTIFICATION.—The notification under paragraph (1) shall include an identification, set forth by report specified in subsection (a), of each recommendation that the Secretary determines should not be implemented, with a justification for each such determination.

10 USC note prec. 2251.

SEC. 369. CLARIFICATION OF FOOD INGREDIENT REQUIREMENTS FOR FOOD OR BEVERAGES PROVIDED BY THE DEPARTMENT OF DEFENSE.

Federal Register, publication.
Notice.
Public comment.

(a) IN GENERAL.—Before making any final rule, statement, or determination regarding the limitation or prohibition of any food or beverage ingredient in military food service, military medical foods, commissary food, or commissary food service, the Secretary of Defense shall publish in the Federal Register a notice of a preliminary rule, statement, or determination (in this section referred to as a "proposed action") and provide opportunity for public comment.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in any notice published under subsection (a) the following:

(1) The date of the notice.

(2) Contact information for the appropriate office at the Department of Defense.

(3) A summary of the notice. Summary.

(4) A date for comments to be submitted and specific methods for submitting comments.

(5) A description of the substance of the proposed action.

(6) Findings and a statement of reasons supporting the proposed action.

(c) WAIVER AUTHORITY.— Determinations.

(1) MILITARY OPERATIONS AND EMERGENCY RESPONSE.—The Secretary may waive subsections (a) and (b) if the Secretary determines that such a waiver is necessary for military operations or for the response to a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), a medical emergency, or a pandemic.

(2) PROTECTION OF HUMAN HEALTH.—The Secretary may waive subsections (a) and (b) if the Food and Drug Administration, the Surgeon General of the United States, or the Surgeons General of the Department of Defense makes a recall or prohibition determination due to certain ingredients being harmful for human consumption.

(3) NOTIFICATION REQUIRED.—

(A) IN GENERAL.—The Secretary shall notify the congressional defense committees not later than 60 days after exercising waiver authority under paragraph (1). Deadline.

(B) ELEMENTS.—The notification required under subparagraph (A) shall include, with respect to each waiver, the following elements:

(i) The date, time, and location of the issuance of the waiver.

(ii) A detailed justification for the issuance of the waiver.

(iii) An identification of the rule, statement, or determination for which the Secretary issued the waiver, including the proposed duration of such rule, statement, or determination.

SEC. 370. COMMISSION ON THE NAMING OF ITEMS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA. 10 USC 113 note.

(a) REMOVAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall implement the plan submitted by the commission described in paragraph (b) and remove all names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America (commonly referred to as the "Confederacy") or any person who served voluntarily with the Confederate States of America from all assets of the Department of Defense. Deadline. Plan.

(b) IN GENERAL.—The Secretary of Defense shall establish a commission relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America. Establishment.

(c) DUTIES.—The Commission shall—

(1) assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(2) develop procedures and criteria to assess whether an existing name, symbol, monument, display, or paraphernalia commemorates the Confederate States of America or person who served voluntarily with the Confederate States of America;

(3) recommend procedures for renaming assets of the Department of Defense to prevent commemoration of the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(4) develop a plan to remove names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America from assets of the Department of Defense, within the timeline established by this Act; and

(5) include in the plan procedures and criteria for collecting and incorporating local sensitivities associated with naming or renaming of assets of the Department of Defense.

Appointments.

(d) MEMBERSHIP.—The Commission shall be composed of eight members, of whom—

(1) four shall be appointed by the Secretary of Defense;

(2) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(3) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(4) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(5) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

Deadline.

(e) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(f) INITIAL MEETING.—The Commission shall hold its initial meeting on the date that is 60 days after the enactment of this Act.

Deadline.

(g) BRIEFINGS AND REPORTS.—Not later than October 1, 2021, the Commission shall brief the Committees on Armed Services of the Senate and House of Representatives detailing the progress of the requirements under subsection (c). Not later than October 1, 2022, and not later than 90 days before the implementation of the plan in subsection (c)(4), the Commission shall present a briefing and written report detailing the results of the requirements under subsection (c), including:

List.

(1) A list of assets to be removed or renamed.

Costs.

(2) Costs associated with the removal or renaming of assets in subsection (g)(1).

Criteria.
Requirements.

(3) Criteria and requirements used to nominate and rename assets in subsection (g)(1).

(4) Methods of collecting and incorporating local sensitivities associated with the removal or renaming of assets in subsection (g)(1).

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by the Act for fiscal year 2021 for Operations and Maintenance, Army, sub activity group 434 - other personnel support is hereby reduced by $2,000,000.

(i) ASSETS DEFINED.—In this section, the term "assets" includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.

(j) EXEMPTION FOR GRAVE MARKERS.—Shall not cover monuments but shall exempt grave markers. Congress expects the commission to further define what constitutes a grave marker.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revisions to permanent active duty end strength minimum levels.
Sec. 403. Modification of the authorized number and accounting method for senior enlisted personnel.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 415. Separate authorization by Congress of minimum end strengths for non-temporary military technicians (dual status) and end strengths for temporary military technicians (dual status).

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2021, as follows:

(1) The Army, 485,900.

(2) The Navy, 347,800.

(3) The Marine Corps, 181,200.

(4) The Air Force, 333,475.

SEC. 402. REVISIONS TO PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

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

(1) in the heading, by striking "**two major regional contingencies**" and inserting "**the National Defense Strategy**";

(2) in subsection (a)—

(A) by striking "a national defense strategy calling for" and inserting "the national defense strategy of"; and

(B) by striking "to be able to successfully conduct two nearly simultaneous major regional contingencies";

(3) in subsection (b), by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 485,900.

"(2) For the Navy, 347,800.

"(3) For the Marine Corps, 181,200.

"(4) For the Air Force, 333,475."; and

(4) in subsection (e)—

(A) by inserting "or the Secretary concerned" after "Secretary of Defense"; and

(B) by striking "reduce a number specified in subsection (b) by not more than 2 percent" and inserting "vary a number specified in subsection (b) in accordance with section 115 of this title".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691 and inserting the following:

10 USC prec. 671.

"691. Permanent end strength levels to support the National Defense Strategy".

SEC. 403. MODIFICATION OF THE AUTHORIZED NUMBER AND ACCOUNTING METHOD FOR SENIOR ENLISTED PERSONNEL.

(a) IN GENERAL.—Section 517 of title 10, United States Code, is amended—

(1) in the section heading, by striking "**daily average**" and inserting "**enlisted end strength**";

(2) in subsection (a)—

(A) by striking "daily average number of" and inserting "end strength for";

(B) by striking "in a fiscal year" and inserting "as of the last day of a fiscal year";

(C) by striking "2.5 percent" and inserting "3.0 percent"; and

(D) by striking "on the first day of that fiscal year"; and

(3) by striking subsection (b).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of such title is amended by striking the item relating to section 517 and inserting the following new item:

10 USC prec. 501.

"517. Authorized enlisted end strength: members in pay grades E–8 and E–9.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2021, as follows:

(1) The Army National Guard of the United States, 336,500.

(2) The Army Reserve, 189,800.

(3) The Navy Reserve, 58,800.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 108,100.

(6) The Air Force Reserve, 70,300.

(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2021, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,595.

(2) The Army Reserve, 16,511.

(3) The Navy Reserve, 10,215.

(4) The Marine Corps Reserve, 2,386.

(5) The Air National Guard of the United States, 25,333.

(6) The Air Force Reserve, 5,256.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The minimum number of military technicians (dual status) as of the last day of fiscal year 2021 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 22,294.

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 10,994.

(4) For the Air Force Reserve, 7,947.

(b) LIMITATION.—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual's position.

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

During fiscal year 2021, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 415. SEPARATE AUTHORIZATION BY CONGRESS OF MINIMUM END STRENGTHS FOR NON-TEMPORARY MILITARY TECHNICIANS (DUAL STATUS) AND END STRENGTHS FOR TEMPORARY MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—Section 115(d) of title 10, United States Code, is amended—

(1) in the first sentence, by striking "the end strength for military technicians (dual status)" and inserting "both the minimum end strength for non-temporary military technicians (dual status) and the end strength for temporary military technicians (dual status)"; and

(2) in the third sentence, by striking "the end strength requested for military technicians (dual status)" and inserting "the minimum end strength for non-temporary military technicians (dual status), and the end strength for temporary military technicians (dual status), requested".

Applicability.
10 USC 115 note.
Applicability.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the day after the date of the enactment of this Act. The amendment made by subsection (a)(2) shall apply with respect to budgets submitted by the President to Congress under section 1105 of title 31, United States Code, after such effective date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in the subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2021.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Authorized strengths of general and flag officers on active duty.
Sec. 502. Temporary expansion of availability of enhanced constructive service credit in a particular career field upon original appointment as a commissioned officer.
Sec. 503. Diversity in selection boards.
Sec. 504. Requirement for promotion selection board recommendation of higher placement on promotion list of officers of particular merit.

Sec. 505. Special selection review boards for review of promotion of officers subject to adverse information identified after recommendation for promotion and related matters.
Sec. 506. Number of opportunities for consideration for promotion under alternative promotion authority.
Sec. 507. Mandatory retirement for age.
Sec. 508. Clarifying and improving restatement of rules on the retired grade of commissioned officers.
Sec. 509. Repeal of authority for original appointment of regular Navy officers designated for engineering duty, aeronautical engineering duty, and special duty.
Sec. 509A. Permanent programs on direct commissions to cyber positions.
Sec. 509B. Review of Seaman to Admiral–21 program.

Subtitle B—Reserve Component Management

Sec. 511. Temporary authority to order retired members to active duty in high-demand, low-density assignments during war or national emergency.
Sec. 512. Expansion of Junior Reserve Officers' Training Corps Program.
Sec. 513. Grants to support STEM education in the Junior Reserve Officers' Training Corps.
Sec. 514. Permanent suicide prevention and resilience program for the reserve components.
Sec. 515. Modification of education loan repayment program for members of Selected Reserve.
Sec. 516. Inclusion of drill or training foregone due to emergency travel or duty restrictions in computations of entitlement to and amounts of retired pay for non-regular service.
Sec. 517. Quarantine lodging for members of the reserve components who perform certain service in response to the COVID–19 emergency.
Sec. 518. Direct employment pilot program for certain members of the reserve components.
Sec. 519. Pilot programs authorized in connection with SROTC units and CSPI programs at Historically Black Colleges and Universities and minority institutions.
Sec. 519A. Report regarding full-time National Guard duty in response to the COVID-19 pandemic.
Sec. 519B. Study and report on National Guard support to States responding to major disasters.
Sec. 519C. Report on guidance for use of unmanned aircraft systems by the National Guard.
Sec. 519D. Study and report on ROTC recruitment.

Subtitle C—General Service Authorities and Correction of Military Records

Sec. 521. Increased access to potential recruits.
Sec. 522. Sunset and transfer of functions of the Physical Disability Board of Review.
Sec. 523. Honorary promotion matters.
Sec. 524. Exclusion of official photographs of members from records furnished to promotion selection boards.
Sec. 525. Report regarding reviews of discharges and dismissals based on sexual orientation.

Subtitle D—Prevention and Response To Sexual Assault, Harassment, and Related Misconduct

Sec. 531. Modification of time required for expedited decisions in connection with applications for change of station or unit transfer of members who are victims of sexual assault or related offenses.
Sec. 532. Confidential reporting of sexual harassment.
Sec. 533. Additional bases for provision of advice by the Defense Advisory Committee for the Prevention of Sexual Misconduct.
Sec. 534. Additional matters for 2021 report of the Defense Advisory Committee for the Prevention of Sexual Misconduct.
Sec. 535. Inclusion of advisory duties on the Coast Guard Academy among duties of Defense Advisory Committee for the Prevention of Sexual Misconduct.
Sec. 536. Modification of reporting and data collection on victims of sexual offenses.
Sec. 537. Modification of annual report regarding sexual assaults involving members of the Armed Forces.
Sec. 538. Coordination of support for survivors of sexual trauma.
Sec. 539. Policy for military service academies on separation of alleged victims and alleged perpetrators in incidents of sexual assault.
Sec. 539A. Safe-to-report policy applicable across the Armed Forces.

Sec. 539B. Accountability of leadership of the Department of Defense for discharging the sexual harassment policies and programs of the Department.
Sec. 539C. Reports on status of investigations of alleged sex-related offenses.
Sec. 539D. Report on ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform duties.
Sec. 539E. Briefing on Special Victims' Counsel program.
Sec. 539F. Briefing on placement of members of the Armed Forces in academic status who are victims of sexual assault onto Non-Rated Periods.

Subtitle E—Military Justice and Other Legal Matters

Sec. 541. Right to notice of victims of offenses under the Uniform Code of Military Justice regarding certain post-trial motions, filings, and hearings.
Sec. 542. Qualifications of judges and standard of review for Courts of Criminal Appeals.
Sec. 543. Preservation of court-martial records.
Sec. 544. Availability of records for National Instant Criminal Background Check System.
Sec. 545. Removal of personally identifying and other information of certain persons from investigative reports, the Department of Defense Central Index of Investigations, and other records and databases.
Sec. 546. Briefing on mental health support for vicarious trauma for certain personnel in the military justice system.
Sec. 547. Comptroller General of the United States report on implementation by the Armed Forces of recent GAO recommendations and statutory requirements on assessment of racial, ethnic, and gender disparities in the military justice system.
Sec. 548. Legal assistance for veterans and surviving spouses and dependents.
Sec. 549. Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.
Sec. 549A. Multidisciplinary board to evaluate suicide events.
Sec. 549B. Improvements to Department of Defense tracking of and response to incidents of child abuse, adult crimes against children, and serious harmful behavior between children and youth involving military dependents on military installations.
Sec. 549C. Independent analysis and recommendations on domestic violence in the Armed Forces.

Subtitle F—Diversity and Inclusion

Sec. 551. Diversity and inclusion reporting requirements and related matters.
Sec. 552. National emergency exception for timing requirements with respect to certain surveys of members of the Armed Forces.
Sec. 553. Questions regarding racism, anti-Semitism, and supremacism in workplace surveys administered by the Secretary of Defense.
Sec. 554. Inspector General oversight of diversity and inclusion in Department of Defense; supremacist, extremist, or criminal gang activity in the Armed Forces.
Sec. 555. Policy to improve responses to pregnancy and childbirth by certain members of the Armed Forces.
Sec. 556. Training on certain Department of Defense instructions for members of the Armed Forces.
Sec. 557. Evaluation of barriers to minority participation in certain units of the Armed Forces.
Sec. 558. Comptroller General of the United States report on equal opportunity at the military service academies.

Subtitle G—Decorations and Awards

Sec. 561. Extension of time to review World War I Valor Medals.
Sec. 562. Authorizations for certain awards.
Sec. 563. Feasibility study on establishment of service medal for radiation-exposed veterans.
Sec. 564. Expressing support for the designation of Silver Star Service Banner Day.

Subtitle H—Member Education, Training, Transition, and Resilience

Sec. 571. Mentorship and career counseling program for officers to improve diversity in military leadership.
Sec. 572. Expansion of Skillbridge program to include the Coast Guard.
Sec. 573. Increase in number of permanent professors at the United States Air Force Academy.
Sec. 574. Additional elements with 2021 and 2022 certifications on the Ready, Relevant Learning initiative of the Navy.

Sec. 575. Information on nominations and applications for military service academies.
Sec. 576. Report on potential improvements to certain military educational institutions of the Department of Defense.
Sec. 577. College of International Security Affairs of the National Defense University.
Sec. 578. Improvements to the Credentialing Opportunities On-Line programs of the Armed Forces.
Sec. 579. GAO study regarding transferability of military certifications to civilian occupational licenses and certifications.
Sec. 579A. Report regarding county, Tribal, and local veterans service officers.

Subtitle I—Military Family Readiness and Dependents' Education

Sec. 581. Family readiness: definitions; communication strategy; review; report.
Sec. 582. Improvements to Exceptional Family Member Program.
Sec. 583. Support services for members of special operations forces and immediate family members.
Sec. 584. Responsibility for allocation of certain funds for military child development programs.
Sec. 585. Military child care and child development center matters.
Sec. 586. Expansion of financial assistance under My Career Advancement Account program.
Sec. 587. Improvements to partner criteria of the Military Spouse Employment Partnership Program.
Sec. 588. 24-hour child care.
Sec. 589. Pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
Sec. 589A. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
Sec. 589B. Staffing of Department of Defense Education Activity schools to maintain maximum student-to-teacher ratios.
Sec. 589C. Pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools.
Sec. 589D. Pilot program on expanded eligibility for Department of Defense Education Activity Virtual High School program.
Sec. 589E. Training program regarding foreign malign influence campaigns.
Sec. 589F. Study on cyberexploitation and online deception of members of the Armed Forces and their families.
Sec. 589G. Matters relating to education for military dependent students with special needs.
Sec. 589H. Studies and reports on the performance of the Department of Defense Education Activity.

Subtitle J—Other Matters and Reports

Sec. 591. Expansion of Department of Defense STARBASE Program.
Sec. 592. Inclusion of certain outlying areas in the Department of Defense STARBASE Program.
Sec. 593. Postponement of conditional designation of Explosive Ordnance Disposal Corps as a basic branch of the Army.
Sec. 594. Armed Services Vocational Aptitude Battery Test special purpose adjunct to address computational thinking.
Sec. 595. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal Voting Assistance Program.
Sec. 596. Plan on performance of funeral honors details by members of other Armed Forces when members of the Armed Force of the deceased are unavailable.
Sec. 597. Study on financial impacts of the Coronavirus Disease 2019 on members of the Armed Forces and best practices to prevent future financial hardships.
Sec. 598. Limitation on implementation of Army Combat Fitness Test.
Sec. 599. Semiannual reports on implementation of recommendations of the Comprehensive Review of Special Operations Forces Culture and Ethics.
Sec. 599A. Report on impact of children of certain Filipino World War II veterans on national security, foreign policy, and economic and humanitarian interests of the United States.

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) EXCLUSION OF CERTAIN GENERAL AND FLAG OFFICERS OF RESERVE COMPONENTS ON ACTIVE DUTY FROM STRENGTH LIMITATIONS.—Section 526a of title 10, United States Code, is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) EXCLUSION OF CERTAIN OFFICERS OF RESERVE COMPONENTS.—The limitations of this section do not apply to the following: Time periods.

"(1) A general or flag officer of a reserve component who is on active duty—

"(A) for training; or

"(B) under a call or order specifying a period of less than 180 days.

"(2)(A) A general or flag officer of a reserve component who is authorized by the Secretary of the military department concerned to serve on active duty for a period of at least 180 days and not longer than 365 days.

"(B) The Secretary of the military department concerned may authorize a number, determined under subparagraph (C), of officers in the reserve component of each armed force under the jurisdiction of that Secretary to serve as described in subparagraph (A).

"(C) Each number described in subparagraph (B) may not exceed 10 percent of the number of general or flag officers, as the case may be, authorized to serve in the armed force concerned under section 12004 of this title. In determining a number under this subparagraph, any fraction shall be rounded down to the next whole number that is greater than zero.

"(3)(A) A general or flag officer of a reserve component who is on active duty for a period longer than 365 days and not longer than three years.

"(B) The number of officers described in subparagraph (A) who do not serve in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed five per armed force, unless authorized by the Secretary of Defense.".

(b) ALLOCATION OF BILLETS AND POSITIONS AMONG THE ARMED FORCES AND FOR JOINT DUTY ASSIGNMENTS.—

Study.

(1) REPORT REQUIRED.—Not later than May 1, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of a study, conducted by the Secretary for purposes of the report, on the following:

(A) The allocation among the Armed Forces of billets and positions for general and flag officers on active duty.

(B) The allocation for joint duty assignments of billets and positions for general and flag officers on active duty.

(2) CONSULTATION.—The Secretary of Defense shall carry out paragraph (1) in the consultation with the Secretaries of

the military departments and the Chairman of the Joint Chiefs of Staff.

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

(A) A final plan to meet the authorized strengths of general and flag officers on active duty after December, 31, 2022, as required by section 526a of title 10, United States Code, which plan shall set forth the intended disposition of each billet or position for general or flag officer in effect as of the date of the enactment of this Act in order to meet the objectives of the plan. Plan.

(B) A recommendation by the Secretary of Defense as to the appropriate grade level or levels for the billet or position of commander of a component command within a combatant command.

(C) A recommendation by the Chairman of the Joint Chief of Staff as to whether the billet or position of commander of a component command within a combatant command should be considered a joint duty assignment for purposes of section 526(b) or 526a(b) of title 10, United States Code.

(D) A recommendation by the Secretary of Defense as to the allocation of billets and positions for general and flag officers on active duty among the Armed Forces within the aggregate limitation specified in section 526a(a) of title 10, United States Code, including the allocation of such billets and positions within the Space Force.

(E) Such other matters as the Secretary of Defense considers appropriate.

(c) INCREASE IN ARMY AUTHORIZATION FOR GENERAL OFFICERS SERVING IN GRADE O–10.—

(1) INCREASE.—Section 525(a)(1)(A) of title 10, United States Code, is amended by striking "7" and inserting "8".

(2) CONFORMING DECREASE IN STRENGTH LIMITATIONS FOR JOINT DUTY REQUIREMENTS.—Section 526(b)(3)(A) of such title is amended by striking "20" and inserting "19".

(3) CONSTRUCTION OF DECREASE AS APPLYING TO GENERALS.—The reduction in number of positions excluded from authorized strength limitations resulting from the amendment made by paragraph (2) shall apply to positions in the grade of general. 10 USC 526 note.

SEC. 502. TEMPORARY EXPANSION OF AVAILABILITY OF ENHANCED CONSTRUCTIVE SERVICE CREDIT IN A PARTICULAR CAREER FIELD UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) REGULAR OFFICERS.—Subparagraph (D) of section 533(b)(1) of title 10, United States Code, is amended to read as follows:

"(D) Additional credit as follows:

"(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

"(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.". Time period.

(b) RESERVE OFFICERS.—Section 12207(b)(1) of such title is amended—

(1) in the matter preceding subparagraph (A), "or a designation in" and all that follows through "education or training," and inserting "and who has special training or experience, or advanced education (if applicable),"; and

(2) by striking subparagraph (D) and inserting the following new subparagraph (D):

"(D) Additional credit as follows:

"(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

"(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.".

10 USC 533 note.

(c) ANNUAL REPORT.—

Time period.

(1) IN GENERAL.—Not later than February 1, 2022, and every four years thereafter, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of the authorities in subparagraph (D) of section 553(b)(1) of title 10, United States Code (as amended by subsection (a)), and subparagraph (D) of section 12207(b)(1) of such title (as amended by subsection (b)) (each referred to in this subsection as a "constructive credit authority") during the preceding fiscal year for the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year and Armed Forces covered by such report, the following:

(A) The manner in which constructive service credit was calculated under each constructive credit authority.

(B) The number of officers credited constructive service credit under each constructive credit authority.

Assessment.

(C) A description and assessment of the utility of the constructive credit authorities in meeting the operational needs of the Armed Force concerned.

(D) Such other matters in connection with the constructive credit authorities as the Secretary of the military department concerned considers appropriate.

SEC. 503. DIVERSITY IN SELECTION BOARDS.

(a) REQUIREMENT FOR DIVERSE MEMBERSHIP OF ACTIVE DUTY PROMOTION SELECTION BOARDS.—

(1) OFFICERS.—Section 612(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "The members of a selection board shall represent the diverse population of the armed force concerned to the extent practicable.".

(2) WARRANT OFFICERS.—Section 573(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "The members of a selection board shall represent the diverse population of the armed force concerned to the extent practicable.".

(b) REQUIREMENT FOR DIVERSE MEMBERSHIP OF RESERVE COMPONENT PROMOTION SELECTION BOARDS.—Section 14102(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "The members of a selection board shall represent the diverse population of the armed force concerned to the extent practicable.".

(c) OTHER SELECTION BOARDS.— 10 USC 573 note.

(1) IN GENERAL.—The Secretary of Defense shall ensure that the members of each selection board described in paragraph (2) represent the diverse population of the Armed Force concerned to the extent practicable.

(2) SELECTION BOARD DESCRIBED.—A selection board described in this paragraph (1) is any selection board used with respect to the promotion, education, or command assignments of members of the Armed Forces that is not covered by the amendments made by this section.

SEC. 504. REQUIREMENT FOR PROMOTION SELECTION BOARD RECOMMENDATION OF HIGHER PLACEMENT ON PROMOTION LIST OF OFFICERS OF PARTICULAR MERIT.

(a) IN GENERAL.—Section 616(h) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "may" and inserting "shall"; and

(B) by inserting "pursuant to guidelines and procedures prescribed by the Secretary," after "officers of particular merit,"; and

(2) in paragraph (3), by inserting ", pursuant to guidelines and procedures prescribed by the Secretary concerned," after "shall recommend".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to officers recommended for promotion by promotion selection boards convened on or after that date. Applicability. 10 USC 616 note.

SEC. 505. SPECIAL SELECTION REVIEW BOARDS FOR REVIEW OF PROMOTION OF OFFICERS SUBJECT TO ADVERSE INFORMATION IDENTIFIED AFTER RECOMMENDATION FOR PROMOTION AND RELATED MATTERS.

(a) REGULAR OFFICERS.—

(1) IN GENERAL.—Subchapter III of chapter 36 of title 10, United States Code, is amended by inserting after section 628 the following new section:

"§ 628a. Special selection review boards 10 USC 625a.

"(a) IN GENERAL.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general, rear admiral in the Navy, or an equivalent grade in the Space Force is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained. Determination. Recommendations.

"(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

"(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

"(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 624(a) of this title.

"(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 628(f) of this title.

"(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary of the military department concerned shall specify in convening such special selection review board.

"(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

"(A) The record and information concerning the person furnished in accordance with section 615(a)(2) of this title to the promotion board that recommended the person for promotion.

"(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 615(a)(3)(A) of this title.

"(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in paragraph (3)(C) of section 615(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to selection boards in accordance with that section.

"(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary of the military department concerned shall ensure that—

"(i) such information is made available to the person; and

"(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

Classified information. Summary.

"(B) If information on a person described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

"(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

"(I) such information was made available to the person in connection with the furnishing of such information under

section 615(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

"(II) the person submitted comments on such information to that promotion board.

"(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

"(D) A person may waive either or both of the following: Waiver authority.

"(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

"(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

"(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers of the same competitive category who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board. Records.

"(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened. Records.

"(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

"(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person— Determination.

"(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

"(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

"(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

"(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

"(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it. Certification.

"(2) The provisions of sections 617(b) and 618 of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they Applicability.

apply to the report and proceedings of a promotion board convened under section 611(a) of this title.

President. "(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with subsections (b) and (c) of section 624 of this title.

"(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

"(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe Applicability. regulations to carry out this section. Such regulations shall apply uniformly across the military departments.

Approval. "(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing.

"(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board 'means a selection board convened by the Secretary of a military department under section 611(a) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 36 of such title is amended by inserting after the item relating to section 628 the following new item:

10 USC prec. 627.

"628a. Special selection review boards.".

(3) DELAY IN PROMOTION.—Section 624(d) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "or" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(iii) by inserting after subparagraph (E) the following new subparagraph (F):

Determination. "(F) the Secretary of the military department concerned determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 628a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.";

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 628a(f) of this title."; and

(D) in paragraph (4), as redesignated by subparagraph (B)—

(i) by striking "The appointment" and inserting "(A) Except as provided in subparagraph (B), the appointment"; and

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

"(B) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 628a(c)(3) of this title.".

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by inserting after section 14502 the following new section:

"§ 14502a. Special selection review boards

10 USC 14502a.

"(a) IN GENERAL.—(1) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general or rear admiral in the Navy is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 14107(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

Determination. Recommendations.

"(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

"(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

"(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 14308(a) of this title.

"(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 14502(b)(2) of this title.

"(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary of the military department concerned shall specify in convening such special selection review board.

"(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

"(A) The record and information concerning the person furnished in accordance with section 14107(a)(2) of this title to the promotion board that recommended the person for promotion.

"(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or

conclusion from an officially documented investigation or inquiry described in section 14107(a)(3)(A) of this title.

"(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in paragraph (3)(B) of section 14107(a) of this title applicable to the furnishing of information described in paragraph (3)(A) of such section to promotion boards in accordance with that section.

"(3)(A) Before information on person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary of the military department concerned shall ensure that—

"(i) such information is made available to the person; and

"(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

Classified information. Summary.

"(B) If information on an officer described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

"(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

"(I) such information was made available to the person in connection with the furnishing of such information under section 14107(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

"(II) the person submitted comments on such information to that promotion board.

"(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

Waiver authority.

"(D) A person may waive either or both of the following:

"(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

"(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

"(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers of the same competitive category who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

"(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

"(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply

standards used by the promotion board that recommended the person for promotion.

"(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person— Determination.

"(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

"(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

"(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

"(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

"(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it. Certification.

"(2) The provisions of sections 14109(c), 14110, and 14111 of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title. Applicability.

"(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with section 14308 of this title. President.

"(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

"(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly across the military departments. Applicability.

"(2) Any regulation prescribed by the Secretary of a military department to supplement the regulations prescribed pursuant to paragraph (1) may not take effect without the approval of the Secretary of Defense, in writing. Approval.

"(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board 'means a selection board convened by the Secretary of a military department under section 14101(a) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by inserting 10 USC prec. 14501.

after the item relating to section 14502 the following new item:

"14502a. Special selection review boards.".

(3) DELAY IN PROMOTION.—Section 14311 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by adding at the end the following new subparagraph:

Determination.

"(F) The Secretary of the military department concerned determines that credible information of adverse nature, including a substantiated adverse finding or conclusion described in section 14107(a)(3)(A) of this title, with respect to the officer will result in the convening of a special selection review board under section 14502a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained."; and

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

"(3) In the case of an officer whose promotion is delayed pursuant to paragraph (1)(F) and whose recommendation for promotion is sustained, authorities for the promotion of the officer are specified in section 14502a(f) of this title."; and

(B) in subsection (c), by adding at the end the following new paragraph:

"(3) Notwithstanding paragraphs (1) and (2), in the case of an officer whose promotion is delayed pursuant to subsection (a)(1)(F), requirements applicable to notice and opportunity for response to such delay are specified in section 14502a(c)(3) of this title.".

(c) REQUIREMENTS FOR FURNISHING ADVERSE INFORMATION ON REGULAR OFFICERS TO PROMOTION SELECTION BOARDS.—

(1) EXTENSION OF REQUIREMENTS TO SPACE FORCE REGULAR OFFICERS.—Subparagraph (B)(i) of section 615(a)(3) of title 10, United States Code, is amended by striking "or, in the case of the Navy, lieutenant" and inserting ", in the case of the Navy, lieutenant, or in the case of the Space Force, the equivalent grade".

(2) SATISFACTION OF REQUIREMENTS THROUGH SPECIAL SELECTION REVIEW BOARDS.—Such section is further amended by adding at the end the following new subparagraph:

"(D) With respect to the consideration of an officer for promotion to a grade at or below major general, in the case of the Navy, rear admiral, or, in the case of the Space Force, the equivalent grade, the requirements in subparagraphs (A) and (C) may be met through the convening and actions of a special selection review board with respect to the officer under section 628a of this title.".

(3) DELAYED APPLICABILITY OF REQUIREMENTS TO BOARDS FOR PROMOTION OF OFFICERS TO NON-GENERAL AND FLAG OFFICER GRADES.—Subsection (c) of section 502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1344) is amended to read as follows:

10 USC 615 note.

"(c) EFFECTIVE DATE AND APPLICABILITY.—

"(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 20, 2019, and shall, except as provided in paragraph (2), apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, after that date.

"(2) DELAYED APPLICABILITY FOR BOARDS FOR PROMOTION TO NON-GENERAL AND FLAG OFFICER GRADES.—The amendments made this section shall apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, for consideration of officers for promotion to a grade below the grade of brigadier general or, in the case of the Navy, rear admiral (lower half), only if such boards are so convened after January 1, 2021.".

(d) REQUIREMENTS FOR FURNISHING ADVERSE INFORMATION ON RESERVE OFFICERS TO PROMOTION SELECTION BOARDS.—Section 14107(a)(3) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)";

(2) in subparagraph (A), as designated by paragraph (1), by striking "colonel, or, in the case of the Navy, captain" and inserting "lieutenant colonel, or, in the case of the Navy, commander"; and

(3) by adding at the end the following new subparagraphs

"(B) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selection board, and to each individual member of the board, the information described in that subparagraph with regard to an officer in a grade specified in that subparagraph at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.

"(C) With respect to the consideration of an officer for promotion to a grade at or below major general or, in the Navy, rear admiral, the requirements in subparagraphs (A) and (B) may be met through the convening and actions of a special selection board with respect to the officer under section 14502a of this title.".

SEC. 506. NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION UNDER ALTERNATIVE PROMOTION AUTHORITY.

Section 649c of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) INAPPLICABILITY OF REQUIREMENT RELATING TO OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—Section 645(1)(A)(i)(I) of this title shall not apply to the promotion of officers described in subsection (a) to the extent that such section is inconsistent with a number of opportunities for promotion specified pursuant to section 649d of this title.".

SEC. 507. MANDATORY RETIREMENT FOR AGE.

(a) GENERAL RULE.—Subsection (a) of section 1251 of title 10, United States Code, is amended—

(1) by striking "or Marine Corps," and inserting "Marine Corps, or Space Force"; and

(2) by inserting "or separated, as specified in subsection (e)," after "shall be retired".

(b) DEFERRED RETIREMENT OR SEPARATION OF HEALTH PROFESSIONS OFFICERS.—Subsection (b) of such section is amended—

(1) in the subsection heading, by inserting "OR SEPARATION" after "RETIREMENT"; and

(2) in paragraph (1), by inserting "or separation" after "retirement".

(c) DEFERRED RETIREMENT OR SEPARATION OF OTHER OFFICERS.—Subsection (c) of such section is amended—

(1) in the subsection heading, by striking "OF CHAPLAINS" and inserting "OR SEPARATION OF OTHER OFFICERS";

(2) by inserting "or separation" after "retirement"; and

(3) by striking "an officer who is appointed or designated as a chaplain" and inserting "any officer other than a health professions officer described in subsection (b)(2)".

(d) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—Such section is further amended by adding at the end the following new subsection:

Applicability.

"(e) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—(1) The following rules shall apply to a regular commissioned officer who is to be retired or separated under subsection (a):

"(A) If the officer has at least 6 but fewer than 20 years of creditable service, the officer shall be separated, with separation pay computed under section 1174(d)(1) of this title.

"(B) If the officer has fewer than 6 years of creditable service, the officer shall be separated under subsection (a).

"(2) Notwithstanding paragraph (1), in the case of a regular commissioned officer who was added to the retired list before the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the officer shall be retired, with retired pay computed under section 1401 of this title.".

SEC. 508. CLARIFYING AND IMPROVING RESTATEMENT OF RULES ON THE RETIRED GRADE OF COMMISSIONED OFFICERS.

(a) RESTATEMENT.—

(1) IN GENERAL.—Chapter 69 of title 10, United States Code, is amended by striking section 1370 and inserting the following new sections:

10 USC 1370.

"§ 1370. Regular commissioned officers

"(a) RETIREMENT IN HIGHEST GRADE IN WHICH SERVED SATISFACTORILY.—

"(1) IN GENERAL.—Unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, Marine Corps, or Space Force who retires under any provision of law other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily.

"(2) DETERMINATION OF SATISFACTORY SERVICE.—The determination of satisfactory service of an officer in a grade under paragraph (1) shall be made as follows:

"(A) By the Secretary of the military department concerned, if the officer is serving in a grade at or below the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.

"(B) By the Secretary of Defense, if the officer is serving or has served in a grade above the grade of major general, rear admiral in the Navy, or the equivalent grade in the Space Force.

"(3) EFFECT OF MISCONDUCT IN LOWER GRADE IN DETERMINATION.—If the Secretary of a military department or the Secretary of Defense, as applicable, determines that an officer committed misconduct in a lower grade than the retirement grade otherwise provided for the officer by this section—

"(A) such Secretary may deem the officer to have not served satisfactorily in any grade equal to or higher than such lower grade for purposes of determining the retirement grade of the officer under this section; and

"(B) the grade next lower to such lower grade shall be the retired grade of the officer under this section.

"(4) NATURE OF RETIREMENT OF CERTAIN RESERVE OFFICERS AND OFFICERS IN TEMPORARY GRADES.—A reserve officer, or an officer appointed to a position under section 601 of this title, who is notified that the officer will be released from active duty without the officer's consent and thereafter requests retirement under section 7311, 8323, or 9311 of this title and is retired pursuant to that request is considered for purposes of this section to have been retired involuntarily. Notification.

"(5) NATURE OF RETIREMENT OF CERTAIN REMOVED OFFICERS.—An officer retired pursuant to section 1186(b)(1) of this title is considered for purposes of this section to have been retired voluntarily.

"(b) RETIREMENT OF OFFICERS RETIRING VOLUNTARILY.—

"(1) SERVICE-IN-GRADE REQUIREMENT.—In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, Air Force, or Marine Corps, lieutenant in the Navy, or the equivalent grade in the Space Force, a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force must have served on active duty in that grade for a period of not less than three years, except that— Time periods.

"(A) subject to subsection (c), the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and

"(B) in the case of an officer to be retired in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force, the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

"(2) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense in subparagraph (A) of paragraph (1) may not be delegated. The authority of the Secretary of a military department in subparagraph (B) of paragraph (1), as delegated to such Secretary pursuant to such subparagraph, may not be further delegated.

"(3) WAIVER OF REQUIREMENT.—Subject to subsection (c), the President may waive the application of the service-in-grade requirement in paragraph (1) to officers covered by that paragraph in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under this paragraph may not be delegated. President.

"(4) LIMITATION ON REDUCTION OR WAIVER OF REQUIREMENT FOR OFFICERS UNDER INVESTIGATION OR PENDING MISCONDUCT.—In the case of an officer to be retired in a grade

above the grade of colonel in the Army, Air Force, or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force, the service-in-grade requirement in paragraph (1) may not be reduced pursuant to that paragraph, or waived pursuant to paragraph (3), while the officer is under investigation for alleged misconduct or while there is pending the disposition of an adverse personnel action against the officer.

"(5) GRADE AND FISCAL YEAR LIMITATIONS ON REDUCTION OR WAIVER OF REQUIREMENTS.—The aggregate number of members of an armed force in a grade for whom reductions are made under paragraph (1), and waivers are made under paragraph (3), in a fiscal year may not exceed—

"(A) in the case of officers to be retired in a grade at or below the grade of major in the Army, Air Force, or Marine Corps, lieutenant commander in the Navy, or the equivalent grade in the Space Force, the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade;

"(B) in the case of officers to be retired in the grade of lieutenant colonel or colonel in the Army, Air Force, or Marine Corps, commander or captain in the Navy, or an equivalent grade in the Space Force, the number equal to four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade; or

"(C) in the case of officers to be retired in the grade of brigadier general or major general in the Army, Air Force, or Marine Corps, rear admiral (lower half) or rear admiral in the Navy, or an equivalent grade in the Space Force, the number equal to 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade.

"(6) NOTICE TO CONGRESS ON REDUCTION OR WAIVER OF REQUIREMENTS FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In the case of an officer to be retired in a grade that is a general or flag officer grade, or an equivalent grade in the Space Force, who is eligible to retire in that grade only by reason of an exercise of the authority in paragraph (1) to reduce the service-in-grade requirement in that paragraph, or the authority in paragraph (3) to waive that requirement, the Secretary of Defense or the President, as applicable, shall, not later than 60 days prior to the date on which the officer will be retired in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of the applicable authority with respect to that officer.

President.
Deadline.

"(7) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING REQUIREMENT.—An officer described in paragraph (1) whose length of service in the highest grade held by the officer while on active duty does not meet the period of the service-in-grade requirement applicable to the officer under this subsection shall, subject to subsection (c), be retired in the next lower grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the military department concerned or the Secretary of Defense, as applicable.

Determination.

"(c) OFFICERS IN O–9 AND O–10 GRADES.—

"(1) IN GENERAL.—An officer of the Army, Navy, Air Force, Marine Corps, or Space Force who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served on active duty satisfactorily in such grade. Certification.

"(2) PROHIBITION ON DELEGATION.—The authority of the Secretary of Defense to make a certification with respect to an officer under paragraph (1) may not be delegated.

"(3) REQUIREMENTS IN CONNECTION WITH CERTIFICATION.—A certification with respect to an officer under paragraph (1) shall—

"(A) be submitted by the Secretary of Defense such that it is received by the President and the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days prior to the date on which the officer will be retired in the grade concerned; Deadline.

"(B) include an up-to-date copy of the military biography of the officer; and Records.

"(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

"(4) CONSTRUCTION WITH OTHER NOTICE.—In the case of an officer under paragraph (1) to whom a reduction in the service-in-grade requirement under subsection (b)(1) or waiver under subsection (b)(3) applies, the requirement for notification under subsection (b)(6) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

"(d) CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS PENDING INVESTIGATION OR ADVERSE ACTION.—

"(1) IN GENERAL.—When an officer serving in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of the military department concerned may—

"(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer pending completion of the investigation or resolution of the personnel action, as applicable; and Determination.

"(B) retire the officer in that conditional grade, subject to subsection (e).

"(2) OFFICERS IN O–9 AND O–10 GRADES.—When an officer described by subsection (c)(1) is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of Defense may—

Determination.

"(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer, pending completion of the investigation or personnel action, as applicable; and

"(B) retire the officer in that conditional grade, subject to subsection (e).

"(3) REDUCTION OR WAIVER OF SERVICE-IN-GRADE REQUIREMENT PROHIBITED FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In conditionally determining the retirement grade of an officer under paragraph (1)(A) or (2)(A) of this subsection to be a grade above the grade of colonel in the Army, Air Force, or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force, the service-in-grade requirement in subsection (b)(1) may not be reduced pursuant to subsection (b)(1) or waived pursuant to subsection (b)(3).

"(4) PROHIBITION ON DELEGATION.—The authority of the Secretary of a military department under paragraph (1) may not be delegated. The authority of the Secretary of Defense under paragraph (2) may not be delegated.

"(e) FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.—

"(1) NO CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired will not be changed, the conditional retirement grade of the officer shall, subject to paragraph (3), be the final retired grade of the officer.

Applicability.

"(2) CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired should be changed, the changed retirement grade shall be the final retired grade of the officer under this section, except that if the final retirement grade provided for an officer pursuant to this paragraph is the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, the requirements in subsection (c) shall apply in connection with the retirement of the officer in such final retirement grade.

Effective dates.

"(3) RECALCULATION OF RETIRED PAY.—

"(A) IN GENERAL.—If the final retired grade of an officer is as a result of a change under paragraph (2), the retired pay of the officer under chapter 71 of this title shall be recalculated accordingly, with any modification of the retired pay of the officer to go into effect as of the date of the retirement of the officer.

"(B) PAYMENT OF HIGHER AMOUNT FOR PERIOD OF CONDITIONAL RETIREMENT GRADE.—If the recalculation of the retired pay of an officer results in an increase in retired pay, the officer shall be paid the amount by which such increased retired pay exceeded the amount of retired pay paid the officer for retirement in the officer's conditional grade during the period beginning on the date of

the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer's retired grade. For an officer whose retired grade is determined pursuant to subsection (c), the effective date of the change of the officer's retired grade for purposes of this subparagraph shall be the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives the certification required by subsection (c) in connection with the retired grade of the officer.

"(C) RECOUPMENT OF OVERAGE DURING PERIOD OF CONDITIONAL RETIREMENT GRADE.—If the recalculation of the retired pay of an officer results in a decrease in retired pay, there shall be recouped from the officer the amount by which the amount of retired pay paid the officer for retirement in the officer's conditional grade exceeded such decreased retired pay during the period beginning on the date of the retirement of the officer in such conditional grade and ending on the effective date of the change of the officer's retired grade.

"(f) FINALITY OF RETIRED GRADE DETERMINATIONS.—

"(1) IN GENERAL.—Except for a conditional determination authorized by subsection (d), a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened, except as provided in paragraph (2).

"(2) REOPENING.—A final determination of the retired grade of an officer may be reopened as follows:

"(A) If the retirement or retired grade of the officer was procured by fraud.

"(B) If substantial evidence comes to light after the retirement that could have led to determination of a different retired grade under this section if known by competent authority at the time of retirement.

"(C) If a mistake of law or calculation was made in the determination of the retired grade.

"(D) If the applicable Secretary determines, pursuant to regulations prescribed by the Secretary of Defense, that good cause exists to reopen the determination of retired grade.

Regulations.

"(3) APPLICABLE SECRETARY.—For purposes of this subsection, the applicable Secretary for purposes of a determination or action specified in this subsection is—

"(A) the Secretary of the military department concerned, in the case of an officer retired in a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force; or

"(B) the Secretary of Defense, in the case of an officer retired in a grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force.

"(4) NOTICE AND LIMITATION.—If a final determination of the retired grade of an officer is reopened in accordance with paragraph (2), the applicable Secretary—

"(A) shall notify the officer of the reopening; and

"(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis for the reopening of the officer's retired grade.

"(5) ADDITIONAL NOTICE ON REOPENING FOR OFFICERS RETIRED IN O–9 AND O-10 GRADES.—If the determination of the retired grade of an officer whose retired grade was provided for pursuant to subsection (c) is reopened, the Secretary of Defense shall also notify the President and the Committees on Armed Services of the Senate and the House of Representatives.

"(6) MANNER OF MAKING OF CHANGE.—If the retired grade of an officer is proposed to be changed through the reopening of the final determination of an officer's retired grade under this subsection, the change in grade shall be made—

"(A) in the case of an officer whose retired grade is to be changed to a grade at or below the grade of major general in the Army, Air Force or Marine Corps, rear admiral in the Navy, or the equivalent grade in the Space Force, in accordance with subsections (a) and (b)—

"(i) by the Secretary of Defense (who may delegate such authority only as authorized by clause (ii)); or

"(ii) if authorized by the Secretary of Defense, by the Secretary of the military department concerned (who may not further delegate such authority);

President. "(B) in the case of an officer whose retired grade is to be changed to the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or an equivalent grade in the Space Force, by the President, by and with the advice and consent of the Senate.

"(7) RECALCULATION OF RETIRED PAY.—If the final retired grade of an officer is changed through the reopening of the officer's retired grade under this subsection, the retired pay of the officer under chapter 71 of this title shall be recalculated.

Effective date. Any modification of the retired pay of the officer as a result of the change shall go into effect on the effective date of the change of the officer's retired grade, and the officer shall not be entitled or subject to any changed amount of retired pay for any period before such effective date. An officer whose retired grade is changed as provided in paragraph (6)(B) shall not be entitled or subject to a change in retired pay for any period before the date on which the Senate provides advice and consent for the retirement of the officer in such grade.

"(g) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force.

10 USC 1370a.

"§ 1370a. Officers entitled to retired pay for non-regular service

"(a) RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—

Determination. Unless entitled to a different grade, or to credit for satisfactory service in a different grade under some other provision of law, a person who is entitled to retired pay under chapter 1223 of this title shall, upon application under section 12731 of this title,

be credited with satisfactory service in the highest permanent grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary of the military department concerned in accordance with this section.

"(b) SERVICE-IN-GRADE REQUIREMENT FOR OFFICERS IN GRADES BELOW O–5.—In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months. Determination.

"(c) SERVICE-IN-GRADE REQUIREMENT FOR OFFICES IN GRADES ABOVE O–4.— Time periods.

"(1) IN GENERAL.—In order to be credited with satisfactory service in an officer grade above major or lieutenant commander (in the case of the Navy), a person covered by subsection (a) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. Determination.

"(2) SATISFACTION OF REQUIREMENT BY CERTAIN OFFICERS NOT COMPLETING THREE YEARS.—A person covered by paragraph (1) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if the person is transferred from an active status or discharged as a reserve commissioned officer—

"(A) solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service; or

"(B) because the person no longer meets the qualifications for membership in the Ready Reserve solely because of a physical disability, as determined in accordance with chapter 61 of this title, and at the time of such transfer or discharge the person (pursuant to section 12731b of this title or otherwise) meets the service requirements established by section 12731(a) of this title for eligibility for retired pay under chapter 1223 of this title, unless the disability is described in section 12731b of this title.

"(3) REDUCTION IN SERVICE-IN-GRADE REQUIREMENTS.—

"(A) OFFICERS IN GRADES BELOW GENERAL AND FLAG OFFICER GRADES.—In the case of a person to be retired in a grade below brigadier general or rear admiral (lower half) in the Navy, the Secretary of Defense may authorize the Secretary of a military department to reduce, subject to subparagraph (B), the three-year period of service-in-grade required by paragraph (1) to a period not less than two years. The authority of the Secretary of a military department under this subparagraph may not be delegated.

"(B) LIMITATION.—The number of reserve commissioned officers of an armed force in the same grade for whom a reduction is made under subparagraph (A) during any fiscal year in the period of service-in-grade otherwise required by paragraph (1) may not exceed the number

equal to 2 percent of the strength authorized for that fiscal year for reserve commissioned officers of that armed force in an active status in that grade.

"(C) OFFICERS IN GENERAL AND FLAG OFFICERS GRADES.—The Secretary of Defense may reduce the three-year period of service-in-grade required by paragraph (1) to a period not less than two years for any person, including a person who, upon transfer to the Retired Reserve or discharge, is to be credited with satisfactory service in a general or flag officer grade under that paragraph. The authority of the Secretary of Defense under this subparagraph may not be delegated.

Deadline.

"(D) NOTICE TO CONGRESS ON REDUCTION IN SERVICE-IN-GRADE REQUIREMENTS FOR GENERAL AND FLAG OFFICER GRADES.—In the case of a person to be credited under this section with satisfactory service in a grade that is a general or flag officer grade who is eligible to be credited with such service in that grade only by reason of an exercise of authority in subparagraph (C) to reduce the three-year service-in-grade requirement otherwise applicable under paragraph (1), the Secretary of Defense shall, not later than 60 days prior to the date on which the person will be credited with such satisfactory service in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of authority in subparagraph (C) with respect to that person.

"(4) OFFICERS SERVING IN GRADES ABOVE O–6 INVOLUNTARILY TRANSFERRED FROM ACTIVE STATUS.—A person covered by paragraph (1) who has completed at least six months of satisfactory service in a grade above colonel or (in the case of the Navy) captain and, while serving in an active status in such grade, is involuntarily transferred (other than for cause) from active status may be credited with satisfactory service in the grade in which serving at the time of such transfer, notwithstanding failure of the person to complete three years of service in that grade.

"(5) ADJUTANTS AND ASSISTANT ADJUTANTS GENERAL.—If a person covered by paragraph (1) has completed at least six months of satisfactory service in grade, the person was serving in that grade while serving in a position of adjutant general required under section 314 of title 32 or while serving in a position of assistant adjutant general subordinate to such a position of adjutant general, and the person has failed to complete three years of service in that grade solely because the person's appointment to such position has been terminated or vacated as described in section 324(b) of such title, the person may be credited with satisfactory service in that grade, notwithstanding the failure of the person to complete three years of service in that grade.

"(6) OFFICERS RECOMMENDED FOR PROMOTION SERVING IN CERTAIN GRADE BEFORE PROMOTION.—To the extent authorized by the Secretary of the military department concerned, a person who, after having been recommended for promotion in a report of a promotion board but before being promoted to the recommended grade, served in a position for which that grade is the minimum authorized grade may be credited for purposes of paragraph (1) as having served in that grade for the period

for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

"(7) OFFICERS QUALIFIED FOR FEDERAL RECOGNITION SERVING IN CERTAIN GRADE BEFORE APPOINTMENT.—To the extent authorized by the Secretary of the military department concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of paragraph (1) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may be only the period for which the person served in the position after the Senate provides advice and consent for the appointment.

"(8) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING SERVICE-IN-GRADE REQUIREMENTS.—A person whose length of service in the highest grade held does not meet the service-in-grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months. Determination.

"(d) OFFICERS IN O–9 AND O–10 GRADES.—

"(1) IN GENERAL.—A person covered by this section in the Army, Navy, Air Force, or Marine Corps who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, or vice admiral or admiral in the Navy under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served satisfactorily in such grade. Certification.

"(2) PROHIBITION ON DELEGATION.—The authority of the Secretary of Defense to make a certification with respect to an officer under paragraph (1) may not be delegated.

"(3) REQUIREMENTS IN CONNECTION WITH CERTIFICATION.—A certification with respect to an officer under paragraph (1) shall—

"(A) be submitted by the Secretary of Defense such that it is received by the President and the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days prior to the date on which the officer will be retired in the grade concerned; Deadline.

"(B) include an up-to-date copy of the military biography of the officer; and Records.

"(C) include the statement of the Secretary as to whether or not potentially adverse, adverse, or reportable information regarding the officer was considered by the Secretary in making the certification.

"(4) CONSTRUCTION WITH OTHER NOTICE.—In the case of an officer under paragraph (1) who is eligible to be credited with service in a grade only by reason of the exercise of the

authority in subsection (c)(3)(C) to reduce the three-year service-in-grade requirement under subsection (c)(1), the requirement for notification under subsection (c)(3)(D) is satisfied if the notification is included in the certification submitted by the Secretary of Defense under paragraph (1).

"(e) CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS UNDER INVESTIGATION FOR MISCONDUCT OR PENDING ADVERSE PERSONNEL ACTION.—The retirement grade, and retirement, of a person covered by this section who is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement is as provided for by section 1370(d) of this title. In the application of such section 1370(d) for purposes of this subsection, any reference 'active duty' shall be deemed not to apply, and any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section.

"(f) FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.—The final retirement grade under this section of a person described in subsection (e) following resolution of the investigation or personnel action concerned is the final retirement grade provided for by section 1370(e) of this title. In the application of such section 1370(e) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (3) of such section 1370e(e) for purposes of this subsection, the reference to 'chapter 71' of this title shall be deemed to be a reference to 'chapter 1223 of this title'.

"(g) FINALITY OF RETIRED GRADE DETERMINATIONS.—

"(1) IN GENERAL.—Except for a conditional determination authorized by subsection (e), a determination of the retired grade of a person pursuant to this section is administratively final on the day the person is retired, and may not be reopened.

"(2) REOPENING.—A determination of the retired grade of a person may be reopened in accordance with applicable provisions of section 1370(f) of this title. In the application of such section 1370(f) for purposes of this subsection, any reference to a provision of section 1370 of this title shall be deemed to be a reference to the analogous provision of this section. In the application of paragraph (7) of such section 1370(f) for purposes of this paragraph, the reference to 'chapter 71 of this title' shall be deemed to be a reference to 'chapter 1223 of this title'.

"(h) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, or Marine Corps or rear admiral in the Navy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 69 of title 10, United States Code, is amended by striking the item relating to section 1370 and inserting the following new items:

10 USC prec. 1370.

"1370. Regular commissioned officers.
"1370a. Officers entitled to retired pay for non-regular service.".

(b) CONFORMING AND TECHNICAL AMENDMENTS TO RETIRED GRADE RULES FOR THE ARMED FORCES.—

(1) RETIRED PAY.—Title 10, United States Code, is amended as follows:

(A) In section 1406(b)(2), by striking "section 1370(d)" and inserting "section 1370a".

(B) In section 1407(f)(2)(B), by striking "by reason of denial of a determination or certification under section 1370" and inserting "pursuant to section 1370 or 1370a".

(2) ARMY.—Section 7341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

"(a)(1) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability is determined under section 1370 of this title.

"(2) The retired grade of a reserve commissioned officer of the Army who retires other than for physical disability is determined under section 1370a of this title."; and

(B) in subsection (b)—

(i) by striking "he" and inserting "the member"; and

(ii) by striking "his" and inserting "the member's".

(3) NAVY AND MARINE CORPS.—Such title is further amended as follows:

(A) In section 8262(a), by striking "sections 689 and 1370" and inserting "section 689, and section 1370 or 1370a (as applicable),".

(B) In section 8323(c), by striking "section 1370 of this title" and inserting "section 1370 or 1370a of this title, as applicable".

(4) AIR FORCE AND SPACE FORCE.—Section 9341 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

"(a)(1) The retired grade of a regular commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370 of this title.

"(2) The retired grade of a reserve commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370a of this title."; and

(B) in subsection (b)—

(i) by inserting "or a Regular or Reserve of the Space Force" after "Air Force";

(ii) by striking "he" and inserting "the member"; and

(iii) by striking "his" and inserting "the member's".

(5) RESERVE OFFICERS.—Section 12771 of such title is amended—

(A) in subsection (a), by striking "section 1370(d)" and inserting "section 1370a of this title"; and

(B) in subsection (b)(1), by striking "section 1370(d)" and inserting "section 1370a".

10 USC 1370 note.

(c) OTHER REFERENCES.—In the determination of the retired grade of a commissioned officer of the Armed Forces entitled to retired pay under chapter 1223 of title 10, United States Code, who retires after the date of the enactment of this Act, any reference in a provision of law or regulation to section 1370 of title 10, United States Code, in such determination with respect to such officer shall be deemed to be a reference to section 1370a of title 10, United States Code (as amended by subsection (a)).

SEC. 509. REPEAL OF AUTHORITY FOR ORIGINAL APPOINTMENT OF REGULAR NAVY OFFICERS DESIGNATED FOR ENGINEERING DUTY, AERONAUTICAL ENGINEERING DUTY, AND SPECIAL DUTY.

(a) REPEAL.—Section 8137 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 815 of such title is amended by striking the item relating to section 8137.

10 USC prec. 8132.

SEC. 509A. PERMANENT PROGRAMS ON DIRECT COMMISSIONS TO CYBER POSITIONS.

(a) PERMANENT PROGRAMS.—Section 509 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2109; 10 U.S.C. 503 note) is amended—

(1) in the subsection heading of subsection (a), by striking "PILOT";

(2) by striking "pilot" each place it appears; and

(3) by striking subsections (d) and (e).

(b) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 509. PROGRAMS ON DIRECT COMMISSIONS TO CYBER POSITIONS.".

SEC. 509B. REVIEW OF SEAMAN TO ADMIRAL–21 PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary of the Navy shall review the policies and procedures for the Seaman to Admiral–21 program in effect during fiscal years 2010 through 2014.

Determinations.

(2) ELEMENTS.—The elements of the review shall include the following:

Time period.

(A) A determination whether officer candidates selected for the Seaman to Admiral–21 program after October 28, 2009, and before 30 September 2014, were notified or otherwise informed that they would not receive retirement credit for the months of active service used in pursuit of a baccalaureate-level degree under the program following completion of the program and upon appointment to the grade of ensign in the Navy.

(B) An explanation of how and when the Navy implemented the requirements of former section 6328(c) of title 10, United States Code (currently section 8328(c) of that title) for Seaman to Admiral–21 participants.

(C) The number of personnel who were selected for the Seaman to Admiral–21 program, completed a baccalaureate-level degree, and were appointed as an ensign in the Navy under the program from fiscal years 2010 through 2014.

(D) A determination whether the personnel described in subparagraph (C) should be eligible for retirement credit for the months of active service spent in pursuit of a baccalaureate-level degree.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review under subsection (a).

(c) DEADLINE.—The Secretary of the Navy shall carry out this section by not later than 180 days after the date of the enactment of this Act.

Subtitle B—Reserve Component Management

SEC. 511. TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS DURING WAR OR NATIONAL EMERGENCY.

Section 688a of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) EXCEPTIONS DURING PERIODS OF WAR OR NATIONAL EMERGENCY.—The limitations in subsections (c) and (f) shall not apply during a time of war or of national emergency declared by Congress or the President.".

SEC. 512. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2031(a)(2) of title 10, United States Code, is amended by inserting after "service to the United States" the following: "(including an introduction to service opportunities in military, national, and public service)".

SEC. 513. GRANTS TO SUPPORT STEM EDUCATION IN THE JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PROGRAM AUTHORITY.—

(1) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2036. Grants to support science, technology, engineering, and mathematics education

10 USC 2036.

"(a) AUTHORITY.—The Secretary, in consultation with the Secretary of Education, may carry out a program to make grants to eligible entities to assist such entities in providing education in covered subjects to students in the Junior Reserve Officers' Training Corps.

Consultation.

"(b) COORDINATION.—In carrying out a program under subsection (a), the Secretary may coordinate with the following:

"(1) The Director of the National Science Foundation.

"(2) The Administrator of the National Aeronautics and Space Administration.

"(3) The heads of such other Federal, State, and local government entities the Secretary of Defense determines to be appropriate.

Determination.

"(c) ACTIVITIES.—Activities funded with grants under this section may include the following:

"(1) Training and other support for instructors to teach courses in covered subjects to students.

"(2) The acquisition of materials, hardware, and software necessary for the instruction of covered subjects.

"(3) Activities that improve the quality of educational materials, training opportunities, and curricula available to students and instructors in covered subjects.

"(4) Development of travel opportunities, demonstrations, mentoring programs, and informal education in covered subjects for students and instructors.

"(5) Students' pursuit of certifications in covered subjects.

"(d) PREFERENCE.—In making any grants under this section, the Secretary shall give preference to eligible entities that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

"(e) EVALUATIONS.—In carrying out a program under this section, the Secretary shall establish outcome-based metrics and internal and external assessments to evaluate the merits and benefits of the activities funded with grants under this section with respect to the needs of the Department of Defense.

"(f) AUTHORITIES.—In carrying out a program under this section, the Secretary shall, to the extent practicable, make use of the authorities under chapter 111 and sections 2601 and 2605 of this title, and other authorities the Secretary determines appropriate.

"(g) DEFINITIONS.—In this section:

"(1) The term 'eligible entity' means a local education agency that hosts a unit of the Junior Reserve Officers' Training Corps.

"(2) The term 'covered subjects' means—

"(A) science;
"(B) technology;
"(C) engineering;
"(D) mathematics;
"(E) computer science;
"(F) computational thinking;
"(G) artificial intelligence;
"(H) machine learning;
"(I) data science;
"(J) cybersecurity;
"(K) robotics;
"(L) health sciences; and
"(M) other subjects determined by the Secretary of Defense to be related to science, technology, engineering, and mathematics.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 102 of such title is amended by adding at the end the following new item:

10 USC prec. 2031.

"2036. Grants to support science, technology, engineering, and mathematics education.".

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any activities carried out under section 2036 of title 10, United States Code (as added by subsection (a)).

SEC. 514. PERMANENT SUICIDE PREVENTION AND RESILIENCE PROGRAM FOR THE RESERVE COMPONENTS.

Section 10219 of title 10, United States Code, is amended by striking subsection (h).

SEC. 515. MODIFICATION OF EDUCATION LOAN REPAYMENT PROGRAM FOR MEMBERS OF SELECTED RESERVE.

(a) MODIFICATION OF MAXIMUM REPAYMENT AMOUNT.—Section 16301(b) of title 10, United States Code, is amended by striking "$500" and inserting "$1,000".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to loan repayment under section 16301 of title 10, United States Code, for eligible years of service completed on or after the date of the enactment of this Act. 10 USC 16301 note.

SEC. 516. INCLUSION OF DRILL OR TRAINING FOREGONE DUE TO EMERGENCY TRAVEL OR DUTY RESTRICTIONS IN COMPUTATIONS OF ENTITLEMENT TO AND AMOUNTS OF RETIRED PAY FOR NON-REGULAR SERVICE.

(a) ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (E) the following new subparagraph:

"(F)(i) Subject to regulations prescribed by the Secretary of Defense or the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy, one point for each day of active service or one point for each drill or period of equivalent instruction that was prescribed by the Secretary concerned to be performed during the covered emergency period, if such person was prevented from performing such duty due to travel or duty restrictions imposed by the President, the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard. Regulations.

"(ii) A person may not be credited more than 35 points in a one-year period under this subparagraph. Time period.

"(iii) In this subparagraph, the term 'covered emergency period' means the period beginning on March 1, 2020, and ending on the day that is 60 days after the date on which the travel or duty restriction applicable to the person concerned is lifted."; and Definition.

(2) in the matter following subparagraph (F), as inserted by paragraph (1), by striking "and (E)" and inserting "(E), and (F)".

(b) AMOUNT OF RETIRED PAY.—Section 12733(3) of such title is amended in the matter preceding subparagraph (A), by striking "or (D)" and inserting "(D), or (F)".

(c) REPORTING.—

(1) REPORT REQUIRED.—Not later than one year after the date on which the covered emergency period, as defined in subparagraph (F) of section 12732(a)(2) of such title, as added by subsection (a), ends, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under such subparagraph.

(2) ELEMENTS.—The report under this subsection shall include, with respect to each reserve component, the following:

(A) The number of individuals granted credit as a result of a training cancellation.

(B) The number of individuals granted credit as a result of another extenuating circumstance.

Deadline.

(3) PUBLICATION.—Not later than 30 days after submitting the report under paragraph (1), the Secretary shall—

Public information. Web posting. Data.

(A) publish the report on a publicly accessible website of the Department of Defense; and

(B) ensure that any data in the report is made available in a machine-readable format that is downloadable, searchable, and sortable.

10 USC 12301 note.

SEC. 517. QUARANTINE LODGING FOR MEMBERS OF THE RESERVE COMPONENTS WHO PERFORM CERTAIN SERVICE IN RESPONSE TO THE COVID–19 EMERGENCY.

Time period.

(a) IN GENERAL.—The Secretary of Defense may provide, to a member of the reserve components of the Armed Forces who performs a period of covered service, housing for not fewer than 14 days immediately after the end of such period of covered service.

(b) DEFINITIONS.—In this section:

(1) The term "active service" has the meaning given that term in section 101 of title 10, United States Code.

(2) The term "covered service" means active service performed in response to the covered national emergency.

(3) The term "covered national emergency" means the national emergency declared on March 13, 2020, by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID–19.

10 USC 10101 note.

SEC. 518. DIRECT EMPLOYMENT PILOT PROGRAM FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense to provide job placement assistance and related employment services directly to members of the National Guard and Reserves in reserve active-status.

(b) ADMINISTRATION.—Any such pilot program shall be offered to, and administered by, the adjutants general appointed under section 314 of title 32, United States Code, or other officials in the States concerned designated by the Secretary for purposes of the pilot program.

(c) COST-SHARING REQUIREMENT.—As a condition on the provision of funds under this section to a State to support the operation of the pilot program in that State, the State must agree to contribute funds, derived from non-Federal sources, in an amount equal to at least 50 percent of the funds necessary for the operation of the pilot program in that State.

(d) DEVELOPMENT.—In developing any such pilot program, the Secretary shall—

(1) incorporate elements of State direct employment programs for members of the reserve components; and

(2) use resources provided to members of the Armed Forces with civilian training opportunities through the SkillBridge transition training program administered by the Department of Defense.

(e) DIRECT EMPLOYMENT PROGRAM MODEL.—Any such pilot program shall use a job placement program model that focuses on working one-on-one with eligible members to cost-effectively provide job placement services, including—

(1) identifying unemployed and underemployed individuals;

(2) job matching services;
(3) resume editing;
(4) interview preparation; and
(5) post-employment follow up.

(f) EVALUATION.—The Secretary shall develop outcome metrics to evaluate the success of any such pilot program.

(g) REPORTING.—

(1) REPORT REQUIRED.—If the Secretary carries out the pilot Program, the Secretary of Defense shall submit to the congressional defense committees a report describing the results of the pilot program not later than March 1, 2022. The Secretary shall prepare the report in coordination with the Chief of the National Guard Bureau. Coordination.

(2) ELEMENTS.—A report under paragraph (1) shall include the following: Assessments.

(A) A description and assessment of the effectiveness and achievements of the pilot program, including the number of members of the reserve components of the Armed Forces hired and the cost-per-placement of participating members.

(B) An assessment of the effects of the pilot program and increased reserve component employment on the readiness of members of the reserve components and on the retention of members.

(C) A comparison of the pilot program to other programs conducted by the Department of Defense to provide unemployment or underemployment support to members of the reserve components of the Armed Forces, including the best practices developed through and used in such programs.

(D) Any other matters the Secretary of Defense determines appropriate.

(h) DURATION; EXTENSION.—

(1) Subject to paragraph (2), the authority to carry out the pilot program expires on September 30, 2024.

(2) The Secretary may elect to extend the pilot program for not more than two additional fiscal years.

SEC. 519. PILOT PROGRAMS AUTHORIZED IN CONNECTION WITH SROTC UNITS AND CSPI PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS. 10 USC 2101 note.

(a) PILOT PROGRAMS REQUIRED.—The Secretary of Defense may carry out two pilot programs as follows: Assessments.

(1) A pilot program, with elements as provided for in subsection (c), at covered institutions in order to assess the feasibility and advisability of mechanisms to reduce barriers to participation in the Senior Reserve Officers' Training Corps at such institutions by creating partnerships between satellite or extension Senior Reserve Officers' Training Corps units at such institutions and covered military installations.

(2) In consultation with the Secretary of Homeland Security, a pilot program, with elements as provided for in subsection (d), in order to assess the feasibility and advisability of the provision of financial assistance to members of the Senior Reserve Officers' Training Corps, and members of the Coast Consultation.

Guard College Student Pre-Commissioning Initiative, at covered institutions for participation in flight training.

(b) DURATION.—The duration of each pilot program under subsection (a) may not exceed 5 years.

(c) PILOT PROGRAM ON PARTNERSHIPS BETWEEN SATELLITE OR EXTENSION SROTC UNITS AND COVERED MILITARY INSTALLATIONS.—

(1) PARTICIPATING INSTITUTIONS.—The Secretary of Defense shall carry out the pilot program required by subsection (a)(1) at not fewer than five covered institutions selected by the Secretary for purposes of the pilot program.

(2) REQUIREMENTS FOR SELECTION.—Each covered institution selected by the Secretary for purposes of the pilot program under subsection (a)(1) shall—

(A) currently maintain a satellite or extension Senior Reserve Officers' Training Corps unit under chapter 103 of title 10, United States Code, that is located more than 20 miles from the host unit of such unit; or

(B) establish and maintain a satellite or extension Senior Reserve Officers' Training Corps unit that meets the requirements in subparagraph (A).

(3) PREFERENCE IN SELECTION OF INSTITUTIONS.—In selecting covered institutions under this subsection for participation in the pilot program under subsection (a)(1), the Secretary shall give preference to covered institutions that are located within 20 miles of a covered military installation of the same Armed Force as the host unit of the Senior Reserve Officers' Training Corps of the covered institution concerned.

(4) PARTNERSHIP ACTIVITIES.—The activities conducted under the pilot program under subsection (a)(1) between a satellite or extension Senior Reserve Officers' Training Corps unit and the covered military installation concerned shall include such activities designed to reduce barriers to participation in the Senior Reserve Officers' Training Corps at the covered institution concerned as the Secretary considers appropriate, including measures to mitigate travel time and expenses in connection with receipt of Senior Reserve Officers' Training Corps instruction.

(d) PILOT PROGRAM ON FINANCIAL ASSISTANCE FOR SROTC AND CSPI MEMBERS FOR FLIGHT TRAINING.—

Requirements.

(1) ELIGIBILITY FOR PARTICIPATION BY SROTC AND CSPI MEMBERS.—A member of a Senior Reserve Officers' Training Corps unit, or a member of a Coast Guard College Student Pre-Commissioning Initiative program, at a covered institution may participate in the pilot program under subsection (a)(2) if the member meets such academic requirements at the covered institution, and such other requirements, as the Secretary concerned shall establish for purposes of the pilot program.

(2) PREFERENCE IN SELECTION OF PARTICIPANTS.—In selecting members under this subsection for participation in the pilot program under subsection (a)(2), the Secretary concerned shall give a preference to members who will pursue flight training under the pilot program at a covered institution.

(3) FINANCIAL ASSISTANCE FOR FLIGHT TRAINING.—

(A) IN GENERAL.—The Secretary concerned may provide any member of a Senior Reserve Officers' Training Corps unit or a College Student Pre-Commissioning Initiative

program who participates in the pilot program under subsection (a)(2) financial assistance to defray, whether in whole or in part, the charges and fees imposed on the member for flight training.

(B) FLIGHT TRAINING.—Financial assistance may be used under subparagraph (A) for a course of flight training only if the course meets Federal Aviation Administration standards and is approved by the Federal Aviation Administration and the applicable State approving agency.

(C) USE.—Financial assistance received by a member under subparagraph (A) may be used only to defray the charges and fees imposed on the member as described in that subparagraph.

(D) CESSATION OF ELIGIBILITY.—Financial assistance may not be provided to a member under subparagraph (A) as follows:

(i) If the member ceases to meet the academic and other requirements established pursuant to paragraph (1).

(ii) If the member ceases to be a member of the Senior Reserve Officers' Training Corps or the College Student Pre-Commissioning Initiative, as applicable.

(e) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot programs under subsection (a).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the commencement of the pilot programs under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs. The report shall include the following:

(A) A description of each pilot program, including in the case of the pilot program under subsection (a)(2) the requirements established pursuant to subsection (d)(1).

(B) The evaluation metrics established under subsection (e).

(C) Such other matters relating to the pilot programs as the Secretary considers appropriate.

(2) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year in which the Secretary carries out the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) In the case of the pilot program required by subsection (a)(1), a description of the partnerships between satellite or extension Senior Reserve Officers' Training Corps units and covered military installations under the pilot program.

(B) In the case of the pilot program required by subsection (a)(2), the following:

(i) The number of members of Senior Reserve Officers' Training Corps units, and the number of members of Coast Guard College Student Pre-Commissioning Initiative programs, at covered institutions selected

for purposes of the pilot program, including the number of such members participating in the pilot program.

(ii) The number of recipients of financial assistance provided under the pilot program, including the number who—

(I) completed a ground school course of instruction in connection with obtaining a private pilot's certificate;

(II) completed flight training, and the type of training, certificate, or both received;

(III) were selected for a pilot training slot in the Armed Forces;

(IV) initiated pilot training in the Armed Forces; or

(V) successfully completed pilot training in the Armed Forces.

(iii) The amount of financial assistance provided under the pilot program, broken out by covered institution, course of study, and such other measures as the Secretary considers appropriate.

Data. (C) Data collected in accordance with the evaluation metrics established under subsection (e).

(3) FINAL REPORT.—Not later than 180 days prior to the completion of the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs. The report shall include the following:

(A) A description of the pilot programs.

Assessment. (B) An assessment of the effectiveness of each pilot program.

Cost estimate. (C) A description of the cost of each pilot program, and an estimate of the cost of making each pilot program permanent.

Cost estimate. (D) An estimate of the cost of expanding each pilot program throughout all eligible Senior Reserve Officers' Training Corps units and College Student Pre-Commissioning Initiative programs.

Recommendations. (E) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot programs, including recommendations for extending or making permanent the authority for each pilot program.

(g) DEFINITIONS.—In this section:

(1) The term "covered institution" has the meaning given that term in section 262(g)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) The term "covered military installation" means an installation of the Department of Defense for the regular components of the Armed Forces.

(3) The term "flight training" means a course of instruction toward obtaining any of the following:

(A) A private pilot's certificate.

(B) A commercial pilot certificate.

(C) A certified flight instructor certificate.

(D) A multi-crew pilot's license.

(E) A flight instrument rating.

(F) Any other certificate, rating, or pilot privilege the Secretary considers appropriate for purposes of this section.

SEC. 519A. REPORT REGARDING FULL-TIME NATIONAL GUARD DUTY IN RESPONSE TO THE COVID-19 PANDEMIC.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding how it is determined whether to authorize full-time National Guard duty in response to the covered national emergency.

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

(1) The number of requests described in subsection (a).

(2) The number of such requests approved and the number of requests denied.

(3) For each such request—

(A) the time elapsed from receipt of request to disposition of request; and

(B) whether costs (including pay and benefits for members of the National Guard) were a factor in determining whether to grant or deny the request.

(4) For each such request approved, an estimate of the time between approval and the time when the first such member of the National Guard was placed on full-time National Guard duty in response to such request. Estimate.

(5) For each such request denied, the reason for denial and how such denial was explained to the requestor.

(6) A description of how the process of review for such requests differed from previous requests for a determination whether to authorize full-time National Guard duty under section 502(f) of title 32, United States Code.

(7) Recommendations of the Secretary to improve the review of such requests in order to better respond to such requests. Recommendations.

(c) DEFINITIONS.—In this section:

(1) The term "covered national emergency" means the national emergency declared on March 13, 2020, by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID-19.

(2) The term "full-time National Guard duty" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 519B. STUDY AND REPORT ON NATIONAL GUARD SUPPORT TO STATES RESPONDING TO MAJOR DISASTERS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the process by which the National Guard provides support to other Federal agencies and to States during major disasters. The report shall include the following:

(1) With regards to authorization of full-time National Guard duty under section 502(f) of title 32, United States Code— Reviews.

(A) a review of the process of such authorization, including authorization approval, funding approval, and mission assignment;

(B) a review of data regarding the frequency and speed of such authorizations during fiscal years 2015 through 2020; and Data.

(C) measures of performance or effectiveness.

(2) The effectiveness of the funding transfer process between the Federal Emergency Management Agency and the Department of Defense.

(3) The development and promulgation of training and education materials for the National Guard and other components of the Department of Defense.

Analysis.

(4) An analysis of lessons learned from the response to COVID-19, including—

(A) policy gaps identified by the Secretary; and

(B) any recommendations of the Secretary to improve such process.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the findings of the study conducted under subsection (a).

SEC. 519C. REPORT ON GUIDANCE FOR USE OF UNMANNED AIRCRAFT SYSTEMS BY THE NATIONAL GUARD.

Deadline.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review current guidance on the use of unmanned aircraft systems by the National Guard for covered activities within the United States; and

Recommendations.

(2) submit to the congressional defense committees a report containing recommendations of the Secretary regarding how to expedite the review of requests for use of unmanned aircraft systems described in paragraph (1).

(b) COVERED ACTIVITIES DEFINED.—In this section, the term "covered activities" means—

(1) emergency operations;

(2) search and rescue operations;

(3) defense support to civil authorities; and

(4) support under section 502(f) of title 32, United States Code.

SEC. 519D. STUDY AND REPORT ON ROTC RECRUITMENT.

Assessments.

(a) STUDY.—The Secretary of Defense shall conduct a study that assesses—

(1) whether members of the Armed Forces who served in the Junior Reserve Officers' Training Corps are more or less likely than members who served in the Senior Reserve Officers' Training Corps to achieve or receive recommendations for higher ranks;

(2) whether there is a correlation between race or ethnicity and the rank ultimately achieved by such members;

(3) whether individuals who serve in the Junior Reserve Officers' Training Corps are likelier to join the Armed Forces than other individuals; and

(4) the feasibility of establishing a program to create a pathway for minorities into higher ranks in the Armed Forces.

(b) REPORT.—Not later than December 31, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study conducted under subsection (a).

Subtitle C—General Service Authorities and Correction of Military Records

SEC. 521. INCREASED ACCESS TO POTENTIAL RECRUITS.

(a) SECONDARY SCHOOLS.—Section 503 of title 10, United States Code, is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)(ii), by striking "and telephone listings," and all that follows through the period at the end and inserting "electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available), and telephone listings, notwithstanding subsection (a)(5) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g).."; and

(B) in subparagraph (B), by striking "and telephone listing" and inserting "electronic mail address, and telephone listing"; and

(2) by striking subsection (d).

(b) INSTITUTIONS OF HIGHER EDUCATION.—Section 983(b)(2)(A) of such title is amended by striking "and telephone listings" and inserting "electronic mail addresses (which shall be the electronic mail addresses provided by the institution, if available), and telephone listings".

SEC. 522. SUNSET AND TRANSFER OF FUNCTIONS OF THE PHYSICAL DISABILITY BOARD OF REVIEW.

Section 1554a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) SUNSET.—(1) On or after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary of Defense may sunset the Physical Disability Board of Review under this section.

"(2) If the Secretary sunsets the Physical Disability Board of Review under paragraph (1), the Secretary shall transfer any remaining requests for review pending at that time, and shall assign any new requests for review under this section, to a board for the correction of military records operated by the Secretary concerned under section 1552 of this title..

"(3) Subsection (c)(4) shall not apply with respect to any review conducted by a board for the correction of military records under paragraph (2).".

SEC. 523. HONORARY PROMOTION MATTERS.

(a) HONORARY PROMOTIONS ON INITIATIVE OF DEPARTMENT OF DEFENSE.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1563 the following new section:

"§ 1563a. Honorary promotions on the initiative of the Department of Defense

10 USC 1563a.

"(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force if the Secretary determines that the promotion is merited.

Regulations. Determination.

"(2) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

Time period. Determination.

"(b) NOTICE TO CONGRESS.—The Secretary may not make an honorary promotion pursuant to subsection (a) until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a notice of the determination to make the promotion, including a detailed discussion of the rationale supporting the determination.

"(c) NOTICE OF PROMOTION.—Upon making an honorary promotion pursuant to subsection (a), the Secretary shall expeditiously notify the former member or retired member concerned, or the next of kin of such former member or retired member if such former member or retired member is deceased, of the promotion.

"(d) NATURE OF PROMOTION.—Any promotion pursuant to this section is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is entitled or would have been entitled based on the military service of such former member or retired member, nor affect any benefits to which any other person is or may become entitled based on the military service of such former member or retired member.".

(b) MODIFICATION OF AUTHORITIES ON REVIEW OF PROPOSALS FROM CONGRESS.—

(1) STANDARDIZATION OF AUTHORITIES WITH AUTHORITIES ON INITIATIVE OF DEPARTMENT OF DEFENSE.—Section 1563 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified," and inserting "the honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces"; and

(ii) in the second sentence, by striking "the posthumous or honorary promotion or appointment" and inserting "the promotion"; and

(B) in subsection (b), by striking "the posthumous or honorary promotion or appointment" and inserting "the honorary promotion".

(2) AUTHORITY TO MAKE HONORARY PROMOTIONS FOLLOWING REVIEW OF PROPOSALS.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

Regulations.

"(c) AUTHORITY TO MAKE.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of Defense may make an honorary promotion (whether or not posthumous) of a former member or retired member of the armed forces to any grade not exceeding the grade of major general, rear admiral (upper half), or an equivalent grade in the Space Force following the submittal of the determination of the Secretary concerned under subsection (b) in connection with the proposal for the promotion if the determination is to approve the making of the promotion.

"(2) The Secretary of Defense may not make an honorary promotion under this subsection until 60 days after the date on which the Secretary concerned submits the determination in connection with the proposal for the promotion under subsection (b), and the detailed rationale supporting the determination as described in that subsection, to the Committees on Armed Services of the Senate and the House of Representatives and the requesting Member in accordance with that subsection. Time period.

"(3) The authority to make an honorary promotion under this subsection shall apply notwithstanding that the promotion is not otherwise authorized by law.

"(4) Any promotion pursuant to this subsection is honorary, and shall not affect the pay, retired pay, or other benefits from the United States to which the former member or retired member concerned is or would have been entitled based upon the military service of such former member or retired member, nor affect any benefits to which any other person may become entitled based on the military service of such former member or retired member.".

(3) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1563 and inserting the following new items: 10 USC prec. 1561.

"1563. Consideration of proposals from Members of Congress for honorary promotions: procedures for review and promotion.
"1563a. Honorary promotions on the initiative of the Department of Defense.".

SEC. 524. EXCLUSION OF OFFICIAL PHOTOGRAPHS OF MEMBERS FROM RECORDS FURNISHED TO PROMOTION SELECTION BOARDS. Regulations.

(a) ACTIVE DUTY OFFICERS.—The Secretary of Defense shall include in the regulations prescribed pursuant to section 615(a) of title 10, United States Code, a prohibition on the inclusion of an official photograph of an officer in the information furnished to a selection board pursuant to section 615(b) of such title. 10 USC 615 note.

(b) RESERVE OFFICERS.—The Secretary of Defense shall include in regulations prescribed pursuant to section 14107(a)(1) of title 10, United States Code, a prohibition on the inclusion of an official photograph of an officer in the information furnished to a selection board pursuant to section 14107(a)(2) of such title. 10 USC 615 note.

(c) ENLISTED MEMBERS.—Each Secretary of a military department shall prescribe regulations that prohibit the inclusion of an official photograph of an enlisted member in the information furnished to a board that considers enlisted members under the jurisdiction of such Secretary for promotion. 10 USC 615 note.

(d) REPORT ON EXCLUSION OF ADDITIONAL INFORMATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following: Consultation. Assessments.

(1) A recommendation for the redaction or removal from information furnished to selection boards convened to consider officers or enlisted members for promotion to the next higher Recommendations.

grade of such information, if any, relating to an officer or enlisted member, as applicable, that is currently furnished to such a selection board as the Secretary considers appropriate for redaction or removal in order to eliminate inappropriate bias in the promotion selection process.

(2) An assessment of the anticipated effects on the promotion process for officers or enlisted members, as applicable, of the redaction or removal from information furnished to selection boards of information recommended for redaction or removal pursuant to paragraph (1).

Implementation plan.

(3) An implementation plan that describes and assesses the manner in which the redaction or removal of such information will be achieved, including a description and assessment of the following:

(A) Any required changes to policies, processes, or systems, including any information technology required.

Costs.

(B) The cost of implementing such changes.

Timeline. Deadline.

(C) The estimated timeline for completion of the implementation of such changes (which may not be later than the day that is two years after the date of the report).

(D) The duty title of the officer or employee of the Department Defense to be assigned responsibility for implementing such changes.

SEC. 525. REPORT REGARDING REVIEWS OF DISCHARGES AND DISMISSALS BASED ON SEXUAL ORIENTATION.

(a) REPORT REQUIRED.—Not later than September 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding the number of former members of the Armed Forces who—

(1) were discharged or dismissed from the Armed Forces;

Effective date.

(2) on or after September 21, 2011, applied to the Secretary of the military department concerned for an upgrade in the characterization of such discharge or dismissal; and

(3) assert in such application that such discharge or dismissal arose from a policy of the Department of Defense regarding the sexual orientation of a member before September 21, 2011.

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

(1) The number of applications described in subsection (a) and the percentages of such applications granted and denied, disaggregated by—

(A) Armed Force;

(B) grade;

(C) characterization of discharge or dismissal originally received; and

(D) characterization of discharge or dismissal received pursuant to an application described in subsection (a)(2).

Determination.

(2) If the Secretary can determine the number without reviewing applications described in subsection (a) on a case-by-case basis, the number of such applications—

(A) that were denied; and

(B) in which the discharge or dismissal was based solely on misconduct of the discharged or dismissed member.

(c) PUBLICATION.—Not later than 90 days after the Secretary submits the report under this section, the Secretary shall publish the report on a publicly accessible website of the Department of Defense.

Deadline. Public information. Web posting.

Subtitle D—Prevention and Response To Sexual Assault, Harassment, and Related Misconduct

SEC. 531. MODIFICATION OF TIME REQUIRED FOR EXPEDITED DECISIONS IN CONNECTION WITH APPLICATIONS FOR CHANGE OF STATION OR UNIT TRANSFER OF MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT OR RELATED OFFENSES.

(a) IN GENERAL.—Section 673(b) of title 10, United States Code, is amended by striking "72 hours" both places it appears and inserting "five calendar days".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to decisions on applications for permanent change of station or unit transfer made under section 673 of title 10, United States Code, on or after that date.

Applicability. 10 USC 673 note.

SEC. 532. CONFIDENTIAL REPORTING OF SEXUAL HARASSMENT.

(a) CONFIDENTIAL REPORTING.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1561a the following new section:

"§ 1561b. Confidential reporting of sexual harassment

10 USC 1561b.

"(a) REPORTING PROCESS.—Notwithstanding section 1561 of this title, the Secretary of Defense shall prescribe in regulations a process by which a member of an armed force under the jurisdiction of the Secretary of a military department may confidentially allege a complaint of sexual harassment to an individual outside the immediate chain of command of the member.

Regulations.

"(b) RECEIPT OF COMPLAINTS.—An individual designated and trained to receive complaints under the process under subsection (a) shall—

"(1) maintain the confidentiality of the member alleging the complaint;

"(2) explain to the member alleging the complaint the different avenues of redress available to resolve the complaint and the different consequences of each avenue on the manner in which the complaint will be investigated (if at all), including an explanation of the following:

"(A) The manner in which to file a complaint concerning alleged sexual harassment with the official or office designated for receipt of such complaint through such avenue of redress.

"(B) That confidentiality in connection with the complaint cannot be maintained when there is a clear and present risk to health or safety.

"(C) If the alleged sexual harassment also involves an allegation of sexual assault, including sexual contact—

"(i) the manner in which to file a confidential report with a Sexual Assault Response Coordinator or a Sexual Assault Prevention and Response Victim Advocate; and

"(ii) options available pursuant to such reporting, including a Restricted Report or Unrestricted Report, and participation in the Catch a Serial Offender Program.

"(D) The services and assistance available to the member in connection with the complaint and the alleged sexual harassment.

"(c) EDUCATION AND TRACKING.—The Secretary of Defense shall—

"(1) educate members under the jurisdiction of the Secretaries of the military departments regarding the process established under this section; and

"(2) track complaints alleged pursuant to the process.

Time periods. Data.

"(d) REPORTS.—Not later than April 30, 2023, and April 30 every two years thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing data on the complaints of sexual harassment alleged pursuant to the process under subsection (a) during the previous two calendar years. Any data on such complaints shall not contain any personally identifiable information.".

10 USC prec. 1561.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1561b the following new item:

Reports.

"1561b. Confidential reporting of sexual harassment.".

(b) PLAN FOR IMPLEMENTATION.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the implementation of the process for confidential reporting of sexual harassment required by section 1561b of title 10, United States Code (as added by subsection (a)). The plan shall include the date on which the process is anticipated to be fully implemented.

(c) PLAN FOR ACCESS TO CONFIDENTIAL REPORTS TO IDENTIFY SERIAL HARASSERS.—Not later than one year after the implementation of the process for confidential reporting of sexual harassment required by section 1561b of title 10, United States Code (as so added), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan to allow an individual who files a confidential report of sexual harassment pursuant to the process to elect to permit a military criminal investigative organization to access certain information in the confidential report, including identifying information of the alleged perpetrator (if available), for the purpose of identifying individuals who are suspected of multiple incidents of sexual harassments, without such access affecting the confidential nature of the confidential report. The report shall specify the information to be accessible by criminal investigative organizations pursuant to the plan.

SEC. 533. ADDITIONAL BASES FOR PROVISION OF ADVICE BY THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1380; 10 U.S.C. 1561 note) is amended in subsection (c)(2)—

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

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

"(C) Efforts among private employers to prevent sexual assault and sexual harassment among their employees.

"(D) Evidence-based studies on the prevention of sexual assault and sexual harassment in the Armed Forces, institutions of higher education, and the private sector.".

SEC. 534. ADDITIONAL MATTERS FOR 2021 REPORT OF THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1380; 10 U.S.C. 1561 note), as amended by section 533 of this Act, is further amended by adding at the end of subsection (d) the following: "The report in 2021 shall also include the following:

Assessments.

"(1) A description and assessment of the extent and effectiveness of the inclusion by the Armed Forces of sexual assault prevention and response training in leader professional military education (PME), especially in such education for personnel in junior noncommissioned officer grades.

"(2) An assessment of the feasibility of—

"(A) the screening before entry into military service of recruits who may have been the subject or perpetrator of prior incidents of sexual assault and harassment, including through background checks; and

"(B) the administration of screening tests to recruits to assess recruit views and beliefs on equal opportunity, and whether such views and beliefs are compatible with military service.

"(3) An assessment of the feasibility of conducting exit interviews of members of the Armed Forces upon their discharge release from the Armed Forces in order to determine whether they experienced or witnessed sexual assault or harassment during military service and did not report it, and an assessment of the feasibility of combining such exit interviews with the Catch a Serial Offender (CATCH) Program of the Department of Defense.

"(4) An assessment whether the sexual assault reporting databases of the Department are sufficiently anonymized to ensure privacy while still providing military leaders with the information as follows:

"(A) The approximate length of time the victim and the assailant had been at the duty station at which the sexual assault occurred.

"(B) The percentage of sexual assaults occurring while the victim or assailant were on temporary duty, leave, or otherwise away from their permanent duty station.

"(C) The number of sexual assaults that involve an abuse of power by a commander or supervisor.".

SEC. 535. INCLUSION OF ADVISORY DUTIES ON THE COAST GUARD ACADEMY AMONG DUTIES OF DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1380; 10 U.S.C. 1561 note), as amended by sections 533 and 534 of this Act, is further amended—

(1) in subsection (c)(1)(B), by inserting ", including the United States Coast Guard Academy," after "academy";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

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

"(d) ADVISORY DUTIES ON COAST GUARD ACADEMY.—In providing advice under subsection (c)(1)(B), the Advisory Committee shall also advise the Secretary of the Department in which the Coast Guard is operating in accordance with this section on policies, programs, and practices of the United States Coast Guard Academy."; and

(4) in subsection (e) and paragraph (2) of subsection (g), as redesignated by paragraph (2) of this section, by striking "the Committees on Armed Services of the Senate and the House of Representatives" each place it appears and inserting "the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services and Transportation and Infrastructure of the House of Representatives".

SEC. 536. MODIFICATION OF REPORTING AND DATA COLLECTION ON VICTIMS OF SEXUAL OFFENSES.

Section 547 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1561 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "accused of" and inserting "suspected of"; and

(ii) by striking "assault" and inserting "offense";

(B) in paragraph (2), by striking "accused of" and inserting "suspected of"; and

(C) in paragraph (3)—

(i) by striking "assaults" and inserting "offenses"; and

(ii) by striking "an accusation" and inserting "suspicion of";

(2) by redesignating subsection (b) as subsection (c);

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

"(b) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance to ensure the uniformity of the data collected by each Armed Force for purposes of subsection (a). At a minimum, such guidance shall establish—

"(1) standardized methods for the collection of the data required to be reported under such subsection; and

"(2) standardized definitions for the terms 'sexual offense', 'collateral miconduct', and 'adverse action'."; and

(4) by amending subsection (c), as redesignated by paragraph (2), to read as follows:

"(c) DEFINITIONS.—In this section:

"(1) The term 'covered individual' means an individual who is identified in the case files of a military criminal investigative organization as a victim of a sexual offense that occurred while that individual was serving on active duty as a member of the Armed Forces.

"(2) The term 'suspected of', when used with respect to a covered individual suspected of collateral misconduct or crimes as described in subsection (a), means that an investigation by a military criminal investigative organization reveals facts and circumstances that would lead a reasonable person to believe that the individual committed an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).".

SEC. 537. MODIFICATION OF ANNUAL REPORT REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL RECIPIENTS.—Subsection (d) of section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by inserting "and the Committees on Veterans' Affairs of the Senate and the House of Representatives" after "House of Representatives".

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to reports required to be submitted under such section on or after such date.

Effective date. 10 USC 1561 note.

SEC. 538. COORDINATION OF SUPPORT FOR SURVIVORS OF SEXUAL TRAUMA.

10 USC 1565b note.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretaries of Defense and Veterans Affairs shall jointly develop, implement, and maintain a standard of coordinated care for members of the Armed Forces who are survivors of sexual trauma. Such standard shall include the following:

Deadline. Standards.

(b) MINIMUM ELEMENTS.—The standard developed and implemented under subsection (a) by the Secretaries of Defense and Veterans Affairs shall include the following:

(1) INFORMATION FOR MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall ensure that—

(A) Sexual Assault Response Coordinators and Uniformed Victim Advocates receive annual training on resources of the Department of Veterans Affairs regarding sexual trauma;

(B) information regarding services furnished by the Secretary of Veterans Affairs to survivors of sexual trauma is provided to each such survivor; and

(C) information described in subparagraph (B) is posted in the following areas in each facility of the Department of Defense:

(i) An office of the Family Advocacy Program.

(ii) An office of a mental health care provider.

(iii) Each area in which sexual assault prevention staff normally post notices or information.

(iv) High-traffic areas (including dining facilities).

(2) COORDINATION BETWEEN STAFF OF THE DEPARTMENTS.—The Secretaries shall ensure that a Sexual Assault Response Coordinator or Uniformed Victim Advocate of the Department of Defense who receives a report of an instance of sexual trauma connects the survivor to the Military Sexual Trauma Coordinator of the Department of Veterans Affairs at the facility of that Department nearest to the residence of that survivor if that survivor is a member separating or retiring from the Armed Forces.

(c) REPORTS.—

(1) REPORT ON RESIDENTIAL TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of Defense and Veterans Affairs shall provide a report to the appropriate committees of Congress regarding the availability of residential treatment programs for survivors of sexual trauma, including—

(A) barriers to access for such programs; and

(B) resources required to reduce such barriers.

(2) INITIAL REPORT.—Upon implementation of the standard under subsection (a), the Secretaries of Defense and Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the standard.

(3) PROGRESS REPORTS.—Not later than 180 days after submitting the initial report under paragraph (2), and on December 1 of each subsequent year, the Secretaries of Defense and Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the progress of the Secretaries in implementing and improving the standard.

(4) UPDATES.—Whenever the Secretaries of Defense and Veterans Affairs update the standard developed under subsection (a), the Secretaries shall jointly submit to the appropriate committees of Congress a report on such update, including a comprehensive and detailed description of such update and the reasons for such update.

(d) DEFINITIONS.—In this section:

(1) The term "sexual trauma" means a condition described in section 1720D(a)(1) of title 38, United States Code.

(2) The term "appropriate committees of Congress" means—

(A) the Committees on Veterans' Affairs of the House of Representatives and the Senate; and

(B) the Committees on Armed Services of the House of Representatives and the Senate.

10 USC 7461 note.

SEC. 539. POLICY FOR MILITARY SERVICE ACADEMIES ON SEPARATION OF ALLEGED VICTIMS AND ALLEGED PERPETRATORS IN INCIDENTS OF SEXUAL ASSAULT.

Consultation. Regulations.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Superintendent of each military service academy, prescribe in regulations a policy under which a cadet or midshipman of a military service academy who is the alleged victim of a sexual assault and a cadet or midshipman who is the alleged perpetrator of such assault shall, to the extent practicable, each be given the opportunity to complete their course of study at the academy without—

(1) taking classes together; or

(2) otherwise being in close proximity to each other during mandatory activities.

(b) ELEMENTS.—The Secretary of Defense shall ensure that the policy developed under subsection (a)—

(1) permits an alleged victim to elect not to be covered by the policy with respect to a particular incident of sexual assault;

(2) protects the alleged victim as necessary, including by prohibiting retaliatory harassment;

(3) minimizes the prejudicial impact of the policy, to the extent practicable, on both the alleged victim and the alleged perpetrator, and allows the alleged victim and the alleged perpetrator to complete their course of study at the institution with minimal disruption;

(4) protects the privacy of both the alleged victim and the alleged perpetrator by ensuring that information about the alleged sexual assault and the individuals involved is not revealed to third parties who are not specifically authorized to receive such information in the course of performing their regular duties, except that such policy shall not preclude the alleged victim or the alleged perpetrator from making such disclosures to third parties; and

(5) minimizes the burden on the alleged victim when taking steps to separate the alleged victim and alleged perpetrator.

(c) SPECIAL RULE.—The policy developed under subsection (a) shall not preclude a military service academy from taking other administrative or disciplinary action when appropriate.

(d) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term "military service academy" means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

SEC. 539A. SAFE-TO-REPORT POLICY APPLICABLE ACROSS THE ARMED FORCES.

10 USC 1561 note.

Consultation. Regulations. Applicability.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, prescribe in regulations a safe-to-report policy described in subsection (b) that applies with respect to all members of the Armed Forces (including members of the reserve components of the Armed Forces) and cadets and midshipmen at the military service academies.

(b) SAFE-TO-REPORT POLICY.—The safe-to-report policy described in this subsection is a policy that prescribes the handling of minor collateral misconduct involving a member of the Armed Forces who is the alleged victim of sexual assault.

(c) AGGRAVATING CIRCUMSTANCES.—The regulations under subsection (a) shall specify aggravating circumstances that increase the gravity of minor collateral misconduct or its impact on good order and discipline for purposes of the safe-to-report policy.

(d) TRACKING OF COLLATERAL MISCONDUCT INCIDENTS.—In conjunction with the issuance of regulations under subsection (a), Secretary shall develop and implement a process to track incidents of minor collateral misconduct that are subject to the safe-to-report policy.

(e) DEFINITIONS.—In this section:

(1) The term "Armed Forces" has the meaning given that term in section 101(a)(4) of title 10, United States Code, except such term does not include the Coast Guard.

(2) The term "military service academy" means the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(3) The term "minor collateral misconduct" means any minor misconduct that is potentially punishable under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that—

(A) is committed close in time to or during the sexual assault, and directly related to the incident that formed the basis of the sexual assault allegation;

(B) is discovered as a direct result of the report of sexual assault or the ensuing investigation into the sexual assault; and

(C) does not involve aggravating circumstances (as specified in the regulations prescribed under subsection (c)) that increase the gravity of the minor misconduct or its impact on good order and discipline.

10 USC 1561 note.

SEC. 539B. ACCOUNTABILITY OF LEADERSHIP OF THE DEPARTMENT OF DEFENSE FOR DISCHARGING THE SEXUAL HARASSMENT POLICIES AND PROGRAMS OF THE DEPARTMENT.

(a) STRATEGY ON HOLDING LEADERSHIP ACCOUNTABLE REQUIRED.—The Secretary of Defense shall develop and implement Department of Defense-wide a strategy to hold individuals in positions of leadership in the Department (including members of the Armed Forces and civilians) accountable for the promotion, support, and enforcement of the policies and programs of the Department on sexual harassment.

(b) OVERSIGHT FRAMEWORK.—

(1) IN GENERAL.—The strategy required by subsection (a) shall provide for an oversight framework for the efforts of the Department of Defense to promote, support, and enforce the policies and programs of the Department on sexual harassment.

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

(A) Long-term goals, objectives, and milestones in connection with the policies and programs of the Department on sexual harassment.

(B) Strategies to achieve the goals, objectives, and milestones referred to in subparagraph (A).

Criteria.

(C) Criteria for assessing progress toward the achievement of the goals, objectives, and milestones referred to in subparagraph (A).

Criteria.

(D) Criteria for assessing the effectiveness of the policies and programs of the Department on sexual harassment.

(E) Mechanisms to ensure that adequate resources are available to the Office of the Secretary of Defense to develop and discharge the oversight framework.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to

the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken to carry out this section, including the strategy developed and implemented pursuant to subsection (a), and the oversight framework developed and implemented pursuant to subsection (b).

SEC. 539C. REPORTS ON STATUS OF INVESTIGATIONS OF ALLEGED SEX-RELATED OFFENSES.

(a) REPORTS REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter through December 31, 2025, the Secretary of each military department shall submit to the congressional defense committees a report on the status of investigations into alleged sex-related offenses. Time period.

(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to investigations into alleged sex-related offenses carried out by military criminal investigative organizations under the jurisdiction of the Secretary concerned during the preceding year, the following:

(1) The total number of investigations.

(2) For each investigation—

(A) the date the investigation was initiated; and

(B) an explanation of whether the investigation is in-progress or complete as of the date of the report and, if complete, the date on which the investigation was completed.

(3) The total number of investigations that are complete as of the date of the report.

(4) The total number of investigations that are in-progress as of the date of the report.

(5) For investigations lasting longer than 180 days, a general explanation of the primary reasons for the extended duration of such investigations. Time period.

(c) DEFINITIONS.—In this section:

(1) The term "alleged sex-related offense" has the meaning given that term in section 1044(e)(h) of title 10, United States Code.

(2) The term "complete" when used with respect to an investigation of an alleged sex-related offense, means the active phase of the investigation is sufficiently complete to enable the appropriate authority to reach a decision with respect to the disposition of charges for the offense.

SEC. 539D. REPORT ON ABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES TO PERFORM DUTIES.

(a) SURVEY.—

(1) IN GENERAL.—Not later than June 30, 2021, the Secretary of Defense shall conduct a survey regarding the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties. Deadline.

(2) ELEMENTS.—The survey required under paragraph (1) shall assess— Assessments.

(A) the current state of support provided to Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates, including—

(i) perceived professional or other reprisal or retaliation; and

(ii) access to sufficient physical and mental health services as a result of the nature of their work;

(B) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access their installation commander or unit commander;

(C) the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to contact and access the immediate commander of victims and alleged offenders;

(D) the responsiveness and receptiveness of commanders to the Sexual Assault Response Coordinators;

(E) the support and services provided to victims of sexual assault;

(F) the understanding of others of the process and their willingness to assist;

(G) the adequacy of the training received by Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to effectively perform their duties; and

(H) any other factors affecting the ability of Sexual Assault Response Coordinators and Sexual Assault Prevention and Response Victim Advocates to perform their duties.

(b) REPORT.—Upon completion of the survey required under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the survey and any actions to be taken as a result of the survey.

SEC. 539E. BRIEFING ON SPECIAL VICTIMS' COUNSEL PROGRAM.

Deadline.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, the Air Force, and the Coast Guard and the Staff Judge Advocate to the Commandant of the Marine Corps shall each provide to the congressional defense committees a briefing on the status of the Special Victims' Counsel program of the Armed Force concerned.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the Special Victims' Counsel program of the Armed Force concerned, the following:

Assessment. Compliance.

(1) An assessment of whether the Armed Force is in compliance with the provisions of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) relating to the Special Victims' Counsel program and, if not, what steps have been taken to achieve compliance with such provisions.

Estimate.

(2) An estimate of the average caseload of each Special Victims' Counsel.

(3) A description of any staffing shortfalls in the Special Victims' Counsel program or other programs of the Armed Force resulting from the additional responsibilities required of the Special Victims' Counsel program under the National Defense Authorization Act for Fiscal Year 2020.

(4) An explanation of the ability of Special Victims' Counsel to adhere to requirement that a counsel respond to a request for services within 72 hours of receiving such request.

Assessment.

(5) An assessment of the feasibility of providing cross-service Special Victims' Counsel representation in instances

where a Special Victims' Counsel from a different Armed Force is co-located with a victim at a remote base.

SEC. 539F. BRIEFING ON PLACEMENT OF MEMBERS OF THE ARMED FORCES IN ACADEMIC STATUS WHO ARE VICTIMS OF SEXUAL ASSAULT ONTO NON-RATED PERIODS.

Deadline.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and advisability, and current practice (if any) of the Department of Defense, of granting requests by members of the Armed Forces who are in academic status (whether at the military service academies or in developmental education programs) and who are victims of sexual assault to be placed on a Non-Rated Period for their performance report.

Subtitle E—Military Justice and Other Legal Matters

SEC. 541. RIGHT TO NOTICE OF VICTIMS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE REGARDING CERTAIN POST-TRIAL MOTIONS, FILINGS, AND HEARINGS.

Section 806b(a)(2) of title 10, United States Code (article 6b(a)(2)) of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) A post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, unseal privileged or private information of the victim, or result in the release of the accused.".

SEC. 542. QUALIFICATIONS OF JUDGES AND STANDARD OF REVIEW FOR COURTS OF CRIMINAL APPEALS.

(a) QUALIFICATIONS OF CERTAIN JUDGES.—Section 866(a) of title 10, United States Code (article 66(a) of the Uniform Code of Military Justice), is amended—

(1) by striking "Each Judge" and inserting:

"(1) IN GENERAL.—Each Judge"; and

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

"(2) ADDITIONAL QUALIFICATIONS.—In addition to any other qualifications specified in paragraph (1), any commissioned officer or civilian assigned as an appellate military judge to a Court of Criminal Appeals shall have not fewer than 12 years of experience in the practice of law before such assignment.".

(b) STANDARD OF REVIEW.—Paragraph (1) of section 866(d) of title 10, United States Code (article 66(d) of the Uniform Code of Military Justice), is amended to read as follows:

"(1) CASES APPEALED BY ACCUSED.—

"(A) IN GENERAL.—In any case before the Court of Criminal Appeals under subsection (b), the Court may act only with respect to the findings and sentence as entered into the record under section 860c of this title (article 60c). The Court may affirm only such findings of guilty

Determination.

as the Court finds correct in law, and in fact in accordance with subparagraph (B). The Court may affirm only the sentence, or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved.

"(B) FACTUAL SUFFICIENCY REVIEW.—(i) In an appeal of a finding of guilty under subsection (b), the Court may consider whether the finding is correct in fact upon request of the accused if the accused makes a specific showing of a deficiency in proof.

Determination.

"(ii) After an accused has made such a showing, the Court may weigh the evidence and determine controverted questions of fact subject to—

"(I) appropriate deference to the fact that the trial court saw and heard the witnesses and other evidence; and

"(II) appropriate deference to findings of fact entered into the record by the military judge.

"(iii) If, as a result of the review conducted under clause (ii), the Court is clearly convinced that the finding of guilty was against the weight of the evidence, the Court may dismiss, set aside, or modify the finding, or affirm a lesser finding.".

(c) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES OF FACTUAL SUFFICIENCY RULINGS.—Section 867(c)(1) of title 10, United States Code (article 67(c)(1) of the Uniform Code of Military Justice), is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

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

"(C) the findings set forth in the entry of judgment, as affirmed, dismissed, set aside, or modfied by the Court of Criminal Appeals as incorrect in fact under section 866(d)(1)(B) of this title (article 66(d)(1)(B)).".

(d) INCLUSION OF ADDITIONAL INFORMATION IN ANNUAL REPORTS.—Section 946a(b)(2) of title 10, United States Code (article 146a(b)(2) of the Uniform Code of Military Justice), is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

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

Analysis.

"(D) an analysis of each case in which a Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case.".

10 USC 866 note.

(e) EFFECTIVE DATES AND APPLICABILITY.—

(1) QUALIFICATIONS OF CERTAIN JUDGES.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to the assignment of appellate military judges on or after that date.

(2) REVIEW AMENDMENTS.—The amendments made by subsections (b) and (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to any case in which every finding of guilty entered into the record under section 860c of title 10, United States Code (article 60c of the Uniform

Code of Military Justice), is for an offense that occurred on or after that date.

SEC. 543. PRESERVATION OF COURT-MARTIAL RECORDS.

Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(d) PRESERVATION OF COURT-MARTIAL RECORDS WITHOUT REGARD TO OUTCOME.—The standards and criteria prescribed by the Secretary of Defense under subsection (a) shall provide for the preservation of general and special court-martial records, without regard to the outcome of the proceeding concerned, for not fewer than 15 years.". Time period.

SEC. 544. AVAILABILITY OF RECORDS FOR NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 101(b) of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40911(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) DEPARTMENT OF DEFENSE.—

"(A) IN GENERAL.—Not later than 3 business days after the final disposition of a judicial proceeding conducted within the Department of Defense, the Secretary of Defense shall make available to the Attorney General records which are relevant to a determination of whether a member of the Armed Forces involved in such proceeding is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System. Deadline.

"(B) JUDICIAL PROCEEDING DEFINED.—In this paragraph, the term 'judicial proceeding' means a hearing—

"(i) of which the person received actual notice; and

"(ii) at which the person had an opportunity to participate with counsel.".

SEC. 545. REMOVAL OF PERSONALLY IDENTIFYING AND OTHER INFORMATION OF CERTAIN PERSONS FROM INVESTIGATIVE REPORTS, THE DEPARTMENT OF DEFENSE CENTRAL INDEX OF INVESTIGATIONS, AND OTHER RECORDS AND DATABASES. 10 USC 1552 note.

(a) POLICY AND PROCESS REQUIRED.—Not later than October 1, 2021, the Secretary of Defense shall establish and maintain a policy and process through which any covered person may request that the person's name, personally identifying information, and other information pertaining to the person shall, in accordance with subsection (c), be corrected in, or expunged or otherwise removed from, the following: Deadline.

(1) A law enforcement or criminal investigative report of the Department of Defense or any component of the Department.

(2) An index item or entry in the Department of Defense Central Index of Investigations (DCII).

(3) Any other record maintained in connection with a report described in paragraph (1), or an index item or entry described

in paragraph (2), in any system of records, records database, records center, or repository maintained by or on behalf of the Department.

Definition.

(b) COVERED PERSONS.—For purposes of this section, a covered person is any person whose name was placed or reported, or is maintained—

(1) in the subject or title block of a law enforcement or criminal investigative report of the Department of Defense (or any component of the Department);

(2) as an item or entry in the Department of Defense Central Index of Investigations; or

(3) in any other record maintained in connection with a report described in paragraph (1), or an index item or entry described in paragraph (2), in any system of records, records database, records center, or repository maintained by or on behalf of the Department.

(c) ELEMENTS.—The policy and process required by subsection (a) shall include the following elements:

Determinations.

(1) BASIS FOR CORRECTION OR EXPUNGEMENT.—That the name, personally identifying information, and other information of a covered person shall be corrected in, or expunged or otherwise removed from, a report, item or entry, or record described in paragraphs (1) through (3) of subsection (a) in the following circumstances:

(A) Probable cause did not or does not exist to believe that the offense for which the person's name was placed or reported, or is maintained, in such report, item or entry, or record occurred, or insufficient evidence existed or exists to determine whether or not such offense occurred.

(B) Probable cause did not or does not exist to believe that the person actually committed the offense for which the person's name was so placed or reported, or is so maintained, or insufficient evidence existed or exists to determine whether or not the person actually committed such offense.

(C) Such other circumstances, or on such other bases, as the Secretary may specify in establishing the policy and process, which circumstances and bases may not be inconsistent with the circumstances and bases provided by subparagraphs (A) and (B).

Determination.

(2) CONSIDERATIONS.—While not dispositive as to the existence of a circumstance or basis set forth in paragraph (1), the following shall be considered in the determination whether such circumstance or basis applies to a covered person for purposes of this section:

(A) The extent or lack of corroborating evidence against the covered person concerned with respect to the offense at issue.

(B) Whether adverse administrative, disciplinary, judicial, or other such action was initiated against the covered person for the offense at issue.

(C) The type, nature, and outcome of any action described in subparagraph (B) against the covered person.

(3) PROCEDURES.—The policy and process required by subsection (a) shall include procedures as follows:

(A) Procedures under which a covered person may appeal a determination of the applicable component of the

Department of Defense denying, whether in whole or in part, a request for purposes of subsection (a).

(B) Procedures under which the applicable component of the Department will correct, expunge or remove, take other appropriate action on, or assist a covered person in so doing, any record maintained by a person, organization, or entity outside of the Department to which such component provided, submitted, or transmitted information about the covered person, which information has or will be corrected in, or expunged or removed from, Department records pursuant to this section.

(C) The timeline pursuant to which the Department, or a component of the Department, as applicable, will respond to each of the following: Timeline.

(i) A request pursuant to subsection (a).

(ii) An appeal under the procedures required by subparagraph (A).

(iii) A request for assistance under the procedures required by subparagraph (B).

(D) Mechanisms through which the Department will keep a covered person apprised of the progress of the Department on a covered person's request or appeal as described in subparagraph (C). Notification.

(d) APPLICABILITY.—The policy and process required to be developed by the Secretary under subsection (a) shall not be subject to the notice and comment rulemaking requirements under section 553 of title 5, United States Code.

(e) REPORT.—Not later than October 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken to carry out this section, including a comprehensive description of the policy and process developed and implemented by the Secretary under subsection (a).

SEC. 546. BRIEFING ON MENTAL HEALTH SUPPORT FOR VICARIOUS TRAUMA FOR CERTAIN PERSONNEL IN THE MILITARY JUSTICE SYSTEM.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Judge Advocates General of the Army, the Navy, and the Air Force and the Staff Judge Advocate to the Commandant of the Marine Corps shall jointly brief the Committees on Armed Services of the Senate and the House of Representatives on the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b). Deadline.

(b) PERSONNEL.—The personnel specified in this subsection are the following:

(1) Court-martial convening authorities who are members of the Armed Forces.

(2) Trial counsel.

(3) Defense counsel.

(4) Military judges.

(5) Special Victims' Counsel.

(6) Military investigative personnel.

(c) ELEMENTS.—The briefing required by subsection (a) shall include the following: Assessments.

(1) A description and assessment of the mental health support for vicarious trauma provided to personnel in the military justice system specified in subsection (b), including a description of the support services available and the support services being used.

(2) A description and assessment of mechanisms to eliminate or reduce stigma in the pursuit by such personnel of such mental health support.

(3) An assessment of the feasibility and advisability of providing such personnel with breaks between assignments or cases as part of such mental health support in order to reduce the effects of vicarious trauma.

(4) A description and assessment of the extent, if any, to which duty of such personnel on particular types of cases, or in particular caseloads, contributes to vicarious trauma, and of the extent, if any, to which duty on such cases or caseloads has an effect on retention of such personnel in the Armed Forces.

(5) A description of the extent, if any, to which such personnel are screened or otherwise assessed for vicarious trauma before discharge or release from the Armed Forces.

(6) Such other matters in connection with the provision of mental health support for vicarious trauma to such personnel as the Judge Advocates General and the Staff Judge Advocate jointly consider appropriate.

SEC. 547. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION BY THE ARMED FORCES OF RECENT GAO RECOMMENDATIONS AND STATUTORY REQUIREMENTS ON ASSESSMENT OF RACIAL, ETHNIC, AND GENDER DISPARITIES IN THE MILITARY JUSTICE SYSTEM.

Study.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in writing, on a study, conducted by the Comptroller General for purposes of the report, on the implementation by the Armed Forces of the following:

(1) The recommendations in the May 2019 report of the General Accountability Office entitled "Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial and Gender Disparities" (GAO–19–344).

(2) Requirements in section 540I(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1369; 10 U.S.C. 810 note), relating to assessments covered by such recommendations.

(b) ELEMENTS.—The report required by subsection (a) shall include, for each recommendation and requirement specified in that subsection, the following:

(1) A description of the actions taken or planned by the Department of Defense, the military department concerned, or the Armed Force concerned to implement such recommendation or requirement.

(2) An assessment of the extent to which the actions taken to implement such recommendation or requirement, as described pursuant to paragraph (1), are effective or meet the intended objective.

(3) Any other matters in connection with such recommendation or requirement, and the implementation of such recommendation or requirement by the Armed Forces, that the Comptroller General considers appropriate.

(c) BRIEFINGS.—Not later than May 1, 2021, the Comptroller General shall provide the committees referred to in subsection (a) one or more briefings on the status of the study required by that subsection, including any preliminary findings and recommendations of the Comptroller General as a result of the study as of the date of such briefing. Deadline. Recommendations.

SEC. 548. LEGAL ASSISTANCE FOR VETERANS AND SURVIVING SPOUSES AND DEPENDENTS.

(a) AVAILABILITY OF LEGAL ASSISTANCE AT FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Chapter 59 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 5906. Availability of legal assistance at Department facilities 38 USC 5906.

"(a) IN GENERAL.—Not less frequently than three times each year, the Secretary shall facilitate the provision by a qualified legal assistance clinic of pro bono legal assistance described in subsection (c) to eligible individuals at not fewer than one medical center of the Department of Veterans Affairs, or such other facility of the Department as the Secretary considers appropriate, in each State. Time period.

"(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is—

"(1) any veteran;

"(2) any surviving spouse; or

"(3) any child of a veteran who has died.

"(c) PRO BONO LEGAL ASSISTANCE DESCRIBED.—The pro bono legal assistance described in this subsection is the following:

"(1) Legal assistance with any program administered by the Secretary.

"(2) Legal assistance associated with—

"(A) improving the status of a military discharge or characterization of service in the Armed Forces, including through a discharge review board; or

"(B) seeking a review of a military record before a board of correction for military or naval records.

"(3) Such other legal assistance as the Secretary—

"(A) considers appropriate; and

"(B) determines may be needed by eligible individuals.

"(d) LIMITATION ON USE OF FACILITIES.—Space in a medical center or facility designated under subsection (a) shall be reserved for and may only be used by the following, subject to review and removal from participation by the Secretary:

"(1) A veterans service organization or other nonprofit organization.

"(2) A legal assistance clinic associated with an accredited law school.

"(3) A legal services organization.

"(4) A bar association.

"(5) Such other attorneys and entities as the Secretary considers appropriate.

"(e) LEGAL ASSISTANCE IN RURAL AREAS.—In carrying out this section, the Secretary shall ensure that pro bono legal assistance is provided under subsection (a) in rural areas.

"(f) DEFINITION OF VETERANS SERVICE ORGANIZATION.—In this section, the term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5902 of this title.".

38 USC prec. 5901.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by adding at the end the following new item:

"5906. Availability of legal assistance at Department facilities.".

38 USC 5906 note.

(b) PILOT PROGRAM TO ESTABLISH AND SUPPORT LEGAL ASSISTANCE CLINICS.—

(1) PILOT PROGRAM REQUIRED.—

Deadline. Assessment.

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to assess the feasibility and advisability of awarding grants to eligible entities to establish new legal assistance clinics, or enhance existing legal assistance clinics or other pro bono efforts, for the provision of pro bono legal assistance described in subsection (c) of section 5906 of title 38, United States Code, as added by subsection (a), on a year-round basis to individuals who served in the Armed Forces, including individuals who served in a reserve component of the Armed Forces, and who were discharged or released therefrom, regardless of the conditions of such discharge or release, at locations other than medical centers and facilities described in subsection (a) of such section.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to limit or affect—

(i) the provision of pro bono legal assistance to eligible individuals at medical centers and facilities of the Department of Veterans Affairs under section 5906(a) of title 38, United States Code, as added by subsection (a); or

(ii) any other legal assistance provided pro bono at medical centers or facilities of the Department as of the date of the enactment of this Act.

(2) ELIGIBLE ENTITIES.—For purposes of the pilot program, an eligible entity is—

(A) a veterans service organization or other nonprofit organization specifically focused on assisting veterans;

(B) an entity specifically focused on assisting veterans and associated with an accredited law school;

(C) a legal services organization or bar association; or

(D) such other type of entity as the Secretary considers appropriate for purposes of the pilot program.

Grants. Determination.

(3) LOCATIONS.—The Secretary shall ensure that at least one grant is awarded under paragraph (1)(A) to at least one eligible entity in each State, if the Secretary determines that there is such an entity in a State that has applied for, and meets requirements for the award of, such a grant.

(4) DURATION.—The Secretary shall carry out the pilot program during the five-year period beginning on the date on which the Secretary establishes the pilot program.

(5) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefore at such time, in such manner, and containing such information as the Secretary may require.

(6) SELECTION.—The Secretary shall select eligible entities who submit applications under paragraph (5) for the award of grants under the pilot program using a competitive process that takes into account the following:

(A) Capacity of the applicant entity to serve veterans and ability of the entity to provide sound legal advice.

(B) Demonstrated need of the veteran population the applicant entity would serve.

(C) Demonstrated need of the applicant entity for assistance from the grants.

(D) Geographic diversity of applicant entities.

(E) Such other criteria as the Secretary considers appropriate.

(7) GRANTEE REPORTS.—Each recipient of a grant under the pilot program shall, in accordance with such criteria as the Secretary may establish, submit to the Secretary a report on the activities of the recipient and how the grant amounts were used. Criteria.

(c) REVIEW OF PRO BONO ELIGIBILITY OF FEDERAL WORKERS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall, in consultation with the Attorney General and the Director of the Office of Government Ethics, conduct a review of the rules and regulations governing the circumstances under which attorneys employed by the Federal Government can provide pro bono legal assistance. Consultation.

(2) RECOMMENDATIONS.—In conducting the review required by paragraph (1), the Secretary shall develop recommendations for such legislative or administrative action as the Secretary considers appropriate to facilitate greater participation by Federal employees in pro bono legal and other volunteer services for veterans.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress— Deadlines.

(A) the findings of the Secretary with respect to the review conducted under paragraph (1); and

(B) the recommendations developed by the Secretary under paragraph (2). Recommendations.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the status of the implementation of this section.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 549. CLARIFICATION OF TERMINATION OF LEASES OF PREMISES AND MOTOR VEHICLES OF SERVICEMEMBERS WHO INCUR CATASTROPHIC INJURY OR ILLNESS OR DIE WHILE IN MILITARY SERVICE.

(a) CATASTROPHIC INJURIES AND ILLNESSES.—Paragraph (4) of section 305(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(a)) is amended to read as follows:

"(4) CATASTROPHIC INJURY OR ILLNESS OF LESSEE.—

Time period.

"(A) TERMINATION.—If the lessee on a lease described in subsection (b) incurs a catastrophic injury or illness during a period of military service or while performing covered service, during the one-year period beginning on the date on which the lessee incurs such injury or illness—

"(i) the lessee may terminate the lease; or

"(ii) in the case of a lessee who lacks the mental capacity to contract or to manage his or her own affairs (including disbursement of funds without limitation) due to such injury or illness, the spouse or dependent of the lessee may terminate the lease.

"(B) DEFINITIONS.—In this paragraph:

"(i) The term 'catastrophic injury or illness' has the meaning given that term in section 439(g) of title 37, United States Code.

"(ii) The term 'covered service' means full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).".

(b) DEATHS.—Paragraph (3) of such section is amended by striking "The spouse of the lessee" and inserting "The spouse or dependent of the lessee".

10 USC note prec. 1561.

SEC. 549A. MULTIDISCIPLINARY BOARD TO EVALUATE SUICIDE EVENTS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance that requires each suicide event involving of a member of a covered Armed Force to be reviewed by a multidisciplinary board established at the command or installation level, or by the Chief of the covered Armed Force. Such guidance shall require that, for each suicide event reviewed by such a board, the board shall—

(1) clearly define the objective, purpose, and outcome of the review;

(2) take a multidisciplinary approach to the review and include, as part of the review process, leaders of military units, medical and mental health professionals, and representatives of military criminal investigative organizations; and

(3) take appropriate steps to protect and share information obtained from ongoing investigations into the event (such as medical and law enforcement reports).

Deadline.

(b) IMPLEMENTATION BY COVERED ARMED FORCES.—Not later than 90 days after the date on which the guidance is issued under subsection (a), the Chiefs of the covered Armed Forces shall implement the guidance.

(c) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Secretary in implementing the guidance required under subsection (a).

(d) COVERED ARMED FORCES DEFINED.—In this section, the term "covered Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Space Force.

SEC. 549B. IMPROVEMENTS TO DEPARTMENT OF DEFENSE TRACKING OF AND RESPONSE TO INCIDENTS OF CHILD ABUSE, ADULT CRIMES AGAINST CHILDREN, AND SERIOUS HARMFUL BEHAVIOR BETWEEN CHILDREN AND YOUTH INVOLVING MILITARY DEPENDENTS ON MILITARY INSTALLATIONS.

10 USC 1787 note.

(a) IMPROVEMENTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, consistent with recommendations of the Comptroller General of the United States in Government Accountability Office report GA0–20–110, take actions in accordance with this section in order to improve the efforts of the Department of Defense to track and respond to incidents of serious harm to children involving dependents of members of the Armed Forces that occur on military installations (in this section referred to as "covered incidents of serious harm to children").

(2) SERIOUS HARM TO CHILDREN DEFINED.—In this section, the term "serious harm to children" includes the following:

(A) Caregiver child abuse involving physical abuse, sexual abuse, emotional abuse, or neglect.

(B) Non-caregiver adult crimes against children.

(C) Serious harmful behaviors between children and youth of a physical, sexual, or emotional nature.

(b) DATA COLLECTION AND TRACKING OF INCIDENTS OF HARM TO CHILDREN.—

(1) NON-CAREGIVER ADULT CRIMES AGAINST CHILDREN.—The Secretary of Defense shall establish a process for the Department of Defense to track reported covered incidents of serious harm to children described in subsection (a)(2)(B) in which the alleged offender is an adult who is not a parent, guardian, or someone in a caregiving role at the time of the incident. The information so tracked shall comport with the information tracked by the Department in reported covered incidents of serious harm to children in which the alleged offender is a parent, guardian, or someone in a caregiving role at the time of the incident.

(2) SERIOUS HARMFUL BEHAVIORS BETWEEN CHILDREN AND YOUTH.—

(A) IN GENERAL.—The Secretary of Defense shall develop and maintain in the Department of Defense a centralized database to track incidents of serious harmful behaviors between children and youth described in subsection (a)(2)(C), including information across the Department on problematic sexual behavior in children and youth that are reported to an appropriate office, as determined by the Secretary, or investigated by a military criminal investigative organization, regardless of whether the

Database. Determination.

alleged offender was another child, an adult, or someone in a non-caregiving role at the time of an incident.

(B) ELEMENTS.—The centralized database required by this paragraph shall include, for each incident within the database, the following:

(i) Information pertinent to a determination by the Department on whether such incident meets the definition of an incident of serious harmful behavior between children and youth.

(ii) The results of any investigation of such incident by a military criminal investigative organization.

(iii) Information on the ultimate disposition of the incident, if any, including any administrative or prosecutorial action taken.

(C) ANNUAL REPORTS ON INFORMATION.—The information collected and maintained in the centralized database required by this paragraph shall be reported on an annual basis as part of the annual reports by the Secretary on child abuse and domestic abuse in the military as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2141).

Deadline.
Time period.

(D) BRIEFINGS.—Not later than March 31, 2021, and every six months thereafter until the centralized database required by this paragraph is fully operational, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the status of the database.

(3) DEPARTMENT OF DEFENSE REPORTING GUIDANCE.—The Secretary of Defense shall issue guidance regarding which incidents of serious harmful behavior between children and youth require reporting to the Family Advocacy Program, a military criminal investigative organization, or another component of the Department of Defense designated by the Secretary.

(c) RESPONSE PROCEDURES FOR INCIDENTS OF SERIOUS HARM TO CHILDREN REPORTED TO FAMILY ADVOCACY PROGRAMS.—

(1) INCIDENT DETERMINATION COMMITTEE MEMBERSHIP.—The Secretary of Defense shall ensure that the voting membership of each Incident Determination Committee, as defined in paragraph (7), on a military installation includes medical personnel with the knowledge and expertise required to determine whether a reported incident of serious harm to a child meets the criteria of the Department of Defense for treatment as child abuse.

(2) SCREENING REPORTED INCIDENTS OF SERIOUS HARM TO CHILDREN.—

Determination.

(A) DEVELOPMENT OF STANDARDIZED PROCESS.—The Secretary of Defense shall develop a standardized process by which the Family Advocacy Programs of the military departments screen reported covered incidents of serious harm to children to determine whether to present such incident to an Incident Determination Committee.

Compliance.

(B) MONITORING.—The Secretary of each military department shall develop a process to monitor the manner in which reported incidents of serious harm to children are screened by each installation under the jurisdiction of such Secretary in order to ensure that such screening

complies with the standardized screening process developed pursuant to subparagraph (A).

(3) REQUIRED NOTIFICATIONS.—

(A) DOCUMENTATION.—The Secretary of each military department shall require that installation Family Advocacy Programs and military criminal investigative organizations under the jurisdiction of such Secretary document in their respective databases the date on which they notified the other of a reported incident of serious harm to a child.

(B) OVERSIGHT.—The Secretary of each military department shall require that the Family Advocacy Program of such military department, and the headquarters of the military criminal investigative organizations of such military department, develop processes to oversee the documentation of notifications required by subparagraph (A) in order to ensure that such notifications occur on a consistent basis at installation level.

(4) CERTIFIED PEDIATRIC SEXUAL ASSAULT FORENSIC EXAMINERS.—

(A) GEOGRAPHIC REGIONS FOR EXAMINERS.—The Secretary of Defense shall specify geographic regions in which military families reside for purposes of the availability of and access to certified pediatric sexual assault examiners in such regions.

(B) AVAILABILITY.—The Secretary shall ensure that—

(i) one or more certified pediatric sexual assault examiners are located in each geographic region specified pursuant to subparagraph (A); and

(ii) examiners so located serve as certified pediatric sexual assault examiners throughout such region, without regard to Armed Force or installation.

(5) REMOVAL OF CHILDREN FROM UNSAFE HOMES OVERSEAS.—The Secretary of Defense shall issue policy that clarifies and standardizes across the Armed Forces the circumstances under which a commander may remove a child from a potentially unsafe home at an installation overseas.

(6) RESOURCE GUIDE FOR VICTIMS OF SERIOUS HARM TO CHILDREN.—

(A) IN GENERAL.—The Secretary of each military department shall develop and maintain a comprehensive guide on resources available through the Department of Defense and such military department for military families under the jurisdiction of such Secretary who are victims of serious harm to children.

(B) ELEMENTS.—Each guide under this paragraph shall include the following:

(i) Information on the response processes of the Family Advocacy Programs and military criminal investigative organizations of the military department concerned.

(ii) Lists of available support services, such as legal, medical, and victim advocacy services, through the Department of Defense and the military department concerned. Lists.

(C) DISTRIBUTION.—A resource guide under this paragraph shall be presented to a military family by an installation Family Advocacy Program and military criminal investigative personnel when a covered incident of serious harm to a child involving a child in such family is reported.

(D) AVAILABILITY ON INTERNET.—A current version of each resource guide under this paragraph shall be available to the public on an Internet website of the military department concerned available to the public.

(7) INCIDENT DETERMINATION COMMITTEE DEFINED.—In this subsection, the term "Incident Determination Committee" means a committee established at a military installation that is responsible for reviewing reported incidents of child abuse and determining whether such incidents constitute serious harm to children according to the applicable criteria of the Department of Defense.

(d) COORDINATION AND COLLABORATION WITH NON-MILITARY RESOURCES.—

(1) CONSULTATION WITH STATES.—The Secretary of Defense shall—

Notification.

(A) continue the outreach efforts of the Department of Defense to the States in order to ensure that States are notified when a member of the Armed Forces or a military dependent is involved in a reported incident of serious harm to a child off a military installation; and

Memorandums.

(B) increase efforts at information sharing between the Department and the States on such incidents of serious harm to children, including entry into memoranda of understanding with State child welfare agencies on information sharing in connection with such incidents.

(2) COLLABORATION WITH NATIONAL CHILDREN'S ALLIANCE.—

(A) MEMORANDA OF UNDERSTANDING.—The Secretary of each military department shall seek to enter into a memorandum of understanding with the National Children's Alliance, or similar organization, under which—

(i) the children's advocacy center services of the Alliance are available to all installations in the continental United States under the jurisdiction of such Secretary; and

(ii) members of the Armed Forces under the jurisdiction of such Secretary are made aware of the nature and availability of such services.

(B) PARTICIPATION OF CERTAIN ENTITIES.—Each memorandum of understanding under this paragraph shall provide for the appropriate participation of the Family Advocacy Program and military criminal investigative organizations of the military department concerned in activities under such memorandum of understanding.

Deadline.

(C) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of the development of a memorandum of understanding with the National Children's Alliance under this paragraph, together with information on which installations, if any, under the jurisdiction of such Secretary have entered into a written agreement with a

local children's advocacy center with respect to serious harm to children on such installations.

SEC. 549C. INDEPENDENT ANALYSIS AND RECOMMENDATIONS ON DOMESTIC VIOLENCE IN THE ARMED FORCES.

(a) ANALYSIS AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into a contract or other agreement with an appropriate entity in the private sector (including a Federally funded research and development center) for the conduct of an analysis and the development of recommendations on means to improve the effectiveness of the covered Armed Forces in responding to and preventing domestic violence. Contracts.

(2) EXPERTISE.—The entity with which the Secretary enters into a contract or agreement pursuant to this section shall have expertise in—

(A) scientific and other research relating to domestic violence; and

(B) science-based strategies for the prevention, intervention, and response to domestic violence.

(b) SCOPE OF ANALYSIS AND RECOMMENDATIONS.—Under the contract or agreement entered into pursuant to subsection (a), the entity concerned shall analyze and develop recommendations for the Secretary with respect to each of the following:

(1) The risk of domestic violence at various stages of military service, including identification of—

(A) stages at which there is a higher than average risk of domestic violence; and

(B) stages at which the implementation of domestic violence prevention strategies may have the greatest preventive effect.

(2) The use and dissemination of domestic violence prevention resources throughout the stages of military service, including providing new members with training in domestic violence prevention.

(3) Best practices for the targeting of domestic violence prevention resources toward those with a higher risk of domestic violence.

(4) Strategies to prevent domestic violence by training, educating, and assigning prevention-related responsibilities to— Strategies.

(A) commanders;

(B) medical, behavioral, and mental health service providers;

(C) family advocacy program representatives;

(D) Military Family Life Consultants; and

(E) other individuals and entities with responsibilities that may be relevant to addressing domestic violence.

(5) The efficacy of providing survivors of domestic violence with the option to request expedited transfers, and the effects of such transfers.

(6) Improvements to procedures for reporting appropriate legal actions to the National Crime Information Center, and the efficacy of such procedures. Procedures.

(7) The effects of domestic violence on—

(A) housing for military families;

(B) the education of military dependent children;

(C) member work assignments and careers; and

(D) the health of members and their families, including short-term and long-term health effects and effects on mental health.

(8) Age-appropriate training and education programs for students attending schools operated by the Department of Defense Education Activity that are designed to assist such students in learning positive relationship behaviors in families and with intimate partners.

(9) The potential effects of requiring military protective orders to be issued by a military judge, including whether such a requirement would increase the enforcement of military protective orders by civilian law enforcement agencies outside the boundaries of military installations.

(10) Whether prevention of domestic violence would be enhanced by raising the disposition authority for offenses of domestic violence to an officer who is—

(A) in grade 0–6 or above;

(B) in the chain of command of the accused; and

(C) authorized by chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to convene special courts martial.

(11) Means of improving access to resources for survivors of domestic violence throughout the stages of military service.

(12) Any other matters the Secretary specifies in the contract or agreement with respect to—

(A) decreasing the frequency of domestic violence committed by or upon members of the covered Armed Forces and their dependents; and

(B) reducing the severity of such violence.

(c) ACCESS TO INFORMATION AND FACILITIES.—The Secretary shall provide the entity with which the Secretary contracts or enters into an agreement pursuant to subsection (a) such access to information and facilities of the Department of Defense as the Secretary and the entity jointly consider appropriate for the analysis and development of recommendations required by the contract.

(d) REPORT TO SECRETARY OF DEFENSE.—

(1) IN GENERAL.—The contract or agreement pursuant to subsection (a) shall require the entity with which the Secretary contracts or enters into agreement to submit to the Secretary a report on the analysis conducted and recommendations developed by the entity under the contract or agreement by not later than one year after the date of entry into the contract or agreement.

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

(A) A comprehensive description of the analysis conducted by the entity concerned under the contract or agreement.

List.

(B) A list of the recommendations developed by the entity, including, for each such recommendation, a justification for such recommendation.

(C) Such other matters as the Secretary shall specify in the contract or agreement.

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after receipt of the report required pursuant to subsection (d), the Secretary

shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on means to improve the effectiveness of the covered Armed Forces in responding to and preventing domestic violence.

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

(A) The report received by the Secretary pursuant to subsection (d).

(B) For each recommendation included in the report pursuant to subsection (d) by reason of paragraph (2)(B) of that subsection—

Assessment.

(i) an assessment by the Secretary of the feasibility and advisability of implementing such recommendation; and

(ii) if the Secretary considers the implementation of such recommendation feasible and advisable, a description of the actions taken, or to be taken, to implement such recommendation.

(C) Such other matters relating to the improvement of the effectiveness of the covered Armed Forces in responding to and preventing domestic violence as the Secretary considers appropriate in light of the report pursuant to subsection (d).

(f) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2021 for the Department of Defense by section 301 and available for operation and maintenance, Defense wide, as specified in the funding table in section 4301, $1,000,000 shall be available for contract or agreement entered into pursuant to subsection (a).

(g) COVERED ARMED FORCES DEFINED.—In this section, the term "covered Armed Forces" means the Army, the Navy, the Air Force, and the Marine Corps.

Subtitle F—Diversity and Inclusion

SEC. 551. DIVERSITY AND INCLUSION REPORTING REQUIREMENTS AND RELATED MATTERS.

(a) STANDARD DIVERSITY AND INCLUSION METRICS AND ANNUAL REPORT REQUIREMENTS.—

(1) IN GENERAL.—Section 113 of title 10, United States Code, is amended—

(A) in subsection (c)—

(i) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(ii) by inserting after paragraph (1) the following new paragraph (2):

"(2) a report from each military department on the status of diversity and inclusion in such department;";

(B) in subsection (g)(1)(B), by inserting after clause (vi), the following new clause (vii):

"(vii) Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces.";

(C) by redesignating subsections (m) and (n) as subsections (n) and (o), respectively; and

(D) by inserting after subsection (k) the following new subsections (l) and (m):

Coordination.

"(l)(1) The Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall establish metrics to measure—

"(A) efforts to reflect across all grades comprising the officer and enlisted corps of each armed force the diverse population of the United States eligible to serve in the armed forces; and

"(B) the efforts of the armed forces to generate and maintain a ready military force that will prevail in war, prevent and deter conflict, defeat adversaries, and succeed in a wide range of contingencies.

"(2) In implementing the requirement in paragraph (1), the Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall—

Data.

"(A) ensure that data elements, data collection methodologies, and reporting processes and structures pertinent to each metric established pursuant to that paragraph are comparable across the armed forces, to the extent practicable;

"(B) establish standard classifications that members of the armed forces may use to self-identify their gender, race, or ethnicity, which classifications shall be consistent with Office of Management and Budget Number Directive 15, entitled 'Race and Ethnic Standards for Federal Statistics and Administrative Reporting', or any successor directive;

"(C) define conscious and unconscious bias with respect to matters of diversity and inclusion, and provide guidance to eliminate such bias;

Analysis.
Reviews.

"(D) conduct a barrier analysis to review demographic diversity patterns across the military life cycle, starting with enlistment or accession into the armed forces, in order to—

"(i) identify barriers to increasing diversity;

Plans.

"(ii) develop and implement plans and processes to resolve or eliminate any barriers to diversity; and

"(iii) review the progress of the armed forces in implementing previous plans and processes to resolve or eliminate barriers to diversity;

Plans.

"(E) develop and implement plans and processes to ensure that advertising and marketing to promote enlistment or accession into the armed forces is representative of the diverse population of the United States eligible to serve in the armed forces; and

Time period.
Assessment.
Recommendations.

"(F) meet annually with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the Chiefs of Staff of the Armed Forces to assess progress toward diversity and inclusion across the armed forces and to elicit recommendations and advice for enhancing diversity and inclusion in the armed forces

Coordination.
Reports.

"(m) Accompanying each national defense strategy provided to the congressional defense committees in accordance with subsection (g)(1)(D), the Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall provide a report that sets forth a detailed discussion, current as of the preceding fiscal year, of the following:

"(1) The number of officers and enlisted members of the armed forces, including the reserve components, disaggregated by gender, race, and ethnicity, for each grade in each armed force.

"(2) The number of members of the armed forces, including the reserve components, who were promoted during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, for each grade in each armed force, and of the number so promoted, the number promoted below, in, and above the applicable promotion zone.

"(3) The number of members of the armed forces, including the reserve components, who were enlisted or accessed into the armed forces during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, in each armed force.

"(4) The number of graduates of each military service academy during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, for each military department and the United States Coast Guard.

"(5) The number of members of the armed forces, including the reserve components, who reenlisted or otherwise extended a commitment to military service during the fiscal year covered by such report, disaggregated by gender, race, and ethnicity, for each grade in each armed force.

"(6) An assessment of the pool of officers best qualified for promotion to grades O–9 and O–10, disaggregated by gender, race, and ethnicity, in each military department and the United States Coast Guard. Assessment.

"(7) Any other matter the Secretary considers appropriate.".

(2) PUBLIC AVAILABILITY OF REPORTS.—Not later than 72 hours after submitting to the congressional defense committees a report required by subsection (m) of section 113 of title 10, United States Code (as amended by paragraph (1)), the Secretary of Defense shall make the report available on an Internet website of the Department of Defense available to the public. In so making a report available, the Secretary shall ensure that any data included in the report is made available in a machine-readable format that is downloadable, searchable, and sortable. Deadline. Web posting. 10 USC 113 note. Data.

(3) CONSTRUCTION OF METRICS.— 10 USC 113 note.

(A) WITH MERIT-BASED PROCESSES.—Any metric established pursuant to subsection (l) of section 113 of title 10, United States Code (as so amended), may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Coast Guard, including such processes for accession, retention, and promotion.

(B) WITH OTHER MATTERS.—Any such metric may not be used to identify or specify specific quotas based upon diversity characteristics. The Secretary concerned shall continue to account for diversified language and cultural skills among the total force of the Armed Forces.

(4) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 115a of title 10, United States Code, is amended—

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(b) REQUIREMENT TO CONSIDER ALL BEST QUALIFIED OFFICERS FOR PROMOTION TO O–9 AND O–10 GRADES.—

(1) IN GENERAL.—Section 601 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Prior to making a recommendation to the Secretary of Defense for the nomination of an officer for appointment to a position of importance and responsibility under this section, which appointment would result in the initial appointment of the officer concerned in the grade of lieutenant general or general in the Army, Air Force, or Marine Corps, vice admiral or admiral in the Navy, or the commensurate grades in the Space Force, the Secretary concerned shall consider all officers determined to be among the best qualified for such position.".

(2) COAST GUARD.—Section 305(a) of title 14, United States Code, is amended by adding at the end the following new paragraph:

"(4) Prior to making a recommendation to the President for the nomination of an officer for appointment to a position of importance and responsibility under this section, which appointment would result in the initial appointment of the officer concerned in the grade of vice admiral, the Commandant shall consider all officers determined to be among the best qualified for such position.".

Recommendations.

(c) REPORT ON FINDINGS OF DEFENSE BOARD ON DIVERSITY AND INCLUSION IN THE MILITARY.—

(1) IN GENERAL.—Upon the completion by the Defense Board on Diversity and Inclusion in the Military of its report on actionable recommendations to increase diversity and ensure equal opportunity across all grades of the Armed Forces, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the report of the Defense Board, including the findings and recommendations of the Defense Board.

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

(A) A comprehensive description of the findings and recommendations of the Defense Board in its report referred to in paragraph (1).

(B) A comprehensive description of any actionable recommendations of the Defense Board in its report.

Timeline.

(C) A description of the actions proposed to be undertaken by the Secretary in connection with such recommendations, and a timeline for implementation of such actions.

Data.

(D) Any data used by the Defense Board and in the development of its findings and recommendations.

Assessment.

(E) A description of the resources used by the Defense Board for its report, and a description and assessment of any shortfalls in such resources for purposes of the Defense Board.

(d) DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES MATTERS.—

(1) REPORT.—At the same time the Secretary of Defense submits the report required by subsection (c), the Secretary shall also submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the

Defense Advisory Committee on Diversity and Inclusion in the Armed Forces.

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

(A) The mission statement or purpose of the Advisory Committee, and any proposed objectives and goals of the Advisory Committee.

(B) A description of current members of the Advisory Committee and the criteria used for selecting members.

(C) A description of the duties and scope of activities of the Advisory Committee.

(D) The reporting structure of the Advisory Committee.

(E) An estimate of the annual operating costs and staff years of the Advisory Committee. Cost estimate.

(F) An estimate of the number and frequency of meetings of the Advisory Committee. Estimate.

(G) Any subcommittees, established or proposed, that would support the Advisory Committee.

(3) NOTICE AND WAIT ON DISSOLUTION.—The Secretary may not dissolve the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces until 60 days after the date on which the Secretary submits to the committees of Congress specified in paragraph (1) a notice on the dissolution of the Advisory Committee. Time period.

SEC. 552. NATIONAL EMERGENCY EXCEPTION FOR TIMING REQUIREMENTS WITH RESPECT TO CERTAIN SURVEYS OF MEMBERS OF THE ARMED FORCES.

Determinations. Notifications. Deadlines. Assessments.

(a) MEMBERS OF REGULAR AND RESERVE COMPONENTS.—Subsection (d) of section 481 of title 10, United States Code, is amended to read as follows:

"(d) WHEN SURVEYS REQUIRED.—(1) The Armed Forces Workplace and Gender Relations Surveys of the Active Duty and the Armed Forces Workplace and Gender Relations Survey of the Reserve Components shall each be conducted once every two years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces. Time period.

"(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The surveys may be conducted within the same year or in two separate years, and shall be conducted in a manner designed to reduce the burden of the surveys on members of the armed forces. Time period.

"(3)(A) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

"(B) The Secretary shall ensure that a survey postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

"(C) The Secretary shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.".

(b) CADETS AND MIDSHIPMEN.—

(1) UNITED STATES MILITARY ACADEMY.—Section 7461(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

"(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

"(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.".

(2) UNITED STATES NAVAL ACADEMY.—Section 8480(c) of such title is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

"(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

"(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.".

(3) UNITED STATES AIR FORCE ACADEMY.—Section 9461(c) of such title is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense may postpone the conduct of an assessment under this subsection if the Secretary determines that conducting such assessment is not practicable due to a war or national emergency declared by the President or Congress.

"(B) The Secretary of Defense shall ensure that an assessment postponed under subparagraph (A) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

"(C) The Secretary of Defense shall notify Congress of a determination under subparagraph (A) not later than 30 days after the date on which the Secretary makes such determination.".

(c) DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—Section 481a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) POSTPONEMENT.—(1) The Secretary of Defense may postpone the conduct of a survey under this section if the Secretary determines that conducting such survey is not practicable due to a war or national emergency declared by the President or Congress.

"(2) The Secretary shall ensure that a survey postponed under paragraph (1) is conducted as soon as practicable after the end of the period of war or national emergency concerned, or earlier if the Secretary determines appropriate.

"(3) The Secretary shall notify Congress of a determination under paragraph (1) not later than 30 days after the date on which the Secretary makes such determination.".

SEC. 553. QUESTIONS REGARDING RACISM, ANTI-SEMITISM, AND SUPREMACISM IN WORKPLACE SURVEYS ADMINISTERED BY THE SECRETARY OF DEFENSE.

10 USC note prec. 480.

Section 593 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended— 133 Stat. 1415.

(1) by inserting "(a) QUESTIONS REQUIRED.—" before "The Secretary";

(2) in paragraph (1), by inserting ", racist, anti-Semitic, or supremacist" after "extremist"; and

(3) by adding at the end the following new subsection:

"(b) BRIEFING.—Not later than March 1, 2021, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing including— Deadline.

"(1) the text of the questions included in surveys under subsection (a); and

"(2) which surveys include such questions.".

SEC. 554. INSPECTOR GENERAL OVERSIGHT OF DIVERSITY AND INCLUSION IN DEPARTMENT OF DEFENSE; SUPREMACIST, EXTREMIST, OR CRIMINAL GANG ACTIVITY IN THE ARMED FORCES.

10 USC 141 note.

(a) ESTABLISHMENT OF ADDITIONAL DEPUTY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall appoint, in the Office of the Inspector General of the Department of Defense, an additional Deputy Inspector General who— Deadline. Appointment.

(A) shall be a member of the Senior Executive Service of the Department; and

(B) shall report directly to and serve under the authority, direction, and control of the Inspector General.

(2) DUTIES.—Subject to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), the Deputy Inspector General shall have the following duties:

(A) Conducting and supervising audits, investigations, and evaluations of policies, programs, systems, and processes of the Department—

(i) to determine the effect of such policies, programs, systems, and processes regarding personnel on diversity and inclusion in the Department; and

(ii) to prevent and respond to supremacist, extremist, and criminal gang activity of a member of the Armed Forces, including the duties of the Inspector General under subsection (b).

(B) Additional duties prescribed by the Secretary or Inspector General.

(3) COORDINATION OF EFFORTS.—In carrying out the duties under paragraph (2), the Deputy Inspector General shall coordinate with, and receive the cooperation of the following:

(A) The Inspector General of the Army.

(B) The Inspector General of the Navy.

(C) The Inspector General of the Air Force.

(D) The other Deputy Inspectors General of the Department.

(4) REPORTS.—

(A) ONE-TIME REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General

shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing, with respect to the Deputy Inspector General appointed under this subsection:

(i) the duties and responsibilities to be assigned to such Deputy Inspector General;

(ii) the organization, structure, staffing, and funding of the office established to support such Deputy Inspector General in the execution of such duties and responsibilities;

(iii) challenges to the establishment of such Deputy Inspector General and such office, including any shortfalls in personnel and funding; and

(iv) the date by which the Inspector General expects such Deputy Inspector General and the office will reach full operational capability.

Summary.

(B) SEMIANNUAL REPORTS.—Not later than 30 days after the end of the second and fourth quarters of each fiscal year beginning in fiscal year 2022, the Deputy Inspector General shall submit to the Secretary and the Inspector General a report including a summary of the activities of the Deputy Inspector General during the two fiscal quarters preceding the date of the report.

Recommendations.

(C) ANNUAL REPORTS.—The Deputy Inspector General shall submit, through the Secretary and Inspector General, to the Committees on Armed Services of the Senate and the House of Representatives annual reports presenting findings and recommendations regarding—

(i) the effects of policies, programs, systems, and processes of the Department, regarding personnel, on diversity and inclusion in the Department; and

(ii) the effectiveness of such policies, programs, systems, and processes in preventing and responding to supremacist, extremist, and criminal gang activity of a member of the Armed Forces.

(D) OCCASIONAL REPORTS.—The Deputy Inspector General shall, from time to time, submit to the Secretary and the Inspector General additional reports as the Secretary or Inspector General may direct.

Public information. Deadline.

(E) ONLINE PUBLICATION.—The Deputy Inspector General shall publish each report under this paragraph on a publicly accessible website of the Department not later than 21 days after submitting such report to the Secretary, Inspector General, or the Committees on Armed Services of the Senate and the House of Representatives.

(b) ESTABLISHMENT OF STANDARD POLICIES, PROCESSES, TRACKING MECHANISMS, AND REPORTING REQUIREMENTS FOR SUPREMACIST, EXTREMIST, AND CRIMINAL GANG ACTIVITY IN CERTAIN ARMED FORCES.—

(1) IN GENERAL.—The Secretary of Defense shall establish policies, processes, and mechanisms, standard across the covered Armed Forces, that ensure that—

(A) all allegations (and related information) that a member of a covered Armed Force has engaged in a prohibited activity, are referred to the Inspector General of the Department of Defense;

(B) the Inspector General can document and track the referral, for purposes of an investigation or inquiry of an allegation described in paragraph (1), to—

(i) a military criminal investigative organization;

(ii) an inspector general;

(iii) a military police or security police organization;

(iv) a military commander;

(v) another organization or official of the Department; or

(vi) a civilian law enforcement organization or official;

(C) the Inspector General can document and track the referral, to a military commander or other appropriate authority, of the final report of an investigation or inquiry described in subparagraph (B) for action;

(D) the Inspector General can document the determination of whether a member described in subparagraph (A) engaged in prohibited activity; Determination.

(E) the Inspector General can document whether a member of a covered Armed Force was subject to action (including judicial, disciplinary, adverse, or corrective administrative action) or no action, as the case may be, based on a determination described in subparagraph (D); and

(F) the Inspector General can provide, or track the referral to a civilian law enforcement agency of, any information described in this paragraph.

(2) REPORT.—Not later than December 1 of each year beginning after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the policies, processes, and mechanisms implemented under paragraph (1). Each report shall include, with respect to the fiscal year preceding the date of the report, the following:

(A) The total number of referrals received by the Inspector General under paragraph (1)(A);

(B) The total number of investigations and inquiries conducted pursuant to a referral described in paragraph (1)(B);

(C) The total number of members of a covered Armed Force who, on the basis of determinations described in paragraph (1)(D) that the members engaged in prohibited activity, were subject to action described in paragraph (1)(E), including—

(i) court-martial,

(ii) other criminal prosecution,

(iii) non-judicial punishment under Article 15 of the Uniform Code of Military Justice; or

(iv) administrative action, including involuntary discharge from the Armed Forces, a denial of reenlistment, or counseling.

(D) The total number of members of a covered Armed Force described in paragraph (1)(A) who were not subject to action described in paragraph (1)(E), notwithstanding determinations described in paragraph (1)(D) that such members engaged in prohibited activity.

(E) The total number of referrals described in paragraph (1)(F).

(3) DEFINITIONS.—In this subsection:

(A) The term "appropriate congressional committees" means—

(i) the Committee on the Judiciary and the Committee on Armed Services of the Senate; and

(ii) the Committee on the Judiciary and the Committee on Armed Services of the House of Representatives.

(B) The term "covered Armed Force" means an Armed Force under the jurisdiction of the Secretary of a military department.

(C) The term "prohibited activity" means an activity prohibited under Department of Defense Instruction 1325.06, titled "Handling Dissident and Protest Activities Among Members of the Armed Forces", or any successor instruction.

10 USC note prec. 1030.

SEC. 555. POLICY TO IMPROVE RESPONSES TO PREGNANCY AND CHILDBIRTH BY CERTAIN MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop a policy to ensure that the career of a member of the Armed Forces is not unduly affected because the member is a covered member. The policy shall address the following:

(1) Enforcement and implementation of the applicable requirements of the Pregnancy Discrimination Act (Public Law 95–555; 42 U.S.C. 2000e(k)).

Determinations.

(2) The need for individual determinations regarding the ability of members of the Armed Forces to serve during and after pregnancy.

(3) Responses to the effects specific to covered members who reintegrate into home life after deployment.

(4) Education and training on pregnancy discrimination to diminish stigma, stereotypes, and negative perceptions regarding covered members, including with regards to commitment to the Armed Forces and abilities.

(5) Opportunities to maintain readiness when positions are unfilled due to pregnancy, medical conditions arising from pregnancy or childbirth, pregnancy convalescence, or parental leave.

(6) Reasonable accommodations for covered members in general and specific accommodations based on career field or military occupational specialty.

(7) Consideration of deferments at military educational institutions for covered members.

(8) Extended assignments and performance reporting periods for covered members.

(9) A mechanism by which covered members may report harassment or discrimination, including retaliation, relating to being a covered member.

Deadline.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(1) a briefing summarizing the policy developed under this section; and

(2) a copy of the policy.

(c) DEFINITIONS.—In this section:

(1) The term "covered member" means a member of an Armed Force under the jurisdiction of the Secretary of a military department who—

(A) is pregnant;

(B) gives birth to a child; or

(C) incurs a medical condition arising from pregnancy or childbirth.

(2) The term "military educational institution" means a postsecondary educational institution established within the Department of Defense.

SEC. 556. TRAINING ON CERTAIN DEPARTMENT OF DEFENSE INSTRUCTIONS FOR MEMBERS OF THE ARMED FORCES.

10 USC note prec. 1030.

In accordance with Department of Defense Instruction 1300.17, dated September 1, 2020, and applicable law, the Secretary of Defense shall implement training on relevant Federal statutes, Department of Defense Instructions, and the regulations of each military department, including the responsibility of commanders to maintain good order and discipline.

SEC. 557. EVALUATION OF BARRIERS TO MINORITY PARTICIPATION IN CERTAIN UNITS OF THE ARMED FORCES.

10 USC note prec. 501.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall seek to enter into an agreement with a federally funded research and development center with relevant expertise to conduct an evaluation of the barriers to minority participation in covered units of the Armed Forces.

Deadline. Contracts.

(2) ELEMENTS.—The evaluation required under paragraph (1) shall include the following elements:

(A) A description of the racial, ethnic, and gender composition of covered units.

(B) A comparison of the participation rates of minority populations in covered units to participation rates of the general population as members and as officers of the Armed Forces.

(C) A comparison of the percentage of minority officers in the grade of O–7 or higher who have served in each covered unit to such percentage for all such officers in the Armed Force of that covered unit.

(D) An identification of barriers to minority (including English language learners) participation in the recruitment, accession, assessment, and training processes.

(E) The status and effectiveness of the response to the recommendations contained in the report of the RAND Corporation titled "Barriers to Minority Participation in Special Operations Forces" and any follow-up recommendations.

(F) Recommendations to increase the numbers of minority officers in the Armed Forces.

Recommendations.

(G) Recommendations to increase minority participation in covered units.

Recommendations.

(H) Any other matters the Secretary determines appropriate.

(3) REPORT TO CONGRESS.—The Secretary shall—

(A) submit to the congressional defense committees a report on the results of the study by not later than January 1, 2022; and

Briefings.

(B) provide interim briefings to such committees upon request.

(b) DESIGNATION.—The study conducted under subsection (a) shall be known as the "Study on Reducing Barriers to Minority Participation in Elite Units in the Armed Services".

(c) IMPLEMENTATION REQUIRED.—

Deadline.

(1) IN GENERAL.—Except as provided in paragraph (2), not later than March 1, 2023, the Secretary of Defense shall commence the implementation of each recommendation included in the final report submitted under subsection (a)(3).

(2) EXCEPTIONS.—

(A) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described paragraph (1) later than March 1, 2023, if—

Notice.
Deadline.

(i) the Secretary submits to the congressional defense committees, not later than January 1, 2023, written notice of the intent of the Secretary to delay implementation of the recommendation; and

(ii) includes, as part of such notice, a specific justification for the delay in implementing the recommendation.

(B) NONIMPLEMENTATION.—The Secretary of Defense may elect not to implement a recommendation described in paragraph (1), if—

Notice.
Deadline.

(i) the Secretary submits to the congressional defense committees, not later than January 1, 2023, written notice of the intent of the Secretary not to implement the recommendation; and

(ii) includes, as part of such notice—

(I) the reasons for the Secretary's decision not to implement the recommendation; and

Summary.

(II) a summary of alternative actions the Secretary will carry out to address the purposes underlying the recommendation.

(3) IMPLEMENTATION PLAN.—For each recommendation that the Secretary implements under this subsection, the Secretary shall submit to the congressional defense committees an implementation plan that includes—

Summary.

(A) a summary of actions the Secretary has carried out, or intends to carry out, to implement the recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

(d) COVERED UNITS DEFINED.—In this section, the term "covered units" means the following:

(1) Army Special Forces.
(2) Army Rangers.
(3) Navy SEALs.
(4) Air Force Combat Control Teams.
(5) Air Force Pararescue.

(6) Air Force Special Reconnaissance.
(7) Marine Raider Regiments.
(8) Marine Corps Force Reconnaissance.
(9) Coast Guard Maritime Security Response Team.
(10) Any other forces designated by the Secretary of Defense as special operations forces.
(11) Pilot and navigator military occupational specialties.

SEC. 558. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON EQUAL OPPORTUNITY AT THE MILITARY SERVICE ACADEMIES.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that the following:

(1) The aggregate number of equal opportunity claims filed with respect to each military service academy during 2019 and 2020.

(2) Of the number of claims specified pursuant to paragraph (1) for each military service academy, the number of such claims that were substantiated.

Surveys. Time period.

(3) The results of any completed climate survey of cadets or midshipmen, as applicable, conducted by each military service academy, and any authorized organization external to such military service academy, during the two-year period ending on December 31, 2020 (or such longer period the Comptroller General determines appropriate).

Analysis. Assessment.

(4) An analysis of the data reported pursuant to paragraphs (1) through (3), an assessment whether the data indicates one or more trends in equal opportunity at the military service academies, and, if so, a description and assessment of each such trend.

Assessment.

(5) A description and assessment of the Equal Opportunity programs and other programs to improve the climate of each military service academy, based on matters raised by equal opportunity claims, climate surveys, and such other evidence or assessments the Comptroller General determines appropriate, including an assessment whether such programs address trends identified pursuant to the analysis conducted for purposes of paragraph (4).

Subtitle G—Decorations and Awards

SEC. 561. EXTENSION OF TIME TO REVIEW WORLD WAR I VALOR MEDALS.

(a) IN GENERAL.—Section 584(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281) is amended by striking "five" and inserting "six".

10 USC 7271 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).

10 USC 7271 note.

SEC. 562. AUTHORIZATIONS FOR CERTAIN AWARDS.

President.

(a) DISTINGUISHED-SERVICE CROSS TO RAMIRO F. OLIVO FOR ACTS OF VALOR DURING THE VIETNAM WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 7272 of such title to Ramiro F. Olivo for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Ramiro F. Olivo on May 9, 1968, as a member of the Army serving in the Republic of Vietnam.

(b) MEDAL OF HONOR TO RALPH PUCKETT, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Ralph Puckett, Jr. for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Ralph Puckett, Jr. on November 25 and 26, 1950, as a member of the Army serving in Korea, for which he was awarded the Distinguished-Service Cross.

(c) MEDAL OF HONOR TO DWIGHT M. BIRDWELL FOR ACTS OF VALOR DURING THE VIETNAM WAR.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Dwight M. Birdwell for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Dwight M. Birdwell on January 31, 1968, as a member of the Army serving in the Republic of Vietnam, for which he was awarded the Silver Star.

(d) MEDAL OF HONOR TO ALWYN C. CASHE FOR ACTS OF VALOR DURING OPERATION IRAQI FREEDOM.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Alwyn C. Cashe for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Alwyn C. Cashe on October 17, 2005, as a member of the Army serving in Iraq in support of Operation Iraqi Freedom, for which he was posthumously awarded the Silver Star.

(e) MEDAL OF HONOR TO EARL D. PLUMLEE FOR ACTS OF VALOR DURING OPERATION ENDURING FREEDOM.—

(1) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or

any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Earl D. Plumlee for the acts of valor described in paragraph (2).

(2) ACTS OF VALOR DESCRIBED.—The acts of valor described in this paragraph are the actions of Earl D. Plumlee on August 28. 2013, as a member of the Army serving in Afghanistan in support of Operation Enduring Freedom, for which he was awarded the Silver Star.

SEC. 563. FEASIBILITY STUDY ON ESTABLISHMENT OF SERVICE MEDAL FOR RADIATION-EXPOSED VETERANS.

(a) STUDY REQUIRED; REPORT.—Not later than May 1, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of a study assessing the feasibility of establishing a service medal to award to radiation-exposed veterans.

(b) ELEMENTS.—The report shall contain the following:

(1) An analysis of how the decorations and awards of the Department of Defense have been updated to reflect the nature of military service across generations and conflicts. Analysis.

(2) An assessment of the conditions of service of radiation-exposed veterans. Assessment.

(3) Any plan of the Secretary to recognize (by means of a decoration or award) current, retired, or former members of the Armed Forces exposed to toxic materials or environments in the course of military service, including radiation-exposed veterans. Plan.

(4) An assessment of the feasibility of establishing an atomic veterans service device to be added to the National Defense Service Medal or another appropriate medal. Assessment.

(5) A determination of the direct or indirect costs to the Department that would arise from the establishment of such a device or other appropriate medal. Determination. Costs.

(6) Any other element the Secretary determines appropriate.

(c) MEETING REQUIRED.—In the course of the feasibility study, the Secretary shall hold no fewer than one meeting with representatives of organizations that advocate for radiation-exposed veterans (including leadership of the National Association of Atomic Veterans, Inc.) to discuss the study and to work with such organizations on steps towards a mutually agreeable and timely recognition of the valued service of radiation-exposed veterans.

(d) RADIATION-EXPOSED VETERAN DEFINED.—In this section, the term "radiation-exposed veteran" has the meaning given that term in section 1112 of title 38, United States Code.

SEC. 564. EXPRESSING SUPPORT FOR THE DESIGNATION OF SILVER STAR SERVICE BANNER DAY.

Congress supports the designation of a "Silver Star Service Banner Day" and recommends that the President issues each year a proclamation calling on the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities.

Subtitle H—Member Education, Training, Transition, and Resilience

SEC. 571. MENTORSHIP AND CAREER COUNSELING PROGRAM FOR OFFICERS TO IMPROVE DIVERSITY IN MILITARY LEADERSHIP.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Section 656 of title 10, United States Code, is amended—

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

(B) by inserting after subsection (a) the following new subsection (b):

"(b) MENTORING AND CAREER COUNSELING PROGRAM.—

"(1) PROGRAM REQUIRED AS PART OF PLAN.—With the goal of having the diversity of the population of officers serving in each branch, specialty, community, and grade of each armed force reflect the diversity of the population in such armed force as a whole, the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating shall include in the plan required by subsection (a) a mentoring and career counseling program for officers.

"(2) ELEMENTS.—The program required by this subsection shall include the following:

"(A) The option for any officer to participate in the program.

"(B) For each officer who elects to participate in the program, the following:

"(i) One or more opportunities for mentoring and career counseling before selection of the officer's branch, specialty, or community.

"(ii) Ongoing opportunities for mentoring and career counseling following selection of the officer's branch, specialty, or community, and continuing through the officer's military career.

"(C) Mentoring and counseling during opportunities under subparagraph (B) consisting of the following:

"(i) Information on officer retention and promotion rates in each grade, branch, specialty, and community of the armed force concerned, including the rate at which officers in each branch, specialty, or community of such armed force are promoted to a grade above O–6.

"(ii) Information on career and service pathways, including service in the reserve components.

"(iii) Such other information as may be required to optimize the ability of an officer to make informed career decisions through the officer's military career.".

(2) PERFORMANCE METRICS.—Subsection (c) of such section, as redesignated by paragraph (1)(A), is amended—

(A) in the subsection heading, by inserting "AND MENTORING AND CAREER COUNSELING PROGRAM" after "DEVELOPING AND IMPLEMENTING PLAN"; and

(B) by inserting "and the mentoring and career counseling program under subsection (b)" after "the plan under subsection (a)".

(3) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 656. Diversity in military leadership: plan; mentoring and career counseling program".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 37 of such title is amended by striking the item relating to section 656 and inserting the following new item: 10 USC prec. 651.

"656. Diversity in military leadership: plan; mentoring and career counseling program.".

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of the Department in which the Coast Guard is operating, submit to the appropriate committees of Congress a report on the mentoring and career counseling program established pursuant to subsection (b) of section 656 of title 10, United States Code (as amended by subsection (a)). Coordination.

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

(A) A description of the manner in which each Armed Force will implement the mentoring and counseling program,

(B) A description of the metrics that will be used to measure progress in developing and implementing the mentoring and career counseling program.

(C) For each Armed Force, an explanation whether the mentoring and career counseling program will be carried out as part of another program of such Armed Force or through the establishment of a separate subprogram or subprograms of such Armed Force.

(D) A description of the additional resources, if any, that will be required to implement the mentoring and career counseling program, including the specific number of additional personnel authorizations that will be required to staff the program.

(E) Such other information on the mentoring and career counseling program as the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating consider appropriate.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 572. EXPANSION OF SKILLBRIDGE PROGRAM TO INCLUDE THE COAST GUARD.

Section 1143(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "of a military department" and inserting "concerned";

(2) in paragraph (3), by striking "of the military department"; and

(3) in paragraph (4), by striking "of Defense" and inserting "concerned".

SEC. 573. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9431(b)(4) of title 10, United States Code, is amended by striking "23" and inserting "25".

10 USC note prec. 8431.

SEC. 574. ADDITIONAL ELEMENTS WITH 2021 AND 2022 CERTIFICATIONS ON THE READY, RELEVANT LEARNING INITIATIVE OF THE NAVY.

(a) ADDITIONAL ELEMENTS WITH 2021 CERTIFICATIONS.—In submitting to Congress in 2021 the certifications required by section 545 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1396; 10 U.S.C. 8431 note prec.), relating to the Ready, Relevant Learning initiative of the Navy, the Secretary of the Navy shall also submit each of the following:

(1) A framework for a life cycle sustainment plan for the Ready, Relevant Learning initiative meeting the requirements in subsection (b).

Reports.

(2) A report on the use of readiness assessment teams in training addressing the elements specified in subsection (c).

(b) LIFE CYCLE SUSTAINMENT PLAN FRAMEWORK.—The framework for a life cycle sustainment plan required by subsection (a)(1) shall address each of the following:

(1) Product support management.
(2) Supply support.
(3) Packaging, handling, storage, and transportation.
(4) Maintenance planning and management.
(5) Design interface.
(6) Sustainment engineering.
(7) Technical data.
(8) Computer resources.
(9) Facilities and infrastructure.
(10) Manpower and personnel.
(11) Support equipment.
(12) Training and training support.
(13) Course content and relevance.
(14) Governance, including the acquisition and program management structure.
(15) Such other elements in the life cycle sustainment of the Ready, Relevant Learning initiative as the Secretary considers appropriate.

Assessments.

(c) REPORT ON USE OF READINESS ASSESSMENT TEAMS.—The report required by subsection (a)(2) shall set forth the following:

(1) A description and assessment of the extent to which the Navy is currently using Engineering Readiness Assessment Teams and Combat Systems Readiness Assessment Teams to conduct unit-level training and assistance in each capacity as follows:

(A) To augment non-Ready, Relevant Learning initiative training.

(B) As part of Ready, Relevant Learning initiative training.

(C) To train students on legacy, obsolete, one of a kind, or unique systems that are still widely used by the Navy.

(D) To train students on military-specific systems that are not found in the commercial maritime world.

(2) A description and assessment of potential benefits, and anticipated timelines and costs, in expanding Engineering Readiness Assessment Team and Combat Systems Readiness Assessment Team training in the capacities specified in paragraph (1).

(3) Such other matters in connection with the use of readiness assessment teams in connection with the Ready, Relevant Learning initiative as the Secretary considers appropriate.

(d) LIFE CYCLE SUSTAINMENT PLAN WITH 2022 CERTIFICATIONS.—In submitting to Congress in 2022 the certifications required by section 545 of the National Defense Authorization Act for Fiscal Year 2018, the Secretary shall also submit the approved life cycle sustainment plan for the Ready, Relevant Learning initiative of the Navy, based on the framework for the plan developed for purposes of subsection (a)(1).

SEC. 575. INFORMATION ON NOMINATIONS AND APPLICATIONS FOR MILITARY SERVICE ACADEMIES.

10 USC 7442 note.

(a) NOMINATIONS PORTAL.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Superintendents of the military service academies, shall ensure that there is a uniform online portal for all military service academies that enables Members of Congress and other nominating sources to nominate individuals for appointment to each academy through a secure website.

Deadline. Consultation.

(2) INFORMATION COLLECTION AND REPORTING.—The online portal established under paragraph (1) shall have the ability to—

(A) collect, from each nominating source, the demographic information described in subsection (b) for each individual nominated to attend a military service academy; and

(B) collect the information required to be included in each annual report of the Secretary under subsection (c) in a manner that enables the Secretary to automatically compile such information when preparing the report.

(3) AVAILABILITY OF INFORMATION.—The portal shall allow Members of Congress, other nominating sources, and their designees to view their past nomination records for all application cycles.

(b) STANDARD CLASSIFICATIONS FOR COLLECTION OF DEMOGRAPHIC DATA.—

(1) STANDARDS REQUIRED.—The Secretary, in consultation with the Superintendents of the military service academies, shall establish standard classifications that cadets, midshipmen, and applicants to the academies may use to report gender, race, and ethnicity and to provide other demographic information in connection with admission to or enrollment in an academy.

Consultation.

(2) CONSISTENCY WITH OMB GUIDANCE.—The standard classifications established under paragraph (1) shall be consistent with the standard classifications specified in Office of Management and Budget Directive No. 15 (pertaining to race and ethnic standards for Federal statistics and administrative reporting) or any successor directive.

Deadline.

(3) INCORPORATION INTO APPLICATIONS AND RECORDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall incorporate the standard classifications established under paragraph (1) into—

(A) applications for admission to the military service academies; and

(B) the military personnel records of cadets and midshipmen enrolled in such academies.

(c) ANNUAL REPORT ON THE DEMOGRAPHICS MILITARY SERVICE ACADEMY APPLICANTS.—

(1) REPORT REQUIRED.—Not later than September 30 of each year beginning after the establishment of the online portal, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demographics of applicants to military service academies for the most recently concluded application year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to each military service academy, the following:

(A) The number of individuals who submitted an application for admission to the academy in the application year covered by the report.

(B) Of the individuals who submitted an application for admission to the academy in such year—

(i) the overall demographics of applicant pool, disaggregated by the classifications established under subsection (b);

(ii) the number and percentage who received a nomination, disaggregated by the classifications established under subsection (b);

(iii) the number and percentage who received an offer for appointment to the academy, disaggregated by the classifications established under subsection (b); and

(iv) the number and percentage who accepted an appointment to the academy, disaggregated by the classifications established under subsection (b).

(3) CONSULTATION.—In preparing each report under paragraph (1), the Secretary shall consult with the Superintendents of the military service academies.

(4) AVAILABILITY OF REPORTS AND DATA.—The Secretary shall—

Public information. Web posting.

(A) make the results of each report under paragraph (1) available on a publicly accessible website of the Department of Defense; and

Data.

(B) ensure that any data included with the report is made available in a machine-readable format that is downloadable, searchable, and sortable.

(d) DEFINITIONS.—In this section:

(1) The term "application year" means the period beginning on January 1 of one year and ending on June 1 of the following year.

(2) The term "machine-readable" has the meaning given that term in section 3502(18) of title 44, United States Code.

(3) The term "military service academy" means—

(A) the United States Military Academy;

(B) the United States Naval Academy; and

(C) the United States Air Force Academy.

SEC. 576. REPORT ON POTENTIAL IMPROVEMENTS TO CERTAIN MILITARY EDUCATIONAL INSTITUTIONS OF THE DEPARTMENT OF DEFENSE.

Consultation. Review. Assessment.

(a) REPORT REQUIRED.—Not later than December 1, 2021, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a review and assessment, obtained by the Secretary for purposes of the report, of the potential effects on the military education provided by the educational institutions of the Department of Defense specified in subsection (b) of the actions described in subsection (c).

(b) EDUCATIONAL INSTITUTIONS OF THE DEPARTMENT OF DEFENSE.—The educational institutions of the Department of Defense specified in this subsection are the following:

(1) The senior level service schools and intermediate level service schools (as such terms are defined in section 2151(b) of title 10, United States Code).

(2) The Air Force Institute of Technology.

(3) The National Defense University.

(4) The Joint Special Operations University.

(5) The Army Armament Graduate School.

(6) Any other military educational institution of the Department specified by the Secretary for purposes of this section.

(c) ACTIONS.—The actions described in this subsection with respect to the educational institutions of the Department of Defense specified in subsection (b) are the following:

(1) Modification of admission and graduation requirements.

(2) Expansion of use of case studies in curricula for professional military education.

(3) Reduction or expansion of degree-granting authority.

(4) Reduction or expansion of the acceptance of research grants.

(5) Reduction or expansion of the number of attending students generally.

(6) Modification of military personnel career milestones in order to prioritize instructor positions.

(7) Increase in educational and performance requirements for military personnel selected to be instructors.

(8) Expansion of visiting or adjunct faculty.

(9) Modification of civilian faculty management practices, including employment practices.

(10) Reduction of the number of attending students through the sponsoring of education of an increased number of students at non-Department of Defense institutions of higher education.

Assessments.

(d) ADDITIONAL ELEMENTS.—In addition to the matters described in subsection (a), the review and report under this section shall also include the following:

Summary.

(1) A consolidated summary that lists all components of the professional military education enterprise of the Department of Defense, including all associated schools, programs, research centers, and support activities.

Time period.

(2) For each component identified under paragraph (1), the assigned personnel strength, annual student throughput, and budget details of the three fiscal years preceding the date of the report.

(3) An assessment of the differences between admission standards and graduation requirements of the educational institutions of the Department of Defense specified in subsection (b) and such admission standards and graduation requirements of public and private institutions of higher education that the Secretary determines comparable to the educational institutions of the Department of Defense.

(4) An assessment of the requirements of the goals and missions of the educational institutions of the Department of Defense specified in subsection (b) and any need to adjust such goals and missions to meet national security requirements of the Department.

(5) An assessment of the effectiveness and shortfalls of the existing professional military education enterprise as measured against graduate utilization, post-graduate evaluations, and the education and force development requirements of the Chairman of the Joint Chiefs of Staff and the Chiefs of the Armed Forces.

(6) Any other matters the Secretary determines appropriate for purposes of this section.

SEC. 577. COLLEGE OF INTERNATIONAL SECURITY AFFAIRS OF THE NATIONAL DEFENSE UNIVERSITY.

Time period.

(a) PROHIBITION.—The Secretary of Defense may not eliminate, divest, downsize, or reorganize the College of International Security Affairs, nor its satellite program, the Joint Special Operations Masters of Arts, of the National Defense University, or seek to reduce the number of students educated at the College, or its satellite program, until 30 days after the date on which the congressional defense committees receive the report required by subsection (c).

Consultation.

(b) ASSESSMENT, DETERMINATION, AND REVIEW.—The Under Secretary of Defense for Policy, in consultation with the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict, the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats, the Deputy Assistant Secretary of Defense for Stability and Humanitarian Affairs, the Deputy Assistant Secretary of Defense for Special Operations and Combating Terrorism, the Chief Financial Officer of the Department, the Chairman of the Joint Chiefs of Staff, and the Commander of United States Special Operations Command, shall—

(1) assess requirements for joint professional military education and civilian leader education in the counterterrorism, irregular warfare, and asymmetrical domains to support the Department and other national security institutions of the Federal Government;

(2) determine whether the importance, challenges, and complexity of the modern counterterrorism environment and irregular and asymmetrical domains warrant—

(A) a college at the National Defense University, or a college independent of the National Defense University whose leadership is responsible to the Office of the Secretary of Defense; and

(B) the provision of resources, services, and capacity at levels that are the same as, or decreased or enhanced in comparison to, those resources, services, and capacity in place at the College of International Security Affairs on January 1, 2019;

(3) review the plan proposed by the National Defense University for eliminating the College of International Security Affairs and reducing and restructuring the counterterrorism, irregular, and asymmetrical faculty, course offerings, joint professional military education and degree and certificate programs, and other services provided by the College; and Plan.

(4) assess the changes made to the College of International Security Affairs since January 1, 2019, and the actions necessary to reverse those changes, including relocating the College and its associated budget, faculty, staff, students, and facilities outside of the National Defense University.

(c) REPORT REQUIRED.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the assessments, determination, and review conducted under subsection (b); and

(2) such recommendations as the Secretary may have for higher education in the counterterrorism, irregular, and asymmetrical domains. Recommendations.

SEC. 578. IMPROVEMENTS TO THE CREDENTIALING OPPORTUNITIES ON-LINE PROGRAMS OF THE ARMED FORCES. 10 USC 2015 note.

(a) STUDY ON PERFORMANCE MEASURES.—The Secretary of Defense shall conduct a study to determine additional performance measures to evaluate the effectiveness of the Credentialing Opportunities On-Line programs (in this section referred to as the "COOL programs") of each Armed Force in connecting members of the Armed Forces with professional credential programs. The study shall include the following:

(1) The percentage of members of the Armed Force concerned described in section 1142(a) of title 10, United States Code, who participate in a professional credential program through the COOL program of the Armed Force concerned.

(2) The percentage of members of the Armed Force concerned described in paragraph (1) who have completed a professional credential program described in that paragraph.

(3) The amount of funds obligated and expended to execute the COOL program of each Armed Force during the five fiscal years immediately preceding the date of the study.

(4) Any other element determined by the Secretary of Defense.

(b) INFORMATION TRACKING.—The Secretary of Defense shall establish a process to standardize the tracking of information regarding the COOL programs across the Armed Forces.

(c) COORDINATION.—To carry out this section, the Secretary of Defense may coordinate with the Secretaries of Veterans Affairs and Labor.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the study conducted under subsection (a); and

Timeline.

(2) the process established under subsection (b), including a timeline to implement such process.

SEC. 579. GAO STUDY REGARDING TRANSFERABILITY OF MILITARY CERTIFICATIONS TO CIVILIAN OCCUPATIONAL LICENSES AND CERTIFICATIONS.

(a) STUDY; REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of a study regarding the transferability of military certifications to civilian occupational licenses and certifications.

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

(1) Obstacles to transference of military certifications.

(2) Any effects of the transferability of military certifications on recruitment and retention.

(3) Examples of certifications obtained from the Federal Government that transfer to non-Federal employment.

Assessment.

(4) An assessment of the effectiveness of the credentialing programs of each Armed Force.

SEC. 579A. REPORT REGARDING COUNTY, TRIBAL, AND LOCAL VETERANS SERVICE OFFICERS.

Consultation.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to the Committees on Armed Services and on Veterans' Affairs of the House of Representatives and Senate a report regarding the effects of the presence of CVSOs at demobilization centers on members of the Armed Forces making the transition to civilian life.

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

(1) The number of demobilization centers that host CVSOs.

(2) The locations of demobilization centers described in paragraph (1).

(3) Barriers to expanding the presence of CVSOs at demobilization centers nationwide.

Recommendations.

(4) Recommendations of the Secretary of Defense regarding the presence of CVSOs at demobilization centers.

(c) CVSO DEFINED.—In this section, the term "CVSO" includes—

(1) a county veterans service officer;

(2) a Tribal veterans service officer;

(3) a Tribal veterans representative; or

(4) another State, Tribal, or local entity that the Secretary of Defense determines appropriate.

Subtitle I—Military Family Readiness and Dependents' Education

SEC. 581. FAMILY READINESS: DEFINITIONS; COMMUNICATION STRATEGY; REVIEW; REPORT.

10 USC 1781 note.

(a) DEFINITIONS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall act on recommendation one of the report, dated July 2019, of the National Academies of Science, Engineering and Medicine, titled "Strengthening the Military Family Readiness System for a Changing American Society", by establishing definitions of "family well-being", "family readiness", and "family resilience" for use by the Department of Defense.

Deadline. Coordination.

(b) COMMUNICATION STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall—

Deadline. Coordination.

(1) ensure that the Secretary of Defense has carried out section 561 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 1781 note);

(2) implement a strategy to use of a variety of modes of communication to ensure the broadest means of communicating with military families; and

(3) establish a process to measure the effectiveness of the modes of communication described in paragraph (2).

(c) REVIEW.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of current programs, policies, services, resources, and practices of the Department for military families as outlined in recommendation four of the report described in subsection (a).

Deadline.

(d) REPORT.—Not later than 60 days after completing the review under subsection (c), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the results of the review and how the Secretary shall improve programs, policies, services, resources, and practices for military families, based on the review.

SEC. 582. IMPROVEMENTS TO EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) IN GENERAL.—Section 1781c of title 10, United States Code is amended—

(1) in subsection (b), by striking "enhance" and inserting "standardize, enhance,";

(2) in subsection (c)(1), by inserting "and standard" after "comprehensive";

(3) in subsection (d)—

(A) in paragraph (1), by striking "update from time to time" and inserting "regularly update";

(B) in paragraph (3), by adding at the end the following new subparagraphs:

"(C) Ability to request a second review of the approved assignment within or outside the continental United States if the member believes the location is inappropriate for the member's family and would cause undue hardship.

"(D) Protection from having a medical recommendation for an approved assignment overridden by the commanding officer.

"(E) Ability to request continuation of location when there is a documented substantial risk of transferring medical care or educational services to a new provider or school at the specific time of permanent change of station."; and

(C) in paragraph (4)—

(i) in subparagraph (F), by striking "of an individualized services plan (medical and educational)" and inserting "by an appropriate office of an individualized services plan (whether medical, educational, or both)"; and

(ii) by inserting after subparagraph (F) the following new subparagraphs:

"(H) Procedures for the development of an individualized services plan for military family members with special needs who have requested family support services and have a completed family needs assessment.

"(I) Requirements to prohibit disenrollment from the Exceptional Family Member Program unless there is new supporting medical or educational information that indicates the original condition is no longer present, and to track disenrollment data in each armed force.".

Deadline. Coordination. 10 USC 1781c note.

(b) STANDARDIZATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall, to the extent practicable, standardize the Exceptional Family Member Program (in this section referred to as the "EFMP") across the military departments. The EFMP, standardized under this subsection, shall include the following:

(1) Processes for the identification and enrollment of dependents of covered members with special needs.

(2) A process for the permanent change of orders for covered members, to ensure seamless continuity of services at the new permanent duty station.

(3) If an order for assignment is declined for a military family with special needs, the member will receive a reason for the decline of that order.

(4) A review process for installations to ensure that health care furnished through the TRICARE program, special needs education programs, and installation-based family support programs are available to military families enrolled in the EFMP.

(5) A standardized respite care benefit across the covered Armed Forces, including the number of hours available under such benefit to military families enrolled in the EFMP.

(6) Performance metrics for measuring, across the Department and with respect to each military department, the following:

(A) Assignment coordination and support for military families with special needs, including a systematic process for evaluating each military department's program for the support of military families with special needs.

(B) The reassignment of military families with special needs, including how often members request reassignments, for what reasons, and from what military installations.

(C) The level of satisfaction of military families with special needs with the family and medical support they are provided.

(7) A requirement that the Secretary of each military department provide legal services by an attorney, trained in education law, at each military installation— Requirement. Determinations.

(A) the Secretary determines is a primary receiving installation for military families with special needs; and

(B) in a State that the Secretary determines has historically not supported families enrolled in the EFMP.

(8) The option for a family enrolled in the EFMP to continue to receive all services under that program and a family separation allowance, if otherwise authorized, if—

(A) the covered member receives a new permanent duty station; and

(B) the covered member and family elect for the family not to relocate with the covered member.

(9) The solicitation of feedback from military families with special needs, and discussions of challenges and best practices of the EFMP, using existing family advisory organizations.

(c) CASE MANAGEMENT.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop an EFMP case management model, including the following: Coordination.

(1) A single EFMP office, located at the headquarters of each covered Armed Force, to oversee implementation of the EFMP and coordinate health care services, permanent change of station order processing, and educational support services for that covered Armed Force.

(2) An EFMP office at each military installation with case managers to assist each family of a covered member in the development of a plan that addresses the areas specified in subsection (b)(1).

(d) REPORT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section, including any recommendations of the Secretary regarding additional legislation. Recommendations.

(e) DEFINITIONS.—In this section:

(1) The term "covered Armed Force" means an Armed Force under the jurisdiction of the Secretary of a military department.

(2) The term "covered member" means a member—

(A) of a covered Armed Force; and

(B) with a dependent with special needs.

SEC. 583. SUPPORT SERVICES FOR MEMBERS OF SPECIAL OPERATIONS FORCES AND IMMEDIATE FAMILY MEMBERS.

(a) IN GENERAL.—Section 1788a of title 10, United States Code, is amended—

(1) by striking the heading and inserting "**Support programs: special operations forces personnel; immediate family members**";

(2) in subsection (a), by striking "for the immediate family members of members of the armed forces assigned to special operations forces";

(3) in subsection (b)(1), by striking "the immediate family members of members of the armed forces assigned to special operations forces" and inserting "covered individuals";

(4) in subsection (d)(2)—

(A) in subparagraph (A), by striking "family members of members of the armed forces assigned to special operations forces" and inserting "covered individuals"; and

(B) in subparagraph (B), by striking "family members of members of the armed forces assigned to special operations forces" and inserting "covered individuals"; and

(5) in subsection (e)(4)—

(A) by inserting "psychological support, spiritual support, and" before "costs";

(B) by striking "immediate family members of members of the armed forces assigned to special operations forces" and inserting "covered personnel"; and

(C) by adding at the end the following:

"(5) The term 'covered personnel' means—

"(A) members of the Armed Forces (including the reserve components) assigned to special operations forces;

"(B) service personnel assigned to support special operations forces; and

"(C) immediate family members of individuals described in subparagraphs (A) and (B).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of title 10, United States Code, is amended by striking the item relating to section 1788a and inserting the following:

10 USC prec. 1781.

"1788a. Support programs: special operations forces personnel; immediate family members.".

SEC. 584. RESPONSIBILITY FOR ALLOCATION OF CERTAIN FUNDS FOR MILITARY CHILD DEVELOPMENT PROGRAMS.

Section 1791 of title 10, United States Code, is amended—

(1) by striking "It is the policy" and inserting the following:

"(a) POLICY.—It is the policy"; and

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

"(b) RESPONSIBILITY FOR ALLOCATIONS OF CERTAIN FUNDS.—The Secretary of Defense shall be responsible for the allocation of Office of the Secretary of Defense level funds for military child development programs for children from birth through 12 years of age, and may not delegate such responsibility to the military departments.".

SEC. 585. MILITARY CHILD CARE AND CHILD DEVELOPMENT CENTER MATTERS.

(a) CENTER FEES MATTERS.—Section 1793 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) FAMILY DISCOUNT.—In the case of a family with two or more children attending a child development center, the regulations prescribed pursuant to subsection (a) may require that installations commanders charge a fee for attendance at the center of any child of the family after the first child of the family in amount equal to 85 percent of the amount of the fee otherwise chargeable for the attendance of such child at the center.".

(b) REPORTS ON INSTALLATIONS WITH EXTREME IMBALANCE BETWEEN DEMAND FOR AND AVAILABILITY OF CHILD CARE.—Not

later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to Congress a report on the military installations under the jurisdiction of such Secretary with an extreme imbalance between demand for child care and availability of child care. Each report shall include, for the military department covered by such report, the following:

(1) The name of the five installations of the military department experiencing the most extreme imbalance between demand for child care and availability of child care.

(2) For each installation named pursuant to subparagraph (A), the following: Assessments.

(A) An assessment whether civilian employees at child development centers at such installation have rates of pay and benefits that are competitive with other civilian employees on such installation and with the civilian labor pool in the vicinity of such installation.

(B) A description and assessment of various incentives to encourage military spouses to become providers under the Family Child Care program at such installation.

(C) Such recommendations at the Secretary of the military department concerned considers appropriate to address the imbalance between demand for child care and availability of child care at such installation, including recommendations to enhance the competitiveness of civilian child care positions at such installation with other civilian positions at such installation and the civilian labor pool in the vicinity of such installation. Recommendations.

SEC. 586. EXPANSION OF FINANCIAL ASSISTANCE UNDER MY CAREER ADVANCEMENT ACCOUNT PROGRAM.

Section 580F of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended— 10 USC 1784a note.

(1) by inserting "(a) PROFESSIONAL LICENSE OR CERTIFICATION; ASSOCIATE'S DEGREE.—" before "The Secretary";

(2) by inserting "or maintenance (including continuing education courses)" after "pursuit"; and

(3) by adding at the end the following new subsection: "(b) NATIONAL TESTING.—Financial assistance under subsection (a) may be applied to the costs of national tests that may earn a participating military spouse course credits required for a degree approved under the program (including the College Level Examination Program tests).".

SEC. 587. IMPROVEMENTS TO PARTNER CRITERIA OF THE MILITARY SPOUSE EMPLOYMENT PARTNERSHIP PROGRAM. 10 USC 1784 note.

(a) EVALUATION; UPDATES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall evaluate the partner criteria set forth in the Military Spouse Employment Partnership Program (in this section referred to as the "MSEP Program") and implement updates that the Secretary determines will improve such criteria without diminishing the need for partners to exhibit sound business practices, broad diversity efforts, and relative financial stability. Such updates may expand the number of the following entities that meet such criteria: Deadline.

(1) Institutions of primary, secondary, and higher education.

(2) Software and coding companies.

(3) Local small businesses.

(4) Companies that employ telework.

Consultation. Contracts.

(b) NEW PARTNERSHIPS.—Upon completion of the evaluation under subsection (a), the Secretary, in consultation with the Department of Labor, shall seek to enter into agreements with entities described in paragraphs (1) through (4) of subsection (a) that are located near military installations (as that term is defined in section 2687 of title 10, United States Code).

Public information. Web posting.

(c) REVIEW; REPORT.—Not later than one year after implementation under subsection (a), the Secretary shall review updates under subsection (a) and publish a report regarding such review on a publicly-accessible website of the Department of Defense. Such report shall include the following:

Data. Implementation plan.

(1) The results of the evaluation of the MSEP Program, including the implementation plan for any change to partnership criteria.

(2) Data on the new partnerships undertaken as a result of the evaluation, including the type, size, and location of the partner entities.

(3) Data on the utility of the MSEP Program, including—

(A) the number of military spouses who have applied through the MSEP Program;

(B) the average length of time a job is available before being filled or removed from the MSEP Program portal; and

(C) the average number of new jobs posted on the MSEP Program portal each month.

10 USC 1791 note.

SEC. 588. 24-HOUR CHILD CARE.

(a) 24-HOUR CHILD CARE.—If the Secretary of Defense determines it feasible, pursuant to the study conducted pursuant to subsection (b), the Secretary shall furnish child care to each child of a member of the Armed Forces or civilian employee of the Department of Defense while that member or employee works on rotating shifts at a military installation.

(b) FEASIBILITY STUDY; REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted by the Secretary for purposes of this section, on the feasibility of furnishing child care described in subsection (a).

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

(1) The results of the study described in that subsection.

Determinations.

(2) If the Secretary determines that furnishing child care available as described in subsection (a) is feasible, such matters as the Secretary determines appropriate in connection with furnishing such child care, including—

(A) an identification of the installations at which such child care would be beneficial to members of the Armed Forces, civilian employees of the Department, or both;

(B) an identification of any barriers to making such child care available at the installations identified pursuant to subparagraph (A);

Assessment.

(C) an assessment whether the child care needs of members of the Armed Forces and civilian employees of

the Department described in subsection (a) would be better met by an increase in assistance for child care fees;

(D) a description and assessment of the actions, if any, being taken to furnish such child care at the installations identified pursuant to subparagraph (A); and Assessment.

(E) such recommendations for legislative or administrative action the Secretary determines appropriate to make such child care available at the installations identified pursuant to subparagraph (A), or at any other military installation. Recommendations.

SEC. 589. PILOT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES FOR IN-HOME CHILD CARE. 10 USC 1791 note.

(a) ESTABLISHMENT.—Not later than March 1, 2021, the Secretary of Defense shall establish a pilot program to provide financial assistance to members of the Armed Forces who pay for services provided by in-home child care providers. In carrying out the pilot program, the Secretary shall take the following steps: Deadlines. Determinations.

(1) Determine the needs of military families who request services provided by in-home child care providers.

(2) Determine the appropriate amount of financial assistance to provide to military families described in paragraph (1).

(3) Determine the appropriate qualifications for an in-home child care provider for whose services the Secretary shall provide financial assistance to a military family. In carrying out this paragraph, the Secretary shall—

(A) take into consideration qualifications for in-home child care providers in the private sector; and

(B) ensure that the qualifications the Secretary determines appropriate under this paragraph are comparable to the qualifications for a provider of child care services in a military child development center or family home day care.

(4) Establish a marketing and communications plan to inform members of the Armed Forces who live in the locations described in subsection (b) about the pilot program. Plan.

(b) LOCATIONS.—The Secretary shall carry out the pilot program in the five locations that the Secretary determines have the greatest demand for child care services for children of members of the Armed Forces. Determination.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than one year after the Secretary establishes the pilot program and thrice annually thereafter, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on the pilot program. Each interim report shall include the following elements: Time period.

(A) The number of military families participating in the pilot program, disaggregated by location and duration of participation.

(B) The amount of financial assistance provided to participating military families in each location.

(C) Metrics by which the Secretary carries out subsection (a)(3)(B);

(D) The feasibility of expanding the pilot program.

(E) Legislation or administrative action that the Secretary determines necessary to make the pilot program permanent.

(F) Any other information the Secretary determines appropriate.

(2) FINAL REPORT.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the pilot program. The final report shall include the following elements:

(A) The elements specified in paragraph (1).

Recommendations.

(B) The recommendation of the Secretary whether to make the pilot program permanent.

(d) TERMINATION.—The pilot program shall terminate five years after the date on which the Secretary establishes the pilot program.

(e) DEFINITIONS.—In this section:

(1) The term "in-home child care provider" means an individual who provides child care services in the home of the child.

(2) The terms "military child development center" and "family home day care" have the meanings given those terms in section 1800 of title 10, United States Code.

SEC. 589A. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL.

(a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.—

(1) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2021 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(2) LOCAL EDUCATIONAL AGENCY DEFINED.—In this subsection, the term "local educational agency" has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(b) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(2) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2021 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for use by the Secretary of

Defense to make payments to local educational agencies determined by the Secretary to have higher concentrations of military children with severe disabilities.

(3) REPORT.—Not later than March 1, 2021, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the Department's evaluation of each local educational agency with higher concentrations of military children with severe disabilities and subsequent determination of the amounts of impact aid each such agency shall receive. Deadline. Briefing.

SEC. 589B. STAFFING OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS TO MAINTAIN MAXIMUM STUDENT-TO-TEACHER RATIOS.

(a) IN GENERAL.—The Department of Defense Education Activity shall staff elementary and secondary schools operated by the Activity so as to maintain, to the extent practicable, student-to-teacher ratios that do not exceed the maximum student-to-teacher ratios specified in subsection (b).

(b) MAXIMUM STUDENT-TO-TEACHER RATIOS.—The maximum student-to-teacher ratios specified in this subsection are the following:

(1) For each of grades kindergarten through 3, a ratio of 18 students to 1 teacher (18:1).

(2) For each of grades 4 through 12, a ratio equal to the average student-to-teacher ratio for such grade among all Department of Defense Education Activity schools during the 2019–2020 academic year.

(c) SUNSET.—The requirement to staff schools in accordance with subsection (a) shall expire at the end of the 2023–2024 academic year of the Department of Defense Education Activity.

SEC. 589C. PILOT PROGRAM TO EXPAND ELIGIBILITY FOR ENROLLMENT AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS. 10 USC 2164 note.

(a) PILOT PROGRAM AUTHORIZED.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which a dependent of a full-time, active-duty member of the Armed Forces may enroll in a covered DODEA school at the military installation to which the member is assigned, on a space-available basis as described in subsection (c), without regard to whether the member resides on the installation as described in 2164(a)(1) of title 10, United States Code. Deadline.

(b) PURPOSES.—The purposes of the pilot program under this section are—

(1) to evaluate the feasibility and advisability of expanding enrollment in covered DODEA schools; and Evaluation.

(2) to determine how increased access to such schools will affect military and family readiness. Determination.

(c) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A student participating in the pilot program under this section may be enrolled in a covered DODEA school only if the school has the capacity to accept the student, as determined by the Director of the Department of Defense Education Activity.

(d) LOCATIONS.—The Secretary of Defense shall carry out the pilot program under this section at not more than four military installations at which covered DODEA schools are located. The

Secretary shall select military installations for participation in the program based on—

(1) the readiness needs of the Secretary of a the military department concerned; and

(2) the capacity of the DODEA schools located at the installation to accept additional students, as determined by the Director of the Department of Defense Education Activity.

(e) TERMINATION.—The authority to carry out the pilot program under this section shall terminate four years after the date of the enactment of this Act.

(f) COVERED DODEA SCHOOL DEFINED.—In this Section, the term "covered DODEA school" means a domestic dependent elementary or secondary school operated by the Department of Defense Education Activity that—

(1) has been established on or before the date of the enactment of this Act; and

(2) is located in the continental United States.

10 USC 2164 note.

SEC. 589D. PILOT PROGRAM ON EXPANDED ELIGIBILITY FOR DEPARTMENT OF DEFENSE EDUCATION ACTIVITY VIRTUAL HIGH SCHOOL PROGRAM.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program on permitting dependents of members of the Armed Forces on active duty to enroll in the Department of Defense Education Activity Virtual High School program (in this section referred to as the "DVHS program").

(2) PURPOSES.—The purposes of the pilot program shall be as follows:

Evaluation.

(A) To evaluate the feasibility and scalability of the DVHS program.

Assessment.

(B) To assess the impact of expanded enrollment in the DVHS program under the pilot program on military and family readiness.

(3) DURATION.—The duration of the pilot program shall be four academic years.

(b) PARTICIPANTS.—

(1) IN GENERAL.—Participants in the pilot program shall be selected by the Secretary from among dependents of members of the Armed Forces on active duty who—

(A) are in a grade 9 through 12;

(B) are currently ineligible to enroll in the DVHS program; and

(C) either—

(i) require supplementary courses to meet graduation requirements in the current State of residence; or

(ii) otherwise demonstrate to the Secretary a clear need to participate in the DVHS program.

(2) PREFERENCE IN SELECTION.—In selecting participants in the pilot program, the Secretary shall afford a preference to the following:

(A) Dependents who reside in a rural area.

(B) Dependents who are home-schooled students.

(3) LIMITATIONS.—The total number of course enrollments per academic year authorized under the pilot program may

not exceed 400 course enrollments. No single dependent participating in the pilot program may take more than two courses per academic year under the pilot program.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on the pilot program.

(2) FINAL REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a final report on the pilot programs.

(3) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description of the demographics of the dependents participating in the pilot program through the date of such report.

(B) Data on, and an assessment of, student performance in virtual coursework by dependents participating in the pilot program over the duration of the pilot program. Data. Assessment.

(C) Such recommendation as the Secretary considers appropriate on whether to make the pilot program permanent. Recommendations.

(d) DEFINITIONS.—In this section:

(1) The term "rural area" has the meaning given the term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

(2) The term "home-schooled student" means a student in a grade equivalent to grade 9 through 12 who receives educational instruction at home or by other non-traditional means outside of a public or private school system, either all or most of the time.

SEC. 589E. TRAINING PROGRAM REGARDING FOREIGN MALIGN INFLUENCE CAMPAIGNS. 10 USC note prec. 2001.

(a) ESTABLISHMENT.—Not later than September 30, 2021, the Secretary of Defense shall establish a program for training members of the Armed Forces and civilian employees of the Department of Defense regarding the threat of foreign malign influence campaigns targeted at such individuals and the families of such individuals, including such campaigns carried out through social media. Deadline.

(b) DESIGNATION OF OFFICIAL TO COORDINATE AND INTEGRATE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall designate an official of the Department who shall be responsible for coordinating and integrating the training program under this section. Deadline.

(c) BEST PRACTICES.—In coordinating and integrating the training program under this section, the official designated under subsection (b) shall review best practices of existing training programs across the Department. Review.

(d) REPORT REQUIRED.—Not later than October 30, 2021, the Secretary shall submit a report to the congressional defense committees detailing the program established under this section.

(e) FOREIGN MALIGN INFLUENCE DEFINED.—In this section, the term "foreign malign influence" has the meaning given that term in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

SEC. 589F. STUDY ON CYBEREXPLOITATION AND ONLINE DECEPTION OF MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

Deadline.

(a) STUDY.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall complete a study on—

(1) the cyberexploitation of the personal information and accounts of members of the Armed Forces and their families; and

(2) the risks of deceptive online targeting of members and their families.

Assessments.

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

(1) An assessment of predatory loans, other financial products, or educational products being targeted to members of the Armed Forces and their families.

(2) An assessment of unproven or unnecessary medical treatments or procedures being targeted to members and their families.

(3) An assessment of ethnic or racial violent extremism messages targeting members and their families.

(4) An assessment of the ways in which social media algorithms may amplify the targeting described in paragraphs (1) through (3).

(5) An intelligence assessment of the threat currently posed by foreign government and non-state actors carrying out the cyberexploitation of members and their families, including generalized assessments as to—

(A) whether such cyberexploitation is a substantial threat as compared to other means of information warfare; and

(B) whether such cyberexploitation is an increasing threat.

Analysis.

(6) A case-study analysis of three known occurrences of attempted cyberexploitation against members and their families, including assessments of the vulnerability and the ultimate consequences of the attempted cyberexploitation.

(7) A description of the actions taken by the Department of Defense to educate members and their families, including particularly vulnerable subpopulations, about any actions that can be taken to reduce cyberexploitation threats.

(8) An intelligence assessment of the threat posed by foreign government and non-state actors creating or using machine-manipulated media (commonly referred to as "deep fakes") featuring members and their families, including generalized assessments of—

(A) the maturity of the technology used in the creation of such media; and

(B) how such media has been used or might be used to conduct information warfare.

Recommendations.

(9) Recommendations for policy changes to reduce the vulnerability of members of the Armed Forces and their families to cyberexploitation and deception, including recommendations for legislative or administrative action.

(c) REPORT.—

(1) REQUIREMENT.—The Secretary shall submit to the Committees on Armed Services of the House of Representatives

and the Senate a report on the findings of the Secretary with respect to the study under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(d) DEFINITIONS.—In this section:

(1) The term "cyberexploitation" means the use of digital means and online platforms—

(A) to knowingly access, or conspire to access, without authorization, an individual's personal information to be employed (or to be used) with malicious intent; or

(B) to deceive an individual with misinformation with malicious intent.

(2) The term "machine-manipulated media" means video, image, or audio recordings generated or substantially modified using machine learning techniques in order to, with malicious intent, falsely depict the speech or conduct of an individual without that individual's permission.

SEC. 589G. MATTERS RELATING TO EDUCATION FOR MILITARY DEPENDENT STUDENTS WITH SPECIAL NEEDS. 10 USC 1781c note.

(a) INFORMATION ON SPECIAL EDUCATION DISPUTES.—

(1) IN GENERAL.—Each Secretary of a military department shall collect and maintain information on special education disputes filed by members of the Armed Forces under the jurisdiction of such Secretary.

(2) INFORMATION.—The information collected and maintained under this subsection shall include the following:

(A) The number of special education disputes filed.

(B) The outcome or disposition of the disputes.

(3) SOURCE OF INFORMATION.—The information collected and maintained pursuant to this subsection shall be derived from the following:

(A) Records and reports of case managers and navigators under the Exceptional Family Member Program of the Department of Defense.

(B) Reports submitted by members of the Armed Forces to officials at military installations or other relevant military officials.

(C) Such other sources as the Secretary of the military department concerned considers appropriate.

(4) ANNUAL REPORTS.—On an annual basis, each Secretary of a military department shall submit to the Office of Special Needs of the Department of Defense a report on the information collected by such Secretary under this subsection during the preceding year.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the following:

(A) The manner in which local educational agencies with schools that serve military dependent students use the following:

(i) Funds made available for impact aid for children with severe disabilities under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 20 U.S.C. 7703a).

(ii) Funds made available for assistance to schools with a significant number of military dependent students under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(C) The efficacy of attorneys and other legal support for military families in special education disputes.

(E) Whether, and to what extent, policies and guidance for School Liaison Officers are standardized between the Office of Special Needs of the Department of Defense and the military departments, and the efficacy of such policies and guidance.

(F) The improvements made to family support programs of the Office of Special Needs, and of each military department, in light of the recommendations of the Comptroller General in the report titled "DOD Should Improve Its Oversight of the Exceptional Family Member Program" (GAO–18–348).

(2) RECOMMENDATIONS.—As part of the study under paragraph (1), the Comptroller General shall develop recommendations on the following:

(A) Improvements to the ability of the Department of Defense to monitor and enforce the compliance of local educational agencies with requirements for the provision of a free appropriate public education to military dependent students with special needs.

(B) Improvements to the policies of the Office of Special Needs, and of each military department, with respect to the standardization and efficacy of policies and programs for military dependent students with special needs.

(3) BRIEFING AND REPORT.—Not later than March 31, 2021, the Comptroller General of the United States shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing and a report the results of the study conducted under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) The term "free appropriate public education" has the meaning given that term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) The term "local educational agency" has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) The term "special education dispute" means a complaint filed regarding the education provided to a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), including a complaint filed in accordance with section 615 or 639 of such Act (20 U.S.C. 1415, 1439).

SEC. 589H. STUDIES AND REPORTS ON THE PERFORMANCE OF THE DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) DOD STUDY AND REPORT.—

(1) STUDY.—The Secretary of Defense shall conduct a study on the performance of the Department of Defense Education Activity.

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

(A) a review of the curriculum relating to health, resiliency, and nutrition taught in schools operated by the Department of Defense Education Activity; and Review.

(B) a comparison of such curriculum to benchmarks established for the curriculum by the Department of Defense Education Activity.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the results of the study conducted under paragraph (1).

(b) GAO STUDIES AND REPORTS.—

(1) STUDIES.—The Comptroller General of the United States shall conduct two studies on the performance of the Department of Defense Education Activity as follows:

(A) One study shall analyze the educational outcomes of students in schools operated by the Department of Defense Education Activity compared to the educational outcomes of students in public elementary schools and public secondary schools (as those terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) outside the Department of Defense. Analysis.

(B) One study shall assess the effectiveness of the School Liaison Officer program of the Department of Defense Education Activity in achieving the goals of the program with an emphasis on goals relating to special education and family outreach. Assessment.

(2) REPORTS.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) a report that includes the results of the study conducted under subparagraph (A) of paragraph (1); and

(B) a report that includes the results of the study conducted under subparagraph (B) of such paragraph.

Subtitle J—Other Matters and Reports

SEC. 591. EXPANSION OF DEPARTMENT OF DEFENSE STARBASE PROGRAM.

(a) IN GENERAL.—Section 2193b of title 10, United States Code, is amended—

(1) in the section heading, by striking "**science, mathematics, and technology**" and inserting "**science, technology, engineering, art and design, and mathematics**";

(2) in subsection (a), by striking "science, mathematics, and technology" and inserting "science, technology, engineering, art and design, and mathematics"; and

(3) in subsection (b), by striking "mathematics, science, and technology" and inserting "science, technology, engineering, art and design, and mathematics".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended 10 USC prec. 2191.

by striking the item relating to section 2193b and inserting the following new item:

"2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, technology, engineering, art and design, and mathematics.".

SEC. 592. INCLUSION OF CERTAIN OUTLYING AREAS IN THE DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(h) of title 10, United States Code, is amended by inserting "the Commonwealth of the Northern Mariana Islands, American Samoa," before "and Guam".

SEC. 593. POSTPONEMENT OF CONDITIONAL DESIGNATION OF EXPLOSIVE ORDNANCE DISPOSAL CORPS AS A BASIC BRANCH OF THE ARMY.

10 USC 7063 note.

Section 582(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 763 note) is amended—

(1) in paragraph (1), by striking "October 1, 2020" and inserting "October 1, 2025"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "September 30, 2020" and inserting "September 30, 2025";

(B) in subparagraph (B), by inserting ", the explosive ordnance disposal commandant (chief of explosive ordnance disposal)," before "qualified"; and

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

"(G) The explosive ordnance disposal commandant (chief of explosive ordnance disposal) has determined whether explosive ordnance disposal soldiers have the appropriate skills necessary to support missions of special operations forces (as identified in section 167(j) of title 10, United States Code). Such skills may include airborne, air assault, combat diver, fast roping insertion and extraction, helocasting, military free-fall, and off-road driving.".

Deadline. 10 USC 503 note.

SEC. 594. ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST SPECIAL PURPOSE ADJUNCT TO ADDRESS COMPUTATIONAL THINKING.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a special purpose test adjunct to the Armed Services Vocational Aptitude Battery test to address computational thinking skills relevant to military applications, including problem decomposition, abstraction, pattern recognition, analytical ability, the identification of variables involved in data representation, and the ability to create algorithms and solution expressions.

SEC. 595. EXTENSION OF REPORTING DEADLINE FOR THE ANNUAL REPORT ON THE ASSESSMENT OF THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM.

(a) ELIMINATION OF REPORTS FOR NON-ELECTION YEARS.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)) is amended, in the matter preceding paragraph (1)—

(1) by striking "March 31 of each year" and inserting "September 30 of each odd-numbered year"; and

(2) by striking "the following information" and inserting "the following information with respect to the Federal elections held during the preceding calendar year".

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 105A of such Act (52 U.S.C. 20308(b)) is amended—

(1) in the subsection heading, by striking "ANNUAL REPORT" and inserting "BIENNIAL REPORT"; and

(2) in paragraph (3), by striking "In the case of" and all that follows through "a description" and inserting "A description".

SEC. 596. PLAN ON PERFORMANCE OF FUNERAL HONORS DETAILS BY MEMBERS OF OTHER ARMED FORCES WHEN MEMBERS OF THE ARMED FORCE OF THE DECEASED ARE UNAVAILABLE.

(a) BRIEFING ON PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives setting forth a plan for the performance of a funeral honors detail at the funeral of a deceased member of the Armed Forces by one or more members of the Armed Forces from an Armed Force other than that of the deceased when— Deadline.

(A) members of the Armed Force of the deceased are unavailable for the performance of the detail;

(B) the performance of the detail by members of other Armed Forces is requested by the family of the deceased; and

(C) the chief of the Armed Force of the deceased verifies the eligibility of the deceased for such funeral honors.

(2) REPEAL OF REQUIREMENT FOR ONE MEMBER OF ARMED FORCE OF DECEASED IN DETAIL.—Section 1491(b)(2) of title 10, United States Code, is amended in the first sentence by striking ", at least one of whom shall be a member of the armed force of which the veteran was a member".

(3) PERFORMANCE.—The plan required by paragraph (1) shall authorize the performance of funeral honors details by members of the Army National Guard and the Air National Guard under section 115 of title 32, United States Code, and may authorize the remainder of such details to consist of members of veterans organizations or other organizations approved for purposes of section 1491 of title 10, United States Code, as provided for by subsection (b)(2) of such section 1491.

(b) ELEMENTS.—The briefing under subsection (a) shall include a detailed description of the authorities and requirements for the implementation of the plan, including administrative, logistical, coordination, and funding authorities and requirements.

SEC. 597. STUDY ON FINANCIAL IMPACTS OF THE CORONAVIRUS DISEASE 2019 ON MEMBERS OF THE ARMED FORCES AND BEST PRACTICES TO PREVENT FUTURE FINANCIAL HARDSHIPS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the financial hardships experienced by members of the Armed Forces (including the reserve components) as a result of the Coronavirus Disease 2019 (COVID–19) pandemic.

(b) ELEMENTS.—The study shall—

(1) examine the financial hardships members of the Armed Forces experience as a result of the COVID–19 pandemic, including the effects of stop movement orders, loss of spousal income, loss of hazardous duty incentive pay, school closures, loss of childcare, loss of educational benefits, loss of drill and exercise pay, cancelled deployments, and any additional financial stressors identified by the Secretary;

(2) identify best practices to provide assistance for members of the Armed Forces experiencing the financial hardships listed in paragraph (1); and

(3) identify actions that can be taken by the Secretary to prevent financial hardships listed in paragraph (1) from occurring in the future.

(c) CONSULTATION AND COORDINATION.—For the purposes of the study, the Secretary may—

(1) consult with the Director of the Consumer Financial Protection Bureau; and

(2) with respect to members of the Coast Guard, coordinate with the Secretary of Homeland Security.

Reports.

(d) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study under subsection (a).

(e) FINANCIAL HARDSHIP DEFINED.—In this section, the term "financial hardship" means a loss of income or an unforeseen expense as a result of closures and changes in operations in response to the COVID–19 pandemic.

SEC. 598. LIMITATION ON IMPLEMENTATION OF ARMY COMBAT FITNESS TEST.

Study.

The Secretary of the Army may not implement the Army Combat Fitness Test until the Secretary receives results of a study, conducted for purposes of this section by an entity independent of the Department of Defense, on the following:

(1) The extent, if any, to which the test would adversely impact members of the Army stationed or deployed to climates or areas with conditions that make prohibitive the conduct of outdoor physical training on a frequent or sustained basis.

(2) The extent, if any, to which the test would affect recruitment and retention in critical support military occupational specialties of the Army, such as medical personnel.

SEC. 599. SEMIANNUAL REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPREHENSIVE REVIEW OF SPECIAL OPERATIONS FORCES CULTURE AND ETHICS.

Time period.
Coordination.

(a) SEMIANNUAL REPORTS REQUIRED.—Not later than March 1, 2021, and every 180 days thereafter through March 1, 2024, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall, in coordination with the Commander of the United States Special Operations Command, submit to the congressional defense committees a report on the current status of the implementation of the actions recommended as a result of the Comprehensive Review of Special Operations Forces Culture and Ethics.

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

(1) A list of the actions required as of the date of such report to complete full implementation of each of the 16 actions recommended by the Comprehensive Review referred to in subsection (a). List.

(2) An identification of the office responsible for completing each action listed pursuant to paragraph (1), and an estimated timeline for completion of such action.

(3) If completion of any action listed pursuant to paragraph (1) requires resources or actions for which authorization by statute is required, a recommendation for legislative action for such authorization.

(4) Any other matters the Assistant Secretary or the Commander considers appropriate.

SEC. 599A. REPORT ON IMPACT OF CHILDREN OF CERTAIN FILIPINO WORLD WAR II VETERANS ON NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMIC AND HUMANITARIAN INTERESTS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31, 2020, the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Secretary of State, shall submit to the congressional defense committees a report on the impact of the children of certain Filipino World War II veterans on the national security, foreign policy, and economic and humanitarian interests of the United States. Consultation.

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

(1) The number of Filipino World War II veterans who fought under the United States flag during World War II to protect and defend the United States in the Pacific theater.

(2) The number of Filipino World War II veterans who died fighting under the United States flag during World War II to protect and defend the United States in the Pacific theater.

(3) An assessment of the economic and tax contributions that Filipino World War II veterans and their families have made to the United States.

(4) An assessment of the impact on the United States of exempting from the numerical limitations on immigrant visas the children of the Filipino World War II veterans who were naturalized under—

(A) section 405 of the Immigration Act of 1990 (Public Law 101–649; 8 U.S.C. 1440 note); or

(B) title III of the Nationality Act of 1940 (54 Stat. 1137; chapter 876), as added by section 1001 of the Second War Powers Act, 1942 (56 Stat. 182; chapter 199).

TITLE VI—MILITARY COMPENSATION

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay.
Sec. 602. Compensation and credit for retired pay purposes for maternity leave taken by members of the reserve components.
Sec. 603. Provision of information regarding SCRA to members who receive basic allowance for housing.
Sec. 604. Reorganization of certain allowances other than travel and transportation allowances.
Sec. 605. Expansion of travel and transportation allowances to include fares and tolls.

Sec. 606. One-time uniform allowance for officers who transfer to the Space Force.

Subtitle B—Bonuses and Special Incentive Pays

Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
Sec. 612. Increase in special and incentive pays for officers in health professions.
Sec. 613. Increase in certain hazardous duty incentive pay for members of the uniformed services.
Sec. 614. Payment of hazardous duty incentive pay for members of the uniformed services.
Sec. 615. Clarification of 30 days of continuous duty on board a ship required for family separation allowance for members of the uniformed services.

Subtitle C—Disability Pay, Retired Pay, and Family and Survivor Benefits

Sec. 621. Modernization and clarification of payment of certain Reserves while on duty.
Sec. 622. Restatement and clarification of authority to reimburse members for spouse relicensing costs pursuant to a permanent change of station.
Sec. 623. Expansion of death gratuity for ROTC graduates.
Sec. 624. Expansion of assistance for Gold Star spouses and other dependents.
Sec. 625. Gold Star Families Parks Pass.
Sec. 626. Recalculation of financial assistance for providers of child care services and youth program services for dependents.
Sec. 627. Priority for certain military family housing to a member of the Armed Forces whose spouse agrees to provide family home day care services.
Sec. 628. Study on feasibility and advisability of TSP contributions by military spouses.
Sec. 629. Report on implications of expansion of authority to provide financial assistance to civilian providers of child care services or youth program services for survivors of members of the Armed Forces who die in the line of duty.
Sec. 629A. Report on extension of commissary and exchange benefits for surviving remarried spouses with dependent children of members of the Armed Forces who die while on active duty or certain reserve duty.

Subtitle D—Defense Resale Matters

Sec. 631. Base responders essential needs and dining access.
Sec. 632. First responder access to mobile exchanges.
Sec. 633. Updated business case analysis for consolidation of the defense resale system.

Subtitle E—Other Personnel Rights and Benefits

Sec. 641. Approval of certain activities by retired and reserve members of the uniformed services.
Sec. 642. Permanent authority for and enhancement of the Government lodging program.
Sec. 643. Operation of Stars and Stripes.

Subtitle A—Pay and Allowances

37 USC 1009 note. Effective date.

SEC. 601. INCREASE IN BASIC PAY.

Effective on January 1, 2021, the rates of monthly basic pay for members of the uniformed services are increased by 3.0 percent.

SEC. 602. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

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

"(4) for each of six days for each period during which the member is on maternity leave.".

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points. 10 USC 12732 note.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, as amended by section 516 of this Act, is further amended—

(A) by inserting after subparagraph (F) the following new subparagraph:

"(G) Points at the rate of 12 per period during which the member is on maternity leave."; and

(B) in the matter following subparagraph (G), as inserted by subparagraph (A), by striking "and (F)" and inserting "(F), and (G)".

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

"(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date. Applicability. 10 USC 12732 note.

SEC. 603. PROVISION OF INFORMATION REGARDING SCRA TO MEMBERS WHO RECEIVE BASIC ALLOWANCE FOR HOUSING.

Section 403 of title 37, United States Code, is amended by adding at the end the following:

"(p) INFORMATION ON RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—The Secretary concerned shall provide to each member of a uniformed service who receives a basic allowance for housing under this section information on the rights and protections available to such member under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)—

"(1) when such member first receives such basic allowance for housing; and

"(2) each time such member receives a permanent change of station.".

SEC. 604. REORGANIZATION OF CERTAIN ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.

(a) PER DIEM FOR DUTY OUTSIDE THE CONTINENTAL UNITED STATES.—

(1) TRANSFER TO CHAPTER 7.—Section 475 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 403b, and redesignated as section 405.

(2) REPEAL OF TERMINATION PROVISION.—Section 405 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (f).

(b) ALLOWANCE FOR FUNERAL HONORS DUTY.—

(1) TRANSFER TO CHAPTER 7.—Section 495 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 433a, and redesignated as section 435.

(2) REPEAL OF TERMINATION PROVISION.—Section 435 of title 37, United States Code, as added by paragraph (1), is amended by striking subsection (c).

(c) CLERICAL AMENDMENTS.—

(1) CHAPTER 7.—The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended—

37 USC prec. 401.

(A) by inserting after the item relating to section 403b the following new item:

"405. Travel and transportation allowances: per diem while on duty outside the continental United States."; and

(B) by inserting after the item relating to section 433a the following new item:

"435. Funeral honors duty: allowance.".

(2) CHAPTER 8.—The table of sections at the beginning of chapter 8 of title 37, United States Code, is amended by striking the items relating to sections 475 and 495.

37 USC prec. 451.

SEC. 605. EXPANSION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO INCLUDE FARES AND TOLLS.

Section 452(c)(1) of title 37, United States Code, is amended by inserting "(including fares and tolls, without regard to distance travelled)" after "transportation".

37 USC 416 note.

SEC. 606. ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS WHO TRANSFER TO THE SPACE FORCE.

Reimbursement.

(a) IN GENERAL.—The Secretary of the Air Force may provide an officer who transfers from the Army, Navy, Air Force, or Marine Corps to the Space Force an allowance of not more than $400 as reimbursement for the purchase of required uniforms and equipment.

(b) RELATIONSHIP TO OTHER ALLOWANCES.—The allowance under this section is in addition to any allowance available under any other provision of law.

(c) SOURCE OF FUNDS.—Funds for allowances provided under subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for military personnel of the Space Force for such fiscal year.

(d) APPLICABILITY.—The authority for an allowance under this section shall apply with respect to any officer described in subsection (a) who transfers to the Space Force—

Time period.

(1) during the period beginning on December 20, 2019, and ending on September 30, 2022; and

Effective date.

(2) on or after the date the Secretary of the Air Force prescribes the official uniform for the Space Force.

Subtitle B—Bonuses and Special Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking "December 31, 2020" and inserting "December 31, 2021":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United States Code, is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2020" and inserting "December 31, 2021":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 612. INCREASE IN SPECIAL AND INCENTIVE PAYS FOR OFFICERS IN HEALTH PROFESSIONS.

(a) ACCESSION BONUS GENERALLY.—Subparagraph (A) of section 335(e)(1) of title 37, United States Code, is amended by striking "$30,000" and inserting "$100,000".

(b) ACCESSION BONUS FOR CRITICALLY SHORT WARTIME SPECIALTIES.—Subparagraph (B) of such section is amended by striking "$100,000" and inserting "$200,000".

(c) RETENTION BONUS.—Subparagraph (C) of such section is amended by striking "$75,000" and inserting "$150,000".

(d) INCENTIVE PAY.—Subparagraph (D) of such section is amended—

(1) in clause (i), by striking "$100,000" and inserting "$200,000"; and

(2) in clause (ii), by striking "$15,000" and inserting "$50,000".

(e) BOARD CERTIFICATION PAY.—Subparagraph (E) of such section is amended by striking "$6,000" and inserting "$15,000".

Applicability.
37 USC 335 note.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to special bonus and incentive pays payable under section 335 of title 37, United States Code, pursuant to agreements entered into under that section on or after the date of the enactment of this Act.

SEC. 613. INCREASE IN CERTAIN HAZARDOUS DUTY INCENTIVE PAY FOR MEMBERS OF THE UNIFORMED SERVICES.

Section 351(b) of title 37, United States Code, is amended by striking "$250" both places it appears and inserting "$275".

SEC. 614. PAYMENT OF HAZARDOUS DUTY INCENTIVE PAY FOR MEMBERS OF THE UNIFORMED SERVICES.

Section 351 of title 37, United States Code, is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A)(i), by striking "shall" and inserting "may";

(B) in subparagraph (B)—

(i) by striking "paragraph (2) or (3)" and inserting "paragraph (2)";

(ii) by striking "the Secretary concerned may prorate" and all that follows and inserting "the Secretary concerned—"; and

(C) by adding at the end the following:

"(i) may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; and

"(ii) in the case of member who performs hazardous duty specifically designated by the Secretary concerned, shall pay the member hazardous duty pay in an amount not to exceed the maximum amount of hazardous duty pay that would be payable to the member under subsection (b)(2) for the entire month, regardless of the duration of the qualifying service.

"(C) In the case of hazardous duty pay payable under paragraph (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month."; and

(2) in subsection (h), by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 615. CLARIFICATION OF 30 DAYS OF CONTINUOUS DUTY ON BOARD A SHIP REQUIRED FOR FAMILY SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES.

Section 427(a)(1)(B) of title 37, United States Code, is amended by inserting "(or under orders to remain on board the ship while at the home port)" after "of the ship".

Subtitle C—Disability Pay, Retired Pay, and Family and Survivor Benefits

SEC. 621. MODERNIZATION AND CLARIFICATION OF PAYMENT OF CERTAIN RESERVES WHILE ON DUTY.

(a) CHANGE IN PRIORITY OF PAYMENTS FOR RETIRED OR RETAINER PAY.—Subsection (a) of section 12316 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "his earlier military service" and inserting "the Reserve's earlier military service";

(C) by striking "a pension, retired or retainer pay, or disability compensation" and inserting "retired or retainer pay"; and

(D) by striking "he is entitled" and inserting "the Reserve is entitled"; and

(2) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) the pay and allowances authorized by law for the duty that the Reserve is performing; or

"(2) if the Reserve specifically waives those payments, the retired or retainer pay to which the Reserve is entitled because of the Reserve's earlier military service.".

(b) PAYMENTS FOR PENSION OR DISABILITY COMPENSATION.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

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

"(b) Except as provided by subsection (c), a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard who because of the Reserve's earlier military service is entitled to a pension or disability compensation, and who performs duty for which the Reserve is entitled to compensation, may elect to receive for that duty either—

"(1) the pension or disability compensation to which the Reserve is entitled because of the Reserve's earlier military service; or

"(2) if the Reserve specifically waives those payments, the pay and allowances authorized by law for the duty that the Reserve is performing.".

(c) ADDITIONAL CONFORMING AND MODERNIZING AMENDMENTS.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking "(a)(2)" both places it appears and inserting "(a)(1) or (b)(2), as applicable,";

(2) by striking "his earlier military service" the first place it appears and inserting "a Reserve's earlier military service";

(3) by striking "his earlier military service" each other place it appears and inserting "the Reserve's earlier military service";

(4) by striking "he is entitled" and inserting "the Reserve is entitled"; and

(5) by striking "the member or his dependents" and inserting "the Reserve or the Reserve's dependents".

(d) PROCEDURES.—Such section is further amended by adding at the end the following new subsection:

Regulations.

"(d) The Secretary of Defense shall prescribe regulations under which a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard may waive the pay and allowances authorized by law for the duty the Reserve is performing under subsection (a)(2) or (b)(2).".

10 USC 12316 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 622. RESTATEMENT AND CLARIFICATION OF AUTHORITY TO REIMBURSE MEMBERS FOR SPOUSE RELICENSING COSTS PURSUANT TO A PERMANENT CHANGE OF STATION.

(a) IN GENERAL.—Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(g) REIMBURSEMENT OF QUALIFYING SPOUSE RELICENSING COSTS INCIDENT TO A MEMBER'S PERMANENT CHANGE OF STATION OR ASSIGNMENT.—(1) From amounts otherwise made available for a fiscal year to provide travel and transportation allowances under this chapter, the Secretary concerned may reimburse a member of the uniformed services for qualified relicensing costs of the spouse of the member when—

"(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, between duty stations located in separate jurisdictions with unique licensing or certification requirements and authorities; and

"(B) the movement of the member's dependents is authorized at the expense of the United States under this section as part of the reassignment.

"(2) Reimbursement provided to a member under this subsection may not exceed $1000 in connection with each reassignment described in paragraph (1).

"(3) No reimbursement may be provided under this subsection for qualified relicensing costs paid or incurred after December 31, 2024.

Definition.

"(4) In this subsection, the term 'qualified relicensing costs' means costs, including exam, continuing education courses, and registration fees, incurred by the spouse of a member if—

"(A) the spouse was licensed or certified in a profession during the member's previous duty assignment and requires a new license or certification to engage in that profession in a new jurisdiction because of movement described in paragraph (1)(B) in connection with the member's change in duty location pursuant to reassignment described in paragraph (1)(A); and

"(B) the costs were incurred or paid to secure or maintain the license or certification from the new jurisdiction in connection with such reassignment.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 476 of such title is amended by striking subsection (p). 37 USC 476.

SEC. 623. EXPANSION OF DEATH GRATUITY FOR ROTC GRADUATES.

Section 623(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking "the date of the enactment of this Act" and inserting "May 1, 2017". 10 USC 1475 note.

SEC. 624. EXPANSION OF ASSISTANCE FOR GOLD STAR SPOUSES AND OTHER DEPENDENTS.

Section 633(a) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 1475 note) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by inserting "(1)" before "Each Secretary";

(3) in the matter preceding paragraph (1), by inserting "a casualty assistance officer who is" after "jurisdiction of such Secretary";

(4) by striking "spouses and other dependents of members" and all that follows through "services:" and inserting an em dash; and

(5) by inserting before subparagraph (A), as redesignated, the following:

"(A) a spouse and any other dependent of a member of such Armed Force (including the reserve components thereof) who dies on active duty; and

"(B) a dependent described in subparagraph (A) if the spouse of the deceased member dies and the dependent (or the guardian of such dependent) requests such assistance.

"(2) Casualty assistance officers described in paragraph (1) shall provide to spouses and dependents described in that paragraph the following services:".

SEC. 625. GOLD STAR FAMILIES PARKS PASS.

(a) IN GENERAL.—Section 805(b) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(b)) is amended by adding at the end the following:

"(3) GOLD STAR FAMILIES PARKS PASS.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at no cost, to members of Gold Star Families who meet the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804) is amended—

(1) in subsection (a)(7), in the first sentence, by striking "age and disability"; and

(2) in subsection (b)—

(A) in paragraph (1)(A), in the second sentence, in the matter preceding clause (i), by striking "this subsection" and inserting "this paragraph"; and

(B) in paragraph (2), in the second sentence, by striking "this subsection" and inserting "this paragraph".

SEC. 626. RECALCULATION OF FINANCIAL ASSISTANCE FOR PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS.

Deadline. Determination.

(a) IN GENERAL.—Not later than July 1, 2021, the Secretary of Defense shall develop a method by which to determine and implement appropriate amounts of financial assistance under section 1798 of title 10, United States Code. In such development, the Secretary shall take into consideration the following:

(1) Grades of members of the Armed Forces.

(2) The cost of living in an applicable locale.

(3) Whether a military installation has a military child development center, including any wait list length.

(4) Whether a military child development center has vacant child care employee positions.

(5) The capacity of licensed civilian child care providers in an applicable locale.

(6) The average cost of licensed civilian child care services available in an applicable locale.

(7) The sufficiency of the stipend furnished by the Secretary to members of the Armed Forces for civilian child care.

(b) REPORT.—Not later than August 1, 2021, the Secretary shall submit a report the Committees on Armed Services of the Senate and the House of Representatives on the method developed under this section.

(c) DEFINITIONS.—In this section, the terms "child care employee" and "military child development center" have the meanings given those terms in section 1800 of title 10, United States Code.

Determinations. 10 USC 1796 note.

SEC. 627. PRIORITY FOR CERTAIN MILITARY FAMILY HOUSING TO A MEMBER OF THE ARMED FORCES WHOSE SPOUSE AGREES TO PROVIDE FAMILY HOME DAY CARE SERVICES.

(a) PRIORITY.—If the Secretary of a military department determines that not enough child care employees are employed at a military child development center on a military installation under the jurisdiction of that Secretary to adequately care for the children of members of the Armed Forces stationed at that military installation, the Secretary, to the extent practicable, may give priority for covered military family housing to a member whose spouse is an eligible military spouse.

(b) NUMBER OF PRIORITY POSITIONS.—A Secretary of a military department may grant priority under subsection (a) only to the minimum number of eligible military spouses that the Secretary determines necessary to provide adequate child care to the children of members stationed at a military installation described in subsection (a).

(c) LIMITATION.—Nothing in this section may be construed to require the Secretary of a military department to provide covered military family housing that has been adapted for disabled individuals to a member under this section instead of to a member with one more dependents enrolled in the Exceptional Family Member Program.

(d) RESULT OF FAILURE TO PROVIDE FAMILY HOME DAY CARE SERVICES OR LOSS OF ELIGIBILITY.—The Secretary of the military department concerned may remove a household provided covered military family housing under this section therefrom if the Secretary determines the spouse of that member has failed to abide by an

agreement described in subsection (e)(3) or has ceased to be an eligible military spouse. Such removal may not occur sooner than 60 days after the date of such determination. Time period.

(e) DEFINITIONS.—In this section:

(1) The terms "child care employee", "family home day care", and "military child development center" have the meanings given those terms in section 1800 of title 10, United States Code.

(2) The term "covered military family housing" means military family housing—

(A) located on a military installation described in subsection (a); and

(B) that the Secretary of the military department concerned determines is large enough to provide family home day care services to no fewer than six children (not including children in the household of the eligible military spouse).

(3) The term "eligible military spouse" means a military spouse who—

(A) is eligible for military family housing;

(B) is eligible to provide family home day care services;

(C) has provided family home day care services for at least one year; and

(D) agrees in writing to provide family home day care services in covered military family housing for a period not shorter than one year.

SEC. 628. STUDY ON FEASIBILITY AND ADVISABILITY OF TSP CONTRIBUTIONS BY MILITARY SPOUSES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility and advisability of potential enhancements to the military Thrift Savings Plan administered by the Federal Retirement Thrift Investment Board.

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

(1) An evaluation of the effect of allowing military spouses to contribute or make eligible retirement account transfers to the military Thrift Savings Plan account of the member of the Armed Forces to whom that military spouse in married. Evaluation.

(2) Legislation the Secretary determines necessary to permit contributions and transfers described in paragraph (1). Determination.

(c) REPORTING.— Recommendations.

(1) INITIAL REPORT.—Not later than February 1, 2021, the Secretary of Defense shall submit to the Committee on Homeland Security & Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Federal Retirement Thrift Investment Board, a report on the results of the study under subsection (a).

(2) ANALYSIS.—Not later than 60 days after receiving the report under paragraph (1), the Federal Thrift Savings Retirement Board shall analyze the report under paragraph (1), generate recommendations and comments it determines appropriate, and submit such analysis, recommendations, and comments to the Secretary. Deadline.

(3) FINAL REPORT.—Not later than April 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) the report under paragraph (1);

Analysis.

(B) the analysis, recommendations, and comments under paragraph (2); and

(C) the recommendations of the Secretary regarding elements described in subsection (b).

SEC. 629. REPORT ON IMPLICATIONS OF EXPANSION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO CIVILIAN PROVIDERS OF CHILD CARE SERVICES OR YOUTH PROGRAM SERVICES FOR SURVIVORS OF MEMBERS OF THE ARMED FORCES WHO DIE IN THE LINE OF DUTY.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implications of expansion of the authority under section 1798 of title 10, United States Code, to provide financial assistance to civilian providers of child care services or youth program services for survivors of members of the Armed Forces who die in the line of duty, without regard to whether such deaths occurred in combat-related incidents.

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

Analysis. Time period.

(1) An analysis of data during the five years preceding the date of the report that regarding the number of—

(A) members of the Armed Forces who died in the line of duty; and

(B) dependents of such members who would be eligible for services described in subsection (a).

Cost estimate.

(2) The estimated cost of the expansion described in subsection (a).

Assessment.

(3) An assessment of how such expansion would affect the availability of such services for children of members of the Armed Forces on active duty, particularly in areas where demand for such services by such members is greatest.

Assessment.

(4) An assessment of existing programs of the Department of Defense that provide financial assistance described in subsection (a).

Recommendations.

(5) Recommendations for legislative or administrative action to expand the provision of services described in subsection (a).

SEC. 629A. REPORT ON EXTENSION OF COMMISSARY AND EXCHANGE BENEFITS FOR SURVIVING REMARRIED SPOUSES WITH DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE WHILE ON ACTIVE DUTY OR CERTAIN RESERVE DUTY.

Consultation. Procedures.

(a) REPORT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on procedures of the Department of Defense by which an eligible remarried spouse may obtain access, as appropriate, to a military installation in order to use a commissary store or MWR retail facility.

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

(1) Procedures by which an eligible remarried spouse may obtain a personal agent designation.

(2) Administrative requirements for an eligible remarried spouse to obtain access described in subsection (a). Requirements.

(3) An assessment of the consistency of procedures described in subsection (a) across— Assessment.

(A) the Armed Forces; and

(B) installations of the Department of Defense.

(4) Security considerations arising from granting access described in subsection (a).

(5) Other matters the Secretary of Defense determines appropriate.

(c) DEADLINE.—The Secretary shall submit the report under this section not later than March 1, 2021.

(d) DEFINITIONS.—In this section:

(1) The term "eligible remarried spouse" means an individual who is a surviving former spouse of a covered member of the Armed Forces, who has remarried after the death of the covered member of the Armed Forces and has guardianship of dependent children of the deceased member;

(2) The term "covered member of the Armed Forces" means a member of the Armed Forces who dies while serving—

(A) on active duty; or

(B) on such reserve duty as the Secretary of Defense and the Secretary of Homeland Security may jointly specify for purposes of this section.

(3) The term "MWR retail facility" has the meaning given that term in section 1063 of title 10, United States Code.

Subtitle D—Defense Resale Matters

SEC. 631. BASE RESPONDERS ESSENTIAL NEEDS AND DINING ACCESS.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1066. Use of commissary stores and MWR facilities: protective services civilian employees 10 USC 1066.

"(a) ELIGIBILITY OF PROTECTIVE SERVICES CIVILIAN EMPLOYEES.—An individual employed as a protective services civilian employee at a military installation may be permitted to purchase food and hygiene items at a commissary store or MWR retail facility located on that military installation.

"(b) USER FEE AUTHORITY.—(1) The Secretary of Defense shall prescribe regulations that impose a user fee on individuals who are eligible solely under this section to purchase merchandise at a commissary store or MWR retail facility. Regulations.

"(2) The Secretary shall set the user fee under this subsection at a rate that the Secretary determines will offset any increase in expenses arising from this section borne by the Department of the Treasury on behalf of commissary stores associated with the use of credit or debit cards for customer purchases, including expenses related to card network use and related transaction processing fees.

"(3) The Secretary shall deposit funds collected pursuant to a user fee under this subsection in the General Fund of the Treasury.

"(4) Any fee under this subsection is in addition to the uniform surcharge under section 2484(d) of this title.

"(c) DEFINITIONS.—In this section:

"(1) The term 'MWR retail facility' has the meaning given that term in section 1063 of this title.

"(2) The term 'protective services civilian employee' means a position in any of the following series (or successor classifications) of the General Schedule:

"(A) Security Administration (GS–0080).

"(B) Fire Protection and Prevention (GS–0081).

"(C) Police (GS–0083).

"(D) Security Guard (GS–0085).

"(E) Emergency Management (GS–0089).".

10 USC prec. 1061.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of title 10, United States Code, is amended by adding at the end the following new item:

"1066. Use of commissary stores and MWR facilities: protective services civilian employees.".

SEC. 632. FIRST RESPONDER ACCESS TO MOBILE EXCHANGES.

Section 1146 of title 10, United States Code, is amended by adding at the end the following new subsection:

Regulations.

"(d) EMERGENCY RESPONSE PROVIDERS DURING A DECLARED MAJOR DISASTER OR EMERGENCY.—The Secretary of Defense may prescribe regulations to allow an emergency response provider (as that term is defined in section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101)) to use a mobile commissary or exchange store deployed to an area covered by a declaration of a major disaster or emergency under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).".

Deadlines.

SEC. 633. UPDATED BUSINESS CASE ANALYSIS FOR CONSOLIDATION OF THE DEFENSE RESALE SYSTEM.

Coordination.

(a) IN GENERAL.—Not later than March 1, 2021, the Chief Management Officer of the Department of Defense, in coordination with the Undersecretary of Defense for Personnel and Readiness, shall update the study titled "Study to Determine the Feasibility of Consolidation of the Defense Resale Entities" and dated December 4, 2018, to include a new business case analysis that—

(1) establishes new baselines for—

(A) savings from the costs of goods sold;

(B) costs of new information technology required for such consolidation; and

(C) costs of headquarters relocation arising from such consolidation; and

(2) addresses each recommendation for executive action in the Government Accountability Office report GAO–20–418SU.

(b) REVIEW AND COMMENT.—Not later than April 1, 2021, the Secretary of Defense shall make the updated business case analysis (in this section referred to as the "updated BCA") available to the Secretaries of the military departments for comment.

(c) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—Not later than June 1, 2021, the Secretary of Defense shall make any comments made under subsection (b) and the updated BCA available to the Committees on Armed Services of the Senate and the House of Representatives.

(d) DELAY OF CONSOLIDATION.—The Secretary of Defense may not take any action to consolidate military exchanges and commissaries until the Committees on Armed Services of the Senate and the House of Representatives notify the Secretary in writing of receipt and acceptance of the updated BCA. Notification.

Subtitle E—Other Personnel Rights and Benefits

SEC. 641. APPROVAL OF CERTAIN ACTIVITIES BY RETIRED AND RESERVE MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION OF ACTIVITIES FOR WHICH APPROVAL REQUIRED.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(ii) by inserting ", accepting payment for speeches, travel, meals, lodging, or registration fees, or accepting a non-cash award," after "that employment)"; and

(B) in paragraph (2), by striking "armed forces" and inserting "armed forces, except members serving on active duty under a call or order to active duty for a period in excess of 30 days";

(2) in the heading of subsection (b), by inserting "FOR EMPLOYMENT AND COMPENSATION" after "APPROVAL REQUIRED";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following new subsection (c):

"(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS AND AWARDS.—A person described in subsection (a) may accept payment for speeches, travel, meals, lodging, or registration fees described in that subsection, or accept a non-cash award described in that subsection, only if the Secretary concerned approves the payment or award.".

(b) ANNUAL REPORTS ON APPROVALS.—Subsection (d) of such section, as redesignated by subsection (a)(3) of this section, is amended—

(1) by inserting "(1)" before "Not later than";

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by inserting ", and each approval under subsection (c) for a payment or award described in subsection (a)," after "in subsection (a)"; and

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

"(2) The report under paragraph (1) on an approval described in that paragraph with respect to an officer shall set forth the following:

"(A) The foreign government providing the employment or compensation or payment or award.

"(B) The duties, if any, to be performed in connection with the employment or compensation or payment or award.

"(C) The total amount of compensation, if any, or payment to be provided.".

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments".

37 USC prec. 901.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 908 and inserting the following new item:

"908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments.".

SEC. 642. PERMANENT AUTHORITY FOR AND ENHANCEMENT OF THE GOVERNMENT LODGING PROGRAM.

(a) PERMANENT AUTHORITY.—Section 914 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (5 U.S.C. 5911 note) is amended—

(1) in subsection (a), by striking ", for the period of time described in subsection (b),"; and

(2) by striking subsection (b).

(b) TEMPORARY EXCLUSION OF CERTAIN SHIPYARD EMPLOYEES.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

"(b) TEMPORARY EXCLUSION OF CERTAIN SHIPYARD EMPLOYEES.—

"(1) IN GENERAL.—In carrying out a Government lodging program under subsection (a), the Secretary shall exclude from the requirements of the program employees who are traveling for the performance of mission functions of a public shipyard of the Department if the Secretary determines such requirements would adversely affect the purpose or mission of such travel.

"(2) TERMINATION.—This subsection shall terminate on September 30, 2023.".

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 914. GOVERNMENT LODGING PROGRAM.".

SEC. 643. OPERATION OF STARS AND STRIPES.

Time period. Notice.

(a) OPERATION.—Subject to appropriations, the Secretary of Defense may not cease operation and maintenance of Stars and Stripes until 180 days after the date on which the Secretary submits to the Committees on Armed Service of the Senate and the House of Representatives notice of the proposed cessation of such operation and maintenance.

Coordination.

(b) REPORT ON BUSINESS CASE ANALYSIS.—Not later than March 1, 2021, the Secretary of Defense, in coordination with the editor of Stars and Stripes, shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives detailing the business case analysis for various options for Stars and Stripes. The report shall contain the following elements:

Analyses.

(1) An analysis of the pros and cons of, and business case for, continuing the operation and publication of Stars and Stripes at its current levels, including other options for the independent reporting currently provided, especially in a deployed environment.

(2) An analysis of the modes of communication used by Stars and Stripes.

(3) An analysis of potential reduced operations of Stars and Stripes.

(4) An analysis of the operation of Stars and Stripes solely as a non-appropriated fund entity.

(5) An analysis of operating Stars and Stripes as a category B morale, welfare, and recreation entity.

(6) An assessment of the value of the availability of Stars and Stripes (in print or an electronic version) to deployed or overseas members of the Armed Forces. Assessment.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Improvement to breast cancer screening.
Sec. 702. Waiver of fees charged to certain civilians for emergency medical treatment provided at military medical treatment facilities.
Sec. 703. Authority for Secretary of Defense to manage provider type referral and supervision requirements under TRICARE program.
Sec. 704. Expansion of benefits available under TRICARE Extended Care Health Option program.
Sec. 705. Sale of hearing aids for dependents of certain members of the reserve components.
Sec. 706. Pilot program on receipt of non-generic prescription maintenance medications under TRICARE pharmacy benefits program.

Subtitle B—Health Care Administration

Sec. 711. Repeal of administration of TRICARE dental plans through Federal Employees Dental and Vision Insurance Program.
Sec. 712. Protection of the Armed Forces from infectious diseases.
Sec. 713. Inclusion of drugs, biological products, and critical medical supplies in national security strategy for national technology and industrial base.
Sec. 714. Contract authority of the Uniformed Services University of the Health Sciences.
Sec. 715. Membership of Board of Regents of Uniformed Services University of the Health Sciences.
Sec. 716. Temporary exemption for Uniformed Services University of the Health Sciences from certain Paperwork Reduction Act requirements.
Sec. 717. Modification to limitation on the realignment or reduction of military medical manning end strength.
Sec. 718. Modifications to implementation plan for restructure or realignment of military medical treatment facilities.
Sec. 719. Policy to address prescription opioid safety.
Sec. 720. Addition of burn pit registration and other information to electronic health records of members of the Armed Forces.
Sec. 721. Inclusion of information on exposure to open burn pits in postdeployment health reassessments.

Subtitle C—Matters Relating to COVID–19

Sec. 731. COVID–19 military health system review panel.
Sec. 732. Department of Defense pandemic preparedness.
Sec. 733. Transitional health benefits for certain members of the National Guard serving under orders in response to the coronavirus (COVID–19).
Sec. 734. Registry of certain TRICARE beneficiaries diagnosed with COVID–19.
Sec. 735. Health assessments of veterans diagnosed with pandemic diseases to determine exposure to open burn pits and toxic airborne chemicals.
Sec. 736. Comptroller General study on delivery of mental health services to members of the Armed Forces during the COVID–19 pandemic.

Subtitle D—Reports and Other Matters

Sec. 741. Modifications to pilot program on civilian and military partnerships to enhance interoperability and medical surge capability and capacity of National Disaster Medical System.
Sec. 742. Reports on suicide among members of the Armed Forces and suicide prevention programs and activities of the Department of Defense.

Sec. 743. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
Sec. 744. Military Health System Clinical Quality Management Program.
Sec. 745. Wounded Warrior Service Dog Program.
Sec. 746. Extramedical maternal health providers demonstration project.
Sec. 747. Briefing on diet and nutrition of members of the Armed Forces.
Sec. 748. Audit of medical conditions of residents in privatized military housing.
Sec. 749. Assessment of receipt by civilians of emergency medical treatment at military medical treatment facilities.
Sec. 750. Study on the incidence of cancer diagnosis and mortality among military aviators and aviation support personnel.
Sec. 751. Study on exposure to toxic substances at Karshi-Khanabad Air Base, Uzbekistan.
Sec. 752. Review and report on prevention of suicide among members of the Armed Forces stationed at remote installations outside the contiguous United States.
Sec. 753. Study on medevac helicopters and ambulances at certain military installations.
Sec. 754. Comptroller General study on prenatal and postpartum mental health conditions among members of the Armed Forces and their dependents.
Sec. 755. Report on lapses in TRICARE coverage for members of the National Guard and reserve components.
Sec. 756. Study and report on increasing telehealth services across Armed Forces.
Sec. 757. Study on force mix options and service models to enhance readiness of medical force of the Armed Forces.
Sec. 758. Report on billing practices for health care from Department of Defense.

Subtitle E—Mental Health Services From Department of Veterans Affairs for Members of Reserve Components

Sec. 761. Short title.
Sec. 762. Expansion of eligibility for readjustment counseling and related outpatient services from Department of Veterans Affairs to include members of reserve components of the Armed Forces.
Sec. 763. Provision of mental health services from Department of Veterans Affairs to members of reserve components of the Armed Forces.
Sec. 764. Inclusion of members of reserve components in mental health programs of Department of Veterans Affairs.
Sec. 765. Report on mental health and related services provided by Department of Veterans Affairs to members of the Armed Forces.

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. IMPROVEMENT TO BREAST CANCER SCREENING.

Section 1074d(b)(2) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including through the use of digital breast tomosynthesis".

SEC. 702. WAIVER OF FEES CHARGED TO CERTAIN CIVILIANS FOR EMERGENCY MEDICAL TREATMENT PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

Section 1079b of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

"(b) WAIVER OF FEES.—The Secretary may waive a fee that would otherwise be charged under the procedures implemented under subsection (a) to a civilian who is not a covered beneficiary if—

"(1) the civilian is unable to pay for the costs of the trauma or other medical care provided to the civilian (including any such costs remaining after the Secretary receives payment from an insurer for such care, as applicable); and

"(2) the provision of such care enhances the knowledge, skills, and abilities of health care providers, as determined by the Secretary.".

SEC. 703. AUTHORITY FOR SECRETARY OF DEFENSE TO MANAGE PROVIDER TYPE REFERRAL AND SUPERVISION REQUIREMENTS UNDER TRICARE PROGRAM.

Section 1079(a)(12) of title 10, United States Code, is amended, in the first sentence, by striking "or certified clinical social worker," and inserting "certified clinical social worker, or other class of provider as designated by the Secretary of Defense,".

SEC. 704. EXPANSION OF BENEFITS AVAILABLE UNDER TRICARE EXTENDED CARE HEALTH OPTION PROGRAM.

(a) EXTENDED BENEFITS FOR ELIGIBLE DEPENDENTS.—Subsection (e) of section 1079 of title 10, United States Code, is amended to read as follows:

"(e)(1) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services (including services necessary to maintain, or minimize or prevent deterioration of, function of the patient) and case management services with respect to the qualifying condition of such a dependent, and include, to the extent such benefits are not provided under provisions of this chapter other than under this section, the following:

"(A) Diagnosis and screening.

"(B) Inpatient, outpatient, and comprehensive home health care supplies and services which may include cost-effective and medically appropriate services other than part-time or intermittent services (within the meaning of such terms as used in the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x)).

"(C) Rehabilitation services and devices.

"(D) In accordance with paragraph (2), respite care for the primary caregiver of the eligible dependent.

"(E) In accordance with paragraph (3), service and modification of durable equipment and assistive technology devices.

"(F) Special education.

"(G) Vocational training, which may be furnished to an eligible dependent in the residence of the eligible dependent or at a facility in which such training is provided.

"(H) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(12).

"(2) Respite care under paragraph (1)(D) shall be provided subject to the following conditions:

"(A) Pursuant to regulations prescribed by the Secretary for purposes of this paragraph, such respite care shall be limited to 32 hours per month for a primary caregiver. Regulations.

"(B) Unused hours of such respite care may not be carried over to another month.

"(C) Such respite care may be provided to an eligible beneficiary regardless of whether the eligible beneficiary is receiving another benefit under this subsection.

"(3)(A) Service and modification of durable equipment and assistive technology devices under paragraph (1)(E) may be provided Determination.

only upon determination by the Secretary that the service or modification is necessary for the use of such equipment or device by the eligible dependent.

"(B) Service and modification of durable equipment and assistive technology devices under such paragraph may not be provided—

"(i) in the case of misuse, loss, or theft of the equipment or device; or

"(ii) for a deluxe, luxury, or immaterial feature of the equipment or device, as determined by the Secretary.

"(C) Service and modification of durable equipment and assistive technology devices under such paragraph may include training of the eligible dependent and immediate family members of the eligible dependent on the use of the equipment or device.".

(b) CONFORMING AMENDMENT.—Subsection (f) of section 1079 of title 10, United States Code, is amended by striking "paragraph (3) or (4) of subsection (e)" each place it appears and inserting "subparagraph (C), (E), (F), or (G) of subsection (e)(1)".

(c) ADDITIONAL REQUIREMENTS IN OFFICE OF SPECIAL NEEDS ANNUAL REPORT.—Section 1781c(g)(2) of title 10, United States Code, is amended—

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

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

Assessments.

"(C) With respect to the Extended Care Health Option program under section 1079(d) of this title—

"(i) the utilization rates of services under such program by eligible dependents (as such term is defined in such section) during the prior year;

"(ii) a description of gaps in such services, as ascertained by the Secretary from information provided by families of eligible dependents;

"(iii) an assessment of factors that prevent knowledge of and access to such program, including a discussion of actions the Secretary may take to address these factors; and

"(iv) an assessment of the average wait time for an eligible dependent enrolled in the program to access alternative health coverage for a qualifying condition (as such term is defined in such section), including a discussion of any adverse health outcomes associated with such wait.".

(d) COMPTROLLER GENERAL REPORT.—

(1) SUBMISSION.—Not later than April 1, 2022, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on caregiving available to eligible dependents under programs such as home- and community-based services provided under State Medicaid plans pursuant to waivers under section 1915 of the Social Security Act (42 U.S.C. 1396n) or the Program of Comprehensive Assistance for Family Caregivers of the Department of Veterans Affairs established under section 1720G of title 38, United States Code.

Analyses.

(2) MATTERS.—The report under paragraph (1) shall include—

(A) an analysis of best practices for the administration of programs to support caregivers of individuals with

intellectual or physical disabilities, based on input from payers, administrators, individuals receiving care from such caregivers, and advocates;

(B) a comparison of the provision of respite and related care under the Extended Care Health Option program under section 1079(d) of title 10, United States Code, and similar care provided under programs specified in paragraph (1), to identify best practices from such program and, if necessary, make recommendations for improvement; and

(C) an analysis of the reasons eligible dependents do not qualify for State programs under which caregiving is available, such as home- and community-based services provided under State Medicaid plans as specified in paragraph (1), with respect to the State in which the eligible dependent is located.

(3) ELIGIBLE DEPENDENT DEFINED.—In this subsection, "eligible dependent" has the meaning given such term in section 1079(d) of title 10, United States Code.

SEC. 705. SALE OF HEARING AIDS FOR DEPENDENTS OF CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

Section 1077(g) of title 10, United States Code, is amended—

(1) by striking "In addition" and inserting "(1) In addition"; and

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

"(2) For purposes of selling hearing aids at cost to the United States under paragraph (1), a dependent of a member of the reserve components who is enrolled in the TRICARE program under section 1076d of this title shall be deemed to be a dependent eligible for care under this section.".

SEC. 706. PILOT PROGRAM ON RECEIPT OF NON-GENERIC PRESCRIPTION MAINTENANCE MEDICATIONS UNDER TRICARE PHARMACY BENEFITS PROGRAM.

10 USC 1074g note.

(a) PILOT PROGRAM.—

(1) AUTHORITY.—Subject to paragraph (2), the Secretary of Defense may carry out a pilot program under which eligible covered beneficiaries may elect to receive non-generic prescription maintenance medications selected by the Secretary under subsection (c) through military medical treatment facility pharmacies, retail pharmacies, or the national mail-order pharmacy program, notwithstanding section 1074g(a)(9) of title 10, United States Code.

(2) REQUIREMENT.—The Secretary may carry out the pilot program under paragraph (1) only if the Secretary determines that the total costs to the Department of Defense for eligible covered beneficiaries to receive non-generic prescription maintenance medications under the pilot program will not exceed the total costs to the Department for such beneficiaries to receive such medications under the national mail-order pharmacy program pursuant to section 1074g(a)(9) of title 10, United States Code. In making such determination, the Secretary shall consider all manufacturer discounts, refunds and rebates, pharmacy transaction fees, and all other costs.

Determination.

(b) DURATION.—If the Secretary carries out the pilot program under subsection (a)(1), the Secretary shall carry out the pilot

Deadline.

program for a three-year period beginning not later than March 1, 2021.

(c) SELECTION OF MEDICATION.—If the Secretary carries out the pilot program under subsection (a)(1), the Secretary shall select non-generic prescription maintenance medications described in section 1074g(a)(9)(C)(ii) of title 10, United States Code, to be covered by the pilot program.

(d) NOTIFICATION.—If the Secretary carries out the pilot program under subsection (a)(1), in providing each eligible covered beneficiary with an explanation of benefits, the Secretary shall notify the beneficiary of whether the medication that the beneficiary is prescribed is covered by the pilot program.

(e) BRIEFING AND REPORTS.—

(1) BRIEFING.—If the Secretary determines to carry out the pilot program under subsection (a)(1), not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the implementation of the pilot program.

(2) INTERIM REPORT.—If the Secretary carries out the pilot program under subsection (a)(1), not later than 18 months after the commencement of the pilot program, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the pilot program.

(3) COMPTROLLER GENERAL REPORT.—

(A) IN GENERAL.—If the Secretary carries out the pilot program under subsection (a)(1), not later than March 1, 2024, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the pilot program.

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

(i) The number of eligible covered beneficiaries who participated in the pilot program and an assessment of the satisfaction of such beneficiaries with the pilot program.

(ii) The rate by which eligible covered beneficiaries elected to receive non-generic prescription maintenance medications at a retail pharmacy pursuant to the pilot program, and how such rate affected military medical treatment facility pharmacies and the national mail-order pharmacy program.

(iii) The amount of cost savings realized by the pilot program, including with respect to—

(I) dispensing fees incurred at retail pharmacies compared to the national mail-order pharmacy program for brand name prescription drugs;

(II) administrative fees;

(III) any costs paid by the United States for the drugs in addition to the procurement costs;

(IV) the use of military medical treatment facilities; and

(V) copayments paid by eligible covered beneficiaries.

(iv) A comparison of supplemental rebates between retail pharmacies and other points of sale.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) the ability of the Secretary to carry out section 1074g(a)(9)(C) of title 10, United States Code, after the date on which the pilot program is completed; or

(2) the prices established for medications under section 8126 of title 38, United States Code.

(g) DEFINITIONS.—In this section:

(1) The term "eligible covered beneficiary" has the meaning given that term in section 1074g(i) of title 10, United States Code.

(2) The terms "military medical treatment facility pharmacies", "retail pharmacies", and "the national mail-order pharmacy program" mean the methods for receiving prescription drugs as described in clauses (i), (ii), and (iii), respectively, of section 1074g(a)(2)(E) of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 711. REPEAL OF ADMINISTRATION OF TRICARE DENTAL PLANS THROUGH FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) TITLE 5.—Section 8951(8) of title 5, United States Code, is amended by striking "1076a or".

(b) TITLE 10.—Section 1076a(b) of title 10, United States Code, is amended to read as follow:

"(b) ADMINISTRATION OF PLANS.—The plans established under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.".

(c) CONFORMING REPEAL.—Section 713 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1811) is repealed.

(d) TECHNICAL AMENDMENT.—Section 1076a(a)(1) of title 10, United States Code, is amended by striking the second sentence.

5 USC 8951 and note; 10 USC 1076a note.

SEC. 712. PROTECTION OF THE ARMED FORCES FROM INFECTIOUS DISEASES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073d the following new section:

"§ 1073e. Protection of armed forces from infectious diseases

10 USC 1073e.

"(a) PROTECTION.—The Secretary of Defense shall develop and implement a plan to ensure that the armed forces have the diagnostic equipment, testing capabilities, and personal protective equipment necessary to protect members of the armed forces from the threat of infectious diseases and to treat members who contract infectious diseases.

Plan.

"(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall ensure the following:

"(1) Each military medical treatment facility has the testing capabilities described in such subsection, as appropriate for the mission of the facility.

"(2) Each deployed naval vessel has access to the testing capabilities described in such subsection.

"(3) Members of the armed forces deployed in support of a contingency operation outside of the United States have access to the testing capabilities described in such subsection, including at field hospitals, combat support hospitals, field medical stations, and expeditionary medical facilities.

"(4) The Department of Defense maintains—

"(A) a 30-day supply of personal protective equipment in a quantity sufficient for each member of the armed forces, including the reserve components thereof; and

"(B) the capability to rapidly resupply such equipment.

Plan.

"(c) RESEARCH AND DEVELOPMENT.—(1) The Secretary shall include with the defense budget materials (as defined by section 231(f) of this title) for a fiscal year a plan to research and develop vaccines, diagnostics, and therapeutics for infectious diseases.

"(2) The Secretary shall ensure that the medical laboratories of the Department of Defense are equipped with the technology needed to facilitate rapid research and development of vaccines, diagnostics, and therapeutics in the case of a pandemic.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 1073d the following new item:

10 USC prec. 1071.

"1073e. Protection of armed forces from infectious diseases.".

SEC. 713. INCLUSION OF DRUGS, BIOLOGICAL PRODUCTS, AND CRITICAL MEDICAL SUPPLIES IN NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(11) Providing for the provision of drugs, biological products, vaccines, and critical medical supplies required to enable combat readiness and protect the health of the armed forces.".

(b) ASSESSMENT.—

Appendix.

(1) IN GENERAL.—The Secretary of Defense shall include with the report required to be submitted in 2022 under section 2504 of title 10, United States Code, an appendix containing an assessment of gaps or vulnerabilities in the national technology and industrial base (as defined by section 2500(1) of such title) with respect to drugs, biological products, vaccines, and critical medical supplies described in section 2501(a)(11) of such title, as amended by subsection (a) of this section.

Consultation.

In carrying out such assessment, the Secretary shall consult with the Secretary of Health and Human Services, the Commissioner of Food and Drugs, and the heads of other departments and agencies of the Federal Government that the Secretary of Defense determines appropriate.

(2) MATTERS INCLUDED.—The assessment under paragraph (1) shall include—

(A) an identification and origin of any finished drugs, as identified by the Secretary of Defense, and the essential components of such drugs, including raw materials, chemical components, and active pharmaceutical ingredients that are necessary for the manufacture of such drugs, whose supply is at risk of disruption during a time of war or national emergency;

(B) an identification of shortages of finished drugs, biological products, vaccines, and critical medical supplies essential for combat readiness and the protection of the health of the Armed Forces (including with respect to any challenges or issues with the joint deployment formulary), as identified by the Secretary of Defense;

(C) an identification of the defense and geopolitical contingencies that are sufficiently likely to arise that may lead to the discontinuance, interruption or meaningful disruption in the supply of a drug, biological product, vaccine, or critical medical supply, and recommendations regarding actions the Secretary of Defense should take to reasonably prepare for the occurrence of such contingencies; Recommendations.

(D) an identification of any barriers that exist to manufacture finished drugs, biological products, vaccines, and critical medical supplies in the United States, including with respect to regulatory barriers by the Federal Government and whether the raw materials may be found in the United States;

(E) an identification of potential partners of the United States with whom the United States can work with to realign the manufacturing capabilities of the United States for such finished drugs, biological products, vaccines, and critical medical supplies;

(F) an assessment conducted by the Secretary of Defense of the resilience and capacity of the current supply chain and industrial base to support national defense upon the occurrence of the contingencies identified in subparagraph (C), including with respect to—

(i) the manufacturing capacity of the United States;

(ii) gaps in domestic manufacturing capabilities, including nonexistent, extinct, threatened, and single-point-of-failure capabilities;

(iii) supply chains with single points of failure and limited resiliency; and

(iv) economic factors, including global competition, that threaten the viability of domestic manufacturers; and

(G) recommendations to enhance and strengthen the surge requirements and readiness contracts of the Department of Defense to ensure the sufficiency of the stockpile of the Department of, and the ready access by the Department to, critical medical supplies, pharmaceuticals, vaccines, countermeasure prophylaxis, and personal protective equipment, including with respect to the effectiveness of the theater lead agent for medical materiel program in support of the combatant commands. Recommendations.

(3) SUBMISSION.—In addition to including the assessment under paragraph (1) as an appendix to the report required to be submitted in 2022 under section 2504 of title 10, United States Code, the Secretary of Defense shall submit such appendix separately to the appropriate congressional committees. Appendix.

(4) FORM.—The assessment under paragraph (1) shall be submitted in classified form. Classified information.

(5) DEFINITIONS.—In this subsection:

(A) The term "appropriate congressional committees" means the following:

(i) The Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

(ii) The Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The term "critical medical supplies" includes personal protective equipment, diagnostic tests, testing supplies, and lifesaving breathing apparatuses required to treat severe respiratory illnesses and distress.

SEC. 714. CONTRACT AUTHORITY OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) CONTRACT AUTHORITY.—Section 2113(g)(1) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

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

Grants. Determination.

"(G) notwithstanding sections 2304, 2361, and 2374 of this title, to enter into contracts and cooperative agreements with, accept grants from, and make grants to, nonprofit entities (on a sole-source basis) for the purpose specified in subparagraph (A) or for any other purpose the Secretary determines to be consistent with the mission of the University.".

10 USC 2113 note.

(b) RULE OF CONSTRUCTION.—Nothing in section 2113(g) of title 10, United States Code, as amended by subsection (a), shall be construed to limit the ability of the Secretary of Defense, in carrying out such section, to use competitive procedures to award contracts, cooperative agreements, or grants.

SEC. 715. MEMBERSHIP OF BOARD OF REGENTS OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) IN GENERAL.—Section 2113a(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

"(3) the Director of the Defense Health Agency, who shall be an ex officio member;".

10 USC 2113 note.

(b) RULE OF CONSTRUCTION.—The amendments made by this section may not be construed to invalidate any action taken by the Uniformed Services University of the Health Sciences or its Board of Regents prior to the effective date of this section.

10 USC 2113 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2021.

SEC. 716. TEMPORARY EXEMPTION FOR UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FROM CERTAIN PAPERWORK REDUCTION ACT REQUIREMENTS.

10 USC 2112 note.

(a) TEMPORARY EXEMPTION FROM CERTAIN PAPERWORK REDUCTION ACT REQUIREMENTS.—

(1) IN GENERAL.—During the two-year period beginning on the date that is 30 days after the date of the enactment of this Act, the requirements described in paragraph (2) shall not apply with respect to the voluntary collection of information during the conduct of research and program evaluations— Time period.

(A) conducted or sponsored by the Uniformed Services University of the Health Sciences; and

(B) funded through the Defense Health Program.

(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the requirements under the following provisions of law:

(A) Section 3506(c) of title 44, United States Code.

(B) Sections 3507 and 3508 of such title.

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the preliminary findings with respect to—

(A) the estimated time saved by the Uniformed Services University of the Health Sciences (if applicable) by reason of the exemption under paragraph (1) of subsection (a) to requirements described in paragraph (2) of such subsection; Estimate.

(B) the research within the scope of such exemption that has been initiated, is ongoing, or has been completed during the period in which the exemption is in effect;

(C) the estimated cost savings by the University that can be attributed to such exemption; and Cost estimate.

(D) the additional burdens upon the research subjects of the University that are attributable to such exemption.

(2) UPDATED REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing—

(A) updated information with respect to the matters under paragraph (1); and

(B) any recommendations with respect to policy or legislative actions regarding the exemption under paragraph (1) of subsection (a) to requirements described in paragraph (2) of such subsection. Recommendations.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 717. MODIFICATION TO LIMITATION ON THE REALIGNMENT OR REDUCTION OF MILITARY MEDICAL MANNING END STRENGTH.

Section 719 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "may not realign or reduce military medical end strength authorizations until" and inserting the following:

Time period.

"may not realign or reduce military medical end strength authorizations during the 180 days following the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and after such period, may not realign or reduce such authorizations unless"; and

(2) in subsection (b)(1), by inserting before the period at the end the following: ", including with respect to both the homeland defense mission and pandemic influenza".

SEC. 718. MODIFICATIONS TO IMPLEMENTATION PLAN FOR RESTRUCTURE OR REALIGNMENT OF MILITARY MEDICAL TREATMENT FACILITIES.

Section 703(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2199) is amended—

(1) in paragraph (2), by striking subparagraph (D) and inserting the following new subparagraph:

"(D) A description of how the Secretary will carry out subsection (b), including, with respect to each affected military medical treatment facility, a description of—

"(i) the elements required for health care providers to accept and transition covered beneficiaries to the purchased care component of the TRICARE program;

"(ii) a method to monitor and report on quality benchmarks for the beneficiary population that will be required to transition to such component of the TRICARE program; and

"(iii) a process by which the Director of the Defense Health Agency will ensure that such component of the TRICARE program has the required capacity."; and

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

"(4) NOTICE AND WAIT.—The Secretary may not implement the plan under paragraph (1) unless—

Plan.

"(A) the Secretary has submitted the plan to the congressional defense committees;

Certification.

"(B) the Secretary has certified to the congressional defense committees that, pursuant to subsection (b), if a proposed restructure, realignment, or modification will eliminate the ability of a covered beneficiary to access health care services at a military medical treatment facility, the covered beneficiary will be able to access such health care services through the purchased care component of the TRICARE program; and

Time period.

"(C) a 180-day period has elapsed following the later of—

"(i) the date on which the congressional defense committees have received both the implementation plan under subparagraph (A) and the notice of certification under subparagraph (B); or

"(ii) the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.".

10 USC 1074g note.

SEC. 719. POLICY TO ADDRESS PRESCRIPTION OPIOID SAFETY.

(a) REQUIREMENT.—The Secretary of Defense shall develop a policy and tracking mechanism to monitor and provide oversight

of opioid prescribing to ensure that the provider practices of medication-prescribing health professionals across the military health system conform with—

(1) the clinical practice guidelines of the Department of Defense and the Department of Veterans Affairs; and

(2) the prescribing guidelines published by the Centers for Disease Control and Prevention and the Food and Drug Administration.

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

(1) Providing oversight and accountability of opioid prescribing practices that are outside of the recommended parameters for dosage, supply, and duration as identified in the guideline published by the Centers for Disease Control and Prevention titled "CDC Guideline for Prescribing Opioids for Chronic Pain—United States, 2016", or such successor guideline, and the guideline published by the Department of Defense and Department of Veterans Affairs titled "DoD/VA Management of Opioid Therapy (OT) for Chronic Pain Clinical Practice Guideline, 2017" or such successor guideline.

(2) Implementing oversight and accountability responsibilities for opioid prescribing safety as specified in paragraph (1).

(3) Implementing systems to ensure that the prescriptions in the military health system data repository are appropriately documented and that the processing date and the metric quantity field for opioid prescriptions in liquid form are consistent within the electronic health record system known as "MHS GENESIS".

(4) Implementing opioid prescribing controls within the electronic health record system known as "MHS GENESIS" and document if an overdose reversal drug was co-prescribed.

(5) Developing metrics that can be used by the Defense Health Agency and each military medical treatment facility to actively monitor and limit the overprescribing of opioids and to monitor the co-prescribing of overdose reversal drugs as accessible interventions.

(6) Developing a report that tracks progression toward reduced levels of opioid use and includes an identification of prevention best practices established by the Department. Reports.

(7) Developing and implementing a plan to improve communication and value-based initiatives between pharmacists and medication-prescribing health professionals across the military health system. Plan.

SEC. 720. ADDITION OF BURN PIT REGISTRATION AND OTHER INFORMATION TO ELECTRONIC HEALTH RECORDS OF MEMBERS OF THE ARMED FORCES. 38 USC 527 note.

(a) UPDATES TO ELECTRONIC HEALTH RECORDS.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that— Deadline.

(1) the electronic health record maintained by the Secretary for a member of the Armed Forces registered with the Airborne Hazards and Open Burn Pit Registry is updated with any information contained in such registry with respect to the member; and

Notification.

(2) any occupational or environmental health exposure recorded in the Defense Occupational and Environmental Health Readiness System (or any successor system) is linked to the electronic health record system of the Department of Defense to notify health professionals treating a member specified in paragraph (1) of any such exposure recorded for the member.

(b) AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY DEFINED.—In this section, the term "Airborne Hazards and Open Burn Pit Registry" means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

10 USC 1074f note.

SEC. 721. INCLUSION OF INFORMATION ON EXPOSURE TO OPEN BURN PITS IN POSTDEPLOYMENT HEALTH REASSESSMENTS.

(a) IN GENERAL.—The Secretary of Defense shall include in postdeployment health reassessments conducted under section 1074f of title 10, United States Code, pursuant to a Department of Defense Form 2796, or successor form, an explicit question regarding exposure of members of the Armed Forces to open burn pits.

(b) INCLUSION IN ASSESSMENTS BY MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that the Secretary of each military department includes a question regarding exposure of members of the Armed Forces to open burn pits in any electronic postdeployment health assessment conducted by that military department.

(c) OPEN BURN PIT DEFINED.—In this section, the term "open burn pit" has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

Subtitle C—Matters Relating to COVID–19

SEC. 731. COVID–19 MILITARY HEALTH SYSTEM REVIEW PANEL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to be known as the "COVID–19 Military Health System Review Panel" (in this section referred to as the "panel").

(b) COMPOSITION.—

(1) MEMBERS.—The panel shall be composed of the following members:

(A) The President of the Uniformed Services University of the Health Sciences.

(B) The Director of the Defense Health Agency.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) The Joint Staff Surgeon.

(G) The Deputy Assistant Secretary of Defense for Health Readiness Policy and Oversight.

(H) The Deputy Assistant Secretary of Defense for Health Resources Management and Policy.

(2) CHAIRPERSON.—The chairperson of the panel shall be the President of the Uniformed Services University of the Health Sciences.

(3) TERMS.—Each member shall be appointed for the life of the panel.

(c) DUTIES.—

(1) IN GENERAL.—The panel shall—

(A) review the response of the military health system to the coronavirus disease 2019 (COVID–19) and the effects of COVID–19 on such system, including by analyzing any strengths or weaknesses of such system identified as a result COVID–19; and

(B) using information from the review, make such recommendations as the panel considers appropriate with respect to any policy, practice, organization, manning level, funding level, or legislative authority relating to the military health system.

(2) ELEMENTS OF REVIEW.—In conducting the review under paragraph (1), each member of the panel shall lead a review of at least one of the following elements, with respect to the military health system:

(A) Policy, including any policy relating to force health protection or medical standards for the appointment, enlistment, or induction of individuals into the Armed Forces.

(B) Public health activities, including any activity relating to risk communication, surveillance, or contact tracing.

(C) Research, diagnostics, and therapeutics.

(D) Logistics and technology.

(E) Force structure and manning.

(F) Governance and organization.

(G) Operational capabilities and operational support.

(H) Education and training.

(I) Health benefits under the TRICARE program.

(J) Engagement and security activities relating to global health.

(K) The financial impact of COVID–19 on the military health system.

(d) REPORT.—Not later than June 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report that includes the findings of the panel as a result of the review under subsection (c)(1)(A) and such recommendations as the panel considers appropriate under subsection (c)(1)(B).

(e) TERMINATION.—The panel shall terminate on June 1, 2021.

SEC. 732. DEPARTMENT OF DEFENSE PANDEMIC PREPAREDNESS.

(a) STRATEGY.—The Secretary of Defense shall develop a strategy for pandemic preparedness and response that includes the following: Reviews.

(1) Identification of activities necessary to be carried out prior to a pandemic to ensure preparedness and effective communication of roles and responsibilities within the Department of Defense, including—

(A) reviewing the frequency of each exercise conducted by the Department, a military department, or Defense Agency that relates to a pandemic or severe influenza season or related force health protection scenario;

(B) ensuring such exercises are appropriately planned, resourced, and practiced;

(C) including a consideration of the capabilities and capacities necessary to carry out the strategy under this section, and related operations for force health protection, and ensuring that these are included in each cost evaluation, Defense-wide review, or manning assessment of the Department of Defense that affects such capabilities and capacities;

(D) reviewing the placement, exploring broader utilization of global health engagement liaisons, and increasing the scope of global health activities of the Department of Defense;

Assessment.

(E) assessing a potential career track relating to health protection research for members of the Armed Forces and civilian employees of the Department of Defense;

(F) providing to members of the Armed Forces guidance on force health protection prior to and during a pandemic or severe influenza season, including guidance on specific behaviors or actions required, such as self-isolating, social distancing, and additional protective measures to be carried out after contracting a novel virus or influenza;

Updates.

(G) reviewing and updating the inventory of medical supplies and equipment of the Department of Defense that is available for operational support to the combatant commands prior to and during a pandemic (such as vaccines, biologics, drugs, preventive medicine, antiviral medicine, and equipment relating to trauma support), including a review of—

(i) the sufficiency of prepositioned stocks; and

(ii) the effectiveness of the Warstopper Program of the Defense Logistics Agency, or such successor program;

Updates. Plans.

(H) reviewing and updating distribution plans of the Department of Defense for critical medical supplies and equipment within the inventory of the Department of Defense, including vaccines and antiviral medicines; and

Updates.

(I) reviewing and updating research on infectious diseases and preventive medicine conducted by the military health system, including research conducted by the Health Related Communities of Interest of the Department of Defense, the Joint Program Committees, the overseas medical laboratories of the Department of Defense, the Armed Forces Health Surveillance Branch, or other elements of the Department of Defense that conduct research in support of members of the Armed Forces or beneficiaries under the TRICARE program.

(2) Review of Department of Defense systems for health surveillance and detection to ensure continuous situational awareness and early warning with respect to a pandemic, including a review of—

(A) the levels of funding and investment, and the overall value, of the Global Emerging Infections Surveillance and Response System of the Department of Defense, including the value demonstrated by the role of such system in—

(i) improving the Department of Defense prevention and surveillance of, and the response to, infectious

diseases that may impact members of the Armed Forces;

(ii) informing decisions relating to force health protection across the geographic combatant commands;

(iii) ensuring laboratory readiness to support pandemic response efforts and to understand infectious disease threats to the Armed Forces; and

(iv) coordinating and collaborating with partners, such as the geographic combatant commands, other Federal agencies, and international partners; Coordination.

(B) the levels of funding and investment, and the overall value, of the overseas medical laboratories of the Department of Defense, including the value demonstrated by the role of such laboratories in conducting research and forming partnerships with other elements of the Department of Defense, other Federal agencies, international partners in the country in which such laboratory is located, and, as applicable, the private sector of the United States; and

(C) the levels of funding and investment, and the overall value, of the Direct HIV/AIDS Prevention Program of the Department of Defense, including the value demonstrated by the role of such program in developing (in coordination with other Federal agencies) programs for the prevention, care, and treatment of the human immunodeficiency virus infection and acquired immune deficiency syndrome.

(3) Identification of activities to limit the spread of an infectious disease outbreak among members of the Armed Forces and beneficiaries under the TRICARE program, including activities to mitigate the health, social, and economic impacts of a pandemic on such members and beneficiaries, including by—

(A) reviewing the role of the Department of Defense in the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) and implementing plans across the Department that leverage medical facilities, personnel, and response capabilities of the Federal Government to support requirements under such Act relating to medical surge capacity;

(B) determining the range of public health capacity, medical surge capacity, administrative capacity, and veterinary capacity necessary for the Armed Forces to— Determination.

(i) support operations during a pandemic; and

(ii) develop mechanisms to reshape force structure during such pandemic as necessary (contingent upon primary mission requirements); and

(C) determining the range of activities for operational medical support and infrastructure sustainment that the Department of Defense and other Federal agencies have the capacity to implement during a pandemic (contingent upon primary mission requirements), and develop plans for the implementation of such activities. Determination.

(b) STUDY ON RESPONSE TO COVID–19.—In addition to the review under section 731, the Secretary shall conduct a study on the response of the military health system to the coronavirus disease 2019 (COVID–19).

(c) REPORT.—Not later than June 1, 2021, the Secretary shall submit to the congressional defense committees a report containing—

(1) the strategy under subsection (a); and

Recommendations.

(2) the study under subsection (b), including any findings or recommendations from the study that relate to an element of the strategy under subsection (a), such as recommended changes to policy, funding, practices, manning, organization, or legislative authority.

10 USC 1145 note.

SEC. 733. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING UNDER ORDERS IN RESPONSE TO THE CORONAVIRUS (COVID–19).

(a) IN GENERAL.—The Secretary of Defense shall provide to a member of the National Guard separating from active service after serving on full-time National Guard duty pursuant to section 502(f) of title 32, United States Code, the health benefits authorized under section 1145 of title 10, United States Code, for a member of a reserve component separating from active duty, as referred to in subsection (a)(2)(B) of such section 1145, if the active service from which the member of the National Guard is separating was in support of the whole of government response to the coronavirus (COVID–19).

(b) DEFINITIONS.—In this section, the terms "active duty", "active service", and "full-time National Guard duty" have the meanings given those terms in section 101(d) of title 10, United States Code.

10 USC 1074 note.

SEC. 734. REGISTRY OF CERTAIN TRICARE BENEFICIARIES DIAGNOSED WITH COVID–19.

Deadline.

(a) ESTABLISHMENT.—Not later than June 1, 2021, and subject to subsection (b), the Secretary of Defense shall establish and maintain a registry of covered TRICARE beneficiaries who have been diagnosed with COVID–19.

(b) RIGHT OF BENEFICIARY TO OPT OUT.—A covered TRICARE beneficiary may elect to opt out of inclusion in the registry under subsection (a).

(c) CONTENTS.—The registry under subsection (a) shall include, with respect to each covered TRICARE beneficiary included in the registry, the following:

(1) The demographic information of the beneficiary.

(2) Information on the industrial or occupational history of the beneficiary, to the extent such information is available in the records regarding the COVID–19 diagnosis of the beneficiary.

(3) Administrative information regarding the COVID–19 diagnosis of the beneficiary, including the date of the diagnosis and the location and source of the test used to make the diagnosis.

(4) Any symptoms of COVID–19 manifested in the beneficiary.

(5) Any treatments for COVID–19 taken by the beneficiary, or other medications taken by the beneficiary, when the beneficiary was diagnosed with COVID–19.

(6) Any pathological data characterizing the incidence of COVID–19 and the type of treatment for COVID–19 provided to the beneficiary.

(7) Information on any respiratory illness of the beneficiary recorded prior to the COVID–19 diagnosis of the beneficiary.

(8) Any information regarding the beneficiary contained in the Airborne Hazards and Open Burn Pit Registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(9) Any other information determined appropriate by the Secretary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on establishing the registry under subsection (a), including—

(1) a plan to implement the registry; Plan.

(2) the cost of implementing the registry; Costs.

(3) the location of the registry; and

(4) any recommended legislative changes with respect to establishing the registry. Recommendations.

(e) COVERED TRICARE BENEFICIARY DEFINED.—In this section, the term "covered TRICARE beneficiary" means an individual who is enrolled in the direct care system under the TRICARE program and is treated for or diagnosed with COVID–19 at a military medical treatment facility.

SEC. 735. HEALTH ASSESSMENTS OF VETERANS DIAGNOSED WITH PANDEMIC DISEASES TO DETERMINE EXPOSURE TO OPEN BURN PITS AND TOXIC AIRBORNE CHEMICALS. 38 USC 527 note.

(a) EXPOSURE TO OPEN BURN PITS AND TOXIC AIRBORNE CHEMICALS OR OTHER AIRBORNE CONTAMINANTS AS PART OF HEALTH ASSESSMENTS FOR VETERANS DURING A PANDEMIC AND INCLUSION OF INFORMATION IN REGISTRY.—

(1) HEALTH ASSESSMENTS AND PHYSICAL EXAMINATIONS.—The Secretary of Veterans Affairs shall ensure that the first health assessment or physical examination furnished to a veteran under the laws administered by the Secretary after the veteran tests positive for a pathogen, such as a virus, with respect to which a public health emergency has been declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) includes an evaluation of whether the veteran has been— Evaluation.

(A) based or stationed at a location where an open burn pit was used; or

(B) exposed to toxic airborne chemicals or other airborne contaminants relating to service in the Armed Forces, including an evaluation of any information recorded as part of the Airborne Hazards and Open Burn Pit Registry.

(2) INCLUSION OF INDIVIDUALS IN REGISTRY.—If an evaluation conducted under paragraph (1) with respect to a veteran establishes that the veteran was based or stationed at a location where an open burn pit was used, or that the individual was exposed to toxic airborne chemicals or other airborne contaminants, the individual shall be enrolled in the Airborne Hazards and Open Burn Pit Registry unless the veteran elects to not enroll in such registry.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to preclude eligibility of a veteran for benefits under the laws administered by the Secretary of Veterans

Affairs by reason of the history of exposure of the veteran to an open burn pit not being recorded in an evaluation conducted under paragraph (1).

(b) STUDY ON IMPACT OF VIRAL PANDEMICS ON MEMBERS OF ARMED FORCES AND VETERANS WHO HAVE EXPERIENCED TOXIC EXPOSURE.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study, through the Airborne Hazards and Burn Pits Center of Excellence (in this subsection referred to as the "Center"), on the health impacts of infection with a pathogen, such as a virus, with respect to which a public health emergency has been declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), including a coronavirus, to members of the Armed Forces and veterans who have been exposed to open burn pits and other toxic exposures for the purposes of understanding the health impacts of the pathogen and whether individuals infected with the pathogen are at increased risk of severe symptoms due to previous conditions linked to toxic exposure.

(2) PREPARATION FOR FUTURE PANDEMIC.—The Secretary, through the Center, shall analyze potential lessons learned through the study conducted under paragraph (1) to assist in preparing the Department of Veterans Affairs for potential future pandemics.

(c) DEFINITIONS.—In this subsection:

(1) The term "Airborne Hazards and Open Burn Pit Registry" means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(2) The term "coronavirus" has the meaning given that term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(3) The term "open burn pit" has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 126 Stat. 2422; 38 U.S.C. 527 note).

SEC. 736. COMPTROLLER GENERAL STUDY ON DELIVERY OF MENTAL HEALTH SERVICES TO MEMBERS OF THE ARMED FORCES DURING THE COVID–19 PANDEMIC.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the delivery of Federal, State, and private mental health services to members of the Armed Forces during the COVID–19 pandemic.

(b) ELEMENTS.—The study conducted under subsection (a) shall—

Review. (1) review any strategies used to combat existing stigma surrounding mental health conditions that might deter members of the Armed Forces from seeking care;

Review. (2) review guidance to commanding officers at all levels on the mental health ramifications of the COVID–19 crisis;

Assessment. (3) assess the need for additional training and support for mental health care professionals of the Department of

Defense with respect to supporting individuals who are concerned for the health of themselves and their family members, or grieving the loss of loved ones, because of COVID–19;

(4) assess the strategy of the Department of Defense to leverage telemedicine to ensure safe access to mental health services; Assessment.

(5) identify all programs associated with services described in such subsection;

(6) specify gaps or barriers to mental health care access that could result in delayed or insufficient mental health care support to members of the Armed Forces; and

(7) evaluate the mental health screening requirements for members of the Armed Forces immediately before, during, and after— Evaluation.

(A) Federal deployment under title 10, United States Code; or

(B) State deployment under title 32, United States Code.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

Subtitle D—Reports and Other Matters

SEC. 741. MODIFICATIONS TO PILOT PROGRAM ON CIVILIAN AND MILITARY PARTNERSHIPS TO ENHANCE INTEROPERABILITY AND MEDICAL SURGE CAPABILITY AND CAPACITY OF NATIONAL DISASTER MEDICAL SYSTEM. 10 USC 1096 note.

Section 740 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1465) is amended—

(1) in subsection (a)—

(A) by striking "The Secretary of Defense may" and inserting "Beginning not later than September 30, 2021, the Secretary of Defense shall";

(B) by striking "health care organizations, institutions, and entities" and inserting "health care organizations, health care institutions, health care entities, academic medical centers of institutions of higher education, and hospitals"; and

(C) by striking "in the vicinity of major aeromedical and other transport hubs and logistics centers of the Department of Defense";

(2) in subsection (b), by striking "may" and inserting "shall";

(3) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(4) by striking subsection (c) and inserting the following new subsections:

"(c) LEAD OFFICIAL FOR DESIGN AND IMPLEMENTATION OF PILOT PROGRAM.—

"(1) IN GENERAL.—The Assistant Secretary of Defense for Health Affairs shall be the lead official for the design and implementation of the pilot program under subsection (a).

"(2) RESOURCES.—The Assistant Secretary of Defense for Health Affairs shall leverage the resources of the Defense Coordination.

Health Agency for execution of the pilot program under subsection (a) and shall coordinate with the Chairman of the Joint Chiefs of Staff for the duration of the pilot program, including for the duration of any period of design or planning for the pilot program.

"(d) LOCATIONS.—

"(1) IN GENERAL.—The Secretary of Defense shall carry out the pilot program under subsection (a) at not fewer than five locations in the United States that are located at or near an organization, institution, entity, center, or hospital specified in subsection (a) with established expertise in disaster health preparedness and response and trauma care that augment and enhance the effectiveness of the pilot program.

Deadlines.
Consultations.

"(2) PHASED SELECTION OF LOCATIONS.—

"(A) INITIAL SELECTION.—Not later than March 31, 2021, the Assistant Secretary of Defense for Health Affairs, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall select not fewer than two locations at which to carry out the pilot program.

"(B) SUBSEQUENT SELECTION.—Not later than the end of the one-year period following selection of the locations under subparagraph (A), the Assistant Secretary of Defense for Health Affairs, in consultation with the Secretaries specified in subparagraph (A), shall select not fewer than two additional locations at which to carry out the pilot program until not fewer than five locations are selected in total under this paragraph.

"(3) CONSIDERATION FOR LOCATIONS.—In selecting locations for the pilot program under subsection (a), the Secretary shall consider—

"(A) the proximity of the location to civilian or military transportation hubs, including airports, railways, interstate highways, or ports;

"(B) the proximity of the location to an organization, institution, entity, center, or hospital specified in subsection (a) with the ability to accept a redistribution of casualties during times of war;

"(C) the proximity of the location to an organization, institution, entity, center, or hospital specified in subsection (a) with the ability to provide trauma care training opportunities for medical personnel of the Department of Defense; and

"(D) the proximity of the location to existing academic medical centers of institutions of higher education, facilities of the Department, or other institutions that have established expertise in the areas of—

"(i) highly infectious disease;

"(ii) biocontainment;

"(iii) quarantine;

"(iv) trauma care;

"(v) combat casualty care;

"(vi) the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11);

"(vii) disaster health preparedness and response;

"(viii) medical and public health management of biological, chemical, radiological, or nuclear hazards; or

"(ix) such other areas of expertise as the Secretary considers appropriate.

"(4) PRIORITY FOR LOCATIONS.—In selecting locations for the pilot program under subsection (a), the Secretary shall give priority to locations that would facilitate public-private partnerships with academic medical centers of institutions of higher education, hospitals, and other entities with facilities that have an established history of providing clinical care, treatment, training, and research in the areas described in paragraph (3)(D) or other specializations determined important by the Secretary for purposes of the pilot program.";

(5) by striking subsection (g), as redesignated by paragraph (2), and inserting the following:

"(g) REPORTS.—

"(1) INITIAL REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the commencement of the pilot program under subsection (a), the Secretary shall submit to the appropriate congressional committees a report on the pilot program.

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

"(i) A description of the pilot program.

"(ii) The requirements established under subsection (e).

"(iii) The evaluation metrics established under subsection (f).

"(iv) Such other matters relating to the pilot program as the Secretary considers appropriate.

"(2) FINAL REPORT.—Not later than 180 days after the completion of the pilot program under subsection (a), the Secretary shall submit to the appropriate congressional committees a report on the pilot program."; and

(6) by adding at the end the following new subsection:

"(h) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) The Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives.

"(B) The Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Veterans' Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(2) The term 'institution of higher education' means a four-year institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).".

SEC. 742. REPORTS ON SUICIDE AMONG MEMBERS OF THE ARMED FORCES AND SUICIDE PREVENTION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 741(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1467) is amended—

(1) in subparagraph (B), by adding at the end the following new clause:

"(iii) The one-year period following the date on which the member returns from such a deployment.";

(2) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I), respectively;

(3) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) The number of suicides involving a member who was prescribed a medication to treat a mental health or behavioral health diagnosis during the one-year period preceding the death."; and

(4) by adding at the end the following new subparagraph:

"(J) A description of the programs carried out by the military departments to address and reduce the stigma associated with seeking assistance for mental health or suicidal thoughts.".

SEC. 743. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as most recently amended by section 732(4)(B) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1460), is further amended by striking "September 30, 2021" and inserting "September 30, 2022".

10 USC 1071 note.

SEC. 744. MILITARY HEALTH SYSTEM CLINICAL QUALITY MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Health Agency, shall implement a comprehensive program to be known as the "Military Health System Clinical Quality Management Program" (in this section referred to as the "Program").

(b) ELEMENTS OF PROGRAM.—The Program shall include, at a minimum, the following:

Procedures.

(1) The implementation of systematic procedures to eliminate, to the extent feasible, risk of harm to patients at military medical treatment facilities, including through identification, investigation, and analysis of events indicating a risk of patient harm and corrective action plans to mitigate such risks.

(2) With respect to a potential sentinel event (including those involving members of the Armed Forces) at a military medical treatment facility—

Analysis.

(A) an analysis of such event, which shall occur and be documented as soon as possible after the event;

(B) use of such analysis for clinical quality management; and

Reports.

(C) reporting of such event to the National Practitioner Data Bank in accordance with guidelines of the Secretary

of Health and Human Services under the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.), giving special emphasis to the results of external peer reviews of the event.

(3) Validation of provider credentials and granting of clinical privileges by the Director of the Defense Health Agency for all health care providers at a military medical treatment facility.

(4) Accreditation of military medical treatment facilities by a recognized external accreditation body.

(5) Systematic measurement of indicators of health care quality, emphasizing clinical outcome measures, comparison of such indicators with benchmarks from leading health care quality improvement organizations, and transparency with the public of appropriate clinical measurements for military medical treatment facilities.

(6) Systematic activities emphasized by leadership at all organizational levels to use all elements of the Program to eliminate unwanted variance throughout the health care system of the Department of Defense and make constant improvements in clinical quality.

(7) A full range of procedures for productive communication between patients and health care providers regarding actual or perceived adverse clinical events at military medical treatment facilities, including procedures— Procedures.

(A) for full disclosure of such events (respecting the confidentiality of peer review information under a medical quality assurance program under section 1102 of title 10, United States Code);

(B) providing an opportunity for the patient to be heard in relation to quality reviews; and

(C) to resolve patient concerns by independent, neutral health care resolution specialists.

(c) ADDITIONAL CLINICAL QUALITY MANAGEMENT ACTIVITIES.— Procedures.

(1) IN GENERAL.—In addition to the elements of the Program set forth in subsection (b), the Secretary shall establish and maintain clinical quality management activities in relation to functions of the health care system of the Department separate from delivery of health care services in military medical treatment facilities.

(2) HEALTH CARE DELIVERY OUTSIDE MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out paragraph (1), the Secretary shall maintain policies and procedures to promote clinical quality in health care delivery on ships and planes, in deployed settings, and in all other circumstances not covered by subsection (b), with the objective of implementing standards and procedures comparable, to the extent practicable, to those under such subsection.

(3) PURCHASED CARE SYSTEM.—In carrying out paragraph (1), the Secretary shall maintain policies and procedures for health care services provided outside the Department but paid for by the Department, reflecting best practices by public and private health care reimbursement and management systems.

10 USC 1071 note.

SEC. 745. WOUNDED WARRIOR SERVICE DOG PROGRAM.

(a) PROGRAM.—The Secretary of Defense shall establish a program, to be known as the "Wounded Warrior Service Dog Program", to provide assistance dogs to covered members and covered veterans.

(b) DEFINITIONS.—In this section:

(1) The term "assistance dog" means a dog specifically trained to perform physical tasks to mitigate the effects of a covered disability, except that the term does not include a dog specifically trained for comfort or personal defense.

(2) The term "covered disability" means any of the following:

(A) Blindness or visual impairment.

(B) Loss of use of a limb, paralysis, or other significant mobility issues.

(C) Loss of hearing.

(D) Traumatic brain injury.

(E) Post-traumatic stress disorder.

(F) Any other disability that the Secretary of Defense considers appropriate.

(3) The term "covered member" means a member of the Armed Forces who is—

(A) receiving medical treatment, recuperation, or therapy under chapter 55 of title 10, United States Code;

(B) in medical hold or medical holdover status; or

(C) covered under section 1202 or 1205 of title 10, United States Code.

(4) The term "covered veteran" means a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code.

10 USC 1073 note.

SEC. 746. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS DEMONSTRATION PROJECT.

Deadline. Evaluation.

(a) DEMONSTRATION PROJECT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a demonstration project designed to evaluate the cost, quality of care, and impact on maternal and fetal outcomes of using extramedical maternal health providers under the TRICARE program to determine the appropriateness of making coverage of such providers under the TRICARE program permanent.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—The demonstration project under subsection (a) shall include, for participants in the demonstration project, the following:

(1) Access to doulas.

(2) Access to lactation consultants or lactation counselors who are not otherwise authorized to provide services under the TRICARE program.

(c) PARTICIPANTS.—The Secretary shall establish a process under which covered beneficiaries may enroll in the demonstration project to receive the services provided under the demonstration project.

Notification. Federal Register, publication.

(d) DURATION.—The Secretary shall carry out the demonstration project for a period of five years beginning on the date on which notification of the commencement of the demonstration project is published in the Federal Register.

(e) SURVEYS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the demonstration project, the Secretary shall administer a survey to determine— Deadline. Determinations.

(A) how many members of the Armed Forces or spouses of such members give birth while their spouse or birthing partner is unable to be present due to deployment, training, or other mission requirements;

(B) how many single members of the Armed Forces give birth alone; and

(C) how many members of the Armed Forces or spouses of such members use doula, lactation consultant, or lactation counselor support.

(2) MATTERS COVERED BY SURVEYS.—The surveys administered under paragraph (1) shall include an identification of the following:

(A) The race, ethnicity, age, sex, relationship status, Armed Force, military occupation, and rank, as applicable, of each individual surveyed.

(B) If individuals surveyed were members of the Armed Forces or the spouses of such members, or both.

(C) The length of advanced notice received by individuals surveyed that the member of the Armed Forces would be unable to be present during the birth, if applicable.

(D) Any resources or support that the individuals surveyed found useful during the pregnancy and birth process, including doula, lactation consultant, or lactation counselor support.

(f) REPORTS.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a plan to implement the demonstration project. Deadline.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than one year after the date on which the demonstration project commences, and annually thereafter for the duration of the demonstration project, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the cost of the demonstration project and the effectiveness of the demonstration project in improving quality of care and the maternal and fetal outcomes of covered beneficiaries enrolled in the demonstration project. Costs.

(B) MATTERS COVERED.—Each report submitted under subparagraph (A) shall address, at a minimum, the following:

(i) The number of covered beneficiaries who are enrolled in the demonstration project.

(ii) The number of enrolled covered beneficiaries who have participated in the demonstration project.

(iii) The results of the surveys under subsection (e).

(iv) The cost of the demonstration project. Costs.

(v) An assessment of the quality of care provided to participants in the demonstration project. Assessment.

Assessment.

(vi) An assessment of the impact of the demonstration project on maternal and fetal outcomes.

Assessment.

(vii) An assessment of the effectiveness of the demonstration project.

Recommendations.

(viii) Recommendations for adjustments to the demonstration project.

Cost estimate.

(ix) The estimated costs avoided as a result of improved maternal and fetal health outcomes due to the demonstration project.

Recommendations.

(x) Recommendations for extending the demonstration project or implementing permanent coverage under the TRICARE program of extramedical maternal health providers.

(xi) An identification of legislative or administrative action necessary to make the demonstration project permanent.

(C) FINAL REPORT.—The final report under subparagraph (A) shall be submitted not later than 90 days after the date on which the demonstration project terminates.

(g) EXPANSION OF DEMONSTRATION PROJECT.—

Determination.

(1) REGULATIONS.—If the Secretary determines that the demonstration project is successful, the Secretary may prescribe regulations to include extramedical maternal health providers as health care providers authorized to provide care under the TRICARE program.

Notice.
Public comment.

(2) CREDENTIALING AND OTHER REQUIREMENTS.—The Secretary may establish credentialing and other requirements for doulas, lactation consultants, and lactation counselors through public notice and comment rulemaking for purposes of including doulas, lactation consultants, and lactation counselors as health care providers authorized to provide care under the TRICARE program pursuant to regulations prescribed under paragraph (1).

(h) DEFINITIONS.—In this section:

(1) The terms "covered beneficiary" and "TRICARE program" have the meanings given those terms in section 1072 of title 10, United States Code.

(2) The term "extramedical maternal health provider" means a doula, lactation consultant, or lactation counselor.

SEC. 747. BRIEFING ON DIET AND NUTRITION OF MEMBERS OF THE ARMED FORCES.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the diet and nutrition of members of the Armed Forces. The briefing shall describe the following:

(1) The relationship between the diet and nutrition of members and the health, performance, and combat effectiveness of members.

(2) The relationship between diets high in omega 3 fatty acids, or other diets that may lower inflammation and obesity, and improved mental health.

(3) The extent to which the food and beverages offered at the dining halls of the Armed Forces as of the date of the briefing are designed to optimize the health, performance,

and combat effectiveness of members according to science-based approaches.

(4) The plan of the Secretary to improve the health, performance, and combat effectiveness of members by modifying the food and beverages offered at such dining halls, including in ways that minimize the change for members. Plan.

(5) Expected costs and timeline to implement such plan, including any projected costs or savings from reduced medical costs if the plan is implemented. Costs. Timeline.

SEC. 748. AUDIT OF MEDICAL CONDITIONS OF RESIDENTS IN PRIVATIZED MILITARY HOUSING.

(a) AUDIT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall commence the conduct of an audit of— Deadline.

(1) the medical conditions of eligible individuals and the association between adverse exposures of such individuals in unsafe or unhealthy housing units and the health of such individuals; and

(2) the process under section 3053 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1943), including whether such process will adequately address resolution of environmental health hazards identified as a result of the inspections and assessments conducted pursuant to sections 3051(b) and 3052(b) of such Act (Public Law 116–92; 133 Stat. 1941 and 1942).

(b) CONTENT OF AUDIT.—In conducting the audit under subsection (a), the Inspector General shall—

(1) determine the percentage of units of privatized military housing that are considered by the Inspector General to be unsafe or unhealthy housing units and visit at least one military installation of the Department of Defense from each of the Army, Navy, Air Force, and Marine Corps to verify that such units are unsafe or unhealthy housing units; Determination.

(2) study the adverse exposures of eligible individuals that relate to residing in an unsafe or unhealthy housing unit and the effect of such exposures on the health of such individuals; Study.

(3) determine, to the extent permitted by available scientific data, the association between such adverse exposures and the occurrence of a medical condition in eligible individuals residing in unsafe or unhealthy housing units and provide quantifiable data on such association; Determination.

(4) review the process to identify, record, and resolve environmental health hazards developed by the Secretary of Defense under section 3053 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1943); Review.

(5) review the inspections and assessments conducted pursuant to sections 3051(b) and 3052(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1941 and 1942); Review.

(6) study the relationship between the process specified in paragraph (4) and any environmental health hazards identified as a result of the inspections and assessments specified in paragraph (5) to determine whether such process will adequately address resolution of such hazards and complaints that Study. Determination.

relate to such hazards made by eligible individuals residing in privatized military housing; and

Recommendations.

(7) make such recommendations as the Inspector General may have to improve the process specified in paragraph (4).

(c) CONDUCT OF AUDIT.—The Inspector General shall conduct the audit under subsection (a) using the same privacy preserving guidelines used by the Inspector General in conducting other audits of health records.

Records.

(d) SOURCE OF DATA.—In conducting the audit under subsection (a), the Inspector General shall use—

(1) de-identified data from electronic health records of the Department;

(2) records of claims under the TRICARE program; and

(3) such other data as determined necessary by the Inspector General.

(e) SUBMISSION AND PUBLIC AVAILABILITY OF REPORT.—Not later than one year after the commencement of the audit under subsection (a), the Inspector General shall—

Recommendations.

(1) submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the audit conducted under subsection (a), including any recommendations made under subsection (b)(7); and

Web posting.

(2) publish such report on a publicly available internet website of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) The term "eligible individual" means a member of the Armed Forces or a family member of a member of the Armed Forces who has resided in an unsafe or unhealthy housing unit.

(2) The term "privatized military housing" means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) The term "TRICARE program" has the meaning given such term section 1072 of title 10, United States Code.

(4) The term "unsafe or unhealthy housing unit" means a unit of privatized military housing in which is present, at levels exceeding national standards or guidelines, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including ease of access by unlawful intruders or lighting issues.

(C) Poor ventilation.

(D) Safety hazards.

(E) Other similar hazards as determined by the Inspector General.

SEC. 749. ASSESSMENT OF RECEIPT BY CIVILIANS OF EMERGENCY MEDICAL TREATMENT AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall complete an assessment of the provision by the Secretary of Defense of emergency medical treatment to civilians who are not covered beneficiaries at military medical treatment facilities during the period beginning on October 1, 2015, and ending on September 30, 2020. Deadline. Time period.

(b) ELEMENTS OF ASSESSMENT.—The assessment under subsection (a) shall include, with respect to civilians who received emergency medical treatment at a military medical treatment facility during the period specified in such paragraph, the following:

(1) The total fees charged to such civilians for such treatment and the total fees collected.

(2) The amount of medical debt from such treatment that was garnished from such civilians, categorized by garnishment from Social Security benefits, tax refunds, wages, or other financial assets.

(3) The number of such civilians from whom medical debt from such treatment was garnished.

(4) The total fees for such treatment that were waived for such civilians.

(5) With respect to medical debt incurred by such civilians from such treatment—

(A) the amount of such debt that was collected by the Secretary of Defense;

(B) the amount of such debt still owed to the Department of Defense; and

(C) the amount of such debt transferred from the Department of Defense to the Department of the Treasury for collection.

(6) The number of such civilians from whom such medical debt was collected who did not possess medical insurance at the time of such treatment.

(7) The number of such civilians from whom such medical debt was collected who collected Social Security benefits at the time of such treatment.

(8) The number of such civilians from whom such medical debt was collected who, at the time of such treatment, earned—

(A) less than the poverty line;

(B) less than 200 percent of the poverty line;

(C) less than 300 percent of the poverty line; and

(D) less than 400 percent of the poverty line.

(9) An assessment of the process through which military medical treatment facilities seek to recover unpaid medical debt from such civilians, including whether the Secretary of Defense contracts with private debt collectors to recover such unpaid medical debt.

(10) An assessment of the process, if any, through which such civilians can apply to have medical debt for such treatment waived, forgiven, canceled, or otherwise determined to not be a financial obligation of the civilian.

(11) Such other information as the Comptroller General determines appropriate.

(c) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(1) not later than December 1, 2021, a report containing preliminary observations with respect to the assessment under subsection (a); and

(2) at such time and in such format as is mutually agreed upon by the committees and the Comptroller General, a report containing the final results of such assessment.

(d) DEFINITIONS.—In this section:

(1) The term "civilian" means an individual who is not—

(A) a member of the Armed Forces;

(B) a contractor of the Department of Defense; or

(C) a civilian employee of the Department.

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of title 10, United States Code.

(3) The term "poverty line" has the meaning given that term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

SEC. 750. STUDY ON THE INCIDENCE OF CANCER DIAGNOSIS AND MORTALITY AMONG MILITARY AVIATORS AND AVIATION SUPPORT PERSONNEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in conjunction with the Directors of the National Institutes of Health and the National Cancer Institute, shall conduct a study on cancer among covered individuals in two phases as provided in this subsection.

(2) PHASE 1.—

Determination.

(A) IN GENERAL.—Under the initial phase of the study conducted under paragraph (1), the Secretary of Defense shall determine if there is a higher incidence of cancers occurring for covered individuals as compared to similar age groups in the general population through the use of the database of the Surveillance, Epidemiology, and End Results program of the National Cancer Institute.

(B) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the initial phase of the study under subparagraph (A).

(3) PHASE 2.—

(A) IN GENERAL.—If, pursuant to the initial phase of the study under paragraph (2), the Secretary concludes that there is an increased rate of cancers among covered individuals, the Secretary shall conduct a second phase of the study under which the Secretary shall do the following:

(i) Identify the carcinogenic toxins or hazardous materials associated with military flight operations from shipboard or land bases or facilities, such as fuels, fumes, and other liquids.

(ii) Identify the operating environments, including frequencies or electromagnetic fields, where exposure to ionizing radiation (associated with high altitude

flight) and nonionizing radiation (associated with airborne, ground, and shipboard radars) occurred in which covered individuals could have received increased radiation amounts.

(iii) Identify, for each covered individual, duty stations, dates of service, aircraft flown, and additional duties (including Landing Safety Officer, Catapult and Arresting Gear Officer, Air Liaison Officer, Tactical Air Control Party, or personnel associated with aircraft maintenance, supply, logistics, fuels, or transportation) that could have increased the risk of cancer for such covered individual.

(iv) Determine locations where a covered individual served or additional duties of a covered individual that are associated with higher incidences of cancers.

(v) Identify potential exposures due to service in the Armed Forces that are not related to aviation, such as exposure to burn pits or toxins in contaminated water, embedded in the soil, or inside bases or housing.

(vi) Determine the appropriate age to begin screening covered individuals for cancer based on race, gender, flying hours, period of service as aviation support personnel, Armed Force, type of aircraft, and mission.

(B) DATA.—The Secretary shall format all data included in the study conducted under this paragraph in accordance with the Surveillance, Epidemiology, and End Results program of the National Cancer Institute, including by disaggregating such data by race, gender, and age.

(C) REPORT.—Not later than one year after the submittal of the report under paragraph (2)(B), if the Secretary conducts the second phase of the study under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study conducted under this paragraph.

(4) USE OF DATA FROM PREVIOUS STUDIES.—In conducting the study under this subsection, the Secretary of Defense shall incorporate data from previous studies conducted by the Air Force, the Navy, or the Marine Corps that are relevant to the study under this subsection, including data from the comprehensive study conducted by the Air Force identifying each covered individual and documenting the cancers, dates of diagnoses, and mortality of each covered individual.

(b) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

(2) The term "Armed Forces"—

(A) has the meaning given the term "armed forces" in section 101 of title 10, United States Code; and

(B) includes the reserve components named in section 10101 of such title.

(3) The term "covered individual"—

(A) means an aviator or aviation support personnel who—

(i) served in the Armed Forces on or after February 28, 1961; and

(ii) receives benefits under chapter 55 of title 10, United States Code; and

(B) includes any air crew member of fixed-wing aircraft and personnel supporting generation of the aircraft, including pilots, navigators, weapons systems operators, aircraft system operators, personnel associated with aircraft maintenance, supply, logistics, fuels, or transportation, and any other crew member who regularly flies in an aircraft or is required to complete the mission of the aircraft.

SEC. 751. STUDY ON EXPOSURE TO TOXIC SUBSTANCES AT KARSHI-KHANABAD AIR BASE, UZBEKISTAN.

(a) STUDY.—

Time period.

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on exposure to toxic substances by members of the Armed Forces deployed to Karshi-Khanabad Air Base, Uzbekistan, at any time during the period beginning on October 1, 2001, and ending on December 31, 2005.

Assessments.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) An assessment regarding the conditions of Karshi-Khanabad Air Base, Uzbekistan, during the period beginning on October 1, 2001, and ending on December 31, 2005, including an identification of any toxic substances contaminating the Air Base during such period.

(B) An epidemiological study of the health consequences of members of the Armed Forces deployed to the Air Base at any time during such period.

(C) An assessment of any association between exposure to toxic substances identified under subparagraph (A) and the health consequences studied under subparagraph (B).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the results of the study under subsection (a).

SEC. 752. REVIEW AND REPORT ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES STATIONED AT REMOTE INSTALLATIONS OUTSIDE THE CONTIGUOUS UNITED STATES.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of efforts by the Department of Defense to prevent suicide among covered members.

Assessments.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include an assessment of each of the following:

(1) Current policy guidelines of the Armed Forces on the prevention of suicide among covered members.

(2) Current suicide prevention programs and activities of the Armed Forces provided to covered members and their dependents, including programs provided by the Defense Health Program and the Defense Suicide Prevention Office.

(3) The integration of mental health screenings and efforts relating to suicide risk and suicide prevention for covered members and their dependents into the delivery of primary care for such members and dependents.

(4) The standards for responding to attempted or completed suicides among covered members and their dependents, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide that occur within their units.

(5) The standards regarding data collection for covered members and their dependents, including the collection of data on factors that relate to suicide, such as domestic violence and child abuse.

(6) The means used to ensure the protection of privacy of covered members and their dependents who seek or receive treatment relating to suicide prevention.

(7) The availability of information from indigenous populations on suicide prevention for covered members who are members of such a population.

(8) The availability of information from graduate research programs of institutions of higher education on suicide prevention for members of the Armed Forces.

(9) Such other matters as the Comptroller General considers appropriate in connection with the prevention of suicide among covered members and their dependents.

(c) BRIEFING AND REPORT.—The Comptroller General shall—

(1) not later than October 1, 2021, brief the Committees on Armed Services of the House of Representatives and the Senate on preliminary observations relating to the review under subsection (a); and Deadline.

(2) not later than March 1, 2022, submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the results of such review.

(d) DEFINITIONS.—In this section:

(1) The term "covered installation" means a remote installation of the Department of Defense located outside the contiguous United States.

(2) The term "covered member" means a member of the Armed Forces who is stationed at a covered installation.

SEC. 753. STUDY ON MEDEVAC HELICOPTERS AND AMBULANCES AT CERTAIN MILITARY INSTALLATIONS.

(a) STUDY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing a feasibility study on the use and maintenance of medical evacuation helicopters and ground ambulances at covered military installations. Reports.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) The requirements analysis that determines whether a medical evacuation helicopter and ground ambulance or similar vehicles are required at covered military installations. Analysis.

(2) The frequency with which such helicopters and ambulances are inspected for maintenance and restocked with the required supplies and equipment.

(3) The frequency with which training exercises occur involving the use of such helicopters and ambulances.

(4) The planning factors associated with ensuring that the capabilities provided by such helicopters and ambulances are readily available and the contingency plans that may involve the use of helicopters or ambulances provided by allies of the United States or host countries.

(c) COVERED MILITARY INSTALLATION DEFINED.—In this section, the term "covered military installation" means each military installation outside the United States at which the Secretary anticipates the United States will have an enduring presence.

SEC. 754. COMPTROLLER GENERAL STUDY ON PRENATAL AND POSTPARTUM MENTAL HEALTH CONDITIONS AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on prenatal and postpartum mental health conditions among members of the Armed Forces and the dependents of such members.

Assessments.

(2) ELEMENTS.—The study under paragraph (1) shall include the following:

(A) An assessment of—

(i) the extent to which beneficiaries under the TRICARE program, including members of the Armed Forces and the dependents of such members, are diagnosed with—

(I) prenatal or postpartum depression;

(II) prenatal or postpartum anxiety disorder;

(III) prenatal or postpartum obsessive compulsive disorder;

(IV) prenatal or postpartum psychosis; and

(V) other relevant mood disorders; and

(ii) the extent to which data is collected on the prenatal or postpartum mental health conditions specified under clause (i).

(B) A demographic assessment of the population included in the study with respect to race, ethnicity, sex, age, relationship status, military service, military occupation, and rank, where applicable.

(C) An assessment of the status of prenatal and postpartum mental health care for beneficiaries under the TRICARE program, including those who seek care at military medical treatment facilities and those who rely on civilian providers.

(D) An assessment of the ease or delay for beneficiaries under the TRICARE program in obtaining treatment for prenatal and postpartum mental health conditions, including—

(i) an assessment of wait times for mental health treatment at each military medical treatment facility; and

(ii) a description of the reasons such beneficiaries may cease seeking such treatment.

(E) A comparison of the rates of prenatal or postpartum mental health conditions within the military community

to such rates in the civilian population, as reported by the Centers for Disease Control and Prevention.

(F) An assessment of any effects of implicit or explicit bias in prenatal and postpartum mental health care under the TRICARE program, or evidence of racial or socio-economic barriers to such care.

(G) The extent to which treatment for mental health issues specified under subparagraph (A)(i) is available and accessible to members of the Armed Forces serving on active duty and the spouses of such members.

(H) The barriers that prevent members of the Armed Forces serving on active duty, and the spouses of such members, from seeking or obtaining care for such mental health issues.

(I) The ways in which the Department of Defense is addressing barriers identified under subparagraph (H).

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the study conducted under subsection (a), including— Recommendations.

(1) recommendations for actions to be taken by the Secretary of Defense to improve prenatal and postpartum mental health among members of the Armed Forces and dependents of such members; and

(2) such other recommendations as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section, the terms "dependent" and "TRICARE program" have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 755. REPORT ON LAPSES IN TRICARE COVERAGE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE COMPONENTS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department, in consultation with the Director of the Defense Health Agency, shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing an analysis of each of the following with respect to the military department of the Secretary: Consultation. Analyses.

(1) Any lapses in coverage under the TRICARE program for a member of a reserve component that occurred during the eight-year period ending on the date of the enactment of this Act and were caused by a change in the duty status of such member, including an identification of the total number of such lapses. Time period.

(2) The factors contributing to any such lapses, including—

(A) technological factors, including factors relating to outdated systems;

(B) human errors in processing changes in duty status;

(C) shortages in the level of administrative staffing of the reserve component; and

(D) integration of systems of the reserve component with Integrated Pay and Personnel Systems.

(3) How factors contributing to any such lapses were identified under paragraph (2) and whether actions have been taken to address the factors.

(4) The effect of any such lapses on—

(A) the delivery of health care benefits to members of the reserve components and the eligible dependents of such members; or

(B) force readiness and force retention.

(5) The parties responsible for identifying and communicating to a member of a reserve component issues relating to eligibility under the TRICARE program.

(6) The methods by which a member of a reserve component, an eligible dependent of such member, or the Secretary of Defense may verify the status of enrollment in the TRICARE program regarding the member before, during, and after a deployment of the member.

(7) The comparative effectiveness, with respect to the delivery of health care benefits to a member of a reserve component and eligible dependents of such member, of—

(A) continuing the current process by which a previously eligible member must transition from coverage under TRICARE Reserve Select to coverage under TRICARE Prime after a change to active service in the duty status of such member; and

(B) establishing a new process by which a previously eligible member may remain covered by TRICARE Reserve Select after a change to active service in the duty status of such member (whether by allowing a previously eligible member to pay a premium for such coverage or by requiring the Federal Government to provide for such coverage).

(8) Whether the current process referred to in paragraph (7)(A) negatively affects the delivery of health care benefits as a result of transitions between network providers.

(9) The current status and expected completion of duty status reform for personnel of the reserve components.

(10) The actions necessary to prevent future occurrences of such lapses, including legislative actions.

(b) DEFINITIONS.—In this section:

(1) The term "active service" has the meaning given that term in section 101(d) of title 10, United States Code.

(2) The term "eligible dependent" means a dependent of a member of a reserve component—

(A) described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code; and

(B) eligible for coverage under the TRICARE program.

(3) The term "previously eligible member" means a member of a reserve component who was eligible for coverage under TRICARE Reserve Select pursuant to section 1076d of title 10, United States Code, prior to a change to active service in the duty status of such member.

(4) The terms "TRICARE Prime" and "TRICARE program" have the meanings given those terms in section 1072 of title 10, United States Code.

(5) The term "TRICARE Reserve Select" has the meaning given that term in section 1076d(f) of title 10, United States Code.

SEC. 756. STUDY AND REPORT ON INCREASING TELEHEALTH SERVICES ACROSS ARMED FORCES.

(a) STUDY.—The Secretary of Defense shall conduct a study that reviews, identifies, and evaluates the technology approaches, policies, and concepts of operations of telehealth and telemedicine programs across all military departments. The study shall include the following: Reviews. Evaluations.

(1) Identification and evaluation of limitations and vulnerabilities of health care and medicine capabilities with respect to telemedicine.

(2) Identification and evaluation of essential technologies needed to achieve documented goals and capabilities of telehealth and associated technologies required to support sustainability.

(3) Development of a technology maturation roadmap, including an estimated funding profile over time, needed to achieve an effective operational telehealth usage that describes both the critical and associated supporting technologies, systems integration, prototyping and experimentation, and test and evaluation. Estimate.

(4) An analysis of telehealth programs, such as remote diagnostic testing and evaluation tools that contribute to the medical readiness of military medical providers. Analysis.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the study conducted under subsection (a).

SEC. 757. STUDY ON FORCE MIX OPTIONS AND SERVICE MODELS TO ENHANCE READINESS OF MEDICAL FORCE OF THE ARMED FORCES.

(a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center or other independent entity to conduct a study on force mix options and service models (including traditional and nontraditional active and reserve models) to enhance the readiness of the medical force of the Armed Forces to deliver combat care on the battlefield and assist public health responses to pandemics or other national public health emergencies. Deadline. Contracts.

(b) ELEMENTS.—The study under subsection (a) shall include, at a minimum and conducted separately with respect to members of the Armed Forces on active duty and members of the reserve components—

(1) a review of existing models for such members who are medical professionals to improve clinical readiness skills by serving in civilian trauma centers, Federal agencies, or other organizations determined appropriate by the Secretary; Review.

(2) an assessment of the extent to which such existing models can be optimized, standardized, and scaled to address readiness shortfalls; and Assessment.

(3) an evaluation of the cost and effectiveness of alternative models for such members who are medical professionals to serve in the centers, agencies, and organizations specified in subparagraph (A). Evaluation.

Recommendations.

(c) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and recommendations resulting from the study under subsection (a).

SEC. 758. REPORT ON BILLING PRACTICES FOR HEALTH CARE FROM DEPARTMENT OF DEFENSE.

(a) REPORT.—

Assessments.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the billing practices of the Department of Defense for care received under the TRICARE program or at military medical treatment facilities.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the extent to which data is being collected and maintained on whether beneficiaries under the TRICARE program have other forms of health insurance.

(B) A description of the extent to which the Secretary of Defense has implemented the recommendations of the Inspector General of the Department of Defense to improve collections of third-party payments for care at military medical treatment facilities and a description of the impact such implementation has had on such beneficiaries.

(C) A description of the extent to which the process used by managed care support contractors under the TRICARE program to adjudicate third-party liability claims is efficient and effective, including with respect to communication with such beneficiaries.

(b) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

Care and Readiness Enhancement for Reservists Act of 2020.

Subtitle E—Mental Health Services From Department of Veterans Affairs for Members of Reserve Components

38 USC 101 note.

SEC. 761. SHORT TITLE.

This subtitle may be cited as the "Care and Readiness Enhancement for Reservists Act of 2020" or the "CARE for Reservists Act of 2020".

SEC. 762. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND RELATED OUTPATIENT SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) READJUSTMENT COUNSELING.—Subsection (a)(1) of section 1712A of title 38, United States Code, is amended by adding at the end the following new subparagraph:

Consultation.

"(D)(i) The Secretary, in consultation with the Secretary of Defense, may furnish to any member of the reserve components

of the Armed Forces who has a behavioral health condition or psychological trauma, counseling under subparagraph (A)(i), which may include a comprehensive individual assessment under subparagraph (B)(i).

"(ii) A member of the reserve components of the Armed Forces described in clause (i) shall not be required to obtain a referral before being furnished counseling or an assessment under this subparagraph.".

(b) OUTPATIENT SERVICES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting "to an individual" after "If, on the basis of the assessment furnished"; and

(B) by striking "veteran" each place it appears and inserting "individual"; and

(2) in paragraph (2), by striking "veteran" and inserting "individual".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act. 38 USC 1712A note.

SEC. 763. PROVISION OF MENTAL HEALTH SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1789. Mental health services for members of the reserve components of the Armed Forces 38 USC 1789.

"The Secretary, in consultation with the Secretary of Defense, may furnish mental health services to members of the reserve components of the Armed Forces.". Consultation.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1788 the following new item: 38 USC prec. 1701.

"1789. Mental health services for members of the reserve components of the Armed Forces.".

SEC. 764. INCLUSION OF MEMBERS OF RESERVE COMPONENTS IN MENTAL HEALTH PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) SUICIDE PREVENTION PROGRAM.—

(1) IN GENERAL.—Section 1720F of title 38, United States Code, is amended by adding at the end the following new subsection:

"(l)(1) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means a veteran or a member of the reserve components of the Armed Forces.

"(2) In determining coverage of members of the reserve components of the Armed Forces under the comprehensive program, the Secretary shall consult with the Secretary of Defense.". Determination. Consultation.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by striking "veterans" and inserting "covered individuals";

(B) in subsection (b), by striking "veterans" each place it appears and inserting "covered individuals";

(C) in subsection (c)—

(i) in the subsection heading, by striking "OF VETERANS";

(ii) by striking "veterans" each place it appears and inserting "covered individuals"; and

(iii) by striking "veteran" and inserting "individual";

(D) in subsection (d), by striking "to veterans" each place it appears and inserting "to covered individuals";

(E) in subsection (e), in the matter preceding paragraph (1), by striking "veterans" and inserting "covered individuals";

(F) in subsection (f)—

(i) in the first sentence, by striking "veterans" and inserting "covered individuals"; and

(ii) in the second sentence, by inserting "or members" after "veterans";

(G) in subsection (g), by striking "veterans" and inserting "covered individuals";

(H) in subsection (h), by striking "veterans" and inserting "covered individuals";

(I) in subsection (i)—

(i) in the subsection heading, by striking "FOR VETERANS AND FAMILIES";

(ii) in the matter preceding paragraph (1), by striking "veterans and the families of veterans" and inserting "covered individuals and the families of covered individuals";

(iii) in paragraph (2), by striking "veterans" and inserting "covered individuals"; and

(iv) in paragraph (4), by striking "veterans" each place it appears and inserting "covered individuals";

(J) in subsection (j)—

(i) in paragraph (1), by striking "veterans" each place it appears and inserting "covered individuals"; and

(ii) in paragraph (4)—

(I) in subparagraph (A), in the matter preceding clause (i), by striking "women veterans" and inserting "covered individuals who are women";

(II) in subparagraph (B), by striking "women veterans who" and inserting "covered individuals who are women and"; and

(III) in subparagraph (C), by striking "women veterans" and inserting "covered individuals who are women"; and

(K) in subsection (k), by striking "veterans" and inserting "covered individuals".

(3) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—Such section is further amended, in the section heading, by inserting "**and members of the reserve components of the Armed Forces**" after "**veterans**".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking the

38 USC prec. 1701.

item relating to section 1720F and inserting the following new item:

"1720F. Comprehensive program for suicide prevention among veterans and members of the reserve components of the Armed Forces.".

(b) MENTAL HEALTH TREATMENT FOR INDIVIDUALS WHO SERVED IN CLASSIFIED MISSIONS.—

(1) IN GENERAL.—Section 1720H of such title is amended— 38 USC 1720H.

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "eligible veteran" and inserting "eligible individual"; and

(II) by striking "the veteran" and inserting "the individual"; and

(ii) in paragraph (3), by striking "eligible veterans" and inserting "eligible individuals";

(B) in subsection (b)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "eligible veteran" and inserting "eligible individual"; and

(C) in subsection (c)—

(i) in paragraph (2), in the matter preceding subparagraph (A), by striking "The term 'eligible veteran' means a veteran" and inserting "The term 'eligible individual' means a veteran or a member of the reserve components of the Armed Forces"; and

(ii) in paragraph (3), by striking "eligible veteran" and inserting "eligible individual".

(2) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—Such section is further amended, in the section heading, by inserting "**and members of the reserve components of the Armed Forces**" after "**veterans**".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1720H and inserting the following new item: 38 USC prec. 1701.

"1720H. Mental health treatment for veterans and members of the reserve components of the Armed Forces who served in classified missions.".

SEC. 765. REPORT ON MENTAL HEALTH AND RELATED SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and the House of Representatives a report that includes an assessment of the following: Assessments.

(1) The increase, as compared to the day before the date of the enactment of this Act, of the number of members of the Armed Forces that use readjustment counseling or outpatient mental health care from the Department of Veterans Affairs, disaggregated by State, Vet Center location, and clinical care site of the Department, as appropriate.

(2) The number of members of the reserve components of the Armed Forces receiving telemental health care from the Department.

(3) The increase, as compared to the day before the date of the enactment of this Act, of the annual cost associated with readjustment counseling and outpatient mental health care provided by the Department to members of the reserve components of the Armed Forces.

(4) The changes, as compared to the day before the date of the enactment of this Act, in staffing, training, organization, and resources required for the Department to offer readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.

(5) Any challenges the Department has encountered in providing readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.

(b) VET CENTER DEFINED.—In this section, the term "Vet Center" has the meaning given that term in section 1712A(h) of title 38, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Report on acquisition risk assessment and mitigation as part of Adaptive Acquisition Framework implementation.
Sec. 802. Improving planning, execution, and oversight of life cycle sustainment activities.
Sec. 803. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts.
Sec. 804. Implementation of modular open systems approaches.
Sec. 805. Congressional notification of termination of a middle tier acquisition program.
Sec. 806. Definition of material weakness for contractor business systems.
Sec. 807. Space system acquisition and the adaptive acquisition framework.
Sec. 808. Acquisition authority of the Director of the Joint Artificial Intelligence Center.
Sec. 809. Assessments of the process for developing capability requirements for Department of Defense acquisition programs.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Sustainment reform for the Department of Defense.
Sec. 812. Inclusion of software in Government performance of acquisition functions.
Sec. 813. Modifications to Comptroller General assessment of acquisition programs and related initiatives.
Sec. 814. Cost or pricing data reporting requirements for Department of Defense contracts.
Sec. 815. Prompt payment of contractors.
Sec. 816. Documentation pertaining to commercial item determinations.
Sec. 817. Modification to small purchase threshold exception to sourcing requirements for certain articles.
Sec. 818. Repeal of program for qualified apprentices for military construction contracts.
Sec. 819. Modifications to mitigating risks related to foreign ownership, control, or influence of Department of Defense contractors and subcontractors.
Sec. 820. Contract closeout authority for services contracts.
Sec. 821. Revision of proof required when using an evaluation factor for employing or subcontracting with members of the Selected Reserve.

Subtitle C—Provisions Relating to Software and Technology

Sec. 831. Contract authority for development and demonstration of initial or additional prototype units.

Sec. 832. Extension of pilot program for streamlined awards for innovative technology programs.
Sec. 833. Listing of other transaction authority consortia.
Sec. 834. Pilot program on the use of consumption-based solutions to address software-intensive warfighting capability.
Sec. 835. Balancing security and innovation in software development and acquisition.
Sec. 836. Digital modernization of analytical and decision-support processes for managing and overseeing Department of Defense acquisition programs.
Sec. 837. Safeguarding defense-sensitive United States intellectual property, technology, and other data and information.
Sec. 838. Comptroller General report on implementation of software acquisition reforms.
Sec. 839. Comptroller General report on intellectual property acquisition and licensing.

Subtitle D—Industrial Base Matters

Sec. 841. Additional requirements pertaining to printed circuit boards.
Sec. 842. Report on nonavailability determinations and quarterly national technology and industrial base briefings.
Sec. 843. Modification of framework for modernizing acquisition processes to ensure integrity of industrial base and inclusion of optical transmission components.
Sec. 844. Expansion on the prohibition on acquiring certain metal products.
Sec. 845. Miscellaneous limitations on the procurement of goods other than United States goods.
Sec. 846. Improving implementation of policy pertaining to the national technology and industrial base.
Sec. 847. Report and limitation on the availability of funds relating to eliminating the gaps and vulnerabilities in the national technology and industrial base.
Sec. 848. Supply of strategic and critical materials for the Department of Defense.
Sec. 849. Analyses of certain activities for action to address sourcing and industrial capacity.
Sec. 850. Implementation of recommendations for assessing and strengthening the manufacturing and defense industrial base and supply chain resiliency.
Sec. 851. Report on strategic and critical materials.
Sec. 852. Report on aluminum refining, processing, and manufacturing.

Subtitle E—Small Business Matters

Sec. 861. Initiatives to support small businesses in the national technology and industrial base.
Sec. 862. Transfer of verification of small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration.
Sec. 863. Employment size standard requirements for small business concerns.
Sec. 864. Maximum award price for sole source manufacturing contracts.
Sec. 865. Reporting requirement on expenditure amounts for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.
Sec. 866. Small businesses in territories of the United States.
Sec. 867. Eligibility of the Commonwealth of the Northern Mariana Islands for certain Small Business Administration programs.
Sec. 868. Past performance ratings of certain small business concerns.
Sec. 869. Extension of participation in 8(a) program.
Sec. 870. Compliance of Offices of Small Business and Disadvantaged Business Utilization.
Sec. 871. Category management training.

Subtitle F—Other Matters

Sec. 881. Review of and report on overdue acquisition and cross-servicing agreement transactions.
Sec. 882. Domestic comparative testing activities.
Sec. 883. Prohibition on awarding of contracts to contractors that require nondisclosure agreements relating to waste, fraud, or abuse.
Sec. 884. Program management improvement officers and program management policy council.
Sec. 885. Disclosure of beneficial owners in database for Federal agency contract and grant officers.
Sec. 886. Repeal of pilot program on payment of costs for denied Government Accountability Office bid protests.

Sec. 887. Amendments to submissions to Congress relating to certain foreign military sales.
Sec. 888. Revision to requirement to use firm fixed-price contracts for foreign military sales.
Sec. 889. Assessment and enhancement of national security innovation base.
Sec. 890. Identification of certain contracts relating to construction or maintenance of a border wall.
Sec. 891. Waivers of certain conditions for progress payments under certain contracts during the COVID–19 national emergency.

Subtitle A—Acquisition Policy and Management

SEC. 801. REPORT ON ACQUISITION RISK ASSESSMENT AND MITIGATION AS PART OF ADAPTIVE ACQUISITION FRAMEWORK IMPLEMENTATION.

(a) IN GENERAL.—Each service acquisition executive shall submit to the Secretary of Defense, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Chief Information Officer of the Department of Defense a report on how such service acquisition executive is, with respect to the risks in acquisition programs described in subsection (b)—

(1) assessing such risks;

(2) mitigating such risks; and

(3) reporting within the Department of Defense and to Congress on such risks.

(b) ACQUISITION PROGRAM RISKS.—The risks in acquisition programs described in this subsection are the following:

(1) Technical risks in engineering, software, manufacturing and testing.

(2) Integration and interoperability risks, including complications related to systems working across multiple domains while using machine learning and artificial intelligence capabilities to continuously change and optimize system performance.

(3) Operations and sustainment risks, including as mitigated by appropriate sustainment planning earlier in the lifecycle of a program, access to technical data, and intellectual property rights.

(4) Workforce and training risks, including consideration of the role of contractors as part of the total workforce.

(5) Supply chain risks, including cybersecurity, foreign control and ownership of key elements of supply chains, and the consequences that a fragile and weakening defense industrial base, combined with barriers to industrial cooperation with allies and partners, pose for delivering systems and technologies in a trusted and assured manner.

(c) REPORT TO CONGRESS.—Not later than March 31, 2021, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report including—

(1) the input received from the service acquisition executives pursuant to subsection (a); and

(2) the views of the Under Secretary with respect to the matters described in paragraphs (1) through (5) of subsection (b).

SEC. 802. IMPROVING PLANNING, EXECUTION, AND OVERSIGHT OF LIFE CYCLE SUSTAINMENT ACTIVITIES.

(a) PLANNING FOR LIFE CYCLE SUSTAINMENT.—Section 2337 of title 10, United States Code, is amended—

(1) by striking "major weapon system" each place it appears and inserting "covered system";

(2) by striking "major weapon systems" each place it appears and inserting "covered systems";

(3) by striking "weapon system" each place it appears and inserting "covered system";

(4) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(5) by inserting after subsection (a) the following new subsection:

"(b) LIFE CYCLE SUSTAINMENT PLAN.—Before granting Milestone B approval (or the equivalent), the milestone decision authority shall ensure that each covered system has an approved life cycle sustainment plan. The life cycle sustainment plan shall include—

"(1) a comprehensive product support strategy; Strategy.

"(2) performance goals, including key performance parameters for sustainment, key system attributes of the covered system, and other appropriate metrics;

"(3) an approved life-cycle cost estimate for the covered system; Cost estimate.

"(4) affordability constraints and key cost factors that could affect the operating and support costs of the covered system;

"(5) sustainment risks and proposed mitigation plans for such risks;

"(6) engineering and design considerations that support cost-effective sustainment of the covered system;

"(7) a technical data and intellectual property management plan for product support; and Data.

"(8) major maintenance and overhaul requirements that will be required during the life cycle of the covered system."; Requirements.

(6) in subsection (c)(2), as so redesignated—

(A) by amending subparagraph (A) to read as follows:

"(A) develop, update, and implement a life cycle sustainment plan described in subsection (b);";

(B) in subparagraph (B), by striking "use" and inserting "ensure the life cycle sustainment plan is informed by"; and

(C) in subparagraph (C), by inserting "and life cycle sustainment plan" after "product support strategy";"; and

(7) in subsection (d), as so redesignated—

(A) by amending paragraph (5) to read as follows:

"(5) COVERED SYSTEM.—The term 'covered system' means— Definition.

"(A) a major defense acquisition program as defined in section 2430 of this title; or

"(B) an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) that is estimated by the Secretary of Defense to require an eventual total expenditure described in section 2430(a)(1)(B)."; and

(B) by adding at the end the following new paragraphs: Definitions.

"(6) MILESTONE B APPROVAL.—The term 'Milestone B approval' has the meaning given that term in section 2366(e)(7) of this title.

"(7) MILESTONE DECISION AUTHORITY.—The term 'milestone decision authority' has the meaning given in section 2431a(e)(5) of this title.".

(b) ADDITIONAL REQUIREMENTS BEFORE MILESTONE B APPROVAL.—Section 2366b of title 10, United States Code is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(P) has approved the life cycle sustainment plan required under section 2337(b) of this title."; and

(2) in subsection (c)(1)—

(A) by redesignating subparagraph (H) as subparagraph (I); and

(B) by inserting after subparagraph (G) the following new subparagraph:

"(H) A summary of the life cycle sustainment plan required under section 2337 of this title.".

(c) RECURRING SUSTAINMENT REVIEWS.—Section 2441 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "major weapon system" and inserting "covered system";

(ii) by striking "and throughout the life cycle of the weapon system" and inserting ", and every five years thereafter throughout the life cycle of the covered system,"; and

(iii) by striking "costs of the weapon system" and inserting "costs of the covered system"; and

(B) by striking the second sentence;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "assess execution of the life cycle sustainment plan of the covered system and" before "include the following elements:"; and

(B) by adding at the end the following new paragraph:

"(10) As applicable, information regarding any decision to restructure the life cycle sustainment plan for a covered system or any other action that will lead to critical operating and support cost growth."; and

(3) by adding at the end the following new subsections:

Deadlines. Reviews.

"(d) SUBMISSION TO CONGRESS.—(1) Not later than September 30 of each fiscal year, the Secretary of each military department shall annually submit to the congressional defense committees the sustainment reviews required by this section for such fiscal year.

Classified information.

"(2) Each submission under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Remediation plan. Certification.

"(3) For a covered system with critical operating and support cost growth, such submission shall include a remediation plan to

reduce operating and support costs or a certification by the Secretary concerned that such critical operating and support cost growth is necessary to meet national security requirements.

"(e) DEFINITIONS.—In this section:

"(1) COVERED SYSTEM.—The term 'covered system' shall have the meaning given in section 2337 of this title.

"(2) CRITICAL OPERATING AND SUPPORT COST GROWTH.—The term 'critical operating and support cost growth' means operating and support cost growth—

"(A) of at least 25 percent more than the estimate documented in the most recent independent cost estimate for the covered system; or

"(B) of at least 50 percent more than the estimate documented in the original Baseline Estimate (as defined in section 2435(d) of this title) for the covered system.".

(d) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) annually, select 10 covered systems for which a sustainment review has been submitted under section 2441(d) of title 10, United States Code; and

(B) submit to the congressional defense committees an assessment of the steps taken by Secretaries concerned to quantify and address critical operating and support cost growth with respect to such covered systems. Assessments.

(2) CONTENTS.—Each assessment described in paragraph (1) shall include—

(A) an evaluation of— Evaluations.

(i) the causes of critical operating and support cost growth for each such covered system;

(ii) the extent to which the Secretary concerned has mitigated critical operating and support cost growth of such covered system; and

(iii) any other issues related to potential critical operating and support cost growth the Comptroller General determines appropriate; and

(B) any recommendations, including steps the Secretaries concerned could take to reduce critical operating and support cost growth for covered systems and lessons learned to be incorporated in covered system acquisitions. Recommendations.

(3) TERMINATION.—The requirement under this subsection shall terminate on September 30, 2025.

(4) DEFINITIONS.—In this subsection, the terms "covered system" and "critical operating and support cost growth" have the meanings given, respectively, in section 2441 of title 10, United States Code.

(e) REPORT ON SUSTAINMENT PLANNING PROCESSES FOR NON-MAJOR DEFENSE ACQUISITION PROGRAM ACTIVITIES.—Not later than December 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the process for ensuring that timely and robust sustainment planning processes are in place for all acquisition activities. The report shall include a discussion of—

(1) sustainment planning processes for each—

(A) acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense

Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note);

(B) information technology and software program;

(C) services contract, including each services contract for information technologies and systems; and

(D) acquisition activity other than major defense acquisition programs (as defined in section 2430 of title 10, United States Code), as determined by the Secretary of Defense;

(2) methods to identify responsible individuals for sustainment planning;

Requirements.

(3) required elements of sustainment planning;

(4) timing of sustainment planning activities in the acquisition process;

Assessment. Compliance.

(5) measures and metrics to assess compliance with sustainment plans; and

(6) actions to continuously monitor, create incentives for, and ensure compliance with sustainment plans.

SEC. 803. DISCLOSURES FOR OFFERORS FOR CERTAIN SHIPBUILDING MAJOR DEFENSE ACQUISITION PROGRAM CONTRACTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2339c.

"§ 2339c. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts

Proposal.

"(a) IN GENERAL.—Any covered offeror seeking to be awarded a shipbuilding construction contract as part of a major defense acquisition program with funds from the Shipbuilding and Conversion, Navy account shall disclose along with the offer and any subsequent revisions of the offer (including the final proposal revision offer) if any part of the planned contract performance will or is expected to include foreign government subsidized performance, foreign financing, foreign financial guarantees, or foreign tax concessions.

"(b) REQUIREMENTS.—A disclosure required under subsection (a) shall be made in a form prescribed by the Secretary of the Navy and shall include a specific description of the extent to which the planned contract performance will include, with or without contingencies, any foreign government subsidized performance, foreign financing, foreign financial guarantees, or foreign tax concessions.

Deadline.

"(c) CONGRESSIONAL NOTIFICATION.—Not later than 5 days after awarding a contract described under subsection (a), the Secretary of the Navy shall notify the congressional defense committees and summarize the disclosure provided under such subsection.

"(d) DEFINITIONS.—In this section:

"(1) COVERED OFFEROR.—The term 'covered offeror' means any offeror that requires or may reasonably be expected to require, during the period of performance on a shipbuilding construction contract described in subsection (a), a method to mitigate or negate foreign ownership under section 2004.34(f)(6) of title 32, Code of Federal Regulations.

"(2) FOREIGN GOVERNMENT SUBSIDIZED PERFORMANCE.—The term 'foreign government subsidized performance' means any financial support, materiel, services, or guarantees of support,

services, supply, performance, or intellectual property concessions, that may be provided to or for the covered offeror or the customer of the offeror by a foreign government or entity effectively owned or controlled by a foreign government, which may have the effect of supplementing, supplying, servicing, or reducing the cost or price of an end item, or supporting, financing in whole or in part, or guaranteeing contract performance by the offeror.

"(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' has the meaning given the term in section 2430 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2339b the following new item:

10 USC prec. 2301.

"2339c. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts.".

SEC. 804. IMPLEMENTATION OF MODULAR OPEN SYSTEMS APPROACHES.

10 USC 4401 note.

(a) REQUIREMENTS FOR INTERFACE DELIVERY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Joint All-Domain Command and Control cross-functional team and the Director for Command, Control, Communications, and Computers/Cyber, shall issue regulations and guidance applicable to the military departments, Defense Agencies, Department of Defense Field Activities (as such terms are defined, respectively, in section 101 of title 10, United States Code), and combatant commands, as appropriate, to—

Deadline. Coordination. Regulations. Applicability.

(A) facilitate the Department of Defense's access to and utilization of modular system interfaces;

(B) fully realize the intent of chapter 144B of title 10, United States Code, by facilitating the implementation of modular open system approaches across major defense acquisition programs (as defined in section 2430 of title 10, United States Code) and other relevant acquisition programs, including in the acquisition and sustainment of weapon systems, platforms, and components for which no common interface standard has been established, to enable communication between such weapon systems, platforms, and components; and

(C) advance the efforts of the Department to generate diverse and recomposable kill chains.

(2) ELEMENTS.—The regulations and guidance required under paragraph (1) shall include requirements that—

(A) the program officer for each weapon system characterizes, in the acquisition strategy required under section 2431a of title 10, United States Code or in other documentation, the desired modularity of the weapon system for which the program officer is responsible, including—

(i) identification of—

(I) the modular systems that comprise the weapon system;

(II) the information that should be communicated between individual modular systems (such as tracking and targeting data or command and control instructions); and

(III) the desired function of the communication between modular systems (such as fire control functions); and

(ii) a default configuration specifying which modular systems should communicate with other modular systems, including modular systems of other weapon systems;

(B) each relevant Department of Defense contract entered into after the date on which the regulations and guidance required under paragraph (1) are implemented includes requirements for the delivery of modular system interfaces for modular systems deemed relevant in the acquisition strategy or documentation referred to in subparagraph (A), including—

(i) software-defined interface syntax and properties, specifically governing how values are validly passed and received between major subsystems and components, in machine-readable format;

(ii) a machine-readable definition of the relationship between the delivered interface and existing common standards or interfaces available in the interface repositories established pursuant to subsection (c); and

(iii) documentation with functional descriptions of software-defined interfaces, conveying semantic meaning of interface elements, such as the function of a given interface field;

(C) the relevant program offices, including those responsible for maintaining and upgrading legacy systems—

(i) that have not characterized the desired modularity of the systems nevertheless meet the requirements of paragraph (2)(A), if the program officers make an effort, to the extent practicable, to update the acquisition strategies required under section 2431a of title 10, United States Code, or to develop or update other relevant documentation; and

(ii) that have awarded contracts that do not include the requirements specified in subparagraph (B) of paragraph (2) nevertheless acquire, to the extent practicable, the items specified in clauses (i) through (iii) of such subparagraph, either through contractual updates, separate negotiations or contracts, or program management mechanisms; and

(D) the relevant program officers deliver modular system interfaces and the associated documentation to at least one of the repositories established pursuant to subsection (c).

(3) APPLICABILITY OF REGULATIONS AND GUIDANCE.—

(A) APPLICABILITY.—The regulations and guidance required under paragraph (1) shall apply to any program office responsible for the prototyping, acquisition, or sustainment of a new or existing weapon system.

(B) EXTENSION OF SCOPE.—Not earlier than 1 year before, and not later than 2 years after the regulations and guidance required under paragraph (1) are issued for weapon systems, the Under Secretary of Defense for Acquisition and Sustainment may extend such regulations and guidance to apply to software-based non-weapon systems, including business systems and cybersecurity systems. Time period.

(4) INCLUSION OF COMPONENTS.—For the purposes of paragraph (2)(A), each component that meets the following requirements shall be treated as a modular system:

(A) A component that is able to execute without requiring coincident execution of other weapon systems or components and can communicate across component boundaries and through interfaces.

(B) A component that can be separated from and recombined with other weapon systems or components to achieve various effects, missions, or capabilities.

(C) A component that is covered by a unique contract line item.

(5) MACHINE-READABLE DEFINITION.—Where appropriate and available, the requirement in paragraph (2)(B)(ii) for a machine-readable definition may be satisfied by using a covered technology.

(b) EXTENSION OF MODULAR OPEN SYSTEMS APPROACH AND RIGHTS IN INTERFACE SOFTWARE.—

(1) REQUIREMENT FOR MODULAR OPEN SYSTEM APPROACH.—Section 2446a of title 10, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: "Other defense acquisition programs shall also be designed and developed, to the maximum extent practicable, with a modular open system approach to enable incremental development and enhance competition, innovation, and interoperability.";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "major system interfaces" and all that follows and inserting "modular system interfaces between major systems, major system components and modular systems;";

(II) in subparagraph (B), by striking "major system interfaces" and all that follows and inserting the following: "that relevant modular system interfaces—

"(i) comply with, if available and suitable, widely supported and consensus-based standards; or

"(ii) are delivered pursuant to the requirements established in subsection (a)(2)(B) of section 804 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, including the delivery of—

"(I) software-defined interface syntax and properties, specifically governing how values are validly passed and received between major subsystems and components, in machine-readable format;

"(II) a machine-readable definition of the relationship between the delivered interface and existing common standards or interfaces available in Department interface repositories; and

"(III) documentation with functional descriptions of software-defined interfaces, conveying semantic meaning of interface elements, such as the function of a given interface field;"; and

(III) in subparagraph (C), by inserting "and modular systems" after "severable major system components";

(ii) in paragraph (3)(A), by striking "well-defined major system interfaces" and inserting "modular system interfaces";

Definitions.

(iii) by amending paragraph (4) to read as follows:

"(4) The term 'modular system interface' means a shared boundary between major systems, major system components, or modular systems, defined by various physical, logical, and functional characteristics, such as electrical, mechanical, fluidic, optical, radio frequency, data, networking, or software elements.";

(iv) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

(v) by inserting after paragraph (4) the following new paragraph:

"(5) The term 'modular system' refers to a weapon system or weapon system component that—

"(A) is able to execute without requiring coincident execution of other specific weapon systems or components;

"(B) can communicate across component boundaries and through interfaces; and

"(C) functions as a module that can be separated, recombined, and connected with other weapon systems or weapon system components in order to achieve various effects, missions, or capabilities.".

(2) RIGHTS IN TECHNICAL DATA.—

(A) IN GENERAL.—Section 2320 of title 10, United States Code, is amended—

(i) in subsection (a)(2), by amending subparagraph (G) to read as follows:

Determination.

"(G) MODULAR SYSTEM INTERFACES DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE OR WITH MIXED FUNDING.—Notwithstanding subparagraphs (B) and (E), the United States shall have government purpose rights in technical data pertaining to a modular system interface developed exclusively at private expense or in part with Federal funds and in part at private expense and used in a modular open system approach pursuant to section 2446a of this title, except in any case in which the Secretary of Defense determines that negotiation of different rights in such technical data would be in the best interest of the United States. Such modular system interface shall be identified in the contract solicitation and the contract. For technical data pertaining to a modular system interface developed exclusively at private expense for which the United States asserts government purpose rights, the Secretary of Defense shall negotiate with the contractor the appropriate and reasonable compensation for such technical data."; and

(ii) in subsection (h), by striking ", 'major system interface'" and inserting ", 'modular system interface'".

(B) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update the regulations required by section 2320(a)(1) of title 10, United States Code, to reflect the amendments made by this paragraph. Deadline. Update.

(c) INTERFACE REPOSITORIES.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall— Deadline.

(A) direct the Secretaries concerned and the heads of other appropriate Department of Defense components to establish and maintain repositories for interfaces, syntax and properties, documentation, and communication implementations delivered pursuant to the requirements established under subsection (a)(2)(B);

(B) establish and maintain a comprehensive index of interfaces, syntax and properties, documentation, and communication implementations delivered pursuant to the requirements established under subsection (a)(2)(B) and maintained in the repositories required under subparagraph (A); and

(C) if practicable, establish and maintain an alternate reference repository of interfaces, syntax and properties, documentation, and communication implementations delivered pursuant to the requirements established under subsection (a)(2)(B).

(2) DISTRIBUTION OF INTERFACES.—

(A) IN GENERAL.—Consistent with the requirements of section 2320 of title 10, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall, in coordination with the Director of the Defense Standardization Program Office, use the index and repositories established pursuant to paragraph (1) to provide access to interfaces and relevant documentation to authorized Federal Government and non-Governmental entities. Coordination.

(B) NON-GOVERNMENT RECIPIENT USE LIMITS.—A non-Governmental entity that receives access under subparagraph (A) may not further release, disclose, or use such data except as authorized.

(d) SYSTEM OF SYSTEMS INTEGRATION TECHNOLOGY AND EXPERIMENTATION.—

(1) DEMONSTRATION AND ASSESSMENT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director for Command, Control, Communications, and Computers/Cyber and the Chief Information Officer of the Department of Defense, acting through the Joint All-Domain Command and Control cross-functional team, shall conduct demonstrations and complete an assessment of the technologies developed under the System of Systems Integration Technology and Experimentation program of the Defense Advanced Research Projects Agency, including a covered technology, and the applicability of any such technologies to the Joint All-Domain Command and Control architecture. Deadline.

(B) COVERAGE.—The demonstrations and assessment required under subparagraph (A) shall include—

(i) at least three demonstrations of the use of a covered technology to create, under constrained schedules and budgets, novel kill chains involving previously incompatible weapon systems, sensors, and command, control, and communication systems from multiple military services in cooperation with United States Indo-Pacific Command or United States European Command;

Evaluation.

(ii) an evaluation as to whether the communications enabled via a covered technology are sufficient for military missions and whether such technology results in any substantial performance loss in communication between systems, major subsystems, and major components;

Evaluation.

(iii) an evaluation as to whether a covered technology obviates the need to develop, impose, and maintain strict adherence to common communication and interface standards for weapon systems;

(iv) the appropriate roles and responsibilities of the Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Acquisition and Sustainment, the heads of the combatant commands, the Secretaries concerned, the Defense Advanced Research Projects Agency, and the defense industrial base in using and maintaining a covered technology to generate diverse and recomposable kill chains as part of the Joint All-Domain Command and Control architecture;

(v) for at least one of the demonstrations conducted under clause (i), demonstration of the use of technology developed under the High-Assurance Cyber Military Systems program of the Defense Advanced Research Projects Agency to secure legacy weapon systems and command and control capabilities while facilitating interoperability;

Evaluation.

(vi) an evaluation of how the technology referred to in clause (v) and covered technology should be used to improve cybersecurity and interoperability across critical weapon systems and command and control capabilities across the joint forces; and

Coordination.

(vii) coordination with the program manager for the Time Sensitive Targeting Defeat program under the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Intelligence and Security.

(2) CHIEF INFORMATION OFFICER ASSESSMENT.—

Coordination.

(A) IN GENERAL.—The Chief Information Officer for the Department of Defense, in coordination with the Principal Cyber Advisor to the Secretary of Defense and the Director of the Cybersecurity Directorate of the National Security Agency, shall assess the technologies developed under the System of Systems Integration Technology and Experimentation program of the Defense Advanced Research Projects Agency, including the covered technology,

and applicability of such technology to the business systems and cybersecurity tools of the Department.

(B) COVERAGE.—The assessment required under subparagraph (A) shall include— Demonstrations.

(i) an evaluation as to how the technologies referred to in such subparagraph could be used in conjunction with or instead of existing cybersecurity standards, frameworks, and technologies designed to enable communication between, and coordination of, cybersecurity tools; Evaluations.

(ii) as appropriate, demonstrations by the Chief Information Office of the use of such technologies in enabling communication between, and coordination of, previously incompatible cybersecurity tools; and Coordination.

(iii) as appropriate, demonstrations of the use of such technologies in enabling communication between previously incompatible business systems.

(3) SUSTAINMENT OF CERTAIN ENGINEERING RESOURCES AND CAPABILITIES.—During the period the demonstrations and assessments required under this subsection are conducted, and thereafter to the extent required to execute the activities directed by the Joint All-Domain Command and Control cross-functional team, the Joint All-Domain Command and Control cross-functional team shall sustain the System of Systems Technology Integration Tool Chain for Heterogeneous Electronic Systems engineering resources and capabilities developed by the Defense Advanced Research Projects Agency.

(4) TRANSFER OF RESPONSIBILITY.—Not earlier than 1 year before, and not later than 2 years after the date of the enactment of this Act, the Secretary of Defense may transfer responsibility for maintaining the engineering resources and capabilities described in paragraph (3) to a different organization within the Department. Time period.

(e) OPEN STANDARDS.—Nothing in this section shall be construed as requiring, preventing, or interfering with the use or application of any given communication standard or interface. The communication described in subsection (a)(2)(A) may be accomplished by using existing open standards, by the creation and use of new open standards, or through other approaches, provided that such standards meet the requirements of subsection (a)(2)(B).

(f) DEFINITIONS.—In this section:

(1) The term "covered technology" means the domain-specific programming language for interface field transformations and its associated compilation toolchain (commonly known as the "System of Systems Technology Integration ToolChain for Heterogeneous Electronic Systems") developed under the Defense Advanced Research Projects Agency System of Systems Integration Technology and Experimentation program, or any other technology that is functionally equivalent.

(2) The term "desired modularity" means the desired degree to which weapon systems, components within a weapon system, and components across weapon systems can function as modules that can communicate across component boundaries and through interfaces and can be separated and recombined to achieve various effects, missions, or capabilities, as determined by the program officer for such weapon system.

(3) The term "machine-readable format" means a format that can be easily processed by a computer without human intervention.

(4) The terms "major system", "major system component", "modular open system approach", "modular system", "modular system interface", and "weapon system" have the meanings given such terms, respectively, in section 2446a of title 10, United States Code.

SEC. 805. CONGRESSIONAL NOTIFICATION OF TERMINATION OF A MIDDLE TIER ACQUISITION PROGRAM.

Section 804 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

"(e) REPORT.—Not later than 30 days after the date of termination of an acquisition program commenced using the authority under this section, the Secretary of Defense shall submit to Congress a notification of such termination. Such notice shall include—

"(1) the initial amount of a contract awarded under such acquisition program;

"(2) the aggregate amount of funds awarded under such contract; and

"(3) written documentation of the reason for termination of such acquisition program.".

SEC. 806. DEFINITION OF MATERIAL WEAKNESS FOR CONTRACTOR BUSINESS SYSTEMS.

Section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended—

(1) by striking "significant deficiencies" both places it appears and inserting "material weaknesses";

(2) by striking "significant deficiency" each place it appears and inserting "material weakness"; and

(3) by amending subsection (g)(4) to read as follows:

"(4) The term 'material weakness' means a deficiency or combination of deficiencies in the internal control over information in contractor business systems, such that there is a reasonable possibility that a material misstatement of such information will not be prevented, or detected and corrected, on a timely basis. For purposes of this paragraph, a reasonable possibility exists when the likelihood of an event occurring—

"(A) is probable; or

"(B) is more than remote but less than likely.".

10 USC 9081 note.

SEC. 807. SPACE SYSTEM ACQUISITION AND THE ADAPTIVE ACQUISITION FRAMEWORK.

(a) SERVICE ACQUISITION EXECUTIVE FOR SPACE SYSTEMS AND PROGRAMS.—Before implementing the application of the adaptive acquisition framework to a Space Systems Acquisition pathway described in subsection (c), there shall be within the Department of the Air Force an individual serving as the Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs as required under section 957 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1566; 10 U.S.C. 9016 note).

(b) MILESTONE DECISION AUTHORITY FOR UNITED STATES SPACE FORCE.—

(1) PROGRAM EXECUTIVE OFFICER.—The Service Acquisition Executive for Space Systems and Programs of the United States Space Force may further delegate authority to an appropriate program executive officer to serve as the milestone decision authority for major defense acquisition programs of the United States Space Force.

(2) PROGRAM MANAGER.—The program executive officer assigned under paragraph (1) may further delegate authority over major systems to an appropriate program manager.

(c) ADAPTIVE ACQUISITION FRAMEWORK APPLICATION TO SPACE ACQUISITION.—

(1) IN GENERAL.—The Secretary of Defense shall take such actions necessary to ensure the adaptive acquisition framework (as described in Department of Defense Instruction 5000.02, "Operation of the Adaptive Acquisition Framework") includes one or more pathways specifically tailored for Space Systems Acquisition in order to achieve faster acquisition, improve synchronization and more rapid fielding of critical end-to-end capabilities (including by using new commercial capabilities and services), while maintaining accountability for effective programs that are delivered on time and on budget.

(2) GOAL.—The goal of the application of the adaptive acquisition framework to a Space Systems Acquisition pathway shall be to quickly and effectively acquire end-to-end space warfighting capabilities needed to address the requirements of the national defense strategy (as defined under section 113(g) of title 10, United States Code).

(d) REPORT.—

(1) IN GENERAL.—Not later than May 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the application of the adaptive acquisition framework to any Space Systems Acquisition pathway established under subsection (a) that includes the following:

(A) Proposed United States Space Force budget line items for fiscal year 2022, including— Proposals.

(i) a comparison with budget line items for any major defense acquisition programs, middle tier acquisition programs, covered software programs, and major systems of the United States Space Force for three previous fiscal years;

(ii) existing and recommended measures to ensure sufficient transparency and accountability related to the performance of the Space Systems Acquisition pathway; and Recommendations.

(iii) proposed mechanisms to enable insight into the funding prioritization process and significant funding changes, including the independent cost estimate basis and full funding considerations for any major defense acquisition programs, middle tier acquisition programs, covered software programs, and major systems procured by the United States Space Force.

(B) Proposed revised, flexible, and streamlined options for joint requirements validation in order to be more responsive and innovative, while ensuring the ability of Proposals.

the Joint Chiefs of Staff to ensure top-level system requirements are properly prioritized to address joint-warfighting needs.

List. (C) A list of acquisition programs of the United States Space Force for which multiyear contracting authority under sections 2306b or 2306c of title 10, United States Code, is recommended.

List. (D) A list of space systems acquisition programs for which alternative acquisition pathways may be used.

Procedures. (E) Policies or procedures for potential new pathways in the application of the adaptive acquisition framework to a Space Systems Acquisition with specific acquisition key decision points and reporting requirements for development, fielding, and sustainment activities that meet the requirements of the adaptive acquisition framework.

Analysis. (F) An analysis of the need for updated determination authority for procurement of useable end items that are not weapon systems.

(G) Policies and a governance structure, for both the Office of the Secretary of Defense and each military department, for a separate United States Space Force budget topline, corporate process, and portfolio management process.

Analysis. (H) An analysis of the risks and benefits of the delegation of the authority of the head of contracting activity authority to the Chief of Space Operations in a manner that would not expand the operations of the United States Space Force.

Deadline. Analysis. Recommendations. (2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the submission of the report required under paragraph (1), the Comptroller General of the United States shall review such report and submit to the congressional defense committees an analysis and recommendations based on such report.

(e) DEFINITIONS.—In this section:

(1) COVERED SOFTWARE PROGRAM.—The term "covered software program" means an acquisition program or project that is carried out using the software acquisition pathway established under section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1478; 10 U.S.C. 2223a note).

(2) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning given in section 2430 of title 10, United States Code.

(3) MAJOR SYSTEM.—The term "major system" has the meaning given in section 2302 of title 10, United States Code.

(4) MIDDLE TIER ACQUISITION PROGRAM.—The term "middle tier acquisition program" means an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

(5) MILESTONE DECISION AUTHORITY.—The term "milestone decision authority" has the meaning given in section 2431a of title 10, United States Code.

(6) PROGRAM EXECUTIVE OFFICER; PROGRAM MANAGER.—The terms "program executive officer" and "program manager" have

the meanings given those terms, respectively, in section 1737 of title 10, United States Code.

SEC. 808. ACQUISITION AUTHORITY OF THE DIRECTOR OF THE JOINT ARTIFICIAL INTELLIGENCE CENTER.

10 USC 4001 note.

(a) AUTHORITY.—The Secretary of Defense shall delegate to the Director of the Joint Artificial Intelligence Center the acquisition authority to exercise the functions of a head of an agency (as defined in section 2302 of title 10, United States Code) with respect to appropriate acquisition activities of the Center.

(b) JAIC ACQUISITION EXECUTIVE.—

(1) IN GENERAL.—The staff of the Director shall include an acquisition executive who shall be responsible for the supervision of appropriate acquisition activities under subsection (a). Subject to the authority, direction, and control of the Director of the Center, the acquisition executive shall have the authority—

Memorandum.

(A) to negotiate memoranda of agreement with any element of the Department of Defense to carry out the acquisition of technologies, services, and capabilities developed or identified by the Center;

(B) to supervise the acquisition of technologies, services, and capabilities to support the mission of the Center;

(C) to represent the Center in discussions with the Secretaries concerned regarding acquisition programs relating to such appropriate acquisition activities for which the Center is involved; and

(D) to work with the Secretaries concerned to ensure that the Center is appropriately represented in any joint working group or integrated product team regarding acquisition programs relating to such appropriate activities for which the Center is involved.

(2) DELIVERY OF ACQUISITION SOLUTIONS.—The acquisition executive of the Center shall be—

(A) responsible to the Director for rapidly delivering capabilities to meet validated requirements;

(B) subordinate to the Under Secretary of Defense for Acquisition and Sustainment in matters of acquisition; and

(C) included on the distribution list for acquisition directives and instructions of the Department of Defense.

(c) ACQUISITION PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall provide the Center with at least 10 full-time employees to support the Director in carrying out the requirements of this section, including personnel with experience in—

(A) acquisition practices and processes;

(B) the Joint Capabilities Integration and Development System process;

(C) program management;

(D) software development and systems engineering; and

(E) cost analysis.

(2) EXISTING PERSONNEL.—The personnel provided under this subsection shall be provided from among the existing personnel of the Department of Defense.

(d) FUNDING.—In exercising the acquisition authority granted in subsection (a), the Director may not obligate or expend more than $75,000,000 out of the funds made available in each of fiscal years 2021, 2022, 2023, 2024, and 2025 to enter into new contracts to support appropriate acquisition activities carried out under this section.

(e) IMPLEMENTATION PLAN AND DEMONSTRATION REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense—

Time period.

(A) may use the acquisition authority granted under subsection (a) on or after 30 days after the date on which the Secretary provides to the congressional defense committees a plan for implementation of such authority; and

Deadline.

(B) by March 15, 2022, shall provide a demonstration of operational capability delivered under such authority.

(2) IMPLEMENTATION PLAN.—The plan shall include the following:

(A) Description of the types of activities to be undertaken using the acquisition authority provided under subsection (a).

(B) Plan for the negotiation and approval of any such memorandum of agreement with an element of the Department of Defense to support Center missions and transition of artificial intelligence capabilities into appropriate acquisition programs or into operational use.

(C) Plan for oversight of the position of acquisition executive established in subsection (b).

Assessment.

(D) Assessment of the acquisition workforce, tools, and infrastructure needs of the Center to support the authority under subsection (a) until September 30, 2025.

(E) Other matters as appropriate.

(3) DEMONSTRATION.—The capability demonstration shall include a description of how the acquisition authority enabled the capability, how requirements were established and agreed upon, how testing was conducted, and how the capability was transitioned to the user, as well as any other matters deemed appropriate by the Center.

(4) RELATIONSHIP TO OTHER AUTHORITIES.—The requirement to submit a plan under this subsection is in addition to the requirements under section 260 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1293).

(f) SUNSET.—Effective October 1, 2025, the Director may not exercise the authority under subsection (a) and may not enter into any new contracts under this section. The performance on any contract entered into before such date may continue according to the terms of such contract.

(g) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" has the meaning given the term "Joint Artificial Intelligence Center" in section 260(c) of National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1294).

(3) DIRECTOR.—The term "Director" means the Director of the Center.

(4) ELEMENT.—The term "element" means an element described under section 111(b) of title 10, United States Code.

(5) SECRETARY CONCERNED.—The term "Secretary concerned" has the meaning given in section 101(9) of title 10, United States Code.

SEC. 809. ASSESSMENTS OF THE PROCESS FOR DEVELOPING CAPABILITY REQUIREMENTS FOR DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense and the individual appointed under section 2361a(c) of title 10, United States Code, (in this section referred to as the "Director") shall each—

(1) conduct an assessment of the processes for developing and approving capability requirements for the acquisition programs of the Department of Defense and each military department; and

(2) develop recommendations for reforming such process to improve the agility and timeliness of such process. Recommendations.

(b) ASSESSMENT ELEMENTS.—Each assessment conducted under subsection (a) shall include the following:

(1) An assessment of the—

(A) adherence of the capability requirements development and approval processes to statute, regulations, policies, and directives;

(B) alignment and standardization of the capability requirements development, acquisition, and budget processes;

(C) technical feasibility of each approved capability requirement;

(D) training and development of the workforce in capability requirements development and evaluation;

(E) ability of the process for developing capability requirements to address the urgent needs of the Department of Defense;

(F) capacity to review changes in capability requirements for programs of record;

(G) validation of decisions made to approve capability requirements and the alignment of each such decision to the national defense strategy required under section 113(g) of title 10, United States Code;

(H) extent to which portfolio management techniques are used in the process for developing capability requirements to coordinate decisions and avoid duplication of capabilities across acquisition programs; and

(I) implementation by each military department of Comptroller General of the United States recommendations pertaining to the process for developing and approving capability requirements.

(2) A comprehensive analysis of the circumstances and factors contributing to the length of time between the start of a Capabilities-Based Assessment and the date the Joint Requirements Oversight Council approves the related Capability Development Document. Analysis.

(3) Identification and comparison of best practices in the private sector and the public sector for the development and approval of capability requirements.

(4) Any additional matters that the Secretary or Director determine appropriate.

(c) REPORTS.—

(1) ASSESSMENT BY SECRETARY.—Not later than October 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the assessment conducted by the Secretary under subsection (a), including—

(A) a description of such assessment;

Analysis.

(B) the results of such assessment, including the analysis described in subsection (b)(2);

Plan.

(C) a plan to reduce, when appropriate, the length of time between the start of a Capabilities-Based Assessment and the date the Joint Requirements Oversight Council approves the related Capability Development Document; and

Recommendations.

(D) any additional recommendations for legislation, regulations, or policies that the Secretary determines appropriate.

(2) ASSESSMENT BY DIRECTOR.—

(A) REPORT TO SECRETARY.—Not later than November 30, 2021, the Director shall submit to the Secretary of Defense a report on the assessment conducted by the Director pursuant to subsection (a).

Recommendations.

(B) REPORT TO CONGRESS.—Not later than January 1, 2022, the Secretary of Defense shall submit to the congressional defense committees the report described in subparagraph (A) together with such comments as the Secretary determines appropriate, including—

(i) a description and the results of the assessment conducted pursuant to subsection (a)(2);

(ii) recommendations on how the Department of Defense can improve the efficiency of developing and approving capability requirements; and

(iii) any additional recommendations for legislation, regulations, or policies that the Secretary determines appropriate.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. SUSTAINMENT REFORM FOR THE DEPARTMENT OF DEFENSE.

(a) SUSTAINMENT ACTIVITIES IN THE NATIONAL DEFENSE STRATEGY.—

(1) IN GENERAL.—Section 113(g)(1)(B) of title 10, United States Code, as amended by section 551 of this Act, is further amended by adding at the end the following new clauses:

"(viii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize and integrate activities relating to sustainment of major defense acquisition programs, core logistics capabilities (as described under section 2464 of this title), commercial logistics capabilities, and the national technology and industrial base (as defined in section 2500 of this title).

Time period.

"(ix) A strategic framework prescribed by the Secretary that guides how the Department will specifically address contested logistics, including major investments for related infrastructure, logistics-related authorities, force posture, related

emergent technology and advanced computing capabilities, operational resilience, and operational energy, over the following five-year period to support such strategy.".

(2) DUTIES OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.—Section 133b(b) of title 10, United States Code, is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(9) advising the Secretary on all aspects of acquisition and sustainment relating to—

"(A) defense acquisition programs;

"(B) core logistics capabilities (as described under section 2464 of this title); and

"(C) the national technology and industrial base (as defined in section 2500 of this title).".

(3) INTERIM GUIDANCE.—Not later than October 1, 2021, the Secretary of Defense shall publish interim guidance to carry out the requirements of this subsection.

Deadline. Publication. 10 USC 113 note.

(b) REPORT.—Not later than February 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the progress towards publishing the interim guidance required under subsection (a)(3).

SEC. 812. INCLUSION OF SOFTWARE IN GOVERNMENT PERFORMANCE OF ACQUISITION FUNCTIONS.

Section 1706 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "and each major automated information system program" and inserting "(as defined in section 2430 of this title), each acquisition program that is estimated by the Secretary of Defense to require an eventual total expenditure greater than the amount described in section 2430(a)(1)(B) of this title, and any other acquisition program identified by the Secretary"; and

(B) by adding at the end the following new paragraph:

"(14) Program lead software."; and

(2) by striking subsection (c).

SEC. 813. MODIFICATIONS TO COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED INITIATIVES.

Section 2229b(b)(2) of title 10, United States Code, is amended by striking "a summary of" and all that follows through "discussion of the" and inserting "a discussion of selected organizational, policy, and legislative changes, as determined appropriate by the Comptroller General, and the potential".

SEC. 814. COST OR PRICING DATA REPORTING REQUIREMENTS FOR DEPARTMENT OF DEFENSE CONTRACTS.

(a) COST OR PRICING DATA.—

(1) IN GENERAL.—Section 2306a(a)(1) of title 10, United States Code, is amended—

(A) in subparagraph (B), by striking "contract if" and all that follows through the period at the end and inserting "contract if the price adjustment is expected to exceed $2,000,000.";

(B) in subparagraph (C), by striking "section and" and all that follows through the period at the end and inserting "section and the price of the subcontract is expected to exceed $2,000,000."; and

(C) in subparagraph (D), by striking "subcontract if" and all that follows through the period at the end and inserting "subcontract if the price adjustment is expected to exceed $2,000,000.".

Effective date. 10 USC 2306a note.

(2) APPLICABILITY.—The amendments made by this subsection shall apply to any contract, or modification or change to a contract, entered into on or after the date of the enactment of this Act.

(b) REPORT.—

Consultation.

(1) IN GENERAL.—Not later than July 1, 2022, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall provide to the congressional defense committees a report analyzing the impact, including any benefits to the Federal Government, of the amendments made by this section.

Analyses.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Data to illustrate any efficiencies achieved, costs avoided, and acquisition timelines improved.

(B) Analysis of associated costs to the Federal Government, if any.

(C) Analysis of underlying causes or factors that limited the benefits described in subparagraph (A).

(D) Other matters the Secretary deems appropriate.

Classified information.

(3) FORM.—The report required under paragraph (1) shall be in an unclassified form but may contain a classified annex.

SEC. 815. PROMPT PAYMENT OF CONTRACTORS.

Section 2307(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "if a specific payment date is not established by contract"; and

(2) in subparagraph (B), by striking "if—" and all that follows through "the prime contractor agrees" and inserting "if the prime contractor agrees or proposes".

SEC. 816. DOCUMENTATION PERTAINING TO COMMERCIAL ITEM DETERMINATIONS.

Section 2380 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) DETERMINATIONS REGARDING THE COMMERCIAL NATURE OF PRODUCTS OR SERVICES.—

"(1) IN GENERAL.—In making a determination whether a particular product or service offered by a contractor meets the definition of a commercial product or commercial service, a contracting officer of the Department of Defense may—

"(A) request support from the Director of the Defense Contract Management Agency, the Director of the Defense Contract Audit Agency, or other appropriate experts in the Department to make a determination whether a product or service is a commercial product or commercial service; and

"(B) consider the views of appropriate public and private sector entities.

"(2) MEMORANDUM.—Within 30 days after a contract award, the contracting officer shall, consistent with the policies and regulations of the Department, submit a written memorandum summarizing the determination referred to in paragraph (1), including a detailed justification for such determination.". Deadline.

SEC. 817. MODIFICATION TO SMALL PURCHASE THRESHOLD EXCEPTION TO SOURCING REQUIREMENTS FOR CERTAIN ARTICLES.

Subsection (h) of section 2533a of title 10, United States Code, is amended to read as follows:

"(h) EXCEPTION FOR SMALL PURCHASES.—(1) Subsection (a) does not apply to purchases for amounts not greater than $150,000. A proposed procurement of an item in an amount greater than $150,000 may not be divided into several purchases or contracts for lesser amounts in order to qualify for this exception.

"(2) On October 1 of each year that is evenly divisible by five, the Secretary of Defense may adjust the dollar threshold in this subsection based on changes in the Consumer Price Index. Any such adjustment shall take effect on the date on which the Secretary publishes notice of such adjustment in the Federal Register.".

SEC. 818. REPEAL OF PROGRAM FOR QUALIFIED APPRENTICES FOR MILITARY CONSTRUCTION CONTRACTS.

(a) IN GENERAL.—Section 2870 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2870. 10 USC prec. 2851.

(2) REPEAL.—Section 865 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1523) is repealed. 10 USC 2870 note.

SEC. 819. MODIFICATIONS TO MITIGATING RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE OF DEPARTMENT OF DEFENSE CONTRACTORS AND SUBCONTRACTORS.

(a) ASSESSMENT OF FOCI.—Subparagraph (A) of section 847(b)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C. 2509 note) is amended by adding at the end the following new clause:

"(v) A requirement for the Secretary to require reports and conduct examinations on a periodic basis of covered contractors or subcontractors in order to assess compliance with the requirements of this section.".

(b) CONTRACT REQUIREMENTS, ADMINISTRATION, AND OVERSIGHT RELATING TO FOCI.—Subparagraph (C) of such section is amended—

(1) by redesignating clause (iv) as clause (v); and

(2) by inserting after clause (iii) the following new clause:

"(iv) Procedures for appropriately responding to changes in covered contractor or subcontractor beneficial ownership status based on changes in disclosures of their beneficial ownership and whether they are

under FOCI and the reports and examinations required by subparagraph (A)(v).".

Deadlines.
10 USC 2509 note.

(c) TIMELINES AND MILESTONES FOR IMPLEMENTATION.—

(1) IMPLEMENTATION PLAN.—Not later than March 1, 2021, the Secretary of Defense shall provide to the congressional defense committees a plan and schedule for implementation of the requirements of section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C. 2509 note), as amended by this section, including—

Regulations.

(A) a timeline for issuance of regulations, development of training for appropriate officials, and development of systems for reporting of beneficial ownership and FOCI by covered contractors or subcontractors;

(B) the designation of officials and organizations responsible for such implementation; and

(C) interim milestones to be met in implementing the plan and schedule.

(2) REVISION OF REGULATIONS, DIRECTIVES, GUIDANCE, TRAINING, AND POLICIES.—Not later than July 1, 2021, the Secretary of Defense shall revise relevant directives, guidance, training, and policies, including revising the Department of Defense Supplement to the Federal Acquisition Regulation, to fully implement the requirements of such section 847.

(3) DEFINITIONS.—In this subsection, the term "beneficial ownership", "FOCI", and "covered contractors or subcontractors" have the meanings given, respectively, in section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C. 2509 note).

(d) TECHNICAL AMENDMENTS.—Section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C. 2509 note), as amended by this section, is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "contractors and subcontractors" and inserting "covered contractors or subcontractors"; and

(B) in paragraph (2)—

(i) by striking "covered contractors and subcontractors" each place it appears and inserting "covered contractors or subcontractors";

(ii) in subparagraph (B)(iii), by striking "a contractor or subcontractor" and inserting "such a covered contractor or subcontractor"; and

(iii) in subparagraph (C)(ii), by striking "section 831(c)" and inserting "section 2509(c) of title 10, United States Code"; and

(2) in subsection (c), by striking "subsection (b)(2)(A) and (b)(2)(C)" and inserting "subsections (b)(2)(A) and (b)(2)(C)".

SEC. 820. CONTRACT CLOSEOUT AUTHORITY FOR SERVICES CONTRACTS.

Section 836(b) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2302 note) is amended—

Time periods.

(1) by amending paragraph (1) to read as follows:

"(1) was entered into—

"(A) with respect to a contract or group of contracts not described in subparagraph (B), at least 7 fiscal years before the current fiscal year; and

"(B) with respect to a contract or group of contracts for military construction (as defined in section 2801 of title 10, United States Code) or shipbuilding, at least 10 fiscal years before the current fiscal year;"; and

(2) by amending paragraph (2) to read as follows:

"(2) the performance or delivery has been completed at least 4 years before the current fiscal year; and".

SEC. 821. REVISION OF PROOF REQUIRED WHEN USING AN EVALUATION FACTOR FOR EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE.

Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

Subtitle C—Provisions Relating to Software and Technology

SEC. 831. CONTRACT AUTHORITY FOR DEVELOPMENT AND DEMONSTRATION OF INITIAL OR ADDITIONAL PROTOTYPE UNITS.

(a) IN GENERAL.—Section 2302e of title 10, United States Code, is amended—

(1) in the heading, by striking "**advanced development**" and inserting "**development and demonstration**";

(2) in subsection (a)(1), by striking "provision of advanced component development, prototype," and inserting "development and demonstration"; and

(3) by adding at the end the following new subsection:

"(c) PROCEDURES.—The Secretary of Defense shall establish procedures to collect and analyze information on the use and benefits of the authority under this section and related impacts on performance, affordability, and capability delivery.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking the item relating to section 2302e and inserting the following new item: 10 USC prec. 2301.

"2302e. Contract authority for development and demonstration of initial or additional prototype units.".

SEC. 832. EXTENSION OF PILOT PROGRAM FOR STREAMLINED AWARDS FOR INNOVATIVE TECHNOLOGY PROGRAMS.

Section 873(f) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a note) is amended by striking "October 1, 2020" and inserting "October 1, 2022".

SEC. 833. LISTING OF OTHER TRANSACTION AUTHORITY CONSORTIA. 10 USC 4002 note. Deadline.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall maintain on the single Government-wide point of entry described under section 1708 of

title 41, United States Code, a list of the consortia used by the Secretary to announce or otherwise make available opportunities to enter into a transaction under the authority of section 2371 of title 10, United States Code, or a transaction for a prototype project under section 2371b of such title.

10 USC 4571 note.

SEC. 834. PILOT PROGRAM ON THE USE OF CONSUMPTION-BASED SOLUTIONS TO ADDRESS SOFTWARE-INTENSIVE WARFIGHTING CAPABILITY.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense is authorized to establish a pilot program to explore the use of consumption-based solutions to address software-intensive warfighting capability.

Proposal.

(b) SELECTION OF INITIATIVES.—Each Secretary of a military department and each commander of a combatant command with acquisition authority shall propose for selection by the Secretary of Defense for the pilot program at least one and not more than three initiatives that are well-suited to explore consumption-based solutions, to include addressing software-intensive warfighting capability. The initiatives may be new or existing programs of record, and may include applications that—

(1) rapidly analyze sensor data;

(2) secure warfighter networks, including multilevel security;

(3) swiftly transport information across various networks and network modalities;

(4) enable joint all-domain operational concepts, including in a contested environment; or

(5) advance military capabilities and effectiveness.

Contracts.

(c) REQUIREMENTS.—A contract or other agreement for consumption-based solutions entered into under the pilot program shall require—

(1) the effectiveness of the solution to be measurable at regular intervals customary for the type of solution provided under contract or other agreement; and

Notification.

(2) that the awardee notify the Secretary of Defense when consumption under the contract or other agreement reaches 75 percent and 90 percent of the funded amount, respectively, of the contract or other agreement.

(d) EXEMPTION.—A modification to a contract or other agreement entered into under this section to add new features or capabilities in an amount less than or equal to 25 percent of the total value of such contract or other agreement shall be exempt from the requirements of full and open competition (as defined in section 2302 of title 10, United States Code).

(e) DURATION.—The duration of a contract or other agreement entered into under this section may not exceed three years.

Data.
Costs.

(f) MONITORING AND EVALUATION OF PILOT PROGRAM.—The Director of Cost Assessment and Program Evaluation shall continuously monitor and evaluate the pilot program, including by collecting data on cost, schedule, and performance from the program office, the user community, and the awardees involved in the program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than May 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on initiatives selected for the pilot program,

roles, and responsibilities for implementing the program, and the monitoring and evaluation approach that will be used for the program.

(2) PROGRESS REPORT.—Not later than October 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the initiatives selected for the pilot program.

(3) FINAL REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the cost, schedule, and performance outcomes of the initiatives carried out under the pilot program. The report shall also include lessons learned about the use of consumption-based solutions for software-intensive capabilities and any recommendations for statutory or regulatory changes to facilitate the use of such solutions. Costs. Recommendations.

(h) CONSUMPTION-BASED SOLUTION DEFINED.—In this section, the term "consumption-based solution" means any combination of software, hardware or equipment, and labor or services that provides a seamless capability that is metered and billed based on actual usage and predetermined pricing per resource unit, and includes the ability to rapidly scale capacity up or down.

SEC. 835. BALANCING SECURITY AND INNOVATION IN SOFTWARE DEVELOPMENT AND ACQUISITION. 10 USC 4571 note.

(a) REQUIREMENTS FOR SOLICITATIONS OF COMMERCIAL AND DEVELOPMENTAL SOLUTIONS.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop requirements for appropriate software security criteria to be included in solicitations for commercial and developmental solutions and the evaluation of bids submitted in response to such solicitations, including a delineation of what processes were or will be used for a secure software development life cycle. Such requirements shall include— Coordination.

(1) establishment and enforcement of secure coding practices;

(2) management of supply chain risks and third-party software sources and component risks;

(3) security of the software development environment;

(4) secure deployment, configuration, and installation processes; and

(5) an associated vulnerability management plan and identification of tools that will be applied to achieve an appropriate level of security. Plan.

(b) SECURITY REVIEW OF CODE.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chief Information Officer of the Department of Defense, shall develop— Coordination. Procedures.

(1) procedures for the security review of code; and

(2) other procedures necessary to fully implement the pilot program required under section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223 note).

(c) COORDINATION WITH CYBERSECURITY ACQUISITION POLICY EFFORTS.—The Under Secretary of Defense for Acquisition and Sustainment shall develop the requirements and procedures

described under subsections (a) and (b) in coordination with the efforts of the Department of Defense to develop new cybersecurity and program protection policies and guidance that are focused on cybersecurity in the context of acquisition and program management and on safeguarding information.

10 USC 3101 note.

SEC. 836. DIGITAL MODERNIZATION OF ANALYTICAL AND DECISION-SUPPORT PROCESSES FOR MANAGING AND OVERSEEING DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

(a) DIGITAL DATA MANAGEMENT AND ANALYTICS CAPABILITIES.—

(1) IN GENERAL.—The Secretary of Defense shall iteratively develop and integrate advanced digital data management and analytics capabilities, consistent with private sector best practices, that—

(A) integrate all aspects of the defense acquisition system, including the development of capability requirements, research, design, development, testing, evaluation, acquisition, management, operations, and sustainment of systems;

(B) facilitate the management and analysis of all relevant data generated during the development of capability requirements, research, design, development, testing, evaluation, acquisition, operations, and sustainment of systems;

(C) enable the use of such data to inform further development, acquisition, management and oversight of such systems, including portfolio management; and

(D) include software capabilities to collect, transport, organize, manage, make available, and analyze relevant data throughout the life cycle of defense acquisition programs, including any data needed to support individual and portfolio management of acquisition programs.

(2) REQUIREMENTS.—The capabilities developed under paragraph (1) shall—

(A) be accessible to, and useable by, individuals throughout the Department of Defense who have responsibilities relating to activities described in clauses (A) through (C) of paragraph (1);

(B) enable the development, use, curation, and maintenance of original form and real-time digital systems by—

(i) ensuring shared access to data within the Department;

(ii) supplying data to digital engineering models for use in the defense acquisition, sustainment, and portfolio management processes; and

(iii) supplying data to testing infrastructure and software to support automated approaches for testing, evaluation, and deployment throughout the defense acquisition, sustainment, and portfolio management processes; and

(C) feature—

(i) improved data management and sharing processes;

(ii) timely, high-quality, transparent, and actionable analyses; and

(iii) analytical models and simulations.

(3) ENABLING DATA INFRASTRUCTURE, TOOLS, AND PROCESSES.—In developing the capability required under paragraph (1), the Secretary of Defense shall—

(A) move supporting processes and the data associated with such processes from analog to digital format, including planning and reporting processes;

(B) make new and legacy data more accessible to, and usable by, appropriate employees and contractors (at any tier) of the Department of Defense and members of the Armed Forces, including through migration of program and other documentation into digital formats;

(C) modernize the query, collection, storage, retrieval, reporting, and analysis capabilities for stakeholders within the Department, including research entities, Program Management Offices, analytic organizations, oversight staff, and decision makers;

(D) automate data collection and storage to minimize or eliminate manual data entry or manual reporting;

(E) enable employees and other appropriate users to access data from all relevant data sources, including through—

(i) streamlining data access privileges;

(ii) sharing of appropriate data between and among Federal Government and contractor information systems; and

(iii) enabling timely and continuous data collection and sharing from all appropriate personnel, including contractors;

(F) modernize existing enterprise information systems to enable interoperability consistent with technical best practices; and

(G) provide capabilities and platforms to enable continuous development and integration of software using public and private sector best practices.

(b) PORTFOLIO MANAGEMENT.—The Secretary of Defense shall establish capabilities for robust, effective, and data-driven portfolio management described in subsection (a)(1)(C), using the capability established in this section, to improve the Department of Defense-wide assessment, management, and optimization of the investments in weapon systems of the Department, including through consolidation of duplicate or similar weapon system programs.

(c) DEMONSTRATION ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense shall carry out activities to demonstrate the capability required under subsection (a).

(2) ACTIVITY SELECTION.—Not later than July 15, 2021, the Secretary of Defense shall select decision support processes and individual acquisition programs to participate in the demonstration activities under paragraph (1), including— Deadline.

(A) decision support processes, including—

(i) portfolio management as described in subsection (b);

(ii) one or more acquisition data management test cases; and

(iii) one or more development and test modeling and simulation test cases to demonstrate the ability to collect data from tests and operations in the field,

and feed the data back into models and simulations for better software development and testing;

(B) individual acquisition programs representing—

(i) one or more defense business systems;

(ii) one or more command and control systems;

(iii) one or more middle tier of acquisition programs;

(iv) programs featuring a cost-plus contract type, and a fixed-price contract type, and a transaction authorized under section 2371 or 2371b of title 10, United States Code; and

(v) at least one program in each military department.

(3) EXECUTION OF DEMONSTRATION ACTIVITIES.—As part of the demonstration activities under paragraph (1), the Secretary shall—

Analysis. Assessments.

(A) conduct a comparative analysis that assesses the risks and benefits of the digital management and analytics capability used in each of the programs participating in the demonstration activities relative to the traditional data collection, reporting, exposing, and analysis approaches of the Department;

(B) ensure that the intellectual property strategy for each of the programs participating in the demonstration activities is best aligned to meet the goals of the program; and

Plan.

(C) develop a workforce and infrastructure plan to support any new policies and guidance implemented in connection with the demonstration activities, including any policies and guidance implemented after the completion of such activities.

Deadline.

(d) POLICIES AND GUIDANCE REQUIRED.—Not later than March 15, 2022, based on the results of the demonstration activities carried out under subsection (c), the Secretary of Defense shall issue or modify policies and guidance to—

(1) promote the use of digital data management and analytics capabilities; and

(2) address roles, responsibilities, and procedures relating to such capabilities.

(e) STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a steering committee to assist the Secretary in carrying out subsections (a) through (c).

(2) MEMBERSHIP.—The steering committee shall be composed of the following members or their designees:

(A) The Deputy Secretary of Defense.

(B) The Chief Information Officer.

(C) The Director of Cost Assessment and Program Evaluation.

(D) The Under Secretary of Defense for Research and Engineering.

(E) The Under Secretary of Defense for Acquisition and Sustainment.

(F) The Director of Operational Test and Evaluation.

(G) The Service Acquisition Executives.

(H) The Director for Force Structure, Resources, and Assessment of the Joint Staff.

(I) The Director of the Defense Digital Service.

(J) Such other officials of the Department of Defense as the Secretary determines appropriate.

(f) INDEPENDENT ASSESSMENTS.—

(1) INITIAL ASSESSMENT.—

(A) IN GENERAL.—The Defense Innovation Board, in consultation with the Defense Digital Service, shall conduct an independent assessment and cost-benefits analysis to identify recommended approaches for the implementation of subsections (a) through (c). Consultation. Analysis.

(B) ELEMENTS.—The assessment under subparagraph (A) shall include the following:

(i) A plan for the development and implementation of the capabilities required under subsection (a), including a plan for any procurement that may be required as part of such development and implementation. Plans.

(ii) An independent cost assessment of the total estimated cost of developing and implementing the capability, as well as an assessment of any potential cost savings. Costs.

(iii) An independent estimate of the schedule for the development approach, and order of priorities for implementation of the capability, including a reasonable estimate of the dates on which the capability can be expected to achieve initial operational capability and full operational capability, respectively. Estimate.

(iv) A recommendation identifying the office or other organization of the Department of Defense that would be most appropriate to manage and execute the capability. Recommendations.

(C) REPORT.—Not later than July 15, 2021, the Defense Innovation Board, in consultation with the Defense Digital Service, shall submit to the Secretary of Defense and the congressional defense committees a report on the findings of the assessment under subparagraph (A), including the findings of the assessment with respect to each element specified in subparagraph (B). Consultation.

(2) SECOND ASSESSMENT.— Deadlines.

(A) IN GENERAL.—Not later than March 15, 2023, the Defense Innovation Board and the Defense Science Board shall jointly complete an independent assessment of the progress of the Secretary in implementing subsections (a) through (c). The Secretary of Defense shall ensure that the Defense Innovation Board and the Defense Science Board have access to the resources, data, and information necessary to complete the assessment.

(B) INFORMATION TO CONGRESS.—Not later than 30 days after the date on which the assessment under subparagraph (A) is completed, the Defense Innovation Board and the Defense Science Board shall jointly provide to the congressional defense committees—

(i) a report summarizing the assessment; and Reports.

(ii) a briefing on the findings of the assessment. Briefing.

(g) DEMONSTRATIONS AND BRIEFING.—

(1) DEMONSTRATION OF IMPLEMENTATION.—Not later than October 20, 2021, the Secretary of Defense shall submit to Deadline.

the congressional defense committees a demonstration and briefing on the progress of the Secretary in implementing subsections (a) through (c). The briefing shall include an explanation of how the results of the demonstration activities carried out under subsection (c) will be incorporated into the policy and guidance required under subsection (d), particularly the policy and guidance of the members of the steering committee established under subsection (e).

Deadline.

(2) BRIEFING ON LEGISLATIVE RECOMMENDATIONS.—Not later than February 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a briefing that identifies any changes to existing law that may be necessary to facilitate the implementation of subsections (a) through (c).

(3) DEMONSTRATION OF PORTFOLIO MANAGEMENT.—In conjunction with the budget of the President for fiscal year 2023 (as submitted to Congress under section 1105(a) of title 21, United States Code), the Deputy Secretary of Defense shall schedule a demonstration of the portfolio management capability developed under subsection (b) with the congressional defense committees.

10 USC 113 note.

SEC. 837. SAFEGUARDING DEFENSE-SENSITIVE UNITED STATES INTELLECTUAL PROPERTY, TECHNOLOGY, AND OTHER DATA AND INFORMATION.

Coordination.
Procedures.

(a) IN GENERAL.—The Secretary of Defense shall, in coordination with relevant departments and agencies—

(1) identify policies and procedures protecting defense-sensitive United States intellectual property, technology, and other data and information, including hardware and software, from acquisition by the government of China; and

(2) to the extent that the Secretary determines that such policies and procedures are insufficient to provide such protection, develop additional policies and procedures.

(b) MATTERS CONSIDERED.—In developing the policies and procedures under subsection (a), the Secretary shall take the following actions:

List.

(1) Establish and maintain a list of critical national security technology that may require certain restrictions on current or former employees, contractors, or subcontractors (at any tier) of the Department of Defense that contribute to such technology.

Review.

(2) Review the existing authorities under which employees of the Department of Defense may be subject to post-employment restrictions with foreign governments and with organizations subject to foreign ownership, control, or influence.

(3) Identify additional measures that may be necessary to enhance the authorities described in paragraph (2).

China.
Determination.

(c) POST-EMPLOYMENT MATTERS.—The Secretary shall consider mechanisms to restrict current or former employees of contractors or subcontractors (at any tier) of the Department of Defense that contribute significantly and materially to a technology referred to in subsection (b)(1) from working directly for companies wholly owned by the government of China, or for companies that have been determined by a cognizant Federal agency to be under the ownership, control, or influence of the government of China.

SEC. 838. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF SOFTWARE ACQUISITION REFORMS.

(a) REPORT REQUIRED.—Not later than March 15, 2021, the Comptroller General of the United States shall brief the congressional defense committees on the implementation by the Secretary of Defense of required acquisition reforms with respect to acquiring software for weapon systems, business systems, and other activities that are part of the defense acquisition system, with one or more reports based on such briefing to be submitted to such committees, as jointly determined by such committees and the Comptroller General. Deadline. Briefing.

(b) ELEMENTS.—The briefing and any reports required under subsection (a) shall include an assessment of the extent to which the Secretary of Defense has— Assessments.

(1) implemented the recommendations set forth in—

(A) the final report of the Defense Innovation Board submitted to the congressional defense committees under section 872 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1497);

(B) the final report of the Defense Science Board Task Force on the Design and Acquisition of Software for Defense Systems described in section 868 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1902; 10 U.S.C. 2223a note); and

(C) other relevant studies on software research, development, and acquisition activities of the Department of Defense;

(2) carried out software acquisition activities, including programs required under—

(A) section 2322a of title 10, United States Code; and

(B) section 875 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1503; 10 U.S.C. 2223 note);

(3) used the authority provided under section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1478; 10 U.S.C. 2223a); and

(4) carried out software acquisition pilot programs, including pilot programs required under sections 873 and 874 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2223a note; 10 U.S.C. 2302 note).

(c) ASSESSMENT OF ACQUISITION POLICY, GUIDANCE, AND PRACTICES.—Each report required under subsection (a) shall include an assessment of the extent to which the software acquisition policy, guidance, and practices of the Department of Defense reflect implementation of—

(1) relevant recommendations from software studies and pilot programs; and

(2) directives from the congressional defense committees.

(d) DEFENSE ACQUISITION SYSTEM DEFINED.—In this section, the term "defense acquisition system" has the meaning given that term in section 2545(2) of title 10, United States Code.

SEC. 839. COMPTROLLER GENERAL REPORT ON INTELLECTUAL PROPERTY ACQUISITION AND LICENSING.

Evaluation.

(a) IN GENERAL.—Not later than October 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating the implementation of Department of Defense Instruction 5010.44 relating to Intellectual Property Acquisition and Licensing (or successor instruction).

Assessments.

(b) ELEMENTS.—The report required under subsection (a) shall assess the following:

(1) The extent to which the Department of Defense is fulfilling the core principles established in such Instruction.

(2) The extent to which the Defense Acquisition University (established under section 1746 of title 10, United States Code) and elements of the Department of Defense (specified in paragraphs (1) through (10) of section 111(b) of such title) are carrying out the requirements of such Instruction.

(3) The progress of the Secretary of Defense in establishing a cadre of intellectual property experts (as required under section 2322(b) of such title), including the extent to which members of such cadre are executing their roles and responsibilities.

(4) The performance of the Secretary of Defense in assessing and demonstrating the implementation of such Instruction, including the effectiveness of the cadre described in paragraph (3).

(5) The effectiveness of the cadre described in paragraph (3) in providing resources on the acquisition and licensing of intellectual property.

(6) The effect implementation of such Instruction has had on particular acquisitions.

(7) The extent to which feedback from appropriate stakeholders was incorporated, including large and small businesses, traditional and nontraditional defense contractors (as defined in section 2302(9) of title 10, United States Code), and maintenance and repair organizations.

(8) Any other matters the Comptroller General determines appropriate.

Subtitle D—Industrial Base Matters

SEC. 841. ADDITIONAL REQUIREMENTS PERTAINING TO PRINTED CIRCUIT BOARDS.

(a) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by inserting after section 2533c the following section:

10 USC 2533d.

"§ 2533d. Additional requirements pertaining to printed circuit boards

"(a) IN GENERAL.—

Effective date.

"(1) Beginning on January 1, 2023, the Secretary of Defense may not acquire a covered printed circuit board from a covered nation.

"(2) Paragraph (1) shall not apply with respect to any acquisition of supplies or services below the micro-purchase threshold under section 2338 of this title.

"(b) WAIVER.—

"(1) The Secretary may waive the prohibition under subsection (a) if the Secretary determines in writing that— Determination.

"(A) there are no significant national security concerns regarding counterfeiting, quality, or unauthorized access created by such waiver;

"(B) the waiver is required to support national security; and

"(C) a covered printed circuit board of satisfactory quality and sufficient quantity, in the required form, cannot be procured as and when needed from nations other than a covered nation at reasonable cost, excluding comparisons with non-market economies.

"(2) Not later than 10 days after the Secretary provides a waiver under paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notice setting forth the reasoning for the waiver, together with a copy of the waiver itself. Deadline. Notice. Records.

"(c) DEFINITIONS.—In this section:

"(1) COVERED NATION.—The term 'covered nation' means—

"(A) the Democratic People's Republic of North Korea;

"(B) the People's Republic of China;

"(C) the Russian Federation; and

"(D) the Islamic Republic of Iran.

"(2) COVERED PRINTED CIRCUIT BOARD.—The term 'covered printed circuit board' means any partially manufactured or complete bare printed circuit board or fully or partially assembled printed circuit board that—

"(A) performs a mission critical function in any product or service that is not a commercial product or commercial service (as such terms are defined under sections 103 and 103a of title 41, respectively); or

"(B) the Secretary designates as a covered printed circuit board, after reasonable notice, based on a determination that the designation is required to support national security.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Defense.

"(d) RULEMAKING.—Not later than May 1, 2022, the Secretary shall promulgate regulations, after an opportunity for notice and comment, implementing this section. Deadline. Notice. Public comment.

"(e) APPLICABILITY.—This section shall apply only with respect to contracts entered into after the issuance of a final rule implementing this section. Contracts.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of Defense from entering into a contract with an entity that connects to the facilities of a third party, for the purposes of backhaul, roaming, or interconnection arrangements, on the basis of the noncompliance by the third party with the provisions of this section or use of equipment or services that do not route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter V of chapter 148 of title 10, United States Code, is amended by inserting after the item relating to section 2533c the following: 10 USC prec. 2531.

"2533d. Additional requirements pertaining to printed circuit boards.".

Applicability.
10 USC 2533d note.

(c) TRUSTED SUPPLY.—The Secretary of Defense shall apply the requirements of section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2302 note) to the acquisition of covered printed circuit boards (as such term is defined under section 2533d(c) of title 10, United States Code, as added by this section).

Deadlines.
Contracts.

(d) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center under which the center will conduct an assessment of the benefits and risks of expanding the prohibition in section 2533d(a) and the definitions in section 2533d(c) of title 10, United States Code, each as added by this section, to include printed circuit boards in commercial products or services, or in commercially available off-the-shelf products or services. The assessment shall also include analysis and recommendations regarding the scope of mission critical functions, as such term is used in such section.

Analysis.
Recommendations.

Reports.

(2) SUBMISSION TO DEPARTMENT OF DEFENSE.—Not later than one year after entering into the contract described in paragraph (1), the federally funded research and development center that conducts the assessment described in such paragraph shall submit to the Secretary of Defense a report on the results of the assessment.

Records.
Summary.
Recommendations.

(3) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Secretary of Defense receives the report described in paragraph (2), the Secretary shall submit to the congressional defense committees an unaltered copy of the report, together with any comments the Secretary may have with respect to the report, as well as a summary of the recommendations of the report. The comments of the Secretary, if any, and the summary of recommendations shall be in an unclassified form, but the submission may include a classified annex.

Classified information.

SEC. 842. REPORT ON NONAVAILABILITY DETERMINATIONS AND QUARTERLY NATIONAL TECHNOLOGY AND INDUSTRIAL BASE BRIEFINGS.

(a) IN GENERAL.—Section 2504 of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting the following: "(a) ANNUAL REPORT.—The Secretary";

(2) in subsection (a), as designated by paragraph (1), by adding at the end the following new paragraph:

Time period.
Waiver.

"(5) A detailed description of any use by the Secretary of Defense or a Secretary concerned, as applicable, during the prior 12 months of a waiver or exception to the sourcing requirements or prohibitions established by chapter 83 of title 41 or subchapter V of chapter 148 of this title, including—

"(A) the type of waiver or exception used; and

"(B) the reasoning for the use of each such waiver or exception."; and

(3) by adding at the end the following new subsection:

"(b) QUARTERLY BRIEFINGS.—(1) The Secretary of Defense shall ensure that the congressional defense committees receive quarterly briefings on the industrial base supporting the Department of

Defense, describing challenges, gaps, and vulnerabilities in the defense industrial base and commercial sector relevant to execution of defense missions, and describing initiatives to address such challenges.

"(2) Each briefing under paragraph (1) shall include an update on the progress of addressing such gaps or vulnerabilities by the Secretary, the Secretary of the military department concerned, or the appropriate head of a Defense Agency, including an update on— Updates.

"(A) actions taken to address such gaps or vulnerabilities;

"(B) policy changes necessary to address such gaps or vulnerabilities; and

"(C) the proposed timeline for action and resources required to address such gaps or vulnerabilities.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 2504 of title 10, United States Code, is amended to read as follows:

"§ 2504. National technology and industrial base: annual report and quarterly briefings".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 148 of such title is amended by striking the item relating to section 2504 and inserting the following new item: 10 USC prec. 2501.

"2504. National technology and industrial base: annual report and quarterly briefings.".

SEC. 843. MODIFICATION OF FRAMEWORK FOR MODERNIZING ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE AND INCLUSION OF OPTICAL TRANSMISSION COMPONENTS.

(a) IN GENERAL.— Section 2509 of title 10, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "such as those identified through the supply chain risk management process of the Department and by the Federal Acquisition Security Council, and" after "supply chain risks,"; and

(ii) in clause (ii), by striking "(other than optical transmission components)";

(B) in subparagraph (C)—

(i) in clause (x), by striking "; and" and inserting a semicolon;

(ii) by redesignating clause (xi) as clause (xii); and

(iii) by inserting after clause (x) the following new clause:

"(xi) processes and procedures related to supply chain risk management and processes and procedures implemented pursuant to section 2339a of this title; and"; and

(C) by adding at the end the following new subparagraph:

"(E) Characterization and assessment of industrial base support policies, programs, and procedures, including—

"(i) limitations and acquisition guidance relevant to the national technology and industrial base (as defined in section 2500(1) of this title);

"(ii) limitations and acquisition guidance relevant to section 2533a of this title;

"(iii) the Industrial Base Analysis and Sustainment program of the Department, including direct support and common design activities;

"(iv) the Small Business Innovation Research Program (as defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

"(v) the Manufacturing Technology Program established under section 2521 of this title;

"(vi) programs relating to the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.); and

"(vii) programs operating in each military department."; and

(2) in subsection (f)(2), by inserting ", and supporting policies, procedures, and guidance relating to such actions" after "subsection (b)".

Repeal.

(b) CONFORMING AMENDMENT.—Section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2304 note) is repealed.

SEC. 844. EXPANSION ON THE PROHIBITION ON ACQUIRING CERTAIN METAL PRODUCTS.

(a) IN GENERAL.—Section 2533c of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "material melted" and inserting "material mined, refined, separated, melted,"; and

(2) in subsection (c)(3)(A)(i), by striking "tungsten" and inserting "covered material".

10 USC 2533c note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 5 years after the date of the enactment of this Act.

SEC. 845. MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph:

"(2) COMPONENTS FOR NAVAL VESSELS.—The following components of vessels, to the extent they are unique to marine applications:

"(A) Gyrocompasses.

"(B) Electronic navigation chart systems.

"(C) Steering controls.

"(D) Propulsion and machinery control systems.

"(E) Totally enclosed lifeboats.";

(C) in paragraph (3), as so redesignated, by striking "subsection (k)" and inserting "subsection (j)"; and

(D) by adding at the end the following new paragraph:

"(4) COMPONENTS FOR T–AO 205 CLASS VESSELS.—The following components of T–AO 205 class vessels:

"(A) Auxiliary equipment, including pumps, for all shipboard services.

"(B) Propulsion system components, including engines, reduction gears, and propellers.

"(C) Shipboard cranes.

"(D) Spreaders for shipboard cranes.";

(2) by amending subsection (b) to read as follows:

"(b) MANUFACTURER IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—A manufacturer meets the requirements of this subsection if the manufacturer is part of the national technology and industrial base.";

(3) in subsection (c)—

(A) by striking "ITEMS.—" and all that follows through "Subsection (a) does not apply" and inserting "ITEMS.—Subsection (a) does not apply"; and

(B) by striking paragraphs (2) though (5);

(4) in subsection (g)—

(A) by striking "(1) This section" and inserting "This section"; and

(B) by striking paragraph (2);

(5) in subsection (h), by striking "subsection (a)(3)(B)" and inserting "subsection (a)(2)";

(6) in subsection (i)(3), by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under Secretary of Defense for Acquisition and Sustainment";

(7) by striking subsection (j);

(8) by redesignating the first subsection designated subsection (k) (relating to "Limitation on Certain Procurements Application Process") as subsection (j); and

(9) in subsection (k) (relating to "Implementation of Auxiliary Ship Component Limitation"), by striking "Subsection (a)(6)" and inserting "Subsection (a)(3)".

(b) REVIEW OF SELECT COMPONENTS.—The Secretary of the Defense shall expedite the review period under paragraph (3)(B) of section 2534(j) of title 10, United States Code, as redesignated by subsection (a), to not more than 60 days for applications submitted pursuant to such section 2534(j) for the following components for auxiliary ships:

Time period.
10 USC 2534 note.

(1) Auxiliary equipment, including pumps, for all shipboard services.

(2) Propulsion system components, including engines, reduction gears, and propellers.

(3) Shipboard cranes.

(4) Spreaders for shipboard cranes.

SEC. 846. IMPROVING IMPLEMENTATION OF POLICY PERTAINING TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) ASSESSMENT OF RESEARCH AND DEVELOPMENT, MANUFACTURING, AND PRODUCTION CAPABILITIES.—

10 USC 4811 note.

(1) IN GENERAL.—In developing the strategy required by section 2501 of title 10, United States Code, carrying out the program for analysis of the national technology and industrial base required by section 2503 of such title, and performing the assessments required under section 2505 of such title, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the

Consultation.

Under Secretary of Research and Engineering, shall assess the research and development, manufacturing, and production capabilities of the national technology and industrial base (as defined in section 2500 of such title) and other allies and partner countries.

(2) IDENTIFICATION OF SPECIFIC TECHNOLOGIES, COMPANIES, LABORATORIES, AND FACTORIES.—The map of the industrial base described in section 2504 of title 10, United States Code, shall highlight specific technologies, companies, laboratories, and factories of, or located in, the national technology and industrial base of potential value to current and future Department of Defense plans and programs.

(b) POLICY AND GUIDANCE.—

(1) IN GENERAL.—Section 2440 of title 10, United States Code is amended—

(A) by amending the section heading to read as follows: "**National technology and industrial base plans, policy, and guidance**";

(B) striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary"; and

(C) by adding at the end the following new subsection:

"(b) ACQUISITION POLICY AND GUIDANCE.—The Secretary of Defense shall develop and promulgate acquisition policy and guidance to the service acquisition executives, the heads of the appropriate Defense Agencies and Department of Defense Field Activities, and relevant program managers. Such policy and guidance shall be germane to the use of the research and development, manufacturing, and production capabilities identified pursuant to chapter 148 of this title and the technologies, companies, laboratories, and factories in specific Department of Defense research and development, international cooperative research, procurement, and sustainment activities.".

10 USC prec. 2430.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 144 of title 10, United States Code, is amended by striking the item relating to section 2440 and inserting the following new item:

"2440. National technology and industrial base plans, policy, and guidance.".

(c) RESPONSIBILITIES OF THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(c) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) collaboration with government officials of member countries of the national technology and industrial base in order to strengthen the national technology and industrial base.".

10 USC 4811 note.

(d) RECOMMENDATIONS FOR ADDITIONAL MEMBERS OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

Consultation. Processes.

(1) IN GENERAL.—The Secretary of Defense, in consultation with the heads of any relevant Federal agencies, shall establish a process to consider the inclusion of additional member countries in the national technology and industrial base.

(2) ELEMENTS.—The process developed under paragraph (1) shall include an analysis of—

(A) the national security and foreign policy impacts, costs, and benefits to the United States and allied countries of the inclusion of any such additional member countries in the national technology and industrial base;

(B) the economic impacts, costs, and benefits to entities within the United States and allied countries of the inclusion of any such additional member countries into the national technology and industrial base, including an assessment of— Assessments.

(i) specific shortfalls in the technological and industrial capacities of current member countries of the national technology and industrial base that would be addressed by inclusion of such additional member countries;

(ii) specific areas in the industrial bases of current member countries of the national technology and industrial base that would likely be impacted by additional competition if such additional member countries were included in the national technology and industrial base; and

(iii) costs to reconstitute capability should such capability be lost to competition; and

(C) other factors as determined relevant by the Secretary.

(3) CONCURRENCE.—For the purposes of the process developed under paragraph (1), the Secretary of Defense may recommend the inclusion of an additional member country in the national technology and industrial base only with the concurrence of the Secretary of State.

SEC. 847. REPORT AND LIMITATION ON THE AVAILABILITY OF FUNDS RELATING TO ELIMINATING THE GAPS AND VULNERABILITIES IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Beginning January 1, 2021, if the Secretary of Defense has not submitted to the congressional defense committees the national security strategy for the national technology and industrial base required by section 2501(a) of title 10, United States Code, not more than 75 percent of the funds specified in subsection (b) may be obligated or expended until the date on which the Secretary submits such strategy to such committees. Effective date.

(b) FUNDS SPECIFIED.—The funds specified in this subsection are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of Defense for the following:

(1) The immediate office of the Secretary of Defense.

(2) The Office of the Under Secretary of Defense for Acquisition and Sustainment.

SEC. 848. SUPPLY OF STRATEGIC AND CRITICAL MATERIALS FOR THE DEPARTMENT OF DEFENSE. 10 USC 4811 note.

(a) PREFERENCE FOR SOURCING FROM THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The Secretary of Defense shall, to the maximum extent practicable, acquire strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States in the following order of preference:

(1) From sources located within the United States.

(2) From sources located within the national technology and industrial base (as defined in section 2500 of title 10, United States Code).

(3) From other sources as appropriate.

(b) STATEMENT OF POLICY.—

(1) IN GENERAL.—The Secretary of Defense shall pursue the following goals:

Deadline.

(A) Not later than January 1, 2035, ensuring access to secure sources of supply for strategic and critical materials that will—

(i) fully meet the demands of the domestic defense industrial base;

(ii) eliminate the dependence of the United States on potentially vulnerable sources of supply for strategic and critical materials; and

(iii) ensure that the Department of Defense is not reliant upon potentially vulnerable sources of supply for the processing or manufacturing of any strategic and critical materials deemed essential to national security by the Secretary of Defense.

(B) Provide incentives for the defense industrial base to develop robust processing and manufacturing capabilities in the United States to refine strategic and critical materials for Department of Defense purposes.

(C) Maintain secure sources of supply for strategic and critical materials required to maintain current military requirements in the event that international supply chains are disrupted.

(2) METHODS.—The Secretary of Defense shall achieve the goals described in paragraph (1) through—

Consultation.

(A) the development of guidance in consultation with appropriate officials of the Department of State, the Joint Staff, and the Secretaries of the military departments;

(B) the continued and expanded use of existing programs, such as the National Defense Stockpile;

(C) the continued use of authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.); and

(D) other methods, as the Secretary of Defense deems appropriate.

10 USC 4811 note.

SEC. 849. ANALYSES OF CERTAIN ACTIVITIES FOR ACTION TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.

(a) ANALYSIS REQUIRED.—

Review. Determination.

(1) IN GENERAL.—The Secretary of Defense, acting through the Undersecretary of Defense for Acquisition and Sustainment and other appropriate officials, shall review the items under subsection (c) to determine and develop appropriate actions, consistent with the policies, programs, and activities required under chapter 148 of title 10, United States Code, chapter 83 of title 41, United States Code, and the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), including—

(A) restricting procurement, with appropriate waivers for cost, emergency requirements, and non-availability of suppliers, including restricting procurement to—

(i) suppliers in the United States;

(ii) suppliers in the national technology and industrial base (as defined in section 2500 of title 10, United States Code);

(iii) suppliers in other allied nations; or

(iv) other suppliers;

(B) increasing investment through use of research and development or procurement activities and acquisition authorities to—

(i) expand production capacity;

(ii) diversify sources of supply; or

(iii) promote alternative approaches for addressing military requirements;

(C) prohibiting procurement from selected sources or nations;

(D) taking a combination of actions described under subparagraphs (A),(B), and (C); or

(E) taking no action.

(2) CONSIDERATIONS.—The analyses conducted pursuant to paragraph (1) shall consider national security, economic, and treaty implications, as well as impacts on current and potential suppliers of goods and services.

(b) REPORTING ON ANALYSES, RECOMMENDATIONS, AND ACTIONS.—

(1) INTERIM BRIEF.—Not later than January 15, 2022, the Secretary of Defense shall submit to the congressional defense committees— Deadline.

(A) a summary of the findings of the analyses undertaken for each item pursuant to subsection (a); Summary.

(B) relevant recommendations resulting from the analyses; and

(C) descriptions of specific activities undertaken as a result of the analyses, including schedule and resources allocated for any planned actions.

(2) REPORTING.—The Secretary of Defense shall include the analyses conducted under subsection (a), and any relevant recommendations and descriptions of activities resulting from such analyses, as appropriate, in each of the following submitted during the 2022 calendar year:

(A) The annual report to Congress required under section 2504 of title 10, United States Code.

(B) The annual report on unfunded priorities of the national technology and industrial base required under section 2504a of such title.

(C) Department of Defense technology and industrial base policy guidance prescribed under section 2506 of such title.

(D) Activities to modernize acquisition processes to ensure integrity of industrial base pursuant to section 2509 of such title.

(E) Defense memoranda of understanding and related agreements considered in accordance with section 2531 of such title. Memorandum.

(F) Industrial base or acquisition policy changes. Policies.

(G) Legislative proposals for changes to relevant statutes which the Department shall consider, develop, and submit to the Committees on Armed Services of the Senate Legislative proposals.

and House of Representatives not less frequently than once per fiscal year.

Briefings.

(H) Quarterly briefings on the national technology and industrial base required under section 2504 of such title, as amended by section 842 of this Act.

(I) Other actions as the Secretary of Defense determines appropriate.

(c) LIST OF HIGH PRIORITY GOODS AND SERVICES FOR ANALYSES, RECOMMENDATIONS, AND ACTIONS.—The items described in this subsection are the following:

(1) Goods and services covered under existing restrictions, where a waiver, exception, or domestic non-availability determination has been applied.

(2) Printed circuit boards and other electronics components, consistent with the requirements of other provisions of this Act.

(3) Pharmaceuticals, including active pharmaceutical ingredients.

(4) Medical devices.

(5) Therapeutics.

(6) Vaccines.

(7) Diagnostic medical equipment and consumables, including reagents and swabs.

(8) Ventilators and related products.

(9) Personal protective equipment.

(10) Strategic and critical materials, including rare earth materials.

(11) Natural or synthetic graphite.

(12) Coal-based rayon carbon fibers.

(13) Aluminum and aluminum alloys.

SEC. 850. IMPLEMENTATION OF RECOMMENDATIONS FOR ASSESSING AND STRENGTHENING THE MANUFACTURING AND DEFENSE INDUSTRIAL BASE AND SUPPLY CHAIN RESILIENCY.

Deadline.

(a) SUBMISSION OF RECOMMENDATIONS TO SECRETARY OF DEFENSE.—In order to fully implement the recommendations of the report of the Interagency Task Force (established by the Department of Defense pursuant to section 2 of Executive Order 13806 (82 Fed. Reg. 34597; July 21, 2017)) titled "Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States: Report to President Donald J. Trump by the Interagency Task Force in Fulfillment of Executive Order 13806" (September 2018), not later than 540 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary of Defense additional recommendations regarding United States industrial policies. The additional recommendations shall consist of specific executive actions, programmatic changes, regulatory changes, and legislative proposals and changes, as appropriate.

Legislative proposals.

(b) SCOPE OF ASSESSMENT.—In developing the additional recommendations required under subsection (a), the Under Secretary shall—

(1) assess the macro forces and risk archetypes identified in the report of the Interagency Task Force described in subsection (a);

(2) evaluate the success of responsive actions undertaken; and Evaluation.

(3) identify any such recommendations that may require new legislative authorities. Recommendations.

(c) OBJECTIVES.—The additional recommendations made pursuant to subsection (a) shall—

(1) aim to expand the defense industrial base to leverage contributions and capabilities of allies and partner countries;

(2) identify and preserve the viability of domestic and trusted international suppliers; and

(3) strengthen the domestic industrial base, especially in areas subject to the risk archetypes identified in the report of the Interagency Task Force described in subsection (a).

(d) CONSULTATION.—In developing the additional recommendations required under subsection (a), the Under Secretary may engage through appropriate mechanisms with—

(1) the Defense Science Board;

(2) the Defense Innovation Board;

(3) the Defense Business Board;

(4) entities representing industry interests; and

(5) entities representing labor interests.

(e) SUBMISSION OF RECOMMENDATIONS TO PRESIDENT.—Not later than 30 days after receiving the additional recommendations required under subsection (a), the Secretary of Defense shall submit such recommendations, together with any supplementary views or recommendations, to the President, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, and the Director of the National Economic Council. Deadline.

(f) SUBMISSION OF RECOMMENDATIONS TO CONGRESS.—Not later than 30 days after submitting the recommendations under subsection (e), the Secretary of Defense shall submit to and brief the congressional defense committees on such recommendations. Deadline.

SEC. 851. REPORT ON STRATEGIC AND CRITICAL MATERIALS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an appendix to the annual report required in section 2504 of title 10, United States Code, due on March 1, 2021, describing strategic and critical materials, including the gaps and vulnerabilities in supply chains of such materials. Appendix.

(b) ELEMENTS.—The Secretary of Defense shall include in the appendix required in subsection (a) the following:

(1) An identification of the strategic and critical materials that are currently used by the Department of Defense.

(2) To the extent practicable, an identification of the overall annual tonnage of each strategic or critical material identified pursuant to paragraph (1) that was used by the Department during the 10-year period ending on December 31, 2020. Time period.

(3) An identification of domestic and international sources for the strategic and critical materials identified pursuant to paragraph (1).

(4) An identification of risks relating to access to the strategic and critical materials identified pursuant to paragraph (1) from supply chain disruptions due to geopolitical, economic, and other vulnerabilities.

Evaluation.

(5) An evaluation of the benefits of a robust domestic supply chain for providing strategic and critical materials, as needed, to manufacturers in the defense industrial base.

Evaluation.

(6) An evaluation of the effects of the use of waivers by the Strategic Materials Protection Board established under section 187 of title 10, United States Code, on the domestic supply of strategic and critical materials.

Recommendations.

(7) Recommendations for policies and procedures to ensure a capability within the Department of Defense to secure strategic and critical materials necessary for emerging technologies, as well as antimicrobial products, minerals, and metals for use in medical equipment and other technologies.

(8) An identification of improvements required to the National Defense Stockpile in order to ensure the Secretary of Defense has access to the strategic and critical materials identified pursuant to paragraph (1).

Evaluation.

(9) An evaluation of the domestic processing and manufacturing capacity needed to supply the strategic and critical materials identified pursuant to paragraph (1) to the Secretary of Defense in an economic and secure manner.

Consultation.

(10) In consultation with the Director of the United States Geological Survey, an identification of domestic locations with existing commercial manufacturing interest that are already verified to contain large supplies of the strategic and critical materials identified pursuant to paragraph (1).

Assessment. Recommendations.

(11) An assessment of the feasibility of partnerships with institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that receive grants for the purpose of enhancing the security and stability of the supply chain for strategic and critical materials for the National Defense Stockpile, including an identification of barriers to such partnerships and recommendations for improving such partnerships.

(12) Any other matter relating to strategic and critical materials that the Secretary considers appropriate.

Classified information.

(c) FORM.—The appendix required in subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) STRATEGIC AND CRITICAL MATERIALS DEFINED.—In this section, the term "strategic and critical materials" means materials, including rare earth elements, that are necessary to meet national defense and national security requirements, including requirements relating to supply chain resiliency, and for the economic security of the United States.

SEC. 852. REPORT ON ALUMINUM REFINING, PROCESSING, AND MANUFACTURING.

Appendix.

(a) IN GENERAL.—In preparing the annual report required under section 2504 of title 10, United States Code, due on March 1, 2022, the Secretary of Defense shall include as an appendix to such report information on—

(1) how authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) could be used to provide incentives to increase activities relating to refining aluminum and the development of processing and manufacturing capabilities for aluminum; and

(2) whether a new initiative would further the development of such processing and manufacturing capabilities for aluminum.

(b) SUBMISSION.—Not later than March 1, 2022, the Secretary of Defense shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the appendix described in subsection (a). Deadline.

Subtitle E—Small Business Matters

SEC. 861. INITIATIVES TO SUPPORT SMALL BUSINESSES IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE. 10 USC 4901 note.

(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Industrial Base Policy (established under section 903 of this Act) and other appropriate officials, in carrying out the activities described under subchapter II of chapter 148 of title 10, United States Code, shall establish initiatives to increase the effectiveness of the Department of Defense in specifically leveraging small businesses to eliminate gaps and vulnerabilities in the national technology and industrial base (as defined in section 2500 of title 10, United States Code) and expand the number of small businesses in the national technology and industrial base.

(b) INITIATIVES.—

(1) UPDATES FOR SMALL BUSINESS STRATEGY.—Not later than October 1, 2022, and biennially thereafter, shall update the small business strategy required under section 2283 of title 10, United States Code, and provide such updated strategy to the congressional defense committees. Deadline. Time period.

(2) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than March 1, 2023, and biennially thereafter, the Secretary of Defense shall develop an implementation plan consistent with the most recent small business strategy developed under such section 2283, and provide such plan to the congressional defense committees. Deadline. Time period.

(B) ELEMENTS.—The implementation plan described in subparagraph (A) shall include an identification of the following:

(i) Organizations responsible for implementation activities.

(ii) Metrics to evaluate progress of implementation activities.

(iii) Resources to support implementation activities.

(iv) Outcomes achieved as a result of executing the previous small business strategy developed under such section 2283.

(3) MECHANISMS TO ASSESS AND SUPPORT SMALL BUSINESSES IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The Secretary of Defense shall— Procedures.

(A) establish policies, procedures, and information repositories to identify small businesses in the defense supply chain, including—

(i) small businesses participating in an acquisition program of a military department or Defense Agency (as defined in section 101(11) of title 10, United States Code);

(ii) small businesses contracting with the Defense Logistics Agency; and

(iii) other small businesses in the national technology and industrial base;

(B) establish policies and procedures to assess the financial status of critical small businesses; and

Contracts.

(C) enter into an agreement with the acquisition research organization within a civilian college or university that is described under section 2361a(a) of title 10, United States Code (commonly referred to as the "Acquisition Innovation Research Center"), to analyze mechanisms that could be established to allow the Secretary of Defense to provide direct financial support to critical small businesses that require additional financial assistance, including critical small businesses that are—

(i) contracting with the Defense Logistics Agency;

(ii) subcontractors (at any tier); or

(iii) in critical technology sectors.

(c) REPORTS.—

(1) REPORT ON ACTIVITIES.—Not later than October 1, 2021, the Assistant Secretary of Defense for Industrial Base Policy shall submit to the appropriate committees a report on activities undertaken pursuant to this section.

Deadline.

(2) IMPLEMENTATION PLAN FOR 2019 SMALL BUSINESS STRATEGY.—Not later than June 1, 2021, the Secretary of Defense shall submit an implementation plan for the small business strategy required under section 2283 of title 10, United States Code, and dated October 1, 2019, including an identification of specific responsible individuals and organizations, milestones and metrics, and resources to support activities identified in the implementation plan.

(d) SMALL BUSINESS DEFINED.—In this section, the term "small business" has the meaning given by the Secretary of Defense, except that such term shall include prime contractors and subcontractors (at any tier).

15 USC 657f note.

SEC. 862. TRANSFER OF VERIFICATION OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS OR SERVICE-DISABLED VETERANS TO THE SMALL BUSINESS ADMINISTRATION.

Definition.

(a) TRANSFER DATE.—For purposes of this section, the term "transfer date" means the date that is 2 years after the date of enactment of this Act.

(b) AMENDMENT TO AND TRANSFER OF VETERAN-OWNED AND SERVICE-DISABLED VETERAN-OWNED BUSINESS DATABASE.—

Effective date. 38 USC 8127 note.

(1) AMENDMENT OF VETERAN-OWNED AND SERVICE-DISABLED VETERAN-OWNED BUSINESS DATABASE.—Effective on the transfer date, section 8127 of title 38, United States Code, is amended—

(A) in subsection (e), by striking "the Secretary under subsection (f)" and inserting "the Administrator under section 36 of the Small Business Act";

(B) in subsection (f)—

(i) by striking "the Secretary" each place it appears, except in the last place it appears in paragraph (2)(A), and inserting "the Administrator";

(ii) in paragraph (1), by striking "small business concerns owned and controlled by veterans with service-connected disabilities" and inserting "small business concerns owned and controlled by service-disabled veterans";

(iii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking "to access" and inserting "to obtain from the Secretary of Veterans Affairs"; and

(bb) by inserting ", United States Code," after "title 5"; and

(II) by striking subparagraph (B) and inserting the following:

"(B) For purposes of this subsection—

"(i) the Secretary of Veterans Affairs shall—

"(I) verify an individual's status as a veteran or a service-disabled veteran; and

"(II) establish a system to permit the Administrator to access, but not alter, the verification of such status; and

"(ii) the Administrator shall verify—

"(I) the status of a business concern as a small business concern; and

"(II) the ownership and control of such business concern.

"(C) The Administrator may not certify a concern under subsection (b) or section 36A if the Secretary of Veterans Affairs cannot provide the verification described under subparagraph (B)(i)(I).";

(iv) in paragraph (3), by striking "such veterans" and inserting "a veteran described in paragraph (1)";

(v) by striking paragraphs (4) and (7);

(vi) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively, and redesignating paragraph (8) as paragraph (6);

(vii) in paragraph (4), as so redesignated, by striking "The Secretary" and inserting "The Administrator"; and

(viii) in paragraph (6), as so redesignated—

(I) in subparagraph (A)—

(aa) by striking "verify the status of the concern as a small business concern or the ownership or control of the concern" and inserting "certify the status of the concern as a small business concern owned and controlled by veterans (under section 36A) or a small business concern owned and controlled by service-disabled veterans (under subsection (g) of this section)";

(bb) by striking "verification" and inserting "certification"; and

(cc) by striking "the Small Business Administration (as established under section

5(i) of the Small Business Act)" and inserting "the Administration (as established under section 5(i))";

(II) in subparagraph (B)—

(aa) in clause (i)—

(AA) by striking "small business concern owned and controlled by veterans with service-connected disabilities" and inserting "small business concern owned and controlled by service-disabled veterans"; and

(BB) by striking "of the Small Business Administration"; and

(bb) in clause (ii)—

(AA) by amending subclause (I) to read as follows:

"(I) the Secretary of Veterans Affairs or the Administrator; or"; and

(BB) in subclause (II), by striking "the contracting officer of the Department" and inserting "the applicable contracting officer"; and

(III) by striking subparagraph (C);

(C) by redesignating subsections (k) (relating to limitations on subcontracting) and (l) (relating to definitions) as subsections (l) and (m), respectively;

(D) by inserting after subsection (j) (relating to annual reports) the following new subsection:

Reimbursement.

"(k) ANNUAL TRANSFER FOR CERTIFICATION COSTS.—For each fiscal year, the Secretary of Veterans Affairs shall reimburse the Administrator in an amount necessary to cover any cost incurred by the Administrator for certifying small business concerns owned and controlled by veterans that do not qualify as small business concerns owned and controlled by service-disabled veterans for the Secretary for purposes of this section and section 8128 of this title. The Administrator is authorized to accept such reimbursement. The amount of any such reimbursement shall be determined jointly by the Secretary and the Administrator and shall be provided from fees collected by the Secretary under multiple-award schedule contracts. Any disagreement about the amount shall be resolved by the Director of the Office of Management and Budget."; and

(E) in subsection (m) (relating to definitions), as so redesignated—

(i) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(ii) by inserting before paragraph (2), as so redesignated, the following new paragraph:

Definition.

"(1) The term 'Administrator' means the Administrator of the Small Business Administration.".

(2) TRANSFER OF REQUIREMENTS RELATING TO DATABASE TO THE SMALL BUSINESS ACT.—Effective on the transfer date, subsection (f) of section 8127 of title 38, United States Code (as amended by paragraph (1)), is transferred to section 36 of the Small Business Act (15 U.S.C. 657f), and inserted so as to appear after subsection (e).

Effective date.
15 USC 657f note.

(3) CONFORMING AMENDMENTS.—The following amendments shall take effect on the transfer date:

(A) SMALL BUSINESS ACT.—Section 3(q)(2)(C)(i)(III) of the Small Business Act (15 U.S.C. 632(q)(2)(C)(i)(III)) is amended by striking "section 8127(f) of title 38, United States Code" and inserting "section 36". 15 USC 632 note.

(B) TITLE 38.—Section 8128 of title 38, United States Code, is amended by striking "maintained by the Secretary under section 8127(f) of this title" and inserting "maintained by the Administrator of the Small Business Administration under section 36 of the Small Business Act".

(c) ADDITIONAL REQUIREMENTS FOR DATABASE.— 15 USC 657f note.

(1) ADMINISTRATOR ACCESS TO DATABASE BEFORE THE TRANSFER DATE.—During the period between the date of the enactment of this Act and the transfer date, the Secretary of Veterans Affairs shall provide the Administrator of the Small Business Administration with access to the contents of the database described under section 8127(f) of title 38, United States Code. Time period.

(2) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed—

(A) as prohibiting the Administrator of the Small Business Administration from combining the contents of the database described under section 8127(f) of title 38, United States Code, with other databases maintained by the Administration; or

(B) as requiring the Administrator to use any system or technology related to the database described under section 8127(f) of title 38, United States Code, on or after the transfer date to comply with the requirement to maintain a database under subsection (f) of section 36 of the Small Business Act (as transferred pursuant to subsection (b)(2) of this section).

(3) RECOGNITION OF THE ISSUANCE OF JOINT REGULATIONS.—The date specified under section 1832(e) of the National Defense Authorization Act for Fiscal Year 2017 (15 U.S.C. 632 note) shall be deemed to be October 1, 2018.

(d) PROCUREMENT PROGRAM FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

(1) PROCUREMENT PROGRAM FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Section 36 of the Small Business Act (15 U.S.C. 657f) is amended—

(A) by redesignating subsection (d) as paragraph (3), adjusting the margin accordingly, and transferring such paragraph to subsection (h) of such section, as added by subparagraph (F) of this paragraph, so as to appear after paragraph (2);

(B) by striking subsection (e);

(C) by redesignating subsections (a), (b), and (c) as subsections (c), (d), and (e) respectively;

(D) by inserting before subsection (c), as so redesignated, the following new subsections:

"(a) CONTRACTING OFFICER DEFINED.—For purposes of this section, the term 'contracting officer' has the meaning given such term in section 2101 of title 41, United States Code.

"(b) CERTIFICATION OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—With respect to a procurement program or preference established under this Act that applies to prime contractors, the Administrator shall—

"(1) certify the status of a concern as a small business concern owned and controlled by service-disabled veterans; and

"(2) require the periodic recertification of such status.";

(E) in subsection (d), as so redesignated, by inserting "certified under subsection (b)" before "if the contracting officer";

(F) by adding at the end the following new subsections:

"(g) CERTIFICATION REQUIREMENT.—Notwithstanding subsection (c), a contracting officer may only award a sole source contract to a small business concern owned and controlled by service-disabled veterans or a contract on the basis of competition restricted to small business concerns owned and controlled by service-disabled veterans if such a concern is certified by the Administrator as a small business concern owned and controlled by service-disabled veterans.

"(h) ENFORCEMENT; PENALTIES.—

Procedures.

"(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under subsection (b)); and

"(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under subsection (b).

"(2) EXAMINATIONS.—The procedures established under paragraph (1) shall provide for a program of examinations by the Administrator of any small business concern making a certification or providing information to the Administrator under subsection (b), to determine the veracity of any statements or information provided as part of such certification or otherwise provided under subsection (b).

"(i) PROVISION OF DATA.—Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out subsection (b) or to be able to certify the status of the concern as a small business concern owned and controlled by veterans under section 36A."; and

(G) in paragraph (3) of subsection (h), as redesignated and transferred by subparagraph (A) of this paragraph, by inserting "and section 36A" before the period at the end.

(2) PENALTIES FOR MISREPRESENTATION.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(A) in subsection (d)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking the comma that immediately follows another comma; and

(II) by striking ", a 'small" and inserting ", a 'small business concern owned and controlled

by service-disabled veterans', a 'small business concern owned and controlled by veterans', a 'small"; and

(ii) in subparagraph (A), by striking "9, 15, or 31" and inserting "8, 9, 15, 31, 36, or 36A"; and

(B) in subsection (e)—

(i) by striking the comma that immediately follows another comma; and

(ii) by striking ", a 'small" and inserting ", a 'small business concern owned and controlled by service-disabled veterans', a 'small business concern owned and controlled by veterans', a 'small".

(e) CERTIFICATION FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 36 the following new section:

"SEC. 36A. CERTIFICATION OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS. 15 USC 657f–1.

"(a) IN GENERAL.—With respect to the program established under section 8127 of title 38, United States Code, the Administrator shall—

"(1) certify the status of a concern as a small business concern owned and controlled by veterans; and

"(2) require the periodic recertification of such status.

"(b) ENFORCEMENT; PENALTIES.—

"(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to— Procedures.

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under section 36 (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under subsection (a)); and

"(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under subsection (a).

"(2) EXAMINATION OF APPLICANTS.—The procedures established under paragraph (1) shall provide for a program of examinations by the Administrator of any small business concern making a certification or providing information to the Administrator under subsection (a), to determine the veracity of any statements or information provided as part of such certification or otherwise provided under subsection (a).".

(f) STATUS OF SELF-CERTIFIED SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.— 15 USC 657f note.

(1) IN GENERAL.—Notwithstanding any other provision of law, any small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that self-certified as a small business concern owned and controlled by service-disabled veterans (as defined in section 36 of such Act (15 U.S.C. 657f)) shall— Time periods.

(A) if the concern files a certification application with the Administrator of the Small Business Administration

before the end of the 1-year period beginning on the transfer date, maintain such self-certification until the Administrator makes a determination with respect to such certification; and

(B) if the concern does not file such a certification application before the end of the 1-year period beginning on the transfer date, lose, at the end of such 1-year period, any self-certification of the concern as a small business concern owned and controlled by service-disabled veterans.

(2) NON-APPLICABILITY TO DEPARTMENT OF VETERANS AFFAIRS.—Paragraph (1) shall not apply to participation in contracts (including subcontracts) with the Department of Veterans Affairs.

Requirements. Public information.

(3) NOTICE.—The Administrator shall notify any small business concern that self-certified as a small business concern owned and controlled by service-disabled veterans about the requirements of this section and the amendments made by this section, including the transfer date, and make such notice publicly available, on the date of the enactment of this Act.

(g) TRANSFER OF THE CENTER FOR VERIFICATION AND EVALUATION OF THE DEPARTMENT OF VETERANS AFFAIRS TO THE SMALL BUSINESS ADMINISTRATION.—

(1) DEFINITION.—In this subsection, the term "function"—

(A) means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(B) does not include employees.

Effective date.

(2) ABOLISHMENT.—The Center for Verification and Evaluation of the Department of Veterans Affairs, as defined under section 74.1 of title 38, Code of Federal Regulations, is abolished effective on the transfer date.

Effective date.

(3) TRANSFER OF FUNCTIONS.—Effective on the transfer date, all functions that, immediately before the transfer date, were functions of the Center for Verification and Evaluation shall be functions of the Small Business Administration.

President.

(4) TRANSFER OF ASSETS.—So much of the property (including contracts for the procurement of property or services) and records used, held, available, or to be made available in connection with a function transferred under this subsection shall be available to the Small Business Administration at such time or times as the President directs for use in connection with the functions transferred.

(5) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this subsection; and

(ii) which are in effect on the transfer date, or were final before the transfer date and are to become effective on or after the transfer date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator

of the Small Business Administration or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of Veterans Affairs on the transfer date, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the transfer date, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Veterans Affairs, or by or against any individual in the official capacity of such individual as an officer of the Department of Veterans Affairs, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of Veterans Affairs relating to a function transferred under this subsection may be continued by the Administrator of the Small Business Administration with the same effect as if this subsection had not been enacted.

(F) EFFECT ON PERSONNEL.—The Secretary of Veterans Affairs shall appoint any employee represented by a labor organization accorded exclusive recognition under section 7111 of title 5, United States Code, that is affected by the transfer of functions under this subsection to a position of a continuing nature for which the employee is qualified, at a grade and compensation not lower than the current grade and compensation of the employee.

(6) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a function of the Center for Verification and Evaluation that is transferred under this subsection is deemed, after the transfer date, to refer to the Small Business Administration.

(h) REPORT.—Not later than 1 year after the date of the enactment of this Act, and every 6 months thereafter until the transfer Time period.

date, the Administrator of the Small Business Administration and Secretary of Veterans Affairs shall jointly submit to the Committee on Appropriations, the Committee on Small Business, and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Appropriations, the Committee on Small Business and Entrepreneurship, and the Committee on Veterans' Affairs of the Senate a report on the planning for the transfer of functions and property required under this section and the amendments made by this section on the transfer date, which shall include—

(1) a discussion of whether and how the verification database and operations of the Center for Verification and Evaluation of the Department of Veterans Affairs will be incorporated into the existing certification database of the Small Business Administration;

(2) projections for the numbers and timing, in terms of fiscal year, of—

(A) already verified concerns that will come up for recertification; and

(B) self-certified concerns that are expected to apply for certification;

(3) an explanation of how outreach to veteran service organizations, the service-disabled veteran-owned and veteran-owned small business community, and other stakeholders will be conducted; and

(4) other pertinent information determined by the Administrator and the Secretary.

SEC. 863. EMPLOYMENT SIZE STANDARD REQUIREMENTS FOR SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended—

(1) in subparagraph (A), by inserting "and subject to the requirements specified under subparagraph (C)" after "paragraph (1)"; and

(2) in subparagraph (C)—

(A) by inserting "(including the Administration when acting pursuant to subparagraph (A))" after "no Federal department or agency"; and

(B) in clause (ii)(I) by striking "12 months" and inserting "24 months".

15 USC 632 note.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 864. MAXIMUM AWARD PRICE FOR SOLE SOURCE MANUFACTURING CONTRACTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8 (15 U.S.C. 637)—

(A) in subsection (a)(1)(D)(i)(II), by striking "$5,000,000" and inserting "$7,000,000"; and

(B) in subsection (m)—

(i) in paragraph (7)(B)(i), by striking "$6,500,000" and inserting "$7,000,000"; and

(ii) in paragraph (8)(B)(i), by striking "$6,500,000" and inserting "$7,000,000";

(2) in section 31(c)(2)(A)(ii)(I) (15 U.S.C. 657a(c)(2)(A)(ii)(I)), by striking "$5,000,000" and inserting "$7,000,000"; and

(3) in section 36(c)(2)(A), as so redesignated by section 862(d)(1)(C), by striking "$5,000,000" and inserting "$7,000,000". 15 USC 657f.

SEC. 865. REPORTING REQUIREMENT ON EXPENDITURE AMOUNTS FOR THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND THE SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)(7)—

(A) in subparagraph (F), by striking "and" at the end;

(B) in subparagraph (G), by adding "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(H) with respect to a Federal agency to which subsection (f)(1) or (n)(1) applies, whether the Federal agency has complied with the applicable subsection for the year covered by the report;";

(2) in subsection (g)(10), by inserting ", which section shall describe whether or not the Federal agency complied with the requirements of subsection (f) for the year covered by that plan and include a justification for failure to comply (if applicable)," after "a section on its SBIR program"; and

(3) in subsection (o)(8), by inserting ", which section shall describe whether or not the Federal agency complied with the requirements of subsection (n) for the year covered by that plan and include a justification for failure to comply (if applicable)," after "a section on its STTR program".

SEC. 866. SMALL BUSINESSES IN TERRITORIES OF THE UNITED STATES.

(a) DEFINITION OF COVERED TERRITORY BUSINESS.—

(1) IN GENERAL.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(ff) COVERED TERRITORY BUSINESS.—In this Act, the term 'covered territory business' means a small business concern that has its principal office located in one of the following:

"(1) The United States Virgin Islands.

"(2) American Samoa.

"(3) Guam.

"(4) The Northern Mariana Islands.".

(2) CONFORMING AMENDMENT.—Section 15(x) of the Small Business Act (15 U.S.C. 644(x)) is amended by striking paragraph (3).

(b) PRIORITY FOR SURPLUS PROPERTY TRANSFERS.—Section 7(j)(13)(F)(iii) of the Small Business Act (15 U.S.C. 636(j)(13)(F)(iii)) is amended—

(1) in subclause (I), by striking "means" and all that follows through the period at the end and inserting the following: "means— Time periods.

"(aa) in the case of a Puerto Rico business, the period beginning on August 13, 2018, and ending on the date on which the Oversight Board established under section 2121 of title 48 terminates; and

"(bb) in the case of a covered territory business, the period beginning on the date of the enactment

of this item and ending on the date that is 4 years after such date of enactment."; and

(2) in subclause (II)—

(A) by inserting "or a covered territory business" after "a Puerto Rico business"; and

(B) by striking "the Puerto Rico business" each place it appears and inserting "either such business".

(c) CONTRACTING INCENTIVES FOR PROTEGE FIRMS THAT ARE COVERED TERRITORY BUSINESSES.—

(1) CONTRACTING INCENTIVES.—Section 45(a) of the Small Business Act (15 U.S.C. 657r(a)) is amended by adding at the end the following new paragraph:

Time period.

"(4) COVERED TERRITORY BUSINESSES.—During the period beginning on the date of the enactment of this paragraph and ending on the date that is 4 years after such date of enactment, the Administrator shall identify potential incentives to a covered territory mentor that awards a subcontract to its covered territory protege, including—

"(A) positive consideration in any past performance evaluation of the covered territory mentor; and

"(B) the application of costs incurred for providing training to such covered territory protege to the subcontracting plan (as required under paragraph (4) or (5) of section 8(d)) of the covered territory mentor.".

(2) MENTOR-PROTEGE RELATIONSHIPS.—Section 45(b)(3)(A) of the Small Business Act (15 U.S.C. 657r(b)(3)(A)) is amended by striking "relationships are" and all that follows through the period at the end and inserting the following: "relationships—

"(i) are between a covered protege and a covered mentor; or

"(ii) are between a covered territory protege and a covered territory mentor.".

(3) DEFINITIONS.—Section 45(d) of the Small Business Act (15 U.S.C. 657r(d)) is amended by adding at the end the following new paragraphs:

"(6) COVERED TERRITORY MENTOR.—The term 'covered territory mentor' means a mentor that enters into an agreement under this Act, or under any mentor-protege program approved under subsection (b)(1), with a covered territory protege.

"(7) COVERED TERRITORY PROTEGE.—The term 'covered territory protege' means a protege of a covered territory mentor that is a covered territory business.".

SEC. 867. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN SMALL BUSINESS ADMINISTRATION PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

15 USC 648.

(1) in section 21(a)—

(A) in paragraph (1), by inserting before "The Administration shall require" the following: "The previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands."; and

(B) in paragraph (4)(C)(ix), by striking "and American Samoa" and inserting "American Samoa, and the Commonwealth of the Northern Mariana Islands"; and

(2) in section 34(a)(9), by striking "and American Samoa" and inserting "American Samoa, and the Commonwealth of the Northern Mariana Islands". 15 USC 657d.

SEC. 868. PAST PERFORMANCE RATINGS OF CERTAIN SMALL BUSINESS CONCERNS.

(a) PAST PERFORMANCE RATINGS OF JOINT VENTURES FOR SMALL BUSINESS CONCERNS.—Section 15(e) of the Small Business Act (15 U.S.C. 644(e)) is amended by adding at the end the following new paragraph:

"(5) PAST PERFORMANCE RATINGS OF JOINT VENTURES FOR SMALL BUSINESS CONCERNS.—With respect to evaluating an offer for a prime contract made by a small business concern that previously participated in a joint venture with another business concern (whether or not such other business concern was a small business concern), the Administrator shall establish regulations— Evaluation. Contracts. Regulations. Requirements.

"(A) allowing the small business concern to elect to use the past performance of the joint venture if the small business concern has no relevant past performance of its own;

"(B) requiring the small business concern, when making an election under subparagraph (A)—

"(i) to identify to the contracting officer the joint venture of which the small business concern was a member; and

"(ii) to inform the contracting officer what duties and responsibilities the small business concern carried out as part of the joint venture; and

"(C) requiring a contracting officer, if the small business concern makes an election under subparagraph (A), to consider the past performance of the joint venture when evaluating the past performance of the small business concern, giving due consideration to the information provided under subparagraph (B)(ii).".

(b) PAST PERFORMANCE RATINGS OF FIRST-TIER SMALL BUSINESS SUBCONTRACTORS.—Section 8(d)(17) of the Small Business Act (15 U.S.C. 637(d)(l7)) is amended to read as follows:

"(17) PAST PERFORMANCE RATINGS FOR CERTAIN SMALL BUSINESS SUBCONTRACTORS.—Upon request by a small business concern that performed as a first tier subcontractor on a covered contract (as defined in paragraph (13)(A)), the prime contractor for such covered contract shall submit to such small business concern a record of past performance for such small business concern with respect to such covered contract. If a small business concern elects to use such record of past performance, a contracting officer shall consider such record of past performance when evaluating an offer for a prime contract made by such small business concern.". Records.

(c) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall issue rules to carry out this section and the amendments made by this section. Deadline. 15 USC 637 note.

SEC. 869. EXTENSION OF PARTICIPATION IN 8(A) PROGRAM. 15 USC 637 note.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall ensure that a small business concern participating in the program established under section 8(a) of the Small Effective date. Time period.

Business Act (15 U.S.C. 637) on or before September 9, 2020, may elect to extend such participation by a period of 1 year, regardless of whether such concern previously elected to suspend participation in such program pursuant to guidance of the Administrator.

Deadline.

(b) EMERGENCY RULEMAKING AUTHORITY.—Not later than 15 days after the date of enactment of this section, the Administrator shall issue regulations to carry out this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

15 USC 644 note.

SEC. 870. COMPLIANCE OF OFFICES OF SMALL BUSINESS AND DISADVANTAGED BUSINESS UTILIZATION.

(a) REPORT.—If the Comptroller General of the United States has determined that a Director of Small and Disadvantaged Business Utilization of a Federal agency is not in compliance with the requirements of section 15(k) of the Small Business Act (15 U.S.C. 644(k)), such Director shall submit, not later than the specified date, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes the reasons for such noncompliance and the specific actions the Director shall take to remedy such noncompliance.

(b) SPECIFIED DATE DEFINED.—In this section, the term "specified date" means the later of—

(1) the date that is 120 days after the date on which a determination is made under subsection (a); and

(2) 120 days after the date of the enactment of this Act.

15 USC 631 note.

SEC. 871. CATEGORY MANAGEMENT TRAINING.

Deadline.
Coordination.

(a) IN GENERAL.—Not later than 8 months after the date of the enactment of this section, the Administrator of the Small Business Administration, in coordination with the Administrator of the Office of Federal Procurement Policy and any other head of a Federal agency (as determined by the Administrator), shall develop a training curriculum on category management for staff of Federal agencies with procurement or acquisition responsibilities. Such training shall include—

(1) best practices for procuring goods and services from small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)); and

(2) information on avoiding conflicts with the requirements of the Small Business Act (15 U.S.C. 631 et seq.).

(b) USE OF CURRICULUM.—The Administrator of the Small Business Administration—

(1) shall ensure that staff for Federal agencies described in subsection (a) receive the training described in such subsection; and

(2) may request the assistance of the relevant Director of Small and Disadvantaged Business Utilization (as described in section 15(k) of the Small Business Act (15 U.S.C. 644(k))) to carry out the requirements of paragraph (1).

Records.

(c) SUBMISSION TO CONGRESS.—The Administrator of the Small Business Administration shall provide a copy of the training curriculum developed under subsection (a) to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

(d) CATEGORY MANAGEMENT DEFINED.—In this section, the term "category management" has the meaning given by the Director of the Office of Management and Budget.

Subtitle F—Other Matters

SEC. 881. REVIEW OF AND REPORT ON OVERDUE ACQUISITION AND CROSS-SERVICING AGREEMENT TRANSACTIONS. Reimbursement.

(a) REVIEW.—The Secretary of Defense, acting through the official designated to provide oversight of acquisition and cross-servicing agreements under section 2342(f) of title 10, United States Code, shall conduct a review of acquisition and cross-servicing agreement transactions for which reimbursement to the United States is overdue under section 2345 of such title.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2021, the designated official described in subsection (a) shall submit to the congressional defense committees a report on the results of the review of acquisition and cross-servicing agreement transactions described in such subsection.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) For each such transaction valued at $1,000,000 or more for which reimbursement to the United States was overdue as of October 1, 2020—

(i) the total amount of the transaction;

(ii) the unreimbursed balance of the transaction;

(iii) the date on which the transaction was originally made;

(iv) the date on which the most recent request for payment was sent to the relevant foreign government or international organization; and

(v) a plan for securing reimbursement from the foreign government or international organization. Plan.

(B) A description of the steps taken to implement the recommendations made in the March 4, 2020, report of the Government Accountability Office titled "Defense Logistics Agreements: DOD Should Improve Oversight and Seek Payment from Foreign Partners for Thousands of Orders It Identifies as Overdue", including efforts to validate data reported under this subsection and in the system of the Department of Defense to record data on acquisition and cross-servicing agreement transactions.

(C) The amount of reimbursement received from a foreign government or international organization, as applicable, for each order—

(i) for which the reimbursement is recorded as overdue in the system of the Department of Defense to record data on acquisition and cross-servicing agreement transactions; and

(ii) that was authorized during the period beginning on October 1, 2013, and ending on September 30, 2020. Time period.

(D) A plan for improving recordkeeping of acquisition and cross-servicing agreement transactions and ensuring Plan. Records.

timely reimbursement by a foreign government or international organization.

(E) Any other matter considered relevant by the designated official described in subsection (a).

SEC. 882. DOMESTIC COMPARATIVE TESTING ACTIVITIES.

Section 2350a(g) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "conventional defense equipment, munitions, and technologies manufactured and developed by countries referred to in subsection (a)(2)" and inserting "covered equipment, munitions, and technologies"; and

(ii) by striking "such equipment, munitions, and technologies" and inserting "such covered equipment, munitions, and technologies"; and

(B) in subparagraph (B), by inserting "such covered" before "equipment, munitions, and technologies";

(2) in paragraph (2), by striking "equipment, munitions, and technologies of the type described in paragraph (1)" and inserting "covered equipment, munitions, and technologies"; and

(3) by adding at the end the following new paragraph:

"(4) COVERED EQUIPMENT, MUNITIONS, AND TECHNOLOGIES DEFINED.—In this subsection, the term 'covered equipment, munitions, and technologies' means—

"(A) conventional defense equipment, munitions, and technologies manufactured and developed by countries referred to in subsection (a)(2); and

"(B) conventional defense equipment, munitions, and technologies manufactured and developed domestically.".

10 USC 4701 note.

SEC. 883. PROHIBITION ON AWARDING OF CONTRACTS TO CONTRACTORS THAT REQUIRE NONDISCLOSURE AGREEMENTS RELATING TO WASTE, FRAUD, OR ABUSE.

(a) IN GENERAL.—The Secretary of Defense may not award a contract for the procurement of goods or services to a contractor unless the contractor represents that—

(1) it does not require its employees to sign internal confidentiality agreements or statements that would prohibit or otherwise restrict such employees from lawfully reporting waste, fraud, or abuse related to the performance of a Department of Defense contract to a designated investigative or law enforcement representative of the Department of Defense authorized to receive such information; and

(2) it will inform its employees of the limitations on confidentiality agreements and other statements described in paragraph (1).

(b) RELIANCE ON REPRESENTATION.—A contracting officer of the Department of Defense may rely on the representation of a contractor as to the requirements described under subsection (a) in awarding a contract unless the officer has reason to question the accuracy of the representation.

SEC. 884. PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.

Section 1126 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by inserting after "senior executive of the agency" the following: ", who has significant program and project management oversight responsibilities,"; and

(2) in subsection (b)(4) by striking "twice" and inserting "four times".

SEC. 885. DISCLOSURE OF BENEFICIAL OWNERS IN DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS.

Section 2313(d) of title 41, United States Code, is amended—

(1) in paragraph (3), by inserting ", and an identification of any beneficial owner of such corporation," after "to the corporation"; and

(2) by adding at the end the following new paragraph:

"(4) DEFINITIONS.—In this subsection:

"(A) BENEFICIAL OWNERSHIP.—The term 'beneficial ownership' has the meaning given under section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1505; 10 U.S.C. 2509 note).

"(B) CORPORATION.—The term 'corporation' means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity.".

SEC. 886. REPEAL OF PILOT PROGRAM ON PAYMENT OF COSTS FOR DENIED GOVERNMENT ACCOUNTABILITY OFFICE BID PROTESTS.

Section 827 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1467; 10 U.S.C. 2304 note) is repealed.

SEC. 887. AMENDMENTS TO SUBMISSIONS TO CONGRESS RELATING TO CERTAIN FOREIGN MILITARY SALES.

Section 887(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 22 U.S.C. 2761 note) is amended—

(1) by striking "December 31, 2021" each place it appears and inserting "December 31, 2022"; and

(2) by adding at the end the following new paragraph:

"(3) APPLICABILITY.—The requirements of this subsection apply only to foreign military sales processes within the Department of Defense.".

SEC. 888. REVISION TO REQUIREMENT TO USE FIRM FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.

Repeal.

Section 830 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2762 note) is repealed.

SEC. 889. ASSESSMENT AND ENHANCEMENT OF NATIONAL SECURITY INNOVATION BASE.

(a) IN GENERAL.—The Secretary of Defense shall assess the economic forces and structures shaping the capacity of the national security innovation base, and develop policies to address such forces and structures.

Reviews.

(b) ELEMENTS.—The assessment required under subsection (a) shall review the following matters as they pertain to the innovative and manufacturing capacity of the national security innovation base:

(1) A detailed description of the entities comprising the national security innovation base and how they currently interact.

(2) Competition and antitrust policy.

(3) Immigration policy, including the policies germane to the attraction and retention of skilled immigrants.

(4) Education funding and policy.

(5) Demand stabilization and social safety net policies.

(6) The structure and incentives of financial markets and the effects of such on the access of businesses to credit.

(7) Trade policy, including export control policy and trade remedies.

(8) The tax code and its effect on investment, including the Federal research and development tax credit.

(9) Regulatory policy, including with respect to land use, environmental impact, and construction and manufacturing activities.

(10) Economic and manufacturing infrastructure.

(11) Intellectual property policy.

(12) Federally funded investments in the economy, including investments in research and development and advanced manufacturing.

(13) Federally funded purchases of goods and services.

(14) Federally funded investments to expand domestic manufacturing capabilities.

(15) Coordination and collaboration with allies and partners.

(16) Measures to protect technological advantages over adversaries and to counteract hostile or destabilizing activity by adversaries.

(17) Other matters as the Secretary of Defense deems appropriate.

(c) ENGAGEMENT WITH CERTAIN ENTITIES.—In conducting the assessment required under subsection (a), the Secretary of Defense shall engage through appropriate mechanisms with—

(1) the Defense Science Board;

(2) the Defense Innovation Board;

(3) the Defense Business Board;

(4) entities representing industry interests; and

(5) entities representing labor interests.

Deadline. Recommendations.

(d) SUBMISSION OF ASSESSMENT.—Not later than March 1, 2022, the Secretary of Defense shall submit to the President, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Director of the National Economic Council, and the congressional defense committees the assessment required under subsection (a), together with recommendations and any additional views of the Secretary.

SEC. 890. IDENTIFICATION OF CERTAIN CONTRACTS RELATING TO CONSTRUCTION OR MAINTENANCE OF A BORDER WALL.

With respect to contract actions reported to the Federal Procurement Data system established pursuant to section 1122(a)(4) of title 41, United States Code (or any successor system), the Secretary of Defense shall identify any contracts (including any task order contract (as defined in section 2304d of title 10, United States Code) and any modifications to a contract) entered into by the Secretary relating to the construction or maintenance of

a barrier along the international border between the United States and Mexico that have an estimated value greater than or equal to $7,000,000.

SEC. 891. WAIVERS OF CERTAIN CONDITIONS FOR PROGRESS PAYMENTS UNDER CERTAIN CONTRACTS DURING THE COVID–19 NATIONAL EMERGENCY.

10 USC 3804 note.

(a) WAIVER OF PROGRESS PAYMENTS REQUIREMENTS.—The Secretary of Defense may waive the requirements of section 2307(e)(2) of title 10, United States Code, with respect to progress payments for any undefinitized contractual action (as defined in section 2326 of title 10, United States Code; in this section referred to as "UCA") if the Secretary determines that the waiver is necessary due to the national emergency for the Coronavirus Disease 2019 (COVID–19) and—

(1) a contractor performing the contract for which a UCA is entered into has not already received increased progress payments from the Secretary of Defense on contractual actions other than UCAs; or

(2) a contractor performing the contract for which a UCA is entered into, and that has received increased progress payments from the Secretary of Defense on contractual actions other than UCAs, can demonstrate that the contractor has promptly provided the amount of the increase to any subcontractors (at any tier), small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), or suppliers of the contractor.

(b) DEFINITIZATION.—With respect to a UCA that not been definitized for a period of 180 days beginning on the date on which such UCA was entered into, the Secretary of Defense may only use the waiver authority described in subsection (a) if the Secretary (or a designee at a level not below the head of a contracting activity) provides a certification to the congressional defense committees that such UCA will be definitized within 60 days after the date on which the waiver is issued.

Time period. Certification. Deadline.

(c) SUBMISSION.—For each use of the waiver authority under subsection (a), the Secretary of Defense shall submit to the congressional defense committees an estimate of the amounts to be provided to subcontractors (at any tier), small business concerns, and suppliers, including an identification of the specific entities receiving an amount from an increased progress payment described under such subsection (a).

Estimate.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Sec. 901. Repeal of position of Chief Management Officer of the Department of Defense.
Sec. 902. Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and related matters.
Sec. 903. Assistant Secretary of Defense for Industrial Base Policy.
Sec. 904. Assistant Secretary of Defense for Energy, Installations, and Environment.
Sec. 905. Office of Local Defense Community Cooperation.
Sec. 906. Input from the Vice Chief of the National Guard Bureau to the Joint Requirements Oversight Council.
Sec. 907. Assignment of responsibility for the Arctic region within the Office of the Secretary of Defense.

Sec. 908. Modernization of process used by the Department of Defense to identify, task, and manage Congressional reporting requirements.

Subtitle B—Other Department of Defense Organization and Management Matters

Sec. 911. Reform of the Department of Defense.
Sec. 912. Limitation on reduction of civilian workforce.
Sec. 913. Chief Diversity Officer and Senior Advisors for Diversity and Inclusion.
Sec. 914. Limitation on consolidation or transition to alternative content delivery methods within the Defense Media Activity.

Subtitle C—Space Force Matters

Sec. 921. Office of the Chief of Space Operations.
Sec. 922. Clarification of Space Force and Chief of Space Operations authorities.
Sec. 923. Amendments to Department of the Air Force provisions in title 10, United States Code.
Sec. 924. Amendments to other provisions of title 10, United States Code.
Sec. 925. Amendments to provisions of law relating to pay and allowances.
Sec. 926. Amendments to provisions of law relating to veterans' benefits.
Sec. 927. Amendments to other provisions of the United States Code and other laws.
Sec. 928. Applicability to other provisions of law.
Sec. 929. Temporary exemption from authorized daily average of members in pay grades E–8 and E–9.
Sec. 930. Limitation on transfer of military installations to the jurisdiction of the Space Force.
Sec. 931. Organization of the Space Force.

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. REPEAL OF POSITION OF CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL OF POSITION.—

(1) IN GENERAL.—Section 132a of title 10, United States Code is repealed.

(2) CONFORMING REPEALS.—The following provisions of law are repealed:

(A) Paragraph (2) of section 131(b) of title 10, United States Code.

(B) Section 910 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1516).

5 USC 5313 note, 10 USC note prec. 131, 131 note, 132 notes, 132a notes.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 132a.

10 USC prec. 131.

(4) EFFECTIVE DATE.—The repeals and amendments made by this subsection shall take effect on the date of the enactment of this Act.

10 USC 131 note.

(b) IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act—

Deadline. 10 USC 132a note.

(1) each duty or responsibility that remains assigned to the Chief Management Officer of the Department of Defense shall be transferred to an officer or employee of the Department of Defense designated by the Secretary of Defense, except that any officer or employee so designated may not be an individual who served as the Chief Management Officer before the date of the enactment of this Act; and

(2) the personnel, functions, and assets of the Office of the Chief Management Officer shall be transferred to such other organizations and elements of the Department as the Secretary considers appropriate.

(c) REFERENCES.—Any reference in any law, regulation, guidance, instruction, or other document of the Federal Government to the Chief Management Officer of the Department of Defense shall be deemed to refer to the applicable officer or employee of the Department of Defense designated by the Secretary of Defense under subsection (b)(1).

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth such recommendations for legislative action as the Secretary considers appropriate for modifications to law to carry out this section and the repeals and amendments made by this section. Recommendations.

SEC. 902. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND RELATED MATTERS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CHAIN OF ADMINISTRATIVE COMMAND.—Section 138(b)(2) of title 10, United States Code, is amended—

(A) by redesignating clauses (i), (ii), and (iii) of subparagraph (B) as subclauses (I), (II), and (III), respectively;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by inserting "(A)" after "(2)";

(D) in clause (i) of subparagraph (A), as redesignated by this paragraph, by inserting before the period at the end the following: "through the administrative chain of command specified in section 167(f) of this title;" and

(E) by adding at the end the following new subparagraph:

"(B) In the discharge of the responsibilities specified in subparagraph (A)(i), the Assistant Secretary is immediately subordinate to the Secretary of Defense. Unless otherwise directed by the President, no officer below the Secretary may intervene to exercise authority, direction, or control over the Assistant Secretary in the discharge of such responsibilities.".

(2) TECHNICAL AMENDMENT.—Subparagraph (A) of such section, as redesignated by paragraph (1), is further amended in the matter preceding clause (i), as so redesignated, by striking "section 167(j)" and inserting "section 167(k)".

(b) FULFILLMENT OF SPECIAL OPERATIONS RESPONSIBILITIES.—

(1) IN GENERAL.—Section 139b of title 10, United States Code, is amended to read as follows:

"§ 139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council

"(a) SECRETARIAT FOR SPECIAL OPERATIONS.—

"(1) IN GENERAL.—In order to fulfill the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict specified in section 138(b)(2)(A)(i) of this title, there shall be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict an office to be known as the 'Secretariat for Special Operations'.

"(2) PURPOSE.—The purpose of the Secretariat is to assist the Assistant Secretary in exercising authority, direction, and

control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel as specified in such section.

Appointment.

"(3) DIRECTOR.—The Director of the Secretariat for Special Operations shall be appointed by the Secretary of Defense from among individuals qualified to serve as the Director. An individual serving as Director shall, while so serving, be a member of the Senior Executive Service.

"(4) ADMINISTRATIVE CHAIN OF COMMAND.—For purposes of the support of the Secretariat for the Assistant Secretary in the fulfillment of the responsibilities referred to in paragraph (1), the administrative chain of command is as specified in section 167(f) of this title. Unless otherwise directed by the President, no officer below the Secretary of Defense (other than the Assistant Secretary) may intervene to exercise authority, direction, or control over the Secretariat in its support of the Assistant Secretary in the discharge of such responsibilities.

"(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT COUNCIL.—

"(1) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(2)(A)(i) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall establish and lead a team known as the 'Special Operation Policy and Oversight Council' (in this subsection referred to as the 'Council').

"(2) PURPOSE.—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

"(3) MEMBERSHIP.—The Council shall include the following:

"(A) The Assistant Secretary.

"(B) Appropriate senior representatives of each of the following:

"(i) The Under Secretary of Defense for Research and Engineering.

"(ii) The Under Secretary of Defense for Acquisition and Sustainment.

"(iii) The Under Secretary of Defense (Comptroller).

"(iv) The Under Secretary of Defense for Personnel and Readiness.

"(v) The Under Secretary of Defense for Intelligence.

"(vi) The General Counsel of the Department of Defense.

"(vii) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

"(viii) The military departments.

"(ix) The Joint Staff.

"(x) The United States Special Operations Command.

"(xi) Such other officers or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate.

"(4) OPERATION.—The Council shall operate continuously.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 139b and inserting the following new item: 10 USC prec. 131.

"139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council.".

(c) DOD DIRECTIVE ON RESPONSIBILITIES OF ASD SOLIC.— 10 USC 138 note.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish a Department of Defense directive establishing policy and procedures related to the exercise of authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as specified by section 138(b)(2)(A)(i) of title 10, United States Code, as amended by subsection (a)(1). Deadline. Publication. Procedures.

(2) MATTERS FOR INCLUDING.—The directive required by paragraph (1) shall include the following:

(A) A specification of responsibilities for coordination on matters affecting the organization, training, and equipping of special operations forces.

(B) An identification and specification of updates to applicable documents and instructions of the Department of Defense.

(C) Mechanisms to ensure the inclusion of the Assistant Secretary in all Departmental governance forums affecting the organization, training, and equipping of special operations forces.

(D) Such other matters as the Secretary considers appropriate.

(3) APPLICABILITY.— The directive required by paragraph (1) shall apply throughout the Department of Defense to all components of the Department of Defense.

(4) LIMITATION ON AVAILABILITY OF CERTAIN FUNDING PENDING PUBLICATION.—Of the amounts authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary publishes the directive required by paragraph (1). Time period.

SEC. 903. ASSISTANT SECRETARY OF DEFENSE FOR INDUSTRIAL BASE POLICY.

(a) INCREASE IN AUTHORIZED NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—Subsection (a)(1) of section 138 of title 10, United States Code, is amended by striking "13" and inserting "14".

(b) ASSISTANT SECRETARY OF DEFENSE FOR INDUSTRIAL BASE POLICY.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

"(6) One of the Assistant Secretaries is the Assistant Secretary of Defense for Industrial Base Policy. The Assistant Secretary shall—

"(A) advise the Under Secretary of Defense for Acquisition and Sustainment on industrial base policies; and

"(B) perform other duties as directed by the Under Secretary.".

SEC. 904. ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT.

(a) INCREASE IN AUTHORIZED NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—Subsection (a)(1) of section 138 of title 10, United States Code, as amended by section 903 of this Act, is further amended by striking "14" and inserting "15".

(b) ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT.—Subsection (b) of that section, as so amended, is further amended by adding at the end the following new paragraph:

"(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Energy, Installations, and Environment. The principal duty of the Assistant Secretary shall be the overall supervision of matters relating to energy, installations, and the environment for the Department of Defense.".

SEC. 905. OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION.

(a) ACKNOWLEDGMENT IN LAW AND REDESIGNATION OF OFFICE OF ECONOMIC ADJUSTMENT AS OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 146.

"§ 146. Office of Local Defense Community Cooperation

"(a) IN GENERAL.—There is in the Office of the Secretary of Defense an office to be known as the Office of Local Defense Community Cooperation (in this section referred to as the 'Office').

Appointment.

"(b) DIRECTOR.—The Office shall be headed by the Director of the Office of Local Defense Community Cooperation, who shall be appointed by the Under Secretary of Defense for Acquisition and Sustainment from among civilian employees of the Federal Government or private individuals who have the following:

"(1) Experience in the interagency in the Executive Branch.

"(2) Experience in the administration and management of Federal grants programs.

"(c) DUTIES.—The Office shall—

"(1) serve as the office in the Department of Defense with primary responsibility for—

"(A) providing assistance to States, counties, municipalities, regions, and other communities to foster cooperation with military installations to enhance the military mission, achieve facility and infrastructure savings and reduced operating costs, address encroachment and compatible land use issues, support military families, and increase military, civilian, and industrial readiness and resiliency; and

"(B) providing adjustment and diversification assistance to State and local governments under section 2391(b) of this title to achieve the objectives described in subparagraph (A);

"(2) coordinate the provision of such assistance with other organizations and elements of the Department;

"(3) provide support to the Economic Adjustment Committee established under Executive Order No. 12788 (57 Fed. Reg. 2213; 10 U.S.C. 2391 note) or any successor to such Committee; and

"(4) carry out such other activities as the Under Secretary of Defense for Acquisition and Sustainment considers appropriate.

"(d) ANNUAL REPORT TO CONGRESS.—Not later than June 1 each year, the Director of the Office of Local Defense Community Cooperation shall submit to the congressional defense committees a report on the activities of the Office during the preceding year, including the assistance provided pursuant to subsection (c)(1) during such year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item: 10 USC prec. 131.

"146. Office of Local Defense Community Cooperation.".

(b) LIMITATION ON INVOLUNTARY SEPARATION OF PERSONNEL.—No personnel of the Office of Local Defense Community Cooperation under section 146 of title 10, United States Code (as added by subsection (a)), may be involuntarily separated from service with that Office during the one-year period beginning on the date of the enactment of this Act, except for cause. Time period. 10 USC 146 note.

(c) ADMINISTRATION OF PROGRAMS.—Any program, project, or other activity administered by the Office of Economic Adjustment of the Department of Defense as of the date of the enactment of this Act shall be administered by the Office of Local Defense Community Cooperation under section 146 of title 10, United States Code (as so added), after that date. 10 USC 146 note.

SEC. 906. INPUT FROM THE VICE CHIEF OF THE NATIONAL GUARD BUREAU TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—Section 181(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) INPUT FROM VICE CHIEF OF THE NATIONAL GUARD BUREAU.—The Council shall seek, and strongly consider, the views of the Vice Chief of the National Guard Bureau regarding non-Federalized National Guard capabilities in support of homeland defense and civil support missions.".

(b) TECHNICAL AMENDMENT.—Paragraph (1)(D) of such section is amended by striking "the" and inserting "The".

SEC. 907. ASSIGNMENT OF RESPONSIBILITY FOR THE ARCTIC REGION WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE. 10 USC 138 note.

The Assistant Secretary of Defense for International Security Affairs shall assign responsibility for the Arctic region to the Deputy Assistant Secretary of Defense for the Western Hemisphere or any other Deputy Assistant Secretary of Defense the Secretary of Defense considers appropriate.

SEC. 908. MODERNIZATION OF PROCESS USED BY THE DEPARTMENT OF DEFENSE TO IDENTIFY, TASK, AND MANAGE CONGRESSIONAL REPORTING REQUIREMENTS. 10 USC 111 note.

(a) ONGOING ANALYSIS REQUIRED.—The Assistant Secretary of Defense for Legislative Affairs shall conduct on an ongoing basis

an analysis of the process used by the Department of Defense to identify reports to Congress required by annual national defense authorization Acts, assign responsibility for preparation of such reports, and manage the completion and delivery of such reports to Congress for the purpose of identifying mechanisms to optimize and otherwise modernize the process.

(b) CONSULTATION.—The Assistant Secretary shall conduct the analysis required by subsection (a) with the assistance of and in consultation with the Chief Information Officer of the Department of Defense.

(c) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) A business process reengineering of the process described in subsection (a).

Assessment.

(2) An assessment of applicable commercially available analytics tools, technologies, and services in connection with such business process reengineering.

(3) Such other actions as the Assistant Secretary considers appropriate for purposes of the analysis.

Subtitle B—Other Department of Defense Organization and Management Matters

SEC. 911. REFORM OF THE DEPARTMENT OF DEFENSE.

(a) REFORM OF THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 125 the following new section:

10 USC 125a.

"§ 125a. Reform: improvement of efficacy and efficiency

Assessment.

"(a) IN GENERAL.—The Secretary of Defense shall take such action as is necessary to reform the Department of Defense to improve the efficacy and efficiency of the Department, and to improve the ability of the Department to prioritize among and assess the costs and benefits of covered elements of reform.

Assessment.

"(b) POLICY.—The Secretary shall develop a policy and issue guidance to implement reform within the Department and to improve the ability of the Department to prioritize among and assess the costs and benefits of covered elements of reform.

"(c) FRAMEWORK FOR REFORM.—

Deadline.
Policies.

"(1) IN GENERAL.—Not later than February 1, 2022, the Secretary shall establish policies, guidance, and a consistent reporting framework to measure the progress of the Department toward covered elements of reform, including by establishing categories of reform, consistent metrics, and a process for prioritization of reform activities.

"(2) SCOPE.—The framework required by paragraph (1) may address duties under the following:

"(A) Section 125 of this title.
"(B) Section 192 of this title.
"(C) Section 2222 of this title.
"(D) Section 1124 of title 31.
"(E) Section 11319 of title 40.

"(3) CONSULTATION.—The Secretary shall consult with the Deputy Secretary of Defense, the Performance Improvement Officer of the Department of Defense, the Chief Data Officer

of the Department of Defense, the Chief Information Officer of the Department of Defense, and the financial managers of the military departments in carrying out activities under this subsection.

"(d) COVERED ELEMENTS OF REFORM.—For purposes of this section and the policies, guidance, and reporting framework required by subsection (c), covered elements of reform may include the following:

"(1) Business systems modernization.

"(2) Enterprise business operations process re-engineering.

"(3) Expanded and modernized collection, management, dissemination, and visualization of data to support decision-making at all levels of the enterprise.

"(4) Improvements in workforce training and education and increasing capabilities of the Department workforce to support and execute reform activities and business processes.

"(5) Improvements to decision-making processes to enable cost savings, cost avoidance, or investments to develop process improvements.

"(6) Such other elements as the Secretary considers appropriate.

"(e) ANNUAL REPORT.—At the same time the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary shall, using the policies, guidance, and reporting framework required by subsection (c), submit to the congressional defense committees a report, including detailed narrative justifications and tradeoff analyses between options, on the actions of the Department as follows:

"(1) The activities, expenditures, and accomplishments carried out or made to effect reform under this section during the fiscal year in which such budget is submitted.

"(2) The proposed activities, expenditures, and accomplishments to effect reform under this section, and consistent with priorities established by the Secretary, during the fiscal year covered by such budget and each of the four succeeding fiscal years.". Proposals.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 125 the following new item: 10 USC prec. 121.

"125a. Reform: improvement of efficacy and efficiency.".

(b) IMPLEMENTING POLICIES, GUIDANCE, AND REPORTING FRAMEWORK.— 10 USC 125a note.

(1) SUBMITTAL TO CONGRESS.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the policies, guidance, and reporting framework established pursuant to subsection (c) of section 125a of title 10, United States Code (as added by subsection (a) of this section). Reports.

(2) UPDATE.—Not later than 90 days after the date of the submittal to Congress of the report required by section 901(d) of this Act, the Secretary shall update the reporting framework referred to in paragraph (1). Deadline.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than 270 days after the date of the submittal to Congress pursuant to subsection (b) of the policies, guidance, and reporting framework established pursuant to subsection (c) of section 125a of title 10, United States Code (as so added), the Comptroller Evaluation. Review.

General of the United States shall submit to the congressional defense committees a report setting forth an evaluation, based on a review by the Comptroller General of such policies, guidance, and framework, to the extent to which the categories and metrics in such policies, guidance, and reporting framework will enable consistent measurement of progress in reform and prioritization of reform of the Department.

SEC. 912. LIMITATION ON REDUCTION OF CIVILIAN WORKFORCE.

Analysis.

Section 129a(b) of title 10, United States Code, is amended by adding at the end the following: "The Secretary may not reduce the civilian workforce programmed full-time equivalent levels unless the Secretary conducts an appropriate analysis of the impacts of such reductions on workload, military force structure, lethality, readiness, operational effectiveness, stress on the military force, and fully burdened costs.".

SEC. 913. CHIEF DIVERSITY OFFICER AND SENIOR ADVISORS FOR DIVERSITY AND INCLUSION.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 905 of this Act, is further amended by adding at the end the following new section:

10 USC 147.

"§ 147. Chief Diversity Officer

Appointment.

"(a) CHIEF DIVERSITY OFFICER.—(1) There is a Chief Diversity Officer of the Department of Defense, who shall be appointed by the Secretary of Defense.

"(2) The Chief Diversity Officer shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion. A person may not be appointed as Chief Diversity Officer within three years after relief from active duty as a commissioned officer of a regular component of an armed force.

Time period.

"(3) The Chief Diversity Officer shall report directly to the Secretary of Defense in the performance of the duties of the Chief Diversity Officer under this section.

"(b) DUTIES.—The Chief Diversity Officer—

"(1) is responsible for providing advice on policy, oversight, guidance, and coordination for all matters of the Department of Defense related to diversity and inclusion;

"(2) advises the Secretary of Defense, the Secretaries of the military departments, and the heads of all other elements of the Department with regard to matters of diversity and inclusion;

"(3) shall establish and maintain a Department of Defense strategic plan that publicly states a diversity definition, vision, and goals for the Department;

"(4) shall define a set of strategic metrics that are directly linked to key organizational priorities and goals, actionable, and actively used to implement the strategic plan under paragraph (3);

"(5) shall advise in the establishment of training in diversity dynamics and training in practices for leading diverse groups effectively;

"(6) shall advise in the establishment of a strategic plan for diverse participation by institutions of higher education (including historically black colleges and universities and

minority-serving institutions), federally funded research and development centers, and individuals in defense-related research, development, test, and evaluation activities;

"(7) shall advise in the establishment of a strategic plan for outreach to, and recruiting from, untapped locations and underrepresented demographic groups;

"(8) shall coordinate with, and be supported by, the Office of People Analytics on studies, assessments, and related work relevant to diversity and inclusion; and

"(9) shall perform such additional duties and exercise such powers as the Secretary of Defense may prescribe.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by adding at the end the following new item: 10 USC prec. 131.

"147. Chief Diversity Officer.".

(b) SENIOR ADVISORS FOR DIVERSITY AND INCLUSION FOR THE MILITARY DEPARTMENTS AND COAST GUARD.— 10 USC 147 note.

(1) APPOINTMENT REQUIRED.—Each Secretary of a military department shall appoint within such military department a Senior Advisor for Diversity and Inclusion for such military department (and for the Armed Force or Armed Forces under the jurisdiction of such Secretary). The Commandant of the Coast Guard shall appoint a Senior Advisor for Diversity and Inclusion for the Coast Guard.

(2) QUALIFICATIONS AND LIMITATION.—Each Senior Advisor for Diversity and Inclusion shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion. A person may not be appointed as Senior Advisor for Diversity and Inclusion within three years after relief from active duty as a commissioned officer of a regular component of an Armed Force. Time period.

(3) REPORTING.—A Senior Advisor for Diversity and Inclusion shall report directly to the Secretary of the military department within which appointed. The Senior Advisor for Diversity and Inclusion for the Coast Guard shall report directly to the Commandant of the Coast Guard.

(4) DUTIES.—A Senior Advisor for Diversity and Inclusion, with respect to the military department and Armed Force or Armed Forces concerned—

(A) is responsible for providing advice, guidance, and coordination for all matters related to diversity and inclusion;

(B) shall advise in the establishment of training in diversity dynamics and training in practices for leading diverse groups effectively;

(C) shall advise and assist in evaluations and assessments of diversity;

(D) shall develop a strategic diversity and inclusion plan, which plan shall be consistent with the strategic plan developed and maintained pursuant to subsection (b)(3) of section 147 of title 10, United States Code (as added by subsection (a) of this section);

(E) shall develop strategic goals and measures of performance related to efforts to reflect the diverse population of the United States eligible to serve in the Armed Forces, which goals and measures of performance shall

be consistent with the strategic metrics defined pursuant to subsection (b)(4) of such section 147; and

(F) shall perform such additional duties and exercise such powers as the Secretary of the military department concerned or the Commandant of the Coast Guard, as applicable, may prescribe.

10 USC 147 note.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on February 1, 2021.

SEC. 914. LIMITATION ON CONSOLIDATION OR TRANSITION TO ALTERNATIVE CONTENT DELIVERY METHODS WITHIN THE DEFENSE MEDIA ACTIVITY.

Time period. Reports.

(a) IN GENERAL.—No consolidation or transition to alternative content delivery methods may occur within the Defense Media Activity until a period of 180 days has elapsed following the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report that identifies key aspects of the business case for alternative content delivery, and actions to mitigate risks, relating to the following:

(1) The safety and security of members of the Armed Forces and their families.

(2) The cybersecurity or security of content delivery to members of the Armed Forces, whether through—

(A) vulnerabilities in the content delivery method concerned;

(B) vulnerabilities in the personal devices used by members; or

(C) vulnerabilities in the receivers or streaming devices necessary to accommodate the alternative content delivery method.

(3) Costs or personal financial liabilities to members of the Armed Forces or their families, whether through monthly subscription fees or other tolls required to access digital content.

(4) Access to content with respect to bandwidth or other technical limitations where members of the Armed Forces receive content.

(b) DEFINITIONS.—In this section:

(1) The term "alternative content delivery" means any method of the Defense Media Activity for the delivery of digital content that is different from a method used by the Activity as of the date of the enactment of this Act.

(2) The term "consolidation", when used with respect to the Defense Media Activity, means any action to reduce or limit the functions, personnel, facilities, or capabilities of the Activity, including entering into contracts or developing plans for such reduction or limitation.

Subtitle C—Space Force Matters

SEC. 921. OFFICE OF THE CHIEF OF SPACE OPERATIONS.

(a) IN GENERAL.—Chapter 908 of title 10, United States Code, is amended by striking section 9083 and inserting the following new sections:

"§ 9083. Office of the Chief of Space Operations: function; composition 10 USC 9083.

"(a) FUNCTION.—There is in the executive part of the Department of the Air Force an Office of the Chief of Space Operations to assist the Secretary of the Air Force in carrying out the responsibilities of the Secretary.

"(b) COMPOSITION.—The Office of the Chief of Space Operations is composed of the following:

"(1) The Chief of Space Operations.

"(2) Other members of the Space Force and Air Force assigned or detailed to the Office of the Chief of Space Operations.

"(3) Civilian employees in the Department of the Air Force assigned or detailed to the Office of the Chief of Space Operations.

"(c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the Office of the Chief of Space Operations shall be organized in such manner, and the members of the Office of the Chief of Space Operations shall perform such duties and have such titles, as the Secretary of the Air Force may prescribe.

"§ 9084. Office of the Chief of Space Operations: general duties 10 USC 9084.

"(a) PROFESSIONAL ASSISTANCE.—The Office of the Chief of Space Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Air Force and to the Chief of Space Operations.

"(b) AUTHORITIES.—Under the authority, direction, and control of the Secretary of the Air Force, the Office of the Chief of Space Operations shall—

"(1) subject to subsections (c) and (d) of section 9014 of this title, prepare for such employment of the Space Force, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Space Force, as will assist in the execution of any power, duty, or function of the Secretary of the Air Force or the Chief of Space Operations;

"(2) investigate and report upon the efficiency of the Space Force and its preparation to support military operations by commanders of the combatant commands;

"(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

"(4) as directed by the Secretary of the Air Force or the Chief of Space Operations, coordinate the action of organizations of the Space Force; and

"(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary of the Air Force.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of such title is amended by striking the item relating to section 9083 and inserting the following new items: 10 USC prec. 9081.

"9083. Office of the Chief of Space Operations: function; composition.
"9084. Office of the Chief of Space Operations: general duties.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the Secretary of the Air Force and the Chief of Space Operations jointly submit to the Reports. 10 USC 9083 note.

congressional defense committees a report detailing the functions that the headquarters staff of the Department of the Air Force will continue to perform in support of the Space Force.

10 USC 9083 note.

(d) NO AUTHORIZATION OF ADDITIONAL MILITARY BILLETS.—The Secretary shall establish the Office of the Chief of Space Operations under section 9083 of title 10, United States Code, as amended by subsection (a), using military personnel otherwise authorized. Nothing in this section or the amendments made by this section shall be construed to authorize additional military billets for the purposes of, or in connection with, the establishment of the Office of the Chief of Space Operations.

SEC. 922. CLARIFICATION OF SPACE FORCE AND CHIEF OF SPACE OPERATIONS AUTHORITIES.

(a) COMPOSITION OF SPACE FORCE.—Section 9081 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

"(b) COMPOSITION.—The Space Force consists of—

"(1) the Regular Space Force;

"(2) all persons appointed or enlisted in, or conscripted into, the Space Force, including those not assigned to units, necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency; and

"(3) all Space Force units and other Space Force organizations, including installations and supporting and auxiliary combat, training, administrative, and logistic elements.".

(b) FUNCTIONS.—Section 9081 of title 10, United States Code, is further amended—

(1) by striking subsection (c) and inserting the following new subsection (c):

"(c) FUNCTIONS.—The Space Force shall be organized, trained, and equipped to—

"(1) provide freedom of operation for the United States in, from, and to space;

"(2) conduct space operations; and

"(3) protect the interests of the United States in space."; and

(2) by striking subsection (d).

(c) CLARIFICATION OF CHIEF OF SPACE OPERATIONS AUTHORITIES.—Section 9082 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "general officers of the Air Force" and inserting "general, flag, or equivalent officers of the Space Force"; and

(B) by adding at the end the following new paragraphs:

President. Appointment.

"(3) The President may appoint an officer as Chief of Space Operations only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(d) of this title) as a general, flag, or equivalent officer of the Space Force.

President. Waiver authority.

"(4) The President may waive paragraph (3) in the case of an officer if the President determines such action is necessary in the national interest.";

(2) in subsection (b), by striking "grade of general" and inserting "grade in the Space Force equivalent to the grade of general in the Army, Air Force, and Marine Corps, or admiral in the Navy"; and

(3) in subsection (d)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph (5):

"(5) perform duties prescribed for the Chief of Space Operations by sections 171 and 2547 of this title and other provision of law; and".

(d) REGULAR SPACE FORCE.—Chapter 908 of title 10, United States Code, as amended by section 921 of this Act, is further amended by adding at the end the following new section:

"§ 9085. Regular Space Force: composition

10 USC 9085.

"(a) IN GENERAL.—The Regular Space Force is the component of the Space Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Space Force.

"(b) COMPOSITION.—The Regular Space Force includes—

"(1) the officers and enlisted members of the Regular Space Force; and

"(2) the retired officers and enlisted members of the Regular Space Force.".

(e) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of title 10, United States Code, as so amended, is further amended by adding at the end the following new item:

10 USC prec. 9081.

"9085. Regular Space Force: composition.".

SEC. 923. AMENDMENTS TO DEPARTMENT OF THE AIR FORCE PROVISIONS IN TITLE 10, UNITED STATES CODE.

(a) SUBTITLE.—

(1) HEADING.—The heading of subtitle D of title 10, United States Code, is amended to read as follows:

10 USC prec. 9011.

"Subtitle D—Air Force and Space Force".

(2) TABLE OF SUBTITLES.—The table of subtitles at the beginning of such title is amended is amended by striking the item relating to subtitle D and inserting the following new item:

10 USC prec. 101.

"D. Air Force and Space Force ..... 9011".

(b) ORGANIZATION.—

(1) SECRETARY OF THE AIR FORCE.—Section 9013 of title 10, United States Code, is amended—

(A) in subsection (f), by inserting "and officers of the Space Force" after "Officers of the Air Force"; and

(B) in subsection (g)(1), by inserting ", members of the Space Force," after "members of the Air Force".

(2) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014 of such title is amended—

(A) in subsection (b), by striking paragraph (4) and inserting the following new paragraph (4):

"(4) The Inspector General of the Department of the Air Force.";

(B) in subsection (c)—

(i) in paragraph (1), by striking "and the Air Staff" and inserting ", the Air Staff, and the Office of the Chief of Space Operations";

(ii) in paragraph (2), by inserting "or the Office of the Chief of Space Operations" after "the Air Staff";

(iii) in paragraph (3), by striking "to the Chief of Staff and to the Air Staff" and all that follows through the end and inserting "to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities."; and

(iv) in paragraph (4)—

(I) by inserting "and the Office of the Chief of Space Operations" after "the Air Staff"; and

(II) by inserting "and the Chief of Space Operations" after "Chief of Staff";

(C) in subsection (d)—

(i) in paragraph (1), by striking "and the Air Staff" and inserting ", the Air Staff, and the Office of the Chief of Space Operations";

(ii) in paragraph (2), by inserting "and the Office of the Chief of Space Operations" after "the Air Staff"; and

(iii) in paragraph (4), by striking "to the Chief of Staff of the Air Force and to the Air Staff" and all that follows through the end and inserting "to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the Office of the Chief of Space Operations, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities."; and

(D) in subsection (e)—

(i) by striking "and the Air Staff" and inserting ", the Air Staff, and the Office of the Chief of Space Operations"; and

(ii) by striking "to the other" and inserting "to any of the others".

(3) SECRETARY OF THE AIR FORCE: SUCCESSORS TO DUTIES.—Section 9017 of such title is amended by adding at the end the following new paragraph:

"(5) The Chief of Space Operations.".

(4) INSPECTOR GENERAL.—Section 9020 of such title is amended—

(A) in subsection (a)—

(i) by inserting "Department of the" after "Inspector General of the"; and

(ii) by inserting "or the general, flag, or equivalent officers of the Space Force" after "general officers of the Air Force";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "or the Chief of Staff" and inserting ", the Chief of Staff of the Air Force, or the Chief of Space Operations";

(ii) in paragraph (1), by inserting "Department of the" before "Air Force"; and

(iii) in paragraph (2), by striking "or the Chief of Staff" and inserting ", the Chief of Staff, or the Chief of Space Operations" ; and

(C) in subsection (e), by inserting "or the Space Force" before "for a tour of duty".

(5) THE AIR STAFF: FUNCTION; COMPOSITION.—Section 9031(b)(8) of such title is amended by inserting "or the Space Force" after "of the Air Force".

(6) SURGEON GENERAL: APPOINTMENT; DUTIES.—Section 9036(b) of such title is amended—

(A) in paragraph (1), by striking "Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force" and inserting "Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations on all health and medical matters of the Air Force and the Space Force"; and

(B) in paragraph (2)—

(i) by inserting "and the Space Force" after "of the Air Force" the first place it appears; and

(ii) by inserting "and members of the Space Force" after "of the Air Force" the second place it appears.

(7) JUDGE ADVOCATE GENERAL, DEPUTY JUDGE ADVOCATE GENERAL: APPOINTMENT; DUTIES.—Section 9037 of such title is amended—

(A) in subsection (e)(2)(B), by inserting "or the Space Force" after "of the Air Force"; and

(B) in subsection (f)(1), by striking "the Secretary of the Air Force or the Chief of Staff of the Air Force" and inserting "the Secretary of the Air Force, the Chief of Staff of the Air Force, or the Chief of Space Operations".

(8) CHIEF OF CHAPLAINS: APPOINTMENT; DUTIES.—Section 9039(a) of such title is amended by striking "in the Air Force" and inserting "for the Air Force and the Space Force".

(9) PROVISION OF CERTAIN PROFESSIONAL FUNCTIONS FOR THE SPACE FORCE.—Section 9063 of such title is amended—

(A) in subsections (a) through (i), by striking "in the Air Force" each place it appears and inserting "in the Air Force and the Space Force"; and

(B) in subsection (i), as amended by subparagraph (A), by inserting "or the Space Force" after "members of the Air Force".

(c) PERSONNEL.—

(1) GENDER-FREE BASIS FOR ACCEPTANCE OF ORIGINAL ENLISTMENTS.—

(A) IN GENERAL.—Section 9132 of title 10, United States Code, is amended by inserting "or the Regular Space Force" after "Regular Air Force".

(B) HEADING.—The heading of such section 9132 is amended to read as follows:

"§ 9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 913 of such title is amended by striking the item relating to section 9132 and inserting the following new item:

10 USC prec. 9131.

"9132. Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments.".

(2) REENLISTMENT AFTER SERVICE AS AN OFFICER.—

(A) IN GENERAL.—Section 9138 of such title is amended in subsection (a)—

(i) by inserting "or the Regular Space Force" after "Regular Air Force" both places it appears; and

(ii) by inserting "or the Space Force" after "officer of the Air Force" both places it appears.

(B) HEADING.—The heading of such section 9132 is amended to read as follows:

"§ 9132. Regular Air Force and Regular Space Force: reenlistment after service as an officer".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 913 of such title, as amended by paragraph (1)(C), is further by striking the item relating to section 9138 and inserting the following new item:

10 USC prec. 9131.

"9138. Regular Air Force and Regular Space Force: reenlistment after service as an officer.".

(3) APPOINTMENTS IN THE REGULAR AIR FORCE AND REGULAR SPACE FORCE.—

(A) IN GENERAL.—Section 9160 of such title is amended—

(i) by inserting "or the Regular Space Force" after "Regular Air Force"; and

(ii) by inserting "or the Space Force" before the period.

(B) CHAPTER HEADING.—The heading of chapter 915 of such title is amended to read as follows:

10 USC prec. 9151.

"CHAPTER 915—APPOINTMENTS IN THE REGULAR AIR FORCE AND THE REGULAR SPACE FORCE".

(C) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D of such title, and at the beginning of part II of subtitle D of such title, are each amended by striking the item relating to chapter 915 and inserting the following new item:

10 USC prec. 9011, prec. 9110.

"915. Appointments in the Regular Air Force and the Regular Space Force ..... 9151".

(4) RETIRED COMMISSIONED OFFICERS: STATUS.—Section 9203 of such title is amended by inserting "or the Space Force" after "the Air Force".

(5) DUTIES: CHAPLAINS; ASSISTANCE REQUIRED OF COMMANDING OFFICERS.—Section 9217(a) of such title is amended by inserting "or the Space Force" after "the Air Force".

(6) RANK: COMMISSIONED OFFICERS SERVING UNDER TEMPORARY APPOINTMENTS.—Section 9222 of such title is amended by inserting "or the Space Force" after "the Air Force" both places it appears.

(7) REQUIREMENT OF EXEMPLARY CONDUCT.—Section 9233 of such title is amended—

(A) in the matter preceding paragraph (1), by inserting "and in the Space Force" after "the Air Force"; and

(B) in paragraphs (3) and (4), by inserting "or the Space Force, respectively" after "the Air Force".

(8) ENLISTED MEMBERS: OFFICERS NOT TO USE AS SERVANTS.—Section 9239 of such title is amended by inserting "or the Space Force" after "Air Force" both places it appears.

(9) PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT.—Section 9251(a) of such title is amended by inserting "or the Space Force" after "member of the Air Force".

(10) SERVICE CREDIT: REGULAR ENLISTED MEMBERS; SERVICE AS AN OFFICER TO BE COUNTED AS ENLISTED SERVICE.—Section 9252 of such title is amended—

(A) by inserting "or the Regular Space Force" after "Regular Air Force"; and

(B) by inserting "in the Space Force," after "in the Air Force,".

(11) WHEN SECRETARY MAY REQUIRE HOSPITALIZATION.—Section 9263 of such title is amended by inserting "or the Space Force" after "member of the Air Force".

(12) DECORATIONS AND AWARDS.—

(A) IN GENERAL.—Chapter 937 of such title is amended by inserting "or the Space Force" after "the Air Force" each place it appears in the following provisions:

(i) Section 9271.

(ii) Section 9272.

(iii) Section 9273.

(iv) Section 9276.

(v) Section 9281 other than the first place it appears in subsection (a).

(vi) Section 9286(a) other than the first place it appears.

(B) MEDAL OF HONOR; AIR FORCE CROSS; DISTINGUISHED-SERVICE MEDAL: DELEGATION OF POWER TO AWARD.—Section 9275 of such title is amended by inserting before the period at the end the following: ", or to an equivalent commander of a separate space force or higher unit in the field".

(13) TWENTY YEARS OR MORE: REGULAR OR RESERVE COMMISSIONED OFFICERS.—Section 9311(a) of such title is amended by inserting "or the Space Force" after "officer of the Air Force".

(14) TWENTY TO THIRTY YEARS: ENLISTED MEMBERS.—Section 9314 of such title is amended by inserting "or the Space Force" after "member of the Air Force".

(15) THIRTY YEARS OR MORE: REGULAR ENLISTED MEMBERS.—Section 9317 of such title is amended by inserting "or the Space Force" after "Air Force".

(16) THIRTY YEARS OR MORE: REGULAR COMMISSIONED OFFICERS.—Section 9318 of such title is amended by inserting "or the Space Force" after "Air Force".

(17) FORTY YEARS OR MORE: AIR FORCE OFFICERS.—

(A) IN GENERAL.—Section 9324 of such title is amended in subsections (a) and (b) by inserting "or the Space Force" after "Air Force".

(B) HEADING.—The heading of such section 9324 is amended to read as follows:

"§ 9324. Forty years or more: Air Force officers and Space Force officers".

(C) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9324 and inserting the following new item:

10 USC prec. 9311.

"9324. Forty years or more: Air Force officers and Space Force officers.".

(18) COMPUTATION OF YEARS OF SERVICE: VOLUNTARY RETIREMENT; ENLISTED MEMBERS.—Section 9325(a) of such title is amended by inserting "or the Space Force" after "Air Force".

(19) COMPUTATION OF YEARS OF SERVICE: VOLUNTARY RETIREMENT; REGULAR AND RESERVE COMMISSIONED OFFICERS.—

(A) IN GENERAL.—Section 9326(a) of such title is amended—

(i) in the matter preceding paragraph (1), by inserting "or the Space Force" after "of the Air Force"; and

(ii) in paragraph (1), by striking "or the Air Force" and inserting ", the Air Force, or the Space Force".

(B) TECHNICAL AMENDMENTS.—Such section 9326(a) is further amended by striking "his" each place it appears and inserting "the officer's".

(20) COMPUTATION OF RETIRED PAY: LAW APPLICABLE.—Section 9329 of such title is amended by inserting "or the Space Force" after "Air Force".

(21) RETIRED GRADE.—

(A) HIGHER GRADE AFTER 30 YEARS OF SERVICE: WARRANT OFFICERS AND ENLISTED MEMBERS.—Section 9344 of such title is amended—

(i) in subsection (a), by inserting "or the Space Force" after "member of the Air Force"; and

(ii) in subsection (b)—

(I) in paragraphs (1) and (3), by inserting "or the Space Force" after "Air Force" each place it appears; and

(II) in paragraph (2), by inserting "or the Regular Space Force" after "Regular Air Force".

(B) RESTORATION TO FORMER GRADE: RETIRED WARRANT OFFICERS AND ENLISTED MEMBERS.—Section 9345 of such title is amended by inserting "or the Space Force" after "member of the Air Force".

(C) RETIRED LISTS.—Section 9346 of such title is amended—

(i) in subsections (a) and (d), by inserting "or the Regular Space Force" after "Regular Air Force";

(ii) in subsection (b)(1), by inserting before the semicolon the following: ", or for commissioned officers

of the Space Force other than of the Regular Space Force"; and

(iii) in subsections (b)(2) and (c), by inserting "or the Space Force" after "Air Force".

(22) RECOMPUTATION OF RETIRED PAY TO REFLECT ADVANCEMENT ON RETIRED LIST.—Section 9362(a) of such title is amended by inserting "or the Space Force" after "Air Force".

(23) FATALITY REVIEWS.—Section 9381(a) of such title is amended in paragraphs (1), (2), and (3) by inserting "or the Space Force" after "Air Force".

(d) TRAINING.—

(1) MEMBERS OF AIR FORCE: DETAIL AS STUDENTS, OBSERVERS, AND INVESTIGATORS AT EDUCATIONAL INSTITUTIONS, INDUSTRIAL PLANTS, AND HOSPITALS.—

(A) IN GENERAL.—Section 9401 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting "and members of the Space Force" after "members of the Air Force";

(ii) in subsection (b), by inserting "or the Regular Space Force" after "Regular Air Force";

(iii) in subsection (c),by inserting "or Reserve of the Space Force" after "Reserve of the Air Force";

(iv) in subsection (e), by inserting "or the Space Force" after "Air Force"; and

(v) in subsection (f)—

(I) by inserting "or the Regular Space Force" after "Regular Air Force"; and

(II) by inserting "or the Space Force Reserve" after "the reserve components of the Air Force".

(B) TECHNICAL AMENDMENTS.—Subsection (c) of such section 9401 is further amended—

(i) by striking "his" and inserting "the Reserve's"; and

(ii) by striking "he" and inserting "the Reserve",

(C) HEADING.—The heading of such section 9401 is amended to read as follows:

"§ 9401. Members of Air Force and Space Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals".

(D) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9401 and inserting the following new item: 10 USC prec. 9401.

"9401. Members of Air Force and Space Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.".

(2) ENLISTED MEMBERS OF AIR FORCE: SCHOOLS.—

(A) IN GENERAL.—Section 9402 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting "and enlisted members of the Space Force" after "members of the Air Force"; and

(II) in the third sentence, by inserting "and Space Force officers" after "Air Force officers"; and

(ii) in subsection (b), by inserting "or the Space Force" after "Air Force" each place it appears.

(B) HEADING.—The heading of such section 9402 is amended to read as follows:

"§ 9402. Enlisted members Air Force or Space Force: schools".

10 USC prec. 9401.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 951 of such title is amended by striking the item relating to section 9402 and inserting the following new item:

"9402. Enlisted members of Air Force or Space Force: schools.".

(3) SERVICE SCHOOLS: LEAVES OF ABSENCE FOR INSTRUCTORS.—Section 9406 of such title is amended by inserting "or Space Force" after "Air Force".

(4) DEGREE GRANTING AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9414(d)(1) of such title is amended by inserting "or the Space Force" after "needs of the Air Force".

(5) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY: ADMINISTRATION.—Section 9414b(a)(2) is amended—

(A) by inserting "or the Space Force" after "the Air Force" each place it appears; and

(B) in subparagraph (B), by inserting "or the equivalent grade in the Space Force" after "brigadier general".

(6) COMMUNITY COLLEGE OF THE AIR FORCE: ASSOCIATE DEGREES.—Section 9415 of such title is amended—

(A) in subsection (a) in the matter preceding paragraph (1), by striking "in the Air Force" and inserting "in the Department of the Air Force"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting "or the Space Force" after "Air Force";

(ii) in paragraph (2), by striking "other than" and all that follows through the end and inserting "other than the Air Force or the Space Force who are serving as instructors at Department of the Air Force training schools."; and

(iii) in paragraph (3), by inserting "or the Space Force" after "Air Force".

(7) AIR FORCE ACADEMY ESTABLISHMENT; SUPERINTENDENT; FACULTY.—Section 9431(a) of such title is amended by striking "Air Force cadets" and inserting "cadets".

(8) AIR FORCE ACADEMY SUPERINTENDENT; FACULTY: APPOINTMENT AND DETAIL.—Section 9433(a) of such title is amended by inserting "or the Space Force" after "Air Force".

(9) AIR FORCE ACADEMY PERMANENT PROFESSORS; DIRECTOR OF ADMISSIONS.—

(A) IN GENERAL.—Section 9436 of such title is amended—

(i) in subsection (a)—

(I) in the first sentence, by inserting "in the Air Force or the equivalent grade in the Space Force" after "colonel";

(II) in the second sentence, by inserting "and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade

of colonel in the Regular Air Force" after "grade of colonel"; and

(III) in the third sentence, by inserting "in the Air Force or the equivalent grade in the Space Force" after "lieutenant colonel"; and

(ii) in subsection (b)—

(I) in the first sentence, "in the Air Force or the equivalent grade in the Space Force" after "colonel" each place it appears; and

(II) in the second sentence, by inserting "and a person appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force" after "grade of colonel".

(B) TECHNICAL AMENDMENTS.—Subsections (a) and (b) of such section 9436 are further amended by striking "he" each place it appears and inserting "such person".

(10) CADETS: APPOINTMENT; NUMBERS, TERRITORIAL DISTRIBUTION.—

(A) IN GENERAL.—Section 9442 of such title is amended—

(i) by striking "Air Force Cadets" each place it appears and inserting "cadets"; and

(ii) in subsection (b)(2), by inserting "or the Regular Space Force" after "Regular Air Force".

(B) TECHNICAL AMENDMENT.—Subsection (b)(4) of such section 9442 is amended by striking "him" and inserting "the Secretary".

(11) CADETS: AGREEMENT TO SERVE AS OFFICER.—Section 9448(a) of such title is amended—

(A) in paragraph (2)(A), by inserting "or the Regular Space Force" after "Regular Air Force"; and

(B) in paragraph (3)(A), by inserting before the semicolon the following: "or as a Reserve in the Space Force for service in the Space Force Reserve".

(12) CADETS: ORGANIZATION; SERVICE; INSTRUCTION.—Section 9449 of such title is amended by striking subsection (d).

(13) CADETS: HAZING.—Section 9452(c) of such title is amended—

(A) by striking "an Air Force cadet" and inserting "a cadet"; and

(B) by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(14) CADETS: DEGREE AND COMMISSION ON GRADUATION.—Section 9453(b) of such title is amended by inserting "or in the equivalent grade in the Regular Space Force" after "Regular Air Force".

(15) SUPPORT OF ATHLETIC PROGRAMS.—Section 9462(c)(2) of such title is amended by striking "personnel of the Air Force" and inserting "personnel of the Department of the Air Force".

(16) SCHOOLS AND CAMPS: ESTABLISHMENT: PURPOSE.—Section 9481 of such title is amended—

(A) by inserting ", the Space Force," after "members of the Air Force,"; and

(B) by inserting "or the Space Force Reserve" after "the Air Force Reserve".

(17) SCHOOLS AND CAMPS: OPERATION.—Section 9482 of such title is amended—

(A) in paragraph (4), by inserting "or the Regular Space Force" after "Regular Air Force"; and

(B) in paragraph (7), in the matter preceding subparagraph (A), by inserting "or Space Force" after "Air Force".

(e) SERVICE, SUPPLY, AND PROCUREMENT.—

(1) EQUIPMENT: BAKERIES, SCHOOLS, KITCHENS, AND MESS HALLS.—Section 9536 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting "or the Space Force" after "the Air Force".

(2) RATIONS.—Section 9561 of such title is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting "and the Space Force ration" after "the Air Force ration"; and

(ii) in the second sentence, by inserting "or the Space Force" after "the Air Force"; and

(B) in subsection (b), by inserting "or the Space Force" after "the Air Force".

(3) CLOTHING.—Section 9562 of such title is amended by inserting "and members of the Space Force" after "the Air Force".

(4) CLOTHING: REPLACEMENT WHEN DESTROYED TO PREVENT CONTAGION.—Section 9563 of such title is amended by inserting "or the Space Force" after "member of the Air Force".

(5) COLORS, STANDARDS, AND GUIDONS OF DEMOBILIZED ORGANIZATIONS: DISPOSITION.—Section 9565 of such title is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting "or the Space Force" after "organizations of the Air Force"; and

(B) in subsection (b), by inserting "or the Space Force" after "the Air Force".

(6) UTILITIES: PROCEEDS FROM OVERSEAS OPERATIONS.—Section 9591 of such title is amended by inserting "or the Space Force" after "the Air Force".

(7) QUARTERS: HEAT AND LIGHT.—Section 9593 of such title is amended by inserting "and members of the Space Force" after "the Air Force".

(8) AIR FORCE MILITARY HISTORY INSTITUTE: FEE FOR PROVIDING HISTORICAL INFORMATION TO THE PUBLIC.—

(A) IN GENERAL.—Section 9594 of such title is amended—

(i) in subsections (a) and (d), by inserting "Department of the" before "Air Force Military History" each place it appears; and

(ii) in subsection (e)(1)—

(I) by inserting "Department of the" before "Air Force Military History"; and

(II) by inserting "and the Space Force" after "materials of the Air Force".

(B) HEADING.—The heading of such section 9594 is amended to read as follows:

"§ 9594. Department of the Air Force Military History Institute: fee for providing historical information to the public".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 967 of such title is amended by striking the item relating to section 9594 and inserting the following new item: 10 USC prec. 9591.

"9594. Department of the Air Force Military History Institute: fee for providing historical information to the public.".

(9) SUBSISTENCE AND OTHER SUPPLIES: MEMBERS OF ARMED FORCES; VETERANS; EXECUTIVE OR MILITARY DEPARTMENTS AND EMPLOYEES; PRICES.—Section 9621 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "and members of the Space Force" after "the Air Force"; and

(ii) in paragraph (2), by inserting "and officers of the Space Force" after "the Air Force";

(B) in subsection (b), by inserting "or the Space Force" after "the Air Force";

(C) in subsection (c), by inserting "or the Space Force" after "the Air Force";

(D) in subsection (d), by striking "or Marine Corps" and inserting "Marine Corps, or Space Force";

(E) in subsection (e)—

(i) by inserting "or the Space Force" after "the Air Force" the first place it appears; and

(ii) by inserting "or the Space Force, respectively" after "the Air Force" the second place it appears;

(F) in subsection (f), by inserting "or the Space Force" after "the Air Force"; and

(G) in subsection (h)—

(i) by inserting "or the Space Force" after "the Air Force" the first place it appears; and

(ii) by inserting "or members of the Space Force" after "members of the Air Force".

(10) RATIONS: COMMISSIONED OFFICERS IN FIELD.—Section 9622 of such title is amended by inserting "and commissioned officers of the Space Force" after "officers of the Air Force".

(11) MEDICAL SUPPLIES: CIVILIAN EMPLOYEES OF THE AIR FORCE.—Section 9624(a) of such title is amended—

(A) by striking "air base" and inserting "Air Force or Space Force military installation"; and

(B) by striking "Air Force when" and inserting "Department of the Air Force when".

(12) ORDNANCE PROPERTY: OFFICERS OF ARMED FORCES; CIVILIAN EMPLOYEES OF AIR FORCE.—

(A) IN GENERAL.—Section 9625 of such title is amended—

(i) in subsection (a), by inserting "or the Space Force" after "officers of the Air Force"; and

(ii) in subsection (b), by striking "the Air Force" and inserting "the Department of the Air Force".

(B) HEADING.—The heading of such section is amended to read as follows:

"§ 9625. Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans' orphans".

10 USC prec. 9621.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 969 of such title is amended by striking the item relating to section 9625 and inserting the following new item:

"9625. Ordnance property: officers of the armed forces; civilian employees of the Department of the Air Force; American National Red Cross; educational institutions; homes for veterans' orphans.".

(13) SUPPLIES: EDUCATIONAL INSTITUTIONS.—Section 9627 of such title is amended—

(A) by inserting "or the Space Force" after "for the Air Force";

(B) by inserting "or the Space Force" after "officer of the Air Force"; and

(C) by striking "air science and tactics" and inserting "science and tactics".

(14) SUPPLIES: MILITARY INSTRUCTION CAMPS.—Section 9654 of such title is amended—

(A) by inserting "or Space Force" after "an Air Force"; and

(B) by striking "air science and tactics" and inserting "science and tactics".

(15) DISPOSITION OF EFFECTS OF DECEASED PERSONS BY SUMMARY COURT-MARTIAL.—Section 9712(a)(1) of such title is amended by inserting "or the Space Force" after "the Air Force".

(16) ACCEPTANCE OF DONATIONS: LAND FOR MOBILIZATION, TRAINING, SUPPLY BASE, OR AVIATION FIELD.—

(A) IN GENERAL.—Section 9771 of such title is amended in paragraph (2) by inserting "or space mission-related facility" after "aviation field".

(B) HEADING.—The heading of such section 9771 is amended to read as follows:

"§ 9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility".

10 USC prec. 9771.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to section 9771 and inserting the following new item:

"9771. Acceptance of donations: land for mobilization, training, supply base, aviation field, or space mission-related facility.".

(17) ACQUISITION AND CONSTRUCTION: AIR BASES AND DEPOTS.—

(A) IN GENERAL.—Section 9773 of such title is amended—

(i) in subsection (a)—

(I) by striking "permanent air bases" and inserting "permanent Air Force and Space Force military installations";

(II) by striking "existing air bases" and inserting "existing installations"; and

(III) by inserting "or the Space Force" after "training of the Air Force";

(ii) in subsections (b) and (c), by striking "air bases" each place it appears and inserting "installations";

(iii) in subsection (b)(7), by inserting "or Space Force" after "Air Force";

(iv) in subsection (c)—

(I) in paragraph (1), by inserting "or Space Force" after "Air Force"; and

(II) in paragraphs (3) and (4), by inserting "or the Space Force" after "the Air Force" both places it appears; and

(v) in subsection (f), by striking "air base" and inserting "installation".

(B) HEADING.—The heading of such section 9773 is amended to read as follows:

"§ 9773. Acquisition and construction: installations and depots".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 979 of such title is amended by striking the item relating to section 9773 and inserting the following new item: 10 USC prec. 9771.

"9773. Acquisition and construction: installations and depots.".

(18) EMERGENCY CONSTRUCTION: FORTIFICATIONS.—Section 9776 of such title is amended by striking "air base" and inserting "installation".

(19) USE OF PUBLIC PROPERTY.—Section 9779 of such title is amended—

(A) in subsection (a), by inserting "or the Space Force" after "economy of the Air Force"; and

(B) in subsection (b), by inserting "or the Space Force" after "support of the Air Force".

(20) DISPOSITION OF REAL PROPERTY AT MISSILE SITES.—Section 9781(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by striking "Air Force" and inserting "Department of the Air Force";

(B) in subparagraph (A), by striking "Air Force" the first two places it appears and inserting "Department of the Air Force"; and

(C) in subparagraph (C), by striking "Air Force" and inserting "Department of the Air Force".

(21) MAINTENANCE AND REPAIR OF REAL PROPERTY.—Section 9782 of such title is amended in subsections (c) and (d) by inserting "or the Space Force" after "the Air Force" both places it appears.

(22) SETTLEMENT OF ACCOUNTS: REMISSION OR CANCELLATION OF INDEBTEDNESS OF MEMBERS.—Section 9837(a) of such title is amended by inserting "or the Space Force" after "member of the Air Force".

(23) FINAL SETTLEMENT OF OFFICER'S ACCOUNTS.—

(A) IN GENERAL.—Section 9840 of such title is amended by inserting "or the Space Force" after "Air Force".

(B) TECHNICAL AMENDMENTS.—Such section 9840 is further amended—

(i) by striking "he" each place it appears and inserting "the officer"; and

(ii) by striking "his" each place it appears and inserting "the officer's".

(24) PAYMENT OF SMALL AMOUNTS TO PUBLIC CREDITORS.—Section 9841 of such title is amended by inserting "or Space Force" after "official of Air Force".

(25) SETTLEMENT OF ACCOUNTS OF LINE OFFICERS.—Section 9842 of such title is amended by inserting "or the Space Force" after "Air Force".

10 USC 9020 note.

(f) SERVICE OF INCUMBENTS IN CERTAIN POSITIONS WITHOUT REAPPOINTMENT.—

(1) IN GENERAL.—The individual serving in a position under a provision of law specified in paragraph (2) as of the date of the enactment of this Act may continue to serve in such position after that date without further appointment as otherwise provided by such provision of law, notwithstanding the amendment of such provision of law by subsection (b).

(2) PROVISIONS OF LAW.—The provisions of law specified in this paragraph are the provisions of title 10, United States Code, as follows:

(A) Section 9020, relating to the Inspector General of the Department of the Air Force.

(B) Section 9036. relating to the Surgeon General of the Air Force.

(C) Section 9037(a), relating to the Judge Advocate General of the Air Force.

(D) Section 9037(d), relating to the Deputy Judge Advocate General of the Air Force.

(E) Section 9039, relating to the Chief of Chaplains for the Air Force and the Space Force.

SEC. 924. AMENDMENTS TO OTHER PROVISIONS OF TITLE 10, UNITED STATES CODE.

(a) DEFINITIONS.—Section 101(b)(13) of title 10, United States Code, is amended by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(b) OTHER PROVISIONS OF SUBTITLE A.—

(1) SPACE FORCE I.—Subtitle A of title 10, United States Code, as amended by subsection (a), is further amended by striking "and Marine Corps" each place it appears and inserting "Marine Corps, and Space Force" in the following provisions:

(A) Section 116(a)(1) in the matter preceding subparagraph (A).

(B) Section 533(a)(2).

(C) Section 646.

(D) Section 661(a).

(E) Section 712(a).

(F) Section 717(c)(1).

(G) Subsections (c) and (d) of section 741.

(H) Section 743.

(I) Section 1111(b)(4).

(J) Subsections (a)(2)(A) and (c)(2)(A)(ii) of section 1143.

(K) Section 1174(j).

(L) Section 1463(a)(1).

(M) Section 1566.

(N) Section 2217(c)(2).

(O) Section 2259(a).

(P) Section 2640(j).

(2) SPACE FORCE II.—

(A) IN GENERAL.—Such subtitle is further amended by striking "Marine Corps," each place it appears and inserting "Marine Corps, Space Force," in the following provisions:

(i) Section 123(a).
(ii) Section 172(a).
(iii) Section 518.
(iv) Section 747.
(v) Section 749.
(vi) Section 1552(c)(1).
(vii) Section 2632(c)(2)(A).
(viii) Section 2686(a).
(ix) Section 2733(a).

(B) HEADING.—The heading of section 747 of such title is amended to read as follows:

"§ 747. Command: when different commands of Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 747 and inserting the following new item:

10 USC prec. 741.

"747. Command: when different commands of Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join.".

(3) SPACE FORCE III.—Such subtitle is further amended by striking "or Marine Corps" each place it appears and inserting "Marine Corps, or Space Force" in the following provisions:

(A) Section 125(b).
(B) Section 541(a).
(C) Section 601(a).
(D) Section 603(a).
(E) Section 619(a).
(F) Section 619a(a).
(G) Section 624(c).
(H) Section 625(b).
(I) Subsections (a) and (d) of section 631.
(J) Section 632(a).
(K) Section 637(a)(2).
(L) Section 638(a).
(M) Section 741(d).
(N) Section 771.
(O) Section 772.
(P) Section 773.
(Q) Section 1123.
(R) Section 1143(d).
(S) Section 1174(a)(2).
(T) Section 1251(a).
(U) Section 1252(a).
(V) Section 1253(a).
(W) Section 1375.
(X) Section 1413a(h).
(Y) Section 1551.
(Z) Section 1561(a).
(AA) Section 1731(a)(1)(A)(ii).

(BB) Section 2102(a).
(CC) Section 2103a(a)(2).
(DD) Section 2104(b)(5).
(EE) Section 2107.
(FF) Section 2421.
(GG) Section 2631(a).
(HH) Section 2787(a).

(4) REGULAR SPACE FORCE I.—Such subtitle is further amended by striking "or Regular Marine Corps" each place it appears and inserting "Regular Marine Corps, or Regular Space Force" in the following provisions:

(A) Section 531(c).
(B) Section 532(a) in the matter preceding paragraph (1).
(C) Subsections (a)(1), (b)(1), and (f) of section 533.
(D) Section 633(a).
(E) Section 634(a).
(F) Section 635.
(G) Section 636(a).
(H) Section 647(c).
(I) Section 688(b)(1).
(J) Section 1181.

(5) REGULAR SPACE FORCE II.—Such subtitle is further amended by striking "Regular Marine Corps," each place it appears and inserting "Regular Marine Corps, Regular Space Force," in the following provisions:

(A) Section 505.
(B) Section 506.
(C) Section 508.

(6) TRANSFER, ETC. OF FUNCTIONS, POWERS, AND DUTIES.—Section 125(b) of such title, as amended by paragraph (3)(A), is further amended by striking "or 9062(c)" and inserting "9062(c), or 9081".

(7) JOINT STAFF MATTERS.—

(A) APPOINTMENT OF CHAIRMAN; GRADE AND RANK.—Section 152 of such title is amended—

(i) in subsection (b)(1)(C), by striking "or the Commandant of the Marine Corps" and inserting "the Commandant of the Marine Corps, or the Chief of Space Operations"; and

(ii) in subsection (c), by striking "or, in the case of the Navy, admiral" and inserting ", in the case of the Navy, admiral, or, in the case of an officer of the Space Force, the equivalent grade,".

(B) INCLUSION OF SPACE FORCE ON JOINT STAFF.—Section 155(a)(2)(C) of such title is amended by inserting "and the Space Force" after "the Air Force".

(8) ARMED FORCES POLICY COUNCIL.—Section 171(a) of such title is amended—

(A) in paragraph (15), by striking "and";

(B) in paragraph (16), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph: "(17) the Chief of Space Operations.".

(9) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(c)(1) of such title is amended by adding at the end the following new subparagraph:

"(F) A Space Force officer in the grade equivalent to the grade of general in the Army, Air Force, or Marine Corps, or admiral in the Navy.".

(10) UNFUNDED PRIORITIES.—Section 222a(b) of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) The Chief of Space Operations.".

(11) THEATER SECURITY COOPERATION EXPENSES.—Section 312(b)(3) of such title is amended by inserting "the Chief of Space Operations," after "the Commandant of the Marine Corps,".

(12) WESTERN HEMISPHERE INSTITUTE.—Section 343(e)(1)(E) of such title is amended by inserting "or Space Force" after "for the Air Force".

(13) ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Section 531(a) of such title is amended—

(A) in paragraph (1), by striking "and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy" and inserting "in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy, and in the equivalent grades in the Regular Space Force"; and

(B) in paragraph (2), by striking "and in the grades of lieutenant commander, commander, and captain in the Regular Navy" and inserting "in the grades of lieutenant commander, commander, and captain in the Regular Navy, and in the equivalent grades in the Regular Space Force".

(14) SERVICE CREDIT UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.—Section 533(b)(2) of such title is amended by striking "or captain in the Navy" and inserting ", captain in the Navy, or an equivalent grade in the Space Force".

(15) SENIOR JOINT OFFICER POSITIONS: RECOMMENDATIONS TO THE SECRETARY OF DEFENSE.—Section 604(a)(1)(A) of such title is amended by inserting "and the name of at least one Space Force officer" after "Air Force officer".

(16) FORCE SHAPING AUTHORITY.—Section 647(a)(2) of such title is amended by striking "of that armed force".

(17) MEMBERS: REQUIRED SERVICE.—Section 651(b) of such title is amended by striking "of his armed force".

(18) CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS.—Section 710(c)(1) of such title is amended by striking "the armed force concerned" and inserting "an armed force".

(19) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UNITED NATIONS.—Section 711 of such title is amended by inserting "or the Space Force" after "Air Force".

(20) RANK: CHIEF OF SPACE OPERATIONS.—

(A) IN GENERAL.—Section 743 of such title is amended by striking "and the Commandant of the Marine Corps" and inserting "the Commandant of the Marine Corps, and the Chief of Space Operations".

(B) HEADING.—The heading of such section 743 is amended to read as follows:

"§ 743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations".

10 USC prec. 741.

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 743 and inserting the following new item:

"743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps; Chief of Space Operations.".

(21) UNIFORM CODE OF MILITARY JUSTICE.—Chapter 47 of such title (the Uniform Code of Military Justice) is amended—

(A) in section 822(a)(7) (article 22(a)(7)), by striking "Marine Corps" and inserting "Marine Corps, or the commanding officer of a corresponding unit of the Space Force";

(B) in section 823(a) (article 23(a))—

(i) in paragraph (2)—

(I) by striking "Air Force base" and inserting "Air Force or Space Force military installation"; and

(II) by striking "or the Air Force" and inserting "the Air Force, or the Space Force"; and

(ii) in paragraph (4), by inserting "or a corresponding unit of the Space Force" after "Air Force"; and

(C) in section 824(a)(3) (article 24(a)(3)), by inserting "or a corresponding unit of the Space Force" after "Air Force".

(22) SERVICE AS CADET OR MIDSHIPMAN NOT COUNTED FOR LENGTH OF SERVICE.—Section 971(b)(2) of such title is amended by striking "or Air Force" and inserting ", Air Force, or Space Force".

(23) REFERRAL BONUS.—Section 1030(h)(3) of such title is amended by inserting "and the Space Force" after "concerning the Air Force".

(24) RETURN TO ACTIVE DUTY FROM TEMPORARY DISABILITY.—Section 1211(a) of such title is amended—

(A) in the matter preceding paragraph (1), by striking "or the Air Force" and inserting ", the Air Force, or the Space Force"; and

(B) in paragraph (6)—

(i) by striking "or the Air Force, who" and inserting "the Air Force, or the Space Force who"; and

(ii) by striking "or the Air Force, as" and inserting "the Air Force, or the Space Force, as".

(25) YEARS OF SERVICE.—Section 1405(c) of such title is amended by striking "or Air Force" and inserting ", Air Force, or Space Force".

(26) RETIRED PAY BASE FOR PERSONS WHO BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—Section 1406 of such title is amended—

(A) in the heading of subsection (e), by inserting "AND SPACE FORCE" after "AIR FORCE"; and

(B) in subsection (i)(3)—

(i) in subparagraph (A)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

"(v) Chief of Space Operations."; and

(ii) in subparagraph (B)—

(I) by redesignating clause (v) as clause (vi); and

(II) by inserting after clause (iv) the following new clause (v):

"(v) The senior enlisted advisor of the Space Force.".

(27) SPECIAL REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.—

(A) IN GENERAL.—Section 1722a(a) of such title is amended by striking "and the Commandant of the Marine Corps (with respect to the Army, Navy, Air Force, and Marine Corps, respectively)" and inserting ", the Commandant of the Marine Corps, and the Chief of Space Operations (with respect to the Army, Navy, Air Force, Marine Corps, and Space Force, respectively)".

(B) CLARIFYING AMENDMENT.—Such section 1722a(a) is further amended by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment".

(28) SENIOR MILITARY ACQUISITION ADVISORS.—Section 1725(e)(1)(C) of such title is amended by inserting "and Space Force" before the period.

(29) MILITARY FAMILY READINESS COUNCIL.—Section 1781a(b)(1) of such title is amended by striking "Marine Corps, and Air Force" each place it appears and inserting "Air Force, Marine Corps, and Space Force".

(30) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section 2107 of such title is amended—

(A) in subsection (a)—

(i) by striking "or as a" and inserting ", as a"; and

(ii) by inserting "or as an officer in the equivalent grade in the Space Force" after "Marine Corps,";

(B) in subsection (b)—

(i) in paragraph (3), by striking "the reserve component of the armed force in which he is appointed as a cadet or midshipman" and inserting "the reserve component of an armed force"; and

(ii) in paragraph (5), by striking "reserve component of that armed force" each place it appears and inserting "reserve component of an armed force"; and

(C) in subsection (d), by striking "second lieutenant or ensign" and inserting "second lieutenant, ensign, or an equivalent grade in the Space Force".

(31) SPACE RAPID CAPABILITIES OFFICE.—Section 2273a(d) of such title is amended by striking paragraph (3).

(32) ACQUISITION-RELATED FUNCTIONS OF CHIEFS OF THE ARMED FORCES.—Section 2547(a) of such title is amended by striking "and the Commandant of the Marine Corps" and inserting "the Commandant of the Marine Corps, and the Chief of Space Operations".

(33) AGREEMENTS RELATED TO MILITARY TRAINING, TESTING, AND OPERATIONS.—Section 2684a(i) of such title is amended by inserting "Space Force," before "or Defense-wide activities" each place it appears.

(c) PROVISIONS OF SUBTITLE B.—

(1) IN GENERAL.—Subtitle B of title 10, United States Code, is amended by striking "or Marine Corps" each place it appears and inserting "Marine Corps, or Space Force" in the following provisions:

(A) Section 7452(c).

(B) Section 7621(d).

(2) COMPUTATION OF YEARS OF SERVICE.—Section 7326(a)(1) of such title is amended by striking "or the Air Force" and inserting ", the Air Force, or the Space Force".

(d) PROVISIONS OF SUBTITLE C.—

(1) CADETS; HAZING.—Section 8464(f) of title 10, United States Code, is amended by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(2) SALES PRICES.—

(A) IN GENERAL.—Section 8802 of such title is amended by striking "or the Air Force" and inserting ", the Air Force, or the Space Force".

(B) HEADING.—The heading of such section 8802 is amended to read as follows:

"§ 8802. Sales: members of Army, Air Force, and Space Force; prices".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 879 of such title is amended by striking the item relating to section 8802 and inserting the following new item:

10 USC prec. 8801.

"8802. Sales: members of Army, Air Force, and Space Force; prices.".

(3) SALES TO CERTAIN VETERANS.—Section 8803 of such title is amended by striking "or the Marine Corps" and inserting "the Marine Corps, or the Space Force".

(4) SUBSISTENCE AND OTHER SUPPLIES.—Section 8806(d) of such title is amended by striking "or Air Force or Marine Corps" and inserting ", Air Force, Marine Corps, or Space Force".

(5) SCOPE OF CHAPTER ON PRIZE.—Section 8851(a) of such title is amended by striking "or the Air Force" and inserting ", the Air Force, or the Space Force".

SEC. 925. AMENDMENTS TO PROVISIONS OF LAW RELATING TO PAY AND ALLOWANCES.

(a) DEFINITIONS.—Section 101 of title 37, United States Code, is amended—

(1) in paragraphs (3) and (4), by inserting "Space Force," after "Marine Corps," each place it appears; and

(2) in paragraph (5)(C), by inserting "and the Space Force" after "Air Force".

(b) BASIC PAY RATES.—

(1) COMMISSIONED OFFICERS.—Footnote 2 of the table titled "COMMISSIONED OFFICERS" in section 601(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended

by inserting after "Commandant of the Marine Corps," the following: "Chief of Space Operations,".

(2) ENLISTED MEMBERS.—Footnote 2 of the table titled "ENLISTED MEMBERS" in section 601(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by inserting after "Sergeant Major of the Marine Corps," the following: "the senior enlisted advisor of the Space Force,".

(c) PAY GRADES: ASSIGNMENT TO; GENERAL RULES.—Section 201(a) of title 37, United States Code, is amended—

(1) by striking "(a) For the purpose" and inserting "(a)(1) Subject to paragraph (2), for the purpose"; and

(2) by adding at the end the following new paragraph: "(2) For the purpose of computing their basic pay, commissioned officers of the Space Force are assigned to the pay grades in the table in paragraph (1) by grade or rank in the Air Force that is equivalent to the grade or rank in which such officers are serving in the Space Force.".

(d) PAY OF SENIOR ENLISTED MEMBERS.—Section 210(c) of title 37, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The senior enlisted advisor of the Space Force.".

(e) ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(1) PERSONAL MONEY ALLOWANCE.—Section 414 of title 37, United States Code, is amended—

(A) in subsection (a)(5), by inserting "Chief of Space Operations," after "Commandant of the Marines Corps,"; and

(B) in subsection (b), by inserting "the senior enlisted advisor of the Space Force," after "the Sergeant Major of the Marine Corps,".

(2) CLOTHING ALLOWANCE: ENLISTED MEMBERS.—Section 418(d) of such title is amended—

(A) in paragraph (1), by striking "or Marine Corps" and inserting "Marine Corps, or Space Force"; and

(B) in paragraph (4), by striking "or the Marine Corps" and inserting "the Marine Corps, or the Space Force".

(f) TRAVEL AND TRANSPORTATION ALLOWANCES: PARKING EXPENSES.—Section 481i(b) of title 37, United States Code, is amended by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(g) LEAVE.—

(1) ADDITION OF SPACE FORCE.—Chapter 9 of title 37, United States Code, is amended by inserting "Space Force," after "Marines Corps," each place it appears in the following provisions:

(A) Subsections (b)(1) and (e)(1) of section 501.

(B) Section 502(a).

(C) Section 503(a).

(2) ADDITION OF REGULAR SPACE FORCE.—Section 501(b)(5)(C) of such title is amended by striking "or Regular Marine Corps" and inserting "Regular Marine Corps, or Regular Space Force".

(3) TECHNICAL AMENDMENTS.—Chapter 9 of such title is further amended as follows:

(A) In section 501(b)(1)—

(i) by striking "his" each place it appears and inserting "the member's"; and

(ii) by striking "he" and inserting "the member".

(B) In section 502—

(i) by striking "his designated representative" each place it appears and inserting "the Secretary's designated representative";

(ii) in subsection (a), by striking "he" each place it appears and inserting "the member"; and

(iii) in subsection (b), by striking "his" and inserting "the member's".

(h) ALLOTMENT AND ASSIGNMENT OF PAY.—

(1) IN GENERAL.—Subsections (a), (c), and (d) of section 701 of title 37, United States Code, are each amended by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(2) TECHNICAL AMENDMENTS.—Such section 701 is further amended—

(A) in subsection (a), by striking "his" and inserting "the officer's";

(B) in subsection (b), by striking "his" and inserting "the person's"; and

(C) in subsection (c), by striking "his pay, and if he does so" and inserting "the member's pay, and if the member does so".

(3) HEADING.—The heading of such section 701 is amended to read as follows:

"§ 701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons".

37 USC prec. 701.

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 701 and inserting the following new item:

"701. Members of the Army, Navy, Air Force, Marine Corps, and Space Force; contract surgeons.".

(i) FORFEITURE OF PAY.—

(1) FORFEITURE FOR ABSENCE FOR INTEMPERATE USE OF ALCOHOL OR DRUGS.—

(A) IN GENERAL.—Section 802 of title 37, United States Code, is amended by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(B) TECHNICAL AMENDMENTS.—Such section 802 is further amended by striking "his" each place it appears and inserting "the member's".

(2) FORFEITURE WHEN DROPPED FROM ROLLS.—

(A) IN GENERAL.—Section 803 of such title is amended by striking "or the Air Force" and inserting ", the Air Force, or the Space Force".

(B) HEADING.—The heading of such section 803 is amended to read as follows:

"§ 803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 803 and inserting the following new item: 37 USC prec. 801.

"803. Commissioned officers of the Army, Air Force, or Space Force: forfeiture of pay when dropped from rolls.".

(j) EFFECT ON PAY OF EXTENSION OF ENLISTMENT.—Section 906 of title 37, United States Code, is amended by inserting "Space Force," after "Marine Corps,".

(k) ADMINISTRATION OF PAY.—

(1) PROMPT PAYMENT REQUIRED.—

(A) IN GENERAL.—Section 1005 of title 37, United States Code, is amended by striking "and of the Air Force" and inserting ", the Air Force, and the Space Force".

(B) HEADING.—The heading of such section 1005 is amended to read as follows:

"§ 1005. Army, Air Force, and Space Force: prompt payments required".

(C) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 803 and inserting the following new item: 37 USC prec. 1001.

"1005. Army, Air Force, and Space Force: prompt payments required.".

(2) DEDUCTIONS FROM PAY.—

(A) IN GENERAL.—Section 1007 of such title is amended—

(i) in subsections (b), (d), (f), and (g), by striking "or the Air Force" and inserting ", the Air Force, or the Space Force"; and

(ii) in subsection (e), by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(B) TECHNICAL AMENDMENTS.—Such section 1007 is further amended—

(i) in subsection (b), by striking "him" and inserting "the member";

(ii) in subsection (d), by striking "his" each place it appears and inserting "the member's"; and

(iii) in subsection (f)—

(I) by striking "his" and inserting "the officer's"; and

(II) by striking "he" both places it appears and inserting "the officer".

SEC. 926. AMENDMENTS TO PROVISIONS OF LAW RELATING TO VETERANS' BENEFITS.

(a) ADDITION OF SPACE SERVICE TO REFERENCES TO MILITARY, NAVAL, OR AIR SERVICE.—Title 38, United States Code, is amended by striking "or air service" and inserting "air, or space service" each place it appears in the following provisions:

(1) Paragraphs (2), (5), (12), (16), (17), (18), (24), and (32) of section 101.

(2) Section 105(a).

(3) Section 106(b).

(4) Section 701.
(5) Paragraphs (1) and (2)(A) of section 1101.
(6) Section 1103.
(7) Section 1110.
(8) Subsections (b)(1) and (c)(1) of section 1112.
(9) Section 1113(b).
(10) Section 1131.
(11) Section 1132.
(12) Section 1133.
(13) Section 1137.
(14) Section 1141.
(15) Section 1153.
(16) Section 1301.
(17) Subsections (a) and (b) of section 1302.
(18) Section 1310(b).
(19) Section 1521(j).
(20) Section 1541(h).
(21) Subsections (a)(2)(B) and (e)(3) of section 1710.
(22) Section 1712(a).
(23) Section 1712A(c).
(24) Section 1717(d)(1).
(25) Subsections (b) and (c) of section 1720A.
(26) Section 1720D(c)(3).
(27) Section 1720E(a).
(28) Section 1720G(a)(2)(B).
(29) Subsections (b)(2), (e)(1), and (e)(4) of section 1720I.
(30) Section 1781(a)(3).
(31) Section 1783(b)(1).
(32) Section 1922(a).
(33) Section 2002(b)(1).
(34) Section 2101A(a)(1).
(35) Subsections (a)(1)(C) and (d) of section 2301.
(36) Section 2302(a).
(37) Section 2303(b)(2).
(38) Subsections (b)(4)(A) and (g)(2) of section 2306.
(39) Section 2402(a)(1).
(40) Section 3018B(a).
(41) Section 3102(a)(1)(A)(ii).
(42) Subsections (a) and (b)(2)(A) of section 3103.
(43) Section 3113(a).
(44) Section 3501(a).
(45) Section 3512(b)(1)(B)(iii).
(46) Section 3679(c)(2)(A).
(47) Section 3701(b)(2).
(48) Section 3712(e)(2).
(49) Section 3729(c)(1).
(50) Subparagraphs (A) and (B) of section 3901(1).
(51) Subsections (c)(1)(A) and (d)(2)(B) of section 5103A.
(52) Section 5110(j).
(53) Section 5111(a)(2)(A).
(54) Section 5113(b)(3)(C).
(55) Section 5303(e).
(56) Section 6104(c).
(57) Section 6105(a).
(58) Subsections (a)(1) and (b)(3) of section 6301.
(59) Section 6303(b).
(60) Section 6304(b)(1).

(61) Section 8301.

(b) DEFINITIONS.—

(1) ARMED FORCES.—Paragraph (10) of section 101 of title 38, United States Code, is amended by inserting "Space Force," after "Air Force,".

(2) SECRETARY CONCERNED.—Paragraph (25)(C) of such section is amended by inserting "or the Space Force" before the semicolon.

(3) SPACE FORCE RESERVE.—Paragraph (27) of such section is amended—

(A) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) the Space Force Reserve;".

(c) PLACEMENT OF EMPLOYEES IN MILITARY INSTALLATIONS.—Section 701 of title 38, United States Code, is amended by striking "and Air Force" and inserting "Air Force, and Space Force".

(d) CONSIDERATION TO BE ACCORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE.—Section 1154(b) of title 38, United States Code, is amended by striking "or air organization" and inserting "air, or space organization".

(e) PREMIUM PAYMENTS.—Section 1908 of title 38, United States Code, is amended by inserting "Space Force," after "Marine Corps,".

(f) SECRETARY CONCERNED FOR GI BILL.—Section 3020(l)(3) of title 38, United States Code, is amended by inserting "or the Space Force" before the semicolon.

(g) DEFINITIONS FOR POST-9/11 GI BILL.—Section 3301(2)(C) of title 38,United States Code, is amended by inserting "or the Space Force" after "Air Force".

(h) PROVISION OF CREDIT PROTECTION AND OTHER SERVICES.—Section 5724(c)(2) of title 38, United States Code, is amended by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

SEC. 927. AMENDMENTS TO OTHER PROVISIONS OF THE UNITED STATES CODE AND OTHER LAWS.

(a) TITLE 5; DEFINITION OF ARMED FORCES.—Section 2101(2) of title 5, United States Code, is amended by inserting after "Marine Corps," the following: "Space Force,".

(b) TITLE 14.—

(1) VOLUNTARY RETIREMENT.—Section 2152 of title 14, United States Code, is amended by striking "or Marine Corps" and inserting "Marine Corps, or Space Force".

(2) COMPUTATION OF LENGTH OF SERVICE.—Section 2513 of such title is amended by inserting after "Air Force," the following: "Space Force,".

(c) TITLE 18; FIREARMS AS NONMAILABLE.—Section 1715 of such title is amended by inserting "Space Force," after "Marine Corps,".

(d) TITLE 31.—

(1) DEFINITIONS RELATING TO CLAIMS.—Section 3701(a)(7) of title 31, United States Code, is amended by inserting "Space Force," after "Marine Corps,".

(2) COLLECTION AND COMPROMISE.—Section 3711(f) of such title is amended in paragraphs (1) and (3) by inserting "Space Force," after "Marine Corps," each place it appears.

(e) TITLE 41; HONORABLE DISCHARGE CERTIFICATE IN LIEU OF BIRTH CERTIFICATE.—Section 6309(a) of title 41, United States Code, is amended by inserting "Space Force," after "Marine Corps,".

(f) TITLE 51; POWERS OF THE ADMINISTRATION IN PERFORMANCE OF FUNCTIONS.—Section 20113(l) of title 51, United States Code, is amended—

(1) in the subsection heading, by striking "SERVICES" and inserting "FORCES"; and

(2) by striking "and Marine Corps" and inserting "Marine Corps, and Space Force".

(g) PUBLIC LAW 79–772; BOARD OF NATIONAL AIR AND SPACE MUSEUM.—Section 1(a) of the Act of August 12, 1946 (60 Stat. 997, chapter 995; 20 U.S.C. 77(a)), is amended by inserting "the Chief of Space Operations, or the Chief's designee," after "the Chief of Staff of the Air Force, or his designee,".

SEC. 928. APPLICABILITY TO OTHER PROVISIONS OF LAW.

Section 958(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1567; 10 U.S.C. 9081 note) is amended—

(1) in the matter preceding subparagraph (A), by striking "or the amendments made by this subtitle" and inserting ", the amendments made by this subtitle, or the amendments made by subtitle C of title IX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021";

(2) in subparagraph (A), by striking "and" at the end;

(3) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(C) the authority of the Secretary of Defense with respect to the Air Force, members of the Air Force, or civilian employees of the Air Force may be exercised by the Secretary with respect to the Space Force, members of the Space Force, or civilian employees of the Space Force; and

"(D) the authority of the Secretary of the Air Force with respect to the Air Force, members of the Air Force, or civilian employees of the Air Force may be exercised by the Secretary with respect to the Space Force, members of the Space Force, or civilian employees of the Space Force.".

10 USC 517 note.

SEC. 929. TEMPORARY EXEMPTION FROM AUTHORIZED DAILY AVERAGE OF MEMBERS IN PAY GRADES E–8 AND E–9.

Section 517 of title 10, United States Code, shall not apply to the Space Force until October 1, 2023.

SEC. 930. LIMITATION ON TRANSFER OF MILITARY INSTALLATIONS TO THE JURISDICTION OF THE SPACE FORCE.

Briefing.
Analysis.

(a) LIMITATION.—A military installation (whether or not under the jurisdiction of the Department of the Air Force) may not be transferred to the jurisdiction or command of the Space Force until the Secretary of the Air Force briefs the congressional defense committees on the results of a business case analysis, conducted by the Secretary in connection with the transfer, of the cost and efficacy of the transfer.

(b) TIMING OF BRIEFING.—The briefing on a business case analysis conducted pursuant to subsection (a) shall be provided not later than 15 days after the date of the completion of the business case analysis by the Secretary. Deadline.

SEC. 931. ORGANIZATION OF THE SPACE FORCE.

(a) LIMITATIONS.—

(1) SECRETARY OF DEFENSE.—The Secretary of Defense may not establish a Space National Guard or Space Reserve as a reserve component of the Space Force until the Secretary completes the study under subsection (b) and determines, based on the result of such study, that a Space National Guard or a Space Reserve is the organization best suited to discharge, in an effective and efficient manner, the missions intended to be assigned to such organization. Determination.

(2) SECRETARY OF THE AIR FORCE.—Until the Secretary of Defense carries out subsection (b), the Secretary of the Air Force may not—

(A) transfer, to another component of the Air Force, any member or civilian personnel of the Air National Guard who is assigned to a space mission; or

(B) relocate any asset, or dissolve any element, of the Air National Guard or Air Force Reserve that is assigned to a space mission.

(b) STUDY AND REPORT REQUIRED.—Not later than March 31, 2021, the Secretary of Defense shall conduct a study to formulate a plan regarding how best to organize the active and reserve components of the Space Force and submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding such study. The report shall include the following: Deadline. Plan.

(1) The assumptions and factors used to make the plan.

(2) Individuals who made recommendations regarding the organization of such components.

(3) Determinations of the Secretary regarding the mission, organization, and unit retention of such components. Determinations.

(4) The final organizational and integration recommendations regarding such components. Recommendations.

(5) The proposed staffing and operational organization for such components. Proposals.

(6) The estimated date of implementation of the plan. Estimate.

(7) Any savings or costs arising from the preservation of existing space-related force structures in the Air National Guard.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit the reserve components of the Air Force from performing space missions or continuing to support the Air Force and the Space Force in the performance of space missions.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Budget materials for special operations forces.
Sec. 1003. Application of Financial Improvement and Audit Remediation Plan to fiscal years following fiscal year 2020.
Sec. 1004. Incentives for the achievement by the components of the Department of Defense of unqualified audit opinions on the financial statements.
Sec. 1005. Audit readiness and remediation.

Sec. 1006. Addition of Chief of the National Guard Bureau to the list of officers providing reports of unfunded priorities.

Subtitle B—Counterdrug Activities

Sec. 1011. Quarterly reports on Department of Defense support provided to other United States agencies for counterdrug activities and activities to counter transnational organized crime.

Subtitle C—Naval Vessels

Sec. 1021. Limitation on availability of certain funds without naval vessels plan and certification.
Sec. 1022. Limitations on use of funds in National Defense Sealift Fund for purchase of foreign constructed vessels.
Sec. 1023. Use of National Sea-Based Deterrence Fund for incrementally funded contracts to provide full funding for Columbia class submarines.
Sec. 1024. Preference for United States vessels in transporting supplies by sea.
Sec. 1025. Restrictions on overhaul, repair, etc. of naval vessels in foreign shipyards.
Sec. 1026. Biennial report on shipbuilder training and the defense industrial base.
Sec. 1027. Modification of waiver authority on prohibition on use of funds for retirement of certain legacy maritime mine countermeasure platforms.
Sec. 1028. Extension of authority for reimbursement of expenses for certain Navy mess operations afloat.
Sec. 1029. Working group on stabilization of Navy shipbuilding industrial base workforce.
Sec. 1030. Limitation on naval force structure changes.

Subtitle D—Counterterrorism

Sec. 1041. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
Sec. 1042. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1043. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
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Subtitle E—Miscellaneous Authorities and Limitations

Sec. 1051. Support of special operations to combat terrorism.
Sec. 1052. Expenditure of funds for Department of Defense clandestine activities that support operational preparation of the environment.
Sec. 1053. Sale or donation of excess Department of Defense personal property for law enforcement activities.
Sec. 1054. Prohibition on retirement of nuclear powered aircraft carriers before first refueling.
Sec. 1055. Reauthorization of National Oceanographic Partnership Program.
Sec. 1056. Modification and technical correction to Department of Defense authority to provide assistance along the southern land border of the United States.
Sec. 1057. Limitation on use of funds for retirement of A–10 aircraft.
Sec. 1058. Considerations relating to permanently basing United States equipment or additional forces in host countries with at-risk vendors in 5G or 6G networks.
Sec. 1059. Public availability of Department of Defense legislative proposals.
Sec. 1060. Arctic planning, research, and development.
Sec. 1061. Authority to establish a movement coordination center pacific in the Indo-Pacific region.
Sec. 1062. Limitation on provision of funds to institutions of higher education hosting Confucius Institutes.
Sec. 1063. Support for national maritime heritage grants program.
Sec. 1064. Requirements for use of Federal law enforcement personnel, active duty members of the Armed Forces, and National Guard personnel in support of Federal authorities to respond to civil disturbances.

Subtitle F—Studies and Reports

Sec. 1071. FFRDC study of explosive ordnance disposal agencies.
Sec. 1072. Study on force structure for Marine Corps aviation.

Sec. 1073. Report on joint training range exercises for the Pacific region.
Sec. 1074. Reports on threats to United States forces from small unmanned aircraft systems worldwide.
Sec. 1075. Under Secretary of Defense (Comptroller) reports on improving the budget justification and related materials of the Department of Defense.
Sec. 1076. Quarterly briefings on Joint All Domain Command and Control effort.
Sec. 1077. Report on civilian casualty resourcing and authorities.
Sec. 1078. Comptroller General Review of Department of Defense efforts to prevent resale of goods manufactured by forced labor in commissaries and exchanges.
Sec. 1079. Comptroller General report on Department of Defense processes for responding to congressional reporting requirements.

Subtitle G—Other Matters

Sec. 1081. Technical, conforming, and clerical amendments.
Sec. 1082. Reporting of adverse events relating to consumer products on military installations.
Sec. 1083. Modification to First Division monument.
Sec. 1084. Sense of Congress regarding reporting of civilian casualties resulting from United States military operations.
Sec. 1085. Deployment of real-time status of special use airspace.
Sec. 1086. Duties of Secretary under uniformed and overseas citizens absentee voting act.
Sec. 1087. Mitigation of military helicopter noise.
Sec. 1088. Congressional expression of support for designation of National Borinqueneers Day.
Sec. 1089. Ted Stevens Center for Arctic Security Studies.
Sec. 1090. Establishment of vetting procedures and monitoring requirements for certain military training.
Sec. 1091. Personal protective equipment matters.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2021 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred. Determination.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. BUDGET MATERIALS FOR SPECIAL OPERATIONS FORCES.

Section 226 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "of Defense and the Secretary of each of the military departments" after "Secretary";

(B) by striking "2021" and inserting "2022";

(C) by striking "a consolidated budget justification display" and inserting "a budget justification display for each applicable appropriation";

(D) in the second sentence, by striking "display" and all that follows and inserting "displays shall include each of the following:" and

(E) by adding at the end the following new paragraphs:

"(1) Details at the appropriation and line item level, including any amount for service-common support, acquisition support, training, operations, pay and allowances, base operations sustainment, and any other common services and support.

"(2) An identification of any change in the level or type of service-common support and enabling capabilities provided by each of the military services or Defense Agencies to special operations forces for the fiscal year covered by the budget justification display when compared to the preceding fiscal year, including the rationale for any such change and any mitigating actions.

Assessment.

"(3) An assessment of the specific effects that the budget justification display for the fiscal year covered by the display and any anticipated future manpower and force structure changes are likely to have on the ability of each of the military services to provide service-common support and enabling capabilities to special operations forces.

"(4) Any other matters the Secretary of Defense or the Secretary of a military department determines are relevant.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) CONSOLIDATED BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall include, in the budget materials submitted to Congress under section 1105 of title 31, for fiscal year 2022 and any subsequent fiscal year, a consolidated budget justification display containing the same information as is required in the budget justification displays required under subsection (a). Such consolidated budget justification display may be provided as a summary by appropriation for each military department and a summary by appropriation for all Defense Agencies.".

Summaries.

SEC. 1003. APPLICATION OF FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN TO FISCAL YEARS FOLLOWING FISCAL YEAR 2020.

Section 240b(a)(2)(A)(iii) of title 10, United States Code, is amended by striking "for fiscal year 2018" and all that follows and inserting "for each fiscal year after fiscal year 2020 occurs by not later than March 31 following such fiscal year;".

SEC. 1004. INCENTIVES FOR THE ACHIEVEMENT BY THE COMPONENTS OF THE DEPARTMENT OF DEFENSE OF UNQUALIFIED AUDIT OPINIONS ON THE FINANCIAL STATEMENTS.

(a) INCENTIVES REQUIRED.—

10 USC 240b note. Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller), acting through the Deputy Chief Financial Officer of the Department of Defense, shall develop and issue guidance to provide incentives for the achievement by each department, agency, and other component of the Department of Defense of unqualified audit opinions on their financial statements.

(2) APPLICABILITY.—The guidance required under paragraph (1) shall provide incentives for individual employees in addition to departments, agencies, and components.

(b) REPORT.—Section 240b(b)(1)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

"(xiii) An description of the incentives available pursuant to the guidance required by section 1004(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, including a detailed explanation of how such incentives were provided during the fiscal year covered by the report.".

SEC. 1005. AUDIT READINESS AND REMEDIATION.

(a) AUDIT REMEDIATION PLAN.—Section 240g(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(4) the amount spent by the Department on operating and maintaining financial management systems during the preceding five fiscal years; and

"(5) the amount spent by the Department on acquiring or developing new financial management systems during such five fiscal years.".

(b) ANNUAL REPORT ON UNFUNDED PRIORITIES.—

(1) IN GENERAL.—Chapter 9A of title 10, United States Code, is amended by adding at the end the following new section:

"§ 240i. Annual report on unfunded priorities

10 USC 240i.

"(a) IN GENERAL.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Under Secretary of Defense (Comptroller) shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on unfunded priorities of the Department of Defense related to audit readiness and remediation.

"(b) ELEMENTS.—(1) Each report under subsection (a) shall include, for each unfunded priority covered by such report, the following:

"(A) A summary description of such priority, including the objectives to be achieved if such priority were to be funded (whether in whole or in part).

Summary.

Recommendations.

"(B) The additional amount of funds recommended in connection with the objectives identified under subparagraph (A).

"(C) Account information with respect to such priority, including, as applicable, the following:

"(i) Line item number, in the case of applicable procurement accounts.

"(ii) Program element number, in the case of applicable research, development, test, and evaluation accounts.

"(iii) Sub-activity group, in the case of applicable operation and maintenance accounts.

"(2) The Under Secretary shall ensure that the unfunded priorities covered by a report under subsection (a) are listed in the order of urgency of priority, as determined by the Under Secretary.

"(c) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority', with respect to a fiscal year, means an activity related to an audit readiness or remediation effort stemming from a relevant requirement under the Chief Financial Officer Act (Public Law 101–576), chapter 9 of title 31, or this chapter that—

"(1) is not funded in the budget of the President for that fiscal year, as submitted to Congress pursuant to section 1105 of title 31;

"(2) is necessary to address a shortfall in an audit readiness or remediation activity; and

"(3) would have been recommended for funding through the budget referred to in paragraph (1) if—

"(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

"(B) the program, activity, or mission requirement had emerged before the budget was formulated.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 240h the following new item:

10 USC prec. 240a.

"240i. Annual report on unfunded priorities.".

SEC. 1006. ADDITION OF CHIEF OF THE NATIONAL GUARD BUREAU TO THE LIST OF OFFICERS PROVIDING REPORTS OF UNFUNDED PRIORITIES.

Section 222a of title 10, United States Code, is amended—

(1) in subsection (b), as amended by section 924, by adding at the end the following new paragraph:

"(7) The Chief of the National Guard Bureau in the role assigned to that position in section 10502(c)(1) of this title."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(3) NATIONAL GUARD UNFUNDED PRIORITIES.—

Reports.

"(A) IN GENERAL.—The officer specified under subsection (b)(6) shall only include in a report submitted under subsection (a) such priorities that—

"(i) relate to equipping requirements in support of non-federalized National Guard responsibilities for the homeland defense or civil support missions; and

Time period.

"(ii) except as provided in subparagraph (B), were not included in a report under this section submitted by an officer specified in subsection (b)(1) or (3) for

any of five fiscal years preceding the fiscal year for which the report is submitted, on behalf of National Guard forces to address a warfighting requirement.

"(B) EXCEPTION.—The officer specified under subsection (b)(6) may include in a report submitted under subsection (a) an unfunded priority covered by subparagraph (A)(ii) if the Secretary of Defense—

"(i) determines that the inclusion such unfunded priority reasonably supports the priorities of the Department under the national defense strategy under section 113(g) of this title; and Determination.

"(ii) submits to the congressional defense committees written notice of such determination.". Notice.

Subtitle B—Counterdrug Activities

SEC. 1011. QUARTERLY REPORTS ON DEPARTMENT OF DEFENSE SUPPORT PROVIDED TO OTHER UNITED STATES AGENCIES FOR COUNTERDRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME.

Section 284(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) QUARTERLY REPORTS.—

"(A) IN GENERAL.—Not less frequently than once each quarter, the Secretary shall submit to the appropriate committees of Congress a report on Department of Defense support provided under subsection (b) during the quarter preceding the quarter during which the report is submitted. Each such report shall be submitted in written and electronic form and shall include—

"(i) an identification of each recipient of such support;

"(ii) a description of the support provided and anticipated duration of such support; and

"(iii) a description of the sources and amounts of funds used to provide such support;

"(B) APPROPRIATE COMMITTEES OF CONGRESS.—Notwithstanding subsection (i)(1), for purposes of a report under this paragraph, the appropriate committees of Congress are—

"(i) the Committees on Armed Services of the Senate and House of Representatives; and

"(ii) any committee with jurisdiction over the department or agency that receives support covered by the report.".

Subtitle C—Naval Vessels

SEC. 1021. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS WITHOUT NAVAL VESSELS PLAN AND CERTIFICATION.

Section 231 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Secretary of Defense" and inserting "Secretary of the Navy"; and

(B) by striking "and" after the colon; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "the Secretary of the Navy may not use more than 50 percent of the funds" and inserting "the Secretary of Defense may not use more than 25 percent of the funds"; and

(B) in paragraph (2)—

(i) by striking "Secretary of the Navy" and inserting "Secretary of Defense";

(ii) by striking "operation and maintenance, Navy" and inserting "operation and maintenance, Defense-wide"; and

(iii) by inserting before the period at the end the following: ", that remain available for obligation or expenditure as of the date on which the plan and certification under subsection (a) are required to be submitted".

SEC. 1022. LIMITATIONS ON USE OF FUNDS IN NATIONAL DEFENSE SEALIFT FUND FOR PURCHASE OF FOREIGN CONSTRUCTED VESSELS.

Section 2218(f)(3) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking "seven" and inserting "nine";

(2) in subparagraph (E)—

(A) in the matter preceding clause (i), by striking "two" and inserting "four"; and

(B) in clause (ii), by striking "2026" and inserting "2028"; and

(3) in subparagraph (G), by striking "subparagraph (E)" and inserting "subparagraph (F)".

SEC. 1023. USE OF NATIONAL SEA-BASED DETERRENCE FUND FOR INCREMENTALLY FUNDED CONTRACTS TO PROVIDE FULL FUNDING FOR COLUMBIA CLASS SUBMARINES.

(a) IN GENERAL.—Section 2218a(h)(1) of title 10, United States Code, is amended—

(1) by striking "incrementally funded contracts for" and all that follows and inserting "incrementally funded contracts for—"; and

(2) by adding at the end the following new subparagraphs:

"(A) advance procurement of high value, long lead time items for nuclear powered vessels to better support construction schedules and achieve cost savings through schedule reductions and properly phased installment payments; and

"(B) construction of the first two Columbia class submarines.".

(b) LIMITATION.—None of the amounts authorized to be appropriated or otherwise made available for any of fiscal years 2021 through 2023 for the Department of Defense for Shipbuilding and Conversion, Navy, for the "Ohio Replacement Submarine" line item, may be obligated or expended for the construction of SSBN 827, unless otherwise specifically provided by law.

SEC. 1024. PREFERENCE FOR UNITED STATES VESSELS IN TRANSPORTING SUPPLIES BY SEA.

(a) PREFERENCE FOR UNITED STATES VESSELS IN TRANSPORTING SUPPLIES BY SEA.—

(1) IN GENERAL.—Section 2631 of title 10, United States Code, is amended to read as follows:

"§ 2631. Preference for United States vessels in transporting supplies by sea

"(a) IN GENERAL.—Supplies bought for the Army, Navy, Air Force, or Marine Corps, or for a Defense Agency, or otherwise transported by the Department of Defense, may only be transported by sea in—

"(1) a vessel belonging to the United States; or

"(2) a vessel of the United States (as such term is defined in section 116 of title 46).

"(b) WAIVER AND NOTIFICATION.—(1) The Secretary of Defense may waive the requirement under subsection (a) if such a vessel is—

"(A) not available at a fair and reasonable rate for commercial vessels of the United States; or

"(B) otherwise not available.

"(2) At least once each fiscal year, the Secretary of Defense shall submit, in writing, to the appropriate congressional committees a notice of any waiver granted under this subsection and the reasons for such waiver. Time period.

"(c) REQUIREMENTS FOR REFLAGGING OR REPAIR WORK.—(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that— Proposals.

"(A) any reflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States); and

"(B) any corrective and preventive maintenance or repair work on a vessel under contract pursuant to this section relevant to the purpose of such contract be performed in the United States (including any territory of the United States) for the duration of the contract, to the greatest extent practicable.

"(2) The Secretary of Defense may waive a requirement under paragraph (1) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately submit, in writing, to the appropriate congressional committees a notice of any waiver granted under this paragraph and the reasons for such waiver. Waiver authority. Determination. Notice.

"(3) In this subsection: Definitions.

"(A) The term 'reflagging or repair work' means work performed on a vessel—

"(i) to enable the vessel to meet applicable standards to become a vessel of the United States; or

"(ii) to convert the vessel to a more useful military configuration.

"(B) The term 'corrective and preventive maintenance or repair' means—

"(i) maintenance or repair actions performed as a result of a failure in order to return or restore equipment to acceptable performance levels; and

"(ii) scheduled maintenance or repair actions to prevent or discover functional failures.

"(d) COMPLIANCE.—The Secretary of Defense shall ensure that contracting officers of the Department of Defense award contracts under this section to responsible offerors and monitor and ensure compliance with the requirements of this section. The Secretary shall—

"(1) ensure that timely, accurate, and complete information on contractor performance under this section is included in any contractor past performance database used by an executive agency; and

Determination.

"(2) exercise appropriate contractual rights and remedies against contractors who fail to comply with this section, or subchapter I of chapter 553 of title 46, as determined by the Secretary of Transportation under such subchapter, including by—

"(A) determining that a contractor is ineligible for an award of such a contract; or

"(B) terminating such a contract or suspension or debarment of the contractor for such contract.

"(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committees on Armed Services of the Senate and the House of Representatives;

"(2) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(3) the Committee on Commerce, Science, and Transportation of the Senate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of title 10, United States Code, is amended by striking the item relating to section 2631 and inserting the following new item:

10 USC prec. 2631.

"2631. Preference for United States vessels in transporting supplies by sea.".

(b) AMENDMENTS TO TITLE 46, UNITED STATES CODE.—

(1) TRANSFER OF PROVISION RELATING TO PRIORITY LOADING FOR COAL.—

(A) IN GENERAL.—Section 55301 of title 46, United States Code, is redesignated as section 55123 of such title, transferred to appear after section 55122 of such title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in such title.

(B) CONFORMING AMENDMENTS.—

(i) The analysis for subchapter I of chapter 553 of title 46, United States Code, is amended by striking the item relating to section 55301.

46 USC prec. 55301.

(ii) The analysis for chapter 551 of title 46, United States Code, is amended by inserting after the item relating to section 55122 the following new item:

46 USC prec. 55101.

"55123. Priority loading for coal.".

(2) AMENDMENT TO SUBCHAPTER HEADING.—The heading of subchapter I of chapter 553 of title 46, United States Code, is amended to read as follows:

46 USC prec. 55301.

"SUBCHAPTER I—GOVERNMENT IMPELLED TRANSPORTATION".

SEC. 1025. RESTRICTIONS ON OVERHAUL, REPAIR, ETC. OF NAVAL VESSELS IN FOREIGN SHIPYARDS.

(a) EXCEPTION FOR DAMAGE REPAIR DUE TO HOSTILE ACTIONS OR INTERVENTIONS.—Section 8680(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ", other than in the case of voyage repairs"; and

(2) by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), a naval vessel described in paragraph (1) may be repaired in a shipyard outside the United States or Guam if the repairs are—

"(A) voyage repairs; or

"(B) necessary to correct damage sustained due to hostile actions or interventions.".

(b) LIMITED AUTHORITY TO USE FOREIGN WORKERS.—Section 8680(a)(2)(B)(i) of title 10, United States Code, is amended—

(1) by inserting "(I)" after "(i)"; and

(2) by adding at the end the following new subclauses:

"(II) Notwithstanding subclause (I), foreign workers may be used to perform corrective and preventive maintenance or repair on a vessel as described in subparagraph (A) only if the Secretary of the Navy determines that travel by United States Government personnel or United States contractor personnel to perform the corrective or preventive maintenance or repair is not advisable for health or safety reasons. The Secretary of the Navy may not delegate the authority to make a determination under this subclause. Determination.

"(III) Not later than 30 days after making a determination under subclause (II), the Secretary of the Navy shall submit to the congressional defense committees written notification of the determination. The notification shall include the reasons why travel by United States personnel is not advisable for health or safety reasons, the location where the corrective and preventive maintenance or repair will be performed, and the approximate duration of the corrective and preventive maintenance or repair.". Deadline. Notification.

(c) TECHNICAL CORRECTION.—Section 8680(a)(2)(C)(ii) of title 10, United States Code, is amended by striking the period after "means—".

SEC. 1026. BIENNIAL REPORT ON SHIPBUILDER TRAINING AND THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8692. Biennial report on shipbuilder training and the defense industrial base 10 USC 8692.

"Not later than February 1 of each even-numbered year until 2026, the Secretary of the Navy, in coordination with the Secretary of Labor, shall submit to the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Armed Services and the Committee on Education and Labor of the House of Representatives a report on shipbuilder training and hiring requirements necessary to achieve the Navy's 30-year shipbuilding plan and to maintain the shipbuilding readiness of the defense industrial base. Each such report shall include each of the following: Coordination. Analyses.

Estimate.

"(1) An analysis and estimate of the time and investment required for new shipbuilders to gain proficiency in particular shipbuilding occupational specialties, including detailed information about the occupational specialty requirements necessary for construction of naval surface ship and submarine classes to be included in the Navy's 30-year shipbuilding plan.

"(2) An analysis of the age demographics and occupational experience level (measured in years of experience) of the shipbuilding defense industrial workforce.

"(3) An analysis of the potential time and investment challenges associated with developing and retaining shipbuilding skills in organizations that lack intermediate levels of shipbuilding experience.

Recommendations.

"(4) Recommendations concerning how to address shipbuilder training during periods of demographic transition and evolving naval fleet architecture consistent with the Navy's most recent Integrated Force Structure Assessment.

"(5) An analysis of whether emerging technologies, such as augmented reality, may aid in new shipbuilder training.

Recommendations.

"(6) Recommendations concerning how to encourage young adults to enter the defense shipbuilding industry and to develop the skills necessary to support the shipbuilding defense industrial base.".

10 USC prec. 8661.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8692. Biennial report on shipbuilder training and the defense industrial base.".

SEC. 1027. MODIFICATION OF WAIVER AUTHORITY ON PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF CERTAIN LEGACY MARITIME MINE COUNTERMEASURE PLATFORMS.

(a) IN GENERAL.—Section 1046(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public law 115–91; 131 Stat. 1556) is amended by striking "certifies" and inserting ", with the concurrence of the Director of Operational Test and Evaluation, certifies in writing".

Applicability.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to waivers under subsection (b)(1) of section 1046 of the National Defense Authorization Act for Fiscal Year 2018 of the prohibition under subsection (a) of that section that occur on or after that date.

SEC. 1028. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS AFLOAT.

Section 1014(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585), as most recently amended by section 1023(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 966), is further amended by striking "September 30, 2020" and inserting "September 30, 2025".

SEC. 1029. WORKING GROUP ON STABILIZATION OF NAVY SHIPBUILDING INDUSTRIAL BASE WORKFORCE.

Appointments. Recommendations.

(a) IN GENERAL.—The Secretary of the Navy and the Secretary of Labor shall jointly establish and appoint members to a working

group, which shall make recommendations to enhance the integration of programs, resources, and expertise to strengthen the Navy shipbuilding industrial base through greater stabilization of the workforce available to the Navy shipbuilding industrial base.

(b) DUTIES.—The working group established pursuant to subsection (a) shall carry out the following activities:

(1) Analyze existing Department of the Navy shipbuilding contracts and other relevant information to better anticipate future employment trends and tailor support and opportunities for workers most vulnerable to upcoming workforce fluctuations.

(2) Identify existing Department of Labor programs for unemployed, underemployed, and furloughed employees that could benefit the Navy shipbuilding industrial base workforce during times of workload fluctuations and workforce instability, and explore potential partnerships to connect employees with appropriate resources.

(3) Explore possible cost sharing agreements to enable the Secretary of the Navy to contribute funding to existing Department of Labor workforce programs to support the Navy shipbuilding industrial base workforce.

(4) Examine possible programs that will specifically assist furloughed employees in the Navy shipbuilding industrial base workforce who may sporadically rely on unemployment benefits.

(5) Explore opportunities for unemployed, underemployed, or furloughed employees in the Navy shipbuilding industrial base workforce to receive workforce training through temporary partnerships with States, technical schools, community colleges, and other local workforce development opportunities.

(6) Review existing training programs for the Navy shipbuilding industrial base workforce to maximize relevant and necessary training opportunities that would broaden employee skillset during times of unemployment, underemployment, or furlough, where applicable.

Assessment.

(7) Assess the possibility of Navy shipbuilding employee support programs to weather a period of unemployment, underemployment, or furlough, including compensation options, alternative employment, temporary stipends, or other worker support opportunities.

Study. Recommendations.

(8) Study cross-State credentialing requirements and identify any restrictions that inhibit the flexibility of the Navy shipbuilding industrial base workforce to seek employment opportunities across State lines, and make recommendations to streamline licensing, credentialing, certification, and qualification requirements within the shipbuilding industry.

Review.

(9) Review additional or new contracting authorities that could enable the Department of the Navy to award short-term, flexible contracts that will prioritize work for unemployed, underemployed, or furloughed employees within the Navy shipbuilding industrial base workforce.

Assessment.

(10) Identify specific workforce support programs to support suppliers of all sizes within the Navy shipbuilding industrial base, and assess any additional support from prime contractors that would improve the stability of such suppliers.

Assessment.

(11) Assess whether greater collaboration with the United States Coast Guard and its shipbuilding contractors and subcontractors would improve Navy shipbuilding industrial base

workforce stability by assessing a totality of Navy and Coast Guard shipbuilding demands.

(12) Consider potential pilot programs that will specifically address Navy shipbuilding industrial base workforce stability.

(13) Explore any additional opportunities to invest in recruiting, retaining, and training a skilled Navy shipbuilding industrial base workforce.

Recommendations. Reports.

(14) Consider and incorporate the findings and recommendations, as appropriate, of the report on shipbuilder training and the defense industrial base required under section 1037 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1583).

Deadline. Coordination.

(c) NOTICE OF ESTABLISHMENT AND STRUCTURE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, in coordination with the Secretary of Labor, shall submit to the congressional defense committees notice regarding the membership and structure of the working group established pursuant to subsection (a).

Consultation. Recommendations.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of Labor, shall submit to the congressional defense committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a report containing the findings and recommendations of the working group established pursuant to subsection (a).

(e) TERMINATION.—The working group established pursuant to subsection (a) shall terminate on the date that is 30 days after the submittal of the report required under subsection (d).

SEC. 1030. LIMITATION ON NAVAL FORCE STRUCTURE CHANGES.

Time period.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Navy may be obligated or expended to retire, or to prepare for the retirement, transfer, or placement in storage of, any Department of the Navy ship until the date that is 30 days after the date on which Secretary of Defense submits to the congressional defense committees the 2020 Naval Integrated Force Structure Assessment.

Subtitle D—Counterterrorism

SEC. 1041. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1953), as amended by section 1043 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1586), is further amended by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 1042. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as amended by section 1044 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1586), is further amended by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 1043. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as amended by section 1042 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1568), is further amended by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 1044. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1551), as most recently amended by section 1045 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1586), is further amended by striking "fiscal year 2018, 2019, or 2020" and inserting "fiscal years 2018 through 2021".

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1051. SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 127e of title 10, United States Code, is amended—

(1) by striking subsection (c) and inserting the following new subsection (c):

"(c) PROCEDURES.—

"(1) IN GENERAL.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material change to such procedures. Notification.

"(2) ELEMENTS.—The procedures required under paragraph (1) shall establish, at a minimum, each of the following:

"(A) Policy, strategy, or other guidance for the execution of, and constraints within, activities conducted under this section. Strategy.

"(B) The processes through which activities conducted under this section are to be developed, validated, and coordinated, as appropriate, with relevant Federal entities.

"(C) The processes through which legal reviews and determinations are made to comply with this section and

ensure that the exercise of the authority in this section is consistent with the national security of the United States.";

(2) in subsection (d)(2), by adding at the end the following new subparagraphs:

"(G) A description of the entities with which the recipients of support are engaged in hostilities and whether each such entity is covered under an authorization for use of military force.

"(H) A description of the steps taken to ensure the support is consistent with United States national security objectives.

"(I) A description of the steps taken to ensure that the recipients of support have not engaged in human rights violations.";

(3) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively;

(4) by inserting after subsection (d) the following new subsection (e):

"(e) NOTIFICATION OF SUSPENSION OR TERMINATION OF SUPPORT.—

Deadline.

"(1) IN GENERAL.—Not later than 48 hours after suspending or terminating support to any foreign force, irregular force, group, or individual under the authority in this section, the Secretary shall submit to the congressional defense committees a written notice of such suspension or termination.

"(2) ELEMENTS.—Notice provided under paragraph (1) with respect to the suspension or termination of support shall include each of the following elements:

"(A) A description of the reasons for the suspension or termination of such support.

"(B) A description of any effects on regional, theatre, or global campaign plan objectives anticipated to result from the suspension or termination of such support.

Plans.

"(C) A plan for the suspension or termination of the support, and, in the case of support that is planned to be transitioned to another program of the Department of Defense or another Federal department or agency, a detailed description of the transition plan, including the resources, equipment, capabilities, and personnel associated with such plan."; and

(5) by striking subsection (g), as redesignated by paragraph (3), and inserting the following new subsection (g):

"(g) CONSTRUCTION OF AUTHORITY.—Nothing in this section may be construed to constitute authority to conduct or provide statutory authorization for any of the following:

"(1) A covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

"(2) An introduction of the armed forces, (including as such term is defined in section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c)), into hostilities, or into situations where hostilities are clearly indicated by the circumstances, without specific statutory authorization within the meaning of section 5(b) of such Resolution (50 U.S.C. 1544(b)).

"(3) Activities or support of activities, directly or indirectly, that are inconsistent with the laws of armed conflict.".

SEC. 1052. EXPENDITURE OF FUNDS FOR DEPARTMENT OF DEFENSE CLANDESTINE ACTIVITIES THAT SUPPORT OPERATIONAL PREPARATION OF THE ENVIRONMENT.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127e the following new section:

"§ 127f. Expenditure of funds for clandestine activities that support operational preparation of the environment

10 USC 127f.

"(a) AUTHORITY.—Subject to subsections (b) through (d), the Secretary of Defense may expend up to $15,000,000 in any fiscal year for clandestine activities for any purpose the Secretary determines to be proper for preparation of the environment for operations of a confidential nature. Such a determination is final and conclusive upon the accounting officers of the United States. The Secretary may certify the amount of any such expenditure authorized by the Secretary that the Secretary considers advisable not to specify, and the Secretary's certificate is sufficient voucher for the expenditure of that amount.

Determination.

Certification.

"(b) FUNDS.—Funds for expenditures under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for operation and maintenance, Defense-wide.

"(c) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the authority under this section with respect to any expenditure in excess of $250,000.

"(d) EXCLUSION OF INTELLIGENCE ACTIVITIES.—(1) This section does not constitute authority to conduct, or expend funds for, intelligence, counterintelligence, or intelligence-related activities.

"(2) In this subsection, the terms 'intelligence' and 'counterintelligence' have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

Definitions.

"(e) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on expenditures made under this section during the fiscal year preceding the year in which the report is submitted. Each report shall include, for each expenditure under this section during the fiscal year covered by such report—

"(1) the amount and date of such expenditure;

"(2) a detailed description of the purpose for which such expenditure was made;

"(3) an explanation why other authorities available to the Department of Defense could not be used for such expenditure; and

"(4) any other matters the Secretary considers appropriate.".

10 USC prec. 121.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127e the following new item:

"127f. Expenditure of funds for clandestine activities that support operational preparation of the environment.".

SEC. 1053. SALE OR DONATION OF EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) INCLUSION OF DISASTER-RELATED EMERGENCY PREPAREDNESS ACTIVITIES AMONG LAW ENFORCEMENT ACTIVITIES AUTHORITIES.—

(1) INCLUSION.—Subsection (a)(1)(A) of section 2576a of title 10, United States Code, is amended by inserting "disaster-related emergency preparedness," after "counterterrorism,".

(2) PREFERENCE IN TRANSFERS.—Subsection (d) of such section is amended to read as follows:

"(d) PREFERENCE FOR CERTAIN TRANSFERS.—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to applications indicating that the transferred property will be used in the counterdrug, counterterrorism, disaster-related emergency preparedness, or border security activities of the recipient agency. Applications that request vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference.".

(b) ADDITIONAL CONDITIONS AND LIMITATIONS.—

(1) ADDITIONAL TRAINING OF RECIPIENT AGENCY PERSONNEL REQUIRED.—Subsection (b)(6) of section 2576a of title 10, United States Code, is amended by inserting before the period at the end the following: ", including respect for the rights of citizens under the Constitution of the United States and de-escalation of force".

(2) CERTAIN PROPERTY NOT TRANSFERRABLE.—Such section is further amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) PROPERTY NOT TRANSFERRABLE.—The Secretary may not transfer to a Tribal, State, or local law enforcement agency under this section the following:

"(1) Bayonets.

"(2) Grenades (other than stun and flash-bang grenades).

"(3) Weaponized tracked combat vehicles.

"(4) Weaponized drones.".

SEC. 1054. PROHIBITION ON RETIREMENT OF NUCLEAR POWERED AIRCRAFT CARRIERS BEFORE FIRST REFUELING.

Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) A nuclear powered aircraft carrier may not be retired before its first refueling.".

SEC. 1055. REAUTHORIZATION OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.—Section 8931 of title 10, United States Code, is amended to read as follows:

"SEC. 8931. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

"(a) ESTABLISHMENT.—The Secretary of the Navy shall establish a program to be known as the 'National Oceanographic Partnership Program'.

"(b) PURPOSES.—The purposes of the program are as follows:

"(1) To promote the national goals of assuring national security, advancing economic development, protecting quality of life, ensuring environmental stewardship, and strengthening science education and communication through improved knowledge of the ocean.

Coordination.

"(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

"(A) creating and carrying out partnerships among Federal agencies, academia, industry, and other members of the oceanographic community in the areas of science, data, technology development, resources, education, and communication; and

"(B) accepting, planning, and executing oceanographic research projects funded by grants, contracts, cooperative agreements, or other vehicles as appropriate, that contribute to assuring national security, advancing economic development, protecting quality of life, ensuring environmental stewardship, and strengthening science education and communication through improved knowledge of the ocean.".

(b) OCEAN POLICY COMMITTEE.—

(1) IN GENERAL.—Section 8932 of such title is amended—

(A) by striking subsections (a) through (f);

(B) by inserting the following new subsections (a) through (e):

"(a) COMMITTEE.—There is established an Ocean Policy Committee (hereinafter referred to as the 'Committee'). The Committee shall retain broad and inclusive membership.

"(b) RESPONSIBILITIES.—The Committee shall—

"(1) continue the activities of that Committee as it was in existence on the day before the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021;

"(2) engage and collaborate, pursuant to existing laws and regulations, with stakeholders, including regional ocean partnerships, to address ocean-related matters that may require interagency or intergovernmental solutions;

"(3) facilitate coordination and integration of Federal activities in ocean and coastal waters to inform ocean policy and identify priority ocean research, technology, and data needs; and

"(4) prescribe policies and procedures to implement the National Oceanographic Partnership Program, including developing guidelines for review, selection, identification, and approval of partnership projects, in conjunction with Federal

agencies participating in the program, for implementation under the program, based on—

"(A) whether the project addresses important research objectives or operational goals;

"(B) whether the project has, or is designed to have, appropriate participation or support from public, academic, commercial, and private entities within the oceanographic community;

"(C) whether the partners have a long-term commitment to the objectives of the project;

"(D) whether the resources supporting the project are shared among the partners;

"(E) whether the project has been subjected to adequate scientific and technical merit review according to each participating agency; and

"(F) the approval of such guidelines by a consensus of the members of the Committee.

"(c) DELEGATION OF RESPONSIBILITIES.—In discharging its responsibilities in support of agreed-upon scientific needs, and to assist in the execution of the responsibilities described in subsection (b), the Committee may delegate responsibilities to a subcommittee of the Committee, as the Committee determines appropriate.

Deadlines. Public information. Web postings.

"(d) ANNUAL REPORT AND BRIEFING.—(1) Not later than March 1 of each year, the Committee shall—

"(A) make publicly available on an appropriate website a report on the National Oceanographic Partnership Program; and

"(B) provide to the appropriate congressional committees a briefing on the contents of the report.

"(2) Not later than 30 days after providing a briefing under paragraph (1)(B), the Committee shall make publicly available on an appropriate website the briefing materials covered by the briefing.

"(3) Each report and briefing shall include the following:

"(A) A description of activities of the National Oceanographic Partnership Program carried out during the fiscal year preceding the fiscal year during which the report is published.

"(B) A general outline of the activities planned for the program during the fiscal year during which the report is published.

Summary.

"(C) A summary of projects, partnerships, and collaborations, including the Federal and non-Federal sources of funding, continued from the fiscal year preceding the fiscal year during which the report is published and projects expected to begin during the fiscal year during which the report is published and any subsequent fiscal year, as required under subsection (e)(4)(C).

"(D) The amounts requested in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year during which the report is published, for the programs, projects, activities and the estimated expenditures under such programs, projects, and activities, to execute the National Oceanographic Partnership Program.

Summary.

"(E) A summary of national ocean research priorities informed by the Ocean Research Advisory Panel, as required under section 8933(b)(4) of this title.

"(F) A list of the members of the Ocean Research Advisory Panel established under section 8933(a) of this title and any working groups described in subsection (e)(4)(A) in existence during the fiscal years covered by the report. List.

"(e) PARTNERSHIP PROGRAM OFFICE.—(1) The Secretary of the Navy and Administrator of the National Oceanic and Atmospheric Administration shall jointly establish a partnership program office for the National Oceanographic Partnership Program.

"(2) The Secretary of the Navy and Administrator of the National Oceanic and Atmospheric Administration shall use competitive procedures to select a non-Government entity to manage the partnership program office.

"(3) The Committee shall monitor the management of the partnership program office.

"(4) The partnership program office shall perform the following duties:

"(A) Supporting working groups established by the Committee or subcommittee and reporting to the Committee and to any Federal agency that has contributed amounts to the National Oceanographic Partnership Program on the activities of such working groups, including the proposals of such working groups for partnership projects.

"(B) Supporting the process for proposing partnership projects to the Committee and to the agencies referred to in subparagraph (A), including, where appropriate, managing review of such projects.

"(C) Submitting to the appropriate congressional committees, and making publicly available, an annual report on the status of all partnership projects, including the Federal and non-Federal sources of funding for each project, and activities of the office.

"(D) Performing such additional duties for the administration of the National Oceanographic Partnership Program that the Committee and the agencies referred to in subparagraph (A) consider appropriate.";

(C) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively;

(D) in subsections (f) and (g), as so redesignated, by striking "Council" each place it appears and inserting "Committee";

(E) by inserting after subsection (g), as so redesignated, the following new subsection (h):

"(h) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term 'appropriate congressional committees' means— Definitions.

"(1) the Committee on Commerce, Science, and Transportation of the Senate;

"(2) the Committee on Armed Services of the Senate;

"(3) the Committee on Appropriations of the Senate;

"(4) the Committee on Natural Resources of the House of Representatives;

"(5) the Committee on Science, Space, and Technology of the House of Representatives;

"(6) the Committee on Armed Services of the House of Representatives; and

"(7) the Committee on Appropriations of the House of Representatives.".

(2) CLERICAL AMENDMENTS.—

10 USC prec. 8931.

(A) SECTION HEADING.—The heading for section 8932 of title 10, United States Code, is amended to read as follows:

"§ 8932. Ocean Policy Committee".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 893 of title 10, United States Code, is amended by striking the item relating to section 8932 and inserting the following new item:

"8932. Ocean Policy Committee.".

(c) OCEAN RESEARCH ADVISORY PANEL.—Section 8933 of such title is amended to read as follows:

"§ 8933. Ocean Research Advisory Panel

Appointments.

"(a) ESTABLISHMENT.—(1) The Ocean Policy Committee shall establish an Ocean Research Advisory Panel (in this section referred to as the 'Advisory Panel'). The Advisory Panel shall consist of not fewer than 10 and not more than 18 members appointed by the co-chairs of the Committee, including each of the following:

"(A) Three members who represent the National Academies of Sciences, Engineering, and Medicine.

"(B) Members selected from among individuals who represent the views of ocean industries, State, tribal, territorial or local governments, academia, and such other views as the co-chairs consider appropriate.

"(C) Members selected from among individuals eminent in the fields of marine science, marine technology, and marine policy, or related fields.

"(2) The Committee shall ensure that an appropriate balance of academic, scientific, industry, and geographical interests and gender and racial diversity are represented by the members of the Advisory Panel.

"(b) RESPONSIBILITIES.—The Committee shall assign the following responsibilities to the Advisory Panel:

"(1) To advise the Committee on policies and procedures to implement the National Oceanographic Partnership Program.

"(2) To advise the Committee on matters relating to national oceanographic science, engineering, facilities, or resource requirements.

"(3) To advise the Committee on improving diversity, equity, and inclusion in the ocean sciences and related fields.

"(4) To advise the Committee on national ocean research priorities.

"(5) Any additional responsibilities that the Committee considers appropriate.

Time period.

"(c) MEETINGS.—The Committee shall require the Advisory Panel to meet not less frequently than two times each year.

"(d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Administrator of the National Oceanic and Atmospheric Administration shall provide to the Advisory Panel such administrative and technical support as the Advisory Panel may require.

"(e) TERMINATION.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Panel shall terminate on January 1, 2040.".

SEC. 1056. MODIFICATION AND TECHNICAL CORRECTION TO DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE ASSISTANCE ALONG THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY.—Subsection (a) of section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 986; 10 U.S.C. 271 note prec.) is amended to read as follows:

"(a) AUTHORITY.—

"(1) PROVISION OF ASSISTANCE.—

"(A) IN GENERAL.—The Secretary of Defense may provide assistance to United States Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern land border of the United States in accordance with the requirements of this section.

"(B) REQUIREMENTS.—If the Secretary provides assistance under subparagraph (A), the Secretary shall ensure that the provision of the assistance will not negatively affect military training, operations, readiness, or other military requirements.

"(2) NOTIFICATION REQUIREMENT.—Not later than 7 days after the date on which the Secretary approves a request for assistance from the Department of Homeland Security under paragraph (1), the Secretary shall electronically transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives notice of such approval.". Deadline.

(b) REPORTING REQUIREMENTS.—Subsection (f) of such section is amended to read as follows:

"(f) REPORTS.—

"(1) REPORT REQUIRED.—At the end of each three-month period during which assistance is provided under subsection (a), the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall submit to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives a report that includes, for the period covered by the report, each of the following: Time periods. Coordination.

"(A) A description of the assistance provided.

"(B) A description of the Armed Forces, including the reserve components, deployed as part of such assistance, including an identification of—

"(i) the members of the Armed Forces, including members of the reserve components, deployed, including specific information about unit designation, size of unit, and whether any personnel in the unit deployed under section 12302 of title 10, United States Code;

"(ii) the projected length of the deployment and any special pay and incentives for which deployed personnel may qualify during the deployment;

"(iii) any specific pre-deployment training provided for such members of the Armed Forces, including members of the reserve components;

"(iv) the specific missions and tasks, by location, that are assigned to the members of the Armed Forces, including members of the reserve components, who are so deployed; and

"(v) the locations where units so deployed are conducting their assigned mission, together with a map showing such locations.

"(C) A description of any effects of such deployment on military training, operations, readiness, or other military requirements.

"(D) The sources and amounts of funds obligated or expended—

"(i) during the period covered by the report; and

"(ii) during the total period for which such support has been provided.

Classified information.

"(2) FORM OF REPORT.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.".

10 USC 284 note.

(c) CLASSIFICATION.—The Law Revision Counsel is directed to move section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 986; 10 U.S.C. 271 note prec.), as amended by this section, to a note following section 284 of title 10, United States Code.

SEC. 1057. LIMITATION ON USE OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

(a) LIMITATION.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for any fiscal year may be obligated or expended during fiscal year 2021 to divest or retire any A–10 aircraft.

Determinations.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply to any individual A–10 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a mishap or other damage or because the aircraft is uneconomical to repair.

(c) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the progress made toward the A–10 re-wing contracts and the progress made in re-winging some of the 283 A–10 aircraft that have not received new wings.

10 USC 2224 note.

SEC. 1058. CONSIDERATIONS RELATING TO PERMANENTLY BASING UNITED STATES EQUIPMENT OR ADDITIONAL FORCES IN HOST COUNTRIES WITH AT-RISK VENDORS IN 5G OR 6G NETWORKS.

Huawei Technologies Company.
ZTE Corporation.

(a) IN GENERAL.—Prior to basing a major weapon system or additional permanently assigned forces comparable to or larger than a battalion, squadron, or naval combatant in a host country with at-risk 5th generation (in this section referred to as "5G") or sixth generation (in this section referred to as "6G") wireless network equipment, software, or services, including supply chain vulnerabilities identified by the Federal Acquisition Security Council, where United States military personnel and their families will be directly connected or subscribers to networks that include such at-risk equipment, software, and services in their official duties or in the conduct of personal affairs, the Secretary of Defense

shall take into consideration the risks to personnel, equipment, and operations of the Department of Defense in the host country posed by current or intended use by such country of 5G or 6G telecommunications architecture provided by at-risk vendors, including Huawei and ZTE, and any steps to mitigate those risks, including—

(1) any steps being taken by the host country to mitigate any potential risks to the weapon systems, military units, or personnel, and the Department of Defense's assessment of those efforts;

(2) any steps being taken by the United States Government, separately or in collaboration with the host country, to mitigate any potential risks to the weapon systems, permanently deployed forces, or personnel;

(3) any defense mutual agreements between the host country and the United States intended to allay the costs of risk mitigation posed by the at-risk infrastructure; and

(4) any other matters the Secretary determines to be relevant.

(b) APPLICABILITY.—The requirements under subsection (a)—

(1) apply with respect to the permanent long-term stationing of equipment and permanently assigned forces; and

(2) do not apply with respect to the short-term deployment or rotational presence of equipment or forces to a military installation outside the United States in connection with any exercise, dynamic force employment, contingency operation, or combat operation.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains an assessment of— Assessment.

(A) the risk to personnel, equipment, and operations of the Department of Defense in host countries posed by the current or intended use by such countries of 5G or 6G telecommunications architecture provided by at-risk vendors, including Huawei and ZTE; and

(B) measures required to mitigate the risk described in paragraph (1).

(2) FORM.—The report required by paragraph (1) shall be submitted in a classified form with an unclassified summary. Classified information.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term "major weapon system" has the meaning given that term in section 2379(f) of title 10, United States Code.

SEC. 1059. PUBLIC AVAILABILITY OF DEPARTMENT OF DEFENSE LEGISLATIVE PROPOSALS. 10 USC 122a note.

Not later than 21 days after the transmission to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives of any official Department of Defense legislative proposal, the Secretary of Defense shall make publicly available on a website of the Department such legislative proposal, including any bill text and section-by-section analysis associated with the proposal. Deadline. Web posting. Analysis.

SEC. 1060. ARCTIC PLANNING, RESEARCH, AND DEVELOPMENT. 10 USC 113 note.

(a) ARCTIC PLANNING AND IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall continue assessing potential multi-domain risks in the Arctic, identifying capability and capacity gaps in the current and projected force, and planning for and implementing the training, equipping, and doctrine requirements necessary to mitigate such risks and gaps.

(2) TRAINING.—In carrying out paragraph (1), the Secretary may direct the Armed Forces to conduct training in the Arctic or training relevant to military operations in the Arctic.

(b) ARCTIC RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—If the Secretary of Defense determines that there are capability or capacity gaps for the Armed Forces in the Arctic, the Secretary may conduct research and development on the current and future requirements and needs of the Armed Forces for operations in the Arctic.

(2) ELEMENTS.—Research and development conducted under paragraph (1) may include the following:

(A) Development of doctrine to address any identified gaps, including the study of existing doctrine of partners and allies of the United States.

(B) Development of materiel solutions for operating in extreme weather environments of the Arctic, including equipment for individual members of the Armed Forces, ground vehicles, and communications systems.

Plan.

(C) Development of a plan for fielding future weapons platforms able to operate in Arctic conditions.

(D) Development of capabilities to monitor, assess, and predict environmental and weather conditions in the Arctic and the effect of such conditions on military operations.

Determination. Requirements.

(E) Determining requirements for logistics and sustainment of the Armed Forces operating in the Arctic.

10 USC 2350o note.

SEC. 1061. AUTHORITY TO ESTABLISH A MOVEMENT COORDINATION CENTER PACIFIC IN THE INDO-PACIFIC REGION.

(a) AUTHORITY TO ESTABLISH.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize—

(A) the establishment of a Movement Coordination Center Pacific (in this section referred to as the "Center"); and

(B) the participation of the Department of Defense in an Air Transport and Air-to-Air refueling and other Exchanges of Services program (in this section referred to as the "ATARES program") of the Center.

(2) SCOPE OF PARTICIPATION.—Participation in the ATARES program under paragraph (1)(B) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value with foreign militaries.

(3) LIMITATIONS.—The Department of Defense's balance of executed transportation hours, whether as credits or debits, in participation in the ATARES program under paragraph (1)(B) may not exceed 500 hours. The Department of Defense's balance of executed flight hours for air refueling in the ATARES program under paragraph (1)(B) may not exceed 200 hours.

(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) ARRANGEMENT OR AGREEMENT REQUIRED.—The participation of the Department of Defense in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

(2) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every 5 years, through the ATARES program. Time period.

(c) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the Department of Defense's equitable share of the operating expenses of the Center and the ATARES program from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, within billets authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill the obligations of the Department of Defense under that arrangement or agreement.

SEC. 1062. LIMITATION ON PROVISION OF FUNDS TO INSTITUTIONS OF HIGHER EDUCATION HOSTING CONFUCIUS INSTITUTES. 10 USC 2241 note.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be provided to an institution of higher education that hosts a Confucius Institute, other than amounts provided directly to students as educational assistance.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the limitation under subsection (a) with respect to an institution of higher education if the Secretary, after consultation with the National Academies of Sciences, Engineering, and Medicine, determines such a waiver is appropriate. Consultation. Determination.

(2) MANAGEMENT PROCESS.—If the Secretary issues a waiver under paragraph (1), the academic liaison designated pursuant to subsection (g) of section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note), as amended by section 1299C of this Act, shall manage the waiver process on behalf of the Secretary.

(c) EFFECTIVE DATE.—The limitation under subsection (a) shall apply with respect to the first fiscal year that begins after the date that is 24 months after the date of the enactment of this Act and to any subsequent fiscal year. Applicability.

(d) DEFINITIONS.—In this section:

China.

(1) The term "Confucius Institute" means a cultural institute directly or indirectly funded by the Government of the People's Republic of China.

(2) The term "institution of higher education" has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

SEC. 1063. SUPPORT FOR NATIONAL MARITIME HERITAGE GRANTS PROGRAM.

Of the funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense, the Secretary of Defense may contribute $5,000,000 to support the National Maritime Heritage Grants Program established under section 308703 of title 54, United States Code.

SEC. 1064. REQUIREMENTS FOR USE OF FEDERAL LAW ENFORCEMENT PERSONNEL, ACTIVE DUTY MEMBERS OF THE ARMED FORCES, AND NATIONAL GUARD PERSONNEL IN SUPPORT OF FEDERAL AUTHORITIES TO RESPOND TO CIVIL DISTURBANCES.

(a) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 723.

"§ 723. Support of Federal authorities in response to civil disturbances: requirement for use of members of the Armed Forces and Federal law enforcement personnel

"(a) REQUIREMENT.—Whenever a member of the armed forces (including the National Guard) or Federal law enforcement personnel provide support to Federal authorities to respond to a civil disturbance, each individual employed in the capacity of providing such support shall visibly display—

"(1) the individual's name or other individual identifier that is unique to that individual; and

"(2) the name of the armed force, Federal entity, or other organization by which such individual is employed.

"(b) EXCEPTION.—The requirement under subsection (a) shall not apply to individuals referred to in such subsection who—

"(1) do not wear a uniform or other distinguishing clothing or equipment in the regular performance of their official duties; or

"(2) are engaged in undercover operations in the regular performance of their official duties.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC prec. 711.

"723. Support of Federal authorities in response to civil disturbances: requirement for use of members of the Armed Forces and Federal law enforcement personnel.".

Subtitle F—Studies and Reports

SEC. 1071. FFRDC STUDY OF EXPLOSIVE ORDNANCE DISPOSAL AGENCIES.

Contracts.

(a) IN GENERAL.—The Secretary of Defense shall enter into an agreement with a federally funded research and development corporation under which such corporation shall conduct a study

of the responsibilities, authorities, policies, programs, resources, organization, and activities of the explosive ordnance disposal agencies of the Department of Defense, Defense Agencies, and military departments. In carrying out the study, the federally funded research and development corporation shall solicit input from relevant nonprofit organizations, such as the National Defense Industrial Association EOD Committee, the United States Army EOD Association, the United States Bomb Technician Association, and the EOD Warrior Foundation.

(b) ELEMENTS OF STUDY.—The study conducted under subsection (a) shall include, for the Department of Defense, each Defense Agency, and each of the military departments, each of the following:

(1) An identification and evaluation of— Evaluations.

(A) technology research, development, and acquisition activities related to explosive ordnance disposal, including an identification and evaluation of—

(i) current and future technology and related industrial base gaps; and

(ii) any technical or operational risks associated with such technology or related industrial base gaps;

(B) recruiting, training, education, assignment, promotion, and retention of military and civilian personnel with responsibilities relating to explosive ordnance disposal;

(C) administrative and operational force structure with respect to explosive ordnance disposal, including an identification and assessment of risk associated with force structure capacity or capability gaps, if any; and

(D) the demand for, and activities conducted in support of, domestic and international military explosive ordnance disposal operations, including—

(i) support provided to Department of Defense agencies and other Federal agencies; and

(ii) an identification and assessment of risk associated with the prioritization and availability of explosive ordnance disposal support among supported agencies and operations.

(2) Recommendations, if any, for changes to— Recommendations.

(A) the organization and distribution of responsibilities and authorities relating to explosive ordnance disposal;

(B) the explosive ordnance disposal force structure, management, prioritization, and operating concepts in support of the explosive ordnance disposal requirements of the Armed Forces and other Federal agencies; and

(C) resource investment strategies and technology prioritization for explosive ordnance disposal, including science and technology, prototyping, experimentation, test and evaluation, and related 5-year funding profiles.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under subsection (a). Such report shall include the comments on the study, if any, of the Secretary of Defense, the directors of each of the Defense Agencies, and the Secretaries of each of the military departments.

Classified information.

(2) FORM OF REPORT.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1072. STUDY ON FORCE STRUCTURE FOR MARINE CORPS AVIATION.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for the performance of a study on the force structure for Marine Corps aviation through 2030.

(b) RESPONSIBILITY FOR STUDY.—The Secretary shall select one of the following types of entities to perform the study pursuant to subsection (a):

(1) An appropriate Federally funded research and development center.

(2) An appropriate organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such code.

(c) MATTERS TO BE CONSIDERED.—In performing the study pursuant to subsection (a), the entity performing the study shall take into account, within the context of the current force structure for Marine Corps aviation, the following:

(1) The 2018 National Defense Strategy and the 2018 National Military Strategy.

(2) The Marine Corps Force Design 2030.

(3) Potential roles and missions for Marine Corps aviation given new operating concepts for the Marine Corps.

(4) The potential for increased requirements for survivable and dispersed strike aircraft.

(5) The potential for increased requirements for tactical or intratheater lift, amphibious lift, or surface connectors.

(d) STUDY RESULTS.—The results of the study performed pursuant to subsection (a) shall include the following:

(1) The various force structures for Marine Corps aviation through 2030 considered under such study, together with the assumptions and possible scenarios identified for each such force structure.

Recommendations. Assessments.

(2) A recommendation for the force structure for Marine Corps aviation through 2030, including the following in connection with such force structure:

(A) Numbers and type of aviation assets, numbers and types of associated unmanned assets, and basic capabilities of each such asset.

(B) A description and assessment of the deviation of such force structure from the most recent Marine Corps Aviation Plan.

(C) Any other information required for assessment of such force structure, including supporting analysis.

(3) A presentation and discussion of minority views among participants in such study.

(e) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the study performed pursuant to subsection (a).

Classified information.

(2) FORM.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1073. REPORT ON JOINT TRAINING RANGE EXERCISES FOR THE PACIFIC REGION.

(a) REPORT.—Not later than March 15, 2021, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, the Commander of United States Indo-Pacific Command, and the head of each of the military departments, shall submit to the congressional defense committees a report containing a plan to integrate combined, joint, and multi-domain training and experimentation in the Pacific region, including existing and future ranges, training areas, and test facilities, to achieve the following objectives: Coordination. Plan.

(1) Support future combined and joint exercises and training to test operational capabilities and weapon systems.

(2) Employ multi-domain training to validate joint operational concepts.

(3) Integrate allied and partner countries into national-level exercises.

(4) Build and sustain United States military readiness.

(b) MATTERS.—The report under subsection (a) shall address the following:

(1) Integration of cyber, space, and electromagnetic spectrum domains.

(2) Mobile and fixed range instrumentation packages for experimentation and training.

(3) Digital, integrated command and control for air defense systems.

(4) Command, control, communications, computer, and information systems.

(5) War gaming, modeling, and simulations packages.

(6) Intelligence support systems.

(7) Manpower management, execution, collection, and analysis required for the incorporation of space and cyber activities into the training range exercise plan contained in the report.

(8) Connectivity requirements to support all domain integration and training.

(9) Any training range upgrades or infrastructure improvements necessary to integrate legacy training and exercise facilities into integrated, operational sites.

(10) Exercises led by the United States Indo-Pacific Command, within the area of operations of the Command, that integrate allied and partnered countries and link to the national-level exercises of the United States.

(11) Incorporation of any other functional and geographic combatant commands required to support the United States Indo-Pacific Command.

(12) Incorporation of concepts related to the Joint Warfighting Concept, as applicable.

(13) The plan, resource requirements, and any additional authorities needed through fiscal year 2031 to achieve the objectives referred to in subsection (a).

(c) FORM.—The report under subsection (a) may be submitted in classified form, and shall include an unclassified summary. Classified information.

SEC. 1074. REPORTS ON THREATS TO UNITED STATES FORCES FROM SMALL UNMANNED AIRCRAFT SYSTEMS WORLDWIDE.

Deadline.

(a) STRATEGY TO COUNTER THREATS FROM SMALL UNMANNED AIRCRAFT SYSTEMS.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Army, as the Department of Defense executive agent for the Department of Defense counter-small unmanned aircraft systems program, shall develop and submit to Congress a strategy to effectively counter threats from small unmanned aircraft systems worldwide. The strategy shall be submitted in classified form.

Classified information.

(b) REPORT ON EXECUTIVE AGENT ACTIVITIES.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the counter-small unmanned aircraft systems program.

Assessments.

(2) ELEMENTS.—The report required by paragraph (1) shall include each of the following:

(A) A description and assessment of the structure and activities of the Secretary of the Army as the executive agent for the counter-small unmanned aircraft systems program, including the following:

(i) Any obstacles hindering the effective discharge of its functions and activities, including limitations in authorities or policy.

(ii) The changes, if any, to airspace management, rules of engagement, and training plans that are required in order to optimize the use by the Armed Forces of counter-small unmanned aircraft systems.

(B) An assessment of the implementation of the strategy required by subsection (a), and a description of any updates to the strategy that are required in light of evolving threats to the Armed Forces from small unmanned aircraft systems.

(c) REPORT ON THREAT FROM SMALL UNMANNED AIRCRAFT SYSTEMS.—

(1) REPORT REQUIRED.—Not later than 180 days after the submittal of the strategy required by subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a report that sets forth a direct comparison between the threats United States forces in combat settings face from small unmanned aircraft systems and the capabilities of the United States to counter such threats. The report shall be submitted in classified form.

Classified information.

(2) COORDINATION.—The Secretary shall prepare the report required by paragraph (1) in coordination with the Director of the Defense Intelligence Agency and with such other appropriate officials of the intelligence community, and such other officials in the United States Government, as the Secretary considers appropriate.

Assessments.

(3) ELEMENTS.—The report required by paragraph (1) shall include the following:

Evaluation.

(A) An evaluation and assessment of the current and evolving threat to United States forces from small unmanned aircraft systems.

(B) A description of the counter-small unmanned aircraft systems acquired by the Department of Defense as of the date of the enactment of this Act, and an assessment

whether such systems are adequate to meet the current and evolving threat described in subparagraph (A).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) INDEPENDENT ASSESSMENT OF COUNTER-SMALL UNMANNED AIRCRAFT SYSTEMS PROGRAM.—

(1) ASSESSMENT.—Not later than 60 days after the submittal of the strategy required by subsection (a), the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an assessment of the efficacy of the counter-small unmanned aircraft systems program. Deadline. Contracts.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following:

(A) An identification of metrics to assess progress in the implementation of the strategy required by subsection (a), which metrics shall take into account the threat assessment required for purposes of subsection (c).

(B) An assessment of progress, and key challenges, in the implementation of the strategy using such metrics, and recommendations for improvements in the implementation of the strategy.

(C) An assessment of the extent to which the Department of Defense is coordinating adequately with other departments and agencies of the United States Government, and other appropriate entities, in the development and procurement of counter-small unmanned aircraft systems for the Department.

(D) An assessment of the extent to which the designation of the Secretary of the Army as the executive agent for the counter-small unmanned aircraft systems program has reduced redundancies and increased efficiencies in procurement of counter-small unmanned aircraft systems.

(E) An assessment whether United States technological progress on counter-small unmanned aircraft systems is sufficient to maintain a competitive edge over the small unmanned aircraft systems technology available to United States adversaries.

(3) REPORT.—Not later than 180 days after entering into the contract referred to in paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required under the contract.

SEC. 1075. UNDER SECRETARY OF DEFENSE (COMPTROLLER) REPORTS ON IMPROVING THE BUDGET JUSTIFICATION AND RELATED MATERIALS OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than April 1 of each of 2021 through 2025, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the following matters:

(1) Modernization of covered materials, including the following:

(A) Updating the format of such materials in order to account for significant improvements in document management and data visualization.

(B) Expanding the scope and quality of data included in such materials.

(2) Streamlining of the production of covered materials within the Department of Defense.

(3) Transmission of covered materials to Congress.

(4) Availability of adequate resources and capabilities to permit the Department to integrate changes to covered materials together with its submittal of current covered materials.

(5) Promotion of the flow between the Department and the congressional defense committees of other information required by Congress for its oversight of budgeting for the Department and the future-years defense programs.

(b) COVERED MATERIALS DEFINED.—In this section, the term "covered materials" means the following:

(1) Materials submitted in support of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code.

(2) Materials submitted in connection with the future-years defense program for a fiscal year under section 221 of title 10, United States Code.

SEC. 1076. QUARTERLY BRIEFINGS ON JOINT ALL DOMAIN COMMAND AND CONTROL EFFORT.

Time period.

(a) IN GENERAL.—During the period beginning on October 1, 2021, and ending on October 1, 2024, the Vice Chairman of the Joint Chiefs of Staff, the Chief Information Officer of the Department of Defense, and a senior military service representative for each of the Armed Forces shall provide to the Committees on Armed Services of the Senate and House of Representatives quarterly briefings on the progress of the Department's Joint All Domain Command and Control (in this section referred to as "JADC2") effort.

(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the JADC2 effort, the following elements:

(1) The status of the joint concept of command and control.

(2) How the JADC2 effort is identifying gaps and addressing validated requirements based on the joint concept of command and control.

(3) Progress in developing specific plans to evaluate and implement materiel and non-materiel improvements to command and control capabilities.

(4) Clarification on distribution of responsibilities and authorities within the Cross Functional Team, the Armed Forces, and the Office of the Secretary of Defense with respect to JADC2, and how the Armed Forces, the Cross Functional Team, and the Office of the Secretary of Defense are synchronizing and aligning with joint and military concepts, solutions, experimentation, and exercises.

Review.

(5) The status of and review of any recommendations for resource allocation necessary to achieve operational JADC2.

(6) A sufficiency assessment of planned funding across the future years defense program for the development of JADC2 capabilities. Assessment.

SEC. 1077. REPORT ON CIVILIAN CASUALTY RESOURCING AND AUTHORITIES.

(a) PURPOSE.—The purpose of this section is to facilitate fulfillment of the requirements in section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116–92; 10 U.S.C. 134 note).

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the current resources and authorities applied to civilian casualty mitigation, investigation, and response and an articulation of what, if any, additional resources or authorities will be necessary to fully implement 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116–92; 10 U.S.C. 134 note).

(c) ELEMENTS.—The report required under subsection (b) shall include the following:

(1) An accounting of the number of personnel at each combatant command, the Joint Staff, and Office of the Secretary of Defense who, as of the date of the enactment of this Act, are either exclusively or partially dedicated to—

(A) assessing, investigating, accounting for, and responding to allegations of civilian casualties resulting from United States military operations;

(B) incorporating civilian casualty mitigation efforts into operational plans and activities;

(C) building partner capacity for mitigating civilian casualties; or

(D) any other relevant matters.

(2) An estimate of the number of personnel projected to be required during the three-year period beginning on the date of the enactment of this Act by each combatant command, the Joint Staff, and Office of the Secretary of Defense to— Estimate. Time period.

(A) assess, investigate, account for, and respond to allegations of civilian casualties resulting from United States military operations;

(B) incorporate civilian casualty mitigation efforts into operational plans and activities;

(C) build partner capacity for mitigating civilian casualties; and

(D) perform any other relevant functions.

(3) A description of any specialized information technology equipment, support and maintenance, and data storage capabilities used by the Department of Defense as of the date of the enactment of this Act to—

(A) receive allegations of, assess, investigate, account for, and respond to allegations of civilian casualties resulting from United States military operations;

(B) incorporate civilian casualty mitigation efforts into operational plans and activities; and

(C) perform any other relevant functions.

(4) An estimate of the projected costs during the three-year period beginning on the date of the enactment of this Cost estimate. Time period.

Act of any specialized information technology equipment, support and maintenance, and data storage capabilities to—

(A) receive allegations of, assess, investigate, account for, and respond to allegations of civilian casualties resulting from United States military operations;

(B) incorporate civilian casualty mitigation efforts into operational plans and activities; and

(C) perform any other relevant functions.

(5) An identification of relevant statutory authorities used by the Department, as of the date of the enactment of this Act, to investigate, account for, and respond to allegations of civilian casualties resulting from United States military operations.

(6) A detailed description of any additional changes to the personnel, resources, and authorities of the Department necessary to fully implement 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116–92; 10 U.S.C. 134 note) in future years.

(7) Any other matters determined relevant by the Secretary of Defense.

Deadline. Web posting.

(d) PUBLIC AVAILABILITY OF REPORT.—Not later than 45 days after the report required under subsection (b) is submitted to the congressional defense committees, the Secretary of Defense shall make the report publicly available on an appropriate website of the Department of Defense.

SEC. 1078. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE EFFORTS TO PREVENT RESALE OF GOODS MANUFACTURED BY FORCED LABOR IN COMMISSARIES AND EXCHANGES.

China.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of the policies and processes of the Department of Defense governing the purchase of goods for resale in the commissaries and exchanges of the Department that are produced in, or imported from, areas where forced labor may be used, including the Xinjiang Uyghur Autonomous Region of China.

(b) ELEMENTS OF REVIEW.—The review required under subsection (a) shall include the following:

(1) The laws, regulations, and departmental policies governing the purchase of imported goods by the Department of Defense as part of the retail supply chains of the Department.

(2) The extent to which the Department has processes in place to prevent goods produced or manufactured by forced labor from being resold in commissaries and exchanges of the Department.

(3) The kinds of information obtained from suppliers to such commissaries and exchanges regarding the source of goods or the use of forced labor to produce goods.

(4) The extent to which the Department coordinates with other Federal agencies on matters pertaining to the importation and resale of goods produced by forced labor.

(5) Any other relevant matters as determined by the Comptroller General.

(c) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than June 1, 2021, the Comptroller General shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the review required under subsection (a). Deadline.

(2) REPORT.—No later than December 1, 2021, the Comptroller General shall submit to such committees a report on such review, which shall contain each of the elements under subsection (b).

SEC. 1079. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE PROCESSES FOR RESPONDING TO CONGRESSIONAL REPORTING REQUIREMENTS.

(a) COMPTROLLER GENERAL ANALYSIS.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report containing an analysis of the processes of the Department of Defense for responding to congressional reporting requirements.

(b) CRITERIA FOR EVALUATION.—The analysis required under subsection (a) shall include an evaluation of funding and changes to policies and business practices by the Department for improving the effectiveness, efficiency, and public transparency of the compliance of the Department with congressional reporting requirements.

(c) CONTENTS OF REPORT.—The report required by subsection (a) shall include each of the following:

(1) A review of— Reviews.

(A) current laws, guidance, policies for Department of Defense compliance with congressional reporting requirements;

(B) recent direction from the congressional defense committees concerning how the Department designs, modifies, tracks, delivers, and inventories completed reports; and

(C) the response of the Department of Defense to the plan required by section 874 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1906).

(2) An evaluation of the cost and effectiveness of— Evaluations.

(A) the existing processes the Department of Defense uses to track and respond to congressional reporting requirements; and

(B) the ongoing modernization efforts referred to in subparagraphs (B) and (C) of paragraph (1), including—

(i) the design, development, and fielding of efforts to modernize existing report tracking systems;

(ii) the potential for system-level access solutions; and

(iii) the standardization of report-related data, including types of reporting requirements.

(3) An analysis of further options for modernizing the preparation and coordination process for required reports and other written correspondence from the Department of Defense to the congressional defense committees. Such analysis shall include— Analysis.

(A) the coordination of Department of Defense business practices and internal policies with legislative processes; and Coordination.

(B) the feasibility of the Department of Defense, the Government Publishing Office, or another Federal Government entity maintaining a consolidated online public database for unclassified reports submitted after the date of the enactment of this Act pursuant to a congressional reporting requirement that includes, for each report in the database—

Records.

(i) a copy of the report;

(ii) the deadline on which the report was required to be submitted to Congress;

(iii) the date on which the report was transmitted;

(iv) the total cost associated with the report; and

Summary.

(v) a brief summary of the report, including a citation to the legislative text requiring the report.

(d) CONGRESSIONAL REPORTING REQUIREMENT DEFINED.—In this section. the term "congressional reporting requirement" means a requirement that the Secretary of Defense, or any element or official of the Department of Defense, submit to Congress, or to a committee of Congress, an unclassified report or briefing by reason of—

(1) any provision of title 10, United States Code;

(2) a provision of any National Defense Authorization Act;

(3) a provision of a statement of managers that accompanied the conference report for any National Defense Authorization Act; or

(4) a provision of a committee report that accompanied a version of any National Defense Authorization Act, as reported by the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by inserting before the item relating to chapter 20 the following new item:

10 USC prec. 101.

"19. Cyber Matters ..... 391.".

(2) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 112 the following new item:

10 USC prec. 101, prec. 2001.

"113. Defense Civilian Training Corps .....2200g.".

(3) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by striking the item relating to chapter 140 and inserting the following new item:

10 USC prec. 101, prec. 2201.

"140. Procurement of Commercial Products and Commercial Services .....2375.".

(4)(A) The section designation of each section in chapter 113 of title 10, United States Code, is amended by striking "**SEC.**" and inserting "§".

10 USC 2200g, 2200h, 2200i, 2200j.

(B) Each corresponding item in the table of sections at the beginning of such chapter is amended by striking "Sec.",

10 USC prec. 2200g.

other than where it appears preceding the item relating to section 2200g.

(5) Section 101(a)(13)(B) is amended by striking "section 712" and inserting "section 3713".

(6) Section 118(3) is amended by inserting "and" after "'materiel and operational capability',".

(7) Subsection (g) of section 127e, as redesignated by section 1051, is amended by striking "Low-Intensity" and inserting "Low Intensity".

(8) Section 130i is amended—

(A) in subsection (i)(1), by striking "of subsection" and all that follows through "shall" and insert "of subsection (j)(3)(C) shall"; and

(B) in subsection (j)(6), by adding a period at the end.

(9) Section 142 is amended—

(A) by striking subsection (d); and

(B) by redesignating the second subsection (c) as subsection (d).

(10) Section 171a(i)(1) is amended by striking "Acquisitions" and inserting "Acquisition".

(11) Section 192(c) is amended by striking the first paragraph (1).

(12) Section 222a(d)(1)(C)(i) is amended by inserting "had" before "been".

(13) Section 231 is amended—

(A) by striking "quadrennial defense review" each place it appears and inserting "national defense strategy"; and

(B) in subsection (f)(3), by striking "section 118" and inserting "section 113(g)".

(14) Section 240b(b)(1)(B) is amended—

(A) in clause (ix), by striking "suhsection" and inserting "subsection"; and

(B) in clause (xii), by inserting "of" after "identification".

(15) Section 393(b)(2)(D) is amended by striking "of Defense" and all that follows through the period and inserting "of Defense for Intelligence and Security".

(16) Section 397(b)(5) is amended by striking "Persons" and inserting "persons".

(17) Section 430(b)(1) is amended by inserting "and Security" after "for Intelligence".

(18) Section 617(d) is amended by striking "section 616(g)" and inserting "section 616(h)".

(19) The table of sections at the beginning of chapter 41 is amended— 10 USC prec. 711.

(A) in the item relating to section 715 by inserting a period at the end; and

(B) by moving the item relating to section 714 so that it appears immediately after the item relating to section 713.

(20) The table of sections at the beginning subchapter VII of chapter 47 is amended by striking the item relating to section 837 (article 37) and inserting the following: 10 USC prec. 836.

"837. 37. Command influence.".

(21) Section 991(a)(4)(A) is amended by striking "The amount." and inserting "The amount".

(22) Section 1044e is amended by striking "subsection (h)" each place it appears and inserting "subsection (i)".

10 USC prec. 1061.

(23) The table of sections at the beginning of chapter 54 is amended by inserting after the item relating to section 1064 the following:

"1065. Use of commissary stores and MWR facilities: certain veterans and caregivers for veterans.".

(24) Section 1073c(a) is amended—

(A) by redesignating the second paragraph (6) as paragraph (4); and

(B) by moving paragraph (4) (as redesignated by subparagraph (A)) so as to appear before paragraph (5).

(25) Section 1079(q) is amended by striking "section 1074g(h)" and inserting "section 1074g(i)".

10 USC prec. 1141.

(26) The table of sections at the beginning of chapter 58 is amended by striking the item relating to section 1142 and inserting the following:

"1142. Preseparation counseling; transmittal of certain records to Department of Veterans Affairs.".

(27) Section 1475(a)(4) is amended by striking "or; or" and inserting "or".

(28) Section 1553(d)(1)(B) is amended by striking "in based" and inserting "is based".

(29) Section 1564(c)(2) is amended in the matter preceding subparagraph (A) by striking "in an" and inserting "is an".

10 USC prec. 1701.

(30) The table of sections at the beginning of subchapter I of chapter 87 is amended by striking the item relating to section 1702 and inserting the following new item:

"1702. Under Secretary of Defense for Acquisition and Sustainment: authorities and responsibilities.".

(31) Section 1701(a) is amended—

(A) in subsection (b)(6), by striking the period at the end and inserting a semicolon; and

(B) in subsection (c), by striking the paragraph headings for paragraphs (1) and (2).

(32) Section 1746(b)(3)(A) is amended by striking the second semicolon that appears before "and" at the end.

(33) Section 1784(h)(5) is amended by striking "expire" and inserting "expires".

(34) Section 2004 is amended in subsections (d) and (e) by striking "enlistment" both places it appears and inserting "enlisted".

10 USC prec. 2271.

(35) The table of sections at the beginning of chapter 135 is amended by striking the item relating to section 2279c.

(36) Section 2339a(b)(1) is amended by inserting "and Security" after "for Intelligence".

(37) Section 2358b(a)(2) is amended by striking "to accelerate" and inserting "accelerate".

10 USC prec. 2411.

(38) The table of sections at the beginning of chapter 142 is amended by striking the item relating to section 2417 and inserting the following:

"2417. Administrative and other costs.".

(39) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2568a and inserting the following: 10 USC prec. 2551.

"2568a. Damaged personal protective equipment: award to members separating from the Armed Forces and veterans.".

(40) Section 2409a(c)(3) is amended by striking "Stat. 664," and inserting "50 Stat. 664;".

(41) Section 2417(2) is amended by striking "entities -" and inserting "entities—".

(42) Section 2583(g)(2)(A) is amended by inserting "or" after the semicolon.

(43) Section 2641b(a)(3)(B) is amended by striking "subsection (c)(5)" and inserting "subsection (c)(6)".

(44) Section 2804(b) is amended in the third sentence by striking "; and".

(45) Section 8680(a)(2)(C)(ii) is amended, in the matter preceding subclause (I), by striking the period after the dash.

(46) Section 8749(a) is amended by striking "alcohol tests" and inserting "alcohol test".

(47) The tables of chapters at the beginning of subtitle D and part I of such subtitle are each amended by striking the period at the end of the item relating to chapter 908. 10 USC prec. 9011.

(b) TITLE 38, UNITED STATES CODE.—Section 1967(a)(3)(D) of title 38, United States Code, is amended in the matter preceding clause (i) by inserting a comma after "theater of operations".

(c) NDAA FOR FISCAL YEAR 2020.—Effective as of December 20, 2020, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended as follows: Effective date. 10 USC note prec. 1761.

(1) Section 234(f)(1) (10 U.S.C. 2164 note) is amended by striking "the a" and inserting "a".

(2) Section 540B(b)(4) (10 U.S.C. 1561 note; 133 Stat. 1365) is amended by striking "their their" and inserting "their".

(3) Section 821 (133 Stat. 1490) is amended by inserting "Carl Levin and Howard P. 'Buck' McKeon" before "National Defense Authorization Act for Fiscal Year 2015". 10 USC 2302 note.

(4) Section 861(i)(2) (10 U.S.C. 1761 prec.; 133 Stat. 1519) is amended by striking "subchapter II" and inserting "subchapter V".

(5) Section 1009(c) (133 Stat. 1576; 10 U.S.C. 240b note) is amended by striking "a reporting" and inserting "a report".

(6) Section 1631(i)(1) (133 Stat. 1745) is amended by striking "foreign person" and inserting "foreign power". 10 USC 397 note.

(7) Section 1647(b)(3)(A) is amended by striking "by used" and inserting "be used". 10 USC 2224 note.

(8) Section 1731(a)(2) (133 Stat. 1812; 10 U.S.C. 101 prec.) is amended by striking "part I" and inserting "part III". 10 USC prec. 2001.

(9) Section 2801(b)(2) (133 Stat. 1881) is amended by inserting "subchapter I of" before "chapter 169". 10 USC prec. 2801.

(d) NDAA FOR FISCAL YEAR 2019.—Effective as of August 13, 2018, and as if included therein as enacted, the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended as follows: Effective date. 10 USC 2306a note.

(1) Section 154(a)(1) (10 U.S.C. 2302 note) is amended by striking "of an" and inserting "of".

(2) Section 226(b)(3)(C) (132 Stat. 1686) is amended by striking "commercial-off the-shelf" and inserting "commercially 10 USC 2302 note.

available off-the-shelf items (as defined in section 104 of title 41, United States Code) that may serve as".

(3) Section 809(b)(3) (132 Stat. 1840) is amended by striking "Section 598(d)(4) of the National Defense Authorization Act of for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 1561 note)" and inserting "Section 563(d)(4) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1561 note)".

(4) Section 836 (132 Stat. 1859) is amended—

41 USC 104.

(A) in subsection (a)(2)(B), by inserting "of such title" after "Section 104(1)(A)"; and

(B) in subsection (c)—

10 USC 2306a.

(i) in paragraph (5)(B), by striking "subsection (d)(2)" and inserting "subsection (d)(3)"; and

(ii) by amending paragraph (8) to read as follows:

"(8) Section 2321(f) is amended by striking 'commercial items' and inserting 'commercial products'.".

(5) Section 889(f) (132 Stat. 1918; 41 U.S.C. 3901 note prec.) is amended by striking "appropriate congressional committees'" and inserting "appropriate congressional committees".

(6) Section 1286(e)(2)(D) (10 U.S.C. 2358 note; 132 Stat. 2080) is amended by striking "improve" and inserting "improved".

(7) Section 1757(a) (50 U.S.C. 4816; 132 Stat. 2218) is amended by inserting "to persons" before "who are potential".

(8) Section 1759(a)(2) (50 U.S.C. 4818; 132 Stat. 2223) is amended by striking the semicolon at the end and inserting a period.

(9) Section 1763(c) (50 U.S.C. 4822; 132 Stat. 2231) is amended by striking "December 5, 1991" and inserting "December 5, 1995".

(10) Section 1773(b)(1) (50 U.S.C. 4842; 132 Stat. 2235) is amended by striking "section 1752(1)(D)" and inserting "section 1752(2)(D)".

(11) Section 1774(a) (50 U.S.C. 4843; 132 Stat. 2237) is amended in the matter preceding paragraph (1) by inserting "under" before "section 1773".

10 USC 2684a.

(12) Section 2827(b)(1) (132 Stat. 2270) is amended by inserting "in the matter preceding the paragraphs" after "amended".

Effective date.
10 USC 2302 note.

(e) NDAA FOR FISCAL YEAR 2018.—Effective as of December 12, 2017, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended as follows:

10 USC 1561 note.

(1) Section 1701(a)(4)(A) (131 Stat. 1796) is amended by striking "Section 831(n)(2)(g)" and inserting "Section 831(o)(2)(G)".

Effective date.

(f) NDAA FOR FISCAL YEAR 2016.—Effective as of December 23, 2016, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows:

(1) In section 541(a) (10 U.S.C. 1561 note), by striking "section 1044e(g)" and inserting "section 1044e(h)".

(2) In section 856(a)(1) (10 U.S.C. 2377 note), by inserting "United States Code," after "title 41,".

(3) In section 1675(a), by striking "Board,," and inserting "Board,". 10 USC 2431 note.

(g) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act. 10 USC 101 note.

SEC. 1082. REPORTING OF ADVERSE EVENTS RELATING TO CONSUMER PRODUCTS ON MILITARY INSTALLATIONS. 10 USC 113 note.

(a) IN GENERAL.—The Secretary of Defense shall issue to the military departments guidance to encourage the reporting of any adverse event related to a consumer product that occurs on a military installation on the appropriate consumer product safety website.

(b) DEFINITIONS.—In this section:

(1) The term "adverse event" means—

(A) any event that indicates that a consumer product—

(i) fails to comply with an applicable consumer product safety rule or with a voluntary consumer product safety standard upon which the Consumer Product Safety Commission has relied under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058);

(ii) fails to comply with any other rule, regulation, standard, or ban under that Act or any other Act enforced by the Commission;

(iii) contains a defect that could create a substantial product hazard described in section 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2064(a)(2)); or

(iv) creates an unreasonable risk of serious injury or death; or

(B) any other harm described in subsection (b)(1)(A) of section 6A of the Consumer Product Safety Act (15 U.S.C. 2055a) and required to be reported in the database established under subsection (a) of that section.

(2) The term "consumer product" has the meaning given that term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052).

SEC. 1083. MODIFICATION TO FIRST DIVISION MONUMENT.

District of Columbia. 40 USC 8903 note.

(a) AUTHORIZATION.—The Society of the First Infantry Division may make modifications to the First Division Monument located on Federal land in President's Park in the District of Columbia to honor the dead of the First Infantry Division, United States Forces, in—

(1) Operation Desert Storm;

(2) Operation Iraqi Freedom and New Dawn; and

(3) Operation Enduring Freedom.

(b) MODIFICATIONS.—Modifications to the First Division Monument may include construction of additional plaques and stone plinths on which to put plaques.

(c) APPLICABILITY OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act"), shall apply to the design and placement of the commemorative elements authorized by this section, except that subsections (b) and (c) of section 8903 of such title shall not apply.

List.

(d) COLLABORATION.—The First Infantry Division of the Department of the Army shall collaborate with the Secretary of Defense to provide to the Society of the First Infantry Division the list of names to be added to the First Division Monument in accordance with subsection (a).

(e) FUNDING.—Federal funds may not be used for modifications of the First Division Monument authorized by this section.

SEC. 1084. SENSE OF CONGRESS REGARDING REPORTING OF CIVILIAN CASUALTIES RESULTING FROM UNITED STATES MILITARY OPERATIONS.

It is the sense of Congress—

(1) to commend the Department of Defense for the measures it has implemented and is currently implementing to prevent, mitigate, track, investigate, learn from, respond to, and report civilian casualties resulting from United States military operations;

(2) to agree with the Department that civilian casualties are a tragic and unavoidable part of war, and to recognize that the Department endeavors to conduct all military operations in compliance with the international law of armed conflict and the laws of the United States, including distinction, proportionality, and the requirement to take feasible precautions in planning and conducting operations to reduce the risk of harm to civilians and other protected persons and objects;

(3) that the protection of civilians and other protected persons and objects, in addition to a legal obligation and a strategic interest, is a moral and ethical imperative;

(4) that the Department has been responsive and submitted to Congress three successive annual reports on civilian casualties resulting from United States military operations for calendar years 2017, 2018, and 2019, and has proactively updated reports as appropriate;

(5) to commend the United States Africa Command for announcing on March 21, 2020, its intent to issue quarterly reports on the status of ongoing civilian casualty allegations and assessments;

(6) to recognize the efforts of the Department, both in policy and in practice, to reduce the harm to civilians and other protected persons and objects resulting from United States military operations; and

(7) to encourage the Department to make additional progress in—

(A) ensuring that the combatant commands have the requisite personnel and resources to appropriately integrate the observance of human rights and the protection of civilians and civilian objects in the planning and activities of the commands;

(B) finalizing and implementing the policy of the Department relating to civilian casualties resulting from United States military operations, as required by section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 134 note);

(C) finalizing Department-wide regulations to implement section 1213 of the National Defense Authorization for Fiscal Year 2020 (Public Law 116–92) for ex gratia

payments for damage, personal injury, or death that is incident to the use of force by the United States Armed Forces, a coalition that includes the United States, a military organization supporting the United States, or a military organization supporting the United States or such coalition; and

(D) enhancing the ability of foreign partner forces to reduce civilian casualties, including in connection with train and equip programs, advise, assist, accompany, and enable missions, and fully combined and coalition operations.

SEC. 1085. DEPLOYMENT OF REAL-TIME STATUS OF SPECIAL USE AIRSPACE.

49 USC 40103 note.

Not later than 180 days after the date of the enactment of this Act, to the maximum extent practicable, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall enable the automated public dissemination of information on the real-time status of the activation or deactivation of military operations areas and restricted areas in a manner that is similar to the manner that temporary flight restrictions are published and disseminated.

Deadline. Coordination. Public information.

SEC. 1086. DUTIES OF SECRETARY UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

52 USC 20301a.

(a) ENSURING ABILITY OF ABSENT UNIFORMED SERVICES VOTERS SERVING AT DIPLOMATIC AND CONSULAR POSTS TO RECEIVE AND TRANSMIT BALLOTING MATERIALS.—In carrying out the Secretary's duties as the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.), the Secretary shall take such actions as may be necessary, feasible, and practical to ensure that a uniformed services voter under such Act who is absent from the United States by reason of active duty or service at a diplomatic and consular post of the United States is able to receive and transmit balloting materials in the same manner and with the same rights and protections as a uniformed services voter under such Act who is absent from the United States by reason of active duty or service at a military installation.

(b) EFFECTIVE DATE.—This section shall apply with respect to elections held on or after the date of the enactment of this Act.

SEC. 1087. MITIGATION OF MILITARY HELICOPTER NOISE.

49 USC 47501 note. Coordination.

(a) PROCESS FOR TRACKING COMPLAINTS.—The Secretary of Defense, in coordination with the Metropolitan Washington Airports Authority, shall develop a process to receive, track, and analyze complaints of military rotary wing aircraft noise in the National Capital Region that are registered on the noise inquiry websites of Ronald Reagan Washington National Airport and Dulles International Airport.

(b) NATIONAL CAPITAL REGION.—In this section, the term "National Capital Region" has the meaning given such term in section 2674(f)(2) of title 10, United States Code.

Definition.

SEC. 1088. CONGRESSIONAL EXPRESSION OF SUPPORT FOR DESIGNATION OF NATIONAL BORINQUENEERS DAY.

Congress—

(1) expresses support for the designation of "National Borinqueneers Day";

(2) recognizes the bravery, service, and sacrifice of the Puerto Rican soldiers of the 65th Infantry Regiment in the armed conflicts of the United States in the 20th and 21st centuries;

(3) expresses deep gratitude for the contributions to the Armed Forces that have been made by hundreds of thousands of patriotic United States citizens from Puerto Rico; and

(4) urges individuals and communities across the United States to participate in activities that are designed—

(A) to celebrate the distinguished service of the veterans who served in the 65th Infantry Regiment, known as the "Borinqueneers";

(B) to pay tribute to the sacrifices made and adversities overcome by Puerto Rican and Hispanic members of the Armed Forces; and

(C) to recognize the significant contributions to United States history made by the Borinqueneers.

10 USC 342 note.

SEC. 1089. TED STEVENS CENTER FOR ARCTIC SECURITY STUDIES.

(a) PLAN REQUIRED.—

Deadline. Coordination.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a plan to establish a Department of Defense Regional Center for Security Studies for the Arctic.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A description of the benefits of establishing such a center, including the manner in which the establishment of such a center would benefit United States and Department of Defense interests in the Arctic region.

(B) A description of the mission and purpose of such a center, including—

(i) enhancing understanding of the dynamics and national security implications of an emerging Arctic region, including increased access for transit and maneuverability; and

(ii) other specific policy guidance from the Office of the Secretary of Defense.

Analysis.

(C) An analysis of suitable reporting relationships with the applicable combatant commands.

Assessment.

(D) An assessment of suitable locations, which shall include an enumeration and valuation of criteria, which may include—

(i) the proximity of a location to other academic institutions that study security implications with respect to the Arctic region;

(ii) the proximity of a location to the designated lead for Arctic affairs of the United States Northern Command; and

(iii) the proximity of a location to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region.

(E) A description of the establishment and operational costs of such a center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic institutions that could reduce the costs described in accordance with subparagraph (E). Evaluation.

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing. Examination.

(H) A description of potential courses and programs that such a center could carry out, including—

(i) core, specialized, and advanced courses;

(ii) potential planning workshops;

(iii) seminars;

(iv) confidence-building initiatives; and

(v) academic research.

(I) A description of any modification to title 10, United States Code, necessary for the effective operation of such a center.

(3) FORM.—The plan required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by subsection (a), and subject to the availability of appropriations, the Secretary of Defense may establish and administer a Department of Defense Regional Center for Security Studies for the Arctic, to be known as the "Ted Stevens Center for Arctic Security Studies", for the purpose described in section 342(a) of title 10, United States Code. Time period.

(2) LOCATION.—Subject to a determination by the Secretary to establish the Ted Stevens Center for Arctic Security Studies under this section, the Center shall be established at a location determined suitable pursuant to subsection (a)(2)(D). Determination.

SEC. 1090. ESTABLISHMENT OF VETTING PROCEDURES AND MONITORING REQUIREMENTS FOR CERTAIN MILITARY TRAINING. 10 USC 113 note.

(a) ESTABLISHMENT OF VETTING PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish procedures to vet covered individuals for eligibility for physical access to Department of Defense installations and facilities within the United States. Deadline.

(2) CRITERIA FOR PROCEDURES.—The procedures established under paragraph (1) shall include biographic and biometric screening of covered individuals, continuous review of whether covered individuals should continue to be authorized for physical access, biographic checks of the immediate family members

of covered individuals, and any other measures that the Secretary determines appropriate for vetting.

(3) INFORMATION REQUIRED.—The Secretary shall identify the information required to conduct the vetting under this section.

(4) COLLECTION OF INFORMATION.—The Secretary shall—

(A) collect the information required to vet individuals under the procedures established under this subsection;

(B) as required for the effective implementation of this section, seek to enter into agreements with the relevant departments and agencies of the United States to facilitate the sharing of information in the possession of such departments and agencies concerning covered individuals; and

(C) ensure that the initial vetting of covered individuals is conducted as early and promptly as practicable, to minimize disruptions to United States programs to train foreign military students.

(b) DETERMINATION AUTHORITY.—

(1) REVIEW OF VETTING RESULTS.—The Secretary shall assign to an organization within the Department with responsibility for security and counterintelligence the responsibility of—

(A) reviewing the results of the vetting of a covered individual conducted under subsection (a); and

Recommendations.

(B) making a recommendation regarding whether such individual should be given physical access to a Department of Defense installation or facility.

(2) NEGATIVE RECOMMENDATION.—If the recommendation with respect to a covered individual under paragraph (1)(B) is that the individual should not be given physical access to a Department of Defense installation or facility—

(A) such individual may only be given such access if such access is authorized by the Secretary of Defense or the Deputy Secretary of Defense; and

Notification.

(B) the Secretary of Defense shall ensure that the Secretary of State is promptly provided with notification of such recommendation.

(c) ADDITIONAL SECURITY MEASURES.—

(1) SECURITY MEASURES REQUIRED.—The Secretary of Defense shall ensure that—

Compliance.

(A) all Department of Defense common access cards issued to foreign nationals in the United States comply with the credentialing standards issued by the Office of Personnel Management;

(B) all such common access cards issued to foreign nationals in the United States include a visual indicator as required by the standard developed by the Department of Commerce National Institute of Standards and Technology;

(C) physical access by covered individuals is limited, as appropriate, to those Department of Defense installations or facilities within the United States directly associated with the training or education or necessary for such individuals to access authorized benefits;

Firearms.

(D) a policy is in place covering possession of firearms on Department of Defense property by covered individuals;

(E) covered individuals who have been granted physical access to Department of Defense installations and facilities

are incorporated into the Insider Threat Program of the Department of Defense; and

(F) covered individuals are prohibited from transporting, possessing, storing, or using personally owned firearms on Department of Defense installations or property consistent with the Secretary of Defense policy memorandum dated January 16, 2020, or any successor policy guidance that restricts transporting, possessing, storing, or using personally owned firearms on Department of Defense installations or property. Firearms.

(2) EFFECTIVE DATE.—The security measures required under paragraph (1) shall take effect on the date that is 181 days after the date of the enactment of this Act.

(3) NOTIFICATION REQUIRED.—Upon the establishment of the security measures required under paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of the establishment of such security measures.

(d) REPORTING REQUIREMENTS.—

(1) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the implementation and effects of this section. Such report shall include a description of—

(A) any positive or negative effects on the training of foreign military students as a result of this section;

(B) the effectiveness of the vetting procedures implemented pursuant to this section in preventing harm to members of the Armed Forces and United States persons;

(C) any mitigation strategies used to address any negative effects of the implementation of this section; and

(D) a proposed plan to mitigate any ongoing negative effects to the vetting and training of foreign military students by the Department of Defense.

(2) REPORT BY COMPTROLLER GENERAL.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees an unclassified report (which may contain a classified annex) on the safety and security of United States personnel and international students assigned to United States military bases participating in programs authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) (relating to international military education and training), particularly with respect to whether— Classified information.

(A) relevant United States diplomatic and consular personnel properly vet foreign personnel participating in such programs and entering such bases;

(B) existing screening protocols with respect to such vetting include counter-terrorism screening and are sufficiently effective at ensuring the safety and security of United States personnel and international students assigned to such bases; and

(C) whether existing screening protocols with respect to such vetting are in compliance with applicable requirements of section 362 of title 10, United States Code, and

sections 502B and 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2304 and 2378d).

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The term "covered individual" means any foreign national (except foreign nationals of Australia, Canada, New Zealand, and the United Kingdom who have been granted a security clearance that is reciprocally accepted by the United States for access to classified information) who—

(A) is seeking physical access to a Department of Defense installation or facility within the United States; and

(B) is—

(i) selected, nominated, or accepted for training or education for a period of more than 14 days occurring on a Department of Defense installation or facility within the United States; or

(ii) an immediate family member accompanying any foreign national who has been selected, nominated, or accepted for such training or education.

(3) The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and Guam.

(4) The term "immediate family member" with respect to any individual means the parent, step-parent, spouse, sibling, step-sibling, half-sibling, child, or step-child of the individual.

10 USC 2302 note.

SEC. 1091. PERSONAL PROTECTIVE EQUIPMENT MATTERS.

(a) BRIEFINGS ON FIELDING OF NEWEST GENERATIONS OF PPE TO THE ARMED FORCES.—

Deadline.

(1) BRIEFINGS REQUIRED.—Not later than January 31, 2021, each Secretary of a military department shall submit to Congress a briefing on the fielding of the newest generations of personal protective equipment to the Armed Forces under the jurisdiction of such Secretary.

Assessments.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include, for each Armed Force covered by such briefing, the following:

(A) A description and assessment of the fielding of newest generations of personal protective equipment to members of such Armed Force, including the following:

(i) The number (aggregated by total number and by sex) of members of such Armed Force issued the Army Soldiers Protective System and the Modular Scalable Vest Generation II body armor as of December 31, 2020.

(ii) The number (aggregated by total number and by sex) of members of such Armed Force issued Marine Corps Plate Carrier Generation III body armor as of that date.

(iii) The number (aggregated by total number and by sex) of members of such Armed Force fitted with legacy personal protective equipment as of that date.

(B) A description and assessment of the barriers, if any, to the fielding of such generations of equipment to such members.

(C) A description and assessment of challenges in the fielding of such generations of equipment to such members, including cost overruns, contractor delays, and other challenges.

(b) SYSTEM FOR TRACKING DATA ON INJURIES AMONG MEMBERS OF THE ARMED FORCES IN USE OF NEWEST GENERATION PPE.—

(1) SYSTEM REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense shall develop and maintain a system for tracking data on injuries among members of the Armed Forces in and during the use of newest generation personal protective equipment.

(B) SCOPE OF SYSTEM.—The system required by this paragraph may, at the election of the Secretary, be new for purposes of this subsection or within or a modification of an appropriate existing system.

(2) BRIEFING.—Not later than January 31, 2025, the Secretary shall submit to Congress a briefing on the prevalence among members of the Armed Forces of preventable injuries attributable to ill-fitting or malfunctioning personal protective equipment. Deadline.

(c) ASSESSMENTS OF MEMBERS OF THE ARMED FORCES OF INJURIES INCURRED IN CONNECTION WITH ILL-FITTING OR MALFUNCTIONING PPE.—

(1) IN GENERAL.—Each health assessment specified in paragraph (2) that is undertaken after the date of the enactment of this Act shall include the following:

(A) One or more questions on whether members incurred an injury in connection with ill-fitting or malfunctioning personal protective equipment during the period covered by such assessment, including the nature of such injury.

(B) In the case of any member who has so incurred such an injury, one or more elements of self-evaluation of such injury by such member for purposes of facilitating timely documentation and enhanced monitoring of such members and injuries.

(2) ASSESSMENTS.—The health assessments specified in this paragraph are the following:

(A) The annual Periodic Health Assessment of members of the Armed Forces.

(B) The post-deployment health assessment of members of the Armed Forces.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—General Provisions

Sec. 1101. Department of Defense policy on unclassified workspaces and job functions of personnel with pending security clearances.
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Subtitle A—General Provisions

10 USC 1564 note.

SEC. 1101. DEPARTMENT OF DEFENSE POLICY ON UNCLASSIFIED WORKSPACES AND JOB FUNCTIONS OF PERSONNEL WITH PENDING SECURITY CLEARANCES.

(a) POLICY REQUIRED.—The Secretary of Defense shall develop and implement a policy under which a covered individual may occupy a position within the Department of Defense that requires a security clearance to perform appropriate unclassified work, or work commensurate with a security clearance already held by the

individual (which may include an interim security clearance), while such individual awaits a final determination with respect to the security clearance required for such position.

(b) UNCLASSIFIED WORK SPACES.—As part of the policy under subsection (a), the Secretary of Defense shall—

(1) ensure, to the extent practicable, that all facilities of the Department of Defense at which covered individuals perform job functions have unclassified workspaces; and

(2) issue guidelines under which appropriately screened individuals, who are not covered individuals, may use the unclassified workspaces on a space-available basis. Guidelines.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by subsection (a). The report shall include the following:

(1) Identification of any challenges or impediments to allowing covered individuals fill positions on a probationary basis as described in subsection (a).

(2) A plan for implementing the policy. Implementation plan.

(3) A description of how existing facilities may be modified to accommodate unclassified workspaces.

(4) Identification of impediments to making unclassified workspace available.

(d) COVERED INDIVIDUAL DEFINED.—In this section, the term "covered individual" includes a member of the Armed Forces, a civilian employee of the Department of Defense, or an applicant for a civilian position within the Department of Defense, who has applied for, but who has not yet received, a security clearance that is required for the individual to perform one or more job functions.

SEC. 1102. ENHANCEMENT OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE.

(a) PUBLIC-PRIVATE TALENT EXCHANGE.—Section 1599g of title 10, United States Code, is amended—

(1) in subsection (b)(1), by amending subparagraph (C) to read as follows:

"(C) shall contain language ensuring that such employee of the Department does not improperly use information that such employee knows relates to a Department acquisition or procurement for the benefit or advantage of the private-sector organization."; and

(2) by amending paragraph (4) of subsection (f) to read as follows:

"(4) may not perform work that is considered inherently governmental in nature; and".

(b) APPLICATION OF EXCHANGE AUTHORITY TO MODERNIZATION PRIORITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to ensure that the authority of the Secretary to carry out a public-private talent exchange program under section 1599g of title 10, United States Code (as amended by subsection (a)), is used to— Deadline. 10 USC 1599g note.

(1) carry out exchanges of personnel with private sector entities that are working on the modernization priorities of the Department of Defense; and

(2) carry out exchanges in—

(A) the office of the Under Secretary of Defense for Research and Engineering;

(B) the office of the Chief Information Officer of the Department of Defense;

(C) each Armed Force under the jurisdiction of the Secretary of a military department; and

(D) any other organizations or elements of the Department of Defense the Secretary determines appropriate.

(c) CONFLICTS OF INTEREST.—The Secretary shall implement a system to identify, mitigate, and manage any conflicts of interests that may arise as a result of an individual's participation in a public-private talent exchange under section 1599g of title 10, United States Code.

Consultation.

(d) TREATMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, in consultation with each Secretary of a military department, shall develop practices to ensure that participation by a member of an Armed Force under the jurisdiction of the Secretary of a military department in an public-private talent exchange under section 1599g of title 10, United States Code, is taken into consideration in subsequent assignments.

(e) BRIEFING ON USE OF EXISTING EXCHANGE PROGRAM AUTHORITY.—

Deadline.
Time period.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the efforts undertaken—

(A) to implement the public-private exchange programs of the Department of Defense; and

(B) to ensure that such programs seek opportunities for exchanges with private sector entities working on modernization priorities of the Department of Defense, including artificial intelligence applications, in accordance with the requirements of this section.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include an explanation of—

(A) what barriers may prevent supervisors from nominating their staff and encouraging participation in public-private exchange programs;

(B) how the Department can incentivize senior leaders and supervisors to encourage participation in such programs;

(C) how the Department is implementing the requirment of subsection (c) relating to conflicts of interest; and

(D) what, if any, statutory changes or authorities are needed to effectively carry out such programs.

Paid Parental Leave Technical Corrections Act of 2020.
2 USC 1301 note.

SEC. 1103. PAID PARENTAL LEAVE TECHNICAL CORRECTIONS.

(a) SHORT TITLE.—This section may be cited as the "Paid Parental Leave Technical Corrections Act of 2020".

(b) PAID PARENTAL LEAVE FOR EMPLOYEES OF DISTRICT OF COLUMBIA COURTS AND DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—

(1) DISTRICT OF COLUMBIA COURTS.—Section 11–1726, District of Columbia Official Code, is amended by adding at the end the following new subsection:

"(d) In carrying out the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect to nonjudicial employees of the District of Columbia courts, the Joint Committee on Judicial Administration shall, notwithstanding any provision of such Act, establish a paid parental leave program for the leave described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)) (relating to leave provided in connection with the birth of a child or a placement of a child for adoption or foster care). In developing the terms and conditions for this program, the Joint Committee may be guided by the terms and conditions applicable to the provision of paid parental leave for employees of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.".

(2) DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—Section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (section 2–1605, D.C. Official Code) is amended by adding at the end the following new subsection:

"(d) In carrying out the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect to employees of the Service, the Director shall, notwithstanding any provision of such Act, establish a paid parental leave program for the leave described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)) (relating to leave provided in connection with the birth of a child or the placement of a child for adoption or foster care). In developing the terms and conditions for this program, the Director may be guided by the terms and conditions applicable to the provision of paid parental leave for employees of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.".

(c) FAA AND TSA.—

(1) IN GENERAL.—Section 40122(g) of title 49, United States Code, is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following:

"(5) PAID PARENTAL LEAVE.—The Administrator shall implement a paid parental leave benefit for employees of the Administration that is, at a minimum, consistent with the paid parental leave benefits provided under section 6382 of title 5.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to any birth or placement occurring on or after October 1, 2020. Applicability. 49 USC 40122 note.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, may be construed to affect leave provided to an employee of the Transportation Security Administration before October 1, 2020. 49 USC 40122 note.

(d) TITLE 38 EMPLOYEES.—

(1) IN GENERAL.—Section 7425 of title 38, United States Code, is amended—

(A) in subsection (b), by striking "Notwithstanding" and inserting "Except as provided in subsection (c), and notwithstanding"; and

(B) by adding at the end the following:

"(c) Notwithstanding any other provision of this subchapter, the Administration shall provide to individuals appointed to any

position described in section 7421(b) who are employed for compensation by the Administration, family and medical leave in the same manner and subject to the same limitations to the maximum extent practicable, as family and medical leave is provided under subchapter V of chapter 63 of title 5 to employees, as defined in section 6381(1) of such title.".

38 USC 7425 note.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring on or after October 1, 2020.

(e) EMPLOYEES OF EXECUTIVE OFFICE OF THE PRESIDENT.—

(1) IN GENERAL.—Section 412 of title 3, United States Code, is amended—

(A) in subsection (a), by adding at the end the following:

"(3) EXCEPTION.—Notwithstanding section 401(b)(2), the requirements of paragraph (2)(B) shall not apply with respect to leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)).";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(C) by inserting after subsection (b) the following:

"(c) SPECIAL RULES FOR SUBSTITUTION OF PAID LEAVE.—

"(1) SUBSTITUTION OF PAID LEAVE.—A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

"(2) AVAILABLE LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is leave of the type and in the amount available to an employee under section 6382(d)(2)(B) of title 5, United States Code, for substitution for leave without pay under subparagraph (A) or (B) of section 6382(a)(1) of such title.

"(3) CONSISTENCY WITH TITLE 5.—Paid leave shall be substituted under this subsection in a manner that is consistent with the requirements in section 6382(d)(2) of title 5, United States Code, except that a reference in that section to an employing agency shall be considered to be a reference to an employing office, and subparagraph (E) of that section shall not apply.";

(D) in paragraph (2) of subsection (d), as redesignated by subparagraph (B)—

(i) in subparagraph (A), by striking "and" at the end of the subparagraph;

(ii) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) except that the President or designee shall issue regulations to implement subsection (c) in accordance with the requirements of that subsection."; and

(E) in paragraph (1) of subsection (e), as redesignated by subparagraph (B), by inserting after "subsection (c)" the following: "(as in effect on the date of enactment of the Presidential and Executive Office Accountability Act)".

(2) APPLICABILITY.—The amendments made by this subsection shall apply with respect to any birth or placement occurring on or after October 1, 2020. 3 USC 412 note.

(f) AMENDMENTS TO TITLE 5 FAMILY AND MEDICAL LEAVE ACT PROVISIONS.—Chapter 63 of title 5, United States Code, is amended—

(1) in section 6301(2), by amending clause (v) to read as follows:

"(v) an employee of the Veterans Health Administration who is covered by a leave system established under section 7421 of title 38;";

(2) in section 6381(1)—

(A) in subparagraph (A), by striking "(v) or"; and

(B) by amending subparagraph (B) to read as follows:

"(B) has completed at least 12 months of service as an employee (as defined in section 2105) of the Government of the United States, including service with the United States Postal Service, the Postal Regulatory Commission, and a nonappropriated fund instrumentality as described in section 2105(c);"; and

(3) in section 6382(d)—

(A) in paragraph (1), by striking "under subchapter I" in each place it appears; and

(B) in paragraph (2)(B)(ii), by striking "under subchapter I".

(g) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—Section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as amended by section 7603 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended by inserting "accrued" before "sick leave".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to any event for which leave may be taken under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1995 (29 U.S.C. 2612(a)(1)) and occurring on or after October 1, 2020. 2 USC 1312 note.

SEC. 1104. AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES IN CONNECTION WITH TRANSFER CEREMONIES OF CERTAIN CIVILIAN EMPLOYEES WHO DIE OVERSEAS.

(a) TRAVEL AND TRANSPORTATION ALLOWANCES.—

(1) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1492. Authority to provide travel and transportation allowances in connection with transfer ceremonies of certain civilian employees who die overseas 10 USC 1492.

"(a) AUTHORITY.—A covered official may treat a covered relative of a covered employee under the jurisdiction of that covered official in the same manner the Secretary of a military department treats, under section 481f(d) of title 37, next of kin and family members of a member of the armed forces who dies while located or serving overseas.

"(b) DEFINITIONS.—In this section:

"(1) The term 'covered employee' means a civilian employee—

"(A) under the jurisdiction of a covered official; and

"(B) who dies while located or serving overseas.

"(2) The term 'covered official' means—

"(A) the Secretary of the military department concerned; and

"(B) the head of a Defense Agency or Department of Defense Field Activity.

"(3) The term 'covered relative' means—

"(A) the primary next of kin of the covered employee;

"(B) two family members (other than primary next of kin) of the covered employee; and

"(C) one or more additional family members of the covered employee, at the discretion of the Secretary a sibling of the covered employee.".

10 USC prec. 1475.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such subchapter is amended by adding at the end the following new item:

"1492. Authority to provide travel and transportation allowances in connection with transfer ceremonies of certain civilian employees who die overseas.".

(b) TECHNICAL AMENDMENTS.—Section 481f(d) of title 37, United States Code, is amended—

(1) in the subsection heading, by striking "Transportation To" and inserting "Travel And Transportation Allowances In Connection With"; and

(2) in paragraph (1) in the matter preceding subparagraph (A), by striking "transportation to" and inserting "travel and transportation allowances in connection with".

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1105 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking "through 2020" and inserting "through 2021".

SEC. 1106. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1104 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by striking "2021" and inserting "2022".

SEC. 1107. CIVILIAN FACULTY AT THE DEFENSE SECURITY COOPERATION UNIVERSITY AND INSTITUTE OF SECURITY GOVERNANCE.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following:

"(6) The Defense Security Cooperation University.

"(7) The Defense Institute for Security Governance.".

SEC. 1108. TEMPORARY AUTHORITY TO APPOINT RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

10 USC note prec. 1580.

(a) IN GENERAL.—Notwithstanding the requirements of section 3326 of title 5, United States Code, the Secretary of Defense may appoint retired members of the Armed Forces to positions in the Department of Defense described in subsection (b).

(b) POSITIONS.—

(1) IN GENERAL.—The positions in the Department described in this subsection are positions classified at or below GS–13 under the General Schedule under subchapter III of chapter 53 of title 5, United States Code, or an equivalent level under another wage system, in the competitive service—

(A) at any defense industrial base facility (as that term is defined in section 2208(u)(3) of title 10, United States Code) that is part of the core logistics capabilities (as described in section 2464(a) of such title); and

(B) that have been certified by the Secretary of the military department concerned as lacking sufficient numbers of potential applicants.

(2) LIMITATION ON DELEGATION OF CERTIFICATION.—The Secretary of a military department may not delegate the authority to make a certification described in paragraph (1)(B) to an individual in a grade lower than colonel, captain in the Navy, or an equivalent grade in the Space Force, or an individual with an equivalent civilian grade.

(c) REPORT.—Not later than two years after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on this section and the authority provided by this section. The report shall include the following:

(1) A description of the use of such authority, including the positions to which appointments are authorized to be made under such authority and the number of retired members appointed to each such position under such authority.

(2) Any other matters in connection with such section or such authority that the Secretary considers appropriate.

(d) SUNSET.—Effective on the date that is 3 years after the date of enactment of this Act, the authority provided under subsection (a) shall expire.

(e) DEFINITIONS.—In this section, the terms "member" and "Secretary concerned" have the meaning given those terms in section 101 of title 37, United States Code.

SEC. 1109. FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE DEMONSTRATION PROJECT FOR THE NAVY REGION MID-ATLANTIC FIRE AND EMERGENCY SERVICES.

10 USC 8013 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commander, Navy Region Mid- Deadline.

Atlantic, shall establish and carry out, for a period of not less than five years, a Fire Fighters Alternative Work Schedule demonstration project for the Navy Region Mid-Atlantic Fire and Emergency Services. Such demonstration project shall provide, with respect to each employee of the Navy Region Mid-Atlantic Fire and Emergency Services, that—

(1) assignments to tours of duty are scheduled in advance over periods of not less than two weeks;

(2) tours of duty are scheduled using a regularly recurring pattern of 48-hour shifts followed by 48 or 72 consecutive non-work hours, as determined by mutual agreement between the Commander, Navy Region Mid-Atlantic, and the exclusive employee representative at each Navy Region Mid-Atlantic installation, in such a manner that each employee is regularly scheduled for 144-hours in any two-week period;

(3) for any such employee that is a fire fighter working an alternative work schedule, such employee shall earn overtime compensation in a manner consistent with other applicable law and regulation;

(4) no right shall be established to any form of premium pay, including night, Sunday, holiday, or hazard duty pay; and

(5) leave accrual and use shall be consistent with other applicable law and regulation.

(b) REPORT.—Not later than 180 days after the date on which the demonstration project under this section terminates, the Commander, Navy Region Mid-Atlantic, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing—

(1) any financial savings or expenses directly and inseparably linked to the demonstration project;

(2) any intangible quality of life and morale improvements achieved by the demonstration project; and

(3) any adverse impact of the demonstration project occurring solely as the result of the transition to the demonstration project.

SEC. 1110. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR FEDERAL GOVERNMENT PERSONNEL UNDER CHIEF OF MISSION AUTHORITY.

Section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 22 U.S.C. 2680b) is amended—

(1) in subsection (a), by inserting "or the head of any other Federal agency" after "The Secretary of State";

(2) in subsection (c), by striking "and the Secretary of State" and inserting ", the Secretary of State, and, as appropriate, the head of any other Federal agency paying benefits under this section";

(3) in subsection (e)(2)—

(A) by striking "the Department of State" and inserting "the Federal Government"; and

(B) by inserting after "subsection (f)" the following: ", but does not include an individual receiving compensation under section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b)"; and

(4) in subsection (h)(2), by striking the first sentence and inserting the following: "Nothing in this section shall limit, modify, or otherwise supersede chapter 81 of title 5, United States Code, the Defense Base Act (42 U.S.C. 1651 et seq.), or section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b).".

SEC. 1111. TEMPORARY INCREASE IN LIMITATION ON ACCUMULATION OF ANNUAL LEAVE FOR EXECUTIVE BRANCH EMPLOYEES.

5 USC 6304 note.

(a) IN GENERAL.—At the discretion of the Director of the Office of Personnel Management, annual leave provided to an Executive branch employee may accumulate for use in leave year 2021 in an amount equal to 125% of the maximum amount of annual leave permitted, but for this subsection, to accumulate for use in that leave year under the leave system covering such employee.

(b) EXCLUSION FROM LUMP-SUM PAYMENT.—Any annual leave accumulated pursuant to subsection (a) in excess of the maximum amount of annual leave permitted, but for this section, to accumulate for use in succeeding years shall not be included in any lump-sum payment for leave to an individual, including any lump-sum payment under section 5551 or 5552 of title 5, United States Code.

(c) DEFINITIONS.—In this section—

(1) the term "agency" means each agency, office, or other establishment in the executive branch of the Federal Government; and

(2) the term "Executive branch employee"—

(A) means—

(i) an employee of an agency;

(ii) an employee appointed under chapter 74 of title 38, United States Code, notwithstanding section 7421(a), section 7425(b), or any other provision of chapter 74 of such title; and

(iii) any other individual occupying a position in the civil service (as that term is defined in section 2101(1) of title 5, United States Code) in the executive branch of the Federal Government; and

(B) does not include any individual occupying a position that is classified at or above the level of a Senior Executive Service position or the equivalent thereof.

SEC. 1112. TELEWORK TRAVEL EXPENSES PROGRAM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

(a) IN GENERAL.—Section 5711 of title 5, United States Code, is amended—

(1) in the section heading, by striking "test";

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "committee" and inserting "committees"; and

(ii) in subparagraph (B), by striking "Government";

(B) in paragraph (2)—

(i) by striking "test"; and

(ii) by striking "section, including the provision of reports in accordance with subsection (d)(1)" and inserting "subsection";

(C) in paragraph (4)(B), in the matter preceding clause (i), by inserting "and maintain" after "develop"; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking "test"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) The Director of the Patent and Trademark Office shall prepare and submit to the appropriate committees of Congress an annual report on the operation of the program under this subsection, which shall include—

"(i) the costs and benefits of the program; and

"(ii) an analysis of the effectiveness of the program, as determined under criteria developed by the Director."; and

(3) in subsection (g), by striking "this section" and inserting "subsection (b)".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for subchapter I of chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5711 and inserting the following:

5 USC prec. 5701.

"5711. Authority for telework travel expenses programs.".

SEC. 1113. EXTENSION OF RATE OF OVERTIME PAY AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking "September 30, 2021" and inserting "September 30, 2026".

SEC. 1114. ENHANCED PAY AUTHORITY FOR CERTAIN ACQUISITION AND TECHNOLOGY POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701a the following new section:

10 USC 1701b.

"§ 1701b. Enhanced pay authority for certain acquisition and technology positions

"(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Office of the Secretary of Defense and the military departments in attracting and retaining high-quality acquisition and technology experts in positions responsible for managing and developing complex, high-cost, technological acquisition efforts of the Department of Defense.

"(b) APPROVAL REQUIRED.—The program may be carried out only with approval as follows:

"(1) Approval of the Under Secretary of Defense for Acquisition and Sustainment, in the case of positions in the Office of the Secretary of Defense.

"(2) Approval of the service acquisition executive of the military department concerned, in the case of positions in a military department.

"(c) POSITIONS.—The positions described in this subsection are positions that—

"(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

"(2) are critical to the successful accomplishment of an important acquisition or technology development mission.

"(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

"(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Under Secretary of Defense for Acquisition and Sustainment or the service acquisition executive concerned, as applicable.

"(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

"(e) LIMITATIONS.—

"(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

"(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in the Office of the Secretary of Defense and more than five positions in each military department at any one time.

"(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by inserting after the item relating to section 1701a the following new item: 10 USC prec. 1701.

"1701b. Enhanced pay authority for certain acquisition and technology positions.".

(c) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 1111 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 1701 note) is repealed.

(2) CONTINUATION OF PAY.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1111 before the date of the enactment of this Act for positions having terms that continue after that date. 10 USC 1701 note.

SEC. 1115. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358b the following new section:

"§ 2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories 10 USC 2358c.

"(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and

retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

"(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

"(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

"(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

"(2) are critical to the successful accomplishment of an important research or technology development mission.

"(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

"(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the service acquisition executive concerned.

"(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

"(e) LIMITATIONS.—

"(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

"(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

"(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

"(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term 'science and technology reinvention laboratories of the Department of Defense' means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358b the following new item:

10 USC prec. 2351.

"2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.".

(c) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 1124 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2456; 10 U.S.C. 2358 note) is repealed.

10 USC 2358 note.

(2) CONTINUATION OF PAY.—The repeal in paragraph (1) shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1124 before the date of the enactment of this Act for positions having terms that continue after that date.

SEC. 1116. EXTENSION OF ENHANCED APPOINTMENT AND COMPENSATION AUTHORITY FOR CIVILIAN PERSONNEL FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

Section 1599c(b) of title 10, United States Code, is amended by striking "December 31, 2020" both places it appears and inserting "December 31, 2025".

SEC. 1117. EXPANSION OF DIRECT HIRE AUTHORITY FOR CERTAIN DEPARTMENT OF DEFENSE PERSONNEL TO INCLUDE INSTALLATION MILITARY HOUSING OFFICE POSITIONS SUPERVISING PRIVATIZED MILITARY HOUSING.

Section 9905(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(11) Any position in the military housing office of a military installation whose primary function is supervision of military housing covered by subchapter IV of chapter 169 of title 10.".

SEC. 1118. EXTENSION OF SUNSET OF INAPPLICABILITY OF CERTIFICATION OF EXECUTIVE QUALIFICATIONS BY QUALIFICATION CERTIFICATION REVIEW BOARD OF OFFICE OF PERSONNEL MANAGEMENT FOR INITIAL APPOINTMENTS TO SENIOR EXECUTIVE SERVICE POSITIONS IN DEPARTMENT OF DEFENSE.

Section 1109(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2010; 5 U.S.C. 3393 note) is amended by striking "on the date" and all that follows and inserting "on August 13, 2023".

SEC. 1119. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN HIGH-LEVEL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.

10 USC note prec. 1580.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Department of Defense in attracting and retaining personnel with significant experience in high-level management of complex organizations and enterprise functions in order to lead implementation by the Department of the National Defense Strategy.

(b) APPROVAL REQUIRED.—The pilot program may be carried out only with approval as follows:

(1) Approval of the Deputy Secretary of Defense, in the case of a position not under the authority, direction, and control of an Under Secretary of Defense and not under the authority, direction, and control of the Under Secretary of a military department.

(2) Approval of the applicable Under Secretary of Defense, in the case of a position under the authority, direction, and control of an Under Secretary of Defense.

(3) Approval of the Under Secretary or an Assistant Secretary of the military department concerned, in the case of a position in a military department.

(c) POSITIONS.—The positions described in this subsection are positions that require expertise of an extremely high level in innovative leadership and management of enterprise-wide business operations, including financial management, health care, supply chain and logistics, information technology, real property stewardship, and human resources, across a large and complex organization.

(d) RATE OF BASIC PAY.—Without regard to the basic pay authorities in sections 5376, 5382, 5383 and 9903 of title 5, United States Code, the pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the applicable official under subsection (b).

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to—

(A) more than 10 positions in the Office of the Secretary of Defense and components of the Department of Defense other than the military departments at any one time; and

(B) more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having terms less than five years.

(4) PAST SERVICE.—An individual may not be appointed to a position pursuant to the authority provided by subsection (a) if the individual separated or retired from Federal civil service or service as a commissioned officer of an Armed Force on a date that is less than five years before the date of such appointment of the individual.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2025.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2025, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

SEC. 1120. RECRUITMENT INCENTIVES FOR PLACEMENT AT REMOTE LOCATIONS.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 1599i.

"§ 1599i. Recruitment incentives for placement at remote locations

"(a) RECRUITMENT INCENTIVE.—

"(1) IN GENERAL.—An individual appointed to a position in the Department of Defense at a covered location may be paid a recruitment incentive in connection with such appointment.

"(2) AMOUNT.—The amount of a recruitment incentive payable to an individual under this subsection may not exceed the amount equal to—

"(A) 25 percent of the annual rate of basic pay of the employee for the position concerned as of the date on which the service period in such position agreed to by the individual under paragraph (3) commences; multiplied by

"(B) the number of years (including fractions of a year) of such service period (not to exceed four years).

"(3) SERVICE AGREEMENT.—To receive a recruitment incentive under this subsection, an individual appointed to a position under paragraph (1) shall enter into an agreement with the Secretary of Defense to complete a period of service at the covered location. The period of obligated service of the individual at such location under the agreement may not exceed four years. The agreement shall include such repayment or alternative employment obligations as the Secretary considers appropriate for failure of the individual to complete the period of obligated service specified in the agreement.

"(4) COVERED LOCATIONS DEFINED.—In this section, a covered location is a location for which the Secretary of Defense has determined that critical hiring needs are not being met due to the geographic remoteness or isolation or extreme climate conditions of the location.

"(b) SUNSET.—Effective on September 30, 2022, the authority provided under subsection (a) shall expire.".

(b) OUTCOME MEASUREMENTS.—The Secretary of Defense shall develop outcome measurements to evaluate the effect of the authority provided under subsection (a) of section 1599i of title 10, United States Code, as added by subsection (a), and any relocation incentives provided under subsection (b) of such section. 10 USC 1599i note.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the effect of the authority provided under section 1599i of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following: Assessments.

(A) A description and assessment of the effectiveness and achievements of the recruitment incentives described in paragraph (1), including—

(i) the number of employees placed at covered locations described in section 1599i(a)(2) of title 10, United States Code, as added by subsection (a); and

(ii) the cost-per-placement of such employees.

(B) A comparison of the effectiveness and use of the recruitment incentives described in paragraph (1) to authorities under title 5, United States Code, used by the Department of Defense before the date of the enactment of this Act to support hiring at remote or rural locations.

(C) An assessment of—

(i) the minority community outreach efforts made in using the authority and providing relocation incentives described in paragraph (1); and

(ii) participation outcomes.

(D) Such other matters as the Secretary considers appropriate.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of title 10, United States Code, is amended by adding at the end the following new item:

10 USC prec. 1580.

"1599i. Recruitment incentives for placement at remote locations.".

SEC. 1121. TECHNICAL AMENDMENTS REGARDING REIMBURSEMENT OF FEDERAL, STATE, AND LOCAL INCOME TAXES INCURRED DURING TRAVEL, TRANSPORTATION, AND RELOCATION.

(a) IN GENERAL.—Section 5724b(b) of title 5, United States Code, is amended—

(1) by striking "or relocation expenses reimbursed" and inserting "and relocation expenses reimbursed"; and

(2) by striking "of chapter 41" and inserting "or chapter 41".

5 USC 5724b.

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020.

Subtitle B—Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020

5 USC 101 note.

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the "Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020".

SEC. 1132. SENSE OF CONGRESS.

Section 102 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) accountability in the enforcement of the rights of Federal employees is furthered when Federal agencies agree to take appropriate disciplinary action against Federal employees who are found to have intentionally committed discriminatory (including retaliatory) acts;"; and

(2) in paragraph (5)(A)—

(A) by striking "nor is accountability" and inserting "accountability is not"; and

(B) by inserting "for what, by law, the agency is responsible" after "under this Act".

SEC. 1133. NOTIFICATION OF VIOLATION.

Section 202 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

"(d) NOTIFICATION OF FINAL AGENCY ACTION.—

Deadline.

"(1) IN GENERAL.—Not later than 90 days after the date on which an event described in paragraph (2) occurs with

respect to a finding of discrimination (including retaliation), the head of the Federal agency subject to the finding shall provide notice—

"(A) on the public internet website of the agency, in a clear and prominent location linked directly from the home page of that website;

"(B) stating that a finding of discrimination (including retaliation) has been made; and

"(C) which shall remain posted for not less than 1 year.

"(2) EVENTS DESCRIBED.—An event described in this paragraph is any of the following:

"(A) All appeals of a final action by a Federal agency involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.

"(B) All appeals of a final decision by the Equal Employment Opportunity Commission involving a finding of discrimination (including if the finding included a finding of retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.

"(C) A court of jurisdiction issues a final judgment involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a).

"(3) CONTENTS.—A notification provided under paragraph (1) with respect to a finding of discrimination (including retaliation) shall—

"(A) identify the date on which the finding was made, the date on which each discriminatory act occurred, and the law violated by each such discriminatory act; and

"(B) advise Federal employees of the rights and protections available under the provisions of law covered by paragraphs (1) and (2) of section 201(a).".

SEC. 1134. REPORTING REQUIREMENTS.

(a) ELECTRONIC FORMAT REQUIREMENT.—

(1) IN GENERAL.—Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended in the matter preceding paragraph (1)—

(A) by inserting "Homeland Security and" before "Governmental Affairs";

(B) by striking "on Government Reform" and inserting "on Oversight and Reform"; and

(C) by inserting "(in an electronic format prescribed by the Director of the Office of Personnel Management)," after "an annual report".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(C) shall take effect on the date that is 1 year after the date of enactment of this Act. 5 USC 2301 note.

(3) TRANSITION PERIOD.—Notwithstanding the requirements of section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note), the report required under such section 203(a) may be submitted in an electronic format, as prescribed by 5 USC 2301 note.

the Director of the Office of Personnel Management, during the period beginning on the date of enactment of this Act and ending on the effective date in paragraph (2).

(b) REPORTING REQUIREMENT FOR DISCIPLINARY ACTION.—Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

"(c) DISCIPLINARY ACTION REPORT.—Not later than 120 days after the date on which a Federal agency takes final action, or a Federal agency receives a final decision issued by the Equal Employment Opportunity Commission, involving a finding of discrimination (including retaliation) in violation of a provision of law covered by paragraph (1) or (2) of section 201(a), as applicable, the applicable Federal agency shall submit to the Commission a report stating—

"(1) whether disciplinary action has been proposed against a Federal employee as a result of the violation; and

"(2) the reasons for any disciplinary action proposed under paragraph (1).".

SEC. 1135. DATA TO BE POSTED BY EMPLOYING FEDERAL AGENCIES.

Section 301(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) in paragraph (9)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(C) with respect to each finding described in subparagraph (A)—

"(i) the date of the finding,

"(ii) the affected Federal agency,

"(iii) the law violated, and

"(iv) whether a decision has been made regarding disciplinary action as a result of the finding."; and

(2) by adding at the end the following:

"(11) Data regarding each class action complaint filed against the agency alleging discrimination (including retaliation), including—

"(A) information regarding the date on which each complaint was filed,

"(B) a general summary of the allegations alleged in the complaint,

"(C) an estimate of the total number of plaintiffs joined in the complaint, if known,

"(D) the current status of the complaint, including whether the class has been certified, and

"(E) the case numbers for the civil actions in which discrimination (including retaliation) has been found.".

SEC. 1136. DATA TO BE POSTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 302(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by striking "(10)" and inserting "(11)".

SEC. 1137. NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002 AMENDMENTS.

(a) NOTIFICATION REQUIREMENTS.—Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

"SEC. 207. COMPLAINT TRACKING.

"Not later than 1 year after the date of enactment of the Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, each Federal agency shall establish a system to track each complaint of discrimination arising under section 2302(b)(1) of title 5, United States Code, and adjudicated through the Equal Employment Opportunity process from the filing of a complaint with the Federal agency to resolution of the complaint, including whether a decision has been made regarding disciplinary action as the result of a finding of discrimination. Deadline.

"SEC. 208. NOTATION IN PERSONNEL RECORD.

"If a Federal agency takes an adverse action covered under section 7512 of title 5, United States Code, against a Federal employee for an act of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a), the agency shall, after all appeals relating to that action have been exhausted, include a notation of the adverse action and the reason for the action in the personnel record of the employee.".

(b) PROCESSING AND REFERRAL.—The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

"TITLE IV—PROCESSING AND REFERRAL

"SEC. 401. PROCESSING AND RESOLUTION OF COMPLAINTS.

"Each Federal agency shall—

"(1) be responsible for the fair and impartial processing and resolution of complaints of employment discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a); and

"(2) establish a model Equal Employment Opportunity Program that—

"(A) is not under the control, either structurally or practically, of the agency's Office of Human Capital or Office of the General Counsel (or the equivalent);

"(B) is devoid of internal conflicts of interest and ensures fairness and inclusiveness within the agency; and

"(C) ensures the efficient and fair resolution of complaints alleging discrimination (including retaliation).

"SEC. 402. NO LIMITATION ON ADVICE OR COUNSEL.

"Nothing in this title shall prevent a Federal agency or a subcomponent of a Federal agency, or the Department of Justice, from providing advice or counsel to employees of that agency (or subcomponent, as applicable) in the resolution of a complaint.

"SEC. 403. HEAD OF PROGRAM SUPERVISED BY HEAD OF AGENCY.

"The head of each Federal agency's Equal Employment Opportunity Program shall report directly to the head of the agency.

"SEC. 404. REFERRALS OF FINDINGS OF DISCRIMINATION.

"(a) EEOC FINDINGS OF DISCRIMINATION.—

Deadline. Determination.

"(1) IN GENERAL.—Not later than 30 days after the date on which the Equal Employment Opportunity Commission (referred to in this section as the 'Commission') receives, or should have received, a Federal agency report required under section 203(c), the Commission may refer the matter to which the report relates to the Office of Special Counsel if the Commission determines that the Federal agency did not take appropriate action with respect to the finding that is the subject of the report.

"(2) NOTIFICATIONS.—The Commission shall—

"(A) notify the applicable Federal agency if the Commission refers a matter to the Office of Special Counsel under paragraph (1); and

"(B) with respect to a fiscal year, include in the Annual Report of the Federal Workforce of the Commission covering that fiscal year—

"(i) the number of referrals made under paragraph (1) during that fiscal year; and

Summary.

"(ii) a brief summary of each referral described in clause (i).

Review.

"(b) REFERRALS TO SPECIAL COUNSEL.—The Office of Special Counsel shall accept and review a referral from the Commission under subsection (a)(1) for purposes of pursuing disciplinary action under the authority of the Office against a Federal employee who commits an act of discrimination (including retaliation).

"(c) NOTIFICATION.—The Office of Special Counsel shall notify the Commission and the applicable Federal agency in a case in which—

"(1) the Office of Special Counsel pursues disciplinary action under subsection (b); and

"(2) the Federal agency imposes some form of disciplinary action against a Federal employee who commits an act of discrimination (including retaliation).

"(d) SPECIAL COUNSEL APPROVAL.—A Federal agency may not take disciplinary action against a Federal employee for an alleged act of discrimination (including retaliation) referred by the Commission under this section, except in accordance with the requirements of section 1214(f) of title 5, United States Code.".

(c) CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) by inserting after the item relating to section 206 the following:

"Sec. 207. Complaint tracking.
"Sec. 208. Notation in personnel record."; and

(2) by adding at the end the following:

"TITLE IV—PROCESSING AND REFERRAL

"Sec. 401. Processing and resolution of complaints.
"Sec. 402. No limitation on advice or counsel.
"Sec. 403. Head of Program supervised by head of agency.
"Sec. 404. Referrals of findings of discrimination.".

SEC. 1138. NONDISCLOSURE AGREEMENT LIMITATION.

Section 2302(b)(13) of title 5, United States Code, is amended—

(1) by striking "agreement does not" and inserting the following: "agreement—

"(A) does not";

(2) in subparagraph (A), as so designated, by inserting "or the Office of Special Counsel" after "Inspector General"; and

(3) by adding at the end the following:

"(B) prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection; or".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Authority to build capacity for additional operations.
Sec. 1202. Participation in European program on multilateral exchange of surface transportation services.
Sec. 1203. Participation in programs relating to coordination or exchange of air refueling and air transportation services.
Sec. 1204. Reciprocal patient movement agreements.
Sec. 1205. Modification to the Inter-European Air Forces Academy.
Sec. 1206. Modification of authority for participation in multinational centers of excellence.
Sec. 1207. Modification and extension of support of special operations for irregular warfare.
Sec. 1208. Extension of authority to transfer excess high mobility multipurpose wheeled vehicles to foreign countries.
Sec. 1209. Modification and extension of update of Department of Defense Freedom of Navigation Report.
Sec. 1210. Extension and modification of authority to support border security operations of certain foreign countries.
Sec. 1210A. Extension of Department of Defense support for stabilization activities in national security interest of the United States.
Sec. 1210B. Extension of report on workforce development.
Sec. 1210C. Plan to increase participation in international military education and training programs.
Sec. 1210D. Mitigation and prevention of atrocities in high-risk countries.
Sec. 1210E. Implementation of the Women, Peace, and Security Act of 2017.

Subtitle B—Matters Relating to Afghanistan and Pakistan

Sec. 1211. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1212. Extension of the Afghan Special Immigrant Visa Program.
Sec. 1213. Extension and modification of support for reconciliation activities led by the Government of Afghanistan.
Sec. 1214. Extension and modification of Commanders' Emergency Response Program.
Sec. 1215. Limitation on use of funds to reduce deployment to Afghanistan.
Sec. 1216. Modifications to immunity from seizure under judicial process of cultural objects.
Sec. 1217. Congressional oversight of United States talks with Taliban officials and Afghanistan's comprehensive peace process.

Sec. 1218. Strategy for post-conflict engagement on human rights in Afghanistan.
Sec. 1219. Modification to report on enhancing security and stability in Afghanistan.
Sec. 1220. Report on Operation Freedom's Sentinel.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

Sec. 1221. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
Sec. 1222. Extension and modification of authority to provide assistance to vetted Syrian groups and individuals.
Sec. 1223. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
Sec. 1224. Prohibition on provision of weapons and other forms of support to certain organizations.
Sec. 1225. Report and budget details regarding Operation Spartan Shield.

Subtitle D—Matters Relating to Russia

Sec. 1231. Extension of limitation on military cooperation between the United States and the Russian Federation.
Sec. 1232. Matters relating to United States participation in the Open Skies Treaty.
Sec. 1233. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
Sec. 1234. Annual report on military and security developments involving the Russian Federation.
Sec. 1235. Modification and extension of Ukraine Security Assistance Initiative.
Sec. 1236. Report on capability and capacity requirements of military forces of Ukraine and resource plan for security assistance.
Sec. 1237. Report on Russian Federation support of racially and ethnically motivated violent extremists.
Sec. 1238. Authorization of rewards for providing information on foreign election interference.

Subtitle E—Matters Relating to Europe and NATO

Sec. 1241. Determination and imposition of sanctions with respect to Turkey's acquisition of the S–400 air defense system.
Sec. 1242. Clarification and expansion of sanctions relating to construction of Nord Stream 2 or TurkStream pipeline projects.
Sec. 1243. Extension of authority for training for Eastern European national security forces in the course of multilateral exercises.
Sec. 1244. Sense of Congress on support for the North Atlantic Treaty Organization.
Sec. 1245. Limitation on United States force structure reductions in Germany.
Sec. 1246. Report on United States military force posture in Southeastern Europe.
Sec. 1247. Sense of Congress on support for coordinated action to ensure the security of Baltic allies.
Sec. 1248. Sense of Congress on the role of the Kosovo Force of the North Atlantic Treaty Organization.

Subtitle F—Matters Relating to the Indo-Pacific Region

Sec. 1251. Pacific Deterrence Initiative.
Sec. 1252. Extension and modification of prohibition on commercial export of certain covered munitions items to the Hong Kong Police Force.
Sec. 1253. Authority to transfer funds for Bien Hoa dioxin cleanup.
Sec. 1254. Cooperative program with Vietnam to account for Vietnamese personnel missing in action.
Sec. 1255. Sense of Congress on the United States-Vietnam defense relationship.
Sec. 1256. Pilot program to improve cyber cooperation with Vietnam, Thailand, and Indonesia.
Sec. 1257. Report on the costs most directly associated with the stationing of the Armed Forces in Japan.
Sec. 1258. Limitation on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea.
Sec. 1259. Implementation of GAO recommendations on preparedness of United States forces to counter North Korean chemical and biological weapons.
Sec. 1260. Statement of policy and sense of Congress on the Taiwan Relations Act.
Sec. 1260A. Annual briefing on Taiwan arms sales.
Sec. 1260B. Report on United States-Taiwan medical security partnership.
Sec. 1260C. Establishment of capabilities to assess the defense technological and industrial bases of China and other foreign adversaries.
Sec. 1260D. Extension of annual report on military and security developments involving the People's Republic of China.

Sec. 1260E. Sense of Congress on the aggression of the Government of China along the border with India and its growing territorial claims.
Sec. 1260F. Assessment of National Cyber Strategy to deter China from engaging in industrial espionage and cyber theft.
Sec. 1260G. Report on United Front Work Department.
Sec. 1260H. Public reporting of Chinese military companies operating in the United States.
Sec. 1260I. Report on directed use of fishing fleets.

Subtitle G—Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020

Sec. 1261. Short title.
Sec. 1262. Definitions.
Sec. 1263. Statement of policy.
Sec. 1264. Support for democratic governance, rule of law, human rights, and fundamental freedoms.
Sec. 1265. Support for development programs.
Sec. 1266. Support for conflict mitigation.
Sec. 1267. Support for accountability for war crimes, crimes against humanity, and genocide in Sudan.
Sec. 1268. Suspension of assistance.
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Sec. 1295. Statement of policy and report relating to the conflict in Yemen.
Sec. 1296. Report on United States military support of the Saudi-led coalition in Yemen.

Sec. 1297. Sense of Congress on payment of amounts owed by Kuwait to United States medical institutions.

Subtitle K—Other Matters

Sec. 1299A. Provision of goods and services at Kwajalein Atoll, Republic of the Marshall Islands.
Sec. 1299B. Report on contributions received from designated countries.
Sec. 1299C. Modification to initiative to support protection of national security academic researchers from undue influence and other security threats.
Sec. 1299D. Extension of authorization of non-conventional assisted recovery capabilities.
Sec. 1299E. Annual briefings on certain foreign military bases of adversaries.
Sec. 1299F. Countering white identity terrorism globally.
Sec. 1299G. Report on progress of the Department of Defense with respect to denying the strategic goals of a competitor against a covered defense partner.
Sec. 1299H. Comparative studies on defense budget transparency of the People's Republic of China, the Russian Federation, and the United States.
Sec. 1299I. Assessment of weapons of mass destruction terrorism.
Sec. 1299J. Review of Department of Defense compliance with "Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts".
Sec. 1299K. Certification relating to assistance for Guatemala.
Sec. 1299L. Functional Center for Security Studies in Irregular Warfare.
Sec. 1299M. United States-Israel operations-technology cooperation within the United States-Israel Defense Acquisition Advisory Group.
Sec. 1299N. Payment of passport fees for certain individuals.
Sec. 1299O. Resumption of Peace Corps operations.
Sec. 1299P. Establishment of the Open Technology Fund.
Sec. 1299Q. United States Agency for Global Media.
Sec. 1299R. Leveraging information on foreign traffickers.
Sec. 1299S. Rule of construction relating to use of military force.

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDITIONAL OPERATIONS.

Section 333(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8);

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) Air domain awareness operations."; and

(3) by adding at the end the following new paragraph:

"(9) Cyberspace security and defensive cyberspace operations.".

SEC. 1202. PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF SURFACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by inserting after section 2350l the following new section 2350m:

10 USC 2350m.

"§ 2350m. Participation in European program on multilateral exchange of surface transportation services

"(a) PARTICIPATION AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in the Surface Exchange of Services program (in this section referred to as the 'SEOS program') of the Movement Coordination Centre Europe.

"(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in the SEOS program under paragraph (1) may include—

"(A) the reciprocal exchange or transfer of surface transportation on a reimbursable basis or by replacement-in-kind; and

"(B) the exchange of surface transportation services of an equal value.

"(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

"(1) IN GENERAL.—Participation of the Department of Defense in the SEOS program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

"(2) NOTIFICATION.—The Secretary of Defense shall provide to the congressional defense committees notification of any arrangement or agreement entered into under paragraph (1).

"(3) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the SEOS program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

"(4) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits or liability resulting from an unequal exchange or transfer of surface transportation services shall be liquidated through the SEOS program not less than once every five years.

"(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

"(1) pay the equitable share of the Department of Defense for the operating expenses of the Movement Coordination Centre Europe and the SEOS program from funds available to the Department of Defense for operation and maintenance; and

"(2) assign members of the armed forces or Department of Defense civilian personnel, within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill Department of Defense obligations under that arrangement or agreement.

"(d) CREDITING OF RECEIPTS.—Any amount received by the Department of Defense as part of the SEOS program shall be credited, at the option of the Secretary of Defense, to—

"(1) the appropriation, fund, or account used in incurring the obligation for which such amount is received; or

"(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year in which the authority under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense participation in the SEOS program during such fiscal year.

"(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

"(A) A description of the equitable share of the costs and activities of the SEOS program paid by the Department of Defense.

"(B) A description of any amount received by the Department of Defense as part of such program, including the country from which the amount was received.

"(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the use of foreign sealift in violation of section 2631.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2350l the following new item:

10 USC prec. 2350a.

"2350m. Participation in European program on multilateral exchange of surface transportation services.".

SEC. 1203. PARTICIPATION IN PROGRAMS RELATING TO COORDINATION OR EXCHANGE OF AIR REFUELING AND AIR TRANSPORTATION SERVICES.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1202, is further amended by adding at the end the following new section:

10 USC 2350o.

"§ 2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services

"(a) PARTICIPATION AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in programs relating to the coordination or exchange of air refueling and air transportation services, including in the arrangement known as the Air Transport and Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the 'ATARES program').

"(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in programs referred to in paragraph (1) may include—

"(A) the reciprocal exchange or transfer of air refueling and air transportation services on a reimbursable basis or by replacement-in-kind; and

"(B) the exchange of air refueling and air transportation services of an equal value.

"(3) LIMITATIONS WITH RESPECT TO PARTICIPATION IN ATARES PROGRAM.—

"(A) IN GENERAL.—The Department of Defense balance of executed flight hours in participation in the ATARES program under paragraph (1), whether as credits or debits, may not exceed a total of 500 hours.

"(B) AIR REFUELING.—The Department of Defense balance of executed flight hours for air refueling in participation in the ATARES program under paragraph (1) may not exceed 200 hours.

"(b) WRITTEN ARRANGEMENT OR AGREEMENT.—Participation of the Department of Defense in a program referred to in subsection (a)(1) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

"(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

"(1) pay the equitable share of the Department of Defense for the recurring and nonrecurring costs of the applicable program referred to in subsection (a)(1) from funds available to the Department for operation and maintenance; and

"(2) assign members of the armed forces or Department of Defense civilian personnel to fulfill Department obligations under that arrangement or agreement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1202, is further amended by adding at the end the following new item:

10 USC prec. 2350a.

"2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services.".

(c) REPEAL.—Section 1276 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2350c note) is repealed.

SEC. 1204. RECIPROCAL PATIENT MOVEMENT AGREEMENTS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, as amended by section 1203, is further amended by adding at the end the following new section:

"§ 2350p. Reciprocal patient movement agreements

10 USC 2350p.

"(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary of Defense, with the concurrence of the Secretary of State, may enter into a bilateral or multilateral memorandum of understanding or other formal agreement with one or more governments of partner countries that provides for—

"(1) the interchangeable, nonreimbursable use of patient movement personnel, either individually or as members of a patient movement crew or team, and equipment, belonging to one partner country to perform patient movement services aboard the aircraft, vessels, or vehicles of another partner country;

"(2) the reciprocal recognition and acceptance of —

"(A) national professional credentials, certifications, and licenses of patient movement personnel; and

"(B) national certifications, approvals, and licenses of equipment used in the provision of patient movement services; and

"(3) the acceptance of agreed-upon standards for the provision of patient movement services by aircraft, vessel, or vehicle, including, as determined to be beneficial and otherwise permitted by law, the harmonization of patient treatment standards and procedures.

"(b) CERTIFICATION.—(1) Before entering into a memorandum of understanding or other formal agreement with the government of a partner country under this section, the Secretary of Defense shall certify in writing that the professional credentials, certifications, licenses, and approvals for patient movement personnel and patient movement equipment of the partner country—

"(A) meet or exceed the equivalent standards of the United States for similar personnel and equipment; and

"(B) will provide for a level of care comparable to, or better than, the level of care provided by the Department of Defense.

"(2) A certification under paragraph (1) shall be—

"(A) submitted to the appropriate committees of Congress not later than 15 days after the date on which the Secretary of Defense makes the certification; and

"(B) reviewed and recertified by the Secretary of Defense not less frequently than annually.

"(c) SUSPENSION.—If the Secretary of Defense is unable to recertify a partner country as required by subsection (b)(2)(B), use of the personnel or equipment of the partner country by the Department of Defense under a memorandum of understanding or other formal agreement concluded pursuant to subsection (a) shall be suspended until the date on which the Secretary of Defense is able to recertify the partner country.

"(d) DEFINITIONS.—In this section:

"(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

"(A) the congressional defense committees; and

"(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

"(2) PARTNER COUNTRY.—The term 'partner country' means any of the following:

"(A) A member country of the North Atlantic Treaty Organization.

"(B) Australia.

"(C) Japan.

"(D) New Zealand.

"(E) The Republic of Korea.

"(F) Any other country designated as a partner country by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

"(3) PATIENT MOVEMENT.—The term 'patient movement' means the act or process of moving wounded, ill, injured, or other persons (including contaminated, contagious, and potentially exposed patients) to obtain medical, surgical, mental health, or dental care or treatment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 1203, is further amended by adding at the end the following new item:

10 USC prec. 2350a.

"2350p. Reciprocal patient movement agreements.".

SEC. 1205. MODIFICATION TO THE INTER-EUROPEAN AIR FORCES ACADEMY.

Section 350(b) of title 10, United States Code, is amended by striking "that are" and all that follows through the period at the end and inserting "that are—

"(1) members of the North Atlantic Treaty Organization;

"(2) signatories to the Partnership for Peace Framework Documents; or

"(3)(A) within the United States Africa Command area of responsibility; and

"(B) eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).".

SEC. 1206. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Section 344 of title 10, United States Code, is amended—

(1) in the section heading, by striking "MULTINATIONAL MILITARY CENTERS OF EXCELLENCE" and inserting "MULTINATIONAL CENTERS OF EXCELLENCE";

(2) by striking "multinational military center of excellence" each place it appears and inserting "multinational center of excellence";

(3) by striking "multinational military centers of excellence" each place it appears and inserting "multinational centers of excellence";

(4) in subsection (b)(1), by inserting "or entered into by the Secretary of State," after "Secretary of State,";

(5) in subsection (e)—

(A) in the subsection heading, by striking "MULTINATIONAL MILITARY CENTER OF EXCELLENCE" and inserting "MULTINATIONAL CENTER OF EXCELLENCE";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving such subparagraphs two ems to the right;

(C) in the matter preceding subparagraph (A), as so redesignated, by striking "means an entity" and inserting "means—

"(1) an entity";

(D) in subparagraph (C), as so redesignated, by striking "; and" and inserting a semicolon;

(E) in subparagraph (D), as so redesignated, by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following new paragraph:

"(2) the European Centre of Excellence for Countering Hybrid Threats, established in 2017 and located in Helsinki, Finland.";

(6) by redesignating subsection (e) as subsection (f); and

(7) by inserting after subsection (d) the following new subsection:

"(e) NOTIFICATION.—Not later than 30 days before the date on which the Secretary of Defense authorizes participation under subsection (a) in a new multinational center of excellence, the Secretary shall notify the congressional defense committees of such participation.". Deadline.

(b) CONFORMING AMENDMENT.—Title 10, United States Code, is amended, in the table of sections at the beginning of subchapter V of chapter 16, by striking the item relating to section 344 and inserting the following: 10 USC prec. 341.

"344. Participation in multinational centers of excellence.".

SEC. 1207. MODIFICATION AND EXTENSION OF SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

(a) AUTHORITY.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639) is amended by striking "$10,000,000" and inserting "$15,000,000".

(b) NOTIFICATION.—Subsection (d)(2) of such section is amended—

(1) by redesignating subparagraph (E) as subparagraph (G);

(2) by inserting after subparagraph (D) the following:

"(E) A description of steps taken to ensure the support is consistent with other United States national security interests, including issues related to human rights.

"(F) A description of steps taken to ensure that the recipients of the support have not engaged in human rights

violations, to include the conduct of periodic reviews as a means to investigate allegations of violations and processes and procedures to modify support in case of credible reports of violations."; and

(3) in clause (i) of subparagraph (G), as redesignated, to read as follows:

"(i) An introduction of United States Armed Forces (including as such term is defined in section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c))) into hostilities, or into situations where hostilities are clearly indicated by the circumstances, without specific statutory authorization within the meaning of section 5(b) of such Resolution (50 U.S.C. 1544(b)).".

(c) CONSTRUCTION OF AUTHORITY.—Subsection (f)(2) of such section is amended by striking "of section 5(b)".

SEC. 1208. EXTENSION OF AUTHORITY TO TRANSFER EXCESS HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES TO FOREIGN COUNTRIES.

Section 1276 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1699) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by adding at the end the following new sentence: "Such description may include, if applicable, a description of the priority United States security or defense cooperation interest with the recipient country that is fulfilled by the waiver."; and

(B) by striking subparagraph (B) and inserting the following:

"(B) An explanation of the reasons for which it is in the national interest of the United States to make the transfer notwithstanding the requirements of subsection (a)(1).";

(2) by inserting after subsection (b)(2) the following new paragraph:

President. "(3) DELEGATION OF AUTHORITY.—The President may delegate the waiver authority provided by this subsection to the Secretary of Defense."; and

(3) in subsection (c)(2), by striking "three" and inserting "four".

SEC. 1209. MODIFICATION AND EXTENSION OF UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION REPORT.

(a) ELEMENTS.—Subsection (b) of section 1275 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2540) is amended—

(1) in paragraph (1), by inserting "the number of maritime and overflight challenges to each such claim and" before "the country";

(2) in paragraph (5), by inserting "have been protested by the United States but" before "have not been challenged"; and

(3) by adding at the end the following:

Summary. "(6) A summary of each excessive maritime claim challenged jointly with international partners and allies.".

(b) FORM.—Subsection (c) of such section is amended by adding at the end before the period the following: "and made publicly available".

(c) SUNSET.—Subsection (d) of such section is amended by striking "December 31, 2021" and inserting "December 31, 2025".

SEC. 1210. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) FUNDS AVAILABLE FOR SUPPORT.—Subsection (b) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended to read as follows:

"(b) FUNDS AVAILABLE FOR SUPPORT.—Amounts to provide support under the authority of subsection (a) may be derived only from amounts authorized to be appropriated and available for operation and maintenance, Defense-wide.".

(b) EXTENSION.—Subsection (h) of such section is amended by striking "December 31, 2021" and inserting "December 31, 2023".

SEC. 1210A. EXTENSION OF DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

Subsection (h) of section 1210A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1628) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

SEC. 1210B. EXTENSION OF REPORT ON WORKFORCE DEVELOPMENT.

Section 1250(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2529) is amended by striking "through 2021" and inserting "through 2026".

SEC. 1210C. PLAN TO INCREASE PARTICIPATION IN INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS.

22 USC 2347.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a plan to increase the number of foreign female participants receiving training under the International Military Education and Training program authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) and any other military exchange program offered to foreign participants, with the goal of doubling such participation over the 10-year period beginning on the date of the enactment of this Act.

Deadline.

(b) INTERIM PROGRESS REPORTS.—Not later than 2 years after the date of the submission of the plan required by subsection (a), and every 2 years thereafter until the end of the 10-year period beginning on the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the most recently available data on foreign female participation in activities conducted under the International Military Education and Training program and any other military exchange programs and describes the manner and extent to which the goal described in subsection (a) has been achieved as of the date of the submission of the report.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

22 USC 2656 note.

SEC. 1210D. MITIGATION AND PREVENTION OF ATROCITIES IN HIGH-RISK COUNTRIES.

Coordination.

(a) STATEMENT OF POLICY.—It is the policy of the United States that the Department of State, in coordination with the Department of Defense and the United States Agency for International Development, should address global fragility, as required by the Global Fragility Act of 2019 and, to the extent practicable, incorporate efforts to identify, prevent, and respond to the causes of atrocities, as required by section 3 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (22 U.S.C. 2656 note), into security assistance and cooperation planning and implementation for covered foreign countries.

Consultation.

(b) IN GENERAL.—The Secretary of State, in consultation with chiefs of mission and the Administrator of the United States Agency for International Development, shall ensure that the Department of State's Atrocity Assessment Framework is factored into the Integrated Country Strategy and the Country Development Cooperation Strategy where appropriate for covered foreign countries.

(c) REPORT.—

(1) IN GENERAL.—Section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 is amended—

(A) by amending subparagraph (E) of subsection (a)(1) to read as follows:

"(E) countries and regions at risk of atrocities, including covered foreign countries, and a description of specific risk factors, at risk groups, likely scenarios in which atrocities would occur, and efforts taken by the Board or relevant Federal agencies to prevent such atrocities; and"; and

(B) by adding at the end the following new subscection:

Consultation.

"(d) COVERED FOREIGN COUNTRY DEFINED.—The term 'covered foreign country' means a foreign country that is not listed as a priority country under section 505 of the Global Fragility Act of 2019 (22 U.S.C. 9804) but remains among the top 30 most at risk countries for new onset of mass killing, according to the Department of State's internal assessments, and in consultation with the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate.".

Applicability.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect and apply beginning with the first report required under section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 that is required after the date of the enactment of this Act.

(d) STAKEHOLDER CONSULTATION.—Consistent with section 504(b) of the Global Fragility Act of 2019 (22 U.S.C. 9803(b)), the Secretary of State and other relevant agencies should consult with credible representatives of civil society with experience in atrocities prevention and national and local governance entities, as well as relevant international development organizations with

experience implementing programs in fragile and violence-affected communities, multilateral organizations and donors, and relevant private, academic, and philanthropic entities, as appropriate, in identifying covered foreign countries as defined in this section.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means a foreign country that is not listed as a priority country under section 505 of the Global Fragility Act of 2019 (22 U.S.C. 9804) but remains among the top 30 most at risk countries for new onset of mass killing, according to the Department of State's internal assessments, and in consultation with the appropriate congressional committees.

SEC. 1210E. IMPLEMENTATION OF THE WOMEN, PEACE, AND SECURITY ACT OF 2017.

10 USC 113 note.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2025, the Secretary of Defense shall undertake activities consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and with the guidance specified in this section, including—

Time period.

(1) implementation of the Department of Defense plan entitled "Women, Peace, and Security Strategic Framework and Implementation Plan" published in June 2020, or any successor plan;

(2) establishing Department of Defense-wide policies and programs that advance the implementation of the Act, including military doctrine and Department-specific and combatant command-specific programs;

(3) ensuring the Department has sufficient qualified personnel to advance implementation of that Act, including by hiring and training full-time equivalent personnel, as necessary, and establishing roles, responsibilities, and requirements for such personnel;

(4) as appropriate, the deliberate integration of relevant training curriculum for members of the Armed Forces across all ranks; and

(5) security cooperation activities that further the implementation of that Act.

(b) BUILDING PARTNER DEFENSE INSTITUTION AND SECURITY FORCE CAPACITY.—

(1) INCORPORATION OF GENDER ANALYSIS AND PARTICIPATION OF WOMEN INTO SECURITY COOPERATION ACTIVITIES.—Consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202), the Secretary of Defense, in coordination with the Secretary of State, shall incorporate participation by women and the analysis described in the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428; 132 Stat. 5509) into the institutional

and national security force capacity-building activities of security cooperation programs carried out under title 10, United States Code, including, as appropriate, by—

(A) incorporating gender analysis and women, peace, and security priorities into educational and training materials and programs authorized by section 333 of title 10, United States Code;

(B) advising on the recruitment, employment, development, retention, and promotion of women in such national security forces, including by—

(i) identifying existing military career opportunities for women;

(ii) exposing women and girls to careers available in such national security forces and the skills necessary for such careers; and

(iii) encouraging women's and girls' interest in such careers by highlighting as role models women of the United States and applicable foreign countries in uniform;

(C) addressing sexual harassment and abuse against women within such national security forces;

(D) integrating gender analysis into security sector policy, planning, and training for such national security forces; and

(E) improving infrastructure to address the requirements of women serving in such national security forces, including appropriate equipment for female security and police forces.

(2) BARRIERS AND OPPORTUNITIES.—Partner country assessments conducted in the course of Department security cooperation activities to build the capacity of the national security forces of foreign countries shall include attention to the barriers and opportunities with respect to strengthening recruitment, employment, development, retention, and promotion of women in the military forces of such partner countries.

(c) DEPARTMENT-WIDE POLICIES ON WOMEN, PEACE, AND SECURITY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall initiate a process to establish standardized policies described in subsection (a)(2).

Deadline.

(d) FUNDING.—The Secretary of Defense may use funds authorized to be appropriated in each fiscal year to the Department of Defense for operation and maintenance as specified in the table in section 4301 for carrying out the full implementation of the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and the guidance on the matters described in paragraphs (1) through (5) of subsection (a) and subparagraphs (A) through (E) of subsection (b)(1).

(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2025, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the steps the Department has taken to implement the Women, Peace, and Security Act of 2017, including—

(1) implementation of defense lines of effort outlined in the June 2020 Department of Defense "Women, Peace, and Security Strategic Framework and Implementation Plan" and described in paragraphs (1) through (5) of subsection (a) and

subparagraphs (A) through (E) of subsection (b)(1), as appropriate; and

(2) an enumeration of the funds used in such implementation and an identification of funding shortfalls, if any, that may inhibit implementation.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended by striking "beginning on October 1, 2019, and ending on December 31, 2020" and inserting "beginning on October 1, 2020, and ending on December 31, 2021".

(b) MODIFICATION TO LIMITATION.—Subsection (d)(1) of such section is amended—

(1) by striking "beginning on October 1, 2019, and ending on December 31, 2020" and inserting "beginning on October 1, 2020, and ending on December 31, 2021"; and

(2) by striking "$450,000,000" and inserting "$180,000,000".

SEC. 1212. EXTENSION OF THE AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in the heading, by striking "2020" and inserting "2021";

(2) in the matter preceding clause (i), by striking "22,500" and inserting "22,620";

(3) in clause (i), by striking "December 31, 2021" and inserting "December 31, 2022"; and

(4) in clause (ii), the striking "December 31, 2021" inserting "December 31, 2022".

(b) REPORT EXTENSION.—Section 602(b)(13) of such Act (8 U.S.C. 1101 note) is amended by striking "January 31, 2021" and inserting "January 31, 2023".

SEC. 1213. EXTENSION AND MODIFICATION OF SUPPORT FOR RECONCILIATION ACTIVITIES LED BY THE GOVERNMENT OF AFGHANISTAN.

(a) MODIFICATION OF AUTHORITY TO PROVIDE COVERED SUPPORT.—Subsection (a) of section 1218 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 132 Stat. 1633) is amended—

(1) by striking the subsection designation and heading and all that follows through "The Secretary of Defense" and inserting the following:

"(a) AUTHORITY TO PROVIDE COVERED SUPPORT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense"; and

(2) by adding at the end the following new paragraph:

"(2) LIMITATION ON USE OF FUNDS.—Amounts authorized to be appropriated or otherwise made available for the Department of Defense by this Act may not be obligated or expended to provide covered support until the date on which the Secretary of Defense submits to the appropriate committees of Congress the report required by subsection (b).".

(b) PARTICIPATION IN RECONCILIATION ACTIVITIES.—Such section is further amended—

(1) by redesignating subsections (i) through (k) as subsections (j) through (l), respectively;

(2) by inserting after subsection (h) the following new subsection (i):

"(i) PARTICIPATION IN RECONCILIATION ACTIVITIES.—Covered support may only be used to support a reconciliation activity that—

"(1) includes the participation of members of the Government of Afghanistan; and

"(2) does not restrict the participation of women.".

(c) EXTENSION.—Subsection (k) of such section, as so redesignated, is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(d) EXCLUSIONS FROM COVERED SUPPORT.—Such section is further amended in paragraph (2)(B) of subsection (l), as so redesignated—

(1) in clause (ii), by inserting ", reimbursement for travel or lodging, and stipends or per diem payments" before the period at the end; and

(2) by adding at the end the following new clause:

"(iii) Any activity involving one or more members of an organization designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or an individual designated as a specially designated global terrorist pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).".

SEC. 1214. EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended—

(1) in subsection (a)—

(A) by striking "December 31, 2020" and inserting "December 31, 2021"; and

(B) by striking "$2,500,000" and inserting "$2,000,000";

(2) in subsection (b), by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

"(b) QUARTERLY REPORTS.—

"(1) IN GENERAL.—Beginning in fiscal year 2021, not later than 45 days after the end of each quarter fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the

allocation and use of funds during that quarter fiscal year that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the program under subsection (a).''; and

(3) in subsection (f), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. 1215. LIMITATION ON USE OF FUNDS TO REDUCE DEPLOYMENT TO AFGHANISTAN.

(a) LIMITATION.—Until the date on which the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, submits to the appropriate congressional committees the report described in subsection (b), none of the amounts authorized to be appropriated for fiscal year 2020 or 2021 for the Department of Defense may be obligated or expended for any activity having either of the following effects: Consultation.

(1) Reducing the total number of Armed Forces deployed to Afghanistan below the lesser of—

(A) 4,000; or

(B) the total number of the Armed Forces deployed as of the date of the enactment of this Act.

(2) Reducing the total number of Armed Forces deployed to Afghanistan below 2,000.

(b) REPORT.—The report described in this subsection shall include each of the following: Assessments.

(1) An assessment of the effect that such a reduction would have on—

(A) the ongoing United States counterterrorism mission against the Islamic State, al-Qaeda, and associated forces;

(B) the risk to United States personnel in Afghanistan;

(C) the risk for the expansion of existing or formation of new international terrorist safe havens inside Afghanistan;

(D) the role of United States allies and partners supporting the United States- and North Atlantic Treaty Organization-led missions, including international financial support the Afghan National Defense and Security Forces require in order to maintain operational capabilities and combat effectiveness;

(E) United States national security and United States policy toward achieving an enduring diplomatic solution in Afghanistan;

(F) the threat posed by the Taliban and other terrorist organizations in Afghanistan to United States national security interests and to those of United States allies and partners;

(G) the capacity of the Afghan National Defense and Security Forces to effectively—

(i) prevent or defend against attacks by the Taliban or other terrorist organizations on civilian populations;

(ii) conduct counterterrorism operations necessary to deny safe harbor to terrorist organizations that the intelligence community assesses pose a threat to the United States and United States interests;

(iii) sustain equipment, personnel, and capabilities; and

(iv) protect the sovereignty of Afghanistan;

(H) the influence of Afghanistan's neighbors and near neighbors on the sovereignty of Afghanistan and the strategic national security interests of the United States in the region.

Plan. (2) A plan for the orderly transition of all security-related tasks currently undertaken by the Armed Forces of the United States and nations contributing troops to the Resolute Support Mission in support of the Afghan National Defense and Security Forces to the Government of Afghanistan.

Update. (3) An update on the status of any United States citizens detained in Afghanistan and an overview of Administration efforts to secure their release.

Time period. (4) An assessment by the intelligence community of the manner and extent to which state actors have provided any incentives to the Taliban, their affiliates, or other foreign terrorist organizations for attacks against United States, coalition, or Afghan security forces or civilians in Afghanistan in the last 2 years, including the details of any attacks believed to have been connected with such incentives.

(5) Any other matter the Secretary of Defense determines appropriate.

Classified information. (c) FORM.—The report described in subsection (b) shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.

President. (d) WAIVER.—The President may waive the limitation under subsection (a) if the President submits to the appropriate congressional committees—

Determination. (1) a written determination that the waiver is important to the national security interests of the United States; and

(2) a detailed explanation of how the waiver furthers those interests.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means—

(1) the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1216. MODIFICATIONS TO IMMUNITY FROM SEIZURE UNDER JUDICIAL PROCESS OF CULTURAL OBJECTS.

(a) IN GENERAL.—The Act of October 19, 1965, entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes" (22 U.S.C. 2459; 79 Stat. 985) is amended—

(1) in subsection (a)—

(A) by striking "the temporary exhibition or display thereof" each place it appears and inserting "temporary storage, conservation, scientific research, exhibition, or display";

(B) by striking "cultural or educational institutions" and inserting "cultural, educational, or religious institutions with the capacity to appropriately curate such object"; and

(C) by striking "any such cultural or educational institution" and inserting "any such cultural, educational, or religious institution with the capacity to appropriately curate such object"; and

(2) by adding at the end the following:

"(d) For purposes of this section, the terms 'imported' and 'importation' include a transfer from a mission of a foreign country located within the United States to a cultural, educational, or religious institution located within the United States.". Definitions.

(b) AFGHANISTAN.— 22 USC 2459 note.

(1) IN GENERAL.—A work of art or other object of cultural significance that is imported into the United States for temporary storage, conservation, scientific research, exhibition, or display shall be deemed to be immune from seizure under such Act of October 19, 1965 (22 U.S.C. 2459) (as amended by subsection (a)), and the provisions of such Act shall apply in the same manner and to the same extent to such work or object, if—

(A) the work or object is exported from Afghanistan with an export permit or license duly issued by the Government of Afghanistan; and

(B)(i) an agreement is entered into between the Government of Afghanistan and the cultural, educational, or religious institution with the capacity to appropriately curate such object within the United States that specifies the conditions for such material to be returned to Afghanistan; or

(ii) the work or object is transferred to a cultural, educational, or religious institution with the capacity to appropriately curate such object in the United States in accordance with an agreement described in clause (i) that also includes an authorization to transfer such work or object to other such institutions in the United States.

SEC. 1217. CONGRESSIONAL OVERSIGHT OF UNITED STATES TALKS WITH TALIBAN OFFICIALS AND AFGHANISTAN'S COMPREHENSIVE PEACE PROCESS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) GOVERNMENT OF AFGHANISTAN.—The term "Government of Afghanistan" means the Government of the Islamic Republic of Afghanistan and its agencies, instrumentalities, and controlled entities.

(3) THE TALIBAN.—The term "the Taliban"—

(A) refers to the organization that refers to itself as the "Islamic Emirate of Afghanistan", that was founded Mohammed Omar. Mawlawi Hibatullah Akhundzada.

by Mohammed Omar, and that is currently led by Mawlawi Hibatullah Akhundzada; and

(B) includes subordinate organizations, such as the Haqqani Network, and any successor organization.

(4) FEBRUARY 29 AGREEMENT.—The term "February 29 Agreement" refers to the political arrangement between the United States and the Taliban titled "Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America" signed at Doha, Qatar on February 29, 2020.

Deadlines.

(b) OVERSIGHT OF PEACE PROCESS AND OTHER AGREEMENTS.—

(1) TRANSMISSION TO CONGRESS OF MATERIALS RELEVANT TO THE FEBRUARY 29 AGREEMENT.—Not later than January 10, 2021, the Secretary of State, in consultation with the Secretary of Defense, shall certify to the appropriate congressional committees that all materials relevant to the February 29 Agreement have been submitted to such committees. If the Secretary of State cannot so certify because materials relevant to the February 29 Agreement have not been submitted, the Secretary of State, in consultation with the Secretary of Defense, shall submit such materials not later than January 15, 2021.

Consultations.
Certification.

(2) SUBMISSION TO CONGRESS OF ANY SUBSEQUENT AGREEMENTS INVOLVING THE TALIBAN.—The Secretary of State shall submit to the appropriate congressional committees, within 5 days of conclusion and on an ongoing basis thereafter, any agreement or arrangement subsequent to the February 29 Agreement involving the Taliban, as well as materials relevant to any subsequent agreement or arrangement involving the Taliban.

(3) DEFINITIONS.—In this subsection, the terms "materials relevant to the February 29 Agreement" and "materials relevant to any subsequent agreement or arrangement" include all annexes, appendices, and instruments for implementation of the February 29 Agreement or a subsequent agreement or arrangement, as well as any understandings or expectations related to the February 29 Agreement or a subsequent agreement or arrangement.

(c) REPORT ON VERIFICATION AND COMPLIANCE.—

President.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 120 days thereafter, the President shall submit to the appropriate congressional committees a report verifying whether the key tenets of the February 29 Agreement, or subsequent agreements or arrangements, and accompanying instruments for implementation are being upheld.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

Assessments.

(A) An assessment of each of the following:

(i) The Taliban's compliance with the February 29 Agreement, including counterterrorism guarantees and guarantees to deny safe haven and freedom of movement to al-Qaeda and other terrorist threats from operating on territory under its influence.

(ii) Whether the United States intelligence community has collected intelligence indicating the Taliban does not intend to uphold its commitments.

(iii) The current relationship between the Taliban and al-Qaeda, including an assessment of the relationship between the Haqqani Network and al-Qaeda. Assessment.

(iv) The relationship between the Taliban and any other terrorist group that is assessed to threaten the security of the United States or its allies, including any change in conduct since February 29, 2020.

(v) The status of intra-Afghan discussions, including, in the event an intra-Afghan governing agreement is achieved, an assessment of the sustainability of such agreement.

(vi) The status of human rights, including the rights of women, minorities, and youth.

(vii) The access of women, minorities, and youth to education, justice, and economic opportunities in Afghanistan.

(viii) The status of the rule of law and governance structures at the central, provincial, and district levels of government.

(ix) The media and the press and civil society's operating space in Afghanistan.

(x) Illicit narcotics production in Afghanistan, its linkages to terrorism, corruption, and instability, and policies to counter illicit narcotics flows.

(xi) Any efforts by Iran, China, Russia, or any other external actor to affect the February 29 Agreement.

(xii) The efforts of the Government of Afghanistan to fulfill the commitments under the Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan, issued on February 29, 2020.

(xiii) The progress made by the Afghanistan Ministry of Interior and the Office of the Attorney General to address gross violations of human rights by civilian security forces, the Taliban, and nongovernment armed groups, including—

(I) an analysis of resources provided by the Government of Afghanistan for such efforts; and Analysis.

(II) a summary of assistance provided by the United States Government to support such efforts. Summary.

(B) The number of Taliban and Afghan prisoners and any plans for the release of such prisoners from either side.

(C) A detailed overview of Afghan national-level efforts to promote transitional justice, including forensic efforts and documentation of war crimes, mass killings, or crimes against humanity, redress to victims, and reconciliation activities.

(D) A detailed overview of United States support for Government of Afghanistan and civil society efforts to promote peace and justice at the local level and the manner in which such efforts inform government-level policies and negotiations.

Classified information.

(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall prejudice whether a subsequent agreement or arrangement involving the Taliban constitutes a treaty for purposes of Article II of the Constitution of the United States.

(e) SUNSET.—Except for subsections (b) and (d), the provisions of this section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 1218. STRATEGY FOR POST-CONFLICT ENGAGEMENT ON HUMAN RIGHTS IN AFGHANISTAN.

Consultation. Deadline.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development and other relevant Federal departments and agencies, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 120 days after a final Afghan Reconciliation Agreement is reached between the Government of Afghanistan and the Taliban, a strategy to support the protection and promotion of basic human rights in Afghanistan, especially the human rights of women and girls.

(b) REQUIRED ELEMENTS.—The Secretary of State shall seek to ensure that activities carried out under the strategy—

(1) employ rigorous monitoring and evaluation methodologies, including ex-post evaluation, and gender analysis as defined by the Women's Entrepreneurship and Economic Empowerment Act of 2018 (Public Law 115–428) and required by the U.S. Strategy on Women, Peace, and Security;

(2) disaggregate all data collected and reported by age, gender, marital and motherhood status, disability, and urbanity, to the extent practicable and appropriate; and

(3) advance the principles and objectives specified in the Policy Guidance on Promoting Gender Equality of the Department of State and the Gender Equality and Female Empowerment Policy of the United States Agency for International Development.

SEC. 1219. MODIFICATION TO REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.

Section 1225(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550) is amended by adding at the end the following:

Assessments. Analysis.

"(10) CIVILIAN CASUALTIES.—

"(A) An analysis of civilian casualties caused by—

"(i) the Afghan National Defense and Security Forces; and

"(ii) the Taliban and other terrorist organizations in Afghanistan.

"(B) A description of current training and advisory efforts to improve the Government of Afghanistan's capability to minimize civilian casualties and other harm to civilians and civilian infrastructure in compliance with the laws of armed conflict, to include its principles of military necessity, proportionality, and distinction, and any gaps

or weaknesses in Afghanistan's capability to minimize civilian casualties and other such harm.

"(C) An assessment of the progress of implementation of the Government of Afghanistan's National Civilian Casualty and Mitigation and Prevention Policy.

"(D) An assessment of the Government of Afghanistan's capacity and mechanisms to assess and investigate reports of civilian casualties.

"(11) DISTRICT-LEVEL STABILITY ASSESSMENT.—

"(A) IN GENERAL.—The production of a district-level stability assessment that displays the level of Government of Afghanistan versus insurgent control and influence of districts that the Department of Defense discontinued in 2018, to include district, population, and territorial control data.

"(B) PUBLIC AVAILABILITY.—The Secretary of Defense shall make publicly available the assessments and data relating to the assessments described in subparagraph (A). Data.

"(12) OTHER MATTERS.—Any other matters the Secretary of Defense determines to be relevant.".

SEC. 1220. REPORT ON OPERATION FREEDOM'S SENTINEL.

(a) FISCAL YEAR 2021.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on Operation Freedom's Sentinel for fiscal year 2021.

(b) FISCAL YEARS 2022 AND 2023.—To accompany the materials relating to Operation Freedom's Sentinel submitted to Congress by the Secretary of Defense in support of the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and fiscal year 2023, the Secretary shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on Operation Freedom's Sentinel.

(c) MATTERS TO BE INCLUDED.—The report required by subsection (a) and each report required by subsection (b) shall include a list and description of activities, exercises, and funding amounts carried out under the operation, including— List.

(1) specific direct war costs;

(2) activities that occur in Afghanistan;

(3) activities that occur outside of Afghanistan, including training and costs relating to personnel;

(4) activities that are funded by any of the services that are part of the operation's budget request;

(5) activities related to transportation, logistics, and other support; and

(6) any other matters the Secretary determines to be relevant.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) IN GENERAL.—Subsection (a) of section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558) is amended by striking "December 31, 2020" and inserting "December 31, 2021".

(b) FUNDING.—Subsection (g) of such section is amended—

(1) by striking "fiscal year 2020" and inserting "fiscal year 2021"; and

(2) by striking "$645,000,000" and inserting "$322,500,000".

(c) WAIVER AUTHORITY; SCOPE.—Subsection (j)(3) of such section is amended—

(1) by striking "congressional defense committees" each place it appears and inserting "appropriate congressional committees"; and

(2) by adding at the end the following:

"(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term 'appropriate congressional committees' means—

"(i) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

"(ii) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.".

10 USC 221 note.

(d) REPORT AND BUDGET DETAILS REGARDING OPERATION INHERENT RESOLVE.—

(1) REPORT REQUIRED.—At the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter, the Secretary of Defense shall submit a report with accompanying budgetary details regarding Operation Inherent Resolve.

(2) ELEMENTS OF REPORT.—At a minimum, the report required by paragraph (1) shall include—

(A)(i) for the first report, a history of the operation and its objectives; and

(ii) for each subsequent report, a description of the operation and its objectives during the prior fiscal year;

(B) a detailed description of the weapons and equipment purchased using the Counter-ISIS Train and Equip Fund in the prior fiscal year;

List.

(C) a list and description of activities and exercises carried out under the operation during the prior fiscal year;

(D) a description of the purpose and goals of such activities and exercises and an assessment of the degree to which stated goals were achieved during the prior fiscal year;

(E) a description of criteria used to judge the effectiveness of joint exercises and other efforts to build partner capacity under the operation during the prior fiscal year;

(F) a description of the forces deployed under the operation, their deployment locations, and activities undertaken;

(G) the information required under paragraph (3); and

(H) any other matters the Secretary determines appropriate.

(3) ELEMENTS OF BUDGETARY DETAILS.—At a minimum, the budgetary details accompanying the report required by paragraph (1)—

(A) shall include—

(i) a description of expenditures related to the operation for the fiscal year preceding the fiscal year of the budget covered by the report;

(ii) with respect to the amount requested for the operation in the budget covered by the report—

(I) any significant change in methodology used to determine the budgetary details included in the report and the categories used to organize such details; and

(II) a narrative justification for any significant changes in the amount requested as compared to the amount requested and the amount expended for the fiscal year preceding the fiscal year of the budget covered by the report; and

(iii) with respect to the estimated direct and indirect expenditures for the operation in the budget covered by the report—

(I) detailed information on the estimated direct expenditures and indirect expenditures broken down by category (including with respect to operations, force protection, in-theater support, equipment reset and readiness, military construction, mobilization, incremental and total deployment costs, and exercises) and any additional accounts and categories the Secretary determines to be relevant; and

(II) a description of the methodology and metrics used by the Secretary to define the contribution of indirect costs to the operation or an explanation of pro-rated amounts based on the level of support provided to the operation; and

(B) may include a breakdown of expenditures and the amount requested for the operation in the budget covered by the report by line item, including with respect to procurement accounts, military personnel accounts, operation and maintenance accounts, research, development, test, and evaluation accounts, and military construction accounts.

(4) FORM.—The report and accompanying budget details required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(5) SUNSET.—The requirements of this subsection shall terminate on the date on which Operation Inherent Resolve (or a successor operation) concludes.

(6) DEFINITIONS.—In this subsection:

(A) The term "direct expenditures" means, with respect to amounts expended or estimated to be expended for Operation Inherent Resolve, amounts used directly for supporting counter-ISIS activities and missions.

(B) The term "indirect expenditures" means, with respect to amounts expended or estimated to be expended for Operation Inherent Resolve, amounts used for programs or activities that the Secretary of Defense determines enable the Armed Forces to carry out the operation.

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.

(a) IN GENERAL.—Section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3451) is amended—

(1) in the section heading, by striking "**THE VETTED SYRIAN OPPOSITION**" and inserting "**VETTED SYRIAN GROUPS AND INDIVIDUALS**"; and

(2) in subsection (a), by striking "December 31, 2020" and inserting "December 31, 2021".

(b) NOTICE BEFORE PROVISION OF ASSISTANCE.—Subsection (b)(2)(A) of such section is amended—

(1) by striking "10-percent" and inserting "25-percent"; and

(2) by striking "fiscal year 2019 or fiscal year 2020" and inserting "fiscal year 2019, fiscal year 2020, or fiscal year 2021".

Deadline.

(c) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives that no United States military forces are being used or have been used for the extraction, transport, transfer, or sale of oil from Syria.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) LIMITATION ON AMOUNT.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended—

(1) by striking "fiscal year 2020" and inserting "fiscal year 2021"; and

(2) by striking "$30,000,000" and inserting "$25,000,000".

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking "fiscal year 2020" and inserting "fiscal year 2021".

(c) LIMITATION ON AVAILABILITY OF FUNDS.—Subsection (h) of such section is amended to read as follows:

Plans.

"(h) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount made available for fiscal year 2021 to carry out this section, not more than $15,000,000 may be obligated or expended for the Office of Security Cooperation in Iraq until the date on which the Secretary of Defense provides to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate the following:

"(1) A staffing plan to reorganize the Office in a manner similar to that of other security cooperation offices in the region that—

"(A) emphasizes the placement of personnel with regional or security cooperation expertise in key leadership positions;

"(B) closes duplicative or extraneous sections;

"(C) includes the number and type of validated billets funded by the Department of Defense necessary to support the Office; and

"(D) outlines the process and provides a timeline for validating billets funded by the Department of State necessary to support the Office. Timeline.

"(2) A progress report with respect to the initiation of bilateral engagement with the Government of Iraq with the objective of establishing a joint mechanism for security assistance planning, including a five-year security assistance roadmap for developing sustainable military capacity and capabilities and enabling defense institution building and reform. Reports. Time period.

"(3) A plan to transition the preponderance of funding for the activities of the Office from current sources to the Foreign Military Financing Administrative Fund and the Foreign Military Sales Trust Fund Administrative Surcharge Account in future years.".

SEC. 1224. PROHIBITION ON PROVISION OF WEAPONS AND OTHER FORMS OF SUPPORT TO CERTAIN ORGANIZATIONS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2021 may be used to knowingly provide weapons or any other form of support to Al Qaeda, the Islamic State of Iraq and Syria (ISIS), Jabhat Fateh al Sham, Hamas, Hizballah, Palestine Islamic Jihad, al-Shabaab, Islamic Revolutionary Guard Corps, or any individual or group affiliated with any such organization.

SEC. 1225. REPORT AND BUDGET DETAILS REGARDING OPERATION SPARTAN SHIELD. 10 USC 221 note.

(a) REPORT REQUIRED.—At the same time as the submission of the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter, the Secretary of Defense shall submit a report with accompanying budgetary details regarding Operation Spartan Shield.

(b) ELEMENTS OF REPORT.—At a minimum, the report required by subsection (a) shall include—

(1)(A) for the first report, a history of the operation and its objectives; and

(B) for each subsequent report, a description of the operation and its objectives during the prior fiscal year;

(2) a list and description of activities and exercises carried out under the operation during the prior fiscal year; List.

(3) a description of the purpose and goals of such activities and exercises and an assessment of the degree to which stated goals were achieved during the prior fiscal year; Assessment.

(4) a description of criteria used to judge the effectiveness of joint exercises and other efforts to build partner capacity under the operation during the prior fiscal year;

(5) a description of the forces deployed under the operation, their deployment locations, and activities undertaken;

(6) the information required under subsection (c); and

(7) any other matters the Secretary determines appropriate.

(c) ELEMENTS OF BUDGETARY DETAILS.—At a minimum, the budgetary details accompanying the report required by subsection (a)—

(1) shall include—

(A) a description of expenditures related to the operation for the fiscal year preceding the fiscal year of the budget covered by the report;

(B) with respect to the amount requested for the operation in the budget covered by the report—

(i) any significant change in methodology used to determine the budgetary details included in the report and the categories used to organize such details; and

(ii) a narrative justification for any significant changes in the amount requested as compared to the amount requested and the amount expended for the fiscal year preceding the fiscal year of the budget covered by the report; and

(C) with respect to the estimated direct and indirect expenditures for the operation in the budget covered by the report—

Determination.

(i) detailed information on the estimated direct expenditures and indirect expenditures broken down by category (including with respect to operations, force protection, in-theater support, equipment reset and readiness, military construction, mobilization, incremental and total deployment costs, and exercises) and any additional accounts and categories the Secretary determines to be relevant; and

(ii) a description of the methodology and metrics used by the Secretary to define the contribution of indirect costs to the operation or an explanation of pro-rated amounts based on the level of support provided to the operation; and

(2) may include a breakdown of expenditures and the amount requested for the operation in the budget covered by the report by line item, including with respect to procurement accounts, military personnel accounts, operation and maintenance accounts, research, development, test, and evaluation accounts, and military construction accounts.

Classified information.

(d) FORM.—The report and accompanying budget details required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) SUNSET.—The requirements of this section shall terminate on the date on which Operation Spartan Shield (or a successor operation) concludes.

(f) DEFINITIONS.—In this section:

(1) The term "direct expenditures" means, with respect to amounts expended or estimated to be expended for Operation Spartan Shield, amounts used directly for supporting deterrence activities and missions.

(2) The term "indirect expenditures" means, with respect to amounts expended or estimated to be expended for Operation Spartan Shield, amounts used for programs or activities that the Secretary of Defense determines enable the Armed Forces to carry out the operation.

Subtitle D—Matters Relating to Russia

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended by striking ", 2019, or 2020" and inserting "2019, 2020, or 2021".

SEC. 1232. MATTERS RELATING TO UNITED STATES PARTICIPATION IN THE OPEN SKIES TREATY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the decision of the United States to withdraw from the Open Skies Treaty, while taken in accordance with paragraph 2 of Article XV of the Treaty, did not comply with the requirement in section 1234(a) of the National Defense Authorization Act for Fiscal Year 2020 (133 Stat. 1648; 22 U.S.C. 2593a note) to notify Congress not fewer than 120 days prior to any such announcement; and

(2) in the future, confidence and security building measures that are designed to reduce the risk of conflict, increase trust among participating states, and contribute to military transparency should continue to play a central role in United States' engagement with Europe and its efforts to promote transatlantic security.

(b) NOTIFICATION REQUIRED.— Deadlines.

(1) IN GENERAL.—Not later than 90 days after withdrawal of the United States from the Open Skies Treaty pursuant to Article XV of the Treaty, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees—

(A) a notification and description of any agreements that the United States has concluded with other state parties to the Treaty that host United States military forces and assets to ensure that after such withdrawal the United States will be provided sufficient notice by such state parties of requests for observation flights over the territories of such state parties under the Treaty; or

(B) if the United States has not concluded any such agreements described in subparagraph (A), a description of how the United States will consistently and reliably be provided with sufficient warning of observation flights described in subparagraph (A) by other means, including a description of assets and personnel and policy implications of using such other means.

(2) SUBMISSION OF AGREEMENTS.—Not later than 90 days after withdrawal of the United States from the Open Skies Treaty pursuant to Article XV of the Treaty, the Secretary of Defense and the Secretary of State shall jointly submit Records.

to the appropriate congressional committees copies of the agreements described in paragraph (1)(A).

(c) REPORT.—

Coordination.

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense and the Secretary of State, in coordination with the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, shall jointly submit to the appropriate congressional committees a report on the effects of a withdrawal of the United States from the Open Skies Treaty.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of how the United States will replace the military-to-military contacts and diplomatic engagement opportunities with United States allies provided by the Treaty.

(B) A description of—

(i) the options available to the United States for obtaining unclassified, publicly-releasable imagery similar to that which it currently receives under the Treaty, and if any of those options are planned to be used;

(ii) if national technical means are used as a replacement to obtain such imagery—

(I) how the requirements previously satisfied by collection under the Treaty will be prioritized within the National Intelligence Priorities Framework;

(II) options for mitigating any gaps in collection should such mitigation be necessary, and if any of those options are planned to be used, and if none are necessary, an explanation of the rationale for not mitigating any such gaps; and

(III) requirements and timelines for declassification of imagery for public release; and

(iii) if commercial imagery is used as a replacement to obtain such imagery—

(I) contractual actions and associated timelines needed to purchase such imagery;

(II) estimated costs to purchase commercial imagery equivalent to that which is obtained under the Treaty; and

(III) estimates of costs to share such imagery with other state parties to the Treaty.

(C) A description of options available to the United States for replacing intelligence information, other than imagery, obtained pursuant to the implementation of the Treaty, and if any of those options are planned to be used.

(D) A description of the options available to the United States for continuing dialogue with Russia in a manner similar to the formal communications mechanisms provided for under the Treaty or that were used as confidence-building measures, and if any of those options are planned to be used.

(E) All unedited responses to the questionnaire provided to United States allies by the United States in 2019

and all official statements provided to the United States by United States allies in 2019 or 2020 relating to United States withdrawal from the Treaty.

(F) An assessment of the impact of such withdrawal on— Assessment.

(i) United States leadership in the North Atlantic Treaty Organization (NATO); and

(ii) cohesion and cooperation among NATO member states.

(G) A description of options to continue confidence-building measures similar to those provided for under the Treaty with other state parties to the Treaty that are United States allies and which, if any, the United States may consider pursuing.

(H) An assessment by the Defense Intelligence Agency of the impact of such withdrawal on— Assessment.

(i) its ability to assess Russian military capabilities and the balance of forces in Europe; and

(ii) the ability of Russia to assess United States military capabilities in the United States and in Europe.

(I) A description of the means the United States will use to influence future decisions regarding certifications of new sensors, such as synthetic aperture radar sensors, under the Treaty that could pose additional risk to deployed United States military forces and assets, and an assessment of their potential effectiveness. Assessment.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex. Classified information.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

(2) OBSERVATION FLIGHT.—The term "observation flight" has the meaning given such term in Article II of the Open Skies Treaty.

(3) OPEN SKIES TREATY; TREATY.—The term "Open Skies Treaty" or "Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SEC. 1233. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

Determination.

(1) determines that a waiver is in the national security interest of the United States; and

Notification.

(2) on the date on which the waiver is invoked, submits a notification of the waiver and a justification of the reason for seeking the waiver to—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

Assessments.

SEC. 1234. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Consultation.
Classified information.

(a) REPORT REQUIRED.—Not later than June 1 of each year, the Secretary of Defense, in consultation with the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the security and military strategies and capabilities of the Russian Federation (in this section referred to as "Russia").

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An assessment of the security priorities and objectives of Russia, including those priorities and objectives that would affect the North Atlantic Treaty Organization (NATO), the Middle East, and the People's Republic of China.

(2) A description of the goals and factors shaping Russian security strategy and military strategy, including military spending and investment priorities and their alignment with the security priorities and objectives described in paragraph (1).

(3) A description of developments in Russian military doctrine and training.

(4) An assessment of the force structure of the Russian military.

(5) An assessment of the force structure and capabilities of Russian military forces stationed in each of the Arctic, Kaliningrad, and Crimea, including a description of any changes to such force structure or capabilities during the one-year period ending on the date of such report and with a particular emphasis on the anti-access and area denial capabilities of such forces.

(6) An assessment of Russian military strategy and objectives for the Arctic region.

(7) A description of the status of testing, production, deployment, and sale or transfer to other states or non-state actors of cruise missile systems by the Russian Federation.

(8) A description of Russia's current missile defense strategy and capabilities, including efforts to develop missile defense capabilities.

(9) An assessment of the tactics, techniques, and procedures used by Russia in operations in Ukraine.

(10) An assessment of Russia's diplomatic, economic, and intelligence operations in Ukraine.

Summary.

(11) A summary of all significant Russian military-to-military cooperation with foreign militaries, major training and

exercises, and foreign military deployments, including listing for each deployment the estimated number of forces deployed, the types of capabilities deployed (including any advanced weapons), the length of deployment as of such date, and, if known, any military-to-military agreement such as a basing agreement with the host nation.

(12) An assessment of the proliferation activities of Russia and Russian entities, as a supplier of materials, technologies, or expertise relating to nuclear weapons or other weapons of mass destruction or missile systems.

(13) Developments in Russia's nuclear program, including the size and state of Russia's stockpile, an analysis of the nuclear strategy and associated doctrine of Russia and of the capabilities, range, and readiness of all Russian nuclear systems and delivery methods. Analysis.

(14) A description of Russia's anti-access and area denial capabilities.

(15) A description of Russia's modernization program for its command, control, communications, computers, intelligence, surveillance, and reconnaissance program and its applications for Russia's precision guided weapons.

(16) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-Russian engagement and cooperation on security matters. Consultation.

(17) A description of Russia's asymmetric capabilities, including its strategy and efforts to develop and deploy electronic warfare, space and counterspace, and cyber warfare capabilities, including details on the number of malicious cyber incidents and associated activities against Department of Defense networks that are known or suspected to have been conducted or directed by the Government of the Russian Federation.

(18) An assessment of Russia's hybrid warfare strategy and capabilities, including—

(A) Russia's information warfare strategy and capabilities, including the use of misinformation, disinformation, and propaganda in social and traditional media;

(B) Russia's financing of political parties, think tanks, media organizations, and academic institutions;

(C) Russia's malicious cyber activities;

(D) Russia's use of coercive economic tools, including sanctions, market access, and differential pricing, especially in energy exports; and

(E) Russia's use of criminal networks and corruption to achieve political objectives.

(19) An assessment of attempts by Russia, or any foreign person acting as an agent of or on behalf of Russia, during the preceding year to knowingly disseminate Russian-supported disinformation or propaganda, through social media applications or related Internet-based means, to members of the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.

(20) The current state and summary of United States military-to-military cooperation with Russia's armed forces during the one-year period ending on the date that is one month before the date of submission of the report, including a summary of topics discussed. Summary. Time period.

Time period.

(21) A description of any military-to-military cooperation planned for the 12-month period beginning on the date of submission of the report and an assessment by the Secretary of Defense of the benefits the Department of Defense expects to gain from such military-to-military cooperation as well as any concerns regarding such cooperation.

(22) A description of changes to United States policy on military-to-military contacts with Russia resulting from Russia's annexation of Crimea.

(23) A description and assessment of efforts by the Russian Federation and associated agents, entities, and proxies to support or encourage attacks against Armed Forces and personnel of the United States engaged in named contingency operations or combat.

(24) Other military and security developments involving Russia that the Secretary of Defense considers relevant to United States national security.

List. Notifications.

(c) NONDUPLICATION.—If any information required under subsection (b) has been included in another report or notification previously submitted to Congress as required by law, the Secretary of Defense may provide a list of such reports and notifications at the time of submitting the report required by subsection (a) in lieu of including such information in the report required by subsection (a).

Web posting.

(d) PUBLISHING REQUIREMENT.—Upon submission of the report required under subsection (a) in both classified and unclassified form, the Secretary of Defense shall publish the unclassified form on the website of the Department of Defense.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(f) REPEAL.—Section 1245 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566) is hereby repealed.

(g) SUNSET.—This section shall terminate on January 31, 2026.

SEC. 1235. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "50 percent of the funds available for fiscal year 2020 pursuant to subsection (f)(5)" and inserting "50 percent of the funds available for fiscal year 2021 pursuant to subsection (f)(6)";

(B) in paragraph (2)(B)—

(i) in clause (iv), by striking "; and" at the end and inserting a semicolon;

(ii) in clause (v), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(vi) transformation of command and control structures and roles in line with North Atlantic Treaty Organization principles; and

"(vii) improvement of human resources management, including to support career management reforms, enhanced social support to military personnel and their families, and professional military education systems.";

(C) in paragraph (3), by striking "fiscal year 2020" and inserting "fiscal year 2021"; and

(D) in paragraph (5) to read as follows:

"(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2021 pursuant to subsection (f)(6), $75,000,000 shall be available only for lethal assistance described in paragraphs (2), (3), (11), (12), (13), and (14) of subsection (b).";

(2) in subsection (f), by adding at the end the following: "(6) For fiscal year 2021, $250,000,000."; and

(3) in subsection (h), by striking "December 31, 2022" and inserting "December 31, 2023".

SEC. 1236. REPORT ON CAPABILITY AND CAPACITY REQUIREMENTS OF MILITARY FORCES OF UKRAINE AND RESOURCE PLAN FOR SECURITY ASSISTANCE.

Assessments.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the capability and capacity requirements of the military forces of the Government of Ukraine, which shall include the following:

(1) An identification of the capability gaps and capacity shortfalls of the military of Ukraine, including—

(A) an assessment of the requirements of the Ukrainian navy to accomplish its assigned missions; and

(B) an assessment of the requirements of the Ukrainian air force to accomplish its assigned missions.

(2) An assessment of the relative priority assigned by the Government of Ukraine to addressing such capability gaps and capacity shortfalls.

(3) An assessment of the capability gaps and capacity shortfalls that—

(A) could be addressed in a sufficient and timely manner by unilateral efforts of the Government of Ukraine; or

(B) are unlikely to be addressed in a sufficient and timely manner solely through unilateral efforts.

(4) An assessment of the capability gaps and capacity shortfalls described in paragraph (3)(B) that could be addressed in a sufficient and timely manner by—

(A) the Ukraine Security Assistance Initiative of the Department of Defense;

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code;

(C) the Foreign Military Financing and Foreign Military Sales programs of the Department of State; or

(D) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(5) An assessment of the human resource requirements of the Office of Defense Cooperation at the United States Embassy in Kyiv and any gaps in its capacity to transfer and facilitate security assistance to Ukraine.

Recommendations.

(6) Any recommendations the Secretaries deem appropriate concerning coordination of security assistance efforts of the Department of Defense and Department of State with respect to Ukraine.

Deadline.

(b) RESOURCE PLAN.—Not later than February 15, 2022, the Secretary of State and Secretary of Defense shall jointly submit to the appropriate committees of Congress a report on resourcing United States security assistance with respect to Ukraine, which shall include the following:

Time periods.

(1) A plan to resource the following initiatives and programs with respect to Ukraine in fiscal year 2023 and the four succeeding fiscal years to assist Ukraine in meeting the most critical capability gaps and capacity shortfalls of the military forces of Ukraine:

(A) The Ukraine Security Assistance Initiative of the Department of Defense.

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code.

(C) The Foreign Military Financing and Foreign Military Sales programs of the Department of State.

(D) The provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(2) With respect to the Ukrainian navy:

(A) A capability development plan, with milestones, describing the manner in which the United States will assist the Government of Ukraine in meeting the requirements described in subsection (a)(1)(A).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the Ukrainian navy, while maintaining interoperability with United States platforms to the extent feasible.

(C) A plan to prioritize Excess Defense Articles for the Ukrainian navy to the maximum extent practicable during the time period described in paragraph (1).

(D) An assessment of the extent to which United States security assistance to the Ukrainian navy is in the national security interests of the United States.

(3) With respect to the Ukrainian air force—

(A) a capability development plan, with milestones, detailing how the United States will assist the Government of Ukraine in meeting the requirements described in subsection (a)(1)(B);

(B) a plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the Ukrainian air force, while maintaining interoperability with United States platforms to the extent feasible;

(C) a plan to prioritize excess defense articles for the Ukraine air force to the maximum extent practicable during the time period described in paragraph (1);

(D) an assessment of the extent to which United States security assistance to the Ukrainian air force is in the national security interests of the United States.

(4) An assessment of the progress on defense institutional reforms in Ukraine, including in the Ukrainian navy and air force, in the time period described in paragraph (1) that will be essential for—

(A) enabling effective use and sustainment of capabilities developed under security assistance authorities described in this section;

(B) enhancing the defense of Ukraine's sovereignty and territorial integrity;

(C) achieving the Government of Ukraine's stated goal of meeting NATO standards; and

(D) allowing Ukraine to achieve its full potential as a strategic partner of the United States.

(c) FORM.—The report required under subsection (a) and the resource plan required under subsection (b) shall each be submitted in a classified form with an unclassified summary. Classified information.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1237. REPORT ON RUSSIAN FEDERATION SUPPORT OF RACIALLY AND ETHNICALLY MOTIVATED VIOLENT EXTREMISTS. Assessments.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the head of any other relevant Federal department or agency, shall jointly submit to the appropriate committees of Congress a report on Russian Federation support of foreign racially and ethnically motivated violent extremist groups and networks, including such support— Consultation.

(1) provided by agents and entities of the Russian Federation acting at the direction or for the benefit of the Government of the Russian Federation; and

(2) as it relates to undermining stability and security and fomenting or sustaining conflict.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of each foreign racially or ethnically motivated violent extremist group or network known to meet, or suspected of meeting, any of the following criteria: List. Criteria.

(A) The group or network has been targeted or recruited by the security services of the Russian Federation.

(B) The group or network has received support (including training, disinformation or amplification on social media platforms, financial support, and any other support) from the Russian Federation or an agent or entity of the Russian Federation acting at the direction or for the benefit of the Government of the Russian Federation.

(C) The group has leadership or a base of operations located within the Russian Federation and operates or maintains a chapter or network of the group outside the Russian Federation.

(2) For each such group or network—

(A) an overview of the membership, ideology, and activities;

(B) a description of the leadership, plans, intentions, and capabilities;

(C) a description of the composition and characteristics, including an assessment whether and to what extent the members of the group or network are also part of a military, security service, or police force;

(D) a description of financing and other forms of material support received from the Russian Federation;

(E) an assessment whether and to what extent the group or network is engaged in or facilitating military or paramilitary training;

(F) an assessment of trends and patterns relating to communications, travel, and training carried out between such group or network and the Russian Federation; and

(G) an opportunity analysis with respect to mitigating and disrupting the transnational nexus between such group or network and the Russian Federation.

(3) An assessment of the manner in which Russian Federation support of such groups or networks aligns with the strategic interests of the Russian Federation with respect to geopolitical competition.

(4) An assessment of the impact and role of such groups or networks in destabilizing or influencing conflict zones or regional tensions, including by—

(A) assisting Russian Federation-backed separatist forces in the Donbas region of Ukraine;

(B) destabilizing security on the Crimean peninsula of Ukraine;

(C) undermining stability and security in the Balkans; or

(D) threatening the support for the North Atlantic Treaty Organization in Southeastern Europe.

(5) A description of any relationship or affiliation between such groups or networks and ultranationalist or extremist political parties within or outside the Russian Federation, and an assessment of the manner in which the Russian Federation may use such a relationship or affiliation to advance the strategic interests of the Russian Federation.

(6) A description of the use by the Russian Federation of social media platforms to support or amplify the presence or messaging of such groups or networks outside of the Russian Federation, and an assessment of efforts by the United States, partners, and allies to counter such support or amplification.

(7) An assessment of the nature and extent of the threat that Russian Federation support of such groups or networks poses to United States counterterrorism efforts and other national security interests.

Recommendations.

(8) Recommendations, consistent with a whole-of-government approach to countering Russian Federation information warfare and malign influence operations—

(A) to mitigate the security threat posed by such groups or networks; or

(B) to reduce or counter Russian Federation support for such groups or networks.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex. Classified information.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1238. AUTHORIZATION OF REWARDS FOR PROVIDING INFORMATION ON FOREIGN ELECTION INTERFERENCE.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting "foreign election interference," before "transnational organized crime";

(2) in subsection (b)—

(A) in paragraph (5), by striking "or (10)" and inserting "(10), or (13)";

(B) in paragraph (11), by striking "or" after the semicolon at the end;

(C) in paragraph (12)—

(i) by striking "sections" and inserting "section";

(ii) by striking "or (b)(1)" and inserting "or 2914(b)(1)"; and

(iii) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new paragraph:

"(13) the identification or location of a foreign person that knowingly engaged or is engaging in foreign election interference."; and

(3) in subsection (k)—

(A) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively;

(B) by inserting after paragraph (2) the following new paragraphs:

"(3) FOREIGN PERSON.—The term 'foreign person' means—

"(A) an individual who is not a United States person; or

"(B) a foreign entity.

"(4) FOREIGN ELECTION INTERFERENCE.—The term 'foreign election interference' means conduct by a foreign person that—

"(A)(i) violates Federal criminal, voting rights, or campaign finance law; or

"(ii) is performed by any person acting as an agent of or on behalf of, or in coordination with, a foreign government or criminal enterprise; and

"(B) includes any covert, fraudulent, deceptive, or unlawful act or attempted act, or knowing use of information acquired by theft, undertaken with the specific intent to significantly influence voters, undermine public confidence in election processes or institutions, or influence,

undermine confidence in, or alter the result or reported result of, a general or primary Federal, State, or local election or caucus, including—

"(i) the campaign of a candidate; or

"(ii) a ballot measure, including an amendment, a bond issue, an initiative, a recall, a referral, or a referendum."; and

(C) in paragraph (10), as so redesignated, in subparagraph (A), by striking "and" after the semicolon and inserting "or".

Subtitle E—Matters Relating to Europe and NATO

22 USC 9525 note.

SEC. 1241. DETERMINATION AND IMPOSITION OF SANCTIONS WITH RESPECT TO TURKEY'S ACQUISITION OF THE S–400 AIR DEFENSE SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interest of the United States—

(1) to deter aggression against North Atlantic Treaty Organization (NATO) allies by the Russian Federation or any other adversary;

(2) to continue to work with NATO allies to ensure they meet their alliance defense commitments, including through adequate and efficient investments in national defense;

(3) to work to maintain and strengthen the democratic institutions and practices of all NATO allies, in accordance with the goals of Article 2 of the North Atlantic Treaty;

(4) to ensure that Turkey remains a critical NATO ally and important military partner for the United States, contributing to key NATO and United States missions and providing support for United States military operations and logistics needs;

(5) to assist NATO allies in acquiring and deploying modern, NATO-interoperable military equipment and reducing their dependence on Russian or former Soviet-era defense articles;

(6) to promote opportunities to strengthen the capacity of NATO member states to counter Russian malign influence; and

(7) to enforce fully the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.), including by imposing sanctions with respect to any person that the President determines knowingly engages in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as described in section 231 of that Act (22 U.S.C. 9525).

(b) DETERMINATION.—The acquisition by the Government of Turkey of the S–400 air defense system from the Russian Federation beginning on July 12, 2019, constitutes a significant transaction as described in section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525).

Deadline. President.

(c) IMPOSITION OF SANCTIONS.—Not later than 30 days after the date of the enactment of this Act, the President shall impose

five or more of the sanctions described in section 235 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9529) with respect to each person that knowingly engaged in the acquisition of the S-400 air defense system referred to in subsection (b).

(d) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term "good" means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(e) TERMINATION.—On and after the date that is one year after the date on which the President imposes sanctions under subsection (c) with respect to a person, the President may terminate the application of such sanctions with respect to that person if the President submits to the appropriate congressional committees a certification that— President. Certification.

(1) the Government of Turkey and any person acting on its behalf no longer possesses the S–400 air defense system or a successor system;

(2) no S-400 air defense system or successor system is operated or maintained inside Turkey by nationals of the Russian Federation or persons acting on behalf of the Government of the Russian Federation or the defense sector of the Russian Federation; and

(3) the President has received reliable assurances from the Government of Turkey that the Government of Turkey will not knowingly engage, or allow any foreign person to engage on its behalf, in pursuing any activity subject to sanctions under section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525) to reacquire the S-400 air defense system or a successor system.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 1242. CLARIFICATION AND EXPANSION OF SANCTIONS RELATING TO CONSTRUCTION OF NORD STREAM 2 OR TURKSTREAM PIPELINE PROJECTS.

(a) IN GENERAL.—Subsection (a)(1) of section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 133 Stat. 2300; 22 U.S.C. 9526 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "or pipe-laying activities" after "pipe-laying"; and

(B) by striking "; and" and inserting a semicolon;

(2) in subparagraph (B)—

(A) in clause (i)—

(i) by inserting ", or facilitated selling, leasing, or providing," after "provided"; and

(ii) by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) provided for those vessels underwriting services or insurance or reinsurance necessary or essential for the completion of such a project;

"(iv) provided services or facilities for technology upgrades or installation of welding equipment for, or retrofitting or tethering of, those vessels if the services or facilities are necessary or essential for the completion of such a project; or

"(v) provided services for the testing, inspection, or certification necessary or essential for the completion or operation of the Nord Stream 2 pipeline; and"; and

(3) by adding at the end the following:

"(C) the consultations carried out pursuant to subsection (i) and describes the nature of the consultations and any concerns raised by the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union.".

(b) EXCEPTION.—Subsection (e) of such section is amended by adding at the end the following:

"(6) EXCEPTION FOR CERTAIN GOVERNMENTS AND GOVERNMENTAL ENTITIES.—Sanctions under this section shall not apply with respect to—

"(A) the European Union;

"(B) the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union; or

"(C) any entity of the European Union or a government described in subparagraph (B) that is not operating as a business enterprise.".

(c) WAIVER.—Subsection (f) of such section is amended to read as follows:

President. "(f) NATIONAL INTEREST WAIVER.—The President may waive the application of sanctions under this section with respect to a person if the President—

Determination. "(1) determines that the waiver is in the national interests of the United States; and

Reports. "(2) submits to the appropriate congressional committees a report on the waiver and the reasons for the waiver.".

(d) CONSULTATIONS; REPORT.—Such section is further amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (h) the following:

"(i) CONSULTATIONS.—Before imposing sanctions under this section, the Secretary of State shall consult with the relevant governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union with respect to the imposition of such sanctions.

Consultation. "(j) REPORT ON IMPACT OF SANCTIONS.—Not later than one year after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and annually thereafter until all sanctions imposed under this section have terminated under subsection (h), the Secretary

of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report detailing the impact of the imposition of sanctions under this section that includes information on—

"(1) whether the goals of the sanctions have been met;

"(2) the diplomatic impact of the sanctions, including on relationships with the governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union; and

"(3) the economic impact of the sanctions, including the impact on United States persons.".

(e) DEFINITIONS.—Subsection (k) of such section, as redesignated by subsection (b), is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) PIPE-LAYING ACTIVITIES.—The term 'pipe-laying activities' means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, backfilling, stringing, bending, welding, coating, and lowering of pipe.".

(f) WIND-DOWN PERIOD.—The President may not impose sanctions with respect to a person identified in the first report submitted under section 7503(a) of the Protecting Europe's Energy Security Act of 2019, as amended by this section, after the date of the enactment of this Act for operations subject to sanctions by reason of the amendments made by this section if the President certifies in that report that the person has, not later than 30 days after such date of enactment, engaged in good faith efforts to wind down such operations.

President. Certification. Deadline. 22 USC 9526 note.

SEC. 1243. EXTENSION OF AUTHORITY FOR TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended—

(1) in the first sentence, by striking "December 31, 2021" and inserting "December 31, 2023"; and

(2) in the second sentence, by striking "the period beginning on October 1, 2015, and ending on December 31, 2021" and inserting "the period beginning on October 1, 2015, and ending on December 31, 2023".

SEC. 1244. SENSE OF CONGRESS ON SUPPORT FOR THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of Congress that—

(1) the success of the North Atlantic Treaty Organization (NATO) is critical to achieving United States national security objectives in Europe and around the world;

(2) NATO remains the strongest and most successful military alliance in the world, founded on a commitment by its members to uphold the principles of democracy, individual liberty, and the rule of law, and its contributions to the collective defense are indispensable to the security, prosperity, and freedom of its members;

(3) the United States reaffirms its ironclad commitment to NATO as the foundation of transatlantic security and to uphold its obligations under the North Atlantic Treaty, including Article 5 of the Treaty;

(4) the 2018 National Defense Strategy identifies long-term strategic competition with Russia as a principal priority and highlights the essential role that a strong NATO alliance must play in implementing that strategy and addressing shared security concerns;

(5) the United States should deepen defense cooperation with non-NATO European partners, reaffirm the open-door policy of NATO, and encourage security sector cooperation between NATO and non-NATO defense partners that complements and strengthens collective defense, interoperability, and allies' commitment to Article 3 of the North Atlantic Treaty;

(6) bolstering NATO cohesion and enhancing security relationships with non-NATO European partners to counter Russian aggression, including Russia's use of hybrid warfare tactics and its willingness to use military power to alter the status quo, strengthens the United States security interests for the long-term strategic competition;

(7) the continued prioritization of funding for the European Deterrence Initiative, including for purposes of strengthening allied and partner capability and power projection along the eastern flank of NATO, remains critically important;

(8) the United States and NATO should continue to cooperate on other major shared challenges, such as the COVID-19 pandemic; and

(9) the policy of the United States should be to work with its NATO and other allies and partners to build permanent mechanisms to strengthen supply chains, enhance supply chain security, fill supply chain gaps, and maintain commitments made at the June 2020 NATO Defense Ministerial, particularly regarding pandemic response preparations.

SEC. 1245. LIMITATION ON UNITED STATES FORCE STRUCTURE REDUCTIONS IN GERMANY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Republic of Germany continues to be a strong ally within the North Atlantic Treaty Organization (NATO) and a critical ally of the United States;

(2) the presence of the United States Armed Forces in Germany serves as a strong deterrent to Russian Federation military aggression and expansion in Europe and as an essential support platform for carrying out vital national security engagements in the Middle East, Africa, and Afghanistan;

(3) the presence of approximately 34,500 members of the United States Armed Forces deployed to Germany, and the ability to increase that level as necessary in response to global security challenges, is essential to supporting NATO's operations and its collective deterrence against threats;

(4) reducing the number of members of the United States Armed Forces in Germany during a time of growing threats in Europe would constitute a grave strategic mistake that would undermine United States national security interests and weaken NATO; and

(5) the United States should continue—

(A) to maintain and strengthen its bilateral relationship with Germany; and

(B) to maintain a robust military presence in Germany so as to deter aggression against the United States and its allies and partners.

(b) LIMITATION.—The Secretary of Defense may not reduce the total number of members of the Armed Forces serving on active duty who are stationed in the Federal Republic of Germany below 34,500 until 120 days after the date on which the Secretary, in consultation with the heads of other relevant Federal departments and agencies, submits to the appropriate congressional committees a written assessment that contains the following: Deadline. Assessment. Analyses.

(1) An analysis of whether the reduction in the total number of Armed Forces serving on active duty who are stationed in Germany would be in the national security interest of the United States and would not detract from United States military posture and alignment in the European theater.

(2) An analysis of the impact of such a reduction on the security of the United States as well as the security of allies and partners of the United States in Europe.

(3) An analysis of the impact of such a reduction on the deterrence and defense posture of the North Atlantic Treaty Organization (NATO).

(4) An analysis of the impact of such a reduction on the ability of the Armed Forces to execute contingency plans of the Department of Defense, including ongoing operations executed by United States Central Command and United States Africa Command.

(5) An analysis of the impact of such a reduction on military families or additional costs for relocation of associated infrastructure.

(6) An analysis of the impact of such a reduction on military training and major military exercises, including on interoperability and joint activities with allies and partners.

(7) A description of the consultations made with United States allies and partners in Europe, including a description of the consultations with each member of NATO, regarding such a reduction.

(8) A description of the capabilities that would be impacted in Germany and any actions designed to mitigate such a reduction.

(9) A detailed description of the requirements for the Department of Defense to effectuate any relocation and redeployment of members of the Armed Forces from Germany and associated relocation of military families.

(10) A detailed analysis of the impact of the reduction and redeployment of military capabilities on the ability of the United States to meet commitments under the North Atlantic Treaty as well as the ability to support operations in the Middle East and Africa.

(11) A detailed analysis of the impact of such reduction and redeployment on the implementation of the National Defense Strategy and on Joint Force Planning.

(12) A detailed analysis of the cost implications of such a reduction and redeployment, to include the cost of any associated new facilities to be constructed or existing facilities to be renovated at the location to which the members of the Armed Forces are to be moved and stationed and the costs associated with rotational deployments.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(d) SUNSET.—The limitation in subsection (b) shall terminate on September 30, 2021.

SEC. 1246. REPORT ON UNITED STATES MILITARY FORCE POSTURE IN SOUTHEASTERN EUROPE.

Consultation.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of United States European Command, shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States military force posture in the Southeastern Europe region, including the Eastern Mediterranean and Black Sea.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

Assessments.

(1) A description and assessment of the strategic significance of Russia's and China's military posture and activities in the region.

(2) A description of the current presence, including the permanently stationed, rotational, and continuous rotational presence, and any agreements in place governing United States Armed Forces in the region.

(3) An assessment of the strategic and operational significance of the Eastern Mediterranean and Black Sea for contingency plans of the Department of Defense.

(4) An assessment of United States military force posture needs in the region to implement the Department of Defense Black Sea strategy in accordance with the provisions of the Report of the Committee on Armed Services of the House of Representatives to Accompany H.R. 2500 (116th Congress; House Report 116-120).

(5) An assessment of the value, cost, and feasibility of increasing permanently stationed or rotational deployments of the United States Armed Forces in the region, to include assessments of posture in Greece, Romania, Bulgaria, and other relevant locations, and an assessment of available infrastructure and any infrastructure improvements that would be necessary to support such an increase.

Classified information.

(c) FORM.—The report required by subsection (a) shall be submitted in a classified form and include an unclassified summary.

SEC. 1247. SENSE OF CONGRESS ON SUPPORT FOR COORDINATED ACTION TO ENSURE THE SECURITY OF BALTIC ALLIES.

It is the sense of Congress that—

(1) maintaining the security of the Baltic states of Estonia, Latvia, and Lithuania is critical to achieving United States national security objectives;

(2) the Baltic states play a crucial role in strategic efforts to deter Russia, maintain the collective security of the North Atlantic Treaty Organization (NATO) alliance, and strengthen bilateral and multilateral defense; and

(3) the United States should continue to pursue efforts consistent with a comprehensive, multilateral assessment of the military requirements of the Baltic states focused on security sector assistance, coordination, and planning designed to ensure the security of the Baltic states and address current and future security challenges.

SEC. 1248. SENSE OF CONGRESS ON THE ROLE OF THE KOSOVO FORCE OF THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of Congress that—

(1) the Kosovo Force of the North Atlantic Treaty Organization continues to play an indispensable role in maintaining security and stability in the Western Balkans, which are the essential predicates for the success of diplomatic efforts between Kosovo and Serbia;

(2) the participation of the United States Armed Forces in the Kosovo Force is foundational to the credibility and success of mission of the Kosovo Force;

(3) with the North Atlantic Treaty Organization allies and other European partners contributing over 80 percent of the troops for the mission, the Kosovo Force is a primary example of the long-term benefits of burden sharing to United States national security interests; and

(4) together with the allies and partners of the United States, the United States should—

(A) maintain its commitment to the Kosovo Force;

(B) take all appropriate steps to ensure that the Kosovo Force has the necessary personnel, capabilities, and resources to perform its critical mission; and

(C) continue to support the gradual transition of the Kosovo Security Force to a multi-ethnic army for the Republic of Kosovo that is interoperable with North Atlantic Treaty Organization members through an inclusive and transparent process that—

(i) respects the rights and concerns of all citizens of Kosovo;

(ii) promotes regional security and stability; and

(iii) supports the aspirations of Kosovo for full Euro-Atlantic integration.

Subtitle F—Matters Relating to the Indo-Pacific Region

SEC. 1251. PACIFIC DETERRENCE INITIATIVE.

10 USC 113 note.

(a) IN GENERAL.—The Secretary of Defense shall establish an initiative, to be known as the "Pacific Deterrence Initiative" (in this section referred to as the "Initiative"), to carry out prioritized activities to enhance the United States deterrence and defense posture in the Indo-Pacific region, assure allies and partners, and increase capability and readiness in the Indo-Pacific region.

(b) PURPOSE.—The Initiative required under subsection (a) shall carry out the following prioritized activities to improve the design and posture of the joint force in the Indo-Pacific region, primarily west of the International Date Line:

(1) Modernize and strengthen the presence of the United States Armed Forces, including those with advanced capabilities.

(2) Improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel.

(3) Carry out a program of exercises, training, experimentation, and innovation for the joint force.

(4) Improve infrastructure to enhance the responsiveness and resiliency of the United States Armed Forces.

(5) Build the defense and security capabilities, capacity, and cooperation of allies and partners.

(c) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of Defense for fiscal year 2021, $2,234,958,000 is authorized to be made available to carry out the Initiative required under subsection (a), as specified in the funding tables in division D of this Act.

Deadline.

(d) PLAN REQUIRED.—Not later than February 15, 2021, and annually thereafter, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report on future year activities and resources for the Initiative that includes the following:

(1) A description of the activities and resources for the first fiscal year beginning after the date of submission of the report and the plan for not fewer than the four following fiscal years, organized by the activities described in paragraphs (1) through (5) of subsection (b).

Summary.

(2) A summary of progress made towards achieving the purposes of the Initiative.

Summary.

(3) A summary of the activity, resource, capability, infrastructure, and logistics requirements necessary to achieve measurable progress in reducing risk to the joint force's ability to achieve objectives in the region, including through investments in—

(A) active and passive defenses against unmanned aerial systems and theater cruise, ballistic, and hypersonic missiles;

(B) advanced long-range precision strike systems;

(C) command, control, communications, computers, intelligence, surveillance, and reconnaissance systems;

(D) test range capacity, capability, and coordination;

(E) dispersed, resilient, and adaptive basing to support distributed operations, including expeditionary airfields and ports;

(F) advanced critical munitions;

(G) pre-positioned forward stocks of fuel, munitions, equipment, and materiel;

(H) distributed logistics and maintenance capabilities;

(I) strategic mobility assets;

(J) improved interoperability and information sharing with allies and partners;

(K) information operations capabilities;

(L) bilateral and multilateral military exercises and training with allies and partners; and

(M) use of security cooperation authorities to further build partner capacity.

(4) A detailed timeline to achieve the requirements identified under paragraph (3).

(5) A detailed explanation of any significant modifications to such requirements, as compared to plans previously submitted under this subsection.

(6) Any other matter, as determined by the Secretary. Determination.

(e) BUDGET DISPLAY INFORMATION.—The Secretary shall include a detailed budget display for the Initiative in the materials of the Department of Defense in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter that includes the following information:

(1) The resources necessary for the Initiative to carry out the activities required under subsection (b) for the applicable fiscal year and not fewer than the four following fiscal years, organized by the activities described in paragraphs (1) through (5) of that subsection.

(2) With respect to procurement accounts—

(A) amounts displayed by account, budget activity, line number, line item, and line item title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(3) With respect to research, development, test, and evaluation accounts—

(A) amounts displayed by account, budget activity, line number, program element, and program element title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(4) With respect to operation and maintenance accounts—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(5) With respect to military personnel accounts—

(A) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(B) a description of the requirements for such amounts specific to the Initiative.

(6) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

(7) With respect to the activities described in subsection (b)—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(8) With respect to each military service—

(A) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(B) a description of the specific manner in which such amounts will be used.

(9) With respect to the amounts described in each of paragraphs (2)(A), (3)(A), (4)(A), (5)(A), (6), (7)(A), and (8)(A), a comparison between—

(A) the amount in the budget of the President for the following fiscal year;

(B) the amount projected in the previous budget of the President for the following fiscal year;

(C) a detailed summary of funds obligated for the Initiative during the preceding fiscal year; and

(D) a detailed comparison of funds obligated for the Initiative during the previous fiscal year to the amount of funds requested for such fiscal year.

Deadline.

(f) BRIEFINGS REQUIRED.—Not later than March 1, 2021, and annually thereafter, the Secretary shall provide to the congressional defense committees a briefing on the budget proposal and programs, including the budget display information for the applicable fiscal year required by subsection (e).

(g) REPEAL.—Section 1251 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1676), as most recently amended by section 1253 of the John S. McCain National Defense Authorization Act for fiscal year 2019 (Public Law 115–232; 132 Stat. 2054), is repealed.

SEC. 1252. EXTENSION AND MODIFICATION OF PROHIBITION ON COMMERCIAL EXPORT OF CERTAIN COVERED MUNITIONS ITEMS TO THE HONG KONG POLICE FORCE.

(a) IN GENERAL.—The Act entitled "An Act to prohibit the commercial export of covered munitions items to the Hong Kong Police Force", approved November 27, 2019 (Public Law 116–77; 133 Stat. 1173), is amended—

(1) by amending the title to read as follows: "An Act to prohibit the commercial export of covered munitions and crime control items to the Hong Kong Police Force.";

(2) in section 1(2)—

(A) by amending the paragraph heading to read as follows: "COVERED MUNITIONS AND CRIME CONTROL ITEMS "; and

(B) by striking "covered munitions items" and inserting "covered munitions and crime control items";

(3) in section 2—

(A) in the section heading, by striking "**COVERED MUNITIONS ITEMS**" and inserting "**COVERED MUNITIONS AND CRIME CONTROL ITEMS**"; and

(B) in subsection (a), by striking "covered munitions items" and inserting "covered munitions and crime control items"; and

(4) in section 3, by striking "one year after the date of the enactment of this Act" and inserting "on December 31, 2021".

(b) TECHNICAL CORRECTIONS TO THE HONG KONG AUTONOMY ACT.—The Hong Kong Autonomy Act of 2020 (Public Law 116–149; 134 Stat. 663) is amended—

(1) in section 2(10), by striking "The" and inserting "Except as otherwise specifically provided, the"; and

(2) in section 7(b)(7), by inserting "by any person (as defined in section 4801(8) of title 50, United States Code)" after "(in country)".

SEC. 1253. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) TRANSFER AUTHORITY.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency

for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) LIMITATION ON AMOUNT.—Not more than $15,000,000 may be transferred in fiscal year 2021 under the transfer authority in subsection (a).

(c) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority in subsection (a) is in addition to any other transfer authority available to the Department of Defense.

(d) NOTICE ON EXERCISE OF AUTHORITY.—If the Secretary of Defense determines to use the transfer authority in subsection (a), the Secretary shall notify the congressional defense committee of that determination not later than 30 days before the Secretary uses the transfer authority. Determination. Deadline.

SEC. 1254. COOPERATIVE PROGRAM WITH VIETNAM TO ACCOUNT FOR VIETNAMESE PERSONNEL MISSING IN ACTION. 10 USC 113 note.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, is authorized to carry out a cooperative program with the Ministry of Defense of Vietnam to assist in accounting for Vietnamese personnel missing in action. Coordination.

(b) PURPOSE.—The purpose of the cooperative program under subsection (a) is to carry out the following activities:

(1) Collection, digitization, and sharing of archival information.

(2) Building the capacity of Vietnam to conduct archival research, investigations, and excavations.

(3) Improving DNA analysis capacity.

(4) Increasing veteran-to-veteran exchanges.

(5) Other support activities the Secretary of Defense considers necessary and appropriate.

SEC. 1255. SENSE OF CONGRESS ON THE UNITED STATES-VIETNAM DEFENSE RELATIONSHIP.

In commemoration of the 25th anniversary of the normalization of diplomatic relations between the United States and Vietnam, Congress—

(1) welcomes the historic progress and achievements in United States-Vietnam relations over the last 25 years;

(2) commends the commitment of Vietnam to resolve international disputes through peaceful means on the basis of international law;

(3) congratulates Vietnam on its chairmanship of the Association of Southeast Asian Nations and its election as a nonpermanent member of the United Nations Security Council, both of which symbolize the positive leadership role of Vietnam in regional and global affairs;

(4) affirms the commitment of the United States—

(A) to respect the independence and sovereignty of Vietnam; and

(B) to establish and promote friendly relations and to work together on an equal footing for mutual benefit with Vietnam;

(5) encourages the United States and Vietnam to elevate their comprehensive partnership to a strategic partnership based on mutual understanding, shared interests, and a common desire to promote peace, cooperation, prosperity, and security in the Indo-Pacific region;

(6) affirms the commitment of the United States to continue to address war legacy issues, including through dioxin remediation, unexploded ordnance removal, accounting for prisoners of war and soldiers missing in action, and other activities; and

(7) supports deepening defense cooperation between the United States and Vietnam, in support of United States interests and international law, including with respect to maritime security, cybersecurity, counterterrorism, information sharing, human rights, humanitarian assistance and disaster relief, military medicine, peacekeeping operations, defense trade, and other areas.

10 USC 333 note.

SEC. 1256. PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH VIETNAM, THAILAND, AND INDONESIA.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may establish, using existing authorities of the Department of Defense, a pilot program in Vietnam, Thailand, and Indonesia—

(1) to enhance the cyber security, resilience, and readiness of the military forces of Vietnam, Thailand, and Indonesia; and

(2) to increase regional cooperation between the United States and Vietnam, Thailand, and Indonesia on cyber issues.

(b) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

(1) Provision of training to military officers and civilian officials in the ministries of defense of Vietnam, Thailand, and Indonesia.

(2) The facilitation of regular dialogues and trainings among the Department of Defense and the ministries of defense of Vietnam, Thailand, and Indonesia with respect to the development of infrastructure to protect against foreign cyber attacks.

(3) To undertake, as part of cyber cooperation, training that includes curricula expressly relating to human rights, the rule of law, and internet freedom.

(c) REPORTS.—

Deadline.

(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2021, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on the design of the pilot program under subsection (a).

Assessments.

(2) PROGRESS REPORT.—Not later than December 31, 2021, and annually thereafter until the date on which the pilot program terminates under subsection (e), the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a report on the pilot program that includes—

(A) a description of the activities conducted and the results of such activities;

(B) an assessment of reforms relevant to cybersecurity and technology in enhancing the cyber security, resilience, and readiness of the military forces of Vietnam, Thailand, and Indonesia;

(C) an assessment of the effectiveness of curricula relating to human rights, the rule of law, and internet freedom; and

(D) the content and curriculum of any program made available to participants of such program.

(d) CERTIFICATION.—Not later than 30 days before the date on which the pilot program under subsection (a) is scheduled to commence, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress a certification indicating whether such program would credibly enable, enhance, or facilitate violations of internet freedom or other human rights abuses in Vietnam, Indonesia, or Thailand. Deadline.

(e) TERMINATION.—The pilot program under subsection (a) shall terminate on December 31, 2024.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1257. REPORT ON THE COSTS MOST DIRECTLY ASSOCIATED WITH THE STATIONING OF THE ARMED FORCES IN JAPAN.

(a) IN GENERAL.—Not later than February 1, 2021, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report on the costs most directly associated with the stationing of United States forces in Japan that are the subject of the current Special Measures Agreement negotiations between the United States Government and the Government of Japan. The report shall include— Consultation.

(1) a description of each category of costs, including labor, utilities, training relocation, and any other categories the Secretary determines appropriate, that are most directly associated with the stationing of the Armed Forces in Japan;

(2) a detailed description of which of the costs most directly associated with the stationing of the Armed Forces in Japan are incurred in Japan and which such costs are incurred outside of Japan;

(3) a description of each category of contributions made by the Government of Japan that allay the costs to United States of stationing the Armed Forces in Japan, as well as the corresponding description of each category of costs incurred by the United States Government;

(4) the benefits to United States national security and regional security derived from the forward presence of the Armed Forces in Japan;

(5) the impacts to the national security of the United States, the security of Japan, and peace and stability in the Indo-Pacific region, if a new Special Measures Agreement is not reached before March 31, 2021; and

(6) any other matters the Secretary determines appropriate.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committee" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1258. LIMITATION ON USE OF FUNDS TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY WHO ARE DEPLOYED TO SOUTH KOREA.

Deadline.

None of the funds authorized to be appropriated by this Act may be used to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea below 28,500 until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees the following:

(1) Such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

(2) The Secretary has appropriately consulted with allies of the United States, including South Korea and Japan, regarding such a reduction.

50 USC 1522 note.

SEC. 1259. IMPLEMENTATION OF GAO RECOMMENDATIONS ON PREPAREDNESS OF UNITED STATES FORCES TO COUNTER NORTH KOREAN CHEMICAL AND BIOLOGICAL WEAPONS.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to address the recommendations in the U.S. Government Accountability Office's report entitled "Preparedness of U.S. Forces to Counter North Korean Chemical and Biological Weapons" (GAO–21–104C).

(2) ELEMENTS.—The plan required under paragraph (1) shall, with respect to each recommendation in the report described in paragraph (1) that the Secretary of Defense has implemented or intends to implement, include—

Summary.

(A) a summary of actions that have been or will be taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing implementation of the recommendation.

Deadline.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a).

(c) DEADLINE FOR IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall carry out activities to implement the plan developed under subsection (a).

(2) EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—

(A) DELAYED IMPLEMENTATION.—The Secretary of Defense may initiate implementation of a recommendation in the report described in subsection (a)(1) after the date specified in paragraph (1) if the Secretary provides the congressional defense committees with a specific justification for the delay in implementation of such recommendation on or before such date.

(B) NONIMPLEMENTATION.—The Secretary of Defense may decide not to implement a recommendation in the report described in subsection (a)(1) if the Secretary provides to the congressional defense committees, on or before the date specified in paragraph (1)—

(i) a specific justification for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the conditions underlying the recommendation. Summary.

SEC. 1260. STATEMENT OF POLICY AND SENSE OF CONGRESS ON THE TAIWAN RELATIONS ACT. 22 USC 3301 note.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the Six Assurances provided by the United States to Taiwan in July 1982 are the foundation for United States-Taiwan relations;

(2) to fully pursue the deepening of the extensive, close, and friendly relations of the United States and Taiwan pursuant to the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the intent of which is to facilitate greater cooperation and the broadening and deepening of United States-Taiwan relations;

(3) that the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) shall be implemented and executed, consistent with the Six Assurances, to address evolving political, security, and economic dynamics and circumstances;

(4) that, as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means, and that any effort to determine the future of Taiwan by other than peaceful means, including boycotts and embargoes, is a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

(5) that the increasingly coercive and aggressive behavior of the People's Republic of China towards Taiwan is contrary to the expectation of the peaceful resolution of the future of Taiwan; and

(6) as set forth in the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability, including by—

(A) supporting acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on capabilities that support the asymmetric defense strategy of Taiwan, including anti-ship, coastal defense,

anti-armor, air defense, undersea warfare, advanced command, control, communications, computers, intelligence, surveillance, and reconnaissance, and resilient command and control capabilities;

(B) ensuring timely review of and response to requests of Taiwan for defense articles and services;

(C) conducting practical training and military exercises with Taiwan that enable Taiwan to maintain a sufficient self-defense capability;

(D) examining the potential for expanding professional military education and technical training opportunities in the United States for military personnel of Taiwan;

(E) increasing exchanges between senior defense officials and general officers of the United States and Taiwan at the strategic, policy, and functional levels, consistent with the Taiwan Travel Act (Public Law 115–135; 132 Stat. 341), especially for the purposes of—

(i) enhancing cooperation on defense planning;

(ii) improving the interoperability of the military forces of the United States and Taiwan; and

(iii) improving the reserve force of Taiwan; and

(F) expanding cooperation in humanitarian assistance and disaster relief;

(2) the Secretary of State should ensure that any policy guidance related to United States-Taiwan relations is fully consistent with the statement of policy set forth in subsection (a);

(3) the Secretary of Defense should ensure that policy guidance related to United States-Taiwan defense relations is fully consistent with the statement of policy set forth in subsection (a); and

(4) the Secretary of State, the Secretary of Defense, and the heads of other Federal agencies and departments, as appropriate, should issue new guidance as required to carry out such policy.

SEC. 1260A. ANNUAL BRIEFING ON TAIWAN ARMS SALES.

Deadline.

(a) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, or his or her designee, shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the United States commitment to supporting Taiwan in maintaining a sufficient self-defense capability, as required by the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and affirmed in the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 3301 note).

(b) ELEMENTS.—Each briefing required by subsection (a) shall include the following:

(1) A description of United States efforts to implement section 209(b) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 3301 note) by conducting regular transfers to Taiwan of defense articles tailored to meet the existing and likely future threats from the People's Republic of China, including any effort to support Taiwan in the development and integration into its military forces of asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities.

(2) A description of the role of such transfers of defense articles and services in supporting Taiwan in maintaining the capabilities, readiness levels, and resourcing necessary to fulfill and implement Taiwan's Overall Defense Concept.

(3) A description of—

(A) United States efforts to conduct a regularized process for consideration of transfers of defense articles and services to Taiwan; and

(B) any barriers to conducting such a process.

(c) SUNSET.—This section shall cease to have effect on December 31, 2026.

SEC. 1260B. REPORT ON UNITED STATES-TAIWAN MEDICAL SECURITY PARTNERSHIP.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of establishing a medical security partnership with the Ministry of Defense of Taiwan that shall include the following: Consultation.

(1) The goals and objectives of developing a medical security partnership on issues related to pandemic preparedness and control.

(2) A discussion of current and future plans to cooperate on medical security activities.

(3) An evaluation of the feasibility of cooperating on a range of activities under the partnership, including— Evaluation.

(A) research and production of vaccines and medicines;

(B) joint conferences with scientists and experts;

(C) collaboration relating to and exchanges of medical supplies and equipment; and

(D) the use of hospital ships such as the United States Naval Ship Comfort and United States Naval Ship Mercy.

(4) Any other matters the Secretary of Defense determines appropriate.

SEC. 1260C. ESTABLISHMENT OF CAPABILITIES TO ASSESS THE DEFENSE TECHNOLOGICAL AND INDUSTRIAL BASES OF CHINA AND OTHER FOREIGN ADVERSARIES.

(a) ASSESSMENTS.—The Secretary of Defense, in coordination with the heads of other Federal departments and agencies as appropriate, shall define intelligence and other information requirements, sources, and organizational responsibilities for assessing the defense technological and industrial bases of foreign adversaries and conducting comparative analyses of such technological and industrial bases with respect to their resilience and capacity to support their strategic objectives. The requirements, sources, and responsibilities shall include— Coordination.

(1) examining the competitive military advantages of foreign adversaries, including with respect to regulation, raw materials, use of energy and other natural resources, education, labor, and capital accessibility;

(2) assessing relative cost, speed of product development, age and value of the installed capital base, leadership's technical competence and agility, nationally-imposed inhibiting conditions by foreign adversaries, the availability of human

and material resources, and reliance on the industrial base of the United States or United States allies and partners;

Evaluation.

(3) a temporal evaluation of the competitive strengths and weaknesses of United States industry, including manufacturing surge capacity, versus the directed priorities and capabilities of foreign adversary governments; and

(4) assessing any other issues that the Secretary determines appropriate.

(b) METHODOLOGY.—The Secretary of Defense shall incorporate inputs pursuant to subsection (a) as part of a methodology to continuously assess domestic and foreign defense industries, markets, and companies of significance to military and industrial advantage to identify supply chain vulnerabilities.

(c) CONDUCT OF ASSESSMENT WORK BY INDEPENDENT ORGANIZATION.—

(1) AGREEMENT AUTHORIZED.—The Secretary of Defense is authorized to enter into an agreement with an independent organization to carry out some of the assessment work required under subsections (a) and (b).

Reports.

(2) NOTIFICATION.—If the Secretary enters such an agreement, the Secretary shall, not later than March 15, 2021, provide to the congressional defense committees a report identifying the organization and describing the scope of work under the agreement.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than March 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on efforts to establish the continuous assessment activity required under subsections (a) and (b), including a notification if the Secretary engages an independent organization, pursuant to subsection (c), to prepare the report described in paragraph (2).

(2) SUBSEQUENT REPORT.—

(A) IN GENERAL.—Not later than August 1, 2021, the Secretary shall submit to the congressional defense committees a report on the first assessment required under subsections (a) and (b) with respect to the People's Republic of China.

(B) ELEMENTS.—The report required by subparagraph (A) shall include—

(i) the information described in subsection (a);

(ii) any exclusive or dominant supply of military and civilian material, raw materials, or other goods (or components thereof) essential to China's national security by the United States or United States allies and partners; and

(iii) the availability of substitutes or alternative sources for goods identified under clause (ii).

(3) INCLUSION OF INDEPENDENT ORGANIZATION'S ASSESSMENT WORK.—If the Secretary enters into an agreement with an independent organization under subsection (c), the Secretary shall include the assessment work carried out by the organization under the agreement without change, but may include comments with respect to such assessment work.

SEC. 1260D. EXTENSION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(a) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended in the first sentence by striking "January 31, 2021" and inserting "January 31, 2022".

SEC. 1260E. SENSE OF CONGRESS ON THE AGGRESSION OF THE GOVERNMENT OF CHINA ALONG THE BORDER WITH INDIA AND ITS GROWING TERRITORIAL CLAIMS.

It is the sense of Congress that—

(1) continued military aggression by the Government of China along the border with India is a significant concern;

(2) the Government of China should work with the Government of India toward de-escalating the situation along the Line of Actual Control through existing diplomatic mechanisms and refrain from attempting to settle disputes through coercion or force; and

(3) attempts by the Government of China to advance baseless territorial claims, including those in the South China Sea, the East China Sea, and with respect to Bhutan, are destabilizing and inconsistent with international law.

SEC. 1260F. ASSESSMENT OF NATIONAL CYBER STRATEGY TO DETER CHINA FROM ENGAGING IN INDUSTRIAL ESPIONAGE AND CYBER THEFT.

Deadline. President.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees an assessment of the effectiveness of the National Cyber Strategy to deter industrial espionage and large-scale cyber theft of intellectual property and personal information conducted by the People's Republic of China, People's Republic of China persons or entities, or persons or entities acting on behalf of the People's Republic of China against the United States or United States persons.

(b) MATTERS TO BE INCLUDED.—The assessment required by subsection (a) shall include the following:

(1) A discussion of United States interests in preventing such industrial espionage and cyber theft and the impact on the United States and its economy from such activities.

(2) A general discussion of—

(A) the criteria used to determine when the United States Government will seek to deter such industrial espionage and cyber theft; and

(B) the means by which the United States will seek to deter such industrial espionage and cyber theft, and demonstrate the credibility of United States resolve to defend its interests in cyberspace.

(3) An assessment of China's adherence to previous agreements related to such industrial espionage and cyber theft with the United States and applicability of international laws, including known violations.

(4) An assessment of China's actions to direct proxies, surrogates, or state-sponsored nongovernmental entities to engage in such industrial espionage or cyber theft.

Recommendations.

(5) Recommendations consistent with a whole-of-government approach to countering such industrial espionage and cyber theft.

(c) UPDATE.—

Deadline. President. Summaries.

(1) IN GENERAL.—Not later than 1 year after the date of the submission of the assessment required by subsection (a), and biennially thereafter, the President shall submit to the appropriate congressional committees an update of the assessment, including—

(A) an update on the effectiveness of the National Cyber Strategy;

(B) a summary of the lessons learned; and

(C) a summary of any planned changes or recommendations to the effectiveness or implementation of the strategy.

(2) SUNSET.—The requirement to submit the update under paragraph (1) shall terminate on December 31, 2025.

(d) FORM.—The assessment required by subsection (a) and the update required by subsection (c) shall be submitted in unclassified form.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on the Judiciary, the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Government Affairs, and the Committee on the Judiciary of the Senate.

SEC. 1260G. REPORT ON UNITED FRONT WORK DEPARTMENT.

Consultation.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees, an unclassified report, which may include a classified annex, on the national security risks posed by the United Front Work Department of the Chinese Communist Party and affiliated organizations in the United States and abroad that includes each of the following:

(1) A description of the extent to which the activities of the United Front Work Department poses a threat to the national defense and national security of the United States.

Evaluation.

(2) An evaluation of how the United Front Work Department's overseas activities support the Chinese Communist Party's strategy and goals abroad.

(3) A description of known United Front Work Department political influence operations.

(4) The strategy and capabilities of the United States Government to detect, deter, counter, and disrupt United Front Work Department influence operations and activities in the

United States and other countries, consistent with the protection of the civil rights, civil liberties, and privacy of all Americans; and

(5) An evaluation of the actions the United States Government should consider in response to the activities of the United Front Work Department in the United States and other countries. Evaluation.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1260H. PUBLIC REPORTING OF CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES. 10 USC 113 note.

(a) DETERMINATION.—The Secretary of Defense shall identify each entity the Secretary determines, based on the most recent information available, is operating directly or indirectly in the United States or any of its territories and possessions, that is a Chinese military company.

(b) REPORTING AND PUBLICATION.—

(1) ANNUAL REPORT.—Not later than April 15, 2021, and annually thereafter until December 31, 2030, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a list of each entity identified pursuant to subsection (a) to be a Chinese military company, in classified and unclassified forms, and shall include in such submission, as applicable, an explanation of any entities deleted from such list with respect to a prior list.

(2) CONCURRENT PUBLICATION.—Concurrent with the submission of each list described in paragraph (1), the Secretary shall publish the unclassified portion of such list in the Federal Register.

(3) ONGOING REVISIONS.—The Secretary shall make additions or deletions to the most recent list submitted under paragraph (1) on an ongoing basis based on the latest information available.

(c) CONSULTATION.—The Secretary may consult with the head of any appropriate Federal department or agency in making the determinations described in subsection (a) and shall transmit a copy of each list submitted under subsection (b)(1) to the heads of each appropriate Federal department and agency.

(d) DEFINITIONS.—In this section:

(1) CHINESE MILITARY COMPANY.—The term "Chinese military company"—

(A) does not include natural persons; and

(B) means an entity that is—

(i)(I) directly or indirectly owned, controlled, or beneficially owned by, or in an official or unofficial capacity acting as an agent of or on behalf of, the People's Liberation Army or any other organization

subordinate to the Central Military Commission of the Chinese Communist Party; or

(II) identified as a military-civil fusion contributor to the Chinese defense industrial base; and

(ii) engaged in providing commercial services, manufacturing, producing, or exporting.

(2) MILITARY-CIVIL FUSION CONTRIBUTOR.—The term "military-civil fusion contributor" includes any of the following:

(A) Entities knowingly receiving assistance from the Government of China or the Chinese Communist Party through science and technology efforts initiated under the Chinese military industrial planning apparatus.

(B) Entities affiliated with the Chinese Ministry of Industry and Information Technology, including research partnerships and projects.

(C) Entities receiving assistance, operational direction or policy guidance from the State Administration for Science, Technology and Industry for National Defense.

(D) Any entities or subsidiaries defined as a "defense enterprise" by the State Council of the People's Republic of China.

(E) Entities residing in or affiliated with a military-civil fusion enterprise zone or receiving assistance from the Government of China through such enterprise zone.

(F) Entities awarded with receipt of military production licenses by the Government of China, such as a Weapons and Equipment Research and Production Unit Classified Qualification Permit, Weapons and Equipment Research and Production Certificate, Weapons and Equipment Quality Management System Certificate, or Equipment Manufacturing Unit Qualification.

(G) Entities that advertise on national, provincial, and non-governmental military equipment procurement platforms in the People's Republic of China.

(H) Any other entities the Secretary determines is appropriate.

(3) PEOPLE'S LIBERATION ARMY.—The term "People's Liberation Army" means the land, naval, and air military services, the People's Armed Police, the Strategic Support Force, the Rocket Force, and any other related security element within the Government of China or the Chinese Communist Party that the Secretary determines is appropriate.

SEC. 1260I. REPORT ON DIRECTED USE OF FISHING FLEETS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the Office of Naval Intelligence shall submit to the appropriate congressional committees an unclassified report on the use of distant-water fishing fleets by foreign governments as extensions of such countries' official maritime security forces, including the manner and extent to which such fishing fleets are leveraged in support of naval operations and foreign policy more generally. The report shall also consider the threats, on a country-by-country basis, posed by such use of distant-water fishing fleets to—

(1) fishing or other vessels of the United States and partner countries;

(2) United States and partner naval and coast guard operations; and

(3) other interests of the United States and partner countries.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

Subtitle G—Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020

Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020. 22 USC 10001 note.

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020".

SEC. 1262. DEFINITIONS.

22 USC 10001.

Except as otherwise provided, in this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term "international financial institutions" means—

(A) the International Monetary Fund;

(B) the International Bank for Reconstruction and Development;

(C) the International Development Association;

(D) the International Finance Corporation;

(E) the Inter-American Development Bank;

(F) the Asian Development Bank;

(G) the Inter-American Investment Corporation;

(H) the African Development Bank;

(I) the European Bank for Reconstruction and Development;

(J) the Multilateral Investment Guaranty Agency; and

(K) any multilateral financial institution, established after the date of the enactment of this Act, that could provide financial assistance to the Government of Sudan.

(3) SOVEREIGNTY COUNCIL.—The term "Sovereignty Council" means the governing body of Sudan during the transitional period that consists of—

(A) 5 civilians selected by the Forces of Freedom and Change;

(B) 5 members selected by the Transitional Military Council; and

(C) 1 member selected by agreement between the Forces of Freedom and Change and the Transitional Military Council.

(4) SUDANESE SECURITY AND INTELLIGENCE SERVICES.—The term "Sudanese security and intelligence services" means—

(A) the Sudan Armed Forces;

(B) the Rapid Support Forces,

(C) Sudan's Popular Defense Forces and other paramilitary units;

(D) Sudan's police forces;

(E) the General Intelligence Service, previously known as the National Intelligence and Security Services; and

(F) related entities, such as Sudan's Military Industry Corporation.

(5) TRANSITIONAL PERIOD.—The term "transitional period" means the 39-month period beginning on August 17, 2019 (the date of the signing of Sudan's constitutional charter), during which—

(A) the members of the Sovereignty Council described in paragraph (3)(B) select a chair of the Council for the first 21 months of the period; and

(B) the members of the Sovereignty Council described in paragraph (3)(A) select a chair of the Council for the remaining 18 months of the period.

22 USC 10002.

SEC. 1263. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support a civilian-led political transition in Sudan that results in a democratic government, which is accountable to its people, respects and promotes human rights, is at peace internally and with its neighbors, and can be a partner for regional stability;

(2) to support the implementation of Sudan's constitutional charter for the transitional period; and

(3) to pursue a strategy of calibrated engagement with Sudan that includes—

(A) facilitating an environment for free, fair, and credible democratic elections and a pluralistic and representative political system;

(B) supporting reforms that improve transparency and accountability, remove restrictions on civil and political liberties, and strengthen the protection of human rights, including religious freedom;

(C) strengthening civilian institutions, judicial independence, and the rule of law;

(D) empowering civil society and independent media;

(E) promoting national reconciliation and enabling a just, comprehensive, and sustainable peace;

(F) promoting the role of women in government, the economy, and society, in recognition of the seminal role that women played in the social movement that ousted former president Omar al-Bashir;

(G) promoting accountability for genocide, war crimes, crimes against humanity, and sexual and gender-based violence;

(H) encouraging the development of civilian oversight over and professionalization of the Sudanese security and

intelligence services and strengthening accountability for human rights violations and abuses, corruption, or other abuses of power;

(I) promoting economic reform, private sector engagement, and inclusive economic development while combating corruption and illicit economic activity, including that which involves the Sudanese security and intelligence services;

(J) securing unfettered humanitarian access across all regions of Sudan;

(K) supporting improved development outcomes, domestic resource mobilization, and catalyzing market-based solutions to improve access to health, education, water and sanitation, and livelihoods; and

(L) promoting responsible international and regional engagement.

SEC. 1264. SUPPORT FOR DEMOCRATIC GOVERNANCE, RULE OF LAW, HUMAN RIGHTS, AND FUNDAMENTAL FREEDOMS.

22 USC 10003.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the political transition in Sudan, following several months of popular protests against the regime of Omar al-Bashir, represents an opportunity for the United States to support democracy, good governance, rule of law, human rights, and fundamental freedoms in Sudan.

(b) IN GENERAL.—Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 and the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)—

(1) to provide for democracy and governance programs that strengthen and build the capacity of representative civilian government institutions, political parties, and civil society in Sudan;

(2) to support the organization of free, fair, and credible elections in Sudan;

(3) to provide technical support for legal and policy reforms that improve transparency and accountability and protect human rights, including religious freedom, and civil liberties in Sudan;

(4) to support human rights and fundamental freedoms in Sudan, including the freedoms of—

(A) religion or belief;

(B) expression, including for members of the press;

(C) assembly; and

(D) association;

(5) to support measures to improve and increase women's participation in the political, economic, and social sectors of Sudan; and

(6) to support other related democracy, good governance, rule of law, and fundamental freedom programs and activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for fiscal years 2021 and 2022,

$20,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

22 USC 10004.

SEC. 1265. SUPPORT FOR DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 and the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) and under the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9601 et seq.) for programs in Sudan—

(1) to increase agricultural and livestock productivity;

(2) to promote economic growth, increase private sector productivity and advance market-based solutions to address development challenges;

(3) to support women's economic empowerment and economic opportunities for youth and previously marginalized populations;

(4) to improve equal access to quality basic education;

(5) to support the capacity of universities to equip students to participate in a pluralistic and global society through virtual exchange and other programs;

(6) to improve access to water, sanitation, and hygiene projects;

(7) to build the capacity of national and subnational government officials to support the transparent management of public resources, promote good governance through combating corruption and improving accountability, increase economic productivity, and increase domestic resource mobilization; and

(8) to support other related economic assistance programs and activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for fiscal years 2021 and 2022, $80,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

22 USC 10005.

SEC. 1266. SUPPORT FOR CONFLICT MITIGATION.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 and the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapters 4, 5, and 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq., and 2348 et seq.)—

(1) to support long-term peace and stability in Sudan by promoting national reconciliation and enabling a just, comprehensive, and sustainable peace, especially in regions that have been underdeveloped or affected by war, such as the states of Darfur, South Kordofan, Blue Nile, Red Sea, and Kassala;

(2) to support civil society and other organizations working to address conflict prevention, mitigation, and resolution mechanisms and people-to-people reconciliation in Sudan, especially those addressing issues of marginalization and vulnerable groups, equal protection under the law, natural resource

management, compensation and restoration of property, voluntary return, and sustainable solutions for displaced persons and refugees;

(3) to strengthen civilian oversight of the Sudanese security and intelligence services and ensure that such services are not contributing to the perpetuation of conflict in Sudan and to the limitation of the civil liberties of all people in Sudan;

(4) to assist in the human rights vetting and professional training of security force personnel due to be employed or deployed by the Sudanese security and intelligence services in regions that have been underdeveloped or affected by war, such as the states of Darfur, South Kordofan, Blue Nile, Red Sea, and Kassala, including members of any security forces being established pursuant to a peace agreement relating to such regions;

(5) to support provisions of the Comprehensive Peace Agreement of 2005 and Abyei protocol, as appropriate, unless otherwise superseded by a new agreement signed in good faith—

(A) between stakeholders in this region and the Governments of Sudan and South Sudan to hold a free, fair, and credible referendum on the status of Abyei; and

(B) between stakeholders in this region and the Government of Sudan to support popular consultations on the status of the states of South Kordofan and Blue Nile; and

(6) to support other related conflict mitigation programs and activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to carry out part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq., and 2348 et seq.) for fiscal years 2021 and 2022, $20,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

SEC. 1267. SUPPORT FOR ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SUDAN. 22 USC 10006.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should conduct robust diplomatic engagement to promote accountability and provide technical support to ensure that credible, transparent, and independent investigations of gross violations of human rights perpetrated by the Government of Sudan under former President Omar al-Bashir and the Transitional Military Council since June 30, 1989.

(b) IN GENERAL.—Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 and the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)— President.

(1) to build the capacity of civilian investigators within and outside of Sudan on how to document, investigate, develop findings of, identify, and locate those responsible for war crimes, crimes against humanity, or genocide in Sudan;

(2) to collect, document, and protect evidence of war crimes, crimes against humanity, and genocide in Sudan and preserve the chain of custody for such evidence, including by providing

support for Sudanese, foreign, and international nongovernmental organizations, and other entities engaged in such investigative activities;

(3) to build Sudan's judicial capacity to support prosecutions in domestic courts and support investigations by hybrid or international courts as appropriate;

(4) to protect witnesses who participate in court proceedings or other transitional justice mechanisms; and

(5) to support other related conflict mitigation programs and activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for fiscal years 2021 and 2022, $10,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

President.
22 USC 10007.
Determination.

SEC. 1268. SUSPENSION OF ASSISTANCE.

(a) IN GENERAL.—The President is authorized to suspend the provision of assistance authorized under section 1264, 1265, 1266, or 1267 to the Government of Sudan if the President determines that conditions in Sudan or the composition of the Government of Sudan changes such that it is no longer in the United States national interest to continue to provide such assistance.

(b) REPORT.—Not later than 30 days after making a determination under subsection (a), the President shall submit to the appropriate congressional committees a report that describes—

(1) the political and security conditions in Sudan that led to such determination; and

(2) any planned diplomatic engagement to restart the provision of such assistance.

22 USC 10008.

SEC. 1269. MULTILATERAL ASSISTANCE.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) Sudan's economic challenges are a legacy of decades of kleptocracy, economic mismanagement, and war;

(2) Sudan's economic recovery will depend on—

(A) combating corruption and illicit economic activity;

(B) ending internal conflicts in the states of Darfur, South Kordofan, and Blue Nile; and

(C) promoting inclusive economic growth and development; and

(3) the COVID–19 outbreak constitutes a grave danger to Sudan's economic stability, public health, and food security and jeopardizes the transition to a civilian-led government that promotes the democratic aspirations of the Sudanese people.

(b) RESPONDING TO THE COVID–19 OUTBREAK.—During the transitional period, and notwithstanding any other provision of law, the Secretary of the Treasury may instruct the United States Executive Director at each international financial institution to use the voice and vote of the United States to support loans or other utilization of the funds of the respective institution for Sudan for the purpose of addressing basic human needs, responding to the COVID–19 outbreak and its impact on the country's economic stability, or promoting democracy, governance, or public financial management in Sudan.

(c) DEBT RELIEF.—Upon the removal of Sudan from the State Sponsors of Terrorism List, and once the Sovereignty Council is chaired by a civilian leader, the Secretary of the Treasury and the Secretary of State should engage with international financial institutions and other bilateral official creditors to advance agreement through the Heavily Indebted Poor Countries (HIPC) Initiative to restructure, reschedule, or cancel the sovereign debt of Sudan.

(d) REPORTING REQUIREMENT.—Not later than 3 months after the date of the enactment of this Act, and not less frequently than once every 6 months thereafter during the transitional period, the Secretary of the Treasury, in consultation with the Secretary of State, shall report to the appropriate congressional committees regarding the extent to which the transitional government of Sudan has taken demonstrable steps to strengthen governance and improve fiscal transparency, including— Deadline. Time period. Consultation.

(1) establishing civilian control over the finances and assets of the Sudanese security and intelligence services;

(2) developing a transparent budget that accounts for all expenditures related to the security and intelligence services;

(3) identifying the shareholdings in all public and private companies not exclusively dedicated to the national defense held or managed by the security and intelligence services, and publicly disclosing, evaluating, and transferring all such shareholdings to the Ministry of Finance of the Government of Sudan or to any specialized entity of the Government of Sudan established under law for this purpose, which is ultimately accountable to a civilian authority;

(4) ceasing the involvement of the security and intelligence services officials, and their immediate family members, in the illicit trade in mineral resources, including petroleum and gold;

(5) implementing a publicly transparent methodology for the Government of Sudan to recover, evaluate, hold, manage, or divest any state assets and the profits derived from the assets that may have been transferred to the National Congress Party, an affiliate of the National Congress Party, or an official of the National Congress Party in the individual capacity of such an official;

(6) identifying and monitoring the nature and purpose of offshore financial resources controlled by the security and intelligence services; and

(7) strengthening banking regulation and supervision and addressing anti-money laundering and counter-terrorism financing deficiencies.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Notwithstanding section 1262, in this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) Committee on Foreign Affairs of the House of Representatives;

(4) the Committee on Appropriations of the House of Representatives; and

(5) the Committee on Financial Services of the House of Representatives.

22 USC 10009.

SEC. 1270. COORDINATED SUPPORT TO RECOVER ASSETS STOLEN FROM THE SUDANESE PEOPLE.

The Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, shall seek to advance the efforts of the Government of Sudan to recover assets stolen from the Sudanese people, including with regard to international efforts—

(1) to identify and track assets taken from the people and institutions of Sudan through theft, corruption, money laundering, or other illicit means; and

(2) with respect to assets identified pursuant to paragraph (1), to work with foreign governments and international organizations—

(A) to share financial investigations intelligence, as appropriate;

(B) to oversee and manage the assets identified pursuant to paragraph (1);

(C) to advance civil forfeiture litigation, as appropriate, including providing technical assistance to help governments establish the necessary legal framework to carry out asset forfeitures; and

(D) to work with the Government of Sudan to ensure that a credible mechanism is established to ensure that any recovered assets are managed in a transparent and accountable fashion and ultimately used for the benefit of the Sudanese people, provided that—

(i) returned assets are not used for partisan political purposes; and

(ii) there are robust financial management and oversight measures to safeguard repatriated assets.

President. Certifications. 22 USC 10010.

SEC. 1270A. LIMITATION ON ASSISTANCE TO THE SUDANESE SECURITY AND INTELLIGENCE SERVICES.

(a) IN GENERAL.—The President may not provide assistance (other than assistance authorized under section 1266) to the Sudanese security and intelligence services until the President submits to Congress a certification that the Government of Sudan has met the conditions described in subsection (c).

(b) EXCEPTION; WAIVER.—

(1) EXCEPTION.—The Secretary of State may, as appropriate and notwithstanding any other provision of law, provide assistance for the purpose of professionalizing the Sudanese security and intelligence services, through institutions such as the Africa Center for Strategic Studies and the United States Institute of Peace.

Deadline.

(2) WAIVER.—The President may waive the limitation on the provision of assistance under subsection (a) if, not later than 30 days before the assistance is to be provided, the President submits to the appropriate congressional committees—

List.

(A) a list of the activities and participants to which such waiver would apply;

(B) a justification that the waiver is in the national security interest of the United States; and

(C) a certification that the participants have met the requirements of either section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) for programs funded through Department of State appropriations or section 362

of title 10, United States Code, for programs funded through Department of Defense appropriations.

(c) CONDITIONS.—

(1) IN GENERAL.—The conditions described in this subsection are that the Sudanese security and intelligence services—

(A) have demonstrated progress in undertaking security sector reform, including reforms that professionalize such security and intelligence services, improve transparency, and reforms to the laws governing the Sudanese security forces, such as of the National Security Act, 2010 and the Armed Forces Act, 2007;

(B) support efforts to respect human rights, including religious freedom, and hold accountable any members of such security and intelligence services responsible for human rights violations and abuses, including by taking demonstrable steps to cooperate with local or international mechanisms of accountability, to ensure that those responsible for war crimes, crimes against humanity, and genocide committed in Sudan are brought to justice;

(C) are under civilian oversight, subject to the rule of law, and are not undertaking actions to undermine a civilian-led transitional government or an elected civilian government;

(D) have refrained from targeted attacks against religious or ethnic minority groups, have negotiated in good faith during the peace process and constructively participated in the implementation of any resulting peace agreements, and do not impede inclusive political participation;

(E) allow unfettered humanitarian access by United Nations organizations and specialized agencies and domestic and international humanitarian organizations to civilian populations in conflict-affected areas;

(F) cooperate with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to allow for the protection of displaced persons and the safe, voluntary, sustainable, and dignified return of refugees and internally displaced persons; and

(G) take constructive steps to investigate all reports of unlawful recruitment of children by Sudanese security forces and prosecute those found to be responsible.

(2) FORM.—The certification described in subsection (a) containing the conditions described in paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(d) SUNSET.—This section shall terminate on the date that is the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) the date on which the President determines that a successful rotation of military to civilian leadership in the Sovereignty Council has occurred. Determination.

SEC. 1270B. REPORTS.

(a) REPORT ON ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 2 years, the President shall submit a report to the appropriate congressional committees that— President. 22 USC 10011. Time period.

Summary.

(1) summarizes reports of gross violations of human rights, including sexual and gender-based violence, committed against civilians in Sudan, including members of the Sudanese security and intelligence services or any associated militias, between December 2018 and the date of the submission of the report;

Update.

(2) provides an update on any potential transitional justice mechanisms in Sudan to investigate, charge, and prosecute alleged perpetrators of gross violations of human rights in Sudan since June 30, 1989, including with respect to the June 3, 2019 massacre in Khartoum;

Analysis.

(3) provides an analysis of whether the gross violations of human rights summarized pursuant to paragraph (1) amount to war crimes, crimes against humanity, or genocide; and

(4) identifies specific cases since the beginning of the transitional period in which members of the Sudanese security and intelligence services have been charged and prosecuted for actions that constitute gross violations of human rights perpetrated since June 30, 1989.

(b) REPORT ON CERTAIN ACTIVITIES AND FINANCES OF SENIOR OFFICIALS OF THE GOVERNMENT OF SUDAN.—Not later than 180 days after the date of the enactment of this Act, and 1 year thereafter, the President shall submit a report to the appropriate congressional committees that—

(1) describes the actions and involvement of any previous or current senior officials of the Government of Sudan since the establishment of the transitional government in August 2019 in—

(A) directing, carrying out, or overseeing gross violations of human rights;

(B) directing, carrying out, or overseeing the unlawful use or recruitment of children by armed groups or armed forces in the context of conflicts in Sudan, Libya, Yemen, or other countries;

(C) directing, carrying out, or colluding in significant acts of corruption;

(D) directing, carrying out, or overseeing any efforts to circumvent the establishment of civilian control over the finances and assets of the Sudanese security and intelligence services; or

(E) facilitating, supporting, or financing terrorist activity in Sudan or other countries;

(2) identifies Sudanese and foreign financial institutions, including offshore financial institutions, in which senior officials of the Government of Sudan whose actions are described in paragraph (1) hold significant assets, and provides an estimate of the value of such assets;

(3) identifies any information United States Government agencies have obtained since August 2019 regarding persons, foreign governments, and Sudanese or foreign financial institutions that knowingly facilitate, finance, or otherwise benefit from corruption or illicit economic activity in Sudan, including the export of mineral resources, and, in particular, if that trade is violating any United States restrictions that remain in place by legislation or Executive order;

(4) identifies any information United States Government agencies have obtained since August 2019 regarding senior officials of the Government of Sudan who are personally

involved in the illicit trade in mineral resources, including petroleum and gold; and

(5) identifies any information United States Government agencies have obtained since August 2019 regarding individuals or foreign governments that have provided funds to individual members of the Sovereignty Council or the Cabinet outside of the Central Bank of Sudan or the Ministry of Finance.

(c) REPORT ON SANCTIONS PURSUANT TO EXECUTIVE ORDER NO. 13400.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees that identifies the senior Sudanese government officials that President determines meet the criteria to be sanctionable pursuant to Executive Order No. 13400 (71 Fed. Reg. 25483; relating to blocking property of persons in connection with the conflict in Sudan's Darfur region).

(d) FORM.—The reports required under subsections (b) and (c) shall be submitted in unclassified form, but may include a classified annex. Classified information.

SEC. 1270C. UNITED STATES STRATEGY FOR SUPPORT TO A CIVILIAN-LED GOVERNMENT IN SUDAN. Coordination. 22 USC 10012.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a strategy to the appropriate congressional committees that includes—

(1) a clear articulation of specific United States goals and objectives with respect to a successful completion of the transitional period and a plan to achieve such goals and objectives;

(2) a description of assistance and diplomatic engagement to support a civilian-led government in Sudan for the remainder of the transitional period, including any possible support for the organization of free, fair, and credible elections;

(3) an assessment of the legal and policy reforms that have been and need to be taken by the government in Sudan during the transitional period in order to promote— Assessment.

(A) human rights;

(B) freedom of religion, speech, press, assembly, and association; and

(C) accountability for human rights abuses, including for sexual and gender-based violence perpetrated by members of the Sudanese security and intelligence services;

(4) a description of efforts to address the legal and policy reforms mentioned in paragraph (3);

(5) a description of humanitarian and development assistance to Sudan and a plan for coordinating such assistance with international donors, regional partners, and local partners;

(6) a description of monitoring and evaluation plans for all forms of assistance to be provided under the strategy in accordance with the monitoring and evaluation requirements of section 4 of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191), including a detailed description of all associated goals and benchmarks for measuring impact; and

(7) an assessment of security sector reforms undertaken by the Government of Sudan, including efforts to demobilize Assessment.

or integrate militias and to foster civilian control of the armed services.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken to implement this subtitle; and

Recommendations.

(2) recommendations for legislative or administrative measures to facilitate the implementation of this subtitle.

SEC. 1270D. AMENDMENTS TO THE DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006.

Section 8(c)(1) of the Darfur Peace and Accountability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note) is amended by striking "Southern Sudan," and all that following through "Khartoum," and inserting "Sudan".

SEC. 1270E. REPEAL OF SUDAN PEACE ACT AND THE COMPREHENSIVE PEACE IN SUDAN ACT.

(a) SUDAN PEACE ACT.—Effective January 1, 2020, the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is repealed.

(b) COMPREHENSIVE PEACE IN SUDAN ACT.—Effective January 1, 2020, the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is repealed.

United States-Israel Security Assistance Authorization Act of 2020.

Subtitle H—United States Israel Security Assistance Authorization Act of 2020

22 USC 2151 note.

SEC. 1271. SHORT TITLE.

This subtitle may be cited as the "United States-Israel Security Assistance Authorization Act of 2020".

SEC. 1272. SENSE OF CONGRESS ON UNITED STATES-ISRAEL RELATIONSHIP.

It is the sense of Congress that—

(1) the strong and enduring relationship between the United States and Israel is in the national security interests of both countries;

(2) the United States should continue to provide assistance to the Government of Israel for the development and acquisition of the advanced capabilities that Israel requires to meet its security needs and to enhance United States capabilities;

(3) such assistance is critical as Israel confronts a number of security challenges, including continuing threats from Iran;

(4) the memorandum of understanding signed by the United States and Israel on September 14, 2016, including the provisions of the memorandum relating to missile and rocket defense cooperation, continues to be a critical component of the bilateral relationship; and

(5) science and technology innovations present promising new opportunities for future United States-Israel economic and security cooperation.

SEC. 1273. SECURITY ASSISTANCE FOR ISRAEL.

Section 513(c) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856) is amended—

(1) in paragraph (1), by striking "2002 and 2003" and inserting "2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028"; and

(2) in paragraph (2), by striking "equal to—" and all that follows and inserting "not less than $3,300,000,000.".

SEC. 1274. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking "September 30, 2020" and inserting "after September 30, 2025".

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking "2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020" and inserting "2021, 2022, 2023, 2024, and 2025".

SEC. 1275. RULES GOVERNING THE TRANSFER OF PRECISION-GUIDED MUNITIONS TO ISRAEL ABOVE THE ANNUAL RESTRICTION.

22 USC 2321h note.

(a) IN GENERAL.—Notwithstanding section 514(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)), and subject to subsections (b) and (c) of this section, the President, acting through the Secretary of Defense and with the concurrence of the Secretary of State, is authorized to transfer to Israel precision-guided munitions from reserve stocks, including the War Reserve Stockpile for Allies-Israel, consistent with— President.

(1) all other requirements set forth in the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); and

(2) the requirements set forth in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(b) CONDITIONS.—Except in the case of an emergency, as determined by the President, a transfer under subsection (a) of this section may only occur if the transfer— Determination.

(1) does not affect the ability of the United States to maintain a sufficient supply of precision-guided munitions to satisfy United States warfighting requirements;

(2) does not harm the combat readiness of the United States;

(3) does not affect the ability of the United States to meet its commitments to allies with respect to the transfer of precision-guided munitions; and

(4) is in the national security interest of the United States.

(c) CERTIFICATION.— Determinations.

(1) IN GENERAL.—Except in the case of an emergency, as determined by the President, not later than 15 days before making a transfer under subsection (a) of this section, the Secretary of Defense, with the concurrence of the Secretary of State, shall certify to the appropriate congressional committees that the transfer meets the conditions specified in subsection (b) of this section. President. Deadline.

(2) EMERGENCIES.—In the case of an emergency, as determined by the President, not later than 5 days after making a transfer under subsection (a) of this section, the President shall— President. Deadline.

(A) certify to the appropriate congressional committees that the transfer supports the national security interests of the United States; and

Assessment.

(B) provide to the appropriate committees of Congress an assessment of the impacts, risks, and mitigation measures with respect to the matters referred to in paragraphs (1) through (4) of subsection (b) of this section.

(d) ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall conduct an assessment with respect to the following matters:

(A) The current quantity and type of precision-guided munitions in the stockpile pursuant to section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), as amended.

(B) The quantity and type of precision-guided munitions necessary for Israel to combat Hezbollah and hostile forces that threaten Israel.

(C) The quantity and type of precision-guided munitions necessary for Israel in the event of a sustained armed confrontation with other armed groups and terrorist organizations.

(D) The current United States inventory of precision-guided munitions of the type specified in subparagraphs (A), (B), and (C) and ability of that inventory to meet requirements of current Operation Plans.

(E) Department of Defense efforts to expand precision-guided munitions production and stockpiles to meet operational requirements.

(F) Israel's efforts to expand precision-guided munitions production and stockpiles to meet operational requirements.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the results of the assessment required by paragraph (1), including a description of such results with respect to each matter described in that paragraph.

(B) FORM.—The report required by subparagraph (A) shall be submitted in classified form.

(e) TERMINATION.—The authority of the President to transfer precision-guided munitions under this section shall terminate on the date that is three years after the date of the enactment of this Act.

Deadline. Briefing.

SEC. 1276. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees by describing the steps taken to include Israel in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, as required under section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296; 128 Stat. 4076; 22 U.S.C. 8603 note).

SEC. 1277. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MEMORANDA OF UNDERSTANDING TO ENHANCE COOPERATION WITH ISRAEL.

22 USC 8606 note.

The Secretary of State, acting through the Administrator of the United States Agency for International Development, may enter into memoranda of understanding with Israel to advance common goals on energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation, with a focus on strengthening mutual ties and cooperation with nations throughout the world.

SEC. 1278. COOPERATIVE PROJECTS AMONG THE UNITED STATES, ISRAEL, AND DEVELOPING COUNTRIES.

Section 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d) is amended by striking subsections (e) and (f) and inserting the following:

"(e) There is authorized to be appropriated $2,000,000 for fiscal years 2021 through 2023 to finance cooperative projects among the United States, Israel, and developing countries that identify and support local solutions to address sustainability challenges relating to water resources, agriculture, and energy storage, including—

"(1) establishing public-private partnerships;

"(2) supporting the identification, research, development testing, and scaling of innovations that focus on populations that are vulnerable to environmental and resource-scarcity crises, such as subsistence farming communities;

"(3) seed or transition-to-scale funding;

"(4) clear and appropriate branding and marking of United States funded assistance, in accordance with section 641; and

"(5) accelerating demonstrations or applications of local solutions to sustainability challenges, or the further refinement, testing, or implementation of innovations that have previously effectively addressed sustainability challenges.".

SEC. 1279. JOINT COOPERATIVE PROGRAM RELATED TO INNOVATION AND HIGH-TECH FOR THE MIDDLE EAST REGION.

22 USC 2151 note.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should help foster cooperation in the Middle East region by financing and, as appropriate, cooperating in projects related to innovation and advanced technologies; and

(2) projects referred to in paragraph (1) should—

(A) contribute to development and the quality of life in the Middle East region through the application of research and advanced technology; and

(B) contribute to Arab-Israeli cooperation by establishing strong working relationships that last beyond the life of such projects.

(b) ESTABLISHMENT.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, is authorized to seek to establish a program between the United States and appropriate regional partners to provide for cooperation in the Middle East region by supporting projects related to innovation and advanced technologies.

(c) PROJECT REQUIREMENTS.—Each project carried out under the program established pursuant to subsection (b)—

(1) shall include the participation of at least one entity from Israel and one entity from another regional partner; and

(2) shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security interests of the United States, and the national security interests of Israel.

22 USC 8606 note.

SEC. 1280. COOPERATION ON DIRECTED ENERGY CAPABILITIES.

(a) REPORT.—Not later than March 15, 2021, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report on potential areas for directed energy cooperation.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of any science and technology effort or research, development, test, and evaluation effort associated with directed energy.

(2) A description of activities or efforts recommended for potential defense cooperation activities associated with directed energy between the United States and Israel in support of development of military capabilities of mutual benefit.

(3) A description of any obstacle or challenge associated with an effort described under paragraph (2) and recommendations to address such obstacle or challenge.

(4) A description of any authority or authorization of appropriations required for the execution of efforts described under paragraph (2).

Classified information.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex, as determined necessary by the Secretary of Defense.

Recommendation.

(d) PROGRAM AUTHORITY.—If recommended as a result of the report required by subsection (a), the Secretary of Defense, with the concurrence of the Secretary of State, may establish a program to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to promote directed energy capabilities of mutual benefit to both the United States and Israel that address threats to the United States, deployed forces of the United States, and Israel. Any activities carried out under this subsection shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security interests of the United States, and the national security interests of Israel. Any such program shall take into consideration the recommendations of the United States-Israel Defense Acquisition Advisory Group.

22 USC 8607.

SEC. 1280A. OTHER MATTERS OF COOPERATION.

(a) IN GENERAL.—Activities authorized under this section shall be carried out with the concurrence of the Secretary of State and aligned with the National Security Strategy of the United States, the United States Government Global Health Security Strategy, the Department of State Integrated Country Strategies, the USAID Country Development Cooperation Strategies, and any equivalent or successor plans or strategies, as necessary and appropriate.

(b) DEVELOPMENT OF HEALTH TECHNOLOGIES.—

Time period.

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Health and Human Services $4,000,000 for fiscal years 2021 through 2023 for a bilateral cooperative program with the Government of Israel that awards grants

for the development of health technologies, which may include health technologies listed in paragraph (2), subject to paragraph (3), with an emphasis on collaboratively advancing the use of technology and personalized medicine in relation to COVID–19.

(2) TYPES OF HEALTH TECHNOLOGIES.—The health technologies described in this paragraph are technologies such as, drugs and vaccines, ventilators, diagnostic tests, and technologies to facilitate telemedicine.

(3) RESTRICTIONS ON FUNDING.—Amounts appropriated pursuant to paragraph (1) are subject to a matching contribution from the Government of Israel.

(4) OPTION FOR ESTABLISHING NEW PROGRAM.—Amounts appropriated pursuant to paragraph (1) may be expended for a bilateral program with the Government of Israel that—

(A) is in existence on the day before the date of the enactment of this Act for the purposes described in paragraph (1); or

(B) is established after the date of the enactment of this Act by the Secretary of Health and Human Services, in consultation with the Secretary of State, in accordance with the Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters, done at Jerusalem May 29, 2008 (or a successor agreement), for the purposes described in paragraph (1).

(5) PUBLIC AVAILABILITY.—The Secretary shall require, as a condition of any grant awarded under this subsection, that all research publications and results of such research, including basic and applied research, shall be made publicly available on the website of the Department of Health and Human Services. Requirement.

(c) COORDINATOR OF UNITED STATES–ISRAEL RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The President may designate the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, or another appropriate Department of State official, to act as Coordinator of United States-Israel Research and Development (referred to in this subsection as the "Coordinator"). President.

(2) AUTHORITIES AND DUTIES.—The Coordinator, in conjunction with the heads of relevant Federal Government departments and agencies and in coordination with the Israel Innovation Authority, may oversee civilian science and technology programs on a joint basis with Israel. Coordination.

(d) OFFICE OF GLOBAL POLICY AND STRATEGY OF THE FOOD AND DRUG ADMINISTRATION.—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner of the Food and Drug Administration should seek to explore collaboration with Israel through the Office of Global Policy and Strategy.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Commissioner, acting through the head of the Office of Global Policy and Strategy, shall submit a report describing the benefits to the United States

and to Israel of opening an office in Israel for the Office of Global Policy and Strategy to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(e) UNITED STATES–ISRAEL ENERGY CENTER.—There is authorized to be appropriated to the Secretary of Energy $4,000,000 for fiscal year 2021 to carry out the activities of the United States-Israel Energy Center established pursuant to section 917(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(d)).

(f) UNITED STATES–ISRAEL BINATIONAL INDUSTRIAL RESEARCH AND DEVELOPMENT FOUNDATION.—It is the sense of Congress that grants to promote covered energy projects conducted by, or in conjunction with, the United States-Israel Binational Industrial Research and Development Foundation should be funded at not less than $2,000,000 annually under section 917(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(b)).

(g) UNITED STATES–ISRAEL COOPERATION ON ENERGY, WATER, HOMELAND SECURITY, AGRICULTURE, AND ALTERNATIVE FUEL TECHNOLOGIES.—Section 7 of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8606) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2021.".

(h) ANNUAL POLICY DIALOGUE.—It is the sense of Congress that the Department of Transportation and Israel's Ministry of Transportation should engage in an annual policy dialogue to implement the 2016 Memorandum of Cooperation signed by the Secretary of Transportation and the Israeli Minister of Transportation.

(i) COOPERATION ON SPACE EXPLORATION AND SCIENCE INITIATIVES.—The Administrator of the National Aeronautics and Space Administration shall continue to work with the Israel Space Agency to identify and cooperatively pursue peaceful space exploration and science initiatives in areas of mutual interest, taking all appropriate measures to protect sensitive information, intellectual property, trade secrets, and economic interests of the United States.

Reports.

(j) RESEARCH AND DEVELOPMENT COOPERATION RELATING TO DESALINATION TECHNOLOGY.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit a report that describes research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology in accordance with section 9(b)(3) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Natural Resources of the House of Representatives.

(k) RESEARCH AND TREATMENT OF POSTTRAUMATIC STRESS DISORDER.—It is the sense of Congress that the Secretary of Veterans Affairs should seek to explore collaboration between the Mental Illness Research, Education and Clinical Centers of Excellence and Israeli institutions with expertise in researching and treating posttraumatic stress disorder.

SEC. 1280B. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

22 USC 2321h note.

In this subtitle, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

Subtitle I—Global Child Thrive Act of 2020

Global Child Thrive Act of 2020.

SEC. 1281. SHORT TITLE.

22 USC 2151 note.

This subtitle may be cited as the "Global Child Thrive Act of 2020".

SEC. 1282. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue efforts to reduce child mortality rates and increase attention on prevention efforts and early childhood development outcomes;

(2) investments in early childhood development ensure healthy and well-developed future generations that contribute to a country's stability, security and economic prosperity;

(3) efforts to provide training and education on nurturing care could result in improved early childhood development outcomes and support healthy brain development; and

(4) integration and cross-sector coordination of early childhood development programs is critical to ensure the efficiency, effectiveness, and continued implementation of such programs.

SEC. 1283. ASSISTANCE TO IMPROVE EARLY CHILDHOOD OUTCOMES GLOBALLY.

(a) AUTHORIZATION OF ASSISTANCE.—Amounts authorized to be appropriated or otherwise made available to carry out section 135 in chapter 1 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for each of the fiscal years 2021 through 2025 are authorized to be made available to support early childhood development activities in conjunction with relevant, existing programming, such as water, sanitation and hygiene, maternal and child health, basic education, nutrition and child protection.

(b) ASSISTANCE TO IMPROVE EARLY CHILDHOOD OUTCOMES GLOBALLY.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"SEC. 137. ASSISTANCE TO IMPROVE EARLY CHILDHOOD OUTCOMES GLOBALLY.

22 USC 2152k.

"(a) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Appropriations of the Senate;

"(B) the Committee on Foreign Relations of the Senate;

"(C) the Committee on Appropriations of the House of Representatives; and

"(D) the Committee on Foreign Affairs of the House of Representatives.

"(2) EARLY CHILDHOOD DEVELOPMENT.—The term 'early childhood development' means the development and learning of a child younger than 8 years of age, including physical, cognitive, social, and emotional development and approaches to learning that allow a child to reach his or her full developmental potential.

"(3) EARLY CHILDHOOD DEVELOPMENT PROGRAM.—The term 'early childhood development program' means a program that seeks to ensure that every child has the conditions for healthy growth, nurturing family-based care, development and learning, and protection from violence, exploitation, abuse, and neglect, which may include—

"(A) a health, safe water, sanitation, and hygiene program that serves pregnant women, children younger than 5 years of age, and the parents of such children;

"(B) a nutrition program, combined with stimulating child development activity;

"(C) age appropriate cognitive stimulation, especially for newborns, infants, and toddlers, including an early childhood intervention program for children experiencing at-risk situations, developmental delays, disabilities, and behavioral and mental health conditions;

"(D) an early learning (36 months and younger), preschool, and basic education program for children until they reach 8 years of age or complete primary school; or

"(E) a child protection program, with an emphasis on the promotion of permanent, safe, and nurturing families, rather than placement in residential care or institutions, including for children with disabilities.

"(4) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term 'relevant Federal departments and agencies' means—

"(A) the Department of State;

"(B) the United States Agency for International Development;

"(C) the Department of the Treasury;

"(D) the Department of Labor;

"(E) the Department of Education;

"(F) the Department of Agriculture;

"(G) the Department of Defense;

"(H) the Department of Health and Human Services, including—

"(i) the Centers for Disease Control and Prevention; and

"(ii) the National Institutes of Health;

"(I) the Millennium Challenge Corporation;

"(J) the Peace Corps; and

"(K) any other department or agency specified by the President for the purposes of this section.

"(5) RESIDENTIAL CARE.—The term 'residential care' means care provided in any non-family-based group setting, including orphanages, transit or interim care centers, children's homes, children's villages or cottage complexes, group homes, and

boarding schools used primarily for care purposes as an alternative to a children's home.

"(b) STATEMENT OF POLICY.—It is the policy of the United States—

"(1) to support early childhood development in relevant foreign assistance programs, including by integrating evidence-based, efficient, and effective interventions into relevant strategies and programs, in coordination with partner countries, other donors, international organizations, international financial institutions, local and international nongovernmental organizations, private sector partners, and civil society, including faith-based and community-based organizations; and Coordination.

"(2) to encourage partner countries to lead early childhood development initiatives that include incentives for building local capacity for continued implementation and measurable results, by—

"(A) scaling up the most effective, evidence-based, national interventions, including for the most vulnerable populations and children with disabilities and developmental delays, with a focus on adaptation to country resources, cultures, and languages;

"(B) designing, implementing, monitoring, and evaluating programs in a manner that enhances their quality, transparency, equity, accountability, efficiency and effectiveness in improving child and family outcomes in partner countries; and

"(C) utilizing and expanding innovative public-private financing mechanisms.

"(c) IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Administrator of the United States Agency for International Development on behalf of the President and in coordination with the Secretary of State, shall direct relevant Federal departments and agencies— Deadline. Coordination.

"(A) to incorporate, to the extent practical and relevant, early childhood development into foreign assistance programs to be carried out during the following 5 fiscal years; and

"(B) to promote inclusive early childhood development in partner countries.

"(2) ELEMENTS.—In carrying out paragraph (1), the Administrator, the Secretary, and the heads of other relevant Federal departments and agencies as appropriate shall—

"(A) build on the evidence and priorities outlined in 'Advancing Protection and Care for Children in Adversity: A U.S. Government Strategy for International Assistance 2019–2023', published in June 2019 (referred to in this section as 'APCCA');

"(B) to the extent practicable, identify evidence-based strategic priorities, indicators, outcomes, and targets, particularly emphasizing the most vulnerable populations and children with disabilities and developmental delays, to support inclusive early childhood development;

"(C) support the design, implementation, and evaluation of pilot projects in partner countries, with the goal of taking such projects to scale;

"(D) support inclusive early childhood development within all relevant sector strategies and public laws, including—

"(i) the Global Water Strategy required under section 136(j);

"(ii) the whole-of-government strategy required under section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304 note);

"(iii) the Basic Education Strategy set forth in section 105(c);

"(iv) the U.S. Government Global Nutrition Coordination Plan, 2016–2021; and

"(v) APCCA; and others as appropriate;

Coordination.

"(E) improve coordination with foreign governments and international and regional organizations with respect to official country policies and plans to improve early childhood development, maternal, newborn, and child health and nutrition care, basic education, water, sanitation and hygiene, and child protection plans which promote nurturing, appropriate, protective, and permanent family care, while reducing the percentage of children living outside of family care, including in residential care or on the street; and

Consultation.

"(F) consult with partner countries, other donors, international organizations, international financial institutions, local and international nongovernmental organizations, private sector partners and faith-based and community-based organizations, as appropriate.

"(d) ANNUAL REPORT ON THE IMPLEMENTATION OF THE STRATEGY.—The Special Advisor for Children in Adversity shall include, in the annual report required under section 5 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005 (22 U.S.C. 2152g), which shall be submitted to the appropriate congressional committees and made publicly available, a description of—

"(1) the progress made toward integrating early childhood development interventions into relevant strategies and programs;

"(2) the efforts made by relevant Federal departments and agencies to implement subsection (c), with a particular focus on the activities described in such subsection; and

"(3) the progress achieved during the reporting period toward meeting the goals, objectives, benchmarks, and timeframes described in subsection (c) at the program level, along with specific challenges or gaps that may require shifts in targeting or financing in the following fiscal year.

"(e) INTERAGENCY TASK FORCE.—The Special Advisor for Assistance to Orphans and Vulnerable Children should establish and regularly convene an Interagency Working Group on Children in Adversity which, among other things, will coordinate—

"(1) intergovernmental and interagency monitoring, evaluation, and reporting of the activities carried out pursuant to this section;

"(2) early childhood development initiatives that include children with a variety of needs and circumstances; and

"(3) United States Government early childhood development programs, strategies, and partnerships across relevant Federal departments and agencies.".

SEC. 1284. SPECIAL ADVISOR FOR ASSISTANCE TO ORPHANS AND VULNERABLE CHILDREN.

Section 135(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152f(e)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) Coordinate assistance to orphans and other vulnerable children among the relevant Federal agencies and officials."; and

(2) in subparagraph (B), by striking "the various offices, bureaus, and field missions within the United States Agency for International Development" and inserting "the relevant Federal branch agencies and officials".

SEC. 1285. RULE OF CONSTRUCTION.

22 USC 2152f note.

Nothing in the amendments made by this subtitle may be construed to restrict or abrogate any other authorization for United States Agency for International Development activities or programs.

Subtitle J—Matters Relating to Africa and the Middle East

SEC. 1291. BRIEFING AND REPORT RELATING TO REDUCTION IN THE TOTAL NUMBER OF UNITED STATES ARMED FORCES DEPLOYED TO UNITED STATES AFRICA COMMAND AREA OF RESPONSIBILITY.

(a) BRIEFING REQUIRED.—

(1) IN GENERAL.—If the Department of Defense reduces the number of covered United States Armed Forces in fiscal year 2021 to a number that is below 80 percent of the number deployed as of the date of the enactment of this Act, the Secretary of Defense shall, not later than 30 days after the date of such a reduction, provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

Deadline.

(2) ELEMENTS.—The briefing required under paragraph (1) shall include, at a minimum, the following:

(A) A description of the process and associated analysis that led to the decision to reduce the number of covered United States Armed Forces.

(B) A description of the anticipated impact of such a reduction on the ability of the Department of Defense to achieve its strategic objectives in the AFRICOM AOR, including—

(i) degrading violent extremist organizations;

(ii) countering the military influence of China and Russia;

(iii) countering transnational threats;

(iv) maintaining strategic access;

(v) preparing for and responding to crises; and

(vi) strengthening security relationships with United States allies and partners.

Assessment.

(C) An assessment of the impact of such a reduction on the ability of the Department of Defense to execute the National Defense Strategy.

(D) A description of any consultation with the Department of State or the United States Agency for International Development with respect to such a reduction and the potential impact that such a reduction would have on diplomatic, developmental, or humanitarian efforts in Africa.

(E) A description of any consultation with United States allies and partners with respect to such a reduction.

(F) Any other matters determined to be relevant by the Secretary of Defense.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of a reduction in the number of covered United States Armed Forces described in subsection (a)(1), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that includes the following:

(A) The average number of covered United States Armed Forces by month for each of the fiscal years 2019 and 2020.

(B) The anticipated number of covered United States Armed Forces in 2021.

Assessment.

(C) An assessment of the threat posed by violent extremist organizations in the AFRICOM AOR and a detailed description of the Department of Defense's plan to degrade such organizations.

(D) A detailed description of the Department of Defense's plan to counter the military influence of China and Russia in the AFRICOM AOR.

Assessment.

(E) A detailed assessment of the anticipated effect that such a reduction would have on military and intelligence efforts in the AFRICOM AOR.

Classified information.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) AFRICOM AOR.—The term "AFRICOM AOR" means the United States Africa Command area of responsibility.

(2) COVERED UNITED STATES ARMED FORCES.—The term "covered United States Armed Forces"—

(A) means United States Armed Forces that are deployed to the AFRICOM AOR and under the command authority and operational control of the Commander of United States Africa Command; but

(B) does not include—

(i) forces deployed in conjunction with other Commands;

(ii) forces participating in joint exercises;

(iii) forces used to assist in emergency situations; and

(iv) forces designated or assigned for diplomatic or embassy security.

SEC. 1292. NOTIFICATION WITH RESPECT TO WITHDRAWAL OF MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE MULTINATIONAL FORCE AND OBSERVERS IN EGYPT.

(a) IN GENERAL.—Not later than 30 days before a reduction in the total number of members of the Armed Forces assigned to participate in the Multinational Force and Observers in Egypt to fewer than 430 such members of the Armed Forces, the Secretary of Defense shall submit to the appropriate committees of Congress a notification that includes the following: Deadline.

(1) A detailed accounting of the number of members of the Armed Forces to be withdrawn from the Multinational Force and Observers in Egypt and the capabilities that such members of the Armed Forces provide in support of the mission.

(2) An explanation of national security interests of the United States served by such a reduction and an assessment of the effect, if any, such a reduction is expected to have on the security of United States partners in the region.

(3) A description of consultations by the Secretary with the other countries that contribute military forces to the Multinational Force and Observers, including Australia, Canada, Colombia, the Czech Republic, Fiji, France, Italy, Japan, New Zealand, Norway, the United Kingdom, and Uruguay, with respect to the planned force reduction and the results of such consultations.

(4) An assessment of whether other countries, including the countries that contribute military forces to the Multinational Force and Observers, will increase their contributions of military forces to compensate for the capabilities withdrawn by the United States. Assessment.

(5) An explanation of—

(A) any anticipated negative impact of such a reduction on the ability of the Multinational Force and Observers in Egypt to fulfill its mission of supervising the implementation of the security provisions of the 1979 Treaty of Peace between Egypt and Israel and employing best efforts to prevent any violation of the terms of such treaty; and

(B) the manner in which any such negative impact will be mitigated.

(6) Any other matter the Secretary considers appropriate.

(b) FORM.—The notification required by subsection (a) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1293. REPORT ON ENHANCING SECURITY PARTNERSHIPS BETWEEN THE UNITED STATES AND AFRICAN COUNTRIES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the Coordination.

appropriate congressional committees a report on the activities and resources required to enhance security partnerships between the United States and African countries.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the Department of Defense's approach to conducting security cooperation activities in Africa, including how it identifies and prioritizes its security partnerships in Africa.

(B) A description of how the Department's security cooperation activities benefit other Federal departments and agencies that are operating in Africa.

Recommendations.

(C) Recommendations to improve the ability of the Department to achieve sustainable security benefits from its security cooperation activities in Africa, which may include—

(i) the establishment of contingency locations;

(ii) small-scale construction conducted in accordance with existing law; and

(iii) the acquisition of additional training and equipment by African partners to improve their organizational, operational, mobility, and sustainment capabilities.

Recommendations.

(D) Recommendations to expand and strengthen partner capability to conduct security activities, including traditional activities of the combatant commands, train and equip opportunities, State partnerships with the National Guard, and through multilateral activities.

(E) A description of how the following factors may impact the ability of the Department to strengthen security partnerships in Africa:

(i) The economic development and stability of African countries.

(ii) The military, intelligence, diplomatic, developmental, and humanitarian efforts of China and Russia on the African continent.

(iii) The ability of the United States, allies, and partners to combat violent extremist organizations operating in Africa.

(F) Any other matters the Secretary determines to be relevant.

Classified information.

(3) FORM.—The report required under paragraph (1) may be submitted in classified form, but shall include an unclassified summary.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1294. PLAN TO ADDRESS GROSS VIOLATIONS OF HUMAN RIGHTS AND CIVILIAN HARM IN BURKINA FASO, CHAD, MALI, AND NIGER.

Deadline. Consultation.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation

with the Secretary of Defense, shall submit to the appropriate congressional committees a plan to engage with the Governments of Burkina Faso, Chad, Mali, and Niger to prevent civilian harm and address allegations of gross violations of human rights by the security forces of these countries and non-state armed groups, and ensure accountability for such violations.

(b) MATTERS TO BE INCLUDED.—The plan required by subsection (a) shall include the following:

(1) A description of planned public and private diplomatic engagement to support efforts by the Governments of Burkina Faso, Chad, Mali, and Niger to investigate, prosecute, and sentence any individual or group against which there are credible allegations of gross violations of human rights, including by state security forces and non-state armed groups, and an assessment of the effectiveness of such engagement.

(2) An identification of United States assistance and programs to address gross violations of human rights and civilian harm, improve civil-military relations, and strengthen accountability of Burkina Faso, Chad, Mali, and Niger through their military justice systems, including support for building the capacity of provost marshals.

(3) A description of how such United States assistance and programs have been used to address gross violations of human rights, civilian harm, and civil-military relations, and an assessment of how they can be strengthened to prevent and mitigate civilian harm.

(4) A description of plans to coordinate United States efforts with France, the European Union, the United Nations Stabilization Mission in Mali (MINUSMA), the African Union, and the G5 Sahel Joint Force to decrease gross violations of human rights and minimize civilian harm during military operations in the Sahel.

(5) A description of efforts undertaken by the Governments of Burkina Faso, Chad, Mali, and Niger to prevent and decrease instances of gross violations of human rights or civilian harm perpetrated by state security forces or non-state armed groups that have received material support from or conducted joint counterterrorism operations with these security forces, and an assessment of the effectiveness of these efforts.

(6) A description of any confirmed incidents or reports of civilian harm that may have occurred during United States military advise, assist, or accompany operations during the preceding calendar year.

(7) Any other matters that the Secretary considers to be relevant.

(c) FORM.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) CIVILIAN HARM.—The term "civilian harm" means conflict-related death, physical injury, loss of property or livelihood, or interruption of access to essential services.

SEC. 1295. STATEMENT OF POLICY AND REPORT RELATING TO THE CONFLICT IN YEMEN.

22 USC 2151 note.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to protect United States citizens and strategic interests in the Middle East region;

(2) to support United Nations-led efforts to end violence in Yemen and secure a comprehensive political settlement to the conflict in Yemen that results in protection of civilians and civilian infrastructure and alleviates the humanitarian crisis including by facilitating unfettered access for all Yemenis to food, fuel, and medicine;

(3) to encourage all parties to the conflict in Yemen to participate in good faith in the United Nations-led process and to uphold interim agreements as part of that process to end the conflict, leading to reconstruction in Yemen;

(4) to support United States allies and partners in defending their borders and territories in order to maintain stability and security in the Middle East region and encourage burden sharing among such allies and partners;

(5) to assist United States allies and partners in countering destabilization of the Middle East region;

(6) to oppose Iranian arms transfers in violation of United Nations Security Council resolutions, including transfers to the Houthis;

(7) to encourage the Government of Saudi Arabia and the Government of the United Arab Emirates to assist significantly in the economic stabilization and eventual reconstruction of Yemen; and

(8) to encourage all parties to the conflict to comply with the law of armed conflict, including to investigate credible allegations of war crimes and provide redress to civilian victims.

(b) REPORT ON CONFLICT IN YEMEN.—

Consultation.

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on United States policy in Yemen.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A detailed description of diplomatic actions taken by the United States Government to help ease human suffering in Yemen, including—

(i) United States direct humanitarian assistance and United States donations to multilateral humanitarian assistance efforts, including to address the COVID–19 pandemic;

(ii) efforts to ensure that humanitarian assistance is delivered in line with internationally recognized humanitarian principles, and the results of such efforts;

(iii) efforts to facilitate humanitarian and commercial cargo shipments into Yemen and minimize delays

associated with such shipments, including access to ports for humanitarian and commercial cargo, and the results of such efforts;

(iv) efforts to work with parties to the conflict in Yemen to ensure protection of civilians and civilian infrastructure, and the results of such efforts;

(v) efforts to help the Government of Yemen to create a mechanism to ensure that salaries and pensions are paid to civil servants as appropriate, and the results of such efforts; and

(vi) efforts to work with the Government of Yemen and countries that are members of the Saudi-led coalition in Yemen to address the currency crisis in Yemen and the solvency of the Central Bank of Yemen, and the results of such efforts.

Assessment.

(B) An assessment of plans, commitments, and pledges for reconstruction of Yemen made by countries that are members of the Saudi-led coalition in Yemen, including an assessment of proposed coordination with the Government of Yemen and international organizations.

(C) A description of civilian harm occurring in the context of the conflict in Yemen since November 2017, including mass casualty incidents and damage to, or destruction of, civilian infrastructure and services.

Estimate.

(D) An estimated total number of civilian casualties in the context of the conflict in Yemen since September 2014, disaggregated by year.

(E) A detailed description of actions taken by the United States Government to support the efforts of the United Nations Special Envoy for Yemen to reach a lasting political solution in Yemen.

Assessment.

(F) A detailed assessment of whether and to what extent members of the Saudi-led coalition in Yemen have used United States-origin defense articles and defense services in Yemen in contravention of the laws of armed conflict when engaging in any military operations against the Houthis in Yemen.

(G) A description of external and cross border attacks perpetrated by the Houthis.

Assessment.

(H) A detailed assessment of the Government of Yemen's willingness and capacity to effectively—

(i) provide public services to the people of Yemen;

(ii) service the external debts of Yemen; and

(iii) facilitate or ensure access to humanitarian assistance and key commodities in Yemen.

(I) A description of support for the Houthis by Iran and Iran-backed groups, including the provision of weapons and training.

(J) A description of recruitment and use of child soldiers by parties to the conflict in Yemen.

Classified information.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1296. REPORT ON UNITED STATES MILITARY SUPPORT OF THE SAUDI-LED COALITION IN YEMEN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that includes the following:

(1) A description of all military support, training, and defense articles and services provided by the Department of Defense to Saudi Arabia, the Government of the United Arab Emirates, and other countries participating in the Saudi-led coalition since March 2015, including—

(A) an annual description, by fiscal year or calendar year, of all transfers of logistics support, supplies, defense articles, and services under sections 2341 and 2342 of title 10, United States Code, or any other applicable law;

(B) a description of the total financial value of such transfers and which countries bore the cost described in subparagraph (A) of these transfers, including the status of any required reimbursement of costs from Saudi Arabia, the Government of the United Arab Emirates and the Saudi-led coalition to the Department of Defense; and

(C) a description of the types of training, advice, and assistance provided by the Department of Defense, including the authorities under which this training was provided, and an assessment of the extent to which such training has included—

(i) tactics, techniques, or procedures that could be used to restrict the movement of commercial and humanitarian shipments or the movement of persons into or out of Yemen;

(ii) tactics, techniques, and procedures to reduce civilian casualties and damage to civilian infrastructure; and

(iii) an emphasis on human rights and the laws of armed conflict.

Evaluation. Determination.

(2) A description and evaluation of processes used by the Department of Defense to determine whether the types of military support described in paragraph (1) have—

(A) affected the movement of persons into or out of Yemen, the restriction of the movement of commercial and humanitarian shipments into and out of Yemen, or the illicit profit from such importation by any of the warring parties in the conflict in Yemen;

(B) contributed to or reduced civilian casualties and damage to civilian infrastructure in Yemen; and

(C) contributed to or reduced violations of the laws of armed conflict in Yemen, including any credibly alleged violations of torture, arbitrary detention, and other gross violations of internationally recognized human rights by countries that are members of the Saudi-led coalition in Yemen and the Republic of Yemen Government.

(3) The responsiveness and completeness of any certifications submitted pursuant to section 1290 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2081), as of the date of the submission of the report required by this section.

(4) The responsiveness and completeness of any reports submitted pursuant to section 1274 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2067), as of such date of submission.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(3) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Financial Services of the House of Representatives.

SEC. 1297. SENSE OF CONGRESS ON PAYMENT OF AMOUNTS OWED BY KUWAIT TO UNITED STATES MEDICAL INSTITUTIONS.

(a) FINDINGS.—Congress finds that—

(1) at least 45 medical institutions in the United States have provided medical services to citizens of Kuwait; and

(2) despite providing care for their citizens, Kuwait has not paid amounts owed to such United States medical institutions for such services in over 2 years.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Kuwait is an important partner of the United States in the Middle East and both countries should find ways to address irritants in the bilateral relationship;

(2) the United States should seek a resolution with Kuwait regarding the outstanding amounts Kuwait owes to United States medical institutions for medical services provided to citizens of Kuwait, especially during the COVID–19 pandemic; and

(3) Kuwait should immediately pay such outstanding amounts owed to such United States medical institutions.

Subtitle K—Other Matters

SEC. 1299A. PROVISION OF GOODS AND SERVICES AT KWAJALEIN ATOLL, REPUBLIC OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—Chapter 767 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7596. Provision of goods and services at Kwajalein Atoll 10 USC 7596.

"(a) AUTHORITY.—(1) Except as provided in paragraph (2), the Secretary of the Army, with the concurrence of the Secretary of State, may provide goods and services, including interatoll transportation, to the Government of the Republic of the Marshall Islands and other eligible patrons, as determined by the Secretary of the Army, at Kwajalein Atoll.

"(2) The Secretary of the Army may not provide goods or services under this section if doing so would be inconsistent, as

determined by the Secretary of State, with the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands or any subsidiary agreement or implementing arrangement.

"(b) REIMBURSEMENT.—(1) The Secretary of the Army may collect reimbursement from the Government of the Republic of the Marshall Islands and eligible patrons for the provision of goods or services under subsection (a).

"(2) The amount collected for goods or services under this subsection may not be greater than the total amount of actual costs to the United States for providing the goods or services.

"(c) NECESSARY EXPENSES.—Amounts appropriated to the Department of the Army may be used for necessary expenses associated with providing goods and services under this section.

"(d) REGULATIONS.—The Secretary of the Army shall issue regulations to carry out this section.".

10 USC prec. 7591.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7596. Provision of goods and services at Kwajalein Atoll.".

Deadline. Summary.

(c) BRIEFING.—Not later than December 31, 2021, the Secretary of the Army shall provide to the congressional defense committees a briefing on the use of the authority under section 7596(a) of title 10, United States Code, as added by subsection (a), in fiscal year 2021, including a written summary describing the goods and services provided on a reimbursable basis and the goods and services provided on a nonreimbursable basis.

SEC. 1299B. REPORT ON CONTRIBUTIONS RECEIVED FROM DESIGNATED COUNTRIES.

Section 2350j of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) REPORT ON CONTRIBUTIONS RECEIVED FROM DESIGNATED COUNTRIES.—

"(1) IN GENERAL.—Not later than January 15 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the burden sharing contributions received under this section from designated countries.

"(2) ELEMENTS.—Each report required by paragraph (1) shall include the following for the preceding fiscal year:

"(A) A list of all designated countries from which burden sharing contributions were received.

"(B) An explanation of the purpose for which each such burden sharing contribution was provided.

"(C) A description of any written agreement entered into with a designated country under this section, including the date on which the agreement was signed.

"(D) For each designated country—

"(i) the amount provided by the designated country; and

"(ii) the amount of any remaining unobligated balance.

"(E) The amount of such burden sharing contributions expended, by eligible category, including compensation for local national employees, military construction projects, and supplies and services of the Department of Defense.

"(F) Any other matter the Secretary of Defense considers relevant.

"(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

"(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

"(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.".

SEC. 1299C. MODIFICATION TO INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115–232) is amended to read as follows:

"SEC. 1286. INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

"(a) INITIATIVE REQUIRED.—The Secretary of Defense shall, in consultation with other appropriate government organizations, establish an initiative to work with institutions of higher education who perform defense research and engineering activities— Consultation.

"(1) to support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security;

"(2) to limit undue influence, including through foreign talent programs, by countries to exploit United States technology within the Department of Defense research, science and technology, and innovation enterprise; and

"(3) to support efforts toward development of domestic talent in relevant scientific and engineering fields.

"(b) INSTITUTIONS AND ORGANIZATIONS.—The initiative required by subsection (a) shall be developed and executed to the maximum extent practicable with academic research institutions and other educational and research organizations.

"(c) REQUIREMENTS.—The initiative required by subsection (a) shall include development of the following:

"(1) Information exchange forum and information repositories to enable awareness of security threats and influence operations being executed against the United States research, technology, and innovation enterprise.

"(2) Training developed and delivered in consultation with institutions of higher education and appropriate Government agencies, and other support to institutions of higher education, to promote security and limit undue influence on institutions of higher education and personnel, including Department of Defense financial support to carry out such activities, that— Consultation.

"(A) emphasizes best practices for protection of sensitive national security information;

"(B) includes the dissemination of unclassified materials and resources for identifying and protecting against emerging threats to institutions of higher education, including specific counterintelligence information and

advice developed specifically for faculty and academic researchers based on actual identified threats; and

"(C) includes requirements for appropriate senior officials of institutions of higher education to receive from appropriate Government agencies updated and periodic briefings that describe the espionage risks to academic institutions and associated personnel posed by technical intelligence gathering activities of near-peer strategic competitors.

"(3) The capacity of Government agencies and institutions of higher education to assess whether individuals affiliated with Department of Defense programs have participated in or are currently participating in foreign talent programs or expert recruitment programs.

"(4) Opportunities to collaborate with defense researchers and research organizations in secure facilities to promote protection of critical information and strengthen defense against foreign intelligence services.

"(5) Regulations and procedures—

"(A) for Government agencies and academic organizations and personnel to support the goals of the initiative; and

"(B) that are consistent with policies that protect open and scientific exchange in fundamental research.

"(6) Policies to limit or prohibit funding provided by the Department of Defense for institutions or individual researchers who knowingly violate regulations developed under the initiative, including regulations relating to foreign talent programs.

"(7) Initiatives to support the transition of the results of institution of higher education research programs into defense capabilities.

List.

"(8)(A) A list of academic institutions of the People's Republic of China, the Russian Federation, and other countries that—

"(i) have a history of improper technology transfer, intellectual property theft, or cyber or human espionage;

"(ii) operate under the direction of the military forces or intelligence agency of the applicable country;

"(iii) are known—

"(I) to recruit foreign individuals for the purpose of transferring knowledge to advance military or intelligence efforts; or

"(II) to provide misleading information or otherwise attempt to conceal the connections of an individual or institution to a defense or an intelligence agency of the applicable country; or

"(iv) pose a serious risk of improper technology transfer of data, technology, or research that is not published or publicly available.

Updates.
Consultation.

"(B) The list described in subparagraph (A) shall be developed and continuously updated in consultation with the Bureau of Industry and Security of the Department of Commerce, the Director of National Intelligence, United States institutions of higher education that conduct significant Department of Defense research or engineering activities, and other appropriate individuals and organizations.

"(9)(A) A list, developed and continuously updated in consultation with the National Academies of Science, Engineering, and Medicine and the appropriate Government agencies, of foreign talent programs that pose a threat to the national security interests of the United States, as determined by the Secretary. List.

"(B) In developing and updating such list, the Secretary shall consider—

"(i) the extent to which a foreign talent program—

"(I) poses a threat to research funded by the Department of Defense; and

"(II) engages in, or facilitates, cyber attacks, theft, espionage, attempts to gain ownership of or influence over companies, or otherwise interferes in the affairs of the United States; and

"(ii) any other factor the Secretary considers appropriate.

"(d) PROCEDURES FOR ENHANCED INFORMATION SHARING.—

"(1) COLLECTION OF INFORMATION.—

"(A) DEFENSE RESEARCH AND DEVELOPMENT ACTIVITIES.—Not later than October 1, 2020, for the purpose of maintaining appropriate security controls over research activities, technical information, and intellectual property, the Secretary, in conjunction with appropriate public and private entities, shall establish streamlined procedures to collect appropriate information relating to individuals, including United States citizens and foreign nationals, who participate in defense research and development activities. Deadline.

"(B) FUNDAMENTAL RESEARCH PROGRAMS.—With respect to fundamental research programs, the academic liaison designated under subsection (g) shall establish policies and procedures to collect, consistent with the best practices of Government agencies that fund academic research, appropriate information relating to individuals who participate in fundamental research programs.

"(2) PROTECTION FROM RELEASE.—The procedures required by paragraph (1) shall include procedures to protect such information from release, consistent with applicable regulations.

"(3) REPORTING TO GOVERNMENT INFORMATION SYSTEMS AND REPOSITORIES.—The procedures required by paragraph (1) may include procedures developed, in coordination with appropriate public and private entities, to report such information to existing Government information systems and repositories.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than April 30, 2020, and annually thereafter, the Secretary, acting through appropriate Government officials (including the Under Secretary for Research and Engineering), shall submit to the congressional defense committees a report on the activities carried out under the initiative required by subsection (a).

"(2) CONTENTS.—The report required by paragraph (1) shall include the following:

"(A) A description of the activities conducted and the progress made under the initiative.

"(B) The findings of the Secretary with respect to the initiative.

Recommendations.

"(C) Such recommendations as the Secretary may have for legislative or administrative action relating to the matters described in subsection (a), including actions related to foreign talent programs.

"(D) Identification and discussion of the gaps in legal authorities that need to be improved to enhance the security of research institutions of higher education performing defense research.

"(E) A description of the actions taken by such institutions to comply with such best practices and guidelines as may be established by under the initiative.

"(F) Identification of any incident relating to undue influence to security threats to academic research activities funded by the Department of Defense, including theft of property or intellectual property relating to a project funded by the Department at an institution of higher education.

"(3) FORM.—The report submitted under paragraph (1) shall be submitted in both unclassified and classified formats, as appropriate.

"(f) PUBLICATION OF UPDATED LISTS.—

Deadline.

"(1) SUBMITTAL TO CONGRESS.—Not later than January 1, 2021, and annually thereafter, the Secretary shall submit to the congressional defense committees the most recently updated lists described in paragraphs (8) and (9) of subsection (c).

"(2) FORM.—Each list submitted under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

"(3) PUBLIC AVAILABILITY.—Each list submitted under paragraph (1) shall be published on a publicly accessible internet website of the Department of Defense in a searchable format.

"(4) INTERVENING SUBMITTAL AND PUBLICATION.—The Secretary may submit and publish an updated list described in paragraph (1) more frequently than required by that paragraph, as the Secretary considers necessary.

"(g) DESIGNATION OF ACADEMIC LIAISON.—

Deadline.

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary, acting through the Under Secretary of Defense for Research and Engineering, shall designate an academic liaison with principal responsibility for working with the academic and research communities to protect Department-sponsored academic research of concern from undue foreign influence and threats.

"(2) QUALIFICATION.—The Secretary shall designate an individual under paragraph (1) who is an official of the Office of the Under Secretary of Defense for Research and Engineering.

"(3) DUTIES.—The duties of the academic liaison designated under paragraph (1) shall be as follows:

"(A) To serve as the liaison of the Department with the academic and research communities.

"(B) To execute initiatives of the Department related to the protection of Department-sponsored academic research of concern from undue foreign influence and threats, including the initiative required by subsection (a).

"(C) To conduct outreach and education activities for the academic and research communities on undue foreign

influence and threats to Department-sponsored academic research of concern.

"(D) To coordinate and align academic security policies with Department component agencies, the Office of Science and Technology Policy, the intelligence community, and appropriate Federal agencies.

"(E) To the extent practicable, to coordinate with the intelligence community to share, not less frequently than annually, with the academic and research communities unclassified information, including counterintelligence information, on threats from undue foreign influence.

"(F) Any other related responsibility, as determined by the Secretary in consultation with the Under Secretary of Defense for Research and Engineering.

"(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

SEC. 1299D. EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

Subsection (g) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578) is amended by striking "2021" and inserting "2023".

SEC. 1299E. ANNUAL BRIEFINGS ON CERTAIN FOREIGN MILITARY BASES OF ADVERSARIES.

(a) REQUIREMENT.—Not later than February 15 of each year, the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, acting through the Under Secretary of Defense for Intelligence and Security, shall provide to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a briefing on— Deadline.

(1) covered foreign military bases and the related capabilities of that foreign military; and

(2) the effects of such bases and capabilities on—

(A) the military installations of the United States located outside the United States; and

(B) current and future deployments and operations of the armed forces of the United States.

(b) ELEMENTS.—Each briefing under subsection (a) shall include the following:

(1) An assessment of covered foreign military bases, including such bases established by China, Russia, and Iran, and any updates to such assessment provided in a previous briefing under such subsection. Assessment.

(2) Information regarding known plans for any future covered foreign military base.

(3) An assessment of the capabilities, including those pertaining to anti-access and area denial, provided by covered foreign military bases to that foreign military, including an assessment of how such capabilities could be used against the armed forces of the United States in the country and the geographic combatant command in which such base is located. Assessment.

(4) A description of known ongoing activities and capabilities at covered foreign military bases, and how such activities

and capabilities advance the foreign policy and national security priorities of the relevant foreign countries.

(5) The extent to which covered foreign military bases could be used to counter the defense priorities of the United States.

Classified information.

(c) FORM.—Each briefing under subsection (a) shall be provided in classified form.

(d) COVERED FOREIGN MILITARY BASE DEFINED.—In this section, the term "covered foreign military base" means, with respect to a foreign country that is an adversary of the United States, a military base of that country located in a different country.

(e) SUNSET.—The requirement to provide briefings under subsection (a) shall terminate after the briefing required to be provided by not later than February 15, 2025.

22 USC 2656j.

SEC. 1299F. COUNTERING WHITE IDENTITY TERRORISM GLOBALLY.

Deadline.

(a) STRATEGY AND COORDINATION.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall—

(1) develop and submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a Department of State-wide strategy entitled the "Department of State Strategy for Countering White Identity Terrorism Globally" (in this section referred to as the "strategy"); and

(2) designate the Coordinator for Counterterrorism of the Department to coordinate Department efforts to counter white identity terrorism globally, including with United States diplomatic and consular posts, the Director of the National Counterterrorism Center, the Director of the Central Intelligence Agency, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the heads of any other relevant Federal departments or agencies.

(b) ELEMENTS.—The strategy shall at a minimum contain the following:

Assessment.

(1) An assessment of the global threat from white identity terrorism abroad, including geographic or country prioritization based on the assessed threat to the United States.

(2) A description of the coordination mechanisms between relevant bureaus and offices within the Department of State, as well as with United States diplomatic and consular posts, for developing and implementing efforts to counter white identity terrorism.

(3) A description of how the Department plans to build on any existing strategy developed by the Bureau for Counterterrorism to—

(A) adapt or expand existing Department programs, projects, activities, or policy instruments based on existing authorities for the specific purpose of degrading and delegitimizing the white identity terrorist movement globally; and

(B) identify the need for any new Department programs, projects, activities, or policy instruments for the specific purpose of degrading and delegitimizing the white

identity terrorist movement globally, including a description of the steps and resources necessary to establish any such programs, projects, activities, or policy instruments, noting whether such steps would require new authorities.

(4) Detailed plans for using public diplomacy, including the efforts of the Secretary of State and other senior Executive Branch officials, including the President, to degrade and delegitimize white identity terrorist ideologues and ideology globally, including by— Plans.

(A) countering white identity terrorist messaging and supporting efforts to redirect potential supporters away from white identity terrorist content online;

(B) exposing foreign government support for white identity terrorist ideologies, objectives, ideologues, networks, organizations, and internet platforms;

(C) engaging with foreign governments and internet service providers and other relevant technology entities, to prevent or limit white identity terrorists from exploiting internet platforms in furtherance of or in preparation for acts of terrorism or other targeted violence, as well as the recruitment, radicalization, and indoctrination of new adherents to white identity terrorism; and

(D) identifying the roles and responsibilities for the Office of the Under Secretary for Public Affairs and Public Diplomacy and the Global Engagement Center in developing and implementing such plans.

(5) An outline of steps the Department is taking or will take in coordination, as appropriate, with the Director of the National Counterterrorism Center, the Director of the Central Intelligence Agency, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the heads of any other relevant Federal departments or agencies to improve information and intelligence sharing with other countries on white identity terrorism based on existing authorities by—

(A) describing plans for adapting or expanding existing mechanisms for sharing information, intelligence, or counterterrorism best practices, including facilitating the sharing of information, intelligence, or counterterrorism best practices gathered by Federal, State, and local law enforcement; and

(B) proposing new mechanisms or forums that might enable expanded sharing of information, intelligence, or counterterrorism best practices.

(6) An outline of how the Department plans to use designation as a Specially Designated Global Terrorist (under Executive Order No. 13224 (50 U.S.C. 1701 note)) and foreign terrorist organization (pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)) to support the strategy, including—

(A) an assessment and explanation of the utility of applying or not applying such designations when individuals or entities satisfy the criteria for such designations; and Assessment.

(B) a description of possible remedies if such criteria are insufficient to enable designation of any individuals

or entities the Secretary of State considers a potential terrorist threat to the United States.

Consultation.

(7) A description of the Department's plans, in consultation with the Department of the Treasury, to work with foreign governments, financial institutions, and other related entities to counter the financing of white identity terrorists within the parameters of current law, or if no such plans exist, a description of why.

(8) A description of how the Department plans to implement the strategy in conjunction with ongoing efforts to counter the Islamic State, al-Qaeda, and other terrorist threats to the United States.

(9) A description of how the Department will integrate into the strategy lessons learned in the ongoing efforts to counter the Islamic State, al-Qaeda, and other terrorist threats to the United States.

(10) A identification of any additional resources or staff needed to implement the strategy.

Consultation.

(c) INTERAGENCY COORDINATION.—The Secretary of State shall develop the strategy in coordination with the Director of the National Counterterrorism Center and in consultation with the Director of the Central Intelligence Agency, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the heads of any other relevant Federal departments or agencies.

(d) STAKEHOLDER INCLUSION.—The strategy shall be developed in consultation with representatives of United States and international civil society and academic entities with experience researching or implementing programs to counter white identity terrorism.

(e) FORM.—The strategy shall be submitted in unclassified form that can be made available to the public, but may include a classified annex if the Secretary of State determines such is appropriate.

Deadline.

(f) IMPLEMENTATION.—Not later than three months after the submission of the strategy, the Secretary of State shall begin implementing the strategy.

Deadline.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act and not less often than annually thereafter, the Secretary of State shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the development and implementation of the strategy.

(h) COUNTRY REPORTS ON TERRORISM.—The Secretary of State shall incorporate all credible information about white identity terrorism, including regarding relevant attacks, the identification of perpetrators and victims of such attacks, the size and identification of organizations and networks, and the identification of notable ideologues, in the annual country reports on terrorism submitted pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

(i) REPORT ON SANCTIONS.—

President. Determinations.

(1) IN GENERAL.—Not later than 120 days and again 240 days after the submission of each annual country report on terrorism submitted pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as modified in accordance with subsection (h),

the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that determines whether the foreign persons, organizations, and networks identified in such annual country reports on terrorism as so modified, satisfy the criteria to be designated as—

(A) foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) Specially Designated Global Terrorist under Executive Order No. 13224 (50 U.S.C. 1701 note).

(2) FORM.—Each determination required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex, if appropriate. Classified information.

(j) REQUIREMENT FOR INDEPENDENT STUDY TO MAP THE GLOBAL WHITE IDENTITY TERRORISM MOVEMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall enter into a contract with a federally funded research and development center with appropriate expertise and analytical capability to carry out the study described in paragraph (2). Deadline. Contracts.

(2) STUDY.—The study described in this paragraph shall provide for a comprehensive social network analysis of the global white identity terrorism movement to— Analysis.

(A) identify key actors, organizations, and supporting infrastructure; and

(B) map the relationships and interactions between such actors, organizations, and supporting infrastructure.

(3) REPORT.—

(A) TO THE SECRETARY.—Not later than one year after the date on which the Secretary of State enters into a contract pursuant to paragraph (1), the federally funded research and development center referred to in such subsection that has entered into such contract with the Secretary shall submit to the Secretary a report containing the results of the study required under this section.

(B) TO CONGRESS.—Not later than 30 days after receipt of the report under subparagraph (A), the Secretary of State shall submit to the Committee of Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate such report, together with any additional views or recommendations of the Secretary. Recommendations.

SEC. 1299G. REPORT ON PROGRESS OF THE DEPARTMENT OF DEFENSE WITH RESPECT TO DENYING THE STRATEGIC GOALS OF A COMPETITOR AGAINST A COVERED DEFENSE PARTNER.

(a) REPORT ON PROGRESS OF THE DEPARTMENT OF DEFENSE WITH RESPECT TO DENYING THE STRATEGIC GOALS OF A COMPETITOR AGAINST A COVERED DEFENSE PARTNER.—

(1) IN GENERAL.—Not later than April 30, 2021, and annually thereafter for 5 years, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense with respect to improving the ability of the United States Armed Forces to conduct combined joint operations to deny the strategic goals of a competitor against a covered defense partner. Time period.

(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following:

(A) An explanation of the objectives for the United States Armed Forces that would be necessary to deny the strategic goals of a competitor against a covered defense partner.

Assessments.

(B) An identification of joint warfighting capabilities and current efforts to organize, train, and equip the United States Armed Forces in support of the objectives explained pursuant to paragraph (1), including—

(i) an assessment of whether the programs included in the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code, are sufficient to enable the United States Armed Forces to conduct combined joint operations to achieve such objectives;

(ii) a description of additional investments or force posture adjustments required to maintain or improve the ability of the United States Armed Forces to conduct combined joint operations to achieve such objectives;

(iii) a description of the manner in which the Secretary of Defense intends to develop and integrate Army, Navy, Air Force, Marine Corps, and Space Force operational concepts to maintain or improve the ability of the United States Armed Forces to conduct combined joint operations to achieve such objectives; and

(iv) an assessment of the manner in which different options for pre-delegating authorities may improve the ability of the United States Armed Forces to conduct combined joint operations to achieve such objectives.

(C) An assessment of options for deterring limited use of nuclear weapons by a competitor in the Indo-Pacific region without undermining the ability of the United States Armed Forces to maintain deterrence against other competitors or adversaries.

(D) An assessment of a competitor theory of victory for invading and unifying a covered defense partner with such competitor by military force.

(E) A description of the military objectives a competitor would need to achieve strategic goals.

(F) A description of the military missions a strategic competitor would need to achieve strategic goals, including—

(i) blockade and bombing operations;

(ii) amphibious landing operations; or

(iii) combat operations.

(G) An assessment of competing demands on a competitor's resources and how such demands impact such competitor's ability to achieve strategic goals.

(H) An assessment of the self-defense capabilities of covered defense partners and a summary of defense articles and services that are required to enhance such capability.

(I) An assessment of the capabilities of partner and allied countries to conduct combined operations with the United States Armed Forces in a regional contingency.

(3) FORM.—Each report required by paragraph (1) shall be submitted in classified form but may include an unclassified executive summary. Classified information.

(b) DEFINITIONS.—In this section:

(1) The term "competitor" means a country identified as a strategic competitor in the "Summary of the 2018 National Defense Strategy of the United States of America: Sharpening the American Military's Competitive Edge" issued by the Department of Defense pursuant to section 113 of title 10, United States Code.

(2) The term "covered defense partner" means a partner identified in the "Department of Defense Indo-Pacific Strategy Report" issued on June 1, 2019, that is located within 100 miles off the coast of a strategic competitor.

(3) The term "strategic goals" means, with respect to a competitor, a strategy designed to allow the competitor to rapidly use military force to effectively control the territory of a covered defense partner before the United States Armed Forces are able to respond.

SEC. 1299H. COMPARATIVE STUDIES ON DEFENSE BUDGET TRANSPARENCY OF THE PEOPLE'S REPUBLIC OF CHINA, THE RUSSIAN FEDERATION, AND THE UNITED STATES.

(a) STUDIES REQUIRED.— Deadlines.

(1) DEPARTMENT OF DEFENSE STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall complete a comparative study on the defense budgets of the People's Republic of China, the Russian Federation, and the United States.

(2) INDEPENDENT STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall offer to enter into an agreement with an entity independent of the Department of Defense to conduct a comparative study on the defense budgets of the People's Republic of China, the Russian Federation, and the United States, to be completed not later than 270 days after the date on which the offer to enter into the agreement is made.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The entity described in subparagraph (A) shall be a federally funded research and development center.

(3) GOAL.—The goal of the studies required by paragraphs (1) and (2) shall be to develop a methodologically sound set of assumptions to underpin a comparison of the defense spending of the People's Republic of China, the Russian Federation, and the United States.

(b) ELEMENTS.— Analyses.

(1) IN GENERAL.—Each study required by subsection (a) shall do the following:

(A) Determine the amounts invested by each subject country across functional categories for spending, including— Determination.

(i) defense-related research and development;

(ii) weapons procurement from domestic and foreign sources;

(iii) operations and maintenance;

(iv) pay and benefits; and

(v) military pensions.

(B) Consider the effects of purchasing power parity and market exchange rates, particularly on nontraded goods.

(C) Consider differences in the relative prices and quality of goods within each subject country.

(D) Compare the quality of labor and benefits for the defense workforce of each subject country.

(E) Account for discrepancies in the manner in which each subject country accounts for certain functional types of defense-related spending.

(F) Explicitly estimate the magnitude of omitted spending from official defense budget information.

(G) Describe direct, indirect, and burden-sharing contributions made by host countries to each subject country, including contributions for—

(i) labor costs;

(ii) military construction projects;

(iii) labor, utilities, facilities, and costs omitted;

(iv) costs associated with training and operations; and

(v) any other purpose the Secretary considers appropriate.

(H) Analyze the budget impact of geographical considerations and forward-deployed forces.

(I) Exclude spending related to veterans' benefits.

(2) ADDITIONAL ELEMENT FOR INDEPENDENT STUDY.—In addition to the elements described in paragraph (1), the independent study required by subsection (a)(2) shall analyze best practices for quantifying and evaluating the comparative military expenditures of each subject country for defense-related databases and research.

(c) CONSIDERATIONS.—The studies required by subsection (a) may take into consideration the following:

(1) The effects of state-owned enterprises on the defense expenditures of the People's Republic of China and the Russian Federation.

(2) The role of differing acquisition policies and structures with respect to the defense expenditures of each subject country.

(3) Any other matter relevant to evaluating the resources dedicated to the defense spending or the various military-related outlays of the People's Republic of China and the Russian Federation.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the date on which each study required by subsection (a) is completed, the Secretary shall submit to the appropriate committees of Congress a report on the results of the applicable study, together with the views of the Secretary on such study.

Classified information.

(2) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations,

and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1299I. ASSESSMENT OF WEAPONS OF MASS DESTRUCTION TERRORISM.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Secretary of Energy, shall enter into an arrangement with the National Academy of Sciences— Deadline. Contracts.

(1) to conduct an assessment of strategies of the United States for preventing, countering, and responding to nuclear, biological, and chemical terrorism; and

(2) to make recommendations to improve such strategies. Recommendations.

(b) MATTERS TO BE INCLUDED.—The assessment and recommendations required by subsection (a) shall address the adequacy of strategies described in such subsection and identify technical, policy, and resource gaps with respect to—

(1) identifying national and international nuclear, biological, and chemical risks, and critical emerging threats;

(2) preventing state-sponsored and non-state actors from acquiring or misusing the technologies, materials, and critical expertise needed to carry out nuclear, biological, and chemical attacks, including dual-use technologies, materials, and expertise;

(3) countering efforts by state-sponsored and non-state actors to carry out such attacks;

(4) responding to nuclear, biological, and chemical terrorism incidents to attribute their origin and help manage their consequences;

(5) budgets likely to be required to implement effectively such strategies; and

(6) other important matters that are directly relevant to such strategies.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that contains the assessment and recommendations required by subsection (a).

(2) FORM.—The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex. Classified information.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, Committee on Armed Services, and Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, Committee on Armed Services, and Select Committee on Intelligence of the Senate.

10 USC 113 note.

SEC. 1299J. REVIEW OF DEPARTMENT OF DEFENSE COMPLIANCE WITH "PRINCIPLES RELATED TO THE PROTECTION OF MEDICAL CARE PROVIDED BY IMPARTIAL HUMANITARIAN ORGANIZATIONS DURING ARMED CONFLICTS".

Deadline.

(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any available results of the review requested on October 3, 2016, by the Secretary of Defense of compliance of all relevant Department of Defense orders, rules of engagement, directives, regulations, policies, practices, and procedures, with the "Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts".

(b) ADDITIONAL REQUIREMENT.—The Secretary of Defense shall continue to ensure that all Department of Defense orders, rules of engagement, directives, regulations, policies, practices, and procedures that were reviewed as described in subsection (a), including any other guidance, training, or standard operating procedures relating to the protection of health care during armed conflict, are consistent with the "Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts".

SEC. 1299K. CERTIFICATION RELATING TO ASSISTANCE FOR GUATEMALA.

(a) IN GENERAL.—Prior to the transfer of any vehicles by the Department of Defense to a joint task force of the Ministry of Defense or the Ministry of the Interior of Guatemala during fiscal year 2021, the Secretary of Defense shall certify to the appropriate congressional committees that such ministries have made a credible commitment to use such equipment only for the uses for which they were intended.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

10 USC 342 note.

SEC. 1299L. FUNCTIONAL CENTER FOR SECURITY STUDIES IN IRREGULAR WARFARE.

(a) REPORT REQUIRED.—

Consultation.
Assessments.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report that assesses the merits and feasibility of establishing and administering a Department of Defense Functional Center for Security Studies in Irregular Warfare.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the benefits to the United States, and the allies and partners of the United States, of establishing such a functional center, including the manner in which the establishment of such a functional center would enhance and sustain focus on, and advance knowledge and understanding of, matters of irregular warfare, including cybersecurity, nonstate actors, information operations, counterterrorism, stability operations, and the hybridization of such matters.

(B) A detailed description of the mission and purpose of such a functional center, including applicable policy guidance from the Office of the Secretary of Defense.

(C) An analysis of appropriate reporting and liaison relationships between such a functional center and— Analysis.

(i) the geographic and functional combatant commands;

(ii) other Department of Defense stakeholders; and

(iii) other government and nongovernment entities and organizations.

(D) An enumeration and valuation of criteria applicable to the determination of a suitable location for such a functional center. Criteria. Determination.

(E) A description of the establishment and operational costs of such a functional center, including for—

(i) military construction for required facilities;

(ii) facility renovation;

(iii) personnel costs for faculty and staff; and

(iv) other costs the Secretary of Defense considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations, existing regional centers, interagency facilities, and universities and other academic and research institutions that could reduce the costs described in subparagraph (E). Evaluation.

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing. Examination.

(H) A description of potential courses and programs that such a functional center could carry out, including—

(i) core, specialized, and advanced courses;

(ii) planning workshops and structured after-action reviews or debriefs;

(iii) seminars;

(iv) initiatives on executive development, relationship building, partnership outreach, and any other matter the Secretary of Defense considers appropriate; and

(v) focused academic research and studies in support of Department priorities.

(I) A description of any modification to title 10, United States Code, or any other provision of law, necessary for the effective establishment and administration of such a functional center.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(b) ESTABLISHMENT.—

Time period.

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the report required by subsection (a), and subject to the availability of appropriated funds, the Secretary of Defense may establish and administer a Department of Defense Functional Center for Security Studies in Irregular Warfare.

(2) TREATMENT AS A REGIONAL CENTER FOR SECURITY STUDIES.—A Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be operated and administered in the same manner as the Department of Defense Regional Centers for Security Studies under section 342 of title 10, United States Code, and in accordance with such regulations as the Secretary of Defense may prescribe.

(3) LIMITATION.—No other institution or element of the Department may be designated as a Department of Defense functional center, except by an Act of Congress.

(4) LOCATION.—The location of a Department of Defense Functional Center for Security Studies in Irregular Warfare established under paragraph (1) shall be selected based on an objective, criteria-driven administrative or competitive award process.

SEC. 1299M. UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY COOPERATION WITHIN THE UNITED STATES-ISRAEL DEFENSE ACQUISITION ADVISORY GROUP.

(a) REQUIREMENT.—

Consultation.

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall take actions within the United States-Israel Defense Acquisition Advisory Group that may be necessary—

Evaluation.

(A) to systematically evaluate and share potential options to develop and acquire intelligence-informed military requirements that directly support warfighting capabilities of both the Department of Defense and the Ministry of Defense of Israel; and

(B) to develop, as feasible and advisable, combined United States-Israel plans to research, develop, procure, and field weapon systems and military capabilities as quickly and economically as possible to meet common capability requirements of the Department and the Ministry of Defense of Israel.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as requiring the establishment or termination of any existing United States defense activity, group, program, or partnership with Israel.

Consultation.

(b) BILATERAL COORDINATION.—To enhance cooperation and encourage military-to-military engagement on operations and technology, the Secretary of Defense, in consultation with other appropriate Cabinet members, shall take appropriate actions to consult and cooperate with the Government of Israel on the requirements.

(c) ESTABLISHMENT OF WORKING GROUP WITHIN THE UNITED STATES-ISRAEL DEFENSE ACQUISITION ADVISORY GROUP.—The Secretary of Defense, in consultation with the appropriate heads of other Federal agencies, may establish, under the United States vice chairman of the United States-Israel Defense Acquisition Advisory Group, a working group to address operations and technology matters described in subsection (a)(1).

(d) REPORTS.—

(1) IN GENERAL.—Not later than March 15 each year through 2025, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on any actions taken by the Secretary of Defense pursuant to the requirements in subsection (a)(1). Consultation.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of any science and technology effort or research, development, test, and evaluation effort considered, facilitated, or recommended by the United States-Israel Defense Acquisition Advisory Group, including any effort that results in a United States or Israel program of record.

(B) A description of military capabilities the United States-Israel Defense Acquisition Advisory Group has determined should be pursued through a defense cooperation effort between the Government of the United States and the Government of Israel.

(C) A description of any science and technology effort or research, development, test, and evaluation effort facilitated and recommended by the United States-Israel Defense Acquisition Advisory Group, in support of the development of the military capabilities referred to in subparagraph (B), including any effort that results in a United States or Israel program of record.

(D) A description of any obstacle or challenge associated with an effort described in subparagraph (B) and the plan of the United States-Israel Defense Acquisition Advisory Group to address such obstacle or challenge.

(E) A description of the efforts of the United States-Israel Defense Acquisition Advisory Group to prevent the People's Republic of China or the Russian Federation from obtaining intellectual property or military technology associated with combined United States and Israel science and technology efforts and research, development, test, and evaluation efforts.

(F) A list of potential areas the United States-Israel Defense Acquisition Advisory Group is considering for cooperation on defense issues. List.

(G) A description of any authority or authorization of appropriations required for the United States-Israel Defense Acquisition Advisory Group to carry out the purposes described in subsection (a)(1).

(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form and shall include a classified annex in which the elements required under subparagraphs (B) and (E) of paragraph (2) and any additional classified information, as determined by the Secretary of Defense, shall be addressed. Classified information. Determination.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1299N. PAYMENT OF PASSPORT FEES FOR CERTAIN INDIVIDUALS.

Subsection (c) of section 452 of title 37, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) Passport and visa fees required for foreign travel.".

Deadline.

SEC. 1299O. RESUMPTION OF PEACE CORPS OPERATIONS.

Not later than 90 days after the date of enactment of this Act, the Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that describes the efforts of the Peace Corps to—

(1) offer a return to service to each Peace Corps volunteer and trainee whose service ended on March 15, 2020 (or earlier, in the case of volunteers who were serving in China or Mongolia), due to the COVID–19 public health emergency;

(2) obtain approval from countries, to the extent safe and appropriate, to return volunteers and trainees to countries of service, predicated on the ability for volunteers and trainees to return safely and legally;

(3) provide adequate measures necessary for the safety and health of volunteers and trainees and develop contingency plans in the event overseas operations are disrupted by future COVID–19 outbreaks;

(4) develop and maintain a robust volunteer cohort; and

(5) identify any need for anticipated additional appropriations or new statutory authorities and the changes in global conditions that would be necessary to achieve the goal of safely enrolling 7,300 Peace Corps volunteers during the 1-year period beginning on the date on which Peace Corps operations resume.

SEC. 1299P. ESTABLISHMENT OF THE OPEN TECHNOLOGY FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it is in the interest of the United States to promote global internet freedom by countering internet censorship and repressive surveillance and protect the internet as a platform for the free exchange of ideas, promotion of human rights and democracy, and advancement of a free press and to support efforts that prevent the deliberate misuse of the internet to repress individuals from exercising their rights to free speech and association, including countering the use of such technologies by authoritarian regimes.

(b) ESTABLISHMENT.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following new section:

22 USC 6208a.

"SEC. 309A. OPEN TECHNOLOGY FUND.

"(a) AUTHORITY.—

"(1) IN GENERAL.—Grants authorized under section 305 shall be available to make annual grants for the purpose of promoting, consistent with United States law, unrestricted access to uncensored sources of information via the internet

to enable journalists, including journalists employed by or affiliated with the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East Broadcasting Networks, the Office of Cuba Broadcasting, or any entity funded by or partnering with the United States Agency for Global Media, to create and disseminate, and for their audiences to receive, news and information consistent with the purposes, standards, and principles specified in sections 302 and 303.

"(2) ESTABLISHMENT.—There is established a grantee entity to be known as the 'Open Technology Fund', which shall carry out the provisions of this section.

"(b) FUNCTIONS OF THE GRANTEE.—In furtherance of the mission set forth in subsection (a), the Open Technology Fund shall seek to advance freedom of the press and unrestricted access to the internet in repressive environments oversees, and shall—

"(1) research, develop, implement, and maintain—

"(A) technologies that circumvent techniques used by authoritarian governments, nonstate actors, and others to block or censor access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used to limit or block legitimate access to content and information; and

"(B) secure communication tools and other forms of privacy and security technology that facilitate the creation and distribution of news and enable audiences to access media content on censored websites;

"(2) advance internet freedom by supporting private and public sector research, development, implementation, and maintenance of technologies that provide secure and uncensored access to the internet to counter attempts by authoritarian governments, nonstate actors, and others to improperly restrict freedom online;

"(3) research and analyze emerging technical threats and develop innovative solutions through collaboration with the private and public sectors to maintain the technological advantage of the United States Government over authoritarian governments, nonstate actors, and others;

"(4) develop, acquire, and distribute requisite internet freedom technologies and techniques for the United States Agency for Global Media, including as set forth in paragraph (1), and digital security interventions, to fully enable the creation and distribution of digital content between and to all users and regional audiences;

"(5) prioritize programs for countries the governments of which restrict freedom of expression on the internet, and that are important to the national interest of the United States, and are consistent with section 7050(b)(2)(C) of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94); and

"(6) carry out any other effort consistent with the purposes of this Act or press freedom overseas if requested or approved by the United States Agency for Global Media.

"(c) METHODOLOGY.—In carrying out subsection (b), the Open Technology Fund shall—

"(1) support fully open-source tools, code, and components, to the extent practicable, to ensure such supported tools and

technologies are as secure, transparent, and accessible as possible, and require that any such tools, components, code, or technology supported by the Open Technology Fund remain fully open-source, to the extent practicable;

"(2) support technologies that undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interest of the United States or to individuals and organizations benefitting from programs supported by the Open Technology Fund;

Review. Update.

"(3) review and update periodically as necessary security auditing procedures used by the Open Technology Fund to reflect current industry security standards;

"(4) establish safeguards to mitigate the use of such supported technologies for illicit purposes;

"(5) solicit project proposals through an open, transparent, and competitive application process to attract innovative applications and reduce barriers to entry;

"(6) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines, to review, provide feedback, and evaluate proposals to ensure the most competitive projects are funded;

Review.

"(7) implement an independent review process, through which proposals are reviewed by such experts to ensure the highest degree of technical review and due diligence;

"(8) maximize cooperation with the public and private sectors, as well as foreign allies and partner countries, to maximize efficiencies and eliminate duplication of efforts; and

"(9) utilize any other methodology approved by the United States Agency for Global Media in furtherance of the mission of the Open Technology Fund.

Contracts.

"(d) GRANT AGREEMENT.—Any grant agreement with or grants made to the Open Technology Fund under this section shall be subject to the following limitations and restrictions:

"(1) The headquarters of the Open Technology Fund and its senior administrative and managerial staff shall be located in a location which ensures economy, operational effectiveness, and accountability to the United States Agency for Global Media.

"(2) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

"(3) Any grant agreement under this section shall require that any contract entered into by the Open Technology Fund shall specify that all obligations are assumed by the grantee and not by the United States Government.

"(4) Any grant agreement under this section shall require that any lease agreements entered into by the Open Technology Fund shall be, to the maximum extent possible, assignable to the United States Government.

"(5) Administrative and managerial costs for operation of the Open Technology Fund should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs

that would have been incurred if the Open Technology Fund had been operated as a Federal entity rather than as a grantee.

"(6) Grant funds may not be used for any activity the purpose of which is influencing the passage or defeat of legislation considered by Congress.

"(e) RELATIONSHIP TO THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—

"(1) IN GENERAL.—The Open Technology Fund shall be subject to the same oversight and governance by the United States Agency for Global Media as other grantees of the Agency as set forth in section 305.

"(2) ASSISTANCE.—The United States Agency for Global Media, its broadcast entities, and the Open Technology Fund should render assistance to each other as may be necessary to carry out the purposes of this section or any other provision of this Act.

"(3) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this section may be construed to make the Open Technology Fund a Federal agency or instrumentality.

"(4) DETAILEES.—Under the Intergovernmental Personnel Act, employees of a grantee of the United States Agency for Global Media may be detailed to the Agency, and Federal employees may be detailed to a grantee of the United States Agency for Global Media.

"(f) RELATIONSHIP TO OTHER UNITED STATES GOVERNMENT-FUNDED INTERNET FREEDOM PROGRAMS.—The United States Agency for Global Media shall ensure that internet freedom research and development projects of the Open Technology Fund are coordinated with internet freedom programs of the Department of State and other relevant United States Government departments, in order to share information and best-practices relating to the implementation of subsections (b) and (c).

"(g) REPORTING REQUIREMENTS.—

"(1) ANNUAL REPORT.—The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund's activities relating to the implementation of subsections (b) and (c). Each such report shall include the following:

Assessment.

"(A) An assessment of the current state of global internet freedom, including trends in censorship and surveillance technologies and internet shutdowns, and the threats such pose to journalists, citizens, and human rights and civil-society organizations.

"(B) A description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the prior year, including the countries and regions in which such technologies were deployed, and any associated metrics indicating audience usage of such technologies, as well as future-year technology project initiatives.

"(2) ASSESSMENT OF THE EFFECTIVENESS OF THE OPEN TECHNOLOGY FUND.—Not later than two years after the date of the enactment of this section, the Inspector General of the Department of State and the Foreign Service shall submit to the appropriate congressional committees a report on the following:

"(A) Whether the Open Technology Fund is technically sound and cost effective.

"(B) Whether the Open Technology Fund is satisfying the requirements of this section.

"(C) The extent to which the interests of the United States are being served by maintaining the work of the Open Technology Fund.

"(h) AUDIT AUTHORITIES.—

"(1) IN GENERAL.—Financial transactions of the Open Technology Fund, as such relate to functions carried out under this section, may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places at which accounts of the Open Technology Fund are normally kept.

"(2) ACCESS BY GAO.—The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Open Technology Fund shall remain in the possession and custody of the Open Technology Fund.

"(3) EXERCISE OF AUTHORITIES.—Notwithstanding any other provision of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to the Open Technology Fund.".

(c) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 is amended—

(1) in section 304(d) (22 U.S.C. 6203(d)), by inserting "the Open Technology Fund," before "the Middle East Broadcasting Networks";

(2) in sections 305 and 310 (22 U.S.C. 6204 and 6209), by inserting "the Open Technology Fund," before "or the Middle East Broadcasting Networks" each place such term appears; and

(3) in section 310 (22 U.S.C. 6209), by inserting "the Open Technology Fund," before "and the Middle East Broadcasting Networks" each place such term appears.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Open Technology Fund $25,000,000 for fiscal year 2022 to carry out section 309A of the United States International Broadcasting Act of 1994, as added by subsection (b) of this section.

22 USC 6203 note.

(e) EFFECTIVE DATE.—Section 309A of the United States International Broadcasting Act of 1994 (as added by subsection (b) of this section) and subsections (c) and (d) of this section shall take effect and apply beginning on July 1, 2021.

SEC. 1299Q. UNITED STATES AGENCY FOR GLOBAL MEDIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Office of Cuba Broadcasting should—

(1) remain an independent entity of the United States Agency for Global Media; and

(2) continue taking steps to ensure that the Office is fulfilling its core mission of promoting freedom and democracy by providing the people of Cuba with objective news and information programming.

(b) STANDARDS AND PRINCIPLES.—Section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) is amended—

(1) in subsection (a), by inserting ", including editorial independence" before the semicolon at the end; and

(2) in subsection (b), by inserting ", including editorial independence," after "programing".

(c) AUTHORITIES OF THE CHIEF EXECUTIVE OFFICER; LIMITATION ON CORPORATE LEADERSHIP OF GRANTEES.—Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended—

(1) in subsection (a)—

(A) in paragraph (20), by inserting "in accordance with subsection (c)" before the period at the end;

(B) in paragraph (21)—

(i) by striking "including with Federal officials,"; and

(ii) by inserting "in accordance with subsection (c)" before the period at the end;

(C) by adding at the end the following new paragraph:

"(23) To—

"(A) require annual content reviews of each language service of Voice of America, The Office of Cuba Broadcasting, and each grantee network, consisting of a review of at least 10 percent of available unique weekly content from any selected week from the previous year, which shall be conducted, to the extent practicable, by fluent language speakers and experts without direct affiliation to the language service being reviewed, who are seeking any evidence of inappropriate or unprofessional content, which shall be submitted to the Office of Policy Research, the head and Board of the respective language service, and the Chief Executive Officer;

"(B) submit to the appropriate congressional committees a list of anomalous reports, including status updates on anomalous services during the 3-year period commencing on the date of receipt of the first report of biased, unprofessional, or otherwise problematic content.″; and

"(C) launch a review, using external, native-language and regional experts, the results of which are to be reported to the appropriate congressional committees, if a widespread pattern of violations of the principles, standards, or journalistic code of ethics of a language service or grantee network has been identified."; and

(2) by adding at the end the following new subsection:

"(c) LIMITATION ON CORPORATE LEADERSHIP OF GRANTEES.—

"(1) IN GENERAL.—The Chief Executive Officer may not award any grant under subsection (a) to RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, the Open Technology Fund, or any other grantee authorized under this title (collectively referred to as 'Agency Grantee Networks')

unless the incorporation documents of any such grantee require that the corporate leadership and Board of Directors of such grantee be selected in accordance with this Act.

"(2) CONFLICTS OF INTEREST.—

"(A) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer may not serve on any of the corporate boards of any grantee under subsection (a).

"(B) FEDERAL EMPLOYEES.—A full-time employee of a Federal agency may not serve on a corporate board of any grantee under subsection (a).

"(3) QUALIFICATIONS OF GRANTEE BOARD MEMBERS.—Individuals appointed under subsection (a) to the Board of Directors of any of the Agency Grantee Networks shall have requisite expertise in journalism, technology, broadcasting, or diplomacy, or appropriate language or cultural understanding relevant to the grantee's mission.".

(d) INTERNATIONAL BROADCASTING ADVISORY BOARD.—Section 306 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6205) is amended—

(1) by striking subsections (a) through (c) and inserting the following:

"(a) IN GENERAL.—The International Broadcasting Advisory Board (referred to in this section as the 'Advisory Board') shall advise the Chief Executive Officer of the United States Agency for Global Media, as appropriate. The Advisory Board as established shall exist within the executive branch as an entity described in section 104 of title 5, United States Code.

"(b) COMPOSITION OF THE ADVISORY BOARD.—

"(1) IN GENERAL.—The Advisory Board shall consist of seven members, of whom—

Appointments. President.

"(A) six shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with subsection (c); and

"(B) one shall be the Secretary of State.

President.

"(2) CHAIR.—The President shall designate, with the advice and consent of the Senate, one of the members appointed under paragraph (1)(A) as Chair of the Advisory Board.

"(3) PARTY LIMITATION.—Not more than three members of the Advisory Board appointed under paragraph (1)(A) may be affiliated with the same political party.

"(4) TERMS OF OFFICE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Advisory Board shall serve for a single term of 4 years, except that, of the first group of members appointed under paragraph (1)(A)—

"(i) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 2 years after the date of the enactment of the U.S. Agency for Global Media Reform Act;

"(ii) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 4 years after the date of the enactment of the U.S. Agency for Global Media Reform Act; and

"(iii) two members who are not affiliated with the same political party, shall be appointed for terms

ending on the date that is 6 years after the date of the enactment of the U.S. Agency for Global Media Reform Act.

"(B) SECRETARY OF STATE.—The Secretary of State shall serve as a member of the Advisory Board for the duration of his or her tenure as Secretary of State.

"(5) VACANCIES.—

"(A) IN GENERAL.—The President shall appoint, with the advice and consent of the Senate, additional members to fill vacancies on the Advisory Board occurring before the expiration of a term.

President. Appointments.

"(B) TERM.—Any members appointed pursuant to subparagraph (A) shall serve for the remainder of such term.

"(C) SERVICE BEYOND TERM.—Any member whose term has expired shall continue to serve as a member of the Advisory Board until a qualified successor has been appointed and confirmed by the Senate.

"(D) SECRETARY OF STATE.—When there is a vacancy in the office of Secretary of State, the Acting Secretary of State shall serve as a member of the Advisory Board until a new Secretary of State is appointed.";

(2) by redesignating subsection (d) as subsection (c);

(3) by amending subsection (c), as redesignated—

(A) in the subsection heading, by inserting "ADVISORY" before "BOARD"; and

(B) in paragraph (2), by inserting "who are" before "distinguished"; and

(4) by striking subsections (e) and (f) and inserting the following new subsections:

"(d) FUNCTIONS OF THE ADVISORY BOARD.—The members of the Advisory Board shall—

"(1) provide the Chief Executive Officer of the United States Agency for Global Media with advice and recommendations for improving the effectiveness and efficiency of the Agency and its programming;

"(2) meet with the Chief Executive Officer at least four times annually, including twice in person as practicable, and at additional meetings at the request of the Chief Executive Officer or the Chair of the Advisory Board;

"(3) report periodically, or upon request, to the congressional committees specified in subsection (c)(2) regarding its advice and recommendations for improving the effectiveness and efficiency of the United States Agency for Global Media and its programming;

"(4) obtain information from the Chief Executive Officer, as needed, for the purposes of fulfilling the functions described in this subsection;

"(5) consult with the Chief Executive Officer regarding budget submissions and strategic plans before they are submitted to the Office of Management and Budget or to Congress;

"(6) advise the Chief Executive Officer to ensure that—

"(A) the Chief Executive Officer fully respects the professional integrity and editorial independence of United States Agency for Global Media broadcasters, networks, and grantees; and

"(B) agency networks, broadcasters, and grantees adhere to the highest professional standards and ethics of journalism, including taking necessary actions to uphold professional standards to produce consistently reliable and authoritative, accurate, objective, and comprehensive news and information; and

"(7) provide other strategic input to the Chief Executive Officer.

"(e) APPOINTMENT OF HEADS OF NETWORKS.—

"(1) IN GENERAL.—The heads of Voice of America, the Office of Cuba Broadcasting, RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, the Open Technology Fund, or of any other grantee authorized under this title may only be appointed or removed if such action has been approved by a majority vote of the Advisory Board.

Consultation.

"(2) REMOVAL.—After consulting with the Chief Executive Officer, five or more members of the Advisory Board may unilaterally remove any such head of network or grantee network described in paragraph (1).

"(3) QUORUM.—

"(A) IN GENERAL.—A quorum shall consist of four members of the Advisory Board (excluding the Secretary of State).

"(B) DECISIONS.—Except as provided in paragraph (2), decisions of the Advisory Board shall be made by majority vote, a quorum being present.

"(C) CLOSED SESSIONS.—The Advisory Board may meet in closed sessions in accordance with section 552b of title 5, United States Code.

"(f) COMPENSATION.—

"(1) IN GENERAL.—Members of the Advisory Board, while attending meetings of the Advisory Board or while engaged in duties relating to such meetings or in other activities of the Advisory Board under this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) TRAVEL EXPENSES.—While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons in the Government service employed intermittently.

"(3) SECRETARY OF STATE.—The Secretary of State is not entitled to any compensation under this title, but may be allowed travel expenses in accordance with paragraph (2).

"(g) SUPPORT STAFF.—The Chief Executive Officer shall, from within existing United States Agency for Global Media personnel, provide the Advisory Board with an Executive Secretary and such administrative staff and support as may be necessary to enable the Advisory Board to carry out subsections (d) and (e).".

(e) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended—

22 USC 6203.

(1) in section 304—

(A) in the section heading, by striking "**BROADCASTING BOARD OF GOVERNORS**" and inserting "**UNITED STATES AGENCY FOR GLOBAL MEDIA**";

(B) in subsection (a), by striking "Broadcasting Board of Governors" and inserting "United States Agency for Global Media";

(C) in subsection (b)(1), by striking "Broadcasting Board of Governors" and inserting "United States Agency for Global Media"; and

(D) in subsection (c), by striking "Board" each place such term appears and inserting "Agency";

(2) in section 305— 22 USC 6204.

(A) in subsection (a)—

(i) in paragraph (6), by striking "Board" and inserting "Agency";

(ii) in paragraph (13), by striking "Board" and inserting "Agency";

(iii) in paragraph (20), by striking "Board" and inserting "Agency"; and

(iv) in paragraph (22), by striking "Board" and inserting "Agency";

(B) in subsection (b), by striking "Board" each place such term appears and inserting "Agency";

(3) in section 308— 22 USC 6207.

(A) in subsection (a), in the matter preceding paragraph (1), by striking "Board" and inserting "Agency";

(B) in subsection (b), by striking "Board" each place such term appears and inserting "Agency";

(C) in subsection (d), by striking "Board" and inserting "Agency";

(D) in subsection (g), by striking "Board" each place such term appears and inserting "Agency";

(E) in subsection (h)(5), by striking "Board" and inserting "Agency"; and

(F) in subsection (i), in the first sentence, by striking "Board" and inserting "Agency";

(4) in section 309— 22 USC 6208.

(A) in subsection (c)(1), by striking "Board" each place such term appears and inserting "Agency";

(B) in subsection (e), in the matter preceding paragraph (1), by striking "Board" and inserting "Agency";

(C) in subsection (f), by striking "Board" each place such term appears and inserting "Agency"; and

(D) in subsection (g), by striking "Board" and inserting "Agency";

(5) in section 310(d), by striking "Board" and inserting "Agency"; 22 USC 6209.

(6) in section 310A(a), by striking "Broadcasting Board of Governors" and inserting "United States Agency for Global Media"; 22 USC 6209a.

(7) in section 310B, by striking "Board" and inserting "Agency"; 22 USC 6209b.

(8) by striking section 312; 22 USC 6211.

(9) in section 313(a), in the matter preceding paragraph (1), by striking "Board" and inserting "Agency"; 22 USC 6212.

(10) in section 314— 22 USC 6213.

(A) by striking "(4) the terms 'Board and Chief Executive Officer of the Board' means the Broadcasting Board of Governors" and inserting the following:

Definitions.

"(2) the terms 'Agency' and 'Chief Executive Officer of the Agency' mean the United States Agency for Global Media and the Chief Executive Officer of the United States Agency for Global Media, respectively,"; and

(B) in paragraph (3)—

(i) by striking "includes—" and inserting "means the corporation having the corporate title described in section 308"; and

(ii) by striking subparagraphs (A) and (B); and

22 USC 6216.

(11) in section 316—

(A) in subsection (a)(1), by striking "Broadcasting Board of Governors" and inserting "United States Agency for Global Media"; and

(B) in subsection (c), by striking "Broadcasting Board of Governors" and inserting "United States Agency for Global Media".

(f) SAVINGS PROVISIONS.—Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is amended by adding at the end the following new subsections:

"(f) MAINTENANCE OF PROPRIETARY INFORMATION.—No consolidation of grantees authorized under subsection (a) involving any grantee shall result in any legal transfer of ownership of any proprietary information or intellectual property to the United State Agency for Global Media or any other Federal entity.

"(g) RULE OF CONSTRUCTION.—No consolidation of grantees authorized under subsection (a) shall result in the consolidation of the Open Technology Fund or any successor entity with any other grantee.".

SEC. 1299R. LEVERAGING INFORMATION ON FOREIGN TRAFFICKERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the annual Trafficking In Persons Report prepared by the Department of State pursuant to the Trafficking Victims Protection Act of 2000 (the "TIP Report") remains one of the most comprehensive, timely, and important sources of information on human trafficking in the world, and currently includes 187 individual country narratives;

(2) in January 2019, the statute mandating the TIP Report was amended to require that each report must cover efforts and activities occurring within the period from April 1 of the prior year through March 31 of the current year, which necessarily requires the collection and transmission of information after March 31;

(3) ensuring that the Department of State has adequate time to receive, analyze, and incorporate trafficking-related information into its annual Trafficking In Persons Report is important to the quality and comprehensiveness of that report;

(4) information regarding prevalence and patterns of human trafficking is important for understanding the scourge of modern slavery and making effective decisions about where and how to combat it; and

(5) United States officials responsible for monitoring and combating trafficking in persons around the world should receive available information regarding where and how often

United States diplomatic and consular officials encounter persons who are responsible for, or who knowingly benefit from, severe forms of trafficking in persons.

(b) ANNUAL DEADLINE FOR TRAFFICKING IN PERSONS REPORT.—Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended by striking "June 1" and inserting "June 30".

(c) UNITED STATES ADVISORY COUNCIL ON HUMAN TRAFFICKING.—

(1) EXTENSION.—Section 115(h) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 243) is amended by striking "September 30, 2021" and inserting "September 30, 2025".

(2) COMPENSATION.—Section 115(f) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 243) is amended—

(A) in paragraph (1), by striking "and" after the semicolon at the end;

(B) in paragraph (2), by striking the period at end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) may each receive compensation for each day such member is engaged in the actual performance of the duties of the Council.".

(3) COMPENSATION REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall provide to the relevant congressional committees a plan to implement compensation for members of the United States Advisory Council on Human Trafficking pursuant to paragraph (3) of section 115(f) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 243), as added by paragraph (2). Plan.

(d) TIMELY PROVISION OF INFORMATION TO THE OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS OF THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

"(l) INFORMATION REGARDING HUMAN TRAFFICKING-RELATED VISA DENIALS.—

"(1) IN GENERAL.—The Secretary of State shall ensure that the Office to Monitor and Combat Trafficking in Persons and the Bureau of Diplomatic Security of the Department of State receive timely and regular information regarding United States visa denials based, in whole or in part, on grounds related to human trafficking.

"(2) DECISIONS REGARDING ALLOCATION.—The Secretary of State shall ensure that decisions regarding the allocation of resources of the Department of State related to combating human trafficking and to law enforcement presence at United States diplomatic and consular posts appropriately take into account—

"(A) the information described in paragraph (1); and

"(B) the information included in the most recent report submitted in accordance with section 110(b).".

(2) CONFORMING AMENDMENT.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended by adding at the end the following new paragraph:

Definition.

"(18) GROUNDS RELATED TO HUMAN TRAFFICKING.—The term 'grounds related to human trafficking' means grounds related to the criteria for inadmissibility to the United States described in subsection (a)(2)(H) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).".

22 USC 7104 note.

(e) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall provide to the relevant congressional committees a report that—

(A) describes the actions that have been taken and that are planned to implement subsection (l) of section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104), as added by subsection (d)(1); and

(B) identifies by country and by United States diplomatic or consular post the number of visa applications denied during the previous calendar year with respect to which the basis for such denial, included grounds related to human trafficking (as such term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by subsection (d)(2)).

(2) ANNUAL REPORT.—Beginning with the first annual anti-trafficking report that is required under subsection (b)(1) of section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) to be submitted after the date of the enactment of this Act, and concurrent with each such subsequent submission for the following 7 years, the Secretary of State shall submit to the relevant congressional committees a report that contains information relating to the number and the locations of United States visa denials based, in whole or in part, on grounds related to human trafficking (as such term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by subsection (d)(2)) during the period covered by each such annual anti-trafficking report.

(f) DEFINITIONS.—In this section:

(1) LOCATION OF UNITED STATES VISA DENIALS.—The term "location of United States visa denials" means—

(A) the United States diplomatic or consular post at which a denied United States visa application was adjudicated; and

(B) the city or locality of residence of the applicant whose visa application was so denied.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

10 USC 101 note.

SEC. 1299S. RULE OF CONSTRUCTION RELATING TO USE OF MILITARY FORCE.

Nothing in this Act or any amendment made by this Act may be construed to authorize the use of military force.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Funding allocations; specification of cooperative threat reduction funds.

SEC. 1301. FUNDING ALLOCATIONS; SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FUNDING ALLOCATION.—Of the $360,190,000 authorized to be appropriated to the Department of Defense for fiscal year 2021 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $2,924,000.

(2) For chemical weapons destruction, $11,806,000.

(3) For global nuclear security, $35,852,000.

(4) For cooperative biological engagement, $225,396,000.

(5) For proliferation prevention, $60,064,000.

(6) For activities designated as Other Assessments/Administrative Costs, $24,148,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2021, 2022, and 2023.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. Chemical agents and munitions destruction, defense.
Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1404. Defense Inspector General.
Sec. 1405. Defense health program.

Subtitle B—Armed Forces Retirement Home

Sec. 1411. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1412. Expansion of eligibility for residence at the Armed Forces Retirement Home.
Sec. 1413. Periodic inspections of Armed Forces Retirement Home facilities by nationally recognized accrediting organization.

Subtitle C—Other Matters

Sec. 1421. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for providing for the health of eligible beneficiaries, as specified in the funding table in section 4501.

Subtitle B—Armed Forces Retirement Home

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2021 from the Armed Forces Retirement Home Trust Fund the sum of $70,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1412. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCES RETIREMENT HOME.

(a) EXPANSION OF ELIGIBILITY.—Section 1512(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "active" in the first sentence;

(2) in paragraph (1), by striking "are 60 years of age or over and"; and

(3) by adding the following new paragraph:

"(5) Persons who are eligible for retired pay under chapter 1223 of title 10, United States Code, and are—

"(A) eligible for care under section 1710 of title 38, United States Code;

"(B) enrolled in coverage under chapter 55 of title 10, United States Code; or

"(C) enrolled in a qualified health plan (as defined in section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a))) that is acceptable to the Chief Operating Officer.".

(b) PARITY OF FEES AND DEDUCTIONS.—Section 1514(c) of such Act (24 U.S.C. 414(c)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2)(A) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage that the Secretary determines appropriate.

"(B) The calculation of monthly income and monthly payments under subparagraph (A) for a resident eligible under section 1512(a)(5) shall not be less than the retirement pay for equivalent active duty service as determined by the Chief Operating Officer, except as the Chief Operating Officer may provide because of the compelling personal circumstances of such resident."; and Determination.

(2) by adding at the end the following new paragraph:

"(4) The Administrator of each facility of the Retirement Home may collect a fee upon admission from a resident accepted under section 1512(a)(5) equal to the deductions then in effect under section 1007(i)(1) of title 37, United States Code, for each year of service computed under chapter 1223 of title 10, United States Code, and shall deposit such fee in the Armed Forces Retirement Home Trust Fund.".

(c) CONFORMING AMENDMENT.—Section 1007(i)(3) of title 37, United States Code, is amended by striking "Armed Forces Retirement Home Board" and inserting "Chief Operating Officer of the Armed Forces Retirement Home".

SEC. 1413. PERIODIC INSPECTIONS OF ARMED FORCES RETIREMENT HOME FACILITIES BY NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION.

(a) IN GENERAL.—Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES.

"(a) INSPECTIONS.—The Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1511(g) on a frequency consistent with the standards of such organization.

"(b) AVAILABILITY OF STAFF AND RECORDS.—The Chief Operating Officer and the Administrator of a facility being inspected under this section shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this section.

"(c) REPORTS.—Not later than 60 days after receiving a report on an inspection from the civilian accrediting organization under

this section, the Chief Operating Officer shall submit to the Secretary of Defense, the Senior Medical Advisor, and the Advisory Council a report containing—

"(1) the results of the inspection; and

Plan.

"(2) a plan to address any recommendations and other matters set forth in the report.".

(b) CONFORMING AMENDMENTS.—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 et seq.) is further amended as follows:

(1) In section 1513A(c)(2) (24 U.S.C. 413a(c)(2)), by striking "(including requirements identified in applicable reports of the Inspector General of the Department of Defense)".

(2) In section 1516(b)(3) (24 U.S.C. 416(b)(3))—

(A) by striking "shall—" and all that follows through "provide for" and inserting "shall provide for";

(B) by striking "; and" and inserting a period; and

(C) by striking subparagraph (B).

(3) In section 1517(e)(2) (24 U.S.C. 417(e)(2)), by striking "the Inspector General of the Department of Defense,".

(c) CLERICAL AMENDMENT.—The table of contents set forth in section 1501(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 note) is amended by striking the item related to section 1518 and inserting the following:

"Sec. 1518. Periodic inspection of Retirement Home facilities.".

Subtitle C—Other Matters

SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

Sec. 1501. Purpose.
Sec. 1502. Overseas contingency operations.
Sec. 1503. Procurement.
Sec. 1504. Research, development, test, and evaluation.
Sec. 1505. Operation and maintenance.
Sec. 1506. Military personnel.
Sec. 1507. Working capital funds.
Sec. 1508. Drug interdiction and counter-drug activities, defense-wide.
Sec. 1509. Defense Inspector General.
Sec. 1510. Defense Health Program.

Subtitle B—Financial Matters

Sec. 1511. Treatment as additional authorizations.
Sec. 1512. Special transfer authority.

Subtitle C—Other Matters

Sec. 1521. Afghanistan Security Forces Fund.

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2021 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2021 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, military personnel accounts, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

Determination.

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2021 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $2,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2021 shall be subject to the conditions contained in—

(1) subsections (b) through (f) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428); and

(2) section 1521(d)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2577) (as amended by subsection (b)).

(b) EXTENSION OF PRIOR NOTICE AND REPORTING REQUIREMENTS.—Section 1521(d)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2577) is amended by striking "through January 31, 2021" and inserting "through January 31, 2023".

(c) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts authorized to be appropriated for the Afghanistan Security Forces Fund by this Act and is intended for transfer to the security forces of the Ministry of Defense and the Ministry of Interior Affairs of the Government of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided under paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that such equipment was procured for the purpose of meeting requirements of the security forces of the Ministry of Defense and the Ministry of Interior Affairs of the Government of Afghanistan, as agreed to by both the Government of Afghanistan and the U.S. Government, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to the acceptance of such equipment by the Secretary. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided under paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 90 days thereafter during the period in which the authority provided under paragraph (1) is exercised, the Secretary shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.

(ii) Section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2575).

(iii) Section 1531(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088).

(iv) Section 1532(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3613).

(v) Section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note).

(B) ELEMENTS.—Each report under subparagraph (A) shall include, with respect to the 90-day period for which the report is submitted—

List.

(i) a list of any equipment accepted during such period and treated as stocks of the Department of Defense; and

Records.

(ii) copies of any determinations made under paragraph (2) during such period, as required under paragraph (3).

(d) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2021, it is the goal that $29,100,000, but in no event less than $10,000,000, shall be used for programs and activities for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(A) efforts to recruit and retain women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Directorate of Human Rights and Gender Integration of the Ministry of Defense and the Office of Human Rights, Gender, and Child Rights of the Ministry of Interior Affairs of the Government of Afghanistan;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Ministry of Defense and the Ministry of Interior Affairs of the Government of Afghanistan;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, remediation, renovation, and protection of facilities used by women, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units;

(G) security provisions for high-profile female police and military officers;

(H) programs to promote conflict prevention, management, and resolution through the meaningful participation of Afghan women in the Afghan National Defense and Security Forces, by exposing Afghan women and girls to the activities of and careers available with such forces, encouraging their interest in such careers, or developing their interest and skills necessary for service in such forces; and

(I) enhancements to Afghan National Defense and Security Forces recruitment programs for targeted advertising with the goal of increasing the number of female recruits.

(e) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—

(1) ASSESSMENT REQUIRED.—Not later than March 1, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate an assessment describing— Deadline. Consultation.

(A) the progress of the Government of Afghanistan toward meeting shared security objectives, including specific milestones achieved since the date on which the assessment required under section 1520(d)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1716) was submitted; and

(B) the efforts of the Government of Afghanistan to manage, employ, and sustain the equipment and inventory provided under subsection (a).

(2) MATTERS TO BE INCLUDED.—The assessment required under paragraph (1) shall include each of the following:

(A) The progress made by the Government of Afghanistan toward increased accountability and the reduction of corruption within the Ministry of Defense and the Ministry of Interior Affairs of such Government.

(B) The extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security Forces Fund investment, including through training, and an articulation of the metrics used to assess such improvements.

(C) The extent to which the Afghan National Defense and Security Forces have been successful in—

(i) defending territory, re-taking territory, and disrupting attacks;

(ii) reducing the use of Aghan National Defense and Security Forces checkpoints; and

(iii) curtailing the use of Afghan Special Security Forces for missions that are better suited to general purpose forces.

(D) The distribution practices of the Afghan National Defense and Security Forces and whether the Government of Afghanistan has ensured that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to, and employed by, security forces.

(E) The extent to which the Government of Afghanistan has designated the appropriate staff, prioritized the development of relevant processes, and provided or requested the allocation of resources necessary to support a peace and reconciliation process in Afghanistan.

(F) A description of the ability of the Ministry of Defense and the Ministry of Interior Affairs of the Government of Afghanistan to manage and account for previously divested equipment, including a description of any vulnerabilities or weaknesses of the internal controls of such Ministries and any plan in place to address shortfalls.

Time period.

(G) A description of any significant irregularities in the divestment of equipment to the Afghan National Defense and Security Forces during the period beginning on May 1, 2020, and ending on March 1, 2021, including any major losses of such equipment or any inability on the part of the Afghan National Defense and Security Forces to account for equipment procured during such period.

(H) A description of the sustainment and maintenance costs required during the five-year period beginning on the date of the enactment of this Act, for major weapons platforms previously divested, and a description of the plan for the Afghan National Defense and Security Forces to maintain such platforms in the future.

(I) The extent to which the Government of Afghanistan has adhered to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreements with the United States.

(J) The extent to which the Government of Afghanistan or the Secretary of Defense has developed a plan to integrate former Taliban fighters into the Ministry of Defense or the Ministry of Interior Affairs of the Government of Afghanistan.

(K) Such other factors as the Secretaries consider appropriate.

Classified information.

(3) FORM.—The assessment required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WITHHOLDING OF ASSISTANCE FOR INSUFFICIENT PROGRESS.—

Deadline. Coordination.

(A) CERTIFICATION.—Not later than December 31, 2020, the Secretary of Defense, in coordination with the Secretary of State and pursuant to the assessment required under paragraph (1), shall submit to the congressional defense committees a certification indicating whether the Government of the Islamic Republic of Afghanistan has made

sufficient progress in the areas described in paragraph (2).

(B) WITHHOLDING OF FUNDS.—If the Secretary of Defense is unable to certify under subparagraph (A) that the Government of Afghanistan has made sufficient progress in the areas described in paragraph (2), the Secretary of Defense shall—

(i) withhold from expenditure and obligation an amount that is not less than 5 percent and not more than 15 percent of the amounts made available for assistance for the Afghan National Defense and Security Forces for fiscal year 2021 until the date on which the Secretary is able to so certify; and

(ii) notify the congressional defense committees not later than 30 days before withholding such funds and indicate each specific area of insufficient progress.

Notification. Deadline.

(C) WAIVER.—If the Secretary of Defense determines that withholding assistance under this paragraph would impede the national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of assistance to the Afghan National Defense and Security Forces for fiscal year 2021, the Secretary may waive the withholding requirement under subparagraph (B) if the Secretary, in coordination with the Secretary of State, certifies such determination to the congressional defense committees not later than 30 days before the effective date of the waiver.

Determination. Coordination. Certification. Deadline.

(f) ADDITIONAL REPORTING REQUIREMENTS.—The Secretary of Defense shall include in the materials submitted in support of the budget for fiscal year 2022 that is submitted by the President under section 1105(a) of title 31, United States Code, each of the following:

(1) The amount of funding provided in fiscal year 2020 through the Afghanistan Security Forces Fund to the Government of Afghanistan in the form of direct government-to-government assistance or on-budget assistance for the purposes of supporting any entity of the Government of Afghanistan, including the Afghan National Defense and Security Forces, the Ministry of Defense, or the Ministry of Interior Affairs of such Government.

(2) The amount of funding provided and anticipated to be provided, as of the date of the submission of the materials, in fiscal year 2021 through such Fund in such form.

(3) If the amount described in paragraph (2) exceeds the amount described in paragraph (1)—

(A) an explanation as to why the amount described in paragraph (2) is greater; and

(B) a detailed description of the specific entities and purposes that were supported by such increase.

TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

Sec. 1601. Space Development Agency development requirements and transfer to Space Force.
Sec. 1602. Personnel management authority for Space Development Agency for experts in science and engineering.
Sec. 1603. Requirement to buy certain satellite component from national technology and industrial base.
Sec. 1604. Conforming amendments relating to reestablishment of Space Command.
Sec. 1605. Clarification of authority for procurement of commercial satellite communications services.
Sec. 1606. National Security Space Launch program.
Sec. 1607. Commercial space domain awareness capabilities.
Sec. 1608. Policy to ensure launch of small-class payloads.
Sec. 1609. Tactically responsive space launch operations.
Sec. 1610. Limitation on availability of funds for prototype program for multi-global navigation satellite system receiver development.
Sec. 1611. Resilient and survivable positioning, navigation, and timing capabilities.
Sec. 1612. Leveraging commercial satellite remote sensing.
Sec. 1613. Strategy to strengthen civil and national security capabilities and operations in space.
Sec. 1614. Report and strategy on space competition with China.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

Sec. 1621. Safety of navigation mission of the National Geospatial-Intelligence Agency.
Sec. 1622. National Academies Climate Security Roundtable.
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Subtitle C—Nuclear Forces

Sec. 1631. Semiannual updates on meetings held by Nuclear Weapons Council; limitation on availability of funds relating to such updates.
Sec. 1632. Role of Nuclear Weapons Council with respect to performance requirements and budget for nuclear weapons programs.
Sec. 1633. Modification of Government Accountability Office review of annual reports on nuclear weapons enterprise.
Sec. 1634. Independent study on nuclear weapons programs of certain foreign countries.
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Subtitle D—Missile Defense Programs

Sec. 1641. Alignment of the Missile Defense Agency within the Department of Defense.
Sec. 1642. Extension of prohibition relating to missile defense information and systems.
Sec. 1643. Extension of transition of ballistic missile defense programs to military departments.
Sec. 1644. Extension of requirement for Comptroller General review and assessment of missile defense acquisition programs.
Sec. 1645. Development of hypersonic and ballistic missile tracking space sensor payload.
Sec. 1646. Ground-based midcourse defense interim capability.
Sec. 1647. Next generation interceptors.
Sec. 1648. Report on and limitation on availability of funds for layered homeland missile defense system.
Sec. 1649. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
Sec. 1650. Report on defense of Guam from integrated air and missile threats.
Sec. 1651. Reports on cruise missile defense and North Warning System.

Subtitle E—Matters Relating to Certain Commercial Terrestrial Operations

Sec. 1661. Prohibition on availability of funds for certain purposes relating to the Global Positioning System.

Sec. 1662. Limitation on awarding contracts to entities operating commercial terrestrial communication networks that cause harmful interference with the Global Positioning System.
Sec. 1663. Independent technical review of Federal Communications Commission Order 20–48.
Sec. 1664. Estimate of damages from Federal Communications Commission Order 20–48.

Subtitle F—Other Matters

Sec. 1671. Conventional prompt strike.
Sec. 1672. Limitation on availability of funds relating to reports on missile systems and arms control treaties.
Sec. 1673. Submission of reports under Missile Defense Review and Nuclear Posture Review.

Subtitle A—Space Activities

SEC. 1601. SPACE DEVELOPMENT AGENCY DEVELOPMENT REQUIREMENTS AND TRANSFER TO SPACE FORCE.

(a) IN GENERAL.—Chapter 908 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9084. Space Development Agency

10 USC 9084.

"(a) IN GENERAL.—(1) There is a Space Development Agency of the Department of Defense (in this section referred to as the 'Agency'). The Director of the Space Development Agency shall be the head of the Agency.

"(2) Effective on October 1, 2022—

"(A) the Agency shall be an element of the Space Force; and

"(B) the Director shall report—

"(i) pursuant to section 9016(b)(6)(B)(iv)(III) of this title, to the Assistant Secretary of the Air Force for Space Acquisition and Integration with respect to acquisition decisions; and

"(ii) directly to the Chief of Space Operations with respect to requirements decisions, personnel decisions, and any other matter not covered by clause (i).

"(b) DEVELOPMENT AND INTEGRATION AUTHORITIES.—The Director shall lead—

"(1) the development and demonstration of a resilient military space-based sensing, tracking, and data transport architecture that uses proliferated low-Earth orbit systems and services;

"(2) the integration of next-generation space capabilities, such as novel sensors (including with respect to alternate navigation, and autonomous battle management features), and sensor and tracking components (including a hypersonic and ballistic missile tracking space sensor payload pursuant to section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021), into the architecture specified in paragraph (1) to address the requirements and needs of the armed forces and combatant commands for such capabilities;

"(3) the procurement of commercial capabilities and services, including—

"(A) options for integrating payloads on commercial buses and spacecraft into existing commercial architectures; and

"(B) innovative commercial capabilities and services, such as on-orbit servicing or in-space transportation systems, that could extend the life of space systems, rapidly respond to threats, or contribute to resilience; and

"(4) the rapid introduction, acquisition, and iteration of cost-effective, resilient solutions that leverage planned and existing commercial low-Earth orbit capabilities or innovative capabilities.

Deadline.

"(c) BUDGET MATERIALS AND PROGRAM ELEMENTS.—Beginning not later than with respect to fiscal year 2023 and each fiscal year thereafter—

"(1) in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the amount requested for the activities of the Agency shall be separate from the other activities of the Space Force; and

"(2) the Secretary of Defense shall ensure that the programs of the Agency are assigned program elements different from other program elements of the Space Force.".

10 USC prec. 9081.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9083 the following new item:

"9084. Space Development Agency.".

(c) CONFORMING AMENDMENT.—Section 9016(b)(6)(B)(iv)(III) of such title is amended by inserting before the period at the end the following: "with respect to acquisition decisions".

10 USC 9084 note. Effective date.

(d) TRANSITION.—

(1) TRANSFER.—Effective on October 1, 2022, the Secretary of Defense shall transfer the Space Development Agency from the Office of the Secretary of Defense to the Space Force.

(2) FUNDING, DUTIES, RESPONSIBILITIES, AND PERSONNEL.—Except as provided by section 9084 of title 10, United States Code, the transfer under paragraph (1) of the Space Development Agency from the Office of the Secretary of Defense to the Space Force shall include the transfer of the funding, duties, responsibilities, and personnel of the Agency as of the day before the date of the transfer.

SEC. 1602. PERSONNEL MANAGEMENT AUTHORITY FOR SPACE DEVELOPMENT AGENCY FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) PROGRAM AUTHORIZED FOR SPACE DEVELOPMENT AGENCY.—Section 1599h(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) SDA.—The Director of the Space Development Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency. The authority to carry out the program under this paragraph shall terminate on December 31, 2025.".

Termination date.

(b) PERSONNEL MANAGEMENT AUTHORITY.—Section 1599h(b)(1) of such title is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by inserting "and" after the semicolon at the end of subparagraph (F); and

(3) by adding at the end the following new subparagraph:

"(G) in the case of the Space Development Agency, appoint individuals to a total of not more than 10 positions in the Agency, of which not more than 3 such positions may be positions of administration or management of the Agency;".

SEC. 1603. REQUIREMENT TO BUY CERTAIN SATELLITE COMPONENT FROM NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Section 2534(a) of title 10, United States Code, as amended by section 845, is further amended by adding at the end the following new paragraph:

"(5) STAR TRACKER.—A star tracker used in a satellite weighing more than 400 pounds whose principle purpose is to support the national security, defense, or intelligence needs of the United States Government.".

(b) CERTAIN EXEMPTION.—Paragraph (5) of section 2534(a) of title 10, United States Code, as added by subsection (a) of this section, shall not apply with respect to programs that have received Milestone A approval (as defined in section 2431a of such title) before October 1, 2021. 10 USC 2534 note.

(c) CLARIFICATION OF DELEGATION AUTHORITY.—Subject to subsection (i) of section 2534 of title 10, United States Code, the Secretary of Defense may delegate to a service acquisition executive the authority to make a waiver under subsection (d) of such section with respect to the limitation under subsection (a)(5) of such section, as added by subsection (a) of this section. 10 USC 2534 note.

SEC. 1604. CONFORMING AMENDMENTS RELATING TO REESTABLISHMENT OF SPACE COMMAND.

(a) CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.—Section 1666(a) of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 113 Stat. 2617) is amended by striking "Strategic Command" and inserting "Space Command".

(b) COUNCIL ON OVERSIGHT OF THE DEPARTMENT OF DEFENSE POSITIONING, NAVIGATION, AND TIMING ENTERPRISE.—Section 2279b of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (8), (9), (10), and (11), respectively; and

(B) by inserting after paragraph (6) the following new paragraph (7):

"(7) The Commander of the United States Space Command."; and

(2) in subsection (f), by striking "Strategic Command" each place it appears and inserting "Space Command".

(c) JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.—Section 605(e) of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31; 131 Stat. 832; 10 U.S.C. 2271 note) is amended—

(1) in the subsection heading, by striking "JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER" and inserting "NATIONAL SPACE DEFENSE CENTER";

(2) by striking "Strategic Command" each place it appears and inserting "Space Command"; and

(3) by striking "Joint Interagency Combined Space Operations Center" each place it appears and inserting "National Space Defense Center".

(d) NATIONAL SECURITY SPACE SATELLITE REPORTING POLICY.—Section 2278(a) of title 10, United States Code, is amended by striking "Strategic Command" and inserting "Space Command".

(e) SPACE-BASED INFRARED SYSTEM AND ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.—Section 1612(a)(1) of the National Defense Authorization Act for 2017 (Public Law 114–328; 130 Stat. 2590) is amended by striking "Strategic Command" and inserting "Space Command".

SEC. 1605. CLARIFICATION OF AUTHORITY FOR PROCUREMENT OF COMMERCIAL SATELLITE COMMUNICATIONS SERVICES.

Section 957(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 9016 note) is amended by adding at the end the following new paragraph:

"(4) COMMERCIAL SATELLITE COMMUNICATIONS SERVICES.—

Effective date.

"(A) AUTHORITY.—Beginning on the date specified in subparagraph (B), the Service Acquisition Executive for Space Systems and Programs shall be responsible for the procurement of commercial satellite communications services for the Department of Defense.

Plan.

"(B) DATE SPECIFIED.—The date specified in this subparagraph is the date that is 120 days after the date on which the Service Acquisition Executive for Space Systems and Programs submits to the congressional defense committees a plan for delegating the authority under subparagraph (A) to a subordinate acquisition command within the Space Force.

"(C) RESPONSIBILITY DURING INTERIM PERIOD.—During the period preceding the date specified in subparagraph (B), the Chief of Space Operations shall be responsible for the procurement of commercial satellite communications services for the Department of Defense.".

10 USC 2273.

SEC. 1606. NATIONAL SECURITY SPACE LAUNCH PROGRAM.

(a) LAUNCH SERVICES AGREEMENT.—

(1) LIMITATION ON AMOUNTS.—Except as provided by paragraph (2), in carrying out the phase two acquisition strategy, the Secretary of the Air Force may not obligate or expend a total amount for a launch services agreement that is greater than the amount specifically appropriated for the launch services agreement.

(2) USE OF REPROGRAMMING AND TRANSFER AUTHORITY.—The Secretary may exceed the limitation under paragraph (1) if the Secretary carries out a reprogramming or transfer for such purpose in accordance with established procedures for reprogrammings or transfers, including with respect to presenting a request for a reprogramming of funds.

(b) REUSABILITY.—

Deadline. Determination.

(1) VALIDATION.—Not later than 18 months after the date on which the Secretary determines the down-selected National Security Space Launch providers, the Secretary shall—

(A) complete all non-recurring design validation of previously flown launch hardware for National Security Space Launch providers offering such hardware for use in phase two contracts; and

(B) notify the appropriate congressional committees that such design validation has been completed. Notification.

(2) REPORT.—Not later than 210 days after the date on which the Secretary determines the down-selected National Security Space Launch providers, the Secretary shall submit to the appropriate congressional committees a report on the progress of the Secretary with respect to completing all non-recurring design validation of previously flown launch hardware described in paragraph (1), including— Determination.

(A) a justification for any deviation from the new entrant certification guide; and

(B) a description of such progress with respect to National Security Space Launch providers that are not down-selected National Security Space Launch providers, if applicable.

(c) FUNDING AND STRATEGY FOR TECHNOLOGY DEVELOPMENT FOR CERTIFICATION, INFRASTRUCTURE, AND INNOVATION.—

(1) AUTHORITY.—Pursuant to section 2371b of title 10, United States Code, not later than September 30, 2021, the Secretary of the Air Force shall enter into agreements described in paragraph (3) with potential phase three National Security Space Launch providers— Deadline. Contracts.

(A) to maintain competition in order to maximize the likelihood of at least three National Security Space Launch providers competing for phase three contracts; and

(B) to support innovation for national security launches, including innovative technologies and systems to further advance launch capability associated with the insertion of national security payloads into relevant classes of orbits.

(2) COMPETITIVE PROCEDURES.—The Secretary shall carry out paragraph (1) by conducting a full and open competition among all National Security Space Launch providers that plan to submit bids for a phase three contract.

(3) AGREEMENTS.—An agreement described in this paragraph is an agreement that could provide value or technical advances to phase three of the National Security Space Launch program and that includes not more than $90,000,000 in fiscal year 2021, subject to the availability of appropriations for such purpose, for the provider to conduct either or both of the following activities: Contracts.

(A) Develop enabling technologies to meet the certification and infrastructure requirements that are—

(i) unique to national security space missions; and

(ii) support the likely requirements of a phase three contract.

(B) Develop transformational technologies in support of the national security space launch capability for phase three contracts (such as technologies regarding launch, maneuver, and transport capabilities for enhanced resiliency and security technologies, technologies to support progress toward phase three national security space launches, or technologies to inform the National Security Launch Architecture study of the Space Force).

(4) TECHNOLOGY DEVELOPMENT INVESTMENT STRATEGY.—Not later than March 15, 2021, the Secretary shall submit Deadline.

to the appropriate congressional committees a strategy to support investments in technologies for phase three pursuant to paragraph (1) that includes—

(A) the funding requirements for such strategy during fiscal years 2022 through 2026;

(B) a schedule for investments toward phase three;

(C) associated milestones; and

(D) a planned schedule for awarding phase three contracts.

(5) REPORT.—Not later than 30 days after the date on which the Secretary enters into an agreement under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report explaining which enabling technologies are funded under such agreement.

Deadline.

(d) BRIEFING.—Not later than March 15, 2021, and quarterly thereafter through September 30, 2023, the Secretary shall provide to the congressional defense committees a briefing on the progress made by the Secretary in ensuring that full and open competition exists for phase three contracts, including—

Determination.

(1) a description of progress made to establish the requirements for phase three contracts, including such requirements that the Secretary determines cannot be met by the commercial market;

Determination.

(2) whether the Secretary determines that additional development funding will be necessary for such phase;

(3) a description of the estimated costs for the development described in subparagraphs (A) and (B) of subsection (c)(3); and

(4) how the Secretary will—

(A) ensure full and open competition for technology development for phase three contracts; and

(B) maintain competition.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to delay the award of phase two contracts.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "down-selected National Security Space Launch provider" means a National Security Space Launch provider that the Secretary of the Air Force selected to be awarded phase two contracts.

(3) The term "phase three contract" means a contract awarded using competitive procedures for launch services under the National Security Space Launch program after fiscal year 2024.

(4) The term "phase two acquisition strategy" means the process by which the Secretary of the Air Force enters into phase two contracts during fiscal year 2020, orders launch missions during fiscal years 2020 through 2024, and carries out such launches under the National Security Space Launch program.

Time periods.

(5) The term "phase two contract" means a contract awarded during fiscal year 2020 using competitive procedures

for launch missions ordered under the National Security Space Launch program during fiscal years 2020 through 2024.

SEC. 1607. COMMERCIAL SPACE DOMAIN AWARENESS CAPABILITIES.

10 USC 2271 note.

(a) PROCUREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall procure commercial space domain awareness services by awarding at least two contracts for such services. Deadline.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Office of the Secretary of the Air Force, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense, without delegation, certifies to the congressional committees that the Secretary of the Air Force has awarded the contracts under subsection (a).

(c) REPORT.—Not later than January 31, 2021, the Chief of Space Operations, in coordination with the Secretary of the Air Force, shall submit to the congressional defense committees a report detailing the commercial space domain awareness services, data, and analytics of objects in low-Earth orbit that have been purchased during the two-year period preceding the date of the report. The report shall be submitted in unclassified form. Coordination. Time period.

(d) COMMERCIAL SPACE DOMAIN AWARENESS SERVICES DEFINED.—In this section, the term "commercial space domain awareness services" means space domain awareness data, processing software, and analytics derived from best-in-breed commercial capabilities to address warfighter requirements in low-Earth orbit and fill gaps in current space domain capabilities of the Space Force, including commercial capabilities to—

(1) provide conjunction and maneuver alerts;

(2) monitor breakup and launch events; and

(3) detect and track objects smaller than 10 centimeters in size.

SEC. 1608. POLICY TO ENSURE LAUNCH OF SMALL-CLASS PAYLOADS.

10 USC 2273 note.

(a) IN GENERAL.—The Secretary of Defense shall establish a small launch and satellite policy to ensure responsive and reliable access to space through the processing and launch of Department of Defense small-class payloads.

(b) POLICY.—The policy under subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of small-class payload launch service providers using launch vehicles capable of delivering into space small payloads designated by the Secretary of Defense as a national security payload;

(2) a robust small-class payload space launch infrastructure and industrial base, including small launch systems and small satellite rideshare opportunities;

(3) the availability of rapid, responsive, and reliable space launches for national security space programs to—

(A) improve the responsiveness and flexibility of a national security space system;

(B) lower the costs of launching a national security space system; and

(C) maintain risks to mission success at acceptable levels;

(4) a minimum number of dedicated launches each year; and

(5) full and open competition, including small launch providers and rideshare opportunities.

10 USC 2271 note.

SEC. 1609. TACTICALLY RESPONSIVE SPACE LAUNCH OPERATIONS.

The Secretary of the Air Force shall implement a tactically responsive space launch program—

(1) to provide long-term continuity for tactically responsive space launch operations across the future-years defense program submitted to Congress under section 221 of title 10, United States Code;

(2) to accelerate the development of—

(A) responsive launch concepts of operations;

(B) tactics;

(C) training; and

(D) procedures;

(3) to develop appropriate processes for tactically responsive space launch, including—

(A) mission assurance processes; and

(B) command and control, tracking, telemetry, and communications; and

(4) to identify basing capabilities necessary to enable tactically responsive space launch, including mobile launch range infrastructure.

SEC. 1610. LIMITATION ON AVAILABILITY OF FUNDS FOR PROTOTYPE PROGRAM FOR MULTI-GLOBAL NAVIGATION SATELLITE SYSTEM RECEIVER DEVELOPMENT.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Office of the Secretary of the Air Force, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense—

Certification.

(1) certifies to the congressional defense committees that the Secretary of the Air Force is carrying out the program required under section 1607 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1724); and

Briefing.

(2) provides to the Committees on Armed Services of the House of Representatives and the Senate a briefing on how the Secretary is implementing such program, including with respect to addressing each element specified in subsection (b) of such section.

10 USC 2281 note.

SEC. 1611. RESILIENT AND SURVIVABLE POSITIONING, NAVIGATION, AND TIMING CAPABILITIES.

Deadline.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, consistent with the timescale applicable to joint urgent operational needs statements, the Secretary of Defense shall—

(1) prioritize and rank order the mission elements, platforms, and weapons systems most critical for the operational plans of the combatant commands;

(2) mature, test, and produce for such prioritized mission elements sufficient equipment—

(A) to generate resilient and survivable alternative positioning, navigation, and timing signals; and

(B) to process resilient survivable data provided by signals of opportunity and on-board sensor systems; and

(3) integrate and deploy such equipment into the prioritized operational systems, platforms, and weapons systems.

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to commence carrying out subsection (a) in fiscal year 2021. Deadline.

(2) REPROGRAMMING AND BUDGET PROPOSALS.—The plan submitted under paragraph (1) may include any reprogramming or supplemental budget request the Secretary considers necessary to carry out subsection (a).

(c) COORDINATION.—In carrying out this section, the Secretary shall consult with the National Security Council, the Secretary of Homeland Security, the Secretary of Transportation, and the head of any other relevant Federal department or agency to enable civilian and commercial adoption of technologies and capabilities for resilient and survivable alternative positioning, navigation, and timing capabilities to complement the global positioning system. Consultation.

SEC. 1612. LEVERAGING COMMERCIAL SATELLITE REMOTE SENSING. 10 USC 441 note.

(a) IN GENERAL.—In acquiring geospatial intelligence, the Secretary of Defense and the Director of National Intelligence, in coordination with the Director of the National Reconnaissance Office and the Director of the National Geospatial-Intelligence Agency, shall leverage, to the extent practicable, the capabilities of the industry of the United States, including through the use of domestic commercial geospatial-intelligence services and acquisition of domestic commercial satellite imagery. Coordination.

(b) OBTAINING FUTURE GEOSPATIAL-INTELLIGENCE DATA.—The Director of the National Reconnaissance Office, as part of an analysis of alternatives for the future acquisition of space systems, and the Director of the National Geospatial-Intelligence Agency, as part of an analysis of alternatives for the future acquisition of analysis tools for geospatial intelligence, shall each—

(1) consider whether there is a cost-effective domestic commercial capability or service available that can meet any or all of the geospatial-intelligence requirements of the Department of Defense, the intelligence community, or both;

(2) if a cost-effective domestic commercial capability or service is available as described in paragraph (1)—

(A) give preference to using such domestic commercial capability or service to meet requirements; and

(B) determine— Determination.

(i) whether it is in the national interest to develop a governmental space system or service for geospatial intelligence;

(ii) whether such a governmental space system or service would be duplicative to such a domestic commercial capability or service; and

(iii) the costs for developing such a governmental space system or service; and

(3) include, as part of the established acquisition reporting requirements to the appropriate congressional committees, any determination made under paragraphs (1) and (2). Determination.

(c) DEFINITIONS.—In this section:

(1) The term "acquisition of commercial satellite imagery" means the acquisition of satellite imagery derived from electro-

optical, infrared, synthetic aperture radar, hyperspectral, and radio frequency, data.

(2) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The term "commercial geospatial-intelligence services" means services including analytic tools, products, or data that can describe, assess, and visually depict natural or manmade features, objects, or activities that can be geographically referenced on the Earth, regardless of collection phenomenology.

(4) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

Deadlines. Consultations.

SEC. 1613. STRATEGY TO STRENGTHEN CIVIL AND NATIONAL SECURITY CAPABILITIES AND OPERATIONS IN SPACE.

President.

(a) STRATEGY REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the President, in consultation with the National Space Council, shall develop a strategy to ensure that the United States, as appropriate, strengthens civil and national security capabilities and operations in space. Such strategy shall include—

Time period.

(1) a 10-year roadmap for the civil space and programs that is able to leverage commercial gains in space capabilities;

(2) increasing partnerships with allies of the United States;

(3) ensuring a robust and secure supply chain and manufacturing processes for space capabilities while sustaining a skilled workforce and leadership capabilities in support of such activities;

(4) ensuring freedom of navigation of space from potential adversaries; and

(5) enhancing resilience of civil and national security space operations.

(b) SUBMISSION OF STRATEGY AND PLAN.—Not later than one year after the date of the enactment of this Act, the Chair of the National Space Council, in consultation with relevant departments and agencies of the Federal Government, shall submit to the appropriate congressional committees a report setting forth—

(1) the strategy under subsection (a); and

(2) a plan to implement such strategy.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Science, Space, and Technology of the House of Representatives;

(3) the Committee on Foreign Affairs of the House of Representatives;

(4) the Committee on Energy and Commerce of the House of Representatives;

(5) the Permanent Select Committee on Intelligence of the House of Representatives;

(6) the Committee on Armed Services of the Senate;
(7) the Committee on Foreign Relations of the Senate;
(8) the Committee on Commerce, Science, and Transportation of the Senate; and
(9) the Select Committee on Intelligence of the Senate.

SEC. 1614. REPORT AND STRATEGY ON SPACE COMPETITION WITH CHINA.

(a) REPORT.— Assessments.
(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the National Space Council shall submit to the appropriate congressional committees an interagency assessment of the ability of the United States to compete with the space programs of China.
(2) ELEMENTS.—The report under paragraph (1) shall include the following:
(A) A comparative assessment between the United States and China on—
(i) human exploration and spaceflight capabilities;
(ii) the viability and potential environmental impacts of extraction of space-based precious minerals, onsite exploitation of space-based natural resources, and the use of space-based solar power;
(iii) the strategic interest in and capabilities for cislunar space; and
(iv) current and future space launch capabilities.
(B) The extent of foreign investment in the commercial space sector of the United States, including venture capital and other private equity investments that seek to work with the Federal Government, and a description of due diligence reviews of such investments conducted by the Federal Government to mitigate threats by China.
(C) An assessment of the ability, role, costs, and authorities of the Department of Defense to mitigate the threats of commercial communications and navigation in space from the growing counterspace capabilities of China.
(D) An assessment of how the activities of China are impacting the national security of the United States with respect to space, including—
(i) theft of United States intellectual property; and
(ii) efforts by China to seize control of critical elements of the United States space industry supply chain and United States space industry companies.
(E) An assessment of efforts by China to pursue cooperative agreements with other nations to advance space development.
(F) Recommendations to Congress, including recommendations with respect to any legislative proposals to address threats by China to the United States national space programs and the domestic commercial launch and satellite industries. Recommendations.
(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.
(b) STRATEGY.—
(1) IN GENERAL.—Not later than one year after the date on which the National Space Council submits the report under Deadline. President. Consultation.

subsection (a), the President, in consultation with the National Space Council, shall develop and submit to the appropriate congressional committees a strategy to ensure the United States can—

(A) compete with other national space programs;

(B) maintain leadership in the emerging commercial space economy;

(C) identify market, regulatory, and other means to address unfair competition from China based on the findings of the report under subsection (a);

(D) leverage commercial space capabilities to ensure the national security of the United States and the security of the interests of the United States in space;

(E) protect the supply chains and manufacturing of the United States critical to competitiveness in space; and

Coordination.

(F) coordinate with international allies and partners in space.

Classified information.

(2) FORM.—The strategy required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Science, Space, and Technology of the House of Representatives.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. SAFETY OF NAVIGATION MISSION OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) MISSION OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 442 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "means of navigating vessels of the Navy and the merchant marine" and inserting "the means for safe navigation"; and

(B) by striking "and inexpensive nautical charts" and all that follows and inserting "geospatial information for use by the departments and agencies of the United States, the merchant marine, and navigators generally.";

(2) in subsection (c)—

(A) by striking "shall prepare and" and inserting "shall acquire, prepare, and";

(B) by striking "charts" and inserting "safe-for-navigation charts and datasets"; and

(C) by striking "geodetic" and inserting "geomatics"; and

(3) by adding at the end the following new subsection:

"(f) VALIDATION.—The National Geospatial-Intelligence Agency shall assist the Joint Chiefs of Staff, combatant commands, and

the military departments in establishing, coordinating, consolidating, and validating mapping, charting, geomatics data, and safety of navigation capability requirements through a formal process governed by the Joint Staff. Consistent with validated requirements, the National Geospatial-Intelligence Agency shall provide aeronautical and nautical charts that are safe for navigation, maps, books, datasets, models, and geomatics products.".

(b) MAPS, CHARTS, AND BOOKS.—

(1) IN GENERAL.—Section 451 of title 10, United States Code, is amended—

(A) in the heading, by striking "and books" and inserting "books, and datasets";

(B) in paragraph (1), by striking "maps, charts, and nautical books" and inserting "nautical and aeronautical charts, topographic and geomatics maps, books, models, and datasets"; and

(C) by amending paragraph (2) to read as follows:

"(2) acquire (by purchase, lease, license, or barter) all necessary rights, including copyrights and other intellectual property rights, required to prepare, publish, and furnish to navigators the products described in paragraph (1).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 451 and inserting the following new item: 10 USC prec. 451.

"451. Maps, charts, books, and datasets.".

(c) EXCHANGE.—

(1) IN GENERAL.—Section 454 of title 10, United States Code, is amended—

(A) in the heading, by striking "**geodetic**" and inserting "**geomatics**"; and

(B) by striking "geodetic" and inserting "geomatics" each place it appears.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 454 and inserting the following new item: 10 USC prec. 451.

"454. Exchange of mapping, charting, and geomatics data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.".

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—Section 455 of title 10, United States Code, is amended—

(A) in the heading, by striking "**geodetic**" and inserting "**geomatics**"; and

(B) by striking "geodetic" and inserting "geomatics" each place it appears.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 455 and inserting the following new item: 10 USC prec. 451.

"455. Maps, charts, and geomatics data: public availability; exceptions.".

(e) CIVIL ACTIONS BARRED.—Section 456 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"No civil action may be brought against the United States on the basis of the content of geospatial information prepared or disseminated by the National Geospatial-Intelligence Agency.".

(f) DEFINITIONS.—Section 467 of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting "or about" after "boundaries on";

(B) in subparagraph (A), by striking "statistical"; and

(C) in subparagraph (B)—

(i) by striking "geodetic" and inserting "geomatics"; and

(ii) by inserting "and services" after "products"; and

(2) in paragraph (5), by inserting "or about" after "activities on".

(g) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The heading of subchapter II of chapter 22 of title 10, United States Code, is amended by striking "GEODETIC" and inserting "GEOMATICS".

10 USC prec. 451.

(2) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 22 of title 10, United States Code, is amended in the matter relating to subchapter II by striking "Geodetic" and inserting "Geomatics".

10 USC prec. 451.

SEC. 1622. NATIONAL ACADEMIES CLIMATE SECURITY ROUNDTABLE.

Coordination. Contracts.

(a) IN GENERAL.—The Director of National Intelligence, in coordination with the Under Secretary of Defense for Intelligence and Security, shall enter into a joint agreement with the Academies to create a new "National Academies Climate Security Roundtable" (in this section referred to as the "roundtable").

(b) PARTICIPANTS.—The roundtable shall include—

(1) the members of the Climate Security Advisory Council established under section 120 of the National Security Act of 1947 (50 U.S.C. 3060);

(2) senior representatives and practitioners from Federal science agencies, elements of the intelligence community, and the Department of Defense, who are not members of the Council; and

(3) key stakeholders in the United States scientific enterprise, including institutions of higher education, Federal research laboratories (including the national security laboratories), industry, and nonprofit research organizations.

(c) PURPOSE.—The purpose of the roundtable is—

(1) to support the duties and responsibilities of the Climate Security Advisory Council under section 120(c) of the National Security Act of 1947 (50 U.S.C. 3060(c));

(2) to develop best practices for the exchange of data, knowledge, and expertise among elements of the intelligence community, elements of the Federal Government that are not elements of the intelligence community, and non-Federal researchers;

(3) to facilitate dialogue and collaboration about relevant collection and analytic priorities among participants of the roundtable with respect to climate security;

(4) to identify relevant gaps in the exchange of data, knowledge, or expertise among participants of the roundtable with

respect to climate security, and consider viable solutions to address such gaps; and

(5) to provide any other assistance, resources, or capabilities that the Director of National Intelligence or the Under Secretary determines necessary with respect to the Council carrying out the duties and responsibilities of the Council under such section 120(c). Determination.

(d) MEETINGS.—The roundtable shall meet at least quarterly, in coordination with the meetings of the Climate Security Advisory Council under section 120(c)(1) of the National Security Act of 1947 (50 U.S.C. 3060(c)(1)).

(e) REPORTS AND BRIEFINGS.—The joint agreement under subsection (a) shall specify that—

(1) the roundtable shall organize workshops, on at least a biannual basis, that include both participants of the roundtable and persons who are not participants, and may be conducted in classified or unclassified form in accordance with subsection (f);

(2) on a regular basis, the roundtable shall produce classified and unclassified reports on the topics described in subsection (c) and the activities of the roundtable, and other documents in support of the duties and responsibilities of the Climate Security Advisory Council under section 120(c) of the National Security Act of 1947 (50 U.S.C. 3060(c));

(3) the Academies shall provide recommendations by consensus to the Council on both the topics described in subsection (c) and specific topics as identified by participants of the roundtable; Recommendations.

(4) not later than March 1, 2021, and annually thereafter during the life of the roundtable, the Academies shall provide a briefing to the appropriate congressional committees on the progress and activities of the roundtable; and Deadline.

(5) not later than September 30, 2025, the Academies shall submit a final report to the appropriate congressional committees on the activities of the roundtable.

(f) SECURITY CLEARANCES.—Each participant of the roundtable shall have a security clearance at the appropriate level to carry out the duties of the participant under this section. A person who is not a participant who attends a workshop under subsection (e)(1) is not required to have a security clearance, and the roundtable shall ensure that any such workshop is held at the appropriate classified or unclassified level.

(g) TERMINATION.—The roundtable shall terminate on September 30, 2025.

(h) DEFINITIONS.—In this section:

(1) The term "Academies" means the National Academies of Sciences, Engineering, and Medicine.

(2) The term "appropriate congressional committees" means—

(A) the Committee on Science, Space, and Technology, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(3) The term "Federal science agency" means any agency or department of the Federal Government with at least $100,000,000 in basic and applied research obligations in fiscal year 2019.

(4) The term "intelligence community" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(5) The term "national security laboratory" has the meaning given the term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

50 USC 3161 note.

SEC. 1623. EFFICIENT USE OF SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

Deadline. Consultation.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall issue revised guidance authorizing and directing departments and agencies of the Federal Government and appropriately cleared contractors of such departments and agencies to process, store, use, and discuss sensitive compartmented information at facilities previously approved to handle such information, without need for further approval by the department or agency or by the site. Such guidance shall apply to controlled access programs of the intelligence community and to special access programs of the Department of Defense.

Applicability.

Subtitle C—Nuclear Forces

SEC. 1631. SEMIANNUAL UPDATES ON MEETINGS HELD BY NUCLEAR WEAPONS COUNCIL; LIMITATION ON AVAILABILITY OF FUNDS RELATING TO SUCH UPDATES.

(a) SEMIANNUAL UPDATES.—Section 179(g) of title 10, United States Code, is amended to read as follows:

Deadlines. Time period.

"(g) SEMIANNUAL UPDATES ON COUNCIL MEETINGS.—(1) Not later than February 1 and August 1 of each year, the Council shall provide to the congressional defense committees a semiannual update including, with respect to the six-month period preceding the update—

"(A) the dates on which the Council met; and

"(B) except as provided by paragraph (2), a summary of any decisions made by the Council pursuant to subsection (d) at each such meeting and the rationale for and options that informed such decisions.

"(2) The Council shall not be required to include in a semiannual update under paragraph (1) the matters described in subparagraph (B) of that paragraph with respect to decisions of the Council relating to the budget of the President for a fiscal year if the budget for that fiscal year has not been submitted to Congress under section 1105 of title 31 as of the date of the semiannual update.

"(3) The Council may provide a semiannual update under paragraph (1) either in the form of a briefing or a written report.".

(b) LIMITATION ON USE OF FUNDS FOR FAILURE TO PROVIDE SEMIANNUAL UPDATES IN 2021.—

Deadline.

(1) FIRST SEMIANNUAL UPDATE.—If, by February 1, 2021, the Council has not provided the semiannual update under subsection (g) of section 179 of title 10, United States Code,

as amended by subsection (a), required by that date, not more than 50 percent of the funds authorized to be appropriated for fiscal year 2021 for the Office of the Under Secretary of Defense for Acquisition and Sustainment for the purposes of operating the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs may be obligated or expended until the date on which such semiannual update has been provided.

(2) SECOND SEMIANNUAL UPDATE.—If, by August 1, 2021, the Council has not provided the semiannual update described in paragraph (1) required by that date, not more than 90 percent of the funds authorized to be appropriated for fiscal year 2021 for the Office of the Under Secretary of Defense for Acquisition and Sustainment for the purposes of operating the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs may be obligated or expended until the date on which such semiannual update has been provided. Deadline.

SEC. 1632. ROLE OF NUCLEAR WEAPONS COUNCIL WITH RESPECT TO PERFORMANCE REQUIREMENTS AND BUDGET FOR NUCLEAR WEAPONS PROGRAMS.

(a) MODIFICATION TO RESPONSIBILITIES OF NUCLEAR WEAPONS COUNCIL.—Section 179(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (12), respectively; and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) Reviewing proposed capabilities, and establishing and validating performance requirements (as defined in section 181(h) of this title), for nuclear warhead programs.".

(b) REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET.—

(1) IN GENERAL.—Subtitle A of title XVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

"SEC. 4717. REVIEW OF ADEQUACY OF NUCLEAR WEAPONS BUDGET. 50 USC 2757.

"(a) REVIEW OF ADEQUACY OF ADMINISTRATION BUDGET BY NUCLEAR WEAPONS COUNCIL.—

"(1) TRANSMISSION TO COUNCIL.—The Secretary of Energy shall transmit to the Nuclear Weapons Council (in this section referred to as the 'Council') a copy of the proposed budget request of the Administration for each fiscal year before that budget request is submitted to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President to be submitted to Congress under section 1105(a) of title 31, United States Code.

"(2) REVIEW AND DETERMINATION OF ADEQUACY.—

"(A) REVIEW.—The Council shall review each budget request transmitted to the Council under paragraph (1).

"(B) DETERMINATION OF ADEQUACY.—

"(i) INADEQUATE REQUESTS.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year, the Council shall submit

to the Secretary of Energy a written description of funding levels and specific initiatives that would, in the determination of the Council, make the budget request adequate to implement those objectives.

Determination.

"(ii) ADEQUATE REQUESTS.—If the Council determines that a budget request for a fiscal year transmitted to the Council under paragraph (1) is adequate to implement the objectives described in clause (i) for that fiscal year, the Council shall submit to the Secretary of Energy a written statement confirming the adequacy of the request.

"(iii) RECORDS.—The Council shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

"(3) DEPARTMENT OF ENERGY RESPONSE.—

Appendix.

"(A) IN GENERAL.—If the Council submits to the Secretary of Energy a written description under paragraph (2)(B)(i) with respect to the budget request of the Administration for a fiscal year, the Secretary shall include as an appendix to the budget request submitted to the Director of the Office of Management and Budget—

"(i) the funding levels and initiatives identified in the description under paragraph (2)(B)(i); and

"(ii) any additional comments the Secretary considers appropriate.

"(B) TRANSMISSION TO CONGRESS.—The Secretary of Energy shall transmit to Congress, with the budget justification materials submitted in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a copy of the appendix described in subparagraph (A).

"(b) REVIEW AND CERTIFICATION OF DEPARTMENT OF ENERGY BUDGET BY NUCLEAR WEAPONS COUNCIL.—

"(1) IN GENERAL.—At the time the Secretary of Energy submits the budget request of the Department of Energy for that fiscal year to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President, the Secretary shall transmit a copy of the budget request of the Department to the Council.

"(2) CERTIFICATION.—The Council shall—

Review.

"(A) review the budget request transmitted to the Council under paragraph (1);

Determination.

"(B) based on the review under subparagraph (A), make a determination with respect to whether the budget request includes the funding levels and initiatives described in subsection (a)(2)(B)(i); and

"(C) submit to Congress—

"(i)(I) a certification that the budget request is adequate to implement the objectives described in subsection (a)(2)(B)(i); or

"(II) a statement that the budget request is not adequate to implement those objectives; and

Records.

"(ii) a copy of the written description submitted by the Council to the Secretary under subsection (a)(2)(B)(i), if any.".

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4716 the following new item:

"Sec. 4717. Review of adequacy of nuclear weapons budget.".

SEC. 1633. MODIFICATION OF GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ANNUAL REPORTS ON NUCLEAR WEAPONS ENTERPRISE.

Section 492a(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "review each report" and inserting "periodically review reports submitted"; and

(2) in paragraph (2), by striking "not later" and all that follows through "submitted,".

SEC. 1634. INDEPENDENT STUDY ON NUCLEAR WEAPONS PROGRAMS OF CERTAIN FOREIGN COUNTRIES.

Deadlines.

Contracts.

(a) STUDY.—Not later than March 1, 2021, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the nuclear weapons programs of covered foreign countries.

(b) MATTERS INCLUDED.—The study under subsection (a) shall compile open-source data to conduct an analysis of the following for each covered foreign country:

(1) The activities, budgets, and policy documents, regarding the nuclear weapons program.

(2) The known research and development activities with respect to nuclear weapons.

(3) The inventories of nuclear weapons and delivery vehicles with respect to both deployed and nondeployed weapons.

(4) The capabilities of such nuclear weapons and delivery vehicles.

(5) The physical sites used for nuclear processing, testing, and weapons integration.

(6) The human capital of the scientific and technical workforce involved in nuclear programs, including with respect to matters relating to the education, knowledge, and technical capabilities of that workforce.

(7) The known deployment areas for nuclear weapons.

(8) Information with respect to the nuclear command and control system.

(9) The factors and motivations driving the nuclear weapons program and the nuclear command and control system.

(10) Any other information that the federally funded research and development center determines appropriate.

(c) SUBMISSION TO DOD.—The federally funded research and development center shall submit to the Secretary—

(1) not later than March 1, 2022, the study under subsection (a); and

(2) not later than March 1, 2023, and March 1, 2024, any updates to the study.

(d) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives under subsection (c) the study under subsection (a) or an update to the study, the Secretary shall submit to the appropriate congressional committees the study or update, without change.

(e) PUBLIC RELEASE.—The federally funded research and development center shall maintain an internet website on which the center—

(1) publishes the study under subsection (a) by not later than 30 days after the date on which the Secretary receives the study under subsection (c); and

(2) provides on an ongoing basis commentaries, analyses, updates, and other information regarding the nuclear weapons programs of covered foreign countries.

(f) FORM.—The study under subsection (a) shall be submitted in unclassified form.

(g) MODIFICATION TO REPORT ON NUCLEAR FORCES OF THE UNITED STATES AND NEAR-PEER COUNTRIES.—Section 1676 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1778) is amended—

(1) in subsection (a), by striking "Not later than February 15, 2020, the Secretary of Defense, in coordination with the Director of National Intelligence, shall" and inserting "Not later than February 15, 2020, and each year thereafter through 2023, the Secretary of Defense and the Director of National Intelligence shall jointly"; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(4) With respect to the current and planned nuclear systems specified in paragraphs (1) through (3), the factors and motivations driving the development and deployment of the systems.".

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

(2) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means each of the following:

(A) North Korea.

(B) The People's Republic of China.

(C) The Russian Federation.

(D) To the extent applicable, Iran.

(3) OPEN-SOURCE DATA.—The term "open-source data" includes data derived from, found in, or related to any of the following:

(A) Geospatial information.

(B) Seismic sensors.

(C) Commercial data.

(D) Public government information.

(E) Academic journals and conference proceedings.

(F) Media reports.

(G) Social media.

SEC. 1635. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal

year 2021 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

Subtitle D—Missile Defense Programs

SEC. 1641. ALIGNMENT OF THE MISSILE DEFENSE AGENCY WITHIN THE DEPARTMENT OF DEFENSE.

(a) REPEAL OF REQUIREMENT FOR REPORTING STRUCTURE OF MISSILE DEFENSE AGENCY.—Section 205 of title 10, United States Code, is amended to read as follows:

"§ 205. Missile Defense Agency

"The Director of the Missile Defense Agency shall be appointed for a six-year term.".

(b) REPORT ON ALIGNMENT.—Not later than February 28, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the alignment of the Missile Defense Agency within the Department of Defense. The report shall include—

(1) a description of the risks and benefits of both—

(A) continuing the alignment of the Agency under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering; and

(B) realigning the Agency to be under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Sustainment; and

(2) if the Agency were to be realigned, the actions that would need to be taken to realign the Agency to be under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Sustainment or another element of the Department of Defense.

(c) NOTICE AND WAIT REQUIREMENT TO MODIFY CERTAIN DODI.—The Secretary of Defense may not modify Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act, unless—

(1) the Secretary submits to the congressional defense committees a final draft of the proposed modified directive, both in an electronic format and in a hard copy format;

(2) the Secretary provides to such committees a briefing to describe the modifications made in the proposed modified directive; and

Briefing.

(3) a period of 60 days has elapsed following the date on which the Secretary has carried out both paragraphs (1) and (2).

Time period.

Assessment.

(d) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report containing an assessment of whether the Secretary of Defense is in compliance with section 1688 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1787). Such assessment shall include an evaluation of—

(1) whether the Secretary has complied with the timelines required by subsection (b) of such section and whether the Secretary has carried out the consultation described in paragraph (1)(A) of such subsection; and

(2) how the changes proposed by the Secretary to the non-standard acquisition processes and responsibilities described in paragraph (2) of such subsection will improve or impact the development of weapon systems and timelines for the delivery of capabilities to members of the Armed Forces.

SEC. 1642. EXTENSION OF PROHIBITION RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h(e) of title 10, United States Code, is amended by striking "January 1, 2021" and inserting "January 1, 2026".

SEC. 1643. EXTENSION OF TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.

Section 1676(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by striking "2021" and inserting "2023".

SEC. 1644. EXTENSION OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

Section 232(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1339), as amended by section 1688 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1144), is amended—

(1) in paragraph (1), by striking "through 2020" and inserting "through 2025";

(2) in paragraph (2)—

(A) by striking "through 2021" and inserting "through 2026"; and

(B) by striking "year. Each" and all that follows through "appropriate." and inserting the following: "year, which shall include such findings and recommendations as the Comptroller General considers appropriate."; and

(3) by adding at the end the following new paragraph:

Determination. Consultation.

"(3) REVIEW OF EMERGING ISSUES.—In carrying out this subsection, as the Comptroller General determines is warranted, the Comptroller General shall review emerging issues and, in consultation with the congressional defense committees, brief such committees or submit to such committees a report on the findings of the Comptroller General with respect to such review.".

SEC. 1645. DEVELOPMENT OF HYPERSONIC AND BALLISTIC MISSILE TRACKING SPACE SENSOR PAYLOAD.

(a) DEVELOPMENT.—The Director of the Missile Defense Agency, in coordination with the Director of the Space Development Agency

and the Chief of Space Operations, shall develop and procure a hypersonic and ballistic missile tracking space sensor payload.

(b) PRIMARY RESPONSIBILITY.—

(1) ASSIGNMENT.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall, without delegation— Deadline.

(A) assign the Director of the Missile Defense Agency with the principal responsibility for the development and procurement of a hypersonic and ballistic tracking space sensor payload pursuant to subsection (a) as a component of a proliferated low-Earth orbit satellite constellation through, at minimum, fiscal year 2022; and

(B) submit to the congressional defense committees a certification of such assignment. Certification.

(2) PLAN FOR INTEGRATION.—Not later than May 1, 2021, the Secretary shall submit to the congressional defense committees a plan for integrating the hypersonic and ballistic tracking space sensor payload developed by the Missile Defense Agency pursuant to subsection (a) into the persistent space-based sensor architecture of the Space Development Agency and the Space Force. The plan shall include, at a minimum, options for— Deadline.

(A) minimizing disruption to the program for such space sensor payload;

(B) ensuring sufficient funding for such an integration;

(C) maintaining prioritization of unique ballistic and hypersonic defense requirements for such space sensor payload through the transition;

(D) ensuring connection of such space sensor payload into the overall missile defense command and control, battle management, and communications system; and

(E) addressing any impacts to the development and deployment of such space sensor payload if responsibility for the proliferated low-Earth orbit satellite constellation specified in paragraph (1)(A) is transitioned from the Space Development Agency to the Space Force prior to the constellation achieving full operational capability.

(c) TIMELINE FOR TESTING, INTEGRATION, AND DEPLOYMENT.—The Director, in coordination with the Director of the Space Development Agency and the Chief of Space Operations, shall— Coordination.

(1) begin on-orbit testing of the hypersonic and ballistic tracking space sensor payload developed pursuant to subsection (a) no later than December 31, 2023; and Deadline.

(2) begin integration of such sensor payload into the persistent space-based sensor architecture of the Space Development Agency and the Space Force pursuant to the plan developed under subsection (b)(2), and shall achieve full operational deployment of such sensor payload, as soon as technically feasible thereafter.

(d) ANNUAL CERTIFICATIONS.—On an annual basis until the date on which the hypersonic and ballistic tracking space sensor payload developed under subsection (a) achieves full operational capability—

(1) the Under Secretary of Defense (Comptroller) and the Director of Cost Assessment and Program Evaluation shall jointly certify to the appropriate congressional committees that the most recent future-years defense program submitted under Estimates.

section 221 of title 10, United States Code, includes estimated expenditures and proposed appropriations in amounts necessary to ensure the development and deployment of such space sensor payload as a component of the persistent space-based sensor architecture of the Space Development Agency and the Space Force; and

(2) the Vice Chairman of the Joint Chiefs of Staff, acting through the Joint Requirements Oversight Council, shall certify to the appropriate congressional committees that both the ballistic and hypersonic tracking requirements of, and the timeline to deploy, such space sensor payload have been validated.

(e) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for operation and maintenance, Defense-wide, for the Office of Secretary of Defense for travel of persons assigned to the Office of the Under Secretary of Defense for Research and Engineering, not more than 50 percent may be obligated or expended until—

(1) the Secretary of Defense submits the certification under subsection (b)(1)(B);

(2) the Under Secretary of Defense (Comptroller) and the Director of Cost Assessment and Program Evaluation jointly submit the first certification under subsection (d)(1); and

(3) the Vice Chairman submits the first certification under subsection (d)(2).

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) CONFORMING REPEAL.—Section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) is amended by striking subsection (d).

SEC. 1646. GROUND-BASED MIDCOURSE DEFENSE INTERIM CAPABILITY.

(a) INTERIM GROUND-BASED INTERCEPTOR.—

Deadline. Coordination.

(1) DEVELOPMENT.—Subject to the availability of appropriations, not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall commence carrying out a program to develop an interim ground-based interceptor capability that will—

(A) use sound acquisition practices;

(B) address the majority of current and near- to mid-term projected ballistic missile threats to the United States homeland from rogue nations;

(C) at minimum, meet the proposed capabilities of the Redesigned Kill Vehicle program;

(D) leverage existing kill vehicle and booster technology; and

(E) appropriately balance interceptor performance with schedule of delivery.

(2) CAPABILITIES AND CRITERIA.—The Director shall ensure that the interim ground-based interceptor developed under paragraph (1) meets, at a minimum, the following capabilities and criteria:

(A) Vehicle-to-vehicle communications, as applicable.

(B) Vehicle-to-ground communications.

(C) Kill assessment capability.

(D) The ability to counter advanced countermeasures, decoys, and penetration aids.

(E) Producibility and manufacturability.

(F) Use of technology involving high technology readiness levels.

(G) Options to integrate the new kill vehicle onto other missile defense interceptor vehicles other than the ground-based interceptors of the ground-based midcourse defense system.

(H) Sound acquisition processes.

(3) DEPLOYMENT.—The Secretary of Defense, acting through the Director of the Missile Defense Agency and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, the Commander of the United States Northern Command, and the Commander of the United States Strategic Command, shall—

(A) conduct rigorous flight testing of the interim ground-based interceptor; and

(B) deliver 20 interim ground-based interceptors by 2026.

(b) WAIVER.—

(1) AUTHORITY.—The Secretary of Defense may waive the requirements under paragraphs (1) and (3) of subsection (a) if the Secretary—

(A) determines that— Determination.

(i) the technology development is not technically feasible;

(ii) the interim capability development is not in the national security interest of the United States; or

(iii) the interim ground-based interceptor program under subsection (a)(1) cannot deliver an initial operational capability at least two years prior to the fielding of the next-generation interceptor for the ground-based midcourse defense system; and

(B) submits to the congressional defense committees a certification that such a waiver is necessary based on the determination under subparagraph (A), including— Certification.

(i) an explanation of the rationale of such determination;

(ii) an estimate of the ballistic missile threats to the United States homeland from rogue nations that will not be defended against until the fielding of the next-generation interceptor for the ground-based midcourse defense system; and Estimate.

(iii) an updated schedule for the development and deployment of such next-generation interceptor. Update.

(2) DELEGATION.—The Secretary may not delegate the authority to carry out paragraph (1) below the level of an Under Secretary of Defense.

(c) REPORT ON FUNDING PROFILE.—Unless the Secretary makes a waiver under subsection (b), the Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2022 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the interim ground-based interceptor program to meet the objectives under subsection (a).

Deadlines.

SEC. 1647. NEXT GENERATION INTERCEPTORS.

(a) NOTIFICATION OF CHANGED REQUIREMENTS.—During the acquisition and development process of the next generation interceptor program, not later than seven days after the date on which any changes are made to the requirements for such program that are established in the equivalent to capability development documentation, the Director of the Missile Defense Agency shall notify the congressional defense committees of such changes.

(b) BRIEFING ON CONTRACT.—Not later than 14 days after the date on which the Director awards a contract for design, development, or both, of the next generation interceptor, the Director shall provide the congressional defense committees a briefing on such contract, including with respect to the cost, schedule, performance, and requirements of the contract.

(c) INDEPENDENT COST ASSESSMENT AND VALIDATION.—

(1) ASSESSMENT.—The Director of Cost Assessment and Program Evaluation shall—

(A) conduct an independent cost assessment of the next generation interceptor program; and

(B) make available to the Director of the Missile Defense Agency, the Under Secretary of Defense for Acquisition and Sustainment, and the Under Secretary of Defense for Research and Engineering preliminary findings of the assessment to inform the award of a contract for the design, development, or both, of the next generation interceptor.

(2) VALIDATION.—The Under Secretary of Defense for Acquisition and Sustainment shall validate the preliminary findings of the cost assessment conducted under paragraph (1) that will be used to inform the award of a contract for the design, development, or both, of the next generation interceptor.

(3) SUBMISSION.—Not later than the date on which the Director of the Missile Defense Agency awards a contract for the design, development, or both, of the next generation interceptor, the Secretary of Defense shall submit to the congressional defense committees the preliminary findings of the independent cost assessment under paragraph (1) and the validation under paragraph (2).

(d) FLIGHT TESTS.—In addition to the requirements of section 2399 of title 10, United States Code, the Director of the Missile Defense Agency may not make any decision regarding the initial production, or equivalent, of the next generation interceptor unless the Director has—

(1) certified to the congressional defense committees that the Director has conducted not fewer than two successful intercept flight tests of the next generation interceptor; and Certification.

(2) provided to such committees a briefing on the details of such tests, including with respect to the operational realism of such tests. Briefing.

SEC. 1648. REPORT ON AND LIMITATION ON AVAILABILITY OF FUNDS FOR LAYERED HOMELAND MISSILE DEFENSE SYSTEM.

(a) REPORT.—

(1) REQUIREMENT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the proposal for a layered homeland missile defense architecture included in the budget justification materials submitted to Congress in support of the budget for the Department of Defense for fiscal year 2021 (as submitted with the budget of the President for such fiscal year under section 1105(a) of title 31, United States Code).

(2) ELEMENTS REQUIRED.—The report under paragraph (1) shall include the following: Assessments.

(A) A description of the requirements for the proposed layered homeland missile defense architecture that are—

(i) based on an assessment by the intelligence community of threats to be addressed at the time of deployment of such a system; and

(ii) validated by the Joint Requirements Oversight Council.

(B) An assessment of how such requirements addressed by the proposed layered homeland missile defense architecture relate to those addressed by the existing ground-based midcourse defense system, including deployed ground-based interceptors and planned upgrades to such ground-based interceptors.

(C) An analysis of weapon system and interceptor solutions to meet such requirements, including the Aegis ballistic missile defense system, the standard missile–3 block IIA, and the terminal high altitude area defense system, with the number of locations required for deployment and the production numbers of such weapon systems and interceptors. Analysis.

(D) A description of any improvements needed to the missile defense system command and control, battle management, and communications system to support the proposed layered homeland missile defense architecture.

(E) A description of the sensors required, with respect to both sensors organic to the weapon systems and the sensors needed for tracking and discrimination provided through the command and control, battle management, and communications system, for the proposed layered homeland missile defense architecture, including how the cancellation, or indefinite postponement, of the discrimination radar for homeland defense planned to be located in Hawaii will impact the ability of such architecture to defend against current and future missile threats to Hawaii, with respect to both the capacity and capability of such architecture.

(F) An assessment of the impact to the flights IIA and III fielding and posture plans of the Navy for Arleigh Burke class destroyers if at-sea standard missile–3 block IIA missiles are required for the proposed layered homeland missile defense architecture.

(G) A site-specific fielding plan that includes possible locations, the number and type of interceptors and radars in each location, and any associated environmental or permitting considerations, including an assessment of the locations evaluated pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1679) for inclusion in the proposed layered homeland missile defense architecture.

(H) Relevant policy considerations for deployment of such architecture for defense against intercontinental ballistic missiles in the continental United States.

(I) A life-cycle cost estimate and detailed development, testing, production, and deployment schedule for options involving a land-based standard missile–3 block IIA interceptor system and the terminal high altitude area defense system, including required environmental assessments.

(J) A feasibility assessment of the necessary modifications to the terminal high altitude area defense system to address such requirements.

(K) An assessment of the industrial base capacity to support additional production of either a land-based standard missile–3 block IIA interceptor system or the terminal high altitude area defense system.

(L) An assessment of the manning, training, and sustainment needed to operationally support the proposed layered homeland missile defense architecture.

(3) CONSULTATION.—In preparing the report required under paragraph (1), the Secretary shall consult with each of the following:

(A) The Under Secretary of Defense for Policy.

(B) The Under Secretary of Defense for Acquisition and Sustainment.

(C) The Vice Chairman of the Joint Chiefs of Staff, as the Chair of the Joint Requirements Oversight Council.

(D) The Commander of the United States Strategic Command.

(E) The Commander of the United States Northern Command.

(F) The Director of the Missile Defense Agency.

(G) The Director of Cost Assessment and Program Evaluation.

(b) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Missile Defense Agency for a layered homeland missile defense system, not more than 50 percent may be obligated or expended until the Director of the Missile Defense Agency submits to the congressional defense committees the report under subsection (a).

Deadline.

(c) ASSESSMENT.—Not later than February 28, 2021, the Director of the Defense Intelligence Agency, and the head of any other element of the intelligence community that the Secretary

of Defense determines appropriate, shall submit to the congressional defense committees an assessment of the following:

(1) How the development and deployment of regional terminal high altitude area defense systems and Aegis ballistic missile defense systems to conduct longer-range missile defense missions would be perceived by near-peer foreign countries and rogue nations.

(2) How such near-peer foreign countries and rogue nations would likely respond to such deployments.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1649. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION. Certifications.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $73,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors. Contracts.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees— Deadline.

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement;

(ii) an assessment detailing any risks relating to the implementation of such agreement; and Assessment.

(iii) for system improvements resulting in modified Iron Dome components and Tamir interceptor subcomponents, a certification that the Government of Israel has demonstrated successful completion of Production Readiness Reviews, including the validation of production lines, the verification of component conformance, and the verification of performance to specification as defined in the Iron Dome Defense System Procurement Agreement, as further amended.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense

Agency not more than $50,000,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

Contracts.

(2) AGREEMENT.—Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(A) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(B) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(3) CERTIFICATION AND ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2021 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $77,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring

engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) no later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel. Assessment

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1650. REPORT ON DEFENSE OF GUAM FROM INTEGRATED AIR AND MISSILE THREATS.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a study on the defense of Guam from integrated air and missile threats, including such threats from ballistic, hypersonic, and cruise missiles. Study.

(b) ELEMENTS.—The report under subsection (a) shall include the following: Analysis.

(1) The identification of existing deployed land- and sea-based air and missile defense programs of record within the military departments and Defense Agencies, including with respect to interceptors, radars, and ground-, ship-, air,- and space-based sensors that could be used either alone or in coordination with other systems to counter the threats specified in subsection (a) with an initial operational capability by 2025.

(2) A plan of how such programs would be used to counter such threats with an initial operational capability by 2025. Plan.

(3) A plan of which programs currently in development but not yet deployed could enhance or substitute for existing Plan.

programs in countering such threats with an initial operational capability by 2025.

(4) An analysis of which military department, Defense Agency, or combatant command would have operational control of the mission to counter such threats.

(5) A cost analysis of the various options described in paragraphs (1) and (3), including a breakdown of the cost of weapons systems considered under the various scenarios (including any costs to modify the systems), the cost benefits gained through economies of scale, and the cost of any military construction required.

(6) An analysis of the policy implications regarding deploying additional missile defense systems on Guam, and how such deployments could affect strategic stability, including likely responses from both rogue nations and near-peer competitors.

(c) CONSULTATION.—The Secretary shall carry out this section in consultation with each of the following:

(1) The Director of the Missile Defense Agency.

(2) The Commander of the United States Indo-Pacific Command.

(3) The Commander of the United States Northern Command.

(4) The Commander of the United States Strategic Command.

(5) The Director of the Joint Integrated Air and Missile Defense Organization.

(6) Any other official whom the Secretary of Defense determines for purposes of this section has significant technical, policy, or military expertise.

(d) FORM.—The report submitted under subsection (a) shall be in unclassified form, but may contain a classified annex.

(e) BRIEFING.—Not later than 30 days after the date on which the Secretary submits to the congressional defense committees the report under subsection (a), the Secretary shall provide to such committees a briefing on the report.

SEC. 1651. REPORTS ON CRUISE MISSILE DEFENSE AND NORTH WARNING SYSTEM.

(a) REPORT ON CRUISE MISSILE DEFENSE AND STATUS OF NORTH WARNING SYSTEM.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Northern Command, in coordination with the Secretary of the Air Force, the Director of the Missile Defense Agency, and the Director for Force Structure, Resources, and Assessment of the Joint Staff, shall submit to the congressional defense committees a report on the on cruise missile defense of the United States.

Assessments.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An identification of any vulnerability of the contiguous United States to known cruise missile threats.

(B) An assessment of the status of the North Warning System, including—

(i) a description and assessment of the status and operational integrity of the infrastructure of the North Warning System;

(ii) an assessment of the technology currently used by the North Warning System compared with the technology considered necessary by the Commander of the North American Aerospace Defense Command to detect current and anticipated threats;

(iii) an assessment of the infrastructure and ability of the Alaska Radar System to integrate into the broader North Warning System; and

(iv) an assessment of the ability of the North Warning System to integrate with current and anticipated space-based sensor platforms.

(b) REPORT ON PLAN FOR MITIGATION AND MODERNIZATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, in coordination with the Secretary of the Air Force, the Director of the Missile Defense Agency, and the Director for Force Structure, Resources, and Assessment of the Joint Staff, shall submit to the congressional defense committees a report setting forth a plan for— Coordination.

(A) mitigating vulnerabilities of the contiguous United States to known cruise missile threats; and

(B) modernizing the capabilities provided by the current North Warning System.

(2) ELEMENTS.—The plan under paragraph (1) shall include the following:

(A) A plan to mitigate any vulnerability of the contiguous United States to known cruise missile threats identified in the report under subsection (a).

(B) A detailed timeline for the modernization of the North Warning System based on the status of the system as assessed in the report under subsection (a). Timeline.

(C) The technological advancements necessary for ground-based North Warning System sites to address current and anticipated threats (as specified by the Commander of the North American Aerospace Defense Command).

(D) An assessment of the number of future North Warning System sites required in order to address current and anticipated threats (as so specified). Assessment.

(E) Any new or complementary technologies required to accomplish the mission of the North Warning System.

(F) The cost and schedule, by year, of the plan.

Subtitle E—Matters Relating to Certain Commercial Terrestrial Operations

SEC. 1661. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO THE GLOBAL POSITIONING SYSTEM.

10 USC 2281 note.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 or any subsequent fiscal year for the Department of Defense may be obligated or expended to

retrofit any Global Positioning System device or system, or network that uses the Global Positioning System, in order to mitigate harmful interference from commercial terrestrial operations using the 1526–1536 megahertz band, the 1627.5–1637.5 megahertz band, or the 1646.5–1656.5 megahertz band.

(b) ACTIONS NOT PROHIBITED.—The prohibition in subsection (a) shall not apply to any action taken by the Secretary of Defense relating to—

(1) conducting technical or information exchanges with the entity that operates the commercial terrestrial operations in the megahertz bands specified in such subsection;

(2) seeking compensation for harmful interference from such entity; or

(3) Global Positioning System receiver upgrades needed to address other resiliency requirements.

10 USC 2281 note.

SEC. 1662. LIMITATION ON AWARDING CONTRACTS TO ENTITIES OPERATING COMMERCIAL TERRESTRIAL COMMUNICATION NETWORKS THAT CAUSE HARMFUL INTERFERENCE WITH THE GLOBAL POSITIONING SYSTEM.

The Secretary of Defense may not enter into a contract, or extend or renew a contract, with an entity that engages in commercial terrestrial operations using the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band unless the Secretary has certified to the congressional defense committees that such operations do not cause harmful interference to a Global Positioning System device of the Department of Defense.

SEC. 1663. INDEPENDENT TECHNICAL REVIEW OF FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

Contracts.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the National Academies to perform the services covered by this section.

Deadline.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) INDEPENDENT TECHNICAL REVIEW.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies under subsection (a), the National Academies shall carry out an independent technical review of the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48), to the extent that such Order and Authorization affects the devices, operations, or activities of the Department of Defense.

(2) ELEMENTS.—The independent technical review carried out under paragraph (1) shall include the following:

Evaluation. Recommendation.

(A) Comparison of the two different approaches on which the Commission relied for the Order and Authorization described in paragraph (1) to evaluate the potential harmful interference concerns relating to Global Positioning System devices, with a recommendation on which method most effectively mitigates risks of harmful interference with Global Positioning System devices of the Department, or relating to or with the potential to affect the operations and activities of the Department.

(B) Assessment of the potential for harmful interference to mobile satellite services, including commercial services and Global Positioning System services of the Department, or relating to or with the potential to affect the operations and activities of the Department. Assessment.

(C) Review of the feasibility, practicality, and effectiveness of the proposed mitigation measures relating to, or with the potential to affect, the devices, operations, or activities of the Department.

(D) Development of recommendations associated with the findings of the National Academies in carrying out the independent technical review. Recommendations.

(E) Such other matters as the National Academies determines relevant.

(c) REPORT.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies under subsection (a), the National Academies, not later than 270 days after the date of the execution of such agreement, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the National Academies with respect to the independent technical review carried out under subsection (b) and the recommendations developed pursuant to such review. Recommendations.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in a publicly releasable and unclassified format, but may include a classified annex.

SEC. 1664. ESTIMATE OF DAMAGES FROM FEDERAL COMMUNICATIONS COMMISSION ORDER 20–48.

(a) LIMITATION, ESTIMATE, AND CERTIFICATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 may be obligated or expended by the Secretary of Defense to comply with the Order and Authorization adopted by the Federal Communications Commission on April 19, 2020 (FCC 20–48), until the Secretary— Compliance.

(1) submits to the congressional defense committees an estimate of the extent of covered costs and the range of eligible reimbursable costs associated with harmful interference resulting from such Order and Authorization to the Global Positioning System of the Department of Defense; and

(2) certifies to the congressional defense committees that the estimate submitted under paragraph (1) is accurate with a high degree of certainty.

(b) COVERED COSTS.—For purposes of this section, covered costs include costs that would be incurred—

(1) to upgrade, repair, or replace potentially affected receivers of the Federal Government;

(2) to modify, repair, or replace equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations, including with regard to the underlying platform or system in which a capability of the Global Positioning System is embedded; and

(3) for personnel of the Department to engineer, validate, and verify that any required remediation provides the Department with the same operational capability for the affected system prior to terrestrial operation in the 1525 to 1559 megahertz or 1626.5 to 1660.5 megahertz bands of electromagnetic spectrum.

(c) RANGE OF ELIGIBLE REIMBURSABLE COSTS.—For purposes of this section, the range of eligible reimbursable costs includes—

(1) costs associated with engineering, equipment, software, site acquisition, and construction;

(2) any transaction expense that the Secretary determines is legitimate and prudent;

(3) costs relating to term-limited Federal civil servant and contractor staff; and

(4) the costs of research, engineering studies, or other expenses the Secretary determines reasonably incurred.

Subtitle F—Other Matters

SEC. 1671. CONVENTIONAL PROMPT STRIKE.

(a) INTEGRATION.—Section 1697(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1791) is amended by adding at the end the following new sentence: "The Secretary shall initiate efforts to integrate such technologies to DDG–1000 class destroyers during fiscal year 2021.".

(b) REPORT ON STRATEGIC HYPERSONIC WEAPONS.—

Coordination.

(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff, in coordination with the Under Secretary of Defense for Policy, shall submit to the congressional defense committees a report on strategic hypersonic weapons.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A discussion of the authority and policy processes to use hypersonic weapons and if, and how, such authorities would be delegated to the commanders of the combatant commands or to the Chiefs of the Armed Forces.

(B) How escalation risks will be addressed with regards to the use of strategic hypersonic weapons, including—

(i) whether any risk escalation exercises have been conducted or are planned for the potential use of hypersonic weapons; and

Analysis.

(ii) an analysis of the escalation risks posed by foreign hypersonic systems that are potentially nuclear and conventional dual-use capable weapons.

(C) The potential target sets for hypersonic weapons envisioned as of the date of the report and the required mission planning to support targeting by the United States Strategic Command and other combatant commands.

(D) Identification of the process for the Department of Defense to establish targeting and release authority for conventional prompt strike hypersonic weapons.

(E) A description of how the requirements for land- and sea-based hypersonic weapons will be addressed with the Joint Requirements Oversight Council, and how such requirements will be formally provided to the military

departments procuring such weapons through an acquisition program described under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note).

(F) The required force structures, including necessary training, simulators, and range use needed by the Armed Forces, to support employment of such weapons against the classes of targets that will be held at risk.

(G) With respect to the force structure of the Navy—

(i) whether such weapons should be deployed on both submarines and surface combatants; and

(ii) the number of such vessels that need to be so equipped.

(H) A basing strategy for land-based launch platforms and a description of the actions needed to be taken for future deployment of such platforms.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(c) ANNUAL REPORTS ON ACQUISITION.—

(1) ARMY AND NAVY PROGRAMS.—Except as provided by paragraph (3), not later than 30 days after the date on which the budget of the President for each of fiscal years 2022 through 2025 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report on the long-range hypersonic weapon program of the Army and the conventional prompt strike program of the Navy, including—

(A) the total costs to the respective military departments for such programs;

(B) the strategy for such programs with respect to manning, training, and equipping, including cost estimates; and

(C) a testing strategy and schedule for such programs.

(2) INDEPENDENT COST ESTIMATE.—Not later than 90 days after the date on which the budget of the President for fiscal year 2022 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees an independent cost estimate for the long-range hypersonic weapon program of the Army and the conventional prompt strike program of the Navy.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) shall terminate on the date on which the Secretary of Defense determines that the long-range hypersonic weapon program of the Army and the conventional prompt strike program of the Navy are unable to be acquired under the authority of section 804 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note). Determination.

SEC. 1672. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO REPORTS ON MISSILE SYSTEMS AND ARMS CONTROL TREATIES.

(a) LIMITATION.—

(1) IN GENERAL.—Beginning on the date that is 60 days after the date of the enactment of this Act, if the Secretary of Defense has not submitted the covered reports, not more

than 50 percent of the funds specified in paragraph (2) may be obligated or expended until the date on which the covered reports have been submitted.

(2) FUNDS SPECIFIED.—The funds specified in this paragraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Office of the Under Secretary of Defense for Policy.

(b) COVERED REPORTS DEFINED.—In this section, the term "covered reports" means—

(1) the report under section 1698(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1792); and

(2) the assessment under section 1236(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1650).

SEC. 1673. SUBMISSION OF REPORTS UNDER MISSILE DEFENSE REVIEW AND NUCLEAR POSTURE REVIEW.

Assessments.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—

(1) each report, assessment, and guidance document produced by the Department of Defense pursuant to the Missile Defense Review published in 2019 or during subsequent actions taken to implement the conclusions of the Review; and

(2) each report, assessment, and guidance document produced by the Department pursuant to the Nuclear Posture Review published in 2018 or during subsequent actions taken to implement the conclusions of the Review.

TITLE XVII—CYBERSPACE-RELATED MATTERS

Sec. 1701. Modification of mission of Cyber Command and assignment of cyber operations forces.
Sec. 1702. Modification of scope of notification requirements for sensitive military cyber operations.
Sec. 1703. Modification of requirements for quarterly Department of Defense cyber operations briefings for Congress.
Sec. 1704. Clarification relating to protection from liability of operationally critical contractors.
Sec. 1705. Strengthening Federal networks; CISA cybersecurity support to agencies.
Sec. 1706. Improvements relating to the quadrennial cyber posture review.
Sec. 1707. Modification of authority to use operation and maintenance funds for cyber operations-peculiar capability development projects.
Sec. 1708. Personnel management authority for Commander of United States Cyber Command and development program for offensive cyber operations.
Sec. 1709. Applicability of reorientation of Big Data Platform program to Department of Navy.
Sec. 1710. Report on Cyber Institutes program.
Sec. 1711. Modification of acquisition authority of Commander of United States Cyber Command.
Sec. 1712. Modification of requirements relating to the Strategic Cybersecurity Program and the evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense.
Sec. 1713. Modification of position of Principal Cyber Advisor.
Sec. 1714. Cyberspace Solarium Commission.
Sec. 1715. Establishment in Department of Homeland Security of joint cyber planning office.
Sec. 1716. Subpoena authority.

Sec. 1717. Cybersecurity State Coordinator.
Sec. 1718. Cybersecurity Advisory Committee.
Sec. 1719. Cybersecurity education and training assistance program.
Sec. 1720. Framework for cyber hunt forward operations.
Sec. 1721. Rationalization and integration of parallel cybersecurity architectures and operations.
Sec. 1722. Assessing risk to national security of quantum computing.
Sec. 1723. Tailored cyberspace operations organizations.
Sec. 1724. Responsibility for cybersecurity and critical infrastructure protection of the defense industrial base.
Sec. 1725. Pilot program on remote provision by National Guard to National Guards of other States of cybersecurity technical assistance in training, preparation, and response to cyber incidents.
Sec. 1726. Department of Defense cyber workforce efforts.
Sec. 1727. Reporting requirements for cross domain incidents and exemptions to policies for information technology.
Sec. 1728. Assessing private-public collaboration in cybersecurity.
Sec. 1729. Cyber capabilities and interoperability of the National Guard.
Sec. 1730. Evaluation of non-traditional cyber support to the Department of Defense.
Sec. 1731. Integrated cybersecurity center plan.
Sec. 1732. Assessment of cyber operational planning and deconfliction policies and processes.
Sec. 1733. Pilot program on cybersecurity capability metrics.
Sec. 1734. Assessment of effect of inconsistent timing and use of Network Address Translation in Department of Defense networks.
Sec. 1735. Integration of Department of Defense user activity monitoring and cybersecurity.
Sec. 1736. Defense industrial base cybersecurity sensor architecture plan.
Sec. 1737. Assessment on defense industrial base participation in a threat information sharing program.
Sec. 1738. Assistance for small manufacturers in the defense industrial supply chain on matters relating to cybersecurity.
Sec. 1739. Assessment on defense industrial base cybersecurity threat hunting program.
Sec. 1740. Defense Digital Service.
Sec. 1741. Matters concerning the College of Information and Cyberspace and limitation of funding for National Defense University.
Sec. 1742. Department of Defense cyber hygiene and Cybersecurity Maturity Model Certification framework.
Sec. 1743. Extension of sunset for pilot program on regional cybersecurity training center for the Army National Guard.
Sec. 1744. National cyber exercises.
Sec. 1745. Cybersecurity and Infrastructure Security Agency review.
Sec. 1746. Report on enabling United States Cyber Command resource allocation.
Sec. 1747. Ensuring cyber resiliency of nuclear command and control system.
Sec. 1748. Requirements for review of and limitations on the Joint Regional Security Stacks activity.
Sec. 1749. Implementation of information operations matters.
Sec. 1750. Report on use of encryption by Department of Defense national security systems.
Sec. 1751. Guidance and direction on use of direct hiring processes for artificial intelligence professionals and other data science and software development personnel.
Sec. 1752. National Cyber Director.

SEC. 1701. MODIFICATION OF MISSION OF CYBER COMMAND AND ASSIGNMENT OF CYBER OPERATIONS FORCES.

Title 10, United States Code, is amended—

(1) in section 167b—

(A) in subsection (a)—

(i) in the first sentence, by inserting "(1)" before "With the advice";

(ii) in paragraph (1), as designated by clause (i), by striking the second sentence; and

(iii) by adding at the end the following new paragraph:

"(2) The principal mission of the Cyber Command is to direct, synchronize, and coordinate military cyberspace planning and operations to defend and advance national interests

in collaboration with domestic and international partners."; and

(B) by amending subsection (b) to read as follows:

"(b) ASSIGNMENT OF FORCES.—(1) Active and reserve cyber forces of the armed forces shall be assigned to the Cyber Command through the Global Force Management Process, as approved by the Secretary of Defense.

"(2) Cyber forces not assigned to Cyber Command remain assigned to combatant commands or service-retained."; and

(2) in section 238—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking "2017" and inserting "2021"; and

(II) by inserting ", in electronic and print formats," after "display";

(ii) in paragraph (1), by inserting "and the cyberspace operations forces" before the semicolon;

(iii) in paragraph (2), by inserting "and the cyberspace operations forces" before the period;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "2017" and inserting "2021";

(ii) in paragraph (1), by striking "2017" and inserting "2021"; and

(iii) in paragraph (2), by striking "2018" and inserting "2022"; and

(C) by adding at the end the following new subsection:

Deadlines. President.

"(c) SUBMISSION.—The Secretary shall provide the displays described in subsection (a)—

"(1) in electronic format not later than five days after the submission by the President under section 1105(a) of title 31 of the budget; and

"(2) in print format not later than 21 days after the submission by the President under section 1105(a) of title 31 of the budget.".

SEC. 1702. MODIFICATION OF SCOPE OF NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY CYBER OPERATIONS.

Subsection (c) of section 395 of title 10, United States Code, is amended to read as follows:

"(c) SENSITIVE MILITARY CYBER OPERATION DEFINED.—(1) In this section, the term 'sensitive military cyber operation' means an action described in paragraph (2) that—

"(A) is carried out by the armed forces of the United States;

"(B) is intended to achieve a cyber effect against a foreign terrorist organization or a country, including its armed forces and the proxy forces of that country located elsewhere—

"(i) with which the armed forces of the United States are not involved in hostilities (as that term is used in section 4 of the War Powers Resolution (50 U.S.C. 1543)); or

"(ii) with respect to which the involvement of the armed forces of the United States in hostilities has

not been acknowledged publicly by the United States; and

"(C)(i) is determined to—

"(I) have a medium or high collateral effects estimate;

"(II) have a medium or high intelligence gain or loss;

"(III) have a medium or high probability of political retaliation, as determined by the political military assessment contained within the associated concept of operations;

"(IV) have a medium or high probability of detection when detection is not intended; or

"(V) result in medium or high collateral effects; or

"(ii) is a matter the Secretary determines to be appropriate.

"(2) The actions described in this paragraph are the following:

"(A) An offensive cyber operation.

"(B) A defensive cyber operation.".

SEC. 1703. MODIFICATION OF REQUIREMENTS FOR QUARTERLY DEPARTMENT OF DEFENSE CYBER OPERATIONS BRIEFINGS FOR CONGRESS.

Section 484 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) BRIEFINGS REQUIRED.—The Under Secretary of Defense for Policy, the Commander of United States Cyber Command, and the Chairman of the Joint Chiefs of Staff, or designees from each of their offices, shall provide to the congressional defense committees quarterly briefings on all offensive and significant defensive military operations in cyberspace, including clandestine cyber activities, carried out by the Department of Defense during the immediately preceding quarter.

"(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the military operations in cyberspace described in such subsection, the following: Updates.

"(1) An update, set forth separately for each applicable geographic and functional command, that describes the operations carried out in the area of operations of that command or by that command.

"(2) An update, set forth for each applicable geographic and functional command, that describes defensive cyber operations executed to protect or defend forces, networks, and equipment in the area of operations of that command.

"(3) An update on relevant authorities and legal issues applicable to operations, including any presidential directives and delegations of authority received since the last quarterly update.

"(4) An overview of critical operational challenges posed by major adversaries or encountered in operational activities conducted since the last quarterly update.

"(5) An overview of the readiness of the Cyber Mission Forces to perform assigned missions that—

"(A) addresses all of the abilities of such Forces to conduct cyberspace operations based on capability and capacity of personnel, equipment, training, and equipment condition—

"(i) using both quantitative and qualitative metrics; and

"(ii) in a way that is common to all military departments; and

"(B) is consistent with readiness reporting pursuant to section 482 of this title.

"(6) Any other matters that the briefers determine to be appropriate.

"(c) DOCUMENTS.—Each briefing under subsection (a) shall include a classified placemat, summarizing the elements specified in paragraphs (1), (2), (3), and (5) of subsection (b), and an unclassified memorandum, summarizing the briefing's contents.".

SEC. 1704. CLARIFICATION RELATING TO PROTECTION FROM LIABILITY OF OPERATIONALLY CRITICAL CONTRACTORS.

Paragraph (1) of section 391(d) of title 10, United States Code, is amended—

(1) by inserting "and contract requirements established pursuant to Defense Federal Acquisition Regulation Supplement clause 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting," after "compliance with this section"; and

(2) by inserting "and such contract requirements" before the period.

SEC. 1705. STRENGTHENING FEDERAL NETWORKS; CISA CYBERSECURITY SUPPORT TO AGENCIES.

Section 3553 of title 44, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (6)(D), by striking "and" after the semicolon;

(B) by redesignating paragraph (7) as paragraph (9); and

(C) by inserting after paragraph (6) the following new paragraphs:

"(7) hunting for and identifying, with or without advance notice to or authorization from agencies, threats and vulnerabilities within Federal information systems;

"(8) upon request by an agency, and at the Secretary's discretion, with or without reimbursement—

"(A) providing services, functions, and capabilities, including operation of the agency's information security program, to assist the agency with meeting the requirements set forth in section 3554(b); and

"(B) deploying, operating, and maintaining secure technology platforms and tools, including networks and common business applications, for use by the agency to perform agency functions, including collecting, maintaining, storing, processing, disseminating, and analyzing information; and"; and

(2) by adding at the end the following new subsection:

"(l) INFORMATION SHARING.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, including any provision of law that would otherwise restrict

or prevent the head of an agency from disclosing information to the Secretary, the Secretary in carrying out this section and title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) may access, use, retain, and disclose, and the head of an agency may disclose to the Secretary, information, for the purpose of protecting information and information systems from cybersecurity risks.

"(2) EXCEPTION.—Paragraph (1) shall not apply to national security systems or to information systems described in paragraph (2) or (3) of subsection (e).".

SEC. 1706. IMPROVEMENTS RELATING TO THE QUADRENNIAL CYBER POSTURE REVIEW.

Section 1644(c) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91), as amended by section 1635 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) by amending paragraph (1) to read as follows:

"(1) The assessment and definition of the role of cyber forces in the national defense and military strategies of the United States."; Assessment.

(2) by amending paragraph (2) to read as follows:

"(2) Review of the following:

"(A) The role of cyber operations in combatant commander warfighting plans.

"(B) The ability of combatant commanders to respond to adversary cyber attacks.

"(C) The international partner cyber capacity-building programs of the Department.";

(3) by amending paragraph (3) to read as follows:

"(3) A review of the law, policies, and authorities relating to, and necessary for, the United States to maintain a safe, reliable, and credible cyber posture for defending against and responding to cyber attacks and for deterrence in cyberspace, including the following: Review.

"(A) An assessment of the need for further delegation of cyber-related authorities, including those germane to information warfare, to the Commander of United States Cyber Command. Assessment.

"(B) An evaluation of the adequacy of mission authorities for all cyber-related military components, defense agencies, directorates, centers, and commands."; Evaluation.

(4) in paragraph (4), by striking "A declaratory" and inserting "A review of the need for or for updates to a declaratory";

(5) in paragraph (5), by striking "Proposed" and inserting "A review of";

(6) by amending paragraph (6) to read as follows:

"(6) A review of a strategy to deter, degrade, or defeat malicious cyber activity targeting the United States (which may include activities, capability development, and operations other than cyber activities, cyber capability development, and cyber operations), including— Reviews. Assessments.

"(A) a review and assessment of various approaches to competition and deterrence in cyberspace, determined in consultation with experts from Government, academia, and industry;

"(B) a comparison of the strengths and weaknesses of the approaches identified pursuant to subparagraph (A) relative to the threat of each other; and

"(C) an assessment as to how the cyber strategy will inform country-specific campaign plans focused on key leadership of Russia, China, Iran, North Korea, and any other country the Secretary considers appropriate.";

(7) by striking paragraph (8) and inserting the following new paragraph (8):

Assessments.

"(8) A comprehensive force structure assessment of the Cyber Operations Forces of the Department for the posture review period, including the following:

Determination.

"(A) A determination of the appropriate size and composition of the Cyber Mission Forces to accomplish the mission requirements of the Department.

"(B) An assessment of the Cyber Mission Forces' personnel, capabilities, equipment, funding, operational concepts, and ability to execute cyber operations in a timely fashion.

"(C) An assessment of the personnel, capabilities, equipment, funding, and operational concepts of Cybersecurity Service Providers and other elements of the Cyber Operations Forces.";

(8) by redesignating paragraphs (9) through (11) as subsections (12) through (14), respectively; and

(9) by inserting after paragraph (8), the following new paragraphs:

Assessment.

"(9) An assessment of whether the Cyber Mission Force has the appropriate level of interoperability, integration, and interdependence with special operations and conventional forces.

Evaluation.

"(10) An evaluation of the adequacy of mission authorities for the Joint Force Provider and Joint Force Trainer responsibilities of United States Cyber Command, including the adequacy of the units designated as Cyber Operations Forces to support such responsibilities.

Assessment.

"(11) An assessment of the missions and resourcing of the combat support agencies in support of cyber missions of the Department.".

SEC. 1707. MODIFICATION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CYBER OPERATIONS-PECULIAR CAPABILITY DEVELOPMENT PROJECTS.

Section 1640 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) in subsection (a)—

(A) by striking "The Secretary of Defense" and inserting "Subject to subsection (b), the Commander of the United States Cyber Command";

(B) by striking "per service" and inserting "per use"; and

(C) by striking "through 2022" and inserting "through 2025";

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—(1) Each fiscal year, the Secretaries of the military departments concerned may each obligate and expend under subsection (a) not more than $10,000,000.

"(2) Each fiscal year, the Commander of the United States Cyber Command may obligate and expend under subsection (a) not more than $6,000,000."; and

(4) in subsection (d), as so redesignated, by striking "through 2022" and inserting "through 2025".

SEC. 1708. PERSONNEL MANAGEMENT AUTHORITY FOR COMMANDER OF UNITED STATES CYBER COMMAND AND DEVELOPMENT PROGRAM FOR OFFENSIVE CYBER OPERATIONS.

(a) PERSONNEL MANAGEMENT AUTHORITY FOR COMMANDER OF UNITED STATES CYBER COMMAND TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.—Section 1599h of title 10, United States Code, as amended by section 1602 of this Act, is further amended—

(1) in subsection (a), by adding at the end the following:

"(8) UNITED STATES CYBER COMMAND.—The Commander of United States Cyber Command may carry out a program of personnel management authority provided in subsection (b) in order to facilitate the recruitment of eminent experts in computer science, data science, engineering, mathematics, and computer network exploitation within the headquarters of United States Cyber Command and the Cyber National Mission Force."; and

(2) in subsection (b)(1)—

(A) in subparagraph (F), by striking "and" after the semicolon;

(B) in subparagraph (G), by inserting "and" after the semicolon; and

(C) by adding at the end the following new subparagraph:

"(H) in the case of United States Cyber Command, appoint computer scientists, data scientists, engineers, mathematicians, and computer network exploitation specialists to a total of not more than 10 scientific and engineering positions in the Command;".

(b) PROGRAM TO DEVELOP ACCESSES, DISCOVER VULNERABILITIES, AND ENGINEER CYBER TOOLS AND DEVELOP TACTICS, TECHNIQUES, AND PROCEDURES FOR OFFENSIVE CYBER OPERATIONS.— 10 USC 1599h note.

(1) IN GENERAL.—Pursuant to the authority provided under section 1599h(a)(8) of title 10, United States Code, as added by subsection (a), the Commander of United States Cyber Command shall establish a program or augment an existing program within the Command to develop accesses, discover vulnerabilities, and engineer cyber tools and develop tactics, techniques, and procedures for the use of these assets and capabilities in offensive cyber operations.

(2) ELEMENTS.—The program or augmented program required by paragraph (1) shall—

(A) develop accesses, discover vulnerabilities, and engineer cyber tools and develop tactics, techniques, and procedures fit for Department of Defense military operations in cyberspace, such as reliability, meeting short development and operational timelines, low cost, and expendability;

(B) aim to decrease the reliance of Cyber Command on accesses, tools, and expertise provided by the intelligence community;

(C) be designed to provide technical and operational expertise on par with that of programs of the intelligence community;

(D) enable the Commander to attract and retain expertise resident in the private sector and other technologically elite government organizations; and

Coordination.

(E) coordinate development activities with, and, as appropriate, facilitate transition of capabilities from, the Defense Advanced Research Projects Agency, the Strategic Capabilities Office, and components within the intelligence community.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1709. APPLICABILITY OF REORIENTATION OF BIG DATA PLATFORM PROGRAM TO DEPARTMENT OF NAVY.

(a) IN GENERAL.—Section 1651 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new subsection:

"(f) APPLICABILITY.—The requirements of this section shall apply in full to the Department of the Navy, including the Sharkcage and associated programs.".

Deadline.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, the program manager of the Unified Platform program, the Chief Information Officer, and the Principal Cyber Advisor shall jointly brief the congressional defense committees on the compliance of the Department of the Navy with the requirements of such section, as amended by subsection (a).

SEC. 1710. REPORT ON CYBER INSTITUTES PROGRAM.

Section 1640 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2310; 10 U.S.C. 2200 note) is amended by adding at the end the following:

"(g) REPORT TO CONGRESS.—Not later than September 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of the Cyber Institutes and on opportunities to expand the Cyber Institutes to additional select institutions of higher learning that have a Reserve Officers' Training Corps program.".

SEC. 1711. MODIFICATION OF ACQUISITION AUTHORITY OF COMMANDER OF UNITED STATES CYBER COMMAND.

Section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note) is amended—

(1) by striking subsections (e) and (i); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

SEC. 1712. MODIFICATION OF REQUIREMENTS RELATING TO THE STRATEGIC CYBERSECURITY PROGRAM AND THE EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note), as amended by section 1633 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended by adding at the end the following new subsections:

"(i) ESTABLISHING REQUIREMENTS FOR PERIODICITY OF VULNERABILITY REVIEWS.—The Secretary of Defense shall establish policies and requirements for each major weapon system, and the priority critical infrastructure essential to the proper functioning of major weapon systems in broader mission areas, to be re-assessed for cyber vulnerabilities, taking into account upgrades or other modifications to systems and changes in the threat landscape. Assessment.

"(j) IDENTIFICATION OF SENIOR OFFICIAL.—Each secretary of a military department shall identify a senior official who shall be responsible for ensuring that cyber vulnerability assessments and mitigations for weapon systems and critical infrastructure are planned, funded, and carried out.".

(2) TECHNICAL CORRECTION.—Such section 1647 of the National Defense Authorization Act for Fiscal Year 2016 is further amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by redesignating the second subsection (f), as added by section 1633 of the National Defense Authorization Act for Fiscal Year 2020, as subsection (g).

(b) STRATEGIC CYBERSECURITY PROGRAM.—Section 1640 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2224 note), is amended by striking subsections (a) through (e) and inserting the following new subsections:

"(a) IN GENERAL.—Not later than August 1, 2021, the Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition and Sustainment, the Chief Information Officer, the Vice Chairman of the Joint Chiefs of Staff, the Commander of United States Cyber Command, and the Director of the National Security Agency, establish a program to be known as the 'Strategic Cybersecurity Program' (in this section referred to as the 'Program') to ensure that the Department of Defense is always able to conduct the most important military missions of the Department. Deadline.

"(b) PERSONNEL SUPPORT TO THE PROGRAM.—

"(1) IN GENERAL.—The Director of the National Security Agency shall establish a program office within the Cybersecurity Directorate to support the Program by identifying threats to, vulnerabilities in, and remediations for the missions and mission elements described in paragraph (1) of subsection (c). Such program office shall be headed by a program manager selected by the Director.

"(2) NATIONAL SECURITY AGENCY PROGRAM OFFICE STAFF AUGMENTATION.—The Secretary may augment the personnel assigned to the program office required under paragraph (1) by assigning personnel as appropriate from among regular and

reserve members of the Armed Forces, civilian employees of the Department of Defense (including the Defense intelligence agencies), and personnel of the research laboratories of the Department and the Department of Energy, who have particular expertise in the areas of responsibility described in subsection (c).

"(3) DEPARTMENT OF ENERGY PERSONNEL.—Any personnel assigned to the program office from among personnel of the Department of Energy shall be so assigned with the concurrence of the Secretary of Energy.

"(c) RESPONSIBILITIES.—

"(1) DESIGNATION OF MISSION ELEMENTS OF THE PROGRAM.—The Under Secretary of Defense for Policy, the Under Secretary of Defense for Acquisition and Sustainment, and the Vice Chairman of the Joint Chiefs of Staff shall identify and designate for inclusion in the Program all of the systems, critical infrastructure, kill chains, and processes, including systems and components in development, that comprise the following military missions of the Department of Defense:

"(A) Nuclear deterrence and strike.

"(B) Select long-range conventional strike missions germane to the warfighting plans of United States European Command and United States Indo-Pacific Command.

"(C) Offensive cyber operations.

"(D) Homeland missile defense.

"(2) OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.—The Office of the Under Secretary of Defense for Acquisition and Sustainment shall serve as the office of primary responsibility for the Program, providing policy, direction, and oversight regarding the execution of the National Security Agency program manager's responsibilities described in paragraph (5).

Coordination.

"(3) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The Vice Chairman of the Joint Chiefs of Staff shall coordinate the identification and prioritization of the missions and mission components, and the development and approval of requirements relating to the cybersecurity of the missions and mission components, of the Program.

"(4) CHIEF INFORMATION OFFICER.—The Chief Information Officer, in exercising authority, direction, and control over the Cybersecurity Directorate of the National Security Agency, shall ensure that the National Security Agency program office is responsive to the requirements and direction of the Under Secretary of Defense for Acquisition and Sustainment.

"(5) PROGRAM MANAGER.—The program manager shall be responsible for—

"(A) Conducting end-to-end vulnerability assessments of the missions of the Program and their constituent systems, infrastructure, kill chains, and processes.

"(B) Prioritizing and facilitating the remediation of identified vulnerabilities in the constituent systems, infrastructure, kill chains, and processes of the missions of the Program.

"(C) Conducting, prior to the Milestone B approval for any such system or infrastructure, appropriate reviews of acquisition and system engineering plans for proposed systems and infrastructure germane to the missions of

the Program, in accordance with the Under Secretary of Defense for Acquisition and Sustainment's policy and guidance regarding the components of such reviews and the range of systems and infrastructure to be reviewed.

"(D) Advising the military departments, combatant commands, and Joint Staff on the vulnerabilities and cyberattack vectors that pose substantial risk to the missions of the Program and their constituent systems, critical infrastructure, kill chains, or processes.

"(6) SECRETARY OF DEFENSE DIRECTIVE.—The Secretary of Defense shall define and issue guidance on the roles and responsibilities for other components with respect to the Program, including—

"(A) the military departments' acquisition and sustainment organizations in supporting and implementing remedial actions;

"(B) the alignment of Cyber Protection Teams with the prioritized missions of the Program;

"(C) the role of the Director of Operational Test and Evaluation in conducting periodic assessments, including through red teams, of the cybersecurity of missions in the Program; and

"(D) the role of the Principal Cyber Adviser in coordinating and monitoring the Department's execution of the Program.

"(d) INTEGRATION WITH OTHER EFFORTS.—The Under Secretary of Defense for Acquisition and Sustainment shall ensure that the Program builds upon, and does not duplicate, other efforts of the Department of Defense relating to cybersecurity, including the following: Evaluations.

"(1) The evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense required under section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

"(2) The evaluation of cyber vulnerabilities of Department of Defense critical infrastructure required under section 1650 of the National Defense Authorization Act for Fiscal year 2017 (Public Law 114–328; 10 U.S.C. 2224 note).

"(3) The activities of the cyber protection teams of the Department of Defense.

"(e) BRIEFING.—Not later than December 1, 2021, the Secretary of Defense shall provide to the congressional defense committees a briefing on the establishment of the Program, and the plans, funding, and staffing of the Program.". Deadline.

SEC. 1713. MODIFICATION OF POSITION OF PRINCIPAL CYBER ADVISOR.

(a) IN GENERAL.—Subsection (c) of section 932 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is amended to read as follows:

"(c) PRINCIPAL CYBER ADVISOR.—

"(1) DESIGNATION.—The Secretary shall designate a Principal Cyber Advisor from among those civilian officials of the Department of Defense who have been appointed to the positions in which they serve by the President, by and with the advice and consent of the Senate. President.

"(2) RESPONSIBILITIES.—The Principal Cyber Advisor shall be responsible for the following:

"(A) Acting as the principal advisor to the Secretary on military cyber forces and activities.

"(B) Overall integration of Cyber Operations Forces activities relating to cyberspace operations, including associated policy and operational considerations, resources, personnel, technology development and transition, and acquisition.

"(C) Assessing and overseeing the implementation of the cyber strategy of the Department and execution of the cyber posture review of the Department on behalf of the Secretary.

"(D) Coordinating activities pursuant to subparagraphs (A) and (B) of subsection (c)(3) with the Principal Information Operations Advisor, the Chief Information Officer of the Department, and other officials as determined by the Secretary of Defense, to ensure the integration of activities in support of cyber, information, and electromagnetic spectrum operations.

"(E) Such other matters relating to the offensive military cyber forces of the Department as the Secretary shall specify for the purposes of this subsection.

"(3) CROSS-FUNCTIONAL TEAM.—Consistent with section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Principal Cyber Advisor shall—

"(A) integrate the cyber expertise and perspectives of appropriate organizations within the Office of the Secretary of Defense, Joint Staff, military departments, the Defense Agencies and Field Activities, and combatant commands, by establishing and maintaining a full-time cross-functional team of subject matter experts from those organizations; and

"(B) select team members, and designate a team leader, from among those personnel nominated by the heads of such organizations.".

(b) DESIGNATION OF DEPUTY PRINCIPAL CYBER ADVISOR.—Section 905(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking "Under Secretary of Defense for Policy" and inserting "Secretary of Defense".

10 USC 391 note.

SEC. 1714. CYBERSPACE SOLARIUM COMMISSION.

Section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

132 Stat. 2140.

(1) in subsection (b)(1)—

(A) in subparagraph (A), by—

(i) striking clauses (i) through (iv); and

(ii) redesignating clauses (v) through (viii) as clauses (i) through (iv), respectively; and

(B) in subparagraph (B)(i), by striking "and who are appointed under clauses (iv) through (vii) of subparagraph (A)";

(2) in subsection (d)(2), by striking "Seven" and inserting "Six";

(3) in subsection (h), by—

(B) striking "(1) IN GENERAL.—"; and

(C) striking paragraph (2);

(4) in subsection (i)(1)(B), by striking "officers or employees of the United States or"; and

(5) in subsection (k)(2)—

(A) in subparagraph (A)—

(i) by striking "at the end of the 120-day period beginning on" and inserting "20 months after"; and

(ii) by adding at the end the following new sentence: "No extension of the Commission is permitted.";

(B) in subparagraph (B), by—

(i) striking "may use the 120-day" and inserting "shall use the 20-month";

(ii) striking "for the purposes of concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report" and inserting the following: "for the purposes of—":

"(i) collecting and assessing comments and feedback from the Executive Branch, academia, and the public on the analysis and recommendations contained in the Commission's report;

"(ii) collecting and assessing any developments in cybersecurity that may affect the analysis and recommendations contained in the Commission's report;

"(iii) reviewing the implementation of the recommendations contained in the Commission's report;

"(iv) revising, amending, or making new recommendations based on the assessments and reviews required under clauses (i)–(iii);

"(v) providing an annual update to the congressional defense committees, the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security in a manner and format determined by the Commission regarding any such revisions, amendments, or new recommendations; and

"(vi) concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report."; and

(C) by adding at the end the following new subparagraph:

"(C) If the Commission is extended, and the effective date of such extension is after the date on which the Commission terminated, the Commission shall be deemed reconstituted with the same members and powers that existed on the day before such termination date, except that—

"(i) a member of the Commission may serve only if the member's position continues to be authorized under subsection (b);

"(ii) no compensation or entitlements relating to a person's status with the Commission shall be due for the period between the termination and reconstitution of the Commission;

"(iii) nothing in this subparagraph may be construed as requiring the extension or reemployment of any staff member or contractor working for the Commission;

"(iv) the staff of the Commission shall be—

"(I) selected by the co-chairs of the Commission in accordance with subsection (h)(1);

"(II) comprised of not more than four individuals, including a staff director; and

"(III) resourced in accordance with subsection (g)(4)(A);

"(v) with the approval of the co-chairs, may be provided by contract with a nongovernmental organization;

"(vi) any unexpended funds made available for the use of the Commission shall continue to be available for use for the life of the Commission, as well as any additional funds appropriated to the Department of Defense that are made available to the Commission, provided that the total such funds does not exceed $1,000,000 from the reconstitution of the Commission to the completion of the Commission; and

"(vii) the requirement for an assessment of the final report in subsection (l) shall be updated to require every ten months for a period of 20 months further assessments of the Federal Government's responses to the Commission's recommendations contained in such final report.".

SEC. 1715. ESTABLISHMENT IN DEPARTMENT OF HOMELAND SECURITY OF JOINT CYBER PLANNING OFFICE.

(a) AMENDMENT.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following new section:

6 USC 665b.

"SEC. 2215. JOINT CYBER PLANNING OFFICE.

"(a) ESTABLISHMENT OF OFFICE.—There is established in the Agency an office for joint cyber planning (in this section referred to as the 'Office') to develop, for public and private sector entities, plans for cyber defense operations, including the development of a set of coordinated actions to protect, detect, respond to, and recover from cybersecurity risks or incidents or limit, mitigate, or defend against coordinated, malicious cyber operations that pose a potential risk to critical infrastructure or national interests. The Office shall be headed by a senior official of the Agency selected by the Director.

"(b) PLANNING AND EXECUTION.—In leading the development of plans for cyber defense operations pursuant to subsection (a), the head of the Office shall—

"(1) coordinate with relevant Federal departments and agencies to establish processes and procedures necessary to develop and maintain ongoing coordinated plans for cyber defense operations;

"(2) leverage cyber capabilities and authorities of participating Federal departments and agencies, as appropriate, in furtherance of plans for cyber defense operations;

"(3) ensure that plans for cyber defense operations are, to the greatest extent practicable, developed in collaboration with relevant private sector entities, particularly in areas in which such entities have comparative advantages in limiting, mitigating, or defending against a cybersecurity risk or incident or coordinated, malicious cyber operation;

"(4) ensure that plans for cyber defense operations, as appropriate, are responsive to potential adversary activity conducted in response to United States offensive cyber operations;

"(5) facilitate the exercise of plans for cyber defense operations, including by developing and modeling scenarios based on an understanding of adversary threats to, vulnerability of, and potential consequences of disruption or compromise of critical infrastructure;

"(6) coordinate with and, as necessary, support relevant Federal departments and agencies in the establishment of procedures, development of additional plans, including for offensive and intelligence activities in support of cyber defense operations, and creation of agreements necessary for the rapid execution of plans for cyber defense operations when a cybersecurity risk or incident or malicious cyber operation has been identified; and

"(7) support public and private sector entities, as appropriate, in the execution of plans developed pursuant to this section.

"(c) COMPOSITION.—The Office shall be composed of—

"(1) a central planning staff; and

"(2) appropriate representatives of Federal departments and agencies, including—

"(A) the Department;

"(B) United States Cyber Command;

"(C) the National Security Agency;

"(D) the Federal Bureau of Investigation;

"(E) the Department of Justice; and

"(F) the Office of the Director of National Intelligence.

"(d) CONSULTATION.—In carrying out its responsibilities described in subsection (b), the Office shall regularly consult with appropriate representatives of non-Federal entities, such as—

"(1) State, local, federally-recognized Tribal, and territorial governments;

"(2) information sharing and analysis organizations, including information sharing and analysis centers;

"(3) owners and operators of critical information systems;

"(4) private entities; and

"(5) other appropriate representatives or entities, as determined by the Secretary.

"(e) INTERAGENCY AGREEMENTS.—The Secretary and the head of a Federal department or agency referred to in subsection (c) may enter into agreements for the purpose of detailing personnel on a reimbursable or non-reimbursable basis. Contracts.

"(f) DEFINITIONS.—In this section:

"(1) CYBER DEFENSE OPERATION.—The term 'cyber defense operation' means defensive activities performed for a cybersecurity purpose.

"(2) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501)).

"(3) CYBERSECURITY RISK; INCIDENT.—The terms 'cybersecurity risk' and 'incident' have the meanings given such terms in section 2209.

"(4) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'information sharing and analysis organization' has the meaning given such term in section 2222(5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2214 the following new item:

"Sec. 2215. Joint cyber planning office.".

SEC. 1716. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) the term 'cybersecurity purpose' has the meaning given that term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);";

(C) in paragraph (6), as so redesignated, by striking "and" at the end;

(D) by redesignating paragraph (7), as so redesignated, as paragraph (8); and

(E) by inserting after paragraph (6), as so redesignated, the following new paragraph:

"(7) the term 'security vulnerability' has the meaning given that term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501); and";

(2) in subsection (c)—

(A) in paragraph (10), by striking "and" at the end;

(B) in paragraph (11), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(12) detecting, identifying, and receiving information for a cybersecurity purpose about security vulnerabilities relating to critical infrastructure in information systems and devices."; and

(3) by adding at the end the following new subsection:

"(o) SUBPOENA AUTHORITY.—

"(1) DEFINITION.—In this subsection, the term 'covered device or system'—

"(A) means a device or system commonly used to perform industrial, commercial, scientific, or governmental functions or processes that relate to critical infrastructure, including operational and industrial control systems, distributed control systems, and programmable logic controllers; and

"(B) does not include personal devices and systems, such as consumer mobile devices, home computers, residential wireless routers, or residential internet enabled consumer devices.

"(2) AUTHORITY.—

"(A) IN GENERAL.—If the Director identifies a system connected to the internet with a specific security vulnerability and has reason to believe such security vulnerability relates to critical infrastructure and affects a covered device or system, and the Director is unable to identify the entity at risk that owns or operates such covered device or system, the Director may issue a subpoena for the production of information necessary to identify and notify such entity at risk, in order to carry out a function authorized under subsection (c)(12).

"(B) LIMIT ON INFORMATION.—A subpoena issued pursuant to subparagraph (A) may seek information—

"(i) only in the categories set forth in subparagraphs (A), (B), (D), and (E) of section 2703(c)(2) of title 18, United States Code; and

"(ii) for not more than 20 covered devices or systems.

"(C) LIABILITY PROTECTIONS FOR DISCLOSING PROVIDERS.—The provisions of section 2703(e) of title 18, United States Code, shall apply to any subpoena issued pursuant to subparagraph (A). Applicability.

"(3) COORDINATION.—

"(A) IN GENERAL.—If the Director exercises the subpoena authority under this subsection, and in the interest of avoiding interference with ongoing law enforcement investigations, the Director shall coordinate the issuance of any such subpoena with the Department of Justice, including the Federal Bureau of Investigation, pursuant to interagency procedures which the Director, in coordination with the Attorney General, shall develop not later than 60 days after the date of the enactment of this subsection. Procedures. Deadline.

"(B) CONTENTS.—The inter-agency procedures developed under this paragraph shall provide that a subpoena issued by the Director under this subsection shall be—

"(i) issued to carry out a function described in subsection (c)(12); and

"(ii) subject to the limitations specified in this subsection.

"(4) NONCOMPLIANCE.—If any person, partnership, corporation, association, or entity fails to comply with any duly served subpoena issued pursuant to this subsection, the Director may request that the Attorney General seek enforcement of such subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

"(5) NOTICE.—Not later than seven days after the date on which the Director receives information obtained through a subpoena issued pursuant to this subsection, the Director shall notify any entity identified by information obtained pursuant to such subpoena regarding such subpoena and the identified vulnerability. Deadline.

"(6) AUTHENTICATION.—

"(A) IN GENERAL.—Any subpoena issued pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

"(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.

Deadline.

"(7) PROCEDURES.—Not later than 90 days after the date of the enactment of this subsection, the Director shall establish internal procedures and associated training, applicable to employees and operations of the Agency, regarding subpoenas issued pursuant to this subsection, which shall address the following:

"(A) The protection of and restriction on dissemination of nonpublic information obtained through such a subpoena, including a requirement that the Agency not disseminate nonpublic information obtained through such a subpoena that identifies the party that is subject to such subpoena or the entity at risk identified by information obtained, except that the Agency may share the nonpublic information with the Department of Justice for the purpose of enforcing such subpoena in accordance with paragraph (4), and may share with a Federal agency the nonpublic information of the entity at risk if—

"(i) the Agency identifies or is notified of a cybersecurity incident involving such entity, which relates to the vulnerability which led to the issuance of such subpoena;

Determination.

"(ii) the Director determines that sharing the nonpublic information with another Federal department or agency is necessary to allow such department or agency to take a law enforcement or national security action, consistent with the interagency procedures under paragraph (3)(A), or actions related to mitigating or otherwise resolving such incident;

"(iii) the entity to which the information pertains is notified of the Director's determination, to the extent practicable consistent with national security or law enforcement interests, consistent with such interagency procedures; and

"(iv) the entity consents, except that the entity's consent shall not be required if another Federal department or agency identifies the entity to the Agency in connection with a suspected cybersecurity incident.

"(B) The restriction on the use of information obtained through such a subpoena for a cybersecurity purpose.

"(C) The retention and destruction of nonpublic information obtained through such a subpoena, including—

"(i) destruction of such information that the Director determines is unrelated to critical infrastructure immediately upon providing notice to the entity pursuant to paragraph (5); and

"(ii) destruction of any personally identifiable information not later than 6 months after the date on which the Director receives information obtained through such a subpoena, unless otherwise agreed to by the individual identified by the subpoena respondent.

"(D) The processes for providing notice to each party that is subject to such a subpoena and each entity identified by information obtained under such a subpoena.

"(E) The processes and criteria for conducting critical infrastructure security risk assessments to determine whether a subpoena is necessary prior to being issued pursuant to this subsection.

"(F) The information to be provided to an entity at risk at the time of the notice of the vulnerability, which shall include—

"(i) a discussion or statement that responding to, or subsequent engagement with, the Agency, is voluntary; and

"(ii) to the extent practicable, information regarding the process through which the Director identifies security vulnerabilities.

"(8) LIMITATION ON PROCEDURES.—The internal procedures established pursuant to paragraph (7) may not require an owner or operator of critical infrastructure to take any action as a result of a notice of vulnerability made pursuant to this Act.

"(9) REVIEW OF PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Privacy Officer of the Agency shall— Deadline.

"(A) review the internal procedures established pursuant to paragraph (7) to ensure that—

"(i) such procedures are consistent with fair information practices; and

"(ii) the operations of the Agency comply with such procedures; and

"(B) notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of the results of the review under subparagraph (A). Notification.

"(10) PUBLICATION OF INFORMATION.—Not later than 120 days after establishing the internal procedures under paragraph (7), the Director shall publish information on the website of the Agency regarding the subpoena process under this subsection, including information regarding the following: Deadline.

"(A) Such internal procedures.

"(B) The purpose for subpoenas issued pursuant to this subsection.

"(C) The subpoena process.

"(D) The criteria for the critical infrastructure security risk assessment conducted prior to issuing a subpoena.

"(E) Policies and procedures on retention and sharing of data obtained by subpoenas.

"(F) Guidelines on how entities contacted by the Director may respond to notice of a subpoena. Guidelines.

"(11) ANNUAL REPORTS.—The Director shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report (which may include a classified annex but with the presumption of declassification) on the use of subpoenas issued pursuant to this subsection, which shall include the following:

"(A) A discussion of the following:

"(i) The effectiveness of the use of such subpoenas to mitigate critical infrastructure security vulnerabilities.

"(ii) The critical infrastructure security risk assessment process conducted for subpoenas issued under this subsection.

"(iii) The number of subpoenas so issued during the preceding year.

"(iv) To the extent practicable, the number of vulnerable covered devices or systems mitigated under this subsection by the Agency during the preceding year.

"(v) The number of entities notified by the Director under this subsection, and their responses, during the preceding year.

"(B) For each subpoena issued pursuant to this subsection, the following:

"(i) Information relating to the source of the security vulnerability detected, identified, or received by the Director.

"(ii) Information relating to the steps taken to identify the entity at risk prior to issuing the subpoena.

"(iii) A description of the outcome of the subpoena, including discussion on the resolution or mitigation of the critical infrastructure security vulnerability.

"(12) PUBLICATION OF THE ANNUAL REPORTS.—The Director shall publish a version of the annual report required under paragraph (11) on the website of the Agency, which shall, at a minimum, include the findings described in clauses (iii), (iv), and (v) of subparagraph (A) of such paragraph.

"(13) PROHIBITION ON USE OF INFORMATION FOR UNAUTHORIZED PURPOSES.—Any information obtained pursuant to a subpoena issued under this subsection may not be provided to any other Federal department or agency for any purpose other than a cybersecurity purpose or for the purpose of enforcing a subpoena issued pursuant to this subsection.".

6 USC 659 note.

(b) RULES OF CONSTRUCTION.—

(1) PROHIBITION ON NEW REGULATORY AUTHORITY.—Nothing in this section or the amendments made by this section may be construed to grant the Secretary of Homeland Security, or the head of any another Federal agency or department, any authority to promulgate regulations or set standards relating to the cybersecurity of private sector critical infrastructure that was not in effect on the day before the date of the enactment of this Act.

(2) PRIVATE ENTITIES.—Nothing in this section or the amendments made by this section may be construed to require any private entity to—

(A) request assistance from the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security; or

(B) implement any measure or recommendation suggested by the Director.

SEC. 1717. CYBERSECURITY STATE COORDINATOR.

(a) CYBERSECURITY STATE COORDINATOR.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(A) in section 2202(c) (6 U.S.C. 652(c))—

(i) in paragraph (10), by striking "and" at the end;

(ii) by redesignating paragraph (11) as paragraph (12); and

(iii) by inserting after paragraph (10) the following:

"(11) appoint a Cybersecurity State Coordinator in each State, as described in section 2215; and"; and

(B) by adding at the end the following new section:

"SEC. 2215. CYBERSECURITY STATE COORDINATOR. 6 USC 665c.

"(a) APPOINTMENT.—The Director shall appoint an employee of the Agency in each State, with the appropriate cybersecurity qualifications and expertise, who shall serve as the Cybersecurity State Coordinator.

"(b) DUTIES.—The duties of a Cybersecurity State Coordinator appointed under subsection (a) shall include—

"(1) building strategic public and, on a voluntary basis, private sector relationships, including by advising on establishing governance structures to facilitate the development and maintenance of secure and resilient infrastructure;

"(2) serving as the Federal cybersecurity risk advisor and supporting preparation, response, and remediation efforts relating to cybersecurity risks and incidents;

"(3) facilitating the sharing of cyber threat information to improve understanding of cybersecurity risks and situational awareness of cybersecurity incidents;

"(4) raising awareness of the financial, technical, and operational resources available from the Federal Government to non-Federal entities to increase resilience against cyber threats;

"(5) supporting training, exercises, and planning for continuity of operations to expedite recovery from cybersecurity incidents, including ransomware;

"(6) serving as a principal point of contact for non-Federal entities to engage, on a voluntary basis, with the Federal Government on preparing, managing, and responding to cybersecurity incidents;

"(7) assisting non-Federal entities in developing and coordinating vulnerability disclosure programs consistent with Federal and information security industry standards;

"(8) assisting State, local, Tribal, and territorial governments, on a voluntary basis, in the development of State cybersecurity plans;

"(9) coordinating with appropriate officials within the Agency; and

"(10) performing such other duties as determined necessary by the Director to achieve the goal of managing cybersecurity

risks in the United States and reducing the impact of cyber threats to non-Federal entities.

Consultation.

"(c) FEEDBACK.—The Director shall consult with relevant State, local, Tribal, and territorial officials regarding the appointment, and State, local, Tribal, and territorial officials and other non-Federal entities regarding the performance, of the Cybersecurity State Coordinator of a State.".

Deadlines.
6 USC 665c note.

(2) COORDINATION PLAN.—Not later than 60 days after the date of the enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall establish and submit to the Committee on Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House of Representatives a plan describing the reporting structure and coordination processes and procedures of Cybersecurity State Coordinators within the Cybersecurity and Infrastructure Security Agency under section 2215 of the Homeland Security Act of 2002, as added by paragraph (1)(B).

(3) OVERSIGHT.—The Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing on the placement and efficacy of the Cybersecurity State Coordinators appointed under section 2215 of the Homeland Security Act of 2002, as added by paragraph (1)(B), and the coordination plan required under paragraph (2)—

(A) not later than one year after the date of enactment of this Act; and

(B) not later than two years after providing the first briefing under this paragraph.

6 USC 665c note.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection or the amendments made by this subsection may be construed to affect or otherwise modify the authority of Federal law enforcement agencies with respect to investigations relating to cybersecurity incidents.

(5) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2214 the following new item:

"Sec. 2215. Cybersecurity State Coordinator.".

(b) STAKEHOLDER OUTREACH AND OPERATIONAL ENGAGEMENT STRATEGY AND IMPLEMENTATION PLAN.—

Deadline.

(1) STRATEGY.—Not later than one year after the date of the enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall issue a strategy and subsequent implementation plan to improve stakeholder outreach and operational engagement, including the Agency's strategic and operational goals and priorities for carrying out stakeholder engagement activities.

(2) CONTENTS.—The stakeholder outreach and operational engagement strategy and implementation plan issued pursuant to paragraph (1) shall include the following:

(A) A catalogue of the stakeholder engagement services delivered by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, including

the regions of the stakeholder services delivered and the critical infrastructure sectors (as such term is defined in section 2001(3) of the Homeland Security Act of 2002 (6 U.S.C. 601(3)) involved.

Assessment.

(B) An assessment of the capacity of programs of the Agency to deploy personnel, including the adequacy of such personnel to meet service requests and the ability of such personnel to engage with and deliver services to stakeholders in urban, suburban, and rural areas.

(C) Long-term objectives of such personnel, including training of the workforce to optimize the capabilities of such programs and capacity goals.

(D) A description of programs, policies, and activities used to carry out such stakeholder engagement services under subparagraph (A).

(E) Resources and personnel necessary to effectively support critical infrastructure owners and operators and, as appropriate, other entities, including non-profit organizations, based on current and projected demand for Agency services.

(F) Guidance on how outreach to critical infrastructure owners and operators in a region should be prioritized.

(G) Plans to ensure that stakeholder engagement personnel of the Agency have a clear understanding of expectations for engagement within each critical infrastructure sector and subsector, whether during steady state or surge capacity.

(H) Metrics for measuring how effective stakeholder engagement services under subparagraph (A) are at furthering the Agency's strategic and operational goals and priorities.

(I) Mechanisms to track regional engagement by personnel of the Agency with critical infrastructure owners and operators, and how frequently such engagement takes place.

(J) Plans for awareness campaigns to familiarize critical infrastructure owners and operators with security resources and support offered by the Cybersecurity and Infrastructure Security Agency.

(K) A description of how to prioritize engagement with critical infrastructure sectors based on threat information and the capacity of such sectors to mitigate such threats

(L) Projected timelines, benchmarks, and resource requirements to implement the Agency's strategic goals and priorities.

(3) STAKEHOLDER INPUT.—In issuing the stakeholder outreach and operational engagement strategy required under paragraph (1), the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall, to the extent practicable, solicit input from stakeholders representing the following:

(A) Each of the critical infrastructure sectors.

(B) Critical infrastructure owners and operators located in each region in which the Agency maintains a field office.

(4) OVERSIGHT.—Upon issuance of the stakeholder outreach and operational engagement strategy and implementation plan required under paragraph (1), the Director of the Cybersecurity

and Infrastructure Security Agency of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate such strategy and plan, together with any associated legislative or budgetary proposals relating thereto.

SEC. 1718. CYBERSECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by section 1715 of this Act, is further amended by adding at the end the following new section:

6 USC 665e.

"SEC. 2216. CYBERSECURITY ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Agency a Cybersecurity Advisory Committee (referred to in this section as the 'Advisory Committee').

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Committee shall advise, consult with, report to, and make recommendations to the Director, as appropriate, on the development, refinement, and implementation of policies, programs, planning, and training pertaining to the cybersecurity mission of the Agency.

"(2) RECOMMENDATIONS.—

"(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Director, recommendations for improvements to advance the cybersecurity mission of the Agency and strengthen the cybersecurity of the United States.

"(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by subcommittees established under subsection (d) for any year shall be approved by the Advisory Committee before the Advisory Committee submits to the Director the annual report under paragraph (4) for that year.

"(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Director—

"(A) reports on matters identified by the Director; and

"(B) reports on other matters identified by a majority of the members of the Advisory Committee.

"(4) ANNUAL REPORT.—

"(A) IN GENERAL.—The Advisory Committee shall submit to the Director an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year.

Deadline.

"(B) PUBLICATION.—Not later than 180 days after the date on which the Director receives an annual report for a year under subparagraph (A), the Director shall publish a public version of the report describing the activities of the Advisory Committee and such related matters as would be informative to the public during that year, consistent with section 552(b) of title 5, United States Code.

Deadline.

"(5) FEEDBACK.—Not later than 90 days after receiving any recommendation submitted by the Advisory Committee under paragraph (2), (3), or (4), the Director shall respond in writing to the Advisory Committee with feedback on the recommendation. Such a response shall include—

"(A) with respect to any recommendation with which the Director concurs, an action plan to implement the recommendation; and

"(B) with respect to any recommendation with which the Director does not concur, a justification for why the Director does not plan to implement the recommendation.

"(6) CONGRESSIONAL NOTIFICATION.—Not less frequently than once per year after the date of enactment of this section, the Director shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives a briefing on feedback from the Advisory Committee. Deadline. Briefing.

"(7) GOVERNANCE RULES.—The Director shall establish rules for the structure and governance of the Advisory Committee and all subcommittees established under subsection (d).

"(c) MEMBERSHIP.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Cybersecurity Advisory Committee Authorization Act of 2020, the Director shall appoint the members of the Advisory Committee. Deadline.

"(B) COMPOSITION.—The membership of the Advisory Committee shall consist of not more than 35 individuals.

"(C) REPRESENTATION.—

"(i) IN GENERAL.—The membership of the Advisory Committee shall satisfy the following criteria:

"(I) Consist of subject matter experts.

"(II) Be geographically balanced.

"(III) Include representatives of State, local, and Tribal governments and of a broad range of industries, which may include the following:

"(aa) Defense.

"(bb) Education.

"(cc) Financial services and insurance.

"(dd) Healthcare.

"(ee) Manufacturing.

"(ff) Media and entertainment.

"(gg) Chemicals.

"(hh) Retail.

"(ii) Transportation.

"(jj) Energy.

"(kk) Information Technology.

"(ll) Communications.

"(mm) Other relevant fields identified by the Director.

"(ii) PROHIBITION.—Not fewer than one member nor more than three members may represent any one category under clause (i)(III).

"(iii) PUBLICATION OF MEMBERSHIP LIST.—The Advisory Committee shall publish its membership list on a publicly available website not less than once per fiscal year and shall update the membership list as changes occur. Web posting. Deadline. Update.

"(2) TERM OF OFFICE.—

"(A) TERMS.—The term of each member of the Advisory Committee shall be two years, except that a member may continue to serve until a successor is appointed.

"(B) REMOVAL.—The Director may review the participation of a member of the Advisory Committee and remove such member any time at the discretion of the Director.

"(C) REAPPOINTMENT.—A member of the Advisory Committee may be reappointed for an unlimited number of terms.

"(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee may not receive pay or benefits from the United States Government by reason of their service on the Advisory Committee.

"(4) MEETINGS.—

Requirement.

"(A) IN GENERAL.—The Director shall require the Advisory Committee to meet not less frequently than semiannually, and may convene additional meetings as necessary.

"(B) PUBLIC MEETINGS.—At least one of the meetings referred to in subparagraph (A) shall be open to the public.

"(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

"(5) MEMBER ACCESS TO CLASSIFIED INFORMATION.—

Deadline.
Determination.

"(A) IN GENERAL.—Not later than 60 days after the date on which a member is first appointed to the Advisory Committee and before the member is granted access to any classified information, the Director shall determine, for the purposes of the Advisory Committee, if the member should be restricted from reviewing, discussing, or possessing classified information.

"(B) ACCESS.—Access to classified materials shall be managed in accordance with Executive Order No. 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive Order.

"(C) PROTECTIONS.—A member of the Advisory Committee shall protect all classified information in accordance with the applicable requirements for the particular level of classification of such information.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the security clearance of a member of the Advisory Committee or the authority of a Federal agency to provide a member of the Advisory Committee access to classified information.

"(6) CHAIRPERSON.—The Advisory Committee shall select, from among the members of the Advisory Committee—

"(A) a member to serve as chairperson of the Advisory Committee; and

"(B) a member to serve as chairperson of each subcommittee of the Advisory Committee established under subsection (d).

"(d) SUBCOMMITTEES.—

"(1) IN GENERAL.—The Director shall establish subcommittees within the Advisory Committee to address cybersecurity issues, which may include the following:

"(A) Information exchange.

"(B) Critical infrastructure.

"(C) Risk management.

"(D) Public and private partnerships.

"(2) MEETINGS AND REPORTING.—Each subcommittee shall meet not less frequently than semiannually, and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including activities, findings, and recommendations, regarding subject matter considered by the subcommittee. Recommendations.

"(3) SUBJECT MATTER EXPERTS.—The chair of the Advisory Committee shall appoint members to subcommittees and shall ensure that each member appointed to a subcommittee has subject matter expertise relevant to the subject matter of the subcommittee.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as so amended, is further amended by inserting after the item relating to section 2215 the following new item:

"Sec. 2216. Cybersecurity Advisory Committee.".

SEC. 1719. CYBERSECURITY EDUCATION AND TRAINING ASSISTANCE PROGRAM.

(a) AUTHORITIES.—Section 2202(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 652(e)(1)) is amended by adding at the end the following new subparagraph:

"(R) To encourage and build cybersecurity awareness and competency across the United States and to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department, including by—

"(i) overseeing elementary and secondary cybersecurity education and awareness related programs at the Agency;

"(ii) leading efforts to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department;

"(iii) encouraging and building cybersecurity awareness and competency across the United States; and

"(iv) carrying out cybersecurity related workforce development activities, including through—

"(I) increasing the pipeline of future cybersecurity professionals through programs focused on elementary and secondary education, postsecondary education, and workforce development; and

"(II) building awareness of and competency in cybersecurity across the civilian Federal Government workforce.".

(b) EDUCATION, TRAINING, AND CAPACITY DEVELOPMENT.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph:

"(11) provide education, training, and capacity development to Federal and non-Federal entities to enhance the security

and resiliency of domestic and global cybersecurity and infrastructure security; and".

(c) ESTABLISHMENT OF TRAINING PROGRAMS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.), as amended by sections 1715 and 1718 of this Act, is further amended by adding at the end the following new section:

6 USC 665f.

"SEC. 2217. CYBERSECURITY EDUCATION AND TRAINING PROGRAMS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Cybersecurity Education and Training Assistance Program (referred to in this section as 'CETAP') is established within the Agency.

"(2) PURPOSE.—The purpose of CETAP shall be to support the effort of the Agency in building and strengthening a national cybersecurity workforce pipeline capacity through enabling elementary and secondary cybersecurity education, including by—

"(A) providing foundational cybersecurity awareness and literacy;

"(B) encouraging cybersecurity career exploration; and

"(C) supporting the teaching of cybersecurity skills at the elementary and secondary education levels.

"(b) REQUIREMENTS.—In carrying out CETAP, the Director shall—

"(1) ensure that the program—

"(A) creates and disseminates cybersecurity-focused curricula and career awareness materials appropriate for use at the elementary and secondary education levels;

"(B) conducts professional development sessions for teachers;

"(C) develops resources for the teaching of cybersecurity-focused curricula described in subparagraph (A);

"(D) provides direct student engagement opportunities through camps and other programming;

"(E) engages with State educational agencies and local educational agencies to promote awareness of the program and ensure that offerings align with State and local curricula;

"(F) integrates with existing post-secondary education and workforce development programs at the Department;

"(G) promotes and supports national standards for elementary and secondary cyber education;

"(H) partners with cybersecurity and education stakeholder groups to expand outreach; and

"(I) any other activity the Director determines necessary to meet the purpose described in subsection (a)(2); and

"(2) enable the deployment of CETAP nationwide, with special consideration for underserved populations or communities.

"(c) BRIEFINGS.—

Deadline.

"(1) IN GENERAL.—Not later than 1 year after the establishment of CETAP, and annually thereafter, the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the program.

"(2) CONTENTS.—Each briefing conducted under paragraph (1) shall include—

"(A) estimated figures on the number of students reached and teachers engaged; Estimate.

"(B) information on outreach and engagement efforts, including the activities described in subsection (b)(1)(E);

"(C) information on new curricula offerings and teacher training platforms; and

"(D) information on coordination with post-secondary education and workforce development programs at the Department.

"(d) MISSION PROMOTION.—The Director may use appropriated amounts to purchase promotional and recognition items and marketing and advertising services to publicize and promote the mission and services of the Agency, support the activities of the Agency, and to recruit and retain Agency personnel.".

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as so amended, is further amended by inserting after the item relating to section 2216 the following new item:

"Sec. 2217. Cybersecurity Education and Training Programs.".

SEC. 1720. FRAMEWORK FOR CYBER HUNT FORWARD OPERATIONS. 10 USC 394 note.

(a) FRAMEWORK REQUIRED.—Not later than April 1, 2021, the Secretary of Defense shall develop a standard, comprehensive framework to enhance the consistency, execution, and effectiveness of cyber hunt forward operations. Deadline.

(b) ELEMENTS.—The framework developed pursuant to subsection (a) shall include the following:

(1) Identification of the selection criteria for proposed cyber hunt forward operations, including specification of necessary thresholds for the justification of operations and thresholds for partner cooperation.

(2) The roles and responsibilities of the following organizations in the support of the planning and execution of cyber hunt forward operations:

(A) United States Cyber Command.

(B) Service cyber components.

(C) The Office of the Under Secretary of Defense for Policy.

(D) Geographic combatant commands.

(E) Cyber Operations-Integrated Planning Elements and Joint Cyber Centers.

(F) Embassies and consulates of the United States.

(3) Pre-deployment planning guidelines to maximize the operational success of each unique operation, including guidance that takes into account the highly variable nature of the following aspects at the tactical level:

(A) Team composition, including necessary skillsets, recommended training, and guidelines on team size and structure.

(B) Relevant factors to determine mission duration in a country of interest.

(C) Agreements with partner countries required pre-deployment.

(D) Criteria for potential follow-on operations.

(E) Equipment and infrastructure required to support the missions.

(4) Metrics to measure the effectiveness of each operation, including means to evaluate the value of discovered malware and infrastructure, the effect on the adversary, and the potential for future engagements with the partner country.

(5) Roles and responsibilities for United States Cyber Command and the National Security Agency in the analysis of relevant mission data.

(6) A detailed description of counterintelligence support for cyber hunt forward operations.

(7) A standardized force presentation model across service components and combatant commands.

(8) Review of active and reserve component personnel policies to account for deployment and redeployment operations, including the following:

(A) Global Force Management.

(B) Contingency, Exercise, and Deployment orders to be considered for and applied towards deployment credit and benefits.

(9) Such other matters as the Secretary determines relevant.

(c) BRIEFING.—

Deadline.

(1) IN GENERAL.—Not later than May 1, 2021, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the framework developed pursuant to subsection (a).

(2) CONTENTS.—The briefing required by paragraph (1) shall include the following:

(A) An overview of the framework developed pursuant to subsection (a).

(B) An explanation of the tradeoffs associated with the use of Department of Defense resources for cyber hunt forward missions in the context of competing priorities.

Recommendations.

(C) Such recommendations as the Secretary may have for legislative action to improve the effectiveness of cyber hunt forward missions.

SEC. 1721. RATIONALIZATION AND INTEGRATION OF PARALLEL CYBERSECURITY ARCHITECTURES AND OPERATIONS.

(a) REVIEW REQUIRED.—The Commander of United States Cyber Command, with support from the Chief Information Officer of the Department of Defense, the Chief Data Officer of the Department, the Principal Cyber Advisor, the Vice Chairman of the Joint Chiefs of Staff, and the Director of Cost Analysis and Program Evaluation, as well as the Principal Cyber Advisors and the Chief Information Officers of the military services, shall conduct a review of the Cybersecurity Service Provider and Cyber Mission Force enterprises.

(b) ASSESSMENT AND IDENTIFICATION OF REDUNDANCIES AND GAPS.—The review required by subsection (a) shall assess and identify—

(1) the optimal way to integrate the Joint Cyber Warfighting Architecture and the Cybersecurity Service Provider architectures, associated tools and capabilities, and associated concepts of operations;

(2) redundancies and gaps in network sensor deployment and data collection and analysis for the—

(A) Big Data Platform;

(B) Joint Regional Security Stacks; and

(C) Security Information and Event Management capabilities;

(3) where integration, collaboration, and interoperability are not occurring that would improve outcomes;

(4) baseline training, capabilities, competencies, operational responsibilities, and joint concepts of operations for the Joint Force Headquarters for the Department of Defense Information Network, Cybersecurity Service Providers, and Cyber Protection Teams;

(5) the roles and responsibilities of the Principal Cyber Advisor, Chief Information Officer, and the Commander of United States Cyber Command in establishing and overseeing the baselines assessed and identified under paragraph (4);

(6) the optimal command structure for the military services' and combatant commands' cybersecurity service providers and cyber protection teams;

(7) the responsibilities of network owners and cybersecurity service providers in mapping, configuring, instrumenting, and deploying sensors on networks to best support response of cyber protection teams when assigned to defend unfamiliar networks; and

(8) operational concepts and engineering changes to enhance remote access and operations of cyber protection teams on networks through tools and capabilities of the Cybersecurity Service Providers.

(c) RECOMMENDATIONS FOR FISCAL YEAR 2023 BUDGET.—The Chief Information Officer, the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly develop recommendations for the Secretary of Defense in preparation of the budget justification materials to be submitted to Congress in support of the budget for the Department of Defense for fiscal year 2023 (as submitted with the budget of the President for such fiscal year under section 1105(a) of title 31, United States Code).

(d) PROGRESS BRIEFING.—Not later than March 31, 2021, the Chief Information Officer, the Chief Data Officer, the Commander of United States Cyber Command, and the Principal Cyber Advisor shall jointly provide a briefing to the congressional defense committees on the progress made in carrying out this section. Deadline.

SEC. 1722. ASSESSING RISK TO NATIONAL SECURITY OF QUANTUM COMPUTING.

(a) COMPREHENSIVE ASSESSMENT AND RECOMMENDATIONS REQUIRED.—Not later than December 31, 2021, the Secretary of Defense shall— Deadline.

(1) complete a comprehensive assessment of the current and potential threats and risks posed by quantum computing technologies to critical national security systems, including—

(A) an identification and prioritization of critical national security systems at risk;

(B) an assessment of the standards of the National Institute of Standards and Technology for quantum resistant cryptography and the applicability of such standards

to cryptographic requirements of the Department of Defense;

(C) an assessment of the feasibility of alternate quantum-resistant algorithms and features; and

(D) a description of any funding shortfalls in public and private developmental efforts relating to quantum resistant cryptography, standards, and models; and

Recommendations.

(2) develop recommendations for research, development, and acquisition activities, including resourcing schedules, for securing the critical national security systems identified pursuant to paragraph (1)(A) against quantum computing code-breaking capabilities.

Deadline.

(b) BRIEFING.—Not later than February 1, 2022, the Secretary shall brief the congressional defense committees on the assessment completed under paragraph (1) of subsection (a) and the recommendations developed under paragraph (2) of such subsection.

10 USC 394 note.

SEC. 1723. TAILORED CYBERSPACE OPERATIONS ORGANIZATIONS.

(a) STUDY.—

Deadline. Consultation.

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy and the Chief of Naval Operations, in consultation with the Commander of United States Cyber Command, shall submit to the congressional defense committees a study of the Navy Cyber Warfare Development Group (NCWDG).

(2) ELEMENTS.—The study required under paragraph (1) shall include the following:

Examination.

(A) An examination of NCWDG's structure, manning, authorities, funding, and operations.

Review.

(B) A review of organizational relationships—

(i) within the Navy; and

(ii) to other Department of Defense organizations, as well as non-Department of Defense organizations.

Recommendations.

(C) Recommendations for how the NCWDG can be strengthened and improved, without growth in size.

(D) Such other information as determined necessary or appropriate by the Secretary of the Navy.

(3) RELEASE.—

Deadline. Briefing.

(A) TO CONGRESS.—Not later than 7 days after completion of the study required under paragraph (1), the Secretary of the Navy shall brief the congressional defense committees on the findings of the study.

(B) TO SERVICE SERVICES.— The Secretary of the Navy shall transmit to the secretaries of the military services and the Assistant Secretary of Defense for Special Operations and Irregular Warfare the study required under paragraph (1).

(b) DESIGNATION.—Notwithstanding any other provision of law, the Secretary of the Navy shall designate the NCWDG as a screened command.

(c) AUTHORITY TO REPLICATE.—After review of the study required under subsection (a) and consulting the Commander of United States Cyber Command in accordance with procedures established by the Secretary of Defense, the secretaries of the military services may establish tailored cyberspace operations organizations of comparable size to NCWDG within the military service, respectively, of each such secretary. Such counterpart organizations shall

have the same authorities as the NCWDG. On behalf of United States Special Operations Command, the Assistant Secretary of Defense for Special Operations and Irregular Warfare may authorize a tailored cyberspace operations organization within United States Special Operations Command of similar size and equivalent authorities as NCWDG.

(d) BRIEFING TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the secretaries of the military services and the Assistant Secretary of Defense for Special Operations and Irregular Warfare shall brief the congressional defense committees on— Deadline.

(1) the utilization of the authority provided pursuant to subsection (c); and

(2) if appropriate based on such utilization, details on how the military service, respectively, of each such secretary intends to establish tailored cyberspace operations organizations.

SEC. 1724. RESPONSIBILITY FOR CYBERSECURITY AND CRITICAL INFRASTRUCTURE PROTECTION OF THE DEFENSE INDUSTRIAL BASE. 10 USC 2224 note.

(a) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term "critical infrastructure" has the meaning given such term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

(b) DESIGNATION.—The Secretary of Defense shall designate the Principal Cyber Advisor of the Department of Defense as the coordinating authority for cybersecurity issues relating to the defense industrial base.

(c) RESPONSIBILITIES.—As the coordinating authority for cybersecurity issues relating to the defense industrial base, the Principal Cyber Advisor of the Department of Defense shall synchronize, harmonize, de-conflict, and coordinate all policies and programs germane to defense industrial base cybersecurity, including the following:

(1) The Sector Specific Agency functions under Presidential Policy Directive-21 the Department of Defense has assigned to the Under Secretary of Defense for Policy for implementation.

(2) The Under Secretary of Defense for Acquisition and Sustainment's policies and programs germane to contracting and contractual enforcement as such relate to cybersecurity assessment and assistance, and industrial base health and security.

(3) The Under Secretary of Defense for Intelligence and Security's policies and programs germane to physical security, information security, industrial security, acquisition security and cybersecurity, all source intelligence, classified threat intelligence sharing related to defense industrial base cybersecurity activities, counterintelligence, and foreign ownership control or influence, including the Defense Intelligence Agency and National Security Agency support provided to the Department of Defense – Defense Industrial Base Collaborative Information Sharing Environment and cyber intrusion damage assessment analysis as part of defense industrial base cybersecurity activities.

(4) The Department of Defense Chief Information Officer's policies and programs for cybersecurity standards and integrating cybersecurity threat intelligence-sharing activities and enhancing Department of Defense and defense industrial base cyber situational awareness.

(5) The Under Secretary of Defense for Research and Engineering's policies and programs germane to protection planning requirements of emerging technologies as such relate to cybersecurity assessment and assistance, and industrial base health and security.

(6) Other Department of Defense components' policies and programs germane to the cybersecurity of the defense industrial base, including the policies and programs of the military services and the combatant commands.

(d) ADDITIONAL FUNCTIONS.—In carrying out this section, the Principal Cyber Advisor of the Department of Defense shall—

(1) coordinate or facilitate coordination with relevant Federal departments and agencies, defense industrial base entities, independent regulatory agencies, and with State, local, territorial, and Tribal entities, as appropriate;

(2) facilitate or coordinate the provision of incident management support to defense industrial base entities, as appropriate;

(3) facilitate or coordinate the provision of technical assistance to and consultations with defense industrial base entities to identify cyber or cyber-physical vulnerabilities and minimize the damage of potential incidents, as appropriate; and

(4) support or facilitate the supporting of the statutorily required reporting requirements of such relevant Federal departments and agencies by providing or facilitating the provision to such departments and agencies on an annual basis relevant critical infrastructure information, as appropriate.

(e) DEPARTMENT OF DEFENSE ROLES AND RESPONSIBILITIES.—No later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the following issues:

Deadline. Briefing.

(1) A plan for implementation of this section, including an assessment of the roles and responsibilities of entities across the Department of Defense and mechanisms and processes for coordination of policy and programs germane to defense industrial base cybersecurity.

Plan. Coordination.

(2) An analysis of the feasibility and advisability of separating cybersecurity Sector Specific Agency functions under Presidential Policy Directive-21 from non-cybersecurity Sector Specific Agency functions.

Analysis.

(3) Regarding the non-cybersecurity Sector Specific Agency functions the Department has assigned to the Under Secretary of Defense for Policy for implementation, the implications of reassigning such responsibilities to the Under Secretary of Defense for Acquisition and Sustainment.

32 USC 901 note.

SEC. 1725. PILOT PROGRAM ON REMOTE PROVISION BY NATIONAL GUARD TO NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may conduct a pilot program to assess the feasibility and advisability of the development of a capability in support of Department of Defense missions within the National Guard through which a National Guard of a State remotely provides National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response to cyber incidents.

(2) TERMINATION.—The authorization under paragraph (1) to conduct the pilot program expires 24 months after the date of the enactment of this Act.

(b) ASSESSMENT PRIOR TO COMMENCEMENT.—For purposes of the pilot program described in subsection (a), the Secretary of Defense shall, prior to commencing the pilot program, for purposes of evaluating existing platforms, technologies, and capabilities under subsection (c), and for establishing eligibility and participation requirements under such subsection—

(1) conduct an assessment of—

(A) existing cyber response capacities of the Army National Guard or Air National Guard, as applicable, in each State; and

(B) any existing platform, technology, or capability of a National Guard that provides the capability described in subsection (a)(1);

(2) determine whether a platform, technology, or capability referred to in subparagraph (B) is suitable for expansion for purposes of the pilot program; and Determination.

(3) assess potential benefits or impact on the missions, the Total Force, the Cyber Operations Forces, and the cyber infrastructure of the Department of Defense.

(c) ELEMENTS.—The pilot program described in subsection (a) may include the following:

(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to National Guards of other States, without the need to deploy outside its home State.

(2) The development of policies, processes, procedures, and authorities for use of such a capability, including with respect to the following: Procedures.

(A) The roles and responsibilities of both requesting and deploying National Guards with respect to such technical assistance, taking into account the matters specified in subsection (g).

(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing such a capability.

(C) Program management and governance structures for deployment and maintenance of such a capability.

(D) Security when performing remote support, including in matters such as authentication and remote sensing.

(3) The conduct, in consultation with the Secretary of Homeland Security and the Director of the Federal Bureau Consultation.

of Investigation, the heads of other Federal agencies, and appropriate non-Federal entities, as appropriate, of at least one exercise to demonstrate such a capability, which exercise shall include the following:

(A) Participation of not fewer than the National Guards of two different States.

(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

(d) USE OF EXISTING TECHNOLOGY.—The Secretary of Defense may use an existing platform, technology, or capability to provide the technical capability described in subsection (a)(1) under the pilot program.

Consultation.

(e) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—The Secretary of Defense shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of National Guards in the pilot program.

(g) CONSTRUCTION WITH CERTAIN CURRENT AUTHORITIES.—

(1) COMMAND AUTHORITIES.—Nothing in this section may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard participating in the pilot program.

(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in this section may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(h) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot program.

(i) TERM.—The pilot program under subsection (b) shall terminate not later than the date that is three years after the date of the commencement of the pilot program.

(j) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the Secretary of Defense shall submit to the appropriate committees of Congress and the Secretary of Homeland Security an initial report setting forth a description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the Secretary of Defense shall submit to the appropriate committees of Congress and the Secretary of Homeland Security a final report on the pilot program. The final report shall include the following:

(A) A description of the pilot program, including any partnerships entered into under the pilot program.

Summary.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (b).

Summary.

(C) A summary of the evaluation metrics established in accordance with subsection (h), including how the pilot program contributes directly to Department of Defense missions.

Assessment.

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (c)(1) under the pilot program.

(E) A description of costs associated with the implementation and conduct of the pilot program.

(F) A recommendation as to the value of the pilot program, including whether to authorize a permanent program modeled on the pilot program, including whether the pilot program duplicates the remote operating concept and capabilities of active duty cyber operations forces. Recommendation.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F). Cost estimate.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program. Recommendations.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(k) STATE DEFINED.—In this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 1726. DEPARTMENT OF DEFENSE CYBER WORKFORCE EFFORTS.

(a) RESOURCES FOR CYBER EDUCATION.— 10 USC 1599f note.

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense, in consultation with the Director of the National Security Agency (NSA), shall examine the current policies permitting National Security Agency employees to use up to 140 hours of paid time toward NSA's cyber education programs. Consultation.

(2) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees and the congressional intelligence committees a strategy for expanding the policies described in paragraph (1) to—

(i) individuals who occupy positions described in section 1599f of title 10, United States Code; and

(ii) any other individuals who the Chief Information Officer determines appropriate.

(B) IMPLEMENTATION PLAN.—The report required under subparagraph (A) shall detail the utilization of the policies in place at the National Security Agency, as well as an implementation plan that describes the mechanisms needed to expand the use of such policies to accommodate wider participation by individuals described in such subparagraph. Such implementation plan shall detail how such individuals would be able to connect to the instructional and participatory opportunities available through the efforts, programs, initiatives, and investments accounted

for in the report required under section 1649 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), including the following programs:

(i) GenCyber.

(ii) Centers for Academic Excellence – Cyber Defense.

(iii) Centers for Academic Excellence – Cyber Operations.

(C) DEADLINE.—Not later than 120 days after the submission of the report required under subparagraph (A), the Chief Information Officer of the Department of Defense shall carry out the implementation plan contained in such report.

10 USC 2224 note.

(b) IMPROVING THE TRAINING WITH INDUSTRY PROGRAM.—

Deadline.

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Principal Cyber Advisor of the Department of Defense, in consultation with the Principal Cyber Advisors of the military services and the Under Secretary of Defense for Personnel and Readiness, shall submit to the Secretary of Defense and the congressional defense committees a review of the current utilization and utility of the Training With Industry (TWI) programs, including relating to the following:

Recommendations.

(A) Recommendations regarding how to improve and better utilize such programs, including regarding individuals who have completed such programs.

Plan.

(B) An implementation plan to carry out such recommendations.

Deadline. Notification. Determinations.

(2) ADDITIONAL.—Not later than 90 days after the submission of the report required under paragraph (1), the Secretary of Defense shall carry out such elements of the implementation plan required under paragraph (1)(B) as the Secretary considers appropriate and notify the congressional defense committees of the determinations of the Secretary relating thereto.

(c) ALIGNMENT OF CYBERSECURITY TRAINING PROGRAMS.—

Reports.

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing recommendations on how cybersecurity training programs described in section 1649 of the National Defense Authorization Act for Fiscal Year 2020 can be better aligned and harmonized.

Recommendations.

(2) REPORT.—The report required under paragraph (1) shall provide recommendations concerning the following topics and information:

(A) Developing a comprehensive mechanism for utilizing and leveraging the Cyber Excepted Service workforce of the Department of Defense referred to in subsection (a), as well as mechanisms for military participation.

(B) Unnecessary redundancies in such programs, or in any related efforts, initiatives, or investments.

(C) Mechanisms for tracking participation and transition of participation from one such program to another.

(D) Department level oversight and management of such programs.

(3) CYBER WORKFORCE PIPELINE AND EARLY CHILDHOOD EDUCATION.—

(A) ELEMENTS.—The Secretary of Defense shall, when completing the report required under paragraph (1), take into consideration existing Federal childhood cyber education programs, including the programs identified in the report required under section 1649 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and the Department of Homeland Security's Cybersecurity Education and Training Assistance Program (CETAP), that can provide opportunities to military-connected students and members of the Armed Forces to pursue cyber careers.

(B) DEFINITION.—In this paragraph, the term "military-connected student" means an individual who—

(i) is a dependent a member of the Armed Forces serving on active duty; and

(ii) is enrolled in a preschool, an elementary or secondary school, or an institution of higher education.

SEC. 1727. REPORTING REQUIREMENTS FOR CROSS DOMAIN INCIDENTS AND EXEMPTIONS TO POLICIES FOR INFORMATION TECHNOLOGY.

10 USC 2224 note.

(a) INCIDENT REPORTING.—

(1) IN GENERAL.—Effective beginning on the date of the enactment of this Act, the Secretary of Defense and the secretaries of the military services shall submit to the congressional defense committees a monthly report in writing that documents each instance or indication of a cross-domain incident within the Department of Defense.

Effective date.

(2) PROCEDURES.—The Secretary of Defense shall submit to the congressional defense committees procedures for complying with the requirements of paragraph (1) consistent with the national security of the United States and the protection of operational integrity. The Secretary shall promptly notify such committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes.

Notification. Time period.

(3) DEFINITION.—In this subsection, the term "cross domain incident" means any unauthorized connection of any duration between software, hardware, or both that is either used on, or designed for use on a network or system built for classified data, and systems not accredited or authorized at the same or higher classification level, including systems on the public internet, regardless of whether the unauthorized connection is later determined to have resulted in the exfiltration, exposure, or spillage of data across the cross domain connection.

(b) EXEMPTIONS TO POLICY FOR INFORMATION TECHNOLOGY.—Not later than six months after the date of the enactment of this Act and biannually thereafter, the Secretary of Defense and the secretaries of the military services shall submit to the congressional defense committees a report in writing that enumerates and details each current exemption to information technology policy, interim Authority To Operate (ATO) order, or both. Each such report shall include other relevant information pertaining to each such exemption, including relating to the following:

(1) Risk categorization.

(2) Duration.

(3) Estimated time remaining.

SEC. 1728. ASSESSING PRIVATE-PUBLIC COLLABORATION IN CYBERSECURITY.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall—

Review.

(1) conduct a review and assessment of any ongoing public-private collaborative initiatives involving the Department of Defense and the private sector related to cybersecurity and defense of critical infrastructure, including—

(A) the United States Cyber Command's Pathfinder initiative and any derivative initiative;

(B) the Department's support to and integration with existing Federal cybersecurity centers and organizations; and

(C) comparable initiatives led by other Federal departments or agencies that support long-term public-private cybersecurity collaboration; and

Recommendations.

(2) make recommendations for improvements and the requirements and resources necessary to institutionalize and strengthen the initiatives described in subparagraphs (A) through (C) of paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report on the review, assessment, and recommendations under subsection (a).

(2) FORM.—The report required under paragraph (1) may be submitted in unclassified or classified form, as necessary.

(c) DEFINITION.—In this section, the term "critical infrastructure" has the meaning given such term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

32 USC 901 note.

SEC. 1729. CYBER CAPABILITIES AND INTEROPERABILITY OF THE NATIONAL GUARD.

(a) EVALUATION.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives an evaluation of the statutes, rules, regulations and standards that pertain to the use of the National Guard for the response to and recovery from significant cyber incidents.

Consultation. Determinations.

(2) CONSIDERATION OF INPUTS.—In conducting the evaluation under paragraph (1), the Secretary of Defense shall consult with the Secretary of Homeland Security and may solicit and consider inputs from the following:

(A) The heads of Federal agencies determined appropriate by the Secretary of Defense.

(B) State governors.

(C) The heads of other non-Federal entities as determined appropriate by the Secretary of Defense.

(b) ELEMENTS OF EVALUATION.—The evaluation required under subsection (a) shall include review of the following:

(1) Regulations promulgated under section 903 of title 32, United States Code, to clarify when and under what conditions

the National Guard could respond to a cyber attack as a homeland defense activity under section 902 of such title.

(2) Guidance promulgated regarding how units of the National Guard shall collaborate with relevant civil, law enforcement, and cybersecurity agencies when conducting a homeland defense activity under section 902 of title 32, United States Code.

(c) UPDATE TO CERTAIN REGULATIONS AND GUIDANCE.—If the Secretary of Defense determines such is appropriate based on the evaluation required under subsection (a) and the review described in subsection (b), the Secretary shall update— Determination.

(1) the regulations referred to in subsection (b)(1); and

(2) the guidance referred to in subsection (b)(2).

(d) UPDATE TO THE NATIONAL CYBER INCIDENT RESPONSE PLAN.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, may update the National Cyber Incident Response Plan to address any changes made by the Secretary of Defense to the roles and responsibilities of the National Guard for the response to and recovery from significant cyber incidents. Coordination.

(e) JOINT BRIEFINGS.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly brief the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the following: Deadline.

(1) The results of the evaluation required under subsection (a)(1), including the utilization of any input provided to the Secretary of Defense pursuant to subsection (a)(2).

(2) Any updated regulations or guidance in accordance with subsection (c).

(3) Any update by the Secretary of Homeland Security to the National Cyber Incident Response Plan pursuant to subsection (d).

(4) How the Department of Defense, including the National Guard, and the Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency and the Federal Emergency Management Agency, will collaborate with each other and with relevant law enforcement, State governments, and other non-Federal entities when responding to and recovering from significant cyber incidents.

(f) DEFINITION.—The term "significant cyber incident" means a cyber incident that results, or several related cyber incidents that result, in demonstrable harm to—

(1) the national security interests, foreign relations, or economy of the United States; or

(2) the public confidence, civil liberties, or public health and safety of the American people.

SEC. 1730. EVALUATION OF NON-TRADITIONAL CYBER SUPPORT TO THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Principal Cyber Advisor to the Secretary of Defense, in conjunction with the Under Secretary for Personnel and Readiness of the Department of Defense and the Principal Cyber Advisors of the military services, shall submit Deadline.

to the congressional defense committees an evaluation of reserve models tailored to the support of cyberspace operations for the Department.

Assessment.

(b) ELEMENTS.—The evaluation conducted under subsection (a) shall include assessment of the following:

(1) The capabilities and deficiencies in military and civilian personnel with needed cybersecurity expertise, and the quantity of personnel with such expertise, within the Department.

(2) The potential for a uniformed, civilian, or mixed cyber reserve force to remedy shortfalls in expertise and capacity.

(3) The ability of the Department to attract the personnel with the desired expertise to either a uniformed or civilian cyber reserve force.

(4) The number of personnel, their skills, additional infrastructure required, funding, and the composition of a cyber reserve force that would be required to meet the needs of the Department.

(5) Alternative models for establishing a cyber reserve force, including the following:

(A) A traditional uniformed military reserve component.

(B) A nontraditional uniformed military reserve component, with respect to drilling and other requirements such as grooming and physical fitness.

(C) Nontraditional civilian cyber reserve options.

(D) Hybrid options.

(E) Models of reserve support used by international allies and partners.

(6) The impact each of the cyber reserve models would have on active duty and existing reserve forces, including the following:

(A) Recruiting.

(B) Promotion.

(C) Retention.

(D) Relocation.

(7) The impact each of the cyber reserve models would have on the Cyber Operations Forces total force, including the following:

(A) Cyber operations forces training.

(B) Cyber operations forces individual and unit readiness.

(C) Cyber operations forces training ranges and cyber warfighting architectures.

(D) Infrastructure supporting Cyber Operations Forces.

(8) The impact each of the cyber reserve models would have on the private sector, particularly during and immediately after a major cyber incident.

(9) An evaluation of work conducted to date by the Department of Defense in response to the 2014 Report of the Reserve Forces Policy Board on Department of Defense Cyber Approach: Use of the National Guard and Reserve in the Cyber Mission Force.

SEC. 1731. INTEGRATED CYBERSECURITY CENTER PLAN.

Deadline.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, the Attorney General,

the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall submit to the relevant congressional committees a report on Federal cybersecurity centers and the potential for better coordination of Federal cybersecurity efforts at an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security in furtherance of the functions specified in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(b) CONTENTS.—To prepare the report required by subsection (a), the Secretary of Homeland Security shall aggregate information from components of the Department of Homeland Security with information provided to the Secretary of Homeland Security by the Secretary of Defense, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence. Such aggregated information shall relate to the following topics:

(1) Any challenges regarding capacity and funding identified by the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Attorney General, the Secretary of Defense, and the Director of National Intelligence that negatively impact coordination with the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security in furtherance of the security and resilience of critical infrastructure.

(2) Distinct statutory authorities identified by the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, the Secretary of Defense, or the Director of National Intelligence that should not be leveraged by an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency.

(3) Any challenges associated with effective mission coordination and deconfliction between the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security and other Federal agencies that could be addressed with the creation of an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency.

(4) How capabilities or missions of existing Federal cyber centers could benefit from greater integration or collocation to support cybersecurity collaboration with critical infrastructure at an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency, including the following Federal cyber centers:

(A) The National Security Agency's Cyber Threat Operations Center.

(B) United States Cyber Command's Joint Operations Center.

(C) Elements of the Office of the Director of National Intelligence, as determined appropriate by the Director

(D) The Federal Bureau of Investigation's National Cyber Investigative Joint Task Force.

(E) The Department of Defense's Defense Cyber Crime Center.

(c) ELEMENTS.—The report required under subsection (a) shall—

(1) identify any challenges regarding the Cybersecurity and Infrastructure Security Agency's current authorities, structure, resources, funding, ability to recruit and retain its workforce,

or interagency coordination that negatively impact the ability of the Agency to fulfill its role as the central coordinator for critical infrastructure cybersecurity and resilience pursuant to its authorities under the Homeland Security Act of 2002, and information on how establishing an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency would address such challenges;

(2) identify any facility needs for the Cybersecurity and Infrastructure Security Agency to adequately host personnel, maintain sensitive compartmented information facilities, and other resources to serve as the primary coordinating body charged with forging whole-of-government, public-private collaboration in cybersecurity, pursuant to such authorities;

(3) identify any lessons from national-level efforts by United States allies, such as the United Kingdom's National Cyber Security Centre, to determine whether an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency should be similarly organized into an unclassified environment and a classified environment;

Recommendations.

(4) recommend any changes to procedures and criteria for increasing and expanding the participation and integration of public- and private-sector personnel into Federal cyber defense and security efforts, including continuing limitations or hurdles in the security clearance program for private sector partners and integrating private sector partners into a Cybersecurity and Infrastructure Security Agency integrated cyber center; and

(5) propose policies, programs, or practices that could overcome challenges identified in the aggregated information under subsection (b), including the potential creation of an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency, accompanied by legislative proposals, as appropriate.

(d) PLAN.—Upon submitting the report pursuant to subsection (a), the Secretary of Homeland Security, in coordination with the Secretary of Defense, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, may submit to the relevant congressional committees a plan to establish an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency, if appropriate, or to implement other mechanisms for improving cybersecurity coordination among the Federal cyber centers specified in subsection (b)(4).

(e) PRIVACY REVIEW.—The Privacy Officers of the Department of Homeland Security, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation, and the Director of National Intelligence shall review and provide to the relevant congressional committees comment, as appropriate, on each report and legislative proposal submitted under this section.

(f) DEFINITION.—In this section, the term "relevant congressional committees" means—

(1) in the House of Representatives—

(A) the Committee on Armed Services;

(B) the Committee on the Judiciary;

(C) the Permanent Select Committee on Intelligence; and

(D) the Committee on Homeland Security; and

(2) in the Senate—

(A) the Committee on Armed Services;

(B) the Committee on the Judiciary;

(C) the Select Committee on Intelligence; and

(D) the Committee on Homeland Security and Governmental Affairs.

SEC. 1732. ASSESSMENT OF CYBER OPERATIONAL PLANNING AND DECONFLICTION POLICIES AND PROCESSES.

(a) ASSESSMENT.—Not later than August 1, 2021, the Principal Cyber Advisor of the Department of Defense and the Commander of United States Cyber Command shall jointly, in coordination with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Intelligence and Security, and the Chairman of the Joint Chiefs of Staff, conduct and complete an assessment on the operational planning and deconfliction policies and processes that govern cyber operations of the Department of Defense. Deadline. Coordination.

(b) ELEMENTS.—The assessment required by subsection (a) shall include evaluations as to whether— Evaluations.

(1) the joint targeting cycle and relevant operational and targeting databases are suitable for the conduct of timely and well-coordinated cyber operations;

(2) each of the policies and processes in effect to facilitate technical, operational, and capability deconfliction are appropriate for the conduct of timely and effective cyber operations;

(3) intelligence gain-loss decisions made by Cyber Command are sufficiently well-informed and made in timely fashion;

(4) relevant intelligence data and products are consistently available and distributed to relevant planning and operational elements in Cyber Command;

(5) collection operations and priorities meet the operational requirements of Cyber Command; and

(6) authorities relevant to intelligence, surveillance, and reconnaissance and operational preparation of the environment are delegated to the appropriate level.

(c) BRIEFING.—Not later than September 1, 2021, the Principal Cyber Advisor and the Commander of United States Cyber Command shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the findings of the assessment completed under subsection (a), including discussion of planned policy and process changes, if any, relevant to cyber operations. Deadline.

SEC. 1733. PILOT PROGRAM ON CYBERSECURITY CAPABILITY METRICS. 10 USC 2224 note.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense, acting through the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command, shall conduct a pilot program to assess the feasibility and advisability of developing and using speed-based metrics to measure the performance and effectiveness of security operations centers and cyber security service providers in the Department of Defense. Assessment.

(b) REQUIREMENTS.—

(1) DEVELOPMENT OF METRICS.—(A) Not later than July 1, 2021, the Chief Information Officer and the Commander shall jointly develop metrics described in subsection (a) to carry out the pilot program under such subsection. Deadline.

(B) The Chief Information Officer and the Commander shall ensure that the metrics developed under subparagraph (A) are commensurate with the representative timelines of nation-state and non-nation-state actors when gaining access to, and compromising, Department networks.

Deadline.

(2) USE OF METRICS.—(A) Not later than December 1, 2021, the Secretary shall, in carrying out the pilot program required by subsection (a), begin using the metrics developed under paragraph (1) of this subsection to assess select security operations centers and cyber security service providers, which the Secretary shall select specifically for purposes of the pilot program, for a period of not less than four months.

Evaluation.

(B) In carrying out the pilot program under subsection (a), the Secretary shall evaluate the effectiveness of operators, capabilities available to operators, and operators' tactics, techniques, and procedures.

Assessments.

(c) AUTHORITIES.—In carrying out the pilot program under subsection (a), the Secretary may—

(1) assess select security operations centers and cyber security service providers—

(A) over the course of their mission performance; or

(B) in the testing and accreditation of cybersecurity products and services on test networks designated pursuant to section 1658 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92); and

(2) assess select elements' use of security orchestration and response technologies, modern endpoint security technologies, Big Data Platform instantiations, and technologies relevant to zero trust architectures.

(d) BRIEFING.—

Deadline.

(1) IN GENERAL.—Not later than March 1, 2022, the Secretary shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the findings of the Secretary with respect to the pilot program required by subsection (a).

Analysis.

(2) ELEMENTS.—The briefing provided under paragraph (1) shall include the following:

(A) The pilot metrics developed under subsection (b)(1).

(B) The findings of the Secretary with respect to the assessments carried out under subsection (b)(2).

(C) An analysis of the utility of speed-based metrics in assessing security operations centers and cyber security service providers.

(D) An analysis of the utility of the extension of the pilot metrics to or speed-based assessment of the Cyber Mission Forces.

Assessment.

(E) An assessment of the technical and procedural measures that would be necessary to meet the speed-based metrics developed and applied in the pilot program.

SEC. 1734. ASSESSMENT OF EFFECT OF INCONSISTENT TIMING AND USE OF NETWORK ADDRESS TRANSLATION IN DEPARTMENT OF DEFENSE NETWORKS.

Deadline.

(a) IN GENERAL.—Not later than March 1, 2021, the Chief Information Officer of the Department of Defense shall conduct comprehensive assessments as follows:

(1) TIMING VARIABILITY IN DEPARTMENT NETWORKS.—The Chief Information Officer shall characterize—

(A) timing variability across Department information technology and operational technology networks, appliances, devices, applications, and sensors that generate time-stamped data and metadata used for cybersecurity purposes;

(B) how timing variability affects current, planned, and potential capabilities for detecting network intrusions that rely on correlating events and the sequence of events; and

(C) how to harmonize standard of timing across Department networks.

(2) USE OF NETWORK ADDRESS TRANSLATION.—The Chief Information Officer shall characterize—

(A) why and how the Department is using Network Address Translation (NAT) and multiple layers and nesting of Network Address Translation;

(B) how using Network Address Translation affects the ability to link malicious communications detected at various network tiers to specific endpoints or hosts to enable prompt additional investigations, quarantine decisions, and remediation activities; and

(C) what steps and associated cost and schedule are necessary to eliminate the use of Network Address Translation or to otherwise provide transparency to network defenders, including options to accelerate the transition from Internet Protocol version 4 to Internet Protocol version 6.

(b) RECOMMENDATION.—The Chief Information Officer and the Principal Cyber Advisor shall submit to the Secretary of Defense a recommendation to address the assessments conducted under subsection (a), including whether and how to revise the cyber strategy of the Department.

(c) BRIEFING.—Not later than April 1, 2021, the Chief Information Officer shall brief the congressional defense committees on the findings of the Chief Information Officer with respect to the assessments conducted under subsection (a) and the recommendation submitted under subsection (b). Deadline.

SEC. 1735. INTEGRATION OF DEPARTMENT OF DEFENSE USER ACTIVITY MONITORING AND CYBERSECURITY. 10 USC 2224 note.

(a) INTEGRATION OF PLANS, CAPABILITIES, AND SYSTEMS.—The Secretary of Defense shall integrate the plans, capabilities, and systems for user activity monitoring, and the plans, capabilities, and systems for endpoint cybersecurity and the collection of metadata on network activity for cybersecurity to enable mutual support and information sharing.

(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

(1) consider using the Big Data Platform instances that host cybersecurity metadata for storage and analysis of all user activity monitoring data collected across the Department of Defense Information Network at all security classification levels;

Procedures.

(2) develop policies and procedures governing access to user activity monitoring data or data derived from user activity monitoring by cybersecurity operators; and

(3) develop processes and capabilities for using metadata on host and network activity for user activity monitoring in support of the insider threat mission.

Deadline.

(c) CONGRESSIONAL BRIEFING.—Not later than October 1, 2021, the Secretary shall provide a briefing to the congressional defense committees on actions taken to carry out this section.

SEC. 1736. DEFENSE INDUSTRIAL BASE CYBERSECURITY SENSOR ARCHITECTURE PLAN.

Deadline. Consultation.

(a) DEFENSE INDUSTRIAL BASE CYBERSECURITY SENSOR ARCHITECTURE PROGRAM ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Principal Cyber Advisor of the Department of Defense, in consultation with the Chief Information Officer of the Department, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Intelligence and Security, and the Commander of United States Cyber Command, shall complete an assessment of the feasibility, suitability, and resourcing required to establish a Defense Industrial Base Cybersecurity Sensor Architecture Program, responsible for deploying commercial-off-the-shelf solutions to remotely monitor the public-facing internet attack surface of the defense industrial base.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) Definition of an architecture, concept of operations, and governance structure that—

(A) will allow for the instrumentation and collection of cybersecurity data on the public-facing internet attack surfaces of defense industrial base contractors in a manner that is compatible with the Department's existing or future capabilities for analysis, and instrumentation and collection, as appropriate, of cybersecurity data within the Department of Defense Information Network;

(B) includes the expected scale, schedule, and guiding principles of deployment;

(C) is consistent with the defense industrial base cybersecurity policies and programs of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer; and

(D) includes an acquisition strategy for sensor capabilities that optimizes required capability, scalability, cost, and intelligence and cybersecurity requirements.

(2) Roles and responsibilities of the persons referred to in subsection (a) in implementing and executing the plan.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Principal Cyber Advisor shall consult with and solicit recommendations from representative industry stakeholders across the defense industrial base regarding the elements described in subsection (b) and potential stakeholder costs of compliance.

(d) BRIEFING.—Upon completion of the assessment required under subsection (a), the Principal Cyber Advisor shall provide a briefing to the Committee on Armed Services of the Senate

and the Committee on Armed Services of the House of Representatives on the assessment.

SEC. 1737. ASSESSMENT ON DEFENSE INDUSTRIAL BASE PARTICIPATION IN A THREAT INFORMATION SHARING PROGRAM.

10 USC 2224 note.

(a) DEFENSE INDUSTRIAL BASE THREAT INFORMATION PROGRAM ASSESSMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the feasibility, suitability, and definition of, and resourcing required to establish, a defense industrial base threat information sharing program to collaborate and share threat information with, and obtain threat information from, the defense industrial base.

Deadline.

(b) ELEMENTS.—The assessment regarding the establishment of a defense industrial base threat information sharing program under subsection (a) shall include evaluation of the following:

Evaluation.

(1) The feasibility and suitability of, and requirements for, the establishment of a defense industrial base threat information sharing program, including cybersecurity incident reporting requirements applicable to the defense industrial base that—

(A) extend beyond mandatory cybersecurity incident reporting requirements as in effect on the day before the date of the enactment of this Act;

(B) set specific, consistent timeframes for all categories of cybersecurity incident reporting;

(C) establish a single clearinghouse for all mandatory cybersecurity incident reporting to the Department of Defense, including incidents involving covered unclassified information, and classified information; and

(D) provide that, unless authorized or required by another provision of law or the element of the defense industrial base making the report consents, nonpublic information of which the Department becomes aware only because of a report provided pursuant to the program shall be disseminated and used only for a cybersecurity purpose (as such term is defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501)) and in support of national defense activities.

(2) A mechanism for developing a shared and real-time picture of the threat environment.

(3) Options for joint, collaborative, and co-located analytics.

(4) Possible investments in technology and capabilities to support automated detection and analysis across the defense industrial base.

(5) Coordinated information tipping, sharing, and deconfliction, as necessary, with relevant Federal Government agencies with similar information sharing programs.

(6) Processes for direct sharing of threat information related to a specific defense industrial base entity with such entity.

(7) Mechanisms for providing defense industrial base entities with clearances for national security information access, as appropriate.

(8) Requirements to consent to queries of foreign intelligence collection databases related to a specific defense industrial base entity as a condition of participation in the threat information sharing program.

Requirements.

Recommendations.

(9) Recommendations with respect to threat information sharing program participation, including the following:

(A) Incentives for defense industrial base entities to participate in the threat information sharing program.

(B) Mandating minimum levels of threat information sharing program participation for any entity that is part of the defense industrial base.

(C) Procurement prohibitions on any defense industrial base entity that are not in compliance with the requirements of the threat information sharing program.

Waiver.
Criteria.

(D) Waiver authority and criteria.

(E) Adopting tiers of requirements for participation within the threat information sharing program based on—

(i) the role of and relative threats related to defense industrial base entities; and

(ii) Cybersecurity Maturity Model Certification level.

(10) Options to utilize an existing federally recognized information sharing program to satisfy the requirement for a threat information sharing program if—

(A) the existing program includes, or is modified to include, two-way sharing of threat information that is specifically relevant to the defense industrial base; and

(B) such a program is coordinated with other Federal Government agencies with existing information sharing programs where overlap occurs.

(11) Methods to encourage participation of defense industrial base entities in appropriate private sector information sharing and analysis centers (ISACs).

(12) Methods to coordinate collectively with defense industrial base entities to consider methods for mitigating compliance costs.

(13) The resources needed, governance roles and structures required, and changes in regulation or law needed for execution of a threat information sharing program, as well as any other considerations determined relevant by the Secretary.

(14) Identification of any barriers that would prevent the establishment of a defense industrial base threat information sharing program.

Recommendations.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense shall consult with and solicit recommendations from representative industry stakeholders across the defense industrial base regarding the elements described in subsection (b) and potential stakeholder costs of compliance.

(d) DETERMINATION AND BRIEFING.—Upon completion of the assessment required under subsection (a), the Secretary of Defense shall make a determination regarding the establishment by the end of fiscal year 2021 of a defense industrial base threat information sharing program and provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on—

(1) the findings of the Secretary with respect to such assessment and such determination; and

Plans.

(2) such implementation plans as the Secretary may have arising from such findings.

(e) IMPLEMENTATION.—If the Secretary of Defense makes a positive determination pursuant to subsection (d) of the feasibility and suitability of establishing a defense industrial base threat information sharing program, the Secretary shall establish such program. Not later than 180 days after a positive determination, the Secretary of Defense shall promulgate such rules and regulations as are necessary to establish the defense industrial base threat information sharing program under this section. Determination. Deadline. Regulations.

SEC. 1738. ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN ON MATTERS RELATING TO CYBERSECURITY. 10 USC 2224 note.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense, in consultation with the Director of the National Institute of Standards and Technology, may award financial assistance to a Center for the purpose of providing cybersecurity services to small manufacturers. Consultation.

(b) CRITERIA.—If the Secretary carries out subsection (a), the Secretary, in consultation with the Director, shall establish and publish on the grants.gov website, or successor website, criteria for selecting recipients for financial assistance under this section. Consultation. Web posting.

(c) USE OF FINANCIAL ASSISTANCE.—Financial assistance under this section—

(1) shall be used by a Center to provide small manufacturers with cybersecurity services, including—

(A) compliance with the cybersecurity requirements of the Department of Defense Supplement to the Federal Acquisition Regulation, including awareness, assessment, evaluation, preparation, and implementation of cybersecurity services; and

(B) achieving compliance with the Cybersecurity Maturity Model Certification framework of the Department of Defense; and

(2) may be used by a Center to employ trained personnel to deliver cybersecurity services to small manufacturers.

(d) BIENNIAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once every two years, the Secretary shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report on financial assistance awarded under this section.

(2) CONTENTS.—To the extent practicable, each report submitted under paragraph (1) shall include the following with respect to the years covered by each such report:

(A) The number of small manufacturers assisted.

(B) A description of the cybersecurity services provided.

(C) A description of the cybersecurity matters addressed.

(D) An analysis of the operational effectiveness and cost-effectiveness of such cybersecurity services. Analysis.

(e) TERMINATION.—The authority of the Secretary to award financial assistance under this section shall terminate on the date that is five years after the date of the enactment of this section.

(f) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(2) SMALL MANUFACTURER.—The term "small manufacturer" has the meaning given such term in section 1644(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note).

10 USC 2224 note.

SEC. 1739. ASSESSMENT ON DEFENSE INDUSTRIAL BASE CYBERSECURITY THREAT HUNTING PROGRAM.

Deadline.

(a) ASSESSMENT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the feasibility, suitability, definition of, and resourcing required to establish a defense industrial base cybersecurity threat hunting program to actively identify cybersecurity threats and vulnerabilities within the defense industrial base.

Evaluation.

(b) ELEMENTS.—The assessment required under section (a) shall include evaluation of the following:

(1) Existing defense industrial base cybersecurity threat hunting policies and programs, including the threat hunting elements at each level of the compliance-based Cybersecurity Maturity Model Certification program of the Department of Defense, including requirements germane to continuous monitoring, discovery, and investigation of anomalous activity indicative of a cybersecurity incident.

(2) The suitability of a continuous cybersecurity threat hunting program, as a supplement to the cyber hygiene requirements of the Cybersecurity Maturity Model Certification, including consideration of the following:

Analysis.

(A) Collection and analysis of metadata on network activity to detect possible intrusions.

Investigation.

(B) Rapid investigation and remediation of possible intrusions.

Requirements.

(C) Requirements for mitigating any vulnerabilities identified pursuant to the cybersecurity threat hunting program.

(D) Mechanisms for the Department of Defense to share with entities in the defense industrial base malicious code, indicators of compromise, and insights on the evolving threat landscape.

Recommendations.

(3) Recommendations with respect to cybersecurity threat hunting program participation of prime contractors and subcontractors, including relating to the following:

(A) Incentives for defense industrial base entities to share with the Department of Defense threat and vulnerability information collected pursuant to threat monitoring and hunting activities.

(B) Mandating minimum levels of program participation for any defense industrial base entity.

(C) Procurement prohibitions on any defense industrial base entity that is not in compliance with the requirements of the cybersecurity threat hunting program.

Waiver.

(D) Waiver authority and criteria.

Criteria.

(E) Consideration of a tiered cybersecurity threat hunting program that takes into account the following:

(i) The cybersecurity maturity of defense industrial base entities.

(ii) The roles of such entities.

(iii) Whether each such entity possesses classified information or controlled unclassified information and covered defense networks.

(iv) The covered defense information to which each such entity has access as a result of contracts with the Department of Defense.

(4) Whether the continuous cybersecurity threat-hunting program described in paragraph (2) should be conducted by—

(A) qualified prime contractors or subcontractors;

(B) accredited third-party cybersecurity vendors;

(C) with contractor consent—

(i) United States Cyber Command; or

(ii) a component of the Department of Defense other than United States Cyber Command;

(D) the deployment of network sensing technologies capable of identifying and filtering malicious network traffic; or

(E) a combination of the entities specified in subparagraphs (A) through (D).

(5) The resources necessary, governance structures or changes in regulation or law needed, and responsibility for execution of a defense industrial base cybersecurity threat hunting program, as well as any other considerations determined relevant by the Secretary.

(6) A timelime for establishing the defense industrial base cybersecurity threat hunting program not later than two years after the date of the enactment of this Act. Timeline.

(7) Identification of any barriers that would prevent such establishment.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense shall consult with and solicit recommendations from representative industry stakeholders across the defense industrial base regarding the elements described in subsection (b) and potential stakeholder costs of compliance. Recommendations.

(d) DETERMINATION AND BRIEFING.—Upon completion of the assessment required under subsection (a), the Secretary of Defense shall make a determination regarding the establishment of a defense industrial base cybersecurity threat hunting program and provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on—

(1) the findings of the Secretary with respect to such assessment and such determination; and

(2) such implementation plans as the Secretary may have arising from such findings. Plans.

(e) IMPLEMENTATION.—If the Secretary of Defense makes a positive determination pursuant to subsection (d) of the feasibility and suitability of establishing a defense industrial base threat cybersecurity threat hunting program, the Secretary shall establish such program. Not later than 180 days after a positive determination, the Secretary of Defense shall promulgate such rules and regulations as are necessary to establish the defense industrial base cybersecurity threat hunting program under this section. Determination. Deadline. Regulations.

Deadlines.

SEC. 1740. DEFENSE DIGITAL SERVICE.

(a) RELATIONSHIP WITH UNITED STATES DIGITAL SERVICE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the United States Digital Service shall establish a direct relationship between the Department of Defense and the United States Digital Service to address authorities, hiring processes, roles, and responsibilities of the Defense Digital Service.

(b) CERTIFICATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the United States Digital Service shall jointly certify to the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives that the skills and qualifications of the Department of Defense personnel assigned to and supporting the core functions of the Defense Digital Service are consistent with the skills and qualifications United States Digital Service personnel.

(c) BRIEFING.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the United States Digital Service shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives a briefing on the relationship established in subsection (a).

SEC. 1741. MATTERS CONCERNING THE COLLEGE OF INFORMATION AND CYBERSPACE AND LIMITATION OF FUNDING FOR NATIONAL DEFENSE UNIVERSITY.

Time period.

(a) PROHIBITIONS.—The Secretary of Defense may not—

(1) eliminate, divest, downsize, reorganize, or seek to reduce the number of students educated at the College of Information and Cyberspace of the National Defense University, or

(2) obligate or expend more than 60 percent of the funds authorized to be appropriated by this Act for fiscal year 2021 for the National Defense University,

until 60 days after the date on which the congressional defense committees receive the report required by subsection (d).

(b) ASSESSMENT.—The Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Personnel and Readiness, the Principal Cyber Advisor, the Principal Information Operations Advisor of the Department of Defense, the Chief Information Officer of the Department, the Chief Financial Officer of the Department, and the Commander of United States Cyber Command, shall assess requirements for joint professional military education and civilian leader education in the information environment and cyberspace domain to support the Department and other national security institutions of the Federal Government.

(c) FURTHER ASSESSMENT, DETERMINATION, AND REVIEW.—The Under Secretary of Defense for Policy, in consultation with the Under Secretary of Defense for Personnel and Readiness, the Principal Cyber Advisor, the Principal Information Operations Advisor of the Department of Defense, the Chief Information Officer of the Department, the Chief Financial Officer of the Department,

the Chairman of the Joint Chiefs of Staff, and the Commander of United States Cyber Command, shall—

(1) determine whether the importance, challenges, and complexity of the modern information environment and cyberspace domain warrant—

(A) a college at the National Defense University, a college independent of the National Defense University whose leadership is responsible to the Office of the Secretary of Defense, or an independent public or private university; and

(B) the provision of resources, services, and capacity at levels that are the same as, or decreased or enhanced in comparison to, those resources, services, and capacity in place at the College of Information and Cyberspace on January 1, 2019;

(2) review the plan proposed by the National Defense University for eliminating the College of Information and Cyberspace and reducing and restructuring the information and cyberspace faculty, course offerings, joint professional military education and degree and certificate programs, and other services provided by the College and the effects of such changes on the military and civilian personnel requirements of the cyber workforce;

(3) assess the changes made to the College of Information and Cyberspace since January 1, 2019, and the actions necessary to reverse those changes, including relocating the College and its associated budget, faculty, staff, students, and facilities outside of the National Defense University; and Assessment.

(4) determine the Department of Defense's overall personnel requirement for cyber and information educated military and civilian personnel.

(d) REPORT REQUIRED.—Not later than March 1, 2021, the Secretary shall present to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a briefing, and not later than May 1, 2021, the Secretary shall submit to such committees a report, on—

(1) the findings of the Secretary with respect to the assessments, determinations, and reviews conducted under subsections (b) and (c); and

(2) such recommendations as the Secretary may have for higher education needs in the information environment and cyberspace domain. Recommendations.

SEC. 1742. DEPARTMENT OF DEFENSE CYBER HYGIENE AND CYBERSECURITY MATURITY MODEL CERTIFICATION FRAMEWORK.

(a) CYBER SECURITY PRACTICES AND CAPABILITIES IN THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Not later than March 1, 2021, the Secretary of Defense, acting through the Chief Information Officer of the Department of Defense and the Commander, Joint Forces Headquarters-Department of Defense Information Network, shall assess each Department component against the Cybersecurity Maturity Model Certification (CMMC) framework and submit to the congressional defense committees a report that identifies each such component's CMMC level and implementation of the cybersecurity practices and capabilities required in each of the levels of the CMMC framework. The report Assessment. Reports. Determination.

shall include, for each component that does not achieve at least level 3 status (referred to as "good cyber hygiene" in CMMC Model ver. 1.02), a determination as to whether and details as to how—

(A) such component will implement relevant security measures to achieve a desired CMMC or other appropriate capability and performance threshold prior to March 1, 2022; and

(B) such component will mitigate potential risks until such measures are implemented.

Review. Briefing.

(2) COMPTROLLER GENERAL REPORT REQUIRED.—Not later than 180 days after the submission of the report required under paragraph (1), the Comptroller General of the United States shall conduct an independent review of the report and provide a briefing to the congressional defense committees on the findings of the review.

(b) BRIEFING ON IMPLEMENTATION OF CERTAIN CYBERSECURITY RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing regarding the plans of the Secretary to implement certain cybersecurity recommendations to ensure—

(1) the Chief Information Officer of the Department of Defense takes appropriate steps to ensure implementation of Department of Defense Cybersecurity Culture and Compliance Initiative (DC3I) tasks;

(2) Department components develop plans with scheduled completion dates to implement any remaining Cybersecurity Discipline Implementation Plan (CDIP) tasks overseen by the Chief Information Officer;

(3) the Deputy Secretary of Defense identifies a Department component to oversee the implementation of any CDIP tasks not overseen by the Chief Information Officer and reports on progress relating to such implementation;

(4) Department components accurately monitor and report information on the extent that users have completed Cyber Awareness Challenge training, as well as the number of users whose access to the Department network was revoked because such users have not completed such training;

(5) the Chief Information Officer ensures all Department components, including Defense Advanced Research Projects Agency (DARPA), require their users to take Cyber Awareness Challenge training; and

Assessment. Reports.

(6) the Chief Information Officer assesses the extent to which senior leaders of the Department have more complete information to make risk-based decisions, and revise the recurring reports (or develop a new report) accordingly, including information relating to the Department's progress on implementing—

(A) cybersecurity practices identified in cyber hygiene initiatives; and

(B) cyber hygiene practices to protect Department networks from key cyberattack techniques.

Coordination. Plan.

(c) CYBERSECURITY MATURITY MODEL CERTIFICATION FUNDING LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2021 for implementation of the CMMC, not more than 60 percent of such funds may be obligated or expended

until the Under Secretary of Defense for Acquisition and Sustainment delivers to the congressional defense committees a plan for implementation of the CMMC via requirements in procurement contracts, developed in coordination with the Principal Cyber Advisor and the Chief Information Officer of the Department of Defense. The plan shall include a timeline for pilot activities, a description of the planned relationship between Department of Defense and the auditing or accrediting bodies, a funding and activity profile for the Defense Industrial Base Cybersecurity Assessment Center, and a description of efforts to ensure that the service acquisition executives and service program managers are equipped to implement the CMMC requirements and facilitate contractors' meeting relevant requirements.

Timeline.

SEC. 1743. EXTENSION OF SUNSET FOR PILOT PROGRAM ON REGIONAL CYBERSECURITY TRAINING CENTER FOR THE ARMY NATIONAL GUARD.

Section 1651(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 32 U.S.C. 501 note) is amended by striking "shall expire on the date that is two years after the date of the enactment of this Act" and inserting "shall expire on August 31, 2022".

Expiration date.

SEC. 1744. NATIONAL CYBER EXERCISES.

6 USC 651 note.

(a) REQUIREMENT.—Not later than December 31, 2023, the Secretary of Homeland Security, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall conduct an exercise, which may be a tabletop exercise, to test the resilience, response, and recovery of the United States to a significant cyber incident impacting critical infrastructure. The Secretary shall convene similar exercises not fewer than three times, in consultation with such officials, until 2033.

Deadline.

Consultation.

(b) PLANNING AND PREPARATION.—The exercises required under subsection (a) shall be prepared by—

(1) appropriate personnel from—

(A) the Department of Homeland Security;

(B) the Department of Defense; and

(C) the Department of Justice; and

(2) appropriate elements of the intelligence community, identified by the Director of National Intelligence.

(c) SUBMISSION TO CONGRESS.—For each fiscal year in which an exercise is planned, the Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall submit to the appropriate congressional committees a plan for the exercise not later than 180 days prior to the exercise. Each such plan shall include information regarding the goals of the exercise at issue, how the exercise is to be carried out, where and when the exercise will take place, how many individuals are expected to participate from each Federal agency specified in subsection (b), and the costs or other resources associated with the exercise.

Coordination.
Plan.
Deadline.

(d) PARTICIPANTS.—

(1) FEDERAL GOVERNMENT PARTICIPANTS.—Appropriate personnel from the following Federal agencies shall participate in each exercise required under subsection (a):

(A) The Department of Homeland Security.

(B) The Department of Defense, as identified by the Secretary of Defense.

(C) Elements of the intelligence community, as identified by the Director of National Intelligence.

(D) The Department of Justice, as identified by the Attorney General.

(E) Sector-specific agencies, as determined by the Secretary of Homeland Security.

(2) STATE AND LOCAL GOVERNMENTS.—The Secretary shall invite representatives from State, local, and Tribal governments to participate in each exercise required under subsection (a) if the Secretary determines such is appropriate.

Consultation.

(3) PRIVATE ENTITIES.—Depending on the nature of an exercise being conducted under subsection (a), the Secretary, in consultation with the senior representative of the sector-specific agencies participating in such exercise in accordance with paragraph (1)(E), shall invite the following individuals to participate:

(A) Representatives from appropriate private entities.

(B) Other individuals whom the Secretary determines will best assist the United States in preparing for, and defending against, a significant cyber incident impacting critical infrastructure.

Coordination.

(4) INTERNATIONAL PARTNERS.—Depending on the nature of an exercise being conducted under subsection (a), the Secretary may, in coordination with the Secretary of State, invite allies and partners of the United States to participate in such exercise.

(e) OBSERVERS.—The Secretary may invite representatives from the executive and legislative branches of the Federal Government to observe an exercise required under subsection (a).

(f) ELEMENTS.—Each exercise required under subsection (a) shall include the following elements:

(1) Exercising the orchestration of cybersecurity response and the provision of cyber support to Federal, State, local, and Tribal governments and private entities, including the exercise of the command, control, and deconfliction of—

(A) operational responses through interagency coordination processes and response groups; and

(B) each Federal agency participating in such exercise in accordance with subsection (d)(1).

(2) Testing of the information sharing needs and capabilities of exercise participants.

(3) Testing of the relevant policy, guidance, and doctrine, including the National Cyber Incident Response Plan of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(4) Testing of the integration and interoperability between the entities participating in the exercise in accordance with subsection (d).

(5) Exercising the integration and interoperability of the cybersecurity operation centers of the Federal Government, as appropriate, in coordination with appropriate cabinet level officials.

(g) BRIEFING.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date on which each exercise required under subsection (a) is conducted, the Secretary shall provide to the appropriate congressional committees a briefing on the exercise.

(2) CONTENTS.—Each briefing required under paragraph (1) shall include—

(A) an assessment of the decision and response gaps observed in the exercise at issue; Assessment.

(B) proposed recommendations to improve the resilience, response, and recovery of the United States to a significant cyber attack against critical infrastructure; and Recommendations.

(C) appropriate plans to address the recommendations proposed under subparagraph (B). Plans.

(h) REPEAL.—Subsection (b) of section 1648 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1119) is repealed.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Select Committee on Intelligence of the Senate;

(F) the Permanent Select Committee on Intelligence of the House of Representatives;

(G) the Committee on the Judiciary of the Senate;

(H) the Committee on the Judiciary of the House of Representatives;

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(J) the Committee on Science, Space, and Technology of the House of Representatives;

(K) the Committee on Foreign Relations of the Senate; and

(L) the Committee on Foreign Affairs of the House of Representatives.

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element specified or designated under section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) PRIVATE ENTITY.—The term "private entity" has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) SECTOR-SPECIFIC AGENCY.—The term "sector-specific agency" has the meaning given the term "Sector-Specific Agency" in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651).

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

SEC. 1745. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY REVIEW.

(a) DHS REVIEW.—

(1) IN GENERAL.—In order to strengthen the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, the Secretary of Homeland Security shall conduct a comprehensive review of the ability of the Agency to fulfill—

(A) the missions of the Agency; and

(B) the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

Assessments.

(2) ELEMENTS OF REVIEW.—The review conducted under paragraph (1) shall include the following elements:

(A) An assessment of how additional budget resources could be used by the Cybersecurity and Infrastructure Security Agency for projects and programs that—

(i) support the national risk management mission;

(ii) support public and private-sector cybersecurity;

(iii) promote public-private integration; and

(iv) provide situational awareness of cybersecurity threats.

(B) A comprehensive force structure assessment of the Cybersecurity and Infrastructure Security Agency, including—

Determination.

(i) a determination of the appropriate size and composition of personnel to accomplish the mission of the Agency, as well as the recommendations detailed in the report issued by the Cyberspace Solarium Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232);

(ii) an assessment of whether existing personnel are appropriately matched to the prioritization of threats in the cyber domain and risks in critical infrastructure;

(iii) an assessment of whether the Agency has the appropriate personnel and resources to—

(I) perform risk assessments, threat hunting, incident response to support both private and public cybersecurity;

(II) carry out the responsibilities of the Agency related to the security of Federal information and Federal information systems; and

(III) carry out the critical infrastructure responsibilities of the Agency, including national risk management; and

(iv) an assessment of whether current structure, personnel, and resources of regional field offices are sufficient in fulfilling agency responsibilities and mission requirements.

Deadline. Recommendations.

(3) SUBMISSION OF REVIEW.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report detailing the results of the assessments required under paragraph (1), including recommendations to address any identified gaps.

(b) GENERAL SERVICES ADMINISTRATION REVIEW.—

(1) IN GENERAL.—The Administrator of the General Services Administration shall—

(A) conduct a review of current Cybersecurity and Infrastructure Security Agency facilities and assess the suitability of such facilities to fully support current and projected mission requirements nationally and regionally; and

(B) make recommendations regarding resources needed to procure or build a new facility or augment existing facilities to ensure sufficient size and accommodations to fully support current and projected mission requirements, including the integration of personnel from the private sector and other departments and agencies. Recommendations.

(2) SUBMISSION OF REVIEW.—Not later than one year after the date of the enactment of this Act, the Administrator of the General Services Administration shall submit the review required under subsection (a) to— Deadline.

(A) the President;

(B) the Secretary of Homeland Security; and

(C) the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Committee on Environment and Public Work of the Senate, and the Committee on Homeland Security, the Committee on Appropriations, the Committee on Oversight and Reform, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1746. REPORT ON ENABLING UNITED STATES CYBER COMMAND RESOURCE ALLOCATION.

(a) IN GENERAL.—Not later than April 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report detailing the actions the Secretary will undertake to implement clauses (ii) and (iii) of section 167b(d)(2) of title 10, United States Code, including actions to ensure that the Commander of United States Cyber Command has enhanced authority, direction, and control of the Cyber Operations Forces and the equipment budget that enables Cyber Operations Forces' operations and readiness, beginning with the budget to be submitted to Congress by the President under section 1105(a) of title 31, United States Code, for fiscal year 2024, and the budget justification materials for the Department of Defense to be submitted to Congress in support of such budget.

(b) ELEMENTS.—The report required by subsection (a) shall address the following items: Procedures.

(1) The procedures by which the Principal Cyber Advisor (PCA) will exercise authority, direction, and oversight over the Commander of United States Cyber Command, with respect to Cyber Operations Forces-peculiar equipment and resources.

(2) The procedures by which the Commander of United States Cyber Command will—

(A) prepare and submit to the Secretary program recommendations and budget proposals for Cyber Operations Forces and for other forces assigned to United States Cyber Command; and Recommendations. Budget proposals.

(B) exercise authority, direction, and control over the expenditure of funds for—

(i) forces assigned to United States Cyber Command; and

(ii) Cyber Operations Forces assigned to other unified combatant commands.

Recommendations.

(3) Recommendations for actions to enable the Commander of United States Cyber Command to execute the budget and acquisition responsibilities of the Commander in excess of currently imposed limits on the Cyber Operations Procurement Fund, including potential increases in personnel to support the Commander.

(4) The procedures by which the Secretary will categorize and track funding obligated or expended for Cyber Operations Forces-peculiar equipment and capabilities.

Criteria.

(5) The methodology and criteria by which the Secretary will characterize equipment as being Cyber Operations Forces-peculiar.

Deadlines.
10 USC 499 note.

SEC. 1747. ENSURING CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) PLAN FOR IMPLEMENTATION OF FINDINGS AND RECOMMENDATIONS FROM FIRST ANNUAL ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan, including a schedule and resourcing plan, for the implementation of the findings and recommendations included in the first report submitted under section 499(c)(3) of title 10, United States Code.

(b) CONCEPT OF OPERATIONS AND OVERSIGHT MECHANISM FOR CYBER DEFENSE OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, the Secretary shall develop and establish—

(1) a concept of operations for defending the nuclear command and control system against cyber attacks, including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities; and

(B) cybersecurity capabilities to be acquired and employed and operational tactics, techniques, and procedures, including cyber protection team and sensor deployment strategies, to be used to monitor, defend, and mitigate vulnerabilities in nuclear command and control systems; and

(2) an oversight mechanism or governance model for overseeing the implementation of the concept of operations developed and established under paragraph (1), related development, systems engineering, and acquisition activities and programs, and the plan required by subsection (a), including specification of the—

(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities in overseeing the defense of the nuclear command and control system against cyber attacks;

(B) responsibilities and authorities of the Strategic Cybersecurity Program in overseeing and, as appropriate, executing—

(i) vulnerability assessments; and

(ii) development, systems engineering, and acquisition activities; and

(C) processes for coordination of activities, policies, and programs relating to the cybersecurity and defense of the nuclear command and control system.

SEC. 1748. REQUIREMENTS FOR REVIEW OF AND LIMITATIONS ON THE JOINT REGIONAL SECURITY STACKS ACTIVITY.

(a) INDEPENDENT REVIEW.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a not-for-profit entity or federally-funded research and development center independent of the Department of Defense to conduct a review of the Joint Regional Security Stacks program. Deadline. Contracts.

(2) MATTERS FOR INCLUSION.—The review conducted under paragraph (1) shall include each of the following: Assessments.

(A) An assessment of the efficacy of the Joint Regional Security Stacks program and how such program has been managed and executed.

(B) An analysis of the capabilities and performance of the program as compared to alternative solutions utilizing commercial products and services. Analysis.

(C) An evaluation of the program's ability to meet Department of Defense performance metrics. Evaluation.

(D) An assessment of what measures would be required for the program to meet future to meet cost and schedule milestones, including training requirements.

(b) BASELINE REVIEW.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall undertake a baseline review of the Joint Regional Security Stacks program. Deadline.

(2) ELEMENTS.—The baseline review undertaken pursuant to paragraph (1) shall determine whether the Joint Regional Security Stacks program— Determination.

(A) should proceed as a program of record, with modifications as specified in subsection (c), for exclusively the Non-Classified Internet Protocol Network (NIPRNET) or for such network and the Secret Internet Protocol Network (SIPRNET); or

(B) should be phased out across the Department of Defense with each of the Joint Regional Security Stacks replaced through the institution of cost-effective and capable networking and cybersecurity technologies, architectures, and operational concepts within five years of the date of the enactment of this Act.

(3) INCORPORATION.—The baseline review shall incorporate the results of the review conducted under subsection (a).

(c) PLAN TO TRANSITION TO PROGRAM OF RECORD.—If the Secretary of Defense determines under subsection (b) that the Joint Regional Security Stacks program should proceed, not later than October 1, 2021, the Secretary shall develop a plan to transition

such program to a program of record, governed by standard Department of Defense acquisition program requirements and practices, including the following:

(1) Baseline operational requirements documentation.

(2) An acquisition strategy and baseline.

(3) A program office and responsible program manager, under the oversight of the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, responsible for pertinent doctrine, organization, training, materiel, leadership and education, personnel, facilities and policy matters, and the development of effective tactics, techniques, and procedures.

(4) Manning and training requirements documentation.

(5) Operational test planning.

(d) LIMITATIONS.—

(1) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to field Joint Regional Security Stacks on the Secret Internet Protocol Network in fiscal year 2021.

(2) LIMITATION ON OPERATIONAL DEPLOYMENT.—The Secretary of Defense may not conduct an operational deployment of Joint Regional Security Stacks to the Secret Internet Protocol Network in fiscal year 2021.

Deadline.

(e) SUBMISSION TO CONGRESS.—Not later than December 1, 2021, the Secretary shall submit to the congressional defense committees—

(1) the findings of the Secretary with respect to the baseline review conducted pursuant to subsection (b);

(2) the plan developed under subsection (c), if any; and

Proposal.

(3) a proposal for the replacement of Joint Regional Security Stacks, if the Secretary determines under subsection (b) that it should be replaced.

SEC. 1749. IMPLEMENTATION OF INFORMATION OPERATIONS MATTERS.

(a) LIMITATION ON FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2021 by section 301 for operation and maintenance and available for the Office of the Secretary of Defense for the travel of persons as specified in the table in section 4301—

(1) not more than 25 percent shall be available until the date on which the report required by subsection (h)(1) of section 1631 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services House of Representatives; and

(2) not more than 75 percent shall be available until the date on which the strategy and posture review required by subsection (g) of such section is submitted to such committees.

(b) REQUIREMENTS OF STRATEGY AND POSTURE REVIEW.—Paragraph (1) of section 1631(g) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397 note)—

(1) in subparagraph (D), by striking the semicolon;

(2) in subparagraph (E), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) designate a Department of Defense entity to develop, apply, and continually refine an assessment capability for defining and measuring the impact of Department information operations, which entity shall be organizationally independent of Department components performing or otherwise engaged in operational support to Department information operations.".

SEC. 1750. REPORT ON USE OF ENCRYPTION BY DEPARTMENT OF DEFENSE NATIONAL SECURITY SYSTEMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report detailing the mission need and efficacy of full disk encryption across Non-classified Internet Protocol Router Network (NIPRNet) and Secretary Internet Protocol Router Network (SIPRNet) endpoint computer systems. Such report shall cover matters relating to cost, mission impact, and implementation timeline.

SEC. 1751. GUIDANCE AND DIRECTION ON USE OF DIRECT HIRING PROCESSES FOR ARTIFICIAL INTELLIGENCE PROFESSIONALS AND OTHER DATA SCIENCE AND SOFTWARE DEVELOPMENT PERSONNEL.

10 USC 1599h note.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review applicable Department of Defense guidance and where beneficial issue new guidance to the secretaries of the military departments and the heads of the defense components on improved use of the direct hiring processes for artificial intelligence professionals and other data science and software development personnel.

Deadline. Review.

(b) OBJECTIVE.—The objective of the guidance issued under subsection (a) shall be to ensure that organizational leaders assume greater responsibility for the results of civilian hiring of artificial intelligence professionals and other data science and software development personnel.

(c) CONTENTS OF GUIDANCE.—At a minimum, the guidance required by subsection (a) shall—

(1) instruct human resources professionals and hiring authorities to utilize available direct hiring authorities (including excepted service authorities) for the hiring of artificial intelligence professionals and other data science and software development personnel, to the maximum extent practicable;

(2) instruct hiring authorities, when using direct hiring authorities, to prioritize utilization of panels of subject matter experts over human resources professionals to assess applicant qualifications and determine which applicants are best qualified for a position;

(3) authorize and encourage the use of ePortfolio reviews to provide insight into the previous work of applicants as a tangible demonstration of capabilities and contribute to the assessment of applicant qualifications by subject matter experts; and

(4) encourage the use of referral bonuses for recruitment and hiring of highly qualified artificial intelligence professionals and other data science and software development personnel in accordance with volume 451 of Department of Defense Instruction 1400.25.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date on which the guidance is issued under subsection (a), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the guidance issued pursuant to subsection (a).

(2) CONTENTS.—At a minimum, the report submitted under paragraph (1) shall address the following:

(A) The objectives of the guidance and the manner in which the guidance seeks to achieve those objectives.

(B) The effect of the guidance on the hiring process for artificial intelligence professionals and other data science and software development personnel, including the effect on—

(i) hiring time;

(ii) the use of direct hiring authority;

(iii) the use of subject matter experts; and

(iv) the quality of new hires, as assessed by hiring managers and organizational leaders.

6 USC 1500.

SEC. 1752. NATIONAL CYBER DIRECTOR.

(a) ESTABLISHMENT.—There is established, within the Executive Office of the President, the Office of the National Cyber Director (in this section referred to as the "Office").

(b) NATIONAL CYBER DIRECTOR.—

President.

(1) IN GENERAL.—The Office shall be headed by the National Cyber Director (in this section referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) POSITION.—The Director shall hold office at the pleasure of the President.

(3) PAY AND ALLOWANCES.—The Director shall be entitled to receive the same pay and allowances as are provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(c) DUTIES OF THE NATIONAL CYBER DIRECTOR.—

(1) IN GENERAL.—Subject to the authority, direction, and control of the President, the Director shall—

(A) serve as the principal advisor to the President on cybersecurity policy and strategy relating to the coordination of—

(i) information security and data protection;

(ii) programs and policies intended to improve the cybersecurity posture of the United States;

(iii) efforts to understand and deter malicious cyber activity;

(iv) efforts to increase the security of information and communications technology and services and to promote national supply chain risk management and vendor security;

(v) diplomatic and other efforts to develop norms and international consensus around responsible state behavior in cyberspace;

(vi) awareness and adoption of emerging technology that may enhance, augment, or degrade the cybersecurity posture of the United States; and

(vii) such other cybersecurity matters as the President considers appropriate;

(B) offer advice and consultation to the National Security Council and its staff, the Homeland Security Council and its staff, and relevant Federal departments and agencies, for their consideration, relating to the development and coordination of national cyber policy and strategy, including the National Cyber Strategy;

(C) lead the coordination of implementation of national cyber policy and strategy, including the National Cyber Strategy, by—

(i) in coordination with the heads of relevant Federal departments or agencies, monitoring and assessing the effectiveness, including cost-effectiveness, of the implementation of such national cyber policy and strategy by Federal departments and agencies;

(ii) making recommendations, relevant to changes in the organization, personnel, and resource allocation and to policies of Federal departments and agencies, to the heads of relevant Federal departments and agencies in order to implement such national cyber policy and strategy;

(iii) reviewing the annual budget proposals for relevant Federal departments and agencies and advising the heads of such departments and agencies whether such proposals are consistent with such national cyber policy and strategy;

(iv) continuously assessing and making relevant recommendations to the President on the appropriate level of integration and interoperability across the Federal cyber centers;

(v) coordinating with the Attorney General, the Federal Chief Information Officer, the Director of the Office of Management and Budget, the Director of National Intelligence, and the Director of the Cybersecurity and Infrastructure Security Agency, on the streamlining of Federal policies and guidelines, including with respect to implementation of subchapter II of chapter 35 of title 44, United States Code, and, as appropriate or applicable, regulations relating to cybersecurity;

(vi) reporting annually to the President, the Assistant to the President for National Security Affairs, and Congress on the state of the cybersecurity posture of the United States, the effectiveness of such national cyber policy and strategy, and the status of the implementation of such national cyber policy and strategy by Federal departments and agencies; and

(vii) such other activity as the President considers appropriate to further such national cyber policy and strategy;

(D) lead coordination of the development and ensuring implementation by the Federal Government of integrated incident response to cyberattacks and cyber campaigns of significant consequence, including—

(i) ensuring and facilitating coordination among relevant Federal departments and agencies in the

development of integrated operational plans, processes, and playbooks, including for incident response, that feature—

(I) clear lines of authority and lines of effort across the Federal Government;

(II) authorities that have been delegated to an appropriate level to facilitate effective operational responses across the Federal Government; and

(III) support for the integration of defensive cyber plans and capabilities with offensive cyber plans and capabilities in a manner consistent with improving the cybersecurity posture of the United States;

(ii) ensuring the exercising of defensive operational plans, processes, and playbooks for incident response;

(iii) ensuring the updating of defensive operational plans, processes, and playbooks for incident response as needed to keep them updated; and

(iv) reviewing and ensuring that defensive operational plans, processes, and playbooks improve coordination with relevant private sector entities, as appropriate;

(E) preparing the response by the Federal Government to cyberattacks and cyber campaigns of significant consequence across Federal departments and agencies with responsibilities pertaining to cybersecurity and with the relevant private sector entities, including—

(i) developing for the approval of the President, in coordination with the Assistant to the President for National Security Affairs and the heads of relevant Federal departments and agencies, operational priorities, requirements, and plans;

(ii) ensuring incident response is executed consistent with the plans described in clause (i); and

(iii) ensuring relevant Federal department and agency consultation with relevant private sector entities in incident response;

(F) coordinate and consult with private sector leaders on cybersecurity and emerging technology issues in support of, and in coordination with, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the heads of other Federal departments and agencies, as appropriate;

(G) annually report to Congress on cybersecurity threats and issues facing the United States, including any new or emerging technologies that may affect national security, economic prosperity, or enforcing the rule of law; and

(H) be responsible for such other functions as the President may direct.

(2) DELEGATION OF AUTHORITY.—(A) The Director may—

(i) serve as the senior representative to any organization that the President may establish for the purpose of providing the President advice on cybersecurity;

(ii) subject to subparagraph (B), be included as a participant in preparations for and, when appropriate, the

execution of domestic and international summits and other international meetings at which cybersecurity is a major topic;

(iii) delegate any of the Director's functions, powers, and duties to such officers and employees of the Office as the Director considers appropriate; and

(iv) authorize such successive re-delegations of such functions, powers, and duties to such officers and employees of the Office as the Director considers appropriate.

(B) In acting under subparagraph (A)(ii) in the case of a summit or a meeting with an international partner, the Director shall act in coordination with the Secretary of State.

(d) ATTENDANCE AND PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS.—Section 101(c)(2) of the National Security Act of 1947 (50 U.S.C. 3021(c)(2)) is amended by striking "and the Chairman of the Joint Chiefs of Staff" and inserting "the Chairman of the Joint Chiefs of Staff, and the National Cyber Director".

(e) POWERS OF THE DIRECTOR.—The Director may, for the purposes of carrying out the functions of the Director under this section—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary and prescribe their duties, except that not more than 75 individuals may be employed without regard to any provision of law regulating the employment or compensation at rates not to exceed the basic rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of basic pay for grade GS–15 as provided in section 5332 of such title, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of such title 5 for persons in Federal Government service employed intermittently;

(3) promulgate such rules and regulations as may be necessary to carry out the functions, powers, and duties vested in the Director;

(4) utilize, with their consent, the services, personnel, and facilities of other Federal agencies;

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may determine appropriate, with any Federal agency, or with any public or private person or entity;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed; and

(8) provide, where authorized by law, copies of documents to persons at cost, except that any funds so received shall be credited to, and be available for use from, the account from which expenditures relating thereto were made.

(f) RULES OF CONSTRUCTION.—Nothing in this section may be construed as—

(1) modifying any authority or responsibility, including any operational authority or responsibility of any head of a Federal department or agency;

(2) authorizing the Director or any person acting under the authority of the Director to interfere with or to direct a criminal or national security investigation, arrest, search, seizure, or disruption operation;

(3) amending a legal restriction that was in effect on the day before the date of the enactment of this Act that requires a law enforcement agency to keep confidential information learned in the course of a criminal or national security investigation;

(4) authorizing the Director or any person acting under the authority of the Director to interfere with or to direct a military operation;

(5) authorizing the Director or any person acting under the authority of the Director to interfere with or to direct any diplomatic or consular activity;

(6) authorizing the Director or any person acting under the authority of the Director to interfere with or to direct an intelligence activity, resource, or operation; or

(7) authorizing the Director or any person acting under the authority of the Director to modify the classification of intelligence information.

(g) DEFINITIONS.—In this section:

(1) The term "cybersecurity posture" means the ability to identify, to protect against, to detect, to respond to, and to recover from an intrusion in an information system the compromise of which could constitute a cyber attack or cyber campaign of significant consequence.

(2) The term "cyber attack and cyber campaign of significant consequence" means an incident or series of incidents that has the purpose or effect of—

(A) causing a significant disruption to the confidentiality, integrity, or availability of a Federal information system;

(B) harming, or otherwise significantly compromising the provision of service by, a computer or network of computers that support one or more entities in a critical infrastructure sector;

(C) significantly compromising the provision of services by one or more entities in a critical infrastructure sector;

(D) causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain; or

(E) otherwise constituting a significant threat to the national security, foreign policy, or economic health or financial stability of the United States.

(3) The term "incident" has the meaning given such term in section 3552 of title 44, United States Code.

(4) The term "incident response" means a government or private sector activity that detects, mitigates, or recovers from a cyber attack or cyber campaign of significant consequence.

(5) The term "information security" has the meaning given such term in section 3552 of title 44, United States Code.

(6) The term "intelligence" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

TITLE XVIII—TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES

TITLE XVIII—TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES

Sec. 1801. Transfer and reorganization of defense acquisition statutes.

Subtitle A—Definitions

Sec. 1806. Definitions.
Sec. 1807. General matters.
Sec. 1808. Defense acquisition system.
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Subtitle B—Acquisition Planning

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Sec. 1831. Cost or pricing data.
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Sec. 1851. Weapon systems development and related matters.

Subtitle G—Other Special Categories of Contracting

Sec. 1856. Acquisition of services generally.
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Subtitle H—Contract Management

Sec. 1861. Contract administration.
Sec. 1862. Prohibitions and penalties.
Sec. 1863. Contractor workforce.
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Subtitle I—Defense Industrial Base

Sec. 1866. Defense industrial base generally.
Sec. 1867. Policies and planning.
Sec. 1868. Development, application, and support of dual-use technologies.
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Sec. 1870. Other technology base policies and programs.
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Sec. 1872. Procurement technical assistance cooperative agreement program.
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Subtitle J—Other Matters

Sec. 1876. Recodification of certain title 10 provisions relating to contract financing for certain Navy contracts.
Sec. 1877. Recodification of title 10 statute on cadre of personnel who are intellectual property experts.
Sec. 1878. Transfer of title 10 section relating to notification of Navy procurement production disruptions.
Sec. 1879. Transfer of title 10 section relating to energy security.
Sec. 1880. Part IV heading.
Sec. 1881. Repeal of chapters 137, 139, 144, and 148.
Sec. 1882. Revision of chapter 141.
Sec. 1883. References.
Sec. 1884. Savings provisions.
Sec. 1885. Rule of construction.

SEC. 1801. TRANSFER AND REORGANIZATION OF DEFENSE ACQUISITION STATUTES.

Review. Determination.

(a) ACTIVITIES.—Not later than February 1, 2021, the Secretary of Defense shall establish a process to engage interested parties and experts from the public and private sectors, as determined appropriate by the Secretary, in a comprehensive review of this title and the amendments made by this title.

(b) ASSESSMENT AND REPORT.—Not later than March 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report evaluating this title and the amendments made by this title that shall include the following elements:

Recommendations.

(1) Specific recommendations for modifications to the legislative text of this title and the amendments made by this title, along with a list of conforming amendments to law required by this title and the amendments made by this title.

Summary.

(2) A summary of activities conducted pursuant to the process established under subsection (a), including an assessment of the effect of this title and the amendments made by this title on related Department of Defense activities, guidance, and interagency coordination.

(3) An implementation plan for updating the regulations and guidance relating to this title and the amendments made by this title that contains the following elements:

(A) A description of how the plan will be implemented.

(B) A schedule with milestones for the implementation of the plan.

(C) A description of the assignment of roles and responsibilities for the implementation of the plan.

(D) A description of the resources required to implement the plan.

(E) A description of how the plan will be reviewed and assessed to monitor progress.

(4) Such other items as the Secretary considers appropriate.

(d) ENACTMENT AND IMPLEMENTATION.— 10 USC note prec. 3001.

(1) DELAYED ENACTMENT.—Except as specifically provided, this title and the amendments made by this title shall take effect on January 1, 2022.

(2) DELAYED IMPLEMENTATION.—Not later than January 1, 2023, the Secretary of Defense shall take such action as necessary to revise or modify the Department of Defense Supplement to the Federal Acquisition Regulation and other existing authorities affected by the enactment of this title and the amendments made by this title. Deadline.

(3) APPLICABILITY.—

(A) IN GENERAL.—The Secretary of Defense shall apply the law as in effect on December 31, 2021, with respect to contracts entered into during the covered period. Effective date.

(B) COVERED PERIOD DEFINED.—In this paragraph, the term "covered period" means the period beginning on January 1, 2022, and ending on the earlier of—

(i) the date on which the Secretary of Defense revises or modifies authorities pursuant to paragraph (2); or

(ii) January 1, 2023.

Subtitle A—Definitions

SEC. 1806. DEFINITIONS.

(a) NEW CHAPTER.—

(1) NEW SUBCHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 201 and inserting the following: 10 USC prec. 3001.

"CHAPTER 201—DEFINITIONS

10 USC prec. 3001.

"Subchapter	Sec.
"I. Definitions Relating to Defense Acquisition System Generally	3001
"II. Definitions Applicable to Procurement Generally	3011
"III. Definitions Relating to Major Systems and Major Defense Acquisition Programs	3041

"SUBCHAPTER I—DEFINITIONS RELATING TO DEFENSE ACQUISITION SYSTEM GENERALLY

10 USC prec. 3001.

"Sec.

"3001. Defense acquisition system; element of the defense acquisition system.

"3002. Federal Acquisition Regulation.

"3003. Defense Federal Acquisition Regulation Supplement.

"3004. Head of an agency.

"3005. Service chief concerned.

"3006. Acquisition workforce.

10 USC 3001. **"§ 3001. Defense acquisition system; element of the defense acquisition system**

10 USC 3002. **"§ 3002. Federal Acquisition Regulation**

10 USC 3003. **"§ 3003. Defense Federal Acquisition Regulation Supplement**

"[Reserved].

10 USC 3004. **"§ 3004. Head of an agency**

10 USC 3005. **"§ 3005. Service chief concerned**

"[Reserved].

10 USC 3006. **"§ 3006. Acquisition workforce**

"For the definition of the term 'acquisition workforce' for the purposes of this part, see section 101(a)(18) of this title.".

(2) TRANSFER OF SECTION 2545(2).—Paragraph (2) of section 2545 of title 10, United States Code, is transferred to section 3001 of such title, as added by paragraph (1), inserted after the section heading, redesignated as subsection (a), realigned 2 ems to the left, and amended—

(A) by striking "The term" and inserting "DEFENSE ACQUISITION SYSTEM.—In this part, the term";

(B) by striking "means the" and inserting "means—
"(1) the";

(C) by striking "of Defense; the management" and inserting "of Defense;
"(2) the management"; and

(D) by striking "of Defense; and the" and inserting "of Defense; and
"(3) the".

(3) TRANSFER OF SECTION 2545(3).—Paragraph (3) of section 2545 of title 10, United States Code, is transferred to section 3001 of such title, as added by paragraph (1), inserted after subsection (a), as transferred and redesignated by paragraph (2), redesignated as subsection (b), realigned 2 ems to the left, and amended—

(A) by striking "The term" and inserting "ELEMENT OF THE DEFENSE ACQUISITION SYSTEM.—In this part, the term";

(B) by striking "organization that employs" and inserting "organization that—
"(1) employs";

(C) by striking "workforce, carries out" and inserting "workforce;
"(2) carries out"; and

(D) by striking "functions, and focuses" and inserting "functions; and
"(3) focuses".

(4) TRANSFER OF SECTION 2545(1).—Paragraph (1) of section 2545 of title 10, United States Code, is transferred to section 3001 of such title, as added by paragraph (1), inserted after subsection (b), as transferred and redesignated by paragraph (3), redesignated as subsection (c), realigned 2 ems to the left, and amended by striking "The term" and inserting "ACQUISITION.—In this section, the term".

(5) TRANSFER OF SECTION 2302(6).—Paragraph (6) of section 2302 of title 10, United States Code, is transferred to section

3002 of such title, as added by paragraph (1), inserted after the section heading, realigned 2 ems to the left, and amended—

(A) by striking the paragraph designation; and

(B) by striking "The term" and inserting "In this part, the term".

(6) TRANSFER OF SECTION 2302(1).—Paragraph (1) of section 2302 of title 10, United States Code, is transferred to section 3004 of such title, as added by paragraph (1), inserted after the section heading, realigned 2 ems to the left, and amended—

(A) by striking the paragraph designation; and

(B) by striking "The term" and inserting "In this part, the term".

(b) NEW SUBCHAPTER II.—

(1) IN GENERAL.—Such chapter is further amended by adding at the end the following new subchapter:

"SUBCHAPTER II—DEFINITIONS APPLICABLE TO PROCUREMENT GENERALLY

10 USC prec. 3011.

"Sec.
"3011. Definitions incorporated from title 41.
"3012. Competitive procedures.
"3013. Technical data.
"3014. Nontraditional defense contractor.
"3015. Simplified acquisition threshold.
"3016. Chapter 137 legacy provisions.

"§ 3011. Definitions incorporated from title 41

10 USC 3011.

"§ 3012. Competitive procedures

10 USC 3012.

"§ 3013. Technical data

10 USC 3013.

"§ 3014. Nontraditional defense contractor

10 USC 3014.

"§ 3015. Simplified acquisition threshold".

10 USC 3015.

(2) TRANSFER OF 2302(3).—Paragraph (3) of section 2302 of such title is transferred to section 3011 of such title, as added by paragraph (1), inserted after the section heading, realigned 2 ems to the left, and amended—

(A) by striking the paragraph designation;

(B) by striking "The following" and inserting "In any chapter 137 legacy provision, the following"; and

(C) by redesignating subparagraphs (A) through (M) as paragraphs (1) through (13), respectively.

(3) TRANSFER OF 2302(2).—Paragraph (2) of section 2302 of such title is transferred to section 3012 of such title, as added by paragraph (1), inserted after the section heading, realigned 2 ems to the left, and amended—

(A) by striking the paragraph designation;

(B) by striking "The term" and inserting "In this part, the term";

(C) by redesignating subparagraphs (A), (B), (C), (D), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(D) by redesignating clauses (i) and (ii) of paragraph (3), as so redesignated, as subparagraphs (A) and (B), respectively.

(4) TRANSFER OF 2302(4).—Paragraph (4) of section 2302 of such title is transferred to section 3013 of such title, as

added by paragraph (1), inserted after the section heading, realigned 2 ems to the left, and amended—

(A) by striking the paragraph designation; and

(B) by striking "The term" and inserting "In any chapter 137 legacy provision, the term".

(5) TRANSFER OF 2302(9).—Paragraph (9) of section 2302 of such title is transferred to section 3014 of such title, as added by paragraph (1), inserted after the section heading, realigned 2 ems to the left, and amended—

(A) by striking the paragraph designation;

(B) by striking "The term" and inserting "In this part, the term"; and

(C) by striking "section 2371(a) or 2371b" and inserting "section 4002(a) or 4003".

(6) TRANSFER OF 2302(7) & (8).—Paragraphs (7) and (8) of section 2302 of such title are transferred to section 3015 of such title, as added by paragraph (1), and redesignated as paragraphs (1) and (2), respectively, and such section is further amended by inserting before paragraph (1), as so redesignated, the following:

"In this part:".

(7) CHAPTER 137 LEGACY PROVISIONS DEFINED.—Subchapter II of such chapter, as added by paragraph (1), is further amended by adding at the following new section:

10 USC 3016.

"§ 3016. Chapter 137 legacy provisions

"In this part, the term 'chapter 137 legacy provisions' means the following sections of this title: sections 3002, 3004, 3011–3015, 3041, 3063–3069, 3134, 3151–3157, 3201–3208, 3221–3227, 3241, 3243, 3249, 3252, 3301–3309, 3321–3323, 3344, 3345, 3371–3375, 3377, 3401, 3403, 3405, 3406, 3501–3511, 3531–3535, 3571, 3572, 3573, 3701–3708, 3741–3750, 3761, 3771–3775, 3781–3786, 3791, 3794, 3801–3807, 3841, 3842, 3847, 3881, 3901, 3902, 4202(b), 4324, 4325, 4501, 4502, 4505, 4506, 4507, 4576, 4657, 4660, 4751, 4752, and 8751.".

(c) NEW SUBCHAPTER III.—

(1) IN GENERAL.—Such chapter is further amended by adding after subchapter II, as added by subsection (b), the following new subchapter:

10 USC prec. 3041.

"SUBCHAPTER III—DEFINITIONS RELATING TO MAJOR SYSTEMS AND MAJOR DEFENSE ACQUISITION PROGRAMS

"Sec.

10 USC 3041. "3041. Major system.

10 USC 3042. "3042. Major defense acquisition program.

"§ 3041. Major system

"§ 3042. Major defense acquisition program

"For the definition of the term 'major defense acquisition program' for purposes of this part, see section 4201 of this title.".

(2) TRANSFER OF 2302(5).—Paragraph (5) of section 2302 of such title is transferred to section 3041 of such title, as added by paragraph (1), inserted after the section heading, realigned 2 ems to the left, redesignated as subsection (a), and amended—

(A) by striking "The term" and inserting "IN GENERAL.—In this part (other than in sections 4292(e) and 4321), the term";

(B) by designating the third sentence as subsection (b);

(C) in subsection (b), as so designated—

(i) by inserting "SYSTEM CONSIDERED TO BE A MAJOR SYSTEM.—" before "A system shall be"; and

(ii) by striking "system if (A)" and all that follows and inserting "system if—

"(1) the conditions of subsection (c) or (d), as applicable, are satisfied; or

"(2) the system is designated a 'major system' by the head of the agency responsible for the system.".

(3) TRANSFER OF 2302D(A) AND (B).—Subsections (a) and (b) of section 2302d of such title are transferred to section 3041 of such title, as amended by paragraph (2), inserted after subsection (b), as designated by paragraph (2)(B), redesignated as subsections (c) and (d), respectively, and amended—

(A) by striking "section 2302(5) of this title" in both subsections and inserting "subsection (b)"; and

(B) in subsection (c), as so redesignated—

(i) by striking "SYSTEMS.—For purposes of" and inserting "SYSTEMS.—

"(1) IN GENERAL.—For purposes of";

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(iii) by adding at the end the following new paragraph:

"(2) ADJUSTMENT AUTHORITY.—Authority for the Secretary of Defense to adjust amounts and the base fiscal year in effect under this subsection is provided in section 4202(b) of this title.".

(d) CONFORMING REPEAL.—Section 2302 of title 10, United States Code, is repealed.

(e) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) HEAD OF AN AGENCY.—The following provisions of law are amended by striking "section 2302(1)" and inserting "section 3004":

(A) Section 2218(k)(4) of title 10, United States Code.

(B) Section 2646(c)(1) of title 10, United States Code.

(2) MAJOR SYSTEM.—The following provisions of law are amended by striking "section 2302(5)" and inserting "section 3041":

(A) Section 933(e)(1)(A) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2224 note).

(B) Section 932(b)(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2224 note).

(C) Section 254(f)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2302 note).

(D) Section 812(k) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2302 note).

(E) Section 4471(f)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2501 note).

(3) NONTRADITIONAL DEFENSE CONTRACTOR.—The following provisions of law are amended by striking "section 2302(9)" or "section 2302", as the case may be, and inserting "section 3014":

(A) Section 1110(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 1701 note).

(B) Section 217(e)(2)(D) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2222 note).

(C) Section 843(c)(4) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2302 note).

(D) Section 884(e)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note).

(E) Section 866(e)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note).

(F) Section 831(o)(2)(H)(i) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note).

(4) SIGNIFICANT NONMAJOR DEFENSE ACQUISITION PROGRAM.—Section 1737(a)(3) of title 10, United States Code, is amended by striking "section 2302(5)(A)" both places it appears and inserting "section 3041(b)(1)".

(5) SIMPLIFIED ACQUISITION THRESHOLD.—Section 801(f)(4) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note) is amended by striking "section 2302(7)" and inserting "section 3015(a)":

SEC. 1807. GENERAL MATTERS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 203 and inserting the following:

10 USC prec. 3021.

10 USC prec. 3062.

"CHAPTER 203—GENERAL MATTERS

"Sec.
"3061. [Reserved].
"3062. Regulations.
"3063. Covered agencies.
"3064. Applicability chapter 137 legacy provisions.
"3065. Assignment and delegation of procurement functions and responsibilities: delegation within agency.
"3066. Assignment and delegation of procurement functions and responsibilities: procurements for or with other agencies.
"3067. Approval required for military department termination or reduction in participation in joint acquisition programs.
"3068. Inapplicability of certain laws.
"3069. Buy-to-budget acquisition: end items.
"3070. Limitation on acquisition of excess supplies.
"3071. [Reserved].
"3072. Comptroller General assessment of acquisition programs and initiatives.".

(b) SECTION 2202 OF TITLE 10 (PARTIAL).—

(1) IN GENERAL.—Chapter 203 of title 10, United States Code, as amended by subsection (a), is amended by inserting after the table of sections the following new sections:

"§ 3062. Regulations 10 USC 3062.

"The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the procurement functions, and related functions, of the Department of Defense.".

(2) CONFORMING AMENDMENTS.—

(A) Section 2202 of title 10, United States Code, is amended by striking "procurement,".

(B) The heading of such section, and the item relating to such section in the table of sections at the beginning of chapter 131 of such title, are amended by striking the third word and the comma following that word. 10 USC prec. 2201, 2202.

(c) SECTION 2303 OF TITLE 10.—

(1) IN GENERAL.—Chapter 203 of title 10, United States Code, is amended by adding after section 3062, as added by subsection (b), the following new sections:

"§ 3063. Covered agencies 10 USC 3063.

"For purposes of any provision of law referring to this section, the agencies named in this section are the following:

"§ 3064. Applicability of chapter 137 legacy provisions". 10 USC 3064.

(2) TRANSFER OF LIST OF COVERED AGENCIES.—Paragraphs (1) through (6) of section 2303(a) of title 10, United States Code, are transferred to the end of section 3063 of such title, as added by paragraph (1).

(3) TRANSFER OF APPLICABILITY PROVISIONS.—Subsection (a) (as amended by paragraph (2)) and subsection (b) of section 2303 of such title are transferred to section 3064 of such title, as added by paragraph (1), inserted after the section heading, and amended—

(A) in subsection (a)—

(i) by striking "This chapter" and inserting "GENERAL APPLICABILITY.—Any provision of this part that is a chapter 137 legacy provision;"

(ii) by striking "of the following agencies" and inserting "by any of the agencies named in section 3063 of this title"; and

(iii) by striking the colon after "funds" and inserting a period; and

(B) in subsection (b), by striking "The provisions of this chapter" and inserting "APPLICABILITY TO CONTRACTS FOR INSTALLATION OR ALTERATION.—The provisions of this part that are chapter 137 legacy provisions".

(4) CONFORMING REPEAL.—Section 2303 of title 10, United States Code, is repealed.

(d) TRANSFER OF SECTION 2311 OF TITLE 10.—

(1) TRANSFER.—Section 2311 of title 10, United States Code, is transferred to chapter 203 of such title, inserted after section 3064, as added by subsection (c), and redesignated as section 3065.

(2) DIVISION INTO THREE SECTIONS.—The text transferred and redesignated by paragraph (1) is amended—

(A) by inserting after subsection (a) the following new section heading:

10 USC 3066. **"§ 3066. Assignment and delegation of procurement functions and responsibilities: procurements for or with other agencies";**

(B) by inserting after subsection (b) the following new section heading:

10 USC 3067. **"§ 3067. Approval required for military department termination or reduction in participation in joint acquisition programs";**

(C) in section 3065, as so redesignated—

(i) by striking "(a) IN GENERAL.—"; and

(ii) by striking "under this chapter" and inserting "under any provision of this part that is a chapter 137 legacy provision";

(D) in section 3066, as so designated—

(i) by striking "(b) PROCUREMENTS FOR OR WITH OTHER AGENCIES.—Subject to subsection (a)" and inserting "Subject to section 3065 of this title";

(ii) by striking "covered by this chapter" and inserting "covered by any provision of this part that is a chapter 137 legacy provision"; and

(iii) by striking "section 2303" and inserting "section 3063"; and

(E) in section 3067, as so designated—

(i) by redesignating subsection (c) as subsection (a);

(ii) by striking "(1)";

(iii) by redesignating paragraph (2) as subsection (b) and inserting "REQUIRED CONTENT OF REGULATIONS.—" before "The regulations"; and

(iv) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) CONFORMING AMENDMENT.—The heading of section 3065, as transferred and redesignated by paragraph (1), is amended to read as follows:

"§ 3065. Assignment and delegation of procurement functions and responsibilities: delegation within agency".

(e) TRANSFER AND CONSOLIDATION OF SECTIONS 2314 & 2315 OF TITLE 10.—

(1) NEW SECTION.—Chapter 203 of title 10, United States Code, is amended by adding after section 3067, as designated by subsection (d), the following new section:

10 USC 3068. **"§ 3068. Inapplicability of certain laws".**

(2) TRANSFER OF SECTION 2314.—The text of section 2314 of such title is transferred to section 3068, as added by paragraph (1), inserted after the section heading, designated as subsection (a), and amended—

(A) by inserting "LAWS INAPPLICABLE TO AGENCIES NAMED IN SECTION 3063.—" before "Sections"; and

(B) by striking "section 2303" and inserting "section 3063 of this title".

(3) TRANSFER OF SECTION 2315.—The text of section 2315 of such title is transferred to section 3068, as added by paragraph (1), inserted after subsection (a), as transferred and designated by paragraph (2), designated as subsection (b), and amended by inserting "LAWS INAPPLICABLE TO PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES FOR CERTAIN DEFENSE PURPOSES.—" before "Sections".

(4) CONFORMING REPEALS.—Sections 2314 and 2315 of title 10, United States Code, are repealed.

(f) TRANSFER OF SECTION 2308.—Section 2308 of title 10, United States Code, is transferred to chapter 203 of such title, inserted after section 3068, as added by subsection (e), redesignated as section 3069, and amended by striking "section 2304" in subsection (b)(2) and inserting "sections 3201 through 3205".

(g) TRANSFER OF SECTIONS 2213 AND 2229B.—

(1) TRANSFER.—Sections 2213 and 2229b of such title are transferred to chapter 203 of such title, inserted after section 3069, as transferred and redesignated by subsection (f), and redesignated as sections 3070 and 3072, respectively.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the items relating to section 2213 and 2229b. 10 USC prec. 2201.

SEC. 1808. DEFENSE ACQUISITION SYSTEM.

(a) TRANSFER OF CHAPTER 149.—

(1) TRANSFER OF CHAPTER.—Chapter 149 of title 10, United States Code, is transferred to part V of subtitle A of that title, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), inserted in place of chapter 205 as enacted by that section, and redesignated as chapter 205. 10 USC prec. 3101.

(2) REDESIGNATION OF SECTIONS.—Sections in chapter 205 of title 10, United States Code, as transferred and redesignated by paragraph (1), are redesignated as follows:

Old Section No.	New Section No.
2545	3101
2546	3103
2546a	3102
2547	3104
2548	3105

(3) REVISION OF ORDER OF SECTIONS.—

(A) Section 3102 of such title, as redesignated by paragraph (2), is transferred within such section so as to appear after section 3101, as so redesignated.

(B) The items in the table of sections at the beginning of such chapter, as transferred by paragraph (1), are amended to conform to the redesignations made by paragraph (2) and the transfer made by subparagraph (A). 10 USC prec. 3101.

(4) TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 149. 10 USC prec. 101, prec. 2201.

(b) AMENDMENTS TO TRANSFERRED SECTIONS.—

(1) SECTION 3101.—Section 3101 of title 10, United States Code, as redesignated by subsection (a)(2), is amended—

(A) by striking "chapter:

"(1) The" and

inserting "chapter, the"; and

(B) by striking paragraphs (2), (3), and (4).

(2) SECTION 3104.—Section 3104 of title 10, United States Code, as redesignated by subsection (a)(2), is amended—

(A) in subsection (b)(1), by striking "section 2448a(a)" and inserting "section 4271(a)";

(B) in subsection (b)(2)(B), by striking "section 2366a" and inserting "section 4251";

(C) in subsection (b)(2)(C), by striking "section 2366b" and inserting "section 4252"; and

(D) in subsection (d)(3), by striking "section 2446a(b)(5)" and inserting "section 4401(b)(5)".

(3) SECTION 3105.—Section 3105 of title 10, United States Code, as redesignated by subsection (a)(2), is amended in subsection (b)(2)(B)(i) by striking "section 2306a" and inserting "sections 3701 through 3708".

(c) DIVISION OF CURRENT 2548 INTO TWO SECTIONS.—

(1) NEW SECTION.—Such chapter is further amended—

(A) by inserting after subsection (c) of such section 3105, as redesignated by subsection (a)(2), the following new section heading:

10 USC 3106.

"§ 3106. Elements of the defense acquisition system: performance goals"; and

(B) by redesignating subsections (d) and (e) as subsections (a) and (b), respectively.

(2) CONFORMING AMENDMENT TO NEW 3105 HEADING.—The heading of such section 3105 is amended to read as follows:

"§ 3105. Elements of the defense acquisition system: performance assessments".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 205 of such title, as amended by subsection (a)(3), is further amended by striking the item relating to section 3105 and inserting the following new items:

10 USC prec. 3101.

"3105. Elements of the defense acquisition system: performance assessments.

"3106. Elements of the defense acquisition system: performance goals".

(d) CROSS-REFERENCE AMENDMENTS.—

(1) Section 129a(c)(3) of title 10, United States Code, is amended by striking "section 2545" and inserting "section 3001".

(2) Section 1701a of such title is amended by striking "chapter 149" and inserting "chapter 205".

SEC. 1809. BUDGETING AND APPROPRIATIONS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 207 and inserting the following:

10 USC prec. 3101.

"CHAPTER 207—BUDGETING AND APPROPRIATIONS

10 USC prec. 3131.

"Sec.
"3131. Availability of appropriations.
"3132. Availability of appropriations for procurement of technical military equipment and supplies.
"3133. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property.
"3134. Allocation of appropriations.
"3135. Comparable budgeting for common procurement weapon systems.
"3136. Defense Modernization Account.
"3137. Procurement of contract services: specification of amounts requested in budget.
"3138. Obligations for contract services: reporting in budget object classes.".

(b) TRANSFER OF SECTION 2351.—Section 2351 of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), inserted after the table of sections, and redesignated as section 3131.

(c) TRANSFER OF SECTION 2395.—Section 2395 of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), inserted after section 3131, as transferred and redesignated by subsection (b), and redesignated as section 3132.

(d) TRANSFER OF SECTION 2410A.—Section 2410a of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), inserted after section 3132, as transferred and redesignated by subsection (c), and redesignated as section 3133.

(e) TRANSFER OF SECTION 2309.—

(1) TRANSFER.—Section 2309 of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), added after section 3133, as transferred and redesignated by subsection (d), and redesignated as section 3134.

(2) AMENDMENTS.—Such section is amended—

(A) in subsection (a), by striking "named in section 2303" and inserting "named in section 3063"; and

(B) by adding at the end the following new subsection:

"(c) For purposes of sections 3064 and 3066 of this title, this section shall be deemed to be a section of chapter 137 of this title.".

(f) TRANSFER OF SECTION 2217.—

(1) TRANSFER.—Section 2217 of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), added after section 3134, as transferred and redesignated by subsection (e), and redesignated as section 3135.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2217.

10 USC prec. 2201.

(g) TRANSFER OF SECTION 2216.—

(1) TRANSFER.—Section 2216 of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), added after section 3135, as transferred and redesignated by subsection (f), and redesignated as section 3136.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2216.

10 USC prec. 2201.

(h) TRANSFER OF SECTION 235.—

(1) TRANSFER.—Section 235 of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), added after section 3136, as transferred and redesignated by subsection (g), and redesignated as section 3137.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 235.

10 USC prec. 221.

(i) TRANSFER OF SECTION 2212.—

(1) TRANSFER.—Section 2212 of title 10, United States Code, is transferred to chapter 207 of such title, as amended by subsection (a), added after section 3137, as transferred and redesignated by subsection (h), and redesignated as section 3138.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2212.

10 USC prec. 2201.

SEC. 1810. OPERATIONAL CONTRACT SUPPORT.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 209 and inserting the following:

10 USC prec. 3151.

10 USC prec. 3151.

"CHAPTER 209—OPERATIONAL CONTRACT SUPPORT

"Subchapter Sec.
"I. Joint Policies on Requirements Definition, Contingency Program Management, and Contingency Contracting 3151
"II. Other Provisions Relating to Operational Contract Support 3171

10 USC prec. 3151.

"SUBCHAPTER I—JOINT POLICIES ON REQUIREMENTS DEFINITION, CONTINGENCY PROGRAM MANAGEMENT, AND CONTINGENCY CONTRACTING

"Sec.
"3151. Joint policy requirement.
"3152. Requirements definition matters covered.
"3153. Contingency program management matters covered.
"3154. Contingency contracting matters covered.
"3155. Training for personnel outside acquisition workforce.
"3156. Mission readiness exercises.
"3157. Definitions; applicability.

10 USC 3151. **"§ 3151. Joint policy requirement**

10 USC 3152. **"§ 3152. Requirements definition matters covered**

10 USC 3153. **"§ 3153. Contingency program management matters covered**

10 USC 3154. **"§ 3154. Contingency contracting matters covered**

10 USC 3155. **"§ 3155. Training for personnel outside acquisition workforce**

10 USC 3156. **"§ 3156. Mission readiness exercises**

10 USC 3157. **"§ 3157. Definitions; applicability**

"In this subchapter:".

(b) TRANSFER OF SECTION 2333.—Provisions of section 2333 of title 10, United States Code, are transferred to chapter 209 of such title, as amended by subsection (a), as follows:

(1) SUBSECTION (A).—Subsection (a) of such section 2333 is transferred to such chapter, inserted after the heading for section 3151, and amended by striking the subsection designation and subsection heading.

(2) SUBSECTION (B).—Subsection (b) of such section 2333 is transferred to such chapter, inserted after the heading for section 3152, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by striking "subsection (a)" and inserting "section 3151 of this title".

(3) SUBSECTION (C).—Subsection (c) of such section 2333 is transferred to such chapter, inserted after the heading for section 3153, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by striking "subsection (a)" and inserting "section 3151 of this title".

(4) SUBSECTION (D).—Subsection (d) of such section 2333 is transferred to section 3154 of such chapter, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended—

(A) by striking "CONTINGENCY CONTRACTING MATTERS COVERED.—(1)" and inserting "IN GENERAL.—";

(B) by redesignating paragraph (2) as subsection (b) and inserting "INTERAGENCY PLANS.—" in that subsection before "To the extent";

(C) by striking "subsection (a)" both places it appears and inserting "section 3151 of this title"; and

(D) in subsection (a), as so redesignated—

(i) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively; and

(ii) by redesignating clauses (i) through (iv) of paragraph (4) (as so redesignated) as subparagraphs (A) through (D), respectively.

(5) SUBSECTION (E).—Subsection (e) (other than paragraph (3)) of such section 2333 is transferred to section 3155 of such chapter, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended—

(A) by striking "TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1)" and inserting "REQUIRED TRAINING.—";

(B) by striking "subsection (a)" and inserting "section 3151 of this title"; and

(C) by redesignating paragraph (2) as subsection (b) and in that subsection—

(i) by striking "Training under paragraph (1)" and inserting "SCOPE OF TRAINING.—Training under subsection (a)"; and

(ii) by striking "referred to in that paragraph" and all that follows and inserting "referred to in that subsection—

"(1) understand the scope and scale of contractor support they will experience in contingency operations; and

"(2) are prepared for their roles and responsibilities with regard to—

"(A) requirements definition;

"(B) program management (including contractor oversight); and

"(C) contingency contracting.".

(6) SUBSECTION (E)(3).—Paragraph (3) of such subsection (e) is transferred to such chapter, inserted after the heading for section 3156, and amended—

(A) by striking the paragraph designation; and

(B) by inserting "required by section 3151 of this title" after "The joint policy".

(7) SUBSECTION (F).—Paragraphs (6), (5), (2), and (1) of subsection (f) of such section are transferred (in that order) to section 3157 of such chapter, inserted at the end, and redesignated as paragraphs (1) through (4), respectively.

(c) CROSS REFERENCE AMENDMENT.—Paragraph (4)(B) of subsection (a) of section 3154 of title 10, United States Code, as transferred and redesignated by subsection (b)(3), is amended by striking "section 2304" and inserting "sections 3201 through 3205".

(d) ADDITIONAL PROVISIONS RELATING TO OPERATIONAL CONTRACT SUPPORT.—Chapter 209 of title 10, United States Code, is amended by adding at the end the following new subchapter:

10 USC prec. 3171.

"SUBCHAPTER II—OTHER PROVISIONS RELATING TO OPERATIONAL CONTRACT SUPPORT

"Sec.

"3171. Contracts for property or services in support of a contingency operation: competition and review.

"3172. Operational contract support: chain of authority and responsibility within Department of Defense.

10 USC 3171.

"§ 3171. Contracts for property or services in support of a contingency operation: competition and review

"[Reserved].

10 USC 3172.

"§ 3172. Operational contract support: chain of authority and responsibility within Department of Defense

"[Reserved].".

Subtitle B—Acquisition Planning

SEC. 1811. PLANNING AND SOLICITATION GENERALLY.

(a) TABLES OF CHAPTERS AMENDMENT.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of Public Law 115–232), of title 10, United States Code, are amended by striking the items relating to chapters 221 and 223 and inserting the following:

10 USC prec. 101, prec. 3001.

"221. Planning and Solicitation Generally 3201
"222. Independent Cost Estimation and Cost Analysis 3221
"223. Other Provisions Relating to Planning and Solicitation Generally 3241
"225. Planning and Solicitation Relating to Particular Items or Services ..... 3271".

(b) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapters 221 and 223 and inserting the following:

10 USC prec. 3201, prec. 3251.

"CHAPTER 221—PLANNING AND SOLICITATION GENERALLY

10 USC prec. 3201.

"Sec.
"3201. Full and open competition.
"3202. [Reserved].
"3203. Exclusion of particular source or restriction of solicitation to small business concerns.
"3204. Use of procedures other than competitive procedures.
"3205. Simplified procedures for small purchases.
"3206. Planning and solicitation requirements.
"3207. Assessment before contract for acquisition of supplies is entered into.
"3208. Planning for future competition in contracts for major systems.".

(c) SECTION 2304 (PARTIAL).—

(1) SECTION HEADING.—Chapter 221 of title 10, United States Code, as amended by subsection (b), is amended by adding after the table of sections the following new section:

"§ 3201. Full and open competition".

10 USC 3201.

(2) TRANSFER OF SUBSECTION (A) OF SECTION 2304.—Subsection (a) of section 2304 of title 10, United States Code, is transferred to section 3201 of such title, as added by paragraph (1), inserted after the section heading, and amended—

(A) by redesignating paragraph (2) as subsection (b);

(B) by striking "(1) Except as provided in subsections (b), (c), and (g)," and inserting "IN GENERAL.—Except as provided in sections 3203, 3204(a), and 3205 of this title,";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(D) in paragraph (1), as so redesignated, by striking "this chapter" and inserting "this section and sections 3069, 3203, 3204, 3205, 3403, 3405, 3406, 3901 4501, and 4502 of this title"; and

(E) in subsection (b), as redesignated by subparagraph (A)—

(i) by inserting "DETERMINATION OF APPROPRIATE COMPETITIVE PROCEDURES.—" before "In determining";

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1), as so redesignated, by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively; and

(iv) in paragraph (2), as so redesignated, by striking "clause (A)" and inserting "paragraph (1)".

(3) TRANSFER OF SUBSECTION (J) OF SECTION 2304.—Subsection (j) of such section 2304 is transferred to such section 3201, inserted after subsection (b), as transferred and redesignated by paragraph (2), redesignated as subsection (c), and amended by inserting "EFFICIENT FULFILLMENT OF GOVERNMENT REQUIREMENTS.—" before "The Federal".

(4) TRANSFER OF SUBSECTION (H) OF SECTION 2304.—Subsection (h) of such section 2304 is transferred to such section 3201, inserted after subsection (c), as transferred and redesignated by paragraph (3), redesignated as subsection (d), and amended by inserting "CERTAIN PURCHASES OR CONTRACTS TO BE TREATED AS IF MADE WITH SEALED-BID PROCEDURES.—" before "For the purposes".

(5) TRANSFER OF SUBSECTION (K) OF SECTION 2304.—Subsection (k) of such section 2304 is transferred to such section

3201, inserted after subsection (d), as transferred and redesignated by paragraph (4), redesignated as subsection (e), and amended—

(A) by striking the subsection designation and all that follows through "section 2303(a)" in paragraph (1) and inserting the following:

"(e) NEW CONTRACTS AND MERIT-BASED SELECTION PROCEDURES.—

"(1) CONGRESSIONAL POLICY.—It is the policy of Congress that an agency named in section 3063";

(B) by moving paragraphs (2), (3), and (4) two ems to the right;

(C) by switching paragraphs (2) and (3) and redesignating them accordingly;

(D) in paragraph (2), as so redesignated by subparagraph (C), by inserting "NEW CONTRACT DESCRIBED.—" before "For purposes of";

(E) in paragraph (3), as so redesignated by subparagraph (C), by inserting "PROVISION OF LAW DESCRIBED.—" before "A provision of"; and

(F) in paragraph (4)—

(i) by inserting "EXCEPTION.—" before "This subsection"; and

(ii) by striking "section 2303(a)" and inserting "section 3063".

(d) SECTION 2304 (PARTIAL).—

(1) SECTION HEADINGS.—Chapter 221 of title 10, United States Code, as amended by subsection (b), is amended by adding after section 3201, as added by subsection (c), the following new sections:

10 USC 3203. **"§ 3203. Exclusion of particular source or restriction of solicitation to small business concerns**

10 USC 3204. **"§ 3204. Use of procedures other than competitive procedures**

10 USC 3205. **"§ 3205. Simplified procedures for small purchases".**

(2) TRANSFER OF SUBSECTION (B) OF SECTION 2304.—Subsection (b) of section 2304 of title 10, United States Code, is transferred to section 3203 of such title, as added by paragraph (1), inserted after the section heading, redesignated as subsection (a), and amended—

(A) by striking the subsection designation and all that follows through "may provide for" the first place it appears and inserting the following:

"(a) EXCLUSION OF PARTICULAR SOURCE.—

"(1) CRITERIA FOR EXCLUSION.—The head of an agency may provide for";

(B) by striking "covered by this chapter" in the matter preceding subparagraph (A) and inserting "covered by chapter 137 legacy provisions";

(C) by indenting subparagraphs (A) through (F) of paragraph (1) four ems from the left margin;

(D) by redesignating paragraph (2) as subsection (b) and in that subsection—

(i) inserting "EXCLUSION OF OTHER THAN SMALL BUSINESS CONCERNS.—" before "The head of"; and

(ii) striking "this section" and inserting "chapter 137 legacy provisions";

(E) by redesignating paragraph (3) as subsection (c) and in that subsection—

(i) inserting "INAPPLICABILITY OF JUSTIFICATION AND APPROVAL REQUIREMENTS.—" before "A contract"; and

(ii) striking "subsection (f)(1)" and inserting "section 3204(e)(1) of this title"; and

(F) by transferring paragraph (4) to the end of subsection (a), as so redesignated, redesignating such paragraph as paragraph (2), indenting such paragraph two ems from the left margin, and inserting "DETERMINATION FOR CLASS DISALLOWED.—" before "A determination".

(3) TRANSFER OF SUBSECTION (C) OF SECTION 2304.—Subsection (c) of section 2304 of title 10, United States Code, is transferred to section 3204 of such title, as added by paragraph (1), inserted after the section heading, redesignated as subsection (a), and amended—

(A) by inserting "WHEN PROCEDURES OTHER THAN COMPETITIVE PROCEDURES MAY BE USED.—" before "The head of an agency may use";

(B) in paragraph (3)—

(i) by striking "in order (A) to maintain" and inserting "in order—

"(A) to maintain";

(ii) by striking "industrial mobilization, (B) to establish" and inserting "industrial mobilization—

"(B) to establish";

(iv) by striking "development center, or (C) to procure" and inserting "development center—

"(C) to procure";

(C) in paragraph (5), by striking "subsection (k)" and inserting "section 3201(e) of this title"; and

(D) in paragraph (7), by inserting "(who may not delegate the authority under this paragraph)" after "the head of the agency".

(4) TRANSFER OF SUBSECTION (D) OF SECTION 2304.—Subsection (d) of section 2304 of title 10, United States Code, is transferred to section 3204 of such title, as added by paragraph (1), inserted after subsection (a), as transferred and redesignated by paragraph (3), redesignated as subsection (b), and amended—

(A) by striking "(1) For the purposes" and inserting "PROPERTY OR SERVICES CONSIDERED TO BE AVAILABLE FROM ONLY ONE SOURCE.—For the purposes";

(B) by striking "subsection (c)(1)" and inserting "subsection (a)(1)";

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as subsection (c) and in that subsection—

(i) by striking "(A) The contract period" and inserting "PROPERTY OR SERVICES NEEDED WITH UNUSUAL AND COMPELLING URGENCY.—

"(1) ALLOWABLE CONTRACT PERIOD.—The contract period";

(ii) by redesignating subparagraph (B) as paragraph (2), indenting that paragraph two ems from the

left margin, and striking "this paragraph" and inserting "APPLICABILITY OF ALLOWABLE CONTRACT PERIOD.—This subsection"; and

(iii) in paragraph (1), as designated by clause (i)—

(I) by striking "subparagraph (B)" and "subsection (c)(2)" and inserting "paragraph (2)" and "subsection (a)(2)", respectively; and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, redesignating subclauses (I) and (II) of such subparagraph (A) as clauses (i) and (ii), respectively, and moving such subparagraphs two ems to the right.

(5) TRANSFER OF SUBSECTION (E) OF SECTION 2304.—Subsection (e) of section 2304 of title 10, United States Code, is transferred to section 3204 of such title, as added by subparagraph (A), inserted after subsection (c), as transferred and redesignated by subparagraph (D), redesignated as subsection (d), and amended—

(A) by inserting "OFFER REQUESTS TO POTENTIAL SOURCES.—The head of"; and

(B) by striking "subsection (c)(2) or (c)(6)" and inserting "paragraph (2) or (6) of subsection (a)".

(6) TRANSFER OF SUBSECTION (F) OF SECTION 2304.—Subsection (f) of section 2304 of title 10, United States Code, is transferred to section 3204 of such title, as added by paragraph (1), inserted after subsection (d), as transferred and redesignated by paragraph (5), redesignated as subsection (e), and amended—

(A) by striking "(1) Except as provided in paragraph (2) and paragraph (6)" and inserting "JUSTIFICATION FOR USE OF PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.—"

"(1) PREREQUISITES FOR AWARDING CONTRACT.—Except as provided in paragraphs (3), (4), and (7),";

(B) by moving subparagraphs (A), (B), and (C) of paragraph (1) two ems to the right;

(C) by switching paragraphs (2) and (3) and redesignating those paragraphs accordingly;

(D) in paragraph (2), as so redesignated, by inserting "ELEMENTS OF JUSTIFICATION.—" before "The justification";

(E) in paragraph (3), as so redesignated—

(i) by inserting "JUSTIFICATION AND APPROVAL ALLOWED AFTER CONTRACT AWARDED.—" before "In the case of"; and

(ii) by striking "subsection (c)(2)" in the first sentence and inserting "subsection (a)(2)";

(F) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(G) by designating the second sentence of paragraph (3), as redesignated by subparagraph (C), as paragraph (4) and in that paragraph—

(i) by inserting "JUSTIFICATION AND APPROVAL NOT REQUIRED.—" before "The justification and approval";

(ii) in subparagraph (C), by striking "subsection (c)(7)" and inserting "subsection (a)(7)"; and

(iii) in subparagraph (E), by striking "subsection (c)(4)" and inserting "subsection (a)(4)";

(H) in paragraph (5), as redesignated by subparagraph (F)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving those clauses two ems to the right;

(ii) by striking "In no case" and inserting "RESTRICTIONS ON AGENCIES.—

"(A) In no case";

(iii) in subparagraph (A)(ii), as so redesignated, by striking "this chapter" and inserting "chapter 137 legacy provisions"; and

(iv) by designating the sentence beginning "The restriction contained" as subparagraph (B) and by striking "clause (B)" in that sentence and inserting "subparagraph (A)(ii)";

(I) in paragraph (6), as redesignated by subparagraph (F), by striking "(A) The authority" and inserting "LIMITATION ON DELEGATIONS OF AUTHORITY UNDER PARAGRAPH (1)(B).—(A) The authority";

(J) in paragraph (7), as redesignated by subparagraph (F), by inserting "JUSTIFICATION AND APPROVAL NOT REQUIRED FOR PHASE III SBIR AWARD.—" before "The justification"; and

(K) by moving such paragraphs (2) through (7) two ems to the right.

(7) TRANSFER OF SUBSECTION (L) OF SECTION 2304.—Subsection (l) of section 2304 of title 10, United States Code, is transferred to section 3204 of such title, as added by paragraph (1), inserted after subsection (e), as transferred and redesignated by paragraph (6), redesignated as subsection (f), and amended—

(A) by striking "(1)(A) Except as provided in" and inserting "PUBLIC AVAILABILITY OF JUSTIFICATION AND APPROVAL REQUIRED FOR USING PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.—

"(1) TIME REQUIREMENT.—

"(A) WITHIN 14 DAYS AFTER CONTRACT AWARD.—Except as provided in";

(B) in paragraph (1)(A), by striking "subsection (c)" and "subsection (f)(1)" and inserting "subsection (a)" and "subsection (e)(1)", respectively;

(C) by indenting subparagraph (B) of paragraph (1) four ems from the left margin and in that subparagraph—

(i) by inserting "WITHIN 30 DAYS AFTER CONTRACT AWARD.—" before "In the case of"; and

(ii) by striking "subsection (c)(2)" and inserting "subsection (a)(2)";

(D) by indenting paragraphs (2) and (3) two ems from the left margin;

(E) in paragraph (2), by inserting "AVAILABILITY ON WEBSITES.—" before "The documents"; and

(F) in paragraph (3), by inserting "EXCEPTION.—" before "This subsection".

(8) TRANSFER OF SUBSECTION (I) OF SECTION 2304.—Subsection (i) of section 2304 of title 10, United States Code, is transferred to section 3204 of such title, as added by paragraph (1), inserted after subsection (f), as transferred and

redesignated by paragraph (7), redesignated as subsection (g), and amended—

(A) by striking "(1) The Secretary" and inserting "REGULATIONS WITH RESPECT TO NEGOTIATION OF PRICES.—"

"(1) The Secretary";

(B) in paragraph (1), by striking ", as defined in section 2302(2) of this title"; and

(C) by moving paragraphs (2) and (3) two ems to the right.

(9) TRANSFER OF SUBSECTION (G) OF SECTION 2304.—Subsection (g) of section 2304 of title 10, United States Code, is transferred to section 3205 of such title, as added by paragraph (1), inserted after the section heading, redesignated as subsection (a), and amended—

(A) by striking "(1) in order to" and inserting "AUTHORIZATION.—In order to";

(B) by redesignating paragraphs (2), (3), and (4) as subsections (b), (c), and (d), respectively;

(C) by redesignating subparagraphs (A) and (B) in subsection (a) as paragraphs (1) and (2), respectively;

(D) in subsection (b), as redesignated by subparagraph (B)—

(i) by inserting "PROHIBITION ON DIVIDING CONTRACTS.—" before "A proposed"; and

(ii) by striking "paragraph (1)" and inserting "subsection (a)";

(E) in subsection (c), as redesignated by subparagraph (B), by inserting "PROMOTION OF COMPETITION.—" before "In using"; and

(F) in subsection (d), as redesignated by subparagraph (B), by inserting "COMPLIANCE WITH SPECIAL REQUIREMENTS OF FEDERAL ACQUISITION REGULATION.—" before "The head of".

(e) SECTION 2305(A).—

(1) IN GENERAL.—Such chapter is further amended by adding at the end the following new section:

10 USC 3206.

"§ 3206. Planning and solicitation requirements".

(2) TRANSFER OF SUBSECTION (A) OF SECTION 2305.—Subsection (a) of section 2305 of title 10, United States Code, is transferred to section 3206 of such title, as added by paragraph (1), and inserted after the section heading, and paragraphs (2), (3), (4), and (5) thereof are redesignated as subsections (b), (c), (d), and (e), respectively.

(3) REVISIONS TO SUBSECTION (A).—Subsection (a) of such section 3206, as transferred by paragraph (2), is amended—

(A) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively;

(B) in paragraph (2), as so redesignated—

(i) by inserting "REQUIREMENTS OF SPECIFICATIONS.—" before "Each solicitation";

(ii) by striking "under this chapter" after "Each solicitation" and inserting "under chapter 137 legacy provisions";

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iv) in subparagraph (A), as so redesignated, by striking "of this chapter" and inserting "of chapter 137 legacy provisions";

(C) in paragraph (3), as so redesignated—

(i) by inserting "TYPES OF SPECIFICATIONS.—" before "For the purposes"; and

(ii) by redesignating clauses (i), (ii), and (ii) as subparagraphs (A), (B), and (C), respectively;

(D) by moving such paragraphs (2) and (3) two ems to the right; and

(E) in paragraph (1)—

(i) by striking "(1)(A) In preparing for" and inserting "PLANNING AND SPECIFICATIONS.—

"(1) PREPARING FOR PROCUREMENT.—In preparing for";

(ii) by redesignating clauses (i), (ii), and (ii) as subparagraphs (A), (B), and (C), respectively; and

(iii) by moving such subparagraphs two ems to the right.

(4) REVISIONS TO SUBSECTION (B).—Subsection (b) of such section 3206, as redesignated by paragraph (2), is amended—

(A) in the matter preceding subparagraph (A)—

(i) by inserting "CONTENTS OF SOLICITATION.—" before "In addition to"; and

(ii) by striking "paragraph (1)" and inserting "subsection (a)";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(C) by redesignating clauses (i) and (ii) of paragraphs (1) and (2) (as so redesignated) as subparagraphs (A) and (B), respectively; and

(D) in subparagraphs (A) and (B) of such paragraph (2), as so redesignated, by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(5) REVISIONS TO SUBSECTION (C).—Subsection (c) of such section 3206, as redesignated by paragraph (2), is amended—

(A) by striking "(A) In prescribing the" and inserting "EVALUATION FACTORS.—

"(1) IN GENERAL.—In prescribing the";

(B) by redesignating subparagraphs (B), (C), (D), and (E) as paragraphs (2), (3), (4), and (5), respectively, and moving those paragraphs two ems to the right;

(C) in paragraph (1), as designated by subparagraph (A)—

(i) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving those paragraphs two ems to the right;

(ii) by redesignating subclauses (I), (II), and (III) of subparagraph (C) (as so redesignated) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking "subparagraph (C)" both places it appears and inserting "paragraph (3)";

(D) in paragraph (2), as redesignated by subparagraph (B)—

(i) by inserting "RESTRICTION ON IMPLEMENTING REGULATIONS.—" before "The regulations implementing"; and

(ii) by striking "clause (iii) of subparagraph (A)" and inserting "paragraph (1)(C)";

(E) in paragraph (3), as redesignated by subparagraph (B)—

(i) by inserting "EXCEPTIONS FOR CERTAIN MULTIPLE TASK OR DELIVERY ORDER CONTRACTS.—" before "If the head of";

(ii) by striking "section 2304a(d)(1)(B)" and inserting "section 3403(d)(1)(B)";

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(iv) in subparagraph (A), as so redesignated, by striking "clause (ii) of subparagraph (A)" and inserting "paragraph (1)(B)" and

(v) in subparagraph (B), as so redesignated—

(I) by striking "clause (i)" in the matter preceding subclause (I) and inserting "subparagraph (A)";

(II) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively;

(III) in clause (i), as so redesignated, by striking "clause (iii) of subparagraph (A)" and inserting "paragraph (1)(C)"; and

(IV) in clause (ii), as so redesignated, by striking "section 2304c(b)" and inserting "section 3406(c)";

(F) in paragraph (4), as redesignated by subparagraph (B)—

(i) by inserting "DEFINITION.—" before "In subparagraph";

(ii) by striking "subparagraph (C)" and inserting "paragraph (3)"; and

(iii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(G) in paragraph (5), as redesignated by subparagraph (B), by striking "Subparagraph (C)" and inserting "EXCLUSION OF APPLICABILITY TO CERTAIN CONTRACTS.—Paragraph (3)".

(6) REVISIONS TO SUBSECTION (D).—Subsection (d) of such section 3206, as redesignated by paragraph (2), is amended—

(A) by inserting "ADDITIONAL INFORMATION IN SOLICITATION.—" before "Nothing in";

(B) by striking "this subsection" and inserting "this section"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(7) REVISION TO SUBSECTION (E).—Subsection (e) of such section 3206, as redesignated by paragraph (2), is amended by inserting "LIMITATION ON EVALUATION OF PURCHASE OPTIONS.—" before "The head of".

(f) SECTION 2305(C).—

(1) SECTION HEADING.—Such chapter is further amended by adding at the end the following new section:

"§ 3207. Assessment before contract for acquisition of supplies is entered into". 10 USC 3207.

(2) TRANSFER OF SUBSECTION (C) OF SECTION 2305.—Subsection (c) of section 2305 of title 10, United States Code, is transferred to section 3207 of such title, as added by paragraph (1), inserted after the section heading, and amended by striking the subsection designation.

(g) SECTION 2305(D).—

(1) SECTION HEADING.—Such chapter is further amended by adding at the end the following new section:

"§ 3208. Planning for future competition in contracts for major systems". 10 USC 3208.

(2) TRANSFER OF SUBSECTION (D) OF SECTION 2305.—Subsection (d) of section 2305 of title 10, United States Code, is transferred to section 3208 of such title, as added by paragraph (1), inserted after the section heading, and redesignated as subsection (a), and paragraphs (2), (3), and (4) thereof are redesignated as subsections (b), (c), and (d), respectively.

(3) REVISIONS TO SUBSECTION (A).—Subsection (a) of such section 3208, as transferred and redesignated by paragraph (2), is amended—

(A) by striking "(1)(A) The Secretary" and inserting "DEVELOPMENT CONTRACT.—

"(1) DETERMINING WHETHER PROPOSALS ARE NECESSARY.—The Secretary";

(B) by striking "subparagraph (B)" in the first sentence and inserting "paragraph (2)";

(C) by redesignating subparagraph (B) as paragraph (2) and clauses (i) and (ii) thereof as subparagraphs (A) and (B), respectively; and

(D) in paragraph (2), as so redesignated—

(i) by inserting "CONTENTS OF PROPOSALS.—" before "Proposals referred to"; and

(ii) by striking "subparagraph (A)" and inserting "paragraph (1)".

(4) REVISIONS TO SUBSECTION (B).—Subsection (b) of such section 3208, as redesignated by paragraph (2), is amended—

(A) by striking "(A) The Secretary" and inserting "PRODUCTION CONTRACT.—

"(1) DETERMINING WHETHER PROPOSALS ARE NECESSARY.—The Secretary";

(B) by striking "subparagraph (B)" in the first sentence and inserting "paragraph (2)";

(C) by redesignating subparagraph (B) as paragraph (2) and clauses (i) and (ii) thereof as subparagraphs (A) and (B), respectively; and

(D) in paragraph (2), as so redesignated—

(i) by inserting "CONTENTS OF PROPOSALS.—" before "Proposals referred to"; and

(ii) by striking "subparagraph (A)" and inserting "paragraph (1)".

(5) REVISIONS TO SUBSECTION (C).—Subsection (c) of such section 3208, as redesignated by paragraph (2), is amended—

(A) by inserting "CONSIDERATION OF FACTORS AS OBJECTIVES IN NEGOTIATIONS.—" before "If the head of"; and

(B) by striking "paragraphs (1) and (2)" and inserting "subsections (a) and (b)".

(6) REVISIONS TO SUBSECTION (D).—Subsection (d) of such section 3208, as redesignated by paragraph (2), is amended—

(A) by striking "(A) Whenever the head of" and inserting "ITEMS DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.—

"(1) LIMITATION.—Whenever the head of";

(B) by redesignating subparagraph (B) as paragraph (2), inserting "EVALUATION.—" before "In considering", and indenting that paragraph two ems from the left margin;

(C) by redesignating clauses (i) and (ii) of paragraph (1) as subparagraphs (A) and (B), respectively, and indenting those subparagraphs four ems from the left margin; and

(D) by striking "paragraph (1)(B) or (2)(B)" both places it appears and inserting "subsection (a)(2) or (b)(2)".

SEC. 1812. INDEPENDENT COST ESTIMATION AND COST ANALYSIS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 221, as added by the preceding section, the following new chapter:

10 USC prec. 3221.

"CHAPTER 222—INDEPENDENT COST ESTIMATION AND COST ANALYSIS

"3221. Director of Cost Assessment and Program Evaluation.
"3222. Independent cost estimate required before approval.
"3223. Director: review of cost estimates, cost analyses, and records of the military departments and Defense Agencies.
"3224. Director: participation, concurrence, and approval in cost estimation.
"3225. Discussion of risk in cost estimates.
"3226. Estimates for program baseline and analyses and targets for contract negotiation purposes.
"3227. Guidelines and collection method for acquisition of cost data.

10 USC 3221. **"§ 3221. Director of Cost Assessment and Program Evaluation**

10 USC 3222. **"§ 3222. Independent cost estimate required before approval**

10 USC 3223. **"§ 3223. Director: review of cost estimates, cost analyses, and records of the military departments and Defense Agencies**

10 USC 3224. **"§ 3224. Director: participation, concurrence, and approval in cost estimation**

10 USC 3225. **"§ 3225. Discussion of risk in cost estimates**

10 USC 3226. **"§ 3226. Estimates for program baseline and analyses and targets for contract negotiation purposes**

10 USC 3227. **"§ 3227. Guidelines and collection method for acquisition of cost data".**

(b) TRANSFER OF SUBSECTIONS (A) AND (H) OF SECTION 2334 TO SECTION 3221.—

(1) TRANSFER OF SUBSECTION (A) OF SECTION 2334.—Subsection (a) of section 2334 of title 10, United States Code, is transferred to section 3221 of such title, as added by subsection (a), inserted after the section heading, and amended by designating the second sentence as subsection (b).

(2) REVISIONS TO NEW SUBSECTION (B).—Subsection (b) of such section 3221, as designated by paragraph (1), is amended—

(A) by striking "In carrying out that responsibility," and inserting "FUNCTIONS.—In carrying out the responsibility of the Director under subsection (a),";

(B) in paragraph (2)—

(i) by striking "provide guidance" and all that follows through "Defense Agencies"; and

(ii) by striking "of this title;" and inserting "of this title, provide guidance to and consult with—

"(A) the Secretary of Defense;

"(B) the Under Secretary of Defense for Acquisition and Sustainment;

"(C) the Under Secretary of Defense (Comptroller);

"(D) the Secretaries of the military departments; and

"(E) the heads of the Defense Agencies;";

(C) in paragraph (6)(A)—

(i) in clause (i), by striking "section 2366a or 2366b" and inserting "section 4251 or 4252"; and

(ii) in clause (iii), by striking "section 2433a" and inserting "section 4376"; and

(D) in paragraph (8), by striking "section 2432(c)(1)" and inserting "section 4353(a)".

(3) TRANSFER OF SUBSECTION (H) OF SECTION 2334.—Subsection (h) of section 2334 of title 10, United States Code, is transferred to such section 3221, inserted after subsection (b), as designated by paragraph (2), and redesignated as subsection (c).

(c) TRANSFER OF SUBSECTION (B) OF SECTION 2334.—

(1) TRANSFER.—Subsection (b) of section 2334 of title 10, United States Code, is transferred to section 3222 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (a).

(2) REVISIONS.—Such section 3222 is amended—

(A) by striking "INDEPENDENT COST ESTIMATE REQUIRED BEFORE APPROVAL.—(1) A milestone" and inserting "REQUIREMENT.— A milestone";

(B) by redesignating paragraph (2) as subsection (b);

(C) in subsection (b), as so redesignated—

(i) by inserting "REGULATIONS.—" before "The regulations"; and

(ii) by striking "subsection (a)" and inserting "section 3221 of this title"; and

(D) in subsections (a) and (b), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(d) TRANSFER OF SUBSECTION (C) OF SECTION 2334.—Subsection (c) of section 2334 of title 10, United States Code, is transferred to section 3223 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(e) TRANSFER OF SUBSECTION (D) OF SECTION 2334.—

(1) TRANSFER.—Subsection (d) of section 2334 of title 10, United States Code, is transferred to section 3224 of such title, as added by subsection (a), and inserted after the section heading.

(2) REVISIONS.—Such section 3224 is amended—

(A) by striking the subsection designation and subsection heading; and

(B) in paragraph (3), by striking "subsection (a)(6)" and inserting "section 3221(b)(6) of this title".

(f) TRANSFER OF SUBSECTION (E) OF SECTION 2334.—

(1) TRANSFER.—Subsection (e) of section 2334 of title 10, United States Code, is transferred to section 3225 of such title, as added by subsection (a), and inserted after the section heading.

(2) REVISIONS.—Such section 3225 is amended—

(A) by striking the subsection designation and subsection heading;

(B) in paragraph (3)(A), by striking "subsection (a)(6)" and inserting "section 3221(b)(6) of this title"; and

(C) in paragraph (3)(B), by striking "section 2432" and inserting "sections 4351 through 4358".

(g) TRANSFER OF SUBSECTION (F) OF SECTION 2334.—

(1) TRANSFER.—Subsection (f) of section 2334 of title 10, United States Code, is transferred to section 3226 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (a).

(2) REVISIONS.—Such section 3226 is amended—

(A) by striking "ESTIMATES FOR" and all that follows through "(1) The policies," and inserting "COST ESTIMATES DEVELOPED FOR SPECIFIED PURPOSES NOT TO BE USED FOR CONTRACT NEGOTIATIONS OR OBLIGATION OF FUNDS.—The policies,";

(B) in subsection (a), as so redesignated—

(i) by striking "subsection (a)" and inserting "section 3221 of this title"; and

(ii) by striking "subsection (a)(6)" and inserting "subsection (b)(6) of such section";

(C) by redesignating paragraph (2) as subsection (b) and inserting "COST ESTIMATES DEVELOPED FOR SPECIFIED PURPOSES NOT TO BE USED FOR CONTRACT NEGOTIATIONS OR OBLIGATION OF FUNDS.—" before "The Under";

(D) by redesignating paragraph (3) as subsection (c) and in that subsection—

(i) by striking the first three words and inserting "PROGRAM MANAGER AND CONTRACTING OFFICER.—The program manager"; and

(ii) by striking "paragraph (1)" and "paragraph (2)" and inserting "subsection (a)" and "subsection (b)", respectively; and

(E) by redesignating paragraph (4) as subsection (d) and in that subsection—

(i) by striking "Funds that are" and inserting "AVAILABILITY OF EXCESS FUNDS.—"

"(1) Funds that are";

(ii) in paragraph (1), as designated by clause (i), by striking "subsection (a)(6)" and "paragraph (2)" and inserting "section 3221(b)(6) of this title" and "subsection (b)", respectively;

(iii) by redesignating paragraph (5) as paragraph (2) and moving that paragraph two ems to the right; and

(iv) in paragraph (2), as so redesignated—

(I) in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraph (1)";

(II) in subparagraph (A)(i), by striking "paragraph (2)" and inserting "subsection (b)"; and

(III) in subparagraph (A)(ii), by striking "section 2308" and inserting "section 3069".

(h) TRANSFER OF SUBSECTION (G) OF SECTION 2334.—

(1) TRANSFER.—Subsection (g) of section 2334 of title 10, United States Code, is transferred to section 3227 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (a).

(2) REVISIONS.—Section 3227, as amended by paragraph (1), is further amended—

(A) by striking "Guidelines and" and all that follows through "(1) The Director of" and inserting "DIRECTOR OF CAPE TO DEVELOP GUIDELINES AND COLLECTION METHOD.—The Director of";

(B) by redesignating paragraph (2) as subsection (b) and in that subsection—

(i) by inserting "APPLICABILITY TO ACQUISITION PROGRAMS IN AMOUNT GREATER THAN SPECIFIED THRESHOLD.—" before "The program manager"; and

(ii) by striking "paragraph (1)" and inserting "subsection (a)"; and

(C) by redesignating paragraph (3) as subsection (c) and in that subsection—

(i) by inserting "LIMITATION ON WAIVER AUTHORITY.—" before "The requirement"; and

(ii) by striking "paragraph (1)" and inserting "subsection (a)".

SEC. 1813. OTHER PROVISIONS RELATING TO PLANNING AND SOLICITATION GENERALLY.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 222, as added by the preceding section, the following new chapter:

"CHAPTER 223—OTHER PROVISIONS RELATING TO PLANNING AND SOLICITATION GENERALLY

10 USC prec. 3241.

"Sec.
"3241. Design-build selection procedures.
"3242. Supplies: economic order quantities.
"3243. Encouragement of new competitors: qualification requirement.
"3244. [Reserved].
"3245. [Reserved].
"3246. [Reserved].
"3247. Contracts: regulations for bids.
"3248. Matters relating to reverse auctions.
"3249. Advocates for competition.
"3250. [Reserved].
"3251. [Reserved].
"3252. Requirements for information relating to supply chain risk.".

(b) TRANSFER OF SECTION 2305A OF TITLE 10.—Section 2305a of title 10, United States Code, is transferred to chapter 223 of such title, as added by subsection (a), inserted after the table of sections at the beginning, redesignated as section 3241, and amended as follows:

(1) SUBSECTION (B).—Subsection (b) is amended—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and moving those subparagraphs two ems to the right; and

(B) in the matter preceding subparagraph (A), as so redesignated—

(i) by striking "or work when the contracting officer" and inserting "or work when—

"(1) the contracting officer";

(ii) by striking "such contract, design work" and inserting "such contract;

"(2) design work";

(iii) by striking "such contract, the offeror" and inserting "such contract;

"(3) the offeror"; and

(iv) by striking "the offer, and the contracting officer" and inserting "the offer; and

"(4) the contracting officer".

(2) SUBSECTION (C).—Subsection (c) is amended—

(A) in paragraph (1), by inserting "DEVELOPMENT OF SCOPE OF WORK STATEMENT.—" before "The agency develops";

(B) in paragraph (2), by inserting "SOLICITATION OF PHASE-ONE PROPOSALS.—" before "The contracting officer";

(C) in paragraph (3)—

(i) by striking "The evaluation factors" and inserting "EVALUATION FACTORS.—"

"(A) EVALUATION FACTORS TO BE USED.—The evaluation factors";

(ii) by designating the second and third sentences as subparagraphs (B) and (C), respectively;

(iii) in subparagraph (A), as designated by clause (i)—

(I) by striking "and include specialized experience" and inserting "and include—

"(i) specialized experience";

(II) by striking "technical competence, capability" and inserting "technical competence;

"(ii) capability";

(III) by striking "to perform, past performance" and inserting "to perform;

"(iii) past performance"; and

(IV) by striking "the team) and other appropriate" and inserting "the team); and

"(iv) other appropriate";

(iv) in subparagraph (B), as designated by clause (ii), by inserting "RELATIVE IMPORTANCE OF EVALUATION FACTORS AND SUBFACTORS.—" before "Each solicitation";

(v) in subparagraph (C), as designated by clause (ii), by inserting "EVALUATION OF PROPOSALS.—" before "The agency";

(D) in paragraph (4)—

(i) by striking "The contracting officer" and inserting "SELECTION BY CONTRACTING OFFICER.—"

"(A) NUMBER OF OFFERORS SELECTED AND WHAT IS TO BE EVALUATED.—The contracting officer";

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(iii) in clause (ii), as so redesignated, by striking "paragraphs (2), (3), and (4) of section 2305(a)" and inserting "subsections (b), (c), and (d) of section 3206";

(iv) by designating the last sentence in that paragraph as subparagraph (B) and indenting that subparagraph two ems from the left margin; and

(v) in subparagraph (B), as redesignated by clause (iv), by striking "subparagraphs (A) and (B)" and inserting "clauses (i) and (ii) of subparagraph (A)"; and

(E) in paragraph (5)—

(i) by inserting "AWARDING OF CONTRACT.—" before "The agency"; and

(ii) by striking "section 2305(b)(4)" and inserting "section 3303".

(c) TRANSFER OF SECTION 2384A OF TITLE 10.—Section 2384a of such title is transferred to chapter 223 of such title, inserted after section 3241, as transferred and redesignated by subsection (b), redesignated as section 3242, and amended as follows:

(1) SUBSECTION (A).—Subsection (a) is amended—

(A) by striking "(1) An agency" and inserting "QUANTITY TO PROCURE.—"

"(1) An agency";

(B) by striking "section 2303(a)" and inserting "section 3063";

(C) by striking "quantity as (A) will result in" and inserting "quantity as—

"(A) will result in";

(D) by striking "where practicable, and (B) does not" "where practicable; and

"(B) does not"; and

(E) by indenting paragraph (2) two ems from the left margin.

(2) SUBSECTION (B).—Subsection (b) is amended by inserting "OPINION OF OFFEROR WITH RESPECT TO QUANTITY TO BE PROCURED.—" before "Each solicitation for".

(d) TRANSFER OF SECTION 2319 OF TITLE 10.—Section 2319 of such title is transferred to chapter 223 of such title, inserted after section 3242, as transferred and redesignated by subsection (c), redesignated as section 3243, and amended as follows:

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 3243. Encouragement of new competitors: qualification requirement".

(2) SUBSECTION (A).—Subsection (a) is amended by inserting "QUALIFICATION REQUIREMENT DEFINED.—" before "In this section".

(3) SUBSECTION (B).—Subsection (b) is amended—

(A) by inserting "ACTIONS BEFORE ESTABLISHING QUALIFICATION REQUIREMENT.—" before "Except as provided"; and

(B) in paragraph (5), by striking "clause (4)" and inserting "paragraph (4)".

(4) SUBSECTION (C).—Subsection (c) is amended—

(A) by striking "(1) Subsection (b) of this section" and inserting "APPLICABILITY, WAIVER AUTHORITY, AND REFERRAL OF OFFERS.—
"(1) APPLICABILITY.—Subsection (b)";

(B) by indenting paragraphs (2) through (6) two ems from the left margin;

(C) in paragraph (2)—

(i) by striking "(A) Except as provided in subparagraph (B)," and inserting "WAIVER AUTHORITY.—
"(A) SUBMISSION OF DETERMINATION OF UNREASONABLENESS.—Except as provided in subparagraph (C),";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by designating the second sentence of subparagraph (A) as subparagraph (B);

(iv) in subparagraph (B), as so designated, by inserting "AUTHORITY TO GRANT WAIVER.—" before "After considering"; and

(v) in subparagraph (C), as redesignated by clause (ii), by inserting "INAPPLICABILITY TO QUALIFIED PRODUCTS LIST.—" before "The waiver";

(D) in paragraph (3), by inserting "SUBMISSION AND CONSIDERATION OF OFFER NOT TO BE DENIED IN CERTAIN CASES.—" before "A potential offeror";

(E) in paragraph (4), by inserting "REFERRAL TO SMALL BUSINESS ADMINISTRATION.—" before "Nothing contained in this";

(F) in paragraph (5), by inserting "DELAY OF PROCUREMENT NOT REQUIRED.—" before "The head of"; and

(G) in paragraph (6), by inserting "REQUIREMENTS BEFORE ENFORCEMENT OF CERTAIN LISTS.—" before "The requirements of".

(5) SUBSECTION (D).—Subsection (d) is amended—

(A) by striking "(1) If the number of" and inserting "FEWER THAN 2 ACTUAL MANUFACTURERS.—
"(1) SOLICITATION AND TESTING OF ADDITIONAL SOURCES OR PRODUCTS.—If the number of";

(B) by redesignating paragraph (2) as paragraph (3), indenting that paragraph two ems from the left margin, and inserting "CERTIFICATION REQUIRED.—" before "The head of";

(C) in paragraph (1)(B)—

(i) by inserting "subject to paragraph (2)," before "bear the cost of"; and

(ii) by striking "that requirement, but such costs may be borne" and inserting "that requirement.";

(D) by designating as paragraph (2) the text of paragraph (1)(B), as so amended, that begins "only if the head of the agency";

(E) in paragraph (2), as designated by subparagraph (D), by inserting "CERTIFICATION WHEN AGENCY MAY BEAR COST.—Costs may be borne under paragraph (1)(B)" before "only if"; and

(F) by moving subparagraphs (A) and (B) of paragraph (1) (as amended) two ems to the right.

(6) SUBSECTION (E).—Subsection (e) is amended by inserting "EXAMINATION AND REVALIDATION OF QUALIFICATION REQUIREMENT.—" before "Within seven years".

(7) SUBSECTION (F).—Subsection (f) is amended by inserting "RESTRICTION ON ENFORCEMENT.—" before "Except in an".

(e) TRANSFER OF SECTION 2381.—Section 2381 of title 10, United States Code, is transferred to chapter 223 of such title, as added by this section, inserted after section 3243, as transferred and redesignated by subsection (d), and redesignated as section 3247.

(f) TRANSFER OF SECTION 2318.—Section 2318 of title 10, United States Code, is transferred to chapter 223 of such title, as added by this section, inserted after section 3247, as transferred and redesignated by subsection (e), redesignated as section 3249, and amended by striking "section 2303(a)" and inserting "section 3063".

(g) TRANSFER OF SECTION 2339A.—Section 2339a of such title is transferred to chapter 223 of such title, inserted after section 3249, as added by subsection (f), redesignated as section 3252, and amended—

(1) in subsection (b)(3)(A), by striking "section 2304(f)(3)" and inserting "section 3204(e)(2)";

(2) in subsection (e)(2)(A), by striking "section 2319" and inserting "section 3243"; and

(3) in subsection (e)(3)—

(A) in subparagraph (A), by striking "section 2305(a)(1)(C)(ii)" and "section 2305(a)(2)(A)" and inserting "section 3206(a)(3)(B)" and "section 3206(b)(1)", respectively; and

(B) in subparagraph (B), by striking "section 2304c(d)(3)" and inserting "section 3406(d)(3)".

(h) PLACEHOLDER FOR CHAPTER FOR PROVISIONS RELATING TO PLANNING AND SOLICITATIONS RELATING TO PARTICULAR ITEMS OR SERVICES.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 223, as added by this section, the following new chapter:

"CHAPTER 225—PLANNING AND SOLICITATION RELATING TO PARTICULAR ITEMS OR SERVICES

10 USC prec. 3301.

"Sec.
"3271. [Reserved].".

Subtitle C—Contracting Methods and Contract Types

SEC. 1816. AWARDING OF CONTRACTS.

(a) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of Public Law 115–232), of title 10, United States Code, are amended by striking the items relating to chapters 241 and 243 and inserting the following:

10 USC prec. 101, prec. 3001.

"241. Awarding of Contracts 3301
"242. Specific Types of Contracts 3321
"243. Other Matters Relating to Awarding and Types of Contracts 3341
"244. Undefinitized Contractual Actions ..... 3371".

(b) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapters 241 and 243 and inserting the following:

10 USC prec. 3301, prec. 3351.

10 USC prec. 3301.

"CHAPTER 241—AWARDING OF CONTRACTS

"Sec.
"3301. Basis of award and rejection.
"3302. Sealed bids.
"3303. Competitive proposals.
"3304. Post-award debriefings.
"3305. Pre-award debriefings.
"3306. Encouragement of alternative dispute resolution.
"3307. Antitrust violations.
"3308. Protests.
"3309. Prohibition on release of contractor proposals.".

(c) TRANSFER OF SUBSECTION (B) OF SECTION 2305.—

(1) TRANSFER.—Subsection (b) of section 2305 of title 10, United States Code, is transferred to chapter 241 of such title, as amended by subsection (b), inserted after the table of sections, and amended by striking the subsection designation.

(2) INSERTION OF SECTION HEADINGS.—Such chapter is further amended—

(A) by inserting before paragraph (1) the following:

10 USC 3301. **"§ 3301. Basis of award and rejection";**

(B) by inserting before paragraph (3) the following:

10 USC 3302. **"§ 3302. Sealed bids";**

(C) by inserting before paragraph (4) the following:

10 USC 3303. **"§ 3303. Competitive proposals";**

(D) by inserting before paragraph (5) the following:

10 USC 3304. **"§ 3304. Post-award debriefings";**

(E) by inserting before paragraph (6) the following:

10 USC 3305. **"§ 3305. Pre-award debriefings";**

(F) by inserting before paragraph (8) the following:

10 USC 3306. **"§ 3306. Encouragement of alternative dispute resolution"; and**

(G) by inserting before paragraph (9) the following:

10 USC 3307. **"§ 3307. Antitrust violations".**

(3) AMENDMENTS TO NEW 3301.—Section 3301 of such title, as designated by paragraph (2), is amended—

(A) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively;

(B) in subsection (a), as so redesignated, by inserting "AWARD.—" before "The head of"; and

(C) in subsection (b), as so redesignated, by inserting "REJECTION.—" before "All sealed bids".

(4) AMENDMENTS TO NEW 3302.—Section 3302 of such title, as designated by paragraph (2), is amended—

(A) by redesignating paragraph (3) as subsection (a);

(B) by designating the second and third sentences as subsections (b) and (c), respectively;

(C) in subsection (a), as so redesignated, by inserting "OPENING OF BIDS.—" before "Sealed bids shall be";

(D) in subsection (b), as so designated—

(i) by inserting "CRITERIA FOR AWARDING CONTRACT.—" before "The head of the agency";

(ii) by striking "paragraph (1)" and inserting "section 3301(a) of this title"; and

(iii) by striking "paragraph (2)" and inserting "section 3301(b) of this title"; and

(E) in subsection (c), as so designated, by inserting "NOTICE OF AWARD.—" before "The award of".

(5) AMENDMENTS TO NEW 3303.—Section 3303 of such title, as designated by paragraph (2), is amended—

(A) by striking the paragraph designation;

(B) redesignating subparagraphs (A), (B), and (C) as subsections (a), (b), and (c), respectively;

(C) by designating the second sentence of subsection (c), as so redesignated, as subsection (d);

(D) in subsection (a), as so redesignated—

(i) by inserting "EVALUATION AND AWARD.—" before "The head of";

(ii) by striking "paragraph (1)" and inserting "section 3301(a) of this title"; and

(iii) by redesignating clauses (i) and (ii) as paragraphs (1) and (2), respectively;

(E) in subsection (b), as so redesignated—

(i) by inserting "LIMIT ON NUMBER OF PROPOSALS.—" before "If the contracting officer"; and

(ii) by striking "subparagraph (A)(i)" and inserting "subsection (a)(1)";

(F) in subsection (c), as so redesignated—

(i) by inserting "CRITERIA FOR AWARDING CONTRACT.—" before "Except as provided in"; and

(ii) by striking "paragraph (2)" and inserting "section 3301(b) of this title"; and

(G) in subsection (d), as so designated—

(i) by inserting "NOTICE OF AWARD.—" before "The head of"; and

(ii) by striking "This subparagraph" and inserting "This subsection".

(6) AMENDMENTS TO NEW 3304.—Section 3304 of such title, as designated by paragraph (2), is amended—

(A) by striking the paragraph designation;

(B) by redesignating subparagraphs (A), (B), (D), (E), and (F) as subsections (a), (c), (d), (e), and (f), respectively;

(C) by designating the second sentence of subsection (a), as so redesignated, as subsection (b);

(D) by redesignating subparagraph (C) as paragraph (2);

(E) in subsection (a), as so redesignated, by inserting "REQUEST FOR DEBRIEFING.—" before "When a";

(F) in subsection (b), as designated by subparagraph (C), by inserting "WHEN DEBRIEFING TO BE CONDUCTED.—" before "The head of";

(G) in subsection (c), as so redesignated by subparagraph (B)—

(i) by inserting "INFORMATION TO BE PROVIDED.—(1)" before "The debriefing shall include";

(ii) by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively; and

(iii) in paragraph (2), as redesignated by subparagraph (D), by striking "subparagraph (B)(vii)" and inserting "paragraph (1)(G)";

(H) in subsection (d), as so redesignated, by inserting "INFORMATION NOT TO BE INCLUDED.—" before "The debriefing";

(I) in subsection (e), as so redesignated—

(i) by inserting "INCLUSION OF STATEMENT IN SOLICITATION.—" before "Each solicitation"; and

(ii) by striking "subparagraph (B)" and inserting "subsection (c)";

(J) in subsection (f), as so redesignated—

(i) by inserting "AFTER SUCCESSFUL PROTEST.—" before "If, within one year"; and

(ii) by redesignating clauses (i) and (ii) as paragraphs (1) and (2), respectively; and

(K) by adding at the end a new subsection (g) with the same heading and text as subsection (f) of section 3305 of such title, as amended by paragraph (7)(J).

(7) AMENDMENTS TO NEW 3305.—Section 3305 of such title, as designated by paragraph (2), is amended—

(A) by striking "(6)";

(B) by redesignating paragraph (7) as subsection (f);

(C) redesignating subparagraphs (A), (B), (C), and (D) as subsections (a), (c), (d), and (e), respectively;

(D) by designating the second sentence of subsection (a), as so redesignated, as subsection (b);

(E) in subsection (a), as so redesignated, by inserting "REQUEST FOR DEBRIEFING.—" before "When the";

(F) in subsection (b), as designated by subparagraph (D), by inserting "WHEN DEBRIEFING TO BE CONDUCTED.—" before "The contracting officer";

(G) in subsection (c), as so redesignated—

(i) by inserting "PRECONDITION FOR POST-AWARD DEBRIEFING.—" before "The contracting officer";

(ii) by striking "paragraph (5)" and inserting "section 3304 of this title" ; and

(iii) by striking "subparagraph (A)" and inserting "subsections (a) and (b)";

(H) in subsection (d), as so redesignated—

(i) by inserting "INFORMATION TO BE PROVIDED.—" before "The debriefing";

(ii) by striking "subparagraph (A)" and inserting "subsections (a) and (b)"; and

(iii) by redesignating clauses (i), (ii), and (iii) as paragraphs (1), (2), and (3), respectively;

(I) in subsection (e), as so redesignated—

(i) by inserting "INFORMATION NOT TO BE DISCLOSED.—" before "The debriefing"; and

(ii) by striking "subparagraph (A)" and inserting "subsections (a) and (b)"; and

(J) in subsection (f), as redesignated by subparagraph (B)—

(i) by inserting "SUMMARY TO BE INCLUDED IN FILE.—" before "The contracting officer"; and

(ii) by striking "under paragraph (5) or (6)" and inserting "this section".

(8) AMENDMENT TO NEW 3306.—Section 3306 of such title, as designated by paragraph (2), is amended by striking the paragraph designation.

(9) AMENDMENT TO NEW 3307.—Section 3307 of such title, as designated by paragraph (2), is amended by striking the paragraph designation.

(d) NEW SECTIONS.—Such chapter is further amended by adding at the end the following new sections:

"§ 3308. Protests 10 USC 3308.

"§ 3309. Prohibition on release of contractor proposals". 10 USC 3309.

(e) TRANSFER OF SUBSECTIONS (E) AND (F) OF SECTION 2305.—

(1) TRANSFER.—Subsections (e) and (f) of section 2305 of title 10, United States Code, are transferred to section 3308 of such title, as added by subsection (d), inserted after the section heading, and redesignated as subsections (a) and (b), respectively.

(2) AMENDMENT TO NEW 3308(A).—Subsection (a) of such section 3308, as redesignated by paragraph (1), is amended—

(A) by striking "FILE.—(1) If, in the" and inserting "FILE.—

"(1) ESTABLISHMENT AND ACCESS.—If, in the";

(B) in paragraph (2), by inserting "REDACTED INFORMATION.—" before "Information exempt"; and

(C) by realigning paragraph (2) 2 ems to the right.

(f) TRANSFER OF SUBSECTION (G) OF SECTION 2305.—

(1) TRANSFER AND INTERNAL REDESIGNATIONS.—Subsection (g) of section 2305 of title 10, United States Code, is transferred to section 3309 of such title, as added by subsection (d), inserted after the section heading, and amended—

(A) by striking the subsection designation and heading;

(B) by redesignating paragraphs (1), (2), and (3) as subsections (b), (c), and (a), respectively; and

(C) by transferring subsection (a), as so redesignated, within that section so as to appear before subsection (b), as so redesignated.

(2) AMENDMENT TO NEW 3309(A).—Subsection (a) of such section 3309, as redesignated and transferred by paragraph (1), is amended by striking "In this subsection," and inserting "DEFINITION.—In this section,".

(3) AMENDMENTS TO NEW 3309(B).—Subsection (b) of such section 3309, as redesignated by paragraph (1), is amended—

(A) by inserting "PROHIBITION.—" before "Except as provided in";

(B) by striking "paragraph (2)," and inserting "subsection (c),"; and

(C) by striking "section 2303" and inserting "section 3063".

(4) AMENDMENTS TO NEW 3309(C).—Subsection (c) of such section 3309, as redesignated by paragraph (1), is amended by striking "Paragraph (1)" and inserting "INAPPLICABILITY.—Subsection (b)".

SEC. 1817. SPECIFIC TYPES OF CONTRACTS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 241, as added by the preceding section, the following new chapter:

10 USC prec. 3321.

"CHAPTER 242—SPECIFIC TYPES OF CONTRACTS

"Sec.
"3321. Contracts awarded using procedures other than sealed-bid procedures.
"3322. Cost contracts.
"3323. Cost-plus contracting prohibited for military construction and military family housing projects.
"3324. Preference for fixed-price contracts.

10 USC 3321. **"§ 3321. Contracts awarded using procedures other than sealed-bid procedures**

10 USC 3322. **"§ 3322. Cost contracts**

10 USC 3323. **"§ 3323. Cost-plus contracting prohibited for military construction and military family housing projects**

10 USC 3324. **"§ 3324. Preference for fixed-price contracts**

"[Reserved].".

(b) TRANSFER OF SUBSECTIONS (A) AND (B) OF SECTION 2306.—Subsections (a) and (b) of section 2306 of title 10, United States Code, are transferred to section 3321 of such title, as added by subsection (a), and inserted after the section heading.

(c) TRANSFER OF FIRST SENTENCE OF SUBSECTION (A).—The first sentence of such subsection (a) is further transferred to section 3322 of such title, as added by subsection (a), inserted after the section heading, and designated as subsection (a).

(d) AMENDMENTS TO NEW 3321.—

(1) NEW 3321(A).—Subsection (a) of such section 3321 (as amended by subsection (c)) is amended—

(A) by inserting "AUTHORIZED TYPES.—" before "Subject to";

(B) by striking "the preceding sentence" and inserting "section 3322(a) of this title";

(C) by striking "this section" and inserting "this chapter"; and

(D) by striking "under this chapter" and inserting "under chapter 137 legacy provisions".

(2) NEW 3321(B).—Subsection (b) of such section 3321 is amended—

(A) by striking "Each contract awarded" and inserting "REQUIRED WARRANTY.—
"(1) CONTENT.—Each contract awarded";

(B) by striking "under this chapter" and inserting "under chapter 137 legacy provisions";

(C) by striking "maintained by him" and inserting "maintained by the contractor";

(D) by designating the second and third sentences as paragraphs (2) and (3), respectively, and realigning those paragraphs 2 ems to the right;

(E) in paragraph (2), as so designated—

(i) by inserting "REMEDY FOR BREAKING WARRANTY.—" before "If a contractor"; and

(ii) by striking "the United States may annul the contract without liability or may deduct" and inserting "the United States—

"(A) may annul the contract without liability; or

"(B) may deduct"; and

(F) in paragraph (3), as so designated—

(i) by inserting "INAPPLICABILITY TO CERTAIN CONTRACTS.—" before "This subsection";

(ii) by striking "does not apply to a contract that is for an amount not greater than the simplified acquisition threshold or to a contract" and inserting "does not apply—

"(A) to a contract that is for an amount not greater than the simplified acquisition threshold; or

"(B) to a contract".

(e) TRANSFER OF SUBSECTIONS (D) AND (E) OF SECTION 2306.—Subsections (d) and (e) of section 2306 of title 10, United States Code, are transferred to section 3322 of such title, as amended by subsections (b) and (c), inserted at the end, and redesignated as subsections (b) and (c), respectively.

(f) AMENDMENTS TO NEW 3322.—

(1) NEW 3322(A).—Subsection (a) of such section 3322, as transferred and designated by subsection (c), is amended by inserting "COST-PLUS-A-PERCENTAGE-OF-COST SYSTEM OF CONTRACTING PROHIBITED.—" before "The cost-plus-a-percentage-of-cost system".

(2) NEW 3322(B).—Subsection (b) of such section 3322, as transferred and redesignated by subsection (e), is amended by inserting "COST-PLUS-A-FIXED-FEE CONTRACTS.—" before "The fee for performing a cost-plus-a-fixed-fee contract for experimental".

(3) NEW 3322(C).—Subsection (c) of such section 3322, as transferred and redesignated by subsection (e), is amended—

(A) by striking "(1) Except as" and inserting "ADVANCE NOTICE OF CERTAIN SUBCONTRACTS.—

"(1) IN GENERAL.—Except as"; and

(B) in paragraph (2)—

(i) by inserting "EXCEPTION.—" before "Paragraph (1)"; and

(ii) by realigning that paragraph 2 ems to the right.

(g) TRANSFER OF SUBSECTION (C) OF SECTION 2306.—

(1) TRANSFER.—Subsection (c) of section 2306 of title 10, United States Code, is transferred to section 3323 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended by designating the second sentence as subsection (b).

(2) AMENDMENT TO NEW 3323(A).—Subsection (a) of such section 3323, as so transferred and redesignated, is amended by inserting "PROHIBITION.—" before "A contract entered into".

(3) AMENDMENTS TO NEW 3323(B).—Subsection (b) of such section 3323, as designated by paragraph (1), is amended—

(A) by striking "This" and inserting "APPLICABILITY.—The";

(B) by striking "prohibition is in addition to the prohibition specified in subsection (a)" and inserting "prohibition specified in subsection (a)—

"(1) is in addition to the prohibition specified in section 3322(a) of this title"; and

(C) by striking "system of contracting and applies notwithstanding" and inserting "system of contracting; and "(2) applies notwithstanding.".

(h) CROSS-REFERENCE AMENDMENT.—Section 2343 of title 10, United States Code, is amended by striking "2306(a), 2306(b), 2306(e)" and inserting "3351, 3352(a), 3352(c)".

SEC. 1818. OTHER MATTERS RELATING TO AWARDING OF CONTRACTS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 242, as added by the preceding section, the following new chapter:

10 USC prec. 3344.

"CHAPTER 243—OTHER MATTERS RELATING TO AWARDING OF CONTRACTS

"Sec.
"3341. [Reserved].
"3342. [Reserved].
"3343. [Reserved].
"3344. Disclosure of identity of contractor.
"3345. Contract authority for advanced development of initial or additional prototype units.".

(b) TRANSFER OF SECTION 2316.—Section 2316 of title 10, United States Code, is transferred to chapter 243 of such title, as added by subsection (a), inserted after the table of sections, and redesignated as section 3344.".

(c) TRANSFER OF SECTION 2302E.—Section 2302e of title 10, United States Code, is transferred to chapter 243 of such title, inserted after section 3344, as transferred and redesignated by subsection (b), redesignated as section 3345, and amended in subsection (a) by striking "section 2302(2)(B)" and inserting "section 3012(2)".

SEC. 1819. UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 243, as added by the preceding section, the following new chapter:

10 USC prec. 3371.

"CHAPTER 244—UNDEFINITIZED CONTRACTUAL ACTIONS

"Sec.
"3371. Undefinitized contractual actions: required description of anticipated effect on military department requirements if use of undefinitized contractual action results in delay.
"3372. Undefinitized contractual actions: requirements and limitations relating to definitization of contractual terms, specifications, and price.
"3373. Undefinitized contractual actions: limitation on inclusion of non-urgent requirements and on modification of scope.
"3374. Undefinitized contractual actions: allowable profit.
"3375. Undefinitized contractual actions: time limit.
"3376. [Reserved].
"3377. Inapplicability to Coast Guard and National Aeronautics and Space Administration; definitions.

"§ 3371. Undefinitized contractual actions: required description of anticipated effect on military department requirements if use of undefinitized contractual action results in delay 10 USC 3371.

"§ 3372. Undefinitized contractual actions: requirements and limitations relating to definitization of contractual terms, specifications, and price 10 USC 3372.

"§ 3373. Undefinitized contractual actions: limitation on inclusion of non-urgent requirements and on modification of scope 10 USC 3373.

"§ 3374. Undefinitized contractual actions: allowable profit 10 USC 3374.

"§ 3375. Undefinitized contractual actions: time limit 10 USC 3375.

"§ 3377. Inapplicability to Coast Guard and National Aeronautics and Space Administration; definitions". 10 USC 3377.

(b) TRANSFER OF SUBSECTION (A) OF SECTION 2326.—Subsection (a) of section 2326 of title 10, United States Code, is transferred to section 3371 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(c) TRANSFER OF SUBSECTIONS (B), (C), AND (H) OF SECTION 2326.—

(1) TRANSFER.—Subsections (b), (c), and (h) of section 2326 of title 10, United States Code, are transferred to section 3372 of such title, as added by subsection (a), inserted (in that order) after the section heading, and redesignated as subsections (a), (b), and (c), respectively.

(2) AMENDMENTS TO NEW 3372(A).—Subsection (a) of such section 3372, as transferred and redesignated by paragraph (1), is amended—

(A) by striking "LIMITATIONS ON OBLIGATION OF FUNDS.—(1) A contracting officer" and inserting "CONTRACTUAL ACTION TO PROVIDE TIME FOR DEFINITIZATION OF CONTRACTUAL TERMS, SPECIFICATIONS, AND PRICE; LIMITATIONS ON OBLIGATION OF FUNDS.—

"(1) TERMS FOR TIME FOR DEFINITIZATION TO BE INCLUDED IN CONTRACTUAL ACTION.—A contracting officer";

(B) by redesignating paragraphs (2) and (3) as subparagraphs (A) and (B), respectively, and realigning those subparagraphs 4 ems to the right;

(C) by inserting before subparagraph (A), as so redesignated and realigned, the following:

"(2) LIMITATION ON OBLIGATION OF FUNDS BEFORE DEFINITIZATION.—";

(D) in such subparagraph (A), as so redesignated, by striking "Except as provided in paragraph (3)," and inserting "50 PERCENT LIMITATION.—Except as provided in subparagraph (B),";

(E) in such subparagraph (B), as so redesignated and realigned—

(i) by inserting "75 PERCENT LIMITATION WHEN CONTRACTOR SUBMITS QUALIFYING PROPOSAL.—" before "If a contractor"; and

(ii) by striking "subsection (h)" and inserting "section 3377(b) of this title";

(F) by redesignating paragraph (4) as paragraph (3) and inserting "WAIVER AUTHORITY.—" in that paragraph before "The head of"; and

(G) by redesignating paragraph (5) as paragraph (4) and inserting "INAPPLICABILITY WITH RESPECT TO PURCHASE OF INITIAL SPARES.—" in that paragraph before "This subsection does not".

(3) AMENDMENT TO NEW 3372(B).—Subsection (b) of such section 3372, as transferred and redesignated by paragraph (1), is amended by striking "subsection (b)(1)" and inserting "subsection (a)(1)".

(4) AMENDMENTS TO NEW 3372(C).—Subsection (c) of such section 3372, as transferred and redesignated by paragraph (1), is amended—

(A) by striking "CONTRACTS.—(1) Except as provided in" and inserting "CONTRACTS.—

"(1) 180-DAY REQUIREMENT.—Except as provided in";

(B) by striking "subsection (b)(1)(A)" and inserting "subsection (a)(1)(A)";

(C) by realigning paragraph (2) 2 ems to the right; and

(D) in paragraph (2)—

(i) by inserting "WAIVER AUTHORITY.—" before "The requirement"; and

(ii) by striking "subsection (b)(4)" and inserting "subsection (a)(3)".

(d) TRANSFER OF SUBSECTIONS (D) AND (E) OF SECTION 2326.—Subsections (d) and (e) of section 2326 of title 10, United States Code, are transferred to section 3373 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsections (a) and (b), respectively.

(e) TRANSFER OF SUBSECTION (F) OF SECTION 2326.—

(1) TRANSFER.—Subsection (f) of section 2326 of title 10, United States Code, is transferred to section 3374 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively.

(2) AMENDMENTS TO NEW 3374(A).—Subsection (a) of such section 3374, as so transferred and redesignated, is amended—

(A) by inserting "ALLOWED PROFIT TO REFLECT CERTAIN REDUCED COST RISKS OF CONTRACTOR.—" before "The head of an agency"; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) AMENDMENT TO NEW 3374(B).—Subsection (b) of such section 3374, as so transferred and redesignated, is amended by inserting "DATE AS OF WHICH CONTRACTOR COST RISK TO BE DETERMINED.—" before "If a contractor".

(f) TRANSFER OF SUBSECTION (G) OF SECTION 2326.—Subsection (g) of section 2326 of title 10, United States Code, is transferred to section 3375 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(g) TRANSFER OF SUBSECTIONS (I) AND (J) OF SECTION 2326.—Subsections (i) and (j) of section 2326 of title 10, United States Code, are transferred to section 3377 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsections (a) and (b), respectively, and amended by striking "section" in each such subsection and inserting "chapter".

SEC. 1820. TASK AND DELIVERY ORDER CONTRACTS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 245 and inserting the following:

10 USC prec. 3401.

"CHAPTER 245—TASK AND DELIVERY ORDER CONTRACTS (MULTIPLE AWARD CONTRACTS)

10 USC prec. 3401.

"Sec.
"3401. Task and delivery order contracts: definitions.
"3402. [Reserved].
"3403. Task and delivery order contracts: general authority.
"3404. Guidance on use of task and delivery order contracts.
"3405. Task order contracts: advisory and assistance services.
"3406. Task and delivery order contracts: orders.".

(b) TRANSFER OF SECTION 2304D.—

(1) TRANSFER.—Section 2304d of title 10, United States Code, is transferred to chapter 245 of such title, as amended by subsection (a), inserted after the table of sections, redesignated as section 3401, and amended by striking "In sections 2304a, 2304b, and 2304c of this title" and inserting "In this chapter".

(2) ORDER OF DEFINITION PARAGRAPHS.—Paragraphs (1) and (2) of such section 3401, as so transferred and redesignated, are reversed in order and redesignated accordingly.

(3) AMENDMENTS TO NEW 3401(1).—Paragraph (1) of such section, as so redesignated, is amended—

(A) by inserting "DELIVERY ORDER CONTRACT.—" before "The term";

(B) by striking "for property that does not" and inserting "for property—

"(A) that does not"; and

(C) by striking "quantity) and that provides for" and inserting "quantity); and

"(B) that provides for".

(4) AMENDMENTS TO NEW 3401(2).—Paragraph (2) of such section, as so redesignated, is amended—

(A) by inserting "TASK ORDER CONTRACT.—" before "The term";

(B) by striking "for services that does not" and inserting "for services—

"(A) that does not"; and

(C) by striking "quantity) and that provides for" and inserting "quantity); and

"(B) that provides for".

(c) TRANSFER OF SECTION 2304A.—

(1) TRANSFER.—Section 2304a of title 10, United States Code, is transferred to chapter 245 of such title, as amended by subsection (a), inserted after section 3401, as transferred

and redesignated by subsection (b), and redesignated as section 3403.

(2) AMENDMENTS TO NEW 3403(A).—Subsection (a) of such section, as so redesignated, is amended—

(A) by striking "section 2304c" and inserting "section 3406"; and

(B) by striking "section 2304d" and inserting "section 3401".

(3) AMENDMENTS TO NEW 3403(C).—Subsection (c) of such section, as so redesignated, is amended—

(A) by striking "section only if an exception" and inserting "only if—

"(1) an exception";

(B) by striking "subsection (c) of section 2304" and inserting "subsection (a) of section 3204";

(C) by striking "the contract and the use of such" and inserting "the contract; and

"(2) the use of such"; and

(D) by striking "subsection (f)" and inserting "subsection (e)".

(4) AMENDMENTS TO NEW 3403(D).—Subsection (d) of such section, as so redesignated, is amended—

(A) by striking "CONTRACT AWARDS.—(1) The head of an agency" and inserting "CONTRACT AWARDS.—

"(1) EXERCISE OF AUTHORITY.—The head of an agency".

(B) in paragraph (2)—

(i) by inserting "DETERMINATION NOT REQUIRED.—" before "No determination"; and

(ii) by striking "section 2304(b)" and inserting "section 3203";

(C) in paragraph (3)—

(i) by striking "(A) Except as" and inserting "WHEN SINGLE SOURCE AWARDS FOR TASK OR DELIVERY ORDER CONTRACTS EXCEEDING $100,000,000 ARE ALLOWED.—(A) Except as"; and

(ii) in subparagraph (B), by striking "section 2304(c)" and inserting "section 3204(a)"; and

(D) in paragraph (4), by inserting "REGULATIONS.—" before "The regulations".

(5) AMENDMENTS TO NEW 3403(G).—Subsection (g) of such section, as so redesignated, is amended by striking "section 2304b" and inserting "section 3405".

(d) TRANSFER OF SECTION 2304B.—

(1) TRANSFER.—Section 2304b of title 10, United States Code, is transferred to chapter 245 of such title, as amended by subsection (a), inserted after section 3403, as transferred and redesignated by subsection (c), and redesignated as section 3405.

(2) INTERNAL REDESIGNATIONS.—Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of such section are redesignated as subsections (b), (c), (d), (e), (f), (g), (h), (i), and (a), respectively, and subsection (a), as so redesignated, is transferred to the beginning of such section so as to appear after the section heading.

(3) AMENDMENTS TO NEW 3405(B).—Subsection (b) of such section, as so redesignated, is amended—

(A) by striking "section 2304c" and inserting "section 3406"; and

(B) by striking "section 2304d" and inserting "section 3401".

(4) AMENDMENTS TO NEW 3405(E).—Subsection (e) of such section, as so redesignated, is amended—

(A) by striking "AND CONTRACT.—(1) The solicitation" and inserting "AND CONTRACT.—

"(1) SOLICITATION.—The solicitation";

(B) by striking "section 2304a(b)" and inserting "3403(b)"; and

(C) by realigning paragraph (2) 2 ems to the right and inserting "CONTRACT.—" in that paragraph before "A task order".

(5) AMENDMENTS TO NEW 3405(F).—Subsection (f) of such section, as so redesignated, is amended—

(A) by striking "MULTIPLE AWARDS.—(1) The head of an agency" and inserting "MULTIPLE AWARDS.—

"(1) AUTHORITY TO MAKE MULTIPLE AWARDS.—The head of an agency".

(B) by realigning paragraphs (2) and (3) 2 ems to the right;

(C) by inserting "CONTENT OF SOLICITATION.—" in paragraph (2) before "If, in the case of"; and

(D) by inserting "NONAPPLICATION.—" in paragraph (3) before "Paragraph (2) does not".

(6) AMENDMENTS TO NEW 3405(G).—Subsection (g) of such section, as so redesignated, is amended—

(A) by striking "CONTRACT MODIFICATIONS.—(1) A task order may not" and inserting "CONTRACT MODIFICATIONS.—

"(1) INCREASE IN SCOPE, PERIOD, OR MAXIMUM VALUE OF CONTRACT ONLY BY MODIFICATION OF CONTRACT.—A task order may not".

(B) by realigning paragraphs (2) and (3) 2 ems to the right;

(C) in paragraph (2)—

(i) by inserting "USE OF COMPETITIVE PROCEDURES.—" before "Unless use of";

(ii) by striking "subsection (c) of section 2304" and inserting "subsection (a) of section 3204"; and

(iii) by striking "subsection (f)" and inserting "subsection (e)"; and

(D) in paragraph (3), by inserting "NOTICE.—" before "Notice regarding".

(7) AMENDMENTS TO NEW 3405(H).—Subsection (h) of such section, as so redesignated, is amended—

(A) by striking "CONTRACT EXTENSIONS.—(1) Notwithstanding the limitation" and inserting "CONTRACT EXTENSIONS.—

"(1) WHEN CONTRACT MAY BE EXTENDED.—Notwithstanding the limitation";

(B) in paragraph (1), by striking "subsection (b)" and "subsection (e)" and inserting "subsection (c)" and "subsection (f)", respectively; and

(C) by realigning paragraph (2) 2 ems to the right and inserting "LIMIT OF ONE EXTENSION.—" in that paragraph before "A task order contract".

(e) TRANSFER OF SECTION 2304c.—

(1) TRANSFER.—Section 2304c of title 10, United States Code, is transferred to chapter 245 of such title, as amended by subsection (a), inserted after section 3405, as transferred and redesignated by subsection (d), and redesignated as section 3406.

(2) INTERNAL REDESIGNATIONS.—Subsections (a), (b), (c), (e), (f), and (g) of such section are redesignated as subsections (b), (c), (e), (f), (g), and (a), respectively, subsection (a), as so redesignated, is transferred to the beginning of such section so as to appear after the section heading, and subsection (e), as so redesignated, is transferred within such section so as to appear after subsection (d).

(3) AMENDMENTS TO NEW 3406(A).—Subsection (a) of such section, as so transferred and redesignated, is amended by striking "sections 2304a and 2304b" and inserting "sections 3403 and 3405".

(4) AMENDMENT TO NEW 3406(B).—Paragraph (2) of subsection (b) of such section, as so transferred and redesignated, is amended—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "section 2304(f)" and inserting "section 3204(e)".

(5) AMENDMENTS TO NEW 3406(C).—Subsection (c) of such section, as so transferred and redesignated, is amended—

(A) by striking "section 2304a(d)(1) or 2304b(c)" and inserting "section 3403(d)(1)(B) or 3405(f)"; and

(B) by striking "section 2304(c)" in paragraph (5) and inserting "section 3204(a)".

(6) AMENDMENTS TO NEW 3406(D).—Subsection (d) of such section is amended—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "section 2305(b)(5)" in paragraph (5) and inserting "section 3304".

(7) AMENDMENTS TO NEW 3406(G).—Subsection (g) of such section is amended—

(A) by striking "OMBUDSMAN.—Each head of an agency" and inserting "OMBUDSMAN.—

"(1) APPOINTMENT OR DESIGNATION AND RESPONSIBILITIES.—Each head of an agency".

(B) by striking "section 2304a(d)(1)(B) or 2304b(e)" and inserting "section 3403(d)(1)(B) or 3405(f)";

(C) by striking "subsection (b)" and inserting "subsection (c)"; and

(D) by designating the second sentence as paragraph (2) and inserting "WHO IS ELIGIBLE.—" in that paragraph before "The task and delivery order".

SEC. 1821. ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES.

(a) TRANSFER OF CHAPTER 140.—

(1) TRANSFER OF CHAPTER.—Chapter 140 of title 10, United States Code, is transferred to part V of subtitle A of that title 10, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law

10 USC prec. 3451.

115–232), inserted in place of chapter 247 as enacted by that section, and redesignated as chapter 247.

(2) REDESIGNATION OF SECTIONS.—Sections in chapter 247 of title 10, United States Code, as transferred and redesignated by paragraph (1), are redesignated as follows:

Old Section No.	New Section No.
2375	3452
2376	3451
2377	3453
2379	3455
2380	3456
2380a	3457

(3) TABLE OF SECTIONS.—The items in the table of sections at the beginning of such chapter are amended to conform to the redesignations made by paragraph (2). 10 USC prec. 3451.

(4) TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 140. 10 USC prec. 101, prec. 2201.

(b) AMENDMENTS TO TRANSFERRED SECTIONS.—

(1) SECTION 3451.—

(A) Section 3451 of title 10, United States Code, as redesignated by subsection (a)(2), is transferred within chapter 247 of such title so as to appear after the table of sections at the beginning of such chapter (and before section 3452 as so redesignated).

(B) The table of sections at the beginning of such chapter is amended to conform to the transfer made by subparagraph (A). 10 USC prec. 3451.

(2) SECTION 3452.—Section 3452 of such title, as redesignated by subsection (a)(2), is amended by striking "section 2533a" and "section 2533b" in subsection (e)(2) and inserting "section 4862" and "section 4863", respectively.

(3) SECTION 3453.—Section 3453 of such title, as redesignated by subsection (a)(2), is amended by striking "section 2379" in subsection (d)(1) and inserting "section 3455".

(4) SECTION 3455.—Section 3455 of such title, as redesignated by subsection (a)(2), is amended by striking "section 2306a" in subsection (c)(1) and inserting "chapter 271".

(5) SECTION 3456.—Section 3456 of such title, as redesignated by subsection (a)(2), is amended by striking "section 2306a(b)(4)(B)" in subsection (b)(2)(B)(i) and inserting "section 3703(d)(2)".

(6) SECTION 3457.—Section 3457 of such title, as redesignated by subsection (a)(2), is amended—

(A) by striking "section 2376(1)" in subsections (a) and (b) and inserting "section 3451(1)"; and

(B) by striking "section 2302(9)" in subsections (a) and (b) and inserting "section 3014".

(7) SECTION INCORPORATED INTO SECTION 3457.—Such chapter is further amended—

(A) by striking the heading of the final section of such chapter, as transferred by subsection (a);

(B) in the text following such heading, by striking "Notwithstanding section 2376(1)" and inserting "(c) COMMINGLED ITEMS PURCHASED BY CONTRACTORS.—Notwithstanding section 3451(1)"; and

10 USC prec. 3451.

(C) in the table of sections at the beginning of the chapter, by striking the final item.

SEC. 1822. MULTIYEAR CONTRACTS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 249 and inserting the following:

10 USC prec. 3501.

10 USC prec. 3501.

"CHAPTER 249—MULTIYEAR CONTRACTS

"Subchapter Sec.
"I. Multiyear Contracts for Acquisition of Property 3501
"II. Multiyear Contracts for Acquisition of Services 3531
"III. Other Authorities Relating to Multiyear Contracts 3551

10 USC prec. 3501.

"SUBCHAPTER I—MULTIYEAR CONTRACTS FOR ACQUISITION OF PROPERTY

"Sec.
"3501. Multiyear contracts for acquisition of property: authority; definitions.
"3502. Multiyear contracts for acquisition of property: regulations.
"3503. Multiyear contracts for acquisition of property: contract cancellation or termination.
"3504. Multiyear contracts for acquisition of property: participation by subcontractors, vendors, and suppliers.
"3505. Multiyear contracts for acquisition of property: protection of existing authority.
"3506. Department of Defense contracts: acquisition of weapon systems.
"3507. Department of Defense contracts: defense acquisitions specifically authorized by law.
"3508. Department of Defense contracts: notice to congressional committees before taking certain actions.
"3509. Department of Defense contracts: multiyear contracts with value in excess of $500,000,000.
"3510. Department of Defense contracts: additional matters with respect to multiyear defense contracts.
"3511. Increased funding and reprogramming requests.

"§ 3501. Multiyear contracts for acquisition of property: authority; definitions 10 USC 3501.

"§ 3502. Multiyear contracts for acquisition of property: regulations 10 USC 3502.

"§ 3503. Multiyear contracts for acquisition of property: contract cancellation or termination 10 USC 3503.

"§ 3504. Multiyear contracts for acquisition of property: participation by subcontractors, vendors, and suppliers 10 USC 3504.

"§ 3505. Multiyear contracts for acquisition of property: protection of existing authority 10 USC 3505.

"§ 3506. Department of defense contracts: acquisition of weapon systems 10 USC 3506.

"§ 3507. Department of defense contracts: defense acquisitions specifically authorized by law 10 USC 3507.

"§ 3508. Department of defense contracts: notice to congressional committees before taking certain actions 10 USC 3508.

"§ 3509. Department of defense contracts: multiyear contracts with value in excess of $500,000,000 10 USC 3509.

"§ 3510. Department of defense contracts: additional matters with respect to multiyear defense contracts 10 USC 3510.

"§ 3511. Increased funding and reprogramming requests". 10 USC 3511.

(b) TRANSFER OF SUBSECTION (A) OF SECTION 2306B.—

(1) TRANSFER.—Subsection (a) of section 2306b of title 10, United States Code, is transferred to section 3501 of such title, as added by subsection (a), and inserted after the section heading.

(2) CONFORMING CROSS-REFERENCE AMENDMENT.—Paragraph (7) of such subsection (a), as so transferred, is amended by striking "subparagraphs (C) through (F) of subsection (i)(3)" and inserting "paragraphs (3) through (6) of section 3507(c) of this title".

(c) TRANSFER OF SUBSECTION (K) OF SECTION 2306B.—

(1) TRANSFER.—Subsection (k) of section 2306b of title 10, United States Code, is transferred to section 3501 of such title, as added by subsection (a), and inserted after subsection (a), as transferred by subsection (b), and redesignated as subsection (b).

(2) CONFORMING AMENDMENT.—Such subsection (b), as so transferred and redesignated, is amended by striking "this section" and inserting "this subchapter".

(d) TRANSFER OF SUBSECTION (B) OF SECTION 2306B.—

(1) TRANSFER AND INTERNAL REDESIGNATIONS.—Subsection (b) of section 2306b of title 10, United States Code, is transferred to section 3502 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and heading; and

(B) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively.

(2) AMENDMENTS TO NEW 3502(A).—Subsection (a) of such section, as so redesignated, is amended—

(A) by inserting "REQUIREMENT.—" before "Each official named";

(B) by striking "paragraph (2)" and inserting "subsection (b)"; and

(C) by striking "subsection (a)" and inserting "section 3501 of this title".

(3) AMENDMENTS TO NEW 3502(B).—Subsection (b) of such section, as so redesignated, is amended—

(A) by striking "(A) The Secretary of Defense" and inserting "OFFICIALS SPECIFIED TO PRESCRIBE REGULATIONS.—

"(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense";

(B) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and realigning those paragraphs 2 ems to the right;

(C) in paragraph (2), as so redesignated, by inserting "COAST GUARD.—" before "The Secretary of Homeland"; and

(D) in paragraph (3), as so redesignated, by inserting "NASA.—" before "The Administrator of".

(e) TRANSFER OF SUBSECTIONS (C), (F), AND (G) OF SECTION 2306B.—

(1) TRANSFER.—Subsections (c), (f), and (g) of section 2306b of title 10, United States Code, are transferred to section 3503 of such title, as added by subsection (a), inserted (in that order) after the section heading, and redesignated as subsections (a), (b), and (c), respectively.

(2) AMENDMENT TO NEW 3503(A).—Subsection (a) of such section 3503, as transferred and redesignated by paragraph (1), is amended by inserting "under section 3502 of this title" after "The regulations".

(3) AMENDMENT TO NEW 3503(B).—Subsection (b) of such section 3503, as transferred and redesignated by paragraph (1), is amended by striking "under this section" and inserting "under this subchapter".

(4) AMENDMENTS TO NEW 3503(C).—Subsection (c) of such section 3503, as transferred and redesignated by paragraph (1), is amended—

(A) by striking "CEILINGS EXCEEDING" and all that follows through "Before any" and inserting "CEILINGS EXCEEDING $100,000,000.—

"(1) Before any";

(B) by realigning paragraph (2) 2 ems to the right:

(C) by striking "subsection (a)" in paragraphs (1) and (2) and inserting "section 3501(a) of this title"; and

(D) in paragraph (2), by striking "required by" and all that follows through "give written" and inserting "required by section 3507(c) of this title, give written".

(f) TRANSFER OF SUBSECTION (D) OF SECTION 2306B.—

(1) TRANSFER.—Subsection (d) of section 2306b of title 10, United States Code, is transferred to section 3504 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and heading.

(2) AMENDMENTS TO NEW 3504.—Such section is further amended—

(A) by inserting "under section 3502 of this title" after "the regulations"; and

(B) in paragraph (1), by striking "subsection (a)" and inserting "section 3501(a) of this title".

(g) TRANSFER OF SUBSECTION (E) OF SECTION 2306B.—

(1) TRANSFER.—Subsection (e) of section 2306b of title 10, United States Code, is transferred to section 3505 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and heading.

(2) AMENDMENTS TO NEW 3505.—Such section is further amended—

(A) by inserting "under section 3502 of this title" after "The regulations";

(B) by striking "this section" both places it appears and inserting "this subchapter"; and

(C) in paragraph (1), by striking "such a contract" and inserting "a contract under section 3501(a) of this title".

(h) TRANSFER OF SUBSECTION (H) OF SECTION 2306B.—

(1) TRANSFER.—Subsection (h) of section 2306b of title 10, United States Code, is transferred to section 3506 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and heading.

(2) AMENDMENTS TO NEW 3506.—Such section is further amended—

(A) by striking "subsection (a)" and inserting "section 3501(a) of this title"; and

(B) by striking "this section" and inserting "this subchapter".

(i) TRANSFER OF SUBSECTION (I) OF SECTION 2306B.—

(1) TRANSFER.—Subsection (i) of section 2306b of title 10, United States Code, is transferred to section 3507 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and heading.

(2) INTERNAL REDESIGNATIONS AND TRANSFERS.—Paragraphs (1), (2), (3), (4), (5), (6), and (7) of such section 3507 are redesignated as subsections (a), (b), (c), (f), (g), (d), and (e), respectively, and subsections (d) and (e), as so redesignated, are transferred within that section so as to appear after subsection (c), as so redesignated.

(3) AMENDMENTS TO NEW 3507(A).—Subsection (a) of such section, as so redesignated, is amended—

(A) by inserting "LIMITATION.—" before "In the case of"; and

(B) by striking "this section" and inserting "this subchapter".

(4) AMENDMENTS TO NEW 3507(B).—Subsection (b) of such section, as redesignated by paragraph (2), is amended—

(A) by inserting "MATTERS TO BE INCLUDED IN REQUEST FOR AUTHORIZATION.—" before "In submitting";

(B) by striking "this section" and inserting "this subchapter";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(D) in paragraph (1), as so redesignated, by striking "subsection (a)" and inserting "section 3501(a) of this title"; and

(E) in paragraph (2), as so redesignated, by striking "subparagraph (A)" and inserting "paragraph (1)".

(5) AMENDMENTS TO NEW 3507(C).—Subsection (c) of such section, as redesignated by paragraph (2), is amended—

(A) by inserting "REQUIRED CERTIFICATION.—" before "A multiyear contract";

(B) by striking "this section" and inserting "this subchapter";

(C) by redesignating subparagraphs (A) through (G) as paragraphs (1) through (7), respectively;

(D) in paragraph (1), as so redesignated, by striking "subsection (a)" and inserting "section 3501(a) of this title";

(E) in paragraph (2), as so redesignated, by striking "section" and all that follows through "of this title" and inserting "section 3226(b) of this title"; and

(F) in paragraph (3), as so redesignated, by striking "section 2433(d)" and inserting "section 4374".

(6) AMENDMENTS TO NEW 3507(D).—Subsection (d) of such section, as redesignated and transferred by paragraph (2), is amended—

(A) by inserting "AUTHORITY WHEN ONE OR MORE CONDITIONS NOT MET.—" before "The Secretary may";

(B) by striking "paragraph (3)" and inserting "subsection (c)";

(C) by striking "not met, if the Secretary determines that" and inserting "not met, if—

"(1) the Secretary determines that"; and

(D) by striking "of Defense and the Secretary provides" and inserting "of Defense; and

"(2) the Secretary provides".

(7) AMENDMENTS TO NEW 3507(E).—Subsection (e) of such section, as redesignated and transferred by paragraph (2), is amended—

(A) by inserting "LIMITATION ON DELEGATION.—" before "The Secretary may not";

(B) by striking "paragraph (3)" and inserting "subsection (c)"; and

(C) by striking "paragraph (6)" and inserting "subsection (d)".

(8) AMENDMENTS TO NEW 3507(F).—Subsection (f) of such section, as redesignated by paragraph (2), is amended—

(A) by inserting "REQUESTS FOR RELIEF FROM SPECIFIED COST SAVINGS.—" before "If for any"; and

(B) by striking "this section" and inserting "this subchapter".

(9) AMENDMENTS TO NEW 3507(G).—Subsection (g) of such section, as redesignated by paragraph (2), is amended—

(A) by striking "(A) The Secretary may" and inserting "PROCUREMENT OF COMPLETE AND USABLE END ITEMS.—"(1) IN GENERAL.—The Secretary may";

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2), as so redesignated—

(i) by realigning the paragraph 2 ems to the right; and

(ii) by inserting "LONG-LEAD ITEMS.—" before "The Secretary may".

(j) TRANSFER OF SUBSECTION (L) OF SECTION 2306B.—

(1) TRANSFER TO NEW SECTIONS 3508, 3509, AND 3510.—

(A) TRANSFERS OF CERTAIN PARAGRAPHS OF 2306B TO NEW 3509.—

(i) Paragraph (3) of subsection (l) of section 2306b of title 10, United States Code, is transferred to section 3509 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (a).

(ii) Such section 3509 is further amended by adding at the end the following:

"(b) REPORT REQUIRED BEFORE ENTERING INTO CONTRACT ABOVE THRESHOLD.—".

(iii) Paragraph (5) of subsection (l) of such section 2306b is transferred to section 3509 of such title, as added by subsection (a), inserted at the end of subsection (b), as added by clause (ii), and redesignated as paragraph (1).

(iv) Paragraphs (4) and (9) of subsection (l) of such section 2306b are transferred to section 3509 of such title, as added by subsection (a), inserted (in that order) after paragraph (1) of subsection (b), as transferred and redesignated by clause (iii), and redesignated as paragraphs (2) and (3), respectively.

(B) TRANSFER OF CERTAIN PARAGRAPHS OF 2306B TO NEW 3510.—Paragraphs (2) and (7) of subsection (l) of such section 2306b are transferred to section 3510 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (b) and (c), respectively.

(C) TRANSFER OF REMAINING PARAGRAPHS OF 2306B TO NEW 3508.—Subsection (l) of such section 2306b (as amended by subparagraphs (A) and (B)) is transferred to section 3508 of such title, as added by subsection (a), inserted after the section heading, and amended—

(i) by striking the subsection designation and subsection heading; and

(ii) by redesignating paragraphs (1), (6), and (8) as subsections (a), (b), and (c), respectively.

(2) AMENDMENTS TO NEW 3508(A).—Subsection (a) of such section 3508, as transferred and redesignated by paragraph (1)(C), is amended—

(A) by striking "(A) The head of an agency" and inserting "NOTICE BEFORE AWARD OF CERTAIN CONTRACTS.—

"(1) REQUIRED NOTICE.—The head of an agency";

(B) by striking "subparagraph (B)" and inserting "paragraph (2)";

(C) by redesignating subparagraph (B) as paragraph (2) and realigning that paragraph 2 ems to the right; and

(D) in paragraph (2), as so redesignated—

(i) by striking "subparagraph (A)" and inserting "COVERED CONTRACTS.—Paragraph (1)";

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iii) by redesignating subclauses (I) and (II) of subparagraph (A), as so redesignated, as clauses (i) and (ii), respectively.

(3) AMENDMENT TO NEW 3508(B).—Subsection (b) of such section 3508, as transferred and redesignated by paragraph (1)(C), is amended by inserting "NOTICE BEFORE TERMINATING MULTIYEAR PROCUREMENT CONTRACT.—" before "The head of".

(4) AMENDMENTS TO NEW 3508(C).—Subsection (c) of such section 3508, as transferred and redesignated by paragraph (1)(C), is amended by striking "This subsection does not" and inserting "INAPPLICABILITY TO NOAA AND COAST GUARD.—This section and sections 3509 and 3510 of this title do not".

(5) AMENDMENT TO NEW 3509(A).—Subsection (a) of such section 3509, as transferred and redesignated by paragraph (1)(A)(i), is amended by inserting "LIMITATION.—" before "The head of".

(6) AMENDMENTS TO NEW 3509(B).—Subsection (b) of such section 3509, as designated and amended by clauses (ii), (iii), and (iv) of paragraph (1)(A), is amended—

(A) in paragraph (1)—

(i) by inserting "IN GENERAL.—" before "The head of"; and

(ii) by striking "paragraph (4)" and inserting "paragraph (2)";

(B) in paragraph (2), by striking "Each report required by paragraph (5)" and inserting "MATTER TO BE INCLUDED IN REPORT.—Each report required by paragraph (1)"; and

(C) in paragraph (3), by inserting "DEFINITIONS.—" before "In this".

(7) AMENDMENT TO NEW 3510(B).—Subsection (b) of such section 3510, as transferred and redesignated by paragraph (1)(B), is amended by inserting "FUNDING FOR ECONOMIC ORDER QUANTITY ADVANCE PROCUREMENT.—" before "The head of".

(8) AMENDMENT TO NEW 3510(C).—Subsection (c) of such section 3510, as transferred and redesignated by paragraph (1)(B), is amended by inserting "USE OF PRESENT VALUE ANALYSIS.—" before "The execution of".

(k) TRANSFER OF SUBSECTION (J) OF SECTION 2306B TO NEW 3510.—Subsection (j) of section 2306b of title 10, United States Code, is transferred to section 3510 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended by striking the first word of the subsection heading.

(l) TRANSFER OF SUBSECTION (M) OF SECTION 2306B TO NEW 3511.—Subsection (m) of section 2306b of title 10, United States Code, is transferred to section 3511 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading;

(2) by striking "this section" and inserting "this subchapter"; and

(3) by striking "subsection (i)" and inserting "section 3507 of this title".

(m) NEW SUBCHAPTER.—Chapter 249 of title 10, United States Code, as amended by subsection (a), is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—MULTIYEAR CONTRACTS FOR ACQUISITION OF SERVICES

10 USC prec. 3531.

"Sec.
"3531. Multiyear contracts for acquisition of services: authority; definitions.
"3532. Multiyear contracts for acquisition of services: applicable principles.
"3533. Multiyear contracts for acquisition of services: contract cancellation or termination.
"3534. Multiyear contracts for acquisition of services: contracts with value above $500,000,000 to be specifically authorized by law.
"3535. Multiyear contracts for acquisition of services: notice to congressional committees before taking certain actions.

"§ 3531. Multiyear contracts for acquisition of services: authority; definitions

10 USC 3531.

"§ 3532. Multiyear contracts for acquisition of services: applicable principles

10 USC 3532.

"§ 3533. Multiyear contracts for acquisition of services: contract cancellation or termination

10 USC 3533.

"§ 3534. Multiyear contracts for acquisition of services: contracts with value above $500,000,000 to be specifically authorized by law

10 USC 3534.

"§ 3535. Multiyear contracts for acquisition of services: notice to congressional committees before taking certain actions".

10 USC 3535.

(n) TRANSFER OF SUBSECTIONS (A), (B), (F), AND (H) OF SECTION 2306C.—

(1) TRANSFER.—Subsections (a), (b), (f), and (h) of section 2306c of title 10, United States Code, are transferred to section 3531 of such title, as added by subsection (n), and inserted (in that order) after the section heading, and subsections (f) and (h) are redesignated as subsections (c) and (d), respectively.

(2) AMENDMENT TO NEW 3531(A).—Subsection (a) of such section 3531, as so transferred, is amended by striking "subsections (d) and (e)" and inserting "sections 3533 and 3534 of this title".

(3) AMENDMENT TO NEW 3531(C) & (D).—Subsections (c) and (d) of such section 3531, as so transferred and redesignated, are each amended by striking "this section" and inserting "this subchapter".

(o) TRANSFER OF SUBSECTION (C) OF SECTION 2306C.—Subsection (c) of section 2306c of title 10, United States Code, is transferred to section 3532 of such title, as added by subsection (m), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading; and

(2) by striking "this section" and inserting "this subchapter".

(p) TRANSFER OF SUBSECTION (E) OF SECTION 2306C.—Subsection (e) of section 2306c of title 10, United States Code, is transferred to section 3533 of such title, as added by subsection (m), inserted after the section heading, and redesignated as subsection (a).

(q) TRANSFER OF PARAGRAPHS (4) & (5) OF SUBSECTION (D) OF SECTION 2306c.—

(1) INSERTION OF SUBSECTION (B) DESIGNATION.—Such section 3533 is further amended by adding at the end the following: "(b) CONTRACT CANCELLATION CEILINGS EXCEEDING $100,000,000.—".

(2) TRANSFER AND REDESIGNATION OF PARAGRAPHS.—Paragraphs (4) and (5) of subsection (d) of section 2306c of title 10, United States Code, are transferred to such section 3533 of such title, inserted at the end of subsection (b), as added by paragraph (1), and redesignated as paragraphs (1) and (2), respectively.

(3) AMENDMENT TO NEW 3533(B)(1).—Paragraph (1) of such subsection (b), as so transferred and redesignated, is amended by striking "subsection (a)" and inserting "sections 3531(a) of this title".

(4) AMENDMENT TO NEW 3533(B)(2).—Paragraph (2) of such subsection (b), as so transferred and redesignated, is amended—

(A) by striking "subsection (a)" and inserting "sections 3531(a) of this title"; and

(B) by striking "paragraph (4)" and inserting "paragraph (1)".

(r) TRANSFER OF PARAGRAPH (2) OF SUBSECTION (D) OF SECTION 2306c.—Paragraph (2) of subsection (d) of such section 2306c is transferred to section 3534 of such title, as added by subsection (m), inserted after the section heading, and amended—

(1) by striking the paragraph designation; and

(2) by striking "this section" and inserting "this subchapter".

(s) TRANSFER OF REMAINDER OF SUBSECTION (D) OF SECTION 2306c.—

(1) TRANSFER.—Subsection (d) of such section 2306c (as amended by subsections (r) and (s)) is transferred to section 3535 of such title, as added by subsection (m), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1) and (3) as subsections (a) and (b), respectively.

(2) AMENDMENTS TO NEW 3535(A).—Subsection (a) of such section 3535, as so transferred and redesignated, is amended—

(A) by inserting "NOTICE BEFORE AWARD OF CERTAIN CONTRACTS.—" before "The head of an agency"; and

(B) by striking "this section" and inserting "this subchapter".

(3) AMENDMENT TO NEW 3535(B).—Subsection (b) of such section 3535, as so transferred and redesignated, is amended by inserting "NOTICE BEFORE TERMINATING MULTIYEAR PROCUREMENT CONTRACT FOR SERVICES.—" before "The head of an agency".

(t) OTHER AUTHORITIES.—

(1) NEW SUBCHAPTER.—Chapter 249 of title 10, United States Code, as amended by this section, is further amended by adding at the end the following new subchapter:

"SUBCHAPTER III—OTHER AUTHORITIES RELATING TO MULTIYEAR CONTRACTS

10 USC prec. 3551.

"Sec.
"3551. Multiyear procurement authority: purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products.".

(2) TRANSFER OF SECTION 2410O.—Section 2410o of title 10, United States Code, is transferred to subchapter III of chapter 249 of such title, as added by paragraph (1), inserted after the table of sections, and redesignated as section 3551.

SEC. 1823. SIMPLIFIED ACQUISITION PROCEDURES.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 251 and inserting the following:

10 USC prec. 3551.

"CHAPTER 251—SIMPLIFIED ACQUISITION PROCEDURES

10 USC prec. 3571.

"Sec.
"3571. Simplified acquisition threshold.
"3572. Implementation of simplified acquisition procedures.
"3573. Micro-purchase threshold.".

(b) TRANSFER OF SECTIONS.—Section 2302a, 2302b, and 2338 of title 10, United States Code, are transferred to chapter 251 of such title, as amended by subsection (a), inserted (in that order) after the table of sections, and redesignated as sections 3571, 3572, and 3573, respectively.

(c) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 3571 of such title, as so transferred and redesignated, is amended by striking "section 2303" in subsection (a) and inserting "section 3063".

(2) Section 3572 of such title, as so transferred and redesignated, is amended by striking "section 2303(a)" and inserting "section 3063".

SEC. 1824. RAPID ACQUISITION PROCEDURES.

(a) REVISED CHAPTER OUTLINE.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 253 and inserting the following:

10 USC prec. 3601.

"CHAPTER 253—RAPID ACQUISITION PROCEDURES

10 USC prec. 3671.

"Subchapter Sec.
"I. [Reserved] 3601
"II. [Reserved] ..... 3611".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 253 and inserting the following new item:
"253. Rapid Acquisition Procedures ..... 3601".

10 USC prec. 101, prec. 3001.

SEC. 1825. CONTRACTS FOR LONG-TERM LEASE OR CHARTER OF VESSELS, AIRCRAFT, AND COMBAT VEHICLES.

(a) NEW CHAPTERS.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National

Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 255 the following new chapters:

10 USC prec. 3671.

"CHAPTER 257—CONTRACTS FOR LONG-TERM LEASE OR CHARTER OF VESSELS, AIRCRAFT, AND COMBAT VEHICLES

"Sec.
"3671. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.
"3672. Requirement of specific authorization by law for appropriation, and for obligation and expenditure, of funds for certain contracts relating to aircraft, naval vessels, and combat vehicles.
"3673. Limitation on indemnification.
"3674. Long-term lease or charter defined; substantial termination liability.
"3675. Capital lease or lease-purchase treated as an acquisition.
"3676. Guidelines.
"3677. Contracts for lease or use of vessels for a term of greater than two years but less than five years: prior notice to congressional committees.
"3678. Contracts with terms of 18 months or more: limitation.

10 USC 3671. **"§ 3671. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles**

10 USC 3672. **"§ 3672. Requirement of specific authorization by law for appropriation, and for obligation and expenditure, of funds for certain contracts relating to aircraft, naval vessels, and combat vehicles**

10 USC 3673. **"§ 3673. Limitation on indemnification**

10 USC 3674. **"§ 3674. Long-term lease or charter defined; substantial termination liability**

10 USC 3675. **"§ 3675. Capital lease or lease-purchase treated as an acquisition**

10 USC 3676. **"§ 3676. Guidelines**

10 USC 3677. **"§ 3677. Contracts for lease or use of vessels for a term of greater than two years but less than five years: prior notice to congressional committees**

10 USC 3678. **"§ 3678. Contracts with terms of 18 months or more: limitation**

10 USC prec. 3681.

"CHAPTER 258—OTHER TYPES OF CONTRACTS USED FOR PROCUREMENTS FOR PARTICULAR PURPOSES

"Sec.
"3681. Leasing of commercial vehicles and equipment.

10 USC 3681. **"§ 3681. Leasing of commercial vehicles and equipment".**

(b) TRANSFER OF SUBSECTIONS (A) AND (B) OF SECTION 2401.—Subsections (a) and (b) of section 2401 of title 10, United States Code, are transferred to section 3671 of such title, as added by subsection (a), and inserted after the section heading.

(c) TRANSFER OF SUBSECTION (C)(2) OF SECTION 2401.—Paragraph (2) of subsection (c) of such section 2401 is transferred to section 3673 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the paragraph designation;

(2) by striking "this section" and inserting "this chapter"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(d) TRANSFER OF SUBSECTION (C)(1) OF SECTION 2401.—Subsection (c) of such section 2401 (as amended by subsection (c)), is transferred to section 3672 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended—

(1) by striking "(1) Funds may not" and inserting "LIMITATION.—Funds may not"; and

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(e) TRANSFER OF SUBSECTION (E) OF SECTION 2401.—Subsection (e) of section 2401 of such title, is transferred to section 3672 of such title, as added by subsection (a), inserted after subsection (a), as transferred and redesignated by subsection (d), redesignated as subsection (b), and amended—

(1) by striking "(1) Whenever a request" and inserting "MATTER TO BE SUBMITTED TO CONGRESS.—(1) Whenever a request";

(2) in paragraph (2), by striking "subsection (g)" and inserting "section 3676 of this title"; and

(3) in paragraph (3), by striking "this section" and inserting "this chapter".

(f) TRANSFER OF SUBSECTION (D) OF SECTION 2401.—

(1) TRANSFER.—Subsection (d) of section 2401 of such title is transferred to section 3674 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively.

(2) AMENDMENTS TO NEW 3674(A).—Subsection (a) of such section 3674, as so redesignated, is amended—

(A) by striking "(A) In this section" and inserting "LONG-TERM LEASE OR CHARTER.—

"(1) GENERAL RULE.—

"(A) In this chapter";

(B) by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(C) by redesignating subparagraph (B) as paragraph (2);

(D) by designating the sentence after clause (ii) of subparagraph (A) as subparagraph (B); and

(E) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking "In the case of" and inserting "SPECIAL RULE.—

"(A) In the case of"; and

(ii) by designating the sentence after clause (ii) of subparagraph (A) as subparagraph (B).

(3) AMENDMENTS TO NEW 3674(B).—Subsection (b) of such section 3674, as so redesignated, is amended—

(A) by inserting "SUBSTANTIAL TERMINATION LIABILITY.—" before "For the purposes of";

(B) by striking "this section" and inserting "this chapter";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in paragraph (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(g) TRANSFER OF SUBSECTION (F) OF SECTION 2401.—

(1) TRANSFER.—Subsection (f) of section 2401 of such title is transferred to section 3675 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively.

(2) AMENDMENTS TO NEW 3675(A).—Subsection (a) of such section 3675, as so redesignated, is amended—

(A) inserting "IN GENERAL.—" before "If a lease or charter";

(B) by striking "this section" and inserting "this chapter"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) AMENDMENTS TO NEW 3675(B).—Subsection (b) of such section 3675, as so redesignated, is amended by striking "In this subsection" and inserting "DEFINITIONS.—In this section".

(h) TRANSFER OF SUBSECTION (G) OF SECTION 2401.—Subsection (g) of section 2401 of such title is transferred to section 3676 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation.

(i) TRANSFER OF SUBSECTION (H) OF SECTION 2401.—Subsection (h) of section 2401 of such title is transferred to section 3677 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation.

(j) TRANSFER OF SUBSECTION (B) OF SECTION 2401A.—Subsection (b) of section 2401a of such title is transferred to section 3678 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(k) TRANSFER OF SUBSECTION (A) OF SECTION 2401A.—Subsection (a) of section 2401a of such title is transferred to section 3681 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(l) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 255 the following new items:

10 USC prec. 101, prec. 3001.

"257. Contracts for Long-Term Lease or Charter of Vessels, Aircraft, and Combat".

Subtitle D—General Contracting Provisions

SEC. 1831. COST OR PRICING DATA.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–

232), is amended by striking chapter 271 and inserting the following: 10 USC prec. 3701.

"CHAPTER 271—TRUTHFUL COST OR PRICING DATA (TRUTH IN NEGOTIATIONS)

10 USC prec. 3701.

"Sec.
"3701. Definitions.
"3702. Required cost or pricing data and certification.
"3703. Exceptions.
"3704. Cost or pricing data on below-threshold contracts.
"3705. Submission of other information.
"3706. Price reductions for defective cost or pricing data.
"3707. Interest and penalties for certain overpayments.
"3708. Right to examine contractor records.

"§ 3701. Definitions 10 USC 3701.

"§ 3702. Required cost or pricing data and certification 10 USC 3702.

"§ 3703. Exceptions 10 USC 3703.

"§ 3704. Cost or pricing data on below-threshold contracts 10 USC 3704.

"§ 3705. Submission of other information 10 USC 3705.

"§ 3706. Price reductions for defective cost or pricing data 10 USC 3706.

"§ 3707. Interest and penalties for certain overpayments 10 USC 3707.

"§ 3708. Right to examine contractor records". 10 USC 3708.

(b) TRANSFER OF SUBSECTION (H) OF SECTION 2306A.—Subsection (h) of section 2306a of title 10, United States Code, is transferred to section 3701 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended—

(1) by striking "this section" and inserting "this chapter"; and

(2) in paragraph (1), by striking "subsection (e)(1)(B)" and inserting "section 3706(a)(2) of this title".

(c) TRANSFER OF SUBSECTION (A) OF SECTION 2306A.—

(1) TRANSFER.—Subsection (a) of section 2306a of title 10, United States Code, is transferred to section 3702 of such title, as added by subsection (a), inserted after the section heading, and amended by redesignating paragraphs (2) through (7) as subsections (b) through (g), respectively.

(2) CONFORMING INTERNAL REDESIGNATIONS AND INSERTION OF HEADINGS IN NEW 3702(A).—Such subsection (a), as so transferred and amended, is amended—

(A) by striking "REQUIRED COST OR PRICING DATA AND CERTIFICATION.—(1) the head of" and inserting "WHEN REQUIRED.—The head of";

(B) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(C) in paragraph (1), as so redesignated—

(i) by inserting "OFFEROR FOR PRIME CONTRACT.—" before "An offeror"; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(D) in paragraph (2), as so redesignated—

(i) by inserting "CONTRACTOR.—" before "The contractor";

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in subparagraph (A), as so redesignated, by striking "subparagraph (A)(i)" and inserting "paragraph (1)(A)";

(iv) in subparagraph (B), as so redesignated, by striking "paragraph (6)" and inserting "subsection (f)"; and

(v) in subparagraph (C), as so redesignated, by striking "clause (i) or (ii)" and inserting "subparagraph (A) or (B)";

(E) in paragraph (3), as so redesignated—

(i) by inserting "OFFEROR FOR SUBCONTRACT.—" before "An offeror";

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in subparagraph (A), as so redesignated, by striking "subparagraph (A)(i)" and inserting "paragraph (1)(A)";

(iv) in subparagraph (B), as so redesignated, by striking "paragraph (6)" and inserting "subsection (f)"; and

(v) in subparagraph (C), as so redesignated, by striking "clause (i) or (ii)" and inserting "subparagraph (A) or (B)"; and

(F) in paragraph (4), as so redesignated—

(i) by inserting "SUBCONTRACTOR.—" before "The subcontractor";

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(iii) in the matter preceding subparagraph (A), as so redesignated, by striking "subparagraph (C)" and inserting "paragraph (3)";

(iv) in subparagraph (A), as so redesignated, by striking "subparagraph (C)(i)" and inserting "paragraph (3)(A)"; and

(v) in subparagraph (B), as so redesignated, by striking "subparagraph (C)(iii)" and inserting "paragraph (3)(C)".

(3) CONFORMING AMENDMENTS IN NEW SECTION 3702(A) TO REFERENCES TO CHAPTER 137.—Such subsection (a) is further amended by striking "a prime contract under this chapter" each place it appears and inserting "a prime contract under a chapter 137 legacy provision".

(4) CONFORMING INTERNAL REDESIGNATIONS AND INSERTION OF HEADING IN NEW 3702(B).—Subsection (b) of section 3702, as transferred and redesignated by paragraph (1), is amended—

(A) by inserting "CERTFICATION.—" before "A person required";

(B) by striking "paragraph (1)" and inserting "subsection (a)"; and

(C) by striking "subsection (c)" and inserting "section 3704 of this title".

(5) CONFORMING INTERNAL REDESIGNATIONS AND INSERTION OF HEADING IN NEW 3702(C).—Subsection (c) of section 3702, as transferred and redesignated by paragraph (1), is amended—

(A) by inserting "TO WHOM SUBMITTED.—" before "Cost or pricing data";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) in the matter preceding paragraph (1), as so redesignated—

(i) by striking "paragraph (1) (or under subsection (c))" and inserting "subsection (a) (or under section 3704 of this title)"; and

(ii) by striking "paragraph (2)" and inserting "subsection (b)".

(6) CONFORMING INTERNAL REDESIGNATIONS AND INSERTION OF HEADING IN NEW 3702(D).—Subsection (d) of section 3702, as transferred and redesignated by paragraph (1), is amended—

(A) by inserting "APPLICABILITY OF CHAPTER.—" before "Except as provided under"; and

(B) by striking "subsection (b)" and inserting "section 3703 of this title".

(7) CONFORMING INTERNAL REDESIGNATIONS AND INSERTION OF HEADING IN NEW 3702(E).—Subsection (e) of section 3702, as transferred and redesignated by paragraph (1), is amended—

(A) by inserting "SUBCONTRACTS NOT AFFECTED BY WAIVER.—" before "A waiver of";

(B) by striking "subsection (b)(1)(C)" and inserting "section 3703(a)(3) of this title";

(C) by striking "paragraph (1)(C)" and inserting "subsection (a)(3)"; and

(D) by striking "that paragraph" and inserting "that subsection".

(8) CONFORMING INTERNAL REDESIGNATIONS AND INSERTION OF HEADING IN NEW 3702(F).—Subsection (f) of section 3702, as transferred and redesignated by paragraph (1), is amended—

(A) by inserting "MODIFICATIONS TO PRIOR CONTRACTS.—" before "Upon the request of";

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(C) by striking "that paragraph" and inserting "that subsection"; and

(D) by striking "subparagraphs (B)(ii) and (C)(ii) of paragraph (1)" and inserting "paragraphs (2)(B) and (3)(B) of subsection (a)".

(9) CONFORMING INTERNAL REDESIGNATIONS AND INSERTION OF HEADING IN NEW 3702(G).—Subsection (g) of section 3702, as transferred and redesignated by paragraph (1), is amended—

(A) by inserting "ADJUSTMENT OF AMOUNTS.—" before "Effective on"; and

(B) by striking "paragraph (1)" and inserting "subsection (a)".

(d) TRANSFER OF SUBSECTION (B) OF SECTION 2306A.—

(1) TRANSFER.—Subsection (b) of section 2306a of title 10, United States Code, is transferred to section 3703 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1) through (6) as subsections (a) through (f), respectively, and realigning those subsections flush to the left margin.

(2) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3703(A).—Subsection (a) of such section 3703, as so transferred and redesignated by paragraph (1), is amended—

(A) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(B) in the matter preceding paragraph (1), as so redesignated, by striking "under subsection (a)" and inserting "under section 3702 of this title";

(C) in paragraph (1), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(D) in paragraph (3), as so redesignated, by striking "this section" and inserting "this chapter"; and

(E) in paragraph (4), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(3) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3703(B).—Subsection (b) of such section 3703, as so transferred and redesignated by paragraph (1), is amended—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1), as so redesignated—

(i) by striking "paragraph (1)(A) or (1)(B)" and inserting "paragraph (1) or (2) of subsection (a)"; and

(ii) by striking "subsection (a)" and inserting "section 3702 of this title"; and

(C) in paragraph (1), as so redesignated, by striking "paragraph (1)(A) or (1)(B)" and inserting "paragraph (1) or (2) of subsection (a)".

(4) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3703(C).—Subsection (c) of such section 3703, as so transferred and redesignated by paragraph (1), is amended—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(B) in paragraph (1), as so redesignated—

(i) by striking "paragraph (1)(B)" and inserting "subsection (a)(2)";

(ii) by striking "subsection (a)(1)(A)(i)" and inserting "section 3702(a)(1)(A) of this title"; and

(iii) by striking "subsection (a)(7)" and inserting "section 3702(g) of this title";

(C) in paragraph (2), as so redesignated, by striking "this paragraph" and inserting "this subsection"; and

(D) in paragraph (3), as so redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(ii) in the matter preceding subparagraph (A), as so redesignated, by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) in subparagraph (A), as so redesignated, by striking "subparagraph (A) or (C) of paragraph (1)" and inserting "paragraph (1) or (3) of subsection (a)".

(5) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3703(D).—Subsection (d) of such section 3703, as so transferred and redesignated by paragraph (1), is amended—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(B) in paragraph (1), as so redesignated, by striking "paragraph (1)(B)" and inserting "subsection (a)(2)";

(C) in paragraph (2), as so redesignated, by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(D) in paragraph (3), as so redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) in the matter preceding subparagraph (A), as so redesignated, by striking "subparagraph (B)" and inserting "paragraph (2)".

(6) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3703(F).—Subsection (f) of such section 3703, as so transferred and redesignated by paragraph (1), is amended—

(A) by striking "subsection (a)" and inserting "section 3702 of this title"; and

(B) by striking "paragraph (1)(A)" and inserting "subsection (a)(1)".

(e) TRANSFER OF SUBSECTION (C) OF SECTION 2306A.—

(1) TRANSFER.—Subsection (c) of section 2306a of title 10, United States Code, is transferred to section 3704 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and realigning those subsections flush to the left margin.

(2) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3704(A).—Subsection (a) of such section 3704, as so transferred and redesignated, is amended—

(A) by striking "paragraph (2)" and inserting "subsection (b)";

(B) by striking "subsection (a)" and inserting "section 3702 of this title"; and

(C) by striking "under this subsection" and inserting "under this section".

(3) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3704(B).—Subsection (b) of such section 3704, as so transferred and redesignated, is amended—

(A) by striking "under this paragraph" and inserting "under this subsection"; and

(B) by striking "subparagraph (A) or (B) of subsection (b)(1)" and inserting "paragraph (1) or (2) of section 3703(a) of this title".

(4) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3704(C).—Subsection (c) of such section 3704, as so transferred and redesignated, is amended by striking "under this paragraph" and inserting "under this subsection".

(f) TRANSFER OF SUBSECTION (D) OF SECTION 2306A.—

(1) TRANSFER.—Subsection (d) of section 2306a of title 10, United States Code, is transferred to section 3705 of such

title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and realigning those subsections flush to the left margin.

(2) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3705(A).—Subsection (a) of such section 3705, as so transferred and redesignated, is amended—

(A) by striking "under this section" and inserting "under this chapter"; and

(A) by striking "subsection (b)(1)(A)" and inserting "section 3703(a)(1) of this title".

(3) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3705(B).—Subsection (b) of such section 3705, as so transferred and redesignated, is amended—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in paragraph (1), as so redesignated—

(i) by redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively; and

(ii) in the matter preceding subparagraph (A), as so redesignated, by striking "paragraph (1)" and inserting "subsection (a)"; and

(C) in paragraph (2), as so redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) in subparagraph (A), as so redesignated, by striking "subparagraph (A)" and inserting "paragraph (1)".

(4) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3705(C).—Subsection (c) of such section 3705, as so transferred and redesignated, is amended—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(B) in the matter preceding paragraph (1), as so redesignated, by striking "under paragraph (1)" and inserting "under subsection (a)".

(g) TRANSFER OF SUBSECTION (E) OF SECTION 2306A.—

(1) TRANSFER.—Subsection (e) of section 2306a of title 10, United States Code, is transferred to section 3706 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively.

(2) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3706(A).—Subsection (a) of such section 3706, as so transferred and redesignated, is amended—

(A) by striking "(A) A prime contract" and inserting "PROVISION REQUIRING ADJUSTMENT.—

"(1) IN GENERAL.—A prime contract";

(B) by striking "subsection (a)(2)" and inserting "section 3702(b) of this title";

(C) by redesignating subparagraph (B) as paragraph (2);

(D) by inserting "WHAT CONSTITUTES DEFECTIVE COST OR PRICING DATA.—" before "For the purposes"; and

(E) by striking "of this section" and inserting "of this chapter".

(3) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3706(B).—Subsection (b) of such section 3706, as so transferred and redesignated, is amended—

(A) by inserting "VALID DEFENSE.—" before "In determining for"; and

(B) by striking "paragraph (1)" and inserting "subsection (a)".

(4) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3706(C).—Subsection (c) of such section 3706, as so transferred and redesignated, is amended—

(A) by inserting "INVALID DEFENSES.—" before "It is not";

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(C) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(D) in paragraph (1), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(E) in paragraph (4), as so redesignated, by striking "subsection (a)(2)" and inserting "section 3702(b) of this title".

(5) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3706(D).—Subsection (d) of such section 3706, as so transferred and redesignated, is amended—

(A) by striking "(A) A contractor shall" and inserting "OFFSETS.—

"(1) WHEN ALLOWED.—A contractor shall";

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(C) by redesignating subparagraph (B) as paragraph (2);

(D) in paragraph (1), as designated by subparagraph (A), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(E) in subparagraph (B), as so redesignated by subparagraph (D)—

(i) by striking "paragraph (1)(B)" and inserting "subsection (a)(2)"; and

(ii) by striking "subsection (a)(3)" and inserting "section 3702(c) of this title"; and

(F) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)";

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(iii) in subparagraph (A), as so redesignated, by striking "subsection (a)(2)" and inserting "section 3702(b) of this title"; and

(iv) in subparagraph (B), as so redesignated—

(I) by striking "subparagraph (A)(ii)" and inserting "paragraph (1)(B)"; and

(II) by striking "paragraph (1)(B)" and inserting "subsection (a)(2)".

(h) TRANSFER OF SUBSECTION (F) OF SECTION 2306A.—

(1) TRANSFER.—Subsection (f) of section 2306a of title 10, United States Code, is transferred to section 3707 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended by redesignating paragraph (2) as subsection (b).

(2) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3707(A).—Subsection (a) of such section 3706, as so transferred and redesignated, is amended—

(A) by striking "INTEREST AND PENALTIES FOR CERTAIN OVERPAYMENTS.—(1)" and inserting "IN GENERAL.—"

(B) by striking "this section" and inserting "this chapter";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in paragraph (1), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(3) CONFORMING INTERNAL REDESIGNATIONS IN NEW 3707(B).—Subsection (b) of such section 3706, as so transferred and redesignated, is amended—

(A) by inserting "LIABILITY NOT AFFECTED BY REFUSAL TO SUBMIT CERTIFICATION.—" before "Any liability";

(B) by striking "this subsection" and inserting "this section"; and

(C) by striking "subsection (a)(2)" and inserting "section 3702(b) of this title".

(i) TRANSFER OF SUBSECTION (G) OF SECTION 2306A.—Subsection (g) of section 2306a of title 10, United States Code, is transferred to section 3708 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection redesignation and subsection heading;

(2) by striking "this section" and inserting "this chapter"; and

(3) by striking "section 2313(a)(2)" and inserting "section 3841(b)(2)".

(j) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 1608(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2273 note) is amended by striking "section 2306a" and inserting "chapter 271".

(2) Section 866(b)(4) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended—

(A) in subparagraph (A), by striking "section 2306a" and inserting "chapter 271"; and

(B) in subparagraph (B), by striking "section 2306a(d)" and inserting "section 3705".

(3) Section 2343 of title 10, United States Code, is amended by striking "2306a, and 2313" and inserting "3701–3708, and 3841".

(4) Section 2379(c)(1) of title 10, United States Code, is amended by striking "section 2306a" and inserting "sections 3701–3708".

(5) Section 2380(b)(2)(B)(i) of title 10, United States Code, is amended by striking "section 2306a(b)(4)(B)" and inserting "section 3703(d)(2)".

(6) Section 9511a(d) of title 10, United States Code, is amended by striking "section 2306a" and inserting "chapter 271".

(7) Section 890(a)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2306a note) is amended by striking "section 2306a" and inserting "of chapter 271".

(k) CHAPTER FOR ADDITIONAL COST OR PRICING PROVISIONS.—Such Part V is further amended by inserting after chapter 271, as added by subsection (a), the following new chapter:

"CHAPTER 272—OTHER PROVISIONS RELATING TO COST OR PRICING DATA

10 USC prec. 3721.

"Sec.
"3721. Evaluating the reasonableness of price: guidance and training.
"3722. Grants of exceptions to cost or pricing data certification requirements and waivers of cost accounting standards.
"3723. Streamlining awards for innovative technology projects: pilot program.
"3724. Risk-based contracting for smaller contract actions under Truth in Negotiations Act: pilot program.

"§ 3721. Evaluating the reasonableness of price: guidance and training

10 USC 3721.

"[Reserved].

"§ 3722. Grants of exceptions to cost or pricing data certification requirements and waivers of cost accounting standards

10 USC 3722.

"[Reserved].

"§ 3723. Streamlining awards for innovative technology projects: pilot program

10 USC 3723.

"[Reserved].

"§ 3724. Risk-based contracting for smaller contract actions under truth in negotiations act: pilot program

10 USC 3724.

"[Reserved].".

(l) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of Public Law 115–232), of title 10, United States Code, are amended by striking the item relating to chapter 271 and inserting the following:

10 USC prec.101, prec. 3001.

"271. Truthful Cost or Pricing Data (Truth in Negotiations) 3701
"272. Other Provisions Relating to Cost or Pricing Data ..... 3721".

SEC. 1832. ALLOWABLE COSTS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 273 and inserting the following:".

10 USC prec. 3741.

10 USC prec. 3741.

"CHAPTER 273—ALLOWABLE COSTS

"Subchapter Sec.
"I. General 3741
"II. Other Allowable Cost Provisions 3761

"SUBCHAPTER I—GENERAL

"Sec.
"3741. Definitions.
"3742. Adjustment of threshold amount of covered contract.
"3743. Effect of submission of unallowable costs.
"3744. Specific costs not allowable.
"3745. Required regulations.
"3746. Applicability of regulations to subcontractors.
"3747. Contractor certification.
"3748. Penalties for submission of cost known as not allowable.
"3749. Burden of proof on contractor.
"3750. Proceeding costs not allowable.

10 USC 3741. **"§ 3741. Definitions**

"In this subchapter:

10 USC 3742. **"§ 3742. Adjustment of threshold amount of covered contract**

10 USC 3743. **"§ 3743. Effect of submission of unallowable costs**

10 USC 3744. **"§ 3744. Specific costs not allowable**

10 USC 3745. **"§ 3745. Required regulations**

10 USC 3746. **"§ 3746. Applicability of regulations to subcontractors**

10 USC 3747. **"§ 3747. Contractor certification**

10 USC 3748. **"§ 3748. Penalties for submission of cost known as not allowable**

10 USC 3749. **"§ 3749. Burden of proof on contractor**

10 USC 3750. **"§ 3750. Proceeding costs not allowable".**

(b) TRANSFER OF DEFINITION PARAGRAPHS FROM SUBSECTION (L) OF SECTION 2324.—

(1) Paragraph (4) of section 2324(l) of title 10, United States Code, is transferred to section 3741 of such title, as added by subsection (a), inserted at the end, redesignated as paragraph (1), and amended by inserting "COMPENSATION.—" before "The term".

(2) Subparagraph (A) of paragraph (1) of such section 2324(l) is transferred to section 3741 of such title, as added by subsection (a), inserted after paragraph (1), as transferred and redesignated by paragraph (1), redesignated as paragraph (2), and amended by inserting "COVERED CONTRACT.—" before "The term".

(3)(A) Paragraphs (6), (2), and (3) of such section 2324(l) are transferred to section 3741 of such title, as added by subsection (a), inserted (in that order) after paragraph (2), as transferred and redesignated by paragraph (2), and redesignated as paragraphs (3), (4), and (5), respectively.

(B) The paragraphs transferred and redesignated by subparagraph (A) are amended—

(i) by inserting "FISCAL YEAR.—" before "The term" in paragraph (3), as so redesignated;

(ii) by inserting "HEAD OF THE AGENCY.—" before "The term" in paragraph (4), as so redesignated; and

(iii) by inserting "AGENCY.—" before "The term" in paragraph (5), as so redesignated.

(4) Subparagraph (B) of paragraph (1) of such section 2324(l) is transferred to section 3742 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by realigning the text 2 ems to the left;

(B) by striking the subparagraph designation; and

(C) by striking "subparagraph (A)" and inserting "section 3741(2) of this title".

(c) TRANSFER OF SUBSECTIONS (A)-(D) OF SECTION 2324.—

(1) TRANSFER.—Subsections (a), (b), (c), and (d) of section 2324 of title 10, United States Code, are transferred to section 3743 of such title, as added by subsection (a), and inserted after the section heading.

(2) AMENDMENTS TO NEW 3743(B).—Such subsection (b) is amended—

(A) by striking "PRINCIPLE.—(1) If the" and inserting "PRINCIPLE.—

"(1) If the"; and

(B) by realigning paragraph (2) 2 ems to the right and inserting "COST DETERMINED TO BE UNALLOWABLE BEFORE PROPOSAL SUBMITTED.—" before "If the".

(d) TRANSFER OF SUBSECTION (E) OF SECTION 2324.—

(1) TRANSFER.—Subsection (e) of section 2324 of title 10, United States Code, is transferred to section 3744 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading;

(B) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (d), (b), and (c), respectively; and

(C) by transferring subsection (d), as so redesignated, to the end of such section, after subsection (c), as so redesignated.

(2) AMENDMENTS TO NEW 3744(A).—Subsection (a) of such section, as so redesignated, is amended—

(A) by inserting "SPECIFIC COSTS.—" before "The following costs";

(B) by redesignating subparagraphs (A) through (Q) as paragraphs (1) through (17), respectively (including redesignating both subparagraphs (P) as paragraph (16));

(C) in paragraph (15), as so redesignated, by striking "subsection (k)" and inserting "section 3750 of this title"; and

(D) in paragraph (17), as so redesignated, by striking "subsection (k)(2)" and inserting "section 3750(c) of this title".

(3) AMENDMENTS TO NEW 3744(B).—Subsection (b) of such section, as so redesignated, is amended—

(A) by striking "(A) Pursuant to" and inserting "WAIVER OF SEVERANCE PAY RESTRICTIONS FOR FOREIGN NATIONALS.—

"(1) HEAD OF AN AGENCY DETERMINATION.—Pursuant to";

(B) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively;

(C) in paragraph (1), as designated by subparagraph (A)—

(i) by striking "paragraph (2)" and inserting "subsection (d)";

(ii) by striking "paragraphs (1)(M) and (1)(N)" and inserting "subsections (a)(13) and (a)(14)"; and

(iii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(D) in paragraph (2), as so redesignated by subparagraph (B)—

(i) by realigning that paragraph 2 ems to the right;

(ii) by inserting "SOLICITATION TO INCLUDE STATEMENT ABOUT WAIVER.—" before "The head of";

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iv) in subparagraph (A), as so redesignated, by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(E) in paragraph (3), as so redesignated by subparagraph (B)—

(i) by realigning that paragraph 2 ems to the right;

(ii) by inserting "DETERMINATION TO BE MADE BEFORE CONTRACT AWARDED.—" before "The head of"; and

(iii) by striking "subparagraph (A)" and inserting "paragraph (1)".

(4) AMENDMENTS TO NEW 3744(C).—Subsection (c) of such section, as so redesignated, is amended—

(A) by inserting "ESTABLISHMENT OF DEFINITIONS, EXCLUSIONS, LIMITATIONS, AND QUALIFICATIONS.—" before "The provisions of"; and

(B) by striking "this section" and inserting "this subchapter".

(5) AMENDMENTS TO NEW 3744(D).—Subsection (d) of such section, as so redesignated and transferred, is amended—

(A) by striking "(A) The Secretary" and inserting "SPECIFIC COSTS UNDER MILITARY BANKING CONTRACTS RELATING TO FOREIGN NATIONALS.—

"(1) AUTHORITY.—The Secretary";

(B) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and realigning those paragraph 2 ems to the right;

(C) in paragraph (1), as designated by subparagraph (A), by striking "paragraphs (1)(M) and (1)(N)" and inserting "subsections (a)(13) and (a)(14)";

(D) in paragraph (2), as so redesignated by subparagraph (B)—

(i) by inserting "DEFINITIONS.—" before "In";

(ii) by striking "subparagraph (A)" and inserting "paragraph (1)";

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(iv) in subparagraph (A), as so redesignated, by inserting "MILITARY BANKING CONTRACT.—" before "The term"; and

(v) in subparagraph (B), as so redesignated, by inserting "MANDATED FOREIGN NATIONAL SEVERANCE PAY.—" before "The term"; and

(E) in paragraph (3), as so redesignated by subparagraph (B)—

(i) by inserting "EXCEPTION FOR FOREIGN-OWNED FINANCIAL INSTITUTIONS.—" after the paragraph designation; and

(ii) by striking "Subparagraph (A)" and inserting "Paragraph (1)".

(e) TRANSFER OF SUBSECTION (F) OF SECTION 2324.—

(1) TRANSFER.—Subsection (f) of section 2324 of title 10, United States Code, is transferred to section 3745 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading;

(B) by redesignating paragraph (1) as subsection (a);

(C) by designating the third sentence of such subsection as subsection (b);

(D) by redesignating paragraph (2) as subsection (c); and

(E) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and realigning those paragraphs 2 ems to the right.

(2) AMENDMENT TO NEW 3745(A).—Subsection (a) of such section, as so redesignated, is amended by inserting "IN GENERAL.—" before "The Federal".

(3) AMENDMENTS TO NEW 3745(B).—Subsection (b) of such section, as so designated by paragraph (1)(C), is amended—

(A) by inserting "SPECIFIC ITEMS.—" before "The regulations"; and

(B) by redesignating subparagraphs (A) through (Q) as paragraphs (1) through (17), respectively.

(4) AMENDMENTS TO NEW 3745(C).—Subsection (c) of such section, as so redesignated by paragraph (1)(D), is amended—

(A) by striking "The Federal" and inserting "ADDITIONAL REQUIREMENTS.—

"(1) WHEN QUESTIONED COSTS MAY BE RESOLVED.—The Federal";

(B) in paragraph (2), as so redesignated by paragraph (1)(E), by inserting "PRESENCE OF CONTRACT AUDITOR.—" before "The Federal"; and

(C) in paragraph (3), as so redesignated by paragraph (1)(E), by inserting "SETTLEMENT TO REFLECT AMOUNT OF INDIVIDUAL QUESTIONED COSTS.—" before "The Federal".

(e) TRANSFER OF SUBSECTION (G) OF SECTION 2324.—Subsection (g) of section 2324 of title 10, United States Code, is transferred to section 3746 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading; and

(2) by striking "subsections (e) and (f)(1)" and inserting "sections 3744 and 3745(a) and (b) of this title".

(f) TRANSFER OF SUBSECTION (H) OF SECTION 2324.—

(1) TRANSFER.—Subsection (h) of section 2324 of title 10, United States Code, is transferred to section 3747 of such

title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively.

(2) AMENDMENT TO NEW 3747(A).—Subsection (a) of such section, as so redesignated, is amended by inserting "CONTENT AND FORM.—" before "A proposal".

(3) AMENDMENTS TO NEW 3747(B).—Subsection (b) of such section, as so redesignated, is amended—

(A) by inserting "WAIVER.—" before "The head";

(B) by striking "paragraph (1)" and inserting "subsection (a)"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(g) TRANSFER OF SUBSECTION (I) OF SECTION 2324.—Subsection (i) of section 2324 of title 10, United States Code, is transferred to section 3748 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(h) TRANSFER OF SUBSECTION (J) OF SECTION 2324.—Subsection (j) of section 2324 of title 10, United States Code, is transferred to section 3749 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(i) TRANSFER OF SUBSECTION (K) OF SECTION 2324.—

(1) TRANSFER OF PARAGRAPH (6) OF 2324(K).—

(A) TRANSFER.—Paragraph (6) of Subsection (k) of section 2324 of title 10, United States Code, is transferred to section 3750 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended by striking "In this subsection" and inserting "DEFINITIONS.—In this section".

(B) REDESIGNATION OF SUBPARAGRAPHS.—Such subsection (a), as so transferred and redesignated, is further amended by redesignating subparagraphs (A), (B), and (C) as paragraphs (3), (1), and (2), respectively, and transferring paragraph (3), as so redesignated to the end of such subsection so as to appear after paragraph (2), as so redesignated.

(C) AMENDMENTS TO NEW 3750(A)(1).—Paragraph (1) of such subsection, as so redesignated, is amended—

(i) by inserting "COSTS.—" before "The term";

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by redesignating subclauses (I), (II), (III), and (IV) as clauses (i), (ii), (iii), and (iv), respectively.

(D) AMENDMENT TO NEW 3750(A)(2).—Paragraph (2) of such subsection, as so redesignated, is amended by inserting "PENALTY.—" before "The term".

(E) AMENDMENT TO NEW 3750(A)(3).—Paragraph (3) of such subsection, as so redesignated and transferred, is amended by inserting "PROCEEDINGS.—" before "The term".

(2) TRANSFER OF PARAGRAPHS (1)-(5) OF 2324(K).—Subsection (k) of section 2324 of title 10, United States Code (other than

the portion transferred by paragraph (1)), is transferred to section 3750 of such title, as added by subsection (a), inserted after subsection (a), as transferred and redesignated by paragraph (1), and amended by striking the subsection designation and heading and by redesignating paragraphs (1), (2), (3), (4), and (5) as subsections (b), (c), (d), (e), and (f), respectively.

(3) AMENDMENTS TO NEW 3750(B).—Subsection (b) of such section, as so transferred and redesignated, is amended—

(A) by inserting "IN GENERAL.—" before "Except as";

(B) by striking "this subsection" and inserting "this section";

(C) by striking "section 2409" and inserting "section 4701";

(D) by striking "if the proceeding (A) relates to" and inserting "if the proceeding—

"(1) relates to";

(E) by striking "in subparagraphs (A) through (C) of section 2409(a)(1)" and inserting "in section 4701(a)(1)";

(F) by striking "this title, and (B) results in" and inserting "this title; and

"(2) results in"; and

(G) by striking "paragraph (2)" and inserting "subsection (c)".

(4) AMENDMENTS TO NEW 3750(C).—Subsection (c) of such section, as so transferred and redesignated, is amended—

(A) by inserting "COVERED DISPOSITIONS.—" before "A disposition";

(B) by striking "paragraph (1)(B)" and inserting "subsection (b)(2)";

(C) by striking "paragraph (1)" each place it appears and inserting "subsection (b)";

(D) by redesignating subparagraphs (A), (B), (C), (D), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively;

(E) in paragraph (3), as so redesignated, by striking "section 2409" and inserting "section 4701";

(F) in paragraph (4), as so redesignated, by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(G) in paragraph (5), as so redesignated, by striking "subparagraph (A), (B), (C), or (D)" and inserting "paragraphs (1), (2), (3), or (4)".

(5) AMENDMENTS TO NEW 3750(D).—Subsection (d) of such section, as so transferred and redesignated, is amended—

(A) by inserting "COSTS ALLOWED BY SETTLEMENT AGREEMENT IN PROCEEDING COMMENCED BY UNITED STATES.—" before "In the case of";

(B) by striking "paragraph (1)" and inserting "subsection (b)"; and

(C) by striking "such paragraph" and inserting "such subsection".

(6) AMENDMENTS TO NEW 3750(E).—Subsection (e) of such section, as so transferred and redesignated, is amended—

(A) By inserting "COSTS SPECIFICALLY AUTHORIZED IN PROCEEDING COMMENCED BY STATE.—" before "In the case of";

(B) by striking "paragraph (1)" and inserting "subsection (b)"; and

(C) by striking "(A)" and "(B)" and inserting "(1)" and "(2)", respectively.

(7) AMENDMENTS TO NEW 3750(F).—Subsection (f) of such section, as so transferred and redesignated, is amended—

(A) by striking "(A) Except as provided in" and inserting "OTHER ALLOWABLE COSTS.—
"(1) IN GENERAL.—Except as provided in";

(B) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and realigning those paragraphs 2 ems to the right;

(C) in paragraph (1), as designated by subparagraph (A)—

(i) by striking "subparagraph (C)" and inserting "paragraph (3)";

(ii) by striking "paragraph (1)" and inserting "subsection (b)"; and

(iii) by striking "subparagraph (B)" and inserting "paragraph (2)";

(D) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking "(i) The amount of" and inserting "AMOUNT OF ALLOWABLE COSTS.—
"(A) MAXIMUM AMOUNT ALLOWED.—The amount of";

(ii) by redesignating clause (ii) as subparagraph (B);

(iii) in subparagraph (A), as designated by clause (i), by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(iv) in subparagraph (B), as redesignated by clause (ii)—

(I) by inserting "CONTENT OF REGULATIONS.—" before "Regulations issued";

(II) by striking "clause (i)" and inserting "subparagraph (A)";

(III) by striking "consideration of the complexity of" and inserting "consideration of—
"(i) the complexity of";

(IV) by striking "procurement litigation, generally accepted" and inserting "procurement litigation;
"(ii) generally accepted"; and

(E) by striking "as a party and such other" and inserting "as a party; and
"(iii) such other"; and

(F) in paragraph (3), as redesignated by subparagraph (B)—

(i) by inserting "WHEN OTHERWISE ALLOWABLE COSTS ARE NOT ALLOWABLE.—" before "In the case of";

(ii) by striking "subparagraph (A)" and inserting "paragraph (1)";

(iii) by striking "under this paragraph" and inserting "under this subsection";

(iv) by striking "not allowable if (i) such proceeding" and inserting "not allowable if—
"(A) such proceeding"; and

(v) by striking "proceeding, and (ii) the costs" and inserting "proceeding; and

"(B) the costs".

(j) ADDITIONAL ALLOWABLE COST PROVISIONS.—

(1) IN GENERAL.—Chapter 273 of title 10, United States Code, as added by subsection (a), is amended by adding at the end the following new subchapter:

"Subchapter II—Other Allowable Cost Provisions

10 USC prec. 3761.

"Sec.
"3761. Restructuring costs.
"3762. Independent research and development costs: allowable costs.
"3763. Bid and proposal costs: allowable costs.
"3764. Excessive pass-through charges.
"3765. Institutions of higher education: reimbursement of indirect costs under Department of Defense contracts.".

(2) TRANSFER OF SECTIONS ON RESTRUCTURING COSTS, ALLOWABILITY OF INDEPENDENT RESEARCH AND DEVELOPMENT COSTS, AND ALLOWABILITY OF BID AND PROPOSAL COSTS.—Sections 2325, 2372, and 2372a of title 10, United States Code, are transferred to subchapter II of chapter 273 of such title, as added by paragraph (1), inserted (in that order) after the table of sections, and redesignated as sections 3761, 3762, and 3763, respectively.

(3) AMENDMENTS TO NEW 3761.—Section 3761 of title 10, United States Code, as so transferred and redesignated, is amended—

(A) by redesignating subsection (b) as subsection (c);

(B) in subsection (a)—

(i) by striking "(1)" before "The Secretary"; and

(ii) by striking "section 2324 of this title" and inserting "subchapter I":

(C) by redesignating paragraph (2) as subsection (b);

(D) in subsection (b), as so redesignated—

(i) by inserting "LIMITATION ON DELEGATION.—" before "The Secretary may not"; and

(ii) by striking "paragraph (1)" and inserting "subsection (a)"; and

(E) in each of such subsections (a) and (b), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(4) AMENDMENTS TO NEW 3763.—Section 3763 of such title, as so transferred and redesignated by paragraph (2), is amended by striking "section 2324(l)" in subsection (b) and inserting "section 3741".

SEC. 1833. PROPRIETARY CONTRACTOR DATA AND RIGHTS IN TECHNICAL DATA.

(a) NEW CHAPTER.—

(1) IN GENERAL.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 275 and inserting the following:

10 USC prec. 3771.

"CHAPTER 275—PROPRIETARY CONTRACTOR DATA AND RIGHTS IN TECHNICAL DATA

10 USC prec. 3771.

"Subchapter Sec.
"I. Rights in Technical Data 3771

"II. Validation of Proprietary Data Restrictions 3781
"III. Other Provisions Relating to Proprietary Contractor Data and Rights in Technical Data 3791

10 USC prec. 3771.

"SUBCHAPTER I—RIGHTS IN TECHNICAL DATA

"Sec.
"3771. Rights in technical data: regulations.
"3772. Rights in technical data: provisions required in contracts.
"3773. Domestic business concerns: programs for replenishment parts.
"3774. Major weapon systems and subsystems: long-term technical data needs.
"3775. Definitions.

10 USC 3771. **"§ 3771. Rights in technical data: regulations**

10 USC 3772. **"§ 3772. Rights in technical data: provisions required in contracts**

10 USC 3773. **"§ 3773. Domestic business concerns: programs for replenishment parts**

10 USC 3774. **"§ 3774. Major weapon systems and subsystems: long-term technical data needs**

10 USC 3775. **"§ 3775. Definitions".**

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 275 and inserting the following new item:

10 USC prec. 101, prec. 3001.

"275. Proprietary Contractor Data and Rights in Technical Data ..... 3771".

(b) TRANSFER OF SUBSECTION (A) OF SECTION 2320.—

(1) TRANSFER.—Subsection (a) of section 2320 of title 10, United States Code, is transferred to section 3771 of such title, as added by subsection (a), inserted after the section heading, and amended by redesignating paragraphs (2) and (3) as subsections (b) and (c), respectively.

(2) INTERNAL REDESIGNATIONS AND INSERTION OF HEADINGS IN NEW 3771(A).—Subsection (a) of such section, as so transferred and amended, is amended—

(A) by striking "(1) The Secretary of" and inserting "REGULATIONS REQUIRED.—
"(1) IN GENERAL.—The Secretary of"; and

(B) by designating the third sentence as paragraph (2) and in that paragraph—

(i) by striking "Such regulations may not" and inserting "OTHER RIGHTS NOT IMPAIRED.—Regulations prescribed under paragraph (1) may not";

(ii) by striking "impair any right of the" and inserting "impair—
"(A) any right of the"; and

(iii) by striking "by law" and all that follows through "the right of a contractor" and inserting "by law; or
"(B) the right of a contractor".

(3) INTERNAL REDESIGNATIONS AND INSERTION OF HEADINGS IN NEW 3771(B).—Subsection (b) of such section, as so transferred and redesignated, is amended—

(A) by striking "Such regulations" and inserting "REQUIRED PROVISIONS.—Regulations prescribed under subsection (a)";

(B) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(C) in paragraph (1), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(D) in paragraph (2), as so redesignated, by striking "subparagraphs (C), (D), and (G)" and inserting "paragraphs (3), (4), and (7)";

(E) in paragraph (3), as so redesignated—

(i) by striking "SUBPARAGRAPH (B).—Subparagraph (B) does not" and inserting "PARAGRAPH (2).—Paragraph (2) does not"; and

(ii) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(F) in paragraph (4), as so redesignated—

(i) by striking "SUBPARAGRAPH (B).—Notwithstanding subparagraph (B)" and inserting "PARAGRAPH(2).— Notwithstanding paragraph (2)";

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(iii) in subparagraph (A), as so redesignated, by redesignating subclauses (I), (II), and (III) as clauses (i), (ii), and (iii), respectively;

(G) in paragraph (5), as so redesignated—

(i) by striking "MIXED FUNDING.—Except as provided in subparagraphs (F) and (G)," and inserting "MIXED FUNDING.—

"(A) IN GENERAL.—Except as provided in paragraphs (6) and (7),"; and

(ii) by designating the second sentence as subparagraph (B), realigning that subparagraph 2 ems to the right, and inserting "FACTORS TO BE CONSIDERED.—" before "The establishment of";

(H) in paragraph (6), as so redesignated, by striking "subparagraph (E)" and inserting "paragraph (5)";

(I) in paragraph (7), as so redesignated—

(i) by striking "MIXED FUNDING.—Notwithstanding subparagraphs (B) and (E)" and inserting "MIXED FUNDING.—

"(A) Notwithstanding paragraphs (2) and (5)";

(ii) by striking "section 2446a" and inserting "section 4401"; and

(iii) by designating the second and third sentences as subparagraphs (B) and (C), respectively;

(J) in paragraph (8), as so redesignated—

(i) by inserting "LIMITATIONS ON REQUIREMENTS RELATED TO CONTRACTOR OR SUBCONTRACTOR RIGHTS IN TECHNICAL DATA.—" before "A contractor or subcontractor";

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(iii) in subparagraph (A), as so redesignated, by redesignating subclauses (I), (II), and (III) as clauses (i), (ii), and (iii), respectively;

(iv) in clause (i), as so redesignated, by striking "subparagraph (A)" and inserting "paragraph (1)";

(v) in clause (ii), as so redesignated, by striking "subparagraph (C)" and inserting "paragraph (3)";

(vi) in clause (iii), as so redesignated, by striking "subparagraph (D)" and inserting "paragraph (4)"; and

(vii) in subparagraph (B), as so redesignated, by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(K) in paragraph (9), as so redesignated—

(i) by inserting "ACTIONS AUTHORIZED IF NECESSARY TO DEVELOP ALTERNATIVE SOURCES OF SUPPLY AND MANUFACTURE.—" before "The Secretary of Defense";

(ii) by redesignating clauses (i), (ii), and (ii) as subparagraphs (A), (B), and (C), respectively;

(iii) in subparagraph (A), as so redesignated, by striking "subparagraph (C) or (D)" and inserting "paragraph (3) or (4)"; and

(iv) in subparagraph (B), as so redesignated, by striking "this section" and inserting "this subchapter".

(4) INTERNAL REDESIGNATIONS AND INSERTION OF HEADINGS IN NEW 3771(C).—Subsection (c) of such section, as so transferred and redesignated, is amended—

(A) by inserting "SECRETARY OF DEFENSE TO DEFINE TERMS.—" before "The Secretary of";

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(C) by striking "the Secretary shall specify" and inserting "the Secretary—

"(1) shall specify";

(D) by striking "treated and shall specify" and inserting "treated; and

"(2) shall specify"; and

(E) by striking "this paragraph" and inserting "this subsection".

(c) TRANSFER OF SUBSECTIONS (B) AND (C) OF SECTION 2320.—

(1) TRANSFER.—Subsections (b) and (c) of section 2320 of title 10, United States Code, are transferred to section 3772 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsections (a) and (b), respectively.

(2) INTERNAL REDESIGNATIONS AND INSERTION OF HEADINGS IN NEW 3772(A).—Subsection (a) of such section, as so transferred and redesignated, is amended—

(A) by inserting "CONTRACT PROVISIONS RELATING TO TECHNICAL DATA.—" before "Regulations prescribed under";

(B) by striking "subsection (a)" and inserting "section 3771 of this title";

(C) by striking "section 2303" and inserting "section 3063";

(D) in paragraph (1), by striking "section 2321(f)" and inserting "section 3784";

(E) in paragraph (6)—

(i) by striking "the contractor to revise" and inserting "the contractor—

"(A) to revise"; and

(ii) by striking "the contract and to deliver" and inserting "the contract; and

"(B) to deliver";

(F) in paragraph (7)—

(i) by striking "is found to be" and inserting "is found—

"(A) to be"; and

(ii) by striking "or inadequate or to not" and inserting "or inadequate; or

"(B) to not";

(G) in paragraph (9)(B)(ii), by striking "subparagraphs (D)(i)(II), (F), and (G) of subsection (a)(2)" and inserting "paragraphs (4)(A)(ii), (6), and (7) of section 3771(b) of this title"; and

(H) in paragraph (10), by striking "section 2321(d)" and inserting "section 3782".

(3) INTERNAL REDESIGNATIONS IN NEW 3772(B).—Subsection (b) of such section, as so transferred and redesignated, is amended—

(A) by striking "in this section or in section 2305(a)" and inserting "in this subchapter or in section 3208"; and

(B) in paragraph (2), by striking "subsection (a)" and inserting "section 3771 of this title".

(d) TRANSFER OF SUBSECTION (D) OF SECTION 2320.—Subsection (d) of section 2320 of title 10, United States Code, is transferred to section 3773 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation; and

(2) by striking "this subsection" and inserting "this section".

(e) TRANSFER OF SUBSECTION (E) AND (F) OF SECTION 2320.—

(1) TRANSFER.—Subsections (e) and (f) of section 2320 of title 10, United States Code, are transferred to section 3774 of such title, as added by subsection (a), inserted after the section heading, and redesigned as subsections (a) and (c), respectively.

(2) DESIGNATION OF NEW 3774(B).—The third sentence of subsection (a) of such section, as so transferred and redesignated, is designated as subsection (b).

(3) AMENDMENTS TO NEW 3774(A).—Subsection (a) of such section, as so amended, is further amended—

(A) by striking "The Secretary of Defense shall require" and inserting "ASSESSMENTS AND ACQUISITIONS STRATEGIES.—

"(1) The Secretary of Defense shall require";

(B) by designating the second sentence as paragraph (2);

(C) in paragraph (1), as designated by subparagraph (A)—

(i) by striking "to assess the long-term" and inserting "to—

"(A) assess the long-term"; and

(ii) by striking "systems and subsystems and establish" and inserting "systems and subsystems; and

"(B) establish"; and

(D) in paragraph (2), as designated by subparagraph (B)—

(i) by striking "may include the development" and inserting "may include—

"(A) the development"; and

(ii) by striking "Department of Defense or competition for" and inserting "Department of Defense; or "(B) competition for".

(4) AMENDMENTS TO NEW 3774(B).—Subsection (b) of such section, as designated by paragraph (2), is amended—

(A) by inserting "REQUIREMENTS RELATING TO ASSESSMENTS AND ACQUISITION STRATEGIES.—" before "Assessments and corresponding"; and

(B) by striking "developed under" and all that follows through "with respect to" and inserting "developed under subsection (a) with respect to".

(5) AMENDMENTS TO NEW 3774(C).—Subsection (c) of such section, as redesignated by paragraph (1), is amended—

(A) by striking "LICENSES.—The Secretary" and inserting "LICENSES.—

"(1) The Secretary";

(B) by designating the second sentence as paragraph (2); and

(C) in paragraph (2), as so designated, by striking "subsection (e)" and inserting "subsection (a)".

(f) TRANSFER OF SUBSECTION (G) AND (H) OF SECTION 2320.—

(1) TRANSFER.—Subsections (g) and (h) of section 2320 of title 10, United States Code, are transferred to section 3775 of such title, as added by subsection (a), inserted after the section heading, and redesigned as subsections (a) and (b), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Such subsections (a) and (b), as so transferred and redesignated, are each amended by striking "In this section," and inserting "In this subchapter,".

(B) Such subsection (b) is amended by striking "section 2446a" and inserting "section 4401".

(g) NEW SUBCHAPTER.—Chapter 275 of title 10, United States Code, as added by subsection (a), is amended by adding at the end the following new subchapter:

10 USC prec. 3781.

"SUBCHAPTER II—VALIDATION OF PROPRIETARY DATA RESTRICTIONS

"Sec.

"3781. Technical data: contractor justification for restrictions; review of restrictions.
"3782. Technical data: challenges to contractor restrictions.
"3783. Technical data: time for contractors to submit justifications.
"3784. Technical data under contracts for commercial items: presumption of development exclusively at private expense.
"3785. Technical data: decision by contracting officer; claims; rights and liability upon final disposition.
"3786. Use or release restriction: definition.

"§ 3781. Technical data: contractor justification for restrictions; review of restrictions 10 USC 3781.

"§ 3782. Technical data: challenges to contractor restrictions 10 USC 3782.

"§ 3783. Technical data: time for contractors to submit justifications 10 USC 3783.

"§ 3784. Technical data under contracts for commercial items: presumption of development exclusively at private expense 10 USC 3784.

"§ 3785. Technical data: decision by contracting officer; claims; rights and liability upon final disposition 10 USC 3785.

"§ 3786. Use or release restriction: definition". 10 USC 3786.

(h) TRANSFER OF SUBSECTIONS (A), (B), AND (C) OF SECTION 2321.—

(1) TRANSFER.—Subsections (a), (b), and (c) of section 2321 of title 10, United States Code, are transferred to section 3781 of such title, as added by subsection (g), and inserted after the section heading.

(2) CONFORMING AMENDMENTS TO NEW 3781(A).—Subsection (a) of such section, as so transferred, is amended by striking "CONTRACTS COVERED BY SECTION.—This section" and inserting "CONTRACTS COVERED BY SUBCHAPTER.—This subchapter".

(3) CONFORMING AMENDMENTS TO NEW 3781(B).—Subsection (b) of such section, as so transferred, is amended—

(A) by striking "this section" and inserting "this subchapter"; and

(B) by striking "(as defined" and all that follows through "asserted" and inserting "(as defined in section 3786 of this title) asserted".

(4) CONFORMING AMENDMENTS TO NEW 3781(C).—Subsection (c) of such section, as so transferred, is amended—

(A) by striking "RESTRICTIONS.—(1) The Secretary" and inserting "RESTRICTIONS.—
"(1) The Secretary";

(B) in paragraph (1), by striking "this section" and inserting "this subchapter"; and

(C) by realigning paragraph (2) 2 ems to the right.

(i) TRANSFER OF SUBSECTION (D) OF SECTION 2321.—

(1) TRANSFER.—Subsection (d) of section 2321 of title 10, United States Code, is transferred to section 3782 of such title, as added by subsection (g), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively.

(2) CONFORMING AMENDMENTS TO NEW 3782(A).—Subsection (a) of such section 3782, as so transferred and redesignated, is amended—

(A) by inserting "CHALLENGES BY SECRETARY OF DEFENSE.—" before "The Secretary of Defense";

(B) by striking "this section" and inserting "this subchapter"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) CONFORMING AMENDMENTS TO NEW 3782(B).—Subsection (b) of such section 3782, as so transferred and redesignated, is amended—

(A) by striking "(A) A challenge" and inserting "TIME LIMIT FOR CHALLENGES; EXCEPTIONS.—
"(1) A challenge";

(B) by redesignating subparagraph (B) as paragraph (2) and realigning that paragraph 2 ems to the right;

(C) in paragraph (1), as designated by subparagraph (A)—

(i) by striking "paragraph (1)" and inserting "subsection (a)";

(ii) by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(iii) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively; and

(D) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(4) CONFORMING AMENDMENTS TO NEW 3782(C).—Subsection (c) of such section 3782, as so transferred and redesignated, is amended—

(A) by inserting "WRITTEN NOTICE TO CONTRACTOR OR SUBCONTRACTOR.—" before "If the Secretary";

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(D) in paragraph (3), as so redesignated, by striking "paragraph (4)" and inserting "subsection (d)".

(5) CONFORMING AMENDMENTS TO NEW 3782(D).—Subsection (d) of such section 3782, as so transferred and redesignated, is amended—

(A) by inserting "JUSTIFICATION.—" before "It is a justification";

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in paragraph (1), as so redesignated, by striking "this subsection" and inserting "this section".

(j) TRANSFER OF SUBSECTION (E) OF SECTION 2321.—

(1) TRANSFER.—Subsection (e) of section 2321 of title 10, United States Code, is transferred to section 3783 of such title, as added by subsection (g), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(2) DESIGNATION OF NEW SUBSECTIONS (A) AND (B).—Such section, as so transferred and amended, is further amended—

(A) by designating the first sentence as subsection (a) and inserting "ADDITIONAL TIME TO SUBMIT JUSTIFICATIONS.—" before "If a contractor"; and

(B) by designating the second sentence as subsection (b) and inserting "MULTIPLE CHALLENGES; SCHEDULE OF RESPONSES.—" before "If a party".

(k) TRANSFER OF SUBSECTION (F) OF SECTION 2321.—Subsection (f) of section 2321 of title 10, United States Code, is transferred to section 3784 of such title, as added by subsection (g), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading; and

(2) by striking "subsection (d)(3)" and inserting "section 3782(c) of this title".

(l) TRANSFER OF SUBSECTIONS (G), (H), AND (I) OF SECTION 2321.—

(1) TRANSFER.—Subsections (g), (h), and (i) of section 2321 of title 10, United States Code, are transferred to section 3785 of such title, as added by subsection (g), inserted after the section heading, and redesignated as subsections (a), (b), and (c), respectively.

(2) CONFORMING AMENDMENTS TO NEW 3785(A).—Subsection (a) of such section, as so transferred and redesignated, is amended—

(A) by striking "subsection (d)(3)" both places it appears and inserting "section 3782(c) of this title";

(B) by striking "OFFICER.—(1) Upon failure" and inserting "OFFICER.—

"(1) Upon failure"; and

(C) by realigning paragraph (2) 2 ems to the right.

(3) CONFORMING AMENDMENTS TO NEW 3785(C).—Subsection (c) of such section 3786, as so transferred and redesignated, is amended—

(A) by striking "DISPOSITION.—(1) If, upon final" and inserting "DISPOSITION.—

"(1) If, upon final"; and

(B) by realigning paragraph (2) 2 ems to the right.

(m) TRANSFER OF SUBSECTION (J) OF SECTION 2321.—Subsection (j) of section 2321 of title 10, United States Code, is transferred to section 3786 of such title, as added by subsection (g), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading; and

(2) by striking "In this section" and inserting "In this subchapter".

(n) NEW SUBCHAPTER.—Chapter 275 of title 10, United States Code, as added by subsection (a), is amended by adding after subchapter II, as added by subsections (g), the following new subchapter:

"SUBCHAPTER III—OTHER PROVISIONS RELATING TO PROPRIETARY CONTRACTOR DATA AND RIGHTS IN TECHNICAL DATA

10 USC prec. 3791.

"Sec.

"3791. Management of intellectual property matters within the Department of Defense.

"3792. Technical data rights: non-FAR agreements.

"3793. Copyrights, patents, designs, etc.; acquisition.

"3794. Release of technical data under Freedom of Information Act: recovery of costs.

10 USC 3791.

"§ 3791. Management of intellectual property matters within the department of defense

"(b) CADRE OF INTELLECTUAL PROPERTY EXPERTS.—For a provision requiring establishment of a cadre of personnel who are experts in intellectual property matters, see section 1707 of this title.".

(o) TRANSFERS.—

(1) TRANSFER OF SECTION 2322(A).—Subsection (a) of section 2322 of title 10, United States Code, is transferred to section 3791 of such title, as added by subsection (n), and inserted after the section heading.

(2) TRANSFER OF SECTIONS 2386 AND 2328.—Section 2386 and 2328 of such title are transferred to subchapter III of chapter 275 of such title, as added by subsection (n), inserted (in that order) after section 3791, and redesignated as section 3793 and 3794, respectively.

(p) CROSS REFERENCE AMENDMENTS.—Section 8687(a) of title 10, United States Code, is amended by striking "section 2320" each place it appears and inserting "subchapter I of chapter 275".

SEC. 1834. CONTRACT FINANCING.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 277 and inserting the following:

10 USC prec. 3801.

10 USC prec. 3801.

"CHAPTER 277—CONTRACT FINANCING

"Sec.
"3801. Authority of agency.
"3802. Payment.
"3803. Security for advance payments.
"3804. Conditions for progress payments.
"3805. Payments for commercial products and commercial services.
"3806. Action in case of fraud.
"3807. Vesting of title in the United States.

10 USC 3801.

"§ 3801. Authority of agency

10 USC 3802.

"§ 3802. Payment

10 USC 3803.

"§ 3803. Security for advance payments

10 USC 3804.

"§ 3804. Conditions for progress payments

10 USC 3805.

"§ 3805. Payments for commercial products and commercial services

10 USC 3806.

"§ 3806. Action in case of fraud

10 USC 3807.

"§ 3807. Vesting of title in the United States".

(b) TRANSFER OF SUBSECTION (A) OF SECTION 2307.—

(1) TRANSFER.—Subsection (a) of section 2307 of title 10, United States Code, is transferred to section 3801 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking "(1)" before "The head of"; and

(B) by redesignating paragraph (2) as subsection (b).

(2) CONFORMING AMENDMENTS TO NEW 3801(A).—Such subsection (a), as so transferred and amended, is further amended by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) CONFORMING AMENDMENTS TO NEW 3801(B).—Subsection (b) of such section 3801, as redesignated by paragraph (1)(B), is amended—

(A) by striking "(A) For a prime" and inserting "PAYMENT DATES FOR CONTRACTORS THAT ARE SMALL BUSINESS CONCERNS.—

"(1) PRIME CONTRACTORS.—For a prime";

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2), as so redesignated—

(i) by inserting "SUBCONTRACTORS.—" before "For a prime"; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(c) TRANSFER OF SUBSECTIONS (B) AND (C) OF SECTION 2307.—

(1) TRANSFER.—Subsections (b) and (c) of section 2307 of title 10, United States Code, are transferred to section 3802 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsections (a) and (d), respectively.

(2) FURTHER INTERNAL REDESIGNATION AMENDMENTS TO NEW 3802.—Such section 3802, as so amended, is further amended

(A) in subsection (a), by striking "(1)" before "Whenever possible";

(B) by redesignating paragraph (2) of subsection (a) as subsection (b);

(C) by transferring paragraph (3) of such subsection to the end of the section and redesignating such paragraph as subsection (e);

(D) by redesignating paragraph (4) of subsection (a) as subsection (c); and

(E) by redesignating subparagraphs (A), (B), and (C) of subsection (a) as paragraphs (1), (2), and (3), respectively.

(3) CONFORMING AMENDMENT TO NEW 3802(A).—Subsection (a) of such section is further amended by striking "subsection (a)" and inserting "section 3801 of this title".

(4) CONFORMING AMENDMENTS TO NEW 3802(B).—Subsection (b) of such section, as so redesignated, is amended—

(A) by inserting "Basis for performance-based payments.—" before "Performance-based payments"; and

(B) by striking "paragraph (1)" and inserting "subsection (a)".

(5) CONFORMING AMENDMENTS TO NEW 3802(C).—Subsection (c) of such section, as so redesignated, is amended—

(A) by striking "(A) In order to" and inserting "CONTRACTOR ACCOUNTING SYSTEMS.—

"(1) In order to"; and

(B) by redesignating subparagraph (B) as paragraph (2), realigning that paragraph 2 ems to the right, and striking "this section" therein and inserting "this chapter".

(6) CONFORMING AMENDMENT TO NEW 3802(D).—Subsection (d) of such section, as redesignated by paragraph (1), is amended by striking "subsection (a)" and inserting "section 3801 of this title".

(7) CONFORMING AMENDMENT TO NEW 3802(E).—Subsection (e) of such section, as transferred and redesignated by paragraph (2)(C), is amended by inserting "ELIGIBILITY OF NONTRADITIONAL DEFENSE CONTRACTORS.—" before "The Secretary of".

(d) TRANSFER OF SUBSECTION (D) OF SECTION 2307.—Subsection (d) of section 2307 of title 10, United States Code, is transferred to section 3803 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading; and

(2) by striking "subsection (a)" and inserting "section 3801 of this title".

(e) TRANSFER OF SUBSECTION (E) OF SECTION 2307.—

(1) TRANSFER.—Subsection (e) of section 2307 of title 10, United States Code, is transferred to section 3804 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

(2) CONFORMING AMENDMENT TO NEW 3804(A).—Subsection (a) of such section 3804, as so transferred and redesignated, is amended by inserting "PAYMENT COMMENSURATE WITH WORK.—" before "The Secretary of Defense".

(3) CONFORMING AMENDMENTS TO NEW 3804(B).—Subsection (b) of such section 3804, as so transferred and redesignated, is amended—

(A) by inserting "LIMITATION.—" before "The Secretary"; and

(B) by striking "paragraph (1)" and inserting "subsection (a)".

(4) CONFORMING AMENDMENTS TO NEW 3804(C).—Subsection (c) of such section 3804, as so transferred and redesignated, is amended—

(A) by inserting "APPLICABILITY.—" before "This"; and

(B) by striking "subsection" and inserting "section".

(f) TRANSFER OF SUBSECTION (F) OF SECTION 2307.—

(1) TRANSFER.—Subsection (f) of section 2307 of title 10, United States Code, is transferred to section 3805 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation and subsection heading; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (c), and (d), respectively.

(2) FURTHER INTERNAL REDESIGNATION AMENDMENTS TO NEW 3805.—Such section 3805, as so amended, is further amended by designating the second sentence of subsection (a) as subsection (b).

(4) CONFORMING AMENDMENTS TO NEW 3805(A).—Subsection (a) of such section, as so transferred and redesignated, is amended—

(A) by inserting "TERMS AND CONDITIONS FOR PAYMENTS.—" before "Payments under"; and

(B) by striking "subsection (a)" and inserting "section 3801 of this title".

(4) CONFORMING AMENDMENT TO NEW 3805(B).—Subsection (b) of such section, as designated by paragraph (2), is amended by inserting "SECURITY FOR PAYMENTS.—" before "The head of the agency".

(5) CONFORMING AMENDMENTS TO NEW 3805(C).—Subsection (c) of such section, as so transferred and redesignated, is amended—

(A) by inserting "LIMITATION ON ADVANCE PAYMENTS.—" before "Advance payments"; and

(B) by striking "subsection (a)" and inserting "section 3801 of this title".

(6) CONFORMING AMENDMENTS TO NEW 3805(D).—Subsection (d) of such section, as so transferred and redesignated, is amended—

(A) by inserting "NONAPPLICATION OF CERTAIN CONDITIONS.—" before "The conditions of";

(B) by striking "subsections (d) and (e)" and inserting "sections 3803 and 3804 of this title"; and

(C) by striking "paragraphs (1) and (2)" and inserting "this section".

(g) TRANSFER OF SUBSECTION (I) OF SECTION 2307.—

(1) TRANSFER.—Subsection (i) of section 2307 of title 10, United States Code, is transferred to section 3806 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation and subsection heading.

(2) FURTHER INTERNAL REDESIGNATION AMENDMENTS TO NEW 3806.—Such section 3806, as so amended, is further amended—

(A) by redesignating paragraphs (1) through (9) as subsections (b) through (j), respectively; and

(B) by transferring paragraph (10) to the beginning of such section so as to appear before subsection (b), as redesignated by subparagraph (A), and redesignating that paragraph as subsection (a).

(3) CONFORMING AMENDMENTS TO NEW 3806(A).—Subsection (a) of such section, as transferred and redesignated by paragraph (2)(B), is amended—

(A) by inserting "REMEDY COORDINATION OFFICIAL DEFINED.—" before "In this"; and

(B) by striking "this subsection" and inserting "this section".

(4) CONFORMING AMENDMENT TO NEW 3806(B).—Subsection (b) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), is amended by inserting "RECOMMENDATION TO REDUCE OR SUSPEND PAYMENTS.—" before "In any case".

(5) CONFORMING AMENDMENTS TO NEW 3806(C).—Subsection (c) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), is amended—

(A) by inserting "REDUCTION OR SUSPENSION OF PAYMENTS.—" before "The head of"; and

(B) by striking "paragraph (1)" and inserting "subsection (b)".

(6) CONFORMING AMENDMENTS TO NEW 3806(D).—Subsection (d) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), is amended—

(A) by inserting "EXTENT OF REDUCTION OR SUSPENSION.—" before "The extent of"; and

(B) by striking "paragraph (2)" and inserting "subsection (c)".

(7) CONFORMING AMENDMENTS TO NEW 3806(E).—Subsection (e) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), is amended—

(A) by inserting "WRITTEN JUSTIFICATION.—" before "A written"; and

(B) by striking "paragraph (2)" and inserting "subsection (c)".

(8) CONFORMING AMENDMENTS TO NEW 3806(F).—Subsection (f) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), is amended—

(A) by inserting "NOTICE.—" before "The head of an agency shall"; and

(B) by striking "paragraph (2)" and inserting "subsection (c)".

(9) CONFORMING AMENDMENTS TO NEW 3806(G).—Subsection (g) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), is amended—

(A) by inserting "REVIEW.—" before "Not later than";

(B) by striking "paragraph (2)" and inserting "subsection (c)"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(10) CONFORMING AMENDMENTS TO NEW 3806(H).—Subsection (h) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), is amended—

(A) by inserting "ANNUAL REPORT.—" before "The head of"; and

(B) by striking "paragraph (2)" and inserting "subsection (c)".

(11) REORDERING AND REDESIGNATION FOR TITLE 41 CONSISTENCY.—Subsections (i) and (j) of such section, as transferred and redesignated by paragraphs (1) and (2)(A), are reversed in order and are redesignated accordingly.

(12) CONFORMING AMENDMENTS TO NEW 3806(I).—Subsection (i) of such section, as transferred and redesignated by paragraphs (1), (2)(A), and (11), is amended—

(A) by inserting "RESTRICTION ON DELEGATION.—" before "The head of"; and

(B) by striking "this subsection" and inserting "this section".

(13) CONFORMING AMENDMENTS TO NEW 3806(J).—Subsection (j) of such section, as transferred and redesignated by paragraphs (1), (2)(A), and (11), is amended—

(A) by inserting "INAPPLICABILITY TO COAST GUARD.—" before "This";

(B) by striking "subsection applies" and inserting "section applies"; and

(C) by striking "section 2303(a)" and inserting "section 3063".

(h) TRANSFER OF SUBSECTION (H) OF SECTION 2307.—Subsection (h) of section 2307 of title 10, United States Code, is transferred to section 3807 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading; and

(2) by striking "subsection (a)(1)" and inserting "section 3801(1) of this title".

SEC. 1835. CONTRACTOR AUDITS AND ACCOUNTING.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 279 and inserting the following: 10 USC prec. 3841.

"CHAPTER 279—CONTRACTOR AUDITS AND ACCOUNTING 10 USC prec. 3841.

"Sec.
"3841. Examination of records of contractor.
"3842. Performance of incurred cost audits.
"3843. Contractor internal audit reports: Department of Defense access to, use of, and safeguards and protections for.
"3844. Contractor business systems.
"3845. Contractor inventory accounting systems: standards.
"3846. Defense Contract Audit Agency: legal resources and expertise.
"3847. Defense Contract Audit Agency: annual report.
"3848. Defense audit agencies: Small Business Ombudsmen.

"§ 3841. Examination of records of contractor". 10 USC 3841.

(b) TRANSFER OF SECTION 2313.—

(1) TRANSFER OF SUBSECTIONS (A) THROUGH (H).—Subsections (a) through (h) of section 2313 of title 10, United States Code, are transferred to section 3841 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsections (b) through (i), respectively.

(2) TRANSFER OF SUBSECTION (I).—Subsection (i) of section 2313 of such title is transferred to section 3841 of such title, as amended by paragraph (1), inserted before subsection (b), as transferred and redesignated by paragraph (1), and redesignated as subsection (a).

(3) CONFORMING AMENDMENTS TO NEW 3841(B).—Subsection (b) of such section 3841, as redesignated by paragraph (1), is amended—

(A) by striking "AGENCY AUTHORITY.—(1) The head of" and inserting "AGENCY AUTHORITY.—
"(1) The head of";

(B) in paragraph (1)(A), by striking "made by that agency under this chapter" and inserting "made by that agency under a chapter 137 legacy provision";

(C) by realigning paragraph (2) 2 ems to the right; and

(D) in paragraph (2), by striking "section 2306a" and inserting "chapter 271".

(4) CONFORMING AMENDMENTS TO NEW 3841(C).—Subsection (c) of such section 3841, as redesignated by paragraph (1), is amended—

(A) by striking "AUTHORITY.—(1) The Director of" and inserting "AUTHORITY.—

"(1) AUTHORITY TO REQUIRE THE PRODUCTION OF RECORDS.—The Director of";

(B) in paragraph (1), by striking "subsection (a)" and inserting "subsection (b)";

(C) by realigning paragraphs (2) and (3) 2 ems to the right;

(D) in paragraph (2), by inserting "ENFORCEMENT OF SUBPOENA.—" before "Any such subpoena"; and

(E) in paragraph (3), by inserting "AUTHORITY NOT DELEGABLE.—" before "The authority provided by".

(5) CONFORMING AMENDMENTS TO NEW 3841(D).—Subsection (d) of such section 3841, as redesignated by paragraph (1), is amended—

(A) by striking "AUTHORITY.—(1) Except as" and inserting "AUTHORITY.—

"(1) IN GENERAL.—Except as";

(B) by realigning paragraphs (2) and (3) 2 ems to the right;

(C) in paragraph (2), by inserting "EXCEPTION FOR FOREIGN CONTRACTOR OR SUBCONTRACTOR.—" before "Paragraph (1) does not apply"; and

(D) in paragraph (3), by inserting "ADDITIONAL RECORDS NOT REQUIRED.—" before "Paragraph (1) may not".

(6) CONFORMING AMENDMENTS TO NEW 3841(F).—Subsection (f) of such section 3841, as redesignated by paragraph (1), is amended—

(A) by striking "subsection (a)" and inserting "subsection (b)"; and

(B) by striking "subsection (c)" and inserting "subsection (d)".

(c) TRANSFER OF TITLE 10 SECTIONS.—Sections 2313b, 2410b, 2313a, and 204 of title 10, United States Code, are transferred to chapter 279 of such title, as added by subsection (a), inserted (in that order) after section 3841, as amended by subsection (b), and redesignated as sections 3842, 3845, 3847, and 3848, respectively.

(d) AMENDMENTS TO TRANSFERRED SECTIONS.—

(1) Section 3842 of such title, as so transferred and redesignated, is amended by striking "section 2313a" in subsection (g)(5) and inserting "section 3847".

(2) Section 3845 of such title, as so transferred and redesignated, is amended by striking "(as defined in section 103 of title 41)" in subsection (c).

(3) Section 3847 of such title, as so transferred and redesignated, is amended by striking "section 2313b" in subsection (d)(1) and inserting "section 3842".

(4) The heading of section 3848 of such title, as so transferred and redesignated, is amended to read as follows:

"§ 3848. Defense audit agencies: Small Business Ombudsmen".

(e) PLACEHOLDER SECTIONS.—Chapter 279 of such title, as added and amended by this section, is further amended—

(1) by inserting after section 3842, as transferred and redesignated by subsection (c), the following:

"§ 3843. Contractor internal audit reports: Department of Defense access to, use of, and safeguards and protections for 10 USC 3843.

"[Reserved.]

"§ 3844. Contractor business systems 10 USC 3844.

"[Reserved.]"; and

(2) by inserting after section 3845, as transferred and redesignated by subsection (c), the following:

"§ 3846. Defense Contract Audit Agency: legal resources and expertise 10 USC 3846.

"[Reserved.]".

SEC. 1836. CLAIMS AND DISPUTES.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 281 and inserting the following: 10 USC prec. 3861.

"CHAPTER 281—CLAIMS AND DISPUTES 10 USC prec. 3861.

"Sec.
"3861. Research and development contracts: indemnification provisions.
"3862. Requests for equitable adjustment or other relief: certification.
"3863. Retention of amounts collected from contractor during the pendency of contract dispute.".

(b) TRANSFER OF SECTIONS.—Sections 2354, 2410, and 2410m of title 10, United States Code, are transferred to chapter 281 of such title, as added by subsection (a), inserted (in that order) after the table of sections, and redesignated as sections 3861, 3862, and 3863, respectively.

(c) HEADING AMENDMENT.—The heading of section 3861 of title 10, United States Code, as so transferred and redesignated, is amended to read as follows:

"§ 3861. Research and development contracts: indemnification provisions".

SEC. 1837. FOREIGN ACQUISITIONS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 283 and inserting the following: 10 USC prec. 3881.

"CHAPTER 283—FOREIGN ACQUISITIONS 10 USC prec. 3881.

"Subchapter Sec.
"I. General 3881
"II. Prohibition on Contracting with the Enemy 3891

"SUBCHAPTER I—GENERAL 10 USC 3881.

"Sec.
"3881. Contracts: consideration of national security objectives.".

(b) TRANSFER OF SECTION 2327.—

(1) TRANSFER.—Section 2327 of title 10, United States Code, is transferred to chapter 283 of such title, as added

by subsection (a), inserted after the table of sections at the beginning of subchapter I, and redesignated as section 3881.

(2) APPLICABILITY OF DEFINITIONS.—Such section is amended in subsection (f)(2) by striking "This section does not" and inserting "The provisions of section 3011 of this title apply in this section, except that this section does not".

(c) FUTURE CODIFICATION OF SECTIONS 841-843 OF FY2015 NDAA.—Chapter 283 of title 10, United States Code, is further amended by adding at the end the following:

10 USC prec. 3901.

"Subchapter II—Prohibition on Contracting With the Enemy

"Sec.
"3891. [Reserved].
"3892. [Reserved].
"3893. [Reserved].".

SEC. 1838. SOCIOECONOMIC PROGRAMS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 287 and inserting the following:

10 USC prec. 3961.

10 USC prec. 3901.

"CHAPTER 287—SOCIOECONOMIC PROGRAMS

"Sec.
"3901. Contracts: prohibition on competition between Department of Defense and small businesses.
"3902. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses.
"3903. Subcontracting plans: credit for certain purchases.
"3904. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.
"3905. Products of Federal Prison Industries: procedural requirements.".

(b) TRANSFER OF SECTIONS.—Section 2304e, 2323a, 2410d, 2362, and 2410n of such title are transferred to chapter 285 of such title, as added by subsection (a), inserted (in that order) after the table of sections, and redesignated as section 3901, 3902, 3903, 3904, and 3905, respectively.

Subtitle E—Research and Engineering

SEC. 1841. RESEARCH AND ENGINEERING GENERALLY.

(a) SWITCHING OF SUBPARTS E AND F.—

(1) NEW SUBPART E.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

(A) by striking subparts E and F; and

(B) by inserting after subpart D the following new subpart E:

10 USC prec. 4001.

"Subpart E—Research and Engineering

10 USC prec. 4001.

"CHAPTER 301— RESEARCH AND ENGINEERING GENERALLY

"Sec.
"4001. Research and development projects.

"4002. Research projects: transactions other than contracts and grants.
"4003. Authority of the Department of Defense to carry out certain prototype projects.
"4004. Procurement for experimental purposes.
"4005. [Reserved].
"4006. [Reserved].
"4007. Science and technology programs to be conducted so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation.
"4008. Merit-based award of grants for research and development.
"4009. Technology protection features activities.
"4010. [Reserved].
"4011. [Reserved].
"4012. [Reserved].
"4013. [Reserved].
"4014. Coordination and communication of defense research activities and technology domain awareness.
"4015. Award of grants and contracts to colleges and universities: requirement of competition.".

(2) TABLES OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended by striking the items relating to subparts E and F and inserting the following:

10 USC prec. 101, prec. 3001.

"Subpart E—Research and Engineering

"301. Research and Engineering Generally
"303. Innovation
"305. Department of Defense Laboratories
"307. Research and Development Centers and Facilities
"309. Test and Evaluation".

(b) TRANSFER OF TITLE 10 SECTIONS TO NEW CHAPTER 301.—

(1) TRANSFERS.—Sections 2358, 2371, 2371b and 2373 of title 10, United States Code, are transferred to chapter 301 of such title, as added by subsection (a), inserted (in that order) after the table of sections, and redesignated as sections 4001, 4002, 4003, and 4004, respectively.

(2) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(A) Section 4001 of such title, as transferred and redesignated by paragraph (1), is amended—

(i) in subsection (b)(5), by striking "sections 2371 or 2371b" and inserting "sections 4002 or 4003";

(ii) in subsection (b)(6), by striking "section 2373" and inserting "sections 4004"; and

(iii) in subsection (d), by striking "sections 2371 and 2371a" and inserting "sections 4002 and 4143".

(B) Section 4002 of such title, as so transferred and redesignated, is amended by striking "section 2358" each place it appears and inserting "section 4001".

(C) Section 4003 of such title, as so transferred and redesignated, is amended by striking "section 2371" in subsections (a)(1), (b)(1), and (c)(3)(A) and inserting "section 4002".

(c) TRANSFER OF ADDITIONAL TITLE 10 SECTIONS TO NEW CHAPTER.—Sections 2359, 2374, 2357, and 2361 of title 10, United States Code, are transferred to chapter 301 of such title, as added by subsection (a), added (in that order) after section 4004, as transferred and redesignated by subsection (b), and redesignated as sections 4007, 4008, 4009, and 4015, respectively.

(d) TRANSFER OF SECTION 2364(A).—

(1) TRANSFER.—The heading and subsection (a) of section 2364 of title 10, United States Code, are transferred to chapter

301 of such title, as so amended, inserted after section 4009, as transferred and redesignated by subsection (c), and redesignated as section 4014.

(2) PRESERVATION OF DEFINITION.—Section 4014, as redesignated by paragraph (1), is amended by adding at the end the following new subsection:

"(b) DEFENSE RESEARCH FACILITY DEFINED.—In this section, the term 'Defense research facility' has the meaning given that term by section 4142(b) of this title.".

(e) ADDITIONAL CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Sections 1746(d)(1) and 2165(f)(1) of title 10, United States Code, are amended by striking "section 2358" and inserting "section 4001".

(2) Section 218(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2501 note) is amended by striking "section 2371b" and inserting "section 4003".

SEC. 1842. INNOVATION.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 301, as added by the preceding section, the following new chapter:

10 USC prec. 4061.

"CHAPTER 303—INNOVATION

"Sec.
"4061. Defense Research and Development Rapid Innovation Program.
"4062. Defense Acquisition Challenge Program.
"4063. Extramural acquisition innovation and research activities.
"4064. Joint reserve detachment of the Defense Innovation Unit.
"4065. Prizes for advanced technology achievements.
"4066. Global Research Watch Program.".

(b) TRANSFER OF TITLE 10 SECTIONS.—Sections 2359a, 2359b, 2361a, 2358b, 2374a, and 2365 of title 10, United States Code, are transferred to chapter 303 of such title, as added by subsection (a), inserted (in that order) after the table of sections, and redesignated as sections 4061, 4062, 4063, 4064, 4065, and 4066, respectively.

(c) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 1089(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2374a note) is amended by striking "section 2374a" and inserting "section 4065".

(2) Section 905(a)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2364 note) is amended by striking "section 2365" and inserting "section 4066".

SEC. 1843. DEPARTMENT OF DEFENSE LABORATORIES.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 303, as added by the preceding section, the following new chapter:

"CHAPTER 305—DEPARTMENT OF DEFENSE LABORATORIES

10 USC prec. 4103.

"Subchapter Sec.
"I. General Matters 4101
"II. Personnel-Related Matters 4111

"SUBCHAPTER I—GENERAL MATTERS

10 USC prec. 4103.

"Sec.
"4101. [Reserved].
"4102. [Reserved].
"4103. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.

"SUBCHAPTER II—PERSONNEL-RELATED MATTERS

10 USC prec. 4111.

"Sec.
"4111. Authorities for certain positions at science and technology reinvention laboratories.
"4112. Research and development laboratories: contracts for services of university students.".

(b) TRANSFER OF TITLE 10 SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 2363 of title 10, United States Code, is transferred to subchapter I of chapter 305 of such title, as added by subsection (a), inserted after the table of sections at the beginning of such subchapter, and redesignated as section 4103.

(2) TRANSFERS TO SUBCHAPTER II.—Sections 2358a and 2360 of title 10, United States Code, are transferred to subchapter II of chapter 305 of such title, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of such subchapter, and redesignated as sections 4111 and 4112, respectively.

(c) CONFORMING CROSS-REFERENCE AMENDMENT.—Section 2805(d)(1)(B) of title 10, United States Code, is amended by striking "section 2363(a)" and inserting "section 4103(a)".

SEC. 1844. RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 305, as added by the preceding section, the following new chapter:

"CHAPTER 307—RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES

10 USC prec. 4141.

"Sec.
"4141. Contracts: acquisition, construction, or furnishing of test facilities and equipment.
"4142. Functions of Defense research facilities.
"4143. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980.
"4144. Use of test and evaluation installations by commercial entities.
"4145. Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations.
"4146. Centers for Science, Technology, and Engineering Partnership.
"4147. Use of federally funded research and development centers.".

(b) TRANSFER OF TITLE 10 SECTIONS.—

(1) IN GENERAL.—The sections of title 10, United States Code, specified in the left-hand column of the table below

are transferred to chapter 307 of such title, as added by subsection (a), inserted (in that order), after the table of sections, and redesignated as shown in the right-hand column:

Section	Redesignated Section
2353	4141
2371a	4143
2681	4144
2350l	4145
2368	4146
2367	4147

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended by striking the item relating to section 2350l.

10 USC 2350a.

(B) The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2681.

10 USC prec. 2661.

(c) CONFORMING AMENDMENTS TO TRANSFERRED SECTION 4146.—Section 4146 of such title, as transferred and redesignated by subsection (b), is amended—

(1) in subsection (b)(3)(B)(ii), by striking "2358, 2371, 2511, 2539b," and inserting "4001, 4002, 4831, 4892,"; and

(2) in subsection (d)(2), by striking "section 219" and all that follows and inserting "section 4103 of this title.".

(d) TRANSFER OF SECTION 2364(B) AND (C).—

(1) HEADING.—Chapter 307 of title 10, United States Code, as amended by subsection (a), is further amended by inserting after section 4141, as transferred and redesignated by subsection (b), the following:

10 USC 4142.

"§ 4142. Functions of Defense research facilities".

(2) TEXT.—Subsections (b) and (c) of section 2364 of such title are transferred to chapter 307 of such title, as so amended, inserted after the section heading for section 4142 added by paragraph (1), and redesignated as subsections (a) and (b), respectively.

(e) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 114(b) of title 10, United States Code, is amended by striking "section 2353" and inserting "section 4141".

(2) Section 1644(f)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note) is amended by striking "section 2368" and inserting "section 4146".

SEC. 1845. TEST AND EVALUATION.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 307, as added by the preceding section, the following new chapter:

"CHAPTER 309—TEST AND EVALUATION

"Sec.
"4171. Operational test and evaluation of defense acquisition programs.
"4172. Major systems and munitions programs: survivability testing and lethality testing required before full-scale production.
"4173. Department of Defense Test Resource Management Center.".

(b) TRANSFER OF TITLE 10 SECTIONS.—Sections 2399, 2366, and 196 of title 10, United States Code, are transferred to chapter 309 of such title, as amended by subsection (a), inserted after the table of sections (in that order), and redesignated as section 4171, 4172, and 4173, respectively.

(c) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 139(b)(6) of title 10, United States Code, is amended by striking "section 2366" and inserting "section 4172".

(2) Section 171a(i)(3) of such title is amended by striking "section 2366(e)" and inserting "sections 4172(e)".

(3) Section 2275(g)(3) of such title is amended by striking "section 2366(e)(7)" and inserting "sections 4172(e)(7)".

(4) Section 130i(j)(3)(C)(ix) of such title is amended by striking "section 196(i)" and inserting "sections 4173(i)".

(5) Section 4111 of such title, as transferred and redesignated by section 503(b)(2), is amended by striking "section 196" in subsection (f)(1) and inserting "section 4173".

(6) Section 220(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 221 note) is amended by striking "section 196(h)" and inserting "sections 4173(i)".

Subtitle F—Major Systems, Major Defense Acquisition Programs, and Weapon Systems Development

SEC. 1846. GENERAL MATTERS.

(a) TABLES OF CHAPTERS AMENDMENTS SHOWING CHAPTER ORGANIZATION FOR SUBPART F.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of Public Law 115–232), of title 10, United States Code, are amended by inserting before the item for the heading for subpart G of part V the following:

10 USC prec. 101, prec. 3001.

"Subpart F—Major Systems, Major Defense Acquisition Programs, and Weapon Systems Development

"321. General Matters
"322. Major Systems and Major Defense Acquisition Programs Generally
"323. Life-Cycle And Sustainment
"324. Program Status—Selected Acquisition Reports
"325. Cost Growth—Unit Cost Reports (Nunn-McCurdy)
"327. Weapon Systems Development and Related Matters".

(b) DESIGNATION OF REVISED SUBPART F AND INSERTION OF NEW CHAPTER 321.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–

232), is amended by inserting before subpart G the following new subpart:

10 USC prec. 4201.

"Subpart F—Major Systems, Major Defense Acquisition Programs, and Weapon Systems Development

10 USC prec. 4201.

"CHAPTER 321—GENERAL MATTERS

"Sec.
"4201. Major defense acquisition programs: definition; exceptions.
"4202. Authority to increase definitional threshold amounts: major defense acquisition programs; major systems.
"4203. Major subprograms.
"4204. Milestone decision authority.
"4205. Weapon systems for which procurement funding requested in budget: development and procurement schedules.

10 USC 4201.

"§ 4201. Major defense acquisition programs: definition; exceptions

10 USC 4202.

"§ 4202. Authority to increase definitional threshold amounts: major defense acquisition programs; major systems

10 USC 4204.

"§ 4204. Milestone decision authority".

(c) TRANSFER OF SUBSECTION (A) OF SECTION 2430.—

(1) HEADINGS AND INTERNAL REDESIGNATIONS.—Subsection (a) of section 2430 of title 10, United States Code, is transferred to section 4201 of such title, as added by subsection (b), inserted after the section heading, and amended—

(A) by striking "(1) Except as" and inserting "DEFINITION.—Except as";

(B) by striking "under paragraph (2)" and inserting "under subsection (b)";

(C) by striking "in this chapter" and inserting "in this part";

(D) by redesignating paragraph (2) as subsection (b) and striking "In this chapter" and inserting "EXCEPTIONS.—In this part"; and

(E) by redesignating subparagraphs (A) and (B) of subsection (a) and of subsection (b), as so redesignated, as paragraphs (1) and (2), respectively.

(2) REVISIONS TO NEW SECTION 4201(A)(2).—Subsection (a)(2) of such section 4201, as redesignated and amended by paragraph (1), is amended—

(A) by striking "to require an eventual" and inserting "to require—

"(A) an eventual"; and

(B) by striking "or an eventual" and inserting "; or "(B) an eventual".

(3) REVISIONS TO NEW SECTION 4201(B).—Subsection (b) of such section 4201, as redesignated and amended by paragraph (1)(D), is amended—

(A) by striking "include—" and inserting "include the following:";

(B) by striking "an" at the beginning of paragraphs (1) and (2), as redesignated by paragraph (1)(E) and inserting "An"; and

(C) by striking "; or" at the end of paragraph (1), as so redesignated, and inserting a period.

(d) TRANSFER OF SUBSECTIONS (B) AND (C) OF SECTION 2430.—

(1) TRANSFER AND INTERNAL REDESIGNATIONS.—Subsections (b) and (c) of section 2430 of title 10, United States Code, are transferred to section 4202 of such title, as added by subsection (b), inserted after the section heading, and amended—

(A) by redesignating subsection (b) as subsection (a);

(B) by striking the second sentence of that subsection; and

(C) by redesignating subsection (c) as paragraph (2), realigning that paragraph 2 ems to the right, and redesignating paragraphs (1), (2), (3), and (4) therein as subparagraphs (A), (B), (C), and (D), respectively.

(2) Subsection (a) of such section, as so redesignated, is further amended—

(A) by striking "The Secretary" and inserting "ADJUSTMENTS TO THRESHOLDS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—

"(1) AUTHORITY.—The Secretary";

(B) by striking "in subsection (a)(1)(B)" and inserting "in section 4201(a)(2) of this title";

(C) in paragraph (2), as redesignated by paragraph (1)(C)—

(i) by inserting "MATTERS TO BE CONSIDERED.—" before "For purposes of";

(ii) by striking "subsection (a)(1)(B)" and inserting "section 4201(a)(2) of this title";

(iii) in subparagraph (B), as redesignated by paragraph (1)(C), by striking "section 2366a(a)(6)" and inserting "section 4251(a)(6)";

(iv) in subparagraph (C), as so redesignated, by striking "section 2366b(a)(1)(C)" and inserting "section 4252(a)(1)(C)"; and

(v) in subparagraph (D), as so redesignated, by striking "section 2435" and inserting "section 4214".

(e) TRANSFER OF SUBSECTION (C) OF SECTION 2302D.—

(1) TRANSFER AND INTERNAL REDESIGNATIONS.—Subsection (c) of section 2302d of title 10, United States Code, is transferred to section 4202 of such title, as added by subsection (b), inserted after subsection (a) of that section, as transferred and amended by subsection (d), and amended—

(A) by redesignating such subsection as subsection (b); and

(B) by redesignating paragraph (3) thereof as subsection (c).

(2) AMENDMENTS TO NEW 4202(B).—Subsection (b) of section 4202 of such title, as so transferred and redesignated, is amended—

(A) by striking "ADJUSTMENT AUTHORITY.—(1) The Secretary" and inserting "ADJUSTMENT AUTHORITY FOR MAJOR SYSTEMS.—

"(1) AUTHORITY.—The Secretary";

(B) by striking "subsection (a)" and inserting "section 3041(c)(1) of this title"; and

(C) by realigning paragraph (2) 2 ems from the left margin and inserting "ROUNDING.—" in that paragraph after "(2)".

(3) AMENDMENTS TO NEW 4202(C).—Subsection (c) of section 4202 of such title, as redesignated by paragraph (1), is amended—

(A) by inserting "NOTIFICATION TO CONGRESSIONAL COMMITTEES.—" before "An adjustment"; and

(B) by striking "under this subsection" and inserting "under subsection (a) or (b)".

(f) TRANSFER OF SUBSECTION (D) OF SECTION 2430.—

(1) TRANSFER AND INTERNAL REDESIGNATIONS.—Subsection (d) of section 2430 of title 10, United States Code, is transferred to section 4204 of such title, as added by subsection (b), inserted after the section heading, and amended by striking the subsection designation and redesignating paragraphs (1), (2), (3), (4), and (5) as subsections (a), (b), (c), (d), and (f), respectively.

(2) AMENDMENTS TO NEW SECTION 4204(A).—Subsection (a) of such section 4204, as transferred and redesignated by paragraph (1), is amended—

(A) by inserting "SERVICE ACQUISITION EXECUTIVE.—" before "The milestone"; and

(B) by striking "under paragraph (2)" and inserting "under subsection (b)".

(3) AMENDMENTS TO NEW SECTION 4204(B).—Subsection (b) of such section 4204, as redesignated by paragraph (1), is amended—

(A) by inserting "DESIGNATION OF ALTERNATE MILESTONE DECISION AUTHORITY.—" before "The Secretary";

(B) by striking "to which—" and inserting "to which any of the following applies:";

(C) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively;

(D) in paragraph (1), as so redesignated, by striking "subject to paragraph (5)" and inserting "Subject to subsection (f)";

(E) in paragraph (3), as so redesignated, by striking "section 2433" and inserting "sections 4371 through 4375";

(F) by striking "the" at the beginning of paragraphs (2), (3), (4), and (5), as so redesignated, and inserting "The";

(G) by striking the semicolon at the end of paragraphs (1), (2), and (3), as so redesignated, and inserting a period; and

(H) by striking "; or" at the end of paragraph (4), as so redesignated, and inserting a period.

(4) AMENDMENTS TO NEW SECTION 4204(C).—Subsection (c) of section 4204 of such title, as so redesignated, is amended—

(A) by striking "(A) After designating" and inserting "REVERSION TO SERVICE ACQUISITION EXECUTIVE.—

"(1) After designating";

(B) by striking "under paragraph (2)" and inserting "under subsection (b)"; and

(C) by redesignating subparagraph (B) as paragraph (2), realigning that paragraph 2 ems from the left margin, and striking "section 2433" and inserting "sections 4371 through 4375".

(5) AMENDMENTS TO NEW SECTION 4204(D).—Subsection (d) of section 4204 of such title, as so redesignated, is amended—

(A) by striking "(A) For each" and inserting "CERTIFICATIONS RELATING TO PROGRAM REQUIREMENTS AND FUNDING.—For each";

(B) by redesignating subparagraph (B) as subsection (e);

(C) by striking "under section 2432 of this title, certify that" and inserting "under sections 4351 through 4358 of this title—

"(1) certify that"; and

(D) by striking "the program and identify and report" and inserting "the program; and

"(2) identify and report".

(6) AMENDMENTS TO NEW SECTION 4204(E).—Subsection (e) of section 4204 of such title, as redesignated by paragraph (5)(B), is amended—

(A) by inserting "DOCUMENTATION AND OVERSIGHT—" before "The Secretary of Defense";

(B) by striking "programs and shall limit outside requirements" and inserting "programs and shall—

"(1) limit outside requirements"; and

(C) by striking "decision authority and ensure that" and inserting "decision authority; and

"(2) ensure that".

(7) AMENDMENTS TO NEW SECTION 4204(F).—Subsection (f) of section 4204 of such title, as redesignated by paragraph (1), is amended—

(A) by inserting "LIMITATION ON AUTHORITY TO DESIGNATE ALTERNATIVE MDA FOR PROGRAMS ADDRESSING JOINT REQUIREMENTS.—" before "The authority of"; and

(B) by striking "in paragraph (2)(A)" and inserting "in subsection (b)(1)".

(8) CONFORMING REPEAL.—Section 2430 of title 10, United States Code, is repealed.

(g) TRANSFER OF SECTION 2430A.—Section 2430a of such title is transferred to chapter 321 of such title, as added by subsection (b), inserted after section 4202, redesignated as section 4203, and amended—

(1) by striking "section 2432(a)" in subsection (d) and inserting "section 4351"; and

(2) by striking "this chapter" each place it appears and inserting "this subpart".

(h) TRANSFER OF SECTION 2431.—

(1) Section 2431 of such title is transferred to chapter 321, as added by subsection (b), added at the end, and redesignated as section 4205.

(2) The heading of such section is amended to read as follows:

"§ 4205. Weapon systems for which procurement funding requested in budget: development and procurement schedules".

(i) CROSS REFERENCES.—The following provisions of law are amended by striking "section 2430" or "section 2430(a)", as the case may be, and inserting "section 4201":

(1) Section 139(a)(2)(B) of title 10, United States Code.

(2) Section 189(c)(1) of such title.
(3) Section 1706(c)(1) of such title.
(4) Sections 1731(b)(1)(B)(ii) and 1737(a)(3) of such title.
(5) Section 2275(g)(2) of such title.
(6) Section 141(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 50 U.S.C. 1521a).

SEC. 1847. MAJOR SYSTEMS AND MAJOR DEFENSE ACQUISITION PROGRAMS GENERALLY.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is amended by inserting after chapter 321, as added by the preceding section, the following new chapter:

10 USC prec. 4211.

"CHAPTER 322—MAJOR SYSTEMS AND MAJOR DEFENSE ACQUISITION PROGRAMS GENERALLY

"Subchapter	Sec.
"I. Management	4211
"II. Contracting	4231
"III. Milestones for Major Defense Acquisition Programs	4251
"IV. Additional Provisions Applicable Specifically to Major Defense Acquisition Programs	4271
"III. Contractors	4291

10 USC prec. 4211.

"SUBCHAPTER I—MANAGEMENT

"Sec.
"4211. Acquisition strategy.
"4212. Risk management and mitigation.
"4213. [Reserved].
"4214. Baseline description.
"4215. [Reserved].
"4216. [Reserved].
"4217. [Reserved].
"4218. [Reserved].

10 USC prec. 4231.

"SUBCHAPTER II—CONTRACTING

"Sec.
"4231. Major systems: determination of quantity for low-rate initial production.
"4232. Use of lowest price technically acceptable source selection process: prohibition.
"4233. [Reserved].
"4234. [Reserved].
"4235. [Reserved].
"4236. Negotiation of price for technical data before development, production, or sustainment of major weapon systems.

10 USC prec. 4251.

"SUBCHAPTER III—MILESTONES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

"Sec.
"4251. Major defense acquisition programs: determination required before Milestone A approval.
"4252. Major defense acquisition programs: certification required before Milestone B approval.
"4253. Major defense acquisition programs: submissions to Congress on Milestone C.
"4254. [Reserved].

"SUBCHAPTER IV—ADDITIONAL PROVISIONS APPLICABLE SPECIFICALLY TO MAJOR DEFENSE ACQUISITION PROGRAMS

10 USC prec. 4271.

"Sec.
"4271. Program cost, fielding, and performance goals in planning major defense acquisition programs.
"4272. Independent technical risk assessments.
"4273. Performance assessments and root cause analyses.
"4274. Acquisition-related functions of chiefs: adherence to requirements in major defense acquisition programs.
"4275. [Reserved].
"4276. [Reserved].

"SUBCHAPTER V—CONTRACTORS

10 USC prec. 4292.

"Sec.
"4291. [Reserved].
"4292. Contracts: limitations on lead system integrators.
"4293. Major defense acquisition programs: incentive program for contractors to purchase capital assets manufactured in United States.".

(b) SUBCHAPTER I (MANAGEMENT).—

(1) TRANSFER OF SECTION 2431A.—

(A) TRANSFER.—Section 2431a of 10, United States Code, is transferred to chapter 322, as added by subsection (a), inserted after the table of sections at the beginning of subchapter I, and redesignated as section 4211.

(B) CONFORMING CROSS-REFERENCE AMENDMENTS.—Such section is amended—

(i) in subsection (c)(2)—

(I) in subparagraph (D), by striking "section 2337" and inserting "section 4324";

(II) in subparagraph (F), by striking "section 2320" and inserting "sections 3771 through 3775"; and

(III) in subparagraph (H), by striking "section 2306b" and inserting "sections 3501 through 3511"; and

(ii) in subsection (e)—

(I) in paragraph (4), by striking "section 2366(e)(7)" and inserting "section 4172(e)(7)";

(II) in paragraph (7), by striking "section 2433(a)(4)" and inserting "section 4371(a)(2)"; and

(III) in paragraph (8), by striking "section 2433(a)(5)" and inserting "section 4371(a)(3)".

(C) DEFINITIONS.—Subsection (e) of such section is further amended—

(i) by striking paragraphs (1) and (2); and

(ii) redesignating paragraphs (3) through (10) (as amended by subparagraph (B)(ii)) as paragraphs (1) through (8), respectively;

(2) TRANSFER OF SECTION 2440.—

(A) TRANSFER.—The text of section 2440 of title 10, United States Code, is transferred to section 4211 of such title, as transferred and redesignated by paragraph (1), inserted at the end of subsection (c), designated as paragraph (3), and amended by striking "section 2501" and inserting "section 4811".

(B) CROSS-REFERENCE.—Subsection (c)(2)(B) of such section 4211 is amended by striking "section 2440 of this title" and inserting "paragraph (3)";

(3) TRANSFER OF SECTION 2431B.—Section 2431b of such title is transferred to chapter 322 of such title, as added by subsection (a), inserted after section 4211, as transferred and redesignated by paragraph (1) and amended by paragraph (2), redesignated as section 4212, and amended—

(A) in subsection (a), by striking "section 2431a" and inserting "section 4211"; and

(B) in subsection (d)—

(i) by striking "DEFINITIONS.—" and all that follows through "The term" and inserting "CONCURRENCY DEFINED.—In this section, the term"; and

(ii) by striking paragraph (2).

(4) TRANSFER OF SECTION 2435.—Section 2435 of title 10, United States Code, is transferred to chapter 322 of such title, as added by subsection (a), inserted after section 4212, as transferred and redesignated by paragraph (3), redesignated as section 4214, and amended—

(A) in subsections (a)(2) and (d)(2), by striking "section 2433" and inserting "sections 4371 through 4375"; and

(B) in subsection (d)—

(i) in paragraph (1), by striking "In this chapter" and inserting "In this subpart";

(ii) in paragraph (2), by striking "subsection (d) of such section" and inserting "section 4374 of this title"; and

(iii) in paragraph (3), by striking "section 2432" and inserting "sections 4351 through 4358".

(c) SUBCHAPTER II (CONTRACTING).—

(1) TRANSFER OF SECTION 2400.—

(A) Section 2400 of title 10, United States Code, is transferred to chapter 322 of such title, as added by subsection (a), inserted after the table of sections at the beginning of subchapter II, redesignated as section 4231, and amended—

(i) in subsection (a)(5), by striking "section 2432" and inserting "sections 4351 through 4358"; and

(ii) in subsection (b)(1), by striking "section 2399" and inserting "section 4171".

(B) The heading of such section is amended to read as follows:

"§ 4231. Major systems: determination of quantity for low-rate initial production".

(2) TRANSFER OF SECTION 2442.—Section 2442 of such title is transferred to chapter 322 of such title, as added by subsection (a), inserted after section 4231, as transferred and redesignated by paragraph (1), redesignated as section 4232, and amended in subsection (b) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(3) TRANSFER OF SECTION 2439.—Section 2439 of title 10, United States Code, is transferred to chapter 322, as added by subsection (a), inserted after section 4232, as transferred and redesignated by paragraph (2), and redesignated as section 4236.

(d) SUBCHAPTER III (MILESTONES).—

(1) TRANSFER OF SECTION 2366A.—

(A) TRANSFER.—Section 2366a of title 10, United States Code, is transferred to chapter 322 of such title, as added by subsection (a), inserted after the table of sections at the beginning of subchapter III, and redesignated as section 4251.

(B) AMENDMENTS TO SUBSECTION (B).—Subsection (b) of such section is amended—

(i) in paragraph (4), by striking "section 2448b(a)(1)" and inserting "section 4272(a)(1)"; and

(ii) in paragraph (8), by striking "subchapter II of chapter 144B" and inserting "subchapter II of chapter 327".

(C) AMENDMENTS TO SUBSECTION (C).—Subsection (c)(1) of such section is amended—

(i) in subparagraph (A), by striking "section 2448a(a)" and inserting "section 4271(a)";

(ii) in subparagraph (C), by striking "section 2334(a)(6)" and inserting "section 3221(b)(6)"; and

(iii) in subparagraph (E), by striking "section 2448b" and inserting "section 4272".

(D) AMENDMENTS TO SUBSECTION (D).—Subsection (d) of such section is amended—

(i) by striking paragraphs (1) and (6) and redesignating paragraphs (2), (3), (4), (5), (7), (8), (9), and (10) as paragraphs (1), (2), (3), (4), (5), (6), (7), and (8), respectively;

(ii) in paragraph (3) (as so redesignated), by striking "section 2366(e)(7)" and inserting "section 4172(e)(7)";

(iii) in paragraph (6) (as so redesignated), by striking "section 2448a(a)" and inserting "section 4271(a)"; and

(iv) in paragraph (7) (as so redesignated), by striking "section 2446a(b)(3)" and inserting "section 4401(b)(3)".

(2) TRANSFER OF SECTION 2366B.—

(A) TRANSFER.—Section 2366b of title 10, United States Code, is transferred to chapter 322 of such title, inserted after section 4251, as transferred and redesignated by paragraph (1), and redesignated as section 4252.

(B) AMENDMENTS TO SUBSECTION (A).—Subsection (a) of such section is amended—

(i) in paragraph (2), by striking "section 2448b" and inserting "section 4272"; and

(ii) in paragraph (3)—

(I) in subparagraph (D), by striking "section 2435" and "section 2448a(a)" and inserting "section 4214 of this title" and "section 4271(a)", respectively; and

(II) in subparagraph (N), by striking "section 2446b(e)" and inserting "section 4402(e)".

(C) AMENDMENTS TO SUBSECTION (C).—Subsection (c) of such section is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "section 2448a(a)" and inserting "section 4271(a)";

(II) in subparagraph (C), by striking "section 2334(a)(6)" and inserting "section 3221(b)(6)"; and

(III) in subparagraph (E), by striking "section 2448b" and inserting "section 4272"; and

(ii) in paragraph (2)(A), by striking "section 2432" and inserting "sections 4351 through 4358".

(D) AMENDMENTS TO SUBSECTION (D).—Subsection (d)(3) of such section is amended by striking "section 2433a(c)" and inserting "section 4377".

(E) AMENDMENTS TO SUBSECTION (G).—Subsection (g) of such section is amended—

(i) by striking paragraphs (1) and (2) and redesignating paragraphs (3), (4), (5), (6), (7), and (8) as paragraphs (1), (2), (3), (4), (5), and (6), respectively;

(ii) in paragraph (2) (as so redesignated), by striking "section 2366(e)(7)" and inserting "section 4172(e)(7)";

(iii) in paragraph (4) (as so redesignated), by striking "section 2448a(a)" and inserting "section 4271(a)"; and

(iv) in paragraph (5) (as so redesignated), by striking "section 2446a(b)(3)" and inserting "section 4401(b)(3)".

(3) TRANSFER OF SECTION 2366C.—Section 2366c of title 10, United States Code, is transferred to chapter 322 of such title, inserted after section 4252, as transferred and redesignated by paragraph (3), redesignated as section 4253, and amended by striking "section 2334(a)(6)" in subsection (a)(2) and inserting "section 3221(b)(6)".

(e) SUBCHAPTER IV (ADDITIONAL PROVISIONS APPLICABLE SPECIFICALLY TO MDAPS).—

(1) TRANSFER OF SECTION 2448A.—Section 2448a of title 10, United States Code, is transferred to chapter 322 of such title, inserted after the table of sections at the beginning of subchapter IV, redesignated as section 4271, and amended—

(A) in subsection (b)(1), by striking "section 2432(a)(2)" and inserting "section 4351(2)"; and

(B) in subsection (b)(2), by striking "section 2366a(d)(2)" and inserting "section 4251(d)(1)".

(2) TRANSFER OF SECTION 2448B.—Section 2448b of title 10, United States Code, is transferred to chapter 322 of such title, inserted after section 4271, as transferred and redesignated by paragraph (1), redesignated as section 4272, and amended—

(A) in subsection (a)(1), by striking "section 2366a" and inserting "section 4251"; and

(B) in subsection (a)(2), by striking "section 2366b" and inserting "section 4252".

(3) TRANSFER OF SECTION 2438.—Section 2438 of title 10, United States Code, is transferred to chapter 322 of such title, inserted after section 4272, as transferred and redesignated by paragraph (2), redesignated as section 4273, and amended—

(A) in subsection (b)(2), by striking "section 2433a(a)(1)" and inserting "4376(a)(1)"; and

(B) in subsections (b)(5)(A) and (d), by striking "section 2433a" and inserting "sections 4736 and 4377".

(4) TRANSFER OF SECTION 2547(B).—

(A) NEW SECTION.—Chapter 322 of title 10, United States Code, as added by subsection (a), is further amended by inserting after section 4273, as transferred and redesignated by paragraph (3), the following new section:

"§ 4274. Acquisition-related functions of chiefs of the armed forces: adherence to requirements in major defense acquisition programs".

10 USC 4274.

(B) TRANSFER.—Subsection (b) of section 2547 of such title is transferred to section 4274 of such title, as added by subparagraph (A), inserted after the section heading, and amended—

(i) by redesignating such subsection as subsection (a); and

(ii) by redesignating paragraph (2) as subsection (b).

(C) AMENDMENTS TO NEW SECTION 4274(A).—Subsection (a) of such section 4274, as so transferred and redesignated, is amended—

(i) by striking "ADHERENCE TO" and all that follows through "(1)" and inserting "ROLE OF SERVICE CHIEFS IN PROGRAM CAPABILITY DOCUMENT APPROVAL.—"; and

(ii) by striking "section 2448a(a)" and inserting "4271(a)".

(D) AMENDMENTS TO NEW SECTION 4274(B).—Subsection (b) of such section 4274, as redesignated by subparagraph (B)(ii), is amended—

(i) by inserting "ROLE OF SERVICE CHIEFS IN MATERIAL DEVELOPMENT DECISION AND ACQUISITION SYSTEM MILESTONES.—" before "Consistent with";

(ii) by striking "under subsection (a)" and inserting "under section 3053 of this title";

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(iv) in paragraph (2), as so redesignated, by striking "section 2366a" and inserting "section 4251"; and

(v) in paragraph (3), as so redesignated, by striking "section 2366b" and inserting "section 4252".

(5) RESTATEMENT OF SECTION 2547(C) & (D)(3).—Such section 4274 is further amended by adding at the end—

(A) a new subsection (c) identical to section 2547(c) of such title, as in effect on the day before the effective date of this section; and

(B) a new subsection (d) as follows:

"(d) PROGRAM CAPABILITY DOCUMENT DEFINED.—In this section, the term 'program capability document' has the meaning provided that term in section 4401(b)(5) of this title.".

(6) CROSS-REFERENCE AMENDMENTS.—

(A) Section 131(b)(8) of title 10, United States Code, is amended by striking "section 2438(a)" in the last subparagraph and inserting "section 4273(a)".

(B) Sections 7033(d)(5), 8033(d)(5), 8043(e)(5), and 9033(d)(5) of such title are amended by striking "and 2547" and inserting ", 3103, and 4274".

(f) SUBCHAPTER V (CONTRACTORS).—

(1) TRANSFER OF SECTION 2410P.—Section 2410p of title 10, United States Code, is transferred to subchapter V of chapter 322, as added by subsection (a), inserted after the table of sections, and redesignated as section 4292.

(2) TRANSFER OF SECTION 2436.—Section 2436 of such title is transferred to chapter 322 of such title, inserted after section 4292, as added by paragraph (1), and redesignated as section 4293.

SEC. 1848. LIFE-CYCLE AND SUSTAINMENT.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 322, as added by the preceding section, the following new chapter:

10 USC prec. 4321.

"CHAPTER 323—LIFE-CYCLE AND SUSTAINMENT

"Sec.
"4321. Development of major defense acquisition programs: sustainment of system to be replaced.
"4322. [Reserved].
"4323. Sustainment reviews.
"4324. Major systems: life-cycle management and product support.
"4325. Major weapon systems: assessment, management, and control of operating and support costs.
"4326. [Reserved].
"4327. [Reserved].
"4328. Weapon system design: sustainment factors.".

(b) TRANSFER OF SECTION 2437.—Section 2437 of title 10, United States Code, is transferred to chapter 323 of such title, as added by subsection (a), inserted after the table of sections at the beginning, and redesignated as section 4321.

(c) TRANSFER OF SECTION 2441.—Section 2441 of title 10, United States Code, is transferred to chapter 323 of such title, as added by subsection (a), inserted after section 4321, as transferred and redesignated by subsection (b), redesignated as section 4323, and amended by striking "sections 2337 and 2337a" in subsection (c) and inserting "sections 4324 and 4325".

(d) TRANSFER OF SECTIONS 2337 AND 2337A.—

(1) TRANSFER.—Sections 2337 and 2337a of title 10, United States Code, are transferred to chapter 323 of such title, as added by subsection (a), inserted (in that order) after section 4323, as transferred and redesignated by subsection (c), and redesignated as sections 4324 and 4325, respectively.

(2) AMENDMENT TO TRANSFERRED SECTION 4324.—Section 4324 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by striking "section 2302d(a)" in subsection (c)(5) and inserting "section 3041(c)(1)".

(3) AMENDMENTS TO TRANSFERRED SECTION 4325.—

(A) Section 4325 of such title, as transferred and redesignated by paragraph (1), is amended—

(i) in subsection (b)(1), by striking "section 2337" and inserting "section 4324"; and

(ii) in subsection (d), by striking "section 2379(f)" and inserting "section 3455(f)".

(B) The heading of such section is amended to read as follows:

"§ 4325. Major weapon systems: assessment, management, and control of operating and support costs".

(e) TRANSFER OF SECTION 2443.—

(1) Section 2443 of title 10, United States Code, is transferred to chapter 323, as added by subsection (a), inserted after section 4235, as transferred and redesignated by subsection (d), and redesignated as section 4328.

(2) The heading of such section is amended to read as follows:

"§ 4328. Weapon system design: sustainment factors".

SEC. 1849. PROGRAM STATUS–SELECTED ACQUISITION REPORTS.

(a) RESTATEMENT OF SECTION 2432.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 323, as added by the preceding section, the following new chapter:

"CHAPTER 324—PROGRAM STATUS–SELECTED ACQUISITION REPORTS 10 USC prec. 4350.

"Sec.
"4350. Selected acquisition reports: termination.
"4351. Selected acquisition reports: definitions.
"4352. Selected acquisition reports: requirement for quarterly reports.
"4353. Selected acquisition reports for 1st quarter of a fiscal year: comprehensive annual report.
"4354. Selected acquisition reports for 2d, 3d, and 4th quarters.
"4355. Selected acquisition reports: quarterly SAR report content.
"4356. Selected acquisition reports: time for submission to Congress; form of report.
"4357. Selected acquisition reports: termination of requirements with respect to a program or subprogram.
"4358. Selected acquisition reports: when total program reporting begins; limited reports before approval to proceed to system development and demonstration.

"§ 4350. Selected acquisition reports: termination 10 USC 4350.

"§ 4351. Selected acquisition reports: definitions 10 USC 4351.

"§ 4352. Selected acquisition reports: requirement for quarterly reports 10 USC 4352.

"§ 4353. Selected acquisition reports for 1st quarter of a fiscal year: comprehensive annual report 10 USC 4353.

"§ 4354. Selected acquisition reports for 2d, 3d, and 4th quarters 10 USC 4354.

"§ 4355. Selected acquisition reports: quarterly SAR report content 10 USC 4355.

"§ 4356. Selected acquisition reports: time for submission to Congress; form of report 10 USC 4356.

"§ 4357. Selected acquisition reports: termination of requirements with respect to a program or subprogram 10 USC 4357.

"§ 4358. Selected acquisition reports: when total program reporting begins; limited reports before approval to proceed to system development and demonstration". 10 USC 4358.

(b) TRANSFER OF SUBSECTION (J) OF SECTION 2432.—Subsection (j) of section 2432 of title 10, United States Code, is transferred

to section 4350 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation and subsection heading; and

(2) by striking "this section" and inserting "this chapter".

(c) TRANSFER OF SUBSECTION (A) OF SECTION 2432.—Subsection (a) of section 2432 of title 10, United States Code, is transferred to section 4351 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation;

(2) in paragraph (1), by inserting "PROGRAM ACQUISITION UNIT COST.—" after "(1)";

(3) in paragraph (2), by inserting "PROCUREMENT UNIT COST.—" after "(2)";

(4) in paragraph (3), by inserting "MAJOR CONTRACT.—" after "(3)" ; and

(5) in paragraph (4), by inserting "FULL LIFE-CYCLE COST.—" after "(4)".

(d) TRANSFER OF SUBSECTION (B) OF SECTION 2432.—

(1) TRANSFER.—Subsection (b) of section 2432 of title 10, United States Code, is transferred to section 4352 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

(2) REVISIONS TO NEW 4352(A).—Subsection (a) of such section 4352, as redesignated by paragraph (1)(B), is amended—

(A) by striking "The Secretary" and inserting "IN GENERAL.—

"(1) The Secretary";

(B) by striking "a report on" and all that follows in the first sentence and inserting "a report on—

"(A) current major defense acquisition programs; and

"(B) any program that is estimated by the Secretary of Defense to require—

"(i) an eventual total expenditure for research, development, test, and evaluation of more than $300,000,000 (based on fiscal year 1990 constant dollars); or

"(ii) an eventual total expenditure for procurement, including all planned increments or spirals, of more than $1,800,000,000 (based on fiscal year 1990 constant dollars).";

(C) by designating the second and third sentences as paragraphs (2) and (3), respectively, and realigning those paragraphs 2 ems from the left margin;

(D) in paragraph (2), as so designated, by striking "paragraphs (2) and (3)" and inserting "subsections (b) and (c)" ; and

(E) in paragraph (3), as so designated, by striking "this section" and inserting "this chapter".

(3) REVISIONS TO NEW 4352(B).—Subsection (b) of such section 4352, as redesignated by paragraph (1)(B), is amended—

(A) by inserting "REPORTS NOT REQUIRED FOR 2D, 3D, AND 4TH QUARTERS FOR CERTAIN PROGRAMS.—" before "A status report"; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(4) REVISIONS TO NEW 4352(C).—Subsection (c) of such section 4352, as redesignated by paragraph (1)(B), is amended—

(A) by striking "(A) The Secretary" and inserting "SECRETARY OF DEFENSE WAIVER AUTHORITY.—

"(1) AUTHORITY.—The Secretary";

(B) by redesignating subparagraph (B) as paragraph (2) and realigning that paragraph 2 ems from the left margin;

(C) by redesignating clauses (i), (ii), and (iii) of paragraph (1), as designated by the amendment made by subparagraph (A), as subparagraphs (A), (B), and (C), respectively, and realigning those subparagraphs 4 ems from the left margin; and

(D) in paragraph (2), as redesignated by subparagraph (B)—

(i) by inserting "NOTIFICATION TO CONGRESSIONAL COMMITTEES.—" before "The Secretary shall"; and

(ii) by striking "subparagraph (A)" and inserting "paragraph (1)".

(e) TRANSFER OF SUBSECTION (C) OF SECTION 2432.—

(1) TRANSFER.—Subsection (c) of section 2432 of title 10, United States Code, is transferred to section 4353 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively.

(2) REVISIONS TO NEW 4353(A).—Subsection (a) of such section 4353, as redesignated by paragraph (1)(B), is amended as follows:

(A) SUBSECTION HEADING.—Such subsection is amended by inserting "CONTENT OF SAR SUBMITTED FOR FIRST QUARTER.—" before "Each Selected Acquisition Report for".

(B) INTERNAL REDESIGNATIONS.—Such subsection is further amended—

(i) by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively; and

(ii) by redesignating clauses (i) through (iv) of paragraph (2), as so redesignated, as subparagraphs (A) through (D), respectively.

(C) REVISION OF LIST FORMAT.—Such subsection is further amended—

(i) by striking "for a fiscal year shall include—" in the matter preceding such paragraph (1), as so redesignated, and inserting "for a fiscal year shall include the following:";

(ii) in each of such paragraphs (1) through (8), as so redesignated, by capitalizing the first letter of the first word after the paragraph designation;

(iii) in each of such paragraphs (1) through (6), as so redesignated, by striking the semicolon at the end and inserting a period; and

(iv) by striking "; and" at the end of paragraph (7), as so redesignated, and inserting a period.

(D) CONFORMING CROSS-REFERENCE AMENDMENTS.—Such subsection is further amended—

(i) by striking "section 2431" in paragraph (1), as so redesignated, and inserting "section 4205";

(ii) by striking "section 2433(a)(2)" in paragraph (2)(A), as so redesignated, and inserting "section 4371(a)(4)";

(iii) by striking "section 2435(d)(1)" in paragraph (2)(B), as so redesignated, and inserting "section 4214(d)(1)";

(iv) by striking "section 2435(d)(2)" in paragraph (2)(C), as so redesignated, and inserting "section 4214(d)(2)";

(v) by striking "section 2432(e)(4)" in paragraph (2)(D), as so redesignated, and inserting "section 4355(4)"; and

(vi) by striking "section 2446a" in paragraph (7), as so redesignated, and inserting "section 4401".

(3) REVISIONS TO NEW 4353(B).—Subsection (b) of such section 4353, as redesignated by paragraph (1)(B), is amended—

(A) by striking "Each Selected" and inserting "CONGRESSIONAL COMMITTEES.—

"(1) INFORMATION NEEDED BY CONGRESSIONAL COMMITTEES.—Each Selected"; and

(B) by designating the text after the first sentence as paragraph (2), aligning that paragraph 2 ems from the left margin, and inserting "NOTIFICATION TO CONGRESSIONAL COMMITTEES OF PROPOSED CHANGES.—" before "Whenever the Secretary".

(4) REVISIONS TO NEW 4353(C).—Subsection (c) of such section 4353, as redesignated by paragraph (1)(B), is amended—

(A) by inserting "LIFE-CYCLE COST ANALYSES.—" before "In addition to";

(B) by striking "paragraphs (1) and (2)"; and inserting "subsections (a) and (b)", and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(5) REVISION TO NEW 4353(D).—Subsection (d) of such section 4353, as redesignated by paragraph (1)(B), is amended by inserting "REFERENCE TO 1ST QUARTER SAR AS COMPREHENSIVE ANNUAL SAR.—" before "Selected Acquisition Reports".

(f) TRANSFER OF SUBSECTION (D) OF SECTION 2432.—

(1) TRANSFER.—Subsection (d) of section 2432 of title 10, United States Code, is transferred to section 4354 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation.

(2) CONFORMING AMENDMENTS AND SUBSECTION HEADINGS.—Such section is amended—

(A) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively;

(B) in subsection (a), as so redesignated—

(i) by inserting "CONTINGENT REQUIRED CONTENT.—" before "Each Selected Acquisition Report";

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1), as so redesignated, by striking "subsection (e)" and inserting "section 4355 of this title"; and

(iv) in paragraph (2), as so redesignated, by striking "subsection (c)" and inserting "section 4353 of this title"; and

(C) in subsection (b), as so redesignated, by inserting "REFERENCE TO 2D, 3D, AND 4TH QUARTERS SARS AS QUARTERLY SARS.—" before "Selected Acquisition Reports for".

(g) TRANSFER OF SUBSECTION (E) OF SECTION 2432.—Subsection (e) of section 2432 of title 10, United States Code, is transferred to section 4355 of such title, as added by subsection (a), inserted after the section heading, and amended by striking the subsection designation.

(h) TRANSFER OF SUBSECTION (F) OF SECTION 2432.—

(1) TRANSFER.—Subsection (f) of section 2432 of title 10, United States Code, is transferred to section 4356 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (a).

(2) SUBSECTION HEADING.—Such subsection is amended by inserting "TIME FOR SUBMISSION.—" before "Each comprehensive".

(i) TRANSFER OF SUBSECTION (I) OF SECTION 2432.—Subsection (i) of section 2432 of title 10, United States Code, is transferred to section 4356 of such title, as added by subsection (a), inserted after subsection (a), as transferred and redesignated by subsection (h)(1), redesignated as subsection (b), and amended by striking "under this section" and inserting "under this chapter".

(j) TRANSFER OF SUBSECTION (G) OF SECTION 2432.—Subsection (g) of section 2432 of title 10, United States Code, is transferred to section 4357 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation; and

(2) by striking "of this section" and inserting "of this chapter".

(k) TRANSFER OF SUBSECTION (H) OF SECTION 2432.—

(1) TRANSFER.—Subsection (h) of section 2432 of title 10, United States Code, is transferred to section 4358 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

(2) REVISIONS TO NEW 4358(A).—Subsection (a) of such section 4358, as redesignated by paragraph (1)(B), is amended—

(A) by striking "Total program reporting under this section" and inserting "IN GENERAL.—

"(1) COMMENCEMENT OF TOTAL PROGRAM REPORTING.—Total program reporting under this chapter"; and

(B) by designating the second sentence as paragraph (2) and in that paragraph—

(i) by inserting "LIMITED REPORTS.—" before "Reporting may be";

(ii) by striking "paragraph (2)" and inserting "subsection (b)";

(iii) by striking "under this subsection" and inserting "under this section"; and

(iv) by striking "under this section." and inserting "under this chapter.".

(3) REVISIONS TO NEW 4358(B).—Subsection (b) of such section 4358, as redesignated by paragraph (1)(B), is amended—

(A) by inserting "CONTENT OF LIMITED REPORTS.—" before "A limited report";

(B) by striking "under this subsection" and inserting "under this section";

(C) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(D) in paragraph (1), as so redesignated, by striking "section 2431" and inserting "section 4205".

(4) REVISIONS TO NEW 4358(C).—Subsection (c) of such section 4358, as redesignated by paragraph (1)(B), is amended—

(A) by inserting "SUBMISSION OF LIMITED REPORTS.—" before "The submission requirements"; and

(B) by striking "under this subsection" and inserting "under this section".

(l) CONFORMING AMENDMENTS.—Section 2432 of title 10, United States Code, is repealed.

(m) CONFORMING CROSS-REFERENCE AMENDMENTS.—Sections 1734(c)(2) and 8671(b)(2) of title 10, United States Code, are amended by striking "section 2432" and inserting "chapter 324".

SEC. 1850. COST GROWTH—UNIT COST REPORTS (NUNN-MCCURDY).

(a) RESTATEMENT OF SECTIONS 2433 AND 2433A.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 324, as added by the preceding section, the following new chapter:

10 USC prec. 4371.

"CHAPTER 325—COST GROWTH—UNIT COST REPORTS (NUNN-MCCURDY)

"Sec.

"4371. Cost growth definitions; applicability of reporting requirements; constant base year dollars.
"4372. Unit cost reports: quarterly report from program manager to service acquisition executive.
"4373. Unit cost reports: immediate report from program manager to service acquisition executive upon breach of significant cost growth threshold.
"4374. Unit cost reports: determinations by service acquisition executive and secretary concerned of breach of significant cost growth threshold or critical cost growth threshold; reports to Congress.
"4375. Breach of significant cost growth threshold or critical cost growth threshold: required action.
"4376. Breach of critical cost growth threshold: reassessment of program; presumption of program termination.
"4377. Breach of critical cost growth threshold: actions if program not terminated.

"§ 4371. Cost growth definitions; applicability of reporting requirements; constant base year dollars 10 USC 4371.

"§ 4372. Unit cost reports: quarterly report from program manager to service acquisition executive 10 USC 4372.

"§ 4373. Unit cost reports: immediate report from program manager to service acquisition executive upon breach of significant cost growth threshold 10 USC 4373.

"§ 4374. Unit cost reports: determinations by service acquisition executive and secretary concerned of breach of significant cost growth threshold or critical cost growth threshold; reports to Congress 10 USC 4374.

"§ 4375. Breach of significant cost growth threshold or critical cost growth threshold: required action 10 USC 4375.

"§ 4376. Breach of critical cost growth threshold: reassessment of program; presumption of program termination 10 USC 4376.

"§ 4377. Breach of critical cost growth threshold: actions if program not terminated". 10 USC 4377.

(b) TRANSFER OF SUBSECTION (A) OF SECTION 2433.—

(1) TRANSFER.—Subsection (a) of section 2433 of title 10, United States Code, is transferred to section 4371 of such title, as added by subsection (a), inserted after the section heading, and amended by striking "this section" in the matter preceding paragraph (1) and in paragraph (2) and inserting "this chapter".

(2) INSERTION OF SIDE HEADINGS.—Such subsection is further amended—

(A) in the matter preceding paragraph (1), by inserting "DEFINITIONS.—" after "(a)";

(B) in paragraph (1), by inserting "PROGRAM ACQUISITION UNIT COST; PROCUREMENT UNIT COST; MAJOR CONTRACT.—" after "(1)";

(C) in paragraph (2), by inserting "BASELINE ESTIMATE.—" after "(2)";

(D) in paragraph (3), by inserting "PROCUREMENT PROGRAM.—" after "(3)";

(E) in paragraph (4), by inserting "SIGNIFICANT COST GROWTH THRESHOLD.—" after "(4)";

(F) in paragraph (5), by inserting "CRITICAL COST GROWTH THRESHOLD.—" after "(5)"; and

(G) in paragraph (6), by inserting "ORIGINAL BASELINE ESTIMATE.—" after "(6)".

(3) CONFORMING CROSS-REFERENCE AMENDMENTS.—Such subsection is further amended—

(A) in paragraph (1)—

(i) by striking "section 2430a(d)" and inserting "section 4203(d)"; and

(ii) by striking "section 2432(a)" and inserting "section 4351";

(B) in paragraph (2), by striking "section 2435" and inserting "section 4214"; and

(C) in paragraph (6), by striking "section 2435(d)" and inserting "section 4214(d)".

(4) REVISION OF ORDER OF PARAGRAPHS.—Such subsection is further amended—

(A) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (4), (6), (2), (3), and (5), respectively; and

(B) by revising the order of those paragraphs within that section so they appear in the numeric order of their respective paragraph designations, as redesignated by paragraph (A).

(c) TRANSFER OF SUBSECTION (H) OF SECTION 2433.—Subsection (h) of section 2433 of title 10, United States Code, is transferred to section 4371 of such title, as added by subsection (a), inserted after subsection (a), as transferred and redesignated by subsection (b)(1), redesignated as subsection (b), and amended—

(1) by striking "under this section" and inserting "under this chapter"; and

(2) by striking "section 2432(h)" and inserting "section 4358".

(d) TRANSFER OF SUBSECTION (F) OF SECTION 2433.—Subsection (f) of section 2433 of title 10, United States Code, is transferred to section 4371 of such title, as added by subsection (a), inserted after subsection (b), as transferred and redesignated by subsection (c), redesignated as subsection (c), and amended—

(1) by striking "under this section" and inserting "under this chapter"; and

(2) by striking "section 2430" and inserting "section 4202".

(e) TRANSFER OF SUBSECTION (B) OF SECTION 2433.—

(1) TRANSFER.—Subsection (b) of section 2433 of title 10, United States Code, is transferred to section 4372 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (a).

(2) DESIGNATION OF NEW SUBSECTION (B).—Such section 4372, as redesignated by paragraph (1), is amended by designating the third sentence as subsection (b) and inserting "MATTER TO BE INCLUDED IN UNIT COST REPORTS.—" therein before "The program manager shall".

(3) DESIGNATION OF NEW PARAGRAPHS (1) AND (2).—Subsection (a) of such section, as redesignated by paragraph (1), is amended—

(A) by striking "The program manager for" and inserting "REQUIRED REPORTS.—

"(1) REQUIREMENT.—The program manager for"; and

(B) by designating the second sentence as paragraph (2) and inserting "TIME FOR SUBMITTAL.—" before "Each report".

(4) CONFORMING CROSS-REFERENCE AMENDMENTS.—Such section is further amended—

(A) in paragraph (1) of subsection (a), as designated by paragraph (3)(A), by striking "section 2432(b)(3)" and inserting "section 4352(c)"; and

(B) in paragraph (4) of subsection (b), as designated by paragraph (2), by striking "section 2435" and inserting "section 4214".

(f) TRANSFER OF SUBSECTION (C) OF SECTION 2433.—Subsection (c) of section 2433 of title 10, United States Code, is transferred to section 4373 of such title, as added by subsection (a), inserted after the section heading, and amended—

(1) by striking the subsection designation; and

(2) by striking "subsection (b)" both places it appears and inserting "section 4372 of this title".

(g) TRANSFER OF SUBSECTION (D) OF SECTION 2433.—

(1) TRANSFER.—Subsection (d) of section 2433 of title 10, United States Code, is transferred to section 4374 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

(2) REVISION TO NEW 4374(A).—Subsection (a) of such section, as so redesignated, is amended—

(A) by inserting "DETERMINATION OF BREACH BY SERVICE ACQUISITION EXECUTIVE.—" before "When a"; and

(B) by striking "under this section" and inserting "under this chapter".

(3) REVISION TO NEW 4374(B).—Subsection (b) of such section, as so redesignated, is amended—

(A) by inserting "ADDITIONAL DETERMINATION BY SERVICE ACQUISITION EXECUTIVE WHEN PROGRAM OR SUBPROGRAM IS A PROCUREMENT PROGRAM.—" before "When a";

(B) by striking "under this section" and inserting "under this chapter"; and

(C) by striking "paragraph (1)" and inserting "subsection (a)".

(4) REVISION TO NEW 4374(C).—Subsection (c) of such section, as so redesignated, is amended—

(A) by striking "If, based upon" and inserting "DETERMINATION OF BREACH BY SECRETARY CONCERNED; NOTIFICATION TO CONGRESS.—

"(1) IN GENERAL.—If, based upon";

(B) by designating the second sentence as paragraph (2) and the fourth sentence as paragraph (3);

(C) in paragraph (2), as so designated—

(i) by inserting "TIME FOR SUBMISSION OF NOTIFICATION TO CONGRESS.—" before "In the case of" the first place it appears;

(ii) by striking "subsection (b)" and inserting "section 4372 of this title"; and

(iii) by striking "subsection (c)" and inserting "section 4373 of this title"; and

(D) in paragraph (3), as so designated, by inserting "INCLUSION OF DATE OF DETERMINATION.—" before "The Secretary shall".

(h) TRANSFER OF SUBSECTION (E) OF SECTION 2433.—

(1) TRANSFER.—Subsection (e) of section 2433 of title 10, United States Code, is transferred to section 4375 of such title, as added by subsection (a), inserted after the section heading, and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

(2) REVISION TO NEW 4375(A).—Subsection (a) of such section, as so redesignated, is amended—

(A) by striking "(A) Except as provided in subparagraph (B)," and inserting "BREACH OF SIGNIFICANT COST GROWTH THRESHOLD; SUBMISSION OF A SELECTED ACQUISITION REPORT.—

"(1) GENERAL RULE.—Except as provided in paragraph (2),";

(B) by redesignating subparagraph (B) as paragraph (2);

(C) in paragraph (1), as so designated—

(i) by striking "under subsection (d)" and inserting "under section 4374 of this title"; and

(ii) by striking "section 2432(e)" and "section 2432(f)" and inserting "section 4355" and "section 4356", respectively; and

(D) in paragraph (2), as so designated—

(i) by striking "subparagraph (A)" both places it appears and inserting "paragraph (1)"; and

(ii) by striking "subsection (g)" and inserting "subsection (d)".

(3) REVISION TO NEW 4375(B).—Subsection (b) of such section, as so redesignated, is amended—

(A) by inserting "BREACH OF CRITICAL COST GROWTH THRESHOLD.—" before "If the program";

(B) by striking "subsection (d)" and inserting "section 4374 of this title"; and

(C) by striking "section 2433a" and inserting "sections 4376 and 4377".

(4) REVISION TO NEW 4375(C).—Subsection (c) of such section, as so redesignated, is amended—

(A) by striking "If a determination" and inserting "PROHIBITION ON OBLIGATION OF FUNDS FOR CERTAIN PURPOSES WHEN REQUIRED ACTION NOT TAKEN.—

"(1) PROHIBITION.—If a determination";

(B) by designating the second sentence as paragraph (2);

(C) in paragraph (1), as so designated—

(i) by striking "subsection (d)" both places it appears and inserting "section 4374 of this title";

(ii) by striking "subsection (g)" and inserting "subsection (d)".

(iii) by striking "paragraph (1)" and inserting "subsection (a)"; and

(iv) by striking "paragraph (2)" and inserting "subsection (b)"; and

(D) in paragraph (2), as so designated—

(i) by striking "The prohibition" and inserting "TERMINATION OF PROHIBITION.—The prohibition under paragraph (1)";

(ii) in subparagraph (A)—

(I) by striking "paragraph (1) or (2)(B)" and inserting "subsection (a) or (b)(2)"; and

(II) by striking "subsection (d)" and inserting "section 4374 of this title"; and

(iii) in subparagraph (B)—

(I) by striking "paragraph (1) or (2)(B)" and inserting "subsection (a) or (b)(2)";

(II) by striking "paragraph (2)(A)" and inserting "subsection (b)(1)"; and

(III) by striking "subsection (d)" and inserting "section 4374 of this title".

(i) TRANSFER OF SUBSECTION (G) OF SECTION 2433.—

(1) TRANSFER.—Subsection (g) of section 2433 of title 10, United States Code, is transferred to section 4375 of such title, as added by subsection (a), inserted after subsection (c), as transferred and amended by subsection (h), and amended—

(A) by striking the subsection designation; and

(B) by redesignating paragraphs (1) and (2) as subsections (d) and (e), respectively.

(2) REVISION TO NEW 4375(D).—Subsection (d) of such section 4375, as so redesignated, is amended—

(A) by striking "Except as provided in paragraph (2), each report under subsection (e)" and inserting "MATTER TO BE INCLUDED IN REPORTS.—Except as provided in subsection (e), each report under this section";

(B) by redesignating subparagraphs (A) through (Q) as paragraphs (1) through (17), respectively;

(C) in paragraph (9), as so redesignated, by striking "section 2435" and inserting "section 4214"; and

(D) in paragraph (16), as so redesignated, by redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively.

(3) REVISION TO NEW 4375(E).—Subsection (e) of such section 4375, as so redesignated, is amended—

(A) by striking "If a program acquisition unit cost" and inserting "BREACH DUE TO TERMINATION OR CANCELLATION OF PROGRAM OR SUBPROGRAM.—

"(1) LIMITED REPORTING.—If a program acquisition unit cost";

(B) by striking "clauses (A) through (F) of paragraph (1)" and inserting "paragraphs (1) through (6) of subsection (d)";

(C) by designating the second sentence as paragraph (2); and

(D) in paragraph (2), as so designated—

(i) by inserting "CERTIFICATION NOT REQUIRED.—" before "The certification"; and

(ii) by striking "subsection (e)" and inserting "subsection (b)".

(j) TRANSFER OF SUBSECTION (A), (B), AND (D) OF SECTION 2433A.—

(1) TRANSFER OF SUBSECTIONS (A) AND (B).—Subsection (a) and (b) of section 2433a of title 10, United States Code, are transferred to section 4376 of such title, as added by subsection (a), and inserted after the section heading.

(2) TRANSFER AND REDESIGNATION OF SUBSECTION (D).—Subsection (d) of section 2433a of such title is transferred to such section 4376, inserted after subsection (b), as transferred by paragraph (1), and redesignated as subsection (c).

(3) CONFORMING CROSS-REFERENCE AMENDMENTS.—Such section 4376 is amended—

(A) in subsection (a), by striking "section 2433(d)" and inserting "section 4374"; and

(B) in subsection (b)(1)—

(i) by striking "section 2433(g)" and inserting "section 4375(d) and (e)"; and

(ii) by striking "section 2432(f)" and inserting "section 4356(a)".

(4) HEADINGS AND FORMAT IN SUBSECTION (B).—Subsection (b) of such section 4376 is amended—

(A) by striking "TERMINATION.—(1) After conducting" and inserting "TERMINATION.—

"(1) TERMINATION UNLESS SECRETARY SUBMITS CERTIFICATION AND REPORT.—After conducting";

(B) by realigning paragraphs (2) and (3) 2 ems from the left margin;

(C) in paragraph (2), by inserting "CERTIFICATION.—" after "(2)"; and

(D) in paragraph (3), by inserting "REPORT.—" after "(3)".

(k) TRANSFER OF SUBSECTION (C) OF SECTION 2433A.—

(1) TRANSFER.—Subsection (c) of section 2433a of title 10, United States Code, is transferred to section 4377 of such title, as added by subsection (a), inserted after the section heading, and redesignated as subsection (a).

(2) REDESIGNATIONS.—Paragraphs (2) and (3) of such section 4377 are redesignated as subsections (b) and (c), respectively.

(3) REVISION TO NEW SECTION 4377(A).—Subsection (a) of such section, as redesignated by paragraph (1), is amended—

(A) by striking "(1)" before "If the Secretary";

(B) by inserting "of section 4376 of this title" after "subsection (b)";

(C) by redesignating subparagraphs (A), (B), (C), (D), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively;

(D) in paragraph (1), as so redesignated, by inserting "of that section" after "subsection (a)" and after "subsection (b)(2)(E)";

(E) in paragraph (2), as so redesignated, by striking "section 2366a or 2366b" and inserting "section 4251 or 4252"; and

(F) in paragraph (4), as so redesignated, by striking "paragraph (2)" and inserting "subsection (b)".

(4) REVISION TO NEW SECTION 4377(B).—Subsection (b) of such section, as redesignated by paragraph (2), is amended—

(A) by inserting "IDENTIFICATION OF REPORT FOR DESCRIPTION OF FUNDING CHANGES.—" before "For purposes of";

(B) by striking "paragraph (1)(D)" and inserting "subsection (a)(4)";

(C) by striking "in this paragraph" and inserting "in this subsection"; and

(D) by striking "section 2432" and inserting "section 4352".

(5) REDESIGNATIONS AND HEADINGS IN NEW SECTION 4377(C).—Subsection (c) of such section, as redesignated by paragraph (2), is amended—

(A) by striking "(A) The requirements of subparagraphs (B), (C), and (E) of paragraph (1)" and inserting "INAPPLICABILITY OF CERTAIN SUBSECTION (A) REQUIREMENTS.—

"(1) CONDITIONS FOR INAPPLICABILITY.—The requirements of paragraphs (2), (3), and (5) of subsection (a)"; and

(B) by redesignating subparagraph (B) as paragraph (2) and inserting "COST GROWTH THRESHOLDS.—" therein before "The cost growth thresholds".

(6) REVISIONS TO NEW 4377(C)(1).—Paragraph (1) of such section 4377(c), as so designated, is amended—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(B) by redesignating subclauses (I) and (II) of each of subparagraphs (A) and (C) as clauses (i) and (ii), respectively;

(C) in subparagraph (A), as so redesignated—

(i) in the matter preceding clause (i), as so redesignated, by striking "pursuant to subsection (a)" and inserting "pursuant to section 4376(a) of this title";

(ii) in clause (i), as so redesignated, by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(iii) in clause (ii), as so redesignated, by striking "subclause (I)" and inserting "clause (i)"; and

(D) in subparagraph (C), as so redesignated—

(i) in the matter preceding clause (i), as so redesignated—

(I) by striking "section 2433(g)" and inserting "subsections (d) and (e) of section 4375"; and

(II) by striking "section 2432(f)" and inserting "section 4356";

(ii) in clause (i), as so redesignated, by striking "clause (i)" and inserting "subparagraph (A)"; and

(iii) in clause (ii), as so redesignated, by striking "clause (ii)" and inserting "subparagraph (B)".

(7) REVISIONS TO NEW 4377(C)(2).—Paragraph (2) of such section 4377(c), as so designated, is amended—

(A) in the matter preceding clause (i), by striking "this subparagraph" and inserting "this paragraph";

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(C) by redesignating subclauses (I) and (II) of each of subparagraphs (A) and (B) as clauses (i) and (ii), respectively.

(l) CONFORMING REPEALS.—Sections 2433 and 2433a of title 10, United States Code, are repealed.

(m) CROSS REFERENCE.—Section 181(b)(6) of title 10, United States Code, is amended by striking "2433(e)(2)" and inserting "4375(b)".

SEC. 1851. WEAPON SYSTEMS DEVELOPMENT AND RELATED MATTERS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 325, as added by the preceding section, the following new chapter:

"CHAPTER 327—WEAPON SYSTEMS DEVELOPMENT AND RELATED MATTERS

10 USC prec. 4401.

"Subchapter	Sec.
"I. Modular Open System Approach in Development of Weapon Systems	4401
"II. Development, Prototyping, and Deployment of Weapon System Components or Technology	4421

10 USC prec. 4401.

"SUBCHAPTER I—MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF WEAPON SYSTEMS

"Sec.
"4401. Requirement for modular open system approach in major defense acquisition programs; definitions.
"4402. Requirement to address modular open system approach in program capabilities development and acquisition weapon system design.
"4403. Requirements relating to availability of major system interfaces and support for modular open system approach.

10 USC prec. 4421.

"SUBCHAPTER II—DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY

"Sec.
"4421. Weapon system component or technology prototype projects: display of budget information.
"4422. Weapon system component or technology prototype projects: oversight.
"4423. Requirements and limitations for weapon system component or technology prototype projects.
"4424. Mechanisms to speed deployment of successful weapon system component or technology prototypes.
"4425. Definition of weapon system component.".

(b) TRANSFER OF SECTIONS OF SUBCHAPTER I OF CHAPTER 144B.—

(1) TRANSFER.—Sections 2446a, 2446b, and 2446c of chapter 144B of title 10, United States Code, are transferred to chapter 327, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of subchapter I, and redesignated as sections 4401, 4402, and 4403, respectively.

(2) CONFORMING CROSS-REFERENCE AMENDMENTS TO SECTION 4401.—Section 4401 of title 10, United States Code, as so transferred and redesignated, is amended—

(A) in subsection (b)(1)(D), by striking "section 2320" and inserting "sections 3771 through 3775";

(B) in subsection (b)(6), by striking "section 2448a(a)" and inserting "section 4271(a)";

(C) in subsection (b)(7), by striking "section 2430" and inserting "section 4201"; and

(D) in subsection (b)(8), by striking "section 2379(f)" and inserting "section 3455(f)".

(3) CONFORMING CROSS-REFERENCE AMENDMENTS TO SECTION 4402.—Section 4402 of such title, as so transferred and redesignated, is amended—

(A) in subsection (c), by striking "section 2431a" and inserting "section 4211"; and

(B) in subsection (e), by striking "section 2366b" and inserting "section 4252".

(c) TRANSFER OF SECTIONS OF SUBCHAPTER II OF CHAPTER 144B.—

(1) TRANSFER.—Sections 2447a, 2447b, 2447c, 2447d, and 2447e of chapter 144B of title 10, United States Code, are transferred to chapter 327, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of subchapter II, and redesignated as sections 4421, 4422, 4423, 4424, and 4425, respectively.

(2) CONFORMING CROSS-REFERENCE AMENDMENTS TO SECTION 4422.—Section 4422 of such title, as so transferred and

redesignated, is amended by striking "section 2447c" in subsection (c)(3) and inserting "section 4423".

(3) CONFORMING CROSS-REFERENCE AMENDMENTS TO SECTION 4423.—Section 4423 of such title, as so transferred and redesignated, is amended—

(A) in subsection (b), by striking "section 2447b" and inserting "section 4422"; and

(B) in subsection (e), by striking "section 2371b" and inserting "section 4003".

(4) CONFORMING CROSS-REFERENCE AMENDMENTS TO SECTION 4424.—Section 4424 of such title, as so transferred and redesignated, is amended by striking "section 2304" in subsection (a) and inserting "sections 3201 through 3205".

(5) CONFORMING CROSS-REFERENCE AMENDMENTS TO SECTION 4425.—Section 4425 of such title, as so transferred and redesignated, is amended by striking "section 2446a" and inserting "section 4401".

(d) CONFORMING AMENDMENTS.—

*(1) REPEAL OF CHAPTER 144B.—Chapter 144B of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 144B. 10 USC prec. 101, prec. 2201.

Subtitle G—Other Special Categories of Contracting

SEC. 1856. ACQUISITION OF SERVICES GENERALLY.

(a) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232)), of title 10, United States Code, are amended by striking the items relating to chapters 341 and 343 and inserting the following: 10 USC prec. 101, prec. 3001.

"341. Acquisition of Services Generally 4501
"343. Acquisition of Services of Contractors Performing Private Security Functions ..... 4541".

(b) NEW CHAPTER 341.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapters 341 and 343 and inserting the following: 10 USC prec. 4501, prec. 4541.

"CHAPTER 341—ACQUISITION OF SERVICES GENERALLY 10 USC prec. 4501.

"Sec.
"4501. Procurement of contract services: management structure.
"4502. Procurement of contract services: senior officials responsible for management of acquisition of contract services.
"4503. [Reserved].
"4504. [Reserved].
"4505. Procurement of services: tracking of purchases.
"4506. Procurement of services: data analysis and requirements validation.
"4507. Procurement of services: contracts for professional and technical services.
"4508. Contractor performance of acquisition functions closely associated with inherently governmental functions.
"4509. Contracts for advisory and assistance services: cost comparison studies.".

*Note: Citations in Sec. 1851(d)(1) for Chapter 144B of title 10, United States Code: 10 USC 2446a prec., 2446a–2446c, 2447a prec., 2447a–2447e, 2448a prec., 2448a, 2448b.

(c) TRANSFER OF SECTION 2330 OF TITLE 10.—Section 2330 of title 10, United States Code, is transferred to chapter 341 of such title, as amended by subsection (b), inserted after the table of sections, and redesignated as section 4501.

(d) DESIGNATION OF NEW SECTION 4502.—Such chapter is further amended by inserting after paragraph (1) of subsection (a) of section 4501, as transferred and redesignated by subsection (c), the following:

10 USC 4502.

"§ 4502. Procurement of contract services: senior officials responsible for management of acquisition of contract services

"(a) SENIOR OFFICIALS.—The management structure implemented pursuant to section 4501 of this title shall provide for the following:".

(e) REVISION TO REMAINING TEXT OF SECTION 4501.—Such section 4501 is amended—

(1) by striking "for the following:" and inserting "for the matters specified in subsections (b), (c), (d), and (e).";

(2) by redesignating paragraph (1) as subsection (b) and subparagraphs (B), (C), and (D) as subsections (c), (d), and (e), respectively;

(3) in subsection (b), as so redesignated—

(A) by realigning the margin of the subsection 2 ems to the left;

(B) by striking "The Under" and all that follows through "develop and maintain" and inserting "POLICIES, PROCEDURES, AND BEST PRACTICES GUIDELINES.—The management structure implemented pursuant to subsection (a) shall provide that the Under Secretary of Defense for Acquisition and Sustainment shall develop and maintain";

(C) by redesignating clauses (i) through (vi) as paragraphs (1) through (6), respectively, and realigning the margin of those paragraphs 2 ems to the left; and

(D) by striking the semicolon at the end of such paragraph (6), as so redesignated, and inserting a period;

(4) in subsection (c), as redesignated by paragraph (2)—

(A) by realigning the margin of the subsection 4 ems to the left;

(B) by striking "work with" and inserting "PERSONNEL AND SUPPORT.—The management structure implemented pursuant to subsection (a) shall provide that the Under Secretary shall work with";

(C) by redesignating clauses (i) through (iii) as paragraphs (1) through (3), respectively;

(D) by inserting "and section 4502 of this title" in paragraph (3), as so redesignated, after "under this section"; and

(E) by striking the semicolon at the end and inserting a period;

(5) in subsection (d), as redesignated by paragraph (2)—

(A) by realigning the margin of the subsection 4 ems to the left;

(B) by striking "establish contract" and inserting "CONTRACT SERVICES ACQUISITION CATEGORIES.—The management structure implemented pursuant to subsection (a)

shall provide that the Under Secretary shall establish contract"; and

(C) by striking "; and" at the end and inserting a period;

(6) in subsection (e), as redesignated by paragraph (2)—

(A) by realigning the margin of the subsection 4 ems to the left;

(B) by striking "oversee the" and inserting "OVERSIGHT OF IMPLEMENTATION.—The management structure implemented pursuant to subsection (a) shall provide that the Under Secretary shall oversee the";

(C) by inserting "and section 4502 of this title" after "of this section"; and

(D) by striking "subparagraph (A)"and inserting "subsection (b)"; and

(7) by adding at the end the following new subsection:

"(f) CONTRACT SERVICES.—In this section, the term 'contract services' has the meaning given that term in section 4502(d)(2) of this title.".

(f) REVISION TO SECTION 4502.—Section 4502 of such title, as designated by subsection (d), is amended—

(1) by redesignating paragraphs (2) and (3) of subsection (a) as paragraphs (1) and (2), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (a)(1)(C)" and inserting "section 4501(d) of this title"; and

(B) in paragraph (2), by striking "subsection (a)(1)" and inserting "section 4501 of this title";

(3) by redesignating subsection (c) as subsection (d);

(4) by redesignating paragraph (3) of subsection (b) as subsection (c) and redesignating subparagraphs (A) through (F) thereof as paragraphs (1) through (6), respectively; and

(5) in subsection (c), as so redesignated—

(A) in the matter preceding paragraph (1), by striking "In carrying out paragraph (1)" and inserting "DUTIES AND RESPONSIBILITIES.—In carrying out subsection (b)(1),";

(B) in paragraph (1), as so redesignated—

(i) by inserting "and section 4501 of this title" after "of this section"; and

(ii) by striking "subsection (a)(1)(A)" and inserting "section 4501(b) of this title"; and

(C) in paragraph (6), as so redesignated, by striking "section 2330a" and inserting "section 4505".

(g) TRANSFER OF SECTIONS 2330A, 2329, 2331, 2383, AND 2410L OF TITLE 10.—Sections 2330a, 2329, 2331, 2383, and 2410l of title 10, United States Code, are transferred to chapter 341 of such title, inserted (in that order) after section 4502, as designated by subsection (c), and redesignated as sections 4505, 4506, 4507, 4508, and 4509, respectively.

(h) CONFORMING CROSS-REFERENCE AMENDMENT.—Subsection (h)(3) of section 4505 of title 10, United States Code, as transferred and redesignated by subsection (d), is amended by striking "section 2383(b)(2)" and inserting "section 4508(b)(2)".

(i) CONFORMING AMENDMENT FOR DEFINED TERM APPLICABLE TO SECTION.—Subsection (b)(1) of section 4508 of title 10, United States Code, as transferred and redesignated by subsection (g),

is amended by striking "has the meaning given in section 2302(1) of this title, except that such term".

(j) PLACEHOLDER FOR CHAPTER FOR PROVISIONS RELATING TO ACQUISITION OF SERVICES OF CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by inserting after chapter 341, as added by this section, the following new chapter:

10 USC prec. 4571.

"CHAPTER 343—ACQUISITION OF SERVICES OF CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS

"Subchapter Sec.
"I. Contractors Performing Private Security Functions in Areas of Combat Operations or Other Significant Military Operations 4541
"II. Standards and Certification for Private Security 4551

10 USC prec. 4571.

"SUBCHAPTER I—CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS OR OTHER SIGNIFICANT MILITARY OPERATIONS

"Sec.
"4541. [Reserved].

10 USC prec. 4571.

"SUBCHAPTER II—STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS

"Sec.
"4551. [Reserved].".

SEC. 1857. ACQUISITION OF INFORMATION TECHNOLOGY.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 345 and inserting the following:

10 USC 4571.

10 USC prec. 4571.

"CHAPTER 345—ACQUISITION OF INFORMATION TECHNOLOGY

"Sec.
"4571. Information technology acquisition: planning and oversight processes.
"4572. [Reserved].
"4573. [Reserved].
"4574. [Reserved].
"4575. [Reserved].
"4576. Requirement for consideration of certain matters during acquisition of noncommercial computer software.".

(b) TRANSFER OF SECTION 2223A.—

(1) Section 2223a of title 10, United States Code, is transferred to chapter 345 of such title, as amended by subsection (a), inserted after the table of sections, and redesignated as section 4571.

(2) The heading of such section is amended to read as follows:

"§ 4571. Information technology acquisition: planning and oversight processes".

(c) TRANSFER OF SECTION 2322A.—Section 2322a of title 10, United States Code, is transferred to chapter 345 of such title,

as amended by subsection (a), inserted after section 4571, as added by subsection (b), and redesignated as section 4576.

Subtitle H—Contract Management

SEC. 1861. CONTRACT ADMINISTRATION.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 361 and inserting the following: 10 USC prec. 4601.

"CHAPTER 361—CONTRACT ADMINISTRATION

10 USC prec. 4601.

"Sec.
"4601. Electronic submission and processing of claims for contract payments.
"4602. Contracted property and services: prompt payment of vouchers.
"4603. Advance notification of contract performance outside the United States.".

(b) TRANSFER OF TITLE 10 SECTIONS.—Sections 2227, 2226, and 2410g of title 10, United States Code, are transferred to chapter 361 of such title, as amended by subsection (a), inserted (in that order) after the table of sections at the beginning of such chapter, and redesignated as section 4601, 4602, and 4603, respectively.

SEC. 1862. PROHIBITIONS AND PENALTIES.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 363 and inserting the following: 10 USC prec. 4651.

"CHAPTER 363—PROHIBITION AND PENALTIES

10 USC prec. 4651.

"Sec.
"4651. Expenditure of appropriations: limitation.
"4652. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs.
"4653. Prohibition on use of funds to relieve economic dislocations.
"4654. Prohibition on doing business with certain offerors or contractors.
"4655. Prohibition of contractors limiting subcontractor sales directly to the United States.
"4656. Prohibition on persons convicted of defense-contract related felonies and related criminal penalty on defense contractors.
"4657. Prohibition on criminal history inquiries by contractors prior to conditional offer.
"4658. Debarment of persons convicted of fraudulent use of 'Made in America' labels.
"4659. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel.
"4660. Prohibition on collection of political information.".

(b) TRANSFER AND REDESIGNATION OF TITLE 10 SECTIONS.—The sections of title 10, United States Code, specified in the left-hand column of the following table are transferred to chapter 363 of such title, as amended by subsection (a), inserted (in the order shown in the following table) after the table of sections at the beginning of such chapter, and redesignated in accordance with the section numbers in the right-hand column, as follows:

Section	Redesignated Section
2207	4651

Section	Redesignated Section
2249	4652
2392	4653
2393	4654
2402	4655
2408	4656
2339	4657
2410f	4658
2410i	4659
2335	4660

(c) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 2343 of title 10, United States Code, is amended by striking "Sections 2207," and inserting "Sections 4651,".

10 USC 4658.

(2) Subsection (b) of section 4657 of title 10, United States Code, as transferred and redesignated by subsection (b), is amended by striking "section 2393(c)" and inserting "section 4654(c)".

10 USC 2339 note.

(3) Section 1123 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.1614) is amended—

(A) in subsection (b)(2), by striking "Section 2339(a)" and inserting "Section 4657(a)"; and

(B) in subsection (c)(1), by striking "section 2339" and inserting "section 4657".

SEC. 1863. CONTRACTOR WORKFORCE.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 365 and inserting the following:

10 USC prec. 4701.

10 USC prec. 4701.

"CHAPTER 365—CONTRACTOR WORKFORCE

"Sec.

"4701. Contractor employees: protection from reprisal for disclosure of certain information.

"4702. Incentives and consideration for qualified training programs.

"4703. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides.

"4704. Defense contractors: listing of suitable employment openings with local employment service office.".

(b) TRANSFER OF TITLE 10 SECTIONS.—Sections 2409, 2409a, 2410j, and 2410k of title 10, United States Code, are transferred to chapter 365 of such title, as amended by subsection (a), inserted (in that order) after the table of sections, and redesignated as sections 4701, 4702, 4703, and 4704, respectively.

(c) CONFORMING AMENDMENTS TO NEW 4701.—Subsection (g) of section 4701 of title 10, United States Code, as transferred and redesignated by subsection (b), is amended—

(1) by striking "section 2303" in paragraph (1) and inserting "section 3063"; and

(2) by striking paragraph (2).

SEC. 1864. OTHER ADMINISTRATIVE MATTERS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 367 and inserting the following: 10 USC prec. 4751.

"CHAPTER 367—OTHER ADMINISTRATIVE MATTERS 10 USC prec. 4751.

"Sec.
"4751. Determinations and decisions.
"4752. Remission of liquidated damages.
"4753. Supplies: identification of supplier and sources.
"4754. Management of purchase cards.".

(b) TRANSFER OF TITLE 10 SECTIONS.—Sections 2310, 2312, 2384, and 2784 of title 10, United States Code, are transferred to chapter 367 of such title, as amended by subsection (a), inserted (in that order) after the table of sections, and redesignated as sections 4751, 4752, 4753, and 4754, respectively.

(c) CONFORMING AMENDMENTS TO NEW SECTION 4751.—Section 4751 of title 10, United States Code, as transferred and redesignated by subsection (b), is amended—

(1) in subsection (a), by striking "made under this chapter" and inserting "made under any chapter 137 legacy provision"; and

(2) in subsection (b), by striking "section 2306(g)(1), 2307(d), or 2313(c)(2)(B)" and inserting "section 3531(a), 3803, or 3841(c)(2)(B)".

Subtitle I—Defense Industrial Base

SEC. 1866. DEFENSE INDUSTRIAL BASE GENERALLY.

(a) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A (as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232)), of title 10, United States Code, are amended by striking the item relating to chapter 381 and inserting the following: 10 USC prec. 101, prec. 3001.

"381. Defense Industrial Base Generally 4801
"382. Policies and Planning 4811
"383. Development, Application, & Support of Dual-Use Technologies 4831
"384. Manufacturing Technology 4841
"385. Other Technology Base Policies and Programs ..... 4851".

(b) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking chapter 381 and inserting the following: 10 USC prec. 4751.

"CHAPTER 381—DEFENSE INDUSTRIAL BASE GENERALLY 10 USC prec. 4801.

"Sec.
"4801. Definitions.".

(c) TRANSFER OF DEFINITIONS SECTION.—Section 2500 of such title is transferred to chapter 381 of such title, as amended by subsection (b), inserted after the table of sections at the beginning, redesignated as section 4801, and amended—

(1) in the matter preceding paragraph (1), by striking "In this chapter" and inserting "In this subpart";

(2) in paragraph (8), by striking "section 2505" and "section 2501(a)" and inserting "section 4816" and "section 4811(a)", respectively; and

(3) by adding at the end the following new paragraph:

"(16) The term 'chapter 148 legacy provision' means any of the following provisions of this subpart: sections 4801, 4811–4819, 4831–4834, 4841–4843, 4851, 4852, 4861–4864, 4871, 4872, 4881–4884, 4891, and 4892, and chapter 389.".

(d) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 843(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2302 note) is amended—

(A) in paragraph (4), by striking "section 2302(9)" and inserting "section 3021"; and

(B) in paragraph (5), by striking "section 2500(5)" and inserting "section 4801(5)".

(2) Section 2474(a)(2) of title 10, United States Code, is amended by striking "section 2500(1)" and inserting "section 4801(1)".

(3) Section 881 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2501 note) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "section 2500" and inserting "section 4801"; and

(ii) in paragraph (4), by striking "section 2501(b)" and inserting "section 4811(b)"; and

(B) in subsection (c), by striking "section 2504" and inserting "section 4814".

(4) The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2501 note) is amended—

(A) in section 812—

(i) in subsection (a)(1)(B), by striking "section 2501" and inserting "section 4811"; and

(ii) in subsection (b)(3), by striking "section 2507" and inserting "section 4817"; and

(B) in section 814(c), by striking "section 2534" and inserting "section 4864".

(5) Section 1712(c)(2) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2536 note) is amended by striking "section 2500" and inserting "section 4801".

SEC. 1867. POLICIES AND PLANNING.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by adding after chapter 381, as amended by the preceding section, the following new chapter:

10 USC prec. 4811.

"CHAPTER 382—POLICIES AND PLANNING

"Sec.
"4811. National security strategy for national technology and industrial base.
"4812. National Defense Technology and Industrial Base Council.

"4813. National defense program for analysis of the technology and industrial base.
"4814. Annual report to Congress.
"4815. Unfunded priorities of the national technology and industrial base: annual report.
"4816. National technology and industrial base: periodic defense capability assessments.
"4817. Industrial Base Fund.
"4818. Data collection authority of President.
"4819. Modernization of acquisition processes to ensure integrity of industrial base.".

(b) TRANSFER AND REDESIGNATION OF TITLE 10 SECTIONS.—The sections of title 10, United States Code, specified in the left-hand column of the following table are transferred to chapter 382 of such title, as added by subsection (a), inserted (in the order shown in the following table) after the table of sections at the beginning of such chapter, and redesignated in accordance with the section numbers in the right-hand column, as follows:

Section	Redesignated Section
2501	4811
2502	4812
2503	4813
2504	4814
2504a	4815
2505	4816
2508	4817
2507	4818
2509	4819

(c) SECTION 2506.—

(1) INSERTION OF TEXT OF SECTION 2506 AT END OF SECTION 4811.—

(A) Section 4811 of such title, as transferred and redesignated by subsection (b), is amended by adding at the end the following new subsection:

"(c) DEPARTMENT OF DEFENSE TECHNOLOGY AND INDUSTRIAL BASE POLICY GUIDANCE.—".

(B) Subsections (a) and (b) of section 2506 of such title are transferred to the end of subsection (c) of such section 4811, as added by subparagraph (A), redesignated as paragraphs (1) and (2), respectively, indented 2 ems from the left margin, and amended—

(i) in paragraph (1), as so redesignated, by striking "section 2501(a) of this title" and inserting "subsection (a)"; and

(ii) in paragraph (2), as so redesignated, by striking "subsection (a)" and inserting "paragraph (1)".

(2) CONFORMING REPEAL.—Section 2506 of such title is repealed.

(d) CONFORMING CROSS-REFERENCE AMENDMENTS.—Sections of chapter 382 of such title, as transferred and redesignated by subsection (b), are amended as follows:

(1) Section 4812 is amended by striking "section 2501(a)" in subsection (c)(1) and inserting "section 4811(a)".

(2) Section 4813 is amended by striking "section 2505" in subsection (c)(3)(A) and inserting "section 4816".

(3) Section 4814 is amended—

(A) in paragraph (1), by striking "section 2506" and inserting "section 4811(c)";

(B) in paragraph (2), by striking "section 2505" and inserting "section 4816"; and

(C) in paragraph (3), by striking "section 2501" and "section 2505" and inserting "section 4811" and "section 4816", respectively.

(4) Section 4816 is amended by striking "section 2501(a)" in subsection (a) and inserting "section 4811(a)".

(5) Section 4818 is amended in subsection (a)—

(A) by striking "of this chapter" and inserting "of the chapter 148 legacy provisions"; and

(B) by striking "under this chapter" and inserting "under those provisions".

(6) Section 4819(f)(1)(A) is amended by striking "section 2339a(e)" and inserting "section 3252(c)".

(e) CONFORMING CROSS-REFERENCE AMENDMENTS.—

(1) Section 2198(c) of title 10, United States Code, is amended by striking "section 2505" and "section 2501(a)" and inserting "section 4816" and "section 4811(a)", respectively.

(2) Section 2709(a) of such title is amended by striking "section 2501" and inserting "section 4811".

(3) Section 8685 of such title is amended by striking "section 2501(b)" in subsections (a) and (c) and inserting "section 4811(b)".

SEC. 1868. DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by adding after chapter 382, as added by the preceding section, the following new chapter:

10 USC prec. 4831.

"CHAPTER 383—DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

"Sec.
"4831. Defense dual-use critical technology program.
"4832. Encouragement of technology transfer.
"4833. Federal Defense Laboratory Diversification Program.
"4834. Overseas foreign critical technology monitoring and assessment financial assistance program.".

(b) TRANSFER AND REDESIGNATION OF TITLE 10 SECTIONS.—The sections of title 10, United States Code, specified in the left-hand column of the following table are transferred to chapter 383 of such title, as added by subsection (a), inserted (in the order shown in the following table) after the table of sections at the beginning of such chapter, and redesignated in accordance with the section numbers in the right-hand column, as follows:

Section	Redesignated Section
2511	4831
2514	4832
2519	4833
2518	4834

(c) CONFORMING CROSS-REFERENCE AMENDMENTS.—Sections of chapter 383 of such title, as transferred and redesignated by subsection (b), are amended as follows:

(1) Section 4831 is amended—

(A) in subsection (a), by striking "section 2501(a)" and "section 2371" and inserting "section 4811(a)" and "section 4002", respectively; and

(B) in subsection (e)(1), by striking "section 2501(a)" and inserting "section 4811(a)".

(2) Section 4832 is amended in subsection (a) by striking "section 2501(a)" and inserting "section 4811(a)".

(3) Section 4833 is amended—

(A) in subsection (a), by striking "section 2501(a)" and inserting "section 4811(a)";

(B) in subsection (c)(1), by striking "section 2371" and inserting "section 4002";

(C) in subsection (d)(2), by striking "section 2511(c)(2)" and inserting "section 4831(c)(2)"; and

(D) in subsection (f), by striking "section 2511(e)" and inserting "section 4831(e)".

SEC. 1869. MANUFACTURING TECHNOLOGY.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by adding after chapter 383, as added by the preceding section, the following new chapter:

"CHAPTER 384—MANUFACTURING TECHNOLOGY

10 USC prec. 4841.

"Sec.

"4841. Manufacturing Technology Program.

"4842. Joint Defense Manufacturing Technology Panel.

"4843. Armament retooling and manufacturing.".

(b) TRANSFER AND REDESIGNATION OF SECTION 2521.—

(1) TRANSFER AND REDESIGNATION.—Section 2521 of title 10, United States Code, is transferred to chapter 384 of such title, as added by subsection (a), inserted after the table of sections at the beginning of such chapter, and redesignated as section 4841.

(2) CONFORMING CROSS-REFERENCE AMENDMENTS.—Such section is amended—

(A) in subsection (a), by striking "section 2501(a)" and inserting "section 4811(a)"; and

(B) in subsection (d)(1), by striking "section 2374" and inserting "section 4008".

(c) DESIGNATION OF FORMER SECTION 2521(E) AS SECTION 4842.—

(1) Such chapter is further amended—

(A) by transferring subsection (f) of section 4841 within that section so as to appear after subsection (d) and redesignating that subsection as subsection (e); and

(B) by redesignating as section 4842 the subsection (e) following the subsection transferred and redesignated by subparagraph (A) and inserting at the beginning of such section 4842 the following section heading:

10 USC 4842.

"§ 4842. Joint Defense Manufacturing Technology Panel".

(2) Section 4842 of title 10, United States Code, as designated by paragraph (1)(B), is amended—

(A) by striking "(e) JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.—";

(B) by redesignating paragraphs (1) through (6) as subsections (a) through (f), respectively;

(C) in subsection (b), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(D) in subsection (c), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3) respectively;

(E) in subsection (d), as so redesignated—

(i) by striking "paragraph (3)" and inserting "subsection (c)"; and

(ii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and

(F) in subsection (e), as so redesignated, by striking "this paragraph" and inserting "this subsection".

(d) TRANSFER AND REDESIGNATION OF SECTION 2522.—Section 2522 of title 10, United States Code, is transferred to chapter 384 of such title, as added by subsection (a), inserted after section 4842, as designated by subsection (c)(1)(B), and redesignated as section 4843.

(e) CONFORMING CROSS-REFERENCE AMENDMENT.—Section 1644(f)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note) is amended by striking "section 2521" and inserting "section 4841".

SEC. 1870. OTHER TECHNOLOGY BASE POLICIES AND PROGRAMS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by adding after chapter 384, as added by the preceding section, the following new chapter:

10 USC prec. 4851.

"CHAPTER 385—OTHER TECHNOLOGY BASE POLICIES AND PROGRAMS

"Subchapter	Sec.
"I. Defense Trade Reciprocity and Offset Policy	4851
"II. Limitations on Procurement of Certain Items from Foreign Sources	4861
"III. Limitations on Procurement from Certain Foreign Sources	4871
"IV. Defense Industrial Reserve and Industrial Mobilization	4881
"V. Other Matters	4891

10 USC prec. 4851.

"SUBCHAPTER I—DEFENSE TRADE RECIPROCITY AND OFFSET POLICY

"Sec.
"4851. Defense memoranda of understanding and related agreements.
"4852. Offset policy; notification.".

(b) TRANSFER AND REDESIGNATION OF SECTIONS 2531 AND 2532.—Sections 2531 and 2532 of title 10, United States Code, are transferred to chapter 385 of such title, as added by subsection

(a), inserted after the table of sections at the beginning of subchapter I, and redesignated as sections 4851 and 4852, respectively.

(c) SUBCHAPTER II.—

(1) DESIGNATION OF SUBCHAPTER II.—Chapter 385 of title 10, United States Code, is further amended by adding after subchapter I, as amended by subsection (b), the following:

"SUBCHAPTER II—LIMITATIONS ON PROCUREMENT OF CERTAIN ITEMS FROM FOREIGN SOURCES

10 USC prec. 4861.

"Sec.
"4861. Determinations of public interest under chapter 83 of title 41.
"4862. Requirement to buy certain articles from American sources; exceptions.
"4863. Requirement to buy strategic materials critical to national security from American sources; exceptions.
"4864. Miscellaneous limitations on the procurement of goods other than United States goods.".

(2) TRANSFER AND REDESIGNATION OF SECTIONS 2533, 2533A, 2533B, AND 2534.—Sections 2533, 2533a, 2533b, and 2534 of title 10, United States Code, are transferred to chapter 385 of such title, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of subchapter II, and redesignated as sections 4861, 4862, 4863, and 4864, respectively.

(3) CONFORMING CROSS-REFERENCE AMENDMENTS.—Section 4864 of such title, as so transferred and redesignated, is amended—

(A) in subsection (d)(3), by striking by striking "section 2531" and inserting "section 4851";

(B) in subsection (e)(3), by striking "section 2532(d)(1)" and inserting "section 4852(d)(1)"; and

(C) in paragraph (2)(B) of the first subsection (k) (relating to "Limitation on certain procurements application process"), by striking "section 2500(1)" both places it appears and inserting "section 4801(1)".

(4) ADDITIONAL TECHNICAL AMENDMENTS.—Section 4864 of such title, as so transferred and redesignated, is further amended by redesignating the second subsection (k) (added by section 853(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92)) as subsection (l).

(5) CONFORMING AMENDMENT.—Section 854(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2533b note) is amended by striking "section 2533a(b)" and inserting "section 4862(b)".

(6) CROSS-REFERENCE AMENDMENTS.—

(A) Section 2375(e)(2) of title 10, United States Code, is amended by striking "section 2533a" and "section 2533b" and inserting "section 4862" and "section 4863", respectively.

(B) Section 8118 of Public Law 108–287 (10 U.S.C. 2533a note) is amended by striking "section 2533a(f)" and inserting "section 4862(f)".

(C) Section 187(b)(5) of title 10, United States Code, is amended by striking "section 2533b" and inserting "section 4863".

(d) SUBCHAPTER III.—

(1) DESIGNATION OF SUBCHAPTER III.—Chapter 385 of title 10, United States Code, is further amended by adding after subchapter II, as added by subsection (c)(1), the following:

10 USC prec. 4871.

"SUBCHAPTER III—LIMITATIONS ON PROCUREMENT FROM CERTAIN FOREIGN SOURCES

"Sec.
"4871. Acquisition of sensitive materials from non-allied foreign nations: prohibition.
"4872. Award of certain contracts to entities controlled by a foreign government: prohibition.".

(2) TRANSFER AND REDESIGNATION OF SECTIONS 2533C AND 2536.—Sections 2533c and 2536 of title 10, United States Code, are transferred to chapter 385 of such title, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of subchapter III, and redesignated as sections 4871 and 4872, respectively.

(3) CROSS-REFERENCE AND CLERICAL AMENDMENTS.—

(A) Section 4871 of such title, as so transferred and redesignated, is amended by striking "section 2533b(m)" in subsection (d)(3) and inserting "section 4863(m)".

(B) The heading of such section is amended to read as follows:

"§ 4871. Acquisition of sensitive materials from non-allied foreign nations: prohibition".

(4) CONFORMING CROSS-REFERENCE AMENDMENT.—Section 2572(e)(2)(A) of title 10, United States Code, is amended by striking "section 2536(c)(1)" and inserting "section 4872(c)(1)".

(e) SUBCHAPTER IV.—

(1) DESIGNATION OF SUBCHAPTER IV.—Chapter 385 of title 10, United States Code, is further amended by adding after subchapter III, as added by subsection (d), the following:

10 USC prec. 4881.

"SUBCHAPTER IV—DEFENSE INDUSTRIAL RESERVE AND INDUSTRIAL MOBILIZATION

"Sec.
"4881. Defense Industrial Reserve.
"4882. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations.
"4883. Industrial mobilization: plants; lists.
"4884. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness.".

(2) TRANSFER AND REDESIGNATION OF SECTIONS 2535, 2538, 2539, AND 2539A.—

(A) IN GENERAL.—Sections 2535, 2538, 2539, and 2539a of title 10, United States Code, are transferred to chapter 385 of such title, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of subchapter IV, and redesignated as sections 4881, 4882, 4883, and 4884, respectively.

(B) CROSS-REFERENCE AMENDMENT.—Section 4884 of such title, as so transferred and redesignated, is amended by striking "sections 2538 and 2539" and inserting "sections 4882 and 4883".

(f) SUBCHAPTER V.—

(1) DESIGNATION OF SUBCHAPTER V.—Chapter 385 of title 10, United States Code, is further amended by adding after subchapter IV, as added by subsection (e), the following:

10 USC prec. 4891.

"SUBCHAPTER V—OTHER MATTERS

"Sec.
"4891. Improved national defense control of technology diversions overseas.

"4892. Availability of samples, drawings, information, equipment, materials, and certain services.".

(2) TRANSFER AND REDESIGNATION OF SECTIONS 2537 AND 2539B.—Sections 2537 and 2539b of title 10, United States Code, are transferred to chapter 385 of such title, as added by subsection (a), inserted (in that order) after the table of sections at the beginning of subchapter V, and redesignated as sections 4891 and 4892, respectively.

SEC. 1871. SMALL BUSINESS PROGRAMS.

(a) IN GENERAL.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

(1) by striking chapter 285; and

(2) by adding at the end the following new chapter:

10 USC prec. 3901.

"CHAPTER 387—SMALL BUSINESS PROGRAMS

10 USC prec. 4901.

"Subchapter Sec.
"I. General 4901

"SUBCHAPTER I—GENERAL

10 USC prec. 4901.

"Sec.
"4901. Department of Defense small business strategy.".

(b) TRANSFER OF SECTION 2283.—Section 2283 of title 10, United States Code, is transferred to chapter 387 of such title, as added by paragraph (1), inserted after the table of sections at the end of subchapter I, redesignated as section 4901, and amended in subsections (b)(3) and (e) by striking "chapter 142" and inserting "chapter 388".

SEC. 1872. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) NEW CHAPTER.—

(1) IN GENERAL.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

(A) by striking chapter 385 (as enacted by that Act); and

10 USC prec. 4881.

(B) by adding after chapter 387, as added by the preceding section, the following new chapter:

"CHAPTER 388—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

10 USC prec. 4951.

"Sec.
"4951. Purposes; definitions; regulations.
"4952. Cooperative agreements.
"4953. Funding.
"4954. Distribution.
"4955. Subcontractor information.
"4956. Authority to provide certain types of technical assistance.
"4957. Advancing small business growth.
"4958. [Reserved].
"4959. Administrative and other costs.

"§ 4951. Purposes; definitions; regulations".

10 USC 4951.

(2) TRANSFER OF SECTION 2412.—The text of section 2412 of title 10, United States Code, is transferred to section 4951

of such title, as added by paragraph (1), inserted after the section heading, designated as subsection (a), and amended by inserting "PURPOSES.—" before "The purposes of the program".

(3) TRANSFER OF SECTION 2411.—

(A) TRANSFER.—The text of section 2411 of title 10, United States Code, is transferred to section 4951 of such title, as added by paragraph (1), inserted after subsection (a), as added by paragraph (2), designated as subsection (b), and amended by inserting "DEFINITIONS.—" before "In this chapter".

10 USC 2411 note.

(B) PRESERVATION OF FUTURE AMENDMENT.—Section 852(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1511; 10 U.S.C. 2411 note) is amended by striking "section 2411(3)" and inserting "section 4951(b)(3)", except that if the effective date of this section is after October 1, 2021, such amendment shall not be made.

(4) TRANSFER OF SECTION 2420.—The text of section 2420 of title 10, United States Code, is transferred to section 4951 of such title, as added by paragraph (1), inserted after subsection (b), as added by paragraph (3), designated as subsection (c), and amended by inserting "REGULATIONS.—" before "The Secretary of Defense".

(5) TRANSFER OF SECTION 2413.—Section 2413 of title 10, United States Code, is transferred to chapter 385 of such title, as amended by paragraph (1), inserted after section 4951, redesignated as section 4952, and amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b)—

(i) by inserting "AGREEMENTS.—" before "Under any such" ; and

(ii) by striking "section 2419(b)" in paragraph (2) and inserting "section 4957(b)";

(C) in subsection (c), by inserting "DISTRIBUTION OF PROGRAMS.—" after "(c)";

(D) in subsection (d), by inserting "WEIGHT TO BE GIVEN SUCCESSFUL PAST PERFORMANCE.—" after "(d)"; and

(E) in subsection (e), by inserting "DETERMINATION OF LEVEL OF FUNDING.—" after "(e)".

(6) TRANSFER OF SECTION 2414.—Section 2414 of title 10, United States Code, is transferred to chapter 385 of such title, as amended by paragraph (1), inserted after section 4952, as transferred and redesignated by paragraph (5), redesignated as section 4953, and amended—

(A) by striking "clause" in paragraphs (1) and (2) of subsection (a) and inserting "paragraph";

(B) by striking "section 2411(1)(D)" in subsections (a)(3), (a)(4), and (b) and inserting "section 4951(b)(1)(D)"; and

(C) in subsection (c), by striking "section 2419(b)" and inserting "section 4957(b)".

(7) TRANSFER OF SECTION 2415.—Section 2415 of title 10, United States Code, is transferred to chapter 385 of such title, as amended by paragraph (1), inserted after section 4953, as

transferred and redesignated by paragraph (6), and redesignated as section 4954.

(8) TRANSFER OF SECTION 2416.—Section 2416 of title 10, United States Code, is transferred to chapter 385 of such title, as amended by paragraph (1), inserted after section 4954, as transferred and redesignated by paragraph (7), redesignated as section 4955, and amended—

(A) in subsection (a), by inserting "CONTRACTORS TO PROVIDE INFORMATION.—" after "(a)";

(B) in subsection (b), by inserting "INFORMATION TO BE PROVIDED.—" after "(b)";

(C) in subsection (c), by inserting "FREQUENCY.—" after "(c)"; and

(D) in subsection (d), by inserting "DEFINITION.—" after "(d)".

(9) TRANSFER OF SECTION 2418.—Section 2418 of title 10, United States Code, is transferred to chapter 385 of such title, as amended by paragraph (1), inserted after section 4955, as transferred and redesignated by paragraph (8), redesignated as section 4956, and amended—

(A) in subsection (a), by inserting "ASSISTANCE RELATING TO CERTAIN NON-DEFENSE CONTRACTS.—" after "(a)";

(B) in subsection (b), by inserting "INFORMATION RELATING TO ASSISTANCE AND OTHER PROGRAMS AVAILABLE.—" after "(b)"; and

(C) in subsection (c), by inserting "EDUCATION ON REQUIREMENTS APPLICABLE TO SMALL BUSINESSES UNDER CERTAIN REGULATIONS.—" after "(c)".

(10) TRANSFER OF SECTION 2419.—Section 2419 of title 10, United States Code, is transferred to chapter 385 of such title, as amended by paragraph (1), inserted after section 4956, as transferred and redesignated by paragraph (7), and redesignated as section 4957.

(11) TRANSFER OF SECTION 2417.—Section 2417 of title 10, United States Code, is transferred to chapter 385 of such title, as amended by paragraph (1),inserted after section 4957, as added by paragraph (10), and redesignated as section 4959.

(b) CONFORMING REPEAL OF CHAPTER 142.—

(1) REPEAL.—Chapter 142 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are amended by striking the items relating to chapter 142.

10 USC prec. 101, prec. 2201.

SEC. 1873. LOAN GUARANTEE PROGRAMS.

(a) NEW CHAPTER.—Part V of subtitle A of title 10, United States Code, as added by section 801 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

(1) by striking chapter 383 (as enacted by that Act); and

(2) by adding after chapter 388, as added by the preceding section, the following new chapter:

10 USC prec. 4861.

10 USC prec. 4971.

"CHAPTER 389—LOAN GUARANTEE PROGRAMS

"Subchapter Sec.
"I. Defense Export Loan Guarantees 4971
"II. Critical Infrastructure Protection Loan Guarantees ..... 4981".

10 USC prec. 4971, 2540–2540d, prec. 4981, 2541–2541d.

(b) TRANSFER OF EXISTING PROVISIONS.—Subchapters VI and VII of chapter 148 of title 10, United States Code, are transferred to chapter 389 of such title, as added by subsection (a), inserted after the table of subchapters at the beginning of the chapter, and redesignated as subchapters I and II, respectively.

(c) REDESIGNATION OF SECTIONS.—

(1) SUBCHAPTER I.—Sections 2540, 2540a, 2540b, 2540c and 2540d of such title are redesignated as sections 4971, 4972, 4973, 4974, and 4975, respectively, and the items relating to those sections in the table of sections at the beginning of subchapter I of chapter 389, as transferred and redesignated by subsection (b), are amended to conform to the redesignations in this paragraph.

(2) SUBCHAPTER II.—Sections 2541, 2541a, 2541b, 2541c and 2541d of such title are redesignated as sections 4981, 4982, 4983, 4984, and 4985, respectively, and the items relating to those sections in the table of sections at the beginning of subchapter II of chapter 389, as transferred and redesignated by subsection (b), are amended to conform to the redesignations in this paragraph.

(d) CONFORMING CROSS-REFERENCE AMENDMENTS IN 2540 NOTE SECTION.—Section 8065 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 10 U.S.C. 2540 note), is amended—

(1) by striking "subchapter VI of chapter 148" both places it appears and inserting "subchapter I of chapter 389"; and

(2) by striking "section 2540c(d)" and inserting "section 4974(d)".

(e) CROSS-REFERENCE AMENDMENTS IN SUBCHAPTER II.—Subchapter II of chapter 389 of such title, as transferred and redesignated by subsection (b), is amended—

(1) in subsection (b)(5) of section 4981, as redesignated by subsection (c)(2), by striking "section 2541d" and inserting "section 4985";

(2) in subsection (b) of section 4983, as redesignated by subsection (c)(2), by striking "section 2541a(c)" and inserting "section 4982(c)"; and

(3) in section 4984, as redesignated by subsection (c)(2)—

(A) in the matter preceding paragraph (1), by striking "subchapter VI" and inserting "subchapter I";

(B) in paragraph (1), by striking "Section 2540a" and inserting "Section 4972";

(C) in paragraph (2), by striking "section 2540b" and inserting "section 4973"; and

(D) in paragraph (3), by striking "Section 2540d(2)" and inserting "Section 4975(2)".

(f) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are amended—

10 USC prec. 101, prec. 3001.

(1) by striking the items relating to chapters 285, 383, and 385; and

(2) by adding at the end the following new items:

"387. Small Business Programs 4901

"388. Procurement Technical Assistance Cooperative Agreement Program 4951
"389. Loan Guarantee Programs ..... 4971".

Subtitle J—Other Matters

SEC. 1876. RECODIFICATION OF CERTAIN TITLE 10 PROVISIONS RELATING TO CONTRACT FINANCING FOR CERTAIN NAVY CONTRACTS.

(a) RECODIFICATION OF PARAGRAPH (1) OF 10 U.S.C. 2307(G).—Chapter 863 of title 10, United States Code, is amended by inserting after section 8684 a new section 8684a consisting of—

(1) a heading as follows:

"§ 8684a. Repair, maintenance, or overhaul of naval vessels: rate for progress payments"; and 10 USC 8684a.

(2) a text consisting of the text of paragraph (1) of section 2307(g) of title 10, United States Code, revised by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) RECODIFICATION OF PARAGRAPH (3).—Such chapter is further amended by inserting after section 8688 a new section 8688a consisting of—

(1) a heading as follows:

"§ 8688a. Construction and conversion of naval vessels: liens"; and 10 USC 8688a.

(2) a text consisting of the text of paragraph (3) of section 2307(g) of such title.

(c) RECODIFICATION OF PARAGRAPH (2).—Subsection (c) of section 8702 of such title is amended—

(1) by striking the first two words of the subsection heading; and

(2) by striking the text of that subsection and inserting the text of paragraph (2) of section 2307(g) of such title, amended by striking "this paragraph" in the second sentence and inserting "this subsection".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 863 of such title is amended— 10 USC prec. 8661.

(1) by inserting after the item relating to section 8684 the following new item:

"8684a. Repair, maintenance, or overhaul of naval vessels: rate for progress payments.";

(2) by inserting after the item relating to section 8688 the following new item:

"8688a. Construction and conversion of naval vessels: liens.".

(e) CONFORMING REPEAL.—Section 2307(g) of such title is repealed.

SEC. 1877. RECODIFICATION OF TITLE 10 STATUTE ON CADRE OF PERSONNEL WHO ARE INTELLECTUAL PROPERTY EXPERTS.

(a) NEW SECTION IN ACQUISITION WORKFORCE CHAPTER.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1706 the following new section:

"§ 1707. Cadre of intellectual property experts". 10 USC 1707.

(b) TRANSFER OF 10 U.S.C. 2322(B).—Subsection (b) of section 2322 of title 10, United States Code, is transferred to section

1707 of such title, as added by subsection (a), inserted after the section heading, redesignated as subsection (a), and amended—

(1) by striking "CADRE OF INTELLECTUAL PROPERTY EXPERTS.—(1) The Secretary" and inserting "CADRE.—The Secretary"; and

(3) by redesignating paragraphs (2), (3), and (4) as subsections (b), (c), and (d), respectively.

(c) AMENDMENTS TO NEW 1707(B).—Subsection (b) of such section 1707, as so redesignated, is amended—

(1) by inserting "LEADERSHIP STRUCTURE.—" before "The Under";

(2) by striking "Secretary shall establish" and inserting "Secretary—

"(1) shall establish"; and

(3) by striking "managed, and shall determine" and inserting "managed; and

"(2) shall determine".

(d) AMENDMENTS TO NEW 1707(C).—Subsection (c) of such section 17017, as so redesignated, is amended—

(1) by inserting "DUTIES.—" before "The cadre"; and

(2) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively.

(e) AMENDMENTS TO NEW 1707(D).—Subsection (d) of such section 1707, as so redesignated, is amended—

(1) by striking "(A) In order to" and inserting "ADMINISTRATION.—

"(1) In order to";

(2) by redesignating subparagraphs (B) through (F) as paragraphs (2) through (6), respectively, and realigning such paragraphs 2 ems from the left margin;

(3) in paragraph (1) of such subsection (d), as redesignated by paragraph (1) of this subsection—

(A) in the first sentence—

(i) by striking "paragraph (1)" and inserting "subsection (a)"; and

(ii) by striking "paragraph (2)" and inserting "subsection (b)"; and

(B) in the third sentence, by striking "subparagraphs (B), (C), (D), and (F)" and inserting "paragraphs (2), (3), (4), and (6)"; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking "section 2320" and inserting "section 3775(a)".

SEC. 1878. TRANSFER OF TITLE 10 SECTION RELATING TO NOTIFICATION OF NAVY PROCUREMENT PRODUCTION DISRUPTIONS.

(a) TRANSFER OF SECTION 2339B.—Section 2339b of title 10, United States Code, as added by section 820 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is transferred to chapter 873 of such title, inserted before section 8752, and redesignated as section 8751.

10 USC prec. 8751.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 873 of such title is amended by inserting before the item relating to section 8752 the following new item:

"8751. Notification of Navy procurement production disruptions.".

SEC. 1879. TRANSFER OF TITLE 10 SECTION RELATING TO ENERGY SECURITY.

(a) TRANSFER.—Section 2410q of title 10, United States Code, is transferred to subchapter II of chapter 173 of such title, inserted after section 2922h, and redesignated as section 2922i.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item: 10 USC prec. 2922.

"2922i. Multiyear contracts: purchase of electricity from renewable energy sources.".

SEC. 1880. PART IV HEADING.

(a) HEADING.—The heading of part IV of subtitle A of title 10, United States Code, is amended to read as follows: 10 USC prec. 2201.

"PART IV—SERVICE, SUPPLY, AND PROPERTY".

(b) TABLE OF CHAPTERS.—The item relating to the heading of part IV in the table of chapters at the beginning of subtitle A of such title is amended to read as follows: 10 USC prec. 101.

"Part IV—Service, Supply, and Property".

SEC. 1881. REPEAL OF CHAPTERS 137, 139, 144, AND 148.

*(a) REPEAL.—Chapters 137, 139, 144, and 148 of title 10, United States Code, are repealed.

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended by striking the items relating to chapters 137, 139, 144, and 148. 10 USC prec. 101, prec. 2201.

SEC. 1882. REVISION OF CHAPTER 141.

(a) CHAPTER HEADING.—

(1) The heading of chapter 141 of title 10, United States Code, is amended to read as follows: 10 USC prec. 2381.

"PART 141—MISCELLANEOUS PROVISIONS RELATING TO PROPERTY".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended to read as follows: 10 USC prec. 101, prec. 2201.

"141. Miscellaneous Provisions Relating to Property ..... 2381".

(b) CONSOLIDATION OF REMAINING SECTIONS OF CHAPTER 141.—Sections 2410r and 2410s of such title are transferred within chapter 141 of such title to appear (in that order) before section 2389 and are redesignated as sections 2387 and 2388, respectively.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended to read as follows: 10 USC prec. 2381.

"Sec.
"2385. Arms and ammunition: immunity from taxation.
"2387. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life.
"2388. Security clearances for facilities of certain companies.
"2389. Ensuring safety regarding insensitive munitions.
"2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense.
"2391. Military base reuse studies and community planning assistance.
"2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries.".

*Note: Citations in Sec. 1881(a) for Chapters 137, 139, 144, and 148 of title 10, United States Code: 10 USC prec. 2301, 2302d, 2304–2307, 2313, 2320–2322, 2324, 2326, 2333, 2334, 2339c, prec. 2351, 2358c, 2374b, prec. 2430, 2440, prec. 2500, prec. 2501, prec. 2511, prec. 2521, prec. 2531, 2533d.

10 USC note prec. 3001.

SEC. 1883. REFERENCES.

(a) DEFINITIONS.—In this section:

(1) REDESIGNATED SECTION.—The term "redesignated section" means a section of title 10, United States Code, that is redesignated by this title, as that section is so redesignated.

(2) SOURCE SECTION.—The term "source section" means a section of title 10, United States Code, that is redesignated by this title, as that section was in effect before the redesignation.

(b) REFERENCE TO SOURCE SECTION.—

(1) TREATMENT OF REFERENCE.—Except as otherwise provided in this title, a reference to a source section, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding redesignated section.

*(2) TITLE 10.—Except as otherwise provided in this title, in title 10, United States Code, each reference in the text of such title to a source section is amended by striking such reference and inserting a reference to the appropriate redesignated section.

10 USC note prec. 3001.

SEC. 1884. SAVINGS PROVISIONS.

(a) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a provision of title 10, United States Code, redesignated by this title continues in effect under the provision as so redesignated.

(b) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a provision of title 10, United States Code, redesignated by this title is deemed to have been taken or committed under the provision as so redesignated.

10 USC note prec. 3001.

SEC. 1885. RULE OF CONSTRUCTION.

This title, including the amendments made by this title, is intended only to reorganize title 10, United States Code, and may not be construed to alter—

(1) the effect of a provision of title 10, United States Code, including any authority or requirement therein;

(2) a department or agency interpretation with respect to title 10, United States Code; or

(3) a judicial interpretation with respect to title 10, United States Code.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military Construction Authorization Act for Fiscal Year 2021.

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2021".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities,

*Note: Classifications for Sec. 1883(b)(2): 10 USC 113, 118, 129a, 133b, 139a, 171a, 181, 231a, 483, 1091, 1501a, 1701a, 1706, 1724, 1734, 2113, 2343, 2350b, 2463, 2484, 2583, 2688, 3131, 3136, 3137, 3455, 3862, 3905, 4003, 4008, 4009, 4015, 4061, 4062, 4065, 4146, 4147, 4171, 4172, 4252, 4323, 4324, 4505, 4603, 4660, 4816, 4819, 4863, 4864, 4971, 4981, 7462, 7554, 8481, 8633, 8669b, 9082, 9462.

and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2024 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

10 USC 2350m note.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2020; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations, Army.
Sec. 2104. Limitation on military construction project at Kwajalein Atoll.
Sec. 2105. Modification of authority to carry out fiscal year 2017 project at Camp Walker, Korea.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$114,000,000
Arizona	Yuma Proving Ground	$14,000,000
California	Military Ocean Terminal Concord	$46,000,000
Colorado	Fort Carson	$28,000,000
Georgia	Fort Gillem	$71,000,000
	Fort Gordon	$80,000,000
Hawaii	Aliamanu Military Reservation	$71,000,000
	Schofield Barracks	$39,000,000
	Wheeler Army Airfield	$89,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Louisiana	Fort Polk	$25,000,000
Oklahoma	McAlester AAP	$35,000,000
South Carolina	Fort Jackson	$7,000,000
Virginia	Humphreys Engineer Center	$51,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installation outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

State	Installation	Amount
Italy	Casmera Renato Dal Din	$10,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Italy	Vicenza	Family Housing New Construction	$84,100,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	$32,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,300,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. LIMITATION ON MILITARY CONSTRUCTION PROJECT AT KWAJALEIN ATOLL.

Plan.
Time period.

The Secretary of the Army may not commence the military construction project authorized by section 2102(a) at Kwajalein Atoll, as specified in the funding table in section 4601, and none of the funds authorized to be appropriated by this Act for that military construction project may be obligated or expended, until the Secretary submits to Committees on Armed Services of the House of Representatives and the Senate a design plan for the project that ensures that, upon completion of the project, the project will be resilient to 15 inches of sea level fluctuation and periods of complete inundation and wave-overwash predicted during the 10-year period beginning on the date of the enactment of this Act.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2017 PROJECT AT CAMP WALKER, KOREA.

In the case of the authorization contained in the table in section 2102(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2689) for Camp Walker, Korea, the Secretary of the Army may construct an elevated walkway between two existing parking garages to connect children's playgrounds using amounts available for Family Housing New Construction, as specified in the funding table in section 4601 of such Act (130 Stat. 2883).

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing and improvements to military family housing units.
Sec. 2203. Authorization of appropriations, Navy.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$115,530,000
	Lemoore	$187,220,000
	Point Mugu	$26,700,000
	Port Hueneme	$43,500,000
	San Diego	$128,500,000
	Seal Beach	$46,800,000
	Twentynine Palms	$76,500,000
Hawaii	Joint Base Pearl Harbor-Hickam	$114,900,000
Maine	Kittery	$715,000,000
	NCTAMS LANT Detachment Cutler	$26,100,000
Nevada	Fallon	$29,040,000
North Carolina	Cherry Point	$51,900,000
Virginia	Norfolk	$39,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain Island	SW Asia	$68,340,000
El Salvador	Comalapa	$28,000,000
Greece	Souda Bay	$50,180,000
Guam	Andersen Air Force Base	$21,280,000
	Joint Region Marianas	$546,550,000
Spain	Rota	$60,110,000

SEC. 2202. FAMILY HOUSING AND IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) FAMILY HOUSING.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,854,000.

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $37,043,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and

military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing and improvements to military family housing units.
Sec. 2303. Authorization of appropriations, Air Force.
Sec. 2304. Modification of authority to carry out certain fiscal year 2018 project.
Sec. 2305. Modification of authority to carry out certain fiscal year 2019 projects.
Sec. 2306. Modification of authority to carry out certain fiscal year 2020 projects.
Sec. 2307. Technical corrections related to authority to carry out certain fiscal year 2020 family housing projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
California	Edwards Air Force Base	$40,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$22,000,000
South Dakota	Ellsworth Air Force Base	$96,000,000
Texas	Joint Base San Antonio	$19,500,000
Utah	Hill Air Force Base	$132,000,000
Virginia	Joint Base Langley-Eustis	$19,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Guam	Andersen Air Force Base	$56,000,000
Qatar	Al Udeid	$26,000,000

SEC. 2302. FAMILY HOUSING AND IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) FAMILY HOUSING.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,969,000.

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $94,245,000.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

United Kingdom.

SEC. 2304. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT.

(a) MODIFICATION OF PROJECT AUTHORITY.—In the case of the authorization contained in the table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1826) for Royal Air Force Lakenheath, United Kingdom, for construction of a 2,384 square-meter Consolidated Corrosion Control Facility, as specified in the funding table in section 4601 of such Act (131 Stat. 2004), the Secretary of the Air Force may construct a 2,700 square-meter Consolidated Corrosion Control and Wash Rack Facility.

(b) MODIFICATION OF PROJECT AMOUNTS.—

(1) DIVISION B TABLE.—The authorization table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1826) is amended in the item relating to Royal Air Force Lakenheath, United Kingdom, by striking "$136,992,000" and inserting "$172,292,000" to reflect the project modification made by subsection (a).

(2) DIVISION D TABLE.—The funding table in section 4601 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 2004) is amended in the item relating to Royal Air Force Lakenheath, Consolidated Corrosion Control Facility, by striking "$20,000" in the Conference Authorized column and inserting "$55,300" to reflect the project modification made by subsection (a).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) EIELSON AIR FORCE BASE, ALASKA.—In the case of the authorization contained in the table in section 2301(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246) for Eielson Air Force Base, Alaska, for construction of a F–35 CATM Range, as specified in the funding table in section 4601 of that Act (132 Stat. 2404), the Secretary of the Air Force may construct a 600 square meter non-contained (outdoor) range with covered and heated firing line.

(b) BARKSDALE AIR FORCE BASE, LOUISIANA.—

(1) MODIFICATION OF PROJECT AUTHORITY.—In the case of the authorization contained in table in section 2301(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246) for Barksdale Air Force Base, Louisiana, for construction of an Entrance Road and Gate Complex the Secretary of the Air Force may construct a 190 square meter visitor control center, 44 square meter gate house, 124 square meter privately owned vehicle inspection facility, 338 square meter truck inspection facility and a 45 square meter gatehouse.

(2) PROJECT CONDITIONS.—The military construction project referred to in paragraph (1) shall be carried out consistent with the Unified Facilities Criteria relating to Entry Control Facilities and applicable construction guidelines of the Department of the Air Force. Construction in a flood plain is authorized, subject to the condition that the Secretary of the Air Force include appropriate mitigation measures.

(3) MODIFICATION OF PROJECT AMOUNTS.—

(A) DIVISION B TABLE.—The authorization table in section 2301(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246) is amended in the item relating to Barksdale Air Force Base, Louisiana, by striking "$12,250,000" and inserting "$48,000,000" to reflect the project modification made by paragraph (1).

(B) DIVISION D TABLE.—The funding table in section 4601 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2404) is amended in the item relating to Barksdale Air Force Base, Louisiana, by striking "$12,250" in the Conference Authorized column and inserting "$48,000" to reflect the project modification made by paragraph (1).

(c) ROYAL AIR FORCE LAKENHEATH, UNITED KINGDOM.—In the case of the authorization contained in the table in section 2301(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2247) for Royal Air Force Lakenheath, United Kingdom, for construction of a 485 square-meter F–35A ADAL Conventional Munitions MX, as specified in the funding table of section 4601 of such Act (132 Stat. 2405), the Secretary of the Air Force may construct a 1,206 square-meter maintenance facility for such purpose.

(d) FORCE PROTECTION AND SAFETY.—The funding table in section 4601 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2406) is amended in the item relating to Force Protection and Safety under Military Construction, Air Force, by striking "$35,000" in

the Conference Authorized column and inserting "$50,000" to reflect amounts appropriated for such purpose.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS.

(a) TYNDALL AIR FORCE BASE, FLORIDA.—In the case of the authorizations contained in the table in section 2912(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of Auxiliary Ground Equipment Facility, as specified in the funding table in section 4603 of that Act (133 Stat. 2103), the Secretary of the Air Force may construct up to 5,043 square meters of aircraft support equipment storage;

(2) for construction of Ops/Aircraft Maintenance Unit/Hanger Number 2, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 2,584 square meters of squadron operations; and

(B) up to 2,880 square meters of aircraft maintenance unit;

(3) for construction of Ops/Aircraft Maintenance Unit/Hanger Number 3, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 2,584 square meters of squadron operations; and

(B) up to 2,880 square meters of aircraft maintenance unit;

(4) for construction of Operations Group/Maintenance Group HQ, as specified in such funding table, the Secretary of the Air Force may construct up to 3,479 square meters of headquarters;

(5) for construction of Security Forces Mobility Storage Facility, as specified in such funding table, the Secretary of the Air Force may construct up to 930 square meters of equipment storage;

(6) for construction of Site Development, Utilities & Demo Phase 2, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 3,039 meters of storm water piping, box culverts, underground detention, and grading for surface detention;

(B) up to 6,136 meters of water lines;

(C) up to 11,171 meters of communications lines;

(D) up to 48,245 square meters of roads;

(E) up to 25,979 meters of electrical lines; and

(F) up to 618 square meters of pump house facility;

(7) for construction of Lodging Facilities Phases 1-2, as specified in such funding table, the Secretary of the Air Force may construct up to 20,361 square meters of visiting quarters;

(8) for construction of Dorm Complex Phases 1-2, as specified in such funding table, the Secretary of the Air Force may construct up to 24,792 square meters of permanent party dormitory;

(9) for construction of Tyndall AFB Gate Complex, as specified in such funding tale, the Secretary of the Air Force may construct—

(A) up to 139 square meters of gate houses;

(B) up to 1,747 square meters of canopies;

(C) up to 555 square meters of vehicle inspection ports; and

(D) 19 each active/passive barriers;

(10) for construction of Aircraft Wash Rack, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 2,307 square meters of corrosion control; and

(B) up to 1,621 square meters of aircraft wash rack in a hangar facility;

(11) for construction of Deployment Center/Flight Line Dining/AAFES, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 3,707 square meters of deployment processing center; and

(B) up to 128 square meters of AAFES (Shoppette);

(12) for construction of Airfield Drainage, as specified in such funding table, the Secretary of the Air Force may construct up to 37,357 square meters of drainage ditch;

(13) for construction of 325th Fighter Wing HQ Facility, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 3,301 square meters of 325th Fighter Wing HQ building; and

(B) up to 697 square meters of command post; and

(14) for construction of Community Commons Facility, as specified in such funding table, the Secretary of the Air Force may construct—

(A) up to 1,080 square meters of recreation center;

(B) up to 974 square meters of arts and crafts center;

(C) up to 2,048 square meters of bowling center; and

(D) up to 1,537 square meters of library.

(b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the case of the authorizations contained in the table in section 2912(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913) for Offutt Air Force Base, Nebraska—

(1) for construction of an Emergency Power Microgrid, as specified in the funding table in section 4603 of such Act (133 Stat. 2104), the Secretary of the Air Force may construct seven 2.5-megawatt diesel engine generators, seven diesel exhaust fluid systems, 15-kV switchgear, two import/export inter-ties, five import-only inter-ties, and 800 square meters of switchgear facility;

(2) for construction of a Flightline Hangars Campus, as specified in such funding table, the Secretary of the Air Force may construct 445 square meter of petroleum operations center, 268 square meters of de-icing liquid storage, and 173 square meters of warehouse; and

(3) for construction of a Lake Campus, as specified in such funding table, the Secretary of the Air Force may construct 240 square meters of softball complex and 270 square meters of morale, welfare, and recreation equipment storage facility;

(4) for construction of a Logistics Readiness Squadron Campus, as specified in such funding table, the Secretary of the

Air Force may construct 2,536 square meters of warehouse; and

(5) for construction of a Security Campus, as specified in such funding table, the Secretary of the Air Force may construct 4,218 square meters of operations center and 1,343 square meters of military working dog kennel.

(c) JOINT BASE LANGLEY-EUSTIS, VIRGINIA.—In the case of the authorization contained in the table in section 2912(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913) for Joint Base Langley-Eustis, Virginia, for construction of a Dormitory at the installation, as specified in the funding table in section 4603 of such Act (133 Stat. 2104), the Secretary of the Air Force may construct up to 6,720 square meters of dormitory.

SEC. 2307. TECHNICAL CORRECTIONS RELATED TO AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 FAMILY HOUSING PROJECTS.

(a) AUTHORIZATION OF OMITTED SPANGDAHLEM AIR BASE FAMILY HOUSING PROJECT.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1869) and available for military family housing functions, the Secretary of the Air Force may carry out the military family housing project to construct 76 housing units at Spangdahlem Air Base, Germany, as specified in the funding table in section 4601 of such Act (133 Stat. 2099).

(b) CORRECTION OF AMOUNT AUTHORIZED FOR FAMILY HOUSING IMPROVEMENTS.—Section 2303 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1869) is amended by striking "$53,584,000" and inserting "$46,638,000" to reflect the amount specified in the funding table in section 4601 of such Act (133 Stat. 2099) for Construction Improvements under Family Housing Construction, Air Force.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Independent study on Western Emergency Refined Fuel Reserves.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$18,000,000
Alaska	Fort Greely	$48,000,000
Arizona	Fort Huachuca	$33,728,000
	Yuma	$49,500,000
California	Beale Air Force Base	$22,800,000
Colorado	Fort Carson	$15,600,000
CONUS Unspecified	CONUS Unspecified	$14,400,000
Florida	Hurlburt Field	$83,120,000
Kentucky	Fort Knox	$69,310,000
New Mexico	Kirtland Air Force Base	$46,600,000
North Carolina	Fort Bragg	$113,800,000
Ohio	Wright-Patterson Air Force Base	$23,500,000
Texas	Fort Hood	$32,700,000
Virginia	Joint Expeditionary Base Little Creek-Fort Story	$112,500,000
Washington	Joint Base Lewis-McChord	$21,800,000
	Manchester	$82,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Japan	Def Fuel Support Point Tsurumi	$49,500,000

(c) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECT.—In the case of the authorization contained in the table in section 2401(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1871) for the construction of a backup generator at the Pentagon, Virginia, the Secretary of Defense may replace and upgrade existing generators to obtain additional power generation capacity, as specified in the funding table in section 4601 of that Act (133 Stat. 2095).

(d) EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1145), the authorization set forth in the table in paragraph (2), as provided in section 2401 of that Act (129 Stat. 1157), shall remain in effect until October 1, 2021, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2022, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Defense Agencies: Extension of 2016 Project Authorization

State/ Country	Installation	Project	Amount
Oregon	Klamath Falls IAP	Fuel Facilities ..	$2,500,000

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	$24,000,000
Arkansas	Ebbing Air National Guard Base ...	$2,600,000
California	Marine Corps Air Ground Combat Center Twentynine Palms	$11,646,000
	Military Ocean Terminal Concord ..	$29,000,000
	Naval Support Activity Monterey ..	$10,540,000
	Naval Air Weapons Station China Lake	$8,950,000
District of Columbia	Joint Base Anacostia-Bolling	$44,313,000
Georgia	Fort Benning	$17,000,000
Maryland	Naval Support Activity Bethesda ...	$13,840,000
	Naval Support Activity South Potomac	$18,460,000
Missouri	Whiteman Air Force Base	$17,310,000
Nevada	Creech Air Force Base	$32,000,000
North Carolina	Fort Bragg	$6,100,000
Ohio	Wright-Patterson Air Force Base ...	$35,000,000
Tennessee	Memphis Air National Guard Base	$4,780,000
Virginia	Naval Medical Center Portsmouth	$611,000
	Surface Combat Systems Center Wallops Island	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installation or location outside the United States, and in the amount, set forth in the following table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Italy	Naval Support Activity Naples	$3,490,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. INDEPENDENT STUDY ON WESTERN EMERGENCY REFINED FUEL RESERVES.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Energy, seek to enter into a contract with a Federally funded research and development center under which contract such center shall conduct a study on the feasibility (including costs and benefits) of establishing one or more emergency fuel reserves for refined fuel in the Western United States. Deadline. Consultation. Contracts.

(b) ELEMENTS OF STUDY.—In conducting the study referred to in subsection (a), the Federally funded research and development center with which the Secretary enters into a contract under such subsection shall analyze the following: Analysis. Assessments.

(1) An assessment, in the event of a 30 day-interruption in the capability of oil refineries of the West Coast of the United States, Alaska, and Hawaii to refine petroleum, of—

(A) the capacity of the Department of Defense to meet defense missions requirements using the Prepositioned War Reserve Requirements of the Department for wartime and peacetime operations through the Prepositioned War Reserve Stock and Operating Stock of the Department;

(B) the military installations or missions otherwise served by such refineries that may have unique or limited connection to refined petroleum supply infrastructure; and

(C) the capacity of the Strategic Petroleum Reserve and connecting pipeline infrastructure to support requirements of the West Coast area of the United States for petroleum and refined petroleum products.

(2) An assessment of the practicability of the storage of military specification fuels and jet fuel stock in long-term storage in a salt cavern, hard-rock storage, or tank or other storage.

(3) An identification and assessment of various options to provide long-term storage of refined fuels in the Western United States, including through the establishment of one or more Western Emergency Refined Fuel Reserves, including—

(A) for the assessment of each option, a proposal for the Federal agency or agencies to be responsible for such option; and

(B) for the assessment of the establishment of any such Reserve, an estimate of the costs of construction and operation of such Reserve.

(c) REPORT.—The contract under subsection (a) shall require the Federally funded research and development center that conducts the study under the contract to submit to the Secretary of Defense and the Secretary of Energy a report on the results of study. The report shall be so submitted in both classified and unclassified form.

Classified information.

(d) SUBMITTAL TO CONGRESS.—

Consultation.

(1) IN GENERAL.—Not later than 30 days after the date on which the Secretary of Defense and the Secretary of Energy receive the report under subsection (c), the Secretary of Defense, in consultation with the Secretary of Energy, shall submit to the appropriate committees of Congress the following:

Classified information.

(A) The report under subsection (c), unaltered, in both classified and unclassified form.

(B) Such comments as the Secretary of Defense considers appropriate in light of the report under subsection (c).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.
Sec. 2503. Execution of projects under the North Atlantic Treaty Organization Security Investment Program.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.
Sec. 2512. Qatar funded construction projects.

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from

the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

(b) AUTHORITY TO RECOGNIZE NATO AUTHORIZATION AMOUNTS AS BUDGETARY RESOURCES FOR PROJECT EXECUTION.—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

SEC. 2503. EXECUTION OF PROJECTS UNDER THE NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350m. Execution of projects under the North Atlantic Treaty Organization Security Investment Program

10 USC 2350m.

"(a) AUTHORITY TO EXECUTE PROJECTS.—When the United States is designated as the Host Nation for purposes of executing a project under the North Atlantic Treaty Organization Security Investment Program (in this section referred to as the 'Program'), the Secretary of Defense may accept such designation and carry out such project consistent with the requirements of this section.

"(b) PROJECT FUNDING.—The Secretary of Defense may fund authorized expenditures of projects accepted under subsection (a) with—

"(1) contributions under subsection (c);

"(2) appropriations of the Department of Defense for the Program when directed by the North Atlantic Treaty Organization to apply amounts of such appropriations as part of the share of contributions of the United States for the Program; or

"(3) any combination of amounts described in paragraphs (1) and (2).

"(c) AUTHORITY TO ACCEPT CONTRIBUTIONS.—(1) The Secretary of Defense may accept contributions from the North Atlantic Treaty Organization and member nations of the North Atlantic Treaty Organization for the purpose of carrying out a project under subsection (a).

"(2) Contributions accepted under paragraph (1) shall be placed in an account established for the purpose of carrying out the project for which the funds were provided and shall remain available until expended.

"(3)(A) If contributions are made under paragraph (1) as reimbursement for a project or portion of a project previously completed by the Department of Defense, such contributions shall be credited to—

"(i) the appropriations used for the project or portion thereof, if such appropriations have not yet expired; or

"(ii) the appropriations for the Program, if the appropriations described in clause (i) have expired.

"(B) Funding credited under subparagraph (A) shall merge with and remain available for the same purposes and duration as the appropriations to which credited.

"(d) OBLIGATION AUTHORITY.—The construction agent of the Department of Defense designated by the Secretary of Defense to execute a project under subsection (a) may recognize the North Atlantic Treaty Organization project authorization amounts as budgetary resources to incur obligations against for the purposes of executing the project.

Determination.

"(e) INSUFFICIENT CONTRIBUTIONS.—(1) In the event that the North Atlantic Treaty Organization does not agree to contribute funding for all costs necessary for the Department of Defense to carry out a project under subsection (a), including necessary personnel costs of the construction agent designated by the Department of Defense, contract claims, and any conjunctive funding requirements that exceed the project authorization or standards of the North Atlantic Treaty Organization, the Secretary of Defense, upon determination that completion of the project is in the national interest of the United States, may fund such costs, and undertake such conjunctively funded requirements not otherwise authorized by law, using any unobligated funds available among funds appropriated for the Program for military construction.

"(2) The use of funds under paragraph (1) from appropriations for the Program may be in addition to or in place of any other funding sources otherwise available for the purposes for which those funds are used.

"(f) AUTHORIZED EXPENDITURES DEFINED.—In this section, the term 'authorized expenditures' means project expenses for which the North Atlantic Treaty Organization has agreed to contribute funding.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

10 USC prec. 2350a.

"2350m. Execution of projects under the North Atlantic Treaty Organization Security Investment Program.".

(c) CONFORMING REPEALS.—

(1) 2019.—Section 2502 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2252) is amended—

(A) in subsection (a)—

(i) by striking "(a) AUTHORIZATION.—Funds" and inserting "Funds"; and

(ii) by striking the second sentence; and

(B) by striking subsection (b).

(2) 2020.—Section 2502 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1874) is amended—

(A) in subsection (a), by striking "(a) AUTHORIZATION.—Funds" and inserting "Funds"; and

(B) by striking subsection (b).

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Carroll	Site Development	$49,000,000
Army	Camp Humphreys	Attack Reconnaissance Battalion Hangar	$99,000,000
Army	Camp Humphreys	Hot Refuel Point	$35,000,000
Navy	COMROKFLT Naval Base, Busan	Maritime Operations Center	$26,000,000
Air Force	Daegu Air Base	AGE Facility and Parking Apron	$14,000,000
Air Force	Kunsan Air Base	Backup Generator Plant	$19,000,000
Air Force	Osan Air Base	Aircraft Corrosion Control Facility (Phase 3)	$12,000,000
Air Force	Osan Air Base	Child Development Center	$20,000,000
Air Force	Osan Air Base	Relocate Munitions Storage Area Delta (Phase 1)	$84,000,000
Defense-Wide	Camp Humphreys	Elementary School	$58,000,000

SEC. 2512. QATAR FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the State of Qatar for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installation in the State of Qatar, and in the amounts, set forth in the following table:

State of Qatar Funded Construction Projects

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	Billet (A12)	$63,000,000

State of Qatar Funded Construction Projects—Continued

Component	Installation or Location	Project	Amount
Air Force	Al Udeid	Billet (B12)	$63,000,000
Air Force	Al Udeid	Billet (D10)	$77,000,000
Air Force	Al Udeid	Billet (009)	$77,000,000
Air Force	Al Udeid	Billet (007)	$77,000,000
Air Force	Al Udeid	Armory/Mount	$7,200,000
Air Force	Al Udeid	Billet (A06)	$77,000,000
Air Force	Al Udeid	Dining Facility	$14,600,000
Air Force	Al Udeid	Billet (BOS)	$77,000,000
Air Force	Al Udeid	Billet (B04)	$77,000,000
Air Force	Al Udeid	Billet (A04)	$77,000,000
Air Force	Al Udeid	Billet (AOS)	$77,000,000
Air Force	Al Udeid	Dining Facility	$14,600,000
Air Force	Al Udeid	MSG (Base Operations Support Facility)	$9,300,000
Air Force	Al Udeid	ITN (Communications Facility)	$3,500,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Modification of authority to carry out fiscal year 2020 project in Alabama.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Installation or Location	Amount
Arizona	Tucson	$18,100,000
Arkansas	Fort Chaffee	$15,000,000
California	Bakersfield	$9,300,000
Colorado	Peterson Air Force Base	$15,000,000
Indiana	Shelbyville	$12,000,000
Kentucky	Frankfort	$15,000,000
Mississippi	Brandon	$10,400,000
Nebraska	North Platte	$9,300,000

Army National Guard—Continued

State	Installation or Location	Amount
New Jersey ...	Joint Base McGuire-Dix-Lakehurst	$15,000,000
Ohio	Columbus	$15,000,000
Oklahoma	Ardmore	$9,800,000
Oregon	Hermiston	$25,035,000
Puerto Rico ...	Fort Allen	$37,000,000
South Carolina.	Joint Base Charleston	$15,000,000
Tennessee	McMinnville	$11,200,000
Texas	Fort Worth	$13,800,000
Utah	Nephi	$12,000,000
Virgin Islands	St. Croix	$39,400,000
Wisconsin	Appleton	$11,600,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Installation or Location	Amount
Florida	Gainesville	$36,000,000
Massachusetts ..	Devens Reserve Forces Training Area	$8,700,000
North Carolina	Asheville	$24,000,000
Wisconsin	Fort McCoy	$17,100,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation or Location	Amount
Maryland	Reisterstown	$39,500,000
Minnesota	Naval Operational Support Center Minneapolis	$12,800,000
Utah	Hill Air Force Base	$25,010,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard installations or locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Montgomery Regional Airport	$23,600,000
Guam	Joint Region Marianas	$20,000,000
Maryland	Joint Base Andrews	$9,400,000
North Dakota	Hector International Airport	$17,500,000
Texas	Joint Base San Antonio	$10,800,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation inside the United States, and in the amount, set forth in the following table:

Air Force Reserve

State	Installation	Amount
Texas	Joint Reserve Base Fort Worth	$39,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2020 PROJECT IN ALABAMA.

In the case of the authorization contained in the table in section 2601 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1875) for Anniston Army Depot, Alabama, for construction of an Enlisted Transient Barracks as specified in the funding table in section 4601 of such Act (133 Stat. 2096), the Secretary of the Army may construct a training barracks at Fort McClellan, Alabama.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.
Sec. 2703. Plan to finish remediation activities conducted by the Secretary of the Army in Umatilla, Oregon.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

SEC. 2703. PLAN TO FINISH REMEDIATION ACTIVITIES CONDUCTED BY THE SECRETARY OF THE ARMY IN UMATILLA, OREGON.

Deadline.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a plan to finish remediation activities conducted by the Secretary in Umatilla, Oregon, by not later than three years after such date of enactment.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

Sec. 2801. Modification and clarification of construction authority in the event of a declaration of war or national emergency.
Sec. 2802. Extension of sunset for annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
Sec. 2803. Modification of reporting requirements regarding certain military construction projects and military family housing projects, contracts, and agreements.
Sec. 2804. Consideration of energy security and energy resilience in life-cycle cost for military construction.
Sec. 2805. Congressional project authorization required for military construction projects for energy resilience, energy security, and energy conservation.
Sec. 2806. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
Sec. 2807. Responsibility of Navy for military construction requirements for certain Fleet Readiness Centers.

Subtitle B—Military Family Housing Reforms

Sec. 2811. Modifications and technical corrections related to military housing privatization reform.
Sec. 2812. Repeal of authority to lease substandard family housing units to members of the uniformed services.
Sec. 2813. Expenditure priorities in using Department of Defense Family Housing Improvement Fund.
Sec. 2814. Availability of information regarding assessment of performance metrics for contracts for provision or management of privatized military housing.
Sec. 2815. Requirement that Secretary of Defense implement recommendations relating to military family housing contained in report by Inspector General of Department of Defense.
Sec. 2816. Promulgation of guidance to facilitate return of military families displaced from privatized military housing.
Sec. 2817. Promulgation of guidance on relocation of residents of military housing impacted by presence of mold.
Sec. 2818. Expansion of uniform code of basic standards for privatized military housing and hazard and habitability inspection and assessment requirements to Government-owned and Government-controlled military family housing.

Subtitle C—Real Property and Facilities Administration

Sec. 2821. Acceptance of property by military service academies, professional military education schools, and military museums subject to naming-rights condition.
Sec. 2822. Codification of reporting requirements regarding United States overseas military enduring locations and contingency locations.
Sec. 2823. Promotion of energy resilience and energy security in privatized utility systems.
Sec. 2824. Vesting exercise of discretion with Secretaries of the military departments regarding entering into longer-term contracts for utility services.
Sec. 2825. Use of on-site energy production to promote military installation energy resilience and energy security.
Sec. 2826. Improved electrical metering of Department of Defense infrastructure supporting critical missions.
Sec. 2827. Improving water management and security on military installations.
Sec. 2828. Prohibition relating to closure or return to host nation of existing military installations, infrastructure, or real property in Europe.

Subtitle D—Land Conveyances

Sec. 2831. Land conveyance, Camp Navajo, Arizona.
Sec. 2832. Modification of land exchange involving Naval Industrial Reserve Ordnance Plant, Sunnyvale, California.
Sec. 2833. Land conveyance, Sharpe Army Depot, Lathrop, California.
Sec. 2834. Land exchange, San Bernardino County, California.
Sec. 2835. Land conveyance, Over-the-Horizon Backscatter Radar System receiving station, Modoc County, California.
Sec. 2836. Transfer of administrative jurisdiction, Naval Support Activity Panama City, Florida, parcel.
Sec. 2837. Lease extension, Bryan Multi-Sports Complex, Wayne County, North Carolina.
Sec. 2838. Land conveyances, Milan Army Ammunition Plant, Tennessee.

Subtitle E—Military Land Withdrawals

Sec. 2841. Renewal of land withdrawal and reservation to benefit Naval Air Facility, El Centro, California.
Sec. 2842. Renewal of Fallon Range Training Complex land withdrawal and reservation.
Sec. 2843. Renewal of Nevada Test and Training Range land withdrawal and reservation.
Sec. 2844. Establishment of interagency committees on joint use of certain land withdrawn from appropriation under public land laws.

Subtitle F—Asia-Pacific and Indo-Pacific Issues

Sec. 2851. Change to biennial reporting requirement for Interagency Coordination Group of Inspectors General for Guam Realignment.
Sec. 2852. Additional exception to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region.

Sec. 2853. Development of master plan for infrastructure to support rotational Armed Forces in Australia.
Sec. 2854. Bulk fuel management in United States Indo-Pacific Command Area of Responsibility.

Subtitle G—Authorized Pilot Programs

Sec. 2861. Pilot program to authorize use of cost savings realized from intergovernmental services agreements for installation-support services.
Sec. 2862. Department of Defense pilot program to evaluate expansion of land exchange authority.
Sec. 2863. Pilot program to support combatant command military construction priorities.
Sec. 2864. Pilot program to test use of emergency diesel generators in a microgrid configuration at certain military installations.
Sec. 2865. Pilot program to authorize additional military construction projects for child development centers at military installations.
Sec. 2866. Department of the Army pilot program for development and use of online real estate inventory tool.

Subtitle H—Miscellaneous Studies and Reports

Sec. 2871. Reports regarding decision-making process used to locate or relocate major headquarters and certain military units and weapon systems.
Sec. 2872. Report on effect of noise restrictions on military installations and operations and development and implementation of noise mitigation measures.
Sec. 2873. Study and report regarding continued need for protected aircraft shelters in Europe and status of United States air base resiliency in Europe.

Subtitle I—Other Matters

Sec. 2881. Military construction infrastructure and weapon system synchronization for Ground Based Strategic Deterrent.
Sec. 2882. Defense Community Infrastructure Program.
Sec. 2883. Consideration of certain military family readiness issues in making basing decisions associated with certain military units and major headquarters.
Sec. 2884. Department of Defense policy for regulation in military communities of dangerous dogs kept as pets.

Subtitle A—Military Construction Program Changes

SEC. 2801. MODIFICATION AND CLARIFICATION OF CONSTRUCTION AUTHORITY IN THE EVENT OF A DECLARATION OF WAR OR NATIONAL EMERGENCY.

President.

(a) LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR NATIONAL EMERGENCY.—Section 2808 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(c) LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR NATIONAL EMERGENCY.—(1) Except as provided in paragraph (2), in the event of a declaration by the President of a national emergency in which the construction authority described in subsection (a) is used, the total cost of all military construction projects undertaken using that authority during the national emergency may not exceed $500,000,000.

"(2) In the event of a national emergency declaration in which the construction authority described in subsection (a) will be used only within the United States, the total cost of all military construction projects undertaken using that authority during the national emergency may not exceed $100,000,000.".

(b) ADDITIONAL CONDITIONS ON SOURCE OF FUNDS.—Section 2808(a) of title 10, United States Code, is amended by striking the second sentence and inserting the following new subsection:

"(b) CONDITIONS ON SOURCES OF FUNDS.—A military construction project to be undertaken using the construction authority described in subsection (a) may be undertaken only within the total amount of funds that have been appropriated for military construction, excluding funds appropriated for family housing, that—

"(1) remain unobligated as of the date on which the first contract would be entered into in support of the national emergency declaration described in subsection (a); and

"(2) are available because the military construction project for which the funds were appropriated—

"(A) has been canceled; or

"(B) has reduced costs as a result of project modifications or other cost savings.".

(c) WAIVER OF OTHER PROVISIONS OF LAW.—Section 2808 of title 10, United States Code, is amended by inserting after subsection (c), as added by subsection (a), the following new subsection:

"(d) WAIVER OF OTHER PROVISIONS OF LAW IN EVENT OF NATIONAL EMERGENCY.—In the event of a declaration by the President of a national emergency in which the construction authority described in subsection (a) is used, the authority provided by such subsection to waive or disregard another provision of law that would otherwise apply to a military construction project authorized by this section may be used only if—

"(1) such other provision of law does not provide a means by which compliance with the requirements of the law may be waived, modified, or expedited; and

Determination.

"(2) the Secretary of Defense determines that the nature of the national emergency necessitates the noncompliance with the requirements of the law.".

(d) ADDITIONAL NOTIFICATION REQUIREMENTS.—Subsection (e) of section 2808 of title 10, United States Code, as redesignated by subsection (a)(1), is amended—

(1) by striking "of the decision" and all that follows through the end of the subsection and inserting the following: "of the following:

"(A) The reasons for the decision to use the construction authority described in subsection (a), including, in the event of a declaration by the President of a national emergency, the reasons why use of the armed forces is required in response to the declared national emergency.

"(B) The construction projects to be undertaken using the construction authority described in subsection (a), including, in the event of a declaration by the President of a national emergency, an explanation of how each construction project directly supports the immediate security, logistical, or short-term housing and ancillary supporting facility needs of the members of the armed forces used in the national emergency.

Cost estimate.

"(C) The estimated cost of the construction projects to be undertaken using the construction authority described in subsection (a), including the cost of any real estate action pertaining to the construction projects, and certification of compliance with the funding conditions imposed by subsections (b) and (c).

"(D) Any determination made pursuant to subsection (d)(2) to waive or disregard another provision of law to undertake any construction project using the construction authority described in subsection (a). Determination.

"(E) The military construction projects, including any ancillary supporting facility projects, whose cancellation, modification, or other cost savings result in funds being available to undertake construction projects using the construction authority described in subsection (a) and the possible impact of the cancellation or modification of such military construction projects on military readiness and the quality of life of members of the armed forces and their dependents."; and

(2) by adding at the end the following new paragraph:

"(2) In the event of a declaration by the President of a national emergency in which the construction authority described in subsection (a) is used, a construction project to be undertaken using such construction authority may be carried out only after the end of the five-day period beginning on the date the notification required by paragraph (1) is received by the congressional defense committees.".

(e) CLERICAL AMENDMENTS.—Section 2808 of title 10, United States Code, is further amended—

(1) in subsection (a), by inserting "CONSTRUCTION AUTHORIZED.—" after "(a)";

(2) in subsection (e), as redesignated by subsection (a)(1), by inserting "NOTIFICATION REQUIREMENT.—(1)" after "(e)"; and

(3) in subsection (f), as redesignated by subsection (a)(1), by inserting "TERMINATION OF AUTHORITY.—" after "(f)".

(f) EXCEPTION FOR PANDEMIC MITIGATION AND RESPONSE PROJECTS.—Subsections (b), (c), (d) of section 2808 of title 10, United States Code, as added by this section, shall not apply to a military construction project commenced under the authority of subsection (a) of such section 2808 during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) if the Secretary of Defense determines that the military construction project will directly support pandemic mitigation and response efforts of health care providers or support members of the Armed Forces directly participating in such pandemic mitigation and response efforts. Subsection (e) of section 2808 of title 10, United States Code, as redesignated by subsection (a)(1) and amended by subsection (d) of this section, shall still apply to any such military construction project. Determination. 10 USC 2808 note. Applicability.

SEC. 2802. EXTENSION OF SUNSET FOR ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION AUTHORITIES.

Section 2805(f)(3) of title 10, United States Code, is amended by striking "2022" and inserting "2027".

SEC. 2803. MODIFICATION OF REPORTING REQUIREMENTS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS, CONTRACTS, AND AGREEMENTS.

(a) COST-INCREASE REPORTS; ELIMINATION OF SUBMISSION TO COMPTROLLER GENERAL.—Section 2853(f) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (3), by striking "and the Comptroller General of the United States"; and

(2) by striking paragraph (6).

(b) SYNCHRONIZATION OF NOTIFICATION REQUIREMENTS.—Section 2853(c)(1) of title 10, United States Code, is amended by inserting after "cost increase" in the matter preceding subparagraph (A) the following: "(subject to subsection (f))".

(c) DELEGATION AND SCOPE OF HOUSING PRIVATIZATION REPORTING REQUIREMENT.—Section 2884(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding the subparagraphs, by striking "The Secretary of Defense" and inserting "The Secretary concerned"; and

(B) in subparagraph (A)—

(i) by inserting "or agreement" after "each contract"; and

(ii) by striking "that the Secretary proposes to solicit";

(2) in paragraph (2)—

(A) in the matter preceding the subparagraphs, by striking "For each proposed contract, conveyance, or lease described in paragraph (1), the report required by such paragraph" and inserting "A report required by paragraph (1)"; and

(B) by inserting "agreement," after "contract," each place it appears; and

(3) in paragraph (3), by inserting "or agreement" after "contract" each place it appears.

SEC. 2804. CONSIDERATION OF ENERGY SECURITY AND ENERGY RESILIENCE IN LIFE-CYCLE COST FOR MILITARY CONSTRUCTION.

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by inserting after section 2815 the following new section:

10 USC 2816.

"§ 2816. Consideration of energy security and energy resilience in life-cycle cost for military construction

Evaluation. Requirement.

"(a) IN GENERAL.—(1) The Secretary concerned, when evaluating the life-cycle designed cost of a covered military construction project, shall include as a facility requirement the long-term consideration of energy security and energy resilience that would ensure that the resulting facility is capable of continuing to perform its missions, during the life of the facility, in the event of a natural or human-caused disaster, an attack, or any other unplanned event that would otherwise interfere with the ability of the facility to perform its missions.

"(2) A facility requirement under paragraph (1) shall not be weighed, for cost purposes, against other facility requirements in determining the design of the facility.

Applicability.

"(b) INCLUSION IN THE BUILDING LIFE-CYCLE COST PROGRAM.—The Secretary shall include the requirements of subsection (a) in applying the latest version of the building life-cycle cost program, as developed by the National Institute of Standards and Technology, to consider on-site distributed energy assets in a building design for a covered military construction project.

"(c) COVERED MILITARY CONSTRUCTION PROJECT DEFINED.—(1) In this section, the term 'covered military construction project' means a military construction project for a facility that is used

to perform critical functions during a natural or human-caused disaster, an attack, or any other unplanned event.

"(2) For purposes of paragraph (1), the term 'facility' includes at a minimum any of the following:

"(A) Operations centers.

"(B) Nuclear command and control facilities.

"(C) Integrated strategic and tactical warning and attack assessment facilities.

"(D) Continuity of government facilities.

"(E) Missile defense facilities.

"(F) Air defense facilities.

"(G) Hospitals.

"(H) Armories and readiness centers of the National Guard.

"(I) Communications facilities.

"(J) Satellite and missile launch and control facilities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to section 2815 the following new item: 10 USC prec. 2801.

"2816. Consideration of energy security and energy resilience in life-cycle cost for military construction.".

SEC. 2805. CONGRESSIONAL PROJECT AUTHORIZATION REQUIRED FOR MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCE, ENERGY SECURITY, AND ENERGY CONSERVATION.

(a) REPLACEMENT OF NOTICE AND WAIT AUTHORITY.—Section 2914 of title 10, United States Code, is amended to read as follows:

"§ 2914. Military construction projects for energy resilience, energy security, and energy conservation

"(a) PROJECT AUTHORIZATION REQUIRED.—The Secretary of Defense may carry out such military construction projects for energy resilience, energy security, and energy conservation as are authorized by law, using funds appropriated or otherwise made available for that purpose.

"(b) SUBMISSION OF PROJECT PROPOSALS.—(1) As part of the Department of Defense Form 1391 submitted to the appropriate committees of Congress for a military construction project covered by subsection (a), the Secretary of Defense shall include the following information:

"(A) The project title.

"(B) The location of the project.

"(C) A brief description of the scope of work.

"(D) The original project cost estimate and the current working cost estimate, if different. Cost estimate.

"(E) Such other information as the Secretary considers appropriate.

"(2) In the case of a military construction project for energy conservation, the Secretary also shall include the following information:

"(A) The original expected savings-to-investment ratio and simple payback estimates and measurement and verification cost estimate.

"(B) The most current expected savings-to-investment ratio and simple payback estimates and measurement and verification plan and costs.

"(C) A brief description of the measurement and verification plan and planned funding source.

"(3) In the case of a military construction project for energy resilience or energy security, the Secretary also shall include the rationale for how the project would enhance mission assurance, support mission critical functions, and address known vulnerabilities.

"(c) APPLICATION TO MILITARY CONSTRUCTION PROJECTS.—This section shall apply to military construction projects covered by subsection (a) for which a Department of Defense Form 1391 is submitted to the appropriate committees of Congress in connection with the budget of the Department of Defense for fiscal year 2023 and thereafter.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of title 10, United States Code, is amended by striking the item relating to section 2914 and inserting the following new item:

10 USC prec. 2911.

"2914. Military construction projects for energy resilience, energy security, and energy conservation.".

SEC. 2806. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2807(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2264), is further amended—

(1) in paragraph (1), by striking "December 31, 2020" and inserting "December 31, 2021"; and

(2) paragraph (2), by striking "fiscal year 2021" and inserting "fiscal year 2022".

(b) CONTINUATION OF LIMITATION ON USE OF AUTHORITY.—Subsection (c) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2807(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2264), is further amended—

(1) by striking "either" and inserting "each"; and

(2) by inserting after the first paragraph (2) the following new subparagraph:

Time period.

"(C) The period beginning October 1, 2020, and ending on the earlier of December 31, 2021, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2022.".

(c) TECHNICAL CORRECTIONS.—Subsection (c) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2807(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2264) and subsection (b) of this section, is further amended—

(1) by redesignating the second paragraph (1) as subparagraph (A); and

(2) by redesignating the first paragraph (2) as subparagraph (B).

SEC. 2807. RESPONSIBILITY OF NAVY FOR MILITARY CONSTRUCTION REQUIREMENTS FOR CERTAIN FLEET READINESS CENTERS.

The Navy shall be responsible for programming, requesting, and executing any military construction requirements related to any Fleet Readiness Center that is a tenant command at a Marine Corps installation.

Subtitle B—Military Family Housing Reforms

SEC. 2811. MODIFICATIONS AND TECHNICAL CORRECTIONS RELATED TO MILITARY HOUSING PRIVATIZATION REFORM.

(a) CHIEF HOUSING OFFICER OVERSIGHT RESPONSIBILITIES.—

(1) OVERSIGHT OF ALL MILITARY HOUSING.—Section 2890a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking "housing units" and inserting "family housing and military unaccompanied housing under the jurisdiction of the Department of Defense or acquired or constructed under subchapter IV of this chapter (in this section referred to as 'covered housing units')"; and

(B) in subsection (b)(1)—

(i) in the matter preceding subparagraph (A), by striking "housing under subchapter IV and this subchapter" and inserting "covered housing units"; and

(ii) in subparagraphs (A) and (B), by inserting "covered" before "housing units" both places it appears.

(2) SECTION HEADING.—The heading of section 2890a of title 10, United States Code, is amended by inserting before "**Chief Housing Officer**" the following "**Supervision of military housing by**".

(3) TRANSFER AND REDESIGNATION OF SECTION.—Section 2890a of title 10, United States Code, as amended by paragraphs (1) and (2)—

(A) is transferred to appear after section 2851 of such title; and

(B) is redesignated as section 2851a.

(b) RIGHTS AND RESPONSIBILITIES OF TENANTS OF HOUSING UNITS.—Section 2890 of title 10, United States Code, is amended—

(1) in subsection (b)(15), by striking "and held in escrow";

(2) in subsection (e)(2), in the matter preceding subparagraph (A), by inserting "a" before "landlord"; and

(3) in subsection (f), by striking paragraph (2) and inserting the following new subsection:

"(2) Paragraph (1) shall not apply to a nondisclosure agreement executed—

"(A) as part of the settlement of litigation; or

"(B) to avoid litigation if the tenant has retained legal counsel or has sought military legal assistance under section 1044 of this title.".

(c) CONTRACTS FOR PROVISION OF HOUSING UNITS.—Section 2891(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "unit" after "different housing"; and

(B) in subparagraph (B), by inserting "the" before "tenant"; and

(2) in paragraph (2)(B), by inserting "the" before "tenant";

(d) MANAGEMENT OF HOUSING UNITS.—Section 2891a of title 10, United States Code, is amended—

(1) by adding a period at the end of subsection (b)(2);

(2) in subsection (d), by striking paragraph (11) and inserting the following new paragraph:

"(11) Upon request by a prospective tenant, a landlord providing a housing unit shall ensure that the needs of enrollees in the Exceptional Family Member Program, or any successor program, are considered in assigning the prospective tenant to a housing unit provided by the landlord."; and

(3) in subsection (e)(2)(B) by striking "the any" and inserting "any".

Deadlines.

(e) TENANT ACCESS TO MAINTENANCE INFORMATION.—Section 2892a of title 10, United States Code, is amended by striking the text of such section and inserting the following:

"(a) MAINTENANCE INFORMATION FOR PROSPECTIVE TENANTS.—

Requirement.

The Secretary concerned shall require each eligible entity or subsequent landlord that offers for lease a housing unit to provide to a prospective tenant of the housing unit—

"(1) not later than five business days before the prospective tenant is asked to sign the lease, a summary of maintenance conducted with respect to that housing unit for the previous seven years; and

"(2) not later than two business days after the prospective tenant requests additional information regarding maintenance conducted with respect to that housing unit during such period, all information possessed by the eligible entity or subsequent landlord regarding such maintenance conducted during such period.

"(b) MAINTENANCE INFORMATION FOR EXISTING TENANTS.—A tenant of a housing unit who did not receive maintenance information described in subsection (a) regarding that housing unit while a prospective tenant may request such maintenance information and shall receive such maintenance information not later than five business days after the making the request.

"(c) MAINTENANCE DEFINED.—In the section, the term 'maintenance' includes any renovations of the housing unit during the period specified in subsection (a)(1).".

(f) TREATMENT OF CERTAIN INCENTIVE FEES.—Section 2893 of title 10, United States Code, is amended by striking "propensity for" and inserting "pattern of".

(g) LANDLORD-TENANT DISPUTE RESOLUTION PROCESS.—Section 2894 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

Requirement.

"(6) The dispute resolution process shall require the installation or regional commander (as the case may be) to record each dispute in the complaint database established under section 2894a of this title.";

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "24 hours" and inserting "two business days";

(B) in paragraph (3)—

(i) by inserting "business" before "days"; and

(ii) by inserting ", such office" before "shall complete";

(C) in paragraph (4), in the matter preceding subparagraph (A), by inserting ", at a minimum," before "the following persons";

(D) in paragraph (5), by inserting "calendar" before "days" both places it appears; and

(E) by striking paragraph (6) and inserting the following new paragraph:

"(6) Except as provided in paragraph (5)(B), a final decision shall be transmitted to the tenant, landlord, and the installation or regional commander (as the case may be) not later than 30 calendar days after the request was submitted."; and Deadline.

(3) by striking subsections (d) and (e) and inserting the following new subsections:

"(d) EFFECT OF FAILURE TO COMPLY WITH DECISION.—(1) If the final decision rendered under subsection (c) for resolution of a landlord-tenant dispute includes instructions for the landlord responsible for the housing unit to further remediate the housing unit, the decision shall specify a reasonable period of time, but not less than 10 business days, for the landlord to complete the remediation. Time periods.

"(2) If the landlord does not remediate the issues before the end of the time period specified in the final decision in a manner consistent with the instructions contained in the decision, any amounts payable to the landlord for the housing unit shall be reduced by 10 percent for each period of five calendar days during which the issues remain unremediated.

"(e) REQUEST TO WITHHOLD PAYMENTS DURING RESOLUTION PROCESS.—(1) As part of the submission of a request for resolution of a landlord-tenant dispute through the dispute resolution process regarding maintenance guidelines or procedures or habitability, the tenant may request that all or part of the payments described in paragraph (3) for lease of the housing unit be segregated and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process.

"(2) The amount allowed to be withheld under paragraph (1) shall be limited to amounts associated with the period during which—

"(A) the landlord has not met maintenance guidelines and procedures established by the Department of Defense, either through contract or otherwise; or

"(B) the housing unit is uninhabitable according to State and local law for the jurisdiction in which the housing unit is located.

"(3) This subsection applies to the following: Applicability.

"(A) Any basic allowance for housing payable to the tenant (including for any dependents of the tenant in the tenant's household) under section 403 of title 37.

"(B) All or part of any pay of a tenant subject to allotment as described in section 2882(c) of this title.".

(h) ANNUAL ASSESSMENT OF THE DISPUTE RESOLUTION PROCESS.—Paragraph (10) of section 2884(c) of title 10, United States Code, is amended to read as follows:

List.

"(10) An assessment of the dispute resolution process under section 2894(c) of this title, which shall include a list of dispute resolution cases by installation and the final outcome of each case.".

(i) PAYMENT AUTHORITY.—Section 606(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2871 note), as amended by section 3036 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1938), is further amended—

(1) in paragraph (1)(A), by inserting "monthly" before "payments";

(2) in paragraph (2)(A), by striking "payments to" and all that follows through "subparagraph (C)" and inserting "monthly payments, under such terms and in such amounts as determined by the Secretary, to one of more lessors responsible for underfunded MHPI housing projects identified pursuant to subparagraph (C) under the jurisdiction of the Secretary"; and

(3) in paragraph (3)(B), by inserting "that" before "require".

(j) SUSPENSION OF RESIDENT ENERGY CONSERVATION PROGRAM.—Section 3063(b) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1947; 10 U.S.C. 2867 note) is amended—

(1) by inserting "covered by a program suspended under subsection (a)" after "privatized military housing" the first place it appears; and

(2) by striking "on the installation military housing unit".

(k) CLERICAL AMENDMENTS.—

(1) CHIEF HOUSING OFFICER.—

(A) ADDITION.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to section 2851 the following new item:

10 USC prec. 2851.

"2851a. Supervision of military housing by Chief Housing Officer.".

(B) REPEAL.—The table of sections at the beginning of subchapter V of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2890a.

10 USC prec. 2890.

(2) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—The table of sections at the beginning of subchapter V of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2892b and inserting the following new item:

"2892b. Prohibition on requirement to disclose personally identifiable information in requests for certain maintenance.".

SEC. 2812. REPEAL OF AUTHORITY TO LEASE SUBSTANDARD FAMILY HOUSING UNITS TO MEMBERS OF THE UNIFORMED SERVICES.

10 USC 2830.

(a) REPEAL.—Section 2830 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2830.

10 USC prec. 2821.

SEC. 2813. EXPENDITURE PRIORITIES IN USING DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.

(a) IN GENERAL.—Section 2883(d)(1) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary of Defense shall require that eligible entities receiving amounts from the Department of Defense Family Housing Improvement Fund prioritize the use of such amounts for expenditures related to asset recapitalization, operating expenses, and debt payments before other program management-incentive fee expenditures. In the case of asset recapitalization, the primary purpose of the expenditures must be to sustain existing housing units owned or managed by the eligible entity or for which the eligible entity is otherwise responsible.".

Requirement.

(b) EFFECTIVE DATE.—The requirements set forth in subparagraph (B) of section 2883(d)(1) of title 10, United States Code, as added by subsection (a), shall apply to appropriate legal documents entered into or renewed on or after the date of the enactment of this Act between the Secretary of a military department and a landlord regarding privatized military housing. In this subsection, the terms "landlord" and "privatized military housing" have the meanings given those terms in section 3001(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1916; 10 U.S.C. 2821 note).

Applicability. 10 USC 2883 note.

Definitions.

SEC. 2814. AVAILABILITY OF INFORMATION REGARDING ASSESSMENT OF PERFORMANCE METRICS FOR CONTRACTS FOR PROVISION OR MANAGEMENT OF PRIVATIZED MILITARY HOUSING.

(a) AVAILABILITY OF PERFORMANCE METRICS ASSESSMENTS; METHOD OF PROVIDING.—Section 2891c(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "PERFORMANCE METRICS AND" before "USE OF INCENTIVE FEES"; and

(2) in paragraph (1), by striking "shall publish, on a publicly accessible website, information" and inserting the following: "shall make available, upon request of a tenant, at the applicable installation housing office the following:

"(A) An assessment of the indicators underlying the performance metrics for each contract for the provision or management of housing units to ensure such indicators adequately measure the condition and quality of each housing unit covered by the contract.

"(B) Information".

(b) DESCRIPTION OF INDICATORS UNDERLYING PERFORMANCE METRICS.—Section 2891c(b) of title 10, United States Code, is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) For purposes of paragraph (1)(A), the indicators underlying the performance metrics for a contract for the provision or

management of housing units shall measure at a minimum the following:

"(i) Tenant satisfaction.

"(ii) Maintenance management.

"(iii) Safety.

"(iv) Financial management.

"(B) An assessment required to be made available under paragraph (1)(A) shall include a detailed description of each indicator underlying the performance metrics, including the following information:

"(i) The limitations of available survey data.

"(ii) How tenant satisfaction and maintenance management is calculated.

"(iii) Whether any relevant data is missing.".

(c) CONFORMING AMENDMENTS.—Paragraph (3) of section 2891c(b) of title 10, United States Code, as redesignated by subsection (b)(1), is amended—

(1) by striking "paragraph (1)" and inserting "paragraph (1)(B)"; and

(2) by striking "each contract" and inserting "each contract for the provision or management of housing units".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2891c of title 10, United States Code, is amended to read as follows:

"§ 2891c. Transparency regarding finances and performance metrics".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter V of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2891c and inserting the following new item:

10 USC prec. 2890.

"2891c. Transparency regarding finances and performance metrics.".

10 USC 2821 note.

SEC. 2815. REQUIREMENT THAT SECRETARY OF DEFENSE IMPLEMENT RECOMMENDATIONS RELATING TO MILITARY FAMILY HOUSING CONTAINED IN REPORT BY INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE.

Deadline.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement the recommendations of the Inspector General of the Department of Defense contained in the report of the Inspector General dated April 30, 2020, and entitled "Evaluation of the DoD's Management of Health and Safety Hazards in Government-Owned and Government-Controlled Military Family Housing".

10 USC 2871 note.

SEC. 2816. PROMULGATION OF GUIDANCE TO FACILITATE RETURN OF MILITARY FAMILIES DISPLACED FROM PRIVATIZED MILITARY HOUSING.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall promulgate guidance for commanders of military installations and installation housing management offices to assist such commanders and offices in facilitating and managing the relocation and return of tenants of privatized military housing when tenants are displaced from such housing—

(1) as a result of an environmental hazard or other damage adversely affecting the habitability of the privatized military housing; or

(2) during remediation or repair activities in response to the hazard or damages.

(b) FINANCIAL IMPACT OF DISPLACEMENT.—As part of the promulgation of the guidance, the Secretary of Defense shall consider—

(1) the extent to which displaced tenants of privatized military housing under the circumstances described in subsection (a) incur relocation, per diem, or similar expenses as a direct result of such displacement that are not covered by a landlord, insurance, or claims process; and

(2) the feasibility of providing reimbursement for uncovered expenses.

(c) CONSULTATION.—The Secretary of Defense shall promulgate the guidance in consultation with the Secretaries of the military departments, the Chief Housing Officer, landlords, and other interested persons.

(d) IMPLEMENTATION.—The Secretaries of the military departments shall be responsible for implementation of the guidance at military installations under the jurisdiction of the Secretary concerned, while recognizing that the guidance cannot anticipate every situation in which tenants of privatized military housing must be displaced from such housing under the circumstances described in subsection (a).

(e) DEFINITIONS.—In this section, the terms "landlord", "privatized military housing", and "tenant" have the meanings given those terms in section 3001(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1916; 10 U.S.C. 2821 note).

SEC. 2817. PROMULGATION OF GUIDANCE ON RELOCATION OF RESIDENTS OF MILITARY HOUSING IMPACTED BY PRESENCE OF MOLD.

10 USC 2821 note.

As part of the process developed by the Secretary of Defense pursuant to section 3053 of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1943; 10 U.S.C. 2821 note) to identify, record, and resolve environmental health hazards in military housing, the Secretary shall promulgate guidance regarding situations in which the presence of mold in a unit of housing under the jurisdiction of the Department of Defense (including privatized military housing) is an emergency situation requiring the relocation of the residents of the unit.

SEC. 2818. EXPANSION OF UNIFORM CODE OF BASIC STANDARDS FOR PRIVATIZED MILITARY HOUSING AND HAZARD AND HABITABILITY INSPECTION AND ASSESSMENT REQUIREMENTS TO GOVERNMENT-OWNED AND GOVERNMENT-CONTROLLED MILITARY FAMILY HOUSING.

10 USC 2871 note.

(a) UNIFORM CODE OF BASIC STANDARDS FOR MILITARY HOUSING.—The Secretary of Defense shall expand the uniform code of basic housing standards for safety, comfort, and habitability for privatized military housing established pursuant to section 3051(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1941; 10 U.S.C. 2871 note) to include Government-owned and Government-controlled military family housing located inside or outside the United States and occupied by members of the Armed Forces.

(b) INSPECTION AND ASSESSMENT PLAN.—The Secretary of Defense shall expand the Department of Defense housing inspection and assessment plan prepared pursuant to section 3051(b) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1941; 10 U.S.C. 2871 note) to include Government-owned and Government-controlled military family housing located inside or outside the United States and occupied by members of the Armed Forces and commence inspections and assessments of such military family housing pursuant to the plan.

Subtitle C—Real Property and Facilities Administration

SEC. 2821. ACCEPTANCE OF PROPERTY BY MILITARY SERVICE ACADEMIES, PROFESSIONAL MILITARY EDUCATION SCHOOLS, AND MILITARY MUSEUMS SUBJECT TO NAMING-RIGHTS CONDITION.

(a) AUTHORITY TO ACCEPT PERSONAL PROPERTY SUBJECT TO CONDITION.—Section 2601(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "REAL";

(2) in paragraph (1), by inserting "or personal" after "real" both places it appears; and

(3) in paragraph (3)(B), by inserting "or personal" after "real".

(b) ELIGIBLE RECIPIENTS.—Section 2601(e) of title 10, United States Code, is further amended—

(1) in paragraph (1), by striking "the United States Military Academy, the Naval Academy, the Air Force Academy, or the Coast Guard Academy" and inserting "an eligible entity"; and

(2) by adding at the end the following new paragraph:

Definition.

"(5) In this subsection, the term 'eligible entity' means each of the following:

"(A) The United States Military Academy, the Naval Academy, the Air Force Academy, and the Coast Guard Academy.

"(B) The professional military education schools listed in section 2162(d) of this title and the Defense Acquisition University.

"(C) A military museum.".

SEC. 2822. CODIFICATION OF REPORTING REQUIREMENTS REGARDING UNITED STATES OVERSEAS MILITARY ENDURING LOCATIONS AND CONTINGENCY LOCATIONS.

(a) INCLUSION OF INFORMATION IN EXISTING ANNUAL REPORT.—Section 2687a(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "MASTER PLANS" and inserting "OVERSEAS MILITARY LOCATIONS";

(2) in paragraph (1), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) the status of overseas military locations, whether such a location is designated as an enduring location or contingency location."; and

(3) by striking paragraph (2) and inserting the following new paragraphs:

"(2) To satisfy the reporting requirement specified in paragraph (1)(B), a report under paragraph (1) shall contain the following:

"(A) A list of overseas military locations. For any overseas military location established during the previous fiscal year, the reasons for the establishment of the overseas military location. List.

"(B) A description of the strategic goal and operational requirements supported by each overseas military location.

"(C) A list of each construction or facility improvement project carried out by the Department of Defense regardless of the funding source, and each construction or facility improvement project accepted as a payment-in-kind, at overseas military locations during the previous fiscal year if the construction or facility improvement project was not specifically authorized in a Military Construction Authorization Act or congressional notice of the construction or facility improvement project was not provided by another means. Each construction or facility improvement project on the list shall be delineated by project location, project title or description, project cost, including costs covered by the host country, and authority used to undertake the project. List.

"(D) For each overseas military location first designated as an enduring location in one of the previous two required reports, a list of required construction and facility improvement projects anticipated to be carried out by the Department of Defense directly or through the acceptance of payments-in-kind during the fiscal year in which the report is submitted and the next four fiscal years. Each construction or facility improvement project on the list shall be delineated by project location, project title or description, estimated project cost, including costs anticipated to be covered by the host country, and authority to be used to undertake the project.

"(E) An overview of any annual lease or access costs to the United States for each overseas military location designated as an enduring location.

"(F) A description of any plans to transition an existing contingency overseas military location to an enduring overseas military location, or to upgrade or downgrade the designation of an existing enduring or contingency overseas military location, during the fiscal year in which the report is submitted.

"(G) A list of any overseas military locations that, during the previous fiscal year, were transferred to the control of security forces of the host country or another military force, closed, or for any other reason no longer used by the armed forces, including a summary of any costs associated with the transfer or closure of the overseas military location. List. Summary.

"(H) A summary of any force protection risks identified for cooperative security locations and contingency locations, the actions proposed to mitigate such risks, and the resourcing and implementation plan to implement the mitigation actions. Summary. Plan.

"(I) Such other such matters related to overseas military locations as the Secretary of Defense considers appropriate.

"(3) In this subsection: Definitions.

"(A)(i) The term 'overseas military location' covers both enduring locations and contingency locations established outside the United States.

"(ii) An enduring location is primarily characterized either by the presence of permanently assigned United States forces with robust infrastructure and quality of life amenities to support that presence, by the sustained presence of allocated United States forces with infrastructure and quality of life amenities consistent with that presence, or by the periodic presence of allocated United States forces with little or no permanent United States military presence or controlled infrastructure. Enduring locations include main operating bases, forward operating sites, and cooperative security locations.

"(iii) A contingency location refers to a location outside of the United States that is not covered by subparagraph (B), but that is used by United States forces to support and sustain operations during named and unnamed contingency operations or other operations as directed by appropriate authority and is categorized by mission life-cycle requirements as initial, temporary, or semi-permanent.

"(B)(i) The term 'construction or facility improvement project' includes any construction, development, conversion, or extension of a building, structure, or other improvement to real property carried out at an overseas military location, whether to satisfy temporary or permanent requirements, and any acquisition of land for an overseas military location.

"(ii) The term does not include repairs to a building, structure, or other improvement to real property, unless the building, structure, or other improvement cannot effectively be used for its designated functional purpose in the absence of the repairs.

Coordination.

"(4) The Secretary of Defense shall prepare the report under paragraph (1) in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Acquisition and Sustainment.

"(5) A report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as necessary.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—Section 2687a(e)(2) of title 10, United States Code, is amended by striking "host nation" both places it appears and inserting "host country".

(2) SECTION HEADING.—The heading of section 2687a of title 10, United States Code, is amended to read as follows:

"§ 2687a. Overseas base closures and realignments and status of United States overseas military locations".

10 USC prec. 2661.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2687a and inserting the following new item:

"2687a. Overseas base closures and realignments and status of United States overseas military locations.".

(c) TEMPORARY CONTINUATION OF SUPERCEDED REPORTING REQUIREMENT.—Until the Secretary of Defense submits the first report required by section 2687a(a) of title 10, United States Code, that includes the information required by paragraph (2) of such section, as added by subsection (a), the Secretary of Defense shall continue to prepare and submit the report required by section 2816 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1176), notwithstanding the expiration of such reporting requirement.

SEC. 2823. PROMOTION OF ENERGY RESILIENCE AND ENERGY SECURITY IN PRIVATIZED UTILITY SYSTEMS.

(a) UTILITY PRIVATIZATION CONTRACT RENEWALS.—Section 2688(d)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting "or the renewal of such a contract" after "paragraph (1)";

(2) in the second sentence, by striking "the contract." and inserting "the contract or contract renewal."; and

(3) by adding at the end the following new sentence: "A renewal of a contract pursuant to this paragraph may be entered into only within the last five years of the existing contract term.".

(b) AVAILABILITY OF ERCIP FUNDS FOR PRIVATIZED UTILITY SYSTEM ACTIVITIES.—Section 2914 of title 10, United States Code, as amended by section 2805, is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) RELATION TO CERTAIN OTHER AUTHORITIES.—A project under this section may include—

"(1) activities related to a utility system authorized under subsections (h), (j), and (k) of section 2688 or section 2913 of this title, notwithstanding that the United States does not own the utility system covered by the project; and

"(2) energy-related activities included as a separate requirement in an energy savings performance contract (as defined in section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3))).".

SEC. 2824. VESTING EXERCISE OF DISCRETION WITH SECRETARIES OF THE MILITARY DEPARTMENTS REGARDING ENTERING INTO LONGER-TERM CONTRACTS FOR UTILITY SERVICES.

Section 2688(d)(2) of title 10, United States Code, as amended by section 2823, is further amended in the first sentence—

(1) by striking "The Secretary of Defense, or the designee of the Secretary," and inserting "The Secretary concerned"; and

(2) by striking "if the Secretary" and inserting "if the Secretary concerned".

SEC. 2825. USE OF ON-SITE ENERGY PRODUCTION TO PROMOTE MILITARY INSTALLATION ENERGY RESILIENCE AND ENERGY SECURITY.

(a) PROMOTION OF ON-SITE ENERGY SECURITY AND ENERGY RESILIENCE.—Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) PROMOTION OF ON-SITE ENERGY SECURITY AND ENERGY RESILIENCE.—(1) Consistent with the energy security and resilience goals of the Department of Defense and the energy performance master plan referred to in this section, the Secretary concerned shall consider, when feasible, projects for the production of installation energy that benefits military readiness and promotes installation energy security and energy resilience in the following manner:

"(A) Location of the energy-production infrastructure on the military installation that will consume the energy.

"(B) Incorporation of energy resilience features, such as microgrids, to ensure that energy remains available to the

installation even when the installation is not connected to energy sources located off the installation.

"(C) Reduction in periodic refueling needs from sources off the installation to not more than once every two years.

"(3) In this subsection, the term 'microgrid' means an integrated energy system consisting of interconnected loads and energy resources that, if necessary, can be removed from the local utility grid and function as an integrated, stand-alone system.".

(b) EVALUATION OF FEASIBILITY OF EXPANDING USE OF ON-SITE ENERGY PRODUCTION.—

(1) PROJECTS AUTHORIZED.—Subsection (h) of section 2911 of title 10, United States Code, as added by subsection (a), is amended by inserting after paragraph (1) the following new paragraph:

"(2)(A) Using amounts made available for military construction projects under section 2914 of this title, the Secretary of Defense shall carry out at least four projects to promote installation energy security and energy resilience in the manner described in paragraph (1).

"(B) At least one project shall be designed to develop technology that demonstrates the ability to connect an existing on-site energy generation facility that uses solar power with one or more installation facilities performing critical missions in a manner that allows the generation facility to continue to provide electrical power to these facilities even if the installation is disconnected from the commercial power supply.

"(C) At least one project shall be designed to develop technology that demonstrates that one or more installation facilities performing critical missions can be isolated, for purposes of electrical power supply, from the remainder of the installation and from the commercial power supply in a manner that allows an on-site energy generation facility that uses a renewable energy source, other than solar energy, to provide the necessary power exclusively to these facilities.

"(D) At least two projects shall be designed to develop technology that demonstrates the ability to store sufficient electrical energy from an on-site energy generation facility that uses a renewable energy source to provide the electrical energy required to continue operation of installation facilities performing critical missions during nighttime operations.

Expiration date.

"(E) The authority of the Secretary of Defense to commence a project under this paragraph expires on September 30, 2025.".

Deadline.

(2) BRIEFING.—Not later than March 1, 2021, the Secretary of Defense shall brief the congressional defense committees regarding the plan to carry out the on-site energy production projects authorized by paragraph (2) of section 2911(h) of title 10, United States Code, as added by paragraph (1).

10 USC 2911 note.

SEC. 2826. IMPROVED ELECTRICAL METERING OF DEPARTMENT OF DEFENSE INFRASTRUCTURE SUPPORTING CRITICAL MISSIONS.

(a) OPTIONS TO IMPROVE ELECTRICAL METERING.—The Secretary of Defense and the Secretaries of the military departments shall improve the metering of electrical energy usage of covered defense structures to accurately determine energy consumption by such a structure to increase energy efficiency and improve energy

resilience, using any combination of the options specified in subsection (b) or such other methods as the Secretary concerned considers practicable.

(b) METERING OPTIONS.—Electrical energy usage options to be considered for a covered defense structure include the following:

(1) Installation of a smart meter at the electric power supply cable entry point of the covered defense structure, with remote data storage and retrieval capability using cellular communication, to provide historical energy usage data on an hourly basis to accurately determine the optimum cost effective energy efficiency and energy resilience measures for the covered defense structure.

(2) Use of an energy usage audit firm to individually meter the covered defense structure using clamp-on meters and data storage to provide year–long electric energy load profile data, particularly in the case of a covered defense structure located in climates with highly variable use based on weather or temperature changes, to accurately identify electric energy usage demand for both peak and off peak periods for a covered defense structure.

(3) Manual collection and calculation of the connected load via nameplate data survey of all the connected electrical devices for the covered defense structure and comparison of such data to the designed maximum rating of the incoming electric supply to determine the maximum electrical load for the covered defense structure.

Consultation.

(c) CYBERSECURITY.—The Secretary of Defense and the Secretaries of the military departments shall consult with the Chief Information Officer of the Department of Defense to ensure that the electrical energy metering options considered under subsection (b) do not compromise the cybersecurity of Department of Defense networks.

(d) CONSIDERATION OF PARTNERSHIPS.—The Secretary of Defense and the Secretaries of the military departments shall consider the use of arrangements (known as public-private partnerships) with appropriate entities outside the Government to reduce the cost of carrying out this section.

(e) DEFINITIONS.—In this section:

(1) The term "covered defense structure" means any infrastructure under the jurisdiction of the Department of Defense inside the United States that the Secretary of Defense or the Secretary of the military department concerned determines—

(A) is used to support a critical mission of the Department; and

(B) is located at a military installation with base-wide resilient power.

(2) The term "energy resilience" has the meaning given that term in section 101(e)(6) of title 10, United States Code.

Compliance.

(f) IMPLEMENTATION REPORT.—As part of the Department of Defense energy management report to be submitted under section 2925 of title 10, United States Code, during fiscal year 2022, the Secretary of Defense shall include information on the progress being made to comply with the requirements of this section.

10 USC 2866 note.

SEC. 2827. IMPROVING WATER MANAGEMENT AND SECURITY ON MILITARY INSTALLATIONS.

(a) RISK-BASED APPROACH TO INSTALLATION WATER MANAGEMENT AND SECURITY.—

(1) GENERAL REQUIREMENT.—The Secretary concerned shall adopt a risk-based approach to water management and security for each military installation under the jurisdiction of the Secretary.

Determination.

(2) IMPLEMENTATION PRIORITIES.—The Secretary concerned shall begin implementation of paragraph (1) by prioritizing those military installations under the jurisdiction of the Secretary that the Secretary determines—

(A) are experiencing the greatest risks to sustainable water management and security; and

(B) face the most severe existing or potential adverse impacts to mission assurance as a result of such risks.

Assessments.

(3) DETERMINATION METHOD.—Determinations under paragraph (2) shall be made on the basis of the water management and security assessments made by the Secretary concerned under subsection (b).

(b) WATER MANAGEMENT AND SECURITY ASSESSMENTS.—

(1) ASSESSMENT METHODOLOGY.—The Secretaries concerned, acting jointly, shall develop a methodology to assess risks to sustainable water management and security and mission assurance.

Evaluations.

(2) ELEMENTS.—Required elements of the assessment methodology shall include the following:

(A) An evaluation of the water sources and supply connections for a military installation, including water flow rate and extent of competition for the water sources.

(B) An evaluation of the age, condition, and jurisdictional control of water infrastructure serving the military installation.

(C) An evaluation of the military installation's water-security risks related to drought-prone climates, impacts of defense water usage on regional water demands, water quality, and legal issues, such as water rights disputes.

(D) An evaluation of the resiliency of the military installation's water supply and the overall health of the aquifer basin of which the water supply is a part, including the robustness of the resource, redundancy, and ability to recover from disruption.

(E) An evaluation of existing water metering and consumption at the military installation, considered at a minimum—

(i) by type of installation activity, such as training, maintenance, medical, housing, and grounds maintenance and landscaping; and

(ii) by fluctuations in consumption, including peak consumption by quarter.

(c) EVALUATION OF INSTALLATIONS FOR POTENTIAL NET ZERO WATER USAGE.—

Determination.

(1) EVALUATION REQUIRED.—The Secretary concerned shall conduct an evaluation of each military installation under the jurisdiction of the Secretary to determine the potential for the military installation, or at a minimum certain installation activities, to achieve net zero water usage.

(2) ELEMENTS.—Required elements of each evaluation shall include the following:

(A) An evaluation of alternative water sources to offset use of freshwater, including water recycling and harvested rainwater for use as non-potable water.

(B) An evaluation of the feasibility of implementing Department of Energy guidelines for net zero water usage, when practicable, to minimize water consumption and wastewater discharge in buildings scheduled for renovation.

(C) An evaluation of the practicality of implementing net zero water usage technology into new construction in water-constrained areas, as determined by water management and security assessments conducted under subsection (b).

(d) IMPROVED LANDSCAPING MANAGEMENT PRACTICES.—

(1) LANDSCAPING MANAGEMENT.—The Secretary concerned shall implement, to the maximum extent practicable, at each military installation under the jurisdiction of the Secretary landscaping management practices to increase water resilience and ensure greater quantities of water availability for operational, training, and maintenance requirements.

(2) ARID OR SEMI-ARID CLIMATES.—For military installations located in arid or semi-arid climates, landscaping management practices shall include the use of xeriscaping.

(3) NON-ARID CLIMATES.—For military installations located in non-arid climates, landscaping management practices shall include the use of plants common to the region in which the installation is located and native grasses and plants.

(4) POLLINATOR CONSERVATION REFERENCE GUIDE.—The Secretary concerned shall follow the recommendations of the Department of Defense Pollinator Conservation Reference Guide (September 2018) to the maximum extent practicable in order to reduce operation and maintenance costs related to landscaping management, while improving area management. Consistent with such guide, in the preparation of a military installation landscaping plan, the Secretary concerned should consider the following: Recommendations.

(A) Adding native flowering plants to sunny open areas and removing overhanging tree limbs above open patches within forested areas or dense shrub.

(B) Removing or controlling invasive plants to improve pollinator habitat.

(C) Preserving known and potential pollinator nesting and overwintering sites.

(D) Eliminating or minimizing pesticide use in pollinator habitat areas.

(E) Mowing in late fall or winter after plants have bloomed and set seed, adjusting timing to avoid vulnerable life stages of special status pollinators.

(F) Mowing mid-day when adult pollinators can avoid mowing equipment.

(e) IMPLEMENTATION REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the other Secretaries concerned, shall submit to the Committees on Armed Services of the Senate Coordination.

and the House of Representatives a report on the progress made in implementing this section.

Lists.

(2) REPORT ELEMENTS.—The report shall include the following:

(A) The methodology developed under subsection (b) to conduct water management and security assessments.

(B) A list of the military installations that have been assessed using such methodology and a description of the findings.

(C) A list of planned assessments for the one-year period beginning on the date of the submission of the report.

Evaluation.

(D) An evaluation of the progress made on implementation of xeriscaping and other regionally appropriate landscaping practices at military installations.

(f) DEFINITIONS.—In this section:

(1) The term "net zero water usage", with respect to a military installation or installation activity, means a situation in which the combination of limitations on the consumption of water resources and the return of water to an original water source by the installation or activity is sufficient to prevent any reduction in the water resources of the area in both quantity and quality over a reasonable period of time.

(2) The terms "Secretary concerned" and "Secretary" mean the Secretary of a military department and the Secretary of Defense with respect to the Pentagon Reservation.

(3) The term "xeriscaping" means landscape design that emphasizes low water use and drought-tolerant plants that require little or no supplemental irrigation.

10 USC 2687a note.

SEC. 2828. PROHIBITION RELATING TO CLOSURE OR RETURN TO HOST NATION OF EXISTING MILITARY INSTALLATIONS, INFRASTRUCTURE, OR REAL PROPERTY IN EUROPE.

(a) PROHIBITION ON CLOSURE OR RETURN.—Except as provided by subsection (b), the Secretary of Defense shall not implement any activity that closes or returns to the host nation any military installation, infrastructure, or real property in Europe that, as of the date of enactment of this Act, is under the operational control of the Department of Defense or a military department and is utilized by the United States Armed Forces.

Certification.

(b) WAIVER AND EXCEPTION.—The Secretary of Defense may waive the prohibition under subsection (a) if the Secretary certifies to the congressional defense committees that there is no longer a foreseeable need for the military installation, infrastructure, or real property, or a portion of the military installation in the case of a partial closure and return of a military installation, to support a permanent or rotational United States military presence in the European theater.

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Arizona Department of Emergency and Military Affairs (in this section referred to as the "State") all right, title, and interest of the United States in

and to a parcel of real property, including any improvements thereon, consisting of not more than 3,000 acres at Camp Navajo, Arizona, for the purpose of permitting the State to use the property—

(1) for training the Arizona Army National Guard and Air National Guard; and

(2) for defense industrial base economic development purposes that are compatible with the environmental security and primary National Guard training purpose of Camp Navajo.

(b) CONDITION OF CONVEYANCE.—

(1) USE OF REVENUES.—The authority of the Secretary of the Army to make the conveyance described in subsection (a) is subject to the condition that the State agree that all revenues generated from the use of the property conveyed under such subsection will be used to support the training requirements of the Arizona Army National Guard and Air National Guard, including necessary infrastructure maintenance and capital improvements.

(2) AUDIT.—The United States Property and Fiscal Office for Arizona shall—

(A) conduct periodic audits of all revenues generated by uses of the conveyed property and the use of such revenues; and

(B) provide the audit results to the Chief of the National Guard Bureau.

(c) REVERSIONARY INTEREST.—

(1) INTEREST RETAINED.—If the Secretary of the Army determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, or that the State has not complied with the condition imposed by subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the property.

(2) DETERMINATION.—A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ALTERNATIVE CONSIDERATION OPTION.—

Determination.

(1) CONSIDERATION OPTION.—In lieu of exercising the reversionary interest retained under subsection (c), the Secretary of the Army may accept an offer by the State to pay to the United States an amount equal to the fair market value of the property conveyed under subsection (a), excluding the value of any improvements on the conveyed property constructed without Federal funds after the date of the conveyance is completed, as determined by the Secretary.

(2) TREATMENT OF CONSIDERATION RECEIVED.—Consideration received by the Secretary under paragraph (1) shall be deposited in the special account in the Treasury established for the Secretary under subsection (e) of section 2667 of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

Reimbursement.

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

Refund.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the fund or account currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

Determination.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(g) SAVINGS PROVISION.—Nothing in this section shall be construed to alleviate, alter, or affect the responsibility of the United States for cleanup and remediation of the property to be conveyed under subsection (a) in accordance with the Defense Environmental Restoration Program under section 2701 of title 10, United States Code, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Requirements.
Consultation.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States. These additional terms may include a requirement for the State to consult with the Secretary of the Navy regarding use of the conveyed property.

SEC. 2832. MODIFICATION OF LAND EXCHANGE INVOLVING NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT, SUNNYVALE, CALIFORNIA.

(a) ELEMENTS OF EXCHANGE.—Section 2841(a) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1860) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

Florida.
Determination.

"(1) real property, including improvements thereon, located in Titusville, Florida, that will replace the NIROP and meet the readiness requirements of the Department of the Navy, as determined by the Secretary; and

Reimbursement.

"(2) reimbursement for the costs of relocation of contractor and Government personnel and equipment from the NIROP to the replacement facilities, to the extent specified in the land exchange agreement contemplated in subsection (b).".

(b) ELEMENTS OF LAND EXCHANGE AGREEMENT.—Section 2841(b)(1) of the Military Construction Authorization Act for Fiscal

Year 2018 (division B of Public Law 115–91; 131 Stat. 1860) is amended by inserting after "identifies" the following: "the costs of relocation to be reimbursed by the Exchange Entity,".

(c) VALUATION OF PROPERTIES AND COMPENSATION.—Section 2841 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1860) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(3) by inserting after subsection (b) the following new subsections:

"(c) VALUATION.—The Secretary shall determine the fair market value of the properties, including improvements thereon, to be exchanged by the Secretary and the Exchange Entity under subsection (a). Determination.

"(d) COMPENSATION.—

"(1) COMPENSATION REQUIRED.—The Exchange Entity shall provide compensation under the land exchange agreement described in subsection (b) that is equal to or exceeds the fair market value of the NIROP, as determined under subsection (c).

"(2) IN-KIND CONSIDERATION.—As part of the compensation under the land exchange agreement, the Secretary and the Exchange Entity may agree for the Exchange Entity to provide the following forms of in-kind consideration at any property or facility under the control of the Secretary:

"(A) Alteration, repair, improvement, or restoration (including environmental restoration) of property.

"(B) Use of facilities by the Secretary.

"(C) Provision of real property maintenance services.

"(D) Provision of or payment of utility services.

"(E) Provision of such other services relating to activities that will occur on the property as the Secretary considers appropriate.

"(3) DEPOSIT.—The Secretary shall deposit any cash payments received under the land exchange agreement, other than cash payments accepted under section 2695 of title 10, United States Code, in the account in the Treasury established pursuant to section 572(b) of title 40, United States Code.

"(4) USE OF PROCEEDS.—Proceeds deposited pursuant to paragraph (3) in the account referred to in such paragraph shall be available to the Secretary in such amounts as provided in appropriations Acts for the following activities:

"(A) Maintenance, protection, alternation, repair, improvement, or restoration (including environmental restoration) of property or facilities.

"(B) Payment of utilities services.

"(C) Real property maintenance services.".

(d) TREATMENT OF CERTAIN AMOUNTS RECEIVED.—Subsection (f) of section 2841 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1861), as redesignated by subsection (c)(2) of this section, is amended by striking "(a), (c)(2), and (d)" and inserting "(a) and (e)".

(e) SUNSET.—Subsection (j) of section 2841 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1861), as redesignated by subsection

(c)(2) of this section, is amended by striking "October 1, 2023" and inserting "October 1, 2026, if the Secretary and the Exchange Entity have not entered into a land exchange agreement described in subsection (b) before that date".

SEC. 2833. LAND CONVEYANCE, SHARPE ARMY DEPOT, LATHROP, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—If the Secretary of the Army determines that no department or agency of the Federal Government will accept the transfer of a parcel of real property consisting of approximately 525 acres at Sharpe Army Depot in Lathrop, California, the Secretary may convey to the Port of Stockton, California, all right, title, and interest of the United States in and to the property, including any improvements thereon, for the purpose of permitting the Port of Stockton to use the property for the development or operation of a port facility.

(b) MODIFICATION OF PARCEL AUTHORIZED FOR CONVEYANCE.—If a department or agency of the Federal Government will accept the transfer of a portion of the parcel of real property described in subsection (a), the Secretary of the Army shall modify the conveyance authorized by such subsection to exclude the portion of the parcel to be accepted by that department or agency.

(c) CONVEYANCE ALTERNATIVES.—

(1) PUBLIC BENEFIT CONVEYANCE.—The Secretary of the Army may assign the real property described in subsection (a) to the Secretary of Transportation for conveyance under such subsection as a public benefit conveyance without monetary consideration to the Federal Government if the Port of Stockton satisfies the conveyance requirements specified in section 554 of title 40, United States Code.

(2) FAIR MARKET VALUE CONVEYANCE.—

(A) AMOUNT AND DETERMINATION.—If the Port of Stockton fails to qualify for a public benefit conveyance under paragraph (1) and still desires to acquire the real property described in subsection (a), the Port of Stockton shall pay to the United States an amount that is not less than the fair market value of the property to be conveyed. The Secretary of the Army shall determine the fair market value of the property using an independent appraisal based on the highest and best use of the property.

(B) DEPOSIT AND AVAILABILITY.—The Secretary shall deposit cash payment received under subparagraph (A) in the special account in the Treasury established for that Secretary under section 2667(e) of title 10, United States Code. The entire amount deposited shall be available for use in accordance with paragraph (1)(C) of such section. Paragraph (1)(D) of such section shall not apply to the entire amount deposited.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

Reimbursement.

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the Port of Stockton to pay costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance authorized by subsection (a), including survey costs, appraisal costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to pay the costs incurred by the Secretary in carrying out the conveyance under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(g) SUNSET.—If the real property authorized for conveyance by subsection (a) is not conveyed within one year after the date of the enactment of this Act, the Secretary of the Army may report the property excess for disposal in accordance with applicable law.

SEC. 2834. LAND EXCHANGE, SAN BERNARDINO COUNTY, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means the County of San Bernardino, California.

(2) FEDERAL LAND.—The term "Federal land" means the approximately 73 acres of Federal land generally depicted as "Federal Land Proposed for Exchange" on the map titled "Big Bear Land Exchange" and dated September 4, 2020.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 71 acres of land owned by the County generally depicted as "Non-Federal Land Proposed for Exchange" on the map referred to in paragraph (2).

(b) EXCHANGE AUTHORIZED.—Subject to valid existing rights and the terms of this section, no later than one year after the date that the portion of the Pacific Crest National Scenic Trail is relocated in accordance with subsection (i), if the County offers to convey the non-Federal land to the United States, the Secretary of Agriculture shall—

(1) convey to the County all right, title, and interest of the United States in and to the Federal land; and

(2) accept from the County a conveyance of all right, title, and interest of the County in and to the non-Federal land.

(c) EQUAL VALUE AND CASH EQUALIZATION.—

(1) EQUAL VALUE EXCHANGE.—The land exchange under this section shall be for equal value, or the values shall be equalized by a cash payment as provided for under this subsection or an adjustment in acreage. At the option of the County, any excess value of the non-Federal lands may be considered a gift to the United States.

(2) CASH EQUALIZATION PAYMENT.—The County may equalize the values of the lands to be exchanged under this section by cash payment without regard to any statutory limit on the amount of such a cash equalization payment.

(3) DEPOSIT AND USE OF FUNDS RECEIVED FROM COUNTY.—Any cash equalization payment received by the Secretary of Agriculture under this subsection shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act). The funds so deposited shall remain available to the Secretary of Agriculture, until expended, for the acquisition of lands, waters, and interests in land for the San Bernardino National Forest.

(d) APPRAISAL.—The Secretary of Agriculture shall complete an appraisal of the land to be exchanged under this section in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(e) TITLE APPROVAL.—Title to the land to be exchanged under this section shall be in a format acceptable to the Secretary of Agriculture and the County.

(f) SURVEY OF NON-FEDERAL LANDS.—Before completing the exchange under this section, the Secretary of Agriculture shall inspect the non-Federal lands to ensure that the land meets Federal standards, including hazardous materials and land line surveys.

(g) COSTS OF CONVEYANCE.—As a condition of the conveyance of the Federal land under this section, any costs related to the exchange under this section shall be paid by the County.

(h) MANAGEMENT OF ACQUIRED LANDS.—The Secretary of Agriculture shall manage the non-Federal land acquired under this section in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.; commonly known as the Weeks Act), and other laws and regulations pertaining to National Forest System lands.

Deadline.

(i) PACIFIC CREST NATIONAL SCENIC TRAIL RELOCATION.—No later than three years after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable laws, shall relocate the portion of the Pacific Crest National Scenic Trail located on the Federal land—

(1) to adjacent National Forest System land;

(2) to land owned by the County, subject to County approval;

(3) to land within the Federal land, subject to County approval; or

(4) in a manner that combines two or more of the options described in paragraphs (1), (2), and (3).

(j) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall finalize a map and legal descriptions of all land to be conveyed under this section. The Secretary may correct any minor errors in the map or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Forest Service.

SEC. 2835. LAND CONVEYANCE, OVER-THE-HORIZON BACKSCATTER RADAR SYSTEM RECEIVING STATION, MODOC COUNTY, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—

(1) IN GENERAL.—As soon as practicable after receiving a request from Modoc County, California (in this section referred to as the "County") regarding the conveyance required

by this section, but subject to paragraph (2), the Secretary of Agriculture shall convey to the County all right, title, and interest of the United States in and to a parcel of National Forest System land, including improvements thereon, consisting of approximately 927 acres in Modoc National Forest in the State of California and containing an obsolete Over-the-Horizon Backscatter Radar System receiving station established on the parcel pursuant to a memorandum of agreement between the Department of the Air Force and Forest Service dated May 18 and 23, 1987.

(2) APPLICABLE LAW AND NATIONAL SECURITY DETERMINATION.—The Secretary of Agriculture shall carry out the conveyance under subsection (a) in accordance with this section and all other applicable law, including the condition that the conveyance not take place until the Secretary, in consultation with the Secretary of the Air Force, determines that the conveyance will not harm the national security interests of the United States. Consultation.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to preserve and utilize the improvements constructed on the parcel of National Forest System land described in such subsection and to permit the County to use the conveyed property, including improvements thereon, for the development of renewable energy, including solar and biomass cogeneration.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall pay to the Secretary of Agriculture an amount that is not less than the fair market value of the parcel of land to be conveyed, as determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition and the Uniform Standards of Professional Appraisal Practice.

(2) TREATMENT OF CASH CONSIDERATION.—The Secretary shall deposit the payment received under paragraph (1) in the account in the Treasury established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The amount deposited shall be available to the Secretary, in such amounts as may be provided in advance in appropriation Acts, to pay any necessary and incidental costs incurred by the Secretary in connection with the improvement, maintenance, reconstruction, or construction of a facility or improvement for the National Forest System located in the State of California.

(d) RESERVATION OF EASEMENT RELATED TO CONTINUED USE OF WATER WELLS.—The conveyance required by subsection (a) shall be conditioned on the reservation of an easement by the Secretary of Agriculture, subject to such terms and conditions as the Secretary deems appropriate, necessary to provide access for use authorized by the Secretary of the four water wells in existence on the date of the enactment of this Act and associated water conveyance infrastructure on the parcel of National Forest System lands to be conveyed.

(e) WITHDRAWAL.—The National Forest System land described in subsection (a) is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

Reimbursement.

(1) PAYMENT REQUIRED.—The Secretary of Agriculture shall require the County to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary of Agriculture in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(g) ENVIRONMENTAL REMEDIATION.—

(1) IN GENERAL.—To expedite the conveyance of the parcel of National Forest System land described in subsection (a), including improvements thereon, environmental remediation of the land by the Department of the Air Force shall be limited to the removal of the perimeter wooden fence, which was treated with an arsenic-based weatherproof coating, and treatment of soil affected by leaching of such chemical.

(2) POTENTIAL FUTURE ENVIRONMENTAL REMEDIATION RESPONSIBILITIES.—Notwithstanding the conveyance of the parcel of National Forest System land described in subsection (a), the Secretary of the Air Force shall be responsible for the remediation of any environmental contamination, discovered post-conveyance, that is attributed to Air Force occupancy of and operations on the parcel pre-conveyance.

Determination. Survey.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of Agriculture.

SEC. 2836. TRANSFER OF ADMINISTRATIVE JURISDICTION, NAVAL SUPPORT ACTIVITY PANAMA CITY, FLORIDA, PARCEL.

(a) TRANSFER TO THE SECRETARY OF THE NAVY.—Administrative jurisdiction over the parcel of Federal land consisting of approximately 1.23 acres located within Naval Support Activity Panama City, Florida, and used by the Department of the Navy pursuant to Executive Order No. 10355 of May 26, 1952, and Public Land Order Number 952 of April 6, 1954, is transferred from the Secretary of the Interior to the Secretary of the Navy.

Determination.

(b) LAND SURVEY.—The exact acreage and legal description of the Federal land transferred by subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Secretary of the Interior.

(c) CONSIDERATION AND REIMBURSEMENT.—

(1) NO CONSIDERATION.—The transfer made by subsection (a) shall be without consideration.

(2) REIMBURSEMENT.—The Secretary of the Navy shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior under subsection (b) in conducting the survey and preparing the legal description of the Federal land transferred by subsection (a).

(d) STATUS OF LAND AFTER TRANSFER.—Upon transfer of the Federal land by subsection (a), the land shall cease to be public land and shall be treated as property (as defined in section 102(9) of title 40, United States Code) under the administrative jurisdiction of the Secretary of the Navy.

SEC. 2837. LEASE EXTENSION, BRYAN MULTI-SPORTS COMPLEX, WAYNE COUNTY, NORTH CAROLINA.

(a) AUTHORITY.—In the case of the existing lease with the City of Goldsboro, North Carolina, regarding the approximately 62-acre Bryan Multi-Sports Complex located in Wayne County, North Carolina, the Secretary of the Air Force may enter into an agreement with the City of Goldsboro to extend the term of the lease for the purpose of permitting the City to continue to operate a sports and recreation facility for the benefit of both the Air Force and the community.

(b) DURATION.—The duration of the lease extension provided by the Secretary of the Air Force under subsection (a) may not exceed 30 years, providing a total lease period not to exceed 50 years for the lease described in such subsection.

(c) PAYMENTS UNDER THE LEASE.—The Secretary of the Air Force may waive the requirement under section 2667(b)(4) of title 10, United States Code, with respect to the lease extension authorized by subsection (a) if the Secretary determines that extension of the lease described in such subsection enhances the quality of life of members of the Armed Forces.

Waiver.
Determination.

SEC. 2838. LAND CONVEYANCES, MILAN ARMY AMMUNITION PLANT, TENNESSEE.

(a) CONVEYANCES AUTHORIZED.—

(1) CITY OF MILAN, TENNESSEE.—The Secretary of the Army may convey to the City of Milan, Tennessee (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property, including any improvements thereon, at Milan Army Ammunition Plant, Tennessee, that run parallel to Highway 45 and consist of a total of approximately 292 acres.

(2) UNIVERSITY OF TENNESSEE.—The Secretary of the Army may convey, without consideration, to the University of Tennessee (in this section referred to as the "University") all right, title, and interest of the United States in and to parcels of real property, including any improvements thereon and parcels currently leased to the University, at Milan Army Ammunition Plant that consist of a total of approximately 900 acres for the purpose of permitting the University to use the parcels for education research.

(b) CONSIDERATION.—

(1) AMOUNT AND DETERMINATION.—As consideration for the conveyance authorized by subsection (a)(1), the City shall pay to the Secretary of the Army an amount that is not less than the fair market value of the property to be conveyed under such subsection, as determined by an appraisal approved by the Secretary.

Payment.
Determination.
Appraisal.

(2) DEPOSIT AND AVAILABILITY.—The Secretary of the Army shall deposit the cash payment received under paragraph (1) in the special account in the Treasury established for that Secretary under section 2667(e) of title 10, United States Code. The entire amount deposited shall be available for use in accordance with paragraph (1)(C) of such section. Paragraph (1)(D) of such section shall not apply to the entire amount deposited.

Determinations.

(c) REVERSIONARY INTEREST.—

(1) INTEREST RETAINED.—If the Secretary of the Army determines at any time that the property conveyed to the University under subsection (a)(2) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the conveyed property, including any improvements thereon, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) ALTERNATIVE CONSIDERATION OPTION.—In lieu of exercising the reversionary interest retained under paragraph (1), the Secretary of the Army may accept an offer by the University to pay to the Secretary an amount equal to the fair market value of the property conveyed under subsection (a)(2), excluding the value of any improvements on the conveyed property constructed without Federal funds after the date the conveyance is completed, as determined by the Secretary. Subsection (b)(2) shall apply to any cash payment received by the Secretary under this paragraph.

Applicability.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) CONVEYANCE TO CITY.—The Secretary of the Army shall require the City to pay costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance authorized by subsection (a)(1), including survey costs, appraisal costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance.

Requirement.
Reimbursement.

(2) CONVEYANCE TO UNIVERSITY.—The Secretary shall require the University to pay costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance authorized by subsection (a)(2), including survey costs, appraisal costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance.

(3) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraphs (1) and (2) shall be credited to the fund or account that was used to pay the costs incurred by the Secretary in carrying out the conveyances under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army. Determination. Survey.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyances authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Military Land Withdrawals

SEC. 2841. RENEWAL OF LAND WITHDRAWAL AND RESERVATION TO BENEFIT NAVAL AIR FACILITY, EL CENTRO, CALIFORNIA.

Section 2925 of the El Centro Naval Air Facility Ranges Withdrawal Act (subtitle B of title XXIX of Public Law 104–201; 110 Stat. 2816) is amended by striking "25 years after the date of the enactment of this subtitle" and inserting "on November 6, 2046".

SEC. 2842. RENEWAL OF FALLON RANGE TRAINING COMPLEX LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Fallon Range Training Complex) made by section 3011(a) of such Act (113 Stat. 885) shall terminate on November 6, 2046. Termination date.

SEC. 2843. RENEWAL OF NEVADA TEST AND TRAINING RANGE LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Nevada Test and Training Range) made by section 3011(b) of such Act (113 Stat. 886) shall terminate on November 6, 2046. Termination date.

SEC. 2844. ESTABLISHMENT OF INTERAGENCY COMMITTEES ON JOINT USE OF CERTAIN LAND WITHDRAWN FROM APPROPRIATION UNDER PUBLIC LAND LAWS.

(a) INTERAGENCY EXECUTIVE COMMITTEE ON JOINT USE BY DEPARTMENT OF THE NAVY AND DEPARTMENT OF THE INTERIOR OF NAVAL AIR STATION FALLON RANGES.—Section 3011(a) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 885) is amended by adding at the end the following new paragraph:

"(5) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—

"(A) ESTABLISHMENT.—The Secretary of the Navy and the Secretary of the Interior shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this paragraph as the 'executive committee'), for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the land described in paragraph (2). Memorandum.

"(B) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding entered into under subparagraph (A) shall include—

"(i) a description of the officials and other individuals to be invited to participate as members in the executive committee under subparagraph (C);

"(ii) a description of the duties of the Chairperson and Vice Chairperson of the executive committee; and

"(iii) subject to subparagraphs (D) and (E), a procedure for—

"(I) creating a forum to carry out the purpose described in subparagraph (A);

"(II) rotating the Chairperson of the executive committee; and

"(III) scheduling regular meetings of the executive committee.

"(C) MEMBERSHIP.—The executive committee shall be comprised of—

"(i) 1 representative of the Nevada Department of Wildlife;

"(ii) 1 representative of the Nevada Department of Conservation and Natural Resources;

"(iii) 1 county commissioner from each of Churchill, Lyon, Nye, Mineral, and Pershing Counties, Nevada;

"(iv) 1 representative of each Indian tribe in the vicinity of the land described in paragraph (2); and

"(v) not more than 3 members that the Secretary of the Navy and the Secretary of the Interior jointly determine would advance the goals and objectives of the executive committee.

"(D) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the executive committee shall elect from among the members—

"(i) 1 member to serve as Chairperson of the executive committee; and

"(ii) 1 member to serve as Vice Chairperson of the executive committee.

"(E) MEETINGS.—

"(i) FREQUENCY.—The executive committee shall meet not less frequently than 3 times each calendar year.

"(ii) LOCATION.—The location of the meetings of the executive committee shall rotate to facilitate ease of access for all members of the executive committee.

"(iii) PUBLIC ACCESSIBILITY.—The meetings of the executive committee shall—

"(I) be open to the public; and

"(II) serve as a forum for the public to provide comments regarding the natural and cultural resources of the land described in paragraph (2).

"(F) CONDITIONS AND TERMS.—

"(i) IN GENERAL.—Each member of the executive committee shall serve voluntarily and without compensation.

"(ii) TERM OF APPOINTMENT.—

"(I) IN GENERAL.—Except as provided in subclause (II)(bb), each member of the executive committee shall be appointed for a term of 4 years.

"(II) ORIGINAL MEMBERS.—Of the members initially appointed to the executive committee, the

Secretary of the Navy and the Secretary of the Interior shall select—

"(aa) ½ to serve for a term of 4 years; and

"(bb) ½ to serve for a term of 2 years.

"(iii) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Navy and the Secretary of the Interior may reappoint or replace, as appropriate, a member of the executive committee if—

"(I) the term of the member has expired;

"(II) the member has resigned; or

"(III) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

"(G) LIAISONS.—The Secretary of the Navy and the Secretary of the Interior shall each appoint appropriate operational and land management personnel of the Department of the Navy and the Department of the Interior, respectively, to serve as liaisons to the executive committee.". Appointments.

(b) JOINT ACCESS AND USE BY DEPARTMENT OF THE AIR FORCE AND DEPARTMENT OF THE INTERIOR OF NEVADA TEST AND TRAINING RANGE AND DESERT NATIONAL WILDLIFE REFUGE.—

(1) UNITED STATES FISH AND WILDLIFE SERVICE AND DEPARTMENT OF THE AIR FORCE COORDINATION.—Section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) is amended by adding at the end the following new subparagraph:

"(G) INTERAGENCY COMMITTEE.— Establishment.

"(i) IN GENERAL.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish an interagency committee (referred to in this subparagraph as the 'interagency committee') to facilitate coordination, manage public access needs and requirements, and minimize potential conflict between the Department of the Interior and the Department of the Air Force with respect to joint operating areas within the Desert National Wildlife Refuge.

"(ii) MEMBERSHIP.—The interagency committee shall include only the following members:

"(I) Representatives from the United States Fish and Wildlife Service.

"(II) Representatives from the Department of the Air Force.

"(III) The Project Leader of the Desert National Wildlife Refuge Complex.

"(IV) The Commander of the Nevada Test and Training Range, Nellis Air Force Base.

"(iii) REPORT TO CONGRESS.—The interagency committee shall biannually submit to the Committees on Armed Services, Environment and Public Works, and Energy and Natural Resources of the Senate and the Committees on Armed Services and Natural Resources of the House of Representatives, and make available publicly online, a report on the activities of the interagency committee.".

(2) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subparagraph:

"(H) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—

Memorandum.

"(i) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this subparagraph as the 'executive committee') in accordance with this subparagraph.

"(ii) PURPOSE.—The executive committee shall be established for the purposes of—

"(I) exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by this section; and

Recommendations.

"(II) discussing and making recommendations to the interagency committee established under subparagraph (G) with respect to public access needs and requirements.

"(iii) COMPOSITION.—The executive committee shall comprise the following members:

Appointment.

"(I) FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall each appoint 1 representative from an interested Federal agency.

"(II) STATE GOVERNMENT.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 representative of the Nevada Department of Wildlife.

"(III) LOCAL GOVERNMENTS.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 county commissioner of each of Clark, Nye, and Lincoln Counties, Nevada.

"(IV) TRIBAL GOVERNMENTS.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 representative of each Indian tribe in the vicinity of the portions of the joint use area of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction.

Determination.

"(V) PUBLIC.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite not more than 3 private individuals who the Secretary of the Interior and the Secretary of the Air Force jointly determine would further the goals and objectives of the executive committee.

Determination.

"(VI) ADDITIONAL MEMBERS.—The Secretary of the Interior and the Secretary of the Air Force may designate such additional members as the Secretary of the Interior and the Secretary of the Air Force jointly determine to be appropriate.

"(iv) OPERATION.—The executive committee shall operate in accordance with the terms set forth in the memorandum of understanding under clause (i), which shall specify the officials or other individuals to be

invited to participate in the executive committee in accordance with clause (iii).

"(v) PROCEDURES.—Subject to clauses (vi) and (vii), the memorandum of understanding under clause (i) shall establish procedures for—

"(I) creating a forum for carrying out the purpose described in clause (ii);

"(II) rotating the Chairperson of the executive committee; and

"(III) scheduling regular meetings.

"(vi) CHAIRPERSON AND VICE CHAIRPERSON.—

"(I) IN GENERAL.—The members of the executive committee shall elect from among the members—

"(aa) 1 member to serve as the Chairperson of the executive committee; and

"(bb) 1 member to serve as the Vice Chairperson of the executive committee.

"(II) DUTIES.—The duties of each of the Chairperson and the Vice Chairperson shall be included in the memorandum of understanding under clause (i).

"(vii) MEETINGS.—

"(I) FREQUENCY.—The executive committee shall meet not less frequently than 3 times each calendar year.

"(II) MEETING LOCATIONS.—Locations of meetings of the executive committee shall rotate to facilitate ease of access for all executive committee members.

"(III) PUBLIC ACCESSIBILITY.—Meetings of the executive committee shall—

"(aa) be open to the public; and

"(bb) provide a forum for the public to provide comment regarding the management of, and public access to, the Nevada Test and Training Range and the Desert National Wildlife Refuge.

"(viii) CONDITIONS AND TERMS OF APPOINTMENT.—

"(I) IN GENERAL.—Each member of the executive committee shall serve voluntarily and without compensation.

"(II) TERM OF APPOINTMENT.—

"(aa) IN GENERAL.—Each member of the executive committee shall be appointed for a term of 4 years.

"(bb) ORIGINAL MEMBERS.—Notwithstanding item (aa), the Secretary of the Interior and the Secretary of the Air Force shall select—

"(AA) ½ of the original members of the executive committee to serve for a term of 4 years; and

"(BB) ½ of the original members of the executive committee to serve for a term of 2 years.

"(III) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Interior and the Secretary of the Air Force may reappoint or replace a member of the executive committee if—

"(aa) the term of the member has expired;

"(bb) the member has resigned; or

"(cc) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

Appointments.

"(ix) LIAISONS.—The Secretary of the Air Force and the Secretary of the Interior shall each appoint appropriate operational and land management personnel of the Department of the Air Force and the Department of the Interior, respectively, to participate in, and serve as liaisons to, the executive committee.".

Subtitle F—Asia-Pacific and Indo-Pacific Issues

SEC. 2851. CHANGE TO BIENNIAL REPORTING REQUIREMENT FOR INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.

Section 2835(e)(1) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 10 U.S.C. 2687 note) is amended—

(1) in the paragraph heading, by striking "ANNUAL" and inserting "BIENNIAL"; and

(2) in the matter preceding subparagraph (A)—

(A) by striking "February 1 of each year" and inserting "February 1, 2022, and every second February 1 thereafter";

(B) by striking "fiscal year" and inserting "two fiscal years";

(C) by striking "such year" and inserting "such years"; and

(D) by striking "the year" and inserting "the years".

SEC. 2852. ADDITIONAL EXCEPTION TO RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.

Guam.

Notwithstanding section 2821(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 10 U.S.C. 2687 note), the Secretary of Defense may proceed with the public infrastructure project on Guam intended to provide a new public health laboratory, as identified in the report prepared by the Secretary of Defense under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1017) and entitled "Economic Adjustment Committee Implementation Plan Supporting the Preferred Alternative for the Relocation of Marine Corps Forces to Guam", subject to the availability of funds for the project.

SEC. 2853. DEVELOPMENT OF MASTER PLAN FOR INFRASTRUCTURE TO SUPPORT ROTATIONAL ARMED FORCES IN AUSTRALIA.

(a) MASTER PLAN REQUIRED.—The Secretary of Defense shall develop a master plan for the construction of infrastructure required to support the rotational presence of units and members the United States Armed Forces in the Northern Territory of the Commonwealth of Australia (in this section referred to as the "Northern Territory").

(b) MASTER PLAN ELEMENTS.—The master plan shall include the following: Lists.

(1) A list and description of the scope, cost, and schedule for each military construction, repair, or other infrastructure project carried out at installations or training areas in the Northern Territory since October 1, 2011.

(2) A list and description of the scope, cost, and schedule for each military construction, repair, or other infrastructure project anticipated to be necessary at installations or training areas in the Northern Territory during the 10-year period beginning on the date of the enactment of this Act.

(3) For each project included in the master plan pursuant to paragraph (1) or (2), an explanation of—

(A) whether the proponent of the project was the Secretary of a military department, a combat support agency, a combatant command, or the Commonwealth of Australia; and

(B) the funding source, or anticipated resource sponsor, for the project, including whether the project is funded by the United States, by the Commonwealth of Australia, or jointly by both countries.

(4) Such other issues as determined by the Secretary of Defense to be appropriate.

(c) COORDINATION.—The Secretary of Defense shall coordinate with the Commander of United States Indo-Pacific Command and the Secretaries of the military departments to develop the master plan.

(d) REPORT REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a copy of the master plan. The report shall be submitted in unclassified form, but may include a classified annex. Classified information.

SEC. 2854. BULK FUEL MANAGEMENT IN UNITED STATES INDO-PACIFIC COMMAND AREA OF RESPONSIBILITY. 10 USC 2922 note.

(a) DESIGNATION OF RESPONSIBLE ORGANIZATIONAL ELEMENT.—

(1) DESIGNATION REQUIRED.—The Secretary of Defense shall designate a single organizational element of the Department of Defense to be responsible for bulk fuel management and delivery throughout the United States Indo-Pacific Command Area of Responsibility.

(2) DEADLINE FOR DESIGNATION; NOTICE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall make the designation required by paragraph (1) and notify the Committees on Armed Services of the Senate and the House of Representatives of the organizational element so designated.

(b) BULK FUEL MANAGEMENT STRATEGY.—

(1) STRATEGY REQUIRED.—The organizational element designated pursuant to subsection (a) shall prepare a bulk fuel management strategy for the United States Indo-Pacific Command Area of Responsibility designed to develop the required bulk fuel management infrastructure and programs to optimally support bulk fuel management in the United States Indo-Pacific Command Area of Responsibility.

(2) ADDITIONAL ELEMENTS.—The strategy shall include the following additional elements:

(A) A description of current organizational responsibility of bulk fuel management in the United States Indo-Pacific Command Area of Responsibility from ordering, storage, strategic transportation, and tactical transportation to the last tactical mile.

(B) A description of legacy bulk fuel management assets that can be used to support the United States Indo-Pacific Command.

(C) A description of current programs for platforms and weapon systems and research and development aimed at managing fuel constraints through decreasing demand.

(c) COORDINATION.—The bulk fuel management strategy required by subsection (b) shall be prepared in coordination with subject-matter experts of the United States Indo-Pacific Command, the United States Transportation Command, the Defense Logistics Agency, and the military departments.

(d) PROHIBITION ON CERTAIN CONSTRUCTION PENDING NOTICE.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Navy for construction related to additional bulk fuel storage in the United States Indo-Pacific Command Area of Responsibility, not more than 50 percent may be obligated or expended before the date on which the notice required by subsection (a)(2) is submitted.

Subtitle G—Authorized Pilot Programs

SEC. 2861. PILOT PROGRAM TO AUTHORIZE USE OF COST SAVINGS REALIZED FROM INTERGOVERNMENTAL SERVICES AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) PILOT PROGRAM REQUIRED.—Section 2679 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) PILOT PROGRAM FOR USE OF COST SAVINGS REALIZED.—(1) Each Secretary concerned shall conduct a pilot program under which the Secretary will make available to the commander of each military installation for which cost savings are realized as a result of an intergovernmental support agreement entered into under this section an amount equal to not less than 25 percent of the amount of such cost savings for that military installation for a fiscal year.

"(2) Amounts made available to an installation commander under paragraph (1) shall be used solely to address sustainment restoration and modernization requirements that have been approved by the major subordinate command or equivalent component.

"(3) With respect to each military installation for which amounts are made available to the installation commander under paragraph (1), the Secretary concerned shall certify, not less frequently than annually for each fiscal year of the pilot program, to the congressional defense committees the following: Certification.

"(A) The name of the installation and the amount of the cost savings achieved at the installation.

"(B) The source and type of intergovernmental support agreement that achieved the cost savings.

"(C) The amount of the cost savings made available to the installation commander under paragraph (1).

"(D) The sustainment restoration and modernization purposes for which the amount made available under paragraph (1) were used.

"(4) The authority to conduct the pilot program shall expire September 30, 2025.". Expiration date.

(b) PROMULGATION OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate guidance for the development of the pilot program required by subsection (e) of section 2679 of title 10, United States Code, as added by subsection (a). Deadline. 10 USC 2679 note.

SEC. 2862. DEPARTMENT OF DEFENSE PILOT PROGRAM TO EVALUATE EXPANSION OF LAND EXCHANGE AUTHORITY.

(a) PILOT PROGRAM REQUIRED.—Section 2869(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense shall establish a pilot program under which the Secretary concerned, during the term of the pilot program, may use the authority provided by paragraph (1) to also convey real property, including any improvements thereon, described in paragraph (2) to any person who agrees, in exchange for the real property, to provide—

"(i) installation-support services (as defined in 2679(e) of this title); or

"(ii) a new facility or improvements to an existing facility.

"(B) The acquisition of a facility or improvements to an existing facility using the authority provided by subparagraph (A) shall not be treated as a military construction project for which an authorization is required by section 2802 of this title.

"(C) The expanded conveyance authority provided by subparagraph (A) applies only during the five-year period beginning on the date on which the Secretary of Defense issues guidance regarding the use by the Secretaries concerned of such authority.".

(b) CONDITIONS ON USE OF EXPANDED CONVEYANCE AUTHORITY.—Section 2869(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "of the land to be" and inserting "of the real property, installation-support services, or facility or improvements to an existing facility"; and

(B) in the second sentence, by striking "of the land is less than the fair market value of the real property to be conveyed" and inserting "of the real property conveyed by the Secretary concerned exceeds the fair market value

of the real property, installation-support services, or facility or improvements received by the Secretary"; and

(2) by adding at the end the following new paragraph:

Determination.

"(3) The Secretary concerned may agree to accept a facility or improvements to an existing facility under subsection (a)(3) only if the Secretary concerned determines that the facility or improvements—

"(A) are completed and usable, fully functional, and ready for occupancy;

"(B) satisfy all operational requirements; and

"(C) meet all Federal, State, and local requirements applicable to the facility relating to health, safety, and the environment.".

Deadline.
10 USC 2869 note.

(c) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance providing for the implementation of the pilot program required by section 2869(a)(3) of title 10, United States Code, as added by this section.

10 USC 2801 note.

SEC. 2863. PILOT PROGRAM TO SUPPORT COMBATANT COMMAND MILITARY CONSTRUCTION PRIORITIES.

Evaluation.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to evaluate the usefulness of reserving a portion of the military construction funds of the military departments to help the combatant commands satisfy their military construction priorities in a timely manner.

(b) LOCATION.—The Secretary of Defense shall conduct the pilot program for the benefit of the United States Indo-Pacific Command in the area of responsibility of the United States Indo-Pacific Command.

(c) REQUIRED INVESTMENT.—For each fiscal year during which the pilot program is conducted, the Secretary of Defense shall reserve to carry out military construction projects under the pilot program an amount equal to 10 percent of the total amount authorized to be appropriated for military construction projects by titles XXI, XXII, and XXIII of the Military Construction Authorization Act for that fiscal year.

(d) COMMENCEMENT AND DURATION.—

Deadline.
Determination.

(1) COMMENCEMENT.—The Secretary of Defense shall commence the pilot program no later than October 1, 2023. The Secretary may commence the pilot program as early as October 1, 2022, if the Secretary determines that compliance with the reservation of funds requirement under subsection (c) is practicable beginning with fiscal year 2023.

(2) DURATION.—The pilot program shall be in effect for the fiscal year in which the Secretary commences the pilot program, as described in paragraph (1), and the subsequent two fiscal years. Any construction commenced under the pilot program before the expiration date may continue to completion.

Evaluations.

(e) PROGRESS REPORT.—Not later than February 15 of the final fiscal year of the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the success of the pilot program in improving the timeliness of the United States Indo-Pacific Command in achieving its military construction priorities. The Secretary shall include in the report—

(1) an evaluation of the likely positive and negative impacts were the pilot program extended or made permanent and, if

extended or made permanent, the likely positive and negative impacts of expansion to cover all or additional combatant commands; and

(2) the recommendations of the Secretary regarding whether the pilot program should be extended or made permanent and expanded. Recommendations.

SEC. 2864. PILOT PROGRAM TO TEST USE OF EMERGENCY DIESEL GENERATORS IN A MICROGRID CONFIGURATION AT CERTAIN MILITARY INSTALLATIONS. 10 USC 2911 note.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a pilot program (to be known as the "Emergency Diesel Generator Microgrid Program") to evaluate the feasibility and cost effectiveness of connecting existing diesel generators at a military installation selected pursuant to subsection (c) to create and support one or more microgrid configurations at the installation capable of providing full-scale electrical power for the defense critical facilities located at the installation during an emergency involving the loss of external electric power supply caused by an extreme weather condition, manmade intentional infrastructure damage, or other circumstance. Evaluation.

(b) GOALS OF PILOT PROGRAM.—The goals of the Emergency Diesel Generator Microgrid Program are—

(1) to test assumptions about lower operating and maintenance costs, parts interchangeability, lower emissions, lower fuel usage, increased resiliency, increased reliability, and reduced need for emergency diesel generators; and

(2) to establish design criteria that could be used to build and sustain emergency diesel generator microgrids at other military installations. Criteria.

(c) PILOT PROGRAM LOCATIONS.—As the locations to conduct the Emergency Diesel Generator Microgrid Program, the Secretary of Defense shall select two major military installations located in different geographical regions of the United States that the Secretary determines— Determination.

(1) are defense critical electric infrastructure sites or contain, or are served by, defense critical electric infrastructure;

(2) contain more than one defense critical function for national defense purposes and the mission assurance of such critical defense facilities are paramount to maintaining national defense and force projection capabilities at all times; and

(3) face unique electric energy supply, delivery, and distribution challenges that, based on the geographic location of the installations and the overall physical size of the installations, adversely impact rapid electric infrastructure restoration after an interruption.

(d) SPECIFICATIONS OF DIESEL GENERATORS AND MICROGRID.—

(1) GENERATOR SPECIFICATIONS.—The Secretary of Defense shall use existing diesel generators that are sized >/= 750kW output.

(2) MICROGRID SPECIFICATIONS.—The Secretary of Defense shall create the microgrid using commercially available and proven designs and technologies. The existing diesel generators used for the microgrid should be spaced within 1.0 to 1.5 mile of each other and, using a dedicated underground electric cable network, be tied into a microgrid configuration sufficient to supply mission critical facilities within the service area of

the microgrid. A selected military installation may contain more than one such microgrid under the Emergency Diesel Generator Microgrid Program.

(e) PROGRAM AUTHORITIES.—The Secretary of Defense may use the authority under section 2914 of title 10, United States Code (known as the Energy Resilience and Conservation Investment Program), and energy savings performance contracts to conduct the Emergency Diesel Generator Microgrid Program.

(f) DEFINITIONS.—For purposes of the Emergency Diesel Generator Microgrid Program:

(1) The term "defense critical electric infrastructure" has the meaning given that term in section 215A of the Federal Power Act (16 U.S.C. 824o–1).

(2) The term "energy savings performance contract" has the meaning given that term in section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)).

(3) The term "existing diesel generators" means diesel generators located, as of the date of the enactment of this Act, at a major military installation selected as a location for the Emergency Diesel Generator Microgrid Program and intended for emergency use.

(4) The term "major military installation" has the meaning given that term in section 2864 of title 10, United States Code.

10 USC 2802 note.

SEC. 2865. PILOT PROGRAM TO AUTHORIZE ADDITIONAL MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS AT MILITARY INSTALLATIONS.

(a) AUTHORIZATION OF ADDITIONAL PROJECTS.—Each Secretary of a military department shall conduct a pilot program under which the Secretary may carry out military construction projects for child development centers at military installations, as specified in the funding table in section 4601 of a National Defense Authorization Act for a fiscal year covered by the pilot program. The military construction projects authorized under the pilot program are in addition to other military construction projects authorized by this Act or other National Defense Authorization Acts for fiscal years covered by the pilot program.

(b) REPORTING REQUIREMENT AS CONDITION OF AUTHORIZATION.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of a National Defense Authorization Act for a fiscal year covered by the pilot program, the Secretary of the military department concerned shall submit to the congressional defense committees a report that describes the location, title, and cost, together with a Department of Defense Form 1391, for each military construction project the Secretary proposes to carry out under the pilot program pursuant to that National Defense Authorization Act.

(2) TIMING OF AVAILABILITY OF FUNDS.—No funds may be obligated or expended for a military construction project under the pilot program—

(A) unless the project is included in a report submitted under paragraph (1); and

(B) until the expiration of the 30-day period beginning on the date on which the Secretary concerned submits

the report under paragraph (1) in which the project is included.

(c) EXPIRATION OF AUTHORIZATION.—Section 2002 of a National Defense Authorization Act for a fiscal year covered by the pilot program shall apply with respect to the authorization of a military construction project carried out under the pilot program pursuant to that National Defense Authorization Act in the same manner as such section applies to the authorization of military construction projects contained in titles XXI through XXIII of that National Defense Authorization Act. Applicability.

(d) COVERED FISCAL YEARS.—The pilot program shall be carried out for each of fiscal years 2021 through 2025, as provided in the National Defense Authorization Act for that fiscal year.

SEC. 2866. DEPARTMENT OF THE ARMY PILOT PROGRAM FOR DEVELOPMENT AND USE OF ONLINE REAL ESTATE INVENTORY TOOL. 10 USC note prec. 7771.

(a) PILOT PROGRAM REQUIRED.—

(1) ESTABLISHMENT.—The Secretary of the Army shall establish a pilot program for the development of an online real estate tool to identify the existing inventory of space available at the Army installations selected by the Secretary under paragraph (2) for the purposes specified in subsection (b).

(2) SELECTION OF PILOT LOCATIONS.—The Secretary shall evaluate the online inventory tool at not less than five, but not more than 10, Army installations selected by the Secretary as appropriate locations for evaluation of the online inventory tool. Evaluation.

(3) CONSULTATION.—The Secretary shall establish the pilot program and develop the online inventory tool in consultation with the Administrator of General Services and the Assistant Secretary of Defense for Sustainment.

(b) PURPOSES.—The purposes of the online inventory tool are—

(1) to achieve efficiencies in real estate property management consistent with the National Defense Strategy goal of finding greater efficiencies within Department of Defense operations;

(2) to provide a means to better market to the public information regarding space available at Army installations for better utilization of such space; and

(3) to provide a means to better quantify existing space available at Army installations and how it is utilized for current missions and requirements.

(c) CONSIDERATIONS.—To establish the pilot program, the Secretary of the Army shall—

(1) consider innovative approaches, including the use of other transaction authorities consistent with section 2371 of title 10, United States Code, and the use of commercial off-the-shelf technologies;

(2) develop appropriate protections of sensitive or classified information from being included with the online inventory tool; and

(3) develop appropriate levels of access for private sector users of the online inventory tool.

(d) ESTABLISHMENT OF USE POLICY.—In connection with the development of the online inventory tool, the Secretary of the Army shall develop policy requiring the use of the online inventory tool

at the Army installations selected under subsection (a)(2) to query for existing inventory at such installations before any military construction or off-post leases are agreed to for such installations. The Secretary shall ensure that all relevant notifications to congressional defense committees include certification that the online inventory tool was used.

Certification.

(e) ONLINE INVENTORY TOOL DEFINED.—In this section, the term "online inventory tool" means the online real estate tool developed under the pilot program to identify existing inventory of space available at Army installations selected to participate in the pilot program.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to effect the application of title V of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.).

Evaluations.

(g) REPORTING REQUIREMENT.—Not later than February 15, 2025, the Secretary of the Army shall submit to Committees on Armed Services of the Senate and the House of Representatives a report evaluating the success of the pilot program in achieving the purposes specified in subsection (b). At a minimum, the report also shall identify and contain the following:

(1) The Army installations selected under subsection (a)(2) to participate in the pilot program.

(2) The number of real estate agreements entered into by the Department of the Army that were facilitated by use of the online inventory tool, including for each agreement the installation, amount of space, value, and purpose of the agreement.

(3) An evaluation of the extent to which use of the online inventory tool reduced the need for military construction or off-post leases.

(4) An evaluation of any impediments to efficient use of the online inventory tool.

Recommendations.

(5) The recommendations of the Secretary regarding whether the pilot program should be extended, expanded, or made permanent.

Expiration date.

(h) DURATION.—The authority of the Secretary of the Army to conduct the pilot program shall expire on September 30, 2025.

Subtitle H—Miscellaneous Studies and Reports

SEC. 2871. REPORTS REGARDING DECISION-MAKING PROCESS USED TO LOCATE OR RELOCATE MAJOR HEADQUARTERS AND CERTAIN MILITARY UNITS AND WEAPON SYSTEMS.

(a) ONE-TIME REPORT ON DECISION-MAKING PROCESS.—

(1) REPORT REQUIRED.—Not later than March 1, 2021, each Secretary of a military department (and the Secretary of Defense with respect to matters concerning the Defense Agencies and the Joint Staff) shall submit a report to the Committees on Armed Services of the House of Representatives and the Senate regarding the process to be used by the Secretary concerned to make basing decisions for each Armed Force under the jurisdiction of the Secretary concerned in the following circumstances:

(A) Whenever a military installation is to be selected to serve as the first permanent location for a new major

headquarters, covered military unit, or major weapon system.

(B) Whenever a permanent change is considered in the basing of a major headquarters, covered military unit, or major weapon system by relocating the major headquarters, covered military unit, or major weapon system from its current military installation to a different military installation.

(2) ELEMENTS OF REPORT.—The report submitted by the Secretary concerned under paragraph (1) shall include at a minimum the following: Plans.

(A) A description of the decision-making process to be used by that Secretary for basing decisions covered under subparagraph (A) and (B) of such paragraph.

(B) A timeline for the scenarios outlined in such subparagraphs, including the decision authority for each decision to be made during the decision-making process. Timeline.

(C) The congressional engagement plan to be used to notify the Committees on Armed Services of the House of Representatives and the Senate and interested Members of Congress at key points throughout the decision-making process. Notification.

(D) The plan for implementing the requirements of section 483 of title 10, United States Code, as added by subsection (b).

(3) DEFINITIONS.—The definitions contained in section 483 of title 10, United States Code, as added by subsection (b), apply to this subsection.

(b) CONGRESSIONAL NOTIFICATIONS REQUIRED RELATED TO BASING DECISION-MAKING PROCESS.—Chapter 23 of title 10, United States Code, is amended by inserting after section 482 the following new section:

"§ 483. Notifications related to basing decision-making process 10 USC 483.

"(a) NOTIFICATION REQUIRED.—At each point in the decision-making process specified in subsection (b), the Secretary concerned shall notify the congressional defense committees of the decision-making process to be used or the decision-making process used, whichever applies— Applicability.

"(1) to select a military installation to serve as the first permanent location for a new major headquarters, covered military unit, or major weapon system; or

"(2) to make a permanent change in the basing of a major headquarters, covered military unit, or major weapon system by relocating the major headquarters, covered military unit, or major weapon system from its current military installation to a different military installation.

"(b) DEADLINES FOR SUBMISSION OF NOTICE.—The Secretary concerned shall provide the notice required by subsection (a) within seven days after each of the following decision points during the decision-making process:

"(1) When the Secretary concerned issues any formal internal guidance to begin the decision-making process regarding the location or relocation of a major headquarters, covered military unit, or major weapon system.

"(2) When the Secretary concerned selects between two and five military installations as the most likely candidate locations for a major headquarters, covered military unit, or major weapon system in order to subject those installations to additional analysis.

"(3) When the Secretary concerned selects a specific military installation as the preferred location for the major headquarters, covered military unit, or major weapon system.

"(c) REQUIRED ELEMENTS OF NOTIFICATION.—In a notice required by subsection (a), the Secretary concerned shall include at a minimum the following:

"(1) A description of the manner in which the joint and all-domain training capabilities at each candidate location, if applicable to the type of basing decision-making process at issue, will be or was, whichever applies, comparatively analyzed among candidate military installations, separate from and in addition to the mission criteria to be used or that was used to make the basing decision.

"(2) A description of the manner in which the airspace and training areas available at each candidate location, if applicable to the type of basing decision-making process at issue, will be or was, whichever applies, comparatively analyzed among candidate military installations, separate from and in addition to the mission criteria to be used or that was used to make the basing decision.

"(3) A description of the manner in which community support for the basing decision-making process described in subsection (a) will be or was, whichever applies, comparatively analyzed among candidate military installations, including consultation with appropriate State officials and officials of units of local government in which each installation is located regarding matters affecting the local community, such as transportation, utility infrastructure, housing, education, and family support activities. In any case in which the Secretary concerned selects as the preferred location a military installation with less community support compared to other locations, as indicated by such a comparative analysis, an explanation of the operational considerations that formed the basis for such selection.

Applicability.

"(4) An explanation of how each candidate location will be or was, whichever applies, scored against the factors referred to in the preceding paragraphs, including the weight assigned to each factor.

Summary.
Applicability.

"(5) A summary of any internal score cards that will be or were, whichever applies, used to make the basing decision.

Time period.

"(d) NOTICE AND WAIT REQUIREMENTS.—No irrevocable action may be taken to effect or implement a basing decision reached through the decision-making process described in subsection (a) until the end of the 14-day period beginning on the date on which the Secretary concerned submits, in an electronic medium pursuant to section 480 of this title, the notice referred to in subsection (b)(3) regarding a preferred location for the major headquarters, covered military unit, or major weapon system.

"(e) ANNUAL REPORTING REQUIREMENT.—

"(1) REPORT REQUIRED.—Not later than 10 days after the date on which the budget request for a fiscal year is submitted

to Congress under section 1105 of title 31, the Secretary concerned shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report providing the following:

"(A) An update on the status and anticipated completion date of each decision-making process that was commenced or was underway during the previous two fiscal years regarding the location or relocation of a major headquarters, covered military unit, or major weapon system. Update.

"(B) A list and description of anticipated basing decisions to be made regarding the location or relocation of a major headquarters, covered military unit, or major weapon system over the period covered by the future-years defense plan. List.

"(C) A timeline for a congressional engagement plan to brief the Committees on Armed Services of the House of Representatives and the Senate during the decision-making process and when decision notifications would be provided to interested Members of Congress. Timeline.

"(2) ELEMENTS OF REPORT.—To satisfy the requirements of paragraph (1)(B), a report under this subsection shall include at a minimum the following:

"(A) An estimate of the number of members of the armed forces and civilian personnel potentially impacted by the basing decision. Estimate.

"(B) The locations to be considered, if already known.

"(C) The expected timeline for beginning the decision-making process and reaching a final determination. Timeline. Determination.

"(f) DEFINITIONS.—In this section:

"(1) The term 'covered military unit' means a unit of the armed forces whose initial assignment to a military installation or relocation from a military installation to a different military installation requires the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) The term 'major headquarters' means the headquarters of a military unit or command that is the appropriate command of a general officer or flag officer.

"(3) The term 'major weapon system' means a weapon system that is treatable as a major system under section 2302(5) of title.

"(4) The term 'military installation' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"(5) The term 'Secretary concerned' means—

"(A) the Secretary of the military department concerned; and

"(B) the Secretary of Defense with respect to matters concerning the Defense Agencies and the Joint Staff.".

10 USC prec. 480.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 10, United States Code, is amended by inserting after the item relating to section 482 the following new item:

"483. Notifications related to basing decision-making process.".

SEC. 2872. REPORT ON EFFECT OF NOISE RESTRICTIONS ON MILITARY INSTALLATIONS AND OPERATIONS AND DEVELOPMENT AND IMPLEMENTATION OF NOISE MITIGATION MEASURES.

(a) REPORT REQUIREMENT.—Not later than July 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report describing—

(1) the types and extent of noise restrictions impacting military installations inside the United States, including outlying landing fields and training ranges;

(2) the effect of such noise restrictions on the operational readiness and efficiency of aviation units stationed at or using the military installations;

(3) the voluntary noise mitigation measures, encroachment management measures, and community relations initiatives used by the military departments to prevent or lessen the need for noise restrictions; and

(4) the progress being made to develop and implement additional cost-effective technological measures to mitigate noise emanating from operations at military installations and to prevent or lessen the need for noise restrictions.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretaries of the military departments.

SEC. 2873. STUDY AND REPORT REGARDING CONTINUED NEED FOR PROTECTED AIRCRAFT SHELTERS IN EUROPE AND STATUS OF UNITED STATES AIR BASE RESILIENCY IN EUROPE.

Consultation. Determination.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the United States European Command, shall conduct a study to determine the following:

(1) The continued need for protected aircraft shelters in Europe utilized by the United States Armed Forces.

(2) The feasibility of providing alternative protections against attack for United States military aircraft based in Europe that would be as effective as, or more effective than, protected aircraft shelters against attack.

(3) The current resiliency status of air bases in Europe under the operational control of the Department of Defense or a military department and utilized by the United States Armed Forces.

(4) The effect of the proposed demotion of protected aircraft shelters in Europe on the resiliency of such air bases in Europe.

(b) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study required by subsection (a). The report shall be submitted in unclassified form, but may include a classified annex.

Classified information.

(c) PROHIBITION ON CERTAIN ACTIVITIES PENDING STUDY.—Until the study required by subsection (a) is submitted as provided in subsection (b), funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 and funds authorized to be appropriated by a National Defense Authorization Act or otherwise made available for fiscal year 2022 may not be obligated or expended to implement any activity that would have the effect of—

(1) reducing the resiliency of any air base in Europe under the operational control of the Department of Defense or a military department and utilized by the United States Armed Forces; or

(2) demolishing any protected aircraft shelter in Europe utilized by the United States Armed Forces.

(d) WAIVER AND EXCEPTION.—The Secretary of Defense may waive the prohibition in subsection (c)(2) and authorize the demolition of a protected aircraft shelter covered by the prohibition at any time after the end of the 14-day period beginning on the date on which the Secretary certifies to the congressional defense committees, in an electronic medium pursuant to section 480 of title 10, United States Code, that the protected aircraft shelter— Time period. Certification.

(1) is no longer needed to meet foreseeable threats to United States military aircraft in the European theater; or

(2) is no longer a viable defensive measure to protect against such foreseeable threats.

Subtitle I—Other Matters

SEC. 2881. MILITARY CONSTRUCTION INFRASTRUCTURE AND WEAPON SYSTEM SYNCHRONIZATION FOR GROUND BASED STRATEGIC DETERRENT.

(a) AUTHORIZATION FOR PLANNING AND DESIGN.—Of the amounts authorized to be appropriated for planning and design, Air Force, for fiscal year 2021, for the Ground Based Strategic Deterrent, as specified in the funding table in section 4601, the Secretary of the Air Force may use not more than $15,000,000 for the purpose of obtaining or carrying out necessary planning and construction design in connection with military construction projects and other infrastructure projects necessary to support the development and fielding of the Ground Based Strategic Deterrent weapon system.

(b) AIR FORCE PROJECT MANAGEMENT AND SUPERVISION.—Each contract entered into by the United States for a military construction project or other infrastructure project in connection with the development and fielding of the Ground Based Strategic Deterrence weapon system shall be carried out under the direction and supervision of the Secretary of the Air Force. The Secretary may utilize and consult with the Air Force Civil Engineer Center, the Army Corps of Engineers, and the Naval Facilities Engineering Command for subject matter expertise, contracting capacity, and other support as determined to be necessary by the Secretary to carry out this section.

(c) USE OF SINGLE PRIME CONTRACTOR.—The Secretary of the Air Force may award contracts for planning and construction design and for military construction projects and other infrastructure projects authorized by law in connection with the development

and fielding of the Ground Based Strategic Deterrent weapon system to a single prime contractor if the Secretary determines that awarding the contracts to a single prime contractor—

(1) is in the best interest of the Government; and

(2) is necessary to ensure the proper synchronization and execution of work related to the development and fielding of the Ground Based Strategic Deterrent weapon system and its associated military construction projects and other infrastructure projects.

(d) EXCEPTIONS TO CURRENT LAW.—The Secretary of the Air Force may carry out this section without regard to the following provisions of law:

(1) Section 2304 of title 10, United States Code.

(2) Section 2851(a) of such title.

(e) EXPIRATION OF AUTHORITY.—The authorities provided by this section shall expire upon the earlier of the following:

(1) The date that is 15 years after the date of the enactment of this Act.

Certification.

(2) The date on which the Secretary of the Air Force submits to the congressional defense committees a certification that the fielding of the Ground Based Strategic Deterrent weapon system is complete.

(f) REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report describing the actions taken and to be taken by the Secretary to ensure that the development and fielding of the Ground Based Strategic Deterrent weapon system is synchronized with its associated military construction projects and other infrastructure projects.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall contain, at minimum, the following elements:

(A) A description of the estimated total cost, scope of work, location, and schedule for the planning and design, military construction, and other infrastructure investments necessary to support the development and fielding of the Ground Based Strategic Deterrent weapon system.

Recommendation.

(B) A recommendation regarding the methods by which a programmatic military construction authorization, authorization of appropriations, and appropriation, on an installation-by-installation basis, could be used to support the synchronized development and fielding of the Ground Based Strategic Deterrent and its associated military construction projects and other infrastructure projects.

(C) Identification of the specific provisions of law, if any, that the Secretary determines may adversely impact or delay the development and fielding of the Ground Based Strategic Deterrent weapon system and its associated construction projects and other infrastructure projects, assuming, as described in subparagraph (B), the use of a programmatic military construction authorization on an installation-by-installation basis.

Plan.

(D) A plan to ensure sufficient capability and capacity to cover civilian and military manning for oversight and contract management related to the development and fielding of the Ground Based Strategic Deterrent weapon

system and its associated construction projects and other infrastructure projects.

(3) UPDATES.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal years 2023 through 2026, the Secretary of Defense shall notify the congressional defense committees of any deviations made during the current or preceding fiscal year or intended to be made during the current or next fiscal year from the synchronization actions described in the report required by paragraph (1), in particular the report elements specified in paragraph (2). Notification.

SEC. 2882. DEFENSE COMMUNITY INFRASTRUCTURE PROGRAM.

(a) PRIORITIZATION OF COMMUNITY INFRASTRUCTURE PROJECTS.—Section 2391(d)(1) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking ", if the Secretary determines that such assistance will enhance the military value, resilience, or military family quality of life at such military installation"; and

(3) by adding at the end the following new subparagraph:

"(B) The Secretary shall establish criteria for the selection of community infrastructure projects to receive assistance under this subsection, including selection of community infrastructure projects in the following order of priority: Criteria.

"(i) Projects that will enhance military value at a military installation, taking into consideration the military value criteria originally developed by the Secretary in compliance with the amendment made by section 3002 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1344).

"(ii) Projects that will enhance military installation resilience, as defined in section 101(e)(8) of this title.

"(iii) Projects that will enhance military family quality of life at a military installation, taking into consideration subsection (e)(4)(C).".

(b) COST-SHARING REQUIREMENTS.—Paragraph (2) of section 2391(d) of title 10, United States Code, is amended to read as follows:

"(2)(A) The criteria established for the selection of community infrastructure projects to receive assistance under this subsection shall include a requirement that, except as provided in subparagraph (B), the State or local government agree to contribute not less than 30 percent of the funding for the community infrastructure project.

"(B) If a proposed community infrastructure project will be carried out in a rural area or the Secretary of Defense determines that a proposed community infrastructure project is advantageous for reasons related to national security, the Secretary— Determination.

"(i) shall not penalize a State or local government for offering to make a contribution of 30 percent or less of the funding for the community infrastructure project; and

"(ii) may reduce the requirement for a State or local government contribution to 30 percent or less or waive the cost-sharing requirement entirely.".

(c) SPECIFIED DURATION OF PROGRAM.—Section 2391(d)(4) of title 10, United States Code, is amended by striking "upon the

expiration of the 10-year period which begins on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019" and inserting "on September 30, 2028".

(d) CLARIFICATION OF MILITARY FAMILY QUALITY OF LIFE CRITERIA.—Section 2391(e)(4) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

Determination.

"(C) For the purposes of determining whether proposed community infrastructure will enhance quality of life, the Secretary of Defense shall consider the impact of the community infrastructure on alleviating installation commuter workforce issues and the benefit of schools or other local infrastructure located off of a military installation that will support members of the armed forces and their dependents residing in the community.".

(e) DEFINITION OF RURAL AREA REVISED.—Section 2391(e)(5) of title 10, United States Code, is amended by striking "50,000 inhabitants" and inserting "100,000 inhabitants".

10 USC 1781b note.

SEC. 2883. CONSIDERATION OF CERTAIN MILITARY FAMILY READINESS ISSUES IN MAKING BASING DECISIONS ASSOCIATED WITH CERTAIN MILITARY UNITS AND MAJOR HEADQUARTERS.

Determination.

(a) TAKING INTO CONSIDERATION MILITARY FAMILY READINESS ISSUES.—In determining whether to proceed with any basing decision associated with a covered military unit or major headquarters in the United States after the date of the enactment of this Act, the Secretary of the military department concerned shall take into account, among such other factors as that Secretary considers appropriate, the military family readiness considerations specified in this section, including those military family readiness considerations specified pursuant to subsection (e).

(b) INTERSTATE PORTABILITY OF LICENSURE AND CERTIFICATION CREDENTIALS.—With regard to the State in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which the State—

(1) has entered into reciprocity agreements to recognize and accept professional and occupational licensure and certification credentials granted by or in other States; or

(2) allows for the transfer of such licenses and certifications granted by or in other States.

(c) HOUSING.—With regard to the military housing area in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which housing (including military family housing) that meets Department of Defense requirements is available and accessible to members of the Armed Forces through the private sector in such military housing area.

(d) HEALTH CARE.—With regard to the community in which an installation subject to a basing decision covered by subsection (a) is or will be located, the Secretary of the military department concerned shall take into account the extent to which primary healthcare and specialty healthcare is available and accessible to dependents, including dependents with disabilities, of members of the Armed Forces through the private sector in such local community.

(e) OTHER SPECIFIED CONSIDERATIONS.—The Secretary of the military department concerned shall take into account such other considerations in connection with military family readiness as the Secretary of Defense shall specify for purposes of compliance with this section.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed as requiring the Secretary of a military department to make a basing decision covered by subsection (a) that the Secretary determines would diminish military readiness or impede military mission for the purpose of military family readiness.

(g) ANALYTICAL FRAMEWORK.—The Secretary of the military department concerned shall take into account the considerations specified in this section, among such other factors as the Secretary considers appropriate, in determining whether to proceed with a basing decision covered by subsection (a) using an analytical framework developed by that Secretary that uses criteria based on— Data. Determination.

(1) quantitative data available within the Department of Defense; and

(2) such reliable quantitative data from sources outside the Department as the Secretary considers appropriate.

(h) BASING DECISION SCORECARD.—

(1) SCORECARD REQUIRED.—The Secretary of the military department concerned shall establish a scorecard for military installations under the jurisdiction of such Secretary, and for States and localities in which such installations are or may be located, to facilitate taking into account the considerations specified in this section whenever that Secretary makes a basing decision covered by subsection (a).

(2) UPDATE.—The Secretary of the military department concerned shall update the scorecard established by that Secretary under this subsection not less frequently than once each year in order to keep the information in such scorecard as current as is practicable.

(3) AVAILABILITY TO PUBLIC.—A current version of each scorecard established under this subsection shall be available to the public through an Internet website of the military department concerned that is accessible to the public. Web posting.

(i) BRIEFINGS.—Not later than April 1 of each of 2021, 2022, and 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on actions taken pursuant to this section, including a description and assessment of the effect of the taking into account of the considerations specified in this section on particular basing decisions in the United States during the one-year period ending on the date of the briefing. Deadline. Time periods. Assessment.

(j) DEFINITIONS.—In this section:

(1) The term "covered military unit" means a unit of the Armed Forces whose initial assignment to a military installation or relocation from a military installation to a different military installation requires the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) The term "major headquarters" means the headquarters of a unit of the Armed Forces or command that is the appropriate command of a general officer or flag officer.

10 USC 2672 note.

SEC. 2884. DEPARTMENT OF DEFENSE POLICY FOR REGULATION IN MILITARY COMMUNITIES OF DANGEROUS DOGS KEPT AS PETS.

Deadline.

(a) POLICY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a uniform policy for the regulation of dangerous dogs kept as pets in military communities.

(b) CONSULTATION.—The policy required by subsection (a) shall be developed in consultation with professional veterinary and animal behavior experts in regard to effective regulation of dangerous dogs kept as pets.

(c) REGULATIONS.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations implementing the policy established under subsection (a).

(2) BEST PRACTICES.—The regulations prescribed under paragraph (1) shall include strategies, for implementation within all military communities, for the prevention of dog bites that are consistent with the following best practices:

(A) Enforcement of regulations relating to dangerous dogs kept as pets, with emphasis on identification of dangerous dog behavior and chronically irresponsible pet owners.

(B) Enforcement of animal control regulations, such as leash laws and stray animal control policies.

(C) Promotion and communication of resources for pet spaying and neutering.

(D) Investment in community education initiatives, such as teaching criteria for pet selection, pet care best practices, owner responsibilities, and safe and appropriate interaction with dogs.

(d) EXCLUSIONS.—This section does not apply with respect to military working dogs and any dog certified as a service animal.

(e) DEFINITIONS.—In this section:

(1) The term "dangerous dog" means a dog that—

(A) has attacked a person or another animal without justification, causing injury or death to the person or animal; or

(B) exhibits behavior that reasonably suggests the likely risk of such an attack.

(2) The term "military communities" means—

(A) all military installations; and

(B) all military housing, including privatized military housing under subchapter IV of chapter 169 of title 10, United States Code.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Navy construction and land acquisition projects.

Sec. 2902. Authorized Air Force construction and land acquisition projects.

Sec. 2903. Authorization of appropriations.

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Spain	Rota	$59,230,000

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Germany	Ramstein	$36,345,000
	Spangdahlem Air Base	$25,824,000
Romania	Campia Turzii	$130,500,000

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Nuclear energy.

Subtitle B—Nuclear Weapons Stockpile Matters

Sec. 3111. W93 nuclear warhead acquisition process.
Sec. 3112. Earned value management and technology readiness levels for life extension programs.
Sec. 3113. Monitoring of industrial base for nuclear weapons components, subsystems, and materials.
Sec. 3114. Plutonium pit production.

Subtitle C—Defense Environmental Cleanup Matters

Sec. 3121. Public statement of environmental liabilities for facilities undergoing defense environmental cleanup.

Sec. 3122. Inclusion of missed milestones in future-years defense environmental cleanup plan.
Sec. 3123. Classification of defense environmental cleanup as capital asset projects or operations activities.
Sec. 3124. Extension of limitation relating to reclassification of high-level waste.
Sec. 3125. Continued analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation.

Subtitle D—Safeguards and Security Matters

Sec. 3131. Reporting on penetrations of networks of contractors and subcontractors.

Subtitle E—Personnel Matters

Sec. 3141. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3142. Inclusion of certain employees and contractors of Department of Energy in definition of public safety officer for purposes of certain death benefits.
Sec. 3143. Reimbursement for liability insurance for nuclear materials couriers.
Sec. 3144. Transportation and moving expenses for immediate family of deceased nuclear materials couriers.
Sec. 3145. Permanent extension of Office of Ombudsman for Energy Employees Occupational Illness Compensation Program.
Sec. 3146. Reports on diversity of certain contractor employees of National Nuclear Security Administration.
Sec. 3147. Sense of Congress regarding compensation of individuals relating to uranium mining and nuclear testing.

Subtitle F—Budget and Financial Management Matters

Sec. 3151. Reports on financial balances for atomic energy defense activities.

Subtitle G—Administrative Matters

Sec. 3161. Modifications to enhanced procurement authority to manage supply chain risk.
Sec. 3162. Extension of pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development.

Subtitle H—Other Matters

Sec. 3171. Independent study on potential environmental effects of nuclear war.
Sec. 3172. Review of future of computing beyond exascale at the National Nuclear Security Administration.
Sec. 3173. Sense of Congress on the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation.

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 21–D–510, HE Synthesis, Formulation, and Production, Pantex Plant, Amarillo, Texas, $31,000,000.

Project 21–D–511, Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina, $241,900,000.

Project 21–D–512, Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico, $226,000,000.

Project 21–D–530, KL Steam and Condensate Upgrades, Knolls Atomic Power Laboratory, Schenectady, New York, $4,000,000.

General Plant Project, U1a.03 Test Bed Facility Improvements, Nevada National Security Site, Nevada, $16,000,000.

General Plant Project, TA–15 DARHT Hydro Vessel Repair Facility, Los Alamos National Laboratory, New Mexico, $16,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 21–D–401, Hoisting Capability Project, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $10,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Nuclear Weapons Stockpile Matters

SEC. 3111. W93 NUCLEAR WARHEAD ACQUISITION PROCESS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

"SEC. 4223. W93 NUCLEAR WARHEAD ACQUISITION PROCESS. 50 USC 2538e.

"(a) REPORTING REQUIREMENTS.—

"(1) PHASE 1.—Upon receiving a concept definition study under phase 1 of the joint nuclear weapons life cycle for the W93 nuclear weapon, the Nuclear Weapons Council shall submit to the congressional defense committees a report that includes the following:

"(A) A description of the potential military characteristics of the weapon.

"(B) A description of the stockpile-to-target sequence requirements of the weapon.

"(C) An initial assessment of the requirements a W93 nuclear weapon program is likely to generate for the nuclear security enterprise, including— Assessment.

"(i) adjustments to the size and composition of the workforce;

"(ii) additions to existing weapon design and production capabilities; or

"(iii) additional facility recapitalization or new construction.

"(D) A preliminary description of other significant requirements for a W93 nuclear weapon program, including—

"(i) first production unit date;

"(ii) initial operational capability date;

"(iii) full operational capability date; and

"(iv) any unique safety and surety requirements that could increase design complexity or cost estimate uncertainty.

"(2) PHASE 2.—

Deadline. Plan.

"(A) IN GENERAL.—Not later than 15 days after the date on which the Nuclear Weapons Council approves phase 2 of the joint nuclear weapons life cycle for the W93 nuclear weapon, the Administrator shall submit to the congressional defense committees a plan to implement a process of independent peer review or review by a board of experts, or both, with respect to—

"(i) the nonnuclear components of the weapon;

"(ii) subsystem design; and

"(iii) engineering aspects of the weapon.

"(B) REQUIREMENTS FOR PROCESS.—The Administrator shall ensure that the process required by subparagraph (A)—

"(i) uses—

"(I) all relevant capabilities of the Federal Government, the defense industrial base, and institutions of higher education; and

"(II) other capabilities that the Administrator determines necessary; and

"(ii) informs the entire development life cycle of the W93 nuclear weapon.

Deadline.

"(b) CERTIFICATIONS AND REPORTS AT PHASE 3.—Not later than 15 days after the date on which the Nuclear Weapons Council approves phase 3 of the joint nuclear weapons life cycle for the W93 nuclear weapon—

"(1) the Administrator shall certify to the congressional defense committees that—

"(A) phases 1 through 5 of the joint nuclear weapons life cycle for the weapon will employ, at a minimum, the same best practices and will provide Congress with the same level of programmatic insight as exists under the phase 6.X process for life extension programs; and

"(B) the proposed design for the weapon can be carried out within estimated schedule and cost objectives; and

Time period.

"(2) the Commander of the United States Strategic Command shall submit to the congressional defense committees a report containing the requirements for weapon quantity and composition by type for the sub-surface ballistic nuclear (SSBN) force, including such requirements planned for the 15-year period following the date of the report, including any planned life extensions, retirements, or alterations.

"(c) WAIVERS.—Subsections (a) and (b) may be waived during a period of war declared by Congress after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.

"(d) JOINT NUCLEAR WEAPONS LIFE CYCLE DEFINED.—In this section, the term 'joint nuclear weapons life cycle' has the meaning given that term in section 4220.".

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4222 the following new item:

"Sec. 4223. W93 nuclear warhead acquisition process.".

(b) SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES.—Section 4217(b) of such Act (50 U.S.C. 2537(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "phase 6.2A" and inserting "phase 6.2A or new weapon system at the completion of phase 2A";

(ii) in clause (ii), by striking "phase 6.3" and inserting "phase 6.3 or new weapon system at the completion of phase 3";

(iii) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(iv) by inserting after clause (iii) the following new clause (iv):

"(iv) Each new weapon system at the completion of phase 4, relating to production engineering, and before the initiation of phase 5, relating to first production."; and

(B) in subparagraph (B), by striking "phase 6.2" and inserting "phase 6.2 or new weapon system at the completion of phase 2"; and

(2) in paragraph (4)(B), by striking "subparagraph (A)(iv)" and inserting "subparagraph (A)(v)".

SEC. 3112. EARNED VALUE MANAGEMENT AND TECHNOLOGY READINESS LEVELS FOR LIFE EXTENSION PROGRAMS.

50 USC 2538f.

(a) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as amended by section 3111(a)(1), is further amended by adding at the end the following new section:

"SEC. 4224. EARNED VALUE MANAGEMENT AND TECHNOLOGY READINESS LEVELS FOR LIFE EXTENSION PROGRAMS.

"(a) REVIEW OF CONTRACTOR EARNED VALUE MANAGEMENT SYSTEMS.—The Administrator shall enter into an arrangement with an independent entity under which that entity shall—

"(1) review and validate whether the earned value management systems of contractors of the Administration for life extension programs meet the earned value management national standard; and

"(2) conduct periodic surveillance reviews of such systems to ensure that such systems maintain compliance with that standard through program completion.

"(b) BENCHMARKS FOR TECHNOLOGY READINESS LEVELS.—The Administrator shall—

"(1) establish specific benchmarks for technology readiness levels of critical technologies for life extension programs at key decision points; and

"(2) ensure that critical technologies meet such benchmarks at such decision points.

"(c) APPLICABILITY.—This section shall apply to programs that, as of the date of the enactment of this section, have not entered phase 3 of the nuclear weapons acquisition process or phase 6.3 of a nuclear weapons life extension program.

"(d) DEFINITION.—In this section, the term 'earned value management national standard' means the most recent version of the EIA-748 Earned Value Management System Standard published by the National Defense Industrial Association.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4223, as added by section 3111(a)(2), the following new item:

"Sec. 4224. Earned value management and technology readiness levels for life extension programs.".

50 USC 2512 note.

SEC. 3113. MONITORING OF INDUSTRIAL BASE FOR NUCLEAR WEAPONS COMPONENTS, SUBSYSTEMS, AND MATERIALS.

Deadline.

(a) DESIGNATION OF OFFICIAL.—Not later than March 1, 2021, the Administrator for Nuclear Security shall designate a senior official within the National Nuclear Security Administration to be responsible for monitoring the industrial base that supports the nuclear weapons components, subsystems, and materials of the Administration, including—

(1) the consistent monitoring of the current status of the industrial base;

(2) tracking of industrial base issues over time; and

(3) proactively identifying gaps or risks in specific areas relating to the industrial base.

(b) PROVISION OF RESOURCES.—The Administrator shall ensure that the official designated under subsection (a) is provided with resources sufficient to conduct the monitoring required by that subsection.

(c) CONSULTATIONS.—The Administrator, acting through the official designated under subsection (a), shall, to the extent practicable and beneficial, in conducting the monitoring required by that subsection, consult with—

(1) officials of the Department of Defense who are members of the Nuclear Weapons Council established under section 179 of title 10, United States Code;

(2) officials of the Department of Defense responsible for the defense industrial base; and

(3) other components of the Department of Energy that rely on similar components, subsystems, or materials.

Deadlines.

(d) BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than April 1, 2021, the Administrator shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the designation of the official required by subsection (a), including on—

(A) the responsibilities assigned to that official; and

(B) the plan for providing that official with resources sufficient to conduct the monitoring required by subsection (a).

(2) SUBSEQUENT BRIEFINGS.—Not later than April 1, 2022, and annually thereafter through 2024, the Administrator shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on activities carried out under this section that includes an assessment of the progress made by the official designated under subsection (a) in conducting the monitoring required by that subsection. Assessment.

SEC. 3114. PLUTONIUM PIT PRODUCTION.

(a) INDEPENDENT COST ESTIMATE.—

(1) REQUIREMENT.—The Secretary of Energy shall obtain an independent cost estimate for each covered project in accordance with Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets), as in effect on the day before the date of the enactment of this Act.

(2) CONFIDENCE LEVEL.—An independent cost estimate under paragraph (1) with respect to a covered project shall assign a confidence level, expressed as a percentage, with respect to whether the Secretary will be able to carry out the covered project within the estimated schedule and cost objectives of the Department of Energy consistent with the document of the Government Accountability Office entitled "Cost Estimating and Assessment Guide" (GAO–09–3SP) and dated March 2009.

(3) SUBMISSION.—Not later than 30 days after obtaining an independent cost estimate under paragraph (1) with respect to a covered project, the Secretary shall submit to the congressional defense committees the estimate, including the confidence level assigned under paragraph (2). Deadline.

(b) CONDITIONAL REPORTS AND CERTIFICATIONS.—

(1) LOW CONFIDENCE.—If an independent cost estimate for a covered project under subsection (a) assigns a high-end cost for the project that is 15 percent or more higher than the high-end project cost position approved by the Department of Energy for the project at critical decision 1 in the acquisition process—

(A) not later than 90 days after approval of critical decision 1, the Secretary shall submit to the congressional defense committees the report described in paragraph (2) with respect to the covered project; and

(B) not later than 90 days after the date on which the Secretary submits the independent cost estimate to the congressional defense committees under subsection (a)(3), the Commander of the United States Strategic Command shall certify to those committees that— Deadline.

(i) the requirement to produce war reserve plutonium pits under section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) cannot be altered or extended by not more than five years without—

(I) degrading the capabilities of the Command to accomplish its assigned nuclear deterrence missions; or

(II) reducing the confidence of the Commander in the military effectiveness of the nuclear weapons stockpile, taking into account all mitigation strategies available to the Commander; or

(ii) that requirement can be altered or extended as described in clause (i) without degrading the capabilities described in subclause (I) of that clause or reducing the confidence described in subclause (II) of that clause.

(2) REPORT DESCRIBED.—

(A) IN GENERAL.—The report described in this paragraph with respect to a covered project is a report by the Secretary that includes—

Certification.

(i)(I) a certification by the Secretary that, notwithstanding the costs and confidence level set forth in the independent cost estimate under subsection (a), the Secretary will able to carry out the covered project within the estimated schedule and cost objectives of the Department of Energy; and

(II) a detailed explanation of why the Secretary disagrees with the independent cost estimate; or

Plan.

(ii) if the Secretary cannot make the certification under clause (i)(I), a plan by the Secretary—

(I) to achieve costs and a confidence level consistent with the costs and confidence level set forth in the independent cost estimate, including with respect to changing the costs, schedule, and scope of the covered project; and

(II) that includes a description, provided by the Administrator for Nuclear Security, of mitigation options for minimizing any degradation in the military effectiveness of the nuclear weapons stockpile until the Secretary achieves costs and a confidence level consistent with the costs and confidence level set forth in the independent cost estimate.

(B) PROHIBITION ON DELEGATION.—The Secretary may not delegate the responsibility for making a certification under subparagraph (A)(i)(I).

(c) COVERED PROJECT DEFINED.—In this section, the term "covered project" means—

(1) the Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina (Project 21–D–511); or

(2) the Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico (Project 21–D–512).

Subtitle C—Defense Environmental Cleanup Matters

SEC. 3121. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES FOR FACILITIES UNDERGOING DEFENSE ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by adding at the end the following new section:

"SEC. 4410. PUBLIC STATEMENT OF ENVIRONMENTAL LIABILITIES. 50 USC 2591.

"Each year, at the same time that the Department of Energy submits its annual financial report under section 3516 of title 31, United States Code, the Secretary of Energy shall make available to the public a statement of environmental liabilities, as calculated for the most recent audited financial statement of the Department under section 3515 of that title, for each defense nuclear facility at which defense environmental cleanup activities are occurring.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4409 the following new item:

"Sec. 4410. Public statement of environmental liabilities.".

SEC. 3122. INCLUSION OF MISSED MILESTONES IN FUTURE-YEARS DEFENSE ENVIRONMENTAL CLEANUP PLAN.

Section 4402A(b)(3) of the Atomic Energy Defense Act (50 U.S.C. 2582A(b)(3)) is amended by adding at the end the following new subparagraph:

"(D) For any milestone that has been missed, renegotiated, or postponed, a statement of the current milestone, the original milestone, and any interim milestones.".

SEC. 3123. CLASSIFICATION OF DEFENSE ENVIRONMENTAL CLEANUP AS CAPITAL ASSET PROJECTS OR OPERATIONS ACTIVITIES. 50 USC 2581 note.

(a) IN GENERAL.—The Assistant Secretary of Energy for Environmental Management, in consultation with other appropriate officials of the Department of Energy, shall establish requirements for the classification of defense environmental cleanup projects as capital asset projects or operations activities. Consultation. Requirements.

(b) REPORT REQUIRED.—Not later than March 1, 2021, the Assistant Secretary shall submit to the congressional defense committees a report—

(1) setting forth the requirements established under subsection (a); and

(2) assessing whether any ongoing defense environmental cleanup projects should be reclassified based on those requirements. Assessment.

SEC. 3124. EXTENSION OF LIMITATION RELATING TO RECLASSIFICATION OF HIGH-LEVEL WASTE.

Section 3121 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1953) is amended by striking "fiscal year 2020" and inserting "fiscal year 2020 or fiscal year 2021".

SEC. 3125. CONTINUED ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

Deadline.
Contracts.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall—

(1) enter into an arrangement with a federally funded research and development center to conduct a follow-on analysis to the analysis required by section 3134 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2769) with respect to approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, intended for supplemental treatment; and

(2) enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to review the follow-on analysis conducted under paragraph (1).

(b) COMPARISON OF ALTERNATIVES TO AID DECISIONMAKING.—The analysis required by subsection (a)(1) shall be designed, to the greatest extent possible, to provide decisionmakers with the ability to make a direct comparison between approaches for the supplemental treatment of low-activity waste at the Hanford Nuclear Reservation based on criteria that are relevant to decision-making and most clearly differentiate between approaches.

Assessment.

(c) ELEMENTS.—The analysis required by subsection (a)(1) shall clearly lay out a framework of decisions to be made among the treatment technologies, waste forms, and disposal locations by including an assessment of the following:

(1) The most effective potential technology for supplemental treatment of low-activity waste that will produce an effective waste form, including an assessment of the following:

(A) The maturity and complexity of the technology.

(B) The extent of previous use of the technology.

(C) The life cycle costs and duration of use of the technology.

(D) The effectiveness of the technology with respect to immobilization.

(E) The performance of the technology expected under permanent disposal.

(F) The topical areas of additional study required for the grout option identified in the analysis required by section 3134 of the National Defense Authorization Act for Fiscal Year 2017.

(2) The differences among approaches for the supplemental treatment of low-activity waste considered as of the date of the analysis required by subsection (a)(1).

(3) The compliance of such approaches with the technical standards described in section 3134(b)(2)(D) of the National Defense Authorization Act for Fiscal Year 2017.

(4) The differences among potential disposal sites for the waste form produced through such treatment, including mitigation of radionuclides, including technetium-99, selenium-79, and iodine-129, on a system level.

(5) Potential modifications to the design of facilities to enhance performance with respect to disposal of the waste form to account for the following:

(A) Regulatory compliance.

(B) Public acceptance.

(C) Cost.

(D) Safety.

(E) The expected radiation dose to maximally exposed individuals over time.

(F) Differences among disposal environments.

(6) Approximately how much and what type of pretreatment is needed to meet regulatory requirements regarding long-lived radionuclides and hazardous chemicals to reduce disposal costs for radionuclides described in paragraph (4).

(7) Whether the radionuclides can be left in the waste form or economically removed and bounded at a system level by the performance assessment of a potential disposal site and, if the radionuclides cannot be left in the waste form, how to account for the secondary waste stream.

(8) Other relevant factors relating to the technology described in paragraph (1), including the following:

(A) The costs and risks in delays with respect to tank performance over time.

(B) Consideration of experience with treatment methods at other sites and commercial facilities.

(C) Outcomes of the test bed initiative of the Office of Environmental Management at the Hanford Nuclear Reservation.

(d) REVIEW, CONSULTATION, SUBMISSION, AND LIMITATIONS.—The provisions of subsections (c) through (f) of section 3134 of the National Defense Authorization Act for Fiscal Year 2017 shall apply with respect to the analysis required by subsection (a)(1) to the same extent and in the same manner that such provisions applied with respect to the analysis required by subsection (a) of such section 3134, except that subsection (e) of such section shall be applied and administered by substituting "the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021" for "the date of the enactment of this Act" each place it appears. Applicability.

Subtitle D—Safeguards and Security Matters

SEC. 3131. REPORTING ON PENETRATIONS OF NETWORKS OF CONTRACTORS AND SUBCONTRACTORS.

(a) IN GENERAL.—Subtitle A of title XLV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

"SEC. 4511. REPORTING ON PENETRATIONS OF NETWORKS OF CONTRACTORS AND SUBCONTRACTORS. 50 USC 2662.

"(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Administrator shall establish procedures that require each contractor and subcontractor to report to the Chief Information Officer when a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

"(b) ESTABLISHMENT OF CRITERIA FOR COVERED NETWORKS.—

"(1) IN GENERAL.—The Administrator shall, in consultation with the officials specified in paragraph (2), establish criteria Consultation.

for covered networks to be subject to the procedures for reporting penetrations under subsection (a).

"(2) OFFICIALS SPECIFIED.—The officials specified in this paragraph are the following officials of the Administration:

"(A) The Deputy Administrator for Defense Programs.

"(B) The Associate Administrator for Acquisition and Project Management.

"(C) The Chief Information Officer.

"(D) Any other official of the Administration the Administrator considers necessary.

"(c) PROCEDURE REQUIREMENTS.—

"(1) RAPID REPORTING.—

"(A) IN GENERAL.—The procedures established pursuant to subsection (a) shall require each contractor or subcontractor to submit to the Chief Information Officer a report on each successful penetration of a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) not later than 60 days after the discovery of the successful penetration.

"(B) ELEMENTS.—Subject to subparagraph (C), each report required by subparagraph (A) with respect to a successful penetration of a covered network of a contractor or subcontractor shall include the following:

"(i) A description of the technique or method used in such penetration.

"(ii) A sample of the malicious software, if discovered and isolated by the contractor or subcontractor, involved in such penetration.

Summary.

"(iii) A summary of information created by or for the Administration in connection with any program of the Administration that has been potentially compromised as a result of such penetration.

"(C) AVOIDANCE OF DELAYS IN REPORTING.—If a contractor or subcontractor is not able to obtain all of the information required by subparagraph (B) to be included in a report required by subparagraph (A) by the date that is 60 days after the discovery of a successful penetration of a covered network of the contractor or subcontractor, the contractor or subcontractor shall—

"(i) include in the report all information available as of that date; and

"(ii) provide to the Chief Information Officer the additional information required by subparagraph (B) as the information becomes available.

"(2) ACCESS TO EQUIPMENT AND INFORMATION BY ADMINISTRATION PERSONNEL.—Concurrent with the establishment of the procedures pursuant to subsection (a), the Administrator shall establish procedures to be used if information owned by the Administration was in use during or at risk as a result of the successful penetration of a covered network—

"(A) in order to—

"(i) in the case of a penetration of a covered network of a management and operating contractor, enhance the access of personnel of the Administration to Government-owned equipment and information; and

"(ii) in the case of a penetration of a covered network of a contractor or subcontractor that is not a

management and operating contractor, facilitate the access of personnel of the Administration to the equipment and information of the contractor or subcontractor; and

"(B) which shall—

"(i) include mechanisms for personnel of the Administration to, upon request, obtain access to equipment or information of a contractor or subcontractor necessary to conduct forensic analysis in addition to any analysis conducted by the contractor or subcontractor;

"(ii) provide that a contractor or subcontractor is only required to provide access to equipment or information as described in clause (i) to determine whether information created by or for the Administration in connection with any program of the Administration was successfully exfiltrated from a network of the contractor or subcontractor and, if so, what information was exfiltrated; and

"(iii) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

"(3) DISSEMINATION OF INFORMATION.—The procedures established pursuant to subsection (a) shall allow for limiting the dissemination of information obtained or derived through such procedures so that such information may be disseminated only to entities—

"(A) with missions that may be affected by such information;

"(B) that may be called upon to assist in the diagnosis, detection, or mitigation of cyber incidents;

"(C) that conduct counterintelligence or law enforcement investigations; or

"(D) for national security purposes, including cyber situational awareness and defense purposes.

"(d) DEFINITIONS.—In this section:

"(1) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Associate Administrator for Information Management and Chief Information Officer of the Administration.

"(2) CONTRACTOR.—The term 'contractor' means a private entity that has entered into a contract or contractual action of any kind with the Administration to furnish supplies, equipment, materials, or services of any kind.

"(3) COVERED NETWORK.—The term 'covered network' includes any network or information system that accesses, receives, or stores—

"(A) classified information; or

"(B) sensitive unclassified information germane to any program of the Administration, as determined by the Administrator.

"(4) SUBCONTRACTOR.—The term 'subcontractor' means a private entity that has entered into a contract or contractual action with a contractor or another subcontractor to furnish supplies, equipment, materials, or services of any kind in

connection with another contract in support of any program of the Administration.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4510 the following new item:

"Sec. 4511. Reporting on penetrations of networks of contractors and subcontractors.".

Subtitle E—Personnel Matters

SEC. 3141. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2020" and inserting "September 30, 2021".

SEC. 3142. INCLUSION OF CERTAIN EMPLOYEES AND CONTRACTORS OF DEPARTMENT OF ENERGY IN DEFINITION OF PUBLIC SAFETY OFFICER FOR PURPOSES OF CERTAIN DEATH BENEFITS.

Section 1204(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(9)) is amended—

(1) in subparagraph (D), by striking "or" at the end;

(2) in subparagraph (E)(ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) an employee or contractor of the Department of Energy who—

"(i) is—

"(I) a nuclear materials courier (as defined in section 8331(27) of title 5, United States Code); or

"(II) designated by the Secretary of Energy as a member of an emergency response team; and

"(ii) is performing official duties of the Department, pursuant to a deployment order issued by the Secretary, to protect the public, property, or the interests of the United States by—

"(I) assessing, locating, identifying, securing, rendering safe, or disposing of weapons of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); or

"(II) managing the immediate consequences of a radiological release or exposure.".

SEC. 3143. REIMBURSEMENT FOR LIABILITY INSURANCE FOR NUCLEAR MATERIALS COURIERS.

Section 636(c)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as enacted into law by section 101(f) of division A of Public Law 104–208; 5 U.S.C. prec. 5941 note) is amended by striking "or under" and all that follows and inserting the following: "any special agent under section 203 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4823), or any nuclear materials courier (as defined in section 8331(27) of such title 5);".

SEC. 3144. TRANSPORTATION AND MOVING EXPENSES FOR IMMEDIATE FAMILY OF DECEASED NUCLEAR MATERIALS COURIERS.

Section 5724d(c)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking "; and" and inserting a semicolon; and

(2) by adding at the end the following:

"(D) any nuclear materials courier, as defined in section 8331(27); and".

SEC. 3145. PERMANENT EXTENSION OF OFFICE OF OMBUDSMAN FOR ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended by striking subsection (h).

SEC. 3146. REPORTS ON DIVERSITY OF CERTAIN CONTRACTOR EMPLOYEES OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) ANNUAL REPORTS.—Not later than December 31, 2020, and each year thereafter through 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the diversity of contractor employees of the National Nuclear Security Administration.

(b) MATTERS INCLUDED.—Subject to subsection (c), each report under subsection (a) shall include, for each covered element of the Administration, the following:

(1) With respect to the fiscal year covered by the report and the previous fiscal year, demographic data of—

(A) the contractor employees of the covered element;

(B) the contractor employees hired at the covered element during each such year; and

(C) the contractor employees of the covered element who voluntarily separated during each such year.

(2) To the extent practical, a breakdown of the data under paragraph (1) by each position in the Standard Occupational Classification System of the Bureau of Labor Statistics.

(3) A description of the plan to increase diversity at the covered element, and how such plan responds to any trends identified with respect to the data under paragraph (1).

(4) An identification of the office of the covered element responsible for implementing such plan and a description of how that office determines whether the covered element is meeting the goals of the plan.

(5) A description of the training resources relating to diversity, equality, and inclusion mandated for contractor employees of the covered element with hiring authority, and an identification of how many such contractor employees have been trained.

(c) DATA.—The Administrator shall carry out this section using data that is—

(1) otherwise available to the Administrator and to the management and operating contractors of the nuclear security enterprise;

(2) collected in accordance with applicable laws and regulations of the Equal Employment Opportunity Commission, regulations of the Office of Federal Contract Compliance Programs

of the Department of Labor, and applicable provisions of Federal law on privacy; and

(3) obtained from relevant elements of the Federal Government pursuant to a memorandum of understanding specifying the terms and conditions for the sharing of such data, including by identifying—

(A) the statutory authority governing such sharing;

(B) the minimum amount of data needed to be shared;

(C) the exact data to be shared;

(D) the method of securely sharing such data; and

(E) the limitations on the use and disclosure of such data.

Public information. Web posting.

(d) PUBLICATION.—The Administrator shall make publicly available on the internet website of the Department of Energy each report under subsection (a), subject to the regulations and Federal law specified in subsection (c)(2).

Deadline.

(e) GAO REVIEW.—Not later than one year after the date on which the Administrator submits the first report under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of—

(1) the diversity of contractor employees with respect to both the hiring and retention of such employees;

(2) the demographic composition of such employees; and

(3) the issues relating to diversity that such report identifies and the steps taken to address such issues.

(f) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the National Nuclear Security Administration is undertaking the largest and most complex workload since the end of the Cold War;

(2) ensuring that the nuclear security enterprise hires, trains, and retains a diverse and highly educated workforce is a national security priority of the United States;

(3) more than 5,000 employees were hired at the laboratories, plants, and sites of the National Nuclear Security Administration during fiscal year 2019; and

(4) the National Nuclear Security Administration has taken important actions to hire and retain the best and brightest workforce and is encouraged to continue to build upon those efforts, particularly as its aging workforce continues to retire.

(g) DEFINITIONS.—In this section:

(1) CONTRACTOR EMPLOYEE.—The term "contractor employee" means an employee of a management and operating contractor of the nuclear security enterprise.

(2) COVERED ELEMENT.—The term "covered element" means each national security laboratory and nuclear weapons production facility (as such terms are defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

(3) NUCLEAR SECURITY ENTERPRISE.—The term "nuclear security enterprise" has the meaning that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

SEC. 3147. SENSE OF CONGRESS REGARDING COMPENSATION OF INDIVIDUALS RELATING TO URANIUM MINING AND NUCLEAR TESTING.

(a) FINDINGS.—Congress makes the following findings:

(1) The Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) was enacted in 1990 to provide monetary compensation to individuals who contracted certain cancers and other serious diseases following their exposure to radiation released during atmospheric nuclear weapons testing during the Cold War or following exposure to radiation as a result of employment in the uranium industry during the Cold War.

(2) The Radiation Exposure Compensation Act expires on July 9, 2022. Unless that Act is extended, individuals who contract certain cancers and other serious diseases because of events described in paragraph (1) may be unable to claim compensation for such diseases.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should continue to appropriately compensate and recognize the individuals described in subsection (a).

Subtitle F—Budget and Financial Management Matters

SEC. 3151. REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

(a) IN GENERAL.—Section 4732 of the Atomic Energy Defense Act (50 U.S.C. 2772) is amended to read as follows:

"SEC. 4732. REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

"(a) REPORTS REQUIRED.—

"(1) IN GENERAL.—Concurrent with the submission of the budget justification materials submitted to Congress in support of the budget of the President for a fiscal year (submitted to Congress pursuant to section 1105(a) of title 31, United States Code), the Secretary of Energy shall submit to the congressional defense committees a report on the financial balances for each atomic energy defense program.

"(2) PRESENTATION OF INFORMATION.—In each report required by paragraph (1), the Secretary shall—

"(A) present information on the financial balances for each atomic energy defense program at the budget control levels used in the report accompanying the most current Act appropriating funds for energy and water development; and

"(B) present financial balances in connection with funding under recurring DOE national security authorizations (as defined in section 4701) separately from balances in connection with funding under any other provision of law.

"(b) ELEMENTS.—

"(1) FORMAT.—Each report required by subsection (a) shall—

"(A) be divided into two parts, as specified in paragraphs (2) and (3); and

"(B) set forth the information required by those paragraphs in summary form and by fiscal year.

"(2) PART 1.—The first part of the report required by subsection (a) shall set forth, for each atomic energy defense program, the following information, as of the end of the most recently completed fiscal year:

"(A) The balance of any unobligated funds and an explanation for why those funds are unobligated.

"(B) The total funds available to cost.

"(C) The total balance of costed funds.

"(D) The total balance of uncosted funds.

"(E) The threshold for the balance of uncosted funds, stated in dollars.

"(F) The amount of any balance of uncosted funds that is over or under that threshold and, in the case of a balance over that threshold, an explanation for why the balance is over that threshold.

"(G) The total balance of committed, uncosted funds.

"(H) The total balance of uncommitted, uncosted funds.

"(I) The amount of any balance of uncommitted, uncosted funds that is over or under the threshold described in subparagraph (E) and, in the case of a balance over that threshold, an explanation for why the balance is over that threshold.

"(3) PART 2.—The second part of the report required by subsection (a) shall set forth, for each atomic energy defense program, the following information:

"(A) The balance of any unobligated funds, as of the end of the first quarter of the current fiscal year.

"(B) The total balance of uncosted funds, as of the end of the first quarter of the current fiscal year.

"(C) Unalloted budget authority.

"(c) DEFINITIONS.—In this section:

"(1) COMMITTED.—The term 'committed', with respect to funds, means the funds are associated with a legally enforceable agreement, such as a purchase order or contract, that has been entered into.

"(2) COSTED.—The term 'costed', with respect to funds, means the funds have been obligated to a contract and goods or services have been received by the contractor in exchange for the funds.

"(3) UNCOMMITTED.—The term 'uncommitted', with respect to funds, means the funds are not committed.

"(4) UNCOSTED.—The term 'uncosted', with respect to funds, means the funds have been obligated to a contract and goods or services have not been received by the contractor in exchange for the funds.

"(5) THRESHOLD.—The term 'threshold' means a benchmark over which a balance carried over at the end of a fiscal year should be given greater scrutiny by Congress.

"(6) TOTAL FUNDS AVAILABLE TO COST.—The term 'total funds available to cost' means the sum of—

"(A) total uncosted obligations from prior fiscal years;

"(B) current fiscal year obligations; and

"(C) current fiscal year deobligations.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4732 and inserting the following new item:

"Sec. 4732. Reports on financial balances for atomic energy defense activities.".

Subtitle G—Administrative Matters

SEC. 3161. MODIFICATIONS TO ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

Section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended—

(1) in subsections (a) and (c), by inserting "or special exclusion action" after "covered procurement action" each place it appears;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(3) by inserting after subsection (d) the following new subsection (e):

"(e) DELEGATION OF AUTHORITY.—The Secretary may delegate the authority under this section to—

"(1) in the case of the Administration, the Administrator; and

"(2) in the case of any other component of the Department of Energy, the Senior Procurement Executive of the Department."; and

(4) in subsection (f), as redesignated by paragraph (2)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph (6):

"(6) SPECIAL EXCLUSION ACTION.—The term 'special exclusion action' means an action to prohibit, for a period not to exceed two years, the award of any contracts or subcontracts by the Administration or any other component of the Department of Energy related to any covered system to a source the Secretary determines to represent a supply chain risk.". Definition.

SEC. 3162. EXTENSION OF PILOT PROGRAM ON UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

Section 3119 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C. 2791 note) is amended—

(1) in subsection (c)(2), by striking "four" and inserting "nine"; and

(2) in subsection (d), by striking "February 15, 2020" and inserting "February 15, 2025".

Subtitle H—Other Matters

SEC. 3171. INDEPENDENT STUDY ON POTENTIAL ENVIRONMENTAL EFFECTS OF NUCLEAR WAR.

(a) STUDY.—The Administrator for Nuclear Security, in consultation with the Secretary of Defense and the Director of National Intelligence, shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies conduct a study on the environmental effects of nuclear war. Consultation. Contracts.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

Evaluation.

(1) An evaluation of the non-fallout atmospheric effects of plausible scenarios for nuclear war, ranging from low-quantity regional exchanges to large-scale exchanges between major powers.

Examination.

(2) An examination of the effects evaluated under paragraph (1) by—

(A) the yield, type, and number of nuclear weapons;

(B) the types and locations of targets;

(C) the time distribution of the explosions;

(D) the atmospheric conditions; and

(E) other factors that may have a significant impact on the effects.

Assessment.

(3) An assessment of current models of nuclear explosions, including with respect to—

(A) the fires such explosions may cause;

(B) the atmospheric transport of the gases from such explosions;

(C) the radioactive material from such explosions; and

(D) the soot and other debris from such fires and explosions and the atmospheric, terrestrial, and marine consequences of such effects, including with respect to changes in weather patterns, airborne particulate concentrations, stratospheric ozone, agriculture, and long-term regional ecosystem viability.

(4) Identification of the capabilities and limitations of the models described in paragraph (3) for assessing the environmental effects of nuclear war, including—

Evaluation.

(A) an evaluation of the relevant uncertainties;

(B) a highlight of the key data gaps; and

Recommendations.

(C) recommendations for how such models can be improved to better inform decision making.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the National Academies shall submit to the Administrator, the Secretary, the Director, and the congressional defense committees a report on the study under subsection (a).

Classified information.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(d) PROVISION OF INFORMATION.—

(1) SECRETARY OF DEFENSE.—The Secretary shall provide to the National Academies such information of the Department of Defense as is necessary for the National Academies to conduct the study under subsection (a), including information relating to relevant scenarios described in subsection (b).

(2) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director shall provide to the National Academies such information on foreign adversary capabilities as is necessary for the National Academies to conduct the study under subsection (a), including information relating to relevant scenarios described in subsection (b).

SEC. 3172. REVIEW OF FUTURE OF COMPUTING BEYOND EXASCALE AT THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Consultation.
Contracts.

(a) IN GENERAL.—The Administrator for Nuclear Security, in consultation with the Secretary of Energy, shall enter into an agreement with the National Academy of Sciences to review the

future of computing beyond exascale computing to meet national security needs at the National Nuclear Security Administration.

(b) ELEMENTS.—The review required by subsection (a) shall address the following:

Time period.

(1) Future computing needs of the National Nuclear Security Administration that exascale computing will not accomplish during the 20 years after the date of the enactment of this Act.

(2) Computing architectures that potentially can meet those needs, including—

(A) classical computing architectures employed as of such date of enactment;

(B) quantum computing architectures and other novel computing architectures;

(C) hybrid combinations of classical and quantum computing architectures; and

(D) other architectures as necessary.

(3) The development of software for the computing architectures described in paragraph (2).

(4) The maturity of the computing architectures described in paragraph (2) and the software described in paragraph (3), with key obstacles that must be overcome for the employment of such architectures and software.

(5) The secure industrial base that exists as of the date of the enactment of this Act to meet the unique needs of computing at the National Nuclear Security Administration, including needs with respect to—

(A) personnel;

(B) microelectronics; and

(C) other appropriate matters.

(c) INFORMATION AND CLEARANCES.—The Administrator shall ensure that personnel of the National Academy of Sciences overseeing the implementation of the agreement required by subsection (a) or conducting the review required by that subsection receive, in a timely manner, access to information and necessary security clearances to enable the conduct of the review.

(d) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the National Academy of Sciences shall submit to the congressional defense committees a report on the findings of the review required by subsection (a).

Classified information.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(e) EXASCALE COMPUTING DEFINED.—In this section, the term "exascale computing" means computing through the use of a computing machine that performs near or above 10 to the 18th power floating point operations per second.

SEC. 3173. SENSE OF CONGRESS ON THE AGREEMENT SUSPENDING THE ANTIDUMPING INVESTIGATION ON URANIUM FROM THE RUSSIAN FEDERATION.

It is the sense of Congress that the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation, dated October 16, 1992, as most recently amended by an agreement signed by the United States Department of Commerce and the State Atomic Energy Corporation Rosatom of the Russian

Federation on October 6, 2020 (85 Fed. Reg. 64112), will provide certainty to the United States nuclear fuel supply chain while avoiding unfair trade practices in the importation of uranium products from the Russian Federation consistent with national security and nonproliferation goals of the United States.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.
Sec. 3202. Nonpublic collaborative discussions by Defense Nuclear Facilities Safety Board.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2021, $28,836,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. NONPUBLIC COLLABORATIVE DISCUSSIONS BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by adding at the end the following new subsection:

"(k) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

"(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a quorum of the members of the Board may hold a meeting that is not open to public observation to discuss official business of the Board if—

"(A) no formal or informal vote or other official action is taken at the meeting;

"(B) each individual present at the meeting is a member or an employee of the Board;

"(C) at least one member of the Board from each political party is present at the meeting, unless all members of the Board are of the same political party at the time of the meeting; and

"(D) the general counsel of the Board, or a designee of the general counsel, is present at the meeting.

"(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—

Deadline. Public information.

"(A) IN GENERAL.—Except as provided by subparagraph (B), not later than two business days after the conclusion of a meeting described in paragraph (1), the Board shall make available to the public, in a place easily accessible to the public—

List.

"(i) a list of the individuals present at the meeting; and

Summary. Determination.

"(ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under section 552b(c) of title 5, United States Code.

"(B) INFORMATION ABOUT MATTERS WITHHELD FROM PUBLIC.—If the Board properly determines under subparagraph (A)(ii) that a matter may be withheld from the public under section 552b(c) of title 5, United States Code, the Board shall include in the summary required by that

subparagraph as much general information as possible with respect to the matter.

"(3) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed—

"(A) to limit the applicability of section 552b of title 5, United States Code, with respect to—

"(i) a meeting of the members of the Board other than a meeting described in paragraph (1); or

"(ii) any information that is proposed to be withheld from the public under paragraph (2)(A)(ii); or

"(B) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $13,006,000 for fiscal year 2021 for the purpose of carrying out activities under chapter 869 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME MATTERS

Subtitle A—Maritime Administration

Sec. 3501. Authorization of the Maritime Administration.
Sec. 3502. Improvements to process for waiving navigation and vessel-inspection laws and approving foreign vessel charters for passenger vessels.
Sec. 3503. Superintendent of the United States Merchant Marine Academy.
Sec. 3504. Assistance for inland and small coastal ports and terminals.
Sec. 3505. Maritime transportation system emergency relief program.
Sec. 3506. Sea year cadets on cable security fleet and tanker security fleet vessels.
Sec. 3507. Centers of excellence for domestic maritime workforce training and education: technical amendments.
Sec. 3508. Merchant mariner training and education.
Sec. 3509. Publication of information about students and recent graduates of Maritime Academies.
Sec. 3510. Mariner licensing and credentialing for M/V LISERON.

Subtitle B—Tanker Security Fleet

Sec. 3511. Tanker Security Fleet.

Subtitle C—Other Matters

Sec. 3521. Maritime security and domain awareness.
Sec. 3522. Sense of Congress regarding role of domestic maritime industry in national security.

Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) FISCAL YEAR 2021 AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation for fiscal

year 2021, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $85,441,000, of which—

(A) $79,941,000 shall be for Academy operations; and

(B) $5,500,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $50,780,000, of which—

(A) $2,400,000 shall remain available until September 30, 2022, for the Student Incentive Program;

(B) $6,000,000 shall remain available until expended for direct payments to such academies;

(C) $3,800,000 shall remain available until expended for training ship fuel assistance;

(D) $8,080,000 shall remain available until expended for offsetting the costs of training ship sharing. and

(E) $30,500,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $388,815,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $67,148,000, of which—

(A) $3,000,000 shall remain available until expended for activities authorized under section 50307 of title 46, United States Code; and

(B) $9,775,000 shall remain available until expended for the Marine Highways Program.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $494,008,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 shall remain available until expended for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs under section 54101 of title 46, United States Code, $20,000,000, which shall remain available until expended.

(9) For expenses necessary to implement the Port and Intermodal Improvement Program, $750,000,000, except that no such funds may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely

operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a port or port terminal.

(b) AMOUNT OF FISCAL YEAR 2021 CONTRACTOR PAYMENTS UNDER OPERATING AGREEMENTS.—Section 53106(a)(1)(B) of title 46, United States Code, is amended by striking "$5,233,463" and inserting "$8,233,463".

(c) CONFORMING AMENDMENT.—Title 46, United States Code, is further amended—

(1) in section 53111(2), by striking "$314,007,780" and inserting "$494,008,000"; and

(2) in section 54101(i), by striking "for each of fiscal years 2020 and 2021 to carry out this section $40,000,000" and inserting "for fiscal year 2021 to carry out this section $20,000,000".

SEC. 3502. IMPROVEMENTS TO PROCESS FOR WAIVING NAVIGATION AND VESSEL-INSPECTION LAWS AND APPROVING FOREIGN VESSEL CHARTERS FOR PASSENGER VESSELS.

(a) IMPROVEMENTS TO WAIVER PROCESS.—

(1) IN GENERAL.—Section 501 of title 46, United States Code, is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

"(a) ON REQUEST OF SECRETARY OF DEFENSE.—

"(1) IN GENERAL.—On request of the Secretary of Defense, the head of an agency responsible for the administration of the navigation or vessel-inspection laws shall waive compliance with those laws to the extent the Secretary considers necessary in the interest of national defense to address an immediate adverse effect on military operations.

"(2) SUBMITTAL OF EXPLANATION TO CONGRESS.—Not later than 24 hours after making a request under paragraph (1), the Secretary of Defense shall submit to the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate a written explanation of the circumstances requiring such a waiver in the interest of national defense, including a confirmation that there are insufficient qualified vessels to meet the needs of national defense without such a waiver."; Deadline.

(B) in subsection (b)—

(i) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(ii) by inserting after paragraph (1) the following new paragraph (2):

"(2) DURATION OF WAIVER.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a waiver issued under this subsection shall be for a period of not more than 10 days.

"(B) WAIVER EXTENSION.—Upon the termination of the period of a waiver issued under this subsection, the head of an agency may extend the waiver for an additional

period of not more than 10 days, if the Maritime Administrator makes the determinations referred to in paragraph (1).

"(C) AGGREGATE DURATION.—The aggregate duration of the period of all waivers and extensions of waivers under this subsection with respect to any one set of events shall not exceed 45 days."; and

(iii) in paragraph (4), as so redesignated—

(I) in subparagraph (B)(ii), by striking "paragraph (2)(A)" and inserting "paragraph (3)(A)"; and

(II) by adding at the end the following new subparagraph:

"(C) NOTIFICATION REQUIRED FOR EXTENSIONS.—For purposes of this paragraph, an extension requested or issued under paragraph (2)(B) shall be treated in the same manner as a waiver requested or issued under this subsection.";

(C) by redesignating subsection (c) as subsection (d); and

(D) by inserting after subsection (b) the following new subsection:

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 10 days after the date of the conclusion of the voyage of a vessel that, during such voyage, operated under a waiver issued under this section, the owner or operator of the vessel shall submit to the Maritime Administrator a report that includes—

"(A) the name and flag of the vessel;

"(B) the dates of the voyage;

"(C) any relevant ports of call; and

"(D) any other information the Maritime Administrator determines necessary.

Deadline. Web posting.

"(2) PUBLICATION.—Not later than 48 hours after receiving a report under paragraph (1), the Maritime Administrator shall publish such report on an appropriate website of the Department of Transportation.".

Effective date. 46 USC 501 note.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply with respect to waivers issued after the date of the enactment of this Act.

Time periods. Public information. Web posting. 46 USC 56101 note. Summary.

(b) FOREIGN VESSEL CHARTERS FOR PASSENGER VESSELS.—For fiscal year 2020 and each subsequent fiscal year, the Maritime Administrator shall make publicly available on an appropriate website of the Maritime Administration—

(1) a detailed summary of each request for a determination, approval, or confirmation that a vessel charter for a passenger vessel is encompassed by the general approval of time charters issued pursuant to section 56101 of title 46, United States Code, or regulations prescribed pursuant to such section; and

(2) the final action of the Administration with respect to such request, after the provision of notice and opportunity for public comment.

SEC. 3503. SUPERINTENDENT OF THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, due to the unique mission of the United States Merchant Marine Academy, it is highly desirable that the Superintendent of the

Academy be a graduate of the Academy in good standing and have attained an unlimited merchant marine officer's license.

(b) QUALIFICATIONS OF SUPERINTENDENT.—Section 51301(c)(2) of title 46, United States Code, is amended—

(1) in subparagraph (A)(i), by inserting after "attained" the following "the rank of Captain, Chief Mate, or Chief Engineer in the merchant marine of the United States, or"; and

(2) in subparagraphs (B)(i)(I) and (C)(i), by inserting "merchant marine," before "Navy,".

SEC. 3504. ASSISTANCE FOR INLAND AND SMALL COASTAL PORTS AND TERMINALS.

Section 50302 of title 46, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "or subsection (d)" after "this subsection"; and

(ii) in subparagraph (G), by inserting ", including the owners or operators of a facility, or collection of facilities at a port" after "private entities";

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting "or subsection (d)" after "this subsection";

(ii) in subparagraph (B)—

(I) by striking "60" and inserting "90"; and

(II) by inserting "or subsection (d)" after "this subsection";

(C) in paragraph (6), by striking subparagraph (C);

(D) in paragraph (7)—

(i) in subparagraph (B)—

(I) by striking "25 percent" and inserting "18 percent"; and

(II) by striking "paragraph (3)(A)" and all that follows through the period at the end of clause (ii) and inserting "subsection (d). The requirement under paragraph (6)(A)(ii) shall not apply to grants made under subsection (d).."; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) DEVELOPMENT PHASE ACTIVITIES.—Of the amounts made available for grants under this section for a fiscal year—

"(i) not more than 10 percent may be used to make grants for development phase activities under paragraph (3)(B); and

"(ii) not more than 10 percent may be used to make grants for development phase activities under subsection (d)(3)(A)(ii)(III).";

(E) in paragraph (8)—

(i) in subparagraph (A)—

(I) by inserting "or subsection (d)" after "this subsection" the first place it appears; and

(II) by striking "a project under this subsection" and inserting "the project for which the grant is requested";

(ii) in subparagraph (B)—

(I) in clause (i) by striking "under this subsection" and inserting "under this subsection or subsection (d)"; and

(II) in clause (ii) by inserting "for which a grant is awarded under subsection (d) or that is" after "project"; and

(F) in paragraph (9), by inserting "for grants made under this subsection and subsection (d)" after "procedures";

(G) in paragraph (10), by inserting "or subsection (d)" after "this subsection";

(H) in paragraph (11)—

(i) in subparagraph (A)—

(I) by striking "under this subsection" and inserting "to make grants for port development under this section"; and

(II) by striking "to carry out this subsection" and inserting "to make grants for port development under this section";

(ii) in subparagraph (B)—

(I) in clause (i), by striking "for carrying out this subsection" and inserting "to make grants for port development under this section"; and

(II) in clause (ii)—

(aa) by striking "under this subsection" and inserting "for port development under this section";

(bb) by inserting "or that are returned under paragraph (9)(C)" after "the award"; and

(cc) by adding at the end the following new sentence: "Any such amount may only be expended to award a grant under the same subsection of this section under which the original grant was made."; and

(I) in paragraph (12)—

(i) by inserting "and subsection (d)" after "this subsection"; and

(ii) by striking subparagraph (A) and redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following new subsection (d):

"(d) ASSISTANCE FOR SMALL INLAND AND COASTAL PORTS AND TERMINALS.—

Grants.
Time period.
Determination.
Audit.

"(1) IN GENERAL.—From amounts reserved under subsection (c)(7)(B), the Secretary, acting through the Administrator of the Maritime Administration, shall make grants under this subsection to eligible applicants for eligible projects at a port, to and from which the average annual tonnage of cargo for the immediately preceding 3 calendar years from the time an application is submitted is less than 8,000,000 short tons, as determined using United States Army Corps of Engineers data or data provided by an independent audit the findings of which are acceptable to the Secretary.

"(2) AWARDS.—In providing assistance under this subsection, the Secretary shall—

"(A) take into account—

"(i) the economic advantage and the contribution to freight transportation at a port; and

"(ii) the competitive disadvantage of such a port;

"(B) not make more than 1 award per applicant under this subsection for each fiscal year appropriation; and

"(C) take into consideration the degree to which a project would promote the enhancement and efficiencies of a port.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—Assistance provided under this subsection may be used for a project that—

"(i) is—

"(I) within the boundary of a port; or

"(II) outside the boundary of a port, but is directly related to port operations or to an intermodal connection to a port; and

"(ii) for—

"(I) making capital improvements, including to piers, wharves, docks, terminals, and similar structures used principally for the movement of goods;

"(II) acquiring, improving, repairing, or maintaining transportation or physical infrastructure, buildings, or equipment;

"(III) performing development phase activities described in subsection (c)(3)(B) related to carrying out an activity described in this clause; and

"(IV) otherwise fulfilling the purposes for which such assistance is provided.

"(B) ACQUISITION METHODS.—The Secretary may not require as a condition of issuing a grant under this subsection—

"(i) direct ownership of either a facility or equipment to be procured using funds awarded under this subsection; or

"(ii) that equipment procured using such funds be new.

"(4) PROHIBITED USES.—Funds provided under this subsection may not be used for—

"(A) projects conducted on property outside the boundary of a port unless such property is directly related to port operations or to an intermodal connection to a port;

"(B) any single grant award more than 10 percent of total allocation of funds to carry out this subsection per fiscal year appropriation; or

"(C) activities, including channel improvements or harbor deepening that is part of a Federal channel or an access channel associated with a Federal channel, authorized, as of the date of the application for assistance under this subsection, to be carried out by of the United States Army Corps of Engineers.

"(5) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—Any costs of the project to be paid by the recipient's matching share pursuant to subsection (c)(8)(B) may—

"(i) be incurred prior to the date on which assistance is provided; and

"(ii) include a loan agreement, a commitment from investors, cash on balance sheet, or other contributions determined acceptable by the Secretary.

"(B) DETERMINATION OF EFFECTIVENESS.—In determining whether a project meets the criteria under clauses (i), (iii), (iv), (v), and (vi) of subsection (c)(6)(A), the Secretary shall accept documentation used to obtain a commitment of the matching funds covered by this paragraph, including feasibility studies, business plans, investor prospectuses, loan applications, or similar documentation."; and

(4) in subsection (e)(3), as so redesignated—

(A) by inserting "or subsection (d)" after "subsection (c)"; and

(B) by striking "to port authorities or commissions or their subdivisions and agents" and inserting "to any eligible applicants as described in subsection (c)(2)".

SEC. 3505. MARITIME TRANSPORTATION SYSTEM EMERGENCY RELIEF PROGRAM.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

Audit.

"§ 50308. Maritime transportation system emergency relief program

Grants.
Contracts.

"(a) GENERAL AUTHORITY.—The Maritime Administrator may make grants to, and enter into contracts and agreement with, eligible State and Tribal entities and eligible entities for—

Determination.

"(1) the costs of capital projects to protect, repair, reconstruct, or replace equipment and facilities of the United States maritime transportation system that the Maritime Administrator determines is in danger of suffering serious physical damage, or has suffered serious physical damage, as a result of an emergency; and

Time periods.

"(2) eligible operating costs of United States maritime transportation equipment and facilities in an area directly affected by an emergency during—

"(A) the one-year period beginning on the date of a declaration of an emergency referred to in subparagraph (A) or (B) of subsection (j)(4); and

Consultation.
Determination.

"(B) an additional one-year period beginning one year after the date of an emergency referred to in subparagraph (A) or (B) of subsection (j)(4), if the Maritime Administrator, in consultation with the Administrator of the Federal Emergency Management Administration, determines there is a compelling need arising out of the emergency for which the declaration is made.

"(b) ALLOCATION.—

Determination.

"(1) IN GENERAL.—The Maritime Administrator shall determine an appropriate method for the equitable allocation and distribution of funds under this section to eligible State and Tribal entities and eligible entities.

"(2) PRIORITY.—To the extent practicable, in allocating and distributing funds under this section, the Maritime Administrator shall give priority to applications submitted by eligible State or Tribal entities.

"(c) APPLICATIONS.—An applicant for assistance under this section shall submit an application for such assistance to the Maritime Administrator at such time, in such manner, and containing such information and assurances as the Maritime Administrator may require.

"(d) COORDINATION OF EMERGENCY FUNDS.—

"(1) USE OF FUNDS.—Funds appropriated to carry out this section shall be in addition to any other funds available under this chapter.

"(2) NO EFFECT ON OTHER GOVERNMENT ACTIVITY.—The provision of funds under this section shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, or a State agency, a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law.

"(e) GRANT REQUIREMENTS.—A grant awarded under this section that is made to address an emergency referred to in subsection (j)(4)(B) shall be—

"(1) subject to the terms and conditions the Maritime Administrator determines are necessary;

"(2) made only for expenses that are not reimbursed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or any Federal, State, or local assistance program; and

"(3) made only for expenses that are not reimbursed under any type of marine insurance.

"(f) FEDERAL SHARE OF COSTS.—The Federal share payable of the costs for which a grant is made under this section shall be 100 percent.

"(g) ADMINISTRATIVE COSTS.—Of the amounts available to carry out this section, not more than two percent may be used for administration of this section.

"(h) QUALITY ASSURANCE.—The Maritime Administrator shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for the distribution of funds under this section. Procedures.

"(i) REPORTS.—On an annual basis, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the financial assistance provided under this section during the year covered by the report. Each such report shall include, for such year, a description of such assistance provided and of how such assistance—

"(1) affected the United States maritime transportation system;

"(2) mitigated the financial impact of the emergency on the recipient of the assistance; and

"(3) protected critical infrastructure in the United States.

"(j) DEFINITIONS.—In this section:

"(1) ELIGIBLE STATE OR TRIBAL ENTITY.—The term 'eligible State or Tribal entity' means—

"(A) a port authority; or

"(B) a vessel owned and operated by a State or Tribal government and facilities associated with the operation of such vessel.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private entity that is created or organized in the United States or under the laws of the United States, with significant operations in and a majority of its employees based in the United States, that is engaged in—

"(A) vessel construction, transportation by water, or support activities for transportation by water with an assigned North American Industry Classification System code beginning with 3366, 483, 4883, or 6113, or in the case of such construction, transportation, or support activities conducted by a fish processing vessel, such an assigned code beginning with 3117; or

"(B) as determined by the Secretary of Transportation—

"(i) construction or water transportation related to activities described in subparagraph (A); or

"(ii) maritime education and training.

"(3) ELIGIBLE OPERATING COSTS.—The term 'eligible operating costs' means costs relating to—

"(A) emergency response;

"(B) cleaning;

"(C) sanitization;

"(D) janitorial services;

"(E) staffing;

"(F) workforce retention;

"(G) paid leave;

"(H) procurement and use of protective health equipment, testing, and training for employees and contractors;

"(I) debt service payments;

"(J) infrastructure repair projects;

"(K) fuel; and

"(L) other maritime transportation system operations, as determined by the Secretary of Transportation;

"(4) EMERGENCY.—The term 'emergency' means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, that impacts the United States maritime transportation system and as a result of which—

"(A) the Governor of a State has declared an emergency and the Maritime Administrator, in consultation with the Administrator of the Federal Emergency Management Administration, has concurred in the declaration;

"(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

"(C) national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) is in effect; or

"(D) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) is in effect.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following: 46 USC prec. 50301.

"50308. Port development; maritime transportation system emergency relief program.".

(c) INCLUSION OF COVID–19 PANDEMIC PUBLIC HEALTH EMERGENCY.—For purposes of section 50308 of title 46, United States Code, as added by subsection (a), the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic shall be treated as an emergency. 46 USC 50308 note.

SEC. 3506. SEA YEAR CADETS ON CABLE SECURITY FLEET AND TANKER SECURITY FLEET VESSELS.

Section 51307 of title 46, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) SEA YEAR CADETS ON CABLE SECURITY FLEET AND TANKER SECURITY FLEET VESSELS.—The Secretary shall require an operator of a vessel participating in the Maritime Security Program under chapter 531 of this title, the Cable Security Fleet under chapter 532 of this title, or the Tanker Security Fleet under chapter 534 of this title to carry on each Maritime Security Program vessel, Cable Security Fleet vessel, or Tanker Security Fleet vessel 2 United States Merchant Marine Academy cadets, if available, on each voyage.". Requirement.

SEC. 3507. CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE TRAINING AND EDUCATION: TECHNICAL AMENDMENTS.

(a) REDESIGNATION AND TRANSFER OF SECTION.—Section 54102 of title 46, United States Code, is redesignated as section 51706 of such title and transferred to appear after section 51705 of such title.

(b) CLERICAL AMENDMENTS.—Title 46, United States Code, is amended—

(1) in the analysis for chapter 541, by striking the item relating to section 54102; and 46 USC prec. 54101.

(2) in the analysis for chapter 517, by striking the item relating to section 51705 and inserting the following: 46 USC prec. 51701.

"51705. Training for use of force against piracy.
"51706. Center of excellence for domestic maritime workforce training and education.".

SEC. 3508. MERCHANT MARINER TRAINING AND EDUCATION.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, as amended by this Act, is further amended by adding at the end the following:

"§ 51707. Merchant mariner recruitment, training, and retention strategic plan 46 USC 51707.

"(a) STRATEGIC PLAN.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and at least once every five years thereafter until the termination date under paragraph (6), the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall publish in the Federal Register a plan to recruit, train, and retain merchant mariners for the five-year period following the date Deadline. Time period. Federal Register, publication.

of publication of the most recently published plan under this paragraph.

"(2) CONTENTS.—A plan published under paragraph (1) shall contain—

"(A) a strategy to address merchant mariner recruitment, training, and retention issues in the United States; and

"(B) demonstration and research priorities concerning merchant mariner recruitment, training, and retention.

"(3) FACTORS.—In developing a plan under paragraph (1), the Secretary shall take into account, at a minimum—

"(A) the availability of existing research (as of the date of publication of the plan); and

"(B) the need to ensure results that have broad applicability for the United States merchant marine workforce development.

"(4) CONSULTATION.—In developing a plan under paragraph (1), the Secretary shall consult with representatives of the maritime industry, labor organizations, including the Commander of the Transportation Command and the Commander of the Military Sealift Command, and other governmental entities and stakeholders in the maritime industry.

Records. "(5) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit copies of any plan published under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Determination. "(6) TERMINATION DATE.—The requirement to publish a plan under this paragraph shall terminate on the date that the Administrator of the Maritime Administration determines that there is an adequate number of United States mariners for sustained strategic sealift.".

46 USC prec. 51701. (b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"51707. Merchant mariner recruitment, training, and retention strategic plan.".

(c) STUDY AND REPORT ON FINANCIAL ASSISTANCE FOR TRAINING MERCHANT MARINERS.—

Coordination. (1) STUDY REQUIRED.—The Administrator of the Maritime Administration, in coordination with the Secretary of Education, the Secretary of Labor, and the Secretary of Veterans Affairs, shall conduct a study to—

(A) identify Federal financial assistance available for the training of United States merchant mariners, including those working to receive a Standards of Training, Certification and Watchkeeping endorsement under subchapter B of chapter 1 of title 46, Code of Federal Regulations;

(B) identify individuals eligible for assistance described in subparagraph (A); and

Recommendations. (C) develop recommendations to improve licensed and unlicensed merchant mariner access to assistance described in subparagraph (A).

Deadline. (2) REPORT AND BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Maritime Administration shall—

(A) provide to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the

Senate a briefing on the results of the study required under paragraph (1); and

(B) make such results publicly available on an appropriate website.

Public information. Web posting.

SEC. 3509. PUBLICATION OF INFORMATION ABOUT STUDENTS AND RECENT GRADUATES OF MARITIME ACADEMIES.

Not later than one year after the date of the enactment of this Act, the Maritime Administrator shall make publicly available on an appropriate website data, as available, on the following:

Deadline. Public information. Web posting. Data. Time period.

(1) The number of individuals who graduated from the United States Merchant Marine Academy and from each State Maritime Academy during the five-year period preceding the date of the enactment of this Act.

(2) The number of such individuals who have become employed in, or whose status qualifies under, each of the following categories:

(A) Maritime Afloat.

(B) Maritime Ashore.

(C) Armed Forces of the United States.

(D) Non-maritime.

(E) Graduate studies.

(F) Unknown.

(3) The number of students in each class at each State Maritime Academy who are receiving as of the date of the enactment of this Act, or who received during such five-year period, funds under the student incentive payment program under section 51509 of title 46, United States Code.

Effective date. Time period.

(4) The number of students described under paragraph (3) who used partial student incentive payments and who graduated without an obligation under such program.

(5) The number of students described under paragraph (3) who graduated with an obligation under such program.

SEC. 3510. MARINER LICENSING AND CREDENTIALING FOR M/V LISERON.

(a) IN GENERAL.—Except as provided in subsection (b) and subject to subsection (c), for purposes of licensing and credentialing of mariners, the Secretary of Homeland Security shall prescribe a tonnage measurement as a small passenger vessel, as defined in section 2101 of title 46, United States Code, for the M/V LISERON (United States official number 971339) for purposes of applying the optional regulatory measurement under section 14305 and under chapter 145 of such title.

Applicability.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to the vessel referred to in such subsection if the length of the vessel exceeds its length on the date of enactment of this Act.

Effective date.

(c) RESTRICTIONS.—The vessel referred to in subsection (a) is subject to the following restrictions:

(1) The vessel may not operate outside the inland waters of the United States, as established under section 151 of title 33, United States Code, when carrying passengers for hire and operating under subsection (a).

(2) The Secretary may issue a restricted credential as appropriate for a licensed individual employed to serve on such vessel under prescribed regulations.

Subtitle B—Tanker Security Fleet

SEC. 3511. TANKER SECURITY FLEET.

46 USC prec. 53401.

(a) IN GENERAL.—Part C of subtitle V of title 46, United States Code, is amended by inserting after chapter 533 the following new chapter:

"CHAPTER 534—TANKER SECURITY FLEET

"53401. Definitions.
"53402. Establishment of the Tanker Security Fleet.
"53403. Award of operating agreements.
"53404. Effectiveness of operating agreements.
"53405. Obligations and rights under operating agreements.
"53406. Payments.
"53407. National security requirements.
"53408. Regulatory relief.
"53409. Special rule regarding age of participating Fleet vessels.
"53410. Regulations.
"53411. Authorization of appropriations.
"53412. Acquisition of Fleet vessels.

46 USC 53401.

"§ 53401. Definitions

"In this chapter:

"(1) FOREIGN COMMERCE.—The term 'foreign commerce' means—

"(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

"(B) commerce or trade between foreign countries.

"(2) PARTICIPATING FLEET VESSEL.—The term 'participating Fleet vessel' means any product tank vessel covered by an operating agreement under this chapter on or after January 1, 2022, that—

"(A) meets the requirements of one of paragraphs (1) through (4) of section 53402(b) of this title; and

"(B) is no more than 20 years of age.

"(3) PERSON.—The term 'person' includes corporations, partnerships, and associations existing under, or authorized by, laws of the United States, or any State, territory, district, or possession thereof, or any foreign country.

"(4) PRODUCT TANK VESSEL.—The term 'product tank vessel' means a double-hulled tank vessel capable of carrying simultaneously more than 2 separated grades of refined petroleum products.

"(5) PROGRAM PARTICIPANT.—The term 'program participant' means an owner or operator of a vessel that enters into an operating agreement covering a participating fleet vessel with the Secretary under section 53403.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation, unless the context indicates otherwise.

"(7) UNITED STATES CITIZEN TRUST.—The term 'United States citizen trust'—

"(A) means a trust for which—

"(i) each of the trustees is a citizen of the United States; and

"(ii) the application for documentation of the vessel under chapter 121 of this title includes an affidavit of each trustee stating that the trustee is not aware

of any reason involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person who is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence or limit the exercise of the authority of the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States;

"(B) does not include a trust for which any person that is not a citizen of the United States has authority to direct, or participate in directing, a trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee without cause, either directly or indirectly through the control of another person, unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to so direct or remove a trustee; and

"(C) may include a trust for which a person who is not a citizen of the United States holds more than 25 percent of the beneficial interest in the trust.

"§ 53402. Establishment of the Tanker Security Fleet

46 USC 53402.

"(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Defense, shall establish a fleet of active, commercially viable, militarily useful, privately owned product tank vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The fleet shall consist of privately owned vessels of the United States for which there are in effect operating agreements under this chapter, and shall be known as the 'Tanker Security Fleet' (hereafter in this chapter referred to as the 'Fleet').

Consultation.

"(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if the vessel—

"(1) meets the requirements under paragraph (1), (2), (3), or (4) of subsection (c);

"(2) is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in United States foreign commerce;

"(3) is self-propelled;

"(4) is not more than 10 years of age on the date the vessel is first included in the Fleet;

"(5) is determined by the Secretary of Defense to be suitable for use by the United States for national defense or military purposes in time of war or national emergency;

"(6) is commercially viable, as determined by the Secretary of Transportation; and

"(7) is—

"(A) a vessel of the United States; or

"(B) not a vessel of the United States, but—

"(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

"(ii) at the time an operating agreement is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.

"(c) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS, CHARTERERS, AND OPERATORS.—

"(1) VESSELS OWNED AND OPERATED BY SECTION 50501 CITIZENS.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be owned and operated by one or more persons that are citizens of the United States under section 50501 of this title.

Applicability.

"(2) VESSELS OWNED BY A SECTION 50501 CITIZEN, OR UNITED STATES CITIZEN TRUST, AND CHARTERED TO A DOCUMENTATION CITIZEN.—A vessel meets the requirements of this paragraph if—

Applicability.

"(A) during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be—

"(i) owned by a person that is a citizen of the United States under section 50501 of this title or that is a United States citizen trust; and

"(ii) demise chartered to a person—

"(I) that is eligible to document the vessel under chapter 121 of this title;

Approval.

"(II) the chairman of the board of directors, chief executive officer, and a majority of the members of the board of directors of which are citizens of the United States under section 50501 of this title, and are appointed and subjected to removal only upon approval by the Secretary of Transportation; and

Certification.

"(III) that certifies to the Secretary of Transportation that there are no treaties, statutes, regulations, or other laws that would prohibit the program participant for the vessel from performing its obligations under an operating agreement under this chapter;

Contracts.

"(B) in the case of a vessel that will be demise chartered to a person that is owned or controlled by another person that is not a citizen of the United States under section 50501 of this title, the other person enters into an agreement with the Secretary of Transportation not to influence the operation of the vessel in a manner that will adversely affect the interests of the United States; and

Notification.

"(C) the Secretary of Transportation and the Secretary of Defense notify the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that the Secretaries concur with the certification required under subparagraph (A)(ii)(III), and have reviewed and agree that there are no legal, operational, or other impediments that would prohibit the owner or operator for the vessel from performing its obligations under an operating agreement under this chapter.

"(3) VESSELS OWNED AND OPERATED BY A DEFENSE CONTRACTOR.—A vessel meets the requirements of this paragraph if—

"(A) during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be owned and operated by a person that— Applicability.

"(i) is eligible to document a vessel under chapter 121 of this title;

"(ii) operates or manages other vessels of the United States for the Secretary of Defense, or charters other vessels to the Secretary of Defense;

"(iii) has entered into a special security agreement for the purpose of this paragraph with the Secretary of Defense; Contracts.

"(iv) makes the certification described in paragraph (2)(A)(ii)(III); and Certification.

"(v) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that paragraph; and Contracts.

"(B) the Secretary of Transportation and the Secretary of Defense notify the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that they concur with the certification required under subparagraph (A)(iv), and have reviewed and agree that there are no legal, operational, or other impediments that would prohibit the program participant for the vessel from performing its obligations under an operating agreement under this chapter. Notification.

"(4) VESSELS OWNED BY DOCUMENTATION CITIZENS AND CHARTERED TO SECTION 50501 CITIZENS.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this chapter, the vessel will be—

"(A) owned by a person who is eligible to document a vessel under chapter 121 of this title; and

"(B) demise chartered to a person that is a citizen of the United States under section 50501 of this title.

"(d) REQUEST BY SECRETARY OF DEFENSE.—The Secretary of Defense shall request that the Secretary of Homeland Security issue any waiver under section 501 of this title that the Secretary of Defense determines is necessary for purposes of this chapter. Waivers. Determination.

"(e) VESSEL STANDARDS.—

"(1) CERTIFICATE OF INSPECTION.—A vessel used to provide oceangoing transportation the Secretary of the department in which the Coast Guard is operating determines meets the criteria of subsection (b) but which, on the date of enactment of this section, is not documented under chapter 121, shall be eligible for a certificate of inspection if the Secretary of the department in which the Coast Guard is operating determines that— Determinations. Effective date.

"(A) the vessel is classed by and designed in accordance with the rules of the American Bureau of Shipping, or another classification society accepted by the Commandant of the Coast Guard;

"(B) the vessel complies with applicable international agreements and associated guidelines, as determined by Compliance. Guidelines.

the country in which the vessel was documented immediately before becoming documented under chapter 121 of this title; and

"(C) the country has not been identified by the Commandant of the Coast Guard as inadequately enforcing international vessel regulations as to that vessel.

"(2) CONTINUED ELIGIBILITY FOR CERTIFICATE.—Subsection (a) shall not apply to any vessel that has failed to comply with the applicable international agreements and associated guidelines referred to in paragraph (1)(B).

"(3) RELIANCE ON CLASSIFICATION SOCIETY.—

Certification. Compliance.

"(A) IN GENERAL.—The Commandant of the Coast Guard may rely on a certification from the American Bureau of Shipping or, subject to subparagraph (B), another classification society accepted by the Commandant of the Coast Guard, to establish that a vessel is in compliance with the requirements of paragraph (1).

"(B) FOREIGN CLASSIFICATION SOCIETY.—The Commandant of the Coast Guard may accept certification from a foreign classification society under subparagraph (A) only—

"(i) to the extent that the government of the foreign country in which the society is headquartered provides access on a reciprocal basis to the American Bureau of Shipping; and

"(ii) if the foreign classification society has offices and maintains records in the United States.

Contracts. 46 USC 53403. Requirements.

"§ 53403. Award of operating agreements

"(a) IN GENERAL.—The Secretary of Transportation shall require, as a condition of including any vessel in the Fleet, that the program participant of the vessel enter into an operating agreement with the Secretary under this section.

"(b) PROCEDURE FOR APPLICATIONS.—

"(1) ELIGIBLE VESSELS.—The Secretary of Transportation shall accept an application for an operating agreement for an eligible product tank vessel under the priority under paragraph (2) only from a person that has authority to enter into an operating agreement under this chapter.

"(2) ESTABLISHMENT OF PRIORITY.—The Secretary of Transportation may enter into a new operating agreement with an applicant that meets the requirements of section 53402(c) for a vessel that meets the qualifications of section 53402(b), and shall give priority to applications based on—

"(A) vessel capabilities, as established by the Secretary of Defense; then

"(B) after consideration of vessel type, according to an applicant's record of owning and operating vessels; then

"(C) after consideration of ownership and operation, according to such additional priorities as the Secretary of Transportation may consider appropriate.

"(3) CONCURRENCE OF AWARD.—The Secretary of Transportation may not approve an application for an operating agreement without the concurrence of the Secretary of Defense.

"(c) LIMITATION.—For any fiscal year, the Secretary of Transportation may not award operating agreements under this chapter

that require payments under section 53406 of this title for more than 10 vessels.

"(d) JUDICIAL REVIEW.—No court shall have jurisdiction to review the Secretary's decision with respect to the award or non-award of an operating agreement issued under this chapter.

"§ 53404. Effectiveness of operating agreements

Contracts.
Deadlines.
46 USC 53404.

"(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary may enter into an operating agreement under this chapter for fiscal year 2022 and any subsequent fiscal year. The agreement shall be effective only for 1 fiscal year, but shall be renewable, subject to the availability of appropriations, for each fiscal year through the end of fiscal year 2035.

Time period.

"(b) VESSELS UNDER CHARTER TO THE UNITED STATES.—The program participant of a vessel under charter to the United States is eligible to receive payments pursuant to any operating agreement that covers such vessel.

"(c) TERMINATION.—

"(1) TERMINATION BY SECRETARY FOR LACK OF PROGRAM PARTICIPANT COMPLIANCE.—If the program participant with respect to an operating agreement materially fails to comply with the terms of the agreement—

"(A) the Secretary shall notify the program participant and provide a reasonable opportunity to comply with the operating agreement; and

Notification.

"(B) the Secretary shall terminate the operating agreement if the program participant fails to achieve such compliance.

"(2) TERMINATION BY PROGRAM PARTICIPANT.—If a program participant provides notice of the intent to terminate an operating agreement under this chapter on a date specified by not later than 60 days prior to the date specified by the program participant for such termination, such agreement shall terminate on the date specified by the program participant.

"(d) NONRENEWAL FOR LACK OF FUNDS.—If, by the first day of a fiscal year, sufficient funds have not been appropriated under the authority provided by this chapter for that fiscal year, then the Secretary shall notify the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that operating agreements authorized under this chapter for which sufficient funds are not available will not be renewed for that fiscal year if sufficient funds are not appropriated by the 60th day of that fiscal year.

Notification.

"(e) RELEASE OF VESSELS FROM OBLIGATIONS.—If funds are not appropriated for payments under an operating agreement under this chapter for any fiscal year by the 60th day of that fiscal year, then—

"(1) each vessel covered by the operating agreement is thereby released from any further obligation under the operating agreement;

"(2) the program participant for the vessel may transfer and register such vessel under a foreign registry that is acceptable to the Secretary of Transportation and the Secretary of Defense, notwithstanding section 56101 of this title; and

"(3) if chapter 563 of this title is applicable to the vessel after registration, then the vessel is available to be requisitioned by the Secretary pursuant to chapter 563 of this title.

Contracts.
46 USC 53405.
Requirements.

"§ 53405. Obligations and rights under operating agreements

"(a) OPERATION OF VESSEL.—An operating agreement under this chapter shall require that, during the period the vessel covered by the agreement is operating under the agreement the vessel shall—

"(1) be operated in the United States foreign commerce, mixed United States foreign commerce and domestic trade allowed under a registry endorsement issued under section 12111 of this title, in foreign-to-foreign commerce, or under a charter to the United States;

"(2) not be operated in the coastwise trade except as described in paragraph (1); and

"(3) be documented under chapter 121 of this title.

"(b) ANNUAL PAYMENTS BY THE SECRETARY.—

Requirements.

"(1) IN GENERAL.—An operating agreement under this chapter shall require, subject to the availability of appropriations, that the Secretary make a payment to the program participant in accordance with section 53406.

"(2) OPERATING AGREEMENT IS AN OBLIGATION OF THE UNITED STATES GOVERNMENT.—An operating agreement under this chapter constitutes a contractual obligation of the United States Government to pay the amounts provided for in the agreement to the extent of actual appropriations.

"(c) DOCUMENTATION REQUIREMENT.—Each vessel covered by the operating agreement, including an agreement terminated under section 53404(c)(2), shall remain documented under chapter 121 of this title until the date the operating agreement would terminate according to its terms.

"(d) NATIONAL SECURITY REQUIREMENTS.—

"(1) IN GENERAL.—A program participant with respect to an operating agreement, including an agreement terminated under section 53404(c)(2), shall continue to be bound by the provisions of section 53407 until the date the operating agreement would terminate according to its terms.

"(2) EMERGENCY PREPAREDNESS AGREEMENT.—All terms and conditions of an Emergency Preparedness Agreement entered into under section 53407 shall remain in effect until the date the operating agreement would terminate according to its terms, except that the terms of such Emergency Preparedness Agreement may be modified by the mutual consent of the program participant, the Secretary of Transportation, and the Secretary of Defense.

Determination.

"(e) TRANSFER OF OPERATING AGREEMENTS.—A program participant may transfer an operating agreement (including all rights and obligations under the agreement) to any person that is eligible to enter into that operating agreement under this chapter, if the Secretary of Transportation and the Secretary of Defense determine that the transfer is in the best interests of the United States.

Coordination.

"(f) REPLACEMENT OF VESSELS COVERED BY AGREEMENTS.—A program participant may replace the vessel with another vessel that is eligible to be included in the Fleet under section 53402(b), if the Secretary of Transportation, in coordination with the Secretary of Defense, approves the replacement of the vessel. No court

shall have jurisdiction to review a decision by the Secretary of Transportation or the Secretary of Defense pertaining to the replacement of a vessel under this section.

"§ 53406. Payments

46 USC 53406.

"(a) ANNUAL PAYMENT.—Subject to the availability of appropriations for such purpose and the other provisions of this chapter, the Secretary shall pay to program participant for an operating agreement under this chapter an amount equal to $6,000,000 for each vessel covered by the agreement for each fiscal year that the vessel is covered by the agreement. Such amount shall be paid in equal monthly installments on the last day of each month. The amount payable under this subsection may not be reduced except as provided by this section.

"(b) CERTIFICATION REQUIRED FOR PAYMENT.—As a condition of receiving payment under this section for a fiscal year for a vessel, the program participant shall certify, in accordance with regulations issued by the Secretary, that the vessel has been and will be operated in accordance with section 53405(a) of this title for at least 320 days during the fiscal year. Days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

Regulations.
Time period.

"(c) GENERAL LIMITATIONS.—The Secretary may not make any payment under this chapter for a vessel with respect to any days for which the vessel is—

"(1) not operated or maintained in accordance with an operating agreement under this chapter;

"(2) more than 20 years of age; or

"(3) simultaneously operating under an agreement pursuant to chapter 531 of this title.

"(d) REDUCTIONS IN PAYMENTS.—With respect to payments under this chapter for a vessel covered by an operating agreement, the Secretary—

"(1) except as provided in paragraph (2), may not reduce such a payment for—

"(A) the operation of the vessel to carry military or other preference cargoes under section 55302(a), 55304, 55305, or 55314 of this title, section 2631 of title 10, or any other cargo preference law of the United States; or

"(B) any days in which the vessel is operated under charter to the United States Government;

"(2) may not make such a payment for any day that the vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 55302(a), 55305, or 55314 of this title; and

"(3) shall make a pro rata reduction for each day less than 320 in a fiscal year that the vessel is not operated in accordance with section 53405 of this title.

"(e) LIMITATIONS REGARDING NONCONTIGUOUS DOMESTIC TRADE.—

"(1) IN GENERAL.—No program participant shall receive payments pursuant to this chapter during a period in which it participates in noncontiguous domestic trade.

"(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a program participant that is a citizen of the United States within the meaning of section 50501 of this title, applying the 75 percent ownership requirement of that section.

"(3) PARTICIPATES IN A NONCONTIGUOUS TRADE DEFINED.—In this subsection the term 'participates in a noncontiguous domestic trade' means directly or indirectly owns, charters, or operates a vessel engaged in transportation of cargo between a point in the contiguous 48 States and a point in Alaska, Hawaii, or Puerto Rico, other than a point in Alaska north of the Arctic Circle.

Contracts.
46 USC 53407.
Coordination.

"§ 53407. National security requirements

"(a) EMERGENCY PREPAREDNESS AGREEMENT REQUIRED.—The Secretary of Transportation, in coordination with the Secretary of Defense, shall establish an emergency preparedness program under this section under which the program participant for an operating agreement under this chapter shall agree, as a condition of the operating agreement, to enter into an emergency preparedness agreement with the Secretary. The Secretary shall negotiate and enter into an Emergency Preparedness Agreement with each program participant as promptly as practicable after the program participant has entered into the operating agreement.

"(b) TERMS OF AGREEMENT.—The terms of an agreement under this section—

Determination.

"(1) shall provide that upon request by the Secretary of Defense during time of war or national emergency, or whenever determined by the Secretary of Defense to be necessary for national security or contingency operation (as that term is defined in section 101 of title 10), the program participant shall make available commercial transportation resources (including services) described in subsection (d) to the Secretary of Defense;

"(2) shall include such additional terms as may be established by the Secretary of Transportation and the Secretary of Defense; and

"(3) shall allow for the modification or addition of terms upon agreement by the Secretary of Transportation and the program participant and the approval by the Secretary of Defense.

"(c) PARTICIPATION AFTER EXPIRATION OF OPERATING AGREEMENT.—Except as provided by section 53406, the Secretary of Transportation may not require, through an emergency preparedness agreement or an operating agreement, that a program participant covered by an operating agreement continue to participate in an emergency preparedness agreement after the operating agreement has expired according to its terms or is otherwise no longer in effect. After the expiration of an emergency preparedness agreement, a program participant may voluntarily continue to participate in the agreement.

"(d) RESOURCES MADE AVAILABLE.—The commercial transportation resources to be made available under an emergency preparedness agreement shall include vessels or capacity in vessels, terminal facilities, management services, and other related services, or any agreed portion of such nonvessel resources for activation as the Secretary of Defense may determine to be necessary, seeking to minimize disruption of the program participant's service to commercial customers.

"(e) COMPENSATION.—

"(1) IN GENERAL.—The Secretary of Transportation shall include in each Emergency Preparedness Agreement provisions

approved by the Secretary of Defense under which the Secretary of Defense shall pay fair and reasonable compensation for all commercial transportation resources provided pursuant to this section.

"(2) SPECIFIC REQUIREMENTS.—Compensation under this subsection—

"(A) shall not be less than the program participant's commercial market charges for like transportation resources;

"(B) shall be fair and reasonable considering all circumstances;

"(C) shall be provided from the time that a vessel or resource is required by the Secretary of Defense until the time it is redelivered to the program participant and is available to reenter commercial service; and

"(D) shall be in addition to and shall not in any way reflect amounts payable under section 53406 of this title.

"(f) TEMPORARY REPLACEMENT VESSELS.—Notwithstanding section 55302(a), 55304, 55305, or 55314 of this title, section 2631 of title 10, or any other cargo preference law of the United States—

"(1) a program participant may operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity as a temporary replacement for a vessel of the United States or vessel of the United States capacity that is activated by the Secretary of Defense under an emergency preparedness agreement or a primary Department of Defense sealift-approved readiness program; and

"(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to sections 55302(a), 55304, 55305, and 55314 of this title and section 2631 of title 10, United States Code, to the same extent as the eligibility of the vessel or vessel capacity replaced.

"(g) REDELIVERY AND LIABILITY OF THE UNITED STATES FOR DAMAGES.—

"(1) IN GENERAL.—All commercial transportation resources activated under an emergency preparedness agreement shall, upon termination of the period of activation, be redelivered to the program participant in the same good order and condition as when received, less ordinary wear and tear, or the Secretary of Defense shall fully compensate the program participant for any necessary repair or replacement.

"(2) LIMITATION ON UNITED STATES LIABILITY.—Except as may be expressly agreed in an emergency preparedness agreement, or as otherwise provided by law, the Government shall not be liable for disruption of a program participant's commercial business or other consequential damages to the program participant arising from the activation of commercial transportation resources under an emergency preparedness agreement.

"§ 53408. Regulatory relief

46 USC 53408.

"(a) OPERATION IN FOREIGN COMMERCE.—A program participant for a vessel included in an operating agreement under this chapter may operate the vessel in the foreign commerce of the United States without restriction.

"(b) OTHER RESTRICTIONS.—The restrictions of section 55305(a) of this title concerning the building, rebuilding, or documentation

of a vessel in a foreign country shall not apply to a vessel for any day the operator of the vessel is receiving payments for the operation of that vessel under an operating agreement under this chapter.

"(c) TELECOMMUNICATIONS EQUIPMENT.—The telecommunications and other electronic equipment on an existing vessel that is redocumented under the laws of the United States for operation under an operating agreement under this chapter shall be deemed to satisfy all Federal Communications Commission equipment approval requirements, if—

Compliance.

"(1) such equipment complies with all applicable international agreements and associated guidelines as determined by the country in which the vessel was documented immediately before becoming documented under the laws of the United States;

"(2) that country has not been identified by the Secretary as inadequately enforcing international regulations as to that vessel; and

"(3) at the end of its useful life, such equipment shall be replaced with equipment that meets Federal Communications Commission equipment approval standards.

46 USC 53409.

"§ 53409. Special rule regarding age of participating Fleet vessels

Time period. Determination.

"Any age restriction under section 53402(b)(4) of this title shall not apply to a participating Fleet vessel during the 30-month period beginning on the date the vessel begins operating under an operating agreement under this chapter, if the Secretary determines that the program participant for the vessel has entered into an arrangement to obtain and operate under the operating agreement for the participating Fleet vessel a replacement vessel that, upon commencement of such operation, will be eligible to be included in the Fleet under section 53402(b) of this title.

46 USC 53410.

"§ 53410. Regulations

"The Secretary of Transportation and the Secretary of Defense may each prescribe rules as necessary to carry out their respective responsibilities under this chapter.

46 USC 53411.

"§ 53411. Authorization of appropriations

"There is authorized to be appropriated for payments under section 53406, $60,000,000 for each of fiscal years 2022 through 2035, to remain available until expended.

46 USC 53412.

"§ 53412. Acquisition of Fleet vessels

"(a) IN GENERAL.—Upon replacement of a Fleet vessel under an operating agreement under this chapter, and subject to agreement by the program participant of the vessel, the Secretary of Transportation is authorized, subject to the concurrence of the Secretary of Defense, acquire the vessel being replaced for inclusion in the National Defense Reserve Fleet.

"(b) REQUIREMENTS.—To be eligible for acquisition by the Secretary of Transportation under this section a vessel shall—

Time period.

"(1) have been covered by an operating agreement under this chapter for not less than 3 years; and

"(2) meet recapitalization requirements for the Ready Reserve Force.

"(c) FAIR MARKET VALUE.—A fair market value shall be established by the Maritime Administration for acquisition of an eligible vessel under this section.

"(d) APPROPRIATIONS.—Vessel acquisitions under this section shall be subject to the availability of appropriations. Amounts made available to carry out this section shall be derived from amounts authorized to be appropriated for the National Defense Reserve Fleet. Amounts authorized to be appropriated to carry out the Maritime Security Program may not be use to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle V of title 46, United States Code, is amended by adding at the end the following: 46 USC prec. 50101.

"534. Tanker Security Fleet ..... 53401".

(c) DEADLINE FOR ACCEPTING APPLICATIONS.— 46 USC 53402 note.

(1) IN GENERAL.—The Secretary of Transportation shall begin accepting applications for enrollment of vessels in the Tanker Security Fleet established under chapter 534 of title 46, United States Code, as added by subsection (a), by not later than 60 days after the date of the enactment of this title.

(2) APPROVAL.—Not later than 90 days after receipt of an application for the enrollment of a vessel in the Tanker Security Fleet, the Secretary of Transportation, in coordination with the Secretary of Defense shall— Coordination.

(A) approve the application and enter into an operating agreement with the applicant; or

(B) provide to the applicant a written explanation for the denial of the application.

(3) VESSELS OPERATING IN MARITIME SECURITY FLEET.—Notwithstanding the requirements of section 53402(b) of title 46, United States Code, the Secretary of Transportation shall approve an application submitted under chapter 534 of title 46, United State Code, for a product tank vessel for which there is, on the date of enactment of this title, an effective operating agreement under chapter 531 of title 46, United States Code. Approval. Effective date.

(d) EFFECTIVE DATE.— 46 USC 53401 note.

(1) IN GENERAL.—This section shall take effect on the date on which the Secretary of Defense—

(A) has completed the report on United States flagged fuel tanker vessel capacity as required by section 3519 of the National Defense Authorization Act for Fiscal Year 2020;

(B) has submitted that report to the appropriate committees of Congress;

(C) publishes certification— Publication. Certification.

(i) that a program for United States-flagged fuel tanker vessels as prescribed in chapter 534 of title 46, United States Code, as amended by this section, for the purpose of providing additional United States-flagged fuel tanker vessels is in the national security interest of the United State; and

(ii) of the number of such additional tankers covered under such a program that could be necessary to meet Department of Defense wartime requirements.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

Subtitle C—Other Matters

SEC. 3521. MARITIME SECURITY AND DOMAIN AWARENESS.

(a) PROGRESS REPORT ON MARITIME SECURITY.—

Coordination.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, the Secretary of the Department in which the Coast Guard is operating, and the heads of other appropriate Federal agencies, shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the steps taken since December 20, 2019, to make further use of the following mechanisms to combat IUU fishing:

(A) Inclusion of counter-IUU fishing in existing shiprider agreements to which the United States is a party.

(B) Entry into shiprider agreements that include counter-IUU fishing with priority flag states and countries in priority regions with which the United States does not already have such agreements.

(C) Inclusion of counter-IUU fishing in the mission of the Combined Maritime Forces.

(D) Inclusion of counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the United States Coast Guard.

(E) Development of partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

(2) ELEMENT.—The report required by paragraph (1) shall include a description of specific steps taken by the Secretary of the Navy with respect to each mechanism described in paragraph (1), including a detailed description of any security cooperation engagement undertaken to combat IUU fishing by such mechanisms and resulting coordination between the Department of the Navy and the Coast Guard.

(b) ASSESSMENT OF SERVICE COORDINATION ON MARITIME DOMAIN AWARENESS.—

Deadline.
Contracts.
Consultation.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, to assess the available commercial solutions for collecting, sharing, and disseminating among

United States maritime services and partner countries maritime domain awareness information relating to illegal maritime activities, including IUU fishing.

(2) ELEMENTS.—The assessment carried out pursuant to an agreement under paragraph (1) shall—

(A) build on the ongoing Coast Guard assessment related to autonomous vehicles;

(B) consider appropriate commercially and academically available technological solutions; and

(C) consider any limitation related to affordability, exportability, maintenance, and sustainment requirements and any other factor that may constrain the suitability of such solutions for use in a joint and combined environment, including the potential provision of such solutions to one or more partner countries.

(3) SUBMITTAL TO CONGRESS.—Not later than one year after entering into an agreement under paragraph (1), the Secretary of the Navy shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives the assessment prepared in accordance with the agreement. Deadline.

(c) REPORT ON USE OF FISHING FLEETS BY FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Naval Intelligence shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives a report on the use by governments of foreign countries of distant-water fishing fleets as extensions of the official maritime security forces of such countries.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An analysis of the manner in which fishing fleets are leveraged in support of the naval operations and policies of foreign countries more generally. Analysis.

(B) A consideration of—

(i) threats posed, on a country-by-country basis, to the fishing vessels and other vessels of the United States and partner countries;

(ii) risks to Navy and Coast Guard operations of the United States, and the naval and coast guard operations of partner countries; and

(iii) the broader challenge to the interests of the United States and partner countries.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex. Classified information.

(d) DEFINITIONS.—In this section, any term that is also used in the Maritime SAFE Act (subtitle C of title XXXV of Public Law 116–92) shall have the meaning given such term in that Act.

SEC. 3522. SENSE OF CONGRESS REGARDING ROLE OF DOMESTIC MARITIME INDUSTRY IN NATIONAL SECURITY.

It is the sense of Congress that—

(1) United States coastwise trade laws promote a strong domestic trade maritime industry, which supports the national security and economic vitality of the United States and the efficient operation of the United States transportation system; and

(2) a strong commercial maritime industry makes the United States more secure.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

Compliance.

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1512 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
003	FUTURE UAS FAMILY	1,100	1,100
004	RQ–11 (RAVEN)	20,851	20,851
	ROTARY		
007	AH–64 APACHE BLOCK IIIA REMAN	792,027	792,027
008	AH–64 APACHE BLOCK IIIA REMAN AP	169,460	169,460
011	UH–60 BLACKHAWK M MODEL (MYP)	742,998	725,298
	Unjustified costs		[–17,700]
012	UH–60 BLACKHAWK M MODEL (MYP) AP	87,427	87,427
013	UH–60 BLACK HAWK L AND V MODELS	172,797	172,797
014	CH–47 HELICOPTER	160,750	296,750
	Program increase—F Block II		[136,000]
015	CH–47 HELICOPTER AP	18,372	47,372
	Program increase—F Block II		[29,000]
	MODIFICATION OF AIRCRAFT		
018	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	7,509	7,509
019	GRAY EAGLE MODS2	16,280	16,280
020	MULTI SENSOR ABN RECON (MIP)	35,864	35,864
021	AH–64 MODS	118,316	110,576
	Sensors cost growth		[–7,740]
022	CH–47 CARGO HELICOPTER MODS (MYP)	15,548	15,548
023	GRCS SEMA MODS (MIP)	2,947	2,947
024	ARL SEMA MODS (MIP)	9,598	9,598
025	EMARSS SEMA MODS (MIP)	2,452	2,452
026	UTILITY/CARGO AIRPLANE MODS	13,868	13,868
027	UTILITY HELICOPTER MODS	25,842	31,342
	Program increase		[5,500]
028	NETWORK AND MISSION PLAN	77,432	77,432
029	COMMS, NAV SURVEILLANCE	101,355	101,355
031	AVIATION ASSURED PNT	54,609	54,609
032	GATM ROLLUP	12,180	12,180
034	UAS MODS	4,204	4,204
	GROUND SUPPORT AVIONICS		
035	AIRCRAFT SURVIVABILITY EQUIPMENT	49,455	49,455
036	SURVIVABILITY CM	8,035	8,035
037	CMWS	10,567	10,567
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	237,467	237,467
	OTHER SUPPORT		
	UNDISTRIBUTED		
039	AVIONICS SUPPORT EQUIPMENT	1,789	1,789
040	COMMON GROUND EQUIPMENT	17,584	17,584
041	AIRCREW INTEGRATED SYSTEMS	48,265	48,265
042	AIR TRAFFIC CONTROL	26,408	26,408
044	LAUNCHER, 2.75 ROCKET	2,256	2,256
045	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2	8,982	8,982
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,074,594**	**3,219,654**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	M-SHORAD—PROCUREMENT	378,654	374,587
	Production costs previously funded		[–4,067]
003	MSE MISSILE	603,188	603,188
004	PRECISION STRIKE MISSILE (PRSM)	49,941	49,941
005	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	106,261	65,469
	Army identified funds excess to need		[–40,792]
	AIR-TO-SURFACE MISSILE SYSTEM		
006	HELLFIRE SYS SUMMARY	91,225	91,225
007	JOINT AIR-TO-GROUND MSLS (JAGM)	213,397	213,397
008	LONG RANGE PRECISION MUNITION	45,307	45,307
	ANTI-TANK/ASSAULT MISSILE SYS		
009	JAVELIN (AAWS-M) SYSTEM SUMMARY	190,325	190,325
010	TOW 2 SYSTEM SUMMARY	121,074	121,074
011	GUIDED MLRS ROCKET (GMLRS)	850,157	845,157
	Excess tooling request		[–5,000]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
012	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	30,836	30,836
013	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	41,226	51,226
	Army requested transfer from OM,A line 121		[10,000]
	MODIFICATIONS		
016	PATRIOT MODS	278,050	278,050
017	ATACMS MODS	141,690	141,690
020	AVENGER MODS	13,942	13,942
021	ITAS/TOW MODS	5,666	5,666
022	MLRS MODS	310,419	310,419
023	HIMARS MODIFICATIONS	6,081	6,081
	SPARES AND REPAIR PARTS		
024	SPARES AND REPAIR PARTS	5,090	5,090
	SUPPORT EQUIPMENT & FACILITIES		
	UNDISTRIBUTED		
025	AIR DEFENSE TARGETS	8,978	8,978
	TOTAL MISSILE PROCUREMENT, ARMY	**3,491,507**	**3,451,648**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	192,971	139,254
	Forward financing of vehicle manufacturing		[–53,717]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
004	STRYKER UPGRADE	847,212	1,168,212
	CROWS-J program delay		[–39,160]
	Program increase—Army UPL		[375,000]
	Unit cost growth		[–14,840]
005	BRADLEY PROGRAM (MOD)	493,109	435,759
	Prior year carry-over		[–17,350]
	UBIS early to need		[–40,000]
006	M109 FOV MODIFICATIONS	26,893	26,893
007	PALADIN INTEGRATED MANAGEMENT (PIM)	435,825	435,825
009	ASSAULT BRIDGE (MOD)	5,074	5,074
010	ASSAULT BREACHER VEHICLE	19,500	19,500
011	M88 FOV MODS	18,382	18,382
012	JOINT ASSAULT BRIDGE	72,178	19,247
	Program delay		[–52,931]
013	M1 ABRAMS TANK (MOD)	392,013	392,013
014	ABRAMS UPGRADE PROGRAM	1,033,253	1,020,396
	Component cost savings		[–3,480]
	Prior year carry-over		[–9,377]
	WEAPONS & OTHER COMBAT VEHICLES		
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	17,864	17,864
018	MORTAR SYSTEMS	10,288	10,288
019	XM320 GRENADE LAUNCHER MODULE (GLM)	5,969	5,969
020	PRECISION SNIPER RIFLE	10,137	10,137
021	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	999	999
022	CARBINE	7,411	7,411
023	NEXT GENERATION SQUAD WEAPON	35,822	35,822
024	COMMON REMOTELY OPERATED WEAPONS STATION	24,534	24,534
025	HANDGUN	4,662	4,662
	MOD OF WEAPONS AND OTHER COMBAT VEH		
026	MK–19 GRENADE MACHINE GUN MODS	6,444	6,444
027	M777 MODS	10,983	10,983
028	M4 CARBINE MODS	4,824	4,824
031	M240 MEDIUM MACHINE GUN MODS	6,385	6,385
032	SNIPER RIFLES MODIFICATIONS	1,898	1,898
033	M119 MODIFICATIONS	2,009	2,009
034	MORTAR MODIFICATION	1,689	1,689
035	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,604	2,604
	SUPPORT EQUIPMENT & FACILITIES		
	UNDISTRIBUTED		
036	ITEMS LESS THAN $5.0M (WOCV-WTCV)	2,763	2,763
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	3,045	3,045
	TOTAL PROCUREMENT OF W&TCV, ARMY	**3,696,740**	**3,840,885**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
001	CTG, 5.56MM, ALL TYPES	68,472	65,659
	E95700 unit cost growth		[–2,813]
002	CTG, 7.62MM, ALL TYPES	109,933	109,933
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	11,988	11,988
004	CTG, HANDGUN, ALL TYPES	853	853
005	CTG, .50 CAL, ALL TYPES	58,280	58,280
006	CTG, 20MM, ALL TYPES	31,708	31,708
007	CTG, 25MM, ALL TYPES	9,111	9,111
008	CTG, 30MM, ALL TYPES	58,172	58,172
009	CTG, 40MM, ALL TYPES	114,638	114,638
	MORTAR AMMUNITION		
010	60MM MORTAR, ALL TYPES	31,222	31,222
011	81MM MORTAR, ALL TYPES	42,857	42,857
012	120MM MORTAR, ALL TYPES	107,762	107,762
	TANK AMMUNITION		
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	233,444	232,226
	E73201 excess cost growth		[–1,218]
	ARTILLERY AMMUNITION		
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	35,963	35,963
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	293,692	291,292
	Program delays		[–2,400]
016	PROJ 155MM EXTENDED RANGE M982	69,159	64,909
	E80103 unit cost growth		[–4,250]
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	232,913	232,913
	MINES		
018	MINES & CLEARING CHARGES, ALL TYPES	65,278	62,778
	Program decrease		[–2,500]
019	CLOSE TERRAIN SHAPING OBSTACLE	4,995	4,995
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	69,112	69,112
021	ROCKET, HYDRA 70, ALL TYPES	125,915	125,915
	OTHER AMMUNITION		
022	CAD/PAD, ALL TYPES	8,891	8,891
023	DEMOLITION MUNITIONS, ALL TYPES	54,043	54,043
024	GRENADES, ALL TYPES	28,931	28,931
025	SIGNALS, ALL TYPES	27,036	27,036
026	SIMULATORS, ALL TYPES	10,253	10,253
	MISCELLANEOUS		
027	AMMO COMPONENTS, ALL TYPES	3,476	3,476
029	ITEMS LESS THAN $5 MILLION (AMMO)	10,569	10,569
030	AMMUNITION PECULIAR EQUIPMENT	12,338	12,338
031	FIRST DESTINATION TRANSPORTATION (AMMO)	15,908	15,908
032	CLOSEOUT LIABILITIES	99	99
	PRODUCTION BASE SUPPORT		
	UNDISTRIBUTED		
033	INDUSTRIAL FACILITIES	592,224	696,724
	Program increase		[104,500]
034	CONVENTIONAL MUNITIONS DEMILITARIZATION	235,112	235,112
035	ARMS INITIATIVE	3,369	3,369
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**2,777,716**	**2,869,035**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	12,986	9,653
	Prior year carryover		[–3,333]
002	SEMITRAILERS, FLATBED:	31,443	31,443
003	SEMITRAILERS, TANKERS	17,082	17,082
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	44,795	44,795
005	GROUND MOBILITY VEHICLES (GMV)	37,932	37,932
008	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	894,414	894,414
009	TRUCK, DUMP, 20T (CCE)	29,368	29,368
010	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	95,092	95,092
011	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	999	999
012	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	27,687	27,687
014	PLS ESP	21,969	21,969
015	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	65,635	99,135
	Program increase		[33,500]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
016	HMMWV RECAPITALIZATION PROGRAM	5,927	5,927
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	36,497	36,497
018	MODIFICATION OF IN SVC EQUIP	114,977	114,977
	NON-TACTICAL VEHICLES		
020	PASSENGER CARRYING VEHICLES	1,246	1,246
021	NONTACTICAL VEHICLES, OTHER	19,870	4,968
	Excess carryover		[–14,902]
	COMM—JOINT COMMUNICATIONS		
022	SIGNAL MODERNIZATION PROGRAM	160,469	151,179
	Unit cost growth		[–9,290]
023	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	360,379	347,782
	Program delays		[–5,380]
	Unit cost growth		[–7,217]
024	SITUATION INFORMATION TRANSPORT	63,396	63,396
026	JCSE EQUIPMENT (USRDECOM)	5,170	5,170
	COMM—SATELLITE COMMUNICATIONS		
029	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	101,498	101,498
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	72,450	69,750
	AFRICOM force protection upgrades		[1,000]
	Program delays		[–3,700]
031	SHF TERM	13,173	13,173
032	ASSURED POSITIONING, NAVIGATION AND TIMING	134,928	134,928
033	SMART-T (SPACE)	8,611	8,611
034	GLOBAL BRDCST SVC—GBS	8,191	8,191
	COMM—C3 SYSTEM		
036	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	94,871	92,119
	Contract management growth		[–2,752]
	COMM—COMBAT COMMUNICATIONS		
037	HANDHELD MANPACK SMALL FORM FIT (HMS)	550,848	552,348
	AFRICOM force protection upgrades		[1,500]
038	RADIO TERMINAL SET, MIDS LVT(2)	8,237	8,237
041	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	13,967	0
	Program cancellation		[–13,967]
043	UNIFIED COMMAND SUITE	19,579	19,579
044	COTS COMMUNICATIONS EQUIPMENT	94,156	94,156
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	18,313	18,313
046	ARMY COMMUNICATIONS & ELECTRONICS	51,480	51,480
	COMM—INTELLIGENCE COMM		
048	CI AUTOMATION ARCHITECTURE (MIP)	13,146	13,146
049	DEFENSE MILITARY DECEPTION INITIATIVE	5,624	5,624
	INFORMATION SECURITY		
051	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	4,596	4,596
052	COMMUNICATIONS SECURITY (COMSEC)	159,272	159,272
053	DEFENSIVE CYBER OPERATIONS	54,753	42,753
	Army requested transfer to RDTE army line 267 for program management.		[–12,000]
054	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	1,760	1,760
056	ITEMS LESS THAN $5M (INFO SECURITY)	260	260
	COMM—LONG HAUL COMMUNICATIONS		
057	BASE SUPPORT COMMUNICATIONS	29,761	30,761
	AFRICOM UFR force protection upgrades		[1,000]
	COMM—BASE COMMUNICATIONS		
058	INFORMATION SYSTEMS	147,696	147,696
059	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,900	0
	Excess carryover		[–4,900]
060	HOME STATION MISSION COMMAND CENTERS (HSMCC)	15,227	15,227
061	JOINT INFORMATION ENVIRONMENT (JIE)	3,177	3,177
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	300,035	280,035
	Unjustified growth		[–20,000]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
065	JTT/CIBS-M (MIP)	5,304	5,304
066	TERRESTRIAL LAYER SYSTEMS (TLS) (MIP)	8,081	8,081
068	DCGS-A (MIP)	151,886	151,886
070	TROJAN (MIP)	17,593	17,593
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	28,558	28,558
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	999	999

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR	5,332	5,332
076	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	7,849	7,849
077	AIR VIGILANCE (AV) (MIP)	8,160	8,160
079	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	8,669	8,669
082	CI MODERNIZATION (MIP)	300	300
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
083	SENTINEL MODS	58,884	58,884
084	NIGHT VISION DEVICES	1,127,375	897,375
	IVAS reduction		[–230,000]
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	13,954	13,954
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	10,069	14,069
	AFRICOM UFR force protection upgrades		[4,000]
089	FAMILY OF WEAPON SIGHTS (FWS)	133,590	115,090
	Program decrease		[–18,500]
091	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	243,850	243,850
092	JOINT EFFECTS TARGETING SYSTEM (JETS)	69,641	50,541
	Early to need		[–19,100]
094	COMPUTER BALLISTICS: LHMBC XM32	7,509	7,509
095	MORTAR FIRE CONTROL SYSTEM	3,800	3,800
096	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	7,292	7,292
097	COUNTERFIRE RADARS	72,421	71,421
	Excess to need		[–1,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
098	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (	49,947	49,947
099	FIRE SUPPORT C2 FAMILY	9,390	9,390
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	47,374	47,374
101	IAMD BATTLE COMMAND SYSTEM	201,587	198,587
	Program reduction		[–3,000]
102	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,495	4,495
103	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,651	18,651
105	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	2,792	2,792
106	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	9,071	9,071
107	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	12,117	12,117
108	MOD OF IN-SVC EQUIPMENT (ENFIRE)	3,004	5,004
	Program increase		[2,000]
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	14,574	14,574
110	AUTOMATED DATA PROCESSING EQUIP	140,619	138,841
	AIE travel costs excess		[–1,778]
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	4,448	4,448
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	68,405	68,405
113	CONTRACT WRITING SYSTEM	8,459	8,459
114	CSS COMMUNICATIONS	57,651	57,651
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	14,848	14,848
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
117	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	4,995	4,995
	ELECT EQUIP—SUPPORT		
119	BCT EMERGING TECHNOLOGIES	16,983	8,983
	Program reduction		[–8,000]
	CLASSIFIED PROGRAMS		
19A	CLASSIFIED PROGRAMS	1,582	1,582
	CHEMICAL DEFENSIVE EQUIPMENT		
123	CBRN DEFENSE	28,456	28,456
124	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	13,995	13,995
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	10,545	10,545
126	TACTICAL BRIDGE, FLOAT-RIBBON	72,074	72,074
127	BRIDGE SUPPLEMENTAL SET	32,493	32,493
128	COMMON BRIDGE TRANSPORTER (CBT) RECAP	62,978	62,978
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
129	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,570	5,570
130	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	2,497	2,497
132	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	109,069	99,069
	Program reduction		[–10,000]
134	EOD ROBOTICS SYSTEMS RECAPITALIZATION	36,584	36,584
135	ROBOTICS AND APPLIQUE SYSTEMS	179,544	174,744

SEC. 4101. PROCUREMENT
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Line	Item	FY 2021 Request	Conference Authorized
	SMET contract delay		[–4,800]
137	RENDER SAFE SETS KITS OUTFITS	64,583	64,583
139	FAMILY OF BOATS AND MOTORS	5,289	5,289
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	8,200	8,200
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,625	4,625
143	GROUND SOLDIER SYSTEM	154,937	149,937
	Unit cost discrepancies		[–5,000]
144	MOBILE SOLDIER POWER	34,297	34,297
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	53,021	53,021
148	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	23,324	23,324
149	ITEMS LESS THAN $5M (ENG SPT)	8,014	8,014
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,448	78,250
	tank rack module unit cost growth		[–198]
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	59,485	64,485
	Future Warfighter Shelter		[5,000]
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	40,337	40,337
153	ITEMS LESS THAN $5.0M (MAINT EQ)	5,386	5,386
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	5,406	5,406
155	SCRAPERS, EARTHMOVING	4,188	4,188
156	LOADERS	4,521	4,521
157	HYDRAULIC EXCAVATOR	5,186	5,186
158	TRACTOR, FULL TRACKED	4,715	4,715
159	ALL TERRAIN CRANES	70,560	70,560
162	CONST EQUIP ESP	8,925	8,925
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
164	ARMY WATERCRAFT ESP	40,910	40,910
165	MANEUVER SUPPORT VESSEL (MSV)	76,576	76,576
166	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	1,844	1,844
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	53,433	53,433
168	TACTICAL ELECTRIC POWER RECAPITALIZATION	22,216	22,216
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	16,145	16,145
	TRAINING EQUIPMENT		
170	COMBAT TRAINING CENTERS SUPPORT	90,580	90,580
171	TRAINING DEVICES, NONSYSTEM	161,814	161,814
172	SYNTHETIC TRAINING ENVIRONMENT (STE)	13,063	13,063
175	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	1,950	1,950
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
176	CALIBRATION SETS EQUIPMENT	2,511	2,511
177	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	78,578	77,214
	ICE WATS previously funded		[–1,364]
178	TEST EQUIPMENT MODERNIZATION (TEMOD)	14,941	14,941
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,629	8,629
181	PHYSICAL SECURITY SYSTEMS (OPA3)	75,499	84,251
	AFRICOM UFR force protection upgrades		[12,000]
	Unjustified request		[–3,248]
182	BASE LEVEL COMMON EQUIPMENT	27,444	27,444
183	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	32,485	32,485
187	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	39,436	39,436
	OPA2		
	UNDISTRIBUTED		
189	INITIAL SPARES—C&E	9,950	9,950
	TOTAL OTHER PROCUREMENT, ARMY	**8,625,206**	**8,281,777**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A–18E/F (FIGHTER) HORNET	1,761,146	1,725,400
	Ancillary equipment excess cost growth		[–13,367]
	Contract award savings		[–14,023]
	Rec flyaway ECO excess growth		[–8,356]

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
002	F/A–18E/F (FIGHTER) HORNET AP		28,100
	FY22 aircraft		[28,100]
003	JOINT STRIKE FIGHTER CV	2,181,780	2,371,897
	Additional aircraft		[200,000]
	Lot 15 target cost savings		[–9,883]
004	JOINT STRIKE FIGHTER CV AP	330,386	330,386
005	JSF STOVL	1,109,393	1,075,465
	Unit cost adjustment		[–33,928]
006	JSF STOVL AP	303,035	303,035
007	CH–53K (HEAVY LIFT)	813,324	800,634
	Force Design 2030 realignment NRE excess		[–12,690]
008	CH–53K (HEAVY LIFT) AP	201,188	201,188
009	V–22 (MEDIUM LIFT)	934,793	1,121,949
	CMV unit cost adjustment		[–24,244]
	Navy UPL		[211,400]
010	V–22 (MEDIUM LIFT) AP	39,547	39,547
011	H–1 UPGRADES (UH–1Y/AH–1Z)	7,267	7,267
013	P–8A POSEIDON	80,134	1,420,034
	Additional aircraft only for the Navy Reserve		[1,420,000]
	Line shutdown early to need		[–80,100]
015	E–2D ADV HAWKEYE	626,109	611,106
	unjustified growth peculiar training equipment		[–15,003]
016	E–2D ADV HAWKEYE AP	123,166	123,166
	TRAINER AIRCRAFT		
017	ADVANCED HELICOPTER TRAINING SYSTEM	269,867	236,146
	Other ILS excess growth		[–33,721]
	OTHER AIRCRAFT		
018	KC–130J	380,984	375,558
	Unit cost growth		[–5,426]
019	KC–130J AP	67,022	67,022
021	MQ–4 TRITON	150,570	244,464
	One additional aircraft		[130,000]
	Production line preservation costs excess to need		[–36,106]
023	MQ–8 UAV	40,375	40,375
024	STUASL0 UAV	30,930	30,930
026	VH–92A EXECUTIVE HELO	610,231	589,042
	ECO price adjustment		[–1,010]
	Unit cost adjustment		[–20,179]
	MODIFICATION OF AIRCRAFT		
028	F–18 A-D UNIQUE	208,261	195,710
	USMC AESA radar excess unit cost growth (OSIP 21–00; ECP 583).		[–12,551]
029	F–18E/F AND EA–18G MODERNIZATION AND SUSTAINM	468,954	429,460
	OSIP 11–10 support excess growth		[–14,723]
	OSIP 11–10 unit cost growth		[–15,787]
	OSIP 11–10 unstallation equipment excess growth		[–8,984]
030	AEA SYSTEMS	21,061	21,061
031	AV–8 SERIES	34,082	34,082
032	INFRARED SEARCH AND TRACK (IRST)	158,055	127,695
	Installation equipment excess growth		[–9,654]
	Support equipment excess growth		[–20,706]
033	ADVERSARY	42,946	42,946
034	F–18 SERIES	379,351	379,351
035	H–53 SERIES	74,771	74,771
036	MH–60 SERIES	131,584	136,584
	Program increase—Alternative low frequency active sonar for risk reduction.		[5,000]
037	H–1 SERIES	185,140	152,562
	APR–39D(V)2 kits early to need		[–6,720]
	ECS thermal kits previously funded		[–1,245]
	FMV Phase 2.0 kits previously funded		[–2,440]
	Installation equipment NRE excess growth		[–4,379]
	Installation equipment NRE unjustified request		[–4,317]
	Other support excess growth		[–5,256]
	Rotor brake system kits previously funded		[–5,500]
	Target sight system block upgrade unit cost growth		[–2,721]
038	EP–3 SERIES	26,602	26,602

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Line	Item	FY 2021 Request	Conference Authorized
040	E–2 SERIES	175,540	175,540
041	TRAINER A/C SERIES	7,085	7,085
042	C–2A	9,525	9,525
043	C–130 SERIES	141,705	124,653
	GFE excess growth		[–8,509]
	Installation excess growth		[–1,802]
	JAGM A kit procurement and installation early to need		[–6,741]
044	FEWSG	684	684
045	CARGO/TRANSPORT A/C SERIES	8,911	8,911
046	E–6 SERIES	197,206	197,206
047	EXECUTIVE HELICOPTERS SERIES	29,086	29,086
049	T–45 SERIES	155,745	155,745
050	POWER PLANT CHANGES	24,633	24,633
051	JPATS SERIES	22,682	22,682
052	AVIATION LIFE SUPPORT MODS	40,401	45,401
	Aviation body armor vest		[5,000]
053	COMMON ECM EQUIPMENT	138,480	134,370
	H–1 kit cost growth (OSIP 014–90)		[–2,091]
	MV–22 kit cost growth (OSIP 014–90)		[–2,019]
054	COMMON AVIONICS CHANGES	143,322	143,322
055	COMMON DEFENSIVE WEAPON SYSTEM	2,142	2,142
056	ID SYSTEMS	35,999	35,999
057	P–8 SERIES	180,530	172,821
	Increment 3 aircrew trainers previously funded		[–7,709]
058	MAGTF EW FOR AVIATION	27,794	27,794
059	MQ–8 SERIES	28,774	28,774
060	V–22 (TILT/ROTOR ACFT) OSPREY	334,405	334,405
061	NEXT GENERATION JAMMER (NGJ)	176,638	176,638
062	F–35 STOVL SERIES	153,588	146,388
	Block IV/TR3 upgrade delays		[–7,200]
063	F–35 CV SERIES	105,452	99,552
	Block IV/TR3 upgrade delays		[–5,900]
064	QRC	126,618	126,618
065	MQ–4 SERIES	12,998	9,969
	Operating base installation early to need		[–3,029]
066	RQ–21 SERIES	18,550	14,725
	SURFR payload suite unit cost growth		[–3,825]
	AIRCRAFT SPARES AND REPAIR PARTS		
070	SPARES AND REPAIR PARTS	2,198,460	2,088,679
	Additional F–35B/C spares		[30,000]
	CH–53K spares excess growth		[–25,984]
	E–2D AHE spares excess growth		[–14,773]
	Spares for modifications excess growth		[–47,555]
	Spares for repair of repairables excess growth		[–15,300]
	VH–92 spares excess growth		[–36,169]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
	UNDISTRIBUTED		
071	COMMON GROUND EQUIPMENT	543,559	543,559
072	AIRCRAFT INDUSTRIAL FACILITIES	75,685	75,685
073	WAR CONSUMABLES	40,633	40,633
074	OTHER PRODUCTION CHARGES	21,194	21,194
075	SPECIAL SUPPORT EQUIPMENT	155,179	155,179
076	FIRST DESTINATION TRANSPORTATION	2,121	2,121
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**17,127,378**	**18,545,253**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,173,837	1,173,837
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,275	7,275
	STRATEGIC MISSILES		
003	TOMAHAWK	277,694	247,874
	Contract award delay		[–26,040]
	Unit cost carryover		[–3,780]
	TACTICAL MISSILES		
004	AMRAAM	326,952	326,952
005	SIDEWINDER	126,485	126,485

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Line	Item	FY 2021 Request	Conference Authorized
007	STANDARD MISSILE	456,206	406,206
	Transition to production request unjustified		[–50,000]
008	STANDARD MISSILE AP	66,716	66,716
009	SMALL DIAMETER BOMB II	78,867	74,267
	Contract award delay		[–4,600]
010	RAM	90,533	90,533
011	JOINT AIR GROUND MISSILE (JAGM)	49,386	49,386
014	AERIAL TARGETS	174,336	171,408
	EM443 hardware procurements/modifications excess growth		[–2,375]
	EM702 ground equipment previously funded		[–553]
015	DRONES AND DECOYS	41,256	19,956
	MALD concurrency		[–21,300]
016	OTHER MISSILE SUPPORT	3,501	3,501
017	LRASM	168,845	168,845
018	LCS OTH MISSILE	32,910	32,910
	MODIFICATION OF MISSILES		
019	TOMAHAWK MODS	164,915	161,308
	MST kits excess cost growth		[–3,607]
020	ESSM	215,375	212,637
	Excessive production support growth		[–2,738]
022	HARM MODS	147,572	122,649
	AARGM AUR installation kits excess cost growth		[–7,060]
	AARGM ER installation kits excess cost		[–16,657]
	AARGM ER long lead compontents unjustified request		[–1,206]
023	STANDARD MISSILES MODS	83,654	74,654
	SM–2 BLK IIIAZ Modification unit cost growth		[–4,900]
	Unjustified DMS request		[–4,100]
	SUPPORT EQUIPMENT & FACILITIES		
024	WEAPONS INDUSTRIAL FACILITIES	1,996	1,996
025	FLEET SATELLITE COMM FOLLOW-ON	53,401	53,401
	ORDNANCE SUPPORT EQUIPMENT		
027	ORDNANCE SUPPORT EQUIPMENT	215,659	215,659
	TORPEDOES AND RELATED EQUIP		
028	SSTD	5,811	5,811
029	MK–48 TORPEDO	284,901	284,901
030	ASW TARGETS	13,833	13,833
	MOD OF TORPEDOES AND RELATED EQUIP		
031	MK–54 TORPEDO MODS	110,286	103,441
	HAAWC kits early to need		[–6,845]
032	MK–48 TORPEDO ADCAP MODS	57,214	57,214
033	MARITIME MINES	5,832	5,832
	SUPPORT EQUIPMENT		
034	TORPEDO SUPPORT EQUIPMENT	97,581	97,581
035	ASW RANGE SUPPORT	4,159	4,159
	DESTINATION TRANSPORTATION		
036	FIRST DESTINATION TRANSPORTATION	4,106	4,106
	GUNS AND GUN MOUNTS		
037	SMALL ARMS AND WEAPONS	16,030	16,030
	MODIFICATION OF GUNS AND GUN MOUNTS		
038	CIWS MODS	37,147	37,147
039	COAST GUARD WEAPONS	45,804	45,804
040	GUN MOUNT MODS	74,427	74,427
041	LCS MODULE WEAPONS	4,253	4,253
042	AIRBORNE MINE NEUTRALIZATION SYSTEMS	6,662	6,662
	SPARES AND REPAIR PARTS		
	UNDISTRIBUTED		
045	SPARES AND REPAIR PARTS	159,578	159,578
	TOTAL WEAPONS PROCUREMENT, NAVY	**4,884,995**	**4,729,234**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	41,496	41,496
002	JDAM	64,631	64,631
003	AIRBORNE ROCKETS, ALL TYPES	60,719	60,719
004	MACHINE GUN AMMUNITION	11,158	11,158
005	PRACTICE BOMBS	51,409	51,409
006	CARTRIDGES & CART ACTUATED DEVICES	64,694	64,694

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Line	Item	FY 2021 Request	Conference Authorized
007	AIR EXPENDABLE COUNTERMEASURES	51,523	51,523
008	JATOS	6,761	6,761
009	5 INCH/54 GUN AMMUNITION	31,517	29,474
	MK 187 mod 0 projectile unit cost growth		[–2,043]
010	INTERMEDIATE CALIBER GUN AMMUNITION	38,005	36,138
	BA23 contract award delay		[–1,867]
011	OTHER SHIP GUN AMMUNITION	40,626	40,626
012	SMALL ARMS & LANDING PARTY AMMO	48,202	48,202
013	PYROTECHNIC AND DEMOLITION	9,766	9,766
015	AMMUNITION LESS THAN $5 MILLION	2,115	2,115
	MARINE CORPS AMMUNITION		
	UNDISTRIBUTED		
016	MORTARS	46,781	46,781
017	DIRECT SUPPORT MUNITIONS	119,504	79,662
	USMC identified funds excess to need		[–39,842]
018	INFANTRY WEAPONS AMMUNITION	83,220	73,901
	A059 unit cost growth		[–8,195]
	A940 LAP contract price savings		[–79]
	AB57 unit cost growth		[–1,045]
019	COMBAT SUPPORT MUNITIONS	32,650	32,650
020	AMMO MODERNIZATION	15,144	15,144
021	ARTILLERY MUNITIONS	59,539	59,539
022	ITEMS LESS THAN $5 MILLION	4,142	4,142
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**883,602**	**830,531**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	2,891,475	2,891,475
002	OHIO REPLACEMENT SUBMARINE AP	1,123,175	1,253,175
	Submarine supplier stability		[130,000]
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	997,544	907,544
	Full funding early to need		[–90,000]
004	CVN–81	1,645,606	1,606,432
	Full funding early to need		[–39,174]
005	VIRGINIA CLASS SUBMARINE	2,334,693	4,620,471
	Restore second Virginia-class SSN		[2,296,000]
	Unjustified cost growth		[–10,222]
006	VIRGINIA CLASS SUBMARINE	1,901,187	2,173,187
	Restore second Virginia-class SSN		[272,000]
007	CVN REFUELING OVERHAULS	1,878,453	1,878,453
008	CVN REFUELING OVERHAULS AP	17,384	17,384
009	DDG 1000	78,205	78,205
010	DDG–51	3,040,270	3,010,270
	Available prior-year funds		[–30,000]
011	DDG–51 AP	29,297	334,297
	LLTM for FY22 DDG–51s		[130,000]
	Surface ship supplier stability		[175,000]
013	FFG-FRIGATE	1,053,123	1,053,123
	AMPHIBIOUS SHIPS		
014	LPD FLIGHT II	1,155,801	1,125,801
	Excessive unit cost growth		[–28,000]
	Transfer to Line 15		[–2,000]
015	LPD FLIGHT II AP		2,000
	Transfer from Line 14 for LPD–32 and LPD–33		[2,000]
017	LHA REPLACEMENT		500,000
	LHA–9 program increase		[500,000]
019	EXPEDITIONARY FAST TRANSPORT (EPF)		260,000
	One additional ship		[260,000]
	UNDISTRIBUTED		
022	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	168,209	168,209
023	LCU 1700	87,395	87,395
024	OUTFITTING	825,586	766,334
	Unjustified cost growth		[–59,252]
026	SERVICE CRAFT	249,781	249,781
027	LCAC SLEP	56,461	56,461
028	COMPLETION OF PY SHIPBUILDING PROGRAMS	369,112	369,112

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Line	Item	FY 2021 Request	Conference Authorized
	TOTAL SHIPBUILDING AND CONVERSION, NAVY ..	**19,902,757**	**23,409,109**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	11,738	11,738
	GENERATORS		
002	SURFACE COMBATANT HM&E	58,497	54,810
	HM&E condition system unjustified growth		[–3,687]
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	74,084	74,084
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	204,806	204,806
005	DDG MOD	547,569	512,155
	Installation excess unit cost growth		[–35,414]
006	FIREFIGHTING EQUIPMENT	18,394	18,394
007	COMMAND AND CONTROL SWITCHBOARD	2,374	2,374
008	LHA/LHD MIDLIFE	78,265	78,265
009	POLLUTION CONTROL EQUIPMENT	23,035	23,035
010	SUBMARINE SUPPORT EQUIPMENT	64,632	64,632
011	VIRGINIA CLASS SUPPORT EQUIPMENT	22,868	22,868
012	LCS CLASS SUPPORT EQUIPMENT	3,976	3,976
013	SUBMARINE BATTERIES	31,322	31,322
014	LPD CLASS SUPPORT EQUIPMENT	50,475	55,475
	Electronic actuator pilot program		[5,000]
015	DDG 1000 CLASS SUPPORT EQUIPMENT	42,279	36,779
	Excess cost growth		[–5,500]
016	STRATEGIC PLATFORM SUPPORT EQUIP	15,429	15,429
017	DSSP EQUIPMENT	2,918	2,918
018	CG MODERNIZATION	87,978	87,978
019	LCAC	9,366	9,366
020	UNDERWATER EOD EQUIPMENT	16,842	16,842
021	ITEMS LESS THAN $5 MILLION	105,715	105,715
022	CHEMICAL WARFARE DETECTORS	3,044	3,044
023	SUBMARINE LIFE SUPPORT SYSTEM	5,885	5,885
	REACTOR PLANT EQUIPMENT		
024	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,260,721	1,248,621
	LCS in-service modernization excess cost growth		[–12,100]
025	REACTOR POWER UNITS	5,305	5,305
026	REACTOR COMPONENTS	415,404	415,404
	OCEAN ENGINEERING		
027	DIVING AND SALVAGE EQUIPMENT	11,143	11,143
	SMALL BOATS		
028	STANDARD BOATS	52,371	52,371
	PRODUCTION FACILITIES EQUIPMENT		
029	OPERATING FORCES IPE	233,667	233,667
	OTHER SHIP SUPPORT		
030	LCS COMMON MISSION MODULES EQUIPMENT	39,714	39,714
031	LCS MCM MISSION MODULES	218,822	187,608
	Excess procurement ahead of satisfactory testing		[–31,214]
032	LCS ASW MISSION MODULES	61,759	38,359
	Excess procurement ahead of satisfactory testing		[–23,400]
033	LCS SUW MISSION MODULES	24,412	24,412
034	LCS IN-SERVICE MODERNIZATION	121,848	121,848
035	SMALL & MEDIUM UUV	67,709	37,609
	SMCM UUV excess procurement ahead of satisfactory testing.		[–30,100]
	SHIP SONARS		
037	SPQ–9B RADAR	27,517	27,517
038	AN/SQQ–89 SURF ASW COMBAT SYSTEM	128,664	128,664
039	SSN ACOUSTIC EQUIPMENT	374,737	374,737
040	UNDERSEA WARFARE SUPPORT EQUIPMENT	9,286	9,286
	ASW ELECTRONIC EQUIPMENT		
041	SUBMARINE ACOUSTIC WARFARE SYSTEM	26,066	26,066
042	SSTD	13,241	13,241
043	FIXED SURVEILLANCE SYSTEM	193,446	193,446
044	SURTASS	63,838	63,838
	ELECTRONIC WARFARE EQUIPMENT		

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
045	AN/SLQ–32	387,195	353,961
	Early to need		[–33,234]
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	235,744	227,337
	Excess cost growth		[–8,407]
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,862	3,862
	OTHER SHIP ELECTRONIC EQUIPMENT		
048	COOPERATIVE ENGAGEMENT CAPABILITY	26,006	26,006
049	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	15,385	15,385
050	ATDLS	103,835	103,835
051	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,594	3,594
052	MINESWEEPING SYSTEM REPLACEMENT	15,744	15,744
053	SHALLOW WATER MCM	5,493	5,493
054	NAVSTAR GPS RECEIVERS (SPACE)	38,043	38,043
055	AMERICAN FORCES RADIO AND TV SERVICE	2,592	2,592
056	STRATEGIC PLATFORM SUPPORT EQUIP	7,985	7,985
	AVIATION ELECTRONIC EQUIPMENT		
057	ASHORE ATC EQUIPMENT	83,475	83,475
058	AFLOAT ATC EQUIPMENT	65,113	65,113
059	ID SYSTEMS	23,815	23,815
060	JOINT PRECISION APPROACH AND LANDING SYSTEM (	100,751	100,751
061	NAVAL MISSION PLANNING SYSTEMS	13,947	13,947
	OTHER SHORE ELECTRONIC EQUIPMENT		
062	MARITIME INTEGRATED BROADCAST SYSTEM	1,375	1,375
063	TACTICAL/MOBILE C4I SYSTEMS	22,771	22,771
064	DCGS-N	18,872	18,872
065	CANES	389,585	389,585
066	RADIAC	10,335	10,335
067	CANES-INTELL	48,654	48,654
068	GPETE	8,133	8,133
069	MASF	4,150	4,150
070	INTEG COMBAT SYSTEM TEST FACILITY	5,934	5,934
071	EMI CONTROL INSTRUMENTATION	4,334	4,334
072	ITEMS LESS THAN $5 MILLION	159,815	154,572
	NGSSR available prior year funds		[–5,243]
	SHIPBOARD COMMUNICATIONS		
073	SHIPBOARD TACTICAL COMMUNICATIONS	56,106	56,106
074	SHIP COMMUNICATIONS AUTOMATION	124,288	124,288
075	COMMUNICATIONS ITEMS UNDER $5M	45,120	45,120
	SUBMARINE COMMUNICATIONS		
076	SUBMARINE BROADCAST SUPPORT	31,133	31,133
077	SUBMARINE COMMUNICATION EQUIPMENT	62,214	62,214
	SATELLITE COMMUNICATIONS		
078	SATELLITE COMMUNICATIONS SYSTEMS	47,421	47,421
079	NAVY MULTIBAND TERMINAL (NMT)	64,552	64,552
	SHORE COMMUNICATIONS		
080	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,398	4,398
	CRYPTOGRAPHIC EQUIPMENT		
081	INFO SYSTEMS SECURITY PROGRAM (ISSP)	157,551	157,551
082	MIO INTEL EXPLOITATION TEAM	985	985
	CRYPTOLOGIC EQUIPMENT		
083	CRYPTOLOGIC COMMUNICATIONS EQUIP	15,906	15,906
	OTHER ELECTRONIC SUPPORT		
090	COAST GUARD EQUIPMENT	70,689	70,689
	SONOBUOYS		
092	SONOBUOYS—ALL TYPES	237,639	286,739
	Program increase for sonobuoys		[49,100]
	AIRCRAFT SUPPORT EQUIPMENT		
093	MINOTAUR	5,077	5,077
094	WEAPONS RANGE SUPPORT EQUIPMENT	83,969	83,969
095	AIRCRAFT SUPPORT EQUIPMENT	187,758	187,758
096	ADVANCED ARRESTING GEAR (AAG)	16,059	16,059
097	METEOROLOGICAL EQUIPMENT	15,192	15,192
099	LEGACY AIRBORNE MCM	6,674	6,674
100	LAMPS EQUIPMENT	1,189	1,189
101	AVIATION SUPPORT EQUIPMENT	58,873	58,873
102	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	60,937	50,970

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Line	Item	FY 2021 Request	Conference Authorized
	ARC–210 radio communication system excess to need		[–3,073]
	MUOS capable communication system excess to need		[–3,019]
	MUOS capable communication system unit cost growth		[–2,038]
	Ship change document excess growth		[–1,837]
	SHIP GUN SYSTEM EQUIPMENT		
103	SHIP GUN SYSTEMS EQUIPMENT	5,540	5,540
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	HARPOON SUPPORT EQUIPMENT	208	208
105	SHIP MISSILE SUPPORT EQUIPMENT	262,077	252,077
	Excess cost growth		[–10,000]
106	TOMAHAWK SUPPORT EQUIPMENT	84,087	80,482
	TMPC cost growth		[–3,605]
	FBM SUPPORT EQUIPMENT		
107	STRATEGIC MISSILE SYSTEMS EQUIP	258,910	258,910
	ASW SUPPORT EQUIPMENT		
108	SSN COMBAT CONTROL SYSTEMS	173,770	173,770
109	ASW SUPPORT EQUIPMENT	26,584	26,584
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,470	7,470
111	ITEMS LESS THAN $5 MILLION	6,356	6,356
	OTHER EXPENDABLE ORDNANCE		
112	ANTI-SHIP MISSILE DECOY SYSTEM	86,356	72,056
	AOEW production ramp		[–10,800]
	AOEW production support		[–3,500]
113	SUBMARINE TRAINING DEVICE MODS	69,240	69,240
114	SURFACE TRAINING EQUIPMENT	192,245	192,245
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	6,123	6,123
116	GENERAL PURPOSE TRUCKS	2,693	2,693
117	CONSTRUCTION & MAINTENANCE EQUIP	47,301	47,301
118	FIRE FIGHTING EQUIPMENT	10,352	10,352
119	TACTICAL VEHICLES	31,475	31,475
121	POLLUTION CONTROL EQUIPMENT	2,630	2,630
122	ITEMS LESS THAN $5 MILLION	47,972	47,972
123	PHYSICAL SECURITY VEHICLES	1,171	1,171
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	19,693	19,693
125	FIRST DESTINATION TRANSPORTATION	4,956	4,956
126	SPECIAL PURPOSE SUPPLY SYSTEMS	668,639	668,639
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	4,026	4,026
128	TRAINING AND EDUCATION EQUIPMENT	73,454	73,454
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	32,390	32,390
130	MEDICAL SUPPORT EQUIPMENT	974	974
132	NAVAL MIP SUPPORT EQUIPMENT	5,606	5,606
133	OPERATING FORCES SUPPORT EQUIPMENT	16,024	16,024
134	C4ISR EQUIPMENT	6,697	6,697
135	ENVIRONMENTAL SUPPORT EQUIPMENT	27,503	27,503
136	PHYSICAL SECURITY EQUIPMENT	138,281	138,281
137	ENTERPRISE INFORMATION TECHNOLOGY	42,680	42,680
	OTHER		
140	NEXT GENERATION ENTERPRISE SERVICE	184,443	184,443
141	CYBERSPACE ACTIVITIES	16,523	16,523
	CLASSIFIED PROGRAMS		
41A	CLASSIFIED PROGRAMS	18,446	18,446
	SPARES AND REPAIR PARTS		
142	SPARES AND REPAIR PARTS	374,195	374,195
	TOTAL OTHER PROCUREMENT, NAVY	**10,948,518**	**10,776,447**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	87,476	87,476
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	478,874	456,328
	ILS excess growth		[–2,074]
	Peculiar training equipment and simulators previously funded.		[–2,550]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	Production support previously funded		[–1,713]
	Surface vehicle cost prior year carryover		[–7,347]
	System engineering program management previously funded		[–8,862]
003	LAV PIP	41,988	41,988
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	59	59
005	ARTILLERY WEAPONS SYSTEM	174,687	112,187
	Missiles excess to need		[–62,500]
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	24,867	23,957
	RHGPK production units previously funded and cost growth		[–910]
	OTHER SUPPORT		
007	MODIFICATION KITS	3,067	0
	USMC funds identified excess to need		[–3,067]
	GUIDED MISSILES		
008	GROUND BASED AIR DEFENSE	18,920	18,920
009	ANTI-ARMOR MISSILE-JAVELIN	19,888	19,888
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,891	21,891
011	ANTI-ARMOR MISSILE-TOW	34,985	34,985
012	GUIDED MLRS ROCKET (GMLRS)	133,689	133,689
	COMMAND AND CONTROL SYSTEMS		
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	35,057	35,057
	REPAIR AND TEST EQUIPMENT		
014	REPAIR AND TEST EQUIPMENT	24,405	24,405
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	1,006	1,006
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
016	ITEMS UNDER $5 MILLION (COMM & ELEC)	69,725	69,725
017	AIR OPERATIONS C2 SYSTEMS	15,611	15,611
	RADAR + EQUIPMENT (NON-TEL)		
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	284,283	284,283
	INTELL/COMM EQUIPMENT (NON-TEL)		
020	GCSS-MC	1,587	1,587
021	FIRE SUPPORT SYSTEM	24,934	24,934
022	INTELLIGENCE SUPPORT EQUIPMENT	50,728	50,728
024	UNMANNED AIR SYSTEMS (INTEL)	24,853	24,853
025	DCGS-MC	38,260	38,260
026	UAS PAYLOADS	5,489	5,489
	OTHER SUPPORT (NON-TEL)		
029	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	78,922	76,411
	Network equipment tech refresh previously funded		[–2,511]
030	COMMON COMPUTER RESOURCES	35,349	35,349
031	COMMAND POST SYSTEMS	33,713	33,713
032	RADIO SYSTEMS	343,250	340,350
	Program decrease		[–2,900]
033	COMM SWITCHING & CONTROL SYSTEMS	40,627	40,627
034	COMM & ELEC INFRASTRUCTURE SUPPORT	43,782	43,782
035	CYBERSPACE ACTIVITIES	53,896	53,896
	CLASSIFIED PROGRAMS		
36A	CLASSIFIED PROGRAMS	3,797	3,797
	ADMINISTRATIVE VEHICLES		
037	COMMERCIAL CARGO VEHICLES	22,460	22,460
	TACTICAL VEHICLES		
038	MOTOR TRANSPORT MODIFICATIONS	10,739	10,739
039	JOINT LIGHT TACTICAL VEHICLE	381,675	381,675
040	FAMILY OF TACTICAL TRAILERS	2,963	2,963
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	385	385
043	TACTICAL FUEL SYSTEMS	501	501
044	POWER EQUIPMENT ASSORTED	23,430	23,430
045	AMPHIBIOUS SUPPORT EQUIPMENT	5,752	5,752
046	EOD SYSTEMS	20,939	20,939
	MATERIALS HANDLING EQUIPMENT		
047	PHYSICAL SECURITY EQUIPMENT	23,063	23,063
	GENERAL PROPERTY		
048	FIELD MEDICAL EQUIPMENT	4,187	4,187
049	TRAINING DEVICES	101,765	101,765
050	FAMILY OF CONSTRUCTION EQUIPMENT	19,305	19,305

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
051	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	678	678
	OTHER SUPPORT		
052	ITEMS LESS THAN $5 MILLION	9,174	9,174
	SPARES AND REPAIR PARTS		
	UNDISTRIBUTED		
053	SPARES AND REPAIR PARTS	27,295	27,295
	TOTAL PROCUREMENT, MARINE CORPS	**2,903,976**	**2,809,542**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	4,567,018	5,286,566
	Additional 12 F–35As		[976,667]
	Excess miscellaneous support costs		[–156,000]
	Unit cost adjustment		[–101,119]
002	F–35 AP	610,800	610,800
004	F–15EX	1,269,847	1,242,247
	Airframe excess to need		[–27,600]
005	F–15EX AP	133,500	133,500
	TACTICAL AIRLIFT		
007	KC–46A MDAP	2,850,151	2,707,799
	Lot 7 funding excess to NTE ceiling		[–142,352]
	OTHER AIRLIFT		
008	C–130J	37,131	692,131
	Additional aircraft		[655,000]
010	MC–130J	362,807	345,107
	Air force identified excess to need		[–17,700]
011	MC–130J AP	39,987	30,000
	FY22 quantity reduction		[–9,987]
	HELICOPTERS		
012	UH–1N REPLACEMENT	194,016	194,016
013	COMBAT RESCUE HELICOPTER	973,473	909,909
	Modernization/upgrades ahead of need		[–63,564]
013A	CV–22		206,220
	SOCOM UPL		[206,220]
	MISSION SUPPORT AIRCRAFT		
015	CIVIL AIR PATROL A/C	2,811	11,200
	Program increase		[8,389]
	OTHER AIRCRAFT		
016	TARGET DRONES	133,273	133,273
018	COMPASS CALL	161,117	161,117
020	MQ–9	29,409	108,000
	Program increase		[108,000]
	Shutdown costs ahead of need		[–29,409]
	STRATEGIC AIRCRAFT		
022	B–1	3,853	0
	USAF-requested transfer to RDAF Line 174		[–3,853]
023	B–2A	31,476	31,476
024	B–1B	21,808	21,808
025	B–52	53,949	28,078
	Bomber TDL install funds ahead of need		[–2,000]
	GPS-IU funding ahead of need		[–23,871]
026	LARGE AIRCRAFT INFRARED COUNTERMEASURES	9,999	9,999
	TACTICAL AIRCRAFT		
027	A–10	135,793	135,793
028	E–11 BACN/HAG	33,645	33,645
029	F–15	349,304	329,242
	APG–82 common configuration excess to need		[–12,012]
	MUOS ahead of need		[–8,050]
030	F–16	615,760	587,892
	Additional radars		[25,000]
	AIFF Mode 5—AF requested transfer to RDTE, AF line 187		[–9,868]
	Comm suite upgrade excess to need		[–43,000]
032	F–22A	387,905	361,705
	Contract delays		[–26,200]
033	F–35 MODIFICATIONS	322,185	290,485
	Block IV/TR3 delays		[–31,700]
034	F–15 EPAW	31,995	27,195

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	Concurrency		[–4,800]
035	INCREMENT 3.2B	5,889	5,889
036	KC–46A MDAP	24,085	9,085
	Excessive airworthiness directives and service bulletins		[–15,000]
	AIRLIFT AIRCRAFT		
037	C–5	62,108	50,279
	Unjustified PMA cost growth		[–11,829]
038	C–17A	66,798	44,798
	BLOS ahead of need		[–22,000]
040	C–32A	2,947	2,947
041	C–37A	12,985	5,985
	SATCOM installs ahead of need		[–7,000]
	TRAINER AIRCRAFT		
042	GLIDER MODS	977	977
043	T–6	26,829	26,829
044	T–1	4,465	4,465
045	T–38	36,806	41,806
	T–38 ejection seats		[5,000]
	OTHER AIRCRAFT		
046	U–2 MODS	110,618	110,618
047	KC–10A (ATCA)	117	117
049	VC–25A MOD	1,983	1,983
050	C–40	9,252	7,252
	SATCOM installs ahead of need		[–2,000]
051	C–130	5,871	140,630
	AMP 1 excess to need		[–3,841]
	Eight-bladed propeller upgrade kits only		[55,000]
	Improved modular airborne fire fighting system (iMAFFS)		[4,600]
	T–56 3.5 engine mod		[79,000]
052	C–130J MODS	140,032	140,032
053	C–135	88,250	86,450
	Other government cost growth		[–1,800]
055	COMPASS CALL	193,389	169,653
	Baseline 3 installation delays		[–8,706]
	Baseline 4 cost discrepancies		[–15,030]
057	RC–135	191,332	191,332
058	E–3	172,141	135,740
	NATO AWACS—transfer to line 88		[–36,401]
059	E–4	58,803	44,140
	Funds rephased to future fiscal years		[–14,663]
060	E–8	11,037	38,037
	Program increase		[27,000]
061	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	53,343	53,343
062	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	1,573	1,573
063	H–1	4,410	4,410
064	H–60	44,538	44,538
065	RQ–4 MODS	40,468	12,350
	ASIP SW/HW upgrades and support forward financed		[–2,000]
	Unjustified mod funding		[–26,118]
066	HC/MC–130 MODIFICATIONS	20,780	20,780
067	OTHER AIRCRAFT	100,774	100,774
068	MQ–9 MODS	188,387	188,387
070	CV–22 MODS	122,306	122,306
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	926,683	919,347
	F–15 EPAWSS spares excess to need		[–6,036]
	F–35A initial spares increase		[10,000]
	Unobligated balances—F–16s		[–11,300]
	COMMON SUPPORT EQUIPMENT		
073	AIRCRAFT REPLACEMENT SUPPORT EQUIP	132,719	132,719
	POST PRODUCTION SUPPORT		
074	B–2A	1,683	1,683
075	B–2B	46,734	46,734
076	B–52	1,034	1,034
079	E–11 BACN/HAG	63,419	63,419
080	F–15	2,632	2,632
081	F–16	14,163	14,163

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
083	OTHER AIRCRAFT	4,595	4,595
084	RQ–4 POST PRODUCTION CHARGES	32,585	32,585
	INDUSTRIAL PREPAREDNESS		
085	INDUSTRIAL RESPONSIVENESS	18,215	18,215
	WAR CONSUMABLES		
086	WAR CONSUMABLES	36,046	36,046
	OTHER PRODUCTION CHARGES		
087	OTHER PRODUCTION CHARGES	1,439,640	1,551,041
	Classified increase		[75,000]
	NATO AWACS—transfer from line 58		[36,401]
	CLASSIFIED PROGRAMS		
	UNDISTRIBUTED		
89A	CLASSIFIED PROGRAMS	21,692	21,692
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**17,908,145**	**19,282,613**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	75,012	75,012
	TACTICAL		
002	REPLAC EQUIP & WAR CONSUMABLES	4,495	4,495
004	JOINT AIR-SURFACE STANDOFF MISSILE	475,949	475,949
005	LRASM0	19,800	19,800
006	SIDEWINDER (AIM–9X)	164,769	164,769
007	AMRAAM	453,223	451,923
	AUR u/c growth		[–1,300]
008	PREDATOR HELLFIRE MISSILE	40,129	40,129
009	SMALL DIAMETER BOMB	45,475	45,475
010	SMALL DIAMETER BOMB II	273,272	237,932
	Deliveries behind schedule		[–35,340]
	INDUSTRIAL FACILITIES		
011	INDUSTR'L PREPAREDNS/POL PREVENTION	814	814
	CLASS IV		
013	ICBM FUZE MOD	3,458	3,458
014	ICBM FUZE MOD AP	43,450	43,450
015	MM III MODIFICATIONS	85,310	81,137
	Initial spares—AF requested transfer to line 18		[–4,173]
016	AGM–65D MAVERICK	298	298
017	AIR LAUNCH CRUISE MISSILE (ALCM)	52,924	52,924
	MISSILE SPARES AND REPAIR PARTS		
018	MSL SPRS/REPAIR PARTS (INITIAL)	9,402	13,575
	Initial spares—AF requested transfer from line 15		[4,173]
019	MSL SPRS/REPAIR PARTS (REPLEN)	84,671	84,671
	SPECIAL PROGRAMS		
025	SPECIAL UPDATE PROGRAMS	23,501	23,501
	CLASSIFIED PROGRAMS		
	UNDISTRIBUTED		
25A	CLASSIFIED PROGRAMS	540,465	540,465
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,396,417**	**2,359,777**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	14,962	14,962
	CARTRIDGES		
002	CARTRIDGES	123,365	123,365
	BOMBS		
003	PRACTICE BOMBS	59,725	59,725
006	JOINT DIRECT ATTACK MUNITION	206,989	206,989
007	B61	35,634	35,634
	OTHER ITEMS		
009	CAD/PAD	47,830	47,830
010	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,232	6,232
011	SPARES AND REPAIR PARTS	542	542
012	MODIFICATIONS	1,310	1,310
013	ITEMS LESS THAN $5,000,000	4,753	4,753
	FLARES		
015	FLARES	40,088	40,088
	FUZES		

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
016	FUZES	40,983	38,901
	C-HOBS ahead of need		[–2,082]
	SMALL ARMS		
	UNDISTRIBUTED		
017	SMALL ARMS	13,925	13,925
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**596,338**	**594,256**
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
001	ADVANCED EHF	14,823	14,823
002	AF SATELLITE COMM SYSTEM	48,326	48,326
003	COUNTERSPACE SYSTEMS	65,540	49,155
	Insufficient justification		[–16,385]
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	66,190	66,190
005	GENERAL INFORMATION TECH—SPACE	3,299	3,299
006	GPSIII FOLLOW ON	627,796	612,796
	Unjustified growth		[–15,000]
007	GPS III SPACE SEGMENT	20,122	20,122
008	GLOBAL POSTIONING (SPACE)	2,256	2,256
009	SPACEBORNE EQUIP (COMSEC)	35,495	35,495
010	MILSATCOM	15,795	15,795
011	SBIR HIGH (SPACE)	160,891	160,891
012	SPECIAL SPACE ACTIVITIES	78,387	78,387
013	NATIONAL SECURITY SPACE LAUNCH	1,043,171	948,171
	Launch services unjustified increase		[–95,000]
014	NUDET DETECTION SYSTEM	6,638	6,638
015	ROCKET SYSTEMS LAUNCH PROGRAM	47,741	47,741
016	SPACE FENCE	11,279	11,279
017	SPACE MODS	96,551	88,706
	Insufficient justification		[–10,000]
	Transfer from OP,AF line 22		[2,155]
018	SPACELIFT RANGE SYSTEM SPACE	100,492	90,492
	Underexecution		[–10,000]
	SPARES		
019	SPARES AND REPAIR PARTS	1,272	1,272
	TOTAL PROCUREMENT, SPACE FORCE	**2,446,064**	**2,301,834**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	9,016	9,016
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	15,058	15,058
003	CAP VEHICLES	1,059	1,800
	Program increase		[741]
004	CARGO AND UTILITY VEHICLES	38,920	38,920
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	30,544	30,544
006	SECURITY AND TACTICAL VEHICLES	319	319
007	SPECIAL PURPOSE VEHICLES	43,157	43,157
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,621	8,621
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	12,897	12,897
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	3,577	3,577
011	BASE MAINTENANCE SUPPORT VEHICLES	43,095	43,095
	COMM SECURITY EQUIPMENT(COMSEC)		
013	COMSEC EQUIPMENT	54,864	54,864
	INTELLIGENCE PROGRAMS		
014	INTERNATIONAL INTEL TECH & ARCHITECTURES	9,283	10,783
	PDI: Mission Partner Environment BICES-X local upgrades		[1,500]
015	INTELLIGENCE TRAINING EQUIPMENT	6,849	6,849
016	INTELLIGENCE COMM EQUIPMENT	33,471	30,191
	IMAD acquisition materials		[–3,280]
	ELECTRONICS PROGRAMS		
017	AIR TRAFFIC CONTROL & LANDING SYS	29,409	29,409

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
018	BATTLE CONTROL SYSTEM—FIXED	7,909	7,909
019	THEATER AIR CONTROL SYS IMPROVEMEN	32,632	32,632
020	WEATHER OBSERVATION FORECAST	33,021	33,021
021	STRATEGIC COMMAND AND CONTROL	31,353	31,353
022	CHEYENNE MOUNTAIN COMPLEX	10,314	8,199
	Transfer to P,SF line 17		[–2,115]
023	MISSION PLANNING SYSTEMS	15,132	15,132
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,806	9,806
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	39,887	39,887
027	AF GLOBAL COMMAND & CONTROL SYS	2,602	2,602
029	MOBILITY COMMAND AND CONTROL	10,541	10,541
030	AIR FORCE PHYSICAL SECURITY SYSTEM	96,277	93,777
	Program decrease		[–2,500]
031	COMBAT TRAINING RANGES	195,185	193,185
	forward financing		[–2,000]
032	MINIMUM ESSENTIAL EMERGENCY COMM N	29,664	21,664
	Schedule slips		[–8,000]
033	WIDE AREA SURVEILLANCE (WAS)	59,633	59,633
034	C3 COUNTERMEASURES	105,584	105,584
036	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	899	899
038	THEATER BATTLE MGT C2 SYSTEM	3,392	3,392
039	AIR & SPACE OPERATIONS CENTER (AOC)	24,983	24,983
	AIR FORCE COMMUNICATIONS		
041	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED	19,147	19,147
042	AFNET	84,515	84,515
043	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	6,185	6,185
044	USCENTCOM	19,649	19,649
045	USSTRATCOM	4,337	4,337
	ORGANIZATION AND BASE		
046	TACTICAL C-E EQUIPMENT	137,033	137,033
047	RADIO EQUIPMENT	15,264	15,264
049	BASE COMM INFRASTRUCTURE	132,281	146,281
	PDI: Mission Partner Environment PACNET		[14,000]
	MODIFICATIONS		
050	COMM ELECT MODS	21,471	21,471
	PERSONAL SAFETY & RESCUE EQUIP		
051	PERSONAL SAFETY AND RESCUE EQUIPMENT	49,578	49,578
	DEPOT PLANT+MTRLS HANDLING EQ		
052	POWER CONDITIONING EQUIPMENT	11,454	11,454
053	MECHANIZED MATERIAL HANDLING EQUIP	12,110	12,110
	BASE SUPPORT EQUIPMENT		
054	BASE PROCURED EQUIPMENT	21,142	21,142
055	ENGINEERING AND EOD EQUIPMENT	7,700	7,700
056	MOBILITY EQUIPMENT	18,266	18,266
057	FUELS SUPPORT EQUIPMENT (FSE)	9,601	9,601
058	BASE MAINTENANCE AND SUPPORT EQUIPMENT	42,078	42,078
	SPECIAL SUPPORT PROJECTS		
060	DARP RC135	27,164	27,164
061	DCGS-AF	121,528	121,528
063	SPECIAL UPDATE PROGRAM	782,641	782,641
	CLASSIFIED PROGRAMS		
63A	CLASSIFIED PROGRAMS	21,086,112	21,041,612
	Program adjustment		[–44,500]
	SPARES AND REPAIR PARTS		
064	SPARES AND REPAIR PARTS (CYBER)	1,664	1,664
065	SPARES AND REPAIR PARTS	15,847	15,847
	TOTAL OTHER PROCUREMENT, AIR FORCE	**23,695,720**	**23,649,566**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
026	MAJOR EQUIPMENT, DPAA	500	500
049	MAJOR EQUIPMENT, OSD	3,099	3,099
	MAJOR EQUIPMENT, NSA		
048	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	101	101
	MAJOR EQUIPMENT, WHS		
053	MAJOR EQUIPMENT, WHS	515	515

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	MAJOR EQUIPMENT, DISA		
011	INFORMATION SYSTEMS SECURITY	17,211	17,211
012	TELEPORT PROGRAM	29,841	29,841
013	JOINT FORCES HEADQUARTERS—DODIN	3,091	3,091
014	ITEMS LESS THAN $5 MILLION	41,569	41,569
016	DEFENSE INFORMATION SYSTEM NETWORK	26,978	26,978
017	WHITE HOUSE COMMUNICATION AGENCY	44,161	44,161
018	SENIOR LEADERSHIP ENTERPRISE	35,935	35,935
019	JOINT REGIONAL SECURITY STACKS (JRSS)	88,741	88,741
020	JOINT SERVICE PROVIDER	157,538	157,538
021	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	42,084	42,084
	MAJOR EQUIPMENT, DLA		
023	MAJOR EQUIPMENT	417,459	410,459
	MGUE—DLA requested transfer to RDTE,DW line 54		[–7,000]
	MAJOR EQUIPMENT, DCSA		
003	MAJOR EQUIPMENT	2,212	2,212
	MAJOR EQUIPMENT, TJS		
050	MAJOR EQUIPMENT, TJS	8,329	8,329
051	MAJOR EQUIPMENT—TJS CYBER	1,247	1,247
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
031	THAAD	495,396	601,796
	8th THAAD battery components		[76,300]
	HEMTT life-of-type buy		[30,100]
034	AEGIS BMD	356,195	356,195
035	AEGIS BMD AP	44,901	44,901
036	BMDS AN/TPY–2 RADARS		243,300
	8th THAAD battery radar equipment		[243,300]
037	SM–3 IIAS	218,322	324,322
	Increase SM–3 Block IIA quantities		[106,000]
038	ARROW 3 UPPER TIER SYSTEMS	77,000	77,000
039	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	50,000	50,000
040	AEGIS ASHORE PHASE III	39,114	39,114
041	IRON DOME	73,000	73,000
042	AEGIS BMD HARDWARE AND SOFTWARE	104,241	104,241
	MAJOR EQUIPMENT, DHRA		
005	PERSONNEL ADMINISTRATION	4,213	4,213
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
028	VEHICLES	215	215
029	OTHER MAJOR EQUIPMENT	9,994	9,994
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
027	REGIONAL CENTER PROCUREMENT	1,598	1,598
	MAJOR EQUIPMENT, DODEA		
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,319	1,319
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	1,398	1,398
	MAJOR EQUIPMENT, DMACT		
024	MAJOR EQUIPMENT	7,993	7,993
	CLASSIFIED PROGRAMS		
54A	CLASSIFIED PROGRAMS	554,264	551,864
	Classified adjustment		[–2,400]
	AVIATION PROGRAMS		
055	ARMED OVERWATCH/TARGETING	101,000	0
	Program decrease		[–101,000]
059	ROTARY WING UPGRADES AND SUSTAINMENT	211,041	211,041
060	UNMANNED ISR	25,488	24,488
	Program decrease		[–1,000]
061	NON-STANDARD AVIATION	61,874	61,874
062	U–28	3,825	3,825
063	MH–47 CHINOOK	135,482	135,482
064	CV–22 MODIFICATION	14,829	14,829
065	MQ–9 UNMANNED AERIAL VEHICLE	6,746	6,746
066	PRECISION STRIKE PACKAGE	243,111	238,111
	Program decrease		[–5,000]
067	AC/MC–130J	163,914	153,914
	RFCM excess to need		[–10,000]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
068	C–130 MODIFICATIONS	20,414	20,414
	SHIPBUILDING		
069	UNDERWATER SYSTEMS	20,556	20,556
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <$5M	186,197	186,197
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	94,982	94,982
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	11,645	11,645
073	OTHER ITEMS <$5M	96,333	84,107
	MMP excess to need		[–12,226]
074	COMBATANT CRAFT SYSTEMS	17,278	17,278
075	SPECIAL PROGRAMS	78,865	71,365
	Program decrease		[–7,500]
076	TACTICAL VEHICLES	30,158	30,158
077	WARRIOR SYSTEMS <$5M	260,733	260,733
078	COMBAT MISSION REQUIREMENTS	19,848	19,848
079	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	2,401	2,401
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	13,861	13,861
081	OPERATIONAL ENHANCEMENTS	247,038	247,038
	CBDP		
082	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	147,150	147,150
083	CB PROTECTION & HAZARD MITIGATION	149,944	149,944
	TOTAL PROCUREMENT, DEFENSE-WIDE	**5,324,487**	**5,634,061**
	TOTAL PROCUREMENT	**130,684,160**	**136,585,222**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
002	MQ–1 UAV		110,000
	Additional aircraft		[110,000]
	ROTARY		
009	AH–64 APACHE BLOCK IIIB NEW BUILD	69,154	69,154
014	CH–47 HELICOPTER	50,472	50,472
	MODIFICATION OF AIRCRAFT		
017	MQ–1 PAYLOAD (MIP)	5,968	0
	Justification does not match need		[–5,968]
020	MULTI SENSOR ABN RECON (MIP)	122,520	122,520
025	EMARSS SEMA MODS (MIP)	26,460	26,460
030	DEGRADED VISUAL ENVIRONMENT	1,916	1,916
	GROUND SUPPORT AVIONICS		
037	CMWS	149,162	149,162
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	32,400	32,400
	OTHER SUPPORT		
	UNDISTRIBUTED		
041	AIRCREW INTEGRATED SYSTEMS	3,028	3,028
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**461,080**	**565,112**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	M-SHORAD—PROCUREMENT	158,300	158,300
003	MSE MISSILE	176,585	176,585
	AIR-TO-SURFACE MISSILE SYSTEM		
006	HELLFIRE SYS SUMMARY	236,265	236,265
	ANTI-TANK/ASSAULT MISSILE SYS		
011	GUIDED MLRS ROCKET (GMLRS)	127,015	127,015
015	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	84,993	69,393
	Contract delays		[–15,600]
	MODIFICATIONS		
017	ATACMS MODS	78,434	78,434

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
022	MLRS MODS	20,000	20,000
	TOTAL MISSILE PROCUREMENT, ARMY	**881,592**	**865,992**
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	4,765	4,765
018	MORTAR SYSTEMS	10,460	10,460
	TOTAL PROCUREMENT OF W&TCV, ARMY	**15,225**	**15,225**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	567	567
002	CTG, 7.62MM, ALL TYPES	40	40
004	CTG, HANDGUN, ALL TYPES	17	17
005	CTG, .50 CAL, ALL TYPES	189	189
008	CTG, 30MM, ALL TYPES	24,900	24,900
	ARTILLERY AMMUNITION		
016	PROJ 155MM EXTENDED RANGE M982	29,213	29,213
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	21,675	21,675
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	176	176
021	ROCKET, HYDRA 70, ALL TYPES	33,880	33,880
	MISCELLANEOUS		
029	ITEMS LESS THAN $5 MILLION (AMMO)	11	11
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**110,668**	**110,668**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
013	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,500	6,500
014	PLS ESP	15,163	15,163
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	27,066	27,066
	COMM—SATELLITE COMMUNICATIONS		
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	2,700	2,700
032	ASSURED POSITIONING, NAVIGATION AND TIMING	12,566	12,566
033	SMART-T (SPACE)	289	289
034	GLOBAL BRDCST SVC—GBS	319	319
	COMM—COMBAT COMMUNICATIONS		
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	1,257	1,257
	COMM—INTELLIGENCE COMM		
048	CI AUTOMATION ARCHITECTURE (MIP)	1,230	1,230
	INFORMATION SECURITY		
052	COMMUNICATIONS SECURITY (COMSEC)	128	128
	COMM—BASE COMMUNICATIONS		
058	INFORMATION SYSTEMS	15,277	15,277
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	74,004	74,004
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
068	DCGS-A (MIP)	47,709	47,709
070	TROJAN (MIP)	1,766	1,766
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	61,450	61,450
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	12,337	12,337
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
080	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	44,293	44,293
081	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	49,100	49,100
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
083	SENTINEL MODS	33,496	33,496
084	NIGHT VISION DEVICES	643	643
087	RADIATION MONITORING SYSTEMS	11	11
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	37,000	37,000
094	COMPUTER BALLISTICS: LHMBC XM32	280	280
095	MORTAR FIRE CONTROL SYSTEM	13,672	13,672
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	15,143	15,143
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	4,688	4,688
110	AUTOMATED DATA PROCESSING EQUIP	16,552	16,552
	CHEMICAL DEFENSIVE EQUIPMENT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
121	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	25,480	25,480
122	BASE DEFENSE SYSTEMS (BDS)	98,960	98,960
123	CBRN DEFENSE	18,887	18,887
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	50,400	50,400
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
137	RENDER SAFE SETS KITS OUTFITS	84,000	84,000
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	370	370
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	3,721	3,721
145	FORCE PROVIDER	56,400	56,400
146	FIELD FEEDING EQUIPMENT	2,279	2,279
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,040	2,040
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,374	4,374
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	6,390	6,390
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	7,769	7,769
153	ITEMS LESS THAN $5.0M (MAINT EQ)	184	184
	CONSTRUCTION EQUIPMENT		
156	LOADERS	3,190	3,190
157	HYDRAULIC EXCAVATOR	7,600	7,600
158	TRACTOR, FULL TRACKED	7,450	7,450
160	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	3,703	3,703
162	CONST EQUIP ESP	657	657
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	106	106
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	1,885	1,885
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
181	PHYSICAL SECURITY SYSTEMS (OPA3)	3,248	3,248
185	BUILDING, PRE-FAB, RELOCATABLE	31,845	31,845
	TOTAL OTHER PROCUREMENT, ARMY	**924,077**	**924,077**
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
024	STUASL0 UAV	7,921	7,921
	MODIFICATION OF AIRCRAFT		
053	COMMON ECM EQUIPMENT	3,474	3,474
055	COMMON DEFENSIVE WEAPON SYSTEM	3,339	3,339
064	QRC	18,507	18,507
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**33,241**	**33,241**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
012	HELLFIRE	5,572	5,572
	TOTAL WEAPONS PROCUREMENT, NAVY	**5,572**	**5,572**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	8,068	8,068
002	JDAM	15,529	15,529
003	AIRBORNE ROCKETS, ALL TYPES	23,000	23,000
004	MACHINE GUN AMMUNITION	22,600	22,600
006	CARTRIDGES & CART ACTUATED DEVICES	3,927	3,927
007	AIR EXPENDABLE COUNTERMEASURES	15,978	15,978
008	JATOS	2,100	2,100
011	OTHER SHIP GUN AMMUNITION	2,611	2,611
012	SMALL ARMS & LANDING PARTY AMMO	1,624	1,624
013	PYROTECHNIC AND DEMOLITION	505	505
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**95,942**	**95,942**
	OTHER PROCUREMENT, NAVY		
	SMALL BOATS		
028	STANDARD BOATS	19,104	19,104

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	OTHER SHIP SUPPORT		
035	SMALL & MEDIUM UUV	2,946	2,946
	ASW ELECTRONIC EQUIPMENT		
043	FIXED SURVEILLANCE SYSTEM	213,000	213,000
	SONOBUOYS		
092	SONOBUOYS—ALL TYPES	26,196	26,196
	AIRCRAFT SUPPORT EQUIPMENT		
095	AIRCRAFT SUPPORT EQUIPMENT	60,217	60,217
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	2,124	2,124
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	177	177
116	GENERAL PURPOSE TRUCKS	416	416
118	FIRE FIGHTING EQUIPMENT	801	801
	SUPPLY SUPPORT EQUIPMENT		
125	FIRST DESTINATION TRANSPORTATION	520	520
	TRAINING DEVICES		
128	TRAINING AND EDUCATION EQUIPMENT	11,500	11,500
	COMMAND SUPPORT EQUIPMENT		
130	MEDICAL SUPPORT EQUIPMENT	3,525	3,525
136	PHYSICAL SECURITY EQUIPMENT	3,000	3,000
	TOTAL OTHER PROCUREMENT, NAVY	**343,526**	**343,526**
	PROCUREMENT, MARINE CORPS		
	GUIDED MISSILES		
012	GUIDED MLRS ROCKET (GMLRS)	17,456	17,456
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	4,200	4,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
022	INTELLIGENCE SUPPORT EQUIPMENT	10,124	10,124
	TACTICAL VEHICLES		
038	MOTOR TRANSPORT MODIFICATIONS	16,183	16,183
	TOTAL PROCUREMENT, MARINE CORPS	**47,963**	**47,963**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	HELICOPTERS		
013	COMBAT RESCUE HELICOPTER	174,000	174,000
	OTHER AIRCRAFT		
020	MQ–9	142,490	57,900
	ECP excess to need		[–8,600]
	Production line shutdown ahead of need		[–75,990]
021	RQ–20B PUMA	13,770	13,770
	STRATEGIC AIRCRAFT		
026	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,521	57,521
	OTHER AIRCRAFT		
046	U–2 MODS	9,600	9,600
055	COMPASS CALL	12,800	12,800
066	HC/MC–130 MODIFICATIONS	58,020	58,020
069	MQ–9 UAS PAYLOADS	46,100	63,500
	WAMI combat loss replacement		[17,400]
070	CV–22 MODS	6,290	6,290
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	10,700	10,700
072	MQ–9	12,250	12,250
	COMMON SUPPORT EQUIPMENT		
073	AIRCRAFT REPLACEMENT SUPPORT EQUIP	25,614	25,614
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**569,155**	**501,965**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
004	JOINT AIR-SURFACE STANDOFF MISSILE	30,000	30,000
008	PREDATOR HELLFIRE MISSILE	143,420	143,420
009	SMALL DIAMETER BOMB	50,352	50,352
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**223,772**	**223,772**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
001	ROCKETS	19,489	19,489
	CARTRIDGES		
002	CARTRIDGES	40,434	40,434
	BOMBS		
004	GENERAL PURPOSE BOMBS	369,566	369,566
006	JOINT DIRECT ATTACK MUNITION	237,723	237,723
	FLARES		
015	FLARES	21,171	21,171
	FUZES		
016	FUZES	107,855	107,855
	SMALL ARMS		
	UNDISTRIBUTED		
017	SMALL ARMS	6,217	6,217
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**802,455**	**802,455**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	1,302	1,302
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	3,400	3,400
004	CARGO AND UTILITY VEHICLES	12,475	12,475
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	26,150	26,150
007	SPECIAL PURPOSE VEHICLES	51,254	51,254
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	24,903	24,903
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	14,167	14,167
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	5,759	5,759
011	BASE MAINTENANCE SUPPORT VEHICLES	20,653	20,653
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	5,100	5,100
030	AIR FORCE PHYSICAL SECURITY SYSTEM	56,496	56,496
	ORGANIZATION AND BASE		
049	BASE COMM INFRASTRUCTURE	30,717	30,717
	BASE SUPPORT EQUIPMENT		
055	ENGINEERING AND EOD EQUIPMENT	13,172	13,172
056	MOBILITY EQUIPMENT	33,694	33,694
057	FUELS SUPPORT EQUIPMENT (FSE)	1,777	1,777
058	BASE MAINTENANCE AND SUPPORT EQUIPMENT	31,620	31,620
	SPECIAL SUPPORT PROJECTS		
061	DCGS-AF	18,700	18,700
	SPARES AND REPAIR PARTS		
065	SPARES AND REPAIR PARTS	4,000	4,000
	TOTAL OTHER PROCUREMENT, AIR FORCE	**355,339**	**355,339**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
016	DEFENSE INFORMATION SYSTEM NETWORK	6,120	6,120
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
030	COUNTER IMPROVISED THREAT TECHNOLOGIES	2,540	2,540
	CLASSIFIED PROGRAMS		
54A	CLASSIFIED PROGRAMS	3,500	3,500
	AVIATION PROGRAMS		
056	MANNED ISR	5,000	45,100
	Combat loss replacement—DHC–8		[40,100]
057	MC–12	5,000	5,000
060	UNMANNED ISR	8,207	8,207
062	U–28		24,711
	Combat loss replacement		[24,711]
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <$5M	105,355	105,355
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	16,234	16,234

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
073	OTHER ITEMS <$5M	984	984
076	TACTICAL VEHICLES	2,990	2,990
077	WARRIOR SYSTEMS <$5M	32,573	32,573
078	COMBAT MISSION REQUIREMENTS	10,000	10,000
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	6,724	6,724
081	OPERATIONAL ENHANCEMENTS	53,264	53,264
	TOTAL PROCUREMENT, DEFENSE-WIDE	**258,491**	**323,302**
	NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		150,000
	Program increase		[150,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT.		**150,000**
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT.		**150,000**
	TOTAL PROCUREMENT	**5,128,098**	**5,514,151**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
002	0601102A	DEFENSE RESEARCH SCIENCES	303,257	318,257
		Counter-UAS Army research lab		[5,000]
		Increase in basic research		[10,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	67,148	72,148
		Program increase		[5,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS.	87,877	101,877
		Automotive research center modeling and simulation.		[5,000]
		Biotechnology advancements		[4,000]
		Program increase		[5,000]
005	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,077	5,077
		SUBTOTAL BASIC RESEARCH	**463,359**	**497,359**
		APPLIED RESEARCH		
007	0602115A	BIOMEDICAL TECHNOLOGY	11,835	11,835
011	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES.	2,000	2,000
012	0602141A	LETHALITY TECHNOLOGY	42,425	50,425
		Hybrid additive manufacturing		[3,000]
		Next generation additive manufacturing and 3–D printed electronics.		[5,000]
013	0602142A	ARMY APPLIED RESEARCH	30,757	33,757
		Pathfinder Air Assault		[3,000]
014	0602143A	SOLDIER LETHALITY TECHNOLOGY	125,435	137,435
		HEROES program increase		[5,000]
		Pathfinder Airborne		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Syn-bio enabled functional materials for the soldier.		[2,000]
015	0602144A	GROUND TECHNOLOGY	28,047	47,047
		Cold weather military research		[2,000]
		Ground technology advanced manufacturing, materials and process initiative.		[2,000]
		Materials recovery technologies for defense supply resiliency.		[10,000]
		Polymeric composites via cold spray additive manufacturing.		[5,000]
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY.	217,565	227,565
		Ground combat vehicle platform electrification		[2,000]
		Immersive virtual modeling and simulation techniques.		[5,000]
		Next Generation Combat Vehicle modeling and simulation.		[3,000]
017	0602146A	NETWORK C3I TECHNOLOGY	114,404	129,404
		Alternative positioning navigation and timing		[5,000]
		Defense resiliency platform against extreme cold weather.		[3,000]
		Multi-drone multi-sensor ISR capability		[2,000]
		Program increase		[5,000]
018	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	60,553	65,553
		Composite artillery tube and propulsion prototyping.		[5,000]
019	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	96,484	101,484
		High density eVOTL power source research		[5,000]
020	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	56,298	66,298
		Advanced beam control tracking and targeting		[5,000]
		High energy laser technology		[5,000]
022	0602213A	C3I APPLIED CYBER	18,816	18,816
040	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY.	20,766	20,766
042	0602787A	MEDICAL TECHNOLOGY	95,496	95,496
		SUBTOTAL APPLIED RESEARCH	**920,881**	**1,007,881**
		ADVANCED TECHNOLOGY DEVELOPMENT		
044	0603002A	MEDICAL ADVANCED TECHNOLOGY	38,896	38,896
049	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	11,659	11,659
052	0603115A	MEDICAL DEVELOPMENT	27,723	27,723
053	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT.	62,663	62,663
054	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY.	109,608	120,608
		3D advanced manufacturing		[2,000]
		Advanced AI/AA analytics for modernization and readiness.		[5,000]
		Anthropomorphic study for body armor modernization.		[4,000]
055	0603119A	GROUND ADVANCED TECHNOLOGY	14,795	22,795
		Graphene applications for military engineering		[3,000]
		Rapid entry and sustainment for the arctic		[5,000]
059	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	25,000	25,000
063	0603457A	C3I CYBER ADVANCED DEVELOPMENT	23,357	23,357
064	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	188,024	193,024
		High performance computing modernization		[5,000]
065	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	199,358	231,858
		Carbon fiber and graphitic composites		[10,000]
		Fuel cell powered vehicle development		[10,000]
		Small unit ground robotic capabilities		[7,500]
		Virtual experimentations enhancement		[5,000]
066	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	158,608	163,608
		Tactical geospatial information development		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
067	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY.	121,060	131,060
		Hypervelocity projectile—extended range technologies.		[10,000]
068	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY.	156,194	156,194
069	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY.	58,130	73,630
		High-energy laser system characterization lab ...		[10,500]
		Program acceleration		[5,000]
077	0603920A	HUMANITARIAN DEMINING	8,515	8,515
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**1,203,590**	**1,290,590**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
078	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION.	11,062	24,062
		Accelerated test and integration		[10,000]
		Hypersonic hot air tunnel test environment		[3,000]
079	0603308A	ARMY SPACE SYSTEMS INTEGRATION	26,230	26,230
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING.	26,482	26,482
081	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV.	64,092	61,858
		Interim top attack support costs carryover		[–4,234]
		MICLIC replacement development		[2,000]
083	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	92,753	92,753
084	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV.	151,478	136,478
		Program decrease		[–15,000]
085	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	5,841	5,841
086	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	194,775	182,400
		MDSS sensor development contract ahead of need.		[–12,375]
087	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.	24,316	24,316
088	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL.	13,387	13,387
089	0603790A	NATO RESEARCH AND DEVELOPMENT	4,762	4,762
090	0603801A	AVIATION—ADV DEV	647,937	652,937
		Future Long Range Assault Aircraft (FLRAA) ...		[5,000]
091	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	4,761	4,761
092	0603807A	MEDICAL SYSTEMS—ADV DEV	28,520	28,520
093	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT.	26,138	24,138
		IHPS program delays		[–2,000]
094	0604017A	ROBOTICS DEVELOPMENT	121,207	114,792
		Excess testing and evaluation growth		[–6,415]
096	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATURATION (MIP).	22,840	22,840
097	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY.	22,678	22,678
098	0604100A	ANALYSIS OF ALTERNATIVES	10,082	10,082
099	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4).	1,378	1,378
100	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	40,083	40,083
101	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR.	376,373	376,373
102	0604115A	TECHNOLOGY MATURATION INITIATIVES	156,834	146,834
		OpFires lack of transition pathway		[–10,000]
103	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD).	4,995	4,995

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
105	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING.	170,490	170,490
106	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	128,125	128,125
107	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING.	129,547	129,547
108	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	13,831	13,831
109	0604182A	HYPERSONICS	801,417	811,417
		Program increase		[10,000]
111	0604403A	FUTURE INTERCEPTOR	7,992	7,992
112	0604541A	UNIFIED NETWORK TRANSPORT	40,677	40,677
115	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	50,525	50,525
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**3,421,608**	**3,401,584**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
118	0604201A	AIRCRAFT AVIONICS	2,764	2,764
119	0604270A	ELECTRONIC WARFARE DEVELOPMENT	62,426	59,026
		MFEW developmenal test flight ahead of need		[–3,400]
121	0604601A	INFANTRY SUPPORT WEAPONS	91,574	89,770
		Advanced gunner protection kit development		[2,000]
		NGSW special purpose projectile development delay.		[–8,804]
		Soldier Enhancement Program		[5,000]
122	0604604A	MEDIUM TACTICAL VEHICLES	8,523	8,523
123	0604611A	JAVELIN	7,493	7,493
124	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	24,792	24,792
125	0604633A	AIR TRAFFIC CONTROL	3,511	3,511
126	0604642A	LIGHT TACTICAL WHEELED VEHICLES	1,976	1,976
127	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV.	135,488	135,488
128	0604710A	NIGHT VISION SYSTEMS—ENG DEV	61,445	55,277
		FWS-S contract development excess to need		[–5,000]
		Heads up display product development previously funded.		[–1,168]
129	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT.	2,814	2,814
130	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	28,036	28,036
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	43,651	86,151
		Joint Counter-UAS Office acceleration		[17,500]
		Joint Counter-UAS Office SOCOM cUAS capabilitities for austere locations abroad.		[25,000]
132	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.	10,150	10,150
133	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,578	5,578
134	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	7,892	7,892
135	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	24,975	24,975
136	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.	3,568	3,568
137	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION.	19,268	19,268
138	0604802A	WEAPONS AND MUNITIONS—ENG DEV	265,811	265,811
139	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	49,694	48,344
		194 excess support costs		[–1,350]
140	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	11,079	11,079
141	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	49,870	49,870
142	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	9,589	9,589

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
143	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	162,513	140,674
		Command post integrated infrastructure contract delay.		[–10,000]
		Rephasing of MCE v3.2 development		[–7,909]
		TROPO IOT&E funded ahead of need		[–3,930]
144	0604820A	RADAR DEVELOPMENT	109,259	109,259
145	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	21,201	21,201
146	0604823A	FIREFINDER	20,008	16,808
		Prior year carry-over		[–3,200]
147	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,534	6,534
148	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD.	82,459	124,380
		Prior year carry-over		[–5,079]
		Program increase for vehicle protection systems		[47,000]
149	0604854A	ARTILLERY SYSTEMS—EMD	11,611	11,611
150	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	142,678	124,612
		FL9 unjustified request		[–5,987]
		FM7 HRC core IT schedule discrepancy		[–8,915]
		FM8 ATIS release 2 ahead of need		[–3,164]
151	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A).	115,286	115,286
152	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	96,594	76,594
		Army identified funds excess to need		[–12,000]
		Test delays		[–8,000]
154	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,264	16,264
155	0605031A	JOINT TACTICAL NETWORK (JTN)	31,696	31,696
157	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,976	5,976
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	23,321	28,321
		AI virtual training environments		[5,000]
161	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	4,846	4,846
162	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	28,544	16,544
		Army Cyber SU program		[–12,000]
163	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER).	28,178	22,157
		Testing unjustified request		[–6,021]
164	0605047A	CONTRACT WRITING SYSTEM	22,860	22,860
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	35,893	35,893
167	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	235,770	188,008
		Army identified funds excess to need		[–47,762]
168	0605053A	GROUND ROBOTICS	13,710	13,710
169	0605054A	EMERGING TECHNOLOGY INITIATIVES	294,739	294,739
170	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT.	954	954
171	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION.	150,201	150,201
172	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5).	5,999	5,999
174	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	8,891	8,891
175	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	193,929	193,929
176	0605625A	MANNED GROUND VEHICLE	327,732	244,500
		Army identified funds excess to need		[–83,232]
177	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	7,670	7,670
178	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	1,742	1,742
179	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,467	1,467
180	0303032A	TROJAN—RH12	3,451	3,451
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	55,855	55,855

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**3,199,798**	**3,064,377**
		MANAGEMENT SUPPORT		
185	0604256A	THREAT SIMULATOR DEVELOPMENT	14,515	14,515
186	0604258A	TARGET SYSTEMS DEVELOPMENT	10,668	10,668
187	0604759A	MAJOR T&E INVESTMENT	106,270	111,270
		Program increase		[5,000]
188	0605103A	RAND ARROYO CENTER	13,481	13,481
189	0605301A	ARMY KWAJALEIN ATOLL	231,824	231,824
190	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	54,898	54,898
192	0605601A	ARMY TEST RANGES AND FACILITIES	350,359	365,359
		Program increase—Army directed energy T&E		[15,000]
193	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	48,475	48,475
194	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,001	36,001
195	0605606A	AIRCRAFT CERTIFICATION	2,736	2,736
196	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.	6,488	6,488
197	0605706A	MATERIEL SYSTEMS ANALYSIS	21,859	21,859
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	7,936	7,936
199	0605712A	SUPPORT OF OPERATIONAL TESTING	54,470	54,470
200	0605716A	ARMY EVALUATION CENTER	63,141	63,141
201	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	2,572	2,572
202	0605801A	PROGRAMWIDE ACTIVITIES	87,472	87,472
203	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,244	26,244
204	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	40,133	47,500
		Conventional ammunition demilitarization carryover.		[–1,633]
		Development of polymer-cased ammunition		[5,000]
		Manufacturing technology for industrial base transformation carryover.		[–1,000]
		Program acceleration		[5,000]
205	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	1,780	1,780
206	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA.	55,045	55,045
208	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE.	71,306	71,306
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION.	1,063	1,063
210	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	19,891	19,891
211	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	4,496	4,496
		SUBTOTAL MANAGEMENT SUPPORT	**1,333,123**	**1,360,490**
		OPERATIONAL SYSTEMS DEVELOPMENT		
214	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	10,157	10,157
216	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,682	8,682
217	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	20,409	20,409
219	0607134A	LONG RANGE PRECISION FIRES (LRPF)	122,733	107,733
		Program reduction		[–15,000]
221	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM.	11,236	11,236
222	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	46,091	51,091
		Carbon composite materials for wheels and brakes.		[5,000]
224	0607139A	IMPROVED TURBINE ENGINE PROGRAM	249,257	245,509
		Unjustified matrixed engineering support growth.		[–3,748]
225	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	17,155	17,155
226	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS.	7,743	7,743

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227	0607145A	APACHE FUTURE DEVELOPMENT	77,177	77,177
228	0607150A	INTEL CYBER DEVELOPMENT	14,652	14,652
229	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	35,851	35,851
230	0607665A	FAMILY OF BIOMETRICS	1,324	1,324
231	0607865A	PATRIOT PRODUCT IMPROVEMENT	187,840	187,840
232	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS).	44,691	44,691
233	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	268,919	260,252
		Bradley excess carryover		[–3,000]
		CROWS-J program delay		[–5,667]
234	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS.	427,254	290,963
		Army identified as excess to need		[–130,000]
		Prior year carry-over		[–6,291]
235	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	11,688	11,688
236	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	80	80
237	0203758A	DIGITIZATION	4,516	4,516
238	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	1,288	1,288
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.	79,424	19,424
		Program decrease		[–60,000]
243	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV.	259	259
244	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM.	166	166
245	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS).	75,575	75,575
246	0208053A	JOINT TACTICAL GROUND SYSTEM	9,510	9,510
249	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	29,270	29,270
250	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	86,908	86,908
251	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,684	18,684
256	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	467	467
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,051	4,051
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	13,283	13,283
259	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	47,204	47,204
264	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	61,012	78,512
		Functional fabrics manufacturing		[7,500]
		Nanoscale materials manufacturing		[5,000]
		Tungsten manufacturing for armanents		[5,000]
266A	9999999999	CLASSIFIED PROGRAMS	3,983	3,983
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**1,998,539**	**1,797,333**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
		UNDISTRIBUTED		
267	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT.	46,445	58,445
		Army-requested transfer from Other Procurement, Army line 53 for program management.		[12,000]
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	**46,445**	**58,445**
		SUBTOTAL UNDISTRIBUTED		**12,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**12,587,343**	**12,478,059**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,816	126,816

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		Defense University Research and Instrumentation Program.		[5,000]
		Program increase		[5,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	19,113	19,113
003	0601153N	DEFENSE RESEARCH SCIENCES	467,158	479,158
		Increase in basic research		[10,000]
		Predictive modeling for undersea vehicles		[2,000]
		SUBTOTAL BASIC RESEARCH	**603,087**	**625,087**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	17,792	17,792
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,281	141,281
		Additive manufacturing of unmanned maritime systems.		[5,000]
		Direct Air Capture and Blue Carbon Removal Technology Program.		[9,000]
		Talent and technology for power and energy systems.		[5,000]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY.	50,623	55,623
		Unmanned logistics solutions		[5,000]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	48,001	48,001
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH.	67,765	74,765
		Humanoid robotics research		[5,000]
		Social networks and computational social science.		[2,000]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH.	84,994	84,994
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	63,392	73,392
		Extreme weather events research		[5,000]
		Program increase		[5,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.	6,343	6,343
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	56,397	76,397
		Academic partnerships for undersea vehicle research.		[10,000]
		Autonomous undersea robotics		[10,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH.	167,590	167,590
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	30,715	30,715
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH.	160,537	167,837
		Thermoplastic materials		[7,300]
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES.	76,745	76,745
		SUBTOTAL APPLIED RESEARCH	**953,175**	**1,021,475**
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY.	24,410	24,410
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	8,008	8,008
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	219,045	219,045
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,301	13,301
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	246,054	242,365
		C-ENCAP program delays		[–3,689]
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,122	60,122
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	4,851	4,851

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024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	40,709	40,709
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	1,948	1,948
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	141,948	161,948
		Accelerated railgun technology maturation		[20,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**760,396**	**776,707**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS).	464,042	259,242
		LUSV additional prototypes		[–159,300]
		Unmanned surface vehicle enabling capabilities—payload program reduction.		[–45,500]
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	35,386	35,386
029	0603216N	AVIATION SURVIVABILITY	13,428	13,428
030	0603239N	ISO NAVAL CONSTRUCTION FORCES	2,350	2,350
031	0603251N	AIRCRAFT SYSTEMS	418	418
032	0603254N	ASW SYSTEMS DEVELOPMENT	15,719	15,719
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,411	3,411
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	70,218	63,218
		Project 3416: HIJENKS insufficient schedule justification.		[–7,000]
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	52,358	47,808
		Project 2989: Barracuda program delay		[–4,550]
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	12,816	12,816
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,559	7,559
038	0603525N	PILOT FISH	358,757	278,557
		Excess cost growth		[–25,000]
		Program adjustment		[–55,200]
039	0603527N	RETRACT LARCH	12,562	12,562
040	0603536N	RETRACT JUNIPER	148,000	148,000
041	0603542N	RADIOLOGICAL CONTROL	778	778
042	0603553N	SURFACE ASW	1,161	1,161
043	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT.	185,356	157,926
		Project 9710 unjustified new start		[–27,430]
044	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,528	10,528
045	0603563N	SHIP CONCEPT ADVANCED DESIGN	126,396	111,396
		Polymorphic build farm for open source technologies.		[5,000]
		Project 4044: Medium amphibious ship early to need.		[–10,000]
		Project 4045: Medium logistics ship early to need.		[–10,000]
046	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	70,270	36,970
		Project 0411: Preliminary design early to need		[–17,100]
		Project 0411: Requirements and concept analysis excess growth.		[–16,200]
047	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	149,188	149,188
048	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	38,449	45,449
		Accelerate qualification of silicon carbide power modules.		[7,500]
		Power and energy systems contract award delay		[–500]
049	0603576N	CHALK EAGLE	71,181	71,181
050	0603581N	LITTORAL COMBAT SHIP (LCS)	32,178	32,178
051	0603582N	COMBAT SYSTEM INTEGRATION	17,843	17,843
052	0603595N	OHIO REPLACEMENT	317,196	317,196
053	0603596N	LCS MISSION MODULES	67,875	67,875
054	0603597N	AUTOMATED TEST AND ANALYSIS	4,797	4,797
055	0603599N	FRIGATE DEVELOPMENT	82,309	82,309
056	0603609N	CONVENTIONAL MUNITIONS	9,922	9,922

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057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	189,603	182,603
		Program delay		[–7,000]
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	43,084	43,084
059	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.	6,346	6,346
060	0603721N	ENVIRONMENTAL PROTECTION	20,601	20,601
061	0603724N	NAVY ENERGY PROGRAM	23,422	23,422
062	0603725N	FACILITIES IMPROVEMENT	4,664	4,664
063	0603734N	CHALK CORAL	545,763	473,763
		Excess cost growth		[–72,000]
064	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,884	3,884
065	0603746N	RETRACT MAPLE	353,226	348,690
		Program adjustment		[–4,536]
066	0603748N	LINK PLUMERIA	544,388	497,388
		Program adjustment		[–47,000]
067	0603751N	RETRACT ELM	86,730	86,730
068	0603764M	LINK EVERGREEN	236,234	231,770
		Program adjustment		[–4,464]
070	0603790N	NATO RESEARCH AND DEVELOPMENT	6,880	6,880
071	0603795N	LAND ATTACK TECHNOLOGY	10,578	10,578
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	28,435	28,435
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	33,612	33,612
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	128,845	128,845
075	0604014N	F/A –18 INFRARED SEARCH AND TRACK (IRST)	84,190	84,190
076	0604027N	DIGITAL WARFARE OFFICE	54,699	37,998
		Project 3255 excess growth		[–9,979]
		Project 3425 excess growth		[–6,722]
077	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES.	53,942	52,020
		Small unmanned underwater vehicles concurrency.		[–1,922]
078	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES.	40,060	40,060
079	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION..	12,100	12,100
080	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	78,122	45,557
		Early to need, phase 1 results needed first		[–32,565]
081	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	107,895	107,895
082	0604126N	LITTORAL AIRBORNE MCM	17,366	17,366
083	0604127N	SURFACE MINE COUNTERMEASURES	18,754	18,754
084	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	59,776	52,026
		DAIRCM hardware development contract award delay.		[–7,750]
086	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,097	5,097
087	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	3,664	3,664
088	0604454N	LX (R)	10,203	10,203
089	0604536N	ADVANCED UNDERSEA PROTOTYPING	115,858	92,602
		Excess scope adjustments		[–23,256]
090	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS).	14,259	9,628
		System development excess growth		[–4,631]
091	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	1,102,387	1,030,387
		CPGS initial integration efforts—transfer to line 165.		[–15,000]
		Lack of hypersonic prototyping coordination		[–5,000]
		Project 3334: Excess Virginia-class CPS modification and installation costs.		[–52,000]
092	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	7,657	7,657

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093	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	35,750	46,750
		LRASM funds—Navy requested transfer from line 141.		[11,000]
094	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,151	9,151
095	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM.	22,589	29,589
		K-MAX		[7,000]
097	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	809	809
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**6,503,074**	**5,861,969**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
098	0603208N	TRAINING SYSTEM AIRCRAFT	4,332	4,332
099	0604212N	OTHER HELO DEVELOPMENT	18,133	18,133
100	0604214M	AV–8B AIRCRAFT—ENG DEV	20,054	20,054
101	0604215N	STANDARDS DEVELOPMENT	4,237	4,237
102	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	27,340	27,340
104	0604221N	P–3 MODERNIZATION PROGRAM	606	606
105	0604230N	WARFARE SUPPORT SYSTEM	9,065	9,065
106	0604231N	TACTICAL COMMAND SYSTEM	97,968	97,968
107	0604234N	ADVANCED HAWKEYE	309,373	292,175
		Sensors excess growth		[–17,198]
108	0604245M	H–1 UPGRADES	62,310	62,310
109	0604261N	ACOUSTIC SEARCH SENSORS	47,182	47,182
110	0604262N	V–22A	132,624	132,624
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT	21,445	21,445
112	0604269N	EA–18	106,134	106,134
113	0604270N	ELECTRONIC WARFARE DEVELOPMENT	134,194	134,194
114	0604273M	EXECUTIVE HELO DEVELOPMENT	99,321	99,321
115	0604274N	NEXT GENERATION JAMMER (NGJ)	477,680	477,680
116	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	232,818	232,818
117	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II.	170,039	170,039
118	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	403,712	375,853
		Aegis development support excess growth		[–7,159]
		Capability upgrades unjustified growth		[–20,700]
119	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	945	945
120	0604329N	SMALL DIAMETER BOMB (SDB)	62,488	62,488
121	0604366N	STANDARD MISSILE IMPROVEMENTS	386,225	340,825
		SM–6 Block IB mission integration, development and operational test.		[–18,400]
		SM–6 excessive cost growth; program accountability.		[–27,000]
122	0604373N	AIRBORNE MCM	10,909	10,909
123	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	44,548	44,548
124	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP).	13,673	13,673
125	0604501N	ADVANCED ABOVE WATER SENSORS	87,809	71,449
		Shipboard passive EO/IR development concurrency.		[–16,360]
126	0604503N	SSN–688 AND TRIDENT MODERNIZATION	93,097	93,097
127	0604504N	AIR CONTROL	38,863	38,863
128	0604512N	SHIPBOARD AVIATION SYSTEMS	9,593	9,593
129	0604518N	COMBAT INFORMATION CENTER CONVERSION	12,718	12,718
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM.	78,319	78,319
131	0604530N	ADVANCED ARRESTING GEAR (AAG)	65,834	65,834
132	0604558N	NEW DESIGN SSN	259,443	259,443
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	63,878	63,878
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	51,853	58,853
		Advanced Degaussing System		[7,000]

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135	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,853	3,853
136	0604601N	MINE DEVELOPMENT	92,607	83,505
		Encapsulate effector program delays		[–7,402]
		Historical underexecution		[–1,700]
137	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	146,012	124,250
		Advanced anti-submarine lightweight torpedo program delays.		[–21,762]
138	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	8,383	8,383
139	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV.	33,784	33,784
140	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	8,599	8,599
141	0604727N	JOINT STANDOFF WEAPON SYSTEMS	73,744	62,744
		LRASM funds—Navy requested transfer to line 93.		[–11,000]
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	157,490	157,490
143	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	121,761	121,761
144	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	89,373	89,373
145	0604761N	INTELLIGENCE ENGINEERING	15,716	15,716
146	0604771N	MEDICAL DEVELOPMENT	2,120	19,620
		Autonomous aerial distributed logistics		[7,500]
		ETEC disease research		[10,000]
147	0604777N	NAVIGATION/ID SYSTEM	50,180	50,180
148	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	561	561
149	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	250	250
150	0604850N	SSN(X)	1,000	1,000
151	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	974	974
152	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	356,173	330,431
		Historical underexecution		[–12,972]
		NMMES-TR contract delays		[–6,308]
		NMMES-TR excess support growth		[–6,462]
153	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,810	7,810
154	0605212M	CH–53K RDTE	406,406	406,406
155	0605215N	MISSION PLANNING	86,134	86,134
156	0605217N	COMMON AVIONICS	54,540	54,540
157	0605220N	SHIP TO SHORE CONNECTOR (SSC)	5,155	5,155
158	0605327N	T-AO 205 CLASS	5,148	5,148
159	0605414N	UNMANNED CARRIER AVIATION (UCA)	266,970	266,970
160	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	12,713	12,713
161	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	24,424	24,424
162	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III.	182,870	182,870
163	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	41,775	41,775
164	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,541	2,541
165	0204202N	DDG–1000	208,448	223,448
		CPGS initial integration efforts transfer from line 91.		[15,000]
169	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	111,434	111,434
170	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	26,173	26,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**6,263,883**	**6,128,960**
		MANAGEMENT SUPPORT		
171	0604256N	THREAT SIMULATOR DEVELOPMENT	22,075	22,075
172	0604258N	TARGET SYSTEMS DEVELOPMENT	10,224	10,224
173	0604759N	MAJOR T&E INVESTMENT	85,195	85,195
175	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,089	3,089
176	0605154N	CENTER FOR NAVAL ANALYSES	43,517	43,517
179	0605804N	TECHNICAL INFORMATION SERVICES	932	932
180	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	94,297	94,297
181	0605856N	STRATEGIC TECHNICAL SUPPORT	3,813	3,813
183	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	104,822	104,822

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2021 Request	Conference Authorized
184	0605864N	TEST AND EVALUATION SUPPORT	446,960	419,212
		Navy requested transfer to OM,N line BSM1		[–27,748]
185	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY.	27,241	27,241
186	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	15,787	15,787
187	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT.	8,559	8,559
188	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	42,749	42,749
189	0605898N	MANAGEMENT HQ—R&D	41,094	41,094
190	0606355N	WARFARE INNOVATION MANAGEMENT	37,022	37,022
193	0305327N	INSIDER THREAT	2,310	2,310
194	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES).	1,536	1,536
		SUBTOTAL MANAGEMENT SUPPORT	**991,222**	**963,474**
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604227N	HARPOON MODIFICATIONS	697	697
200	0604840M	F–35 C2D2	379,549	379,549
201	0604840N	F–35 C2D2	413,875	413,875
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC).	143,667	143,667
204	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT.	173,056	173,056
205	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,970	45,970
206	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT.	69,190	61,813
		Compact rapid attack weapon concurrency		[–12,377]
		Next-generation countermeasure acoustic device		[5,000]
207	0101402N	NAVY STRATEGIC COMMUNICATIONS	42,277	42,277
208	0204136N	F/A–18 SQUADRONS	171,030	175,030
		Jet noise reduction		[4,000]
210	0204228N	SURFACE SUPPORT	33,482	33,482
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	200,308	200,308
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	102,975	115,475
		Accelerate sensor and signal processing development.		[12,500]
213	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	10,873	10,873
214	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	1,713	1,713
215	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	22,205	22,205
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT.	83,956	83,956
218	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT.	56,791	50,905
		Project 2263: Unjustified growth		[–5,886]
219	0205601N	HARM IMPROVEMENT	146,166	146,166
221	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION.	29,348	29,348
222	0205632N	MK–48 ADCAP	110,349	108,209
		APB 7 development early to need		[–2,140]
223	0205633N	AVIATION IMPROVEMENTS	133,953	133,953
224	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	110,313	110,313
225	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	207,662	207,662
226	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	4,406	4,406
227	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	61,381	61,381
228	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	10,421	10,421
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	29,977	29,977
230	0206629M	AMPHIBIOUS ASSAULT VEHICLE	6,469	6,469
231	0207161N	TACTICAL AIM MISSILES	5,859	5,859
232	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	44,323	44,323
236	0303109N	SATELLITE COMMUNICATIONS (SPACE)	41,978	46,978

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Interference mitigation technology, test and verification.		[5,000]
237	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	29,684	29,684
238	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	39,094	39,094
239	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	6,154	6,154
240	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	7,108	7,108
241	0305205N	UAS INTEGRATION AND INTEROPERABILITY	62,098	62,098
242	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	21,500	21,500
244	0305220N	MQ–4C TRITON	11,120	11,120
245	0305231N	MQ–8 UAV	28,968	28,968
246	0305232M	RQ–11 UAV	537	537
247	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	8,773	8,773
248	0305239M	RQ–21A	10,853	10,853
249	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT.	60,413	60,413
250	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP).	5,000	5,000
251	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	34,967	34,967
252	0305421N	RQ–4 MODERNIZATION	178,799	178,799
253	0307577N	INTELLIGENCE MISSION DATA (IMD)	2,120	2,120
254	0308601N	MODELING AND SIMULATION SUPPORT	8,683	8,683
255	0702207N	DEPOT MAINTENANCE (NON-IF)	45,168	45,168
256	0708730N	MARITIME TECHNOLOGY (MARITECH)	6,697	6,697
257	1203109N	SATELLITE COMMUNICATIONS (SPACE)	70,056	67,665
		MUOS historical underexecution		[–2,391]
257A	9999999999	CLASSIFIED PROGRAMS	1,795,032	1,795,032
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**5,327,043**	**5,330,749**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
		UNDISTRIBUTED		
258	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM.	14,300	14,300
259	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	10,868	10,868
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	**25,168**	**25,168**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**21,427,048**	**20,733,589**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	315,348	325,348
		Increase in basic research		[10,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	161,861	171,861
		Program increase		[5,000]
		Solar block research		[5,000]
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	15,085	15,085
		SUBTOTAL BASIC RESEARCH	**492,294**	**512,294**
		APPLIED RESEARCH		
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH.	100,000	100,000
005	0602102F	MATERIALS	140,781	162,781
		Advanced materials manufacturing flexible biosensors.		[5,000]
		High-energy synchotron x-ray program		[5,000]
		Materials maturation for high mach systems		[5,000]
		Qualification of additive manufacturing processes.		[2,000]

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Thermal protection systems		[5,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	349,225	175,472
		Advanced batteries for directed energy		[5,000]
		High speed expendable turbine development		[4,000]
		Hypersonic materials		[4,000]
		Secure unmanned aerial vehicles		[10,000]
		Transfer to line 8		[–196,753]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	115,222	115,222
008	0602203F	AEROSPACE PROPULSION		196,753
		Transfer from line 6		[196,753]
009	0602204F	AEROSPACE SENSORS	211,301	214,301
		National Center for Hardware and Embedded Systems Security and Trust.		[3,000]
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT—MAJOR HEADQUARTERS ACTIVITIES.	8,926	8,926
012	0602602F	CONVENTIONAL MUNITIONS	132,425	132,425
013	0602605F	DIRECTED ENERGY TECHNOLOGY	128,113	128,113
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	178,668	203,668
		Quantum Innovation Center		[5,000]
		Quantum network testbed		[10,000]
		Trusted UAS traffic management and C-UAS testbed.		[10,000]
015	0602890F	HIGH ENERGY LASER RESEARCH	45,088	45,088
		SUBTOTAL APPLIED RESEARCH	**1,409,749**	**1,482,749**
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603030F	AF FOUNDATIONAL DEVELOPMENT/DEMOS	103,280	0
		Transfer to line 22		[–35,169]
		Transfer to line 23		[–16,933]
		Transfer to line 30		[–10,777]
		Transfer to line 33		[–40,401]
018	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS.	157,619	–30,000
		Inappropriate use of S&T funds for Golden Horde demonstration & validation.		[–50,000]
		Transfer to line 25		[–40,900]
		Transfer to line 27		[–24,632]
		Transfer to line 31		[–72,087]
019	0603033F	NEXT GEN PLATFORM DEV/DEMO	199,556	0
		Transfer to line 25		[–37,230]
		Transfer to line 26		[–105,058]
		Transfer to line 28		[–57,268]
020	0603034F	PERSISTENT KNOWLEDGE, AWARENESS, & C2 TECH.	102,276	0
		Transfer to line 24		[–35,338]
		Transfer to line 27		[–4,699]
		Transfer to line 29		[–12,090]
		Transfer to line 30		[–20,948]
		Transfer to line 34		[–29,201]
021	0603035F	NEXT GEN EFFECTS DEV/DEMOS	215,817	0
		Transfer to line 27		[–31,207]
		Transfer to line 31		[–134,145]
		Transfer to line 32		[–31,445]
		Transfer to line 34		[–19,020]
022	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS.		45,169
		Metals affordability research		[10,000]
		Transfer from line 17		[35,169]
023	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T).		16,933
		Transfer from line 17		[16,933]
024	0603203F	ADVANCED AEROSPACE SENSORS		35,338
		Transfer from line 20		[35,338]
025	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO		78,130
		Transfer from line 18		[40,900]
		Transfer from line 19		[37,230]

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
026	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.		110,058
		Propulsion technologies		[5,000]
		Transfer from line 19		[105,058]
027	0603270F	ELECTRONIC COMBAT TECHNOLOGY		60,538
		Transfer from line 18		[24,632]
		Transfer from line 20		[4,699]
		Transfer from line 21		[31,207]
028	0603401F	ADVANCED SPACECRAFT TECHNOLOGY		57,268
		Transfer from line 19		[57,268]
029	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)		12,090
		Transfer from line 20		[12,090]
030	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.		31,725
		Transfer from line 17		[10,777]
		Transfer from line 20		[20,948]
031	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY		206,232
		Transfer from line 18		[72,087]
		Transfer from line 21		[134,145]
032	0603605F	ADVANCED WEAPONS TECHNOLOGY		31,445
		Transfer from line 21		[31,445]
033	0603680F	MANUFACTURING TECHNOLOGY PROGRAM		42,901
		Technologies to repair fastener holes		[2,500]
		Transfer from line 17		[40,401]
034	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.		48,221
		Transfer from line 20		[29,201]
		Transfer from line 21		[19,020]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**778,548**	**746,048**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
038	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,320	4,320
039	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	26,396	26,396
040	0603790F	NATO RESEARCH AND DEVELOPMENT	3,647	3,647
041	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	32,959	32,959
043	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	869	869
044	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS).	302,323	216,823
		Unjustified costs		[–85,500]
045	0604004F	ADVANCED ENGINE DEVELOPMENT	636,495	666,495
		AETP program acceleration		[30,000]
046	0604015F	LONG RANGE STRIKE—BOMBER	2,848,410	2,848,410
047	0604032F	DIRECTED ENERGY PROTOTYPING	20,964	20,964
048	0604033F	HYPERSONICS PROTOTYPING	381,862	381,862
050	0604257F	ADVANCED TECHNOLOGY AND SENSORS	24,747	24,747
051	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP.	76,417	76,417
052	0604317F	TECHNOLOGY TRANSFER	3,011	3,011
053	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	52,921	52,921
054	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	69,783	69,783
055	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D.	25,835	25,835
056	0604858F	TECH TRANSITION PROGRAM	219,252	278,452
		Agile software development and operations		[4,500]
		Experimentation		[–20,000]
		Initial polar SATCOM capability		[46,000]
		LCAAT program acceleration		[50,000]
		Prototyping—hold to FY2020 level		[–27,300]
		Rapid repair of high performance materials		[6,000]
057	0605230F	GROUND BASED STRATEGIC DETERRENT	1,524,759	1,509,759
		Acquisition Strategy for planning and design		[–15,000]
059	0207110F	NEXT GENERATION AIR DOMINANCE	1,044,089	974,089
		Forward financing of development efforts		[–70,000]

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
060	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).	19,356	19,356
061	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	8,737	8,737
062	0208099F	UNIFIED PLATFORM (UP)	5,990	5,990
063	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA).	39,293	39,293
065	0305601F	MISSION PARTNER ENVIRONMENTS	11,430	11,430
066	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	259,823	259,823
067	0306415F	ENABLED CYBER ACTIVITIES	10,560	10,560
068	0401310F	C–32 EXECUTIVE TRANSPORT RECAPITALIZATION.	9,908	7,808
		AoA funding carryover		[–2,100]
069	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM.	8,662	8,662
074	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT).	8,787	0
		Transfer to RD,SF line 6		[–8,787]
077	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	56,311	0
		Transfer to RD,SF line 11A		[–56,311]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**7,737,916**	**7,589,418**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
082	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS.	25,161	25,161
083	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	38,564	38,564
084	0604222F	NUCLEAR WEAPONS SUPPORT	35,033	35,033
085	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,098	2,098
086	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	131,909	131,909
087	0604287F	PHYSICAL SECURITY EQUIPMENT	6,752	6,752
088	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	17,280	17,280
089	0604429F	AIRBORNE ELECTRONIC ATTACK		30,000
		STiTCHES integration for USAFE/PACAF interim capability.		[30,000]
090	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	23,076	23,076
091	0604604F	SUBMUNITIONS	3,091	3,091
092	0604617F	AGILE COMBAT SUPPORT	20,609	20,609
093	0604618F	JOINT DIRECT ATTACK MUNITION	7,926	7,926
094	0604706F	LIFE SUPPORT SYSTEMS	23,660	23,660
095	0604735F	COMBAT TRAINING RANGES	8,898	8,898
096	0604800F	F–35—EMD	5,423	5,423
097	0604932F	LONG RANGE STANDOFF WEAPON	474,430	444,430
		Acquisition strategy		[–30,000]
098	0604933F	ICBM FUZE MODERNIZATION	167,099	167,099
100	0605056F	OPEN ARCHITECTURE MANAGEMENT	30,547	30,547
102	0605223F	ADVANCED PILOT TRAINING	248,669	248,669
103	0605229F	COMBAT RESCUE HELICOPTER	63,169	63,169
105	0101125F	NUCLEAR WEAPONS MODERNIZATION	9,683	9,683
106	0207171F	F–15 EPAWSS	170,679	170,679
107	0207328F	STAND IN ATTACK WEAPON	160,438	150,646
		Unjustified cost increase		[–9,792]
108	0207701F	FULL COMBAT MISSION TRAINING	9,422	9,422
110	0305176F	COMBAT SURVIVOR EVADER LOCATOR	973	973
111	0401221F	KC–46A TANKER SQUADRONS	106,262	86,262
		Slow execution		[–20,000]
113	0401319F	VC–25B	800,889	800,889
114	0701212F	AUTOMATED TEST SYSTEMS	10,673	10,673
115	0804772F	TRAINING DEVELOPMENTS	4,479	4,479
116	0901299F	AF A1 SYSTEMS	8,467	8,467
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**2,615,359**	**2,585,567**
		MANAGEMENT SUPPORT		
131	0604256F	THREAT SIMULATOR DEVELOPMENT	57,725	57,725
132	0604759F	MAJOR T&E INVESTMENT	208,680	223,680

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Gulf Range telemetric modernization		[15,000]
133	0605101F	RAND PROJECT AIR FORCE	35,803	35,803
135	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,557	13,557
136	0605807F	TEST AND EVALUATION SUPPORT	764,606	764,606
137	0605826F	ACQ WORKFORCE- GLOBAL POWER		273,231
		Transfer from line 142		[273,231]
138	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS.		262,119
		Transfer from line 142		[262,119]
139	0605828F	ACQ WORKFORCE- GLOBAL REACH		158,429
		Transfer from line 142		[158,429]
140	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS.		247,468
		Transfer from line 142		[247,468]
141	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT		183,107
		Transfer from line 142		[183,107]
142	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	1,362,038	219,868
		Transfer to line 137		[–273,231]
		Transfer to line 138		[–262,119]
		Transfer to line 139		[–158,429]
		Transfer to line 140		[–247,468]
		Transfer to line 141		[–183,107]
		Transfer to line 143		[–17,816]
143	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY.	40,768	58,584
		Transfer from line 142		[17,816]
144	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	179,646	179,646
145	0605898F	MANAGEMENT HQ—R&D	5,734	5,734
146	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	70,985	70,985
147	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	29,880	29,880
148	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	63,381	63,381
149	0606398F	MANAGEMENT HQ—T&E	5,785	5,785
150	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM.	24,564	24,564
151	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	9,883	9,883
152	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	13,384	13,384
153	0804731F	GENERAL SKILL TRAINING	1,262	1,262
155	1001004F	INTERNATIONAL ACTIVITIES	3,599	3,599
		SUBTOTAL MANAGEMENT SUPPORT	**2,891,280**	**2,906,280**
		OPERATIONAL SYSTEMS DEVELOPMENT UNDISTRIBUTED		
163	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	8,777	8,777
164	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D.	499	499
165	0604840F	F–35 C2D2	785,336	785,336
166	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS).	27,035	27,035
167	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY.	50,508	50,508
168	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION.	71,229	71,229
169	0605278F	HC/MC–130 RECAP RDT&E	24,705	24,705
170	0606018F	NC3 INTEGRATION	26,356	26,356
172	0101113F	B–52 SQUADRONS	520,023	481,623
		CERP virtual prototype contract delay		[–25,500]
		No acquisition strategy for AEHF		[–2,000]
		Radar modernization program contract delays		[–10,900]
173	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	1,433	1,433
174	0101126F	B–1B SQUADRONS	15,766	15,766
175	0101127F	B–2 SQUADRONS	187,399	187,399
176	0101213F	MINUTEMAN SQUADRONS	116,569	116,569
177	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS.	27,235	27,235

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
178	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK.	24,227	24,227
179	0101328F	ICBM REENTRY VEHICLES	112,753	112,753
181	0102110F	UH–1N REPLACEMENT PROGRAM	44,464	44,464
182	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,929	5,929
183	0102412F	NORTH WARNING SYSTEM (NWS)	100	100
184	0205219F	MQ–9 UAV	162,080	152,112
		Tech insertion request unjustified		[–9,968]
186	0207131F	A–10 SQUADRONS	24,535	24,535
187	0207133F	F–16 SQUADRONS	223,437	223,437
188	0207134F	F–15E SQUADRONS	298,908	298,908
189	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,960	14,960
190	0207138F	F–22A SQUADRONS	665,038	648,938
		Software delays		[–16,100]
191	0207142F	F–35 SQUADRONS	132,229	129,629
		Unjustified USAF ALIS unique funding		[–2,600]
192	0207146F	F–15EX	159,761	159,761
193	0207161F	TACTICAL AIM MISSILES	19,417	19,417
194	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	51,799	51,799
195	0207227F	COMBAT RESCUE—PARARESCUE	669	669
196	0207247F	AF TENCAP	21,644	21,644
197	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	9,261	9,261
198	0207253F	COMPASS CALL	15,854	15,854
199	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	95,896	95,896
200	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	70,792	70,792
201	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	51,187	51,187
202	0207412F	CONTROL AND REPORTING CENTER (CRC)	16,041	16,041
203	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	138,303	138,303
204	0207418F	AFSPECWAR—TACP	4,223	4,223
206	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES.	16,564	16,564
207	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,858	7,858
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,906	12,906
210	0207452F	DCAPES	14,816	14,816
211	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,970	1,970
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	396	396
213	0207590F	SEEK EAGLE	29,680	29,680
214	0207601F	USAF MODELING AND SIMULATION	17,666	17,666
215	0207605F	WARGAMING AND SIMULATION CENTERS	6,353	6,353
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	6,827	6,827
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,390	3,390
218	0208006F	MISSION PLANNING SYSTEMS	91,768	91,768
219	0208007F	TACTICAL DECEPTION	2,370	0
		Ahead of need		[–2,370]
220	0208064F	OPERATIONAL HQ—CYBER	5,527	5,527
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	68,279	68,279
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	15,165	15,165
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	38,480	38,480
224	0208099F	UNIFIED PLATFORM (UP)	84,645	84,645
230	0301025F	GEOBASE	2,767	2,767
231	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES).	32,759	32,759
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	2,904	2,904
239	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	3,468	3,468
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	61,887	44,722
		Acquisition strategy for GASNT Inc 2		[–14,215]
		CVR increment 2 schedule delays		[–2,950]
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	10,351	10,351

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243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE.	1,346	1,346
246	0304260F	AIRBORNE SIGINT ENTERPRISE	128,110	128,110
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,042	4,042
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY.	1,649	1,649
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD).	19,265	19,265
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,645	4,645
254	0305103F	CYBER SECURITY INITIATIVE	384	384
255	0305111F	WEATHER SERVICE	23,640	30,640
		Commercial weather pilot		[7,000]
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	6,553	6,553
257	0305116F	AERIAL TARGETS	449	449
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	432	432
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	4,890	4,890
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,864	8,864
265	0305202F	DRAGON U–2	18,660	36,660
		Air Force requested transfer from line 267		[18,000]
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	121,512	121,512
		Air Force requested transfer to line 265		[–18,000]
		Gorgon Stare Wide Area Motion Imagery program increase.		[10,000]
		Sensor Open Systems Architecture		[8,000]
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,711	14,711
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	14,152	14,152
270	0305220F	RQ–4 UAV	134,589	134,589
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING.	15,049	15,049
272	0305238F	NATO AGS	36,731	36,731
273	0305240F	SUPPORT TO DCGS ENTERPRISE	33,547	33,547
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	13,635	17,315
		PDI: Mission Partner Environment BICES-X Project 675898.		[3,680]
275	0305881F	RAPID CYBER ACQUISITION	4,262	4,262
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2).	2,207	2,207
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,277	6,277
278	0401115F	C–130 AIRLIFT SQUADRON	41,973	41,973
279	0401119F	C–5 AIRLIFT SQUADRONS (IF)	32,560	32,560
280	0401130F	C–17 AIRCRAFT (IF)	9,991	9,991
281	0401132F	C–130J PROGRAM	10,674	10,674
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	5,507	5,507
283	0401218F	KC–135S	4,591	4,591
286	0401318F	CV–22	18,419	18,419
288	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,673	7,673
290	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	24,513	24,513
291	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT).	35,225	31,525
		Prior year carryover		[–3,700]
292	0708611F	SUPPORT SYSTEMS DEVELOPMENT	11,838	11,838
293	0804743F	OTHER FLIGHT TRAINING	1,332	1,332
295	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,092	2,092
296	0901218F	CIVILIAN COMPENSATION PROGRAM	3,869	3,869
297	0901220F	PERSONNEL ADMINISTRATION	1,584	1,584
298	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,197	1,197
299	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	7,006	7,006
300	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS).	45,638	45,638
301	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	1,889	0

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
		Transfer to Space Force		[–1,889]
302	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES.	993	993
303	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	8,999	8,999
314	1203400F	SPACE SUPERIORITY INTELLIGENCE	16,810	0
		Transfer to RD,SF line 41B		[–16,810]
316	1203620F	NATIONAL SPACE DEFENSE CENTER	2,687	0
		Transfer to RD,SF line 41A		[–2,687]
318	1203906F	NCMC—TW/AA SYSTEM	6,990	0
		Transfer to RD,SF line 41C		[–6,990]
322A	9999999999	CLASSIFIED PROGRAMS	15,777,856	15,217,856
		Classified adjustment		[–560,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**21,466,680**	**20,816,681**
		SUBTOTAL UNDISTRIBUTED		**–649,999**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**37,391,826**	**36,639,037**
		RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE		
		APPLIED RESEARCH		
001	1206601SF	SPACE TECHNOLOGY	130,874	146,874
		Rapid development of low-cost, small satellite technology.		[10,000]
		Small satellite mission operations center		[6,000]
		SUBTOTAL APPLIED RESEARCH	**130,874**	**146,874**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
002	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	390,704	380,704
		MGUE program slip		[–10,000]
003	1203710SF	EO/IR WEATHER SYSTEMS	131,000	131,000
004	1206422SF	WEATHER SYSTEM FOLLOW-ON	83,384	83,384
005	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	33,359	33,359
006	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT).	142,808	151,595
		Transfer from RD,AF line 74		[8,787]
007	1206438SF	SPACE CONTROL TECHNOLOGY	35,575	35,575
008	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES).	114,390	109,390
		Unjustified growth		[–5,000]
009	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	205,178	200,178
		Unjustified growth		[–5,000]
010	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	71,395	71,395
011	1206857SF	SPACE RAPID CAPABILITIES OFFICE	103,518	103,518
011A	9999999999	SPACE SECURITY AND DEFENSE PROGRAMS (SSDP).		56,311
		Transfer from RDTE,AF line 77		[56,311]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**1,311,311**	**1,356,409**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
012	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	263,496	255,496
		Execution lagging		[–8,000]
013	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	41,897	41,897
014	1206421SF	COUNTERSPACE SYSTEMS	54,689	54,689
015	1206422SF	WEATHER SYSTEM FOLLOW-ON	2,526	2,526
016	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	173,074	173,074
017	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	138,257	128,257
		Program delays		[–10,000]
018	1206432SF	POLAR MILSATCOM (SPACE)	190,235	190,235
019	1206442SF	NEXT GENERATION OPIR	2,318,864	2,318,864
020	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD.	560,978	650,978

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Line	Program Element	Item	FY 2021 Request	Conference Authorized
		NSSL Phase 3 integration activities program		[90,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**3,744,016**	**3,816,016**
		MANAGEMENT SUPPORT		
021	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT.	20,281	20,281
022	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS.	183,930	183,930
023	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	9,765	9,765
024	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,993	17,993
024A	9999999999	TACTICALLY RESPONSIVE LAUNCH		5,000
		Program increase		[5,000]
025	1206864SF	SPACE TEST PROGRAM (STP)	26,541	26,541
		SUBTOTAL MANAGEMENT SUPPORT	**258,510**	**263,510**
		OPERATIONAL SYSTEM DEVELOPMENT UNDISTRIBUTED		
026	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	3,708	5,597
		Transfer from Air Force		[1,889]
027	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T).	247,229	234,729
		Prior year carryover		[–12,500]
028	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	75,480	60,480
		Program decrease		[–15,000]
029	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	1,984	1,984
030	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER.	4,397	4,397
031	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	44,746	39,746
		Underexecution		[–5,000]
032	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,020	16,020
		Space launch range services and capabilities		[5,000]
033	1203265SF	GPS III SPACE SEGMENT	10,777	10,777
034	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	28,179	28,179
035	1203913SF	NUDET DETECTION SYSTEM (SPACE)	29,157	29,157
036	1203940SF	SPACE SITUATION AWARENESS OPERATIONS ..	44,809	40,809
		Underexecution		[–4,000]
037	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	481,999	416,999
		Funds available prioritized to other space missions.		[–65,000]
041	1206770SF	ENTERPRISE GROUND SERVICES	116,791	116,791
041A	9999999999	NATIONAL SPACE DEFENSE CENTER (NSDC)		2,687
		Transfer from RDTE,AF line 316		[2,687]
041B	9999999999	SPACE SUPERIORITY INTELLIGENCE (SSI)		16,810
		Transfer from RDTE,AF line 314		[16,810]
041C	9999999999	NCMC—TW/AA SYSTEM		6,990
		Transfer from RDTE,AF line 318		[6,990]
041D	9999999999	CLASSIFIED PROGRAMS	3,632,866	3,632,866
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	**4,733,142**	**4,665,018**
		SUBTOTAL UNDISTRIBUTED		**–68,124**
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		
042	1203614SF	JSPOC MISSION SYSTEM	149,742	164,742
		Commercial space situational awareness		[20,000]
		Unjustified increase		[–5,000]
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS.	**149,742**	**164,742**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE.	**10,327,595**	**10,412,569**

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		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	14,617	14,617
002	0601101E	DEFENSE RESEARCH SCIENCES	479,958	479,958
003	0601110D8Z	BASIC RESEARCH INITIATIVES	35,565	67,565
		DEPSCoR		[15,000]
		Restore Minerva research initiative		[17,000]
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	53,730	53,730
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	100,241	102,241
		Civics education pilot		[2,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	30,975	57,975
		Aerospace education, research, and innovation activities.		[2,000]
		HBCU/Minority Institutions		[5,000]
		Program increase		[20,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	45,300	45,300
		SUBTOTAL BASIC RESEARCH	**760,386**	**821,386**
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,409	19,409
009	0602115E	BIOMEDICAL TECHNOLOGY	107,568	107,568
011	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	35,000	35,000
012	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	41,080	41,080
013	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	60,722	54,335
		Excess growth		[–6,387]
014	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY.	435,920	423,920
		Program decrease		[–12,000]
015	0602383E	BIOLOGICAL WARFARE DEFENSE	26,950	26,950
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	201,807	201,807
017	0602668D8Z	CYBER SECURITY RESEARCH	15,255	15,255
018	0602702E	TACTICAL TECHNOLOGY	233,271	233,271
019	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	250,107	250,107
020	0602716E	ELECTRONICS TECHNOLOGY	322,693	322,693
021	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	174,571	174,571
022	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	9,573	9,573
023	1160401BB	SOF TECHNOLOGY DEVELOPMENT	42,464	52,464
		START research consortium of excellence for irregular warfare and advanced analytics.		[5,000]
		Sustained Human Performance and Resilience		[5,000]
		SUBTOTAL APPLIED RESEARCH	**1,976,390**	**1,968,003**
		ADVANCED TECHNOLOGY DEVELOPMENT		
024	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	22,920	22,920
025	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,914	4,914
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT.	51,089	51,089
027	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,183	25,183
029	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	366,659	366,659
030	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT.	14,910	14,910
032	0603180C	ADVANCED RESEARCH	18,687	18,687
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	18,873	18,873
034	0603286E	ADVANCED AEROSPACE SYSTEMS	230,978	220,978
		OpFires lack of transition pathway		[–10,000]
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	158,439	158,439
036	0603288D8Z	ANALYTIC ASSESSMENTS	23,775	23,775

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037	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS.	36,524	36,524
038	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA.	14,703	14,703
039	0603294C	COMMON KILL VEHICLE TECHNOLOGY	11,058	11,058
040	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING.	133,375	123,673
		Lack of hypersonic prototype coordination efforts		[–19,702]
		Stratospheric balloon research		[10,000]
042	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	26,141	26,141
043	0603375D8Z	TECHNOLOGY INNOVATION	27,709	27,709
044	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	188,001	188,001
045	0603527D8Z	RETRACT LARCH	130,283	130,283
046	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	15,164	15,164
047	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.	85,452	85,452
048	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES.	5,882	5,882
049	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	93,817	135,817
		Accelerating rapid prototyping by integrating high performance computing and advanced manufacturing.		[5,000]
		Additive manufacturing training		[2,000]
		Advanced structural manufacturing technologies		[25,000]
		Flexible hybrid electronics		[5,000]
		Hypersonic thermal management research		[5,000]
050	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	40,025	55,025
		Defense supply chain technologies		[5,000]
		Steel performance initiative		[10,000]
052	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	10,235	10,235
053	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	53,862	108,862
		AFFF replacement		[25,000]
		PFAS Innovation Award Fund		[5,000]
		PFAS remediation and disposal technology		[25,000]
054	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	124,049	131,049
		MGUE—DLA requested transfer from P,DW line 23.		[7,000]
055	0603727D8Z	JOINT WARFIGHTING PROGRAM	3,871	3,871
056	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	95,864	95,864
057	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	221,724	221,724
058	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	661,158	646,158
		Lack of coordination		[–10,000]
		Unjustified increase		[–5,000]
059	0603767E	SENSOR TECHNOLOGY	200,220	200,220
060	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	6,765	6,765
061	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	12,598	12,598
064	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	105,410	92,270
		Excess growth		[–13,140]
065	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY.	187,065	154,365
		Directed energy test workloads		
		Excess growth electronic warfare test		[–32,700]
066	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK		40,000
		Restore program		[40,000]
067	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.		65,000
		Program increase		[65,000]
070	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	89,072	89,072

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
071	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.	72,422	72,422
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**3,588,876**	**3,732,334**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
072	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	32,636	32,636
073	0603600D8Z	WALKOFF	106,529	106,529
075	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	61,345	98,345
		AFFF replacement		[10,000]
		PFAS remediation and disposal technology		[25,000]
		Program increase		[2,000]
076	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	412,627	312,627
		Insufficient justification—homeland defense underlay.		[–100,000]
077	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	1,004,305	924,305
		Unjustified cost growth		[–80,000]
078	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	76,167	76,167
079	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	281,957	281,957
080	0603890C	BMD ENABLING PROGRAMS	599,380	599,380
081	0603891C	SPECIAL PROGRAMS—MDA	420,216	420,216
082	0603892C	AEGIS BMD	814,936	775,266
		Insufficient justification Aegis underlay and unjustified cost growth.		[–39,670]
083	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	593,353	593,353
084	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	49,560	49,560
085	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	55,356	55,356
086	0603906C	REGARDING TRENCH	11,863	11,863
087	0603907C	SEA BASED X-BAND RADAR (SBX)	118,318	118,318
088	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
089	0603914C	BALLISTIC MISSILE DEFENSE TEST	378,302	378,302
090	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	536,133	536,133
092	0603923D8Z	COALITION WARFARE	10,129	10,129
093	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G).	449,000	430,000
		Program decrease for Restoring S&T		[–19,000]
094	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM.	3,325	3,325
095	0604115C	TECHNOLOGY MATURATION INITIATIVES	67,389	109,389
		Restore DPAL Effort		[42,000]
098	0604181C	HYPERSONIC DEFENSE	206,832	206,832
099	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	730,508	702,008
		Micro nuclear reactors		[50,000]
		Program decrease		[–78,500]
100	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	489,076	489,076
101	0604331D8Z	RAPID PROTOTYPING PROGRAM	102,023	82,023
		Program decrease for Restoring S&T		[–20,000]
102	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING.	13,255	16,255
		Talent optimization pilot program		[3,000]
103	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,787	2,787
105	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H).		65,000
		Continue radar development and siting efforts		[65,000]
107	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,469	3,469

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2021 Request	Conference Authorized
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	19,190	19,190
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,256	137,256
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS.	664,138	450,138
		NGI contract delays		[–214,000]
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	7,768	7,768
113	0604878C	AEGIS BMD TEST	170,880	95,880
		Unjustified cost growth		[–75,000]
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	76,456	76,456
115	0604880C	LAND-BASED SM–3 (LBSM3)	56,628	56,628
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	67,071	67,071
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS.	2,198	2,198
119	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	997	997
120	0305103C	CYBER SECURITY INITIATIVE	1,148	1,148
121	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING.	215,994	195,994
		HBTSS—transfer to 1206895C		[–20,000]
122	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	34,144	34,144
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	32,068	152,068
		HBTSS—transfer from 1206410SDA		[20,000]
		HBTSS sensor payload development		[100,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**9,416,712**	**9,087,542**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
124	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,173	7,173
126	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD.	319,976	324,976
		Decontamination technologies for civilian pandemic preparedness.		[5,000]
127	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	54,985	54,985
128	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	15,650	15,650
129	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,441	1,441
130	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE.	7,287	7,287
131	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	12,928	12,928
132	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	10,259	10,259
133	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	1,377	1,377
134	0605075D8Z	CMO POLICY AND INTEGRATION	1,648	1,648
135	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM.	20,537	20,537
136	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS).	1,638	1,638
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS).	5,500	5,500
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	8,279	8,279
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	107,585	107,585
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS.	3,685	3,685
143	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	3,275	3,275
144	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	20,585	20,585

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**603,808**	**608,808**
		MANAGEMENT SUPPORT		
145	0603829J	JOINT CAPABILITY EXPERIMENTATION	11,239	11,239
146	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS).	9,793	9,793
147	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT.	8,497	8,497
148	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	422,451	427,451
		Telemetry range extension wave glider relay		[5,000]
149	0604942D8Z	ASSESSMENTS AND EVALUATIONS	18,379	18,379
150	0605001E	MISSION SUPPORT	74,334	74,334
151	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	79,046	79,046
153	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	50,255	50,255
155	0605142D8Z	SYSTEMS ENGINEERING	49,376	49,376
156	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,777	5,777
157	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	16,552	13,991
		Excess growth		[–2,561]
158	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	9,582	9,582
159	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,940	1,940
160	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.	122,951	122,951
167	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,582	3,582
168	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	29,566	29,566
169	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	29,059	24,059
		Excess growth		[–5,000]
170	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	59,369	57,716
		Program decrease		[–1,653]
171	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	29,420	29,420
172	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,198	27,198
173	0605898E	MANAGEMENT HQ—R&D	13,434	13,434
174	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	2,837	2,837
175	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	13,173	13,173
176	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS.	3,200	3,200
177	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT.	999	999
180	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	3,099	3,099
181	0204571J	JOINT STAFF ANALYTICAL SUPPORT	3,058	3,058
182	0208045K	C4I INTEROPERABILITY	59,813	59,813
185	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	1,112	1,112
186	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	545	545
187	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	1,036	1,036
188	0305172K	COMBINED ADVANCED APPLICATIONS	30,824	30,824
190	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	3,048	3,048
194	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	31,125	31,125
195	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI).	100	100
196	0901598C	MANAGEMENT HQ—MDA	26,902	26,902
197	0903235K	JOINT SERVICE PROVIDER (JSP)	3,138	3,138
198A	9999999999	CLASSIFIED PROGRAMS	41,583	41,583
		SUBTOTAL MANAGEMENT SUPPORT	**1,297,392**	**1,293,178**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	14,378	14,378
200	0604532K	JOINT ARTIFICIAL INTELLIGENCE	132,058	132,058
201	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,986	1,986
202	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	316	316
203	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	9,151	90,151
		Advanced machine tool research		[20,000]
		Cold spray manufacturing technologies		[5,000]
		Domestic organic light emitting diode microdisplay manufacturing.		[5,000]
		Domestic tungsten		[5,000]
		Manufacturing for reuse of NdFeB magnets		[6,000]
		Program increase		[15,000]
		Submarine workforce development and training		[20,000]
		Ultra-hard armor		[5,000]
204	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT.	19,082	19,082
205	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	3,992	3,992
206	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	39,530	39,530
207	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,039	3,039
212	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	16,324	16,324
213	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,884	11,884
214	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	5,560	5,560
215	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	73,356	73,356
216	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	46,577	46,577
217	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	356,713	394,713
		GenCyber		[18,000]
		Workforce Transformation Cyber Initiative Pilot Program.		[20,000]
218	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	8,922	8,922
219	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	3,695	3,695
220	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,113	20,113
223	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,728	9,728
231	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	5,700	5,700
235	0305186D8Z	POLICY R&D PROGRAMS	7,144	6,301
		Program decrease		[–843]
236	0305199D8Z	NET CENTRICITY	21,793	21,793
238	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	6,066	6,066
245	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,190	2,190
252	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,654	1,654
253	0708012S	PACIFIC DISASTER CENTERS	1,785	1,785
254	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM.	7,301	7,301
256	1105219BB	MQ–9 UAV	21,265	21,265
258	1160403BB	AVIATION SYSTEMS	230,812	230,812
259	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	19,558	19,558
260	1160408BB	OPERATIONAL ENHANCEMENTS	136,041	146,041
		Machine learning and AI technologies to enable operational maneuver.		[10,000]
261	1160431BB	WARRIOR SYSTEMS	59,511	58,333
		MMP excess to need		[–1,178]
262	1160432BB	SPECIAL PROGRAMS	10,500	7,500
		Classified adjustment—excess to need		[–3,000]
263	1160434BB	UNMANNED ISR	19,154	15,154
		Underexecution		[–4,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
264	1160480BB	SOF TACTICAL VEHICLES	9,263	9,263
265	1160483BB	MARITIME SYSTEMS	59,882	56,882
		DCS Block II studies unjustified growth		[–3,000]
266	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,606	4,606
267	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE.	11,612	11,612
268	1203610K	TELEPORT PROGRAM	3,239	3,239
268A	9999999999	CLASSIFIED PROGRAMS	4,746,466	4,746,466
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**6,161,946**	**6,278,925**
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
269	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM.	121,676	101,676
		Unjustified increase		[–20,000]
270	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM.	16,848	16,848
271	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	86,750	76,750
		Program decrease		[–10,000]
272	0308588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS—SOFTWARE PILOT PROGRAM.	250,107	250,107
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	**475,381**	**445,381**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**24,280,891**	**24,235,557**
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	100,021	100,021
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	70,933	70,933
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES.	39,136	39,136
		SUBTOTAL MANAGEMENT SUPPORT	**210,090**	**210,090**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.	**210,090**	**210,090**
		TOTAL RDT&E	**106,224,793**	**104,708,901**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		APPLIED RESEARCH		
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY.	2,000	2,000
		SUBTOTAL APPLIED RESEARCH	**2,000**	**2,000**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING.	500	500
114	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,020	2,020
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**2,520**	**2,520**
		SYSTEM DEVELOPMENT & DEMONSTRATION		

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	27,000	27,000
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	2,300	2,300
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	64,625	64,625
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	3,900	3,900
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**97,825**	**97,825**
		MANAGEMENT SUPPORT		
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	1,000	1,000
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION.	4,137	4,137
		SUBTOTAL MANAGEMENT SUPPORT	**5,137**	**5,137**
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.	2,300	2,300
248	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	23,367	23,367
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	34,100	34,100
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	15,575	15,575
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**75,342**	**75,342**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**182,824**	**182,824**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
039	0603527N	RETRACT LARCH	36,500	36,500
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	14,461	14,461
063	0603734N	CHALK CORAL	3,000	3,000
071	0603795N	LAND ATTACK TECHNOLOGY	1,457	1,457
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**55,418**	**55,418**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,144	1,144
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**1,144**	**1,144**
		OPERATIONAL SYSTEMS DEVELOPMENT		
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	3,000	3,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**3,000**	**3,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**59,562**	**59,562**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF UNDISTRIBUTED		
185	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,080	4,080
228	0208288F	INTEL DATA APPLICATIONS	1,224	1,224
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**5,304**	**5,304**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**5,304**	**5,304**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW APPLIED RESEARCH		
010	0602134BR	COUNTER IMPROVISED-THREAT ADVANCED STUDIES.	3,699	3,699
		SUBTOTAL APPLIED RESEARCH	**3,699**	**3,699**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	Conference Authorized
		ADVANCED TECHNOLOGY DEVELOPMENT		
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT ..	19,288	19,288
028	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	3,861	3,861
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**23,149**	**23,149**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
097	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	19,931	19,931
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**19,931**	**19,931**
		OPERATIONAL SYSTEMS DEVELOPMENT		
260	1160408BB	OPERATIONAL ENHANCEMENTS	1,186	1,186
261	1160431BB	WARRIOR SYSTEMS	5,796	5,796
263	1160434BB	UNMANNED ISR	5,000	5,000
268A	9999999999	CLASSIFIED PROGRAMS	24,057	24,057
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**36,039**	**36,039**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**82,818**	**82,818**
		TOTAL RDT&E	**330,508**	**330,508**

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
020	MODULAR SUPPORT BRIGADES	159,834	149,534
	Unjustified funding for Dynamic Force Employment		[–10,300]
030	ECHELONS ABOVE BRIGADE	663,751	661,938
	Unjustified funding for Dynamic Force Employment		[–1,813]
040	THEATER LEVEL ASSETS	956,477	936,477
	Unjustified growth		[–20,000]
050	LAND FORCES OPERATIONS SUPPORT	1,157,635	1,157,635
060	AVIATION ASSETS	1,453,024	1,348,649
	Unjustified funding for Dynamic Force Employment		[–32,375]
	Unjustified growth		[–72,000]
070	FORCE READINESS OPERATIONS SUPPORT	4,713,660	4,673,660
	PDI: Army UFR INDOPACOM MDTF #1		[45,000]
	Transfer to MP,A line 13		[–10,000]
	Unjustified growth		[–75,000]
080	LAND FORCES SYSTEMS READINESS	404,161	404,161
090	LAND FORCES DEPOT MAINTENANCE	1,413,359	1,378,359

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Line	Item	FY 2021 Request	Conference Authorized
	Unjustified growth		[–35,000]
100	BASE OPERATIONS SUPPORT	8,220,093	8,340,093
	Army Community Services		[30,000]
	Child Youth Services program increase		[90,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,581,071	3,815,531
	Program increase		[234,460]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	411,844	411,844
160	US AFRICA COMMAND	239,387	277,887
	Force protection upfrades—personnel recovery/ casualty evacuation		[2,500]
	Program increase—personnel recovery and casualty evacuation		[36,000]
170	US EUROPEAN COMMAND	160,761	160,761
180	US SOUTHERN COMMAND	197,826	197,826
190	US FORCES KOREA	65,152	65,152
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	430,109	430,109
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	464,117	464,117
	SUBTOTAL OPERATING FORCES	**24,692,261**	**24,873,733**
	MOBILIZATION		
220	STRATEGIC MOBILITY	402,236	402,236
230	ARMY PREPOSITIONED STOCKS	324,306	324,306
240	INDUSTRIAL PREPAREDNESS	3,653	3,653
	SUBTOTAL MOBILIZATION	**730,195**	**730,195**
	TRAINING AND RECRUITING		
250	OFFICER ACQUISITION	165,142	165,142
260	RECRUIT TRAINING	76,509	76,509
270	ONE STATION UNIT TRAINING	88,523	88,523
280	SENIOR RESERVE OFFICERS TRAINING CORPS	535,578	535,578
290	SPECIALIZED SKILL TRAINING	981,436	981,436
300	FLIGHT TRAINING	1,204,768	1,204,768
310	PROFESSIONAL DEVELOPMENT EDUCATION	215,195	215,195
320	TRAINING SUPPORT	575,232	575,232
330	RECRUITING AND ADVERTISING	722,612	717,612
	Unjustified growth		[–5,000]
340	EXAMINING	185,522	185,522
350	OFF-DUTY AND VOLUNTARY EDUCATION	221,503	221,503
360	CIVILIAN EDUCATION AND TRAINING	154,651	154,651
370	JUNIOR RESERVE OFFICER TRAINING CORPS	173,286	173,286
	SUBTOTAL TRAINING AND RECRUITING	**5,299,957**	**5,294,957**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	491,926	491,926
400	CENTRAL SUPPLY ACTIVITIES	812,613	812,613
410	LOGISTIC SUPPORT ACTIVITIES	676,178	676,178
420	AMMUNITION MANAGEMENT	437,774	437,774
430	ADMINISTRATION	438,048	438,048
440	SERVICEWIDE COMMUNICATIONS	1,638,872	1,618,872
	Unjustified growth		[–20,000]
450	MANPOWER MANAGEMENT	300,046	300,046
460	OTHER PERSONNEL SUPPORT	701,103	701,103
470	OTHER SERVICE SUPPORT	1,887,133	1,886,133
	Excess personnel increase		[–4,000]
	Servicewoman's Commemorative Partnership		[3,000]
480	ARMY CLAIMS ACTIVITIES	195,291	195,291

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Line	Item	FY 2021 Request	Conference Authorized
490	REAL ESTATE MANAGEMENT	229,537	229,537
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	306,370	306,370
510	INTERNATIONAL MILITARY HEADQUARTERS	373,030	373,030
520	MISC. SUPPORT OF OTHER NATIONS	32,719	32,719
565	CLASSIFIED PROGRAMS	1,069,915	1,069,915
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**9,590,555**	**9,569,555**
	UNDISTRIBUTED		
570	UNDISTRIBUTED		–395,600
	COVID-related ops/training slowdown		[–258,300]
	Foreign Currency adjustments		[–137,300]
	SUBTOTAL UNDISTRIBUTED		**–395,600**
	TOTAL OPERATION & MAINTENANCE, ARMY	**40,312,968**	**40,072,840**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	10,784	10,784
020	ECHELONS ABOVE BRIGADE	530,425	530,425
030	THEATER LEVEL ASSETS	123,737	123,737
040	LAND FORCES OPERATIONS SUPPORT	589,582	579,582
	Unjustified growth		[–8,400]
	Unjustified personnel growth		[–1,600]
050	AVIATION ASSETS	89,332	89,332
060	FORCE READINESS OPERATIONS SUPPORT	387,545	387,545
070	LAND FORCES SYSTEMS READINESS	97,569	97,569
080	LAND FORCES DEPOT MAINTENANCE	43,148	43,148
090	BASE OPERATIONS SUPPORT	587,098	587,098
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	327,180	333,239
	Program increase for additional facility requirements		[6,059]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	28,783	28,783
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,745	2,745
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,438	7,438
	SUBTOTAL OPERATING FORCES	**2,825,366**	**2,821,425**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,530	15,530
150	ADMINISTRATION	17,761	17,761
160	SERVICEWIDE COMMUNICATIONS	14,256	14,256
170	MANPOWER MANAGEMENT	6,564	6,564
180	RECRUITING AND ADVERTISING	55,240	55,240
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**109,351**	**109,351**
	UNDISTRIBUTED		
210	UNDISTRIBUTED		–33,500
	COVID-related ops/training slowdown		[–33,500]
	SUBTOTAL UNDISTRIBUTED		**–33,500**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,934,717**	**2,897,276**
	OPERATION & MAINTENANCE, ARNG		

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	OPERATING FORCES		
010	MANEUVER UNITS	769,449	769,449
020	MODULAR SUPPORT BRIGADES	204,604	204,604
030	ECHELONS ABOVE BRIGADE	812,072	812,072
040	THEATER LEVEL ASSETS	103,650	101,150
	Insufficient justification		[–2,500]
050	LAND FORCES OPERATIONS SUPPORT	32,485	32,485
060	AVIATION ASSETS	1,011,142	1,011,142
070	FORCE READINESS OPERATIONS SUPPORT	712,881	712,881
080	LAND FORCES SYSTEMS READINESS	47,732	47,732
090	LAND FORCES DEPOT MAINTENANCE	265,408	265,408
100	BASE OPERATIONS SUPPORT	1,106,704	1,106,704
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	876,032	892,254
	Program increase for additional facility requirements		[16,222]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,050,257	1,050,257
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	7,998	8,998
	Program increase—cyber security training center		[1,000]
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,756	7,756
	SUBTOTAL OPERATING FORCES	**7,008,170**	**7,022,892**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	8,018	8,018
160	ADMINISTRATION	74,309	74,309
170	SERVICEWIDE COMMUNICATIONS	66,140	66,140
180	MANPOWER MANAGEMENT	9,087	9,087
190	OTHER PERSONNEL SUPPORT	251,714	251,714
200	REAL ESTATE MANAGEMENT	2,576	2,576
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**411,844**	**411,844**
	UNDISTRIBUTED		
220	UNDISTRIBUTED		–66,100
	COVID-related ops/training slowdown		[–66,100]
	SUBTOTAL UNDISTRIBUTED		**–66,100**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,420,014**	**7,368,636**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	5,738,746	5,373,746
	Transfer to OCO		[–300,000]
	Unjustified increase		[–65,000]
020	FLEET AIR TRAINING	2,213,673	2,163,673
	Restoration of Congressional mark		[–50,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	57,144	57,144
040	AIR OPERATIONS AND SAFETY SUPPORT	171,949	171,949
050	AIR SYSTEMS SUPPORT	838,767	834,067
	Restoration of Congressional mark		[–4,700]
060	AIRCRAFT DEPOT MAINTENANCE	1,459,447	1,454,447
	Unjustified growth		[–5,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	57,789	57,789
080	AVIATION LOGISTICS	1,264,665	1,234,665
	Restoration of Congressional mark		[–30,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,117,067	1,107,067

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(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	Unjustified increase		[–10,000]
110	SHIP DEPOT MAINTENANCE	7,859,104	7,859,104
120	SHIP DEPOT OPERATIONS SUPPORT	2,262,196	2,242,196
	Unjustified increase		[–13,000]
	Unjustified personnel growth		[–7,000]
125	SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN		90,000
	Realignment from Sustainment, Readiness, and Modernization		[90,000]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,521,360	1,502,360
	Unjustified increase		[–19,000]
140	SPACE SYSTEMS AND SURVEILLANCE	274,087	274,087
150	WARFARE TACTICS	741,609	741,609
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	401,382	401,382
170	COMBAT SUPPORT FORCES	1,546,273	936,273
	Restoration of Congressional mark		[–60,000]
	Transfer to OCO		[–550,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	177,951	177,951
190	COMBATANT COMMANDERS CORE OPERATIONS	61,484	66,084
	PDI: Asia-Pacific Regional Initiative		[4,600]
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	102,330	110,630
	PDI: Indo-Pacific Counter-Terrorism Information Facility		[2,000]
	PDI: Indo-Pacific Special Operations Joint Task Force		[6,300]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,810	8,810
220	CYBERSPACE ACTIVITIES	567,496	567,496
230	FLEET BALLISTIC MISSILE	1,428,102	1,428,102
240	WEAPONS MAINTENANCE	995,762	950,762
	Restoration of Congressional mark		[–45,000]
250	OTHER WEAPON SYSTEMS SUPPORT	524,008	524,008
260	ENTERPRISE INFORMATION	1,229,056	1,204,056
	Program decrease		[–5,000]
	Restoration of Congressional mark		[–20,000]
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,453,099	3,454,793
	Navy requested transfer from RDTE,N line 184		[27,748]
	Program increase for additional facility requirements		[63,946]
	Realignment to Shipyard Infrastructure Optimization Plan		[–90,000]
280	BASE OPERATING SUPPORT	4,627,966	4,603,966
	Restoration of Congressional mark		[–24,000]
	SUBTOTAL OPERATING FORCES	**40,701,322**	**39,598,216**
	MOBILIZATION		
290	SHIP PREPOSITIONING AND SURGE	849,993	657,900
	Realignment to National Defense Sealift Fund		[–314,193]
	Restoration of Congressional mark		[–20,000]
	Strategic sealift (MSC surge) annual operating result loss		[57,000]
	Surge sealift readiness		[85,100]
300	READY RESERVE FORCE	436,029	376,029

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Line	Item	FY 2021 Request	Conference Authorized
	Acquisition and conversion of additional used vessels		[60,000]
	Realignment to National Defense Sealift Fund		[–120,000]
310	SHIP ACTIVATIONS/INACTIVATIONS	286,416	258,416
	Restoration of Congressional mark		[–28,000]
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	99,402	99,402
330	COAST GUARD SUPPORT	25,235	25,235
	SUBTOTAL MOBILIZATION	**1,697,075**	**1,416,982**
	TRAINING AND RECRUITING		
340	OFFICER ACQUISITION	186,117	186,117
350	RECRUIT TRAINING	13,206	13,206
360	RESERVE OFFICERS TRAINING CORPS	163,683	163,683
370	SPECIALIZED SKILL TRAINING	947,841	930,841
	Restoration of Congressional mark		[–17,000]
380	PROFESSIONAL DEVELOPMENT EDUCATION	367,647	369,147
	Sea Cadets		[1,500]
390	TRAINING SUPPORT	254,928	254,928
400	RECRUITING AND ADVERTISING	206,305	206,305
410	OFF-DUTY AND VOLUNTARY EDUCATION	103,799	103,799
420	CIVILIAN EDUCATION AND TRAINING	66,060	66,060
430	JUNIOR ROTC	56,276	56,276
	SUBTOTAL TRAINING AND RECRUITING	**2,365,862**	**2,350,362**
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	1,249,410	1,203,410
	Program decrease		[–13,000]
	Restoration of Congressional mark		[–33,000]
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	189,625	189,625
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	499,904	499,904
470	MEDICAL ACTIVITIES	196,747	196,747
480	SERVICEWIDE TRANSPORTATION	165,708	162,410
	Unjustified funding for Dynamic Force Employment		[–3,298]
500	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	519,716	519,716
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	751,184	740,184
	Program decrease unaccounted for		[–11,000]
520	INVESTIGATIVE AND SECURITY SERVICES	747,519	747,519
625	CLASSIFIED PROGRAMS	608,670	608,670
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,928,483**	**4,868,185**
	UNDISTRIBUTED		
770	UNDISTRIBUTED		–126,000
	COVID-related ops/training slowdown		[–77,500]
	Foreign Currency adjustments		[–48,500]
	SUBTOTAL UNDISTRIBUTED		**–126,000**
	TOTAL OPERATION & MAINTENANCE, NAVY	**49,692,742**	**48,107,745**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	941,143	517,464
	Deactivation of 2X companies		[–1,761]
	Insufficient justification		[–10,300]

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Line	Item	FY 2021 Request	Conference Authorized
	Transfer to OCO		[–400,000]
	Unit deactivation		[–2,942]
	Unjustified funding for Dynamic Force Employment		[–8,676]
020	FIELD LOGISTICS	1,277,798	1,277,798
030	DEPOT MAINTENANCE	206,907	168,414
	USMC-identified asset for FY21 depot maintenance workload		[–38,493]
040	MARITIME PREPOSITIONING	103,614	103,614
050	CYBERSPACE ACTIVITIES	215,974	215,974
060	SUSTAINMENT, RESTORATION & MODERNIZATION	938,063	955,434
	Program increase for additional facility requirements		[17,371]
070	BASE OPERATING SUPPORT	2,264,680	2,365,680
	Program increase		[101,000]
	SUBTOTAL OPERATING FORCES	**5,948,179**	**5,604,378**
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	20,751	20,751
090	OFFICER ACQUISITION	1,193	1,193
100	SPECIALIZED SKILL TRAINING	110,149	110,149
110	PROFESSIONAL DEVELOPMENT EDUCATION	69,509	69,509
120	TRAINING SUPPORT	412,613	412,613
130	RECRUITING AND ADVERTISING	215,464	215,464
140	OFF-DUTY AND VOLUNTARY EDUCATION	33,719	33,719
150	JUNIOR ROTC	25,784	25,784
	SUBTOTAL TRAINING AND RECRUITING	**889,182**	**889,182**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	32,005	32,005
170	ADMINISTRATION	399,363	399,363
215	CLASSIFIED PROGRAMS	59,878	59,878
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**491,246**	**491,246**
	UNDISTRIBUTED		
230	UNDISTRIBUTED		–34,200
	COVID-related ops/training slowdown		[–20,800]
	Foreign Currency adjustments		[–13,400]
	SUBTOTAL UNDISTRIBUTED		**–34,200**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**7,328,607**	**6,950,606**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	635,070	632,070
	Insufficient justification		[–3,000]
020	INTERMEDIATE MAINTENANCE	8,713	8,713
030	AIRCRAFT DEPOT MAINTENANCE	105,088	105,088
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	398	398
050	AVIATION LOGISTICS	27,284	27,284
070	COMBAT COMMUNICATIONS	17,894	17,894
080	COMBAT SUPPORT FORCES	132,862	132,862
090	CYBERSPACE ACTIVITIES	453	453
100	ENTERPRISE INFORMATION	26,073	26,073
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	48,762	49,665
	Program increase for additional facility requirements		[903]

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Line	Item	FY 2021 Request	Conference Authorized
120	BASE OPERATING SUPPORT	103,580	103,580
	SUBTOTAL OPERATING FORCES	**1,106,177**	**1,104,080**
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,927	1,927
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	15,895	15,895
150	ACQUISITION AND PROGRAM MANAGEMENT	3,047	3,047
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**20,869**	**20,869**
	UNDISTRIBUTED		
190	UNDISTRIBUTED		–12,700
	COVID-related ops/training slowdown		[–12,700]
	SUBTOTAL UNDISTRIBUTED		**–12,700**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,127,046**	**1,112,249**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	104,616	104,616
020	DEPOT MAINTENANCE	17,053	17,053
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	41,412	42,179
	Program increase for additional facility requirements		[767]
040	BASE OPERATING SUPPORT	107,773	107,773
	SUBTOTAL OPERATING FORCES	**270,854**	**271,621**
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	13,802	13,802
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**13,802**	**13,802**
	UNDISTRIBUTED		
70	UNDISTRIBUTED		–2,500
	COVID-related ops/training slowdown		[–2,500]
	SUBTOTAL UNDISTRIBUTED		**–2,500**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**284,656**	**282,923**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	731,511	733,181
	A–10 retention		[1,670]
020	COMBAT ENHANCEMENT FORCES	1,275,485	1,272,985
	Unjustified personnel growth		[–2,500]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,437,095	1,441,525
	A–10 retention		[12,430]
	Insufficient justification		[–8,000]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE		117,375
	A–10 retention		[65,575]
	KC–10 aircraft retention		[48,400]
	KC–135 aircraft retention		[3,400]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,241,216	3,343,016
	Program increase		[101,800]
060	CYBERSPACE SUSTAINMENT	235,816	235,816

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Line	Item	FY 2021 Request	Conference Authorized
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,508,342	1,524,227
	A–10 aircraft retention		[15,885]
080	FLYING HOUR PROGRAM	4,458,457	4,564,117
	A–10 aircraft retention		[52,860]
	KC–10 tanker divestment reversal		[16,200]
	KC–135 tanker divestment reversal		[36,600]
090	BASE SUPPORT	7,497,288	7,468,684
	Insufficient justification		[–22,000]
	Unjustified funding for Dynamic Force Employment		[–6,604]
100	GLOBAL C3I AND EARLY WARNING	849,842	871,642
	Insufficient justification		[–9,000]
	PDI: Mission Partner Environment implementation		[30,800]
110	OTHER COMBAT OPS SPT PROGRAMS	1,067,055	868,476
	Program decrease unaccounted for		[–3,000]
	Realignment from Base to OCO		[–195,579]
120	CYBERSPACE ACTIVITIES	698,579	698,579
150	SPACE CONTROL SYSTEMS	34,194	34,194
160	US NORTHCOM/NORAD	204,268	204,268
170	US STRATCOM	526,809	526,809
180	US CYBERCOM	314,524	314,524
190	US CENTCOM	186,116	186,116
200	US SOCOM	9,881	9,881
210	US TRANSCOM	1,046	1,046
230	USSPACECOM	249,022	249,022
235	CLASSIFIED PROGRAMS	1,289,339	1,289,339
	SUBTOTAL OPERATING FORCES	**25,815,885**	**25,954,822**
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,350,031	1,150,031
	Realignment from Base to OCO		[–200,000]
250	MOBILIZATION PREPAREDNESS	647,168	647,168
	SUBTOTAL MOBILIZATION	**1,997,199**	**1,797,199**
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	142,548	142,548
270	RECRUIT TRAINING	25,720	25,720
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	128,295	128,295
290	SPECIALIZED SKILL TRAINING	417,335	417,335
300	FLIGHT TRAINING	615,033	615,033
310	PROFESSIONAL DEVELOPMENT EDUCATION	298,795	298,795
320	TRAINING SUPPORT	85,844	85,844
330	RECRUITING AND ADVERTISING	155,065	155,065
340	EXAMINING	4,474	4,474
350	OFF-DUTY AND VOLUNTARY EDUCATION	219,349	219,349
360	CIVILIAN EDUCATION AND TRAINING	361,570	358,570
	Insufficient justification		[–3,000]
370	JUNIOR ROTC	72,126	72,126
	SUBTOTAL TRAINING AND RECRUITING	**2,526,154**	**2,523,154**
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	672,426	672,426
390	TECHNICAL SUPPORT ACTIVITIES	145,130	145,130
400	ADMINISTRATION	851,251	829,251
	Program decrease		[–22,000]
410	SERVICEWIDE COMMUNICATIONS	28,554	28,554
420	OTHER SERVICEWIDE ACTIVITIES	1,188,414	1,183,814

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	Program decrease		[–4,600]
430	CIVIL AIR PATROL	28,772	43,205
	Program increase		[14,433]
450	INTERNATIONAL SUPPORT	158,803	158,803
455	CLASSIFIED PROGRAMS	1,338,009	1,338,009
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,411,359**	**4,399,192**
	UNDISTRIBUTED		
550	UNDISTRIBUTED		–225,800
	COVID-related ops/training slowdown		[–110,600]
	COVID-related throughput carryover adjustment		[–75,800]
	Foreign Currency adjustments		[–39,400]
	SUBTOTAL UNDISTRIBUTED		**–225,800**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**34,750,597**	**34,448,567**
	OPERATION & MAINTENANCE, SPACE FORCE		
	OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	276,109	276,109
030	SPACE LAUNCH OPERATIONS	177,056	177,056
040	SPACE OPERATIONS	475,338	475,338
050	EDUCATION & TRAINING	18,660	18,660
060	SPECIAL PROGRAMS	137,315	137,315
070	DEPOT MAINTENANCE	250,324	250,324
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	1,063,969	1,063,969
	SUBTOTAL OPERATING FORCES	**2,398,771**	**2,398,771**
	ADMINISTRATION AND SERVICE WIDE ACTIVITIES		
090	ADMINISTRATION	132,523	123,523
	Unjustified growth		[–9,000]
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	**132,523**	**123,523**
	UNDISTRIBUTED		
110	UNDISTRIBUTED		–8,000
	COVID-related ops/training slowdown		[–8,000]
	SUBTOTAL UNDISTRIBUTED		**–8,000**
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	**2,531,294**	**2,514,294**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,782,016	1,767,016
	Insufficient justification		[–15,000]
020	MISSION SUPPORT OPERATIONS	215,209	214,209
	Insufficient justification		[–1,000]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	453,896	453,896
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	103,414	107,614
	Program increase for additional facility requirements		[4,200]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	224,977	224,977
060	BASE SUPPORT	452,468	452,468
070	CYBERSPACE ACTIVITIES	2,259	2,259
	SUBTOTAL OPERATING FORCES	**3,234,239**	**3,222,439**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	ADMINISTRATION	74,258	74,258
090	RECRUITING AND ADVERTISING	23,121	23,121
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,006	12,006
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,165	6,165
120	AUDIOVISUAL	495	495
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**116,045**	**116,045**
	UNDISTRIBUTED		
130	UNDISTRIBUTED		–30,300
	COVID-related ops/training slowdown		[–30,300]
	SUBTOTAL UNDISTRIBUTED		**–30,300**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,350,284**	**3,308,184**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,476,205	2,476,205
020	MISSION SUPPORT OPERATIONS	611,325	611,325
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,138,919	1,138,919
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	323,605	362,505
	Installation recovery		[30,000]
	Program increase for additional facility requirements		[8,900]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,100,828	1,100,828
060	BASE SUPPORT	962,438	962,438
070	CYBERSPACE SUSTAINMENT	27,028	27,028
080	CYBERSPACE ACTIVITIES	16,380	16,380
	SUBTOTAL OPERATING FORCES	**6,656,728**	**6,695,628**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
090	ADMINISTRATION	48,218	48,218
100	RECRUITING AND ADVERTISING	48,696	45,696
	Insufficient justification		[–3,000]
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**96,914**	**93,914**
	UNDISTRIBUTED		
110	UNDISTRIBUTED		–44,300
	COVID-related ops/training slowdown		[–44,300]
	SUBTOTAL UNDISTRIBUTED		**–44,300**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,753,642**	**6,745,242**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	439,111	424,111
	Insufficient justification		[–15,000]
020	JOINT CHIEFS OF STAFF—CE2T2	535,728	535,728
030	JOINT CHIEFS OF STAFF—CYBER	24,728	24,728

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	1,069,971	1,072,931
	SOCOM Syria exfiltration reconsitution		[2,960]
050	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	9,800	9,800
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	561,907	555,907
	DOMEX insufficient budget justification		[–6,000]
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	685,097	705,814
	Program increase		[22,000]
	Unjustified DCS growth		[–1,283]
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	158,971	158,971
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	1,062,748	1,062,748
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	2,598,385	2,583,952
	Flying hours program excess to need		[–12,400]
	Overestimation of civilian personnel costs		[–2,033]
	SUBTOTAL OPERATING FORCES	**7,146,446**	**7,134,690**
	TRAINING AND RECRUITING		
120	DEFENSE ACQUISITION UNIVERSITY	162,963	162,963
130	JOINT CHIEFS OF STAFF	95,684	95,684
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,301	33,301
	SUBTOTAL TRAINING AND RECRUITING	**291,948**	**291,948**
	ADMIN & SRVWIDE ACTIVITIES		
160	CIVIL MILITARY PROGRAMS	147,993	179,878
	Innovative Readiness Training		[16,885]
	Program increase—STARBASE		[15,000]
180	DEFENSE CONTRACT AUDIT AGENCY	604,835	623,835
	Program increase—DWR reductions funding restoration		[19,000]
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,282	3,282
210	DEFENSE CONTRACT MANAGEMENT AGENCY	1,370,681	1,412,681
	Restoration of DWR reductions		[42,000]
220	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	22,532	22,532
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	949,008	949,008
250	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	9,577	9,577
260	DEFENSE HUMAN RESOURCES ACTIVITY	799,952	800,356
	Defense Flagship Language and Project Global Officer program increase		[13,404]
	Insufficient justification		[–13,000]
270	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	20,806	20,806
280	DEFENSE INFORMATION SYSTEMS AGENCY	1,883,190	1,853,190
	JAIC insufficient justification		[–30,000]
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	582,639	577,939
	JRSS SIPR funding		[–4,700]
330	DEFENSE LEGAL SERVICES AGENCY	37,637	37,637
340	DEFENSE LOGISTICS AGENCY	382,084	415,584
	Maternity Uniform Pilot Program		[10,000]
	Program increase—homeless blankets program		[3,500]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	Program increase—PTAP		[20,000]
350	DEFENSE MEDIA ACTIVITY	196,997	205,997
	Stars and Stripes		[9,000]
360	DEFENSE PERSONNEL ACCOUNTING AGENCY	129,225	129,225
370	DEFENSE SECURITY COOPERATION AGENCY	598,559	588,559
	Unjustified growth for Institute for Security Governance		[–10,000]
400	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	38,432	38,432
410	DEFENSE THREAT REDUCTION AGENCY	591,780	591,780
430	DEFENSE THREAT REDUCTION AGENCY—CYBER	24,635	24,635
440	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,941,429	3,011,429
	Impact Aid		[50,000]
	Impact Aid for children with disabilities		[20,000]
450	MISSILE DEFENSE AGENCY	505,858	505,858
480	OFFICE OF ECONOMIC ADJUSTMENT	40,272	134,272
	Defense Community Infrastructure Program		[50,000]
	Guam Public Health Laboratory		[19,000]
	Military Aircraft Noise Mitigation		[5,000]
	Restoration of DWR reduction		[20,000]
490	OFFICE OF THE SECRETARY OF DEFENSE	1,540,446	1,588,696
	Additional FTEs, Office of the Deputy Assistant Secretary for Environment		[2,000]
	Bien Hoa dioxin cleanup		[15,000]
	CDC PFAS health assessment		[15,000]
	Cooperative program for Vietnam personnel MIA		[2,000]
	DOD Congressional reports process modernization		[1,000]
	FY20 NDAA Sec. 575 interstate spousal licensing		[2,750]
	JASON scientific advisory group		[3,000]
	National Security Commission on Artificial Intelligence (NSCAI)		[2,500]
	Pilot program for cyber cooperation		[2,500]
	Program increase—Readiness and Environmental Protection Initiative		[25,000]
	Unjustified growth		[–22,500]
500	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	51,630	51,630
510	SPACE DEVELOPMENT AGENCY	48,166	36,166
	Reduction for studies		[–7,000]
	Unjustified growth		[–5,000]
530	WASHINGTON HEADQUARTERS SERVICES	340,291	333,291
	Insufficient justification		[–7,000]
535	CLASSIFIED PROGRAMS	17,348,749	17,348,749
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**31,210,685**	**31,495,024**
	UNDISTRIBUTED		
600	UNDISTRIBUTED		–248,500
	COVID-related ops/training slowdown		[–229,800]
	Foreign Currency adjustments		[–18,700]
	SUBTOTAL UNDISTRIBUTED		**–248,500**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**38,649,079**	**38,673,162**
	US COURT OF APPEALS FOR ARMED FORCES, DEF		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	ADMINISTRATION AND ASSOCIATED ACTIVITIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,211	15,211
	SUBTOTAL ADMINISTRATION AND ASSOCIATED ACTIVITIES	**15,211**	**15,211**
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	**15,211**	**15,211**
	DOD ACQUISITION WORKFORCE DEVELOPMENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	58,181	108,181
	DWR restore OSD-level acquisition workforce activities		[50,000]
	SUBTOTAL ACQUISITION WORKFORCE DEVELOPMENT	**58,181**	**108,181**
	TOTAL DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	**58,181**	**108,181**
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,900	109,900
	SUBTOTAL HUMANITARIAN ASSISTANCE	**109,900**	**109,900**
	TOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	**109,900**	**109,900**
	COOPERATIVE THREAT REDUCTION ACCOUNT		
	COOPERATIVE THREAT REDUCTION		
010	COOPERATIVE THREAT REDUCTION	238,490	360,190
	Restoration of funding		[121,700]
	SUBTOTAL COOPERATIVE THREAT REDUCTION	**238,490**	**360,190**
	TOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	**238,490**	**360,190**
	ENVIRONMENTAL RESTORATION		
	DEPARTMENT OF THE ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	207,518	207,518
	SUBTOTAL DEPARTMENT OF THE ARMY	**207,518**	**207,518**
	DEPARTMENT OF THE NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	335,932	335,932
	SUBTOTAL DEPARTMENT OF THE NAVY	**335,932**	**335,932**
	DEPARTMENT OF THE AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	303,926	303,926
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	**303,926**	**303,926**
	DEFENSE-WIDE		
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,105	9,105

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	SUBTOTAL DEFENSE-WIDE	**9,105**	**9,105**
	DEFENSE-WIDE		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,587	216,587
	SUBTOTAL DEFENSE-WIDE	**216,587**	**216,587**
	TOTAL ENVIRONMENTAL RESTORATION	**1,073,068**	**1,073,068**
	TOTAL OPERATION & MAINTENANCE	**196,630,496**	**192,436,494**
	UNDISTRIBUTED		
010	UNDISTRIBUTED		–1,711,780
	Excessive standard price for fuel		[–1,711,780]
	SUBTOTAL UNDISTRIBUTED		**–1,711,780**
	TOTAL UNDISTRIBUTED		**–1,711,780**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	4,114,001	3,862,628
	Drawdown from Operation Freedom's Sentinel		[–89,500]
	Unjustified funding for Dynamic Force Employment		[–161,873]
030	ECHELONS ABOVE BRIGADE	32,811	32,811
040	THEATER LEVEL ASSETS	2,542,760	2,052,760
	Drawdown from Operation Freedom's Sentinel		[–480,000]
	Unjustified growth		[–10,000]
050	LAND FORCES OPERATIONS SUPPORT	162,557	112,557
	Drawdown from Operation Freedom's Sentinel		[–50,000]
060	AVIATION ASSETS	204,396	179,572
	Drawdown from Operation Freedom's Sentinel		[–24,824]
070	FORCE READINESS OPERATIONS SUPPORT	5,716,734	4,136,734
	Drawdown from Operation Freedom's Sentinel		[–1,500,000]
	Unjustified growth		[–80,000]
080	LAND FORCES SYSTEMS READINESS	180,048	80,048
	Drawdown from Operation Freedom's Sentinel		[–100,000]
090	LAND FORCES DEPOT MAINTENANCE	81,125	81,125
100	BASE OPERATIONS SUPPORT	219,029	187,029
	Drawdown from Operation Freedom's Sentinel		[–32,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	301,017	260,017
	Drawdown from Operation Freedom's Sentinel		[–41,000]
130	ADDITIONAL ACTIVITIES	966,649	782,649
	Drawdown from Operation Freedom's Sentinel		[–184,000]
140	COMMANDER'S EMERGENCY RESPONSE PROGRAM	2,500	2,000
	Excess to need		[–500]
150	RESET	403,796	1,003,796
	Retrograde from Operation Freedom's Sentinel		[600,000]
160	US AFRICA COMMAND	100,422	100,422
170	US EUROPEAN COMMAND	120,043	120,043

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	98,461	98,461
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	21,256	21,256
	SUBTOTAL OPERATING FORCES	**15,267,605**	**13,113,908**
	MOBILIZATION		
230	ARMY PREPOSITIONED STOCKS	103,052	103,052
	SUBTOTAL MOBILIZATION	**103,052**	**103,052**
	TRAINING AND RECRUITING		
290	SPECIALIZED SKILL TRAINING	89,943	89,943
320	TRAINING SUPPORT	2,550	2,550
	SUBTOTAL TRAINING AND RECRUITING	**92,493**	**92,493**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	521,090	921,090
	Retrograde from Operation Freedom's Sentinel		[400,000]
400	CENTRAL SUPPLY ACTIVITIES	43,897	43,897
410	LOGISTIC SUPPORT ACTIVITIES	68,423	68,423
420	AMMUNITION MANAGEMENT	29,162	29,162
440	SERVICEWIDE COMMUNICATIONS	11,447	11,447
470	OTHER SERVICE SUPPORT	5,839	5,839
490	REAL ESTATE MANAGEMENT	48,782	48,782
510	INTERNATIONAL MILITARY HEADQUARTERS	50,000	50,000
565	CLASSIFIED PROGRAMS	895,964	895,964
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**1,674,604**	**2,074,604**
	TOTAL OPERATION & MAINTENANCE, ARMY	**17,137,754**	**15,384,057**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
020	ECHELONS ABOVE BRIGADE	17,193	17,193
060	FORCE READINESS OPERATIONS SUPPORT	440	440
090	BASE OPERATIONS SUPPORT	15,766	15,766
	SUBTOTAL OPERATING FORCES	**33,399**	**33,399**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**33,399**	**33,399**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	25,746	25,746
020	MODULAR SUPPORT BRIGADES	40	40
030	ECHELONS ABOVE BRIGADE	983	983
040	THEATER LEVEL ASSETS	22	22
060	AVIATION ASSETS	20,624	20,624
070	FORCE READINESS OPERATIONS SUPPORT	7,914	7,914
100	BASE OPERATIONS SUPPORT	24,417	24,417
	SUBTOTAL OPERATING FORCES	**79,746**	**79,746**
	ADMIN & SRVWD ACTIVITIES		
170	SERVICEWIDE COMMUNICATIONS	46	46
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**46**	**46**
	TOTAL OPERATION & MAINTENANCE, ARNG	**79,792**	**79,792**
	AFGHANISTAN SECURITY FORCES FUND		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	AFGHAN NATIONAL ARMY		
010	SUSTAINMENT	1,065,932	1,065,932
020	INFRASTRUCTURE	64,501	64,501
030	EQUIPMENT AND TRANSPORTATION	47,854	47,854
040	TRAINING AND OPERATIONS	56,780	56,780
	SUBTOTAL AFGHAN NATIONAL ARMY	**1,235,067**	**1,235,067**
	AFGHAN NATIONAL POLICE		
050	SUSTAINMENT	434,500	434,500
060	INFRASTRUCTURE	448	448
070	EQUIPMENT AND TRANSPORTATION	108,231	108,231
080	TRAINING AND OPERATIONS	58,993	58,993
	SUBTOTAL AFGHAN NATIONAL POLICE	**602,172**	**602,172**
	AFGHAN AIR FORCE		
090	SUSTAINMENT	534,102	534,102
100	INFRASTRUCTURE	9,532	9,532
110	EQUIPMENT AND TRANSPORTATION	58,487	58,487
120	TRAINING AND OPERATIONS	233,803	233,803
	SUBTOTAL AFGHAN AIR FORCE	**835,924**	**835,924**
	AFGHAN SPECIAL SECURITY FORCES UNDISTRIBUTED		
130	SUSTAINMENT	680,024	680,024
140	INFRASTRUCTURE	2,532	2,532
150	EQUIPMENT AND TRANSPORTATION	486,808	486,808
160	TRAINING AND OPERATIONS	173,085	173,085
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	**1,342,449**	**1,342,449**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**4,015,612**	**4,015,612**
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	645,000	322,500
	Transfer for 10 USC 333 Iraq security cooperation activities		[–322,500]
020	SYRIA	200,000	200,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**845,000**	**522,500**
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	**845,000**	**522,500**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	382,062	682,062
	Transfer from base		[300,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	832	832
040	AIR OPERATIONS AND SAFETY SUPPORT	17,840	17,840
050	AIR SYSTEMS SUPPORT	210,692	210,692
060	AIRCRAFT DEPOT MAINTENANCE	170,580	170,580
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	5,854	5,854
080	AVIATION LOGISTICS	33,707	33,707
090	MISSION AND OTHER SHIP OPERATIONS	5,817,696	5,717,696

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	Insufficient justification		[–100,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	20,741	20,741
110	SHIP DEPOT MAINTENANCE	2,072,470	2,072,470
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	59,254	59,254
140	SPACE SYSTEMS AND SURVEILLANCE	18,000	18,000
150	WARFARE TACTICS	17,324	17,324
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,581	22,581
170	COMBAT SUPPORT FORCES	772,441	1,312,441
	Insufficient justification		[–10,000]
	Transfer from base		[550,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	5,788	5,788
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800
220	CYBERSPACE ACTIVITIES	369	369
240	WEAPONS MAINTENANCE	567,247	567,247
250	OTHER WEAPON SYSTEMS SUPPORT	12,571	12,571
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	70,041	70,041
280	BASE OPERATING SUPPORT	218,792	218,792
	SUBTOTAL OPERATING FORCES	**10,521,682**	**11,261,682**
	MOBILIZATION		
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	22,589	22,589
	SUBTOTAL MOBILIZATION	**22,589**	**22,589**
	TRAINING AND RECRUITING		
370	SPECIALIZED SKILL TRAINING	53,204	53,204
	SUBTOTAL TRAINING AND RECRUITING	**53,204**	**53,204**
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	9,983	9,983
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,805	7,805
480	SERVICEWIDE TRANSPORTATION	72,097	72,097
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	11,354	11,354
520	INVESTIGATIVE AND SECURITY SERVICES	1,591	1,591
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**102,830**	**102,830**
	TOTAL OPERATION & MAINTENANCE, NAVY	**10,700,305**	**11,440,305**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	727,989	1,127,989
	Transfer from base		[400,000]
020	FIELD LOGISTICS	195,001	195,001
030	DEPOT MAINTENANCE	55,183	55,183
050	CYBERSPACE ACTIVITIES	10,000	10,000
070	BASE OPERATING SUPPORT	24,569	24,569
	SUBTOTAL OPERATING FORCES	**1,012,742**	**1,412,742**
	TRAINING AND RECRUITING		
120	TRAINING SUPPORT	28,458	28,458
	SUBTOTAL TRAINING AND RECRUITING	**28,458**	**28,458**
	ADMIN & SRVWD ACTIVITIES		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
160	SERVICEWIDE TRANSPORTATION	61,400	61,400
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**61,400**	**61,400**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,102,600**	**1,502,600**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
020	INTERMEDIATE MAINTENANCE	522	522
030	AIRCRAFT DEPOT MAINTENANCE	11,861	11,861
080	COMBAT SUPPORT FORCES	9,109	9,109
	SUBTOTAL OPERATING FORCES	**21,492**	**21,492**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**21,492**	**21,492**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	7,627	7,627
040	BASE OPERATING SUPPORT	1,080	1,080
	SUBTOTAL OPERATING FORCES	**8,707**	**8,707**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**8,707**	**8,707**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	125,551	125,551
020	COMBAT ENHANCEMENT FORCES	916,538	978,538
	MQ–9 government owned-contractor operated combat line operations in U.S. Central Command		[62,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	93,970	93,970
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,528,059	3,528,059
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	147,264	147,264
060	CYBERSPACE SUSTAINMENT	10,842	10,842
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	7,187,100	7,187,100
080	FLYING HOUR PROGRAM	2,031,548	2,031,548
090	BASE SUPPORT	1,540,444	1,480,444
	Program decrease		[–60,000]
100	GLOBAL C3I AND EARLY WARNING	13,709	13,709
110	OTHER COMBAT OPS SPT PROGRAMS	345,800	549,379
	Department requested transfer from SAG 44A		[28,000]
	Insufficient justification		[–20,000]
	Realignment from Base to OCO		[195,579]
120	CYBERSPACE ACTIVITIES	17,936	17,936
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,820	36,820
140	LAUNCH FACILITIES	70	70
150	SPACE CONTROL SYSTEMS	1,450	1,450
160	US NORTHCOM/NORAD	725	725
170	US STRATCOM	856	856
180	US CYBERCOM	35,189	35,189
190	US CENTCOM	126,934	171,134
	Department requested transfer from line 42G		[44,200]
	SUBTOTAL OPERATING FORCES	**16,160,805**	**16,410,584**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,271,439	1,471,439
	Realignment from Base to OCO		[200,000]
250	MOBILIZATION PREPAREDNESS	120,866	120,866
	SUBTOTAL MOBILIZATION	**1,392,305**	**1,592,305**
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	200	200
270	RECRUIT TRAINING	352	352
290	SPECIALIZED SKILL TRAINING	27,010	27,010
300	FLIGHT TRAINING	844	844
310	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199
320	TRAINING SUPPORT	1,320	1,320
	SUBTOTAL TRAINING AND RECRUITING	**30,925**	**30,925**
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	164,701	164,701
390	TECHNICAL SUPPORT ACTIVITIES	11,782	11,782
400	ADMINISTRATION	3,886	3,886
410	SERVICEWIDE COMMUNICATIONS	355	355
420	OTHER SERVICEWIDE ACTIVITIES	100,831	56,631
	Department requested transfer to line 15F		[–44,200]
450	INTERNATIONAL SUPPORT	29,928	1,928
	Department requested transfer to line 12C		[–28,000]
455	CLASSIFIED PROGRAMS	34,502	34,502
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**345,985**	**273,785**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**17,930,020**	**18,307,599**
	OPERATION & MAINTENANCE, SPACE FORCE		
	OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	227	227
030	SPACE LAUNCH OPERATIONS	321	321
040	SPACE OPERATIONS	15,135	15,135
070	DEPOT MAINTENANCE	18,268	18,268
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	43,164	43,164
	SUBTOTAL OPERATING FORCES	**77,115**	**77,115**
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	**77,115**	**77,115**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	24,408	24,408
060	BASE SUPPORT	5,682	5,682
	SUBTOTAL OPERATING FORCES	**30,090**	**30,090**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**30,090**	**30,090**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,739	3,739
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	61,862	61,862
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	97,108	97,108
060	BASE SUPPORT	12,933	12,933
	SUBTOTAL OPERATING FORCES	**175,642**	**175,642**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, ANG	**175,642**	**175,642**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	3,799	3,799
020	JOINT CHIEFS OF STAFF—CE2T2	6,634	6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	898,024	898,024
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,244,553	1,243,618
	Program decrease		[–935]
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	354,951	354,951
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	104,535	104,535
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	757,744	752,744
	Unjustified growth		[–5,000]
	SUBTOTAL OPERATING FORCES	**3,370,240**	**3,364,305**
	ADMIN & SRVWIDE ACTIVITIES		
180	DEFENSE CONTRACT AUDIT AGENCY	1,247	1,247
210	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723
280	DEFENSE INFORMATION SYSTEMS AGENCY	56,256	56,256
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	3,524	3,524
330	DEFENSE LEGAL SERVICES AGENCY	156,373	156,373
350	DEFENSE MEDIA ACTIVITY	3,555	9,555
	Stars and Stripes		[6,000]
370	DEFENSE SECURITY COOPERATION AGENCY	1,557,763	1,630,263
	Transfer from CTEF for 10 USC 333 Iraq security cooperation activities		[322,500]
	Transfer to Ukraine Security Assistance		[–250,000]
410	DEFENSE THREAT REDUCTION AGENCY	297,486	297,486
490	OFFICE OF THE SECRETARY OF DEFENSE	16,984	16,984
530	WASHINGTON HEADQUARTERS SERVICES	1,997	1,997
535	CLASSIFIED PROGRAMS	535,106	535,106
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**2,652,014**	**2,730,514**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**6,022,254**	**6,094,819**
	UKRAINE SECURITY ASSISTANCE		
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		250,000
	Transfer from Defense Security Cooperation Agency		[250,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE		**250,000**
	TOTAL UKRAINE SECURITY ASSISTANCE		**250,000**
	TOTAL OPERATION & MAINTENANCE	**58,179,782**	**57,943,729**

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.
Sec. 4402. Military personnel for overseas contingency operations.

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2021 Request	Conference Authorized
Military Personnel Appropriations	150,524,104	149,185,852
Historical unobligated balances		–1,168,452
Foreign currency adjustments		–169,800
Medicare-Eligible Retiree Health Fund Contributions	8,372,741	8,372,741

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2021 Request	Conference Authorized
Military Personnel Appropriations	4,602,593	4,602,593

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.
Sec. 4502. Other authorizations for overseas contingency operations.

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2021 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE	32,551	32,551
ARMY SUPPLY MANAGEMENT	24,166	24,166
TOTAL WORKING CAPITAL FUND, ARMY	**56,717**	**56,717**
WORKING CAPITAL FUND, AIR FORCE		
WORKING CAPITAL FUND		
WORKING CAPITAL FUND	95,712	95,712
TOTAL WORKING CAPITAL FUND, AIR FORCE	**95,712**	**95,712**
WORKING CAPITAL FUND, DEFENSE-WIDE		
WORKING CAPITAL FUND SUPPORT		
WORKING CAPITAL FUND SUPPORT	49,821	49,821
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**49,821**	**49,821**
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND SUPPORT	1,146,660	1,146,660
TOTAL WORKING CAPITAL FUND, DECA	**1,146,660**	**1,146,660**
NATIONAL DEFENSE SEALIFT FUND		
SEALIFT RECAPITALIZATION		120,000
Transfer from OMN–300 for acquisition of four used sealift vessels		[120,000]
SHIP PREPOSITIONING AND SURGE		314,193
Transfer from OMN–290		[314,193]
TOTAL NATIONAL DEFENSE SEALIFT FUND		**434,193**
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	106,691	106,691
CHEM DEMILITARIZATION—RDT&E	782,193	782,193

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2021 Request	Conference Authorized
CHEM DEMILITARIZATION—PROC	616	616
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**889,500**	**889,500**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	546,203	562,003
PDI: Joint Interagency Task Force—West Project 3309		[13,000]
PDI: Joint Interagency Task Force—West Project 9202		[2,800]
DRUG DEMAND REDUCTION PROGRAM	123,704	123,704
NATIONAL GUARD COUNTER-DRUG PROGRAM	94,211	94,211
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,511	5,511
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**769,629**	**785,429**
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	368,279	368,279
OFFICE OF THE INSPECTOR GENERAL—CYBER		
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,204	1,204
OFFICE OF THE INSPECTOR GENERAL—RDTE	1,098	1,098
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	858	858
TOTAL OFFICE OF THE INSPECTOR GENERAL	**371,439**	**371,439**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,560,564	9,271,064
Equipment purchases excess growth		[–29,500]
Medical reform implementation—excess funding to replace military medical end strength		[–296,000]
Reverse DWR savings from downsizing MTFs		[36,000]
PRIVATE SECTOR CARE	15,841,887	15,826,887
Program decrease		[–15,000]
CONSOLIDATED HEALTH SUPPORT	1,338,269	1,314,169
Historical underexecution		[–24,100]
INFORMATION MANAGEMENT	2,039,910	2,039,910
MANAGEMENT ACTIVITIES	330,627	330,627
EDUCATION AND TRAINING	315,691	331,691
Health Professions Scholarship Program		[6,000]
Reverse DWR cuts to USUHS		[10,000]
BASE OPERATIONS/COMMUNICATIONS	1,922,605	1,922,605
R&D RESEARCH	8,913	13,913
Pancreatic cancer research		[5,000]
R&D EXPLORATRY DEVELOPMENT	73,984	73,984
R&D ADVANCED DEVELOPMENT	225,602	225,602
R&D DEMONSTRATION/VALIDATION	132,331	132,331
R&D ENGINEERING DEVELOPMENT	55,748	55,748
R&D MANAGEMENT AND SUPPORT	48,672	48,672
R&D CAPABILITIES ENHANCEMENT	17,215	17,215
PROC INITIAL OUTFITTING	22,932	22,932
PROC REPLACEMENT & MODERNIZATION	215,618	215,618
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	70,872	70,872
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	308,504	245,854
Excess to need		[–62,650]
SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	160,428	160,428
UNDISTRIBUTED		200
Foreign Currency adjustments		[–9,800]

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2021 Request	Conference Authorized
Triple negative breast cancer		[10,000]
TOTAL DEFENSE HEALTH PROGRAM	**32,690,372**	**32,320,322**
TOTAL OTHER AUTHORIZATIONS	**36,069,850**	**36,149,793**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2021 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE		
ARMY SUPPLY MANAGEMENT	20,090	20,090
TOTAL WORKING CAPITAL FUND, ARMY	**20,090**	**20,090**
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	24,069	24,069
TOTAL OFFICE OF THE INSPECTOR GENERAL	**24,069**	**24,069**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	65,072	65,072
PRIVATE SECTOR CARE	296,828	296,828
CONSOLIDATED HEALTH SUPPORT	3,198	3,198
TOTAL DEFENSE HEALTH PROGRAM	**365,098**	**365,098**
TOTAL OTHER AUTHORIZATIONS	**409,257**	**409,257**

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.
Sec. 4602. Military construction for overseas contingency operations.

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
	Alaska			
Military Construction, Army	Fort Wainwright	Child Development Center	0	55,000
Military Construction, Army	Fort Wainwright	Unaccompanied Enlisted Personnel Housing.	0	59,000
	Arizona			
Military Construction, Army	Yuma Proving Ground	Ready Building	14,000	14,000
	California			
Military Construction, Army	Military Ocean Terminal Concord	Ammunition Holding Facility	0	46,000
	Colorado			
Military Construction, Army	Fort Carson, Colorado	Physical Fitness Facility	28,000	28,000
	Florida			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Army	Jiatf-S Operations Center	Planning and Design	0	8,000
	Georgia			
Military Construction, Army	Fort Gillem	Forensic Laboratory	71,000	71,000
Military Construction, Army	Fort Gordon	Adv Individual Training Barracks Cplx, Ph3.	80,000	80,000
	Hawaii			
Military Construction, Army	Fort Shafter	Child Development Center—School Age	0	65,000
Military Construction, Army	Schofield Barracks	Child Development Center	0	39,000
Military Construction, Army	Wheeler Army Air Field	Aircraft Maintenance Hangar	89,000	89,000
	Italy			
Military Construction, Army	Casmera Renato DAL Din	Access Control Point	0	10,200
	Louisiana			
Military Construction, Army	Fort Polk, Louisiana	Information Systems Facility	25,000	25,000
	Oklahoma			
Military Construction, Army	McAlester AAP	Ammunition Demolition Shop	35,000	35,000
	Pennsylvania			
Military Construction, Army	Carlisle Barracks	General Instruction Building, Incr2	38,000	25,540
	South Carolina			
Military Construction, Army	Fort Jackson	Trainee Barracks Complex 3, Ph2	0	7,000
	Virginia			
Military Construction, Army	Humphreys Engineer Center	Training Support Facility	51,000	51,000
	Worldwide Unspecified			
Military Construction, Army	Unspecified Worldwide Locations	Host Nation Support	39,000	39,000
Military Construction, Army	Unspecified Worldwide Locations	Planning and Design	129,436	64,436
Military Construction, Army	Unspecified Worldwide Locations	Unspecified Minor Construction	50,900	68,900
Military Construction, Army TOTAL			650,336	880,076
	Arizona			
Military Construction, Navy	Yuma	Bachelor Enlisted Quarters Replacement	0	0
	Bahrain Island			
Military Construction, Navy	SW Asia	Ship to Shore Utility Services	68,340	68,340
	California			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Navy	Camp Pendleton	Combat Water Survival Training Faciity	0	25,200
Military Construction, Navy	Camp Pendleton	Warehouse Consolidation and Modernization.	0	21,800
Military Construction, Navy	Camp Pendleton, California	1st MARDIV Operations Complex	68,530	68,530
Military Construction, Navy	Camp Pendleton, California	I MEF Consolidated Information Center (Inc).	37,000	37,000
Military Construction, Navy	Lemoore	F–35C Hangar 6 Phase 2 (Mod 3/4)	128,070	53,000
Military Construction, Navy	Lemoore	F–35C Simulator Facility & Electrical Upgrade.	59,150	59,150
Military Construction, Navy	Point Mugu	Directed Energy Test Facility	0	26,700
Military Construction, Navy	Port Hueneme	Combat Vehicle Maintenance Facilities	0	43,500
Military Construction, Navy	San Diego	Pier 6 Replacement	128,500	63,500
Military Construction, Navy	Seal Beach	Magazines	0	46,800
Military Construction, Navy	Twentynine Palms, California	Wastewater Treatment Plant	76,500	76,500
	El Salvador			
Military Construction, Navy	Comolapa	Long Range Maritime Patrol Aircraft Hangar and Ramp.	0	28,000
	Greece			
Military Construction, Navy	Souda Bay	Communication Center	50,180	50,180
	Guam			
Military Construction, Navy	Andersen AFB	Ordnance Operations Admin	21,280	21,280
Military Construction, Navy	Joint Region Marianas	Bachelor Enlisted Quarters H (Inc)	80,000	68,649
Military Construction, Navy	Joint Region Marianas	Base Warehouse	55,410	55,410
Military Construction, Navy	Joint Region Marianas	Central Fuel Station	35,950	35,950
Military Construction, Navy	Joint Region Marianas	Central Issue Facility	45,290	45,290
Military Construction, Navy	Joint Region Marianas	Combined EOD Facility	37,600	37,600
Military Construction, Navy	Joint Region Marianas	DAR Bridge Improvements	40,180	40,180
Military Construction, Navy	Joint Region Marianas	DAR Road Strengthening	70,760	70,760

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Navy	Joint Region Marianas	Distribution Warehouse	77,930	77,930
Military Construction, Navy	Joint Region Marianas	Individual Combat Skills Training	17,430	17,430
Military Construction, Navy	Joint Region Marianas	Joint Communication Upgrade	166,000	22,000
	Hawaii			
Military Construction, Navy	Joint Base Pearl Harbor-Hickam	Waterfront Improve, Wharves S1,S11–13,S20–21.	48,990	48,990
Military Construction, Navy	Joint Base Pearl Harbor-Hickam	Waterfront Improvements Wharves S8–S10.	65,910	65,910
	Japan			
Military Construction, Navy	Yokosuka	Pier 5 (Berths 2 and 3) (Inc)	74,692	74,692
	Maine			
Military Construction, Navy	Kittery	Multi-Mission Drydock #1 Exten., Ph 1 (Inc).	160,000	160,000
Military Construction, Navy	Nctams Lant Detachment Center	Perimeter Security	0	26,100
	Nevada			
Military Construction, Navy	Fallon	Range Training Complex, Phase 1	29,040	29,040
	North Carolina			
Military Construction, Navy	Camp Lejeune, North Carolina	II MEF Operations Center Replacement (Inc).	20,000	20,000
Military Construction, Navy	Cherry Point	Fitness Center Replacement and Training Pool.	0	51,900
	Spain			
Military Construction, Navy	Rota	MH–60r Squadron Support Facilities	60,110	60,110
	Virginia			
Military Construction, Navy	Norfolk	E–2D Training Facility	30,400	30,400
Military Construction, Navy	Norfolk	MH60 & CMV–22B Corrosion Control & Paint Fac.	17,671	17,671
Military Construction, Navy	Norfolk	Sub Logistics Support	0	9,400
	Worldwide Unspecified			
Military Construction, Navy	Unspecified Worldwide Locations	Planning & Design	165,710	160,710
Military Construction, Navy	Unspecified Worldwide Locations	Pdi: Planning & Design—Indo-Pacific Command Posture Initiatives.	0	7,500
Military Construction, Navy	Unspecified Worldwide Locations	Siop Planning & Design	0	45,000
Military Construction, Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	38,983	38,983

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Navy TOTAL			1,975,606	2,007,085
	California			
Military Construction, Air Force	Edwards AFB	Flight Test Engineering Laboratory Complex.	0	40,000
	Colorado			
Military Construction, Air Force	Schriever AFB	Consolidated Space Operations Facility, Inc 2.	88,000	88,000
Military Construction, Air Force	U.S. Air Force Academy	Cadet Prepatory School Dormitory	0	0
	Florida			
Military Construction, Air Force	Eglin	Advanced Munitions Technology Complex.	0	35,000
	Guam			
Military Construction, Air Force	Joint Region Marianas	Stand Off Weapons Complex, MSA 2	56,000	56,000
	Illinois			
Military Construction, Air Force	Scott	Add/Alter Consolidated Communications Facility.	0	0
	Mariana Islands			
Military Construction, Air Force	Tinian	Airfield Development Phase 1, Inc 2	20,000	39,500
Military Construction, Air Force	Tinian	Fuel Tanks With Pipeline & Hydrant Sys, Inc 2.	7,000	0
Military Construction, Air Force	Tinian	Parking Apron, Inc 2	15,000	21,500
	Maryland			
Military Construction, Air Force	Joint Base Andrews	Consolidated Communications Center	0	13,000
	Montana			
Military Construction, Air Force	Malmstrom AFB	Weapons Storage & Maintenance Facility, Inc 2.	25,000	0
	New Jersey			
Military Construction, Air Force	Joint Base McGuire-Dix-Lakehurst	Munitions Storage Area	22,000	22,000
	Qatar			
Military Construction, Air Force	Al Udeid, Qatar	Cargo Marshalling Yard	26,000	26,000
	South Dakota			
Military Construction, Air Force	Ellsworth AFB	B–21 2–Bay LO Restoration Facility	0	10,000
	Texas			
Military Construction, Air Force	Joint Base San Antonio	BMT Recruit Dormitory 8, Inc 2	36,000	36,000
Military Construction, Air Force	Joint Base San Antonio	T-X ADAL Ground Based Trng Sys Sim	19,500	19,500
	Utah			
Military Construction, Air Force	Hill AFB	GBSD Mission Integration Facility, Inc 2	68,000	68,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Air Force	Hill AFB	GBSD Organic Software Sustainment Center.	0	18,800
	Virginia			
Military Construction, Air Force	Joint Base Langley-Eustis	Access Control Point Main Gate With Land Acq.	19,500	19,500
	Worldwide Unspecified			
Military Construction, Air Force	Unspecified Worldwide Locations	Cost to Complete	0	0
Military Construction, Air Force	Unspecified Worldwide Locations	Planning & Design	296,532	116,532
Military Construction, Air Force	Unspecified Worldwide Locations	Pdi: Planning & Design—Indo-Pacific Command Posture Initiatives.	0	7,500
Military Construction, Air Force	Unspecified Worldwide Locations	Unspecified Minor Construction	68,600	68,600
	Wyoming			
Military Construction, Air Force	Fe Warren	Weapons Storage Facility	0	12,000
Military Construction, Air Force TOTAL			767,132	717,432
	Alabama			
Military Construction, Defense-Wide	Anniston Army Depot	Demilitarization Facility	18,000	18,000
Military Construction, Defense-Wide	Fort Rucker	Construct 10mw Generation & Microgrid	0	24,000
	Alaska			
Military Construction, Defense-Wide	Fort Greely	Communications Center	48,000	48,000
	Arizona			
Military Construction, Defense-Wide	Fort Huachuca	Laboratory Building	33,728	33,728
Military Construction, Defense-Wide	Yuma	SOF Hangar	49,500	49,500
	Arkansas			
Military Construction, Defense-Wide	Fort Smith ANG	PV Arrays and Battery Storage	0	2,600
	California			
Military Construction, Defense-Wide	Beale AFB	Bulk Fuel Tank	22,800	22,800
Military Construction, Defense-Wide	Marine Corps Air Combat Center / Twenty Nine Palms	Install 10 Mw Battery Energy Storage for Various Buildings.	11,646	11,646
Military Construction, Defense-Wide	Military Ocean Terminal Concord	Military Ocean Terminal Concord Microrid.	29,000	29,000
Military Construction, Defense-Wide	NAWS China Lake	Solar Energy Storage System	0	0
Military Construction, Defense-Wide	NSA Monterey	Cogeneration Plant at B236	10,540	0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
	Colorado			
Military Construction, Defense-Wide	Fort Carson, Colorado	SOF Tactical Equipment Maintenance Facility.	15,600	15,600
	Conus Unspecified			
Military Construction, Defense-Wide	Conus Unspecified	Training Target Structure	14,400	14,400
	District of Columbia			
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	Dia HQ Cooling Towersand Cond Pumps	0	1,963
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	Industrial Controls System Modernization.	10,343	10,343
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	Industrial Controls System Modernization.	0	8,749
Military Construction, Defense-Wide	Joint Base Anacostia Bolling	PV Carports	0	25,221
	Florida			
Military Construction, Defense-Wide	Hurlburt Field	SOF Combat Aircraft Parking Apron-North.	38,310	38,310
Military Construction, Defense-Wide	Hurlburt Field	SOF Special Tactics Ops Facility (23 STS).	44,810	44,810
	Georgia			
Military Construction, Defense-Wide	Fort Benning	Construct 4.8mw Generation & Microgrid.	0	17,000
	Germany			
Military Construction, Defense-Wide	Rhine Ordnance Barracks	Medical Center Replacement Inc 9	200,000	82,433
	Italy			
Military Construction, Defense-Wide	NSA Naples	Smart Grid	3,490	3,490
	Japan			
Military Construction, Defense-Wide	Def Fuel Support Point Tsurumi	Fuel Wharf	49,500	49,500
Military Construction, Defense-Wide	Yokosuka	Kinnick High School Inc	30,000	0
	Kentucky			
Military Construction, Defense-Wide	Fort Knox	Van Voorhis Elementary School	69,310	69,310
	Maryland			
Military Construction, Defense-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Incr 4	180,000	50,000
Military Construction, Defense-Wide	Fort Meade	NSAW Recapitalize Building #3 Inc	250,000	250,000
Military Construction, Defense-Wide	NSA Bethesda	Nsab–16 Replace Chillers 3 Through 9	0	0
Military Construction, Defense-Wide	NSA South Potomac	CBIRF / IHEODTD / Housing Potable Water.	18,460	18,460
	Mississippi			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Defense-Wide	Camp Shelby	Construct 10 Mw Generation & Microgrid System.	0	30,000
	Missouri			
Military Construction, Defense-Wide	Fort Leonard Wood	Hospital Replacement Inc 3	40,000	40,000
Military Construction, Defense-Wide	St Louis	Next NGA West (N2W) Complex Phase 2 Inc.	119,000	60,000
Military Construction, Defense-Wide	Whiteman AFB	Install 10 Mw Combined Heat and Power Plant.	17,310	17,310
	Nevada			
Military Construction, Defense-Wide	Creech AFB	Central Standby Generators	32,000	32,000
	New Mexico			
Military Construction, Defense-Wide	Kirtland AFB	Administrative Building	46,600	46,600
	North Carolina			
Military Construction, Defense-Wide	Fort Bragg	SOF Group Headquarters	53,100	53,100
Military Construction, Defense-Wide	Fort Bragg	SOF Military Working Dog Facility	17,700	17,700
Military Construction, Defense-Wide	Fort Bragg	SOF Operations Facility	43,000	43,000
Military Construction, Defense-Wide	Fort Bragg	Sotf Chilled Water Upgrade	0	6,100
	Ohio			
Military Construction, Defense-Wide	Wright-Patterson AFB	Construct Intelligence Facility Central Utility Plant.	0	35,000
Military Construction, Defense-Wide	Wright-Patterson AFB	Hydrant Fuel System	23,500	23,500
	Tennessee			
Military Construction, Defense-Wide	Memphis ANG	PV Arrays and Battery Storage	0	4,780
	Texas			
Military Construction, Defense-Wide	Fort Hood, Texas	Fuel Facilities	32,700	32,700
	Virginia			
Military Construction, Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF Dcs Operations Fac. and Command Center.	54,500	54,500
Military Construction, Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF NSWG–2 Nswtg Css Facilities	58,000	58,000
Military Construction, Defense-Wide	Nmc Portsmouth	Retro Air Handling Units From Constant Volume Reheat to Variable Air Volume.	611	611
Military Construction, Defense-Wide	Wallops Island	Generation and Distribution Resiliency Improvements.	9,100	9,100
	Washington			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis Main)	10,900	10,900
Military Construction, Defense-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis North)	10,900	10,900
Military Construction, Defense-Wide	Manchester	Bulk Fuel Storage Tanks Phase 1	82,000	82,000
	Worldwide Unspecified			
Military Construction, Defense-Wide	Unspecified Worldwide Locations	ERCIP Design	14,250	39,790
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	5,840	5,840
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Indo-Pacific Command Posture Initiatives.	0	0
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning & Design—Military Installation Resiliency.	0	25,000
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning and Design	27,746	27,746
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,303	10,303
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Planning and Design	10,647	10,647
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,922	4,922
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	20,000	20,000
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	17,698	17,698
Military Construction, Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,000	8,000
Military Construction, Defense-Wide	Various Worldwide Locations	Planning and Design	64,406	64,406
Military Construction, Defense-Wide	Various Worldwide Locations	Planning and Design	32,624	32,624
Military Construction, Defense-Wide	Various Worldwide Locations	Unspecified Minor Construction	9,726	9,726
Military Construction, Defense-Wide TOTAL			2,027,520	1,886,366
	Worldwide Unspecified			
NATO Security Investment Program	NATO Security Investment Program	NATO Security Investment Program	173,030	173,030
NATO Security Investment Program TOTAL			173,030	173,030

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
	Arizona			
Military Construction, Army National Guard	Tucson	National Guard Readiness Center	18,100	18,100
	Arkansas			
Military Construction, Army National Guard	Fort Chaffee	National Guard Readiness Center	0	15,000
	California			
Military Construction, Army National Guard	Bakersfield	National Guard Vehicle Maintenance Shop.	0	9,300
	Colorado			
Military Construction, Army National Guard	Peterson AFB	National Guard Readiness Center	15,000	15,000
	Indiana			
Military Construction, Army National Guard	Shelbyville	National Guard/Reserve Center Building Add/Al.	12,000	12,000
	Kentucky			
Military Construction, Army National Guard	Frankfort	National Guard/Reserve Center Building	15,000	15,000
	Mississippi			
Military Construction, Army National Guard	Brandon	National Guard Vehicle Maintenance Shop.	10,400	10,400
	Nebraska			
Military Construction, Army National Guard	North Platte	National Guard Vehicle Maintenance Shop.	9,300	9,300
	New Jersey			
Military Construction, Army National Guard	Joint Base McGuire-Dix-Lakehurst	National Guard Readiness Center	15,000	15,000
	Ohio			
Military Construction, Army National Guard	Columbus	National Guard Readiness Center	15,000	15,000
	Oklahoma			
Military Construction, Army National Guard	Ardmore	National Guard Vehicle Maintenance Shop.	0	9,800
	Oregon			
Military Construction, Army National Guard	Hermiston	Enlisted Barracks, Transient Training	9,300	9,300
Military Construction, Army National Guard	Hermiston	Enlisted Barracks, Transient Training	0	15,735
	Puerto Rico			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Army National Guard	Fort Allen	National Guard Readiness Center	37,000	37,000
	South Carolina			
Military Construction, Army National Guard	Joint Base Charleston	National Guard Readiness Center	15,000	15,000
	Tennessee			
Military Construction, Army National Guard	Mcminnville	National Guard Readiness Center	11,200	11,200
	Texas			
Military Construction, Army National Guard	Fort Worth	Aircraft Maintenance Hangar Addition/Alt.	6,000	6,000
Military Construction, Army National Guard	Fort Worth	National Guard Vehicle Maintenance Shop.	7,800	7,800
	Utah			
Military Construction, Army National Guard	Nephi	National Guard Readiness Center	12,000	12,000
	Virgin Islands			
Military Construction, Army National Guard	St. Croix	Army Aviation Support Facility (Aasf)	28,000	28,000
Military Construction, Army National Guard	St. Croix	CST Ready Building	11,400	11,400
	Wisconsin			
Military Construction, Army National Guard	Appleton	National Guard Readiness Center Add/Alt.	11,600	11,600
	Worldwide Unspecified			
Military Construction, Army National Guard	Unspecified Worldwide Locations	Planning and Design	29,593	29,593
Military Construction, Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction	32,744	32,744
Military Construction, Army National Guard TOTAL			321,437	371,272
	Florida			
Military Construction, Army Reserve	Gainesville	ECS TEMF/Warehouse	36,000	36,000
	Massachusetts			
Military Construction, Army Reserve	Devens Reserve Forces Training Area	Automated Multipurpose Machine Gun Range.	8,700	8,700
	North Carolina			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Army Reserve	Asheville	Army Reserve Center/Land	24,000	24,000
	Wisconsin			
Military Construction, Army Reserve	Fort McCoy	Scout Reconnaissance Range	14,600	14,600
Military Construction, Army Reserve	Fort McCoy	Transient Trainee Barracks	0	2,500
	Worldwide Unspecified			
Military Construction, Army Reserve	Unspecified Worldwide Locations	Planning and Design	1,218	1,218
Military Construction, Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	3,819	3,819
Military Construction, Army Reserve TOTAL			88,337	90,837
	Maryland			
Military Construction, Naval Reserve	Reisterstown	Reserve Training Center, Camp Fretterd, MD.	39,500	39,500
	Minnesota			
Military Construction, Naval Reserve	Minneapolis	Joint Reserve Intel Center	0	12,800
	Utah			
Military Construction, Naval Reserve	Hill AFB	Naval Operational Support Center	25,010	25,010
	Worldwide Unspecified			
Military Construction, Naval Reserve	Unspecified Worldwide Locations	MCNR Minor Construction	3,000	3,000
Military Construction, Naval Reserve	Unspecified Worldwide Locations	MCNR Planning & Design	3,485	3,485
Military Construction, Naval Reserve TOTAL			70,995	83,795
	Alabama			
Military Construction, Air National Guard	Montgomery Regional Airport (ANG) Base	Base Supply Complex	0	12,000
Military Construction, Air National Guard	Montgomery Regional Airport (ANG) Base	F–35 Simulator Facility	11,600	11,600
	Guam			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Military Construction, Air National Guard	Joint Region Marianas	Space Control Facility #5	20,000	20,000
	Maryland			
Military Construction, Air National Guard	Joint Base Andrews	F–16 Mission Training Center	9,400	9,400
	South Dakota			
Military Construction, Air National Guard	Hector International Airport	Consolidated RPA Operations Facility	0	17,500
	Texas			
Military Construction, Air National Guard	Joint Base San Antonio	F–16 Mission Training Center	10,800	10,800
	Worldwide Unspecified			
Military Construction, Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction	9,000	9,000
Military Construction, Air National Guard	Various Worldwide Locations	Planning and Design	3,414	3,414
Military Construction, Air National Guard TOTAL			64,214	93,714
	Texas			
Military Construction, Air Force Reserve	Fort Worth	F–35 Squadron Ops/Aircraft Maintenance Unit.	0	25,000
Military Construction, Air Force Reserve	Fort Worth	F–35A Simulator Facility	14,200	14,200
	Worldwide Unspecified			
Military Construction, Air Force Reserve	Unspecified Worldwide Locations	Planning & Design	3,270	3,270
Military Construction, Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction	5,647	5,647
Military Construction, Air Force Reserve TOTAL			23,117	48,117
	Italy			
Family Housing Construction, Army	Vicenza	Family Housing New Construction	84,100	84,100
	Kwajalein			
Family Housing Construction, Army	Kwajalein Atoll	Family Housing Replacement Construction.	32,000	32,000
	Worldwide Unspecified			
Family Housing Construction, Army	Unspecified Worldwide Locations	Family Housing P & D	3,300	3,300
Family Housing Construction, Army TOTAL			119,400	119,400

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
	Worldwide Unspecified			
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Furnishings	18,004	18,004
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Housing Privitization Support	37,948	63,948
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Leasing	123,841	123,841
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Maintenance	97,789	97,789
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Management	39,716	39,716
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Miscellaneous	526	526
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Services	8,135	8,135
Family Housing Operation And Maintenance, Army	Unspecified Worldwide Locations	Utilities	41,183	41,183
Family Housing Operation And Maintenance, Army TOTAL			367,142	393,142
	Worldwide Unspecified			
Family Housing Construction, Navy And Marine Corps	Unspecified Worldwide Locations	Construction Improvements	37,043	37,043
Family Housing Construction, Navy And Marine Corps	Unspecified Worldwide Locations	Planning & Design	3,128	3,128
Family Housing Construction, Navy And Marine Corps	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design.	2,726	2,726
Family Housing Construction, Navy And Marine Corps TOTAL			42,897	42,897
	Worldwide Unspecified			
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Furnishings	17,977	17,977

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Housing Privatization Support	53,700	78,700
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Leasing	62,658	62,658
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Maintenance	85,630	85,630
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Management	51,006	51,006
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Miscellaneous	350	350
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Services	16,743	16,743
Family Housing Operation And Maintenance, Navy And Marine Corps	Unspecified Worldwide Locations	Utilities	58,429	58,429
Family Housing Operation And TOTAL.		Maintenance, Navy And Marine Corps	346,493	371,493
	Worldwide Unspecified			
Family Housing Construction, Air Force	Unspecified Worldwide Locations	Construction Improvements	94,245	94,245
Family Housing Construction, Air Force	Unspecified Worldwide Locations	Planning & Design	2,969	2,969
Family Housing Construction, Air Force TOTAL			97,214	97,214
	Worldwide Unspecified			
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Furnishings	25,805	25,805

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Housing Privatization	23,175	32,175
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Leasing	9,318	9,318
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Maintenance	140,666	140,666
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Management	64,732	64,732
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Miscellaneous	2,184	2,184
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Services	7,968	7,968
Family Housing Operation And Maintenance, Air Force	Unspecified Worldwide Locations	Utilities	43,173	43,173
Family Housing Operation And Maintenance, Air Force TOTAL			317,021	326,021
	Worldwide Unspecified			
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Furnishings	645	645
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Furnishings	82	82
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Leasing	36,860	36,860
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Leasing	12,996	12,996
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Maintenance	32	32

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	Conference Authorized
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Utilities	13	13
Family Housing Operation And Maintenance, Defense-Wide	Unspecified Worldwide Locations	Utilities	4,100	4,100
Family Housing Operation And Maintenance, Defense-Wide TOTAL			54,728	54,728
DOD Family Housing Improvement Fund	Worldwide Unspecified Unspecified Worldwide Locations	Administrative Expenses—FHIF	5,897	5,897
DOD Family Housing Improvement Fund TOTAL			5,897	5,897
Unaccompanied Housing Improvement Fund	Worldwide Unspecified Unspecified Worldwide Locations	Administrative Expenses—UHIF	600	600
Unaccompanied Housing Improvement Fund TOTAL			600	600
Base Realignment and Closure—Army	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment and Closure	66,060	66,060
Base Realignment and Closure—Navy	Unspecified Worldwide Locations	Base Realignment & Closure	125,165	125,165
Base Realignment and Closure—Air Force	Unspecified Worldwide Locations	Dod BRAC Activities—Air Force	109,222	109,222
Base Realignment and Closure TOTAL			300,447	300,447

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2021 Request	Conference Authorized
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI: Minor Construction	3,970	3,970
Army	Unspecified Worldwide Locations	EDI: Planning and Design	11,903	11,903
	Spain			
Navy	Rota	EDI: EOD Boat Shop	31,760	31,760
Navy	Rota	EDI: Expeditionary Maintenance Facility	27,470	27,470
	Worldwide Unspecified			

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2021 Request	Conference Authorized
Navy	Unspecified Worldwide Locations	Planning & Design	10,790	10,790
	Germany			
AF	Ramstein	EDI: Rapid Airfield Damage Repair Storage	36,345	36,345
AF	Spangdahlem AB	EDI: Rapid Airfield Damage Repair Storage	25,824	25,824
	Romania			
AF	Campia Turzii	EDI: Dangerous Cargo Pad	11,000	11,000
AF	Campia Turzii	EDI: ECAOS DABS-FEV Storage Complex	68,000	68,000
AF	Campia Turzii	EDI: Parking Apron	19,500	19,500
AF	Campia Turzii	EDI: POL Increase Capacity	32,000	32,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	EDI: Unspecified Minor Military Construction.	16,400	16,400
AF	Various Worldwide Locations	EDI: Planning & Design	54,800	54,800

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of energy national security programs.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Conference Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies Appropriation Summary:		
Energy Programs		
Nuclear Energy	137,800	137,800
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	15,602,000	15,550,428
Defense nuclear nonproliferation	2,031,000	2,041,000
Naval reactors	1,684,000	1,684,000
Federal salaries and expenses	454,000	454,000
Total, National nuclear security administration	**19,771,000**	**19,729,428**
Environmental and other defense activities:		
Defense environmental cleanup	4,983,608	5,815,767
Other defense activities	1,054,727	901,048
Total, Environmental & other defense activities	**6,038,335**	**6,716,815**
Total, Atomic Energy Defense Activities	**25,809,335**	**26,446,243**
Total, Discretionary Funding	**25,947,135**	**26,584,043**
Nuclear Energy		
Idaho sitewide safeguards and security	137,800	137,800
Total, Nuclear Energy	**137,800**	**137,800**
Stockpile Management		
Stockpile Major Modernization		
B61–12 Life extension program	815,710	815,710
W76–2 Modification program	0	0
W88 Alt 370	256,922	256,922
W80–4 Life extension program	1,000,314	1,000,314
W87–1 Modification Program	541,000	541,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Conference Authorized
W93	53,000	53,000
Total, Stockpile Major Modernization	**2,666,946**	**2,666,946**
Stockpile services		
Production Operations	568,941	568,941
Stockpile Sustainment	998,357	998,357
Weapons Dismantlement and Disposition	50,000	50,000
Subtotal, Stockpile Services	**1,617,298**	**1,617,298**
Total, Stockpile Management	**4,284,244**	**4,284,244**
Weapons Activities		
Production Modernization		
Primary Capability Modernization		
Plutonium Modernization		
Los Alamos Plutonium Modernization		
Los Alamos Plutonium Operations	610,599	610,599
21–D–512 Plutonium Pit Production Project, LANL	226,000	226,000
Subtotal, Los Alamos Plutonium Modernization	**836,599**	**836,599**
Savannah River Plutonium Modernization		
Savannah River Plutonium Operations	200,000	200,000
21–D–511 Savannah River Plutonium Processing Facility, SRS	241,896	241,896
Subtotal, Savannah River Plutonium Modernization	**441,896**	**441,896**
Enterprise Plutonium Support	90,782	90,782
Total, Plutonium Modernization	**1,369,277**	**1,369,277**
High Explosives and Energetics	67,370	67,370
Total, Primary Capability Modernization	**1,436,647**	**1,436,647**
Secondary Capability Modernization	457,004	457,004
Tritium and Domestic Uranium Enrichment	457,112	457,112
Non-Nuclear Capability Modernization	107,137	107,137
Total, Production Modernization	**2,457,900**	**2,457,900**
Stockpile Research, Technology, and Engineering		
Assessment Science	773,111	773,111
Engineering and Integrated Assessments	337,404	337,404
Inertial Confinement Fusion	554,725	554,725
Advanced Simulation and Computing	732,014	732,014
Weapon Technology and Manufacturing Maturation	297,965	297,965
Academic Programs	86,912	86,912
Total, Stockpile Research, Technology, and Engineering	**2,782,131**	**2,782,131**
Infrastructure and Operations		
Operations of facilities	1,014,000	1,014,000
Safety and environmental operations	165,354	165,354
Maintenance and repair of facilities	792,000	755,428
Recapitalization:		
Infrastructure and safety	670,000	670,000
Capability based investments	149,117	149,117
Planning for Programmatic Construction (Pre-CD–1)	84,787	84,787
Total, Recapitalization	**903,904**	**903,904**
Construction:		
21–D–510 HE Synthesis, Formulation, and Production, PX	31,000	31,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Conference Authorized
19–D–670 138kV Power Transmission System Replacement, NNSS	59,000	59,000
18–D–690 Lithium Processing Facility, Y–12	109,405	109,405
18–D–620 Exascale Computing Facility Modernization Project, LLNL	29,200	29,200
18–D–650 Tritium Finishing Facility, SRS	27,000	27,000
17–D–640, U1a Complex Enhancements Project, NNSS	160,600	160,600
15–D–612 Emergency Operations Center, LLNL	27,000	27,000
15–D–611 Emergency Operations Center, SNL	36,000	36,000
15–D–302, TA–55 Reinvestments Project, Phase 3, LANL	30,000	30,000
15–D–301, HE Science & Engineering Facility, PX	43,000	43,000
07–D–220-04 Transuranic Liquid Waste Facility, LANL	36,687	36,687
06–D–141 Uranium processing facility Y–12, Oak Ridge, TN	750,000	750,000
04–D–125 Chemistry and Metallurgy Research Replacement Project, LANL	169,427	169,427
Total, Construction	**1,508,319**	**1,508,319**
Total, Infrastructure and operations	**4,383,577**	**4,347,005**
Secure transportation asset		
Operations and equipment	266,390	266,390
Program direction	123,684	123,684
Total, Secure transportation asset	**390,074**	**390,074**
Defense Nuclear Security		
Operations and maintenance	815,895	800,895
Construction:		
17–D–710 West end protected area reduction project, Y–12	11,000	11,000
Total, Defense nuclear security	**826,895**	**800,895**
Information technology and cybersecurity	375,511	375,511
Legacy contractor pensions	101,668	101,668
Total, Weapons Activities	**15,602,000**	**15,550,428**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	66,391	66,391
Domestic radiological security	101,000	131,000
Container breach in Seattle, WA		[30,000]
International radiological security	73,340	73,340
Nuclear smuggling detection and deterrence	159,749	159,749
Total, Global material security	**400,480**	**430,480**
Material management and minimization		
HEU reactor conversion	170,000	110,000
Nuclear material removal	40,000	40,000
Material disposition	190,711	190,711
Total, Material management & minimization	**400,711**	**340,711**
Nonproliferation and arms control	138,708	138,708
National Technical Nuclear Forensics R&D	40,000	40,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Conference Authorized
Defense nuclear nonproliferation R&D		
Proliferation Detection	235,220	255,220
Nuclear verification and detection, next-gen technologies		[20,000]
Nuclear Detonation Detection	236,531	236,531
Nonproliferation Stewardship Program	59,900	59,900
LEU Research and Development	0	20,000
LEU R&D for Naval Pressurized Water Reactors		[20,000]
Total, Defense nuclear nonproliferation R&D	**531,651**	**571,651**
Nonproliferation Construction:		
18–D–150 Surplus Plutonium Disposition Project, SRS	148,589	148,589
Total, Nonproliferation construction	**148,589**	**148,589**
Total, Defense Nuclear Nonproliferation Programs	**1,660,139**	**1,670,139**
Legacy contractor pensions	14,348	14,348
Nuclear counterterrorism and incident response program	377,513	377,513
Use of Prior Year Balances	–21,000	–21,000
Total, Defense Nuclear Nonproliferation	**2,031,000**	**2,041,000**
Naval Reactors		
Naval reactors development	590,306	590,306
Columbia-Class reactor systems development	64,700	64,700
S8G Prototype refueling	135,000	135,000
Naval reactors operations and infrastructure	506,294	506,294
Construction:		
21–D–530 KL Steam and Condensate Upgrades	4,000	4,000
14–D–901 Spent fuel handling recapitalization project, NRF	330,000	330,000
Total, Construction	**334,000**	**334,000**
Program direction	53,700	53,700
Total, Naval Reactors	**1,684,000**	**1,684,000**
Federal Salaries And Expenses		
Program direction	454,000	454,000
Total, Office Of The Administrator	**454,000**	**454,000**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,987	4,987
Richland:		
River corridor and other cleanup operations	54,949	235,949
Program restoration		[180,000]
Central plateau remediation	498,335	658,335
Program restoration		[160,000]
Richland community and regulatory support	2,500	10,100
Program restoration		[7,600]
Total, Hanford site	**555,784**	**904,384**
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	50,000	50,000
Rad liquid tank waste stabilization and disposition	597,757	775,000
Tank farm activities	0	

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Conference Authorized
Construction:		
18–D–16 Waste treatment and immobilization plant—LBL/Direct feed LAW	609,924	776,000
Program restoration		[166,076]
01–D–16 D High-Level Waste Facility		
Total, Construction	**609,924**	**776,000**
Total, Office of River Protection	**1,257,681**	**1,601,000**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	257,554	257,554
Idaho community and regulatory support	2,400	2,400
Total, Idaho National Laboratory	**259,954**	**259,954**
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,764	1,764
Separations Process Research Unit	15,000	15,000
Nevada	60,737	60,737
Sandia National Laboratories	4,860	4,860
Los Alamos National Laboratory	120,000	220,000
Execute achievable scope of work		[100,000]
Total, NNSA sites and Nevada off-sites	**202,361**	**302,361**
Oak Ridge Reservation:		
OR Nuclear facility D & D	109,077	109,077
Total, OR Nuclear facility D & D	**109,077**	**109,077**
U233 Disposition Program	45,000	45,000
OR cleanup and disposition	58,000	58,000
Construction:		
17–D–401 On-site waste disposal facility	22,380	22,380
14–D–403 Outfall 200 Mercury Treatment Facility	20,500	20,500
Total, Construction	**42,880**	**42,880**
Total, OR cleanup and waste disposition	**145,880**	**145,880**
OR community & regulatory support	4,930	4,930
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	**262,887**	**262,887**
Savannah River Sites:		
Savannah River risk management operations		
Savannah River risk management operations	455,122	495,122
H-Canyon not placed into stand-by condition		[40,000]
Total, risk management operations	**455,122**	**495,122**
SR community and regulatory support	4,989	11,489
Secure payment in lieu of taxes funding		[6,500]
Radioactive liquid tank waste stabilization and disposition	970,332	964,072
Construction:		
20-D–402 Advanced Manufacturing Collaborative Facility (AMC)	25,000	25,000
18–D–402 Saltstone Disposal Unit #8/9	65,500	65,500
17–D–402 Saltstone Disposal Unit #7	10,716	10,716
Total, Construction	**101,216**	**101,216**
Total, Savannah River site	**1,531,659**	**1,571,899**
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	323,260	323,260

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	Conference Authorized
Construction:		
15–D–412 Utility Saft	50,000	50,000
21–D–401 Hoisting Capability Project	10,000	10,000
Total, Construction	**60,000**	**60,000**
Total, Waste Isolation Pilot Plant	**383,260**	**383,260**
Program direction	275,285	275,285
Program support	12,979	12,979
Technology development	25,000	25,000
Safeguards and Security		
Safeguards and Security	320,771	320,771
Total, Safeguards and Security	**320,771**	**320,771**
Prior year balances credited	–109,000	–109,000
Total, Defense Environmental Cleanup	**4,983,608**	**5,815,767**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	134,320	134,320
Program direction	75,368	75,368
Total, Environment, Health, safety and security	**209,688**	**209,688**
Independent enterprise assessments		
Independent enterprise assessments	26,949	26,949
Program direction	54,635	54,635
Total, Independent enterprise assessments	**81,584**	**81,584**
Specialized security activities	258,411	258,411
Office of Legacy Management		
Legacy management	293,873	140,194
Rejection of proposed transfer		[–153,679]
Program direction	23,120	23,120
Total, Office of Legacy Management	**316,993**	**163,314**
Defense related administrative support	183,789	183,789
Office of hearings and appeals	4,262	4,262
Subtotal, Other defense activities	**1,054,727**	**901,048**
Total, Other Defense Activities	**1,054,727**	**901,048**

DIVISION E—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE ACT OF 2020

National Artificial Intelligence Initiative Act of 2020.
15 USC 9401 note.

SEC. 5001. SHORT TITLE.

This division may be cited as the "National Artificial Intelligence Initiative Act of 2020".

15 USC 9401.

SEC. 5002. DEFINITIONS.

In this division:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the National Artificial Intelligence Advisory Committee established under section 5104(a).

(2) AGENCY HEAD.—The term "agency head" means the head of any Executive agency (as defined in section 105 of title 5, United States Code).

(3) ARTIFICIAL INTELLIGENCE.—The term "artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to—

(A) perceive real and virtual environments;

(B) abstract such perceptions into models through analysis in an automated manner; and

(C) use model inference to formulate options for information or action.

(4) COMMUNITY COLLEGE.—The term "community college" means a public institution of higher education at which the highest degree that is predominantly awarded to students is an associate's degree, including 2-year Tribal Colleges or Universities under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) and public 2-year State institutions of higher education.

(5) INITIATIVE.—The term "Initiative" means the National Artificial Intelligence Initiative established under section 5101(a).

(6) INITIATIVE OFFICE.—The term "Initiative Office" means the National Artificial Intelligence Initiative Office established under section 5102(a).

(7) INSTITUTE.—The term "Institute" means an Artificial Intelligence Research Institute described in section 5201(b)(2).

(8) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 and section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1001).

(9) INTERAGENCY COMMITTEE.—The term "Interagency Committee" means the interagency committee established under section 5103(a).

(10) K-12 EDUCATION.—The term "K-12 education" means elementary school and secondary school education provided by local educational agencies, as such agencies are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(11) MACHINE LEARNING.—The term "machine learning" means an application of artificial intelligence that is characterized by providing systems the ability to automatically learn and improve on the basis of data or experience, without being explicitly programmed.

TITLE LI—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE

Sec. 5101. National Artificial Intelligence Initiative.
Sec. 5102. National Artificial Intelligence Initiative Office.
Sec. 5103. Coordination by Interagency Committee.
Sec. 5104. National Artificial Intelligence Advisory Committee.
Sec. 5105. National Academies artificial intelligence impact study on workforce.
Sec. 5106. National AI Research Resource Task Force.

15 USC 9411.

SEC. 5101. NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE.

President.

(a) ESTABLISHMENT; PURPOSES.—The President shall establish and implement an initiative to be known as the "National Artificial Intelligence Initiative". The purposes of the Initiative shall be to—

(1) ensure continued United States leadership in artificial intelligence research and development;

(2) lead the world in the development and use of trustworthy artificial intelligence systems in the public and private sectors;

(3) prepare the present and future United States workforce for the integration of artificial intelligence systems across all sectors of the economy and society; and

(4) coordinate ongoing artificial intelligence research, development, and demonstration activities among the civilian agencies, the Department of Defense and the Intelligence Community to ensure that each informs the work of the others.

(b) INITIATIVE ACTIVITIES.—In carrying out the Initiative, the President. President, acting through the Initiative Office, the Interagency Committee, and agency heads as the President considers appropriate, shall carry out activities that include the following:

(1) Sustained and consistent support for artificial intelligence research and development through grants, cooperative agreements, testbeds, and access to data and computing resources.

(2) Support for K-12 education and postsecondary educational programs, including workforce training and career and technical education programs, and informal education programs to prepare the American workforce and the general public to be able to create, use, and interact with artificial intelligence systems.

(3) Support for interdisciplinary research, education, and workforce training programs for students and researchers that promote learning in the methods and systems used in artificial intelligence and foster interdisciplinary perspectives and collaborations among subject matter experts in relevant fields, including computer science, mathematics, statistics, engineering, social sciences, health, psychology, behavioral science, ethics, security, legal scholarship, and other disciplines that will be necessary to advance artificial intelligence research and development responsibly.

(4) Interagency planning and coordination of Federal artificial intelligence research, development, demonstration, standards engagement, and other activities under the Initiative, as appropriate.

(5) Outreach to diverse stakeholders, including citizen groups, industry, and civil rights and disability rights organizations, to ensure public input is taken into account in the activities of the Initiative.

(6) Leveraging existing Federal investments to advance objectives of the Initiative.

(7) Support for a network of interdisciplinary artificial intelligence research institutes, as described in section 5201(b)(7)(B).

(8) Support opportunities for international cooperation with strategic allies, as appropriate, on the research and development, assessment, and resources for trustworthy artificial intelligence systems.

(c) LIMITATION.—The Initiative shall not impact sources and Determination. methods, as determined by the Director of National Intelligence.

(d) RULES OF CONSTRUCTION.—Nothing in this division shall be construed as—

(1) modifying any authority or responsibility, including any operational authority or responsibility of any head of a Federal department or agency, with respect to intelligence or the intelligence community, as those terms are defined in 50 U.S.C. 3003;

(2) authorizing the Initiative, or anyone associated with its derivative efforts to approve, interfere with, direct or to conduct an intelligence activity, resource, or operation; or

(3) authorizing the Initiative, or anyone associated with its derivative efforts to modify the classification of intelligence information.

(e) SUNSET.—The Initiative established in this division shall terminate on the date that is 10 years after the date of enactment of this Act.

15 USC 9412.

SEC. 5102. NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE OFFICE.

Appointment.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish or designate, and appoint a director of, an office to be known as the "National Artificial Intelligence Initiative Office" to carry out the responsibilities described in subsection (b) with respect to the Initiative. The Initiative Office shall have sufficient staff to carry out such responsibilities, including staff detailed from the Federal departments and agencies described in section 5103(c), as appropriate.

(b) RESPONSIBILITIES.—The Director of the Initiative Office shall—

(1) provide technical and administrative support to the Interagency Committee and the Advisory Committee;

(2) serve as the point of contact on Federal artificial intelligence activities for Federal departments and agencies, industry, academia, nonprofit organizations, professional societies, State governments, and such other persons as the Initiative Office considers appropriate to exchange technical and programmatic information;

(3) conduct regular public outreach to diverse stakeholders, including civil rights and disability rights organizations; and

(4) promote access to the technologies, innovations, best practices, and expertise derived from Initiative activities to agency missions and systems across the Federal Government.

Coordination. Updates. Summary.

(c) FUNDING ESTIMATE.—The Director of the Office of Science and Technology Policy, in coordination with each participating Federal department and agency, as appropriate, shall develop and annually update an estimate of the funds necessary to carry out the activities of the Initiative Coordination Office and submit such estimate with an agreed summary of contributions from each agency to Congress as part of the President's annual budget request to Congress.

15 USC 9413.

SEC. 5103. COORDINATION BY INTERAGENCY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish or designate an Interagency Committee to coordinate Federal programs and activities in support of the Initiative.

(b) CO-CHAIRS.—The Interagency Committee shall be co-chaired by the Director of the Office of Science and Technology Policy

and, on an annual rotating basis, a representative from the Department of Commerce, the National Science Foundation, or the Department of Energy, as selected by the Director of the Office of Science and Technology Policy.

(c) AGENCY PARTICIPATION.—The Committee shall include representatives from Federal agencies as considered appropriate by determination and agreement of the Director of the Office of Science and Technology Policy and the head of the affected agency. Determination.

(d) RESPONSIBILITIES.—The Interagency Committee shall—

(1) provide for interagency coordination of Federal artificial intelligence research, development, and demonstration activities and education and workforce training activities and programs of Federal departments and agencies undertaken pursuant to the Initiative;

(2) not later than 2 years after the date of the enactment of this Act, develop a strategic plan for artificial intelligence (to be updated not less than every 3 years) that establishes goals, priorities, and metrics for guiding and evaluating how the agencies carrying out the Initiative will— Deadline. Strategic plan. Updates. Time period.

(A) determine and prioritize areas of artificial intelligence research, development, and demonstration requiring Federal Government leadership and investment;

(B) support long-term funding for interdisciplinary artificial intelligence research, development, demonstration, and education;

(C) support research and other activities on ethical, legal, environmental, safety, security, bias, and other appropriate societal issues related to artificial intelligence;

(D) provide or facilitate the availability of curated, standardized, secure, representative, aggregate, and privacy-protected data sets for artificial intelligence research and development;

(E) provide or facilitate the necessary computing, networking, and data facilities for artificial intelligence research and development;

(F) support and coordinate Federal education and workforce training activities related to artificial intelligence; and

(G) support and coordinate the network of artificial intelligence research institutes described in section 5201(b)(7)(B);

(3) as part of the President's annual budget request to Congress, propose an annually coordinated interagency budget for the Initiative to the Office of Management and Budget that is intended to ensure that the balance of funding across the Initiative is sufficient to meet the goals and priorities established for the Initiative; and

(4) in carrying out this section, take into consideration the recommendations of the Advisory Committee, existing reports on related topics, and the views of academic, State, industry, and other appropriate groups.

(e) ANNUAL REPORT.—For each fiscal year beginning with fiscal year 2022, not later than 90 days after submission of the President's annual budget request for such fiscal year, the Interagency Committee shall prepare and submit to the Committee on Science, Space, and Technology, the Committee on Energy and Commerce,

the Committee on Transportation and Infrastructure, the Committee on Armed Services, the House Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Senate Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Appropriations of the Senate a report that includes a summarized budget in support of the Initiative for such fiscal year and the preceding fiscal year, including a disaggregation of spending and a description of any Institutes established under section 5201 for the Department of Commerce, the Department of Defense, the Department of Energy, the Department of Agriculture, the Department of Health and Human Services, and the National Science Foundation.

15 USC 9414.

SEC. 5104. NATIONAL ARTIFICIAL INTELLIGENCE ADVISORY COMMITTEE.

Consultation.
Establishment.

(a) IN GENERAL.—The Secretary of Commerce shall, in consultation with the Director of the Office of Science and Technology Policy, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, and the Director of National Intelligence establish an advisory committee to be known as the "National Artificial Intelligence Advisory Committee".

Appointments.

(b) QUALIFICATIONS.—The Advisory Committee shall consist of members, appointed by the Secretary of Commerce, who are representing broad and interdisciplinary expertise and perspectives, including from academic institutions, companies across diverse sectors, nonprofit and civil society entities, including civil rights and disability rights organizations, and Federal laboratories, who are representing geographic diversity, and who are qualified to provide advice and information on science and technology research, development, ethics, standards, education, technology transfer, commercial application, security, and economic competitiveness related to artificial intelligence.

(c) MEMBERSHIP CONSIDERATION.—In selecting the members of the Advisory Committee, the Secretary of Commerce shall seek and give consideration to recommendations from Congress, industry, nonprofit organizations, the scientific community (including the National Academies of Sciences, Engineering, and Medicine, scientific professional societies, and academic institutions), the defense and law enforcement communities, and other appropriate organizations.

(d) DUTIES.—The Advisory Committee shall advise the President and the Initiative Office on matters related to the Initiative, including recommendations related to—

(1) the current state of United States competitiveness and leadership in artificial intelligence, including the scope and scale of United States investments in artificial intelligence research and development in the international context;

(2) the progress made in implementing the Initiative, including a review of the degree to which the Initiative has achieved the goals according to the metrics established by the Interagency Committee under section 5103(d)(2);

(3) the state of the science around artificial intelligence, including progress toward artificial general intelligence;

(4) issues related to artificial intelligence and the United States workforce, including matters relating to the potential for using artificial intelligence for workforce training, the possible consequences of technological displacement, and supporting workforce training opportunities for occupations that lead to economic self-sufficiency for individuals with barriers to employment and historically underrepresented populations, including minorities, Indians (as defined in 25 U.S.C. 5304), low-income populations, and persons with disabilities.

(5) how to leverage the resources of the initiative to streamline and enhance operations in various areas of government operations, including health care, cybersecurity, infrastructure, and disaster recovery;

(6) the need to update the Initiative;

(7) the balance of activities and funding across the Initiative;

(8) whether the strategic plan developed or updated by the Interagency Committee established under section 5103(d)(2) is helping to maintain United States leadership in artificial intelligence;

(9) the management, coordination, and activities of the Initiative;

(10) whether ethical, legal, safety, security, and other appropriate societal issues are adequately addressed by the Initiative;

(11) opportunities for international cooperation with strategic allies on artificial intelligence research activities, standards development, and the compatibility of international regulations;

(12) accountability and legal rights, including matters relating to oversight of artificial intelligence systems using regulatory and nonregulatory approaches, the responsibility for any violations of existing laws by an artificial intelligence system, and ways to balance advancing innovation while protecting individual rights; and

(13) how artificial intelligence can enhance opportunities for diverse geographic regions of the United States, including urban, Tribal, and rural communities.

(e) SUBCOMMITTEE ON ARTIFICIAL INTELLIGENCE AND LAW ENFORCEMENT.—

(1) ESTABLISHMENT.—The chairperson of the Advisory Committee shall establish a subcommittee on matters relating to the development of artificial intelligence relating to law enforcement matters.

(2) ADVICE.—The subcommittee shall provide advice to the President on matters relating to the development of artificial intelligence relating to law enforcement, including advice on the following:

(A) Bias, including whether the use of facial recognition by government authorities, including law enforcement agencies, is taking into account ethical considerations and addressing whether such use should be subject to additional oversight, controls, and limitations.

(B) Security of data, including law enforcement's access to data and the security parameters for that data.

(C) Adoptability, including methods to allow the United States Government and industry to take advantage of artificial intelligence systems for security or law enforcement purposes while at the same time ensuring the potential abuse of such technologies is sufficiently mitigated.

(D) Legal standards, including those designed to ensure the use of artificial intelligence systems are consistent with the privacy rights, civil rights and civil liberties, and disability rights issues raised by the use of these technologies.

Recommendations.

(f) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 3 years thereafter, the Advisory Committee shall submit to the President, the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the House Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Senate Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Armed Services of the Senate, a report on the Advisory Committee's findings and recommendations under subsection (d) and subsection (e).

(g) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—Non-Federal members of the Advisory Committee, while attending meetings of the Advisory Committee or while otherwise serving at the request of the head of the Advisory Committee away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay. Nothing in this subsection shall be construed to prohibit members of the Advisory Committee who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

(h) FACA EXEMPTION.—The Secretary of Commerce shall charter the Advisory Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), except that the Advisory Committee shall be exempt from section 14 of such Act.

SEC. 5105. NATIONAL ACADEMIES ARTIFICIAL INTELLIGENCE IMPACT STUDY ON WORKFORCE.

Deadline.
Contracts.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the National Science Foundation shall enter into a contract with the National Research Council of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the current and future impact of artificial intelligence on the workforce of the United States across sectors.

(b) CONTENTS.—The study shall address—

(1) workforce impacts across sectors caused by the increased adoption of artificial intelligence, automation, and other related trends;

(2) workforce needs and employment opportunities generated by the increased adoption of artificial intelligence across sectors;

(3) research gaps and data needed to better understand and track paragraphs (1) and (2); and

(4) recommendations to address the challenges and opportunities described in paragraphs (1), (2), and (3). Recommendations.

(c) STAKEHOLDERS.—In conducting the study, the National Academies of Sciences, Engineering, and Medicine shall seek input from a wide range of stakeholders in the public and private sectors.

(d) REPORT TO CONGRESS.—The contract entered into under subsection (a) shall require the National Academies of Sciences, Engineering, and Medicine, not later than 2 years after the date of the enactment of this Act, to— Requirements.

(1) submit to the Committee on Science, Space, and Technology and the Committee on Education and Labor of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Pension, and Labor of the Senate a report containing the findings and recommendations of the study conducted under subsection (a); and Recommendations.

(2) make a copy of such report available on a publicly accessible website. Records. Public information. Web posting.

SEC. 5106. NATIONAL AI RESEARCH RESOURCE TASK FORCE. 15 USC 9415.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Office of Science and Technology Policy, shall establish a task force— Coordination.

(i) to investigate the feasibility and advisability of establishing and sustaining a National Artificial Intelligence Research Resource; and

(ii) to propose a roadmap detailing how such resource should be established and sustained.

(B) DESIGNATION.—The task force established by subparagraph (A) shall be known as the "National Artificial Intelligence Research Resource Task Force" (in this section referred to as the "Task Force").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Task Force shall be composed of 12 members selected by the co-chairpersons of the Task Force from among technical experts in artificial intelligence or related subjects, of whom—

(i) 4 shall be representatives from the Interagency Committee established in section 5103, including the co-chairpersons of the Task Force;

(ii) 4 shall be representatives from institutions of higher education; and

(iii) 4 shall be representatives from private organizations.

(B) APPOINTMENT.—Not later than 120 days after enactment of this Act, the co-chairpersons of the Task Force shall appoint members to the Task Force pursuant to subparagraph (A). Deadline.

(C) TERM OF APPOINTMENT.—Members of the Task Force shall be appointed for the life of the Task Force.

(D) VACANCY.—Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made.

(E) CO-CHAIRPERSONS.—The Director of the Office of Science and Technology Policy and the Director of the

National Sciences Foundation, or their designees, shall be the co-chairpersons of the Task Force. If the role of the Director of the National Science Foundation is vacant, the Chair of the National Science Board shall act as a co-chairperson of the Task Force.

(F) EXPENSES FOR NON-FEDERAL MEMBERS.—

(i) Except as provided in clause (ii), non-Federal Members of the Task Force shall not receive compensation for their participation on the Task Force.

(ii) Non-Federal Members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(b) ROADMAP AND IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Task Force shall develop a coordinated roadmap and implementation plan for creating and sustaining a National Artificial Intelligence Research Resource.

(2) CONTENTS.—The roadmap and plan required by paragraph (1) shall include the following:

(A) Goals for establishment and sustainment of a National Artificial Intelligence Research Resource and metrics for success.

(B) A plan for ownership and administration of the National Artificial Intelligence Research Resource, including—

(i) an appropriate agency or organization responsible for the implementation, deployment, and administration of the Resource; and

(ii) a governance structure for the Resource, including oversight and decision-making authorities.

(C) A model for governance and oversight to establish strategic direction, make programmatic decisions, and manage the allocation of resources;

(D) Capabilities required to create and maintain a shared computing infrastructure to facilitate access to computing resources for researchers across the country, including scalability, secured access control, resident data engineering and curation expertise, provision of curated data sets, compute resources, educational tools and services, and a user interface portal.

Assessment. Recommendations.

(E) An assessment of, and recommended solutions to, barriers to the dissemination and use of high-quality government data sets as part of the National Artificial Intelligence Research Resource.

Assessment. Requirements.

(F) An assessment of security requirements associated with the National Artificial Intelligence Research Resource and its research and a recommendation for a framework for the management of access controls.

Assessment.

(G) An assessment of privacy and civil rights and civil liberties requirements associated with the National Artificial Intelligence Research Resource and its research.

(H) A plan for sustaining the Resource, including through Federal funding and partnerships with the private sector.

(I) Parameters for the establishment and sustainment of the National Artificial Intelligence Research Resource, including agency roles and responsibilities and milestones to implement the Resource.

(c) CONSULTATIONS.—In conducting its duties required under subsection (b), the Task Force shall consult with the following:

(1) The National Science Foundation.

(2) The Office of Science and Technology Policy.

(3) The National Academies of Sciences, Engineering, and Medicine.

(4) The National Institute of Standards and Technology.

(5) The Director of National Intelligence.

(6) The Department of Energy.

(7) The Department of Defense.

(8) The General Services Administration.

(9) The Department of Justice.

(10) The Department of Homeland Security.

(11) The Department of Health and Human Services.

(12) Private industry.

(13) Institutions of higher education.

(14) Civil and disabilities rights organizations.

(15) Such other persons as the Task Force considers appropriate.

(d) STAFF.—Staff of the Task Force shall comprise detailees with expertise in artificial intelligence, or related fields from the Office of Science and Technology Policy, the National Science Foundation, or any other agency the co-chairs deem appropriate, with the consent of the head of the agency.

(e) TASK FORCE REPORTS.—

Recommendations.

(1) INITIAL REPORT.—Not later than 12 months after the date on which all of the appointments have been made under subsection (a)(2)(B), the Task Force shall submit to Congress and the President an interim report containing the findings, conclusions, and recommendations of the Task Force. The report shall include specific recommendations regarding steps the Task Force believes necessary for the establishment and sustainment of a National Artificial Intelligence Research Resource.

(2) FINAL REPORT.—Not later than 6 months after the submittal of the interim report under paragraph (1), the Task Force shall submit to Congress and the President a final report containing the findings, conclusions, and recommendations of the Task Force, including the specific recommendations required by subsection (b).

(f) TERMINATION.—

(1) IN GENERAL.—The Task Force shall terminate 90 days after the date on which it submits the final report under subsection (e)(2).

(2) RECORDS.—Upon termination of the Task Force, all of its records shall become the records of the National Archives and Records Administration.

(g) DEFINITIONS.—In this section:

(1) NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH RESOURCE AND RESOURCE.—The terms "National Artificial Intelligence Research Resource" and "Resource" mean a system that provides researchers and students across scientific fields and disciplines with access to compute resources, co-located with

publicly-available, artificial intelligence-ready government and non-government data sets and a research environment with appropriate educational tools and user support.

(2) OWNERSHIP.—The term "ownership" means responsibility and accountability for the implementation, deployment, and ongoing development of the National Artificial Intelligence Research Resource, and for providing staff support to that effort.

TITLE LII—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH INSTITUTES

Sec. 5201. National Artificial Intelligence Research Institutes.

15 USC 9431.

SEC. 5201. NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH INSTITUTES.

(a) IN GENERAL.—Subject to the availability of funds appropriated for this purpose, the Director of the National Science Foundation shall establish a program to award financial assistance for the planning, establishment, and support of a network of Institutes (as described in subsection (b)(2)) in accordance with this section.

(b) FINANCIAL ASSISTANCE TO ESTABLISH AND SUPPORT NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH INSTITUTES.—

Determination.

(1) IN GENERAL.—Subject to the availability of funds appropriated for this purpose, the Secretary of Energy, the Secretary of Commerce, the Director of the National Science Foundation, and every other agency head may award financial assistance to an eligible entity, or consortia thereof, as determined by an agency head, to establish and support an Institute.

(2) ARTIFICIAL INTELLIGENCE INSTITUTES.—An Institute described in this subsection is an artificial intelligence research institute that—

(A) is focused on—

(i) a particular economic or social sector, including health, education, manufacturing, agriculture, security, energy, and environment, and includes a component that addresses the ethical, societal, safety, and security implications relevant to the application of artificial intelligence in that sector; or

(ii) a cross-cutting challenge for artificial intelligence systems, including trustworthiness, or foundational science;

(B) requires partnership among public and private organizations, including, as appropriate, Federal agencies, institutions of higher education, including community colleges, nonprofit research organizations, Federal laboratories, State, local, and Tribal governments, industry, including startup companies, and civil society organizations, including civil rights and disability rights organizations (or consortia thereof);

(C) has the potential to create an innovation ecosystem, or enhance existing ecosystems, to translate Institute research into applications and products, as appropriate to the topic of each Institute;

(D) supports interdisciplinary research and development across multiple institutions of higher education and organizations;

(E) supports interdisciplinary education activities, including curriculum development, research experiences, and faculty professional development across undergraduate, graduate, and professional academic programs; and

(F) supports workforce development in artificial intelligence related disciplines in the United States, including increasing participation of historically underrepresented communities.

(3) USE OF FUNDS.—Financial assistance awarded under paragraph (1) may be used by an Institute for—

(A) managing and making available to researchers accessible, curated, standardized, secure, and privacy protected data sets from the public and private sectors for the purposes of training and testing artificial intelligence systems and for research using artificial intelligence systems, pursuant to subsections (c), (e), and (f) of section 22A the National Institute of Standards and Technology Act (as added by section 5301 of this division); Data.

(B) developing and managing testbeds for artificial intelligence systems, including sector-specific test beds, designed to enable users to evaluate artificial intelligence systems prior to deployment;

(C) conducting research and education activities involving artificial intelligence systems to solve challenges with social, economic, health, scientific, and national security implications;

(D) providing or brokering access to computing resources, networking, and data facilities for artificial intelligence research and development relevant to the Institute's research goals;

(E) providing technical assistance to users, including software engineering support, for artificial intelligence research and development relevant to the Institute's research goals;

(F) engaging in outreach and engagement to broaden participation in artificial intelligence research and the artificial intelligence workforce; and

(G) such other activities that an agency head, whose agency's missions contribute to or are affected by artificial intelligence, considers consistent with the purposes described in section 5101(a).

(4) DURATION.—

(A) INITIAL PERIODS.—An award of financial assistance under paragraph (1) shall be awarded for an initial period of 5 years.

(B) EXTENSION.—An established Institute may apply for, and the agency head may grant, extended funding for periods of 5 years on a merit-reviewed basis using the merit review criteria of the sponsoring agency.

(5) APPLICATION FOR FINANCIAL ASSISTANCE.—A person seeking financial assistance under paragraph (1) shall submit to an agency head an application at such time, in such manner,

and containing such information as the agency head may require.

(6) COMPETITIVE, MERIT REVIEW.—In awarding financial assistance under paragraph (1), the agency head shall—

(A) use a competitive, merit review process that includes peer review by a diverse group of individuals with relevant expertise from both the private and public sectors; and

(B) ensure the focus areas of the Institute do not substantially and unnecessarily duplicate the efforts of any other Institute.

(7) COLLABORATION.—

(A) IN GENERAL.—In awarding financial assistance under paragraph (1), an agency head may collaborate with Federal departments and agencies whose missions contribute to or are affected by artificial intelligence systems.

(B) COORDINATING NETWORK.—The Director of the National Science Foundation shall establish a network of Institutes receiving financial assistance under this subsection, to be known as the "Artificial Intelligence Leadership Network", to coordinate cross-cutting research and other activities carried out by the Institutes.

(8) LIMITATION.—No funds authorized in this title shall be awarded to Institutes outside of the United States. All awardees and subawardees for such Institute shall be based in the United States, in addition to any other eligibility criteria as established by each agency head.

TITLE LIII—DEPARTMENT OF COMMERCE ARTIFICIAL INTELLIGENCE ACTIVITIES

Sec. 5301. National institute of standards and technology activities.
Sec. 5302. Stakeholder outreach.
Sec. 5303. National oceanic and atmospheric administration artificial intelligence center.

SEC. 5301. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 22 the following:

15 USC 278h–1.

"SEC. 22A. STANDARDS FOR ARTIFICIAL INTELLIGENCE.

"(a) MISSION.—The Institute shall—

"(1) advance collaborative frameworks, standards, guidelines, and associated methods and techniques for artificial intelligence;

"(2) support the development of a risk-mitigation framework for deploying artificial intelligence systems;

"(3) support the development of technical standards and guidelines that promote trustworthy artificial intelligence systems; and

"(4) support the development of technical standards and guidelines by which to test for bias in artificial intelligence training data and applications.

"(b) SUPPORTING ACTIVITIES.—The Director of the National Institute of Standards and Technology may—

"(1) support measurement research and development of best practices and voluntary standards for trustworthy artificial intelligence systems, which may include—

"(A) privacy and security, including for datasets used to train or test artificial intelligence systems and software and hardware used in artificial intelligence systems;

"(B) advanced computer chips and hardware designed for artificial intelligence systems;

"(C) data management and techniques to increase the usability of data, including strategies to systematically clean, label, and standardize data into forms useful for training artificial intelligence systems and the use of common, open licenses;

"(D) safety and robustness of artificial intelligence systems, including assurance, verification, validation, security, control, and the ability for artificial intelligence systems to withstand unexpected inputs and adversarial attacks;

"(E) auditing mechanisms and benchmarks for accuracy, transparency, verifiability, and safety assurance for artificial intelligence systems;

"(F) applications of machine learning and artificial intelligence systems to improve other scientific fields and engineering;

"(G) model documentation, including performance metrics and constraints, measures of fairness, training and testing processes, and results;

"(H) system documentation, including connections and dependences within and between systems, and complications that may arise from such connections; and

"(I) all other areas deemed by the Director to be critical to the development and deployment of trustworthy artificial intelligence;

"(2) produce curated, standardized, representative, high-value, secure, aggregate, and privacy protected data sets for artificial intelligence research, development, and use; Data.

"(3) support one or more institutes as described in section 5201(b) of the National Artificial Intelligence Initiative Act of 2020 for the purpose of advancing measurement science, voluntary consensus standards, and guidelines for trustworthy artificial intelligence systems;

"(4) support and strategically engage in the development of voluntary consensus standards, including international standards, through open, transparent, and consensus-based processes; and

"(5) enter into and perform such contracts, including cooperative research and development arrangements and grants and cooperative agreements or other transactions, as may be necessary in the conduct of the work of the National Institute of Standards and Technology and on such terms as the Director considers appropriate, in furtherance of the purposes of this division. Contracts. Grants.

"(c) RISK MANAGEMENT FRAMEWORK.—Not later than 2 years after the date of the enactment of this Act, the Director shall work to develop, and periodically update, in collaboration with other public and private sector organizations, including the National Deadline. Updates.

Science Foundation and the Department of Energy, a voluntary risk management framework for trustworthy artificial intelligence systems. The framework shall—

Guidelines.
Procedures.

"(1) identify and provide standards, guidelines, best practices, methodologies, procedures and processes for—

"(A) developing trustworthy artificial intelligence systems;

"(B) assessing the trustworthiness of artificial intelligence systems; and

"(C) mitigating risks from artificial intelligence systems;

"(2) establish common definitions and characterizations for aspects of trustworthiness, including explainability, transparency, safety, privacy, security, robustness, fairness, bias, ethics, validation, verification, interpretability, and other properties related to artificial intelligence systems that are common across all sectors;

"(3) provide case studies of framework implementation;

"(4) align with international standards, as appropriate;

"(5) incorporate voluntary consensus standards and industry best practices; and

"(6) not prescribe or otherwise require the use of specific information or communications technology products or services.

"(d) PARTICIPATION IN STANDARD SETTING ORGANIZATIONS.—

"(1) REQUIREMENT.—The Institute shall participate in the development of standards and specifications for artificial intelligence.

"(2) PURPOSE.—The purpose of this participation shall be to ensure—

"(A) that standards promote artificial intelligence systems that are trustworthy; and

"(B) that standards relating to artificial intelligence reflect the state of technology and are fit-for-purpose and developed in transparent and consensus-based processes that are open to all stakeholders.

Deadline.

"(e) DATA SHARING BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, the Director shall, in collaboration with other public and private sector organizations, develop guidance to facilitate the creation of voluntary data sharing arrangements between industry, federally funded research centers, and Federal agencies for the purpose of advancing artificial intelligence research and technologies, including options for partnership models between government entities, industry, universities, and nonprofits that incentivize each party to share the data they collected.

Deadline.

"(f) BEST PRACTICES FOR DOCUMENTATION OF DATA SETS.—Not later than 1 year after the date of enactment of this Act, the Director shall, in collaboration with other public and private sector organizations, develop best practices for datasets used to train artificial intelligence systems, including—

"(1) standards for metadata that describe the properties of datasets, including—

"(A) the origins of the data;

"(B) the intent behind the creation of the data;

"(C) authorized uses of the data;

"(D) descriptive characteristics of the data, including what populations are included and excluded from the datasets; and

"(E) any other properties as determined by the Director; and

"(2) standards for privacy and security of datasets with human characteristics.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this section—

"(1) $64,000,000 for fiscal year 2021;

"(2) $70,400,000 for fiscal year 2022;

"(3) $77,440,000 for fiscal year 2023;

"(4) $85,180,000 for fiscal year 2024; and

"(5) $93,700,000 for fiscal year 2025.".

SEC. 5302. STAKEHOLDER OUTREACH. 15 USC 9441.

In carrying out the activities under section 22A of the National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) as amended by title III of this Act, the Director shall—

(1) solicit input from university researchers, private sector experts, relevant Federal agencies, Federal laboratories, State, Tribal, and local governments, civil society groups, and other relevant stakeholders;

(2) solicit input from experts in relevant fields of social science, technology ethics, and law; and

(3) provide opportunity for public comment on guidelines and best practices developed as part of the Initiative, as appropriate.

SEC. 5303. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ARTIFICIAL INTELLIGENCE CENTER. 15 USC 9442.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration (hereafter referred to as "the Administrator") shall establish, a Center for Artificial Intelligence (hereafter referred to as "the Center"). Establishment.

(b) CENTER GOALS.—The goals of the Center shall be to—

(1) coordinate and facilitate the scientific and technological efforts related to artificial intelligence across the National Oceanic and Atmospheric Administration; and Coordination.

(2) expand external partnerships, and build workforce proficiency to effectively transition artificial intelligence research and applications to operations.

(c) COMPREHENSIVE PROGRAM.—Through the Center, the Administrator shall implement a comprehensive program to improve the use of artificial intelligence systems across the agency in support of the mission of the National Oceanic and Atmospheric Administration.

(d) CENTER PRIORITIES.—The priorities of the Center shall be to—

(1) coordinate and facilitate artificial intelligence research and innovation, tools, systems, and capabilities across the National Oceanic and Atmospheric Administration; Coordination.

(2) establish data standards and develop and maintain a central repository for agency-wide artificial intelligence applications; Data standards.

(3) accelerate the transition of artificial intelligence research to applications in support of the mission of the National Oceanic and Atmospheric Administration;

(4) develop and conduct training for the workforce of the National Oceanic and Atmospheric Administration related to artificial intelligence research and application of artificial intelligence for such agency;

(5) facilitate partnerships between the National Oceanic and Atmospheric Administration and other public sector organizations, private sector organizations, and institutions of higher education for research, personnel exchange, and workforce development with respect to artificial intelligence systems; and

Data.

(6) make data of the National Oceanic and Atmospheric Administration accessible, available, and ready for artificial intelligence applications.

(e) STAKEHOLDER ENGAGEMENT.—In carrying out the activities authorized in this section, the Administrator shall—

(1) collaborate with a diverse set of stakeholders including private sector entities and institutions of higher education;

(2) leverage the collective body of research on artificial intelligence and machine learning; and

(3) engage with relevant Federal agencies, research communities, and potential users of data and methods made available through the Center.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section $10,000,000 for fiscal year 2021.

(g) PROTECTION OF NATIONAL SECURITY INTERESTS.—

Consultation.
Determination.

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Administrator, in consultation with the Secretary of Defense as appropriate, may withhold models or data used by the Center if the Administrator determines doing so to be necessary to protect the national security interests of the United States.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

TITLE LIV—NATIONAL SCIENCE FOUNDATION ARTIFICIAL INTELLIGENCE ACTIVITIES

Sec. 5401. Artificial intelligence research and education.

15 USC 9451.

SEC. 5401. ARTIFICIAL INTELLIGENCE RESEARCH AND EDUCATION.

(a) IN GENERAL.—the Director of the National Science Foundation shall fund research and education activities in artificial intelligence systems and related fields, including competitive awards or grants to institutions of higher education or eligible nonprofit organizations (or consortia thereof).

(b) USES OF FUNDS.—In carrying out the activities under subsection (a), the Director of the National Science Foundation shall—

(1) support research, including interdisciplinary research, on artificial intelligence systems and related areas, including

fields and research areas that will contribute to the development and deployment of trustworthy artificial intelligence systems, and fields and research areas that address the application of artificial intelligence systems to scientific discovery and societal challenges;

(2) use the existing programs of the National Science Foundation, in collaboration with other Federal departments and agencies, as appropriate to—

(A) improve the teaching and learning of topics related to artificial intelligence systems in K-12 education and postsecondary educational programs, including workforce training and career and technical education programs, undergraduate and graduate education programs, and in informal settings; and

(B) increase participation in artificial intelligence related fields, including by individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1885a, 1885b);

(3) support partnerships among institutions of higher education, Federal laboratories, nonprofit organizations, State, local, and Tribal governments, industry, and potential users of artificial intelligence systems that facilitate collaborative research, personnel exchanges, and workforce development and identify emerging research needs with respect to artificial intelligence systems;

(4) ensure adequate access to research and education infrastructure with respect to artificial intelligence systems, which may include the development of new computing resources and partnership with the private sector for the provision of cloud-based computing services;

(5) conduct prize competitions, as appropriate, pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719);

(6) coordinate research efforts funded through existing programs across the directorates of the National Science Foundation; Coordination.

(7) provide guidance on data sharing by grantees to public and private sector organizations consistent with the standards and guidelines developed under section 22A(e) of the National Institute of Standards and Technology Act (as added by section 5301 of this division); and

(8) evaluate opportunities for international collaboration with strategic allies on artificial intelligence research and development. Evaluation.

(c) ENGINEERING SUPPORT.—In general, the Director shall permit applicants to include in their proposed budgets funding for software engineering support to assist with the proposed research.

(d) ETHICS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) a number of emerging areas of research, including artificial intelligence, have potential ethical, social, safety, and security risks that might be apparent as early as the basic research stage;

(B) the incorporation of ethical, social, safety, and security considerations into the research design and review

process for Federal awards may help mitigate potential harms before they happen;

(C) the National Science Foundation's agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study and make recommendations with respect to governance of research in computing and computing technologies is a positive step toward accomplishing this goal; and

(D) the National Science Foundation should continue to work with stakeholders to understand and adopt policies that promote best practices for governance of research in emerging technologies at every stage of research.

(2) REPORT ON ETHICS STATEMENTS.—No later than 6 months after publication of the study described in paragraph (1)(C), the Director shall report to Congress on options for requiring an ethics or risk statement as part of all or a subset of applications for research funding to the National Science Foundation.

(e) EDUCATION.—

Grants.

(1) IN GENERAL.—The Director of the National Science Foundation shall award grants for artificial intelligence education research, development and related activities to support K-12 and postsecondary education programs and activities, including workforce training and career and technical education programs and activities, undergraduate, graduate, and postdoctoral education, and informal education programs and activities that—

(A) support the development of a diverse workforce pipeline for science and technology with respect to artificial intelligence systems;

(B) increase awareness of potential ethical, social, safety, and security risks of artificial intelligence systems;

(C) promote curriculum development for teaching topics related to artificial intelligence, including in the field of technology ethics;

(D) support efforts to achieve equitable access to K-12 artificial intelligence education in diverse geographic areas and for populations historically underrepresented in science, engineering, and artificial intelligence fields; and

(E) promote the widespread understanding of artificial intelligence principles and methods to create an educated workforce and general public able to use products enabled by artificial intelligence systems and adapt to future societal and economic changes caused by artificial intelligence systems.

(2) ARTIFICIAL INTELLIGENCE FACULTY FELLOWSHIPS.—

Grants.

(A) FACULTY RECRUITMENT FELLOWSHIPS.—

(i) IN GENERAL.—The Director of the National Science Foundation shall establish a program to award grants to eligible institutions of higher education to recruit and retain tenure-track or tenured faculty in artificial intelligence and related fields.

(ii) USE OF FUNDS.—An institution of higher education shall use grant funds provided under clause (i) for the purposes of—

(I) recruiting new tenure-track or tenured faculty members that conduct research and teaching

in artificial intelligence and related fields and research areas, including technology ethics; and

(II) paying salary and benefits for the academic year of newly recruited tenure-track or tenured faculty members for a duration of up to three years.

(iii) ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION.—For purposes of this subparagraph, an eligible institution of higher education is—

(I) a Historically Black College and University (within the meaning of the term "part B institution" under section 322 of the Higher Education Act of 1965), Tribal College or University, or other minority-serving institution, as defined in section 371(a) of the Higher Education Act of 1965;

(II) an institution classified under the Carnegie Classification of Institutions of Higher Education as a doctorate-granting university with a high level of research activity; or

(III) an institution located in a State jurisdiction eligible to participate in the National Science Foundation's Established Program to Stimulate Competitive Research.

(B) FACULTY TECHNOLOGY ETHICS FELLOWSHIPS.—

(i) IN GENERAL.—The Director of the National Science Foundation shall establish a program to award fellowships to tenure-track and tenured faculty in social and behavioral sciences, ethics, law, and related fields to develop new research projects and partnerships in technology ethics.

(ii) PURPOSES.—The purposes of such fellowships are to enable researchers in social and behavioral sciences, ethics, law, and related fields to establish new research and education partnerships with researchers in artificial intelligence and related fields; learn new techniques and acquire systematic knowledge in artificial intelligence and related fields; and mentor and advise graduate students and postdocs pursuing research in technology ethics.

(iii) USES OF FUNDS.—A fellowship may include salary and benefits for up to one academic year, expenses to support coursework or equivalent training in artificial intelligence systems, and additional such expenses that the Director deems appropriate.

(C) UPDATE TO ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.—Section 10(i)(5) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1(i)(5)) is amended by inserting "and artificial intelligence" after "computer science".

(3) UPDATE TO ADVANCED TECHNOLOGICAL EDUCATION PROGRAM.—

(A) IN GENERAL.—Section 3(b) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862(i)) is amended by striking "10" and inserting "12".

(B) ARTIFICIAL INTELLIGENCE CENTERS OF EXCELLENCE.—The Director of the National Science Foundation shall establish national centers of scientific and technical

education to advance education and workforce development in areas related to artificial intelligence pursuant to section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862(i)). Activities of such centers may include—

Evaluations.

(i) the development, dissemination, and evaluation of curriculum and other educational tools and methods in artificial intelligence related fields and research areas, including technology ethics;

(ii) the development and evaluation of artificial intelligence related certifications for 2-year programs; and

(iii) interdisciplinary science and engineering research in employment-based adult learning and career retraining related to artificial intelligence fields.

(f) NATIONAL SCIENCE FOUNDATION PILOT PROGRAM OF GRANTS FOR RESEARCH IN RAPIDLY EVOLVING, HIGH PRIORITY TOPICS.—

Assessment.

(1) PILOT PROGRAM REQUIRED.—The Director of the National Science Foundation shall establish a pilot program to assess the feasibility and advisability of awarding grants for the conduct of research in rapidly evolving, high priority topics using funding mechanisms that require brief project descriptions and internal merit review, and that may include accelerated external review.

(2) DURATION.—

(A) IN GENERAL.—The Director shall carry out the pilot program required by paragraph (1) during the 5-year period beginning on the date of the enactment of this Act.

(B) ASSESSMENT AND CONTINUATION AUTHORITY.—After the period set forth in paragraph (2)(A)—

(i) the Director shall assess the pilot program; and

Determination.

(ii) if the Director determines that it is both feasible and advisable to do so, the Director may continue the pilot program.

(3) GRANTS.—In carrying out the pilot program, the Director shall award grants for the conduct of research in topics selected by the Director in accordance with paragraph (4).

(4) TOPIC SELECTION.—The Director shall select topics for research under the pilot program in accordance with the following:

(A) The Director shall select artificial intelligence as the initial topic for the pilot program.

Determination.

(B) The Director may select additional topics that the Director determines are—

(i) rapidly evolving; and

(ii) of high importance to the economy and security of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section—

(1) $868,000,000 for fiscal year 2021;
(2) $911,400,000 for fiscal year 2022;
(3) $956,970,000 for fiscal year 2023;
(4) $1,004,820,000 for fiscal year 2024; and
(5) $1,055,060,000 for fiscal year 2025.

TITLE LV—DEPARTMENT OF ENERGY ARTIFICIAL INTELLIGENCE RESEARCH PROGRAM

Sec. 5501. Department of energy artificial intelligence research program.

SEC. 5501. DEPARTMENT OF ENERGY ARTIFICIAL INTELLIGENCE RESEARCH PROGRAM.

15 USC 9461.

(a) IN GENERAL.—The Secretary shall carry out a cross-cutting research and development program to advance artificial intelligence tools, systems, capabilities, and workforce needs and to improve the reliability of artificial intelligence methods and solutions relevant to the mission of the Department. In carrying out this program, the Secretary shall coordinate across all relevant offices and programs at the Department, including the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Nuclear Energy, the Office of Fossil Energy, the Office of Electricity, the Office of Cybersecurity, Energy Security, and Emergency Response, the Advanced Research Projects Agency-Energy, and any other relevant office determined by the Secretary.

Coordination.
Determination.

(b) RESEARCH AREAS.—In carrying out the program under subsection (a), the Secretary shall award financial assistance to eligible entities to carry out research projects on topics including—

(1) the application of artificial intelligence systems to improve large-scale simulations of natural and other phenomena;

(2) the study of applied mathematics, computer science, and statistics, including foundations of methods and systems of artificial intelligence, causal and statistical inference, and the development of algorithms for artificial intelligence systems;

(3) the analysis of existing large-scale datasets from science and engineering experiments and simulations, including energy simulations and other priorities at the Department as determined by the Secretary using artificial intelligence tools and techniques;

Analysis.
Data.
Determination.

(4) the development of operation and control systems that enhance automated, intelligent decisionmaking capabilities;

(5) the development of advanced computing hardware and computer architecture tailored to artificial intelligence systems, including the codesign of networks and computational hardware;

(6) the development of standardized datasets for emerging artificial intelligence research fields and applications, including methods for addressing data scarcity; and

Data.

(7) the development of trustworthy artificial intelligence systems, including—

(A) algorithmic explainability;

(B) analytical methods for identifying and mitigating bias in artificial intelligence systems; and

(C) safety and robustness, including assurance, verification, validation, security, and control.

(c) TECHNOLOGY TRANSFER.—In carrying out the program under subsection (a), the Secretary shall support technology transfer of artificial intelligence systems for the benefit of society and United States economic competitiveness.

(d) FACILITY USE AND UPGRADES.—In carrying out the program under subsection (a), the Secretary shall—

(1) make available high-performance computing infrastructure at national laboratories;

(2) make any upgrades necessary to enhance the use of existing computing facilities for artificial intelligence systems, including upgrades to hardware;

(3) establish new computing capabilities necessary to manage data and conduct high performance computing that enables the use of artificial intelligence systems; and

(4) maintain and improve, as needed, networking infrastructure, data input and output mechanisms, and data analysis, storage, and service capabilities.

(e) REPORT ON ETHICS STATEMENTS.—Not later than 6 months after publication of the study described in section 5401(d)(1)(C), the Secretary shall report to Congress on options for requiring an ethics or risk statement as part of all or a subset of applications for research activities funded by the Department of Energy and performed at Department of Energy national laboratories and user facilities.

Review. (f) RISK MANAGEMENT.—The Secretary shall review agency policies for risk management in artificial intelligence related projects and issue as necessary policies and principles that are consistent with the framework developed under section 22A(c) of the National Institute of Standards and Technology Act (as added by section 5301 of this division).

Review. (g) DATA PRIVACY AND SHARING.—The Secretary shall review agency policies for data sharing with other public and private sector organizations and issue as necessary policies and principles that are consistent with the standards and guidelines submitted under section 22A(e) of the National Institute of Standards and Technology Act (as added by section 5301 of this division). In addition, the Secretary shall establish a streamlined mechanism for approving research projects or partnerships that require sharing sensitive public or private data with the Department.

(h) PARTNERSHIPS WITH OTHER FEDERAL AGENCIES.—The Secretary may request, accept, and provide funds from other Federal departments and agencies, State, United States territory, local, or Tribal government agencies, private sector for-profit entities, and nonprofit entities, to be available to the extent provided by appropriations Acts, to support a research project or partnership carried out under this section. The Secretary may not give any special consideration to any agency or entity in return for a donation.

(i) STAKEHOLDER ENGAGEMENT.—In carrying out the activities authorized in this section, the Secretary shall—

(1) collaborate with a range of stakeholders including small businesses, institutes of higher education, industry, and the National Laboratories;

(2) leverage the collective body of knowledge from existing artificial intelligence and machine learning research; and

(3) engage with other Federal agencies, research communities, and potential users of information produced under this section.

(j) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) NATIONAL LABORATORY.—The term "national laboratory" has the meaning given such term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) ELIGIBLE ENTITIES.—The term "eligible entities" means—

(A) an institution of higher education;

(B) a National Laboratory;

(C) a Federal research agency;

(D) a State research agency;

(E) a nonprofit research organization;

(F) a private sector entity; or

(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department to carry out this section—

(1) $200,000,000 for fiscal year 2021;

(2) $214,000,000 for fiscal year 2022;

(3) $228,980,000 for fiscal year 2023;

(4) $245,000,000 for fiscal year 2024; and

(5) $262,160,000 for fiscal year 2025.

DIVISION F—ANTI-MONEY LAUNDERING

Anti-Money Laundering Act of 2020.

31 USC 5301 note.

SEC. 6001. SHORT TITLE.

This division may be cited as the "Anti-Money Laundering Act of 2020".

31 USC 5311 note.

SEC. 6002. PURPOSES.

The purposes of this division are—

(1) to improve coordination and information sharing among the agencies tasked with administering anti-money laundering and countering the financing of terrorism requirements, the agencies that examine financial institutions for compliance with those requirements, Federal law enforcement agencies, national security agencies, the intelligence community, and financial institutions;

(2) to modernize anti-money laundering and countering the financing of terrorism laws to adapt the government and private sector response to new and emerging threats;

(3) to encourage technological innovation and the adoption of new technology by financial institutions to more effectively counter money laundering and the financing of terrorism;

(4) to reinforce that the anti-money laundering and countering the financing of terrorism policies, procedures, and controls of financial institutions shall be risk-based;

(5) to establish uniform beneficial ownership information reporting requirements to—

(A) improve transparency for national security, intelligence, and law enforcement agencies and financial institutions concerning corporate structures and insight into the flow of illicit funds through those structures;

(B) discourage the use of shell corporations as a tool to disguise and move illicit funds;

(C) assist national security, intelligence, and law enforcement agencies with the pursuit of crimes; and

(D) protect the national security of the United States; and

(6) to establish a secure, nonpublic database at FinCEN for beneficial ownership information.

31 USC 5311 note.

SEC. 6003. DEFINITIONS.

In this division:

(1) BANK SECRECY ACT.—The term "Bank Secrecy Act" means—

(A) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b);

(B) chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.); and

(C) subchapter II of chapter 53 of title 31, United States Code.

(2) ELECTRONIC FUND TRANSFER.—The term "electronic fund transfer" has the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a).

(3) FEDERAL FUNCTIONAL REGULATOR.—The term "Federal functional regulator"—

(A) has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

(B) includes any Federal regulator that examines a financial institution for compliance with the Bank Secrecy Act.

(4) FINANCIAL AGENCY.—The term "financial agency" has the meaning given the term in section 5312(a) of title 31, United States Code, as amended by section 6102 of this division.

(5) FINANCIAL INSTITUTION.—The term "financial institution"—

(A) has the meaning given the term in section 5312 of title 31, United States Code; and

(B) includes—

(i) an electronic fund transfer network; and

(ii) a clearing and settlement system.

(6) FINCEN.—The term "FinCEN" means the Financial Crimes Enforcement Network of the Department of the Treasury.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(8) STATE BANK SUPERVISOR.—The term "State bank supervisor" has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(9) STATE CREDIT UNION SUPERVISOR.—The term "State credit union supervisor" means a State official described in section 107A(e) of the Federal Credit Union Act (12 U.S.C. 1757a(e)).

TITLE LXI—STRENGTHENING TREASURY FINANCIAL INTELLIGENCE, ANTI-MONEY LAUNDERING, AND COUNTERING THE FINANCING OF TERRORISM PROGRAMS

Sec. 6101. Establishment of national exam and supervision priorities.
Sec. 6102. Strengthening FinCEN.
Sec. 6103. FinCEN Exchange.
Sec. 6104. Interagency anti-money laundering and countering the financing of terrorism personnel rotation program.
Sec. 6105. Terrorism and financial intelligence special hiring authority.
Sec. 6106. Treasury Attaché program.
Sec. 6107. Establishment of FinCEN Domestic Liaisons.
Sec. 6108. Foreign Financial Intelligence Unit Liaisons.
Sec. 6109. Protection of information exchanged with foreign law enforcement and financial intelligence units.
Sec. 6110. Bank Secrecy Act application to dealers in antiquities and assessment of Bank Secrecy Act application to dealers in arts.
Sec. 6111. Increasing technical assistance for international cooperation.
Sec. 6112. International coordination.

SEC. 6101. ESTABLISHMENT OF NATIONAL EXAM AND SUPERVISION PRIORITIES.

(a) DECLARATION OF PURPOSE.—Subchapter II of chapter 53 of title 31, United States Code, is amended by striking section 5311 and inserting the following:

"§ 5311. Declaration of purpose 31 USC 5311.

"It is the purpose of this subchapter (except section 5315) to—

"(1) require certain reports or records that are highly useful in—

"(A) criminal, tax, or regulatory investigations, risk assessments, or proceedings; or

"(B) intelligence or counterintelligence activities, including analysis, to protect against terrorism;

"(2) prevent the laundering of money and the financing of terrorism through the establishment by financial institutions of reasonably designed risk-based programs to combat money laundering and the financing of terrorism;

"(3) facilitate the tracking of money that has been sourced through criminal activity or is intended to promote criminal or terrorist activity;

"(4) assess the money laundering, terrorism finance, tax evasion, and fraud risks to financial institutions, products, or services to—

"(A) protect the financial system of the United States from criminal abuse; and

"(B) safeguard the national security of the United States; and

"(5) establish appropriate frameworks for information sharing among financial institutions, their agents and service providers, their regulatory authorities, associations of financial institutions, the Department of the Treasury, and law enforcement authorities to identify, stop, and apprehend money launderers and those who finance terrorists.".

(b) ANTI-MONEY LAUNDERING PROGRAMS.—Section 5318 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking "subsection (b)(2)" and inserting "subsections (b)(2) and (h)(4)"; and

(2) in subsection (h)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by inserting "and the financing of terrorism" after "money laundering"; and

(ii) by inserting "and countering the financing of terrorism" after "anti-money laundering";

(B) in paragraph (2)—

(i) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

Compliance.

"(B) FACTORS.—In prescribing the minimum standards under subparagraph (A), and in supervising and examining compliance with those standards, the Secretary of the Treasury, and the appropriate Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act (12 U.S.C. 6809)) shall take into account the following:

"(i) Financial institutions are spending private compliance funds for a public and private benefit, including protecting the United States financial system from illicit finance risks.

"(ii) The extension of financial services to the underbanked and the facilitation of financial transactions, including remittances, coming from the United States and abroad in ways that simultaneously prevent criminal persons from abusing formal or informal financial services networks are key policy goals of the United States.

"(iii) Effective anti-money laundering and countering the financing of terrorism programs safeguard national security and generate significant public benefits by preventing the flow of illicit funds in the financial system and by assisting law enforcement and national security agencies with the identification and prosecution of persons attempting to launder money and undertake other illicit activity through the financial system.

"(iv) Anti-money laundering and countering the financing of terrorism programs described in paragraph (1) should be—

"(I) reasonably designed to assure and monitor compliance with the requirements of this subchapter and regulations promulgated under this subchapter; and

"(II) risk-based, including ensuring that more attention and resources of financial institutions should be directed toward higher-risk customers and activities, consistent with the risk profile of a financial institution, rather than toward lower-risk customers and activities."; and

(C) by adding at the end the following:

"(4) PRIORITIES.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of the Treasury, in consultation with the Attorney General, Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), relevant State financial regulators, and relevant national security agencies, shall establish and make public priorities for anti-money laundering and countering the financing of terrorism policy. Deadline. Consultation. Public information.

"(B) UPDATES.—Not less frequently than once every 4 years, the Secretary of the Treasury, in consultation with the Attorney General, Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), relevant State financial regulators, and relevant national security agencies, shall update the priorities established under subparagraph (A). Time period. Consultation.

"(C) RELATION TO NATIONAL STRATEGY.—The Secretary of the Treasury shall ensure that the priorities established under subparagraph (A) are consistent with the national strategy for countering the financing of terrorism and related forms of illicit finance developed under section 261 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 131 Stat. 934).

"(D) RULEMAKING.—Not later than 180 days after the date on which the Secretary of the Treasury establishes the priorities under subparagraph (A), the Secretary of the Treasury, acting through the Director of the Financial Crimes Enforcement Network and in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)) and relevant State financial regulators, shall, as appropriate, promulgate regulations to carry out this paragraph. Deadline. Consultation.

"(E) SUPERVISION AND EXAMINATION.—The review by a financial institution of the priorities established under subparagraph (A) and the incorporation of those priorities, as appropriate, into the risk-based programs established by the financial institution to meet obligations under this subchapter, the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272), and other anti-money laundering and countering the financing of terrorism laws and regulations shall be included as a measure on which a financial institution is supervised and examined for compliance with those obligations.

"(5) DUTY.—The duty to establish, maintain and enforce an anti-money laundering and countering the financing of terrorism program as required by this subsection shall remain the responsibility of, and be performed by, persons in the United States who are accessible to, and subject to oversight and supervision by, the Secretary of the Treasury and the appropriate Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).".

(c) FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(b)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraph (J) as subparagraph (O); and

(2) by inserting after subparagraph (I) the following:

Regulations.

"(J) Promulgate regulations under section 5318(h)(4)(D), as appropriate, to implement the government-wide anti-money laundering and countering the financing of terrorism priorities established by the Secretary of the Treasury under section 5318(h)(4)(A).

"(K) Communicate regularly with financial institutions and Federal functional regulators that examine financial institutions for compliance with subchapter II of chapter 53 and regulations promulgated under that subchapter and law enforcement authorities to explain the United States Government's anti-money laundering and countering the financing of terrorism priorities.

"(L) Give and receive feedback to and from financial institutions, State bank supervisors, and State credit union supervisors (as those terms are defined in section 6003 of the Anti-Money Laundering Act of 2020) regarding the matters addressed in subchapter II of chapter 53 and regulations promulgated under that subchapter.

"(M) Maintain money laundering and terrorist financing investigation financial experts capable of identifying, tracking, and analyzing financial crime networks and identifying emerging threats to support Federal civil and criminal investigations.

"(N) Maintain emerging technology experts to encourage the development of and identify emerging technologies that can assist the United States Government or financial institutions in countering money laundering and the financing of terrorism.".

SEC. 6102. STRENGTHENING FINCEN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the mission of FinCEN should be to continue to safeguard the financial system from illicit activity, counter money laundering and the financing of terrorism, and promote national security through strategic use of financial authorities and the collection, analysis, and dissemination of financial intelligence;

(2) in its mission to safeguard the financial system from the abuses of financial crime, the United States should prioritize working with partners in Federal, State, local, Tribal, and foreign law enforcement authorities;

(3) although the use and trading of virtual currencies are legal practices, some terrorists and criminals, including transnational criminal organizations, seek to exploit vulnerabilities in the global financial system and increasingly rely on substitutes for currency, including emerging payment methods (such as virtual currencies), to move illicit funds; and

(4) in carrying out its mission, FinCEN should ensure that its efforts fully support countering the financing of terrorism efforts, including making sure that steps to address emerging methods of such illicit financing are high priorities.

(b) EXPANDING INFORMATION SHARING WITH TRIBAL AUTHORITIES.—Section 310(b)(2) of title 31, United States Code, is amended—

(1) in subparagraphs (C), (E), and (F), by inserting "Tribal," after "local," each place that term appears; and

(2) in subparagraph (C)(vi), by striking "international".

(c) EXPANSION OF REPORTING AUTHORITIES TO COMBAT MONEY LAUNDERING.—Section 5318(a)(2) of title 31, United States Code, is amended—

(1) by inserting ", including the collection and reporting of certain information as the Secretary of the Treasury may prescribe by regulation," after "appropriate procedures"; and

(2) by inserting ", the financing of terrorism, or other forms of illicit finance" after "money laundering".

(d) VALUE THAT SUBSTITUTES FOR CURRENCY.—

(1) DEFINITIONS.—Section 5312(a) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking ", or a transaction in money, credit, securities, or gold" and inserting ", a transaction in money, credit, securities or gold, or a service provided with respect to money, securities, futures, precious metals, stones and jewels, or value that substitutes for currency";

(B) in paragraph (2)—

(i) in subparagraph (J), by inserting ", or a business engaged in the exchange of currency, funds, or value that substitutes for currency or funds" before the semicolon at the end; and

(ii) in subparagraph (R), by striking "funds," and inserting "currency, funds, or value that substitutes for currency,"; and

(C) in paragraph (3)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) as the Secretary shall provide by regulation, value that substitutes for any monetary instrument described in subparagraph (A), (B), or (C).".

(2) REGISTRATION OF MONEY TRANSMITTING BUSINESSES.—Section 5330(d) of title 31, United States Code, is amended—

(A) in paragraph (1)(A)—

(i) by striking "funds," and inserting "currency, funds, or value that substitutes for currency,"; and

(ii) by striking "system;;" and inserting "system;"; and

(B) in paragraph (2)—

(i) by striking "currency or funds denominated in the currency of any country" and inserting "currency, funds, or value that substitutes for currency";

(ii) by striking "currency or funds, or the value of the currency or funds," and inserting "currency, funds, or value that substitutes for currency"; and

(iii) by inserting ", including" after "means".

SEC. 6103. FINCEN EXCHANGE.

Section 310 of title 31, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (l); and

(2) by inserting after subsection (c) the following:

"(d) FINCEN EXCHANGE.—

"(1) ESTABLISHMENT.—The FinCEN Exchange is hereby established within FinCEN.

"(2) PURPOSE.—The FinCEN Exchange shall facilitate a voluntary public-private information sharing partnership among law enforcement agencies, national security agencies, financial institutions, and FinCEN to—

"(A) effectively and efficiently combat money laundering, terrorism financing, organized crime, and other financial crimes, including by promoting innovation and technical advances in reporting—

"(i) under subchapter II of chapter 53 and the regulations promulgated under that subchapter; and

"(ii) with respect to other anti-money laundering requirements;

"(B) protect the financial system from illicit use; and

"(C) promote national security.

"(3) REPORT.—

Time periods.

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and once every 2 years thereafter for the next 5 years, the Secretary of the Treasury shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

Analyses.

"(i) an analysis of the efforts undertaken by the FinCEN Exchange, which shall include an analysis of—

"(I) the results of those efforts; and

"(II) the extent and effectiveness of those efforts, including any benefits realized by law enforcement agencies from partnering with financial institutions, which shall be consistent with standards protecting sensitive information; and

Recommendations.

"(ii) any legislative, administrative, or other recommendations the Secretary may have to strengthen the efforts of the FinCEN Exchange.

"(B) CLASSIFIED ANNEX.—Each report under subparagraph (A) may include a classified annex.

"(4) INFORMATION SHARING REQUIREMENT.—Information shared under this subsection shall be shared—

Compliance.

"(A) in compliance with all other applicable Federal laws and regulations;

"(B) in such a manner as to ensure the appropriate confidentiality of personal information; and

"(C) at the discretion of the Director, with the appropriate Federal functional regulator, as defined in section 6003 of the Anti-Money Laundering Act of 2020.

"(5) PROTECTION OF SHARED INFORMATION.—

Procedures.

"(A) REGULATIONS.—FinCEN shall, as appropriate, promulgate regulations that establish procedures for the protection of information shared and exchanged between FinCEN and the private sector in accordance with this section, consistent with the capacity, size, and nature of the financial institution to which the particular procedures apply.

"(B) USE OF INFORMATION.—Information received by a financial institution pursuant to this section shall not be used for any purpose other than identifying and reporting on activities that may involve the financing of

terrorism, money laundering, proliferation financing, or other financial crimes.

"(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to create new information sharing authorities or requirements relating to the Bank Secrecy Act.".

SEC. 6104. INTERAGENCY ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM PERSONNEL ROTATION PROGRAM.

31 USC 5311 note.

To promote greater effectiveness and efficiency in combating money laundering, the financing of terrorism, proliferation financing, serious tax fraud, trafficking, sanctions evasion and other financial crimes, the Secretary shall maintain and accelerate efforts to strengthen anti-money laundering and countering the financing of terrorism efforts through a personnel rotation program between the Federal functional regulators and the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, the Department of Defense, and such other agencies as the Secretary determines are appropriate.

SEC. 6105. TERRORISM AND FINANCIAL INTELLIGENCE SPECIAL HIRING AUTHORITY.

(a) FINCEN.—Section 310 of title 31, United States Code, as amended by section 6103 of this division, is amended by inserting after subsection (d) the following:

"(e) SPECIAL HIRING AUTHORITY.—

"(1) IN GENERAL.—The Secretary of the Treasury may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, candidates directly to positions in the competitive service, as defined in section 2102 of that title, in FinCEN.

Appointments.

"(2) PRIMARY RESPONSIBILITIES.—The primary responsibility of candidates appointed under paragraph (1) shall be to provide substantive support in support of the duties described in subparagraphs (A) through (O) of subsection (b)(2).".

(b) OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—Section 312 of title 31, United States Code, is amended by adding at the end the following:

"(g) SPECIAL HIRING AUTHORITY.—

"(1) IN GENERAL.—The Secretary of the Treasury may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, candidates directly to positions in the competitive service, as defined in section 2102 of that title, in the OTFI.

Appointments.

"(2) PRIMARY RESPONSIBILITIES.—The primary responsibility of candidates appointed under paragraph (1) shall be to provide substantive support in support of the duties described in subparagraphs (A) through (G) of subsection (a)(4).

"(h) DEPLOYMENT OF STAFF.—The Secretary of the Treasury may detail, without regard to the provisions of section 300.301 of title 5, Code of Federal Regulations, any employee in the OTFI to any position in the OTFI for which the Secretary has determined there is a need.".

Detailees.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for 5 years, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes the number

Time periods.

of new employees hired during the previous year under the authorities described in sections 310 and 312 of title 31, United States Code, along with position titles and associated pay grades for such hires.

SEC. 6106. TREASURY ATTACHÉ PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 31, United States Code, is amended by adding at the end the following:

31 USC 316.

"§ 316. Treasury Attaché Program

Appointments.

"(a) IN GENERAL.—There is established the Treasury Financial Attaché Program, under which the Secretary of the Treasury shall appoint employees of the Department of the Treasury as a Treasury Financial Attaché, who shall—

"(1) further the work of the Department of the Treasury in developing and executing the financial and economic policy of the United States Government and the international fight against terrorism, money laundering, and other illicit finance;

"(2) be co-located in a United States Embassy, a similar United States Government facility, or a foreign government facility, as the Secretary determines is appropriate;

"(3) establish and maintain relationships with foreign counterparts, including employees of ministries of finance, central banks, international financial institutions, and other relevant official entities;

"(4) conduct outreach to local and foreign financial institutions and other commercial actors;

Coordination.

"(5) coordinate with representatives of the Department of Justice at United States Embassies who perform similar functions on behalf of the United States Government; and

"(6) perform such other actions as the Secretary determines are appropriate.

"(b) NUMBER OF ATTACHÉS.—

"(1) IN GENERAL.—The number of Treasury Financial Attachés appointed under this section at any one time shall be not fewer than 6 more employees than the number of employees of the Department of the Treasury serving as Treasury attachés on the date of enactment of this section.

"(2) ADDITIONAL POSTS.—The Secretary of the Treasury may establish additional posts subject to the availability of appropriations.

"(c) COMPENSATION.—

"(1) IN GENERAL.—Each Treasury Financial Attaché appointed under this section and located at a United States Embassy shall receive compensation, including allowances, at the higher of—

"(A) the rate of compensation, including allowances, provided to a Foreign Service officer serving at the same embassy; and

"(B) the rate of compensation, including allowances, the Treasury Financial Attaché would otherwise have received, absent the application of this subsection.

Time period.

"(2) PHASE IN.—The compensation described in paragraph (1) shall be phased in over 2 years.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 31, United States Code, is amended by inserting after the item relating to section 315 the following: 31 USC prec. 301.

"316. Treasury Attaché Program.".

SEC. 6107. ESTABLISHMENT OF FINCEN DOMESTIC LIAISONS.

Section 310 of title 31, United States Code, as amended by sections 6103 and 6105 of this division, is amended by inserting after subsection (e) the following:

"(f) FINCEN DOMESTIC LIAISONS.—

"(1) ESTABLISHMENT OF OFFICE.—There is established in FinCEN an Office of Domestic Liaison, which shall be headed by the Chief Domestic Liaison.

"(2) LOCATION.—The Office of the Domestic Liaison shall be located in the District of Columbia. District of Columbia.

"(g) CHIEF DOMESTIC LIAISON.—

"(1) IN GENERAL.—The Chief Domestic Liaison, shall—

"(A) report directly to the Director; and

"(B) be appointed by the Director, from among individuals with experience or familiarity with anti-money laundering program examinations, supervision, and enforcement. Appointment.

"(2) COMPENSATION.—The annual rate of pay for the Chief Domestic Liaison shall be equal to the highest rate of annual pay for similarly situated senior executives who report to the Director.

"(3) STAFF OF OFFICE.—The Chief Domestic Liaison, with the concurrence of the Director, may retain or employ counsel, research staff, and service staff, as the Liaison determines necessary to carry out the functions, powers, and duties under this subsection.

"(4) DOMESTIC LIAISONS.—The Chief Domestic Liaison, with the concurrence of the Director, shall appoint not fewer than 6 senior FinCEN employees as FinCEN Domestic Liaisons, who shall— Appointments.

"(A) report to the Chief Domestic Liaison;

"(B) each be assigned to focus on a specific region of the United States; and

"(C) be located at an office in such region or co-located at an office of the Board of Governors of the Federal Reserve System in such region.

"(5) FUNCTIONS OF THE DOMESTIC LIAISONS.—

"(A) IN GENERAL.—Each Domestic Liaison shall—

"(i) in coordination with relevant Federal functional regulators, perform outreach to BSA officers at financial institutions, including nonbank financial institutions, and persons that are not financial institutions, especially with respect to actions taken by FinCEN that require specific actions by, or have specific effects on, such institutions or persons, as determined by the Director;

"(ii) in accordance with applicable agreements, receive feedback from financial institutions and examiners of Federal functional regulators regarding their examinations under the Bank Secrecy Act and communicate that feedback to FinCEN, the Federal functional regulators, and State bank supervisors;

"(iii) promote coordination and consistency of supervisory guidance from FinCEN, the Federal functional regulators, State bank supervisors, and State credit union supervisors regarding the Bank Secrecy Act;

"(iv) act as a liaison between financial institutions and their Federal functional regulators, State bank supervisors, and State credit union supervisors with respect to information sharing matters involving the Bank Secrecy Act and regulations promulgated thereunder;

"(v) establish safeguards to maintain the confidentiality of communications between the persons described in clause (ii) and the Office of Domestic Liaison;

"(vi) to the extent practicable, periodically propose to the Director changes in the regulations, guidance, or orders of FinCEN, including any legislative or administrative changes that may be appropriate to ensure improved coordination and expand information sharing under this paragraph; and

"(vii) perform such other duties as the Director determines to be appropriate.

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to permit the Domestic Liaisons to have authority over supervision, examination, or enforcement processes.

"(6) ACCESS TO DOCUMENTS.—FinCEN, to the extent practicable and consistent with appropriate safeguards for sensitive enforcement-related, pre-decisional, or deliberative information, shall ensure that the Domestic Liaisons have full access to the documents of FinCEN, as necessary to carry out the functions of the Office of Domestic Liaison.

"(7) ANNUAL REPORTS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 2 years thereafter for 5 years, the Director shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the objectives of the Office of Domestic Liaison for the following fiscal year and the activities of the Office during the immediately preceding fiscal year.

"(B) CONTENTS.—Each report required under subparagraph (A) shall include—

Analysis.

"(i) appropriate statistical information and full and substantive analysis;

"(ii) information on steps that the Office of Domestic Liaison has taken during the reporting period to address feedback received by financial institutions and examiners of Federal functional regulators relating to examinations under the Bank Secrecy Act;

Recommendations.
Coordination.

"(iii) recommendations to the Director for such administrative and legislative actions as may be appropriate to address information sharing and coordination issues encountered by financial institutions or examiners of Federal functional regulators; and

"(iv) any other information, as determined appropriate by the Director.

"(C) SENSITIVE INFORMATION.—Notwithstanding subparagraph (D), FinCEN shall review each report required under subparagraph (A) before the report is submitted to ensure the report does not disclose sensitive information. Reviews.

"(D) INDEPENDENCE.—

"(i) IN GENERAL.—Each report required under subparagraph (A) shall be provided directly to the committees listed in that subparagraph, except that a relevant Federal functional regulator, State bank supervisor, Office of Management and Budget, or State credit union supervisor shall have an opportunity for review and comment before the submission of the report. Reviews.

"(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) may be construed to preclude FinCEN or any other department or agency from reviewing a report required under subparagraph (A) for the sole purpose of protecting—

"(I) sensitive information obtained by a law enforcement agency; and

"(II) classified information.

"(E) CLASSIFIED INFORMATION.—No report required under subparagraph (A) may contain classified information.

"(8) DEFINITION.—In this subsection, the term 'Federal functional regulator' has the meaning given the term in section 6003 of the Anti-Money Laundering Act of 2020.".

SEC. 6108. FOREIGN FINANCIAL INTELLIGENCE UNIT LIAISONS.

Section 310 of title 31, United States Code, as amended by sections 6103, 6105, and 6107 of this division, is amended by inserting after subsection (g) the following:

"(h) FINCEN FOREIGN FINANCIAL INTELLIGENCE UNIT LIAISONS.—

"(1) IN GENERAL.—The Director of FinCEN shall appoint not fewer than 6 Foreign Financial Intelligence Unit Liaisons, who shall— Appointments.

"(A) be knowledgeable about domestic or international anti-money laundering or countering the financing of terrorism laws and regulations;

"(B) possess a technical understanding of the Bank Secrecy Act, the protocols of the Egmont Group of Financial Intelligence Units, and the Financial Action Task Force and the recommendations issued by that Task Force;

"(C) be co-located in a United States embassy, a similar United States Government facility, or a foreign government facility, as appropriate;

"(D) facilitate capacity building and perform outreach with respect to anti-money laundering and countering the financing of terrorism regulatory and analytical frameworks;

"(E) establish and maintain relationships with officials from foreign intelligence units, regulatory authorities, ministries of finance, central banks, law enforcement agencies, and other competent authorities;

"(F) participate in industry outreach engagements with foreign financial institutions and other commercial actors on anti-money laundering and countering the financing of terrorism issues;

Coordination.

"(G) coordinate with representatives of the Department of Justice at United States Embassies who perform similar functions on behalf of the United States Government; and

"(H) perform such other duties as the Director determines to be appropriate.

"(2) COMPENSATION.—Each Foreign Financial Intelligence Unit Liaison appointed under paragraph (1) shall receive compensation at the higher of—

"(A) the rate of compensation paid to a Foreign Service officer at a comparable career level serving at the same embassy or facility, as applicable; or

"(B) the rate of compensation that the Liaison would have otherwise received.".

SEC. 6109. PROTECTION OF INFORMATION EXCHANGED WITH FOREIGN LAW ENFORCEMENT AND FINANCIAL INTELLIGENCE UNITS.

(a) IN GENERAL.—Section 310 of title 31, United States Code, as amended by sections 6103, 6105, 6107, and 6108 of this division, is amended by inserting after subsection (h) the following:

"(i) PROTECTION OF INFORMATION OBTAINED BY FOREIGN LAW ENFORCEMENT AND FINANCIAL INTELLIGENCE UNITS; FREEDOM OF INFORMATION ACT.—

"(1) DEFINITIONS.—In this subsection:

"(A) FOREIGN ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM AUTHORITY.—The term 'foreign anti-money laundering and countering the financing of terrorism authority' means any foreign agency or authority that is empowered under foreign law to regulate or supervise foreign financial institutions (or designated non-financial businesses and professions) with respect to laws concerning anti-money laundering and countering the financing of terrorism and proliferation.

"(B) FOREIGN FINANCIAL INTELLIGENCE UNIT.—The term 'foreign financial intelligence unit' means any foreign agency or authority, including a foreign financial intelligence unit that is a member of the Egmont Group of Financial Intelligence Units, that is empowered under foreign law as a jurisdiction's national center for—

"(i) receipt and analysis of suspicious transaction reports and other information relevant to money laundering, associated predicate offenses, and the financing of terrorism; and

"(ii) the dissemination of the results of the analysis described in clause (i).

"(C) FOREIGN LAW ENFORCEMENT AUTHORITY.—The term 'foreign law enforcement authority' means any foreign agency or authority that is empowered under foreign law to detect, investigate, or prosecute potential violations of law.

"(2) INFORMATION EXCHANGED WITH FOREIGN LAW ENFORCEMENT AUTHORITIES, FOREIGN FINANCIAL INTELLIGENCE UNITS,

AND FOREIGN ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM AUTHORITIES.—

"(A) IN GENERAL.—The Department of the Treasury may not be compelled to search for or disclose information exchanged with a foreign law enforcement authority, foreign financial intelligence unit, or foreign anti-money laundering and countering the financing of terrorism authority.

"(B) INAPPLICABILITY OF FREEDOM OF INFORMATION ACT.—

"(i) IN GENERAL.—Section 552(a)(3) of title 5 (commonly known as the 'Freedom of Information Act') shall not apply to any request for records or information exchanged between the Department of the Treasury and a foreign law enforcement authority, foreign financial intelligence unit, or foreign anti-money laundering and countering the financing of terrorism authority.

"(ii) SPECIFICALLY EXEMPTED BY STATUTE.—For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of that section.

"(C) CLARIFICATION ON INFORMATION LIMITATIONS AND PROTECTIONS.—

"(i) IN GENERAL.—The provisions of this paragraph shall apply only to information necessary to exercise the duties and powers described under subsection (b). Applicability.

"(ii) APPROPRIATE CONFIDENTIALITY, CLASSIFICATION, AND DATA SECURITY REQUIREMENTS.—The Secretary, in consultation with the Director, shall ensure that information provided to a foreign law enforcement authority, foreign financial intelligence unit, or foreign anti-money laundering and countering the financing of terrorism authority, is subject to appropriate confidentiality, classification, and data security requirements. Consultation.

"(3) SAVINGS PROVISION.—Nothing in this section shall authorize the Department of the Treasury to withhold information from Congress, decline to carry out a search for information requested by Congress, or prevent the Department of the Treasury from complying with an order of a court of the United States in an action commenced by the United States.".

(b) AVAILABILITY OF REPORTS.—Section 5319 of title 31, United States Code, is amended, in the fourth sentence, by inserting "search and" before "disclosure".

SEC. 6110. BANK SECRECY ACT APPLICATION TO DEALERS IN ANTIQUITIES AND ASSESSMENT OF BANK SECRECY ACT APPLICATION TO DEALERS IN ARTS.

(a) BANK SECRECY ACT AMENDMENT.—

(1) IN GENERAL.—Section 5312(a)(2) of title 31, United States Code, is amended—

(A) by redesignating subparagraphs (Y) and (Z) as subparagraphs (Z) and (AA), respectively; and

(B) by inserting after subparagraph (X) the following:

"(Y) a person engaged in the trade of antiquities, including an advisor, consultant, or any other person who engages as a business in the solicitation or the sale of

antiquities, subject to regulations prescribed by the Secretary;".

31 USC 5312 note.

(2) EFFECTIVE DATE.—Section 5312(a)(2)(Y) of title 31, United States Code, as added by paragraph (1), shall take effect on the effective date of the final rules issued by the Secretary of the Treasury pursuant to subsection (b).

31 USC 5312 note.

(b) RULEMAKING.—

Deadline.

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Secretary of the Treasury shall issue proposed rules to carry out the amendments made by subsection (a).

Coordination.

(2) CONSIDERATIONS.—Before issuing a proposed rule under paragraph (1), the Secretary of the Treasury (acting through the Director of the FinCEN), in coordination with the Federal Bureau of Investigation, the Attorney General, and Homeland Security Investigations, shall consider—

Determination.

(A) the appropriate scope for the rulemaking, including determining which persons should be subject to the rulemaking, by size, type of business, domestic or international geographical locations, or otherwise;

(B) the degree to which the regulations should focus on high-value trade in antiquities, and on the need to identify the actual purchasers of such antiquities, in addition to the agents or intermediaries acting for or on behalf of such purchasers;

(C) the need, if any, to identify persons who are dealers, advisors, consultants, or any other persons who engage as a business in the trade in antiquities;

(D) whether thresholds should apply in determining which persons to regulate;

(E) whether certain exemptions should apply to the regulations; and

(F) any other matter the Secretary determines appropriate.

Coordination. Analyses.

(c) STUDY OF THE FACILITATION OF MONEY LAUNDERING AND TERROR FINANCE THROUGH THE TRADE IN WORKS OF ART.—The Secretary, in coordination with the Director of the Federal Bureau of Investigation, the Attorney General, and the Secretary of Homeland Security, shall perform a study of the facilitation of money laundering and the financing of terrorism through the trade in works of art, including an analysis of—

(1) the extent to which the facilitation of money laundering and terror finance through the trade in works of art may enter or affect the financial system of the United States, including any qualitative or quantitative data or statistics;

Evaluation.

(2) an evaluation of which markets, by size, entity type, domestic or international geographical locations, or otherwise, should be subject to any regulations;

(3) the degree to which the regulations, if any, should focus on high-value trade in works of art, and on the need to identify the actual purchasers of such works, in addition to the agents or intermediaries acting for or on behalf of such purchasers;

(4) the need, if any, to identify persons who are dealers, advisors, consultants, or any other persons who engage as a business in the trade in works of art;

(5) whether thresholds and definitions should apply in determining which entities, if any, to regulate;

(6) an evaluation of whether certain exemptions should apply; Evaluation.

(7) whether information on certain transactions in the trade in works of art has a high degree of usefulness in criminal, tax, or regulatory matters; and

(8) any other matter the Secretary determines is appropriate.

(d) REPORT.—Not later than 360 days after the date of enactment of this Act, the Secretary, in coordination with the Director of the Federal Bureau of Investigation, the Attorney General, and the Secretary of Homeland Security, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains all findings and determinations made in carrying out the study required under subsection (c). Coordination. Determinations.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended—

(A) in section 104(i)(1)(C) (22 U.S.C. 8513(i)(1)(C)), by striking "(Y)" and inserting "(Z)"; and

(B) in section 104A(d)(1) (22 U.S.C. 8513b(d)(1)), by striking "(Y)" and inserting "(Z)".

(2) Section 2(4) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921(4)) is amended by striking "(Y)" and inserting "(Z)".

SEC. 6111. INCREASING TECHNICAL ASSISTANCE FOR INTERNATIONAL COOPERATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for the purpose described in paragraph (2) $60,000,000 for each of fiscal years 2020 through 2024.

(2) PURPOSE DESCRIBED.—The purpose described in this paragraph is the provision of technical assistance to foreign countries, and financial institutions in foreign countries, that promotes compliance with international standards and best practices, including in particular international standards and best practices relating to the establishment of effective anti-money laundering programs and programs for countering the financing of terrorism.

(3) SENSE OF CONGRESS.—It is the sense of Congress that this subsection could affect a number of Federal agencies and departments and the Secretary should, as appropriate, consult with the heads of those affected agencies and departments, including the Attorney General, in providing the technical assistance required under this subsection.

(b) REPORT ON TECHNICAL ASSISTANCE PROVIDED BY OFFICE OF TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for 5 years, the Secretary shall submit to Congress a report on the assistance described in subsection (a)(2) provided by the Office of Technical Assistance of the Department of the Treasury. Time periods.

(2) ELEMENTS.—Each report required under paragraph (1) shall include—

(A) a description of the strategic goals of the Office of Technical Assistance in the year preceding submission of the report, including an explanation of how technical assistance provided by the Office in that year advanced those goals;

(B) a description of technical assistance provided by the Office in that year, including the objectives and delivery methods of the assistance;

(C) a list of beneficiaries and providers (other than Office staff) of the technical assistance during that year; and

(D) a description of how—

(i) technical assistance provided by the Office complements, duplicates, or otherwise affects or is affected by technical assistance provided by the international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))); and

(ii) efforts to coordinate the technical assistance described in clause (i).

SEC. 6112. INTERNATIONAL COORDINATION.

31 USC 5311 note.

(a) IN GENERAL.—The Secretary shall work with foreign counterparts of the Secretary, including through bilateral contacts, the Financial Action Task Force, the International Monetary Fund, the World Bank, the Egmont Group of Financial Intelligence Units, the Organisation for Economic Co-operation and Development, the Basel Committee on Banking Supervision, and the United Nations, to promote stronger anti-money laundering frameworks and enforcement of anti-money laundering laws.

(b) SUPPORT FOR STRENGTHENING THE CAPACITY OF THE INTERNATIONAL MONETARY FUND TO PREVENT MONEY LAUNDERING AND THE FINANCING OF TERRORISM.—Section 7125 of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 (title LXXI of division F of Public Law 116–92; 133 Stat. 2249) is amended—

22 USC 262p–13 note.

(1) in subsection (b), by striking "5" and inserting "6"; and

(2) in subsection (c), by striking "2023" and inserting "2024".

TITLE LXII—MODERNIZING THE ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM SYSTEM

Sec. 6201. Annual reporting requirements.
Sec. 6202. Additional considerations for suspicious activity reporting requirements.
Sec. 6203. Law enforcement feedback on suspicious activity reports.
Sec. 6204. Streamlining requirements for currency transaction reports and suspicious activity reports.
Sec. 6205. Currency transaction reports and suspicious activity reports thresholds review.
Sec. 6206. Sharing of threat pattern and trend information.
Sec. 6207. Subcommittee on Innovation and Technology.

Sec. 6208. Establishment of Bank Secrecy Act Innovation Officers.
Sec. 6209. Testing methods rulemaking.
Sec. 6210. Financial technology assessment.
Sec. 6211. Financial crimes tech symposium.
Sec. 6212. Pilot program on sharing of information related to suspicious activity reports within a financial group.
Sec. 6213. Sharing of compliance resources.
Sec. 6214. Encouraging information sharing and public-private partnerships.
Sec. 6215. Financial services de-risking.
Sec. 6216. Review of regulations and guidance.

SEC. 6201. ANNUAL REPORTING REQUIREMENTS.

31 USC 5311 note.

(a) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary, Federal law enforcement agencies, the Director of National Intelligence, Federal functional regulators, and the heads of other appropriate Federal agencies, shall submit to the Secretary a report that contains statistics, metrics, and other information on the use of data derived from financial institutions reporting under the Bank Secrecy Act (referred to in this subsection as the "reported data"), including—

Time period. Consultation. Data.

(1) the frequency with which the reported data contains actionable information that leads to—

(A) further procedures by law enforcement agencies, including the use of a subpoena, warrant, or other legal process; or

(B) actions taken by intelligence, national security, or homeland security agencies;

(2) calculations of the time between the date on which the reported data is reported and the date on which the reported data is used by law enforcement, intelligence, national security, or homeland security agencies, whether through the use of—

(A) a subpoena or warrant; or

(B) other legal process or action;

(3) an analysis of the transactions associated with the reported data, including whether—

Analysis.

(A) the suspicious accounts that are the subject of the reported data were held by legal entities or individuals; and

(B) there are trends and patterns in cross-border transactions to certain countries;

(4) the number of legal entities and individuals identified by the reported data;

(5) information on the extent to which arrests, indictments, convictions, criminal pleas, civil enforcement or forfeiture actions, or actions by national security, intelligence, or homeland security agencies were related to the use of the reported data; and

(6) data on the investigations carried out by State and Federal authorities resulting from the reported data.

(b) REPORT.—Beginning with the fifth report submitted under subsection (a), and once every 5 years thereafter, that report shall include a section describing the use of data derived from reporting by financial institutions under the Bank Secrecy Act over the 5 years preceding the date on which the report is submitted, which shall include a description of long-term trends and the use of long-term statistics, metrics, and other information.

Effective date. Time period. Data.

(c) TRENDS, PATTERNS, AND THREATS.—Each report required under subsection (a) and each section included under subsection (b) shall contain a description of retrospective trends and emerging

patterns and threats in money laundering and the financing of terrorism, including national and regional trends, patterns, and threats relevant to the classes of financial institutions that the Attorney General determines appropriate.

(d) USE OF REPORT INFORMATION.—The Secretary shall use the information reported under subsections (a), (b), and (c)—

Assessment.

(1) to help assess the usefulness of reporting under the Bank Secrecy Act to—

(A) criminal and civil law enforcement agencies;

(B) intelligence, defense, and homeland security agencies; and

(C) Federal functional regulators;

(2) to enhance feedback and communications with financial institutions and other entities subject to requirements under the Bank Secrecy Act, including by providing more detail in the reports published and distributed under section 314(d) of the USA PATRIOT Act (31 U.S.C. 5311 note);

(3) to assist FinCEN in considering revisions to the reporting requirements promulgated under section 314(d) of the USA PATRIOT Act (31 U.S.C. 5311 note); and

(4) for any other purpose the Secretary determines is appropriate.

(e) CONFIDENTIALITY.—Any information received by a financial institution under this section shall be subject to confidentiality requirements established by the Secretary.

SEC. 6202. ADDITIONAL CONSIDERATIONS FOR SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS.

Section 5318(g) of title 31, United States Code, is amended by adding at the end the following:

"(5) CONSIDERATIONS IN IMPOSING REPORTING REQUIREMENTS.—

"(A) DEFINITIONS.—In this paragraph, the terms 'Bank Secrecy Act', 'Federal functional regulator', 'State bank supervisor', and 'State credit union supervisor' have the meanings given the terms in section 6003 of the Anti-Money Laundering Act of 2020.

Consultation.

"(B) REQUIREMENTS.—In imposing any requirement to report any suspicious transaction under this subsection, the Secretary of the Treasury, in consultation with the Attorney General, appropriate representatives of State bank supervisors, State credit union supervisors, and the Federal functional regulators, shall consider items that include—

"(i) the national priorities established by the Secretary;

"(ii) the purposes described in section 5311; and

"(iii) the means by or form in which the Secretary shall receive such reporting, including the burdens imposed by such means or form of reporting on persons required to provide such reporting, the efficiency of the means or form, and the benefits derived by the means or form of reporting by Federal law enforcement agencies and the intelligence community in countering financial crime, including money laundering and the financing of terrorism.

"(C) COMPLIANCE PROGRAM.—Reports filed under this subsection shall be guided by the compliance program of a covered financial institution with respect to the Bank Secrecy Act, including the risk assessment processes of the covered institution that should include a consideration of priorities established by the Secretary of the Treasury under section 5318.

"(D) STREAMLINED DATA AND REAL-TIME REPORTING.—

"(i) REQUIREMENT TO ESTABLISH SYSTEM.—In considering the means by or form in which the Secretary of the Treasury shall receive reporting pursuant to subparagraph (B)(iii), the Secretary of the Treasury, acting through the Director of the Financial Crimes Enforcement Network, and in consultation with appropriate representatives of the State bank supervisors, State credit union supervisors, and Federal functional regulators, shall— Consultation.

"(I) establish streamlined, including automated, processes to, as appropriate, permit the filing of noncomplex categories of reports that—

"(aa) reduce burdens imposed on persons required to report; and

"(bb) do not diminish the usefulness of the reporting to Federal law enforcement agencies, national security officials, and the intelligence community in combating financial crime, including the financing of terrorism;

"(II) subject to clause (ii)—

"(aa) permit streamlined, including automated, reporting for the categories described in subclause (I); and

"(bb) establish the conditions under which the reporting described in item (aa) is permitted; and

"(III) establish additional systems and processes as necessary to allow for the reporting described in subclause (II)(aa).

"(ii) STANDARDS.—The Secretary of the Treasury—

"(I) in carrying out clause (i), shall establish standards to ensure that streamlined reports relate to suspicious transactions relevant to potential violations of law (including regulations); and

"(II) in establishing the standards under subclause (I), shall consider transactions, including structured transactions, designed to evade any regulation promulgated under this subchapter, certain fund and asset transfers with little or no apparent economic or business purpose, transactions without lawful purposes, and any other transaction that the Secretary determines to be appropriate.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to preclude the Secretary of the Treasury from—

"(I) requiring reporting as provided for in subparagraphs (B) and (C); or

"(II) notifying Federal law enforcement with respect to any transaction that the Secretary has determined implicates a national priority established by the Secretary.".

31 USC 5318 note.

SEC. 6203. LAW ENFORCEMENT FEEDBACK ON SUSPICIOUS ACTIVITY REPORTS.

(a) FEEDBACK.—

(1) IN GENERAL.—FinCEN shall, to the extent practicable, periodically solicit feedback from individuals designated under section 5318(h)(1)(B) of title 31, United States Code, by a variety of financial institutions representing a cross-section of the reporting industry to review the suspicious activity reports filed by those financial institutions and discuss trends in suspicious activity observed by FinCEN.

(2) COORDINATION WITH FEDERAL FUNCTIONAL REGULATORS AND STATE BANK SUPERVISORS AND STATE CREDIT UNION SUPERVISORS.—FinCEN shall provide any feedback solicited under paragraph (1) to the appropriate Federal functional regulator, State bank supervisor, or State credit union supervisor during the regularly scheduled examination of the applicable financial institution by the Federal functional regulator, State bank supervisor, or State credit union supervisor, as applicable.

(b) DISCLOSURE REQUIRED.—

(1) IN GENERAL.—

(A) PERIODIC DISCLOSURE.—Except as provided in paragraph (2), FinCEN shall, to the extent practicable, periodically disclose to each financial institution, in summary form, information on suspicious activity reports filed that proved useful to Federal or State criminal or civil law enforcement agencies during the period since the most recent disclosure under this paragraph to the financial institution.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require the public disclosure of any information filed with the Department of the Treasury under the Bank Secrecy Act.

(2) EXCEPTION FOR ONGOING OR CLOSED INVESTIGATIONS AND TO PROTECT NATIONAL SECURITY.—FinCEN shall not be required to disclose to a financial institution any information under paragraph (1) that relates to an ongoing or closed investigation or implicates the national security of the United States.

Records.

(3) MAINTENANCE OF STATISTICS.—With respect to the actions described in paragraph (1), FinCEN shall keep records of all such actions taken to assist with the production of the reports described in paragraph (5) of section 5318(g) of title 31, United States Code, as added by section 6202 of this division, and for other purposes.

(4) COORDINATION WITH DEPARTMENT OF JUSTICE.—The information disclosed by FinCEN under this subsection shall include information from the Department of Justice regarding—

(A) the review and use by the Department of suspicious activity reports filed by the applicable financial institution during the period since the most recent disclosure under this subsection; and

(B) any trends in suspicious activity observed by the Department.

SEC. 6204. STREAMLINING REQUIREMENTS FOR CURRENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIVITY REPORTS.

Consultation. Regulations.

(a) REVIEW.—The Secretary, in consultation with the Attorney General, Federal law enforcement agencies, the Secretary of Homeland Security, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other relevant stakeholders, shall undertake a formal review of the financial institution reporting requirements relating to currency transaction reports and suspicious activity reports, as in effect on the date of enactment of this Act, including the processes used to submit reports under the Bank Secrecy Act, regulations implementing the Bank Secrecy Act, and related guidance, and propose changes to those reports to reduce any unnecessarily burdensome regulatory requirements and ensure that the information provided fulfills the purposes described in section 5311 of title 31, United States Code, as amended by section 6101(a) of this division.

(b) CONTENTS.—The review required under subsection (a) shall—

(1) rely substantially on information obtained through the BSA Data Value Analysis Project conducted by FinCEN; and

(2) include a review of—

(A) whether the circumstances under which a financial institution determines whether to file a continuing suspicious activity report, including insider abuse, or the processes followed by a financial institution in determining whether to file a continuing suspicious activity report, or both, should be streamlined or otherwise adjusted;

(B) whether different thresholds should apply to different categories of activities;

(C) the fields designated as critical on the suspicious activity report form, the fields on the currency transaction report form, and whether the number or nature of the fields on those forms should be adjusted;

(D) the categories, types, and characteristics of suspicious activity reports and currency transaction reports that are of the greatest value to, and that best support, investigative priorities of law enforcement and national security agencies;

(E) the increased use or expansion of exemption provisions to reduce currency transaction reports that may be of little or no value to the efforts of law enforcement agencies;

(F) the most appropriate ways to promote financial inclusion and address the adverse consequences of financial institutions de-risking entire categories of relationships, including charities, embassy accounts, and money service businesses (as defined in section 1010.100(ff) of title 31, Code of Federal Regulations), and certain groups of correspondent banks without conducting a proper assessment of the specific risk of each individual member of these populations;

(G) the current financial institution reporting requirements under the Bank Secrecy Act and regulations and guidance implementing the Bank Secrecy Act;

(H) whether the process for the electronic submission of reports could be improved for both financial institutions and law enforcement agencies, including by allowing

greater integration between financial institution systems and the electronic filing system to allow for automatic population of report fields and the automatic submission of transaction data for suspicious transactions, without bypassing the obligation of each reporting financial institution to assess the specific risk of the transactions reported;

(I) the appropriate manner in which to ensure the security and confidentiality of personal information;

(J) how to improve the cross-referencing of individuals or entities operating at multiple financial institutions and across international borders;

(K) whether there are ways to improve currency transaction report aggregation for entities with common ownership;

(L) whether financial institutions should be permitted to streamline or otherwise adjust, with respect to particular types of customers or transactions, the process for determining whether activity is suspicious or the information included in the narrative of a suspicious activity report; and

(M) any other matter the Secretary determines is appropriate.

Consultation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, Federal law enforcement agencies, the Director of National Intelligence, the Secretary of Homeland Security, and the Federal functional regulators, shall—

Determinations.

(1) submit to Congress a report that contains all findings and determinations made in carrying out the review required under subsection (a); and

Regulations.

(2) propose rulemakings, as appropriate, to implement the findings and determinations described in paragraph (1).

Consultations.
31 USC 5313 note.
Determinations.

SEC. 6205. CURRENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIVITY REPORTS THRESHOLDS REVIEW.

(a) REVIEW OF THRESHOLDS FOR CERTAIN CURRENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIVITY REPORTS.—The Secretary, in consultation with the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other relevant stakeholders, shall review and determine whether the dollar thresholds, including aggregate thresholds, under sections 5313, 5318(g), and 5331 of title 31, United States Code, including regulations issued under those sections, should be adjusted.

(b) CONSIDERATIONS.—In making the determinations required under subsection (a), the Secretary, in consultation with the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other relevant stakeholders, shall—

(1) rely substantially on information obtained through the BSA Data Value Analysis Project conducted by FinCEN and on information obtained through the Currency Transaction Report analyses conducted by the Comptroller General of the United States; and

(2) consider—

(A) the effects that adjusting the thresholds would have on law enforcement, intelligence, national security, and homeland security agencies;

(B) the costs likely to be incurred or saved by financial institutions from any adjustment to the thresholds;

(C) whether adjusting the thresholds would better conform the United States with international norms and standards to counter money laundering and the financing of terrorism;

(D) whether currency transaction report thresholds should be tied to inflation or otherwise be adjusted based on other factors consistent with the purposes of the Bank Secrecy Act;

(E) any other matter that the Secretary determines is appropriate.

(c) REPORT AND RULEMAKINGS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other relevant stakeholders, shall—

(1) publish a report of the findings from the review required under subsection (a); and Publication.

(2) propose rulemakings, as appropriate, to implement the findings and determinations described in paragraph (1).

(d) UPDATES.—Not less frequently than once every 5 years during the 10-year period beginning on the date of enactment of this Act, the Secretary shall— Time periods. Effective date.

(1) evaluate findings and rulemakings described in subsection (c); and Evaluations.

(2) transmit a written summary of the evaluation to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and Summary.

(3) propose rulemakings, as appropriate, in response to the evaluation required under paragraph (1). Regulations.

SEC. 6206. SHARING OF THREAT PATTERN AND TREND INFORMATION.

Section 5318(g) of title 31, United States Code, as amended by section 6202 of this division, is amended by adding at the end the following:

"(6) SHARING OF THREAT PATTERN AND TREND INFORMATION.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the terms 'Bank Secrecy Act' and 'Federal functional regulator' have the meanings given the terms in section 6003 of the Anti-Money Laundering Act of 2020; and

"(ii) the term 'typology' means a technique to launder money or finance terrorism.

"(B) SUSPICIOUS ACTIVITY REPORT ACTIVITY REVIEW.—Not less frequently than semiannually, the Director of the Financial Crimes Enforcement Network shall publish threat pattern and trend information to provide meaningful information about the preparation, use, and value of reports filed under this subsection by financial institutions, as Time period. Publication.

well as other reports filed by financial institutions under the Bank Secrecy Act.

"(C) INCLUSION OF TYPOLOGIES.—In each publication published under subparagraph (B), the Director shall provide financial institutions and the Federal functional regulators with typologies, including data that can be adapted in algorithms if appropriate, relating to emerging money laundering and terrorist financing threat patterns and trends.

"(7) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed as precluding the Secretary of the Treasury from—

"(A) requiring reporting as provided under subparagraphs (A) and (B) of paragraph (6); or

"(B) notifying a Federal law enforcement agency with respect to any transaction that the Secretary has determined directly implicates a national priority established by the Secretary.".

SEC. 6207. SUBCOMMITTEE ON INNOVATION AND TECHNOLOGY.

Section 1564 of the Annunzio-Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended by adding at the end the following:

"(d) SUBCOMMITTEE ON INNOVATION AND TECHNOLOGY.—

"(1) DEFINITIONS.—In this subsection, the terms 'Bank Secrecy Act', 'State bank supervisor', and 'State credit union supervisor' have the meanings given the terms in section 6003 of the Anti-Money Laundering Act of 2020.

"(2) ESTABLISHMENT.—There shall be within the Bank Secrecy Act Advisory Group a subcommittee to be known as the 'Subcommittee on Innovation and Technology' to—

"(A) advise the Secretary of the Treasury regarding means by which the Department of the Treasury, FinCEN, the Federal functional regulators, State bank supervisors, and State credit union supervisors, as appropriate, can most effectively encourage and support technological innovation in the area of anti-money laundering and countering the financing of terrorism and proliferation; and

"(B) reduce, to the extent practicable, obstacles to innovation that may arise from existing regulations, guidance, and examination practices related to compliance of financial institutions with the Bank Secrecy Act.

"(3) MEMBERSHIP.—

Determination.

"(A) IN GENERAL.—The subcommittee established under paragraph (1) shall consist of the representatives of the heads of the Federal functional regulators, including, as appropriate, the Bank Secrecy Act Innovation Officers as established in section 6208 of the Anti-Money Laundering Act of 2020, a representative of State bank supervisors, a representative of State credit union supervisors, representatives of a cross-section of financial institutions subject to the Bank Secrecy Act, law enforcement, FinCEN, and any other representative as determined by the Secretary of the Treasury.

"(B) REQUIREMENTS.—Each agency representative described in subparagraph (A) shall be an individual who

has demonstrated knowledge and competence concerning the application of the Bank Secrecy Act.

"(4) SUNSET.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Subcommittee on Innovation and Technology shall terminate on the date that is 5 years after the date of enactment of this subsection.

"(B) EXCEPTION.—The Secretary of the Treasury may renew the Subcommittee on Innovation for 1-year periods beginning on the date that is 5 years after the date of enactment of this subsection.". Renewal. Time periods. Effective date.

SEC. 6208. ESTABLISHMENT OF BANK SECRECY ACT INNOVATION OFFICERS. 31 USC 5311 note.

(a) APPOINTMENT OF OFFICERS.—Not later than 1 year after the effective date of the regulations promulgated under subsection (d) of section 310 of title 31, United States Code, as added by section 6103 of this division, an Innovation Officer shall be appointed within FinCEN and each Federal functional regulator. Deadline.

(b) INNOVATION OFFICER.—The Innovation Officer shall be appointed by, and report to, the Director of FinCEN or the head of the Federal functional regulator, as applicable.

(c) DUTIES.—Each Innovation Officer, in coordination with other Innovation Officers and the agencies of the Innovation Officers, shall—

(1) provide outreach to law enforcement agencies, State bank supervisors, financial institutions and associations of financial institutions, agents of financial institutions, and other persons (including service providers, vendors and technology companies) with respect to innovative methods, processes, and new technologies that may assist in compliance with the requirements of the Bank Secrecy Act;

(2) provide technical assistance or guidance relating to the implementation of responsible innovation and new technology by financial institutions and associations of financial institutions, agents of financial institutions, and other persons (including service providers, vendors and technology companies), in a manner that complies with the requirements of the Bank Secrecy Act;

(3) if appropriate, explore opportunities for public-private partnerships; and

(4) if appropriate, develop metrics of success.

SEC. 6209. TESTING METHODS RULEMAKING.

(a) IN GENERAL.—Section 5318 of title 31, United States Code is amended by adding at the end the following:

"(o) TESTING.—

"(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the head of each agency to which the Secretary has delegated duties or powers under subsection (a), shall issue a rule to specify with respect to technology and related technology internal processes designed to facilitate compliance with the requirements under this subchapter, the standards by which financial institutions are to test the technology and related technology internal processes. Consultation. Compliance.

"(2) STANDARDS.—The standards described in paragraph (1) may include—

"(A) an emphasis on using innovative approaches such as machine learning or other enhanced data analytics processes;

"(B) risk-based testing, oversight, and other risk management approaches of the regime, prior to and after implementation, to facilitate calibration of relevant systems and prudently evaluate and monitor the effectiveness of their implementation;

Criteria.

"(C) specific criteria for when and how risk-based testing against existing processes should be considered to test and validate the effectiveness of relevant systems and situations and standards for when other risk management processes, including those developed by or through third party risk and compliance management systems, and oversight may be more appropriate;

"(D) specific standards for a risk governance framework for financial institutions to provide oversight and to prudently evaluate and monitor systems and testing processes both pre- and post-implementation;

Requirements.

"(E) requirements for appropriate data privacy and information security; and

Requirements.

"(F) a requirement that the system configurations, including any applicable algorithms and any validation of those configurations used by the regime be disclosed to the Financial Crimes Enforcement Network and the appropriate Federal functional regulator upon request.

"(3) CONFIDENTIALITY OF ALGORITHMS.—

Disclosure.

"(A) IN GENERAL.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this subsection or any other authority, discloses the algorithms of the financial institution to a government agency, the algorithms and any materials associated with the creation or adaption of such algorithms shall be considered confidential and not subject to public disclosure.

"(B) FREEDOM OF INFORMATION ACT.—Section 552(a)(3) of title 5 (commonly known as the 'Freedom of Information Act') shall not apply to any request for algorithms described in subparagraph (A) and any materials associated with the creation or adaptation of the algorithms.

"(4) DEFINITION.—In this subsection, the term 'Federal functional regulator' means—

"(A) the Board of Governors of the Federal Reserve System;

"(B) the Office of the Comptroller of the Currency;

"(C) the Federal Deposit Insurance Corporation;

"(D) the National Credit Union Administration;

"(E) the Securities and Exchange Commission; and

"(F) the Commodity Futures Trading Commission.".

12 USC 3305 note.

(b) UPDATE OF MANUAL.—The Financial Institutions Examination Council shall ensure that any manual prepared by the Council is—

(1) updated to reflect the rulemaking required by subsection (o) section 5318 of title 31, United States Code, as added by subsection (a) of this section; and

(2) consistent with relevant FinCEN and Federal functional regulator guidance, including the December 2018 Joint Statement on Innovative Efforts to Combat Money Laundering and Terrorist Financing.

SEC. 6210. FINANCIAL TECHNOLOGY ASSESSMENT.

Consultations.

(a) IN GENERAL.—The Secretary, in consultation with financial regulators, technology experts, national security experts, law enforcement, and any other group the Secretary determines is appropriate, shall analyze the impact of financial technology on financial crimes compliance, including with respect to money laundering, the financing of terrorism, proliferation finance, serious tax fraud, trafficking, sanctions evasion, and other illicit finance.

Determination.

(b) COORDINATION.—In carrying out the duties required under this section, the Secretary shall consult with relevant agency officials and consider other interagency efforts and data relating to examining the impact of financial technology, including activities conducted by—

Data.

(1) cyber security working groups at the Department of the Treasury;

(2) cyber security experts identified by the Attorney General and the Secretary of Homeland Security;

(3) the intelligence community; and

(4) the Financial Stability Oversight Council.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate and the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives a report containing any findings under subsection (a), including legislative and administrative recommendations.

Recommendations.

SEC. 6211. FINANCIAL CRIMES TECH SYMPOSIUM.

31 USC 5311 note.

(a) PURPOSE.—The purposes of this section are to—

(1) promote greater international collaboration in the effort to prevent and detect financial crimes and suspicious activities; and

(2) facilitate the investigation, development, and timely adoption of new technologies aimed at preventing and detecting financial crimes and other illicit activities.

(b) PERIODIC MEETINGS.—The Secretary shall, in coordination with the Subcommittee on Innovation and Technology established under subsection (d) of section 1564 of the Annunzio-Wylie Anti-Money Laundering Act, as added by section 6207 of this division, periodically convene a global anti-money laundering and financial crime symposium focused on how new technology can be used to more effectively combat financial crimes and other illicit activities.

Coordination.

(c) ATTENDEES.—Attendees at each symposium convened under this section shall include domestic and international financial regulators, senior executives from regulated firms, technology providers, representatives from law enforcement and national security agencies, academic and other experts, and other individuals that the Secretary determines are appropriate.

(d) PANELS.—At each symposium convened under this section, the Secretary shall convene panels in order to review new technologies and permit attendees to demonstrate proof of concept.

Review.

(e) IMPLEMENTATION AND REPORTS.—The Secretary shall, to the extent practicable and necessary, work to provide policy clarity, which may include providing reports or guidance to stakeholders, regarding innovative technologies and practices presented at each symposium convened under this section, to the extent that those technologies and practices further the purposes of this section.

Deadline.

(f) FINCEN BRIEFING.—Not later than 90 days after the date of enactment of this Act, the Director of FinCEN shall brief the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the use of emerging technologies, including—

(1) the status of implementation and internal use of emerging technologies, including artificial intelligence, digital identity technologies, distributed ledger technologies, and other innovative technologies within FinCEN;

(2) whether artificial intelligence, digital identity technologies, distributed ledger technologies, and other innovative technologies can be further leveraged to make data analysis by FinCEN more efficient and effective;

(3) whether FinCEN could better use artificial intelligence, digital identity technologies, distributed ledger technologies, and other innovative technologies to—

(A) more actively analyze and disseminate the information FinCEN collects and stores to provide investigative leads to Federal, State, Tribal, and local law enforcement agencies and other Federal agencies; and

(B) better support ongoing investigations by FinCEN when referring a case to the agencies described in subparagraph (A);

(4) with respect to each of paragraphs (1), (2), and (3), any best practices or significant concerns identified by the Director, and their applicability to artificial intelligence, digital identity technologies, distributed ledger technologies, and other innovative technologies with respect to United States efforts to combat money laundering and other forms of illicit finance;

Recommendations.

(5) any policy recommendations that could facilitate and improve communication and coordination between the private sector, FinCEN, and the agencies described in paragraph (3) through the implementation of innovative approaches to meet the obligations of the agencies under the Bank Secrecy Act and anti-money laundering compliance; and

(6) any other matter the Director determines is appropriate.

SEC. 6212. PILOT PROGRAM ON SHARING OF INFORMATION RELATED TO SUSPICIOUS ACTIVITY REPORTS WITHIN A FINANCIAL GROUP.

(a) SHARING WITH FOREIGN BRANCHES AND AFFILIATES.—Section 5318(g) of title 31, United States Code, as amended by sections 6202 and 6206 of this division, is amended by adding at the end the following:

"(8) PILOT PROGRAM ON SHARING WITH FOREIGN BRANCHES, SUBSIDIARIES, AND AFFILIATES.—

"(A) IN GENERAL.—

Deadline. Regulations. Coordination.

"(i) ISSUANCE OF RULES.—Not later than 1 year after the date of enactment of this paragraph, the

Secretary of the Treasury shall issue rules, in coordination with the Director of the Financial Crimes Enforcement Network, establishing the pilot program described in subparagraph (B).

"(ii) CONSIDERATIONS.—In issuing the rules required under clause (i), the Secretary shall ensure that the sharing of information described in subparagraph (B)—

"(I) is limited by the requirements of Federal and State law enforcement operations;

"(II) takes into account potential concerns of the intelligence community; and

"(III) is subject to appropriate standards and requirements regarding data security and the confidentiality of personally identifiable information.

"(B) PILOT PROGRAM DESCRIBED.—The pilot program described in this paragraph shall—

"(i) permit a financial institution with a reporting obligation under this subsection to share information related to reports under this subsection, including that such a report has been filed, with the institution's foreign branches, subsidiaries, and affiliates for the purpose of combating illicit finance risks, notwithstanding any other provision of law except subparagraph (A) or (C);

"(ii) permit the Secretary to consider, implement, and enforce provisions that would hold a foreign affiliate of a United States financial institution liable for the disclosure of information related to reports under this section;

"(iii) terminate on the date that is 3 years after the date of enactment of this paragraph, except that the Secretary of the Treasury may extend the pilot program for not more than 2 years upon submitting to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes— Termination date. Extension. Time period.

"(I) a certification that the extension is in the national interest of the United States, with a detailed explanation of the reasons that the extension is in the national interest of the United States; Certification.

"(II) after appropriate consultation by the Secretary with participants in the pilot program, an evaluation of the usefulness of the pilot program, including a detailed analysis of any illicit activity identified or prevented as a result of the program; and Consultation. Evaluation. Analysis.

"(III) a detailed legislative proposal providing for a long-term extension of activities under the pilot program, measures to ensure data security, and confidentiality of personally identifiable information, including expected budgetary resources for those activities, if the Secretary of the Treasury determines that a long-term extension is appropriate. Legislative proposal. Determination.

"(C) PROHIBITION INVOLVING CERTAIN JURISDICTIONS.—

"(i) IN GENERAL.—In issuing the rules required under subparagraph (A), the Secretary of the Treasury may not permit a financial institution to share information on reports under this subsection with a foreign branch, subsidiary, or affiliate located in—

China.
Russia.

"(I) the People's Republic of China;

"(II) the Russian Federation; or

"(III) a jurisdiction that—

"(aa) is a state sponsor of terrorism;

"(bb) is subject to sanctions imposed by the Federal Government; or

"(cc) the Secretary has determined cannot reasonably protect the security and confidentiality of such information.

Notification.

"(ii) EXCEPTIONS.—The Secretary is authorized to make exceptions, on a case-by-case basis, for a financial institution located in a jurisdiction listed in subclause (I) or (II) of clause (i), if the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that such an exception is in the national security interest of the United States.

Deadline.
Time period.
Briefing.

"(D) IMPLEMENTATION UPDATES.—Not later than 360 days after the date on which rules are issued under subparagraph (A), and annually thereafter for 3 years, the Secretary of the Treasury, or the designee of the Secretary, shall brief the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

"(i) the degree of any information sharing permitted under the pilot program and a description of criteria used by the Secretary to evaluate the appropriateness of the information sharing;

"(ii) the effectiveness of the pilot program in identifying or preventing the violation of a United States law or regulation and mechanisms that may improve that effectiveness; and

Recommendations.

"(iii) any recommendations to amend the design of the pilot program.

"(9) TREATMENT OF FOREIGN JURISDICTION-ORIGINATED REPORTS.—Information related to a report received by a financial institution from a foreign affiliate with respect to a suspicious transaction relevant to a possible violation of law or regulation shall be subject to the same confidentiality requirements provided under this subsection for a report of a suspicious transaction described in paragraph (1).

"(10) NO OFFSHORING COMPLIANCE.—No financial institution may establish or maintain any operation located outside of the United States the primary purpose of which is to ensure compliance with the Bank Secrecy Act as a result of the sharing granted under this subsection.

"(11) DEFINITIONS.—In this subsection:

"(A) AFFILIATE.—The term 'affiliate' means an entity that controls, is controlled by, or is under common control with another entity.

"(B) BANK SECRECY ACT; STATE BANK SUPERVISOR; STATE CREDIT UNION SUPERVISOR.—The terms 'Bank

Secrecy Act', 'State bank supervisor', and 'State credit union supervisor' have the meanings given the terms in section 6003 of the Anti-Money Laundering Act of 2020.".

(b) NOTIFICATION PROHIBITIONS.—Section 5318(g)(2)(A) of title 31, United States Code, is amended—

(1) in clause (i), by inserting "or otherwise reveal any information that would reveal that the transaction has been reported," after "transaction has been reported"; and

(2) in clause (ii), by inserting "or otherwise reveal any information that would reveal that the transaction has been reported," after "transaction has been reported,".

SEC. 6213. SHARING OF COMPLIANCE RESOURCES.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, as amended by section 6209 of this division, is amended by adding at the end the following:

"(p) SHARING OF COMPLIANCE RESOURCES.—

"(1) SHARING PERMITTED.—In order to more efficiently comply with the requirements of this subchapter, 2 or more financial institutions may enter into collaborative arrangements, as described in the statement entitled 'Interagency Statement on Sharing Bank Secrecy Act Resources', published on October 3, 2018, by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Financial Crimes Enforcement Network, the National Credit Union Administration, and the Office of the Comptroller of the Currency.

"(2) OUTREACH.—The Secretary of the Treasury and the appropriate supervising agencies shall carry out an outreach program to provide financial institutions with information, including best practices, with respect to the collaborative arrangements described in paragraph (1).".

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to require financial institutions to share resources. 31 USC 5318 note.

SEC. 6214. ENCOURAGING INFORMATION SHARING AND PUBLIC-PRIVATE PARTNERSHIPS. 31 USC 5311 note.

(a) IN GENERAL.—The Secretary shall convene a supervisory team of relevant Federal agencies, private sector experts in banking, national security, and law enforcement, and other stakeholders to examine strategies to increase cooperation between the public and private sectors for purposes of countering illicit finance, including proliferation finance and sanctions evasion. Examination.

(b) MEETINGS.—The supervisory team convened under subsection (a) shall meet periodically to advise on strategies to combat the risk relating to proliferation financing.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the supervisory team convened under subsection (a) or to the activities of the supervisory team.

SEC. 6215. FINANCIAL SERVICES DE-RISKING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) providing vital humanitarian and development assistance and protecting the integrity of the international financial system are complementary goals;

(2) nonprofit organizations based in the United States with international activities often face difficulties with financial access, most commonly the inability to send funds internationally through transparent, regulated financial channels;

(3) without access to timely and predictable banking services, nonprofit organizations, including international development organizations, cannot carry out essential humanitarian activities critical to the survival of those in affected communities;

(4) similar access issues are a concern for other underserved individuals and entities such as those sending remittances from the United States to their families overseas and certain domestic and overseas jurisdictions that have experienced curtailed access to cross-border financial services due, in part, to de-risking;

(5) the financial exclusion caused by de-risking can ultimately drive money into less transparent, shadow channels through the carrying of cash or use of unlicensed or unregistered money service remitters, thus reducing transparency and traceability, which are critical for financial integrity, and can increase the risk of money falling into the wrong hands;

(6) effective measures are needed to stop the flow of illicit funds and promote the goals of anti-money laundering and countering the financing of terrorism and sanctions regimes;

(7) anti-money laundering, countering the financing of terrorism, and sanctions policies are needed that do not unduly hinder or delay the efforts of legitimate humanitarian organizations in providing assistance to—

(A) meet the needs of civilians facing a humanitarian crisis, including enabling governments and humanitarian organizations to provide them with timely access to food, health, and medical care, shelter, and clean drinking water; and

(B) prevent or alleviate human suffering, in keeping with requirements of international humanitarian law;

(8) anti-money laundering, countering the financing of terrorism, and sanctions policies must ensure that the policies do not unduly hinder or delay legitimate access to the international financial system for underserved individuals, entities, and geographic areas;

(9) policies that ensure that incidental, inadvertent benefits that may indirectly benefit a designated group in the course of delivering life-saving aid to civilian populations are not the primary focus of Federal Government enforcement efforts;

(10) policies that encourage financial inclusion, particularly of underserved populations, must remain a priority; and

(11) laws, regulations, policies, guidance, and other measures that ensure the integrity of the financial system through a risk-based approach should be prioritized.

(b) GAO DE-RISKING ANALYSIS.—

Deadline. Reports.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis and submit to Congress a report on financial services de-risking.

(2) CONTENTS.—The analysis required under paragraph (1) shall—

(A) rely substantially on information obtained through prior de-risking analyses conducted by the Comptroller General of the United States;

(B) consider the many drivers of de-risking as identified by the Financial Action Task Force, including profitability, reputational risk, lower risk appetites of banks, regulatory burdens and unclear expectations, and sanctions regimes; and

(C) identify options for financial institutions handling transactions or accounts for high-risk categories of clients and for minimizing the negative effects of anti-money laundering and countering the financing of terrorism requirements on such individuals and entities and on certain high-risk geographic jurisdictions, without compromising the effectiveness of Federal anti-money laundering and countering the financing of terrorism requirements.

(c) REVIEW OF DE-RISKING.—

(1) DEFINITION.—In this subsection, the term "de-risking" means actions taken by a financial institution to terminate, fail to initiate, or restrict a business relationship with a customer, or a category of customers, rather than manage the risk associated with that relationship consistent with risk-based supervisory or regulatory requirements, due to drivers such as profitability, reputational risk, lower risk appetites of banks, regulatory burdens or unclear expectations, and sanctions regimes.

(2) REVIEW.—Upon completion of the analysis required under subsection (b), the Secretary, in consultation with the Federal functional regulators, State bank supervisors, State credit union supervisors, and appropriate public- and private-sector stakeholders shall— Consultation.

(A) undertake a formal review of the financial institution reporting requirements, as in effect on the date of enactment of this Act, including the processes used to submit reports under the Bank Secrecy Act, regulations implementing the Bank Secrecy Act, examination standards related to the Bank Secrecy Act, and related guidance; and Regulations. Standards.

(B) propose changes, as appropriate, to those requirements and examination standards described in paragraph (1) to reduce any unnecessarily burdensome regulatory requirements and ensure that the information provided fulfills the purpose described in section 5311 of title 31, United States Code, as amended by this division. Proposals.

(3) CONTENTS.—The review required under paragraph (2) shall—

(A) rely substantially on information obtained through the de-risking analyses conducted by the Comptroller General of the United States; and

(B) consider—

(i) any adverse consequence of financial institutions de-risking entire categories of relationships, including charities, embassy accounts, money services businesses, as defined in section 1010.100 of title 31, Code of Federal Regulations, or a successor regulation, agents of the financial institutions, countries, international and domestic regions, and respondent banks;

(ii) the reasons why financial institutions are engaging in de-risking, including the role of domestic and international regulations, standards, and examinations;

(iii) the association with and effects of de-risking on money laundering and financial crime actors and activities;

Assessment.

(iv) the most appropriate ways to promote financial inclusion, particularly with respect to developing countries, while maintaining compliance with the Bank Secrecy Act, including an assessment of policy options to—

(I) more effectively tailor Federal actions and penalties to the size of foreign financial institutions and any capacity limitations of foreign governments; and

(II) reduce compliance costs that may lead to the adverse consequences described in clause (i);

(v) formal and informal feedback provided by examiners that may have led to de-risking;

(vi) the relationship between resources dedicated to compliance and overall sophistication of compliance efforts at entities that may be experiencing de-risking, especially compared to those that have not experienced de-risking;

(vii) best practices from the private sector that facilitate correspondent banking relationships; and

(viii) other matters that the Secretary determines are appropriate.

Consultation.

(4) STRATEGY ON DE-RISKING.—Upon the completion of the review required under this subsection, the Secretary of the Treasury, in consultation with the Federal functional regulators, State bank supervisors, State credit union supervisors, and appropriate public- and private-sector stakeholders, shall develop a strategy to reduce de-risking and adverse consequences related to de-risking.

(5) REPORT.—Not later than 1 year after the completion of the analysis required under subsection (b), the Secretary shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

Determinations.

(A) all findings and determinations made in carrying out the review required under this subsection; and

(B) the strategy developed under paragraph (4).

31 USC 5311 note.

SEC. 6216. REVIEW OF REGULATIONS AND GUIDANCE.

Consultation.

(a) IN GENERAL.—The Secretary, in consultation with the Federal functional regulators, the Financial Institutions Examination Council, the Attorney General, Federal law enforcement agencies, the Director of National Intelligence, the Secretary of Homeland Security, and the Commissioner of Internal Revenue, shall—

(1) undertake a formal review of the regulations implementing the Bank Secrecy Act and guidance related to that Act—

(A) to ensure the Department of the Treasury provides, on a continuing basis, for appropriate safeguards to protect

the financial system from threats, including money laundering and the financing of terrorism and proliferation, to national security posed by various forms of financial crime;

(B) to ensure that those provisions will continue to require certain reports or records that are highly useful in countering financial crime; and

(C) to identify those regulations and guidance that—

(i) may be outdated, redundant, or otherwise do not promote a risk-based anti-money laundering compliance and countering the financing of terrorism regime for financial institutions; or

(ii) do not conform with the commitments of the United States to meet international standards to combat money laundering, financing of terrorism, serious tax fraud, or other financial crimes; and

(2) make appropriate changes to the regulations and guidance described in paragraph (1) to improve, as appropriate, the efficiency of those provisions.

(b) PUBLIC COMMENT.—The Secretary shall solicit public comment as part of the review required under subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Financial Institutions Examination Council, the Federal functional regulators, the Attorney General, Federal law enforcement agencies, the Director of National Intelligence, the Secretary of Homeland Security, and the Commissioner of Internal Revenue, shall submit to Congress a report that contains all findings and determinations made in carrying out the review required under subsection (a), including administrative or legislative recommendations.

Consultation. Determinations. Recommendations.

TITLE LXIII—IMPROVING ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM COMMUNICATION, OVERSIGHT, AND PROCESSES

Sec. 6301. Improved interagency coordination and consultation.
Sec. 6302. Subcommittee on Information Security and Confidentiality.
Sec. 6303. Establishment of Bank Secrecy Act Information Security Officers.
Sec. 6304. FinCEN analytical hub.
Sec. 6305. Assessment of Bank Secrecy Act no-action letters.
Sec. 6306. Cooperation with law enforcement.
Sec. 6307. Training for examiners on anti-money laundering and countering the financing of terrorism.
Sec. 6308. Obtaining foreign bank records from banks with United States correspondent accounts.
Sec. 6309. Additional damages for repeat Bank Secrecy Act violators.
Sec. 6310. Certain violators barred from serving on boards of United States financial institutions.
Sec. 6311. Department of Justice report on deferred and non-prosecution agreements.
Sec. 6312. Return of profits and bonuses.
Sec. 6313. Prohibition on concealment of the source of assets in monetary transactions.
Sec. 6314. Updating whistleblower incentives and protection.

SEC. 6301. IMPROVED INTERAGENCY COORDINATION AND CONSULTATION.

Section 5318 of title 31, United States Code, as amended by sections 6209 and 6213(a) of this division, is amended by adding at the end the following:

"(q) INTERAGENCY COORDINATION AND CONSULTATION.—

"(1) IN GENERAL.—The Secretary of the Treasury shall, as appropriate, invite an appropriate State bank supervisor and an appropriate State credit union supervisor to participate in the interagency consultation and coordination with the Federal depository institution regulators regarding the development or modification of any rule or regulation carrying out this subchapter.

"(2) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed to—

"(A) affect, modify, or limit the discretion of the Secretary of the Treasury with respect to the methods or forms of interagency consultation and coordination; or

"(B) require the Secretary of the Treasury or a Federal depository institution regulator to coordinate or consult with an appropriate State bank supervisor or to invite such supervisor to participate in interagency consultation and coordination with respect to a matter, including a rule or regulation, specifically affecting only Federal depository institutions or Federal credit unions.

"(3) DEFINITIONS.—In this subsection:

"(A) APPROPRIATE STATE BANK SUPERVISOR.—The term 'appropriate State bank supervisor' means the Chairman or members of the State Liaison Committee of the Financial Institutions Examination Council.

"(B) APPROPRIATE STATE CREDIT UNION SUPERVISOR.—The term 'appropriate State credit union supervisor' means the Chairman or members of the State Liaison Committee of the Financial Institutions Examination Council.

"(C) FEDERAL CREDIT UNION.—The term 'Federal credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

"(D) FEDERAL DEPOSITORY INSTITUTION.—The term 'Federal depository institution' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

"(E) FEDERAL DEPOSITORY INSTITUTION REGULATORS.—The term 'Federal depository institution regulator' means a member of the Financial Institutions Examination Council to which is delegated any authority of the Secretary under subsection (a)(1).".

SEC. 6302. SUBCOMMITTEE ON INFORMATION SECURITY AND CONFIDENTIALITY.

Section 1564 of the Annunzio-Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note), as amended by section 6207 of this division, is amended by adding at the end the following:

"(e) SUBCOMMITTEE ON INFORMATION SECURITY AND CONFIDENTIALITY.—

"(1) IN GENERAL.—There shall be within the Bank Secrecy Act Advisory Group a subcommittee to be known as the Subcommittee on Information Security and Confidentiality (in this

subsection referred to as the 'Subcommittee') to advise the Secretary of the Treasury regarding the information security and confidentiality implications of regulations, guidance, information sharing programs, and the examination for compliance with and enforcement of the provisions of the Bank Secrecy Act.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Subcommittee shall consist of the representatives of the heads of the Federal functional regulators, including, as appropriate, the Bank Secrecy Act Information Security Officers as established in section 6303 of the Anti-Money Laundering Act of 2020, and representatives from financial institutions subject to the Bank Secrecy Act, law enforcement, FinCEN, and any other representatives as determined by the Secretary of the Treasury. Determination.

"(B) REQUIREMENTS.—Each agency representative described in subparagraph (A) shall be an individual who has demonstrated knowledge and competence concerning the application of the Bank Secrecy Act and familiarity with and expertise in applicable laws.

"(3) SUNSET.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Subcommittee shall terminate on the date that is 5 years after the date of enactment of this subsection.

"(B) EXCEPTION.—The Secretary of the Treasury may renew the Subcommittee for 1-year periods beginning on the date that is 5 years after the date of enactment of this subsection. Renewal. Time period. Effective date.

"(f) DEFINITIONS.—In this section:

"(1) BANK SECRECY ACT.—The term 'Bank Secrecy Act' has the meaning given the term in section 6003 of the Anti-Money Laundering Act of 2020.

"(2) FEDERAL FUNCTIONAL REGULATOR.—The term 'Federal functional regulator' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

"(3) FINCEN.—The term 'FinCEN' means the Financial Crimes Enforcement Network of the Department of the Treasury.

"(4) FINANCIAL INSTITUTION.—The term 'financial institution' has the meaning given the term in section 5312 of title 31, United States Code.

"(5) STATE CREDIT UNION SUPERVISOR.—The term 'State credit union supervisor' means a State official described in section 107A(e) of the Federal Credit Union Act (12 U.S.C. 1757a(e)).".

SEC. 6303. ESTABLISHMENT OF BANK SECRECY ACT INFORMATION SECURITY OFFICERS. 31 USC 5311 note.

(a) APPOINTMENT OF OFFICERS.—Not later than 1 year after the effective date of the regulations promulgated under subsection (d) of section 310 of title 31, United States Code, as added by section 6103 of this division, a Bank Secrecy Act Information Security Officer shall be appointed, from among individuals with expertise in Federal information security or privacy laws or Bank Secrecy Act disclosure policies and procedures— Deadline.

(1) within each Federal functional regulator, by the head of the Federal functional regulator;

(2) within FinCEN, by the Director of FinCEN; and

(3) within the Internal Revenue Service, by the Secretary.

(b) DUTIES.—Each Bank Secrecy Act Information Security Officer shall, with respect to the applicable regulator, bureau, or Center within which the Officer is located—

(1) be consulted each time Bank Secrecy Act regulations affecting information security or disclosure of Bank Secrecy Act information are developed or reviewed;

(2) be consulted on information-sharing policies under the Bank Secrecy Act, including those that allow financial institutions to share information with each other and foreign affiliates, and those that allow Federal agencies to share with regulated entities;

(3) be consulted on coordination and clarity between proposed Bank Secrecy Act regulations and information security and confidentiality requirements, including with respect to the reporting of suspicious transactions under section 5318(g) of title 31, United States Code;

(4) be consulted on—

(A) the development of new technologies that may strengthen information security and compliance with the Bank Secrecy Act; and

(B) the protection of information collected by each Federal functional regulator under the Bank Secrecy Act; and

(5) develop metrics of program success.

SEC. 6304. FINCEN ANALYTICAL HUB.

Section 310 of title 31, United States Code, as amended by sections 6103, 6105, 6107, 6108, and 6109 of this division, is amended by inserting after subsection (i) the following:

"(j) ANALYTICAL EXPERTS.—

"(1) IN GENERAL.—FinCEN shall maintain financial experts capable of identifying, tracking, and tracing money laundering and terrorist-financing networks in order to conduct and support civil and criminal anti-money laundering and countering the financing of terrorism investigations conducted by the United States Government.

Analysis.

"(2) FINCEN ANALYTICAL HUB.—FinCEN, upon a reasonable request from a Federal agency, shall, in collaboration with the requesting agency and the appropriate Federal functional regulator, analyze the potential anti-money laundering and countering the financing of terrorism activity that prompted the request.

"(k) DEFINITIONS.—In this section:

"(1) BANK SECRECY ACT.—The term 'Bank Secrecy Act' has the meaning given the term in section 6003 of the Anti-Money Laundering Act of 2020.

"(2) FEDERAL FUNCTIONAL REGULATOR.—The term 'Federal functional regulator' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

"(3) FINANCIAL INSTITUTION.—The term 'financial institution' has the meaning given the term in section 5312 of this title.

"(4) STATE BANK SUPERVISOR.—The term 'State bank supervisor' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

"(5) STATE CREDIT UNION SUPERVISOR.—The term 'State credit union supervisor' means a State official described in section 107A(e) of the Federal Credit Union Act (12 U.S.C. 1757a(e)).".

SEC. 6305. ASSESSMENT OF BANK SECRECY ACT NO-ACTION LETTERS. 31 USC 310 note.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Director, in consultation with the Attorney General, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other Federal agencies, as appropriate, shall conduct an assessment on whether to establish a process for the issuance of no-action letters by FinCEN in response to inquiries from persons concerning the application of the Bank Secrecy Act, the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272), section 8(s) of the Federal Deposit Insurance Act (12 U.S.C. 1818(s)), or any other anti-money laundering or countering the financing of terrorism law (including regulations) to specific conduct, including a request for a statement as to whether FinCEN or any relevant Federal functional regulator intends to take an enforcement action against the person with respect to such conduct. Consultation.

(2) ANALYSIS.—The assessment required under paragraph (1) shall include an analysis of—

(A) a timeline for the process used to reach a final determination by FinCEN, in consultation with the relevant Federal functional regulators, in response to a request by a person for a no-action letter; Timeline. Consultation.

(B) whether improvements in current processes are necessary;

(C) whether a formal no-action letter process would help to mitigate or accentuate illicit finance risks in the United States; and

(D) any other matter the Secretary determines is appropriate.

(b) REPORT AND RULEMAKINGS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Director of the Federal Bureau of Investigation, the Attorney General, the Secretary of Homeland Security, and the Federal functional regulators, shall— Deadline. Coordination.

(1) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains all findings and determinations made in carrying out the assessment required under subsection (a); and Determinations.

(2) propose rulemakings, if appropriate, to implement the findings and determinations described in paragraph (1).

SEC. 6306. COOPERATION WITH LAW ENFORCEMENT.

(a) IN GENERAL.—

(1) AMENDMENT TO TITLE 31.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

31 USC 5333.

"§ 5333. Safe harbor with respect to keep open directives

Notification.

"(a) IN GENERAL.—With respect to a customer account or customer transaction of a financial institution, if a Federal law enforcement agency, after notifying FinCEN of the intent to submit a written request to the financial institution that the financial institution keep that account or transaction open (referred to in this section as a 'keep open request'), or if a State, Tribal, or local law enforcement agency with the concurrence of FinCEN submits a keep open request—

"(1) the financial institution shall not be liable under this subchapter for maintaining that account or transaction consistent with the parameters and timing of the request; and

"(2) no Federal or State department or agency may take any adverse supervisory action under this subchapter with respect to the financial institution solely for maintaining that account or transaction consistent with the parameters of the request.

"(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

"(1) to prevent a Federal or State department or agency from verifying the validity of a keep open request submitted under subsection (a) with the law enforcement agency submitting that request;

"(2) to relieve a financial institution from complying with any reporting requirements or any other provisions of this subchapter, including the reporting of suspicious transactions under section 5318(g); or

"(3) to extend the safe harbor described in subsection (a) to any actions taken by the financial institution—

"(A) before the date of the keep open request to maintain a customer account; or

"(B) after the termination date stated in the keep open request.

"(c) LETTER TERMINATION DATE.—For the purposes of this section, any keep open request submitted under subsection (a) shall include a termination date after which that request shall no longer apply.

Deadline.

"(d) RECORD KEEPING.—Any Federal, State, Tribal, or local law enforcement agency that submits to a financial institution a keep open request shall, not later than 2 business days after the date on which the request is submitted to the financial institution—

"(1) submit to FinCEN a copy of the request; and

"(2) alert FinCEN as to whether the financial institution has implemented the request.

Consultation.

"(e) GUIDANCE.—The Secretary of the Treasury, in consultation with the Attorney General and Federal, State, Tribal, and local law enforcement agencies, shall issue guidance on the required elements of a keep open request.".

(2) AMENDMENT TO PUBLIC LAW 91–508.—Chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.) is amended by adding at the end the following:

12 USC 1960.

"§ 130. Safe harbor with respect to keep open directives

Applicability.

"(a) DEFINITION.—In this section, the term 'financial institution' means an entity to which section 123(b) applies.

"(b) SAFE HARBOR.—With respect to a customer account or customer transaction of a financial institution, if a Federal law enforcement agency, after notifying FinCEN of the intent to submit a written request to the financial institution that the financial institution keep that account or transaction open (referred to in this section as a 'keep open request'), or if a State, Tribal, or local law enforcement agency with the concurrence of FinCEN submits a keep open request— Notification.

"(1) the financial institution shall not be liable under this chapter for maintaining that account or transaction consistent with the parameters and timing of the request; and

"(2) no Federal or State department or agency may take any adverse supervisory action under this chapter with respect to the financial institution solely for maintaining that account or transaction consistent with the parameters of the request.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

"(1) to prevent a Federal or State department or agency from verifying the validity of a keep open request submitted under subsection (b) with the law enforcement agency submitting that request;

"(2) to relieve a financial institution from complying with any reporting requirements, including the reporting of suspicious transactions under section 5318(g) of title 31, United States Code; or

"(3) to extend the safe harbor described in subsection (b) to any actions taken by the financial institution—

"(A) before the date of the keep open request to maintain a customer account; or

"(B) after the termination date stated in the keep open request.

"(d) LETTER TERMINATION DATE.—For the purposes of this section, any keep open request submitted under subsection (b) shall include a termination date after which that request shall no longer apply.

"(e) RECORD KEEPING.—Any Federal, State, Tribal, or local law enforcement agency that submits to a financial institution a keep open request shall, not later than 2 business days after the date on which the request is submitted to the financial institution— Deadline.

"(1) submit to FinCEN a copy of the request; and

"(2) alert FinCEN as to whether the financial institution has implemented the request.".

(b) CLERICAL AMENDMENTS.—

(1) TITLE 31.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5332 the following: 31 USC prec. 5301.

"5333. Safe harbor with respect to keep open directives.".

(2) PUBLIC LAW 91–508.—The table of sections for chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.) is amended by adding at the end the following:

"130. Safe harbor with respect to keep open directives.".

SEC. 6307. TRAINING FOR EXAMINERS ON ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, as amended by section 6306(a)(1) of this division, is amended by adding at the end the following:

31 USC 5334.

"§ 5334. Training regarding anti-money laundering and countering the financing of terrorism

"(a) TRAINING REQUIREMENT.—Each Federal examiner reviewing compliance with the Bank Secrecy Act, as defined in section 6003 of the Anti-Money Laundering Act of 2020, shall attend appropriate annual training, as determined by the Secretary of the Treasury, relating to anti-money laundering activities and countering the financing of terrorism, including with respect to—

"(1) potential risk profiles and warning signs that an examiner may encounter during examinations;

"(2) financial crime patterns and trends;

"(3) the high-level context for why anti-money laundering and countering the financing of terrorism programs are necessary for law enforcement agencies and other national security agencies and what risks those programs seek to mitigate; and

"(4) de-risking and the effect of de-risking on the provision of financial services.

Consultation.

"(b) TRAINING MATERIALS AND STANDARDS.—The Secretary of the Treasury shall, in consultation with the Financial Institutions Examination Council, the Financial Crimes Enforcement Network, and Federal, State, Tribal, and local law enforcement agencies, establish appropriate training materials and standards for use in the training required under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, as amended by section 6306(b)(1) of this division, is amended by adding at the end the following:

31 USC prec. 5301.

"5334. Training regarding anti-money laundering and countering the financing of terrorism.".

SEC. 6308. OBTAINING FOREIGN BANK RECORDS FROM BANKS WITH UNITED STATES CORRESPONDENT ACCOUNTS.

(a) GRAND JURY AND TRIAL SUBPOENAS.—Section 5318(k) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

Definition.

"(B) COVERED FINANCIAL INSTITUTION.—The term 'covered financial institution' means an institution referred to in subsection (j)(1).''; and

(2) by striking paragraph (3) and inserting the following:

"(3) FOREIGN BANK RECORDS.—

"(A) SUBPOENA OF RECORDS.—

"(i) IN GENERAL.—Notwithstanding subsection (b), the Secretary of the Treasury or the Attorney General may issue a subpoena to any foreign bank that maintains a correspondent account in the United States and request any records relating to the correspondent account or any account at the foreign bank, including records maintained outside of the United States, that are the subject of—

"(I) any investigation of a violation of a criminal law of the United States;

"(II) any investigation of a violation of this subchapter;

"(III) a civil forfeiture action; or

"(IV) an investigation pursuant to section 5318A.

"(ii) PRODUCTION OF RECORDS.—The foreign bank on which a subpoena described in clause (i) is served shall produce all requested records and authenticate all requested records with testimony in the manner described in—

"(I) rule 902(12) of the Federal Rules of Evidence; or

"(II) section 3505 of title 18.

"(iii) ISSUANCE AND SERVICE OF SUBPOENA.—A subpoena described in clause (i)—

"(I) shall designate—

"(aa) a return date; and

"(bb) the judicial district in which the related investigation is proceeding; and

"(II) may be served—

"(aa) in person;

"(bb) by mail or fax in the United States if the foreign bank has a representative in the United States; or

"(cc) if applicable, in a foreign country under any mutual legal assistance treaty, multilateral agreement, or other request for international legal or law enforcement assistance.

"(iv) RELIEF FROM SUBPOENA.— Courts.

"(I) IN GENERAL.—At any time before the return date of a subpoena described in clause (i), the foreign bank on which the subpoena is served may petition the district court of the United States for the judicial district in which the related investigation is proceeding, as designated in the subpoena, to modify or quash—

"(aa) the subpoena; or

"(bb) the prohibition against disclosure described in subparagraph (C).

"(II) CONFLICT WITH FOREIGN SECRECY OR CONFIDENTIALITY.—An assertion that compliance with a subpoena described in clause (i) would conflict with a provision of foreign secrecy or confidentiality law shall not be a sole basis for quashing or modifying the subpoena.

"(B) ACCEPTANCE OF SERVICE.—

"(i) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution that maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying—

"(I) the owners of record and the beneficial owners of the foreign bank; and

"(II) the name and address of a person who—

"(aa) resides in the United States; and

"(bb) is authorized to accept service of legal process for records covered under this subsection.

Deadline.

"(ii) LAW ENFORCEMENT REQUEST.—Upon receipt of a written request from a Federal law enforcement officer for information required to be maintained under this paragraph, a covered financial institution shall provide the information to the requesting officer not later than 7 days after receipt of the request.

"(C) NONDISCLOSURE OF SUBPOENA.—

"(i) IN GENERAL.—No officer, director, partner, employee, or shareholder of, or agent or attorney for, a foreign bank on which a subpoena is served under this paragraph shall, directly or indirectly, notify any account holder involved or any person named in the subpoena issued under subparagraph (A)(i) and served on the foreign bank about the existence or contents of the subpoena.

"(ii) DAMAGES.—Upon application by the Attorney General for a violation of this subparagraph, a foreign bank on which a subpoena is served under this paragraph shall be liable to the United States Government for a civil penalty in an amount equal to—

"(I) double the amount of the suspected criminal proceeds sent through the correspondent account of the foreign bank in the related investigation; or

"(II) if no such proceeds can be identified, not more than $250,000.

"(D) ENFORCEMENT.—

Courts.
Compliance.

"(i) IN GENERAL.—If a foreign bank fails to obey a subpoena issued under subparagraph (A)(i), the Attorney General may invoke the aid of the district court of the United States for the judicial district in which the investigation or related proceeding is occurring to compel compliance with the subpoena.

"(ii) COURT ORDERS AND CONTEMPT OF COURT.—A court described in clause (i) may—

Records.

"(I) issue an order requiring the foreign bank to appear before the Secretary of the Treasury or the Attorney General to produce—

"(aa) certified records, in accordance with—

"(AA) rule 902(12) of the Federal Rules of Evidence; or

"(BB) section 3505 of title 18; or

Testimony.

"(bb) testimony regarding the production of the certified records; and

"(II) punish any failure to obey an order issued under subclause (I) as contempt of court.

"(iii) SERVICE OF PROCESS.—All process in a case under this subparagraph shall be served on the foreign bank in the same manner as described in subparagraph (A)(iii).

"(E) TERMINATION OF CORRESPONDENT RELATIONSHIP.—

"(i) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 10 business days after the date on which the covered financial institution receives written notice from the Secretary of the Treasury or the Attorney General if, after consultation with the other, the Secretary of the Treasury or the Attorney General, as applicable, determines that the foreign bank has failed— Deadline. Consultation. Determination.

"(I) to comply with a subpoena issued under subparagraph (A)(i); or Compliance.

"(II) to prevail in proceedings before— Courts.

"(aa) the appropriate district court of the United States after challenging a subpoena described in subclause (I) under subparagraph (A)(iv)(I); or

"(bb) a court of appeals of the United States after appealing a decision of a district court of the United States under item (aa).

"(ii) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for—

"(I) terminating a correspondent relationship under this subparagraph; or

"(II) complying with a nondisclosure order under subparagraph (C).

"(iii) FAILURE TO TERMINATE RELATIONSHIP OR FAILURE TO COMPLY WITH A SUBPOENA.—

"(I) FAILURE TO TERMINATE RELATIONSHIP.—A covered financial institution that fails to terminate a correspondent relationship under clause (i) shall be liable for a civil penalty in an amount that is not more than $25,000 for each day that the covered financial institution fails to terminate the relationship. Penalties.

"(II) FAILURE TO COMPLY WITH A SUBPOENA.—

"(aa) IN GENERAL.—Upon failure to comply with a subpoena under subparagraph (A)(i), a foreign bank may be liable for a civil penalty assessed by the issuing agency in an amount that is not more than $50,000 for each day that the foreign bank fails to comply with the terms of a subpoena. Penalties.

"(bb) ADDITIONAL PENALTIES.—Beginning after the date that is 60 days after a foreign bank fails to comply with a subpoena under subparagraph (A)(i), the Secretary of the Treasury or the Attorney General may seek additional penalties and compel compliance with the subpoena in the appropriate district court of the United States. Effective date.

"(cc) VENUE FOR RELIEF.—A foreign bank may seek review in the appropriate district court of the United States of any penalty assessed under this clause and the issuance of a subpoena under subparagraph (A)(i). Courts.

"(F) ENFORCEMENT OF CIVIL PENALTIES.—Upon application by the United States, any funds held in the correspondent account of a foreign bank that is maintained in the United States with a covered financial institution may be seized by the United States to satisfy any civil penalties that are imposed—

"(i) under subparagraph (C)(ii);

"(ii) by a court for contempt under subparagraph (D); or

"(iii) under subparagraph (E)(iii)(II).".

(b) FAIR CREDIT REPORTING ACT AMENDMENT.—Section 604(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(1)) is amended—

(1) by striking ", or a" and inserting ", a"; and

(2) by inserting ", or a subpoena issued in accordance with section 5318 of title 31, United States Code, or section 3486 of title 18, United States Code" after "grand jury".

(c) OBSTRUCTION OF JUSTICE.—Section 1510(b)(3)(B) of title 18, United States Code, is amended—

(1) in the matter preceding clause (i), by striking "or a Department of Justice subpoena (issued under section 3486 of title 18)" and inserting ", a subpoena issued under section 3486 of this title, or an order or subpoena issued in accordance with section 3512 of this title, section 5318 of title 31, or section 1782 of title 28"; and

(2) in clause (i), by inserting ", 1960, an offense against a foreign nation constituting specified unlawful activity under section 1956, a foreign offense for which enforcement of a foreign forfeiture judgment could be brought under section 2467 of title 28" after "1957".

(d) RIGHT TO FINANCIAL PRIVACY ACT.—Section 1120(b)(1)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420(b)(1)(A)) is amended—

(1) by striking "or 1957 of title 18" and inserting ", 1957, or 1960 of title 18, United States Code"; and

(2) by striking "and 5324 of title 31" and inserting ", 5322, 5324, 5331, and 5332 of title 31, United States Code".

SEC. 6309. ADDITIONAL DAMAGES FOR REPEAT BANK SECRECY ACT VIOLATORS.

Section 5321 of title 31, United States Code, is amended by adding at the end the following:

"(f) ADDITIONAL DAMAGES FOR REPEAT VIOLATORS.—

Penalties.

"(1) IN GENERAL.—In addition to any other fines permitted under this section and section 5322, with respect to a person who has previously violated a provision of (or rule issued under) this subchapter, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), or section 123 of Public Law 91–508 (12 U.S.C. 1953), the Secretary of the Treasury, if practicable, may impose an additional civil penalty against such person for each additional such violation in an amount that is not more than the greater of—

"(A) if practicable to calculate, 3 times the profit gained or loss avoided by such person as a result of the violation; or

"(B) 2 times the maximum penalty with respect to the violation.

"(2) APPLICATION.—For purposes of determining whether a person has committed a previous violation under paragraph (1), the determination shall only include violations occurring after the date of enactment of the Anti-Money Laundering Act of 2020.". Determinations. Effective date.

SEC. 6310. CERTAIN VIOLATORS BARRED FROM SERVING ON BOARDS OF UNITED STATES FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Section 5321 of title 31, United States Code, as amended by section 6309 of this division, is amended by adding at the end the following:

"(g) CERTAIN VIOLATORS BARRED FROM SERVING ON BOARDS OF UNITED STATES FINANCIAL INSTITUTIONS.—

"(1) DEFINITION.—In this subsection, the term 'egregious violation' means, with respect to an individual—

"(A) a criminal violation—

"(i) for which the individual is convicted; and

"(ii) for which the maximum term of imprisonment is more than 1 year; and

"(B) a civil violation in which—

"(i) the individual willfully committed the violation; and

"(ii) the violation facilitated money laundering or the financing of terrorism.

"(2) BAR.—An individual found to have committed an egregious violation of the Bank Secrecy Act, as defined in section 6003 of the Anti-Money Laundering Act of 2020, or any rules issued under the Bank Secrecy Act, shall be barred from serving on the board of directors of a United States financial institution during the 10-year period that begins on the date on which the conviction or judgment, as applicable, with respect to the egregious violation is entered.". Time period.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed to limit the application of section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829). 31 USC 5321 note.

SEC. 6311. DEPARTMENT OF JUSTICE REPORT ON DEFERRED AND NON-PROSECUTION AGREEMENTS.

(a) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and for each of the 4 years thereafter, the Attorney General shall submit to the appropriate committees of Congress a report that contains— Time period. Lists.

(1) a list of deferred prosecution agreements and non-prosecution agreements that the Attorney General has entered into, amended, or terminated during the year covered by the report with any person with respect to a violation or suspected violation of the Bank Secrecy Act (referred to in this subsection as "covered agreements");

(2) the justification for entering into, amending, or terminating each covered agreement;

(3) the list of factors that were taken into account in determining that the Attorney General should enter into, amend, or terminate each covered agreement; and

(4) the extent of coordination the Attorney General conducted with the Secretary of the Treasury, Federal functional regulators, or State regulators before entering into, amending, or terminating each covered agreement. Coordination.

(b) CLASSIFIED ANNEX.—Each report submitted under subsection (a) may include a classified annex.

(c) DEFINITION.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Financial Services of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SEC. 6312. RETURN OF PROFITS AND BONUSES.

(a) IN GENERAL.—Section 5322 of title 31, United States Code, is amended by adding at the end the following:

"(e) A person convicted of violating a provision of (or rule issued under) the Bank Secrecy Act, as defined in section 6003 of the Anti-Money Laundering Act of 2020, shall—

Penalties. Determination.

"(1) in addition to any other fine under this section, be fined in an amount that is equal to the profit gained by such person by reason of such violation, as determined by the court; and

"(2) if the person is an individual who was a partner, director, officer, or employee of a financial institution at the time the violation occurred, repay to such financial institution any bonus paid to the individual during the calendar year in which the violation occurred or the calendar year after which the violation occurred.".

Determination. 31 USC 5322 note.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to prohibit a financial institution from requiring the repayment of a bonus paid to a partner, director, officer, or employee if the financial institution determines that the partner, director, officer, or employee engaged in unethical, but non-criminal, activities.

SEC. 6313. PROHIBITION ON CONCEALMENT OF THE SOURCE OF ASSETS IN MONETARY TRANSACTIONS.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, as amended by sections 6306(a)(1) and 6307(a) of this division, is amended by adding at the end the following:

31 USC 5335.

"§ 5335. Prohibition on concealment of the source of assets in monetary transactions

"(a) DEFINITION OF MONETARY TRANSACTION.—In this section, the term the term 'monetary transaction'—

"(1) means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined in section 1956(c)(5) of title 18) by, through, or to a financial institution (as defined in section 1956(c)(6) of title 18);

"(2) includes any transaction that would be a financial transaction under section 1956(c)(4)(B) of title 18; and

"(3) does not include any transaction necessary to preserve the right to representation of a person as guaranteed by the Sixth Amendment to the Constitution of the United States.

"(b) PROHIBITION.—No person shall knowingly conceal, falsify, or misrepresent, or attempt to conceal, falsify, or misrepresent, from or to a financial institution, a material fact concerning the

ownership or control of assets involved in a monetary transaction if—

"(1) the person or entity who owns or controls the assets is a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, as set forth in this title or the regulations promulgated under this title; and

"(2) the aggregate value of the assets involved in 1 or more monetary transactions is not less than $1,000,000.

"(c) SOURCE OF FUNDS.—No person shall knowingly conceal, falsify, or misrepresent, or attempt to conceal, falsify, or misrepresent, from or to a financial institution, a material fact concerning the source of funds in a monetary transaction that—

"(1) involves an entity found to be a primary money laundering concern under section 5318A or the regulations promulgated under this title; and

"(2) violates the prohibitions or conditions prescribed under section 5318A(b)(5) or the regulations promulgated under this title.

"(d) PENALTIES.—A person convicted of an offense under subsection (b) or (c), or a conspiracy to commit an offense under subsection (b) or (c), shall be imprisoned for not more than 10 years, fined not more than $1,000,000, or both.

"(e) FORFEITURE.—

"(1) CRIMINAL FORFEITURE.—

"(A) IN GENERAL.—The court, in imposing a sentence under subsection (d), shall order that the defendant forfeit to the United States any property involved in the offense and any property traceable thereto. Courts.

"(B) PROCEDURE.—The seizure, restraint, and forfeiture of property under this paragraph shall be governed by section 413 of the Controlled Substances Act (21 U.S.C. 853).

"(2) CIVIL FORFEITURE.—

"(A) IN GENERAL.—Any property involved in a violation of subsection (b) or (c), or a conspiracy to commit a violation of subsection (b) or (c), and any property traceable thereto may be seized and forfeited to the United States.

"(B) PROCEDURE.—Seizures and forfeitures under this paragraph shall be governed by the provisions of chapter 46 of title 18 relating to civil forfeitures, except that such duties, under the customs laws described in section 981(d) of title 18, given to the Secretary of the Treasury shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, as amended by sections 6306(b)(1) and 6307(b) of this division, is amended by adding at the end the following: 31 USC prec. 5301.

"5335. Prohibition on concealment of the source of assets in monetary transactions.".

SEC. 6314. UPDATING WHISTLEBLOWER INCENTIVES AND PROTECTION.

(a) WHISTLEBLOWER INCENTIVES AND PROTECTION.—Section 5323 of title 31, United States Code, is amended to read as follows:

"§ 5323. Whistleblower incentives and protections

"(a) DEFINITIONS.—In this section:

"(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term 'covered judicial or administrative action' means any judicial or administrative action brought by the Secretary of the Treasury (referred to in this section as the 'Secretary') or the Attorney General under this subchapter or subchapter III that results in monetary sanctions exceeding $1,000,000.

"(2) MONETARY SANCTIONS.—The term 'monetary sanctions', when used with respect to any judicial or administrative action—

"(A) means any monies, including penalties, disgorgement, and interest, ordered to be paid; and

"(B) does not include—

"(i) forfeiture;

"(ii) restitution; or

"(iii) any victim compensation payment.

"(3) ORIGINAL INFORMATION.—The term 'original information' means information that—

"(A) is derived from the independent knowledge or analysis of a whistleblower;

"(B) is not known to the Secretary or the Attorney General from any other source, unless the whistleblower is the original source of the information; and

"(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

"(4) RELATED ACTION.—The term 'related action', when used with respect to any judicial or administrative action brought by the Secretary or the Attorney General under this subchapter or subchapter III, means any judicial or administrative action brought by an entity described in any of subclauses (I) through (III) of subsection (g)(4)(D)(i) that is based upon the original information provided by a whistleblower pursuant to subsection (b) that led to the successful enforcement of the action by the Secretary or the Attorney General.

"(5) WHISTLEBLOWER.—

"(A) IN GENERAL.—The term 'whistleblower' means any individual who provides, or 2 or more individuals acting jointly who provide, information relating to a violation of this subchapter or subchapter III to the employer of the individual or individuals, including as part of the job duties of the individual or individuals, or to the Secretary or the Attorney General.

"(B) SPECIAL RULE.—Solely for the purposes of subsection (g)(1), the term 'whistleblower' includes any individual who takes, or 2 or more individuals acting jointly who take, an action described in subsection (g)(1)(A).

"(b) AWARDS.—

Regulations.
Consultation.

"(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c) and to amounts made available in advance by appropriation Acts, shall pay an award or awards to 1 or more whistleblowers who voluntarily provided

original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

"(2) SOURCE OF AWARDS.—For the purposes of paying any award under this section, the Secretary may, subject to amounts made available in advance by appropriation Acts, use monetary sanction amounts recovered based on the original information with respect to which the award is being paid.

"(c) DETERMINATION OF AMOUNT OF AWARD; DENIAL OF AWARD.—

"(1) DETERMINATION OF AMOUNT OF AWARD.—

"(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Secretary.

"(B) CRITERIA.—In determining the amount of an award made under subsection (b), the Secretary shall take into consideration—

"(i) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

"(ii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

"(iii) the programmatic interest of the Department of the Treasury in deterring violations of this subchapter and subchapter III by making awards to whistleblowers who provide information that lead to the successful enforcement of either such subchapter; and

"(iv) such additional relevant factors as the Secretary, in consultation with the Attorney General, may establish by rule or regulation. Consultation. Regulations.

"(2) DENIAL OF AWARD.—No award under subsection (b) may be made—

"(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Secretary or the Attorney General, as applicable, a member, officer, or employee—

"(i) of—

"(I) an appropriate regulatory or banking agency;

"(II) the Department of the Treasury or the Department of Justice; or

"(III) a law enforcement agency; and

"(ii) acting in the normal course of the job duties of the whistleblower;

"(B) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section; or

"(C) to any whistleblower who fails to submit information to the Secretary or the Attorney General, as applicable, Consultation. Regulations.

in such form as the Secretary, in consultation with the Attorney General, may, by rule, require.

"(d) REPRESENTATION.—

"(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

"(2) REQUIRED REPRESENTATION.—

"(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower anonymously submits the information upon which the claim is based.

"(B) DISCLOSURE OF IDENTITY.—Before the payment of an award, a whistleblower shall disclose the identity of the whistleblower and provide such other information as the Secretary may require, directly or through counsel for the whistleblower.

"(e) NO CONTRACT NECESSARY.—No contract with the Department of the Treasury is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Secretary by rule or regulation.

Determination.

"(f) APPEALS.—

"(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Secretary.

Courts.
Deadline.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Any determination described in paragraph (1), except the determination of the amount of an award if the award was made in accordance with subsection (b), may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Secretary.

"(B) SCOPE OF REVIEW.—The court to which a determination by the Secretary is appealed under subparagraph (A) shall review the determination in accordance with section 706 of title 5.

"(g) PROTECTION OF WHISTLEBLOWERS.—

"(1) PROHIBITION AGAINST RETALIATION.—No employer may, directly or indirectly, discharge, demote, suspend, threaten, blacklist, harass, or in any other manner discriminate against a whistleblower in the terms and conditions of employment or post-employment because of any lawful act done by the whistleblower—

"(A) in providing information in accordance with this section to—

"(i) the Secretary or the Attorney General;

"(ii) a Federal regulatory or law enforcement agency;

"(iii) any Member of Congress or any committee of Congress; or

"(iv) a person with supervisory authority over the whistleblower, or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct; or

"(B) in initiating, testifying in, or assisting in any investigation or judicial or administrative action of the Department of the Treasury or the Department of Justice

based upon or related to the information described in subparagraph (A); or

"(C) in providing information regarding any conduct that the whistleblower reasonably believes constitutes a violation of any law, rule, or regulation subject to the jurisdiction of the Department of the Treasury, or a violation of section 1956, 1957, or 1960 of title 18 (or any rule or regulation under any such provision), to—

"(i) a person with supervisory authority over the whistleblower at the employer of the whistleblower; or

"(ii) another individual working for the employer described in clause (i) who the whistleblower reasonably believes has the authority to—

"(I) investigate, discover, or terminate the misconduct; or

"(II) take any other action to address the misconduct.

"(2) ENFORCEMENT.—Any individual who alleges discharge or other discrimination, or is otherwise aggrieved by an employer, in violation of paragraph (1), may seek relief by—

"(A) filing a complaint with the Secretary of Labor in accordance with the requirements of this subsection; or

"(B) if the Secretary of Labor has not issued a final decision within 180 days of the filing of a complaint under subparagraph (A), and there is no showing that such a delay is due to the bad faith of the claimant, bringing an action against the employer at law or in equity in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Deadline. Time period. Courts.

"(3) PROCEDURE.—

"(A) DEPARTMENT OF LABOR COMPLAINT.—

"(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (C), the requirements under section 42121(b) of title 49, including the legal burdens of proof described in such section 42121(b), shall apply with respect to a complaint filed under paragraph (2)(A) by an individual against an employer. Applicability.

"(ii) EXCEPTION.—With respect to a complaint filed under paragraph (2)(A), notification required to be made under section 42121(b)(1) of title 49 shall be made to each person named in the complaint, including the employer.

"(B) DISTRICT COURT COMPLAINT.—

"(i) JURY TRIAL.—A party to an action brought under paragraph (2)(B) shall be entitled to trial by jury.

"(ii) STATUTE OF LIMITATIONS.—

"(I) IN GENERAL.—An action may not be brought under paragraph (2)(B)—

"(aa) more than 6 years after the date on which the violation of paragraph (1) occurs; or

"(bb) more than 3 years after the date on which when facts material to the right

of action are known, or reasonably should have been known, by the employee alleging a violation of paragraph (1).

"(II) REQUIRED ACTION WITHIN 10 YEARS.—Notwithstanding subclause (I), an action under paragraph (2)(B) may not in any circumstance be brought more than 10 years after the date on which the violation occurs.

"(C) RELIEF.—Relief for an individual prevailing with respect to a complaint filed under subparagraph (A) of paragraph (2) or an action brought under subparagraph (B) of that paragraph shall include—

"(i) reinstatement with the same seniority status that the individual would have had, but for the conduct that is the subject of the complaint or action, as applicable;

"(ii) 2 times the amount of back pay otherwise owed to the individual, with interest;

"(iii) the payment of compensatory damages, which shall include compensation for litigation costs, expert witness fees, and reasonable attorneys' fees; and

"(iv) any other appropriate remedy with respect to the conduct that is the subject of the complaint or action, as applicable.

"(4) CONFIDENTIALITY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (C) and (D), the Secretary or the Attorney General, as applicable, and any officer or employee of the Department of the Treasury or the Department of Justice, shall not disclose any information, including information provided by a whistleblower to either such official, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the appropriate such official or any entity described in subparagraph (D).

"(B) EXEMPTED STATUTE.—For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

"(C) RULE OF CONSTRUCTION.—Nothing in this section is intended to limit, or shall be construed to limit, the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

"(D) AVAILABILITY TO GOVERNMENT AGENCIES.—

"(i) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary or the Attorney General, as applicable, all information referred to in subparagraph (A) may, in the discretion of the appropriate such official, when determined by that official to be necessary to accomplish the purposes of this subchapter, be made available to—

"(I) any appropriate Federal authority;

"(II) a State attorney general in connection with any criminal investigation;

"(III) any appropriate State regulatory authority; and

"(IV) a foreign law enforcement authority.

"(ii) CONFIDENTIALITY.—

"(I) IN GENERAL.—Each of the entities described in subclauses (I) through (III) of clause (i) shall maintain such information as confidential in accordance with the requirements established under subparagraph (A).

"(II) FOREIGN AUTHORITIES.—Each entity described in clause (i)(IV) shall maintain such information in accordance with such assurances of confidentiality as determined by the Secretary or Attorney General, as applicable.

"(5) RIGHTS RETAINED.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law or under any collective bargaining agreement.

"(6) COORDINATION WITH OTHER PROVISIONS OF LAW.—This subsection shall not apply with respect to any employer that is subject to section 33 of the Federal Deposit Insurance Act (12 U.S.C. 1831j) or section 213 or 214 of the Federal Credit Union Act (12 U.S.C. 1790b, 1790c).

"(h) PROVISION OF FALSE INFORMATION.—A whistleblower shall not be entitled to an award under this section if the whistleblower—

"(1) knowingly and willfully makes any false, fictitious, or fraudulent statement or representation; or

"(2) uses any false writing or document knowing the writing or document contains any false, fictitious, or fraudulent statement or entry.

"(i) RULEMAKING AUTHORITY.—The Secretary, in consultation with the Attorney General, shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section. Consultation.

"(j) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

"(1) WAIVER OF RIGHTS AND REMEDIES.—The rights and remedies provided for in this section may not be waived by any agreement, policy form, or condition of employment, including by a predispute arbitration agreement.

"(2) PREDISPUTE ARBITRATION AGREEMENTS.—No predispute arbitration agreement shall be valid or enforceable, to the extent the agreement requires arbitration of a dispute arising under this section.".

(b) REPEAL OF SECTION 5328 OF TITLE 31.—Section 5328 of title 31, United States Code, is repealed.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended— 31 USC prec. 5301.

(1) by striking the item relating to section 5323 and inserting the following:

"5323. Whistleblower incentives and protections."; and

(2) by striking the item relating to section 5328.

Corporate Transparency Act.

TITLE LXIV—ESTABLISHING BENEFICIAL OWNERSHIP INFORMATION REPORTING REQUIREMENTS

Sec. 6401. Short title.
Sec. 6402. Sense of Congress.
Sec. 6403. Beneficial ownership information reporting requirements.

31 USC 5301 note.

SEC. 6401. SHORT TITLE.

This title may be cited as the "Corporate Transparency Act".

31 USC 5336 note.

SEC. 6402. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) more than 2,000,000 corporations and limited liability companies are being formed under the laws of the States each year;

(2) most or all States do not require information about the beneficial owners of the corporations, limited liability companies, or other similar entities formed under the laws of the State;

(3) malign actors seek to conceal their ownership of corporations, limited liability companies, or other similar entities in the United States to facilitate illicit activity, including money laundering, the financing of terrorism, proliferation financing, serious tax fraud, human and drug trafficking, counterfeiting, piracy, securities fraud, financial fraud, and acts of foreign corruption, harming the national security interests of the United States and allies of the United States;

(4) money launderers and others involved in commercial activity intentionally conduct transactions through corporate structures in order to evade detection, and may layer such structures, much like Russian nesting "Matryoshka" dolls, across various secretive jurisdictions such that each time an investigator obtains ownership records for a domestic or foreign entity, the newly identified entity is yet another corporate entity, necessitating a repeat of the same process;

(5) Federal legislation providing for the collection of beneficial ownership information for corporations, limited liability companies, or other similar entities formed under the laws of the States is needed to—

(A) set a clear, Federal standard for incorporation practices;

(B) protect vital Unites States national security interests;

(C) protect interstate and foreign commerce;

(D) better enable critical national security, intelligence, and law enforcement efforts to counter money laundering, the financing of terrorism, and other illicit activity; and

(E) bring the United States into compliance with international anti-money laundering and countering the financing of terrorism standards;

(6) beneficial ownership information collected under the amendments made by this title is sensitive information and will be directly available only to authorized government authorities, subject to effective safeguards and controls, to—

(A) facilitate important national security, intelligence, and law enforcement activities; and

(B) confirm beneficial ownership information provided to financial institutions to facilitate the compliance of the financial institutions with anti-money laundering, countering the financing of terrorism, and customer due diligence requirements under applicable law;

(7) consistent with applicable law, the Secretary of the Treasury shall—

(A) maintain the information described in paragraph (1) in a secure, nonpublic database, using information security methods and techniques that are appropriate to protect nonclassified information systems at the highest security level; and

(B) take all steps, including regular auditing, to ensure that government authorities accessing beneficial ownership information do so only for authorized purposes consistent with this title; and

(8) in prescribing regulations to provide for the reporting of beneficial ownership information, the Secretary shall, to the greatest extent practicable consistent with the purposes of this title—

(A) seek to minimize burdens on reporting companies associated with the collection of beneficial ownership information;

(B) provide clarity to reporting companies concerning the identification of their beneficial owners; and

(C) collect information in a form and manner that is reasonably designed to generate a database that is highly useful to national security, intelligence, and law enforcement agencies and Federal functional regulators.

SEC. 6403. BENEFICIAL OWNERSHIP INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, as amended by sections 6306(a)(1), 6307(a), and 6313(a) of this division, is amended by adding at the end the following:

"§ 5336. Beneficial ownership information reporting requirements 31 USC 5336.

"(a) DEFINITIONS.—In this section:

"(1) ACCEPTABLE IDENTIFICATION DOCUMENT.—The term 'acceptable identification document' means, with respect to an individual—

"(A) a nonexpired passport issued by the United States;

"(B) a nonexpired identification document issued by a State, local government, or Indian Tribe to the individual acting for the purpose of identification of that individual;

"(C) a nonexpired driver's license issued by a State; or

"(D) if the individual does not have a document described in subparagraph (A), (B), or (C), a nonexpired passport issued by a foreign government.

"(2) APPLICANT.—The term 'applicant' means any individual who—

"(A) files an application to form a corporation, limited liability company, or other similar entity under the laws of a State or Indian Tribe; or

"(B) registers or files an application to register a corporation, limited liability company, or other similar entity formed under the laws of a foreign country to do business in the United States by filing a document with the secretary of state or similar office under the laws of a State or Indian Tribe.

"(3) BENEFICIAL OWNER.—The term 'beneficial owner'—

"(A) means, with respect to an entity, an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

"(i) exercises substantial control over the entity; or

"(ii) owns or controls not less than 25 percent of the ownership interests of the entity; and

"(B) does not include—

"(i) a minor child, as defined in the State in which the entity is formed, if the information of the parent or guardian of the minor child is reported in accordance with this section;

"(ii) an individual acting as a nominee, intermediary, custodian, or agent on behalf of another individual;

"(iii) an individual acting solely as an employee of a corporation, limited liability company, or other similar entity and whose control over or economic benefits from such entity is derived solely from the employment status of the person;

"(iv) an individual whose only interest in a corporation, limited liability company, or other similar entity is through a right of inheritance; or

"(v) a creditor of a corporation, limited liability company, or other similar entity, unless the creditor meets the requirements of subparagraph (A).

"(4) DIRECTOR.—The term 'Director' means the Director of FinCEN.

"(5) FINCEN.—The term 'FinCEN' means the Financial Crimes Enforcement Network of the Department of the Treasury.

"(6) FINCEN IDENTIFIER.—The term 'FinCEN identifier' means the unique identifying number assigned by FinCEN to a person under this section.

"(7) FOREIGN PERSON.—The term 'foreign person' means a person who is not a United States person, as defined in section 7701(a) of the Internal Revenue Code of 1986.

"(8) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

"(9) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—The term 'lawfully admitted for permanent residence' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

"(10) POOLED INVESTMENT VEHICLE.—The term 'pooled investment vehicle' means—

"(A) any investment company, as defined in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)); or

"(B) any company that—

"(i) would be an investment company under that section but for the exclusion provided from that definition by paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a–3(c)); and

"(ii) is identified by its legal name by the applicable investment adviser in its Form ADV (or successor form) filed with the Securities and Exchange Commission.

"(11) REPORTING COMPANY.—The term 'reporting company'—

"(A) means a corporation, limited liability company, or other similar entity that is—

"(i) created by the filing of a document with a secretary of state or a similar office under the law of a State or Indian Tribe; or

"(ii) formed under the law of a foreign country and registered to do business in the United States by the filing of a document with a secretary of state or a similar office under the laws of a State or Indian Tribe; and

"(B) does not include—

"(i) an issuer—

"(I) of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); or

"(II) that is required to file supplementary and periodic information under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d));

"(ii) an entity—

"(I) established under the laws of the United States, an Indian Tribe, a State, or a political subdivision of a State, or under an interstate compact between 2 or more States; and

"(II) that exercises governmental authority on behalf of the United States or any such Indian Tribe, State, or political subdivision;

"(iii) a bank, as defined in—

"(I) section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

"(II) section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)); or

"(III) section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a));

"(iv) a Federal credit union or a State credit union (as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

"(v) a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) or a savings and loan holding company (as defined in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)));

"(vi) a money transmitting business registered with the Secretary of the Treasury under section 5330;

"(vii) a broker or dealer (as those terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)) that is registered under section 15 of that Act (15 U.S.C. 78o);

"(viii) an exchange or clearing agency (as those terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)) that is registered under section 6 or 17A of that Act (15 U.S.C. 78f, 78q–1);

"(ix) any other entity not described in clause (i), (vii), or (viii) that is registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

"(x) an entity that—

"(I) is an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3)) or an investment adviser (as defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2)); and

"(II) is registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.);

"(xi) an investment adviser—

"(I) described in section 203(l) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(l)); and

"(II) that has filed Item 10, Schedule A, and Schedule B of Part 1A of Form ADV, or any successor thereto, with the Securities and Exchange Commission;

"(xii) an insurance company (as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2));

"(xiii) an entity that—

"(I) is an insurance producer that is authorized by a State and subject to supervision by the insurance commissioner or a similar official or agency of a State; and

"(II) has an operating presence at a physical office within the United States;

"(xiv)(I) a registered entity (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); or

"(II) an entity that is—

"(aa)(AA) a futures commission merchant, introducing broker, swap dealer, major swap participant, commodity pool operator, or commodity trading advisor (as those terms are defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); or

"(BB) a retail foreign exchange dealer, as described in section 2(c)(2)(B) of that Act (7 U.S.C. 2(c)(2)(B)); and

"(bb) registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

"(xv) a public accounting firm registered in accordance with section 102 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7212);

"(xvi) a public utility that provides telecommunications services, electrical power, natural gas, or water and sewer services within the United States;

"(xvii) a financial market utility designated by the Financial Stability Oversight Council under section 804 of the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5463);

"(xviii) any pooled investment vehicle that is operated or advised by a person described in clause (iii), (iv), (vii), (x), or (xi);

"(xix) any—

"(I) organization that is described in section 501(c) of the Internal Revenue Code of 1986 (determined without regard to section 508(a) of such Code) and exempt from tax under section 501(a) of such Code, except that in the case of any such organization that loses an exemption from tax, such organization shall be considered to be continued to be described in this subclause for the 180-day period beginning on the date of the loss of such tax-exempt status;

"(II) political organization (as defined in section 527(e)(1) of such Code) that is exempt from tax under section 527(a) of such Code; or

"(III) trust described in paragraph (1) or (2) of section 4947(a) of such Code;

"(xx) any corporation, limited liability company, or other similar entity that—

"(I) operates exclusively to provide financial assistance to, or hold governance rights over, any entity described in clause (xix);

"(II) is a United States person;

"(III) is beneficially owned or controlled exclusively by 1 or more United States persons that are United States citizens or lawfully admitted for permanent residence; and

"(IV) derives at least a majority of its funding or revenue from 1 or more United States persons that are United States citizens or lawfully admitted for permanent residence;

"(xxi) any entity that—

"(I) employs more than 20 employees on a full-time basis in the United States;

"(II) filed in the previous year Federal income tax returns in the United States demonstrating more than $5,000,000 in gross receipts or sales in the aggregate, including the receipts or sales of—

"(aa) other entities owned by the entity; and

"(bb) other entities through which the entity operates; and

"(III) has an operating presence at a physical office within the United States;

"(xxii) any corporation, limited liability company, or other similar entity of which the ownership interests are owned or controlled, directly or indirectly, by 1 or more entities described in clause (i), (ii), (iii), (iv), (v), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii) (xix), or (xxi);

"(xxiii) any corporation, limited liability company, or other similar entity—

"(I) in existence for over 1 year;

"(II) that is not engaged in active business;

"(III) that is not owned, directly or indirectly, by a foreign person;

"(IV) that has not, in the preceding 12-month period, experienced a change in ownership or sent or received funds in an amount greater than $1,000 (including all funds sent to or received from any source through a financial account or accounts in which the entity, or an affiliate of the entity, maintains an interest); and

"(V) that does not otherwise hold any kind or type of assets, including an ownership interest in any corporation, limited liability company, or other similar entity;

"(xxiv) any entity or class of entities that the Secretary of the Treasury, with the written concurrence of the Attorney General and the Secretary of Homeland Security, has, by regulation, determined should be exempt from the requirements of subsection (b) because requiring beneficial ownership information from the entity or class of entities—

"(I) would not serve the public interest; and

"(II) would not be highly useful in national security, intelligence, and law enforcement agency efforts to detect, prevent, or prosecute money laundering, the financing of terrorism, proliferation finance, serious tax fraud, or other crimes.

"(12) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other commonwealth, territory, or possession of the United States.

"(13) UNIQUE IDENTIFYING NUMBER.—The term 'unique identifying number' means, with respect to an individual or an entity with a sole member, the unique identifying number from an acceptable identification document.

"(14) UNITED STATES PERSON.—The term 'United States person' has the meaning given the term in section 7701(a) of the Internal Revenue Code of 1986.

"(b) BENEFICIAL OWNERSHIP INFORMATION REPORTING.—

Regulations.

"(1) REPORTING.—

"(A) IN GENERAL.—In accordance with regulations prescribed by the Secretary of the Treasury, each reporting

company shall submit to FinCEN a report that contains the information described in paragraph (2).

"(B) REPORTING OF EXISTING ENTITIES.—In accordance with regulations prescribed by the Secretary of the Treasury, any reporting company that has been formed or registered before the effective date of the regulations prescribed under this subsection shall, in a timely manner, and not later than 2 years after the effective date of the regulations prescribed under this subsection, submit to FinCEN a report that contains the information described in paragraph (2).

"(C) REPORTING AT TIME OF FORMATION OR REGISTRATION.—In accordance with regulations prescribed by the Secretary of the Treasury, any reporting company that has been formed or registered after the effective date of the regulations promulgated under this subsection shall, at the time of formation or registration, submit to FinCEN a report that contains the information described in paragraph (2).

"(D) UPDATED REPORTING FOR CHANGES IN BENEFICIAL OWNERSHIP.—In accordance with regulations prescribed by the Secretary of the Treasury, a reporting company shall, in a timely manner, and not later than 1 year after the date on which there is a change with respect to any information described in paragraph (2), submit to FinCEN a report that updates the information relating to the change.

"(E) TREASURY REVIEW OF UPDATED REPORTING FOR CHANGES IN BENEFICIAL OWNERSHIP.—The Secretary of the Treasury, in consultation with the Attorney General and the Secretary of Homeland Security, shall conduct a review to evaluate— Consultation.

"(i) the necessity of a requirement for corporations, limited liability companies, or other similar entities to update the report on beneficial ownership information in paragraph (2), related to a change in ownership, within a shorter period of time than required under subparagraph (D), taking into account the updating requirements under subparagraph (D) and the information contained in the reports;

"(ii) the benefit to law enforcement and national security officials that might be derived from, and the burden that a requirement to update the list of beneficial owners within a shorter period of time after a change in the list of beneficial owners would impose on corporations, limited liability companies, or other similar entities; and

"(iii) not later than 2 years after the date of enactment of this section, incorporate into the regulations, as appropriate, any changes necessary to implement the findings and determinations based on the review required under this subparagraph. Deadline.

"(F) REGULATION REQUIREMENTS.—In promulgating the regulations required under subparagraphs (A) through (D), the Secretary of the Treasury shall, to the greatest extent practicable—

"(i) establish partnerships with State, local, and Tribal governmental agencies;

"(ii) collect information described in paragraph (2) through existing Federal, State, and local processes and procedures;

"(iii) minimize burdens on reporting companies associated with the collection of the information described in paragraph (2), in light of the private compliance costs placed on legitimate businesses, including by identifying any steps taken to mitigate the costs relating to compliance with the collection of information; and

"(iv) collect information described in paragraph (2) in a form and manner that ensures the information is highly useful in—

"(I) facilitating important national security, intelligence, and law enforcement activities; and

"(II) confirming beneficial ownership information provided to financial institutions to facilitate the compliance of the financial institutions with anti-money laundering, countering the financing of terrorism, and customer due diligence requirements under applicable law.

"(G) REGULATORY SIMPLIFICATION.—To simplify compliance with this section for reporting companies and financial institutions, the Secretary of the Treasury shall ensure that the regulations prescribed by the Secretary under this subsection are added to part 1010 of title 31, Code of Federal Regulations, or any successor thereto.

"(2) REQUIRED INFORMATION.—

Regulations.

"(A) IN GENERAL.—In accordance with regulations prescribed by the Secretary of the Treasury, a report delivered under paragraph (1) shall, except as provided in subparagraph (B), identify each beneficial owner of the applicable reporting company and each applicant with respect to that reporting company by—

"(i) full legal name;

"(ii) date of birth;

"(iii) current, as of the date on which the report is delivered, residential or business street address; and

"(iv)(I) unique identifying number from an acceptable identification document; or

"(II) FinCEN identifier in accordance with requirements in paragraph (3).

"(B) REPORTING REQUIREMENT FOR EXEMPT ENTITIES HAVING AN OWNERSHIP INTEREST.—If an exempt entity described in subsection (a)(11)(B) has or will have a direct or indirect ownership interest in a reporting company, the reporting company or the applicant—

List.

"(i) shall, with respect to the exempt entity, only list the name of the exempt entity; and

"(ii) shall not be required to report the information with respect to the exempt entity otherwise required under subparagraph (A).

Certification.

"(C) REPORTING REQUIREMENT FOR CERTAIN POOLED INVESTMENT VEHICLES.—Any corporation, limited liability company, or other similar entity that is an exempt entity

described in subsection (a)(11)(B)(xviii) and is formed under the laws of a foreign country shall file with FinCEN a written certification that provides identification information of an individual that exercises substantial control over the pooled investment vehicle in the same manner as required under this subsection.

"(D) REPORTING REQUIREMENT FOR EXEMPT SUBSIDIARIES.—In accordance with the regulations promulgated by the Secretary, any corporation, limited liability company, or other similar entity that is an exempt entity described in subsection (a)(11)(B)(xxii), shall, at the time such entity no longer meets the criteria described in subsection (a)(11)(B)(xxii), submit to FinCEN a report containing the information required under subparagraph (A). Regulations.

"(E) REPORTING REQUIREMENT FOR EXEMPT GRANDFATHERED ENTITIES.—In accordance with the regulations promulgated by the Secretary, any corporation, limited liability company, or other similar entity that is an exempt entity described in subsection (a)(11)(B)(xxiii), shall, at the time such entity no longer meets the criteria described in subsection (a)(11)(B)(xxiii), submit to FinCEN a report containing the information required under subparagraph (A). Regulations.

"(3) FINCEN IDENTIFIER.—

"(A) ISSUANCE OF FINCEN IDENTIFIER.—

"(i) IN GENERAL.—Upon request by an individual who has provided FinCEN with the information described in paragraph (2)(A) pertaining to the individual, or by an entity that has reported its beneficial ownership information to FinCEN in accordance with this section, FinCEN shall issue a FinCEN identifier to such individual or entity.

"(ii) UPDATING OF INFORMATION.—An individual or entity with a FinCEN identifier shall submit filings with FinCEN pursuant to paragraph (1) updating any information described in paragraph (2) in a timely manner consistent with paragraph (1)(D).

"(iii) EXCLUSIVE IDENTIFIER.—FinCEN shall not issue more than 1 FinCEN identifier to the same individual or to the same entity (including any successor entity).

"(B) USE OF FINCEN IDENTIFIER FOR INDIVIDUALS.—Any person required to report the information described in paragraph (2) with respect to an individual may instead report the FinCEN identifier of the individual.

"(C) USE OF FINCEN IDENTIFIER FOR ENTITIES.—If an individual is or may be a beneficial owner of a reporting company by an interest held by the individual in an entity that, directly or indirectly, holds an interest in the reporting company, the reporting company may report the FinCEN identifier of the entity in lieu of providing the information required by paragraph (2)(A) with respect to the individual.

"(4) REGULATIONS.—The Secretary of the Treasury shall—

"(A) by regulation prescribe procedures and standards governing any report under paragraph (2) and any FinCEN identifier under paragraph (3); and Procedures. Standards.

"(B) in promulgating the regulations under subparagraph (A) to the extent practicable, consistent with the purposes of this section—

"(i) minimize burdens on reporting companies associated with the collection of beneficial ownership information, including by eliminating duplicative requirements; and

"(ii) ensure the beneficial ownership information reported to FinCEN is accurate, complete, and highly useful.

Deadline.

"(5) EFFECTIVE DATE.—The requirements of this subsection shall take effect on the effective date of the regulations prescribed by the Secretary of the Treasury under this subsection, which shall be promulgated not later than 1 year after the date of enactment of this section.

Time period.
Assessments.

"(6) REPORT.—Not later than 1 year after the effective date described in paragraph (5), and annually thereafter for 2 years, the Secretary of the Treasury shall submit to Congress a report describing the procedures and standards prescribed to carry out paragraph (2), which shall include an assessment of—

"(A) the effectiveness of those procedures and standards in minimizing reporting burdens (including through the elimination of duplicative requirements) and strengthening the accuracy of reports submitted under paragraph (2); and

"(B) any alternative procedures and standards prescribed to carry out paragraph (2).

"(c) RETENTION AND DISCLOSURE OF BENEFICIAL OWNERSHIP INFORMATION BY FINCEN.—

Time period.

"(1) RETENTION OF INFORMATION.—Beneficial ownership information required under subsection (b) relating to each reporting company shall be maintained by FinCEN for not fewer than 5 years after the date on which the reporting company terminates.

"(2) DISCLOSURE.—

"(A) PROHIBITION.—Except as authorized by this subsection and the protocols promulgated under this subsection, beneficial ownership information reported under this section shall be confidential and may not be disclosed by—

"(i) an officer or employee of the United States;

"(ii) an officer or employee of any State, local, or Tribal agency; or

"(iii) an officer or employee of any financial institution or regulatory agency receiving information under this subsection.

"(B) SCOPE OF DISCLOSURE BY FINCEN.—FinCEN may disclose beneficial ownership information reported pursuant to this section only upon receipt of—

"(i) a request, through appropriate protocols—

"(I) from a Federal agency engaged in national security, intelligence, or law enforcement activity, for use in furtherance of such activity; or

"(II) from a State, local, or Tribal law enforcement agency, if a court of competent jurisdiction,

including any officer of such a court, has authorized the law enforcement agency to seek the information in a criminal or civil investigation;

"(ii) a request from a Federal agency on behalf of a law enforcement agency, prosecutor, or judge of another country, including a foreign central authority or competent authority (or like designation), under an international treaty, agreement, convention, or official request made by law enforcement, judicial, or prosecutorial authorities in trusted foreign countries when no treaty, agreement, or convention is available—

"(I) issued in response to a request for assistance in an investigation or prosecution by such foreign country; and

"(II) that—

"(aa) requires compliance with the disclosure and use provisions of the treaty, agreement, or convention, publicly disclosing any beneficial ownership information received; or Compliance.

"(bb) limits the use of the information for any purpose other than the authorized investigation or national security or intelligence activity;

"(iii) a request made by a financial institution subject to customer due diligence requirements, with the consent of the reporting company, to facilitate the compliance of the financial institution with customer due diligence requirements under applicable law; or

"(iv) a request made by a Federal functional regulator or other appropriate regulatory agency consistent with the requirements of subparagraph (C).

"(C) FORM AND MANNER OF DISCLOSURE TO FINANCIAL INSTITUTIONS AND REGULATORY AGENCIES.—The Secretary of the Treasury shall, by regulation, prescribe the form and manner in which information shall be provided to a financial institution under subparagraph (B)(iii), which regulation shall include that the information shall also be available to a Federal functional regulator or other appropriate regulatory agency, as determined by the Secretary, if the agency— Regulations. Determination. Assessments.

"(i) is authorized by law to assess, supervise, enforce, or otherwise determine the compliance of the financial institution with the requirements described in that subparagraph; Compliance.

"(ii) uses the information solely for the purpose of conducting the assessment, supervision, or authorized investigation or activity described in clause (i); and

"(iii) enters into an agreement with the Secretary providing for appropriate protocols governing the safekeeping of the information. Contracts.

"(3) APPROPRIATE PROTOCOLS.—The Secretary of the Treasury shall establish by regulation protocols described in paragraph (2)(A) that— Regulations. Requirements.

"(A) protect the security and confidentiality of any beneficial ownership information provided directly by the Secretary;

Approval.
Standards.
Procedures.
Certification.
Time period.
Compliance.

"(B) require the head of any requesting agency, on a non-delegable basis, to approve the standards and procedures utilized by the requesting agency and certify to the Secretary semi-annually that such standards and procedures are in compliance with the requirements of this paragraph;

"(C) require the requesting agency to establish and maintain, to the satisfaction of the Secretary, a secure system in which such beneficial ownership information provided directly by the Secretary shall be stored;

"(D) require the requesting agency to furnish a report to the Secretary, at such time and containing such information as the Secretary may prescribe, that describes the procedures established and utilized by such agency to ensure the confidentiality of the beneficial ownership information provided directly by the Secretary;

Certification.

"(E) require a written certification for each authorized investigation or other activity described in paragraph (2) from the head of an agency described in paragraph (2)(B)(i)(I), or their designees, that—

"(i) states that applicable requirements have been met, in such form and manner as the Secretary may prescribe; and

"(ii) at a minimum, sets forth the specific reason or reasons why the beneficial ownership information is relevant to an authorized investigation or other activity described in paragraph (2);

"(F) require the requesting agency to limit, to the greatest extent practicable, the scope of information sought, consistent with the purposes for seeking beneficial ownership information;

"(G) restrict, to the satisfaction of the Secretary, access to beneficial ownership information to whom disclosure may be made under the provisions of this section to only users at the requesting agency—

"(i) who are directly engaged in the authorized investigation or activity described in paragraph (2);

"(ii) whose duties or responsibilities require such access;

"(iii) who—

"(I) have undergone appropriate training; or

"(II) use staff to access the database who have undergone appropriate training;

"(iv) who use appropriate identity verification mechanisms to obtain access to the information; and

"(v) who are authorized by agreement with the Secretary to access the information;

Records.

"(H) require the requesting agency to establish and maintain, to the satisfaction of the Secretary, a permanent system of standardized records with respect to an auditable trail of each request for beneficial ownership information submitted to the Secretary by the agency, including the reason for the request, the name of the individual who made the request, the date of the request, any disclosure of beneficial ownership information made by or to the agency, and any other information the Secretary of the Treasury determines is appropriate;

"(I) require that the requesting agency receiving beneficial ownership information from the Secretary conduct an annual audit to verify that the beneficial ownership information received from the Secretary has been accessed and used appropriately, and in a manner consistent with this paragraph and provide the results of that audit to the Secretary upon request; Audits. Verification.

"(J) require the Secretary to conduct an annual audit of the adherence of the agencies to the protocols established under this paragraph to ensure that agencies are requesting and using beneficial ownership information appropriately; and Audits.

"(K) provide such other safeguards which the Secretary determines (and which the Secretary prescribes in regulations) to be necessary or appropriate to protect the confidentiality of the beneficial ownership information. Regulations. Determination.

"(4) VIOLATION OF PROTOCOLS.—Any employee or officer of a requesting agency under paragraph (2)(B) that violates the protocols described in paragraph (3), including unauthorized disclosure or use, shall be subject to criminal and civil penalties under subsection (h)(3)(B). Penalties.

"(5) DEPARTMENT OF THE TREASURY ACCESS.—

"(A) IN GENERAL.—Beneficial ownership information shall be accessible for inspection or disclosure to officers and employees of the Department of the Treasury whose official duties require such inspection or disclosure subject to procedures and safeguards prescribed by the Secretary of the Treasury. Procedures.

"(B) TAX ADMINISTRATION PURPOSES.—Officers and employees of the Department of the Treasury may obtain access to beneficial ownership information for tax administration purposes in accordance with this subsection.

"(6) REJECTION OF REQUEST.—The Secretary of the Treasury—

"(A) shall reject a request not submitted in the form and manner prescribed by the Secretary under paragraph (2)(C); and

"(B) may decline to provide information requested under this subsection upon finding that—

"(i) the requesting agency has failed to meet any other requirement of this subsection;

"(ii) the information is being requested for an unlawful purpose; or

"(iii) other good cause exists to deny the request.

"(7) SUSPENSION.—The Secretary of the Treasury may suspend or debar a requesting agency from access for any of the grounds set forth in paragraph (6), including for repeated or serious violations of any requirement under paragraph (2). Debarment.

"(8) SECURITY PROTECTIONS.—The Secretary of the Treasury shall maintain information security protections, including encryption, for information reported to FinCEN under subsection (b) and ensure that the protections—

"(A) are consistent with standards and guidelines developed under subchapter II of chapter 35 of title 44; and

"(B) incorporate Federal information system security controls for high-impact systems, excluding national security systems, consistent with applicable law to prevent the loss of confidentiality, integrity, or availability of information that may have a severe or catastrophic adverse effect.

Time period.

"(9) REPORT BY THE SECRETARY.—Not later than 1 year after the effective date of the regulations prescribed under this subsection, and annually thereafter for 5 years, the Secretary of the Treasury shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report, which—

Classified information.

"(A) may include a classified annex; and

"(B) shall, with respect to each request submitted under paragraph (2)(B)(i)(II) during the period covered by the report, and consistent with protocols established by the Secretary that are necessary to protect law enforcement sensitive, tax-related, or classified information, include—

"(i) the date on which the request was submitted;

"(ii) the source of the request;

"(iii) whether the request was accepted or rejected or is pending; and

"(iv) a general description of the basis for rejecting the such request, if applicable.

Deadline. Time period.

"(10) AUDIT BY THE COMPTROLLER GENERAL.—Not later than 1 year after the effective date of the regulations prescribed under this subsection, and annually thereafter for 6 years, the Comptroller General of the United States shall—

Determination. Verification.

"(A) audit the procedures and safeguards established by the Secretary of the Treasury under those regulations, including duties for verification of requesting agencies systems and adherence to the protocols established under this subsection, to determine whether such safeguards and procedures meet the requirements of this subsection and that the Department of the Treasury is using beneficial ownership information appropriately in a manner consistent with this subsection; and

"(B) submit to the Secretary of the Treasury, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that contains the findings and determinations with respect to any audit conducted under this paragraph.

"(11) DEPARTMENT OF THE TREASURY TESTIMONY.—

Deadlines. Time period.

"(A) IN GENERAL.—Not later than March 31 of each year for 5 years beginning in 2022, the Director shall be made available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, or an appropriate subcommittee thereof, regarding FinCEN issues, including, specifically, issues relating to—

"(i) anticipated plans, goals, and resources necessary for operations of FinCEN in implementing the requirements of the Anti-Money Laundering Act of 2020 and the amendments made by that Act;

"(ii) the adequacy of appropriations for FinCEN in the current and the previous fiscal year to—

"(I) ensure that the requirements and obligations imposed upon FinCEN by the Anti-Money Laundering Act of 2020 and the amendments made by that Act are completed as efficiently, effectively, and expeditiously as possible; and

"(II) provide for robust and effective implementation and enforcement of the provisions of the Anti-Money Laundering Act of 2020 and the amendments made by that Act;

"(iii) strengthen FinCEN management efforts, as necessary and as identified by the Director, to meet the requirements of the Anti-Money Laundering Act of 2020 and the amendments made by that Act;

"(iv) provide for the necessary public outreach to ensure the broad dissemination of information regarding any new program requirements provided for in the Anti-Money Laundering Act of 2020 and the amendments made by that Act, including—

"(I) educating the business community on the goals and operations of the new beneficial ownership database; and

"(II) disseminating to the governments of countries that are allies or partners of the United States information on best practices developed by FinCEN related to beneficial ownership information retention and use;

Recommendations.

"(v) any policy recommendations that could facilitate and improve communication and coordination between the private sector, FinCEN, and the Federal, State, and local agencies and entities involved in implementing innovative approaches to meet their obligations under the Anti-Money Laundering Act of 2020 and the amendments made by that Act, the Bank Secrecy Act (as defined in section 6003 of the Anti-Money Laundering Act of 2020), and other anti-money laundering compliance laws; and

"(vi) any other matter that the Director determines is appropriate.

"(B) TESTIMONY CLASSIFICATION.—The testimony required under subparagraph (A)—

"(i) shall be submitted in unclassified form; and

"(ii) may include a classified portion.

Classified information.

"(d) AGENCY COORDINATION.—

"(1) IN GENERAL.—The Secretary of the Treasury shall, to the greatest extent practicable, update the information described in subsection (b) by working collaboratively with other relevant Federal, State, and Tribal agencies.

Updates.

"(2) INFORMATION FROM RELEVANT FEDERAL, STATE, AND TRIBAL AGENCIES.—Relevant Federal, State, and Tribal agencies, as determined by the Secretary of the Treasury, shall, to the extent practicable, and consistent with applicable legal protections, cooperate with and provide information requested by FinCEN for purposes of maintaining an accurate, complete, and highly useful database for beneficial ownership information.

Determination.

Consultation.

"(3) REGULATIONS.—The Secretary of the Treasury, in consultation with the heads of other relevant Federal agencies, may promulgate regulations as necessary to carry out this subsection.

"(e) NOTIFICATION OF FEDERAL OBLIGATIONS.—

"(1) FEDERAL.—The Secretary of the Treasury shall take reasonable steps to provide notice to persons of their obligations to report beneficial ownership information under this section, including by causing appropriate informational materials describing such obligations to be included in 1 or more forms or other informational materials regularly distributed by the Internal Revenue Service and FinCEN.

"(2) STATES AND INDIAN TRIBES.—

Deadline.

"(A) IN GENERAL.—As a condition of the funds made available under this section, each State and Indian Tribe shall, not later than 2 years after the effective date of the regulations promulgated under subsection (b)(4), take the following actions:

Assessment.

"(i) The secretary of a State or a similar office in each State or Indian Tribe responsible for the formation or registration of entities created by the filing of a public document with the office under the law of the State or Indian Tribe shall periodically, including at the time of any initial formation or registration of an entity, assessment of an annual fee, or renewal of any license to do business in the United States and in connection with State or Indian Tribe corporate tax assessments or renewals—

"(I) notify filers of their requirements as reporting companies under this section, including the requirements to file and update reports under paragraphs (1) and (2) of subsection (b); and

Records.

"(II) provide the filers with a copy of the reporting company form created by the Secretary of the Treasury under this subsection or an internet link to that form.

Updates.
Website.

"(ii) The secretary of a State or a similar office in each State or Indian Tribe responsible for the formation or registration of entities created by the filing of a public document with the office under the law of the State or Indian Tribes shall update the websites, forms relating to incorporation, and physical premises of the office to notify filers of their requirements as reporting companies under this section, including providing an internet link to the reporting company form created by the Secretary of the Treasury under this section.

"(B) NOTIFICATION FROM THE DEPARTMENT OF THE TREASURY.—A notification under clause (i) or (ii) of subparagraph (A) shall explicitly state that the notification is on behalf of the Department of the Treasury for the purpose of preventing money laundering, the financing of terrorism, proliferation financing, serious tax fraud, and other financial crime by requiring nonpublic registration of business entities formed or registered to do business in the United States.

"(f) NO BEARER SHARE CORPORATIONS OR LIMITED LIABILITY COMPANIES.—A corporation, limited liability company, or other similar entity formed under the laws of a State or Indian Tribe may not issue a certificate in bearer form evidencing either a whole or fractional interest in the entity.

"(g) REGULATIONS.—In promulgating regulations carrying out this section, the Director shall reach out to members of the small business community and other appropriate parties to ensure efficiency and effectiveness of the process for the entities subject to the requirements of this section.

"(h) PENALTIES.—

"(1) REPORTING VIOLATIONS.—It shall be unlawful for any person to—

"(A) willfully provide, or attempt to provide, false or fraudulent beneficial ownership information, including a false or fraudulent identifying photograph or document, to FinCEN in accordance with subsection (b); or

"(B) willfully fail to report complete or updated beneficial ownership information to FinCEN in accordance with subsection (b).

"(2) UNAUTHORIZED DISCLOSURE OR USE.—Except as authorized by this section, it shall be unlawful for any person to knowingly disclose or knowingly use the beneficial ownership information obtained by the person through—

"(A) a report submitted to FinCEN under subsection (b); or

"(B) a disclosure made by FinCEN under subsection (c).

"(3) CRIMINAL AND CIVIL PENALTIES.—

"(A) REPORTING VIOLATIONS.—Any person that violates subparagraph (A) or (B) of paragraph (1)—

"(i) shall be liable to the United States for a civil penalty of not more than $500 for each day that the violation continues or has not been remedied; and

"(ii) may be fined not more than $10,000, imprisoned for not more than 2 years, or both. Time period.

"(B) UNAUTHORIZED DISCLOSURE OR USE VIOLATIONS.—Any person that violates paragraph (2)—

"(i) shall be liable to the United States for a civil penalty of not more than $500 for each day that the violation continues or has not been remedied; and

"(ii)(I) shall be fined not more than $250,000, or imprisoned for not more than 5 years, or both; or Time periods.

"(II) while violating another law of the United States or as part of a pattern of any illegal activity involving more than $100,000 in a 12-month period, shall be fined not more than $500,000, imprisoned for not more than 10 years, or both.

"(C) SAFE HARBOR.—

"(i) SAFE HARBOR.—

"(I) IN GENERAL.—Except as provided in subclause (II), a person shall not be subject to civil or criminal penalty under subparagraph (A) if the person—

"(aa) has reason to believe that any report submitted by the person in accordance with

subsection (b) contains inaccurate information; and

"(bb) in accordance with regulations issued by the Secretary, voluntarily and promptly, and in no case later than 90 days after the date on which the person submitted the report, submits a report containing corrected information.

"(II) EXCEPTIONS.—A person shall not be exempt from penalty under clause (i) if, at the time the person submits the report required by subsection (b), the person—

"(aa) acts for the purpose of evading the reporting requirements under subsection (b); and

"(bb) has actual knowledge that any information contained in the report is inaccurate.

"(ii) ASSISTANCE.—FinCEN shall provide assistance to any person seeking to submit a corrected report in accordance with clause (i)(I).

"(4) USER COMPLAINT PROCESS.—

Coordination.

"(A) IN GENERAL.—The Inspector General of the Department of the Treasury, in coordination with the Secretary of the Treasury, shall provide public contact information to receive external comments or complaints regarding the beneficial ownership information notification and collection process or regarding the accuracy, completeness, or timeliness of such information.

"(B) REPORT.—The Inspector General of the Department of the Treasury shall submit to Congress a periodic report that—

Summaries.

"(i) summarizes external comments or complaints and related investigations conducted by the Inspector General related to the collection of beneficial ownership information; and

Recommendations.
Coordination.

"(ii) includes recommendations, in coordination with FinCEN, to improve the form and manner of the notification, collection and updating processes of the beneficial ownership information reporting requirements to ensure the beneficial ownership information reported to FinCEN is accurate, complete, and highly useful.

"(5) TREASURY OFFICE OF INSPECTOR GENERAL INVESTIGATION IN THE EVENT OF A CYBERSECURITY BREACH.—

Determination.
Recommendations.

"(A) IN GENERAL.—In the event of a cybersecurity breach that results in substantial unauthorized access and disclosure of sensitive beneficial ownership information, the Inspector General of the Department of the Treasury shall conduct an investigation into FinCEN cybersecurity practices that, to the extent possible, determines any vulnerabilities within FinCEN information security and confidentiality protocols and provides recommendations for fixing those deficiencies.

"(B) REPORT.—The Inspector General of the Department of the Treasury shall submit to the Secretary of

the Treasury a report on each investigation conducted under subparagraph (A).

"(C) ACTIONS OF THE SECRETARY.—Upon receiving a report submitted under subparagraph (B), the Secretary of the Treasury shall— Determinations.

"(i) determine whether the Director had any responsibility for the cybersecurity breach or whether policies, practices, or procedures implemented at the direction of the Director led to the cybersecurity breach; and

"(ii) submit to Congress a written report outlining the findings of the Secretary, including a determination by the Secretary on whether to retain or dismiss the individual serving as the Director.

"(6) DEFINITION.—In this subsection, the term 'willfully' means the voluntary, intentional violation of a known legal duty.

"(i) CONTINUOUS REVIEW OF EXEMPT ENTITIES.—

"(1) IN GENERAL.—On and after the effective date of the regulations promulgated under subsection (b)(4), if the Secretary of the Treasury makes a determination, which may be based on information contained in the report required under section 6502(c) of the Anti-Money Laundering Act of 2020 or on any other information available to the Secretary, that an entity or class of entities described in subsection (a)(11)(B) has been involved in significant abuse relating to money laundering, the financing of terrorism, proliferation finance, serious tax fraud, or any other financial crime, not later than 90 days after the date on which the Secretary makes the determination, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that explains the reasons for the determination and any administrative or legislative recommendations to prevent such abuse. Effective date. Determination. Deadline. Recommendations.

"(2) CLASSIFIED ANNEX.—The report required by paragraph (1)—

"(A) shall be submitted in unclassified form; and

"(B) may include a classified annex.".

(b) CONFORMING AMENDMENTS.—Title 31, United States Code, is amended—

(1) in section 5321(a)—

(A) in paragraph (1), by striking "sections 5314 and 5315" each place that term appears and inserting "sections 5314, 5315, and 5336"; and

(B) in paragraph (6), by inserting "(except section 5336)" after "subchapter" each place that term appears;

(2) in section 5322, by striking "section 5315 or 5324" each place that term appears and inserting "section 5315, 5324, or 5336"; and

(3) in the table of sections for chapter 53, as amended by sections 6306(b)(1), 6307(b), and 6313(b) of this division, by adding at the end the following: 31 USC prec. 5301.

"5336. Beneficial ownership information reporting requirements.".

(c) REPORTING REQUIREMENTS FOR FEDERAL CONTRACTORS.— 31 USC 5336 note.

Deadline.
Revision.
Requirements.
Disclosure.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation maintained under section 1303(a)(1) of title 41, United States Code, to require any contractor or subcontractor that is subject to the requirement to disclose beneficial ownership information under section 5336 of title 31, United States Code, as added by subsection (a) of this section, to provide the information required to be disclosed under such section to the Federal Government as part of any bid or proposal for a contract with a value threshold in excess of the simplified acquisition threshold under section 134 of title 41, United States Code.

(2) APPLICABILITY.—The revision required under paragraph (1) shall not apply to a covered contractor or subcontractor, as defined in section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), that is subject to the beneficial ownership disclosure and review requirements under that section.

31 USC 5311 note.
Deadline.

(d) REVISED DUE DILIGENCE RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the effective date of the regulations promulgated under section 5336(b)(4) of title 31, United States Code, as added by subsection (a) of this section, the Secretary of the Treasury shall revise the final rule entitled "Customer Due Diligence Requirements for Financial Institutions" (81 Fed. Reg. 29397 (May 11, 2016)) to—

(A) bring the rule into conformance with this division and the amendments made by this division;

Compliance.

(B) account for the access of financial institutions to beneficial ownership information filed by reporting companies under section 5336, and provided in the form and manner prescribed by the Secretary, in order to confirm the beneficial ownership information provided directly to the financial institutions to facilitate the compliance of those financial institutions with anti-money laundering, countering the financing of terrorism, and customer due diligence requirements under applicable law; and

(C) reduce any burdens on financial institutions and legal entity customers that are, in light of the enactment of this division and the amendments made by this division, unnecessary or duplicative.

(2) CONFORMANCE.—

Rescissions.

(A) IN GENERAL.—In carrying out paragraph (1), the Secretary of the Treasury shall rescind paragraphs (b) through (j) of section 1010.230 of title 31, Code of Federal Regulations upon the effective date of the revised rule promulgated under this subsection.

(B) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Secretary of the Treasury to repeal the requirement that financial institutions identify and verify beneficial owners of legal entity customers under section 1010.230(a) of title 31, Code of Federal Regulations.

(3) CONSIDERATIONS.—In fulfilling the requirements under this subsection, the Secretary of the Treasury shall consider—

(A) the use of risk-based principles for requiring reports of beneficial ownership information;

(B) the degree of reliance by financial institutions on information provided by FinCEN for purposes of obtaining and updating beneficial ownership information;

(C) strategies to improve the accuracy, completeness, and timeliness of the beneficial ownership information reported to the Secretary; and

(D) any other matter that the Secretary determines is appropriate.

TITLE LXV—MISCELLANEOUS

Sec. 6501. Investigations and prosecution of offenses for violations of the securities laws.
Sec. 6502. GAO and Treasury studies on beneficial ownership information reporting requirements.
Sec. 6503. GAO study on feedback loops.
Sec. 6504. GAO CTR study and report.
Sec. 6505. GAO studies on trafficking.
Sec. 6506. Treasury study and strategy on trade-based money laundering.
Sec. 6507. Treasury study and strategy on money laundering by the People's Republic of China.
Sec. 6508. Treasury and Justice study on the efforts of authoritarian regimes to exploit the financial system of the United States.
Sec. 6509. Authorization of appropriations.
Sec. 6510. Discretionary surplus funds.
Sec. 6511. Severability.

SEC. 6501. INVESTIGATIONS AND PROSECUTION OF OFFENSES FOR VIOLATIONS OF THE SECURITIES LAWS.

(a) IN GENERAL.—Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended—

(1) in paragraph (3)—

(A) in the paragraph heading—

(i) by inserting "CIVIL" before "MONEY PENALTIES"; and

(ii) by striking "IN CIVIL ACTIONS" and inserting "AND AUTHORITY TO SEEK DISGORGEMENT";

(B) in subparagraph (A), by striking "jurisdiction to impose" and all that follows through the period at the end and inserting the following: "jurisdiction to—

"(i) impose, upon a proper showing, a civil penalty to be paid by the person who committed such violation; and

"(ii) require disgorgement under paragraph (7) of any unjust enrichment by the person who received such unjust enrichment as a result of such violation."; and

(C) in subparagraph (B)—

(i) in clause (i), in the first sentence, by striking "the penalty" and inserting "a civil penalty imposed under subparagraph (A)(i)";

(ii) in clause (ii), by striking "amount of penalty" and inserting "amount of a civil penalty imposed under subparagraph (A)(i)"; and

(iii) in clause (iii), in the matter preceding item (aa), by striking "amount of penalty for each such violation" and inserting "amount of a civil penalty imposed under subparagraph (A)(i) for each violation described in that subparagraph";

(2) in paragraph (4), by inserting "under paragraph (7)" after "funds disgorged"; and

(3) by adding at the end the following:

"(7) DISGORGEMENT.—In any action or proceeding brought by the Commission under any provision of the securities laws, the Commission may seek, and any Federal court may order, disgorgement.

Deadlines.

"(8) LIMITATIONS PERIODS.—

"(A) DISGORGEMENT.—The Commission may bring a claim for disgorgement under paragraph (7)—

"(i) not later than 5 years after the latest date of the violation that gives rise to the action or proceeding in which the Commission seeks the claim occurs; or

"(ii) not later than 10 years after the latest date of the violation that gives rise to the action or proceeding in which the Commission seeks the claim if the violation involves conduct that violates—

"(I) section 10(b);

"(II) section 17(a)(1) of the Securities Act of 1933 (15 U.S.C. 77q(a)(1));

"(III) section 206(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–6(1)); or

"(IV) any other provision of the securities laws for which scienter must be established.

"(B) EQUITABLE REMEDIES.—The Commission may seek a claim for any equitable remedy, including for an injunction or for a bar, suspension, or cease and desist order, not later than 10 years after the latest date on which a violation that gives rise to the claim occurs.

"(C) CALCULATION.—For the purposes of calculating any limitations period under this paragraph with respect to an action or claim, any time in which the person against which the action or claim, as applicable, is brought is outside of the United States shall not count towards the accrual of that period.

"(9) RULE OF CONSTRUCTION.—Nothing in paragraph (7) may be construed as altering any right that any private party may have to maintain a suit for a violation of this Act.".

Effective date.
15 USC 78u note.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any action or proceeding that is pending on, or commenced on or after, the date of enactment of this Act.

SEC. 6502. GAO AND TREASURY STUDIES ON BENEFICIAL OWNERSHIP INFORMATION REPORTING REQUIREMENTS.

Assessments.

(a) EFFECTIVENESS OF INCORPORATION PRACTICES STUDY.—Not later than 2 years after the effective date of the regulations promulgated under section 5336(b)(4) of title 31, United States Code, as added by section 6403(a) of this division, the Comptroller General of the United States shall conduct a study and submit to Congress a report assessing the effectiveness of incorporation practices implemented under this division, and the amendments made by this division, in—

(1) providing national security, intelligence, and law enforcement agencies with prompt access to reliable, useful, and complete beneficial ownership information; and

(2) strengthening the capability of national security, intelligence, and law enforcement agencies to—

(A) combat incorporation abuses and civil and criminal misconduct; and

(B) detect, prevent, or prosecute money laundering, the financing of terrorism, proliferation finance, serious tax fraud, or other crimes.

(b) USING TECHNOLOGY TO AVOID DUPLICATIVE LAYERS OF REPORTING OBLIGATIONS AND INCREASE ACCURACY OF BENEFICIAL OWNERSHIP INFORMATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall conduct a study to evaluate— Consultation. Evaluation.

(A) the effectiveness of using FinCEN identifiers, as defined in section 5336 of title 31, United States Code, as added by section 6403(a) of this division, or other simplified reporting methods in order to facilitate a simplified beneficial ownership regime for reporting companies;

(B) whether a reporting regime, whereby only company shareholders are reported within the ownership chain of a reporting company, could effectively track beneficial ownership information and increase information to law enforcement;

(C) the costs associated with imposing any new verification requirements on FinCEN; and Costs.

(D) the resources necessary to implement any such changes.

(2) FINDINGS.—The Secretary shall submit to the relevant committees of jurisdiction—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations for carrying out the findings described in subparagraph (A). Recommendations.

(c) EXEMPT ENTITIES.—Not later than 2 years after the effective date of regulations promulgated under section 5336(b)(4) of title 31, United States Code, as added by section 6403(a) of this division, the Comptroller General of the United States, in consultation with the Secretary, Federal functional regulators, the Attorney General, the Secretary of Homeland Security, and the intelligence community, shall conduct a study and submit to Congress a report that— Consultation.

(1) reviews the regulated status, related reporting requirements, quantity, and structure of each class of corporations, limited liability companies, and similar entities that have been explicitly excluded from the definition of reporting company and the requirement to report beneficial ownership information under section 5336 of title 31, United States Code, as added by section 6403(a) of this division; Reviews.

(2) assesses the extent to which any excluded entity or class of entities described in paragraph (1) pose significant risks of money laundering, the financing of terrorism, proliferation finance, serious tax fraud, and other financial crime; and Assessments.

(3) identifies other policy areas related to the risks of exempt entities described in paragraph (1) for Congress to consider as Congress is conducting oversight of the new beneficial ownership information reporting requirements established by this division and amendments made by this division.

(d) OTHER LEGAL ENTITIES STUDY.—Not later than 2 years after the effective date of the regulations promulgated under section

5336(b)(4) of title 31, United States Code, as added by section 6403(a) of this division, the Comptroller General of the United States shall conduct a study and submit to Congress a report—

(1) identifying each State that has procedures that enable persons to form or register under the laws of the State partnerships, trusts, or other legal entities, and the nature of those procedures;

(2) identifying each State that requires persons seeking to form or register partnerships, trusts, or other legal entities under the laws of the State to provide beneficial owners (as defined in section 5336(a) of title 31, United States Code, as added by section 6403 of this division) or beneficiaries of those entities, and the nature of the required information;

Evaluations.

(3) evaluating whether the lack of available beneficial ownership information for partnerships, trusts, or other legal entities—

(A) raises concerns about the involvement of those entities in terrorism, money laundering, tax evasion, securities fraud, or other misconduct; and

(B) has impeded investigations into entities suspected of the misconduct described in subparagraph (A);

Evaluations.

(4) evaluating whether the failure of the United States to require beneficial ownership information for partnerships and trusts formed or registered in the United States has elicited international criticism; and

(5) including what steps, if any, the United States has taken, is planning to take, or should take in response to the criticism described in paragraph (4).

SEC. 6503. GAO STUDY ON FEEDBACK LOOPS.

(a) DEFINITION.—In this section, the term "feedback loop" means feedback provided by the United States Government to relevant parties.

(b) STUDY.—The Comptroller General of the United States shall conduct a study on—

(1) best practices within the United States Government for feedback loops, including regulated private entities, on the usage and usefulness of personally identifiable information, sensitive-but-unclassified data, or similar information provided by the parties to United States Government users of the information and data, including law enforcement agencies and regulators; and

(2) any practice or standard inside or outside the United States for providing feedback through sensitive information and public-private partnership information sharing efforts, specifically related to efforts to combat money laundering and other forms of illicit finance.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

Determinations.

(1) all findings and determinations made in carrying out the study required under subsection (b);

(2) with respect to each of paragraphs (1) and (2) of subsection (b), any best practice or significant concern identified by the Comptroller General, and the applicability to public-

private partnerships and feedback loops with respect to efforts by the United States Government to combat money laundering and other forms of illicit finance; and

(3) recommendations of the Comptroller General to reduce or eliminate any unnecessary collection by the United States Government of the information described in subsection (b)(1). Recommendations.

SEC. 6504. GAO CTR STUDY AND REPORT.

The Comptroller General of the United States shall—

(1) not later than January 1, 2025, commence a study of currency transaction reports, which shall include— Analyses.

(A) a review, carried out in consultation with the Secretary, FinCEN, the Attorney General, the State attorneys general, and State, Tribal, and local law enforcement, of the effectiveness of the currency transaction reporting regime in effect as of the date of the study; Review. Consultation.

(B) an analysis of the importance of currency transaction reports to law enforcement; and

(C) an analysis of the effects of raising the currency transaction report threshold; and

(2) not later than December 31, 2025, submit to the Secretary and Congress a report that includes—

(A) all findings and determinations made in carrying out the study required under paragraph (1); and Determinations.

(B) recommendations for improving the currency transaction reporting regime. Recommendations.

SEC. 6505. GAO STUDIES ON TRAFFICKING.

(a) DEFINITION OF HUMAN TRAFFICKING.—In this section, the term "human trafficking" has the meaning given the term "severe forms of trafficking in persons" in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(b) GAO STUDY AND REPORT ON STOPPING TRAFFICKING, ILLICIT FLOWS, LAUNDERING, AND EXPLOITATION.—

(1) STUDY.—The Comptroller General of the United States shall carry out a study, in consultation with law enforcement, relevant Federal agencies, appropriate private sector stakeholders (including financial institutions and data and technology companies), academic and other research organizations (including survivor and victim advocacy organizations), and any other group that the Comptroller General determines is appropriate on— Consultation. Determination.

(A) the major trafficking routes used by transnational criminal organizations, terrorists, and others, and to what extent the trafficking routes for people (including children), drugs, weapons, cash, child sexual exploitation materials, or other illicit goods are similar, related, or contiguous;

(B) commonly used methods to launder and move the proceeds of trafficking;

(C) the types of suspicious financial activity that are associated with illicit trafficking networks, and how financial institutions identify and report such activity;

(D) the nexus between the identities and finances of trafficked persons and fraud;

(E) the tools, guidance, training, partnerships, supervision, or other mechanisms that Federal agencies, including FinCEN, the Federal financial regulators, and

law enforcement, provide to help financial institutions identify techniques and patterns of transactions that may involve the proceeds of trafficking;

(F) what steps financial institutions are taking to detect and prevent bad actors who are laundering the proceeds of illicit trafficking, including data analysis, policies, training procedures, rules, and guidance;

(G) what role gatekeepers, such as lawyers, notaries, accountants, investment advisors, logistics agents, and trust and company service providers, play in facilitating trafficking networks and the laundering of illicit proceeds; and

(H) the role that emerging technologies, including artificial intelligence, digital identity technologies, distributed ledger technologies, virtual assets, and related exchanges and online marketplaces, and other innovative technologies, can play in assisting with and potentially enabling the laundering of proceeds from trafficking.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report—

(A) summarizing the results of the study required under paragraph (1); and

(B) that contains any recommendations for legislative or regulatory action that would improve the efforts of Federal agencies to combat trafficking or the laundering of proceeds from such activity.

(c) GAO STUDY AND REPORT ON FIGHTING ILLICIT NETWORKS AND DETECTING TRAFFICKING.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on how a range of payment systems and methods, including virtual currencies in online marketplaces, are used to facilitate human trafficking and drug trafficking, which shall consider—

(A) how online marketplaces, including the dark web, may be used as platforms to buy, sell, or facilitate the financing of goods or services associated with human trafficking or drug trafficking, specifically, opioids and synthetic opioids, including fentanyl, fentanyl analogues, and any precursor chemical associated with manufacturing fentanyl or fentanyl analogues, destined for, originating from, or within the United States;

(B) how financial payment methods, including virtual currencies and peer-to-peer mobile payment services, may be utilized by online marketplaces to facilitate the buying, selling, or financing of goods and services associated with human trafficking or drug trafficking destined for, originating from, or within the United States;

(C) how virtual currencies may be used to facilitate the buying, selling, or financing of goods and services associated with human trafficking or drug trafficking, destined for, originating from, or within the United States, when an online platform is not otherwise involved;

(D) how illicit funds that have been transmitted online and through virtual currencies are repatriated into the

formal banking system of the United States through money laundering or other means;

(E) the participants, including State and non-State actors, throughout the entire supply chain that may participate in or benefit from the buying, selling, or financing of goods and services associated with human trafficking or drug trafficking, including through online marketplaces or using virtual currencies, destined for, originating from, or within the United States;

(F) Federal and State agency efforts to impede the buying, selling, or financing of goods and services associated with human trafficking or drug trafficking destined for, originating from, or within the United States, including efforts to prevent the proceeds from human trafficking or drug trafficking from entering the United States banking system;

(G) how virtual currencies and their underlying technologies can be used to detect and deter these illicit activities; and

(H) to what extent immutability and traceability of virtual currencies can contribute to the tracking and prosecution of illicit funding.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report—

(A) summarizing the results of the study required under paragraph (1); and Summaries.

(B) that contains any recommendations for legislative or regulatory action that would improve the efforts of Federal agencies to impede the use of virtual currencies and online marketplaces in facilitating human trafficking and drug trafficking. Recommendations.

SEC. 6506. TREASURY STUDY AND STRATEGY ON TRADE-BASED MONEY LAUNDERING.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary shall carry out a study, in consultation with appropriate private sector stakeholders, academic and other international trade experts, and Federal agencies, on trade-based money laundering. Consultation.

(2) CONTRACTING AUTHORITY.—The Secretary may enter into a contract with a private third-party entity to carry out the study required by paragraph (1).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—

(A) all findings and determinations made in carrying out the study required under subsection (a); and Determinations.

(B) proposed strategies to combat trade-based money laundering.

(2) CLASSIFIED ANNEX.—The report required under paragraph (1)—

(A) shall be submitted in unclassified form; and

(B) may include a classified annex.

SEC. 6507. TREASURY STUDY AND STRATEGY ON MONEY LAUNDERING BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) STUDY.—The Secretary shall carry out a study, which shall rely substantially on information obtained through the trade-based money laundering analyses conducted by the Comptroller General of the United States, on—

(1) the extent and effect of illicit finance risk relating to the Government of the People's Republic of China and Chinese firms, including financial institutions;

Assessment.

(2) an assessment of the illicit finance risks emanating from the People's Republic of China;

(3) those risks allowed, directly or indirectly, by the Government of the People's Republic of China, including those enabled by weak regulatory or administrative controls of that government; and

(4) the ways in which the increasing amount of global trade and investment by the Government of the People's Republic of China and Chinese firms exposes the international financial system to increased risk relating to illicit finance.

(b) STRATEGY TO COUNTER CHINESE MONEY LAUNDERING.—Upon the completion of the study required under subsection (a), the Secretary, in consultation with such other Federal agencies as the Secretary determines appropriate, shall develop a strategy to combat Chinese money laundering activities.

Consultation. Determination.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) the strategy developed under subsection (b).

(d) CLASSIFIED ANNEX.—The report required by subsection (c)—

(1) shall be submitted in unclassified form; and

(2) may include a classified annex.

SEC. 6508. TREASURY AND JUSTICE STUDY ON THE EFFORTS OF AUTHORITARIAN REGIMES TO EXPLOIT THE FINANCIAL SYSTEM OF THE UNITED STATES.

Deadline. Consultation.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Attorney General, in consultation with the heads of other relevant national security, intelligence, and law enforcement agencies, shall conduct a study that considers how authoritarian regimes in foreign countries and their proxies use the financial system of the United States to—

(1) conduct political influence operations;

(2) sustain kleptocratic methods of maintaining power;

(3) export corruption;

(4) fund nongovernmental organizations, media organizations, or academic initiatives in the United States to advance the interests of those regimes; and

(5) otherwise undermine democratic governance in the United States and the partners and allies of the United States.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(1) the results of the study required under subsection (a); and

(2) any recommendations for legislative or regulatory action, or steps to be taken by United States financial institutions, that would address exploitation of the financial system of the United States by foreign authoritarian regimes. Recommendations.

SEC. 6509. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsection (l) of section 310, of title 31, United States Code, as redesignated by section 6103(1) of this division, is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to FinCEN to carry out this section, to remain available until expended—

"(A) $136,000,000 for fiscal year 2021;

"(B) $60,000,000 for fiscal year 2022; and

"(C) $35,000,000 for each of fiscal years 2023 through 2026.".

(b) BENEFICIAL OWNERSHIP INFORMATION REPORTING REQUIREMENTS.—Section 5336 of title 31, United States Code, as added by section 6403(a) of this division, is amended by adding at the end the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to FinCEN for each of the 3 fiscal years beginning on the effective date of the regulations promulgated under subsection (b)(4), such sums as may be necessary to carry out this section, including allocating funds to the States to pay reasonable costs relating to compliance with the requirements of such section.".

SEC. 6510. DISCRETIONARY SURPLUS FUNDS. 12 USC 289 note.

The dollar amount specified under section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is reduced by $40,000,000.

SEC. 6511. SEVERABILITY. 31 USC 5311 note.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

DIVISION G—ELIJAH E. CUMMINGS COAST GUARD AUTHORIZATION ACT OF 2020

Elijah E. Cummings Coast Guard Authorization Act of 2020.

SEC. 8001. SHORT TITLE.

This division may be cited as the "Elijah E. Cummings Coast Guard Authorization Act of 2020".

SEC. 8002. DEFINITION OF COMMANDANT. 14 USC 106 note.

In this division, the term "Commandant" means the Commandant of the Coast Guard.

TITLE LVXXXI—AUTHORIZATIONS

Sec. 8101. Authorizations of appropriations.
Sec. 8102. Authorized levels of military strength and training.
Sec. 8103. Determination of budgetary effects.
Sec. 8104. Availability of amounts for acquisition of additional National Security Cutter.
Sec. 8105. Procurement authority for Polar Security Cutters.
Sec. 8106. Sense of the Congress on need for new Great Lakes icebreaker.
Sec. 8107. Procurement authority for Great Lakes icebreaker.
Sec. 8108. Polar Security Cutter acquisition report.
Sec. 8109. Shoreside infrastructure.
Sec. 8110. Major acquisition systems infrastructure.
Sec. 8111. Polar icebreakers.
Sec. 8112. Acquisition of fast response cutter.

SEC. 8101. AUTHORIZATIONS OF APPROPRIATIONS.

Section 4902 of title 14, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "year 2019" and inserting "years 2020 and 2021";

(2) in paragraph (1)(A), by striking "provided for, $7,914,195,000 for fiscal year 2019." and inserting "provided for—

"(i) $8,151,620,850 for fiscal year 2020; and

"(ii) $8,396,169,475 for fiscal year 2021.";

(3) in paragraph (1)(B), by striking "subparagraph (A)—" and inserting "subparagraph (A)(i), $17,035,000 shall be for environmental compliance and restoration.";

(4) by striking clauses (i) and (ii) of paragraph (1)(B);

(5) in paragraph (1), by adding at the end the following:

"(C) Of the amount authorized under subparagraph, (A)(ii) $17,376,000 shall be for environmental compliance and restoration.";

(6) in paragraph (2)—

(A) by striking "For the procurement" and inserting "(A) For the procurement";

(B) by striking "and equipment, $2,694,745,000 for fiscal year 2019." and inserting "and equipment—

"(i) $2,794,745,000 for fiscal year 2020; and

"(ii) $3,312,114,000 for fiscal year 2021."; and

(C) by adding at the end the following:

"(B) Of the amounts authorized under subparagraph (A), the following amounts shall be for the alteration of bridges:

"(i) $10,000,000 for fiscal year 2020; and

"(ii) $20,000,000 for fiscal year 2021.";

(7) in paragraph (3), by striking "and equipment, $29,141,000 for fiscal year 2019." and inserting "and equipment—

"(A) $13,834,000 for fiscal year 2020; and

"(B) $14,111,000 for fiscal year 2021."; and

(8) by adding at the end the following:

"(4) For the Coast Guard's Medicare-eligible retiree health care fund contribution to the Department of Defense—

"(A) $205,107,000 for fiscal year 2020; and

"(B) $209,209,000 for fiscal year 2021.".

SEC. 8102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a), by striking "43,000 for fiscal year 2018 and 44,500 for fiscal year 2019" and inserting "44,500 for each of fiscal years 2020 and 2021"; and

(2) in subsection (b), by striking "fiscal years 2018 and 2019" and inserting "fiscal years 2020 and 2021".

SEC. 8103. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this division, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 8104. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF ADDITIONAL NATIONAL SECURITY CUTTER.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by—

(1) section 4902(2)(A)(i) of title 14, United States Code, as amended by section 8101 of this division, $100,000,000 for fiscal year 2020; and

(2) section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8101 of this division, $550,000,000 for fiscal year 2021,

is authorized for the acquisition of a National Security Cutter.

(b) TREATMENT OF ACQUIRED CUTTER.—Any cutter acquired using amounts available pursuant to subsection (a) shall be in addition to the National Security Cutters approved under the existing acquisition baseline in the program of record for the National Security Cutter.

SEC. 8105. PROCUREMENT AUTHORITY FOR POLAR SECURITY CUTTERS.

(a) FUNDING.—Of the amounts authorized to be appropriated by—

(1) section 4902(2)(A)(i) of title 14, United States Code, as amended by section 8101 of this division, $135,000,000 for fiscal year 2020; and

(2) section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8101 of this division, $610,000,000 for fiscal year 2021,

is authorized for construction of a Polar Security Cutter.

(b) PROHIBITION ON CONTRACTS OR USE OF FUNDS FOR DEVELOPMENT OF COMMON HULL DESIGN.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may not enter into any contract for, and no funds shall be obligated or expended on, the development of a common hull design for medium Polar Security Cutters and Great Lakes icebreakers.

SEC. 8106. SENSE OF THE CONGRESS ON NEED FOR NEW GREAT LAKES ICEBREAKER.

(a) FINDINGS.—The Congress finds the following:

(1) The Great Lakes shipping industry is crucial to the American economy, including the United States manufacturing base, providing important economic and national security benefits.

(2) A recent study found that the Great Lakes shipping industry supports 237,000 jobs and tens of billions of dollars in economic activity.

(3) United States Coast Guard icebreaking capacity is crucial to full utilization of the Great Lakes shipping system, as during the winter icebreaking season up to 15 percent of annual cargo loads are delivered, and many industries would have to reduce their production if Coast Guard icebreaking services were not provided.

(4) 6 of the Coast Guard's 9 icebreaking cutters in the Great Lakes are more than 30 years old and are frequently inoperable during the winter icebreaking season, including those that have completed a recent service life extension program.

(5) During the previous 10 winters, Coast Guard Great Lakes icebreaking cutters have been inoperable for an average of 65 cutter-days during the winter icebreaking season, with this annual lost capability exceeding 100 cutter days, with a high of 246 cutter days during the winter of 2017–2018.

(6) The 2019 ice season provides further proof that current Coast Guard icebreaking capacity is inadequate for the needs of the Great Lakes shipping industry, as only 6 of the 9 icebreaking cutters are operational, and millions of tons of cargo was not loaded or was delayed due to inadequate Coast Guard icebreaking assets during a historically average winter for Great Lakes ice coverage.

(7) The Congress has authorized the Coast Guard to acquire a new Great Lakes icebreaker as capable as Coast Guard Cutter *Mackinaw* (WLBB–30), the most capable Great Lakes icebreaker, and $10 million has been appropriated to fund the design and initial acquisition work for this icebreaker.

(8) The Coast Guard has not initiated a new acquisition program for this Great Lakes icebreaker.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress of the United States that a new Coast Guard icebreaker as capable as Coast Guard Cutter *Mackinaw* (WLBB–30) is needed on the Great Lakes, and the Coast Guard should acquire this icebreaker as soon as possible.

SEC. 8107. PROCUREMENT AUTHORITY FOR GREAT LAKES ICEBREAKER.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8101 of this division, $160,000,000 for fiscal year 2021 is authorized for the acquisition of a Great Lakes icebreaker at least as capable as Coast Guard Cutter *Mackinaw* (WLBB–30).

Plan.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for acquiring an icebreaker as required by section 820(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282).

SEC. 8108. POLAR SECURITY CUTTER ACQUISITION REPORT.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committees on Transportation and Infrastructure and Armed Services of the House of

Representatives, and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate a report on—

(1) the extent to which specifications, key drawings, and detail design for the Polar Security Cutter are complete before the start of construction;

(2) the extent to which Polar Security Cutter hulls numbers one, two, and three are science ready; and

(3) what actions will be taken to ensure that Polar Security Cutter hull number four is science capable, as described in the National Academies of Sciences, Engineering, and Medicine's Committee on Polar Icebreaker Cost Assessment letter report entitled "Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation's Needs" and dated July 11, 2017.

SEC. 8109. SHORESIDE INFRASTRUCTURE.

Of the amounts authorized to be appropriated by section 4902(2)(A) of title 14, United States Code, as amended by section 8101 of this division, for each of fiscal years 2020 and 2021, $167,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund the acquisition, construction, rebuilding, or improvement of the Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

SEC. 8110. MAJOR ACQUISITION SYSTEMS INFRASTRUCTURE.

Of the amounts authorized to be appropriated by section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8101 of this division, $105,000,000 is authorized for the hangar replacement listed in the fiscal year 2020 Unfunded Priority List.

SEC. 8111. POLAR ICEBREAKERS.

(a) IN GENERAL.—Section 561 of title 14, United States Code, is amended to read as follows:

"§ 561. Icebreaking in polar regions

"(a) PROCUREMENT AUTHORITY.—

"(1) IN GENERAL.—The Secretary may enter into one or more contracts for the procurement of—

"(A) the Polar Security Cutters approved as part of a major acquisition program as of November 1, 2019; and

"(B) 3 additional Polar Security Cutters.

"(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract during a fiscal year after fiscal year 2019 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

"(b) PLANNING.—The Secretary shall facilitate planning for the design, procurement, maintenance, deployment, and operation of icebreakers as needed to support the statutory missions of the Coast Guard in the polar regions by allocating all funds to support icebreaking operations in such regions, except for recurring incremental costs associated with specific projects, to the Coast Guard.

"(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of the *Polar Star*, *Healy*, or any other Polar Security Cutter from other Federal agencies and entities, including foreign countries, that benefit from the use of those vessels.

"(d) RESTRICTION.—

"(1) IN GENERAL.—The Commandant may not—

"(A) transfer, relinquish ownership of, dismantle, or recycle the *Polar Sea* or *Polar Star*;

"(B) change the current homeport of the *Polar Sea* or *Polar Star*; or

"(C) expend any funds—

"(i) for any expenses directly or indirectly associated with the decommissioning of the *Polar Sea* or *Polar Star*, including expenses for dock use or other goods and services;

"(ii) for any personnel expenses directly or indirectly associated with the decommissioning of the *Polar Sea* or *Polar Star*, including expenses for a decommissioning officer;

"(iii) for any expenses associated with a decommissioning ceremony for the *Polar Sea* or *Polar Star*;

"(iv) to appoint a decommissioning officer to be affiliated with the *Polar Sea* or *Polar Star*; or

"(v) to place the *Polar Sea* or *Polar Star* in inactive status.

"(2) SUNSET.—This subsection shall cease to have effect on September 30, 2022.

"(e) LIMITATION.—

"(1) IN GENERAL.—The Secretary may not expend amounts appropriated for the Coast Guard for any of fiscal years 2015 through 2024, for—

"(A) design activities related to a capability of a Polar Security Cutter that is based solely on an operational requirement of a Federal department or agency other than the Coast Guard, except for amounts appropriated for design activities for a fiscal year before fiscal year 2016; or

"(B) long-lead-time materials, production, or postdelivery activities related to such a capability.

"(2) OTHER AMOUNTS.—Amounts made available to the Secretary under an agreement with a Federal department or agency other than the Coast Guard and expended on a capability of a Polar Security Cutter that is based solely on an operational requirement of such Federal department or agency shall not be treated as amounts expended by the Secretary for purposes of the limitation under paragraph (1).

"(f) ENHANCED MAINTENANCE PROGRAM FOR THE *POLAR STAR*.—

Extension date.

"(1) IN GENERAL.—Subject to the availability of appropriations, the Commandant shall conduct an enhanced maintenance program on the Polar Star to extend the service life of such vessel until at least December 31, 2025.

"(2) AUTHORIZATION OF APPROPRIATIONS.—The Commandant may use funds made available pursuant to section 4902(1)(A), to carry out this subsection.

"(g) DEFINITIONS.—In this section:

"(1) POLAR SEA.—The term '*Polar Sea*' means Coast Guard Cutter *Polar Sea* (WAGB 11).

"(2) POLAR STAR.—The term '*Polar Star*' means Coast Guard Cutter *Polar Star* (WAGB 10).

"(3) HEALY.—The term '*Healy*' means Coast Guard Cutter *Healy* (WAGB 20).".

(b) CONTRACTING FOR MAJOR ACQUISITIONS PROGRAMS.—Section 1137(a) of title 14, United States Code, is amended by inserting "and 3 Polar Security Cutters in addition to those approved as part of a major acquisition program on November 1, 2019" before the period at the end.

(c) REPEALS.—

(1) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Section 210 of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 504 note) is repealed.

(2) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213) is repealed. 126 Stat. 1560.

(3) HOWARD COBLE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2014.—Section 505 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281) is repealed.

(4) FRANK LOBIONDO COAST GUARD AUTHORIZATION ACT OF 2018.—Section 821 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is repealed. 132 Stat. 4309.

SEC. 8112. ACQUISITION OF FAST RESPONSE CUTTER.

(a) IN GENERAL.—Of the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8101 of this division, $265,000,000 for fiscal year 2021 shall be made available for the acquisition of four Fast Responses Cutters.

(b) TREATMENT OF ACQUIRED CUTTERS.—Any cutter acquired pursuant to subsection (a) shall be in addition to the 58 cutters approved under the existing acquisition baseline.

TITLE LVXXXII—COAST GUARD

Subtitle A—Military Personnel Matters

Sec. 8201. Grade on retirement.
Sec. 8202. Authority for officers to opt out of promotion board consideration.
Sec. 8203. Temporary promotion authority for officers in certain grades with critical skills.
Sec. 8204. Career intermission program.
Sec. 8205. Direct commissioning authority for individuals with critical skills.
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Subtitle B—Organization and Management Matters

Sec. 8211. Congressional affairs; Director.
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Sec. 8220. Vessel conversion, alteration, and repair projects.
Sec. 8221. Modification of acquisition process and procedures.
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Subtitle C—Access to Child Care for Coast Guard Families

Sec. 8231. Report on child care and school-age care assistance for qualified families.
Sec. 8232. Review of family support services website and online tracking system.
Sec. 8233. Study and survey on Coast Guard child care needs.

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Sec. 8235. Improvements to Coast Guard-owned family housing.
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Subtitle D—Reports

Sec. 8240. Modifications of certain reporting requirements.
Sec. 8241. Report on cybersecurity workforce.
Sec. 8242. Report on navigation and bridge resource management.
Sec. 8243. Report on helicopter life-cycle support and recapitalization.
Sec. 8244. Report on Coast Guard response capabilities for cyber incidents on vessels entering ports or waters of the United States.
Sec. 8245. Study and report on Coast Guard interdiction of illicit drugs in transit zones.
Sec. 8246. Report on liability limits set in section 1004 of the Oil Pollution Act of 1990.
Sec. 8247. Report on Coast Guard defense readiness resources allocation.
Sec. 8248. Report on the feasibility of liquefied natural gas fueled vessels.
Sec. 8249. Coast Guard authorities study.
Sec. 8250. Report on effects of climate change on Coast Guard.
Sec. 8251. Shore infrastructure.
Sec. 8252. Coast Guard housing; status and authorities briefing.
Sec. 8253. Physical access control system report.
Sec. 8254. Study on Certificate of Compliance inspection program with respect to vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels.
Sec. 8255. Comptroller General of the United States review and report on Coast Guard's International Port Security Program.
Sec. 8256. Comptroller General of the United States review and report on surge capacity of the Coast Guard.
Sec. 8257. Comptroller General of the United States review and report on marine inspections program of Coast Guard.
Sec. 8258. Comptroller General of the United States review and report on information technology program of Coast Guard.
Sec. 8259. Comptroller General of the United States study and report on access to health care by members of Coast Guard and dependents.
Sec. 8260. Comptroller General of the United States study and report on medical staffing standards and needs for Coast Guard.
Sec. 8261. Report on fast response cutters, offshore patrol cutters, and national security cutters.

Subtitle E—Coast Guard Academy Improvement Act

Sec. 8271. Short title.
Sec. 8272. Coast Guard Academy study.
Sec. 8273. Annual report.
Sec. 8274. Assessment of Coast Guard Academy admission processes.
Sec. 8275. Coast Guard Academy minority outreach team program.
Sec. 8276. Coast Guard college student pre-commissioning initiative.
Sec. 8277. Annual board of visitors.
Sec. 8278. Homeland Security rotational cybersecurity research program at Coast Guard Academy.

Subtitle F—Other Matters

Sec. 9601. Strategy on leadership of Coast Guard.
Sec. 9602. Expedited transfer in cases of sexual assault; dependents of members of the Coast Guard.
Sec. 9603. Access to resources during creosote-related building closures at Coast Guard Base Seattle, Washington.
Sec. 9604. Southern resident orca conservation and enforcement.
Sec. 9605. Sense of Congress and report on implementation of policy on issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service.
Sec. 9606. Inspector General report on access to Equal Opportunity Advisors and Equal Employment Opportunity Specialists.
Sec. 9607. Insider Threat Program.

Subtitle A—Military Personnel Matters

SEC. 8201. GRADE ON RETIREMENT.

(a) RETIREMENT OF COMMANDANT OR VICE COMMANDANT.—Section 303 of title 14, United States Code, is amended by adding at the end the following:

"(d) Retirement under this section is subject to section 2501(a) of this title.".

(b) RETIREMENT.—Section 306 of title 14, United States Code, is amended—

(1) in subsection (a), by inserting "satisfactorily, as determined under section 2501 of this title" before the period;

(2) in subsection (b), by inserting "satisfactorily, as determined under section 2501 of this title" before the period; and

(3) in subsection (c), by inserting "if performance of duties in such grade is determined to have been satisfactory pursuant to section 2501 of this title" before the period.

(c) GRADE ON RETIREMENT.—Section 2501 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Any commissioned officer, other than a commissioned warrant officer," and inserting "COMMISSIONED OFFICERS.—

"(1) IN GENERAL.—A commissioned officer";

(B) by striking "him" and inserting "the commissioned officer";

(C) by striking "his" and inserting "the commissioned officer's"; and

(D) by adding at the end the following:

"(2) CONDITIONAL DETERMINATION.—When a commissioned officer is under investigation for alleged misconduct at the time of retirement—

"(A) the Secretary may conditionally determine the highest grade of satisfactory service of the commissioned officer pending completion of the investigation; and

"(B) the grade under subparagraph (A) is subject to resolution under subsection (c)(2).";

(2) in subsection (b)—

(A) by inserting "WARRANT OFFICERS.—" after "(b)";

(B) by striking "him" and inserting "the warrant officer"; and

(C) by striking "his" and inserting "the warrant officer's"; and

(3) by adding at the end the following:

"(c) RETIREMENT IN LOWER GRADE.—

"(1) MISCONDUCT IN LOWER GRADE.—In the case of a commissioned officer whom the Secretary determines committed misconduct in a lower grade, the Secretary may determine the commissioned officer has not served satisfactorily in any grade equal to or higher than that lower grade. Determination.

"(2) ADVERSE FINDINGS.—A determination of the retired grade of a commissioned officer shall be resolved following a conditional determination under subsection (a)(2) if the investigation of or personnel action against the commissioned officer results in adverse findings. Determination.

"(3) RECALCULATION OF RETIRED PAY.—If the retired grade of a commissioned officer is reduced pursuant to this subsection, the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

"(d) FINALITY OF RETIRED GRADE DETERMINATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a determination of the retired grade of a commissioned officer under this section is administratively final on the day the commissioned officer is retired, and may not be reopened.

"(2) REOPENING DETERMINATIONS.—A determination of the retired grade of a commissioned officer may be reopened if—

"(A) the retirement or retired grade of the commissioned officer was procured by fraud;

"(B) substantial evidence comes to light after the retirement that could have led to a lower retired grade under this section and such evidence was not known by competent authority at the time of retirement;

"(C) a mistake of law or calculation was made in the determination of the retired grade;

"(D) in the case of a retired grade following a conditional determination under subsection (a)(2), the investigation of or personnel action against the commissioned officer results in adverse findings; or

"(E) the Secretary determines, under regulations prescribed by the Secretary, that good cause exists to reopen the determination.

"(3) REQUIREMENTS.—If a determination of the retired grade of a commissioned officer is reopened under paragraph (2), the Secretary—

Notification.

"(A) shall notify the commissioned officer of the reopening; and

"(B) may not make an adverse determination on the retired grade of the commissioned officer until the commissioned officer has had a reasonable opportunity to respond regarding the basis of the reopening.

"(4) RECALCULATION OF RETIRED PAY.—If the retired grade of a commissioned officer is reduced through the reopening of the commissioned officer's retired grade under paragraph (2), the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

"(e) INAPPLICABILITY TO COMMISSIONED WARRANT OFFICERS.—This section, including subsection (b), shall not apply to commissioned warrant officers.".

SEC. 8202. AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION BOARD CONSIDERATION.

(a) ELIGIBILITY OF OFFICERS FOR CONSIDERATION FOR PROMOTION.—Section 2113 of title 14, United States Code, is amended by adding at the end the following:

Approvals.
Determinations.

"(g)(1) Notwithstanding subsection (a), the Commandant may provide that an officer may, upon the officer's request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 2106.

"(2) The Commandant shall approve a request under paragraph (1) only if—

"(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

"(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

"(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.".

(b) ELIGIBILITY OF RESERVE OFFICER FOR PROMOTION.—Section 3743 of title 14, United States Code, is amended to read as follows:

"§ 3743. Eligibility for promotion

"(a) IN GENERAL.—Except as provided in subsection (b), a Reserve officer is eligible for consideration for promotion and for promotion under this subchapter if that officer is in an active status.

"(b) EXCEPTION.—A Reserve officer who has been considered but not recommended for retention in an active status by a board convened under subsection 3752(a) of this title is not eligible for consideration for promotion.

"(c) REQUEST FOR EXCLUSION.—

"(1) IN GENERAL.—The Commandant may provide that an officer may, upon the officer's request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 3740(b) of this title to consider officers for promotion to the next higher grade. Approval.

"(2) APPROVAL OF REQUEST.—The Commandant shall approve a request under paragraph (1) only if— Determinations.

"(A) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

"(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

"(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.".

SEC. 8203. TEMPORARY PROMOTION AUTHORITY FOR OFFICERS IN CERTAIN GRADES WITH CRITICAL SKILLS.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

"§ 2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant 14 USC 2130.

"(a) IN GENERAL.—An officer in the grade of lieutenant (junior grade), lieutenant, lieutenant commander, or commander who is described in subsection (b) may be temporarily promoted to the Regulations.

President.

grade of lieutenant, lieutenant commander, commander, or captain under regulations prescribed by the Secretary. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

"(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

"(1) has a skill in which the Coast Guard has a critical shortage of personnel (as determined by the Secretary); and

"(2) is serving in a position (as determined by the Secretary) that—

"(A) is designated to be held by a lieutenant, lieutenant commander, commander, or captain; and

"(B) requires that an officer serving in such position have the skill possessed by such officer.

"(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—

"(1) The temporary positions authorized under this section shall not be counted among or included in the list of positions on the active duty promotion list.

"(2) An appointment under this section does not change the position on the active duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

"(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary for the purpose of recommending officers for such promotions.

"(e) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section beginning on the date the appointment is made.

Determinations.

"(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

"(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant, lieutenant commander, commander, or captain;

"(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of lieutenant, lieutenant commander, commander, or captain, in which case the appointment terminates on the date the officer is promoted to that grade;

"(3) when the appointment officer determines that the officer who received the appointment has engaged in misconduct or has displayed substandard performance; or

"(4) when otherwise determined by the Commandant to be in the best interests of the Coast Guard.

"(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary for the purposes of this section. The number of positions so designated may not exceed the following percentages of the respective grades:

"(1) As lieutenant, 0.5 percent.

"(2) As lieutenant commander, 3.0 percent.

"(3) As commander, 2.6 percent.
"(4) As captain, 2.6 percent.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by adding at the end the following: 14 USC prec. 2101.

"2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant.".

SEC. 8204. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

"§ 2514. Career flexibility to enhance retention of members 14 USC 2514.

"(a) PROGRAMS AUTHORIZED.—The Commandant may carry out a program under which members of the Coast Guard may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

"(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

"(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of a member participating in the program shall be such period as the Commandant shall specify in the agreement of the member under subsection (c), except that such period may not exceed 3 years.

"(2) EXCLUSION FROM YEARS OF SERVICE.—Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of title 10.

"(3) EXCLUSION FROM RETIREMENT.—Any period of participation of a member in a program under this section shall not count toward—

"(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 841 or 1223 of title 10; or

"(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10.

"(c) AGREEMENT.—Each member of the Coast Guard who participates in a program under this section shall enter into a written agreement with the Commandant under which that member shall agree as follows:

"(1) To accept an appointment or enlist, as applicable, and serve in the Coast Guard Ready Reserve during the period of the inactivation of the member from active duty under the program.

"(2) To undergo during the period of the inactivation of the member from active duty under the program such inactive service training as the Commandant shall require in order to ensure that the member retains proficiency, at a level determined by the Commandant to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active duty.

"(3) Following completion of the period of the inactivation of the member from active duty under the program, to serve 2 months as a member of the Coast Guard on active duty

for each month of the period of the inactivation of the member from active duty under the program.

"(d) CONDITIONS OF RELEASE.—The Commandant shall prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Commandant shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active duty.

"(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Commandant, a member of the Coast Guard participating in a program under this section may, in the discretion of the Commandant, be required to terminate participation in the program and be ordered to active duty.

"(f) PAY AND ALLOWANCES.—

"(1) BASIC PAY.—During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the program.

"(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

"(A) PROHIBITION.—A member who participates in such a program shall not, while participating in the program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37 that is in force when the member commences participation in the program.

"(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of a member participating in a program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37 that is in force when the member commences participation in the program.

"(3) RETURN TO ACTIVE DUTY.—

"(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of a member to active duty after completion by the member of participation in a program—

"(i) any agreement entered into by the member under chapter 5 of title 37 for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the program; and

"(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

"(B) LIMITATION.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by such subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

"(I) such pay or bonus is no longer authorized by law; or

"(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

"(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by such subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

"(C) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

"(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

"(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

"(i) travel performed from the residence of the member, at the time of release from active duty to participate in the program, to the location in the United States designated by the member as the member's residence during the period of participation in the program; and

"(ii) travel performed to the residence of the member upon return to active duty at the end of the participation of the member in the program.

"(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

"(5) LEAVE BALANCE.—A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

"(g) PROMOTION.—

"(1) OFFICERS.—

"(A) IN GENERAL.—An officer participating in a program under this section shall not, while participating in

the program, be eligible for consideration for promotion under chapter 21 or 37 of this title.

"(B) RETURN TO DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a program—

"(i) the Commandant may adjust the date of rank of the officer in such manner as the Commandant may prescribe in regulations for purposes of this section; and

"(ii) the officer shall be eligible for consideration for promotion when officers of the same grade and seniority are eligible for consideration for promotion.

"(2) ENLISTED MEMBERS.—An enlisted member participating in a program under this section shall not be eligible for consideration for advancement during the period that—

"(A) begins on the date of the inactivation of the member from active duty under the program; and

"(B) ends at such time after the return of the member to active duty under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Commandant shall prescribe in regulations for purposes of the program.

Time period.

"(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of—

"(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of title 10; and

"(2) retirement or separation for physical disability under the provisions of chapter 61 of title 10 and chapters 21 and 23 of this title.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 2501.

"2514. Career flexibility to enhance retention of members.".

SEC. 8205. DIRECT COMMISSIONING AUTHORITY FOR INDIVIDUALS WITH CRITICAL SKILLS.

(a) IN GENERAL.—Subchapter II of chapter 37 of title 14, United States Code, is amended by inserting after section 3738 the following:

14 USC 3738a.

"§ 3738a. Direct commissioning authority for individuals with critical skills

"An individual with critical skills that the Commandant considers necessary for the Coast Guard to complete its missions who is not currently serving as an officer in the Coast Guard may be commissioned into the Coast Guard at a grade up to and including commander.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 37 of title 14, United States Code, is amended by inserting after the item relating to section 3738 the following:

14 USC prec. 3701.

"3738a. Direct commissioning authority for individuals with critical skills.".

(c) TECHNICAL AMENDMENT.—The heading for the first chapter of subtitle III of title 14, United States Code, is amended by striking "**CHAPTER 1**" and inserting "**CHAPTER 37**".

14 USC prec. 3701.

SEC. 8206. EMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter I of chapter 27 of title 14, United States Code, is amended by adding at the end the following:

"§ 2713. Employment assistance

14 USC 2713.

"(a) IN GENERAL.—In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by section 1143(a)(1) of title 10, the Secretary shall—

Certification.

"(1) establish a database to record all training performed by members of the Coast Guard that may have application to employment in the civilian sector; and

Database. Records.

"(2) make unclassified information regarding such information available to States and other potential employers referred to in section 1143(c) of title 10 so that States and other potential employers may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.

"(b) FORM OF CERTIFICATION OR VERIFICATION.—The Secretary shall ensure that a certification or verification of job skills and experience required by section 1143(a)(1) of title 10 is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.

"(c) REQUESTS BY STATES.—A State may request that the Secretary confirm the accuracy and authenticity of a certification or verification of job skills and experience provided under section 1143(c) of title 10.".

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

14 USC prec. 2701.

"2713. Employment assistance.".

Subtitle B—Organization and Management Matters

SEC. 8211. CONGRESSIONAL AFFAIRS; DIRECTOR.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 321. Congressional affairs; Director

14 USC 321.

"The Commandant shall appoint a Director of Congressional Affairs from among officers of the Coast Guard who are in a grade above captain. The Director of Congressional Affairs is separate and distinct from the Director of Governmental and Public Affairs for the Coast Guard and is the principal advisor to the Commandant on all congressional and legislative matters for the Coast Guard and may have such additional functions as the Commandant may direct.".

Appointment.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 301.

"321. Congressional affairs; Director.".

SEC. 8212. LIMITATIONS ON CLAIMS.

(a) ADMIRALTY CLAIMS.—Section 937(a) of title 14, United States Code, is amended by striking "$100,000" and inserting "$425,000".

(b) CLAIMS FOR DAMAGE TO PROPERTY OF THE UNITED STATES.—Section 938 of title 14, United States Code, is amended by striking "$100,000" and inserting "$425,000".

SEC. 8213. RENEWAL OF TEMPORARY EARLY RETIREMENT AUTHORITY.

Section 219 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213; 10 U.S.C. 1293 note) is amended—

(1) in the matter preceding paragraph (1), by striking "For fiscal years 2013 through 2018" and inserting "For fiscal years 2019 through 2025"; and

(2) in paragraph (1), by striking "subsection (c)(2)(A)" and inserting "subsection (c)(1)".

SEC. 8214. MAJOR ACQUISITIONS; OPERATION AND SUSTAINMENT COSTS.

Section 5103(e)(3) of title 14, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) operate and sustain the cutters and aircraft described in paragraph (2);".

14 USC 504 note.

SEC. 8215. SUPPORT OF WOMEN SERVING IN THE COAST GUARD.

(a) ACTION PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall—

Determination. Recommendations.

(A) determine which recommendations in the RAND gender diversity report can practicably be implemented to promote gender diversity in the Coast Guard; and

Reports.

(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actions the Coast Guard has taken, or plans to take, to implement such recommendations.

(2) CURRICULUM AND TRAINING.—The Commandant shall update curriculum and training materials used at—

(A) officer accession points, including the Coast Guard Academy and the Leadership Development Center;

(B) enlisted member accession at the United States Coast Guard Training Center Cape May in Cape May, New Jersey; and

(C) the officer, enlisted member, and civilian leadership courses managed by the Leadership Development Center.

Such updates shall reflect actions the Coast Guard has taken, or plans to take, to carry out the recommendations of the RAND gender diversity report.

(3) DEFINITION.—In this subsection, the term "RAND gender diversity report" means the RAND Corporation's Homeland Security Operational Analysis Center 2019 report entitled "Improving Gender Diversity in the U.S. Coast Guard: Identifying Barriers to Female Retention".

(b) ADVISORY BOARD ON WOMEN AT THE COAST GUARD ACADEMY.—Chapter 19 of title 14, United States Code, is amended—

(1) by redesignating section 1904 as section 1906;

(2) by inserting after section 1903 the following:

"§ 1904. Advisory Board on Women at the Coast Guard Academy 14 USC 1904.

"(a) IN GENERAL.—The Superintendent of the Academy shall establish at the Coast Guard Academy an advisory board to be known as the Advisory Board on Women at the Coast Guard Academy (referred to in this section as the 'Advisory Board'). Establishment.

"(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 current cadets of the Coast Guard Academy, including not fewer than 3 cadets from each current class.

"(c) APPOINTMENT; TERM.—Cadets shall serve on the Advisory Board pursuant to appointment by the Superintendent of the Academy. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of cadets at the Academy. The term of membership of a cadet on the Advisory Board shall be 1 academic year. Deadline.

"(d) REAPPOINTMENT.—The Superintendent of the Academy may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Superintendent of the Academy determines such reappointment to be in the best interests of the Coast Guard Academy. Determination.

"(e) MEETINGS.—The Advisory Board shall meet with the Commandant at least once each academic year on the activities of the Advisory Board. The Advisory Board shall meet in person with the Superintendent of the Academy not less than twice each academic year on the duties of the Advisory Board.

"(f) DUTIES.—The Advisory Board shall identify opportunities and challenges facing cadets at the Academy who are women, including an assessment of culture, leadership development, and access to health care of cadets at the Academy who are women.

"(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of cadets at the Academy who are not current members of the Advisory Board.

"(h) REPORTS AND BRIEFINGS.—The Advisory Board shall regularly provide the Commandant and the Superintendent reports and briefings on the results of its duties, including recommendations for actions to be taken in light of such results. Such reports and briefings may be provided in writing, in person, or both."; and Recommendations.

(3) by amending the analysis for such chapter— 14 USC prec. 1901.

(A) by amending the item relating to section 1904 to read as follows:

"1904. Advisory Board on Women at the Coast Guard Academy."; and

(B) by adding at the end the following:

"1906. Participation in Federal, State, or other educational research grants.".

(c) ADVISORY BOARD ON WOMEN IN THE COAST GUARD.—Chapter 25 of title 14, United States Code, is amended—

(1) by redesignating subchapter II as subchapter III; 14 USC prec. 2531.

(2) by inserting after subchapter I the following:

"SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD 14 USC prec. 2521.

"§ 2521. Advisory Board on Women in the Coast Guard 14 USC 2521.

"(a) IN GENERAL.—The Commandant shall establish within the Coast Guard an Advisory Board on Women in the Coast Guard. Establishment.

"(b) MEMBERSHIP.—The Advisory Board established under subsection (a) shall be composed of such number of members as the Commandant considers appropriate, selected by the Commandant through a public selection process from among applicants for membership on the Board. The members of the Board shall, to the extent practicable, represent the diversity of the Coast Guard. The members of the Committee shall include an equal number of each of the following:

"(1) Active duty officers of the Coast Guard.

"(2) Active duty enlisted members of the Coast Guard.

"(3) Members of the Coast Guard Reserve.

"(4) Retired members of the Coast Guard.

"(c) DUTIES.—The Advisory Board established under subsection (a)—

"(1) shall advise the Commandant on improvements to the recruitment, retention, wellbeing, and success of women serving in the Coast Guard and attending the Coast Guard Academy, including recommendations for the report on gender diversity in the Coast Guard required by section 5109 of chapter 51 of title 14;

"(2) may submit to the Commandant recommendations in connection with its duties under this subsection, including recommendations to implement the advice described in paragraph (1); and

"(3) may brief Congress on its duties under this subsection, including the advice described in paragraph (1) and any recommendations described in paragraph (2)."; and

14 USC prec. 2501.

(3) by amending the analysis for such chapter by striking the items relating to subchapter II and inserting the following:

"SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

"2521. Advisory Board on Women in the Coast Guard.

"SUBCHAPTER III—LIGHTHOUSE SERVICE

"2531. Personnel of former Lighthouse Service.".

(d) RECURRING REPORT.—

(1) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

14 USC 5109.

"§ 5109. Report on gender diversity in the Coast Guard

"(a) IN GENERAL.—Not later than January 15, 2022, and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on gender diversity in the Coast Guard.

"(b) CONTENTS.—The report required under subsection (a) shall contain the following:

"(1) GENDER DIVERSITY OVERVIEW.—An overview of Coast Guard active duty and reserve members, including the number of officers and enlisted members and the percentages of men and women in each.

Time periods. Analysis.

"(2) RECRUITMENT AND RETENTION.—

"(A) An analysis of the changes in the recruitment and retention of women over the previous 2 years.

"(B) A discussion of any changes to Coast Guard recruitment and retention over the previous 2 years that were aimed at increasing the recruitment and retention of female members.

"(3) PARENTAL LEAVE.—

"(A) The number of men and women who took parental leave during each year covered by the report, including the average length of such leave periods.

"(B) A discussion of the ways in which the Coast Guard worked to mitigate the impacts of parental leave on Coast Guard operations and on the careers of the members taking such leave.

"(4) LIMITATIONS.—An analysis of current gender-based limitations on Coast Guard career opportunities, including discussion of— Analysis.

"(A) shipboard opportunities;

"(B) opportunities to serve at remote units; and

"(C) any other limitations on the opportunities of female members.

"(5) PROGRESS UPDATE.—An update on the Coast Guard's progress on the implementation of the action plan required under subsection (a) of section 8215 of the Elijah E. Cummings Coast Guard Authorization Act of 2020.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following: 14 USC prec. 5101.

"5109. Report on gender diversity in the Coast Guard.".

SEC. 8216. DISPOSITION OF INFRASTRUCTURE RELATED TO E–LORAN.

Section 914 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "date" and inserting "later of the date of the conveyance of the properties directed under section 533(a) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) or the date"; and

(B) by striking "determination by the Secretary" and inserting "determination by the Secretary of Transportation under section 312(d) of title 49"; and

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY OF PROCEEDS.—The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited into the Coast Guard Housing Fund for uses authorized under section 2946 of this title.".

SEC. 8217. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 2103(c)(3) of title 14, United States Code, is amended by striking "rear admiral (lower half)" and inserting "vice admiral".

SEC. 8218. RESEARCH PROJECTS; TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS. 14 USC 719.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"§ 719. Research projects; transactions other than contracts and grants

"(a) ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.—

"(1) IN GENERAL.—The Commandant may enter into—

"(A) transactions (other than contracts, cooperative agreements, and grants) in carrying out basic, applied, and advanced research projects; and

"(B) agreements with the Director of the Defense Advanced Research Projects Agency, the Secretary of a military department, or any other official designated by the Secretary of Defense under section 2371b of title 10 to participate in prototype projects and follow-on production contracts or transactions that are being carried out by such official and are directly relevant to the Coast Guard's cyber capability and Command, Control, Communications, Computers, and intelligence initiatives.

"(2) ADDITIONAL AUTHORITY.—The authority under this subsection is in addition to the authority provided in section 717 to use contracts, cooperative agreements, and grants in carrying out such projects.

"(3) FUNDING.—In carrying out paragraph (1)(B), the Commandant may use funds made available to the extent provided in advance in appropriations Acts for—

"(A) operations and support;

"(B) research, development, test, and evaluation; and

"(C) procurement, construction, and improvement.

"(b) RECOVERY OF FUNDS.—

"(1) IN GENERAL.—Subject to subsection (d), a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717, and a transaction authorized by subsection (a), may include a clause that requires a person or other entity to make payments to the Coast Guard or any other department or agency of the Federal Government as a condition for receiving support under the agreement or transaction, respectively.

"(2) AVAILABILITY OF FUNDS.—The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) shall be deposited in the general fund of the Treasury. Amounts so deposited shall be available for the purposes of carrying out this section, to the extent provided in advance in appropriations Acts.

"(c) CONDITIONS.—

"(1) IN GENERAL.—The Commandant shall ensure that to the extent that the Commandant determines practicable, no cooperative agreement containing a clause described in subsection (c)(1), and no transaction entered into under subsection (a), provides for research that duplicates research being conducted under existing programs carried out by the Coast Guard.

"(2) OTHER AGREEMENTS NOT FEASIBLE.—A cooperative agreement containing a clause described in subsection (c)(1), or under a transaction authorized by subsection (a), may be used for a research project only if the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(d) EDUCATION AND TRAINING.—The Commandant shall—

"(1) ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and

"(2) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.

"(e) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—

"(1) IN GENERAL.—Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for 5 years after the date on which the information is received by the Coast Guard.

"(2) LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Coast Guard only if the information was submitted to the Coast Guard in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717 or another transaction authorized by subsection (a).

"(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is the following:

"(i) A proposal, proposal abstract, and supporting documents.

"(ii) A business plan submitted on a confidential basis.

"(iii) Technical information submitted on a confidential basis.

"(f) REGULATIONS.—The Commandant shall prescribe regulations, as necessary, to carry out this section.

"(g) ANNUAL REPORT.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate a report describing each use of the authority provided under this section during the most recently completed fiscal year, including details of each use consisting of—

"(1) the amount of each transaction;

"(2) the entities or organizations involved;

"(3) the product or service received;

"(4) the research project for which the product or service was required; and

"(5) the extent of the cost sharing among Federal Government and non-Federal sources.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 701.

"719. Research projects; transactions other than contracts and grants.".

SEC. 8219. ACQUISITION WORKFORCE AUTHORITIES.

(a) IN GENERAL.—Subchapter I of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§ 1111. Acquisition workforce authorities

14 USC 1111.

"(a) EXPEDITED HIRING AUTHORITY.—

"(1) IN GENERAL.—For the purposes of section 3304 of title 5, the Commandant may—

"(A) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

"(B) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.

"(2) REPORTS.—The Commandant shall include in reports under section 1102 information described in such section regarding positions designated under this subsection.

"(b) REEMPLOYMENT AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant under subsection (a), the annuity of the annuitant so employed shall continue. The annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

"(2)(A) ELECTION.—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in any category of acquisition positions designated by the Commandant under subsection (a) after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, may elect to be subject to section 8344 or 8468 of such title (as the case may be).

Notification.

"(i) DEADLINE.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes reasonable actions to notify an employee who may file an election.

Effective date.

"(ii) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

"(B) APPLICATION.—Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) and does not file a timely election under clause (i) of such subparagraph.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 1101.

"1111. Acquisition workforce authorities.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is repealed.

14 USC 1102 note.

SEC. 8220. VESSEL CONVERSION, ALTERATION, AND REPAIR PROJECTS.

(a) IN GENERAL.—Notwithstanding any provision of the Small Business Act (15 U.S.C. 631 et seq.) and any regulation or policy implementing such Act, the Commandant may use full and open competitive procedures, as prescribed in section 2304 of title 10, United States Code, to acquire maintenance and repair services for vessels with a homeport in Coast Guard District 17.

(b) APPLICABILITY.—Subsection (a) shall apply only if there are not at least 2 qualified small businesses located in Coast Guard

District 17 that are able and available to provide the services described in such subsection.

(c) LIMITATION.—The full and open competitive procedures described in subsection (a) may only be used to acquire such services from a business located in Coast Guard District 17 that is able and available to provide such services.

SEC. 8221. MODIFICATION OF ACQUISITION PROCESS AND PROCEDURES.

(a) EXTRAORDINARY RELIEF.—

(1) IN GENERAL.—Subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§ 1157. Extraordinary relief 14 USC 1157.

"(a) IN GENERAL.—With respect to any prime contracting entity receiving extraordinary relief pursuant to the Act entitled 'An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense', approved August 28, 1958 (Public Law 85–804; 50 U.S.C. 1432 et seq.) for a major acquisition, the Secretary shall not consider any further request by the prime contracting entity for extraordinary relief under such Act for such major acquisition.

"(b) INAPPLICABILITY TO SUBCONTRACTORS.—The limitation under subsection (a) shall not apply to subcontractors of a prime contracting entity.

"(c) QUARTERLY REPORT.—Not less frequently than quarterly during each fiscal year in which extraordinary relief is approved or provided to an entity under the Act referred to in subsection (a) for the acquisition of Offshore Patrol Cutters, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes in detail such relief and the compliance of the entity with the oversight measures required as a condition of receiving such relief.".

(3) ANALYSIS FOR CHAPTER 11.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1156 the following: 14 USC prec. 1101.

"1157. Extraordinary relief.".

(b) NOTICE TO CONGRESS WITH RESPECT TO BREACH OF CONTRACT.—Section 1135 of title 14, United States Code, is amended by adding at the end the following:

"(d) NOTICE TO CONGRESS WITH RESPECT TO BREACH OF CONTRACT.—Not later than 48 hours after the Commandant becomes aware that a major acquisition contract cannot be carried out under the terms specified in the contract, the Commandant shall provide a written notification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes— Deadline.

"(1) a description of the terms of the contract that cannot be met; and

"(2) an assessment of whether the applicable contract officer has issued a cease and desist order to the contractor based on the breach of such terms of the contract.". Assessment.

SEC. 8222. ESTABLISHMENT AND PURPOSE OF FUND; DEFINITION.

Section 1461(a) of title 10, United States Code, is amended by inserting "and the Coast Guard" after "liabilities of the Department of Defense".

SEC. 8223. PAYMENTS FROM FUND.

Section 1463(a) of title 10, United States Code, is amended—

(1) in paragraph (1) by striking "and Marine Corps" and inserting "Marine Corps, and Coast Guard";

(2) in paragraph (2) by striking "(other than retired pay payable by the Secretary of Homeland Security)"; and

(3) in paragraph (4) by inserting "and the Department of Homeland Security that" after "Department of Defense".

SEC. 8224. DETERMINATION OF CONTRIBUTIONS TO FUND.

Section 1465 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) NOT" and inserting the following: "(a)(1) Not"; and

(B) by adding at the end the following:

Deadline. "(2) Not later than October 1, 2022, the Board of Actuaries shall determine the amount that is the present value (as of September 30, 2022) of future benefits payable from the Fund that are attributable to service in the Coast Guard performed before October 1, 2022. That amount is the original Coast Guard unfunded liability of the Fund. The Board shall determine the period of time over which the original Coast Guard unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original Coast Guard unfunded liability in accordance with such schedule shall be made as provided in section 1466(b) of this title.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ", in consultation with the Secretary of the department in which the Coast Guard is operating," after "Secretary of Defense" ; and

(II) by inserting "and Coast Guard" after "Department of Defense";

(ii) in subparagraph (A)(ii) by striking "(other than the Coast Guard)" and inserting "members of the Armed Forces"; and

(iii) in subparagraph (B)(ii) by striking "(other than the Coast Guard)";

(B) in paragraph (2) by inserting "the Coast Guard Retired Pay account and the" after "appropriated to"; and

(C) in paragraph (3) by inserting "and Coast Guard" after "Department of Defense";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by inserting ", in consultation with the Secretary of the department in which the Coast Guard is operating," after "Secretary of Defense";

(ii) in subparagraph (A) by striking "(other than the Coast Guard)" and inserting "members of the Armed Forces";

(iii) in subparagraph (B) by striking "(other than the Coast Guard)";

(B) in paragraph (2) by inserting ", in consultation with the Secretary of the department in which the Coast Guard is operating," after "Secretary of Defense";

(C) in paragraph (3) by inserting ", in consultation with the Secretary of the department in which the Coast Guard is operating," after "Secretary of Defense";

(4) in subsection (e) by striking "Secretary of Defense shall" and inserting "Secretary of Defense and, with regard to the Coast Guard, the Secretary of the department in which the Coast Guard is operating".

SEC. 8225. PAYMENTS INTO FUND.

Section 1466 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Secretary of Defense shall" and inserting "Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast guard, shall"; and

(ii) by striking "each month as the Department of Defense contribution" and inserting "each month the respective pro rata share contribution of the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating"; and

(B) in paragraph (2)(B) by striking "(other than the Coast Guard)"; and

(C) by striking the flush language following paragraph (2)(B) and inserting the following new subsection:

"(b) Amounts paid into the Fund under this subsection shall be paid from funds available for as appropriate—

"(1) the pay of members of the armed forces under the jurisdiction of the Secretary of a military department; or

"(2) the Retired Pay appropriation for the Coast Guard.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) in subsection (c) (as so redesignated)—

(A) in paragraph (2)(A) by striking "liability of the Fund." and inserting "liabilities of the Fund for the Department of Defense and the Coast Guard."; and

(B) in paragraph (3) by inserting "and the Secretary of the Department in which the Coast Guard is operating" before "shall promptly".

Subtitle C—Access to Child Care for Coast Guard Families

SEC. 8231. REPORT ON CHILD CARE AND SCHOOL-AGE CARE ASSISTANCE FOR QUALIFIED FAMILIES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on child care and school-age care options available to qualified families.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) FINANCIAL ASSISTANCE.—

Assessment.

(A) An assessment of—

(i) the subsidies and financial assistance for child care and school-age care made available by the Coast Guard to qualified families; and

(ii) the extent to which qualified families have taken advantage of such subsidies and assistance.

(B) The average number of days between—

(i) the date on which an application for a subsidy or other financial assistance for child care or school-age care is submitted by a qualified family; and

(ii) upon approval of an application, the date on which such subsidy or assistance is received by the qualified family.

Recommendations.

(C) Recommendations for streamlining the payment of such subsidies and financial assistance.

(D) The amount of funding allocated to such subsidies and financial assistance.

(E) The remaining costs for child care or school-age care to qualified families that are not covered by the Coast Guard.

(F) A description of barriers to access to such subsidies and financial assistance.

(G) The number of qualified families that do not receive any such subsidies or financial assistance.

Assessments.

(2) REGULATION OF CHILD CARE SERVICES.—

(A) An assessment of—

(i) the regulations of States with respect to child care services (such as staffing, space and furnishings, safety, curriculum requirements, and allowable care hours); and

(ii) the effect that differences in such regulations may have on access to child care for qualified families.

(B) An assessment of—

(i) the regulations of the Coast Guard and the Department of Defense with respect to child development centers and other child care providers (including school-age care providers), and a comparison of such regulations with similar State regulations; and

(ii) the effect that such regulations may have on access to child care and school-age care for qualified families.

(C) The number of qualified families, and children, that do not have access to a Coast Guard child development center for child care.

(3) PARITY WITH DEPARTMENT OF DEFENSE.—The differences between child care and school-age care services offered by the Coast Guard and child care and school-age care authorities of the Coast Guard and the Department of Defense relating to the following:

(A) Authorized uses of appropriated funds for child care and school-age care services.

(B) Access to, and total capacity of, Coast Guard child development centers and Department of Defense child development centers.

(C) Child care and school-age care programs or policy.

(D) Coast Guard and Department of Defense programs to provide additional assistance to members and civilian employees with respect to child care and school-age care options.

(E) Respite care programs.

(F) Nonappropriated funds.

(G) Coast Guard family child care centers.

(H) Coast Guard and Department of Defense publicly available online resources for families seeking military child care and school-age care.

(4) FEASIBILITY.—An analysis of the feasibility of the Commandant entering into agreements with private child care and school-age care service providers to provide child care and school-age care for qualified families. Analysis.

(5) AVAILABILITY.—An analysis of the availability of child care and school-age care for qualified families, including accessibility after normal work hours, proximity, and total capacity. Analysis.

(6) RECOMMENDATIONS.—Recommendations—

(A) to improve access to child care and school-age care for qualified families;

(B) to ensure parity between the Coast Guard and the Department of Defense with respect to child care and school-age care;

(C) to expand access to child care and school-age care for all qualified families, including qualified families that have a child with special needs; and

(D) to ensure that regional child care and child development center needs at the unit, sector, or district level are identified, assessed, and reasonably evaluated by the Commandant for future infrastructure needs.

(7) OTHER MATTERS.—A description or analysis of any other matter the Comptroller General considers relevant to the improvement of expanded access to child care and school-age care for qualified families.

SEC. 8232. REVIEW OF FAMILY SUPPORT SERVICES WEBSITE AND ONLINE TRACKING SYSTEM. Records. 14 USC 2922 note.

(a) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—The Commandant shall enter into a memorandum of understanding with the Secretary of Defense to enable qualified families to access the website at https://militarychildcare.com (or a successor website) for purposes of Coast Guard family access to information with respect to State-accredited child development centers and other child care support services as such services become available from the Department of Defense through such website. The memorandum shall provide for the expansion of the geographical areas covered by such website, including regions in which qualified families live that are not yet covered by the program.

(2) INCLUSION OF CHILD DEVELOPMENT CENTERS ACCESSIBLE UNDER PILOT PROGRAM.—The information accessible pursuant to the memorandum of understanding required by paragraph

(1) shall include information with respect to any child development center accessible pursuant to the pilot program under section 8234.

Deadline.

(3) ELECTRONIC REGISTRATION, PAYMENT, AND TRACKING SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall develop and maintain an internet website of the Coast Guard accessible to qualified families to carry out the following activities:

(A) Register children for a Coast Guard child development center.

(B) Make online child care payments to a Coast Guard child development center.

(C) Track the status of a child on the wait list of a Coast Guard child development center, including the placement and position of the child on the wait list.

(b) WAIT LIST.—

(1) IN GENERAL.—The Commandant shall maintain a record of the wait list for each Coast Guard child development center.

(2) MATTERS TO BE INCLUDED.—Each record under paragraph (1) shall include the following:

(A) The total number of children of qualified families on the wait list.

(B) With respect to each child on the wait list—

(i) the age of the child;

(ii) the number of days the child has been on the wait list;

(iii) the position of the child on the wait list;

(iv) any special needs consideration; and

(v) information on whether a sibling of the child is on the wait list of, or currently enrolled in, the Coast Guard child development center concerned.

Time period.

(3) REQUIREMENT TO ARCHIVE.—Information placed in the record of a Coast Guard child development center under paragraph (1) shall be archived for a period of not less than 10 years after the date of its placement in the record.

14 USC 2922 note.

SEC. 8233. STUDY AND SURVEY ON COAST GUARD CHILD CARE NEEDS.

(a) STUDY.—

Deadline. Time period.

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and for each of the 2 fiscal years thereafter, the Commandant shall conduct a study on the child care needs of qualified families that incorporates—

(A) the results of the survey under subsection (b); and

(B) any other information the Commandant considers appropriate to ensure adequate tracking and future needs-based assessments with respect to adequate access to Coast Guard child development centers.

(2) CONSULTATION.—In conducting a study under paragraph (1), the Commandant may consult a federally funded research and development center.

(3) SCOPE OF DATA.—The data obtained through each study under paragraph (1) shall be obtained on a regional basis, including by Coast Guard unit, sector, and district.

(b) SURVEY.—

(1) IN GENERAL.—Together with each study under subsection (a), and annually as the Commandant considers appropriate, the Commandant shall carry out a survey of individuals described in paragraph (2) on access to Coast Guard child development centers.

(2) PARTICIPANTS.—

(A) IN GENERAL.—The Commandant shall seek the participation in the survey of the following Coast Guard individuals:

(i) Commanding officers, regardless of whether the commanding officers have children.

(ii) Regular and reserve personnel.

(iii) Spouses of individuals described in clauses (i) and (ii).

(B) SCOPE OF PARTICIPATION.—Individuals described in clauses (i) through (iii) of subparagraph (A) shall be surveyed regardless of whether such individuals use or have access to Coast Guard child development centers or other Federal child care facilities.

(C) VOLUNTARY PARTICIPATION.—Participation of any individual described in subparagraph (A) in a survey shall be on a voluntary basis.

(c) AVAILABILITY.—On request, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of any study or survey under this section.

SEC. 8234. PILOT PROGRAM TO EXPAND ACCESS TO CHILD CARE.

14 USC 2992 note.

(a) IN GENERAL.—Commencing not later than 60 days after the date on which the report under section 8231 is submitted, the Commandant shall carry out a pilot program, based on the recommendations provided in such report, to expand access to public or private child development centers for qualified families.

Deadline.

(b) DURATION.—The duration of the pilot program under subsection (a) shall be not more than 3 years beginning on the date on which the pilot program is established.

(c) DISCHARGE ON DISTRICT BASIS.—The Commandant—

(1) may carry out the pilot program on a district basis; and

(2) shall include in the pilot program remote and urban locations.

(d) RESERVATION OF CHILD CARE SLOTS.—As part of the pilot program, the Commandant shall seek to enter into one or more memoranda of understanding with one or more child development centers to reserve slots for qualified families in locations in which—

(1) the Coast Guard lacks a Coast Guard child development center; or

(2) the wait lists for the nearest Coast Guard child development center or Department of Defense child development center, where applicable, indicate that qualified families may not be accommodated.

(e) ANNUAL ASSESSMENT OF RESULTS.—As part of any study conducted pursuant to section 8233(a) after the end of the 1-year period beginning with the commencement of the pilot program, the Commandant shall also undertake a current assessment of the impact of the pilot program on access to child development

centers for qualified families. The Commandant shall include the results of any such assessment in the results of the most current study or survey submitted pursuant to section 8233(a).

SEC. 8235. IMPROVEMENTS TO COAST GUARD-OWNED FAMILY HOUSING.

Section 2922(b) of title 14, United States Code, is amended by adding at the end the following:

"(4) To the maximum extent practicable, the Commandant shall ensure that, in a location in which Coast Guard family child care centers (as such term is defined in section 8239 of the Elijah E. Cummings Coast Guard Authorization Act of 2020) are necessary to meet the demand for child care for qualified families (as such term is defined in such section), not fewer than two housing units are maintained in accordance with safety inspection standards so as to accommodate family child care providers.".

SEC. 8236. BRIEFING ON TRANSFER OF FAMILY CHILD CARE PROVIDER QUALIFICATIONS AND CERTIFICATIONS.

Deadline. Determination.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility of developing a policy to allow the transfer of a Coast Guard-mandated family child care provider qualification or certification between Coast Guard-owned housing units if, as determined by the Commandant—

(1) the qualification or certification is not expired;

(2) the transfer of the qualification or certification would not pose a danger to any child in the care of the family child care provider; and

(3) the transfer would expedite the ability of the family child care provider to establish, administer, and provide family home daycare in a Coast Guard-owned housing unit.

Analysis.

(b) BRIEFING ELEMENT.—The briefing required by subsection (a) shall include analysis of options for transferring a Coast Guard-mandated family child care provider qualification or certification as described in that subsection, and of any legal challenges associated with such transfer.

(c) RULE OF CONSTRUCTION.—The policy under subsection (a) shall not be construed to supersede any other applicable Federal, State, or local law (including regulations) relating to the provision of child care services.

SEC. 8237. INSPECTIONS OF COAST GUARD CHILD DEVELOPMENT CENTERS AND FAMILY CHILD CARE PROVIDERS.

(a) INSPECTIONS.—Section 2923 of title 14, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) INSPECTIONS.—

Time period.

"(1) IN GENERAL.—Not less than twice annually, the Commandant shall ensure that each Coast Guard child development center is subject to an unannounced inspection.

"(2) RESPONSIBILITY FOR INSPECTIONS.—Of the biannual inspections under paragraph (1)—

"(A) 1 shall be carried out by a representative of the Coast Guard installation served by the Coast Guard child development center concerned; and

"(B) 1 shall be carried out by a representative of the Coast Guard child development services work-life programs.".

(b) FAMILY CHILD CARE PROVIDERS.—

(1) IN GENERAL.—Chapter 29 of title 14, United States Code, is amended by adding at the end the following:

"§ 2926. Family child care providers

14 USC 2926.

"(a) IN GENERAL.—Not less frequently than quarterly, the Commandant shall ensure that each family child care provider is subject to inspection.

"(b) RESPONSIBILITY FOR INSPECTIONS.—Of the quarterly inspections under subsection (a) each year—

"(1) 3 inspections shall be carried out by a representative of the Coast Guard installation served by the family child care provider concerned; and

"(2) 1 inspection shall be carried out by a representative of the Coast Guard child development services work-life programs.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by adding at the end the following:

14 USC prec. 2901.

"2926. Family child care providers.".

SEC. 8238. EXPANDING OPPORTUNITIES FOR FAMILY CHILD CARE.

14 USC 2922 note. Deadline. Procedures.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall—

(1) establish a procedure to allow Coast Guard family child care centers to occur at off-base housing, including off-base housing owned or subsidized by the Coast Guard; and

(2) establish a procedure to ensure that all requirements with respect to such family child care programs are met, including home inspections.

SEC. 8239. DEFINITIONS.

14 USC 2922 note.

In this subtitle:

(1) COAST GUARD CHILD DEVELOPMENT CENTER.—The term "Coast Guard child development center" has the meaning given that term in section 2921(3) of title 14, United States Code.

(2) COAST GUARD FAMILY CHILD CARE CENTER.—The term "Coast Guard family child care center" means a location at which family home daycare is provided.

(3) FAMILY CHILD CARE PROVIDER.—The term "family child care provider" means an individual who provides family home daycare.

(4) FAMILY HOME DAYCARE.—The term "family home daycare" has the meaning given that term in section 2921(5) of title 14, United States Code.

(5) QUALIFIED FAMILY.—The term "qualified family" means any regular, reserve, or retired member of the Coast Guard, and any civilian employee of the Coast Guard, with one or more dependents.

Subtitle D—Reports

SEC. 8240. MODIFICATIONS OF CERTAIN REPORTING REQUIREMENTS.

(a) ESPECIALLY HAZARDOUS CARGO.—Subsection (e) of section 70103 of title 46, United States Code, is amended to read as follows:

"(e) ESPECIALLY HAZARDOUS CARGO.—

"(1) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing especially hazardous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.

"(2) ESPECIALLY HAZARDOUS CARGO DEFINED.—In this subsection, the term 'especially hazardous cargo' means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.".

(b) COMPLIANCE WITH SECURITY STANDARDS.—Section 809 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 46 U.S.C. 70101 note) is amended by striking subsections (g) and (i).

(c) MARINE SAFETY LONG-TERM STRATEGY.—Section 2116 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "The strategy shall include the issuance of a triennial plan" and inserting "The 5-year strategy shall include the issuance of a plan";

(2) in subsection (b)—

(A) in the subsection heading, by striking "CONTENTS OF STRATEGY AND TRIENNIAL PLANS" and inserting "5–YEAR STRATEGY AND PLAN";

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking "strategy and triennial plans" and inserting "5-year strategy and plan"; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "strategy and triennial plans" and inserting "5-year strategy and plan"; and

(ii) in subparagraph (A), by striking "plans" and inserting "plan";

(3) in subsection (c)—

(A) by striking "Beginning with fiscal year 2020 and triennially thereafter, the Secretary" and inserting "Not later than 5 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 5 years thereafter, the Secretary"; and

(B) by striking "triennial"; and

(4) in subsection (d)—

(A) in paragraph (1), by striking "No less frequently than semiannually" and inserting "In conjunction with the submission of the 5-year strategy and plan"; and

(B) in paragraph (2)—

(i) in the heading, by striking "REPORT TO CONGRESS" and inserting "PERIODIC BRIEFINGS";

(ii) in the matter preceding subparagraph (A), by striking "report triennially" and all that follows through "the Senate" and inserting "periodically brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives";

(iii) in subparagraph (A)—

(I) by striking "annual"; and

(II) by striking "for the year covered by the report" and inserting "for the period covered by the briefing"; and

(iv) in subparagraph (B)(ii), by striking "plans" and inserting "plan".

(d) ABANDONED SEAFARERS FUND.—Section 11113(a) of title 46, United States Code, is amended—

(1) in paragraph (4), by striking "On the date" and inserting "Except as provided in paragraph (5), on the date"; and

(2) by adding at the end the following:

"(5) NO REPORT REQUIRED.—A report under paragraph (4) shall not be required if there were no expenditures from the Fund in the preceding fiscal year. The Commandant shall notify Congress in the event a report is not required under paragraph (4) by reason of this paragraph.".

(e) MAJOR ACQUISITION PROGRAM RISK ASSESSMENT.—Section 5107 of title 14, United States Code, is amended—

(1) in subsection (a), by striking "April 15 and October 15" and inserting "October 15"; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "the 2 fiscal-year quarters preceding such assessment" and inserting "the previous fiscal year";

(B) in paragraph (3), by striking "such 2 fiscal-year quarters" and inserting "such fiscal year";

(C) in paragraph (4), by striking "such 2 fiscal-year quarters" and inserting "such fiscal year"; and

(D) in paragraph (5), by striking "such 2 fiscal-year quarters" and inserting "such fiscal year".

SEC. 8241. REPORT ON CYBERSECURITY WORKFORCE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Coast Guard plans to establish a workforce with the cybersecurity expertise to provide prevention assessments and response capacity to Operational Technology and Industrial Control Systems in national port and maritime environments.

(b) CONTENTS.—The report under subsection (a) shall include the following:

(1) A description of the number and skills of active duty and reserve Coast Guard members expected for initial operating

capacity and full operating capacity of the workforce described in subsection (a).

(2) A description of the career development path for officers and enlisted members participating in the workforce.

Determination. (3) A determination of how the workforce will fulfill the cybersecurity needs of the Area Maritime Security Council and United States port environments.

Determination. (4) A determination of how the workforce will integrate with the Hunt and Incident Response and Assessment Teams of the Cyber and Infrastructure Security Agency of the Department of Homeland Security.

Assessment. (5) An assessment of successful models used by other Armed Forces, including the National Guard, to recruit, maintain, and utilize a cyber workforce, including the use of Reserve personnel for that purpose.

SEC. 8242. REPORT ON NAVIGATION AND BRIDGE RESOURCE MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training and qualification processes of the Coast Guard for deck watch officers, with a specific focus on basic navigation, bridge resource management, crew rest, and qualification processes.

(b) CONTENTS.—The report under subsection (a) shall include the following:

Recommendations. Assessment. (1) Recommendations for improving prearrival training, if necessary, and an assessment of how commercial industry best practices on prearrival training can be incorporated into military at sea watchkeeping.

(2) A detailed description of the deck watch officer assessment process of the Coast Guard.

List. (3) A list of programs that have been approved for credit toward merchant mariner credentials.

Analysis. (4) A complete analysis of the gap between the existing curriculum for deck watch officer training and the Standards of Training, Certification, and Watchkeeping for officer in charge of a navigational watch at the operational level, Chief level, and Master level.

Analysis. (5) A complete analysis of the gap between the existing training curriculum for deck watch officers and the licensing requirement for 3rd mate unlimited, Chief, and Master.

Assessment. (6) An assessment of deck watch officer options to complete the 3rd mate unlimited license and the qualification under the Standards of Training, Certification, and Watchkeeping for officer in charge of a navigational watch.

Assessment. (7) An assessment of senior deck watch officer options to complete the Chief Mate and Master unlimited license and the qualification under the Standards of Training, Certification, and Watchkeeping for Chief Mate and Master.

SEC. 8243. REPORT ON HELICOPTER LIFE-CYCLE SUPPORT AND RECAPITALIZATION.

Updates.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) includes an updated fleet life-cycle analysis and service life extension plan that includes dynamic components, and which clearly demonstrates the mission viability of the MH–65 through anticipated fleet recapitalization;

(2) includes a realistic sustainment budget necessary to achieve the operational availability rates necessary to meet MH–65 mission requirements through fleet recapitalization;

(3) includes an update on the status of the Coast Guard MH–65 helicopter recapitalization; and

(4) includes a description of any alternative, available, and cost-effective Government and civil systems, or updates, that the Coast Guard is considering for MH–65 operational missions, including Coast Guard cutter deployability requirements, in the event of delays to the future vertical lift program of the Coast Guard.

SEC. 8244. REPORT ON COAST GUARD RESPONSE CAPABILITIES FOR CYBER INCIDENTS ON VESSELS ENTERING PORTS OR WATERS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the response capabilities of the Coast Guard with respect to cyber incidents on vessels entering ports or waters of the United States.

(b) REVIEW.—The report under subsection (a) shall include a review of each of the following:

(1) The number and type of commercial vessels of the United States subject to regulations under part 104 of title 33, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(2) Policies and guidance issued by the Commandant, in accordance with guidelines on cyber risk management of the International Maritime Organization, to vessels of the United States.

(3) Measures to be taken by owners or operators of commercial vessels of the United States to increase cybersecurity posture on such vessels.

(4) Responses of the Commandant to cyber incidents on vessels described in paragraph (1) prior to the date of the enactment of this Act.

(5) Response protocols followed by personnel of the Coast Guard to a cyber incident on any vessel described in paragraph (1) experienced while that vessel is traveling to ports or waters of the United States.

(6) Oversight by the Commandant of—

(A) vessel-to-facility interface, as defined in section 101.105 of title 33, Code of Federal Regulations (or any corresponding similar regulation or ruling); and

(B) actions taken by the Coast Guard in coordination with vessel and facility owners and operators to protect commercial vessels and port facility infrastructure from cyber attacks and proliferation.

(7) Requirements of the Commandant for the reporting of cyber incidents that occur on the vessels described in paragraph (1).

(c) RECOMMENDATIONS AND APPROPRIATIONS.—The Commandant shall include in the report under subsection (a)—

(1) recommendations—

(A) to improve cyber incident response; and

(B) for policies to address gaps identified by the review under subsection (b); and

(2) a description of authorities and appropriations necessary to improve the preparedness of the Coast Guard for cyber incidents on vessels entering ports or waters of the United States and the ability of the Coast Guard to prevent and respond to such incidents.

Classified information.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(e) VESSEL OF THE UNITED STATES DEFINED.—In this section, the term "vessel of the United States" has the meaning given such term in section 116 of title 46, United States Code.

SEC. 8245. STUDY AND REPORT ON COAST GUARD INTERDICTION OF ILLICIT DRUGS IN TRANSIT ZONES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Coast Guard seizes an average of 1,221 pounds of cocaine and 85 pounds of marijuana each day in the transit zones of the Eastern Pacific Ocean, Caribbean Sea, and Southern maritime border approaches.

(2) The Joint Interagency Task Force–South (JIATF–South) estimates that it has a spectrum of actionable intelligence on more than 80 percent of drug movements into the United States from Central America and South America.

(3) The Coast Guard must balance asset allocation across 11 statutory missions. As such, the Coast Guard interdicts less than 10 percent of maritime noncommercial smuggling of illicit drugs into the United States from Central America and South America.

(4) In 2017, the Government Accountability Office recommended that the Commandant of the Coast Guard—

(A) develop new performance goals relating to the interdiction of illicit drugs smuggled into the United States, or describe the manner in which existing goals are sufficient;

(B) report such goals to the public;

(C) assess the extent to which limitations in performance data with respect to such goals are documented;

(D) document measurable corrective actions and implementation timeframes with respect to such goals; and

(E) document efforts to monitor implementation of such corrective actions.

Coordination.

(b) STUDY.—The Secretary of the Department in which the Coast Guard is operating, in coordination with the Secretary of Defense and the heads of other relevant Federal agencies, shall conduct a study in order to identify gaps in resources that contribute

to low interdiction rates for maritime noncommercial smuggling of illicit drugs into the United States from Central America and South America despite having actionable intelligence on more than 80 percent of drug movements in the transit zones of the Eastern Pacific Ocean, Caribbean Sea, and Southern maritime border approaches.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (b). Such report shall include—

(1) a statement of the Coast Guard mission requirements for drug interdiction in the Caribbean basin;

(2) the number of maritime surveillance hours and Coast Guard assets used in each of fiscal years 2017 through 2019 to counter the illicit trafficking of drugs and other related threats throughout the Caribbean basin; and

(3) a determination of whether such hours and assets satisfied the Coast Guard mission requirements for drug interdiction in the Caribbean basin. Determination.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex. Classified information.

SEC. 8246. REPORT ON LIABILITY LIMITS SET IN SECTION 1004 OF THE OIL POLLUTION ACT OF 1990.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the following:

(1) Each liability limit set under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704), including the statutory or regulatory authority establishing such limit.

(2) If the Commandant determines that any liability limit listed in such section should be modified— Determination.

(A) a description of the modification;

(B) a justification for such modification; and

(C) a recommendation for legislative or regulatory action to achieve such modification. Recommendation.

SEC. 8247. REPORT ON COAST GUARD DEFENSE READINESS RESOURCES ALLOCATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the allocation of resources by the Coast Guard to support its defense readiness mission.

(b) CONTENTS.—The report required by subsection (a) shall include the following elements: Time period.

(1) Funding levels allocated by the Coast Guard to support defense readiness missions for each of the past 10 fiscal years.

(2) Funding levels transferred or otherwise provided by the Department of Defense to the Coast Guard in support

of the Coast Guard's defense readiness missions for each of the past 10 fiscal years.

(3) The number of Coast Guard detachments assigned in support of the Coast Guard's defense readiness mission for each of the past 10 fiscal years.

(c) ASSESSMENT.—In addition to the elements detailed in subsection (b), the report shall include an assessment of the impacts on the Coast Guard's non-defense mission readiness and operational capabilities due to the annual levels of reimbursement provided by the Department of Defense to compensate the Coast Guard for its expenses to fulfill its defense readiness mission.

SEC. 8248. REPORT ON THE FEASIBILITY OF LIQUEFIED NATURAL GAS FUELED VESSELS.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the following:

(1) The feasibility, safety, and cost effectiveness of using liquefied natural gas to fuel new Coast Guard vessels.

(2) The feasibility, safety, and cost effectiveness of converting existing vessels to run on liquefied natural gas fuels.

(3) The operational feasibility of using liquefied natural gas to fuel Coast Guard vessels.

SEC. 8249. COAST GUARD AUTHORITIES STUDY.

Contracts.
Deadline.
Assessment.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of Coast Guard authorities.

(b) ASSESSMENT.—The assessment under subsection (a) shall provide—

Examination.

(1) an examination of emerging issues that may require Coast Guard oversight, regulation, or action;

(2) a description of potential limitations and shortcomings of relying on current Coast Guard authorities to address emerging issues; and

(3) an overview of adjustments and additions that could be made to existing Coast Guard authorities to fully address emerging issues.

(c) REPORT TO THE CONGRESS.—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the assessment under this section.

Definition.
Determination.
Time period.

(d) EMERGING ISSUES.—In this section, the term "emerging issues" means changes in the maritime industry and environment that in the determination of the National Academy of Sciences are reasonably likely to occur within 10 years after the date of the enactment of this Act, including—

(1) the introduction of new technologies in the maritime domain;

(2) the advent of new processes or operational activities in the maritime domain; and

(3) changes in the use of navigable waterways.

(e) FORM.—The assessment required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex. Classified information.

SEC. 8250. REPORT ON EFFECTS OF CLIMATE CHANGE ON COAST GUARD.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on vulnerabilities of Coast Guard installations and requirements resulting from climate change over the next 20 years. Time period.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A list of the 10 most vulnerable Coast Guard installations based on the effects of climate change, including rising sea tides, increased flooding, drought, desertification, wildfires, thawing permafrost, or any other categories the Commandant determines necessary. List.

(2) An overview of—

(A) mitigations that may be necessary to ensure the continued operational viability and to increase the resiliency of the identified vulnerable installations; and

(B) the cost of such mitigations.

(3) A discussion of the climate-change-related effects on the Coast Guard, including—

(A) the increase in the frequency of humanitarian assistance and disaster relief missions; and

(B) campaign plans, contingency plans, and operational posture of the Coast Guard.

(4) An overview of mitigations that may be necessary to ensure mission resiliency and the cost of such mitigations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex. Classified information.

SEC. 8251. SHORE INFRASTRUCTURE. 14 USC 504 note.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall— Deadline.

(1) develop a plan to standardize Coast Guard facility condition assessments; Plan.

(2) establish shore infrastructure performance goals, measures, and baselines to track the effectiveness of maintenance and repair investments and provide feedback on progress made;

(3) develop a process to routinely align the Coast Guard shore infrastructure portfolio with mission needs, including disposing of unneeded assets;

(4) establish guidance for planning boards to document inputs, deliberations, and project prioritization decisions for infrastructure maintenance projects;

(5) employ models for Coast Guard infrastructure asset lines for—

(A) predicting the outcome of investments in shore infrastructure;

(B) analyzing tradeoffs; and

(C) optimizing decisions among competing investments;

(6) include supporting details about competing project alternatives and report tradeoffs in congressional budget requests and related reports; and

(7) explore the development of real property management expertise within the Coast Guard workforce, including members of the Senior Executive Service.

Deadline.

(b) BRIEFING.—Not later than December 31, 2020, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the actions required under subsection (a).

SEC. 8252. COAST GUARD HOUSING; STATUS AND AUTHORITIES BRIEFING.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on Coast Guard housing, including—

(1) a description of the material condition of Coast Guard housing facilities;

(2) the amount of current Coast Guard housing construction and deferred maintenance backlogs;

(3) an overview of the manner in which the Coast Guard manages and maintains housing facilities;

(4) a discussion of whether reauthorizing housing authorities for the Coast Guard similar to those provided in section 208 of the Coast Guard Authorization Act of 1996 (Public Law 104–324); and

Recommendations.

(5) recommendations regarding how the Congress could adjust those authorities to prevent mismanagement of Coast Guard housing facilities.

SEC. 8253. PHYSICAL ACCESS CONTROL SYSTEM REPORT.

Time period.

Not later 180 days after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the status of the Coast Guard's compliance with Homeland Security Presidential Directive 12 (HSPD–12) and Federal Information Processing Standard 201 (FIPS–201), including—

(1) the status of Coast Guard efforts to field a comprehensive Physical Access Control System at Coast Guard installations and locations necessary to bring the Service into compliance with HSPD–12 and FIPS–201B;

(2) the status of the selection of a technological solution;

Estimate.
Timeline.

(3) the estimated phases and timeframe to complete the implementation of such a system; and

Cost estimate.

(4) the estimated cost for each phase of the project.

SEC. 8254. STUDY ON CERTIFICATE OF COMPLIANCE INSPECTION PROGRAM WITH RESPECT TO VESSELS THAT CARRY BULK LIQUEFIED GASES AS CARGO AND LIQUEFIED NATURAL GAS TANK VESSELS.

(a) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the

United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources, regulations, policies, protocols, and other actions designed to carry out the Coast Guard Certificate of Compliance program with respect to liquefied natural gas tank vessels (including examinations under section 153.808 of title 46, Code of Federal Regulations) and vessels that carry bulk liquefied gases as cargo (including examinations under part 154 of title 46, Code of Federal Regulations) for purposes of maintaining the efficiency of examinations under that program.

(2) CONTENTS.—The report under paragraph (1) shall include an assessment of the adequacy of current Coast Guard resources, regulations, policies, and protocols to maintain vessel examination efficiency while carrying out the program referred to in paragraph (1) as United States bulk liquefied gases cargo, liquefied natural gas exports, and associated vessel traffic at United States ports increase. Assessment.

(b) NATIONAL ACADEMIES STUDY.—

(1) IN GENERAL.—Not later than 6 months after the date on which the report required under subsection (a) is submitted, the Commandant shall enter into an agreement with the National Academies under which the National Academies shall— Deadline. Contracts.

(A) conduct an evaluation of the constraints and challenges to maintaining examination efficiency under the program as United States bulk liquefied gases cargo, liquefied natural gas exports, and associated vessel traffic at United States ports increase; and Evaluation.

(B) issue recommendations for changes to resources, regulations, policies, and protocols to maintain the efficiency of the program, including analysis of the following alternatives: Recommendations.

(i) Establishment of a Coast Guard marine examination unit near the Panama Canal to conduct inspections under the program on liquefied natural gas tank vessels bound for the United States, similar to Coast Guard operations carried out by Coast Guard Activities Europe and Coast Guard Activities Far East, including the effects of the establishment of such a unit on the domestic aspects of the program.

(ii) Management of all marine examiners with gas carrier qualification within each Coast Guard District by a single Officer in Charge, Marine Inspection (as defined in section 50.10–10 of title 46, Code of Federal Regulations) to improve the efficiency of their vessel examination assignments.

(iii) Extension of the duration of assignment of marine examiners with a gas carrier qualification at Coast Guard units that most frequently inspect vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels.

(iv) Increase in the use of civilians to conduct and support examinations under the program.

(v) Extension of the duration of certificates of compliance under the program for vessels that carry

bulk liquefied gases as cargo and liquefied natural gas tank vessels that are less than 10 years of age and participate in a Coast Guard vessel quality program.

SEC. 8255. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON COAST GUARD'S INTERNATIONAL PORT SECURITY PROGRAM.

Recommendations.

(a) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the results of a comprehensive review, conducted by the Comptroller General for purposes of the report, on the Coast Guard's International Port Security Program, including the findings, and any recommendations for improvement of the program, of the Comptroller General.

(b) REQUIRED ELEMENTS OF REVIEW.—The review required under subsection (a) shall include—

(1) review of the actions of the Coast Guard under the Coast Guard's International Port Security Program, since 2014, to enhance foreign port inspections;

(2) review of the actions of the Coast Guard to recognize and monitor port inspection programs of foreign governments;

(3) identification and review of the actions the Coast Guard takes to address any deficiencies it observes during visits at foreign ports;

(4) identify and review the benchmarks of the Coast Guard for measuring the effectiveness of the program; and

(5) review of the extent to which the Coast Guard and United States Customs and Border Protection coordinate efforts to screen and inspect cargo at foreign ports.

SEC. 8256. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON SURGE CAPACITY OF THE COAST GUARD.

Recommendations.

(a) GAO REPORT.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting for the results of a comprehensive review, conducted by the Comptroller General for purposes of the report, on the surge capacity of the Coast Guard to respond to a catastrophic incident (such as a hurricane), including the findings, and any recommendations for improvement, of the Comptroller General.

(b) REQUIRED ELEMENTS OF REVIEW.—The review required under subsection (a) shall include—

(1) a description and review of each Coast Guard deployment in response to a catastrophic incident after 2005;

(2) identification of best practices informed by the deployments described in paragraph (1);

(3) a review of the ability of the surge force of the Coast Guard to meet the demands of the response roles in which it was serving during each deployment described in paragraph (1);

(4) identification of any statutory or regulatory impediments, such as adaptability, planning, training, mobilization,

or information and resource integration, to the surge capacity of the Coast Guard in response to a catastrophic incident;

(5) review of the impacts of a surge of the Coast Guard in response to a catastrophic incident on the capacity of the Coast Guard to perform its statutory missions;

(6) review of the capability of the Coast Guard to surge in response to concurrent or subsequent catastrophic incidents; and

(7) review and description of existing voluntary and involuntary deployments of Coast Guard personnel and assets in support of a United States Customs and Border Protection response to a national emergency (as defined in Presidential Proclamation 9844) on the surge capacity of the Coast Guard in the event of a catastrophic incident.

(c) DEFINITIONS.—In this section, the terms "catastrophic incident" and "surge capacity" have the meaning given such terms in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701).

SEC. 8257. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON MARINE INSPECTIONS PROGRAM OF COAST GUARD.

(a) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the results of a comprehensive review, conducted by the Comptroller General for purposes of the report, on the marine inspections program of the Coast Guard, including the findings, and any recommendations for improvement of the program, of the Comptroller General. Recommendations.

(b) REQUIRED ELEMENTS OF REVIEW.—The review required under subsection (a) shall include—

(1) an analysis of the demand for marine inspectors; Analysis.

(2) an identification of the number of fully qualified marine inspectors;

(3) a determination of whether the number of marine inspectors identified in paragraph (2) is sufficient to meet the demand described in paragraph (1); Determination.

(4) a review of the enlisted marine inspector workforce compared to the civilian marine inspector workforce and whether there is any discernable distinction or impact between such workforces in the performance of the marine safety mission;

(5) an evaluation of the training continuum of marine inspectors; Evaluation.

(6) a description and review of what actions, if any, the Coast Guard is taking to adapt to the current rise in United States export of crude oil and other fuels, such as implementing a safety inspection regime for barges; and

(7) an analysis of extending tours of duty for marine inspectors and increasing the number of civilian marine inspectors. Analysis.

SEC. 8258. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON INFORMATION TECHNOLOGY PROGRAM OF COAST GUARD.

(a) GAO REPORT.—

Recommendations.

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the results of a comprehensive review, conducted by the Comptroller General for purposes of the report, on the Coast Guard Command, Control, Communications, Computers, Cyber, and Intelligence Service Center, including the findings, and any recommendations for improvement of the program, of the Comptroller General.

Analyses.

(2) REQUIRED ELEMENTS OF REVIEW.—The review required under paragraph (1) shall include—

(A) analysis of how the Coast Guard manages its information technology program, including information technology acquisitions, to meet its various mission needs and reporting requirements;

(B) analysis of the adequacy of the physical information technology infrastructure within Coast Guard districts, including network infrastructure, for meeting mission needs and reporting requirements;

(C) analysis of whether and, if so, how the Coast Guard—

(i) identifies and satisfies any knowledge and skill requirements; and

(ii) recruits, trains, and develops its information technology personnel;

(D) analysis of whether and, if so, how the Coast Guard separates information technology from operational technology for cybersecurity purposes;

(E) analysis of how the Coast Guard intends to update its Marine Information for Safety and Law Enforcement system, personnel, accounting and other databases, and implement an electronic health records system; and

(F) analysis of the goals and acquisition strategies for all proposed Coast Guard enterprise-wide cloud computing service procurements.

Strategies.

(b) REVIEW ON CLOUD COMPUTING.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed description of the Coast Guard's strategy to implement cloud computing for the entire Coast Guard, including—

(1) the goals and acquisition strategies for all proposed enterprise-wide cloud computing service procurements;

(2) a strategy to sustain competition and innovation throughout the period of performance of each contract for procurement of cloud-computing goods and services for the Coast Guard, including defining opportunities for multiple cloud-service providers and insertion of new technologies;

Assessment.

(3) an assessment of potential threats and security vulnerabilities of the strategy, and plans to mitigate such risks; and

Cost estimate. Timeline.

(4) an estimate of the cost and timeline to implement cloud computing service for all Coast Guard computing.

SEC. 8259. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON ACCESS TO HEALTH CARE BY MEMBERS OF COAST GUARD AND DEPENDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines access to, experience with, and needs under the TRICARE program of members of the Coast Guard and their dependents. Examination.

(2) ELEMENTS.—The study conducted under paragraph (1) shall analyze the following: Analyses.

(A) The record of the TRICARE program in meeting the standards for care for primary and specialty care for members of the Coast Guard and dependents of those members, including members stationed in remote units.

(B) The accuracy and update periodicity of lists of providers under the TRICARE program in areas serving Coast Guard families.

(C) The wait times under the TRICARE program for appointments, specialty care, and referrals for members of the Coast Guard and dependents of those members.

(D) The availability of providers under the TRICARE program in remote locations, including providers for mental health, care for children with special needs, child and adolescent psychiatry, dental, and female health.

(E) The access of members of the Coast Guard and dependents of those members to services under the TRICARE program in comparison to the access to such services by personnel of the Department of Defense and dependents of such personnel.

(F) The liaison assistance between members of the Coast Guard and dependents of those members and the TRICARE program provided by the Coast Guard in comparison to such assistance provided by the Department of Defense.

(G) How delayed access to care, timeliness of care, and distance traveled to care may impact personnel readiness of members of the Coast Guard.

(H) The regions particularly impacted by lack of access to care and recommendations to address those access issues. Recommendations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations to improve access to quality, timely, and effective health care for members of the Coast Guard and dependents of those members from the study required under subsection (a).

(c) DEFINITIONS.—In this section, the terms "dependent" and "TRICARE program" have the meanings given such terms in section 1072 of title 10, United States Code.

SEC. 8260. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON MEDICAL STAFFING STANDARDS AND NEEDS FOR COAST GUARD.

(a) STUDY.—

Examination.

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines the health care system of the Coast Guard.

Analyses.

(2) ELEMENTS.—The study conducted under paragraph (1) shall analyze the following:

(A) The billets in clinics of the Coast Guard, whether for personnel of the Coast Guard or otherwise, including the number of billets, vacancies, and length of vacancies.

(B) The wait times for patients to attain an appointment for urgent care, routine physician care, and dental care.

(C) The impact of billet vacancies on such wait times.

(D) The barriers, if any, to improving coordination and access to physicians within the health care system of the Department of Defense.

(E) The accessibility and availability of behavioral health medical personnel at clinics of the Coast Guard, including personnel available for family counseling, therapy, and other needs.

(F) The staffing models of clinics of the Coast Guard, including recommendations to modernize such models.

(G) The locations and needs of Coast Guard units with or without clinics.

(H) How access to care models for members of the Coast Guard are managed, including models with respect to the time and distance traveled to receive care, the cost of that travel, and alternate options to secure care quickly and efficiently for members serving in units without a clinic.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations from the study required under subsection (a).

Assessments.

(2) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An identification of the number of members of the Coast Guard and types of units of the Coast Guard serviced by the health care system of the Coast Guard.

(B) An assessment of the ability of the Coast Guard to conduct medical support at outlying units, including remote units.

(C) An assessment of the capacity of the Coast Guard to support surge operations using historical data from the 10-year period preceding the date of the report.

(D) An assessment of the impact to operations of the Coast Guard by extended wait times or travel times to receive care or other issues identified by the report.

(c) RECOMMENDATIONS.—Not later than 90 days after the date on which the report is submitted under subsection (b), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives written recommendations for medical staffing standards for the Coast Guard

based on each finding and conclusion contained in the report, including recommendations for health service technicians, flight surgeons, physician assistants, dentists, dental hygienists, family advocate services, pharmacists, and administrators, and other recommendations, as appropriate.

SEC. 8261. REPORT ON FAST RESPONSE CUTTERS, OFFSHORE PATROL CUTTERS, AND NATIONAL SECURITY CUTTERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the combination of Fast Response Cutters, Offshore Patrol Cutters, and National Security Cutters necessary to carry out Coast Guard missions.

(b) ELEMENTS.—The report required by subsection (a) shall include— Cost estimates.

(1) an updated cost estimate for each type of cutter described in such subsection; and

(2) a cost estimate for a Sensitive Compartmented Information Facility outfitted to manage data in a manner equivalent to the National Security Cutter Sensitive Compartmented Information Facilities.

Subtitle E—Coast Guard Academy Improvement Act

Coast Guard Academy Improvement Act.

SEC. 8271. SHORT TITLE. 14 USC 101 note.

This subtitle may be cited as the "Coast Guard Academy Improvement Act".

SEC. 8272. COAST GUARD ACADEMY STUDY. 14 USC 1901 note.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration not later than 60 days after the date of the enactment of the this Act under which the National Academy of Public Administration shall— Contracts. Deadline.

(1) conduct an assessment of the cultural competence of the Coast Guard Academy as an organization and of individuals at the Coast Guard Academy to carry out effectively the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code, when interacting with individuals of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, or from different geographic origins; and Assessment.

(2) issue recommendations based upon the findings in such assessment. Recommendations.

(b) ASSESSMENT OF CULTURAL COMPETENCE.—

(1) CULTURAL COMPETENCE OF THE COAST GUARD ACADEMY.—The arrangement described in subsection (a) shall require the National Academy of Public Administration to, not later than 1 year after entering into an arrangement with the Secretary under subsection (a), submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Deadline.

Transportation of the Senate the assessment described under subsection (a)(1).

(2) ASSESSMENT SCOPE.—The assessment described under subsection (a)(1) shall—

(A) describe the level of cultural competence described in subsection (a)(1) based on the National Academy of Public Administration's assessment of the Coast Guard Academy's relevant practices, policies, and structures, including an overview of discussions with faculty, staff, students, and relevant Coast Guard Academy affiliated organizations;

Examination.

(B) examine potential changes which could be used to further enhance such cultural competence by—

(i) modifying institutional practices, policies, and structures; and

(ii) any other changes deemed appropriate by the National Academy of Public Administration; and

Recommendations.

(C) make recommendations to enhance the cultural competence of the Coast Guard Academy described in subparagraph (A), including any specific plans, policies, milestones, performance measures, or other information necessary to implement such recommendations.

Deadline.

(c) FINAL ACTION MEMORANDUM.—Not later than 6 months after submission of the assessment under subsection (b)(1), the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a final action memorandum in response to all recommendations contained in the assessment. The final action memorandum shall include the rationale for accepting, accepting in part, or rejecting each recommendation, and shall specify, where applicable, actions to be taken to implement such recommendations, including an explanation of how each action enhances the ability of the Coast Guard to carry out the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code.

(d) PLAN.—

Deadline. Coordination.

(1) IN GENERAL.—Not later than 6 months after the date of the submission of the final action memorandum required under subsection (c), the Commandant, in coordination with the Chief Human Capital Officer of the Department of Homeland Security, shall submit a plan to carry out the recommendations or the parts of the recommendations accepted in the final action memorandum to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) STRATEGY WITH MILESTONES.—If any recommendation or parts of recommendations accepted in the final action memorandum address any of the following actions, then the plan required in paragraph (1) shall include a strategy with appropriate milestones to carry out such recommendations or parts of recommendations:

(A) Improve outreach and recruitment of a more diverse Coast Guard Academy cadet candidate pool based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

(B) Modify institutional structures, practices, and policies to foster a more diverse cadet corps body, faculty, and staff workforce based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

(C) Modify existing or establish new policies and safeguards to foster the retention of cadets, faculty, and staff of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, and geographic origins at the Coast Guard Academy.

(D) Restructure the admissions office of the Coast Guard Academy to be headed by a civilian with significant relevant higher education recruitment experience.

(3) IMPLEMENTATION.—Unless otherwise directed by an Act of Congress, the Commandant shall begin implementation of the plan developed under this subsection not later than 180 days after the submission of such plan to Congress. Deadline.

(4) UPDATE.—The Commandant shall include in the first annual report required under chapter 51 of title 14, United States Code, as amended by this division, submitted after the date of enactment of this section, the strategy with milestones required in paragraph (2) and shall report annually thereafter on actions taken and progress made in the implementation of such plan. Reports.

SEC. 8273. ANNUAL REPORT.

Chapter 51 of title 14, United States Code, is further amended by adding at the end the following:

"§ 5111. Report on diversity at Coast Guard Academy 14 USC 5111.

"(a) IN GENERAL.—Not later than January 15, 2021, and annually thereafter, the Commandant shall submit a report on diversity at the Coast Guard Academy to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(b) CONTENTS.—The report required under subsection (a) shall include—

"(1) the status of the implementation of the plan required under section 8272 of the Elijah E. Cummings Coast Guard Authorization Act of 2020;

"(2) specific information on outreach and recruitment activities for the preceding year, including the effectiveness of the Coast Guard Academy minority outreach team program described under section 1905 and of outreach and recruitment activities in the territories and other possessions of the United States;

"(3) enrollment information about the incoming class, including the gender, race, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

"(4) information on class retention, outcomes, and graduation rates, including the race, gender, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

"(5) information on efforts to retain diverse cadets, including through professional development and professional advancement programs for staff and faculty; and

Summary.
Time period.

"(6) a summary of reported allegations of discrimination on the basis of race, color, national origin, sex, gender, or religion for the preceding 5 years.".

SEC. 8274. ASSESSMENT OF COAST GUARD ACADEMY ADMISSION PROCESSES.

Contracts.
Deadline.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration under which the National Academy of Public Administration shall, not later than 1 year after submitting an assessment under section 8272(a), submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the Coast Guard Academy admissions process.

(b) ASSESSMENT SCOPE.—The assessment required to be sought under subsection (a) shall, at a minimum, include—

Study.
Audit.

(1) a study, or an audit if appropriate, of the process the Coast Guard Academy uses to—

(A) identify candidates for recruitment;
(B) recruit applicants;
(C) assist applicants in the application process;
(D) evaluate applications; and
(E) make admissions decisions;

(2) discussion of the consideration during the admissions process of diversity, including—

(A) race;
(B) ethnicity;
(C) gender;
(D) religion;
(E) sexual orientation;
(F) socioeconomic background; and
(G) geographic origin;

(3) an overview of the admissions processes at other Federal service academies, including—

(A) discussion of consideration of diversity, including any efforts to attract a diverse pool of applicants, in those processes; and

Analysis.

(B) an analysis of how the congressional nominations requirement in current law related to military service academies and the Merchant Marine Academy impacts those processes and the overall demographics of the student bodies at those academies;

Determination.

(4) a determination regarding how a congressional nominations requirement for Coast Guard Academy admissions could impact diversity among the student body and the ability of the Coast Guard to carry out effectively the Service's primary duties described in section 102 of title 14, United States Code; and

Recommendations.

(5) recommendations for improving Coast Guard Academy admissions processes, including whether a congressional nominations process should be integrated into such processes.

SEC. 8275. COAST GUARD ACADEMY MINORITY OUTREACH TEAM PROGRAM.

(a) IN GENERAL.—Chapter 19 of title 14, United States Code, is further amended by inserting after section 1904 (as amended by this division) the following:

"§ 1905. Coast Guard Academy minority outreach team program 14 USC 1905.

"(a) IN GENERAL.—There is established within the Coast Guard Academy a minority outreach team program (in this section referred to as the 'Program') under which officers, including minority officers and officers from territories and other possessions of the United States, who are Academy graduates may volunteer their time to recruit minority students and strengthen cadet retention through mentorship of cadets.

"(b) ADMINISTRATION.—Not later than January 1, 2021, the Commandant, in consultation with Program volunteers and Academy alumni that participated in prior programs at the Academy similar to the Program, shall appoint a permanent civilian position at the Academy to administer the Program by, among other things— Deadline. Consultation. Appointment.

"(1) overseeing administration of the Program;

"(2) serving as a resource to volunteers and outside stakeholders;

"(3) advising Academy leadership on recruitment and retention efforts based on recommendations from volunteers and outside stakeholders;

"(4) establishing strategic goals and performance metrics for the Program with input from active volunteers and Academy leadership; and

"(5) reporting annually to the Commandant on academic year and performance outcomes of the goals for the Program before the end of each academic year.". Reports.

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of title 14, United States Code, is further amended by inserting after the item relating to section 1904 (as amended by this division) the following: 14 USC prec. 1901.

"1905. Coast Guard Academy minority outreach team program.".

SEC. 8276. COAST GUARD COLLEGE STUDENT PRE-COMMISSIONING INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 14, United States Code, is further amended by adding at the end the following:

"§ 2131. College student pre-commissioning initiative 14 USC 2131.

"(a) IN GENERAL.—There is authorized within the Coast Guard a college student pre-commissioning initiative program (in this section referred to as the 'Program') for eligible undergraduate students to enlist and receive a guaranteed commission as an officer in the Coast Guard.

"(b) CRITERIA FOR SELECTION.—To be eligible for the Program a student must meet the following requirements upon submitting an application:

"(1) AGE.—A student must be not less than 19 years old and not more than 27 years old as of September 30 of the fiscal year in which the Program selection panel selecting such student convenes.

"(2) CHARACTER.—

"(A) ALL APPLICANTS.—All applicants must be of outstanding moral character and meet other character requirements as set forth by the Commandant.

Time period.

"(B) COAST GUARD APPLICANTS.—An applicant serving in the Coast Guard may not be commissioned if in the 36 months prior to the first Officer Candidate School class convening date in the selection cycle, such applicant was convicted by a court-martial or awarded nonjudicial punishment, or did not meet performance or character requirements set forth by the Commandant.

"(3) CITIZENSHIP.—A student must be a United States citizen.

"(4) CLEARANCE.—A student must be eligible for a secret clearance.

"(5) DEPENDENCY.—

"(A) IN GENERAL.—A student may not have more than 2 dependents.

"(B) SOLE CUSTODY.—A student who is single may not have sole or primary custody of dependents.

"(6) EDUCATION.—

"(A) INSTITUTION.—A student must be an undergraduate sophomore or junior—

"(i) at a historically Black college or university described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

"(ii) an undergraduate sophomore or junior enrolled at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that, at the time of application of the sophomore or junior, has had for 3 consecutive years an enrollment of undergraduate full-time equivalent students (as defined in section 312(e) of such Act (20 U.S.C. 1058(e))) that is a total of at least 50 percent Black American, Hispanic, Asian American (as defined in section 371(c) of such Act (20 U.S.C. 1067q(c))), Native American Pacific Islander (as defined in such section), or Native American (as defined in such section), among other criteria, as determined by the Commandant.

"(B) LOCATION.—The institution at which such student is an undergraduate must be within 100 miles of a Coast guard unit or Coast Guard Recruiting Office unless otherwise approved by the Commandant.

"(C) RECORDS.—A student must meet credit and grade point average requirements set forth by the Commandant.

"(7) MEDICAL AND ADMINISTRATIVE.—A student must meet other medical and administrative requirements as set forth by the Commandant.

Time period.

"(c) ENLISTMENT AND OBLIGATION.—Individuals selected and accept to participate in the Program shall enlist in the Coast Guard in pay grade E–3 with a 4-year duty obligation and 4-year inactive Reserve obligation.

"(d) MILITARY ACTIVITIES PRIOR TO OFFICER CANDIDATE SCHOOL.—Individuals enrolled in the Program shall participate in military activities each month, as required by the Commandant, prior to attending Officer Candidate School.

"(e) PARTICIPATION IN OFFICER CANDIDATE SCHOOL.—Each graduate of the Program shall attend the first enrollment of Officer Candidate School that commences after the date of such graduate's graduation.

"(f) COMMISSIONING.—Upon graduation from Officer Candidate School, Program graduates shall be discharged from enlisted status and commissioned as an O–1 with an initial 3-year duty obligation. Time period.

"(g) BRIEFING.—

"(1) IN GENERAL.—Not later than August 15 of each year, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the Program. Deadline.

"(2) CONTENTS.—The briefing required under paragraph (1) shall describe—

"(A) outreach and recruitment efforts over the previous year; and

"(B) demographic information of enrollees including—

"(i) race;

"(ii) ethnicity;

"(iii) gender;

"(iv) geographic origin; and

"(v) educational institution.".

(b) CLERICAL AMENDMENT.—The analysis chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2130 (as added by this division) the following: 14 USC prec. 2101.

"2131. College student pre-commissioning initiative.".

SEC. 8277. ANNUAL BOARD OF VISITORS.

Section 1903(d) of title 14, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) recruitment and retention, including diversity, inclusion, and issues regarding women specifically;".

SEC. 8278. HOMELAND SECURITY ROTATIONAL CYBERSECURITY RESEARCH PROGRAM AT COAST GUARD ACADEMY.

(a) IN GENERAL.—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end the following:

"SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PROGRAM. 6 USC 417.

"To enhance the Department's cybersecurity capacity, the Secretary may establish a rotational research, development, and training program for—

"(1) detail to the Cybersecurity and Infrastructure Security Agency (including the national cybersecurity and communications integration center authorized by section 2209) of Coast Guard Academy graduates and faculty; and

"(2) detail to the Coast Guard Academy, as faculty, of individuals with expertise and experience in cybersecurity who are employed by—

"(A) the Agency (including the center);

"(B) the Directorate of Science and Technology; or

"(C) institutions that have been designated by the Department as a Center of Excellence for Cyber Defense, or the equivalent.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end of the items relating to subtitle E of such Act the following:

"Sec. 846. Rotational cybersecurity research program.".

Subtitle F—Other Matters

SEC. 8281. STRATEGY ON LEADERSHIP OF COAST GUARD.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and make available to the public a strategy to improve leadership development in the Coast Guard, including mechanisms to address counterproductive leadership in the Coast Guard.

(b) ELEMENTS.—The strategy shall include the following:

(1) Mechanisms to foster positive and productive leadership qualities in emerging Coast Guard leaders, beginning, at minimum, members at grade O–2 for officers, members at grade E–6 for enlisted members, and members training to become an officer in charge.

Evaluation.

(2) Mechanisms for the ongoing evaluation of unit commanders, including identification of counterproductive leadership qualities in commanders.

(3) Formal training on the recognition of counterproductive leadership qualities (in self and others), including at leadership seminars and school houses in the Coast Guard, including means to correct such qualities.

(4) Clear and transparent policies on standards for command climate, leadership qualities, and inclusion.

(5) Policy to ensure established and emerging leaders have access to hands-on training and tools to improve diversity and inclusion.

Procedures.

(6) Policy and procedures for commanders to identify and hold accountable counterproductive leaders.

(c) COUNTERPRODUCTIVE LEADERSHIP DEFINED.—In this section, the term "counterproductive leadership" has the meaning given that term for purposes of Army Doctrine Publication 6–22.

14 USC 1902 note.

SEC. 8282. EXPEDITED TRANSFER IN CASES OF SEXUAL ASSAULT; DEPENDENTS OF MEMBERS OF THE COAST GUARD.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to allow the transfer of a member of the Coast Guard whose dependent is the victim of sexual assault perpetrated by a member of the Armed Forces who is not related to the victim.

SEC. 8283. ACCESS TO RESOURCES DURING CREOSOTE-RELATED BUILDING CLOSURES AT COAST GUARD BASE SEATTLE, WASHINGTON.

Contracts.

(a) IN GENERAL.—With respect to the creosote-related building closures at Coast Guard Base Seattle, Washington, the Commandant shall, to the maximum extent practicable, enter into 1

or more agreements or otherwise take actions to secure access to resources, including a gym, that are not otherwise available to members of the Coast Guard during such closures.

(b) BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall brief Congress with respect to actions taken by the Commandant to comply with subsection (a). Deadline. Compliance.

SEC. 8284. SOUTHERN RESIDENT ORCA CONSERVATION AND ENFORCEMENT. Coordination. Recommendations.

(a) REPORT AND ACTION PLAN ON ORCA ENFORCEMENT OPPORTUNITIES.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to Congress a report on Coast Guard efforts to enforce southern resident orca vessel buffer zones and other vessel-related regulations in Puget Sound in coordination with existing Coast Guard fisheries enforcement, maritime domain awareness, the Be Whale Wise campaign, and other related missions. Such report shall include recommendations on what resources, appropriations, and assets are needed to meet orca conservation and related fisheries enforcement targets in the 13th Coast Guard District within 1 year of the date of enactment of this Act. Consultation. Deadline.

(b) SOUTHERN RESIDENT ORCAS.—The Commandant, in coordination with the Under Secretary of Commerce for Oceans and Atmosphere, shall undertake efforts to reduce vessel noise impacts on Southern resident orcas in Puget Sound, the Salish Sea, and the Strait of Juan de Fuca.

(c) PROGRAM.—

(1) IN GENERAL.—The Commandant shall—

(A) support the development, implementation, and enforcement of commercial vessel noise reduction measures that are technically feasible and economically achievable;

(B) establish procedures for timely communication of information to commercial vessel operators regarding orca sightings in Puget Sound and make navigational safety recommendations in accordance with the Cooperative Vessel Traffic Service Agreement; and Procedures.

(C) collaborate on studies or trials analyzing vessel noise impacts on Southern resident orcas. Analysis.

(2) VESSEL NOISE IMPACTS.—The Undersecretary of Commerce for Oceans and Atmosphere shall assess vessel noise impacts on Southern resident orcas in the program area and make recommendations to reduce that noise and noise related impacts to Southern resident orcas to the Commandant. Assessment.

(3) COORDINATION.—In carrying out this section, the Commandant shall coordinate with Canadian agencies affiliated with the Enhancing Cetacean Habitat and Observation (ECHO) program and other international organizations as appropriate.

(4) CONSULTATION.—In carrying out this section, the Commandant and the Undersecretary of Commerce for Oceans and Atmosphere shall consult with State, local, and Tribal governments and maritime industry and conservation stakeholders including ports, higher education institutions, and nongovernmental organizations.

SEC. 8285. SENSE OF CONGRESS AND REPORT ON IMPLEMENTATION OF POLICY ON ISSUANCE OF WARRANTS AND SUBPOENAS AND WHISTLEBLOWER PROTECTIONS BY AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Coast Guard components with investigative authority should exercise such authority with due respect for the rights of whistleblowers; and

(2) the Commandant should—

(A) ensure compliance with the legal requirements intended to protect whistleblowers;

(B) seek to shield the disclosure of the identities of whistleblowers; and

(C) create an environment in which whistleblowers do not fear reprisal for reporting misconduct.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy of the Coast Guard on the issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A discussion of current and any new policy of the Coast Guard on the issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service, including Coast Guard Investigative Service Criminal Investigation Operating Procedure CIOP 2019–02, and the differences between such current policies and new policies.

Plan.

(2) A plan (including milestones) for the implementation of the following:

(A) Incorporation of Coast Guard Investigative Service Criminal Investigation Operating Procedure CIOP 2019–02 into the next revision of the relevant Coast Guard investigative manual.

(B) Training on the policy described in paragraph (1) for the following:

(i) Agents and legal counsel of the Coast Guard Investigative Service.

(ii) Personnel of the Office of General Law.

(iii) Relevant Coast Guard headquarters personnel.

(iv) Such other Coast Guard personnel as the Commandant considers appropriate.

SEC. 8286. INSPECTOR GENERAL REPORT ON ACCESS TO EQUAL OPPORTUNITY ADVISORS AND EQUAL EMPLOYMENT OPPORTUNITY SPECIALISTS.

Study. Recommendations.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the inspector general of the department in which the Coast Guard is operating shall conduct a study and develop recommendations on the need to separate Equal Opportunity Advisors and Equal Employment Opportunity Specialists, as practicable, through the pre-complaint and formal discrimination

complaint processes, for the complainant, the opposing party, and the commanding officers and officers in charge.

(b) BRIEFING.—Not later than 30 days after the completion of the study required by subsection (a), the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the manner in which the Coast Guard plans to implement the recommendations developed as a result of the study.

SEC. 8287. INSIDER THREAT PROGRAM.

Deadline. Briefing. Plan.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a plan to expand the Coast Guard Insider Threat Program to include the monitoring of all Coast Guard devices, including mobile devices.

TITLE LVXXXIII—MARITIME

Subtitle A—Navigation

Sec. 8301. Electronic charts; equivalency.
Sec. 8302. Subrogated claims.
Sec. 8303. Loan provisions under Oil Pollution Act of 1990.
Sec. 8304. Oil pollution research and development program.

Subtitle B—Shipping

Sec. 8311. Passenger vessel security and safety requirements; application.
Sec. 8312. Small passenger vessels and uninspected passenger vessels.
Sec. 8313. Non-operating individual.
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Sec. 8315. Maritime transportation assessment.
Sec. 8316. Engine cut-off switches; use requirement.
Sec. 8317. Authority to waive operator of self-propelled uninspected passenger vessel requirements.
Sec. 8318. Exemptions and equivalents.
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Sec. 8321. Vessel safety standards.
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Subtitle C—Advisory Committees

Sec. 8331. Advisory committees.
Sec. 8332. Maritime Transportation System National Advisory Committee.
Sec. 8333. Expired maritime liens.
Sec. 8334. Great Lakes Pilotage Advisory Committee.
Sec. 8335. National Commercial Fishing Safety Advisory Committee.
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Subtitle D—Ports

Sec. 8341. Port, harbor, and coastal facility security.
Sec. 8342. Aiming laser pointer at vessel.
Sec. 8343. Safety of special activities.
Sec. 8344. Security plans; reviews.
Sec. 8345. Vessel traffic service.
Sec. 8346. Transportation work identification card pilot program.

Subtitle A—Navigation

SEC. 8301. ELECTRONIC CHARTS; EQUIVALENCY.

(a) REQUIREMENTS.—Section 3105(a)(1) of title 46, United States Code, is amended to read as follows:

"(1) ELECTRONIC CHARTS IN LIEU OF MARINE CHARTS, CHARTS, AND MAPS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, equipped with and operating electronic navigational charts that are produced by a government hydrographic office or conform to a standard acceptable to the Secretary, shall be deemed in compliance with any requirement under title 33 or title 46, Code of Federal Regulations, to have a chart, marine chart, or map on board such vessel:

"(A) A self-propelled commercial vessel of at least 65 feet in overall length.

"(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

"(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

"(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.".

(b) EXEMPTIONS AND WAIVERS.—Section 3105(a)(2) of title 46, United States Code, is amended—

(1) in subparagraph (A), by striking "operates; and" and inserting "operates;";

(2) in subparagraph (B), by striking "those waters." and inserting "those waters; and"; and

(3) by adding at the end the following:

"(C) permit vessels described in subparagraphs (A) through (D) of paragraph (1) that operate solely landward of the baseline from which the territorial sea of the United States is measured to utilize software-based, platform-independent electronic chart systems that the Secretary determines are capable of displaying electronic navigational charts with necessary scale and detail to ensure safe navigation for the intended voyage.".

SEC. 8302. SUBROGATED CLAIMS.

(a) IN GENERAL.—Section 1012(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(b)) is amended—

(1) by striking "The" and inserting the following:

"(1) IN GENERAL.—The"; and

(2) by adding at the end the following:

"(2) SUBROGATED RIGHTS.—Except for a guarantor claim pursuant to a defense under section 1016(f)(1), Fund compensation of any claim by an insurer or other indemnifier of a responsible party or injured third party is subject to the subrogated rights of that responsible party or injured third party to such compensation.".

33 USC 2712 note.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 8303. LOAN PROVISIONS UNDER OIL POLLUTION ACT OF 1990.

(a) IN GENERAL.—Section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) is amended by striking subsection (f).

(b) CONFORMING AMENDMENTS.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) in paragraph (4), by adding "and" after the semicolon at the end;

(2) in paragraph (5)(D), by striking "; and" and inserting a period; and

(3) by striking paragraph (6).

SEC. 8304. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting ", technology," after "research";

(B) in paragraph (2)—

(i) by striking "this subsection" and inserting "paragraph (1)"; and

(ii) by striking "which are effective in preventing or mitigating oil discharges and which" and inserting "and methods that are effective in preventing, mitigating, or restoring damage from oil discharges and that";

(C) in paragraph (3) by striking "this subsection" and inserting "paragraph (1)" each place it appears;

(D) in subparagraph (A) of paragraph (4)—

(i) by striking "oil discharges. Such program shall" and inserting "acute and chronic oil discharges on coastal and marine resources (including impacts on protected areas such as sanctuaries) and protected species, and such program shall";

(ii) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(iii) by inserting after clause (ii) the following:

"(iii) Research to understand and quantify the effects of sublethal impacts of oil discharge on living natural marine resources, including impacts on pelagic fish species, marine mammals, and commercially and recreationally targeted fish and shellfish species."; and

(iv) by adding at the end the following:

"(vi) Research to understand the long-term effects of major oil discharges and the long-term effects of smaller endemic oil discharges.

"(vii) The identification of potential impacts on ecosystems, habitat, and wildlife from the additional toxicity, heavy metal concentrations, and increased corrosiveness of mixed crude, such as diluted bitumen crude.

"(viii) The development of methods to restore and rehabilitate natural resources and ecosystem functions damaged by oil discharges.";

(E) in paragraph (5) by striking "this subsection" and inserting "paragraph (1)";

(F) by striking paragraph (7) and inserting the following:

"(7) SIMULATED ENVIRONMENTAL TESTING.—

"(A) IN GENERAL.—Agencies represented on the Interagency Committee shall ensure the long-term use and operation of the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center in New Jersey for oil pollution technology testing and evaluations.

"(B) OTHER TESTING FACILITIES.—Nothing in subparagraph (A) shall be construed as limiting the ability of the Interagency Committee to contract or partner with a facility or facilities other than the Center described in subparagraph (A) for the purpose of oil pollution technology testing and evaluations, provided such a facility or facilities have testing and evaluation capabilities equal to or greater than those of such Center.

"(C) IN-KIND CONTRIBUTIONS.—

"(i) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating and the Administrator of the Environmental Protection Agency may accept donations of crude oil and crude oil product samples in the form of in-kind contributions for use by the Federal Government for product testing, research and development, and for other purposes as the Secretary and the Administrator determine appropriate.

"(ii) USE OF DONATED OIL.—Oil accepted under clause (i) may be used directly by the Secretary and shall be provided to other Federal agencies or departments through interagency agreements to carry out the purposes of this Act.";

(G) in paragraph (8)—

(i) in subparagraph (A), by striking "subsection (b)" and inserting "subsection (d)"; and

(ii) in subparagraph (D)(iii), by striking "subsection (b)(1)(F)" and inserting "subsection (d)"; and

(H) in paragraph (10)—

(i) by striking "this subsection" and inserting "paragraph (1)";

(ii) by striking "agencies represented on the Interagency Committee" and inserting "Under Secretary";

(iii) by inserting ", and States and Indian tribes" after "other persons"; and

(iv) by striking "subsection (b)" and inserting "subsection (d)";

(2) in subsection (d), by striking "subsection (b)" and inserting "subsection (d)";

(3) in subsection (e), by striking "Chairman of the Interagency Committee" and inserting "Chair";

(4) in subsection (f), by striking "subsection (c)(8)" each place it appears and inserting "subsection (e)(8)";

(5) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively; and

(6) by striking subsections (a) and (b) and inserting the following:

"(a) DEFINITIONS.—In this section—

"(1) the term 'Chair' means the Chairperson of the Interagency Committee designated under subsection (c)(2);

"(2) the term 'Commandant' means the Commandant of the Coast Guard;

"(3) the term 'institution of higher education' means an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

"(4) the term 'Interagency Committee' means the Interagency Coordinating Committee on Oil Pollution Research established under subsection (b);

"(5) the term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere; and

"(6) the term 'Vice Chair' means the Vice Chairperson of the Interagency Committee designated under subsection (c)(3).

"(b) ESTABLISHMENT OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—

"(1) ESTABLISHMENT.—There is established an Interagency Coordinating Committee on Oil Pollution Research.

"(2) PURPOSE.—The Interagency Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, State governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

"(c) MEMBERSHIP.—

"(1) COMPOSITION.—The Interagency Committee shall be composed of—

"(A) at least 1 representative of the Coast Guard;

"(B) at least 1 representative of the National Oceanic and Atmospheric Administration;

"(C) at least 1 representative of the Environmental Protection Agency;

"(D) at least 1 representative of the Department of the Interior;

"(E) at least 1 representative of the Bureau of Safety and Environmental Enforcement;

"(F) at least 1 representative of the Bureau of Ocean Energy Management;

"(G) at least 1 representative of the United States Fish and Wildlife Service;

"(H) at least 1 representative of the Department of Energy;

"(I) at least 1 representative of the Pipeline and Hazardous Materials Safety Administration;

"(J) at least 1 representative of the Federal Emergency Management Agency;

"(K) at least 1 representative of the Navy;

"(L) at least 1 representative of the Corps of Engineers;

"(M) at least 1 representative of the United States Arctic Research Commission; and

"(N) at least 1 representative of each of such other Federal agencies as the President considers to be appropriate. President.

"(2) CHAIRPERSON.—The Commandant shall designate a Chairperson from among the members of the Interagency Committee selected under paragraph (1)(A).

"(3) VICE CHAIRPERSON.—The Under Secretary shall designate a Vice Chairperson from among the members of the Interagency Committee selected under paragraph (1)(B).

"(4) MEETINGS.—

"(A) QUARTERLY MEETINGS.—At a minimum, the members of the Interagency Committee shall meet once each quarter.

"(B) PUBLIC SUMMARIES.—After each meeting, a summary shall be made available by the Chair or Vice Chair, as appropriate.

"(d) DUTIES OF THE INTERAGENCY COMMITTEE.—

"(1) RESEARCH.—The Interagency Committee shall—

"(A) coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, States, Indian tribes, and other countries, as appropriate; and

"(B) foster cost-effective research mechanisms, including the joint funding of research and the development of public-private partnerships for the purpose of expanding research.

"(2) OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.—

Deadline.

"(A) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Interagency Committee shall submit to Congress a research plan to report on the state of oil discharge prevention and response capabilities that—

"(i) identifies current research programs conducted by Federal agencies, States, Indian tribes, 4-year institutions of higher education, and corporate entities;

Assessment.

"(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies and effects of oil pollution on the environment;

"(iii) identifies significant oil pollution research gaps, including an assessment of major technological deficiencies in responses to past oil discharges;

"(iv) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

Assessment.

"(v) assesses the research on the applicability and effectiveness of the prevention, response, and mitigation technologies to each class of oil;

Estimates.

"(vi) estimates the resources needed to conduct the oil pollution research and development program established pursuant to subsection (e), and timetables for completing research tasks;

Summary.

"(vii) summarizes research on response equipment in varying environmental conditions, such as in currents, ice cover, and ice floes; and

Recommendations.
Determination.

"(viii) includes such other information or recommendations as the Interagency Committee determines to be appropriate.

"(B) ADVICE AND GUIDANCE.—

"(i) NATIONAL ACADEMY OF SCIENCES CONTRACT.—The Chair, through the department in which the Coast Guard is operating, shall contract with the National Academy of Sciences to—

"(I) provide advice and guidance in the preparation and development of the research plan;

"(II) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment; and Assessment.

"(III) provide organization guidance regarding the implementation of the research plan, including delegation of topics and research among Federal agencies represented on the Interagency Committee.

"(ii) NIST ADVICE AND GUIDANCE.—The National Institute of Standards and Technology shall provide the Interagency Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to its activities under this section.

"(C) 10-YEAR UPDATES.—Not later than 10 years after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 10 years thereafter, the Interagency Committee shall submit to Congress a research plan that updates the information contained in the previous research plan submitted under this subsection.". Deadline. Time period.

Subtitle B—Shipping

SEC. 8311. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS; APPLICATION.

Section 3507(k)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by adding "and" after the semicolon at the end;

(2) in subparagraph (C), by striking "; and" and inserting a period; and

(3) by striking subparagraph (D).

SEC. 8312. SMALL PASSENGER VESSELS AND UNINSPECTED PASSENGER VESSELS.

Section 12121 of title 46, United States Code, is amended—

(1) in subsection (a)(1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) was built in the United States;

"(B) was not built in the United States and is at least 3 years old; or

"(C) if rebuilt, was rebuilt—

"(i) in the United States; or

"(ii) outside the United States at least 3 years before the certificate requested under subsection (b) would take effect."; and

(2) in subsection (b), by inserting "12132," after "12113,".

SEC. 8313. NON-OPERATING INDIVIDUAL.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall not enforce section 8701 of title 46, United States Code, with respect to the following: 46 USC 8701 note.

(1) A vessel with respect to individuals, other than crew members required by the Certificate of Inspection or to ensure the safe navigation of the vessel and not a member of the

steward's department, engaged on board for the sole purpose of carrying out spill response activities, salvage, marine firefighting, or commercial diving business or functions from or on any vessel, including marine firefighters, spill response personnel, salvage personnel, and commercial divers and diving support personnel.

(2) An offshore supply vessel, an industrial vessel (as such term is defined in section 90.10–16 of title 46, Code of Federal Regulations), or other similarly engaged vessel with respect to persons engaged in the business of the ship on board the vessel—

(A) for—

(i) supporting or executing the industrial business or function of the vessel;

(ii) brief periods to conduct surveys or investigations, assess crew competence, conduct vessel trials, provide extraordinary security resources, or similar tasks not traditionally performed by the vessel crew; or

(iii) performing maintenance tasks on equipment under warranty, or on equipment not owned by the vessel owner, or maintenance beyond the capability of the vessel crew to perform; and

(B) not the master or crew members required by the certificate of inspection and not a member of the steward's department.

(b) SUNSET.—The prohibition in subsection (a) shall terminate on the date that is 2 years after the date of the enactment of this Act.

Recommendations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing recommendations to ensure that personnel working on a vessel who perform work or operate equipment on such vessel not related to the operation of the vessel itself undergo a background check and the appropriate training necessary to ensure personnel safety and the safety of the vessel's crew.

(2) CONTENTS.—The report required under paragraph (1) shall include, at a minimum, a discussion of—

(A) options and recommendations for ensuring that the individuals covered by subsection (a) are appropriately screened to mitigate security and safety risks, including to detect substance abuse;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and relevant stakeholders regarding the development of processes and requirements for conducting background checks and ensuring such individuals receive basic safety familiarization and basic safety training approved by the Coast Guard;

(C) any identified legislative changes necessary to implement effective training and screening requirements for individuals covered by subsection (a); and

(D) the timeline and milestones for implementing such requirements. Timeline.

SEC. 8314. CONFORMING AMENDMENTS: TRAINING; PUBLIC SAFETY PERSONNEL.

Chapter 701 of title 46, United States Code, is amended—

(1) in section 70107—

(A) in subsection (a), by striking "law enforcement personnel" and inserting "public safety personnel";

(B) in subsection (b)(8), by striking "law enforcement personnel—" and inserting "public safety personnel—"; and

(C) in subsection (c)(2)(C), by striking "law enforcement agency personnel" and inserting "public safety personnel"; and

(2) in section 70132—

(A) in subsection (a), by striking "law enforcement personnel—" and inserting "public safety personnel—";

(B) in subsection (b), by striking "law enforcement personnel" each place it appears and inserting "public safety personnel"; and

(C) by adding at the end the following:

"(d) PUBLIC SAFETY PERSONNEL DEFINED.—For the purposes of this section, the term 'public safety personnel' includes any Federal, State (or political subdivision thereof), territorial, or Tribal law enforcement officer, firefighter, or emergency response provider.".

SEC. 8315. MARITIME TRANSPORTATION ASSESSMENT.

Section 55501(e) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking "an assessment of the condition" and inserting "a conditions and performance analysis";

(2) in paragraph (4), by striking "; and" and inserting a semicolon;

(3) in paragraph (5), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(6) a compendium of the Federal programs engaged in the maritime transportation system.".

SEC. 8316. ENGINE CUT-OFF SWITCHES; USE REQUIREMENT.

(a) IN GENERAL.—Section 4312 of title 46, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) USE REQUIREMENT.—

"(1) IN GENERAL.—An individual operating a covered recreational vessel shall use an engine cut-off switch link while operating on plane or above displacement speed.

"(2) EXCEPTIONS.—The requirement under paragraph (1) shall not apply if—

"(A) the main helm of the covered vessel is installed within an enclosed cabin; or

"(B) the vessel does not have an engine cut-off switch and is not required to have one under subsection (a).".

(b) CIVIL PENALTY.—Section 4311 of title 46, United States Code, is amended by—

(1) redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) inserting after subsection (b) the following:

"(c) A person violating section 4312(b) of this title is liable to the United States Government for a civil penalty of not more than—

"(1) $100 for the first offense;

"(2) $250 for the second offense; and

"(3) $500 for any subsequent offense.".

Determination. 46 USC 4311 note.

(c) EFFECTIVE DATE.—The amendments made in subsections (a) and (b) shall take effect 90 days after the date of the enactment of this section, unless the Commandant, prior to the date that is 90 days after the date of the enactment of this section, determines that the use requirement enacted in subsection (a) would not promote recreational boating safety.

Alaska.

SEC. 8317. AUTHORITY TO WAIVE OPERATOR OF SELF-PROPELLED UNINSPECTED PASSENGER VESSEL REQUIREMENTS.

Section 8905 of title 46, United States Code, is amended by adding at the end the following:

Consultation.

"(c) After consultation with the Governor of Alaska and the State boating law administrator of Alaska, the Secretary may exempt an individual operating a self-propelled uninspected passenger vessel from the requirements of section 8903 of this title, if—

"(1) the individual only operates such vessel wholly within waters located in Alaska; and

"(2) such vessel is—

"(A) 26 feet or less in length; and

"(B) carrying not more than 6 passengers.".

SEC. 8318. EXEMPTIONS AND EQUIVALENTS.

(a) IN GENERAL.—Section 4305 of title 46, United States Code, is amended—

(1) by striking the heading and inserting the following:

"§ 4305. Exemptions and equivalents";

(2) by striking "If the Secretary" and inserting the following:

"(a) EXEMPTIONS.—If the Secretary"; and

(3) by adding at the end the following:

"(b) EQUIVALENTS.—The Secretary may accept a substitution for associated equipment performance or other safety standards for a recreational vessel if the substitution provides an equivalent level of safety.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 43 of title 46, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

46 USC prec. 4301.

"4305. Exemptions and equivalents.".

SEC. 8319. RENEWAL OF MERCHANT MARINER LICENSES AND DOCUMENTS.

Deadline. Briefing. Time periods.

Not later than 60 days after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the Coast Guard's implementation of section 7106 of title 46, United States Code—

(1) an overview of the manner in which the Coast Guard manages and processes renewal applications under such section, including communication with the applicant regarding application status;

(2) the number of applications received and approved over the previous 2 years, or in the event applications were denied, a summary detailing the reasons for such denial; Summary.

(3) an accounting of renewal applications filed up to 8 months in advance of the expiration of a pre-existing license, including the processing of such applications and communication with the applicant regarding application status or any other extenuating circumstances; and

(4) any other regulatory or statutory changes that would be necessary to further improve the Coast Guard's issuance of credentials to fully qualified mariners in the most effective and efficient manner possible in order to ensure a safe, secure, economically and environmentally sound marine transportation system.

SEC. 8320. CERTIFICATE EXTENSIONS.

(a) IN GENERAL.—Subchapter I of chapter 121 of title 46, United States Code, is amended by adding at the end the following:

"§ 12108. Authority to extend duration of vessel certificates 46 USC 12108.

"(a) CERTIFICATES.—Provided a vessel is in compliance with inspection requirements in section 3313, the Secretary of the department in which in the Coast Guard is operating may, if the Secretary makes the determination described in subsection (b), extend, for a period of not more than 1 year, an expiring certificate of documentation issued for a vessel under chapter 121. Determination. Time period.

"(b) DETERMINATION.—The determination referred to in subsection (a) is a determination that such extension is required to enable the Coast Guard to—

"(1) eliminate a backlog in processing applications for such certificates; or

"(2) act in response to a national emergency or natural disaster.

"(c) MANNER OF EXTENSION.—Any extension granted under this section may be granted to individual vessels or to a specifically identified group of vessels.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 121 of title 46, United States Code, is amended by adding at the end the following: 46 USC prec. 1201.

"12108. Authority to extend duration of vessel certificates.".

SEC. 8321. VESSEL SAFETY STANDARDS.

(a) FISHING SAFETY TRAINING GRANTS PROGRAM.—Subsection (i) of section 4502 of title 46, United States Code, is amended—

(1) in paragraph (3), by striking "50 percent" and inserting "75 percent"; and

(2) in paragraph (4), by striking "2019" and inserting "2021".

(b) FISHING SAFETY RESEARCH GRANT PROGRAM.—Subsection (j) of such section is amended—

(1) in paragraph (3), by striking "50 percent" and inserting "75 percent"; and

(2) in paragraph (4), by striking "2019" and inserting "2021".

Applicability. 46 USC 4502 note.

(c) FISHING SAFETY GRANTS.—The cap on the Federal share of the cost of any activity carried out with a grant under subsections (i) and (j) of section 4502 of title 46, United States Code, as in effect prior to the date of enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018, shall apply to any funds appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115–31) for the purpose of making such grants.

SEC. 8322. MEDICAL STANDARDS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

46 USC 3509.

"§ 3509. Medical standards

Applicability.

"The owner of a vessel to which section 3507 applies shall ensure that—

"(1) a physician is always present and available to treat any passengers who may be on board the vessel in the event of an emergency situation;

"(2) the vessel is in compliance with the Health Care Guidelines for Cruise Ship Medical Facilities established by the American College of Emergency Physicians; and

"(3) the initial safety briefing given to the passengers on board the vessel includes—

"(A) the location of the vessel's medical facilities; and

"(B) the appropriate steps passengers should follow during a medical emergency.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 46, United States Code, is amended by adding at the end the following:

46 USC prec. 3501.

"3509. Medical standards.".

Subtitle C—Advisory Committees

SEC. 8331. ADVISORY COMMITTEES.

(a) NATIONAL OFFSHORE SAFETY ADVISORY COMMITTEE; REPRESENTATION.—Section 15106(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (C), by striking "mineral and oil operations, including geophysical services" and inserting "operations";

(2) in subparagraph (D), by striking "exploration and recovery";

(3) in subparagraph (E), by striking "engaged in diving services related to offshore construction, inspection, and maintenance" and inserting "providing diving services to the offshore industry";

(4) in subparagraph (F), by striking "engaged in safety and training services related to offshore exploration and construction" and inserting "providing safety and training services to the offshore industry";

(5) in subparagraph (G), by striking "engaged in pipelaying services related to offshore construction" and inserting "providing subsea engineering, construction, or remotely operated vehicle support to the offshore industry";

(6) in subparagraph (H), by striking "mineral and energy";

(7) in subparagraph (I), by inserting "and entities providing environmental protection, compliance, or response services to the offshore industry" after "national environmental entities"; and

(8) in subparagraph (J), by striking "deepwater ports" and inserting "entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska".

(b) TECHNICAL CORRECTIONS.—Section 15109 of title 46, United States Code, is amended by inserting "or to which this chapter applies" after "committee established under this chapter" each place it appears.

SEC. 8332. MARITIME TRANSPORTATION SYSTEM NATIONAL ADVISORY COMMITTEE.

(a) MARITIME TRANSPORTATION SYSTEM NATIONAL ADVISORY COMMITTEE.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

"§ 55502. Maritime Transportation System National Advisory Committee

46 USC 55502.

"(a) ESTABLISHMENT.—There is established a Maritime Transportation System National Advisory Committee (in this section referred to as the 'Committee').

"(b) FUNCTION.—The Committee shall advise the Secretary of Transportation on matters relating to the United States maritime transportation system and its seamless integration with other segments of the transportation system, including the viability of the United States Merchant Marine.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 27 members appointed by the Secretary of Transportation in accordance with this section and section 15109.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

"(A) At least one member shall represent the Environmental Protection Agency.

"(B) At least one member shall represent the Department of Commerce.

"(C) At least one member shall represent the Corps of Engineers.

"(D) At least one member shall represent the Coast Guard.

"(E) At least one member shall represent Customs and Border Protection.

"(F) At least one member shall represent State and local governmental entities.

"(G) Additional members shall represent private sector entities that reflect a cross-section of maritime industries, including port and water stakeholders, academia, and labor.

"(H) The Secretary may appoint additional representatives from other Federal agencies as the Secretary considers appropriate.

"(4) RESTRICTIONS ON MEMBERS REPRESENTING FEDERAL AGENCIES.—Members of the Committee that represent Federal agencies shall not—

"(A) comprise more than one-third of the total membership of the Committee or of any subcommittee therein; or

"(B) serve as the chair or co-chair of the Committee or of any subcommittee therein.

"(5) ADMINISTRATION.—For purposes of section 15109—

"(A) the Committee shall be treated as a committee established under chapter 151; and

"(B) the Secretary of Transportation shall fulfill all duties and responsibilities and have all authorities of the Secretary of Homeland Security with regard to the Committee.".

46 USC 55502 note.

(b) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

Time period.

(1) an advisory committee substantially similar to the Committee established by section 55502 of title 46, United States Code, and that was in force or in effect on the day before the date of the enactment of this Act, including the charter, membership, and other aspects of such advisory committee, may remain in force or in effect for the 2-year period beginning on the date of the enactment of this section; and

(2) during such 2-year period—

(A) requirements relating the Maritime Transportation System National Advisory Committee established by such section shall be treated as satisfied by such substantially similar advisory committee; and

(B) the enactment of this section shall not be the basis—

(i) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such committee; or

(iii) to bar the members of such committee from a meeting.

46 USC prec. 55501.

(c) CLERICAL AMENDMENT.—The analysis for chapter 555 of title 46, United States Code, is amended by adding at the end the following:

"55502. Maritime Transportation System National Advisory Committee.".

(d) MARINE HIGHWAYS.—

(1) REPEAL.—Section 55603 of title 46, United States Code, and the item relating to that section in the analysis for chapter 556 of that title, are repealed.

46 USC prec. 55601, 55603.

(2) MARINE HIGHWAYS PROGRAM.—The chapter heading of chapter 556 of title 46, United States Code, is amended to read "**MARINE HIGHWAYS**".

46 USC prec. 55601.

(3) MARINE HIGHWAYS.—Section 55601 of title 46, United States Code, is amended—

(A) in the section heading by striking "**Short sea**" and inserting "**Marine highways**";

(B) by striking "short sea" and inserting "marine highway" each place such term appears;

(C) in subsection (a)—

(i) by striking "transportation program" and inserting "transportation program to be known as the 'America's Marine highway program' "; and

(ii) by striking "mitigate landside congestion or to promote short sea transportation" and insert "provide a coordinated and capable alternative to landside transportation or to promote marine highway transportation"; and

(D) in subsection (b)—

(i) in the subsection heading by striking "SHORT SEA TRANSPORTATION" and inserting "MARINE HIGHWAY TRANSPORTATION"; and

(ii) by striking paragraph (1) and inserting the following:

"(1) vessels documented under chapter 121 of this title;".

(4) CARGO AND SHIPPERS; INTERAGENCY COORDINATION AND RESEARCH.—Sections 55602 and 55604 of title 46, United States Code, are amended by striking "short sea" and inserting "marine highway" each place such term appears.

(5) RESEARCH ON MARINE HIGHWAYS TRANSPORTATION.—Section 55604 of title 46, United States Code, is amended in the section heading by striking **"short sea**" and inserting "**marine highway**"

(6) DEFINITION.—Section 55605 of title 46, United States Code, is amended—

(A) in the section heading by striking "**Short sea**" and inserting "**Marine highway**"; and

(B) by striking "short sea transportation" and inserting "marine highway transportation".

(7) CLERICAL AMENDMENTS.—The analysis for chapter 556 of title 46, United States Code, is amended—

46 USC prec. 55601.

(A) by striking the item related to chapter 556 and inserting the following:

"CHAPTER 556—MARINE HIGHWAYS";

(B) by striking the item related to section 55601 and inserting the following:

"55601. Marine highways transportation program.";

(C) by striking the item related to section 55604 and inserting the following:

"55604. Research on marine highway transportation."; and

(D) by striking the item related to section 55605 and inserting the following:

"55605. Marine highway transportation defined.".

SEC. 8333. EXPIRED MARITIME LIENS.

Section 31343(e) of title 46, United States Code, is amended—

(1) by inserting "(1)" before "A notice"; and

(2) by inserting after paragraph (1), as so designated by this section, the following:

"(2) On expiration of a notice of claim of lien under paragraph (1), and after a request by the vessel owner, the Secretary shall annotate the abstract of title to reflect the expiration of the lien.".

SEC. 8334. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 9307 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "seven" and inserting "8"; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "representing the interests of" and inserting "chosen from among nominations made by";

(ii) in subparagraph (C), by striking "representing the interests of Great Lakes ports" and inserting "chosen from among nominations made by Great Lakes port authorities and marine terminals";

(iii) in subparagraph (D)—

(I) by striking "representing the interests of" and inserting "chosen from among nominations made by"; and

(II) by striking "; and" and inserting a semicolon;

(iv) by redesignating subparagraph (E) as subparagraph (F);

(v) by inserting after subparagraph (D) the following:

"(E) one member chosen from among nominations made by Great Lakes maritime labor organizations; and"; and

(vi) in subparagraph (F), as so redesignated, by striking "with a background in finance or accounting,"; and

(2) in subsection (f)(1), by striking "2020" and inserting "2030".

Time period. 46 USC 9307 note.

(b) COMMITTEE DEEMED NOT EXPIRED.—Notwithstanding section 9307(f)(1) of title 46, United States Code, in any case in which the date of enactment of this Act occurs after September 30, 2020, the Great Lakes Pilotage Advisory Committee in existence as of September 30, 2020, shall be deemed not expired during the period beginning on September 30, 2020 through the date of enactment of this Act. Accordingly, the committee membership, charter, and the activities of such Committee shall continue as though such Committee had not expired.

SEC. 8335. NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.

(a) NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—

(1) AMENDMENTS TO SECTION 15102.—Section 15102 of title 46, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting "and provide recommendations in writing to" after "advise"; and

(II) in subparagraph (E), by striking "and" after the semicolon; and

(ii) in paragraph (2)—

(I) by striking the period and inserting "; and"; and

(II) by adding at the end the following:

Recommendations.

"(3) review marine casualties and investigations of vessels covered by chapter 45 of this title and make recommendations to the Secretary to improve safety and reduce vessel casualties."; and

(B) by adding at the end the following:

"(d) QUORUM.—A quorum of 10 members is required to send any written recommendations from the Committee to the Secretary.

"(e) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from taking emergency action to ensure safety and preservation of life at sea.".

(2) AMENDMENTS TO SECTION 15109.—Section 15109 of title 46, United States Code, is amended—

(A) in subsection (a)—

(i) by striking "Each" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), each"; and

(ii) by adding at the end the following:

"(2) MINIMUM REQUIREMENTS.—The committee established under section 15102, shall—

"(A) meet in-person, not less frequently than twice each year, at the call of the Secretary of a majority of the members of the committee;

"(B) hold additional meetings as necessary;

"(C) post the minutes of each meeting of the committee on a publicly available website not later than 2 weeks after the date on which a meeting concludes; and

Public information. Web posting. Deadline.

"(D) provide reasonable public notice of any meeting of the committee, and publish such notice in the Federal Register and on a publicly available website.";

(B) in subsection (f)(8)—

(i) by striking "Notwithstanding" and inserting the following:

"(A) REAPPOINTMENT.—Notwithstanding"; and

(ii) by adding at the end the following:

"(B) LIMITATION.—With respect to the committee established under section 15102, members may serve not more than 3 terms.";

(C) in subsection (j)(3)—

(i) in subparagraph (B), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) make all responses required by subparagraph (C) which are related to recommendations made by the committee established under section 15102 available to the public not later than 30 days after the date of response.";

Public information. Deadline.

(D) by amending subsection (k) to read as follows:

"(k) OBSERVERS.—

"(1) IN GENERAL.—Any Federal agency with matters under such agency's administrative jurisdiction related to the function of a committee established under this chapter may designate a representative to—

"(A) attend any meeting of such committee; and

"(B) participate as an observer at meetings of such committee that relate to such a matter.

"(2) NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—With respect to the committee established under section 15102, the Commandant of the Coast Guard shall designate a representative under paragraph (1).";

(E) in subsection (l), by striking "2027" and inserting "2029";

(F) by redesignating subsection (l) as subsection (m);

(G) by inserting after subsection (k) the following:

"(l) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall provide technical assistance to the Committee if requested by the Chairman.

"(2) COMMITTEE CONSULTATION.—With respect to the committee established under section 15102, the Chairman of the committee shall seek expertise from the fishing industry, marine safety experts, the shipbuilding industry, and others as the committee determines appropriate."; and

(H) by adding at the end the following:

"(n) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from taking emergency action to ensure safety and preservation of life at sea.".

47 USC 352 note.

SEC. 8336. EXEMPTION OF COMMERCIAL FISHING VESSELS OPERATING IN ALASKAN REGION FROM GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM REQUIREMENTS OF FEDERAL COMMUNICATIONS COMMISSION.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(b) EXEMPTION.—Subject to subsection (c), the Federal Communications Commission shall exempt fishing vessels that primarily operate in the Alaskan Region, including fishing vessels that transit from States in the Pacific Northwest to conduct fishing operations in the Alaskan Region, from the requirements relating to carriage of VHF–DSC and MF–DSC equipment under subpart W of part 80 of title 47, Code of Federal Regulations, or any successor regulation.

(c) FUNCTIONAL REQUIREMENTS.—A fishing vessel exempted under subsection (b) shall—

(1) be capable of transmitting ship-to-shore distress alerts using not fewer than 2 separate and independent systems, each using a different radio communication service;

(2) be equipped with—

(A) a VHF radiotelephone installation;

(B) an MF or HF radiotelephone installation;

(C) a Category 1, 406.0–406.1 MHz EPIRB meeting the requirements of section 80.1061 of title 47, Code of Federal Regulations, or any successor regulation;

(D) a NAVTEX receiver meeting the requirements of section 80.1101(c)(1) of title 47, Code of Federal Regulations, or any successor regulation;

(E) survival craft equipment meeting the requirements of section 80.1095 of title 47, Code of Federal Regulations, or any successor regulation; and

(F) a Search and Rescue Transponder meeting the requirements of section 80.1101(c)(6) of title 47, Code of Federal Regulations, or any successor regulation;

(3) maintain a continuous watch on VHF Channel 16; and

Consultation.

(4) as an alternative to the equipment listed in subparagraphs (A) through (F) of paragraph (2), carry equipment found by the Federal Communications Commission, in consultation with the Secretary, to be equivalent or superior with respect to ensuring the safety of the vessel.

(d) DEFINITION OF ALASKAN REGION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall define the term "Alaskan Region" for purposes of this section. The Secretary shall include in the definition of such term the area of responsibility of Coast Guard District 17. Deadline.

Subtitle D—Ports

SEC. 8341. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

Section 70116 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting ", cyber incidents, transnational organized crime, and foreign state threats" after "an act of terrorism";

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by inserting "cyber incidents, transnational organized crime, and foreign state threats" after "terrorism" each place it appears; and

(B) in paragraph (3)—

(i) by striking "armed" and inserting ", armed (as needed),"; and

(ii) by striking "terrorism or transportation security incidents," and inserting "terrorism, cyber incidents, transnational organized crime, foreign state threats, or transportation security incidents,"; and

(3) in subsection (c)—

(A) by striking "70034," and inserting "70033,"; and

(B) by adding at the end the following new sentence: "When preventing or responding to acts of terrorism, cyber incidents, transnational organized crime, or foreign state threats, the Secretary may carry out this section without regard to chapters 5 and 6 of title 5 or Executive Order Nos. 12866 and 13563.".

SEC. 8342. AIMING LASER POINTER AT VESSEL.

(a) IN GENERAL.—Subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

"§ 70014. Aiming laser pointer at vessel 46 USC 70014.

"(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel operating on the navigable waters of the United States.

"(b) EXCEPTIONS.—This section shall not apply to a member or element of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

"(c) LASER POINTER DEFINED.—In this section the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following: 46 USC prec. 70001.

"70014. Aiming laser pointer at vessel.".

46 USC 70034 note.

SEC. 8343. SAFETY OF SPECIAL ACTIVITIES.

Time period.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 2-year pilot program to establish and implement a process to—

(1) establish safety zones to address special activities in the exclusive economic zone;

(2) account for the number of safety zones established for special activities;

(3) differentiate whether an applicant who requests a safety zone for such activities is—

(A) an individual;

(B) an organization; or

(C) a government entity; and

(4) account for Coast Guard resources utilized to enforce safety zones established for special activities, including—

(A) the number of Coast Guard or Coast Guard Auxiliary vessels used; and

(B) the number of Coast Guard or Coast Guard Auxiliary patrol hours required.

Deadline.

(b) BRIEFING.—Not later than 180 days after the expiration of the 2-year pilot program, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding—

(1) the process required under subsection (a); and

(2) whether the authority to establish safety zones to address special activities in the exclusive economic zone should be extended or made permanent in the interest of safety.

(c) DEFINITIONS.—In this section:

(1) SAFETY ZONE.—The term "safety zone" has the meaning given such term in section 165.20 of title 33, Code of Federal Regulations.

(2) SPECIAL ACTIVITIES.—The term "special activities" includes—

(A) space activities, including launch and reentry, as such terms are defined in section 50902 of title 51, United States Code, carried out by United States citizens; and

(B) offshore energy development activities, as described in section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)), on or near a fixed platform.

(3) UNITED STATES CITIZEN.—The term "United States citizen" has the meaning given the term "eligible owners" in section 12103 of title 46, United States Code.

(4) FIXED PLATFORM.—The term "fixed platform" means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

SEC. 8344. SECURITY PLANS; REVIEWS.

Section 70103 of title 46, United States Code, is amended—

(1) by amending subsection (b)(3) to read as follows:

"(3) The Secretary shall review and approve Area Maritime Transportation Security Plans and updates under this subsection."; and

(2) in subsection (c)(4), by inserting "or update" after "plan" each place it appears.

SEC. 8345. VESSEL TRAFFIC SERVICE.

Section 70001 of title 46, United States Code, is amended to read as follows:

"§ 70001. Vessel traffic services

"(a) IN GENERAL.—Subject to the requirements of section 70004, the Secretary— Requirements.

"(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

"(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;

"(3) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety, except that the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

"(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by— Determination.

"(A) specifying times of entry, movement, or departure;

"(B) establishing vessel traffic routing schemes;

"(C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and

"(D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances;

"(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and Determination.

"(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used

within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

"(b) NATIONAL POLICY.—

Federal Register, publication. Deadline.

"(1) ESTABLISHMENT AND UPDATE OF NATIONAL POLICY.—

"(A) ESTABLISHMENT OF POLICY.—Not later than one year after the date of enactment of this section, the Secretary shall establish a national policy which is inclusive of local variances permitted under subsection (c), to be applied to all vessel traffic service centers and publish such policy in the Federal Register.

"(B) UPDATE.—The Secretary shall periodically update the national policy established under subparagraph (A) and shall publish such update in the Federal Register or on a publicly available website.

"(2) ELEMENTS.—The national policy established and updated under paragraph (1) shall include, at a minimum, the following:

"(A) Standardization of titles, roles, and responsibilities for all personnel assigned, working, or employed in a vessel traffic service center.

"(B) Standardization of organizational structure within vessel traffic service centers, to include supervisory and reporting chain and processes.

"(C) Establishment of directives for the application of authority provided to each vessel traffic service center, specifically with respect to directing or controlling vessel movement when such action is justified in the interest of safety.

"(D) Establishment of thresholds and measures for monitoring, informing, recommending, and directing vessel traffic.

"(E) Establishment of national procedures and protocols for vessel traffic management.

"(F) Standardization of training for all vessel traffic service directors, operators, and watchstanders.

"(G) Establishment of certification and competency evaluation for all vessel traffic service directors, operators, and watchstanders.

"(H) Establishment of standard operating language when communicating with vessel traffic users.

"(I) Establishment of data collection, storage, management, archiving, and dissemination policies and procedures for vessel incidents and near-miss incidents.

"(c) LOCAL VARIANCES.—

"(1) DEVELOPMENT.—In this section, the Secretary may provide for such local variances as the Secretary considers appropriate to account for the unique vessel traffic, waterway characteristics, and any additional factors that are appropriate to enhance navigational safety in any area where vessel traffic services are provided.

"(2) REVIEW AND APPROVAL BY SECRETARY.—The Captain of the Port covered by a vessel traffic service center may develop and submit to the Secretary regional policies in addition to the national policy established and updated under subsection (b) to account for variances from that national policy with respect to local vessel traffic conditions and volume, geography,

water body characteristics, waterway usage, and any additional factors that the Captain considers appropriate.

"(3) REVIEW AND IMPLEMENTATION.—Not later than 180 days after receiving regional policies under paragraph (2)— Deadline.

"(A) the Secretary shall review such regional policies; and

"(B) the Captain of the port concerned shall implement the policies that the Secretary approves.

"(4) MAINTENANCE.—The Secretary shall maintain a central depository for all local variances approved under this section.

"(d) COOPERATIVE AGREEMENTS.— Contracts.

"(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

"(2) INTERNATIONAL COORDINATION.—With respect to vessel traffic service areas that cross international boundaries, the Secretary may enter into bilateral or cooperative agreements with international partners to jointly carry out the functions under subsection (a)(1) and to jointly manage such areas to collect, share, assess, and analyze information in the possession or control of the international partner. Assessment. Analysis.

"(3) LIMITATION.—

"(A) INHERENTLY GOVERNMENTAL FUNCTION.—A non-governmental entity may not under this subsection carry out an inherently governmental function.

"(B) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—In this paragraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government. Applicability.

"(4) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near miss incidents. Public information.

"(e) PERFORMANCE EVALUATION.—

"(1) IN GENERAL.—The Secretary shall develop and implement a standard method for evaluating the performance of vessel traffic service centers. Standard.

"(2) ELEMENTS.—The standard method developed and implemented under paragraph (1) shall include, at a minimum, analysis and collection of data with respect to the following within a vessel traffic service area covered by each vessel traffic service center: Analysis. Data.

"(A) Volume of vessel traffic, categorized by type of vessel.

"(B) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

"(C) Data on near-miss incidents.

"(D) Data on marine casualties.

"(E) Application by vessel traffic operators of traffic management authority during near-miss incidents and marine casualties.

"(F) Other additional methods as the Secretary considers appropriate.

"(3) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the evaluation conducted under paragraph (1) of the performance of vessel traffic service centers, including—

Recommendations.

"(A) recommendations to improve safety and performance; and

Data.

"(B) data regarding marine casualties and near-miss incidents that have occurred during the period covered by the report.

"(f) RISK ASSESSMENT PROGRAM.—

Evaluation.

"(1) IN GENERAL.—The Secretary shall develop a continuous risk assessment program to evaluate and mitigate safety risks for each vessel traffic service area to improve safety and reduce the risks of oil and hazardous material discharge in navigable waters.

Coordination. Public information. Standard.

"(2) METHOD FOR ASSESSMENT.—The Secretary, in coordination with stakeholders and the public, shall develop a standard method for conducting risk assessments under paragraph (1) that includes the collection and management of all information necessary to identify and analyze potential hazardous navigational trends within a vessel traffic service area.

"(3) INFORMATION TO BE ASSESSED.—

"(A) IN GENERAL.—The Secretary shall ensure that a risk assessment conducted under paragraph (1) includes an assessment of the following:

"(i) Volume of vessel traffic, categorized by type of vessel.

"(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

Data.

"(iii) Data on near-miss events incidents.

Data.

"(iv) Data on marine casualties.

"(v) Geographic locations for near-miss events incidents and marine casualties, including latitude and longitude.

"(vi) Cyclical risk factors such as weather, seasonal water body currents, tides, bathymetry, and topography.

Data.

"(vii) Weather data, in coordination with the National Oceanic and Atmospheric Administration.

Procedures.

"(B) INFORMATION STORAGE AND MANAGEMENT POLICIES.—The Secretary shall retain all information collected under subparagraph (A) and ensure policies and procedures are in place to standardize the format in which that information is retained to facilitate statistical analysis of that information to calculate within a vessel traffic service

area, at a minimum, the incident rate, intervention rate, and casualty prevention rate.

"(4) PUBLIC AVAILABILITY.—

"(A) ASSESSMENTS AND INFORMATION.—In accordance with section 552 of title 5, the Secretary shall make any risk assessments conducted under paragraph (1) and any information collected under paragraph (3)(A) available to the public.

"(B) INFORMATION IN POSSESSION OR CONTROL OF INTERNATIONAL PARTNERS.—The Secretary shall endeavor to coordinate with international partners as described in subsection (d)(2) to enter into agreements to make information collected, shared, and analyzed under that paragraph available to the public.

Coordination.
Contracts.

"(C) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near-miss incidents.

"(g) VESSEL TRAFFIC SERVICE TRAINING.—

"(1) TRAINING PROGRAM.—

"(A) IN GENERAL.—The Secretary shall develop a comprehensive nationwide training program for all vessel traffic service directors, operators, and watchstanders.

"(B) ELEMENTS.—The comprehensive nationwide training program under subparagraph (A) and any variances to that program under subsection (c) shall include, at a minimum, the following:

"(i) Realistic vessel traffic scenarios to the maximum extent practicable that integrate—

"(I) the national policy developed under subsection (b);

"(II) international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.);

"(III) inland navigation rules under part 83 of title 33, Code of Federal Regulations;

"(IV) the application of vessel traffic authority; and

"(V) communication with vessel traffic service users.

"(ii) Proficiency training with respect to use, interpretation, and integration of available data on vessel traffic service display systems such as radar, and vessel automatic identification system feeds.

"(iii) Practical application of—

"(I) the international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.); and

"(II) the inland navigation rules under part 83 of title 33, Code of Federal Regulations.

"(iv) Proficiency training with respect to the operation of radio communications equipment and any other applicable systems necessary to execute vessel traffic service authorities.

"(v) Incorporation of the Standard Marine Communication Phrases adopted by the International Maritime Organization by resolution on April 4, 2000, as amended and consolidated, or any successor resolution.

"(vi) Incorporation to the maximum extent possible of guidance and recommendations contained in vessel traffic services operator training, vessel traffic services supervisor training, or other relevant training set forth by the International Association of Marine Aids to Navigation and Lighthouse Authorities.

"(vii) A minimum number of hours of training for an individual to complete before the individual is qualified to fill a vessel traffic services position without supervision.

"(viii) Local area geographic and operational familiarization.

"(ix) Such additional components as the Secretary considers appropriate.

"(2) STANDARD COMPETENCY QUALIFICATION PROCESS.—

Applicability.

"(A) IN GENERAL.—The Secretary shall develop a standard competency qualification process to be applied to all personnel assigned, employed, or working in a vessel traffic service center.

"(B) APPLICATION OF PROCESS.—The competency qualification process developed under subparagraph (A) shall include measurable thresholds for determining proficiency.

"(3) INTERNATIONAL AND INLAND NAVIGATION RULES TEST.—

Requirement.

"(A) IN GENERAL.—All personnel assigned, employed, or working in a vessel traffic service center with responsibilities that include communicating, interacting, or directing vessels within a vessel traffic service area, as determined under the national policy developed under subsection (b), shall be required to pass a United States international and inland navigation rules test developed by the Secretary.

Determination.

"(B) ELEMENTS OF TEST.—The Secretary shall determine the content and passing standard for the rules test developed under subparagraph (A).

"(C) TESTING FREQUENCY.—The Secretary shall establish a frequency, not to exceed once every 5 years, for personnel described in subparagraph (A) to be required to pass the rules test developed under such subparagraph.

"(h) RESEARCH ON VESSEL TRAFFIC.—

Consultation.
Procedures.

"(1) VESSEL COMMUNICATION.—The Secretary shall conduct research, in consultation with subject matter experts identified by the Secretary, to develop more effective procedures for monitoring vessel communications on radio frequencies to identify and address unsafe situations in a vessel traffic service area. The Secretary shall consider data collected under subparagraph (A) of subsection (f)(3).

"(2) PROFESSIONAL MARINER REPRESENTATION.—

Consultation.
Evaluation.
Determination.

"(A) IN GENERAL.—The Secretary shall conduct research, in consultation with local stakeholders and subject matter experts identified by the Secretary, to evaluate and determine the feasibility, costs and benefits of representation by professional mariners on the vessel traffic service watchfloor at each vessel traffic service center.

"(B) IMPLEMENTATION.—The Secretary shall implement representation by professional mariners on the vessel

traffic service watchfloor at those vessel traffic service centers for which it is determined feasible and beneficial pursuant to research conducted under subparagraph (A).

"(i) INCLUSION OF IDENTIFICATION SYSTEM ON CERTAIN VESSELS.—

"(1) IN GENERAL.—The National Navigation Safety Advisory Committee shall advise and provide recommendations to the Secretary on matters relating to the practicability, economic costs, regulatory burden, and navigational impact of outfitting vessels lacking independent means of propulsion that carry flammable, combustible, or hazardous liquid cargo with vessel automatic identification systems. Recommendations.

"(2) REGULATIONS.—Based on the evaluation under paragraph (1), the Secretary shall prescribe such regulations as the Secretary considers appropriate to establish requirements relating to the outfitting of vessels described in such subparagraph with vessel automatic identification systems. Requirements.

"(j) PERIODIC REVIEW OF VESSEL TRAFFIC SERVICE NEEDS.—

"(1) IN GENERAL.—Based on the performance evaluation conducted under subsection (e) and the risk assessment conducted under subsection (f), the Secretary shall periodically review vessel traffic service areas to determine— Determination.

"(A) if there are any additional vessel traffic service needs in those areas; and

"(B) if a vessel traffic service area should be moved or modified.

"(2) INFORMATION TO BE ASSESSED.—

"(A) IN GENERAL.—The Secretary shall ensure that a review conducted under paragraph (1) includes an assessment of the following:

"(i) Volume of vessel traffic, categorized by type of vessel.

"(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

"(iii) Data on near miss incidents. Data.

"(iv) Data on marine casualties. Data.

"(v) Geographic locations for near-miss incidents and marine casualties, including latitude and longitude.

"(vi) Cyclical risk factors such as weather, seasonal water body currents, tides, bathymetry, and topography.

"(vii) Weather data, in coordination with the National Oceanic and Atmospheric Administration. Data.

"(3) STAKEHOLDER INPUT.—In conducting the periodic reviews under paragraph (1), the Secretary shall seek input from port and waterway stakeholders to identify areas of increased vessel conflicts or marine casualties that could benefit from the use of routing measures or vessel traffic service special areas to improve safety, port security, and environmental protection.

"(4) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near miss incidents. Public information.

"(k) LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—

"(1) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot, acting in the course and scope of his or her duties while at a Coast Guard Vessel Traffic Service Center, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

"(2) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.

"(l) EXISTING AUTHORITY.—Nothing in this section shall be construed to alter the existing authorities of the Secretary to enhance navigation, vessel safety, marine environmental protection, and to ensure safety and preservation of life and property at sea.

"(m) DEFINITIONS.—In this section:

"(1) HAZARDOUS LIQUID CARGO.—The term 'hazardous liquid cargo' has the meaning given that term in regulations prescribed under section 5103 of title 49.

"(2) MARINE CASUALTY.—The term 'marine casualty' has the meaning given that term in regulations prescribed under section 6101(a).

"(3) VESSEL TRAFFIC SERVICE AREA.—The term 'vessel traffic service area' means an area specified in subpart C of part 161 of title 33, Code of Federal Regulations, or any successor regulation.

"(4) VESSEL TRAFFIC SERVICE CENTER.—The term 'vessel traffic service center' means a center for the provision of vessel traffic services in a vessel traffic service area.

"(5) NEAR MISS INCIDENT.—The term 'near miss incident' means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, resulting in the substantial threat of a marine casualty.

"(6) DE-IDENTIFIED.—The term 'de-identified' means the process by which all information that is likely to establish the identity of the specific persons or entities noted in the reports, data, or other information is removed from the reports, data, or other information.".

SEC. 8346. TRANSPORTATION WORK IDENTIFICATION CARD PILOT PROGRAM.

Section 70105(g) of title 46, United States Code, is amended by striking "shall concurrently" and all that follows and inserting the following: "shall—

Deadline.

"(1) develop and, no later than 2 years after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, implement a joint application for

merchant mariner's documents under chapter 73 and for a transportation security card issued under this section; and

"(2) upon receipt of a joint application developed under paragraph (1) concurrently process an application from an individual for merchant mariner's documents under chapter 73 and an application from such individual for a transportation security card under this section.".

TITLE LVXXXIV—MISCELLANEOUS

Subtitle A—Navigation and Shipping

Sec. 8401. Coastwise trade.
Sec. 8402. Towing vessels operating outside boundary line.
Sec. 8403. Sense of Congress regarding the maritime industry of the United States.
Sec. 8404. Cargo preference study.
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Sec. 8411. Unmanned maritime systems and satellite vessel tracking technologies.
Sec. 8412. Unmanned aircraft systems testing.
Sec. 8413. Land-based unmanned aircraft system program of Coast Guard.
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Sec. 8416. Authorization of use of automatic identification systems devices to mark fishing equipment.

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Sec. 8421. Coast Guard Arctic prioritization.
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Subtitle D—Other Matters

Sec. 8431. Plan for wing-in-ground demonstration plan.
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Sec. 8439. Authority to enter into agreements with National Coast Guard Museum Association.
Sec. 8440. Video equipment; access and retention of records.
Sec. 8441. Regulations for covered small passenger vessels.

Subtitle A—Navigation and Shipping

SEC. 8401. COASTWISE TRADE.

(a) IN GENERAL.—The Commandant shall review the adequacy of and continuing need for provisions in title 46, Code of Federal Regulations, that require a United States vessel documented under chapter 121 of title 46, United States Code, possessing a coastwise endorsement under that chapter, and engaged in coastwise trade, to comply with regulations for vessels engaged in an international voyage. Review.

Deadline.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the findings of the review required under subsection (a) and a discussion of how existing laws and regulations could be amended to ensure the safety of vessels described in subsection (a) while infringing as little as possible on commerce.

46 USC 2101 note.

SEC. 8402. TOWING VESSELS OPERATING OUTSIDE BOUNDARY LINE.

(a) DEFINITIONS.—In this section—

(1) the term "Boundary Line" has the meaning given the term in section 103 of title 46, United States Code;

(2) the term "Officer in Charge, Marine Inspection" has the meaning given the term in section 3305(d)(4) of title 46, United States Code; and

(3) the term "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(b) INTERIM EXEMPTION.—A towing vessel described in subsection (c) and a response vessel included on a vessel response plan are exempt from any additional requirements of subtitle II of title 46, United States Code, and chapter I of title 33 and chapter I of title 46, Code of Federal Regulations (as in effect on the date of the enactment of this Act), that would result solely from such vessel operating outside the Boundary Line, if—

(1) the vessel is—

(A) operating outside the Boundary Line solely to perform regular harbor assist operations; or

(B) listed as a response vessel on a vessel response plan and is operating outside the Boundary Line solely to perform duties of a response vessel;

(2) the vessel is approved for operations outside the Boundary Line by the Officer in Charge, Marine Inspection and the Coast Guard Marine Safety Center; and

(3) the vessel has sufficient manning and lifesaving equipment for all persons on board, in accordance with part 15 and section 141.225 of title 46, Code of Federal Regulations (or any successor regulation).

(c) APPLICABILITY.—This section applies to a towing vessel—

(1) that is subject to inspection under chapter 33 of title 46, United States Code, and subchapter M of chapter I of title 46, Code of Federal Regulations (or any successor regulation);

(2) with only "Lakes, Bays, and Sounds" or "Rivers" routes recorded on such vessel's certificate of inspection pursuant to section 136.230 of title 46, Code of Federal Regulations (or any successor regulation);

(3) that, with respect to a vessel described in subsection (b)(1)(A), is operating as a harbor assist vessel and regularly engaged in harbor assist operations, including the docking, undocking, mooring, unmooring, and escorting of vessels with limited maneuverability; and

(4) that, with respect to a vessel that is described in subsection (b)(1)(B), is listed—

(A) on a vessel response plan under part 155 of title 33, Code of Federal Regulations, on the date of approval of the vessel response plan; or

(B) by name or reference in the vessel response plan's geographic-specific appendix on the date of approval of the vessel response plan.

(d) LIMITATIONS.—A vessel exempted under subsection (b) is subject to the following operating limitations:

(1) The voyage of a vessel described in subsection (b)(1)(A) shall—

(A) be less than 12 hours in total duration;

(B) originate and end in the inspection zone of a single Officer in Charge, Marine Inspection; and

(C) occur no further than 10 nautical miles from the Boundary Line.

(2) The voyage of a vessel described in subsection (b)(1)(B) shall—

(A) originate and end in the inspection zone of a single Officer in Charge, Marine Inspection; and

(B) either—

(i) in the case of a voyage in the territorial waters of Alaska, Guam, Hawaii, American Samoa, and the Northern Mariana Islands, have sufficient manning as determined by the Secretary; or

(ii) be less than 12 hours.

(e) SAFETY.—

(1) SAFETY RESTRICTIONS.—The Officer in Charge, Marine Inspection for an inspection zone may restrict operations under the interim exemption provided under subsection (b) for safety purposes.

(2) COMPREHENSIVE LISTS.—The Officer in Charge, Marine Inspection for an inspection zone shall maintain and periodically update a comprehensive list of all towing vessels described in subsection (c) that operate in the inspection zone. Update.

(3) NOTIFICATION.—Not later than 24 hours prior to intended operations outside of the Boundary Line, a towing vessel exempted under subsection (b) shall notify the Office in Charge, Marine Inspection for the inspection zone of such operations. Such notification shall include— Deadline.

(A) the date, time, and length of voyage;

(B) a crew list, with each crew member's credentials and work hours; and List.

(C) an attestation from the master of the towing vessel that the vessel has sufficient manning and lifesaving equipment for all persons on board. Attestation.

(f) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the following: Deadline.

(1) The impacts of the interim exemption provided under this section.

(2) Any safety concerns regarding the expiration of such interim exemption.

(3) Whether such interim exemption should be extended.

(g) TERMINATION.—The interim exemption provided under subsection (b) shall terminate on the date that is 2 years after the date of the enactment of this Act.

SEC. 8403. SENSE OF CONGRESS REGARDING THE MARITIME INDUSTRY OF THE UNITED STATES.

It is the sense of Congress that the maritime industry of the United States contributes to the Nation's economic prosperity and national security.

SEC. 8404. CARGO PREFERENCE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the enforcement of the United States Cargo Preference Laws set forth in sections 55302, 55303, 55304, and 55305 of title 46, United States Code, and section 2631 of title 10, United States Code (hereinafter in this section referred to as the "United States Cargo Preference Laws").

Time period.

(b) SCOPE.—The audit conducted under subsection (a) shall include, for the period from October 14, 2008, until the date of the enactment of this Act—

List.

(1) a listing of the agencies and organizations required to comply with the United States Cargo Preference Laws;

Analysis.

(2) an analysis of the compliance or noncompliance of such agencies and organizations with such laws, including—

(A) the total amount of oceangoing cargo that each such agency, organization, or contractor procured for its own account or for which financing was in any way provided with Federal funds, including loan guarantees;

(B) the percentage of such cargo shipped on privately owned commercial vessels of the United States;

Assessment.

(C) an assessment of internal programs and controls used by each such agency or organization to monitor and ensure compliance with the United States Cargo Preference Laws, to include education, training, and supervision of its contracting personnel, and the procedures and controls used to monitor compliance with cargo preference requirements by contractors and subcontractors; and

(D) instances in which cargoes are shipped on foreign-flag vessels under non-availability determinations but not counted as such for purposes of calculating cargo preference compliance; and

(3) an overview of enforcement activities undertaken by the Maritime Administration from October 14, 2008, until the date of the enactment of this Act, including a listing of all bills of lading collected by the Maritime Administration during that period.

Audit. Recommendations.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of the audit and providing recommendations related to such results, to include—

Compliance.

(1) actions that should be taken by agencies and organizations to fully comply with the United States Cargo Preference Laws; and

(2) Other measures that may compel agencies and organizations, and their contractors and subcontractors, to use United States flag vessels in the international transportation of ocean

cargoes as mandated by the United States Cargo Preference Laws.

SEC. 8405. TOWING VESSEL INSPECTION FEES REVIEW.

Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate— Deadline.

(1) the results of the review required under section 815 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282); and

(2) a copy of any regulation required pursuant to section 815(b) of such Act to establish specific inspection fees for such vessels. Records.

Subtitle B—Maritime Domain Awareness

SEC. 8411. UNMANNED MARITIME SYSTEMS AND SATELLITE VESSEL TRACKING TECHNOLOGIES. 14 USC 504 note.

(a) ASSESSMENT.—The Commandant, acting through the Blue Technology Center of Expertise, shall regularly assess available unmanned maritime systems and satellite vessel tracking technologies for potential use to support missions of the Coast Guard.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actual and potential effects of the use of then-existing unmanned maritime systems and satellite vessel tracking technologies on the mission effectiveness of the Coast Guard.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following: Inventories.

(A) An inventory of current unmanned maritime systems used by the Coast Guard, an overview of such usage, and a discussion of the mission effectiveness of such systems, including any benefits realized or risks or negative aspects of such usage.

(B) An inventory of satellite vessel tracking technologies, and a discussion of the potential mission effectiveness of such technologies, including any benefits or risks or negative aspects of such usage.

(C) A prioritized list of Coast Guard mission requirements that could be met with additional unmanned maritime systems, or with satellite vessel tracking technologies, and the estimated costs of accessing, acquiring, or operating such systems, taking into consideration the interoperability of such systems with the current and future fleet of— List.

(i) National Security Cutters;

(ii) Fast Response Cutters;

(iii) Offshore Patrol Cutters;

(iv) Polar Security Cutters; and

(v) in-service legacy cutters, including the 210- and 270-foot medium endurance cutters and 225-foot Buoy Tenders.

(c) DEFINITIONS.—In this section:

(1) UNMANNED MARITIME SYSTEMS.—

(A) IN GENERAL.—The term "unmanned maritime systems" means—

(i) remotely operated or autonomous vehicles produced by the commercial sector designed to travel in the air, on or under the ocean surface, on land, or any combination thereof, and that function without an on-board human presence; and

(ii) associated components of such vehicles, including control and communications systems, data transmission systems, and processing systems.

(B) EXAMPLES.—Such term includes the following:

(i) Unmanned undersea vehicles.

(ii) Unmanned surface vehicles.

(iii) Unmanned aerial vehicles.

(iv) Autonomous underwater vehicles.

(v) Autonomous surface vehicles.

(vi) Autonomous aerial vehicles.

(2) AVAILABLE UNMANNED MARITIME SYSTEMS.—The term "available unmanned maritime systems" includes systems that can be purchased commercially or are in use by the Department of Defense or other Federal agencies.

(3) SATELLITE VESSEL TRACKING TECHNOLOGIES.—The term "satellite vessel tracking technologies" means shipboard broadcast systems that use satellites and terrestrial receivers to continually track vessels.

14 USC 319 note.

SEC. 8412. UNMANNED AIRCRAFT SYSTEMS TESTING.

(a) TRAINING AREA.—The Commandant shall carry out and update, as appropriate, a program for the use of one or more training areas to facilitate the use of unmanned aircraft systems and small unmanned aircraft to support missions of the Coast Guard.

(b) DESIGNATION OF AREA.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall, as part of the program under subsection (a), designate an area for the training, testing, and development of unmanned aircraft systems and small unmanned aircraft.

(2) CONSIDERATIONS.—In designating a training area under paragraph (1), the Commandant shall—

(A) ensure that such training area has or receives all necessary Federal Aviation Administration flight authorization; and

(B) take into consideration all of the following attributes of the training area:

(i) Direct over-water maritime access from the site.

(ii) The availability of existing Coast Guard support facilities, including pier and dock space.

(iii) Proximity to existing and available offshore Warning Area airspace for test and training.

(iv) Existing facilities and infrastructure to support unmanned aircraft system-augmented, and small

unmanned aircraft-augmented, training, evaluations, and exercises.

(v) Existing facilities with a proven track record of supporting unmanned aircraft systems and small unmanned aircraft systems flight operations.

(c) DEFINITIONS.—In this section—

(1) the term "existing" means as of the date of enactment of this Act; and

(2) the terms "small unmanned aircraft" and "unmanned aircraft system" have the meanings given those terms in section 44801 of title 49, United States Code.

SEC. 8413. LAND-BASED UNMANNED AIRCRAFT SYSTEM PROGRAM OF COAST GUARD.

(a) FUNDING FOR CERTAIN ENHANCED CAPABILITIES.—Section 319 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(c) FUNDING FOR CERTAIN ENHANCED CAPABILITIES.—In each of fiscal years 2020 and 2021, the Commandant may provide additional funding of $5,000,000 for additional long-range maritime patrol aircraft, acquired through full and open competition.".

(b) REPORT ON USE OF UNMANNED AIRCRAFT SYSTEMS FOR CERTAIN SURVEILLANCE.—

(1) REPORT REQUIRED.—Not later than March 31, 2021, the Commandant, in coordination with the Administrator of the Federal Aviation Administration on matters related to aviation safety and civilian aviation and aerospace operations, shall submit to the appropriate committees of Congress a report setting forth an assessment of the feasibility and advisability of using unmanned aircraft systems for surveillance of marine protected areas, the transit zone, and the Arctic in order to— Coordination.

(A) establish and maintain regular maritime domain awareness of such areas;

(B) ensure appropriate response to illegal activities in such areas; and

(C) collaborate with State, local, and tribal authorities, and international partners, in surveillance missions over their waters in such areas.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

SEC. 8414. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS. 14 USC 1156 note.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—The Commandant may not operate or enter into or renew a contract for the procurement of—

(1) an unmanned aircraft system that—

(A) is manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered

foreign country or by an entity domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign country or by an entity domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in or administered by an entity domiciled in a covered foreign country; or

(2) a system manufactured in a covered foreign country or by an entity domiciled in a covered foreign country for the detection or identification of unmanned aircraft systems.

(b) EXEMPTION.—

(1) IN GENERAL.—The Commandant is exempt from the restriction under subsection (a) if—

(A) the operation or procurement is for the purposes of—

(i) counter-UAS system surrogate testing and training; or

(ii) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training; or

Certification.

(B) the Commandant receives a certification from the Coast Guard unit requesting to operate or procure an unmanned aircraft system otherwise restricted under subsection (a), which shall include supporting manufacturer information, that the unmanned aircraft system does not—

(i) connect to the internet or an outside telecommunications service;

(ii) connect to other devices or electronics, except as necessary to perform the mission; or

(iii) perform any missions in support of classified information or that may threaten national security.

(2) EXPIRATION.—The authority under this subsection to operate or procure an unmanned aircraft system otherwise restricted under subsection (a) expires on the date that is 2 years after the date of the enactment of this Act.

(c) WAIVER.—The Commandant may waive the restriction under subsection (a) on a case by case basis by certifying in writing to the Department of Homeland Security and the relevant committees of jurisdiction that the operation or procurement is required in the national interest of the United States.

(d) DEFINITIONS.—In this section:

(1) COVERED FOREIGN COUNTRY.—The term "covered foreign country" means the People's Republic of China.

(2) COUNTER-UAS SYSTEM.—The term "counter-UAS system" has the meaning given such term in section 44801 of title 49, United States Code.

(3) UNMANNED AIRCRAFT SYSTEM.—The term "unmanned aircraft system" has the meaning given such term in section 44801 of title 49, United States Code.

14 USC 504 note.

SEC. 8415. UNITED STATES COMMERCIAL SPACE-BASED RADIO FREQUENCY MARITIME DOMAIN AWARENESS TESTING AND EVALUATION PROGRAM.

(a) TESTING AND EVALUATION PROGRAM.—The Commandant, acting through the Blue Technology Center of Expertise, shall carry out a testing and evaluation program of United States commercial

space-based radio frequency geolocation and maritime domain awareness products and services to support the mission objectives of maritime enforcement by the Coast Guard and other components of the Coast Guard. The objectives of this testing and evaluation program shall include—

(1) developing an understanding of how United States commercial space-based radio frequency data products can meet current and future mission requirements;

(2) establishing how United States commercial space-based radio frequency data products should integrate into existing work flows; and

(3) establishing how United States commercial space-based radio frequency data products could be integrated into analytics platforms.

(b) REPORT.—Not later than 240 days after the date of enactment of this Act, the Commandant shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the testing and evaluation program under subsection (a), including recommendations on how the Coast Guard should fully exploit United States commercial space-based radio frequency data products to meet current and future mission requirements. Recommendations.

SEC. 8416. AUTHORIZATION OF USE OF AUTOMATIC IDENTIFICATION SYSTEMS DEVICES TO MARK FISHING EQUIPMENT. 47 USC 303 note.

(a) DEFINITIONS.—In this section—

(1) the term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration Administrator;

(2) the term "Automatic Identification System" has the meaning given the term in section 164.46(a) of title 33, Code of Federal Regulations, or any successor regulation;

(3) the term "Automatic Identification System device" means a covered device that operates in radio frequencies assigned for Automatic Identification System stations;

(4) the term "Commission" means the Federal Communications Commission; and

(5) the term "covered device" means a device used to mark fishing equipment.

(b) RULEMAKING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, and in consultation with the Commandant and the Secretary of State, shall initiate a rulemaking proceeding to consider whether to authorize covered devices to operate in radio frequencies assigned for Automatic Identification System stations. Deadline. Coordination. Consultation.

(c) CONSIDERATIONS.—In conducting the rulemaking under subsection (b), the Commission shall consider whether imposing requirements with respect to the manner in which Automatic Identification System devices are deployed and used would enable the authorization of covered devices to operate in radio frequencies assigned for Automatic Identification System stations consistent with the core purpose of the Automatic Identification System to prevent maritime accidents.

Subtitle C—Arctic

SEC. 8421. COAST GUARD ARCTIC PRIORITIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The strategic importance of the Arctic continues to increase as the United States and other countries recognize the military significance of the sea lanes and choke points within the region and understand the potential for power projection from the Arctic into multiple regions.

(2) Russia and China have conducted military exercises together in the Arctic, have agreed to connect the Northern Sea Route, claimed by Russia, with China's Maritime Silk Road, and are working together in developing natural gas resources in the Arctic.

(3) The economic significance of the Arctic continues to grow as countries around the globe begin to understand the potential for maritime transportation through, and economic and trade development in, the region.

(4) Increases in human, maritime, and resource development activity in the Arctic region may create additional mission requirements for the Department of Defense and the Department of Homeland Security.

(5) The increasing role of the United States in the Arctic has been highlighted in each of the last four national defense authorization acts.

(6) The United States Coast Guard Arctic Strategic Outlook released in April 2019 states, "Demonstrating commitment to operational presence, Canada, Denmark, and Norway have made strategic investments in ice-capable patrol ships charged with national or homeland security missions. The United States is the only Arctic State that has not made similar investments in ice-capable surface maritime security assets. This limits the ability of the Coast Guard, and the Nation, to credibly uphold sovereignty or respond to contingencies in the Arctic.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Arctic is a region of strategic importance to the national security interests of the United States, and the Coast Guard must better align its mission prioritization and development of capabilities to meet the growing array of challenges in the region;

(2) the increasing freedom of navigation and expansion of activity in the Arctic must be met with an increasing show of Coast Guard forces capable of exerting influence through persistent presence;

(3) Congress fully supports the needed and important recapitalization of the fleet of cutters and aircraft of the Coast Guard, but, the Coast Guard must avoid overextending operational assets for remote international missions at the cost of dedicated focus on this domestic area of responsibility with significant international interest and activity; and

(4) although some progress has been made to increase awareness of Arctic issues and to promote increased presence in the region, additional measures are needed to protect vital economic, environmental, and national security interests of the United States, and to show the commitment of the United

States to this emerging strategic choke point of increasing great power competition.

(c) ARCTIC DEFINED.—In this section, the term "Arctic" has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 8422. ARCTIC PARS NATIVE ENGAGEMENT.

The Commandant shall—

(1) engage directly with local coastal whaling and fishing communities in the Arctic region when conducting the Alaskan Arctic Coast Port Access Route Study, in accordance with chapter 700 of title 46, United States Code, and as described in the notice of study published in the Federal Register on December 21, 2018 (83 Fed. Reg. 65701); and

(2) consider the concerns of the Arctic coastal community regarding any Alaskan Arctic Coast Port Access Route, including safety needs and concerns.

SEC. 8423. VOTING REQUIREMENT.

Section 305(i)(1)(G)(iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(G)(iv)) is amended to read as follows:

"(iv) VOTING REQUIREMENT.—The panel may act only by the affirmative vote of at least 5 of its members, except that any decision made pursuant to the last sentence of subparagraph (C) shall require the unanimous vote of all 6 members of the panel.".

SEC. 8424. REPORT ON THE ARCTIC CAPABILITIES OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the appropriate committees of Congress a report setting forth the results of a study on the Arctic capabilities of the Armed Forces. The Secretary shall enter into a contract with an appropriate federally funded research and development center for the conduct of the study. Contracts.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comparison of the capabilities of the United States, the Russian Federation, the People's Republic of China, and other countries operating in the Arctic, including an assessment of the ability of the navy of each such country to operate in varying sea-ice conditions. Assessment.

(2) A description of commercial and foreign military surface forces currently operating in the Arctic in conditions inaccessible to Navy surface forces.

(3) An assessment of the potential security risk posed to Coast Guard forces by military forces of other countries operating in the Arctic in conditions inaccessible to Navy surface or aviation forces in the manner such forces currently operate. Assessment.

(4) A comparison of the domain awareness capabilities of—

(A) Coast Guard forces operating alone; and

(B) Coast Guard forces operating in tandem with Navy surface and aviation forces and the surface and aviation forces of other allies.

(5) A comparison of the defensive capabilities of—

(A) Coast Guard forces operating alone; and

(B) Coast Guard forces operating in mutual defense with Navy forces, other Armed Forces, and the military forces of allies.

Classified information.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

SEC. 8425. REPORT ON ARCTIC SEARCH AND RESCUE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the search and rescue capabilities of the Coast Guard in Arctic coastal communities.

(b) CONTENTS.—The report under subsection (a) shall include the following:

(1) An identification of ways in which the Coast Guard can more effectively partner with Arctic coastal communities to respond to search and rescue incidents through training, funding, and deployment of assets.

Analysis.

(2) An analysis of the costs of forward deploying on a seasonal basis Coast Guard assets in support of such communities for responses to such incidents.

49 USC 303a note.

SEC. 8426. ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.

Recommendations.

(a) PURPOSE.—The purpose of this section is to establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation.

(b) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Arctic Shipping Federal Advisory Committee established under subsection (c)(1).

(2) ARCTIC.—The term "Arctic" has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(3) ARCTIC SEA ROUTES.—The term "Arctic Sea Routes" means the international Northern Sea Route, the Transpolar Sea Route, and the Northwest Passage.

(c) ESTABLISHMENT OF THE ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF ADVISORY COMMITTEE.—

Coordination.

(A) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of State, the Secretary of Defense acting through the Secretary of the Army and the Secretary of the Navy, the Secretary of Commerce, and the Secretary of the Department in which the Coast

Guard is operating, shall establish an Arctic Shipping Federal Advisory Committee in the Department of Transportation to advise the Secretary of Transportation and the Secretary of the Department in which the Coast Guard is operating on matters related to Arctic maritime transportation, including Arctic seaway development.

(B) MEETINGS.—The Advisory Committee shall meet at the call of the Chairperson, and at least once annually in Alaska. Alaska.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 17 members as described in subparagraph (B).

(B) COMPOSITION.—The members of the Advisory Committee shall be—

(i) 1 individual appointed and designated by the Secretary of Transportation to serve as the Chairperson of the Advisory Committee;

(ii) 1 individual appointed and designated by the Secretary of the Department in which the Coast Guard is operating to serve as the Vice Chairperson of the Advisory Committee;

(iii) 1 designee of the Secretary of Commerce;

(iv) 1 designee of the Secretary of State;

(v) 1 designee of the Secretary of Transportation;

(vi) 1 designee of the Secretary of Defense;

(vii) 1 designee from the State of Alaska, nominated by the Governor of Alaska and designated by the Secretary of Transportation; Alaska.

(viii) 1 designee from the State of Washington, nominated by the Governor of Washington and designated by the Secretary of Transportation; Washington.

(ix) 3 Alaska Native Tribal members; Native Americans.

(x) 1 individual representing Alaska Native subsistence co-management groups affected by Arctic maritime transportation;

(xi) 1 individual representing coastal communities affected by Arctic maritime transportation;

(xii) 1 individual representing vessels of the United States (as defined in section 116 of title 46, United States Code) participating in the shipping industry;

(xiii) 1 individual representing the marine safety community;

(xiv) 1 individual representing the Arctic business community; and

(xv) 1 individual representing maritime labor organizations.

(C) TERMS.—

(i) LIMITATIONS.—Each member of the Advisory Committee described in clauses (vii) through (xv) of subparagraph (B) shall serve for a 2-year term and shall not be eligible for more than 2 consecutive term reappointments.

(ii) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall not affect its responsibilities, but shall be filled in the same manner as

the original appointment and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(3) FUNCTIONS.—The Advisory Committee shall carry out all of the following functions:

Recommendations.

(A) Develop a set of policy recommendations that would enhance the leadership role played by the United States in improving the safety and reliability of Arctic maritime transportation in accordance with customary international maritime law and existing Federal authority. Such policy recommendations shall consider options to establish a United States entity that could perform the following functions in accordance with United States law and customary international maritime law:

(i) Construction, operation, and maintenance of current and future maritime infrastructure necessary for vessels transiting the Arctic Sea Routes, including potential new deep draft and deepwater ports.

(ii) Provision of services that are not widely commercially available in the United States Arctic that would—

(I) improve Arctic maritime safety and environmental protection;

(II) enhance Arctic maritime domain awareness; and

(III) support navigation and incident response for vessels transiting the Arctic Sea Routes.

(iii) Establishment of rules of measurement for vessels and cargo for the purposes of levying voluntary rates of charges or fees for services.

(B) As an option under subparagraph (A), consider establishing a congressionally chartered seaway development corporation modeled on the Saint Lawrence Seaway Development Corporation, and—

Recommendations.

(i) develop recommendations for establishing such a corporation and a detailed implementation plan for establishing such an entity; or

(ii) if the Advisory Committee decides against recommending the establishment of such a corporation, provide a written explanation as to the rationale for the decision and develop an alternative, as practicable.

Recommendations.

(C) Provide advice and recommendations, as requested, to the Secretary of Transportation and the Secretary of the Department in which the Coast Guard is operating on Arctic marine transportation, including seaway development, and consider national security interests, where applicable, in such recommendations.

(D) In developing the advice and recommendations under subparagraph (C), engage with and solicit feedback from coastal communities, Alaska Native subsistence comanagement groups, and Alaska Native tribes.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Advisory Committee shall submit a report with its recommendations under subparagraphs (A) and (B) of subsection (c)(3) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) TERMINATION OF THE ADVISORY COMMITTEE.—Not later than 8 years after the submission of the report described in subsection (d), the Secretary of Transportation shall dissolve the Advisory Committee. Deadline.

(f) INTERNATIONAL ENGAGEMENT.—If a Special Representative for the Arctic Region is appointed by the Secretary of State, the duties of that Representative shall include—

(1) coordination of any activities recommended by the implementation plan submitted by the Advisory Committee and approved by the Secretary of Transportation; and

(2) facilitation of multilateral dialogues with member and observer nations of the Arctic Council to encourage cooperation on Arctic maritime transportation.

(g) TRIBAL CONSULTATION.—In implementing any of the recommendations provided under subsection (c)(3)(C), the Secretary of Transportation shall consult with Alaska Native tribes.

Subtitle D—Other Matters

SEC. 8431. PLAN FOR WING-IN-GROUND DEMONSTRATION PLAN.

(a) IN GENERAL.—(1) The Commandant, in coordination with the Administrator of the Federal Aviation Administration with regard to any regulatory or safety matter regarding airspace, air space authorization, or aviation, shall develop plans for a demonstration program that will determine whether wing-in-ground craft, as such term is defined in section 2101 of title 46, United States Code, that is capable of carrying at least one individual, can— Coordination.

(A) provide transportation in areas in which energy exploration, development or production activity takes place on the Outer Continental Shelf; and

(B) under the craft's own power, safely reach helidecks or platforms located on offshore energy facilities.

(2) REQUIREMENTS.—The plans required under paragraph (1) shall—

(A) examine and explain any safety issues with regard to the operation of the such craft as a vessel, or as an aircraft, or both; Examination.

(B) include a timeline and technical milestones for the implementation of such a demonstration program; Timeline.

(C) outline resource requirements needed to undertake such a demonstration program;

(D) describe specific operational circumstances under which the craft may be used, including distance from United States land, altitude, number of individuals, amount of cargo, and speed and weight of vessel;

(E) describe the operations under which Federal Aviation Administration statutes, regulations, circulars, or orders apply; and

(F) describe the certifications, permits, or authorizations required to perform any operations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant, along with the Administrator of the Federal Aviation Administration with regard to any regulatory or safety matter regarding airspace, air space authorization,

or aviation, shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate on the plan developed under subsection (a), including—

(1) any regulatory changes needed regarding inspections and manning, to allow such craft to operate between onshore facilities and offshore energy facilities when such craft is operating as a vessel;

(2) any regulatory changes that would be necessary to address potential impacts to air traffic control, the National Airspace System, and other aircraft operations, and to ensure safe operations on or near helidecks and platforms located on offshore energy facilities when such craft are operating as aircraft; and

(3) any other statutory or regulatory changes related to authority of the Federal Aviation Administration over operations of the craft.

SEC. 8432. NORTHERN MICHIGAN OIL SPILL RESPONSE PLANNING.

Deadline. Consultation. Update.

Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator of the Environmental Protection Agency and the Administrator of the Pipeline and Hazardous Materials Safety Administration, shall update the Northern Michigan Area Contingency Plan to include a worst-case discharge from a pipeline in adverse weather conditions.

SEC. 8433. DOCUMENTATION OF LNG TANKERS.

(a) "*Safari Voyager*".—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with a coastwise endorsement for the vessel *Safari Voyager* (International Maritime Organization number 8963753).

(2) REVOCATION OF EFFECTIVENESS OF CERTIFICATE.—A certificate of documentation issued under paragraph (1) is revoked on the date of the sale of the vessel or the entity that owns the vessel.

(b) "*Pacific Provider*".—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel *Pacific Provider* (United States official number 597967).

(2) REVOCATION OF EFFECTIVENESS OF CERTIFICATE.—A certificate of documentation issued under paragraph (1) is revoked on the date of the sale of the vessel or the entity that owns the vessel.

(c) AMERICA'S CUP ACT OF 2011.—Section 7(b) of the America's Cup Act of 2011 (Public Law 112–61) is amended— 125 Stat. 754.

(1) in paragraph (3)—

(A) by striking "of the vessel on the date of enactment of this Act"; and

(B) by inserting before the period the following: ", unless prior to any such sale the vessel has been operated

in a coastwise trade for not less than 1 year after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020 and prior to sale of vessel";

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) LIMITATION ON OWNERSHIP.—The Secretary of the department in which the Coast Guard is operating may only issue a certificate of documentation with a coastwise endorsement to a vessel designated in paragraph (1) if the owner of the vessel is an individual or individuals who are citizens of the United States, or is an entity deemed to be such a citizen under section 50501 of title 46, United States Code. Certificate.

"(3) LIMITATION ON REPAIR AND MODIFICATION.—

"(A) REQUIREMENT.—Any qualified work shall be performed at a shipyard facility located in the United States.

"(B) EXCEPTIONS.—The requirement in subparagraph (A) does not apply to any qualified work—

"(i) for which the owner or operator enters into a binding agreement no later than 1 year after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020; or Contracts. Deadline.

"(ii) necessary for the safe towage of the vessel from outside the United States to a shipyard facility in the United States for completion of the qualified work.

"(C) DEFINITION.—In this paragraph, qualified work means repair and modification necessary for the issuance of a certificate of inspection issued as a result of the waiver for which a coastwise endorsement is issued under paragraph (1).".

SEC. 8434. REPLACEMENT VESSEL. 16 USC 1851 note.

Notwithstanding section 208(g)(5) of the American Fisheries Act (Public Law 105–277; 16 U.S.C. 1851 note), a vessel eligible under section 208(e)(21) of such Act that is replaced under section 208(g) of such Act shall be subject to a sideboard restriction catch limit of zero metric tons in the Bering Sea and Aleutian Islands and in the Gulf of Alaska unless that vessel is also a replacement vessel under section 679.4(o)(4) of title 50, Code of Federal Regulations, in which case such vessel shall not be eligible to be a catcher/processor under section 206(b)(2) of such Act.

SEC. 8435. EDUCATIONAL VESSEL.

(a) IN GENERAL.—Notwithstanding section 12112(a)(2) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel *Oliver Hazard Perry* (IMO number 8775560; United States official number 1257224). Certificate.

(b) TERMINATION OF EFFECTIVENESS OF ENDORSEMENT.—The coastwise endorsement authorized under subsection (a) for the vessel *Oliver Hazard Perry* (IMO number 8775560; United States official number 1257224) shall expire on the first date on which any of the following occurs: Expiration.

(1) The vessel is sold to a person, including an entity, that is not related by ownership or control to the person,

including an entity, that owned the vessel on the date of the enactment of this Act.

(2) The vessel is rebuilt and not rebuilt in the United States (as defined in section 12101(a) of title 46, United States Code).

(3) The vessel is no longer operating in primary service as a sailing school vessel.

33 USC 59mm.

SEC. 8436. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

The Coalbank Slough in Coos Bay, Oregon, is deemed to not be navigable waters of the United States for all purposes of subchapter J of Chapter I of title 33, Code of Federal Regulations.

SEC. 8437. ANCHORAGES.

New York.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall suspend the establishment of new anchorage grounds on the Hudson River between Yonkers, New York, and Kingston, New York, under section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) or chapter 700 of title 46, United States Code.

Notice.
Deadline.

(b) RESTRICTION.—The Commandant may not establish or expand any anchorage grounds outside of the reach on the Hudson River described in subsection (a) without first providing notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days prior to the establishment or expansion of any such anchorage grounds.

(c) SAVINGS CLAUSE.—Nothing in this section—

(1) prevents the master or pilot of a vessel operating on the reach of the Hudson River described in subsection (a) from taking actions necessary to maintain the safety of the vessel or to prevent the loss of life or property; or

(2) shall be construed as limiting the authority of the Secretary of the department in which the Coast Guard is operating to exercise authority over the movement of a vessel under section 70002 of title 46, United States Code, or any other applicable laws or regulations governing the safe navigation of a vessel.

Consultation.
New York.
Examination.

(d) STUDY.—The Commandant of the Coast Guard, in consultation with the Hudson River Safety, Navigation, and Operations Committee, shall conduct a study of the Hudson River north of Tarrytown, New York to examine—

(1) the nature of vessel traffic including vessel types, sizes, cargoes, and frequency of transits;

(2) the risks and benefits of historic practices for commercial vessels anchoring; and

(3) the risks and benefits of establishing anchorage grounds on the Hudson River.

Recommendations.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings, conclusions, and recommendations from the study required under subsection (d).

SEC. 8438. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON VERTICAL EVACUATION FOR TSUNAMIS AT COAST GUARD STATIONS IN WASHINGTON AND OREGON.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines the potential use, in the event of a Cascadia subduction zone event, of a vertical evacuation of Coast Guard personnel stationed at United States Coast Guard Station Grays Harbor and Sector Field Office Port Angeles, Washington, and at United States Coast Guard Station Yaquina Bay and United States Coast Guard Motor Lifeboat Station Coos Bay, Oregon, and the dependents of such Coast Guard personnel housed in Coast Guard housing. Examination.

(2) ELEMENTS.—The study required under paragraph (1) shall analyze the following: Analyses.

(A) The number of such personnel and dependents to be evacuated.

(B) The resources available to conduct an evacuation, and the feasibility of a successful evacuation in a case in which inundation maps and timelines are available.

(C) With the resources available, the amount of time needed to evacuate such personnel and dependents.

(D) Any resource that is otherwise available within a reasonable walking distance to the Coast Guard facilities listed in paragraph (1).

(E) The benefit to the surrounding community of such a vertical evacuation.

(F) The interoperability of the tsunami warning system with the Coast Guard communication systems at the Coast Guard facilities listed in paragraph (1).

(G) Current interagency coordination and communication policies in place for emergency responders to address a Cascadia subduction zone event.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations, if any, from the study required under subsection (a). Recommendations.

SEC. 8439. AUTHORITY TO ENTER INTO AGREEMENTS WITH NATIONAL COAST GUARD MUSEUM ASSOCIATION. Connecticut.

(a) IN GENERAL.—Section 316 of title 14, United States Code, is amended to read as follows:

"§ 316. National Coast Guard Museum

"(a) ESTABLISHMENT.—The Commandant may establish, accept, operate, maintain and support the Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut.

"(b) USE OF FUNDS.—

"(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

"(2) Subject to the availability of appropriations, the Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a Museum.

"(3) The priority for the use of funds appropriated to the Coast Guard shall be to preserve, protect, and display historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

Deadlines.

"(c) FUNDING PLAN.—Not later than 2 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020 and at least 90 days before the date on which the Commandant accepts the Museum under subsection (f), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such Museum, including—

"(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

"(2) the extent to which appropriated, nonappropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction;

"(3) an explanation of any environmental remediation issues related to the land associated with the Museum; and

Certification.

"(4) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

"(d) CONSTRUCTION.—

"(1) The Association may construct the Museum described in subsection (a).

"(2) The Museum shall be designed and constructed in compliance with the International Building Code 2018, and construction performed on Federal land under this section shall be exempt from State and local requirements for building or demolition permits.

"(e) AGREEMENTS.—Under such terms and conditions as the Commandant considers appropriate, notwithstanding section 504, and until the Commandant accepts the Museum under subsection (f), the Commandant may—

"(1) license Federal land to the Association for the purpose of constructing the Museum described in subsection (a); and

"(2)(A) at a nominal charge, lease the Museum from the Association for activities and operations related to the Museum; and

"(B) authorize the Association to generate revenue from the use of the Museum.

Deadline.

"(f) ACCEPTANCE.—Not earlier than 90 days after the Commandant submits the plan under subsection (c), the Commandant shall accept the Museum from the Association and all right, title, and interest in and to the Museum shall vest in the United States when—

"(1) the Association demonstrates, in a manner acceptable to the Commandant, that the Museum meets the design and construction requirements of subsection (d); and

"(2) all financial obligations of the Association incident to the National Coast Guard Museum have been satisfied.

"(g) SERVICES.—The Commandant may solicit from the Association and accept services from nonprofit entities, including services related to activities for construction of the Museum.

"(h) AUTHORITY.—The Commandant may not establish a Museum except as set forth in this section.

"(i) DEFINITIONS.—In this section:

"(1) MUSEUM.—The term 'Museum' means the National Coast Guard Museum.

"(2) ASSOCIATION.—The term 'Association' means the National Coast Guard Museum Association.".

(b) BRIEFINGS.—Not later than March 1 of the fiscal year after the fiscal year in which the report required under subsection (d) of section 316 of title 14, United States Code, is provided, and not later than March 1 of each year thereafter until 1 year after the year in which the National Coast Guard Museum is accepted pursuant to subsection (f) of such section, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the following issues with respect to the Museum: Deadline. Time period.

(1) The acceptance of gifts.
(2) Engineering.
(3) Design and project status.
(4) Land ownership.
(5) Environmental remediation.
(6) Operation and support issues.
(7) Plans.

SEC. 8440. VIDEO EQUIPMENT; ACCESS AND RETENTION OF RECORDS.

(a) MAINTENANCE AND PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46, United States Code, is amended—

(1) by striking "The owner" and inserting the following:
"(A) IN GENERAL.—The owner";
(2) by striking ", as determined by the Secretary"; and
(3) by adding at the end, the following:

"(B) PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.— Deadline.

"(i) IN GENERAL.—Not later than 18 months after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Commandant in consultation with other relevant Federal agencies or entities as determined by the Commandant, shall establish guidance for performance of the risk assessment described in paragraph (2) regarding the appropriate placement of video surveillance equipment in passenger and crew common areas where there is no reasonable expectation of privacy. Consultation. Determination.

"(ii) RISK ASSESSMENT.—Not later than 1 year after the Commandant establishes the guidance described in paragraph (1), the owner shall conduct the risk assessment required under paragraph (1) and shall—

"(I) evaluate the placement of video surveillance equipment to deter, prevent, and record a sexual assault aboard the vessel considering factors such as: ship layout and design, itinerary, Evaluation.

crew complement, number of passengers, passenger demographics, and historical data on the type and location of prior sexual assault incident allegations;

"(II) incorporate to the maximum extent practicable the video surveillance guidance established by the Commandant regarding the appropriate placement of video surveillance equipment;

"(III) arrange for the risk assessment to be conducted by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior; and

"(IV) the independent third party referred to in paragraph (C) shall be a company that has been accepted by a classification society that is a member of the International Association of Classification Societies (hereinafter referred to as 'IACS') or another classification society recognized by the Secretary as meeting acceptable standards for such a society pursuant to section 3316(b).

Deadline.

"(C) SURVEILLANCE PLAN.—Not later than 180 days after completion of the risk assessment conducted under subparagraph (B)(ii), the owner of a vessel shall develop a plan to install video surveillance equipment in places determined to be appropriate in accordance with the results of the risk assessment conducted under subparagraph (B)(ii), except in areas where a person has a reasonable expectation of privacy. Such plan shall be evaluated and approved by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior that has been accepted as set forth in paragraph (2)(D).

Evaluation.
Approval.

Applicability.

"(D) INSTALLATION.—The owner of a vessel to which this section applies shall, consistent with the surveillance plan approved under subparagraph (C), install appropriate video surveillance equipment aboard the vessel not later than 2 years after approval of the plan, or during the next scheduled drydock, whichever is later.

"(E) ATTESTATION.—At the time of initial installation under subparagraph (D), the vessel owner shall obtain written attestations from—

"(i) an IACS classification society that the video surveillance equipment is installed in accordance with the surveillance plan required under subparagraph (C); and

"(ii) the company security officer that the surveillance equipment and associated systems are operational, which attestation shall be obtained each year thereafter.

Deadlines.
Time period.

"(F) UPDATES.—The vessel owner shall ensure the risk assessment described in subparagraph (B)(ii) and installation plan in subparagraph (C) are updated not later than 5 years after the initial installation conducted under subparagraph (D), and every 5 years thereafter. The updated assessment and plan shall be approved by an independent third party with expertise in the use and

Approval.

placement of camera surveillance to deter, prevent, and record criminal behavior that has been accepted by an IACS classification society. The vessel owner shall implement the updated installation plan not later than 180 days after approval.

"(G) AVAILABILITY.—Each risk assessment, installation plan and attestation shall be protected from disclosure under the Freedom of Information Act, section 552 of title 5 but shall be available to the Coast Guard— Assessment.

"(i) upon request, and

"(ii) at the time of the certificate of compliance or certificate of inspection examination.

"(H) DEFINITIONS.—For purposes of this section a 'ship security officer' is an individual that, with the master's approval, has full responsibility for vessel security consistent with the International Ship and Port Facility Security Code.".

(b) ACCESS TO VIDEO RECORDS; NOTICE OF VIDEO SURVEILLANCE.—Section 3507(b) of title 46, United States Code, is further amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

"(2) NOTICE OF VIDEO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the public of the presence of video surveillance equipment.";

(3) in paragraph (3), as so redesignated—

(A) by striking "The owner" and inserting the following:

"(A) LAW ENFORCEMENT.—The owner"; and

(B) by adding at the end the following:

"(B) CIVIL ACTIONS.—Except as proscribed by law enforcement authorities or court order, the owner of a vessel to which this section applies shall, upon written request, provide to any individual or the individual's legal representative a copy of all records of video surveillance—

"(i) in which the individual is a subject of the video surveillance; and

"(ii) that may provide evidence of any sexual assault incident in a civil action.

"(C) LIMITED ACCESS.—The owner of a vessel to which this section applies shall ensure that access to records of video surveillance is limited to the purposes described in this paragraph.".

(c) RETENTION REQUIREMENTS.—

(1) IN GENERAL.—Section 3507(b) of title 46, United States Code, is further amended by adding at the end the following:

"(4) RETENTION REQUIREMENTS.—The owner of a vessel to which this section applies shall retain all records of video surveillance for not less than 20 days after the footage is obtained. The vessel owner shall include a statement in the security guide required by subsection (c)(1)(A) that the vessel owner is required by law to retain video surveillance footage for the period specified in this paragraph. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all records of video surveillance from the voyage that the Federal Bureau of Investigation determines are relevant shall— Applicability. Determination.

"(A) be provided to the Federal Bureau of Investigation; and

"(B) be preserved by the vessel owner for not less than 4 years from the date of the alleged incident.".

46 USC 3507 note.

(2) ADMINISTRATIVE PROVISIONS.—

(A) STUDY AND REPORT.—Each owner of a vessel to which section 3507 of title 46, United States Code, applies shall, not later than March 1, 2023, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the total number of voyages for the preceding year and the percentage of those voyages that were 30 days or longer.

(B) INTERIM STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate interim standards for the retention of records of video surveillance.

(C) FINAL STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate final standards for the retention of records of video surveillance.

(D) CONSIDERATIONS.—In promulgating standards under subparagraphs (B) and (B), the Commandant shall—

(i) consider factors that would aid in the investigation of serious crimes, including the results of the report by the Commandant provided under subparagraph (A), as well as crimes that go unreported until after the completion of a voyage;

(ii) consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built;

(iii) consider privacy, including standards for permissible access to and monitoring and use of the records of video surveillance; and

(iv) consider technological advancements, including requirements to update technology.

SEC. 8441. REGULATIONS FOR COVERED SMALL PASSENGER VESSELS.

(a) IN GENERAL.—Section 3306 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ", including covered small passenger vessels (as defined in subsection (n)(5))" after "vessels subject to inspection"; and

(B) in paragraph (5), by inserting before the period at the end ", including rechargeable devices utilized for personal or commercial electronic equipment"; and

(2) by adding at the end the following:

"(n) COVERED SMALL PASSENGER VESSELS.—

"(1) REGULATIONS.—The Secretary shall prescribe additional regulations to secure the safety of individuals and property on board covered small passenger vessels.

"(2) COMPREHENSIVE REVIEW.—In order to prescribe the regulations under paragraph (1), the Secretary shall conduct a comprehensive review of all requirements (including calculations), in existence on the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, that apply to covered small passenger vessels, with respect to fire detection, protection, and suppression systems, and avenues of egress, on board such vessels.

"(3) REQUIREMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the regulations prescribed under paragraph (1) shall include, with respect to covered small passenger vessels, regulations for—

"(i) marine firefighting training programs to improve crewmember training and proficiency, including emergency egress training for each member of the crew, to occur for all members on the crew—

"(I) at least monthly while such members are employed on board the vessel; and

"(II) each time a new crewmember joins the crew of such vessel;

"(ii) in all areas on board the vessel where passengers and crew have access, including dining areas, sleeping quarters, and lounges—

"(I) interconnected fire detection equipment, including audible and visual alarms; and

"(II) additional fire extinguishers and other firefighting equipment;

"(iii) the installation and use of monitoring devices to ensure the wakefulness of the required night watch;

"(iv) increased fire detection and suppression systems (including additional fire extinguishers) on board such vessels in unmanned areas with machinery or areas with other potential heat sources;

"(v) all general areas accessible to passengers to have no less than 2 independent avenues of escape that are—

"(I) constructed and arranged to allow for free and unobstructed egress from such areas;

"(II) located so that if one avenue of escape is not available, another avenue of escape is available; and

"(III) not located directly above, or dependent on, a berth;

"(vi) the handling, storage, and operation of flammable items, such as rechargeable batteries, including lithium ion batteries utilized for commercial purposes on board such vessels;

"(vii) passenger emergency egress drills for all areas on the vessel to which passengers have access, which shall occur prior to the vessel beginning each excursion; and

"(viii) all passengers to be provided a copy of the emergency egress plan for the vessel.

"(B) APPLICABILITY TO CERTAIN COVERED SMALL PASSENGER VESSELS.—The requirements described in clauses (iii), (v), (vii), and (viii) of subparagraph (A) shall only

apply to a covered small passenger vessel that has overnight passenger accommodations.

"(4) INTERIM REQUIREMENTS.—

"(A) INTERIM REQUIREMENTS.—The Secretary shall, prior to issuing final regulations under paragraph (1), implement interim requirements to enforce the requirements under paragraph (3).

"(B) IMPLEMENTATION.—The Secretary shall implement the interim requirements under subparagraph (A) without regard to chapters 5 and 6 of title 5 and Executive Order Nos. 12866 and 13563 (5 U.S.C. 601 note; relating to regulatory planning and review and relating to improving regulation and regulatory review).

"(5) DEFINITION OF COVERED SMALL PASSENGER VESSEL.—In this subsection, the term 'covered small passenger vessel'—

"(A) except as provided in subparagraph (B), means a small passenger vessel (as defined in section 2101) that—

"(i) has overnight passenger accommodations; or

"(ii) is operating on a coastwise or oceans route; and

"(B) does not include a ferry (as defined in section 2101) or fishing vessel (as defined in section 2101).".

(b) SECTION 3202.—Section 3202(b) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking "This chapter" and inserting the following:

"(1) IN GENERAL.—This chapter"; and

(3) by adding at the end the following:

"(2) SAFETY MANAGEMENT SYSTEM.—Notwithstanding any other provision in this chapter, including paragraph (1)(B), any regulations under section 3203, including the safety management system established by such regulations, issued on or after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, shall apply to all covered small passenger vessels, as defined in section 3306(n)(5).".

(c) SECTION 3203.—Section 3203(a) of title 46, United States Code, is amended by inserting "(including, for purposes of this section, all covered small passenger vessels, as defined in section 3306(n)(5))" after "vessels to which this chapter applies".

TITLE LVXXXV—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

Sec. 8501. Transfers.
Sec. 8502. Additional transfers.
Sec. 8503. License exemptions; repeal of obsolete provisions.
Sec. 8504. Maritime transportation system.
Sec. 8505. References to "persons" and "seamen".
Sec. 8506. References to "himself" and "his".
Sec. 8507. Miscellaneous technical corrections.
Sec. 8508. Technical corrections relating to codification of Ports and Waterways Safety Act.
Sec. 8509. Aids to navigation.
Sec. 8510. Transfers related to employees of Lighthouse Service.
Sec. 8511. Transfers related to surviving spouses of Lighthouse Service employees.
Sec. 8512. Repeals related to lighthouse statutes.
Sec. 8513. Common appropriation structure.

SEC. 8501. TRANSFERS.

(a) IN GENERAL.—

(1) Section 215 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 14 U.S.C. 504 note) is redesignated as section 322 of title 14, United States Code, transferred to appear after section 321 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(2) Section 406 of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 14 U.S.C. 501 note) is redesignated as section 720 of title 14, United States Code, transferred to appear after section 719 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(3) Section 1110 of title 14, United States Code, is redesignated as section 5110 of such title and transferred to appear after section 5109 of such title (as added by this division).

(4) Section 401 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is amended by striking subsection (e). 14 USC 308 note.

(5) Subchapter I of chapter 11 of title 14, United States Code, as amended by this division, is amended by inserting after section 1109 the following:

"§ 1110. Elevation of disputes to the Chief Acquisition Officer 14 USC 1110.

"If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding level 1 or level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.".

(6) Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(A) by transferring such section to appear after section 70005 of title 46, United States Code;

(B) by striking "SEC. 7." and inserting "**§70006. Establishment by Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally**"; and

(C) by adjusting the margins with respect to subsections (a) and (b) for the presence of a section heading accordingly.

(7) Section 217 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 14 U.S.C. 504 note)—

(A) is redesignated as section 5112 of title 14, United States Code, transferred to appear after section 5111 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code; and

(B) is amended—

(i) by striking the heading and inserting the following:

"§ 5112. Sexual assault and sexual harassment in the Coast Guard"; and

(ii) in subsection (b), by adding at the end the following:

"(5)(A) The number of instances in which a covered individual was accused of misconduct or crimes considered collateral to the investigation of a sexual assault committed against the individual.

"(B) The number of instances in which adverse action was taken against a covered individual who was accused of collateral misconduct or crimes as described in subparagraph (A).

"(C) The percentage of investigations of sexual assaults that involved an accusation or adverse action against a covered individual as described in subparagraphs (A) and (B).

"(D) In this paragraph, the term 'covered individual' means an individual who is identified as a victim of a sexual assault in the case files of a military criminal investigative organization.".

(b) CLERICAL AMENDMENTS.—

(1) The analysis for chapter 3 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following:

14 USC prec. 301.

"322. Redistricting notification requirement.".

(2) The analysis for chapter 7 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following:

14 USC prec. 701.

"720. VHF communication services.".

(3) The analysis for chapter 11 of title 14, United States Code, is amended by striking the item relating to section 1110 and inserting the following:

14 USC prec. 1101.

"1110. Elevation of disputes to the Chief Acquisition Officer.".

(4) The analysis for chapter 51 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following:

14 USC prec. 5101.

"5110. Mission need statement.
"5111. Report on diversity at Coast Guard Academy.
"5112. Sexual assault and sexual harassment in the Coast Guard.".

(5) The analysis for chapter 700 of title 46, United States Code, is further amended by inserting after the item relating to section 70005 the following:

46 USC prec. 70001.

"70006. Establishment by the Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally.".

SEC. 8502. ADDITIONAL TRANSFERS.

(a) SECTION 204 OF THE MARINE TRANSPORTATION SECURITY ACT.—

(1) The Maritime Transportation Security Act of 2002 is amended by striking section 204 (33 U.S.C. 1902a).

(2) Section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902)—

(A) is amended by redesignating subsections (e) through (i) as subsections (f) through (j) respectively; and

(B) by inserting after subsection (d) the following:

"(e) DISCHARGE OF AGRICULTURAL CARGO RESIDUE.—Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of this

Act that implement Annex V to the International Convention for the Prevention of Pollution from Ships.".

(b) LNG TANKERS.—

(1) The Coast Guard and Maritime Transportation Act of 2006 is amended by striking section 304 (Public Law 109–241; 120 Stat. 527). 33 USC 1503 note, 1504 note.

(2) Section 5 of the Deepwater Port Act of 1974 (33 U.S.C. 1504) is amended by adding at the end the following:

"(j) LNG TANKERS.—

"(1) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to and from the United States on United States flag vessels.

"(2) INFORMATION TO BE PROVIDED.—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission's shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.".

SEC. 8503. LICENSE EXEMPTIONS; REPEAL OF OBSOLETE PROVISIONS.

(a) SERVICE UNDER LICENSES ISSUED WITHOUT EXAMINATION.—

(1) REPEAL.—Section 8303 of title 46, United States Code, and the item relating to that section in the analysis for chapter 83 of that title, are repealed. 46 USC prec. 8301.

(2) CONFORMING AMENDMENT.—Section 14305(a)(10) of title 46, United States Code, is amended by striking "sections 8303 and 8304" and inserting "section 8304".

(b) STANDARDS FOR TANK VESSELS OF THE UNITED STATES.—Section 9102 of title 46, United States Code, is amended—

(1) by striking "(a)" before the first sentence; and

(2) by striking subsection (b).

SEC. 8504. MARITIME TRANSPORTATION SYSTEM.

(a) MARITIME TRANSPORTATION SYSTEM.—Section 312(b)(4) of title 14, United States Code, is amended by striking "marine transportation system" and inserting "maritime transportation system".

(b) CLARIFICATION OF REFERENCE TO MARINE TRANSPORTATION SYSTEM PROGRAMS.—Section 50307(a) of title 46, United States Code, is amended by striking "marine transportation" and inserting "maritime transportation".

SEC. 8505. REFERENCES TO "PERSONS" AND "SEAMEN".

(a) TECHNICAL CORRECTION OF REFERENCES TO "PERSONS".—Title 14, United States Code, is amended as follows:

(1) In section 312(d), by striking "persons" and inserting "individuals".

(2) In section 313(d)(2)(B), by striking "person" and inserting "individual".

(3) In section 504—

(A) in subsection (a)(19)(B), by striking "a person" and inserting "an individual"; and

(B) in subsection (c)(4), by striking "seamen;" and inserting "mariners;".

(4) In section 521, by striking "persons" each place it appears and inserting "individuals".

(5) In section 522—

(A) by striking "a person" and inserting "an individual"; and

(B) by striking "person" the second and third place it appears and inserting "individual".

(6) In section 525(a)(1)(C)(ii), by striking "person" and inserting "individual".

(7) In section 526—

(A) by striking "person" each place it appears and inserting "individual";

(B) by striking "persons" each place it appears and inserting "individuals"; and

(C) in subsection (b), by striking "person's" and inserting "individual's".

(8) In section 709—

(A) by striking "persons" and inserting "individuals"; and

(B) by striking "person" and inserting "individual".

(9) In section 933(b), by striking "Every person" and inserting "An individual".

(10) In section 1102(d), by striking "persons" and inserting "individuals".

(11) In section 1902(b)(3)—

(A) in subparagraph (A), by striking "person or persons" and inserting "individual or individuals"; and

(B) in subparagraph (B), by striking "person" and inserting "individual".

(12) In section 1941(b), by striking "persons" and inserting "individuals".

(13) In section 2101(b), by striking "person" and inserting "individual".

(14) In section 2102(c), by striking "A person" and inserting "An individual".

(15) In section 2104(b)—

(A) by striking "persons" and inserting "individuals"; and

(B) by striking "A person" and inserting "An individual".

(16) In section 2118(d), by striking "person" and inserting "individual who is".

(17) In section 2147(d), by striking "a person" and inserting "an individual".

(18) In section 2150(f), by striking "person" and inserting "individual who is".

(19) In section 2161(b), by striking "person" and inserting "individual".

(20) In section 2317—

(A) by striking "persons" and inserting "individuals";

(B) by striking "person" each place it appears and inserting "individual"; and

(C) in subsection (c)(2), by striking "person's" and inserting "individual's".

(21) In section 2531—

(A) by striking "person" each place it appears and inserting "individual"; and

(B) by striking "persons" each place it appears and inserting "individuals".

(22) In section 2709, by striking "persons" and inserting "individuals".

(23) In section 2710—

(A) by striking "persons" and inserting "individuals"; and

(B) by striking "person" each place it appears and inserting "individual".

(24) In section 2711(b), by striking "person" and inserting "individual".

(25) In section 2732, by striking "a person" and inserting "an individual".

(26) In section 2733—

(A) by striking "A person" and inserting "An individual"; and

(B) by striking "that person" and inserting "that individual".

(27) In section 2734, by striking "person" each place it appears and inserting "individual".

(28) In section 2735, by striking "a person" and inserting "an individual".

(29) In section 2736, by striking "person" and inserting "individual".

(30) In section 2737, by striking "a person" and inserting "an individual".

(31) In section 2738, by striking "person" and inserting "individual".

(32) In section 2739, by striking "person" and inserting "individual".

(33) In section 2740—

(A) by striking "person" and inserting "individual"; and

(B) by striking "one" the second place it appears.

(34) In section 2741—

(A) in subsection (a), by striking "a person" and inserting "an individual";

(B) in subsection (b)(1), by striking "person's" and inserting "individual's"; and

(C) in subsection (b)(2), by striking "person" and inserting "individual".

(35) In section 2743, by striking "person" each place it appears and inserting "individual".

(36) In section 2744—

(A) in subsection (b), by striking "a person" and inserting "an individual"; and

(B) in subsections (a) and (c), by striking "person" each place it appears and inserting "individual".

(37) In section 2745, by striking "person" and inserting "individual".

(38)(A) In section 2761—

(i) in the section heading, by striking "**Persons**" and inserting "**Individuals**";

(ii) by striking "persons" and inserting "individuals"; and

(iii) by striking "person" and inserting "individual".

14 USC prec. 2710.

(B) In the analysis for chapter 27, by striking the item relating to section 2761 and inserting the following:

"2761. Individuals discharged as result of court-martial; allowances to.".

(39)(A) In the heading for section 2767, by striking "**persons**" and inserting "**individuals**".

(B) In the analysis for chapter 27, by striking the item relating to section 2767 and inserting the following:

"2767. Reimbursement for medical-related travel expenses for certain individuals residing on islands in the continental United States.".

(40) In section 2769—

(A) by striking "a person's" and inserting "an individual's"; and

(B) in paragraph (1), by striking "person" and inserting "individual".

(41) In section 2772(a)(2), by striking "person" and inserting "individual".

(42) In section 2773—

(A) in subsection (b), by striking "persons" each place it appears and inserting "individuals"; and

(B) in subsection (d), by striking "a person" and inserting "an individual".

(43) In section 2775, by striking "person" each place it appears and inserting "individual".

(44) In section 2776, by striking "person" and inserting "individual".

(45)(A) In section 2777—

(i) in the heading, by striking "**persons**" and inserting "**individuals**"; and

(ii) by striking "persons" each place it appears and inserting "individuals".

(B) In the analysis for chapter 27, by striking the item relating to section 2777 and inserting the following:

"2777. Clothing for destitute shipwrecked individuals.".

(46) In section 2779, by striking "persons" each place it appears and inserting "individuals".

(47) In section 2902(c), by striking "person" and inserting "individual".

(48) In section 2903(b), by striking "person" and inserting "individual".

(49) In section 2904(b)(1)(B), by striking "a person" and inserting "an individual".

(50) In section 3706—

(A) by striking "a person" and inserting "an individual"; and

(B) by striking "person's" and inserting "individual's".

(51) In section 3707—

(A) in subsection (c)—

(i) by striking "person" and inserting "individual"; and

(ii) by striking "person's" and inserting "individual's"; and

(B) in subsection (e), by striking "a person" and inserting "an individual".

(52) In section 3708, by striking "person" each place it appears and inserting "individual".

(53) In section 3738—

(A) by striking "a person" each place it appears and inserting "an individual";

(B) by striking "person's" and inserting "individual's"; and

(C) by striking "A person" and inserting "An individual".

(b) CORRECTION OF REFERENCES TO PERSONS AND SEAMEN.—

(1) Section 2303a(a) of title 46, United States Code, is amended by striking "persons" and inserting "individuals".

(2) Section 2306(a)(3) of title 46, United States Code, is amended to read as follows:

"(3) An owner, charterer, managing operator, or agent of a vessel of the United States notifying the Coast Guard under paragraph (1) or (2) shall—

"(A) provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard; and

"(B) submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under such paragraphs.".

(3) Section 7303 of title 46, United States Code, is amended by striking "seaman" each place it appears and inserting "individual".

(4) Section 7319 of title 46, United States Code, is amended by striking "seaman" each place it appears and inserting "individual".

(5) Section 7501(b) of title 46, United States Code, is amended by striking "seaman" and inserting "holder".

(6) Section 7508(b) of title 46, United States Code, is amended by striking "individual seamen or a specifically identified group of seamen" and inserting "an individual or a specifically identified group of individuals".

(7) Section 7510 of title 46, United States Code, is amended—

(A) in subsection (c)(8)(B), by striking "merchant seamen" and inserting "merchant mariner"; and

(B) in subsection (d), by striking "merchant seaman" and inserting "merchant mariner".

(8) Section 8103(k)(3)(C) of title 46, United States Code, is amended by striking "merchant mariners" each place it appears and inserting "merchant mariner's".

(9) Section 8104 of title 46, United States Code, is amended—

(A) in subsection (c), by striking "a licensed individual or seaman" and inserting "an individual";

(B) in subsection (d), by striking "A licensed individual or seaman" and inserting "An individual";

(C) in subsection (e), by striking "a seaman" each place it appears and inserting "an individual"; and

(D) in subsection (j), by striking "seaman" and inserting "individual".

(10) Section 8302(d) of title 46, United States Code, is amended by striking "3 persons" and inserting "3 individuals".

(11) Section 11201 of title 46, United States Code, is amended by striking "a person" each place it appears and inserting "an individual".

(12) Section 11202 of title 46, United States Code, is amended—

(A) by striking "a person" and inserting "an individual"; and

(B) by striking "the person" each place it appears and inserting "the individual".

(13) Section 11203 of title 46, United States Code, is amended—

(A) by striking "a person" each place it appears and inserting "an individual"; and

(B) in subsection (a)(2), by striking "that person" and inserting "that individual".

(14) Section 15109(i)(2) of title 46, United States Code, is amended by striking "additional persons" and inserting "additional individuals".

SEC. 8506. REFERENCES TO "HIMSELF" AND "HIS".

(a) Section 1927 of title 14, United States Code, is amended by—

(1) striking "of his initial" and inserting "of an initial"; and

(2) striking "from his pay" and inserting "from the pay of such cadet".

(b) Section 2108(b) of title 14, United States Code, is amended by striking "himself" and inserting "such officer".

(c) Section 2732 of title 14, United States Code, as amended by this division, is further amended—

(1) by striking "distinguishes himself conspicuously by" and inserting "displays conspicuous"; and

(2) by striking "his" and inserting "such individual's".

(d) Section 2736 of title 14, United States Code, as amended by this division, is further amended by striking "distinguishes himself by" and inserting "performs".

(e) Section 2738 of title 14, United States Code, as amended by this division, is further amended by striking "distinguishes himself by" and inserting "displays".

(f) Section 2739 of title 14, United States Code, as amended by this division, is further amended by striking "distinguishes himself by" and inserting "displays".

(g) Section 2742 of title 14, United States Code, is amended by striking "he distinguished himself" and inserting "of the acts resulting in the consideration of such award".

(h) Section 2743 of title 14, United States Code, as amended by this division, is further amended—

(1) by striking "distinguishes himself"; and

(2) by striking "he" and inserting "such individual".

SEC. 8507. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) MISCELLANEOUS TECHNICAL CORRECTIONS.—

(1) Section 3305(d)(3)(B) of title 46, United States Code, is amended by striking "Coast Guard Authorization Act of 2017" and inserting "Frank LoBiondo Coast Guard Authorization Act of 2018".

(2) Section 4312 of title 46, United States Code, is amended by striking "Coast Guard Authorization Act of 2017" each place it appears and inserting "Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282)".

(3) The analysis for chapter 700 of title 46, United States Code, is amended— 46 USC prec. 70001.

(A) by striking the item relating to the heading for the first subchapter and inserting the following:

"SUBCHAPTER I—VESSEL OPERATIONS";

(B) by striking the item relating to the heading for the second subchapter and inserting the following:

"SUBCHAPTER II—PORTS AND WATERWAYS SAFETY";

(C) by striking the item relating to the heading for the third subchapter and the item relating to section 70021 of such chapter and inserting the following:

"SUBCHAPTER III—CONDITIONS FOR ENTRY INTO PORTS IN THE UNITED STATES
"70021. Conditions for entry into ports in the United States.";

(D) by striking the item relating to the heading for the fourth subchapter and inserting the following:

"SUBCHAPTER IV—DEFINITIONS REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY";

(E) by striking the item relating to the heading for the fifth subchapter and inserting the following:

"SUBCHAPTER V—REGATTAS AND MARINE PARADES";

and

(F) by striking the item relating to the heading for the sixth subchapter and inserting the following:

"SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES".

(4) Section 70031 of title 46, United States Code, is amended by striking "A through C" and inserting "I through III".

(5) Section 70032 of title 46, United States Code, is amended by striking "A through C" and inserting "I through III".

(6) Section 70033 of title 46, United States Code, is amended by striking "A through C" and inserting "I through III".

(7) Section 70034 of title 46, United States Code, is amended by striking "A through C" each place it appears and inserting "I through III".

(8) Section 70035(a) of title 46, United States Code, is amended by striking "A through C" and inserting "I through III".

(9) Section 70036 of title 46, United States Code, is amended by—

(A) striking "A through C" each place it appears and inserting "I through III"; and

(B) striking "A, B, or C" each place it appears and inserting "I, II, or III".

(10) Section 70051 of title 46, United States Code, is amended—

(A) by striking "immediate Federal response," and all that follows through "subject to the approval" and inserting "immediate Federal response, the Secretary of the department in which the Coast Guard is operating may make, subject to the approval"; and

(B) by striking "authority to issue such rules" and all that follows through "Any appropriation" and inserting "authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating. Any appropriation".

(11) Section 70052(e) of title 46, United States Code, is amended by striking "Secretary" and inserting "Secretary of the department in which the Coast Guard is operating" each place it appears.

(b) ALTERATION OF BRIDGES; TECHNICAL CHANGES.—The Act of June 21, 1940 (33 U.S.C. 511 et seq.), popularly known as the Truman-Hobbs Act, is amended by striking section 12 (33 U.S.C. 522).

(c) REPORT OF DETERMINATION; TECHNICAL CORRECTION.—Section 105(f)(2) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended by striking "subsection (a)," and inserting "paragraph (1),".

(d) TECHNICAL CORRECTIONS TO FRANK LOBIONDO COAST GUARD AUTHORIZATION ACT OF 2018.—

(1) Section 408 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and the item relating to such section in section 2 of such Act are repealed, and the provisions of law redesignated, transferred, or otherwise amended by section 408 are amended to read as if such section were not enacted.

33 USC 1226; 46 USC prec. 70101, 70102a, 70103.

(2) Section 514(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking "Chapter 30" and inserting "Chapter 3".

(3) Section 810(d) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking "within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice," and inserting "in accordance within subsection (a)(2), the Secretary shall".

(4) Section 820(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking "years 2018 and" and inserting "year".

(5) Section 820(b)(2) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by inserting "and the Consolidated Appropriations Act, 2018 (Public Law 115–141)" after "(Public Law 115–31)".

(6) Section 821(a)(2) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking "Coast Guard Authorization Act of 2017" and inserting "Frank LoBiondo Coast Guard Authorization Act of 2018".

33 USC 1226 note.

(7) This section shall take effect on the date of the enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and apply as if included therein.

(e) TECHNICAL CORRECTION.—Section 533(d)(2)(A) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) is amended by striking "Tract 6" and inserting "such Tract".

(f) DISTANT WATER TUNA FLEET; TECHNICAL CORRECTIONS.—Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) is amended—

46 USC 8103 note.

(1) in subsection (a)—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Notwithstanding"; and

(B) by adding at the end the following:

"(2) DEFINITION.—In this subsection, the term 'treaty area' has the meaning given the term in the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America as in effect on the date of the enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241)."; and

(2) in subsection (c)—

(A) by striking "12.6 or 12.7" and inserting "13.6"; and

(B) by striking "and Maritime Transportation Act of 2012" and inserting "Authorization Act of 2020".

SEC. 8508. TECHNICAL CORRECTIONS RELATING TO CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.

Effective date.

Effective upon the enactment of section 401 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282), and notwithstanding section 402(e) of such Act—

(1) section 16 of the Ports and Waterways Safety Act, as added by section 315 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 947)— 33 USC 1232c.

(A) is redesignated as section 70022 of title 46, United States Code, transferred to appear after section 70021 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 46, United States Code; and

(B) as so redesignated and transferred, is amended—

(i) in subsections (b) and (e), by striking "section 4(a)(5)" each place it appears and inserting "section 70001(a)(5)";

(ii) in subsection (c)(2), by striking "not later than" and all that follows through "thereafter," and inserting "periodically"; and

(iii) by striking subsection (h); and

(2) chapter 700 of title 46, United States Code, is amended—

(A) in section 70002(2), by inserting "or 70022" after "section 70021";

(B) in section 70036(e), by inserting "or 70022" after "section 70021"; and

(C) in the analysis for such chapter— 46 USC prec. 70001.

(i) by inserting "Sec." above the section items, in accordance with the style and form of such an entry in other chapter analyses of such title; and

(ii) by adding at the end the following:

"70022. Prohibition on entry and operation.".

SEC. 8509. AIDS TO NAVIGATION.

(a) Section 541 of title 14, United States Code, is amended—

(1) by striking "In" and inserting "(a) In"; and

(2) by adding at the end the following:

"(b) In the case of pierhead beacons, the Commandant may—

"(1) acquire, by donation or purchase in behalf of the United States, the right to use and occupy sites for pierhead beacons; and

"(2) properly mark all pierheads belonging to the United States situated on the northern and northwestern lakes, whenever the Commandant is duly notified by the department charged with the construction or repair of pierheads that the construction or repair of any such pierheads has been completed.".

(b) Subchapter III of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

14 USC 548.

"§ 548. Prohibition against officers and employees being interested in contracts for materials

"No officer, enlisted member, or civilian member of the Coast Guard in any manner connected with the construction, operation, or maintenance of lighthouses, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the construction, operation, or maintenance of lighthouses, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the construction, operation, or maintenance of lighthouses.

14 USC 549.

"§ 549. Lighthouse and other sites; necessity and sufficiency of cession by State of jurisdiction

"(a) No lighthouse, beacon, public pier, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States.

"(b) For the purposes of subsection (a), a cession by a State of jurisdiction over a place selected as the site of a lighthouse, or other structure or work referred to in subsection (a), shall be deemed sufficient if the cession contains a reservation that process issued under authority of such State may continue to be served within such place.

"(c) If no reservation of service described in subsection (b) is contained in a cession, all process may be served and executed within the place ceded, in the same manner as if no cession had been made.

14 USC 550.

"§ 550. Marking pierheads in certain lakes

"The Commandant of the Coast Guard shall properly mark all pierheads belonging to the United States situated on the northern and northwestern lakes, whenever he is duly notified by the department charged with the construction or repair of pierheads that the construction or repair of any such pierhead has been completed.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 547 the following:

14 USC prec. 501.

"548. Prohibition against officers and employees being interested in contracts for materials.

"549. Lighthouse and other sites; necessity and sufficiency of cession by State of jurisdiction.

"550. Marking pierheads in certain lakes.".

SEC. 8510. TRANSFERS RELATED TO EMPLOYEES OF LIGHTHOUSE SERVICE.

(a) Section 6 of chapter 103 of the Act of June 20, 1918 (33 U.S.C. 763) is repealed.

(b) Chapter 25 of title 14, United States Code, is amended by inserting after section 2531 the following:

"§ 2532. Retirement of employees 14 USC 2532.

"(a) OPTIONAL RETIREMENT.—Except as provided in subsections (d) and (e), a covered employee may retire from further performance of duty if such officer or employee—

"(1) has completed 30 years of active service in the Government and is at least 55 years of age;

"(2) has completed 25 years of active service in the Government and is at least 62 years of age; or

"(3) is involuntarily separated from further performance of duty, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of active service in the Government, or after completing 20 years of such service and if such employee is at least 50 years of age.

"(b) COMPULSORY RETIREMENT.—A covered employee who becomes 70 years of age shall be compulsorily retired from further performance of duty.

"(c) RETIREMENT FOR DISABILITY.—

"(1) IN GENERAL.—A covered employee who has completed 15 years of active service in the Government and is found, after examination by a medical officer of the United States, to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct of such officer or employee, shall be retired.

"(2) RESTORATION TO ACTIVE DUTY.—Any individual retired under paragraph (1) may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which such individual may retire under subsection (a), be reexamined by a medical officer of the United States upon the request of the Secretary of the department in which the Coast Guard is operating.

"(d) ANNUAL COMPENSATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), The annual compensation of a person retired under this section shall be a sum equal to one-fortieth of the average annual pay received for the last 3 years of service for each year of active service in the Lighthouse Service, or in a department or branch of the Government having a retirement system, not to exceed thirty-fortieths of such average annual pay received.

"(2) RETIREMENT BEFORE 55.—The retirement pay computed under paragraph (1) for any officer or employee retiring under this section shall be reduced by one-sixth of 1 percent for each full month the officer or employee is under 55 years of age at the date of retirement.

"(3) NO ALLOWANCE OR SUBSISTENCE.—Retirement pay under this section shall not include any amount on account of subsistence or other allowance.

"(e) EXCEPTION.—The retirement and pay provision in this section shall not apply to—

"(1) any person in the field service of the Lighthouse Service whose duties do not require substantially all their time; or

"(2) persons of the Coast Guard.

"(f) WAIVER.—Any person entitled to retirement pay under this section may decline to accept all or any part of such retirement pay by a waiver signed and filed with the Secretary of the Treasury. Such waiver may be revoked in writing at any time, but no payment of the retirement pay waived shall be made covering the period during which such waiver was in effect.

"(g) DEFINITION.—For the purposes of this section, the term 'covered employee' means an officer or employee engaged in the field service or on vessels of the Lighthouse Service, except a person continuously employed in district offices or shop.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 25 of title 14, United States Code, is amended by inserting after the item relating to section 2531 the following:

14 USC prec. 2501.

"2532. Retirement of employees.".

SEC. 8511. TRANSFERS RELATED TO SURVIVING SPOUSES OF LIGHTHOUSE SERVICE EMPLOYEES.

(a) BENEFIT TO SURVIVING SPOUSES.—Chapter 25 of title 14, United States Code, is further amended by inserting after section 2532 (as added by this division) the following:

14 USC 2533.

"§ 2533. Surviving spouses

"The Secretary of the department in which the Coast Guard is operating shall pay $100 per month to the surviving spouse of a current or former employee of the Lighthouse Service in accordance with section 2532 if such employee dies—

"(1) at a time when such employee was receiving or was entitled to receive retirement pay under this subchapter; or

"(2) from non-service-connected causes after fifteen or more years of employment in such service.".

(b) TRANSFERS RELATED TO SURVIVING SPOUSES OF LIGHTHOUSE SERVICE EMPLOYEES.—

(1) Chapter 25 of title 14, United States Code, is amended by inserting after section 2533 (as added by this division) the following:

14 USC 2534.

"§ 2534. Application for benefits".

(2)(A) Section 3 of chapter 761 of the Act of August 19, 1950 (33 U.S.C. 773), is redesignated as section 2534(a) of title 14, United States Code, transferred to appear after the heading of section 2534 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(a), as so redesignated, transferred, and amended is further amended by striking "this Act" and inserting "section 2533".

(3)(A) Section 4 of chapter 761 of the Act of August 19, 1950 (33 U.S.C. 774), is redesignated as section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking "the provisions of this Act" and inserting "section 2533".

(4)(A) The proviso under the heading "Payment to Civil Service Retirement and Disability Fund" of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking "the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775)," and inserting "section 2533".

(c) CLERICAL AMENDMENT.—The analysis for chapter 25 of title 14, United States Code, is further amended by inserting after the item relating to section 2532 (as added by this division) the following:

14 USC prec. 2501.

"2533. Surviving spouses.
"2534. Application for benefits.".

SEC. 8512. REPEALS RELATED TO LIGHTHOUSE STATUTES.

(a) IN GENERAL.—The following provisions are repealed:

(1) Section 4680 of the Revised Statutes of the United States (33 U.S.C. 725).

(2) Section 4661 of the Revised Statutes of the United States (33 U.S.C. 727).

(3) Section 4662 of the Revised Statutes of the United States (33 U.S.C. 728).

(4) The final paragraph in the account "For Life-Saving and Life-Boat Stations" under the heading Treasury Department in the first section of chapter 130 of the Act of March 3, 1875 (33 U.S.C. 730a).

(5) Section 11 of chapter 301 of the Act of June 17, 1910 (33 U.S.C. 743). 33 USC 717.

(6) The first section of chapter 215 of the Act of May 13, 1938 (33 U.S.C. 745a).

(7) The first section of chapter 313 of the Act of February 25, 1929 (33 U.S.C. 747b).

(8) Section 2 of chapter 103 of the Act of June 20, 1918 (33 U.S.C. 748).

(9) Section 4 of chapter 371 of the Act of May 22, 1926 (33 U.S.C. 754a).

(10) Chapter 642 of the Act of August 10, 1939 (33 U.S.C. 763a–1).

(11) Chapter 788 of the Act of October 29, 1949 (33 U.S.C. 763–1).

(12) Chapter 524 of the Act of July 9, 1956 (33 U.S.C. 763–2).

(13) The last 2 provisos under the heading Lighthouse Service, under the heading Department of Commerce, in the first section of chapter 161 of the Act of March 4, 1921 (41 Stat. 1417, formerly 33 U.S.C. 764).

(14) Section 3 of chapter 215 of the Act of May 13, 1938 (33 U.S.C. 770).

(15) The first section and section 2 of chapter 761 of the Act of August 19, 1950 (33 U.S.C. 771 and 772).

(b) SAVINGS.—

33 USC 725 note.

(1) Notwithstanding any repeals made by this section, any individual beneficiary currently receiving payments under the authority of any provisions repealed in this section shall continue to receive such benefits.

33 USC 763–1 note.

(2) Notwithstanding the repeals made under paragraphs (10) and (11) of subsection (a), any pay increases made under chapter 788 of the Act of October 29, 1949, and chapter 524 of the Act of July 9, 1956, as in effect prior to their repeal shall remain in effect.

SEC. 8513. COMMON APPROPRIATION STRUCTURE.

(a) COMMON APPROPRIATIONS STRUCTURE.—

(1) PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.—Section 506 of title 14, United States Code, is amended—

(A) in subsection (a)(1), by inserting "as established under chapter 56 of title 10" after "Medicare-Eligible Retiree Health Care Fund"; and

(B) in subsection (b)(1), by striking "operating expenses" and inserting "operations and support".

(2) USE OF CERTAIN APPROPRIATED FUNDS.—Section 903 of title 14, United States Code, is amended—

(A) in subsection (a), by striking "acquisition, construction, and improvement of facilities, for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters" and inserting "procurement, construction, and improvement of facilities and for research and development"; and

(B) in subsection (d)(1), amended by section 241(b)(1), by striking "operating expenses" and inserting "operations and support".

(3) CONFIDENTIAL INVESTIGATIVE EXPENSES.—Section 944 of title 14, United States Code, is amended—

(A) by striking "necessary expenses for the operation" and inserting "the operations and support"; and

(B) by striking "his" each place it appears and inserting "the Commandant's".

(4) PROCUREMENT OF PERSONNEL.—Section 2701 of title 14, United States Code, is amended—

(A) by striking "operating expense" and inserting "operations and support";

(B) by striking "but not limited to"; and

(C) by striking "in order".

(5) REQUIREMENT FOR PRIOR AUTHORIZATION OF APPROPRIATIONS.—Section 4901 of title 14, United States Code, is amended—

(A) in paragraph (1), by striking "maintenance" and inserting "support";

(B) in paragraph (2), by striking "acquisition" and inserting "procurement";

(C) by striking paragraphs (3), (4), and (6);

(D) by redesignating paragraph (5) as paragraph (3); and

(E) in paragraph (3), as redesignated by subparagraph (D), by striking "research, development, test, and evaluation" and inserting "research and development.".

(b) TITLE 46.—Sections 3317(b), 7504, 80301(c), and 80505(b)(3) of title 46, United States Code, are each amended by striking "operating expenses" and inserting "operations and support".

(c) OIL SPILL LIABILITY TRUST FUND.—Section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)) is amended by striking "operating expenses" and inserting "operations and support".

TITLE LVXXXVI—FEDERAL MARITIME COMMISSION

Federal Maritime Commission Authorization Act of 2020.

SEC. 8601. SHORT TITLE.

This title may be cited as the "Federal Maritime Commission Authorization Act of 2020".

SEC. 8602. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is amended by striking "$28,012,310 for fiscal year 2018 and $28,544,543 for fiscal year 2019" and inserting "$29,086,888 for fiscal year 2020 and $29,639,538 for fiscal year 2021".

SEC. 8603. UNFINISHED PROCEEDINGS.

Section 305 of title 46, United States Code, is amended—

(1) by striking "The Federal" and inserting "(a) IN GENERAL.—The Federal"; and

(2) by adding at the end the following:

"(b) TRANSPARENCY.—

"(1) IN GENERAL.—In conjunction with the transmittal by the President to the Congress of the Budget of the United States for fiscal year 2021 and biennially thereafter, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives reports that describe the Commission's progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

"(2) FORMAT OF REPORTS.—Each report under paragraph (1) shall, among other things, clearly identify for each unfinished regulatory proceeding—

"(A) the popular title;

"(B) the current stage of the proceeding;

"(C) an abstract of the proceeding;

"(D) what prompted the action in question;

"(E) any applicable statutory, regulatory, or judicial deadline;

"(F) the associated docket number;

"(G) the date the rulemaking was initiated;

"(H) a date for the next action; and

"(I) if a date for the next action identified in the previous report is not met, the reason for the delay.".

SEC. 8604. NATIONAL SHIPPER ADVISORY COMMITTEE.

(a) IN GENERAL.—Part B of subtitle IV of title 46, United States Code, is amended by adding at the end the following:

46 USC prec. 42501.

"CHAPTER 425—NATIONAL SHIPPER ADVISORY COMMITTEE

"42501. Definitions.
"42502. National Shipper Advisory Committee.
"42503. Administration.

46 USC 42501.

"§ 42501. Definitions

"In this chapter:

"(1) COMMISSION.—The term 'Commission' means the Federal Maritime Commission.

"(2) COMMITTEE.—The term 'Committee' means the National Shipper Advisory Committee established under section 42502.

46 USC 42502.

"§ 42502. National Shipper Advisory Committee

"(a) ESTABLISHMENT.—There is established a National Shipper Advisory Committee.

"(b) FUNCTION.—The Committee shall advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of 24 members appointed by the Commission in accordance with this section.

"(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) REPRESENTATION.—REPRESENTATION.—Members of the Committee shall be appointed as follows: —

"(A) Twelve members shall represent entities who import cargo to the United States using ocean common carriers.

"(B) Twelve members shall represent entities who export cargo from the United States using ocean common carriers.

46 USC 42503.

"§ 42503. Administration

"(a) MEETINGS.—The Committee shall, not less than once each year, meet at the call of the Commission or a majority of the members of the Committee.

"(b) EMPLOYEE STATUS.—A member of the Committee shall not be considered an employee of the Federal Government by reason of service on such Committee, except for the purposes of the following:

"(1) Chapter 81 of title 5.

"(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

"(c) VOLUNTEER SERVICES AND COMPENSATION.—

"(1) Notwithstanding any other provision of law, a member of the Committee may serve on such committee on a voluntary basis without pay.

"(2) No member of the Committee shall receive compensation for service on the Committee.

"(d) STATUS OF MEMBERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of the Committee whom the Commission appoints to represent an entity or group—

"(A) the member is authorized to represent the interests of the applicable entity or group; and

"(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

"(2) EXCEPTION.—Notwithstanding subsection (b), a member of the Committee shall be treated as a special Government employee for purposes of the committee service of the member if the member, without regard to service on the Committee, is a special Government employee.

"(e) SERVICE ON COMMITTEE.—

"(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of the Committee, the Commission shall publish a timely notice in the Federal Register soliciting nominations for membership on such Committee.

Federal Register, publication. Notice.

"(2) APPOINTMENTS.—

"(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Commission may appoint a member to the Committee.

"(B) PROHIBITION.—The Commission shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

"(3) SERVICE AT PLEASURE OF COMMISSION.—Each member of the Committee shall serve at the pleasure of the Commission.

"(4) SECURITY BACKGROUND EXAMINATIONS.—The Commission may require an individual to have passed an appropriate security background examination before appointment to the Committee.

"(5) PROHIBITION.—A Federal employee may not be appointed as a member of the Committee.

"(6) TERMS.—

"(A) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

"(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of the Committee ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

"(7) VACANCIES.—A vacancy on the Committee shall be filled in the same manner as the original appointment.

"(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Commission may reappoint a member of a committee for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

"(f) STAFF SERVICES.—The Commission shall furnish to the Committee any staff and services considered by the Commission to be necessary for the conduct of the Committee's functions.

"(g) CHAIR; VICE CHAIR.—

"(1) IN GENERAL.—The Committee shall elect a Chair and Vice Chair from among the committee's members.

"(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chair shall act as Chair in the absence or incapacity of, or in the event of a vacancy in the office of, the Chair.

"(h) SUBCOMMITTEES AND WORKING GROUPS.—

"(1) IN GENERAL.—The Chair of the Committee may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the Committee.

"(2) PARTICIPANTS.—Subject to conditions imposed by the Chair, members of the Committee may be assigned to subcommittees and working groups established under paragraph (1).

"(i) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

"(1) CONSULTATION.—Before taking any significant action, the Commission shall consult with, and consider the information, advice, and recommendations of, the Committee if the function of the Committee is to advise the Commission on matters related to the significant action.

"(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—The Committee shall submit, in writing, to the Commission its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the Committee.

Deadline.

"(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Commission receives recommendations from the Committee under paragraph (2), the Commission shall—

Public information. Web posting.

"(A) publish the recommendations on a public website; and

"(B) respond, in writing, to the Committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

"(4) SUBMISSION TO CONGRESS.—The Commission shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from the Committee under paragraph (2).

"(j) OBSERVERS.—The Commission may designate a representative to—

"(1) attend any meeting of the Committee; and

"(2) participate as an observer at such meeting.

"(k) TERMINATION.—The Committee shall terminate on September 30, 2029.".

(b) NO ADDITIONAL FUNDS AUTHORIZED.—No funds in addition to the funds authorized in section 308 of title 46, United States Code, are authorized to carry out this title or the amendments made by this section.

46 USC prec. 40101.

(c) CLERICAL AMENDMENT.—The analysis for subtitle IV of title 46, United States Code, is amended by inserting after the item related to chapter 423 the following:

"CHAPTER 425—NATIONAL SHIPPER ADVISORY COMMITTEE".

SEC. 8605. TRANSFER OF FEDERAL MARITIME COMMISSION PROVISIONS.

(a) TRANSFER.—

(1) Subtitle IV of title 46, United States Code, is amended by adding at the end the following:

"PART D—FEDERAL MARITIME COMMISSION

46 USC prec. 46101.

"CHAPTER 461—FEDERAL MARITIME COMMISSION".

46 USC prec. 46101.

(2) Chapter 3 of title 46, United States Code, is redesignated as chapter 461 of part D of subtitle IV of such title and transferred to appear in such part.

46 USC prec. 46101.

(3) Sections 301 through 308 of such title are redesignated as sections 46101 through 46108, respectively, of such title.

(b) CONFORMING AMENDMENTS.—

(1) Section 46101(c)(3)(A)(v) of title 46, United States Code, as so redesignated, is amended by striking "304" and inserting "46104".

(2) section 322(b) of the Coast Guard Personnel and Maritime Safety Act of 2002 (31 U.S.C. 1113 note) is amended by striking "208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118)" and inserting "46106(a) of title 46, United States Code".

(3) Section 1031(23) of the National Defense Authorization Act for Fiscal Year 2000 (31 U.S.C. 1113 note) is amended by striking "208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118, 1241(b)(2), 1291)" and inserting "44106(a) and 55305(d) of title 46, United States Code".

(4) The analysis for subtitle I of title 46, United States Code, is amended by striking the item relating to chapter 3.

46 USC prec. 101.

(5) The analysis for subtitle IV of such title is amended by adding at the end the following:

46 USC prec. 40101.

"Part D—Federal Maritime Commission

"461. Federal Maritime Commission ..... 46101".

(6) The analysis for chapter 461 of part D of subtitle IV of such title, as so redesignated, is amended to read as follows:

46 USC prec. 46101.

"Sec.
"46101. General organization.
"46102. Quorum.
"46103. Meetings.
"46104. Delegation of authority.
"46105. Regulations.
"46106. Annual report.
"46107. Expenditures.
"46108. Authorization of appropriations.".

(c) TECHNICAL CORRECTION.—Section 46103(c)(3) of title 46, United States Code, as so redesignated, is amended by striking "555b(c)" and inserting "552b(c)".

DIVISION H—OTHER MATTERS

TITLE XC—HOMELAND SECURITY MATTERS

Sec. 9001. Department of Homeland Security CISA Director.
Sec. 9002. Sector risk management agencies.

Sec. 9003. Review and analysis of inland waters seaport security.
Sec. 9004. Department of Homeland Security reports on digital content forgery technology.
Sec. 9005. GAO study of cybersecurity insurance.
Sec. 9006. Strategy to secure email.
Sec. 9007. Department of Homeland Security large-scale non-intrusive inspection scanning plan.

SEC. 9001. DEPARTMENT OF HOMELAND SECURITY CISA DIRECTOR.

(a) IN GENERAL.—Subsection (b) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652) is amended by—

(1) redesignating paragraph (2) as paragraph (3); and

(2) inserting after paragraph (1) the following new paragraph:

"(2) QUALIFICATIONS.—

Appointment.

"(A) IN GENERAL.—The Director shall be appointed from among individuals who have—

"(i) extensive knowledge in at least two of the areas specified in subparagraph (B); and

"(ii) not fewer than five years of demonstrated experience in efforts to foster coordination and collaboration between the Federal Government, the private sector, and other entities on issues related to cybersecurity, infrastructure security, or security risk management.

"(B) SPECIFIED AREAS.—The areas specified in this subparagraph are the following:

"(i) Cybersecurity.

"(ii) Infrastructure security.

"(iii) Security risk management.".

(b) AMENDMENT TO POSITION LEVEL OF CISA DIRECTOR.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5313, by inserting after "Administrator of the Transportation Security Administration." the following:

"Director, Cybersecurity and Infrastructure Security Agency."; and

(2) in section 5314, by striking "Director, Cybersecurity and Infrastructure Security Agency.".

(c) EXECUTIVE ASSISTANT DIRECTOR FOR CYBERSECURITY.—

(1) IN GENERAL.—Section 2203 of the Homeland Security Act of 2002 (6 U.S.C. 653) is amended—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) in the heading, by striking "ASSISTANT DIRECTOR.—" and inserting "EXECUTIVE ASSISTANT DIRECTOR.—"; and

(II) in the matter preceding subparagraph (A)—

(aa) by striking "Assistant Director for Cybersecurity" and inserting "Executive Assistant Director for Cybersecurity"; and

(bb) by striking "the 'Assistant Director' and inserting 'the Executive Assistant Director'"; and

(ii) in paragraph (3)—

(I) by inserting "or Assistant Director for Cybersecurity" after "Assistant Secretary for Cybersecurity and Communications"; and

(II) by striking "Assistant Director for Cybersecurity." and inserting "Executive Assistant Director for Cybersecurity."; and

(B) in subsection (b), in the matter preceding paragraph (1), by striking "Assistant Director" and inserting "Executive Assistant Director".

(2) CONTINUATION IN OFFICE.—The individual serving as the Assistant Director for Cybersecurity of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security on the day before the date of enactment of this Act may serve as the Executive Assistant Director for Cybersecurity on and after that date without the need for renomination or reappointment. 6 USC 653 note.

(d) EXECUTIVE ASSISTANT DIRECTOR FOR INFRASTRUCTURE SECURITY.—

(1) IN GENERAL.—Section 2204 of the Homeland Security Act of 2002 (6 U.S.C. 654) is amended—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) in the heading, by striking "ASSISTANT DIRECTOR.—" and inserting "EXECUTIVE ASSISTANT DIRECTOR.—"; and

(II) in the matter preceding subparagraph (A)—

(aa) by striking "Assistant Director for Infrastructure Security" and inserting "Executive Assistant Director for Infrastructure Security"; and

(bb) by striking "the 'Assistant Director' and inserting 'the Executive Assistant Director'"; and

(ii) in paragraph (3)—

(I) by inserting "or Assistant Director for Infrastructure Security" after "Assistant Secretary for Infrastructure Protection"; and

(II) by striking "Assistant Director for Infrastructure Security." and inserting "Executive Assistant Director for Infrastructure Security."; and

(B) in subsection (b), by striking "Assistant Director" in the matter preceding paragraph (1) and inserting "Executive Assistant Director".

(2) CONTINUATION IN OFFICE.—The individual serving as the Assistant Director for Infrastructure Security of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security on the day before the date of enactment of this Act may serve as the Executive Assistant Director for Infrastructure Security on and after that date without the need for renomination or reappointment. 6 USC 654 note.

(e) EXECUTIVE ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.—

(1) IN GENERAL.—Section 1801 of the Homeland Security Act of 2002 (6 U.S.C. 571) is amended—

(A) in subsection (b)—

(i) in the heading, by striking "ASSISTANT DIRECTOR.—" and inserting "EXECUTIVE ASSISTANT DIRECTOR.—";

(ii) in the first sentence, by striking "Assistant Director for Emergency Communications." and inserting "Executive Assistant Director for Emergency Communications (in this section referred to as the 'Executive Assistant Director')."; and

(iii) in the second and third sentences, by striking "Assistant Director" both places such term appears and inserting "Executive Assistant Director"; and

(B) in subsection (c), in the matter preceding paragraph (1), by striking "Assistant Director for Emergency Communications" and inserting "Executive Assistant Director";

(C) in subsection (d), in the matter preceding paragraph (1), by striking "Assistant Director for Emergency Communications" and inserting "Executive Assistant Director";

(D) in subsection (e), in the matter preceding paragraph (1), by striking "Assistant Director for Emergency Communications" and inserting "Executive Assistant Director"; and

(E) by adding at the end the following new subsection:

"(g) REFERENCE.—Any reference to the Assistant Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Executive Assistant Director for Emergency Communications.".

6 USC 571 note.

(2) CONTINUATION IN OFFICE.—The individual serving as the Assistant Director for Emergency Communications of the Department of Homeland Security on the day before the date of enactment of this Act may serve as the Executive Assistant Director for Emergency Communications on and after that date.

6 USC 652a.

SEC. 9002. SECTOR RISK MANAGEMENT AGENCIES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and the Committee on Armed Services in the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services in the Senate.

(2) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given that term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) DIRECTOR.—The term "Director" means the Director of the Cybersecurity and Infrastructure Security Agency of the Department.

(5) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term "information sharing and analysis organization" has the meaning given that term in section 2222(5) of the Homeland Security Act of 2002 (6 U.S.C. 671(5)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(7) SECTOR RISK MANAGEMENT AGENCY.—The term "sector risk management agency" has the meaning given the term

"Sector-Specific Agency" in section 2201(5) of the Homeland Security Act of 2002 (6 U.S.C. 651(5)).

(b) CRITICAL INFRASTRUCTURE SECTOR DESIGNATION.—

(1) INITIAL REVIEW.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the heads of Sector Risk Management Agencies, shall— Deadline.

(A) review the current framework for securing critical infrastructure, as described in section 2202(c)(4) of the Homeland Security Act (6 U.S.C. 652(c)(4)) and Presidential Policy Directive 21; and

(B) submit to the President and appropriate congressional committees a report that includes— Reports. Recommendations.

(i) information relating to—

(I) the analysis framework or methodology used to— Analysis.

(aa) evaluate the current framework for securing critical infrastructure referred to in subparagraph (A); and Evaluation.

(bb) develop recommendations to—

(AA) revise the current list of critical infrastructure sectors designated pursuant to Presidential Policy Directive 21, any successor or related document, or policy; or

(BB) identify and designate any subsectors of such sectors;

(II) the data, metrics, and other information used to develop the recommendations required under clause (ii); and Data.

(ii) recommendations relating to—

(I) revising— Lists.

(aa) the current framework for securing critical infrastructure referred to in subparagraph (A);

(bb) the current list of critical infrastructure sectors designated pursuant to Presidential Policy Directive 21, any successor or related document, or policy; or

(cc) the identification and designation of any subsectors of such sectors; and

(II) any revisions to the list of designated Federal departments or agencies that serve as the Sector Risk Management Agency for a sector or subsector of such section, necessary to comply with paragraph (3)(B).

(2) PERIODIC EVALUATION BY THE SECRETARY.—At least once every five years, the Secretary, in consultation with the Director and the heads of Sector Risk Management Agencies, shall— Consultation.

(A) evaluate the current list of designated critical infrastructure sectors and subsectors of such sectors and the appropriateness of Sector Risk Management Agency designations, as set forth in Presidential Policy Directive 21, any successor or related document, or policy; and

(B) recommend, as appropriate, to the President— Recommendation.

List.

(i) revisions to the current list of designated critical infrastructure sectors or subsectors of such sectors; and

(ii) revisions to the designation of any Federal department or agency designated as the Sector Risk Management Agency for a sector or subsector of such sector.

Deadline.

(3) REVIEW AND REVISION BY THE PRESIDENT.—Not later than 180 days after the Secretary submits a recommendation pursuant to paragraph (1) or (2), the President shall—

(A) review the recommendation and revise, as appropriate, the designation of a critical infrastructure sector or subsector or the designation of a Sector Risk Management Agency; and

Reports.

(B) submit to the appropriate congressional committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives, a report that includes—

(i) an explanation with respect to the basis for accepting or rejecting the recommendations of the Secretary; and

Analysis.

(ii) information relating to the analysis framework, methodology, metrics, and data used to—

Evaluation.

(I) evaluate the current framework for securing critical infrastructure referred to in paragraph (1)(A); and

Recommendations.

(II) develop—

(aa) recommendations to revise—

List.

(AA) the list of critical infrastructure sectors designated pursuant to Presidential Policy Directive 21, any successor or related document, or policy; or

(BB) the designation of any subsectors of such sectors; and

(bb) the recommendations of the Secretary.

Federal Register, publication.

(4) PUBLICATION.—Any designation of critical infrastructure sectors shall be published in the Federal Register.

(c) SECTOR RISK MANAGEMENT AGENCIES.—

(1) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

Coordination.
6 USC 665d.

"SEC. 2215. SECTOR RISK MANAGEMENT AGENCIES.

"(a) IN GENERAL.—Consistent with applicable law, Presidential directives, Federal regulations, and strategic guidance from the Secretary, each Sector Risk Management Agency, in coordination with the Director, shall—

"(1) provide specialized sector-specific expertise to critical infrastructure owners and operators within its designated critical infrastructure sector or subsector of such sector; and

"(2) support programs and associated activities of such sector or subsector of such sector.

"(b) IMPLEMENTATION.—In carrying out this section, Sector Risk Management Agencies shall—

"(1) coordinate with the Department and, as appropriate, other relevant Federal departments and agencies;

"(2) collaborate with critical infrastructure owners and operators within the designated critical infrastructure sector or subsector of such sector; and

"(3) coordinate with independent regulatory agencies, and State, local, Tribal, and territorial entities, as appropriate.

"(c) RESPONSIBILITIES.—Consistent with applicable law, Presidential directives, Federal regulations, and strategic guidance from the Secretary, each Sector Risk Management Agency shall utilize its specialized expertise regarding its designated critical infrastructure sector or subsector of such sector and authorities under applicable law to—

"(1) support sector risk management, in coordination with the Director, including—

"(A) establishing and carrying out programs to assist critical infrastructure owners and operators within the designated sector or subsector of such sector in identifying, understanding, and mitigating threats, vulnerabilities, and risks to their systems or assets, or within a region, sector, or subsector of such sector; and

"(B) recommending security measures to mitigate the consequences of destruction, compromise, and disruption of systems and assets;

"(2) assess sector risk, in coordination with the Director, including—

"(A) identifying, assessing, and prioritizing risks within the designated sector or subsector of such sector, considering physical security and cybersecurity threats, vulnerabilities, and consequences; and

"(B) supporting national risk assessment efforts led by the Department;

"(3) sector coordination, including—

"(A) serving as a day-to-day Federal interface for the prioritization and coordination of sector-specific activities and responsibilities under this title;

"(B) serving as the Federal Government coordinating council chair for the designated sector or subsector of such sector; and

"(C) participating in cross-sector coordinating councils, as appropriate;

"(4) facilitating, in coordination with the Director, the sharing with the Department and other appropriate Federal department of information regarding physical security and cybersecurity threats within the designated sector or subsector of such sector, including—

"(A) facilitating, in coordination with the Director, access to, and exchange of, information and intelligence necessary to strengthen the security of critical infrastructure, including through information sharing and analysis organizations and the national cybersecurity and communications integration center established pursuant to section 2209;

"(B) facilitating the identification of intelligence needs and priorities of critical infrastructure owners and operators in the designated sector or subsector of such sector, in coordination with the Director of National Intelligence and the heads of other Federal departments and agencies, as appropriate;

"(C) providing the Director, and facilitating awareness within the designated sector or subsector of such sector, of ongoing, and where possible, real-time awareness of identified threats, vulnerabilities, mitigations, and other actions related to the security of such sector or subsector of such sector; and

"(D) supporting the reporting requirements of the Department under applicable law by providing, on an annual basis, sector-specific critical infrastructure information;

"(5) supporting incident management, including—

"(A) supporting, in coordination with the Director, incident management and restoration efforts during or following a security incident; and

"(B) supporting the Director, upon request, in national cybersecurity asset response activities for critical infrastructure; and

"(6) contributing to emergency preparedness efforts, including—

"(A) coordinating with critical infrastructure owners and operators within the designated sector or subsector of such sector and the Director in the development of planning documents for coordinated action in the event of a natural disaster, act of terrorism, or other man-made disaster or emergency;

"(B) participating in and, in coordination with the Director, conducting or facilitating, exercises and simulations of potential natural disasters, acts of terrorism, or other man-made disasters or emergencies within the designated sector or subsector of such sector; and

"(C) supporting the Department and other Federal departments or agencies in developing planning documents or conducting exercises or simulations when relevant to the designated sector or subsector or such sector.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 is amended—

6 USC 195f.

(A) in section 320—

(i) in subsection (d)(3)(C), by striking "Sector-Specific Agency" and inserting "Sector Risk Management Agency"; and

(ii) in subsection (e)(1), by striking "Sector-Specific Agency" and inserting "Sector Risk Management Agency";

6 USC 321m.

(B) in section 524—

(i) in subsection (b)(2)(E)(i)(II), by striking "sector-specific agency" and inserting "Sector Risk Management Agency"; and

(ii) in subsection (c)(1)(B), by striking "sector-specific agency" and inserting "Sector Risk Management Agency";

6 USC 651.

(C) in section 2201(5)—

(i) in the paragraph heading, by striking "SECTOR-SPECIFIC AGENCY" and inserting "SECTOR RISK MANAGEMENT AGENCY"; and

(ii) by striking "Sector-Specific Agency" and inserting "Sector Risk Management Agency";

(D) in section 2202(i), by striking "Sector-Specific Agency" and inserting "Sector Risk Management Agency"; and 6 USC 652.

(E) in section 2214(c)(4), by striking "sector-specific agency" and inserting "Sector Risk Management Agency". 6 USC 664.

(3) REFERENCES.—Any reference to a Sector Specific Agency (including any permutations or conjugations thereof) in any law, regulation, map, document, record, or other paper of the United States shall be deemed to—

(A) be a reference to the Sector Risk Management Agency of the relevant critical infrastructure sector; and

(B) have the meaning give such term in section 2201(5) of the Homeland Security Act of 2002.

(4) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2214 the following new item:

"Sec. 2215. Sector Risk Management Agencies.".

(d) REPORT AND AUDITING.—Not later than two years after the date of the enactment of this Act and every four years thereafter for 12 years, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the effectiveness of Sector Risk Management Agencies in carrying out their responsibilities under section 2215 of the Homeland Security Act of 2002, as added by this section. Time period.

SEC. 9003. REVIEW AND ANALYSIS OF INLAND WATERS SEAPORT SECURITY.

(a) SEAPORT CARGO REVIEW.—

(1) ELEMENTS.—The Secretary of Homeland Security shall conduct a review of all Great Lakes and selected inland waters seaports that receive international cargo—

(A) to determine, for each such seaport— Determination.

(i) the current screening capability, including the types and numbers of screening equipment and whether such equipment is physically located at a seaport or assigned and available in the area and made available to use;

(ii) the number of U.S. Customs and Border Protection personnel assigned from a Field Operations office, broken out by role;

(iii) the expenditures for procurement and overtime incurred by U.S. Customs and Border Protection during the most recent fiscal year;

(iv) the types of cargo received, such as containerized, break-bulk, and bulk;

(v) the legal entity that owns the seaport;

(vi) a description of the use of space at the seaport by U.S. Customs and Border Protection, including—

(I) whether U.S. Customs and Border Protection or the General Services Administration owns or leases any facilities at the seaport; and

(II) if U.S. Customs and Border Protection is provided space at the seaport, a description of

such space, including the number of workstations; and

(vii) the current cost-sharing arrangement for screening technology or reimbursable services;

(B) to identify, for each Field Operations office—

(i) any ports of entry that are staffed remotely from service ports;

(ii) the distance of each such service port from the corresponding ports of entry; and

(iii) the number of officers and the types of equipment U.S. Customs and Border Protection uses to screen cargo entering or exiting through such ports; and

Assessment.

(C) that includes a threat assessment of incoming containerized and noncontainerized cargo at Great Lakes seaports and selected inland waters seaports.

(2) SEAPORT SELECTION.—In selecting seaports on inland waters to include in the review under paragraph (1), the Secretary of Homeland Security shall ensure that the inland waters seaports are—

(A) equal in number to the Great Lakes seaports included in the review;

(B) comparable to Great Lakes seaports included in the review, as measured by number of imported shipments arriving at the seaport each year; and

(C) covered by at least the same number of Field Operations offices as the Great Lakes seaports included in the review, but are not covered by the same Field Operations offices as such Great Lakes seaports.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report containing—

(i) the results of the review conducted pursuant to paragraph (1); and

(ii) an explanation of the methodology used for such review regarding the screening practices for foreign cargo arriving at seaports on the Great Lakes and inland waters.

Classified information.

(B) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, to the maximum extent possible, but may include a classified annex, if necessary.

(b) INLAND WATERS THREAT ANALYSIS.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees an inland waters threat analysis containing an identification and description of—

(A) current and potential terrorism and criminal threats posed by individuals and groups seeking—

(i) to enter the United States through inland waters; or

(ii) to exploit security vulnerabilities on inland waters;

(B) security challenges at inland waters ports of the United States regarding—

(i) terrorism and instruments of terror entering the United States; or

(ii) criminal activity, as measured by the total flow of illegal goods and illicit drugs, related to the inland waters;

(C) security mitigation efforts with respect to the inland waters—

(i) to prevent terrorists and instruments of terror from entering the United States; or

(ii) to reduce criminal activity related to the inland waters;

(D) vulnerabilities related to cooperation between State, local, tribal, and territorial law enforcement, or international agreements, that hinder effective security, counterterrorism, anti-trafficking efforts, and the flow of legitimate trade with respect to inland waters; and

(E) metrics and performance measures used by the Secretary of Homeland Security to evaluate inland waters security, as appropriate.

(2) ANALYSIS REQUIREMENTS.—In preparing the threat analysis required under paragraph (1), the Secretary of Homeland Security shall consider and examine— Examination.

(A) technology needs and challenges;

(B) personnel needs and challenges;

(C) the roles of State, local, tribal, and territorial law enforcement, private sector partners, and the public, relating to inland waters security;

(D) the need for cooperation among Federal, State, local, tribal, territorial, and international partner law enforcement, private sector partners, and the public, relating to inland waters security; and

(E) the challenges posed by geography with respect to inland waters security.

(3) FORM.—The Secretary of Homeland Security shall submit the threat analysis required under paragraph (1) in unclassified form, to the maximum extent possible, but may include a classified annex, if necessary. Classified information.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 9004. DEPARTMENT OF HOMELAND SECURITY REPORTS ON DIGITAL CONTENT FORGERY TECHNOLOGY.

(a) REPORTS REQUIRED.—Not later than one year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary of Homeland Security, acting through the Under Time period. Consultation.

Secretary for Science and Technology of the Department of Homeland Security, and with respect to paragraphs (6) and (7) of subsection (b), in consultation with the Director of National Intelligence, shall submit to Congress a report on the state of digital content forgery technology.

Assessments.

(b) CONTENTS.—Each report produced under subsection (a) shall include the following:

(1) An assessment of the underlying technologies used to create or propagate digital content forgeries, including the evolution of such technologies and patterns of dissemination of such technologies.

(2) A description of the types of digital content forgeries, including those used to commit fraud, cause harm, harass, coerce, or silence vulnerable groups or individuals, or violate civil rights recognized under Federal law.

(3) An assessment of how foreign governments, and the proxies and networks thereof, use, or could use, digital content forgeries to harm national security.

(4) An assessment of how non-governmental entities in the United States use, or could use, digital content forgeries.

(5) An assessment of the uses, applications, dangers, and benefits, including the impact on individuals, of deep learning or digital content forgery technologies used to generate realistic depictions of events that did not occur.

Analysis. Determination. Recommendations.

(6) An analysis of the methods used to determine whether content is created by digital content forgery technology, and an assessment of any effective heuristics used to make such a determination, as well as recommendations on how to identify and address suspect content and elements to provide warnings to users of such content.

(7) A description of the technological countermeasures that are, or could be, used to address concerns with digital content forgery technology.

(8) Any additional information the Secretary determines appropriate.

(c) CONSULTATION AND PUBLIC HEARINGS.—In producing each report required under subsection (a), the Secretary may—

(1) consult with any other agency of the Federal Government that the Secretary considers necessary; and

(2) conduct public hearings to gather, or otherwise allow interested parties an opportunity to present, information and advice relevant to the production of the report.

Classified information.

(d) FORM OF REPORT.—Each report required under subsection (a) shall be produced in unclassified form, but may contain a classified annex.

(e) APPLICABILITY OF OTHER LAWS.—

(1) FOIA.—Nothing in this section, or in a report produced under this section, may be construed to allow the disclosure of information or a record that is exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(2) PAPERWORK REDUCTION ACT.—Subchapter I of chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"), shall not apply to this section.

(f) DIGITAL CONTENT FORGERY DEFINED.—In this section, the term "digital content forgery technology" means the use of emerging technologies, including artificial intelligence and machine learning

techniques, to fabricate or manipulate audio, visual, or text content with the intent to mislead.

SEC. 9005. GAO STUDY OF CYBERSECURITY INSURANCE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to assess and analyze the state and availability of insurance coverage in the United States for cybersecurity risks, including by— Assessment. Analysis.

(1) identifying the number and dollar volume of cyber insurance policies currently in force and the percentage of businesses, and specifically small businesses, that have cyber insurance coverage;

(2) assessing the extent to which States have established minimum standards for the scope of cyber insurance policies; and

(3) identifying any barriers to modeling and underwriting cybersecurity risks.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report setting forth the findings and conclusions of the study conducted under subsection (a), including—

(1) recommendations on whether intervention by the Federal Government would help facilitate the growth and development of insurers offering coverage for cybersecurity risks; and Recommendations.

(2) a discussion of the availability and affordability of such coverage and policyholder education regarding such coverage.

SEC. 9006. STRATEGY TO SECURE EMAIL.

Recommendations. Deadline. Standards.

(a) IN GENERAL.—Not later than December 31, 2021, the Secretary of Homeland Security shall develop and submit to Congress a strategy, including recommendations, to implement across all United States-based email providers Domain-based Message Authentication, Reporting, and Conformance standard at scale.

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following:

(1) A recommendation for the minimum-size threshold for United States-based email providers for applicability of Domain-based Message Authentication, Reporting, and Conformance.

(2) A description of the security and privacy benefits of implementing the Domain-based Message Authentication, Reporting, and Conformance standard at scale, including recommendations for national security exemptions, as appropriate, as well as the burdens of such implementation and an identification of the entities on which such burdens would most likely fall.

(3) An identification of key United States and international stakeholders associated with such implementation.

(4) An identification of any barriers to such implementation, including a cost-benefit analysis where feasible.

(5) An initial estimate of the total cost to the Federal Government and implementing entities in the private sector of such implementation, including recommendations for defraying such costs, if applicable. Cost estimate.

(c) CONSULTATION.—In developing the strategy and recommendations under subsection (a), the Secretary of Homeland Security may, as appropriate, consult with representatives from the information technology sector.

(d) DEFINITION.—In this section, the term "Domain-based Message Authentication, Reporting, and Conformance" means an email authentication, policy, and reporting protocol that verifies the authenticity of the sender of an email and blocks and reports to the sender fraudulent accounts.

SEC. 9007. DEPARTMENT OF HOMELAND SECURITY LARGE-SCALE NON-INTRUSIVE INSPECTION SCANNING PLAN.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a plan for increasing to 100 percent the rate of high-throughput scanning of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border using large-scale non-intrusive inspection systems or similar technology to enhance border security.

(b) BASELINE INFORMATION.—The plan under subsection (a) shall include, at a minimum, the following information regarding large-scale non-intrusive inspection systems or similar technology operated by U.S. Customs and Border Protection at land ports of entry and rail-border crossings as of the date of the enactment of this Act:

Inventory.

(1) An inventory of large-scale non-intrusive inspection systems or similar technology in use at each land port of entry.

(2) For each system or technology identified in the inventory under paragraph (1)—

(A) the scanning method of such system or technology;

(B) the location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination of such areas;

(C) the percentage of commercial and passenger vehicles and freight rail traffic scanned by such system or technology;

(D) seizure data directly attributed to scanned commercial and passenger vehicles and freight rail traffic; and

(E) the number of personnel required to operate each system or technology.

(3) Information regarding the continued use of other technology and tactics used for scanning, such as canines and human intelligence in conjunction with large scale, nonintrusive inspection systems.

(c) ELEMENTS.—The plan under subsection (a) shall include the following elements:

Deadline.

(1) Benchmarks for achieving incremental progress towards 100 percent high-throughput scanning within the next 6 years of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border with corresponding projected incremental improvements in scanning rates by fiscal year and rationales for the specified timeframes for each land port of entry.

Cost estimates.

(2) Estimated costs, together with an acquisition plan, for achieving the 100 percent high-throughput scanning rate within the timeframes specified in paragraph (1), including acquisition,

operations, and maintenance costs for large-scale, nonintrusive inspection systems or similar technology, and associated costs for any necessary infrastructure enhancements or configuration changes at each port of entry. Such acquisition plan shall promote, to the extent practicable, opportunities for entities that qualify as small business concerns (as defined under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(3) Any projected impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on the total number of commercial and passenger vehicles and freight rail traffic entering at land ports of entry and rail-border crossings where such systems are in use, and average wait times at peak and non-peak travel times, by lane type if applicable, as scanning rates are increased.

(4) Any projected impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry and rail-border crossings border security operations as a result of implementation actions, including any changes to the number of U.S. Customs and Border Protection officers or their duties and assignments.

(d) ANNUAL REPORT.—Not later than one year after the submission of the plan under subsection (a), and biennially thereafter for the following six years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that describes the progress implementing the plan and includes— Time period.

(1) an inventory of large-scale, nonintrusive inspection systems or similar technology operated by U.S. Customs and Border Protection at each land port of entry; Inventory.

(2) for each system or technology identified in the inventory required under paragraph (1)—

(A) the scanning method of such system or technology;

(B) the location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination of such areas;

(C) the percentage of commercial and passenger vehicles and freight rail traffic scanned by such system or technology; and

(D) seizure data directly attributed to scanned commercial and passenger vehicles and freight rail traffic;

(3) the total number of commercial and passenger vehicles and freight rail traffic entering at each land port of entry at which each system or technology is in use, and information on average wait times at peak and non-peak travel times, by lane type if applicable;

(4) a description of the progress towards reaching the benchmarks referred to in subsection (c)(1), and an explanation if any of such benchmarks are not achieved as planned;

(5) a comparison of actual costs (including information on any awards of associated contracts) to estimated costs set forth in subsection (c)(2);

(6) any realized impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry and rail-border crossings operations as a result of implementation actions, including any changes to the number of U.S.

Customs and Border Protection officers or their duties and assignments;

(7) any proposed changes to the plan and an explanation for such changes, including changes made in response to any Department of Homeland Security research and development findings or changes in terrorist or transnational criminal organizations tactics, techniques, or procedures; and

(8) any challenges to implementing the plan or meeting the benchmarks, and plans to mitigate any such challenges.

(e) DEFINITIONS.—In this section:

(1) The term "large-scale, non-intrusive inspection system" means a technology, including x-ray, gamma-ray, and passive imaging systems, capable of producing an image of the contents of a commercial or passenger vehicle or freight rail car in 1 pass of such vehicle or car.

(2) The term "scanning" means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a commercial or passenger vehicle or freight rail car.

TITLE XCI—VETERANS AFFAIRS MATTERS

Sec. 9101. Modification of licensure requirements for Department of Veterans Affairs health care professionals providing treatment via telemedicine.
Sec. 9102. Additional care for newborn children of veterans.
Sec. 9103. Expansion of eligibility for HUD–VASH.
Sec. 9104. Study on unemployment rate of women veterans who served on active duty in the Armed Forces after September 11, 2001.
Sec. 9105. Access of veterans to Individual Longitudinal Exposure Record.
Sec. 9106. Department of Veterans Affairs report on undisbursed funds.
Sec. 9107. Transfer of Mare Island Naval Cemetery to Secretary of Veterans Affairs for maintenance by National Cemetery Administration.
Sec. 9108. Comptroller General report on Department of Veterans Affairs handling of disability compensation claims by certain veterans.
Sec. 9109. Additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in the Republic of Vietnam.

SEC. 9101. MODIFICATION OF LICENSURE REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROFESSIONALS PROVIDING TREATMENT VIA TELEMEDICINE.

Section 1730C(b) of title 38, United States Code, is amended to read as follows:

"(b) COVERED HEALTH CARE PROFESSIONALS.—For purposes of this section, a covered health care professional is any of the following individuals:

"(1) A health care professional who—

"(A) is an employee of the Department appointed under section 7306, 7401, 7405, 7406, or 7408 of this title or under title 5;

"(B) is authorized by the Secretary to provide health care under this chapter;

"(C) is required to adhere to all standards for quality relating to the provision of health care in accordance with applicable policies of the Department; and

"(D)(i) has an active, current, full, and unrestricted license, registration, or certification in a State to practice

the health care profession of the health care professional; or

"(ii) with respect to a health care profession listed under section 7402(b) of this title, has the qualifications for such profession as set forth by the Secretary.

"(2) A postgraduate health care employee who—

"(A) is appointed under section 7401(1), 7401(3), or 7405 of this title or title 5 for any category of personnel described in paragraph (1) or (3) of section 7401 of this title;

"(B) must obtain an active, current, full, and unrestricted license, registration, or certification or meet qualification standards set forth by the Secretary within a specified time frame; and

"(C) is under the clinical supervision of a health care professional described in paragraph (1); or

"(3) A health professions trainee who—

"(A) is appointed under section 7405 or 7406 of this title; and

"(B) is under the clinical supervision of a health care professional described in paragraph (1).".

SEC. 9102. ADDITIONAL CARE FOR NEWBORN CHILDREN OF VETERANS.

Section 1786 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "The Secretary" and inserting "Except as provided in subsection (c), the Secretary"; and

(2) by adding at the end the following new subsection:

"(c) EXCEPTION BASED ON MEDICAL NECESSITY.—Pursuant to such regulations as the Secretary shall prescribe to carry out this section, the Secretary may furnish more than seven days of health care services described in subsection (b), and may furnish transportation necessary to receive such services, to a newborn child based on medical necessity if the child is in need of additional care, including if the child has been discharged or released from a hospital and requires readmittance to ensure the health and welfare of the child.". Regulations.

SEC. 9103. EXPANSION OF ELIGIBILITY FOR HUD–VASH.

(a) HUD PROVISIONS.—Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following new subparagraph:

"(D) VETERAN DEFINED.—In this paragraph, the term 'veteran' has the meaning given that term in section 2002(b) of title 38, United States Code.".

(b) VHA CASE MANAGERS.—Subsection (b) of section 2003 of title 38, United States Code, is amended by adding at the end the following: "In the case of vouchers provided under the HUD–VASH program under section 8(o)(19) of such Act, for purposes of the preceding sentence, the term 'veteran' shall have the meaning given such term in section 2002(b) of this title.". Definition.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the homelessness services provided under programs of the Department of Veterans Affairs, including services under HUD– 38 USC 2001 note.

VASH program under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)).

(2) INCLUDED INFORMATION.—Each such annual report shall include, with respect to the year preceding the submittal of the report, a statement of the number of eligible individuals who were furnished such homelessness services and the number of individuals furnished such services under each such program, disaggregated by the number of men who received such services and the number of women who received such services, and such other information as the Secretary considers appropriate.

SEC. 9104. STUDY ON UNEMPLOYMENT RATE OF WOMEN VETERANS WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES AFTER SEPTEMBER 11, 2001.

(a) STUDY.—

Deadline. Consultation.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Bureau of Labor Statistics of the Department of Labor, shall conduct a study on why post-9/11 veterans who are women are at higher risk of unemployment than all other groups of women veterans and their non-veteran counterparts.

(2) CONDUCT OF STUDY.—

(A) IN GENERAL.—The Secretary shall conduct the study under paragraph (1) through the Center for Women Veterans under section 318 of title 38, United States Code.

(B) CONSULTATION.—In carrying out the study conducted under paragraph (1), the Secretary may consult with—

(i) the Department of Labor;

(ii) other Federal agencies, including the Department of Defense, the Office of Personnel Management, and the Small Business Administration;

(iii) foundations; and

(iv) other entities in the private sector.

Analysis.

(3) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall include, with respect to post-9/11 veterans who are women, an analysis of each of the following:

(A) Rank at the time of separation from the Armed Forces.

(B) Geographic location of residence upon such separation.

(C) Highest level of education achieved as of the time of such separation.

(D) The percentage of such veterans who enrolled in a program of education or an employment training program of the Department of Veterans Affairs or the Department of Labor after such separation.

(E) Industries that have employed such veterans.

(F) Military occupational specialties of such veterans while serving as members of the Armed Forces.

(G) Barriers to employment of such veterans.

(H) Causes of the fluctuations in employment of such veterans.

(I) Employment training programs of the Department of Veterans Affairs or the Department of Labor that are

available to such veterans as of the date of the enactment of this Act.

(J) Economic indicators that affect the unemployment of such veterans.

(K) Health conditions of such veterans that could affect employment.

(L) Whether there are differences in the analyses conducted under subparagraphs (A) through (K) depending on the race of such veterans.

(M) The difference between unemployment rates of post-9/11 veterans who are women compared to unemployment rates of post-9/11 veterans who are men, including an analysis of potential causes of such difference.

(N) Such other matters as the Secretary determines appropriate.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after completing the study under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such study.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The analysis conducted under subsection (a)(3).

(B) A description of the methods used to conduct the study under subsection (a).

(C) Such other matters relating to the unemployment rates of post-9/11 veterans who are women as the Secretary considers appropriate.

(c) POST-9/11 VETERAN DEFINED.—In this section, the term "post-9/11 veteran" means a veteran who served on active duty in the Armed Forces on or after September 11, 2001.

SEC. 9105. ACCESS OF VETERANS TO INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.

Website.
38 USC 527 note.

The Secretary of Veterans Affairs shall provide to a veteran read-only access to the documents of the veteran contained in the Individual Longitudinal Exposure Record in a printable format through a portal accessible through an internet website of the Department of Veterans Affairs.

SEC. 9106. DEPARTMENT OF VETERANS AFFAIRS REPORT ON UNDISBURSED FUNDS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the undisbursed funds of the Department of Veterans Affairs.

(b) ELEMENTS.—The report required under subsection (a) shall include each of the following:

(1) The total quantities and value, for each of the preceding ten fiscal years, of— Time period.

(A) the undisbursed funds in the possession of the Department; and

(B) the undisbursed funds of the Department that were transferred to the Department of Treasury.

Procedures.

(2) The policies and procedures of the Department for managing undisbursed funds and for communicating with veterans, other beneficiaries, and heirs regarding undisbursed funds.

Plans.

(3) The challenges regarding the policies and procedures identified under paragraph (2), any legal barriers to improving such policies and procedures, and the plans of the Secretary for improvement.

(c) REVIEW OF REPORT.—The Comptroller General of the United States shall conduct a review of the report submitted under subsection (a).

(d) UNDISBURSED FUNDS DEFINED.—The term "undisbursed funds"—

(1) means any amount of money that is owed to a beneficiary and that has not been disbursed—

(A) in the case of an amount that is owed by reason of an insurance benefit under chapter 19 of title 38, United States Code, for a period of one year or longer; or

(B) in the case of an amount that is owed by reason of any other benefit under the laws administered by the Secretary of Veterans Affairs, for a period of 30 days or longer; and

(2) does not include any amount of money that—

(A) has not been disbursed due to a contested claim for benefits under the laws administered by the Secretary; or

(B) is in dispute by two or more parties over who is the entitled beneficiary.

California.
38 USC 2400 note.

SEC. 9107. TRANSFER OF MARE ISLAND NAVAL CEMETERY TO SECRETARY OF VETERANS AFFAIRS FOR MAINTENANCE BY NATIONAL CEMETERY ADMINISTRATION.

Contracts.
Effective date.

(a) AGREEMENT.—Beginning on the date that is 180 days after the date on which the Secretary submits the report required by subsection (c)(1), the Secretary of Veterans Affairs shall seek to enter into an agreement with the city of Vallejo, California, under which the city of Vallejo shall transfer to the Secretary all right, title, and interest in the Mare Island Naval Cemetery in Vallejo, California, at no cost to the Secretary. The Secretary shall seek to enter into such agreement before the date that is one year after the date on which such report is submitted.

(b) MAINTENANCE BY NATIONAL CEMETERY ADMINISTRATION.—If the Mare Island Naval Cemetery is transferred to the Secretary of Veterans Affairs pursuant to subsection (a), the National Cemetery Administration shall maintain the cemetery in the same manner as other cemeteries under the jurisdiction of the National Cemetery Administration.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility and advisability of exercising the authority to enter into an agreement under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

Assessment.

(A) An assessment of the feasibility and advisability of entering into such an agreement.

(B) An estimate of the costs, including both direct and indirect costs, that the Department of Veterans Affairs would incur by entering into such an agreement. Cost estimates.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is only potentially advisable and feasible to transfer the Mare Island Naval Cemetery from the city of Vallejo, California, to the Department of Veterans Affairs because the cemetery was previously under the control of the Department of Defense; and

(2) the City of Vallejo should provide in-kind non-monetary contributions for the improvement and maintenance of Mare Island Naval Cemetery, including labor and equipment, to the extent practicable, to the Department of Veterans Affairs, following any transfer of the cemetery to the Department.

SEC. 9108. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF VETERANS AFFAIRS HANDLING OF DISABILITY COMPENSATION CLAIMS BY CERTAIN VETERANS.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing an evaluation of how the Department of Veterans Affairs has handled claims for disability compensation under the laws administered by the Secretary of Veterans Affairs submitted by veterans who—

(1) have type 1 diabetes; and

(2) have been exposed to an herbicide agent (as defined in section 1116(a)(3) of title 38, United States Code).

SEC. 9109. ADDITIONAL DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS FOR WHICH THERE IS A PRESUMPTION OF SERVICE CONNECTION FOR VETERANS WHO SERVED IN THE REPUBLIC OF VIETNAM.

Section 1116(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

"(I) Parkinsonism.

"(J) Bladder cancer.

"(K) Hypothyroidism.".

TITLE XCII—COMMUNICATIONS MATTERS

Sec. 9201. Reliable emergency alert distribution improvement.
Sec. 9202. Wireless supply chain innovation and multilateral security.
Sec. 9203. Spectrum information technology modernization efforts.
Sec. 9204. Internet of Things.

SEC. 9201. RELIABLE EMERGENCY ALERT DISTRIBUTION IMPROVEMENT. 47 USC 1206.

(a) WIRELESS EMERGENCY ALERTS SYSTEM OFFERINGS.—

(1) AMENDMENT.—Section 602(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—

(A) by striking the second and third sentences; and

(B) by striking "other than an alert issued by the President." and inserting the following: "other than an alert issued by—

"(i) the President; or

"(ii) the Administrator of the Federal Emergency Management Agency.".

Deadline. Consultation.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by paragraph (1)(B).

(b) STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATIONS COMMITTEES.—

Deadlines. Regulations.

(1) STATE EMERGENCY COMMUNICATIONS COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—

(A) encourage the chief executive of each State—

(i) to establish an SECC if the State does not have an SECC; or

Review.

(ii) if the State has an SECC, to review the composition and governance of the SECC;

(B) provide that—

(i) each SECC, not less frequently than annually, shall—

Review. Update.

(I) meet to review and update its State EAS Plan;

Certification.

(II) certify to the Commission that the SECC has met as required under subclause (I); and

(III) submit to the Commission an updated State EAS Plan; and

(ii) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under clause (i)(III), the Commission shall—

Approval.

(I) approve or disapprove the updated State EAS Plan; and

Notification.

(II) notify the chief executive of the State of the Commission's approval or disapproval of such plan, and reason therefor; and

(C) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under subparagraph (B)(i).

(2) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under paragraph (1)(C).

(3) DEFINITIONS.—In this subsection—

(A) the term "SECC" means a State Emergency Communications Committee;

(B) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

(C) the term "State EAS Plan" means a State Emergency Alert System Plan.

Consultation. Regulations. Records. Examination.

(c) FALSE ALERT REPORTING.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alerts System for

the purpose of recording such false alerts and examining the causes of such false alerts.

(d) REPEATING EMERGENCY ALERT SYSTEM MESSAGES FOR NATIONAL SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by— Deadline. Consultations. Regulations.

(A) the President; President.

(B) the Administrator; or

(C) any other entity determined appropriate under the circumstances by the Commission, in consultation with the Administrator. Determination.

(2) SCOPE OF RULEMAKING.—Paragraph (1) shall—

(A) apply to warnings of national security events, meaning emergencies of national significance, such as a missile threat, terror attack, or other act of war or threat to public safety; and Applicability.

(B) not apply to more typical warnings, such as a weather alert, AMBER Alert, or disaster alert.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair, limit, or otherwise change—

(A) the authority of the President granted by law to alert and warn the public; or

(B) the role of the President as commander-in-chief with respect to the identification, dissemination, notification, or alerting of information of missile threats against the United States, or threats to public safety.

(e) INTERNET AND ONLINE STREAMING SERVICES EMERGENCY ALERT EXAMINATION.—

(1) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services. Deadline. Notice. Public comments.

(2) REPORT.—Not later than 90 days after completing the inquiry under paragraph (1), the Commission shall submit a report on the findings and conclusions of the inquiry to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(f) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency;

(2) the term "Commission" means the Federal Communications Commission;

(3) the term "Emergency Alert System" means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term "Wireless Emergency Alerts System" means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C.

1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

47 USC 906.

SEC. 9202. WIRELESS SUPPLY CHAIN INNOVATION AND MULTILATERAL SECURITY.

(a) COMMUNICATIONS TECHNOLOGY SECURITY FUNDS.—

(1) PUBLIC WIRELESS SUPPLY CHAIN INNOVATION FUND.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Public Wireless Supply Chain Innovation Fund" (referred to in this paragraph as the "Innovation Fund").

(ii) AVAILABILITY.—

(I) IN GENERAL.—Amounts appropriated to the Innovation Fund shall remain available through the end of the tenth fiscal year beginning after the date on which funds are appropriated to the Fund.

(II) REMAINDER TO TREASURY.—Any amounts remaining in the Innovation Fund after the end of the tenth fiscal year beginning after the date of appropriation shall be deposited in the general fund of the Treasury.

Grants.
Determination.

(B) USE OF FUND.—

(i) IN GENERAL.—Amounts appropriated to the Innovation Fund shall be available to the Secretary, acting through the NTIA Administrator, to make grants on a competitive basis under this paragraph in such amounts as the Secretary, acting through the NTIA Administrator, determines appropriate, subject to clause (ii).

(ii) LIMITATION ON GRANT AMOUNTS.—The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed $50,000,000.

Consultation.
Criteria.

(C) ADMINISTRATION OF FUND.—The Secretary, acting through the NTIA Administrator, in consultation with the Commission, the Under Secretary of Commerce for Standards and Technology, the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence, shall establish criteria for grants awarded under this paragraph, by the NTIA Administrator and administer the Innovation Fund, to support the following:

(i) Promoting and deploying technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as "5G") and successor wireless technology supply chains that use open and interoperable interface radio access networks.

(ii) Accelerating commercial deployments of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the

O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(iii) Promoting and deploying compatibility of new 5G equipment with future open standards-based, interoperable equipment.

(iv) Managing integration of multi-vendor network environments.

(v) Identifying objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(vi) Promoting and deploying security features enhancing the integrity and availability of equipment in multi-vendor networks.

(vii) Promoting and deploying network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

(D) NONDUPLICATION.—To the greatest extent practicable, the Secretary, acting through the NTIA Administrator, shall ensure that any research funded by a grant awarded under this paragraph avoids duplication of other Federal or private sector research.

(E) TIMING.—Not later than one year after the date on which funds are appropriated to the Innovation Fund, the Secretary, acting through the NTIA Administrator, shall begin awarding grants under this paragraph. Deadline.

(F) FEDERAL ADVISORY BODY.—

(i) ESTABLISHMENT.—The Secretary, acting through the NTIA Administrator, and in consultation with the Under Secretary of Commerce for Standards and Technology, shall establish a Federal advisory committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), composed of government and private sector experts, to advise the Secretary and the NTIA Administrator on the administration of the Innovation Fund. Consultation.

(ii) COMPOSITION.—The advisory committee established under clause (i) shall be composed of—

(I) representatives from—

(aa) the Commission;

(bb) the Department of Defense;

(cc) the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence;

(dd) the National Institute of Standards and Technology;

(ee) the Department of State;

(ff) the National Science Foundation;

(gg) the Department of Homeland Security; and

(hh) the National Telecommunications and Information Administration; and

(II) other representatives from the private and public sectors, at the discretion of the NTIA Administrator.

(iii) DUTIES.—The advisory committee established under clause (i) shall advise the Secretary and the

NTIA Administrator on technology developments to help inform—

(I) the strategic direction of the Innovation Fund; and

(II) efforts of the Federal Government to promote a more secure, diverse, sustainable, and competitive supply chain.

(G) REPORTS TO CONGRESS.—

(i) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the NTIA Administrator, shall submit to the relevant committees of Congress a report with—

Recommendations.

(I) additional recommendations on promoting the competitiveness and sustainability of trusted suppliers in the wireless supply chain; and

(II) any additional authorities needed to facilitate the timely adoption of open standards-based equipment, including authority to provide loans, loan guarantees, and other forms of credit extension that would maximize the use of funds.

(ii) ANNUAL REPORT.—For each fiscal year for which amounts in the Innovation Fund are available under this paragraph, the Secretary, acting through the NTIA Administrator, shall submit to Congress a report that—

(I) describes how, and to whom, amounts in the Innovation Fund have been deployed;

(II) details the progress of the Secretary and the NTIA Administrator in meeting the objectives described in subparagraph (C); and

(III) includes any additional information that the Secretary and the NTIA Administrator determine appropriate.

(2) MULTILATERAL TELECOMMUNICATIONS SECURITY FUND.—

(A) ESTABLISHMENT OF FUND.—

(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Multilateral Telecommunications Security Fund".

(ii) USE OF FUND.—Amounts appropriated to the Multilateral Telecommunications Security Fund shall be available to the Secretary of State to make expenditures under this paragraph in such amounts as the Secretary of State determines appropriate.

(iii) AVAILABILITY.—

(I) IN GENERAL.—Amounts appropriated to the Multilateral Telecommunications Security Fund—

(aa) shall remain available through the end of the tenth fiscal year beginning after the date of appropriation; and

(bb) may only be allocated upon the Secretary of State reaching an arrangement or agreement with foreign government partners to participate in the common funding mechanism described in subparagraph (B).

(II) REMAINDER TO TREASURY.—Any amounts remaining in the Multilateral Telecommunications

Security Fund after the end of the tenth fiscal year beginning after the date of the enactment of this Act shall be deposited in the general fund of the Treasury.

(B) ADMINISTRATION OF FUND.—The Secretary of State, in consultation with the NTIA Administrator, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, and the Commission, is authorized to establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Multilateral Telecommunications Security Fund to support the development and adoption of secure and trusted telecommunications technologies. In creating and sustaining a common funding mechanism, the Secretary of State should leverage United States funding in order to secure commitments and contributions from trusted foreign partners such as the United Kingdom, Canada, Australia, New Zealand, and Japan, and should prioritize the following objectives: Consultation.

(i) Advancing research and development of secure and trusted communications technologies.

(ii) Strengthening supply chains.

(iii) Promoting the use of trusted vendors.

(C) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Multilateral Telecommunications Security Fund are available, the Secretary of State shall submit to the relevant committees of Congress a report on the status and progress of the funding mechanism established under subparagraph (B), including—

(i) any funding commitments from foreign partners, including each specific amount committed;

(ii) governing criteria for use of the Multilateral Telecommunications Security Fund;

(iii) an account of—

(I) how, and to whom, funds have been deployed;

(II) amounts remaining in the Multilateral Telecommunications Security Fund; and

(III) the progress of the Secretary of State in meeting the objective described in subparagraph (B); and

(iv) additional authorities needed to enhance the effectiveness of the Multilateral Telecommunications Security Fund in achieving the security goals of the United States.

(D) NOTIFICATIONS TO BE PROVIDED BY THE FUND.—

(i) IN GENERAL.—Not later than 15 days prior to the Fund making a financial commitment associated with the provision of expenditures under subparagraph (A)(ii) in an amount in excess of $1,000,000, the Secretary of State shall submit to the appropriate congressional committees a report in writing that contains the information required by clause (ii). Reports.

(ii) INFORMATION REQUIRED.—The information required by this clause includes—

(I) the amount of each such expenditure;

(II) an identification of the recipient or beneficiary; and

(III) a description of the project or activity and the purpose to be achieved of an expenditure by the Fund.

Deadline.

(iii) ARRANGEMENTS OR AGREEMENTS.—The Secretary of State shall notify the appropriate congressional committees not later than 30 days after entering into a new bilateral or multilateral arrangement or agreement described in subparagraph (A)(iii)(I)(bb).

(iv) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term "appropriate congressional committees" means—

(I) the Committee on Foreign Relations of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Foreign Affairs of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(b) PROMOTING UNITED STATES LEADERSHIP IN INTERNATIONAL ORGANIZATIONS AND COMMUNICATIONS STANDARDS-SETTING BODIES.—

(1) IN GENERAL.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission, or their designees, shall consider how to enhance representation of the United States at international forums that set standards for 5G networks and for future generations of wireless communications networks, including—

(A) the International Telecommunication Union (commonly known as "ITU");

(B) the International Organization for Standardization (commonly known as "ISO");

(C) the Inter-American Telecommunication Commission (commonly known as "CITEL"); and

(D) the voluntary standards organizations that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers (commonly known as "IEEE").

(2) ANNUAL REPORT.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall jointly submit to the relevant committees of Congress an annual report on the progress made under paragraph (1).

(c) DEFINITIONS.— In this section:

(1) The term "3GPP" means the Third Generation Partnership Project.

(2) The term "5G network" means a radio network as described by 3GPP Release 15 or higher.

(3) The term "Commission" means the Federal Communications Commission.

(4) The term "NTIA Administrator" means the Assistant Secretary of Commerce for Communications and Information.

(5) The term "Open-RAN" means the Open Radio Access Network approach to standardization adopted by the O-RAN Alliance, Telecom Infra Project, or 3GPP, or any similar set

of open standards for multi-vendor network equipment interoperability.

(6) The term "relevant committees of Congress" means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Commerce, Science, and Transportation of the Senate;

(F) the Committee on Appropriations of the Senate;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives;

(K) the Committee on Energy and Commerce of the House of Representatives; and

(L) the Committee on Appropriations of the House of Representatives.

(7) The term "Secretary" means the Secretary of Commerce.

SEC. 9203. SPECTRUM INFORMATION TECHNOLOGY MODERNIZATION EFFORTS.

Reports.
Plans.
47 USC 902 note.

(a) INITIAL INTERAGENCY SPECTRUM INFORMATION TECHNOLOGY COORDINATION.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of Commerce for Communications and Information, in consultation with the Policy and Plans Steering Group, shall identify a process to establish goals, including parameters to measure the achievement of such goals, for the modernization of the infrastructure of covered agencies relating to managing the use of Federal spectrum by such agencies, which shall include—

Deadline.
Consultation.

(1) the standardization of data inputs, modeling algorithms, modeling and simulation processes, analysis tools with respect to Federal spectrum, assumptions, and any other tool to ensure interoperability and functionality with respect to such infrastructure;

Standards.
Data.

(2) other potential innovative technological capabilities with respect to such infrastructure, including cloud-based databases, artificial intelligence technologies, automation, and improved modeling and simulation capabilities;

(3) ways to improve the management of the use of Federal spectrum by covered agencies through such infrastructure, including by—

(A) increasing the efficiency of such infrastructure;

(B) addressing validation of usage with respect to such infrastructure;

(C) increasing the accuracy of such infrastructure;

(D) validating models used by such infrastructure; and

(E) monitoring and enforcing requirements that are imposed on covered agencies with respect to the use of Federal spectrum by covered agencies;

(4) ways to improve the ability of covered agencies to meet mission requirements in congested environments with respect to Federal spectrum, including as part of automated adjustments to operations based on changing conditions in such environments;

(5) the creation of a time-based automated mechanism—

(A) to share Federal spectrum between covered agencies to collaboratively and dynamically increase access to Federal spectrum by such agencies; and

(B) that could be scaled across Federal spectrum; and

(6) the collaboration between covered agencies necessary to ensure the interoperability of Federal spectrum.

(b) SPECTRUM INFORMATION TECHNOLOGY MODERNIZATION.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall submit to Congress a report that contains a plan for the National Telecommunications and Information Administration (in this section referred to as the "NTIA") to modernize and automate the infrastructure of the NTIA relating to managing the use of Federal spectrum by covered agencies so as to more efficiently manage such use.

(2) CONTENTS.—The report required by paragraph (1) shall include—

Assessment.

(A) an assessment of the current, as of the date on which such report is submitted, infrastructure of the NTIA described in such paragraph;

Acquisition strategy.

(B) an acquisition strategy for the modernized infrastructure of the NTIA described in such paragraph, including how such modernized infrastructure will enable covered agencies to be more efficient and effective in the use of Federal spectrum;

Timeline.

(C) a timeline for the implementation of the modernization efforts described in such paragraph;

(D) plans detailing how the modernized infrastructure of the NTIA described in such paragraph will—

(i) enhance the security and reliability of such infrastructure so that the NTIA is in compliance with the requirements of subchapter II of chapter 35 of title 44, United States Code, with respect to such infrastructure;

(ii) improve data models and analysis tools to increase the efficiency of the spectrum use described in such paragraph;

(iii) enhance automation and workflows, and reduce the scope and level of manual effort, in order to—

(I) administer the management of the spectrum use described in such paragraph; and

(II) improve data quality and processing time; and

(iv) improve the timeliness of spectrum analyses and requests for information, including requests submitted pursuant to section 552 of title 5, United States Code;

(E) an operations and maintenance plan with respect to the modernized infrastructure of the NTIA described in such paragraph;

(F) a strategy for coordination between the covered agencies within the Policy and Plans Steering Group, which shall include— Strategy.

(i) a description of—

(I) such coordination efforts, as in effect on the date on which such report is submitted; and

(II) a plan for coordination of such efforts after the date on which such report is submitted, including with respect to the efforts described in subsection (c);

(ii) a plan for standardizing—

(I) electromagnetic spectrum analysis tools;

(II) modeling and simulation processes and technologies; and

(III) databases to provide technical interference assessments that are usable across the Federal Government as part of a common spectrum management infrastructure for covered agencies; and

(iii) a plan for each covered agency to implement a modernization plan described in subsection (c)(1) that is tailored to the particular timeline of such agency; Plan.

(G) identification of manually intensive processes involved in managing Federal spectrum and proposed enhancements to such processes;

(H) metrics to evaluate the success of the modernization efforts described in such paragraph and any similar future efforts; and Evaluation.

(I) an estimate of the cost of the modernization efforts described in such paragraph and any future maintenance with respect to the modernized infrastructure of the NTIA described in such paragraph, including the cost of any personnel and equipment relating to such maintenance. Cost estimate.

(c) COVERED AGENCY SPECTRUM INFORMATION TECHNOLOGY MODERNIZATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the head of each covered agency shall submit to the Assistant Secretary of Commerce for Communications and Information and the Policy and Plans Steering Group a report that describes a plan for such agency to modernize the infrastructure of such agency with respect to the use of Federal spectrum by such agency so that such modernized infrastructure of such agency is interoperable with the modernized infrastructure of the NTIA, as described in subsection (b).

(2) CONTENTS.—Each report submitted by the head of a covered agency under paragraph (1) shall—

(A) include—

(i) an assessment of the current, as of the date on which such report is submitted, management capabilities of such agency with respect to the use of frequencies that are assigned to such agency, which shall include a description of any challenges faced by such agency with respect to such management; Assessment.

Timeline.

(ii) a timeline for completion of the modernization efforts described in such paragraph;

(iii) a description of potential innovative technological capabilities for the management of frequencies that are assigned to such agency, as determined under subsection (a);

(iv) identification of agency-specific requirements or constraints relating to the infrastructure of such agency;

(v) identification of any existing, as of the date on which such report is submitted, systems of such agency that are duplicative of the modernized infrastructure of the NTIA, as described in subsection (b); and

Strategies.

(vi) with respect to the report submitted by the Secretary of Defense—

(I) a strategy for the integration of systems or the flow of data among the Armed Forces, the military departments, the Defense Agencies and Department of Defense Field Activities, and other components of the Department of Defense;

(II) a plan for the implementation of solutions to the use of Federal spectrum by the Department of Defense involving information at multiple levels of classification; and

(III) a strategy for addressing, within the modernized infrastructure of the Department of Defense described in such paragraph, the exchange of information between the Department of Defense and the NTIA in order to accomplish required processing of all Department of Defense domestic spectrum coordination and management activities; and

Classified information.

(B) be submitted in an unclassified format, with a classified annex, as appropriate.

(3) NOTIFICATION OF CONGRESS.—Upon submission of a report under paragraph (1), the head of a covered agency shall notify Congress that such report has been submitted.

Deadlines.

(d) GAO OVERSIGHT.—The Comptroller General of the United States shall—

Review.

(1) not later than 180 days after the date of the enactment of this Act, conduct a review of the infrastructure of covered agencies, as such infrastructure exists on the date of the enactment of this Act;

(2) upon submission of all of the reports required by subsection (c), begin conducting oversight of the implementation of the modernization plans submitted by the Assistant Secretary and covered agencies under subsections (b) and (c), respectively;

Time period.

(3) not later than 2 years after the date on which the Comptroller General begins conducting oversight under paragraph (2), and biennially thereafter until December 31, 2030, submit a report regarding such oversight to—

(A) with respect to the implementation of the modernization plan of the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(B) with respect to the implementation of the modernization plans of all covered agencies, including the Department of Defense, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(4) until December 31, 2030, provide regular briefings to— Briefings.

(A) with respect to the application of this section to the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(B) with respect to the application of this section to all covered agencies, including the Department of Defense, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(e) DEFINITIONS.—In this section:

(1) The term "covered agency"—

(A) means any Federal entity that the Assistant Secretary of Commerce for Communications and Information determines is appropriate; and

(B) includes the Department of Defense.

(2) The term "Federal entity" has the meaning given such term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(3) The term "Federal spectrum" means frequencies assigned on a primary basis to a covered agency.

(4) The term "infrastructure" means information technology systems and information technologies, tools, and databases.

SEC. 9204. INTERNET OF THINGS. 47 USC 901 note.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(3) STEERING COMMITTEE.—The term "steering committee" means the steering committee established under subsection (b)(5)(A).

(4) WORKING GROUP.—The term "working group" means the working group convened under subsection (b)(1).

(b) FEDERAL WORKING GROUP.—

(1) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in paragraph (2).

(2) DUTIES.—The working group shall—

(A) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

(B) consider policies or programs that encourage and improve coordination among Federal agencies that have responsibilities that are relevant to the objectives of this section;

(C) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations;

(D) examine—

(i) how Federal agencies can benefit from utilizing the Internet of Things;

(ii) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(iii) the preparedness and ability of Federal agencies to adopt Internet of Things technology as of the date on which the working group performs the examination and in the future; and

(iv) any additional security measures that Federal agencies may need to take to—

(I) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(II) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

(E) in carrying out the examinations required under subclauses (I) and (II) of subparagraph (D)(iv), ensure to the maximum extent possible the coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things.

(3) AGENCY REPRESENTATIVES.—In convening the working group under paragraph (1), the Secretary shall have discretion to appoint representatives from Federal agencies and departments as appropriate and shall specifically consider seeking representation from—

(A) the Department of Commerce, including—

(i) the National Telecommunications and Information Administration;

(ii) the National Institute of Standards and Technology; and

(iii) the National Oceanic and Atmospheric Administration;

(B) the Department of Transportation;

(C) the Department of Homeland Security;

(D) the Office of Management and Budget;

(E) the National Science Foundation;

(F) the Commission;

(G) the Federal Trade Commission;

(H) the Office of Science and Technology Policy;

(I) the Department of Energy; and

(J) the Federal Energy Regulatory Commission.

Consultation.

(4) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders with expertise relating to the Internet of Things, including—

(A) the steering committee;

(B) information and communications technology manufacturers, suppliers, service providers, and vendors;

(C) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(D) small, medium, and large businesses;
(E) think tanks and academia;
(F) nonprofit organizations and consumer groups;
(G) security experts;
(H) rural stakeholders; and
(I) other stakeholders with relevant expertise, as determined by the Secretary.

(5) STEERING COMMITTEE.—

(A) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(B) DUTIES.—The steering committee shall advise the working group with respect to—

(i) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(ii) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from or to—

(I) smart traffic and transit technologies;
(II) augmented logistics and supply chains;
(III) sustainable infrastructure;
(IV) precision agriculture;
(V) environmental monitoring;
(VI) public safety; and
(VII) health care;

(iii) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(iv) policies, programs, or multi-stakeholder activities that—

(I) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;

(II) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(III) may protect users of the Internet of Things; and

(IV) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(v) the opportunities and challenges associated with the use of Internet of Things technology by small businesses; and

(vi) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(C) MEMBERSHIP.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including— Appointment.

(i) information and communications technology manufacturers, suppliers, service providers, and vendors;

(ii) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(iii) small, medium, and large businesses;

(iv) think tanks and academia;

(v) nonprofit organizations and consumer groups;

(vi) security experts;

(vii) rural stakeholders; and

Determination.

(viii) other stakeholders with relevant expertise, as determined by the Secretary.

Recommendations.

(D) REPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall submit to the working group a report that includes any findings or recommendations of the steering committee.

(E) INDEPENDENT ADVICE.—

(i) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under subparagraph (B).

(ii) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(iii) REPORT.—The steering committee shall ensure that the report submitted under subparagraph (D) is the result of the independent judgment of the steering committee.

(F) NO COMPENSATION FOR MEMBERS.—A member of the steering committee shall serve without compensation.

(G) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under paragraph (6).

(6) REPORT TO CONGRESS.—

Recommendations.

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(i) the findings and recommendations of the working group with respect to the duties of the working group under paragraph (2);

(ii) the report submitted by the steering committee under paragraph (5)(D), as the report was received by the working group;

(iii) recommendations for action or reasons for inaction, as applicable, with respect to each recommendation made by the steering committee in the report submitted under paragraph (5)(D); and

(iv) an accounting of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

(B) COPY OF REPORT.—The working group shall submit a copy of the report described in subparagraph (A) to—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Energy and Commerce of the House of Representatives; and

(iii) any other committee of Congress, upon request to the working group.

(c) ASSESSING SPECTRUM NEEDS.—

(1) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, as of the date of enactment of this Act, and future spectrum needs to enable better connectivity relating to the Internet of Things. Consultation.

(2) REQUIREMENTS.—In issuing the notice of inquiry under paragraph (1), the Commission shall seek comments that consider and evaluate— Evaluation.

(A) whether adequate spectrum is available, or is planned for allocation, for commercial wireless services that could support the growing Internet of Things;

(B) if adequate spectrum is not available for the purposes described in subparagraph (A), how to ensure that adequate spectrum is available for increased demand with respect to the Internet of Things;

(C) what regulatory barriers may exist to providing any needed spectrum that would support uses relating to the Internet of Things; and

(D) what the role of unlicensed and licensed spectrum is and will be in the growth of the Internet of Things.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under paragraph (1). Summary.

TITLE XCIII—INTELLIGENCE MATTERS

Sec. 9301. Requirement for facilitation of establishment of social media data and threat analysis center.
Sec. 9302. Independent study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

SEC. 9301. REQUIREMENT FOR FACILITATION OF ESTABLISHMENT OF SOCIAL MEDIA DATA AND THREAT ANALYSIS CENTER.

(a) REQUIREMENT TO FACILITATE ESTABLISHMENT.—Subsection (c)(1) of section 5323 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (division E of Public Law 116–92; 50 U.S.C. 3369) is amended—

(1) by striking "The Director" and inserting "Not later than June 1, 2021, the Director"; and

(2) by striking "may" and inserting "shall".

(b) REPORTING ON FOREIGN MALIGN INFLUENCE CAMPAIGNS ON SOCIAL MEDIA PLATFORMS TARGETING ELECTIONS FOR FEDERAL OFFICE.—Such section is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) FOREIGN MALIGN INFLUENCE CAMPAIGNS ON SOCIAL MEDIA PLATFORMS TARGETING ELECTIONS FOR FEDERAL OFFICE.—

"(1) REPORTS.—

"(A) REQUIREMENT.—Not later than 90 days before the date of each regularly scheduled general election for Federal office, the Director of the Center shall submit to the appropriate congressional committees a report on foreign malign influence campaigns on and across social media platforms targeting such election.

"(B) MATTERS INCLUDED.—Each report under subparagraph (A) shall include an analysis of the following:

"(i) The patterns, tools, and techniques of foreign malign influence campaigns across all platforms on social media by a covered foreign country targeting a regularly scheduled general election for Federal office.

"(ii) Inauthentic accounts and 'bot' networks across platforms, including the scale to which such accounts or networks exist, how platforms currently act to remove such accounts or networks, and what percentage of such accounts or networks have been removed during the period covered by the report.

Estimate.

"(iii) The estimated reach and impact of intentional or weaponized disinformation by inauthentic accounts and 'bot' networks, including an analysis of amplification by users and algorithmic distribution.

"(iv) The trends of types of media that are being used for dissemination through foreign malign influence campaigns, including machine-manipulated media, and the intended targeted groups.

"(C) INITIAL REPORT.—Not later than August 1, 2021, the Director of the Center shall submit to the appropriate congressional committees a report under subparagraph (A) addressing the regularly scheduled general election for Federal office occurring during 2020.

Classified information.

"(D) FORM.—Each report under this paragraph shall be submitted in an unclassified form, but may include a classified annex.

Assessments.
Reports.
Coordination.

"(2) BRIEFINGS.—

"(A) REQUIREMENT.—Not later than 30 days after the date on which the Director submits to the appropriate congressional committees a report under paragraph (1), the Director of National Intelligence, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall provide to such committees a briefing assessing threats from foreign malign influence campaigns on social media from covered countries to the regularly scheduled general election for Federal office covered by the report.

"(B) MATTERS TO BE INCLUDED.—Each briefing under subparagraph (A) shall include the following:

"(i) The patterns, tools, and techniques of foreign malign influence campaigns across all platforms on

social media by a covered foreign country targeting a regularly scheduled general election for Federal office.

"(ii) An assessment of the findings from the report for which the briefing is provided.

"(iii) The activities and methods used to mitigate the threats associated with such findings by the Department of Defense, the Department of Homeland Security, or other relevant departments or agencies of the Federal Government.

"(iv) The steps taken by departments or agencies of the Federal Government to cooperate with social media companies to mitigate the threats identified.".

(c) DEFINITIONS.—Subsection (h) of such section, as redesignated by subsection (b) of this section, is amended to read as follows:

"(h) DEFINITIONS.—

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the congressional intelligence committees;

"(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives; and

"(C) the Committee on Armed Services, the Committee on Appropriations, the Committee on Homeland Security and Government Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

"(2) COVERED FOREIGN COUNTRY AND FOREIGN MALIGN INFLUENCE.—The terms 'covered foreign country' and 'foreign malign influence' have the meanings given those terms in section 119C of the National Security Act of 1947 (50 U.S.C. 3059).

"(3) MACHINE-MANIPULATED MEDIA.—The term 'machine-manipulated media' has the meaning given that term in section 5724.".

(d) CONFORMING AMENDMENTS.—

(1) REPORTING.—Subsection (d) of such section is amended—

(A) in the matter preceding paragraph (1), by striking "If the Director" and all that follows through "the Center, the" and inserting "The"; and

(B) in paragraph (1), by striking "180 days after the date of the enactment of this Act" and inserting "August 1, 2021".

(2) FUNDING.—Subsection (g) of such section, as redesignated by subsection (b) of this section, is amended by striking "fiscal year 2020 and 2021" and inserting "fiscal year 2021 and 2022".

(3) CLERICAL.—Such section 5323 is further amended—

(A) in the section heading, by striking "**ENCOURAGEMENT OF**"; and

(B) in subsection (c)—

(i) in the subsection heading, by striking "AUTHORITY" and inserting "REQUIREMENT"; and

(ii) in paragraph (1), in the paragraph heading, by striking "AUTHORITY" and inserting "REQUIREMENT".

SEC. 9302. INDEPENDENT STUDY ON IDENTIFYING AND ADDRESSING THREATS THAT INDIVIDUALLY OR COLLECTIVELY AFFECT NATIONAL SECURITY, FINANCIAL SECURITY, OR BOTH.

Deadline. Coordination.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of the Treasury and the heads of other relevant departments and agencies of the Federal Government, shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

Assessments.

(b) ELEMENTS OF STUDY.—In carrying out the study under subsection (a), the federally funded research and development center selected under such subsection shall—

(1) identify threats that individually or collectively affect national security, financial security, or both, including—

(A) foreign influence in companies seeking to access capital markets by conducting initial public offerings in other countries;

(B) the use of financial instruments, markets, payment systems, or digital assets in ways that appear legitimate but may be part of a foreign malign strategy to weaken or undermine the economic security of the United States; and

(C) any other known or potential threats that individually or collectively affect national security, financial security, or both currently or in the foreseeable future;

(2) assess the extent to which the United States Government is currently able to identify and characterize the threats identified under paragraph (1);

(3) assess the extent to which the United States Government is currently able to address the risk posed by the threats identified under paragraph (1);

(4) assess whether current levels of information sharing and cooperation between the United States Government and allies and partners of the United States have been helpful or can be improved upon in order for the United States Government to identify, characterize, and mitigate the threats identified under paragraph (1); and

Recommendations.

(5) recommend opportunities, and any such authorities or resources required, to improve the efficiency and effectiveness of the United States Government in identifying and countering the threats identified under paragraph (1).

Reports. Classified information.

(c) SUBMISSION TO DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected to conduct the study under subsection (a) shall submit to the Director of National Intelligence a report on the results of the study in both classified and unclassified form.

(d) SUBMISSION TO CONGRESS.—

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date on which the Director of National Intelligence receives the report under subsection (c), the Director shall submit to the appropriate congressional committees—

(A) a copy of the report, without change, in both classified and unclassified form; and Records.

(B) such comments as the Director, in coordination with the Secretary of the Treasury and the heads of other relevant departments and agencies of the Federal Government, may have with respect to the report. Consultation.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

TITLE XCIV—SCIENCE, SPACE, AND TECHNOLOGY MATTERS

Subtitle A—Cybersecurity Matters

Sec. 9401. Improving national initiative for cybersecurity education.
Sec. 9402. Development of standards and guidelines for improving cybersecurity workforce of Federal agencies.
Sec. 9403. Modifications to Federal cyber scholarship-for-service program.
Sec. 9404. Additional modifications to Federal cyber scholarship-for-service program.
Sec. 9405. Cybersecurity in programs of the National Science Foundation.
Sec. 9406. Cybersecurity in STEM programs of the National Aeronautics and Space Administration.
Sec. 9407. National cybersecurity challenges.

Subtitle B—Other Matters

Sec. 9411. Established Program to Stimulate Competitive Research.
Sec. 9412. Industries of the future.
Sec. 9413. National Institute of Standards and Technology Manufacturing Extension Partnership program supply chain database.
Sec. 9414. Study on Chinese policies and influence in the development of international standards for emerging technologies.
Sec. 9415. Coordination with Hollings Manufacturing Extension Partnership Centers.

Subtitle A—Cybersecurity Matters

SEC. 9401. IMPROVING NATIONAL INITIATIVE FOR CYBERSECURITY EDUCATION.

(a) PROGRAM IMPROVEMENTS GENERALLY.—Subsection (a) of section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451) is amended—

(1) in paragraph (5), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (6) as paragraph (10); and

(3) by inserting after paragraph (5) the following:

"(6) supporting efforts to identify cybersecurity workforce skill gaps in public and private sectors;

"(7) facilitating Federal programs to advance cybersecurity education, training, and workforce development;

Coordination.

"(8) in coordination with the Department of Defense, the Department of Homeland Security, and other appropriate agencies, considering any specific needs of the cybersecurity workforce of critical infrastructure, including cyber physical systems and control systems;

"(9) advising the Director of the Office of Management and Budget, as needed, in developing metrics to measure the effectiveness and effect of programs and initiatives to advance the cybersecurity workforce; and".

(b) STRATEGIC PLAN.—Subsection (c) of such section is amended—

(1) by striking "The Director" and inserting the following: "(1) IN GENERAL.—The Director"; and

(2) by adding at the end the following:

"(2) REQUIREMENT.—The strategic plan developed and implemented under paragraph (1) shall include an indication of how the Director will carry out this section.".

15 USC 7451 note.

(c) CYBERSECURITY CAREER PATHWAYS.—

Deadline. Coordination. Consultation.

(1) IDENTIFICATION OF MULTIPLE CYBERSECURITY CAREER PATHWAYS.—In carrying out subsection (a) of such section and not later than 540 days after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in coordination with the Secretary of Defense, the Secretary of Homeland Security, the Director of the Office of Personnel Management, and the heads of other appropriate agencies, use a consultative process with other Federal agencies, academia, and industry to identify multiple career pathways for cybersecurity work roles that can be used in the private and public sectors.

(2) REQUIREMENTS.—The Director shall ensure that the multiple cybersecurity career pathways identified under paragraph (1) indicate the knowledge, skills, and abilities, including relevant education, training, internships, apprenticeships, certifications, and other experiences, that—

(A) align with employers' cybersecurity skill needs, including proficiency level requirements, for its workforce; and

(B) prepare an individual to be successful in entering or advancing in a cybersecurity career.

Coordination.

(3) EXCHANGE PROGRAM.—Consistent with requirements under chapter 37 of title 5, United States Code, the Director of the National Institute of Standards and Technology, in coordination with the Director of the Office of Personnel Management, may establish a voluntary program for the exchange of employees engaged in one of the cybersecurity work roles identified in the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181), or successor framework, between the National Institute of Standards and Technology and private sector institutions, including nonpublic or commercial businesses, research institutions, or institutions of higher education, as the Director of the National Institute of Standards and Technology considers feasible.

Deadline. Coordination. 15 USC 7451 note.

(d) PROFICIENCY TO PERFORM CYBERSECURITY TASKS.—Not later than 540 days after the date of the enactment of this Act, the

Director of the National Institute of Standards and Technology shall, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate agencies—

Assessment.

(1) in carrying out subsection (a) of such section, assess the scope and sufficiency of efforts to measure an individual's capability to perform specific tasks found in the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181) at all proficiency levels; and

(2) submit to Congress a report—

(A) on the findings of the Director with respect to the assessment carried out under paragraph (1); and

Recommendations.

(B) with recommendations for effective methods for measuring the cybersecurity proficiency of learners.

(e) CYBERSECURITY METRICS.—Such section is further amended by adding at the end the following:

"(e) CYBERSECURITY METRICS.—In carrying out subsection (a), the Director of the Office of Management and Budget may seek input from the Director of the National Institute of Standards and Technology, in coordination with the Department of Homeland Security, the Department of Defense, the Office of Personnel Management, and such agencies as the Director of the National Institute of Standards and Technology considers relevant, to develop quantifiable metrics for evaluating Federally funded cybersecurity workforce programs and initiatives based on the outcomes of such programs and initiatives.".

(f) REGIONAL ALLIANCES AND MULTISTAKEHOLDER PARTNERSHIPS.—Such section is further amended by adding at the end the following:

"(f) REGIONAL ALLIANCES AND MULTISTAKEHOLDER PARTNERSHIPS.—

Contracts.

"(1) IN GENERAL.—Pursuant to section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)), the Director shall establish cooperative agreements between the National Initiative for Cybersecurity Education (NICE) of the Institute and regional alliances or partnerships for cybersecurity education and workforce.

Contracts.

"(2) AGREEMENTS.—The cooperative agreements established under paragraph (1) shall advance the goals of the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework (NIST Special Publication 800–181), or successor framework, by facilitating local and regional partnerships to—

"(A) identify the workforce needs of the local economy and classify such workforce in accordance with such framework;

"(B) identify the education, training, apprenticeship, and other opportunities available in the local economy; and

"(C) support opportunities to meet the needs of the local economy.

"(3) FINANCIAL ASSISTANCE.—

"(A) FINANCIAL ASSISTANCE AUTHORIZED.—The Director may award financial assistance to a regional alliance or partnership with whom the Director enters into a cooperative agreement under paragraph (1) in order to assist the regional alliance or partnership in carrying out the terms of the cooperative agreement.

"(B) AMOUNT OF ASSISTANCE.—The aggregate amount of financial assistance awarded under subparagraph (A) per cooperative agreement shall not exceed $200,000.

"(C) MATCHING REQUIREMENT.—The Director may not award financial assistance to a regional alliance or partnership under subparagraph (A) unless the regional alliance or partnership agrees that, with respect to the costs to be incurred by the regional alliance or partnership in carrying out the cooperative agreement for which the assistance was awarded, the regional alliance or partnership will make available (directly or through donations from public or private entities) non-Federal contributions, including in-kind contributions, in an amount equal to 50 percent of Federal funds provided under the award.

"(4) APPLICATION.—

"(A) IN GENERAL.—A regional alliance or partnership seeking to enter into a cooperative agreement under paragraph (1) and receive financial assistance under paragraph (3) shall submit to the Director an application therefore at such time, in such manner, and containing such information as the Director may require.

"(B) REQUIREMENTS.—Each application submitted under subparagraph (A) shall include the following:

"(i)(I) A plan to establish (or identification of, if it already exists) a multistakeholder workforce partnership that includes—

"(aa) at least one institution of higher education or nonprofit training organization; and

"(bb) at least one local employer or owner or operator of critical infrastructure.

"(II) Participation from academic institutions in the Federal Cyber Scholarships for Service Program, the National Centers of Academic Excellence in Cybersecurity Program, or advanced technological education programs, as well as elementary and secondary schools, training and certification providers, State and local governments, economic development organizations, or other community organizations is encouraged.

"(ii) A description of how the workforce partnership would identify the workforce needs of the local economy.

"(iii) A description of how the multistakeholder workforce partnership would leverage the programs and objectives of the National Initiative for Cybersecurity Education, such as the Cybersecurity Workforce Framework and the strategic plan of such initiative.

"(iv) A description of how employers in the community will be recruited to support internships, externships, apprenticeships, or cooperative education programs in conjunction with providers of education and training. Inclusion of programs that seek to include veterans, Indian Tribes, and underrepresented groups, including women, minorities, persons from rural and underserved areas, and persons with disabilities is encouraged.

"(v) A definition of the metrics to be used in determining the success of the efforts of the regional alliance or partnership under the agreement.

"(C) PRIORITY CONSIDERATION.—In awarding financial assistance under paragraph (3)(A), the Director shall give priority consideration to a regional alliance or partnership that includes an institution of higher education that is designated as a National Center of Academic Excellence in Cybersecurity or which received an award under the Federal Cyber Scholarship for Service program located in the State or region of the regional alliance or partnership.

"(5) AUDITS.—Each cooperative agreement for which financial assistance is awarded under paragraph (3) shall be subject to audit requirements under part 200 of title 2, Code of Federal Regulations (relating to uniform administrative requirements, cost principles, and audit requirements for Federal awards), or successor regulation.

"(6) REPORTS.—

"(A) IN GENERAL.—Upon completion of a cooperative agreement under paragraph (1), the regional alliance or partnership that participated in the agreement shall submit to the Director a report on the activities of the regional alliance or partnership under the agreement, which may include training and education outcomes.

"(B) CONTENTS.—Each report submitted under subparagraph (A) by a regional alliance or partnership shall include the following:

Assessment.

"(i) An assessment of efforts made by the regional alliance or partnership to carry out paragraph (2).

"(ii) The metrics used by the regional alliance or partnership to measure the success of the efforts of the regional alliance or partnership under the cooperative agreement.".

(g) TRANSFER OF SECTION.—

(1) TRANSFER.—Such section is transferred to the end of title III of such Act and redesignated as section 303.

15 USC 7451, 7443.

(2) REPEAL.—Title IV of such Act is repealed.

(3) CLERICAL.—The table of contents in section 1(b) of such Act is amended—

(A) by striking the items relating to title IV and section 401; and

(B) by inserting after the item relating to section 302 the following:

"Sec. 303. National cybersecurity awareness and education program.".

(4) CONFORMING AMENDMENTS.—

(A) Section 302(3) of the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 301 note) is amended by striking "under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451)" and inserting "under section 303 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274)".

(B) Section 2(c)(3) of the NIST Small Business Cybersecurity Act (Public Law 115–236; 15 U.S.C. 272 note) is amended by striking "under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451)" and

inserting "under section 303 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274)".

(C) Section 302(f) of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442(f)) is amended by striking "under section 401" and inserting "under section 303".

SEC. 9402. DEVELOPMENT OF STANDARDS AND GUIDELINES FOR IMPROVING CYBERSECURITY WORKFORCE OF FEDERAL AGENCIES.

(a) IN GENERAL.—Section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) is amended—

(1) in paragraph (3), by striking "; and" and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) identify and develop standards and guidelines for improving the cybersecurity workforce for an agency as part of the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181), or successor framework.".

Deadline.
15 USC 278g–3 note.

(b) PUBLICATION OF STANDARDS AND GUIDELINES ON CYBERSECURITY AWARENESS.—Not later than three years after the date of the enactment of this Act and pursuant to section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), the Director of the National Institute of Standards and Technology shall publish standards and guidelines for improving cybersecurity awareness of employees and contractors of Federal agencies.

SEC. 9403. MODIFICATIONS TO FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "information technology" and inserting "information technology and cybersecurity";

(B) by amending paragraph (3) to read as follows:

"(3) prioritize the placement of scholarship recipients fulfilling the post-award employment obligation under this section to ensure that—

"(A) not less than 70 percent of such recipients are placed in an executive agency (as defined in section 105 of title 5, United States Code);

"(B) not more than 10 percent of such recipients are placed as educators in the field of cybersecurity at qualified institutions of higher education that provide scholarships under this section; and

"(C) not more than 20 percent of such recipients are placed in positions described in paragraphs (2) through (5) of subsection (d); and"; and

(C) in paragraph (4), in the matter preceding subparagraph (A), by inserting ", including by seeking to provide awards in coordination with other relevant agencies for summer cybersecurity camp or other experiences, including teacher training, in each of the 50 States," after "cybersecurity education";

(2) in subsection (d)—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) as provided by subsection (b)(3)(B), a qualified institution of higher education."; and

(3) in subsection (m)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "cyber" and inserting "cybersecurity"; and

(B) in paragraph (2), by striking "cyber" and inserting "cybersecurity".

SEC. 9404. ADDITIONAL MODIFICATIONS TO FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is further amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking "and" after the semicolon; and

(B) by striking paragraph (5) and inserting the following:

"(5) enter into an agreement accepting and acknowledging the post award employment obligations, pursuant to section (d); Contracts.

"(6) accept and acknowledge the conditions of support under section (g); and

"(7) accept all terms and conditions of a scholarship under this section.";

(2) in subsection (g)—

(A) in paragraph (1), by inserting "the Office of Personnel Management (in coordination with the National Science Foundation) and" before "the qualified institution";

(B) in paragraph (2)—

(i) in subparagraph (D), by striking "or" after the semicolon; and

(ii) by striking subparagraph (E) and inserting the following:

"(E) fails to maintain or fulfill any of the post-graduation or post-award obligations or requirements of the individual; or

"(F) fails to fulfill the requirements of paragraph (1).";

(3) in subsection (h)(2), by inserting "and the Director of the Office of Personnel Management" after "Foundation";

(4) in subsection (k)(1)(A), by striking "and the Director" and all that follows through "owed" and inserting ", the Director of the National Science Foundation, and the Director of the Office of Personnel Management of the amounts owed"; and

(5) in subsection (m)(2), by striking "once every 3 years" and all that follows through "workforce" and inserting "once every two years, to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science, Space, and Technology and the Committee on Oversight and Reform of the House of Representatives a report, including— Time period.

"(A) the results of the evaluation under paragraph (1);

"(B) the disparity in any reporting between scholarship recipients and their respective institutions of higher education; and

"(C) any recent statistics regarding the size, composition, and educational requirements of the Federal cyber workforce.".

SEC. 9405. CYBERSECURITY IN PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION.

(a) COMPUTER SCIENCE AND CYBERSECURITY EDUCATION RESEARCH.—Section 310 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "and cybersecurity" after "computer science"; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking " and" after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(E) tools and models for the integration of cybersecurity and other interdisciplinary efforts into computer science education and computational thinking at secondary and postsecondary levels of education."; and

(2) in subsection (c), by inserting ", cybersecurity," after "computing".

(b) SCIENTIFIC AND TECHNICAL EDUCATION.—Section 3(j)(9) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i(j)(9)) is amended by inserting "and cybersecurity" after "computer science".

(c) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c) is amended—

(1) in paragraph (1), by striking "or computer science" and inserting "computer science, or cybersecurity"; and

(2) in paragraph (2)(A)(iii), by inserting "cybersecurity," after "computer science,".

42 USC 1862s–6 note.

(d) PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE.—The Director of the National Science Foundation shall ensure that educators and mentors in fields relating to cybersecurity can be considered for—

(1) Presidential Awards for Excellence in Mathematics and Science Teaching made under section 117 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b); and

(2) Presidential Awards for Excellence in STEM Mentoring administered under section 307 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–6).

51 USC note prec. 40901.

SEC. 9406. CYBERSECURITY IN STEM PROGRAMS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

In carrying out any STEM education program of the National Aeronautics and Space Administration (referred to in this section as "NASA"), including a program of the Office of STEM Engagement, the Administrator of NASA shall, to the maximum extent

practicable, encourage the inclusion of cybersecurity education opportunities in such program.

SEC. 9407. NATIONAL CYBERSECURITY CHALLENGES.

(a) IN GENERAL.—Title II of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7431 et seq.) is amended by adding at the end the following:

"SEC. 205. NATIONAL CYBERSECURITY CHALLENGES. 15 USC 7432.

"(a) ESTABLISHMENT OF NATIONAL CYBERSECURITY CHALLENGES.—

"(1) IN GENERAL.—To achieve high-priority breakthroughs in cybersecurity by 2028, the Secretary of Commerce shall establish the following national cybersecurity challenges:

"(A) ECONOMICS OF A CYBER ATTACK.—Building more resilient systems that measurably and exponentially raise adversary costs of carrying out common cyber attacks.

"(B) CYBER TRAINING.—

"(i) Empowering the people of the United States with an appropriate and measurably sufficient level of digital literacy to make safe and secure decisions online.

"(ii) Developing a cybersecurity workforce with measurable skills to protect and maintain information systems.

"(C) EMERGING TECHNOLOGY.—Advancing cybersecurity efforts in response to emerging technology, such as artificial intelligence, quantum science, next generation communications, autonomy, data science, and computational technologies.

"(D) REIMAGINING DIGITAL IDENTITY.—Maintaining a high sense of usability while improving the privacy, security, and safety of online activity of individuals in the United States.

"(E) FEDERAL AGENCY RESILIENCE.—Reducing cybersecurity risks to Federal networks and systems, and improving the response of Federal agencies to cybersecurity incidents on such networks and systems.

"(2) COORDINATION.—In establishing the challenges under paragraph (1), the Secretary shall coordinate with the Secretary of Homeland Security on the challenges under subparagraphs (B) and (E) of such paragraph.

"(b) PURSUIT OF NATIONAL CYBERSECURITY CHALLENGES.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Under Secretary of Commerce for Standards and Technology, shall commence efforts to pursue the national cybersecurity challenges established under subsection (a). Deadline.

"(2) COMPETITIONS.—The efforts required by paragraph (1) shall include carrying out programs to award prizes, including cash and noncash prizes, competitively pursuant to the authorities and processes established under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) or any other applicable provision of law.

"(3) ADDITIONAL AUTHORITIES.—In carrying out paragraph (1), the Secretary may enter into and perform such other transactions as the Secretary considers necessary and on such terms as the Secretary considers appropriate.

"(4) COORDINATION.—In pursuing national cybersecurity challenges under paragraph (1), the Secretary shall coordinate with the following:

"(A) The Director of the National Science Foundation.

"(B) The Secretary of Homeland Security.

"(C) The Director of the Defense Advanced Research Projects Agency.

"(D) The Director of the Office of Science and Technology Policy.

"(E) The Director of the Office of Management and Budget.

"(F) The Administrator of the General Services Administration.

"(G) The Federal Trade Commission.

"(H) The heads of such other Federal agencies as the Secretary of Commerce considers appropriate for purposes of this section.

"(5) SOLICITATION OF ACCEPTANCE OF FUNDS.—

"(A) IN GENERAL.—Pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary shall request and accept funds from other Federal agencies, State, United States territory, local, or Tribal government agencies, private sector for-profit entities, and nonprofit entities to support efforts to pursue a national cybersecurity challenge under this section.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to require any person or entity to provide funds or otherwise participate in an effort or competition under this section.

"(c) RECOMMENDATIONS.—

"(1) IN GENERAL.—In carrying out this section, the Secretary of Commerce shall designate an advisory council to seek recommendations.

"(2) ELEMENTS.—The recommendations required by paragraph (1) shall include the following:

"(A) A scope for efforts carried out under subsection (b).

Assessment.

"(B) Metrics to assess submissions for prizes under competitions carried out under subsection (b) as the submissions pertain to the national cybersecurity challenges established under subsection (a).

"(3) NO ADDITIONAL COMPENSATION.—The Secretary may not provide any additional compensation, except for travel expenses, to a member of the advisory council designated under paragraph (1) for participation in the advisory council.".

(b) CONFORMING AMENDMENTS.—Section 201(a)(1) of such Act (15 U.S.C. 7431(a)(1)) is amended—

(1) in subparagraph (J), by striking "and" after the semicolon;

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following:

"(K) implementation of section 205 through research and development on the topics identified under subsection (a) of such section; and".

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 204 the following:

"Sec. 205. National cybersecurity challenges.".

Subtitle B—Other Matters

SEC. 9411. ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 2203(b) of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)) is amended by striking paragraph (3) and inserting the following new paragraph (3):

"(3) ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE JURISDICTION.—The term 'eligible jurisdiction' means a State that is determined to be eligible for a grant under this paragraph in accordance with subparagraph (D).

"(ii) EPSCOR.—The term 'EPSCoR' means the Established Program to Stimulate Competitive Research operated under subparagraph (B).

"(iii) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(iv) STATE.—The term 'State' means—

"(I) a State;

"(II) the District of Columbia;

"(III) the Commonwealth of Puerto Rico;

"(IV) Guam; and

"(V) the United States Virgin Islands.

"(B) PROGRAM OPERATION.—The Secretary shall operate an Established Program to Stimulate Competitive Research.

"(C) OBJECTIVES.—The objectives of EPSCoR shall be—

"(i) to increase the number of researchers in eligible jurisdictions, especially at institutions of higher education, capable of performing nationally competitive science and engineering research in support of the mission of the Department of Energy in the areas of applied energy research, environmental management, and basic science;

"(ii) to improve science and engineering research and education programs at institutions of higher education in eligible jurisdictions and enhance the capabilities of eligible jurisdictions to develop, plan, and execute research that is competitive, including through investing in research equipment and instrumentation; and

"(iii) to increase the probability of long-term growth of competitive funding to eligible jurisdictions.

"(D) ELIGIBLE JURISDICTIONS.— Determinations. Grants. Criteria.

"(i) IN GENERAL.—The Secretary may establish criteria for determining whether a State is eligible for a grant under this paragraph.

"(ii) REQUIREMENT.—Except as provided in clause (iii), in establishing criteria under clause (i), the Secretary shall ensure that a State is eligible for a grant under this paragraph if the State, as determined by the Secretary, is a State that—

"(I) historically has received relatively little Federal research and development funding; and

"(II) has demonstrated a commitment—

"(aa) to develop the research bases in the State; and

"(bb) to improve science and engineering research and education programs at institutions of higher education in the State.

"(iii) ELIGIBILITY UNDER NSF EPSCOR.—At the election of the Secretary, or if the Secretary declines to establish criteria under clause (i), the Secretary may continue to use the eligibility criteria in use on the date of enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 or any successor criteria.

"(E) GRANTS IN AREAS OF APPLIED ENERGY RESEARCH, ENVIRONMENTAL MANAGEMENT, AND BASIC SCIENCE.—

"(i) IN GENERAL.—EPSCoR shall make grants to eligible jurisdictions to carry out and support applied energy research and research in all areas of environmental management and basic science sponsored by the Department of Energy, including—

"(I) energy efficiency, fossil energy, renewable energy, and other applied energy research;

"(II) electricity delivery research;

"(III) cybersecurity, energy security, and emergency response;

"(IV) environmental management; and

"(V) basic science research.

"(ii) ACTIVITIES.—EPSCoR shall make grants under this subparagraph for activities consistent with the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in clause (i), including—

"(I) to support research that is carried out in partnership with the National Laboratories;

"(II) to provide for graduate traineeships;

"(III) to support research by early career faculty; and

"(IV) to improve research capabilities through biennial research implementation grants.

"(iii) NO COST SHARING.—EPSCoR shall not impose any cost-sharing requirement with respect to a grant made under this subparagraph, but may require letters of commitment from National Laboratories.

"(F) OTHER ACTIVITIES.—EPSCoR may carry out such activities as may be necessary to meet the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in subparagraph (E)(i).

"(G) PROGRAM IMPLEMENTATION.—

"(i) IN GENERAL.—Not later than 270 days after the date of enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a plan describing how the Secretary shall implement EPSCoR. Deadline. Plan.

"(ii) CONTENTS OF PLAN.—The plan described in clause (i) shall include a description of—

"(I) the management structure of EPSCoR, which shall ensure that all research areas and activities described in this paragraph are incorporated into EPSCoR;

"(II) efforts to conduct outreach to inform eligible jurisdictions and faculty of changes to, and opportunities under, EPSCoR;

"(III) how EPSCoR plans to increase engagement with eligible jurisdictions, faculty, and State committees, including by holding regular workshops, to increase participation in EPSCoR; and

"(IV) any other issues relating to EPSCoR that the Secretary determines appropriate.

"(H) PROGRAM EVALUATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary shall contract with a federally funded research and development center, the National Academy of Sciences, or a similar organization to carry out an assessment of the effectiveness of EPSCoR, including an assessment of— Deadline. Contracts. Assessments.

"(I) the tangible progress made towards achieving the objectives described in subparagraph (C);

"(II) the impact of research supported by EPSCoR on the mission of the Department of Energy; and

"(III) any other issues relating to EPSCoR that the Secretary determines appropriate.

"(ii) LIMITATION.—The organization with which the Secretary contracts under clause (i) shall not be a National Laboratory.

"(iii) REPORT.—Not later than 6 years after the date of enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Science, Space and Technology and the Committee on Appropriations of the House of Representatives a report describing the results of the assessment carried out under clause (i), including recommendations for improvements that would enable the Secretary to achieve the objectives described in subparagraph (C).". Recommendations.

Industries of the Future Act of 2020.
42 USC 6601 note.

SEC. 9412. INDUSTRIES OF THE FUTURE.

(a) SHORT TITLE.—This section may be cited as the "Industries of the Future Act of 2020".

(b) REPORT ON FEDERAL RESEARCH AND DEVELOPMENT FOCUSED ON INDUSTRIES OF THE FUTURE.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report on research and development investments, infrastructure, and workforce development investments of the Federal Government that enable continued United States leadership in industries of the future.

Plans.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

Definition.

(A) A definition, for purposes of this section, of the term "industries of the future" that includes emerging technologies.

Assessment.

(B) An assessment of the current baseline of investments in civilian research and development investments of the Federal Government in the industries of the future.

(C) A plan to double such baseline investments in artificial intelligence and quantum information science by fiscal year 2022.

(D) A detailed plan to increase investments described in subparagraph (B) in industries of the future to $10,000,000,000 per year by fiscal year 2025.

(E) A plan to leverage investments described in subparagraphs (B), (C), and (D) in industries of the future to elicit complimentary investments by non-Federal entities, including providing incentives for significant complementary investments by such entities and facilitating public-private partnerships.

Proposals.

(F) Proposals for the Federal Government, including any necessary draft legislation, to implement such plans.

(c) INDUSTRIES OF THE FUTURE COORDINATION COUNCIL.—

(1) ESTABLISHMENT.—

President.

(A) IN GENERAL.—The President shall establish or designate a council to advise the Director of the Office of Science and Technology Policy on matters relevant to the Director and the industries of the future.

(B) DESIGNATION.—The council established or designated under subparagraph (A) shall be known as the "Industries of the Future Coordination Council" (in this section the "Council").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of employees of the Federal Government who shall be appointed as follows:

(i) One member appointed by the Director.

(ii) A chairperson of the Select Committee on Artificial Intelligence of the National Science and Technology Council.

(iii) A chairperson of the Subcommittee on Advanced Manufacturing of the National Science and Technology Council.

(iv) A chairperson of the Subcommittee on Quantum Information Science of the National Science and Technology Council.

(v) Such other members as the President considers appropriate.

(B) CHAIRPERSON.—The member appointed to the Council under paragraph (A)(i) shall serve as the chairperson of the Council.

(3) DUTIES.—The duties of the Council are as follows:

(A) To provide the Director with advice on ways in which in the Federal Government can ensure the United States continues to lead the world in developing emerging technologies that improve the quality of life of the people of the United States, increase economic competitiveness of the United States, and strengthen the national security of the United States, including identification of the following:

(i) Federal investments required in fundamental research and development, infrastructure, technology transfer, and workforce development of the United States workers who will support the industries of the future.

(ii) Actions necessary to create and further develop the workforce that will support the industries of the future.

(iii) Actions required to leverage the strength of the research and development ecosystem of the United States, which includes academia, industry, and nonprofit organizations, to support industries of the future.

(iv) Ways that the Federal Government can consider leveraging existing partnerships and creating new partnerships and other multisector collaborations to advance the industries of the future.

(v) Actions required to accelerate the translation of federally funded research and development to practice and meaningful benefits for society while mitigating any risks.

(B) To provide the Director with advice on matters relevant to the report required under subsection (b).

(4) COORDINATION.—The Council shall coordinate with and utilize relevant existing National Science and Technology Council committees to the maximum extent feasible in order to minimize duplication of effort.

(5) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council established under this subsection.

(6) SUNSET.—The Council shall terminate on the date that is 6 years after the date of the enactment of this Act.

SEC. 9413. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY MANUFACTURING EXTENSION PARTNERSHIP PROGRAM SUPPLY CHAIN DATABASE.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall carry out a study to evaluate the feasibility, advisability, and costs of establishing a national

Study.
Evaluation.

supply chain database within the Manufacturing Extension Partnership program of the National Institute of Standards and Technology to—

(1) understand the manufacturing capabilities of United States manufacturers; and

(2) minimize disruptions to the supply chain, which may include defense supplies, food, and medical devices, including personal protective equipment.

(b) CONSIDERATIONS.—In carrying out the study under subsection (a), the Director of the National Institute of Standards and Technology shall consider the following:

(1) Whether a national supply chain database may enable the National Institute of Standards and Technology and the small and medium manufacturers of the Manufacturing Extension Partnership program to—

(A) understand the available domestic manufacturing capabilities; and

(B) meet the needs for urgent products in the event of a supply chain disruption.

(2) How information from State-level databases maintained within the Manufacturing Extension Partnership program would be incorporated into the national supply chain database.

(3) The relationship, if any, between a national supply chain database within the Manufacturing Extension Partnership program and supply chain efforts conducted by other agencies in the Federal Government and non-Federal entities.

(4) Whether the National Institute of Standards and Technology could use existing technologies and solutions to establish a national supply chain database.

(5) How a national supply chain database could be regularly maintained and updated to ensure effectiveness.

(6) The nature of the information that could be voluntarily collected from manufacturers for a national supply chain database.

(7) What mechanisms should be in place to ensure that the information under paragraph (6) is verified.

(8) What security measures may be necessary to protect information, including protocols to ensure that information in the national supply chain database is accessed according to the nature of the information in such database with individuals with the appropriate level of authorization.

(9) Whether there should be restrictions to protect proprietary business and personal information under paragraph (6).

(10) The cost of developing and maintaining such a database, including staffing.

Recommendations.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall submit to Congress a report that includes the findings and any recommendations from the study required under subsection (a). Such report shall include a description of any new legislation that may be required to implement a new national supply chain database through the Manufacturing Extension Partnership program.

SEC. 9414. STUDY ON CHINESE POLICIES AND INFLUENCE IN THE DEVELOPMENT OF INTERNATIONAL STANDARDS FOR EMERGING TECHNOLOGIES.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall enter into an agreement with an appropriate entity with relevant expertise, as determined by the Director, to conduct a study and make recommendations with respect to the effect of the policies of the People's Republic of China and coordination among industrial entities within the People's Republic of China on international bodies engaged in developing and setting international standards for emerging technologies. The study may include— Deadline. Contracts. Determination. Recommendations.

(1) an assessment of how the role of the People's Republic of China in international standards setting organizations has grown over the previous 10 years, including in leadership roles in standards-drafting technical committees, and the quality or value of that participation; Assessment. Time period.

(2) an assessment of the effect of the standardization strategy of the People's Republic of China, as identified in the "Chinese Standard 2035", on international bodies engaged in developing and setting standards for select emerging technologies, such as advanced communication technologies or cloud computing and cloud services; Assessment.

(3) an examination of whether international standards for select emerging technologies are being designed to promote interests of the People's Republic of China that are expressed in the "Made in China 2025" plan to the exclusion of other participants; Examination.

(4) an examination of how the previous practices that the People's Republic of China has used while participating in international standards setting organizations may foretell how the People's Republic of China is likely to engage in international standardization activities of critical technologies like artificial intelligence and quantum information science, and what may be the consequences; Examination.

(5) recommendations on how the United States can take steps to mitigate the influence of the People's Republic of China and bolster United States public and private sector participation in international standards-setting bodies; and Recommendations.

(6) any other area the Director, in consultation with the entity selected to conduct the study, determines is important to address. Consultation.

(b) REPORT TO CONGRESS.—The agreement entered into under subsection (a) shall provide that, not later than two years after the date of the enactment of this Act, the entity conducting the study shall—

(1) submit to the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate a report containing the findings and recommendations of the study; and Recommendations.

(2) make a copy of such report available on a publicly accessible website. Records. Public information. Website.

Contracts.
15 USC 278s note.

SEC. 9415. COORDINATION WITH HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP CENTERS.

Notwithstanding section 34(d)(2)(A)(iv) of the National Institute for Standards and Technology Act (15 U.S.C. 278s(d)(2)(A)(iv)), each Manufacturing USA Institute (established under subsection (d) of such section) shall, as appropriate, contract with a Hollings Manufacturing Extension Partnership Center (established under section 25 of such Act) in each State in which such Institute provides services, either directly or through another such Center, to provide defense industrial base-related outreach, technical assistance, workforce development, and technology transfer assistance to small and medium-sized manufacturers. No Center shall charge in excess of its standard rate for such services. Funds received by a Center through such a contract shall not constitute financial assistance under section 25(e) of such Act.

TITLE XCV—NATURAL RESOURCES MATTERS

Sec. 9501. Transfer of funds for Oklahoma City national memorial endowment fund.
Sec. 9502. Workforce issues for military realignments in the Pacific.
Sec. 9503. Affirmation of authority for non-oil and gas operations on the outer Continental Shelf.

SEC. 9501. TRANSFER OF FUNDS FOR OKLAHOMA CITY NATIONAL MEMORIAL ENDOWMENT FUND.

Section 7(1) of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss–5(1)) is amended by striking "there is hereby authorized" and inserting "the Secretary may provide, from the National Park Service's National Recreation and Preservation account, the remainder of".

SEC. 9502. WORKFORCE ISSUES FOR MILITARY REALIGNMENTS IN THE PACIFIC.

Section 6(b)(1)(B)(i) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1806(b)(1)(B)(i)) is amended—

(1) by striking "contact" and inserting "contract";

(2) by inserting "supporting," after "connected to,";

(3) by striking "or" before "associated with";

(4) by inserting "or adversely affected by" after "associated with,"; and

(5) by inserting ", with priority given to federally funded military projects" after "and in the Commonwealth".

SEC. 9503. AFFIRMATION OF AUTHORITY FOR NON-OIL AND GAS OPERATIONS ON THE OUTER CONTINENTAL SHELF.

Section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) is amended to read as follows:

"(1) JURISDICTION OF THE UNITED STATES ON THE OUTER CONTINENTAL SHELF.—

"(A) IN GENERAL.—The Constitution and laws and civil and political jurisdiction of the United States are extended, to the same extent as if the outer Continental Shelf were

an area of exclusive Federal jurisdiction located within a State, to—

"(i) the subsoil and seabed of the outer Continental Shelf;

"(ii) all artificial islands on the outer Continental Shelf;

"(iii) installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon for the purpose of exploring for, developing, or producing resources, including non-mineral energy resources; or

"(iv) any such installation or other device (other than a ship or vessel) for the purpose of transporting or transmitting such resources.

"(B) LEASES ISSUED EXCLUSIVELY UNDER THIS ACT.—Mineral or energy leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this Act.".

TITLE XCVI—OVERSIGHT AND REFORM MATTERS

Sec. 9601. Inventory of program activities of Federal agencies.
Sec. 9602. Preservation of electronic messages and other records.
Sec. 9603. Continuity of the economy plan.

SEC. 9601. INVENTORY OF PROGRAM ACTIVITIES OF FEDERAL AGENCIES.

(a) INVENTORY OF GOVERNMENT PROGRAMS.—Section 1122(a) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following:

"(1) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'Federal financial assistance' has the meaning given that term under section 7501;

"(B) the term 'open Government data asset' has the meaning given that term under section 3502 of title 44;

"(C) the term 'program' means a single program activity or an organized set of aggregated, disaggregated, or consolidated program activities by one or more agencies directed toward a common purpose or goal; and

"(D) the term 'program activity' has the meaning given that term in section 1115(h).";

(3) in paragraph (2), as so redesignated—

(A) by striking "IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall" and inserting "WEBSITE AND PROGRAM INVENTORY.—The Director of the Office of Management and Budget shall";

(B) in subparagraph (A), by inserting "that includes the information required under subsections (b) and (c)" after "a single website"; and

(C) by striking subparagraphs (B) and (C) and inserting the following:

"(B) include on the website described in subparagraph (A), or another appropriate Federal Government website

where related information is made available, as determined by the Director—

"(i) a program inventory that shall identify each program; and

"(ii) for each program identified in the program inventory, the information required under paragraph (3);

"(C) make the information in the program inventory required under subparagraph (B) available as an open Government data asset; and

"(D) at a minimum—

"(i) update the information required to be included on the single website under subparagraph (A) on a quarterly basis; and

"(ii) update the program inventory required under subparagraph (B) on an annual basis.";

(4) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by striking "described under paragraph (1) shall include" and inserting "identified in the program inventory required under paragraph (2)(B) shall include";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "and,"; and

(D) by adding at the end the following:

"(D) for each program activity that is part of a program—

"(i) a description of the purposes of the program activity and the contribution of the program activity to the mission and goals of the agency;

Time periods.

"(ii) a consolidated view for the current fiscal year and each of the 2 fiscal years before the current fiscal year of—

"(I) the amount appropriated;

"(II) the amount obligated; and

"(III) the amount outlayed;

"(iii) to the extent practicable and permitted by law, links to any related evaluation, assessment, or program performance review by the agency, an inspector general, or the Government Accountability Office (including program performance reports required under section 1116), and other related evidence assembled in response to implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435; 132 Stat. 5529);

"(iv) an identification of the statutes that authorize the program activity or the authority under which the program activity was created or operates;

"(v) an identification of any major regulations specific to the program activity;

"(vi) any other information that the Director of the Office of Management and Budget determines relevant relating to program activity data in priority areas most relevant to Congress or the public to increase transparency and accountability; and

Time period.

"(vii) for each assistance listing under which Federal financial assistance is provided, for the current

fiscal year and each of the 2 fiscal years before the current fiscal year and consistent with existing law relating to the protection of personally identifiable information—

"(I) a linkage to the relevant program activities that fund Federal financial assistance by assistance listing;

"(II) information on the population intended to be served by the assistance listing based on the language of the solicitation, as required under section 6102;

"(III) to the extent practicable and based on data reported to the agency providing the Federal financial assistance, the results of the Federal financial assistance awards provided by the assistance listing;

"(IV) to the extent practicable, the percentage of the amount appropriated for the assistance listing that is used for management and administration;

"(V) the identification of each award of Federal financial assistance and, to the extent practicable, the name of each direct or indirect recipient of the award; and

"(VI) any information relating to the award of Federal financial assistance that is required to be included on the website established under section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).''; and

(5) by adding at the end the following:

"(4) ARCHIVING.—The Director of the Office of Management and Budget shall—

"(A) archive and preserve the information included in the program inventory required under paragraph (2)(B) after the end of the period during which such information is made available under paragraph (3); and

"(B) make information archived in accordance with subparagraph (A) publicly available as an open Government data asset.''. Public information.

(b) GUIDANCE, IMPLEMENTATION, REPORTING, AND REVIEW.— 31 USC 1122 note.

(1) DEFINITIONS.—In this subsection—

(A) the term "appropriate congressional committees" means the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the term "Director" means the Director of the Office of Management and Budget;

(C) the term "program" has the meaning given that term in section 1122(a)(1) of title 31, United States Code, as amended by subsection (a) of this section;

(D) the term "program activity" has the meaning given that term in section 1115(h) of title 31, United States Code; and

(E) the term "Secretary" means the Secretary of the Treasury.

Consultation.

(2) PLAN FOR IMPLEMENTATION AND RECONCILING PROGRAM DEFINITIONS.—Not later than 180 days after the date of enactment of this Act, the Director, in consultation with the Secretary, shall submit to the appropriate congressional committees a report that—

(A) includes a plan that—

(i) discusses how making available on a website the information required under subsection (a) of section 1122 of title 31, United States Code, as amended by subsection (a), will leverage existing data sources while avoiding duplicative or overlapping information in presenting information relating to program activities and programs;

(ii) indicates how any gaps in data will be assessed and addressed;

(iii) indicates how the Director will display such data; and

(iv) discusses how the Director will expand the information collected with respect to program activities to incorporate the information required under the amendments made by subsection (a);

(B) sets forth details regarding a pilot program, developed in accordance with best practices for effective pilot programs—

(i) to develop and implement a functional program inventory that could be limited in scope; and

(ii) under which the information required under the amendments made by subsection (a) with respect to program activities shall be made available on the website required under section 1122(a) of title 31, United States Code;

(C) establishes an implementation timeline for—

(i) gathering and building program activity information;

(ii) developing and implementing the pilot program;

(iii) seeking and responding to stakeholder comments;

(iv) developing and presenting findings from the pilot program to the appropriate congressional committees;

Notification.

(v) notifying the appropriate congressional committees regarding how program activities will be aggregated, disaggregated, or consolidated as part of identifying programs; and

Inventory.

(vi) implementing a Governmentwide program inventory through an iterative approach; and

Recommendations.

(D) includes recommendations, if any, to reconcile the conflicting definitions of the term "program" in relevant Federal statutes, as it relates to the purpose of this section.

(3) IMPLEMENTATION.—

Deadline.
Web postings.

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall make available online all information required under the amendments made by subsection (a) with respect to all programs.

Cost analysis.
Notification.
Time period.

(B) EXTENSIONS.—The Director may, based on an analysis of the costs of implementation, and after submitting

to the appropriate congressional committees a notification of the action by the Director, extend the deadline for implementation under subparagraph (A) by not more than a total of 1 year.

(4) REPORTING.—Not later than 2 years after the date on which the Director makes available online all information required under the amendments made by subsection (a) with respect to all programs, the Comptroller General of the United States shall submit to the appropriate congressional committees a report regarding the implementation of this section and the amendments made by this section, which shall— Evaluations.

(A) review how the Director and agencies determined how to aggregate, disaggregate, or consolidate program activities to provide the most useful information for an inventory of Government programs;

(B) evaluate the extent to which the program inventory required under section 1122 of title 31, United States Code, as amended by this section, provides useful information for transparency, decision-making, and oversight;

(C) evaluate the extent to which the program inventory provides a coherent picture of the scope of Federal investments in particular areas; and

(D) include the recommendations of the Comptroller General, if any, for improving implementation of this section and the amendments made by this section. Recommendations.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1122 of title 31, United States Code, is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by inserting "described in subsection (a)(2)(A)" after "the website" each place it appears;

(B) in subsection (c), in the matter preceding paragraph (1), by inserting "described in subsection (a)(2)(A)" after "the website"; and

(C) in subsection (d)—

(i) in the subsection heading, by striking "ON WEBSITE"; and

(ii) in the first sentence, by striking "on the website".

(2) OTHER AMENDMENTS.—

(A) Section 1115(a) of title 31, United States Code, is amended in the matter preceding paragraph (1) by striking "the website provided under" and inserting "a website described in".

(B) Section 10 of the GPRA Modernization Act of 2010 (31 U.S.C. 1115 note) is amended—

(i) in subsection (a)(3), by striking "the website described under" and inserting "a website described in"; and

(ii) in subsection (b)—

(I) in paragraph (1), by striking "the website described under" and inserting "a website described in"; and

(II) in paragraph (3), by striking "the website as required under" and inserting "a website described in".

(C) Section 1120(a)(5) of title 31, United States Code, is amended by striking "the website described under" and inserting "a website described in".

(D) Section 1126(b)(2)(E) of title 31, United States Code, is amended by striking "the website of the Office of Management and Budget pursuant to" and inserting "a website described in".

(E) Section 3512(a)(1) of title 31, United States Code, is amended by striking "the website described under" and inserting "a website described in".

Electronic Message Preservation Act.
44 USC 101 note.

SEC. 9602. PRESERVATION OF ELECTRONIC MESSAGES AND OTHER RECORDS.

(a) SHORT TITLE.—This section may be cited as the "Electronic Message Preservation Act".

(b) PRESERVATION OF ELECTRONIC MESSAGES AND OTHER RECORDS.—

(1) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

44 USC 2912.

"§ 2912. Preservation of electronic messages and other records

Determination.

"(a) REGULATIONS REQUIRED.—The Archivist shall promulgate regulations governing Federal agency preservation of electronic messages that are determined to be records. Such regulations shall, at a minimum—

"(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33;

"(2) require that such electronic records are readily accessible for retrieval through electronic searches; and

Timelines.

"(3) include timelines for Federal agency implementation of the regulations that ensure compliance as expeditiously as practicable.

"(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

"(c) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under subsection (a).".

44 USC 2912 note.

(2) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Archivist shall propose the regulations required under section 2912(a) of title 44, United States Code, as added by paragraph (1).

Public information.
Web postings.

(3) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

(A) AGENCY REPORT TO ARCHIVIST.—Not later than two years after the date of the enactment of this Act, the head of each Federal agency shall submit to the Archivist a report on the agency's compliance with the regulations promulgated under section 2912 of title 44, United States Code, as added by paragraph (1), and shall make the report publicly available on the website of the agency.

(B) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by subparagraph (A), the Archivist shall submit to the Committee

on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under section 2912(a) of title 44, United States Code, as added by paragraph (1), and shall make the report publicly available on the website of the agency.

(C) FEDERAL AGENCY DEFINED.—In this subsection, the term "Federal agency" has the meaning given that term in section 2901 of title 44, United States Code.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended by adding after the item relating to section 2911 the following new item: 44 USC prec. 2901.

"2912. Preservation of electronic messages and other records.".

(5) DEFINITIONS.—Section 2901 of title 44, United States Code, is amended—

(A) by striking "and" at the end of paragraph (14); and

(B) by striking paragraph (15) and inserting the following new paragraphs:

"(15) the term 'electronic messages' means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

"(16) the term 'electronic records management system' means software designed to manage electronic records, including by—

"(A) categorizing and locating records;

"(B) ensuring that records are retained as long as necessary;

"(C) identifying records that are due for disposition; and

"(D) ensuring the storage, retrieval, and disposition of records.".

SEC. 9603. CONTINUITY OF THE ECONOMY PLAN. President. 6 USC 322.

(a) REQUIREMENT.—

(1) IN GENERAL.—The President shall develop and maintain a plan to maintain and restore the economy of the United States in response to a significant event.

(2) PRINCIPLES.—The plan required under paragraph (1) shall—

(A) be consistent with—

(i) a free market economy; and

(ii) the rule of law; and

(B) respect private property rights.

(3) CONTENTS.—The plan required under paragraph (1) shall—

(A) examine the distribution of goods and services across the United States necessary for the reliable functioning of the United States during a significant event; Examination.

(B) identify the economic functions of relevant actors, the disruption, corruption, or dysfunction of which would have a debilitating effect in the United States on—

(i) security;

(ii) economic security;

(iii) defense readiness; or

(iv) public health or safety;

(C) identify the critical distribution mechanisms for each economic sector that should be prioritized for operation during a significant event, including—

(i) bulk power and electric transmission systems;

(ii) national and international financial systems, including wholesale payments, stocks, and currency exchanges;

(iii) national and international communications networks, data-hosting services, and cloud services;

(iv) interstate oil and natural gas pipelines; and

(v) mechanisms for the interstate and international trade and distribution of materials, food, and medical supplies, including road, rail, air, and maritime shipping;

(D) identify economic functions of relevant actors, the disruption, corruption, or dysfunction of which would cause—

(i) catastrophic economic loss;

(ii) the loss of public confidence; or

(iii) the widespread imperilment of human life;

(E) identify the economic functions of relevant actors that are so vital to the economy of the United States that the disruption, corruption, or dysfunction of those economic functions would undermine response, recovery, or mobilization efforts during a significant event;

(F) incorporate, to the greatest extent practicable, the principles and practices contained within Federal plans for the continuity of Government and continuity of operations;

(G) identify—

(i) industrial control networks for which a loss of internet connectivity, a loss of network integrity or availability, an exploitation of a system connected to the network, or another failure, disruption, corruption, or dysfunction would have a debilitating effect in the United States on—

(I) security;

(II) economic security;

(III) defense readiness; or

(IV) public health or safety; and

(ii) for each industrial control network identified under clause (i), risk mitigation measures, including—

(I) the installation of parallel services;

(II) the use of stand-alone analog services; or

(III) the significant hardening of the industrial control network against failure, disruption, corruption, or dysfunction;

(H) identify critical economic sectors for which the preservation of data in a protected, verified, and uncorrupted status would be required for the quick recovery of the economy of the United States in the face of a significant disruption following a significant event;

List.

(I) include a list of raw materials, industrial goods, and other items, the absence of which would significantly undermine the ability of the United States to sustain the functions described in subparagraphs (B), (D), and (E);

(J) provide an analysis of supply chain diversification for the items described in subparagraph (I) in the event of a disruption caused by a significant event; Analysis.

(K) include— Recommendations.

(i) a recommendation as to whether the United States should maintain a strategic reserve of 1 or more of the items described in subparagraph (I); and

(ii) for each item described in subparagraph (I) for which the President recommends maintaining a strategic reserve under clause (i), an identification of mechanisms for tracking inventory and availability of the item in the strategic reserve;

(L) identify mechanisms in existence on the date of enactment of this Act and mechanisms that can be developed to ensure that the swift transport and delivery of the items described in subparagraph (I) is feasible in the event of a distribution network disturbance or degradation, including a distribution network disturbance or degradation caused by a significant event;

(M) include guidance for determining the prioritization for the distribution of the items described in subparagraph (I), including distribution to States and Indian Tribes; Determination.

(N) consider the advisability and feasibility of mechanisms for extending the credit of the United States or providing other financial support authorized by law to key participants in the economy of the United States if the extension or provision of other financial support—

(i) is necessary to avoid severe economic degradation; or

(ii) allows for the recovery from a significant event;

(O) include guidance for determining categories of employees that should be prioritized to continue to work in order to sustain the functions described in subparagraphs (B), (D), and (E) in the event that there are limitations on the ability of individuals to travel to workplaces or to work remotely, including considerations for defense readiness; Determination.

(P) identify critical economic sectors necessary to provide material and operational support to the defense of the United States;

(Q) determine whether the Secretary of Homeland Security, the National Guard, and the Secretary of Defense have adequate authority to assist the United States in a recovery from a severe economic degradation caused by a significant event; Determination.

(R) review and assess the authority and capability of heads of other agencies that the President determines necessary to assist the United States in a recovery from a severe economic degradation caused by a significant event; and Review. Assessment. President. Determination.

(S) consider any other matter that would aid in protecting and increasing the resilience of the economy of the United States from a significant event.

(b) COORDINATION.—In developing the plan required under subsection (a)(1), the President shall— Consultation.

(1) receive advice from—

(A) the Secretary of Homeland Security;

(B) the Secretary of Defense;
(C) the Secretary of the Treasury;
(D) the Secretary of Health and Human Services;
(E) the Secretary of Commerce;
(F) the Secretary of Transportation;
(G) the Secretary of Energy;
(H) the Administrator of the Small Business Administration; and
Determination.
(I) the head of any other agency that the President determines necessary to complete the plan;

(2) consult with economic sectors relating to critical infrastructure through sector-coordinated councils, as appropriate;

(3) consult with relevant State, Tribal, and local governments and organizations that represent those governments; and

(4) consult with any other non-Federal entity that the President determines necessary to complete the plan.

(c) SUBMISSION TO CONGRESS.—

Deadline.
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 3 years thereafter, the President shall submit the plan required under subsection (a)(1) and the information described in paragraph (2) to—

(A) the majority and minority leaders of the Senate;
(B) the Speaker and the minority leader of the House of Representatives;
(C) the Committee on Armed Services of the Senate;
(D) the Committee on Armed Services of the House of Representatives;
(E) the Committee on Homeland Security and Governmental Affairs of the Senate;
(F) the Committee on Homeland Security of the House of Representatives;
(G) the Committee on Health, Education, Labor, and Pensions of the Senate;
(H) the Committee on Commerce, Science, and Transportation of the Senate;
(I) the Committee on Energy and Commerce of the House of Representatives;
(J) the Committee on Banking, Housing, and Urban Affairs of the Senate;
(K) the Committee on Finance of the Senate;
(L) the Committee on Financial Services of the House of Representatives;
(M) the Committee on Small Business and Entrepreneurship of the Senate;
(N) the Committee on Small Business of the House of Representatives;
(O) the Committee on Energy and Natural Resources of the Senate;
(P) the Committee on Environment and Public Works of the Senate;
(Q) the Committee on Indian Affairs of the Senate;
(R) the Committee on Oversight and Reform of the House of Representatives;
(S) Committee on the Budget of the House of Representatives; and

(T) any other committee of the Senate or the House of Representatives that has jurisdiction over the subject of the plan.

(2) ADDITIONAL INFORMATION.—The information described in this paragraph is—

(A) any change to Federal law that would be necessary to carry out the plan required under subsection (a)(1); and

(B) any proposed changes to the funding levels provided in appropriation Acts for the most recent fiscal year that can be implemented in future appropriation Acts or additional resources necessary to—

(i) implement the plan required under subsection (a)(1); or

(ii) maintain any program offices and personnel necessary to—

(I) maintain the plan required under subsection (a)(1) and the plans described in subsection (a)(3)(F); and

(II) conduct exercises, assessments, and updates to the plans described in subclause (I) over time.

(3) BUDGET OF THE PRESIDENT.—The President may include the information described in paragraph (2)(B) in the budget required to be submitted by the President under section 1105(a) of title 31, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(2) The term "economic sector" means a sector of the economy of the United States.

(3) The term "relevant actor" means—

(A) the Federal Government;

(B) a State, local, or Tribal government; or

(C) the private sector.

(4) The term "significant event" means an event that causes severe degradation to economic activity in the United States due to—

(A) a cyber attack; or

(B) another significant event that is natural or human-caused.

(5) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

TITLE XCVII—FINANCIAL SERVICES MATTERS

Subtitle A—Kleptocracy Asset Recovery Rewards Act

Sec. 9701. Short title.
Sec. 9702. Sense of Congress.
Sec. 9703. Department of the Treasury Kleptocracy Asset Recovery Rewards Pilot Program.

Subtitle B—Combating Russian Money Laundering

Sec. 9711. Short title.
Sec. 9712. Statement of policy.
Sec. 9713. Sense of Congress.
Sec. 9714. Determination with respect to primary money laundering concern of Russian illicit finance.

Subtitle C—Other Matters

Sec. 9721. Certified notice at completion of an assessment.
Sec. 9722. Ensuring Chinese debt transparency.
Sec. 9723. Accountability for World Bank Loans to China.
Sec. 9724. Fairness for Taiwan nationals regarding employment at international financial institutions.

Kleptocracy Asset Recovery Rewards Act.

Subtitle A—Kleptocracy Asset Recovery Rewards Act

31 USC note prec. 9701.

SEC. 9701. SHORT TITLE.

The subtitle may be cited as the "Kleptocracy Asset Recovery Rewards Act".

SEC. 9702. SENSE OF CONGRESS.

It is the sense of Congress that a stolen asset recovery rewards program to help identify and recover stolen assets linked to foreign government corruption and the proceeds of such corruption hidden behind complex financial structures is needed in order to—

(1) intensify the global fight against corruption; and

(2) serve United States efforts to identify and recover such stolen assets, forfeit proceeds of such corruption, and, where appropriate and feasible, return the stolen assets or proceeds thereof to the country harmed by the acts of corruption.

SEC. 9703. DEPARTMENT OF THE TREASURY KLEPTOCRACY ASSET RECOVERY REWARDS PILOT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Treasury a program to be known as the "Kleptocracy Asset Recovery Rewards Pilot Program" for the payment of rewards to carry out the purposes of this section.

(2) PURPOSE.—The rewards program shall be designed to support U.S. Government programs and investigations aimed at restraining, seizing, forfeiting, or repatriating stolen assets linked to foreign government corruption and the proceeds of such corruption.

(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of the Treasury, with the concurrence of the Secretary of State and the Attorney General, and in consultation, as appropriate, with the heads of such other departments and agencies as the Secretary may find appropriate.

Consultation.

(b) REWARDS AUTHORIZED.—The Secretary of the Treasury may, with the concurrence of the Secretary of State and the Attorney General, and in consultation, as appropriate, with the heads of other relevant Federal departments and agencies, pay a reward to any individual, if that individual furnishes information leading to—

(1) the restraining or seizure of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a

foreign financial institution), that come within the United States, or that come within the possession or control of any United States person;

(2) the forfeiture of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person; or

(3) where appropriate, the repatriation of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person.

(c) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with any other payment authorized by the Department of Justice or other Federal agencies for the obtaining of information or other evidence, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the heads of such other agencies as the Secretary may find appropriate, shall establish procedures for the offering, administration, and payment of rewards under this section, including procedures for— Consultation.

(1) identifying actions with respect to which rewards will be offered;

(2) the receipt and analysis of data; and Analysis.

(3) the payment of rewards and approval of such payments.

(d) PAYMENT OF REWARDS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of paying rewards pursuant to this section, there is authorized to be appropriated—

(A) $450,000 for fiscal year 2021; and

(B) for each fiscal year, any amount, not to exceed the amount recovered during the fiscal year in stolen assets described under subsection (b), that the Secretary determines is necessary to carry out this program consistent with this section. Determination.

(2) LIMITATION ON ANNUAL PAYMENTS.—Except as provided under paragraph (3), the total amount of rewards paid pursuant to this section may not exceed $25 million in any calendar year.

(3) PRESIDENTIAL AUTHORITY.—The President may waive the limitation under paragraph (2) with respect to a calendar year if the President provides written notice of such waiver to the appropriate committees of the Congress at least 30 days before any payment in excess of such limitation is made pursuant to this section. Waiver. Notice. Deadline.

(4) PRIORITY OF PAYMENTS.—In paying any reward under this section, the Secretary shall, to the extent possible, make such reward payment—

(A) first, from appropriated funds authorized under paragraph (1)(A); and

(B) second, from appropriated funds authorized under paragraph (1)(B).

(e) LIMITATIONS.—

(1) SUBMISSION OF INFORMATION.—No award may be made under this section based on information submitted to the Secretary unless such information is submitted under penalty of perjury.

(2) MAXIMUM AMOUNT.—No reward paid under this section may exceed $5 million, unless the Secretary—

(A) personally authorizes such greater amount in writing;

Determination.

(B) determines that offer or payment of a reward of a greater amount is necessary due to the exceptional nature of the case; and

Notification.

(C) notifies the appropriate committees of the Congress of such determination.

(3) APPROVAL.—

(A) IN GENERAL.—No reward amount may be paid under this section without the written approval of the Secretary, with the concurrence of the Secretary of State and the Attorney General.

(B) DELEGATION.—The Secretary may not delegate the approval required under subparagraph (A) to anyone other than an Under Secretary of the Department of the Treasury.

Determination.

(4) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary shall, consistent with applicable law, take such measures in connection with the payment of the reward as the Secretary considers necessary to effect such protection.

(5) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of a monetary payment.

(f) INELIGIBILITY, REDUCTION IN, OR DENIAL OF REWARD.—

(1) OFFICER AND EMPLOYEES.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of official duties, furnishes information described under subsection (b) shall not be eligible for a reward under this section.

(2) PARTICIPATING INDIVIDUALS.—If the claim for a reward is brought by an individual who the Secretary has a reasonable basis to believe knowingly planned, initiated, directly participated in, or facilitated the actions that led to assets of a foreign state or governmental entity being stolen, misappropriated, or illegally diverted or to the payment of bribes or other foreign governmental corruption, the Secretary shall appropriately reduce, and may deny, such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Secretary shall deny or may seek to recover any reward, as the case may be.

(g) REPORT.—

Time period.

(1) IN GENERAL.—Within 180 days of the enactment of this section, and annually thereafter for 3 years, the Secretary shall issue a report to the appropriate committees of the Congress—

(A) detailing to the greatest extent possible the amount, location, and ownership or beneficial ownership of any stolen assets that, on or after the date of the enactment of this section, come within the United States or

that come within the possession or control of any United States person;

(B) discussing efforts being undertaken to identify more such stolen assets and their owners or beneficial owners; and

(C) including a discussion of the interactions of the Department of the Treasury with the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act) to identify the amount, location, and ownership, or beneficial ownership, of stolen assets held in financial institutions outside the United States.

(2) EXCEPTION.—The report issued under paragraph (1) shall not include information related to ongoing investigations or information related to closed investigations that would reveal identities of individuals not charged with a criminal offense, would reveal identities of investigative sources or methods, would reveal identities of witnesses, would compromise subsequent investigations, or the disclosure of which is otherwise prohibited by law, the Federal Rules of Criminal Procedure, regulation, or court order.

(h) REPORT ON DISPOSITION OF RECOVERED ASSETS.—Within 360 days of the enactment of this Act, the Secretary of the Treasury, with the concurrence of the Secretary of State and the Attorney General, shall issue a report to the appropriate committees of Congress describing policy choices and recommendations for disposition of stolen assets recovered pursuant to this section. Recommendations.

(i) SUNSET OF PILOT PROGRAM.—The authorities under this section, as well as the program established pursuant to this section, shall terminate three years after the date of the enactment of this Act.

(j) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE COMMITTEES OF THE CONGRESS.—The term "appropriate committees of the Congress" means the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

(2) FINANCIAL ASSET.—The term 'financial asset' means any funds, investments, or ownership interests, as defined by the Secretary, that on or after the date of the enactment of this section come within the United States or that come within the possession or control of any United States person.

(3) FOREIGN GOVERNMENT CORRUPTION.—The term "foreign government corruption" means corruption, as defined by the United Nations Convention Against Corruption.

(4) FOREIGN PUBLIC OFFICIAL.—The term "foreign public official" includes any person who occupies a public office by virtue of having been elected, appointed, or employed, including any military, civilian, special, honorary, temporary, or uncompensated official.

(5) IMMEDIATE FAMILY MEMBER.—The term "immediate family member", with respect to an individual, has the meaning given the term "member of the immediate family" under section

36(k) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)).

(6) REWARDS PROGRAM.—The term "rewards program" means the program established in subsection (a)(1) of this section.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(8) STOLEN ASSETS.—The term "stolen assets" means financial assets within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from foreign government corruption.

Combating Russian Money Laundering Act.

Subtitle B—Combating Russian Money Laundering

31 USC 5301 note.

SEC. 9711. SHORT TITLE.

This subtitle may be cited as the "Combating Russian Money Laundering Act".

31 USC 5311 note.

SEC. 9712. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) protect the United States financial sector from abuse by malign actors; and

(2) use all available financial tools to counter adversaries.

SEC. 9713. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the efforts of the Government of the Russian Federation, Russian state-owned enterprises, and Russian oligarchs to move and disguise the source, ownership, location, or control of illicit funds or value constitute money laundering;

(2) such money laundering efforts could assist in the Russian Government's ongoing political and economic influence and destabilization operations, which in turn could affect United States and European democracy, national security, and rule of law;

(3) the Secretary of the Treasury should determine whether Russia and the financial institutions through which the Russian Government, political leaders, state-owned enterprises, and oligarchs launder money are of primary money laundering concern; and

(4) the Secretary of the Treasury should consider the need for financial institutions and other obligated entities to apply enhanced due diligence measures to transactions with the Russian Government, political leaders, state-owned enterprises, and financial institutions.

SEC. 9714. DETERMINATION WITH RESPECT TO PRIMARY MONEY LAUNDERING CONCERN OF RUSSIAN ILLICIT FINANCE.

Regulation. 31 USC 5318A note.

(a) DETERMINATION.—If the Secretary of the Treasury determines that reasonable grounds exist for concluding that one or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts within, or involving, a jurisdiction outside of the United States is of primary money laundering concern in connection with Russian

illicit finance, the Secretary of the Treasury may, by order, regulation, or otherwise as permitted by law—

Requirement.

(1) require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in section 5318A(b) of title 31, United States Code; or

(2) prohibit, or impose conditions upon, certain transmittals of funds (to be defined by the Secretary) by any domestic financial institution or domestic financial agency, if such transmittal of funds involves any such institution, class of transaction, or type of account.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate a report that shall identify any additional regulations, statutory changes, enhanced due diligence, and reporting requirements that are necessary to better identify, prevent, and combat money laundering linked to Russia, including related to—

(A) identifying the beneficial ownership of anonymous companies;

(B) strengthening current, or enacting new, reporting requirements and customer due diligence requirements for the real estate sector, law firms, and other trust and corporate service providers;

(C) enhanced know-your-customer procedures and screening for transactions involving Russian political leaders, Russian state-owned enterprises, and known Russian transnational organized crime figures; and

(D) establishing a permanent solution to collecting information nationwide to track ownership of real estate.

(2) FORMAT.—The report required under this subsection shall be made available to the public, including on the website of the Department of the Treasury, but may contain a classified annex and be accompanied by a classified briefing.

Public information. Web posting. Classified information. Briefing.

(c) SENSE OF CONGRESS ON INTERNATIONAL COOPERATION.—It is the sense of the Congress that the Secretary of the Treasury and other relevant cabinet members (such as the Secretary of State, Secretary of Homeland Security, and Attorney General) should work jointly with European, E.U., and U.K. financial intelligence units, trade transparency units, and appropriate law enforcement authorities to present, both in the report required under subsection (b) and in future analysis of suspicious transaction reports, cash transaction reports, currency and monetary instrument reports, and other relevant data to identify trends and assess risks in the movement of illicit funds from Russia through the United States, British, and European financial systems.

Subtitle C—Other Matters

SEC. 9721. CERTIFIED NOTICE AT COMPLETION OF AN ASSESSMENT.

(a) IN GENERAL.—Section 721(b)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by adding "OR ASSESSMENT" at the end; and

(B) by striking "subsection (b) that concludes action under this section" and inserting "this subsection that concludes action under this section, or upon the Committee making a notification under paragraph (1)(C)(v)(III)(aa)(DD)"; and

(2) in subparagraph (C)(i)—

(A) in subclause (I), by striking "and" at the end;

(B) in subclause (II), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(III) whether the transaction is described under clause (i), (ii), (iii), (iv), or (v) of subsection (a)(4)(B).".

(b) TECHNICAL CORRECTIONS.—

50 USC 4565 note.

(1) IN GENERAL.—Section 1727(a) of the Foreign Investment Risk Review Modernization Act of 2018 (Public Law 115–232) is amended—

(A) in paragraph (3), by striking "(4)(C)(v)" and inserting "(4)(F)"; and

(B) in paragraph (4), by striking "subparagraph (B)" and inserting "subparagraph (C)".

50 USC 4565 note.

(2) EFFECTIVE DATE.—The amendments under paragraph (1) shall take effect on the date of enactment of the Foreign Investment Risk Review Modernization Act of 2018.

22 USC note prec. 261.

SEC. 9722. ENSURING CHINESE DEBT TRANSPARENCY.

(a) UNITED STATES POLICY AT THE INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) that it is the policy of the United States to use the voice and vote of the United States at the respective institution to seek to secure greater transparency with respect to the terms and conditions of financing provided by the government of the People's Republic of China to any member state of the respective institution that is a recipient of financing from the institution, consistent with the rules and principles of the Paris Club.

(b) REPORT REQUIRED.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the annual report required by section 1701 of the International Financial Institutions Act—

(1) a description of progress made toward advancing the policy described in subsection (a) of this section; and

Recommendations.

(2) a discussion of financing provided by entities owned or controlled by the government of the People's Republic of China to the member states of international financial institutions that receive financing from the international financial institutions, including any efforts or recommendations by the Chairman to seek greater transparency with respect to the former financing.

(c) SUNSET.—Subsections (a) and (b) of this section shall have no force or effect after the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) 30 days after the date that the Secretary reports to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the People's Republic of China is in substantial compliance with the rules and principles of the Paris Club.

SEC. 9723. ACCOUNTABILITY FOR WORLD BANK LOANS TO CHINA.

22 USC note prec. 261.

(a) UNITED STATES SUPPORT FOR GRADUATION OF CHINA FROM WORLD BANK ASSISTANCE.—

(1) IN GENERAL.—The United States Governor of the International Bank for Reconstruction and Development (in this section referred to as the "IBRD") shall instruct the United States Executive Director at the IBRD that it is the policy of the United States to—

(A) pursue the expeditious graduation of the People's Republic of China from assistance by the IBRD, consistent with the lending criteria of the IBRD; and

(B) until the graduation of China from IBRD assistance, prioritize projects in China that contribute to global public goods, to the extent practicable.

(2) SUNSET.—Paragraph (1) shall have no force or effect on or after the earlier of—

(A) the date that is 7 years after the date of the enactment of this Act; or

(B) the date that the Secretary of the Treasury reports to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that termination of paragraph (1) is important to the national interest of the United States, with a detailed explanation of the reasons therefor.

(b) ACCOUNTABILITY FOR WORLD BANK LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the United States Governor of the IBRD shall submit the report described in paragraph (2) to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) REPORT DESCRIBED.—The report described in this paragraph shall include the following:

(A) A detailed description of the efforts of the United States Governor of the IBRD to enforce the timely graduation of countries from the IBRD, with a particular focus on the efforts with regard to the People's Republic of China.

(B) If the People's Republic of China is a member country of the IBRD, an explanation of any economic or political factors that have prevented the graduation of the People's Republic of China from the IBRD.

(C) A discussion of any effects resulting from fungibility and IBRD lending to China, including the potential for IBRD lending to allow for funding by the government of the People's Republic of China of activities that may be inconsistent with the national interest of the United States.

(D) An action plan to help ensure that the People's Republic of China graduates from the IBRD within 2 years

Action plan.

after submission of the report, consistent with the lending eligibility criteria of the IBRD.

(3) WAIVER OF REQUIREMENT THAT REPORT INCLUDE ACTION PLAN.—The Secretary of the Treasury may waive the requirement of paragraph (2)(D) on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver is important to the national interest of the United States, with a detailed explanation of the reasons therefor.

Assessments.
Deadline.
Consultation.
Classified information.

(c) ENSURING DEBT TRANSPARENCY WITH RESPECT TO THE BELT AND ROAD INITIATIVE.—Within 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall, in consultation with the Secretary of State, submit to the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report (which should be submitted in unclassified form but may include a classified annex) that includes the following:

(1) An assessment of the level of indebtedness of countries receiving assistance through the Belt and Road Initiative that are also beneficiary countries of the international financial institutions, including the level and nature of indebtedness to the People's Republic of China or an entity owned or controlled by the government of the People's Republic of China.

Analysis.

(2) An analysis of debt management assistance provided by the World Bank, the International Monetary Fund, and the Office of Technical Assistance of the Department of the Treasury to borrowing countries of the Belt and Road Initiative of the People's Republic of China (or any comparable initiative or successor initiative of China).

(3) An assessment of the effectiveness of United States efforts, including bilateral efforts and multilateral efforts, at the World Bank, the International Monetary Fund, other international financial institutions and international organizations to promote debt transparency.

22 USC 262p–4n note.

SEC. 9724. FAIRNESS FOR TAIWAN NATIONALS REGARDING EMPLOYMENT AT INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Taiwan is responsible for remarkable achievements in economic and democratic development, with its per capita gross domestic product rising in purchasing power parity terms from $3,470 in 1980 to more than $55,000 in 2018;

(2) the experience of Taiwan in creating a vibrant and advanced economy under democratic governance and the rule of law can inform the work of the international financial institutions, including through the contributions and insights of Taiwan nationals; and

(3) Taiwan nationals who seek employment at the international financial institutions should not be held at a disadvantage in hiring because the economic success of Taiwan has rendered it ineligible for financial assistance from such institutions.

(b) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to use the voice and vote of the United States to seek to ensure that Taiwan nationals are not discriminated against

in any employment decision by the institution, including employment through consulting or part-time opportunities, on the basis of—

(1) whether they are citizens or nationals of, or holders of a passport issued by, a member country of, or a state or other jurisdiction that receives assistance from, the international financial institution; or

(2) any other consideration that, in the determination of the Secretary, unfairly disadvantages Taiwan nationals with respect to employment at the institution.

(c) WAIVER AUTHORITY.—The Secretary of the Treasury may waive subsection (b) for not more than 1 year at a time after reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that providing the waiver— Time period.

(1) will substantially promote the objective of equitable treatment for Taiwan nationals at the international financial institutions; or

(2) is in the national interest of the United States, with a detailed explanation of the reasons therefor.

(d) PROGRESS REPORT.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall submit to the committees specified in subsection (c) an annual report, in writing, that describes the progress made toward advancing the policy described in subsection (b), and a summary of employment trends with respect to Taiwan nationals at the international financial institutions.

(e) INTERNATIONAL FINANCIAL INSTITUTION DEFINED.—In this section, the term "international financial institutions" has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

(f) SUNSET.—The preceding provisions of this section shall have no force or effect beginning on the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) the date that the Secretary of the Treasury reports to the committees specified in subsection (c) that each international financial institution has adopted the policy described in subsection (b).

TITLE XCIX—CREATING HELPFUL INCENTIVES TO PRODUCE SEMICONDUCTORS FOR AMERICA

Sec. 9901. Definitions.
Sec. 9902. Semiconductor incentives.
Sec. 9903. Department of Defense.
Sec. 9904. Department of Commerce study on status of microelectronics technologies in the United States industrial base.
Sec. 9905. Funding for development and adoption of measurably secure semiconductors and measurably secure semiconductors supply chains.
Sec. 9906. Advanced microelectronics research and development.
Sec. 9907. Prohibition relating to foreign entities of concern.
Sec. 9908. Defense Production Act of 1950 efforts.

SEC. 9901. DEFINITIONS. 15 USC 4651.

In this title:

(1) The term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Finance of the Senate; and

(B) the Permanent Select committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives..

(2) The term "covered entity" means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to substantially finance, construct, expand, or modernize a facility relating to fabrication, assembly, testing, advanced packaging, or research and development of semiconductors.

(3) The term "covered incentive":

(A) means an incentive offered by a governmental entity to a covered entity for the purposes of constructing within the jurisdiction of the governmental entity, or expanding or modernizing an existing facility within that jurisdiction, a facility described in paragraph (2); and

(B) a workforce-related incentive (including a grant agreement relating to workforce training or vocational education), any concession with respect to real property, funding for research and development with respect to semiconductors, and any other incentive determined appropriate by the Secretary, in consultation with the Secretary of State.

(4) The term "person" includes an individual, partnership, association, corporation, organization, or any other combination of individuals.

(5) The term "foreign entity"—

(A) means—

(i) a government of a foreign country and a foreign political party;

(ii) a natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual (as such term is defined in section 274B(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)); or

(iii) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; and

(B) includes—

(i) any person owned by, controlled by, or subject to the jurisdiction or direction of a an entity listed in subparagraph (A);

(ii) any person, wherever located, who acts as an agent, representative, or employee of an entity listed in subparagraph (A);

(iii) any person who acts in any other capacity at the order, request, or under the direction or control, of an entity listed in subparagraph (A), or of a person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by an entity listed in subparagraph (A);

(iv) any person who directly or indirectly through any contract, arrangement, understanding, relationship, or otherwise, owns 25 percent or more of the equity interests of an entity listed in subparagraph (A);

(v) any person with significant responsibility to control, manage, or direct an entity listed in subparagraph (A);

(vi) any person, wherever located, who is a citizen or resident of a country controlled by an entity listed in subparagraph (A); or

(vii) any corporation, partnership, association, or other organization organized under the laws of a country controlled by an entity listed in subparagraph (A).

(6) The term "foreign entity of concern" means any foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury;

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is listed in section 2533c of title 10, United States Code; or

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the "Espionage Act") (18 U.S.C. 792 et seq.);

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the "Economic Espionage Act of 1996");

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) sections 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274–2278; 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Economic Emergency Powers Act (50 U.S.C. 1701 et seq.); or

Determination.
Consultation.

(E) determined by the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States under this Act.

(7) The term "governmental entity" means a State or local government.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "semiconductor" has the meaning given that term by the Secretary.

15 USC 4652.

SEC. 9902. SEMICONDUCTOR INCENTIVES.

(a) FINANCIAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section and subject to the availability of appropriations for such purposes, provides Federal financial assistance to covered entities to incentivize investment in facilities and equipment in the United States for semiconductor fabrication, assembly, testing, advanced packaging, or research and development.

(2) PROCEDURE.—

(A) IN GENERAL.—A covered entity shall submit to the Secretary an application that describes the project for which the covered entity is seeking financial assistance under this section.

(B) ELIGIBILITY.—In order for a covered entity to qualify for financial assistance under this section, the covered entity shall demonstrate to the Secretary, in the application submitted by the covered entity under subparagraph (A), that—

(i) the covered entity has a documented interest in constructing, expanding, or modernizing a facility described in paragraph (1); and

(ii) with respect to the project described in clause (i), the covered entity has—

(I) been offered a covered incentive;

(II) made commitments to worker and community investment, including through—

(aa) training and education benefits paid by the covered entity; and

(bb) programs to expand employment opportunity for economically disadvantaged individuals; and

(III) secured commitments from regional educational and training entities and institutions of higher education to provide workforce training, including programming for training and job placement of economically disadvantaged individuals; and

(IV) an executable plan to sustain the facility described in clause (i) without additional Federal financial assistance under this subsection for facility support.

(C) CONSIDERATIONS FOR REVIEW.—With respect to the review by the Secretary of an application submitted by a covered entity under subparagraph (A)—

(i) the Secretary may not approve the application unless the Secretary—

(I) confirms that the covered entity has satisfied the eligibility criteria under subparagraph (B);

(II) determines that the project to which the application relates is in the interest of the United States; and Determination.

(III) has notified the appropriate committees of Congress not later than 15 days before making any commitment to provide a grant to any covered entity that exceeds $10,000,000; and Notification. Deadline.

(ii) the Secretary may consider whether—

(I) the covered entity has previously received financial assistance made under this subsection;

(II) the governmental entity offering the applicable covered incentive has benefitted from financial assistance previously provided under this subsection;

(III) the covered entity has demonstrated that they are responsive to the national security needs or requirements established by the Intelligence Community (or an agency thereof), the National Nuclear Security Administration, or the Department of Defense; and

(IV) when practicable, a consortium that is considered a covered entity includes a small business concern, as defined under section 3 of the Small Business Act (15 U.S.C. 632), notwithstanding section 121.103 of title 13, Code of Federal Regulations; and

(iii) the Secretary may not approve an application if the Secretary determines that the covered entity is a foreign entity of concern. Determination.

(D) RECORDS.—The Secretary may request records and information from the applicant to review the status of a covered entity. The applicant shall provide the records and information requested by the Secretary.

(3) AMOUNT.—

(A) IN GENERAL.—The Secretary shall determine the appropriate amount and funding type for each financial assistance award made to a covered entity under this subsection. Determination.

(B) LARGER INVESTMENT.—Federal investment in any individual project shall not exceed $3,000,000,000 unless the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, recommends to the President, and the President certifies and reports to the appropriate committees of Congress, that a larger investment is necessary to— Consultation. Recommendation. President. Certification. Reports.

(i) significantly increase the proportion of reliable domestic supply of semiconductors relevant for national security and economic competitiveness that can be met through domestic production; and

(ii) meet the needs of national security.

(4) USE OF FUNDS.—A covered entity that receives a financial assistance award under this subsection may only use the financial assistance award amounts to—

Determination.

(A) finance the construction, expansion, or modernization of a facility or equipment to be used for semiconductors described in paragraph (1), as documented in the application submitted by the covered entity under paragraph (2)(B), as determined necessary by the Secretary for purposes relating to the national security and economic competitiveness of the United States;

(B) support workforce development for a facility described in subparagraph (A);

(C) support site development and modernization for a facility described in subparagraph (A); and

(D) pay reasonable costs related to the operating expenses for a facility described in subparagraph (A), including specialized workforce, essential materials, and complex equipment maintenance, as determined by the Secretary.

(5) CLAWBACK.—

(A) TARGET DATES.—For all major awards to covered entities, the Secretary shall—

Determination.

(i) determine target dates by which a project shall commence and complete; and

(ii) set these dates by the time of award.

(B) PROGRESSIVE RECOVERY FOR DELAYS.—If the project does not commence and complete by the set target dates in (A), the Secretary shall progressively recover up to the full amount of an award provided to a covered entity under this subsection.

(C) TECHNOLOGY CLAWBACK.—The Secretary shall recover the full amount of an award provided to a covered entity under this subsection if, during the applicable term with respect to the award, the covered entity knowingly engages in any joint research or technology licensing effort—

(i) with a foreign entity of concern; and

(ii) that relates to a technology or product that raises national security concerns, as determined by the Secretary and communicated to the covered entity before engaging in such joint research or technology licensing.

(D) WAIVER.—In the case of delayed projects, the Secretary may waive elements of the clawback provisions incorporated in each major award after—

Determination.

(i) making a formal determination that circumstances beyond the ability of the covered entity to foresee or control are responsible for delays; and

(ii) submitting congressional notification.

(E) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify appropriate committees of Congress—

(i) of the clawback provisions attending each such major award; and

Deadline.

(ii) of any waivers provided, not later than 15 days after the date on which such a waiver was provided.

(b) COORDINATION REQUIRED.—In carrying out the program established under subsection (a), the Secretary shall coordinate with the Secretary of State, the Secretary of Defense, the Secretary

of Homeland Security, the Secretary of Energy, and the Director of National Intelligence.

(c) GAO REVIEWS.—The Comptroller General of the United States shall—

(1) not later than 2 years after the date of disbursement of the first financial award under subsection (a), and biennially thereafter for 10 years, conduct a review of the program established under subsection (a), which shall include, at a minimum— Deadline. Time period.

(A) a determination of the number of instances in which financial assistance awards were provided under that subsection during the period covered by the review; Determination.

(B) an evaluation of how— Evaluation.

(i) the program is being carried out, including how recipients of financial assistance awards are being selected under the program; and

(ii) other Federal programs are leveraged for manufacturing, research, and training to complement the financial assistance awards awarded under the program; and

(C) a description of the outcomes of projects supported by awards made under the program, including a description of—

(i) facilities described in subsection (a)(1) that were constructed, expanded, or modernized as a result of awards made under the program;

(ii) research and development carried out with awards made under the program;

(iii) workforce training programs carried out with awards made under the program, including efforts to hire individuals from disadvantaged populations; and

(iv) the impact of projects on the United States share of global microelectronics production; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

SEC. 9903. DEPARTMENT OF DEFENSE. 15 USC 4653.

(a) DEPARTMENT OF DEFENSE EFFORTS.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purposes, the Secretary of Defense, in consultation with the Secretary of Commerce, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence, shall establish a public-private partnership through which the Secretary shall work to incentivize the formation of one or more consortia of companies (or other such partnerships of private-sector entities, as appropriate) to ensure the development and production of measurably secure microelectronics, including integrated circuits, logic devices, memory, and the packaging and testing practices that support these microelectronic components by the Department of Defense, the intelligence community, critical infrastructure sectors, and other national security applications. Such incentives may include the use of grants under section 9902, and providing incentives for the creation, expansion, or modernization of one or more commercially competitive and sustainable microelectronics manufacturing or advanced research and development facilities in the United States. Consultation.

(2) RISK MITIGATION REQUIREMENTS.—A participant in a consortium formed with incentives under paragraph (1)—

(A) shall have the potential to enable design, perform fabrication, assembly, package, or test functions for microelectronics deemed critical to national security as defined by the National Security Advisor and the Secretary of Defense;

(B) may be a fabless company migrating its designs to the facility envisioned in paragraph (1) or migrating to an existing facility onshore;

(C) may be companies, including fabless companies and companies that procure large quantities of microelectronics, willing to co-invest to achieve the objectives set forth in paragraph (1);

(D) shall include management processes to identify and mitigate supply chain security risks; and

(E) shall be capable of providing microelectronic components that are consistent with applicable measurably secure supply chain and operational security standards established under section 224(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) NATIONAL SECURITY CONSIDERATIONS.—The Secretary of Defense and the Director of National Intelligence shall select participants for each consortium and or partnership formed with incentives under paragraph (1). In selecting such participants, the Secretary and the Director may jointly consider whether the companies—

(A) have participated in previous programs and projects of the Department of Defense, Department of Energy, or the intelligence community, including—

(i) the Trusted Integrated Circuit program of the Intelligence Advanced Research Projects Activity;

(ii) trusted and assured microelectronics projects, as administered by the Department of Defense;

(iii) the Electronics Resurgence Initiative program of the Defense Advanced Research Projects Agency; or

(iv) relevant semiconductor research programs of the Advanced Research Projects Agency–Energy;

(B) have demonstrated an ongoing commitment to performing contracts for the Department of Defense and the intelligence community;

(C) are approved by the Defense Counterintelligence and Security Agency or the Office of the Director of National Intelligence as presenting an acceptable security risk, taking into account supply chain assurance vulnerabilities, counterintelligence risks, and any risks presented by companies whose beneficial owners are located outside the United States; and

(D) are evaluated periodically for foreign ownership, control, or influence by a foreign entity of concern.

Determination.

(4) NONTRADITIONAL DEFENSE CONTRACTORS AND COMMERCIAL ENTITIES.—Arrangements entered into to carry out paragraph (1) shall be in such form as the Secretary of Defense determines appropriate to encourage industry participation of nontraditional defense contractors or commercial entities and

may include a contract, a grant, a cooperative agreement, a commercial agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.

(5) IMPLEMENTATION.—Subject to the availability of appropriations for such purposes, the Secretary of Defense—

(A) shall carry out paragraph (1) jointly through the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment; and

(B) may carry out paragraph (1) in collaboration with any such other component of the Department of Defense as the Secretary of Defense considers appropriate.

(6) OTHER INITIATIVES.—

Consultations.

(A) REQUIRED INITIATIVES.—Subject to the availability of appropriations for such purposes, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the National Nuclear Security Administration, as appropriate, may dedicate initiatives within the Department of Defense to carry out activities to advance radio frequency, mixed signal, radiation tolerant, and radiation hardened microelectronics that support national security and dual-use applications.

Assessment.

(B) SUPPORT PLAN REQUIRED.—The Secretary of Defense, in consultation with the heads of appropriate departments and agencies of the Federal Government, shall develop a plan, including assessment of resource requirements and designation of responsible officials, for the maintenance of capabilities to produce trusted and assured microelectronics to support current and legacy defense systems, other government systems essential for national security, and critical infrastructure of the United States, especially for items with otherwise limited commercial demand.

Contracts.
Study.
Recommendations.
Analysis.
Deadline.

(C) ASSESSMENT OF PUBLIC PRIVATE PARTNERSHIPS AND ACTIVITIES.—In conjunction with the activities carried out under this section, the Secretary of Defense shall enter into an agreement with the National Academies of Science, Engineering, and Medicine to undertake a study to make recommendations and provide policy options for optimal public-private partnerships and partnership activities, including an analysis of establishing a semiconductor manufacturing corporation to leverage private sector technical, managerial, and investment expertise, and private capital, as well as an assessment of and response to the industrial policies of other nations to support industries in similar critical technology sectors, and deliver such study to the congressional defense committees not later than October 1, 2022.

(7) REPORTS.—

(A) REPORT BY SECRETARY OF DEFENSE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plans of the Secretary to carry out paragraphs (1) and (6).

Time period.

(B) BIENNIAL REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than one year after the date on which the Secretary submits the report required

by subparagraph (A) and not less frequently than once every two years thereafter for a period of 10 years, the Comptroller General of the United States shall submit to Congress a report on the activities carried out under this subsection.

(b) NATIONAL NETWORK FOR MICROELECTRONICS RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purposes, the Secretary of Defense may establish a national network for microelectronics research and development—

(A) to enable the laboratory to fabrication transition of microelectronics innovations in the United States; and

(B) to expand the global leadership in microelectronics of the United States.

(2) ACTIVITIES.—The national network for microelectronics research and development shall—

(A) enable cost effective exploration of new materials, devices, and architectures, and prototyping in domestic facilities to safeguard domestic intellectual property;

(B) accelerate the transition of new technologies to domestic microelectronics manufacturers; and

(C) conduct other relevant activities deemed necessary by the Secretary of Defense for accomplishing the purposes of the national network for microelectronics research and development.

15 USC 4654.

SEC. 9904. DEPARTMENT OF COMMERCE STUDY ON STATUS OF MICROELECTRONICS TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

Deadline. Consultation.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the heads of other Federal departments and agencies, as appropriate, including the Secretary of Defense, Secretary of Homeland Security, and the Secretary of Energy, shall undertake a review, which shall include a survey, using authorities in section 705 of the Defense Production Act of 1950 (50 U.S.C. 4555), to assess the capabilities of the United States industrial base to support the national defense in light of the global nature of the supply chain and significant interdependencies between the United States industrial base and the industrial bases of foreign countries with respect to the manufacture, design, and end use of microelectronics.

(b) RESPONSE TO SURVEY.—To the extent authorized by section 705 of the Defense Production Act of 1950 (50 U.S.C. 4555) and section 702 of title 15, Code of Federal Regulations, the Secretary shall ensure all relevant potential respondents reply to the survey, including the following:

(1) Corporations, partnerships, associations, or any other organized groups domiciled and with substantial operations in the United States.

(2) Corporations, partnerships, associations, or any other organized groups with a physical presence of any kind in the United States.

(3) Foreign domiciled corporations, partnerships, associations, or any other organized groups with a physical presence of any kind in the United States.

(c) INFORMATION REQUESTED.—To the extent authorized by section 705 of the Defense Production Act of 1950 (50 U.S.C. 4555) and section 702 of title 15, Code of Federal Regulations, the information sought from a responding entity specified in subsection (b) shall include, at minimum, information on the following with respect to the manufacture, design, or end use of microelectronics by such entity:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of microelectronics development, manufacture, assembly, test, and packaging equipment in operation at such an entity.

(4) An identification of all relevant intellectual property, raw materials, and semi-finished goods and components sourced domestically and abroad by such an entity.

(5) Specifications of the microelectronics manufactured or designed by such an entity, descriptions of the end-uses of such microelectronics, and a description of any technical support provided to end-users of such microelectronics by such an entity.

(6) Information on domestic and export market sales by such an entity.

(7) Information on the financial performance, including income and expenditures, of such an entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such an entity in each market in which such entity operates. List.

(9) A list of regulatory or other informational requests about the respondents' operations, sales, or other proprietary information by the People's Republic of China entities under its direction or officials of the Chinese Communist Party, a description of the nature of each request, and the type of information provided. List.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such an entity.

(11) A description of efforts by such an entity to evaluate and control supply chain risks. Evaluation.

(12) A list and description of any sales, licensing agreements, or partnerships between such an entity and the People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur. List.

(d) REPORT.—

(1) IN GENERAL.—The Secretary shall, in consultation with the heads of other appropriate Federal departments and agencies, as appropriate, including the Secretary of Defense, Secretary of Homeland Security, and Secretary of Energy, submit to Congress a report on the results of the review required by subsection (a). The report shall include the following: Consultation. Assessments.

(A) An assessment of the results of the review.

(B) A list of critical technology areas impacted by potential disruptions in production of microelectronics, and a detailed description and assessment of the impact of such potential disruptions on such areas. List.

(C) A description and assessment of gaps and vulnerabilities in the microelectronics supply chain and the national industrial supply base.

Classified information.

(2) FORM.—The report required by paragraph (1) may be submitted in classified form.

15 USC 4655.

SEC. 9905. FUNDING FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE SEMICONDUCTORS AND MEASURABLY SECURE SEMICONDUCTORS SUPPLY CHAINS.

(a) MULTILATERAL SEMICONDUCTORS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—The Secretary of the Treasury is authorized to establish a trust fund, to be known as the "Multilateral Semiconductors Security Fund" (in this section referred to as the "Fund"), consisting of any appropriated funds credited to the Fund for such purpose.

Coordination.

(2) REPORTING REQUIREMENT.—If the Fund authorized under subsection (a)(1) is not established, 180 days after the date of the enactment of this Act and annually thereafter until such Fund is established, the Secretary of the Treasury, in coordination with the Secretary of State, shall provide, in writing, to the appropriate committees of Congress a rationale for not establishing the Fund.

(3) INVESTMENT OF AMOUNTS.—

(A) INVESTMENT OF AMOUNTS.—If the Fund authorized under subsection (a)(1) is established, the Secretary of the Treasury shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(4) USE OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in advance in an appropriations Act, to the Secretary of State—

(i) to provide funding through the common funding mechanism described in subsection (b)(1) to support the development and adoption of measurably secure semiconductors and measurably secure semiconductors supply chains; and

(ii) to otherwise carry out this section.

Contracts.

(B) AVAILABILITY CONTINGENT ON INTERNATIONAL ARRANGEMENT OR AGREEMENT.—

(i) IN GENERAL.—Amounts in the Fund shall be available to the Secretary of State, subject to appropriation, on and after the date on which the Secretary of State enters into an arrangement or agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism under paragraph (1) of subsection (b).

(ii) CONSULTATION.—Before entering into an arrangement or agreement as described clause (i), the Secretary of State, in consultation with the Secretary of Commerce, shall ensure any partner government

maintains export control licensing policies on semiconductor technology substantively equivalent to the United States with respect to restrictions on such exports to the People's Republic of China.

(b) COMMON FUNDING MECHANISM FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE SEMICONDUCTORS AND MEASURABLY SECURE SEMICONDUCTORS SUPPLY CHAINS.—

Consultation. Coordination.

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, the Secretary of Energy, and the Director of National Intelligence, is authorized to establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Fund to support the development and adoption of secure semiconductors and secure semiconductors supply chains, including for use in research and development collaborations among partner countries participating in the common funding mechanism. In establishing and sustaining a common funding mechanism, the Secretary of State should leverage United States funding in order to secure contributions and commitments from trusted foreign partners, including cost sharing and other cooperative measures leading to the development and adoption of secure semiconductors and secure microelectronic supply chains.

(2) COMMITMENTS.—In creating and sustaining a common funding mechanism described in paragraph (1), the Secretary of State should promote efforts among foreign partners to—

(A) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to semiconductors firms located in or outside such countries;

(B) establish consistent policies with respect to countries that—

(i) are not participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subparagraph (A);

(C) promote harmonized treatment of semiconductors and verification processes for items being exported to a country considered a national security risk by a country participating in the common funding mechanism;

(D) establish consistent policies and common external policies to address nonmarket economies as the behavior of such countries pertains to semiconductors;

(E) align policies on supply chain integrity and semiconductors security, including with respect to protection and enforcement of intellectual property rights; and

(F) promote harmonized foreign direct investment screening measures and export control policies with respect to semiconductors to align with national, multilateral, and plurilateral security priorities.

(c) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(4), the Secretary of State shall submit to the appropriate committees of Congress a report on the status

of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that have entered into an arrangement or agreement with the United States to provide funding for the common funding mechanism described in subsection (b)(1) and the specific amount so committed and other cooperative measures being taken by such countries as part of the common funding mechanism;

(2) the criteria established for expenditure of funds through the common funding mechanism;

(3) how, and to whom, amounts have been expended from the Fund and a description of progress made utilizing the Fund to support the objectives described in subsection (b)(1);

(4) amounts remaining in the Fund;

(5) the progress of the Secretary of State toward entering into an arrangement or agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(2); and

(6) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

(d) NOTIFICATIONS TO BE PROVIDED BY THE FUND.—

Reports.

(1) IN GENERAL.—Not later than 15 days prior to the Fund making a financial commitment associated with the provision of expenditures under subsection (a)(4)(A) in an amount in excess of $1,000,000, the Secretary of State shall submit to the appropriate committees of Congress report in writing that contains the information required by paragraph (2).

(2) INFORMATION REQUIRED.—The information required by this subsection includes—

(A) the amount of each such expenditure;

(B) an identification of the recipient or beneficiary; and

(C) a description of the project or activity and the purpose to be achieved by an expenditure of the Fund.

Contracts.
Notification.
Deadline.

(3) ARRANGEMENTS OR AGREEMENTS.—The Secretary of State shall notify the appropriate committees of Congress not later than 30 days after entering into a new bilateral or multilateral arrangement or agreement described in subsection (a)(4)(B).

15 USC 4656.

SEC. 9906. ADVANCED MICROELECTRONICS RESEARCH AND DEVELOPMENT.

President.

(a) SUBCOMMITTEE ON MICROELECTRONICS LEADERSHIP.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish in the National Science and Technology Council a subcommittee on matters relating to leadership and competitiveness of the United States in microelectronics technology and innovation (in this section referred to as the "Subcommittee".

(2) MEMBERSHIP.—The Subcommittee shall be composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of the National Science Foundation.

(D) The Secretary of Commerce.

(E) The Secretary of State.
(F) The Secretary of Homeland Security.
(G) The United States Trade Representative.
(H) The Director of National Intelligence.
(I) The heads of such other departments and agencies of the Federal Government as the President determines appropriate.

(3) DUTIES.—The duties of the Subcommittee are as follows:

(A) NATIONAL STRATEGY ON MICROELECTRONICS RESEARCH.—

(i) IN GENERAL.—In consultation with the advisory committee established in (b), and other appropriate stakeholders in the microelectronics industry and academia, the Subcommittee shall develop a national strategy on microelectronics research, development, manufacturing, and supply chain security to—

(I) accelerate the domestic development and production of microelectronics and strengthen the domestic microelectronics workforce; and

(II) ensure that the United States is a global leader in the field of microelectronics research and development.

(ii) ELEMENTS.—The strategy developed under this subparagraph shall address—

(I) activities that may be carried out to strengthen engagement and outreach between the Department of Defense and industry, academia, international partners of the United States, and other departments and agencies of the Federal Government on issues relating to microelectronics;

(II) priorities for research and development to accelerate the advancement and adoption of innovative microelectronics and new uses of microelectronics and components;

(III) the role of diplomacy and trade in maintaining the position of the United States as a global leader in the field of microelectronics;

(IV) the potential role of a Federal laboratory, center, or incubator exclusively focused on the research and development of microelectronics, as described in section 231(b)(15) of the National Defense Authorization Act for Fiscal Year 2017 (as added by section 276 of this Act) in carrying out the strategy and plan required under this subparagraph; and

(V) such other activities as the Subcommittee determines may be appropriate to overcome future challenges to the innovation, competitiveness, and supply chain integrity of the United States in the field of microelectronics.

(B) FOSTERING COORDINATION OF RESEARCH AND DEVELOPMENT.—The Subcommittee shall coordinate microelectronics related research, development, manufacturing, and supply chain security activities and budgets of Federal agencies and ensure such activities are consistent with the strategy required under subparagraph (A).

(C) REPORTING AND UPDATES.— Deadlines.

(i) PROGRESS BRIEFING.—Not later than one year after the date of the enactment of this Act, the President shall provide to the appropriate committees of Congress a briefing on the progress of the Subcommittee in developing the strategy required under subparagraph (A).

(ii) STRATEGY UPDATE.—Not less frequently than once every 5 years, the Subcommittee shall update the strategy developed under subparagraph (A) and submit the revised strategy to the appropriate committees of Congress.

(4) SUNSET.—The Subcommittee shall terminate on the date that is 10 years after the date of the enactment of this Act.

(b) INDUSTRIAL ADVISORY COMMITTEE.—

Consultation.

(1) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of Energy, and the Secretary of Homeland Security, shall establish an advisory committee to be composed of not fewer than 12 members, including representatives of industry, federal laboratories, and academic institutions, who are qualified to provide advice to the United States Government on matters relating to microelectronics research, development, manufacturing, and policy.

(2) DUTIES.—The advisory committee shall assess and provide guidance to the United States Government on—

(A) science and technology needs of the nation's domestic microelectronics industry;

(B) the extent to which the strategy developed under subsection (a)(3) is helping maintain United States leadership in microelectronics manufacturing;

(C) assessment of the research and development programs and activities authorized under this section; and

(D) opportunities for new public-private partnerships to advance microelectronics research, development, and domestic manufacturing.

(3) FACA EXEMPTION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established under this subsection.

(c) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—Subject to the availability of appropriations for such purpose, the Secretary of Commerce, in collaboration with the Secretary of Defense, shall establish a national semiconductor technology center to conduct research and prototyping of advanced semiconductor technology to strengthen the economic competitiveness and security of the domestic supply chain. Such center shall be operated as a public private-sector consortium with participation from the private sector, the Department of Energy, and the National Science Foundation.

(2) FUNCTIONS.—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design and packaging research, and prototyping that strengthens the entire domestic ecosystem and is aligned with the strategy required under subsection (a)(3)(A) with emphasis on the following:

(i) Semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem.

(ii) Materials characterization, instrumentation and testing for next generation microelectronics.

(iii) Virtualization and automation of maintenance of semiconductor machinery.

(iv) Metrology for security and supply chain verification.

(B) To establish an investment fund, in partnership with the private sector, to support startups and collaborations between startups, academia, established companies, and new ventures, with the goal of commercializing innovations that contribute to the domestic semiconductor ecosystem, including—

(i) advanced metrology and characterization for manufacturing of microchips using 3 nanometer transistor processes or more advanced processes; and

(ii) metrology for security and supply chain verification.

(C) To work with the Secretary of Labor, the Director of the National Science Foundation, the Secretary of Energy, the private sector, institutions of higher education, and workforce training entities to incentivize and expand participation in graduate and undergraduate programs, and develop workforce training programs and apprenticeships, in advanced microelectronic design, research, fabrication, and packaging capabilities.

(d) NATIONAL ADVANCED PACKAGING MANUFACTURING PROGRAM.—Subject to the availability of appropriations for such purpose, the Secretary of Commerce shall establish a National Advanced Packaging Manufacturing Program led by the Director of the National Institute of Standards and Technology, in coordination with the national semiconductor technology center established under subsection (c), to strengthen semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem, and which shall coordinate with the Manufacturing USA institute established under subsection (f), if applicable. Coordination.

(e) MICROELECTRONICS RESEARCH AT THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Subject to the availability of appropriations for such purpose, the Director of the National Institute of Standards and Technology shall carry out a microelectronics research program to enable advances and breakthroughs in measurement science, standards, material characterization, instrumentation, testing, and manufacturing capabilities that will accelerate the underlying research and development for metrology of next generation microelectronics and ensure the competitiveness and leadership of the United States within this sector.

(f) CREATION OF A MANUFACTURING USA INSTITUTE.—Subject to the availability of appropriations for such purpose, the Director of the National Institute of Standards and Technology may establish a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is focused on semiconductor manufacturing. Such institute may emphasize the following:

(1) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(2) Development of new advanced test, assembly and packaging capabilities.

(3) Developing and deploying educational and skills training curricula needed to support the industry sector and ensure the United States can build and maintain a trusted and predictable talent pipeline.

(g) DOMESTIC PRODUCTION REQUIREMENTS.—The head of any executive agency receiving funding under this section shall develop policies to require domestic production, to the extent possible, for any intellectual property resulting from microelectronics research and development conducted as a result of such funding and domestic control requirements to protect any such intellectual property from foreign adversaries.

15 USC 4657.

SEC. 9907. PROHIBITION RELATING TO FOREIGN ENTITIES OF CONCERN.

None of the funds authorized to be appropriated to carry out this subtitle may be provided to a foreign entity of concern.

President.
15 USC 4658.
Reports.
Action plan.

SEC. 9908. DEFENSE PRODUCTION ACT OF 1950 EFFORTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on a plan of action for any use of authorities available in title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to establish or enhance a domestic production capability for microelectronics technologies and related technologies, subject to—

(1) the availability of appropriations for that purpose; and

Determination.

(2) a determination made under the plan pursuant to such title III that such technologies are essential to the national defense and that domestic industrial capabilities are insufficient to meet these needs.

Consultation.

(b) COORDINATION.—The President shall develop the plan of action required by subsection (a) in consultation with any relevant head of a Federal agency, an advisory committee established under section 708(d) of the Defense Production Act of 1950 (50 U.S.C. 4558(d)), and appropriate stakeholders in the private sector.

TITLE C—OTHER MATTERS

Sec. 10001. AMBER Alert nationwide.
Sec. 10002. Improving authority for operation of unmanned aircraft for educational purposes.
Sec. 10003. Prohibition on provision of airport improvement grant funds to certain entities that have violated intellectual property rights of United States entities.
Sec. 10004. Study and report on the affordability of insulin.
Sec. 10005. Waiver authority with respect to institutions located in an area affected by Hurricane Maria.
Sec. 10006. Farm and ranch mental health.

SEC. 10001. AMBER ALERT NATIONWIDE.

(a) COOPERATION WITH DEPARTMENT OF HOMELAND SECURITY.—Subtitle A of title III of the PROTECT Act (34 U.S.C. 20501 et seq.) is amended—

34 USC 20501.

(1) in section 301—

(A) in subsection (b)—

(i) in paragraph (1), by inserting "(including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States)" after "gaps in areas of interstate travel"; and

(ii) in paragraphs (2) and (3), by inserting ", territories of the United States, and tribal governments" after "States"; and

(B) in subsection (d), by inserting ", the Secretary of Homeland Security," after "Secretary of Transportation"; and

(2) in section 302— 34 USC 20502.

(A) in subsection (b), in paragraphs (2), (3), and (4) by inserting ", territorial, tribal," after "State"; and

(B) in subsection (c)—

(i) in paragraph (1), by inserting ", the Secretary of Homeland Security," after "Secretary of Transportation"; and

(ii) in paragraph (2), by inserting ", territorial, tribal," after "State".

(b) AMBER ALERTS ALONG MAJOR TRANSPORTATION ROUTES.—

(1) IN GENERAL.—Section 303 of the PROTECT Act (34 U.S.C. 20503) is amended—

(A) in the section heading, by inserting "**AND MAJOR TRANSPORTATION ROUTES**" after "**ALONG HIGHWAYS**";

(B) in subsection (a)—

(i) by inserting "(referred to in this section as the 'Secretary')" after "Secretary of Transportation"; and

(ii) by inserting "and at airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States" after "along highways";

(C) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "other motorist information systems to notify motorists" and inserting "other information systems to notify motorists, aircraft passengers, ship passengers, and travelers"; and

(II) by inserting ", aircraft passengers, ship passengers, and travelers" after "necessary to notify motorists"; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "other motorist information systems to notify motorists" and inserting "other information systems to notify motorists, aircraft passengers, ship passengers, and travelers";

(II) in subparagraph (D), by inserting ", aircraft passengers, ship passengers, and travelers" after "support the notification of motorists";

(III) in subparagraph (E), by inserting ", aircraft passengers, ship passengers, and travelers" after "motorists", each place it appears;

(IV) in subparagraph (F), by inserting ", aircraft passengers, ship passengers, and travelers" after "motorists"; and

(V) in subparagraph (G), by inserting ", aircraft passengers, ship passengers, and travelers" after "motorists";

(D) in subsection (c), by striking "other motorist information systems to notify motorists", each place it appears, and inserting "other information systems to notify motorists, aircraft passengers, ship passengers, and travelers";

(E) by amending subsection (d) to read as follows:

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

Territories.
Determination.

"(2) WAIVER.—If the Secretary determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands of the United States is unable to comply with the requirement under paragraph (1), the Secretary shall waive such requirement.";

(F) in subsection (g)—

(i) by striking "In this section" and inserting "In this subtitle"; and

(ii) by striking "or Puerto Rico" and inserting "American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States"; and

(G) in subsection (h), by striking "fiscal year 2004" and inserting "each of fiscal years 2019 through 2023".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the PROTECT Act (Public Law 108–21) is amended by striking the item relating to section 303 and inserting the following:

"Sec. 303. Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children.".

(c) AMBER ALERT COMMUNICATION PLANS IN THE TERRITORIES.—Section 304 of the PROTECT Act (34 U.S.C. 20504) is amended—

(1) in subsection (b)(4), by inserting "a territorial government or" after "with";

(2) by amending subsection (c) to read as follows:

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 50 percent.

Determination.

"(2) WAIVER.—If the Attorney General determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, or an Indian tribe is unable to comply with the requirement under paragraph (1), the Attorney General shall waive such requirement."; and

(3) in subsection (d), by inserting ", including territories of the United States" before the period at the end.

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

Deadline.
Study.
Assessments.

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall conduct a study assessing—

(A) the implementation of the amendments made by this Act;

(B) any challenges related to integrating the territories of the United States into the AMBER Alert system;

(C) the readiness, educational, technological, and training needs of territorial law enforcement agencies in responding to cases involving missing, abducted, or exploited children; and

(D) any other related matters the Attorney General or the Secretary of Transportation determines appropriate.

(2) REPORT REQUIRED.—The Comptroller General shall submit a report on the findings of the study required under paragraph (1) to—

(A) the Committee on the Judiciary and the Committee on Environment and Public Works of the Senate;

(B) the Committee on the Judiciary and the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) each of the delegates or resident commissioner to the House of Representatives from American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(3) PUBLIC AVAILABILITY.—The Comptroller General shall make the report required under paragraph (2) available on a public Government website. Web posting.

(4) OBTAINING OFFICIAL DATA.—

(A) IN GENERAL.—The Comptroller General may secure information necessary to conduct the study under paragraph (1) directly from any Federal agency and from any territorial government receiving grant funding under the PROTECT Act. Upon request of the Comptroller General, the head of a Federal agency or territorial government shall furnish the requested information to the Comptroller General.

(B) AGENCY RECORDS.—Notwithstanding subparagraph (A), nothing in this subsection shall require a Federal agency or any territorial government to produce records subject to a common law evidentiary privilege. Records and information shared with the Comptroller General shall continue to be subject to withholding under sections 552 and 552a of title 5, United States Code. The Comptroller General is obligated to give the information the same level of confidentiality and protection required of the Federal agency or territorial government. The Comptroller General may be requested to sign a nondisclosure or other agreement as a condition of gaining access to sensitive or proprietary data to which the Comptroller General is entitled.

(C) PRIVACY OF PERSONAL INFORMATION.—The Comptroller General, and any Federal agency and any territorial government that provides information to the Comptroller General, shall take such actions as are necessary to ensure the protection of the personal information of a minor.

SEC. 10002. IMPROVING AUTHORITY FOR OPERATION OF UNMANNED AIRCRAFT FOR EDUCATIONAL PURPOSES.

Section 350 of the FAA Reauthorization Act of 2018 (Public Law 115–254; 49 U.S.C. 44809 note) is amended—

(1) in the section heading, by striking "**AT INSTITUTIONS OF HIGHER EDUCATION**" and inserting "**FOR EDUCATIONAL PURPOSES**"; and

(2) in subsection (a)—

(A) by striking "aircraft system operated by" and all that follows and inserting "aircraft system—"; and

(B) by adding at the end the following new paragraphs:

"(1) operated by an institution of higher education for educational or research purposes;

"(2) flown as part of an established Junior Reserve Officers' Training Corps (JROTC) program for education or research purposes; or

"(3) flown as part of an educational program that is chartered by a recognized community-based organization (as defined in subsection (h) of such section).".

SEC. 10003. PROHIBITION ON PROVISION OF AIRPORT IMPROVEMENT GRANT FUNDS TO CERTAIN ENTITIES THAT HAVE VIOLATED INTELLECTUAL PROPERTY RIGHTS OF UNITED STATES ENTITIES.

Time period.

(a) IN GENERAL.—During the period beginning on the date that is 30 days after the date of the enactment of this Act and ending on September 30, 2023, amounts provided as project grants under subchapter I of chapter 471 of title 49, United States Code, may not be used to enter into a contract described in subsection (b) with any entity on the list required by subsection (c).

(b) CONTRACT DESCRIBED.—A contract described in this subsection is a contract or other agreement for the procurement of infrastructure or equipment for a passenger boarding bridge at an airport.

(c) LIST REQUIRED.—

Deadline. Public information.

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and thereafter as required by paragraph (2), the Administrator of the Federal Aviation Administration shall, based on information provided by the United States Trade Representative and the Attorney General, make available to the public a list of entities making infrastructure or equipment for a passenger boarding bridge at an airport that—

China.

(A) are owned, directed, or subsidized by the People's Republic of China; and

(B) have been determined by a Federal court to have misappropriated intellectual property or trade secrets from an entity organized under the laws of the United States or any jurisdiction within the United States; or

(C) own or control are owned or controlled by, are under common ownership or control with, or are successors to, an entity described in subparagraph (A).

Deadlines.

(2) UPDATES TO LIST.—The Administrator shall update the list required by paragraph (1), based on information provided by the Trade Representative and the Attorney General—

(A) not less frequently than every 90 days during the 180-day period following the initial publication of the list under paragraph (1); and

(B) not less frequently than annually thereafter until September 30, 2023.

(d) DEFINITIONS.—In this section, the definitions in section 47102 of title 49, United States Code, shall apply.

SEC. 10004. STUDY AND REPORT ON THE AFFORDABILITY OF INSULIN.

The Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation, shall—

(1) conduct a study that examines, for each type or classification of diabetes (including type 1 diabetes, type 2 diabetes, gestational diabetes, and other conditions causing reliance on insulin), the effect of the affordability of insulin on—

(A) adherence to insulin prescriptions;

(B) rates of diabetic ketoacidosis;

(C) downstream impacts of insulin adherence, including rates of dialysis treatment and end-stage renal disease;

(D) spending by Federal health programs on acute episodes that could have been averted by adhering to an insulin prescription; and

(E) other factors, as appropriate, to understand the impacts of insulin affordability on health outcomes, Federal Government spending (including under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)), and insured and uninsured individuals with diabetes; and

(2) not later than 2 years after the date of enactment of this Act, submit to Congress a report on the study conducted under paragraph (1).

SEC. 10005. WAIVER AUTHORITY WITH RESPECT TO INSTITUTIONS LOCATED IN AN AREA AFFECTED BY HURRICANE MARIA.

(a) WAIVER AUTHORITY.—Notwithstanding any other provision of law, unless enacted with specific reference to this section or section 392 of the Higher Education Act of 1965 (20 U.S.C. 1068a), for any affected institution that was receiving assistance under title III of such Act (20 U.S.C. 1051 et seq.) at the time of a covered hurricane disaster, the Secretary of Education may, for each of the fiscal years 2021 through 2025— Time period.

(1) waive—

(A) the eligibility data requirements set forth in section 391(d) of the Higher Education Act of 1965 (20 U.S.C. 1068(d));

(B) the wait-out period set forth in section 313(d) of the Higher Education Act of 1965 (20 U.S.C. 1059(d));

(C) the allotment requirements under section 324 of the Higher Education Act of 1965 (20 U.S.C. 1063); and

(D) the use of the funding formula developed pursuant to section 326(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1063b(f)(3)); and

(2) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) at the time of a covered hurricane disaster are not adversely affected by any formula calculation for fiscal year 2021 or for any of the four succeeding fiscal years, as necessary.

(b) DEFINITIONS.—In this section:

(1) The term "affected institution" means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

(A) is—

(i) a part A institution (which term shall have the meaning given the term "eligible institution" under section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b))); or

(ii) a part B institution, as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), or as identified in section 326(e) of such Act (20 U.S.C. 1063b(e));

(B) is located in a covered area affected by a hurricane disaster; and

(C) is able to demonstrate that, as a result of the impact of a covered hurricane disaster, the institution—

(i) incurred physical damage;

(ii) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the Small Business Administration, as appropriate; and

(iii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on September 7, 2017.

(2) The term "covered area affected by a hurricane disaster" means an area for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Maria.

(3) The term "covered hurricane disaster" means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), and that was caused by Hurricane Maria or Hurricane Irma.

7 USC 5936 note.

SEC. 10006. FARM AND RANCH MENTAL HEALTH.

(a) PUBLIC SERVICE ANNOUNCEMENT CAMPAIGN TO ADDRESS FARM AND RANCH MENTAL HEALTH.—

Consultation.

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, shall carry out a public service announcement campaign to address the mental health of farmers and ranchers.

(2) REQUIREMENTS.—The public service announcement campaign under paragraph (1) shall include television, radio, print, outdoor, and digital public service announcements.

(3) CONTRACTOR.—

(A) IN GENERAL.—The Secretary of Agriculture may enter into a contract or other agreement with a third party to carry out the public service announcement campaign under paragraph (1).

(B) REQUIREMENT.—In awarding a contract under subparagraph (A), the Secretary of Agriculture shall use a competitive bidding process.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry

out this subsection $3,000,000, to remain available until expended.

(b) EMPLOYEE TRAINING PROGRAM TO MANAGE FARMER AND RANCHER STRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall expand the pilot program carried out by the Secretary of Agriculture in fiscal year 2019 that trained employees of the Farm Service Agency in the management of stress experienced by farmers and ranchers, to train employees of the Farm Service Agency, the Risk Management Agency, and the Natural Resources Conservation Service in the management of stress experienced by farmers and ranchers, including the detection of stress and suicide prevention. Deadline.

(2) REPORT.—Not less frequently than once every 2 years, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of this subsection.

(c) TASK FORCE FOR ASSESSMENT OF CAUSES OF MENTAL STRESS AND BEST PRACTICES FOR RESPONSE.—

(1) IN GENERAL.—The Secretary of Agriculture shall convene a task force of agricultural and rural stakeholders at the national, State, and local levels—

(A) to assess the causes of mental stress in farmers and ranchers; and Assessment.

(B) to identify best practices for responding to that mental stress.

(2) SUBMISSION OF REPORT.—Not later than 1 year after the date of enactment of this subsection, the task force convened under paragraph (1) shall submit to the Secretary of Agriculture a report containing the assessment and best practices under subparagraphs (A) and (B), respectively, of paragraph (1).

(3) COLLABORATION.—In carrying out this subsection, the task force convened under paragraph (1) shall collaborate with nongovernmental organizations and State and local agencies.

(d) CESSATION OF AUTHORITIES.—Any authorities provided under this section shall cease to be in effect on October 1, 2023.

Nancy Pelosi

Speaker of the House of Representatives.

Lisa Murkowski

Acting President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.

December 28, 2020.

The House of Representatives having proceeded to reconsider the bill (H.R. 6395) entitled "An Act to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Cheryl L. Johnson
Clerk.

I certify that this Act originated in the House of Representatives.

Cheryl L. Johnson
Clerk.

IN THE SENATE OF THE UNITED STATES

January 1, 2021.

The Senate having proceeded to reconsider the bill (H.R. 6395) entitled "An Act to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill do pass, two-thirds of the Senators present having voted in the affirmative.

Julie E. Adams
Secretary.

Approved January 1, 2021.

LEGISLATIVE HISTORY—H.R. 6395:

HOUSE REPORTS: Nos. 116–442 and Pt. 2 (both from Comm. on Armed Services) and 116–617 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 166 (2020):
July 20, 21, considered and passed House.
Nov. 16, considered and passed Senate, amended.
Dec. 8, House agreed to conference report.
Dec. 9–11, Senate considered and agreed to conference report.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2020):
Dec. 23, Presidential veto message.
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 28, House overrode veto.
Dec. 30, 31, Senate considered veto message.
CONGRESSIONAL RECORD, Vol. 166 (2021):
Jan. 1, Senate overrode veto.

Public Law 116–284
116th Congress

An Act

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to States to establish revolving funds to provide hazard mitigation assistance to reduce risks from disasters and natural hazards, and other related environmental harm.

Jan. 1, 2021
[S. 3418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Safeguarding Tomorrow through Ongoing Risk Mitigation Act.
42 USC 5121 note.

This Act may be cited as the "Safeguarding Tomorrow through Ongoing Risk Mitigation Act" or the "STORM Act".

SEC. 2. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 205. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.

42 USC 5135.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Administrator may enter into agreements with eligible entities to make capitalization grants to such entities for the establishment of hazard mitigation revolving loan funds (referred to in this section as 'entity loan funds') for providing funding assistance to local governments to carry out eligible projects under this section to reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities in order to decrease—

"(A) the loss of life and property;

"(B) the cost of insurance; and

"(C) Federal disaster payments.

"(2) AGREEMENTS.—Any agreement entered into under this section shall require the participating entity to— Requirements.

"(A) comply with the requirements of this section; and Compliance.

"(B) use accounting, audit, and fiscal procedures conforming to generally accepted accounting standards. Procedures.

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a capitalization grant under this section, an eligible entity shall submit to the Administrator an application that includes the following:

"(A) Project proposals comprised of local government hazard mitigation projects, on the condition that the entity provides public notice not less than 6 weeks prior to the submission of an application. Proposals. Notice. Deadline.

Assessment.

"(B) An assessment of recurring major disaster vulnerabilities impacting the entity that demonstrates a risk to life and property.

"(C) A description of how the hazard mitigation plan of the entity has or has not taken the vulnerabilities described in subparagraph (B) into account.

"(D) A description about how the projects described in subparagraph (A) could conform with the hazard mitigation plan of the entity and of the unit of local government.

Proposal.

"(E) A proposal of the systematic and regional approach to achieve resilience in a vulnerable area, including impacts to river basins, river corridors, watersheds, estuaries, bays, coastal regions, micro-basins, micro-watersheds, ecosystems, and areas at risk of earthquakes, tsunamis, droughts, severe storms, and wildfires, including the wildland-urban interface.

"(2) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to eligible entities for applications under this section.

"(c) ENTITY LOAN FUND.—

"(1) ESTABLISHMENT OF FUND.—An entity that receives a capitalization grant under this section shall establish an entity loan fund that complies with the requirements of this subsection.

"(2) FUND MANAGEMENT.—Except as provided in paragraph (3), entity loan funds shall—

"(A) be administered by the agency responsible for emergency management; and

"(B) include only—

"(i) funds provided by a capitalization grant under this section;

"(ii) repayments of loans under this section to the entity loan fund; and

"(iii) interest earned on amounts in the entity loan fund.

Determination.

"(3) ADMINISTRATION.—A participating entity may combine the financial administration of the entity loan fund of such entity with the financial administration of any other revolving fund established by such entity if the Administrator determines that—

"(A) the capitalization grant, entity share, repayments of loans, and interest earned on amounts in the entity loan fund are accounted for separately from other amounts in the revolving fund; and

"(B) the authority to establish assistance priorities and carry out oversight activities remains in the control of the entity agency responsible for emergency management.

"(4) ENTITY SHARE OF FUNDS.—

Time period.

"(A) IN GENERAL.—On or before the date on which a participating entity receives a capitalization grant under this section, the entity shall deposit into the entity loan fund of such entity, an amount equal to not less than 10 percent of the amount of the capitalization grant.

"(B) REDUCED GRANT.—If, with respect to a capitalization grant under this section, a participating entity deposits in the entity loan fund of the entity an amount that is

less than 10 percent of the total amount of the capitalization grant that the participating entity would otherwise receive, the Administrator shall reduce the amount of the capitalization grant received by the entity to the amount that is 10 times the amount so deposited.

"(d) APPORTIONMENT.—

Determination.

"(1) IN GENERAL.—Except as otherwise provided by this subsection, the Administrator shall apportion funds made available to carry out this section to entities that have entered into an agreement under subsection (a)(2) in amounts as determined by the Administrator.

"(2) RESERVATION OF FUNDS.—The Administrator shall reserve not more than 2.5 percent of the amount made available to carry out this section for the Federal Emergency Management Agency for—

"(A) administrative costs incurred in carrying out this section;

"(B) providing technical assistance to participating entities under subsection (b)(2); and

"(C) capitalization grants to insular areas under paragraph (4).

"(3) PRIORITY.—In the apportionment of capitalization grants under this subsection, the Administrator shall give priority to entity applications under subsection (b) that—

"(A) propose projects increasing resilience and reducing risk of harm to natural and built infrastructure;

"(B) involve a partnership between two or more eligible entities to carry out a project or similar projects;

"(C) take into account regional impacts of hazards on river basins, river corridors, micro-watersheds, macro-watersheds, estuaries, lakes, bays, and coastal regions and areas at risk of earthquakes, tsunamis, droughts, severe storms, and wildfires, including the wildland-urban interface; or

"(D) propose projects for the resilience of major economic sectors or critical national infrastructure, including ports, global commodity supply chain assets (located within an entity or within the jurisdiction of local governments, insular areas, and Indian tribal governments), power and water production and distribution centers, and bridges and waterways essential to interstate commerce.

"(4) INSULAR AREAS.—

"(A) APPORTIONMENT.—From any amount remaining of funds reserved under paragraph (2), the Administrator may enter into agreements to provide capitalization grants to insular areas.

Compliance.

"(B) REQUIREMENTS.—An insular area receiving a capitalization grant under this section shall comply with the requirements of this section as applied to participating entities.

"(e) ENVIRONMENTAL REVIEW OF REVOLVING LOAN FUND PROJECTS.—The Administrator may delegate to a participating entity all of the responsibilities for environmental review, decision making, and action pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable Federal environmental laws including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the National Historic Preservation

Act of 1966 (54 U.S.C. 300101 et seq.) that would apply to the Administrator were the Administrator to undertake projects under this section as Federal projects so long as the participating entity carries out such responsibilities in the same manner and subject to the same requirements as if the Administrator carried out such responsibilities.

Loans.

"(f) USE OF FUNDS.—

"(1) TYPES OF ASSISTANCE.—Amounts deposited in an entity loan fund, including loan repayments and interest earned on such amounts, may be used—

"(A) to make loans, on the condition that—

"(i) such loans are made at an interest rate of not more than 1 percent;

Deadline.

"(ii) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans made under this subparagraph will be fully amortized—

"(I) not later than 20 years after the date on which the project is completed; or

Deadline.

"(II) for projects in a low-income geographic area, not later than 30 years after the date on which the project is completed and not longer than the expected design life of the project;

"(iii) the loan recipient of a loan under this subparagraph establishes a dedicated source of revenue for repayment of the loan;

Plan.

"(iv) the loan recipient of a loan under this subparagraph has a hazard mitigation plan that has been approved by the Administrator; and

"(v) the entity loan fund will be credited with all payments of principal and interest on all loans made under this subparagraph;

"(B) for mitigation efforts, in addition to mitigation planning under section 322 not to exceed 10 percent of the capitalization grants made to the participating entity in a fiscal year;

"(C) for the reasonable costs of administering the fund and conducting activities under this section, except that such amounts shall not exceed $100,000 per year, 2 percent of the capitalization grants made to the participating entity in a fiscal year, or 1 percent of the value of the entity loan fund, whichever amount is greatest, plus the amount of any fees collected by the entity for such purpose regardless of the source; and

"(D) to earn interest on the entity loan fund.

"(2) PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.—In carrying out this section, the Administrator may not determine that a loan is a duplication of assistance or programs under this Act.

"(3) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Except as provided in this subsection, a participating entity may use funds in the entity loan fund to provide financial assistance for projects or activities that mitigate the impacts of natural hazards including—

"(A) drought and prolonged episodes of intense heat;

"(B) severe storms, including hurricanes, tornados, wind storms, cyclones, and severe winter storms;

"(C) wildfires;

"(D) earthquakes;

"(E) flooding, including the construction, repair, or replacement of a non-Federal levee or other flood control structure, provided that the Administrator, in consultation with the Army Corps of Engineers (if appropriate), requires an eligible entity to determine that such levee or structure is designed, constructed, and maintained in accordance with sound engineering practices and standards equivalent to the purpose for which such levee or structure is intended;

"(F) shoreline erosion;

"(G) high water levels; and

"(H) storm surges.

"(4) ZONING AND LAND USE PLANNING CHANGES.—A participating entity may use not more than 10 percent of a capitalization grant under this section to enable units of local government to implement zoning and land use planning changes focused on— Studies.

"(A) the development and improvement of zoning and land use codes that incentivize and encourage low-impact development, resilient wildland-urban interface land management and development, natural infrastructure, green stormwater management, conservation areas adjacent to floodplains, implementation of watershed or greenway master plans, and reconnection of floodplains;

"(B) the study and creation of agricultural risk compensation districts where there is a desire to remove or set-back levees protecting highly developed agricultural land to mitigate for flooding, allowing agricultural producers to receive compensation for assuming greater flood risk that would alleviate flood exposure to population centers and areas with critical national infrastructure;

"(C) the study and creation of land use incentives that reward developers for greater reliance on low impact development stormwater best management practices, exchange density increases for increased open space and improvement of neighborhood catch basins to mitigate urban flooding, reward developers for including and augmenting natural infrastructure adjacent to and around building projects without reliance on increased sprawl, and reward developers for addressing wildfire ignition; and

"(D) the study and creation of an erosion response plan that accommodates river, lake, forest, plains, and ocean shoreline retreating or bluff stabilization due to increased flooding and disaster impacts.

"(5) ESTABLISHING AND CARRYING OUT BUILDING CODE ENFORCEMENT.—A participating entity may use capitalization grants under this section to enable units of local government to establish and carry out the latest published editions of relevant building codes, specifications, and standards for the purpose of protecting the health, safety, and general welfare of the building's users against disasters and natural hazards.

"(6) ADMINISTRATIVE AND TECHNICAL COSTS.—For each fiscal year, a participating entity may use the amount described in paragraph (1)(C) to—

"(A) pay the reasonable costs of administering the programs under this section, including the cost of establishing an entity loan fund; and

"(B) provide technical assistance to recipients of financial assistance from the entity loan fund, on the condition that such technical assistance does not exceed 5 percent of the capitalization grant made to such entity.

"(7) LIMITATION FOR SINGLE PROJECTS.—A participating entity may not provide an amount equal to or more than $5,000,000 to a single hazard mitigation project.

Applicability.

"(8) REQUIREMENTS.—For fiscal year 2022 and each fiscal year thereafter, the requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to the construction of projects carried out in whole or in part with assistance made available by an entity loan fund authorized by this section.

"(g) INTENDED USE PLANS.—

Public comment.
Review.
Consultation.

"(1) IN GENERAL.—After providing for public comment and review, and consultation with appropriate government agencies of the State or Indian tribal government, Federal agencies, and interest groups, each participating entity shall annually prepare and submit to the Administrator a plan identifying the intended uses of the entity loan fund.

"(2) CONTENTS OF PLAN.—An entity intended use plan prepared under paragraph (1) shall include—

"(A) the integration of entity planning efforts, including entity hazard mitigation plans and other programs and initiatives relating to mitigation of major disasters carried out by such entity;

"(B) an explanation of the mitigation and resiliency benefits the entity intends to achieve by—

"(i) reducing future damage and loss associated with hazards;

"(ii) reducing the number of severe repetitive loss structures and repetitive loss structures in the entity;

"(iii) decreasing the number of insurance claims in the entity from injuries resulting from major disasters or other natural hazards; and

"(iv) increasing the rating under the community rating system under section 1315(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4022(b)) for communities in the entity;

"(C) information on the availability of, and application process for, financial assistance from the entity loan fund of such entity;

Criteria.

"(D) the criteria and methods established for the distribution of funds;

"(E) the amount of financial assistance that the entity anticipates apportioning;

"(F) the expected terms of the assistance provided from the entity loan fund; and

"(G) a description of the financial status of the entity loan fund, including short-term and long-term goals for the fund.

"(h) AUDITS, REPORTS, PUBLICATIONS, AND OVERSIGHT.—

"(1) BIENNIAL ENTITY AUDIT AND REPORT.—Beginning not later than the last day of the second fiscal year after the

receipt of payments under this section, and biennially thereafter, any participating entity shall—

"(A) conduct an audit of the entity loan fund established under subsection (c); and

"(B) provide to the Administrator a report including—

"(i) the result of any such audit; and

"(ii) a review of the effectiveness of the entity loan fund of the entity with respect to meeting the goals and intended benefits described in the intended use plan submitted by the entity under subsection (g). Review.

"(2) PUBLICATION.—A participating entity shall publish and periodically update information about all projects receiving funding from the entity loan fund of such entity, including— Update.

"(A) the location of the project;

"(B) the type and amount of assistance provided from the entity loan fund;

"(C) the expected funding schedule; and

"(D) the anticipated date of completion of the project.

"(3) OVERSIGHT.—

"(A) IN GENERAL.—The Administrator shall, at least every 4 years, conduct reviews and audits as may be determined necessary or appropriate by the Administrator to carry out the objectives of this section and determine the effectiveness of the fund in reducing natural hazard risk. Time period. Reviews. Determination.

"(B) GAO REQUIREMENTS.—A participating entity shall conduct audits under paragraph (1) in accordance with the auditing procedures of the Government Accountability Office, including generally accepted government auditing standards.

"(C) RECOMMENDATIONS BY ADMINISTRATOR.—The Administrator may at any time make recommendations for or require specific changes to an entity loan fund in order to improve the effectiveness of the fund.

"(i) REGULATIONS OR GUIDANCE.—The Administrator shall issue such regulations or guidance as are necessary to—

"(1) ensure that each participating entity uses funds as efficiently as possible;

"(2) reduce waste, fraud, and abuse to the maximum extent possible; and

"(3) require any party that receives funds directly or indirectly under this section, including a participating entity and a recipient of amounts from an entity loan fund, to use procedures with respect to the management of the funds that conform to generally accepted accounting standards. Requirement. Procedures.

"(j) WAIVER AUTHORITY.—Until such time as the Administrator issues final regulations to implement this section, the Administrator may—

"(1) waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section; and Determination.

"(2) provide capitalization grants under this section as a pilot program.

"(k) LIABILITY PROTECTIONS.—The Agency shall not be liable for any claim based on the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty

by the Agency, or an employee of the Agency in carrying out this section.

Examinations.

"(l) GAO REPORT.—Not later than 1 year after the date on which the first entity loan fund is established under subsection (c), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that examines—

"(1) the appropriateness of regulations and guidance issued by the Administrator for the program, including any oversight of the program;

"(2) a description of the number of the entity loan funds established, the projects funded from such entity loan funds, and the extent to which projects funded by the loan funds adhere to any applicable hazard mitigation plans;

"(3) the effectiveness of the entity loan funds to lower disaster related costs; and

Recommendations.

"(4) recommendations for improving the administration of entity loan funds.

Applicability.

"(m) DEFINITIONS.—In this section, the following definitions apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State; or

"(B) an Indian tribal government that has received a major disaster declaration during the 5-year period ending on the date of enactment of the STORM Act.

"(4) HAZARD MITIGATION PLAN.—The term 'hazard mitigation plan' means a mitigation plan submitted under section 322.

"(5) INSULAR AREA.—The term 'insular area' means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

"(6) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' means an area described in paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

"(7) PARTICIPATING ENTITY.—The term 'participating entity' means an eligible entity that has entered into an agreement under this section.

"(8) REPETITIVE LOSS STRUCTURE.—The term 'repetitive loss structure' has the meaning given the term in section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

"(9) SEVERE REPETITIVE LOSS STRUCTURE.—The term 'severe repetitive loss structure' has the meaning given the term in section 1366(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(h)).

"(10) STATE.—The term 'State' means any State of the United States, the District of Columbia, and Puerto Rico.

"(11) WILDLAND-URBAN INTERFACE.—The term 'wildland-urban interface' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

"(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2022 through 2023 to carry out this section.". Time period.

Approved January 1, 2021.

LEGISLATIVE HISTORY—S. 3418:

SENATE REPORTS: No. 116–249 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 9, considered and passed Senate.
Dec. 18, considered and passed House.

Public Law 116–285
116th Congress

An Act

Jan. 5, 2021
[H.R. 4356]

To amend the Servicemembers Civil Relief Act to allow certain individuals to terminate contracts for telephone, multichannel video programming, or internet access service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Families of Fallen Servicemembers Act.
50 USC 3901 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Families of Fallen Servicemembers Act".

SEC. 2. TERMINATION OF CONTRACTS FOR TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, OR INTERNET ACCESS SERVICE BY CERTAIN INDIVIDUALS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 305A(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3956(a)) is amended by adding at the end the following new paragraph:

"(4) ADDITIONAL INDIVIDUALS COVERED.—For purposes of this section, the following individuals shall be treated as a servicemember covered by paragraph (1):

"(A) A spouse or dependent of a servicemember who dies while in military service or a spouse or dependent of a member of the reserve components who dies while performing duty described in subparagraph (C).

"(B) A spouse or dependent of a servicemember who incurs a catastrophic injury or illness (as that term is defined in section 439(g) of title 37, United States Code), if the servicemember incurs the catastrophic injury or illness while in military service or performing duty described in subparagraph (C).

"(C) A member of the reserve components performing military service or performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 4356:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Nov. 12, considered and passed House.
Vol. 166 (2020): Dec. 15, considered and passed Senate.

Public Law 116–286
116th Congress

An Act

To require the Secretary of the Treasury to honor the 100th anniversary of completion of coinage of the "Morgan Dollar" and the 100th anniversary of commencement of coinage of the "Peace Dollar", and for other purposes.

Jan. 5, 2021
[H.R. 6192]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1921 Silver Dollar Coin Anniversary Act. 31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "1921 Silver Dollar Coin Anniversary Act".

SEC. 2. FINDINGS.

The Congress finds that following:

(1) In December 1921, the Peace silver dollar was approved by Treasury Secretary Andrew Mellon, replacing the Morgan silver dollar and commemorating the declaration of peace between the United States and the Imperial German government.

(2) The Peace silver dollar was minted in Philadelphia, Denver and San Francisco. The Morgan silver dollar was minted at Philadelphia, Denver, San Francisco, Carson City, and New Orleans.

(3) The Peace silver dollar was designed by Anthony de Francisci with the Goddess of Liberty on the obverse and a bald eagle clutching the olive branch (a symbol of peace) on the reverse. The Peace silver dollars were minted between 1921 to 1935.

(4) The Morgan silver dollar was designed by George T. Morgan and was minted from 1878 to 1904, and again in 1921. The obverse depicts a profile portrait of Lady Liberty and on the reverse, a heraldic eagle.

(5) The conversion from the Morgan silver dollar to the Peace silver dollar design in 1921 reflected a pivotal moment in American history. The Morgan silver dollar represents the country's westward expansion and industrial development in the late 19th century. The Peace silver dollar symbolizes the country's coming of age as an international power while recognizing the sacrifices made by her citizens in World War I and celebrating the victory and peace that ensued.

(6) These iconic silver dollars with vastly different representations of Lady Liberty and the American Eagle, reflect a changing of the guard in 1921 in the United States and therefore on the 100th anniversary must begin to be minted again to commemorate this significant evolution of American freedom.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue $1 coins in recognition of the 100th anniversary of completion of coinage of the Morgan dollar and the 100th anniversary of commencement of coinage of the Peace dollar, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches;

(3) contain not less than 90 percent silver; and

(4) have a reeded edge.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The designs of the coins minted under this Act shall honor either the Morgan dollar or the Peace dollar, as follows—

(A) MORGAN DOLLAR.—The coins honoring the 100th anniversary of completion of coinage of the Morgan dollar shall have an obverse design and a reverse design that are renditions of the designs historically used on the obverse and reverse of the Morgan dollar.

(B) PEACE DOLLAR.—The coins honoring the 100th anniversary of commencement of coinage of the Peace dollar shall have an obverse design and a reverse design that are renditions of the designs historically used on the obverse and reverse of the Peace dollar.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year of minting or issuance; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

Consultation.

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

Review.

(2) reviewed by the Citizens Coinage Advisory Committee.

Effective date.

SEC. 5. ISSUANCE OF COINS.

The Secretary may issue coins minted under this Act beginning on January 1, 2021.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins; and

(2) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary may make bulk sales of the coins issued under this Act at a reasonable discount.

SEC. 7. FINANCIAL ASSURANCES.

The Secretary of the Treasury shall take such actions as may be necessary to ensure that the minting and issuing of coins under the Act will not result in any net cost to the United States Government.

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6192:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 22, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–287
116th Congress

An Act

Jan. 5, 2021
[H.R. 6435]

To direct the Federal Trade Commission to develop and disseminate information to the public about scams related to COVID-19, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Combating Pandemic Scams Act of 2020.
15 USC 58 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating Pandemic Scams Act of 2020".

15 USC 52 note.

SEC. 2. INFORMATION ABOUT SCAMS RELATED TO COVID–19.

(a) DISSEMINATION OF INFORMATION.—

Consultation.

(1) IN GENERAL.—As expeditiously as possible after the date of the enactment of this Act, the Commission, in consultation with the Attorney General, the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector, and the Internet Crime Complaint Center, shall develop and disseminate information to the public about scams related to the novel coronavirus (COVID–19).

(2) REQUIREMENTS.—In carrying out paragraph (1), the Commission shall—

(A) include—

(i) information regarding mail, telemarketing, and internet fraud and illegal robocalls related to COVID–19 that identifies the most common scams; and

(ii) information regarding where and how to report instances of scams related to COVID–19, including instructions on how to file a complaint with the appropriate law enforcement agency;

(B) disseminate information under such paragraph in a manner that prioritizes, and that is easily accessible by and user-friendly to, senior citizens and people with infirmities and disabilities;

Web posting.

(C) disseminate information under such paragraph on an internet website of the Commission that serves as a source of information for the public about scams related to COVID–19; and

(D) regularly update the information developed and disseminated under such paragraph to keep pace with the changing nature of scams related to COVID–19.

Consultation.

(b) DATABASE.—As expeditiously as possible after the date of the enactment of this Act, the Commission shall, in consultation with State law enforcement agencies, the Director of the Bureau of Consumer Financial Protection, the Attorney General, the Secretary of Health and Human Services, and other relevant Federal

officials, establish a comprehensive national database, either within or separate from the Consumer Sentinel Network, that tracks instances of scams related to COVID–19.

(c) COMMISSION DEFINED.—In this section, the term "Commission" means the Federal Trade Commission.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6435:

HOUSE REPORTS: No. 116–591 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 17, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–288
116th Congress

An Act

Jan. 5, 2021
[H.R. 8354]

To establish the Servicemembers and Veterans Initiative within the Civil Rights Division of the Department of Justice, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Servicemembers and Veterans Initiative Act of 2020.
28 USC 501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servicemembers and Veterans Initiative Act of 2020".

SEC. 2. SERVICEMEMBERS AND VETERANS INITIATIVE.

(a) ESTABLISHMENT.—There is established the Servicemembers and Veterans Initiative within the Civil Rights Division of the Department of Justice.

(b) DUTIES.—The Servicemembers and Veterans Initiative shall—

(1) serve as legal and policy advisor to the Attorney General on the Department of Justice's efforts to enforce criminal and civil laws that impact servicemembers, veterans, and their families;

Recommendations.

(2) develop policy recommendations for the Attorney General on how the Department of Justice may improve enforcement of Federal law to support servicemembers, veterans, and their families;

(3) serve as the liaison and point of contact between the Department of Justice and the military departments;

(4) provide counsel to the Assistant Attorney General for the Office of Justice Programs to ensure funding decisions take into account servicemembers, veterans, and their families;

Consultation.

(5) consult with components of the Department of Justice to promote the provision of civil legal aid to servicemembers, veterans, and their families;

(6) serve as a liaison and point of contact with the Consumer Protection Branch of the Civil Division of the Department of Justice, with respect to the prosecution of Federal crimes involving fraud that target servicemembers; and

(7) serve as a liaison and point of contact with other components of the Department of Justice as needed to support the

enforcement of other Federal laws that protect servicemembers and veterans, as the Attorney General determines appropriate.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 8354:

HOUSE REPORTS: No. 116–618 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 8, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 116–289
116th Congress

An Act

Jan. 5, 2021
[H.R. 1240]

To preserve United States fishing heritage through a national program dedicated to training and assisting the next generation of commercial fishermen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Young Fishermen's Development Act. 33 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Young Fishermen's Development Act".

33 USC 1141.

SEC. 2. DEFINITIONS.

In this Act:

(1) SEA GRANT INSTITUTION.—The term "Sea Grant Institution" means a sea grant college or sea grant institute, as those terms are defined in section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122).

(2) TRIBAL ORGANIZATION.—The term "Tribal organization" has the meaning given the term "tribal organization" in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) YOUNG FISHERMAN.—The term "young fisherman" means an individual who—

(A) desires to participate in the commercial fisheries of the United States, including the Great Lakes fisheries;

(B) has worked as a captain, crew member, or deckhand on a commercial fishing vessel for not more than 10 years of cumulative service; or

(C) is a beginning commercial fisherman.

33 USC 1142.

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Secretary of Commerce, acting through the National Sea Grant Office, shall establish a program to provide training, education, outreach, and technical assistance initiatives for young fishermen, to be known as the "Young Fishermen's Development Grant Program" (referred to in this section as the "Program").

33 USC 1143.

SEC. 4. GRANTS.

(a) IN GENERAL.—In carrying out the Program, the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for young fishermen, including programs, workshops, and services relating to—

(1) seamanship, navigation, electronics, and safety;

(2) vessel and engine care, maintenance, and repair;

(3) innovative conservation fishing gear engineering and technology;

(4) sustainable fishing practices;

(5) entrepreneurship and good business practices;

(6) direct marketing, supply chain, and traceability;

(7) financial and risk management, including vessel, permit, and quota purchasing;

(8) State and Federal legal requirements for specific fisheries, including reporting, monitoring, licenses, and regulations;

(9) State and Federal fisheries policy and management;

(10) mentoring, apprenticeships, or internships; and

(11) any other activities, opportunities, or programs, as the Secretary determines appropriate.

(b) ELIGIBILITY.—

(1) APPLICANTS.—To be eligible to receive a grant under the Program, a recipient shall be a collaborative State, Tribal, local, or regionally based network or partnership of public or private entities, which may include—

(A) a Sea Grant Institution;

(B) a Federal or State agency or a Tribal organization;

(C) a community-based nongovernmental organization;

(D) fishermen's cooperatives or associations;

(E) an institution of higher education (including an institution awarding an associate's degree), or a foundation maintained by an institution of higher education; or

(F) any other appropriate entity, as the Secretary determines appropriate.

(2) PARTICIPANTS.—All young fishermen seeking to participate in the commercial fisheries of the United States and the Great Lakes are eligible to participate in the activities funded through grants provided for in this section, except that participants in such activities shall be selected by each grant recipient.

(c) MAXIMUM TERM AND AMOUNT OF GRANT.—

(1) IN GENERAL.—A grant under this section shall—

(A) have a term of no more than 3 fiscal years; and

(B) be in an amount that is not more than $200,000 for each fiscal year.

(2) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this section.

(d) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a recipient shall provide a match in the form of cash or in-kind contributions from the recipient in the amount equal to or greater than 25 percent of the funds provided by the grant.

(e) REGIONAL BALANCE.—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure geographic diversity.

(f) COOPERATION AND EVALUATION CRITERIA.—In carrying out this section and in developing criteria for evaluating grant applications, the Secretary shall consult, to the maximum extent practicable, with— Consultation.

(1) Sea Grant Institutions and extension agents of such institutions;

(2) community-based nongovernmental fishing organizations;

(3) Federal and State agencies, including Regional Fishery Management Councils established under the Magnuson-Stevens

Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.);

(4) institutions of higher education with fisheries expertise and programs; and

(5) partners, as the Secretary determines.

(g) PROHIBITION.—A grant under this section may not be used to purchase any fishing license, permit, quota, or other harvesting right.

33 USC 1144.

SEC. 5. FUNDING.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this Act $2,000,000 for each of fiscal years 2022 through 2026.

(b) DERIVATION.—Funds to carry out the activities under this Act shall be derived from amounts authorized to be appropriated pursuant to the preceding subsection that are enacted after the date of the enactment of this Act.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 1240:

HOUSE REPORTS: No. 116–429 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 116–290
116th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act regarding the list under section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

Jan. 5, 2021
[H.R. 1503]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Orange Book Transparency Act of 2020.
21 USC 301 note.

This Act may be cited as the "Orange Book Transparency Act of 2020".

SEC. 2. ORANGE BOOK MODERNIZATION.

(a) SUBMISSION OF PATENT INFORMATION FOR BRAND NAME DRUGS.—

(1) IN GENERAL.—Paragraph (1) of section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended to read as follows:

"(b)(1)(A) Any person may file with the Secretary an application with respect to any drug subject to the provisions of subsection (a). Such persons shall submit to the Secretary as part of the application—

"(i) full reports of investigations which have been made to show whether such drug is safe for use and whether such drug is effective in use; Reports.

"(ii) a full list of the articles used as components of such drug; List.

"(iii) a full statement of the composition of such drug;

"(iv) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;

"(v) such samples of such drug and of the articles used as components thereof as the Secretary may require;

"(vi) specimens of the labeling proposed to be used for such drug;

"(vii) any assessments required under section 505B; and Assessments.

"(viii) the patent number and expiration date of each patent for which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug, and that—

"(I) claims the drug for which the applicant submitted the application and is a drug substance (active ingredient) patent or a drug product (formulation or composition) patent; or

"(II) claims a method of using such drug for which approval is sought or has been granted in the application.

"(B) If an application is filed under this subsection for a drug, and a patent of the type described in subparagraph (A)(viii) is issued after the filing date but before approval of the application, the applicant shall amend the application to include the patent number and expiration date.".

(b) SUBSEQUENT SUBMISSION OF PATENT INFORMATION.—

Deadlines.

(1) IN GENERAL.—Section 505(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)(2)) is amended—

(A) by inserting before the first sentence the following: "Not later than 30 days after the date of approval of an application submitted under subsection (b), the holder of the approved application shall file with the Secretary the patent number and the expiration date of any patent described in subsection (b)(1)(A)(viii), except that a patent that is identified as claiming a method of using such drug shall be filed only if the patent claims a method of use approved in the application. If a patent described in subsection (b)(1)(A)(viii) is issued after the date of approval of an application submitted under subsection (b), the holder of the approved application shall, not later than 30 days after the date of issuance of the patent, file the patent number and the expiration date of the patent, except that a patent that claims a method of using such drug shall be filed only if approval for such use has been granted in the application.";

(B) in the first sentence following the sentences added by subparagraph (A), by striking "which claims the drug for which" and all that follows through "of the drug." and inserting "described in subsection (b)(1)(A)(viii).";

(C) in the second sentence following the sentences added by subparagraph (A), by inserting after "could not file patent information under subsection (b) because no patent" the following: "of the type for which information is required to be submitted in subsection (b)(1)(A)(viii)"; and

(D) by adding at the end the following: "Patent information that is not the type of patent information required by subsection (b)(1)(A)(viii) shall not be submitted under this paragraph.".

(2) UPDATING LIST.—Clause (iii) of section 505(j)(7)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)) is amended by striking "(b) or".

(c) LISTING OF EXCLUSIVITIES.—Subparagraph (A) of section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)) is amended by adding at the end the following:

"(iv) For each drug included on the list, the Secretary shall specify any exclusivity period that is applicable, for which the Secretary has determined the expiration date, and for which such period has not yet expired, under—

"(I) clause (ii), (iii), or (iv) of subsection (c)(3)(E);
"(II) clause (iv) or (v) of paragraph (5)(B);
"(III) clause (ii), (iii), or (iv) of paragraph (5)(F);
"(IV) section 505A;
"(V) section 505E;
"(VI) section 527(a); or
"(VII) subsection (u).".

(d) ORANGE BOOK UPDATES WITH RESPECT TO INVALIDATED PATENTS.—

(1) AMENDMENT.—Section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)) is amended by adding at the end the following:

"(D) In the case of a listed drug for which the list under subparagraph (A)(i) includes a patent for such drug, and any claim of the patent has been cancelled or invalidated pursuant to a final decision issued by the Patent Trial and Appeal Board of the United States Patent and Trademark Office or by a court, from which no appeal has been, or can be, taken, if the holder of the applicable application approved under subsection (c) determines that a patent for such drug, or any patent information for such drug, no longer meets the listing requirements under this section— Determination.

"(i) the holder of such approved application shall notify the Secretary, in writing, within 14 days of such decision of such cancellation or invalidation and request that such patent or patent information, as applicable, be amended or withdrawn in accordance with the decision issued by the Patent Trial and Appeal Board or a court; Notification. Deadline.

"(ii) the holder of such approved application shall include in any notification under clause (i) information related to such patent cancellation or invalidation decision and submit such information, including a copy of such decision, to the Secretary; and

"(iii) the Secretary shall, in response to a notification under clause (i), amend or remove patent or patent information in accordance with the relevant decision from the Patent Trial and Appeals Board or court, as applicable, except that the Secretary shall not remove from the list any patent or patent information before the expiration of any 180-day exclusivity period under paragraph (5)(B)(iv) that relies on a certification described in paragraph (2)(A)(vii)(IV).".

(2) APPLICABILITY.—Subparagraph (D) of section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), as added by paragraph (1), applies only with respect to a decision described in such subparagraph that is issued on or after the date of enactment of this Act. 21 USC 355 note.

(e) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall—

(1) solicit public comment regarding the types of patent information that should be included on, or removed from, the list under section 507(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)); and

(2) transmit to Congress a summary of such comments and actions the Food and Drug Administration is considering taking, if any, in response to public comment pursuant to paragraph (1) about the types of patent information that should be included or removed from such list. Summary.

(f) GAO REPORT TO CONGRESS.— Analyses.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States (referred to in this section as the "Comptroller General") shall submit to the Committee on Health, Education, Labor,

and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the patents included in the list published under section 505(j)(7) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(7)) that claim an active ingredient or formulation of a drug in combination with a device that is used for delivery of such drug, including an analysis of such patents and their claims.

(2) CONTENT.—The Comptroller General shall include in the report under paragraph (1)—

Data.

(A) data on—

(i) the number of patents included in the list published under section 505(j)(7) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(7)) that claim the active ingredient or formulation of a drug in combination with a device that is used for delivery of the drug, and that together claim the finished dosage form of the drug; and

(ii) the number of claims with respect to each patent included in the list published under such section 505(j)(7) that claim a device that is used for the delivery of the drug, but do not claim such device in combination with an active ingredient or formulation of a drug;

(B) an analysis of the listing of patents described in subparagraph (A)(ii), including the timing of listing such patents in relation to patents described in subparagraph (A)(i), and the effect listing the patents described in subparagraph (A)(ii) has on market entry of one or more drugs approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act as compared to the effect of not listing the patents described in subparagraph (A)(ii); and

Recommendations.

(C) recommendations about which kinds of patents relating to devices described in subparagraph (A)(i) should be submitted to the Secretary of Health and Human Services for inclusion on the list under section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act and which patents should not be required to be so submitted in order to reduce barriers to approval and market entry.

(g) CONFORMING AMENDMENTS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (c)(3)(E), by striking "clause (A) of subsection (b)(1)" each place it appears and inserting "subsection (b)(1)(A)(i)"; and

(2) in subsection (j)(2)(A)(vi), by striking "clauses (B) through (F) of subsection (b)(1)" and inserting "clauses (ii) through (vi) of subsection (b)(1)(A)".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 1503:

HOUSE REPORTS: No. 116–47 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD:
Vol. 165 (2019): May 8, considered and passed House.
Vol. 166 (2020): Dec. 7, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendment.

Public Law 116–291
116th Congress

An Act

Jan. 5, 2021
[H.R. 1966]

To direct the Comptroller General of the United States to complete a study on barriers to participation in federally funded cancer clinical trials by populations that have been traditionally underrepresented in such trials.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Henrietta Lacks Enhancing Cancer Research Act of 2019.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Henrietta Lacks Enhancing Cancer Research Act of 2019".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Only a small percent of patients participate in cancer clinical trials, even though most express an interest in clinical research. There are several obstacles that restrict individuals from participating including lack of available local trials, restrictive eligibility criteria, transportation to trial sites, taking time off from work, and potentially increased medical and nonmedical costs. Ultimately, about 1 in 5 cancer clinical trials fail because of lack of patient enrollment.

(2) Groups that are generally underrepresented in clinical trials include racial and ethnic minorities and older, rural, and lower-income individuals.

(3) Henrietta Lacks, an African-American woman, was diagnosed with cervical cancer at the age of 31, and despite receiving painful radium treatments, passed away on October 4, 1951.

(4) Medical researchers took samples of Henrietta Lacks' tumor during her treatment and the HeLa cell line from her tumor proved remarkably resilient.

(5) HeLa cells were the first immortal line of human cells. Henrietta Lacks' cells were unique, growing by the millions, commercialized and distributed worldwide to researchers, resulting in advances in medicine.

(6) Henrietta Lacks' prolific cells continue to grow and contribute to remarkable advances in medicine, including the development of the polio vaccine, as well as drugs for treating the effects of cancer, HIV/AIDS, hemophilia, leukemia, and Parkinson's disease. These cells have been used in research that has contributed to our understanding of the effects of radiation and zero gravity on human cells. These immortal cells have informed research on chromosomal conditions, cancer, gene mapping, and precision medicine.

(7) Henrietta Lacks and her immortal cells have made a significant contribution to global health, scientific research, quality of life, and patient rights.

(8) For more than 20 years, the advances made possible by Henrietta Lacks' cells were without her or her family's consent, and the revenues they generated were not known to or shared with her family.

(9) Henrietta Lacks and her family's experience is fundamental to modern and future bioethics policies and informed consent laws that benefit patients nationwide by building patient trust; promoting ethical research that benefits all individuals, including traditionally underrepresented populations; and protecting research participants.

SEC. 3. GAO STUDY ON BARRIERS TO PARTICIPATION IN FEDERALLY FUNDED CANCER CLINICAL TRIALS BY POPULATIONS THAT HAVE BEEN TRADITIONALLY UNDERREPRESENTED IN SUCH TRIALS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall— Deadline. Reviews.

(1) complete a study that—

(A) reviews what actions Federal agencies have taken to help to address barriers to participation in federally funded cancer clinical trials by populations that have been traditionally underrepresented in such trials, and identifies challenges, if any, in implementing such actions; and

(B) identifies additional actions that can be taken by Federal agencies to address barriers to participation in federally funded cancer clinical trials by populations that have been traditionally underrepresented in such trials; and

(2) submit a report to the Congress on the results of such study, including recommendations on potential changes in practices and policies to improve participation in such trials by such populations. Reports. Recommendations.

(b) INCLUSION OF CLINICAL TRIALS.—The study under subsection (a)(1) shall include review of cancer clinical trials that are largely funded by Federal agencies.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 1966:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 9, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 116–292
116th Congress

An Act

Jan. 5, 2021
[H.R. 2468]

To amend the Public Health Service Act to increase the preference given, in awarding certain allergies and asthma-related grants, to States that require certain public schools to have allergies and asthma management programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

School-Based Allergies and Asthma Management Program Act.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "School-Based Allergies and Asthma Management Program Act".

SEC. 2. ADDITIONAL PREFERENCE TO CERTAIN STATES THAT REQUIRE CERTAIN PUBLIC SCHOOLS TO HAVE ALLERGIES AND ASTHMA MANAGEMENT PROGRAMS.

Section 399L(d) of the Public Health Service Act (42 U.S.C. 280g(d)) is amended—

(1) in paragraph (1)(F)—

(A) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and moving each of such subclauses (as so redesignated) 2 ems to the right;

(B) by striking "EPINEPHRINE.—In determining" and inserting "EPINEPHRINE OR SCHOOL COMPREHENSIVE ALLERGIES AND ASTHMA MANAGEMENT PROGRAM.—

"(i) IN GENERAL.—In determining";

(C) by striking "in the State—" and inserting "in the State satisfy the criteria described in clause (ii) or clause (iii).

"(ii) CRITERIA FOR SCHOOL PERSONNEL ADMINISTRATION OF EPINEPHRINE.—For purposes of clause (i), the criteria described in this clause, with respect to each public elementary school and secondary school in the State, are that each such school—"; and

(D) by adding at the end the following new clause:

"(iii) CRITERIA FOR SCHOOL COMPREHENSIVE ALLERGIES AND ASTHMA MANAGEMENT PROGRAM.—For purposes of clause (i), the criteria described in this clause, with respect to each public elementary school and secondary school in the State, are that each such school—

"(I) has in place a plan for having on the premises of the school during all operating hours of the school a school nurse or one or more other individuals who are designated by the principal (or other appropriate administrative staff) of the school to direct and apply the program described

in subclause (II) on a voluntary basis outside their scope of employment; and

"(II) has in place, under the direction of a school nurse or other individual designated under subclause (I), a comprehensive school-based allergies and asthma management program that includes—

"(aa) a method to identify all students of such school with a diagnosis of allergies and asthma;

"(bb) an individual student allergies and asthma action plan for each student of such school with a diagnosis of allergies and asthma;

"(cc) allergies and asthma education for school staff who are directly responsible for students who have been identified as having allergies or asthma, such as education regarding basics, management, trigger management, and comprehensive emergency responses with respect to allergies and asthma;

"(dd) efforts to reduce the presence of environmental triggers of allergies and asthma; and

"(ee) a system to support students with a diagnosis of allergies or asthma through coordination with family members of such students, primary care providers of such students, primary asthma or allergy care providers of such students, and others as necessary."; and

(2) in paragraph (3)(E)—

(A) in the matter preceding clause (i), by inserting ", such as the school nurse" after "individual"; and

(B) in clause (i), by inserting "school nurse or" before "principal".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 2468:

HOUSE REPORTS: No. 116–530 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 29, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–293
116th Congress

An Act

Jan. 5, 2021
[H.R. 3976]

To designate the facility of the United States Postal Service located at 12711 East Jefferson Avenue in Detroit, Michigan, as the "Aretha Franklin Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARETHA FRANKLIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 12711 East Jefferson Avenue in Detroit, Michigan, shall be known and designated as the "Aretha Franklin Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Aretha Franklin Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 3976:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–294
116th Congress

An Act

To amend the Federal Water Pollution Control Act to reauthorize the Great Lakes Restoration Initiative, and for other purposes.

Jan. 5, 2021
[H.R. 4031]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Great Lakes Restoration Initiative Act of 2019.
33 USC 1251 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Restoration Initiative Act of 2019" or the "GLRI Act of 2019".

SEC. 2. GREAT LAKES RESTORATION INITIATIVE REAUTHORIZATION.

Section 118(c)(7)(J)(i) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)(J)(i)) is amended—

(1) by striking "is authorized" and inserting "are authorized";

(2) by striking the period at the end and inserting a semicolon;

(3) by striking "this paragraph $300,000,000" and inserting the following: "this paragraph—

"(I) $300,000,000"; and

(4) by adding at the end the following:

"(II) $375,000,000 for fiscal year 2022;
"(III) $400,000,000 for fiscal year 2023;
"(IV) $425,000,000 for fiscal year 2024;
"(V) $450,000,000 for fiscal year 2025; and
"(VI) $475,000,000 for fiscal year 2026.".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 4031:

HOUSE REPORTS: No. 116–287 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 116–295
116th Congress

An Act

Jan. 5, 2021
[H.R. 4983]

To designate the Department of Veterans Affairs community-based outpatient clinic in Gilbert, Arizona, as the "Staff Sergeant Alexander W. Conrad Veterans Affairs Health Care Clinic".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Staff Sergeant Alexander W. Conrad of Chandler, Arizona, joined the United States Army on June 1, 2010.

(2) Staff Sergeant Conrad's decorated service includes two deployments to Afghanistan in support of Operation Enduring Freedom.

(3) Staff Sergeant Conrad subsequently deployed to Africa in support of Operation Octave Shield, while assigned to 1st Battalion, 3rd Special Forces Group, Fort Bragg, North Carolina, as a Human Intelligence Noncommissioned Officer.

(4) On June 8, 2018, Staff Sergeant Conrad died in Somalia from injuries sustained from indirect enemy fire.

(5) Staff Sergeant Conrad was posthumously awarded the Purple Heart, Bronze Star with Valor, and Meritorious Service Medal.

SEC. 2. DESIGNATION OF STAFF SERGEANT ALEXANDER W. CONRAD VETERANS AFFAIRS HEALTH CARE CLINIC.

(a) DESIGNATION.—The Southeast Veterans Affairs Health Care Clinic located at 3285 South Val Vista Drive, Gilbert, Arizona, shall after the date of the enactment of this Act be known and designated as the "Staff Sergeant Alexander W. Conrad Veterans Affairs Health Care Clinic".

(b) REFERENCE.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference

to the "Staff Sergeant Alexander W. Conrad Veterans Affairs Health Care Clinic".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 4983:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 23, considered and passed House.
Dec. 10, considered and passed Senate.

Public Law 116–296
116th Congress

An Act

Jan. 5, 2021
[H.R. 4988]

To designate the facility of the United States Postal Service located at 14 Walnut Street in Bordentown, New Jersey, as the "Clara Barton Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARA BARTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14 Walnut Street in Bordentown, New Jersey, shall be known and designated as the "Clara Barton Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Clara Barton Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 4988:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–297
116th Congress

An Act

To name the Department of Veterans Affairs community-based outpatient clinic in Youngstown, Ohio, as the "Carl Nunziato VA Clinic".

Jan. 5, 2021
[H.R. 5023]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Carl Nunziato graduated from Youngstown State University ROTC as the Distinguished Military Graduate in 1961 and commissioned into the U.S. Army.

(2) While serving, Major (ret.) Nunziato was stationed in Thailand during the Laotian Crisis. Major Nunziato later served two voluntary tours of combat duty in Vietnam.

(3) On his second tour, then-Captain Nunziato was severely injured, losing both legs from a mortar attack while protecting a small Vietnamese village in Soui Da.

(4) Major Nunziato spent two years at Walter Reed Military Hospital recovering from his wounds. He then returned home to Northeastern Ohio where he enrolled in Case Western University Law School earning a degree in 1971. Following retirement from active duty, Major Nunziato continuously championed the rights of veterans and the disabled, while establishing a distinguished career in banking and finance.

(5) Due to Major Nunziato's tireless efforts, a Department of Veterans Affairs outpatient clinic was established in Youngstown. Additionally, his exhaustive work throughout Mahoning County has brought curb cuts, wheel chair ramps and other accessibility measures to county public buildings, universities and courthouses, affording more independence to local disabled population. These efforts were borne from witnessing fellow disabled veterans denied justice and equality, after having fought and sacrificed for those same principles.

SEC. 2. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, YOUNGSTOWN, OHIO.

Effective date.

The Department of Veterans Affairs community-based outpatient clinic in Youngstown, Ohio, shall, after the date of the enactment of this Act, be known and designated as the "Carl Nunziato VA Clinic". Any reference to such clinic in any law, regulation, map, document, record, or other paper of the United

States shall be considered to be a reference to the Carl Nunziato VA Clinic.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5023:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 23, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 116–298
116th Congress

An Act

To designate the facility of the United States Postal Service located at 476 East Main Street in Galesburg, Illinois, as the "Senior Airman Daniel Miller Post Office Building".

Jan. 5, 2021
[H.R. 5123]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENIOR AIRMAN DANIEL MILLER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 476 East Main Street in Galesburg, Illinois, shall be known and designated as the "Senior Airman Daniel Miller Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Senior Airman Daniel Miller Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5123:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–299
116th Congress

An Act

To require the Secretary of Homeland Security to develop a plan to increase to 100 percent the rates of scanning of commercial and passenger vehicles and freight rail entering the United States at land ports of entry along the border using large-scale, non-intrusive inspection systems to enhance border security, and for other purposes.

Jan. 5, 2021
[H.R. 5273]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Securing America's Ports Act.
6 USC 211 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing America's Ports Act".

SEC. 2. LARGE-SCALE NON-INTRUSIVE INSPECTION SCANNING PLAN.

(a) DEFINITIONS.—In this section:

(1) LARGE-SCALE NON-INTRUSIVE INSPECTION SYSTEM.—The term "large-scale, non-intrusive inspection system" means a technology, including x-ray, gamma-ray, and passive imaging systems, capable of producing an image of the contents of a commercial or passenger vehicle or freight rail car in 1 pass of such vehicle or car.

(2) SCANNING.—The term "scanning" means utilizing non-intrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a commercial or passenger vehicle or freight rail car.

Deadline.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for increasing to 100 percent the rate of high-throughput scanning of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border using large-scale non-intrusive inspection systems or similar technology to enhance border security.

(c) BASELINE INFORMATION.—The plan under subsection (b) shall include, at a minimum, the following information regarding large-scale non-intrusive inspection systems or similar technology operated by U.S. Customs and Border Protection at land ports of entry and rail-border crossings as of the date of the enactment of this Act:

Inventory.

(1) An inventory of large-scale non-intrusive inspection systems or similar technology in use at each land port of entry.

(2) For each system or technology identified in the inventory under paragraph (1)—

(A) the scanning method of such system or technology;

(B) the location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination of such areas;

(C) the percentage of commercial and passenger vehicles and freight rail traffic scanned by such system or technology;

(D) seizure data directly attributed to scanned commercial and passenger vehicles and freight rail traffic; and

(E) the number of personnel required to operate each system or technology.

(3) Information regarding the continued use of other technology and tactics used for scanning, such as canines and human intelligence in conjunction with large scale, nonintrusive inspection systems.

(d) ELEMENTS.—The plan under subsection (b) shall include the following information:

(1) Benchmarks for achieving incremental progress towards 100 percent high-throughput scanning within the next 6 years of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border with corresponding projected incremental improvements in scanning rates by fiscal year and rationales for the specified timeframes for each land port of entry.

Cost estimates. Acquisition plan.

(2) Estimated costs, together with an acquisition plan, for achieving the 100 percent high-throughput scanning rate within the timeframes specified in paragraph (1), including acquisition, operations, and maintenance costs for large-scale, nonintrusive inspection systems or similar technology, and associated costs for any necessary infrastructure enhancements or configuration changes at each port of entry. Such acquisition plan shall promote, to the extent practicable, opportunities for entities that qualify as small business concerns (as defined under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(3) Any projected impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on the total number of commercial and passenger vehicles and freight rail traffic entering at land ports of entry and rail-border crossings where such systems are in use, and average wait times at peak and non-peak travel times, by lane type if applicable, as scanning rates are increased.

(4) Any projected impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry and rail-border crossings border security operations as a result of implementation actions, including any changes to the number of U.S. Customs and Border Protection officers or their duties and assignments.

Time period.

(e) ANNUAL REPORT.—Not later than 1 year after the submission of the plan under subsection (b), and biennially thereafter for the following 6 years, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress implementing the plan and includes—

Inventory.

(1) an inventory of large-scale, nonintrusive inspection systems or similar technology operated by U.S. Customs and Border Protection at each land port of entry;

(2) for each system or technology identified in the inventory required under paragraph (1)—

(A) the scanning method of such system or technology;

(B) the location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination of such areas;

(C) the percentage of commercial and passenger vehicles and freight rail traffic scanned by such system or technology; and

(D) seizure data directly attributed to scanned commercial and passenger vehicles and freight rail traffic;

(3) the total number of commercial and passenger vehicles and freight rail traffic entering at each land port of entry at which each system or technology is in use, and information on average wait times at peak and non-peak travel times, by lane type if applicable;

(4) a description of the progress towards reaching the benchmarks referred to in subsection (d)(1), and an explanation if any of such benchmarks are not achieved as planned;

(5) a comparison of actual costs (including information on any awards of associated contracts) to estimated costs set forth in subsection (d)(2);

(6) any realized impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry and rail-border crossings operations as a result of implementation actions, including any changes to the number of U.S. Customs and Border Protection officers or their duties and assignments;

(7) any proposed changes to the plan and an explanation for such changes, including changes made in response to any Department of Homeland Security research and development findings or changes in terrorist or transnational criminal organizations tactics, techniques, or procedures; and

(8) any challenges to implementing the plan or meeting the benchmarks, and plans to mitigate any such challenges.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5273:

HOUSE REPORTS: No. 116–394 (Comm. on Homeland Security).
SENATE REPORTS: No. 116–267 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 10, considered and passed House.
Dec. 7, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendments.

Public Law 116–300
116th Congress

An Act

To designate the facility of the United States Postal Service located at 599 East Genesse Street in Fayetteville, New York, as the "George H. Bacel Post Office Building".

Jan. 5, 2021
[H.R. 5451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE H. BACEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 599 East Genesse Street in Fayetteville, New York, shall be known and designated as the "George H. Bacel Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "George H. Bacel Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5451:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–301
116th Congress

An Act

Jan. 5, 2021
[H.R. 5458]

To modify the boundary of the Rocky Mountain National Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rocky Mountain National Park Boundary Modification Act.
16 USC 191 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rocky Mountain National Park Boundary Modification Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Rocky Mountain National Park Proposed Boundary Revision", numbered 121/154,327, and dated June 2019.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 40 acres of non-Federal land depicted as "TR 05–133" on the map.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ROCKY MOUNTAIN NATIONAL PARK BOUNDARY MODIFICATION.

(a) LAND ACQUISITION.—The Secretary may acquire, by donation, the non-Federal land for inclusion in the Rocky Mountain National Park.

(b) BOUNDARY MODIFICATION.—On acquisition of the non-Federal land under subsection (a), the Secretary shall—

(1) modify the boundary of the Rocky Mountain National Park to include the acquisition; and

(2) administer the acquired land as part of the Rocky Mountain National Park, in accordance with applicable laws.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5458:

HOUSE REPORTS: No. 116–610 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 116–302
116th Congress

An Act

Jan. 5, 2021
[H.R. 5459]

To authorize the Secretary of the Interior to correct a land ownership error within the boundary of Rocky Mountain National Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rocky Mountain National Park Ownership Correction Act.
16 USC 191 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rocky Mountain National Park Ownership Correction Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 0.18 acres of land depicted as "TR04–168–1" on the map.

(2) MAP.—The term "map" means the map entitled "Rocky Mountain National Park Proposed Forsyth Family Land Exchange", numbered 121/154,326, and dated June 2019.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 0.18 acres of land depicted as "TR04–169" on the map.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ROCKY MOUNTAIN NATIONAL PARK LAND EXCHANGE.

(a) AUTHORIZATION OF EXCHANGE.—To correct a longstanding land ownership error, if the owner of the non-Federal land offers to convey to the Secretary all right, title, and interest of the owner in and to the non-Federal land, the Secretary shall convey to the owner of the non-Federal land, subject to valid existing rights, all right, title, and interest of the United States in and to the Federal land.

(b) VALUATION.—The value of the Federal land and the non-Federal land to be exchanged under this Act shall be considered to be of equal value.

(c) ADMINISTRATION.—The non-Federal land acquired by the Secretary under this section shall be administered by the Secretary as part of Rocky Mountain National Park.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5459:

HOUSE REPORTS: No. 116–611 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 116–303
116th Congress

An Act

Jan. 5, 2021
[H.R. 5597]

To designate the facility of the United States Postal Service located at 305 Northwest 5th Street in Oklahoma City, Oklahoma, as the "Clara Luper Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARA LUPER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 305 Northwest 5th Street in Oklahoma City, Oklahoma, shall be known and designated as the "Clara Luper Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Clara Luper Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5597:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 14, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–304
116th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices.

Jan. 5, 2021
[H.R. 5663]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safeguarding Therapeutics Act.
21 USC 301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safeguarding Therapeutics Act".

SEC. 2. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting "or counterfeit device" after "counterfeit drug"; and

(2) by striking "The Secretary of the Treasury shall cause the destruction of" and all that follows through "liable for costs pursuant to subsection (c)." and inserting the following: "The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is $2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance

Notices.

Regulations.
Deadline.

Regulations.

of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).".

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking "(h) The term" and inserting "(h)(1) The term"; and

(B) by adding at the end the following:

"(2) The term 'counterfeit device' means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark or imprint, or any likeness thereof, or is manufactured using a design, of a device manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, processor, packer, or distributor.".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5663:

HOUSE REPORTS: No. 116–512 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 21, considered and passed House.
Dec. 8, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendment.

Public Law 116–305
116th Congress

An Act

To redesignate the Weir Farm National Historic Site in the State of Connecticut as the "Weir Farm National Historical Park".

Jan. 5, 2021
[H.R. 5852]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Weir Farm National Historical Park Redesignation Act.
16 USC 410ffff note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weir Farm National Historical Park Redesignation Act".

16 USC 410ffff note.

SEC. 2. WEIR FARM NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Weir Farm National Historic Site shall be known and designated as the "Weir Farm National Historical Park".

(b) AMENDMENTS TO THE WEIR FARM NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1990.—The Weir Farm National Historic Site Establishment Act of 1990 (54 U.S.C. 320101 note; Public Law 101–485; 104 Stat. 1171; 108 Stat. 4756; 112 Stat. 3296; 123 Stat. 1190) is amended—

16 USC 410ffff.

(1) in section 2(2)—

(A) by striking "historic site" and inserting "historical park"; and

(B) by striking "National Historic Site" and inserting "National Historical Park";

16 USC 410ffff–2.

(2) in section 4—

(A) in the heading, by striking "historic site" and inserting "historical park";

(B) in subsection (a), by striking "Historic Site" and inserting "Historical Park"; and

(C) by striking "historic site" each place it appears and inserting "historical park";

16 USC 410ffff–3.

(3) in section 5, by striking "historic site" each place it appears and inserting "historical park"; and

16 USC 410ffff–4.

(4) in section 6—

(A) in the heading, by striking "historic site" and inserting "historical park"; and

(B) by striking "historic site" each place it appears and inserting "historical park".

16 USC 410ffff note.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the

Weir Farm National Historic Site shall be considered to be a reference to the "Weir Farm National Historical Park".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5852:

HOUSE REPORTS: No. 116–644 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 17, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 116–306
116th Congress

An Act

To designate the facility of the United States Postal Service located at 500 Delaware Avenue, Suite 1, in Wilmington, Delaware, as the "Mary Ann Shadd Cary Post Office".

Jan. 5, 2021
[H.R. 5972]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mary Ann Shadd Cary Post Office Dedication Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mary Ann Shadd Cary Post Office Dedication Act".

SEC. 2. MARY ANN SHADD CARY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 500 Delaware Avenue, Suite 1, in Wilmington, Delaware, shall be known and designated as the "Mary Ann Shadd Cary Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mary Ann Shadd Cary Post Office".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5972:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–307
116th Congress

An Act

Jan. 5, 2021
[H.R. 5983]

To designate the facility of the United States Postal Service located at 4150 Chicago Avenue in Riverside, California, as the "Woodie Rucker-Hughes Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WOODIE RUCKER-HUGHES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4150 Chicago Avenue in Riverside, California, shall be known and designated as the "Woodie Rucker-Hughes Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Woodie Rucker-Hughes Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 5983:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–308
116th Congress

An Act

To designate the facility of the United States Postal Service located at 14955 West Bell Road in Surprise, Arizona, as the "Marc Lee Memorial Post Office Building".

Jan. 5, 2021
[H.R. 6016]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARC LEE MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14955 West Bell Road in Surprise, Arizona, shall be known and designated as the "Marc Lee Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Marc Lee Memorial Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6016:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–309
116th Congress

An Act

Jan. 5, 2021
[H.R. 6100]

To amend title 18, United States Code, to clarify the criminalization of female genital mutilation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strengthening the Opposition to Female Genital Mutilation Act of 2020.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening the Opposition to Female Genital Mutilation Act of 2020" or the "STOP FGM Act of 2020".

18 USC 116 note.

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

The Congress finds the following:

(1) Female genital mutilation is recognized internationally as a human rights violation and a form of child abuse, gender discrimination, and violence against women and girls. Female genital mutilation is a global problem whose eradication requires international cooperation and enforcement at the national level. The United States should demonstrate its commitment to the rights of women and girls by leading the way in the international community in banning this abhorrent practice.

(2) Congress has previously prohibited the commission of female genital mutilation on minors. Female genital mutilation is a heinous practice that often inflicts excruciating pain on its victims and causes them to suffer grave physical and psychological harm.

(3) Congress has the power under article I, section 8 of the Constitution to make all laws which shall be necessary and proper for carrying into execution treaties entered into by the United States.

(4) Congress also has the power under the Commerce Clause to prohibit female genital mutilation. An international market for the practice exists, and persons who perform female genital mutilation in other countries typically earn a living from doing so.

(5) Those who perform this conduct often rely on a connection to interstate or foreign commerce, such as interstate or foreign travel, the transmission or receipt of communications in interstate or foreign commerce, the use of instruments traded in interstate or foreign commerce, or payments of any kind in furtherance of this conduct.

(6) Amending the statute to specify a link to interstate or foreign commerce would confirm that Congress has the affirmative power to prohibit this conduct.

SEC. 3. AMENDMENTS TO CURRENT LAW ON FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) Except as provided in subsection (b), whoever, in any circumstance described in subsection (d), knowingly— Penalty.

"(1) performs, attempts to perform, or conspires to perform female genital mutilation on another person who has not attained the age of 18 years;

"(2) being the parent, guardian, or caretaker of a person who has not attained the age of 18 years facilitates or consents to the female genital mutilation of such person; or

"(3) transports a person who has not attained the age of 18 years for the purpose of the performance of female genital mutilation on such person,

shall be fined under this title, imprisoned not more than 10 years, or both.";

(2) by amending subsection (c) to read as follows:

"(c) It shall not be a defense to a prosecution under this section that female genital mutilation is required as a matter of religion, custom, tradition, ritual, or standard practice.";

(3) by striking subsection (d); and

(4) by adding at the end the following:

"(d) For the purposes of subsection (a), the circumstances described in this subsection are that—

"(1) the defendant or victim traveled in interstate or foreign commerce, or traveled using a means, channel, facility, or instrumentality of interstate or foreign commerce, in furtherance of or in connection with the conduct described in subsection (a);

"(2) the defendant used a means, channel, facility, or instrumentality of interstate or foreign commerce in furtherance of or in connection with the conduct described in subsection (a);

"(3) any payment of any kind was made, directly or indirectly, in furtherance of or in connection with the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce;

"(4) the defendant transmitted in interstate or foreign commerce any communication relating to or in furtherance of the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means or in manner, including by computer, mail, wire, or electromagnetic transmission;

"(5) any instrument, item, substance, or other object that has traveled in interstate or foreign commerce was used to perform the conduct described in subsection (a);

"(6) the conduct described in subsection (a) occurred within the special maritime and territorial jurisdiction of the United States, or any territory or possession of the United States; or

"(7) the conduct described in subsection (a) otherwise occurred in or affected interstate or foreign commerce.

"(e) For purposes of this section, the term 'female genital mutilation' means any procedure performed for non-medical reasons Definition.

that involves partial or total removal of, or other injury to, the external female genitalia, and includes—

"(1) a clitoridectomy or the partial or total removal of the clitoris or the prepuce or clitoral hood;

"(2) excision or the partial or total removal (with or without excision of the clitoris) of the labia minora or the labia majora, or both;

"(3) infibulation or the narrowing of the vaginal opening (with or without excision of the clitoris); or

"(4) other procedures that are harmful to the external female genitalia, including pricking, incising, scraping, or cauterizing the genital area.".

Consultation.
34 USC 41312.

SEC. 4. REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, and the Secretary of Education, shall submit to Congress a report that includes—

Estimate.

(1) an estimate of the number of women and girls in the United States at risk of or who have been subjected to female genital mutilation;

(2) the protections available and actions taken, if any, by Federal, State, and local agencies to protect such women and girls; and

(3) the actions taken by Federal agencies to educate and assist communities and key stakeholders about female genital mutilation.

18 USC 116 note.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that the United States District Court for the Eastern District of Michigan erred in invalidating the prior version of such section 116 (See United States v. Nagarwala, 350 F. Supp. 3d 613, 631 (E.D. Mich. 2018)). The commercial nature of female genital mutilation (hereinafter in this section referred to as "FGM") is "self-evident," meaning that the "absence of particularized findings" about the commercial nature of FGM in the predecessor statute did not "call into question Congress's authority to legislate" (Gonzales v. Raich, 545 U.S. 1, 21 (2005)). Nevertheless, the Congress has elected to amend the FGM statute to clarify the commercial nature of the conduct that this statute regulates. But, by doing so, Congress does not hereby ratify the district court's erroneous interpretation in Nagarwala.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6100:

HOUSE REPORTS: No. 116–506 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 21, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 116–310
116th Congress

An Act

Jan. 5, 2021
[H.R. 6161]

To designate the facility of the United States Postal Service located at 1585 Yanceyville Street, Greensboro, North Carolina, as the "J. Howard Coble Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J. HOWARD COBLE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1585 Yanceyville Street, Greensboro, North Carolina, shall be known and designated as the "J. Howard Coble Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "J. Howard Coble Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6161:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–311
116th Congress

An Act

To amend the Indian Health Care Improvement Act to clarify the requirement of the Department of Veterans Affairs and the Department of Defense to reimburse the Indian Health Service for certain health care services.

Jan. 5, 2021
[H.R. 6237]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Proper and Reimbursed Care for Native Veterans Act. 25 USC 1601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Proper and Reimbursed Care for Native Veterans Act" or the "PRC for Native Veterans Act".

SEC. 2. CLARIFICATION OF REQUIREMENT OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE TO REIMBURSE INDIAN HEALTH SERVICE FOR CERTAIN HEALTH CARE SERVICES.

Section 405(c) of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended by inserting before the period at the end the following: ", regardless of whether such services are provided directly by the Service, an Indian tribe, or tribal organization, through purchased/referred care, or through a contract for travel described in section 213(b)".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6237:

HOUSE REPORTS: No. 116–569, Pt. 1 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Nov. 16, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 116–312
116th Congress

An Act

Jan. 5, 2021
[H.R. 6418]

To designate the facility of the United States Postal Service located at 509 Fairhope Avenue in Fairhope, Alabama, as the "William 'Jack' Jackson Edwards III Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM "JACK" JACKSON EDWARDS III POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 509 Fairhope Avenue in Fairhope, Alabama, shall be known and designated as the "William 'Jack' Jackson Edwards III Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "William 'Jack' Jackson Edwards III Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6418:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–313
116th Congress

An Act

To deem an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury, and for other purposes.

Jan. 5, 2021
[H.R. 6535]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEEMING AN URBAN INDIAN ORGANIZATION AND EMPLOYEES THEREOF TO BE A PART OF THE PUBLIC HEALTH SERVICE FOR THE PURPOSES OF CERTAIN CLAIMS FOR PERSONAL INJURY.

Title V of the Indian Health Care Improvement Act (25 U.S.C. 1651) is amended by adding at the end the following:

"SEC. 519. DEEMING AN URBAN INDIAN ORGANIZATION AND EMPLOYEES THEREOF TO BE A PART OF THE PUBLIC HEALTH SERVICE FOR THE PURPOSES OF CERTAIN CLAIMS FOR PERSONAL INJURY.

Applicability.
25 USC 1660i.

"Section 102(d) of the Indian Self-Determination and Education Assistance Act shall apply—

"(1) to an Urban Indian organization to the same extent and in the same manner as such section applies to an Indian tribe, a tribal organization, and an Indian contractor; and

"(2) to the employees of an Urban Indian organization to the same extent and in the same manner as such section applies to employees of an Indian tribe, a tribal organization, or an Indian contractor.".

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 6535:

HOUSE REPORTS: No. 116–651, Pt. 1 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 17, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 116–314
116th Congress

An Act

To designate the facility of the United States Postal Service located at 111 James Street in Reidsville, Georgia, as the "Senator Jack Hill Post Office Building".

Jan. 5, 2021
[H.R. 7088]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENATOR JACK HILL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 111 James Street in Reidsville, Georgia, shall be known and designated as the "Senator Jack Hill Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Senator Jack Hill Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7088:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–315
116th Congress

An Act

Jan. 5, 2021
[H.R. 7105]

To provide flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency, to direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Determination of budgetary effects.

TITLE I—EDUCATION

Subtitle A—Education Generally

Sec. 1001. Improvements to Edith Nourse Rogers STEM Scholarship program of Department of Veterans Affairs.
Sec. 1002. Expansion of eligibility for Fry Scholarship to children and spouses of certain deceased members of the Armed Forces.
Sec. 1003. Period for election to receive benefits under All-Volunteer Educational Assistance Program of Department of Veterans Affairs.
Sec. 1004. Phase out of All-Volunteer Educational Assistance Program.
Sec. 1005. Requirements for in-State tuition.
Sec. 1006. Expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs to include outreach services provided through congressional offices.
Sec. 1007. Restoration of entitlement to rehabilitation programs for veterans affected by school closure or disapproval.
Sec. 1008. Technical correction to clarify eligibility for participation in Yellow Ribbon Program of Department of Veterans Affairs.
Sec. 1009. Clarification of educational assistance for individuals who pursue an approved program of education leading to a degree while on active duty.
Sec. 1010. Verification of enrollment for purposes of receipt of Post-9/11 Educational Assistance benefits.
Sec. 1011. Clarification regarding the dependents to whom entitlement to educational assistance may be transferred under the Post 9/11 Educational Assistance Program.
Sec. 1012. Expansion of reasons for which a course of education may be disapproved.
Sec. 1013. Oversight of educational institutions with approved programs: risk-based surveys.
Sec. 1014. Oversight of educational institutions subject to Government action for purposes of the educational assistance programs of the Department of Veterans Affairs.
Sec. 1015. Additional requirement for approval of educational institutions for purposes of the educational assistance programs of the Department of Veterans Affairs.

Sec. 1016. Clarification of accreditation for law schools for purposes of the educational assistance programs of the Department of Veterans Affairs.
Sec. 1017. Clarification of grounds for disapproval of a course for purposes of the educational assistance programs of the Department of Veterans Affairs.
Sec. 1018. Requirements for educational institutions participating in the educational assistance programs of the Department of Veterans Affairs.
Sec. 1019. Overpayments to eligible persons or veterans.
Sec. 1020. Improvements to limitation on certain advertising, sales, and enrollment practices.
Sec. 1021. Charge to entitlement to educational assistance for individuals who do not transfer credits from certain closed or disapproved programs of education.
Sec. 1022. Department of Veterans Affairs treatment of for-profit educational institutions converted to nonprofit educational institutions.
Sec. 1023. Authority of State approving agencies to conduct outreach activities.
Sec. 1024. Limitation on colocation and administration of State approving agencies.
Sec. 1025. Elimination of period of eligibility for training and rehabilitation for certain veterans with service-connected disabilities.

Subtitle B—Pandemic Assistance

Sec. 1101. Definitions.
Sec. 1102. Continuation of Department of Veterans Affairs educational assistance benefits during COVID–19 emergency.
Sec. 1103. Effects of closure of educational institution and modification of courses by reason of COVID–19 emergency.
Sec. 1104. Payment of educational assistance in cases of withdrawal.
Sec. 1105. Modification of time limitations on use of entitlement.
Sec. 1106. Apprenticeship or on-job training requirements.
Sec. 1107. Inclusion of training establishments in certain provisions related to COVID–19 emergency.
Sec. 1108. Treatment of payment of allowances under Student Veteran Coronavirus Response Act.

TITLE II—BENEFITS

Subtitle A—Benefits Generally

Sec. 2001. Revision of definition of Vietnam era for purposes of the laws administered by the Secretary of Veterans Affairs.
Sec. 2002. Matters relating to Department of Veterans Affairs medical disability examinations.
Sec. 2003. Medal of Honor special pension for surviving spouses.
Sec. 2004. Modernization of service-disabled veterans insurance.
Sec. 2005. Denial of claims for traumatic injury protection under Servicemembers' Group Life Insurance.
Sec. 2006. Publication and acceptance of disability benefit questionnaire forms of Department of Veterans Affairs.
Sec. 2007. Threshold for reporting debts to consumer reporting agencies.
Sec. 2008. Removal of dependents from award of compensation or pension.
Sec. 2009. Eligibility for dependency and indemnity compensation for surviving spouses who remarry after age 55.
Sec. 2010. Study on exposure by members of the Armed Forces to toxicants at Karshi-Khanabad Air Base in Uzbekistan.
Sec. 2011. Comptroller General briefing and report on repealing manifestation period for presumptions of service connection for certain diseases associated with exposure to certain herbicide agents.
Sec. 2012. Extension of authority of Secretary of Veterans Affairs to use income information from other agencies.
Sec. 2013. Extension on certain limits on payments of pension.

Subtitle B—Housing

Sec. 2101. Eligibility of certain members of the reserve components of the Armed Forces for home loans from the Secretary of Veterans Affairs.
Sec. 2102. Reducing loan fees for certain veterans affected by major disasters.
Sec. 2103. Extension of certain housing loan fees.
Sec. 2104. Collection of overpayments of specially adapted housing assistance.

Subtitle C—Burial Matters

Sec. 2201. Transportation of deceased veterans to veterans' cemeteries.
Sec. 2202. Increase in certain funeral benefits under laws administered by the Secretary of Veterans Affairs.
Sec. 2203. Outer burial receptacles for each new grave in cemeteries that are the subjects of certain grants made by the Secretary of Veterans Affairs.

Sec. 2204. Provision of inscriptions for spouses and children on certain headstones and markers furnished by the Secretary of Veterans Affairs.
Sec. 2205. Aid to counties for establishment, expansion, and improvement of veterans' cemeteries.
Sec. 2206. Increase in maximum amount of grants to States, counties, and tribal organizations for operating and maintaining veterans' cemeteries.
Sec. 2207. Provision of urns and commemorative plaques for remains of certain veterans whose cremated remains are not interred in certain cemeteries.
Sec. 2208. Training of State and tribal veterans' cemetery personnel by National Cemetery Administration.

TITLE III—HEALTH CARE

Subtitle A—Health Care Generally

Sec. 3001. Expansion of modifications to Veteran Directed Care program.
Sec. 3002. Prohibition on collection of a health care copayment by the Secretary of Veterans Affairs from a veteran who is a member of an Indian tribe.
Sec. 3003. Oversight for State homes regarding COVID–19 infections, response capacity, and staffing levels.
Sec. 3004. Grants for State homes located on tribal lands.
Sec. 3005. Continuation of Women's Health Transition Training program of Department of Veterans Affairs.
Sec. 3006. Authority for Secretary of Veterans Affairs to furnish medically necessary transportation for newborn children of certain women veterans.
Sec. 3007. Waiver of requirements of Department of Veterans Affairs for receipt of per diem payments for domiciliary care at State homes and modification of eligibility for such payments.
Sec. 3008. Expansion of quarterly update of information on staffing and vacancies at facilities of the Department of Veterans Affairs to include information on duration of hiring process.
Sec. 3009. Requirement for certain Department of Veterans Affairs medical facilities to have physical location for the disposal of controlled substances medications.
Sec. 3010. Department of Veterans Affairs pilot program for clinical observation by undergraduate students.

Subtitle B—Scheduling and Consult Management

Sec. 3101. Process and requirements for scheduling appointments for health care from Department of Veterans Affairs and non-Department health care.
Sec. 3102. Audits regarding scheduling of appointments and management of consultations for health care from Department of Veterans Affairs and non-Department health care.
Sec. 3103. Administration of non-Department of Veterans Affairs health care.
Sec. 3104. Examination of health care consultation and scheduling positions of Department of Veterans Affairs.

TITLE IV—NAVY SEAL BILL MULDER

Sec. 4001. Short title.

Subtitle A—Service-connection and COVID–19

Sec. 4101. Presumptions of service-connection for members of Armed Forces who contract Coronavirus Disease 2019 under certain circumstances.

Subtitle B—Assistance for Homeless Veterans

Sec. 4201. Flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency.
Sec. 4202. Legal services for homeless veterans and veterans at risk for homelessness.
Sec. 4203. Gap analysis of Department of Veterans Affairs programs that provide assistance to women veterans who are homeless.
Sec. 4204. Improvements to grants awarded by the Secretary of Veterans Affairs to entities that provide services to homeless veterans.
Sec. 4205. Repeal of sunset on authority to carry out program of referral and counseling services for veterans at risk for homelessness who are transitioning from certain institutions.
Sec. 4206. Coordination of case management services for veterans receiving housing vouchers under Tribal Housing and Urban Development-Veterans Affairs Supportive Housing program.
Sec. 4207. Contracts relating to case managers for homeless veterans in supported housing program.
Sec. 4208. Report on staffing of Department of Housing and Urban Development-Department of Veterans Affairs supported housing program.

Subtitle C—Retraining Assistance for Veterans

Sec. 4301. Access for the Secretaries of Labor and Veterans Affairs to the Federal directory of new hires.
Sec. 4302. Expansion of eligible class of providers of high technology programs of education for veterans.
Sec. 4303. Pilot program for off-base transition training for veterans and spouses.
Sec. 4304. Grants for provision of transition assistance to members of the Armed Forces after separation, retirement, or discharge.
Sec. 4305. One-year independent assessment of the effectiveness of Transition Assistance Program.
Sec. 4306. Longitudinal study on changes to Transition Assistance Program.

TITLE V—DEBORAH SAMPSON

Sec. 5001. Short title.

Subtitle A—Improving Access for Women Veterans to the Department of Veterans Affairs

Sec. 5101. Office of Women's Health in Department of Veterans Affairs.
Sec. 5102. Women veterans retrofit initiative.
Sec. 5103. Establishment of environment of care standards and inspections at Department of Veterans Affairs medical centers.
Sec. 5104. Provision of reintegration and readjustment services to veterans and family members in group retreat settings.
Sec. 5105. Provision of legal services for women veterans.
Sec. 5106. Comptroller General surveys and report on supportive services provided for very low-income women veterans.
Sec. 5107. Programs on assistance for child care for certain veterans.
Sec. 5108. Availability of prosthetics for women veterans from Department of Veterans Affairs.
Sec. 5109. Requirement to improve Department of Veterans Affairs women veterans call center.
Sec. 5110. Study on infertility services furnished at Department of Veterans Affairs.
Sec. 5111. Sense of Congress on access to facilities of Department of Veterans Affairs by reservists for counseling and treatment relating to military sexual trauma.

Subtitle B—Increasing Staff Cultural Competency

Sec. 5201. Staffing of women's health primary care providers at medical facilities of Department of Veterans Affairs.
Sec. 5202. Additional funding for primary care and emergency care clinicians in Women Veterans Health Care Mini-Residency Program.
Sec. 5203. Establishment of women veteran training module for non-Department of Veterans Affairs health care providers.
Sec. 5204. Study on staffing of women veteran program manager program at medical centers of Department of Veterans Affairs and training of staff.
Sec. 5205. Study on Women Veteran Coordinator program.
Sec. 5206. Staffing improvement plan for peer specialists of Department of Veterans Affairs who are women.

Subtitle C—Eliminating Harassment and Assault

Sec. 5301. Expansion of coverage by Department of Veterans Affairs of counseling and treatment for sexual trauma.
Sec. 5302. Assessment of effects of intimate partner violence on women veterans by Advisory Committee on Women Veterans.
Sec. 5303. Anti-harassment and anti-sexual assault policy of Department of Veterans Affairs.
Sec. 5304. Pilot program on assisting veterans who experience intimate partner violence or sexual assault.
Sec. 5305. Study and task force on veterans experiencing intimate partner violence or sexual assault.

Subtitle D—Data Collection and Reporting

Sec. 5401. Requirement for collection and analysis of data on Department of Veterans Affairs benefits and services and disaggregation of such data by gender, race, and ethnicity.
Sec. 5402. Study on barriers for women veterans to receipt of health care from Department of Veterans Affairs.
Sec. 5403. Study on feasibility and advisability of offering Parenting STAIR program at all medical centers of Department of Veterans Affairs.

Subtitle E—Benefits Matters

Sec. 5501. Evaluation of service-connection of mental health conditions relating to military sexual trauma.
Sec. 5502. Choice of sex of Department of Veterans Affairs medical examiner for assessment of claims for compensation relating to disability resulting from physical assault of a sexual nature, battery of a sexual nature, or sexual harassment.
Sec. 5503. Secretary of Veterans Affairs report on implementing recommendations of Inspector General of Department of Veterans Affairs in certain report on denied posttraumatic stress disorder claims related to military sexual trauma.

TITLE VI—REPRESENTATION AND FINANCIAL EXPLOITATION MATTERS

Sec. 6001. Short title.
Sec. 6002. Plan to address the financial exploitation of veterans receiving pension from the Department of Veterans Affairs.
Sec. 6003. Overpayments of pension to veterans receiving pension from the Department of Veterans Affairs.
Sec. 6004. Evaluation of additional actions for verifying direct deposit information provided by veterans on applications for veterans pension.
Sec. 6005. Annual report on efforts of Department of Veterans Affairs to address the financial exploitation of veterans receiving pension.
Sec. 6006. Notice regarding fees charged in connection with filing an application for veterans pension.
Sec. 6007. Outreach plan for educating vulnerable veterans about potential financial exploitation relating to the receipt of pension.

TITLE VII—OTHER MATTERS

Subtitle A—Administrative and Other Matters

Sec. 7001. Medical examination protocol for volunteer drivers participating in program of transportation services for veterans.
Sec. 7002. Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs.
Sec. 7003. Preference for offerors employing veterans.
Sec. 7004. Extension of certain employment and reemployment rights to members of the National Guard who perform State active duty.
Sec. 7005. Repayment of misused benefits.
Sec. 7006. Exemption of certain transfers.
Sec. 7007. Report and planned actions of the Secretary of Veterans Affairs to address certain high-risk areas of the Department of Veterans Affairs.
Sec. 7008. Annual report by Secretary of Veterans Affairs on implementation of priority recommendations of Comptroller General of the United States pertaining to Department of Veterans Affairs.
Sec. 7009. Clarification of methods used to monitor compliance with certain limitations on subcontracting.
Sec. 7010. Department of Veterans Affairs requirement to provide certain notice to persons filing claims for damage, injury, or death on Standard Form 95.

Subtitle B—Matters Relating to the Chief Financial Officer of Department of Veterans Affairs

Sec. 7101. Definitions.
Sec. 7102. Plans for addressing material weaknesses and providing sufficient authority to Chief Financial Officer of Department of Veterans Affairs.
Sec. 7103. Chief Financial Officer attestation.
Sec. 7104. Chief Financial Officer responsibility for subordinate chief financial officers.

Subtitle C—Servicemembers Civil Relief

Sec. 7201. Clarification of delivery of notice of termination of leases of premises and motor vehicles for purposes of relief under Servicemembers Civil Relief Act.
Sec. 7202. Technical correction regarding extension of lease protections for servicemembers under stop movement orders in response to local, national, or global emergency.

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined

by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—EDUCATION

Subtitle A—Education Generally

SEC. 1001. IMPROVEMENTS TO EDITH NOURSE ROGERS STEM SCHOLARSHIP PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION AND EXPANSION OF ELIGIBILITY.—Subsection (b)(4) of section 3320 of title 38, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) in the matter preceding subclause (I), by inserting ", or a dual degree program that includes such an undergraduate college degree," after "undergraduate college degree";

(B) by striking subclause (IX); and

(C) by redesignating subclauses (X) and (XI) as subclauses (IX) and (X), respectively;

(2) in subparagraph (B)—

(A) by inserting "covered clinical training program for health care professionals or a" before "program of education"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) is an individual who has earned a graduate degree in a field referred to in subparagraph (A)(i) and is enrolled in a covered clinical training program for health care professionals.".

(b) PRIORITY.—Subsection (c) of such section is amended to read as follows:

"(c) PRIORITY.—(1) If the Secretary determines that there are insufficient funds available in a fiscal year to provide additional benefits under this section to all eligible individuals, the Secretary may give priority to the following eligible individuals: Determination.

"(A) Individuals who require the most credit hours described in subsection (b)(4).

"(B) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.

"(2) The Secretary shall give priority to individuals under paragraph (1) in the following order:

"(A) Individuals who are enrolled in a program of education leading to an undergraduate degree in a field referred to in subsection (b)(4)(A)(i).

"(B) Individuals who are enrolled in a program of education leading to a teaching certificate.

"(C) Individuals who are enrolled in a dual-degree program leading to both an undergraduate and graduate degree in a field referred to in subsection (b)(4)(A)(i).

"(D) Individuals who have earned an undergraduate degree and are enrolled in a covered clinical training program for health care professionals.

"(E) Individuals who have earned a graduate degree and are enrolled in a covered clinical training program for health care professionals.".

(c) AMOUNTS NOT SUBJECT TO CERTAIN LIMITATION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this chapter or chapter 36 of this title, any additional benefits under this section may not be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.".

(d) COVERED CLINICAL TRAINING PROGRAM DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(h) COVERED CLINICAL TRAINING PROGRAM DEFINED.—In this section, the term 'covered clinical training program' means any clinical training required by a health care professional to be licensed to practice in a State or locality.".

SEC. 1002. EXPANSION OF ELIGIBILITY FOR FRY SCHOLARSHIP TO CHILDREN AND SPOUSES OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Subsection (b) of section 3311 of title 38, United States Code, as amended by section 105 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48), is further amended—

(1) by redesignating paragraph (9) as paragraph (11); and

(2) by inserting after paragraph (8) the following new paragraphs (9) and (10):

"(9) An individual who is the child or spouse of a person who, on or after September 11, 2001, dies in line of duty while serving on duty other than active duty as a member of the Armed Forces.

"(10) An individual who is the child or spouse of a member of the Selected Reserve who dies on or after September 11, 2001, while a member of the Selected Reserve from a service-connected disability.".

(b) CONFORMING AMENDMENTS.—Title 38, United States Code, is amended as follows:

(1) In section 3311(f), by striking "paragraph (8)" each place it appears and inserting "paragraphs (8), (9), and (10)".

(2) In section 3313(c)(1), by striking "(8), or (9)" and inserting "(8), (9), (10), or (11)".

(3) In section 3317(a), in the second sentence, by striking "paragraphs (1), (2), (8), and (9)" and inserting "paragraphs (1), (2), (8), (9), (10), and (11)".

(4) In section 3320, as amended by section 1001 of this title, in subsection (c)(1)(B), by striking "(8), or (9)" and inserting "(8), (9), (10), or (11)".

(5) In section 3322—

(A) in subsection (e), by striking both "sections 3311(b)(8) and 3319" and inserting "section 3319 and paragraph (8), (9), or (10) of section 3311 of this title";

(B) in subsection (f), by striking "section 3311(b)(8)" and inserting "paragraph (8), (9), or (10) of section 3311 of this title"; and

(C) in subsection (h)(2), by striking "either section 3311(b)(8) or chapter 35" and inserting "either chapter 35 or paragraph (8), (9), or (10) of section 3311".

(c) APPLICABILITY DATE.—The amendments made by this section shall take effect immediately after the amendments made by section 105 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) take effect and shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021. Effective date. 38 USC 3311 note.

SEC. 1003. PERIOD FOR ELECTION TO RECEIVE BENEFITS UNDER ALL-VOLUNTEER EDUCATIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3011 of title 38, United States Code, is amended—

(1) in subsection (c)(1), by striking "Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces" and inserting "Any such election shall be made during the 90-day period beginning on the day that is 180 days after the date on which the individual initially enters initial training"; and

(2) in subsection (b)(1), by striking "that such individual is entitled to such pay" and inserting "that begin after the date that is 270 days after the date on which the individual initially enters initial training".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is two years after the date of the enactment of this Act. 38 USC 3011 note.

SEC. 1004. PHASE OUT OF ALL-VOLUNTEER EDUCATIONAL ASSISTANCE PROGRAM. Time period.

Subsection (a)(1)(A) of section 3011 of title 38, United States Code, is amended by striking "after June 30, 1985" and inserting "during the period beginning July 1, 1985, and ending September 30, 2030".

SEC. 1005. REQUIREMENTS FOR IN-STATE TUITION.

(a) IN GENERAL.—Section 3679(c) of title 38, United States Code, is amended—

(1) in paragraph (2)(A), by striking "less than three years before the date of enrollment in the course concerned"; and

(2) in paragraph (4)—

(A) by striking "It shall" and inserting "(A) It shall"; and

(B) by adding at the end the following new subparagraph:

"(B) To the extent feasible, the Secretary shall make publicly available on the internet website of the Department a database explaining any requirements described in subparagraph (A) that are established by a public institution of higher learning for an individual to be charged tuition and fees at a rate that is equal to or less than the rate the institution charges for tuition and fees for residents of the State in which the institution is located. The Secretary shall disapprove a course of education provided by such an institution that does not provide the Secretary— Public information. Web posting. Database.

"(i) an initial explanation of such requirements; and

Deadline.

"(ii) not later than 90 days after the date on which any such requirements change, the updated requirements.".

38 USC 3679 note.

(b) APPLICATION.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021.

SEC. 1006. EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE OUTREACH SERVICES PROVIDED THROUGH CONGRESSIONAL OFFICES.

(a) IN GENERAL.—Section 3485(a)(4) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(K) The following activities carried out at the offices of Members of Congress for such Members:

"(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and nongovernmental programs.

"(ii) The preparation and processing of papers and other documents, including documents to assist in the preparation and presentation of claims for benefits under laws administered by the Secretary.".

38 USC 3485 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

SEC. 1007. RESTORATION OF ENTITLEMENT TO REHABILITATION PROGRAMS FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL.

(a) ENTITLEMENT.—Section 3699 of title 38, United States Code, is amended by striking "chapter 30," each time it appears and inserting "chapter 30, 31,".

(b) PAYMENT OF SUBSISTENCE ALLOWANCES.—Section 3680(a)(2)(B) of title 38, United States Code, is amended—

(1) by inserting "or a subsistence allowance described in section 3108" before ", during"; and

(2) by inserting "or allowance" after "such a stipend".

Repeal.

(c) CONFORMING AMENDMENT.—Section 7 of the Student Veteran Coronavirus Response Act of 2020 (134 Stat. 634; Public Law 116–140) is hereby repealed.

38 USC 3680 note, 3699 note.

38 USC 3680 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 109 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 131 Stat. 978).

SEC. 1008. TECHNICAL CORRECTION TO CLARIFY ELIGIBILITY FOR PARTICIPATION IN YELLOW RIBBON PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

Section 3317(a) of title 38, United States Code, is amended—

(1) by striking "the full cost of established charges (as specified in section 3313)" and inserting "the full cost of tuition and fees for a program of education"; and

(2) by striking "those established charges" and inserting "such tuition and fees".

SEC. 1009. CLARIFICATION OF EDUCATIONAL ASSISTANCE FOR INDIVIDUALS WHO PURSUE AN APPROVED PROGRAM OF EDUCATION LEADING TO A DEGREE WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Section 3313(e) of title 38, United States Code, is amended—

(1) in the heading, by inserting "FOR A PERIOD OF MORE THAN 30 DAYS" after "ACTIVE DUTY";

(2) in paragraph (1), by inserting "for a period of more than 30 days" after "active duty"; and

(3) in paragraph (2), in the matter preceding subparagraph (A), by inserting "for a period of more than 30 days" after "active duty".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on August 1, 2022. 38 USC 3313 note.

SEC. 1010. VERIFICATION OF ENROLLMENT FOR PURPOSES OF RECEIPT OF POST-9/11 EDUCATIONAL ASSISTANCE BENEFITS.

(a) IN GENERAL.—Section 3313 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(l) VERIFICATION OF ENROLLMENT.—(1) The Secretary shall require— Requirements.

"(A) each educational institution to submit to the Secretary verification of each individual who is enrolled in a course or program of education at the educational institution and is receiving educational assistance under this chapter— Deadlines. Determinations.

"(i) not later than such time as the Secretary determines reasonable after the date on which the individual is enrolled; and

"(ii) not later than such time as the Secretary determines reasonable after the last date on which a student is able to withdraw from the course or program of education without penalty; and

"(B) each individual who is enrolled in a course or program of education and is receiving educational assistance under this chapter to submit to the Secretary verification of such enrollment for each month during which the individual is so enrolled and receiving such educational assistance.

"(2) Verification under this subsection shall be in an electronic form prescribed by the Secretary.

"(3) If an individual fails to submit the verification required under paragraph (1)(B) for two consecutive months, the Secretary may not make a monthly stipend payment to the individual under this section until the individual submits such verification.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021. 38 USC 3313 note.

SEC. 1011. CLARIFICATION REGARDING THE DEPENDENTS TO WHOM ENTITLEMENT TO EDUCATIONAL ASSISTANCE MAY BE TRANSFERRED UNDER THE POST 9/11 EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 3319(c) of title 38, United States Code, is amended to read as follows:

"(c) ELIGIBLE DEPENDENTS.—

"(1) TRANSFER.—An individual approved to transfer an entitlement to educational assistance under this section may

transfer the individual's entitlement to an eligible dependent or a combination of eligible dependents.

"(2) DEFINITION OF ELIGIBLE DEPENDENT.—For purposes of this subsection, the term 'eligible dependent' has the meaning given the term 'dependent' under subparagraphs (A), (I), and (D) of section 1072(2) of title 10.".

38 USC 3319 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to educational assistance payable under chapter 33 of title 38, United States Code, before, on, or after the date that is 90 days after the date of the enactment of this Act.

SEC. 1012. EXPANSION OF REASONS FOR WHICH A COURSE OF EDUCATION MAY BE DISAPPROVED.

(a) IN GENERAL.—Section 3672(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)(i), by inserting or "or (D)" after "subparagraph (C)"; and

(2) by adding at the end the following new subparagraph:

"(D) A program that is described in subparagraph (A)(i) of this paragraph and offered by an educational institution that is at risk of losing accreditation shall not be deemed to be approved for purposes of this chapter. For purposes of this subparagraph, an educational institution is at risk of losing accreditation if that educational institution has received from the relevant accrediting agency or association a notice described in section 3673(e)(2)(D) of this title.".

38 USC 3672 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on August 1, 2021.

SEC. 1013. OVERSIGHT OF EDUCATIONAL INSTITUTIONS WITH APPROVED PROGRAMS: RISK-BASED SURVEYS.

(a) RISK-BASED SURVEYS.—

(1) IN GENERAL.—Subchapter I of chapter 36, United States Code, is amended by inserting after section 3673 the following new section:

38 USC 3673A.

"§ 3673A. Risk-based surveys

"(a) DEVELOPMENT REQUIRED.—The Secretary, in partnership with State approving agencies, shall develop a searchable risk-based survey for oversight of educational institutions with courses and programs of education approved under this chapter.

Determination.

"(b) SCOPE.—(1) The scope of the risk-based survey developed under subsection (a) shall be determined by the Secretary, in partnership with the State approving agency.

"(2) At a minimum the scope determined under paragraph (1) shall include the following:

"(A) Rapid increase in veteran enrollment.

"(B) Rapid increase in tuition and fees.

"(C) Complaints tracked and published with the mechanism required by section 3698(b)(2) from students pursuing programs of education with educational assistance furnished under laws administered by the Secretary, based on severity or volume of the complaints.

"(D) Compliance with section 3680A(d)(1) of this title.

"(E) Veteran completion rates.

"(F) Indicators of financial stability.

"(G) Review of the advertising and recruiting practices of the educational institution, including those by third-party contractors of the educational institution. Review.

"(H) Matters for which the Federal Government or a State Government brings an action in a court of competent jurisdiction against an educational institution, including matters in cases in which the Federal Government or the State comes to a settled agreement on such matters outside of the court.

"(c) DATABASE.—The Secretary, in partnership with the State approving agencies under this chapter, shall establish a database or use an existing system, as the Secretary considers appropriate, to serve as a central repository for information required for or collected during site visits for the risk-based survey developed under subsection (a), so as to improve future oversight of educational institutions with programs of education approved under this chapter.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3673 the following new item: 38 USC prec. 3670.

"3673A. Risk-based surveys.".

(b) USE OF STATE APPROVING AGENCIES FOR OVERSIGHT ACTIVITIES.—

(1) IN GENERAL.—Section 3673(d) of title 38, United States Code, is amended—

(A) by striking "may" and inserting "shall"; and

(B) by striking "compliance and risk-based surveys" and inserting "a risk-based survey developed under section 3673A of this title".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2022. 38 USC 3673 note.

SEC. 1014. OVERSIGHT OF EDUCATIONAL INSTITUTIONS SUBJECT TO GOVERNMENT ACTION FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3673 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e) NOTICE OF GOVERNMENT ACTION.—(1)(A) If the Secretary receives notice described in paragraph (2), or otherwise becomes aware of an action or event described in paragraph (3), with respect to an educational institution, the Secretary shall transmit such notice or provide notice of such action or event to the State approving agency for the State where the educational institution is located by not later than 30 days after the date on which the Secretary receives such notice or becomes aware of such action or event. Deadlines.

"(B) If a State approving agency receives notice as described in paragraph (2), or otherwise becomes aware of an action or event described in paragraph (3), with respect to an educational institution, other than from the Secretary pursuant to subparagraph (A) of this paragraph, the State approving agency shall immediately notify the Secretary.

"(C) Not later than 60 days after the date on which a State approving agency receives notice under subparagraph (A), receives notice as described in subparagraph (B), or becomes aware as

described in such subparagraph, as the case may be, regarding an educational institution, such State approving agency shall—

"(i) complete a risk-based survey of such educational institution; and

"(ii) provide the Secretary with—

Reports.

"(I) a complete report on the findings of the State approving agency with respect to the risk-based survey completed under clause (i) and any actions taken as a result of such findings; and

"(II) any supporting documentation and pertinent records.

"(2) Notice described in this paragraph is any of the following:

"(A) Notice from the Secretary of Education of an event under paragraph (3)(A).

"(B) Notice of an event under paragraph (3)(B).

"(C) Notice from a State of an action taken by that State under paragraph (3)(C).

"(D) Notice provided by an accrediting agency or association of an action described in paragraph (3)(D) taken by that agency or association.

"(E) Notice that the Secretary of Education has placed the educational institution on provisional certification status.

"(3) An action or event under this paragraph is any of the following:

"(A) The receipt by an educational institution of payments under the heightened cash monitoring level 2 payment method pursuant to section 487(c)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1094).

"(B) Punitive action taken by the Attorney General, the Federal Trade Commission, or any other Federal department or agency for misconduct or misleading marketing practices that would violate the standards defined by the Secretary of Veterans Affairs.

"(C) Punitive action taken by a State against an educational institution.

"(D) The loss, or risk of loss, by an educational institution of an accreditation from an accrediting agency or association, including notice of probation, suspension, an order to show cause relating to the educational institution's academic policies and practices or to its financial stability, or revocation of accreditation.

"(E) The placement of an educational institution on provisional certification status by the Secretary of Education.

"(4) If a State approving agency disapproves or suspends an educational institution, the State approving agency shall provide notice of such disapproval or suspension to the Secretary and to all other State approving agencies.

"(5) This subsection shall be carried out using amounts made available pursuant to section 3674(a)(4) of this title as long as such amounts remain available.

"(6) For each notice transmitted or provided to a State approving agency under paragraph (1) with respect to an educational institution, the Secretary shall ensure the careful review of—

"(A) to the extent possible, the action that gave rise to such notice; and

"(B) any other action against the educational institution by any Federal or State government entity or by the educational institution's accreditor.

"(7) In this subsection, the term 'risk-based survey' means the risk-based survey developed under section 3673A of this title.". Definition.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021. 38 USC 3673 note.

SEC. 1015. ADDITIONAL REQUIREMENT FOR APPROVAL OF EDUCATIONAL INSTITUTIONS FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3675 of title 38, United States Code, is amended— Waivers.

(1) in subsection (b), by adding at the end the following new paragraph:

"(4) The educational institution is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or the Secretary has waived the requirement under this paragraph with respect to an educational institution and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such waiver.". Notice.

(2) by adding at the end the following new subsection:

"(d)(1) The Secretary shall submit to Congress an annual report on any waivers issued pursuant to subsection (b)(4) or section 3672(b)(2)(A)(i) of this title. Reports.

"(2) Each report submitted under paragraph (1) shall include, for the year covered by the report, the following:

"(A) The name of each educational institution for which a waiver was issued.

"(B) The justification for each such waiver.

"(C) The total number of waivers issued.".

(b) REQUIREMENT FOR APPROVAL OF STANDARD COLLEGE DEGREE PROGRAMS.—Clause (i) of section 3672(b)(2)(A) of such title is amended to read as follows: 38 USC 3672.

"(i) Except as provided in subparagraph (C) or (D), an accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that—

"(I) is accredited by an agency or association recognized for that purpose by the Secretary of Education; and

"(II) is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), unless the Secretary has waived the requirement to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on August 1, 2021. 38 USC 3672 note.

SEC. 1016. CLARIFICATION OF ACCREDITATION FOR LAW SCHOOLS FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Paragraphs (14)(B) and (15)(B) of section 3676(c) of title 38, United States Code, are each amended—

(1) by striking "an accrediting agency" both places it appears and inserting "a specialized accrediting agency for programs of legal education"; and

(2) by inserting before the period the following: ", from which recipients of law degrees from such accredited programs are eligible to sit for a bar examination in any State".

38 USC 3676 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on August 1, 2021.

SEC. 1017. CLARIFICATION OF GROUNDS FOR DISAPPROVAL OF A COURSE FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended—

(1) by inserting "(including failure to comply with a risk-based survey under this chapter or secure an affirmation of approval by the appropriate State approving agency following the survey)" after "requirements of this chapter"; and

(2) by adding at the end the following new subsection:

Definition.

"(f) In this section, the term 'risk-based survey' means a risk-based survey developed under section 3673A(a) of this title.".

38 USC 3679 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

SEC. 1018. REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS PARTICIPATING IN THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3679 of title 38, United States Code, as amended by section 1017 of this title, is further amended by adding at the end the following new subsection:

Determination.

"(f)(1) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution does not perform any of the following:

"(A) Prior to the enrollment of a covered individual in a course of education at the educational institution, provide the individual with a form that contains information personalized to the individual that describes—

"(i) the estimated total cost of the course, including tuition, fees, books, supplies, and any other additional costs;

"(ii) an estimate of the cost for living expenses for students enrolled in the course;

"(iii) the amount of the costs under clauses (i) and (ii) that are covered by the educational assistance provided to the individual under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, as the case may be;

"(iv) the type and amount of Federal financial aid not administered by the Secretary and financial aid offered by the institution that the individual may qualify to receive;

"(v) an estimate of the amount of student loan debt the individual would have upon graduation;

"(vi) information regarding graduation rates;

"(vii) job-placement rates for graduates of the course, if available;

"(viii) information regarding the acceptance by the institution of transfer of credits, including military credits;

"(ix) any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

"(x) other information to facilitate comparison by the individual of aid packages offered by different educational institutions.

"(B) Not later than 15 days after the date on which the institution (or the governing body of the institution) determines tuition rates and fees for an academic year that is different than the amount being charged by the institution, provide a covered individual enrolled in a course of education at the educational institution with the form under subparagraph (A) that contains updated information. Deadline.

"(C) Maintain policies to—

"(i) inform each covered individual enrolled in a course of education at the educational institution of the availability of Federal financial aid not administered by the Secretary and financial aid offered by the institution; and

"(ii) alert such individual of the potential eligibility of the individual for such financial aid before packaging or arranging student loans or alternative financing programs for the individual.

"(D) Maintain policies to—

"(i) prohibit the automatic renewal of a covered individual in courses and programs of education; and

"(ii) ensure that each covered individual approves of the enrollment of the individual in a course.

"(E) Provide to a covered individual enrolled in a course of education at the educational institution with information regarding the requirements to graduate from such course, including information regarding when required classes will be offered and a timeline to graduate.

"(F) With respect to an accredited educational institution, obtain the approval of the accrediting agency for each new course or program of the institution before enrolling covered individuals in such courses or programs if the accrediting agency determines that such approval is appropriate under the substantive change requirements of the accrediting agency regarding the quality, objectives, scope, or control of the institution. Determination.

"(G) Maintain a policy that—

"(i) ensures that members of the Armed Forces, including the reserve components and the National Guard, who enroll in a course of education at the educational institution may be readmitted at such institution if such members are temporarily unavailable or have to suspend such enrollment by reason of serving in the Armed Forces; and

"(ii) otherwise accommodates such members during short absences by reason of such service.

"(H) Designate an employee of the educational institution to serve as a point of contact for covered individuals and the family of such individuals needing assistance with respect to Designation.

academic counseling, financial counseling, disability counseling, and other information regarding completing a course of education at such institution, including by referring such individuals and family to the appropriate persons for such counseling and information.

Determination.

"(2) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency, the Secretary, or any Federal agency, determines that an educational institution does any of the following:

"(A) Carries out deceptive or persistent recruiting techniques, including on military installations, that may include—

"(i) misrepresentation (as defined in section 3696(e)(2)(B) of this title) or payment of incentive compensation;

Time period.

"(ii) during any 1-month period making three or more unsolicited contacts to a covered individual, including contacts by phone, email, or in-person; or

"(iii) engaging in same-day recruitment and registration.

"(B) Pays inducements, including any gratuity, favor, discount, entertainment, hospitality, loan, transportation, lodging, meals, or other item having a monetary value of more than a de minimis amount, to any individual or entity, or its agents including third party lead generators or marketing firms other than salaries paid to employees or fees paid to contractors in conformity with all applicable laws for the purpose of securing enrollments of covered individuals or obtaining access to educational assistance under this title, with the exception of scholarships, grants, and tuition reductions provided by the educational institution.

Determination.

"(3) A State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution is the subject of a negative action made by the accrediting agency that accredits the institution, including any of the following:

"(A) Accreditor sanctions.

"(B) Accreditation probation.

"(C) The loss of accreditation or candidacy for accreditation.

"(4)(A) An action described in this subparagraph is any of the following:

Recommendations.
Web posting.

"(i) Submitting to the Secretary a recommendation that the Secretary publish a warning on the internet website of the Department described in section 3698(c)(2) of this title, or such other similar internet website of the Department, that describes how an educational institution is failing to meet a requirement under paragraph (1), (2), or (3).

"(ii) Disapproving a course for purposes of this chapter.

Guidelines.

"(B)(i) The Secretary shall establish guidelines to ensure that the actions described in subparagraph (A) are applied in a proportional and uniform manner by State approving agencies, or the Secretary when acting in the role of the State approving agency.

"(ii) Each State approving agency and the Secretary, when acting in the role of the State approving agency, shall adhere to the guidelines established under clause (i).

"(C) The State approving agency, in consultation with the Secretary, or the Secretary when acting in the role of the State approving agency, may limit an action described in subparagraph (A)(ii) to individuals not enrolled at the educational institution before the period described in such subparagraph. Consultation.

"(5)(A) The Secretary may waive the requirements of paragraph (1) or waive the requirements of paragraph (2) with respect to an educational institution for a 1-academic-year period beginning in August of the year in which the waiver is made. A single educational institution may not receive waivers under this paragraph for more than 2 consecutive academic years. Waiver authority. Time period.

"(B) To be considered for a waiver under this paragraph, an educational institution shall submit to the Secretary an application prior to the first day of the academic year for which the waiver is sought.

"(6) Not later than October 1 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the following reports: Reports.

"(A) A report, which shall be made publicly available, that includes the following: Public information. Summaries.

"(i) A summary of each action described in paragraph (4)(A) made during the year covered by the report, including—

"(I) the name of the educational institution;

"(II) the type of action taken;

"(III) the rationale for the action, including how the educational institution was not in compliance with this subsection;

"(IV) the length of time that the educational institution was not in such compliance; and

"(V) whether the educational institution was also not in compliance with this subsection during any of the 2 years prior to the year covered by the report. Time period.

"(ii) A summary and justifications for the waivers made under paragraph (5) during the year covered by the report, including the total number of waivers each educational institution has received.

"(B) A report containing the recommendations of the Secretary with respect to any legislative actions the Secretary determines appropriate to ensure that this subsection is carried out in a manner that is consistent with the requirements that educational institutions must meet for purposes of other departments or agencies of the Federal Government. Recommendations. Determination.

"(7) In this subsection, the term 'covered individual' means an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10.". Definition.

(b) APPLICATION DATE.—The amendment made by this section shall take effect on June 15, 2021, and shall apply to an educational institution beginning on August 1, 2021, except that an educational institution may submit an application for a waiver under subsection (f)(5) of section 3679 of title 38, United States Code, as added by subsection (a), beginning on June 15, 2021. Effective date. 38 USC 3679 note.

SEC. 1019. OVERPAYMENTS TO ELIGIBLE PERSONS OR VETERANS.

(a) IN GENERAL.—Subsection (b) of section 3685 of title 38, United States Code, is amended to read as follows:

"(b) Any overpayment to a veteran or eligible person with respect to pursuit by the veteran or eligible person of a program of education at an educational institution shall constitute a liability of the educational institution to the United States if—

"(1) the Secretary finds that the overpayment has been made as the result of—

"(A) the willful or negligent failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Department of Veterans Affairs excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person; or

"(B) the willful or negligent false certification by an educational institution; or

"(2) the benefit payment sent to an educational institution on behalf of an eligible veteran or person is made pursuant to—

"(A) section 3313(h) of this title;

"(B) section 3317 of this title; or

"(C) section 3680(d) of this title; or

"(D) section 3320(d) of this title.".

(b) CLARIFYING AMENDMENT.—Subsection (a) of such section is further amended by inserting "relating to educational assistance under a law administered by the Secretary" after "made to a veteran or eligible person".

SEC. 1020. IMPROVEMENTS TO LIMITATION ON CERTAIN ADVERTISING, SALES, AND ENROLLMENT PRACTICES.

(a) PROHIBITION ON SUBSTANTIAL MISREPRESENTATION.—

(1) IN GENERAL.—Section 3696 of title 38, United States Code, is amended to read as follows:

"§ 3696. Prohibition on certain advertising, sales, and enrollment practices

"(a) PROHIBITION ON ENGAGING IN SUBSTANTIAL MISREPRESENTATION.—An educational institution with a course or program of education approved under this chapter, and an entity that owns such an educational institution, shall not engage in substantial misrepresentation described in subsection (b).

"(b) SUBSTANTIAL MISREPRESENTATION DESCRIBED.—(1) Substantial misrepresentation described in this paragraph is substantial misrepresentation by an educational institution, a representative of the institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, concerning any of the following:

"(A) The nature of the educational program of the institution, including misrepresentation regarding—

"(i) the particular type, specific source, or nature and extent, of the accreditation of the institution or a course of education at the institution;

"(ii) whether a student may transfer course credits to another institution;

"(iii) conditions under which the institution will accept transfer credits earned at another institution;

"(iv) whether successful completion of a course of instruction qualifies a student—

"(I) for acceptance to a labor union or similar organization; or

"(II) to receive, to apply to take, or to take an examination required to receive a local, State, or Federal license, or a nongovernmental certification required as a precondition for employment, or to perform certain functions in the States in which the educational program is offered, or to meet additional conditions that the institution knows or reasonably should know are generally needed to secure employment in a recognized occupation for which the program is represented to prepare students;

"(v) the requirements for successfully completing the course of study or program and the circumstances that would constitute grounds for terminating the student's enrollment;

"(vi) whether the courses of education at the institution are recommended or have been the subject of unsolicited testimonials or endorsements by—

"(I) vocational counselors, high schools, colleges, educational organizations, employment agencies, members of a particular industry, students, former students, or others; or

"(II) officials of a local or State government or the Federal Government;

"(vii) the size, location, facilities, or equipment of the institution;

"(viii) the availability, frequency, and appropriateness of the courses of education and programs to the employment objectives that the institution states the courses and programs are designed to meet;

"(ix) the nature, age, and availability of the training devices or equipment of the institution and the appropriateness to the employment objectives that the institution states the courses and programs are designed to meet;

"(x) the number, availability, and qualifications, including the training and experience, of the faculty and other personnel of the institution;

"(xi) the availability of part-time employment or other forms of financial assistance;

"(xii) the nature and availability of any tutorial or specialized instruction, guidance and counseling, or other supplementary assistance the institution will provide students before, during, or after the completion of a course of education;

"(xiii) the nature or extent of any prerequisites established for enrollment in any course of education;

"(xiv) the subject matter, content of the course of education, or any other fact related to the degree, diploma, certificate of completion, or any similar document that the student is to be, or is, awarded upon completion of the course of education; and

"(xv) whether the degree that the institution will confer upon completion of the course of education has been authorized by the appropriate State educational agency, including with respect to cases where the institution fails to disclose facts regarding the lack of such authorization in any advertising or promotional materials that reference such degree.

"(B) The financial charges of the institution, including misrepresentation regarding—

"(i) offers of scholarships to pay all or part of a course charge;

"(ii) whether a particular charge is the customary charge at the institution for a course;

"(iii) the cost of the program and the refund policy of the institution if the student does not complete the program;

"(iv) the availability or nature of any financial assistance offered to students, including a student's responsibility to repay any loans, regardless of whether the student is successful in completing the program and obtaining employment; and

"(v) the student's right to reject any particular type of financial aid or other assistance, or whether the student must apply for a particular type of financial aid, such as financing offered by the institution.

"(C) The employability of the graduates of the institution, including misrepresentation regarding—

"(i) the relationship of the institution with any organization, employment agency, or other agency providing authorized training leading directly to employment;

"(ii) the plans of the institution to maintain a placement service for graduates or otherwise assist graduates to obtain employment;

"(iii) the knowledge of the institution about the current or likely future conditions, compensation, or employment opportunities in the industry or occupation for which the students are being prepared;

"(iv) job market statistics maintained by the Federal Government in relation to the potential placement of the graduates of the institution; and

"(v) other requirements that are generally needed to be employed in the fields for which the training is provided, such as requirements related to commercial driving licenses or permits to carry firearms, and failing to disclose factors that would prevent an applicant from qualifying for such requirements, such as prior criminal records or preexisting medical conditions.

Definitions.

"(2) In this subsection:

"(A) The term 'misleading statement' includes any communication, action, omission, or intimation made in writing, visually, orally, or through other means, that has the likelihood or tendency to mislead the intended recipient of the communication under the circumstances in which the communication is made. Such term includes the use of student endorsements or testimonials for an educational institution that a student gives to the institution either under duress or because the institution required the student to make such an endorsement or testimonial to participate in a program of education.

"(B) The term 'misrepresentation' means any false, erroneous, or misleading statement, action, omission, or intimation made directly or indirectly to a student, a prospective student, the public, an accrediting agency, a State agency, or to the Secretary by an eligible institution, one of its representatives, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services.

"(C) The term 'substantial misrepresentation' means misrepresentation in which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.

"(c) LIMITATION ON CERTAIN COMMISSIONS, BONUSES, AND OTHER INCENTIVE PAYMENTS.—An educational institution with a course or program of education approved under this chapter, and an entity that owns such an educational institution, shall not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

"(d) REQUIREMENT TO MAINTAIN RECORDS.—(1) To ensure compliance with this section, any educational institution offering courses approved for the enrollment of eligible persons or veterans shall maintain a complete record of all advertising, sales, or enrollment materials (and copies thereof) utilized by or on behalf of the institution during the preceding two-year period. Such record shall be available for inspection by the State approving agency or the Secretary. Compliance. Time period.

"(2) Such materials shall include but are not limited to any direct mail pieces, brochures, printed literature used by sales persons, films, video tapes, and audio tapes disseminated through broadcast media, material disseminated through print, digital, or electronic media, tear sheets, leaflets, handbills, fliers, and any sales or recruitment manuals used to instruct sales personnel, agents, or representatives of such institution.

"(e) AGREEMENT WITH FEDERAL TRADE COMMISSION.—(1) The Secretary shall, pursuant to section 3694 of this title, enter into an agreement with the Federal Trade Commission to utilize, where appropriate, its services and facilities, consistent with its available resources, in carrying out investigations and making the Under Secretary of Benefit's preliminary findings under subsection (g)(1). Investigations.

"(2) Such agreement shall provide that cases arising under subsection (a) of this section or any similar matters with respect to any of the requirements of this chapter or chapters 34 and 35 of this title may be referred to the Federal Trade Commission which in its discretion will conduct an investigation and make preliminary findings.

"(3) The findings and results of any investigation under paragraph (2) shall be referred to the Under Secretary for Benefits, who shall take appropriate action under subsection (g) in such cases not later than 60 days after the date of such referral. Deadline.

"(f) FINAL JUDGMENTS FROM OTHER FEDERAL AGENCIES.—Whenever the Secretary becomes aware of a final judgment by a Federal agency against an educational institution or owner of an educational institution pertaining to substantial misrepresentation described in subsection (b) or of other credible evidence relating Deadlines.

to a violation of subsection (a), the Secretary, in partnership with the applicable State approving agency, shall—

"(1) within 30 days, alert the educational institution or owner that it is at risk of losing approval under this chapter of its courses or programs of education;

"(2) provide the educational institution or owner 60 days to provide any information it wishes to the Secretary;

Requirement.
Reports.

"(3) require the educational institution or owner to submit to the Secretary a report prepared by an approved third-party auditor of the advertising and enrollment practices of the educational institution or owner; and

"(4) refer the matter to the Under Secretary of Benefits, who may thereafter make a preliminary finding under subsection (g).

"(g) PRELIMINARY FINDINGS, FINAL DETERMINATIONS, AND PROCESSES.—(1) The Under Secretary for Benefits shall make preliminary findings and final determinations on violations of subsections (a), (c), and (d).

"(2)(A) The Under Secretary shall establish a process for making preliminary findings and final determinations under paragraph (1).

"(B) The process established under subparagraph (A) shall—

"(i) clearly define what triggers an oversight visit by the Under Secretary for purposes of enforcing subsections (a), (c), and (d);

"(ii) set forth factors an educational institution, or the owner of the educational institution, must meet in order to retain approval status under this section, including with respect to the factors set forth under subsection (h)(2);

"(iii) include a process for the provision of notice to an educational institution, or the owner of the educational institution, that the Under Secretary has made a preliminary finding under paragraph (1) that the education institution or owner has violated subsection (a), (c), or (d), which the Under Secretary shall provide to the educational institution or owner within such period after making the preliminary finding as the Under Secretary shall establish for purposes of this clause, except that, in every case, such period shall end before the date on which the Under Secretary makes a final determination under such paragraph; and

"(iv) include—

"(I) a process for receipt of findings from a third-party pertinent to this section; and

"(II) a process for an educational institution or an owner to provide such information as the educational institution or owner determines appropriate to the Secretary, including information about corrective actions the educational institution or owner may have taken in response to preliminary findings under paragraph (1).

"(C) The process established under subparagraph (A) shall not prohibit a State approving agency from—

"(i) independently investigating a potential violation of subsection (a), (c), or (d); or

"(ii) taking action if the State approving agency finds a violation of subsection (a), (c), or (d).

"(3) Upon a preliminary finding under this subsection of a violation of subsection (a), (c), or (d) by an educational institution, or the owner of an educational institution, the Under Secretary

shall require the educational institution or owner to submit to the Under Secretary a report prepared by an approved third-party auditor of the advertising and enrollment practices of the educational institution or owner.

"(4)(A) Before making a final determination under this subsection regarding a violation of subsection (a), (c), or (d) by an educational institution or owner of an educational institution, the Under Secretary shall— Reviews.

"(i) review the practices of the educational institution or owner that pertain to activities and practices covered by subsections (a), (c), and (d);

"(ii) consider the results of a risk-based survey conducted by a State approving agency, if available; and

"(iii) review—

"(I) the findings and information received pursuant to the processes established under paragraph (2)(B)(iii);

"(II) in a case in which a report was submitted under subsection (f)(3), such report;

"(III) the report submitted under paragraph (3)(B) of this subsection;

"(IV) any findings and results submitted under subsection (e)(3);

"(V) the marketing and outreach material of the educational institution and the contractors of the educational institution.

"(B) The Under Secretary may not make a final determination under this subsection solely based on preliminary findings.

"(5) The Under Secretary may not delegate authority to make a final determination under this subsection, including to any employee of the Department or to the Federal Trade Commission.

"(h) ENFORCEMENT.—(1)(A) Upon a final determination by the Under Secretary for Benefits under subsection (g) that an educational institution or the owner of an educational institution violated subsection (a), (c), or (d), the Under Secretary shall, but subject to subparagraphs (B), (C), and (D) of this paragraph, take one of the following actions independent of any actions taken under section 3690 of this title: Determination.

"(i) Publish a caution flag on the GI Bill Comparison Tool, or successor tool, about that educational institution and alert its currently enrolled eligible veterans and eligible persons. Publication.

"(ii) Suspend the approval of the courses and programs of education offered by the educational institution by disapproving new enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution.

"(iii) Revoke the approval of the courses and programs of education offered by the educational institution by disapproving all enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution.

"(B) In deciding upon a course of action under subparagraph (A), for the first violation of this section, the Secretary shall consider the factors set forth in paragraph (2).

"(C) Subject to subsection (i), any repeat violation and final finding within five years of the first violation of this section shall result in— Time period.

"(i) a suspension of approval of new enrollments as described in subparagraph (A)(ii) of this paragraph until reinstatement under subsection (j); or

"(ii) a revocation of approval under this chapter as described in subparagraph (A)(iii) of this paragraph until reinstatement under subsection (j).

Time period.

"(D) Subject to subsection (i), any third violation within three years of the second violation of this section shall result in revocation of approval under this chapter as described in subparagraph (A)(iii) of this paragraph until reinstatement under subsection (j).

Deadline.

"(E) Any action taken under subparagraph (A) of this paragraph regarding a violation of subsection (a), (c), or (d) by an educational institution or the owner of an educational institution shall be taken on or before the date that is 180 days after the date on which the Under Secretary provided notice to the educational institution or owner regarding the violation in accordance with the process established under subsection (g)(2)(B)(iii).

"(2) The factors set forth in this paragraph are the following:

"(A) That the Secretary's action brings sufficient deterrence for future fraud against students and the programs of education carried out under this title. Fraud against veterans must be met with a repercussion strong enough to send a deterrent message to this and other educational institutions and owners.

"(B) That the educational institution has secured an approved third-party auditor to verify the educational institution's, or owner's, advertising and enrollment practices for at least three years going forward.

"(C) That the educational institution or owner has repudiated the deceptive practices and has communicated to all employees that deceptive practices will not be tolerated, and has instituted strong governance procedures to prevent recurrence.

"(D) That the educational institution has taken steps to remove any pressure on its enrollment recruiters, including by removing enrollment quotas and incentives for enrollment.

"(E) That the State approving agency or the Secretary acting in the role of the State approving agency, has completed a risk-based survey and determined the educational institution is worthy of serving eligible veterans and eligible persons.

"(3) Enforcement action under this section shall not preclude enforcement action under section 3690 of this title.

"(4) No action may be carried out under this subsection with respect to a final determination by the Under Secretary under subsection (g) while such final determination is pending review under subsection (i).

"(i) APPEALS.—(1) The Secretary shall establish a process by which an educational institution or the owner of an educational institution that is the subject of more than one final determination by the Under Secretary under subsection (g)(1) that the educational institution or owner violated subsection (a), may request a review of the most recent final determination.

"(2)(A) The Secretary shall—

Review.

"(i) review each final determination for which a review is requested under paragraph (1); and

"(ii) pursuant to such review, issue a final decision sustaining, modifying, or overturning the final determination.

"(B) The Secretary may not delegate any decision under subparagraph (A).

"(C)(i) Review under subparagraph (A)(i) of this paragraph shall be the exclusive avenue for review of a final determination under subsection (g)(1).

"(ii) A decision issued pursuant to a review under subparagraph (A)(i) may not be appealed to the Secretary for review under section 7104(a) of this title.

"(3)(A) Not later than 30 days after the date on which the Secretary issues a final decision under paragraph (2)(A)(ii), the Secretary shall submit to Congress a report on such final decision. Reports.

"(B) A report submitted under subparagraph (A) shall include the following:

"(i) An outline of the decisionmaking process of the Secretary that led to the final decision described in subparagraph (A).

"(ii) Any relevant material used to make the final decision under paragraph (2)(A)(ii), including risk-based surveys and documentation from the educational institution or the owners of the educational institution. Surveys.

"(iii) Materials that were submitted to the Secretary after the date of the final determination under subsection (g) that was the subject of the final decision under paragraph (2)(A)(ii) of this subsection and before the date on which the Secretary issued such final decision.

"(j) REINSTATEMENT OF APPROVAL.—(1) If an educational institution or the owner of an educational institution has had the approval of the courses or programs of education of the educational institution suspended as described in clause (ii) of subsection (h)(1)(A) or revoked as described in clause (iii) of such subsection for a violation of subsection (a), (c), or (d) pursuant to subparagraph (C) or (D) of subsection (h)(1), the educational institution or owner may submit to the applicable State approving agency or the Secretary when acting as a State approving agency an application for reinstatement of approval under this subsection.

"(2) Approval under this chapter may not be reinstated under this subsection until—

"(A) the educational institution or owner submits to the applicable State approving agency or the Secretary when acting as a State approving agency an application for reinstatement of approval under paragraph (1);

"(B) the date that is 540 days after the date of the most recent suspension or revocation described in paragraph (1) of the educational institution or owner; Effective date.

"(C) the educational institution submits a report by an approved third-party auditor on the advertising and enrollment practices of the educational institution, including those of its third-party contractors; Reports.

"(D) procedures are in place to prevent any future violation of subsection (a), (c), or (d); Procedures.

"(E) that the educational institution has met all factors set forth in subsection (h)(2); and

"(F) the Secretary agrees to such reinstatement.

"(k) RULE OF CONSTRUCTION REGARDING STATE APPROVING AGENCIES AND RISK-BASED SURVEYS.—Nothing in this section shall be construed to prohibit a State approving agency from conducting

any risk-based survey the State approving agency considers appropriate at any educational institution that it considers appropriate for oversight purposes.

"(l) DEFINITIONS.—In this section:

"(1) The term 'approved third-party auditor' means an independent third-party auditor that is approved by the Secretary for purposes of third-party audits under this section.

"(2) The term 'risk-based survey' means the risk-based survey developed under section 3673A of this title.".

38 USC prec. 3679.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3696 and inserting the following new item:

"3696. Prohibition on certain advertising, sales, and enrollment practices.".

(b) REQUIREMENTS FOR NONACCREDITED COURSES.—Paragraph (10) of section 3676(c) of such title is amended to read as follows:

"(10) The institution, and any entity that owns the institution, does not engage in substantial misrepresentation described in section 3696(e) of this title. The institution shall not be deemed to have met this requirement until the State approving agency—

"(A) has ascertained that no Federal department or agency has taken a punitive action, not including a settlement agreement, against the school for misleading or deceptive practices;

"(B) has, if such an order has been issued, given due weight to that fact; and

Time period.

"(C) has reviewed the complete record of advertising, sales, or enrollment materials (and copies thereof) used by or on behalf of the institution during the preceding 12-month period.".

38 USC 3676 note.

(c) APPLICATION DATE.—The amendments made by this section shall take effect on August 1, 2021.

SEC. 1021. CHARGE TO ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR INDIVIDUALS WHO DO NOT TRANSFER CREDITS FROM CERTAIN CLOSED OR DISAPPROVED PROGRAMS OF EDUCATION.

(a) IN GENERAL.—Subsection (c) of section 3699 of title 38, United States Code, is amended to read as follows:

"(c) PERIOD NOT CHARGED.—(1) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

"(A) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

"(B) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

"(2)(A) An individual described in subparagraph (B) who transfers fewer than 12 credits from a program of education that is closed or disapproved as described in subsection (b)(1) shall be deemed to be an individual who did not receive such credits, as described in subsection (b)(2), except that the period for which

such individual's entitlement is not charged shall be the entire period of the individual's enrollment in the program of education. In carrying out this subparagraph, the Secretary, in consultation with the Secretary of Education, shall establish procedures to determine whether the individual transferred credits to a comparable course or program of education.

Consultation. Procedures. Determination.

"(B) An individual described in this subparagraph is an individual who is enrolled in a course or program of education closed or discontinued as described in subsection (b)(1) during the period beginning on the date that is 120 days before the date of such closure or discontinuance and ending on the date of such closure or discontinuance, as the case may be.

"(C) This paragraph shall apply with respect to a course or program of education closed or discontinued before September 30, 2023.".

Applicability. Effective date.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

38 USC 3699 note.

SEC. 1022. DEPARTMENT OF VETERANS AFFAIRS TREATMENT OF FOR-PROFIT EDUCATIONAL INSTITUTIONS CONVERTED TO NONPROFIT EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3699B. Treatment of certain for-profit educational institutions

38 USC 3699B.

"(a) IN GENERAL.—In the case of any for-profit educational institution that is converted to a nonprofit educational institution, the State approving agency or the Secretary when acting as a State approving agency shall conduct annual risk-based surveys of the institution during the three-year period beginning on the date on which the educational institution is so converted.

Surveys. Time period.

"(b) RISK-BASED SURVEY DEFINED.—In this section, the term 'risk-based survey' means the risk-based survey developed under section 3673A of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3699A the following new item:

38 USC prec. 3670.

"3699B. Treatment of certain for-profit educational institutions.".

(c) APPLICABILITY.—Section 3699B of title 38, United States Code, as added by subsection (a), shall apply with respect to the conversion of a for-profit educational institution to a nonprofit educational institution that occurs on or after the date of the enactment of this Act.

38 USC 3699B note.

SEC. 1023. AUTHORITY OF STATE APPROVING AGENCIES TO CONDUCT OUTREACH ACTIVITIES.

Section 3673 of title 38, United States Code, as amended by section 1014 of this title, is further amended by adding at the end the following new subsection:

"(f) OUTREACH ACTIVITIES.—(1) A State approving agency may conduct outreach activities if—

"(A) the State approving agency has properly conducted its enforcement and approval of courses and programs of education under this chapter; and

"(B) funds are still available to do so.

"(2) For purposes of paragraph (1)(A), a State approving agency shall be considered to have properly conducted its enforcement and approval of courses and programs of education under this chapter if the State approving agency has—

"(A) met fulfilled its requirements pursuant to the applicable cooperative agreements between the State approving agency and the Department relating to the oversight and approval of courses and programs of education under this chapter; and

Surveys.

"(B) completed a risk-based survey of any course or program of education determined to be of questionable quality or at risk by any Federal or State agency or any accrediting agency.

"(3) Outreach activities conducted under paragraph (1) shall be carried out using amounts derived from amounts not specifically appropriated to carry out this subsection.".

SEC. 1024. LIMITATION ON COLOCATION AND ADMINISTRATION OF STATE APPROVING AGENCIES.

(a) IN GENERAL.—Section 3671 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c) A State department or agency may not be recognized as a State approving agency designated under this section if such State department or agency is administered at or colocated with a university or university system whose courses or programs of education would be subject to approval under this chapter by the State approving agency in that State.".

38 USC 3671 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 1025. ELIMINATION OF PERIOD OF ELIGIBILITY FOR TRAINING AND REHABILITATION FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Section 3103 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "or (e)" and inserting "(e), or (g)"; and

(2) by adding at the end the following new subsection:

Effective date.

"(g) Subsection (a) shall not apply to a veteran who was discharged or released from active military, naval, or air service on or after January 1, 2013.".

(b) CONFORMING AMENDMENT.—Section 6(c) of the Student Veteran Coronavirus Response Act of 2020 (134 Stat. 633; Public Law 116–140) is amended by striking paragraph (1).

Subtitle B—Pandemic Assistance

38 USC note prec. 3001.

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) COVERED PROGRAM OF EDUCATION.—The term "covered program of education" means a program of education (as defined in section 3002 of title 38, United States Code) approved by a State approving agency, or the Secretary of Veterans Affairs when acting in the role of a State approving agency.

(2) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the public health emergency declared pursuant to section 319 of the Public Health Service Act on January

31, 2020, entitled "Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus".

(3) EDUCATIONAL INSTITUTION.—The term "educational institution" has the meaning given that term in section 3452(c) of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

(4) STATE APPROVING AGENCY.—The term "State approving agency" has the meaning given that term in section 3671 of title 38, United States Code.

(5) TRAINING ESTABLISHMENT.—The term "training establishment" has the meaning given that term in section 3452(e) of title 38, United States Code.

(6) TRAINING.—The term "training" includes on-job training and apprenticeship programs and vocational rehabilitation programs.

SEC. 1102. CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS DURING COVID–19 EMERGENCY.

(a) AUTHORITY.—If the Secretary of Veterans Affairs determines under subsection (c) that an individual is negatively affected by the COVID–19 emergency, the Secretary may provide educational assistance to that individual under the laws administered by the Secretary as if such negative effects did not occur. The authority under this section is in addition to the authority provided under section 1 of Public Law 116–128 (38 U.S.C. 3001 note prec.), but in no case may the Secretary provide more than a total of four weeks of additional educational assistance by reason of section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3680 note) and this section.

Determination.

Time period.

(b) HOUSING AND ALLOWANCES.—In providing educational assistance to an individual pursuant to subsection (a), the Secretary may—

Time periods.

(1) continue to pay a monthly housing stipend under chapter 33 of title 38, United States Code, during a month the individual would have been enrolled in a program of education or training but for the COVID–19 emergency at the same rate such stipend would have been payable if the individual had not been negatively affected by the COVID–19 emergency, except that the total number of weeks for which stipends may continue to be so payable may not exceed four weeks; and

(2) continue to pay payments or subsistence allowances under chapters 30, 31, 32, 33, and 35 of such title and chapter 1606 of title 10, United States Code, during a month for a period of time that the individual would have been enrolled in a program of education or training but for the COVID–19 emergency, except that the total number of weeks for which payments or allowances may continue to be so payable may not exceed four weeks.

(c) DETERMINATION OF NEGATIVE EFFECTS.—The Secretary shall determine that an individual was negatively affected by the COVID–19 emergency if—

(1) the individual is enrolled in a covered program of education of an educational institution or enrolled in training at a training establishment and is pursuing such program or

training using educational assistance under the laws administered by the Secretary;

Certification.

(2) the educational institution or training establishment certifies to the Secretary that such program or training is truncated, delayed, relocated, canceled, partially canceled, converted from being on-site to being offered by distance learning, or otherwise modified or made unavailable by reason of the COVID–19 emergency; and

(3) the Secretary determines that the modification to such program or training specified under paragraph (2) would reduce the amount of educational assistance (including with respect to monthly housing stipends, payments, or subsistence allowances) that would be payable to the individual but for the COVID–19 emergency.

(d) EFFECT ON ENTITLEMENT PERIOD.—If the Secretary determines that an individual who received assistance under this section did not make progress toward the completion of the program of education in which the individual is enrolled during the period for which the individual received such assistance, any assistance provided pursuant to this section shall not be counted for purposes of determining the total amount of an individual's entitlement to educational assistance, housing stipends, or payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapter 1606 of title 10, United States Code.

(e) APPLICABILITY PERIOD.—This section shall apply during the period beginning on March 1, 2020, and ending on December 21, 2021.

SEC. 1103. EFFECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND MODIFICATION OF COURSES BY REASON OF COVID–19 EMERGENCY.

(a) CLOSURE OR DISAPPROVAL.—Any payment of educational assistance described in subsection (b) shall not—

(1) be charged against any entitlement to educational assistance of the individual concerned; or

(2) be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the receipt of educational assistance by such individual.

Determination.

(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (d), the payment of educational assistance described in this subsection is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code, if the Secretary determines that the individual—

(1) was unable to complete such course or program as a result of—

(A) the closure of the educational institution, or the full or partial cancellation of a course or program of education, by reason of the COVID–19 emergency; or

(B) the disapproval of the course or a course that is a necessary part of that program under chapter 36 of title 38, United States Code, because the course was modified by reason of such emergency; and

(2) did not receive credit or lost training time, toward completion of the program of education being so pursued.

(c) HOUSING ASSISTANCE.—In this section, educational assistance includes, as applicable—

(1) monthly housing stipends payable under chapter 33 of title 38, United States Code, for any month the individual would have been enrolled in a course or program of education; and

(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapter 1606 of title 10, United States Code, during a month the individual would have been enrolled in a course or program of education.

(d) PERIOD NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of title 38, United States Code, shall not exceed the aggregate of—

(1) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

(2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of title 38, United States Code.

(e) CONTINUING PURSUIT OF DISAPPROVED COURSES.—

(1) IN GENERAL.—The Secretary may treat a course of education that is disapproved under chapter 36 of title 38, United States Code, as being approved under such chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a programmatic basis, that— Determination.

(A) such disapproval is the result of an action described in subsection (b)(1)(B); and

(B) continuing pursuing such course is in the best interest of the individual.

(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code, as of the date on which the course is disapproved as described in subsection (b)(1)(B).

(f) STATUS AS FULL-TIME STUDENT FOR PURPOSES OF HOUSING STIPEND CALCULATION.—In the case of an individual who, as of the first day of the COVID–19 emergency was enrolled on a full-time basis in a program of education and was receiving educational assistance under chapter 33 of title 38, United States Code, or subsistence allowance under chapter 31 of such title, and for whom the Secretary makes a determination under subsection (b), the individual shall be treated as an individual enrolled in a program of education on a full-time basis for the purpose of calculating monthly housing stipends payable under chapter 33 of title 38, United States Code, or subsistence allowance payable under chapter 31 of such title, for any month the individual is enrolled in the program of education on a part-time basis to complete any course of education that was partially or fully canceled by reason of the COVID–19 emergency.

(g) NOTICE OF CLOSURES.—Not later than 5 business days after the date on which the Secretary receives notice that an educational institution will close or is closed by reason of the COVID–19 emergency, the Secretary shall provide to each individual who is enrolled in a course or program of education at such educational Deadline.

institution using entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code, notice of—

(1) such closure and the date of such closure; and

(2) the effect of such closure on the individual's entitlement to educational assistance pursuant to this section.

Time period.

(h) APPLICABILITY.—This section shall apply with respect to the closure of an educational institution, or the cancellation or modification of a course or program of education, that occurs during the period beginning on March 1, 2020, and ending on December 21, 2021.

SEC. 1104. PAYMENT OF EDUCATIONAL ASSISTANCE IN CASES OF WITHDRAWAL.

Time period.

(a) IN GENERAL.—In the case of any individual who withdraws from a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of title 38, United States Code, for a covered reason during the period beginning on March 1, 2020, and ending on December 21, 2021, the Secretary of Veterans Affairs shall find mitigating circumstances for purposes of section 3680(a)(1)(C)(ii) of title 38, United States Code.

Definition.

(b) COVERED REASON.—In this section, the term "covered reason" means any reason related to the COVID–19 emergency, including—

(1) illness, quarantine, or social distancing requirements;

(2) issues associated with COVID–19 testing accessibility;

(3) access or availability of childcare;

(4) providing care for a family member or cohabitants;

(5) change of location or residence due to COVID–19 or associated school closures;

(6) employment changes or financial hardship; and

(7) issues associated with changes in format or medium of instruction.

SEC. 1105. MODIFICATION OF TIME LIMITATIONS ON USE OF ENTITLEMENT.

(a) MONTGOMERY GI BILL.—The subsection (i) temporarily added to section 3031 of title 38, United States Code, by subsection (a) of section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is amended—

Ante, p. 632.

Time period.

(1) in paragraph (1), by striking "the period the individual is so prevented from pursuing such program" and inserting "the period beginning on March 1, 2020, and ending on December 21, 2021"; and

(2) in paragraph (2), by striking "the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter" and inserting "December 22, 2021".

(b) VOCATIONAL REHABILITATION AND TRAINING.—The subsection (g) temporarily added to section 3103 of title 38, United States Code, by subsection (c) of such section 6 is amended—

Ante, p. 633.

Time period.

(1) in paragraph (1), by striking "the period the individual is so prevented from participating such program" and inserting "the period beginning on March 1, 2020, and ending on December 21, 2021"; and

(2) in paragraph (2), by striking "the first day after the individual is able to resume participation in such program" and inserting "December 22, 2021".

SEC. 1106. APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.

38 USC 3687 note.

(a) IN GENERAL.—During the period described in subsection (b), subsection (e) of section 3687 of title 38, United States Code, shall be applied by substituting the following for paragraph (2):

"(2)(A) Subject to subparagraphs (B) and (C), for any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

"(B) In the case of an individual who is unemployed during any month, the 120-hour requirement under subparagraph (A) for that month shall be reduced proportionately to reflect the individual's period of unemployment, except that the amount of monthly training assistance otherwise payable to the individual under subsection (b)(3) shall not be reduced.

"(C) Any period during which an individual is unemployed shall not—

"(i) be charged against any entitlement to educational assistance of the individual; or

"(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

"(D) Any amount by which the entitlement of an individual is reduced under subparagraph (A) shall not—

"(i) be charged against any entitlement to educational assistance of the individual; or

"(ii) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

"(E) In the case of an individual who fails to complete 120 hours of training during a month, but who completed more than 120 hours of training during the preceding month, the individual may apply the number of hours in excess of 120 that the individual completed for that month to the month for which the individual failed to complete 120 hours. If the addition of such excess hours results in a total of 120 hours or more, the individual shall be treated as an individual who has completed 120 hours of training for that month. Any excess hours applied to a different month under this subparagraph may only be applied to one such month.

Applicability.

"(F) This paragraph applies to amounts described in section 3313(g)(3)(B)(iv) and section 3032(c)(2) of this title and section 16131(d)(2) of title 10.

Applicability.

"(G) In this paragraph:

Definitions.

"(i) The term 'unemployed' includes being furloughed or being scheduled to work zero hours.

"(ii) The term 'fails to complete 120 hours of training' means, with respect to an individual, that during any month, the individual completes at least one hour, but fewer than 120 hours, of training, including in a case in which the individual is unemployed for part of, but not the whole, month.".

(b) APPLICABILITY PERIOD.—The period described in this section is the period beginning on March 1, 2020, and ending on December 21, 2021.

SEC. 1107. INCLUSION OF TRAINING ESTABLISHMENTS IN CERTAIN PROVISIONS RELATED TO COVID–19 EMERGENCY.

(a) CONTINUATION OF BENEFITS.—Section 1 of Public Law 116–128 is amended— *Ante*, p. 221.

(1) in subsection (a), by inserting "or a training establishment" after "an educational institution"; and

(2) in subsection (c), by adding at the end the following new paragraph:

Definition. "(4) TRAINING ESTABLISHMENT.—The term 'training establishment' has the meaning given such term in section 3452(e) of title 38, United States Code.".

(b) PAYMENT OF ALLOWANCES.—Section 4(a)(1) of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3680 note) is amended by inserting "or a training establishment" after "educational institution".

38 USC 3699 note. (c) PROHIBITION OF CHARGE TO ENTITLEMENT.—The subparagraph (C) temporarily added to section 3699(b)(1) of title 38, United States Code, by section 5 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3699 note) is amended by inserting "or training establishment" after "educational institution".

(d) EXTENSION OF TIME LIMITATIONS.—

(1) MGIB.—The subsection (i) temporarily added to section 3031 of title 38, United States Code, by subsection (a) of section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140), as amended by section 1105 of this title, is further amended by inserting "or training establishment" after "educational institution". *Ante*, p. 632.

(2) TRANSFER PERIOD.—The subparagraph (C) temporarily added to section 3319(h)(5) of such title by section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is amended by inserting "or training establishment" after "educational institution". *Ante*, p. 632.

SEC. 1108. TREATMENT OF PAYMENT OF ALLOWANCES UNDER STUDENT VETERAN CORONAVIRUS RESPONSE ACT.

Section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is amended— *Ante*, p. 632.

(1) in subsection (b)—

(A) by striking "may not exceed four weeks." and inserting "may not exceed the shorter of the following:"; and

(B) by adding at the end the following new paragraphs:

"(1) The period of time that the eligible veteran or eligible person would have been enrolled in a program of education or training but for the emergency situation.

"(2) Four weeks."; and

(2) by adding at the end the following new subsection:

"(e) ENTITLEMENT NOT CHARGED.—Any payment of allowances under this section shall not—

"(1) be charged against any entitlement to educational assistance of the eligible veteran or eligible person concerned; or

"(2) be counted against the aggregate period for which section 3695 of this title 38, United States Code, limits the receipt of educational assistance by such eligible veteran or eligible person.".

TITLE II—BENEFITS

Subtitle A—Benefits Generally

SEC. 2001. REVISION OF DEFINITION OF VIETNAM ERA FOR PURPOSES OF THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 101(29)(A) of title 38, United States Code, is amended by striking "February 28, 1961" and inserting "November 1, 1955".

SEC. 2002. MATTERS RELATING TO DEPARTMENT OF VETERANS AFFAIRS MEDICAL DISABILITY EXAMINATIONS.

(a) TEMPORARY CLARIFICATION OF LICENSURE REQUIREMENTS FOR CONTRACTOR MEDICAL PROFESSIONALS TO PERFORM MEDICAL DISABILITY EXAMINATIONS FOR THE DEPARTMENT OF VETERANS AFFAIRS UNDER PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.—

(1) IN GENERAL.—Subsection (c) of section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note) is amended to read as follows:

"(c) LICENSURE OF CONTRACT HEALTH CARE PROFESSIONALS.—

"(1) IN GENERAL.—Notwithstanding any law regarding the licensure of health care professionals, a health care professional described in paragraph (2) may conduct an examination pursuant to a contract entered into under subsection (a) at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract.

"(2) HEALTH CARE PROFESSIONAL DESCRIBED.—A health care professional described in this paragraph is a physician, physician assistant, nurse practitioner, audiologist, or psychologist, who—

"(A) has a current unrestricted license to practice the health care profession of the physician, physician assistant, nurse practitioner, audiologist, or psychologist, as the case may be;

"(B) is not barred from practicing such health care profession in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States; and

"(C) is performing authorized duties for the Department of Veterans Affairs pursuant to a contract entered into under subsection (a).".

(2) PURPOSE.—The purpose of the amendment made by paragraph (1) is to expand the license portability for physicians assistants, nurse practitioners, audiologists, and psychologists to supplement the capacity of employees of the Department to provide medical examinations described in subsection (b). 38 USC 5101 note.

38 USC 5101 note.

(3) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed to affect the license portability for physicians in effect under section 504(c) of such Act as in effect on the day before the date of the enactment of this Act.

38 USC 5101 note.

(4) SUNSET.—On the date that is three years after the date of the enactment of this Act, subsection (c) of such section shall read as it read on the day before the date of the enactment of this Act.

Effective date. 38 USC 5101 note.

(b) TEMPORARY HALT ON ELIMINATION OF MEDICAL EXAMINER POSITIONS IN DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall temporarily suspend the efforts of the Secretary in effect on the day before the date of the enactment of this Act to eliminate medical examiner positions in the Department of Veterans Affairs until the number of individuals awaiting a medical examination with respect to medical disability of the individuals for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits is equal to or less than the number of such individuals who were awaiting such a medical examination with respect to such purposes on March 1, 2020.

(c) REPORT ON PROVISION OF MEDICAL EXAMINATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the provision of medical examinations described in subsection (b) by the Department.

(2) CONTENTS.—The report submitted under paragraph (1) shall cover the following:

(A) How the Secretary will increase the capacity, efficiency, and timeliness of physician assistants, nurse practitioners, audiologists, and psychologists of the Veterans Health Administration with respect to completing medical examinations described in subsection (b).

(B) The total number of full-time equivalent employees among all physician assistants, nurse practitioners, audiologists, and psychologists needed for the increases described in subparagraph (A).

Assessment.

(C) An assessment regarding the importance of retaining a critical knowledge base within the Department for performing medical examinations for veterans filing claims for compensation under chapters 11 and 13 of title 38, United States Code, including with respect to military sexual trauma, post-traumatic stress disorder, traumatic brain injury, and toxic exposure.

(3) COLLABORATION.—The Secretary shall collaborate with the veterans community and stakeholders in the preparation of the report required by paragraph (1).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW.—

(1) REVIEW REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the implementation of the pilot program authorized under subsection (a) of section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note). Deadline.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include the following:

(A) An assessment of the use of subsection (c) of section 504 of such Act, as amended by subsection (a)(1) of this section. Assessment.

(B) Efforts to retain and recruit medical examiners as employees of the Department.

(C) Use of telehealth for medical examinations described in subsection (b) that are administered by the Department.

(e) BRIEFING ON RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing on how the Secretary will implement the recommendations of the Comptroller General of the United States regarding— Deadline.

(1) the monitoring of the training of providers of examinations pursuant to contracts under section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note); and

(2) ensuring such providers receive such training.

(f) HOLDING UNDERPERFORMING CONTRACT MEDICAL EXAMINERS ACCOUNTABLE.—The Secretary shall take such actions as may be necessary to hold accountable the providers of medical examinations pursuant to contracts under section 504 of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 38 U.S.C. 5101 note) who are underperforming in the meeting of the needs of veterans through the performance of medical examinations pursuant to such contracts. 38 USC 5101 note.

SEC. 2003. MEDAL OF HONOR SPECIAL PENSION FOR SURVIVING SPOUSES.

(a) CODIFICATION OF CURRENT RATE OF SPECIAL PENSION.—Subsection (a) of section 1562 of title 38, United States Code, is amended by striking "$1,000" and inserting "$1,388.68".

(b) SPECIAL PENSION FOR SURVIVING SPOUSES.—

(1) SURVIVING SPOUSE BENEFIT.—Such subsection is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall pay special pension under this section to the surviving spouse of a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll and a copy of whose certificate has been delivered to the Secretary under section 1134a(d) of title 10.

"(B) No special pension shall be paid to a surviving spouse of a person under this section unless such surviving spouse was married to such person—

Time period.

"(i) for one year or more prior to the veteran's death; or

"(ii) for any period of time if a child was born of the marriage, or was born to them before the marriage.

"(C) No special pension shall be paid to a surviving spouse of a person under this section if such surviving spouse is receiving benefits under section 1311 or 1318 of this title.".

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Such section is amended—

(i) in subsection (d), by inserting "or married to more than one person who has been awarded a medal of honor," after "honor,"; and

(ii) in subsection (f)(1), by striking "this section" and inserting "paragraph (1) of subsection (a), or under paragraph (2) of such subsection in the case of a posthumous entry on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll,".

(B) SPECIAL PROVISIONS RELATING TO MARRIAGES.—Section 103(d)(5) of such title is amended by adding at the end the following new subparagraph:

"(E) Section 1562(a)(2), relating to Medal of Honor special pension.".

38 USC 103 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payment of pension under section 1562 of title 38, United States Code, for months beginning after the date of the enactment of this Act.

SEC. 2004. MODERNIZATION OF SERVICE-DISABLED VETERANS INSURANCE.

(a) ESTABLISHMENT OF MODERNIZED PROGRAM.—

(1) IN GENERAL.—Chapter 19 of title 38, United States Code, is amended by inserting after section 1922A the following new section:

38 USC 1922B.

"§ 1922B. Service-disabled veterans insurance

Effective date.

"(a) INSURANCE.—(1) Beginning January 1, 2023, the Secretary shall carry out a service-disabled veterans insurance program under which a veteran is granted insurance by the United States against the death of such individual occurring while such insurance is in force.

"(2) The Secretary may only issue whole-life policies under the insurance program under paragraph (1).

"(3) The Secretary may not grant insurance to a veteran under paragraph (1) unless—

"(A) the veteran submits the application for such insurance before the veteran attains 81 years of age; or

"(B) with respect to a veteran who has attained 81 years of age—

"(i) the veteran filed a claim for compensation under chapter 11 of this title before attaining such age;

Determination.

"(ii) based on such claim, and after the veteran attained such age, the Secretary first determines that the veteran has a service-connected disability; and

Time period.

"(iii) the veteran submits the application for such insurance during the two-year period following the date of such determination.

"(4)(A) A veteran enrolled in the insurance program under paragraph (1) may elect to be insured in any of the following amounts:

"(i) $10,000.
"(ii) $20,000.
"(iii) $30,000.
"(iv) $40,000.
"(v) In accordance with subparagraph (B), a maximum amount greater than $40,000.

"(B) The Secretary may establish a maximum amount to be insured under paragraph (1) that is greater than $40,000 if the Secretary—

"(i) determines that such maximum amount and the premiums for such amount— Determination.

"(I) are administratively and actuarially sound for the insurance program under paragraph (1); and

"(II) will not result in such program operating at a loss; and

"(ii) publishes in the Federal Register, and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives, such maximum amount and determination. Federal Register, publication.

"(5)(A)(i) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States.

"(ii) Any payments on such insurance shall be made directly from such fund.

"(B)(i) The Secretary of the Treasury may invest in and sell and retire special interest-bearing obligations of the United States for the account of the revolving fund under subparagraph (A).

"(ii) Such obligations issued for that purpose shall—

"(I) have maturities fixed with due regard for the needs of the fund; and

"(II) bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of one per centum, the rate of interest of such obligation shall be the multiple of one-eighth of one per centum nearest such market yield.

"(6)(A) Administrative support financed by the appropriations for 'General Operating Expenses, Department of Veterans Affairs' and 'Information Technology Systems, Department of Veterans Affairs' for the insurance program under paragraph (1) shall be paid from premiums credited to the fund under paragraph (5).

"(B) Such payment for administrative support shall be reimbursed for that fiscal year from funds that are available on such insurance after claims have been paid. Reimbursement.

"(b) ELIGIBILITY.—A veteran is eligible to enroll in the insurance program under subsection (a)(1) if the veteran has a service-connected disability, without regard to—

"(1) whether such disability is compensable under chapter 11 of this title; or

"(2) whether the veteran meets standards of good health required for other life insurance policies.

"(c) ENROLLMENT AND WAITING PERIOD.—(1) An eligible veteran may enroll in the insurance program under subsection (a)(1) at any time.

"(2) The life insurance policy of a veteran who enrolls in the insurance program under subsection (a)(1) does not go into force unless—

"(A) a period of two years elapses following the date of such enrollment; and

"(B) the veteran pays the premiums required during such two-year period.

"(3)(A) If a veteran dies during the two-year period described in paragraph (2), the Secretary shall pay to the beneficiary of the veteran the amount of premiums paid by the veteran under this section, plus interest.

"(B) The Secretary—

"(i) for the initial year of the insurance program under subsection (a)(1)—

"(I) shall set such interest at a rate of one percent; and

"(II) may adjust such rate during such year based on program experience, except that the interest rate may not be less than zero percent;

"(ii) for the second and each subsequent year of the program, shall calculate such interest at an annual rate equal to the rate of return on the revolving fund under subsection (a)(5) for the calendar year preceding the year of the veteran's death, except that the interest rate may not be less than zero percent; and

Web posting.

"(iii) on an annual basis, shall publish on the internet website of the Department the average interest rate calculated under clause (ii) for the preceding calendar year.

"(d) PREMIUMS.—(1) The Secretary shall establish a schedule of basic premium rates by age per $10,000 of insurance under subsection (a)(1) consistent with basic premium rates generally charged for guaranteed acceptance life insurance policies by private life insurance companies.

"(2) The Secretary may adjust such schedule after the first policy year in a manner consistent with the general practice of guaranteed acceptance life insurance policies issued by private life insurance companies.

"(3) Section 1912 of this title shall not apply to life insurance policies under subsection (a)(1), and the Secretary may not otherwise waive premiums for such insurance policies.

"(e) BENEFICIARIES.—(1) A veteran who enrolls in the insurance program under subsection (a)(1) may designate a beneficiary of the life insurance policy.

Determination.

"(2) If a veteran enrolled in the insurance program under subsection (a)(1) does not designate a beneficiary under paragraph (1) before the veteran dies, or if a designated beneficiary predeceases the veteran, the Secretary shall determine the beneficiary in the following order:

"(A) The surviving spouse of the veteran.

"(B) The children of the veteran and descendants of deceased children by representation.

"(C) The parents of the veteran or the survivors of the parents.

"(D) The duly appointed executor or administrator of the estate of the veteran.

"(E) Other next of kin of the veteran entitled under the laws of domicile of the veteran at the time of the death of the veteran.

"(f) CLAIMS.—(1) If the deceased veteran designated a beneficiary under subsection (e)(1)— Time periods.

"(A) the designated beneficiary is the only person who may file a claim for payment under subsection (g) during the one-year period beginning on the date of the death of the veteran; and

"(B) if the designated beneficiary does not file a claim for the payment during the period described in paragraph (1), or if payment to the designated beneficiary within that period is prohibited by Federal statute or regulation, a beneficiary described in subsection (e)(2) may file a claim for such payment during the one-year period following the period described in subparagraph (A) as if the designated beneficiary had predeceased the veteran.

"(2) If the deceased veteran did not designate a beneficiary under subsection (e)(1), or if the designated beneficiary predeceased the veteran, a beneficiary described in subsection (e)(2) may file a claim for payment under subsection (g) during the two-year period beginning on the date of the death of the veteran.

"(3) If, on the date that is two years after the date of the death of the veteran, no claim for payment has been filed by any beneficiary pursuant to paragraph (1) or (2), and the Secretary has not received notice that any such claim will be so filed during the subsequent one-year period, the Secretary may make the payment to a claimant whom the Secretary determines to be equitably entitled to such payment. Determination.

"(g) PAYMENTS.—(1) In a case described in subsection (f)— Deadlines.

"(A) in paragraph (1)(A), the Secretary shall pay the designated beneficiary not later than 90 days after the designated beneficiary files a complete and valid claim for payment;

"(B) in paragraph (1)(B) or (2), the Secretary shall make any payment not later than one year after the end of the period described in the applicable such paragraph, if the Secretary receives a complete and valid claim for payment in accordance with the applicable such paragraph; or

"(C) in paragraph (3), the Secretary shall make any payment not later than one year after the end of the period described in such paragraph, if the Secretary receives a complete and valid claim for payment.

"(2) In a case where the Secretary has not made an insurance payment under this section during the applicable period specified in paragraph (1) by reason of a beneficiary not yet having filed a claim, or the Secretary not yet making a determination under subsection (f)(3), the Secretary may make the payment after such applicable period.

"(3) Notwithstanding section 1917 of this title, the Secretary shall make an insurance payment under this section in a lump sum.

"(4) The Secretary may not make an insurance payment under this section if such payment will escheat to a State.

"(5) Any payment under this subsection shall be a bar to recovery by any other person.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1922A the following new item:

38 USC prec. 1901.

"1922B. Service-disabled veterans insurance.".

(b) SUNSET OF PREVIOUS PROGRAM AND TRANSITION.—

(1) S–DVI.—Section 1922 of such title is amended by adding at the end the following new subsection:

"(d)(1) The Secretary may not accept any application by a veteran to be insured under this section after December 31, 2022.

Time periods.

"(2)(A) During the period beginning January 1, 2023, and ending December 31, 2025, a veteran who is insured under this section may elect to instead be insured under section 1922B of this title based on the age of the veteran at the time of such election.

"(B)(i) A veteran who elects under subparagraph (A) to be insured under section 1922B of this title shall be subject to the two-year waiting period specified in subsection (c) of such section.

"(ii) If the veteran dies during such period, the Secretary shall pay the beneficiary under this section, and, if applicable, under section 1922A, plus the amount of premiums paid by the veteran under such section 1922B, plus interest.

"(3) Except as provided by paragraph (2)(B), a veteran may not be insured under this section and section 1922B simultaneously.".

(2) SUPPLEMENTAL S–DVI.—Section 1922A(b) of such title is amended by adding after the period at the end the following: "The Secretary may not accept any such application after December 31, 2022. Except as provided by section 1922(d)(2)(B), a veteran may not have supplemental insurance under this section and be insured under section 1922B simultaneously.".

(c) CONFORMING AMENDMENTS.—Chapter 19 of such title is amended—

(1) in the section heading of section 1922, by striking "**Service**" and inserting "**Legacy service**";

(2) in the section heading of section 1922A, by striking "**Supplemental**" and inserting "**Legacy supplemental**"; and

38 USC prec. 1901.

(3) in the table of sections at the beginning of such chapter by striking the items relating to sections 1922 and 1922A and inserting the following new items:

"1922. Legacy service disabled veterans' insurance.

"1922A. Legacy supplemental service disabled veterans' insurance for totally disabled veterans.".

SEC. 2005. DENIAL OF CLAIMS FOR TRAUMATIC INJURY PROTECTION UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

Section 1980A of title 38, United States Code, is amended by adding at the end the following new subsection:

"(l)(1) If a claim for benefits under this section is denied, the Secretary concerned shall provide to the member at the same time as the member is informed of such denial a description of the following:

"(A) Each reason for that denial, including a description of all the information upon which the denial is based and a description of the applicable laws, regulations, or policies, with appropriate citations, and an explanation of how such laws, regulations, or policies affected the denial.

"(B) Each finding that is favorable to the member.

"(2) Any finding favorable to the member as described in paragraph (1)(B) shall be binding on all subsequent reviews or appeals of the denial of the claim, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.".

SEC. 2006. PUBLICATION AND ACCEPTANCE OF DISABILITY BENEFIT QUESTIONNAIRE FORMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5101 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d)(1) The Secretary shall publish in a central location on the internet website of the Department— Web posting.

"(A) the disability benefit questionnaire forms of the Department for the submittal of evidence from non-Department medical providers regarding a disability of a claimant, including any form or process that replaces any such disability benefit questionnaire form; and

"(B) details about the process used by the Department for submittal of evidence described in subparagraph (A).

"(2) Subject to section 6103 of this title, if the Secretary updates a form described in paragraph (1)(A), the Secretary shall—

"(A) accept the previous version of the form filed by a claimant if—

"(i) the claimant provided to the non-Department medical provider the previous version of the form before the date on which the updated version of the form was made available; and

"(ii) the claimant files the previous version of the form during the one-year period following the date the form was completed by the non-Department medical provider; Time period.

"(B) request from the claimant (or from a non-Department medical provider if the claimant has authorized the provider to share health information with the Secretary) any other information that the updated version of the form requires; and

"(C) apply the laws and regulations required to adjudicate the claim as if the claimant filed the updated version of the form.

"(3) The Secretary may waive any interagency approval process required to approve a modification to a disability benefit questionnaire form if such requirement only applies by reason of the forms being made public.". Waiver authority.

(b) REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS.—Not less frequently than once each year through 2023, the Inspector General of the Department of Veterans Affairs shall submit to Congress a report on the findings of the Inspector General with respect to the use of the forms published under section 5101(d)(1) of such title, as added by subsection (a).

38 USC 5101 note.

(c) INITIAL FORM.—The Secretary of Veterans Affairs shall begin carrying out section 5101(d)(1) of such title, as added by subsection (a), by publishing, as described in such section, the form described in such section that was in effect on January 1, 2020.

38 USC 5101 note.

(d) ALTERNATE PROCESS.—

(1) ASSESSMENT AND REPORT.—

(A) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of the enactment of this act, the Secretary shall—

(i) assess the feasibility and advisability of replacing disability benefit questionnaire forms that are used by non-Department medical providers to submit to the Secretary evidence regarding a disability of a claimant for benefits under laws administered by the Secretary, with another consistent process that considers evidence equally, whether provided by a Department or a non-Department medical provider; and

(ii) submit to Congress—

(I) a report on the findings of the Secretary with respect to the assessment conducted under clause (i); and

(II) if the report submitted under subclause (I) of this clause includes a finding that replacing the disability benefit questionnaire forms described in clause (i) as described in such clause is feasible and advisable, a plan to replace such forms as described in such clause.

Determination.

(B) COLLABORATION REQUIRED.—If, in carrying out the assessment required by clause (i) of subparagraph (A), the Secretary determines that replacing the disability benefit questionnaire forms described in such clause as described in such clause is feasible and advisable, the Secretary shall collaborate with, partner with, and consider the advice of veterans service organizations, and such other stakeholders as the Secretary considers appropriate, on the replacement forms and process for submitting such forms.

Certification.

(2) REQUIREMENTS.—The Secretary may only determine under paragraph (1)(A) that replacing the forms described in such paragraph is feasible and advisable if the Secretary certifies that—

(A) it is in the best interest of veterans to do so;

(B) the replacement process would include all the medical information needed to adjudicate a claim for benefits under laws administered by the Secretary; and

(C) the new process will ensure that all medical information provided will be considered equally, whether it is provided by a Department medical provider or a non-Department medical provider.

(3) IMPLEMENTATION.—

Deadline.

(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary determines under paragraph (1)(A) that replacing the forms as described in such paragraph is feasible and advisable, the Secretary shall, not later than two years after the date on which the Secretary submits the report under paragraph (1)(B)(i)—

(i) replace the forms as described in paragraph (1)(A);

(ii) publish such replacement pursuant to subparagraph (A) of section 5101(d)(1), as added by subsection (a)(2); and

(iii) update the details under subparagraph (B) of such section. Update.

(B) REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF VETERANS AFFAIRS.—If the Secretary replaces the forms under subparagraph (A), the Inspector General of the Department of Veterans Affairs shall, not later than one year after the date that the Secretary replaces such forms and not less frequently than once each year thereafter until the date that is three years after the date on which the Secretary replaces such forms, submit to Congress a report on the process that replaced such forms that ascertains whether the process properly protects veterans.

(4) LIMITATION.—The Secretary may not discontinue the use of the disability benefit questionnaire forms described in paragraph (1)(A) until a replacement form or process is implemented.

(e) RULE OF CONSTRUCTION.—Nothing in this section or section 5101(d) of such title, as added by subsection (a), may be construed to require the Secretary to develop any new information technology system or otherwise require the Secretary to make any significant changes to the internet website of the Department. 38 USC 5101 note.

SEC. 2007. THRESHOLD FOR REPORTING DEBTS TO CONSUMER REPORTING AGENCIES. Regulations.

(a) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by adding after section 5319 the following new section:

"§ 5320. Threshold for reporting debts to consumer reporting agencies 38 USC 5320.

"The Secretary shall prescribe regulations that establish the minimum amount of a claim or debt, arising from a benefit administered by the Under Secretary for Benefits or Under Secretary for Health, that the Secretary will report to a consumer reporting agency under section 3711 of title 31.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 5319 the following new item: 38 USC prec. 5301.

"5320.Threshold for reporting debts to consumer reporting agencies.".

(c) DEADLINE.—The Secretary of Veterans Affairs shall prescribe regulations under section 5320 of such title, as added by subsection (a), not later than 180 days after the date of the enactment of this Act. 38 USC 5320 note.

SEC. 2008. REMOVAL OF DEPENDENTS FROM AWARD OF COMPENSATION OR PENSION. Effective dates. Deadlines. 38 USC note prec. 5701.

Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that—

(1) the recipient of an award of compensation or pension may remove any dependent from an award of compensation or pension to the individual using the eBenefits system of

the Department of Veterans Affairs, or a successor system; and

(2) such removal takes effect not later than 60 days after the date on which the recipient elects such removal.

SEC. 2009. ELIGIBILITY FOR DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WHO REMARRY AFTER AGE 55.

Section 103(d)(2)(B) of title 38, United States Code, is amended in the second sentence by inserting "chapter 13 or" after "benefits under".

SEC. 2010. STUDY ON EXPOSURE BY MEMBERS OF THE ARMED FORCES TO TOXICANTS AT KARSHI-KHANABAD AIR BASE IN UZBEKISTAN.

Deadlines.

(a) AGREEMENT AND STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Administrator of the Agency for Toxic Substances and Disease Registry for the Administrator to complete, not later than 10 years after the date of the enactment of this Act, a study to identify—

(1) incidents of cancer and other diseases or illnesses experienced by individuals who served in the active military, naval, or air service (as defined in section 101 of title 38, United States Code) in the covered location set forth under subsection (b) during the corresponding period set forth under such subsection; and

List.

(2) a list of toxic substances, chemicals, ionizing radiation, and airborne hazards such individuals may have been exposed to during such service.

(b) COVERED LOCATION AND CORRESPONDING PERIOD.—The covered location and corresponding period set forth under this subsection are Karshi-Khanabad (K2) Air Base in Uzbekistan and the period beginning on October 1, 2001, and ending on September 30, 2005.

(c) ELEMENTS.—The study conducted under subsection (a) shall include the following:

Assessment.

(1) An assessment regarding the conditions of the covered location set forth under subsection (b), including an identification of toxic substances, chemicals, ionizing radiation, and airborne hazards contaminating such covered location during such corresponding period.

(2) An epidemiological study of the health consequences of the service described in subsection (a) to the individuals described in such subsection.

(d) SUPPORT FOR STUDY.—

(1) IN GENERAL.—The Secretary shall provide the Administrator with assistance in carrying out the study required by subsection (a), including by gathering such information as the Administrator may consider useful in carrying out the study.

(2) OBTAINING INFORMATION CONCERNING EXPOSURE.—Assistance under paragraph (1) provided by the Secretary of Veterans Affairs shall include compiling information on exposure described in subsection (a)(2) and the Secretary of Defense shall provide to the Secretary of Veterans Affairs such information concerning such exposure as the Secretary of Veterans Affairs considers appropriate for purposes of the study required

by subsection (a), including environmental sampling data relative to any location covered by the study.

(e) BIENNIAL UPDATES.—No later than the date that is two years after the date of the enactment of this Act and not less frequently than once every two years thereafter until the date on which the study required by subsection (a) is completed, the Administrator shall submit to the appropriate committees of Congress updates on the status of the matters covered by such study, including any preliminary findings of the Administrator. Deadline.

(f) FINAL REPORT.—Not later than 60 days after the date on which the study required by subsection (a) is completed, the Administrator shall submit to the appropriate committees of Congress a report on the findings of the Administrator with respect to such study.

(g) INCLUSION OF UZBEKISTAN IN CERTAIN REGISTRIES AND PROGRAMS.—Section 201(c)(2) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note) is amended, in the matter preceding subparagraph (A), by striking "Afghanistan or Iraq" and inserting "Afghanistan, Iraq, or Uzbekistan".

(h) DEPLETED URANIUM FOLLOW-UP PROGRAMS.—The Secretary of Veterans Affairs shall ensure that any individual who deployed as a member of the Armed Forces to the covered location set forth in subsection (b) during the corresponding period set forth in such subsection is covered by the Depleted Uranium Follow-up Programs of the Department of Veterans Affairs.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 2011. COMPTROLLER GENERAL BRIEFING AND REPORT ON REPEALING MANIFESTATION PERIOD FOR PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS. 38 USC 1116 note.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing on preliminary observations of the Comptroller General, and not later than 240 days after the date of such briefing, provide such committees a briefing and submit to such committees a final report, on the efforts of the Secretary of Veterans Affairs to provide benefits, including compensation and health care, to veterans— Deadline.

(1) who during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975; and Time period.

(2) in whom chloracne, porphyria cutanea tarda, or acute or subacute peripheral neuropathy have manifested.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of how the Secretary establishes a service connection for a diseases described in paragraph (2) of subsection (a) manifesting in veterans, including the number of veterans described in paragraph (1) of such subsection who have filed a claim for a benefit associated with a disease described in paragraph (2) of such subsection.

(2) A description of how claims adjudicators of the Department of Veterans Affairs determine service connection for a disease described in subparagraph (C) or (E) of section 1116(a)(2) of title 38, United States Code, when documentation proving the presence of the disease during the manifestation period set forth in such subparagraphs for the disease is not available.

Cost estimate. Review.

(3) A description of the expected effect of repealing the manifestation period from such subparagraphs, including the expected effect on the number of claims for benefits the Department will receive, an estimate of the cost to the Department of such repeal, and a review of the scientific evidence regarding such repeal.

Review.

(4) A review of all claims submitted to the Secretary for compensation under chapter 11 of such title that are associated with a disease described in subsection (a)(2), including the type of proof presented to establish a service connection for the manifestation of the disease based on exposure to a herbicide agent.

Recommendations.

(5) Recommendations on how the Department can better adjudicate claims for benefits, including compensation, submitted to the Department that are associated with a disease described in paragraph (2) of subsection (a) for veterans described in paragraph (1) of such subsection.

Assessment.

(6) An assessment of such other areas as the Comptroller General considers appropriate to study.

Deadline.

(c) ADMINISTRATIVE ACTION.—Not later than 120 days after the date on which the Comptroller General of the United States submits the report required under subsection (a), the Secretary shall commence carrying out the recommendations submitted under subsection (b)(5) to the degree that the Secretary is authorized to carry out the recommendations by a statute that was in effect on the day before the date of the enactment of this Act.

(d) HERBICIDE AGENT DEFINED.—In this section, the term "herbicide agent" has the meaning given such term in section 1116(a)(3) of title 38, United States Code.

SEC. 2012. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO USE INCOME INFORMATION FROM OTHER AGENCIES.

Section 5317(g) of title 38, United States Code, is amended by striking "September 30, 2027" and inserting "September 30, 2030".

SEC. 2013. EXTENSION ON CERTAIN LIMITS ON PAYMENTS OF PENSION.

Section 5503(d)(7) of title 38, United States Code, is amended by striking "September 30, 2028" and inserting "October 30, 2028".

Subtitle B—Housing

SEC. 2101. ELIGIBILITY OF CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES FOR HOME LOANS FROM THE SECRETARY OF VETERANS AFFAIRS.

(a) EXPANSION OF DEFINITION OF VETERAN FOR PURPOSES OF HOME LOANS.—Section 3701(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(7) The term 'veteran' also includes, for purposes of home loans, an individual who performed full-time National Guard duty (as that term is defined in section 101 of title 10) for a period—

"(A) of not less than 90 cumulative days; and

"(B) that includes 30 consecutive days.".

(b) EXPANSION OF ELIGIBILITY.—Section 3702(a)(2) of such title is amended by adding at the end the following new subparagraph:

"(G) Each individual described in section 3701(b)(7) of this title.".

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall apply with respect to full-time National Guard duty (as defined in section 101 of title 10, United States Code) performed before, on, or after the date of the enactment of this Act. 38 USC 3701 note.

SEC. 2102. REDUCING LOAN FEES FOR CERTAIN VETERANS AFFECTED BY MAJOR DISASTERS.

Section 3729(b)(4) of title 38, United States Code, is amended—

(1) by amending subparagraph (D) to read as follows:

"(D)(i) The term 'initial loan' means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title. Definition.

"(ii) If a veteran has obtained a loan guaranteed under section 3710 or made under section 3711 of this title and the dwelling securing such loan was substantially damaged or destroyed by a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary shall treat as an initial loan, as defined in clause (i), the next loan the Secretary guarantees or makes to such veteran under section 3710 or 3711, respectively, if—

"(I) such loan is guaranteed or made before the date that is three years after the date on which the dwelling was substantially damaged or destroyed; and

"(II) such loan is only for repairs or construction of the dwelling, as determined by the Secretary."; and Determination.

(2) in subparagraph (E), by striking "if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title" and inserting "that is not an initial loan".

SEC. 2103. EXTENSION OF CERTAIN HOUSING LOAN FEES.

Section 3729(b)(2) of title 38, United States Code, is amended by striking "October 1, 2029" each place it appears and inserting "October 1, 2030".

SEC. 2104. COLLECTION OF OVERPAYMENTS OF SPECIALLY ADAPTED HOUSING ASSISTANCE.

Section 2102 of title 38, United States Code, is amended by adding at the end the following new subsection:

Determination.

"(g)(1) Whenever the Secretary finds that an overpayment has been made to, or on behalf of, a person described in paragraph (2), the Secretary shall determine—

"(A) the amounts to recover, if any; and

"(B) who is liable to the United States for such overpayment.

"(2) A person described in this paragraph is any of the following:

"(A) An individual who applied for assistance—

"(i) under this chapter; or

"(ii) under chapter 31 of this title who is pursuing a rehabilitation program under such chapter in acquiring adaptations to a residence.

"(B) An owner or seller of real estate used, or intended to be used, in connection with assistance under this chapter.

"(C) A builder, contractor, supplier, tradesperson, corporation, trust, partnership, or other person, who provided services or goods relating to assistance under this chapter.

"(D) An attorney, escrow agent, or financial institution, that receives, or holds in escrow, funds relating to assistance under this chapter.

"(E) A surviving spouse, heir, assignee, or successor in interest of or to, any person described in this paragraph.

"(3)(A) Any overpayment referred to in this subsection may be recovered in the same manner as any other debt due the United States.

"(B) In recovering the overpayment, the Secretary may charge administrative costs, fees, and interest, as appropriate, in a manner similar to the authority under section 5315 of this title.

Waiver authority.

"(4)(A) The recovery of any overpayment referred to in this subsection may be waived by the Secretary.

"(B) Waiver of any such overpayment as to a person described in paragraph (2) shall in no way release any other person described in such paragraph from liability.

Waiver authority.

"(5) The Secretary shall waive recovery under this subsection of any overpayment to a person described in paragraph (2)(A), or a dependent or survivor of such person, that arises from administrative error described in paragraph (7)(A).

"(6) Nothing in this subsection shall be construed as precluding the imposition of any civil or criminal liability under this title or any other law.

Regulations.

"(7) The Secretary shall prescribe in regulations what constitutes an overpayment for the purposes of this subsection, which, at a minimum, shall include—

"(A) administrative error that results in an individual receiving assistance to which that individual is not entitled;

"(B) the failure of any person described in paragraph (2) to—

"(i) perform or allow to be performed any act relating to assistance under this chapter; or

"(ii) compensate any party performing services or supplying goods relating to assistance under this chapter; and

"(C) any disbursement of funds relating to assistance under this chapter, that, in the sole discretion of the Secretary, constitutes a misuse of such assistance.

"(8) Prior to collecting an overpayment under this subsection, the Secretary shall provide to the person whom the Secretary has determined liable for such overpayment—

"(A) notice of the finding by the Secretary of such overpayment; Notice.

"(B) a reasonable opportunity for such person to remedy the circumstances that effectuated the overpayment; and

"(C) a reasonable opportunity for such person to present evidence to the Secretary that an overpayment was not made.

"(9) For the purposes of section 511 of this title, a decision to collect an overpayment from a person other than a person described in paragraph (2)(A), or a dependent or survivor of such person, may not be treated as a decision that affects the provision of benefits.".

Subtitle C—Burial Matters

SEC. 2201. TRANSPORTATION OF DECEASED VETERANS TO VETERANS' CEMETERIES.

(a) IN GENERAL.—Subsection (a) of section 2308 of title 38, United States Code, is amended by striking "in a national cemetery" and inserting "in a national cemetery or a covered veterans' cemetery".

(b) COVERED VETERANS' CEMETERY DEFINED.—Section 2308 of such title is amended by adding at the end the following new subsection:

"(c) COVERED VETERANS' CEMETERY DEFINED.—In this section, the term 'covered veterans' cemetery' means a veterans' cemetery—

"(1) in which a deceased veteran described in subsection (b) is eligible to be buried;

"(2) that—

"(A) is owned by a State; or

"(B) is on trust land owned by, or held in trust for, a tribal organization; and

"(3) for which the Secretary has made a grant under section 2408 of this title.".

(c) CONFORMING AMENDMENT.—Section 2308 of such title is amended in the section heading by adding at the end the following: "**or a covered veterans' cemetery**".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 2308 and inserting the following new item: 38 USC prec. 2301.

"2308. Transportation of deceased veteran to a national cemetery or a covered veterans' cemetery.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is two years after the date of the enactment of this Act. 38 USC 2308 note.

SEC. 2202. INCREASE IN CERTAIN FUNERAL BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) FUNERAL EXPENSES FOR NON-SERVICE-CONNECTED DISABILITIES.—Chapter 23 of title 38, United States Code, is amended as follows:

(1) By transferring subsection (b) of section 2302 to the end of section 2303 and redesignating such subsection as subsection (d).

(2) By striking section 2302.

(3) In section 2303—

(A) in the section heading, by striking "**Death in Department facility**" and inserting "**Death from non-service-connected disability**"; and

(B) in subsection (a)—

(i) in paragraph (1), by striking "a veteran dies in a facility described in paragraph (2)" and inserting "a veteran described in paragraph (2) dies";

(ii) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) A veteran described in this paragraph is a deceased veteran who is not covered by section 2307 of this title and who meets any of the following criteria:

"(A) The deceased veteran dies in—

"(i) a facility of the Department (as defined in section 1701(3) of this title) to which the deceased veteran was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

"(ii) an institution at which the deceased veteran was, at the time of death, receiving—

"(I) hospital care in accordance with sections 1703A, 8111, and 8153 of this title;

"(II) nursing home care under section 1720 of this title; or

"(III) nursing home care for which payments are made under section 1741 of this title.

"(B) At the time of death, the deceased veteran (including a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title) is in receipt of compensation under chapter 11 of this title (or but for the receipt of retirement pay would have been entitled to such compensation) or was in receipt of pension under chapter 15 of this title.

Determination.

"(C) The Secretary determines—

"(i) the deceased veteran (including a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title) has no next of kin or other person claiming the body of the deceased veteran; and

"(ii) that there are not available sufficient resources to cover burial and funeral expenses.";

(iii) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking "section 2302 of this title and"; and

(II) in paragraph (2), by striking "under section 2302 of this title or"; and

(iv) in subsection (d), as added by paragraph (1) of this subsection, by striking "Except as" and inserting "With respect to a deceased veteran described in subparagraph (B) or (C) of subsection (a)(2), except as".

(b) CONFORMING AMENDMENTS.—

(1) TITLE 38.—Such title is amended as follows:

(A) In section 2304, by striking "Applications for payments under section 2302 of this title" and inserting "Applications for payments under section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section".

(B) In section 2307, by striking "sections 2302 and 2303(a)(1) and (b)(2) of this title" and inserting "subsections (a)(1) and (b)(2) of section 2303 of this title".

(C) In section 2308—

(i) in subsection (a), by striking "pursuant to section 2302 or 2307 of this title," and inserting "pursuant to section 2303 of this title regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section, or pursuant to section 2307 of this title,"; and

(ii) in subsection (b)(3)—

(I) by striking "section 2302" and inserting "section 2303"; and

(II) by striking "subsection (a)(2)(A)" and inserting "subsection (a)(2)(C)".

(D) In section 113(c)(1), by striking "2302,".

(E) In section 5101(a)(1)(B)(i), by striking "2302" and inserting "2303".

(2) EMERGENCY MEDICAL CARE.—Section 11 of the Military Selective Service Act (50 U.S.C. 3810) is amended by striking "section 2302(a) of title 38" and inserting "section 2303 of title 38, United States Code, regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the items relating to sections 2302 and 2303 and inserting the following new item: 38 USC prec. 2301.

"2303. Death from non-service-connected disability; plot allowance.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths that occur on or after the date that is two years after the date of the enactment of this Act. 38 USC 113 note.

SEC. 2203. OUTER BURIAL RECEPTACLES FOR EACH NEW GRAVE IN CEMETERIES THAT ARE THE SUBJECTS OF CERTAIN GRANTS MADE BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 2306(e) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "shall" and inserting "may"; and

(ii) by inserting ", or in a cemetery that is the subject of a grant to a State or a tribal organization

under section 2408 of this title," after "National Cemetery Administration"; and

(B) in subparagraph (C), by striking "shall" and inserting "may"; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

Regulations. Procedures.

"(2)(A) The use of outer burial receptacles in a cemetery under the control of the National Cemetery Administration or in a cemetery that is the subject of a grant to a State or a tribal organization under section 2408 of this title shall be in accordance with regulations or procedures approved by the Secretary of Veterans Affairs.

"(B) The use of outer burial receptacles in Arlington National Cemetery shall be in accordance with regulations or procedures approved by the Secretary of the Army.

"(C) The use of outer burial receptacles in a national cemetery administered by the National Park Service shall be in accordance with regulations or procedures approved by the Secretary of the Interior.".

38 USC 2306 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is two years after the date of the enactment of this Act.

SEC. 2204. PROVISION OF INSCRIPTIONS FOR SPOUSES AND CHILDREN ON CERTAIN HEADSTONES AND MARKERS FURNISHED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i)(1) In addition to any other authority under this section, in the case of an individual whose grave is not in a covered cemetery (as that term is defined in subsection (f)(2)) and for whom the Secretary has furnished a headstone or marker under subsection (a) or (d), the Secretary, if feasible and upon request, may replace the headstone or marker to add an inscription for the surviving spouse or eligible dependent child of such individual following the death of the surviving spouse or eligible dependent child.

"(2) If the spouse or eligible dependent child of an individual referred to in paragraph (1) predeceases the individual, the Secretary may, if feasible and upon request, include an inscription for the spouse or dependent child on the headstone or marker furnished for the individual under subsection (a) or (d).".

38 USC 2306 note.

(b) APPLICATION.—Subsection (i) of section 2306 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual who dies on or after October 1, 2019.

SEC. 2205. AID TO COUNTIES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS' CEMETERIES.

(a) IN GENERAL.—Section 2408 of title 38, United States Code, is amended—

(1) by inserting "or county" after "State" each place it appears;

(2) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "subsection (b)" and inserting "subsections (b), (c), (d), and (g)";

(3) by adding at the end the following new subsection:

"(g)(1) The Secretary may make a grant to a county under this section only if— Grants.

"(A)(i) the State in which the county is located does not have a veterans' cemetery owned by the State;

"(ii) the State is not in receipt of a grant under this section for the construction of a new veterans' cemetery to be owned by the State;

"(iii) the State did not apply for a grant under this section during the previous year;

"(iv) no tribal organization from the State in which the county is located has a veterans' cemetery on trust land owned by, or held in trust for, the tribal organization;

"(v) no such tribal organization is in receipt of a grant under this section for the construction of a new veterans' cemetery to be located on such land; and

"(vi) no such tribal organization applied for a grant under this section during the previous year; and

"(B) the county demonstrates in the application under subsection (a)(2), to the satisfaction of the Secretary, that the county has the resources necessary to operate and maintain the veterans' cemetery owned by the county.

"(2)(A) If a county and the State in which the county is located both apply for a grant under this section for the same year, the Secretary shall give priority to the State.

"(B) If a county and a tribal organization from the State in which the county is located both apply for a grant under this section for the same year, the Secretary shall give priority to the tribal organization.

"(3) The Secretary shall prescribe regulations to carry out this subsection."; and Regulations.

(4) in subsection (f)—

(A) by redesignating paragraph (3) as subsection (h);

(B) by moving such subsection, as so redesignated, to the location after subsection (g), as added by paragraph (3);

(C) in subsection (h), as so redesignated and moved, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in the matter preceding paragraph (1), as so redesignated, by striking "this subsection" and inserting "this section".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by inserting "**, counties, and tribal organizations**" after "**States**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 24 of such title is amended by striking the item relating to section 2408 and inserting the following new item: 38 USC prec. 2400.

"2408. Aid to States, counties, and tribal organizations for establishment, expansion, and improvement of veterans' cemeteries.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take on effect on the date that is two years after the date of the enactment of this Act. 38 USC 2408 note.

SEC. 2206. INCREASE IN MAXIMUM AMOUNT OF GRANTS TO STATES, COUNTIES, AND TRIBAL ORGANIZATIONS FOR OPERATING AND MAINTAINING VETERANS' CEMETERIES.

Section 2408(e)(2) of title 38, United States Code, is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 2207. PROVISION OF URNS AND COMMEMORATIVE PLAQUES FOR REMAINS OF CERTAIN VETERANS WHOSE CREMATED REMAINS ARE NOT INTERRED IN CERTAIN CEMETERIES.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, as amended by section 2204 of this title, is further amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) In lieu of furnishing a headstone or marker under this section for a deceased individual described in paragraph (3), the Secretary shall furnish, upon request and at the expense of the United States—

"(A) an urn made of any material to signify the individual's status as a veteran, in which the remains of such individual may be placed at private expense; or

"(B) a commemorative plaque signifying the individual's status as a veteran.

"(2) If the Secretary furnishes an urn or commemorative plaque for an individual under paragraph (1), the Secretary may not provide for such individual—

"(A) a headstone or marker under this section; or

"(B) any burial benefit under section 2402 of this title.

"(3) A deceased individual described in this paragraph is an individual—

"(A) who served in the Armed Forces on or after April 6, 1917;

"(B) who is eligible for a headstone or marker furnished under subsection (d) (or would be so eligible but for the date of the death of the individual); and

"(C) whose remains were cremated and not interred in a national cemetery, a State veterans' cemetery, a tribal cemetery, a county cemetery, or a private cemetery.

"(4)(A) Any urn or commemorative plaque furnished under this subsection shall be the personal property of the next of kin or such other individual as the Secretary considers appropriate.

"(B) The Federal Government shall not be liable for any damage to an urn or commemorative plaque furnished under this subsection that occurs after the date on which the urn or commemorative plaque is so furnished.

Regulations.

"(5) The Secretary shall prescribe regulations to carry out this subsection.".

38 USC 2306 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take on effect on the date that is two years after the date of the enactment of this Act.

SEC. 2208. TRAINING OF STATE AND TRIBAL VETERANS' CEMETERY PERSONNEL BY NATIONAL CEMETERY ADMINISTRATION.

(a) IN GENERAL.—Section 2408 of title 38, United States Code, as amended by sections 2205 and 2206 of this title, is further amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking "and (ii) the cost" and inserting "(ii) the cost"; and

(ii) by inserting "; and (iii) training costs described in subsection (c)(1)" before the semicolon; and

(B) in subparagraph (B)—

(i) by striking "and (ii) the cost" and inserting "(ii) the cost"; and

(ii) by inserting "; and (iii) training costs described in subsection (c)(1)" before the period;

(2) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

Grants.

"(c)(1) A grant under this section for a purpose described in subparagraph (A) or (B) of subsection (a)(1) may be used, solely or in part, for training costs, including travel expenses and up to four weeks of lodging expenses, associated with attendance by employees of a veterans' cemetery owned by a State or on trust land owned by, or held in trust for, a tribal organization at training provided by the National Cemetery Administration.

Determination.

"(2) Any employee described in paragraph (1) who participates in training described in such paragraph shall fulfill a service requirement as determined by the Secretary.

Regulations.

"(3) The Secretary may by regulation prescribe such additional terms and conditions for grants used for training costs under this subsection as the Secretary considers appropriate.".

(b) REPORTS.—

(1) IN GENERAL.—Not later than each of two years and five years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on training provided by the National Cemetery Administration under subsection (c) of section 2408 of title 38, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The attrition rate with respect to individuals who participate in the training described in paragraph (1).

(B) A description of how State and tribal veterans' cemeteries that used grants awarded under section 2408 of title 38, United States Code, for training costs under subsection (c) of such section, as added by subsection (a), have improved as a result of the training, according to the administrators of such cemeteries.

(C) An identification of how many State and tribal veterans' cemeteries used the authority provided by subsection (c) of section 2408 of title 38, United States Code, as added by subsection (a), in order to train individuals.

(D) The amount obligated or expended as a result of the authority described in subparagraph (C).

TITLE III—HEALTH CARE

Subtitle A—Health Care Generally

SEC. 3001. EXPANSION OF MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM.

Section 20006 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

Ante, p. 587.

(1) by striking "During a public health emergency" each place it appears and inserting "During the period specified in subsection (f)";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "during a public health emergency" and inserting "during the period specified in subsection (f)"; and

(B) in paragraph (1), by striking "an area agency on aging" and inserting "a covered provider"; and

(3) by striking subsection (e) and inserting the following new subsections:

"(e) TRANSFER OF CERTAIN VETERANS TO THE PROGRAM.—During the period specified in subsection (f), the Secretary shall allow a veteran residing in an area covered by the Program to be transferred to the Program for the duration of such period if—

"(1) the veteran had been receiving extended care services paid for by the Department, such as adult day services or homemaker or home health aide services, immediately preceding such period; and

"(2) those services are no longer available due to a public health emergency.

"(f) PERIOD SPECIFIED.—The period specified in this subsection is the period beginning on the date on which a public health emergency was first declared and ending on the date that is 60 days after the date on which a public health emergency is no longer in effect.

"(g) COVERED PROVIDER DEFINED.—In this section, the term 'covered provider' means a provider participating in the Program, including—

"(1) an Aging and Disability Resource Center, an area agency on aging, or a State agency (as those terms are defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); or

"(2) a center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).".

SEC. 3002. PROHIBITION ON COLLECTION OF A HEALTH CARE COPAYMENT BY THE SECRETARY OF VETERANS AFFAIRS FROM A VETERAN WHO IS A MEMBER OF AN INDIAN TRIBE.

(a) IN GENERAL.—Section 1730A of title 38, United States Code, is amended—

(1) in the heading, by striking "**catastrophically disabled**" and inserting "**certain**";

(2) by inserting "(a) PROHIBITION.—" before "Notwithstanding";

(3) by striking "a veteran who is catastrophically disabled, as defined by the Secretary," and inserting "a covered veteran"; and

(4) by adding at the end the following new subsection:

"(b) COVERED VETERAN DEFINED.—In this section, the term 'covered veteran' means a veteran who—

"(1) is catastrophically disabled, as defined by the Secretary; or

"(2) is an Indian or urban Indian (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)).".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1730A and inserting the following: 38 USC prec. 1701.

"1730A. Prohibition on collection of copayments from certain veterans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day that is one year after the date of the enactment of this Act. 38 USC 1730A note.

SEC. 3003. OVERSIGHT FOR STATE HOMES REGARDING COVID–19 INFECTIONS, RESPONSE CAPACITY, AND STAFFING LEVELS. 38 USC 1701 note.

(a) REPORTING.—

(1) IN GENERAL.—During a covered public health emergency, each State home shall submit weekly to the Secretary of Veterans Affairs and the National Healthcare Safety Network of the Centers for Disease Control and Prevention, through an electronic medium and in a standardized format specified by the Secretary, a report on the emergency.

(2) ELEMENTS.—Each report required by paragraph (1) for a State home shall include the following: Assessments.

(A) The number of suspected and confirmed COVID–19 infections among residents and staff, including residents previously treated for COVID–19, disaggregated by—

(i) veteran, spouse of a veteran, staff, and other;

(ii) race and ethnicity;

(iii) gender; and

(iv) age.

(B) The number of total deaths and COVID–19 deaths among residents and staff, disaggregated by—

(i) veteran, spouse of a veteran, staff, and other;

(ii) race and ethnicity;

(iii) gender; and

(iv) age.

(C) An assessment of the supply of personal protective equipment and hand hygiene supplies.

(D) An assessment of ventilator capacity and supplies.

(E) The number of resident beds and the occupancy rate, disaggregated by veteran, spouse of a veteran, and other.

(F) An assessment of the access of residents to testing for COVID–19.

(G) An assessment of staffing shortages, if any.

(H) Such other information as the Secretary may specify.

(b) PUBLICATION OF TOTAL INFECTIONS AND DEATHS.—

Deadlines.
Public information.
Web postings.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and not less frequently than weekly thereafter, the Secretary shall post on a publicly available website of the Department of Veterans Affairs—

(A) the total number of residents and staff of State homes who are infected with COVID–19; and

(B) the total number of such residents and staff who have died from COVID–19.

(2) INFORMATION ON RESIDENTS AND STAFF.—The Secretary shall disaggregate information on residents and staff published under paragraph (1) by veteran, staff, and other.

(c) DEFINITIONS.—In this section:

(1) COVERED PUBLIC HEALTH EMERGENCY.—The term "covered public health emergency" means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

(2) STATE HOME.—The term "State home" has the meaning given that term in section 101(19) of title 38, United States Code.

SEC. 3004. GRANTS FOR STATE HOMES LOCATED ON TRIBAL LANDS.

(a) STATE HOME DEFINED.—Section 101(19) of title 38, United States Code, is amended by inserting "or Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304))" after "(other than a possession)".

(b) PAYMENTS TO STATE HOMES.—Section 1741 of title 38, United States Code, is amended by adding at the end the following new subsection:

Definition.

"(g) In this subchapter, the term 'State' means each of the several States and each Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).".

(c) STATE HOME CONSTRUCTION.—

(1) IN GENERAL.—Section 8131(2) of title 38, United States Code, is amended by inserting "includes each Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) but" before "does not".

(2) CONFORMING AMENDMENT.—Section 8132 of such title is amended by striking "several".

38 USC 1741 note.
Deadline.
Determination.

(d) ADDITIONAL LEGISLATIVE OR ADMINISTRATIVE ACTION.—

(1) CONSULTATION WITH INDIAN TRIBES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall consult with Indian tribes to determine if any legislative or administrative action is necessary to modify the State home program to function efficiently in support of State homes operated by Indian tribes pursuant to the amendments made by this section.

(2) REPORT TO CONGRESS.—Not later than 90 days after completing consultations under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report recommending legislative action that the Secretary considers appropriate to modify the State home program described in such paragraph in light of those consultations.

Deadline.

(3) MODIFICATIONS.—Not later than 180 days after completing consultations under paragraph (1), the Secretary shall make any modifications to regulations implementing the State home program, for which legislative action is not necessary,

as the Secretary considers appropriate in light of those consultations.

(e) TECHNICAL SUPPORT AND ASSISTANCE.—The Secretary of Veterans Affairs shall provide technical support and assistance to Indian tribes in carrying out the State home program at State homes operated by Indian tribes pursuant to the amendments made by this section.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Committee on Indian Affairs of the Senate; and

(B) the Committee on Veterans' Affairs and the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) STATE HOME.—The term "State home" has the meaning given that term in section 101(19) of title 38, United States Code.

(4) STATE HOME PROGRAM.—The term "State home program" means the program of the Department of Veterans Affairs for which payments are made under subchapter V of chapter 17 of title 38, United States Code, and assistance is provided under subchapter III of chapter 81 of such title.

SEC. 3005. CONTINUATION OF WOMEN'S HEALTH TRANSITION TRAINING PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

38 USC 6303 note.

(a) DURATION.—The Secretary of Veterans Affairs shall carry out the Women's Health Transition Training program of the Department of Veterans Affairs (in this section referred to as the "Program") until at least one year after the date of the enactment of this Act.

(b) REPORT.—Not later than one year and ten days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees a report on the Program that includes the following:

(1) The number of women members of the Armed Forces, disaggregated by military department (with respect to the Department of the Navy, disaggregated by the Navy and Marine Corps), who participated in the Program.

(2) The number of courses held under the Program.

(3) The locations at which such courses were held, the number of seats available for such courses, and the number of participants at each such location.

(4) With respect to the number of members of the Armed Forces who participated in the Program as specified under paragraph (1)—

(A) the number who enrolled in the health care system of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code; and

(B) the number who attended at least one health care appointment at a medical facility of the Department of Veterans Affairs.

(5) Data relating to—

(A) satisfaction with courses held under the Program;

(B) improved awareness of health care services administered by the Secretary of Veterans Affairs; and

(C) any other available statistics regarding the Program.

(6) A discussion of regulatory, legal, or resource barriers to—

(A) making the Program permanent to enable access to services provided under the Program by a greater number of women members of the Armed Forces at locations throughout the United States;

(B) offering the Program online for women members of the Armed Forces who are unable to attend courses held under the Program in person; and

(C) the feasability of automatically enrolling Program participants in the health care system of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 3006. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MEDICALLY NECESSARY TRANSPORTATION FOR NEWBORN CHILDREN OF CERTAIN WOMEN VETERANS.

(a) IN GENERAL.—Section 1786 of title 38, United States Code, as amended by section 9102 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, is further amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1), by inserting "and transportation necessary to receive such services" after "described in subsection (b)";

(B) in paragraph (1), by striking "or";

(C) in paragraph (2), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new paragraph:

"(3) another location, including a health care facility, if the veteran delivers the child before arriving at a facility described in paragraph (1) or (2).";

(2) in subsection (b), by inserting before the period at the end the following: ", including necessary health care services provided by a facility other than the facility where the newborn child was delivered (including a specialty pediatric hospital) that accepts transfer of the newborn child and responsibility for treatment of the newborn child"; and

(3) by adding at the end the following new subsections:

"(d) TRANSPORTATION.—(1) Transportation furnished under subsection (a) to, from, or between care settings to meet the needs

of a newborn child includes costs for either or both the newborn child and parents.

"(2) Transportation furnished under subsection (a) includes transportation by ambulance, including air ambulance, or other appropriate medically staffed modes of transportation—

"(A) to another health care facility (including a specialty pediatric hospital) that accepts transfer of the newborn child or otherwise provides post-delivery care services when the treating facility is not capable of furnishing the care or services required; or

"(B) to a health care facility in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health.

"(3) Amounts paid by the Department for transportation under this section shall be derived from the Medical Services appropriations account of the Department.

"(e) REIMBURSEMENT OR PAYMENT FOR HEALTH CARE SERVICES OR TRANSPORTATION.—(1) Pursuant to regulations the Secretary shall prescribe to establish rates of reimbursement and any limitations thereto under this section, the Secretary shall directly reimburse a covered entity for health care services or transportation services provided under this section, unless the cost of the services or transportation is covered by an established agreement or contract. If such an agreement or contract exists, its negotiated payment terms shall apply. Regulations. Applicability.

"(2)(A) Reimbursement or payment by the Secretary under this section on behalf of an individual to a covered entity shall, unless rejected and refunded by the covered entity within 30 days of receipt, extinguish any liability on the part of the individual for the health care services or transportation covered by such payment. Deadline.

"(B) Neither the absence of a contract or agreement between the Secretary and a covered entity nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirements of subparagraph (A).

"(3) In this subsection, the term 'covered entity' means any individual, transportation carrier, organization, or other entity that furnished or paid for health care services or transportation under this section.". Definition.

(b) TREATMENT OF CERTAIN EXPENSES ALREADY INCURRED.— 38 USC 1786 note.

(1) IN GENERAL.—Pursuant to such regulations as the Secretary of Veterans Affairs shall prescribe, with respect to transportation furnished in order for a newborn child of a veteran to receive health care services under section 1786 of title 38, United States Code, during the period specified in paragraph (2), the Secretary may— Regulations. Reimbursements.

(A) waive a debt owed by the veteran to the Department of Veterans Affairs or reimburse expenses already paid by the veteran to the Department for such transportation; Waiver authority.

(B) reimburse the veteran for expenses already paid by the veteran to a covered entity for such transportation; or

(C) reimburse a covered entity for the costs of such transportation.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period beginning on May 5, 2010, and ending on the date of the enactment of this Act.

(3) COVERED ENTITY DEFINED.—In this subsection, the term "covered entity" has the meaning given that term in section 1786(e)(3) of title 38, United States Code, as added by subsection (a).

38 USC 1741 note.

SEC. 3007. WAIVER OF REQUIREMENTS OF DEPARTMENT OF VETERANS AFFAIRS FOR RECEIPT OF PER DIEM PAYMENTS FOR DOMICILIARY CARE AT STATE HOMES AND MODIFICATION OF ELIGIBILITY FOR SUCH PAYMENTS.

Regulations.

(a) WAIVER OF REQUIREMENTS.—Notwithstanding section 1741 of title 38, United States Code (as amended by subsection (b)), the Secretary of Veterans Affairs shall modify section 51.51(b) of title 38, Code of Federal Regulations (or successor regulations), to provide the Secretary the authority to waive the requirements under such section 51.51(b) for a veteran to be eligible for per diem payments for domiciliary care at a State home if—

(1) the veteran has met not fewer than four of the requirements set forth in such section; or

(2) such waiver would be in the best interest of the veteran.

(b) MODIFICATION OF ELIGIBILITY.—Section 1741(a)(1) of title 38, United States Code, is amended, in the flush text following subparagraph (B), by striking "in a Department facility" and inserting "under the laws administered by the Secretary".

(c) STATE HOME DEFINED.—In this section, the term "State home" has the meaning given that term in section 101(19) of title 38, United States Code.

SEC. 3008. EXPANSION OF QUARTERLY UPDATE OF INFORMATION ON STAFFING AND VACANCIES AT FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE INFORMATION ON DURATION OF HIRING PROCESS.

(a) QUARTERLY UPDATE.—Subsection (a)(1) of section 505 of the VA MISSION Act of 2018 (Public Law 115–182; 38 U.S.C. 301 note) is amended by adding at the end the following new subparagraph:

"(E) Beginning with any update under paragraph (3) on or after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, the following:

"(i) For employees appointed under paragraphs (1) and (3) of section 7401 of title 38, United States Code, the number of employees for which the duration of the process from validation of vacancy to receipt of official offer and notification of actual start date exceeds the metrics laid out in the Time to Hire Model of the Veterans Health Administration, or successor model.

"(ii) The percentage of employees who are described in clause (i) compared to all employees appointed under paragraphs (1) and (3) of section 7401 of such title during the same period.

"(iii) The average number of days potential hires or new hires appointed under paragraphs (1) and (3) of section 7401 of such title spent in each phase of the Time to Hire Model, or successor model.".

(b) ANNUAL REPORT.—Subsection (b) of such section is amended, in the first sentence, by adding before the period at the end the following: "and to improve the onboard timeline for facilities for which the duration of the onboarding process exceeds the metrics laid out in the Time to Hire Model of the Veterans Health Administration, or successor model".

SEC. 3009. REQUIREMENT FOR CERTAIN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES TO HAVE PHYSICAL LOCATION FOR THE DISPOSAL OF CONTROLLED SUBSTANCES MEDICATIONS.

38 USC 8110 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that each covered Department medical facility has a physical location where patients may dispose of controlled substances medications.

(b) COVERED DEPARTMENT MEDICAL FACILITY.—In this section, the term "covered Department medical facility" means a medical facility of the Department of Veterans Affairs with an onsite pharmacy or a physical location dedicated for law enforcement purposes.

Definition.

(c) EFFECTIVE DATE.—This section shall take effect on January 1, 2022.

SEC. 3010. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM FOR CLINICAL OBSERVATION BY UNDERGRADUATE STUDENTS.

38 USC 7401 note.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall carry out a pilot program for a one-year period, beginning not later than August 15, 2021, to provide certain students described in subsection (d) a clinical observation experience at medical centers of the Department of Veterans Affairs.

Time period. Effective date.

(b) MEDICAL CENTER SELECTION.—The Secretary shall carry out the pilot program under this section at not fewer than five medical centers of the Department. In selecting such medical centers, the Secretary shall ensure regional diversity among such selected medical centers.

(c) CLINICAL OBSERVATION SESSIONS.—

(1) FREQUENCY AND DURATION.—In carrying out the pilot program, the Secretary shall—

(A) provide at least one and not more than three clinical observation sessions at each medical center selected during each calendar year;

(B) ensure that each clinical observation session—

(i) lasts between four and six months; and

(ii) to the extent practicable, begins and ends concurrently with one or more academic terms of an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(C) ensure that the clinical observation sessions provided at a medical center have minimal overlap.

(2) SESSIONS.—The Secretary shall ensure that the pilot program consists of clinical observation sessions as follows:

(A) Each session shall allow for not fewer than five students nor greater than 15 students to participate in the session.

(B) Each session shall consist of not fewer than 20 observational hours nor greater than 40 observational hours.

(C) A majority of the observational hours shall be spent observing a health professional. The other observational hours shall be spent in a manner that ensures a robust, well rounded experience that exposes the students to a variety of aspects of medical care and health care administration.

(D) Each session shall provide a diverse clinical observation experience.

(d) STUDENTS.—

(1) SELECTION.—The Secretary shall select to participate in the pilot program under subsection (a) students who are—

(A) nationals of the United States;

(B) enrolled in an accredited program of study at an institution of higher education; and

(C) referred by their institution of higher education following an internal application process.

(2) PRIORITY.—In making such selection, the Secretary shall give priority to each of the following five categories of students:

(A) Students who, at the time of the completion of their secondary education, resided in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

(B) First generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(C) Students who have been referred by minority-serving institutions (as defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(D) Veterans (as defined in section 101 of title 38, United States Code).

(E) Students who indicate an intention to specialize in a health professional occupation identified by the Inspector General of the Department under section 7412 of title 38, United States Code, as having a staffing shortage.

(3) ASSIGNMENT TO MEDICAL CENTERS.—The Secretary shall assign students selected under paragraph (1) to medical centers selected under subsection (b) without regard for whether such medical centers have staffing shortages in any health professional occupation pursuant to section 7412 of title 38, United States Code.

(e) OTHER MATTERS.—In carrying out the pilot program under this section, the Secretary shall—

(1) establish a formal status to facilitate the access to medical centers of the Department by student observers participating in the pilot program;

Requirements.

(2) establish standardized legal, privacy, and ethical requirements for the student observers, including with respect to—

(A) ensuring that no student observer provides any care to patients while participating as an observer; and

(B) ensuring the suitability of a student to participate in the pilot program to ensure that the student poses no risk to patients;

Strategy.

(3) develop and implement a partnership strategy with minority-serving institutions to encourage referrals;

Procedures.

(4) create standardized procedures for student observers;

(5) create an online information page about the pilot program on the internet website of the Department; Website.

(6) publish on the online information page created under paragraph (5) the locations of such centers, and other information on the pilot program, not later than 180 days before the date on which applications are required to be submitted by potential student observers; Web posting. Deadline.

(7) identify medical centers and specific health professionals participating in the pilot program; and

(8) notify the Committees on Veterans' Affairs of the House of Representatives and the Senate of the medical centers selected under subsection (c) within 30 days of selection, to facilitate program awareness. Notification. Deadline.

(f) REPORT.—Not later than 180 days after the completion of the pilot program under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of the pilot program, including—

(1) the number and demographics of all applicants, those accepted to participate in the pilot program, and those who completed the pilot program; and

(2) if participating institutions of higher education choose to administer satisfaction surveys that assess the experience of those who completed the pilot program, the results of any such satisfaction surveys, provided at the discretion of the institution of higher education.

(g) SENSE OF CONGRESS REGARDING DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM FOR CLINICAL OBSERVATION BY UNDERGRADUATE STUDENTS.—It is the sense of Congress that the pilot program described in subsection (a) should be designed to—

(1) increase the awareness, knowledge, and empathy of future health professionals toward the health conditions common to veterans;

(2) increase the diversity of the recruitment pool of future physicians of the Department; and

(3) expand clinical observation opportunities for all students by encouraging students of all backgrounds to consider a career in the health professions.

(h) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out the requirements of this section. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

Subtitle B—Scheduling and Consult Management

SEC. 3101. PROCESS AND REQUIREMENTS FOR SCHEDULING APPOINTMENTS FOR HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT HEALTH CARE. 38 USC 1701 note.

(a) PROCESS AND REQUIREMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall— Deadline.

(A) establish a process and requirements for scheduling appointments for—

(i) health care from the Department of Veterans Affairs; and

(ii) health care furnished through the Veterans Community Care Program under section 1703 of title 38, United States Code, by a non-Department health care provider; and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a description of such process and requirements.

(2) ELEMENTS OF DESCRIPTION.—The description of the process and requirements for scheduling appointments for health care required to be submitted under paragraph (1)(B) shall include—

(A) information on how such process and requirements take into account the access standards established under section 1703B of title 38, United States Code; and

(B) the maximum number of days allowed to complete each step of such process.

(3) PERIODIC REVISION.—

(A) IN GENERAL.—The Secretary may revise the process and requirements required under paragraph (1) as the Secretary considers necessary.

Deadline. (B) SUBMITTAL TO CONGRESS.—Not later than 30 days before revising the process and requirements under subparagraph (A), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a description of such revised process and requirements, including a description of any modifications to the certification and training under subsection (b).

(b) CERTIFICATION AND TRAINING ON PROCESS AND REQUIREMENTS.—

Deadline. (1) CERTIFICATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall require each individual involved in the scheduling of appointments for health care from the Department or health care described in subsection (a)(1)(A)(ii), including schedulers, clinical coordinators, and supervisors, to certify to the Secretary that the individual understands the process and requirements established under subsection (a), including the maximum number of days allowed to complete each step of such process.

(2) NEW EMPLOYEES.—The Secretary shall require each employee hired by the Department on or after the date of the enactment of this Act who is to be involved in the scheduling of appointments for health care from the Department or health care described in subsection (a)(1)(A)(ii)—

(A) to undergo training on the process and requirements established under subsection (a) as part of training for the position for which the employee has been hired; and

(B) to make the certification to the Secretary required under paragraph (1).

(c) METHOD TO MONITOR COMPLIANCE.—

Deadline. (1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish or maintain a method or tool—

(A) to enable monitoring of the compliance of the Department with the process and requirements established under subsection (a), including compliance with policies of the Department relating to the maximum number of days allowed to complete each step of such process; and

(B) to ensure that each medical facility of the Department complies with such process and requirements.

(2) USE THROUGHOUT DEPARTMENT.—

(A) IN GENERAL.—The Secretary shall require each medical facility of the Department to use the method or tool described in paragraph (1).

(B) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report indicating whether each medical facility of the Department is using the method or tool described in paragraph (1).

(d) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Secretary with the requirements of this section.

SEC. 3102. AUDITS REGARDING SCHEDULING OF APPOINTMENTS AND MANAGEMENT OF CONSULTATIONS FOR HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT HEALTH CARE.

38 USC 1701 note.

(a) IN GENERAL.—Not later than each of one year and two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall provide for the conduct of a facility-level audit of the scheduling of appointments and the management of consultations for health care under the laws administered by the Secretary.

Deadlines.

(b) APPLICATION.—

(1) FIRST AUDIT.—The first audit required under subsection (a) shall apply to each medical facility of the Department of Veterans Affairs.

(2) SECOND AUDIT.—The second audit required under subsection (a) shall apply to only those medical facilities of the Department that are in need of corrective action based on the first audit, as determined by the Secretary.

Determination.

(c) ELEMENTS.—Each audit conducted under subsection (a) shall include the following:

(1) With respect to each medical center of the Department covered by the audit, an assessment of any scheduling or consultation management issues at that medical center, including the following:

Assessments.

(A) An assessment of noncompliance with policies of the Veterans Health Administration relating to scheduling appointments and managing consultations.

(B) An assessment of the extent to which appointments or consultations are not timely processed.

(C) A description of any backlogs in appointments or consultations that are awaiting action.

(D) An assessment of whether consultations are appropriately processed.

Data.

(E) Data with respect to consultations as follows:

(i) Consultations that were scheduled within the request window.

(ii) Duplicate consultation requests.

(iii) Consultations that were discontinued.

(iv) Delays in consultations.

(v) Consultations that were not properly closed or discontinued, including a description of remediation attempts.

Reviews.

(F) A review for accuracy with respect to consultation management as follows:

(i) A review of the accuracy of the type of service, either administrative or clinical, that is inputted in the electronic health record.

(ii) A review of the accuracy of the type of consultation setting, either impatient or outpatient, that is inputted in the electronic health record.

(iii) A review of the appropriateness of the level of urgency of the consultation that is inputted in the electronic health record.

(iv) A review of any delayed or unresolved consultations.

Recommendations.

(2) An identification of such recommendations for corrective action as the Secretary considers necessary, including additional training, increased personnel, and other resources.

Certification.

(3) A certification that the director of each medical center of the Department covered by the audit is in compliance with the process and requirements established under section 3101(a) and such other requirements relating to the scheduling of appointments and management of consultations as the Secretary considers appropriate.

Time periods.

(4) With respect to referrals for health care between health care providers or facilities of the Department, a measurement of, for each medical facility of the Department covered by the audit—

(A) the period of time between—

(i) the date that a clinician of the Department determines that a veteran requires care from another health care provider or facility and the date that the referral for care is sent to the other health care provider or facility;

(ii) the date that the referral for care is sent to the other health care provider or facility and the date that the other health care provider or facility accepts the referral;

(iii) the date that the other health care provider or facility accepts the referral and the date that the appointment with the other health care provider or at the other facility is made; and

(iv) the date that the appointment with the other health care provider or at the other facility is made and the date of the appointment with the other health care provider or at the other facility; and

Determination.

(B) any other period of time that the Secretary determines necessary to measure.

(5) With respect to referrals for non-Department health care originating from medical facilities of the Department, a measurement of, for each such facility covered by the audit— Time periods.

(A) the period of time between—

(i) the date that a clinician of the Department determines that a veteran requires care, or a veteran presents to the Department requesting care, and the date that the referral for care is sent to a non-Department health care provider;

(ii) the date that the referral for care is sent to a non-Department health care provider and the date that a non-Department health care provider accepts the referral;

(iii) the date that a non-Department health care provider accepts the referral and the date that the referral to a non-Department health care provider is completed;

(iv) the date that the referral to a non-Department health care provider is completed and the date that an appointment with a non-Department health care provider is made; and

(v) the date that an appointment with a non-Department health care provider is made and the date that an appointment with a non-Department health care provider occurs; and

(B) any other period of time that the Secretary determines necessary to measure. Determination.

(d) CONDUCT OF AUDIT BY THIRD PARTY.—Each audit conducted under subsection (a) with respect to a medical facility of the Department shall be conducted by an individual or entity that is not affiliated with the facility.

(e) TRANSMITTAL TO VHA.—Each audit conducted under subsection (a) shall be transmitted to the Under Secretary for Health of the Department so that the Under Secretary can—

(1) strengthen oversight of the scheduling of appointments and management of consultations throughout the Department;

(2) monitor national policy on such scheduling and management; and

(3) develop a remediation plan to address issues uncovered by those audits. Remediation plan.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each year in which an audit is conducted under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the audit conducted during that year.

(2) ELEMENTS.—The Secretary shall include in each report required by paragraph (1)—

(A) the nationwide results of the audit conducted under subsection (a);

(B) the results of such audit with respect to each medical facility of the Department covered by such audit;

(C) an assessment of how the Department strengthened oversight of the scheduling of appointments and management of consultations at each such facility as a result of the audit; Assessment.

Assessment.

(D) an assessment of how the audit informed the national policy of the Department with respect to the scheduling of appointments and management of consultations; and

(E) a description of any remediation plans to address issues raised by the audit that was completed.

38 USC 1703 note.

SEC. 3103. ADMINISTRATION OF NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) CERTIFICATION OF PROPER ADMINISTRATION OF NON-DEPARTMENT CARE.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a review of the staffing, training, and other requirements necessary to administer section 1703 of title 38, United States Code.

(B) ELEMENTS.—The review conducted under subparagraph (A) shall include, with respect to each medical facility of the Department of Veterans Affairs—

Assessment.

(i) an assessment of the type of positions required to be staffed at the medical facility;

(ii) the number of such positions authorized;

(iii) the number of such positions funded;

(iv) the number of such positions filled; and

(v) the number of additional such positions required to be authorized.

Deadlines.

(2) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives—

(A) the results of the review conducted under paragraph (1); and

(B) a certification that the Secretary has established all staffing, training, and other requirements required to be reviewed under such paragraph.

(b) SCHEDULING OF APPOINTMENTS.—

(1) MEASUREMENT OF TIMELINESS FOR EACH FACILITY.—

Deadline.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall measure, with respect to referrals for non-Department health care originating from medical facilities of the Department, for each such facility—

Time periods.

(A) the period of time between—

(i) the date that a clinician of the Department determines that a veteran requires care, or a veteran presents to the Department requesting care, and the date that the referral for care is sent to a non-Department health care provider;

(ii) the date that the referral for care is sent to a non-Department health care provider and the date that a non-Department health care provider accepts the referral;

(iii) the date that a non-Department health care provider accepts the referral and the date that the referral to a non-Department health care provider is completed;

(iv) the date that the referral to a non-Department health care provider is completed and the date that an appointment with a non-Department health care provider is made; and

(v) the date that an appointment with a non-Department health care provider is made and the date that an appointment with a non-Department health care provider occurs; and

(B) any other period of time that the Secretary determines necessary to measure. Determination.

(2) SUBMISSIONS TO CONGRESS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the data measured under paragraph (1), disaggregated by medical facility. Deadline.

(B) UPDATE.—Not less frequently than biweekly, the Secretary shall update the data submitted under subparagraph (A). Time period.

(c) COMPTROLLER GENERAL REPORT.—

(1) REVIEW.—Beginning not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall review compliance by the Secretary with the requirements of this section, including a review of the validity and reliability of data submitted by the Secretary under subsection (b)(2). Effective date.

(2) REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the results of the review conducted under paragraph (1).

SEC. 3104. EXAMINATION OF HEALTH CARE CONSULTATION AND SCHEDULING POSITIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) PROPER GRADING OF CONSULTATION AND SCHEDULING POSITIONS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct an examination of health care positions of the Department of Veterans Affairs to determine whether health care positions involved in the consultation and scheduling processes are appropriately graded.

(2) CONSULTATION.—In conducting the examination under paragraph (1), the Secretary shall consult with health care staffing experts in the Federal Government and the private sector.

(3) SUBMITTAL TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress the results of the examination conducted under paragraph (1). Deadline.

(b) REVIEW OF ONBOARDING PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress— Deadline.

(1) a review of the onboarding process of individuals in health care positions described in subsection (a), including how long it takes to hire those individuals; and

(2) a description of any changes that the Secretary has made or plans to make to improve that process.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

Navy SEAL Bill Mulder Act of 2020.

TITLE IV—NAVY SEAL BILL MULDER

38 USC 101 note.

SEC. 4001. SHORT TITLE.

This title may be cited as the "Navy SEAL Bill Mulder Act of 2020".

Subtitle A—Service-connection and COVID–19

SEC. 4101. PRESUMPTIONS OF SERVICE-CONNECTION FOR MEMBERS OF ARMED FORCES WHO CONTRACT CORONAVIRUS DISEASE 2019 UNDER CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 1164.

"§ 1164. Presumptions of service-connection for Coronavirus Disease 2019

"(a) PRESUMPTIONS GENERALLY.—(1) For purposes of laws administered by the Secretary and subject to section 1113 of this title, if symptoms of Coronavirus Disease 2019 (in this section referred to as 'COVID–19') described in subsection (d) manifest within one of the manifestation periods described in paragraph (2) in an individual who served in a qualifying period of duty described in subsection (b)—

"(A) infection with severe acute respiratory syndrome coronavirus 2 (in this section referred to as 'SARS–CoV–2') shall be presumed to have occurred during the qualifying period of duty;

"(B) COVID–19 shall be presumed to have been incurred during the qualifying period of duty; and

"(C) if the individual becomes disabled or dies as a result of COVID–19, it shall be presumed that the individual became disabled or died during the qualifying period of duty for purposes of establishing that the individual served in the active military, naval, or air service.

Time periods.

"(2)(A) The manifestation periods described in this paragraph are the following:

"(i) During a qualifying period of duty described in subsection (b), if that period of duty was more than 48 continuous hours in duration.

Deadline.

"(ii) Within 14 days after the individual's completion of a qualifying period of duty described in subsection (b).

"(iii) An additional period prescribed under subparagraph (B).

"(B)(i) If the Secretary determines that a manifestation period of more than 14 days after completion of a qualifying period of service is appropriate for the presumptions under paragraph (1), the Secretary may prescribe that additional period by regulation. Determination. Regulations.

"(ii) A determination under clause (i) shall be made in consultation with the Director of the Centers for Disease Control and Prevention. Consultation.

"(b) QUALIFYING PERIOD OF DUTY DESCRIBED.—A qualifying period of duty described in this subsection is—

"(1) a period of active duty performed—

"(A) during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(B) before the date that is three years after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020; or

"(2) training duty under title 10 or full-time National Guard duty (as defined in section 101 of title 10), performed under orders issued on or after March 13, 2020—

"(A) during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(B) before the date that is three years after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020.

"(c) APPLICATION OF PRESUMPTIONS FOR TRAINING DUTY.—When, pursuant to subsection (a), COVID–19 is presumed to have been incurred during a qualifying period of duty described in subsection (b)(2)—

"(1) COVID–19 shall be deemed to have been incurred in the line of duty during a period of active military, naval, or air service; and

"(2) where entitlement to benefits under this title is predicated on the individual who was disabled or died being a veteran, benefits for disability or death resulting from COVID–19 as described in subsection (a) shall be paid or furnished as if the individual was a veteran, without regard to whether the period of duty would constitute active military, naval, or air service under section 101 of this title.

"(d) SYMPTOMS OF COVID–19.—For purposes of subsection (a), symptoms of COVID–19 are those symptoms that competent medical evidence demonstrates are experienced by an individual affected and directly related to COVID–19.

"(e) MEDICAL EXAMINATIONS AND OPINIONS.—If there is a question of whether the symptoms experienced by an individual described in paragraph (1) of subsection (a) during a manifestation period described in paragraph (2) of such subsection are attributable to COVID–19 resulting from infection with SARS–CoV–2 during the qualifying period of duty, in determining whether a medical examination or medical opinion is necessary to make a decision on the claim within the meaning of section 5103A(d) of this title, a qualifying period of duty described in subsection (b) of this section

shall be treated as if it were active military, naval, or air service for purposes of section 5103A(d)(2)(B) of this title.".

38 USC prec. 1101.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"1164. Presumptions of service-connection for Coronavirus Disease 2019.".

Subtitle B—Assistance for Homeless Veterans

38 USC 2011 note.

SEC. 4201. FLEXIBILITY FOR THE SECRETARY OF VETERANS AFFAIRS IN CARING FOR HOMELESS VETERANS DURING A COVERED PUBLIC HEALTH EMERGENCY.

(a) GENERAL SUPPORT.—

(1) USE OF FUNDS.—During a covered public health emergency, the Secretary of Veterans Affairs may use amounts appropriated or otherwise made available to the Department of Veterans Affairs to carry out sections 2011, 2012, 2031, and 2061 of title 38, United States Code, to provide to homeless veterans and veterans participating in the program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (commonly referred to as "HUD-VASH"), as the Secretary determines is needed, the following:

(A) Assistance required for safety and survival (such as food, shelter, clothing, blankets, and hygiene items).

(B) Transportation required to support stability and health (such as for appointments with service providers, conducting housing searches, and obtaining food and supplies).

(C) Communications equipment and services (such as tablets, smartphones, disposable phones, and related service plans) required to support stability and health (such as maintaining contact with service providers, prospective landlords, and family).

(D) Such other assistance as the Secretary determines is needed.

(2) HOMELESS VETERANS ON LAND OF THE DEPARTMENT.—

(A) COLLABORATION.—During a covered public health emergency, to the extent possible, the Secretary may collaborate with one or more organizations to manage use of land of the Department for homeless veterans for living and sleeping.

(B) ELEMENTS.—Collaboration under subparagraph (A) may include the provision by either the Secretary or the organization of food services and security for property, buildings, and other facilities owned or controlled by the Department.

(b) GRANT AND PER DIEM PROGRAM.—

(1) LIMITS ON RATES FOR PER DIEM PAYMENTS.—Section 20013(b) of the Coronavirus Aid, Relief, and Economic Security Act (38 U.S.C. 2011 note; Public Law 116–136) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) in the matter preceding subparagraph (A), as so redesignated, by inserting "(1)" before "In the case"; and

(C) by adding at the end the following:

"(2) If the Secretary waives any limit on grant amounts or rates for per diem payments under paragraph (1), notwithstanding section 2012(a)(2)(B) of such title, the maximum rate for per diem payments described in paragraph (1)(B) shall be three times the rate authorized for State homes for domiciliary care under section 1741 of such title.".

(2) MODIFICATION OF FUNDING LIMITS FOR GRANTS.—Subsection (c)(2) of section 2011 of title 38, United States Code, shall not apply to any grant awarded during a covered public health emergency under such section for a project described in subsection (b)(1) of such section.

(3) USE OF PER DIEM PAYMENTS.—During a covered public health emergency, a recipient of a grant or an eligible entity under the grant and per diem program of the Department (in this subsection referred to as the "program") may use per diem payments under sections 2012 and 2061 of title 38, United States Code, to provide assistance required for safety and survival (such as food, shelter, clothing, blankets, and hygiene items) for—

(A) homeless veterans; and

(B) formerly homeless veterans residing in a facility operated wholly or in part by such a recipient or eligible entity receiving per diem payments under section 2012 of such title.

(4) ADDITIONAL TRANSITIONAL HOUSING.—

(A) IN GENERAL.—During a covered public health emergency, under the program, the Secretary may provide amounts for additional transitional housing beds to facilitate access to housing and services provided to homeless veterans.

(B) NOTICE; COMPETITION; PERIOD OF PERFORMANCE.—The Secretary may provide amounts under subparagraph (A)—

(i) without notice or competition; and

(ii) for a period of performance determined by the Secretary. Determination.

(5) INSPECTIONS AND LIFE SAFETY CODE REQUIREMENTS.— Waiver authority.

(A) IN GENERAL.—During a covered public health emergency, the Secretary may waive any requirement under subsection (b) or (c) of section 2012 of title 38, United States Code, in order to allow the recipient of a grant or an eligible entity under the program—

(i) to quickly identify temporary alternate sites of care for homeless veterans that are suitable for habitation;

(ii) to facilitate social distancing or isolation needs; or

(iii) to facilitate activation or continuation of a program for which a grant has been awarded.

(B) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by subparagraph (A) with respect to a facility of a recipient of a grant or an eligible entity under the program only if the facility meets applicable local safety requirements, including fire safety requirements.

(6) DISPOSITION OF PROPERTY RELATING TO GRANTS.—During a covered public health emergency, if the recipient of a grant awarded before or during such emergency under section 2011 of title 38, United States Code, for a project described in subsection (b)(1) of such section is no longer providing services in accordance with the terms of the grant, the recipient shall not be subject during such emergency to any property disposition requirements relating to the grant under subsection (c) or (f) of section 61.67 of title 38, Code of Federal Regulations, section 200.311(c) of title 2, Code of Federal Regulations, or successor regulations.

Waiver authority.

(c) INSPECTION AND LIFE SAFETY CODE REQUIREMENTS FOR THERAPEUTIC HOUSING.—

(1) IN GENERAL.—During a covered public health emergency, the Secretary may waive any inspection or life safety code requirement under subsection (c) of section 2032 of title 38, United States Code—

(A) to allow quick identification of temporary alternate sites of care for homeless veterans that are suitable for habitation;

(B) to facilitate social distancing or isolation needs; or

(C) to facilitate the operation of housing under such section.

(2) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by paragraph (1) with respect to a residence or facility referred to in such section 2032 only if the residence or facility, as the case may be, meets applicable local safety requirements, including fire safety requirements.

(d) ACCESS TO DEPARTMENT OF VETERANS AFFAIRS TELEHEALTH SERVICES.—To the extent practicable, during a covered public health emergency, the Secretary shall ensure that veterans participating in or receiving services from a program under chapter 20 of title 38, United States Code, have access to telehealth services to which such veterans are eligible under the laws administered by the Secretary, including by ensuring that telehealth capabilities are available to—

(1) such veterans;

(2) case managers of the Department of programs for homeless veterans authorized under such chapter; and

(3) community-based service providers for homeless veterans receiving funds from the Department through grants or contracts.

(e) DEFINITIONS.—In this section:

(1) COVERED PUBLIC HEALTH EMERGENCY.—The term "covered public health emergency" means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

(2) HOMELESS VETERAN; VETERAN.—The terms "homeless veteran" and "veteran" have the meanings given those terms in section 2002 of title 38, United States Code.

(3) TELEHEALTH.—

(A) IN GENERAL.—The term "telehealth" means the use of electronic information and telecommunications technologies to support and promote long-distance clinical

health care, patient and professional health-related education, public health, and health administration.

(B) TECHNOLOGIES.—For purposes of subparagraph (A), "telecommunications technologies" include video conferencing, the internet, streaming media, and terrestrial and wireless communications.

SEC. 4202. LEGAL SERVICES FOR HOMELESS VETERANS AND VETERANS AT RISK FOR HOMELESSNESS.

(a) IN GENERAL.—Subchapter III of chapter 20 of title 38, United States Code, is amended by inserting after section 2022 the following new section:

"§ 2022A. Legal services for homeless veterans and veterans at risk for homelessness

38 USC 2022A.

"(a) GRANTS.—Subject to the availability of appropriations provided for such purpose, the Secretary shall award grants to eligible entities that provide legal services to homeless veterans and veterans at risk for homelessness.

"(b) CRITERIA.—(1) The Secretary shall—

"(A) establish criteria and requirements for grants under this section, including criteria for entities eligible to receive such grants; and

"(B) publish such criteria and requirements in the Federal Register.

Federal Register, publication.

"(2) In establishing criteria and requirements under paragraph (1), the Secretary shall—

"(A) take into consideration any criteria and requirements needed with respect to carrying out this section in rural communities, on trust lands, and in the territories and possessions of the United States; and

"(B) consult with organizations that have experience in providing services to homeless veterans, including—

Consultation.

"(i) veterans service organizations;

"(ii) the Equal Justice Works AmeriCorps Veterans Legal Corps; and

"(iii) such other organizations as the Secretary determines appropriate.

"(c) ELIGIBLE ENTITIES.—The Secretary may award a grant under this section to an entity applying for such a grant only if the applicant for the grant—

Grants. Determinations.

"(1) is a public or nonprofit private entity with the capacity (as determined by the Secretary) to effectively administer a grant under this section;

"(2) demonstrates that adequate financial support will be available to carry out the services for which the grant is sought consistent with the application;

"(3) agrees to meet the applicable criteria and requirements established under subsection (b)(1); and

"(4) has, as determined by the Secretary, demonstrated the capacity to meet such criteria and requirements.

"(d) USE OF FUNDS.—Grants under this section shall be used to provide homeless veterans and veterans at risk for homelessness the following legal services:

"(1) Legal services relating to housing, including eviction defense, representation in landlord-tenant cases, and representation in foreclosure cases.

"(2) Legal services relating to family law, including assistance in court proceedings for child support, divorce, estate planning, and family reconciliation.

"(3) Legal services relating to income support, including assistance in obtaining public benefits.

"(4) Legal services relating to criminal defense, including defense in matters symptomatic of homelessness, such as outstanding warrants, fines, and driver's license revocation, to reduce recidivism and facilitate the overcoming of reentry obstacles in employment or housing.

"(5) Legal services relating to requests to upgrade the characterization of a discharge or dismissal of a former member of the Armed Forces under section 1553 of title 10.

"(6) Such other legal services as the Secretary determines appropriate.

"(e) FUNDS FOR WOMEN VETERANS.—For any fiscal year, not less than 10 percent of the amount authorized to be appropriated for grants under this section shall be used to provide legal services described in subsection (d) to women veterans.

"(f) LOCATIONS.—To the extent practicable, the Secretary shall award grants under this section to eligible entities in a manner that is equitably distributed across the geographic regions of the United States, including with respect to—

"(1) rural communities;

"(2) trust lands (as defined in section 3765 of this title);

"(3) Native Americans; and

"(4) tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

"(g) BIENNIAL REPORTS.—(1) Not less frequently than once every two years, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on grants awarded under this section.

"(2) To the extent feasible, each report required by paragraph (1) shall include the following with respect to the period covered by the report:

"(A) The number of homeless veterans and veterans at risk for homelessness assisted.

"(B) A description of the legal services provided.

"(C) A description of the legal matters addressed.

Analysis.

"(D) An analysis by the Secretary with respect to the operational effectiveness and cost-effectiveness of the services provided.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by inserting after the item relating to section 2022 the following new item:

38 USC prec. 2001.

"2022A. Legal services for homeless veterans and veterans at risk for homelessness.".

Deadline. Federal Register, publication. 38 USC 2022A note.

(c) CRITERIA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and publish in the Federal Register the criteria and requirements pursuant to subsection (b)(1) of section 2022A of title 38, United States Code, as added by subsection (a).

SEC. 4203. GAP ANALYSIS OF DEPARTMENT OF VETERANS AFFAIRS PROGRAMS THAT PROVIDE ASSISTANCE TO WOMEN VETERANS WHO ARE HOMELESS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall complete an analysis of programs of the Department of Veterans Affairs that provide assistance to women veterans who are homeless or precariously housed to identify the areas in which such programs are failing to meet the needs of such women.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the analysis completed under subsection (a).

SEC. 4204. IMPROVEMENTS TO GRANTS AWARDED BY THE SECRETARY OF VETERANS AFFAIRS TO ENTITIES THAT PROVIDE SERVICES TO HOMELESS VETERANS.

(a) INCREASE IN PER DIEM PAYMENTS.—Paragraph (2) of subsection (a) of section 2012 of title 38, United States Code, is amended to read as follows:

"(2)(A)(i) Except as otherwise provided in subparagraph (B), the rate for such per diem payments shall be the daily cost of care estimated by the grant recipient or eligible entity adjusted by the Secretary under clause (ii). Cost estimate.

"(ii)(I) The Secretary shall adjust the rate estimated by the grant recipient or eligible entity under clause (i) to exclude other sources of income described in subclause (III) that the grant recipient or eligible entity certifies to be correct.

"(II) Each grant recipient or eligible entity shall provide to the Secretary such information with respect to other sources of income as the Secretary may require to make the adjustment under subclause (I).

"(III) The other sources of income referred to in subclauses (I) and (II) are payments to the grant recipient or eligible entity for furnishing services to homeless veterans under programs other than under this subchapter, including payments and grants from other departments and agencies of the United States, from departments or agencies of State or local government, and from private entities or organizations.

"(iii) For purposes of calculating the rate for per diem payments under clause (i), in the case of a homeless veteran who has care of a minor dependent while receiving services from the grant recipient or eligible entity, the daily cost of care of the homeless veteran shall be the sum of the daily cost of care of the homeless veteran determined under clause (i) plus, for each such minor dependent, an amount that equals 50 percent of such daily cost of care.

"(B)(i)(I) Except as provided in clause (ii), and subject to the availability of appropriations, the Secretary may adjust the rate for per diem payments under this paragraph, as the Secretary considers appropriate.

"(II) Any adjustment made under this clause—

"(aa) may not result in a rate that—

"(AA) is lower than the rate in effect under this paragraph as in effect immediately preceding the date of the enactment of the Navy SEAL Bill Mulder Act of 2020; or

"(BB) exceeds the rate that is 115 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section; and

Determination.

"(bb) may be determined on the basis of locality.

"(ii) In the case of services furnished to a homeless veteran who is placed in housing that will become permanent housing for the veteran upon termination of the furnishing of such services to such veteran, the maximum rate of per diem authorized under this section is 150 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.".

(b) REIMBURSEMENT OF CERTAIN FEES.—Such section is further amended by adding at the end the following new subsection:

Determinations.

"(e) REIMBURSEMENT OF ENTITIES FOR CERTAIN FEES.—The Secretary may reimburse a recipient of a grant under section 2011, 2013, or 2061 of this title or a recipient of per diem payments under this section for fees charged to that grant or per diem payment recipient for the use of the homeless management information system described in section 402(f) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f))—

"(1) in amounts the Secretary determines to be reasonable; and

"(2) if the Secretary determines that the grant or per diem payment recipient is unable to obtain information contained in such system through other means and at no cost to the grant or per diem payment recipient.".

SEC. 4205. REPEAL OF SUNSET ON AUTHORITY TO CARRY OUT PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK FOR HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) IN GENERAL.—Section 2023 of title 38, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(b) CONFORMING AMENDMENT.—Section 2021(a)(4) of such title is amended by striking "section 2023(e)" and inserting "section 2023(d)".

SEC. 4206. COORDINATION OF CASE MANAGEMENT SERVICES FOR VETERANS RECEIVING HOUSING VOUCHERS UNDER TRIBAL HOUSING AND URBAN DEVELOPMENT-VETERANS AFFAIRS SUPPORTIVE HOUSING PROGRAM.

Section 2003 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c) MEMORANDUM OF UNDERSTANDING ON ASSISTANCE FROM INDIAN HEALTH SERVICE.—The Secretary may enter into a memorandum of understanding with the Secretary of Health and Human Services under which case managers of the Indian Health Service may provide case management assistance to veterans who receive housing vouchers under the Tribal Housing and Urban Development-Veterans Affairs Supportive Housing (Tribal HUD-VASH) program of the Department of Housing and Urban Development.".

SEC. 4207. CONTRACTS RELATING TO CASE MANAGERS FOR HOMELESS VETERANS IN SUPPORTED HOUSING PROGRAM.

(a) IN GENERAL.—Section 304 of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 38 U.S.C. 2041 note) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary";

(B) by adding at the end the following new paragraphs:

"(2)(A) The director of each covered medical center shall seek to enter into one or more contracts or agreements described in paragraph (1).

"(B) Any contract or agreement under subparagraph (A) may require that each case manager employed by an eligible entity who performs services under the contract or agreement has credentials equivalent to the credentials required for a case manager of the Department.

"(C)(i) The Secretary may waive the requirement under subparagraph (A) with respect to a covered medical center if the Secretary determines that fulfilling such requirement is infeasible. Waiver authority. Determination.

"(ii) If the Secretary grants a waiver under clause (i), the Secretary shall, not later than 90 days after granting such waiver, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing— Reports. Plans.

"(I) an explanation of the determination made under clause (i);

"(II) a plan to increase the number of case managers of the Department; and

"(III) a plan for the covered medical center to increase use of housing vouchers allocated to that medical center under the program described in paragraph (1).

"(D) In this paragraph, the term 'covered medical center' means a medical center of the Department with respect to which the Secretary determines that— Definition. Determination.

"(i) more than 15 percent of all housing vouchers allocated to that medical center under the program described in paragraph (1) during the fiscal year preceding the fiscal year in which such determination was made were unused due to a lack of case management services provided by the Secretary; and

"(ii) one or more case manager positions have been vacant for at least nine consecutive months immediately preceding the date of such determination."; and Time period.

(2) in subsection (b)(2)—

(A) in the matter before subparagraph (A), by striking ", including because—" and inserting a period; and

(B) by striking subparagraphs (A), (B), and (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act. 38 USC 2041 note.

SEC. 4208. REPORT ON STAFFING OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-DEPARTMENT OF VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM. 38 USC 2003 note.

Not later than 180 days after the date of the enactment of this Act, and every three years thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the

Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes the following:

Assessment.

(1) An assessment of the hiring needs of the program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (in this section referred to as the "HUD-VASH program"), including—

(A) an identification of the number of case managers of the HUD-VASH program as of the date of the report including—

(i) the total number of vacancies; and

(ii) the vacancies at each medical center of the Department of Veterans Affairs;

(B) the number of case managers of the HUD-VASH program that the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development jointly determine necessary to meet the needs of the Department and the program; and

(C) the amount of turnover among case managers of the HUD-VASH program and whether the turnover was planned or unexpected.

Assessment.

(2) An assessment of how compensation, including recruitment and retention incentives, for case managers of the HUD-VASH program affects turnover, and what percentage of retention compensation is provided to such case managers at each medical center of the Department of Veterans Affairs (compared to other positions).

(3) A comparison of compensation described in paragraph (2) with the compensation provided to State, local, and nongovernmental housing employees at comparable training and experience levels.

(4) Examples of how the Department of Veterans Affairs and the Department of Housing and Urban Development have worked with non-Federal partners (such as local governments, nongovernmental organizations, veterans service organizations, and employee unions) to meet the staffing needs of the HUD-VASH program.

(5) Examples of how medical centers of the Department of Veterans Affairs with high retention rates for case managers of the HUD-VASH program have been able to maintain staffing levels.

Subtitle C—Retraining Assistance for Veterans

SEC. 4301. ACCESS FOR THE SECRETARIES OF LABOR AND VETERANS AFFAIRS TO THE FEDERAL DIRECTORY OF NEW HIRES.

Section 453A(h) of the Social Security Act (42 U.S.C. 653a(h)) is amended by adding at the end the following new paragraph:

"(4) VETERAN EMPLOYMENT.—The Secretaries of Labor and of Veterans Affairs shall have access to information reported by employers pursuant to subsection (b) of this section for purposes of tracking employment of veterans.".

SEC. 4302. EXPANSION OF ELIGIBLE CLASS OF PROVIDERS OF HIGH TECHNOLOGY PROGRAMS OF EDUCATION FOR VETERANS.

Section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3001 note) is amended—

(1) in subsection (b), by adding at the end the following: "The Secretary shall treat an individual as an eligible veteran if the Secretary determines that the individual shall become an eligible veteran fewer than 180 days after the date of such determination. If an individual treated as an eligible veteran by reason of the preceding sentence does anything to make the veteran ineligible during the 180-day period referred to in such sentence, the Secretary may require the veteran to repay any benefits received by such veteran by reason of such sentence."; Determination. Time period.

(2) in subsection (c)—

(A) in paragraph (3)(A), by striking "has been operational for at least 2 years" and inserting "employs instructors whom the Secretary determines are experts in their respective fields in accordance with paragraph (6)"; and

(B) by adding at the end the following new paragraph:

"(6) EXPERTS.—The Secretary shall determine whether instructors are experts under paragraph (3)(A) based on evidence furnished to the Secretary by the provider regarding the ability of the instructors to— Determination.

"(A) identify professions in need of new employees to hire, tailor the programs to meet market needs, and identify the employers likely to hire graduates;

"(B) effectively teach the skills offered to eligible veterans;

"(C) provide relevant industry experience in the fields of programs offered to incoming eligible veterans; and

"(D) demonstrate relevant industry experience in such fields of programs.";

(3) in subsection (d), in the matter preceding paragraph (1)—

(A) by inserting "(not including an individual described in the second sentence of subsection (b))" after "each eligible veteran"; and

(B) by inserting "or part-time" after "full-time";

(4) in subsection (g), by striking "$15,000,000" and inserting "$45,000,000"; and

(5) by adding at the end the following new subsection (i):

"(i) PROHIBITION ON CERTAIN ACCOUNTING OF ASSISTANCE.—The Secretary may not consider enrollment in a high technology program of education under this section to be assistance under a provision of law referred to in section 3695 of title 38, United States Code.".

SEC. 4303. PILOT PROGRAM FOR OFF-BASE TRANSITION TRAINING FOR VETERANS AND SPOUSES.

(a) EXTENSION OF PILOT PROGRAM.—Subsection (a) of section 301 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 10 U.S.C. 1144 note) is amended—

(1) by striking "During the two-year period beginning on the date of the enactment of this Act" and inserting "During the five-year period beginning on the date of the enactment of the Navy SEAL Bill Mulder Act of 2020"; and

(2) by striking "to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations".

(b) LOCATIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking "STATES" and inserting "LOCATIONS"; and

(B) by striking "not less than three and not more than five States" and inserting "not fewer than 50 locations in States (as defined in section 101 of title 38, United States Code)";

(2) in paragraph (2), by striking "at least two" and inserting "at least 20"; and

(3) by adding at the end the following new paragraphs:

"(5) PREFERENCES.—In selecting States for participation in the pilot program, the Secretary shall provide a preference for any State with—

"(A) a high rate of usage of unemployment benefits for recently separated members of the Armed Forces; or

"(B) a labor force or economy that has been significantly impacted by a covered public health emergency.

"(6) COVERED PUBLIC HEALTH EMERGENCY DEFINED.—In this subsection, the term 'covered public health emergency' means—

"(A) the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to Coronavirus Disease 2019 (COVID–19); or

"(B) a domestic emergency declared, based on an outbreak of Coronavirus Disease 2019 (COVID–19), by the President, the Secretary of Homeland Security, or a State or local authority.".

(c) ANNUAL REPORT.—Subsection (e) of such section is amended by adding at the end the following new sentence: "Each such report shall include information about the employment outcomes of the eligible individuals who received such training during the year covered by the report.".

(d) CONFORMING REPEAL.—Subsection (f) of such section is repealed.

38 USC 4100 note.

SEC. 4304. GRANTS FOR PROVISION OF TRANSITION ASSISTANCE TO MEMBERS OF THE ARMED FORCES AFTER SEPARATION, RETIREMENT, OR DISCHARGE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall make grants to eligible organizations for the provision of transition assistance to members of the Armed Forces who are separated, retired, or discharged from the Armed Forces, and spouses of such members.

Determination.

(b) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to provide to members of the Armed Forces and spouses described in subsection (a) resume assistance, interview training, job recruitment training, and related services leading directly to successful transition, as determined by the Secretary.

(c) ELIGIBLE ORGANIZATIONS.—To be eligible for a grant under this section, an organization shall submit to the Secretary an application containing such information and assurances as the Secretary, in consultation with the Secretary of Labor, may require. Consultation.

(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to an organization that—

(1) provides multiple forms of services described in subsection (b); or

(2) is located in a State with—

(A) a high rate of unemployment among veterans;

(B) a high rate of usage of unemployment benefits for recently separated members of the Armed Forces; or

(C) a labor force or economy that has been significantly impacted by a covered public health emergency (as such term is defined in section 131(n)).

(e) AMOUNT OF GRANT.—A grant under this section shall be in an amount that does not exceed 50 percent of the amount required by the organization to provide the services described in subsection (b).

(f) DEADLINE.—The Secretary shall carry out this section not later than 180 days after the date of the enactment of this Act.

(g) TERMINATION.—The authority to provide a grant under this section shall terminate on the date that is five years after the date on which the Secretary implements the grant program under this section.

SEC. 4305. ONE-YEAR INDEPENDENT ASSESSMENT OF THE EFFECTIVENESS OF TRANSITION ASSISTANCE PROGRAM.

(a) INDEPENDENT ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the covered officials, shall enter into an agreement with an appropriate entity with experience in adult education to carry out a one-year independent assessment of the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code (TAP), including— Deadline. Consultation. Contracts.

(1) the effectiveness of the Transition Assistance Program for members of each military department during the entire military life cycle;

(2) the appropriateness of the career readiness standards of the Transition Assistance Program;

(3) a review of information that is provided to the Department of Veterans Affairs under the Transition Assistance Program, including mental health data; Review.

(4) whether the Transition Assistance Program effectively addresses the challenges veterans face entering the civilian workforce and in translating experience and skills from military service to the job market;

(5) whether the Transition Assistance Program effectively addresses the challenges faced by the families of veterans making the transition to civilian life;

(6) appropriate metrics regarding outcomes of the Transition Assistance Program for members of the Armed Forces one year after separation, retirement, or discharge from the Armed Forces;

(7) what the Secretary, in consultation with the covered officials and veterans service organizations, determine to be successful outcomes for the Transition Assistance Program; Consultation. Determination.

(8) whether members of the Armed Forces achieve successful outcomes for the Transition Assistance Program, as determined under paragraph (7);

(9) how the Secretary and the covered officials provide feedback to each other regarding such outcomes;

Recommendations.

(10) recommendations for the Secretaries of the military departments regarding how to improve outcomes for members of the Armed Forces after separation, retirement, and discharge; and

Determination.

(11) other topics the Secretary and the covered officials determine would aid members of the Armed Forces as they transition to civilian life.

(b) REPORT.—Not later than 90 days after the completion of the independent assessment under subsection (a), the Secretary and the covered officials shall jointly submit to the appropriate committees of Congress—

Recommendations.

(1) the findings and recommendations (including recommended legislation) of the independent assessment prepared by the entity described in subsection (a); and

(2) responses of the Secretary and the covered officials to the findings and recommendations described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

(2) COVERED OFFICIALS.—The term "covered officials" means—

(A) the Secretary of Defense;

(B) the Secretary of Labor;

(C) the Administrator of the Small Business Administration; and

(D) the Secretaries of the military departments.

(3) MILITARY DEPARTMENT.—The term "military department" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 4306. LONGITUDINAL STUDY ON CHANGES TO TRANSITION ASSISTANCE PROGRAM.

Deadline. Consultation. Time period.

(a) STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, the Secretary of Labor, and the Administrator of the Small Business Administration, shall conduct a five-year longitudinal study regarding the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code (TAP), on three separate cohorts of members of the Armed Forces who have separated from the Armed Forces, including—

(1) a cohort that has attended counseling under the Transition Assistance Program as implemented on the date of the enactment of this Act;

(2) a cohort that attends counseling under the Transition Assistance Program after the Secretary of Defense and the Secretary of Labor implement changes recommended in the report under section 136(b); and

(3) a cohort that has not attended counseling under the Transition Assistance Program.

(b) PROGRESS REPORTS.—Not later than 90 days after the date that is one year after the date of the initiation of the study under subsection (a), and annually thereafter for the three subsequent years, the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, and the Administrator of the Small Business Administration shall jointly submit to the appropriate committees of Congress a progress report of activities under the study during the immediately preceding year.

(c) FINAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the completion of the study under subsection (a), the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, and the Administrator of the Small Business Administration shall jointly submit to the appropriate committees of Congress a report of final findings and recommendations based on the study. Recommendations.

(2) ELEMENTS.—The final report under paragraph (1) shall include information regarding the following:

(A) The percentage of each cohort that received unemployment benefits during the study under subsection (a).

(B) The numbers of months members of each cohort were employed during the study.

(C) Annual starting and ending salaries of members of each cohort who were employed during the study.

(D) How many members of each cohort enrolled in an institution of higher learning, as that term is defined in section 3452(f) of title 38, United States Code.

(E) The academic credit hours, degrees, and certificates obtained by members of each cohort during the study.

(F) The annual income of members of each cohort.

(G) The total household income of members of each cohort.

(H) How many members of each cohort own their principal residences.

(I) How many dependents members of each cohort have.

(J) The percentage of each cohort that achieves a successful outcome for the Transition Assistance Program, as determined under section 136(a)(7).

(K) Other criteria the Secretaries and the Administrator of the Small Business Administration determine appropriate. Criteria.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

TITLE V—DEBORAH SAMPSON

Deborah Sampson Act of 2020.
38 USC 101 note.

SEC. 5001. SHORT TITLE.

This title may be cited as the "Deborah Sampson Act of 2020".

Subtitle A—Improving Access for Women Veterans to the Department of Veterans Affairs

SEC. 5101. OFFICE OF WOMEN'S HEALTH IN DEPARTMENT OF VETERANS AFFAIRS.

(a) CHIEF OFFICER OF WOMEN'S HEALTH.—Subsection (a) of section 7306 of title 38, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10) The Chief Officer of Women's Health.".

(b) ORGANIZATION OF OFFICE AND ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end of the following new sections:

38 USC 7310.

"§ 7310. Office of Women's Health

"(a) ESTABLISHMENT.—(1) The Under Secretary for Health shall establish and operate in the Veterans Health Administration the Office of Women's Health (in this section referred to as the 'Office').

"(2) The Office shall be located at the Central Office of the Department of Veterans Affairs.

"(3)(A) The head of the Office is the Chief Officer of Women's Health (in this section referred to as the 'Chief Officer').

"(B) The Chief Officer shall report to the Under Secretary for Health.

"(4) The Under Secretary for Health shall provide the Office with such staff and other support as may be necessary for the Office to carry out effectively the functions of the Office under this section.

"(5) The Under Secretary for Health may reorganize existing offices within the Veterans Health Administration as of the date of the enactment of this section in order to avoid duplication with the functions of the Office.

"(b) FUNCTIONS.—The functions of the Office include the following:

"(1) To provide a central office for monitoring and encouraging the activities of the Veterans Health Administration with respect to the provision, evaluation, and improvement of health care services provided to women veterans by the Department.

"(2) To develop and implement standards of care for the provision of health care for women veterans by the Department.

"(3) To monitor and identify deficiencies in standards of care for the provision of health care for women veterans by the Department, to provide technical assistance to medical facilities of the Department to address and remedy deficiencies, and to perform oversight of implementation of such standards of care.

Recommendations.

"(4) To monitor and identify deficiencies in standards of care for the provision of health care for women veterans provided through the community pursuant to this title and to provide recommendations to the appropriate office to address and remedy any deficiencies.

"(5) To oversee distribution of resources and information related to health programming for women veterans under this title.

"(6) To promote the expansion and improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to the health care of women veterans.

"(7) To provide, as part of the annual budgeting process, recommendations with respect to the amounts to be requested for furnishing hospital care and medical services to women veterans pursuant to chapter 17 of this title, including, at a minimum, recommendations that ensure that such amounts either reflect or exceed the proportion of veterans enrolled in the system of patient enrollment of the Department established and operated under section 1705(a) of this title who are women. Recommendations.

"(8) To provide recommendations to the Under Secretary for Health with respect to modifying the Veterans Equitable Resource Allocation system, or successor system, to ensure that resource allocations under such system, or successor system, reflect the health care needs of women veterans. Recommendations.

"(9) To carry out such other duties as the Under Secretary for Health may require.

"(c) RECOMMENDATIONS.—(1) If the Under Secretary for Health determines not to implement any recommendation made by the Chief Officer with respect to the allocation of resources to address the health care needs of women veterans, the Secretary shall notify the appropriate congressional committees of such determination by not later than 30 days after the date on which the Under Secretary for Health receives the recommendation. Determination. Notification. Deadline.

"(2) Each notification under paragraph (1) relating to a determination with respect to a recommendation shall include the following:

"(A) The reasoning of the Under Secretary for Health in making the determination.

"(B) An alternative, if one is selected, to the recommendation that the Under Secretary for Health will carry out to fulfill the health care needs of women veterans.

"(d) STANDARDS OF CARE.—For purposes of carrying out the functions of the Office under this section, the standards of care for the provision of health care for women veterans from the Department shall include, at a minimum, the following: Requirements.

"(1) A requirement for—

"(A) at least one designated women's health primary care provider at each medical center of the Department whose duties include, to the extent practicable, providing training to other health care providers of the Department with respect to the needs of women veterans; and

"(B) at least one designated women's health primary care provider at each community-based outpatient clinic of the Department who may serve women patients as a percentage of the total duties of the provider.

"(2) Other requirements as determined by the Under Secretary for Health. Determination.

"(e) OUTREACH.—The Chief Officer shall ensure that— Deadlines.

"(1) not less frequently than biannually, each medical facility of the Department holds a public forum for women veterans that occurs outside of regular business hours; and

"(2) not less frequently than quarterly, each medical facility of the Department convenes a focus group of women veterans that includes a discussion of harassment occurring at such facility.

"(f) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' has the meaning given that term in section 7310A(h) of this title.

"(2) The term 'facility of the Department' has the meaning given the term 'facilities of the Department' in section 1701(3) of this title.

"(3) The term 'Veterans Equitable Resource Allocation system' means the resource allocation system established pursuant to section 429 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2929).

Analyses.
38 USC 7310A.

"§ 7310A. Annual reports on women's health

"(a) ANNUAL REPORTS.—Not later than December 1 of each year, the Chief Officer of Women's Health shall submit to the appropriate congressional committees a report containing the matters under subsections (b) through (g).

"(b) OFFICE OF WOMEN'S HEALTH.—Each report under subsection (a) shall include a description of—

"(1) actions taken by the Office of Women's Health established under section 7310 of this title in the preceding fiscal year to improve the provision of health care by the Department to women veterans;

"(2) any identified deficiencies related to the provision of health care by the Department to women veterans and the standards of care established in such section and the plan of the Department to address such deficiencies;

"(3) the funding and personnel provided to the Office and whether additional funding or personnel are needed to meet the requirements of such section; and

"(4) other information that would be of interest to the appropriate congressional committees with respect to oversight of the provision of health care by the Department to women veterans.

"(c) ACCESS TO GENDER-SPECIFIC SERVICES.—(1) Each report under subsection (a) shall include an analysis of the access of women veterans to gender-specific services under contracts, agreements, or other arrangements with non-Department medical providers entered into by the Secretary for the provision of hospital care or medical services to veterans.

"(2) The analysis under paragraph (1) shall include data and performance measures for the availability of gender-specific services described in such paragraph, including—

"(A) the average wait time between the preferred appointment date of the veteran and the date on which the appointment is completed;

"(B) the average driving time required for veterans to attend appointments; and

"(C) reasons why appointments could not be scheduled with non-Department medical providers.

"(d) MODELS OF CARE.—(1) Each report under subsection (a) shall include an analysis of the use by the Department of general primary care clinics, separate but shared spaces, and women's health centers as delivery of care models for women veterans.

"(2) The analysis under paragraph (1) shall include the following: Assessments.

"(A) The number of facilities of the Department that fall into each delivery of care model described in such paragraph, disaggregated by Veterans Integrated Service Network and State.

"(B) A description of the criteria used by the Department to determine which such model is most appropriate for each facility of the Department.

"(C) An assessment of how the Department decides to make investments to modify facilities to a different model.

"(D) A description of what, if any, plans the Department has to modify facilities from general primary care clinics to another model.

"(E) An assessment of whether any facilities could be modified to a separate but shared space for a women's health center within planned investments under the strategic capital investment planning process of the Department.

"(F) An assessment of whether any facilities could be modified to a separate or shared space or a women's health center with minor modifications to existing plans under the strategic capital investment planning process of the Department.

"(G) An assessment of whether the Department has a goal for how many facilities should fall into each such model.

"(e) STAFFING.—Each report under subsection (a) shall include an analysis of the staffing of the Department relating to the treatment of women, including the following, disaggregated by Veterans Integrated Service Network and State (except with respect to paragraph (4)):

"(1) The number of women's health centers.

"(2) The number of patient aligned care teams of the Department relating to women's health.

"(3) The number of full- and part-time gynecologists of the Department.

"(4) The number of designated women's health care providers of the Department, disaggregated by facility of the Department.

"(5) The number of health care providers of the Department who have completed a mini-residency for women's health care through the Women Veterans Health Care Mini-Residency Program of the Department during the one-year period preceding the submittal of the report and the number of mini-residency training slots for such program that are available during the one-year period following such date. Time periods.

"(6) The number of designated women's health care providers of the Department who have sufficient women patient loads or case complexities to retain their competencies and proficiencies.

"(f) ACCESSIBILITY AND TREATMENT OPTIONS.—Each report under subsection (a) shall include an analysis of the accessibility and treatment options for women veterans, including the following:

Assessments.

"(1) An assessment of wheelchair accessibility of women's health centers of the Department, including, with respect to each such center, an assessment of accessibility for each kind of treatment provided at the center, including with respect to radiology and mammography, that addresses all relevant factors, including door sizes, hoists, and equipment.

"(2) The options for women veterans to access mental health providers and primary care providers who are women.

"(3) The options for women veterans at medical facilities of the Department with respect to clothing sizes, including for gowns, drawstring pants, and pajamas.

"(g) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.

"(2) The term 'gender-specific services' means mammography, obstetric care, gynecological care, and such other services as the Secretary determines appropriate.".

38 USC 7310 note.

(2) REFERENCES TO HEALTH CARE AND SERVICES.—The references to health care and the references to services in sections 7310 and 7310A of title 38, United States Code, as added by paragraph (1), are references to the health care and services included in the medical benefits package provided by the Department as in effect on the day before the date of the enactment of this Act.

38 USC prec. 7301.

(3) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 7309A the following new items:

"7310. Office of Women's Health.
"7310A. Annual reports on women's health.".

38 USC 7310A note.

(c) INITIAL REPORT.—The Chief Officer of Women's Health of the Department of Veterans Affairs shall submit the initial report under section 7310A of title 38, United States Code, as added by subsection (b), by not later than one year after the date of the enactment of this Act.

38 USC 8110 note.

SEC. 5102. WOMEN VETERANS RETROFIT INITIATIVE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall prioritize the retrofitting of existing medical facilities of the Department of Veterans Affairs with fixtures, materials, and other outfitting measures to support the provision of care to women veterans at such facilities.

(b) PLAN.—

Deadline.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a plan to address deficiencies in environment of care for women veterans at medical facilities of the Department.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) An explanation of the specific environment of care deficiencies that need correcting.

(B) An assessment of how the Secretary prioritizes retrofitting existing medical facilities to support provision of care to women veterans in comparison to other requirements. Assessments.

(C) A five-year strategic plan and cost projection for retrofitting medical facilities of the Department to support the provision of care to women veterans as required under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to appropriations and the plan under (b), there is authorized to be appropriated to the Secretary $20,000,000 to carry out subsection (a) in addition to amounts otherwise made available to the Secretary for the purposes set forth in such subsection.

SEC. 5103. ESTABLISHMENT OF ENVIRONMENT OF CARE STANDARDS AND INSPECTIONS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS. 38 USC 1701 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish a policy under which the environment of care standards and inspections at medical centers of the Department of Veterans Affairs include— Requirements.

(1) an alignment of the requirements for such standards and inspections with the women's health handbook of the Veterans Health Administration;

(2) a requirement for the frequency of such inspections;

(3) delineation of the roles and responsibilities of staff at each medical center who are responsible for compliance;

(4) the requirement that each medical center submit to the Secretary and make publicly available a report on the compliance of the medical center with the standards; and Public information. Reports.

(5) a remediation plan. Remediation plan.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report certifying in writing that the policy required by subsection (a) has been finalized and disseminated to all medical centers of the Department. Certification.

SEC. 5104. PROVISION OF REINTEGRATION AND READJUSTMENT SERVICES TO VETERANS AND FAMILY MEMBERS IN GROUP RETREAT SETTINGS.

(a) IN GENERAL.—Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb);

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(C) in the matter preceding subclause (I), as redesignated by subparagraph (B), by striking "Counseling" and inserting "(i) Counseling"; and

(D) by adding at the end the following new clause:

"(ii)(I) Except as provided in subclauses (IV) and (V), counseling furnished to an individual under subparagraph (A) may include reintegration and readjustment services described in subclause (II) furnished in group retreat settings.

"(II) Reintegration and readjustment services described in this subclause are the following:

"(aa) Information on reintegration of the individual into family, employment, and community.

"(bb) Financial counseling.

"(cc) Occupational counseling.

"(dd) Information and counseling on stress reduction.

"(ee) Information and counseling on conflict resolution.

"(ff) Such other information and counseling as the Secretary considers appropriate to assist the individual in reintegration into family, employment, and community.

"(III) In furnishing reintegration and readjustment services under subclause (I), the Secretary shall offer women the opportunity to receive such services in group retreat settings in which the only participants are women.

"(IV) An individual described in subparagraph (C)(v) may receive reintegration and readjustment services under subclause (I) of this clause only if the individual receives such services with a family member described in subclause (I) or (II) of such subparagraph.

"(V) In each of fiscal years 2021 through 2025, the maximum number of individuals to whom integration and readjustment services may be furnished in group retreat settings under this subclause (I) shall not exceed 1,200 individuals.".

(b) REQUEST FOR SERVICES.—Subsection (a)(2) of such section is amended—

(1) by striking "Upon" and inserting "(A) Upon";

(2) by striking "paragraph (1)(B)" and inserting "paragraph (1)(B)(i)"; and

(3) by adding at the end the following new subparagraph:

Determination.

"(B) Upon the request of an individual described in paragraph (1)(C), the Secretary shall furnish the individual reintegration and readjustment services in group retreat settings under paragraph (1)(B)(ii) if the Secretary determines the experience will be therapeutically appropriate.".

38 USC note prec. 3001.

SEC. 5105. PROVISION OF LEGAL SERVICES FOR WOMEN VETERANS.

(a) AGREEMENT REQUIRED.—The Secretary of Veterans Affairs shall enter into one or more agreements with public or private entities to provide legal services to women veterans.

(b) FOCUS.—The focus of an agreement entered into under subsection (a) shall be to address the following unmet needs of women veterans as set forth in the most recently completed Community Homelessness Assessment, Local Education and Networking Groups for Veterans (CHALENG for Veterans) survey:

(1) Child support.

(2) Prevention of eviction and foreclosure.

(3) Discharge upgrades.

(4) Financial guardianship.

(5) Credit counseling.

(6) Family reconciliation assistance.

SEC. 5106. COMPTROLLER GENERAL SURVEYS AND REPORT ON SUPPORTIVE SERVICES PROVIDED FOR VERY LOW-INCOME WOMEN VETERANS.

(a) SURVEYS.—

Determination.

(1) SURVEY OF WOMEN VETERANS.—The Comptroller General of the United States shall survey women veterans who have received or are receiving supportive services provided under section 2044 of title 38, United States Code, to determine

satisfaction with the ability of such services to meet the specific needs of such veterans.

(2) SURVEY OF ELIGIBLE ENTITIES.—The Comptroller General shall survey eligible entities receiving financial assistance under such section and other partners of the Department of Veterans Affairs, including veterans service organizations and the National Coalition of Homeless Veterans, on the view of such entities and partners regarding—

(A) whether the Department is meeting the needs of women veterans through the provision of supportive services under such section; and

(B) any additional supportive services that may be required to meet such needs.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the efforts of the Department of Veterans Affairs to provide supportive services to women veterans under section 2044 of title 38, United States.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A review of how the Department determines which categories of supportive services would be beneficial to women veterans who receive services under such section. Review.

(B) A description of the challenges women veterans who have children face in accessing supportive services under such section, including with respect to accessing—

(i) homeless shelters with their children;

(ii) homeless shelters that have restrictions on male children; and

(iii) affordable child care.

(C) A description of how the Department identifies eligible entities under such section that can provide supportive services to meet the needs of women veterans, including eligible entities with experience in—

(i) intimate partner violence;

(ii) legal matters pertaining especially to women veterans, including temporary restraining orders and child care orders;

(iii) supportive services for children; and

(iv) the evaluation of which categories of services would be beneficial to women veterans who receive such services under such section. Evaluation.

(D) A description of how much the Department spends, from funds appropriated to carry out such section and funds provided under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), on supportive services specifically for women veterans, and in particular, on the services described in subparagraph (A).

(E) The results of the surveys conducted under subsection (a).

(F) A review of the resources and programming offered to woman veterans under such section. Review.

Assessment.

(G) An assessment of such other areas as the Comptroller General considers appropriate.

SEC. 5107. PROGRAMS ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS.

(a) ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 1709C.

"§ 1709C. Assistance for child care for certain veterans receiving health care

"(a) PROGRAM REQUIRED.—The Secretary shall carry out a program to provide, subject to subsection (b), assistance to qualified veterans described in subsection (c) to obtain child care so that such veterans can receive health care services described in subsection (c)(2).

"(b) LIMITATION ON PERIOD OF PAYMENTS.—Assistance may be provided to a qualified veteran under this section for receipt of child care only during the period that the qualified veteran—

"(1) receives the types of health care services described in subsection (c)(2) at a facility of the Department; and

"(2) requires travel to and return from such facility for the receipt of such health care services.

"(c) QUALIFIED VETERANS.—For purposes of this section, a qualified veteran is a veteran who—

"(1) is the primary caretaker of a child or children; and

"(2)(A) receives from the Department—

"(i) regular mental health care services;

"(ii) intensive mental health care services; or

"(iii) such other intensive health care services that the Secretary determines that provision of assistance to the veteran to obtain child care would improve access to such health care services by the veteran; or

"(B) is in need of regular or intensive mental health care services from the Department, and but for lack of child care services, would receive such health care services from the Department.

Deadline.

"(d) LOCATIONS.—Not later than five years after the date of the enactment of the Deborah Sampson Act of 2020, the Secretary shall carry out the program at each medical center of the Department.

"(e) FORMS OF CHILD CARE ASSISTANCE.—(1) Child care assistance under this section may include the following:

"(A) Stipends for the payment of child care offered by a licensed child care center (either directly or through a voucher program) that shall be, to the extent practicable, modeled after the Department of Veterans Affairs Child Care Subsidy Program established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67; 115 Stat. 552).

"(B) Direct provision of child care at an on-site facility of the Department.

"(C) Payments to private child care agencies.

"(D) Collaboration with facilities or programs of other Federal agencies.

"(E) Such other forms of assistance as the Secretary considers appropriate.

"(2) In providing child care assistance under this section, the child care needs of the local area shall be considered and the head of each medical center may select the type of care that is most appropriate or feasible for such medical center.

"(3) In the case that child care assistance under this section is provided as a stipend under paragraph (1)(A), such stipend shall cover the full cost of such child care.".

(2) CONFORMING AMENDMENT.—Section 205(e) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1710 note) is amended by striking "September 30, 2020" and inserting "the date of the enactment of the Deborah Sampson Act of 2020".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1709B the following new item: 38 USC prec. 1701.

"1709C. Assistance for child care for certain veterans receiving health care,".

(b) PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES.— 38 USC 1712A note.

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing, subject to paragraph (2), assistance to qualified veterans described in paragraph (3) to obtain child care so that such veterans can receive readjustment counseling and related mental health services.

(2) LIMITATION ON PERIOD OF PAYMENTS.—Assistance may be provided to a qualified veteran under the pilot program for receipt of child care only during the period that the qualified veteran receives readjustment counseling and related health care services at a Vet Center.

(3) QUALIFIED VETERANS.—For purposes of this subsection, a qualified veteran is a veteran who—

(A) is the primary caretaker of a child or children; and

(B)(i) receives from the Department regular readjustment counseling and related mental health services; or

(ii) is in need of regular readjustment counseling and related mental health services from the Department, and but for lack of child care services, would receive such counseling and services from the Department.

(4) LOCATIONS.—The Secretary shall carry out the pilot program in not fewer than three Readjustment Counseling Service Regions selected by the Secretary for purposes of the pilot program.

(5) FORMS OF CHILD CARE ASSISTANCE.—

(A) IN GENERAL.—Child care assistance under the pilot program may include the following:

(i) Stipends for the payment of child care offered by a licensed child care center (either directly or through a voucher program) that shall be, to the extent practicable, modeled after the Department of Veterans

Affairs Child Care Subsidy Program established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67; 115 Stat. 552).

(ii) Payments to private child care agencies.

(iii) Collaboration with facilities or programs of other Federal agencies.

(iv) Such other forms of assistance as the Secretary considers appropriate.

(B) LOCAL AREA.—In providing child care assistance under the pilot program, the child care needs of the local area shall be considered and the head of each Vet Center may select the type of care that is most appropriate or feasible for such Vet Center.

(C) USE OF STIPEND.—In the case that child care assistance under the pilot program is provided as a stipend under subparagraph (A)(i), such stipend shall cover the full cost of such child care.

(6) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(7) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

Recommendations.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the findings and conclusions of the Secretary regarding the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(8) VET CENTER DEFINED.—In this subsection, the term "Vet Center" has the meaning given that term in section 1712A(h) of title 38, United States Code.

SEC. 5108. AVAILABILITY OF PROSTHETICS FOR WOMEN VETERANS FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) ACCESS AT EACH MEDICAL FACILITY.—Section 1714(a) of title 38, United States Code, is amended—

(1) by striking "(a) Any veteran" and inserting "(a)(1) Any veteran"; and

(2) by adding at the end the following new paragraph:

"(2) In furnishing prosthetic appliances under paragraph (1), the Secretary shall ensure women veterans are able to access clinically appropriate prosthetic appliances through each medical facility of the Department.".

(b) REPORT.—

Assessment.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the availability from the Department of Veterans Affairs of prosthetics made for women veterans, including an assessment of the availability of such prosthetics at medical facilities of the Department.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a list of all devices classified by the Department as prosthetic devices, including a breakdown of whether a device is considered gender-neutral or gender-specific; List.

(B) for gender-neutral devices, a breakdown of sizing;

(C) the average time it takes for a woman veteran to receive a prosthetic device after it is prescribed, disaggregated by Veterans Integrated Service Network and medical center of the Department;

(D) the total number of women veterans utilizing the Department for prosthetic services, disaggregated by facility of the Department;

(E) an assessment of efforts by the Department on research, development, and employment of additive manufacture technology (commonly referred to as 3D printing) to provide prosthetic items for women veterans; Assessment.

(F) the results of a survey with a representative sample of not fewer than 50,000 veterans (of which women shall be overrepresented) in an amputee care program on satisfaction with prosthetics furnished or procured by the Department that replace appendages or their function; and

(G) such other information as the Secretary considers appropriate.

SEC. 5109. REQUIREMENT TO IMPROVE DEPARTMENT OF VETERANS AFFAIRS WOMEN VETERANS CALL CENTER. 38 USC 6303 note.

The Secretary of Veterans Affairs shall enhance the capabilities of the women veterans call center of the Department of Veterans Affairs to respond to requests by women veterans for assistance with accessing health care and benefits furnished under the laws administered by the Secretary.

SEC. 5110. STUDY ON INFERTILITY SERVICES FURNISHED AT DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the infertility services offerings at the Department of Veterans Affairs.

(b) ELEMENTS.—The study conducted under subsection (a) shall include the following:

(1) An assessment of the following: Assessment.

(A) The availability of infertility services at facilities of the Department and through laws administered by the Secretary for the provision of non-Department care.

(B) The demand for such services from eligible individuals.

(2) Identification of potential challenges in accessing infertility services for eligible individuals.

(3) An analysis of Department resources for the furnishing of infertility services, including analysis of Department workforce and non-Department providers. Analysis.

(4) Development of recommendations for the improvement of infertility services under laws administered by the Secretary to improve eligible individuals' access, delivery of services, and health outcomes. Recommendations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study conducted under subsection (a).

(d) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means an individual who is a veteran who is eligible for and enrolled in the health care system of the Department under section 1705(a) of title 38, United States Code.

SEC. 5111. SENSE OF CONGRESS ON ACCESS TO FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS BY RESERVISTS FOR COUNSELING AND TREATMENT RELATING TO MILITARY SEXUAL TRAUMA.

(a) IN GENERAL.—It is the sense of Congress that members of the reserve components of the Armed Forces, including members of the National Guard, should be able to access all health care facilities of the Department of Veterans Affairs, not just Vet Centers, to receive counseling and treatment relating to military sexual trauma.

(b) DEFINITIONS.—In this section:

(1) MILITARY SEXUAL TRAUMA.—The term "military sexual trauma" has the meaning given such term in section 1164(c) of title 38, United States Code, as added by section 5501(a) of this title.

(2) VET CENTER.—The term "Vet Center" has the meaning given that term in section 1712A(h) of such title.

Subtitle B—Increasing Staff Cultural Competency

38 USC 8110 note.

SEC. 5201. STAFFING OF WOMEN'S HEALTH PRIMARY CARE PROVIDERS AT MEDICAL FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall ensure that each medical facility of the Department of Veterans Affairs has not fewer than one full-time or part-time women's health primary care provider whose duties include, to the extent possible, providing training to other health care providers of the Department on the needs of women veterans.

SEC. 5202. ADDITIONAL FUNDING FOR PRIMARY CARE AND EMERGENCY CARE CLINICIANS IN WOMEN VETERANS HEALTH CARE MINI-RESIDENCY PROGRAM.

Appropriations authorization.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs $1,000,000 for each fiscal years 2021 through 2025 to provide opportunities for participation in the Women Veterans Health Care Mini-Residency Program of the Department of Veterans Affairs for primary care and emergency care clinicians.

(b) TREATMENT OF AMOUNTS.—The amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise made available to the Secretary for the purposes set forth in such subsection.

38 USC 1703 note.

SEC. 5203. ESTABLISHMENT OF WOMEN VETERAN TRAINING MODULE FOR NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROVIDERS.

Deadline.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall

establish and make available to community providers a training module that is specific to women veterans.

(b) TRAINING MATERIALS PROVIDED.—Under the training module established and made available to community providers under subsection (a), the Secretary shall provide to community providers the same training materials relating to treatment of women veterans that is provided to health care providers of the Department of Veterans Affairs to ensure that all health care providers treating women veterans have access to the same materials to support competency throughout the community.

(c) ADMINISTRATION OF TRAINING MODULE.—The Secretary shall administer the training module established under subsection (a) to community providers through an internet website of the Department. Website.

(d) ANNUAL REPORT.—Not later than one year after the establishment of the training module under subsection (a), and annually thereafter, the Secretary shall submit to Congress a report on—

(1) the utilization by community providers of the training module; and

(2) the effectiveness of the training module.

(e) DEFINITIONS.—In this section:

(1) COMMUNITY PROVIDER.—The term "community provider" means a non-Department of Veterans Affairs health care provider who provides preauthorized health care to veterans under the laws administered by the Secretary of Veterans Affairs.

(2) PREAUTHORIZED HEALTH CARE.—The term "preauthorized health care" means health care provided to a veteran that is authorized by the Secretary before being provided.

SEC. 5204. STUDY ON STAFFING OF WOMEN VETERAN PROGRAM MANAGER PROGRAM AT MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS AND TRAINING OF STAFF. 38 USC 1701 note.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study on the use of the Women Veteran Program Manager program of the Department of Veterans Affairs to determine— Determination.

(1) if the program is appropriately staffed at each medical center of the Department;

(2) whether each medical center of the Department is staffed with a Women Veteran Program Manager; and

(3) whether it would be feasible and advisable to have a Women Veteran Program Ombudsman at each medical center of the Department.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study conducted under subsection (a).

(c) TRAINING.—The Secretary shall ensure that all Women Veteran Program Managers and Women Veteran Program Ombudsmen receive the proper training to carry out their duties.

SEC. 5205. STUDY ON WOMEN VETERAN COORDINATOR PROGRAM.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) complete a study on the Women Veteran Coordinator program of the Veterans Benefits Administration of the Department of Veterans Affairs; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to the study completed under paragraph (1).

(b) ELEMENTS.—The study required by subsection (a)(1) shall identify the following:

(1) If the program described in such subsection is appropriately staffed at each regional benefits office of the Department.

(2) Whether each regional benefits office of the Department is staffed with a Women Veteran Coordinator.

(3) The position description of the Women Veteran Coordinator.

(4) Whether an individual serving in the Women Veteran Coordinator position concurrently serves in any other position, and if so, the allocation of time the individual spends in each such position.

(5) A description of the metrics the Secretary uses to determine the job performance and effectiveness of the Women Veteran Coordinator.

SEC. 5206. STAFFING IMPROVEMENT PLAN FOR PEER SPECIALISTS OF DEPARTMENT OF VETERANS AFFAIRS WHO ARE WOMEN.

(a) ASSESSMENT OF CAPACITY.—

Deadline. Consultation.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Inspector General of the Department of Veterans Affairs, shall commence an assessment of the capacity of peer specialists of the Department of Veterans Affairs who are women.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The geographical distribution of peer specialists of the Department who are women.

(B) The geographical distribution of women veterans.

(C) The number and proportion of women peer specialists who specialize in peer counseling on mental health or suicide prevention.

(D) The number and proportion of women peer specialists who specialize in peer counseling on non-mental health related matters.

(b) REPORT.—Not later than one year after the assessment required by subsection (a) has commenced, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing the findings of the assessment.

(c) STAFFING IMPROVEMENT PLAN.—

Deadline. Consultation.

(1) IN GENERAL.—Not later than 180 days after submitting the report under subsection (b), the Secretary, in consultation with the Inspector General, shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan, based on the results of the assessment required by subsection (a),

to hire additional qualified peer specialists who are women, with special consideration for areas that lack peer specialists who are women.

(2) ELEMENTS.—The peer specialist positions included in the plan required by paragraph (1)—

(A) shall be non-volunteer, paid positions; and

(B) may be part-time positions.

Subtitle C—Eliminating Harassment and Assault

SEC. 5301. EXPANSION OF COVERAGE BY DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.

(a) EXPANSION OF ELIGIBILITY FOR COUNSELING AND TREATMENT.—Section 1720D of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "active duty, active duty for training, or inactive duty training" and inserting "duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10)"; and

(B) in paragraph (2)(A), by striking "active duty, active duty for training, or inactive duty training" and inserting "duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10)";

(2) by striking "veteran" each place it appears and inserting "former member of the Armed Forces";

(3) by striking "veterans" each place it appears and inserting "former members of the Armed Forces"; and

(4) by adding at the end the following new subsection:

"(g) In this section, the term 'former member of the Armed Forces' includes the following:

"(1) A veteran.

"(2) An individual described in section 1720I(b) of this title.".

(b) INCLUSION OF TREATMENT FOR PHYSICAL HEALTH CONDITIONS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ", to include care for physical health conditions, as appropriate," after "counseling and appropriate care and services";

(ii) by striking "overcome psychological trauma" and inserting "treat a condition"; and

(iii) by striking "mental health professional" and inserting "health care professional"; and

(B) in paragraph (2)(A), by striking "overcome psychological trauma" and inserting "treat a condition"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting "and other health care professionals" after "mental health professionals"; and

(B) in paragraph (2)(A), by inserting "and other health care professionals" after "mental health professionals".

SEC. 5302. ASSESSMENT OF EFFECTS OF INTIMATE PARTNER VIOLENCE ON WOMEN VETERANS BY ADVISORY COMMITTEE ON WOMEN VETERANS.

Section 542(c)(1) of title 38, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) an assessment of the effects of intimate partner violence on women veterans; and".

SEC. 5303. ANTI-HARASSMENT AND ANTI-SEXUAL ASSAULT POLICY OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 533.

"§ 533. Anti-harassment and anti-sexual assault policy

"(a) ESTABLISHMENT.—(1) The Secretary, acting through the Office of Assault and Prevention of the Veterans Health Administration, shall establish a comprehensive policy to end harassment and sexual assault, including sexual harassment and gender-based harassment, throughout the Department.

"(2) The policy required by paragraph (1) shall include the following:

"(A) A process for employees and contractors of the Department to respond to reported incidents of harassment and sexual assault committed by any non-Department individual within a facility of the Department, including with respect to accountability or disciplinary measures.

"(B) A process for employees and contractors of the Department to respond to reported incidents of harassment and sexual assault of any non-Department individual within a facility of the Department.

"(C) A process for any non-Department individual to report harassment and sexual assault described in subparagraph (A), including an option for confidential reporting, and for the Secretary to respond to and address such reports.

"(D) Clear mechanisms for non-Department individuals to readily identify to whom and how to report incidents of harassment and sexual assault committed by another non-Department individual.

"(E) Clear mechanisms for employees and contractors of the Department to readily identify to whom and how to report incidents of harassment and sexual assault and how to refer non-Department individuals with respect to reporting an incident of harassment or sexual assault.

"(F) A process for, and mandatory reporting requirement applicable to, any employee or contractor of the Department who witnesses harassment or sexual assault described in subparagraph (A) or (B) within a facility of the Department, regardless of whether the individual affected by such harassment or sexual assault wants to report such harassment or sexual assault.

"(G) The actions possible, including disciplinary actions, for employees or contractors of the Department who fail to

report incidents of harassment and sexual assault described in subparagraph (A) or (B) that the employees or contractors witness.

"(H) On an annual or more frequent basis, mandatory training for employees and contractors of the Department regarding how to report and address harassment and sexual assault described in subparagraphs (A) and (B), including bystander intervention training.

"(I) On an annual or more frequent basis, the distribution of the policy under this subsection and anti-harassment and anti-sexual assault educational materials by mail or email to each individual receiving a benefit under a law administered by the Secretary.

"(J) The prominent display of anti-harassment and anti-sexual assault messages in each facility of the Department, including how non-Department individuals may report harassment and sexual assault described in subparagraphs (A) and (B) at such facility and the points of contact under subsection (b).

"(K) The posting on internet websites of the Department, including the main internet website regarding benefits of the Department and the main internet website regarding health care of the Department, of anti-harassment and anti-sexual assault banners specifically addressing harassment and sexual assault described in subparagraphs (A) and (B). Web posting.

"(b) POINTS OF CONTACT.—The Secretary shall designate, as a point of contact to receive reports of harassment and sexual assault described in subparagraphs (A) and (B) of subsection (a)(2)— Designation.

"(1) at least one individual, in addition to law enforcement, at each facility of the Department (including Vet Centers under section 1712A of this title), with regard to that facility;

"(2) at least one individual employed in each Veterans Integrated Service Network, with regard to facilities in that Veterans Integrated Service Network;

"(3) at least one individual employed in each regional benefits office;

"(4) at least one individual employed at each location of the National Cemetery Administration; and

"(5) at least one individual employed at the Central Office of the Department to track reports of such harassment and sexual assault across the Department, disaggregated by facility.

"(c) ACCOUNTABILITY.—(1) The Secretary shall establish a policy to ensure that each facility of the Department and each director of a Veterans Integrated Service Network is responsible for addressing harassment and sexual assault at the facility and the Network.

"(2) The policy required by paragraph (1) shall include—

"(A) a remediation plan for facilities that experience five or more incidents of sexual harassment, sexual assault, or combination thereof, during any single fiscal year; and Remediation plan.

"(B) taking appropriate actions under chapter 7 or subchapter V of chapter 74 of this title.

"(d) DATA.—The Secretary shall ensure that the in-take process for veterans at medical facilities of the Department includes a survey to collect the following information: Survey.

"(1) Whether the veteran feels safe at the facility and whether any events occurred at the facility that affect such feeling.

"(2) Whether the veteran wants to be contacted later by the Department with respect to such safety issues.

"(e) WORKING GROUP.—(1) The Secretary shall establish a working group to assist the Secretary in implementing policies to carry out this section.

"(2) The working group established under paragraph (1) shall consist of representatives from—

"(A) veterans service organizations;

"(B) State, local, and Tribal veterans agencies; and

"(C) other persons the Secretary determines appropriate.

"(3) The working group established under paragraph (1) shall develop, and the Secretary shall carry out—

Action plan.

"(A) an action plan for addressing changes at the local level to reduce instances of harassment and sexual assault;

"(B) standardized media for veterans service organizations and other persons to use in print and on the internet with respect to reducing harassment and sexual assault; and

"(C) bystander intervention training for veterans.

"(4) The working group established under paragraph (1) shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

"(f) ANNUAL REPORTS.—(1) The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an annual report on harassment and sexual assault described in subparagraphs (A) and (B) of subsection (a)(2) in facilities of the Department.

"(2) Each report submitted under paragraph (1) shall include the following:

"(A) Results of harassment and sexual assault programming, including the End Harassment program.

"(B) Results of studies from the Women's Health Practice-Based Research Network of the Department relating to harassment and sexual assault.

Data.

"(C) Data collected on incidents of sexual harassment and sexual assault.

"(D) A description of any actions taken by the Secretary during the year preceding the date of the report to stop harassment and sexual assault at facilities of the Department.

Assessment.

"(E) An assessment of the implementation of the training required in subsection (a)(2)(H).

List.
Determination.

"(F) A list of resources the Secretary determines necessary to prevent harassment and sexual assault at facilities of the Department.

"(g) DEFINITIONS.—In this section:

"(1) The term 'non-Department individual' means any individual present at a facility of the Department who is not an employee or contractor of the Department.

"(2) The term 'sexual harassment' means unsolicited verbal or physical contact of a sexual nature which is threatening in character.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 532 the following new item: 38 USC prec. 501.

"533. Anti-harassment and anti-sexual assault policy.".

(c) DEFINITION OF SEXUAL HARASSMENT.—Section 1720D(f) of such title is amended by striking "repeated,".

(d) DEADLINE.—The Secretary shall commence carrying out section 533 of such title, as added by subsection (a), not later than 180 days after the date of enactment of this Act. 38 USC 533 note.

SEC. 5304. PILOT PROGRAM ON ASSISTING VETERANS WHO EXPERIENCE INTIMATE PARTNER VIOLENCE OR SEXUAL ASSAULT. 38 USC 6303 note.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of assisting former members of the Armed Forces who have experienced or are experiencing intimate partner violence or sexual assault in accessing benefits from the Department of Veterans Affairs, including coordinating access to medical treatment centers, housing assistance, and other benefits from the Department.

(b) DURATION.—The Secretary shall carry out the pilot program under subsection (a) during the two-year period beginning on the date of the commencement of the pilot program.

(c) COLLABORATION.—The Secretary shall carry out the pilot program under subsection (a) in collaboration with—

(1) intimate partner violence shelters and programs;

(2) rape crisis centers;

(3) State intimate partner violence and sexual assault coalitions; and

(4) such other health care or other service providers that serve intimate partner violence or sexual assault victims as determined by the Secretary, particularly those providing emergency services or housing assistance.

(d) AUTHORIZED ACTIVITIES.—In carrying out the pilot program under subsection (a), the Secretary may conduct the following activities:

(1) Training for community-based intimate partner violence or sexual assault service providers on—

(A) identifying former members of the Armed Forces who have been victims of, or are currently experiencing, intimate partner violence or sexual assault;

(B) coordinating with local service providers of the Department; and

(C) connecting former members of the Armed Forces with appropriate housing, mental health, medical, and other financial assistance or benefits from the Department.

(2) Assistance to service providers to ensure access of veterans to intimate partner violence and sexual assault emergency services, particularly in underserved areas, including services for Native American veterans (as defined in section 3765 of title 38, United States Code).

(3) Such other outreach and assistance as the Secretary determines necessary for the provision of assistance under subsection (a).

(e) INTIMATE PARTNER VIOLENCE AND SEXUAL ASSAULT OUTREACH COORDINATORS.—

(1) IN GENERAL.—In order to effectively assist veterans who have experienced intimate partner violence or sexual assault, the Secretary may establish local coordinators to provide outreach under the pilot program required by subsection (a).

(2) LOCAL COORDINATOR KNOWLEDGE.—The Secretary shall ensure that each coordinator established under paragraph (1) is knowledgeable about—

(A) the dynamics of intimate partner violence and sexual assault, including safety concerns, legal protections, and the need for the provision of confidential services;

(B) the eligibility of veterans for services and benefits from the Department that are relevant to recovery from intimate partner violence and sexual assault, particularly emergency housing assistance, mental health care, other health care, and disability benefits; and

(C) local community resources addressing intimate partner violence and sexual assault.

(3) LOCAL COORDINATOR ASSISTANCE.—Each coordinator established under paragraph (1) shall assist intimate partner violence shelters and rape crisis centers in providing services to veterans.

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the completion of the pilot program under subsection (a), the Secretary shall submit to Congress a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The findings and conclusions of the Secretary with respect to the pilot program.

Recommendations.

(B) Such recommendations for continuing or expanding the pilot program as the Secretary considers appropriate.

(g) DEFINITIONS.—In this section:

(1) INTIMATE PARTNER.—

(A) IN GENERAL.—The term "intimate partner" means a person with whom one has a close personal relationship that may be characterized by the partners' emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identity as a couple, and familiarity and knowledge about each other's lives.

(B) CLOSE PERSONAL RELATIONSHIPS.—In this paragraph, the term "close personal relationships" includes the following:

(i) A relationship between married spouses.

(ii) A relationship between common-law spouses.

(iii) A relationship between civil union spouses.

(iv) A relationship between domestic partners.

(v) A relationship between dating partners.

(vi) A relationship between ongoing sexual partners.

(2) INTIMATE PARTNER VIOLENCE.—The term "intimate partner violence" includes physical violence, sexual violence, stalking, and psychological aggression, including coercive tactics by a current or former intimate partner.

SEC. 5305. STUDY AND TASK FORCE ON VETERANS EXPERIENCING INTIMATE PARTNER VIOLENCE OR SEXUAL ASSAULT.

38 USC 1720D note.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Attorney General, shall conduct a national baseline study to examine the scope of the problem of intimate partner violence and sexual assault among veterans and spouses and intimate partners of veterans.

Deadline. Consultation.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall—

(A) include a literature review of all relevant research on intimate partner violence and sexual assault among veterans and spouses and intimate partners of veterans;

Review.

(B) examine the prevalence of the experience of intimate partner violence among—

(i) women veterans;

(ii) veterans who are minority group members (as defined in section 544 of title 38, United States Code, and including other minority populations as the Secretary determines appropriate);

(iii) urban and rural veterans;

(iv) veterans who are enrolled in a program under section 1720G of title 38, United States Code;

(v) veterans who are in intimate relationships with other veterans; and

(vi) veterans who are described in more than one clause of this subparagraph;

(C) examine the prevalence of the perpetration of intimate partner violence by veterans; and

(D) include recommendations to address the findings of the study.

Recommendations.

(3) REPORT.—Not later than 30 days after the date on which the Secretary completes the study under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such study.

(b) TASK FORCE.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary completes the study under subsection (a), the Secretary, in consultation with the Attorney General and the Secretary of Health and Human Services, shall establish a national task force (in this section referred to as the "Task Force") to develop a comprehensive national program, including by integrating facilities, services, and benefits of the Department of Veterans Affairs into existing networks of community-based intimate partner violence and sexual assault services, to address intimate partner violence and sexual assault among veterans.

Deadline. Consultation. Establishment.

(2) LEADERSHIP.—The Secretary of Veterans Affairs shall lead the Task Force in collaboration with the Attorney General and the Secretary of Health and Human Services.

(c) CONSULTATION WITH STAKEHOLDERS.—In carrying out this section, the Task Force shall consult with—

(1) representatives from veteran service organizations and military service organizations;

(2) representatives from not fewer than three national organizations or State coalitions with demonstrated expertise in intimate partner violence prevention, response, or advocacy; and

(3) representatives from not fewer than three national organizations or State coalitions, particularly those representing underserved and ethnic minority communities, with demonstrated expertise in sexual assault prevention, response, or advocacy.

Reviews. Recommendations.

(d) DUTIES.—The duties of the Task Force shall include the following:

(1) To review existing services and policies of the Department and develop a comprehensive national program to be carried out by the Secretary of Veterans Affairs, in collaboration with the heads of relevant Federal agencies, to address intimate partner violence and sexual assault prevention, response, and treatment.

(2) To review the feasibility and advisability of establishing an expedited process to secure emergency, temporary benefits, including housing or other benefits, for veterans who are experiencing intimate partner violence or sexual assault.

(3) To review and make recommendations regarding the feasibility and advisability of establishing dedicated, temporary housing assistance for veterans experiencing intimate partner violence or sexual assault.

(4) To identify any requirements regarding intimate partner violence assistance or sexual assault response and services that are not being met by the Department and make recommendations on how the Department can meet such requirements.

(5) To review and make recommendations regarding the feasibility and advisability of providing direct services or contracting for community-based services for veterans in response to a sexual assault, including through the use of sexual assault nurse examiners, particularly in underserved or remote areas, including services for Native American veterans.

(6) To review the availability of counseling services provided by the Department and through peer network support, and to provide recommendations for the enhancement of such services, to address—

(A) the perpetration of intimate partner violence and sexual assault; and

(B) the recovery of veterans, particularly women veterans, from intimate partner violence and sexual assault.

(7) To review and make recommendations to expand services available for veterans at risk of perpetrating intimate partner violence.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter by October 1 of each year, the Task Force shall submit to the Secretary of Veterans Affairs and Congress a report on the activities of the Task Force, including any recommendations for legislative or administrative action.

(f) NONAPPLICABILITY OF FACA.—The Task Force shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(g) DEFINITIONS.—In this section:

(1) NATIVE AMERICAN VETERAN.—The term "Native American veteran" has the meaning given that term in section 3765 of title 38, United States Code.

(2) STATE.—The term "State" has the meaning given that term in section 101 of title 38, United States Code.

Subtitle D—Data Collection and Reporting

SEC. 5401. REQUIREMENT FOR COLLECTION AND ANALYSIS OF DATA ON DEPARTMENT OF VETERANS AFFAIRS BENEFITS AND SERVICES AND DISAGGREGATION OF SUCH DATA BY GENDER, RACE, AND ETHNICITY.

38 USC 527 note.

The Secretary of Veterans Affairs shall—

(1) collect and analyze data on each program of the Department of Veterans Affairs that provides a service or benefit to a veteran, including the program carried out under section 1144 of title 10, United States Code;

(2) disaggregate such data by gender, race, and ethnicity, when the data lends itself to such disaggregation; and

(3) publish the data collected and analyzed under paragraph (1), except for such cases in which the Secretary determines that some portions of the data would undermine the anonymity of a veteran.

Publication. Determination.

SEC. 5402. STUDY ON BARRIERS FOR WOMEN VETERANS TO RECEIPT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a comprehensive study of the barriers to the provision of health care by the Department of Veterans Affairs encountered by women who are veterans.

(b) SURVEY.—In conducting the study required by subsection (a), the Secretary shall—

(1) survey women veterans who seek or receive hospital care or medical services provided by the Department as well as women veterans who do not seek or receive such care or services;

(2) administer the survey to a representative sample of women veterans from each Veterans Integrated Service Network; and

(3) ensure that the sample of women veterans surveyed is of sufficient size for the study results to be statistically significant and is a larger sample than that of the study specified in subsection (c)(1).

(c) USE OF PREVIOUS STUDIES.—In conducting the study required by subsection (a), the Secretary shall build on the work of the studies of the Department titled—

(1) "National Survey of Women Veterans in Fiscal Year 2007–2008"; and

(2) "Study of Barriers for Women Veterans to VA Health Care 2015".

(d) ELEMENTS OF STUDY.—In conducting the study required by subsection (a), the Secretary shall conduct research on the effects of the following on the women veterans surveyed in the study:

(1) The barriers associated with seeking mental health care services, including with respect to provider availability, telehealth access, and family, work, and school obligations.

(2) The effect of driving distance or availability of other forms of transportation to the nearest medical facility on access to care.

(3) The effect of access to care from non-Department providers.

(4) The availability of child care.

(5) The satisfaction of such veterans with the provision by the Department of integrated primary care, women's health clinics, or both, including perceptions of quality of care, safety, and comfort.

(6) The understanding and perceived accessibility among such veterans of eligibility requirements for, and the scope of services available under, hospital care and medical services.

(7) The perception of such veterans of personal safety and comfort in inpatient, outpatient, and behavioral health facilities.

(8) The gender sensitivity of health care providers and staff to issues that particularly affect women.

(9) The effectiveness of outreach for health care services available to women veterans.

(10) The location and operating hours of health care facilities that provide services to women veterans.

(11) The perception of such veterans of the motto of the Department.

(12) Such other significant barriers as the Secretary considers appropriate.

(e) DISCHARGE BY CONTRACT.—The Secretary shall enter into a contract with a qualified independent entity or organization to carry out the study and research required under this section.

(f) MANDATORY REVIEW OF DATA BY CERTAIN DEPARTMENT DIVISIONS.—

(1) REVIEW.—

(A) IN GENERAL.—The Secretary shall ensure that the head of each division of the Department of Veterans Affairs specified in paragraph (2) reviews the results of the study conducted under this section.

(B) SUBMITTAL OF FINDINGS.—The head of each division specified in paragraph (2) shall submit findings with respect to the study under this section to the Under Secretary of the Department with responsibilities relating to health care services for women veterans.

(2) SPECIFIED DIVISIONS.—The divisions of the Department of Veterans Affairs specified in this paragraph are the following:

(A) The Office of the Under Secretary for Health.

(B) The Office of Women's Health established under section 7310 of title 38, United States Code.

(C) The Center for Women Veterans under section 318 of such title.

(D) The Advisory Committee on Women Veterans established under section 542 of such title.

(g) REPORT.—

(1) IN GENERAL.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) the findings of the head of each division of the Department specified under subsection (f)(2); and

(B) recommendations for such administrative and legislative action as the Secretary considers appropriate. Recommendations.

SEC. 5403. STUDY ON FEASIBILITY AND ADVISABILITY OF OFFERING PARENTING STAIR PROGRAM AT ALL MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the feasibility and advisability of expanding the Parenting STAIR program to all medical centers of the Department of Veterans Affairs and including such program as part of care for military sexual trauma for affected members and former members of the Armed Forces.

(b) ELEMENTS.—In conducting the study under subsection (a), the Secretary shall assess— Assessments.

(1) staffing needed to offer the Parenting STAIR program at all medical centers of the Department;

(2) any additional infrastructure or resources (such as child care during the program) needed for the expansion of the program; and

(3) such other factors relevant to the expansion of the program as the Secretary considers appropriate.

(c) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing—

(A) the current number and locations of all facilities of the Department offering the Parenting STAIR program; and

(B) the number of veterans served by such program in the most recent fiscal year or calendar year for which data is available.

(2) FINAL REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report detailing—

(A) the results of the study conducted under subsection (a);

(B) an update on how many veterans have used the Parenting STAIR program since its development in fiscal year 2017, disaggregated by year, including the locations in which veterans have used such program; and Update.

(C) a determination on the feasibility and advisability of expanding the Parenting STAIR program to all medical facilities of the Department offering care for military sexual trauma. Determination.

(d) DEFINITIONS.—In this section:

(1) AFFECTED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—The term "affected members and former members of the Armed Forces" means members and former members

of the Armed Forces who are parents and have experienced military sexual trauma.

(2) MILITARY SEXUAL TRAUMA.—The term "military sexual trauma" has the meaning given such term in section 1164(c) of title 38, United States Code, as added by section 5501(a) of this title.

(3) PARENTING STAIR PROGRAM.—The term "Parenting STAIR program" means the program of the Department of Veterans Affairs that consists of a five-session, parenting-specific treatment protocol based on skills training in affective and interpersonal regulation (commonly referred to as "STAIR"), which is a cognitive behavioral therapy that has been identified as a promising practice for treating post-traumatic stress disorder, including chronic and complicated forms, among individuals with co-occurring disorders.

Subtitle E—Benefits Matters

SEC. 5501. EVALUATION OF SERVICE-CONNECTION OF MENTAL HEALTH CONDITIONS RELATING TO MILITARY SEXUAL TRAUMA.

(a) SPECIALIZED TEAMS TO EVALUATE CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.—

(1) IN GENERAL.—subchapter VI of chapter 11 of such title is amended by adding at the end the following new section:

38 USC 1164.

"§ 1164. Specialized teams to evaluate claims involving military sexual trauma

"(a) IN GENERAL.—The Secretary shall establish specialized teams to process claims for compensation for a covered mental health condition based on military sexual trauma experienced by a veteran during active military, naval, or air service.

"(b) TRAINING.—The Secretary shall ensure that members of teams established under subsection (a) are trained to identify markers indicating military sexual trauma.

"(c) DEFINITIONS.—In this section:

"(1) The term 'covered mental health condition' means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.

"(2) The term 'military sexual trauma' means, with respect to a veteran, a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment during active military, naval, or air service.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

38 USC prec. 1101.

"1164. Specialized teams to evaluate claims involving military sexual trauma.".

(b) ANNUAL REPORTS ON CLAIMS FOR DISABILITIES INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAUMA.—

(1) REPORTS REQUIRED.—Not later than March 1, 2021, and not less frequently than once each year thereafter through 2027, the Secretary of Veterans Affairs shall submit to Congress

a report on covered claims submitted during the previous fiscal year to identify and track the consistency of decisions across regional offices of the Department of Veterans Affairs.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The number of covered claims submitted to or considered by the Secretary during the fiscal year covered by the report.

(B) Of the covered claims listed under subparagraph (A), the number and percentage of such claims—

(i) submitted by each sex;

(ii) that were approved, including the number and percentage of such approved claims submitted by each sex;

(iii) that were denied, including the number and percentage of such denied claims submitted by each sex; and

(iv) that were developed and reviewed by a specialized team established under section 1164(a) of title 38, United States Code, as added by subsection (a).

(C) Of the covered claims listed under subparagraph (A) that were approved, the number and percentage, disaggregated by sex, of claims assigned to each rating percentage.

(D) Of the covered claims listed under subparagraph (A) that were denied—

(i) the three most common reasons given by the Secretary under section 5104(b)(1) of title 38, United States Code, for such denials; and

(ii) the number of denials that were based on the failure of a veteran to report for a medical examination.

(E) The number of covered claims that, as of the end of the fiscal year covered by the report, are pending and, separately, the number of such claims on appeal.

(F) For the fiscal year covered by the report, the average number of days that covered claims take to complete, beginning on the date on which the claim is submitted.

(G) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration, or such contractors or other individuals as the Secretary considers appropriate, specifically with respect to covered claims, including the frequency, length, and content of such training.

(H) Whether all covered claims are subject to second level review until the individual rater of the Veterans Benefits Administration adjudicating such covered claims achieves an accuracy rate of 90 percent on decisions of such covered claims.

(3) DEFINITIONS.—In this subsection:

(A) COVERED CLAIMS.—The term "covered claims" means claims for disability compensation submitted to the Secretary based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma.

(B) COVERED MENTAL HEALTH CONDITION.—The term "covered mental health condition" has the meaning given

such term in section 1164(c) of title 38, United States Code.

(C) MILITARY SEXUAL TRAUMA.—The term "military sexual trauma" has the meaning given such term in such section.

SEC. 5502. CHOICE OF SEX OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL EXAMINER FOR ASSESSMENT OF CLAIMS FOR COMPENSATION RELATING TO DISABILITY RESULTING FROM PHYSICAL ASSAULT OF A SEXUAL NATURE, BATTERY OF A SEXUAL NATURE, OR SEXUAL HARASSMENT.

(a) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, as amended by section 5501 of this title, is further amended by inserting after section 1164, as added by section 5501, the following new section:

38 USC 1165.

"§ 1165. Choice of sex of medical examiner for certain disabilities

"(a) IN GENERAL.—The Secretary shall ensure that a veteran who requires a medical examination from a covered medical provider in support of a claim for compensation under this chapter for a mental or physical health condition that resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment may designate the sex of the medical provider who provides such medical examination.

"(b) COVERED MEDICAL PROVIDERS.—For purposes of this section, a covered medical provider is any medical provider who is employed by the Department or is under any contract with the Department to provide a medical examination or a medical opinion when such an examination or opinion is necessary to make a decision on a claim.

"(c) NOTICE.—Before providing any medical examination for a veteran in support for a claim described in subsection (a), the Secretary shall notify the veteran of the veteran's rights under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of such title, as amended by section 5501 of this title, is further amended by inserting after the item relating to section 1164 the following new item:

38 USC prec. 1101.

"1165. Choice of sex of medical examiner for certain disabilities.".

SEC. 5503. SECRETARY OF VETERANS AFFAIRS REPORT ON IMPLEMENTING RECOMMENDATIONS OF INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS IN CERTAIN REPORT ON DENIED POSTTRAUMATIC STRESS DISORDER CLAIMS RELATED TO MILITARY SEXUAL TRAUMA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House a report on the progress of the Secretary in implementing the recommendations from the report of the Inspector General of the Department of Veterans Affairs entitled "Denied Posttraumatic Stress Disorder Claims Related to Military Sexual Trauma" (17–05248–241).

TITLE VI—REPRESENTATION AND FINANCIAL EXPLOITATION MATTERS

Financial Refuge for Every Elderly Veteran Act of 2020.

SEC. 6001. SHORT TITLE.

38 USC 101 note.

This title may be cited as the "Financial Refuge for Every Elderly Veteran Act of 2020" or the "FREE Veteran Act of 2020".

SEC. 6002. PLAN TO ADDRESS THE FINANCIAL EXPLOITATION OF VETERANS RECEIVING PENSION FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Deadlines. 38 USC 1501 note.

(a) DEVELOPMENT OF METHOD FOR SOLICITATION AND COLLECTION OF INFORMATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop a method for systematically soliciting and collecting information on complaints received, referrals made, and actions taken by the pension management centers of the Department of Veterans Affairs and any other relevant components of the Department, in cases of potential financial exploitation of individuals receiving pension under chapter 15 of title 38, United States Code.

(b) PLAN TO ASSESS AND ADDRESS FINANCIAL EXPLOITATION OF VETERANS.—

(1) IN GENERAL.—The Secretary shall develop and periodically update a plan—

(A) to regularly assess the information solicited and collected under subsection (a) to identify trends of potential financial exploitation of the individuals described in subsection (a) across the Department; and

(B) to outline actions that the Department can take to improve education and training to address those trends.

(2) SUBMISSION OF PLAN.—Not later than one year after the date of the enactment of this Act and not less frequently than once every two years thereafter until the date that is six years after the date of the enactment of this Act, the Secretary shall submit the plan most recently developed or updated under paragraph (1) to—

(A) the Comptroller General of the United States; and

(B) the Committee on Veterans' Affairs and the Special Committee on Aging of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 6003. OVERPAYMENTS OF PENSION TO VETERANS RECEIVING PENSION FROM THE DEPARTMENT OF VETERANS AFFAIRS.

38 USC 5101 note.

(a) GUIDANCE AND TRAINING FOR CLAIMS PROCESSORS.—As the Secretary of Veterans Affairs considers necessary, but not less frequently than once every three years until the date that is 10 years after the date of the enactment of this Act, the Under Secretary for Benefits of the Department of Veterans Affairs shall update guidance and training curriculum for the processors of claims for pension under chapter 15 of title 38, United States Code, regarding the evaluation of questionable medical expenses on applications for pension, including by updating such guidance with respect to what constitutes a questionable medical expense and by including examples of such expenses.

Time period. Updates.

(b) IDENTIFICATION AND TRACKING.—The Under Secretary shall develop a method for identifying and tracking the number of individuals who have received overpayments of pension under chapter 15 of title 38, United States Code.

Time periods.

(c) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act and not later than October 31 of each fiscal year beginning thereafter until the date that is four years after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report that includes, for the period covered by the report, the following:

(1) The number of individuals who received overpayments of pension under chapter 15 of title 38, United States Code.

(2) The five most common reasons for overpayments described in paragraph (1).

(3) The number of veterans who had to repay overpayments described in paragraph (1).

(4) The number of veterans for whom the Secretary waived a requirement to repay an overpayment described in paragraph (1).

(5) The total dollar amount of overpayments described in paragraph (1).

(6) The total dollar amount of repayments of veterans for overpayments described in paragraph (1).

(7) The average dollar amount of repayments described in paragraph (6).

SEC. 6004. EVALUATION OF ADDITIONAL ACTIONS FOR VERIFYING DIRECT DEPOSIT INFORMATION PROVIDED BY VETERANS ON APPLICATIONS FOR VETERANS PENSION.

(a) IN GENERAL.—The Under Secretary for Benefits of the Department of Veterans Affairs shall—

(1) conduct an evaluation of the feasibility and advisability of requiring the processors of claims for pension under chapter 15 of title 38, United States Code, to take additional actions to verify that the direct deposit information provided by an individual on an application for pension is for the appropriate recipient; and

(2) identify such legislative or administrative actions as the Under Secretary considers appropriate to ensure that payments of pension are provided to the correct recipients.

(b) SUBMISSION TO CONGRESS.—

Reports.

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report on the evaluation and identification under subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The findings of the Under Secretary with respect to the evaluation conducted under subsection (a)(1).

(B) The actions identified under subsection (a)(2).

Implementation plan.

(C) A plan for implementing any administrative actions identified under subsection (a)(2).

(D) A rationale for not implementing any actions evaluated under paragraph (1) of subsection (a) but not identified under paragraph (2) of such subsection.

SEC. 6005. ANNUAL REPORT ON EFFORTS OF DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS THE FINANCIAL EXPLOITATION OF VETERANS RECEIVING PENSION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is four years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on efforts to address the financial exploitation of individuals receiving pension under chapter 15 of title 38, United States Code.

(b) CONTENTS.—Each report required by subsection (a) shall include, for the period covered by the report, the following:

(1) The number of individuals who received pension under chapter 15 of title 38, United States Code, who have been referred by any component of the Department of Veterans Affairs to the Office of Inspector General of the Department as likely or proven victims of financial exploitation.

(2) The number of referrals and reports relating to the financial exploitation of such individuals made by the Department of Veterans Affairs to—

(A) the Consumer Sentinel Network of the Federal Trade Commission; and

(B) the Department of Justice.

(3) A description of the actions taken as a result of such referrals and reports against—

(A) individuals recognized by the Secretary as agents or attorneys under section 5904 of title 38, United States Code; and

(B) individuals not so recognized.

SEC. 6006. NOTICE REGARDING FEES CHARGED IN CONNECTION WITH FILING AN APPLICATION FOR VETERANS PENSION.

38 USC 1501 note.

The Under Secretary for Benefits of the Department of Veterans Affairs shall ensure that every paper or electronic document relating to the receipt of pension under chapter 15 of title 38, United States Code, that is available to individuals who apply for such pension, including educational forms about or applications for such pension, includes a notice that the Department does not charge any fee in connection with the filing of an application for such pension.

SEC. 6007. OUTREACH PLAN FOR EDUCATING VULNERABLE VETERANS ABOUT POTENTIAL FINANCIAL EXPLOITATION RELATING TO THE RECEIPT OF PENSION.

(a) DEVELOPMENT OF PLAN.—The Under Secretary for Benefits of the Department of Veterans Affairs shall develop, in collaboration with veterans service organizations, an outreach plan for educating vulnerable individuals about potential financial exploitation relating to the receipt of pension under chapter 15 of title 38, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Veterans' Affairs and the Special Committee on Aging of the Senate and the Committee on Veterans'

Deadline.

Affairs of the House of Representatives the plan developed under subsection (a).

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

TITLE VII—OTHER MATTERS

Subtitle A—Administrative and Other Matters

SEC. 7001. MEDICAL EXAMINATION PROTOCOL FOR VOLUNTEER DRIVERS PARTICIPATING IN PROGRAM OF TRANSPORTATION SERVICES FOR VETERANS.

Section 111A(b) of title 38, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

Deadline. "(2)(A) Not later than 90 days after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, the Secretary shall develop and establish a national protocol for the administration of medical examinations for volunteer drivers to participate in the program described in paragraph (1).

Consultation. Determination. "(B) In developing the protocol required by subparagraph (A), the Secretary shall consult with such persons as the Secretary determines have an interest in the program described in paragraph (1).

Time period. "(C)(i) The Secretary shall implement the protocol by first conducting a one-year pilot program using the protocol.

Assessment. "(ii) After conducting the pilot program required by clause (i), the Secretary shall assess the pilot program and make such changes to the protocol as the Secretary considers appropriate.

"(iii) After making changes to the protocol under clause (ii), the Secretary shall implement the protocol in phases during the course of one year.".

SEC. 7002. DEPARTMENT OF VETERANS AFFAIRS ADVISORY COMMITTEE ON TRIBAL AND INDIAN AFFAIRS.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) IN GENERAL.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 547. **"§ 547. Advisory Committee on Tribal and Indian Affairs**

"(a) ESTABLISHMENT.—(1) The Secretary shall establish an advisory committee to provide advice and guidance to the Secretary on matters relating to Indian tribes, tribal organizations, and Native American veterans.

"(2) The advisory committee established under paragraph (1) shall be known as the 'Advisory Committee on Tribal and Indian Affairs' (in this section referred to as the 'Committee').

"(3) The Committee shall facilitate, but not supplant, government-to-government consultation between the Department and Indian tribes or tribal organizations.

"(4) The Secretary shall consult with Indian tribes or tribal organizations in developing a charter for the Committee. Consultation.

"(b) MEMBERSHIP.—(1) The Committee shall be comprised of 15 voting members selected by the Secretary from among individuals nominated as specified under this subsection.

"(2) In selecting members under paragraph (1), the Secretary shall ensure that—

"(A) at least one member of each of the 12 service areas of the Indian Health Service is represented in the membership of the Committee nominated by Indian tribes or tribal organizations;

"(B) at least one member of the Committee represents the Native Hawaiian veteran community nominated by a Native Hawaiian Organization;

"(C) at least one member of the Committee represents urban Indian organizations nominated by a national urban Indian organization; and

"(D) not fewer than half of the members are veterans, unless the Secretary determines that an insufficient number of qualified veterans were nominated under paragraph (1). Determination.

"(3) No member of the Committee may be an employee of the Federal Government.

"(c) TERMS; VACANCIES.—(1) A member of the Committee shall be appointed for a term of two years.

"(2) The Secretary shall fill a vacancy in the Committee in the same manner as the original appointment within 180 days. Deadline.

"(d) MEETINGS.—(1)(A) Except as provided in subparagraph (B), the Committee shall meet in-person with the Secretary, or the Secretary's designee, not less frequently than twice each year and hold monthly conference calls as necessary.

"(B) During a public health emergency (as defined in section 20003 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136)), meetings under subparagraph (A) may be conducted virtually.

"(2)(A) Representatives of relevant Federal agencies may attend meetings of the Committee and provide information to the Committee.

"(B) One representative of the Office of Tribal Government Relations of the Department shall attend at each meeting of the Committee.

"(C) Representatives attending meetings under this paragraph shall not be considered voting members of the Committee.

"(D) A representative attending a meeting or providing information under this paragraph may not receive additional compensation for services performed with respect to the Committee.

"(e) SUBCOMMITTEES.—(1) The Committee may establish subcommittees.

"(2) The Secretary may, in consultation with the Committee, appoint a member to a subcommittee established under paragraph (1) who is not a member of the Committee. Consultation.

"(3) Such subcommittees may enhance the function of the Committee, but may not supersede the authority of the Committee or provide direct advice or work products to the Department.

"(f) DUTIES.—The duties of the Committee are as follows:

"(1) To advise the Secretary on ways the Department can improve the programs and services of the Department to better serve Native American veterans.

"(2) To identify for the Department evolving issues of relevance to Indian tribes, tribal organizations, and Native American veterans relating to programs and services of the Department.

Recommendations.

"(3) To propose clarifications, recommendations, and solutions to address issues raised at tribal, regional, and national levels, especially regarding any tribal consultation reports.

"(4) To provide a forum for Indian tribes, tribal organizations, urban Indian organizations, Native Hawaiian organizations, and the Department to discuss issues and proposals for changes to Department regulations, policies, and procedures.

"(5) To identify priorities and provide advice on appropriate strategies for tribal consultation and urban Indian organizations conferring on issues at the tribal, regional, or national levels.

"(6) To ensure that pertinent issues are brought to the attention of Indian tribes, tribal organizations, urban Indian organizations, and Native Hawaiian organizations in a timely manner, so that feedback can be obtained.

"(7) To encourage the Secretary to work with other Federal agencies and Congress so that Native American veterans are not denied the full benefit of their status as both Native Americans and veterans.

"(8) To highlight contributions of Native American veterans in the Armed Forces.

Recommendations.

"(9) To make recommendations on the consultation policy of the Department on tribal matters.

"(10) To support a process to develop an urban Indian organization confer policy to ensure the Secretary confers, to the maximum extent practicable, with urban Indian organizations.

"(11) To conduct other duties as recommended by the Committee.

Recommendations.

"(g) REPORTS.—(1) Not less frequently than once each year, the Committee shall submit to the Secretary and the appropriate committees of Congress such recommendations as the Committee may have for legislative or administrative action for the upcoming year.

Deadline.

"(2) Not later than 90 days after the date on which the Secretary receives a recommendation under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a written response to the recommendation.

"(3) Not less frequently than once every two years, the Committee shall submit to the Secretary and the appropriate committees of Congress a report describing the activities of the Committee during the previous two years.

Public information. Web posting.

"(4) The Secretary shall make publicly available on an Internet website of the Department—

"(A) each recommendation the Secretary receives under paragraph (1);

"(B) each response the Secretary submits under paragraph (2); and

"(C) each report the Secretary receives under paragraph (3).

"(h) COMMITTEE PERSONNEL MATTERS.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency

under subchapter I of chapter 57 of title 5 while away from the home or regular place of business of the member in the performance of the duties of the Committee.

"(i) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

"(j) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committee on Veterans' Affairs and the Committee on Indian Affairs of the Senate; and

"(B) the Committee on Veterans' Affairs and the Committee on Natural Resources of the House of Representatives.

"(2) The term 'Indian tribe' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(3) The term 'Native Hawaiian organization' means any organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policy-making positions within the organization;

"(C) has demonstrated experience working with Native Hawaiian veterans; and

"(D) shall include the Office of Hawaiian Affairs.

"(4) The term 'Native American veteran' has the meaning given such term in section 3765 of this title.

"(5) The term 'Office of Hawaiian Affairs' means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.".

"(6) The term 'tribal organization' has the meaning given such term in section 3765 of this title.

"(7) The term 'urban Indian organization' has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 546 the following new item: 38 USC prec. 501.

"547. Advisory Committee on Tribal and Indian Affairs.".

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish the advisory committee required by section 547 of title 38, United States Code, as added by subsection (a)(1), not later than 180 days after the date of the enactment of this Act. 38 USC 547 note.

(c) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than 90 days after the date on which the Secretary establishes the advisory committee required by such section, the Secretary shall appoint members under subsection (b)(1) of such section.

(d) INITIAL MEETING.—Not later than 90 days after the date on which the Secretary establishes the advisory committee required by such section, such advisory committee shall hold its first meeting. Deadline.

(e) REPORT ON RELATION TO OFFICE OF TRIBAL AND GOVERNMENT RELATIONS.—

(1) IN GENERAL.—Not later than two years after the date of the first meeting held by the advisory committee required by such section, the Secretary shall submit to Congress a report on whether and to what extent the activities of the advisory

committee improve the function of the Office of Tribal and Government Relations of the Department of Veterans Affairs, aid the decisions of the Secretary, and whether and to what extent the activities of the advisory committee duplicate function of the Department performed before the enactment of this Act.

(2) REVIEW BY ADVISORY COMMITTEE.—The Secretary shall—

(A) give the advisory committee an opportunity to review the report required by paragraph (1) before submitting the report under such paragraph; and

(B) include in the report submitted under such paragraph such comments as the advisory committee considers appropriate regarding the views of the advisory committee with respect to the report.

SEC. 7003. PREFERENCE FOR OFFERORS EMPLOYING VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding after section 8128 the following new section:

38 USC 8129.

"§ 8129. Preference for offerors employing veterans

"(a) PREFERENCE.—(1) In awarding a contract for the procurement of goods or services, the Secretary may give a preference to offerors that employ veterans on a full-time basis.

Determination.

"(2) The Secretary shall determine such preference based on the percentage of the full-time employees of the offeror who are veterans.

Time period.

"(b) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—(1) Any offeror that is determined by the Secretary to have willfully and intentionally misrepresented the veteran status of the employees of the offeror for purposes of subsection (a) may be debarred from contracting with the Department for a period of not less than five years.

Deadlines.

"(2) If the Secretary carries out a debarment under paragraph (1), the Secretary shall—

"(A) commence debarment action against the offeror by not later than 30 days after determining that the offeror willfully and intentionally misrepresented the veteran status of the employees of the offeror as described in paragraph (1); and

"(B) complete debarment actions against such offeror by not later than 90 days after such determination.

"(3) The debarment of an offeror under paragraph (1) includes the debarment of all principals in the offeror for a period of not less than five years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8128 the following new item:

38 USC prec. 8101.

"8129. Preference for offerors employing veterans.".

SEC. 7004. EXTENSION OF CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS TO MEMBERS OF THE NATIONAL GUARD WHO PERFORM STATE ACTIVE DUTY.

Section 4303 of title 38, United States Code, is amended—

(1) in paragraph (13), by inserting "State active duty for a period of 14 days or more, State active duty in response

to a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), State active duty in response to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)," after "full-time National Guard duty,";

(2) by redesignating paragraph (15) as paragraph (16); and

(3) by inserting after paragraph (14) the following new paragraph (15):

"(15) The term 'State active duty' means training or other duty, other than inactive duty, performed by a member of the National Guard of a State— Definition.

"(A) not under section 502 of title 32 or under title 10;

"(B) in service to the Governor of a State; and

"(C) for which the member is not entitled to pay from the Federal Government.".

SEC. 7005. REPAYMENT OF MISUSED BENEFITS.

(a) IN GENERAL.—Section 6107(b) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "In any case in which a fiduciary described in paragraph (2)" and inserting "In any case not covered by subsection (a) in which a fiduciary";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) APPLICATION.—The amendments made by subsection (a) shall apply with respect to any determination by the Secretary of Veterans Affairs made on or after the date of the enactment of this Act regarding the misuse of benefits by a fiduciary. 38 USC 6107 note.

SEC. 7006. EXEMPTION OF CERTAIN TRANSFERS.

Section 7364(b)(1) of title 38, United States Code, is amended by adding at the end the following new sentence: "Any amounts so transferred after September 30, 2016, shall be available without regard to fiscal year limitations, notwithstanding section 1535(d) of title 31.".

SEC. 7007. REPORT AND PLANNED ACTIONS OF THE SECRETARY OF VETERANS AFFAIRS TO ADDRESS CERTAIN HIGH-RISK AREAS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Comptroller General of the United States, shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report outlining the plan the Secretary has developed and the actions the Secretary has taken to address the areas of concern identified by the Comptroller General for the Department of Veterans Affairs in the 2019 High-Risk List of the Government Accountability Office (GAO–19–157SP) regarding—

(1) acquisition management; and

(2) managing risks and improving health care.

(b) ELEMENTS.—The report under subsection (a) shall include each of the following:

(1) Root causes of the areas of concern described in paragraphs (1) and (2) of subsection (a).

(2) Corrective actions and specific steps to address each root cause, including—

(A) the progress of the Secretary in implementing those actions and steps; and

Timelines. Determination.

(B) timelines and milestones the Secretary determines feasible to complete each corrective action.

Determination.

(3) Resources the Secretary determines are necessary to implement corrective actions, including—

(A) funding;

(B) stakeholders;

(C) technology; and

(D) senior officials responsible for implementing the corrective actions and reporting results.

(4) Metrics for assessing progress in addressing the areas of concern described in paragraphs (1) and (2) of subsection (a).

(5) Key outcomes that demonstrate progress in addressing the areas of concern described in paragraphs (1) and (2) of subsection (a).

(6) Obstacles to implementation of the plan that the Secretary identifies.

Recommendations. Determination.

(7) Recommendations of the Secretary regarding legislation or funding the Secretary determines necessary to implement the plan.

Determination.

(8) Any other information the Secretary determines is relevant to understanding the progress of the Department toward the removal of the areas of concern from the High Risk List.

(c) ANNUAL UPDATES.—

(1) UPDATE REQUIRED.—Not less than once each year during the implementation period under paragraph (2), the Secretary shall submit to Congress an update regarding implementation of each element of the plan under subsection (b).

(2) IMPLEMENTATION PERIOD.—The implementation period described in this paragraph begins on the date on which the Secretary submits the report required under subsection (a) and ends on the earlier of the following dates:

(A) The date on which the Comptroller General removes the last area of concern for the Department from the most recent High-Risk List of the Government Accountability Office.

(B) The date that is 8 years after the date on which the Secretary submits the plan required under subsection (a).

SEC. 7008. ANNUAL REPORT BY SECRETARY OF VETERANS AFFAIRS ON IMPLEMENTATION OF PRIORITY RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES PERTAINING TO DEPARTMENT OF VETERANS AFFAIRS.

Time period.

(a) ANNUAL REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, and not less than once during each of the subsequent 3 years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and to the Comptroller General of the United States a report on the implementation of priority recommendations of the Comptroller General that pertain to the Department of Veterans Affairs.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The progress of the Secretary in implementing all open priority recommendations of the Comptroller General for the Department of Veterans Affairs.

(2) An explanation for each instance where the Secretary has decided not to implement, or has not fully implemented, an open priority recommendation of the Comptroller General for the Department.

(3) A summary of the corrective actions taken and remaining steps the Secretary plans to take to implement open priority recommendations of the Comptroller General. Summary.

(c) SUPPLEMENT NOT SUPPLANT CERTAIN REQUIRED REPORTS OR WRITTEN STATEMENTS.—The report under this section shall not be construed to supplant any report or written statement required under section 720 of title 31, United States Code.

SEC. 7009. CLARIFICATION OF METHODS USED TO MONITOR COMPLIANCE WITH CERTAIN LIMITATIONS ON SUBCONTRACTING.

Section 8127(k)(3)(A) of title 38, United States Code, is amended by striking "and any other" and inserting "or any other".

SEC. 7010. DEPARTMENT OF VETERANS AFFAIRS REQUIREMENT TO PROVIDE CERTAIN NOTICE TO PERSONS FILING CLAIMS FOR DAMAGE, INJURY, OR DEATH ON STANDARD FORM 95. Deadline. 38 USC 515 note.

Not later than 90 days after the date on which a person submits to the Secretary of Veterans Affairs a claim for damage, injury, or death on Standard Form 95, or any successor form, the Secretary shall provide to such person notice of each of the following:

(1) The benefit of obtaining legal advice concerning such claim.

(2) The employment status of any individual listed on the form.

(3) If the claim involves a contractor that entered into an agreement with the Secretary, the importance of obtaining legal advice as to the statute of limitations regarding the claim in the State in which the claim arose.

Subtitle B—Matters Relating to the Chief Financial Officer of Department of Veterans Affairs

SEC. 7101. DEFINITIONS. 38 USC 309 note.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives.

(2) SUBORDINATE CHIEF FINANCIAL OFFICER.—The term "subordinate chief financial officer"—

(A) includes—

(i) the chief financial officer of the Veterans Health Administration, the chief financial officer of the Office of Community Care within the Veterans Health Administration, and all chief financial officers of Veterans Integrated Service Networks within the Veterans Health Administration;

(ii) the chief financial officer of the Veterans Benefits Administration and all chief financial officers of organizational subdivisions representing business lines within the Veterans Benefits Administration;

(iii) the chief financial officer of the National Cemetery Administration; and

(iv) the chief financial officer of the Office of Information and Technology; and

(B) does not include the Inspector General.

Deadlines.
Time period.

SEC. 7102. PLANS FOR ADDRESSING MATERIAL WEAKNESSES AND PROVIDING SUFFICIENT AUTHORITY TO CHIEF FINANCIAL OFFICER OF DEPARTMENT OF VETERANS AFFAIRS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter for each of the three subsequent years, the Secretary of Veterans Affairs, acting through the Chief Financial Officer of the Department of Veterans Affairs, shall submit to the appropriate congressional committees—

(1) an action plan, including steps, related timelines, costs, progress, status of implementation, and any updates for fully addressing the material weaknesses of the Department discussed in the Management's Discussion and Analysis section of the financial statements of the Department submitted to Congress under section 3515 of title 31, United States Code for the year preceding the year during which the report is submitted; and

(2) a plan outlining the steps the Secretary plans to take to address the recommendations of auditors related to entity-level internal controls and to provide sufficient authority to the Chief Financial Officer of the Department to carry out the requirements of section 902 of title 31, United States Code.

SEC. 7103. CHIEF FINANCIAL OFFICER ATTESTATION.

Concurrent with the submittal to Congress of the President's budget request under section 1105 of title 31, United States Code, for fiscal year 2022 and each of the next three subsequent fiscal years, the Chief Financial Officer of the Department of Veterans affairs shall submit to the appropriate congressional committees each of the following:

Certification.

(1) A certification of the responsibility of the Chief Financial Officer for internal financial controls of the Department.

Attestation.

(2) An attestation that the Chief Financial Officer has collaborated sufficiently with the subordinate chief financial officers of the Department to be confident in the financial projections included the budget request and supporting materials.

SEC. 7104. CHIEF FINANCIAL OFFICER RESPONSIBILITY FOR SUBORDINATE CHIEF FINANCIAL OFFICERS.

(a) IN GENERAL.—In accordance with the responsibilities of the Chief Financial Officer of the Department of Veterans Affairs for the recruitment, selection, and training of personnel to carry

out agency financial management functions pursuant to section 902(a)(5)(C) of title 31, United States Code, the Chief Financial Officer or the designee of the Chief Financial Officer within the Office of Management of the Department shall—

(1) participate in the interview and selection panels of all subordinate chief financial officers; and

(2) give input into the performance plans and performance evaluations of all subordinate chief financial officers.

(b) TERMINATION.—The requirements under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

Subtitle C—Servicemembers Civil Relief

SEC. 7201. CLARIFICATION OF DELIVERY OF NOTICE OF TERMINATION OF LEASES OF PREMISES AND MOTOR VEHICLES FOR PURPOSES OF RELIEF UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—Section 305(c)(2) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(c)(2)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) by electronic means, including—

"(i) the direct delivery of material to an electronic address designated by the lessor (or the lessor's grantee) or the lessor's agent (or the agent's grantee);

"(ii) the posting of material to a website or other internet or electronic-based information repository to which access has been granted to the lessee, the lessor (or the lessor's grantee), or the lessor's agent (or the agent's grantee); and

"(iii) other electronic means reasonably calculated to ensure actual receipt of the material by the lessor (or the lessor's grantee) or the lessor's agent (or the agent's grantee).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to delivery of notice of lease terminations on or after the date the enactment of this Act. 50 USC 3955 note.

SEC. 7202. TECHNICAL CORRECTION REGARDING EXTENSION OF LEASE PROTECTIONS FOR SERVICEMEMBERS UNDER STOP MOVEMENT ORDERS IN RESPONSE TO LOCAL, NATIONAL, OR GLOBAL EMERGENCY.

(a) IN GENERAL.—Section 305(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(b)), as amended by Public Law 116–158, is further amended—

(1) in paragraph (1)(C)(ii), by striking "Secretary of Defense" and inserting "Secretary concerned"; and *Ante*, p. 706.

(2) in paragraph (2)(C)(ii), by striking "Secretary of Defense" and inserting "Secretary concerned". *Ante*, p. 707.

50 USC 3955 note.

(b) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7105:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 23, considered and passed House.
Dec. 9, considered and passed Senate, amended.
Dec. 16, House concurred in Senate amendment.

Public Law 116–316
116th Congress

An Act

To allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

Jan. 5, 2021
[H.R. 7259]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Patents for Humanity Program Improvement Act.
35 USC note prec. 131.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patents for Humanity Program Improvement Act".

SEC. 2. TRANSFERABILITY OF ACCELERATION CERTIFICATES.

(a) IN GENERAL.—A holder of an acceleration certificate issued pursuant to the Patents for Humanity Program (established in the notice entitled "Humanitarian Awards Pilot Program", published at 77 Fed. Reg. 6544 (February 8, 2012)), or any successor thereto, of the United States Patent and Trademark Office, may transfer (including by sale) the entitlement to such acceleration certificate to another person.

(b) REQUIREMENT.—An acceleration certificate transferred under subsection (a) shall be subject to any other applicable limitations under the notice entitled "Humanitarian Awards Pilot Program", published at 77 Fed. Reg. 6544 (February 8, 2012), or any successor thereto.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7259:

CONGRESSIONAL RECORD, Vol. 166 (2020):
June 25, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 116–317
116th Congress

An Act

Jan. 5, 2021
[H.R. 7347]

To designate the medical center of the Department of Veterans Affairs in Ann Arbor, Michigan, as the "Lieutenant Colonel Charles S. Kettles Department of Veterans Affairs Medical Center".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LIEUTENANT COLONEL CHARLES S. KETTLES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) FINDINGS.—Congress finds the following:

(1) Lieutenant Colonel Charles S. Kettles was born in Ypsilanti, Michigan, on January 9, 1930.

(2) Lieutenant Colonel Kettles was drafted to the Army at age 21, and after attending Officer Candidate School, earned his commission as an armor officer in the United States Army Reserve on February 28, 1953.

(3) Lieutenant Colonel Kettles graduated from the Army Aviation School in 1953 before serving active duty tours in South Korea, Japan, and Thailand.

(4) Lieutenant Colonel Kettles volunteered for active duty in 1963 when the United States was engaged in the Vietnam War.

(5) Some of the awards and decorations earned by Lieutenant Colonel Kettles include the following:

(A) The Medal of Honor.
(B) The Distinguished Service Cross.
(C) The Legion of Merit.
(D) The Distinguished Flying Cross.
(E) The Bronze Star Medal with one oak leaf cluster.
(F) The Air Medal with numeral 27.
(G) The Korean Service Medal.
(H) The Vietnam Service Medal with one silver service star and one bronze service star.
(I) The Master Aviator Badge.

(6) The Medal of Honor citation for Lieutenant Colonel Kettles states, "Major Charles S. Kettles distinguished himself by conspicuous gallantry and intrepidity while serving as Flight Commander, 176th Aviation Company (Airmobile) (Light), 14th Combat Aviation Battalion, Americal Division near Duc Pho, Republic of Vietnam. On 15 May 1967, Major Kettles, upon learning that an airborne infantry unit had suffered casualties during an intense firefight with the enemy, immediately volunteered to lead a flight of six UH–1D helicopters to carry reinforcements to the embattled force and to evacuate wounded

personnel. Enemy small arms, automatic weapons, and mortar fire raked the landing zone, inflicting heavy damage to the helicopters; however, Major Kettles refused to depart until all helicopters were loaded to capacity. He then returned to the battlefield, with full knowledge of the intense enemy fire awaiting his arrival, to bring more reinforcements, landing in the midst of enemy mortar and automatic weapons fire that seriously wounded his gunner and severely damaged his aircraft. Upon departing, Major Kettles was advised by another helicopter crew that he had fuel streaming out of his aircraft. Despite the risk posed by the leaking fuel, he nursed the damaged aircraft back to base. Later that day, the Infantry Battalion Commander requested immediate, emergency extraction of the remaining 40 troops, including four members of Major Kettles' unit who were stranded when their helicopter was destroyed by enemy fire. With only one flyable UH–1 helicopter remaining, Major Kettles volunteered to return to the deadly landing zone for a third time, leading a flight of six evacuation helicopters, five of which were from the 161st Aviation Company. During the extraction, Major Kettles was informed by the last helicopter that all personnel were onboard, and departed the landing zone accordingly. Army gunships supporting the evacuation also departed the area. Once airborne, Major Kettles was advised that eight troops had been unable to reach the evacuation helicopters due to the intense enemy fire. With complete disregard for his own safety, Major Kettles passed the lead to another helicopter and returned to the landing zone to rescue the remaining troops. Without gunship, artillery, or tactical aircraft support, the enemy concentrated all firepower on his lone aircraft, which was immediately damaged by a mortar round that shattered both front windshields and the chin bubble and was further raked by small arms and machine gun fire. Despite the intense enemy fire, Major Kettles maintained control of the aircraft and situation, allowing time for the remaining eight soldiers to board the aircraft. In spite of the severe damage to his helicopter, Major Kettles once more skillfully guided his heavily damaged aircraft to safety. Without his courageous actions and superior flying skills, the last group of soldiers and his crew would never have made it off the battlefield. Major Kettles' selfless acts of repeated valor and determination are in keeping with the highest traditions of military service and reflect great credit upon himself and the United States Army.".

(b) DESIGNATION.—The medical center of the Department of Veterans Affairs in Ann Arbor, Michigan, shall after the date of the enactment of this Act be known and designated as the "Lieutenant Colonel Charles S. Kettles Department of Veterans Affairs Medical Center" or the "Lieutenant Colonel Charles S. Kettles VA Medical Center".

(c) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the medical center referred to in subsection (b) shall be considered to be a

reference to the Lieutenant Colonel Charles S. Kettles Department of Veterans Affairs Medical Center.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7347:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 23, considered and passed House.
Dec. 10, considered and passed Senate.

Public Law 116–318
116th Congress

An Act

To extend the authority for the establishment by the Peace Corps Commemorative Foundation of a commemorative work to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded, and for other purposes.

Jan. 5, 2021
[H.R. 7460]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Peace Corps Commemorative Work Extension Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace Corps Commemorative Work Extension Act".

Applicability.

SEC. 2. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF COMMEMORATIVE WORK TO COMMEMORATE THE MISSION OF THE PEACE CORPS AND THE IDEALS ON WHICH THE PEACE CORPS WAS FOUNDED.

Notwithstanding section 8903(e) of title 40, United States Code, the authority to establish the commemorative work under section 1(a) of Public Law 113–78 (40 U.S.C. 8903 note; 128 Stat. 647) shall continue to apply through January 24, 2028.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7460:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 17, considered and passed House.
Dec. 20, considered and passed Senate.

Public Law 116–319
116th Congress

An Act

Jan. 5, 2021
[H.R. 7502]

To designate the facility of the United States Postal Service located at 101 South 16th Street in Clarinda, Iowa, as the "Jessie Field Shambaugh Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JESSIE FIELD SHAMBAUGH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 101 South 16th Street in Clarinda, Iowa, shall be known and designated as the "Jessie Field Shambaugh Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jessie Field Shambaugh Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7502:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–320
116th Congress

An Act

To designate the facility of the United States Postal Service located at 3519 East Walnut Street in Pearland, Texas, as the "Tom Reid Post Office Building".

Jan. 5, 2021
[H.R. 7810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TILDEN VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3519 East Walnut Street in Pearland, Texas, shall be known and designated as the "Tom Reid Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tom Reid Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7810:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–321
116th Congress

An Act

To amend the Health Information Technology for Economic and Clinical Health Act to require the Secretary of Health and Human Services to consider certain recognized security practices of covered entities and business associates when making certain determinations, and for other purposes.

Jan. 5, 2021
[H.R. 7898]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION OF SECURITY PRACTICES.

Part 1 of subtitle D of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931 et seq.) is amended by adding at the end the following:

42 USC 17941.

"SEC. 13412. RECOGNITION OF SECURITY PRACTICES.

"(a) IN GENERAL.—Consistent with the authority of the Secretary under sections 1176 and 1177 of the Social Security Act, when making determinations relating to fines under such section 1176 (as amended by section 13410) or such section 1177, decreasing the length and extent of an audit under section 13411, or remedies otherwise agreed to by the Secretary, the Secretary shall consider whether the covered entity or business associate has adequately demonstrated that it had, for not less than the previous 12 months, recognized security practices in place that may—

"(1) mitigate fines under section 1176 of the Social Security Act (as amended by section 13410);

"(2) result in the early, favorable termination of an audit under section 13411; and

"(3) mitigate the remedies that would otherwise be agreed to in any agreement with respect to resolving potential violations of the HIPAA Security rule (part 160 of title 45 Code of Federal Regulations and subparts A and C of part 164 of such title) between the covered entity or business associate and the Department of Health and Human Services.

"(b) DEFINITION AND MISCELLANEOUS PROVISIONS.—

"(1) RECOGNIZED SECURITY PRACTICES.—The term 'recognized security practices' means the standards, guidelines, best practices, methodologies, procedures, and processes developed under section 2(c)(15) of the National Institute of Standards and Technology Act, the approaches promulgated under section 405(d) of the Cybersecurity Act of 2015, and other programs and processes that address cybersecurity and that are developed, recognized, or promulgated through regulations under other statutory authorities. Such practices shall be determined by the covered entity or business associate, consistent with

the HIPAA Security rule (part 160 of title 45 Code of Federal Regulations and subparts A and C of part 164 of such title).

"(2) LIMITATION.—Nothing in this section shall be construed as providing the Secretary authority to increase fines under section 1176 of the Social Security Act (as amended by section 13410), or the length, extent or quantity of audits under section 13411, due to a lack of compliance with the recognized security practices.

"(3) NO LIABILITY FOR NONPARTICIPATION.—Subject to paragraph (4), nothing in this section shall be construed to subject a covered entity or business associate to liability for electing not to engage in the recognized security practices defined by this section.

"(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to enforce the HIPAA Security rule (part 160 of title 45 Code of Federal Regulations and subparts A and C of part 164 of such title), or to supersede or conflict with an entity or business associate's obligations under the HIPAA Security rule.".

SEC. 2. TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 3022(b) of the Public Health Service Act (42 U.S.C. 300jj–52(b)) is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out this subsection, the Inspector General shall have the same authorities as provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the 21st Century Cures Act (Public Law 114–255). 42 USC 300jj–52 note.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 7898:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 9, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 116–322
116th Congress

An Act

Jan. 5, 2021
[H.R. 8611]

To designate the facility of the United States Postal Service located at 4755 Southeast Dixie Highway in Port Salerno, Florida, as the "Joseph Bullock Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH BULLOCK POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4755 Southeast Dixie Highway in Port Salerno, Florida, shall be known and designated as the "Joseph Bullock Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joseph Bullock Post Office Building".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 8611:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 116–323
116th Congress

An Act

To establish a national program to identify and reduce losses from landslide hazards, to establish a national 3D Elevation Program, and for other purposes.

Jan. 5, 2021
[H.R. 8810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Landslide Preparedness Act.
43 USC 3101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Landslide Preparedness Act".

43 USC 3101.

SEC. 2. DEFINITIONS.

In this Act:

(1) 3D.—The term "3D" means 3-dimensional.

(2) 3D ELEVATION DATA.—

(A) IN GENERAL.—The term "3D elevation data" means 3D, high-resolution data obtained using LiDAR, IfSAR, or other methods over the United States (including territories).

(B) INCLUSIONS.—The term "3D elevation data" includes terrestrial and bathymetric elevation data.

(3) 3D ELEVATION PROGRAM.—The term "3D Elevation Program" means the 3D Elevation Program established under section 5(a).

(4) IFSAR.—The term "IfSAR" means interferometric synthetic aperture radar.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) LAHAR.—The term "lahar" means a large debris flow of mostly volcanic material that is—

(A) often fast-moving; and

(B) a hazard in watersheds downstream of volcanic peaks.

(7) LIDAR.—The term "LiDAR" means light detection and ranging.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(9) STATE.—The term "State" means—

(A) a State; and

(B) the District of Columbia.

(10) STATE OFFICE.—The term "State office" means any unit of State government that handles the identification, mapping, assessment, and research of landslide hazards or responding to landslide events, including—

(A) a State geological survey office;
(B) a State department of emergency response; and
(C) a State department of transportation.

(11) TERRITORY.—The term "territory" means—
(A) the Commonwealth of Puerto Rico;
(B) Guam;
(C) American Samoa;
(D) the Commonwealth of the Northern Mariana Islands;
(E) the Federated States of Micronesia;
(F) the Republic of the Marshall Islands;
(G) the Republic of Palau; and
(H) the United States Virgin Islands.

State and local governments. Territories. Native Americans. 43 USC 3102.

SEC. 3. NATIONAL LANDSLIDE HAZARDS REDUCTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the "National Landslide Hazards Reduction Program" (referred to in this section as the "program")—
(1) to identify and understand landslide hazards and risks;
(2) to reduce losses from landslides;
(3) to protect communities at risk of landslide hazards; and
(4) to help improve communication and emergency preparedness, including by coordinating with communities and entities responsible for infrastructure that are at risk of landslide hazards.

(b) DESCRIPTION OF PROGRAM.—

Coordination.

(1) PROGRAM ACTIVITIES.—The Secretary, in coordination with the Interagency Coordinating Committee on Landslide Hazards established by subsection (c)(1) (referred to in this section as the "Committee") and in coordination with existing activities of the United States Geological Survey and other Federal agencies, shall—

Assessment.

(A) identify, map, assess, and research landslide hazards;
(B) respond to landslide events; and

Coordination.

(C) in coordination with State offices, units of local government, territories, and Indian tribes—

Assessment.

(i) establish working groups with State offices, units of local government, territories, and Indian tribes to identify regional and local priorities for researching, identifying, mapping, and assessing landslide hazards; and

Guidelines.

(ii) develop and implement landslide hazard guidelines for—
(I) geologists;
(II) geological and geotechnical engineers;
(III) emergency management personnel; and
(IV) land use and other decisionmakers.

Deadline. Time period. Coordination. Publication.

(2) NATIONAL STRATEGY.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Secretary, in coordination with the Committee, shall develop and publish a national strategy for landslide hazards, risk reduction, and response in the United States (including territories), which shall include—
(A) goals and priorities for the program;

(B) priorities for data acquisition, research, communications, and risk management on landslides and landslide hazards across relevant Federal agencies; and

(C) a detailed interagency plan, which shall take into consideration national disaster preparedness, response, and recovery frameworks, to carry out the national strategy, including details about the programs, projects, and budgets that will be used to implement the national strategy. Plan.

(3) NATIONAL LANDSLIDE HAZARDS DATABASE.—In carrying out the program, the Secretary, in coordination with State offices, units of local government, territories, and Indian tribes, shall develop and maintain a publicly accessible national landslide hazard and risk inventory database to compile, maintain, standardize, and evaluate data regarding— Coordination. Public information. Evaluation.

(A) landslide hazards and risks;

(B) the impact of landslides on—

(i) health and safety;

(ii) the economy and infrastructure; and

(iii) the environment;

(C) landslide hazard stabilization; and

(D) reduction of losses from landslides.

(4) LANDSLIDE HAZARD AND RISK PREPAREDNESS FOR COMMUNITIES.—In carrying out the program, the Secretary, in coordination with the Secretary of the Army, the Secretary of Commerce, the Secretary of Homeland Security, the Secretary of Transportation, and the heads of other relevant Federal agencies, and in consultation with State offices, units of local government, territories, and Indian tribes, shall develop and disseminate— Coordination. Consultation.

(A) landslide planning and risk reduction guidance, guidelines, maps, tools, and training materials to help inform State, territorial, local, and Tribal governments and decisionmakers with respect to—

(i) the use and implementation of landslide hazard assessments;

(ii) the applied use of the database developed under paragraph (3);

(iii) reducing losses from landslides; and

(iv) resources available for communities working to improve landslide hazard preparedness; and

(B) landslide preparedness curricula and training modules for—

(i) State, territorial, local, and Tribal officials;

(ii) Federal, State, territorial, local, and Tribal emergency managers; and

(iii) the National Guard.

(5) DEBRIS FLOW EARLY WARNING SYSTEM.—In carrying out the program, the Secretary, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, shall expand the early warning system for debris flow by— Coordination.

(A) expanding the early warning system for post-wildfire debris flow to include recently burned areas across the western United States;

(B) developing procedures with State, territorial, local, and Tribal governments to monitor stormwater drainage in areas with high debris flow risk; and Procedures.

(C) identifying high-risk debris flow areas, such as recently burned land and potential lahar hazard areas.

Coordination.

(6) EMERGENCY RESPONSE ACTIVITIES.—In carrying out the program, the Secretary, in coordination with the Secretary of Commerce, the Secretary of Homeland Security, the heads of other relevant Federal agencies, States offices, units of local government, territories, and Indian tribes, shall establish and support emergency response procedures for the rapid deployment of Federal scientists, equipment, and services to areas impacted by a significant landslide event—

(A) to support emergency response efforts and improve the safety of emergency responders;

(B) to improve data collection; and

(C) to conduct research to advance the understanding of the causes, impacts, and reduction of landslide hazards and risks.

(c) INTERAGENCY COORDINATING COMMITTEE ON LANDSLIDE HAZARDS.—

Establishment.

(1) IN GENERAL.—There is established a committee, to be known as the "Interagency Coordinating Committee on Landslide Hazards".

(2) MEMBERSHIP.—The Committee shall be composed of the following members (or their designees):

(A) The Secretary, who shall serve as Chairperson of the Committee.

(B) The Secretary of Agriculture.

(C) The Secretary of the Army.

(D) The Secretary of Commerce.

(E) The Secretary of Homeland Security.

(F) The Secretary of Transportation.

(G) The Director of the National Science Foundation.

(H) The Director of the Office of Science and Technology Policy.

(I) The Director of the Office of Management and Budget.

(3) MEETINGS.—The Committee shall meet at the call of the Chairperson.

(4) PURPOSE AND DUTIES.—The Committee shall—

(A) advise and oversee the program;

(B) facilitate communication and coordination across Federal agencies in the planning, management, budgeting, and execution of landslide activities; and

(C) support the development and execution of the national strategy under subsection (b)(2), including by—

(i) supporting the development of national goals and priorities for the national strategy;

(ii) articulating Federal agency roles, responsibilities, and resources for carrying out the national strategy; and

(iii) overseeing the implementation of the national strategy.

(d) ADVISORY COMMITTEE.—

Establishment.

(1) IN GENERAL.—The Secretary shall establish an advisory committee, to be known as the "Advisory Committee on Landslides" (referred to in this subsection as the "Advisory Committee").

(2) MEMBERSHIP.—The Advisory Committee shall be composed of not fewer than 11 members—

(A) of whom none may be an individual described in any of subparagraphs (A) through (F) of section 7342(a)(1) of title 5, United States Code; and

(B) who shall be representatives of—

(i) States, including State geological organizations;

(ii) territories, including territorial geological organizations;

(iii) Indian tribes, including Tribal geological organizations;

(iv) research institutions and institutions of higher education that are qualified—

(I) to provide advice regarding landslide hazard and risk reduction; and

(II) to represent related scientific, architectural, engineering, and planning disciplines;

(v) industry standards development organizations; and

(vi) State, territorial, local, and Tribal emergency management agencies.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—The Advisory Committee shall submit to the Committee recommendations for the implementation of the program, including recommendations regarding—

(i) landslide hazard and risk reduction and planning;

(ii) tools for communities;

(iii) research; and

(iv) such other topics as the Advisory Committee determines appropriate.

(B) CONSIDERATION.—The Secretary and the agency heads described in subparagraphs (B) through (I) of subsection (c)(2) shall take into consideration any recommendation of the Advisory Committee submitted under subparagraph (A).

(e) GRANT PROGRAMS.—

(1) COOPERATIVE LANDSLIDE HAZARD MAPPING AND ASSESSMENT PROGRAM.—

(A) IN GENERAL.—Subject to appropriations, the Secretary may—

(i) provide grants, on a competitive basis, to State, territorial, local, and Tribal governments to research, map, assess, and collect data on landslide hazards within the jurisdictions of those governments; and

(ii) accept and use funds received from other Federal and non-Federal partners to advance the purposes of the program.

(B) PRIORITY.—

(i) IN GENERAL.—The Secretary shall consult annually with the Committee, States, units of local government, territories, and Indian tribes to establish priorities for the grant program under this paragraph. Consultation.

(ii) FUNDING PRIORITIZATION.—In providing grants under this paragraph, the Secretary shall give priority to projects—

(I) that will achieve the greatest landslide hazard and risk reduction;

(II) that reflect the goals and priorities of the national strategy established under subsection (b)(2)(A);

(III) not less than 50 percent of the total cost of which is matched by non-Federal sources; and

(IV) that include acquisition of enhanced elevation data consistent with the 3D Elevation Program.

Public information. Web posting.

(C) REQUIREMENT.—If the Secretary elects to provide grants under subparagraph (A)(i), the Secretary shall publish on a publicly available website a description of—

(i) the grants; and

(ii) the findings made from those grants.

(2) NATIONAL LANDSLIDE RESEARCH GRANTS.—

(A) IN GENERAL.—To advance the goals and priorities of the national strategy established under subsection (b)(2)(A), subject to appropriations, the Director of the National Science Foundation (referred to in this paragraph as the "Director") may provide grants to eligible entities for landslide research, including research on—

(i) the causes, mechanisms, triggers, hydrology, and geology of landslides;

(ii) ways to reduce landslide hazards and risks to minimize loss of life and property, including landslide hazard and risk communication, perception, decisionmaking, tools, and technologies; and

(iii) other goals and priorities of the national strategy established under subsection (b)(2)(A).

Determination.

(B) ELIGIBLE ENTITIES.—The Director shall determine whether an entity is eligible to receive a grant under this paragraph.

(C) REQUIREMENTS.—In providing grants under this paragraph, the Director shall—

(i) ensure that the grants are provided on a competitive basis;

(ii) consider grant applications submitted by eligible entities that have developed the application in partnership with 1 or more State geological surveys; and

Public information. Web posting.

(iii) publish on a publicly available website a description of—

(I) the grants; and

(II) the findings made from those grants.

Time period.

(f) BIENNIAL REPORT.—Through calendar year 2030, the Secretary shall submit to Congress a biennial report, including a description of, with respect to the 2-calendar-year period preceding the date of the report—

(1) the goals and accomplishments of the Committee in carrying out the national strategy developed under subsection (b)(2);

(2) the results of the activities of the Committee under this section; and

(3) the extent to which any recommendations of the Advisory Committee under subsection (d)(3)(A) have been implemented.

(g) SIGNIFICANT EVENTS.—Not later than 1 year after a significant landslide event in the United States (including territories) occurs, the Secretary shall publish on a publicly available website— Deadline. Public information. Web posting. Recommendations.

(1) a description of the landslide event and the implications of the event on communities, including life and property;

(2) recommendations on how the identification of the landslide risk could have been improved prior to the event;

(3) a description of the effectiveness of any warning and risk communication, including the dissemination of warnings by State, territorial, local, and Tribal partners in the affected area;

(4) recommendations to improve risk identification, reduction, and communication to landowners and units of local government;

(5) recommendations to improve landslide hazard preparedness and emergency response activities under this section; and

(6) such other findings as the Secretary determines appropriate.

(h) FUNDING.—For each of fiscal years 2021 through 2024— Time period.

(1) there is authorized to be appropriated to the United States Geological Survey, $25,000,000 to carry out this section;

(2) there is authorized to be appropriated to the National Science Foundation, $11,000,000 to carry out this section; and

(3) there is authorized to be appropriated to the National Oceanic and Atmospheric Administration, $1,000,000 to carry out this section.

(i) DERIVATION OF FUNDS.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated that are enacted after the date of the enactment of this section.

SEC. 4. GROUND SUBSIDENCE. 43 USC 3103.

As the Secretary determines to be appropriate and subject to appropriations, the Secretary, through existing programs, shall advance the identification, mapping, research, and monitoring of subsidence and groundwater resource accounting, particularly in areas affected by drought. Determination.

SEC. 5. 3D ELEVATION PROGRAM. 43 USC 3104.

(a) ESTABLISHMENT OF 3D ELEVATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program, to be known as the "3D Elevation Program"—

(A) to provide 3D elevation data coverage for the United States;

(B) to coordinate and facilitate the collection, dissemination, and use of 3D elevation data among Federal departments and agencies and non-Federal entities; Coordination.

(C) to produce standard, publicly accessible 3D elevation data products for the United States; and Standards. Public information. Data.

(D) to promote the collection, dissemination, and use of 3D elevation data among Federal, State, local, and Tribal governments, communities, institutions of higher education, and the private sector through—

(i) cooperative agreements;

(ii) the development and maintenance of spatial data infrastructure to provide quality control and deliver to the public 3D elevation data products;

Coordination.
Standards.
Guidelines.
Data.

(iii) in coordination with the 3D Elevation Federal Interagency Coordinating Committee established under subsection (b), States, and industry and standards bodies, the development of standards and guidelines for 3D elevation data acquisition to increase accessibility to 3D elevation data in a standard, easy-to-use format; and

Assessment.

(iv) the identification, assessment, and adoption of emerging technologies to improve the accuracy and efficiency of the 3D Elevation Program.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall manage the 3D Elevation Program—

(i) to ensure efficiency with respect to related activities of the Department of the Interior and other participating Federal departments and agencies; and

(ii) to meet the needs of Department of the Interior programs, stakeholders, and the public.

(B) OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The head of each Federal department and agency involved in the acquisition, production, distribution, or application of 3D elevation data shall—

Coordination.

(i) coordinate with the 3D Elevation Federal Interagency Coordinating Committee established under subsection (b) to acquire additional, enhanced 3D elevation data;

(ii) submit to the Secretary a description of priority areas of interest for 3D elevation data collection for use in providing grants and cooperative agreements under subsection (d);

Procedures.

(iii) implement policies and procedures for data acquisition and sharing that are consistent with standards and guidelines developed under the 3D Elevation Program;

(iv) participate in, and share the results and benefits of, the 3D Elevation Program, in accordance with standards and guidelines developed under the 3D Elevation Program; and

(v) ensure that any 3D elevation data acquired with Federal grant funding—

(I) meets 3D Elevation Program standards; and

(II) is included in the national holdings of those data.

(b) 3D ELEVATION FEDERAL INTERAGENCY COORDINATING COMMITTEE.—

Coordination.

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, shall establish an interagency coordinating committee, to be known as the "3D Elevation Federal Interagency Coordinating Committee" (referred to in this subsection as the "Committee"), to better coordinate 3D elevation data management across the Federal Government.

(2) MEMBERSHIP.—The Committee shall be composed of the following members (or their designees):

(A) The Secretary, who shall serve as Chairperson of the Committee.

(B) The Secretary of Agriculture.
(C) The Secretary of Commerce.
(D) The Secretary of Homeland Security.
(E) The Director of the National Science Foundation.
(F) The Director of the Office of Science and Technology Policy.
(G) The Director of the Office of Management and Budget.
(H) The head of any other Federal department or agency, at the request of the Secretary.

(3) COORDINATION.—The Committee shall coordinate, as appropriate, with the existing activities of—
(A) the 3D Elevation Program Executive Forum;
(B) the Alaska Mapping Executive Committee;
(C) the 3D Elevation Working Group;
(D) the 3D National Elevation Subcommittee; and
(E) State offices.

(4) MEETINGS.—The Committee shall meet at the call of the Chairperson.

(5) DUTIES.—The Committee shall—
(A) oversee the planning, management, and coordination of the 3D Elevation Program; and
(B) develop, by not later than 1 year after the date of enactment of this Act, and update periodically thereafter— Deadline. Update. Plans.
(i) a strategic plan that establishes goals and priorities for activities carried out under the 3D Elevation Program; and
(ii) a detailed management plan to implement the strategic plan.

(c) SUBCOMMITTEE OF NATIONAL GEOSPATIAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—
(A) IN GENERAL.—The Secretary shall establish, within the National Geospatial Advisory Committee, a subcommittee (referred to in this subsection as the "Subcommittee").
(B) MEMBERSHIP.—The Subcommittee shall—
(i) consist of not fewer than 11 members, of whom none may be a Federal officer or employee; and
(ii) include representatives of—
(I) research and academic institutions;
(II) industry standards development organizations;
(III) units of State and local government; and
(IV) the private sector.

(2) DUTIES.—
(A) ASSESSMENT.—The Subcommittee shall conduct an assessment of—
(i) trends and developments in—
(I) the collection, dissemination, and use of 3D elevation data; and
(II) science and technology relating to 3D elevation data;
(ii) the effectiveness of the 3D Elevation Program in carrying out the activities described in subsection (a)(1);

(iii) the need to revise or reorganize the 3D Elevation Program; and

Coordination.

(iv) the management, coordination, implementation, and activities of the 3D Elevation Program.

Time period.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Subcommittee shall submit to the Secretary and the 3D Elevation Federal Interagency Coordinating Committee established under subsection (b) a report that includes—

(i) the findings of the assessment under subparagraph (A); and

Recommendations.

(ii) recommendations of the Subcommittee based on those findings, if any.

(d) GRANTS AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may make grants and enter into cooperative agreements with other Federal departments and agencies, units of State, local, or Tribal government, institutions of higher education, nonprofit research institutions, or other organizations to facilitate the improvement of nationwide coverage of 3D elevation data.

(2) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this subsection, an entity described in paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

Determination.
Public information.

(3) TERMS AND CONDITIONS.—A grant or cooperative agreement under this subsection shall be subject to such terms and conditions as the Secretary determines to be appropriate, including making data publically available and interoperable with other Federal datasets.

Time period.

(e) FUNDING.—For each of fiscal years 2021 through 2024, there is authorized to be appropriated to the Secretary $40,000,000 to carry out this section.

(f) DERIVATION OF FUNDS.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated to the Secretary that are enacted after the date of the enactment of this section.

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 8810:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 3, considered and passed House.
Dec. 16, considered and passed Senate.

Public Law 116–324
116th Congress

An Act

To amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care.

Jan. 5, 2021
[H.R. 8906]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Lifespan Respite Care Reauthorization Act of 2020.
42 USC 201 note.

This Act may be cited as the "Lifespan Respite Care Reauthorization Act of 2020".

SEC. 2. REAUTHORIZATION OF LIFESPAN RESPITE CARE PROGRAM.

(a) DATA COLLECTION AND REPORTING.—Section 2904 of the Public Health Service Act (42 U.S.C. 300ii–3) is amended to read as follows:

"SEC. 2904. DATA COLLECTION AND REPORTING.

"(a) IN GENERAL.—Each State agency awarded a grant or cooperative agreement under section 2902 shall report such data, information, and metrics as the Secretary may require for purposes of—

"(1) evaluating State programs and activities funded pursuant to such grant or cooperative agreement, including any results pursuant to section 2902(d)(2)(B)(xii); and

Evaluation.

"(2) identifying effective programs and activities funded pursuant to section 2902.

"(b) REPORT.—Not later than October 1, 2023, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the outcomes of the programs and activities funded pursuant to section 2902, including any effective programs and activities identified.".

(b) FUNDING.—Section 2905 of the Public Health Service Act (42 U.S.C. 300ii–4) is amended by striking "title" and all that follows through the period and inserting "title, $10,000,000 for each of fiscal years 2020 through fiscal year 2024.".

Approved January 5, 2021.

LEGISLATIVE HISTORY—H.R. 8906:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 116–325
116th Congress

An Act

Jan. 12, 2021
[S. 4996]

To ensure funding of the United States trustees, extend temporary bankruptcy judgeships, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bankruptcy Administration Improvement Act of 2020.
28 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bankruptcy Administration Improvement Act of 2020".

28 USC 1930 note.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Because of the importance of the goal that the bankruptcy system is self-funded, at no cost to the taxpayer, Congress has closely monitored the funding needs of the bankruptcy system, including by requiring periodic reporting by the Attorney General regarding the United States Trustee System Fund.

(2) Congress has amended the various bankruptcy fees as necessary to ensure that the bankruptcy system remains self-supporting, while also fairly allocating the costs of the system among those who use the system.

(3) Because the bankruptcy system is interconnected, the result has been a system of fees, including filing fees, quarterly fees in chapter 11 cases, and other fees, that together fund the courts, judges, United States trustees, and chapter 7 case trustees necessary for the bankruptcy system to function.

(4) This Act and the amendments made by this Act—

(A) ensure adequate funding of the United States trustees, supports the preservation of existing bankruptcy judgeships that are urgently needed to handle existing and anticipated increases in business and consumer caseloads, and provides long-overdue additional compensation for chapter 7 case trustees whose caseloads include chapter 11 reorganization cases that were converted to chapter 7 liquidation cases; and

(B) confirm the longstanding intention of Congress that quarterly fee requirements remain consistent across all Federal judicial districts.

(b) PURPOSE.—The purpose of this Act and the amendments made by this Act is to further the long-standing goal of Congress of ensuring that the bankruptcy system is self-funded, at no cost to the taxpayer.

SEC. 3. UNITED STATES TRUSTEE SYSTEM FUND; BANKRUPTCY FEES.

(a) DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS 2021 THROUGH 2026.—Notwithstanding section 589a(b) of title 28, United States Code, for each of fiscal years 2021 through 2026— 28 USC 589a note.

(1) the fees collected under section 1930(a)(6) of such title, less the amount specified in subparagraph (2), shall be deposited as specified in subsection (b); and

(2) $5,400,000 of the fees collected under section 1930(a)(6) of such title shall be deposited in the general fund of the Treasury.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a of title 28, United States Code, is amended by adding at the end the following:

"(f)(1) During each of fiscal years 2021 through 2026 and notwithstanding subsections (b) and (c), the fees collected under section 1930(a)(6), less the amount specified in paragraph (2), shall be deposited as follows, in the following order: Time period.

"(A) First, the amounts specified in the Department of Justice appropriations for that fiscal year, shall be deposited as discretionary offsetting collections to the "United States Trustee System Fund", pursuant to subsection (a), to remain available until expended.

"(B) Second, the amounts determined annually by the Director of the Administrative Office of the United States Courts that are necessary to reimburse the judiciary for the costs of administering payments under section 330(e) of title 11, shall be deposited as mandatory offsetting collections to the 'United States Trustee System Fund', and transferred and deposited into the special fund established under section 1931(a), and notwithstanding subsection (a), shall be available for expenditure without further appropriation. Determination. Reimbursement.

"(C) Third, the amounts determined annually by the Director of the Administrative Office of the United States Courts that are necessary to pay trustee compensation authorized by section 330(e)(2) of title 11, shall be deposited as mandatory offsetting collections to the 'United States Trustee System Fund', and transferred and deposited into the Chapter 7 Trustee Fund established under section 330(e) of title 11 for payment to trustees serving in cases under chapter 7 of title 11 (in addition to the amounts paid under section 330(b) of title 11), in accordance with that section, and notwithstanding subsection (a), shall be available for expenditure without further appropriation. Determination.

"(D) Fourth, any remaining amounts shall be deposited as discretionary offsetting collections to the 'United States Trustee System Fund', to remain available until expended.

"(2) Notwithstanding subsection (b), for each of fiscal years 2021 through 2026, $5,400,000 of the fees collected under section 1930(a)(6) shall be deposited in the general fund of the Treasury.". Time period.

(c) COMPENSATION OF OFFICERS.—Section 330 of title 11, United States Code, is amended by adding at the end the following:

"(e)(1) There is established a fund in the Treasury of the United States, to be known as the 'Chapter 7 Trustee Fund', which shall be administered by the Director of the Administrative Office of the United States Courts.

"(2) Deposits into the Chapter 7 Trustee Fund under section 589a(f)(1)(C) of title 28 shall be available until expended for the purposes described in paragraph (3).

Time periods.

"(3) For fiscal years 2021 through 2026, the Chapter 7 Trustee Fund shall be available to pay the trustee serving in a case that is filed under chapter 7 or a case that is converted to a chapter 7 case in the most recent fiscal year (referred to in this subsection as a 'chapter 7 case') the amount described in paragraph (4) for the chapter 7 case in which the trustee has rendered services in that fiscal year.

"(4) The amount described in this paragraph shall be the lesser of—

"(A) $60; or

"(B) a pro rata share, for each chapter 7 case, of the fees collected under section 1930(a)(6) of title 28 and deposited to the United States Trustee System Fund under section 589a(f)(1) of title 28, less the amounts specified in section 589a(f)(1)(A) and (B) of title 28.

"(5) The payment received by a trustee under paragraph (3) shall be paid in addition to the amount paid under subsection (b).

Deadline.
Regulations.

"(6) Not later than September 30, 2021, the Director of the Administrative Office of the United States Courts shall promulgate regulations for the administration of this subsection.".

(d) BANKRUPTCY FEES.—Section 1930(a) of title 28, United States Code, is amended—

(1) by striking paragraph (6)(B) and inserting the following:

Time periods.
Effective date.

"(B)(i) During the 5-year period beginning on January 1, 2021, in addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each open and reopened case under chapter 11 of title 11, other than under subchapter V, for each quarter (including any fraction thereof) until the case is closed, converted, or dismissed, whichever occurs first.

"(ii) The fee shall be the greater of—

"(I) 0.4 percent of disbursements or $250 for each quarter in which disbursements total less than $1,000,000; and

"(II) 0.8 percent of disbursements but not more than $250,000 for each quarter in which disbursements total at least $1,000,000.

"(iii) The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed."; and

(2) in paragraph (7), in the first sentence, by striking "may" and inserting "shall".

11 USC 330 note.

(e) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) EXCEPTIONS.—

(A) COMPENSATION OF OFFICERS.—The amendments made by subsection (c) shall apply to any case filed on or after the date of enactment of this Act—

(i) under chapter 7 of title 11, United States Code; or

(ii)(I) under chapter 11, 12, or 13 of that title; and

(II) converted to a chapter 7 case under that title.

(B) BANKRUPTCY FEES.—The amendments made by subsection (d) shall apply to—

(i) any case pending under chapter 11 of title 11, United States Code, on or after the date of enactment of this Act; and

(ii) quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by subsection (d), for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act.

SEC. 4. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS. 28 USC 152 note.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2017.— Delaware. Michigan.

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 1003(a) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) for the district of Delaware and the eastern district of Michigan are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.— Time period.

(A) DISTRICT OF DELAWARE.—The 1st and 2d vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1003(b)(1) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) EASTERN DISTRICT OF MICHIGAN.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

(i) occurring 5 years or more after the date established by section 1003(b)(3) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1003 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012 AND THE BANKRUPTCY JUDGESHIP ACT OF 2017.— State listing.

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), extended by section 2(a) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and further

extended by section 1002(a) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The district of Delaware.
(B) The southern district of Florida.
(C) The district of Maryland.
(D) The eastern district of Michigan.
(E) The district of Nevada.
(F) The eastern district of North Carolina.
(G) The district of Puerto Rico.
(H) The eastern district of Virginia.

Time period.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), (E), and (F), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF DELAWARE.—The 3d, 4th, 5th, and 6th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) DISTRICT OF MARYLAND.—The 1st vacancy in the office of a bankruptcy judge for the district of Maryland—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) EASTERN DISTRICT OF MICHIGAN.—The 2d vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(F) DISTRICT OF PUERTO RICO.—The 1st vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring 5 years or more after the date established by section 1002(a)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and section 1002 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

State listing.

(c) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) and extended by section 2(a) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The southern district of Georgia.

(B) The district of Maryland.

(C) The district of New Jersey.

(D) The northern district of New York.

(E) The district of South Carolina.

Time period.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraph (B), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF MARYLAND.—The 2d and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) remain applicable

to the temporary office of bankruptcy judges referred to in paragraph (1).

Delaware.
Puerto Rico.

(d) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005, THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012, AND THE BANKRUPTCY JUDGESHIP ACT OF 2017.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), extended by section 1223(c) of Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), extended by section 2(b) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and further extended by section 1002(b) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) for the district of Delaware and the district of Puerto Rico are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

Time period.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 7th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date established by section 1002(b)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring 5 years or more after the date established by section 1002(b)(2) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note), and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), section 1223 of Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note), and section 1002 of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

Tennessee.

(e) TEMPORARY OFFICE OF BANKRUPTCY JUDGE AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judge authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), extended by section 1223(c) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), and further extended by section 2(b) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) for the eastern district of Tennessee is extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the district occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(A) occurring 5 years or more after the date of the enactment of this Act, and Time period.

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), section 1223 of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judge referred to in paragraph (1).

(f) TEMPORARY OFFICE OF BANKRUPTCY JUDGE AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 1992 AND EXTENDED BY THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.— North Carolina.

(1) EXTENSIONS.—The temporary office of bankruptcy judge authorized by section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 2(c) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the district occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring 5 years or more after the date of the enactment of this Act, and Time period.

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judge referred to in paragraph (1).

SEC. 5. REGULATIONS.

Section 375(h) of title 28, United States Code, is amended by striking "may" and inserting "shall".

Approved January 12, 2021.

LEGISLATIVE HISTORY—S. 4996:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 9, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 116–326
116th Congress

An Act

To amend the State Department Basic Authorities Act of 1956 to monitor and combat anti-Semitism globally, and for other purposes.

Jan. 13, 2021
[H.R. 221]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Special Envoy to Monitor and Combat Anti-Semitism Act.
22 USC 2651 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Envoy to Monitor and Combat Anti-Semitism Act".

22 USC 2731 note.

SEC. 2. FINDING.

Congress finds that, since the Global Anti-Semitism Review Act of 2004 (Public Law 108–332) was enacted, in many foreign countries acts of anti-Semitism have been frequent and wide in scope, the perpetrators and variety of threats to Jewish communities and their institutions have proliferated, and in some countries anti-Semitic attacks have increased in frequency, scope, violence, and deadliness.

SEC. 3. MONITORING AND COMBATING ANTI-SEMITISM.

Section 59(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2731(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting before the period at the end the following: ", who shall be appointed by the President, by and with the advice and consent of the Senate"; and

President.

(ii) by adding at the end the following new sentence: "The Special Envoy shall report directly to the Secretary."; and

(B) in subparagraph (B)—

(i) in the heading, by striking "APPOINTMENT" and inserting "NOMINATION";

(ii) by striking the first sentence;

(iii) in the second sentence, by striking "If the Secretary determines that such is appropriate, the Secretary may appoint" and inserting "If the President determines that such is appropriate, the President may nominate"; and

President. Determination.

(iv) in the third sentence, by striking "The Secretary may allow such officer or employee to retain the position (and the responsibilities associated with such position) held by such officer or employee prior to the appointment" and inserting "Such officer or

employee may not retain the position (or the responsibilities associated with such position) held by such officer or employee prior to the nomination"; and

(2) by adding at the end the following new paragraphs:

"(3) DUTIES.—The Special Envoy shall serve as the primary advisor to, and coordinate efforts across, the United States Government relating to monitoring and combating anti-Semitism and anti-Semitic incitement that occur in foreign countries.

"(4) RANK AND STATUS OF AMBASSADOR.—The Special Envoy shall have the rank of ambassador.

"(5) QUALIFICATIONS.—The Special Envoy should be a person of recognized distinction in the field of combating anti-Semitism.".

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 221:

CONGRESSIONAL RECORD:
Vol. 165 (2019): Jan. 10, 11, considered and passed House.
Vol. 166 (2020): Dec. 16, considered and passed Senate, amended.
Dec. 31, House concurred in Senate amendment.

Public Law 116–327
116th Congress

An Act

To restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

Jan. 13, 2021
[H.R. 1418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Competitive Health Insurance Reform Act of 2020.
15 USC 1011 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Competitive Health Insurance Reform Act of 2020".

SEC. 2. RESTORING THE APPLICATION OF ANTITRUST LAWS TO THE BUSINESS OF HEALTH INSURANCE.

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

"(c)(1) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance (including the business of dental insurance and limited-scope dental benefits).

"(2) Paragraph (1) shall not apply with respect to making a contract, or engaging in a combination or conspiracy—

"(A) to collect, compile, or disseminate historical loss data;

"(B) to determine a loss development factor applicable to historical loss data;

"(C) to perform actuarial services if such contract, combination, or conspiracy does not involve a restraint of trade; or

"(D) to develop or disseminate a standard insurance policy form (including a standard addendum to an insurance policy form and standard terminology in an insurance policy form) if such contract, combination, or conspiracy is not to adhere to such standard form or require adherence to such standard form.

"(3) For purposes of this subsection— Definitions.

"(A) the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition;

"(B) the term 'business of health insurance (including the business of dental insurance and limited-scope dental benefits)' does not include—

"(i) the business of life insurance (including annuities); or

"(ii) the business of property or casualty insurance, including but not limited to—

"(I) any insurance or benefits defined as 'excepted benefits' under paragraph (1), subparagraph (B) or (C) of paragraph (2), or paragraph (3) of section 9832(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9832(c)) whether offered separately or in combination with insurance or benefits described in paragraph (2)(A) of such section; and

"(II) any other line of insurance that is classified as property or casualty insurance under State law;

"(C) the term 'historical loss data' means information respecting claims paid, or reserves held for claims reported, by any person engaged in the business of insurance; and

"(D) the term 'loss development factor' means an adjustment to be made to reserves held for losses incurred for claims reported by any person engaged in the business of insurance, for the purpose of bringing such reserves to an ultimate paid basis.".

Applicability. 15 USC 1013 note.

(b) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance without regard to whether such business is carried on for profit, notwithstanding the definition of "Corporation" contained in section 4 of the Federal Trade Commission Act.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 1418:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 21, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 116–328
116th Congress

An Act

To rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park.

Jan. 13, 2021
[H.R. 1472]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOMESTEAD NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The first section of the Act of March 19, 1936 (16 U.S.C. 450u), is amended by striking "designated" and all that follows through the end and inserting "designated the 'Homestead National Historical Park'.". 16 USC 410gggg.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the unit of the National Park System known as "The Homestead National Monument of America" shall be considered to be a reference to the "Homestead National Historical Park". 16 USC 410gggg note.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 1472:

HOUSE REPORTS: No. 116–292 (Comm. on Natural Resources).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Nov. 20, considered and passed House.
Vol. 166 (2020): Dec. 31, considered and passed Senate.

Public Law 116–329
116th Congress

An Act

Jan. 13, 2021
[H.R. 1492]

To update the map of, and modify the maximum acreage available for inclusion in, the Yucca House National Monument.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Yucca House National Monument Expansion Act. 54 USC 320301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yucca House National Monument Expansion Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) NATIONAL MONUMENT.—The term "National Monument" means the Yucca House National Monument in Cortez, Colorado, established by Presidential Proclamation 1549.

(2) MAP.—The term "map" means the map entitled "Yucca House National Monument Proposed Boundary Addition", numbered 318/105,085A, and dated February 27, 2019.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. YUCCA HOUSE NATIONAL MONUMENT LAND ACQUISITION.

(a) ACQUISITION.—The Secretary may acquire by donation the approximately 160 acres of land and any interests in the land that is identified on the map.

(b) BOUNDARY.—On the acquisition of the land authorized under subsection (a), the Secretary shall adjust the boundaries of the National Monument to include the acquired land.

(c) ADMINISTRATION.—The land and any interests in land acquired under subsection (a) shall be administered as part of the National Monument.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 1492:

HOUSE REPORTS: No. 116–374 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 26, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 116–330
116th Congress

An Act

To amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue certain circulating collectible coins, and for other purposes.

Jan. 13, 2021
[H.R. 1923]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Circulating Collectible Coin Redesign Act of 2020.
31 USC 5101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Circulating Collectible Coin Redesign Act of 2020".

SEC. 2. REDESIGNED CIRCULATING COLLECTIBLE COINS.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(x) REDESIGN AND ISSUANCE OF QUARTER DOLLARS EMBLEMATIC OF PROMINENT AMERICAN WOMEN AND COMMEMORATING THE 19TH AMENDMENT.—

"(1) REDESIGN OF QUARTER DOLLARS BEGINNING IN 2022.—

"(A) IN GENERAL.—Effective beginning January 1, 2022, notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), the Secretary of the Treasury shall issue quarter dollars that have designs on the reverse selected in accordance with this subsection which are emblematic of the accomplishment of a prominent American woman.

Effective date.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars referred to in subparagraph (A) in which—

"(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollar; and

"(ii) any of the inscriptions described in the third sentence of subsection (d)(1) or the designation of the value of the coin appear on the obverse side of any such quarter dollar.

"(C) SINGLE PROMINENT AMERICAN WOMAN ON EACH QUARTER DOLLAR.—The design on the reverse side of each quarter dollar issued under this subsection shall be emblematic of the accomplishments and contributions of one prominent woman of the United States, and may include contributions to the United States in a wide spectrum of accomplishments and fields, including but not limited to suffrage, civil rights, abolition, government, humanities, science, space, and arts, and should honor women

from ethnically, racially, and geographically diverse backgrounds.

"(D) ISSUANCE OF QUARTER DOLLARS EMBLEMATIC OF UP TO FIVE PROMINENT AMERICAN WOMEN EACH YEAR.—The designs for the quarter dollars issued during each year of the period of issuance described under paragraph (4) shall be emblematic of up to five prominent American women.

"(E) SELECTION OF PROMINENT AMERICAN WOMEN GENERALLY.—The selection of a prominent American woman to be featured under this subsection shall be made by the Secretary—

"(i) in accordance with a selection process developed by the Secretary;

Recommendations.

"(ii) after soliciting recommendations from the general public for prominent women designs for quarter dollars; and

Consultation.

"(iii) in consultation with the Smithsonian Institution American Women's History Initiative, National Women's History Museum, and the Bipartisan Women's Caucus.

"(2) DESIGN GENERALLY.—The coins issued in accordance with this subsection shall meet the following design requirements—

Consultation.

"(A) IN GENERAL.—All designs under this subsection shall be selected by the Secretary, after consultation with the Commission of Fine Arts and review by the Citizens Coinage Advisory Committee.

"(B) OBVERSE.—The design on the obverse of the quarter dollars shall maintain a likeness of George Washington, and be designed in a manner, such as with incused inscriptions, so as to distinguish it from the obverse design used during the previous quarters program.

Determination.

"(3) ISSUANCE OF COINS.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of new designs during each year of the period of issuance, and the number of coins which shall be issued with each of the designs selected for such year.

"(4) PERIOD OF ISSUANCE.—

Termination date.

"(A) IN GENERAL.—The program established under this subsection shall continue in effect until the end of 2025.

"(B) CONTINUITY.—After 2025, the Secretary may continue to issue coins minted during the program but not yet issued.".

SEC. 3. ISSUANCE OF REDESIGNED CIRCULATING COINS EMBLEMATIC OF THE UNITED STATES SEMIQUINCENTENNIAL.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(y) REDESIGN AND ISSUANCE OF COINS EMBLEMATIC OF THE UNITED STATES SEMIQUINCENTENNIAL.—

"(1) REDESIGN BEGINNING IN 2026.—

"(A) IN GENERAL.—

Time period. Effective date.

"(i) Notwithstanding the 4th, 5th, and 6th sentences of subsection (d)(1), the Secretary may change the design on any of the coins authorized under this section and minted for issuance during the one-year

period beginning January 1, 2026, in celebration of the United States semiquincentennial.

"(ii) Notwithstanding the 2nd and 3rd sentences of subsection (d)(1), the Secretary may place the required inscriptions on either the obverse or reverse sides of the coins authorized for redesign under this subsection.

"(B) QUARTER DOLLARS.—The Secretary may issue quarter dollars in 2026 with up to five different designs emblematic of the United States semiquincentennial. One of the quarter dollar designs must be emblematic of a woman's or women's contribution to the birth of the Nation or the Declaration of Independence or any other monumental moments in American History.

"(C) DOLLARS.—The Secretary may, in addition to the coins produced under subsections (r) and (w), mint for issuance during the one-year period beginning January 1, 2026, $1 dollar coins with designs emblematic of the United States semiquincentennial.

"(D) DESIGNS AFTER END OF THE PROGRAM.—Beginning in 2027, any coin redesigned under this subsection shall revert to the immediately previous designs, with the exception of the quarter dollar and the half dollar, which shall bear designs in accordance with subsection (z). Effective date.

"(E) REDESIGN DEFINITION.—A redesign authorized under this subsection shall not constitute a 'change' for purposes of subsection (d)(2).

"(2) SELECTION OF DESIGNS.— Consultation.

"(A) IN GENERAL.—Each of the designs authorized under this subsection shall be selected by the Secretary after consultation with Commission of Fine Arts and review by the Citizens Coinage Advisory Committee. Review.

"(B) DESIGN SELECTION PROCESS.—Designs shall be developed and selected in accordance with the design selection process developed by the Secretary in consultation with the United States Semiquincentennial Commission and with recommendations from the general public.". Recommendations.

SEC. 4. ISSUANCE OF REDESIGNED QUARTER DOLLARS AND HALF DOLLARS EMBLEMATIC OF SPORTS PLAYED BY AMERICAN YOUTH.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(z) REDESIGN AND ISSUANCE OF QUARTER DOLLARS AND HALF DOLLARS EMBLEMATIC OF SPORTS PLAYED BY AMERICAN YOUTH.—

"(1) REDESIGN OF QUARTER DOLLARS BEGINNING IN 2027.—

"(A) IN GENERAL.—Effective beginning January 1, 2027, notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), the Secretary shall issue quarter dollars that have designs on the reverse selected in accordance with this subsection which are emblematic of sports played by American youth. Effective date.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars referred to in subparagraph (A) in which—

"(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

"(ii) any of the inscriptions described in the third sentence of subsection (d)(1) or the designation of the value of the coin appear on the obverse side of any such quarter dollars.

"(C) SINGLE SPORT ON EACH QUARTER DOLLAR.—The design on the reverse side of each quarter dollar issued under this subsection shall be emblematic of one sport played by American youth.

"(D) ISSUANCE OF QUARTER DOLLARS EMBLEMATIC OF UP TO FIVE SPORTS EACH YEAR.—The designs for the quarter dollars issued during each year of the period referred to in paragraph (5) shall be emblematic of up to five sports.

"(E) SELECTION OF SPORTS GENERALLY.—The Secretary shall select the sports to be honored during each year of the period referred to in paragraph (5) after appropriate outreach and consultation with the public.

"(2) REDESIGN OF HALF DOLLARS BEGINNING IN 2027.—

Effective date.

"(A) IN GENERAL.—Effective January 1, 2027, notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), the Secretary shall issue half dollars that have designs on the reverse selected in accordance with this subsection which are emblematic of a sport tailored to athletes with a range of disabilities, including physical impairment, vision impairment and intellectual impairment (referred to in this Act as a 'Paralympic' sport).

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for half dollars referred to in subparagraph (A) in which—

"(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such half dollars; and

"(ii) any of the inscriptions described in the third sentence of subsection (d)(1) or the designation of the value of the coin appear on the obverse side of any such half dollars.

"(C) SINGLE PARALYMPIC SPORT ON EACH HALF DOLLAR.—The design on the reverse side of each half dollar issued under this subsection shall be emblematic of one Paralympic sport.

Consultation.

"(D) SELECTION OF SPORTS.—The selection of a Paralympic sport to be honored with a half dollar under this subsection shall be made by the Secretary after consultation with U.S. Paralympics.

"(3) DESIGN GENERALLY.—The coins issued in accordance with this subsection shall meet the following design requirements:

Consultation.
Review.

"(A) IN GENERAL.—All designs under this subsection shall be selected by the Secretary, after consultation with the Commission of Fine Arts and review by the Citizens Coinage Advisory Committee.

"(B) QUARTER DOLLAR OBVERSE.—The design on the obverse of the quarter dollars shall maintain a likeness of George Washington, and be designed in a manner so

as to distinguish it from the obverse design used during the previous quarter dollars program.

"(C) HALF DOLLAR OBVERSE.—The design on the obverse of the half dollar shall maintain a likeness of John Kennedy, and be designed in a manner so as to distinguish it from the obverse design used on the current half dollar.

"(4) ISSUANCE OF COINS.—

"(A) QUARTER DOLLAR.—The quarter dollar coins bearing designs under this subsection shall be issued at the rate of up to 5 new designs during each year of the period of issuance described under paragraph (5).

"(B) HALF DOLLAR.—The half dollar coins bearing designs under this subsection shall be issued at the rate of 1 new design during each year of the period of issuance described under paragraph (5).

"(5) PERIOD OF ISSUANCE.—

"(A) IN GENERAL.—The program established under this subsection shall continue in effect until the end of 2030. Termination date.

"(B) CONTINUITY.—After the date specified in subparagraph (A), the Secretary may continue to issue coins minted during the program but not yet issued.

"(6) ACCOMPANYING SPORTS MEDALS.—For every design of a coin honoring a sport issued under this subsection, the Secretary is authorized to design and issue one or more accompanying medals with designs emblematic of the sport honored with the issuance of the coin, and include a surcharge on the sale the medals sold in accordance with this paragraph, in an amount determined by the Secretary, in the Secretary's sole discretion, that may be used for the design and manufacture of the medals described in paragraph (7). Determination.

"(7) OLYMPIC MEDALS.—

"(A) IN GENERAL.—The Secretary is authorized to design and manufacture medals for award at the 2028 Olympic Games in Los Angeles, California.

"(B) WORKING STOCK.—The Secretary may use Treasury working gold and silver stock in the manufacture of the award medals produced under this subsection.

"(C) OLYMPIC & PARALYMPIC COMMITTEES.—The Secretary may provide the medals described in this paragraph to the United States Olympic & Paralympic Committee under terms and conditions established by the Secretary.

"(D) COOPERATIVE MARKETING AND PROMOTION OPPORTUNITIES.—The Secretary is encouraged to seek out cooperative marketing and promotion opportunities, including with the United States Olympic & Paralympic Committee, LA28, and United States Olympic and Paralympic Properties to promote the coins and medals produced under this section.

"(8) DESIGNS AFTER END OF PROGRAM.—Upon the completion or termination of the coin program under this subsection, the designs on the quarter dollar and half dollar shall be as follows: Consultation. Review.

"(A) QUARTER DOLLAR.—

"(i) OBVERSE.—The obverse of the quarter dollar shall bear a design containing a likeness of George Washington.

"(ii) REVERSE.—The reverse of the quarter dollar shall be of a design selected by the Secretary after consultation with the Commission of Fine Arts and review by the Citizens Coinage Advisory Committee.
"(B) HALF DOLLAR.—
"(i) OBVERSE.—The obverse of the half dollar shall bear a design containing a likeness of John Kennedy.
"(ii) REVERSE.—The reverse of the half dollar shall be of a design selected by the Secretary after consultation with the Commission of Fine Arts and review by the Citizens Coinage Advisory Committee.".

Determinations.

SEC. 5. SILVER BULLION COINS.

Section 5112 of title 31, United States Code, is amended by replacing subsection (u) with the following revised subsection:

"(u) SILVER BULLION INVESTMENT PRODUCT.—
"(1) IN GENERAL.—The Secretary is authorized to strike and make available for sale such number of bullion coins as the Secretary determines to be appropriate that feature the designs of the quarter dollars and half dollars issued under subsections (x), (y), and (z), that—
"(A) have a diameter of 3.0 inches and weigh 5.0 ounces;
"(B) contain .999 fine silver;
"(C) have incused into the edge the fineness and weight of the bullion coin; and
"(D) bear an inscription of the denomination of such coins, such denominations to be determined by the Secretary as the Secretary determines to be appropriate.
"(2) FRACTIONALS.—The Secretary is authorized to mint and issue so-called 'fractional' silver bullion coins bearing the designs of the quarter dollars and half dollars issued under subsections (x), (y), and (z) in sizes, weights, fineness, and denominations, and with inscriptions, that the Secretary determines to be appropriate.
"(3) AVAILABILITY FOR SALE.—Should the Secretary exercise the Secretary's discretion to strike bullion coins under this subsection, the bullion coins minted under paragraph (1) shall become available for sale no sooner than the first day of the calendar year in which the corresponding circulating quarter dollar or half dollar is issued.
"(4) CONTINUITY.—Until the conclusion of the quarter dollar program authorized under subsection (t), the Secretary shall strike and make available for sale such number of bullion coins as the Secretary determines to be appropriate that are likenesses of the quarter dollars issued under subsection (t).".

SEC. 6. CIRCULATING COLLECTIBLE STANDARDS AND GENERAL PROVISIONS.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(aa) STANDARDS AND GENERAL PROVISIONS FOR CIRCULATING COLLECTIBLE COINS UNDER SUBSECTIONS (X), (Y), AND (Z).—
"(1) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design on the reverse of any coin under subsections (x), (y), and (z).

"(2) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins and medals minted under subsections (x), (y), and (z) shall be considered to be numismatic items.

"(3) ISSUANCE.— Determinations.

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of coins of each design selected under subsections (x), (y), and (z) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) COORDINATION.—The Board of Governors of the Federal Reserve System and the Secretary shall take steps to ensure that an adequate supply of coins produced under subsections (x), (y), and (z) are available for commerce and collectors at such places and in such quantities as are appropriate.

"(C) NUMBER OF EACH COIN DESIGNS IN EACH YEAR.—Of the coins issued during each year of the period of issuance under subsections (x), (y), and (z), the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of coins which shall be issued with each of the designs selected for such year.

"(D) SPECIAL INSCRIPTIONS OR SYMBOL ACROSS THE COINS.—The Secretary is encouraged to develop and include on any coin issued in accordance with subsections (x), (y), or (z), a unifying inscription, privy mark, or other symbol for that particular coin program.

"(4) LEGAL TENDER.—The coins minted under subsections (x), (y), and (z) shall be legal tender, as provided in section 5103.

"(5) MARKETING AND EDUCATIONAL CAMPAIGN.—In an effort to advance the collecting of the coins and medals authorized under subsections (x), (y), and (z), and numismatics in general, the Secretary may develop and execute a marketing, advertising, promotional, and educational program to promote the collecting of the coins and medals authorized under subsections (x), (y), and (z). As part of this program, the Secretary is encouraged to seek out appropriate cooperative marketing opportunities, and to develop ancillary derivative products beyond traditional numismatic products such as sports, women, and youth oriented products appropriate to the particular coin and medal program.

"(6) QUALITY OF MEDALS.—It is the sense of Congress that the medals authorized under subsection (z) be produced in high relief and, if feasible and cost effective, with surface treatments such as frosting and colorization.".

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

31 USC 5112 note.

SEC. 8. COST.

No coin or medal minted and issued under this Act, or an amendment made by this Act, may be sold at a price such that would result in a net cost to the Federal Government.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 1923:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 22, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 31, House concurred in Senate amendment.

Public Law 116–331
116th Congress

An Act

To designate the Manhattan Campus of the New York Harbor Health Care System of the Department of Veterans Affairs as the "Margaret Cochran Corbin Campus of the New York Harbor Health Care System".

Jan. 13, 2021
[H.R. 1925]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MANHATTAN CAMPUS OF THE NEW YORK HARBOR HEALTH CARE SYSTEM OF THE DEPARTMENT OF VETERANS AFFAIRS, NEW YORK.

(a) FINDINGS.—Congress makes the following findings:

(1) Margaret Cochran was born in Franklin County, Pennsylvania, on November 12, 1751, and married John Corbin in 1772.

(2) Three years after the marriage, when John Corbin left to fight in the Revolutionary War as an artilleryman, Margaret Corbin accompanied him to war to support the Revolutionary Army.

(3) Margaret Corbin supported the Revolutionary Army by caring for injured and sick soldiers as well as by cooking and cleaning. During battle, she also helped her husband load the cannon he was responsible for manning.

(4) On November 16, 1776, John Corbin was manning a cannon during the Battle of Fort Washington on Manhattan Island, New York, when he was killed. Margaret Corbin heroically took her husband's place, firing the cannon until she, too, was hit by enemy fire and seriously wounded.

(5) Having lost the use of her left arm, Margaret Corbin was assigned to the "Invalid Regiment" at West Point, New York.

(6) The Continental Congress awarded Margaret Corbin a lifelong pension for her injuries, making her the first woman to receive a pension from the United States by virtue of military service for the United States.

(7) Margaret Corbin died in 1789 in Highland Falls, New York. She is honored nearby at West Point as a hero of the Revolutionary War.

(b) DESIGNATION.—The Manhattan Campus of the New York Harbor Health Care System of the Department of Veterans Affairs in New York, New York, shall after the date of the enactment of this Act be known and designated as the "Margaret Cochran Corbin Campus of the New York Harbor Health Care System" or the "Margaret Cochran Corbin VA Campus".

(c) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Campus

referred to in subsection (b) shall be deemed to be a reference to the Margaret Cochran Corbin Campus of the New York Harbor Health Care System.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 1925:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Sept. 23, considered and passed House.
Dec. 10, considered and passed Senate, amended.
Dec. 31, House concurred in Senate amendment.

Public Law 116–332
116th Congress

An Act

To authorize the Secretary of State to make direct loans under section 23 of the Arms Export Control Act, and for other purposes.

Jan. 13, 2021
[H.R. 2444]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Eastern European Security Act. 22 USC 2763 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern European Security Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that it is in the national security interest of the United States to—

(1) deter aggression against North Atlantic Treaty Organization (NATO) allies by Russia or any other adversary;

(2) assist NATO allies in acquiring and deploying modern, NATO interoperable military equipment and reducing their dependence on Russian or former Soviet-era defense articles;

(3) ensure that NATO allies meet alliance defense commitments, including through adequate investments in national defense;

(4) supplement existing grant assistance to key allies through foreign military financing loans, at rates competitive with those already available on commercial markets, to purchase NATO-interoperable military equipment; and

(5) work to maintain and strengthen the democratic institutions and practices of all NATO allies, in accordance with the goals of Article 2 of the North Atlantic Treaty.

SEC. 3. FOREIGN MILITARY LOAN AUTHORITY.

Effective date. President.

(a) IN GENERAL.—Beginning in fiscal year 2021, subject to the notification requirements under subsection (b) and to the availability of appropriations, the President, acting through the Secretary of State, is authorized—

(1) to make direct loans under section 23 of the Arms Export Control Act (22 U.S.C. 2763) to NATO member countries that joined the alliance after March 1, 1999, notwithstanding the minimum interest rate required by subsection (c)(1) of such section; and

(2) to charge fees for such loans under paragraph (1), which shall be collected from borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974, and which may be used to cover the costs of such loans as defined in section 502 of the Congressional Budget Act of 1974.

Certification.
Deadline.

(b) NOTIFICATION.—A loan may not be made under the authority provided by subsection (a) unless the Secretary of State submits to the appropriate congressional committees a certification, not fewer than fifteen days before entering into an agreement to make such loan, that—

(1) the recipient country is making demonstrable progress toward meeting its defense spending commitments in accordance with the 2014 NATO Wales Summit Declaration; and

(2) the government of such recipient country is respecting that country's constitution and upholds democratic values such as freedom of religion, freedom of speech, freedom of the press, the rule of law, and the rights of religious minorities.

(c) REPAYMENT.—A loan made under the authority provided by subsection (a) shall be repaid in not more than 12 years, but may include a grace period of up to 1 year on the repayment of the principal.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this Act, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 2444:

CONGRESSIONAL RECORD:
Vol. 166 (2020): Mar. 9, considered and passed House.
Vol. 166 (2021): Jan. 1, considered and passed Senate.

Public Law 116–333
116th Congress

An Act

To amend title 40, United States Code, to require certain prospectuses for public buildings to be made publicly available, and for other purposes.

Jan. 13, 2021
[H.R. 2502]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Transparency in Federal Buildings Projects Act of 2019.
40 USC 101 note.

This Act may be cited as the "Transparency in Federal Buildings Projects Act of 2019".

SEC. 2. PUBLIC AVAILABILITY OF BUILDING PROJECT INFORMATION.

(a) IN GENERAL.—Chapter 33 of title 40, United States Code, is amended by adding at the end the following new section:

"SEC. 3318. AVAILABILITY OF FEDERAL BUILDING PROJECT INFORMATION.

40 USC 3318.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, and, at a minimum, on a quarterly basis thereafter, the Administrator shall make publicly available on a subpage of the website of the General Services Administration all prospectuses submitted pursuant to sections 3307 and 3316, and associated information subject to the following requirements:

Deadline.
Time period.
Web posting.

"(1) The Administrator shall maintain such information in an easily accessible and readable, organized, downloadable, and searchable format.

"(2) The Administrator shall ensure the information is current and prospectuses and associated information updated on a regular basis.

"(3) The information required under this section shall be inclusive for a period of not less than 10 years.

Time period.

"(4) The information shall include—

"(A) the last date on which the relevant webpage was updated;

"(B) approval dates of respective authorizing resolutions by each committee of jurisdiction, if applicable;

"(C) copies of respective committee of jurisdiction resolutions authorizing such prospectuses, as appropriate;

"(D) cross-references to any resubmitted or amended prospectuses and associated resolutions; and

"(E) such other information as determined by the Administrator.

Determination.

"(b) DEFINITIONS.—In this section, the following definitions apply:

"(1) PROSPECTUS.—The term 'prospectus' means prospectuses, building surveys, and factsheets submitted to the committees of jurisdiction pursuant to sections 3307 and 3316.

"(2) COMMITTEES OF JURISDICTION.—The term 'committees of jurisdiction' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

"(3) ASSOCIATED INFORMATION.—The term 'associated information' means resolutions approved by the committees of jurisdiction and other information as required pursuant to subsection (a).".

(b) CONFORMING AMENDMENT.—The table of chapters for chapter 33 of title 40, United States Code, is amended by adding at the end the following:

40 USC prec. 3301.

"3318. Availability of Federal building project information.".

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 2502:

HOUSE REPORTS: No. 116–147 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD:
Vol. 165 (2019): Oct. 28, considered and passed House.
Vol. 166 (2020): Dec. 21, considered and passed Senate.

Public Law 116–334
116th Congress

An Act

To authorize the Administrator of the United States Agency for International Development to prescribe the manner in which programs of the agency are identified overseas, and for other purposes.

Jan. 13, 2021
[H.R. 2744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

USAID Branding Modernization Act.
22 USC 2401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "USAID Branding Modernization Act".

SEC. 2. AUTHORIZATION FOR BRANDING.

Coordination.

(a) IN GENERAL.—The Administrator of the United States Agency for International Development (referred to in this section as "USAID"), in coordination with the Secretary of State, as appropriate, and with due consideration for the safety and security of implementing partners and beneficiaries, is authorized to prescribe, as appropriate, the use of logos or other insignia of the USAID Identity, or the use of additional or substitute markings, including the United States flag, to appropriately identify, including as required by section 641 of the Foreign Assistance Act of 1961 (22 U.S.C. 2401), overseas programs administered by USAID.

Deadline.

(b) AUDIT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of USAID shall submit to Congress an audit of compliance with relevant branding and marking requirements of USAID by implementing partners funded

by USAID, including any requirements prescribed pursuant to the authorization under subsection (a).

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 2744:

CONGRESSIONAL RECORD:
Vol. 165 (2019): July 15, considered and passed House.
Vol. 166 (2020): Feb. 13, considered and passed Senate, amended.
Dec. 31, House concurred in Senate amendment.

Public Law 116–335
116th Congress

An Act

To direct the Director of the National Science Foundation to support research on opioid addiction, and for other purposes.

Jan. 13, 2021
[H.R. 3153]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Expanding Findings for Federal Opioid Research and Treatment Act.
42 USC 1861 note.

SECTION 1. SHORT TITLE; FINDINGS.

42 USC 1862u note.

(a) SHORT TITLE.—This Act may be cited as the "Expanding Findings for Federal Opioid Research and Treatment Act" or the "EFFORT Act".

(b) FINDINGS.—The Congress finds that—

(1) research gaps currently exist in the prevention and treatment of opioid addiction;

(2) the National Science Foundation's research on opioid addiction has increased understanding of the neuroscience of addiction, substance abuse intervention, the role of illicit supply networks, the secondary effects on families, the use of technology to address the opioid epidemic, and options for alternative, non-addictive therapeutics for pain; and

(3) the National Science Foundation and the National Institutes of Health have recognized that fundamental questions in basic, clinical, and translational research would benefit greatly from multidisciplinary approaches and collaboration.

SEC. 2. NSF SUPPORT OF RESEARCH ON OPIOID ADDICTION.

Consultation.
42 USC 1862u.

The Director of the National Science Foundation, in consultation with the Director of the National Institutes of Health, shall support merit-reviewed and competitively awarded research on the science of opioid addiction.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 3153:

HOUSE REPORTS: No. 116–131 (Comm. on Science, Space, and Technology).
SENATE REPORTS: No. 116–248 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 165 (2019): July 23, considered and passed House.
Vol. 166 (2020): Dec. 21, considered and passed Senate, amended.
Dec. 31, House concurred in Senate amendment.

Public Law 116–336
116th Congress

An Act

Jan. 13, 2021
[H.R. 3250]

To require the Secretary of the Interior to conduct a special resource study of the sites associated with the life and legacy of the noted American philanthropist and business executive Julius Rosenwald, with a special focus on the Rosenwald Schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Julius Rosenwald and the Rosenwald Schools Act of 2020.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Julius Rosenwald and the Rosenwald Schools Act of 2020".

SEC. 2. RESOURCE STUDY OF JULIUS ROSENWALD AND ROSENWALD SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) ROSENWALD SCHOOL.—The term "Rosenwald School" means any of the 5,357 schools and related buildings constructed in 15 southern States during the period of 1912 through 1932 by the philanthropy of Julius Rosenwald.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STUDY AREA.—The term "study area" means the sites associated with the life and legacy of Julius Rosenwald.

(b) SPECIAL RESOURCE STUDY.—

State listing.

(1) STUDY.—The Secretary shall conduct a special resource study of the study area, with a special emphasis on the following Rosenwald Schools and other sites associated with the life and legacy of Julius Rosenwald:

(A) Sears Administration Building at Homan Square in Chicago, Illinois.

(B) Rosenwald Court Apartments in Chicago, Illinois.

(C) Museum of Science & Industry in Chicago, Illinois.

(D) Rosenwald House (formerly the Lyon Home) at the Lincoln Home National Historic Site in Springfield, Illinois.

(E) Cairo Rosenwald School, a one-teacher school in Sumner County, Tennessee.

(F) Shady Grove School, a one-teacher school in Louisa County, Virginia.

(G) Noble Hill School, a two-teacher school in Bartow County, Georgia.

(H) Ridgeley School, a two-teacher school in Prince Georges County, Maryland.

(I) Bay Springs School, a two-teacher school in Forest County, Mississippi.

(J) Russell School, a two-teacher school in Durham County, North Carolina.

(K) Shiloh Rosenwald School, a three-teacher school in Macon County, Alabama.

(L) San Domingo School, a four-teacher school in Wicomico County, Maryland.

(M) Elmore County Training School, a seven-teacher school in Elmore County, Alabama.

(N) Dunbar Junior High, Senior High and Junior College in Little Rock, Arkansas.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area; Evaluation.

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System, including an interpretive center in or near Chicago, Illinois; Determination.

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and Consultation.

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives. Cost estimates.

(c) APPLICABLE LAW.—The study under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) RESULTS.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing— Deadline. Reports.

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary relating to the study. Recommendations.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 3250:

HOUSE REPORTS: No. 116–431 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 17, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 116–337
116th Congress

An Act

Jan. 13, 2021
[H.R. 4044]

To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protect and Restore America's Estuaries Act. 33 USC 1251 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect and Restore America's Estuaries Act".

State listing.

SEC. 2. MANAGEMENT CONFERENCE.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by striking "and Peconic Bay, New York" and inserting "Peconic Bay, New York; Casco Bay, Maine; Tampa Bay, Florida; Coastal Bend, Texas; San Juan Bay, Puerto Rico; Tillamook Bay, Oregon; Piscataqua Region, New Hampshire; Barnegat Bay, New Jersey; Maryland Coastal Bays, Maryland; Charlotte Harbor, Florida; Mobile Bay, Alabama; Morro Bay, California; and Lower Columbia River, Oregon and Washington".

SEC. 3. PURPOSES OF CONFERENCE.

Section 320(b)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)(4)) is amended—

(1) by striking "management plan that recommends" and inserting "management plan that—

"(A) recommends"; and

(2) by adding at the end the following:

"(B) addresses the effects of recurring extreme weather events on the estuary, including the identification and assessment of vulnerabilities in the estuary and the development and implementation of adaptation strategies; and

"(C) increases public education and awareness of the ecological health and water quality conditions of the estuary;".

SEC. 4. MEMBERS OF CONFERENCE.

Section 320(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)(5)) is amended by inserting "nonprofit organizations," after "educational institutions,".

SEC. 5. GRANTS.

Section 320(g)(4)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(4)(C)) is amended—

(1) in the matter preceding clause (i)—

(A) by inserting ", emerging," after "urgent"; and

(B) by striking "coastal areas" and inserting "the estuaries selected by the Administrator under subsection (a)(2), or that relate to the coastal resiliency of such estuaries";

(2) by redesignating clauses (vi) and (vii) as clauses (viii) and (ix), respectively, and inserting after clause (v) the following:

"(vi) stormwater runoff;

"(vii) accelerated land loss;"; and

(3) in clause (viii), as so redesignated, by inserting ", extreme weather," after "sea level rise".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)(1)) is amended by inserting ", and $50,000,000 for each of fiscal years 2022 through 2026," after "2021".

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 4044:

HOUSE REPORTS: No. 116–288 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Feb. 5, considered and passed House.
Dec. 31, considered and passed Senate.

Public Law 116–338
116th Congress

An Act

Jan. 13, 2021
[H.R. 4508]

To expand the number of scholarships available to Pakistani women under the Merit and Needs-Based Scholarship Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Malala Yousafzai Scholarship Act.
22 USC 8411 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Malala Yousafzai Scholarship Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In late 2008, Malala Yousafzai began making the case for access to education for women and girls despite objections from the Pakistani Taliban. On October 9, 2012, Malala was shot in the head by Pakistani Taliban on her way home from school.

(2) In 2013, Malala Yousafzai and her father Ziauddin Yousafzai co-founded the Malala Fund. The Malala Fund works to secure 12 years of free, safe, and quality education for all girls. Completion of a full 12-year cycle of primary and secondary education ensures a pipeline of girls able to pursue higher education.

(3) On July 12, 2013, Malala delivered a speech before the United Nations General Assembly calling for expanded access to education for women and girls across the globe. She said, "[L]et us wage a glorious struggle against illiteracy, poverty, and terrorism. Let us pick up our books and our pens. They are the most powerful weapons * * *. Education is the only solution.".

(4) On October 10, 2014, Malala Yousafzai became the co-recipient of the Nobel Peace Prize for her "struggle against the suppression of children and young people and for the right of all children to education".

(5) According to the United Nations 2016 Global Education Monitoring Report, more than 130 million girls worldwide are out of school. 15 million girls of primary-school age will never enter a classroom. As of 2016, at least 500 million adult women across the globe are illiterate.

(6) According to the World Bank, "Girls' education is a strategic development priority. Better educated women tend to be healthier, participate more in the formal labor market, earn higher incomes, * * * marry at a later age, and enable better health care and education for their children, should they choose to become mothers. All these factors combined

can help lift households, communities, and nations out of poverty.".

(7) In 2015, all United Nations Member States, including the United States, adopted quality education, including access to higher education, and gender equality as sustainable development goals to be attained by 2030. One of the education goal targets is to "ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university".

(8) In January 2010, Secretary of State Hillary Rodham Clinton stated, "We will open the doors of education to all citizens, but especially to girls and women * * *. We are doing all of these things because we have seen that when women and girls have the tools to stay healthy and the opportunity to contribute to their families" well-being, they flourish and so do the people around them.

(9) In February 2019, the White House launched the Women's Global Development and Prosperity Initiative to advance women's economic empowerment across the globe and reach more than 100,000 women.

(10) The World Economic Forum ranks Pakistan the second lowest among all countries in the world evaluated for gender equality. On educational attainment for women, Pakistan is ranked the tenth lowest.

(11) In Pakistan, the rate of higher education enrollment beyond high school for girls and women is just 9 percent as reported by the World Bank. The global rate is 40 percent. Less than 6 percent of women 25 and older in Pakistan attain a bachelor's degree or equivalent as of 2016.

(12) Factors such as poverty, early marriage, disability, ethnicity, and religion can contribute to the lack of educational opportunities for women in marginalized communities.

(13) According to the World Bank, "Higher education benefits both individuals and society. Economic returns for college graduates are the highest in the entire educational system—an average 17 percent increase in earnings per year of schooling as compared with 10 percent for primary school.".

(14) The United States provides critical foreign assistance to Pakistan's education sector to improve access to and the quality of basic and higher education. Since 2010, the United States Agency for International Development (referred to in this Act as "USAID") has awarded more than 6,000 scholarships for young women to receive higher education in Pakistan.

(15) The Merit and Needs-Based Scholarship Program administered by USAID awards scholarships to academically talented, financially needy Pakistani students from all regions, including female students from rural areas of the country, to pursue bachelor's or master's degrees at participating Pakistani universities.

SEC. 3. SENSE OF CONGRESS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) every individual should have the opportunity to pursue a full cycle of primary, secondary, and higher education;

(2) every individual, regardless of gender, socio-economic status, ethnicity, or religion should have the opportunity to pursue an education without fear of discrimination;

(3) educational exchanges promote institutional linkages between the United States and Pakistan; and

(4) recipients of scholarships referred to in section 4 should commit to improving their local communities.

(b) CONTINUED SUPPORT FOR EDUCATIONAL INITIATIVES IN PAKISTAN.—Congress encourages the Department of State and USAID to continue their support for initiatives led by the Government of Pakistan and civil society that promote education in Pakistan, especially education for women, in accordance with USAID's 2018 Education Policy.

SEC. 4. MERIT AND NEEDS-BASED SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—The USAID Administrator shall award at least 50 percent of the number of scholarships under the Merit and Needs-Based Scholarship Program (referred to in this Act as the "Program") to women for each of the calendar years 2020 through 2022.

(b) LIMITATIONS.—

(1) CRITERIA.—The scholarships available under subsection (a) may only be awarded in accordance with other scholarship eligibility criteria already established by USAID.

(2) ACADEMIC DISCIPLINES.—Scholarships authorized under subsection (a) shall be awarded for a range of disciplines to improve the employability of graduates and to meet the needs of the scholarship recipients.

(3) OTHER SCHOLARSHIPS.—The USAID Administrator shall make every effort to award 50 percent of the scholarships available under the Program to Pakistani women.

Consultation.

(c) LEVERAGING INVESTMENT.—The USAID Administrator shall, to the greatest extent practicable, consult with and leverage investments by the Pakistani private sector and Pakistani diaspora communities in the United States as part of USAID's greater effort to improve the quality of, expand access to, and ensure sustainability of education programs in Pakistan.

SEC. 5. ANNUAL CONGRESSIONAL BRIEFING.

Designation. Deadline. Time period.

(a) IN GENERAL.—The USAID Administrator shall designate appropriate USAID officials to brief the appropriate congressional committees, not later than 1 year after the date of enactment of this Act, and annually thereafter for the next 3 years, on the implementation of section 4.

(b) CONTENTS.—The briefing described in subsection (a) shall include, among other relevant information, for the most recently concluded fiscal year—

(1) the total number of scholarships that were awarded through the Program, including a breakdown by gender;

(2) the disciplines of study chosen by the scholarship recipients;

(3) the percentage of the scholarships that were awarded to students seeking a bachelor's degree or a master's degree, respectively;

(4) the percentage of scholarship recipients who voluntarily dropped out of school or were involuntarily pushed out of the program for failure to meet program requirements; and

(5) the percentage of scholarship recipients who dropped out of school due to retaliation for seeking an education, to the extent that such information is available.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 4508:

CONGRESSIONAL RECORD:
Vol. 166 (2020): Mar. 3, considered and passed House.
Vol. 166 (2021): Jan. 1, considered and passed Senate.

Public Law 116–339
116th Congress

An Act

To direct the Director of the National Science Foundation to support multidisciplinary research on the science of suicide, and to advance the knowledge and understanding of issues that may be associated with several aspects of suicide including intrinsic and extrinsic factors related to areas such as wellbeing, resilience, and vulnerability.

Jan. 13, 2021
[H.R. 4704]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Advancing Research to Prevent Suicide Act.
42 USC 1861 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing Research to Prevent Suicide Act".

42 USC 1862v note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The rate of Americans dying by suicide is on the rise, increasing 10.7 to 14.0 deaths per 100,000 people from 2001 to 2017.

(2) Suicide is the tenth-leading cause of death among people in the United States and the second-leading cause of death for young people between the ages of 15 and 34.

(3) The National Science Foundation funds research that is improving our basic understanding of factors with potential relevance to suicide, including potential relevance to prevention and treatment.

(4) Despite progress in mental health research, current gaps exist in scientific understanding and basic knowledge of human neural, genetic, cognitive, perceptual, behavioral, social, and environmental factors with potential relevance to suicide.

42 USC 1862v.

SEC. 3. NATIONAL SCIENCE FOUNDATION RESEARCH.

Consultation.
Grants.

(a) IN GENERAL.—The Director of the National Science Foundation, in consultation with the Director of the National Institutes of Health and the Director of the National Institute of Mental Health and taking into consideration prioritized research agendas or strategic plans, as appropriate, shall, subject to the availability of appropriations, award grants on a competitive, merit-reviewed basis to institutions of higher education (or consortia of such institutions) to support multidisciplinary, fundamental research with potential relevance to suicide, including potential relevance to prevention and treatment, including, but not limited to—

(1) basic understanding of human social behavior;

(2) the neural basis of human cognition;

(3) basic understanding of cognitive, linguistic, social, cultural, and biological processes related to human development across the lifespan;

(4) basic understanding of perceptual, motor, and cognitive processes, and their interaction, in typical human behavior; and

(5) basic understanding of the relevance of drug and alcohol abuse.

(b) ENCOURAGING APPLICATIONS FROM EARLY CAREER RESEARCHERS.—To promote the development of early career researchers, in awarding funds under subsection (a), the Director of the National Science Foundation shall encourage applications submitted by early career researchers, including doctoral students or postdoctoral researchers.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 4704:

HOUSE REPORTS: No. 116–342 (Comm. on Science, Space, and Technology).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Jan. 27, considered and passed House.
Dec. 14, considered and passed Senate, amended.
Dec. 31, House concurred in Senate amendment.

Public Law 116–340
116th Congress

An Act

Jan. 13, 2021
[H.R. 5126]

To require individuals fishing for Gulf reef fish to use certain descending devices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Direct Enhancement of Snapper Conservation and the Economy through Novel Devices Act of 2020.
16 USC 1801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Direct Enhancement of Snapper Conservation and the Economy through Novel Devices Act of 2020" or the "DESCEND Act of 2020".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that commercial and recreational fishermen (which, for the purpose of this Act shall include charter fishing) for Gulf reef fish are expected to use a venting tool or a descending device required for possession under section 3 when releasing fish that are exhibiting signs of barotrauma. The Secretary of Commerce (referred to in this Act as the "Secretary"), in coordination with the Gulf of Mexico Fishery Management Council, should develop and disseminate to fishermen education and outreach materials related to proper use of venting tools and descending devices, and strongly encourage their use by commercial and recreational fishermen when releasing fish that are exhibiting signs of barotrauma.

SEC. 3. REQUIRED POSSESSION OF DESCENDING DEVICES.

(a) REQUIRED GEAR IN THE GULF REEF FISH FISHERY.—Title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

16 USC 1870.

"SEC. 321. REQUIRED POSSESSION OF DESCENDING DEVICES.

"(a) REQUIRE GEAR IN THE GULF REEF FISH FISHERY.—It shall be unlawful for a person on board a commercial or recreational vessel to fish for Gulf reef fish in the Gulf of Mexico Exclusive Economic Zone without possessing on board the vessel a venting tool or a descending device that is rigged and ready for use while fishing is occurring.

"(b) SAVINGS CLAUSE.—No provision of this section shall be interpreted to affect any program or activity carried out by the Gulf Coast Ecosystem Restoration Council established by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note), or any project contained in an approved Restoration Plan developed by any Natural Resources Damage Assessment

Trustee Implementation Group to reduce post-release mortality from barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries.

"(c) DEFINITIONS.—In this section:

"(1) DESCENDING DEVICE.—The term 'descending device' means an instrument that—

"(A) will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma;

"(B) is a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth, or another device determined to be appropriate by the Secretary; and

"(C) is capable of—

"(i) releasing the fish automatically;

"(ii) releasing the fish by actions of the operator of the device; or

"(iii) allowing the fish to escape on its own.

"(2) VENTING TOOL.—The term 'venting tool' has the meaning given to it by the Gulf of Mexico Fishery Management Council.

"(3) GULF REEF FISH.—The term 'Gulf reef fish' means any fish chosen by the Gulf of Mexico Fishery Management Council that is in the reef Fishery Management Plan for the purposes of this Act.".

(b) CIVIL PENALTIES.—Section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)) is amended by inserting "or section 321" after "section 307".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 1 year after the date of the enactment of this Act. 16 USC 1858 note.

(d) CONFORMING AMENDMENT.—Title III of the table of contents of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) is amended by striking the item relating to section 305 and all that follows through the end of the items relating to such title and inserting the following:

"Sec. 305. Other requirements and authority.
"Sec. 306. State jurisdiction.
"Sec. 307. Prohibited acts.
"Sec. 308. Civil penalties and permit sanctions.
"Sec. 309. Criminal offenses.
"Sec. 310. Civil forfeitures.
"Sec. 311. Enforcement.
"Sec. 312. Transition to sustainable fisheries.
"Sec. 313. North Pacific fisheries conservation.
"Sec. 314. Northwest Atlantic Ocean fisheries reinvestment program.
"Sec. 315. Regional Coastal Disaster Assistance, Transition, and Recovery Program.
"Sec. 316. Bycatch Reduction Engineering Program.
"Sec. 317. Shark Feeding.
"Sec. 318. Cooperative Research and Management Program.
"Sec. 319. Herring Study.
"Sec. 320. Restoration Study.
"Sec. 321. Required possession of descending devices.".

(e) SUNSET.—Five years after the date of the enactment of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) is amended— 16 USC 1858 note.

(1) in the table of contents, by striking the item relating to section 321;

(2) in section 308(a), by striking "or section 321"; and 16 USC 1858.

(3) by striking section 321. 16 USC 1870.

SEC. 4. IMPROVING DISCARD MORTALITY DATA. 16 USC 1865 note.

(a) AGREEMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study Deadline. Study. Reports.

and produce a report on discard mortality in the Gulf of Mexico reef fish fisheries. The study shall include—

Assessments. Recommendations.

(1) assessment of gaps and biases in reporting of discards and associated discard mortality;

(2) assessment of uncertainty and likely impacts of such uncertainty in discard mortality;

(3) assessment of the effectiveness and usage rates of barotrauma-reducing devices;

(4) recommendations for future research priorities; and

(5) recommendations for standardized reporting and quantification of discards in the same metric as landings for fisheries under the Gulf of Mexico Reef Fish Fishery Management Plan.

Reports.

(b) DEADLINES.—Not later than 2 years after the date of the enactment of this Act, the National Academy of Sciences shall complete the study required under subsection (a) and transmit the final report to the Secretary. Not later than 3 months after receiving the study and report in accordance with this subsection, the Secretary shall submit the study and report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

Deadline.

(c) PLAN.—Not later than 1 year after the Secretary receives the study and report required under subsection (a), Secretary and the Gulf of Mexico Fishery Management Council shall develop—

(1) guidance for minimum standards for quantifying and reporting discards and associated mortality in the Gulf of Mexico Reef Fish Fishery Management Plan; and

Assessment.

(2) a plan to assess and monitor the effectiveness and usage of barotrauma-reducing devices and the impact on discard mortality rates in Gulf of Mexico reef fish fisheries.

(d) FOLLOW-UP REPORT.—Not later than 3 years after developing minimum standards and developing the assessment and monitoring plan under subsection (c), the Secretary shall provide a detailed report on implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 5126:

HOUSE REPORTS: No. 116–531 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Oct. 1, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 116–341
116th Congress

An Act

Jan. 13, 2021
[H.R. 5472]

To redesignate the Jimmy Carter National Historic Site as the "Jimmy Carter National Historical Park".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Jimmy Carter National Historical Park Redesignation Act.
16 USC 410hhhh note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jimmy Carter National Historical Park Redesignation Act".

SEC. 2. DESIGNATION OF JIMMY CARTER NATIONAL HISTORICAL PARK.

16 USC 410hhhh note.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be known and designated as the "Jimmy Carter National Historical Park".

(b) AMENDMENTS TO PUBLIC LAW 100–206.—Public Law 100–206 (54 U.S.C. 320101 note; 101 Stat. 1434) is amended—

16 USC 410hhhh.

(1) in section 1(a), in the matter preceding paragraph (1), by striking "National Historic Site" and inserting "National Historical Park";

16 USC 410hhhh–2.

(2) in section 3—

(A) in subsection (a), by striking "provisions of law generally applicable to national historic sites" and inserting "provisions of law generally applicable to units of the National Park System"; and

(B) in subsection (d), in the second sentence, by striking "National Historic Site" and inserting "National Historical Park";

16 USC 410hhhh–5.

(3) in section 6(2), by striking "National Historic Site" and inserting "National Historical Park";

16 USC 410hhhh, 410hhhh–2—410hhhh–6.

(4) by striking "historic site" each place it appears and inserting "historical park";

16 USC 410hhhh, 410hhhh–2—410hhhh–6.

(5) by striking "historic site" each place it appears and inserting "historical park"; and

16 USC 410hhhh.

(6) by striking "Historic Site" each place it appears and inserting "Historical Park".

16 USC 410hhhh note.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the

Jimmy Carter National Historic Site shall be considered to be a reference to the "Jimmy Carter National Historical Park".

Approved January 13, 2021.

LEGISLATIVE HISTORY—H.R. 5472:

HOUSE REPORTS: No. 116–643 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 17, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 116–342
116th Congress

An Act

Jan. 13, 2021
[S. 371]

To provide regulatory relief to charitable organizations that provide housing assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Building Up Independent Lives and Dreams Act. 12 USC 2601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Building Up Independent Lives and Dreams Act" or the "BUILD Act".

SEC. 2. MORTGAGE LOAN TRANSACTION DISCLOSURE REQUIREMENTS.

(a) TILA AMENDMENT.—Section 105 of the Truth in Lending Act (15 U.S.C. 1604) is amended by inserting after subsection (d) the following:

"(e) DISCLOSURE FOR CHARITABLE MORTGAGE LOAN TRANSACTIONS.—With respect to a mortgage loan transaction involving a residential mortgage loan offered at 0 percent interest with only bonafide and reasonable fees and that is primarily for charitable purposes by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, forms HUD–1 and GFE (as defined under section 1024.2(b) of title 12, Code of Federal Regulations) together with a disclosure substantially in the form of the Loan Model Form H–2 (as depicted in Appendix H to part 1026 of title 12, Code of Federal Regulations) shall, collectively, be an appropriate model form for purposes of subsection (b) of this section.".

(b) RESPA AMENDMENT.—Section 4 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603) is amended by adding at the end the following:

"(d) DISCLOSURE FOR CHARITABLE MORTGAGE LOAN TRANSACTIONS.—With respect to a mortgage loan transaction involving a residential mortgage loan offered at 0 percent interest with only bonafide and reasonable fees and that is primarily for charitable purposes, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code may use forms HUD–1 and GFE (as defined under section 1024.2(b) of title 12, Code of Federal Regulations) together with a disclosure substantially in the form of the Loan Model Form H–2 (as depicted in Appendix H to part 1026 of title 12, Code of Federal Regulations), collectively, in lieu of the disclosure published under subsection (a) of this section.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act. 12 USC 2603 note.

Approved January 13, 2021.

LEGISLATIVE HISTORY—S. 371 (H.R. 1060):

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 21, considered and passed Senate.
Dec. 31, considered and passed House.

Public Law 116–343
116th Congress

An Act

Jan. 13, 2021
[S. 1310]

To strengthen the participation of elected national legislators in the activities of the Organization of American States and reaffirm United States support for Organization of American States human rights and anti-corruption initiatives, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Organization of American States Legislative Engagement Act of 2020.
22 USC 290q note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organization of American States Legislative Engagement Act of 2020".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Charter of the Organization of American States establishes that "representative democracy is an indispensable condition for the stability, peace and development of the region".

(2) Article 2 of the Inter-American Democratic Charter of the Organization of American States affirms that "the effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States".

(3) Article 26 of the Inter-American Democratic Charter states that "the OAS will continue to carry out programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in the Hemisphere".

(4) In accordance with the OAS Charter and the Inter-American Democratic Charter, the OAS General Assembly, OAS Permanent Council, and OAS Secretariat have established a wide range of cooperative agreements with domestic and international organizations, including national legislative institutions.

(5) In 2004, OAS General Assembly Resolution 2044 (XXXIV–O/04) appealed for the "strengthening of legislatures, as well as inter-parliamentary cooperation on key items of the inter-American agenda, with a view, in particular, to generating initiatives to fight corruption, poverty, inequality, and social exclusion".

(6) In 2005, OAS General Assembly Resolution 2095 (XXXV–O/05) called on the OAS Secretariat to "invite [. . .] the presidents or speakers of the national legislative institutions of the Americas, i.e., congresses, parliaments, or national assemblies, [. . .] to attend a special meeting of the Permanent Council [. . .] for the initiation of a dialogue on topics on the hemispheric agenda".

(7) In 2014 and 2015, the OAS Secretariat expanded its engagement with elected national legislators from OAS member states by convening two meetings of presidents of national legislatures, first in Lima, Peru and subsequently in Santiago, Chile.

(8) However, no permanent procedures exist to facilitate the participation of elected national legislators from OAS member states in OAS activities.

(9) The Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly has proven successful at strengthening inter-parliamentary cooperation among its member states.

SEC. 3. SENSE OF CONGRESS.

It is that sense of Congress that—

(1) elected national legislators play an essential role in the exercise of representative democracy in the Americas, including by—

(A) promoting economic freedom and respect for property rights;

(B) promoting the rule of law and combating corruption;

(C) defending human rights and fundamental freedoms; and

(D) advancing the principles and practices expressed in the Charter of the Organization of American States, the American Declaration on the Rights and Duties of Man, and the Inter-American Democratic Charter;

(2) establishing procedures and mechanisms to facilitate the participation of elected national legislators from OAS member states in OAS activities could contribute to the promotion of democratic principles and practices and strengthen a democratic culture in the Western Hemisphere;

(3) increasing and strengthening the participation of elected national legislators from OAS member states in OAS activities could advance the principles and proposals expressed in section 4 of the Organization of American States Revitalization and Reform Act of 2013 (Public Law 113–41; 127 Stat. 549);

(4) the OAS General Assembly, OAS Permanent Council, and OAS Secretariat should take steps to facilitate greater participation of elected national legislators from OAS member states in OAS activities;

(5) the OAS Permanent Council resolutions titled "Guidelines for the Participation of Civil Society in OAS Activities" and "Strategies for Increasing and Strengthening Participation by Civil Society Organizations in OAS Activities" should serve as important references for efforts to bolster the participation of elected national legislators from OAS member states in OAS activities; and

(6) the successful experience of the Organization for Security and Co-operation in Europe Parliamentary Assembly should serve as a model to the OAS in creating a similar mechanism.

SEC. 4. STRENGTHENING PARTICIPATION OF ELECTED NATIONAL LEGISLATORS AT THE OAS.

(a) IN GENERAL.—The Secretary of State, acting through the United States Mission to the Organization of American States,

should use the voice and vote of the United States to support the creation of procedures for the Organization of American States that—

(1) enhance the participation of democratically elected national legislators from OAS member state countries in OAS activities that advance the principles of the Inter-American Democratic Charter and the core values of the OAS consistent with the principles and proposals expressed in section 4 of the Organization of American States Revitalization and Reform Act of 2013 (Public Law 113–41; 127 Stat. 549);

(2) create an annual forum for democratically elected national legislatures from OAS member states to discuss issues of hemispheric importance, including regional efforts to defend human rights and combat transnational criminal activities, corruption, and impunity;

(3) permit elected national legislators from OAS member states to make presentations, contribute information, and provide expert advice, as appropriate, to the OAS Secretariat, OAS Permanent Council, and OAS General Assembly about OAS activities on issues of hemispheric importance;

(4) lead to the creation of a mechanism to regularly facilitate the participation of elected national legislators in OAS activities; and

(5) reinforce OAS Secretariat programs that provide technical assistance for the modernization and institutional strengthening of national legislatures from OAS member states.

(b) EXPENSES.—The Secretary of State, acting through the United States Mission to the Organization of American States, as appropriate, shall seek to ensure that expenses related to the procedures set forth in this Act do not increase member quotas, assessed fees, or voluntary contributions and that the Secretariat of the OAS shall seek to ensure shared financial responsibilities among the member states in facilitating the financial support necessary to carry out this initiative.

SEC. 5. SUPPORT FOR OAS HUMAN RIGHTS AND ANTI-CORRUPTION INITIATIVES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the efforts of the OAS Secretary General and Secretariat to combat corruption and impunity in the Americas represent important contributions to strengthening the rule of law and democratic governance in the Americas; and

(2) the United States should support efforts to ensure the effectiveness and independence of OAS initiatives to combat corruption and impunity in the Americas.

(b) ANTI-CORRUPTION AND HUMAN RIGHTS PROMOTION STRATEGY.—Not later than 180 days after the date of the enactment of the Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a strategy for supporting OAS anti-corruption and human rights promotion efforts. The strategy should include—

Deadline.

(1) an assessment of United States programs, activities, and initiatives with the OAS to support anti-corruption and human rights promotion in the Americas;

Assessment.

(2) a summary of the steps taken by the United States Mission to the OAS to strengthen anti-corruption and anti-impunity efforts in the Americas; Summary.

(3) an assessment of necessary reforms and initiatives to prioritize and reinforce the OAS Secretary General and Secretariat's efforts to advance human rights and combat corruption and impunity in the Americas; Assessment.

(4) a detailed plan to facilitate increased OAS collaboration, as appropriate, with relevant stakeholders, including elected national legislators and civil society, in support of an approach to promote human rights and combat transnational criminal activities, corruption, and impunity in the Americas; and Plan.

(5) a detailed plan for implementing the strategy set forth in this section of the Act. Implementation plan.

SEC. 6. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on OAS processes, initiatives, and reforms undertaken to implement section 4, actions taken to implement the strategy required under section 5(b), and steps taken to implement the Organization of American States Revitalization and Reform Act of 2013 (Public Law 113–41). The report should include—

(1) an analysis of the progress made by the OAS to adopt and effectively implement reforms and initiatives to advance human rights and combat corruption and impunity in the Americas; and Analysis.

(2) a detailed assessment of OAS efforts to increase stakeholder engagement to advance human rights and combat corruption and impunity in the Americas. Assessment.

(b) BRIEFINGS.—Not later than one year after the Secretary of State submits the report required under subsection (a), and annually thereafter for two additional years, the Secretary shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a briefing on the information required to be included in such report. Deadline. Time periods.

SEC. 7. SENSE OF CONGRESS ON ELECTED NATIONAL LEGISLATOR.

It is the sense of Congress that an elected national legislator participating in the activities outlined in this Act should be an individual that—

(1) was elected as a result of periodic, free and fair elections; and

(2) is not known to be under investigation or convicted for corruption or transnational criminal activities, including trafficking of people, goods, or illicit narcotics, money-laundering, terrorist financing, acts of terrorism, campaign finance violations, bribery, or extortion.

Approved January 13, 2021.

LEGISLATIVE HISTORY—S. 1310:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 10, considered and passed Senate.
Dec. 31, considered and passed House.

Public Law 116–344
116th Congress

An Act

To authorize the Sergeant at Arms and Doorkeeper of the Senate to delegate authority to approve payroll and personnel actions.

Jan. 13, 2021
[S. 5076]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO DELEGATE AUTHORITY TO APPROVE PAYROLL AND PERSONNEL ACTIONS.

Section 1201 of the Supplemental Appropriations Act, 1984 (2 U.S.C. 6598) is amended—

(1) by striking "all vouchers, for payment of moneys," and inserting "any voucher for payment of moneys, payroll action, or personnel action"; and

(2) by striking "any voucher, for payment of moneys," and inserting "any voucher for payment of moneys, payroll action, or personnel action".

Approved January 13, 2021.

LEGISLATIVE HISTORY—S. 5076:

CONGRESSIONAL RECORD, Vol. 166 (2020):
Dec. 20, considered and passed Senate.
Dec. 31, considered and passed House.

CONCURRENT RESOLUTIONS

SECOND SESSION, ONE HUNDRED SIXTEENTH CONGRESS

JOINT SESSION

Jan. 30, 2020
[H. Con. Res. 86]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 4, 2020, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to January 30, 2020.

CHINESE-AMERICAN VETERANS OF WORLD WAR II—CONGRESSIONAL GOLD MEDAL AWARD CEREMONY—EMANCIPATION HALL AUTHORIZATION

Mar. 11, 2020
[H. Con. Res. 91]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO CHINESE-AMERICAN VETERANS OF WORLD WAR II.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 29, 2020, for a ceremony to present the Congressional Gold Medal collectively to the Chinese-American veterans of World War II, in recognition of their dedicated service during World War II.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to March 11, 2020.

HOLOCAUST DAYS OF REMEMBRANCE CEREMONY—EMANCIPATION HALL AUTHORIZATION

Mar. 12, 2020
[H. Con. Res. 87]

Resolved by the House of Representatives (the Senate concurring), That Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 21, 2020, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to March 12, 2020.

June 26, 2020
[S. Con. Res. 38]

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES—ESTABLISHMENT

To establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2021.

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee") consisting of 3 Senators and 3 Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2021.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

Agreed to June 26, 2020.

July 27, 2020
[H. Con. Res. 105]

JOHN LEWIS—LYING IN STATE—CAPITOL ROTUNDA AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered to the Nation by the Honorable John Lewis, late a Representative from the State of Georgia, his remains shall be permitted to lie in state in the Rotunda of the Capitol from July 27, 2020, through July 29, 2020, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

Agreed to July 27, 2020.

JOHN LEWIS—FUNERAL SERVICES—CATAFALQUE AUTHORIZATION

July 27, 2020
[H. Con. Res. 106]

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is authorized and directed to transfer the catafalque which is situated in the Exhibition Hall of the Capitol Visitor Center to the Rotunda of the Capitol so that such catafalque may be used in connection with services to be conducted there for the Honorable John Lewis, late a Representative from the State of Georgia.

Agreed to July 27, 2020.

WOMEN IN CONGRESS, 1917–2006—HOUSE PRINT

Sept. 15, 2020
[H. Con. Res. 92]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PRINTING OF REVISED VERSION OF "WOMEN IN CONGRESS, 1917–2006".

(a) IN GENERAL.—An updated version of House Document 108–223, entitled "Women in Congress, 1917–2006" (as revised by the Library of Congress), shall be printed as a House document by the Public Printer, with illustrations and suitable binding, under the direction of the Committee on House Administration of the House of Representatives.

(b) NUMBER OF COPIES.—In addition to the usual number, there shall be printed such number of copies of the document referred to in subsection (a) as does not exceed a total production and printing cost of $500,000, of which—

(1) 80 percent shall be for the use of the Committee on House Administration of the House of Representatives; and

(2) 20 percent shall be for the use of the Committee on Rules and Administration of the Senate.

Agreed to September 15, 2020.

RUTH BADER GINSBURG—FUNERAL SERVICES—CATAFALQUE AUTHORIZATION

Sept. 24, 2020
[S. Con. Res. 45]

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Supreme Court of the United States the catafalque which is situated in the crypt beneath the Rotunda of the Capitol so that such catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late honorable Ruth Bader Ginsburg, Associate Justice of the United States Supreme Court. The custody of the catafalque shall then be returned to the Architect of the Capitol to be used in connection with such services to be conducted in National Statuary Hall.

Agreed to September 24, 2020.

Oct. 1, 2020
[S. Con. Res. 46]

ENROLLMENT CORRECTIONS—S. 2330

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of S. 2330, an Act to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes, the Secretary of the Senate shall—

(1) in subsection (b)(2)(D) of section 220504 of title 36, United States Code, as amended by section 6(b)(2) of the Act, strike "percent";

(2) in subsection (a)(1)(H) of section 220541 of title 36, United States Code, as added by section 8(a)(1)(B) of the Act, strike "in a manner than" and insert "in a manner that";

(3) in subsection (f)(4)(B) of section 220541 of title 36 United States Code, as added by section 8(a)(1)(E) of the Act, insert "and the Committee on the Judiciary" after "the Committee on Energy and Commerce";

(4) amend paragraph (1) of section 220541(g) of title 36, United States Code, as added by section 8(a)(1)(E) of the Act, to read as follows:

"(1) MANDATORY PAYMENTS.—

"(A) FISCAL YEAR 2021.—On January 4, 2021, the corporation shall make a mandatory payment of $20,000,000 to the Center for operating costs of the Center for fiscal year 2021.

"(B) SUBSEQUENT FISCAL YEARS.—For fiscal year 2022 and each fiscal year thereafter, the corporation shall make a mandatory payment of $20,000,000 to the Center not later than the close of business on the first regular business day in January."; and

(5) in subsection (h)(2)(C)(iii) of section 220541 of title 36, United States Code, as added by section 8(a)(1)(E) of the Act, insert "and the Committee on the Judiciary" after "the Committee on Energy and Commerce".

Agreed to October 1, 2020.

Dec. 3, 2020
[H. Con. Res. 125]

ENROLLMENT CORRECTION—H.R. 1830

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of H.R. 1830, the Clerk of the House of Representatives shall make the following correction: Strike "National Purple Heart Hall of Honor, Inc." each place such term appears and insert "National Purple Heart Honor Mission, Inc.".

Agreed to December 3, 2020.

ENROLLMENT CORRECTION—S. 1869

Dec. 10, 2020
[S. Con. Res. 51]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of S. 1869, an Act to require the disclosure of ownership of high-security space leased to accommodate a Federal agency, and for other purposes, the Secretary of the Senate shall, in section 4(c)(3) of the Act, strike "thereafter for years" and insert "thereafter for 9 years".

Agreed to December 10, 2020.

ENROLLMENT CORRECTIONS—S. 3312

Dec. 18, 2020
[S. Con. Res. 52]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of S. 3312, an Act to establish a crisis stabilization and community reentry grant program, and for other purposes, the Secretary of the Senate shall—

(1) in section 3051(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, strike ", for use by State and local correctional facilities," and insert ", Indian Tribes, units of local government, and community-based nonprofit organizations";

(2) in section 3051(b)(1)(B) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, strike "offenders" and insert "individuals";

(3) in the section heading for section 3052 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, strike "**STATE**";

(4) in section 3052(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, in the matter preceding paragraph (1), strike ", or such agency as the chief executive may designate," and insert ", Indian Tribe, unit of local government, or community-based non-profit organization";

(5) in section 3052(a)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, in the matter preceding subparagraph (A), after "State" insert ", Tribal, or local";

(6) in section 3052(b)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act—

(A) after "State" insert ", Indian Tribe, unit of local government, or community-based nonprofit organization"; and

(B) after "facility" insert "and adopt policies that focus on programming, strategies, and educational components for reducing recidivism and probation violations";

(7) in the section heading for section 3053 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, strike "**STATE**";

(8) in section 3054 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, after "State" insert ", Indian Tribe, unit of local government, or community-based nonprofit organization"; and

(9) amend section 3055 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2 of the Act, to read as follows:

"SEC. 3055 AUTHORIZATION OF FUNDING.

"Subject to the availability of appropriations, for purposes of carrying out this part, the Attorney General is authorized to award not more than $10,000,000 of funds appropriated to the Department of Justice for these purposes for each of fiscal years 2021 through 2025.".

Agreed to December 18, 2020.

Dec. 21, 2020
[H. Con. Res. 127]

ENROLLMENT CORRECTION—H.R. 133

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 133 the Clerk of the House of Representatives shall make the following correction:

Amend the title so as to read: "Making consolidated appropriations for the fiscal year ending September 30, 2021, providing coronavirus emergency response and relief, and for other purposes.".

Agreed to December 21, 2020.

Dec. 21, 2020
[H. Con. Res. 128]

ENROLLMENT CORRECTION—H.R. 1520

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 1520 the Clerk of the House of Representatives shall make the following correction:

Amend the title so as to read: "Making further continuing appropriations for fiscal year 2021, and for other purposes.".

Agreed to December 21, 2020.

PROCLAMATIONS

Proclamation 9976 of January 15, 2020

Religious Freedom Day, 2020

By the President of the United States of America
A Proclamation

From its opening pages, the story of America has been rooted in the truth that all men and women are endowed with the right to follow their conscience, worship freely, and live in accordance with their convictions. On Religious Freedom Day, we honor the foundational link between freedom and faith in our country and reaffirm our commitment to safeguarding the religious liberty of all Americans.

Religious freedom in America, often referred to as our ''first freedom,''; was a driving force behind some of the earliest defining moments of our American identity. The desire for religious freedom impelled the Pilgrims to leave their homes in Europe and journey to a distant land, and it is the reason so many others seeking to live out their faith or change their faith have made America their home.

More than 230 years ago, the Virginia General Assembly passed the Virginia Statute for Religious Freedom, which was authored and championed by Thomas Jefferson. Jefferson famously expounded that ''all men shall be free to profess, and by argument to maintain, their opinions in matters of Religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.''; This statute served as the catalyst for the First Amendment, which enshrined in law our conviction to prevent government interference in religion. More than 200 years later, thanks to the power of that Amendment, America is one of the most religiously diverse nations in the world.

Since I took office, my Administration has been committed to protecting religious liberty. In May 2017, I signed an Executive Order to advance religious freedom for individuals and institutions, and I stopped the Johnson Amendment from interfering with pastors' right to speak their minds. Over the last 3 years, the Department of Justice has obtained 14 convictions in cases involving attacks or threats against places of worship. To fight the rise of anti-Semitism in our country, I signed an Executive Order last month to ensure that Federal agencies are using nondiscrimination authorities to combat this venomous bigotry. I have also made clear that my Administration will not tolerate the violation of any American's ability to worship freely and openly and to live as his or her faith commands.

My Administration also remains cognizant of the stark realities for people seeking religious liberty abroad and has made protecting religious minorities a core pillar of my Administration's foreign policy. Repressive governments persecute religious worshipers using high-tech surveillance, mass detention, and torture, while terrorist organizations carry out barbaric violence against innocent victims on account of their religion. To cast a light on these abuses, in July 2019, I welcomed survivors of religious persecution from 16 countries into the Oval Office. These survivors included Christians, Jews, and Muslims, who all shared similar stories of persecution. At the United Nations in September, I called on global leaders to take concrete steps to prevent state and non-state actors from attacking citizens for their beliefs and to help ensure the sanctity and safety of places of worship. And, last summer,

the State Department convened its second Ministerial to Advance Religious Freedom, where our diplomats engaged a broad range of stakeholders in government and civil society, both religious and secular, to identify concrete ways to combat religious persecution and discrimination around the world and ensure greater respect for freedom of religion and belief.

On this Religious Freedom Day, we reaffirm our commitment to protecting the precious and fundamental right of religious freedom, both at home and abroad. Our Founders entrusted the American people with a responsibility to protect religious liberty so that our Nation may stand as a bright beacon for the rest of the world. Today, we remain committed to that sacred endeavor and strive to support those around the world who still struggle under oppressive regimes that impose restrictions on freedom of religion.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2020, as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that remind us of our shared heritage of religious liberty and that teach us how to secure this blessing both at home and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9977 of January 17, 2020

Martin Luther King, Jr., Federal Holiday, 2020

By the President of the United States of America

A Proclamation

On August 28, 1963, nearly a quarter of a million people gathered in the August heat on the National Mall in Washington, DC, to hear the Reverend Dr. Martin Luther King, Jr., speak. People traveled to our Nation's Capital from places as far away as Atlanta and Los Angeles to witness one of the defining moments in American history. On the steps of the Lincoln Memorial, Dr. King articulated the founding dream of America, the vision of our Founders for all Americans to live as ''an heir of the legacy of dignity and worth.''; Today, we pause to honor the incredible life and accomplishments of Dr. King, who helped shape the Civil Rights Movement, gave hope to millions experiencing discrimination, and whose enduring memory inspires us to pursue a more just and equal society.

Dr. King dedicated his life's work to fighting for the right of every American to achieve the American Dream. Born the son of a Baptist minister on Auburn Street in Atlanta, Dr. King became an American icon and hero to millions of freedom-loving peoples everywhere, propelled by his powerful and inspiring message of peaceful protest and nonviolent resistance. From the steps of the Lincoln Memorial before

thousands to the quiet solitude of a jail cell in Birmingham, Dr. King evinced an unshakable commitment to create a better future, never relenting in his quest for justice.

Since its inception, our Nation has served as a beacon of hope and opportunity around the world. America's promise of freedom and justice has guided our people through adversity to prosperity. Dr. King's life and legacy stands as a testament to that promise, one rooted in the inalienable rights of mankind and a commitment to freedom from persecution. Throughout his battle against segregation and discrimination, Dr. King praised his fellow demonstrators for returning ''back to the deep wells of democracy''; that trace their roots to our founding. We honor Dr. King's legacy and our Nation's heritage when we act to protect and expand freedom and opportunity.

As President, I remain committed to safeguarding the promise of our Nation and the values we share, the values that Dr. King so ardently worked to achieve. My Administration works each day to ensure that all Americans have every opportunity to realize a better life for themselves and their families regardless of race, class, gender, or any other barriers that have arbitrarily stood in their way. We have seen historic economic growth, with more than 7 million new jobs since my election and record highs in African-American, Hispanic-American, and Asian-American employment. Through a focused effort of deregulation and growth-oriented policies, we have unleashed the potential of the American economy and bolstered the strength of the greatest workforce in the world, the American workforce. We recognize that economic opportunity is the greatest engine for empowering individuals and families to overcome adversity, and we will continue to fight for opportunity for all Americans.

On this day, we are reminded of what Dr. King described as ''our noble capacity for justice and love and brotherhood.''; As we pay tribute to Dr. King, I urge all Americans to heed his call to action so that we may build the ''Beloved Community''; that he envisioned, living up to the sacred promise for a better future woven into the fabric of our American identity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 20, 2020, as the Martin Luther King, Jr., Federal Holiday. On this day, I encourage all Americans to recommit themselves to Dr. King's dream by engaging in acts of service to others, to their community, and to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9978 of January 21, 2020

National Sanctity of Human Life Day, 2020

By the President of the United States of America

A Proclamation

Every person—the born and unborn, the poor, the downcast, the disabled, the infirm, and the elderly—has inherent value. Although each journey is different, no life is without worth or is inconsequential; the rights of all people must be defended. On National Sanctity of Human Life Day, our Nation proudly and strongly reaffirms our commitment to protect the precious gift of life at every stage, from conception to natural death.

Recently, we have seen decreases in the total number and rate of abortions in our country. From 2007–2016, the most recent period of analysis, the number and rate of abortions decreased by 24 percent and 26 percent, respectively. The rate of teen pregnancies—the vast majority of which are unplanned—has almost continuously decreased over the last quarter century, contributing to the lowest rate of abortions among adolescents since the legalization of abortion in 1973. All Americans should celebrate this decline in the number and rate of abortions, which represents lives saved. Still, there is more to be done, and, as President, I will continue to fight to protect the lives of the unborn. I signed into law legislation under the Congressional Review Act that allows States and other grantees to exclude organizations that perform abortions from their Title X projects. My Administration has also issued regulations to ensure Title X family planning projects are clearly separated from those that perform, promote, or refer for abortion as a method of family planning; to protect the conscience rights of healthcare workers and organizations, including with respect to abortion; and to ensure the Federal Government does not force employers that object, based on religious belief or moral conviction, to provide insurance for contraceptives, including those they believe cause early abortions. Additionally, I have called on the Congress to act to prohibit abortions of later-term babies who can feel pain.

My Administration is also building an international coalition to dispel the concept of abortion as a fundamental human right. So far, 24 nations representing more than a billion people have joined this important cause. We oppose any projects that attempt to assert a global right to taxpayer-funded abortion on demand, up to the moment of delivery. And we will never tire of defending innocent life—at home or abroad.

As a Nation, we must remain steadfastly dedicated to the profound truth that all life is a gift from God, who endows every person with immeasurable worth and potential. Countless Americans are tireless defenders of life and champions for the vulnerable among us. We are grateful for those who support women experiencing unexpected pregnancies, those who provide healing to women who have had abortions, and those who welcome children into their homes through foster care and adoption. On National Sanctity of Human Life Day, we celebrate the wonderful gift of life and renew our resolve to build a culture where life is always revered.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim January 22, 2020, as National Sanctity of Human Life Day. Today, I call on the Congress to join me in protecting and defending the dignity of every human life, including those not yet born. I call on the American people to continue to care for women in unexpected pregnancies and to support adoption and foster care in a more meaningful way, so every child can have a loving home. And finally, I ask every citizen of this great Nation to listen to the sound of silence caused by a generation lost to us, and then to raise their voices for all affected by abortion, both seen and unseen.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9979 of January 23, 2020

To Further Facilitate Positive Adjustment to Competition From Imports of Large Residential Washers

By the President of the United States of America

A Proclamation

1. On January 23, 2018, pursuant to section 203 of the Trade Act of 1974, as amended (the ''Trade Act'';) (19 U.S.C. 2253), I issued Proclamation 9694, which imposed a safeguard measure for a period of 3 years plus 1 day comprising both a tariff-rate quota (TRQ) on imports of large residential washers (washers) provided for in subheadings 8450.11.00 and 8450.20.00 of the Harmonized Tariff Schedule of the United States (HTS) and a TRQ on covered washer parts provided for in subheadings 8450.90.20 and 8450.90.60 of the HTS. I exempted covered imports from Canada and certain designated beneficiary countries under the Generalized System of Preferences from the application of the measure.

2. On August 7, 2019, the United States International Trade Commission (USITC) issued its report pursuant to section 204(a)(2) of the Trade Act (19 U.S.C. 2254(a)(2)), on the results of its monitoring of developments with respect to the domestic washers industry (USITC, Large Residential Washers: Monitoring Developments in the Domestic Industry, No. TA–204–013). In its report, the USITC found that imports peaked in November and December of 2017, just before the safeguard measure was imposed, and again in February and March of 2019, at the opening of the second TRQ period. More recent data from U.S. Customs and Border Protection indicate that the number of imported units exceeded the 1.2-million-unit annual limit qualifying for the in-quota rate well before the end of the year in the first year of the measure and in less than 3 months in the second year of the measure.

3. Section 204(b)(1)(B) of the Trade Act (19 U.S.C. 2254(b)(1)(B)) authorizes the President, upon petition of the majority of the representatives of the domestic industry, to reduce, modify, or terminate an action taken under section 203 of the Trade Act when the President de-

termines that the domestic industry has made a positive adjustment to import competition.

4. After taking into account the information provided in the USITC's report, and after receiving a petition from the representative of the majority of the domestic industry, I have determined that the domestic industry has begun to make positive adjustment to import competition but that, despite that adjustment, increased imports of washers at peak times of the year have impaired the effectiveness of the action I proclaimed in 2018 under section 203 of the Trade Act, and modification of the action is warranted.

5. Section 204(b)(2) of the Trade Act (19 U.S.C. 2254(b)(2)) also authorizes the President to take such additional action under section 203 of the Trade Act as may be necessary to eliminate any circumvention of any action previously taken under such section. Pursuant to section 203(a)(3)(B) of the Trade Act (19 U.S.C. 2253(a)(3)(B)), the President may proclaim a TRQ on the imported article.

6. I have further determined that additional action is necessary to eliminate circumvention of the TRQ by ensuring that within-quota quantities of imports of washers are spread throughout the year, thus eliminating the possibility that importers' concentration of imports of washers in a limited period would distort the quantity of washers in the U.S. market and undermine the positive effect of the TRQ on the domestic industry's adjustment to import competition. Accordingly, I have decided to allocate, on a quarterly basis, within-quota quantities of 1.2 million washers during the third year of the action, beginning February 7, 2020.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 203, 204, and 604 of the Trade Act, do proclaim that:

(1) In order to modify the quantitative limitations applicable to imports of washers under HTS subheadings 8450.11.00 and 8450.20.00, by allocating the within-quota quantities for the third quota year on a quarterly basis, subchapter III of chapter 99 of the HTS is modified as set forth in the Annex to this proclamation.

(2) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

(3) The modifications to the HTS made by this proclamation, including the Annex hereto, shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 7, 2020, and shall continue in effect as provided in the Annex to this proclamation, unless such actions are earlier expressly reduced, modified, or terminated. One year from the termination of the safeguard measure established in this proclamation, the U.S. note and tariff provisions estab-

lished in the Annex to this proclamation shall be deleted from the HTS.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 7, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as provided herein:

1. U.S. note 17(d) to such subchapter III is modified by deleting the phrase "For purposes of" and by inserting in lieu thereof the phrase "Subject to the provisions of subdivision (i) of this note, for purposes of".

2. The following new subdivision (i) is inserted in alphabetical sequence in U.S. note 17:

"(i) For the purposes of subheading 9903.45.01 of this subchapter, the aggregate quantity of all household-type (residential) washing machines, as defined in subdivision (c) above, that is eligible to enter under such subheading in any of the periods enumerated below shall be as follows:
If entered during the period from
February 7, 2020 through May 6, 2020.....300,000 units
If entered during the period from
May 7, 2020 through August 6, 2020.....300,000 units
If entered during the period from
August 7, 2020 through November 6, 2020.....300,000 units
If entered during the period from
November 7, 2020 through February 7, 2021.....300,000 units"

3. The article description of subheading 9903.45.01 is modified to read as follows:

"If entered in an aggregate quantity, in any quarterly period specified in note 17(i) to this subchapter, not exceeding 300,000 units in any such quarterly period, under the terms of such note".

Proclamation 9980 of January 24, 2020

Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel articles on the national security of the United States, and on January 19, 2018, the Secretary transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States. Both reports were issued pursuant to sec-

tion 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), and Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's findings that aluminum articles and steel articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. I therefore decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, as amended, by imposing a 10 percent ad valorem tariff on such articles imported from most countries, beginning March 23, 2018. I also decided to adjust the imports of steel articles, as defined in clause 1 of Proclamation 9705, as amended, by imposing a 25 percent ad valorem tariff on such articles imported from most countries, beginning March 23, 2018.

3. In Proclamation 9758 of May 31, 2018 (Adjusting Imports of Aluminum Into the United States), I decided to further adjust imports of aluminum articles by imposing quotas on such articles from the Argentine Republic (Argentina). In Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), I decided to adjust imports of steel articles by imposing quotas on such articles from the Republic of Korea (South Korea), and in Proclamation 9759 of May 31, 2018 (Adjusting Imports of Steel Into the United States), I decided to adjust imports of steel articles by imposing quotas on such articles from Argentina and the Republic of Brazil (Brazil).

4. In Proclamation 9704 and Proclamation 9705, I directed the Secretary to monitor imports of aluminum articles and steel articles, respectively, and inform me of any circumstances that in the Secretary's opinion might indicate the need for further action under section 232 of the Trade Expansion Act of 1962, as amended.

5. The Secretary has informed me that domestic steel producers' capacity utilization has not stabilized for an extended period of time at or above the 80 percent capacity utilization level identified in his report as necessary to remove the threatened impairment of the national security. Stabilizing at that level is important to provide the industry with a reasonable expectation that market conditions will prevail long enough to justify the investment necessary to ramp up production to a sustainable and profitable level. Capacity utilization in the aluminum industry has improved, but it is still below the target capacity utilization that the Secretary recommended in his report. Although imports of aluminum articles and steel articles have declined since the imposition of the tariffs and quotas, the Secretary has informed me that imports of certain derivatives of aluminum articles and imports of certain derivatives of steel articles have significantly increased since the imposition of the tariffs and quotas. The net effect of the increase of imports of these derivatives has been to erode the customer base for U.S. producers of aluminum and steel and undermine the purpose of the proclamations adjusting imports of aluminum and steel articles to remove the threatened impairment of the national security.

6. The derivative articles the Secretary identified are described in Annex I (aluminum) and Annex II (steel) to this proclamation. For purposes of this proclamation, the Secretary determined that an article is

''derivative''; of an aluminum article or steel article if all of the following conditions are present: (a) the aluminum article or steel article represents, on average, two-thirds or more of the total cost of materials of the derivative article; (b) import volumes of such derivative article increased year-to-year since June 1, 2018, following the imposition of the tariffs in Proclamation 9704 and Proclamation 9705, as amended by Proclamation 9739 and Proclamation 9740, respectively, in comparison to import volumes of such derivative article during the 2 preceding years; and (c) import volumes of such derivative article following the imposition of the tariffs exceeded the 4 percent average increase in the total volume of goods imported into the United States during the same period since June 1, 2018. The modifications to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States described in Annex I (aluminum) and Annex II (steel) to this proclamation implement the Secretary's determinations in this regard.

7. From June 2018 to May 2019, import volumes of steel nails, tacks, drawing pins, corrugated nails, staples, and similar derivative articles increased by 33 percent, compared to June 2017 to May 2018, and increased by 29 percent, compared to June 2016 to May 2017. From January 2019 to November 2019, import volumes of such articles increased by 23 percent, compared to the same period in 2017. Similarly, from June 2018 to May 2019, import volumes of aluminum stranded wire, cables, plaited bands, and the like (including slings and similar derivative articles) increased by 152 percent, compared to June 2017 to May 2018, and increased by 52 percent, compared to June 2016 to May 2017. From January 2019 to November 2019, import volumes of such articles increased by 127 percent, compared to the same period in 2017. Finally, from June 2018 to May 2019, import volumes of bumper and body stampings of aluminum and steel for motor vehicles and tractors increased by 38 percent, compared to June 2017 to May 2018, and increased by 56 percent, compared to June 2016 to May 2017. From January 2019 to November 2019, import volumes of such articles increased by 37 percent, compared to the same period in 2017.

8. It is the Secretary's assessment that foreign producers of these derivative articles have increased shipments of such articles to the United States to circumvent the duties on aluminum articles and steel articles imposed in Proclamation 9704 and Proclamation 9705, and that imports of these derivative articles threaten to undermine the actions taken to address the risk to the national security of the United States found in Proclamation 9704 and Proclamation 9705. As detailed in the Secretary's reports, domestic production capacity to produce aluminum articles and steel articles for national defense and critical infrastructure is essential to United States national security. This domestic production capacity is used to provide the essential inputs of aluminum and steel used in derivative aluminum articles and derivative steel articles. The Secretary has assessed that reducing imports of the derivative articles described in Annex I and Annex II to this proclamation would reduce circumvention and facilitate the adjustment of imports that Proclamation 9704 and Proclamation 9705, as amended, made to increase domestic capacity utilization to address the threatened impairment of the national security of the United States.

9. Based on the Secretary's assessments, I have concluded that it is necessary and appropriate in light of our national security interests to adjust the tariffs imposed by previous proclamations to apply to the

derivatives of aluminum articles and steel articles described in Annex I and Annex II to this proclamation. This action is necessary and appropriate to address circumvention that is undermining the effectiveness of the adjustment of imports made in Proclamation 9704 and Proclamation 9705, as amended, and to remove the threatened impairment of the national security of the United States found in those proclamations.

10. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States.

11. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) In order to establish increases in the duty rate on imports of certain derivative articles, subchapter III of chapter 99 of the HTSUS is modified as provided in Annex I and Annex II to this proclamation. Except as otherwise provided in this proclamation, all imports of derivative aluminum articles specified in Annex I to this proclamation shall be subject to an additional 10 percent ad valorem rate of duty, and all imports of derivative steel articles specified in Annex II to this proclamation shall be subject to an additional 25 percent ad valorem rate of duty, with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2020. These rates of duty, which are in addition to any other duties, fees, exactions, and charges applicable to such imported derivative aluminum articles or steel articles, shall apply to imports of derivative aluminum articles described in Annex I to this proclamation from all countries except Argentina, the Commonwealth of Australia (Australia), Canada, and the United Mexican States (Mexico) and to imports of derivative steel articles described in Annex II to this proclamation from all countries except Argentina, Australia, Brazil, Canada, Mexico, and South Korea. The Secretary shall continue to monitor imports of the derivative articles described in Annex I and Annex II to this proclamation, and shall, from time to time, in consultation with the United States Trade Representative (USTR), review the status of such imports with respect to the national security of the United States. In the event of a surge of imports of any derivative article described in Annex I or Annex II to this proclamation from any excepted country, the Secretary, with the concurrence of the USTR, is authorized to extend application of the tariff imposed by this proclamation on imports of any derivative article experiencing such surge from such country, or to adopt appropriate quotas for imports of such derivative article from such country, or to negotiate a voluntary

agreement with such country to ensure that imports of such derivative article from such country do not undermine the effectiveness of the adjustment of imports made in Proclamation 9704 and Proclamation 9705, as amended. The Secretary shall publish such action in the *Federal Register* and notification shall be provided to U.S. Customs and Border Protection (CBP) of the Department of Homeland Security.

(2) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior executive branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 1 of this proclamation for any derivative article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for a derivative article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular derivative article should be excluded, the Secretary shall publicly post such determination and notify CBP concerning such article so that it will be excluded from the duties described in clause 1 of this proclamation. For merchandise entered for consumption, or withdrawn from warehouse for consumption, on or after the date the duty established under this proclamation is effective and with respect to which liquidation is not final, such relief shall be retroactive to the date the request for relief was accepted by the Department of Commerce.

(3) Any derivative article described in Annex I or Annex II to this proclamation, except those eligible for admission under ''domestic status''; as defined in 19 CFR 146.43, that is subject to the duty imposed by clause 1 of this proclamation and that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on February 8, 2020, may only be admitted as ''privileged foreign status''; as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading. Any derivative article that is described in Annex I or Annex II to this proclamation, except those eligible for admission under ''domestic status''; as defined in 19 CFR 146.43, that is subject to the duty imposed by clause 1 of this proclamation, and that was admitted into a U.S. foreign trade zone under ''privileged foreign status''; as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern standard time on February 8, 2020, will likewise be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading added by this proclamation.

(4) Derivative articles shall not be subject upon entry for consumption to the duty established in clause 1 of this proclamation merely by reason of manufacture in a U.S. foreign trade zone. However, derivative articles admitted into a U.S. foreign trade zone in ''privileged foreign status''; pursuant to clause 3 of this proclamation shall retain that status consistent with 19 CFR 146.41(e).

(5) No drawback shall be available with respect to the duties imposed on any derivative article imposed by clause 1 of this proclamation.

(6) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(7) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Annex I

Derivatives of Aluminum Articles

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as set forth below, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively. The modifications shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2020.

1. U.S note 19(a) to subchapter III is modified in the first sentence by adding at the end thereof " or described in subdivision (a)(iii) of this note".

2. U.S. note 19(a)(i) to subchapter III is modified by deleting the word "Heading" and by inserting in lieu thereof "Except as provided elsewhere in this note, heading".

3. The following new subdivision (a)(iii) is inserted in numerical sequence in U.S. note 19 to subchapter III:

"(iii) Heading 9903.85.03 provides the ordinary customs duty treatment of the derivative aluminum products enumerated in this subdivision of all countries other than products of the United States and other than of countries expressly exempted therefrom pursuant to the article description of such heading. For any products covered by heading 9903.85.03 that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.85.03 shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP

regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the derivative aluminum products enumerated in this subdivision under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.03. Heading 9903.85.03 shall apply only to the following derivative aluminum products:

(A) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and with steel core, not electrically insulated; the foregoing fitted with fittings or made up into articles (described in subheading 7614.10.50);

(B) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing comprising electrical conductors, not fitted with fittings or made up into articles (described in subheading 7614.90.20);

(C) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing not comprising electrical conductors, not fitted with fittings or made up into articles (described in subheading 7614.90.40);

(D) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing fitted with fittings or made up into articles (described in subheading 7614.90.50);

(E) bumper stampings of aluminum, the foregoing comprising parts and accessories of the motor

vehicles of headings 8701 to 8705 (described in subheading 8708.10.30); and

(F) body stampings of aluminum, for tractors suitable for agricultural use (described in subheading 8708.29.21)."

4. Subdivision (c) of U.S. note 19 to subchapter III is modified:

a. by deleting "heading 9903.85.01" and by inserting in lieu thereof "headings 9903.85.01 and 9903.85.03"; and

b. by deleting "individual aluminum products otherwise covered by subdivision (b) of this note" and inserting in lieu thereof "individual derivative aluminum products or individual aluminum products otherwise covered by subdivision (a)(iii) or subdivision (b) of this note, respectively,".

5. Subdivision (d) of U.S. note 19 to subchapter III is modified by inserting after "inclusive," the following: " or any importer of derivative aluminum products covered by this note under heading 9903.85.03,".

6. The article description of heading 9903.85.01 is modified by deleting "Products" and by inserting in lieu thereof "Except for products described in heading 9903.85.03, products".

7. The following new heading is inserted in such subchapter III in numerical sequence:

"9903.85.03	Derivative aluminum products enumerated in U.S. note 19(a)(iii) to this subchapter, except products of Argentina, of			

	Australia, of Canada, of Mexico, or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10%"

Annex II

Derivatives of Steel Articles

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as set forth below, with the material in the new tariff provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively. The modifications shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on February 8, 2020.

1. U.S note 16(a) to subchapter III is modified in the first sentence by adding at the end thereof " or described in subdivision (a)(ii) of this note".

2. U.S. note 16(a)(i) to subchapter III is modified by deleting the word "Heading" and by inserting in lieu thereof "Except as provided elsewhere in this note, heading".

3. The following new subdivision (a)(ii) is inserted in numerical sequence in U.S. note 16 to subchapter III:

> "(ii) Heading 9903.80.03 provides the ordinary customs duty treatment of the derivative iron or steel products enumerated in this subdivision of all countries other than products of the United States and other than of countries expressly exempted therefrom pursuant to the article description of such heading. For any products covered by heading 9903.80.03 that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.80.03 shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP

regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the derivative iron or steel products enumerated in this subdivision under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.80.03. Heading 9903.80.03 shall apply only to the following derivative iron or steel products:

(A) nails, tacks (other than thumb tacks), drawing pins, corrugated nails, staples (other than those of heading 8305) and similar articles, of iron or steel, whether or not with heads of other material (excluding such articles with heads of copper), suitable for use in powder-actuated handtools, threaded (described in subheading 7317.00.30); and

(B) nails, tacks (other than thumb tacks), drawing pins, corrugated nails, staples (other than those of heading 8305) and similar articles, of iron or steel, whether or not with heads of other material (excluding such articles with heads of copper), of one piece construction, whether or not made of round wire; the foregoing described in statistical reporting numbers 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5560, 7317.00.5580 or 7317.00.6560 only and not in other statistical reporting numbers of subheadings 7317.00.55 and 7317.00.65;

(C) bumper stampings of steel, the foregoing comprising parts and accessories of the motor vehicles of headings 8701 to 8705 (described in subheading 8708.10.30); and

(D) body stampings of steel, for tractors suitable for agricultural use (described in subheading 8708.29.21)."

4. Subdivision (c) of U.S. note 16 to subchapter III is modified:

   a. by deleting "heading 9903.80.01" and by inserting in lieu thereof "headings 9903.80.01 and 9903.80.03,"; and

   b. by deleting "individual iron or steel products otherwise covered by subdivision (b) of this note" and inserting in lieu thereof "individual derivative iron or steel products or individual iron or steel products otherwise covered by subdivision (a)(ii) or subdivision (b) of this note, respectively,".

5. Subdivision (d) of U.S. note 16 to subchapter III is modified by inserting after "inclusive," the following: " or any importer of derivative iron or steel products covered by this note under heading 9903.80.03,".

6. The article description of heading 9903.80.01 is modified by deleting "Products" and by inserting in lieu thereof "Except for derivative iron or steel products described in heading 9903.80.03, products".

7. The following new heading is inserted in such subchapter III in numerical sequence:

"9903.80.03	Derivative iron or steel products enumerated in U.S. note 16(a)(ii) to this subchapter, except products of Argentina, of Australia, of Brazil, of Canada, of Mexico, of South Korea, or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided	The duty provided	The duty provided

		in the applicable subheading + 25%	in the applicable subheading + 25%	in the applicable subheading + 25%"

Proclamation 9981 of January 24, 2020

National Day of Remembrance of the 75th Anniversary of the Liberation of Auschwitz, 2020

By the President of the United States of America
A Proclamation

On the 75th anniversary of the liberation of Auschwitz, we remember the 6 million Jews who perished in the Holocaust and pay tribute to the American soldiers and other Allied Forces who fought tirelessly to defeat the Nazi regime. We also recommit ourselves to the fight against anti-Semitism and to the two words that cannot be repeated often enough: Never Again.

Driven by virulent hatred and unspeakable cruelty, the Nazis implemented a systematic and methodical plan to exterminate the Jewish people and others they deemed undesirable. Two out of three Jews in Europe and millions of other people were murdered. They were sent to ghettos, concentration camps, and death camps where they were persecuted, imprisoned, starved, tortured, and executed. It is simply unthinkable that such barbarity occurred just 75 years ago.

The courageous survivors of the Holocaust continuously relive the nightmares of their experience. But they have persevered to bear witness so that all of us today and in the future never forget the Nazis' unconscionable attempt to destroy the Jewish people. Their undaunted spirit compels us to ensure that their stories live on. Those who are filled with hate must never succeed in their efforts to minimize, deny, or erase the Holocaust from our memories or our history books. We have a fundamental and collective duty to ensure that each new generation knows the truth. The lessons of the Holocaust must forever be engrained in the consciousness of humanity so that we can fulfill our solemn and sacred promise that such evil and hatred will never again come to power.

In the ultimate act of defiance, the Jewish people rose up from the ashes of the Holocaust to found and build the modern State of Israel. As I have said in the past, the State of Israel is an eternal monument to the undying strength of the Jewish people. To those who will seek the destruction of Israel and the Jewish people, we say: Never Again.

Today, we honor the memory of those who were killed in the Holocaust. We cherish the survivors who ensured the perpetuation of the Jewish people. And we offer a debt of gratitude that can never be repaid to our brave soldiers who sacrificed everything for freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 27, 2020, as a National Day of Remembrance of the 75th Anniversary of the Liberation of Auschwitz. On this day, I call upon all Americans to observe this day with programs, ceremonies, prayers, and commemorations to honor the memory of the victims of the Holocaust and Nazi persecution and also acknowledge the sacrifices of those men and women who helped liberate the victims of this atrocity.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of January, in the year of our Lord two thousand twenty,

and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9982 of January 24, 2020

National School Choice Week, 2020

By the President of the United States of America

A Proclamation

Each child is a gift from God who has boundless potential and deserves a fair shot at the American Dream. To have that fair shot, children and their families must be free to pursue an educational environment that matches their individual learning style, develops their unique talents, and prepares them with the knowledge and character needed for fulfilling and productive lives. During National School Choice Week, we ensure America's brightest days are ahead by again committing to fighting for every student's freedom to pursue the best possible education.

Sadly, for decades, we have tolerated an education system that continues to fail too many children. At a time when our students need the skills to succeed in an ever-changing world, the ''Nation's Report Card''; shows that about two-thirds of our children are not Proficient readers. That means nearly two out of three students are not where they need to be. Our great Nation can no longer accept a two-tiered education system in which opportunity is decided by a child's neighborhood.

The success of future generations determines the success of our Nation. With school choice, we can ensure the underserved children of our Nation are forgotten no more.

Education freedom helps inspire and educate students by providing a learning environment that best fits their unique needs, and it allows families to make choices based on their individual situations. A growing number of States and their communities are taking bold action to ensure all students, regardless of background or socioeconomic status, can receive a great education. I applaud State, local, and tribal leaders who are actively working to empower more families with educational choice. The expansion of school choice, including out-of-district public, charter, magnet, private, religious, home, and online education programs, has provided life-changing opportunities to millions of students.

My Administration is protecting and building upon efforts to expand access to a wide range of high-quality education options. Today, I renew my call on the Congress to focus on what is best for children and pass a Federal tax credit to support State-based educational choice programs. Through this historic investment, more than one million more students will receive an education that meets their needs, all without taking a single dollar from America's great public schools. I also renew the call for the Congress to expand and make permanent the highly successful DC Opportunity Scholarship Program, which has achieved historic success under my Administration.

Education can open any door. During this National School Choice Week, we are heartened by the many students whose lives have been changed by the freedom to make their own educational choices. And we are motivated to continue to advance educational choice by the millions who are still denied the opportunity to choose the educational path that best meets their needs. We challenge all lawmakers to work to ensure that every child has the opportunity to fulfill their potential and achieve the American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 26 to February 1, 2020, as National School Choice Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9983 of January 31, 2020

Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats

By the President of the United States of America

A Proclamation

In Executive Order 13780 of March 6, 2017 (Protecting the Nation from Foreign Terrorist Entry Into the United States), I temporarily suspended entry of nationals of certain specified countries and ordered a worldwide review of whether the United States would need additional information from each foreign country to assess adequately whether nationals of that foreign country seeking to enter the United States pose a security or public-safety threat to the United States, and if so, what additional information was needed. The Secretary of Homeland Security, pursuant to Executive Order 13780 and in consultation with the Secretary of State and the Director of National Intelligence, developed an assessment model using three categories of criteria to assess national security and public-safety threats: whether a foreign government engages in reliable identity-management practices and shares relevant information; whether a foreign government shares national security and public-safety information; and whether a country otherwise poses a national security or public-safety risk.

Following a comprehensive worldwide review of the performance of approximately 200 countries using these criteria, the Secretary of Homeland Security presented the results of this review, focusing in particular on those countries that were deficient or at risk of becoming deficient in their performance under the assessment criteria. After a subsequent period of diplomatic engagement on these issues by the Department of State, the Acting Secretary of Homeland Security submitted a report in September 2017, which found that eight countries were hindering the ability of the United States Government to identify

threats posed by foreign nationals attempting to enter the United States. The Secretary of Homeland Security then recommended that I impose travel restrictions on certain nationals of those countries. After consultation with relevant Cabinet officials and appropriate Assistants to the President, I issued Proclamation 9645 of September 24, 2017 (Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats).

In Proclamation 9645, I suspended and limited the entry into the United States of certain nationals of eight countries that failed to satisfy the criteria and were unable or unwilling to improve their information sharing, or that otherwise presented serious terrorism-related risks. Those travel restrictions remain in effect today, with one exception. On April 10, 2018, I issued Proclamation 9723 (Maintaining Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats), removing travel restrictions on nationals of the Republic of Chad. Chad had improved its identity-management and information-sharing practices by taking steps to issue more secure passports and by increasing the integrity of how its government handles lost and stolen passports. Chad also began to share information about known or suspected terrorists in a manner that makes that information available to the United States screening and vetting programs, and it created a new, standardized process for the United States to request relevant criminal information.

Pursuant to my directives in section 4 of Proclamation 9645, the Department of Homeland Security (DHS) has continued to assess every 180 days and report to me on whether the interests of the United States require the suspension of or limitation on entry of certain classes of foreign nationals. DHS has also continued to assess ways to further improve its processes for measuring how countries perform under the assessment criteria. From July 2018 through August 2019, DHS updated its methodology to assess compliance with the assessment criteria, which has allowed for more in-depth analysis and yields even more granularity and increased accuracy regarding each country's performance under the criteria.

In this updated methodology, the general overall criteria for review have not changed. The United States Government still expects all foreign governments to share needed identity-management information, to share national security and public-safety information, and to pass a security and public-safety risk assessment. Building on experience and insight gained over the last 2 years, DHS has, however, refined and modified the specific performance metrics by which it assesses compliance with the above criteria. For example, while the prior model determined whether a country shares certain needed information, the revised model accounts for how frequently the country shares that information and the extent to which that data contributes to border and immigration screening and vetting. As another example, the prior system asked whether a country issued electronic passports at all, whereas the refined metrics assess whether a country issues electronic passports for all major classes of travel documents. Similarly, the lost and stolen passports criterion previously assessed whether a country had prior instances of reporting loss or theft to the International Criminal Police Organization (INTERPOL), whereas the revised model now assesses

whether the country has reported lost or stolen passports to INTERPOL within 30 days of a report of a loss or theft.

The DHS improvements to the assessment criteria also involve additional, and more customized, data from the United States Intelligence Community. DHS's original evaluation under Executive Order 13780 relied on existing intelligence products to assess the threat from each country. With the benefit of 2 years of experience, DHS has worked closely with the Intelligence Community to define intelligence requirements and customize intelligence reporting that offers a detailed characterization of the relative risk of terrorist travel to the United States from each country in the world. This additional detail improves DHS's assessment of national security and public-safety risk.

In addition, DHS greatly increased the amount of information obtained from United States Embassies abroad, which work closely with foreign governments. United States Embassies are best positioned to understand their host countries' ability and willingness to provide information to the United States, and United States Embassies' assessments contribute to a clearer understanding of how well a foreign government satisfies the assessment criteria. DHS also consolidated statistical information on operational encounters with foreign nationals. This information speaks to the frequency with which a country's nationals commit offenses while in the United States or otherwise develop grounds for inadmissibility under the Immigration and Nationality Act (INA).

Finally, as more precise, granular data became available, it became clear that many countries were only partially implementing each criterion. The 2017 process had three basic potential compliance ratings for each criterion: in compliance, out of compliance, or unknown. The updated methodology allows the United States to account for ways in which countries partially comply with the metrics associated with each criterion. As a result, for example, countries that DHS assessed in the 2017 review have now received more nuanced, partial compliance ratings. In addition, the process now weighs each criterion and risk factor based on its degree of importance to the United States Government for conducting screening and vetting of visa applicants and other travelers to the United States.

Using this enhanced review process, DHS conducted its most recent, worldwide review pursuant to Proclamation 9645 between March 2019 and September 2019. The process began on March 11, 2019, when the United States Government formally notified all foreign governments (except for Iran, Syria, and North Korea) about the refined performance metrics for the identity-management and information-sharing criteria. After collecting information from foreign governments, multilateral organizations, United States Embassies, Federal law enforcement agencies, and the Intelligence Community, multiple subject matter experts reviewed each country's data and measured its identity-management and information-sharing practices against the criteria. DHS then applied the data to an algorithm it developed to consistently assess each country's compliance with the criteria.

DHS identified the worst-performing countries for further interagency review and for an assessment of the potential impact of visa restrictions. As in the worldwide review culminating in Proclamation 9645, the Acting Secretary of Homeland Security assessed that Iraq did not meet the baseline for compliance. As part of the interagency review

process, the Acting Secretary of Homeland Security determined, however, not to recommend entry restrictions and limitations for nationals of Iraq. In his report, the Acting Secretary of Homeland Security recognized a close cooperative relationship between the United States and the democratically elected government of Iraq, the strong United States diplomatic presence in Iraq, the significant presence of United States forces in Iraq, and Iraq's commitment to combating the Islamic State of Iraq and Syria (ISIS). The Acting Secretary of Homeland Security considered another similarly situated country and determined that, for reasons similar to those present in Iraq, entry restrictions and limitations would not be appropriate.

In addition, the United States Government, led by the Department of State, continued or increased engagements with many countries about those countries' deficiencies. A number of foreign governments sent senior officials to Washington, D.C., to discuss those issues, explore potential solutions, and convey views about obstacles to improving performance. As a result of this engagement, one country made sufficient improvements in its information-sharing and identity-management practices and was removed from consideration for travel restrictions.

On September 13, 2019, the Acting Secretary of Homeland Security, after consulting with the Secretary of State, the Attorney General, the Director of National Intelligence, and the heads of other appropriate agencies, submitted a fourth report to me recommending the suspension of, or limitation on, the entry of certain classes of nationals from certain countries in order to protect United States national security, including by incentivizing those foreign governments to improve their practices. The Acting Secretary of Homeland Security recommended maintaining the current restrictions on the seven countries announced in Proclamation 9645 (apart from Chad), as well as implementing suspensions and limitations on entry for certain nationals of twelve additional countries.

Since the Acting Secretary of Homeland Security issued his report on September 13, 2019, the Secretary of State, consistent with section 4(b) of Proclamation 9645, has continued to engage many foreign governments regarding the deficiencies identified in DHS's report and has continued to consult with the Acting Secretary of Homeland Security, the Secretary of Defense, and other Cabinet-level officials about how best to protect the national interest. Based on these engagements, in January 2020, those senior officials recommended that I maintain the entry restrictions adopted in Proclamation 9645 (as modified by Proclamation 9723), and that I exercise my authority under section 212(f) of the INA to suspend entry into the United States for nationals of six new countries—Burma (Myanmar), Eritrea, Kyrgyzstan, Nigeria, Sudan, and Tanzania—until those countries address their identified deficiencies.

The January 2020 proposal recommended visa restrictions on fewer countries than identified by the September 2019 DHS report. For example, the January 2020 proposal recommended no entry restrictions on nationals of one country that had been recommended for restrictions in the September 2019 report. This country made exceptional progress in correcting deficiencies since the September 2019 report, such that it could no longer be characterized as a country that is among those posing the highest degree of risk. In addition, the January 2020 pro-

posal recommended that, for five poorly performing countries, foreign policy interests warranted a different approach than recommended in the September 2019 report. Specifically, the January 2020 proposal suggested that diplomatic engagement and requests for specific improvements during a defined 180-day period would be more appropriate and more likely to result in immediate improvements in these five countries. Each of these five countries provides critical counterterrorism cooperation with the United States and therefore holds strategic importance in countering malign external actors. In several of the five countries, the United States has experienced a recent deepening of diplomatic ties that generally mark increased cooperation toward achieving key regional and global United States foreign policy goals. Importantly, all five countries have credibly communicated willingness to work directly with the United States Government to correct their outstanding deficiencies, and the United States believes progress is imminent for several countries and underway for others. For these reasons, these countries will be given an opportunity to show specific improvements in their deficiencies within the next 180 days.

Consistent with recommendations contained in the January 2020 proposal, I have decided to leave unaltered the existing entry restrictions imposed by Proclamation 9645, as amended by Proclamation 9723, and to impose tailored entry restrictions and limitations on nationals from six additional countries. I have decided not to impose any nonimmigrant visa restrictions for the newly identified countries, which substantially reduces the number of people affected by the proposed restrictions. Like the seven countries that continue to face travel restrictions pursuant to Proclamation 9645, the six additional countries recommended for restrictions in the January 2020 proposal are among the worst performing in the world. However, there are prospects for near-term improvement for these six countries. Each has a functioning government and each maintains productive relations with the United States. Most of the newly identified countries have expressed a willingness to work with the United States to address their deficiencies, although it may take some time to identify and implement specific solutions to resolve the deficiencies.

Consistent with the January 2020 proposal, I have prioritized restricting immigrant visa travel over nonimmigrant visa travel because of the challenges of removing an individual in the United States who was admitted with an immigrant visa if, after admission to the United States, the individual is discovered to have terrorist connections, criminal ties, or misrepresented information. Because each of the six additional countries identified in the January 2020 proposal has deficiencies in sharing terrorist, criminal, or identity information, there is an unacceptable likelihood that information reflecting the fact that a visa applicant is a threat to national security or public safety may not be available at the time the visa or entry is approved.

For two newly identified countries that were among the highest risk countries, but performed somewhat better than others, I have decided, consistent with the January 2020 proposal, to suspend entry only of Diversity Immigrants, as described in section 203(c) of the INA, 8 U.S.C. 1153(c). Such a suspension represents a less severe limit compared to a general restriction on immigrant visas, given the significantly fewer number of aliens affected. The Acting Secretary of Homeland Security considers foreign-government-supplied information especially impor-

tant for screening and vetting the Diversity Visa population in comparison to other immigrant visa applicants, and I agree with that assessment. In many cases, the United States Government may not have the same amount of information about Diversity Visa applicants compared with other categories of immigrant visa applicants because Diversity Visa applicants, with limited exceptions, do not have the burden to show certain family ties to or employment in the United States, or particular service to the United States Government, as required for other immigrant visa categories.

Consistent with the January 2020 proposal, I have decided not to impose any restrictions on certain Special Immigrant Visas for nationals of the six newly identified countries. Applicants under Special Immigrant programs generally do not need to demonstrate the same work or familial ties as other immigrant visas, but do need to show other unique qualifications. This exception is intended to cover those Special Immigrants who have advanced United States interests (and their eligible family members), such as foreign nationals who have worked for a United States Embassy for 15 years or more and are especially deserving of a visa.

As President, I must continue to act to protect the security and interests of the United States and its people. I remain committed to our ongoing efforts to engage those countries willing to cooperate, to improve information-sharing and identity-management protocols and procedures, and to address both terrorism-related and public-safety risks. And I believe that the assessment process, including enhancements made to that process, leads to new partnerships that strengthen our immigration screening and vetting capabilities. Until the countries identified in this proclamation satisfactorily address the identified deficiencies, I have determined, on the basis of a recommendation from the Acting Secretary of Homeland Security and other members of my Cabinet, to impose certain conditional restrictions and limitations on entry into the United States of nationals of the countries identified in section 1 of this proclamation, as set forth more fully below.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that, absent the measures set forth in this proclamation, the immigrant entry into the United States of persons described in section 1 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension of Entry for Nationals of Countries of Identified Concern.* The entry into the United States of nationals of the following countries is hereby suspended and limited, as follows, subject to section 2 of this proclamation.

(a) The entry suspensions and limitations enacted by section 2 of Proclamation 9645 are not altered by this proclamation, and they remain in force by their terms, except as modified by Proclamation 9723.

(b) Burma (Myanmar)

(i) Although Burma has begun to engage with the United States on a variety of identity-management and information-sharing issues, it

does not comply with the established identity-management and information-sharing criteria assessed by the performance metrics. Burma does not issue electronic passports nor does it adequately share several types of information, including public-safety and terrorism-related information, that are necessary for the protection of the national security and public safety of the United States. Burma is in the process of modernizing its domestic identity-management and criminal-records systems and has worked with the United States to develop some of those systems. It has also recognized the need to make improvements. As its capabilities improve, the prospect for further bilateral cooperation will likely also increase. Despite these encouraging prospects, Burma's identified deficiencies create vulnerabilities that terrorists, criminals, and fraudulent entrants could exploit to harm United States national security and public safety.

(ii) The entry into the United States of nationals of Burma as immigrants, except as Special Immigrants whose eligibility is based on having provided assistance to the United States Government, is hereby suspended.

(c) Eritrea

(i) Eritrea does not comply with the established identity-management and information-sharing criteria assessed by the performance metrics. Eritrea does not issue electronic passports or adequately share several types of information, including public-safety and terrorism-related information, that are necessary for the protection of the national security and public safety of the United States. Further, Eritrea is currently subject to several nonimmigrant visa restrictions. Eritrea does not accept return of its nationals subject to final orders of removal from the United States, which further magnifies the challenges of removing its nationals who have entered with immigrant visas. Eritrea has engaged with the United States about its deficiencies, but it also requires significant reforms to its border security, travel-document security, and information-sharing infrastructure. Improvements in these areas will increase its opportunities to come into compliance with the United States Government's identity-management and information-sharing criteria.

(ii) The entry into the United States of nationals of Eritrea as immigrants, except as Special Immigrants whose eligibility is based on having provided assistance to the United States Government, is hereby suspended.

(d) Kyrgyzstan

(i) Kyrgyzstan does not comply with the established identity-management and information-sharing criteria assessed by the performance metrics. Kyrgyzstan does not issue electronic passports or adequately share several types of information, including public-safety and terrorism-related information, that are necessary for the protection of the national security and public safety of the United States. Kyrgyzstan also presents an elevated risk, relative to other countries in the world, of terrorist travel to the United States, though it has been responsive to United States diplomatic engagement on the need to make improvements.

(ii) The entry into the United States of nationals of Kyrgyzstan as immigrants, except as Special Immigrants whose eligibility is based on

having provided assistance to the United States Government, is hereby suspended.

(e) Nigeria

(i) Nigeria does not comply with the established identity-management and information-sharing criteria assessed by the performance metrics. Nigeria does not adequately share public-safety and terrorism-related information, which is necessary for the protection of the national security and public safety of the United States. Nigeria also presents a high risk, relative to other countries in the world, of terrorist travel to the United States. Nigeria is an important strategic partner in the global fight against terrorism, and the United States continues to engage with Nigeria on these and other issues. The Department of State has provided significant assistance to Nigeria as it modernizes its border management capabilities, and the Government of Nigeria recognizes the importance of improving its information sharing with the United States. Nevertheless, these investments have not yet resulted in sufficient improvements in Nigeria's information sharing with the United States for border and immigration screening and vetting.

(ii) The entry into the United States of nationals of Nigeria as immigrants, except as Special Immigrants whose eligibility is based on having provided assistance to the United States Government, is hereby suspended.

(f) Sudan

(i) Sudan generally does not comply with our identity-management performance metrics and presents a high risk, relative to other countries in the world, of terrorist travel to the United States. Sudan is, however, transitioning to civilian rule, a process which should improve opportunities for cooperation in the future, and it has already made progress in addressing its deficiencies in several areas. For example, Sudan now issues electronic passports and has improved its coordination with INTERPOL in several respects. Sudan has also shared exemplars of its passports with the United States and now permanently invalidates lost and stolen passports and fraudulently obtained travel documents. Because Sudan performed somewhat better than the countries listed earlier in this proclamation and is making important reforms to its system of government, different travel restrictions are warranted.

(ii) The entry into the United States of nationals of Sudan as Diversity Immigrants, as described in section 203(c) of the INA, 8 U.S.C. 1153(c), is hereby suspended.

(g) Tanzania

(i) Tanzania does not comply with the established identity-management and information-sharing criteria assessed by the performance metrics. Tanzania does not adequately share several types of information, including public-safety and terrorism-related information, that is necessary for the protection of the national security and public safety of the United States. The Government of Tanzania's significant failures to adequately share information with the United States and other countries about possible Ebola cases in its territory detract from my confidence in its ability to resolve these deficiencies. Tanzania also presents an elevated risk, relative to other countries in the world, of terrorist travel to the United States. Tanzania does, however, issue elec-

tronic passports for all major passport classes, reports lost and stolen travel documents to INTERPOL at least once a month, and has provided exemplars of its current passports to the United States. Further, Tanzania does share some information with the United States, although its processes can be slow, overly bureaucratic, and complicated by limited technical capability. In light of these considerations, different travel restrictions are warranted.

(ii) The entry into the United States of nationals of Tanzania as Diversity Immigrants, as described in section 203(c) of the INA, 8 U.S.C. 1153(c), is hereby suspended.

Sec. 2. *Scope and Implementation of Suspensions and Limitations.* (a) Subject to the exceptions set forth in section 3(b) of Proclamation 9645, any waiver under section 3(c) of Proclamation 9645, and any enforcement provision of section 6(b) through (e) of Proclamation 9645, the suspensions of and limitations on entry pursuant to section 1(b) of this proclamation shall apply to foreign nationals of the designated countries who:

(i) are outside the United States on the applicable effective date of this proclamation;

(ii) do not have a valid visa on the applicable effective date of this proclamation; and

(iii) do not qualify for a visa or other valid travel document under section 6(d) of Proclamation 9645.

(b) The Secretary of State and the Secretary of Homeland Security shall coordinate to update guidance, if necessary, to implement this proclamation as to nationals of the six countries identified in section 1(b) of this proclamation, consistent with the provisions of this section.

(c) For purposes of this proclamation, the phrase ''Special Immigrants whose eligibility is based on having provided assistance to the United States Government''; means those aliens described in section 101(a)(27)(D) through (G) and (K) of the INA, 8 U.S.C. 1101(a)(27)(D) through (G) and (K), any alien seeking to enter the United States pursuant to a Special Immigrant Visa in the SI or SQ classification, and any spouse and children of any such individual.

Sec. 3. *Reporting Requirements.* (a) Section 4 of Proclamation 9645 is amended to read as follows:

''Sec. 4. Adjustments to Removal of Suspensions and Limitations.

''(a) The Secretary of Homeland Security, in consultation with the Secretary of State, shall on October 1, 2020, and annually thereafter, submit to the President the results of an evaluation as to whether to continue, terminate, modify, or supplement any suspensions of, or limitations on, the entry on certain classes of nationals of countries identified in section 2 of this proclamation and section 1(b) of the Proclamation ''Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats,''; signed on January 31, 2020.

''(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall not less than every 2 years evaluate whether each country in the world sufficiently shares relevant information and maintains adequate identity-management and information-sharing practices to mitigate the risk that

its citizens or residents may travel to the United States in furtherance of criminal or terrorist objectives, or otherwise seek to violate any law of the United States through travel or immigration. In doing so, the Secretary of Homeland Security shall:

''(i) in consultation with the Secretary of State, Attorney General, and the Director of National Intelligence, report to the President, through the appropriate Assistants to the President, any instance in which, based on a review conducted under subsection (b) of this section, the Secretary of Homeland Security believes it is in the interests of the United States to suspend or limit the entry of certain classes of nationals of a country; and

''(ii) in consultation with the Secretary of State and the Director of National Intelligence, regularly review and update as necessary the criteria and methodology by which such evaluations are implemented to ensure they continue to protect the national interests of the United States.

''(c) Notwithstanding the requirements set forth in subsections (a) and (b) of this section, the Secretary of Homeland Security, in consultation with the Secretary of State, Attorney General, and the Director of National Intelligence, may, at any time, recommend that the President impose, modify, or terminate a suspension or limitation on entry on certain classes of foreign nationals to protect the national interests of the United States.'';

(b) Section 5 of Proclamation 9645 is revoked.

Sec. 4. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern standard time on February 21, 2020. With respect to the application of those provisions of Proclamation 9645 that are incorporated here through section 2 for countries designated in section 1(b), and that contained their own effective dates, those dates are correspondingly updated to be January 31, 2020, or February 21, 2020, as appropriate.

Sec. 5. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, foreign policy, and counterterrorism interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 6. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) United States Government obligations under applicable international agreements;

(ii) the authority granted by law to an executive department or agency, or the head thereof; or

(iii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9984 of January 31, 2020

Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk

By the President of the United States of America

A Proclamation

The United States has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) coronavirus (''2019-nCoV'';) (''the virus'';) first detected in Wuhan, Hubei Province, People's Republic of China (''China'';). The virus was discovered in China in December 2019. As of January 31, 2020, Chinese health officials have reported approximately 10,000 confirmed cases of 2019–nCoV in China, more than the number of confirmed cases of Severe Acute Respiratory Syndrome (SARS) during its 2003 outbreak. An additional 114 cases have been confirmed across 22 other countries; in several of these cases, the infected individuals had not visited China. More than 200 people have died from the virus, all in China.

Coronaviruses are a large family of viruses. Some cause illness in people and others circulate among animals, including camels, cats, and bats. Animal coronaviruses are capable of evolving to infect people and subsequently spreading through human-to-human transmission. This occurred with both Middle East Respiratory Syndrome and SARS. Many of the individuals with the earliest confirmed cases of 2019–nCoV in Wuhan, China had some link to a large seafood and live animal market, suggesting animal-to-human transmission. Later, a growing number of infected individuals reportedly did not have exposure to animal markets, indicating human-to-human transmission. Chinese officials now report that sustained human-to-human transmission of the virus is occurring in China. Manifestations of severe disease have included severe pneumonia, acute respiratory distress syndrome, septic shock, and multi-organ failure.

Neighboring jurisdictions have taken swift action to protect their citizens by closing off travel between their territories and China. On Janu-

ary 30, 2020, the World Health Organization declared the 2019–nCoV outbreak a public health emergency of international concern.

Outbreaks of novel viral infections among people are always of public health concern, and older adults and people with underlying health conditions may be at increased risk. Public health experts are still learning about the severity of 2019–nCoV. An understanding of the key attributes of this novel virus, including its transmission dynamics, incubation period, and severity, is critical to assessing the risk it poses to the American public. Nonetheless, the Centers for Disease Control and Prevention (CDC) has determined that the virus presents a serious public health threat.

The CDC is closely monitoring the situation in the United States, is conducting enhanced entry screening at 5 United States airports where the majority of travelers from Wuhan arrive, and is enhancing illness response capacity at the 20 ports of entry where CDC medical screening stations are located. The CDC is also supporting States in conducting contact investigations of confirmed 2019–nCoV cases identified within the United States. The CDC has confirmed that the virus has spread between two people in the United States, representing the first instance of person-to-person transmission of the virus within the United States. The CDC, along with state and local health departments, has limited resources and the public health system could be overwhelmed if sustained human-to-human transmission of the virus occurred in the United States. Sustained human-to-human transmission has the potential to have cascading public health, economic, national security, and societal consequences.

During Fiscal Year 2019, an average of more than 14,000 people traveled to the United States from China each day, via both direct and indirect flights. The United States Government is unable to effectively evaluate and monitor all of the travelers continuing to arrive from China. The potential for widespread transmission of the virus by infected individuals seeking to enter the United States threatens the security of our transportation system and infrastructure and the national security. Given the importance of protecting persons within the United States from the threat of this harmful communicable disease, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the People's Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, during the 14-day period preceding their entry or attempted entry into the United States. I have also determined that the United States should take all necessary and appropriate measures to facilitate orderly medical screening and, where appropriate, quarantine of persons allowed to enter the United States who may have been exposed to this virus.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United

States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the People's Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse of a U.S. citizen or lawful permanent resident;

(iii) any alien who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;

(iv) any alien who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;

(v) any alien who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR–4 or IH–4 visa classifications;

(vi) any alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(vii) any alien traveling as a nonimmigrant under section 101(a)(15)(C) or (D) of the INA, 8 U.S.C. 1101(a)(15)(C) or (D), as a crewmember or any alien otherwise traveling to the United States as air or sea crew;

(viii) any alien seeking entry into or transiting the United States pursuant to an A–1, A–2, C–2, C–3 (as a foreign government official or immediate family member of an official), G–1, G–2, G–3, G–4, NATO–1 through NATO–4, or NATO–6 visa;

(ix) any alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the CDC Director, or his designee;

(x) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees based on a recommendation of the Attorney General or his designee; or

(xi) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrad-

ing Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. *Implementation and Enforcement.* (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) Consistent with applicable law, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall ensure that any alien subject to this proclamation does not board an aircraft traveling to the United States.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application and implementation of this proclamation at United States seaports and in between all ports of entry.

(d) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Orderly Medical Screening and Quarantine.* The Secretary of Homeland Security shall take all necessary and appropriate steps to regulate the travel of persons and aircraft to the United States to facilitate the orderly medical screening and, where appropriate, quarantine of persons who enter the United States and who may have been exposed to the virus. Such steps may include directing air carriers to restrict and regulate the boarding of such passengers on flights to the United States.

Sec. 5. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 15 days after the date of this order and every 15 days thereafter, recommend that the President continue, modify, or terminate this proclamation.

Sec. 6. *Effective Date.* This proclamation is effective at 5:00 p.m. eastern standard time on February 2, 2020.

Sec. 7. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 8. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9985 of January 31, 2020

American Heart Month, 2020

By the President of the United States of America

A Proclamation

As the leading cause of death for both men and women nationwide, heart disease devastates hundreds of thousands of families every year. During American Heart Month, we pause to remember the lives lost to heart disease and the families who mourn, and we reaffirm our commitment to preventing and treating this terrible disease that inflicts immeasurable pain and suffering.

Evidence-based research has identified several critical risk factors that contribute to heart disease, including elevated blood pressure and cholesterol, physical inactivity, excess body weight, high salt intake, smoking, age, and family history. According to the Centers for Disease Control and Prevention, about half of all Americans have at least one of three key risk factors: high blood pressure, high blood cholesterol, or a history of smoking. While some risk factors are unchangeable, most are avoidable with behavior modification and lifestyle changes like eating a healthy diet, moderating alcohol consumption, exercising regularly, and avoiding smoking. Making small, incremental changes and creating healthier habits can lead to life-saving benefits. We must all take decisive action to control our cardiovascular health and support and motivate friends and family members in their efforts to curb unhealthy behaviors. Community groups, educators, and fitness and healthcare professionals can also provide guidance, support, accountability, and encouragement on the journey to better health.

American innovation and medical advancements continue to improve treatment options for those who have experienced heart disease. Medical procedures to treat heart conditions are more precise, using less invasive techniques with fewer complications and faster recovery times. Additionally, we have developed medications to more effectively treat high blood pressure, high blood cholesterol, and type 2 dia-

betes, all conditions that contribute to an increased risk of heart disease. We also commend the dedicated healthcare professionals, physical therapists, counselors, volunteers, and educators who make a positive impact in the lives of those battling heart disease and undergoing cardiac rehabilitation.

Every year, millions of Americans suffer from the healthcare costs, physical disabilities, and premature death caused by cardiovascular diseases and conditions. We can—and must—work to save lives and reverse the somber statistics and cruel grip that heart disease has on our Nation's families. Thanks to scientific research, medical advances, and healthy lifestyle choices, much of the power to combat this disease is within our grasp. During American Heart Month, I urge all men and women to prioritize their health and to take the necessary measures to lead a heart-healthy lifestyle.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved on December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as American Heart Month.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim February 2020 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 7, 2020. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9986 of January 31, 2020

Career and Technical Education Month, 2020

By the President of the United States of America

A Proclamation

Our Nation's economy is booming, and Americans are thriving. To ensure that our country's workforce remains the best in the world, it is imperative that we equip students and workers with the skills necessary to fill the jobs our economy is creating at an incredible pace and to enable them to reap the benefits of successful careers. During Career and Technical Education Month, we reaffirm our commitment to expanding access to high-quality career and technical education for all Americans.

Career and technical education helps develop a 21st century workforce, providing students with the knowledge and technical skills needed to fill the jobs of the future. My Administration appreciates the

value of career and technical education, which is why we continue to prioritize access to the best training and retraining opportunities for American students and workers. We are preparing our workforce to flourish amidst advances in technology and automation, and we are confident that with the right training, hardworking Americans can harness technology to do their jobs even better and faster than they do them today. In July 2018, I signed an Executive Order establishing the President's National Council for the American Worker to facilitate a much-needed partnership between education and business, which will help resolve pressing issues related to workforce development. As a part of the Council's work, my Administration is asking companies and trade groups throughout the country to sign our Pledge to America's Workers, committing themselves to refocusing resources to retrain our workforce and equip students and workers with the skills they need to be successful right here in the United States. Already, more than 400 businesses have signed the pledge and committed to creating 14.5 million enhanced employment, training, and education opportunities for American students and workers over the next 5 years.

We are living in an age of incredible progress, with an abundance of new career fields offering high-wage jobs, especially in science, technology, engineering, and mathematics. Career and technical education provides students with the in-demand skills required by these coveted positions, developing their talents and providing them with the tools to be successful in the modern economy. In July 2018, I was proud to sign the bipartisan reauthorization of the Carl D. Perkins Career and Technical Education Act, which is benefiting more than 11 million students. This critical legislation is modernizing and increasing access to career and technical education programs, providing students and workers with the necessary training that will strengthen our Nation's economic competitiveness. Given the importance of career and technical education, my fiscal year 2021 budget proposal to the Congress will include significant increases in funding for these programs.

This month, we draw attention to the importance of career and technical education in building a stronger American workforce. Our Nation's students and workers are helping to write the next chapter in our proud American legacy of ingenuity and innovation. We will continue to pursue approaches that best fit the needs of individual students and workers and prepare them to unlock their full potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2020 as Career and Technical Education Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9987 of January 31, 2020

National African American History Month, 2020

By the President of the United States of America

A Proclamation

Through bravery, perseverance, faith, and resolve—often in the face of incredible prejudice and hardship—African Americans have enhanced and advanced every aspect of American life. Their fight for equality, representation, and respect motivates us to continue working for a more promising, peaceful, and hopeful future for every American. During National African American History Month, we honor the extraordinary contributions made by African Americans throughout the history of our Republic, and we renew our commitment to liberty and justice for all.

The theme of this year's observance, ''African Americans and the Vote,''; coincides with the 150th anniversary of the 15th Amendment, which gave African American men the right to vote. This Amendment to the Constitution, ratified in 1870, prohibits the government from denying or abridging a citizen's right to vote based on ''race, color, or previous condition of servitude.''; Today, this guarantee is enforced primarily throughout the Voting Rights Act of 1965, an enduring legacy of Reverend Dr. Martin Luther King, Jr., and the Civil Rights movement.

This year also marks the 150th anniversary of the first African American to serve in the Congress. In 1870, Hiram Revels, a Mississippi Republican, served a 1-year term in the Senate, where he fought for justice and racial equality. During his lifetime, Senator Revels served as a military chaplain, a minister with the African Methodist Episcopal Church, and a college administrator. But it was Revels' tenure in the Congress that truly distinguished him as a trailblazer. He made history serving our Nation in a building that had been constructed by slave laborers just a decade earlier.

My Administration has made great strides in expanding opportunity for people of all backgrounds. Over the past 2 years, the poverty and unemployment rates for African Americans have reached historic lows. Through the transformative Tax Cuts and Jobs Act, more than 8,700 distressed communities battling economic hardship have been designated Opportunity Zones, creating a path for struggling communities to unlock investment resources and create much needed jobs and community amenities. I also signed into law the historic First Step Act, which rolled back unjust provisions of the Violent Crime Control and Law Enforcement Act of 1994, which disproportionately harmed African American communities. The First Step Act provides inmates with opportunities for job training, education, and mentorship. We want every person leaving prison to have the tools they need to take advantage of a second chance to transform their lives and pursue the American dream after incarceration. Additionally, last December, I was proud to sign into law the groundbreaking FUTURE Act, which ensures full support for historically black colleges and universities over the next 10 years.

Our great Nation is strengthened and enriched by citizens of every race, religion, color, and creed. This month, we celebrate the cultural

heritage, diverse contributions, and unbreakable spirit of African Americans. We commend the heroes, pioneers, and common Americans who tirelessly fought for—and firmly believed in—the promise of racial equality granted by our Creator, enshrined in our Constitution, and enacted into our laws. We pledge to continue to stand against the evils of bigotry, intolerance, and hatred so that we may continue in our pursuit of a more perfect Union.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim February 2020 as National African American History Month. I call upon public officials, educators, and all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9988 of February 28, 2020

American Red Cross Month, 2020

By the President of the United States of America
A Proclamation

For 139 years, the American Red Cross has provided comfort and support services to ease suffering before, during, and after emergencies in the United States and around the world. The American Red Cross provides shelter, care, and compassion in response to more than 60,000 disasters a year. It also supplies about 40 percent of our Nation's blood products; teaches skills that save lives; supports our military, veterans, and their families; and provides international humanitarian aid to countries in need. During American Red Cross Month, we thank and honor the selfless volunteers, dedicated employees, and generous supporters who invest their time, talent, and resources to provide compassionate outreach and assistance to so many.

Each year, American Red Cross workers and trained volunteers respond to a wide range of emergencies, from natural disasters that destroy entire communities to home fires that displace individual families. In response to last year's devastating hurricanes, wildfires, storms, floods, and earthquakes, the American Red Cross and its partners opened and supported emergency shelters for more than 300 days. During these and other crises, nearly 9,000 American Red Cross workers—90 percent of whom are volunteers—left their homes to work in affected areas, providing refuge, food, relief items, emotional support, recovery planning, and significant assistance to vulnerable families in their darkest hours and times of need. In 2019 alone, the American Red Cross also supported responses to 17 international disasters and humanitarian crises as a key part of the world's largest humanitarian network.

Clara Barton, a pioneering nurse from Massachusetts, founded the American Red Cross out of a desire to continue providing help and

supplies to people in need following the Civil War. Her words, ''I may be compelled to face danger, but never fear it, and while our Soldiers can stand and fight, I can stand and feed and nurse them,''; echo today in the continued dedication of the American Red Cross to our service members, veterans, and their families. Today, the American Red Cross Hero Care Network provides critical and confidential services to our Armed Forces worldwide through local, State, and national resources. Last year, Hero Care Network provided more than 355,000 emergency communication services to nearly 100,000 deployed military members and their families. It is also the largest provider of free professional volunteer services to recovering wounded warriors and their families in military treatment facilities and hospitals. This network is dedicated to supporting programs and services that aid families as they navigate the demands of military life.

Across our great country, about 2,500 hospitals and other facilities depend on volunteer blood donors to meet the critical needs of patients. Each year, on average, the American Red Cross collects more than 4.6 million blood donations and nearly 1 million platelet donations from more than 2.6 million volunteers. In 2019, donations of more than 6.4 million blood products helped save and improve the lives of people of all ages, including accident victims, mothers giving birth, surgery patients, and those battling cancer and other life-threatening or altering conditions.

Every day, the American Red Cross serves people throughout the United States and around the world. Its lifesaving mission and the indelible mark it leaves around the world are possible only because of the devotion of volunteers, the generosity of donors, and the partnership of community organizations. Together, they bring critical hope, help, and healing in times of crisis, despair, and devastation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2020 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and to support the work of the American Red Cross and their local chapters.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9989 of February 28, 2020

Irish-American Heritage Month, 2020

By the President of the United States of America

A Proclamation

During Irish-American Heritage Month, we celebrate the countless achievements of Irish Americans and recognize the remarkable contributions they have made to our Nation's character, culture, and pros-

perity. From America's earliest days, Irish Americans have proven themselves to be confident, fierce, tough, and faithful. They never give up, and they never give in, embodying the indomitable spirit that drives us as a people. This month, we recognize their efforts to help build a stronger, prouder America, and we acknowledge the steadfast relationship we have with the Emerald Isle.

Irish Americans have played a critical role in our Nation's history and have made significant contributions to our military, government, and economy. During the Revolutionary War, General Henry Knox, the son of Irish immigrants, helped lead General George Washington's famous crossing of the Delaware River. Years later, more than 150,000 Irishmen fought to preserve our Union during the Civil War, shedding their blood so that others would experience the blessings of liberty. And one of our most famous buildings, the White House, was designed by Irish architect James Hoban, who came to the United States after the Revolutionary War. From business and politics to film and music, Irish Americans have risen to distinction and helped move our Nation forward.

As we honor the many ways in which Irish Americans have enriched our country, we acknowledge the enduring relationship the United States has with Ireland. This longstanding relationship is only growing stronger thanks to our robust economy. Approximately 700 American businesses have a presence on the Emerald Isle and account for 20 percent of the country's employment. Through our common bond of culture, language, and interests, Ireland provides a great opportunity for our businesses looking to invest in Europe. Likewise, approximately 450 Irish companies are represented in the United States. These companies employ more than 100,000 workers and have invested nearly $150 billion in our country.

This month, as we celebrate the vibrant heritage and culture of Irish Americans and partake in St. Patrick's Day festivities on March 17, we pay tribute to the tenacious Irish spirit. We admire the devotion, faith, and resilience of the more than 31 million Irish Americans who help our country flourish, and we look forward to a continued strong and enduring friendship with Ireland for years to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2020 as Irish-American Heritage Month. I call upon all Americans to celebrate the achievements of Irish Americans and their contributions to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9990 of February 28, 2020

Women's History Month, 2020

By the President of the United States of America
A Proclamation

Women have influenced and advanced every facet of American life and culture. The strength, ingenuity, and spirit of our female leaders, innovators, and pioneers shape our Nation's character, government, industry, families, and communities. During Women's History Month, we honor the women who have changed our Nation and the world, and we reaffirm our commitment to supporting the next generation of female trailblazers and dreamers as they carry forward this distinguished legacy.

This year marks the centennial anniversary of the ratification of the 19th Amendment to the Constitution, securing the right to vote for women. This milestone in our country was made possible by the devotion, leadership, and perseverance of pioneers like Elizabeth Cady Stanton and Susan B. Anthony. The ratification of the 19th Amendment enabled women to finally have their voices counted in voting booths, paving the way for greater female participation in all levels of government. Heroes emerged like Frances Perkins, who, as Secretary of Labor, was the first woman to hold a cabinet-level position in the Federal Government, and Clare Boothe Luce, an influential journalist, playwright, Congresswoman, and the first woman appointed to a major ambassadorial post abroad.

Throughout our history, women have also been pioneers in fields like science, medicine, and engineering. Bessie Coleman, the world's first civilian licensed African-American pilot, and Marie Luhring, the first female truck designer, changed the way we think about aviation and transportation. Saint Katharine Drexel selflessly served those in need and left an indelible mark on nursing and education. NASA mathematician Katherine Johnson, who passed away just a few days ago, was behind some of the brilliant work that made possible the first manned spaceflights by United States astronauts. And just last year, two brave American astronauts, Flight Engineers Christina Koch and Jessica Meir, made history by conducting the first all-female spacewalk outside of the International Space Station.

My Administration is committed to empowering all women across the Nation and around the world to continue pursuing their dreams and lifting humanity to new heights. As President, I have championed policies that create economic prosperity and opportunity, enabling women to thrive as workers, parents, consumers, innovators, entrepreneurs, and investors. In 2019, women comprised 71 percent of the net increase in employment, the female unemployment rate reached near historic lows, and women for the first time made up the majority of the college-educated labor force. I have also signed into law legislation securing historic levels of funding for child care so that both women and men can better provide for their families, secure in the knowledge that their children are being well-cared for. In addition, we secured the first tax credit for employers who offer paid family leave for those earning $72,000 or less and doubled the child tax credit, benefitting nearly 40 million American families, who received an average of $2,200 in 2019.

In December 2019, I was also pleased to sign legislation providing for 12 weeks of paid parental leave for all Federal employees. To drive this effort further, I have also called on the Congress to pass a nationwide paid family leave program.

On the international front, last year I signed a National Security Presidential Memorandum to direct my Administration to prioritize global women's economic empowerment through the first ever whole-of-government effort dedicated to this issue: the Women's Global Development and Prosperity (W–GDP) Initiative. To date, W–GDP has reached 12 million women through United States Government programs and partnerships, with a goal of reaching 50 million women by 2025. W–GDP's efforts help secure a place for women to thrive and to lead their families, communities, and nations into new arenas of excellence.

This month, we pause as a Nation to pay tribute to the women who strengthen and enrich our society through civic action, devotion to family, and tireless dedication to community, innovation, peace, and prosperity. We pledge also to continue fighting for the further advancement of women in our society and around the globe, living up to the promise of our Nation's founding.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2020 as Women's History Month. I call upon all Americans to observe this month and to celebrate International Women's Day on March 8, 2020, with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9991 of February 28, 2020

National Consumer Protection Week, 2020

By the President of the United States of America
A Proclamation

Since my election, the United States economy has experienced a historic revitalization. Americans across our country have been the beneficiaries of and the driving force behind this extraordinary resurgence. Wages are growing at their fastest rate in a decade; the unemployment rate has reached its lowest level in half a century; and for the first time on record, there are more job openings than unemployed Americans. The vitality of our economy has led to high levels of consumer confidence. Even as we grow more prosperous, however, we must remain vigilant for bad actors seeking to harm and exploit honest and hard-working people through deception and other nefarious tactics. During National Consumer Protection Week, we reaffirm our commitment to safeguarding the American consumer from malicious practices and strengthening our efforts to prevent and prosecute fraud.

Scammers erode consumer confidence, impede the success of businesses, and steal hard-earned money from Americans. A popular tactic deployed by these corrupt individuals is to exploit Americans' trust in their government by falsely claiming to be a government employee or to be affiliated with a government agency. In 2019 alone, my Administration recorded nearly 400,000 reports of criminals representing themselves as affiliates of the Social Security Administration, law enforcement agencies, the Department of Health and Human Services, and the Internal Revenue Service. Some of these con artists tell people that their Social Security number has been suspended and threaten to freeze their assets unless they comply with demands for money or personal information. Frightened consumers are tricked into sending away thousands of dollars, mistakenly believing their money will be more secure or that they will avoid fines or penalties. These types of ploys can be especially harmful to retired Americans who rely on monthly Social Security payments as their main source of income.

To protect yourself from these vile criminals, do not trust caller ID, which scammers can easily manipulate to conceal their identity. Never respond to unsolicited incoming calls or correspondence. Instead, contact the real agency on your own. Additionally, report the potential imposter immediately to the Federal Trade Commission.

My Administration is committed to using every available resource to protect consumers and bring the perpetrators of these crimes to justice. That is why I signed an Executive Order establishing the Task Force on Market Integrity and Consumer Fraud to enhance efforts by the Department of Justice to investigate and prosecute cases of fraud on behalf of Americans, including the elderly, veterans, and service members. In order to help Americans better protect themselves against identity theft, I also signed into law legislation allowing consumers to contact each of the three major credit reporting agencies and to have their credit reports frozen for free. Additionally, last year, the Department of Justice announced the largest ever coordinated elder fraud enforcement action, which identified more than 260 defendants who had victimized more than 2 million Americans. The Department of Justice has also taken strong action to block foreign scammers from making billions of fraudulent robocalls to American consumers.

During National Consumer Protection Week, government agencies, industry representatives, community groups, and consumer organizations come together in support of the same mission—protecting our Nation's consumers. Consumers are at the heart of our thriving economy, and protecting them must be a shared goal throughout government and across the private sector. This month, we remind all Americans to avail themselves of public and private resources available to them to safeguard their personal and financial information and to protect against fraud.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 1 through March 7, 2020, as National Consumer Protection Week. I encourage individuals, businesses, organizations, government agencies, and community groups to take advantage of the broad array of resources offered by the Federal Trade Commission, the Consumer Financial Protection Bureau, and the Department of Justice, and to share

this information through consumer education activities in communities across the country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of February, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9992 of February 29, 2020

Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus

By the President of the United States of America
A Proclamation

On January 31, 2020, I issued Proclamation 9984 (Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk). I found that the potential for widespread transmission of a novel (new) coronavirus (which has since been renamed ''SARS–CoV–2''; and causes the disease COVID–19) (''SARS–CoV–2''; or ''the virus'';) by infected individuals seeking to enter the United States threatens the security of our transportation system and infrastructure and the national security. Because the outbreak of the virus was (and is) centered in the People's Republic of China, I suspended and limited the entry of all aliens who were physically present within the People's Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, during the 14-day period preceding their entry or attempted entry into the United States, subject to certain exceptions.

The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services, has determined that the virus presents a serious public health threat and continues to take steps to prevent its spread. But CDC, along with State and local health departments, has limited resources, and the public health system could be overwhelmed if sustained human-to-human transmission of the virus occurred in the United States. Sustained human-to-human transmission has the potential to have cascading public health, economic, national security, and societal consequences.

CDC has determined that the Islamic Republic of Iran (Iran) is experiencing sustained person-to-person transmission of SARS–CoV–2. As of February 28, 2020, Iran had 388 cases of COVID–19, a significant increase from prior days. In response to that increase, on February 28, 2020, CDC raised its infectious disease alert to level 3, its highest level, which recommends that travelers avoid all nonessential travel to Iran. According to the World Health Organization, as of February 28, 2020, 97 COVID–19 cases have been exported from Iran to 11 other countries.

Iran is not a trustworthy state actor, as it has repeatedly demonstrated through its history of engaging in malign activity, and confirmed most

recently by its repeated denials of responsibility for shooting down an international airliner. The United States Government is therefore unable to rely on official information disseminated by Iran, undermining the effective evaluation and monitoring of travelers continuing to arrive from that country.

The potential for undetected transmission of the virus by infected individuals seeking to enter the United States from Iran threatens the security of our transportation system and infrastructure and the national security. Given the importance of protecting persons within the United States from the threat of this harmful communicable disease, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within Iran during the 14-day period preceding their entry or attempted entry into the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the Islamic Republic of Iran during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.* (a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse of a U.S. citizen or lawful permanent resident;

(iii) any alien who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;

(iv) any alien who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;

(v) any alien who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR–4 or IH–4 visa classifications;

(vi) any alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(vii) any alien traveling as a nonimmigrant pursuant to a C–1, D, or C–1/D nonimmigrant visa as a crewmember or any alien otherwise traveling to the United States as air or sea crew;

(viii) any alien

(A) seeking entry into or transiting the United States pursuant to one of the following visas: A–1, A–2, C–2, C–3 (as a foreign government official or immediate family member of an official), E–1 (as an employee of TECRO or TECO or the employee's immediate family members), G–1, G–2, G–3, G–4, NATO–1 through NATO–4, or NATO–6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or

(B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;

(ix) any alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the Secretary of Health and Human Services, through the CDC Director or his designee;

(x) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;

(xi) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees; or

(xii) members of the U.S. Armed Forces and spouses and children of members of the U.S. Armed Forces.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. *Implementation and Enforcement.* (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) Consistent with applicable law, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall ensure that any alien subject to this proclamation does not board an aircraft traveling to the United States.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Amendments to Proclamation 9984.* Proclamation 9984 is amended as follows:

(a) Section 2(a)(viii) of Proclamation 9984 is amended to read as follows: ''(viii) any alien (A) seeking entry into or transiting the United States pursuant to one of the following visas: A–1, A–2, C–2, C–3 (as a foreign government official or immediate family member of an official), E–1 (as an employee of TECRO or TECO or the employee's immediate family members), G–1, G–2, G–3, G–4, NATO–1 through NATO–4, or NATO–6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or (B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;'';

(b) Section 3(c) of Proclamation 9984 is amended to read as follows: ''(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.'';

(c) Section 5 of Proclamation 9984 is amended to read as follows:

''Sec. 5. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 15 days after the date of this proclamation and thereafter on the first and fifteenth day of each calendar month, recommend that the President continue, modify, or terminate this proclamation and any other proclamation suspending or limiting the entry of foreign nationals into the United States as immigrants or nonimmigrants because of the threat posed by the virus.'';

Sec. 5. *Termination.* This proclamation shall remain in effect until terminated by the President.

Sec. 6. *Effective Date.* This proclamation is effective at 5:00 p.m. eastern standard time on March 2, 2020. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 5:00 p.m. eastern standard time on March 2, 2020.

Sec. 7. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 8. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9993 of March 11, 2020

Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus

By the President of the United States of America

A Proclamation

On January 31, 2020, I issued Proclamation 9984 (Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk). I found that the potential for widespread transmission of a novel (new) coronavirus (which has since been renamed ''SARS–CoV–2''; and causes the disease COVID–19) (''SARS–CoV–2''; or ''the virus'';) by infected individuals seeking to enter the United States threatens the security of our transportation system and infrastructure and the national security. Because the outbreak of the virus was at the time centered in the People's Republic of China, I suspended and limited the entry of all aliens who were physically present within the People's Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, during the 14-day period preceding their entry or attempted entry into the United States, subject to certain exceptions. On February 29, 2020, in recognition of the sustained person-to-person transmission of SARS–CoV–2 in the Islamic Republic of Iran, I issued Proclamation 9992 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), suspending and limiting the entry of all aliens who were physically present within the Islamic Republic of Iran during the 14-day period preceding their entry or attempted entry into the United States, subject to certain exceptions.

The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services, has determined that the virus presents a serious public health threat, and CDC continues to take steps to prevent its spread. But CDC, along with State and local health departments, has limited resources, and the public health system could be overwhelmed if sustained human-to-human transmission of the virus occurred in the United States on a large scale. Sustained human-to-human transmission has the potential to cause cascading public health, economic, national security, and societal consequences.

The World Health Organization has determined that multiple countries within the Schengen Area are experiencing sustained person-to-person

transmission of SARS–CoV–2. For purposes of this proclamation, the Schengen Area comprises 26 European states: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland. The Schengen Area currently has the largest number of confirmed COVID–19 cases outside of the People's Republic of China. As of March 11, 2020, the number of cases in the 26 Schengen Area countries is 17,442, with 711 deaths, and shows high continuous growth in infection rates. In total, as of March 9, 2020, the Schengen Area has exported 201 COVID–19 cases to 53 countries. Moreover, the free flow of people between the Schengen Area countries makes the task of managing the spread of the virus difficult.

The United States Government is unable to effectively evaluate and monitor all of the travelers continuing to arrive from the Schengen Area. The potential for undetected transmission of the virus by infected individuals seeking to enter the United States from the Schengen Area threatens the security of our transportation system and infrastructure and the national security. Given the importance of protecting persons within the United States from the threat of this harmful communicable disease, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry into the United States. The free flow of commerce between the United States and the Schengen Area countries remains an economic priority for the United States, and I remain committed to facilitating trade between our nations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse of a U.S. citizen or lawful permanent resident;

(iii) any alien who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;

(iv) any alien who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;

(v) any alien who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR–4 or IH–4 visa classifications;

(vi) any alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(vii) any alien traveling as a nonimmigrant pursuant to a C–1, D, or C–1/D nonimmigrant visa as a crewmember or any alien otherwise traveling to the United States as air or sea crew;

(viii) any alien

(A) seeking entry into or transiting the United States pursuant to one of the following visas: A–1, A–2, C–2, C–3 (as a foreign government official or immediate family member of an official), E–1 (as an employee of TECRO or TECO or the employee's immediate family members), G–1, G–2, G–3, G–4, NATO–1 through NATO–4, or NATO–6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or

(B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;

(ix) any alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the Secretary of Health and Human Services, through the CDC Director or his designee;

(x) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;

(xi) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees; or

(xii) members of the U.S. Armed Forces and spouses and children of members of the U.S. Armed Forces.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. *Implementation and Enforcement.* (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) Consistent with applicable law, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall ensure that any alien subject to this proclamation does not board an aircraft traveling to the United States.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall recommend that the President continue, modify, or terminate this proclamation as described in section 5 of Proclamation 9984, as amended.

Sec. 5. *Effective Date.* This proclamation is effective at 11:59 p.m. eastern daylight time on March 13, 2020. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 11:59 p.m. eastern daylight time on March 13, 2020.

Sec. 6. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 7. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9994 of March 13, 2020

Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak

By the President of the United States of America
A Proclamation

In December 2019, a novel (new) coronavirus known as SARS–CoV–2 (''the virus'';) was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID–19 that has now spread globally. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID–19. I have taken sweeping action to control the spread of the virus in the United States, including by suspending entry of foreign nationals seeking entry who had been physically present within the prior 14 days in certain jurisdictions where COVID–19 outbreaks have occurred, including the People's Republic of China, the Islamic Republic of Iran, and the Schengen Area of Europe. The Federal Government, along with State and local governments, has taken preventive and proactive measures to slow the spread of the virus and treat those affected, including by instituting Federal quarantines for individuals evacuated from foreign nations, issuing a declaration pursuant to section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d), and releasing policies to accelerate the acquisition of personal protective equipment and streamline bringing new diagnostic capabilities to laboratories. On March 11, 2020, the World Health Organization announced that the COVID–19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.

The spread of COVID–19 within our Nation's communities threatens to strain our Nation's healthcare systems. As of March 12, 2020, 1,645 people from 47 States have been infected with the virus that causes COVID–19. It is incumbent on hospitals and medical facilities throughout the country to assess their preparedness posture and be prepared to surge capacity and capability. Additional measures, however, are needed to successfully contain and combat the virus in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b–5), do hereby find and proclaim that the COVID–19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. Pursuant to this declaration, I direct as follows:

Section 1. *Emergency Authority.* The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the COVID–19 outbreak.

Sec. 2. *Certification and Notice*. In exercising this authority, the Secretary of HHS shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b–5(d)).

Sec. 3. *General Provisions*. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9995 of March 13, 2020

National Poison Prevention Week, 2020

By the President of the United States of America

A Proclamation

Far too often, American families bear the burden of preventable tragedies caused by unintentional poisonings. Each day, more than 300 children are treated for poisonings in emergency rooms across the United States. These incidents frequently involve ordinary household items like cleaning products and medicines, including opioids, which are toxic but may be attractive to children because of their bright colors and sweet smells. The responsibility for ensuring that these dangerous products are out of sight and out of reach of our youth falls on all of us. During National Poison Prevention Week, we reaffirm our commitment to raising awareness of the realities of unintentional poisonings and overdoses in our country, and of the ways Americans can educate themselves to avoid accidental injury, overdose, or death in their homes and communities.

Every American has a role to play in preventing accidental poisonings and overdoses. Twice per year, my Administration hosts national drug ''Take Back Day''; events for Americans to help protect against the accidental ingestion, misuse, or abuse of prescription drugs by turning in expired or unneeded medications to be disposed of safely. Locking up medications after use and asking local pharmacies or police departments for ways to promptly dispose of expired, unwanted, or unused medications properly can also help prevent tragedies from occurring. In the event of an accidental poisoning, quick action could save a life,

and expert help is always available through poison control centers. These centers are vital lifelines used by millions of Americans annually, and they serve the public, healthcare providers, public safety personnel, health departments, and law enforcement officials around the clock.

Each day, many American families suffer from the pain caused by an opioid overdose death. My Administration is committed to helping eradicate drug addiction from our society and to preventing drug overdoses, which are now the leading cause of accidental death in the United States. Over the last 3 years, the Department of Health and Human Services has awarded nearly $9 billion in grants to address the opioid crisis and improve access to prevention, treatment, and recovery services. As a part of my *Initiative to Stop Opioid Abuse*, I announced a plan to decrease the amount of opioid prescription fills by one-third within 3 years. And in October 2018, I signed into law the SUPPORT Act, the largest and most comprehensive piece of legislation to combat the opioid crisis, which expands access to drug-disposal programs and to evidence-based treatment for opioid use disorder. Thanks to our efforts, in 2018, overdose deaths fell nationwide for the first time in decades, and the amount of opioids prescribed nationally since 2017 decreased by 35 percent. Additionally, an increasing number of Americans are receiving life-saving medication-assisted treatment for drug addiction.

No American should perish as a result of unintended exposure to poisons or accidental overdoses. This week, we recommit to taking the critical precautions necessary to prevent the deadly realities of unintentional poisonings and drug overdoses, and we ask all Americans to do their part to raise awareness to help combat these issues.

To encourage Americans to learn more about the dangers of unintentional poisonings and to take appropriate preventative measures, on September 26, 1961, the Congress, by joint resolution (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as ''National Poison Prevention Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim March 15, 2020, through March 21, 2020, to be National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to safeguard their families from poisonous products, chemicals, medicines, and drugs found in their homes, and to raise awareness about these dangers in order to prevent accidental injuries and deaths.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9996 of March 14, 2020

Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus

By the President of the United States of America

A Proclamation

On January 31, 2020, I issued Proclamation 9984 (Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk). I found that the potential for widespread transmission of a novel (new) coronavirus (which has since been renamed ''SARS–CoV–2''; and causes the disease COVID–19) (''SARS–CoV–2''; or ''the virus'';) by infected individuals seeking to enter the United States threatens the security of our transportation system and infrastructure and the national security. Because the outbreak of the virus was at the time centered in the People's Republic of China, I suspended and limited the entry of all aliens who were physically present within the People's Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, during the 14-day period preceding their entry or attempted entry into the United States, subject to certain exceptions. On February 29, 2020, in recognition of the sustained person-to-person transmission of SARS–CoV–2 in the Islamic Republic of Iran, I issued Proclamation 9992 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), suspending and limiting the entry of all aliens who were physically present within the Islamic Republic of Iran during the 14-day period preceding their entry or attempted entry into the United States, subject to certain exceptions. And, most recently, on March 11, 2020, I issued Proclamation 9993 (Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus), suspending and limiting the entry of all aliens who were physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry into the United States, subject to certain exceptions.

The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services, has determined that the virus presents a serious public health threat, and CDC continues to take steps to prevent its spread. But CDC, along with State and local health departments, has limited resources, and the public health system could be overwhelmed if sustained human-to-human transmission of the virus occurred in the United States on a large scale. Sustained human-to-human transmission has the potential to cause cascading public health, economic, national security, and societal consequences.

CDC has determined that the United Kingdom is experiencing widespread, ongoing person-to-person transmission of SARS–CoV–2. As of March 13, 2020, the World Health Organization reported that the United Kingdom had 594 cases of COVID–19, 5 times more cases than there were 7 days prior.

The Republic of Ireland has an open border with the United Kingdom in that persons can generally move freely between the Republic of Ire-

land and the United Kingdom—by land to and from Northern Ireland and by ferry or aircraft to and from Wales, England, and Scotland. This general ability to travel freely between the United Kingdom and the Republic of Ireland poses the same challenges that the Schengen Area posed for suspending and limiting entry to the United States by travelers who had been physically present within any of the Schengen Area countries. CDC has also determined that the Republic of Ireland is experiencing ongoing sustained person-to-person transmission of SARS–CoV–2. As of March 13, 2020, the World Health Organization reported that the Republic of Ireland had 70 cases of COVID–19, 5 times more cases than there were 7 days prior.

The United States Government is unable to effectively evaluate and monitor all of the travelers continuing to arrive from the United Kingdom and the Republic of Ireland. The potential for undetected transmission of the virus by infected individuals seeking to enter the United States from the United Kingdom and the Republic of Ireland threatens the security of our transportation system and infrastructure and the national security. Given the importance of protecting persons within the United States from the threat of this harmful communicable disease, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland during the 14-day period preceding their entry or attempted entry into the United States. The free flow of commerce between the United States and the United Kingdom and the Republic of Ireland remains an economic priority for the United States, and I remain committed to facilitating trade between our nations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry*. The entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry*.

(a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse of a U.S. citizen or lawful permanent resident;

(iii) any alien who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;

(iv) any alien who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;

(v) any alien who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR–4 or IH–4 visa classifications;

(vi) any alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(vii) any alien traveling as a nonimmigrant pursuant to a C–1, D, or C–1/D nonimmigrant visa as a crewmember or any alien otherwise traveling to the United States as air or sea crew;

(viii) any alien

(A) seeking entry into or transiting the United States pursuant to one of the following visas: A–1, A–2, C–2, C–3 (as a foreign government official or immediate family member of an official), E–1 (as an employee of TECRO or TECO or the employee's immediate family members), G–1, G–2, G–3, G–4, NATO–1 through NATO–4, or NATO–6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or

(B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;

(ix) any alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the Secretary of Health and Human Services, through the CDC Director or his designee;

(x) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;

(xi) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees; or

(xii) members of the U.S. Armed Forces and spouses and children of members of the U.S. Armed Forces.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. *Implementation and Enforcement.* (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the

entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) Consistent with applicable law, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall ensure that any alien subject to this proclamation does not board an aircraft traveling to the United States.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Termination*. This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall recommend that the President continue, modify, or terminate this proclamation as described in section 5 of Proclamation 9984, as amended.

Sec. 5. *Effective Date*. This proclamation is effective at 11:59 p.m. eastern daylight time on March 16, 2020. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 11:59 p.m. eastern daylight time on March 16, 2020.

Sec. 6. *Severability*. It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 7. *General Provisions*. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of March, in the year of our Lord two thousand twenty, and of the

Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9997 of March 14, 2020

National Day of Prayer for All Americans Affected by the Coronavirus Pandemic and for Our National Response Efforts

By the President of the United States of America
A Proclamation

In our times of greatest need, Americans have always turned to prayer to help guide us through trials and periods of uncertainty. As we continue to face the unique challenges posed by the coronavirus pandemic, millions of Americans are unable to gather in their churches, temples, synagogues, mosques, and other houses of worship. But in this time we must not cease asking God for added wisdom, comfort, and strength, and we must especially pray for those who have suffered harm or who have lost loved ones. I ask you to join me in a day of prayer for all people who have been affected by the coronavirus pandemic and to pray for God's healing hand to be placed on the people of our Nation.

As your President, I ask you to pray for the health and well-being of your fellow Americans and to remember that no problem is too big for God to handle. We should all take to heart the holy words found in 1 Peter 5:7: ''Casting all your care upon him, for he careth for you.''; Let us pray that all those affected by the virus will feel the presence of our Lord's protection and love during this time. With God's help, we will overcome this threat.

On Friday, I declared a national emergency and took other bold actions to help deploy the full power of the Federal Government to assist with efforts to combat the coronavirus pandemic. I now encourage all Americans to pray for those on the front lines of the response, especially our Nation's outstanding medical professionals and public health officials who are working tirelessly to protect all of us from the coronavirus and treat patients who are infected; all of our courageous first responders, National Guard, and dedicated individuals who are working to ensure the health and safety of our communities; and our Federal, State, and local leaders. We are confident that He will provide them with the wisdom they need to make difficult decisions and take decisive actions to protect Americans all across the country. As we come to our Father in prayer, we remember the words found in Psalm 91: ''He is my refuge and my fortress: my God; in him will I trust.'';

As we unite in prayer, we are reminded that there is no burden too heavy for God to lift or for this country to bear with His help. Luke 1:37 promises that ''For with God nothing shall be impossible,''; and those words are just as true today as they have ever been. As one Nation under God, we are greater than the hardships we face, and through prayer and acts of compassion and love, we will rise to this challenge

and emerge stronger and more united than ever before. May God bless each of you, and may God bless the United States of America.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim March 15, 2020, as a National Day of Prayer for All Americans Affected by the Coronavirus Pandemic and for our National Response Efforts. I urge Americans of all faiths and religious traditions and backgrounds to offer prayers for all those affected, including people who have suffered harm or lost loved ones.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9998 of March 23, 2020

National Agriculture Day, 2020

By the President of the United States of America

A Proclamation

Since our Nation's earliest days, farming communities have been a bedrock of our society. In a letter to George Washington, Thomas Jefferson famously stated that agriculture ''is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.''; As our Nation continues to face the unique challenges posed by the coronavirus pandemic, we pay tribute to the unbeatable strength of America's agricultural producers as they once again answer the call to feed our country and the world. On this National Agriculture Day, and now more than ever, we salute and honor the men and women who contribute daily to our national prosperity.

United States agricultural food and fiber production has increased significantly over the past century, while the amount of resources used to produce those goods has largely stayed the same. This incredible productivity is due to innovations that have propelled the American model of agriculture to the top of the world stage, allowing Americans to spend less of their paychecks on food. Americans feed their families with the safest, healthiest, and most affordable food in the world. Thanks to the efficiency of our farmers and ranchers, our rural communities are stronger and more resilient.

Since taking office, I have worked tirelessly to deliver on my promise to negotiate better trade deals for our country, directly benefitting agricultural communities. After decades of one-sided trade agreements that left the great men and women of our country behind, my Administration has secured fairer and more reciprocal deals that ensure American workers are put first. Our farmers, whose grit and hard work help feed, fuel, and clothe millions around the world, are key beneficiaries of these historic trade agreements. In 2019, I delivered the United States-Japan Trade Agreement, which is already providing our farmers, ranchers, and agribusinesses with new market access to 127 million Japanese consumers. In January, I ended the outdated and unbalanced North American Free Trade Agreement by signing into law the United States-

Mexico-Canada Agreement (USMCA), creating incredible opportunities for American farmers and ranchers. The USMCA empowers American businesses in our vital agricultural sector with greater freedom to sell their goods throughout North America. Thanks to this better deal, American agriculture exports are expected to increase by $2.2 billion. I also signed a new, fully enforceable trade agreement with China, which will help start to rebalance our vital trade partnership. As part of this deal, China has pledged to increase imports of American goods and services over the next 2 years by at least $200 billion, including purchasing more than $80 billion in American agricultural goods.

Across our country, farming families and communities demonstrate the timeless American values of hard work, perseverance, and stewardship of the land. Just as they have for centuries, our farmers provide the foundation of a national economic supply chain that is critical to our national security and prosperity. Today and every day, we express our gratitude to these individuals and remember the central place of agriculture in our national identity and American way of life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 24, 2020, as National Agriculture Day. I encourage all Americans to observe this day by recognizing the preeminent role that agriculture plays in our daily lives, acknowledging agriculture's continuing importance to rural America and our country's economy, and expressing our deep appreciation of farmers, growers, ranchers, producers, national forest system stewards, private agricultural stewards, and those who work in the agriculture sector across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 9999 of March 24, 2020

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2020

By the President of the United States of America

A Proclamation

Our great American experiment was inspired by the ideas about liberty, self-government, and the rule of law that traced their roots to ancient Greece. On Greek Independence Day, we commemorate the rich history shared between the United States and Greece, which is fortified by our love of freedom and commitment to democratic institutions. We join the Greek people in celebrating another year of independence and unity.

The great thinkers of ancient Greece stoked the American quest for freedom and a republic founded on the fundamental truth that people have rights that cannot be denied. Decades later, the same values that

catalyzed our Revolution inspired the people of Greece to seek their own freedom and independence. Recognizing the commonality between the Greeks' fight to establish a representative government and their own, many Americans supported Greek independence, forging an unbreakable bond between our two countries.

Today, this same conviction for a freer and more prosperous world bolsters the alliance between the United States and Greece. In October 2019, my Administration worked with Greek officials to strengthen and expand our defense and security partnership by updating the United States-Greece Mutual Defense Cooperation Agreement Annex. This agreement paves the way for closer collaboration on national security matters between our two countries for decades to come. We are also grateful for the commitment of Greece, a strong NATO Ally, to our naval presence at Souda Bay on the island of Crete. Through such endeavors, the partnership between our countries advances our strategic national interests in stable and peaceful Eastern Mediterranean, Black Sea, and Western Balkans regions.

As noted at the Second United States-Greece Strategic Dialogue last year, an estimated 3 million Americans claim Greek descent. We therefore reaffirm our commitment to building firm institutional foundations that foster deep appreciation of our common ties. To that end, we are proud to have established the Future Leaders Exchange Program, which is further developing educational, cultural, and scientific cooperation between our two countries. Throughout our histories, both of our nations have prioritized interactions between our peoples, which are at the core of our cherished relationship and alliance.

The United States and Greece continue to share a long-held belief that political power belongs in the hands of the people. On this 199th anniversary of Greek independence, we confirm the pillars of governance, culture, and patriotism that have forged and continue to sustain the faithful bond our two nations enjoy.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2020, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10000 of March 30, 2020

National Doctors Day, 2020

By the President of the United States of America
A Proclamation

Our Nation is tremendously grateful for all Americans who have chosen the noble profession of healing and caring for others. This is especially true as our extraordinary doctors and other talented medical professionals have collectively risen to the challenge of combating the coronavirus pandemic in communities large and small across the United States. This year in particular, on National Doctors Day, we recognize the remarkable men and women who treat their fellow Americans, find cures for the diseases and illnesses we face, and never waver in their efforts to treat every patient with the dignity, respect, and empathy they deserve.

As our Nation continues to combat the novel coronavirus, the tireless work and dedication of our medical and healthcare professionals is evident in the hospitals and treatment centers where they care for the sick, inside the labs and research facilities where vaccines and treatments are being developed, and from the podiums where they have continuously reassured and informed the American people. These brave patriots on the frontlines of the war against this invisible enemy are the most talented, innovative, and hardworking medical professionals in the world. Thanks to their incredible, life-saving work, no country is better prepared to fight this pandemic than the United States, and we remain confident that their steadfast resolve will see our Nation through to victory over this disease.

This National Doctors Day, we express our immense gratitude to the men and women who are caring for and treating patients across our country and whose commitment to serving others has never been clearer. Their contributions to the health and well-being of every American are immeasurable. As one Nation, we pray for their continued health and strength, and we ask God to bless them with the wisdom and resolute spirit to care for all those who need healing.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 30, 2020, as National Doctors Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10001 of March 31, 2020

Cancer Control Month, 2020

By the President of the United States of America

A Proclamation

During Cancer Control Month, we commend the unwavering courage of those across our country who are battling cancer and remember all who have been taken from us by this horrible disease. We also rejoice with the nearly 17 million cancer survivors in the United States who show us that victory over cancer is possible. We extend our sincere appreciation to the devoted healthcare professionals, scientists, and researchers who have committed their lives to discovering a cure for cancer.

While tremendous progress has been made in the fight against cancer, there is still much work to be done. Cancer remains the second-leading cause of death in the United States. Thanks to early detection, preventive measures, and medical innovation, survival rates for the most common cancer types—lung, colorectal, breast, and prostate—have vastly improved, providing much-needed hope to millions of patients and their families nationwide. Despite the decreasing death rate from cancer of nearly 30 percent over the last few decades, the disease claims the lives of roughly 1,600 Americans daily, resulting in nearly 600,000 deaths annually.

Research shows that a large proportion of cancers can be prevented, paving the way for millions of Americans to take charge of their lives by avoiding unhealthy behaviors and habits as well as commonly known carcinogens that can cause cancer. For example, the majority of melanoma cancer cases diagnosed annually could have been prevented by protecting skin from ultraviolet radiation through the use of sunscreen with sun protection factor 15 or higher and other preventive measures that shield skin from the sun's harmful rays. Moreover, tobacco products such as cigarettes and cigars are responsible for almost 9 out of every 10 cases of lung cancer. Preventive screenings, consulting your physician when detecting abnormalities, and awareness of family history can be the difference between life and death. That is why it is critical for Americans to see their doctors or healthcare providers regularly and stick to a healthy diet and routine physical activity.

My Administration is also working aggressively to protect our Nation's youth and ensure their lives are not shattered because of a cancer diagnosis. We initiated a new effort that invests $500 million over the next decade to improve pediatric cancer research. This funding will assist our Nation's most talented health professionals in learning more about the devastating cancer diagnoses our children face and finding the best cures. The National Institutes of Health has announced the Childhood Cancer Data Initiative, which supports childhood cancer research and aims to make it easier for researchers to learn from each of the approximately 16,000 children and adolescents diagnosed with cancer in the United States each year.

As we observe Cancer Control Month, we honor all those we have lost to cancer by renewing our commitment to raising awareness, emphasizing prevention and early detection, supporting innovative treat-

ments, and prioritizing our health. By remaining steadfast in our dedication to taking preventative measures and finding a cure, we will one day defeat this disease.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2020 as Cancer Control Month. I call upon the people of the United States to speak with their doctors and healthcare providers to learn more about preventative measures that can save lives. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in appropriate activities that will increase awareness of what Americans can do to prevent and control cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing Cancer Control Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10002 of March 31, 2020

National Child Abuse Prevention Month, 2020

By the President of the United States of America
A Proclamation

Childhood should be filled with joy, hope, unconditional love, and acceptance. Tragically, however, far too many of our Nation's young people spend this foundational time of their lives in fear, pain, and uncertainty, enduring abuse and neglect that threatens their health and well-being. During National Child Abuse Prevention Month, we condemn this horrific depravity and reaffirm our unwavering commitment to protecting our children and strengthening our families.

Each year, hundreds of thousands of children across our country suffer from abuse and neglect, a fact that is both sobering and heart-wrenching. In January, I signed an Executive Order to coordinate the Federal Government's efforts to prosecute individuals who sexually exploit children online, protect and support victims of child exploitation, and provide prevention education to raise awareness and help lower the incidence of child exploitation. I also signed into law legislation to enhance our child welfare systems by supporting at-risk families through mental health and substance abuse treatment and programs to develop parenting skills.

With our international partners in Australia, Canada, New Zealand, and the United Kingdom, the United States developed the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse. The Voluntary Principles establish a baseline framework for companies that provide online services to deter use of the internet as a tool for sexually exploiting and abusing children. Several major technology companies have publicly adopted the principles and more will follow

in the coming months. These companies have a responsibility to prevent their platforms from becoming a haven for child predators and to also ensure law enforcement is able to investigate and prosecute offenders when children have been victimized.

Child abuse causes the loss of innocence and hope. Loving, devoted, and caring families can serve as a bulwark against our children suffering from neglect and abuse. Child Welfare Information Gateway, the information service of the Department of Health and Human Services' Children's Bureau, offers several resources on preventing child abuse and promoting healthy families through its National Child Abuse Prevention Month website. Familiarizing yourself with the information provided by the Department of Health and Human Services can help you learn more about what you and your community can do to support children and families during this month and throughout the year.

To eradicate this blight on our society, compassionate and concerned Americans must work to effect change and impact young lives. Child welfare agencies, clergy members, educators, medical and law enforcement professionals, neighbors, friends, and extended family members all contribute to protecting and nurturing our Nation's youth. Foster, kinship, and adoptive parents open their hearts and their homes to children in crisis and empower them to find happiness and achieve their dreams. Working together, these forces for good can ensure the welfare of children who have experienced the traumas of abuse or neglect and give them a promising future.

The success of our Nation is reflected in our economic and cultural prosperity and military might, but our character is revealed by how we cherish and protect the weak, innocent, and vulnerable. All children are uniquely created in the image of God and gifted with both purpose and unlimited potential. We can and must relentlessly protect our children, homes, and communities from the scourge of these shameful tragedies and support families and communities to ensure that all children have the opportunity to reach their potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2020 as National Child Abuse Prevention Month. I call upon all Americans to invest in the lives of our Nation's children, to be aware of their safety and well-being, and to support efforts that promote their psychological, physical, and emotional development.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10003 of March 31, 2020

National Donate Life Month, 2020

By the President of the United States of America
A Proclamation

During National Donate Life Month, we honor the selfless individuals whose remarkable generosity has helped give others the gift of life. Countless Americans have benefited from people who have registered as organ, eye, or tissue donors, and we recognize our Nation's unrivaled medical community for helping make donor transplants possible. Through the talents of doctors all across our country and the gifts of donors, the quality of life for thousands of Americans has been improved.

Approximately 60 percent of American adults have registered as organ, eye, and tissue donors. In 2019, almost 40,000 American patients received transplants, which resulted in the most lives saved through organ donations ever during a single year. We all have the power to help: One donor can save up to 8 lives through organ donation and help improve more than 75 other lives through eye and tissue donation.

Today, more than 110,000 men, women, and children in the United States are awaiting lifesaving organ transplants. While tremendous progress has been made, the need for additional organ donors is vital. Every 9 minutes another name is added to the long list of Americans desperately waiting for transplants. Additionally, nearly 18,000 people in the United States have been diagnosed with illnesses for which blood stem cell transplantation is the best treatment option. Over 65 percent of these individuals do not have appropriately matched family members and rely upon blood stem cell donors from outside their family to help save their lives. We are grateful for the more than 30 million adults who are currently registered as marrow donors. But more are needed to ensure all who need a transplant can find a match.

To help increase access to transplants, in July 2019, I signed an Executive Order on Advancing American Kidney Health. The Executive Order increases access to kidney transplants by modernizing the organ recovery and transplantation systems and updating and fixing outdated and counterproductive regulations. It also provides increased support for living donors, increasing the supply of transplantable kidneys by removing financial barriers to living donations.

Every person is a potential organ or tissue donor with the power to give the gift of life. This month, we are grateful to the generous Americans who register as donors and to the researchers, scientists, and medical professionals who ensure transplants are safe and successful. I strongly encourage all willing and able Americans to sign up as organ or tissue donors to help instill greater hope in those awaiting a donor match and improve and save the lives of their fellow citizens.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2020 as National Donate Life Month. I call upon health professionals, volunteers, educators, government agencies, faith-based and commu-

nity groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10004 of March 31, 2020

National Sexual Assault Awareness and Prevention Month, 2020

By the President of the United States of America

A Proclamation

No person should ever have to endure the anguish and indignity of sexual assault. This horrific crime affects Americans of every age, ethnicity, and socioeconomic status. During National Sexual Assault Awareness and Prevention Month, we reaffirm our commitment to supporting survivors of sexual assault, encouraging strong criminal justice responses to these crimes, and ending the scourge of sexual violence in our homes and communities.

Sexual assault is a particularly egregious and dehumanizing form of violence. Even after physical injuries of a sexual assault have healed, emotional and mental trauma can persist. Survivors often struggle with lingering anxiety, fear, anger, shame, and depression. The devastating aftermath of sexual assault can also harm a survivor's relationships with their loved ones. My Administration has made combating sexual assault a top priority.

Last year, I signed an Executive Order establishing the Task Force on Missing and Murdered American Indians and Alaska Natives to address unacceptable acts of violence against Native Americans, particularly women and girls. Too often, sexual assaults are committed in conjunction with other forms of violence against women and girls in Indian Country. This Task Force is enhancing collaboration across the Federal Government to improve the ability of law enforcement and prosecutors to respond to new and unsolved cases in these communities and to ensure they receive vital health and human services. In addition, the Office on Violence Against Women and the Office for Victims of Crime within the Department of Justice (DOJ) are spearheading an initiative to ensure that sexual assault victims in Native and Tribal communities have access to high-quality medical care from trained Sexual Assault Forensic Examiners and other services they may need to heal and achieve justice.

DOJ is also providing grant funding to facilitate the analysis of thousands of sexual assault kits in crime laboratories across our Nation to identify criminals. The Department is also making sure that law enforcement officers, prosecutors, and victim advocates have the resources they need to support victims and bring offenders to justice. Further, DOJ and the Department of Health and Human Services have

identified best practices in the collection and preservation of forensic evidence, as well as in the care and treatment of survivors of sexual assault.

Human trafficking has become rampant throughout the world, and often includes sexual assault. In 2019 alone, the National Human Trafficking Hotline received reports of nearly 12,000 cases of potential human trafficking in the United States, identifying more than 25,000 victims. More than 65 percent of these cases referenced women, and more than one in five referenced children. My Administration will use every tool at our disposal to dismantle this global problem, deliver justice, and ensure the safety and well-being of the survivors. That is why I signed an Executive Order on Combating Human Trafficking and Online Child Exploitation in the United States, which prioritizes the Federal Government's resources to prosecute offenders, assist victims, and provide prevention education to combat human trafficking and online sexual exploitation of children. I also signed into law legislation authorizing $430 million to fight sex and labor trafficking, and my fiscal year 2021 budget request to Congress seeks an increase of $42.5 million to address human trafficking. And importantly, we are holding these foreign governments that fail to address human trafficking to account by imposing restrictions on foreign assistance.

This month, we pause to recognize the devastation caused by sexual assault and to recommit ourselves to eliminating this atrocious crime. We are grateful to the professionals serving in healthcare, victim and human services, law enforcement, and criminal justice for their steadfast resolve against sexual assault while also caring for and supporting survivors. As a Nation, we stand with the courageous men, women, and children who have survived sexual assault and pledge to use every tool at our disposal to help prevent Americans from ever enduring the trauma of sexual assault.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2020 as National Sexual Assault Awareness and Prevention Month. I urge all Americans, families, law enforcement personnel, healthcare providers, and community and faith-based organizations to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10005 of March 31, 2020

Second Chance Month, 2020

By the President of the United States of America
A Proclamation

As Americans, we believe that every person has unbound potential. It is therefore important that we offer former inmates who have served their sentences and learned from their earlier mistakes the opportunity for redemption through a second chance to become productive members of society. During Second Chance Month, we celebrate those who have set out to create better lives following incarceration and recommit to helping former inmates contribute to the strength and prosperity of our Nation.

In 2018, I signed into law the First Step Act, landmark legislation that brought needed reform to our criminal justice system. The First Step Act reduced penalties and eliminated the three-strike mandatory life sentence provision for certain non-violent offenders. This legislation also expanded judges' discretion to impose sentences that are below the mandatory minimum for drug offenders with little or no criminal history. Additionally, it allows certain low-level drug offenders to petition the courts for a review of their sentence, which a judge can reduce after reviewing all the circumstances, including public safety, criminal history, and the nature of the offense. Further, through expanded rehabilitative programs my Administration has established in accordance with this legislation, inmates are receiving training and education to help them develop skills that will help them re-enter society successfully. Based on an assessment of their risk of recidivism and needs, inmates that complete some of these programs can secure early release to home confinement or a halfway house.

While we must be tough on crime, we can also be smart about reducing recidivism. One of the best ways to break the cycle of crime is to help former inmates find rewarding work. That is why my Administration is promoting second chance hiring to build on the reforms of the First Step Act and help former inmates live crime-free lives. I launched the Federal Interagency Crime Prevention and Improving Reentry Council to create more second chances for those returning home from prison. We are also working to expand Pell Grants to provide education and training to inmates before release and providing grants to States to expand their use of fidelity bonds to help persons with criminal records find gainful employment.

This month, we extend our heartfelt thanks to all who know in their hearts that redemption is possible. Second chances are possible only through a network of people who believe in themselves and others, former inmates determined to improve their lives, judges and public servants dedicated to reducing recidivism, and families and community members willing to lend their support to people striving to triumph over their past mistakes.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2020 as Second Chance Month. I call on all Americans to commemorate this month with events and activities that raise public awareness

about preventing crime and providing those who have completed their sentences an opportunity for an honest second chance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10006 of April 1, 2020

World Autism Awareness Day, 2020

By the President of the United States of America

A Proclamation

World Autism Awareness Day is a tribute to the millions of Americans living with autism spectrum disorder (ASD). Their numerous triumphs over many and varied obstacles are a testament to the strength and resolve of the American spirit. We also extend our gratitude to all those who, through their unwavering dedication to supporting Americans with ASD, help empower them to thrive at home, in the workplace, and in their communities.

As President, I am committed to ensuring all Americans with ASD can thrive and prosper. Last year, I was proud to sign into law legislation reauthorizing the Autism CARES Act, approving more than $1.8 billion in funding over 5 years to research and develop new treatments and therapies, and enhancing support services for those with ASD throughout their entire lives. This legislation also expanded the Interagency Autism Coordinating Committee to include representatives from 17 Federal agencies and stakeholders from throughout the autism community. The enhanced public-private partnerships made possible by these efforts are providing support to those with ASD.

Early detection and treatment play essential roles in optimizing the lives of people with ASD. To assist in making every resource available to these individuals during the most critical developmental stage of their life, the National Institutes of Health (NIH) recently awarded more than $4 million to research, develop, and validate screening tools that detect signs of ASD during the first year of life. NIH has also awarded more than $36 million to enhance healthcare providers' expertise in caring for Americans with ASD. This funding is vital to those living with ASD, expanding opportunities to live lives full of meaning and joy.

Approximately 1 in every 59 American children lives with ASD. That means that approximately 500,000 of our Nation's young people who turn 18 over the next decade enter adulthood with ASD. My Administration, along with coordinated efforts at the State and local levels, is committed to providing opportunities to assist in their successful transition into rewarding careers and fulfilling lives. Through the Department of Labor's Youth Policy Development Center and the Apprenticeship Inclusion Model initiative, we are expanding opportunities for Americans with ASD to develop high-demand skills that pair with good-paying jobs. Additionally, the Department of Housing and Urban

Development has allocated more than $110 million to increase the availability of affordable and reliable housing models to enable individuals with disabilities, including ASD, to live independently.

Today, we join with the international ASD community in reaffirming our resolve to support all those with ASD as they continue to strengthen our families, our communities, our Nation, and the world. Together, we will work to promote more meaningful connections of respect and build a society where everyone has the opportunity to succeed.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2, 2020, as World Autism Awareness Day. I call upon all Americans to learn more about the signs of autism to improve early diagnosis, understand the challenges faced by individuals with autism, and find ways to support those with autism and their families.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10007 of April 3, 2020

Education and Sharing Day, U.S.A., 2020

By the President of the United States of America

A Proclamation

Preparing the next generation to lead lives of purpose and significance is one of our foremost responsibilities. Education is essential to cultivating a spirit of curiosity and learning, developing character and conscience, and strengthening the will to work collaboratively. On Education and Sharing Day, we pay tribute to the family members, educators, mentors, clergy members, and other community leaders who invest in the lives of our Nation's youth through education and fostering kindness and caring for one another.

Today, we celebrate Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, a compassionate and visionary leader whose influence continues unabated since his passing more than a quarter century ago. This year marks 70 years since Rabbi Schneerson assumed leadership of the international Chabad-Lubavitch movement, building the faith-based network into a dynamic force for good which affects millions of people around the world. Although he witnessed the unimaginable tragedies that beset the world during World War II, the Holocaust, and the oppression and violence of the Cold War, the Lubavitcher Rebbe retained his fundamental belief in the potential of all people and the liberating nature of education. Committed to the idea that education must ''pay more attention, indeed the main intention, to the building of character, with emphasis on moral and ethical values,''; he established schools and centers for education, service, and spiritual growth on college campuses and in communities across our Nation and around the world. His legacy and enduring commitment to

young people continue as examples of selfless service and devotion for all who know the story of his purposeful life.

Knowledge inspired by unwavering virtue and commitment to faith were central to the Lubavitcher Rebbe's life and mission. When put into practice, these values empower people of all ages to fulfill their unique purpose, and in turn to enhance and enrich our great Nation. On this day, let us acknowledge that each person has a unique purpose that can be unleashed through an individual, whole-of-person approach to education, and let us renew our commitment to supporting education as a means by which individuals may grow their gifts, develop their talents, and fulfill their God-given potential. May we work to shape a brighter future by preserving these foundations of freedom and fellowship for generations to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 5, 2020, as ''Education and Sharing Day, U.S.A.''; I call upon all government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10008 of April 8, 2020

National Former Prisoner of War Recognition Day, 2020

By the President of the United States of America

A Proclamation

Since our founding, brave men and women who have selflessly answered the call of duty to defend our precious liberty have shaped the fabric of our Nation. In the course of fighting for our freedom and security, many of these heroes have been captured and often subjected to shocking conditions and unimaginable torture. On National Former Prisoner of War Recognition Day, we honor the more than 500,000 American warriors captured while protecting our way of life. We pay tribute to these patriots for their unwavering and unrelenting spirit.

In every major conflict in our Nation's history, American prisoners of war (POWs) have stared down our enemies, knowing at any moment their captors might torture them yet again or even kill them. These patriots, however, knew that they were fighting for something much larger than individual survival. They persevered for the sake of their fellow POWs, comrades in arms, families, and country.

Later this year, we will commemorate the 75th anniversary of the conclusion of World War II. Over the course of the war, nearly 94,000 American troops in the European Theater and an additional 27,000 in the Pacific Theater were captured and held as POWs. Subjected to star-

vation, lack of medical care, and unimaginable suffering, these Americans endured hell on Earth. The POWs who returned home were forever changed. Many bore the seen and unseen scars and wounds of war, having experienced the worst of humanity.

Though we can never fully understand the depth of their brutal imprisonment and mistreatment, as Americans, it is our duty to ensure all former POWs receive the love, care, compassion, appreciation, and support they deserve. It is our national obligation to remain mindful of the tremendous sacrifices they, their family members, and their loved ones endured over months and years of uncertainty, worry, and heartache. May the stories of these warriors inspire us to live each day with fierce conviction, indomitable will, and everlasting pride for our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2020, as National Former Prisoner of War Recognition Day. I call upon Americans to observe this day by honoring the service and sacrifice of all former prisoners of war and to express our Nation's eternal gratitude for their sacrifice. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10009 of April 13, 2020

Pan American Day and Pan American Week, 2020

By the President of the United States of America
A Proclamation

This year marks 130 years since the spirit of cooperation, hope, and progress brought together the nations of the Americas at the First International Conference of American States. This historic meeting chartered the course for the establishment of the Organization of American States in 1948, an institution that has ever since worked toward peace and prosperity throughout the Americas, encouraging the nonviolent resolution of conflict and promoting mutual social and economic growth. As we celebrate our remarkable progress this Pan American Day and Pan American Week, let us also reaffirm our resolve to uphold and bolster liberty, democracy, and freedom in our Hemisphere.

As part of our commitment to advancing dignity and freedom, my Administration will always work to combat human trafficking. This work requires enhanced border security and a well-functioning immigration system. Through our cooperation with the Governments of Mexico and our Central American partners, we have instituted reforms that help ensure the security and well-being of our peoples. By signing the United States-Mexico Joint Declaration last June, the Government of

Mexico affirmed its commitment to reducing the number of illegal immigrants who arrive at our southern border. We have also signed agreements with the Governments of El Salvador, Guatemala, and Honduras to enhance our countries' cooperative efforts. These partnerships have helped expand humanitarian protections for asylum seekers, combat transnational criminal organizations, strengthen border security, and reduce human slavery and smuggling.

My Administration also remains committed to implementing trade deals that will bolster the economies of the United States and our allies in the Americas. I am proud to have delivered on my promise to end the outdated and unbalanced North American Free Trade Agreement (NAFTA) by signing the United States-Mexico-Canada Agreement (USMCA) into law, modernizing and rebalancing trade in a manner that supports robust economic growth throughout North America. Additionally, through the *América Crece* initiative, we are deepening private-sector investment in energy and infrastructure, enhancing economic opportunity and growth across the Americas, and continuing an historic period of cooperation.

We also recognize that citizen-responsive democratic governance, characterized by free and fair elections, is essential to peace and security, and we therefore remain committed to advocating for freedom and democracy for those living under authoritarian regimes in Venezuela, Cuba, and Nicaragua. As part of the growing global consensus of nearly 60 countries that have recognized the legitimacy of interim President of Venezuela Juan Guaido, we are doing everything we can to support the Venezuelan people, address the humanitarian crisis in Venezuela and the region, peacefully restore democracy, and return Venezuela to its status as a stable and prosperous nation. In February, I was pleased to host interim President Guaido as an honored guest at my State of the Union address. During his visit, I reaffirmed the dedication of the United States to bringing the full range of diplomatic and economic tools to bear on the Maduro regime until its illegitimate rule comes to an end. The United States also remains committed to helping the people of Cuba and Nicaragua create stable and free countries. Together with our regional partners, we will ensure the realization of the democratic dreams of those oppressed by tyrannical regimes.

We are grateful for the blessings of freedom enjoyed in the United States and in so many other parts of the Western Hemisphere. We also remain steadfast in our determination to secure a freer and more democratic Western Hemisphere for all. On this day and during this week, let us celebrate the liberty we have fostered together with our regional partners and pledge our continuing support for a future where it is enjoyed even more widely throughout our Hemisphere.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2020, as Pan American Day and April 12 through April 18, 2020, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord two thousand twenty, and of the

Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10010 of April 17, 2020

National Crime Victims' Rights Week, 2020

By the President of the United States of America
A Proclamation

In 1981, President Ronald Reagan proclaimed the first National Crime Victims' Rights Week to acknowledge the abuse and trauma that victims of crimes often experience, and to recognize the tireless work of dedicated advocates who have taken up the cause of supporting crime victims across our country. Thanks to the efforts of these individuals, more victims are receiving the care they deserve and accessing tools to empower them as they recover. This week, we express our appreciation for those who support crime victims, and we reaffirm our strong commitment to reducing the trauma of crime for victims and their loved ones.

My Administration remains focused on helping victims of crime recover from and overcome the physical, emotional, and financial suffering they have endured. As one of my first acts as President, I established the Victims of Immigrant Crime Engagement (VOICE) Office within the Department of Homeland Security to serve the needs of Angel Families who suffered as a result of crimes committed by illegal immigrants. Additionally, for Fiscal Year 2018 alone, the Department of Justice's Office for Victims of Crime awarded more than $2.3 billion in grants for victim assistance and compensation programs. These dollars financed services for more than 6 million victims, provided millions in compensation, and did not cost taxpayers a dime. It all came from the fines and penalties paid by convicted Federal offenders. As part of our support for crime victims, we are also providing significant funding to operate local domestic violence shelters, elder abuse programs, child advocacy centers, rape crisis centers, homicide support groups, and other victim assistance programs across the United States. Through programs like these, victims of crimes are better able to begin the healing process and work to rebuild their lives.

Our Nation's law enforcement officers also provide critical support to crime victims. These brave men and women serve as the first line of response for many victims of crime, and my Administration remains committed to empowering them as they fulfill this and all of their duties to their communities. To further enhance public safety and the oversight of justice, my Administration established the Presidential Commission on Law Enforcement and the Administration of Justice. This commission, the first of its kind in more than 50 years, is set up to study the biggest threats to law and order and help our law enforcement officers increase the safety of our Nation. By providing more resources to first responders to carry out their mission, we are more effectively assisting crime victims and empowering law enforcement to prevent crimes before they occur.

This week, we are reminded that in many cases crime victims experience long-lasting trauma and need assistance. We must continue to champion efforts to expand their access to quality services and to fight alongside them to secure the justice they deserve. My Administration will never stop working to achieve this goal, and we will always strive toward a better future for all Americans free from crime.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19 through April 25, 2020, as National Crime Victims' Rights Week. I urge all Americans, families, law enforcement, community and faith-based organizations, and private organizations to work together to support victims of crime and protect their rights.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10011 of April 17, 2020

National Park Week, 2020

By the President of the United States of America
A Proclamation

Our national parks embody the magnificence and grandeur of our great Nation. Every year, more than 300 million visitors enjoy the breathtaking landscapes, abundant wildlife, historic landmarks, and patriotic memorials found at these great American sites. During National Park Week, we recognize the majesty of our national parks, pay tribute to the tranquility and solace they provide, and applaud the men and women who work tirelessly to preserve our heritage for us and for future generations of Americans.

This year, the recognition of our national parks is particularly poignant as our country continues to combat the challenges posed by the coronavirus pandemic. Where our national parks have been able to remain safely open, they continue to provide a respite for the American people. Guidance from local health departments and the Centers for Disease Control and Prevention has led the National Park Service to determine that access to national parks must be temporarily curtailed, and that entire parks must be closed in some cases, to ensure the safety of visitors, employees, volunteers, and others. In the interim, we have found creative ways for Americans to connect with national parks through virtual opportunities that can be experienced remotely. At the same time, we look forward to when we can once again fully share with the public the benefits of our national parks.

Even in challenging times, my Administration remains committed to maintaining and improving the condition and infrastructure of our national parks. Since 2017, we have invested in the restoration of the USS Arizona Memorial at Pearl Harbor, the restoration of the Washington Monument, and the construction of a new boardwalk around

Old Faithful in Yellowstone National Park. My fiscal year 2021 budget proposes the establishment of a Public Lands Infrastructure Fund, which would ensure continued long-term investments in the infrastructure of our Nation's public lands. Additionally, last year, I signed into law the John D. Dingell, Jr. Conservation, Management, and Recreation Act, the first comprehensive legislation addressing public lands management in over a decade. This legislation permanently reauthorized the Land and Water Conservation Fund, adjusted the boundaries of 15 national parks, and extended 2 national trails. These improvements will allow increased visitor access to our iconic national parks and landmarks.

The National Park Service also collaborates with a growing network of States, local governments, and nonprofit organizations to encourage all Americans to use parks and other public lands as resources. The programs offered through these partnerships share the storied history of our Nation's triumphs and challenges with visitors from around our country and the world. For example, this year, we commemorate the 100th anniversary of the ratification of the 19th Amendment, which secured for women the right to vote. The voices of women whose vision, tenacity, and resilience moved them to tear down barriers and lead reform movements are shared at the Women's Rights National Historical Park in New York, the Belmont-Paul Women's Equality National Monument in Washington, DC, and other sites across the country.

The splendor of our Nation's landscapes and landmarks is a true reflection of our rich history and the beauty and greatness of America. As we observe National Park Week, we reaffirm our commitment to providing all Americans with greater opportunities to experience the stunning mountains, plains, deserts, coastlines, forests, and cultural and historical monuments displayed in our national parks. This week, we recognize the importance of our national park system and look forward to reopening all areas of our sites and parks to provide the public with more opportunities to enjoy all of our tremendous national landmarks.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 26, 2020, as National Park Week. I encourage all Americans to celebrate our national parks by learning more about the natural, cultural, and historical heritage that belongs to each and every citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10012 of April 17, 2020

National Volunteer Week, 2020

By the President of the United States of America

A Proclamation

Civic engagement and volunteer service strengthens the fabric of our Nation and reflects the true heart, spirit, and goodness of America. National Volunteer Week is an opportunity to recognize and honor the countless individuals who selflessly invest in the lives of others. These ordinary citizens make extraordinary contributions to individuals, families, neighborhoods, communities, and our Nation.

Our national character is measured by the unity, compassion, and initiative shown by Americans who help others. Volunteers serving in community and charitable organizations, faith-based institutions, and nonprofits fulfill critical needs and challenges faced by people of all ages and backgrounds. In soup kitchens, shelters, schools, hospitals, religious organizations, and countless other venues, volunteers foster a spirit of kindness and goodwill in communities large and small throughout the United States. When friends, neighbors, and strangers unite for a common cause, it demonstrates that we have the power to change lives and improve our world.

We have never needed the volunteerism of America more than we do today. The coronavirus poses an unprecedented risk to the health, wellbeing, and prosperity of our Nation. True to form, in the midst of these turbulent times, Americans are unifying with unprecedented compassion, courage, and strength, bringing help and hope to those who need it most. Countless Americans have found unique and innovative ways to spread joy and meet the emotional, physical, and spiritual needs of others, despite the need to adhere to social distancing measures. Some are using technology to read stories to children and teach virtual classes; others are delivering necessities, such as groceries and medications, to seniors and others who are most at-risk from the virus. Non-profit organizations and companies are also mobilizing to provide equipment, supplies, resources, and necessities to people in need. Licensed healthcare professionals have stepped up as volunteers like never before for their fellow Americans to combat the coronavirus pandemic. If you have the ability to join their ranks, please visit www.FEMA.gov/coronavirus/how-to-help.

Volunteering to donate blood is especially important right now. Currently, our country's blood and platelet supply is dangerously low, and many blood drives have been cancelled. This extreme shortage poses a severe threat for our Nation's injured and those battling serious illnesses. I urge healthy Americans who are able to help fix this by making an appointment to give blood at a local donation center. Blood donation centers have safety protocols in place to prevent the spread of infections, including the coronavirus. The power of this safe and simple act of service is immeasurable.

This National Volunteer Week, we pay tribute to men and women of all ages who devote their time, talent, and resources to the greater good. These unsung heroes expand the capacity of countless organizations across our Nation and around the world. During this pivotal time of uncertainty and shared sacrifice, Melania and I are especially grate-

ful to all Americans who demonstrate love, compassion, mercy, and respect for humankind through volunteer service. Their actions enhance their own lives and the lives of those they serve, reflecting the best of America and the enduring principles that bind us together.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19 through April 25, 2020, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10013 of April 17, 2020

Days of Remembrance of Victims of the Holocaust, 2020

By the President of the United States of America
A Proclamation

Our Nation's annual observance of Yom HaShoah, Holocaust Remembrance Day, calls on all Americans to pause and reflect on the horrific atrocities committed by the Nazi regime against minority groups and other ''undesirables''; in the years leading up to and during World War II. Among those murdered in the Holocaust were 6 million Jewish men, women, and children who became victims of the Third Reich's unthinkably evil ''Final Solution.''; As this year's Yom HaShoah commences, let us remember the millions of lives extinguished in the Holocaust, including those of Jewish, Polish, and Slavic ancestry, Roma and Sinti, individuals with mental and physical disabilities, gays, political dissidents, and dozens of other groups, and let us reaffirm our commitment to preserving and carrying forward their stories so that such repugnant acts of evil never occur again.

This year's observance is particularly meaningful as earlier in the year we observed the 75th anniversary of the liberation of Auschwitz and other Nazi concentration camps throughout Europe. We must never forget the abhorrent anti-Semitism, racial hatred, and discrimination stoked by the Nazi regime and its accomplices and enablers that sent countless people to ghettos, concentration camps, killing fields, and death camps—a monstrous system that resulted in the murder of two out of three Jews in Europe and the imprisonment and torture of millions more.

Tragically, far too many Americans of Jewish faith still face persecution. That is why I issued an Executive Order in December of 2019 to further expand and strengthen my Administration's ongoing efforts to combat racist and anti-Semitic discrimination. We must always condemn and confront all forms of racial, religious, and ethnic prejudice,

discrimination, and hatred and strengthen the mutual bonds of respect that unite us all as Americans.

During this time, as we mourn the millions of lives tragically lost during this dark stain on human history, we vow to ensure that future generations know the horrors of the Holocaust so that its crimes are never repeated. We also remember the powerful example that countless victims set through their remarkable determination, courage, and devotion. Together, let us resolve to build a society that always values the sanctity of every human life and the dignity of every faith. In doing so, we will make certain that freedom and liberty always triumph over evil and oppression.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby ask the people of the United States to observe the Days of Remembrance of Victims of the Holocaust, April 19 through April 26, 2020, and the solemn anniversary of the liberation of Nazi death camps, with appropriate study, prayers and commemoration, and to honor the memory of the victims of the Holocaust and Nazi persecution by remembering the lessons of this atrocity so that it is never repeated.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10014 of April 22, 2020

Suspension of Entry of Immigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak

By the President of the United States of America

A Proclamation

The 2019 Novel Coronavirus (COVID–19) has significantly disrupted the livelihoods of Americans. In Proclamation 9994 of March 13, 2020 (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak), I declared that the COVID–19 outbreak in the United States constituted a national emergency, beginning March 1, 2020. Since then, the American people have united behind a policy of mitigation strategies, including social distancing, to flatten the curve of infections and reduce the spread of SARS–CoV–2, the virus that causes COVID–19. This needed behavioral shift has taken a toll on the United States economy, with national unemployment claims reaching historic levels. In the days between the national emergency declaration and April 11, 2020, more than 22 million Americans have filed for unemployment.

In the administration of our Nation's immigration system, we must be mindful of the impact of foreign workers on the United States labor market, particularly in an environment of high domestic unemploy-

ment and depressed demand for labor. We must also conserve critical State Department resources so that consular officers may continue to provide services to United States citizens abroad. Even with their ranks diminished by staffing disruptions caused by the pandemic, consular officers continue to provide assistance to United States citizens, including through the ongoing evacuation of many Americans stranded overseas.

I have determined that, without intervention, the United States faces a potentially protracted economic recovery with persistently high unemployment if labor supply outpaces labor demand. Excess labor supply affects all workers and potential workers, but it is particularly harmful to workers at the margin between employment and unemployment, who are typically ''last in''; during an economic expansion and ''first out''; during an economic contraction. In recent years, these workers have been disproportionately represented by historically disadvantaged groups, including African Americans and other minorities, those without a college degree, and the disabled. These are the workers who, at the margin between employment and unemployment, are likely to bear the burden of excess labor supply disproportionately.

Furthermore, lawful permanent residents, once admitted, are granted ''open-market''; employment authorization documents, allowing them immediate eligibility to compete for almost any job, in any sector of the economy. There is no way to protect already disadvantaged and unemployed Americans from the threat of competition for scarce jobs from new lawful permanent residents by directing those new residents to particular economic sectors with a demonstrated need not met by the existing labor supply. Existing immigrant visa processing protections are inadequate for recovery from the COVID–19 outbreak. The vast majority of immigrant visa categories do not require employers to account for displacement of United States workers. While some employment-based visas contain a labor certification requirement, because visa issuance happens substantially after the certification is completed, the labor certification process cannot adequately capture the status of the labor market today. Moreover, introducing additional permanent residents when our healthcare resources are limited puts strain on the finite limits of our healthcare system at a time when we need to prioritize Americans and the existing immigrant population. In light of the above, I have determined that the entry, during the next 60 days, of certain aliens as immigrants would be detrimental to the interests of the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry*. The entry into the United States of aliens as immigrants is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.* (a) The suspension and limitation on entry pursuant to section 1 of this proclamation shall apply only to aliens who:

(i) are outside the United States on the effective date of this proclamation;

(ii) do not have an immigrant visa that is valid on the effective date of this proclamation; and

(iii) do not have an official travel document other than a visa (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on the effective date of this proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

(b) The suspension and limitation on entry pursuant to section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien seeking to enter the United States on an immigrant visa as a physician, nurse, or other healthcare professional; to perform medical research or other research intended to combat the spread of COVID–19; or to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID–19 outbreak, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees; and any spouse and unmarried children under 21 years old of any such alien who are accompanying or following to join the alien;

(iii) any alien applying for a visa to enter the United States pursuant to the EB–5 Immigrant Investor Program;

(iv) any alien who is the spouse of a United States citizen;

(v) any alien who is under 21 years old and is the child of a United States citizen, or who is a prospective adoptee seeking to enter the United States pursuant to the IR–4 or IH–4 visa classifications;

(vi) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;

(vii) any member of the United States Armed Forces and any spouse and children of a member of the United States Armed Forces;

(viii) any alien seeking to enter the United States pursuant to a Special Immigrant Visa in the SI or SQ classification, subject to such conditions as the Secretary of State may impose, and any spouse and children of any such individual; or

(ix) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

Sec. 3. *Implementation and Enforcement.* (a) The consular officer shall determine, in his or her discretion, whether an immigrant has established his or her eligibility for an exception in section 2(b) of this proclamation. The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may es-

tablish in the Secretary of State's discretion. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish in the Secretary of Homeland Security's discretion.

(b) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

(c) Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws of the United States.

Sec. 4. *Termination.* This proclamation shall expire 60 days from its effective date and may be continued as necessary. Whenever appropriate, but no later than 50 days from the effective date of this proclamation, the Secretary of Homeland Security shall, in consultation with the Secretary of State and the Secretary of Labor, recommend whether I should continue or modify this proclamation.

Sec. 5. *Effective Date.* This proclamation is effective at 11:59 p.m. eastern daylight time on April 23, 2020.

Sec. 6. *Additional Measures.* Within 30 days of the effective date of this proclamation, the Secretary of Labor and the Secretary of Homeland Security, in consultation with the Secretary of State, shall review nonimmigrant programs and shall recommend to me other measures appropriate to stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers.

Sec. 7. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 8. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or,

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in eq-

uity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10015 of April 24, 2020

World Intellectual Property Day, 2020

By the President of the United States of America
A Proclamation

Our Nation's history is defined by discovery, ingenuity, and innovation. Americans are known for their resourcefulness and ability to find solutions to a wide range of challenges, including the development of technologies that advance our security, health, and prosperity. This resourcefulness has been a driving force of economic growth and human development since the founding of our Nation, and our future depends on the continued protection of our intellectual property. On World Intellectual Property Day, we renew our resolve to protect and secure the works and innovations of American artists, inventors, and other creators who continually push the boundaries of human knowledge and understanding.

Our Founding Fathers recognized the vital role that intellectual property plays in society and in supporting a robust economy. The Intellectual Property Clause of the Constitution reflects their understanding that laws must be in place to ''promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.''; More than two centuries later, we remain committed to this idea, upholding and strengthening an intellectual property system that encourages greater American innovation and advances our global competitiveness.

My Administration is building on our Nation's history of securing intellectual property rights. In the United States, intellectual property-intensive industries account for nearly one-third of all employment and approximately 40 percent of our country's gross domestic product, an estimated $6.6 trillion. To support these industries, in January of this year I signed the United States-Mexico-Canada Agreement (USMCA) into law, replacing the outdated and unbalanced North American Free Trade Agreement. USMCA furthers my Administration's pro-growth agenda by establishing ground-breaking protections for trade secrets, strengthening border security, and enhancing trademark, copyright, and patent provisions. These are the most comprehensive intellectual property standards ever included in a free trade agreement. Additionally, earlier this year I signed an Executive Order on Ensuring Safe and Lawful E-Commerce for United States Consumers, Businesses, Government Supply Chains, and Intellectual Property Rights Holders, which is aimed at finding improved ways to protect intellectual property

rights holders from an increasing amount of counterfeit and pirated goods marketed online.

The importance of intellectual property has never been more apparent than it is now, as we continue the ongoing battle against the coronavirus. To respond to this national and international emergency, the Federal, State, and local Governments have partnered with the private sector to develop new and powerful tools to combat the spread of the virus and provide care to those in need, focusing every available resource on the fight against the invisible enemy. Relying on strong intellectual property protections, these industries are able to act boldly to invent new tests, begin developing experimental treatments and vaccines, and rapidly produce and reengineer medical equipment to help win this war. These efforts are saving tens of thousands of lives and reflect the unrivaled power of American industry and innovation.

This month, we pay tribute to our Nation's long history of ingenuity and advancement, and we recommit to protecting, promoting, and prioritizing a business and economic environment that supports those who carry on this legacy. The pioneering spirit of these artists, authors, inventors, and other creators has improved our lives and the lives of millions of people around the world, and will continue to propel us toward a better future.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 26, 2020, as World Intellectual Property Day. I encourage Americans to observe this day to celebrate the benefits of intellectual property to our economy and our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10016 of April 29, 2020

Asian American and Pacific Islander Heritage Month, 2020

By the President of the United States of America

A Proclamation

Throughout our Nation's history, Americans of Asian and Pacific Islander descent have made significant contributions to every aspect of our society, from business and politics to literature and the arts. Their accomplishments have enriched our Nation and stand as a testament to the power of the American Dream. During Asian American and Pacific Islander Heritage Month, we celebrate the indelible mark these individuals have left on our culture and pay tribute to the myriad ways in which they continue to strengthen our Nation.

One story among many that exemplifies the values of intelligence, hard work, and determination that Asian Americans and Pacific Islanders

have contributed to our Nation is that of An Wang, a Chinese American and pioneer in electronics engineering who helped shape the tech revolution during the latter half of the 20th century as an entrepreneur and innovator. An exceptionally skilled inventor and forward-thinking businessman, Wang held 40 patents and founded Wang Laboratories, one of the most successful American technology companies during the 1980s. Wang Laboratories' products became essential equipment in offices throughout the United States, helping bolster a thriving American economy. Wang also generously gave back to his community, donating his time and resources to the arts, hospitals, higher education, and cultural institutions.

The United States also remains committed to strengthening our ongoing relationships with our Asian and Pacific partners. Last year, I was proud to stand alongside Indian Prime Minister Narendra Modi at an event in Houston, Texas, and earlier this year I made my first official visit to India as a demonstration of our Nation's enduring friendship with one of the world's largest and most diverse countries. During this historic visit, I had the honor of speaking about the importance of the relationship between our two countries before more than 110,000 Indian citizens. The visit also reaffirmed that India and the United States are committed to building a comprehensive global strategic partnership grounded in shared interests and common purpose, benefitting both of our countries.

This month, we recognize the more than 20 million Americans of Asian and Pacific Islander descent who make irreplaceable contributions to our Nation's economy, security, and culture. We are especially grateful for those who have served and are currently serving in our Armed Forces, and those serving their communities as first responders. Together, we will continue to live out the promise of our founding and build a better future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2020 as Asian American and Pacific Islander Heritage Month. The Congress, by Public Law 102–450, as amended, has also designated the month of May each year as ''Asian/Pacific American Heritage Month.''; I encourage all Americans to learn more about those of Asian American, Native Hawaiian, and Pacific Islander heritage and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10017 of April 29, 2020

Jewish American Heritage Month, 2020

By the President of the United States of America
A Proclamation

In 1654, the first Jewish settlers arrived in New Amsterdam, present day New York City, seeking the freedom to practice their faith. In the centuries since, Jewish Americans have contributed in countless ways to our country's culture and character. From the arts and sciences to business and public service, nearly every facet of our society has benefitted from the talent, inspiration, vision, expertise, ingenuity, and sacrifice of Jewish Americans. We honor their spirit and resiliency during Jewish American Heritage Month and celebrate the myriad of ways they enrich our country and the world.

Throughout history, the Jewish people have demonstrated an unbreakable spirit, overcoming suffering, cruel oppression, violence, and bigotry. Tragically, Jewish men, women, and children continue to face anti-Semitic discrimination, persecution, and violence today, and Jewish institutions and places of worship remain targets of vandalism and destruction. Our country has wept too many times in the aftermaths of horrific attacks, including last April when a murderer opened fire in a synagogue in Poway, California, taking innocent life and shattering families in a cowardly display of evil. Such unconscionable acts are an abomination to all decent and compassionate people. Hatred is intolerable and has no place in our hearts or in our society. We must therefore vigorously confront anti-Semitic discrimination and violence against members of the Jewish community. That is why I signed an Executive Order last December, bolstering my Administration's efforts to combat the rise of anti-Semitism in the United States and build a culture of respect, humanity, and equality.

This month, we reaffirm our commitment to never compromise our steadfast support for the Jewish community, our rejection of anti-Semitic bigotry, and our disdain for malicious attacks of hatred. Jewish Americans strengthen, sustain, and inspire our country through dedication to family, respect for cherished traditions, and commitment to the values of justice and equality that unite Americans of every faith and background. We give thanks for the profound contributions that Jewish Americans continue to make to our society, and way of life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2020 as Jewish American Heritage Month. I call upon Americans to celebrate the heritage and contributions of American Jews and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10018 of April 29, 2020

Law Day, U.S.A., 2020

By the President of the United States of America
A Proclamation

More than 230 years ago, the Founding Fathers of our Nation crafted a revolutionary and unique form of Government rooted in the rule of law. Today, we continue to enjoy liberty, justice, and equality under the law as set forth and preserved in our Constitution. On Law Day, we celebrate the distinctive framework of our system of Government, which secures individual liberties and protects against arbitrary exercise of government power so that all citizens have the right and the freedom to pursue their American Dream.

In arguing for the ratification of our Constitution, James Madison wisely recognized that in a government ''administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.''; The Framers understood the inherent dangers of consolidated government power and that, in order for our Republic to survive, the power to make, execute, and interpret laws could not be vested in one individual or one institution. They knew that ''ambition must be made to counteract ambition,''; and accordingly devised an arrangement whereby separate and coequal branches share the power of the Federal Government, each limiting and checking the prerogatives of the others. They also created a system of enumerated powers for the Federal Government, reserving all other powers to the States. In doing so, the Framers limited the powers of the Federal Government and preserved a place of prominence for State and local lawmaking, which they rightly believed to be more responsive to the unique needs of each community.

This year also marks both the 150th anniversary of the ratification of the 15th Amendment, which prohibited denial of the right to vote based on race, color, or previous condition of servitude, and the 100th anniversary of the ratification of the 19th Amendment, which prohibited denial of the right to vote based on sex. The women and men who fought to win a voice for people of color and women in the electoral process strengthened our Union and helped the country better fulfill the founding promise of our Nation—that the power to enact and enforce laws be truly derived ''from the consent of the governed.''; As we mark these milestones, we pay tribute to the courageous spirit of the trailblazers who made this achievement possible, and take inspiration from their righteous struggle as we continue working to root out and destroy injustice.

We know that our Republic can continue to shine as a beacon of liberty only if Americans diligently defend our Constitution and ensure that its limits are strongly enforced. My Administration has sought to simplify and streamline America's statutory and regulatory code, checking encroachments by government on individual liberty and unleashing the spirit of genius and innovation that has made America the freest and most prosperous country in the world. Furthermore, one of my top priorities as President has been to nominate and appoint judges who are faithful to the proper role of the judiciary—to interpret

the law, not to make it. In all of these efforts, we aim to ensure that the Government can continue to perform its fundamental responsibility to the American people, articulated in the Preamble of the Constitution, to ''secure the blessings of liberty to ourselves and our posterity.'';

On this Law Day, I urge all Americans to honor our shared inheritance of respect for the principles of the rule of law, limited government, and individual liberty. Let us rededicate ourselves to remaining ever vigilant in defending our rights secured by the Constitution so that our experiment in self-government continues in perpetuity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2020, as Law Day, U.S.A. I urge all Americans, including government officials, to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance; and I especially urge the legal profession, the press, and the radio, television, and media industries to promote and to participate in the observance of this day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10019 of April 30, 2020

National Foster Care Month, 2020

By the President of the United States of America
A Proclamation

Families are the foundation of our communities and our country. All children deserve a stable, supportive, and loving home in which to grow, thrive, and realize their full potential. During National Foster Care Month, we honor the selfless men and women who open their homes to nurture at-risk children and promote healing, unification, and family-based empowerment.

Foster care plays a critical role in providing young people who have had to be removed from their homes a critical place of refuge. It is an invaluable resource for keeping children safe in temporary circumstances and providing stability, direction, and comfort to our Nation's most vulnerable sons and daughters. The dedicated individuals, families, professionals, and faith-based and community organizations who support children in foster care help maintain essential parent-child relationships and support parents working to regain custody of their children.

A focus of my Administration has been to keep families together by working to prevent the situations that necessitate children being removed from their homes. In 2018, I enacted the Family First Prevention Services Act to enhance the ability of American families to keep their children safe at home whenever possible. It provides funding for

community-based treatment and intervention services that have been proven to curtail abuse and neglect and to help families address the issues that might require separation. These services include access to skills-based parenting classes, family counseling, mental health therapy, and treatment for substance abuse and addiction. In addition, this legislation encourages States to place children with families rather than in group homes, which can minimize the risk of additional trauma. Last year, I signed into law legislation to encourage States to fully implement the Family First Prevention Services Act as quickly as feasible in order to connect families with appropriate resources and transition to a more proactive and prevention-based system.

In cases where intervention becomes necessary, it is important to place children in the best position to maintain their family, school, and other social connections. It is also critical that older youth in foster care establish permanent bonds with a family member or caring adult before they exit the system and enter adulthood. For these reasons, my Administration is funding programs to provide in-family caregivers with the services and support they need to succeed. In partnership with the States, we are promoting more family-friendly options that reduce additional trauma to the children who must enter foster care.

This month, we encourage all Americans to invest in the lives of children and to provide them with unconditional love, support, guidance, and every available resource to ensure their health and well-being. We acknowledge with gratitude the selfless citizens who open their hearts and homes to children in need and the organizations that tirelessly support foster and kinship caregivers. Together, they are giving hope and the promise of a better tomorrow to countless children and families.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2020 as National Foster Care Month. I call upon all Americans to observe this month by taking time to help children and youth in foster care, and to recognize the commitment of those who touch their lives, particularly celebrating their foster parents and other caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10020 of April 30, 2020

National Mental Health Awareness Month, 2020

By the President of the United States of America
A Proclamation

This year, National Mental Health Awareness Month coincides with one of the most complex and challenging periods in our Nation's recent history—combatting the coronavirus pandemic. Not only has the virus caused immense physical suffering and loss for many people, it

has also resulted in mental and emotional hardship. The stress and worry over the health and safety of family and friends, forced isolation, and financial distress can all result in anxiety, depression, substance misuse and abuse, and, tragically, even suicide. There is no question this is a difficult and unprecedented time for Americans. Yet, we know that there are ways to help people cope during these uncertain times, and we are committed to caring for those in need.

Mental illness can affect anyone and can develop at any time. Its effects spread well beyond the individual to family, friends, and coworkers. As a Nation, we must fight the stigmas surrounding mental illness and empower those affected by emotional distress and their loved ones to seek care. We also recommit to strengthening our efforts to ensure every individual living with a mental illness, including children and young adults, our Nation's fastest growing population diagnosed with behavioral, mental, or emotional issues, receives the care and treatment they need to enjoy the blessings of a fulfilling and productive life.

One of my first actions in response to the pandemic was to ensure easy access to vital medical resources. Expanded access to medical care through telemedicine is essential to fighting the virus. Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, we have simplified access to health care and treatment without fear of the transmission of COVID–19 and other illnesses. By expanding Medicare telehealth coverage for the duration of the public health emergency, we have enabled our most vulnerable and high-risk populations to access important medical care from the comfort and safety of their home. Additionally, we have given $19.6 billion to the Department of Veterans Affairs (VA) to further support our veterans through this crisis. This funding covers things like expanded telehealth services, including for mental health, and additional access to the VA Video Connect app, which offers a free, secure, virtual platform for patients to receive direct care from their VA medical providers through video.

Providing an uninterrupted connection to essential mental health treatment and social support groups through telehealth technology can be lifesaving, especially for the more than 11 million American adults who struggle with serious mental illnesses such as bipolar disorder, schizophrenia, or major depressive disorder. That is one of the reasons I have overseen a historic expansion of telehealth services to give people in need easier access to mental health treatments, crisis interventions, and other vital resources. We must continue to find innovative ways to link doctors, nurse practitioners, physician assistants, clinical psychologists, and licensed clinical social workers to people who need their help.

As President, it is my top priority to ensure the health and wellness of all Americans, especially during the present crisis. Through the Community Mental Health Services Block Grant program, the Substance Abuse and Mental Health Services Administration (SAMHSA) provides critical funding to every State to support community services for adults with serious mental illnesses and children with significant emotional disturbances. Through these grants, States and communities have increased ability to make substantial improvements in treatment delivery and to greatly expand access to those in need of behavioral healthcare services. As the virus began to take hold, I ensured that SAMHSA very quickly began releasing $360 million in emergency grant funding to provide Americans with substance use treatment and

mental health services. Additionally, to help meet the needs of Americans during this crisis, I authorized the Department of Homeland Security and Federal Emergency Management Agency to make crisis counseling and training services available to States hardest hit through the Stafford Act.

Tragically some individuals feel their problems are insurmountable, lose their will and hope, and succumb to suicide. We must prevent these tragedies. The Federal Communications Commission has designated a national three-digit number for suicide prevention to connect directly to the National Suicide Prevention Lifeline. The proposed abbreviated number, 988, would make crisis help more widely available to Americans. Additionally, in March of 2019, I signed an Executive Order to establish the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS), which unites State and local governments, faith communities, employers, schools, and healthcare organizations through a whole-of-government and whole-of-Nation approach to provide world-class, evidence-based tactics for veteran suicide prevention. Rather than waiting for veterans in need to seek help, this program actively empowers veteran communities through local and national support networks. In response to the current crisis, the PREVENTS initiative—with Second Lady Karen Pence as Lead Ambassador—has launched the #MoreThanEverBefore campaign to encourage all Americans to compassionately reach out to veterans in need. My fiscal year 2021 budget requests $313 million—a 32-percent increase from the enacted fiscal year 2020 level—to support and sustain these initiatives. My Administration will always champion policies and treatments to help all Americans appreciate the full and abundant potential of life.

No American should ever feel alone. Let us recommit to lifting up our struggling friends, family members, and neighbors with the touch of humanity. There is always the promise of recovery, healing, and renewal.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2020 as National Mental Health Awareness Month. I call upon all Americans to support citizens suffering from mental illnesses, raise awareness of mental health conditions through appropriate programs and activities, and commit our Nation to innovative prevention, diagnosis, and treatment.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10021 of April 30, 2020

National Physical Fitness and Sports Month, 2020

By the President of the United States of America
A Proclamation

During National Physical Fitness and Sports Month, we encourage all Americans to maintain more physically active and healthy lifestyles, which can help improve our overall well-being. We also recognize the important role that sports play in American society and the ways sports help unite us. Through friendly competition, the development of lifelong skills and character traits, and memorable times spent with family and friends, sports help bring communities together, entertain us, and improve our health.

As our Nation continues to practice social distancing during the coronavirus pandemic, regular physical activity at home can be an effective way to improve and maintain physical fitness. Even during this difficult time, Americans should strive to engage in the recommended amounts of physical activity—at least 60 minutes a day of moderate-to-vigorous physical activity for youth ages 6–17, including aerobic activities and activities that strengthen muscles and bones, and at least 150 minutes a week of moderate intensity activity, plus two or more days a week of muscle-strengthening activities, for adults. In addition, adults 65 years and older should do multicomponent physical activities that include balance training, such as standing on one foot. Even as we social distance, we can do jumping jacks or push-ups, household chores, tend our lawns and gardens, and engage in numerous other activities that promote a healthy and active lifestyle. The United States Department of Health and Human Services' Move Your Way campaign has tools and resources to help Americans of all ages and abilities live healthier lives through increased physical activity.

As our country defeats the coronavirus, sports will once again help unite us as a Nation. Participation in sports instills values such as teamwork, discipline, and leadership that transcend the field or court and help everyone, especially our youth, flourish in life. Last September, we launched the National Youth Sports Strategy, which awarded $6.7 million in grants to help increase youth sports participation. This bold initiative is the first Federal roadmap designed to unify the American youth sports culture around a shared vision that one day all youth will have the opportunity to play sports—regardless of race, ethnicity, sex, ability, or zip code. I have also appointed more than 20 youth sports advocates to the President's Council on Sports, Fitness, and Nutrition. These individuals have been encouraging families to stay active even while they are staying at home during the coronavirus pandemic. Once sports programming resumes, this Council will continue to ensure that children and youth have access to safe places to play sports, encouraging healthier lifestyles. By providing a solid foundation for participation in safe, fun, inclusive, and accessible sporting opportunities, our children and youth will be better suited to thrive.

This month, I urge all Americans to invest in the health of our great Nation by incorporating physical activity into their daily lives and by promoting the positive effects of sports on youth development.

Through regular physical activity, we can achieve our shared goal of living healthier lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2020 as National Physical Fitness and Sports Month. I call upon the people of the United States to make physical activity and sports participation a priority in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10022 of April 30, 2020

Older Americans Month, 2020

By the President of the United States of America

A Proclamation

Older Americans are cherished and invaluable members of our society, deserving our utmost respect, gratitude, and admiration. During Older Americans Month, we pause to draw upon the wisdom, spirit, and experience older adults bring to our families, our communities, and our Nation. We also recognize that during this time of crisis caused by the coronavirus pandemic, we can persevere and prevail by emulating the resolve, tenacity, and determination of America's more experienced individuals who have endured and overcome life's most challenging times.

Older Americans have built our economy, defended our freedom, and shaped our Nation's character. They have raised families and dedicated themselves to improving the quality of life for future generations. They sacrificed in times of hardship and took pride in a job well done. Many served honorably in our Armed Forces during some of the darkest times in the history of our Republic. Older Americans have lived lives of service and sacrifice, bound by devotion to the sacred principles of our country. Although no one could begrudge them rest and respite during their retirement years, having worked decades to support and grow their families and nurture their communities, many older Americans spend their time volunteering for those in need, mentoring young people, or learning new skills. They pour love into their extended families, places of worship, and neighborhood centers, and offer profound perspective and insight gleaned from years of life lessons.

My Administration remains committed to enacting policies that benefit our Nation's older adults. In an effort to lower the cost of prescription drugs, the Food and Drug Administration has approved more generic drugs each year during my 3 years in office than any other year in the history of our country. We have also developed a path to allow less expensive prescription drugs to be imported from Canada. Additionally, I ended the terrible gag clauses that prevented pharmacists from telling patients when they could pay less out of pocket by not using

their insurance. I have also taken executive action to improve seniors' access to medical care and to bolster Medicare's fiscal sustainability by reducing regulatory burdens and eliminating unnecessary barriers. This action puts older Americans first by strengthening the program and helping to ensure its success for years to come.

Our Nation's older Americans are among the most susceptible to fraud and other financial schemes. To help counter these vile crimes, I have instructed the Department of Justice (DOJ) to prioritize protecting older Americans from financial exploitation and use every tool they have to disrupt and prosecute these criminals. Over the last year, DOJ has taken unprecedented action against transnational fraud schemes that target seniors, the networks of ''money mules''; that move stolen funds from Americans' bank accounts to overseas fraudsters, and telephone companies that knowingly facilitate billions of fraudulent robocalls. DOJ has also launched an Elder Fraud Hotline (1–833–FRAUD–11) so that America's seniors can more easily report fraud, find resources, and better protect themselves from this abhorrent criminal behavior.

Older Americans are among those most vulnerable to the ravages of the coronavirus. As they continue to adhere to the special guidance put in place to protect them, we must acknowledge that far too many are facing hardships of loneliness and social isolation. Many families are unable to visit elderly parents and grandparents, and many men and women in retirement and nursing homes have been cut off from personal contact and meaningful social connections. During this precarious and stressful time, we must remember our treasured older adults and recommit to doing what we can to support and care for them. I urge all Americans to reach out to loved ones, neighbors, and strangers to extend love, compassion, and encouragement. By delivering food and supplies to the homebound, mailing greeting cards, or using technology to stay connected, we can support our seniors as we defeat the virus. Older Americans know how to overcome. They have done it their whole lives. With the country rallying behind them we can ensure that they can continue to live lives of dignity, joy, and purpose long after the threat of the virus has faded.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2020 as Older Americans Month. I call upon all Americans to honor our elders, acknowledge their contributions, care for those in need, and reaffirm our country's commitment to older Americans this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10023 of April 30, 2020

Loyalty Day, 2020

By the President of the United States of America
A Proclamation

The United States has been a strong Nation for more than two centuries not only because of the ideals that we share as a people, but also because of the love we have for our home and the loyalty we have for each other. From the beginning of our history and through trials of war and peace, Americans have always been filled with a devotion to freedom, a fierce spirit of independence, a courageous dedication to the cause of self-government, and a sacred commitment to our shared and glorious destiny. Together, we honor the wisdom of our Founders. We revere the words of our Constitution and our Declaration of Independence. We celebrate the heroes of our history and treasure the majesty of America's natural beauty. We marvel at the achievements of American artists, scientists, engineers, inventors, business leaders, and pioneers. And we cherish the nobility of the American way of life.

For all of these reasons and more, the United States is the most just and virtuous nation in the history of the world—and the American people are exceptional citizens of an exceptional republic. Americans rightly take pride in our country—and we take pride in the unique culture of freedom that has been forged over nearly 250 years. Our national character is defined by the values of faith and family, liberty and fairness, and hard work and personal responsibility. Generations of Americans have poured out sweat, blood, soul, and tears to defend these values—and on this day, we rededicate ourselves to protecting them in our own time, and for unborn generations to come.

Americans have always been loyal to their Nation—and they deserve a government that is always loyal to them in return.

As we confront the global pandemic that is now afflicting our country, we draw strength from the bonds of duty, love, and loyalty that have always sustained our Nation through trying times. An army of doctors, nurses, truckers, clerks, scientists, service workers, researchers, and first responders are doing everything in their power to heal the sick, find a cure, and care for the needs of every American—often at grave risk to themselves. All across our country, Americans are courageously fighting a daily battle against an invisible enemy. In light of the extraordinary heroism and dedication we have witnessed, each of us will go forward from this challenging time stronger and even more certain that when duty calls, we will answer it. On this Loyalty Day, we recognize that as long as we take pride in our country, defend our great inheritance, and love our Nation, America will rise to every occasion and achieve a magnificent future.

In order to reaffirm our loyalty to our country, to our freedoms, and to each other, the Congress, by Public Law 85–529, as amended, has designated May 1 of each year as ''Loyalty Day,''; and has requested the President issue a proclamation inviting the people of the United States to observe that day with appropriate activities. On this day, we honor the United States of America and its values, as well as those who have fought and continue to fight for our freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 1, 2020, as Loyalty Day. I call on all Americans to observe this day by learning more about the proud history of our Nation. I urge all Government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10024 of May 1, 2020

National Hurricane Preparedness Week, 2020

By the President of the United States of America

A Proclamation

As we observe National Hurricane Preparedness Week, I call on Americans in hurricane-prone regions to take appropriate measures to help mitigate the devastation that these storms can produce. Through proper preparation, we can bolster our resilience against any challenge we face from these incredibly powerful storms.

Accurate forecasting is crucial for communities across our country, which need advance notice to protect lives and property from hurricanes. My Administration remains dedicated to enhancing our hurricane tracking and prediction capabilities. As we have entered a new era of supercomputing, we have been able to increase our computing capacity and ensure the United States has the most accurate weather forecasting models in the world. Additionally, the National Oceanic and Atmospheric Administration's Earth Prediction Innovation Center continues to improve our knowledge of severe weather and further increase our forecasting accuracy. Innovators like these are helping to protect the lives of Americans living in hurricane-prone areas, giving them access to critical information before a hurricane arrives and enabling appropriate preparations.

While these strides in improving our predictive abilities are significant, the power of preemptive planning for every hazard created by hurricanes cannot be discounted. In the United States, storm surge and inland flooding from heavy rains have historically caused more hurricane-related deaths than the winds generated by the storms. The National Weather Service's Weather-Ready Nation initiative and the Federal Emergency Management Agency's Ready Campaign are excellent resources for preparing your defense against the destructive potential of hurricanes and other severe storms. Emergency planning—including putting together an emergency supply kit; ensuring your house and business are hurricane-ready; considering flood insurance options; creating communication plans with family members; and, when a storm approaches, determining if you live in a hurricane evacuation zone—will help empower you, your community, and our Nation to be more prepared and responsive.

Hurricane season can also place a heavy burden on our medical professionals, first responders, and critical infrastructure workers. We know these very same people are already operating under great strain to respond to the coronavirus pandemic. We extend to them our deepest gratitude and vow to provide them any support they need during these challenging times. This week is an opportunity for all Americans living in areas susceptible to hurricane-related harm to take proactive measures to protect their families, businesses, communities, and livelihood. Taking action now to keep our loved ones and property safe from the threats posed by hurricanes will help us be an even more resilient Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 3 through May 9, 2020 as National Hurricane Preparedness Week. I call upon everyone to take action this week by making use of the online resources provided by the National Weather Service and the Federal Emergency Management Agency to safeguard your families, homes, and businesses from the dangers of hurricanes and severe storms. I also call upon Federal, State, local, tribal, and territorial emergency management officials to help inform our communities about hurricane preparedness and response in order to prevent storm damage and save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10025 of May 1, 2020

Public Service Recognition Week, 2020

By the President of the United States of America
A Proclamation

During Public Service Recognition Week, we pay tribute to our Federal, State, and local government employees for their unwavering dedication to civil service. On the front lines in times of prosperity and adversity alike, our world-class workforce remains ready and willing to serve their fellow Americans. At all levels of government, our civilian personnel have made our Nation stronger and more prosperous.

In recent weeks and months, our Nation's civilian officials have united with unprecedented urgency and resolve to respond to the coronavirus pandemic. Their tireless efforts are ensuring Federal, State, local, and tribal governments continue to provide necessary services to their constituents, are helping forge productive government-private sector partnerships, and are bolstering our ongoing recovery efforts. Our public health experts, who always play an integral role in protecting the health and wellbeing of our people, have provided critical and timely guidance to Americans on how to stay healthy and prevent the spread of the coronavirus. Emergency managers, first responders, and law en-

forcement are continuing to provide life-saving care, comfort, and support to those affected. Postal workers are delivering essential supplies and communications. Sanitation workers are keeping our communities clean. School teachers and educators are continuing to provide virtual education and support to students. And countless other public servants are diligently and humbly supporting our American way of life during this crisis. Through their dedicated efforts, the American people are protected and supported despite the unprecedented challenges we face.

As we start to see a promising forecast and eventual recovery—thanks in large part to the extraordinary sacrifices the American people have made on behalf of their fellow citizens—we can begin the critical work of reopening our country. We know that our public service employees will play a crucial role in restarting our economy and getting our society fully revitalized, while also protecting American lives. My Administration remains committed to supporting these men and women at all levels of government during this process, ensuring they have the resources and information they need to continue serving the American people while also safeguarding their own wellbeing. Together, we will complete the work of rebuilding and restoring our Nation.

This Public Service Recognition Week, we are especially grateful to our devoted public servants. Their experience, expertise, and commitment to service will lift our Nation up during these difficult times and help ensure a swift recovery. We will forever be indebted to them for their hard work, dedication, and courage, always remembering their irreplaceable contributions to our people and our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 3 through May 9, 2020, as Public Service Recognition Week. I call upon Americans and all Federal, State, tribal, and local government agencies to recognize the dedication of our Nation's public servants and to observe this week through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10026 of May 5, 2020

Missing and Murdered American Indians and Alaska Natives Awareness Day, 2020

By the President of the United States of America

A Proclamation

The American Indian and Alaska Native people have endured generations of injustice. They experience domestic violence, homicide, sexual assault, and abuse far more frequently than other groups. These horrific acts, committed predominantly against women and girls, are egregious and unconscionable. During Missing and Murdered American Indians

and Alaska Natives Awareness Day, we reaffirm our commitment to ending the disturbing violence against these Americans and to honoring those whose lives have been shattered and lost.

Resiliency, collaboration, and resourcefulness are all necessary to eradicate the heartbreaking incidents of missing persons and fatal violence experienced by American Indian and Alaska Native communities across our country. My Administration stands squarely behind the tribal governments that are leading the efforts to address this pattern of violence so that their people can live in peace and thrive. The Yakama Nation in southern Washington is using the State's major violent crime database to track the disappearance of tribal members. On the Navajo Reservation, the Missing and Murdered Diné Relatives Work Group is working to end sex trafficking, child abductions, and other challenges within the largest tribal jurisdiction in the Nation. In Montana, the Confederated Salish and Kootenai Tribes are engaged with State officials to prioritize cases of missing and murdered tribal citizens. Beyond these and other efforts, tribal communities are leveraging rich cultural traditions of healing ceremonies and spiritual practices to offer refuge, compassion, and comfort to individuals and families in crisis.

Under my Administration, tribal governments are not alone in fighting the epidemic of violence against American Indian and Alaska Native people. In October of 2019, the Department of Justice (DOJ) awarded more than $270 million in grants to improve public safety, serve victims of crime, combat violence against women, and support youth programs in American Indian and Alaska Native communities. The DOJ's Missing and Murdered Indigenous Persons Initiative is placing coordinators in 11 United States Attorneys' offices to develop comprehensive law enforcement responses to missing persons cases. These responses also include the use of the Federal Bureau of Investigation's advanced capabilities, enhanced data collection, and analysis to support local efforts when required.

The Department of the Interior (DOI) is also taking action to address the critical concerns of American Indian and Alaska Native communities. DOI's Bureau of Indian Affairs has launched a series of ''Reclaiming Our Native Communities''; roundtables focused on domestic violence prevention of missing or murdered American Indian and Alaska Native women, children, and men. The Bureau of Indian Affairs Office of Justice Services (BIA–OJS) is equipping officers to handle long-standing cold cases and child abduction investigations, including positioning Special Agents on cold-case task forces in strategic locations throughout the country. BIA–OJS has partnered with the National Missing and Unidentified Persons System to aid in identifying missing persons cases involving Native Americans.

Additionally, the Department of Health and Human Services (HHS) has made the health and safety of American Indian and Alaska Native communities a priority. HHS is developing a comprehensive, whole-person approach for strengthening these vulnerable populations through prevention, health, and education activities. The Administration for Children and Families (ACF) partners with tribes and tribal organizations to strengthen responses to Native American victims of domestic violence. ACF will soon disburse $22 million to increase the public health response and expand shelter and supportive services to victims of family violence, domestic violence, and dating abuse in tribal communities.

To help bolster these efforts to address this terrible crisis, last November, I was proud to sign an Executive Order establishing Operation Lady Justice. This interagency task force is developing an aggressive government-wide strategy for ending the cycle of violence and providing grants to improve public safety in American Indian and Alaska Native communities. The task force is consulting with tribal leaders to develop and strengthen investigative protocols to resolve new and unsolved cases, improve information and data sharing, establish best practices for communicating with families throughout an investigation, and raise public awareness through outreach to affected communities.

Tragically, violence is prevalent in tribal communities, but we are determined to reverse this unacceptable trend. Through partnerships across Federal, State, and tribal governments, we are aggressively working to ensure that members of tribal communities can live lives free from fear of violence. We will not waver in our mission to bring healing, justice, hope, and restoration to our American Indian and Alaska Native communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5, 2020, as Missing and Murdered American Indians and Alaska Natives Awareness Day. I call upon all Americans and all Federal, State, tribal, and local governments to increase awareness of the crisis of missing and murdered American Indians and Alaska Natives through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10027 of May 6, 2020

National Day of Prayer, 2020

By the President of the United States of America
A Proclamation

On this National Day of Prayer, Americans reaffirm that prayer guides and strengthens our Nation, and we express, with humility and gratitude, our ''firm reliance on the protection of divine Providence.''; As one Nation under God, we share a legacy of faith that sustains and inspires us and a heritage of religious liberty. Today, we join together and lift up our hearts, remembering the words of 1 John 5:14 that tell us when ''we ask anything according to His will, He hears us.'';

From our earliest days, our dependence upon God has brought us to seek His divine counsel and unfailing wisdom. Our leaders have often encouraged their fellow citizens to seek wisdom from God and have recognized God's power to lead our Nation ahead to brighter days. When the prospects for our independence seemed bleak, General George Washington proclaimed a national day of ''fasting, humiliation and prayer, humbly to supplicate the mercy of Almighty God.''; Fol-

lowing the devastating destruction of the Civil War, President Lincoln delivered his second inaugural address and invoked the power of prayer to ''bind up the nation's wounds.''; And more than 100 years later, President Reagan noted our long reliance on prayer throughout our history, writing that ''through the storms of revolution, Civil War, and the great world wars as well as during times of disillusionment and disarray, the Nation has turned to God in prayer for deliverance.'';

Today, as much as ever, our prayerful tradition continues as our Nation combats the coronavirus. During the past weeks and months, our heads have bowed at places outside of our typical houses of worship, whispering in silent solitude for God to renew our spirit and carry us through unforeseen and seemingly unbearable hardships. Even though we have been unable to gather together in fellowship with our church families, we are still connected through prayer and the calming reassurance that God will lead us through life's many valleys. In the midst of these trying and unprecedented times, we are reminded that just as those before us turned to God in their darkest hours, so must we seek His wisdom, strength, and healing hand. We pray that He comforts those who have lost loved ones, heals those who are sick, strengthens those on the front lines, and reassures all Americans that through trust in Him, we can overcome all obstacles.

May we never forget that prayer guides and empowers our Nation and that all things are possible with God. In times of prosperity, strife, peace, and war, Americans lean on His infinite love, grace, and understanding. Today, on this National Day of Prayer, let us come together and pray to the Almighty that through overcoming this coronavirus pandemic, we develop even greater faith in His divine providence.

In 1988, the Congress, by Public Law 100–307, as amended, called on the President to issue each year a proclamation designating the first Thursday in May as a National Day of Prayer, ''on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 7, 2020, as a National Day of Prayer. I encourage all Americans to observe this day, reflecting on the blessings our Nation has received and the importance of prayer, with appropriate programs, ceremonies, and activities in their houses of worship, communities, and places of work, schools, and homes consistent with the White House's ''Guidelines for Opening up America Again.'';

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10028 of May 6, 2020

National Nurses Day, 2020

By the President of the United States of America
A Proclamation

Every day, nurses provide quality, compassionate, and critical care to patients during both routine medical visits and in times of great vulnerability, fear, and uncertainty. Over the past weeks and months, as our nurses have worked heroically on the frontlines of the coronavirus response, their contributions to the health and well-being of our citizenry have been exponentially magnified. On National Nurses Day, we honor and celebrate the extraordinary men and women who devote themselves to this vital and noble profession.

Nursing is not merely a vocation; it is a special calling to serve others selflessly, particularly in times when help is needed most. Throughout our Nation's history, in times of war, natural disaster, medical emergencies, and both epidemics and pandemics, nurses have rushed in—undaunted by danger, personal sacrifice, and discomfort to provide hope, help, and healing to people in need.

Few times has our reliance on nurses been more profoundly evident than during the coronavirus outbreak. In the midst of this crisis, nurses have displayed incredible examples of humanity, selflessness, and sacrifice as they have fought to care for their fellow citizens and save lives. Nationwide, in hospitals, clinics, and other treatment centers where Americans are suffering from the virus, these warriors have steadfastly provided remarkable care and vital assistance to patients. In spite of fatigue and the threat to their own health, nurses soldier on in combat against this invisible enemy. Often the first to treat patients in our hospitals, they provide critical support to doctors, alleviating burdens throughout our healthcare system. They are adaptable and capable of enduring and overcoming unbearable hardship, immeasurable stress, tremendously long hours, and extreme mental and emotional exhaustion so that others may live. Nurses are awe-inspiring and truly worthy of admiration and praise.

Nurses reflect the character of America and epitomize the inexhaustible capacity of the human spirit. These remarkable caregivers exhibit professional expertise, selfless dedication, unrelenting advocacy, and unsurpassed mercy, strength, and compassion. On this National Nurses Day, Melania and I urge all citizens to join us in offering our wholehearted gratitude, uncompromising support, and utmost respect to these invaluable healthcare professionals.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 6, 2020, as National Nurses Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10029 of May 7, 2020

Military Spouse Day, 2020

By the President of the United States of America
A Proclamation

Military spouses, who stand alongside our men and women in uniform, share in our service members' heroic endeavors through selfless service, immeasurable contributions, and noble sacrifices. Through their dedication to their loved ones, military spouses support the mission of our Armed Forces to defend our Nation and preserve our liberty. On Military Spouse Day, we pay tribute to these extraordinary individuals who strengthen and enrich our fighting forces, our communities, and our Republic.

The abiding capacity of our Nation's military spouses to balance the many demands of military life reflects their unwavering spirit, fortitude, and grace. They support loved ones who have answered our country's call to duty, raise children far from extended family, and invest in their communities through volunteer service. At the same time, demonstrating their loyal devotion to a cause greater than self, many of them pursue their own educational and career goals and routinely face the stress and uncertainty of frequent moves, as well as the heartache and loneliness of deployment. Their individual stories, interests, and talents are unique, but military spouses share the common bonds of selflessness, strength of character, and faithfulness to a Soldier, Sailor, Airman, Marine, Coast Guardsman, or member of the Space Force.

Our Nation's military spouses bring considerable talent, expertise, and experience to the workplace, and their employment is critical to military recruitment, retention, and readiness. My Administration recognizes that our military spouses face unique obstacles in obtaining and retaining employment. Occupational licensing requirements disproportionally affect them; they earn substantially less than other labor market participants earn; and they currently face an elevated unemployment rate. To help solve this problem, last December, I signed into law legislation that changed residency requirements to allow military spouses to retain their State of residency for business purposes, eliminating the long and expensive process of having to re-register their business following a change in duty station. This legislation also doubled the reimbursement amount for occupational licensing and recertification costs from $500 to $1,000 for military spouses who have a permanent change of station, helping to defray costs for those who work in fields that require documentation.

My Administration is also working with the private, public, and nonprofit sectors to help create meaningful jobs, careers, and economic empowerment for military spouses. Through the Department of Defense's Military Spouse Employment Partnership program, we have secured commitments from more than 400 American companies and 13 Federal agencies to recruit, hire, train, retrain, and support military spouses. Additionally, last year, we held two business summits at the White House that resulted in participating companies pledging to work to improve military employment opportunities for military spouses. These patriotic employers are making efforts to review and reduce requirements for certain jobs, partner with other companies to assist with

job relocation after a change in duty station, and educate managers on the lifestyle of military spouses and the challenges they face.

Today, we salute the spirit and patriotism of the exceptional women and men who serve as military spouses and embody the best of America. Military spouses are among our country's unsung heroes, serving as the heart of the home front and providing tremendous strength to our Armed Forces. On this Military Spouse Day, the First Lady and I urge our fellow Americans to extend sincere gratitude to our Nation's incredible military spouses.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 8, 2020, as Military Spouse Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10030 of May 8, 2020

National Charter Schools Week, 2020

By the President of the United States of America

A Proclamation

Nearly 30 years ago, in a small town in southeast Minnesota, freedom-loving Americans on both sides of the political aisle opened the doors to our Nation's first public charter school, enabling families to more effectively choose the best learning environment for their child. This historic action sparked a movement that now spans 44 States, the District of Columbia, Puerto Rico, and Guam. There are currently more than 7,400 public charter schools providing individualized education and learning opportunities to more than 3 million students and their families throughout our Nation. During National Charter School Week, we recognize the contributions of public charter school leaders, teachers, students, and parents and reaffirm our commitment to further expand access to public charter schools and all high-quality education opportunities throughout our Nation.

Every American family should have the right to choose the learning environment that works best for their child. Despite this, for decades the idea that all children can thrive under a one-size-fits-all approach to learning has defined American education. This antiquated and monolithic model leaves far too many of our Nation's young people trapped in a learning environment that does not meet their individual needs. Public charter schools ensure individual choice and empower students to fulfil their potential. These important educational options also disproportionately serve low-income students and students of color, and have a proven track record of serving these children better than neighboring public schools.

Although public charter school enrollment has increased at least eightfold in the past 18 years, there are currently more than 1 million students still on waitlists throughout the country. My Administration remains committed to ensuring these children are able to receive the best education possible by expanding access to alternative education options. Since my first day in office, I have championed school choice and education freedom for every American student, acknowledging that a family's zip code or socioeconomic status should not determine a child's future. My Administration has invested nearly $1.5 billion in the development of public charter schools, while also taking action to restore local control over education and expand access to high-quality education opportunities. Together, we are empowering students and families to be able to access learning environments that meet their unique needs.

This week, public charter schools, families, and supporters will share inspirational stories of success, recognize leaders in the charter sector, and build awareness of the unique public charter school model that offers flexibility to try different instructional methods while being accountable for student achievement and outcomes. During National Charter Schools Week, and every week, let us celebrate the extraordinary work of public charter schools in advancing education freedom, excellence, and innovative approaches to learning. By continuing to support public charter schools and students, we will give power back to families and build a brighter future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 10 through May 16, 2020, as National Charter Schools Week. I commend our Nation's successful public charter schools, teachers, and administrators, and I call on States and communities to help students and empower parents and families by supporting high-quality charter schools as an important school choice option.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10031 of May 8, 2020

National Defense Transportation Day and National Transportation Week, 2020

By the President of the United States of America
A Proclamation

Our Nation's transportation infrastructure system is central to the ability of our manufacturers and exporters to get their goods to market and provides vital support for our national defense. On National Defense Transportation Day and during National Transportation Week, we recognize the critical contributions of the hardworking and dedicated

Americans who ensure the safety, efficiency, and reliability of our transportation infrastructure systems.

Our Nation has a proven history of transportation innovation and might. We built the Transcontinental Railroad that led to today's interconnected freight rail network, engineered interstate highways and inland river infrastructure that connect the heartlands to our coastlines and beyond, and pioneered aviation with the advent of flight in Kitty Hawk. Our legacy of innovative practices, combined with the American spirit, has led to a robust, intricately connected country.

After decades of use, however, many of our Nation's roads, rails, ports, and airports are in disrepair. One of the chief causes of delay in infrastructure improvements is the broken permitting process. Completing the average environmental impact statement (EIS) process for highway projects takes more than 7 years. Some have taken more than a decade. To improve Federal agency coordination and make environmental reviews and permitting processes far less time-consuming, I directed Federal agencies to implement a One Federal Decision policy and complete environmental reviews for major infrastructure projects within 2 years. My Administration has also proposed the first comprehensive update to the regulations that implement the National Environmental Policy Act in more than 40 years. These new regulations will codify important aspects of the One Federal Decision policy to reduce the average time to complete an environmental impact statement through increased interagency coordination, cooperation, and communication within the Federal Government without sacrificing environmental protection.

As a Nation, we must revitalize our crumbling infrastructure to promote commerce, protect public safety, and enhance our national defense. Our country's security and prosperity are inextricably linked, and the ability to move and travel freely throughout the country helps to ensure our Nation's preparedness and military readiness. Americans deserve nothing less than the most efficient, modern, and safe transportation infrastructure system that stimulates economic growth, creates jobs, supports the delivery of necessities during times of crises like these, and effectively facilitates the flow of supplies and equipment to our service members. My Administration looks forward to working with the Congress to invest in the repair and modernization of our transportation infrastructure.

To recognize the men and women who work in the transportation industry and who contribute to our Nation's well-being and defense, the Congress, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), has designated the third Friday in May of each year as ''National Defense Transportation Day,''; and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), has declared that the week during which that Friday falls be designated as ''National Transportation Week.''; In the midst of the coronavirus pandemic, the dedication and patriotism of our Nation's transportation workers have never been more evident as they risk their own health to ensure that grocery store shelves stay stocked and healthcare professionals receive essential products and equipment.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Friday, May 15, 2020, as National Defense Transportation Day and May 10 through May 16, 2020,

as National Transportation Week. I encourage all Americans to celebrate these observances with appropriate ceremonies and activities to learn more about how our transportation system contributes to the security of our citizens and the prosperity of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10032 of May 8, 2020

Peace Officers Memorial Day and Police Week, 2020

By the President of the United States of America
A Proclamation

On Peace Officers Memorial Day and during Police Week, we commend the brave men and women of our law enforcement community for continually summoning the courage to fulfill their solemn oath to protect and serve. We also pause to remember all those who have lost their lives and who have suffered permanent disabilities defending their communities and the rule of law, including the heroes we have lost this year to the coronavirus.

Throughout our Nation's history, law enforcement officials have never wavered in the face of crisis or tragedy. During uncertain times, law enforcement officers bravely face challenges and continue to protect the American people. They steadfastly ensure the safety of our communities, providing a much needed sense of security for our citizens, and our country is extremely grateful for their efforts.

My Administration remains committed to ensuring our Nation's Federal, State, local, and tribal law enforcement officers have the resources and support they need to perform their duties safely and effectively. Last October, I was proud to sign an Executive Order to establish the Presidential Commission on Law Enforcement and the Administration of Justice—the first commission on law enforcement in half a century. This Commission identifies ways to reduce crime while simultaneously bringing law enforcement officers and the communities they serve closer together. We have also worked to expand lifesaving programs like the National Blue Alert Network. Thirty-five States have enacted Blue Alert plans, which provide early warnings to law enforcement agencies, the media, and the public by transmitting Blue Alerts to cell phones, television stations, and other devices. These alerts disseminate information on suspects who pose an imminent and credible threat to the safety of our officers, and this network demonstrates how we can work together to provide proactive programs, innovative resources, and cutting-edge technology to support and advance our law enforcement personnel.

We must continue working toward a time when all people respect and understand the important work that law enforcement officers do. Unfortunately, our law enforcement officers do not always receive the respect they deserve. These brave men and women must operate in an

environment where their moral and legal authority is constantly being scrutinized, and they undertake the critical yet difficult task of addressing the actions of those affected by addiction, homelessness, and mental illness. Their ability to work well in the face of these and other challenges is extraordinary, and we have incredible appreciation for their public service and selflessness.

On behalf of our grateful Nation, we proudly recognize the more than 900,000 sworn members of law enforcement for their resolve and dedication in the face of dangerous uncertainty. The thoughts and prayers of our Nation are with them and their families, and we will always owe them our appreciation and support.

By a joint resolution approved October 1, 1962, as amended (Public Law 87–726, 76 Stat. 676), and by section 1 of Public Law 105–225 (36 U.S.C. 136–137), the President has been authorized and requested to designate May 15 of each year as ''Peace Officers Memorial Day''; and the week in which it falls as ''Police Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 15, 2020, as Peace Officers Memorial Day and May 10 through May 16, 2020, as Police Week. In honor of our hardworking law enforcement officers, Melania and I will light the White House in blue on May 15, 2020. I call upon all Americans to observe Peace Officers Memorial Day and Police Week with appropriate ceremonies and activities. I also call on the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States, to direct that the flag be flown at half-staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10033 of May 8, 2020

Mother's Day, 2020

By the President of the United States of America
A Proclamation

On Mother's Day, we celebrate the exceptional mothers in our lives. It is through the unwavering love, comfort, and guidance of these extraordinary women that we first learn to experience joy and the wonders of life. Whether they became mothers through birth, adoption, foster care, or other means, these women are deserving of our unending gratitude and praise this day and every day.

The intuition and wisdom passed from mother to child strengthens the fabric of our Nation and preserves generations of wisdom and familial values. In our earliest days, our mothers provide us with love and nurturing care. They often know our talents before we do, and they selflessly encourage us to use these God-given gifts to pursue our biggest

dreams and most admirable ambitions. As we grow, our mothers teach us to be productive, contributing members of society and to care for one another as they have cared for us. As life-long supporters, mothers provide reassurance and guidance when needed most. President Abraham Lincoln described this spirit of compassion: ''I remember my mother's prayers and they have always followed me. They have clung to me all my life.''; Our mothers embrace us for who we are and help guide us to who we are meant to be. They advocate for us and counsel us, and above all else provide us with a steadfast and enduring love each day.

Today, on Mother's Day, we celebrate mothers everywhere and thank them for all that they do to enrich our lives, honoring how they raise us with a special grace and endurance. Their character, courage, and compassion are gifts that transcend time and span generations. May today be filled with the joy of knowing their contributions to our society are immeasurable, and their love for us does not go unnoticed or unappreciated.

In recognition of the contributions of mothers to American families and to our Nation, the Congress, by joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as Mother's Day, and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 10, 2020, as Mother's Day. I encourage all Americans to express their love and respect for their mothers or beloved mother figures, whether with us in person or in spirit, and to reflect on the importance of motherhood to the prosperity of our families, communities, and Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10034 of May 15, 2020

Armed Forces Day, 2020

By the President of the United States of America

A Proclamation

In times of war and peace alike, on land, at sea, in the skies, in cyberspace, and beyond the Earth's atmosphere, the men and women of our Nation's Armed Forces serve with honor and distinction and stand ready to selflessly defend our Nation. On Armed Forces Day, we pay tribute to these patriots, whose work enables our country to shine always as a beacon of freedom and hope for the world.

Throughout our Nation's history, our Armed Forces have protected our country, our liberty, and our founding principles. Earlier this month,

we marked the 75th anniversary of Victory in Europe Day, when United States and Allied forces liberated Europe and North Africa from tyranny and oppression. The courageous actions of these heroes will stand always as monuments to the very best of our Nation. Today, many of our service members have been called into action on the home front to aid in our fight against a new type of enemy—the coronavirus. Our Guardsmen, engineers, logisticians, and medical service members have provided critical lifesaving treatment, protective equipment, facilities, and other vital services and provisions quickly and efficiently to those in need. In March, I was honored as Commander in Chief to salute those aboard the USNS Comfort as these heroes set sail from the shores of Norfolk, Virginia, to bring aid and comfort to people in need of care in New York, New Jersey, and Connecticut. As they have shown throughout this crisis, working to ease the burdens on healthcare workers and first responders, our Armed Forces can adapt to any challenge and succeed in any mission.

My Administration will always remain committed to ensuring our Nation has the strongest and most advanced military in the world. We owe it to our warriors to ensure that we provide them with the necessary training and equipment to meet current and future challenges. Since I took office, we have invested a historic $2.2 trillion in the United States military, purchasing the finest American-made planes, missiles, rockets, ships, and other pieces of military equipment. Additionally, last year, I was proud to sign into law legislation that provided a 3.1 percent pay raise for our troops—the largest pay raise for our military men and women in a decade—in recognition of their unparalleled duty, honor, courage, and commitment.

This year, we also celebrate the historic creation of the United States Space Force, the first new military branch since the establishment of the United States Air Force more than 70 years ago. We recognize that to combat the evolving threats of a 21st-century world, we must look to the newest warfighting domain and address malign activities in space. America's leadership in space is unparalleled, and with the addition of the United States Space Force, we are now even better positioned to meet the evolving threats in this emerging frontier of technology, exploration, and discovery. Approximately 16,000 military and civilian personnel have already been assigned to the Space Force, embarking on their mission to organize, train, and equip these new fighters responsible for protecting the United States and allied interests in the vast domain of space.

Today, and every day, we reaffirm our unwavering support for the millions of American patriots who fill the ranks of our Armed Forces. We are eternally grateful for every Soldier, Sailor, Airman, Marine, Coast Guardsman, and member of the Space Force, and we deeply appreciate the sacrifices their families and loved ones make on our behalf. As one Nation, we pledge to always honor this service and this devotion given to our great country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the tradition of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I invite the Governors of the States and Territories and other areas subject to the jurisdiction of the United States, to provide for the observ-

ance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 9892 of May 17, 2019, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10035 of May 15, 2020

National Safe Boating Week, 2020

By the President of the United States of America

A Proclamation

During National Safe Boating Week, I am proud to join with the United States Coast Guard and its Federal, State, and local partners in encouraging all Americans to institute the safe boating practices necessary to enjoy our Nation's waters responsibly. For more than 60 years, raising awareness of safe boating procedures has helped reduce injuries and fatalities, even as the number of Americans spending time out on the water has continued to grow.

Boat operators can help reduce the number of water-related accidents through proper preparation and sensible precautions. A free vessel safety check conducted by the United States Coast Guard is an essential first step in ensuring a boat is ready for navigation on the water. New boaters can take courses to learn how they can ensure that everyone returns from the water unharmed. Life jackets also remain indispensable in preventing drowning, the most common cause of boating fatalities. For this reason, every boat needs to be equipped with proper life jackets for everyone onboard, and they should be worn while on the water. Additionally, individuals must never pilot a boat while intoxicated, and passengers should moderate their alcohol consumption as a precaution against accidents. By taking the necessary steps, we can make our Nation's waters even safer for all who enjoy them.

This week, I call upon all Americans to ensure that they are prepared to have safe boating experiences. Through preventative measures and responsible behavior, we can help keep everyone out of harm's way while engaging in boating activities on our Nation's beautiful oceans, lakes, and rivers.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the

7-day period before Memorial Day weekend as ''National Safe Boating Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 16 through May 22, 2020, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating safety education opportunities. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety through events and activities that align with the White House's ''Guidelines for Opening up America Again.'';

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10036 of May 15, 2020

Emergency Medical Services Week, 2020

By the President of the United States of America
A Proclamation

During Emergency Medical Services Week, we honor all of the Emergency Medical Services (EMS) providers who play such a critical role in our Nation's health and safety. These incredible professionals respond to daily calls for urgent assistance and work tirelessly to serve their communities. Most recently, they have made significant contributions and immeasurable sacrifices during our Nation's response to the coronavirus pandemic, one of the most daunting and demanding challenges the country has ever faced. This week, we recognize these heroic men and women for their efforts to deliver life-saving care and compassion to their fellow Americans, and we acknowledge that our country is a safer and healthier place because of their work.

EMS providers—many of whom are volunteers—make up a coordinated and comprehensive network of highly trained workers. They are prepared to respond immediately to any crisis with pre-hospital assessment, trauma care, and medical transport, and they also share valuable data with their public health partners. They do all of this under incredible pressure that can take an emotional and physical toll on even the most seasoned professionals. At a moment's notice, these dedicated men and women rush to employ their specialized knowledge, experience, and leadership to reduce the severity of injuries and save lives, often in very high-risk situations. Every day, EMS personnel stand ready to help those in peril, responding faithfully to the needs of their fellow citizens when lives are on the line and every second matters.

The far-reaching and devastating scope of the coronavirus pandemic has increased the demands on our Nation's EMS professionals, including those from our military service branches. These heroes have courageously risen to the challenge. They remain undeterred in their efforts

to deliver critical assistance to their fellow Americans. EMS personnel are often the first point of contact with patients who are experiencing coronavirus symptoms. Acting quickly and decisively, they evaluate and triage patients, transport them to hospitals or treatment facilities, and clearly and compassionately communicate with family members who are anxious about their loved ones. During this unprecedented time in our Nation's history, we are ceaselessly inspired by the sense of duty, selfless service, and sacrifice that epitomize EMS personnel.

This week, we honor all who provide emergency medical services across our country for their tenacity and life-saving skills. Thanks to their incredible efforts, our communities and our Nation are stronger, safer, and more resilient. Especially in these trying times, we are immensely proud of these brave Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2020, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for local EMS professionals through appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10037 of May 15, 2020

World Trade Week, 2020

By the President of the United States of America
A Proclamation

As the global leader in innovation and commerce, the United States is willing to do business with any country strongly committed to open, fair, and competitive markets, benefitting our Nation's farmers, ranchers, manufacturers, service providers, and entrepreneurs. During World Trade Week, we reaffirm that free, fair, and reciprocal trade is essential to driving economic growth and ensuring a secure and prosperous future for our Nation.

For far too long, other countries have taken advantage of American workers and producers through unfair and unbalanced trade deals. Since my first day in office, my Administration has worked tirelessly to rebalance these harmful agreements in order to protect the talent, hard work, and ingenuity of the American people. We are negotiating with unrelenting and uncompromising drive to modernize and improve existing trade agreements and to secure new deals that are fair and reciprocal. As a result, our Nation now enters this new decade with deals in place and a philosophy of trade that will benefit American workers, producers, and consumers for years to come.

In January, I was proud to deliver on my promise to end the outdated and unbalanced North American Free Trade Agreement, and I signed into law the United States-Mexico-Canada Agreement Implementation Act. This new agreement opens up markets throughout North America for American small- and medium-sized businesses across all sectors of the economy. My Administration also significantly updated one of our most consequential trade deals, the United States-Korea Free Trade Agreement, to include key provisions that increase American exports and secure high-paying manufacturing jobs in our Nation's auto industry. I also signed two trade agreements with Japan to substantially expand market access for American farmers and preserve America's role in the growing digital economy.

My Administration is also delivering on our promise to begin rebalancing our trade relationship with China. Through tough, honest, and open negotiations, we reached a new deal with the People's Republic of China this past January. The agreement preserves tariffs while securing historic protections for intellectual property, commitments to combat counterfeit goods, safeguards against forced technology transfer, a mechanism to address unfair currency practices, promises for the purchase of $40 to $50 billion in agricultural goods each year for the next 2 years, and a strong dispute resolution mechanism to ensure timely and effective implementation. In every negotiation, we are putting American jobs and American workers first, and we will continue working to secure a level playing field for all American farmers, ranchers, and businesses.

This week, we recommit to supporting trade deals that benefit hard-working Americans, continuing our legacy as producers of world-class manufacturing, agriculture, services, and technology. Through adhering to the principles of free, fair, balanced, and reciprocal trade, we will continue unleashing the limitless potential of American workers and industry, building a better world for individuals and communities throughout our Nation and around the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2020, as World Trade Week. I encourage Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of global trade to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10038 of May 21, 2020

National Maritime Day, 2020

By the President of the United States of America
A Proclamation

Since the founding of our great Nation, we have relied on merchant mariners to deliver goods to market and strengthen our national security. On National Maritime Day, we recognize the United States Merchant Marine for all it does to facilitate our commerce and protect our interests at sea.

Our Nation's merchant mariners enable peaceful trade with countries around the world and provide vital sealift support to our Armed Forces. Whether on the ocean or our inland waterways, merchant mariners support our economy by transporting billions of dollars of imported and exported goods. These men and women also sail bravely into combat zones to deliver supplies and weapons to our military men and women, playing a critical role in the success of their mission.

This year, as we celebrate the 75th anniversary of the end of World War II, we pay tribute to the United States merchant mariners who served as the ''Fourth Arm of Defense''; for our Nation during the war. Earlier this year, I was proud to sign into law long-overdue legislation to award the Congressional Gold Medal to the valiant civilian merchant mariners who maintained critical supply lines to our overseas troops and allies during the Second World War. Many of these mariners endured brutal attacks from German U–boats, and more than 6,000 of them perished at sea or were held as prisoners of war. This number includes 142 students of the United States Merchant Marine Academy—distinguishing it as the only one of the five service academies authorized to carry a battle standard.

As we remember the tremendous sacrifices of the World War II merchant mariners, we also continue to honor the present-day citizen mariners who make up our Nation's world-class Merchant Marine. Today, we pay tribute to their expertise, patriotism, and dedication to serving our country and ensuring our national security.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as ''National Maritime Day''; to commemorate the first transoceanic voyage by a steamship in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 22, 2020, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord two thousand twenty, and of the

Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10039 of May 21, 2020

Honoring the Victims of the Novel Coronavirus Pandemic

By the President of the United States of America
A Proclamation

Our Nation mourns for every life lost to the coronavirus pandemic, and we share in the suffering of all those who endured pain and illness from the outbreak. Through our grief, America stands steadfast and united against the invisible enemy. May God be with the victims of this pandemic and bring aid and comfort to their families and friends. As a mark of solemn respect for the victims of the coronavirus pandemic, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, May 24, 2020. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred forty-fourth.

DONALD J. TRUMP

Proclamation 10040 of May 21, 2020

Prayer for Peace, Memorial Day, 2020

By the President of the United States of America
A Proclamation

Since the first shots fired in the Revolutionary War, Americans have answered the call to duty and given their lives in service to our Nation and its sacred founding ideals. As we pay tribute to the lives and legacies of these patriots on Memorial Day, we also remember that they sacrificed to create a better, more peaceful future for our Nation and the world. We recommit to realizing that vision, honoring the service of so many who have placed love of country above all else.

As Americans, we will always defend our freedom and our liberty. When those principles are threatened, we will respond with uncompromising force and unparalleled vigor. Generation after generation,

our country's finest have defended our Republic with honor and distinction. Memorials, monuments, and rows of white crosses and stars in places close to home like Arlington, Virginia and Gettysburg, Pennsylvania, as well as far-flung battlefields in places like Flanders Field in Belgium and Busan in Korea, will forever memorialize their heroic actions, standing as solemn testaments to the price of freedom. We will never take for granted the blood shed by these gallant men and women, as we are forever indebted to them and their families.

This year marks the 75th anniversary of the Allied victories over Nazi Germany and Imperial Japan in World War II. As we commemorate these seminal events, we also remember the tremendous cost at which these victories came. More than 400,000 souls of the Greatest Generation perished during this titanic struggle to liberate the world from tyranny. In his address to the Nation on Japan's surrender, President Truman's words remind us all of our enduring obligation to these patriots for their sacrifice: ''It is our responsibility—ours the living—to see to it that this victory shall be a monument worthy of the dead who died to win it.''; As we pause to recall the lives lost from the ranks of our Armed Forces, we remain eternally grateful for the path they paved toward a world made freer from oppression.

Our fallen warriors gave their last breath for our country and our freedom. Today, let us pause in quiet reverence to reflect on the incredible dedication of these valiant men and women and their families, invoking divine Providence as we continue pursuing our noble goal of lasting peace for the world.

In honor and recognition of all of our fallen heroes, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Memorial Day, May 25, 2020, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time when people might unite in prayer.

I further ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day.

I also request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct that, on Memorial Day, the flag be flown at half-staff until noon on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord two thousand twenty, and of the

Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10041 of May 24, 2020

Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus

By the President of the United States of America
A Proclamation

In Proclamation 9994 of March 13, 2020 (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak), I declared a national emergency recognizing the threat that the novel (new) coronavirus known as SARS–CoV–2 poses to our Nation's healthcare systems. It is the policy of the United States to respond to the ongoing, unprecedented outbreak of COVID–19 (the disease caused by SARS–CoV–2) with every tool and resource available to the United States Government. Consistent with this policy, I have suspended and limited the entry of aliens recently present in certain foreign jurisdictions where significant COVID–19 outbreaks have occurred. These jurisdictions include the People's Republic of China (excluding the Special Administrative Regions of Hong Kong and Macau), the Islamic Republic of Iran, the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), and the Republic of Ireland.

The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services, working in close coordination with the Department of Homeland Security, has determined that the Federative Republic of Brazil is experiencing widespread, ongoing person-to-person transmission of SARS–CoV–2. As of May 23, 2020, the World Health Organization reported that the Federative Republic of Brazil had 310,087 confirmed cases of COVID–19, which is the third highest number of confirmed cases in the world.

The potential for undetected transmission of the virus by infected individuals seeking to enter the United States from the Federative Republic of Brazil threatens the security of our transportation system and infrastructure and the national security, and I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the Federative Republic of Brazil during the 14-day period preceding their entry or attempted entry into the United States. The free flow of commerce between the United States and the Federative Republic of Brazil remains an economic priority for the United States, and I remain committed to facilitating trade between our nations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the un-

restricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the Federative Republic of Brazil during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse of a U.S. citizen or lawful permanent resident;

(iii) any alien who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;

(iv) any alien who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;

(v) any alien who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR–4 or IH–4 visa classifications;

(vi) any alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;

(vii) any alien traveling as a nonimmigrant pursuant to a C–1, D, or C–1/D nonimmigrant visa as a crewmember or any alien otherwise traveling to the United States as air or sea crew;

(viii) any alien

(A) seeking entry into or transiting the United States pursuant to one of the following visas: A–1, A–2, C–2, C–3 (as a foreign government official or immediate family member of an official), E–1 (as an employee of TECRO or TECO or the employee's immediate family members), G–1, G–2, G–3, G–4, NATO–1 through NATO–4, or NATO–6 (or seeking to enter as a nonimmigrant in one of those NATO categories); or

(B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;

(ix) any alien who is a member of the U.S. Armed Forces and any alien who is a spouse or child of a member of the U.S. Armed Forces;

(x) any alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the Secretary of Health and Human Services, through the CDC Director or his designee;

(xi) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State,

the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or

(xii) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. *Implementation and Enforcement.* (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) Consistent with applicable law, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall ensure that any alien subject to this proclamation does not board an aircraft traveling to the United States.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall recommend that the President continue, modify, or terminate this proclamation as described in section 5 of Proclamation 9984, as amended.

Sec. 5. *Effective Date.* This proclamation is effective at 11:59 p.m. eastern daylight time on May 28, 2020. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 11:59 p.m. eastern daylight time on May 28, 2020.

Sec. 6. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive

branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 7. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10042 of May 25, 2020

Amendment to Proclamation of May 24, 2020, Suspending Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, I hereby amend the Proclamation of May 24, 2020, titled ''Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus''; as follows:

Section 1. *Amendment.* Section 5 is amended to read as follows:

''Sec. 5. *Effective Date.* This proclamation is effective at 11:59 p.m. eastern daylight time on May 26, 2020. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 11:59 p.m. eastern daylight time on May 26, 2020.'';

Sec. 2. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10043 of May 29, 2020

Suspension of Entry as Nonimmigrants of Certain Students and Researchers From the People's Republic of China

By the President of the United States of America
A Proclamation

The People's Republic of China (PRC) is engaged in a wide-ranging and heavily resourced campaign to acquire sensitive United States technologies and intellectual property, in part to bolster the modernization and capability of its military, the People's Liberation Army (PLA). The PRC's acquisition of sensitive United States technologies and intellectual property to modernize its military is a threat to our Nation's long-term economic vitality and the safety and security of the American people.

The PRC authorities use some Chinese students, mostly post-graduate students and post-doctorate researchers, to operate as non-traditional collectors of intellectual property. Thus, students or researchers from the PRC studying or researching beyond the undergraduate level who are or have been associated with the PLA are at high risk of being exploited or co-opted by the PRC authorities and provide particular cause for concern. In light of the above, I have determined that the entry of certain nationals of the PRC seeking to enter the United States pursuant to an F or J visa to study or conduct research in the United States would be detrimental to the interests of the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States as nonimmigrants of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry*. The entry into the United States as a nonimmigrant of any national of the PRC seeking to enter the United States pursuant to an F or J visa to study or conduct research in the United States, except for a student seeking to pursue undergraduate study, and who either receives funding from or who currently is employed by, studies at, or conducts research at or on behalf of, or has been employed by, studied at, or conducted research at or on behalf of, an entity in the PRC that implements or supports the PRC's ''military-civil fusion strategy''; is hereby suspended and limited subject to section 2 of this proclamation. For the purposes of this proclamation, the term ''military-civil fusion strategy''; means actions by or at the behest of the PRC to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance the PRC's military capabilities.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse of a United States citizen or lawful permanent resident;

(iii) any alien who is a member of the United States Armed Forces and any alien who is a spouse or child of a member of the United States Armed Forces;

(iv) any alien whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement or who would otherwise be allowed entry into the United States pursuant to United States obligations under applicable international agreements;

(v) any alien who is studying or conducting research in a field involving information that would not contribute to the PRC's military-civil fusion strategy, as determined by the Secretary of State and the Secretary of Homeland Security, in consultation with the appropriate executive departments and agencies (agencies);

(vi) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or

(vii) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

(b) Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws of the United States.

Sec. 3. *Implementation and Enforcement.* (a) Persons covered by sections 1 or 2 of this proclamation shall be identified by the Secretary of State or the Secretary of State's designee, in his or her sole discretion, pursuant to such standards and procedures as the Secretary of State may establish. For purposes of subsections 2(a)(v), 2(a)(vi), and 2(a)(vii) of this proclamation, the Secretary of State shall provide for identifications of aliens based on the further determinations and rec-

ommendations provided for in those subsections by the Attorney General and the Secretary of Homeland Security.

(b) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish in the Secretary of State's discretion. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish in the Secretary of Homeland Security's discretion.

(c) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of State, in consultation with the Secretary of Homeland Security, may at any time recommend that the President continue, modify, or terminate this proclamation.

Sec. 5. *Effective Date.* This proclamation is effective at 12:00 p.m. eastern daylight time on June 1, 2020.

Sec. 6. *Additional Measures.* (a) The Secretary of State shall consider, in the Secretary's discretion, whether nationals of the PRC currently in the United States pursuant to F or J visas and who otherwise meet the criteria described in section 1 of this proclamation should have their visas revoked pursuant to section 221(i) of the INA, 8 U.S.C. 1201(i).

(b) Within 60 days of the effective date of this proclamation, the Secretary of State and the Secretary of Homeland Security, in consultation with the heads of appropriate agencies, shall review nonimmigrant and immigrant programs and shall recommend to the President, through the Assistant to the President for National Security Affairs, any other measures requiring Presidential action that would mitigate the risk posed by the PRC's acquisition of sensitive United States technologies and intellectual property.

(c) The Secretary of State and the Secretary of Homeland Security shall, within the scope of their respective authorities and in coordination with the heads of appropriate agencies, take action to further mitigate the risk posed by the PRC's acquisition of sensitive United States technologies and intellectual property. The Secretary of State and the Secretary of Homeland Security shall report to the President, within 60 days of the effective date of this proclamation, through the Assistant to the President for National Security Affairs, any such planned and executed actions.

(d) The Secretary of State and the Secretary of Homeland Security shall consider issuing updated regulations and guidance, as appropriate, implementing the inadmissibility provisions in section 212(a)(3)(D) of the INA, 8 U.S.C. 1182(a)(3)(D).

Sec. 7. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10044 of May 29, 2020

African-American Music Appreciation Month, 2020

By the President of the United States of America

A Proclamation

The lyrics and melodies of African-American music have played a powerful role in defining America's unique soundscape. From the soulful streets of the Big Easy to the recording studios of Los Angeles, African-American music has shaped our American culture. During African-American Music Appreciation Month, we pay tribute to the monumental achievements of African-American artists who pioneered and evolved the blues, jazz, gospel, rock and roll, rap, hip-hop, and other iconic genres.

Throughout our Nation's history, African-American music has expressed the pain and suffering brought on by injustice as well as the faith and joy of the resilient American spirit. Sam Cooke's triumphant ''A Change Is Gonna Come''; gave wind to the sails of millions of African Americans in their righteous fight for equality during the Civil Rights Movement. The divine voice of Mahalia Jackson, the ''Queen of Gospel,''; helped heal our grieving Nation in the days following the assassination of Martin Luther King, Jr. At major sporting events, African-American musical icons, such as Whitney Houston and Ray Charles, have captivated America with striking renditions of patriotic ballads such as the National Anthem and ''America the Beautiful.''; This month, we lost the Architect of Rock and Roll, Richard Wayne Penniman—better known and beloved as Little Richard—who is responsible for breaking down racial barriers through the universal love of his music. He was an unforgettable entertainer, an innovator, and an American icon. Our Nation mourns his passing.

This month, we express our appreciation for the countless contributions of African-American singers, songwriters, and musicians, whose remarkable talents continue to inspire the soul of our Nation. With classic guitar riffs, memorable hymns, and uplifting beats, the works of African-American artists undeniably represent true musical excellence.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June

2020 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and appreciation of African-American music.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10045 of May 29, 2020

Great Outdoors Month, 2020

By the President of the United States of America
A Proclamation

Our Nation is blessed with abundant natural beauty that can be enjoyed every season from coast to coast. During Great Outdoors Month, we celebrate the majestic mountains, forests, canyons, beaches, and rivers that provide recreation and renewal for all Americans, enriching our lives and strengthening an enduring connection to our national heritage.

Our parks, recreational areas, and public lands are some of our greatest national treasures. For centuries, Americans have looked to the sprawling expanse of America's outdoor spaces as a source of adventure, sustenance, and inspiration. From the lands and waters that constitute our National Park System, to State, local, and city parks, to our own backyards, every unique experience of the great outdoors helps improve our health and offers opportunities for families, friends, and communities to connect over a shared appreciation for the natural world.

My Administration remains committed to restoring and preserving our land, air, and waters while also opening up more recreational opportunities for all Americans. We have provided increased access to public lands, expanding hunting and fishing opportunities at national wildlife refuges and national fish hatcheries across 1.7 million acres. Last year, I was proud to sign the largest public lands legislation in a decade, designating 1.3 million new acres of wilderness and increasing recreational access for hunters, fishers, boaters, and campers. Additionally, I announced that the United States will be joining the One Trillion Trees Initiative, an ambitious effort to bring together government and private sector partners and further our commitment to maintaining our natural world. Through these actions, we are actively promoting a conservation ethic that drives responsible stewardship of our environment.

Whether hiking on world-class trails, camping under the stars, or fishing our Nation's abundant waterways, exploring the great outdoors provides adventurers of all ages endless opportunities to create lifelong memories. This month, we pause to appreciate the extraordinary natural beauty of our country, and we recommit to protecting and preserving our natural wonders for future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2020 as Great Outdoors Month. I urge all Americans to explore the great outdoors while acting as stewards of our lands and waters.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10046 of May 29, 2020

National Caribbean-American Heritage Month, 2020

By the President of the United States of America
A Proclamation

From America's earliest days, Caribbean Americans have contributed to the success, spirit, and character of our Nation. For generations, their skills, knowledge, innovation, and initiative have enhanced and advanced many aspects of our society. During National Caribbean-American Heritage Month, we celebrate the rich history and vibrant culture of the more than 4 million Americans with origins in the Caribbean.

Caribbean Americans have helped improve our Nation by leading communities, advancing science and medicine, and advocating for the common good. We are especially grateful for the Caribbean-American men and women who proudly wear our Nation's uniform as members of the Armed Forces and those serving as first responders, medical professionals, and other essential personnel on the front lines in the fight against the coronavirus. Our Nation is safer, stronger, and healthier because of their service and sacrifices.

Caribbean Americans have also left indelible marks on American culture. Roberto Clemente, a native of Puerto Rico and legendary baseball player, is one of many shining examples. He not only had a stunning Hall of Fame baseball career, but he also dutifully served our Nation as a member of the United States Marine Corps Reserve for 6 years and served others throughout his life with profound care and compassion. Like so many other Caribbean Americans, he continues to inspire us today and remind us of the strong connection the United States will always have with the Caribbean region.

The United States is also the primary trading partner for the Caribbean nations that make up our Nation's ''third border.''; My Administration is dedicated to maintaining and strengthening our partnerships within the Caribbean regions, which are forged through bonds of friendship, diplomacy, and a shared commitment to democratic principles. We will continue strategic engagement in the areas of human rights, maritime security, crime prevention and interdiction, education, health, energy, economic growth, and disaster recovery and relief. Stability in the Caribbean—achieved through increased trade, job creation and invest-

ment, and efforts to counter organized crime and illicit trafficking—ensures a more secure, prosperous United States.

This month, we pay tribute to Caribbean Americans for all they have done to drive our country forward.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2020 as National Caribbean-American Heritage Month. I encourage all Americans to join in celebrating the history, culture, and achievements of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10047 of May 29, 2020

National Homeownership Month, 2020

By the President of the United States of America

A Proclamation

For generations, homeownership has sustained and empowered Americans. Recently, we have been reminded that our homes are central to our health, our independence, and the well-being of our families. In response to the coronavirus outbreak, millions of Americans have transformed their homes into safe havens, virtual workplaces, classrooms, and, most importantly, places to nurture hopes and dreams for the future. During National Homeownership Month, we acknowledge the many benefits of secure and affordable homeownership.

Thanks to my Administration's swift and decisive action to assist millions of homeowners affected by the coronavirus, we have protected the wealth that hardworking Americans have built up through homeownership. To help ensure that homeowners do not lose their homes unnecessarily due to this crisis, I signed into law the unprecedented Coronavirus Aid, Relief, and Economic Security (CARES) Act. This legislation provided direct cash payments to Americans and authorized mortgage-payment relief for eligible homeowners with federally backed mortgages struggling to make their payments.

As our Nation's economy begins to recover, my Administration remains focused on getting government out of the way of responsible homeownership and reforming our housing finance system. We have supported affordable homeownership by eliminating outdated and unnecessary regulations, and we are strengthening investment in underserved communities through the designation of Opportunity Zones. Through the work of the White House Council on Eliminating Regulatory Barriers to Affordable Housing, we are continuing to collaborate with States and local jurisdictions to ease the burden of regulations that needlessly hinder opportunities for Americans to become homeowners. Additionally, last year, the Department of the Treasury and the

Department of Housing and Urban Development released plans to define the limited role of the Federal Government in the housing finance system, enhance taxpayer protections against future bailouts, and promote competition in the housing finance system.

This month, we renew our commitment to helping pave the way for more Americans to achieve the financial benefits and stability of homeownership. Building on the roaring success we were experiencing prior to the coronavirus pandemic, our economy will rebound and create the jobs that Americans need to achieve the American dream of owning a home.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2020 as National Homeownership Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10048 of May 29, 2020

National Ocean Month, 2020

By the President of the United States of America
A Proclamation

Our ocean and coastal waterways are essential to our national security, international trade, maritime commerce, global competitiveness, and transportation. The jobs of more than 3 million Americans depend on our ocean economy, which generates more than $300 billion of economic activity annually. During National Ocean Month, we reaffirm our commitment to responsible stewardship of our ocean resources to strengthen and expand economic opportunities, while also ensuring that the natural beauty and wonder of the oceans are preserved and maintained for future generations.

There is much that remains undiscovered in the world's vast oceans, and my Administration is working to improve our understanding of its incredible resources. Today, roughly 18.6 percent of our Nation's oil and gas production is conducted offshore, employing thousands of Americans and helping keep prices low for American families and businesses. There is enormous opportunity for our country to bolster these numbers and expand this critical and profitable industry, generating even more jobs for hardworking Americans. Only 40 percent of the United States Exclusive Economic Zone (EEZ), an oceanic area larger than the combined land area of the 50 States, has been mapped. Even less of the EEZ's natural resources have been characterized through exploration. For this reason, last year, I signed a historic Presidential Memorandum that prioritizes mapping, exploring, and characterizing our ocean waters. Building upon these efforts, last month I signed an Executive Order Promoting American Seafood Competitiveness and Economic Growth. This Executive Order will increase Amer-

ica's competitiveness in the seafood industry and create new opportunities for American products in the global marketplace, including through continued support of our commercial fisheries and promotion of domestic aquaculture. My Administration is committed to expanding maritime commerce, increasing seafood production, promoting conservation, enhancing national security, and advancing energy exploration, development, and production by expanding efforts to study, understand, and unlock the full potential of our oceans.

As we continue to unlock the economic opportunities in these flourishing bodies of water, my Administration is also diligently working to put an end to one of the biggest challenges facing the global environment: increased pollution in the oceans. Recognizing that 80 percent of marine litter comes from land-based resources resulting from insufficient solid waste management, we have been working hard, with our domestic and international partners, to improve waste management systems around the world and deploy innovative technologies to put an end to the mass amounts of litter washing into our shared waters. In addition, I signed the Save Our Seas Act of 2018 into law, which prioritizes cleanup activities and addresses international sources of pollution.

The task of balancing the uses of America's oceans cannot be accomplished by the Federal Government alone. The 2019 White House Summit on Partnerships in Ocean Science and Technology highlighted that our continued use, conservation, observation, and exploration of the ocean requires innovative engagement and collaboration with key partners, including private industries, States, territories, academia, philanthropic groups, Native American and Tribal organizations, and other stakeholders. By working together and harnessing our collective power, knowledge, and experience, we can better promote resource stewardship, create and maintain jobs for American workers, and ensure our Nation's prosperity while conserving the marine environment.

Many of the most pressing challenges facing mankind may have solutions in the oceans. My Administration is committed to advancing technology and innovation to better understand how our oceans may help us address current and future challenges facing our Nation. Establishing energy infrastructure, discovering and developing novel marine-derived pharmaceuticals, improving weather predictions, and advancing offshore aquaculture operations are just some examples of innovative initiatives supported by my Administration. These bold efforts have the potential to promote economic prosperity, create jobs, and strengthen our maritime and homeland security for current and future generations of Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2020 as National Ocean Month. This month, I call upon Americans to reflect on the value and importance of oceans not only to our security, environment, and economy but also as a source of recreation and enjoyment.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand twenty, and

of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10049 of June 5, 2020

Modifying the Northeast Canyons and Seamounts Marine National Monument

By the President of the United States of America
A Proclamation

In Proclamation 9496 of September 15, 2016, and exercising his authority under section 320301 of title 54, United States Code (the ''Antiquities Act'';), the President established the Northeast Canyons and Seamounts Marine National Monument, reserving for the care and management of objects of historic and scientific interest approximately 4,913 square miles of water and submerged lands in and around certain deep-sea canyons and seamounts situated upon lands and interests in lands owned or controlled by the Federal Government. The President prohibited commercial fishing, with a phase-out period for American lobster and red crab fisheries, within the monument's boundaries. This proclamation lifts the prohibition on commercial fishing, an activity that is subject to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens), 16 U.S.C. 1801 *et seq.,* and other applicable laws, regulations, and requirements. This proclamation does not modify the monument in any other respect.

Proclamation 9496 identifies a number of canyons and seamounts as objects of historic and scientific interest. The monument is designated in two units, which correspond to two distinct geological features. The Canyons Unit comprises three underwater canyons that start at the edge of the continental shelf, whereas the Seamounts Unit consists of four undersea mountains. Both units are located in the United States Exclusive Economic Zone. In addition to the geological features, Proclamation 9496 designates the natural resources and ecosystems in and around the Canyons and Seamounts Units as objects of historic and scientific interest. Proclamation 9496 describes diverse ecological communities in the canyon and seamount areas, which include seabirds, whales, dolphins, turtles, and highly migratory fish species, such as tunas, billfish, and sharks. Proclamation 9496 observes that some of these species have appeared in the canyon and seamount areas in large aggregations and increased numbers. In support of the monument designation, Proclamation 9496 notes that ''[t]hese canyons and seamounts, and the ecosystem they compose, have long been of intense scientific interest,''; with ''[s]cientists from government and academic oceanographic institutions''; studying ''the canyons and seamounts using research vessels, submarines, and remotely operated underwater vehicles for important deep-sea expeditions.'';

As part of the management of the monument, Proclamation 9496 prohibited, subject to the phase-out period previously noted, all commercial fishing within the monument's boundaries. As explained herein, following further consideration of the nature of the objects identified

in Proclamation 9496 and the protection of those objects already provided by relevant law, I find that appropriately managed commercial fishing would not put the objects of scientific and historic interest that the monument protects at risk. Indeed, Proclamation 9496 allows for recreational fishing and further acknowledges that ''[t]hroughout New England, the maritime trades, and especially fishing, have supported a vibrant way of life, with deep cultural roots and a strong connection to the health of the ocean and the bounty it provides.'';

With respect to fish in particular, many of the fish species that Proclamation 9496 identifies are highly migratory and not unique to the monument. Some of the examples of fish species that Proclamation 9496 identifies are not of such significant scientific interest that they merit additional protection beyond that already provided by other law. Moreover, the fish species described in Proclamation 9496 are subject to Federal protections under existing laws and agency management designations. For example, Magnuson-Stevens regulates commercial fishing to ensure long-term biological and economic sustainability for our Nation's marine fisheries, taking into account the protection of associated marine ecosystems. Magnuson-Stevens establishes regional fishery management councils, supervised by the Secretary of Commerce in coordination with the States and affected stakeholders, that develop fishery management plans to regulate our Nation's fisheries, using the best available science and observing strict conservation and management requirements. Magnuson-Stevens requires a similar process of science-based fisheries management for highly migratory species, including the tunas referenced in Proclamation 9496. In addition, Magnuson-Stevens provides that fishery management plans may include, among other measures, management measures to conserve target and non-target species and habitats, including measures to protect deep-sea corals.

A host of other laws enacted after the Antiquities Act provide specific protection for other plant and animal resources (including coral species) both within and outside the monument. These laws include the Endangered Species Act, 16 U.S.C. 1531 *et seq.,* the Migratory Bird Treaty Act, 16 U.S.C. 703–712, the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd–668ee, the Refuge Recreation Act, 16 U.S.C. 460k *et seq.,* the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.,* the Clean Water Act, 33 U.S.C. 1251 *et seq.,* the Oil Pollution Act, 33 U.S.C. 2701 *et seq.,* the National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.,* and Title I of the Marine Protection, Research and Sanctuaries Act (Ocean Dumping Act), 33 U.S.C. 1401 *et seq.* For example, the Endangered Species Act generally prohibits the taking of fish and wildlife species listed as endangered, and also generally ensures that Federal actions, including fisheries management, are not likely to jeopardize the existence of any such species. The Marine Mammal Protection Act provides protections for marine mammals, and prohibits their take, subject to some exceptions. Numerous other statutes, including the Clean Water Act, Oil Pollution Act, and Ocean Dumping Act, address both land-based and ocean-based sources of pollution and help ensure that water quality continues to support plankton and other pelagic organisms.

After further consideration of the nature of the objects identified in Proclamation 9496 and the protection of those objects already provided by Magnuson-Stevens and other relevant law, I find that a prohibition

on commercial fishing is not, at this time, necessary for the proper care and management of the Northeast Canyons and Seamounts Marine National Monument, or the objects of historic or scientific interest therein.

WHEREAS, Proclamation 9496 of September 15, 2016, designated the Northeast Canyons and Seamounts Marine National Monument in the Atlantic Ocean and reserved approximately 4,913 square miles in the United States Exclusive Economic Zone for the care and management of objects of historic and scientific interest identified therein;

WHEREAS, I find that removing the restrictions on commercial fishing set forth in Proclamation 9496 to allow for well-regulated commercial fishing use is in the public interest and that the objects in the monument can be, and are currently, protected pursuant to carefully tailored regulation and management under existing Federal law:

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including section 320301 of title 54, United States Code, hereby proclaim that Proclamation 9496, which established the Northeast Canyons and Seamounts Marine National Monument, is amended as follows:

(1) in the section entitled ''Prohibited Activities,''; by deleting paragraph 6; and

(2) in the section entitled ''Regulated Activities,''; by deleting paragraph 5 and by re-designating paragraphs 6 and 7 as paragraphs 5 and 6, respectively.

Furthermore, nothing in paragraph 4 in the section entitled ''Prohibited Activities''; in Proclamation 9496 shall be deemed to apply to commercial fishing that is carried out in accordance with Magnuson-Stevens and other applicable laws, regulations, and requirements.

Nothing in this proclamation shall be construed to revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 9496.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 9496, except as explicitly provided in this proclamation.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of June, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10050 of June 12, 2020

Flag Day and National Flag Week, 2020

By the President of the United States of America
A Proclamation

On Flag Day and throughout National Flag Week, we pay tribute to the American flag, the most recognizable symbol of the principles for which our Republic stands. For more than 200 years, the Stars and Stripes has represented liberty, justice, and the rule of law. Recently, as our Nation has come together to respond to the coronavirus pandemic, our flag has been a reminder of the courage, tenacity, and loyalty that define the indomitable American spirit.

Our great flag causes us to reflect humbly on the immeasurable price that has been paid to keep it ''so gallantly streaming.''; Throughout our Nation's history, proud patriots have nobly answered the call of duty when our country needed them most. The Star Spangled Banner serves as an everlasting remembrance of the sacrifices heroes of every generation have made in conflicts from the Revolutionary War to the wars in Iraq and Afghanistan. Our flag ensures that we never forget the incredible sacrifices our men and women in uniform have made to defend our liberty and way of life.

This year, Old Glory has waved over millions of brave Americans fighting the invisible enemy, often at risk to their personal health and wellbeing. Throughout the coronavirus pandemic, healthcare professionals have treated and cared for those sickened by the virus, and countless American patriots have provided critical goods and services to their fellow citizens in these uncertain times. These dedicated individuals have risen to the challenge, meeting the virus on the frontlines with the same conviction and unwavering determination that has empowered our Nation to overcome previous trials. Just as we prevailed in those struggles, we will emerge victorious against this new enemy and again raise our flag in triumph.

The American flag represents the unity of our country and its people. No matter what may divide us, Old Glory should be revered and cherished, as a symbol of all that makes America the greatest country in the world. As we honor our beautiful flag on this day and throughout this week, let us vow never to forget the tremendous sacrifices made by patriots from generation to generation to ensure that the red, white, and blue continues to fly high and free. Today, and every day, I am proud to join my fellow Americans in standing tall and saluting our great American flag.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as ''Flag Day''; and requested that the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President issue annually a proclamation designating the week in which June 14 occurs as ''National Flag Week''; and calling on all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim June 14, 2020, as Flag Day, and the week starting June 14, 2020, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during this week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I encourage the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10051 of June 19, 2020

Father's Day, 2020

By the President of the United States of America

A Proclamation

Fathers are instrumental in helping prepare children for life, instilling in them the values essential to one day becoming responsible, grounded, and successful adults. As a Nation, we are grateful to the men dedicated to raising well-rounded children. On Father's Day, we honor and celebrate our fathers and father figures for their daily contributions to thriving families and communities.

The presence of fathers in the lives of our Nation's children is important to their growth, development, and well-being. Fathers serve as role models to their children, exemplifying hard work, devotion to family, self-confidence, and faith. Through their character, determination, strength, and direction, they guide our futures toward happiness. Thus, it is no surprise that research increasingly shows involved fathers can help foster self-esteem, success in school, empathy, and positive behavior in their children.

By raising children to be happy, productive, and responsible adults, fathers play a critical role in shaping our society. Our fathers set an example for us of how to be our best in every aspect of our lives. The lessons they teach us guide us as we strive to care for our families, succeed at school and at work, serve others, and contribute to our communities. They are integral to raising future generations of Americans who will continue to build an ever-stronger Nation. That is why my Administration continues to provide grant funding to organizations across our country that work to strengthen relationships between fathers and their children, foster responsible parenting, and help fathers find and keep gainful employment.

Our Nation is indebted to the men who have embraced the great blessing and solemn duty of fatherhood. Every day, they make sacrifices to ensure their children, whether by birth, adoption, or foster care, re-

ceive the care and affection they deserve. Today, we express our everlasting gratitude to our fathers and father figures for their love and commitment, and for all they have done to shape our lives.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 21, 2020, as Father's Day. I call on United States Government officials to display the flag of the United States on all Government buildings on Father's Day and invite State and local governments and the people of the United States to observe Father's Day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10052 of June 22, 2020

Suspension of Entry of Immigrants and Nonimmigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak

By the President of the United States of America

A Proclamation

The 2019 Novel Coronavirus (COVID–19) has significantly disrupted Americans' livelihoods. Since March 2020, United States businesses and their workers have faced extensive disruptions while undertaking certain public health measures necessary to flatten the curve of COVID–19 and reduce the spread of SARS–CoV–2, the virus that causes COVID–19. The overall unemployment rate in the United States nearly quadrupled between February and May of 2020—producing some of the most extreme unemployment ever recorded by the Bureau of Labor Statistics. While the May rate of 13.3 percent reflects a marked decline from April, millions of Americans remain out of work.

In Proclamation 10014 of April 22, 2020 (Suspension of Entry of Immigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak), I determined that, without intervention, the United States faces a potentially protracted economic recovery with persistently high unemployment if labor supply outpaces labor demand. Consequently, I suspended, for a period of 60 days, the entry of aliens as immigrants, subject to certain exceptions. As I noted, lawful permanent residents, once admitted pursuant to immigrant visas, are granted ''open-market''; employment authorization documents, allowing them immediate eligibility to compete for almost any job, in any sector of the economy. Given that 60 days is an insufficient time period for the United States labor market, still stalled with partial social distancing measures, to rebalance, and given the lack of sufficient alternative means to protect

unemployed Americans from the threat of competition for scarce jobs from new lawful permanent residents, the considerations present in Proclamation 10014 remain.

In addition, pursuant to Proclamation 10014, the Secretary of Labor and the Secretary of Homeland Security reviewed nonimmigrant programs and found that the present admission of workers within several nonimmigrant visa categories also poses a risk of displacing and disadvantaging United States workers during the current recovery.

American workers compete against foreign nationals for jobs in every sector of our economy, including against millions of aliens who enter the United States to perform temporary work. Temporary workers are often accompanied by their spouses and children, many of whom also compete against American workers. Under ordinary circumstances, properly administered temporary worker programs can provide benefits to the economy. But under the extraordinary circumstances of the economic contraction resulting from the COVID–19 outbreak, certain nonimmigrant visa programs authorizing such employment pose an unusual threat to the employment of American workers.

For example, between February and April of 2020, more than 17 million United States jobs were lost in industries in which employers are seeking to fill worker positions tied to H–2B nonimmigrant visas. During this same period, more than 20 million United States workers lost their jobs in key industries where employers are currently requesting H–1B and L workers to fill positions. Also, the May unemployment rate for young Americans, who compete with certain J nonimmigrant visa applicants, has been particularly high—29.9 percent for 16–19 year olds, and 23.2 percent for the 20–24 year old group. The entry of additional workers through the H–1B, H–2B, J, and L nonimmigrant visa programs, therefore, presents a significant threat to employment opportunities for Americans affected by the extraordinary economic disruptions caused by the COVID–19 outbreak.

As I described in Proclamation 10014, excess labor supply is particularly harmful to workers at the margin between employment and unemployment—those who are typically ''last in''; during an economic expansion and ''first out''; during an economic contraction. In recent years, these workers have been disproportionately represented by historically disadvantaged groups, including African Americans and other minorities, those without a college degree, and Americans with disabilities.

In the administration of our Nation's immigration system, we must remain mindful of the impact of foreign workers on the United States labor market, particularly in the current extraordinary environment of high domestic unemployment and depressed demand for labor. Historically, when recovering from economic shocks that cause significant contractions in productivity, recoveries in employment lag behind improvements in economic activity. This predictive outcome demonstrates that, assuming the conclusion of the economic contraction, the United States economy will likely require several months to return to pre-contraction economic output, and additional months to restore stable labor demand. In light of the above, I have determined that the entry, through December 31, 2020, of certain aliens as immigrants and nonimmigrants would be detrimental to the interests of the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(f) and 1185(a)) and section 301 of title 3, United States Code, hereby find that the entry into the United States of persons described in section 1 of Proclamation 10014, except as provided in section 2 of Proclamation 10014, and persons described in section 2 of this proclamation, except as provided for in section 3 of this proclamation, would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Continuation of Proclamation 10014.* (a) Section 4 of Proclamation 10014 is amended to read as follows:

''**Sec. 4**. *Termination.* This proclamation shall expire on December 31, 2020, and may be continued as necessary. Within 30 days of June 24, 2020, and every 60 days thereafter while this proclamation is in effect, the Secretary of Homeland Security shall, in consultation with the Secretary of State and the Secretary of Labor, recommend any modifications as may be necessary.'';

(b) This section shall be effective immediately.

Sec. 2. *Suspension and Limitation on Entry.* The entry into the United States of any alien seeking entry pursuant to any of the following nonimmigrant visas is hereby suspended and limited, subject to section 3 of this proclamation:

(a) an H–1B or H–2B visa, and any alien accompanying or following to join such alien;

(b) a J visa, to the extent the alien is participating in an intern, trainee, teacher, camp counselor, au pair, or summer work travel program, and any alien accompanying or following to join such alien; and

(c) an L visa, and any alien accompanying or following to join such alien.

Sec. 3. *Scope of Suspension and Limitation on Entry.* (a) The suspension and limitation on entry pursuant to section 2 of this proclamation shall apply only to any alien who:

(i) is outside the United States on the effective date of this proclamation;

(ii) does not have a nonimmigrant visa that is valid on the effective date of this proclamation; and

(iii) does not have an official travel document other than a visa (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on the effective date of this proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

(b) The suspension and limitation on entry pursuant to section 2 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse or child, as defined in section 101(b)(1) of the INA (8 U.S.C. 1101(b)(1)), of a United States citizen;

(iii) any alien seeking to enter the United States to provide temporary labor or services essential to the United States food supply chain; and

(iv) any alien whose entry would be in the national interest as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

Sec. 4. *Implementation and Enforcement.* (a) The consular officer shall determine, in his or her discretion, whether a nonimmigrant has established his or her eligibility for an exception in section 3(b) of this proclamation. The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security and the Secretary of Labor, may establish in the Secretary of State's discretion. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish in the Secretary of Homeland Security's discretion.

(i) The Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security shall establish standards to define categories of aliens covered by section 3(b)(iv) of this proclamation, including those that: are critical to the defense, law enforcement, diplomacy, or national security of the United States; are involved with the provision of medical care to individuals who have contracted COVID–19 and are currently hospitalized; are involved with the provision of medical research at United States facilities to help the United States combat COVID–19; or are necessary to facilitate the immediate and continued economic recovery of the United States. The Secretary of State and the Secretary of Homeland Security shall exercise the authority under section 3(b)(iv) of this proclamation and section 2(b)(iv) of Proclamation 10014 to exempt alien children who would as a result of the suspension in section 2 of this proclamation or the suspension in section 1 of Proclamation 10014 age out of eligibility for a visa.

(ii) Aliens covered by section 3(b)(iv) of this proclamation, under the standards established in section 4(a)(i) of this proclamation, shall be identified by the Secretary of State, the Secretary of Homeland Security, or their respective designees, in his or her sole discretion.

(b) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

(c) Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws of the United States.

Sec. 5. *Additional Measures.* (a) The Secretary of Health and Human Services, through the Director of the Centers for Disease Control and Prevention, shall, as necessary, provide guidance to the Secretary of State and the Secretary of Homeland Security for implementing measures that could reduce the risk that aliens seeking admission or entry to the United States may introduce, transmit, or spread SARS–CoV–2 within the United States.

(b) The Secretary of Labor shall, in consultation with the Secretary of Homeland Security, as soon as practicable, and consistent with applicable law, consider promulgating regulations or take other appropriate action to ensure that the presence in the United States of aliens who have been admitted or otherwise provided a benefit, or who are seeking admission or a benefit, pursuant to an EB–2 or EB–3 immigrant visa or an H–1B nonimmigrant visa does not disadvantage United States workers in violation of section 212(a)(5)(A) or (n)(1) of the INA (8 U.S.C. 1182(a)(5)(A) or (n)(1)). The Secretary of Labor shall also undertake, as appropriate, investigations pursuant to section 212(n)(2)(G)(i) of the INA (8 U.S.C. 1182(n)(2)(G)(i)).

(c) The Secretary of Homeland Security shall:

(i) take appropriate action, consistent with applicable law, in coordination with the Secretary of State, to provide that an alien should not be eligible to apply for a visa or for admission or entry into the United States or other benefit until such alien has been registered with biographical and biometric information, including but not limited to photographs, signatures, and fingerprints;

(ii) take appropriate and necessary steps, consistent with applicable law, to prevent certain aliens who have final orders of removal; who are inadmissible or deportable from the United States; or who have been arrested for, charged with, or convicted of a criminal offense in the United States, from obtaining eligibility to work in the United States; and

(iii) as soon as practicable, and consistent with applicable law, consider promulgating regulations or take other appropriate action regarding the efficient allocation of visas pursuant to section 214(g)(3) of the INA (8 U.S.C. 1184(g)(3)) and ensuring that the presence in the United States of H–1B nonimmigrants does not disadvantage United States workers.

Sec. 6. *Termination.* This proclamation shall expire on December 31, 2020, and may be continued as necessary. Within 30 days of the effective date of this proclamation and every 60 days thereafter while this proclamation is in effect, the Secretary of Homeland Security shall, in consultation with the Secretary of State and the Secretary of Labor, recommend any modifications as may be necessary.

Sec. 7. *Effective Date.* Except as provided in section 1 of this proclamation, this proclamation is effective at 12:01 a.m. eastern daylight time on June 24, 2020.

Sec. 8. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 9. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of June, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10053 of June 29, 2020

To Take Certain Actions Under the United States-Mexico-Canada Agreement Implementation Act and for Other Purposes

By the President of the United States of America

A Proclamation

1. On November 30, 2018, the United States, Mexico, and Canada entered into the Agreement between the United States of America, the United Mexican States, and Canada (the ''USMCA'';), attached as an Annex to the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada (the ''Protocol'';), and on December 10, 2019, the United States, Mexico, and Canada amended the USMCA through the Protocol of Amendment to the Agreement between the United States of America, the United Mexican States, and Canada. The Congress approved the Protocol and the USMCA, as amended, in section 101(a) of the United States-Mexico-Canada Agreement Implementation Act (the ''USMCA Implementation Act'';)(Public Law 116–113, 134 Stat. 11, 14 (19 U.S.C. 4511(a))).

2. On April 24, 2020, pursuant to authority delegated to the United States Trade Representative (USTR), the USTR submitted to the Congress the written notice required under section 106(a)(1)(G) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (title I of Public Law 114–26, 129 Stat. 319, 350 (19 U.S.C. 4205(a)(1)(G))) and, in accordance with section 101(b) of the USMCA Implementation Act, notified the Congress that the USMCA will enter into force on July 1, 2020.

3. Section 103(c)(1) of the USMCA Implementation Act authorizes the President to proclaim such modifications or continuation of any duty,

such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply articles 2.4, 2.5, 2.7, 2.8, 2.9, 2.10, 6.2, and 6.3, the Schedule of the United States to Annex 2–B, including the appendices to that Annex, Annex 2–C, and Annex 6–A of the USMCA.

4. Section 103(c)(4) of the USMCA Implementation Act requires the President to take such actions as may be necessary in implementing the tariff-rate quotas set forth in the Schedule of the United States to Annex 2–B of the USMCA to ensure that imports of agricultural goods do not disrupt the orderly marketing of agricultural goods in the United States.

5. Section 103(c)(5)(A) of the USMCA Implementation Act authorizes the President to proclaim, as part of the Harmonized Tariff Schedule of the United States (HTS), the provisions set forth in Annex 4–B; the provisions set forth in paragraph 2 of article 3.A.6 of Annex 3–A; the provisions set forth in paragraph 5 of Annex 3–B; and the provisions set forth in paragraphs 14(b), 14(c), and 15(e) of section B of Appendix 2 to Annex 2–B of the USMCA.

6. Section 103(c)(5)(A) of the USMCA Implementation Act also authorizes the President to proclaim any additional subordinate category that is necessary to carry out section 202 and section 202A of the USMCA Implementation Act consistent with the USMCA.

7. Section 103(c)(5)(B) of the USMCA Implementation Act authorizes the President to proclaim modifications to the provisions proclaimed under the authority of section 103(c)(5)(A), subject to the consultation and layover provisions of section 104, as are necessary to implement an agreement under article 6.4 of the USMCA.

8. Section 105(a) of the USMCA Implementation Act authorizes the President to establish or designate within the Department of Commerce an office to serve as the United States Section of the Secretariat established under article 30.6 of the USMCA.

9. Section 202 of the USMCA Implementation Act sets forth certain rules for determining whether a good is an originating good for purposes of implementing preferential tariff treatment provided for under the USMCA. Section 202A of the USMCA Implementation Act sets forth certain rules for determining whether certain automotive goods are originating goods for purposes of implementing preferential tariff treatment provided for under the USMCA. I have decided that it is necessary to include the rules of origin set forth in sections 202 and 202A of the USMCA Implementation Act in the HTS.

10. Section 207 of the USMCA Implementation Act authorizes the President to take certain actions relating to trade with Canada and Mexico, including with respect to textile and apparel goods.

11. Executive Order 11651 of March 3, 1972 (Textile Trade Agreements), as amended, established the Committee for Implementation of Textile Agreements (CITA), consisting of representatives of the Departments of State, the Treasury, Commerce, and Labor, and the Office of the USTR, with the representative of the Department of Commerce as Chairman, to supervise the implementation of textile trade agreements. Consistent with section 301 of title 3, United States Code, when carrying out functions vested in the President by statute and assigned by the President to the CITA, the officials collectively exercising those

functions are all to be officers required to be appointed by the President with the advice and consent of the Senate.

12. Section 324 of the USMCA Implementation Act authorizes the President to take certain actions if the United States International Trade Commission (the ''Commission'';) finds that United States long-haul trucking services are being, or are threatened with being, materially harmed.

13. Section 611(a) of the USMCA Implementation Act requires the President to consult with the appropriate congressional committees and stakeholders before each joint review under article 34.7 of the USMCA.

14. Section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'';) (Public Law 100–418, 102 Stat. 1107, 1151 (19 U.S.C. 3006(a))) authorizes the President to proclaim modifications to the HTS based on the recommendations of the Commission under section 1205 of the 1988 Act (19 U.S.C. 3005) if the President determines that the modifications are in conformity with United States obligations under the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention'';) and do not run counter to the national economic interest of the United States.

15. In Proclamation 9549 of December 1, 2016, pursuant to section 1206(a) of the 1988 Act, the President proclaimed modifications to the HTS to conform it to the Convention, to promote the uniform application of the Convention, to establish additional subordinate tariff categories, and to make technical and conforming changes to existing provisions. These modifications to the HTS were set forth in Annex I of Publication 4653 of the Commission, which was incorporated by reference into the proclamation.

16. On May 6, 2003, the President entered into the United States-Singapore Free Trade Agreement (the ''USSFTA'';). The USSFTA was approved by the Congress in section 101(a) of the United States-Singapore Free Trade Agreement Implementation Act (the ''USSFTA Act'';) (Public Law 108–78, 117 Stat. 948, 949 (19 U.S.C. 3805 note)).

17. Proclamation 7747 of December 30, 2003, implemented the USSFTA with respect to the United States and, pursuant to the USSFTA Act, incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the USSFTA.

18. Section 201 of the USSFTA Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply articles 2.2, 2.5, 2.6, and 2.12 and Annex 2B (including the schedule of United States duty reductions with respect to originating goods) of the USSFTA. The United States and Singapore are parties to the Convention.

19. I have determined that, pursuant to section 201 of the USSFTA Act and section 1206(a) of the 1988 Act, modifications to the HTS are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded to originating goods under tariff categories modified in Proclamation 9549 and to carry out the duty reductions proclaimed in Proclamation 7747.

20. On November 22, 2006, the United States entered into the United States-Colombia Trade Promotion Agreement (the ''USCTPA'';), and on June 28, 2007, the United States and Colombia amended the USCTPA. The Congress approved the USCTPA, as amended, in section 101(a) of the United States-Colombia Trade Promotion Agreement Implementation Act (the ''USCTPA Act'';) (Public Law 112–42, 125 Stat. 462, 463–64 (19 U.S.C. 3805 note)).

21. Proclamation 8818 of May 14, 2012, implemented the USCTPA with respect to the United States and, pursuant to sections 201(a) and 203(o) of the USCTPA Act, incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the USCTPA.

22. Section 201 of the USCTPA Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, and 3.1.13, and Annex 2.3 (including the schedule of United States duty reductions with respect to originating goods) of the USCTPA. The United States and Colombia are parties to the Convention.

23. I have determined that, pursuant to section 201 of the USCTPA Act and section 1206(a) of the 1988 Act, modifications to the HTS are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded to originating goods under tariff categories modified in Proclamation 9549 and to carry out the duty reductions proclaimed in Proclamation 8818.

24. Section 203 of the USCTPA Act provides rules for determining whether goods imported into the United States originate in the territory of a party to the USCTPA and thus are eligible for the tariff and other treatment contemplated under the USCTPA. A rule of origin was inadvertently omitted from general note 34 to the HTS in Proclamation 8818. I have determined that a technical correction to general note 34 to the HTS is necessary to provide for the intended tariff and certain other treatment accorded under the USCTPA to originating goods of Colombia.

25. On June 30, 2007, the United States entered into the United States-Korea Free Trade Agreement (the ''KORUS'';). The Congress approved the KORUS in section 101(a) of the United States-Korea Free Trade Agreement Implementation Act (the ''KORUS Act'';) (Public Law 112–41, 125 Stat. 428, 430 (19 U.S.C. 3805 note)).

26. Proclamation 8783 of March 6, 2012, implemented the KORUS with respect to the United States and, pursuant to sections 201(a) and 202(o) of the KORUS Act, incorporated in the HTS the tariff modifications and rules of origin necessary or appropriate to carry out the KORUS.

27. Section 202 of the KORUS Act provides rules for determining whether goods imported into the United States originate in the territory of a party to the KORUS and thus are eligible for the tariff and other treatment contemplated under the KORUS. Section 202(o)(2)(B)(i) of the KORUS Act authorizes the President to proclaim, as a part of the HTS, the rules of origin set forth in the KORUS, and, subject to the

consultation and layover requirements of section 104, to proclaim modifications to such previously proclaimed rules of origin.

28. The United States and Korea have agreed to modify a certain rule of origin under the KORUS and to apply the modified rule to their bilateral trade. On August 14, 2019, in accordance with section 104 of the KORUS Act, the USTR submitted a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that sets forth the proposed modification to the specific textile rule of origin of the KORUS incorporated in the HTS. The consultation and layover period specified in section 104 expired on October 14, 2019.

29. In order to reflect the agreement between the United States and Korea related to the KORUS rules of origin, I have determined that it is necessary to modify the HTS.

30. Proclamation 8783 inadvertently omitted a rule of origin from general note 33 to the HTS. I have determined that a technical correction to general note 33 to the HTS is necessary to provide for the intended tariff and certain other treatment accorded under the KORUS to originating goods of Korea.

31. On June 28, 2007, the United States entered into the United States-Panama Trade Promotion Agreement (the ''USPATPA'';). The Congress approved the USPATPA in section 101(a) of the United States-Panama Trade Promotion Agreement Implementation Act (the ''USPATPA Act'';) (Public Law 112–43, 125 Stat. 497, 498–99 (19 U.S.C. 3805 note)).

32. Proclamation 8894 of October 29, 2012, implemented the USPATPA with respect to the United States, and, pursuant to sections 201(a) and 203(o) of the USPATPA Act, incorporated in the HTS the tariff modifications and rules of origin necessary or appropriate to carry out the USPATPA.

33. Section 203 of the USPATPA Act provides rules for determining whether goods imported into the United States originate in the territory of a party to the USPATPA and thus are eligible for the tariff and other treatment contemplated under the USPATPA.

34. A rule of origin was inadvertently omitted from general note 35 to the HTS in Proclamation 8894. I have determined that a technical correction to general note 35 to the HTS is necessary to provide for the intended tariff and certain other treatment accorded under the USPATPA to originating goods of Panama.

35. In Proclamation 9955 of October 25, 2019, after considering the factors set forth in sections 501 and 502(c) of the Trade Act of 1974, as amended, (the ''1974 Act'';) (Public Law 93–618, 88 Stat. 1978, 2066–69 (19 U.S.C. 2461 and 2462(c))), and in particular section 502(c)(7) of the 1974 Act (19 U.S.C. 2462(c)(7)), I suspended the duty-free treatment accorded under the Generalized System of Preferences (GSP) (19 U.S.C. 2461 *et seq.*) to certain eligible articles that are the product of Thailand. In order to reflect in the HTS this suspension of certain benefits under the GSP with respect to Thailand, Annex 2 of Proclamation 9955 modified general note 4(d) and certain subheadings of the HTS.

36. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of

that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

37. Annex 2 of Proclamation 9955 inadvertently omitted changes with respect to seven subheadings of the HTS. I have determined, pursuant to section 604 of the 1974 Act, that it is necessary to modify the HTS to correct those inadvertent omissions so that the intended tariff treatment is provided.

38. Proclamation 9466 of June 30, 2016, modified the HTS to provide for the tariff treatment of goods covered by the 2015 World Trade Organization Declaration on the Expansion of Trade in Information Technology Products, pursuant to section 111(b) of the Uruguay Round Agreements Act (Public Law 103–465, 108 Stat. 4809, 4819–20 (19 U.S.C. 3521(b))). Proclamation 9466 modified the HTS in part by deleting all rates of duty in the ''Rates of Duty 1-Special''; subcolumn for certain subheadings.

39. In Proclamation 9687 of December 22, 2017, after considering the factors set forth in section 502(b) of the 1974 Act (19 U.S.C. 2462(b)), and in particular section 502(b)(2)(E) of the 1974 Act (19 U.S.C. 2462(b)(2)(E)), I terminated the suspension of Argentina's designation as a GSP beneficiary developing country. In order to reflect in the HTS the termination of the suspension of Argentina's designation as a GSP beneficiary developing country, Annex IV of Proclamation 9687 modified general note 4(d) and certain subheadings of the HTS.

40. In Proclamation 9687, after considering the factors set forth in sections 501 and 502(c) of the 1974 Act, and in particular section 502(c)(5) of the 1974 Act (19 U.S.C. 2462(c)(5)), I suspended the duty-free treatment accorded under the GSP to certain eligible articles that are the product of Ukraine. In order to reflect in the HTS the suspension of certain benefits with respect to Ukraine, Annex III of Proclamation 9687 modified general note 4(d) and certain subheadings of the HTS.

41. Proclamation 9687 inadvertently modified general note 4(d) to the HTS to include certain subheadings for which the rates of duty in the ''Rates of Duty 1-Special''; subcolumn were deleted by Proclamation 9466. I have determined, pursuant to section 604 of the 1974 Act, that it is necessary to modify the HTS to reflect the deletion of the rates of duty in the ''Rates of Duty 1-Special''; column for those subheadings.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including sections 103(c), 105(a), 207, 324, and 611(a) of the USMCA Implementation Act; section 1206(a) of the 1988 Act; section 201 of the USSFTA Act; sections 201 and 203(o) of the USCTPA Act; sections 201 and 202(o) of the KORUS Act; sections 201 and 203(o) of the USPATPA Act; section 604 of the 1974 Act; and section 301 of title 3, United States Code, do proclaim that:

(1) In order to provide generally for the preferential tariff treatment being accorded under the USMCA, to set forth rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under the USMCA, to pro-

vide tariff-rate quotas with respect to certain originating goods of Canada, and to provide certain other treatment to originating goods for purposes of the USMCA, the HTS is modified as set forth in Annex I of Publication 5060 of the Commission, entitled ''Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Mexico-Canada Agreement''; (Publication 5060). Publication 5060 is incorporated by reference into this proclamation.

(2) In order to implement the initial stage of duty reduction provided for in the USMCA, to provide for future staged reductions in duties for originating goods provided for in the USMCA, and to provide tariff-rate quotas with respect to certain goods provided for in the USMCA, the HTS is modified as set forth in Annex II of Publication 5060.

(3) The modifications to the HTS made by paragraphs (1) and (2) of this proclamation shall enter into effect on the dates indicated in Annexes I and II of Publication 5060.

(4) In order to reflect in the HTS the termination of tariff treatment under the North American Free Trade Agreement, the HTS is modified as set forth in Annex III of Publication 5060.

(5) The USTR is authorized to exercise my authority under section 103(c)(4) of the USMCA Implementation Act to take such action as may be necessary in implementing the tariff-rate quotas set forth in the Schedule of the United States to Annex 2–B of the USMCA to ensure that imports of agricultural goods do not disrupt the orderly marketing of agricultural goods in the United States. This action is set forth in Annex II of Publication 5060.

(6) The CITA, after consultation with the Commissioner of U.S. Customs and Border Protection (the ''Commissioner'';), is authorized to consult with representatives of Canada and Mexico for the purpose of identifying particular textile or apparel goods that are mutually agreed to be hand-loomed fabrics of a cottage industry, hand-made cottage industry goods made of those hand-loomed fabrics, traditional folklore handicraft goods, or indigenous handicraft goods, as provided in article 6.2 of the USMCA. The CITA is authorized to exercise my authority under section 103(c)(1) of the USMCA Implementation Act to provide duty-free treatment with respect to a good provided for under article 6.2 of the USMCA. The Commissioner shall take action as directed by the CITA to carry out any such determination by the CITA.

(7) The USTR is authorized to fulfill the obligations of the President under section 104 of the USMCA Implementation Act to obtain advice from the appropriate advisory committees and the Commission on the proposed implementation of an action by Presidential proclamation; to submit a report on such proposed action to the appropriate congressional committees; and to consult with those congressional committees regarding the proposed action.

(8) The Secretary of Commerce is authorized to exercise the authority of the President under section 105(a) of the USMCA Implementation Act to establish or designate an office within the Department of Commerce to carry out the functions set forth in that section.

(9) The CITA is authorized to review requests for modifications to a rule of origin for textile and apparel goods based on a change in the availability in the territories of the United States, Canada, and Mexico of a particular fiber, yarn, or fabric; to establish procedures governing

such a request, providing that the person making the request bears the burden of demonstrating that a change is warranted, and ensuring appropriate public participation in review of a request; and to make a recommendation as to whether a requested modification to a rule of origin for a textile good based on a change in the availability of a particular fiber, yarn, or fabric is warranted.

(10) The CITA is authorized to exercise my authority under section 207(a)(2)(B) of the USMCA Implementation Act to direct appropriate action under section 207(a)(2)(D) with respect to textile and apparel goods.

(11) The CITA is authorized to exercise my authority under section 207(a)(1)(B) of the UMSCA Implementation Act to direct action under section 207(c) with respect to textile and apparel goods.

(12) The Secretary of the Treasury is authorized to exercise my authority under section 207(a)(1)(B) of the USMCA Implementation Act to direct action under section 207(a)(1)(B)(i) or section 207(c) with respect to goods other than textile or apparel goods.

(13) The USTR is authorized, after consultation with the Secretary of Transportation, to exercise my authority under section 324 of the USMCA Implementation Act.

(14) The USTR is authorized to exercise the function assigned to the President under section 611(a) of the USMCA Implementation Act to consult with the appropriate congressional committees and stakeholders regarding joint reviews under article 34.7 of the USMCA.

(15) In order to reflect in the HTS the modifications to the rules of origin under the USSFTA, general note 25 to the HTS is modified as set forth in Annex IV of Publication 5060.

(16) The modifications to the HTS made by paragraph (15) of this proclamation shall enter into effect on the date indicated in Annex IV of Publication 5060.

(17) In order to reflect in the HTS the modifications to the rules of origin under the USCTPA, general note 34 to the HTS is modified as set forth in Annex V of Publication 5060.

(18) The modifications to the HTS made by paragraph (17) of this proclamation shall enter into effect on the date indicated in Annex V of Publication 5060.

(19) In order to implement agreed amendments to a textile rule of origin under the KORUS, general note 33 to the HTS is modified as set forth in Annex VI of Publication 5060.

(20) The modifications to the HTS made by paragraph (19) of this proclamation shall enter into effect on the date indicated in Annex VI of Publication 5060.

(21) In order to make technical corrections necessary to provide the intended rules of origin under the USCTPA, the KORUS, and the USPATPA, the HTS is modified as set forth in Annex VII of Publication 5060.

(22) The modifications to the HTS made by paragraph (21) of this proclamation shall enter into effect on the dates indicated in Annex VII of Publication 5060.

(23) In order to provide the intended tariff treatment with respect to certain articles that are the product of Thailand, general note 4(d) and pertinent subheadings of the HTS are modified as set forth in Annex VIII of Publication 5060.

(24) The modifications to the HTS made by paragraph (23) of this proclamation shall enter into effect on the date indicated in Annex VIII of Publication 5060.

(25) In order to make technical corrections to reflect the rates of duty in the ''Rates of Duty 1-Special''; subcolumn for certain subheadings with respect to certain articles of Argentina and Ukraine, general note 4(d) and pertinent subheadings of the HTS are modified as set forth in Annex IX of Publication 5060.

(26) The modifications to the HTS made by paragraph (25) of this proclamation shall enter into effect on the date indicated in Annex IX of Publication 5060.

(27) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10054 of June 29, 2020

Amendment to Proclamation 10052

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (8 U.S.C. 1182(f) and 1185(a)) and section 301 of title 3, United States Code, I hereby amend Proclamation 10052 of June 22, 2020 (Suspension of Entry of Immigrants and Nonimmigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak), as follows:

Section 1. *Amendment.* Section 3(a)(ii) is amended to read as follows:

''(ii) does not have a nonimmigrant visa, of any of the classifications specified in section 2 of this proclamation and pursuant to which the alien is seeking entry, that is valid on the effective date of this proclamation; and'';

Sec. 2. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10055 of June 30, 2020

Pledge to America's Workers Month, 2020

By the President of the United States of America

A Proclamation

The ongoing effects of the coronavirus pandemic on our Nation's economy and workforce have been unprecedented. Businesses of all sizes have been forced to close, downsize, or restructure; countless employees have transitioned to working remotely; and tens of millions of Americans have found themselves newly unemployed. Despite the hardship caused by the pandemic, it has not encumbered the American spirit or the unyielding resolve of our Nation's workers. The United States economy added 2.5 million jobs in May, rebounding with historic strength and beginning the transition back to strong economic growth. During Pledge to America's Workers Month, we celebrate the resilience and unlimited potential of America's workers and industries; honor the State and private-sector organizations that have pledged to train, educate, and reskill American workers; and reaffirm our unparalleled support for our workforce as we emerge from the grip of this crisis.

In July 2018, I established the President's National Council for the American Worker in order to develop and implement a national strategy to reshape the education and job training landscape to better meet the needs of American students, workers, and businesses. In coordination with the Council, my Administration has called on States, businesses, and trade groups to sign the Pledge to America's Workers, by which they commit to expanding programs that educate, train, and reskill workers of all ages. A strong, bipartisan majority of our Nation's Governors and over 430 companies, trade associations, and unions have signed the Pledge, promising to provide education and training opportunities for 16 million American students and workers over the next 5 years.

I also established the American Workforce Policy Advisory Board to glean expertise and input from a broad spectrum of leaders in the public, private, education, and not-for-profit sectors. At the time of its creation, our country was experiencing a historic economic boom, record-low unemployment rates, and soaring consumer confidence. The rapid changes brought on by the coronavirus pandemic have further revealed

the critical need to invest in our workers to get our Nation back to work. The Board is focused on numerous challenges, and recently issued a National Workforce Recovery Call-to-Action to spur economic recovery by expediting American workers' return to employment and upward mobility through investment in career pathways and implementation of skill-based hiring practices. The Call-to-Action also emphasizes removing obstacles to modernizing workforce education and building the technology infrastructure needed for the future of work.

My Administration is committed to helping every citizen find the path to economic success and professional fulfillment that works for them. It is critical that we explore and promote non-traditional pathways to family-sustaining careers, including through enhancing data transparency that can help match workers with available jobs; modernizing candidate recruitment, hiring, and training practices; and advancing lifelong learning opportunities. By broadening our vision for America's workforce and igniting ingenuity and innovation, we can bring opportunity and prosperity to all Americans.

Although the coronavirus pandemic has tested the mettle of our Nation's workers, our country has steeled its resolve to overcome and persevere. The same resourcefulness and determination with which we have confronted this crisis will be the catalyst for our economic resurgence. American workers are the engine of our country's future prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 2020 as Pledge to America's Workers Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

Proclamation 10056 of July 17, 2020

Captive Nations Week, 2020

By the President of the United States of America

A Proclamation

Tragically, hundreds of millions of people around the world continue to suffer under repressive regimes. During Captive Nations Week, we condemn the cold grip of tyranny that holds nations under unjust rule, and we reaffirm our commitment to all who are fighting to overcome oppression. We renew our deep devotion to the principles of liberty, justice, and the rule of law, and we know the United States will continue to shine as an unparalleled example for all nations.

President Dwight D. Eisenhower first proclaimed Captive Nations Week in 1959 to declare our Nation's steadfast support for people throughout the world who are denied fundamental rights by their governments. The belief that a just government's powers are derived from

the consent of the governed is sacrosanct in our country, but it is not shared universally. In many countries, citizens who peacefully speak their views, practice their religion, or strive to hold their governments accountable for abuses experience reckless disregard for their rights. Recently, authoritarian regimes have used the coronavirus pandemic to justify increased restrictions on individual human rights. These regimes have suppressed the free flow of timely and accurate information about the pandemic by censoring or imprisoning people who dare to share unapproved information or opinions. The most notable example today is China, where the virus originated and government suppression led directly to this global pandemic. In addition, the Chinese government has seized upon this opportunity to snuff out freedom in Hong Kong, which had been the only bastion of liberty in that captive nation.

The United States encourages all nations to respect individual liberty, uphold the rule of law, and be accountable to their people through consent-based governments. Authoritarian regimes that do not respect the inherent dignity of every individual hold the dreams and potential of their people captive, enabling poverty, repression, and anguish to flourish as they deny their people their God-given rights. We will never waver in our firm belief that liberty, justice, and the rule of law unleash the fullness of life that God intended for everyone. This week and always, we stand with all people who yearn to live freely, securely, and prosperously under rights-respecting, transparent, and accountable governments rooted in the consent of the governed.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as ''Captive Nations Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 19 through July 25, 2020, as Captive Nations Week. I call upon all Americans to reaffirm our commitment to supporting those around the world striving for liberty, justice, and the rule of law.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10057 of July 18, 2020

Death of John Lewis

By the President of the United States of America
A Proclamation

As a mark of respect for the memory and longstanding public service of Representative John Lewis, of Georgia, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-

staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions through July 18, 2020. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10058 of July 24, 2020

Anniversary of the Americans With Disabilities Act, 2020

By the President of the United States of America

A Proclamation

On the 30th anniversary of the Americans with Disabilities Act (ADA), we celebrate the landmark legislation that helped opened the door for every person with a disability to participate fully and independently in our society. Today, we reflect on the progress we have made as a Nation in securing equal rights and defending the inherent dignity of all Americans, and we reaffirm our commitment to further advancing accessibility for those with disabilities.

Since the ADA became law three decades ago, it has facilitated greater opportunities for Americans with disabilities to engage in their communities, improving access to employment, government services, public accommodations, commercial facilities, and public transportation. Building on this foundation, my Administration is supporting the full participation and inclusion of the more than 61 million Americans currently living with disabilities by continuing to work to expand their access to everyday life. We have established an unprecedented level of coordination across the Federal Government in addressing the significant gaps in employment between Americans with and without disabilities through our Multi-Agency Task Force on Improving Employment for People with Disabilities. We also continue to encourage research that will advance technology and medicine to allow Americans with disabilities to live more independent lives. Additionally, in order to help ease the financial burdens that Americans with disabilities often face, we are raising awareness of Achieving a Better Life Experience (ABLE) accounts, which allow money to be saved for qualified disability-related expenses without having to pay taxes on earnings.

As our Nation continues to battle the coronavirus, my Administration has remained committed to the principles of the ADA, working to ensure that no American is denied the care they need because of a disability. We have removed barriers and invested in communities and States to help those with disabilities safely stay home if they become ill. In April, the Department of Health and Human Services announced

nearly $1 billion in grants to help meet the needs of older Americans and persons with disabilities during the crisis. This funding is providing in-home care to those who need it and direct support and services to those who are experiencing disruptions to their independent, community-based living due to the pandemic. It is also helping to connect people at greatest risk of serious illness from the coronavirus, as well as to services needed to practice social distancing and to mitigate issues such as social isolation.

Through their tenacity and grit, Americans with disabilities have made contributions that have strengthened our country. As we reopen workplaces, we will once again implement an economic agenda that delivers unprecedented opportunities to people with disabilities. Already, Federal agencies are working together to help people who acquire disabilities due to illness, including the coronavirus, or injury return to their jobs and support their families. My Administration's Retaining Employment and Talent after Injury/Illness Network (RETAIN) demonstration project, managed by the Department of Labor and the Social Security Administration, is testing new ways to help ill or injured workers stay on the job or resume employment as soon as medically possible so they can keep supporting their families and contributing to the economy.

At the same time, my Administration's historic investment in apprenticeship is paving new career pathways, and we are committed to ensuring that they are accessible to all, including youth and adults with disabilities. The Apprenticeship Inclusion Models (AIM) demonstration project at the Department of Labor is piloting approaches to open up new pathways to high-demand careers in industries such as technology and healthcare.

On this milestone anniversary of the ADA, we recommit to the full inclusion of all persons with disabilities in America. Together, we will continue to remove the barriers that prevent Americans with disabilities from harnessing their full potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2020, as a day in celebration of the 30th Anniversary of the Americans with Disabilities Act. I call upon all Americans to observe this day with appropriate ceremonies and activities that celebrate the contributions of Americans with disabilities and to renew our commitment to achieving the promise of our freedom for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10059 of July 24, 2020

National Korean War Veterans Armistice Day, 2020

By the President of the United States of America

A Proclamation

Sixty-seven years ago today, guns fell silent along the Korean Demilitarized Zone after more than 3 years of brutal fighting to defeat the expansion of communism on the Korean Peninsula. On National Korean War Veterans Armistice Day, we pause to remember the uncommon courage and sacrifice of ordinary Americans who fought to defend freedom and protect the values we hold dear.

This year marks the 70th anniversary of the start of the Korean War. When the conflict began, Americans were still rebuilding their lives in the aftermath of World War II, enjoying the blessings of peace and looking toward a future filled with hope and prosperity. When freedom and democracy were under threat on the Korean Peninsula, however, 2 million Americans left their homes, put on our Nation's uniform, and answered their country's call to duty. Their resolve was tried and tested in once obscure and unfamiliar places, such as Pork Chop Hill, Heartbreak Ridge, Chipyong-ni, Pusan, and the Chosin Reservoir, and in unnamed locations known only by grid coordinates or hilltop elevations. Alongside tens of thousands of coalition troops from our allies around the world, these individuals fought, bled, died, went missing, and suffered brutal captivity to defeat a determined foe amid the harshest of conditions, including sweltering heat, bone-numbing cold, and deep snow that buried valleys and rugged ridgelines. Their unquestioned valor, determination, and patriotism halted communist aggression and restored liberty and dignity for the South Korean people. In our Nation's Capital, the black granite wall of the Korean War Veterans Memorial stands as a testament to their sacrifice, etched with the words ''Freedom is Not Free.''; In total, more than 36,000 Americans gave their lives in the Korean War, more than 103,000 were wounded, and nearly 8,000 went missing in action.

Today, the Republic of Korea, once decimated in the aftermath of the war, is one of the world's most vibrant, dynamic, and economically prosperous democracies—and one of our strongest allies. Our Armed Forces continue to proudly serve side-by-side with our Korean military counterparts. This ironclad alliance, forged in war and reinforced by a shared love of liberty and deep ties of friendship, is vital to peace and stability in both Asia and the world.

As we commemorate the 67th anniversary of the Korean War Armistice, we renew our commitment to the principles of liberty for which our Korean War veterans so valiantly fought. We are eternally grateful for the families that endured the unimaginable sacrifices and heartache of war, and we are thankful for all the men and women who helped change the fate of a nation. The 38 months of bloody warfare represent the honorable legacy of a selfless and courageous generation of American patriots.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2020, as National Korean War Veterans Armistice Day. I call upon all

Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War Veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10060 of August 6, 2020

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America
A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, by imposing a 10 percent ad valorem tariff on such articles imported from most countries. I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries as the national security interests of the United States require.

3. In Proclamation 9893 of May 19, 2019 (Adjusting Imports of Aluminum Into the United States), I noted that the United States had successfully concluded discussions with Canada on satisfactory alternative means to address the threatened impairment of the national security posed by aluminum imports from Canada. In particular, the United States agreed on a range of measures with Canada that were expected to allow imports of aluminum from Canada to remain stable at historical levels without meaningful increases, thus permitting the domestic capacity utilization to remain reasonably commensurate with the target

level recommended in the Secretary's report. These included measures to monitor for and avoid import surges.

4. In light of this agreement, I determined that, under the framework in the agreement, imports of aluminum from Canada would no longer threaten to impair the national security, and thus I decided to exclude Canada from the tariff proclaimed in Proclamation 9704, as amended. I noted that the United States would monitor the implementation and effectiveness of the measures agreed upon with Canada in addressing our national security needs, and that I may revisit this determination as appropriate.

5. In Proclamation 9704, I also directed the Secretary to monitor imports of aluminum articles and inform me of any circumstances that in the Secretary's opinion might indicate the need for further action under section 232 of the Trade Expansion Act of 1962, as amended, with respect to such imports.

6. The Secretary has now advised me that imports of non-alloyed unwrought aluminum from Canada, which accounted for 59 percent of total aluminum imports from Canada during June 2019 through May 2020, increased substantially in the twelve months following my decision to exclude, on a long-term basis, Canada from the tariff proclaimed in Proclamation 9704. Imports of non-alloyed unwrought aluminum from Canada during June 2019 through May 2020 increased 87 percent compared to the prior twelve-month period and exceeded the volume of any full calendar year in the previous decade. Moreover, imports of these articles from Canada continue to increase, reaching in June of this year the highest level of any month since I decided to adjust imports of aluminum articles in Proclamation 9704. The increase in imports of these articles from Canada is principally responsible for the 27 percent increase in total aluminum imports from Canada during June 2019 through May 2020.

7. Canada is the largest source of United States imports of non-alloyed unwrought aluminum, accounting for nearly two-thirds of total imports of these articles from all countries in 2019 and approximately 75 percent of total imports in the first five months of 2020. The surge in imports of these articles from Canada coincides with a decrease in imports of these articles from other countries and threatens to harm domestic aluminum production and capacity utilization.

8. In light of the Secretary's information, I have determined that the measures agreed upon with Canada are not providing an effective alternative means to address the threatened impairment to our national security from imports of aluminum from Canada. Thus, I have determined that it is necessary and appropriate to re-impose the 10 percent ad valorem tariff proclaimed in Proclamation 9704, as amended, on imports of non-alloyed unwrought aluminum articles from Canada, commensurate with the tariff imposed on such articles imported from most countries.

9. The United States will continue to monitor the implementation and effectiveness of the measures agreed upon with Canada in addressing our national security needs, including with respect to imports of other aluminum articles. In particular, the United States will monitor for import surges of articles that continue to be exempt from the tariff proclaimed in Proclamation 9704, to ensure that exports of non-alloyed unwrought aluminum to the United States are not simply reoriented

into increased exports of alloyed, further processed, or wrought aluminum articles.

10. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

11. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Clause 2 of Proclamation 9704, as amended, is further amended in the second sentence by deleting ''and''; before ''(d)''; and inserting before the period at the end: '', (e) on or after 12:01 a.m. eastern daylight time on August 16, 2020, from all countries except Argentina, Australia, and Mexico; and (f) on or after 12:01 a.m. eastern daylight time on August 16, 2020, from Canada, except with respect to imports of non-alloyed unwrought aluminum provided for in subheading 7601.10, which shall be subject to the additional 10 percent ad valorem rate of duty'';.

(2) The Secretary, in consultation with U.S. Customs and Border Protection and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(3) The modifications made by clause 1 of this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 16, 2020, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(4) Any exclusion of aluminum articles from Canada granted by the Secretary of Commerce pursuant to clause 3 of Proclamation 9704, as amended, that has not expired shall be valid under the modifications to the HTSUS made by this proclamation. Previously granted exclusions that have expired may be renewed.

(5) Any imports of non-alloyed unwrought aluminum articles from Canada provided for in subheading 7601.10 that were admitted into a United States foreign trade zone under ''privileged foreign status''; as defined in 19 CFR 146.41 prior to 12:01 a.m. eastern daylight time on August 16, 2020, shall be subject upon entry for consumption on or after such time and date to the 10 percent ad valorem rate of duty imposed by Proclamation 9704, as amended. Any imports of non-alloyed unwrought aluminum articles from Canada provided for in subheading 7601.10, except any articles that are eligible for admission under ''do-

mestic status''; as defined in 19 CFR 146.43, that are admitted into a United States foreign trade zone on or after 12:01 a.m. eastern daylight time on August 16, 2020, shall be admitted only as ''privileged foreign status''; as defined in 19 CFR 146.41, and shall be subject upon entry for consumption on or after such time and date to the 10 percent ad valorem rate of duty imposed by Proclamation 9704, as amended.

(6) Non-alloyed unwrought aluminum articles provided for in subheading 7601.10 shall not be subject upon entry for consumption to the duty established in clause 2 of Proclamation 9704, as amended, merely by reason of manufacture in a U.S. foreign trade zone. However, non-alloyed unwrought aluminum articles provided for in subheading 7601.10 admitted to a U.S. foreign trade zone in ''privileged foreign status''; pursuant to clause 5 of this proclamation, shall retain that status consistent with 19 CFR 146.41(e).

(7) No drawback shall be available with respect to the duties imposed pursuant to this proclamation.

(8) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

ANNEX

TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on [X], subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified:

1. by inserting the following new heading 9903.85.21 in numerical sequence with the material in these provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty-1-Special", and "Rates of Duty 2", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.85.21	Aluminum products of Canada enumerated in U.S. note 19(a)(iv) to this subchapter.	The duty provided in the applicable subheading + 10%	The duty provided in the applicable subheading + 10% (CA, MX, S)	The duty provided in the applicable subheading + 10%"

2. by inserting the following new subdivision in U.S. note 19(a) to subchapter III of chapter 99 in numerical sequence:

"(iv) Heading 9903.85.21 provides the ordinary customs duty treatment of certain aluminum products enumerated herein that are the product of Canada. The certain aluminum products are unwrought aluminum, non-alloyed, provided for in subheading 7601.10. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.85.21 shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provisions and applicable CBP regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the aluminum products enumerated in this paragraph under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment,

taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.21.";

3. by amending the first sentence of U.S. note 19(a) by deleting, "enumerated in subdivision (b) of this note or described in subdivision (a)(iii) of this note" and inserting, "described in subdivision (a)(iii) or (a)(iv) or enumerated in subdivision (b) of this note" in lieu thereof;

4. by amending the first sentence of U.S. note 19(c) to subchapter III by deleting "and 9903.85.03" and inserting ", 9903.85.03, and 9903.85.21" in lieu thereof and by inserting ", subdivision (a)(iv)," after "by subdivision (a)(iii)";

5. by amending the first sentence of U.S. note 19(d) to subchapter III by inserting "or heading 9903.85.21" after "heading 9903.85.01"; and

6. by amending the Article Description of heading 9903.85.01 to insert, "or heading 9903.85.21" after "Except for products described in heading 9903.85.03".

Proclamation 10061 of August 14, 2020

National Employer Support of the Guard and Reserve Week, 2020

By the President of the United States of America
A Proclamation

In the early days of our Nation's quest for independence, volunteer forces and militias formed the backbone of our armed resistance. These first patriots fought valiantly when called upon to defend liberty, and then returned to their everyday jobs as farmers, blacksmiths, cobblers, merchants, and a host of other occupations when the fighting was over. Today, the citizen warriors of the National Guard and Reserve carry forward this proud legacy and are essential to our prosperity, resilience, and national defense. During National Employer Support of the Guard and Reserve Week, we honor the employers who hire and support these brave men and women and who stand beside them in their mission to ensure the security of our Nation.

Our National Guard and Reserve service members are critical to businesses and organizations in every sector of our economy, from education and healthcare to construction and agriculture. Just as they deliver meaningful contributions in civilian life, these men and women also provide strategic depth and operational capability to the Joint Force in uniform, deploying in support of critical missions throughout the world and responding to natural disasters and numerous other challenges on the home front. This year in particular, we have clearly seen their courage and unwavering resolve as they have selflessly served on the front lines of our Nation's response to the coronavirus pandemic. Despite the risk to their own health, they have supported medical staff at hospitals and nursing homes, distributed food to hard-hit communities, built, staffed, and equipped alternate care facilities, and delivered life-saving medical equipment and supplies.

Because of the vital importance of our National Guard and Reserve forces to our national security, those who employ them are key partners in the defense of our Nation. Their support in providing stability and flexibility to these men and women is critical to the country's abil-

ity to mobilize quickly in times of crisis. These employers often make great financial sacrifices themselves to ensure that their National Guard and Reserve employees are able to carry out their missions and responsibilities quickly and effectively. As one Nation, we extend our gratitude and respect to the men and women who employ our National Guard and Reserve forces for their role in ensuring the readiness and retention of our fighting force.

Our military is the finest in the world thanks in no small part to our brave service members and their patriotic employers. During this week of recognition, I salute and honor all employers who cooperate and partner with our National Guard and Reserve service members for their unwavering support and selfless commitment to protecting our Nation and preserving our American way of life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 16 through August 22, 2020, as National Employer Support of the Guard and Reserve Week. I call upon all Americans to join me in expressing our heartfelt thanks to the civilian employers who provide critical support to the men and women of the National Guard and Reserve. I also call on State and local officials, private organizations, and all military commanders to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10062 of August 18, 2020

100th Anniversary of the Ratification of the Nineteenth Amendment

By the President of the United States of America

A Proclamation

On this day in 1920, the 19th Amendment to our Constitution was ratified, securing the right to vote for women and marking a monumental step toward the ''more perfect Union''; envisioned by our Founders. This milestone in American history was the product of the tireless efforts of suffragists and other advocates for women's rights, who steadfastly pursued their vision of a more just and equal society.

In the early days of our Nation's fight for independence, future First Lady Abigail Adams penned a letter to her husband, John Adams, urging him to ''remember the ladies''; as he fought to preserve the fledgling United States. She advised him that ''if particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.''; In the decades that followed, bold trailblazers like Susan B. Anthony, Elizabeth Cady Stanton, Harriet Forten

Purvis, and Frances Ellen Watkins Harper carried forward and fought for the fundamental right of women to vote. The road to suffrage was long and challenging, but the faith, fortitude, and resolute determination of those committed to this noble cause brought about a victory that continues to inspire today.

As we commemorate this historic event, we also celebrate the incredible economic, political, and social contributions women have made to our Nation. As President, I am committed to building on these accomplishments and empowering all women and girls to achieve their fullest potential. As part of this effort, in February of last year, my Administration launched the Women's Global Development and Prosperity Initiative, the first whole-of-government effort to advance women's economic empowerment around the globe. My Administration also released our Strategy on Women, Peace, and Security in June of last year to increase the political participation of women at home and abroad, recognizing that women's participation in conflict resolution and ending violent extremism can set the course toward a more peaceful world. We are also prioritizing the safety and well-being of women and girls through our commitment to combatting sex trafficking and empowering survivors, who are disproportionately women, and through Operation Lady Justice, the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives.

My Administration also understands that empowering women means implementing an economic agenda that enhances freedom and creates opportunities for women and working families. As part of this effort, the historic 2017 Tax Cuts and Jobs Act doubled the Child Tax Credit, and I signed legislation that provided for the largest ever increase in funding for the Child Care and Development Block Grant, which will help ease the burden of child care borne disproportionately by mothers. Additionally, in December of last year, I signed legislation providing for 12 weeks of paid parental leave for Federal employees. As I have since my first day in office, I continue to call on the Congress to pass a nationwide paid family leave program.

My Administration's unprecedented investment in working families is already paying dividends. Women's unemployment in the United States reached the lowest level in 65 years. And in 2019, women filled 71 percent of all new jobs in the United States.

Today, as we celebrate a major step forward for our Nation, we pay tribute to the countless women, known and unknown, throughout our history who struggled for equality. In doing so, we recommit to ensuring our Constitution is faithfully upheld so that all Americans can pursue their dreams and fulfill their God-given potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 18, 2020, as a day in celebration of the 100th Anniversary of the Ratification of the 19th Amendment.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10063 of August 25, 2020

Women's Equality Day, 2020

By the President of the United States of America
A Proclamation

Recently, our Nation celebrated the 100th anniversary of the ratification of the 19th Amendment to our Constitution. On the commemoration of this historic day, I was proud to issue a Proclamation honoring the women's suffrage movement and sign a full pardon for one of its greatest leaders, Susan B. Anthony, who was unjustly convicted for voting on account of her sex. On Women's Equality Day, we remember the trailblazers like Anthony who worked tirelessly to achieve a more just and equal United States, and we recognize the myriad ways in which women contribute to our society and strengthen our country.

Women are an essential part of the political, economic, and social fabric of our Nation. All American women—regardless of the role they play in the workplace or at home—contribute every day to the success of our great country. In addition to being homemakers, caregivers, mothers, and counselors, along with a host of other important roles, women also fill critical jobs in every sector of our economy, contributing to the financial security of their families and our Nation. Currently, more than 200,000 women serve in our Armed Forces, and tens of thousands more courageously protect our communities as first responders. The women who call our Nation home epitomize the grit, determination, and work ethic that is indicative of the American Spirit, and their wisdom and compassion are among the greatest virtues of our society.

Recognizing that women contribute to the strength and security of our Nation, my Administration will always make supporting women and working families a top priority. In December of last year, we secured 12 weeks of paid family leave for Federal workers, and we continue to call on the Congress to pass a similar paid family leave program nationwide. Additionally, we doubled the child tax credit through the historic 2017 Tax Cuts and Jobs Act and signed legislation providing for record funding for the Child Care and Development Block Grant, supporting working mothers and families throughout the United States. We have also worked to expand opportunities for women globally through policies like the Women's Global Development and Prosperity (W–GDP) Initiative, the first ever whole-of-government approach to increase economic opportunities for women worldwide. W–GDP helped enhance economic opportunities for 12 million women in its first year and has a goal of reaching 50 million women by 2025. My Administration recognizes that by empowering women at home and abroad, we are safeguarding the cultural foundation of our Nation and creating a more prosperous future for all global citizens.

On Women's Equality Day, we honor all of the women who inspire and improve our Nation. Their talent and hard work strengthen our economy, our families, and our communities, and sustain our unique American way of life.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August

26, 2020, as Women's Equality Day. I call upon the people of the United States to celebrate the achievements of women and observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10064 of August 28, 2020

Adjusting Imports of Steel Into the United States

By the President of the United States of America
A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles (steel articles) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that steel articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of Proclamation 9711 of March 22, 2018 (Adjusting Imports of Steel Into the United States), were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of these steel articles by imposing a 25 percent ad valorem tariff on such articles imported from most countries.

3. In Proclamation 9705, I further stated that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel article imports from that country and, if necessary, adjust the tariff as it applies to other countries, as the national security interests of the United States require.

4. In Proclamation 9740 of April 30, 2018 (Adjusting Imports of Steel Into the United States), I noted that the United States had agreed in principle with the Federative Republic of Brazil (Brazil) on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imported from Brazil. In Proclamation 9759 of May 31, 2018 (Adjusting Imports of Steel Into the United States), I noted that the United States had agreed on measures with Brazil that would provide effective, long-term alternative means to ad-

dress Brazil's contribution to the threatened impairment to our national security. These included quantitative limitations that restrict the volume of steel articles imported into the United States from Brazil. In light of these agreed-upon measures, I determined that steel article imports from Brazil would no longer threaten to impair the national security and decided to exclude Brazil from the tariff proclaimed in Proclamation 9705, as amended. I further noted that the United States would monitor the implementation and effectiveness of those measures to address our national security needs.

5. In Proclamation 9759, I also directed the Secretary to monitor implementation of quantitative limitations applicable to steel article imports from Brazil and inform me of any circumstance that in the Secretary's opinion might indicate that an adjustment of the quantitative limitations is necessary.

6. The Secretary has advised me that there have been significant changes in the United States steel market since the time I decided to exclude, on a long-term basis, Brazil from the tariff proclaimed in Proclamation 9705, as amended. The United States steel market has contracted in 2020. After increasing in 2018 and 2019, steel shipments by domestic producers through June of this year are approximately 15 percent lower than shipments for the same time period in 2019, with shipments in April and May of this year more than 30 percent lower than the shipments in the same months in 2019. The Secretary has further advised me that domestic producers' adjusted year-to-date capacity utilization rate through August 15, 2020, is below 70 percent and that the current rate has been near or below 60 percent since the second week of April. Brazil is also the second largest source of steel imports to the United States and the largest source of imports of semi-finished steel products. Moreover, imports from most countries have declined this year in a manner commensurate with this contraction, whereas imports from Brazil have decreased only slightly.

7. In light of these significantly changed market conditions, I have determined that the alternative measures regarding Brazilian steel imports, without any modifications, will be ineffective in eliminating the threat to the national security posed by imports of such articles, in the current environment. The United States and Brazil have held consultations regarding Brazil's steel exports to the United States. As a result of these discussions, the United States will lower, for the remainder of 2020, one of the quantitative limitations set forth in Proclamation 9759 applicable to certain steel articles imported from Brazil. In my judgment, this modification will preserve the effectiveness of the alternative means to address the threatened impairment to our national security by further restraining steel article exports to the United States from Brazil during this period of market contraction. In light of this modification, I have determined that steel article imports from Brazil will not threaten to impair the national security and thus have decided to continue to exclude Brazil from the tariff proclaimed in Proclamation 9705, as amended. The United States and Brazil will hold further consultations in December 2020 to discuss the state of the steel trade between the two countries in light of then-prevailing market conditions.

8. I have been informed that a reduction in this quantitative limitation set forth in Proclamation 9759 applicable to certain steel article imports from Brazil may delay or disrupt specific production activities in

the United States for which imports of the steel articles covered by the quantitative limitation have already been contracted for delivery in the fourth quarter of this year. In light of these circumstances, and after considering the impact on the economy and the national security objectives of section 232 of the Trade Expansion Act of 1962, as amended, I have determined to direct the Secretary to provide relief from the quantitative limitation set forth in this proclamation in certain limited circumstances specified in more detail below, in addition to the relief from the quantitative limitations that the Secretary is already authorized to provide pursuant to clause 1 of Proclamation 9777 of August 29, 2018 (Adjusting Imports of Steel Into the United States).

9. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States.

10. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) For purposes of administering the quantitative limitation applicable to subheading 9903.80.57 of subchapter III of chapter 99 of the HTSUS for Brazil, the annual aggregate limit for Brazil set out in the Annex to this proclamation shall apply for calendar year 2020. This aggregate limit, which shall take into account all steel article imports from Brazil covered by this subheading since January 1, 2020, shall be effective for steel articles entered for consumption, or withdrawn from warehouse for consumption, under this subheading, between August 28, 2020 and December 31, 2020. For calendar year 2021 and for subsequent years, the annual aggregate limit for Brazil shall revert to the aggregate limit for Brazil set forth in the Annex to Proclamation 9759, unless that limit is further modified or terminated.

(2) The Secretary shall, on an expedited basis, grant relief from the quantitative limitation applicable to subheading 9903.80.57 of subchapter III of chapter 99 of the HTSUS for Brazil, as set out in the Annex to this proclamation, for any steel article where (i) the party requesting relief entered into a contract or other written agreement for the production and shipment of such steel article before August 28, 2020; (ii) such agreement specifies the quantity of such steel article that is to be produced and shipped to the United States prior to December 31, 2020; (iii) such steel article is to be used in production activities in the United States and such steel article cannot be procured from another supplier to meet the delivery schedule and specifications contained in such agreement; and (iv) lack of relief from the quantitative limitation on such steel article would significantly disrupt the

production activity in the United States for which the steel article specified in such agreement is intended. The volume of imports for which the Secretary grants relief under this clause shall not exceed 60,000,000 kilograms in the aggregate.

(3) The Secretary shall grant relief under clause 2 of this proclamation only upon receipt of a sworn statement signed by the chief executive officer and the chief legal officer of the party requesting relief, attesting that (i) the steel article for which relief is sought and the associated contract or other written agreement meet the criteria for relief set forth in clause 2(i) through (iv) of this proclamation; (ii) the party requesting relief will accurately report to U.S. Customs and Border Protection (CBP), in the manner that CBP prescribes, the quantity of steel articles entered for consumption, or withdrawn from warehouse for consumption, pursuant to any grant of relief; and (iii) the quantity of steel articles entered pursuant to a grant of relief will not exceed the quantity for which the Secretary has granted relief. The Secretary shall notify CBP of any grant of relief made pursuant to this proclamation. The Secretary shall revoke any grant of relief under clause 2 of this proclamation if the Secretary determines at any time after such grant that the criteria for relief have not been met and may, if the Secretary deems it appropriate, notify the Attorney General of the facts that led to such revocation.

(4) As soon as practicable, the Secretary shall issue procedures for the requests for relief described in clauses 2 and 3 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs). CBP shall implement relief provided under clause 2 of this proclamation as soon as practicable.

(5) Until such time as the applicable quantitative limitation provided in subheading 9903.80.57 of subchapter III of chapter 99 of the HTSUS for Brazil has been reached, CBP shall count any steel article for which relief is granted under clause 2 of this proclamation toward such quantitative limitation at the time when such steel article is entered for consumption or withdrawn from warehouse for consumption. Any steel article for which relief is granted under clause 2 of this proclamation must be entered for consumption, or withdrawn from warehouse for consumption, on or before December 31, 2020, and, before January 1, 2021, further relief may not be granted for such article by the Secretary under clause 1 of Proclamation 9777. Steel articles for which relief is granted under clause 2 of this proclamation shall be subject to the duty treatment provided in subheading 9903.80.62 of subchapter III of chapter 99 of the HTSUS for Brazil, as established by the Annex to this proclamation.

(6) Subdivision (a)(iii) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS is amended by striking ''9903.80.61''; and inserting in its place ''9903.80.62'';.

(7) Subdivision (c) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS is amended by striking, in the last sentence, ''and 9903.80.61''; and inserting in its place: '', 9903.80.61, and 9903.80.62'';.

(8) Subdivision (d) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS is amended by striking, in the first sentence, ''and 9903.80.61''; and inserting in its place: ''through 9903.80.62'';.

(9) The superior text to subheadings 9903.80.05 through 9903.80.58 of subchapter III of chapter 99 of the HTSUS is amended by striking ''and 9903.80.61''; and inserting in its place: ''through 9903.80.62'';.

(10) To implement clause 2 of this proclamation, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation.

(11) The modifications to the HTSUS made by clauses 6 through 10 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 28, 2020, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(12) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

ANNEX

TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 28, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting the following new subheading 9903.80.62 in numerical sequence with the material in the new tariff provision inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
	"Iron or steel products of Brazil enumerated in U.S. note 16(b)(iv) to this subchapter, each covered by an exclusion granted by the Secretary of Commerce under note 16(c) to this subchapter:			
9903.80.62	Goods subject to a qualifying contract or other written agreement for which relief has been provided from the application of quantitative limitation otherwise imposed in relation to subheading 9903.80.57, provided that such goods shall be counted toward any quantitative limitation proclaimed by the President until such limitation has filled.....	The duty provided in the applicable subheading		

B. For purposes of administering the quantitative limitation applicable to subheading 9903.80.57 with respect to Brazil, the following annual aggregate limit shall apply for calendar year 2020, unless modified or terminated:

BRAZIL

Heading/ Subheading	Article Description	Quantitative Limitation
	Iron or steel products of Brazil enumerated in U.S. note 16(b)(iv) to this subchapter, if entered in the aggregate quantity prescribed in subdivision (e) of such note for the calendar year starting on January 1, 2020 and for any portion thereof as prescribed in such subdivision (e):	
9903.80.57	Blooms, billets and slabs, semi-finished, provided for in subheading 7207.11.00, 7207.12.00, 7207.19.00, 7207.20.00 or 7224.90.00 (except for statistical reporting numbers 7224.90.0015, 7224.90.0025, and 7224.90.0035).....	3,155,137,048 kg

Proclamation 10065 of August 31, 2020

National Alcohol and Drug Addiction Recovery Month, 2020

By the President of the United States of America

A Proclamation

National Alcohol and Drug Addiction Recovery Month is a time to honor and celebrate the millions of Americans who have found a pathway from addiction to a life of renewed purpose.

The theme of this year's Recovery Month is ''Join the Voices for Recovery: Celebrating Connections.''; For those in or seeking recovery, developing and nurturing connections and relationships is essential. Despite challenges to developing and fostering meaningful connections caused by the coronavirus, Americans in recovery have demonstrated resilience and resolve by creating new and innovative means of connecting to fill the void of in person interactions. From establishing virtual peer support groups that embrace technology like videoconferencing to holding health and wellness classes remotely or in person following social distancing guidelines, Americans in recovery are finding strength in their communities.

Throughout these unprecedented and challenging times, my Administration has taken historic action to ensure the road to recovery remains open. Among other measures, we have expanded access to telehealth services and ensured addiction treatment medications have remained available, including in rural and other underserved areas. In March, I signed the Coronavirus Aid, Relief, and Economic Security Act to provide millions of dollars in emergency funding for a wide range of prevention, treatment, and recovery services during the pandemic. My Administration is also working tirelessly to increase access to effective

treatments and to build up the Nation's peer recovery support services infrastructure.

To help end the scourge of addiction, my Administration released our National Treatment Plan for Substance Use Disorder, which outlines steps for improving the quality of treatment across a full continuum of care. This includes early identification and intervention services, and increased access to addiction treatment and recovery support services. Additionally, in June, I signed an Executive Order that requires the Secretary of Health and Human Services to survey community support models addressing addiction and to make recommendations to ensure successful models are widely adopted and implemented.

It is within a communal framework of love, compassion, and understanding, nurtured by the shared experiences of strength, hope, and healing, that we can find understanding and inspiration in one another. As our Nation continues to recognize those who are successfully breaking the chains of addiction and drug and alcohol misuse, we applaud the healthcare and treatment professionals, counselors, peer recovery coaches, faith leaders, first responders, family members, friends, and advocates who are vital in helping them achieve and sustain recovery, whether in person, over the phone, or virtually. Together, we can help more Americans live healthy and meaningful lives while building a stronger Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2020 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10066 of August 31, 2020

National Childhood Cancer Awareness Month, 2020

By the President of the United States of America
A Proclamation

Childhood should be a time of joy, laughter, innocence, and wonder. Sadly, more than 15,000 American children and adolescents endure the pain, heartache, and uncertainty of a cancer diagnosis each year. Today, cancer is the leading cause of death from disease beyond infancy for our Nation's youth, and in 2020 alone, it is expected to take the lives of approximately 1,200 children under 15 years of age. During National Childhood Cancer Awareness Month, we recognize the courage and strength of the brave children battling a cancer diagnosis, and we reaffirm our commitment to combating pediatric cancers and supporting these children and their families and friends in their fight.

Over the last half century, substantial progress has been made in the diagnosis and treatment of several types of childhood cancer. Yet our resolve to ensure that every child can grow up cancer-free has never been stronger. We remain dedicated to the goal of ending childhood cancer and continuing to improve the care that all of these children receive.

To achieve these goals, my Administration is working with the Congress to invest $500 million over the next decade to provide our Nation's best researchers and clinicians with unparalleled opportunities to better understand, treat, and ultimately cure childhood cancer. The National Cancer Institute is implementing the Childhood Cancer Data Initiative, which will collect, analyze, and share data to advance pediatric cancer breakthroughs. Additionally, the Food and Drug Administration's Pediatric Oncology program is working to accelerate the development of safe and effective new drugs to treat childhood cancers. These efforts will spur critical innovation in diagnoses, treatment, and prevention that will save lives.

During National Childhood Cancer Awareness Month, we honor the memory of the precious children and adolescents lost to cancer, and we pray for their families and friends as they remember their loved ones. We recommit to providing help, compassion, and encouragement to those children who are in the midst of a difficult battle. And we reaffirm our admiration and respect for the healthcare professionals who have continued to work tirelessly for these children during the coronavirus pandemic so that every child can enjoy a future filled with promise, good health, and hope.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2020 as National Childhood Cancer Awareness Month. I ask every American to reach out and help a family battling childhood cancer. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of what Americans can do to support the fight against childhood cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Childhood Cancer Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10067 of August 31, 2020

National Preparedness Month, 2020

By the President of the United States of America
A Proclamation

During National Preparedness Month, we pause to reflect on the importance of mitigating the effects of disasters and tragedies on our lives by devoting time and resources to being prepared. As we observe National Preparedness Month this September, I encourage all Americans to take intentional, precautionary measures to ensure the resilience of their families, homes, communities, and businesses.

Over the last year, our Nation has endured and persevered through many threats. Last week, hurricane Laura struck the Gulf Coast and affected the lives of millions in Louisiana, Texas, Arkansas, and Mississippi. My Administration is monitoring Federal response efforts and coordinating with State and local authorities to provide aid to the affected areas. In recent months, we have also responded to the coronavirus pandemic with unparalleled vigor and resolve, leveraging historic partnerships between the public and private sectors to produce and provide needed medical equipment and to develop therapeutics and a vaccine. We remain committed to safely reopening our country while protecting the most vulnerable among us. We have also faced wildfires, earthquakes, and storms, including a devastating weather system on Easter Sunday of this year that spawned more than 120 tornadoes in the southeastern United States. Despite the unprecedented nature and scope of the challenges we have faced, the American people have remained resolute in their determination to overcome any adversity. My Administration will continue to work with State, local, tribal, and territorial partners to ensure the country is prepared to meet any challenges that may arise.

National Preparedness Month is also an opportunity to reiterate our gratitude for the selfless service of the brave men and women who help prepare our Nation for disasters and take action when they strike. Our first responders, critical infrastructure and other frontline workers, and disaster response volunteers often take great personal risks to perform their duties. These patriots are essential to the security of our Nation, and we remain committed to supporting them in their mission.

Promoting a culture of resilience through preparedness helps enable communities and individuals to take the preparatory actions necessary to overcome the threats and hazards that present themselves. The Federal Emergency Management Agency's *Ready Campaign,* which can be found by accessing *Ready.gov,* can help all Americans prepare for crisis situations. This easy-to-use response can help individuals and families create an emergency fund for unexpected expenses, set up a designated shelter area within a home, subscribe to local emergency alerts on mobile devices, and determine a reliable out-of-town contact during times of crisis. By taking these steps, people can mitigate damage and speed up recovery efforts across the country when disaster strikes.

During National Preparedness Month, I encourage all Americans to adopt a proactive mindset and take the necessary steps to prepare their families and communities to withstand and recover from unexpected events. We cannot always know when the next crisis will occur, but

we can know that we will be prepared by committing ourselves to a culture of resilience.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2020 as National Preparedness Month. I encourage all Americans, including Federal, State, tribal, and local officials, to take action to be prepared for a disaster or an emergency by making and practicing their emergency response plans. Each step we take to become better prepared makes a real difference in how our families and communities will respond and persevere when faced with the unexpected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10068 of August 31, 2020

National Sickle Cell Disease Awareness Month, 2020

By the President of the United States of America

A Proclamation

As our Nation recognizes National Sickle Cell Disease Awareness Month, we do so with an unwavering commitment to a future in which people with the condition live fully, without pain and impediments, and ultimately experience a cure. My Administration, through the Department of Health and Human Services (HHS), is leading unprecedented activity in research, medical education, and models of care in support of people with Sickle Cell Disease (SCD). A cure is within reach, the Food and Drug Administration (FDA) has approved new treatments and more are on the horizon, and several initiatives are underway to make better use of all available tools in the battle against this disease.

SCD is a chronic, debilitating, inherited condition that afflicts 100,000 Americans—primarily African-Americans and Hispanic-Americans. One in 13 African-Americans and approximately one in 100 Hispanic-Americans carry the gene for this disease. Those individuals with two copies of the gene have blood cells that are sickle-shaped, instead of cylindrical, which causes a disruption in blood flow that can damage many organs, including the brain and kidneys. A person with SCD can begin experiencing the negative effects in early childhood, including pain, organ damage, and risk of stroke. Unfortunately, it is estimated that only one in four patients with SCD in America receive the care that they need.

My Administration puts action behind our words, which is why I signed into law the ''Sickle Cell Disease and Other Heritable Blood Disorders Research, Surveillance, Prevention, and Treatment Act of 2018''; (Public Law 115–327). The bill reauthorizes an SCD prevention and treatment program and authorizes initiatives for research, surveillance, prevention, and treatment of heritable blood disorders. HHS is leading

the way to identify and address barriers to care for patients, and several organizations have joined in developing education and training programs to better equip healthcare providers to identify and treat this disease. HHS has also begun collaborating with States on new payment models that will enable children living with SCD to receive the care they need.

We have made exciting progress towards our goal of extending the lives of Americans with SCD by 10 years and finding a cure by 2029. In January 2020, HHS launched a new, one-of-a-kind Sickle Cell Disease Training and Mentoring Program (STAMP), to train primary care providers on the basics of SCD evaluation and management. This innovative program is the result of critical collaboration between the Office of Minority Health and the Health Resources and Services Administration. The FDA has approved two new drugs to help prevent the complications of SCD, is providing leadership to reduce barriers and hasten the development of new treatments, and has developed multi-media educational resources for patients and their families. The National Institutes of Health (NIH) has initiated an aggressive portfolio of research, education, and capacity building, including the ''Cure Sickle Cell Initiative''; to accelerate gene therapies to cure the disease. NIH reports that the most promising genetic-based curative therapies for SCD could be available in clinical trials in the very near future.

My Administration is leading on SCD advancements both in the United States and throughout the world. In May 2019, HHS leaders convened a roundtable with African health ministers, international health leaders, and SCD experts to chart a course to save hundreds of thousands of children around the world. Through NIH, we will continue to support the Sickle Pan African Research Consortium, and other Public Private Partnerships to develop gene-based cures.

The United States is helping raise the profile of SCD as a public health priority, by drawing attention to the work underway to create meaningful programs that immediately improve patients' lives. My Administration is committed to advancing treatment, research, and quality-of-care to improve the lives of people with SCD—and ultimately to deliver a cure to the world.

This month, we take a moment to recognize all Americans with SCD and celebrate our progress toward future treatments. Together, we will secure a healthier future for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim September 2020 as National Sickle Cell Disease Awareness Month. I call upon all Americans to observe this month with appropriate programs and activities to eliminate a disease we have known about for more than a century and to work to improve the quality of life of those living with SCD.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10069 of September 4, 2020

Labor Day, 2020

By the President of the United States of America
A Proclamation

On Labor Day, we recognize and celebrate the workers of our great Nation. The American workforce is the best in the world and, since day one of my Administration, I have been standing up for the American worker. As recent global challenges have tested our mettle, the dedication of our workforce has once again proven that Americans' resolve will never be overcome. Today, we celebrate all workers, across every sector of our economy, whose efforts have never been more appreciated than in recent months.

Since the founding of our Nation, American workers have deployed their talents to build beautiful cities, develop new technologies, and shape the global economy. Now, our country depends on these hardworking patriots as we continue to aggressively fight the coronavirus pandemic. In particular, we celebrate every American who has worked tirelessly to ensure we maintain our way of life in this unprecedented time. These vital workers include medical professionals, grocery store and pharmacy clerks, farmers, meatpackers, truckers, factory workers, and the many employees who are important to the supply chain that makes essential goods and medications accessible to all Americans. Essential workers and volunteers like these and others have enabled my Administration to respond swiftly to the coronavirus pandemic and have safeguarded the prospects of countless American businesses and the lives and personal health of millions of people.

From my first day in office, my Administration has acted to foster an environment for growth, jobs, and prosperity. Having built the greatest economy the world has ever seen, my Administration will do it again. We will not rest until American workers are safely back at work. In March, I signed the Coronavirus Aid, Relief, and Economic Security Act, which established the Paycheck Protection Program that gave small businesses the resources to keep their employees on payroll during the pandemic. I also issued an Executive Order continuing the work of the National Council for the American Worker, which coordinates resources across our Federal Government to ensure our Nation's workers have the skills necessary for the jobs of the future. In addition, my Administration's Fiscal Year 2021 Budget includes $200 million for apprenticeship programs—up $25 million from current funding levels and more than double from when I first took office—to further support and expand a highly skilled workforce that is essential for global competitiveness. Even in the face of tremendous adversity, we have set record numbers in job growth along with record low unemployment—a trend that will continue with the help of millions of hardworking Americans across our country.

On this Labor Day, we express our deep gratitude to workers of every generation who helped create the greatest economy in the world and the workers whose tireless efforts will ensure our country and workforce bounce back with full force as we defeat the virus. Together, we will continue the great American comeback.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 7, 2020, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the contributions and resilience of working Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10070 of September 3, 2020

National Days of Prayer and Remembrance, 2020

By the President of the United States of America

A Proclamation

During these National Days of Prayer and Remembrance, we pay tribute to the nearly 3,000 precious lives lost on September 11, 2001. We solemnly honor them and pray that those who bear the burdens of unimaginable loss find comfort in knowing that God is close to the brokenhearted and that He provides abiding peace.

The memories of that fateful morning still touch American hearts and remind us of our Nation's reliance on Almighty God. When cowardly terrorists attacked our homeland, we witnessed the unthinkable as each successive plane struck the very heart of our Nation. As the Twin Towers fell and the Pentagon was hit, the peace and calm in the lives of innocent families were shattered. Our Nation watched in shock as courageous first responders faced great peril to save the lives of their fellow Americans. Onboard United Flight 93, a group of heroic individuals braced themselves to stop hijackers from hitting our Nation's Capital. Passenger Todd Beamer told Lisa Jefferson, a call center supervisor in Chicago who stayed on the phone with him until the end, that he would ''go out on faith''; and asked her to recite the Lord's Prayer with him over the phone, beginning: ''Our Father, who art in heaven.'';

Despite immeasurable loss, we were not defeated. Our Nation's darkest hour was pierced by candlelight, our anguish was met with prayer, and our grief was met with unity. Like so many times before in our country's history, we sought peace and strength through faith.

Today, at Ground Zero in New York City, the ''Survivor Tree''; stands as an enduring symbol of our faith and national restoration. As it blooms with the seasons and reminds us of its triumph over destruction, we remember the words of John 1:5: ''The light shines in the darkness, and the darkness has not overcome it.''; In the nearly two decades that have passed since this tragedy, our Nation has grown stronger and more resilient. As one country, we honor all of the mothers, fathers, sons, and daughters who perished on that day. They are forever remembered.

On these National Days of Prayer and Remembrance, we pray for the families of all those who were lost and honor the courageous heroes who came through for our Nation when we needed them most. Together, as one Nation under God, we renew our vow to never forget. We cherish each other as fellow Americans and look proudly to our flag—an unwavering reminder of freedom's triumph over fear. And, above all, we thank God for the strength and courage He has provided us, and take heart that our beloved departed now rest in His loving embrace.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Friday, September 4, through Sunday, September 6, 2020, as National Days of Prayer and Remembrance. I call upon the people of the United States to observe these National Days of Prayer and Remembrance with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10071 of September 9, 2020

Revision to United States Marine Scientific Research Policy

By the President of the United States of America

A Proclamation

The United Nations Convention on the Law of the Sea of 10 December 1982 (Convention) generally reflects customary international law. Section 3 of Part XIII of the Convention provides that coastal states, in the exercise of their jurisdiction, have the right to regulate, authorize, and conduct marine scientific research in their Exclusive Economic Zone (EEZ) and on their continental shelf. Marine scientific research in the EEZ or on the continental shelf shall be conducted with the consent of the coastal state.

In Proclamation 5030 of March 10, 1983 (Exclusive Economic Zone of the United States of America), the President announced the establishment of the EEZ of the United States. The Proclamation asserts the sovereign rights and jurisdiction of the United States in its EEZ and confirms the rights and freedoms of all states, as provided under international law. In an accompanying Presidential Statement of March 10, 1983 (United States Oceans Policy), the President acknowledged that international law allows coastal states to exercise jurisdiction over marine scientific research in their respective EEZs, but stated that the United States had elected not to do so to the fullest extent permitted under international law, in an effort to encourage such research. Presidential Decision Directive–36 of April 5, 1995 (United States Policy on Protecting the Ocean Environment), emphasizes that the policy of the United States is to protect and monitor the ocean and coastal environ-

ment and conserve living marine resources, recognizing that doing so, in an open and collaborative manner, supports our economic and national security interests.

In Executive Order 13840 of June 19, 2018 (Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States), I reaffirmed that the United States will continue to promote lawful use of the ocean by agencies, including the Armed Forces, and that the United States will continue to exercise its rights and jurisdiction and perform duties in accordance with applicable international law, including customary international law. Further, the United States will use the best available ocean-related science and knowledge, in partnership with the science and technology communities, to inform decisions and enhance entrepreneurial opportunities. In the Presidential Memorandum of November 19, 2019 (Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore of Alaska), I affirmed the importance of understanding our ocean systems and natural resources to our security, economic, and environmental interests.

Likewise, the exercise of jurisdiction by the United States over marine scientific research in its EEZ and on its continental shelf will result in greater access to data collected during such research and will increase maritime domain awareness, thereby reducing potential exposure to security, economic, and environmental risks.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the following:

Section 1. *Policy.* The United States will exercise its right to regulate, authorize, and conduct marine scientific research, with a specific requirement to authorize, in advance, all instances of foreign marine scientific research, in the United States EEZ and on its continental shelf to the extent permitted under international law.

Sec. 2. *Implementation.* The Secretary of State (Secretary) shall have lead responsibility for implementing this proclamation, in consultation with relevant executive departments and agencies (agencies) and with the Ocean Policy Committee established in Executive Order 13840 (Ocean Policy Committee).

Sec. 3. *Intelligence.* The Intelligence Community of the Federal Government shall support the implementation of this proclamation, as appropriate.

Sec. 4. *Information Sharing.* To facilitate the process for reviewing applications for marine scientific research, agencies not part of the Intelligence Community shall share information related to marine scientific research with the Department of State, to the maximum extent authorized by law.

Sec. 5. *Termination.* This proclamation shall remain in effect until terminated by the President. At any time, but not less frequently than every 2 years from the date of this proclamation, the Secretary may recommend that the President modify or terminate this proclamation. Any such recommendation by the Secretary shall be coordinated with the National Security Council staff and the Ocean Policy Committee.

Sec. 6. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10072 of September 10, 2020

Patriot Day, 2020

By the President of the United States of America

A Proclamation

In 2001, our Nation, united under God, made an unbreakable promise never to forget the nearly 3,000 innocent Americans who were senselessly killed on September 11. On this sacred day—Patriot Day—we solemnly honor that commitment. As the bells toll, we call by name those who perished in the terrorist attacks in New York, New York; Arlington, Virginia; and Shanksville, Pennsylvania. In cities and towns across our great country, we stand in solidarity to remember the victims and mourn their stolen hopes and dreams.

On a day that began as ordinary as any other, terrorists carrying out a sadistic plan murdered thousands of our fellow compatriots. With shock and disbelief, we watched our first responders, encumbered by heavy equipment and hindered by debris and smoke, rush with conviction and courage into the void to rescue those in despair. With pride and sorrow, we felt the tremendous bravery of those aboard Flight 93, who summoned the courage to charge the terrorists in a counterattack that saved countless American lives. As the day closed, America steadied its resolve to hold accountable those who had attacked us and to ensure it would never happen again.

The courage, heroism, and resilience Americans displayed on 9/11, and in its aftermath, are perpetual testaments to the spirit of our country. While our Nation was anguished by this attack, the grit displayed that day—the very essence of America—was a reminder that our citizens have never failed to rise to the occasion. Heroes sprang into action in the face of great peril to help save their fellow Americans. Many laid down their lives. As we reflect on the events of that September morning, let us recommit to embrace the stalwart bravery dis-

played and reaffirm our dedication to defending liberty from all who wish to deny it.

To fulfill our collective promise never to forget, we impart the memory of that fateful day to our children and grandchildren. The smoke that rose from the Twin Towers, the Pentagon, and the Pennsylvania field carried away the souls of innocent Americans. As we recall the images of our American Flag raised from the ashes of Ground Zero and the Pentagon, we are reminded that good triumphs over evil. We recommit ourselves to fortifying our cherished American values so that future generations will know in their souls that the United States is the land of the free and the home of the brave.

This Patriot Day, we commemorate the lives of those who perished on September 11, 2001, we pray for the families who carry on their legacies, and we honor the unmatched bravery of our Nation's first responders. We also commend those who, in the days and years following the attack, answered the call to serve our country and continue to risk their lives in defense of the matchless blessings of freedom.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress designated September 11 of each year as ''Patriot Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim September 11, 2020, as Patriot Day. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day in honor of the innocent people who lost their lives on September 11, 2001. I invite the Governors of the United States and its Territories and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of the innocent people we lost that day and to observe a moment of silence beginning at 8:46 a.m. Eastern Daylight Time to honor those victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10073 of September 11, 2020

Minority Enterprise Development Week, 2020

By the President of the United States of America

A Proclamation

Each day, more than one million minority-owned employers in the United States contribute to the economic vitality of our Nation. These incredible enterprises uplift their surrounding communities and help fuel the futures, livelihoods, and dreams of Americans throughout the country. During Minority Enterprise Development Week, we celebrate the contributions of our great minority-owned businesses and reaffirm

our commitment to supporting their continued growth, development, and success.

Since my first day in office, I have been committed to fostering an environment where all businesses, including minority-owned businesses, can thrive. The historic 2017 Tax Cuts and Jobs Act provided for the biggest tax cuts and reforms in American history, benefitting all Americans. This legislation also created Opportunity Zones, a landmark program that encourages investment in distressed communities and creates jobs for those who are most in need of opportunities for economic empowerment. My Administration has also cut burdensome regulations at an unprecedented rate, loosening Government restraints on growth and allowing minority-owned businesses to thrive. To reinforce our commitment to these critical enterprises, in April of this year, the Department of Commerce, through the Minority Business Development Agency (MBDA), announced the creation of the Minority Business Enterprise Inner City Innovation HUBs, which will award $2.8 million over 2 years to support minority-owned businesses. Through this initiative, we are helping to fund and sustain minority-owned startups, including those that support digital innovation, machine learning and artificial intelligence, and technology transfer.

My Administration has also been relentlessly committed to helping minority-owned businesses recover from the economic hardships brought on by the coronavirus pandemic. As part of the historic Coronavirus Aid, Relief, and Economic Security (CARES) Act, which I signed into law in March of this year, the Federal Government has allocated $10 million in supplemental funding to MBDA Business Centers and minority chambers of commerce to provide training and advising services for minority business enterprises, empowering them to be leaders in our economic recovery. In addition, the nearly 9,000 Opportunity Zones created by the Tax Cuts and Jobs Act have produced $75 billion in investment for countless minority neighborhoods throughout the United States. My Administration understands that supporting minority businesses promotes a strong national economy, and we will do everything in our power to assist minority-owned businesses as our Nation continues our economic resurgence.

This week and every week, we celebrate the vast contributions minority-owned businesses make to our great country. As President, I will always proudly stand by minority entrepreneurs and their businesses. My Administration will continue to promote their interests and decrease regulatory burdens to help them unleash their full potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 13 through September 19, 2020, as Minority Enterprise Development Week. I call upon the people of the United States to observe this week with programs, ceremonies, and activities to recognize the many contributions of American minority business enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10074 of September 11, 2020

Prescription Opioid and Heroin Epidemic Awareness Week, 2020

By the President of the United States of America
A Proclamation

During Prescription Opioid and Heroin Epidemic Awareness Week, we reaffirm our unwavering commitment to ending the opioid crisis in our country, and we pledge to help our friends, family, and colleagues with addiction as they work toward a drug-free life. Addiction undercuts human personal potential, damages families, and disrupts relationships. This month, and every month, we must continue to raise awareness about the dangers of opioid misuse and resolve to build a healthier and happier Nation.

Since my first day in office, my Administration has taken aggressive action to confront and dismantle the driving forces behind the opioid crisis. In October 2017, we declared the opioid crisis a public health emergency, and in 2018, we secured $6 billion in new funding to fight the opioid crisis. Most recently, I signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which strengthened these efforts by providing millions of dollars in emergency grant funding to healthcare providers treating those with substance use disorders. Additionally, to ensure that access to addiction support services remains uninterrupted, I eased the regulatory burdens on the Drug Enforcement Administration and the Department of Health and Human Services, which are now ensuring greater access to treatment by expanding telehealth options.

To fight over prescribing, a significant contributor to the widespread opioid addiction, my Administration launched the Safer Prescribing Plan in 2018, which built on our early progress and set an ambitious goal of cutting opioid prescription fills by one-third within 3 years. This initiative is a major reason why the total amount of opioid prescriptions filled in America has dropped by 31 percent since I took office. We have also developed partnerships between the Office of National Drug Control Policy, the Truth Initiative, and the Ad Council to educate young adults about the dangers of misusing opioids. These efforts are preventing Americans from falling victim to the potent and dangerous grip of opioid addiction.

My Administration is also taking decisive action to keep dangerous drugs out of our country. Synthetic opioids are extremely deadly and generally originate outside of the United States. Our Nation's law enforcement officers are working night and day to keep this poison from crossing our borders. In 2018 alone, they seized almost 5,000 pounds of fentanyl at our border—enough to kill 1.2 billion individuals, the equivalent of every American four times over. Although we have made great progress through these actions, my Administration remains as committed as ever to using the power of Federal law and the expertise of our Nation's dedicated law enforcement officials to prevent the illegal importation and distribution of opioids, which could otherwise devastate countless American families.

To help those already struggling with addiction, my Administration is working to champion evidence-based treatments and provide recovery

support resources. In 2018, I signed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act, which uses a whole-of-government approach to better monitor prescribing, improve treatment, prevent addiction, and curb the use of illegal drugs. We have also awarded nearly $50 million in planning grants to 15 States to increase the capacity of Medicaid providers to deliver substance use disorder treatment and recovery services. And beginning in January of this year, Medicare began covering services for its beneficiaries at opioid treatment programs. Together, these efforts will help expand treatment access and provide crucial support to those who need it.

This Prescription Opioid and Heroin Epidemic Awareness Week, we redouble our efforts to defeat our Nation's opioid crisis. We can never forget the hundreds of thousands of lives lost, nor the families forever altered due to this scourge. We will always support those around us who are suffering from addiction, encourage those struggling in private to reach out for help, and celebrate those who have found a pathway from addiction to recovery. Together, we will continue to build awareness and work toward a healthier, safer society where every community, family, and individual can flourish.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 13 through September 19, 2020, as Prescription Opioid and Heroin Epidemic Awareness Week. I call upon my fellow Americans to observe this week with activities of awareness and remembrance of the lives lost and commitments to continue the fight.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10075 of September 11, 2020

National Historically Black Colleges and Universities Week, 2020

By the President of the United States of America

A Proclamation

For more than 180 years, our Nation's Historically Black Colleges and Universities (HBCUs) have exhibited remarkable excellence in higher education and served as engines of opportunity and advancement for thousands of Black Americans. During National Historically Black Colleges and Universities Week, we celebrate the achievements of HBCUs and their students and pledge our continuing support to the nearly 300,000 individuals currently pursuing their dreams at HBCUs throughout the United States.

For nearly two centuries, HBCU graduates have profoundly shaped American life and culture. In science and technology, HBCU graduates

have led the way in innovation, like engineer and inventor Otis Boykin, who held more than 20 patents during his lifetime, including for a wire precision resistor used in radios and televisions, and for a control unit used in pacemakers that helped save countless lives. From thought leaders like Booker T. Washington and civil rights heroes like Martin Luther King, Jr., to great legal minds like Thurgood Marshall and renowned authors like James Weldon Johnson, our Republic is more vibrant because of HBCUs and their students.

My Administration will always stand beside these wonderful colleges and universities as they pursue their mission to provide their students with a high-quality education. In order to further promote the success of HBCUs in the years to come, I signed an Executive Order in February of 2017 on the White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities. This action established the President's Board of Advisors on HBCUs, and as a result, 32 Federal departments and agencies now have plans in place to help HBCUs secure available Federal resources and opportunities. Additionally, my Administration recently released a Framework for the Development of a Federal HBCU Competitiveness Strategy, further facilitating productive partnerships between HBCU students and faculty members and public and private-sector entities.

This year, National HBCU Week also coincides with the 150th anniversary of two of South Carolina's great historically black institutions: Allen University and Benedict College. Our Nation joins these schools in celebrating this significant milestone and their incredible legacies. Last year, at Benedict College, I was proud to highlight an increase of more than 13 percent in Federal funding for HBCUs under my Administration. In addition, I signed into law the FUTURE Act, which reauthorized more than $85 million in funding for HBCUs, securing permanent funding for our Nation's historically black institutions and helping ensure their financial security for future generations.

My Administration has also continued to prioritize HBCUs during the coronavirus pandemic, and we remain committed to helping them safely reopen for in-person classes. As part of this effort, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which I signed into law in March of this year, provided $930 million in higher education emergency relief funds for HBCUs. During these challenging times, my Administration is working to meet the needs of these great institutions and their students as they seek to safely reopen their doors. We know full well the important role they will play in our ongoing national recovery.

HBCUs help empower young Americans from all backgrounds to achieve their American Dream. This week, we proudly reaffirm our support for HBCUs and pledge to continue to promote their success and provide support to their vital educational mission.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 20 through September 26, 2020, as National Historically Black Colleges and Universities Week, and further proclaim September 21, 2020, as National HBCU Colors Day. I call upon educators, public officials, professional organizations, corporations, and all Americans to proudly don institutional colors and observe this week and day with

appropriate programs, ceremonies, and activities that acknowledge the countless contributions these institutions and their alumni have made to our country. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities and to boldly, joyfully, and proudly don institutional colors.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10076 of September 14, 2020

National Hispanic Heritage Month, 2020

By the President of the United States of America

A Proclamation

During National Hispanic Heritage Month, we celebrate the countless contributions of more than 60 million Hispanic Americans to our culture and society. Hispanic Americans are the largest minority group in the United States today, and generations of Hispanic Americans have consistently helped make our country strong and prosperous. They contribute to our Nation beyond description. Hispanic Americans embody the best of our American values, including commitment to faith, family, and country. They serve in our military and protect us as members of law enforcement. In fact, Hispanic Americans make up half of our Border Patrol agents. The Hispanic-American community has left an indelible mark on our government, culture, and economy.

As part of our commitment to promoting the success of Hispanic Americans, my Administration will always promote educational opportunity for our Nation's Hispanic-American communities. Hispanic Americans benefit greatly from school choice programs, including the Nation's largest school choice program in Florida, where more than one-third of the recipients are Hispanic-American students. No American student should ever be trapped in a failing public school or a school that does not meet his individual needs. Additionally, we have spurred the creation of more than 16 million education and training opportunities through our Pledge to the American Worker.

My Administration is also working to increase economic opportunities for Hispanic Americans by providing pathways to in-demand jobs and investing in Hispanic-American communities. On July 9, 2020, I signed an Executive Order to establish the White House Hispanic Prosperity Initiative to promote educational and workforce development, encourage private-sector action and public-private partnerships, and to monitor how Federal programs best provide opportunities for Hispanic Americans. Additionally, this Executive Order established the President's Advisory Commission on Hispanic Prosperity, which is dedicated to advising my Administration on ways to improve access to educational and economic opportunities for the Hispanic-American community. This year, my Administration also delivered $1 billion in funding to Minority-Serving Institutions, including Hispanic-Serving

Institutions. And since I signed the Tax Cuts and Jobs Act of 2017 into law, nearly 9,000 Opportunity Zones have attracted an estimated $75 billion in new capital investment in economically distressed areas, helping to bring wealth and jobs to the neighborhoods where many Hispanic Americans live.

We are already seeing the positive results of these policies in communities throughout the United States. In the 2017–2018 academic year, the graduation rate for Hispanic students at public high schools rose to 81%, the highest level ever recorded. Before the coronavirus pandemic, the median income for Hispanic Americans had reached its highest level in history. Unemployment reached the lowest rate ever recorded. The poverty rate for Hispanic Americans also hit a record low. And from 2017 to 2018, 362,000 Hispanic Americans became new homeowners, the largest net gain for Hispanics since 2005. In the past 4 months as we have recovered from the coronavirus, we added 3.3 million jobs for Hispanic Americans. It is my promise to the Hispanic-American community and to all Americans that my Administration will continue to do everything in its power to rebuild the economy, ensure opportunity, grow wages, and cut regulations so every family can achieve their own American Dream.

Hispanic Americans will play an incredible role in our country's great years to come, and my Administration proudly stands with them. Their steadfast commitment to America's core values, their steadfast opposition to socialism, and their innumerable contributions to our prosperity enrich our Nation and add to our unmatched culture and way of life.

To honor the achievements of Hispanic Americans, the Congress, by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as ''National Hispanic Heritage Month.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 15 through October 15, 2020, as National Hispanic Heritage Month. I call on public officials, educators, librarians, and all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10077 of September 17, 2020

Constitution Day, Citizenship Day, and Constitution Week, 2020

By the President of the United States of America
A Proclamation

In the summer of 1787, fifty-five delegates from throughout the fledgling United States gathered at the Pennsylvania State House in Philadelphia, intent on erecting a government that would stand the test of time and protect hard-won freedoms secured during the Revolutionary War. Two hundred and thirty-three years later, the document they produced—our Constitution—remains the bedrock of our system of government, one rooted in equality under the law and an unyielding commitment to individual liberty. On this day and during this week, we celebrate our great founding charter as an enduring beacon of freedom and strive toward active citizenship in service of its ideals.

With profound wisdom, the Framers of our Constitution divided political power among three separate and coequal branches, and further between the Federal and State governments, ensuring that a government of the people, by the people, and for the people would remain accountable to its citizens, from whom all legitimate political power is derived. Our Constitution outlines a government that encourages individuals to flourish while still empowering the state to perform necessary functions like protecting law and order and providing essential public goods. This revolutionary concept has made and continues to make our Nation the most free and just society in the world. Because its principles are timeless and rooted in truth, our Constitution has fostered freedom at home, as well as the liberation of countless oppressed peoples around the world. In the more than 2 centuries since its ratification, it has served as an unparalleled engine for human progress.

A key feature of our Constitution is an independent Federal judiciary, which helps safeguard its structure and ensure individual rights. In *Federalist 78,* Alexander Hamilton describes the proper role of the courts as keeping the legislature ''within the limits assigned to their authority,''; handing down decisions in accordance with the principle that ''a constitution is, in fact, and must be regarded by the judges, as a fundamental law.''; In reverence of the wisdom of the Founders, I have made it a top priority to nominate to the Federal bench only those judges who have demonstrated a commitment to enforcing the Constitution as written. To date, I have nominated and the Senate has confirmed more than 240 judges who will faithfully adhere to this foundational judicial principle, including two incredible Supreme Court Justices.

While freedom-loving Americans rightfully venerate and defend our Constitution, we must also remain cognizant that there are those in our society who wish to tear down our institutions and threaten our sacred constitutional freedoms. In recent months, statues of great American heroes like Abraham Lincoln, Ulysses S. Grant, and Theodore Roosevelt have been threatened, torn down, defaced, and destroyed. In cities throughout our country, radical groups have attacked monuments honoring the unrivaled contributions our Founding Fathers made to human freedom. These groups and individuals are attempting to topple

constitutional law and order—the very foundation of self-government—by attacking the Constitution and the integrity of our national heroes, falsely decrying our country and its institutions as evil and unjust.

As President, I will never allow such heinous attacks to go unpunished. I will continue to honor the legacy of our history by protecting our freedoms and safeguarding our Constitution and the boundless opportunity it affords to the people of our great Nation. We should always celebrate the brave Americans who fought tyranny to secure the very liberty that these extremists take for granted. To this end, in June of this year, I signed an Executive Order on Protecting American Monuments, Memorials, and Statues, and Combating Recent Criminal Violence, ensuring that anarchy and base criminal acts will no longer tarnish memorials built to honor the heroes who have served our country and defended our Constitution. On this Constitution and Citizenship Day, and during this Constitution Week, we recommit to upholding our constitutional system, to honoring its Framers and those who have sacrificed to defend it—who knew the true price of liberty—and to embracing the duty we as citizens have to preserve the society it has built.

The Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as ''Constitution Day and Citizenship Day,''; and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as ''Constitution Week.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17, 2020, as Constitution Day and Citizenship Day, and September 17, 2020, through September 23, 2020, as Constitution Week. On this day and during this week, we celebrate the citizens and the Constitution that have made America the greatest Nation this world has ever known. In doing so, we recommit ourselves to the enduring principles of the Constitution and thereby ''secure the Blessings of Liberty to ourselves and our posterity.'';

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10078 of September 17, 2020

National POW/MIA Recognition Day, 2020

By the President of the United States of America
A Proclamation

Throughout our Nation's history, America's sons and daughters have heroically safeguarded our precious freedoms and defended the cause of liberty both at home and abroad. On National POW/MIA Recognition Day, we remember the more than 500,000 prisoners of war who have endured incredible suffering and brutality under conditions of ex-

traordinary privation, and the tens of thousands of our patriots who are still missing in action. Although our Nation will never be able to fully repay our debt to those who have given so much on our behalf, we commemorate their bravery and recommit to working for their long-suffering families who deserve answers and solace for their missing loved ones.

Today, I join a grateful Nation in honoring those POWs who faithfully served through extreme hardship and unimaginable physical and emotional trauma. Their lives and resilience reflect the best of the American Spirit, and their immeasurable sacrifices have ensured the blessings of freedom for future generations. On this day, we also reaffirm our unceasing global efforts to obtain the fullest possible accounting of our MIA personnel. The search, recovery, and repatriation of MIA remains help bring closure to families bearing the burden of the unresolved fate of their loved ones. That is why in 2018, I worked to secure the historic repatriation of remains from North Korea, and why we are continually working to bring more home from around the world. My Administration will never waver in fulfilling our country's obligation to leave no service member behind.

This year, as we commemorate the 75th anniversary of the end of World War II and reflect upon both the 70th anniversary of the start of the Korean War and the 45th anniversary of the end of the Vietnam War, we pause to recognize the men and women who were held as POWs or deemed MIA in these conflicts against repressive ideologies. These service members and civilians, many from the Greatest Generation, deserve a special place of honor in the hearts of all Americans because of their selfless devotion, unflinching courage, and unsurpassed dedication to our cherished American values.

On September 18, 2020, our Nation's citizens will look to the iconic black and white flag as a powerful reminder of the service of America's POWs and service members who have gone MIA. This flag, especially when flying high above our military installations abroad, conveys the powerful message of American devotion to the cause of human liberty and our commitment to never forget the brave Americans lost defending that liberty. On this National POW/MIA Recognition Day, our Nation takes a special moment to pay tribute to those who endured the horrors of enemy captivity and those lost in service to our country. Our Nation will continue to be resolute in our relentless pursuit of those remains of service members who have yet to return home from war and our steadfast promise to their families that their loved ones will never be forgotten.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 18, 2020, as National POW/MIA Recognition Day. Together with the people of the United States, I salute all American POWs who, in the presence of great dangers and uncertainties, valiantly honored their duty to this great country. Let this day also serve as a reminder for our Nation to strengthen our resolve to account for those who are still missing and provide their families long-sought answers. I call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10079 of September 18, 2020

National Farm Safety and Health Week, 2020

By the President of the United States of America
A Proclamation

Since our Nation's founding, agriculture has played an integral role in the American way of life. America's farmers and agricultural workers are critical to our economy, and concern for their physical and mental safety must remain a top national priority. Together, we must continue to ensure our farmers, ranchers, and foresters have the ability to work safely and effectively as they provide food, fiber, and fuel for our country. During National Farm Safety and Health Week, we raise awareness of safety and health issues on farms, ranches, and in rural communities, and we commit to improving the well-being of those who live and work in rural settings for generations to come.

The theme of National Farm Safety and Health Week this year, ''Every Farmer Counts,''; reminds us that every American must prioritize the safety and health of those who provide us with essential goods. The fall harvest is one of the busiest and most dangerous seasons of the year for agricultural workers. In preparation, and to propel continued innovation in farm productivity and safety, my Administration is supporting 21st-century artificial intelligence and greater precision in agricultural applications. Additionally, we have made significant investments in rural hospitals, rural broadband, and access to telemedicine. My Administration has also prioritized the expansion of prevention, treatment, and recovery programs for the misuse of opioids in rural America. This week, we rededicate ourselves to these efforts to maximize the safety and health of agricultural producers through best practices, innovative technologies, and production methods that reduce risk and create safer, more productive work environments.

Addressing farm safety and health concerns requires more than just protecting agricultural workers from routine farm injuries. Our efforts also include addressing disease outbreaks and health crises, such as the coronavirus pandemic. This past spring, I instructed our Federal agencies to publish coronavirus safety guidelines addressing the specific needs of agricultural workers and food processing workers, all of which work hard to ensure America's critical food supply remains strong. To aid producers affected by the pandemic, my Administration is providing $34 billion to America's farmers through a variety of programs, including $30 billion in direct payments through the Coronavirus Food Assistance Program and the innovative $4 billion Farmers to Families Food Box Program, which supports American food producers and communities in need.

This National Farm Safety and Health Week, we also commend our first-class medical professionals and brave first responders serving in rural communities throughout the country. When our agricultural workers experience illness, injury, or health crises, our rural emergency medical responders are their heroes. With the support of these committed Americans, and our continued support for programs enhancing farm safety, we will ensure every farmer—and every American life in rural and remote communities—counts.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 20 through September 26, 2020, as National Farm Safety and Health Week. Please join me in promoting safe and healthy practices on our farms and ranches as producers enter the harvest season across the United States. I also urge all Americans to express their appreciation and gratitude to our farmers, ranchers, and foresters for their important contributions and tireless service to our Nation. The United States was built on the foundation of agriculture, and agriculture was built on the foundation of family farmers and their enduring values.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10080 of September 18, 2020

National Gang Violence Prevention Week, 2020

By the President of the United States of America

A Proclamation

During National Gang Violence Prevention Week, we reaffirm our unwavering commitment to ensuring gang members are removed from our streets and prosecuted for their crimes, so all Americans can live and thrive in a safe and peaceful environment. Our Nation's law enforcement officials are our first line of defense against gang violence, and we continue to express our eternal gratitude for their selfless devotion to upholding the rule of law and keeping us safe.

Street gangs pose grave threats to the safety of communities and the well-being of children, teenagers, and families. Gangs aim to perpetuate the trafficking and smuggling of humans, weapons, and drugs. They destroy public and private property, corrupt America's youth, and ruin businesses. To break the pernicious cycle of gang violence and crime, my Administration has enacted comprehensive solutions focused on prevention, intervention, and suppression. In July, we launched Operation LeGend—a sustained and coordinated law enforcement surge in communities across the Nation. Operation LeGend is named in honor of 4-year-old LeGend Taliferro, who was shot and killed while he peacefully slept early in the morning of June 29 in Kansas City, Missouri. This unfathomable tragedy is one of many examples of the scourge gangs pose to our youth and to our communities. The

eponymous operation spans every Federal law enforcement agency and is being executed in conjunction with State and local officials. Our national effort to fight violent crime will protect our Nation's children and bring violent criminals to justice.

Every child in America should enjoy a youth without any risk of falling victim to violence, drugs, or other harmful criminal acts that can destroy their future. And every parent should see their children grow into the people that God intended for them to become. It is the responsibility of all public leaders to do everything in our power to make this possible. As President, my highest obligation is to protect our Nation's citizens, which is why we are relentlessly working to restore law and order throughout our country.

In the past year, the Department of Justice has prosecuted thousands of violent gang members, including hundreds of leaders, members, and associates of transnational criminal organizations such as MS–13 and the 18th Street Gang. The spread of these vicious groups, and the human suffering they bring, is accomplished through a sophisticated and well-organized campaign of violence meant to intimidate neighborhoods and boost illegal money-making activities. In response, my Administration has taken strong actions to secure our borders, shut down smuggling networks, and expedite the removal of illegal immigrants associated with these transnational criminal networks. Additionally, the Attorney General's Joint Task Force Vulcan has taken steps to disrupt, dismantle, and ultimately destroy MS–13, including strategically targeting the highest ranking leaders and bringing terrorism charges against the organization. Through these initiatives, and working with our foreign law enforcement partners in Operation Regional Shield, we have reduced the ability of transnational criminal organizations to commit murders and other violent crimes, as well as hindered their funding by stopping crimes such as robbery, extortion, drug and gun smuggling, and despicable acts of human trafficking.

Under my Administration, the Department of Justice has revitalized the Project Safe Neighborhoods program, which provides crucial support to local law enforcement agencies across the country to combat gang violence and prevent violent crime. This community-based initiative targets the most violent criminals in the most dangerous areas of our country and has successfully delivered justice by getting them off the streets and behind bars.

None of these significant strides would be possible without the dedicated law enforcement officials of our great Nation. In light of the growing, radical movement attacking the police, I take this opportunity to once again reemphasize my unending support for our Nation's heroes in blue. We are forever grateful for the incredible men and women of law enforcement who risk their lives every single day to combat crime and mayhem.

As a Nation, we must band together in the fight against criminal gangs that threaten our democracy and terrorize our children, families, and communities. National Gang Violence Prevention Week is a time to reflect on the honorable service of our heroes in law enforcement and dedicate ourselves to doing all that we can to prevent criminal gangs from infiltrating our communities with violence and crime. We will not rest until we have removed the scourge of gangs and transnational criminal organizations from our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of September 20 through September 26, 2020, as ''National Gang Violence Prevention Week.''; I call upon the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10081 of September 18, 2020

Death of Ruth Bader Ginsburg

By the President of the United States of America

A Proclamation

Today, our Nation mourns the loss of a trailblazer, not only in the field of law, but in the history of our country. Ruth Bader Ginsburg served more than 27 years as an Associate Justice of the Supreme Court of the United States. She was a loving wife to her late husband Martin, and a caring mother to her two children Jane and James.

Ruth Bader Ginsburg was an inspiration to all Americans. Having lost her older sister and mother before graduating high school, she entered law school as both a wife and a mother, and one of the few women in her class. After graduating from law school in 1959, she worked tirelessly for more than 34 years as a litigator and jurist and, in 1993, she became just the second woman to sit on the Supreme Court of the United States. Renowned for her powerful dissents at the Supreme Court, Justice Ginsburg epitomized powerful yet respectful argument; that you can disagree with someone without being disagreeable to them. Justice Ginsburg's work helped bring about greater equality for women, secure rights for the disabled, and will continue to influence our Nation for generations to come. In addition to her quick mind, she brought flair to the bench with her stylish jabots and her warm friendships among colleagues, even those with whom she often disagreed, most notably with the late Justice Antonin Scalia.

A fighter to the end, Justice Ginsburg defeated cancer and the odds numerous times—all while continuing to serve on the Court. Her commitment to the law and her fearlessness in the face of death inspired countless ''RBG''; fans, and she continues to serve as a role model to countless women lawyers. Her legacy and contribution to American history will never be forgotten.

As a mark of respect for Ruth Bader Ginsburg, Associate Justice of the United States, I hereby order, by the authority vested in me by the Constitution and laws of the United States of America, including section 7 of title 4, United States Code, that the flag of the United States shall be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all

naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10082 of September 19, 2020

National Small Business Week, 2020

By the President of the United States of America
A Proclamation

During National Small Business Week, we celebrate the resolve and ingenuity of American businesses, entrepreneurs, and workers. America's small businesses are at the very core of our Nation's identity and prosperity, and this week we pay tribute to these patriots for their contributions to our Nation's economy and culture.

This year, as we collectively recover from an unprecedented pandemic, my Administration remains intensely focused on helping every American enterprise remain viable, recover, and once again, thrive at historic levels. Our Nation's more than 30 million small businesses, which employ nearly half the private-sector workforce and create two-thirds of all net new jobs, are the key to propelling our economy to the prosperity levels America has enjoyed over the past 3 years. That is why, as part of our extraordinary, whole-of-government economic response to the coronavirus, we have placed the small business sector front and center. We have delivered nearly three quarters of a trillion dollars in timely, economic relief to distressed small business entrepreneurs and their employees throughout the country, including $525 billion in Paycheck Protection Program (PPP) loans, $190 billion in COVID–19 Economic Injury Disaster Loans (EIDL), $20 billion in EIDL Advance grants, and additional healthcare funding.

Additionally, American small businesses have been critical in revitalizing economically distressed areas. That is why my Administration worked with Congress to designate thousands of Opportunity Zones in underserved communities, and as a result, we are creating unprecedented new economic opportunities. We have also made extraordinary strides in the cultivation of entrepreneurship among underrepresented groups, including women, minorities, and veterans. In fact, under my Administration, Latinos are the fastest-growing group of entrepreneurs. These numbers are an important reminder that in the United States anyone who is dedicated and hard-working is capable of achieving their own American Dream.

Across our country, small businesses are essential to their communities, creating jobs and giving back during times of prosperity and

challenge. My Administration is committed to investing in small business owners, and therefore advancing solutions that make it easier for them to exceed their goals. During this National Small Business Week, we celebrate the success of our American entrepreneurs who have chartered their own courses to provide jobs and a bright future for millions of American workers.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 20 through September 26, 2020, as National Small Business Week. I call upon all Americans to recognize the critical contributions of America's entrepreneurs and small business owners as they grow our Nation's economy.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10083 of September 25, 2020

Gold Star Mother's and Family's Day, 2020

By the President of the United States of America
A Proclamation

The brave men and women of our Armed Forces represent the very best of our great Nation, matched only by the families who walk beside them in their service. It is our sacred duty to recognize the unending and immeasurable sacrifices our military families make in support of their loved ones and for our country, and we are cognizant of the fortitude they show enduring the anguish of knowing that their hero may never return home. On this Gold Star Mother's and Family's Day, we solemnly honor the memory of every lost Soldier, Sailor, Airman, Marine, and Coast Guardsman, and we humbly grieve with their families who persevere with remarkable courage, strength, and grace.

Today, and every day, we hold in our hearts those who have answered the knock on the door, accepted the flag folded with precision, said their final farewell, and borne the absence of their fallen hero. Gold Star Families deserve our utmost respect, admiration, and support for their tenacity and resilience, and for the work they do to preserve the memory of those who gave their lives to our Nation.

The true strength and success of our Armed Forces is found in the love, support, and unity of our Nation's military families, and this is reflected best in our country's inspirational Gold Star Mothers and Families. Shouldering their profound grief, they find the courage and conviction to move forward, transforming their heartache into hope, meaningful service, and outreach to veterans, support organizations, and other military families coping with the death of a loved one. Their ability to overcome, persist, prevail, and in turn, enrich the lives of others, exemplifies the true American Spirit. On behalf of our grateful

Nation, I commend and honor them for their continued commitment to our military heroes.

Americans of every generation owe a debt of gratitude to the men and women who gave their lives in service to this Nation and to their families who remain forever changed. On this solemn day of remembrance, we hold these families in our hearts, remember them in our prayers, support them in our words and deeds, and join them in honoring their hero's ultimate sacrifice. May God provide them continued strength, comfort, and care, and may God bless the United States of America.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as ''Gold Star Mother's Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, September 27, 2020, as Gold Star Mother's and Family's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's gratitude and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10084 of September 25, 2020

National Hunting and Fishing Day, 2020

By the President of the United States of America

A Proclamation

On National Hunting and Fishing Day, we pause to reflect on the breathtaking natural wonders and resources that abound throughout our great Nation. American hunters, anglers, and outdoorsmen are entrusted with stewardship of these treasured blessings, sustaining our lands and waters through recreation and conservation efforts. These men and women also make substantial contributions to local economies, supporting individuals and communities and preserving longstanding American sporting traditions.

As they have been since the founding of our country, hunting and fishing remain an integral part of the American identity. In addition to being great stewards of the land, hunters and anglers are also keepers of our rich ecological and conservation traditions, which have been passed down through generations. Hunting and fishing have long functioned as an effective means to manage certain wildlife populations, and time spent in nature promotes awareness of best practices for effectively managing ecosystems throughout the United States. In addition, sales of licenses, tags, and other permits support conservation ef-

forts and contribute to research that furthers our understanding of how to best care for our natural environment. The men and women who hunt and fish our lands and waters cultivate a deep respect for our natural resources and foster greater understanding of mankind's relation to nature, sustaining a uniquely American ethos rooted in the values of individualism and self-sufficiency.

In addition to the importance of hunting and fishing to our cultural heritage, hunters and anglers also help fuel our economy. In 2017, outdoor recreation in the United States supported 5.2 million jobs. These jobs and the activities they support contribute more than $70 billion to our economy and account for more than 2 percent of the United States' gross domestic product. Many hunting and fishing jobs are located in rural communities, focusing economic activity in areas that are often in need of investment and support.

Because of the vital importance of hunting and fishing to the health of our lands and waters and the strength of our national economy, I have championed conservation efforts and supported American outdoorsmen since my first day in office. In March of 2019, I signed into law the John D. Dingell, Jr. Conservation, Management, and Recreation Act, marking the most important public lands designation in a decade. This legislation, combined with other actions taken at my direction by the Department of the Interior, has expanded or proposed to expand nearly 4 million acres across the country to hunting and fishing. To further preserve our Nation's natural resources for the American people, this past August I signed the Great American Outdoors Act—the largest single investment ever in America's public lands. This historic legislation provides $900 million a year in permanent funding to the Land and Water Conservation Fund, allocates $9.5 billion over 5 years to restore our public lands, and won the endorsement of more than 850 conservation groups and 43 sportsmen and sportswomen groups.

On National Hunting and Fishing Day, we emphasize our appreciation for the majestic natural beauty of our Nation, and we celebrate the stewards of the great American traditions that are tied to our lands and waters. Together, we commit to supporting hunting and fishing throughout the United States and passing on these cherished traditions to future generations, securing a future for sportsmanship and conservation in our country.

NOW, THEREFORE, I, DONALD TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 26, 2020, as National Hunting and Fishing Day. I call upon the people of the United States to observe this day by sharing the great outdoors with your family and friends, and practice conservation and preservation with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10085 of September 30, 2020

National Breast Cancer Awareness Month, 2020

By the President of the United States of America

A Proclamation

During National Breast Cancer Awareness Month, we honor the incredible fortitude of breast cancer survivors and offer our heartfelt support and prayers to those currently battling this disease. As one Nation, we remember the precious lives lost to breast cancer and the families forever changed as a result. This month, we devote ourselves to fighting to eradicate breast cancer, working with conviction and compassion to develop treatments and find a cure.

This year, an estimated 276,000 Americans will be diagnosed with breast cancer, and more than 42,000 will likely die from this terrible disease. Thankfully, through early detection and improved treatments, today there is a 90 percent five-year survival rate for women diagnosed with breast cancer. The First Lady and I strongly encourage all Americans to meet with their physicians and discuss their individual risks for breast cancer. Increased awareness, especially of family history and other common risk factors, preventive care, and regular screenings, including mammograms, can help save lives through early diagnosis and prompt treatment.

As President, I am deeply committed to ensuring that Americans have access to cutting-edge treatments and life-saving medications for conditions like breast cancer. In 2018, I signed into law historic ''Right to Try''; legislation, which ensures those diagnosed with a terminal illness greater autonomy in choosing their treatment path and increases their access to potentially lifesaving drugs. My Administration also has taken decisive action to lower prescription drug prices and eliminate burdensome regulations that, for too long, undercut the potential of our researchers to develop innovative treatments and medications. We are also relentlessly committed to protecting Americans with pre-existing conditions, including conditions that may put someone at a greater risk of developing breast cancer. In the fight against this disease, we will continue to use every tool at our disposal to provide Americans with the best possible treatments and medications to save lives.

This month, as we celebrate the incredible resilience of breast cancer survivors and remember those lost to this disease, we also pray for comfort and strength for those currently battling breast cancer. Together, united by compassion and resolve, we will continue in our effort to find new treatments, medications, and a cure to eradicate this disease from our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2020 as National Breast Cancer Awareness Month. Citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups must increase awareness of what we can do to fight breast cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Breast Cancer Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10086 of September 30, 2020

National Cybersecurity Awareness Month, 2020

By the President of the United States of America
A Proclamation

As technology continues to progress and new kinds of threats arise around the world, cybersecurity is playing an increasingly central role in our national security and daily lives. During National Cybersecurity Awareness Month, we recommit to ensuring our Nation's cybersecurity, and we raise awareness of the responsibility all Americans have to protect their Internet-connected devices, technology, and networks from cyber threats at work, home, and school.

My Administration is proud of the steps we have taken to promote technological innovation and bolster cybersecurity measures. We continue to prioritize Science, Technology, Engineering, and Mathematics (STEM) education and employment opportunities, and my Pledge to America's Workers has encouraged companies to provide educational opportunities for nearly 15 million American workers, especially in areas such as artificial intelligence, quantum computing, cybersecurity, and secure 5G. I also signed the Supporting Veterans in STEM Careers Act, which encourages veterans to study and pursue careers in STEM and computer science when they leave military service. These measures are vital to advancing our defenses and ensuring that the American people have the cyber skills necessary to defend our country.

As our Nation continues to innovate, 5G technology will have a major effect on how we live our daily lives in the future. New opportunities, however, also bring new risks, which is why my Administration is leading 5G risk mitigation efforts to ensure that Americans can fully benefit from this new connectivity while keeping their devices safe and secure. In addition, in March, I signed the Secure and Trusted Communications Networks Act, which is strengthening our network defenses against threats from hostile actors. The American people and our allies deserve to know that our 5G networks will be reliable, private, and secure.

We must all work together to create a safer, more secure, and more resilient cyber world. As my Administration collaborates with private industry partners to strengthen and enhance the security of our Nation's technological infrastructure, I encourage all Americans to embrace their responsibility to protect their sensitive data and to familiarize themselves with the Cybersecurity and Infrastructure Security Agency's STOP. THINK. CONNECT. campaign. All devices are potentially vulnerable. But you can greatly enhance the safety of your personal information and that of your family, friends, and employers by adhering to the advice offered by the campaign and improving your cyber hygiene.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2020 as National Cybersecurity Awareness Month. I call upon the people, companies, and institutions of the United States to recognize the importance of cybersecurity and to observe this month through events, training, and education to further our country's national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10087 of September 30, 2020

National Disability Employment Awareness Month, 2020

By the President of the United States of America

A Proclamation

During National Disability Employment Awareness Month, we recognize the immeasurable contributions that Americans with disabilities make to our workforce. Their achievements not only strengthen our economy and communities but also exemplify the power of every American to help shape the future of our country. This month, we recommit to advancing an American workforce where everyone can fully pursue their God-given potential.

Three decades ago, our Nation took a substantial step toward enabling Americans with disabilities to realize their full economic potential. With passage of the landmark Americans with Disabilities Act, these citizens obtained expanded access to employment opportunities, including government and community services. Since then, our Nation has made great strides to create a more inclusive workforce and secure a future of purpose for every American. My Administration has built on these successes by delivering unprecedented opportunities for more than 61 million Americans who have a disability. Due to these efforts, Americans with disabilities had the lowest annual unemployment rate on record last year. As we continue to restore our economy following the coronavirus pandemic, we will once again ensure historic employment opportunities for this incredible group of people.

Now, more than ever, technology is at the forefront of our evolving national workforce. Accordingly, my Administration is harnessing emerging technologies that enable Americans with disabilities to work in new ways and in new environments. The Department of Labor's Partnership on Employment and Accessible Technology developed the *Emerging Technology Playbook*, which provides step-by-step guidance to ensure accessibility is being built into new technology from the start. Additionally, the Department of Health and Human Services has convened the Interagency Accessibility Forum to foster best practices in accessibility across the Federal Government. My Administration is also working with State and local policymakers through the State Ex-

change on Employment and Disability initiative to build a more disability-inclusive employment landscape. While there is still progress to be made, I am committed to expanding rewarding, family-sustaining careers to Americans with disabilities in each and every State.

This month, we recognize the talent and skill of Americans with disabilities. Their resolve and determination strengthen our country and inspire us all. Together, we will continue to advance and promote an inclusive workforce in which everyone can provide for themselves and their families, achieve the American Dream, and enjoy the prosperity of our great Nation.

The Congress, by Joint Resolution approved August 11, 1945, as amended (36 U.S.C. 121), has designated October of each year as ''National Disability Employment Awareness Month.''; Most appropriately, this year's theme is ''Increasing Access and Opportunity.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim October 2020 as National Disability Employment Awareness Month. I call upon government, employers, labor organizations, and the great people of the United States to recognize the month with appropriate programs, ceremonies, and activities across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10088 of September 30, 2020

National Domestic Violence Awareness Month, 2020

By the President of the United States of America

A Proclamation

All Americans deserve a life free from the threat of physical and psychological harm. Tragically, far too many Americans are deprived of this right by perpetrators of domestic violence. During National Domestic Violence Awareness Month, we offer our support to the victims and survivors of this unacceptable atrocity and reaffirm our commitment to bringing justice to their abusers and offering hope to those who currently reside in volatile and unsafe living conditions.

Domestic violence is an evil that threatens the social fabric of our Nation. It is a widespread attack on the most sacred and intimate of institutions—the American family. Domestic violence tears families apart, with devastating consequences that can last for generations. Tragically, more than 10 million Americans suffer at the hands of loved ones each year, and women are twice as likely to be targets of this heinous crime as men.

My Administration will always stand with and protect victims of domestic violence. My Fiscal Year 2020 budget allocated nearly $500 million for the Department of Justice (DOJ) to support respectful, nonviolent relationships and reduce domestic violence. In fiscal years

2018, 2019, and 2020, we also provided the DOJ Office for Victims of Crime with $10 billion in funding so it can provide comprehensive and effective services, including to victims of domestic violence. Thousands of domestic violence survivors have received critical assistance because of this funding. My Administration has also provided funding for domestic violence shelters throughout the country so that people affected by this crime have a safe place to go to escape from their abuser. While our work will not be done until we end domestic violence, these initiatives are helping victims hold their abusers accountable and recover from the trauma inflicted upon them.

As our Nation continues to combat the coronavirus pandemic, we are forced to face the consequences of increased domestic abuse. We must protect and support those who have found themselves locked down with an abuser. Now more than ever, we must do our part to provide domestic violence survivors with the tools and resources they need to escape their abuse and secure justice for the harm inflicted upon them. The pandemic has also underscored the need for well-trained law enforcement professionals, who often respond to domestic violence calls and provide assistance in situations that very often involve physical injury, psychological trauma, or even death. As we recommit to ending this unconscionable cycle of abuse, we also commend the heroes who courageously answer the call for help time and time again.

There is no room for violence of any kind in our country. This month, we recognize that the victims and survivors of the unspeakable ordeal of domestic violence deserve our compassion, respect, and support. Let us marshal every tool at our disposal to continue the national, sustained, and coordinated campaign to end domestic violence forever.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2020 as National Domestic Violence Awareness Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10089 of September 30, 2020

National Energy Awareness Month, 2020

By the President of the United States of America

A Proclamation

From coast to coast, our country is blessed with an abundance of natural resources that help power our homes, light our cities, and provide us transport to school and work. However, for too long, we failed to reap their full benefits, nor did we properly steward these God-given gifts. My Administration reversed that trend, and today, I am proud to proclaim that the United States is finally energy independent. During

National Energy Awareness Month, we recognize the newly restored, preeminent importance of our Nation's energy industry to the comfort of our daily lives and to our national security.

Since the beginning of my Administration, I have taken action to reduce the regulatory burden on the American energy sector. The last administration had stifled this industry with one costly job-killing regulation after another. For decades, special interest groups, bureaucrats, and radical environmental activists stymied the maintenance, repair, growth, and expansion of our Nation's energy infrastructure, preventing us from achieving energy independence. My Administration has ended all that and is promoting stronger production of crude oil and other liquids and empowering the private sector to explore and drill for oil and gas. We are also eliminating regulatory obstacles to building the major energy infrastructure needed to transport our Nation's energy from the source of production to end users and exporters. We have issued timely approvals for the Keystone XL, Dakota Access and Mountain Valley Pipelines, and addressed the obstacles to exporting coal through West Coast ports. As a result of these policies, our country is a net energy exporter for the first time since 1952 and is now the number one producer of oil and natural gas in the world.

Under my Administration, we are no longer beholden to foreign powers or domestic radicals. We are powering our Nation on our own terms.

My Administration's commitment to promoting robust energy development has proven that energy production can go hand in hand with responsible stewardship of our natural environment. America's energy independence is critical to environmental stewardship. While boosting energy production, the United States still continues to be a world leader in clean air, including in the reduction of energy-related CO_2 emissions. Emissions of common air pollutants have dropped by 77 percent over the last 50 years, including a 7 percent reduction under my Administration.

By empowering our domestic energy industry and its workers, my Administration has made American innovation—rather than foreign influence—the cornerstone of our clean energy policy. Due to these efforts, we remain the world's top producer of nuclear power and recently became the second largest generator of solar power. Allowing American companies to chart their own paths to dependable renewable energy sources, rather than forcing them to adhere to top-down government programs, has enabled us to lead the world in emissions reductions.

To continue our progress, I proudly signed the Great American Outdoors Act, which will direct royalties from energy production on Federal lands and waters toward conserving and repairing our national parks, forests, refuges, public lands, and tribal schools. As a result, the energy industry will play a crucial role in our sustainability and conservation efforts going forward.

This month, we recommit to supporting our Nation's workers who produce, transport, and refine our energy. We recognize the vital role they play in creating opportunities, developing technologies, and advancing our country toward an even more prosperous future. My Administration will always support these hardworking men and women, and together, we will sustain our energy dominance and independence for years to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2020 as National Energy Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10090 of September 30, 2020

National Substance Abuse Prevention Month, 2020

By the President of the United States of America

A Proclamation

Addiction to alcohol, illicit drugs, and prescription medications fuels havoc, heartache, and hopelessness in the lives of far too many Americans, as well as their friends and family members. During National Substance Abuse Prevention Month, we renew our unyielding commitment to breaking the grip of alcohol and drug addiction. Through our continued national effort, we will save lives and work to ensure a stronger and healthier country.

It has been my priority and promise to win the critical battle against opioid misuse, which has ravaged our Nation for too long. In total, close to 400,000 Americans have lost their lives to opioid overdoses since the turn of the century. While one life lost to drug addiction is too many, nearly half a million is unconscionable. In response, I declared a Public Health Emergency and initiated a whole-of-government approach dedicated to ending this tragedy. To bolster this effort, I signed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act, a law that reduces access to opioids while expanding access to prevention, treatment, and recovery services. The SUPPORT Act is the single largest commitment to combatting the drug crisis in our Nation's history, and it is making a difference.

In addition to the opioids public health emergency, my Administration is also advancing several initiatives to address substance abuse more broadly. We have strengthened the Drug-Free Communities program, which provides grants that mobilize communities to prevent youth substance use at the local level. We created the *Rural Community Toolbox*, which is an online resource that connects small town leaders with funding, data, and information to combat drug addiction in rural America. And the High Intensity Drug Trafficking Area (HIDTA) Program is collaborating with community-based organizations and coalitions to fund evidence-based and evidence-informed prevention activities within the HIDTA communities. These initiatives, along with actions taken by State, local, tribal, and territorial stakeholders, including faith-based organizations, are helping families and communities save lives by engaging young people most at risk of developing a substance use disorder.

As our Nation continues its unprecedented fight against the coronavirus pandemic, we are acutely aware of how isolation affects mental health and can encourage the misuse of legal and illegal substances. Through collaborative, community-based efforts, we are strengthening the support systems that deter our Nation's young people from drug use and improve overall mental health and wellness.

This month, we pause to remember the lives lost to addiction, and recommit to protecting all Americans—particularly our Nation's young people—from the devastating effects drugs can have on them and their loved ones. We also commend the healthcare professionals, law enforcement officials, educators, family members, and community volunteers who raise awareness about the risks and dangers of alcohol and drug use, treat the afflicted, and support prevention. Together, we will build healthy families, safe neighborhoods, and thriving communities by preventing substance misuse.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2020 as National Substance Abuse Prevention Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10091 of October 1, 2020

National Manufacturing Day, 2020

By the President of the United States of America

A Proclamation

Since the founding of our Nation, Americans have been renowned for their craftsmanship and productivity. On National Manufacturing Day, we celebrate our dedicated American workers who carry on this legacy, recognizing that manufacturing is a cornerstone of our economic prosperity and national security. The workmanship and ingenuity of American manufacturers make ''Made in the U.S.A.''; an enduring stamp of patriotism and excellence, and we will always support the men and women whose work ensures that American manufacturing is second to none.

Since my first day in office, I have put America first, ushering in an unprecedented manufacturing revival. In 2017, I signed into law the Tax Cuts and Jobs Act, supercharging our economic resurgence after more than a decade of stagnation. My Administration also embarked on a long-overdue effort to eliminate unnecessary and burdensome regulations, unleashing the full potential of our manufacturers. Under my leadership, we also renegotiated one-sided and unfair trade deals, finally putting American workers and their interests first to ensure they can compete on a level playing field with their foreign counterparts.

These policies and achievements have delivered historic results for the American worker and American families. Prior to the coronavirus pandemic, our Nation had added more than 483,000 manufacturing jobs since my inauguration. In addition, more than 430 organizations have signed my Administration's Pledge to America's workers, committing to providing education and training opportunities for 16 million American students and workers over the next 5 years, with manufacturing workers as a primary beneficiary. Thanks to the renegotiated United States-Korea Free Trade Agreement, which I signed in September of 2018, American manufacturers are being treated more fairly on the global stage, and we ended a bilateral trade deficit of more than 170 percent caused by previous administrations' disastrous policies. In January of this year, I also delivered on my promise to replace the outdated North American Free Trade Agreement by signing into law the United States-Mexico-Canada Agreement, which will create nearly 600,000 new jobs—including 76,000 in the auto industry alone—and spur up to $235 billion in new economic activity for our country.

In recent months, the vital importance of our Nation's manufacturing sector to the strength, security, and resilience of our country has become abundantly clear. Since the arrival of the coronavirus from China, the health and safety of the American people has depended more than ever on American manufacturing for essential goods and medical supplies. To help facilitate the delivery of essential supplies and goods, I invoked the Defense Production Act and related authorities more than 100 times since March to launch the greatest manufacturing mobilization since the Second World War, quickly focusing the might of American industry toward defeating the virus. Our manufacturers have delivered when they were needed most, working with Federal, State, and local government partners to produce more than 240 million N95 respirators, one billion surgical masks, 45 million face shields, 430 million gowns, and 28 billion gloves—in addition to continuing to keep grocery store shelves stocked and deliver other essential goods to the American people. The men and women who occupy manufacturing sector jobs have been and continue to be heroes in this effort, ensuring the strength of our supply chain and fueling our nationwide response to the virus.

As our Nation continues to reopen, we know that our manufacturing sector is vital to our economic recovery. Already, we are seeing signs that a historic resurgence is well underway; we added 29,000 manufacturing jobs in August alone, the same month in which manufacturing activity reached a 19-month high. American workers have pioneered the greatest advancements in history, and they will overcome this latest challenge as well and continue to transform lives around the world. Today, as we celebrate National Manufacturing Day and our Nation's exceptional manufacturing heritage, let us resolve to expand American excellence in manufacturing into the future, securing our national prosperity for generations to come.

NOW, THEREFORE, I, Donald J. Trump, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2, 2020, as National Manufacturing Day. I call upon all Americans to observe this day to celebrate today's manufacturing and the U.S. manufacturers that make our communities strong.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10092 of October 3, 2020

Fire Prevention Week, 2020

By the President of the United States of America
A Proclamation

During Fire Prevention Week, we are reminded to keep doing our part to prevent fires before they tragically claim lives and destroy homes, businesses, and natural resources. Every American can play a role in raising awareness about preventing fires and taking simple precautions to help prevent fire-related deaths and injuries. We also commend our Nation's brave firefighters and emergency workers who risk their health and safety each day, and we solemnly remember those who gave their lives in service to protect Americans and our communities. This week, I encourage all Americans to take steps to prepare their family, property, and community on what to do before, during, and after a fire.

This year, courageous firefighters and other brave Americans have confronted one of the worst fire seasons in our history. We have seen more than 43,500 wildfires, lost more than 10,000 buildings, and 35 people have tragically died. In the Western States, more than 30,000 firefighters—the largest deployment in history—have battled these fires, risking their lives for their fellow Americans' safety. My Administration is thankful for the assistance from our National Guard, Navy, Marine Corps, and international partners from Canada and Mexico to help end this devastation.

This tragic fire season is another reminder of the importance of effective forest management, which can play a big role in helping prevent forest fires. Proactive steps such as cleaning forest floors to remove flammable limbs and leaves can help reduce the risk of large fires and improve the health of our Nation's forests. In 2020, I have approved more than 30 Stafford Act Declarations, including Fire Management Assistance Grants, to help multiple States stop fires, and we continue to encourage active forest management efforts throughout the country.

This year, we also give special recognition to the many American firefighters who joined the valiant efforts of our Australian allies in fighting bushfires that killed hundreds of people and countless animals and destroyed thousands of homes. Tragically, three Americans perished in this courageous effort. These heroes, all veterans of the United States Armed Forces, embodied the very best of the American spirit in their desire to help others, and we will always honor their memory.

Home fires are also a cause for significant concern. Cooking fires are one of the most common types of residential fires, and fires in the home can start easily if the right precautions are not taken. I recommend that Americans take active steps to protect themselves and their families at home, including by testing smoke alarms once a

month and replacing them after 10 years, as recommended by the United States Fire Administration. Additionally, it is important to have a fire escape route in place so all are prepared for how to leave the home if a fire does occur. We can all do our part to prevent fires in and around our homes to protect the lives of our families and neighbors.

Throughout this Fire Prevention Week, we come together to recognize the threat posed by fire, honor the lives it claims each year, and recommit to preventing fires in our homes, businesses, and across this great Nation's wildlands. I encourage all Americans to reduce fire deaths, injuries, and property loss through prudent preparation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 4 through October 10, 2020, as Fire Prevention Week. On Sunday, October 4, 2020, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10093 of October 3, 2020

Made in America Day and Made in America Week, 2020

By the President of the United States of America

A Proclamation

The ''Made in America''; stamp stands for excellence in craftsmanship. It is a testament to the expertise of our millions of inventors, craftsmen, tradesmen, and laborers who make up the most skilled, innovative, and dedicated workforce in the world. On Made in America Day, and throughout Made in America Week, we commend these hard-working men and women and recommit ourselves to strengthening American manufacturing as we rebuild the greatest economy in our Nation's history for a second time.

For too long, politicians failed to recognize the critical importance of using American labor to make American goods, so that the profits and jobs stay here at home. They enabled American companies to ship their jobs overseas and sat by while foreign companies ripped off our products. They fostered in our country a dangerous reliance on foreign countries while neglecting American workers and American families. These days are over. Under my Administration, these forgotten men and women are forgotten no longer. I pledged to always put American workers first, and as President, I have delivered on that promise, vigorously implementing trade and manufacturing policies that encourage

the building, creating, and growing of more products right here at home. As a result, we are creating jobs, improving lives, and strengthening our families, our neighbors, and our Nation.

This year, the coronavirus pandemic has exposed the profound failures of past trade and manufacturing policies. It has never been clearer that foreign dependence is not only the antithesis of the American spirit, but it also endangers our national security in times of crisis. To ensure domestic resilience moving forward, my Administration has renegotiated international trade agreements and enacted manufacturing policies that encourage buying American and hiring American like never before. Earlier this year, the landmark United States-Mexico-Canada Agreement took effect—reopening factories, bringing home hundreds of thousands of jobs, and reasserting America's manufacturing might. I have also signed Executive Orders that strengthen production standards under the Buy American Act and ensure the Federal Government maximizes its use of American-made products.

As our Nation continues to reopen our economy, I call on businesses to sign our Pledge to America's Workers. The programs involved will be essential to getting Americans back to work by educating, training, and reskilling workers of all ages. More businesses taking the Pledge will further our economic comeback and ensure we regain the strides we had made under my Administration.

''Made in America''; is not a slogan. It is a solemn pledge. It is the foundation of our renewed success. On every front, my Administration will continue to fight for American workers, American jobs, and American businesses to ensure prosperity today and for America's future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 5, 2020, as Made in America Day and this week, October 4 through October 10, 2020, as Made in America Week. I call upon all Americans to pay special tribute to builders, ranchers, crafters, entrepreneurs, and all those who work with their hands every day to make America great.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10094 of October 3, 2020

Child Health Day, 2020

By the President of the United States of America
A Proclamation

Children are one of life's greatest blessings. They bring boundless joy to families and enrich our communities. On Child Health Day, we are reminded of our solemn obligation to love and protect these precious

lives, and we recommit to helping America's youth reach their full potential.

Our Nation is home to the greatest doctors and medical professionals in the world, and yet, the health of too many American children is compromised at the earliest stages of life. To end this tragedy, my Administration is taking action to empower doctors and families so that children thrive at every stage of development. To reduce the rate of infant death, we have invested more than $100 million in the Healthy Start initiative, which particularly targets minority communities. We have also updated and improved clinical guidelines that healthcare professionals use for prenatal checkups, leading to safer births and healthier babies. As President, and as a father and grandfather, I will continue to work to ensure that every American family has the ability to raise healthy children, regardless of their income, education, or racial or ethnic background.

It is also vitally important to safeguard the mental, spiritual, and physical health of our children as they grow up. To this end, the First Lady launched her BE BEST initiative in 2018, an effort that has promoted whole-of-person wellness for children since its inception. BE BEST encourages character development and respect for others and provides education, awareness, and coping skills to help youth navigate issues they may face, including online safety and opioid and drug misuse. The positive habits encouraged by the BE BEST program have and will continue to develop future leaders, strengthening our Nation and affecting positive change in communities throughout the United States.

This year, we also celebrate 10 years of success in the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program, which helps prevent child neglect and provides families with the tools they need to raise children who are physically, socially, and emotionally healthy. The First Lady and I recognize the importance of creating a healthy environment in which to raise a child, and my Administration will always support children in need.

In recent months, we have also seen the effects of the coronavirus on the health of our Nation's children. While children are at a very low risk from the coronavirus itself, lockdowns and school closures pose significant risks to the health and wellbeing of our young people. My Administration recognizes that extended school closures cause students to fall behind academically and can have devastating effects on the long-term prospects for school-aged children. Many children, especially those from low-income and minority communities, rely on schools for resources that they do not have access to when schools are closed. Schools provide meals, counseling, physical activity, social interaction, and other experiences that play a crucial role in the development of our young people. For these reasons, lockdowns and school closures can often pose a greater risk to children than the coronavirus, and we must take action to both empower parents and students to take control of their education and equip teachers to best ensure the wellbeing of their students.

In recognition of the vital role schools play in the health of our Nation's children, my Administration has taken aggressive action to help our schools open safely. The bipartisan Coronavirus Aid, Relief, and Economic Security Act, which I signed into law in March, designates $750 million—in addition to the $10.6 billion already appropriated—

in funding to the Head Start and Early Head Start programs, which help prepare low-income children for kindergarten. Furthermore, we have provided school districts with $25 billion for personal protective equipment and other resources to lower the risk of the spread of coronavirus, and I have called on the Congress to provide an additional $105 billion toward this effort. We have also provided every State with revolutionary point-of-care tests that deliver results in under 15 minutes. In preparation for the imminent delivery of a safe, effective coronavirus vaccine, last month I also directed the Department of Health and Human Services to issue guidance under the Public Readiness and Emergency Preparedness Act which allows State-licensed pharmacy professionals to administer vaccines to individuals ages three and older. This action will greatly expand vaccine access, especially among children, and will expedite our ongoing recovery effort. As one Nation, we will continue our push to safely reopen while also protecting the most vulnerable among us.

Our Nation's children are the hope and promise of our future. Parents, educators, clergy members, mentors, and community volunteers all influence and shape the lives of young people. On this Child Health Day, let us renew our commitment to the vital role we all share in raising, nurturing, protecting, empowering, and encouraging America's youth so that they may enjoy healthy, happy, and fulfilled lives.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, October 5, 2020, as Child Health Day. I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10095 of October 5, 2020

German-American Day, 2020

By the President of the United States of America

A Proclamation

Since our founding, German-Americans have been central to our progress as a Nation. Industrious and faithful early German immigrants came to our shores to fulfill dreams of economic opportunity and to live out their faith free from government interference. These men and women established families and built livelihoods, exhibiting virtues that helped form our unique American ethos and passing down tradi-

tions that continue to shape our cultural identity. Today, on German-American Day, we commemorate the extraordinary contributions of German-Americans to our country, and we pay tribute to the more than 43 million Americans who, like myself, claim German heritage.

The story of German-Americans is embedded in the most sacred chapters of American lore. When members of the first Continental Congress met in Philadelphia to forge a future of freedom on this continent, they walked down streets brimming with German businesses. Their deliberations were diligently reported in German-language broadsides and rigorously debated in German-owned coffeehouses. On July 4, 1776, when the Founding Fathers declared our independence, a German-language newspaper was the first to break the news to the new Nation. The next day, the streets were flooded with German translations of Thomas Jefferson's revolutionary words proclaiming that ''all men are created equal.'';

Ever since, Americans of German descent have left their mark on our history. German influence played a large role in establishing our unyielding commitment to universal public education. It was a German-American, Margarethe Meyer Schurz, who opened the first kindergarten in America. German-Americans helped champion physical education and built the first gymnasiums for school buildings, positively affecting the physical health of our schoolchildren. German-Americans also introduced vocational training in public schools, providing new avenues for economic empowerment for young people and fueling American prosperity.

Over the years, German customs have also become infused into American culture. Our cherished Christmas and Easter traditions are influenced by practices of early German arrivals. At Christmastime, we draw on German culture when we decorate Christmas trees and exchange gifts. During Easter, we have German immigrants to thank for our Easter egg hunts. These traditionally German customs have become staples of American culture and continue to unite Americans of all backgrounds.

This month also marks the 30th anniversary of German reunification following the fall of the Berlin Wall in November of 1989. This historic moment marked a triumph for democracy and paved the way for a more free and open Europe. As we celebrate the many contributions of German-Americans to our country, we also celebrate our strong transatlantic ties with Germany and recommit to working together to forge a brighter future for both our nations and the world.

Today, we celebrate the societal achievements and cultural contributions of all German-Americans and reflect on the hardworking and efficient spirit that they have imbued in our national character. From engineers and doctors to bakers and inventors, they have strengthened our economy and enriched our communities. Thanks in part to their dedication and hard work, our country remains a shining beacon of freedom and prosperity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2020, as German-American Day. I call upon all Americans to celebrate the achievements and contributions of German Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10096 of October 6, 2020

Birthday of Founding Father Caesar Rodney

By the President of the United States of America
A Proclamation

Today is the 292nd birthday of Founding Father Caesar Rodney. Rodney was a soldier, a sheriff, a justice on the Delaware Supreme Court, a delegate from Delaware to the Continental Congress, a Brigadier General in the Continental Army, and a signer of the Declaration of Independence. He is an American legend.

Rodney rode into American history when, despite suffering from cancer and asthma, he traveled 80 miles overnight from Dover to Philadelphia through a raging thunderstorm in time to cast Delaware's deciding vote for independence on July 2, 1776. His heroic act helped ensure that the Declaration of Independence would be passed unanimously. Upon entering Independence Hall, Rodney is said to have uttered these words: ''As I believe the voice of my constituents and all sensible and honest men is in favor of independence, and as my own judgment concurs with them, I give my vote for independence.'';

Rodney was not just a Founding Father, he was a fighter for American freedom, serving under the command of General George Washington at Trenton during the Revolution. Washington bestowed his ''sincerest thanks''; for Rodney's service, commending his character as deserving of the ''highest honor''; and describing his devotion to the American cause as ''the most distinguished.'';

After the Revolution, Rodney continued to fight through cancer and serve the State of Delaware as Speaker of the Upper House of its General Assembly. As the years went by, Rodney's cancer grew worse. Finally, he became so weak that he could not travel to participate in the legislative session. But Rodney's presence was so significant and his statesmanship was so revered by his fellow colleagues that they would not proceed without him and voted to meet at Rodney's own home so that he could still lead them from his bed.

For more than two centuries, Delaware honored the patriotism and sacrifice of Caesar Rodney. In 1934, Delaware donated a statue of Caesar Rodney holding the Declaration of Independence to the United States Capitol. In 1976, the State issued a postage stamp commemorating Caesar Rodney to celebrate the bicentennial, and the Delaware Bicentennial Commission published an entire history of Rodney's life, proclaiming him ''Delaware's hero for all times and all seasons,''; ''the patron saint of his native state,''; and ''Delaware's principal hero of the American Revolutionary War.''; The 1999 State Quarter of Delaware bears Caesar Rodney's image. At the University of Delaware, students live in Caesar Rodney Residence Hall. Boy Scouts in Delaware travel

the historic Caesar Rodney Trail. Each year, Delaware residents participate in the Caesar Rodney Half Marathon and 5K. In Camden, both the High School and School District are named after Caesar Rodney, and one can drive down Caesar Rodney Avenue.

Even the Federal Government has taken action to preserve the memory of Caesar Rodney and honor the history of Rodney's ride for independence. In 2013, President Obama designated the First State National Monument in Delaware, which protected as an object of ''historic interest''; the very assembly room where Caesar Rodney introduced a bill to prohibit the importation of slaves into Delaware and where Rodney presided as Speaker when the Delaware Assembly declared independence from the British Crown in 1776. At the First State National Monument, park officials tell the story of Caesar Rodney's 18-hour ride through severe storms to vote for the Declaration of Independence.

But today, the memory and remarkable history of Caesar Rodney's midnight ride is at risk of being erased forever. In the center of downtown Wilmington, Delaware is Rodney Square, named after Caesar Rodney. Until recently, a majestic equestrian statue of Caesar Rodney riding to Philadelphia had stood there for nearly a century. In 2011, Rodney Square and the Caesar Rodney Equestrian Statue were placed on the National Register of Historic Places after the State of Delaware nominated them for the honor. The nomination notes that, at the time of its design, the Caesar Rodney Equestrian Statue was ''considered by many sculptors to be one of the most beautiful equestrian statues in the world.''; But, on June 12, 2020, the Caesar Rodney Equestrian Statue was removed as part of an ongoing, radical purge of America's founding generation.

The empty pedestal in Rodney Square in Wilmington is the end result of an extreme anti-American historical revisionism propagated by organizations like the New York Times and its 1619 Project, critical race theorists on college campuses, cancel culture adherents in corporate boardrooms, and flag-burning mobs on city streets who seek to reframe our Nation's history around the idea that the United States is not an exceptional country but an evil one. Caesar Rodney is an early casualty of these reckless ''re-education''; attempts that, if allowed to progress, will erase the names of every one of the heroes of 1776 from American memory and blot out their noble legacy from the history books. The students of Howard Zinn and the 1619 Project have already pledged to remove the Jefferson Memorial and the Washington Monument next. If Caesar Rodney cannot be defended, then there is no principle by which the other signers of the Declaration can be shielded from similar eradication.

Radicals will continue their efforts to tear down our Founding Fathers until Americans demand that it stop and demand that the truth of American history be once again taught in our schools. That is why, on Constitution Day, I announced the creation of a new national commission to promote patriotic education. The ''1776 Commission''; will champion efforts to teach the truth about America's heroic founding and make plans to honor the 250th anniversary of the American founding.

At the White House Conference on American History, I also announced that a statue of Caesar Rodney would be added to the National Garden of American Heroes, a vast outdoor park that will feature the statues

of the greatest Americans who have ever lived. As I said this past Constitution Day, ''America will give this Founding Father, this very brave man, who was so horribly treated, the place of honor he deserves.'';

Today, we celebrate the life and legacy of a patriot who rode as hard and as fast as he could to pledge his life, his fortune, and his sacred honor to the cause of American Independence and American Freedom. On Caesar Rodney's 292nd birthday, I proclaim that his name will never be forgotten or removed from the record of history and his heroic ride for independence will be honored, preserved, and remembered for centuries to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 7, 2020, as the 292nd Anniversary of the birth of Caesar Rodney. I invite the people of the United States to observe the day in schools and churches and customary places of meeting with appropriate ceremonies in commemoration of the birth of Caesar Rodney.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10097 of October 8, 2020

Leif Erikson Day, 2020

By the President of the United States of America
A Proclamation

More than 1,000 years ago, the Norse explorer and Viking Leif Erikson made landfall in modern-day Newfoundland, likely becoming the first European to discover the New World. Today, Leif Erikson represents over a millennium of shared history between the Nordic countries and the Americas and symbolizes the many contributions of Nordic Americans to our great Nation.

Accomplished in the face of daunting danger and carried out in service of Judeo-Christian values, Leif Erikson's story reflects the fundamental truths about the American character. On a mission to evangelize Greenland, Leif Erikson and his crew were blown off course. They had to brave the cold waters of the northern Atlantic to find safe harbor on the North American coastline. In surviving this ordeal, these hardened Vikings tested the limits of human exploration in a way that continues to inspire us today.

In 1825, six Norwegian families repeated this voyage, landing their sloop in New York Harbor in the first organized migration to the United States from Scandinavia. Like the Puritans and pilgrims before them, these people came to our Nation seeking religious freedom and safety from persecution. Now, more than 11 million Americans can trace their roots to Denmark, Finland, Iceland, Norway, and Sweden, and among them stand Nobel Laureates, Academy Award winners, and

Legion of Merit recipients. Across our Nation, from the Danish villages of western Iowa to the Norwegian Ridge in Minnesota and the Finns of Michigan's Upper Peninsula, Nordic Americans have left their mark on our culture, economy, and society.

Nordic countries remain strong economic partners and military allies of our Nation. They each hold important roles in the Arctic Council, facilitating cooperation on economic development, environmental conservation, and indigenous rights. As North Atlantic Treaty Organization Allies and partners, all five Nordic countries greatly contribute to the peace and stability of the transatlantic community and the entire world. The United States greatly values their continued friendship.

On Leif Erikson Day, we celebrate Nordic Americans whose firm faith and resolve are woven into the fabric of our Nation, and we commit to continuing our strong diplomatic relationship with Scandinavian nations for years to come.

To honor Leif Erikson, son of Iceland and grandson of Norway, and to celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President of the United States to proclaim October 9 of each year as ''Leif Erikson Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 9, 2020, as Leif Erikson Day. I call upon all Americans to celebrate the contributions of Nordic Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10098 of October 9, 2020

National School Lunch Week, 2020

By the President of the United States of America

A Proclamation

During National School Lunch Week, we celebrate our Nation's commitment to providing nutritious food to millions of students, and we recognize the many dedicated food service professionals and administrators who help carry out this mission. In a typical year, the National School Lunch Program provides meals to nearly 30 million schoolchildren every day across the country. These meals enable students in need to eat nutritious meals, which helps them achieve academic success and reach their full potential.

The National School Lunch Program succeeds because of the strong partnerships between the Federal Government and State governments, food service professionals, and local school leaders. Our Nation's farmers, ranchers, and producers are also essential to providing the food

our children eat. Since this program was established in 1946, the collaboration between these key players has been vital to its success, and their cooperation has never been more crucial than during this pivotal time in our Nation's history.

In recent months, it has become increasingly evident just how many families depend on the meals provided at school. As thousands of schools transitioned to remote learning in response to the coronavirus pandemic, I signed the Families First Coronavirus Response Act to ensure schools could continue serving children the meals they need. My Administration also launched the innovative public-private partnership ''Meals to You''; which delivered more than 40 million nutritious meals to children in rural areas while schools were closed. In the battle with this invisible enemy, resilience and flexibility have been critical to keeping our children safe and fed, and we are thankful for the extra efforts that have been made to achieve this goal.

Throughout the last few months, my Administration has recognized that our children's well-being depends so much on their access to schools. I have encouraged all schools to safely reopen, and we want to ensure that they are as prepared as ever to provide healthy meals to all students. In June, my Administration invested in the health of students by awarding more than $12.1 million—a record amount—in Farm to School Grants. These funds will help bring clean, fresh, and locally-grown foods into schools and communities as they reopen, and will help foster economic opportunity for America's farmers as we continue our economic comeback. Additionally, on October 9, my Administration extended flexibilities and waived requirements to continue operating the summer meals program and the seamless summer option at no cost until the end of the school year. This program allows any child under 18 to get a free meal at a meal distribution site, and allows parents and guardians to pick up meals for their children. We are proud of these measures and others that we have taken to help ensure that all students have access to nutritious food.

To emphasize the importance of the National School Lunch Program, the Congress, by joint resolution of October 9, 1962 (Public Law 87–780), has designated the week beginning on the second Sunday in October each year as ''National School Lunch Week'' and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11 through October 17, 2020, as National School Lunch Week. I call upon all Americans to join the countless individuals who administer the National School Lunch Program in activities that support and promote awareness of the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10099 of October 9, 2020

General Pulaski Memorial Day, 2020

By the President of the United States of America
A Proclamation

The life of the Polish-American hero General Casimir Pulaski is a testament to our Nation's ideals and a paragon of the cause of human freedom. General Pulaski's devotion to country—and the shared values upon which our Nation and Poland were both founded—accentuates our common commitment to liberty. On General Pulaski Memorial Day, we honor and celebrate his courage and expertise in the Revolutionary War, which helped found a Nation conceived in the ideals he held most dearly.

General Pulaski was a military leader renowned for his bravery and tactical acumen. In Poland, he fought valiantly in defense of his country's sovereignty and against the scourge of foreign tyranny. In 1777, recognizing our burgeoning Nation's cause, Pulaski eagerly joined General George Washington's Continental Army upon the recommendation of Benjamin Franklin. Pulaski spent the next 2 years in service to America and its battle for self-determination and liberty.

Throughout his time in the Continental Army, General Pulaski distinguished himself as a military leader of tactical brilliance and tremendous valor. At the Battle of Brandywine, he famously saved General Washington's life, who later promoted him to Brigadier General and gave him command of a cavalry division. Dubbed the ''Pulaski Legion'' his division played a key role in the fight for American Independence. Tragically, though, the ''Father of the American Cavalry'' was mortally wounded while leading his men during the Battle of Savannah in October of 1779.

General Pulaski once wrote to General Washington: ''I came here, where freedom is being defended, to serve it, and to live or die for it'' General Pulaski's ultimate sacrifice for a young Nation that was not his own illustrates what is still true today—America is the shining city on a hill and a symbol of freedom and opportunity for the entire world. The United States of America is more than a name to rally around; it is the land of a people committed to universal values that inspired a young Polish soldier to fight over 200 years ago, thousands of miles from his place of birth, and it continues to inspire freedom-loving people near and far.

As I told the Polish people during a trip to Warsaw in my first year in office, the United States and Poland share a special bond forged by unique histories and national characters, and a fellowship that exists only among people who have fought and bled and died for freedom.

As we join together in celebration of General Pulaski's commitment to the cause of liberty, we reaffirm the enduring bond between our Nation and his native Poland. His legacy, carried in the hearts of nearly 10 million Polish Americans, will forever be etched into the great American story.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October

11, 2020, as General Pulaski Memorial Day. I encourage all Americans to commemorate on this occasion those who have contributed to the furthering of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10100 of October 9, 2020

Columbus Day, 2020

By the President of the United States of America
A Proclamation

More than 500 years ago, Christopher Columbus's intrepid voyage to the New World ushered in a new era of exploration and discovery. His travels led to European contact with the Americas and, a century later, the first settlements on the shores of the modern day United States. Today, we celebrate Columbus Day to commemorate the great Italian who opened a new chapter in world history and to appreciate his enduring significance to the Western Hemisphere.

When Christopher Columbus and his crew sailed across the Atlantic Ocean on the *Niña*, *Pinta*, and *Santa María* it marked the beginning of a new era in human history. For Italian Americans, Christopher Columbus represents one of the first of many immeasurable contributions of Italy to American history. As a native of Genoa, Columbus inspired early immigrants to carry forth their rich Italian heritage to the New World. Today, the United States benefits from the warmth and generosity of nearly 17 million Italian Americans, whose love of family and country strengthen the fabric of our Nation. For our beautiful Italian American communities—and Americans of every background—Columbus remains a legendary figure.

Sadly, in recent years, radical activists have sought to undermine Christopher Columbus's legacy. These extremists seek to replace discussion of his vast contributions with talk of failings, his discoveries with atrocities, and his achievements with transgressions. Rather than learn from our history, this radical ideology and its adherents seek to revise it, deprive it of any splendor, and mark it as inherently sinister. They seek to squash any dissent from their orthodoxy. We must not give in to these tactics or consent to such a bleak view of our history. We must teach future generations about our storied heritage, starting with the protection of monuments to our intrepid heroes like Columbus. This June, I signed an Executive Order to ensure that any person or group destroying or vandalizing a Federal monument, memorial, or statue is prosecuted to the fullest extent of the law.

I have also taken steps to ensure that we preserve our Nation's history and promote patriotic education. In July, I signed another Executive Order to build and rebuild monuments to iconic American figures in a National Garden of American Heroes. In September, I announced the creation of the 1776 Commission, which will encourage our educators

to teach our children about the miracle of American history and honor our founding. In addition, last month I signed an Executive Order to root out the teaching of racially divisive concepts from the Federal workplace, many of which are grounded in the same type of revisionist history that is trying to erase Christopher Columbus from our national heritage. Together, we must safeguard our history and stop this new wave of iconoclasm by standing against those who spread hate and division.

On this Columbus Day, we embrace the same optimism that led Christopher Columbus to discover the New World. We inherit that optimism, along with the legacy of American heroes who blazed the trails, settled a continent, tamed the wilderness, and built the single-greatest nation the world has ever seen.

In commemoration of Christopher Columbus's historic voyage, the Congress, by joint resolution of April 30, 1934, modified in 1968 (36 U.S.C. 107), has requested the President proclaim the second Monday of October of each year as ''Columbus Day''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 12, 2020, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10101 of October 10, 2020

To Further Facilitate Positive Adjustment to Competition From Imports of Certain Crystalline Silicon Photovoltaic Cells (Whether or Not Partially or Fully Assembled Into Other Products)

By the President of the United States of America

A Proclamation

1. On January 23, 2018, pursuant to section 203 of the Trade Act of 1974, as amended (the ''Trade Act'') (19 U.S.C. 2253), I issued Proclamation 9693, which imposed a safeguard measure for a period of 4 years that included both a tariff-rate quota (TRQ) on imports of certain crystalline silicon photovoltaic (CSPV) cells, not partially or fully assembled into other products, provided for in subheading 8541.40.6025 of the Harmonized Tariff Schedule of the United States (HTS) and an increase in duties (safeguard tariff) on imports of CSPV cells exceeding the TRQ and imports of other CSPV products, including modules provided for in subheading 8541.40.6015 of the HTS. I exempted imports

from certain designated beneficiary countries under the Generalized System of Preferences from the application of the safeguard measure.

2. On February 7, 2020, the United States International Trade Commission (ITC) issued its report pursuant to section 204(a)(2) of the Trade Act (19 U.S.C. 2254(a)(2)), on the results of its monitoring of developments with respect to the domestic solar industry (ITC, Crystalline Silicon Photovoltaic Cells, Whether or Not Partially or Fully Assembled Into Other Products: Monitoring Developments in the Domestic Industry, No. TA–201–075 (Monitoring)). In its report, the ITC found that, following imposition of the safeguard measure, prices for CSPV cells and modules declined in a manner consistent with historical trends but were higher than they would have been without the safeguard measure.

3. With respect to CSPV cells, the ITC found that imports increased following imposition of the safeguard measure and that major domestic CSPV cell producers ceased production, leading to declines in domestic CSPV cell production capacity and production.

4. With respect to CSPV modules, imports initially declined but rose in the first half of 2019 compared with the first half of 2018. Additionally, the ITC found that multiple CSPV module producers opened production facilities in the United States, particularly in the first half of 2019, leading to increases in domestic CSPV module production capacity, production, and market share.

5. On March 6, 2020, the ITC issued an additional report pursuant to a request from the United States Trade Representative under section 204(a)(4) of the Trade Act (19 U.S.C. 2254(a)(4)), regarding the probable economic effect on the domestic CSPV cell and module manufacturing industry of modifying the safeguard measure to increase the level of the TRQ on CSPV cells from the current 2.5 gigawatts (GW) to 4.0, 5.0, or 6.0 GW (ITC, Crystalline Silicon Photovoltaic Cells, Whether or Not Partially or Fully Assembled Into Other Products: Advice on the Probable Economic Effect of Certain Modifications to the Safeguard Measure, No. TA–201–075 (Modification)). In its report, the ITC advised that increasing the TRQ would help to continue growth in solar module production but that expanded access to imported cells not subject to safeguard duties would put downward pressure on prices for United States cells.

6. The ITC also found that the exclusion of bifacial modules from the safeguard measure will likely result in substantial increases in imports of bifacial modules if such exclusion remains in effect, and that such modules will likely compete with domestically produced CSPV products in the United States market. Furthermore, the ITC found that the benefits to domestic CSPV module producers from an increase in the TRQ would likely be limited if the bifacial module exclusion remained in place. According to the ITC, bifacial modules are likely to account for a greater share of the market in the future and can substitute for monofacial products in the various market segments, such that exempting imports of bifacial modules from the safeguard tariff would apply significant downward pressure on prices of domestically produced CSPV modules.

7. Section 204(b)(1)(B) of the Trade Act (19 U.S.C. 2254(b)(1)(B)) authorizes the President, upon petition from a majority of the representatives of the domestic industry, to reduce, modify, or terminate an ac-

tion taken under section 203 of the Trade Act when the President determines that the domestic industry has made a positive adjustment to import competition.

8. Section 204(c)(1) of the Trade Act (19 U.S.C. 2254(c)(1)) authorizes the President to request that the ITC investigate whether action under section 203 of the Trade Act continues to be necessary to prevent or remedy serious injury and whether there is evidence that the domestic industry is making a positive adjustment to import competition. Section 204(c)(3) of the Trade Act (19 U.S.C. 2254(c)(3)) establishes the date by which the ITC will transmit the report on its investigation, unless the President specifies a different date.

9. After taking into account the information provided in the ITC's reports, and after receiving a petition from a majority of the representatives of the domestic industry with respect to each of the following modifications, I have determined that the domestic industry has begun to make positive adjustment to import competition, shown by the increases in domestic module production capacity, production, and market share. In addition, I have made the following further determinations:

(a) that the exclusion of bifacial panels from application of the safeguard tariff has impaired and is likely to continue to impair the effectiveness of the action I proclaimed in Proclamation 9693 in light of the increased imports of competing products such exclusion entails, and that it is necessary to revoke that exclusion and to apply the safeguard tariff to bifacial panels;

(b) that the exclusion of bifacial panels from application of the safeguard tariffs has impaired the effectiveness of the 4-year action I proclaimed in Proclamation 9693, and that to achieve the full remedial effect envisaged for that action, it is necessary to adjust the duty rate of the safeguard tariff for the fourth year of the safeguard measure to 18 percent.

10. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 203, 204, and 604 of the Trade Act, do proclaim that:

(1) In order to modify the action applicable to imports of CSPV cells under HTS subheading 8541.40.6025 and other CSPV products such as modules under HTS subheading 8541.40.6015, subchapter III of chapter 99 of the HTS is modified as set forth in the Annex to this proclamation.

(2) The United States Trade Representative is authorized to exercise my authority under section 204(c)(1) and (3) of the Trade Act to request that the ITC investigate whether action under section 203 of the Trade Act continues to be necessary to prevent or remedy serious injury and whether there is evidence that the domestic industry is making a positive adjustment to import competition, and to specify a different date for the ITC to transmit its report.

(3) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

(4) The modifications to the HTS made by this proclamation, including the Annex hereto, shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time 15 days after the date of this proclamation, and shall continue in effect as provided in the Annex to this proclamation, unless such actions are earlier expressly reduced, modified, or terminated. One year from the termination of the safeguard measure established in this proclamation, the U.S. note and tariff provisions established in the Annex to this proclamation shall be deleted from the HTS.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 25, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as provided herein:

1. U.S. note 18 to such subchapter III is modified by deleting the following from subdivision (c)(iii) "(15) bifacial solar panels that absorb light and generate electricity on each side of the panel and that consist of only bifacial solar cells that absorb light and generate electricity on each side of the cells;" and by redesignating current subdivisions (c)(iii)(16) and (c)(iii)(17) as subdivisions (c)(iii)(15) and (c)(iii)(16), respectively.

2. U.S. note 18 to subchapter III is further modified by revising subdivisions (f) and (h) to read as follows:

"(f) For purposes of subheading 9903.45.22 to this subchapter, the duty rate in the Rates of Duty 1-General subcolumn and the Rates of Duty 2 column for all goods entered under such subheading, and not the product of a country enumerated in subdivision (b) of this note, shall be as follows, with the duty rates set forth herein applied in addition to those applicable under subheading 8541.40.60:

If entered during the period from
February 7, 2018 through February 6, 2019.....30%
If entered during the period from
February 7, 2019 through February 6, 2020.....25%
If entered during the period from
February 7, 2020 through February 6, 2021 .....20%
If entered during the period from
February 7, 2021 through February 6, 2022 .....18%"

"(h) For purposes of subheading 9903.45.25 to this subchapter, the duty rate in the Rates of Duty 1-General subcolumn and the Rates of Duty 2 column in any of the periods enumerated below shall be as follows, with the duty rates set forth herein applied in addition to those applicable under subheading 8541.40.60:

If entered during the period from
February 7, 2018 through February 6, 2019.....30%
If entered during the period from
February 7, 2019 through February 6, 2020.....25%
If entered during the period from
February 7, 2020 through February 6, 2021 .....20%
If entered during the period from
February 7, 2021 through February 6, 2022 .....18%"

Proclamation 10102 of October 14, 2020

Blind Americans Equality Day, 2020

By the President of the United States of America
A Proclamation

On Blind Americans Equality Day, we recognize the valuable contributions of our fellow Americans who are blind or visually impaired. These individuals enrich our national economy and culture through their determination, courage, and strength. Today, we reflect on the progress our Nation has made in removing barriers that have prevented

the full participation of blind and visually impaired persons in our society, and we reaffirm our unwavering commitment to defending the inherent dignity of all Americans.

This Blind Americans Equality Day is particularly notable as we mark the 100th anniversary of the Federal Vocational Rehabilitation (VR) program, which empowers individuals with disabilities to pursue competitive employment opportunities consistent with their abilities, interests, and strengths. Through the training and skills gained in the VR program, individuals who are blind or visually impaired can more readily enter the American workforce. We are also proud to celebrate this year the 45th anniversary of the Individuals with Disabilities Education Act and the 30th anniversary of the Americans with Disabilities Act. These landmark pieces of legislation forever changed our society by protecting in law persons with disabilities against discrimination and further promoting their full inclusion in American life.

Persons with visual impairments strengthen our communities with their skill and talent across a wide range of professions and industries. My Administration will continue to support programs that combat the stigmas that make it difficult for persons who are blind or visually impaired to find employment. I recently signed an Executive Order on Continuing the National Council for the American Worker and the American Workforce Policy Advisory Board, which is strengthening powerful programs I established in 2018 and provides even more workers of all abilities with tools to secure sustained employment and economic self-sufficiency. By promoting the recruitment of underutilized populations, blind and visually impaired persons are among the direct beneficiaries from these initiatives. As we continue to reopen our economy, we also celebrate the success of the more than 1,800 small businesses operating under the Randolph-Sheppard Act of 1936, which facilitates the entrepreneurial aspirations of the blind and visually impaired. These efforts have helped individuals with disabilities to reach their full potential and achieve their dreams.

By joint resolution approved on October 6, 1964 (Public Law 88–628), the Congress authorized the President to designate October 15 of each year as ''White Cane Safety Day,''; now known as ''Blind Americans Equality Day,''; to recognize the contributions of Americans who are blind or have impaired vision. Today, and every day, we will continue our efforts to ensure and champion the full and active participation of all Americans, including blind or visually impaired Americans, in every facet of our society.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Con stitution and the laws of the United States, do hereby proclaim October 15, 2020, as Blind Americans Equality Day, to celebrate and recognize the accomplishments and contributions of Americans who are blind or visually impaired. I call upon all Americans to observe this day with appropriate ceremonies and activities to reaffirm our commitment to achieving equality for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand twenty, and of

the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10103 of October 16, 2020

National Character Counts Week, 2020

By the President of the United States of America

A Proclamation

The foundation of any free and virtuous society is the moral character of its people. Personal responsibility, integrity, and the other values which define our unique American spirit underpin our system of self-government and inspire us to continue working toward a more perfect Union. As we observe National Character Counts Week, we think of the special individuals in our lives who exemplify the character qualities to which we all aspire. In looking to these examples of honor and virtue, we recognize that character is a learned attribute acquired through consistent, purposeful action, not an inherent trait. We must resolve to build lives and communities grounded in moral clarity in order to strengthen ourselves, our families, our communities, and our Nation.

From small acts of kindness to supreme selfless sacrifice, everyday heroes and larger-than-life American historical figures have deepened the roots of freedom of our Nation. Individuals of integrity and principle lift us all to greater heights, evincing the same core virtues in both the depths of adversity and the heights of success. We see this exemplified every day by the brave men and women of our Armed Forces who risk their lives to defend the cherished blessings of liberty we hold dear. We also see it every day in our communities from law enforcement professionals and first responders who devote their lives to the safety and well-being of others and face down danger. Community volunteers and faith organizations reveal the character of our Nation through their selfless giving of time and assistance to people in need. In places of learning, teachers and mentors build up our character by cultivating social and cultural awareness, intellectual curiosity, and a sense of responsibility in our future leaders. And in our homes, family members and loved ones offer compassion and guidance that also play a vital role in shaping our values.

The inherent righteousness of America's moral character has perhaps never been needed more than in recent months as we have battled the coronavirus pandemic. In communities large and small throughout our country, acts of kindness have touched millions of individuals and families, uniting us under one common purpose to defeat the virus. Americans have selflessly supported their neighbors in need, delivering food and essential supplies to the most vulnerable and evincing a deep capacity for generosity and caring. Medical professionals have worked long hours at great personal risk to provide care to the sick and injured, and military personnel have mobilized to provide critical medical assistance and help keep us safe. Faith and community leaders have provided vital emotional support for those experiencing social isolation, and countless others have sacrificed to ease the burden on their family, friends, neighbors, and even complete strangers. This

week, as we continue to unite as one Nation to both defeat the virus and safely reopen our country, we are reminded of how far decency and compassion can go in helping others during times of great challenge and uncertainty.

Every opportunity to show consideration for another person is also an opportunity to build habits of kindness and strengthen our character. Our words and deeds leave imprints in our homes, schools, communities, and places of worship. Throughout this week, we recommit to being more kind, loving, understanding, and virtuous. Together, as one national family, we must serve others with giving and grateful hearts to ensure our Republic remains strong, vibrant, and a beacon of hope for future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2020, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10104 of October 16, 2020

National Forest Products Week, 2020

By the President of the United States of America
A Proclamation

Our Nation's magnificent forests are a source of commerce, recreation, and pride for all Americans. America's woodlands are capable of producing a myriad of products and materials that bolster our economy, improve our daily lives, supply our environment with clean air, and provide countless Americans an escape to hike and relax in a tranquil and picturesque setting. During National Forest Products Week, we appreciate the essential role forests and forest products play in our livelihood and prosperity, and we renew our commitment to maintaining these treasured woodlands for future generations.

The forest industry adds nearly $300 billion annually to our Gross Domestic Product and employs almost one million Americans. To ensure this sector of our economy continues to flourish, my Administration is strengthening markets for wood products and incentivizing innovative manufacturing techniques. As a result of these efforts, the Department of Agriculture's Forest Service sold 3.3 billion board feet of timber from National Forests in fiscal year 2019—the highest output since 1997.

In addition to bolstering rural economies, our foresters use science-based forest management practices in order to promote forest health

and reduce wildfire risk. Over the past several months, our country has been particularly reminded of how devastating wildfires and natural disasters can be to our way of life and our economy. Throughout the western United States, wildfires have scorched and destroyed millions of acres of forest, and as a result of Hurricane Laura, the timber industry suffered an estimated $1.1 billion economic loss. This devastation has placed additional burdens on an essential industry that has been instrumental to our efforts to overcome the coronavirus pandemic, including by working to produce safer product packaging, like the wooden pallets used to deliver critical household items such as paper products, diapers, disinfecting wipes, medications, and mask filters. It is imperative that we safeguard our domestic supply of timber, provide economic security for our forest landowners, and maintain the viability of this critical aspect of our economy for the benefit of all Americans.

A sound forest products industry produces positive environmental benefits as well. In order to further promote forest health and protect the environment, on January 21, 2020, I announced that the United States would be joining the World Economic Forum's One Trillion Trees initiative, an ambitious global effort to grow and conserve one trillion trees worldwide by 2030. Following through on my commitment, and given the expansive footprint of our Federal forests and woodlands, I signed an Executive Order to establish the United States One Trillion Trees Interagency Council to further the Federal Government's participation in this effort. To complement these efforts, I have called for the passage of the bi-partisan REPLANT Act (S. 4357), which would help address the Forest Service's reforestation backlog and continued annual reforestation needs by removing the current $30 million annual funding cap for the Reforestation Trust Fund.

This week, we recommit to bolstering the forest products industry and to continuing to appreciate the natural resources God has bestowed upon our country. Together with our Nation's foresters, we can preserve our beautiful forests for every American in order to secure a future of environmental and economic success now and for posterity.

Recognizing the economic importance of the many products generated from our Nation's forests, the Congress, through enactment of Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as ''National Forest Products Week''; and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2020, as National Forest Products Week. I call upon all Americans to observe this week with appropriate observances and activities and to reaffirm our commitment to our Nation's forests and the products that they provide.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10105 of October 23, 2020

United Nations Day, 2020

By the President of the United States of America
A Proclamation

Today, on the 75th anniversary of the United Nations (UN), we celebrate its commitment to peace and security, prosperity, human rights, rule of law, and development. The victorious Allies conceived the UN in the ashes of two devastating world wars, welcoming all nations to join together to ensure peace and promote economic prosperity. As a founding member of the UN, which was chartered in San Francisco and is headquartered in New York, the United States remains dedicated to those noble UN purposes and principles. We also recognize that the successes of the UN and its specialized agencies were built on precepts that ensure its good functioning: independence, impartiality, good governance, accountability, and transparency.

Because of our continuing belief in the UN's promise and our desire to see it be effective over the next 75 years, we are determined to make the UN more agile, effective, efficient, transparent, and accountable. These efforts will help the UN improve, adapt to crises, and reach its full potential. If the UN is to be an effective organization, it must focus on the real problems of the world, including terrorism, the oppression of women, forced labor, drug cartels, human and sex trafficking, religious persecution, and the ethnic cleansing of religious minorities.

The United States is forging a new path of unprecedented domestic and global prosperity, cooperation, and peace. Last month, I brokered historic peace deals between Israel and the United Arab Emirates and Israel and Bahrain, paving the way for broader peace in the Middle East. Known as the Abraham Accords, these diplomatic breakthroughs reflect the shared commitment of every well-intentioned member state to achieve tranquility in the region once and for all. Just today, the leaders of Sudan and Israel also agreed to the normalization of relations between their two countries. In response to Iran's nefarious actions, the United States withdrew from the disastrous Iran Nuclear Deal, and re-imposed sanctions on the Iranian regime. In Europe, my Administration brokered a historic deal on Serbia-Kosovo economic normalization, accelerating economic growth and job creation opportunities. After more than 20 years of limited progress on political negotiations in the Balkans, the commitments made by President Vučić and Prime Minister Hoti are the first steps in achieving long-term peace and stability in the region. The United States invites all fellow UN Security Council members to join in our country's efforts to promote liberty and freedom across the globe.

The United States also encourages the international community to provide complete accountability, responsiveness, and transparency in sharing public health data as we fight the coronavirus pandemic. My Administration maintains that effective relief depends on global public health coordination and widespread access to medical information coupled with personal privacy and security protections. Our recent decision to withdraw from the World Health Organization underscores our firm commitment to hold governmental organizations accountable when they succumb to political influence and fail to uphold their core

values. The Chinese Government has misled the international community since the outbreak in Wuhan, and the UN must join with the United States in holding China accountable for its actions.

The United States recognizes the integral role the UN has played in the international system for 75 years and honors those who have nobly dedicated their lives to global humanitarian and peacekeeping missions and to setting the conditions for development and prosperity. We also note with great satisfaction the awarding of the Nobel Peace Prize to the Whole Food Program, which the United States has supported more generously than any other member state since 1961.

The United States proudly remains the largest and most reliable supporter of the UN and its founding principles. It is in that spirit that we call on all nations to join the United States in working to ensure the UN continues to live up to its noble ideals of liberty, prosperity, and the pursuit of world peace.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2020, as United Nations Day. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10106 of October 27, 2020

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America
A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). The Secretary found and advised me of his opinion that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States.

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles were being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704, by imposing a 10 percent ad valorem tariff on such articles imported from most countries. I further stated that any country with

which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries as the national security interests of the United States require.

3. In Proclamation 9893 of May 19, 2019 (Adjusting Imports of Aluminum Into the United States), I noted that the United States had successfully concluded discussions with Canada on satisfactory alternative means to address the threatened impairment of the national security posed by aluminum imports from Canada. In particular, the United States agreed on a range of measures with Canada that were expected to allow imports of aluminum from Canada to remain stable at historical levels without meaningful increases, thus permitting the domestic capacity utilization to remain reasonably commensurate with the target level recommended in the Secretary's report. These included measures to monitor for and avoid import surges.

4. In light of this agreement, I determined that, under the framework in the agreement established with Canada, imports of aluminum from Canada would no longer threaten to impair the national security, and thus I decided to exclude Canada from the tariff proclaimed in Proclamation 9704, as amended. I noted that the United States would monitor the implementation and effectiveness of the measures agreed upon with Canada in addressing our national security needs, and that I may revisit this determination as appropriate.

5. In Proclamation 10060 of August 6, 2020 (Adjusting Imports of Aluminum Into the United States), I noted that imports of non-alloyed unwrought aluminum from Canada had increased substantially following my decision to exclude, on a long-term basis, Canada from the tariff proclaimed in Proclamation 9704. I further noted that this surge in imports coincided with a decrease in imports of these articles from other countries and threatened to harm domestic aluminum production and capacity utilization. In light of these circumstances, I determined that it was necessary and appropriate to re-impose the 10 percent ad valorem tariff proclaimed in Proclamation 9704, as amended, on imports of non-alloyed unwrought aluminum articles from Canada.

6. The United States has held consultations with Canada regarding exports of non-alloyed unwrought aluminum from Canada to the United States. On the basis of these consultations, the United States expects that exports of these articles from Canada to the United States will decrease significantly in the remaining months of 2020, from a monthly average of approximately 154,000 metric tons in the first 7 months of this year to a monthly average of approximately 77,000 tons in September through December. This 50 percent decrease in the volume would reduce United States imports of non-alloyed unwrought aluminum from Canada to a level below the average of monthly imports of these articles from Canada in any calendar year in the past decade, thus alleviating the threatened harm to domestic aluminum production and capacity utilization posed by the previous surge in imports of these articles.

7. In light of these changed circumstances, and in view of the measures previously agreed upon with Canada to address the threatened impairment of the national security posed by aluminum imports from Canada, as described in Proclamation 9893, I have determined that imports of aluminum from Canada will no longer threaten to impair the national security, and thus I have decided to reinstate Canada's exclusion from the tariff on these articles proclaimed in Proclamation 9704, as amended. As specified in this proclamation, I may re-impose the tariff proclaimed in Proclamation 9704 on imports of non-alloyed unwrought aluminum from Canada in the event that the volume of imports of these articles from Canada in the remaining months of 2020 exceeds the quantities that the United States expects will be exported from Canada to the United States during this period. The United States and Canada expect to hold further consultations in December 2020 to discuss the state of aluminum trade between the two countries in light of trade patterns in the last 4 months of 2020 and expected market conditions in 2021.

8. The United States will continue to monitor the implementation and effectiveness of the measures agreed upon with Canada in addressing our national security needs, as described in Proclamation 9893, both with respect to imports of non-alloyed unwrought aluminum and imports of other aluminum articles.

9. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

10. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Clause 2 of Proclamation 9704, as amended, is further amended in the second sentence by deleting ''and''; before ''(f)''; and inserting before the period at the end: '', and (g) on or after 12:01 a.m. eastern daylight time on September 1, 2020, from all countries except Argentina, Australia, Canada, and Mexico.'';.

(2) In order to establish the removal of the additional duty rate on imports of non-alloyed unwrought aluminum from Canada, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation.

(3) The Secretary, in consultation with the United States Trade Representative, shall continue to monitor imports of aluminum articles, in particular imports of non-alloyed unwrought aluminum from Canada. In the event that imports of non-alloyed unwrought aluminum from

Canada exceed 105 percent of the volumes set forth below for any month, I will consider re-imposing the tariff proclaimed in Proclamation 9704 to imports of these articles from Canada, which may include retroactive application to articles entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2020. The volumes are: 83,000,000 kilograms for September 2020; 70,000,000 kilograms for October 2020; 83,000,000 kilograms for November 2020; and 70,000,000 kilograms for December 2020. In the event that imports of non-alloyed unwrought aluminum from Canada exceed 105 percent of the volumes above for any month, I may consider whether the volume stipulated for the following month is reduced by the amount of the excess in making my determination whether to re-impose the tariff. I may also consider re-imposing the tariff proclaimed in Proclamation 9704 to imports of these articles from Canada based on the outcome of consultations between the United States and Canada in December 2020 and expected market conditions in 2021.

(4) The modifications made by clause 1 of this proclamation and the Annex to this proclamation shall be effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2020, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(5) Imports of non-alloyed unwrought aluminum articles from Canada provided for in subheading 7601.10, except any articles that are eligible for admission under ''domestic status''; as defined in 19 CFR 146.43, that are admitted into a United States foreign trade zone on or after 12:01 a.m. eastern daylight time on September 1, 2020, shall continue to be admitted only as ''privileged foreign status''; as defined in 19 CFR 146.41, and shall not be subject upon entry for consumption on or after such time and date to the duty treatment provided for in heading 9903.85.21, unless and until heading 9903.85.21 becomes applicable to these articles. Imports of non-alloyed unwrought aluminum articles from Canada provided for in subheading 7601.10, admitted into a United States foreign trade zone before 12:01 a.m. eastern daylight time on September 1, 2020, under ''privileged foreign status''; as defined in 19 CFR 146.41, shall remain subject upon entry for consumption on or after such time and date to the additional 10 percent ad valorem rate of duty imposed by Proclamation 9704, as amended.

(6) In the event that I decide, as described in clause 3 of this proclamation, to re-impose the tariff proclaimed in Proclamation 9704 to imports of non-alloyed unwrought aluminum from Canada, including possible retroactive application of the tariff, no drawback shall be available with respect to such duties imposed.

(7) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord two thousand and twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

ANNEX

TO MODIFY CERTAIN PROVISIONS OF CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on September 1, 2020, and until such time as further modified, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by striking subdivision (iv) of U.S. note 19(a) and inserting in its place the following:

"

(iv) Heading 9903.85.21 provides the ordinary customs duty treatment for unwrought aluminum, non-alloyed, provided for in subheading 7601.10 that is the product of Canada, entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 16, 2020, through 12:00 a.m. on September 1, 2020, and during any subsequent period of effectiveness that may be provided under the terms of this note. Heading 9903.85.21 shall not be used for unwrought aluminum, non-alloyed, provided for in subheading 7601.10 that is the product of Canada, entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. on September 1, 2020, unless and until the President provides that heading 9903.85.21 will again be utilized for imports of these products, including for possible retroactive utilization. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.85.21, when applicable to imports of these products, shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duty prescribed in heading 9903.85.21, when such additional duty is applicable, shall be eligible for and subject to the terms of such provisions and applicable CBP regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the aluminum products enumerated in this paragraph under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.21 when it is applicable.

"

Proclamation 10107 of October 30, 2020

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America
A Proclamation

1. In Executive Order 11844 of March 24, 1975, the President designated Thailand as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP) (19 U.S.C. 2461 *et seq.*).

2. Sections 502(d)(1) and 503(c)(1) of the Trade Act of 1974, as amended, (the ''1974 Act'';) (19 U.S.C. 2462(d)(1) and 2463(c)(1)) provide that the President may withdraw, suspend, or limit the application of the duty-free treatment accorded under the GSP with respect to any beneficiary developing country and any article upon consideration of the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)).

3. Section 502(c)(4) of the 1974 Act (19 U.S.C. 2462(c)(4)) provides that, in determining whether to designate any country as a beneficiary developing country under the GSP, the President shall take into account the extent to which such country has assured the United States that it will provide equitable and reasonable access to the markets and basic commodity resources of such country and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices.

4. Pursuant to sections 502(d)(1) and 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c), including in particular section 502(c)(4), I have determined that Thailand has not assured the United States that Thailand will provide equitable and reasonable access to its markets. Accordingly, it is appropriate to suspend the duty-free treatment accorded under the GSP to certain eligible articles that are the product of Thailand, effective on December 30, 2020.

5. Pursuant to section 503(c)(1) of the 1974 Act, the President may withdraw, suspend, or limit the application of the duty-free treatment accorded to specified articles under the GSP when imported from designated beneficiary developing countries.

6. Section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) subjects beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), to competitive need limitations on the duty-free treatment afforded to eligible articles under the GSP.

7. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2019 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations. I hereby terminate the duty-free treatment for such articles from such beneficiary developing countries.

8. Pursuant to section 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act, I have

determined to withdraw the application of the duty-free treatment accorded to a certain article.

9. Pursuant to sections 501 and 503(a)(1)(A) of the 1974 Act (19 U.S.C. 2461 and 2463(a)(1)(A)), the President may, after receiving the advice of the United States International Trade Commission (the ''Commission'';), designate certain articles as eligible for preferential tariff treatment under the GSP when they are imported from designated beneficiary developing countries.

10. Pursuant to sections 501 and 503(a)(1)(A) of the 1974 Act, and having received advice from the Commission in accordance with section 503(e) of the 1974 Act (19 U.S.C. 2463(e)), I have determined to designate a certain article as an eligible article when it is imported from beneficiary developing countries.

11. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of any such article into the United States during the preceding calendar year does not exceed the amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

12. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

13. The short-form name of ''Macedonia''; has changed to ''North Macedonia,''; and I have determined that additional U.S. note 6 to Chapter 20 of the Harmonized Tariff Schedule of the United States (HTS) should be modified to reflect this change.

14. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of the 1974 Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and section 604 of the 1974 Act, do hereby proclaim that:

(1) The duty-free treatment accorded under the GSP to certain eligible articles that are the product of Thailand is suspended, effective on December 30, 2020.

(2) In order to reflect in the HTS this suspension of certain benefits under the GSP with respect to Thailand, general note 4(d) and pertinent subheadings of the HTS are modified as set forth in Annex I to this proclamation.

(3) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general

note 4(d) to the HTS are modified as set forth in sections A, B, and C of Annex II to this proclamation.

(4) In order to withdraw the application of duty-free treatment accorded to one eligible article for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheading is modified as set forth in section D of Annex II to this proclamation.

(5) In order to designate a certain article as an eligible article when imported from a beneficiary developing country for purposes of the GSP, the Rates of Duty 1–Special column for the corresponding HTS subheading is modified as set forth in section E of Annex II to this proclamation.

(6) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex III to this proclamation.

(7) In order to reflect the change in the name of Macedonia, U.S. note 6 to chapter 20 of the HTS is modified by deleting ''Macedonia''; and inserting ''North Macedonia''; in alphabetical order.

(8) The modifications to the HTS set forth in Annex II and Annex III of this proclamation shall be effective with respect to articles entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2020.

(9) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Annex I

To modify the Harmonized Tariff Schedule of the United States to remove certain articles that are the product of Thailand for the purposes of the Generalized System of Preferences

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. Eastern Standard Time on December 30, 2020, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

1. General note 4(d) is modified:

A. By adding the following subheadings, in numerical sequence, and the country set out opposite them:

"0502.10.00	Thailand	0811.90.50	Thailand	2001.90.42	Thailand
0602.90.30	Thailand	0811.90.52	Thailand	2001.90.45	Thailand
0602.90.40	Thailand	0811.90.55	Thailand	2001.90.48	Thailand
0602.90.60	Thailand	0910.99.06	Thailand	2001.90.50	Thailand
0602.90.90	Thailand	0910.99.40	Thailand	2008.11.45	Thailand
0712.90.10	Thailand	0910.99.60	Thailand	2611.00.60	Thailand
0712.90.15	Thailand	1209.91.80	Thailand	2826.90.10	Thailand
0712.90.30	Thailand	1209.99.41	Thailand	2826.90.90	Thailand
0712.90.65	Thailand	1515.90.60	Thailand	2905.44.00	Thailand
0712.90.70	Thailand	1515.90.80	Thailand	2905.45.00	Thailand
0712.90.74	Thailand	1702.40.22	Thailand	2918.21.10	Thailand
0712.90.85	Thailand	1702.40.40	Thailand	3307.90.00	Thailand
0713.20.10	Thailand	2001.90.10	Thailand	3802.10.00	Thailand
0713.20.20	Thailand	2001.90.20	Thailand	3813.00.50	Thailand
0713.39.11	Thailand	2001.90.25	Thailand	3910.00.00	Thailand
0713.39.21	Thailand	2001.90.30	Thailand	3911.10.00	Thailand
0713.39.41	Thailand	2001.90.33	Thailand	3913.90.50	Thailand
0811.90.10	Thailand	2001.90.34	Thailand	3917.32.00	Thailand
0811.90.25	Thailand	2001.90.38	Thailand	3920.10.00	Thailand

3920.20.00	Thailand	7318.12.00	Thailand	8214.20.30	Thailand
4009.32.00	Thailand	7320.90.50	Thailand	8214.20.90	Thailand
4012.90.90	Thailand	7505.22.10	Thailand	8301.70.00	Thailand
4113.90.60	Thailand	7505.22.50	Thailand	8302.10.30	Thailand
4016.93.10	Thailand	7606.12.60	Thailand	8302.10.60	Thailand
4016.93.50	Thailand	7612.90.10	Thailand	8302.10.90	Thailand
4205.00.05	Thailand	7615.10.11	Thailand	8302.20.00	Thailand
4205.00.40	Thailand	7615.10.20	Thailand	8302.30.30	Thailand
4205.00.60	Thailand	7615.10.50	Thailand	8302.42.30	Thailand
4415.10.90	Thailand	7615.10.71	Thailand	8302.42.60	Thailand
5903.10.10	Thailand	7615.10.91	Thailand	8302.49.20	Thailand
6304.99.10	Thailand	7616.91.00	Thailand	8302.49.60	Thailand
6304.99.25	Thailand	7616.99.51	Thailand	8302.49.80	Thailand
6304.99.40	Thailand	8101.97.00	Thailand	8411.99.90	Thailand
6504.00.30	Thailand	8201.40.60	Thailand	8417.90.00	Thailand
6504.00.60	Thailand	8204.11.00	Thailand	8424.41.90	Thailand
6601.10.00	Thailand	8205.51.30	Thailand	8424.89.90	Thailand
6702.10.20	Thailand	8205.51.60	Thailand	8451.40.00	Thailand
6702.10.40	Thailand	8205.51.75	Thailand	8456.11.10	Thailand
6802.29.10	Thailand	8207.19.30	Thailand	8456.11.90	Thailand
6802.29.90	Thailand	8207.19.60	Thailand	8466.20.10	Thailand
7006.00.10	Thailand	8207.70.30	Thailand	8466.20.80	Thailand
7006.00.20	Thailand	8207.70.60	Thailand	8477.30.00	Thailand
7006.00.40	Thailand	8207.90.15	Thailand	8477.59.01	Thailand
7016.10.00	Thailand	8207.90.30	Thailand	8481.80.10	Thailand
7103.99.50	Thailand	8207.90.45	Thailand	8481.80.50	Thailand
7307.21.10	Thailand	8207.90.60	Thailand	8481.90.10	Thailand
7307.23.00	Thailand	8207.90.75	Thailand	8481.90.50	Thailand

8483.50.40	Thailand	8516.90.25	Thailand	9003.11.00	Thailand
8483.50.60	Thailand	8516.90.85	Thailand	9005.80.40	Thailand
8483.50.90	Thailand	8516.90.90	Thailand	9005.80.60	Thailand
8483.90.10	Thailand	8527.21.25	Thailand	9010.90.95	Thailand
8483.90.20	Thailand	8528.59.23	Thailand	9030.33.34	Thailand
8483.90.50	Thailand	8528.59.40	Thailand	9404.21.00	Thailand
8487.90.00	Thailand	8539.32.00	Thailand	9404.29.90	Thailand
8501.61.00	Thailand	8539.39.90	Thailand	9405.10.40	Thailand
8504.10.00	Thailand	8544.20.00	Thailand	9405.10.60	Thailand
8505.90.75	Thailand	8708.40.11	Thailand	9405.10.80	Thailand
8507.20.40	Thailand	8708.50.51	Thailand	9405.20.40	Thailand
8507.20.80	Thailand	8708.50.61	Thailand	9405.20.60	Thailand
8511.40.00	Thailand	8708.50.79	Thailand	9405.20.80	Thailand
8512.90.20	Thailand	8708.50.85	Thailand	9405.30.00	Thailand
8512.90.70	Thailand	8708.50.95	Thailand	9405.92.00	Thailand
8512.90.90	Thailand	8708.70.45	Thailand	9506.69.40	Thailand
8513.10.20	Thailand	8708.94.50	Thailand	9506.69.60	Thailand
8513.10.40	Thailand	8708.94.75	Thailand	9601.90.40	Thailand
8515.11.00	Thailand	8708.99.55	Thailand	9601.90.80	Thailand
8515.31.00	Thailand	8708.99.58	Thailand	9614.00.25	Thailand
8516.60.60	Thailand	8711.40.60	Thailand	9614.00.28	Thailand
8516.90.05	Thailand	8716.90.30	Thailand	9614.00.94	Thailand
8516.90.15	Thailand	9001.10.00	Thailand	9614.00.98	Thailand”

B. By adding the country “Thailand”, in alphabetical order, set out opposite the following HTS subheadings:

2008.11.25	3913.90.20	4418.79.01
2804.69.10	4011.10.50	7307.21.50
2918.21.50	4012.90.45	7606.12.30

8481.80.30	8708.50.65	8708.70.60
8481.80.90	8708.50.89	8708.99.81
8708.40.50	8708.50.91	8716.90.50
8708.40.75	8708.50.99	9614.00.26

2. The following HTS subheadings are modified by deleting from the Rates of Duty 1 – Special subcolumn, the symbol "A" and by inserting in lieu thereof "A*":

0502.10.00	0910.99.06	2826.90.10
0602.90.30	0910.99.40	2826.90.90
0602.90.40	0910.99.60	2905.44.00
0602.90.60	1209.91.80	2905.45.00
0602.90.90	1209.99.41	2918.21.10
0712.90.10	1515.90.60	3307.90.00
0712.90.15	1515.90.80	3802.10.00
0712.90.30	1702.40.22	3813.00.50
0712.90.65	1702.40.40	3910.00.00
0712.90.70	2001.90.10	3911.10.00
0712.90.74	2001.90.20	3913.90.50
0712.90.85	2001.90.25	3917.32.00
0713.20.10	2001.90.30	3920.10.00
0713.20.20	2001.90.33	3920.20.00
0713.39.11	2001.90.34	4009.32.00
0713.39.21	2001.90.38	4012.90.90
0713.39.41	2001.90.42	4016.93.10
0811.90.10	2001.90.45	4016.93.50
0811.90.25	2001.90.48	4113.90.60
0811.90.50	2001.90.50	4205.00.05
0811.90.52	2008.11.45	4205.00.40
0811.90.55	2611.00.60	4205.00.60

4415.10.90	7615.10.71	8302.42.60
5903.10.10	7615.10.91	8302.49.20
6304.99.10	7616.91.00	8302.49.60
6304.99.25	7616.99.51	8302.49.80
6304.99.40	8101.97.00	8411.99.90
6504.00.30	8201.40.60	8417.90.00
6504.00.60	8204.11.00	8424.41.90
6601.10.00	8205.51.30	8424.89.90
6702.10.20	8205.51.60	8451.40.00
6702.10.40	8205.51.75	8456.11.10
6802.29.10	8207.19.30	8456.11.90
6802.29.90	8207.19.60	8466.20.10
7006.00.10	8207.70.30	8466.20.80
7006.00.20	8207.70.60	8477.30.00
7006.00.40	8207.90.15	8477.59.01
7016.10.00	8207.90.30	8481.80.10
7103.99.50	8207.90.45	8481.80.50
7307.21.10	8207.90.60	8481.90.10
7307.23.00	8207.90.75	8481.90.50
7318.12.00	8214.20.30	8483.50.40
7320.90.50	8214.20.90	8483.50.60
7505.22.10	8301.70.00	8483.50.90
7505.22.50	8302.10.30	8483.90.10
7606.12.60	8302.10.60	8483.90.20
7612.90.10	8302.10.90	8483.90.50
7615.10.11	8302.20.00	8487.90.00
7615.10.20	8302.30.30	8501.61.00
7615.10.50	8302.42.30	8504.10.00

8505.90.75	8539.32.00	9010.90.95
8507.20.40	8539.39.90	9030.33.34
8507.20.80	8544.20.00	9404.21.00
8511.40.00	8708.40.11	9404.29.90
8512.90.20	8708.50.51	9405.10.40
8512.90.70	8708.50.61	9405.10.60
8512.90.90	8708.50.79	9405.10.80
8513.10.20	8708.50.85	9405.20.40
8513.10.40	8708.50.95	9405.20.60
8515.11.00	8708.70.45	9405.20.80
8515.31.00	8708.94.50	9405.30.00
8516.60.60	8708.94.75	9405.92.00
8516.90.05	8708.99.55	9506.69.40
8516.90.15	8708.99.58	9506.69.60
8516.90.25	8711.40.60	9601.90.40
8516.90.85	8716.90.30	9601.90.80
8516.90.90	9001.10.00	9614.00.25
8527.21.25	9003.11.00	9614.00.28
8528.59.23	9005.80.40	9614.00.94
8528.59.40	9005.80.60	9614.00.98

Annex II

To modify the Harmonized Tariff Schedule of the United States to reflect changes in products eligible for duty-free treatment under the Generalized System of Preferences

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. Eastern Daylight time on November 1, 2020, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

Section A

For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

0714.40.10	3805.10.00	8502.12.00

Section B

General note 4(d) to the HTS is modified by adding in numerical sequence the following subheading numbers and the countries set out opposite such subheading numbers:

"0714.40.10	Ecuador	3805.10.00	Brazil	8502.12.00	Brazil"

Section C

General note 4(d) to the HTS is modified by adding, for the subheading number set out below, the country set out opposite in alphabetical order:

2909.19.14	"Argentina"	4412.34.32	"Ecuador"	7113.19.29	"Indonesia"

Section D

For subheading 1006.30.10, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A".

Section E

For subheading 0603.11.00, the Rates of Duty 1-Special subcolumn is modified by inserting the symbol "A" in alphabetical order

Annex III

HTS subheadings and countries for which the Competitive Need Limitation provided in Section 503(c)(2)(A)(i)(II) is disregarded

0406.10.04	Ecuador
0603.13.00	Thailand
0802.61.00	Brazil
0908.22.20	Indonesia
1601.00.40	Brazil
1604.13.90	Ecuador
1701.91.42	Brazil
1703.10.30	Brazil
2008.91.00	Ecuador
2106.90.03	Pakistan
2305.00.00	Brazil
2819.10.00	Kazakhstan
2849.10.00	Brazil
2912.19.40	Brazil
4104.41.40	Argentina
4106.22.00	Pakistan
4107.19.80	Argentina
4206.00.13	Brazil
4302.19.45	Thailand
4302.19.60	Brazil
4412.94.80	Brazil
4601.22.40	Indonesia
4601.94.05	Indonesia
9603.10.90	Sri Lanka

Proclamation 10108 of October 30, 2020

Critical Infrastructure Security and Resilience Month, 2020

By the President of the United States of America
A Proclamation

Critical infrastructure provides the foundation for our national security and prosperity. During Critical Infrastructure Security and Resilience Month, we renew our commitment to protecting and securing our Nation's essential systems for food and water, healthcare and public health, electric power supplies, emergency services, telecommunications, transportation, government and banking services, the administration of elections, and beyond. These vital functions and services are powered by a broad ecosystem of critical infrastructure assets, systems, networks, and workers, and underpin our American way of life.

While advances in technology have enhanced the safety, security, and comprehensive integration of our Nation's critical infrastructure, vulnerabilities still exist, particularly those that can be exploited by cyber adversaries. Manipulation of our data networks can interfere with healthcare, financial, and government services. Interruption of the electric power grid can disrupt water and food supplies, telecommunications, manufacturing, and transportation. Our Nation relies on these complex and interdependent networks to sustain our economic growth and ensure public health and security.

To coordinate our security and resilience efforts and protect our critical infrastructure now and in the future, I signed into law the Cybersecurity and Infrastructure Security Agency (CISA) Act of 2018. CISA works with businesses, communities, and government to help make the Nation's critical infrastructure more resilient to cyber and physical threats. From the onset of the coronavirus pandemic, CISA has released guidance to promote the health and safety of our Nation's essential workforce and provided critical information to assist owners and operators in categorizing risk, identifying opportunities for remote work, determining the criticality of specific roles, and deciding the allocation of resources, such as personal protective equipment and medical testing.

Additionally, my Administration has further advanced and strengthened the security and resilience of our critical infrastructure throughout the pandemic. In February, I signed an Executive Order on Strengthening National Resilience through Responsible Use of Positioning, Navigation, and Timing (PNT) Services to prevent any efforts to disrupt or manipulate PNT services, such as the Global Positioning System, from being undermined. In March, I signed the Secure and Trusted Communications Networks Act of 2019 and issued the National Strategy to Secure 5G to ensure the security, reliability, and trustworthiness of America's communications networks. In May, I signed an Executive Order on Securing the United States Bulk-Power System to prevent foreign actors from creating and exploiting vulnerabilities in bulk-power system electric equipment. In August, I signed an Executive Order on Ensuring Essential Medicines, Medical Countermeasures, and Critical Inputs Are Made in the United States to reduce our dependence on foreign chemical and medical supply chains

and promote American-made production of essential medicines. And in September and October, my Administration completed implementation of a Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West, and I signed an Executive Order on Modernizing America's Water Resource Management and Water Infrastructure. Both of these actions ensure that Americans have abundant, safe, and reliable supplies of water and world-class water infrastructure to support our economy. These actions and many more, like restocking personal protective equipment in the Strategic National Stockpile, will ensure our national self-sufficiency and security for our children, grandchildren, and generations to come.

During Critical Infrastructure Security and Resilience Month, we recommit to staying alert and continuously adapting to evolving threats and hazards, promoting the security of all critical infrastructure systems, and boosting resilience to potential disruptions, in partnership with State, local, Tribal, and private organizations. We thank the incredible workers who are on the frontlines night and day to sustain our vital systems, functions, and services, and we recognize that each and every American can help protect and strengthen our country's critical infrastructure.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2020 as Critical Infrastructure Security and Resilience Month. I call on the people of the United States to recognize the importance of protecting our Nation's infrastructure and to observe this month with appropriate measures to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10109 of October 30, 2020

National Adoption Month, 2020

By the President of the United States of America

A Proclamation

For children, parents, and families, adoption paves the way for new beginnings and provides children with a forever family who can help them reach their full potential. During National Adoption Month, we recognize birth families who make the difficult decision to place their children up for adoption, commend foster parents who care for children from different backgrounds, and celebrate adoptive parents who open their families to those children in need.

All children deserve a stable home with parents and families who can ensure their well-being. Sadly, last year, 153,258 children were placed in the foster care system due to neglect, and 86,694 children were removed from their homes due to drug abuse. My Administration is committed to addressing the causes of child abuse and neglect, bringing

healing to families who are struggling with addiction, and expanding the avenues for adoption. Additionally, we are continuing our efforts to strengthen families and prevent abuse and neglect to help ensure that children are able to remain with birth parents whenever possible. These efforts include unprecedented action to end the opioid crisis in our country, increased funding and oversight of the foster care system, and opening more adoption channels to faith-based adoption and foster care providers. Additionally, the Department of Health and Human Services is now providing States with guidance regarding the use of Federal funds to support the legal representation of parents and children in family legal proceedings. The good news is that the number of children entering foster care is declining and the number of adoptions last year was the highest on record.

Nevertheless, those still in the foster care system often have to wait too long for adoption—sometimes 2 years or more. Even worse, thousands of children age out of foster care without finding a forever family, with profound and unacceptable consequences. Of those young Americans who age out of foster care, 40 percent experience homelessness, 50 percent are unemployed at age 24, and 25 percent experience post-traumatic stress. To help solve this problem, in June, I signed an Executive Order on Strengthening the Child Welfare System for America's Children. This order prioritizes the partnerships between private, public, and faith-based organizations to keep American families together and, when that is not possible, to find children forever families. It also provides resources for trauma training, support for guardianship, and kinship care for those who age out of foster care. Additionally, through her ''Be Best''; initiative, the First Lady continues to advocate for a safe, forever family for every child.

Adoption also offers a loving option for women who experience unexpected pregnancies or are unable to provide for their children. Every year, countless families—including many who cannot have children of their own—cherish the priceless gift of an adopted child. My Administration believes that every human life has inherent value, and encourages adoption as an alternative to abortion. All children, born and unborn, deserve a chance to have a better, more prosperous future. I commend the selfless men and women who preserve the majesty of God's creation by providing children with a chance at a better life.

This month, we celebrate the blessings of adoption and renew our resolve to promote a culture of respect for every human life. Countless Americans dedicate their time, energy, and resources to the adoption process, and we honor their selfless contributions as community members, faith leaders, caregivers, role models, and families. Our Nation is strengthened by the sacred institution of the family, and devoted parents who love and protect their adopted children. As a Nation, let us commit to ensuring a brighter future for all of our Nation's children.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2020 as National Adoption Month. I encourage all Americans to observe this month by helping children and youth in need of a permanent home secure a more promising future with a forever family and enter adulthood with the love and connections we all need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10110 of October 30, 2020

National American History and Founders Month, 2020

By the President of the United States of America
A Proclamation

In the Black Hills of South Dakota stands an enduring tribute to four of our greatest Presidents—George Washington, Thomas Jefferson, Abraham Lincoln, and Teddy Roosevelt. Mount Rushmore symbolizes the proud history of our Nation, a history that began on July 4, 1776, with the revolutionary words written in the Declaration of Independence. This summer, I spoke before this beautiful monument in celebration of Independence Day to call attention to the brilliant vision of our Founding Fathers and their profound, momentous statement that ''all men are created equal.''; And, earlier this year at the National Archives, the sacred home of the Declaration of Independence, the Constitution, and the Bill of Rights—our Nation's Charters of Freedom—I pledged that our great American heroes will never be forgotten, our schools will teach the story of our Nation as it happened, and the truth of our history will never be erased or rewritten. Throughout this month, we celebrate the incredible history of the United States and commit to continually work toward the promise of a more perfect Union.

The story of our Nation is one of tireless progress toward realizing and defending our founding principles—individual liberty, representative self-government, and equality of opportunity. In the 18th century, the founding generation sacrificed blood and treasure to defend the spark of liberty on this continent, constructing the framework of our new American society. In the 19th century, the mettle of that foundation was tested as Americans took up arms against one another in a struggle that ultimately eradicated the great injustice of slavery from our country, a conflict that, though it left a dark stain on the fabric of our Nation, ultimately strengthened our commitment to freedom and helped us further realize the true promise of the founding. The American 20th century saw great strides in progress for civil rights, as women won the right to vote and timeless voices like Martin Luther King, Jr., illuminated the path toward true equality for Black Americans. Abroad, American service members carried the torch of liberty to those in need, liberating Europe and Asia from fascist oppression and freeing billions of people around the world from the suffocating yoke of communism.

This is the inheritance of today's generation of Americans. A history defined by righteous struggle in service to our founding ideals of liberty and justice for all. A history populated by heroes and warriors for freedom. And a history marked by an unyielding commitment to virtue and principle. This history is what distinguishes our Nation as the most free and just society in the world.

Today, however, a fringe element of radical politicians, media voices, corporate executives, and other activists seek to use their immense power to obscure the ideals of our country, rewrite our Nation's proud history, and desecrate the memory of our Founders. Statues have been torn down and destroyed, violent mobs have masqueraded under the false banner of peaceful protests, and free speech has come under siege in the public square and on online platforms. As one example among many, theoretical frameworks like ''Critical Race Theory''; have corrupted our United States history and civic education courses in public schools, board rooms, the military, and government agencies, promoting racial division and discrimination. Adherents to Critical Race Theory and other associated ideologies believe that America is an inherently racist and sexist country, defined by oppression and hierarchies of victimhood, rather than freedom and equality. Critical Race Theory and those who promote it seek to strip individual agency from all Americans and instead relegate them into pre-determined categories of belief based on their racial or sexual identity. If Americans are distracted by such theories from studying the true history of our great Nation—its mistakes and its triumphs—we risk the dissolution of our common bonds and we will be weakened as a country. That is why I recently signed an Executive Order that bans executive departments and agencies and Federal contractors from teaching Critical Race Theory, in an effort to prevent the indoctrination of the American people by these dangerous ideologies. Now, more than ever, we must continue to forge an even brighter future for our Nation by preserving its past. As President, I will always honor the great legacy of America's history and its Founders.

Throughout this month, we recommit to protecting the great American story, one of a Nation that has promoted liberty and ensured freedom for millions. We know that when we collectively recognize and cherish our history, we are made stronger as one people. The divine truth our Founders enshrined in the fabric of our Nation—that all people are created equal—will, if we cherish and protect it, ensure the blessings of unparalleled freedom and prosperity for all posterity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the laws of the United States, do hereby proclaim November 2020 as National American History and Founders Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10111 of October 30, 2020

National Entrepreneurship Month, 2020

By the President of the United States of America
A Proclamation

The United States is home to the most creative, passionate, and talented minds anywhere in the world. Throughout our history, we have pioneered revolutionary innovations, and we continue to reach new heights in business, science, and technology. During National Entrepreneurship Month, we celebrate the determination of those who strike out on their own to fuel our robust economy.

American entrepreneurs employ more than 60 million people nationwide and strengthen our communities with their hard work and ingenuity. Since taking office, I have cut onerous regulations at a historic rate, saving these businesses nearly $50 billion in compliance costs, unleashing the might of the American economy, and empowering proud American business owners. When the Government removes barriers to success, all Americans benefit. For the first time in decades, deregulation is saving small businesses from wasting precious hours on regulatory compliance and creating a dynamic economic landscape. Our policies have empowered entrepreneurs to do what they do best: innovate, create, and succeed.

We must continue supporting our Nation's economic success by preparing the next generation of American workers for the jobs of today and tomorrow. That is why I established the President's National Council for the American Worker, which is engaging with companies to invest in and develop programs for workplace education and skills training and retraining. I encourage more entrepreneurs to take the Pledge to America's Workers and join the 450 companies and trade associations that have already committed to providing more than 16 million education and training opportunities for American students and workers. Additionally, the United States-Mexico-Canada Agreement, which replaced the outdated and unfair North American Free Trade Agreement, is now in full effect, fulfilling my promise to level the playing field for American businesses and workers. This landmark agreement will help bring our manufacturing jobs back home while ensuring that more American innovators can run their businesses without shipping jobs overseas.

Our Nation's entrepreneurs have also been at the heart of our ongoing efforts to defeat the coronavirus. Working with private-sector companies, my Administration launched the largest industrial mobilization since World War II. In addition to helping to rapidly expand our Nation's testing capabilities and to produce unparalleled levels of personal protective equipment, many American innovators have been at the forefront of developing safe vaccines and effective therapeutics as quickly as possible. Entrepreneurs, especially small business owners, are key to our surging economy. That is why I pushed for and signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. This landmark legislation provided $2.2 trillion to our great American workers, businesses, and entrepreneurs. Under the CARES Act, the Small Business Administration and the Department of the Treasury approved 5.2 million Paycheck Protection Program loans to help our

entrepreneurs across the country navigate the economic difficulties of this pandemic.

This month, we recognize the bold spirit of America's entrepreneurs who continue to prove that the American dream is alive and more obtainable than ever before. As we continue our great American comeback, we know that these innovative men and women will remain at the forefront of our efforts to create a brighter future for our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2020 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 17, 2020, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10112 of October 30, 2020

National Family Caregivers Month, 2020

By the President of the United States of America

A Proclamation

Each day in homes throughout our Nation, Americans with chronic or terminal illnesses, functional impairment, or disabilities receive compassionate care and support from family members and loved ones. During National Family Caregivers Month, we salute the more than 40 million people in the United States who serve as unpaid caregivers. With generous hearts and faithful devotion, they honor the sanctity of life and affirm the inherent value of all human beings.

Caregivers work long days and spend countless hours to meet and anticipate the needs of their loved ones, often facing challenges that can seem impossible to navigate. Errands, medical appointments, transportation, meal preparation, grooming, and companionship can consume significant time and effort, especially when caregivers must balance these duties with the pressures and responsibilities of their own lives, including employment and raising children. In spite of all of this, these extraordinary moms and dads, sons and daughters, siblings, and friends showcase compassion and selflessness for the ones they love. Their faithfulness and dedication is indicative of the generosity of the American Spirit and reflects the very best of our Nation.

Because of the essential role they play in ensuring the health and wellbeing of those most in need, family caregivers deserve our unending support. In 2018, I signed into law two pieces of legislation, the RAISE Family Caregivers Act and the Supporting Grandparents Raising Grandchildren Act, which provide for the development of strategies and support networks for family caregivers. Over the last

year, the Advisory Councils created by these acts have made significant progress toward raising awareness and giving a voice to family caregivers. The work of these Councils, led by the Administration for Community Living at the Department of Health and Human Services (HHS), will yield a National Caregiving Strategy in 2021 that will include recommended actions that States, communities, health systems, and other private-sector entities and stakeholders can take to improve the lives and conditions of family caregivers. Working alongside existing initiatives like HHS' National Family Caregiver Support Program, we are ensuring that family caregivers have the resources they need to provide essential care and support for their loved ones.

Our great veterans living with illness or injury are one of the largest groups who receive care from family members and friends. These caregivers, more than 5 million strong, play a vital role in the lives of these extraordinary men and women who have sacrificed so much for our country. In order to improve services and outcomes for patients and families who are dealing with the stress and uncertainty of caregiving, the Department of Veterans Affairs established the first National Center of Excellence for veteran and caregiver research. The advances made through this initiative, coupled with the resources and capabilities made available through the VA MISSION Act, which I signed into law in 2018, are helping to educate and equip families with the tools they need to provide even better care for our Nation's veterans. America's heroes have earned and deserve our respect and gratitude, and their caregivers deserve the same.

Family caregivers provide a vital lifeline of connection and hope to loved ones during challenging and uncertain days. These caregivers, who devote immeasurable time, energy, resources, and heart, need our understanding, support, gratitude, and encouragement. Throughout this month, let us remember these men and women who spend their days caring for others, and let us pray that they are sustained by grace and strength as they carry on this important work.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2020 as National Family Caregivers Month. I encourage all Americans to reach out to those who provide care for their family members, friends, and neighbors in need, to honor and thank them.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10113 of October 30, 2020

National Native American Heritage Month, 2020

By the President of the United States of America
A Proclamation

During National Native American Heritage Month, we honor the storied legacy of American Indians and Alaska Natives in our Nation. Their cherished legacy, rich cultures, and heroic history of military service inspire us all. This month, as we recommit to supporting Native American Tribes and people, we resolve to work side-by-side with their leaders to secure stronger, safer communities and preserve their sacred heritage for future generations.

In recognition of the importance of Indian Country to the cultural identity of our Nation and the strength of our economy, my Administration has taken unprecedented action to promote the health and wellbeing of Native American communities. In response to the coronavirus pandemic, we secured the largest investment in Indian Country in our Nation's history, providing $8 billion in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to ensure Native American communities have the resources they need to combat the virus. In August, I signed into law the Great American Outdoors Act, the largest conservation effort in a generation, which includes up to $475 million in guaranteed funding over the next 5 years to improve American Indian school infrastructure. I recently secured the return from Finland of a number of cultural artifacts and human remains originating from Native American Tribes in the Mesa Verde region, and I will continue to work to identify Native American artifacts wrongfully taken abroad and will work with Tribal partners to bring them home. And we are continuing to work alongside Native American leaders to combat crime and violence through important initiatives like Operation Lady Justice, addressing the long-ignored tragedy of missing and murdered American Indians and Alaska Natives.

To further our commitment to Native American communities, my Administration recently released our policy vision for Indian Country entitled ''Putting America's First Peoples First—Forgotten No More!''; This comprehensive plan protects Tribal sovereignty and economic self-determination while also promoting public safety, providing for high-quality education, and delivering lasting solutions to long-unresolved healthcare challenges in Indian Country. Through concrete actions like my Administration's reform of National Environmental Policy Act (NEPA) regulations, we are helping increase access to water, broadband, electric, and other utility infrastructure in Indian Country. Working with Tribal leaders, we are creating investment opportunities in Native American communities, building on their storied traditions while looking toward a shared future of prosperity and cooperation.

Native Americans play a critical role in the health and vitality of our great Nation. During National Native American Heritage Month, we honor their vibrant cultures. As business owners, artists, teachers, writers, courageous members of our Armed Forces, and so much more, their contributions to our society are cause for celebration and appreciation by all Americans. This month, as we honor the heritage of Na-

tive American Tribes and people, we resolve to support their legacy and communities for generations to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2020 as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 27, 2020, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10114 of October 30, 2020

National Veterans and Military Families Month, 2020

By the President of the United States of America

A Proclamation

Our Nation's service members—past and present—and their families represent the very best of America. Motivated by patriotism and love of country, our Soldiers, Sailors, Airmen, Marines, Coast Guardsmen, and Space Warfighters serve at home and abroad with professionalism, ingenuity, integrity, and devotion. Their families always stand beside them in their missions and as they transition to civilian life. During National Veterans and Military Families Month, we celebrate the loved ones of our country's men and women in uniform and recognize the sacrifices they have made in support of our Nation's heroes.

When I first took office, I pledged to our Armed Forces that I would always have their backs; and that means providing for military families as well. The demands and challenges of military life are shared by the loved ones of our heroes. Spouses, parents, siblings, and children often shoulder increased burdens and responsibilities when their servicemen and women are called to duty. Military families, and especially spouses have to endure the stress of frequent relocations and deal with job searches under state licensing regulations that can prevent them from working in their chosen occupations. To address this issue, my Administration eliminated unnecessary and cumbersome red tape that stifled career opportunities for military spouses, and the Department of Defense has implemented programs to enhance childcare opportunities for military families.

Too many veterans carry painful memories and bear physical and emotional scars from their service. We will never forget our veterans who are suffering from mental health issues or the military families that are left behind by veteran suicide. As President, I have prioritized changing the culture surrounding mental health and promoting a society that recognizes the infinite value and purpose of every life. Last year, I mobilized every available Federal resource to develop and implement the President's Roadmap to Empower Veterans and End a National Trag-

edy of Suicide. I also fought for and secured a record $8.6 billion in funding for mental health services in the most recent Department of Veterans Affairs appropriations bill. In October, I signed the Commander John Scott Hannon Veterans Mental Health Care Improvement Act, which will bolster these efforts even further. Like never before, we are using a whole-of-government approach to better understand and prevent suicide. No American warrior should ever be forgotten, and no military family should ever be left behind.

Since the beginning of my Administration, it has been a top priority and my solemn pledge to honor, equip, and protect our service members, veterans, and their families. My commitment has not wavered. America's military might is essential to our safety, prosperity, and national security. Caring for the brave Americans in our Armed Forces, and their families, and upholding our sacred obligation to those who have served with honor is the least we can do for those who have given so much for so many. This month, we pledge our gratitude to every man and woman currently serving this Nation in uniform, to all our veterans who helped preserve and defend our precious freedom, and to every family member who shares in the service and sacrifice of military life. My Administration will never stop fighting to enhance and improve the quality of life for these exceptional Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2020 as National Veterans and Military Families Month. I encourage all communities, all sectors of society, and all Americans to acknowledge and honor the service, sacrifices, and contributions of veterans and military families for what they have done and for what they do every day to support our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10115 of October 30, 2020

National Day of Remembrance for Americans Killed by Illegal Aliens, 2020

By the President of the United States of America

A Proclamation

On this National Day of Remembrance, we pause to honor the memory of every American life so egregiously taken from us by criminal illegal aliens. As sons and daughters, mothers and fathers, brothers and sisters, and as American citizens, these precious lives are an irreplaceable piece of our national community. We solemnly stand with their families—our Angel Families—who have endured what no American family should ever have to suffer. Today, we recommit to ensuring that those responsible for these tragedies face justice, while taking every action to prevent these horrific acts from occurring in our Nation.

As President, I have no higher duty than to ensure the safety and security of all Americans. Accordingly, I will never rest until our border is fully secure and our communities safe. The laws of our country, including immigration laws, must be respected and followed so that every American citizen may have a bright and prosperous future. I proudly support our dedicated Immigration and Customs Enforcement (ICE) Officers, Customs and Border Protection Officers (CBPOs), Border Patrol Agents, and other law enforcement officials who work every day to protect Americans from the senseless crimes that our Angel Families have had to endure.

For years, our politicians and leaders met the pain and plight of Angel Families with silence and indifference. Under my watch, the voices of our Angel Families no longer fall on deaf ears. Americans who are killed by illegal aliens are no longer forgotten, and we are ensuring that they will not have died in vain. Our Nation solemnly stands alongside the mothers and fathers who are no longer able to see their children grow up and have families of their own and for the sons and daughters who have lost a parent or loved one at the hands of someone who never should have been inside our country in the first place. It is because of these brave families who have suffered unimaginable loss that my Administration created a new office in the Department of Homeland Security called Victims Of Immigration Crime Engagement (VOICE). This program has already assisted hundreds of families and will continue providing critical services until no American suffers the harm or loss of a loved one due to the violent actions of a criminal alien.

My Administration recognizes that a secure border is essential to a safe and prosperous Nation. Accordingly, we have devoted time and resources to constructing a strong border wall and ending the disastrous immigration policies of previous administrations. Four hundred miles of wall have already been built, and we are on pace to complete more than 500 miles by early next year. We have ended the terrible practice of catch-and-release, deployed approximately 4,000 National Guard personnel to the Southern Border in the last 2 years to support Federal border security and wall construction efforts, restored integrity and safety to the asylum process through the Migrant Protection Protocols, and deported more than 20,000 gang members and over 500,000 criminal illegal aliens. During my Administration, our courageous ICE Officers, CBPOs, Border Patrol Agents, and law enforcement personnel have seized thousands of pounds of lethal narcotics at our border—enough to kill every American four times over. Through these efforts, we are saving American lives, curbing crime, and honoring the precious lives tragically taken from us.

On this National Day of Remembrance, we pay tribute to the enduring memory of every American killed by an illegal alien. They will never be forgotten, and we will stand by their families and fight for a future where every American is safe. Together, we will pursue the promise of a proud, noble, and secure future while protecting our families and communities from those who seek to do us harm.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 1, 2020, as a National Day of Remembrance for Americans Killed

by Illegal Aliens. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10116 of November 6, 2020

National Apprenticeship Week, 2020

By the President of the United States of America

A Proclamation

Apprenticeships provide American workers tangible skills and an industry-recognized credential. They strengthen our Nation's economy and help millions of men and women provide for their families without taking on the financial burden of student loans and other related debt. During National Apprenticeship Week, we celebrate the American workers who create a brighter future for themselves and their families through apprenticeships, and we further our commitment to bolstering opportunity as we continue our economic comeback.

For decades, politicians and bureaucrats in Washington neglected workers, shipped jobs overseas, and abandoned essential manufacturing industries. When I took office, I reversed these policies and pledged to always put the American economy, labor force, and worker first. Under my leadership, we have cut taxes, removed burdensome regulations on businesses, and renegotiated our trade deals, all of which led to historic job creation and economic growth. Apprenticeships are a pillar of our effort to continue this trend, and my Administration remains committed to supporting initiatives that empower Americans and prepare our workers to compete and thrive in a 21st-century economy.

Since taking office, my Administration has worked tirelessly to empower more Americans with the benefits of apprenticeships and the skills they provide. In June of 2017, I signed an Executive Order on Expanding Apprenticeships in America. Under my leadership, the Department of Labor has awarded $80 million across 42 States and territories for occupational skills education for American students and workers, 800,000 Americans have joined apprenticeship programs, and we are well on the way to meeting my goal of 1 million new apprentices by September of next year. In Fiscal Year 2019 alone, we registered more than 250,000 new apprentices in vital industries, including advanced manufacturing, financial services, educational services, transportation, healthcare, and informational technology. My Administration also recently launched the Industry-Recognized Apprenticeship Program model, which provides opportunities for industry-led, market-driven training that expands workforce development and opens windows to well-paying jobs in high-demand industries. In recognition of our Nation's obligation to our military men and women, my Administration has also expanded the United Services Military Apprenticeship

Program across all branches, providing apprenticeship opportunities to our service members while they are still on active duty to help them prepare for prosperous and fulfilling lives after their time in uniform.

My Administration will also continue to work with industry partners to provide workers with the skills they need to succeed in today's economy through the Pledge to America's Workers. This initiative recently proved essential as our Nation confronted the unprecedented challenges of the coronavirus pandemic. As part of our ongoing response, we launched the largest industrial mobilization since World War II, and thousands of new apprentices answered the call for skilled labor in key sectors like manufacturing, healthcare, cybersecurity, and information technology. These efforts demonstrate that, when government allows the free market to respond, the spirit of the American worker and the strength and resolve of America's economy will overcome any challenge.

This week, we recommit to bolstering economic opportunity through apprenticeships. I encourage individuals, business leaders, and government officials to support hardworking Americans and their families through expanding apprenticeship education and training, recognizing the essential role apprenticeships play in sustaining our national economy.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 8 through November 14, 2020, as National Apprenticeship Week.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10117 of November 6, 2020

World Freedom Day, 2020

By the President of the United States of America

A Proclamation

On World Freedom Day, we commemorate the historic fall of the Berlin Wall in 1989, which liberated the people of East Germany from the grip of tyranny. This watershed event marked the triumph of freedom and liberty for hundreds of millions of people who rejected the oppression of Soviet communism and its Marxist-Leninist ideology. Today, we celebrate the blessings of freedom in Germany and across the world, and reaffirm our Nation's support for all who wish to be free.

Following World War II, the Soviet Union built an Iron Curtain between the East and West, isolating the city of West Berlin and shutting off the free flow of goods and people. Determined to prevent the light of liberty from being extinguished, our Nation stood with the United Kingdom and France against the Soviet demand that the West withdraw from Berlin. To defeat this demand for surrender, the United

States Air Force and our allies fearlessly airlifted food, fuel, and supplies to the starving people of West Berlin, and together, we were resolved to restore freedom to the German people.

For almost 30 years, the Berlin Wall symbolized the divide between the free world and communism. On its eastern side, the rights that democratic societies hold dear—the fundamental freedoms of religion, speech, the press, association, and petition—were replaced by forced secularism, oppressive censorship, monolithic propaganda, and inhumane division. Hundreds of brave Germans died attempting to escape this brutal fate, as the Stasi used landmines, armed watchtowers, and barbed wire to intimidate those who dreamed of freedom and to kill and harm those who braved any attempt to escape. Those whose escapes failed, those who facilitated successful or attempted crossings, and those who crossed the Stasi in some other way were tortured, imprisoned, and executed in horrifying violations of human dignity and rights.

The United States always stood resolutely with the victims and survivors of the evil ideology that controlled East Germany and East Berlin. Our valiant response to Soviet oppression in Germany defined the Cold War, from President John F. Kennedy's declaration, ''Ich bin ein Berliner,''; in 1963 to President Ronald Reagan's momentous call, ''Mr. Gorbachev, tear down this wall!''; in 1987. Our founding principles of individual, God-given unalienable rights, human dignity, and equality of opportunity were embraced by the millions held in Soviet bondage, and ultimately won the ideological battle of the Cold War. As a result, we are able to celebrate Germany's reunification today, reaffirm our alliance, and recognize German contributions to modern day peace and prosperity.

This World Freedom Day, we honor all those who fought for freedom, endured injustice, and bravely resisted totalitarianism before the fall of the Berlin Wall. We also reassert our longstanding commitment to combat tyranny, uplift the voices of those held captive by communist regimes, and halt the spread of this brutal ideology at home and around the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 9, 2020, as World Freedom Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10118 of November 10, 2020

Veterans Day, 2020

By the President of the United States of America
A Proclamation

America's veterans have fought to defend our country, its values, and its interests since the first days of our founding. They have defeated tyrants, eliminated terrorists, and secured freedom at home and abroad. Their courage and fortitude in the face of adversity serve as an example for all Americans. On Veterans Day, we pause to pay tribute to all who have proudly worn our Nation's uniform. These Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen selflessly placed lives, well-being, and security of others before their own. We enjoy the privileges of peace, prosperity, and freedom because of our veterans, and we are forever indebted to them beyond measure.

For their love of country and dedication to duty, America's veterans have endured adversity, loneliness, fatigue, loss, and made other incredible sacrifices. Many sustained life-altering physical injuries and disabilities; others bear the burden of emotional scars for the remainder of their lives. Our Nation's veterans fully understand liberty's high and precious cost, for they have paid it every day since the formation of our Republic.

As Commander in Chief, I have relentlessly fought to support America's veterans. For far too long, our Government had not fully met its obligation to provide for ''him who shall have borne the battle, and for his widow and his orphan.''; I recognize that this country and its people are duty-bound to care for our exceptional veterans, their families, and their survivors. That is why, throughout my time in office, I have worked tirelessly to improve the health, welfare, and economic prosperity of these treasured people. In just a few short years, my Administration completely overhauled the Department of Veterans Affairs (VA), removing employees who were not giving our veterans the care and attention they deserve and making the agency more accountable to the heroes it serves. I also signed into law the VA MISSION Act, which gives eligible veterans the choice to receive timely care from providers in their own communities. In 2018, I also signed the largest funding bill in the history of the VA, and the VA has since benefited from record budgets every year. In addition, I signed a Presidential Memorandum to ensure that veterans who are totally and permanently disabled receive the Federal student loan forgiveness to which they are so justly entitled. We will continue to build on these efforts and work to create an economic environment that fosters growth and prosperity for veterans, ensuring all of our veterans have the opportunity to live productive civilian lives.

The mental health and welfare of our veterans is of critical importance, and addressing this issue has been a top priority. Tragically, an average of 20 veterans and service members die by suicide each day. We are striving with all our effort to end this alarming and unacceptable reality. Last year, I launched the largest whole-of-government program in history to end veteran suicide, the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS). I also recently signed the Commander John Scott Hannon Veteran Mental

Health Care Improvement Act which is strengthening VA mental health, supporting suicide prevention efforts, and developing pilot programs dedicated to ending veteran suicide. I have also bolstered the Veterans Crisis Line, so that its around-the-clock operators can deliver the best possible intervention services to vulnerable veterans.

Our veterans represent the best of America, and they deserve the best America can provide them. To recognize and respect the contributions our service men and women have made in defense of America, and to advance the cause of peace, the Congress has provided, as outlined in 5 U.S.C. 6103(a), that November 11th of each year shall be set aside as a legal public holiday to recognize America's veterans. These heroes served faithfully, humbly, and valiantly in times of war and peace, and they carried these admirable traits into the civilian workforce when their military service was fulfilled. Our precious liberty has survived and thrived because of generations of brave Americans—from every background and walk of life—who have answered the call to support and defend the United States. The gravity of their contribution is immeasurable and so is our debt to every single one of our Nation's veterans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim November 11, 2020, as Veterans Day. I encourage all Americans to recognize the fortitude and sacrifice of our veterans through public ceremonies and private thoughts and prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10119 of November 13, 2020

American Education Week, 2020

By the President of the United States of America
A Proclamation

Education empowers students of all ages to reach their full potential and plays a fundamental role in developing a strong workforce and informed citizenry. Our Nation is currently enduring an unprecedented academic year, but our commitment to the safe reopening of schools and the expansion of school choice programs nationwide remains steadfast. As we celebrate the 99th anniversary of American Education Week, I encourage States, districts, and school boards across the country to embrace creative, personalized approaches to learning, and to ensure that students are at the center of all of their educational endeavors.

This year, students, teachers, and administrators have faced extraordinary challenges. Nevertheless, we must recognize that our children's physical, mental, and emotional well-being depend so much on their access to schools. Studies show that children are at very low risk of serious illness from the coronavirus, while the harms of delaying their return to in-person instruction are grave. As President, I have taken unprecedented action to ensure that classrooms are safe so that students can return to school and resume learning amongst their peers. My Administration fought for billions of dollars in funding for local school districts for personal protective equipment, increased cleaning services, and other critical resources and is providing States with millions of revolutionary point-of-care tests that deliver highly accurate results in minutes. Whether in the classroom or at home, I am committed to fighting for whatever is needed to ensure quality education for every American student.

As a result of thousands of schools transitioning to some form of remote learning, parents are gaining expanded insight into our Nation's inadequate education system. For too many families, the pandemic has served as a stark reminder that an antiquated, agenda-driven, one-size-fits-all approach to education simply does not work. Instead, parents desire greater control over how their tax dollars are spent, and American families demand more options and more autonomy over their children's education. Whether they choose public, private, magnet, charter, parochial, or home schools, I am fighting to expand every family's choices in our Nation's education system. Last year, I signed the Secure Act to broaden how families could spend the funds in tax-free college savings accounts. And just this July, my Administration awarded new funding to the successful DC Opportunity Scholarship Program, so disadvantaged students in our Nation's capital can attend the school of their choice. These actions are part of our continued efforts to empower parents and encourage educational innovation at the State and local levels, because in the land of the free, a child's zip code should never play any role in determining their educational potential.

During this American Education week, we especially celebrate the teachers, community leaders, parents, and advocates that shape the futures of our country's children. They play an essential and powerful role in developing Americans of character who are capable of enhancing our country's culture, society, and economy. As our Nation's teachers and students navigate an unprecedented school year, we must all recommit to providing students with lifelong learning opportunities and supplying them with the tools they need to achieve success.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 15 through November 21, 2020, as American Education Week. I commend our Nation's schools, their teachers and leaders, and the parents of students across this land. And I call on States and communities to support high-quality education to meet the needs of all students.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10120 of November 20, 2020

National Family Week, 2020

By the President of the United States of America
A Proclamation

Families strengthen our communities, shape our values, and provide a foundation for future success. Families are—and will always be—the basic building block of our society. During National Family Week, we take time to honor and appreciate the many blessings of strong and healthy families, and we recognize that our policies must empower and enable them to flourish so they can contribute to an even brighter future for our great Nation.

Every family is unique and remarkable, and my Administration is committed to providing meaningful solutions to address the issues that matter most to them, especially when facing extraordinary challenges. As our Nation confronted the coronavirus pandemic, I signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide over $2 trillion in economic relief to quickly help families, small businesses, and communities, and the Families First Coronavirus Response Act, which provided timely and critical support for families by expanding paid family, medical, and sick leave. We also increased unemployment benefits, enhanced flexibility within unemployment insurance programs, suspended student loan payments, and removed the threat of foreclosures and evictions for families with Government guaranteed mortgages. My Administration continues to call on the Congress for additional support to sustain families through this pandemic, particularly those most harmed by State and local shutdown orders and other restrictions on economic activity.

The pandemic has placed great strain on American families, from those who have mourned the loss of a loved one to those who have struggled to adjust to new and burdensome daily routines. In times like this, mental health becomes even more important. That is why I signed an Executive Order to provide grant funding for easier access to mental health services, including telehealth, peer-to-peer, and safe in-person therapeutic treatments.

Despite impediments and adversity, we have made great progress to help bring an end to this terrible pandemic and rebuild our previously booming economy. In addition to identifying many successful therapeutics through Operation Warp Speed, I recently announced tremendous progress in developing and distributing safe and effective vaccines. Moreover, with unprecedented rapid reductions in unemployment and historic third-quarter growth, the United States, in just a few months, has recovered two-thirds of the economic output lost to the pandemic. America will fully recover not only emotionally and physically, but also fiscally, from the devastation of the pandemic—and our families will be the bedrock of our Nation's renewed success.

Families are our most cherished and sacred institution. They play a vital role in providing emotional, physical, and communal support and help us endure the inevitable difficulties of life. My Administration stands firm in supporting the success of our families by ensuring that every child—born and unborn—can thrive in a loving home with caregivers who are bolstered by access to childcare, paid family leave,

school choice, and job training. By enacting tax cuts, lowering prescription drug prices, and working to increase wages and benefits, we have enabled families to keep more of their hard-earned money so they can realize their own American dream.

In this season of Thanksgiving, we thank God for the wonderful families across our great Nation who are working to build brighter, better, and more prosperous futures. This week, we acknowledge that we are only as strong as our families and vow to prioritize their well-being and to uphold their fundamental role in our society.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 22 through November 28, 2020, as National Family Week. I invite communities, churches, and individuals to observe this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10121 of November 25, 2020

Thanksgiving Day, 2020

By the President of the United States of America

A Proclamation

On Thanksgiving Day, we thank God for the abundant blessings in our lives. As we gather with family and friends to celebrate this season of generosity, hope, and gratitude, we commemorate America's founding traditions of faith, family, and friendship, and give thanks for the principles of freedom, liberty, and democracy that make our country exceptional in the history of the world.

This November marks 400 years since the Mayflower and its passengers faced the unknown and set sail across the Atlantic Ocean. Propelled by hope for a brighter future, these intrepid men and women endured two long months at sea, tired and hungry, to arrive in a new world full of potential. In the winter weather that greeted their arrival, they lost nearly half of their fellow travelers to exposure, disease, and starvation. Despite unimaginable hardships, these first Americans nevertheless remained firm in their faith and unwavering in their commitment to their dreams. They forged friendships with the Wampanoag Tribe, fostered a spirit of common purpose among themselves, and trusted in God to provide for them. The following year, they celebrated a successful harvest alongside their Native American neighbors—the first Thanksgiving. This seminal event in the history of our Nation is a continual reminder of the power of faith, love, perseverance, prayer, and fellowship.

The Mayflower's arrival to the New World in 1620 also marks the arrival of the first seeds of democracy to our land. Absent the rule of a

monarch in an uncharted wilderness, these early settlers resolved to create their own government through what is known as the Mayflower Compact. Defined by majority rule through elected leaders responsible for creating ''just and equal laws,''; the Mayflower Compact represents the first chapter in the long tradition of self-determination and rule of law in America. One hundred and fifty-six years later, our Nation's Founding Fathers resolved to break free from England, building upon the Mayflower Compact to establish an enduring government whose authority came solely ''from the consent of the governed.'';

This year, as our Nation continues to combat the coronavirus pandemic, we have once again joined together to overcome the challenges facing us. In the midst of suffering and loss, we are witnessing the remarkable courage and boundless generosity of the American people as they come to the aid of those in need, reflecting the spirit of those first settlers who worked together to meet the needs of their community. First responders, medical professionals, essential workers, neighbors, and countless other patriots have served and sacrificed for their fellow Americans, and the prayers of our people have once again lifted up our Nation, providing comfort, healing, and strength during times of uncertainty. Despite unprecedented challenges, we have not faltered in the face of adversity. To the contrary, we have leveraged our strengths to make significant breakthroughs that will end this crisis, rebuilding our stockpiles, revamping our manufacturing capabilities, and developing groundbreaking therapeutics and life-saving vaccines on record-shattering timeframes.

During this season of gratitude, we also acknowledge those who cannot be with their families. This includes the brave American patriots of our Armed Forces who selflessly defend our sacred liberty at home and abroad. And we pause to remember the sacrifices of our law enforcement personnel and first responders. We are deeply grateful for all those who remain on watch over the holidays and keep us safe as we celebrate and give thanks for the blessings in our lives.

This Thanksgiving, we reaffirm our everlasting gratitude for all that we enjoy, and we commemorate the legacy of generosity bestowed upon us by our forbearers. Although challenges remain, we will never yield in our quest to live up to the promise of our heritage. As we gather with our loved ones, we resolve with abiding faith and patriotism to celebrate the joys of freedom and cherish the hope and peace of a brighter future ahead.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 26, 2020, as a National Day of Thanksgiving. I encourage all Americans to gather, in homes and places of worship, to offer a prayer of thanks to God for our many blessings.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10122 of November 30, 2020

National Impaired Driving Prevention Month, 2020

By the President of the United States of America
A Proclamation

In the United States, one person tragically dies every 50 minutes in a drunk driving incident. Far too many families experience the pain of losing a loved one to impaired driving, and even more must cope with health and financial consequences that result from this illegal and avoidable conduct. During National Impaired Driving Prevention Month, we remember the lives lost as a result of those driving under the influence of drugs or alcohol, we acknowledge the pain and suffering caused by impaired driving, we honor the brave law enforcement officers who risk their lives to protect our communities from this irresponsible behavior, and we resolve to never get behind the wheel unless we are sober.

Alcohol, drugs, and certain medications can impair judgement, decrease motor coordination, and slow reaction time to the point where operating a motor vehicle is no longer safe. While deaths caused by impaired driving have thankfully fallen by more than 30 percent in the last three decades, too many Americans still make the thoughtless decision to drive impaired, threatening other motorists, cyclists, and pedestrians, killing nearly 30 people every day.

Since my first day in office, my Administration has fought to address this tragedy head on and reduce impaired-driving deaths. We are constantly working with law enforcement officers and public safety professionals to provide them with the resources and support they need to keep our roads safe. To address the root causes of impaired driving, my Administration is also assisting those with substance use disorder through initiatives like www.FindTreatment.gov, a website dedicated to connecting people with the treatment they need, and the Rural Community Toolbox, which provides funding and resources to help build strong, healthy, and drug-free rural communities. Additionally, our Nation's business owners, skilled workers, and innovative entrepreneurs have joined in this fight. The rapid expansion and improvement of existing technologies like ride-sharing and Advanced Vehicle Technologies continue to provide additional safe alternatives to impaired driving.

We must all do our part to stop the tragedies caused by impaired driving. This month, I encourage individuals across America to recommit to working together to reduce the number of crashes, injuries, and fatalities on our Nation's roads. Let us vow to act responsibly, always drive sober, and keep our communities safe.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2020 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand twenty, and

of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10123 of November 30, 2020

World AIDS Day, 2020

By the President of the United States of America
A Proclamation

Today, our Nation joins millions across the globe in remembrance of the precious lives lost to human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)-related illnesses, and we reaffirm our support for those living with these diseases. Thankfully, decades of remarkable advancements and improved understanding have put us within reach of ending its devastating impact. Through increased awareness, revolutionary prevention strategies, and safe and effective treatment regimens, we will soon end the AIDS epidemic once and for all.

Over the past 40 years, HIV and AIDS have infected more than 77 million people worldwide and claimed no less than 35 million lives, including those of 700,000 Americans. Currently, there are approximately 1.2 million people living in the United States with HIV, including roughly 170,000 people who have not been diagnosed. Additionally, it is all too clear that this deadly disease disproportionately affects racial and ethnic minorities.

As President, I promised to end the AIDS crisis in America within a decade, and I am proud to report that we are on track to meet that goal. In 2019, I announced *Ending the HIV Epidemic: A Plan for America,* a bold whole-of-society approach to eradicating this disease. Already, we have sent $227 million to cities, counties, States, local health departments, and community health centers to support and bolster their efforts. Under this plan, our Nation's scientists, researchers, and medical professionals have been able to identify where HIV is spreading most rapidly, which informs decisions about where to focus funding and provide support to public health officials who are addressing needs at a local level to eradicate AIDs. This July, as part of these efforts, the Centers for Disease Control and Prevention awarded $109 million to 32 State and local health departments to support core HIV diagnosis and prevention activities. Additionally, the Ryan White HIV/AIDS Program of the Health Resources and Services Administration (HRSA) is continuing to provide those diagnosed with access to high quality, comprehensive primary care. Under HRSA's Bureau of Primary Health Care health centers have implemented critical early detection initiatives that have produced life-saving diagnoses of Americans living with HIV, saving countless American lives.

Across many fronts, our response has been comprehensive—and it is working. Preventative measures such as Pre-Exposure Prophylaxis (PrEP) and syringe service programs are reducing the number of new HIV transmissions and, if one has already been exposed, Post-Exposure Prophylaxis (PEP) is helping prevent further spread of infection. In

2019 alone, federally funded health centers provided more than 2.7 million HIV tests to over 2.2 million patients. The Ryan White HIV/AIDS Program has proven remarkably successful at viral suppression, reducing viral loads in 87.1 percent of its clients' cases in 2018. And the National Institutes of Health continues its work to develop a vaccine.

Outside of the United States, my Administration's global response is being led by the world's most advanced health experts and diplomats through the President's Emergency Plan for AIDS Relief (PEPFAR), the most successful health initiative in American history. When first launched in 2003, there were 26.6 million Africans infected with AIDS and only 50,000 receiving lifesaving antiretroviral treatment. Today, more than 15.7 million men, women, and children in Africa are receiving these vital treatments. PEPFAR has saved over 18 million lives, prevented millions of HIV infections, and accelerated progress toward controlling the HIV/AIDS epidemic in more than 50 countries.

Through these and other initiatives we are bringing to a close a painful chapter in human history. For the past many decades, HIV and AIDS have inflicted untold suffering on millions of people both here at home and abroad. But by the end of this decade, we will have eliminated this scourge from our country and released much of the rest of the world from its deadly grip.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 1, 2020, as World AIDS Day. I urge the Governors of the States and the Commonwealth of Puerto Rico, officials of the other Territories subject to the jurisdiction of the United States, and all Americans to join me in appropriate activities to remember those who have lost their lives to AIDS and to provide support and compassion to those living with HIV/AIDS.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10124 of December 4, 2020

Human Rights Day, Bill of Rights Day, and Human Rights Week, 2020

By the President of the United States of America

A Proclamation

Nearly 250 years ago, heroes of our Revolution signed the Declaration of Independence, offering a bold enumeration of inalienable rights endowed to us by our Creator. In time, with independence secured from a tyrannical monarchy, our Nation etched these principles of liberty and equality into the law of our fledgling Nation when we ratified our Constitution. The revolutionary idea they embodied—that certain indi-

vidual rights are beyond the reach of government—has resonated around the world. Today, and this week, we celebrate our sacred rights and the example they have set for the rest of history.

James Madison, who drafted the Bill of Rights text, was initially skeptical of the need to secure specific rights explicitly in the Constitution, believing the checks and balances inherent in our system of government would operate to achieve that objective. But he came to recognize the value that the Bill of Rights could provide and worked to ensure that the individual rights and freedoms of Americans were precisely enumerated in the highest law of the land. Madison was acutely aware that, while a government formed to serve its people is just and legitimate, ''power, lodged as it must in human hands, will ever be liable to abuse.''; Accordingly, he worked to imprint essential human rights, including the rights to peaceful assembly, freedom of speech, and free exercise of religion in our foundational legal text, empowering generations of Americans by protecting them from government abuses.

The revolutionary understanding of human rights reflected in the Declaration of Independence and encoded in our Constitution has provided a blueprint for the world in advancing individual human rights. In 1948, looking to our Bill of Rights as a model, the United Nations General Assembly established the Universal Declaration of Human Rights, which recognizes the ''inherent dignity''; and ''equal and inalienable rights''; of mankind. Earlier this year, we also celebrated the 45th anniversary of the signing of the Helsinki Accords, in which the Western World acknowledged similar fundamental human freedoms in defiance of the Soviet Union.

Despite these milestones, the world is still plagued by tragic human rights abuses, including the oppression of women, forced labor, racism, and ethnic and religious persecution. My Administration continues to fight these injustices on all fronts while calling on other sovereign nations to respect the unalienable rights of their people. Earlier this year, I signed an Executive Order on Preventing Online Censorship, which protects and fosters freedom of expression for Americans on social media and other platforms and also seeks to combat human rights abuses abroad like the mass imprisonment of religious minorities in China, which are often obscured by a cloud of false information online. Additionally, I recently signed an Executive Order on Advancing International Religious Freedom, which prioritizes this fundamental freedom in American diplomacy and recognizes that advancing religious freedom abroad is vital to combating rising levels of violence and crimes against humanity around the globe. There is no greater defender of liberty than the United States, and we will remain steadfast in our efforts.

During Human Rights Day, Bill of Rights Day, and Human Rights Week, we cherish the unique story of our Nation and celebrate the patriots who helped our country secure our fundamental rights, freedoms, and values for ourselves and our posterity. We also take pride in the role that this heritage has played in advancing and protecting human rights around the world. America's commitment to individual liberty and human dignity is at our very core. We acknowledge that the principles set forth in the Bill of Rights are foundational, and we recommit to ensuring their legacy in our country as we continue to lead the way toward stronger human rights protections around the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2020, as Human Rights Day; December 15, 2020, as Bill of Rights Day, and the week beginning on December 6, 2020, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10125 of December 4, 2020

National Pearl Harbor Remembrance Day, 2020

By the President of the United States of America

A Proclamation

On the morning of December 7, 1941, Imperial Japanese forces ambushed the Naval Station Pearl Harbor on the Hawaiian island of Oahu. Tragically, 2,403 Americans perished during the attack, including 68 civilians. On this National Pearl Harbor Remembrance Day, we solemnly honor and uphold the memory of the patriots who lost their lives that day—''a date which will live in infamy'';—and we reflect on the courage of all those who served our Nation with honor in the Second World War.

Seventy nine years ago, Imperial Japan launched an unprovoked and devastating attack on our Nation. As torpedo bombers unleashed their deadly cargo on our ships and attack aircraft rained bombs from above, brave members of the United States Navy, Marines, Army, and Army Air Forces mounted a heroic defense, manning their battle stations and returning fire through the smoke and chaos. The profound bravery in the American resistance surprised Japanese aircrews and inspired selfless sacrifice among our service members. In one instance, Machinist's Mate First Class Robert R. Scott, among 15 Sailors awarded the Medal of Honor for acts of valor on that day, refused to leave his flooding battle station within the depths of the USS CALIFORNIA, declaring to the world: ''This is my station and I will stay and give them air as long as the guns are going.'';

Forever enshrined in our history, the attack on Pearl Harbor shocked all Americans and galvanized our Nation to fight and defeat the Axis powers of Japan, Germany, and Italy. As Americans, we promise never to forget our fallen compatriots who fought so valiantly during World War II. As a testament to their memory, more than a million people visit the site of the USS ARIZONA Memorial each year to pay their respects to the Sailors entombed within its wreckage and to all who perished that day. Despite facing tremendous adversity, the Pacific Fleet, whose homeport remains at Pearl Harbor to this day, is stronger than ever before, upholding the legacy of all those who gave their lives nearly 80 years ago.

On this National Pearl Harbor Remembrance Day, we recall the phrase ''Remember Pearl Harbor,''; which stirred the fighting spirit within the hearts of the more than 16 million Americans who courageously served in World War II. Over 400,000 gave their lives in the global conflict that began, for our Nation, on that fateful Sunday morning. Today, we memorialize all those lost on December 7, 1941, declare once again that our Nation will never forget these valiant heroes, and resolve as firmly as ever that their memory and spirit will survive for as long as our Nation endures.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as ''National Pearl Harbor Remembrance Day.'';

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 7, 2020, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10126 of December 4, 2020

Recognizing the Sovereignty of the Kingdom of Morocco Over the Western Sahara

By the President of the United States of America
A Proclamation

The United States affirms, as stated by previous Administrations, its support for Morocco's autonomy proposal as the only basis for a just and lasting solution to the dispute over the Western Sahara territory. Therefore, as of today, the United States recognizes Moroccan sovereignty over the entire Western Sahara territory and reaffirms its support for Morocco's serious, credible, and realistic autonomy proposal as the only basis for a just and lasting solution to the dispute over the Western Sahara territory. The United States believes that an independent Sahrawi State is not a realistic option for resolving the conflict and that genuine autonomy under Moroccan sovereignty is the only feasible solution. We urge the parties to engage in discussions without delay, using Morocco's autonomy plan as the only framework to negotiate a mutually acceptable solution. To facilitate progress toward this aim, the United States will encourage economic and social development with Morocco, including in the Western Sahara territory, and to that end will open a consulate in the Western Sahara territory, in Dakhla, to promote economic and business opportunities for the region.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim that, the United States recognizes that the entire Western Sahara territory is part of the Kingdom of Morocco.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10127 of December 16, 2020

Wright Brothers Day, 2020

By the President of the United States of America

A Proclamation

On this day 117 years ago, for a few short seconds over 120 feet of wind-swept beach in North Carolina, Orville Wright became the first person to achieve sustained, controlled, powered, and manned flight, forever altering the course of human history. The flying machine Orville piloted, which he and his brother Wilbur designed and constructed following years of research and testing, propelled mankind off the ground and into the skies. Today, we honor these tenacious and intrepid pioneers who paved the way for American leadership in aviation.

The story of the Wright Brothers reflects the quintessential American values of perseverance, courage, and sheer grit. Neither Wilbur nor Orville graduated high school. Both brothers, however, possessed a fascination with new technology and mechanics. They taught themselves engineering through their work in their bicycle shop in Dayton, Ohio. Using a homemade wind tunnel, they collected data and developed new designs for propellers and wings, oversaw the creation of a new, specially made engine, and invented an innovative system for steering manned aircraft, solving problems that had plagued previous attempts at powered flight. Through trial and error and hundreds of test flights in gliders and prototypes, the Wright Brothers, in true American fashion, pushed beyond the boundaries of human discovery and exploration. Their tireless dedication and unyielding determination testify to the power of human ingenuity and produced a revolution in transportation, national defense, and global economic development.

The Wright Brothers' pursuits also established America's role as the world's foremost aviation leader and set the stage for future generations of American flight heroes. Just 24 years after the Wright Brothers' first flight, Charles Lindbergh became the first person to fly solo nonstop across the Atlantic Ocean, and 5 years later Amelia Earhart became the first woman to accomplish that same feat. Just a few weeks ago, our Nation mourned the loss of another aviation legend, Brigadier General Chuck Yeager. In a rocket plane named ''Glamorous Glennis''; after his beloved wife, Yeager flew at speeds in excess of 700 miles per hour, breaking the sound barrier for the first time in human history. This in-

credible feat occurred a mere 44 years after the Wright Brothers' first flight achieved a top airspeed of just 34 miles per hour. In 1969, 22 years after Yeager's flight, Neil Armstrong, an Ohioan like the Wright Brothers, became the first person to ever set foot on the lunar surface, thrusting American leadership in flight beyond the Earth's atmosphere. And, earlier this year, the National Aeronautics and Space Administration (NASA) launched a commercially built and operated spacecraft to the International Space Station from American soil for the first time. With the same spirit that took the Wright Brothers into the sky, our brave astronauts are once again redefining the limits of human knowledge and discovery.

December 17th is forever enshrined as the day the Wright Brothers launched a new era of American greatness. Today, as we reflect on the immeasurable influence the Wright Brothers had upon our society and the world, we resolve to continue breaking barriers, setting new horizons, and building a better and brighter future for all. In the years to come, Americans must continue to press further on the boundaries of sky and space and forge new frontiers for American success, just as Orville and Wilbur Wright courageously did more than a century ago.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as ''Wright Brothers Day''; and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 17, 2020, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10128 of December 22, 2020

To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes

By the President of the United States of America
A Proclamation

1. In Proclamation 8618 of December 21, 2010, the President determined that the Democratic Republic of the Congo (DRC) was not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act of 1974, as amended (the ''Trade Act'';), as added by section 111(a) of the African Growth and Opportunity Act (the ''AGOA'';) (title I of Public Law 106–200, 114 Stat. 251, 257–58 (19 U.S.C. 2466a(a)(1))). Thus, pursuant to section 506A(a)(3) of the Trade Act (19 U.S.C. 2466a(a)(3)), the President terminated the

designation of the DRC as a beneficiary sub-Saharan African country for purposes of section 506A(a)(1) of the Trade Act.

2. Section 506A(a)(1) of the Trade Act authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a ''beneficiary sub-Saharan African country''; if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the Trade Act (19 U.S.C. 2462).

3. Pursuant to section 506A(a)(1) of the Trade Act, based on actions that the Government of the DRC has taken, I have determined that the DRC meets the eligibility requirements set forth in section 104 of the AGOA and the eligibility criteria set forth in section 502 of the Trade Act, and I have determined to designate the DRC as a beneficiary sub-Saharan African country.

4. Section 112(c) of the AGOA, as amended in section 6002 of the Africa Investment Incentive Act of 2006 (division D of title VI of Public Law 109–432, 120 Stat. 2922, 3190–93 (19 U.S.C. 3721(c))), provides special rules for certain apparel articles imported from ''lesser developed beneficiary sub-Saharan African countries.'';

5. I have also determined that the DRC satisfies the criterion for treatment as a ''lesser developed beneficiary sub-Saharan African country''; under section 112(c) of the AGOA.

6. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the ''USIFTA'';), which the Congress approved in section 3 of the United States-Israel Free Trade Area Implementation Act of 1985 (the ''USIFTA Act'';) (Public Law 99–47, 99 Stat. 82 (19 U.S.C. 2112 note)).

7. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties, as the President determines to be required or appropriate to carry out the USIFTA.

8. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the ''2004 Agreement'';).

9. In Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, the President determined, pursuant to section 4(b) of the USIFTA Act, that, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, it was necessary to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

10. Each year from 2008 through 2019, the United States and Israel entered into agreements to extend the period that the 2004 Agreement was in force for 1-year periods to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement.

11. To carry out the extension agreements, the President in Proclamation 8334 of December 31, 2008; Proclamation 8467 of December 23, 2009; Proclamation 8618 of December 21, 2010; Proclamation 8770 of December 29, 2011; Proclamation 8921 of December 20, 2012; Proclamation 9072 of December 23, 2013; Proclamation 9223 of December 23, 2014; Proclamation 9383 of December 21, 2015; Proclamation 9555 of December 15, 2016; Proclamation 9687 of December 22, 2017; Proclamation 9834 of December 21, 2018; and Proclamation 9974 of December 26, 2019, modified the Harmonized Tariff Schedule of the United States (''HTS'';) to provide duty-free access into the United States for specified quantities of certain agricultural products of Israel, each time for an additional 1-year period.

12. On December 3, 2020, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2021, and to allow for further negotiations on an agreement to replace the 2004 Agreement.

13. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2021, for specified quantities of certain agricultural products of Israel, as provided in Annex I of this proclamation.

14. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

15. The Caribbean Basin Economic Recovery Act, as amended (the ''CBERA'';), (title II of Public Law 98–67, 97 Stat. 384 (19 U.S.C. 2701 *et seq.*)), instituted a duty preference program that applies to a product of a Caribbean Basin country that has been designated by the President as a beneficiary country. On October 10, 2020, the President signed into law the Extension of the Caribbean Basin Economic Recovery Act (Public Law 116–164, 134 Stat. 758), which extends certain preferential tariff treatment accorded under the CBERA to September 30, 2030. I have determined, pursuant to section 604 of the Trade Act, that it is necessary to modify the HTS to reflect the extension of the CBERA.

16. On August 21, 2020, in accordance with section 103(a)(2) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (the ''Trade Priorities Act'';) (title I of Public Law 114–26, 129 Stat. 319, 333 (19 U.S.C. 4202(a)(2))), I notified the Congress that I intended to enter into an agreement regarding tariff barriers with the European Union under section 103(a) of the Trade Priorities Act. On November 20, 2020, the United States entered into such an agreement with the European Union.

17. Section 103(a)(1) of the Trade Priorities Act authorizes the President to proclaim such modification of any existing duty as the Presi-

dent determines to be required or appropriate to carry out a trade agreement entered into under section 103(a). The President generally may proclaim such modification provided that the modification does not reduce the rate of duty to a rate that is less than 50 percent of the rate of such duty that applied on June 29, 2015; does not reduce the rate of duty below that applicable under the Uruguay Round Agreements or a successor agreement on any import-sensitive agricultural product; and does not increase the rate of duty above the rate of such duty that applied on June 29, 2015.

18. Pursuant to section 103(a) of the Trade Priorities Act, I have determined that it is required and appropriate to modify existing duties with respect to certain goods to carry out the agreement regarding tariff barriers with the European Union for such time as the European Union carries out the agreement.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including section 506A(a)(1) and section 604 of the Trade Act; sections 111(a) and 112(c) of the AGOA; section 6002 of the Africa Investment Incentive Act of 2006; section 4(b) of the USIFTA Act; and section 103(a) of the Trade Priorities Act, do proclaim that:

(1) The DRC is designated as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act.

(2) In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries ''Democratic Republic of the Congo'';.

(3) For purposes of section 112(c) of the AGOA, the DRC is a lesser developed beneficiary sub-Saharan African country.

(4) In order to provide the tariff treatment intended under section 112(c) of the AGOA, note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by inserting in alphabetical sequence in the list of lesser developed beneficiary sub-Saharan African countries ''Democratic Republic of the Congo'';.

(5) The modifications to the HTS set forth in paragraphs (1) through (4) of this proclamation shall be effective with respect to articles that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2021.

(6) In order to implement United States tariff commitments under the 2004 Agreement through December 31, 2021, the HTS is modified as provided in Annex I of this proclamation.

(7) The modifications to the HTS set forth in Annex I of this proclamation shall be effective with respect to eligible agricultural products of Israel that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2021.

(8) The provisions of subchapter VIII of chapter 99 of the HTS, as modified by Annex I of this proclamation, shall continue in effect through December 31, 2021.

(9) In order to reflect in the HTS the provisions of the extension of the CBERA, general note 17(f)(i) is modified by deleting ''September 30, 2020''; and inserting, in lieu thereof, ''September 30, 2030'';.

(10) In order to modify duties on certain goods to carry out the agreement regarding tariff barriers with the European Union, the HTS is modified as set forth in Annex II to this proclamation.

(11) The modifications to the HTS set forth in Annex II to this proclamation shall enter into effect on the dates indicated in Annex II and remain in effect until the date on which the European Union ceases to carry out the agreement, as determined by the United States Trade Representative (USTR) in a notice published in the *Federal Register*. The HTS shall be modified to revert to the duty rate in effect on July 31, 2020, for each subheading identified in Annex II, effective on that date as determined by the USTR. The USTR shall publish notice of such a determination in the *Federal Register*.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

ANNEX I

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to eligible agricultural products of Israel which are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2021, and through the close of December 31, 2021, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by striking "December 31, 2020," and by inserting in lieu thereof "December 31, 2021".

2. U.S. note 3 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2021" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "466,000".

3. U.S. note 4 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2021" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,304,000".

4. U.S. note 5 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2021" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,534,000".

5. U.S. note 6 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2021" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "131,000".

6. U.S. note 7 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2021" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "707,000".

ANNEX II

TO MODIFY THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TO IMPLEMENT AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

1. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 2020, for which entry is unliquidated or otherwise not final as of that date, the Harmonized Tariff Schedule is modified as follows:

(a) Subheading 1604.20.05 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "10%" and inserting in lieu thereof the duty rate "7%".

(b) Subheading 3214.90.50 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "6.5%" and inserting in lieu thereof the duty rate "3.5%".

(c) Subheading 3601.00.00 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "6.5%" and inserting in lieu thereof the duty rate "3.5%".

(d) Subheading 7013.41.50 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "6%" and inserting in lieu thereof the duty rate "3%".

(e) Subheading 9613.10.00 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "8%" and inserting in lieu thereof the duty rate "5%".

(f) Subheading 9613.90.80 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "8%" and inserting in lieu thereof the duty rate "5%".

2. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 2021, the Harmonized Tariff Schedule is modified as follows:

(a) Subheading 1604.20.05 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "7%" and inserting in lieu thereof the duty rate "5%".

(b) Subheading 3214.90.50 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "3.5%" and inserting in lieu thereof the duty rate "3.25%".

(c) Subheading 3601.00.00 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "3.5%" and inserting in lieu thereof the duty rate "3.25%".

(d) Subheading 9613.10.00 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "5%" and inserting in lieu thereof the duty rate "4%".

(e) Subheading 9613.90.80 is modified by deleting from the "Rates of Duty 1-General" subcolumn the rate of duty "5%" and inserting in lieu thereof the duty rate "4%".

Proclamation 10129 of December 28, 2020

850th Anniversary of the Martyrdom of Saint Thomas Becket

By the President of the United States of America
A Proclamation

Today is the 850th anniversary of the martyrdom of Saint Thomas Becket on December 29, 1170. Thomas Becket was a statesman, a scholar, a chancellor, a priest, an archbishop, and a lion of religious liberty.

Before the Magna Carta was drafted, before the right to free exercise of religion was enshrined as America's first freedom in our glorious Constitution, Thomas gave his life so that, as he said, ''the Church will attain liberty and peace.'';

The son of a London sheriff and once described as ''a low-born clerk''; by the King who had him killed, Thomas Becket rose to become the leader of the church in England. When the crown attempted to encroach upon the affairs of the house of God through the Constitutions of Clarendon, Thomas refused to sign the offending document. When the furious King Henry II threatened to hold him in contempt of royal authority and questioned why this ''poor and humble''; priest would dare defy him, Archbishop Becket responded ''God is the supreme ruler, above Kings''; and ''we ought to obey God rather than men.'';

Because Thomas would not assent to rendering the church subservient to the state, he was forced to forfeit all his property and flee his own country. Years later, after the intervention of the Pope, Becket was allowed to return—and continued to resist the King's oppressive interferences into the life of the church. Finally, the King had enough of Thomas Becket's stalwart defense of religious faith and reportedly exclaimed in consternation: ''Will no one rid me of this meddlesome priest?'';

The King's knights responded and rode to Canterbury Cathedral to deliver Thomas Becket an ultimatum: give in to the King's demands or die. Thomas's reply echoes around the world and across the ages. His last words on this earth were these: ''For the name of Jesus and the protection of the Church, I am ready to embrace death.''; Dressed in holy robes, Thomas was cut down where he stood inside the walls of his own church.

Thomas Becket's martyrdom changed the course of history. It eventually brought about numerous constitutional limitations on the power of the state over the Church across the West. In England, Becket's murder led to the Magna Carta's declaration 45 years later that: ''[T]he English church shall be free, and shall have its rights undiminished and its liberties unimpaired.'';

When the Archbishop refused to allow the King to interfere in the affairs of the Church, Thomas Becket stood at the intersection of church and state. That stand, after centuries of state-sponsored religious oppression and religious wars throughout Europe, eventually led to the establishment of religious liberty in the New World. It is because of great men like Thomas Becket that the first American President George Washington could proclaim more than 600 years later that, in the

United States, ''All possess alike liberty of conscience and immunities of citizenship''; and that ''it is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights.'';

Thomas Becket's death serves as a powerful and timeless reminder to every American that our freedom from religious persecution is not a mere luxury or accident of history, but rather an essential element of our liberty. It is our priceless treasure and inheritance. And it was bought with the blood of martyrs.

As Americans, we were first united by our belief that ''rebellion to tyrants is obedience to God''; and that defending liberty is more important than life itself. If we are to continue to be the land of the free, no government official, no governor, no bureaucrat, no judge, and no legislator must be allowed to decree what is orthodox in matters of religion or to require religious believers to violate their consciences. No right is more fundamental to a peaceful, prosperous, and virtuous society than the right to follow one's religious convictions. As I declared in Krasiński Square in Warsaw, Poland on July 6, 2017, the people of America and the people of the world still cry out: ''We want God.'';

On this day, we celebrate and revere Thomas Becket's courageous stand for religious liberty and we reaffirm our call to end religious persecution worldwide. In my historic address to the United Nations last year, I made clear that America stands with believers in every country who ask only for the freedom to live according to the faith that is within their own hearts. I also stated that global bureaucrats have absolutely no business attacking the sovereignty of nations that wish to protect innocent life, reflecting the belief held by the United States and many other countries that every child—born and unborn—is a sacred gift from God. Earlier this year, I signed an Executive Order to prioritize religious freedom as a core dimension of United States foreign policy. We have directed every Ambassador—and the over 13,000 United States Foreign Service officers and specialists—in more than 195 countries to promote, defend, and support religious freedom as a central pillar of American diplomacy.

We pray for religious believers everywhere who suffer persecution for their faith. We especially pray for their brave and inspiring shepherds—like Cardinal Joseph Zen of Hong Kong and Pastor Wang Yi of Chengdu—who are tireless witnesses to hope.

To honor Thomas Becket's memory, the crimes against people of faith must stop, prisoners of conscience must be released, laws restricting freedom of religion and belief must be repealed, and the vulnerable, the defenseless, and the oppressed must be protected. The tyranny and murder that shocked the conscience of the Middle Ages must never be allowed to happen again. As long as America stands, we will always defend religious liberty.

A society without religion cannot prosper. A nation without faith cannot endure—because justice, goodness, and peace cannot prevail without the grace of God.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 29, 2020, as the 850th anniversary of the martyrdom of Saint

Thomas Becket. I invite the people of the United States to observe the day in schools and churches and customary places of meeting with appropriate ceremonies in commemoration of the life and legacy of Thomas Becket.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10130 of December 31, 2020

National Slavery and Human Trafficking Prevention Month, 2021

By the President of the United States of America

A Proclamation

Human trafficking is a horrific assault on human dignity that affects people in the United States and around the world. It tears apart communities, fuels criminal activity, and threatens the national security of the United States. During National Slavery and Human Trafficking Prevention Month, we reaffirm our commitment to eradicate this abhorrent evil, to support victims and survivors, and to hold traffickers accountable for their heinous crimes.

Tragically, through force, fraud, and coercion, human traffickers deprive millions of victims of their unalienable rights to life, liberty, and the pursuit of happiness. Often referred to as ''modern slavery,''; this intolerable blight on society involves exploitation for labor or sex and affects people of all ages, genders, races, religions, and nationalities. As the United States continues to lead the global fight against human trafficking, we must remain relentless in our resolve to dismantle this illicit and immoral enterprise in our cities, suburbs, rural communities, Tribal lands, and transportation networks.

My Administration has prioritized ending human trafficking since its earliest days. As one of my first acts as President, I instructed Federal agencies to do what was necessary to bring human traffickers to justice and assist survivors on their road to recovery. Since then, United States Immigration and Customs Enforcement, along with other Federal agencies, has aggressively pursued these criminals, dismantling the financial infrastructure of their networks and arresting over 5,000 human traffickers. In 2019 alone, Federal law enforcement agencies initiated more than 1,600 new investigations into human traffickers and the Department of Justice's (DOJ) human trafficking task forces opened more than 2,500 new cases on the frontlines. At my direction, the Department of Homeland Security (DHS) launched its new Center for Countering Human Trafficking, which utilizes personnel from 16 DHS components, including special agents, victim support specialists, and intelligence research specialists, to focus on disrupting and dismantling trafficking organizations and providing support and protection to victims.

A year ago, I was proud to host the White House Summit on Human Trafficking, honoring the 20th anniversary of the Trafficking Victims Protection Act of 2000 (TVPA). During this historic event, I signed an Executive Order on Combating Human Trafficking and Online Child Exploitation in the United States. Through this order, my Administration established the first-ever White House position focused solely on combating human trafficking. Last year, I also released a comprehensive National Action Plan to Combat Human Trafficking (NAP), built around the ''three pillars''; of the TVPA: prevention, protection, and prosecution. The NAP also includes a fourth pillar which recognizes the invaluable benefit of implementing collaborative and cooperative efforts that crosscut all three pillars and involve a multitude of stakeholders and professionals from various disciplines and sectors. Using this strategy, the United States Government will employ a whole-of-government approach to improve our capabilities and build on existing momentum in our fight against human trafficking.

We remain focused on ensuring that survivors of these horrific crimes receive the care and support they need and deserve. My Administration is empowering and funding faith-based and community organizations to provide survivors with vital services, including medical and counseling services, safety planning, educational opportunities, and vocational training. Further, my Administration has doubled the amount of DOJ funding to combat human trafficking compared to the previous administration and funded the largest package of DOJ grants to fight these crimes in American history. I am proud that these grants included the first-ever funding for safe housing opportunities for survivors nationwide.

Despite the challenges posed by the pandemic this year, my Administration has been unwavering in its efforts to stop this scourge domestically and around the world. The DOJ and the Department of Health and Human Services engaged with State, local, Tribal, and territorial governments and nongovernmental organizations to understand the impact of coronavirus on human trafficking and published resource guides for those in the fight on how to operate and provide services during the pandemic. The Department of State also launched a yearlong competition for proposed projects to address the pandemic's impact on efforts to combat modern slavery. Additionally, the United States Agency for International Development adapted their approach to overseas programmatic work to ensure that survivors are able to access the critical support services they need without delay. No matter the circumstances, we will remain relentless in this work and will spare no resource in offering hope to the victims and survivors of this global atrocity.

While we have reached new milestones in this fight for freedom, we must remain steadfast in our pursuit to end the evil practice of human trafficking and slavery. This month, we restore our commitment to bringing human traffickers to justice and to preserving the dignity and worth of every person.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do proclaim January 2021 as National Slavery and Human Trafficking Prevention Month, culminating in the annual observation of National Freedom Day on February 1, 2021. I call upon industry associations, law enforcement, private

businesses, faith-based and other organizations of civil society, survivors and advocates, schools, families, and all Americans to recognize our vital roles in ending all forms of modern slavery and to observe this month with appropriate programs and activities aimed at ending and preventing all forms of human trafficking.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

Proclamation 10131 of December 31, 2020

Suspension of Entry of Immigrants and Nonimmigrants Who Continue To Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak

By the President of the United States of America

A Proclamation

In Proclamation 10014 of April 22, 2020 (Suspension of Entry of Immigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak), I suspended, for a period of 60 days, the entry of aliens as immigrants, subject to certain exceptions. In Proclamation 10052 of June 22, 2020 (Suspension of Entry of Immigrants and Nonimmigrants Who Present a Risk to the United States Labor Market During the Economic Recovery Following the 2019 Novel Coronavirus Outbreak), I determined that the considerations present in Proclamation 10014 remained, and I extended the suspension of entry imposed in Proclamation 10014 through December 31, 2020. I further noted that the Secretary of Labor and the Secretary of Homeland Security had reviewed nonimmigrant programs and found that the admission of workers within several nonimmigrant visa categories also posed a risk of displacing and disadvantaging United States workers during the economic recovery following the COVID–19 outbreak. Consequently, I suspended, through December 31, 2020, the entry of any alien seeking entry pursuant to certain nonimmigrants visas, subject to certain exceptions.

The 2019 Novel Coronavirus (COVID–19) continues to significantly disrupt Americans' livelihoods. While the November overall unemployment rate in the United States of 6.7 percent reflects a marked decline from its April high, there were still 9,834,000 fewer seasonally adjusted nonfarm jobs in November than in February of 2020.

The effects of COVID–19 on the United States labor market and on the health of American communities is a matter of ongoing national concern, and the considerations present in Proclamations 10014 and 10052 have not been eliminated. The current number of new daily cases worldwide reported by the World Health Organization, for example, is higher than the comparable number present during June, and while therapeutics and vaccines are recently available for an increasing num-

ber of Americans, their effect on the labor market and community health has not yet been fully realized. Moreover, actions such as States' continued imposition of restrictions on businesses still affect the number of workers that can be hired as compared with February of 2020.

Given these factors, an extension of Proclamations 10014 and 10052 is appropriate as the President continues to monitor the effects of the COVID–19 pandemic and assess whether a further continuation, modification, or termination of Proclamations 10014 and 10052 is warranted.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(f) and 1185(a)) and section 301 of title 3, United States Code, hereby find that the entry into the United States of persons described in section 1 of Proclamation 10014, except as provided in section 2 of Proclamation 10014, and persons described in section 2 of Proclamation 10052, except as provided for in section 3 of Proclamation 10052 (as amended by Proclamation 10054 of June 29, 2020 (Amendment to Proclamation 10052)), would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Continuation of Proclamation 10014*. Section 4 of Proclamation 10014 is amended to read as follows:

''**Sec. 4**. *Termination*. This proclamation shall expire on March 31, 2021, and may be continued as necessary. Within 15 days of December 31, 2020, and every 30 days thereafter while this proclamation is in effect, the Secretary of Homeland Security shall, in consultation with the Secretary of State and the Secretary of Labor, recommend any modifications as may be necessary.'';

Sec. 2. *Continuation of Proclamation 10052*. Section 6 of Proclamation 10052 is amended to read as follows:

''**Sec. 6**. *Termination*. This proclamation shall expire on March 31, 2021, and may be continued as necessary. Within 15 days of December 31, 2020, and every 30 days thereafter while this proclamation is in effect, the Secretary of Homeland Security shall, in consultation with the Secretary of State and the Secretary of Labor, recommend any modifications as may be necessary.'';

Sec. 3. *Severability*. It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 4. *General Provisions*. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP

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